CITY OF HENDERSONVILLE
CITY COUNCIL REGULAR MEETING

Operations Center - Assembly Room | 305 Williams St. | Hendersonville NC 28792
Thursday, December 02, 2021 – 5:45 PM

AGENDA

1. CALL TO ORDER

2. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG

3. PUBLIC COMMENT - *Up to 15 minutes is reserved for comments from the public.*

4. CONSIDERATION OF AGENDA

5. UNFINISHED BUSINESS - *Items to be considered by current City Council.*

A. Rezoning (Continued): Conditional Zoning District – Half Moon Heights (P21-44-CZD) – *Lew Holloway – Community Development Director*

B. Continuation of Public Hearing to Consider Annexation and Sewer Service Agreement with the Town of Laurel Park

6. SPECIAL RECOGNITIONS

A. Proclamation of Appreciation and Respect for Departing Council Member Jeff Miller

7. BRIEF RECESS

8. ORGANIZATIONAL MEETING

A. Administration of the Oath of Office and Presentation of Certificate of Election to Mayor Barbara G. Volk by the Honorable Judge Emily Cowan, District Court Judge of the 29B District, Henderson County

B. Administration of the Oath of Office and Presentation of Certificate of Election to Council Member Jerry A. Smith Jr. by the Honorable J. Calvin Hill, Chief District Court Judge of the 28th Judicial District, Buncombe County and the Honorable Jonathan C. Parce, Magistrate Henderson County

C. Administration of the Oath of Office and Presentation of Certificate of Election to Council Member Debbie O'Neal Roundtree by the Honorable Mayor Barbara G. Volk with special guest Reverend Donald McDaniel of Mt. Carmel Baptist Church

D. Remarks by Mayor Barbara G. Volk and Council Members Jerry Smith, Debbie O'Neal-Roundtree, and Others

E. Election of Mayor Pro Tempore and Administration of the Oath of Office by the Honorable Barbara G. Volk.

F. 2022 City Council Schedule of Meetings – *Angela Reece, City Clerk*

G. Appointment of Council Representatives to Boards

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

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

B. Adoption of 2021 General Records and Program Records Retention Schedules – *Angela L. Reece, City Clerk*

C. Acceptance of November 2, 2021 Official General Election Results – *Angela L. Reece, City Clerk*

D. Resolution Declaring Property Surplus & Authorizing Sale – *D. James Miller, Fire Chief*

E. Budget Amendments December 2021 – *Alex Norwood, Budget Analyst*

F. Resolution to Accept the Offer from the North Carolina Department of Transportation to Purchase Real Property– *Drew Finley, Assistant to the Utilities Director*

G. December 2021 Capital/Grant Project Ordinances and Reimbursement Resolutions – *Alex Norwood, Budget Analyst*

H. Approval of Resolution Ratifying the City of Hendersonville's Participate in the National Opioid Settlement – *John Connet, City Manager*

I. Contract Award – Ewart Hill Reservoir No. 2 Improvements – *Adam Steurer, Utilities Engineer*

J. Annexation Certificate of Sufficiency: Providence Walk (P21-65-ANX) – *Matthew Manley, AICP | Planning Manager*

K. Resolution Accepting Proposal from Nu-Pipe LLC Culvert Repair at New Village Rd. – *Michael Huffman, Stormwater Administrator*

L. Approval of Resolution Accepting Proposal from AQUALIS for CCTV Inspection and Cleaning services for the City of Hendersonville stormwater system – *Michael Huffman, Stormwater Administrator*

M. Resolution Accepting Proposal from McGill Associates, PA for the Wash Creek Stormwater Improvements Preliminary Engineering Report (Area 2) – *Michael Huffman, Stormwater Administrator*

10. PRESENTATIONS

A. Proclamation: Kwanzaa Week

11. PUBLIC HEARINGS

A. Street Closure: Order to Close - Portion of Beech Street (AKA Richlieu Avenue) (P21-57-SCL) – *Tyler Morrow, Planner II*

B. Rezoning: Standard Rezoning - Shepherd St. (P21-59-RZO) – *Alexandra Hunt Planner I*

C. Rezoning: Conditional Zoning District Site Plan Amendment - The Landings of Flat Rock PIN 9588-12-4337 (P21-50-CZD MOD) - *Tyler Morrow, Planner II*

D. Rezoning: Standard Rezoning - 0 South Allen Road PIN 9588-22-1126 (P21-60-RZO) – *Tyler Morrow, Planner II*

E. Zoning Text Amendment: Supplementary Standards for Private Clubs (P21-58-ZTA) – *Matthew Manley, AICP – Planning Manager*

12. NEW BUSINESS

A. Resolution By the City Of Hendersonville City Council Authorizing Purchase Of 2022/2023 Spartan Metro Star / Smeal Custom Pumper Pursuant To N.C.G.S. § 143-129(E)(3) – *D. James Miller, Fire Chief*

B. Resolution By the City of Hendersonville City Council Authorizing Purchase Of 2022/2023 Spartan Gladiator / Smeal 100' Mid-Mount Platform Pursuant To N.C.G.S. § 143-129(e)(3) – *D. James Miller, Fire Chief*

C. Consideration of Employee Christmas Bonuses – *John Connet, City Manager*

13. CITY COUNCIL COMMENTS

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

A. Contingences Report – *Alex Norwood, Budget Analyst*

15. BOARDS/COMMISSIONS/COMMITTEE APPOINTMENTS

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

16. CLOSED SESSION

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

17. ADJOURN

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

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY
PLANNING DIVISION

SUBMITTER:	Lew Holloway, Community Development Director	**MEETING DATE:**	December 2, 2021
AGENDA SECTION:	Unfinished Business	**DEPARTMENT:**	Community Development

TITLE OF ITEM: Rezoning (Continued): Conditional Zoning District – Half Moon Heights (P21-44-CZD) – *Lew Holloway – Community Development Director*

SUGGESTED MOTION(S):

For Recommending Approval:

I move City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property (PIN: 9568-00-1446) from PRD-CZD (Planned Residential Development-Conditional Zoning District) to PRD-CZD (Planned Residential Development – Conditional Zoning District) based on the site plan submitted by the applicant and subject to the following;

Permitted uses shall include:

1. Residential Dwellings, Single-Family

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

1. Size the stormwater management system to retain runoff for a 50-year storm event; and
2. Incur the cost of reevaluating the stormwater management system at Wolf Chase; and
3. Utilize Low Impact Development practices (NR-3.2) through incorporation of pervious concrete for sidewalks and driveways (NR-3.2); and
4. Protect the trees that have been proposed to be preserved in accordance with Section 15-4 of the zoning ordinance except as it relates to the specific fence construction standards established in Section 15-4. As an alternative to this construction standard the project will use two rows of silt fencing; and
5. Include front porches as an architectural feature fronting the street on a majority of homes in Phase I of the development, pursue

For Recommending Denial:

I move City Council DENY an ordinance amending the official zoning map of the City of Hendersonville and not changing the zoning designation of the subject property (PIN: 9568-00-1446) from PRD-CZD (Planned Residential Development-Conditional Zoning District) to PRD-CZD (Planned Residential Development – Conditional Zoning District) based the following;

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

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

[DISCUSS & VOTE]

this goal as feasible in Phase II and Phase III of the development (PH-3.1.1); and 6. Provide a pedestrian crossing to the Mailbox Cluster / School Bus stop; and 7. Construct basement sites on lots 14-20 where slopes ranging from 29% to 39% are present (NC-2.1 & NR-2.3); and *8.* Provide ROW connection to Gypsy Ln to accommodate pedestrian connection (TC-1.4.1) and utility connections (per City Code); and 9. Developer will work with staff to design a nature trail that has the ability to connect to adjacent neighborhoods. Finding that the rezoning is consistent with the Comprehensive Plan's Future Land Use map and that the rezoning is reasonable and in the public interest for the following reasons: **[Please state reasons describing why this development is good for the community. Example suggestions below or include your own]** 1. The location of the proposed Planned Residential Development is in keeping with the surrounding land uses. (*Chapter 8 LU-6.1)).* 2. Single-Family Detached is a primary use stated in the Land Use & Development Chapter (*Chapter 8 – LU-6.2*). 3. The proposed density of the development (3.0 Units / Acre) is in line with the Land Use & Development Chapter's guidance of 2 – 8 Unis / Acre. (*Chapter 9 – LU-6.4).* [DISCUSS & VOTE]	

SUMMARY: The City is in receipt of an application for a conditional rezoning from Joseph Schlotterbeck of Half Moon Land Holdings, LLC, applicant, and Triangle Ballantyne Hendersonville, Inc., property owners. The applicants are requesting to rezone the subject property located on Half Moon Trail, from PRD-CZD to PRD CZD for the construction of a housing development containing 93 single-family homes on approximately 33.65 acres with a density of 2.8 Units / Acre. This project required a conditional rezoning due to the PRD Conditional Zoning District requirements.

PROJECT/PETITIONER NUMBER:	P21-44-CZD
PETITIONER NAME:	Joseph Schlotterbeck, Half Moon Land Holdings, Inc.

ATTACHMENTS:	1. Staff Report 2. Draft Ordinance 3. Neighborhood Compatibility Meeting Minutes 4. Tree Board Minutes 5. PB Minutes 6. Site Plan 7. TIA Report / Consultant Review 8. Application / Owner Addendum 9. Certified Mailings

Ordinance #___-____

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR PARCEL POSSESSING PIN NUMBER 9680-00-1446 BY CHANGING THE ZONING DESIGNATION FROM PRD-CZD (PLANNED RESIDENTIAL DEVELOPMENT-CONDITIONAL ZONING DISTRICT) TO PRD-CZD (PLANNED RESIDENTIAL DEVELOPMENT – CONDITIONAL ZONING DISTRICT)

IN RE: Parcel Numbers: 9568-00-1446 – 297 Rustling Pines Ln (Half Moon Heights)
(File # P21-44-CZD)

WHEREAS, the City is in receipt of a Conditional Rezoning application from applicant Half Moon Holdings, LLC. for the development of 93 detached single-family homes on approximately 33.65 acres, and

WHEREAS, the Planning Board took up this application at its regular meeting on October 11, 2021; voting 6 to 1 to recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville, and

WHEREAS, City Council took up this application at its regular meeting on November 4, 2021, and

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

1. Pursuant to Article XI of the Zoning Ordinance of the City of Hendersonville, North Carolina, the Zoning Map is hereby amended by changing the zoning designation of the following: Parcel Number: 9568-00-1446 from PRD-CZD (Planned Residential Development-Conditional Zoning District) to PRD-CZD (Planned Residential Development – Conditional Zoning District)

2. Development of the parcel shall occur in accordance with the final site plan requirements of Article VII of the Zoning Ordinance of the City of Hendersonville, North Carolina, and shall be based on the site plan submitted by the applicant and subject to the following.

    a. Permitted uses shall include:
        i. Residential Dwellings, Single-Family.
    b. Development shall be subject to the following list of conditions:
        i. Size the stormwater management system to retain runoff for a 50-year storm event; and
        ii. Incur the cost of reevaluating the stormwater management system at Wolf Chase; and
        iii. Utilize Low Impact Development practices (NR-3.2) through incorporation of pervious concrete for sidewalks and driveways (NR-3.2); and
        iv. Protect the trees that have been proposed to be preserved in accordance with Section 15-4 of the zoning ordinance except as it relates to the specific fence construction standards established in Section 15-4. As an alternative to this construction standard the project will use two rows of silt fencing; and
        v. Include front porches as an architectural feature fronting the street on a majority of homes in Phase I of the development, pursue this goal as feasible in Phase II and Phase III of the development (PH-3.1.1); and
        vi. Provide a pedestrian crossing to the Mailbox Cluster / School Bus stop; and
        vii. Construct basement sites on lots 14-20 where slopes ranging from 29% to 39% are present (NC-2.1 & NR-2.3); and
        viii. Provide ROW connection to Gypsy Ln to accommodate pedestrian connection (TC-1.4.1) and utility connections (per City Code); and
        ix. Developer will work with staff to design a nature trail that has the ability to connect to adjacent neighborhoods.

3. This ordinance shall be not be effective until the stipulated list of use(s) and conditions, established herein, is consented to in writing by the applicant and all owners of the subject property. Upon such written consent, this ordinance shall be effective retroactive to the date of its adoption.

Adopted this 7th, day of October 2021.

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

_____
Angela L. Reece, City Clerk

Approved as to form:

_____
Angela S. Beeker, City Attorney

With their signatures below, the undersigned applicant(s) and property owner(s) consent to and agree to the imposition of all conditions stated.

Applicant: Half Moon Holdings, INC.

Signature:_____

Printed Name:_____

Title: _____

Date:_____

Property Owner: Triangle Ballantyne Hendersonville, INC.

Signature:_____

Printed Name:_____

Title:_____

Date:_____

Half Moon Heights P21-44-CZD/SUB

CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

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PROJECT SUMMARY

Applicant: Half Moon Land Holding, LLC.

Property Owner: Triangle Ballantyne Hendersonville, Inc.

Property Address: 297 Rustling Pines Ln.

Project Acreage: 33.65 Acres

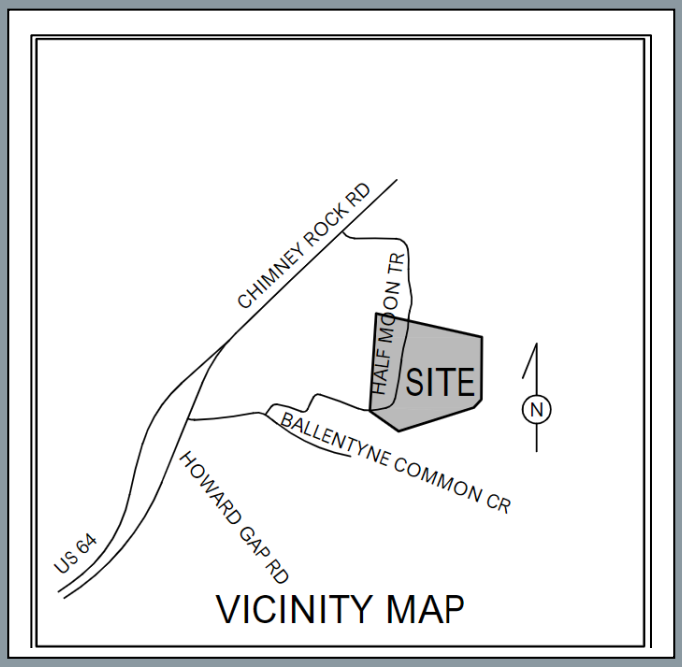
Parcel Identification Number(s): 9680-00-1446

Current Zoning: PRD-CZD (Planned Residential Development-CZD)

Neighborhood Compatibility Meeting: September 1, 2021

Planning Board Meeting:

October 11, 2021



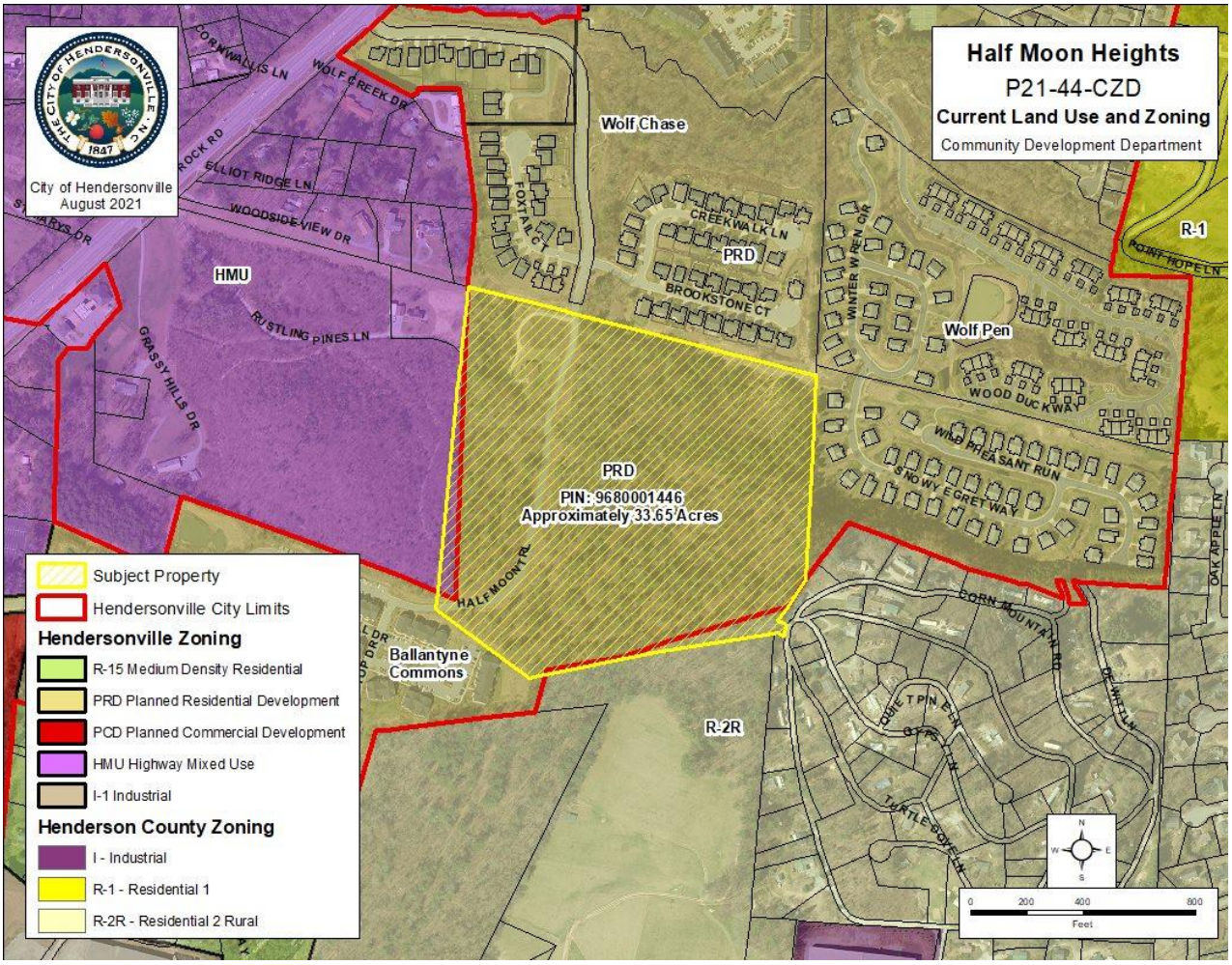
SITE VICINITY MAP

Summary Statement of Applicant Rezoning Request

The City of Hendersonville is in receipt of an application for a conditional rezoning from Joseph Schlotterbeck of Half Moon Land Holdings, LLC, applicant, and Triangle Ballantyne Hendersonville, Inc., property owners. The applicants are requesting to rezone the subject property, PIN 9680-00-1446 and located on Half Moon Trail, from PRD, Planned Residential Development to PRD CZD, Planned Residential Development Conditional Zoning District for the construction of a housing development containing 95 single-family homes on approximately 33.65 acres with a density of 2.82 Units / Acre. The original request for this project was for 107 lots. Revisions made through the rezoning process have resulted in the reduced number of lots. The site has an average slope of 22.2%.

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

PROJECT SUMMARY - CONTINUED



City of Hendersonville Current Zoning & Land Use Map

Parcels to the north and northeast are single-family home subdivisions (Major PRDs) located within the city limits and constructed with the last 10 years. These subdivisions, Wolf Chase and Wolfpen have densities of 2.6 and 2.7 units per acre, respectively. The properties to the southeast are part of a platted subdivision outside of the City's ETJ (Corn Mountain Estates) and within the County's zoning jurisdiction (Zoned R-2R). This subdivision has approximately 1.7 Units / Acres and consists of a mixture of single-family homes, manufactured homes and mobile homes. To the south, is a large parcel fronting on Old Sunset Hill Rd which is also within the County's R-2R zoning district and which features two single-family homes on roughly 30 acres (0.07 Units/Acre). The property directly to the west is another large parcel featuring two single-family homes on 28 Acres (0.07 Units/Acre) and it fronts on US 64 East. It is within the City's ETJ and zoned HMU (Highway Mixed Use). The parcel to the southwest features Ballantyne Apartment complex (12 units/acre) – which originally had slated the subject property for a future phase of additional multi-family housing. This complex is within the City Limits and is zoned PRD.

SITE CONDITIONS – SITE IMAGES

Entrance through Ballantyne Commons

Entrance from Half Moon Trail / Wolf Chase looking north toward Wolf Chase.

View along Half Moon Trail facing north

SITE CONDITIONS – SITE IMAGES CONTINUED

Mature trees west of Half Moon Trail

View of Duke Energy ROW along north boundary of subject property

View of property boundary at Gypsy Ln/Corn Mountain

SITE CONDITIONS – SITE IMAGES CONTINUED

Typical view of forest at center of the subject property

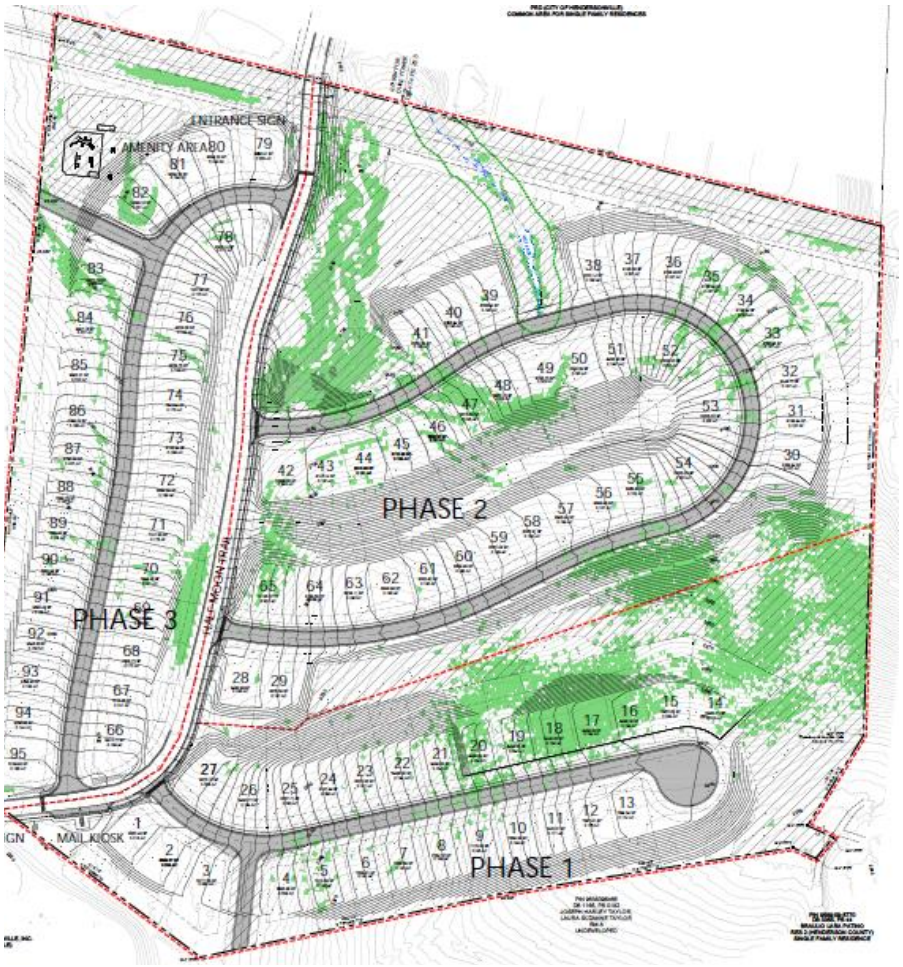
Typical view of forest at center of the subject property

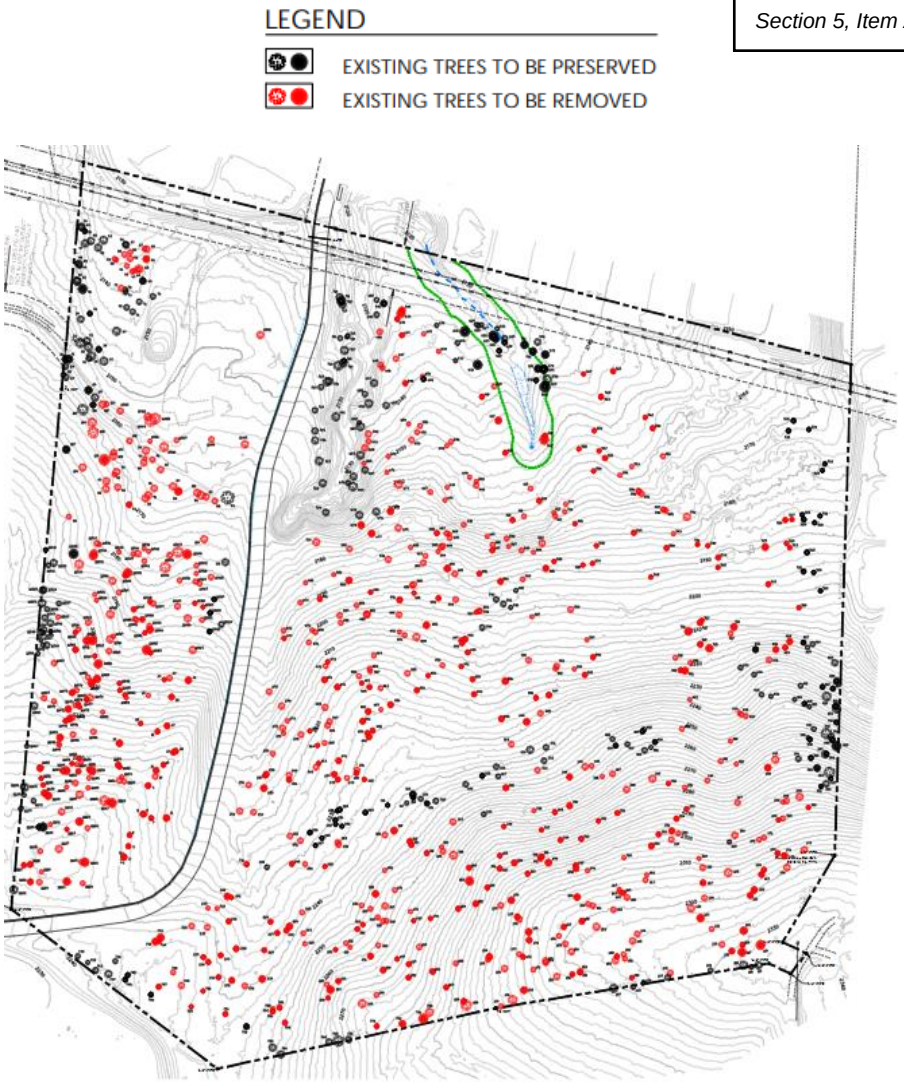
Typical view of forest at center of the subject property

AERIAL PHOTOS

Bird's Eye View - Oriented North

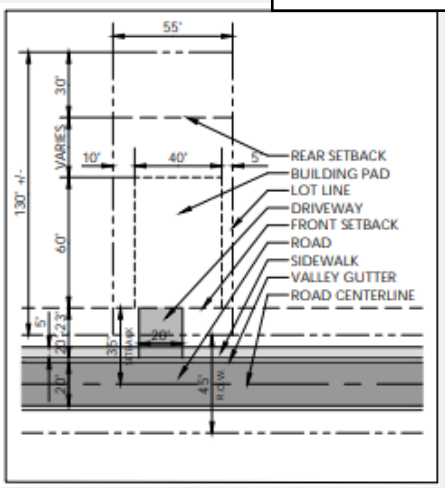
SITE PLAN OVERVIEW





Proposed Site Plan & Proposed Landscaping / Tree Survey & Grading Plan

SITE PLAN OVERVIEW:



Site Plan Basics:

- *95 Individual Lots / Home Sites with setbacks (typical layout shown)*
- *Cluster Mailbox / School Bus Stop*
- *Public Streets with sidewalks (45' Public ROW)*
  - *1 Cul de Sac*
  - *2 Loop roads*
  - *1 Feeder street (Half Moon Trail)*
- *Platted stub outs to parcels to the south and west for connectivity to future development*
- *Wetlands, Stream Buffer and Open Space on undeveloped land*
- *Grading areas – The total disturbed area is 21. 94. The grading areas have been reduced as the project has been revised based on feedback from Tree Board, Planning Board, and staff.*
- *Steep Slopes: See next page*

Preservation of Existing Trees:

- *Proposing to preserve 247 (27%) of trees on site (greater than 12" dbh)*
  - *Of the trees proposed to be preserved, 66% are Pine*
- *Proposing to remove 678 (73%) of trees on site (greater than 12" dbh)*
  - *Of the trees proposed to be removed, 57% are hardwoods*

Utilities: *Water is available at either end of Half Moon Trail. Sewer will be routed to an existing manhole on the north side of Half Moon Trail.*

Stormwater: *There are 3 proposed StormTech cisterns on the site plan – one for each phase. Staff is in communication with the developer to achieve the best possible stormwater management system. Comments from staff include the following:*

- *Developer is proposing 3 StormTech systems – based on community feedback staff recommends exploring options for sizing the systems to retain runoff from the 25 or 50 year events.*
- *See conditions for additional information related to stormwater management*

Site Plan Assessment: *Based on the review by staff, the submitted site plan for this project appears to meet the Zoning Ordinance standards established in Article 5-14 (PRD) of the City Zoning Ordinance as well as the standards of the City Subdivision Ordinance - with exception of standards related to steep slope development (Section 5.03). See next page for additional details.*

Connection to Adjacent Properties: *Connections to adjoining properties always garners a great deal of attention. In order to address this issue, staff is providing language from the Subdivision Ordinance (4.03 5. c. & d). below.*

4.03 Streets -5. Continuation & Coordination of New Streets

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

d. Street rights-of-way shall be extended to or along adjoining property boundaries such that a roadway connection or street stub shall be provided for development where practicable and feasible in each direction (north, south, east, and west) for development which abuts vacant lands.

SITE PLAN OVERVIEW:

Steep Slopes:

The average slope of the entire parcel is 22.2%. Given the overall site has a slope of greater than 15.1%, requirements to increase minimum lot size x 1.3/1.5 and to limit impervious surface coverage to 25%/20% on any lot with steep slopes is triggered and will be required as part of the final site plan. Initially, requirements to increase minimum lot size for steep lots appears to have already been met. The minimum lot size for PRD equates to .10 Acres or 4,356 Sq Ft. The typical lot size for the development is 7,150 Sq Ft. This size lot exceeds the requirement for 1.5 times the minimum lot size (6,534 Sq Ft),

The subdivision has specific requirements for lots with steep slopes. In addition to the following, slopes greater than 35% are prohibited from having permanent structures including driveways and utilities.

TABLE 5.03.C: STEEP SLOPE LOT STANDARDS

AVERAGE SLOPE OF LOT	MINIMUM LOT SIZE	MAXIMUM LOT COVERAGE BY IMPERVIOUS SURFACE[%]
15.1% - 25%	1.3 times the minimum lot size of the zoning district where located	25
More than 25%	1.5 times the minimum lot size of the zoning district where located	20

According to the most recent site plan, the following lots are in one of three categories: 1) Avg slope between 15.1% - 25%, 2) Average slope between 25.1% - 35%, and 3) those with slopes greater than 35%. Lots 16, 17, and 18 exceed an average of 35% slope and are prohibited from development. The developer is aware of this provision and intends to adjust the site plan accordingly. Updates on this will be addressed / presented at the City Council meeting.

Average Slope 15.1% to 25% includes Lots: *4, 6, 7, 8, 9, 10, 11, 22, 23, 24, 25, 27, 29, 30, 31, 32, 33, 34, 35, 36, 38, 39, 41, 42, 44, 45, 46, 47, 50, 51, 52, 53, 54, 55, 56, 57 , 58, 59, 60, 61, 63, 64, 66, 67, 68, 71, 72, 74, 75, 78, 79, 84, 85, 86, 87, 88, 89, 90, 91, 92, and 93.*

Average Slope 25.1% to 35% includes Lots*: 5, 14, 15, 19, 20, 21, 22, 32, 33, 43, 48, 49, 65, 69, 70, 82, 83*

Average Slope 35% or greater includes Lots*: 16, 17, 18*

TRANSPORTATION IMPACT ANALYSIS (TIA)

The proposed development is anticipated to generate 1,107 daily trips as per the International Transportation Engineer Trip Generation Manual, 10th Edition, thus triggering the Zoning Code 1,000 daily trip threshold (Section 6-18). These numbers were based on the original proposal for 107 lots.

Half Moon Trail Site Trip Generation

Land Use	AM Peak Hour		PM Peak Hour		
	IN	OUT	IN	OUT	Daily Traffic
107 Single Family Detached Dwelling Units (ITE Land Use 210)	20	61	68	40	1,107

Summary of Findings from Developer's Report

This analysis will show that all study intersections are currently operating at an overall acceptable level of service. When considering the impact of regional traffic growth and approved background developments and the site generated traffic, all intersections are projected to maintain overall acceptable levels of service.

Although the overall intersection level of service of the US 64 at Half Moon Trail is acceptable, the westbound Half Moon Trail approach (Wolf Chase side) to US 64 is currently operating at LOS "E" during the PM peak hour and is projected to operate at a LOS "F" by the Year 2024 with or without the proposed Half Moon Trail Residential Development. A potential mitigation measure was explored at the US 64 at Half Moon Trail intersection that included the widening of the westbound Half Moon Trail approach to provide separate left and right turn lanes. However, this improvement was shown to have minimal delay benefits and would not improve the level of service of the westbound Half Moon Trail approach.

The possibility of the installation of a traffic signal at the US 64 at Half Moon Trail intersection was also explored. However, based upon the examination of the AM and PM peak hour traffic data and the crash history at the intersection, the intersection does not meet MUTCD Traffic Signal Warrants.

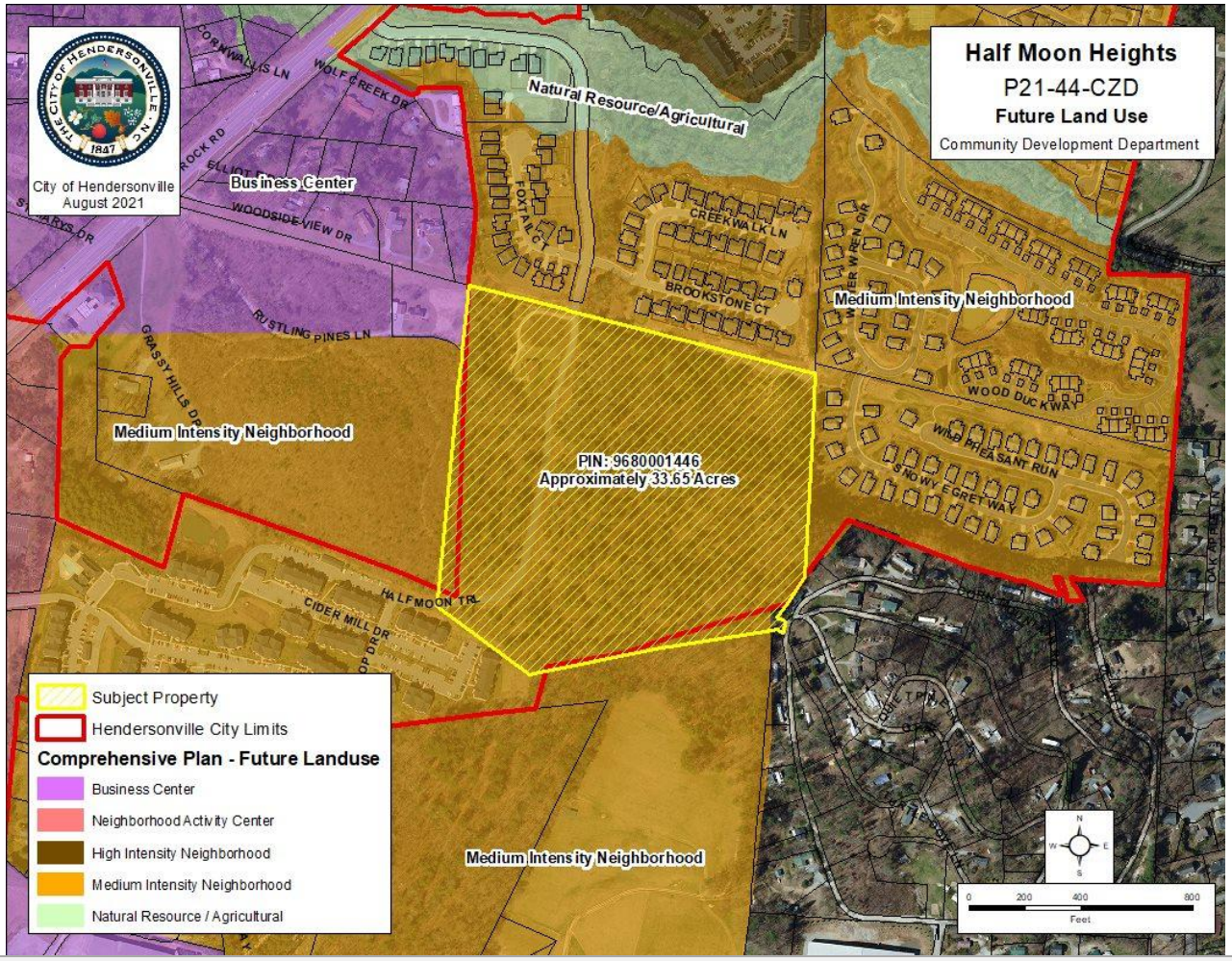
Therefore, the NCDOT would likely not consider a traffic signal at this location.

Even though the westbound Half Moon Trail approach at US 64 is projected to operate with delays of approximately 1 minute per vehicle during the PM peak hour for the Year 2024 Build Condition, the traffic demand for this approach is relatively light with a vehicle expected to arrive at US 64 along westbound Half Moon Trail every 1.5 minute during the PM peak hour. Therefore, even with no improvements at the US 64/Half Moon Trail intersection, there typically would not be more than 1other vehicle queued at US 64. Thus, improvements to offsite intersections do not appear to be justified (either by physical roadway widening or the installation of a traffic signal).

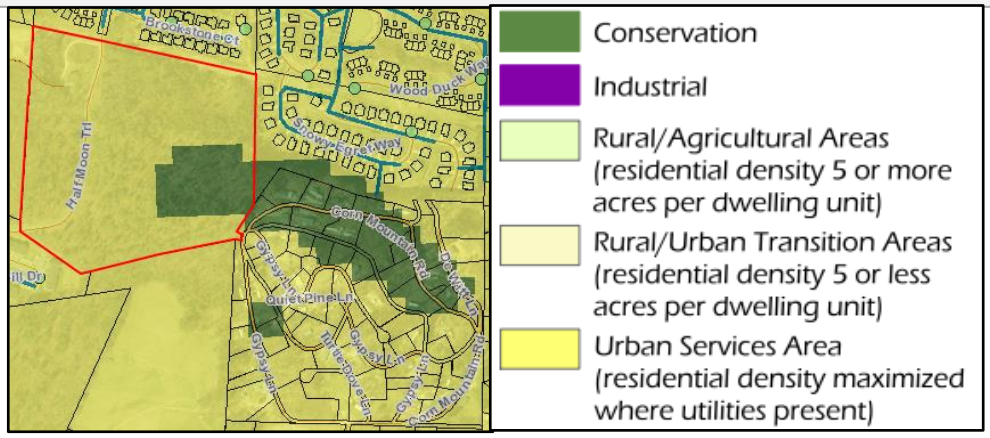
Finally, the site plan for the proposed development is at the concept stage. After a more refined site plan is developed, sight distance evaluations at the driveways along Half Moon Trail should be conducted to ensure that the available sight lines meet NCDOT and City of Hendersonville criteria. The relatively low projected peak period traffic volumes at the site driveways on Half Moon Trail do not require turn lanes at the intersections to meet adequate levels of service.

***Traffic Consultant Review**: TIA presents reasonable assessment. No mitigation warranted.*

REZONING CRITERIA – COMP PLAN CONSISTENCY



The location is primarily designated as Medium Intensity Neighborhood according to the City's Future Land Use Map. Due to the presence of floodplain, the Natural Resource/Agricultural designation is also present on a portion of the Wolf Chase & Wolf Pen developments to the north. Business Center is found along the US Hwy 64 (Chimney Rock Rd) corridor. The City's Comprehensive Plan addresses steep slopes greater than 30% (see page 15 of this report). The County's Future Land Use Map also designates a portion of the subject property and the neighboring Corn Mountain Estates as "Conservation" due to the steep slopes (20% or greater) in this location.



REZONING CRITERIA – COMP PLAN CONSISTENCY

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

Goal LU-6.

Medium-Intensity Neighborhood: ***Provide a transition between High- and Low-Intensity Neighborhood areas while providing a wide range of housing formats and price points. Promote walkable neighborhood design and compatible infill development in new neighborhoods and as a means of preserving and enhancing existing neighborhoods.***

Strategy LU-6.1.

Locations:

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

Strategy LU-6.2.

Primary recommended land uses:

- Single-family attached and detached residential
- Open space

Strategy LU-6.3.

Secondary recommended land uses:

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

Strategy LU-6.4.

Development guidelines:

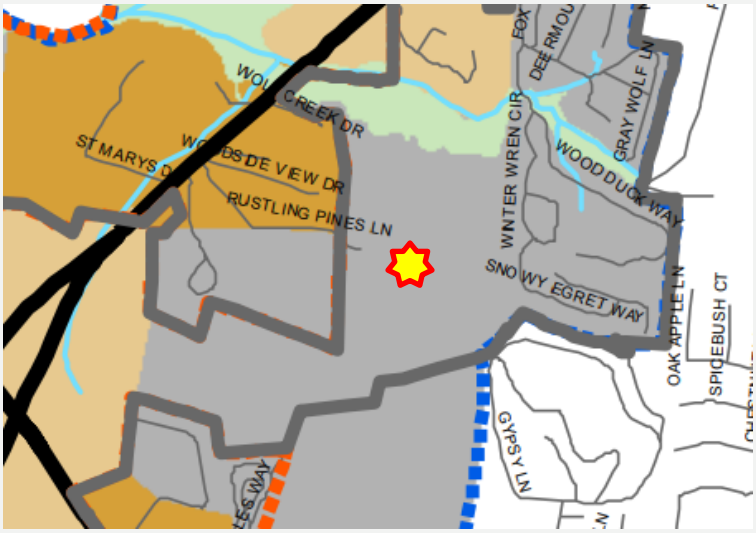
- Two to eight units per gross acre
- At least 60% open space in new developments on three or more acres
- Architectural guidelines to encourage compatibility when different housing types abut one another (e.g. similar building height, massing, roof pitch, and rhythm of windows and façade detailing)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

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

COMPREHENSIVE PLAN CONSISTENCY–CONTINUED

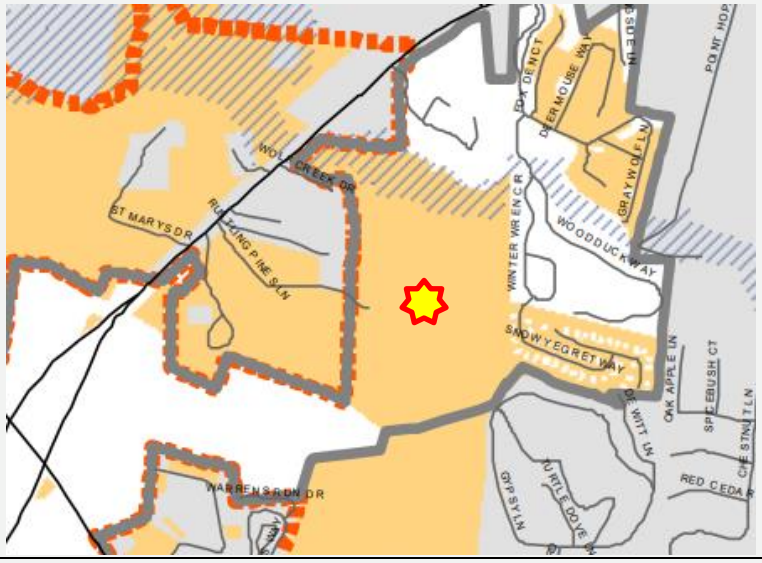
Growth Management

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



Development Framework Map

: The map depicts locations of greenfield development opportunities in Hendersonville and surrounding areas



Floodplain Considerations

: The Subject Property sits high on a knob to the south of the Wolf Pen Creek floodplain. 2001 Land Cover is also shown on map displaying forested land and cleared land on the site.

COMPREHENSIVE PLAN CONSISTENCY–CONTINUED

Chapter 2: Population and Housing

While the development is not slated to provide affordable housing, the development does increase the city's overall housing stock. According to the developer, there will be a variety of single story and two-story houses.

While sidewalks are proposed for the site, the design appears to prioritize cars with parking areas in the front of the houses.

Connectivity to surrounding parcels is an added benefit for maintaining an interconnected street network and planning for future development connections.

Goal PH-2.
Encourage a wide range of housing types and price points in order to meet the diverse and evolving needs of current and future residents, match the housing supply with the local workforce, and promote diverse neighborhoods.

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

Chapter 3: Natural & Environmental Resources

The proposed development challenges several aspects of the Natural & Environmental Resources chapter of the Comp Plan including the following goals:

Goal NR-1.4; NR-2.1; NR-2.3; & NR-3.2.

Full text of these goals and accompanying strategies can be found in the Chapter 3 of the Comprehensive Plan. Abbreviated excerpts have been provided.

Strategy NR-1.4.
Control development on steep slopes in order to protect life and property from erosion and landslides and preserve the natural appearance of hillsides. Recent landslide events near Hendersonville underscore the importance of controlling development on or near steep slopes (generally 30% slope or greater; see Figure 3.3a for an

Strategy NR-2.1.
Encourage clustered development that preserves open space while allowing a return on investment. Clustering homes on smaller lots, or clustering commercial development in multi-story buildings, preserves open space without sacrificing housing units or leasable floor area. Zoning regulations can encourage such development by avoiding minimum lot area standards and promoting flexibility in design.

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

Strategy NR-2.3.
Promote preservation of woodlands. Mature trees and wooded areas are significant community-defining natural features that contribute to Hendersonville's identity. Trees provide several additional community benefits, as described in Figure 3.3c.

Strategy NR-3.2.
Enable and encourage Low-Impact Development practices in stormwater management. Low Impact Development (LID) is an innovative approach to stormwater management that mimics natural hydrological processes and

COMPREHENSIVE PLAN CONSISTENCY CONTINUED

Strategy TC-1.4.
Encourage pedestrian connections between dead end streets and adjacent neighborhoods.

Action TC-1.4.1
Incorporate dead-end street sidewalk connection requirements into the Zoning and Subdivision Codes.

Goal TC-3.
Provide a safe and efficient roadway system that meets adequate vehicular level-of-service requirements in order to support business activity and residential quality of life.

Strategy TC-3.1.
Continue to develop and require a connected street grid.

Action TC-3.1.1
Require stub streets and connections to existing stubs in new subdivisions.

Chapter 7: Transportation & Circulation

The proposed connections to adjoining properties, as required by the subdivision ordinance, are supported by the Comprehensive Plan (TC-3.1.1). Staff has asked the developer to provide a connection to Gypsy Ln as well. The developer provided the following response:

"Based off the existing road elevation of Half Moon Trl, it is impossible to build a road at a 10% grade that connects to Gypsy Lane."

Property ownership adjoining either side of the existing Gypsy Ln stub would also constrain a future road connection. However, Action TC-1.4.1 of the Chapter 7 could be employed to create a pedestrian connection to the adjacent neighborhood.

Location where subject property adjoins Corn Mountain Estates near Gypsy Lane.

STAFF ASSESSMENT

Zoning Compliance:

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

Final Site Plan -

Final zoning ordinance compliance will be established at the time of Final Site Plan review and approval. The developer has noted that once additional details are known, they will address the standards related to steep slope development – limiting impervious surfaces on lot with steep slopes.

Zoning Map Amendment Standards:

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

a) Comprehensive Plan Consistency:

Ch. 2 – Population & Housing – Relevant portions of this chapter call for providing a variety of housing types (PH-2). As well as considerations related to Walkable Neighborhood Design (PH-3.1.1) which call for rear parking or recessed garages.

Ch. 3 – Natural & Environmental Resources – Relevant portions of this chapter make recommendations related steep slope development, cluster development/open space preservation, woodland preservation, and low-impact stormwater management.

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

Staff finds that the proposed Conditional Rezoning is consistent with the City's 2030 Comprehensive Plan for the following reasons. Proposed conditions will further align the proposed development with the Comprehensive Plan:

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

b) Compatibility with surrounding uses

The surrounding land uses are single-family neighborhood, multi-family apartments and vacant land.

c) Changed conditions

Development along Chimney Rock Rd (Hwy 64) has continued to intensify and further commercial / multi-family development is anticipated.

d) Public Interest

The addition of 101 single-family homes will fill a need for additional housing stock in Hendersonville.

e) Public facilities

According to the Water & Sewer department, there are adequate facilities in the area. The size of the project did trigger a Transportation Impact Analysis, as noted above. However, no mitigation or turn lanes are warranted.

f) Effect on natural environment.

As mentioned previously under the Comprehensive Plan Consistency, the project, as proposed does present challenges as it relates to the loss of tree canopy/habitat, the development of steep slopes (heavy grading) and stormwater runoff.

PROPOSED CONDITIONS: Staff proposes the following recommended conditions. Those highlighted in blue have been agreed to by the developer:

1. Size the stormwater systems to retain runoff for, at a minimum, a 25-year event (Stormwater Administrator); and
2. Utilize Low Impact Development practices through incorporation of pervious concrete for sidewalks and driveways (NR-3.2 / Stormwater Administrator); and
3. Protect the trees that have been proposed to be preserved in accordance with Section 15-4 of the Zoning Ordinance (Tree Board);

   Developer Proposed Condition: For Proposed Condition #3, the developer proposes to use two rows of silt fencing as opposed to the specific fencing requirements as stated in Section 15-4 of the Zoning Ordinance. The Tree Board made a motion supportive of this proposal at their meeting on October 20, 2021.
4. Recess garages or shift parking to rear of lots. Make front porch the primary architectural feature fronting the street (PH-3.1.1); and

   Developer Proposed Condition: For Proposed Condition #5, the developer proposes that a ***majority*** of homes will have recessed garages with the front porch being the primary architectural feature.
5. Pedestrian Crossing at Road C does not appear to have sufficient sight distance. Extend sidewalk along Half Moon Trail south towards Ballantyne Commons and provide pedestrian crossing to Mailbox Cluster / School Bus stop; and
6. Reduce the impact of the development and preserve quality, undisturbed open space by clustering development in areas outside of 30% slope (NR-1.4, NR-2.1), thus preserving existing woodlands and avoiding grading of steep slopes in these areas (NR-2.3); and

   Developer Proposed Condition: Construct basement sites on lots 14-20 where slopes ranging from 29% to 39% are present. This will greatly reduce the impact of

grading on the site. The only lot with an average slope greater than 30% that will not have a basement is lot 70. The slope of this lot is not natural but rather a result of the construction of Half Moon Trail.

7. Provide ROW connection to Gypsy Ln to accommodate pedestrian connection (TC-1.4.1) and utility connections (per City Code). This condition is subject to change based on potential impact of previous condition (Condition #7).

Planning Board supported staff's proposed conditions and added one additional condition (Condition #9 found on page 21 of this report.

PUBLIC COMMENT

NEIGHBORHOOD COMPATIBILITY MEETING

A Neighborhood Compatibility Meeting was held on September 1, 2021 for this project. Five staff members attended. Forty-seven residents attended in-person while 12 residents participated via Zoom. There were 26 pre-submitted comments – all of which were opposed to the project except for 1 who was in favor of the development. A large majority of attendees were from neighboring Wolf Chase and Wolf Pen subdivisions.

The primary concerns voiced at the meeting covered issues related to: environmental impacts (tree loss, habitat loss, erosion, steep slope development, etc.), impact on views, potential flooding/stormwater management (capacity of proposed system), access/increased traffic through Wolf Chase on Half Moon Trl, increased traffic on Hwy 64, increased access by "renters" from Ballantyne Commons, reduction of property values, liability issues with use of Wolf Chase walking trail, and lack of greenspace/playground in the plans.

TREE BOARD / PLANNING BOARD - SUMMARY OF ACTION

Summary of Tree Board Recommendation

The Tree Board met to review this project on September 21, 2021. An atypical number of residents attended the meeting – largely members of the Wolf Chase and Wolf Pen Subdivision who were there in opposition to the project. Several members of the public spoke about the project expressing concerns with tree loss, potential erosion problems, wildlife habitat loss, the need to protect tree canopy, the need to protect environmentally sensitive areas, and concerns with additional traffic and congestion on the highways.

The Tree Board made a motion that varied from their conventional approach. Typically the Board will offer conditions that are recommended to be placed on a development. However, in this case, they made both a "comprehensive plan consistency statement" while also offering up recommended conditions should the project be approved.

The motion reads as follows:

The Tree Board noted that this development is incompatible with Chapter 3, Section 3.3 Goals and Strategies NR-1. Preserve environmentally sensitive areas in order to protect life and property from natural hazards, protect water resources, preserve natural habitat, remaining woodlands, and tree canopy; and a motion was made for the developer to protect the trees that they have proposed to save in accordance with Section 15-4 (C) Protection of Existing Trees of the Zoning Ordinance; and all new vegetation planted must be chosen from the

Recommended Landscape Species List for Street Trees and Land Development Projects. Motion by Glenn Lang, Vote – All Ayes.

Staff has included the Tree Board's recommended conditions in the proposed List of Uses and Conditions

Additionally, the Tree Board met in October and considered the developer's proposal to use silt fencing for the tree barrier and made a motion to support the developer's proposal to use two rows of silt fencing rather than the orange fencing required by the Zoning Code.

Summary of Planning Board Recommendations

Planning Board had a lengthy discussion on this proposed project. The developer and several residents participated in the public comment period. It was ultimately determined that concerns about the development were addressed in the conditions proposed by Staff and the Tree Board with the addition of Condition 9 below.

Planning Board Motion

The following motion was supported by Planning Board with one member voting against the motion. The conditions agreed upon by the developer are highlighted:

I move 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 (PIN: 9568-00-1446) from PRD-CZD (Planned Residential Development-Conditional Zoning District) to PRD-CZD (Planned Residential Development – Conditional Zoning District) based on the site plan submitted by the applicant and subject to the following;

Permitted uses shall include:

1. *Residential Dwellings, Single-Family*

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

1. *Size the stormwater systems to retain runoff for, at a minimum, a 25-year event (Stormwater Administrator); and*
2. *Utilize Low Impact Development practices through incorporation of pervious concrete for sidewalks and driveways (NR-3.2 / Stormwater Administrator); and*
3. *Protect the trees that have been proposed to be preserved in accordance with Section 15-4 of the Zoning Ordinance (Tree Board);*
4. *All new vegetation planted must be chosen from the Recommended Landscape Species List for Street Trees and Land Development Projects (Tree Board); and*
5. *Recess garages or shift parking to rear of lots. Make front porch the primary architectural feature fronting the street (PH-3.1.1); and*
6. *Pedestrian Crossing at Road C does not appear to have sufficient sight distance. Extend sidewalk along Half Moon Trail south towards Ballantyne Commons and provide pedestrian crossing to Mailbox Cluster / School Bus stop; and*
7. *Reduce the impact of the development and preserve quality, undisturbed open space by*

clustering development in areas outside of 30% slope (NR-1.4, NR-2.1), thus preserving existing woodlands and avoiding grading of steep slopes in these areas (NR-2.3); and

8. *Provide ROW connection to Gypsy Ln to accommodate pedestrian connection (TC-1.4.1) and utility connections (per City Code). This condition is subject to change based on potential impact of previous condition (Condition #7).*
9. *Developer will work with staff to design a nature trail that has ability to connect to adjacent neighborhoods.*

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

1. The location of the proposed Planned Residential Development is in keeping with the surrounding land uses. (Chapter 8 LU-6.1)).
2. Single-Family Detached is a primary use stated in the Land Use & Development Chapter (Chapter 8 – LU-6.2).
3. The proposed density of the development (3.0 Units / Acre) is in line with the Land Use & Development Chapter's guidance of 2 – 8 Unis / Acre. (Chapter 9 – LU-6.4).

SUGGESTED MOTION(S) & CONSISTENCY STATEMENTS

[SEE AGENDA COVER SHEET]

ATTACHMENTS:

1. Ordinance
2. Neighborhood Compatibility Meeting Minutes
3. Tree Board Minutes
4. Planning Board Minutes
5. Site Plan / Tree Survey
6. TIA Report / Consultant Review
7. Application
8. Owner Signature Addendum
9. Certified Mailings

Planning Report
Neighborhood Compatibility Meeting
Application for a Conditional Zoning District
Half Moon Heights File # P21-44-CZD
Wednesday, September 1, 2021 2:00 p.m.

Matt Manley, Planning Manager, convened the compatibility meeting at 2:00 pm in the Assembly Room of the City Operations Building, 305 Williams Street. Approximately 47 adjacent property owners and four City staff were in attendance and 12 attended via Zoom. The following attended:

Name	***Address***	***Name***	***Address***
Matt Manley	staff	Elizabeth Mallindine	135 Creekwalk Lane
Tyler Morrow	staff	Joseph Culotta	38 Foxtail court
Terri Swann	staff	Darrell Pennington	156 Snowy Egret Way
Lew Holloway	staff	Lois Van Reese	131 Creekwalk Lane
Bob Partridge	64 Half Moon Trail	David Van Reese	131 Creekwalk Lane
Marie Partridge	64 Half Moon Trail	Kate Cervone	100 Brookstone Court
Linda Martschink	40 Snowy Egret Way	Chris Watenpool	100 Brookstone Court
Gus Martschink	40 Snowy Egret Way	Susan Fitzgerald	36 Grey Wolf Lane
Janice Mallindine	135 Creekwalk Lane	Thomas Umerski	25 Foxtail Court
John Hoover	65 Foxtail Court	Christine Hoover	65 Foxtail Court
Kathryn Costello	59 Creekwalk Lane	Christine Thompson	23 Foxtail Court
Jim Arata	21 Foxtail court	Linda Arata	21 Foxtail court
Maggie Sevek	42 Brookstone Court	Martin F. Sevek	42 Brookstone court
Debbie Culligan	31 Creekwalk Lane	Carolyn Prater	420 Woodbyne Avenue
Sharon Pearson	220 Ewbank Drive	Joyce Lennert	101 Wild Pheasant Run
Joe Lennert	101 Wild Pheasant Run	George Yourick	76 Half Moon Trail
Linda Yourick	76 Half Moon Trail	Gail Mitchell	112 Brookstone Court
Bill Mitchell	112 Brookstone Court	Enes K. Molina	53 Foxtail court
Sharon Molina	53 Foxtail Court	John Goolsby	94 Creekwalk Lane
Robbie Goolsby	94 Creekwalk Lane	Jan Hoffmann	93 Creekwalk Lane
Mike Hoffmann	93 Creekwalk Lane	Doug Nichols	58 Winter Wren Circle
Maria Syrett	70 Snowy Egret Way	Peter Syrett	70 Snowy Egret Way
Nancy K. Clark	1701 Deermouse Way	Pauline Williams	6000 Wood Duck Way
Joseph Taylor	395 Old Sunset Hill Road	David Justus	20 Grassy Hills Drive
Pamela Meister	117 Creekwalk Lane	Barbara Briley	3705 Wood Duck Way
Harry Hudson	3705 Wood Duck Way		

Mr. Manley opened the meeting explaining this is the Neighborhood Compatibility meeting for the Half Moon Heights neighborhood project. According to the City's Zoning Code, the Neighborhood Compatibility meeting is the first step in the Conditional Zoning process. This project has NOT yet been reviewed by staff for Zoning Code Compliance or Comprehensive Plan Consistency. A more detailed preliminary site plan will be submitted prior to advancing to the next stage of the process. Once the Preliminary Site Plan is submitted, it will be reviewed by staff and the project will then go to the Tree Board before going to the Planning Board. Both of these boards are advisory to the City Council. Planning Board and Tree Board will both make recommendations that will be reviewed by City Council. At both the Planning Board and the City Council meetings, a public hearing will be held on this item – thus providing additional opportunities for public input. City Council is the last step in the Conditional Rezoning process. City Council will review the project and the recommendations

from Tree Board and Planning Board, and they will give consideration to public comments before ultimately making a decision on the rezoning. A property is not rezoned until it is approved by City Council.

Pre-submitted public comments for today's meeting were accepted via the City of Hendersonville website and via email and will be addressed during this meeting. Comments and questions will also be accepted during today's meeting, both in-person and through zoom by following these procedures: Participants must use the raise hand feature to make comments or ask questions. At the appropriate time, we will identify users by name and unmute you. You may need to click "participants" to see the raise hand feature. On the telephone, you must press star 9. If you are in the room and would like to speak, please make yourself known and we will direct you up to the podium. Before you speak, please state your name and address to be included in the record.

Regarding the project:

The subject property is currently zoned PRD – Planned Residential Development. The property is proposed to be rezoned to PRD-CZD (Planned Residential Development) with an updated binding SITE PLAN and List of USES AND CONDITIONS. The site plan shows 107 single-family home lots with associated streets and sidewalks. If approved, the development would be limited to the stated uses and what is shown on the approved plan.

Following the developer's presentation, you will be able to question the developer about points which remain unclear. Questioning shall center on the proposal's compatibility as presented. We will identify speakers in order and unmute you.

Before you speak, please give your name and address for the record. Minutes of this meeting are being recorded and will be forwarded to the Planning Board and City Council.

Mr. Manley stated this is a larger crowd than we traditionally have and there is a two-hour window for this meeting. He would like to keep the comments at 3 to 5 minutes each. The HOA is involved and is going to have a presentation. He recognizes that this is where you live, and he understands that changes can cause anxiety however he would ask to show respect to everyone and let everyone have the opportunity to speak. Mr. Manley asked to not duplicate the same comments, once a topic is covered let's move forward.

Mr. Manley stated a full list of the public comments that were submitted will be given to the Planning Board and City Council along with the minutes.

Mr. Manley read out the comments from: Amy Pflug, Brian Scott, Carolyn Schifino, Cheryl and Stan Foster.

Joe Schlotterbeck introduced himself, his father Paul and the designer Bob Grasso. He stated this is a project consisting of 106 single family homes that will be built in three phases. The southern side will have a cul-de-sac, the northern side will be Phase 2 and the western side will be Phase 3. He plans to start the project in January 2022 if they get approval. They hope to have the project finished by the end of 2024 or beginning of 2025. This will be contingent on the weather and being able to get the materials.

Mr. Schlotterbeck stated concerning the stormwater, they plan to collect that on-site. It will be captured on-site and dispensed underground. It will leave the site at a pre-developed rate. He has engineers that are designing three storm tech systems for the property. That is being worked on now by the engineers.

He stated for this project to happen each homesite will be graded and a pad will be poured. They will have to remove trees for this. They will be planting back street trees and will try to retain all trees they are able to

retain. They want to get the Tree Board's advice on this. He also plans to have a butterfly garden or a bee sanctuary. Where trees are not possible, he plans to have a vegetative buffer as much as they can. They had a traffic survey done by their Traffic Engineer and he is on the zoom call today.

Bob Grasso, Project Designer stated they tried to work with the slopes for the lots and they will provide sidewalks and be pedestrian friendly. This will not be radically different than other projects in the area. They will have 3.2 units per acre and that is on the low side of what they could do.

Larry Green, Traffic Engineer stated they did the study and collected data at six different intersections to see which were the most impacted, US 64 and Half Moon Trail, US 64 and Ballantyne Commons Circle, Half Moon Trail and Cider Mill Drive, Cider Mill Drive east and west. They also consulted with the City of Hendersonville about developments that are approved but not yet built which included White Pine Villas so they could get an accurate count. They looked at how traffic had increased over the last 5 years and determined it had actually decreased slightly. They decreased the units from 118 to 107 units. They analyzed sections and levels of service and the proposed development can be supported by the roadway. Phase 2 will follow the existing Half Moon Trail.

Mr. Manley stated even though the traffic will increase the road can support it according to their findings.

Mr. Schlotterbeck stated they will take steps to avoid damage to the road during construction and they will do their best to document the way it is now and leave some things the same if not better.

Mr. Manley stated the City will have their own consultant review the traffic findings.

Mr. Schlotterbeck stated the size of the houses will be 40' x 60' – 2,000 sq. ft. to 2,400 sq. ft., three bedroom and two baths. The lot size will be roughly 7,200 sq. ft. This will not be low-income housing, but they are creating affordable housing. The homes will be in the $350,000 range. He stated their office is in Fairview, NC and that is where they are from. They plan to have a lower cost per lot and build a better house at more affordable price points. An adjacent property owner asked why build here now. Mr. Schlotterbeck stated his Dad has been building homes for 25 years and it is getting harder and harder to find property to build on in this area. It is hard to find property that will support well, septic or sewer and land that meets the zoning for multi-family. This property is a great place to build this type of housing.

Janice Mallindine, HOA President for Wolf Chase gave a presentation. She stated she would like to introduce the Wolf Chase community through her photos and presentation. She showed a photo of the location and photos of the water coming down on their community. She showed a site plan she drew showing the 69 homes in Wolf Chase. She stated they have a nature trail and wetlands, and their community is in a floodplain area. She stated there are many Board members in attendance that would like to speak on the issues. They are opposed to this development. She showed a petition that was signed by the residents. Not all of the residents have signed the petition. She stated studies show that clear cutting lots to accommodate roads and homes will decrease the value of their property. She showed more photos of the homes. She stated the Hendersonville City Code of Ordinances Section 10.3 has a section on the protection of white squirrels. They have white squirrels, bees, bears, foxes, Blue Heron and other wildlife in the area and this project will greatly affect them all. The City Code of Ordinances Section 10.1 addresses the protection of bird sanctuaries and Section 10.2 prevents harming their nests. She feels like the NC Wildlife Preserve must be consulted on the Blue Heron and protecting them. The building of this development will take away their habitat. The City of Hendersonville's own Comp Plan points out where this development will be in violation.

Ms. Mallindine showed photos before and after rainfall and the flooding that occurs there now without the buildings on the lot. This will only get worse once the land is developed. The culvert will not be able to hold all

the water runoff. The City's Comp Plan Section 3-2 under listed under guidelines addresses flooding. This is in the City's own Comp Plan. The water running downhill will affect their homes and the water being deposited in the area will cause problems for their community. She showed photos of some homes with their backyards flooded. She talked about Wolf Chase having a nature trail for their residents and how they pay for the upkeep of this trail. They do not want people outside of their neighborhood walking on the trail. She talked about toxins from water runoff coming downhill onto their property. She referenced Article 17 in the Zoning Ordinance titled the Natural Resource Protection Standards and stated there is a streambank buffer protection standard that the developers could be violation of. Wolf Chase is in a 100-year Floodplain. She showed photos of the creek and what happens when it rains now. The culvert under Highway 64 will wash out. The nature trail becomes a swampland when they have heavy rains now. The street is also too narrow and once they put trash cans out for collection, there will be problems with the street. The school buses pick up the kids at the intersections and it is dangerous during those times. Imagine how to handle the additional children at an already overburdened intersection. It can't handle the traffic now.

Ms. Mallindine stated another concern is Ballantyne Commons residents coming through the road that is currently locked right now. Will your development pay for this? She sees no benefit for the residents of Wolf Chase to open this road up. It will decrease the value of their property and could cause potential landslides with all the flooding it will create. She stated several Wolf Chase residents where there to speak also.

Lois Van Reese, 131 Creekwalk Lane asked if they would have access to the traffic study before the next meeting. Mr. Manley stated yes, it was public record. Ms. Van Reese stated the comment about the traffic actually decreasing is just not true. The traffic backs up from the high school to the Ingles on 64 everyday during school hours. She asked if they took into consideration the school hour traffic. The statement that traffic had decreased over the last 5 years is inaccurate. Mr. Schlotterbeck stated the way the traffic study works, lines are placed over the roads in several locations and traffic is counted by how many cars ride over the lines. They took this count for three days and it was not done during school season. He does understand their concerns and will try to work out any traffic issues.

Kathy Watenpool, 100 Brookstone Court stated she is opposed to this development. She stated when DEENR went up to do core studies, trees had already been removed and there are flags on a lot of the trees. She asked if he plans to log those trees. Mr. Schlotterbeck stated he had to remove some of the trees so that the drilling riggs could get up there. They had to see how the land looks underneath. They have no intention of logging the trees. They will do a tree survey that will show how many large trees are located on the site.

Ms. Van Reese asked if there were any environmental studies done. The flooding may bring contaminated water onto their property. She also asked who will build the homes. Will he sell off the lots and each owner will build their own home? Once this is done, they will be stuck with it forever. They have a nice tree line right now that will be destroyed. The wildlife and bear will be displaced. The bears are underweight now. He will walk away with $1,700,00.00 and they will be left with a huge number of problems and issues. Their homes will go down in value. Preservation according to the City of Hendersonville adds to the City's natural beauty and that is in the City's own vision statement. She doesn't want to see too much growth and overdevelopment.

Mr. Schlotterbeck stated they will have to have a comprehensive stormwater plan approved by the City and they will not make things worse, they will try to make things better.

Mr. Grasso stated he has worked with Gary Davis, a Civil Engineer in Asheville NC since 1985 and Buncombe County thinks very highly of him. He is one of the best. They normally call him in to solve any problems in the county. They are required by the state to retain the water and they cannot allow water to runoff onto other properties. The water has to be detained at a post development rate and he plans to detain it at a

predevelopment rate. The water must be treated before releasing it. The storm tech system will remove the toxins and be maintained by the HOA. There will be no increase in flooding or pollution. They are only adding to the current system.

Mr. Manley stated he would now open up the public comment for anyone attending via zoom.

Shirley Hadley, 44 Half Moon Trail stated she thinks a nice drain system should be installed because they do not want more water coming onto their property. Was the traffic study done during the pandemic? Mr. Schlotterbeck stated the study was done about a month ago. Mr. Grasso stated the traffic decreasing could be from the pandemic, but they received their information from NCDOT. Mr. Schlotterbeck stated they increased their traffic numbers and went above and beyond to get an accurate count.

Mr. Green stated the data they received was from NCDOT at this location. They collect data every two years. In 2014 – 2016 there was an increase in traffic, in 2018 there was a decrease and that was before the pandemic. This study was done in June of this year. The study shows that the traffic and higher levels of service are all good.

Alex Nelon, 109 St. Mary's Drive stated he lives between Fruitland and Howard Gap Road and he would love to read the fairy tales concerning the traffic. They do not live here, and they do not see it. He feels they could find a better place to build this development on. You have to be careful what you build and where you build it. They need to mitigate traffic and stormwater correctly. Does the developer have anything to do with Ballantyne Commons? Mr. Schlotterbeck stated no. Mr. Nelon stated when they built Ballantyne it caused a problem with the neighbors. They need to consider the mitigations that will have to be made.

Maggie Sevek, 42 Brookstone Court stated there is an obvious lack of greenspace for this development. They will not have a playground and there are no public parks in this section of Hendersonville. Wolf Chase has put a lot of money into maintaining their greenspace. Her husband has built bridges, they purchase insurance to cover the walking trail. What will happen when other residents from neighboring developments start using their trails and greenspace? They already deal with people using their walking trail. Mr. Schlotterbeck stated they are still working on their greenspace areas and they are doing their best. They will do as much as they can to keep everyone in their development off of the walking trail in Wolf Chase. What would the residents of Wolf Chase like to see?

Several attendees stated a bear habitat and the development not to be built.

Mr. Schlotterbeck stated if they do not want anyone walking on their trail then he will work on keeping people off the trail. They could possibly take some of their HOA money and donate it to Wolf Chase so that others could walk on the trail and they could help maintain it.

Ms. Mallindine stated they already have problems now and this will create even more. Traffic on Half Moon Trail will be unbearable once the gate is opened. It is in their interest to keep the gate closed. Mr. Schlotterbeck stated Half Moon Trail is a public road with a public access to Ballantyne Commons. He doesn't want to see the kids catching the bus on Highway 64 and will work with the City to see if they can have the buses stop inside the neighborhood.

Mr. Manley stated there are requirements for connectivity in the Subdivision Ordinance. Half Moon Trail was constructed with the intent of being used as a connection for Ballantyne Commons and Phase 2 of that project. Currently it is only being used as a fire and police access and remains locked. The developers are meeting the connectivity requirements by using this public access.

Peter Syrett, Wolf Pen stated he heard them say there would be an underwater drainage system and where will the water go from this system. Mr. Schlotterbeck stated underground storm systems take in the water and release it at a slower rate. He pointed out the retention areas on the site plan. None were on the slope of the property. There will be three large underground tanks in three locations. He pointed out each location on the site plan. Mr. Syrett asked about the bear that go up there weekly. What will happen to them? Bobcats, possums, coyotes all go up there and walk there.

Ms. Goolsby, 94 Creekwalk Lane stated she is a native and she has seen a lot of growth on 64. She was a school nurse, and the north traffic study is invalid. Traffic has increased immensely. She would like an impartial study done and take out the findings from 2020 and 2021 due to the pandemic. She felt like the traffic study should be updated with the numbers being done while school is in session. She is very concerned about the traffic.

Mr. Manley stated if comments have already been made concerning an issue they do not have to be restated. Due to time constraints please just make new comments and not state the same thing over and over.

Joseph Culotta, 38 Foxtail Court stated the PIN shows the property being on Rustling Pines Drive, why can't they use that road and develop that street? This is going to be a big mess. They were told years ago that the gate would remain locked. The Fire Marshal and City Planner told them it was just for an emergency access. Mr. Schlotterbeck stated the gate was put there when Ballantyne was approved, and it was to be left in place until Phase 2 was complete. They have since purchased that property and are using the access for this development.

Gus Martschink stated pulling out onto Highway 64 is like playing Russian Roulette. People are speeding all the time, and someone is going to get killed. Adding over 100 more homes to this area is only going to increase the danger of someone getting killed. They may be following the rules, but the rules need to be fixed. He cannot imagine what it will be like when this development gets built.

Bill Mitchell, 112 Brookstone Court stated the builder does not live here, does he? Mr. Schlotterbeck stated he lives in Fairview, NC. Mr. Mitchell stated they have heard comments from the developer on how they think and hope to do things, but he would like to see that put in a signed document. That way if the developer screws up, they can sue. Windsor Aughtry didn't want the project so what makes you think you can do better than they can? Mr. Schlotterbeck stated he has Bob on this project and Windsor Aughtry does not. There is no one better at designing than Bob.

Mr. Manley stated at this stage in the project the questions should center on the neighborhood compatibly. Questions about assurances from the developer will come at a later time. This is only a concept plan and it is very vague. The next stage will be the Planning Board's review and that will require a preliminary site plan. This Friday is the deadline for the project to be on the October Planning Board meeting. This will be a step up in the level of review. At the City Council meeting the approved site plan will be binding and there is more detail required in the final site plan. The developer is still working through the process at this time. Mr. Mitchell stated Windsor Aughtry did not want to develop this property with all the flooding and concerns. They are real concerns.

Mr. Schlotterbeck stated he would like to discuss the school bus situation with the School Board, and he has every intention of making this as safe as he can for the kids.

Daniel Borgmeyer, 6000 Wood Duck Way stated two-story, 2,400 sq. ft. homes are not compatible homes in this location. We are not talking about just two people living in this home. They will have children and he felt like this should be more compatible with what is in the area.

Mr. Manley asked if they plan to sale the lots to be built on. Mr. Schlotterbeck stated they are weighing their options. They have developed some projects and they have also sold some of the lots to be developed. They have not made that decision yet.

Debbie Culligan, 31 Creekwalk Lane stated she understands this project is going to happen and nothing can be done but she would like to see a smaller number of homes built. The road will be opened up and the gate will come down.

Mr. Manley stated this piece of property was actually Phase 2 for Ballantyne Commons. That part of the development was never built. Ballantyne Commons is shown as a PRD, Planned Residential Development and there has been nothing submitted for Phase 2. Any development would have to go back through the rezoning process. Ms. Culligan stated their homes are being bothered by this development and she asked how they can stop this development. They really do not want it. They are basically shoving 106 homes down their throats. Ballantyne has a lot of cars and a lot of people, once the gate is opened those cars and people will be coming into Wolf Chase. The residents do not want a city like Asheville.

John Goolsby, 94 Creekwalk Lane asked what development Mr. Schlotterbeck has built in the area. Mr. Schlotterbeck stated Clearview in Buncombe County, but it is not to this scale.

Linda Arata, 21 Foxtail Court stated she has erosion concerns where the Duke Energy right-of-way is located. When it rains now, they get inches of mud in their yard. Duke Energy will not do anything about it and this development will only make it worse. She cannot see how this development will not interfere with their subdivision. Mr. Schlotterbeck stated he would try and help fix any issues they are having with the Duke Energy right-of-way.

Kate Cervone, 100 Brookstone Court asked how many gallons the underground tanks would hold. Mr. Schlotterbeck stated he doesn't have the answers yet. Mr. Grasso stated he will look at the projects built now, and they will put in an underground oversized system to help with these concerns. He explained the stormwater system and how it worked. He explained how the water will go into control boxes and will be released at a pre-development rate. Mr. Manley stated the stormwater system will be sized to the scope of the project. Ms. Cervone stated they have a nice view of the mountains now and they will lose their view. Mr. Manley explained basic property rights and stated zoning ensures the uses of the land and makes sure projects are done in a way that is compatible with surrounding neighborhoods. The only way to stop a proposed project would be to own it. The developers have purchased the property and have a right to develop it. Ms. Cervone stated it is not a done deal yet and the neighbors need to figure out how to influence it in a good way that everyone can live with it and be happy. Mr. Manley stated that is a good way of thinking, this still has unresolved issues and ifs not approved yet. City Council will use the Comp Plan as a standard and they will listen to public input. Mr. Manley stated he believes they have covered good ground at this meeting.

Darrell Pennington, 156 Snowy Egret Way stated he was the former president of the HOA Board and he went through this process with Brittany Place. It is a process and people need to go the City Council meeting to represent their community. They need to be at the Planning Board meeting and be at the City Council meeting. They are citizens and taxpayers and have a right to be heard. Their taxes have just gone up roughly $80 more and they have a right to give their input. He talked about the private drive, water and sewer issues and the development having a negative effect on their homes.

Mr. Manley stated they have covered a lot of ground and there is another Neighborhood Compatibility meeting scheduled at 4:00 pm for another project. If this developer submits his plan by Friday, this project will move forward to the Planning Board in October. It will also be on zoom. Planning Board meetings are held at

4:00 pm. The Planning Board will review the project and make a recommendation to City Council. Residents will be able to address the Planning Board and give public comments. The Tree Board will meet prior to Planning Board on September 21st. They will be looking at the trees and make a recommendation to the Planning Board. City Council will potentially hear the project on November 4th at 5:45 pm. All property owners within 400 feet of the project will get a letter concerning the Planning Board meeting and City Council meeting.

With no further comments or questions, Mr. Manley closed the meeting at 3:45 pm.

CITY OF HENDERSONVILLE
TREE BOARD

Operations Center - Assembly Room | 305 Williams St. | Hendersonville NC 28792
Tuesday, September 21, 2021 – 2:00 PM

MINUTES

1. CALL TO ORDER

The meeting was called to order at 2:00 PM.

2. APPROVAL OF AGENDA

A motion was made to remove West Avenue Villas CZD and add World of Clothing CZD and Half Moon Heights CZD as 4A; and to move Public Relations Update to 4B. Motion by Glenn Lang, Vote – All Ayes.

3. APPROVAL OF MINUTES

A. A motion was made to approve the August 17, 2021 Tree Board Minutes. Motion by Mark Madsen, Vote – All Ayes.

4. NEW BUSINESS

A. Conditional Zoning District

World of Clothing CZD – The developer isn't changing the site much. They plan to add some vehicular parking/storage in the parking lot and the interior of the building will hold the storage units. There are not many trees on the site.

The Tree Board recommends a type B buffer along the rear property line, adjacent to the I-26 right of way, preferably evergreen trees selected from the Recommended Tree Species List. Motion by Mark Madsen, Vote – All Ayes.

Half Moon Heights CZD – The developer has proposed 101 single family lots on this site. There will be 164 hardwood trees saved and 387 hardwood trees removed, 83 Pines saved, 291 Pines removed from the site. Erosion control measures will be taken due to the size of the project. The project will be split into three phases to minimize the impact and help with erosion control. Silt fencing will be installed for the erosion control measures and to protect the trees that will be saved. There will be several stormwater detention systems on the site. All slopes will be benched or terraced to help with stormwater flow and erosion control. Buffers are not required since the project is adjacent to other single-family developments however the developer has shown dense buffers along the property lines adjacent to the other single-family developments. Several members of the public spoke about the project expressing concerns with tree loss, potential erosion problems, wildlife habitat loss, the need to protect tree canopy, the need to protect environmentally sensitive areas, concerns with additional traffic and congestion on the highways.

The Tree Board noted that this development is incompatible with Chapter 3, Section 3.3 Goals and Strategies NR-1. Preserve environmentally sensitive areas in order to protect life and

property from natural hazards, protect water resources, and preserve natural habitat; and A motion was made for the developer to protect the trees that they have proposed to save in accordance with Section 15-4 (C) Protection of Existing Trees of the Zoning Ordinance. Motion by Glenn Lang, Vote – All Ayes.

B. Public Relations Update - Mary Jo Padgett

Mary Jo Padgett provided the monthly update to the Tree Board.

The guided tree walk is probably full. Mac has had lots of calls but there are only a few spot remaining for people to attend.

C. Tree Board Budget for Fiscal Year 2021 - 2022

HWY 64 Maintenance - $14,000

Tree Replacement & Supplies - $1,500

Arborist Services - $2,000

Publicity - $3,000

Arbor Day - $250

NeighborWoods - $2,000

Tree Planting at Sullivan Park - $2,000

Maintenance of Pollinator Beds at Hands on Museum and Bearcat Loop - $5,000

Planting of Pollinator Bed on Four Seasons Boulevard - $14,000

Total Request - $43,750

D. Pollinator Bed Traffic Island Four Seasons Boulevard

No update at this time.

5. OLD BUSINESS

A. NeighborWoods

Debbie asked if the date for the 9th Avenue planting could be changed to October 9th rather than October 2nd. The Board agreed to move the planting date to October 9th and to begin at 10 AM. The trees and bagged mulch will be delivered to 822 N. Oak Street prior to the planting event. Debbie will attempt to get the Hendersonville High School students to assist with planting the trees. There is no rain date.

The Druid Hills planting date is October 16th at 10 AM, rain date is October 23rd. The trees and bagged mulch will be delivered to 513 Higate Road prior to the planting event. Andy will attempt to get the students from Hendersonville High School to assist with the tree planting.

Ann will pick up her trees next week at the City Operations Center.

The total cost of the project will be around $3000.

B. HB 496

The bill is still in the appropriations bill but there is some doubt that the Governor will sign it.

C. Tree Maintenance - Bearcat Loop & Oakdale Cemetery

Bill Leatherwood removed the wire guards from the base of the trees, treated the weeds around the base of the trees, and added mulch. He plans to complete the pruning in the fall. Mark Madsen pruned some of the trees.

Chad is waiting on Bill Leatherwood for the Oakdale Cemetery Tree Preservation Plan proposal.

D. Tree Canopy Survey

No update at this time.

6. **OTHER BUSINESS**

A. Utility Update

No update at this time.

B. Staff Comments

No update at this time.

7. **ADJOURNMENT**

The meeting was adjourned at 4:05 PM.

_____ _____

Tree Board Chairperson Signature Date

Minutes of the Planning Board
Regular Meeting - Electronic
October 11, 2021

Members Present: Jim Robertson, Chair, Neil Brown, Candi Guffey, Peter Hanley, Bob Johnson, Tamara Peacock, Barbara Cromar

Members Absent: Hunter Jones, Robert Hogan, Jon Blatt (Vice-Chair)

Staff Present: Tyler Morrow, Planner II, Lew Holloway, Community Development Director, Matt Manley, Planning Manager, Alex Hunt, Planner and Terri Swann, Administrative Assistant III

I Call to Order. ***The Chair called the meeting to order at 4:00 pm. A quorum was established.***

II Approval of Agenda. Chair stated the application for Half Moon Heights would be moved to the first item under New Business. ***Mr. Hanley moved for the amended agenda to be approved. The motion was seconded by Mr. Johnson and passed unanimously.***

III Approval of Minutes for the meeting of September 13, 2021. ***Mr. Hanley moved to approve the Planning Board minutes of the meeting of September 13, 2021. The motion was seconded by Mr. Brown and passed unanimously.***

IV Old Business - None

V New Business

V(A) Conditional Zoning District – Application for a conditional rezoning from Joseph Schlotterbeck of Half Moon Land Holdings, LLC, applicants and Triangle Ballantyne Hendersonville, Inc, property owners. The applicants are requesting to rezone the subject property, PIN 9680-00-1446 and located on Half Moon Trail, from PRD CZD, Planned Residential Development Conditional Zoning District to PRD CZD, Planned Residential Development Conditional Zoning District for the construction of a housing development containing 101 single-family homes on approximately 33.65 acres. Mr. Manley gave the following background:

This is a major subdivision. The applicant is Half Moon Landings, LLC and the property owner is Triangle Ballantyne Hendersonville, Inc. Chair asked that everyone be respectful during public comment time. Mr. Manley stated the site is under 34 acres and is located off of Chimney Rock Road. It is currently zoned PRD CZD and the proposed zoning is PRD CZD. The number of lots has changed from the original 101. The site plan has been revised and he will let the applicant speak on this. A Neighborhood Compatibility meeting was held on September 1st and had a significant turnout. There were 50 to 60 that attended in person and several attended via zoom. There were 26 pre-submitted comments. Topics of concern were environmental impacts, impact on views, potential flooding, stormwater management, traffic through Wolf Chase via Half Moon Trail, increased traffic from Ballantyne Commons, reduction of property values, issues with Wolf Chase walking trail and lack of greenspace.

Mr. Manley discussed the elevation at the highest point being 2,332 feet. He showed photos of the existing property and explained the access to the site. He pointed out the Duke transmission lines and Duke right-of-way. He also showed a photo of Corn Mountain and Gypsy Lane access.

The current zoning and land use map was shown. The location is primarily designated as Medium Intensity Neighborhood according to the City's Future Land Use Map. The Natural Resource/Agricultural designation is also present due to the presence of floodplain on a portion of the Wolf Chase and Wolf Penn developments. Business Center designation is also found on Chimney Rock Road, adjacent to the property. Medium Intensity Neighborhood is to provide a transition between High and Low Intensity Neighborhood. This designation encourages walkable neighborhood design with at least 60% open space in new developments with two to eight units per gross acre. Henderson County's Future Land Use Map designates a portion of the subject property and the neighboring Corn Mountain Estates as Conservation area due to the steep slopes, elevation and mountain view in this location. The Henderson County Land Use Map was only used to understand the slopes being impacted and should not affect the decision made today. There are several proposed development challenges due to the Natural and Environmental Resources – Chapter 3 of the Comp Plan concerning the large, wooded track and slopes. This chapter focuses on retaining quality open space and preserving the woodlands.

Chapter 7 focuses on transportation and circulation and the connection to adjoining properties. Staff asked the developer for a connection to Gypsy Lane, but the developer stated the 10% grade that connects Gypsy Lane would make a connection impossible. A pedestrian connection could be used to connect to the adjacent properties. Mr. Manley pointed out the ravine on Half Moon Trail.

A tree survey was done and there are a large number of trees on the property. There are 925, 12" caliper or greater. They are proposing to preserve 247 or 27% that are greater than 12" in diameter. Of the trees proposed to be preserved 66% are Pine. They are proposing to remove 678 or 73% of the trees on site greater than 12". Of the trees proposed to be removed, 57% are hardwoods.

The site plan will be modified slightly with connections along Half Moon Trail to be shown. The whole parcel is owned by Ballantyne Commons and was part of Phase II of the development. Nothing was proposed for this site, but it was supposed to be part of the multi-family development.

Mr. Manley stated they plan to have a pedestrian connection on Gypsy Lane. This is a requirement from the Subdivision Ordinance. The Planning Board can make recommendations but cannot offer conditions varying from the Subdivision Ordinance. Variances from the Subdivision Ordinance must be approved by the Board of Adjustment.

The Design Review Committee reviewed this and consist of staff from Public Works, Engineering and Water and Sewer, Fire and Police. This project is generally compliant with the Zoning Ordinance. The developer has worked hard to bring this into compliance with the Comp Plan.

The Tree Board also reviewed this project. Several residents from Wolf Chase and Wolf Penn attended the meeting and voiced concerns. The Tree Board made a motion that varied from their conventional approach. The Tree Board noted that the development is incompatible with Chapter 3, Section 3.3 Goals and Strategies NR-1 but made a condition that the developer protect the trees that they have proposed to save in accordance with Section 15-4 C Protection of the Existing Trees of the Zoning Ordinance and all new vegetation planted must be chosen from the Recommended Landscape Species List for Street Trees and Land Development Projects.

Staff has 8 recommended conditions and has talked with the developer about them:

1. Size the stormwater systems to retain runoff for at a minimum a 25-year event,

2. Utilize Low Impact Development practices through incorporation of pervious concrete for sidewalks and driveways.

3. Protect the trees that have been proposed to be preserved in accordance with Section 15-4 of the Zoning Ordinance. – *The developer proposes to use silt fencing as opposed to the specific fencing requirements as stated in Section 15-4 of the Zoning Ordinance.*

4. All new vegetation planted must be chosen from the Recommended Landscape Species List for Street Trees and Land Development Projects.

5. Recess garages or shift parking to rear of lots. Make front porch the primary architectural feature fronting the street. – The developer proposes that a majority of homes will have recessed garages with the front porch being the primary architectural feature.

6. Pedestrian Crossing at Road C does not appear to have sufficient sight distance. Extend sidewalk along Half Moon Trail south towards Ballantyne Commons and provide pedestrian crossing to Mailbox Cluster/School Bus stop.

7. Reduce the impact of the development and preserve quality, undisturbed open space by clustering development in areas outside of 30% slope (NR-1.4, NR -2.1), thus preserving existing woodlands and avoiding grading of steep slopes in these areas. *The developer has a counter proposal to address here tonight.*

8. Provide ROW connection to Gypsy Lane to accommodate pedestrian connection and utility connections (per City Code).

There were 17 pre-submitted comments that have been printed and given out to the Planning Board members and are part of the record.

Mr. Manley stated staff had discussed a variance from the Board of Adjustment concerning the steep slopes section of the Subdivision Ordinance. He explained the slopes and percentages. He also stated based on the email he received today from the developer; they will not need to pursue the variance. Staff has not yet reviewed any proposed changes yet.

Chair asked if there were any further questions for staff.

Chair asked about the current property owner being Ballantyne Commons. Mr. Manley stated they are the current property owners, and this was part of a Phase II development. They did not show any specifics or layout in the approval but would return when they were ready to submit the plan.

Mr. Johnson asked for a clear definition on pervious concrete. Mr. Manley stated it is the same standards as concrete, but it allows the water to runoff easily.

Joe Schlotterbeck, developer stated he was born and raised in Fairview, NC. He explained to the Board how the project has evolved. The first plan (which was never submitted) had 121 lots. Those numbers have been reduced due to feedback. He explained the cul-de-sac on the southern side and the sidewalks would go along the property lines. He feels connectivity is important. They now connect to Half Moon Trail. They went from 107 lots to 101 lots. The received feedback from the Planning staff on the grading plan. The slopes are detrimental to the environment and they have addressed this.

A fourth design was done after the Tree Board meeting. They asked to leave the animal corridor and leave as much vegetation as possible and now they are down to 95 lots. He stated concerning the 30% zone, the animal corridor is a narrow corridor with trees growing through the property. They plan to leave the connectivity for the animals. He pointed out the green section on the site plan as the 30% slope with the

ravine. They plan to leave a connectivity through there to the undeveloped property. This would leave a connection for future development.

There were concerns and feedback about the project not having enough amenities. They have now included a dog park and a playground for children. These areas will be on top of the underground stormwater system. All water collected will go in the underground storm tech system. It is similar to a septic system and has stacked chambers. They plan to locate the system where the property has already been cleared. As far as condition 8 and the connectivity, they have no problem doing this.

He showed the tree survey with the site map on it. They are keeping the area 65 to 70 feet and leaving as much as they can but would like to change the Tree Board condition to use silt fencing. They plan to replant the site and make it beautiful.

They will be making seven lots with basements to be able to stay out of the 30% area as much as possible.

The first submittal was 107 lots with 3.18 units per acre. They are down to 2.82 per acre. They had 60% open space but now have 74% open space. They were at 30% proposed impervious surface and are down to 26.6% on that. Common open space is 10.7% required and they have 21.4% now.

They plan to implement a hiking trail and leave it natural. They do not have the specifics on this yet, but they plan to make it part of the community.

The largest challenge is the conservation of the natural habitat. They have 925 trees, and he has sat through numerous project meetings and he feels they have more trees on this site than any other development has had. They were removing 678 trees but now plan to remove 637 and preserve 41. He discussed the zoning ordinance credits on preserving existing vegetation. He stated 29 street trees are required and they will be planting 310 trees. No buffer is required but they plan to plant 219 buffer trees. They will have a total of 624 trees planted. They have 20.6 times more trees than are required.

They realize they are having a large impact on the site and they want to do the right thing when developing the property. He understands that Wolf Chase has concerns about the stormwater and flooding and run off but they have homes that are built in the 100 year floodplain. Staff asked for a 25-year stormwater system and they have agreed. Their engineer is currently designing the system.

He asked that the Board members google pervious concrete. This concrete soaks the water right into the ground. They plan to use pervious concrete on the driveways but cannot use it for the sidewalks. They have also reduced the size of the homes to 40’ x 60’. In areas where 15 to 25% slope was allowed this was already met by the ordinance. They made the number work by reducing the size of the house and increasing the lot size. Impervious is required to not be over 30% and they are at 22%.

Mr. Johnson asked about the details of the sidewalk and a planting strip. Mr. Schlotterbeck stated he does not have that information yet.

Mr. Brown asked about the proposal for the #5 condition, does he know yet which homes will have the recessed garages and front porches. Mr. Schlotterbeck stated he was not sure yet. They are still working on that.

Mr. Schlotterbeck stated every condition increases their cost and he is trying to keep the homes affordable. He explained construction costs now and how that is going to increase the price of the homes.

Chair discussed saving the trees. Mr. Schlotterbeck stated they are trying to preserve as many as they can. They saved the trees in the cul-de-sac but lost 6 more trees. They gained 12 to 15 trees by eliminating the cut on the other side of the street.

Chair asked him to talk about the silt fencing for the trees. He understands that is a large area but when you have only a silt fence right up to the tree itself, it does not always protect the tree. Mr. Schlotterbeck stated he understands the value of planting more trees but using 2 x 4's instead of fencing is not cost efficient. They are open to using a second fencing for erosion control. Chair stated a large majestic red oak tree will need more than fencing to protect it. They need to work with city staff for extra protection.

Lew Holloway, Community Development Director stated they need to be as clear as possible on the conditions. City Council and the developer will have to agree on them.

Chair asked about Half Moon Trail coming in from Ballantyne Commons. Mr. Manley pointed out where the city will pick up and maintain the street now.

Mr. Schlotterbeck stated they are only buying the property if this street remains opened. He discussed Rustling Pines Lane as another connection to 64 if there were any future development. He explained building the development in phases.

Chair asked about the hiking trail connectivity and if they would be open to letting other developments use it. Mr. Schlotterbeck stated the HOA for Wolf Chase has zero interest in using their trials and with the cost to maintain it, he would do the same with his hiking trail, but he is open to discussing it. Mr. Manley stated the trail could be made a condition and they could leave the use to be resolved over time.

Chair asked if there were any further question for the developer. There were no further questions.

Chair opened the public comment time and asked that anyone wishing to speak would come forward and state your name and address for the record.

Patricia Gore, Wolf Pen stated she looked up the concrete and that type of concrete had a lot of soil and maintenance problems. Asphalt is very expensive, and she is concerned what will happen in 5 to 10 years. She also was concerned about why they are taking down the hardwood as opposed to softwood. She also has standing water behind her house when it rains. There is a steep hill behind her house, and it looks like a creek rising when they have heavy rain. The water comes up to her shin. She also thanked the developers for listening to their concerns.

Joanne Hobson, 45 Foxtail Court stated she is concerned about 190 vehicles exiting Half Moon Trail and heading westbound on 64 and with school buses and traffic heading westbound will be a nightmare. How will they be able to exit safely adding 190 more vehicles out of her neighborhood? If they come through Ballantyne Commons, they will have to turn east and cannot go west. She is very concerned about the traffic.

Lois Van Reese, 131 Creekwalk Lane stated is it legal to drive on a private street. People do not like to drive through parking lots and once Half Moon Trail becomes a city street it will add another 180 cars coming down from Ballantyne Commons to use as a cut through. She stated the Board has received 17 letters and she would ask that they read each one.

Janice Mallindine, 135 Creekwalk Lane stated this project has received plenty of public interest. At the meeting on September 1st a petition was given to the city and now more people want to sign it. Objections were made by the residents and it made the front page of the Times News. Multiple letters were sent to the Tree Board and they voted against it. The environmental impact of removing the trees makes this

dangerous. Everyone knows they will not replace the trees with mature trees. The wildlife lives in the area and the City Code states it is to be protected but you never heard anything about that. As for the 25-year stormwater system, the 25-year event is happening now due to the climate change. It will not be enough to handle the water. They have flooding on Foxtail Court up to their homes now. This will loosen the soil on a steep slope and as you can see from Haywood County that will cause major damage and massive problems. The water fills up in the culvert now so that you can't even see it. They had a stormwater expert look at the culvert and it not channeling water and no state will do a multi-million project for any development to fix the culvert issues. This will also increase traffic and have a negative effect on Half Moon Trail. The gate is for emergency vehicles only and people have smashed their cars into it trying to get through it. City trucks don't even plow Half Moon Trail and school buses do not use it. They stop on 64 for elementary, middle and high school children. This is not safe. Traffic is already difficult, please don't put more traffic on this road. She understands the importance of building homes but build them somewhere else. She encourages the developer to find flat land in the county and not put the neighbors in danger. Please say no to Half Moon Heights.

Lisa Better, Wolf Pen stated she is concerned about the security. She lives in a gated community and would like for the trees to be left there. She lives right at the Duke easement and kids come into her backyard all the time. She would like the developer to consider planting trees along the easement.

Joseph Culotta, 38 Foxtail Court stated cars come down that hill to Half Moon Trail and throw on their brakes and try to smash through the gate now. He wants the developer to leave the gate there and keep them sperate from Half Moon Heights. It just makes a mess and is difficult to get onto 64. Keep the gate there and let them build their own drive.

Gus Martschink, 40 Snowy Egret Way stated his property line abuts this area and there are a lot of boulders on the property. If he was to fall, he would roll all the way to the street because the property is that steep. There is already a lot of water and water will move down quickly. He would like the Board to read all 17 submitted comments before making a decision. He is a volunteer chaplain at Pardee Hospital, and he has a real estate license that he does not use so he understands development. When he is called into the hospital families are experiencing the worst event in their life and he is tired of people dying unexpectantly. Accidents will happen but not unnecessarily by a lack of vision on what is appropriate and what is not. This could be life lost on the act of stupidity. The Board has an opportunity to fix that. Look at the entrance into Wolf Pen and how fast people drive into their gated community. This is more development than the traffic can handle. He has had conversations with the developer, and they are nice people, but this is a case of being in the right church but in the wrong pew. It is just not going to work. The City of Hendersonville does not have a park on the west side of I-26 so make this area a nice park. He respectfully asks the Planning Board to stop it right here. He showed a photo of the sign stating Hendersonville is a 30-year Tree City USA from the Arbor Tree Foundation growth award. If we keep building, we will lose this distinction. This is a wonderful place to live but you cannot clear cut mature trees that have strong roots and replace them with sticks. They have no root system. Please stop this project.

Chair asked if anyone else would like to speak. No one spoke.

Chair opened the public comment via zoom.

Lurah Lowery, Times News reporter asked about the changes made to the square footage of the homes and if they would still be two-story homes with three bedrooms and two baths and a two-car garage.

Kathy Cervone, 100 Brookstone Court stated the developer was promoting it as workforce housing and people making $15 to $20 an hour cannot afford a $375,000 home. She stated connecting the green space and the trails would be a problem as they have insurance on the trail and that may increase their insurance rates.

Ms. Lowery asked if the lot sizes have changes.

No one else spoke via zoom.

Chair asked if anyone else had any questions or would like to speak. When no one spoke, Chair closed the public comment time.

Mr. Hanley asked if the developer planned to put any fencing. Mr. Schlotterbeck stated no.

Ms. Peacock asked if the landscaping is binding. Mr. Manley explained that this is just a conceptual plan. The final and binding site plan would come after City Council approval.

Ms. Cromar wasn't clear on the recessed garages. Was that mandatory? Mr. Manley explained the Comp Plan guideline on this. Ms. Cromar asked if they could add mandatory conditions. Mr. Manley stated they cannot make mandatory conditions.

Discussion was made on the recessed garages and adding the garages to the rear. Mr. Schlotterbeck stated there is not enough room to put the garages in the rear. It would not be feasible nor cost efficient. It is more cost efficient to have the garages by the road. They plan to have recessed garages for the majority of the homes, and this was a condition proposed by the developer.

Ms. Cromar asked about the stormwater system being placed under the playground and when it would be installed.

Gary Davis, Civil Engineer for the project explained the stormwater ratio and the rate to detain the water. He described the chamber size and how stone would be placed around it. They are able to build the playground on top of the system without compromising it. He discussed water quality and water quantity. They will install each system per phase and will not construct it right away.

Mr. Schlotterbeck stated the sidewalk will not have the pervious concrete with there being maintenance issues, but they will be well under the 30%.

Mr. Manley stated a TIA was triggered. There were two rounds to this one. The City's consultant had revisions and those were addressed and resubmitted. No mitigation was submitted. A declaration lane was not required at Half Moon Trail and it did not require a signal light. This was reviewed by the City's consultant and they concurred.

Discussion was made concerning the school bus traffic and having a bus stop located where the cluster mailboxes will be. Ms. Guffey asked what time of the year the study was done. Was it done during Covid and when school was in session? Mr. Schlotterbeck stated it was done in May and school was not in session. He reached out to NCDOT and they have no traffic data for Covid.

Discussion was made on when the gate is opened having speed bumps or something to slow traffic down. Mr. Holloway stated speed bumps may not be feasible for when the street needs to be plowed. This will have to be addressed by Public Works.

The boulders on the property were discussed. Mr. Schlotterbeck stated he plans to use them for landscaping.

Mr. Schlotterbeck stated the lot size will be 7,400 to 7,500. He also stated he never tagged the homes as affordable housing, he tagged them as semi-affordable.

Mr. Brown stated he is not comfortable with the conditions and he suggested deferring the application until November and bringing it back. He just is not comfortable with the conditions yet and would have to vote no right now.

Mr. Schlotterbeck stated the way the property is currently zoned they could have up to 10 units per acre. Some adjacent properties already have 12 to 15 units per acre. He is asking for 2.8 units per acre and feels it will match nicely with the adjacent surroundings.

Mr. Manley stated if the Board needs more time, they are welcome to do that. They can defer the motion to next month. They would have to open the public hearing again. Mr. Manley stated by right they could have 10 units per acre and could be approved for up to 18. He is asking for 2.8 units per acre.

Ms. Guffey felt like there was a lot of new information given today and she would prefer to defer the motion to next month. Ms. Peacock agreed that she was not totally comfortable yet.

More discussion was made concerning the conditions and #7 concerning the 30% slope. No development can occur on greater than 30% slope and the developer has proposed constructing basements on some of the homes reducing the slope on the lot. Mr. Schlotterbeck stated there are about 6 or 7 lots that will have basements.

Chair asked if the Board could agree on the conditions can staff work with the developer on them. Mr. Manley stated this was only at the preliminary site plan level. City Council will see a more detailed plan.

Ms. Guffey had concerns about the flooding and stormwater. She stated when Publix was built the plans all seemed good but now the flooding is still bad during heavy rains. While it may seem good at the time, it not always is.

Ms. Peacock stated the Tree Board summarized their objections. Are the Board members good with the changes now? Mr. Manley stated he cannot speak for the Tree Board. He stated the plan has greatly improved and changes have been made. The developer has worked hard to improve the plan. Mr. Manley stated the need for housing is great in Hendersonville. He knows the Board has difficult decisions with the impact to the environment but there is existing infrastructure in this area.

Mr. Johnson stated he is not comfortable with the tree issues. Mr. Manley stated the Tree Board took a different stance than normal. They made the statement that it was incompatible with the environmental standards, but they also added conditions if it moved forward. Mr. Holloway stated the Tree Board is authorized to make recommendations to City Council. Staff did include that in the Planning Board staff report for them to look at, but the Planning Board is to review the application for the Zoning Ordnance and Subdivision Ordinance requirements and not based on the Tree Board recommendation. You are an independent body making your recommendation to City Council.

Mr. Brown felt like they needed more time. Mr. Manley suggested they move on to the next item and come back to discuss this one. Mr. Holloway stated they are making recommendations on conditions that both City Council and the developer have to agree on.

Mr. Hanley moved the Planning Board recommend City Council to approve an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property PIN #9680-00-1446 from PRD CZD, Planned Residential Development Conditional Zoning District to PRD CZD Planned Residential Development Conditional Zoning District based on the site plan submitted by the applicant and subject to the following: Permitted Uses shall include; Residential Dwellings, Single-family. Conditions that shall be satisfied prior to final site plan

approval include: 1. Size the stormwater systems to retain runoff for, at a minimum, a 25-year event (Stormwater Administrator). 2. Utilize Low Impact Development practices through incorporation of pervious concrete for driveways (NR-3.2/Stormwater Administrator). 3. Protect the trees that have been proposed to be preserved in accordance with Section 15-4 of the Zoning Ordinance (Tree Board). 4. All new vegetation planted must be chosen from the Recommended Landscape Species List for Street Trees and Land Development Projects (Tree Board). 5. Recess garages or shift parking to rear lots. Make front porch the primary architectural feature fronting the street (PH-3.1.1). 6. Pedestrian Crossing at Road C does not appear to have sufficient sight distance. Extend sidewalk along Half Moon Trail south towards Ballantyne Commons and provide pedestrian crossing to Mailbox Cluster/School Bus stop. 7. Reduce the impact of the development and preserve quality, undisturbed open space by clustering development in areas outside of 30% slope (NR-1.4, NR- 2.1), thus preserving existing woodlands and avoiding grading of steep slopes in these areas (NR-2.3). 8. Provide ROW connections to Gypsy Lane to accommodate pedestrian connection (TC-1.4.1) and utility connections (per City Code). This condition is subject to change based on potential impact of previous condition (Condition #7). Finding that the rezoning is consistent with the Comprehensive Plans Future Land Use map and that the rezoning is reasonable and in the public interest for the following reasons: 1. The location of the proposed Planned Residential Development is in keeping with the surrounding land uses. (Chapter 8 LU-6.1). 2. Single-family detached is a primary use stated in the Land Use & Development Chapter (Chapter 8 – LU-6.2). 3. The proposed density of the development (2.8 Units/Acre) is in line with the Land Use & Development Chapter's guidance off 2-8 Units/Acre. (Chapter 9 – LU-6.4). Chair added the condition that the developer work with City staff on designing a nature/hiking trail that has the ability to provide connectivity to other neighborhoods. Mr. Hanley amended the motion to include the condition. Ms. Cromar seconded the motion. The vote was 6 in favor and 1 opposed. Motion passed.

The Planning Board took a five-minute recess at 6:47 pm. Chair called the meeting to order at 6:52 pm.

V(B) Conditional Zoning District - Application for a conditional rezoning from Daniel Renckens of Canvass Capital, LLC, applicant and Dreams Dominion, Inc., property owners. The applicants are requesting to rezone the subject property, PIN 9579-56-0884 and PIN 9579-46-9642 and located at 135 Sugarloaf Road, from C-3, Highway Business to C-3 CZD, Highway Business Conditional Zoning District for the construction of a 126,913 sq. ft. mini-warehouse facility on approximately 8.24 acres. Mr. Morrow gave the following background:

Mr. Morrow stated this subject property is on two different PIN's. The current zoning is C-3, Highway Business. The proposed zoning is C-3 CZD, Highway Business Conditional Zoning District. Both PINs combined at 8.24 acres. The applicant is asking that mini warehouses and all other permitted uses in C-3 be permitted. This project required a conditional rezoning due to the redevelopment of floor area exceeding 50,000 square feet. This is coming before the Planning Board due to the size of the building.

A Neighborhood Compatibility meeting was held September 1st. Questions centered around the ownership of the property, storage units on the front of the property, RV/Camper storage and if there is a need for another storage facility.

Parcels to the north are zoned C-3, Highway business and C-2, Secondary Business and contain commercial uses such as the Best Western Hendersonville Inn and El Paso Mexican Restaurant. Parcels to the east are zoned C-3 and PCD, Planned Commercial Development and include the Ramada Inn and Hampton Inn. Parcels to the south are zoned C-3, Highway business and CHMU, Commercial Highway Mixed Use and contain Cascades Mountain Resort. Parcels to the west are zoned C-3, Highway Business and contain Interstate 26.

The 2030 Comprehensive Plan's Future Land Use Map designates parcels to the north, south and east as Regional Activity Center. The area to the west is not designated since it encompasses Interstate 26. Other parcels to the east are classified as High Intensity Neighborhood and Business Center.

Regional Activity Center's goal is the meet the large-scale retail needs of Hendersonville residents while encouraging mixed-use, walkable design through redevelopment and infill projects. The growth management priority centers around infill areas to encourage infill development on remaining vacant lots and redevelopment of underutilized or undeveloped properties. This is a redevelopment and the Comp Plan encourages infill development. Not only is it Regional Activity Center but it is also a priority infill area. This use is not specifically stated so that throws a wrench into things.

Existing site photos were shown. There is an alley encroachment at the top corner of the property. This right-of-way is not maintained by NCDOT. They have abandoned the alley.

A site plan was shown. The World of Clothing building is 100,936 sq. ft. The office building in the front is 5,249 sq. ft. The new canopies will total 48,200 sq. ft. And the total square footage for the structures on the site will be 154,385 sq. ft. The site plan show four new canopy structures and the interior storage units is 1,200 max. There are 73 exterior canopy storage units.

A total of 61 parking spaces is required. The developer has provided 64 parking spaces. There is vacant land in the northeastern portion of the property. The applicant is not using this area for open space, parking, or access area. The applicant wants to leave this area unattached to the requirements of this development so that it could potentially be developed in the future. It will still be connected to the CZD and would have to come back for approval for any new development.

The northwestern corner of the building is encroaching into the right-of-way and setback. The structure is considered a nonconforming structure as outlined in Section 6-2-2 of the zoning ordinance. The applicant is planning to correct the nonconformity.

The Design Review Committee reviewed the project, and it is generally complaint and supported by the Comp Plan.

The developer has proposed a condition: The developer will provide two 12-foot wide travel lanes and a ten foot wide parking lane where possible, as described in Section 16-4-16 of the zoning ordinance at the building located at 135 Sugarloaf Road, however the travel lane width and parking lane requirements may not be implements everywhere based on existing conditions. Section 16-4-16 reads: One-way interior travel lanes shall have a minimum width of 15 feet in addition to a ten foot wide parking lane. All two-way interior travel lanes serving storage units shall have two 12-foot-wide travel lanes and be provided with a ten foot wide parking lane. All portions of the site shall be readily accessible by police and fire equipment and personnel. The reason the applicant is proposing this condition because this is an existing site and he would have to reconfigure.

Staff does not have any proposed conditions for this development.

The Tree Board recommends a type B buffer along the rear property line, adjacent to the _26 right-of-way, preferably evergreen trees selected from the Recommended Tree Species List. The developer had stated he would look into this.

There was one public comment submitted. It stated: *BEST WESTERN HENDERSONVILLE INN objects to the proposal as shown on the drawing. There should be a significant set-back from the driveway that separates this property and the Best Western property. The set-back should apply to buildings and fences. Thanks for making our objection known*.

Mr. Hanley asked what a Type B buffer is. Mr. Morrow stated it consists of four broad canopy trees, 25 evergreen shrubs and 33 flowering shrubs. This would be a visual buffer between the building and the ramp. Ms. Cromar stated there is not a buffer requirement when two commercial properties abut one another but this will leave the people at the hotel staring at mini storage, could they make this a condition? Mr. Morrow stated the pavement is already existing and that would mean they would have to tear all that pavement up.

Ms. Cromar asked who was responsible for the alleyway. Mr. Morrow stated he is not sure who is responsible for it, it is a private alley. This would be a legal question but the city is not responsible for it.

Mr. Johnson asked if there is an issue with the hotel's objection. Mr. Morrow stated the hotel wanted to see the buildings placed farther away but the canopy structures do meet the setback requirements and the other buildings are already on the property.

Ms. Peacock asked how they are resolving the encroachment issue. Mr. Morrow state the applicant can speak to that.

Discussion was made about the side fee in lieu. There are no sidewalk there now and it could be difficult to put them in. The City Manager can approve a sidewalk fee in lieu.

Ms. Cromar asked if the new owners will comply with the ADA requirements and changes to the buildings. Mr. Morrow stated that is handled through the Building Inspections Department and is part of the building code requirements. They will have to meet the requirements of the building code for the upfit and also the fire cod requirements.

Chair asked if ther were any further questions for staff. There were no further questions.

Daniel Renckens, Canvass Capital, LLC stated SafeNest Stroage is their brand and they have a facility off of Naples Road. He wantd to stick with the C-3 zoning as it is permitted by right. This is a growing market and they take very good of their facilities. They have over 25 employees and are based in North and South Carolina. He stated during the pandemic, the World of Clothing had to shut their doors. The business closed in April and had been in business since the 80's. He stated with all the residential development happening in the City of Hendersonville there is a growing need for self storage, 11% of households rent a self storage unit and some have long waiting lists.

Mr. Renckens stated they plan to improve the aesthetics of the building. They are adding security and landscaping and also fences and gates to the plan. They plan to have cameras on the building. They will not be removing trees and they are adding a lot of landscaping. They will have vehicular use landscaping. He stated as far as the Tree Board's recommendation, that buffer would have to placed near the fence on the I-26 side but they only own a 20' strip of grass in front of the building. The rest of that land is right-of-way. A stormwater pie is in that location and the condenser units and it would be difficult to maintain those. He does plan to paint the side of the building.

Ms. Cromar asked if he would be using the whole building. Mr. Renckens stated yes and he will paint the whole building and clean up the parking lot.

Mr. Renckens discussed the two-way traffic mitigation and placing the smaller units at that entrance. He also stated they are in the process of figuring out the encroachment issue before purchasing the property. He does have an attorney looking at this and will keep the city staff updated. Putting a sidewalk in the front may be an issue as there is a steep slope and an embankment. They are still exploring if they will build the sidewalk or ask for a fee in lieu. They will meet all ADA requirements once they start retrofitting the interior.

Ms. Cromar asked about the lighting at night. They will be providing lighting. Discussion was made about the Dark Sky requirements. Mr. Renckens stated they had a lighting audit performed two weeks ago and they plan to have LED upfits for the lights. Mr. Brown asked if the lights would be tucked up under the canopies and act as a shield. Mr. Renckens stated the height on the canopies is 16 feet and he has not seen lights placed under them but that is a great idea and he can look into it and explore it. He plans to have a zero foot-candle at the property line.

Mr. Renckens was asked about the hair salon that is currently in one of the buildings. He stated they are in the process of relocating.

Ms. Cromar asked if the storage units would be internal and temperature controlled. Mr. Renckens stated they all would be.

Chair asked if there were any further questions. There were no further questions.

Chair opened the public comment and asked if anyone present would like to speak.

Pauline Borgmeyer, 6000 Wood Duck Way stated the building is an eyesore as it is now and she thinks refurbishing the building is a great idea. What will happen to the signage on the back of the building? What color will the building be?

Chair asked if anyone via zoom wanted to speak. No one spoke via zoom. Chair closed the public comment time.

Mr. Hanley asked about having the lighting put in as a condition.

Ms. Peacock stated it is very common to have trees planted in the ROW and she felt like having landscaping there was very important.

Mr. Renckens stated he is going to paint the building and would like to have some type of signage on the building. He also discussed the possibility of a mural. He stated they wouldn't have a problem planting the trees if they could. He plans to paint the building a nice earthtone color and doesn't want the plantings to obstruct the ability to have the signage on the building. They have not decided anything yet and will plan to make a decision at a later date. They are open to it and will discuss it with City Council.

Ms. Peacock moved the Planning Board recommend that City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property PINs 9579-56-0884 and 9579-46-9642 from C-3, Highway Business to C-3 CZD Highway Business Conditional Zoning District based on the site plan submitted by the applicant and subject to the following: Permitted uses shall include 1. Mini-Warehouse and 2. All permitted C-3 uses on November 4th 2021 which are listed in the ordinance. Conditions that shall be satisfied prior to final site plan approval include: (City initiated) 1. The developer shall provide a type B buffer along the rear property line, adjacent to the I-26 right-of-way, preferably evergreen trees selected from the Recommended Tree Species List. 2. The developer shall provide a photometric plan with zero foot-candles at the property line therefore no light will bleed off the property. Ans including the developer proposed condition: The developer will provide two 12-foot wide travel lanes and a ten foot wide parking lane where possible, as described in Section 16-4-16 of the zoning ordinance at the building located at 135 Sugarloaf Road, however the travel lane width and parking lane requirements may not be implements everywhere based on existing conditions. Section 16-4-16 reads: One-way interior travel lanes shall have a minimum width of 15 feet in addition to a ten foot wide parking lane. All two-way interior travel lanes serving storage units shall have two 12-

foot-wide travel lanes and be provided with a ten foot wide parking lane, finding that the amended zoning is consistent with the Comprehensive's Plan's Future Land Use map, and that the rezoning is reasonable and in the public interest for the following reasons: 1. This redevelopment is within a high intensity infill area as designated in the comprehensive plan (Chapter 8-LU1.1). 2. The development utilizes an existing large scale commercial building with a use that is compatible with the surrounding area. 3. The development provides additional storage options for the citizens of Hendersonville. Mr. Brown seconded the motion which passed unanimously.

VI **Other Business**. None

VII **Adjournment** – ***The meeting was adjourned at 7:44 pm.***

_____

Chair

DRAFT

GRADING NOTES

1. CONTRACTOR SHALL PROVIDE PROOF OF ACTIVE GRADING PERMITS FOR ANY OFF-SITE BORROW OR WASTE SITES TO HENDERSON COUNTY & NCDEQ.
2. TEMPORARY VEGETATION SHALL BE SEEDED & MULCHED WITHIN 14 DAYS OF COMPLETION OF GRADING FLAT AREAS OR WITHIN 7 DAYS OF COMPLETION OF ALL BERMS, SWALES, DITCHES, PERIMETER SLOPES, SLOPES ADJACENT TO UNNAMED TRIBUTARY AND SLOPES 3:1 OR GREATER.
3. ALL DISTURBED AREAS SHALL BE SEEDED WITH TEMPORARY OR PERMANENT VEGETATION.
4. PLACE CURLEX II, EROSION CONTROL BLANKET, BY AMERICAN EXCELSIOR COMPANY, ON ALL SLOPES 2:1 OR GREATER. INSTALL & FASTEN PER MANUFACTURER'S SPECIFICATIONS.
5. MAINTAIN 2' UNDISTURBED BUFFER ALONG ALL PROPERTY LINES.
6. INSTALL SILT FENCE AT TOE OF ALL FILL SLOPES.
7. WATER SITE TO CONTROL DUST DURING PERIODS OF DRY WEATHER.
8. COORDINATE ALL WORK WITH HENDERSON COUNTY & NCDEQ.
9. PREPARE SEED BED PRIOR TO TEMPORARY OR PERMANENT SEEDING BY USING SURFACE ROUGHENING METHODS OUTLINED IN 'EROSION & SEDIMENT CONTROL PLANNING & DESIGN MANUAL', SECTION 6.03. ROUGHEN ALL SLOPES USING TRACKED MACHINERY SO THAT GROOVES ARE FORMED PARALLEL WITH THE SLOPE. DO NOT BACK BLADE SLOPES AFTER TRACKING. HYDROSEED & MULCH ROUGHENED SLOPES IMMEDIATELY AFTER TRACKING SLOPES
10. COORDINATE SITE PREPARATION WITH GEOTECHNICAL ENGINEER TO ENSURE REQUIRED COMPACTION HAS BEEN ACHIEVED.
11. ALL SPOT ELEVATIONS AT BASE OF CURB OR WALLS AT FINISHED GRADE OR AT EDGE OF PAVEMENT, UNLESS NOTED OTHERWISE.
12. HDPE: HIGH DENSITY POLYETHYLENE PIPE, TYPE S, NCDOT STD.
13. PVC: POLYVINYL CHLORIDE PIPE, SCH. 40, NCDOT STD.
14. CPP: CORRUGATED PERFORATED PLASTIC PIPE, NCDOT STD.
15. MAINTAIN 12" MIN. COVER OVER ALL STORM DRAINAGE PIPES.
16. MAINTAIN 1.0% SLOPE, MIN. ON ALL STORM DRAIN PIPES & DOWNSPOUT LEADERS.
17. CO: CLEANOUT.
18. DS: DOWNSPOUT.
19. DROP INLET: BOX: NCDOT STD. 840.14, REV. B, STANDARD CONCRETE DROP INLET.
    GRATE: NCDOT STD. 840.16, STANDARD GRATE & FRAME.
20. FLARED END SECTION: NCDOT STD. 320.01, REV. B, STANDARD CORRUGATED METAL FLARED END SECTION
21. VERIFY ALL GRADES IN FIELD. NOTIFY LANDSCAPE ARCHITECT IF CONFLICTS OR AMBIGUITIES ARISE.
22. DISTURBED ACREAGE: 21.94 AC.
23. BOULDER WALL HEIGHTS & LOCATIONS MAY VARY DEPENDING UPON FIELD CONDITIONS & GEOTECHNICAL ENGINEER RECOMMENDATIONS.

LEGEND

- SLOPES >30%
- STREAM/WETLANDS 30' BUFFER
- PHASE LINE
- EXISTING ROAD
- PROPOSED ROAD
- PROPOSED SIDEWALK

BEFORE YOU DIG !
CALL 1-800-632-4949
N.C. ONE-CALL CENTER
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NORTH

0 16 40 80 160 240
SCALE: 1" = 80'

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Landscape Architects ● Land Planners
P.O. BOX 2200
ASHEVILLE, N.C. 28802
(828) 242-0111
EMAIL: bgrasso@landplancollab.com

NORTH CAROLINA LANDSCAPE ARCHITECT 487 REGISTERED ROBERT M. DESPAS

GRADING PLAN

HALF MOON HEIGHTS
HENDERSONVILLE, NORTH CAROLINA

JOB NO.: 212850
DWG. NAME: half-moon-site.dwg
DATE: October 22, 2021
REVISIONS:

REV.:	DATE:	BY:
1	-	-
2	-	-
3	-	-
4	-	-
5	-	-

SHEET
L-5

HALF MOON HEIGHTS

HENDERSONVILLE, NORTH CAROLINA

SEPTEMBER 21, 2021

PROPERTY OWNER:

TRIANGLE BALLANTYNE HENDERSONVILLE, INC.
154 SOUTH YORK STREET
GASTONIA, NC 28052
PHONE: (704) 869-6024
EMAIL: williamratchford@southwoodrealty.com
CONTACT: WILLIAM RATCHFORD

APPLICANT:

HALF MOON LAND HOLDINGS, LLC
P.O. BOX 609
FAIRVIEW, NC 28730
PHONE: (828) 767-7171
EMAIL: j.s@bh-builder.com
CONTACT: JOSEPH SCHLOTTERBECK

LANDSCAPE ARCHITECT:

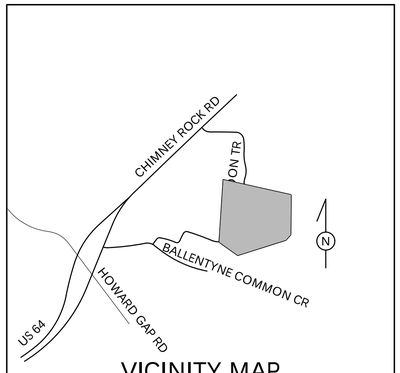
LAND PLANNING COLLABORATIVE
P.O. BOX 2200
ASHEVILLE, NORTH CAROLINA 28802
PHONE: (828) 242-0111
EMAIL: bgrasso@landplancollab.com
CONTACT: ROBERT M. GRASSO, RLA

CIVIL ENGINEER:

DAVIS CIVIL SOLULTIONS
134-A CHARLOTTE HIGHWAY
ASHEVILLE, NORTH CAROLINA 28803
PHONE: (828) 299-9449
EMAIL: gary@cvlsol.com
CONTACT: GARY D. DAVIS, PE

SURVEYOR:

McABEE ASSOCIATES
3 McABEE TRAIL
FAIRVIEW, NC 287303
PHONE: (828) 628-1295
EMAIL: eric@mcabeesurveying.com
CONTACT: ERIC McABEE, PLS



VICINITY MAP

LIST OF DRAWINGS

L-1 TITLE SHEET
L-2 EXISTING CONDITIONS
L-3 MASTER PLAN
L-4 LAYOUT & MATERIALS PLAN
L-5 GRADING PLAN
L-6 ROAD 'A' VERTICAL ROAD DESIGN
L-7 ROAD 'B' VERTICAL ROAD DESIGN
L-8 ROADS 'B' & 'C' VERTICAL ROAD DESIGN
L-9 EXISTING TREE SURVEY
L-10 LANDSCAPE PLAN
C3 PRELIMINARY STORM WATER
C4.1 PRELIMINARY UTILITIES - WATER
C4.2 PRELIMINARY UTILITIES - SEWER

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EMAIL: bgrasso@landplancollab.com

NORTH CAROLINA REGISTERED LANDSCAPE ARCHITECT 487 ROBERT M. GRASSO

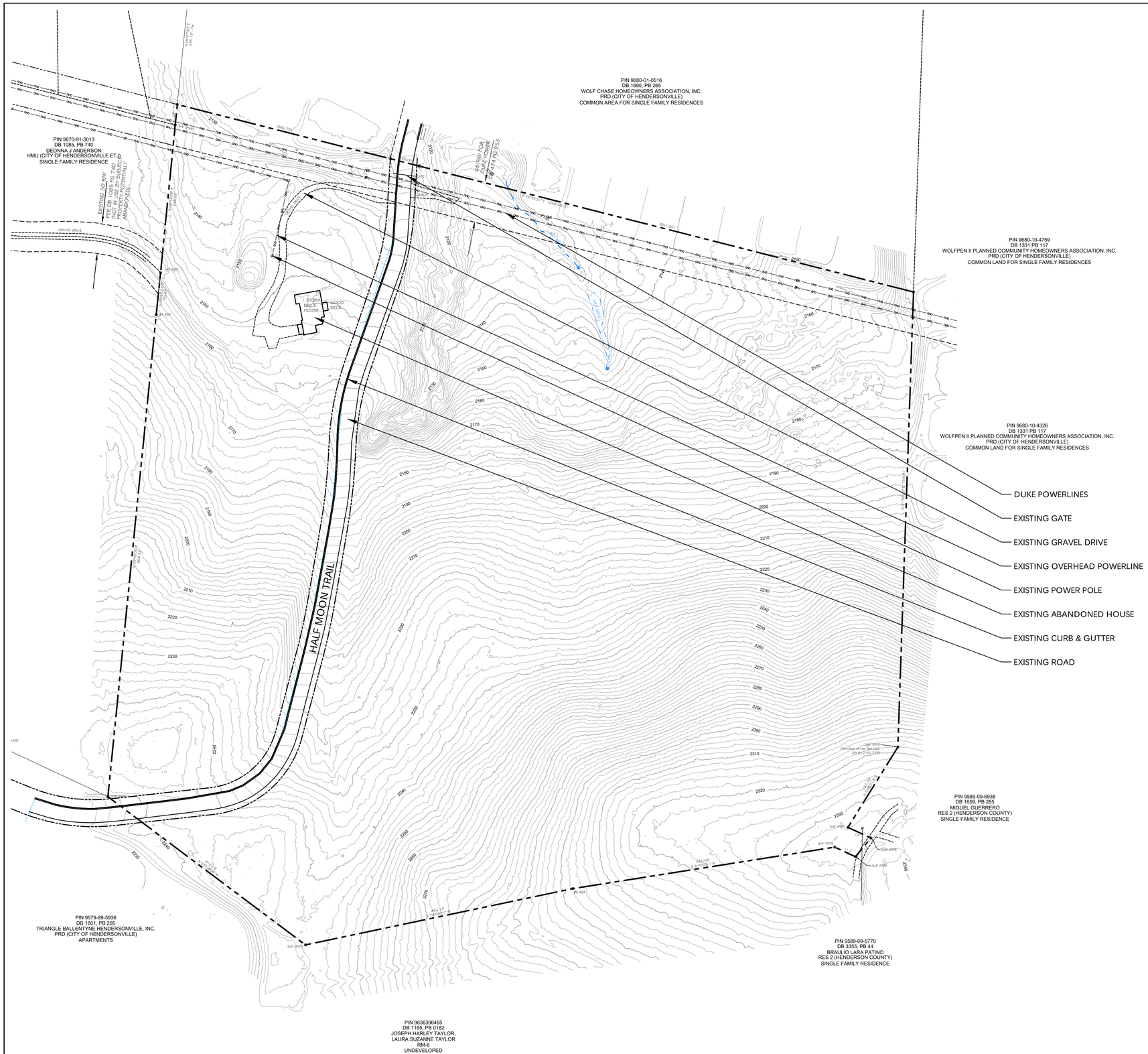
TITLE SHEET

HALF MOON HEIGHTS
HENDERSONVILLE, NORTH CAROLINA

JOB NO.: 2021850
DWG. NAME: half-moon-site.dwg
DATE: September 21, 2021
REVISIONS:

REV.:	DATE:	BY:
1	-	-
2	-	-
3	-	-
4	-	-
5	-	-

SHEET
L-1



NORTH

0 16 40 80 160 240

SCALE: 1" = 80'

LAND PLANNING COLLABORATIVE
Landscape Architects ● Land Planners
P.O. BOX 2200
ASHEVILLE, N.C. 28802
(828) 242-0111
EMAIL: bgrasso@landplancollab.com

NORTH CAROLINA LANDSCAPE ARCHITECT LICENSE 487 REGISTERED ROBERT M. GRASSO

EXISTING CONDITIONS

HALF MOON HEIGHTS
HENDERSONVILLE, NORTH CAROLINA

JOB NO.: 212850
DWG. NAME: half-moon-site.dwg
DATE: September 21, 2021
REVISIONS:

REV.:	DATE:	BY:
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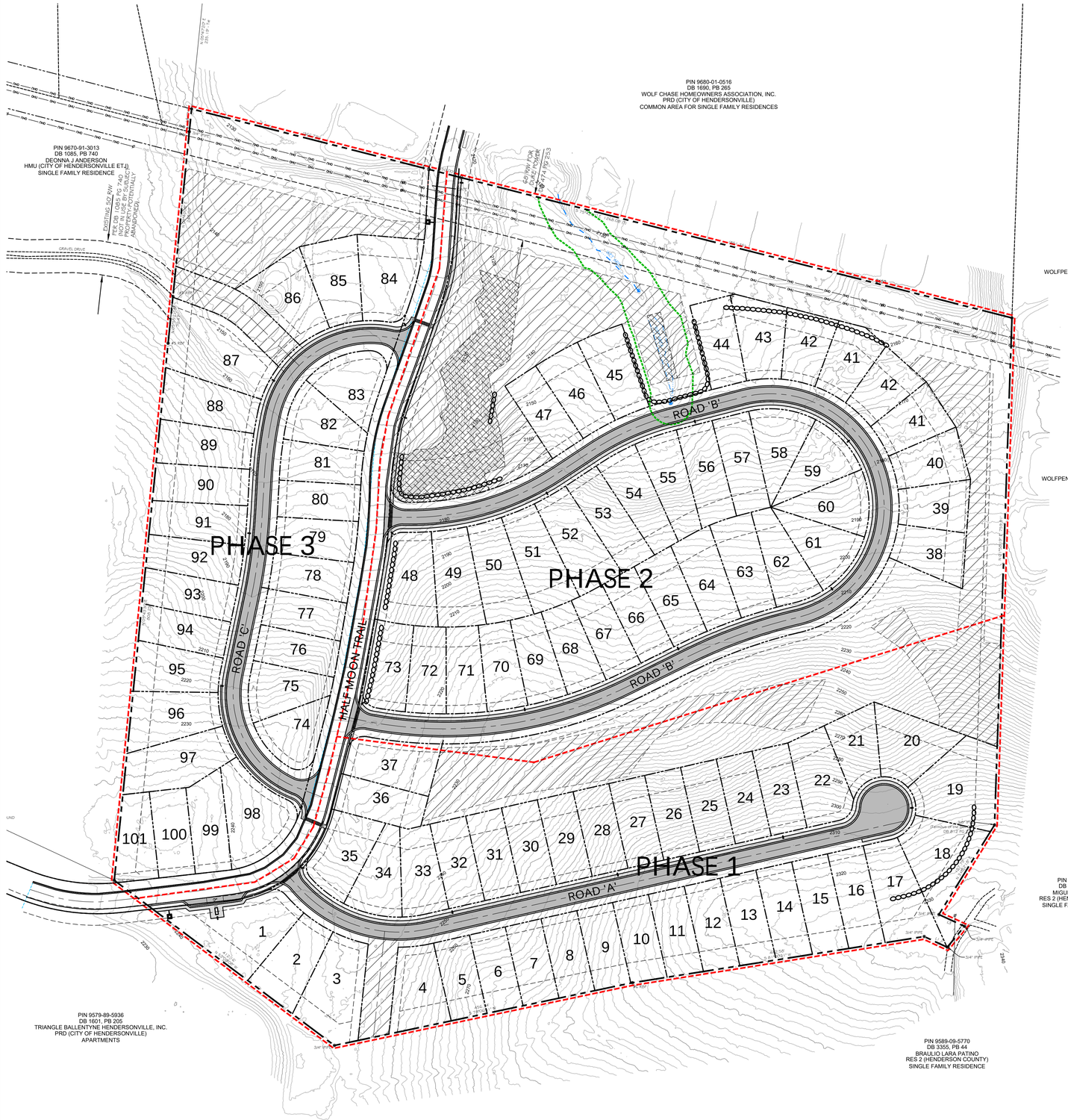


PROJECT INFORMATION

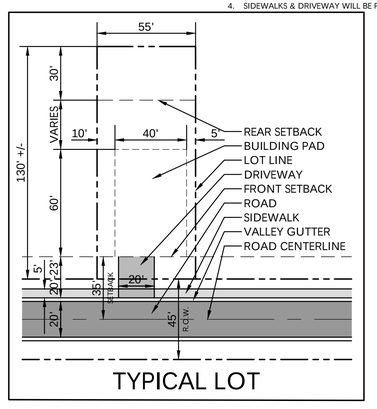
PROPERTY OWNER:	TRIANGLE BALLANTYNE HENDERSONVILLE, INC. 154 SOUTH YORK STREET GASTONIA, NC 28052 PHONE: (704) 869-6024 EMAIL: williamratchford@southwoodrealty.com CONTACT: WILLIAM RATCHFORD
APPLICANT:	HALF MOON LAND HOLDINGS, LLC P.O. BOX 609 FAIRVIEW, NC 28730 PHONE: (828) 767-7171 EMAIL: j.s@bh-builder.com CONTACT: JOSEPH SCHLOTTERBECK
LANDSCAPE ARCHITECT:	LAND PLANNING COLLABORATIVE P.O. BOX 2200 ASHEVILLE, NC 28802 PHONE: (828) 242-0111 EMAIL: bgrasso@landplancollab.com CONTACT: ROBERT M. GRASSO, RLA
CIVIL ENGINEER:	DAVIS CIVIL SOLUTIONS, PA 134 CHARLOTTE HIGHWAY, SUITE A ASHEVILLE, NC 28803 PHONE: (828) 299-9449 EMAIL: gary@daviscivilsolution.com CONTACT: GARY D. DAVIS, PE
SURVEYOR:	McABEE ASSOCIATES 3 McABEE TRAIL FAIRVIEW, NC 287303 PHONE: (828) 628-1295 EMAIL: eric@mcabeesurveying.com CONTACT: ERIC McABEE, PLS

SITE INFORMATION

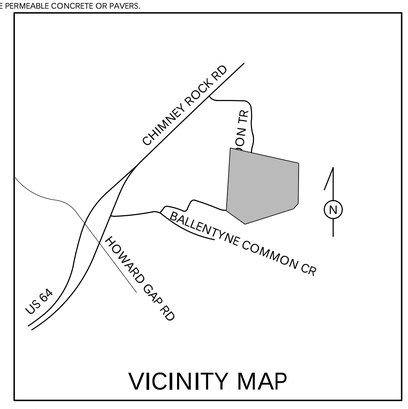
PIN:	9680-00-1446
DEED BOOK/ PAGE:	1601/205
ADDRESS:	297 RUSTLING PINES LANE
ZONING CLASSIFICATION:	PRD CITY OF HENDERSONVILLE
PROJECT ACREAGE:	33.655 AC.
AVERAGE SLOPE:	22.2% (A=33.655, L=162,196', I=2')
PERMITTED DENSITY:	10 UNITS/ACRE
PROPOSED DENSITY:	3.00 UNITS/ACRE
PROPOSED NO. OF LOTS:	101 LOTS
BUILDING SETBACKS: FRONT:	35' FROM ROAD CENTERLINE
SIDE:	N/A
REAR:	30'
PERMITTED MAX. BUILDING HEIGHT:	35'
PROPOSED MAX. BUILDING HEIGHT:	35'
REQUIRED NO. OF PARKING SPACES:	155 SPACES (1.5 SPACES/UNIT & 3 MAIL KIOSK SPACES)
PROPOSED NO. OF PARKING SPACES:	407 SPACES (2 GARAGE & 2 DRIVEWAY SPACES/UNIT & 3 MAIL KIOSK SPACES)
PERMITTED MAXIMUM FOOTPRINT:	20%
PROPOSED MAXIMUM FOOTPRINT:	16.5% (2,400 SF BUILDING FOOTPRINT)
REQUIRED OPEN SPACE:	60% (879,617 SF)
PROPOSED OPEN SPACE:	70% (1,026,445 SF)
REQUIRED COMMON OPEN SPACE:	146,601 SF (10% OF 33.655 AC.)
PROPOSED COMMON OPEN SPACE:	198,300 SF (13.5%)
SITE COVERAGE:	424,001 SF (28.9%)
EXISTING ROAD:	34,277 SF (2.3%)
PROPOSED ROADS:	79,448 SF (5.4%)
PROPOSED WALKS:	24,856 SF (1.7%)
PROPOSED HOUSES:	242,400 SF (16.5%)
PROPOSED DRIVEWAYS:	43,020 SF (2.9%)
LENGTH OF ROADS:	3,686 LF (PUBLICLY MAINTAINED)
WATER:	HENDERSONVILLE WATER
SANITARY SEWER:	HENDERSONVILLE SEWER
UTILITIES:	DUKE ENERGY, UNDERGROUND POWER

GENERAL NOTES:

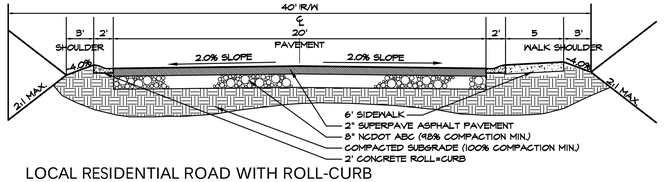
1. THE HOMEOWERS ASSOCIATION WILL MAINTAIN THE COMMON AREAS & OPEN SPACE.
2. PROPOSED LOTS, ROAD & WALKS DO NOT LIE WITHIN FLOOD HAZARD ZONE.
3. STREETS & SIDEWALKS WILL BE DEDICATED TO & MAINTAINED BY CITY OF HENDERSONVILLE.
4. SIDEWALKS & DRIVEWAY WILL BE PERMEABLE CONCRETE OR PAVERS.



TYPICAL LOT



VICINITY MAP

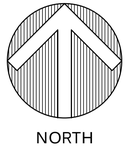


LOCAL RESIDENTIAL ROAD WITH ROLL-CURB

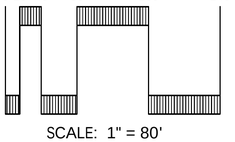
NOT TO SCALE

LEGEND

- COMMON OPEN SPACE
- COMMON OPEN SPACE (STREAM, WETLANDS & >33% SLOPES)
- STREAM/WETLANDS 30' BUFFER
- PHASE LINE
- EXISTING ROAD
- PROPOSED ROAD
- PROPOSED SIDEWALK



NORTH



SCALE: 1" = 80'

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NORTH CAROLINA LANDSCAPE ARCHITECT 487 REGISTERED ROBERT M. GRASSO

MASTER PLAN

HALF MOON HEIGHTS
HENDERSONVILLE, NORTH CAROLINA

JOB NO.: 212850
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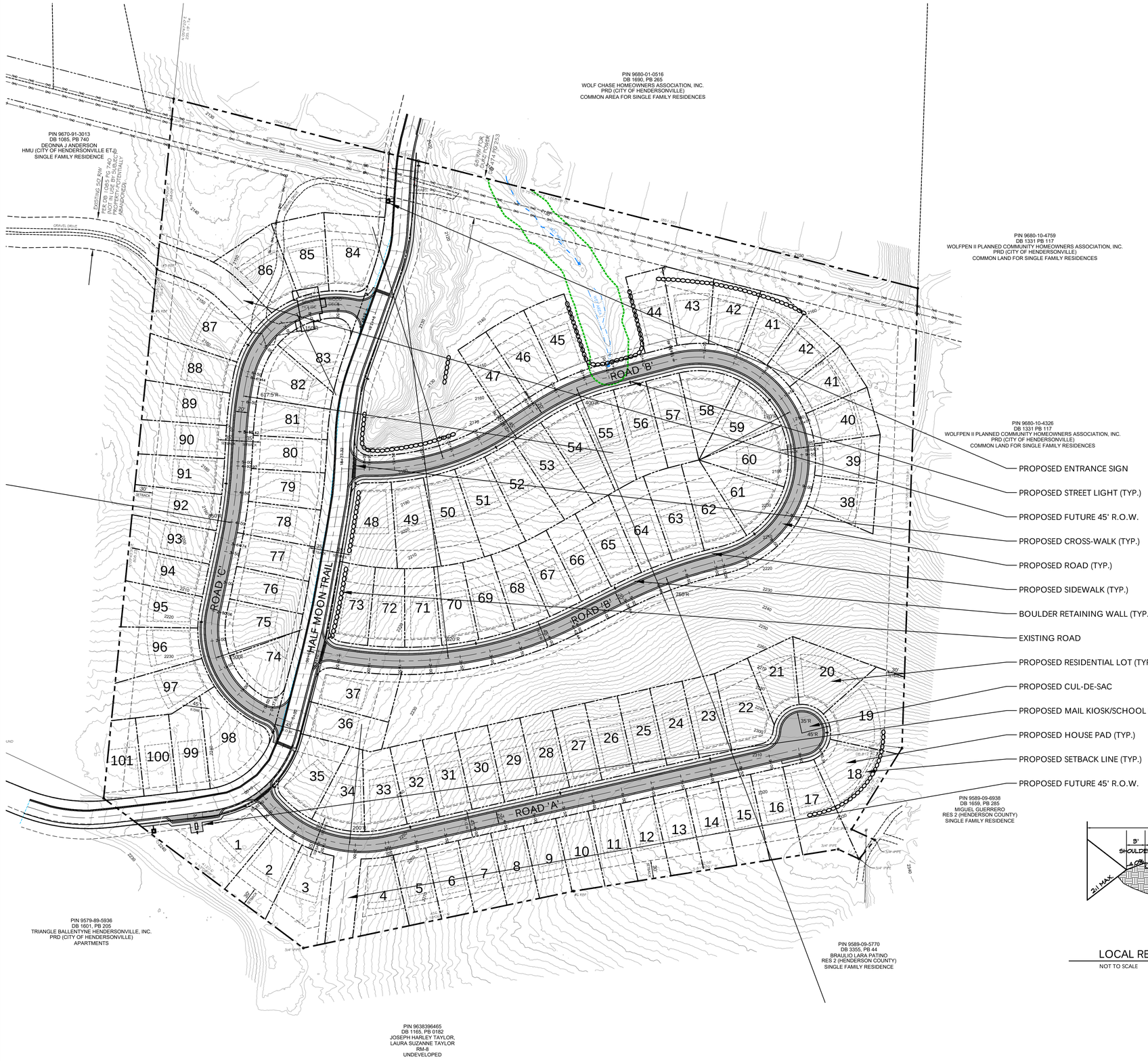
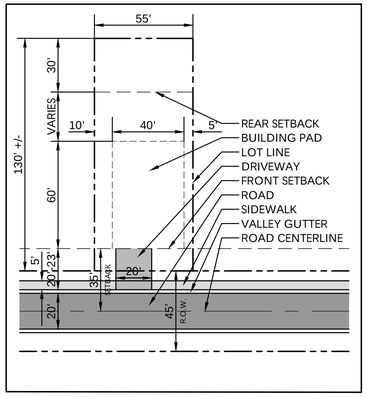
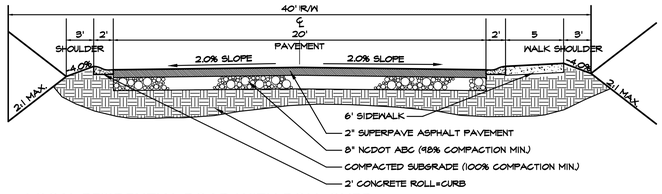


LAYOUT NOTES

1. DO NOT SCALE FROM DRAWINGS.
2. ALL DIMENSIONS TO FACE OF CURB OR WALL UNLESS NOTED OTHERWISE.
3. ALL ANGLES 90d UNLESS NOTED OTHERWISE.
4. ALL RADII ARE 5' UNLESS NOTED OTHERWISE.
5. VERIFY LAYOUT IN FIELD.
6. CONTACT LANDSCAPE ARCHITECT IF CONFLICTS OR AMBIGUITIES ARISE.
7. COORDINATE RELOCATION OF UTILITIES WITH UTILITY COMPANIES.
8. LAYOUT SHALL BE STAKED USING COORDINATE GEOMETRY.

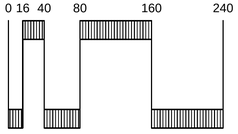




LOCAL RESIDENTIAL ROAD WITH ROLL-CURB

NOT TO SCALE

NORTH



SCALE: 1" = 80'

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NORTH CAROLINA LANDSCAPE ARCHITECT REGISTERED 487 ROBERT M. GRASSO

LAYOUT & MATERIALS PLAN

HALF MOON HEIGHTS
HENDERSONVILLE, NORTH CAROLINA

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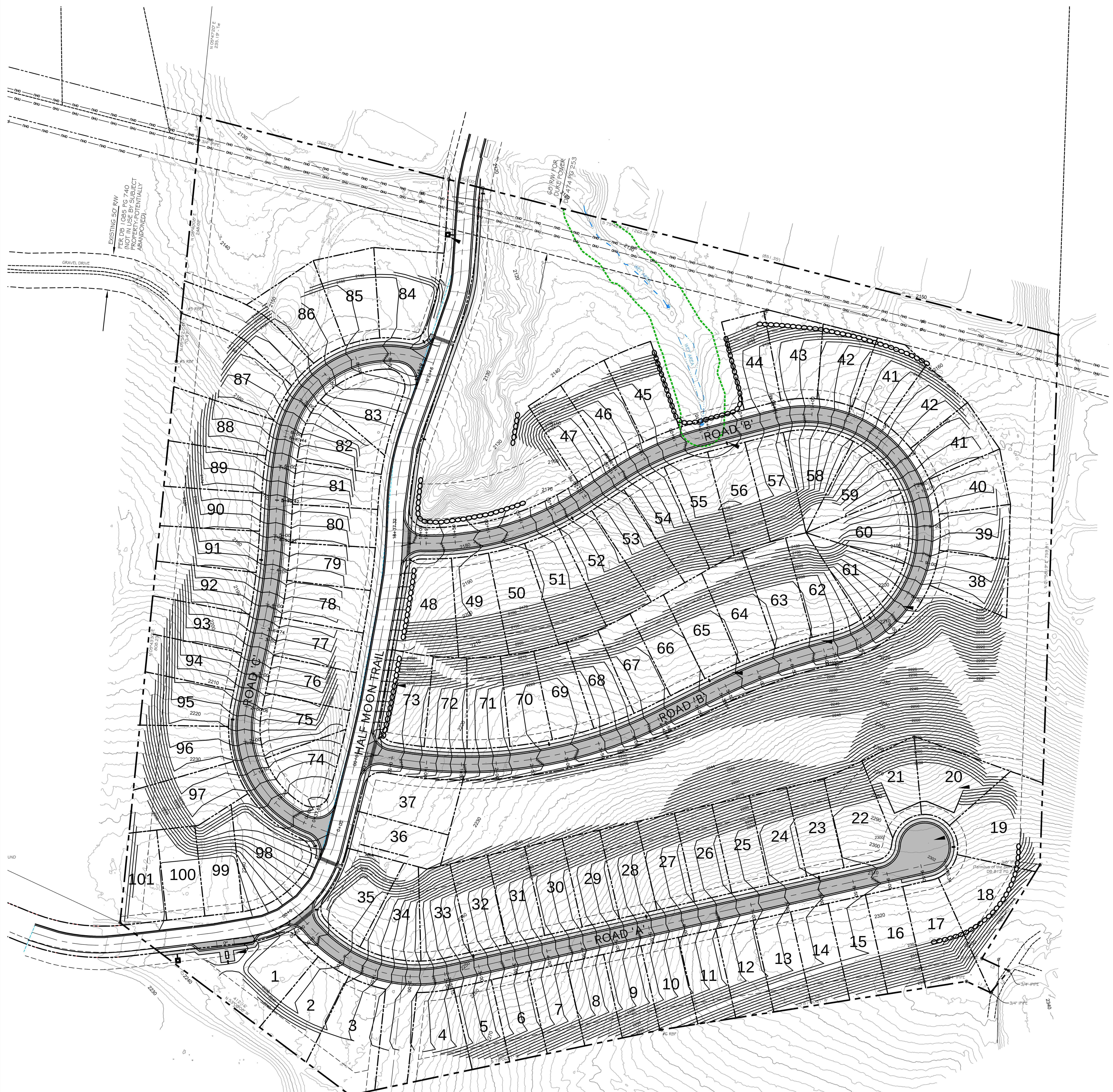
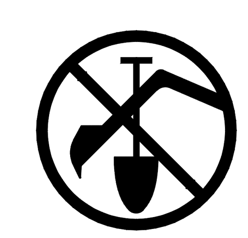
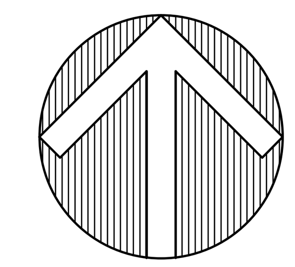
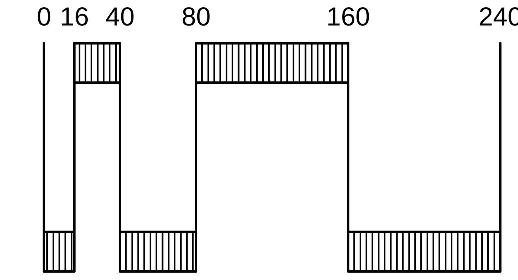


GRADING NOTES

1. CONTRACTOR SHALL PROVIDE PROOF OF ACTIVE GRADING PERMITS FOR ANY OFF-SITE BORROW OR WASTE SITES TO HENDERSON COUNTY & NCDEQ.
2. TEMPORARY VEGETATION SHALL BE SEEDED & MULCHED WITHIN 14 DAYS OF COMPLETION OF GRADING FLAT AREAS OR WITHIN 7 DAYS OF COMPLETION OF ALL BERMS, SWALES, DITCHES, PERIMETER SLOPES, SLOPES ADJACENT TO UNNAMED TRIBUTARY AND SLOPES 3:1 OR GREATER.
3. ALL DISTURBED AREAS SHALL BE SEEDED WITH TEMPORARY OR PERMANENT VEGETATION.
4. PEACE CURLEX II, EROSION CONTROL BLANKET, BY AMERICAN EXCELSIOR COMPANY, ON ALL SLOPES 2:1 OR GREATER. INSTALL & FASTEN PER MANUFACTURER'S SPECIFICATIONS.
5. MAINTAIN 2' UNDISTURBED BUFFER ALONG ALL PROPERTY LINES.
6. INSTALL SILT FENCE AT TOE OF ALL FILL SLOPES.
7. WATER SITE TO CONTROL DUST DURING PERIODS OF DRY WEATHER.
8. COORDINATE ALL WORK WITH HENDERSON COUNTY & NCDEQ.
9. PREPARE SEED BED PRIOR TO TEMPORARY OR PERMANENT SEEDING BY USING SURFACE ROUGHENING METHODS OUTLINED IN 'EROSION & SEDIMENT CONTROL PLANNING & DESIGN MANUAL', SECTION 6.03. ROUGHEN ALL SLOPES USING TRACKED MACHINERY SO THAT GROOVES ARE FORMED PARALLEL WITH THE SLOPE. DO NOT BACK BLADE SLOPES AFTER TRACKING. HYDROSEED & MULCH ROUGHENED SLOPES IMMEDIATELY AFTER TRACKING SLOPES
10. COORDINATE SITE PREPARATION WITH GEOTECHNICAL ENGINEER TO ENSURE REQUIRED COMPACTION HAS BEEN ACHIEVED.
11. ALL SPOT ELEVATIONS AT BASE OF CURB OR WALLS AT FINISHED GRADE OR AT EDGE OF PAVEMENT, UNLESS NOTED OTHERWISE.
12. HDPE: HIGH DENSITY POLYETHYLENE PIPE, TYPE S, NCDOT STD.
13. PVC: POLYVINYL CHLORIDE PIPE, SCH. 40, NCDOT STD.
14. CPP: CORRUGATED PERFORATED PLASTIC PIPE, NCDOT STD.
15. MAINTAIN 12" MIN. COVER OVER ALL STORM DRAINAGE PIPES.
16. MAINTAIN 1.0% SLOPE, MIN. ON ALL STORM DRAIN PIPES & DOWNSPOUT LEADERS.
17. CO: CLEANOUT.
18. DS: DOWNSPOUT.
19. DROP INLET: BOX: NCDOT STD. 840.14, REV. B, STANDARD CONCRETE DROP INLET. GRATE: NCDOT STD. 840.16, STANDARD GRATE & FRAME.
20. FLARED END SECTION: NCDOT STD. 320.01, REV. B, STANDARD CORRUGATED METAL FLARED END SECTION
21. VERIFY ALL GRADES IN FIELD. NOTIFY LANDSCAPE ARCHITECT IF CONFLICTS OR AMBIGUITIES ARISE.
22. DISTURBED ACREAGE: 1.704 AC.







SCALE: 1" = 80'

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NORTH CAROLINA REGISTERED LANDSCAPE ARCHITECT 487 ROBERT M. GRASSO

GRADING PLAN

HALF MOON HEIGHTS
HENDERSONVILLE, NORTH CAROLINA

JOB NO.: 212850
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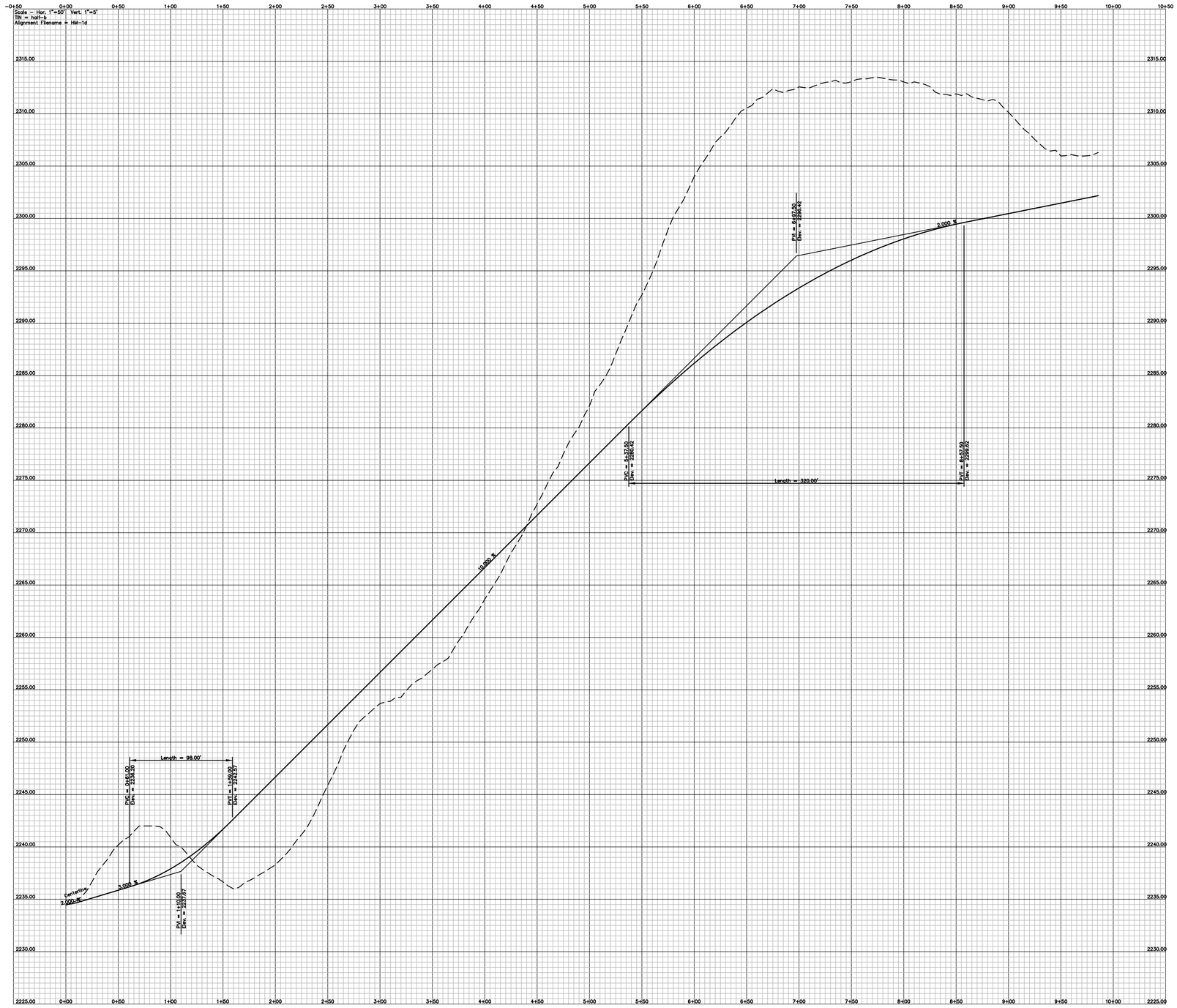

ROAD 'A'

SCALE: HORIZ.: SCALE: 1" = 50'
VERT.: SCALE: 1" = 5'

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NORTH CAROLINA REGISTERED LANDSCAPE ARCHITECT 487 GRASSO ROBERT M.

ROAD 'A' VERTICAL ROAD DESIGN

HALF MOON HEIGHTS
HENDERSONVILLE, NORTH CAROLINA

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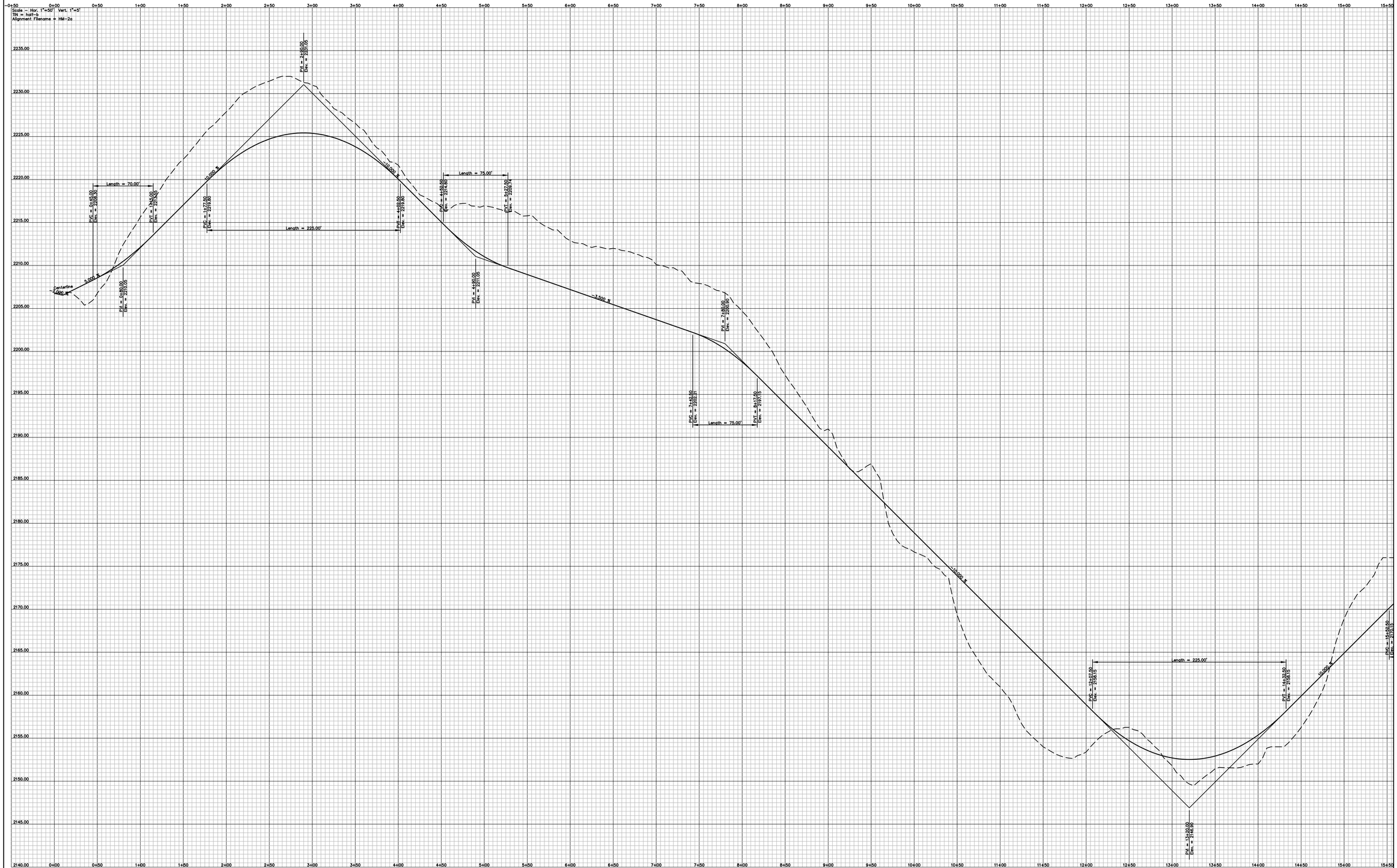

ROAD 'B'

SCALE: HORIZ.: SCALE: 1" = 50'
VERT.: SCALE: 1" = 5'

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NORTH CAROLINA REGISTERED LANDSCAPE ARCHITECT 487 ROBERT M. DESPAS

ROAD 'B' VERTICAL ROAD DESIGN

HALF MOON HEIGHTS
HENDERSONVILLE, NORTH CAROLINA

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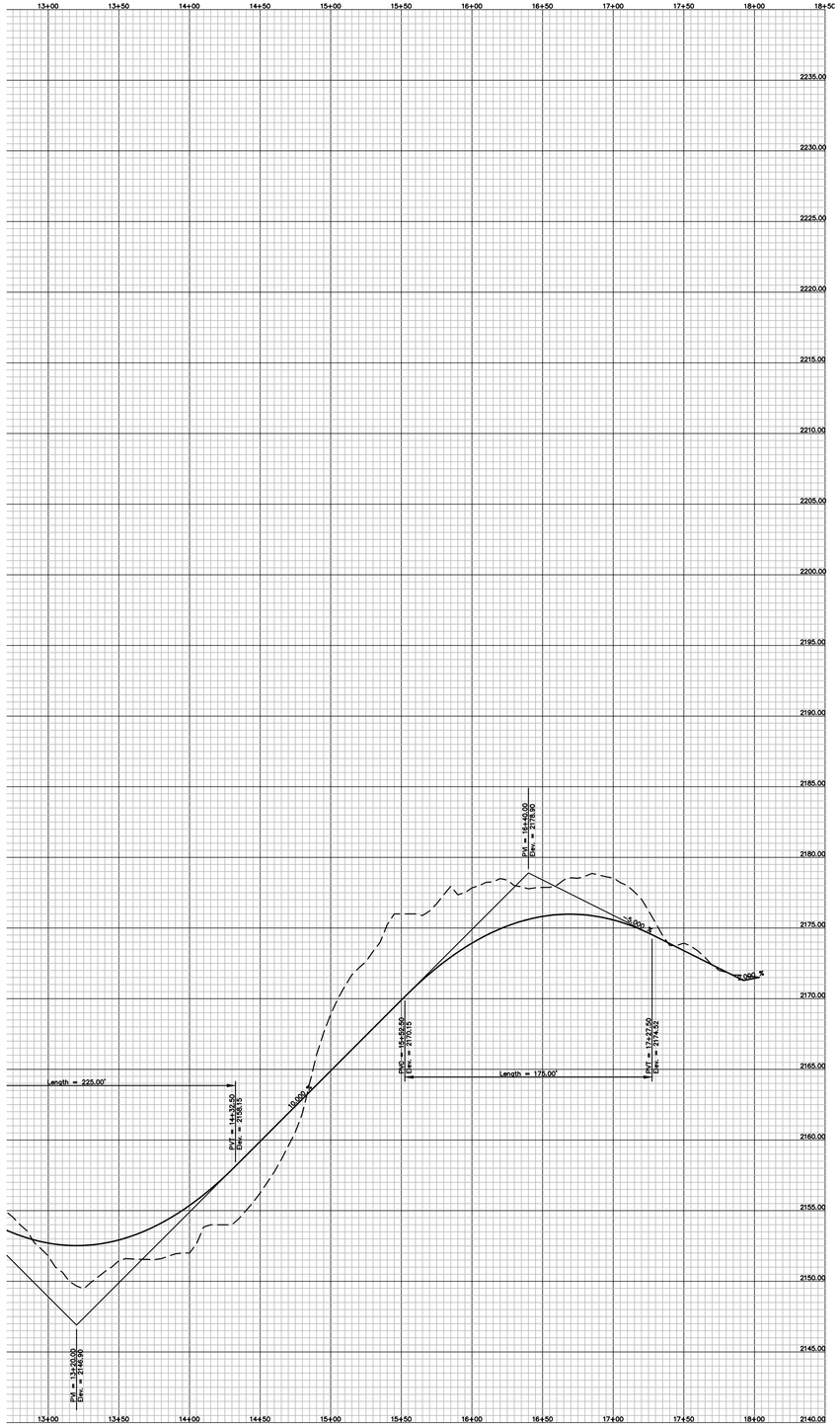
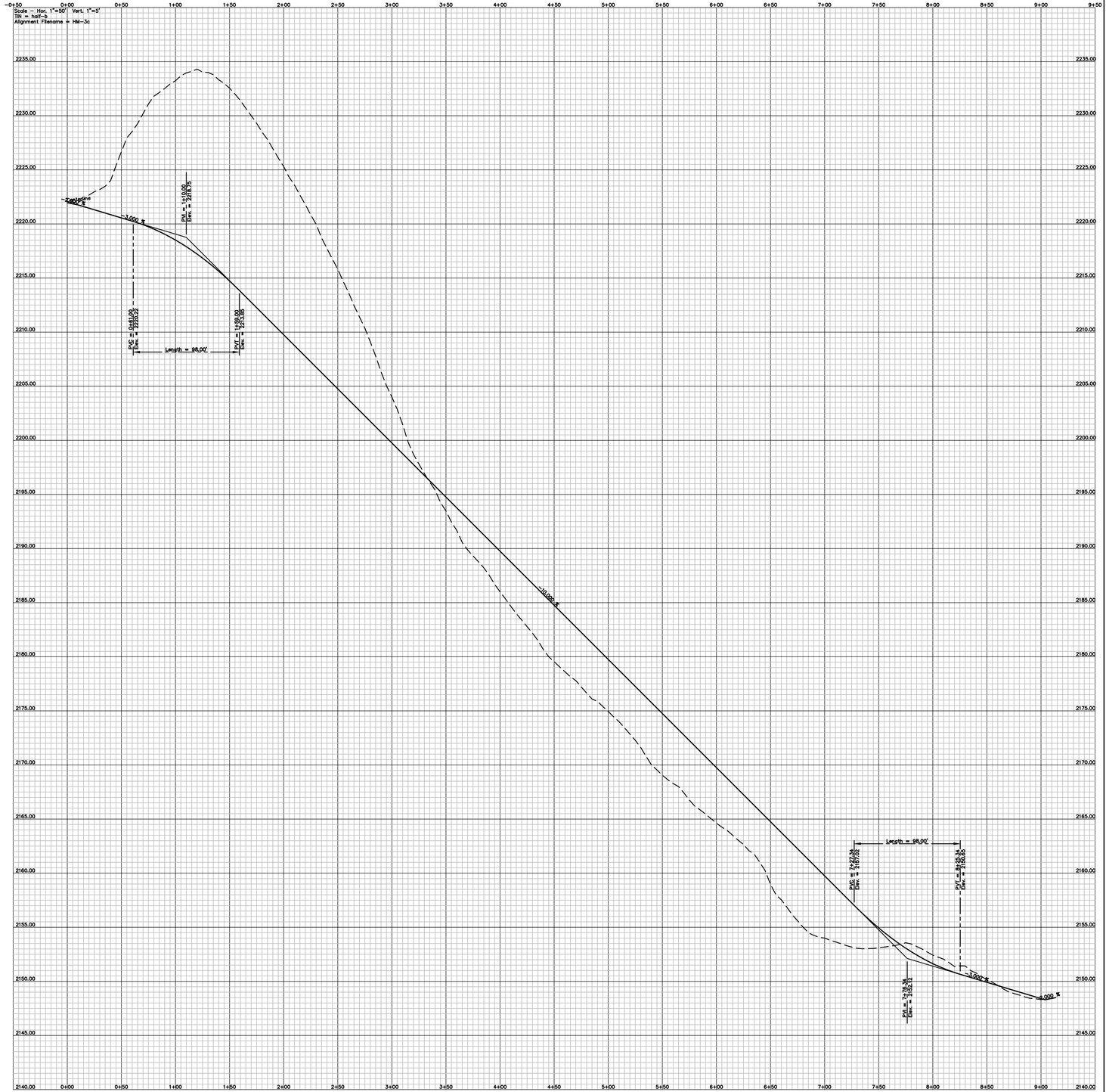


ROAD 'B'

SCALE: HORIZ.: SCALE: 1" = 50'
VERT.: SCALE: 1" = 5'



ROAD 'C'

SCALE: HORIZ.: SCALE: 1" = 50'
VERT.: SCALE: 1" = 5'

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NORTH CAROLINA LANDSCAPE ARCHITECT REGISTERED 487 ROBERT M. GRASSO

ROADS 'B' & 'C' VERTICAL ROAD DESIGN

HALF MOON HEIGHTS
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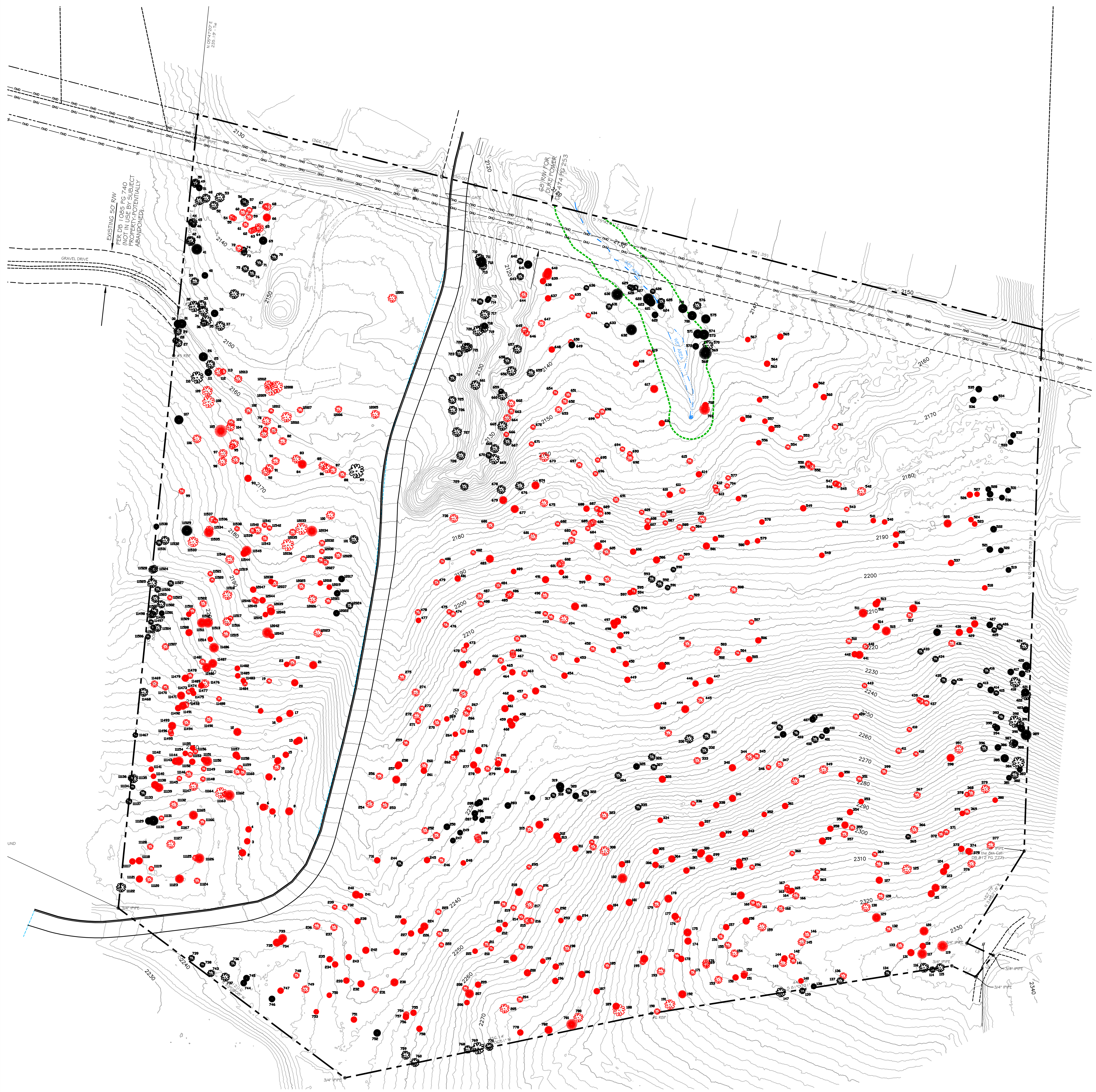

TREE #	TYPE AND SIZE
1	WHITE PINE 16"
2	POPLAR 14"
3	WHITE PINE 14"
4	WHITE PINE 14"
5	WHITE PINE 16"
6	POPLAR 14"
7	WHITE PINE 14"
8	WHITE PINE 18"
9	WHITE PINE 16"
10	WHITE OAK 16"
11	WHITE PINE 16"
12	WHITE PINE 18"
13	WHITE PINE 14"
14	WHITE PINE 16"
15	WHITE PINE 14"
16	WHITE PINE 14"
17	WHITE PINE 16"
18	WHITE PINE 12"
19	WHITE OAK 12"
20	WHITE PINE 16"
21	WHITE PINE 18"
22	WHITE OAK 16"
23	WHITE PINE 12"
25	RED OAK 20"
26	WHITE PINE 20"
27	POPLAR 18"
28	POPLAR 14"
29	POPLAR 18"
30	WHITE PINE 18"
31	WHITE PINE 20"
32	RED OAK 26"
33	POPLAR 20"
34	POPLAR 22"
35	POPLAR 24"
36	POPLAR 16"
37	POPLAR 22"
38	WHITE PINE 16"
39	WHITE OAK 18"
40	WHITE PINE 14"
41	WHITE PINE 24"
42	RED OAK 22"
43	POPLAR 20"
44	POPLAR 12"
45	POPLAR 20"
46	POPLAR 14"
47	HICKORY 20"
48	POPLAR 20"
49	POPLAR 18"
50	POPLAR 20"
51	WHITE PINE 14"
52	MAPLE 20"
53	POPLAR 22"
54	MAPLE 14"
55	MAPLE 12"
56	POPLAR 16"
57	POPLAR 18"
58	MAPLE 14"
59	POPLAR 16"
60	POPLAR 16"
61	POPLAR 14"
62	MAPLE 14"
63	MAPLE 14"
64	POPLAR 14"
65	MAPLE 22"
66	WHITE PINE 18"
67	POPLAR 14"
68	POPLAR 18"
69	WHITE PINE 18"
70	POPLAR 16"
71	POPLAR 16"
72	POPLAR 16"
73	POPLAR 14"
74	POPLAR 14"
75	POPLAR 16"
76	POPLAR 16"
77	POPLAR 22"
78	POPLAR 20"
79	MAPLE 12"
80	POPLAR 18"
81	POPLAR 16"
82	POPLAR 18"
83	POPLAR 20"
84	WHITE PINE 20"
85	POPLAR 20"
86	POPLAR 22"
87	MAPLE 18"
88	POPLAR 16"
89	POPLAR 34"
90	POPLAR 18"
91	POPLAR 20"
92	POPLAR 20"
93	WHITE PINE 16"
94	POPLAR 18"
95	MAPLE 14"
96	POPLAR 20"
97	POPLAR 20"
98	POPLAR 20"
99	POPLAR 14"
100	POPLAR 20"
101	WHITE OAK 20"
102	WHITE OAK 16"
103	POPLAR 16"
104	MAPLE 20"
105	WHITE PINE 28"
106	MAPLE 20"
107	WHITE PINE 20"
108	WHITE OAK 28"
109	WHITE OAK 24"
110	WHITE OAK 28"
111	WHITE PINE 16"
112	SOURWOOD 20"
113	SOURWOOD 14"
114	WHITE OAK 14"
115	CHEST. OAK 20"
116	POPLAR 22"
117	WHITE PINE 22"
118	WHITE PINE 14"
119	WHITE PINE 24"
120	WHITE PINE 20"
121	WHITE PINE 16"
122	WHITE PINE 18"
123	WHITE PINE 16"
124	WHITE PINE 14"
125	WHITE OAK 22"
126	POPLAR 16"
127	WHITE PINE 16"
128	POPLAR 16"
129	WHITE PINE 20"
130	HICKORY 20"
131	WHITE PINE 16"
132	HICKORY 14"
133	POPLAR 16"
134	POPLAR 14"
136	POPLAR 16"
137	POPLAR 16"
138	WHITE PINE 12"
139	HICKORY 14"
140	WHITE PINE 12"
141	POPLAR 14"
142	POPLAR 14"
143	POPLAR 18"
144	WHITE PINE 14"
145	POPLAR 18"
146	HICKORY 16"
147	POPLAR 22"
150	WHITE PINE 14"
151	WHITE PINE 14"
152	POPLAR 16"
153	WHITE OAK 18"
154	POPLAR 18"
155	SOURWOOD 16"
156	POPLAR 14"
157	YELLOW PINE 14"
158	WHITE PINE 16"
159	POPLAR 20"
160	POPLAR 14"
161	POPLAR 16"
162	POPLAR 16"
163	HICKORY 14"
164	POPLAR 14"
165	WHITE PINE 12"
166	HICKORY 16"
167	POPLAR 12"
168	WHITE PINE 18"
169	CHEST. OAK 16"
170	POPLAR 18"
171	POPLAR 14"
172	YELLOW PINE 14"
173	POPLAR 14"
174	WHITE PINE 16"
175	WHITE PINE 18"
176	POPLAR 16"
177	WHITE PINE 16"
178	WHITE PINE 18"
179	CHEST. OAK 16"
180	YELLOW PINE 14"
181	YELLOW PINE 16"
182	YELLOW PINE 22"
183	YELLOW PINE 14"
184	WHITE PINE 14"
185	MAPLE 14"
186	YELLOW PINE 16"
187	YELLOW PINE 14"
188	WHITE OAK 28"
189	YELLOW PINE 16"
190	HICKORY 14"
191	RED OAK 24"
192	YELLOW PINE 18"
193	CHEST. OAK 18"
194	YELLOW PINE 18"
195	CHEST. OAK 14"
196	YELLOW PINE 14"
197	YELLOW PINE 14"
198	POPLAR 16"
199	WHITE PINE 12"
200	WHITE PINE 16"
201	YELLOW PINE 16"
203	POPLAR 14"
204	POPLAR 14"
205	CHEST. OAK 22"
206	WHITE PINE 12"
207	WHITE PINE 20"
208	MAPLE 14"
209	WHITE PINE 14"
210	POPLAR 12"
211	MAPLE 14"
212	YELLOW PINE 14"
213	YELLOW PINE 12"
214	POPLAR 14"
215	POPLAR 16"
216	POPLAR 14"
217	CHEST. OAK 18"
218	WHITE PINE 18"
219	SOURWOOD 14"
220	POPLAR 14"
221	WHITE PINE 12"
222	POPLAR 12"
223	POPLAR 14"
224	WHITE PINE 18"
225	POPLAR 14"
226	WHITE PINE 14"
227	WHITE PINE 14"
228	WHITE PINE 14"
229	WHITE PINE 14"
230	HEMLOCK 18"
231	MAPLE 16"
232	WHITE PINE 16"
233	WHITE PINE 14"
234	WHITE PINE 14"
235	YELLOW PINE 14"
236	MAPLE 16"
237	MAPLE 16"
238	HEMLOCK 14"
239	POPLAR 12"
240	WHITE PINE 18"
241	WHITE PINE 12"
242	WHITE PINE 16"
243	WHITE PINE 14"
244	POPLAR 14"
245	WHITE PINE 14"
246	POPLAR 14"
247	WHITE PINE 12"
248	WHITE PINE 12"
249	WHITE PINE 12"
250	WHITE PINE 14"
251	MAPLE 16"
252	POPLAR 16"
253	POPLAR 16"
254	MAPLE 18"
255	WHITE PINE 18"
256	BEECH 16"
257	WHITE PINE 14"
258	WHITE PINE 16"
259	WHITE OAK 14"
260	POPLAR 16"
261	WHITE PINE 14"
262	POPLAR 16"
263	HEMLOCK 12"
264	HEMLOCK 12"
265	POPLAR 14"
266	WHITE OAK 16"
267	POPLAR 16"
268	POPLAR 18"
269	HEMLOCK 12"
270	POPLAR 16"
271	MAPLE 12"
272	POPLAR 18"
273	CHEST. OAK 12"
274	CHEST. OAK 18"
275	CHEST. OAK 16"
276	WHITE PINE 16"
277	WHITE PINE 16"
278	WHITE PINE 14"
279	POPLAR 14"
280	WHITE PINE 14"
281	POPLAR 16"
282	WHITE PINE 12"
283	WHITE PINE 14"
284	WHITE PINE 14"
285	HEMLOCK 12"
286	HEMLOCK 14"
287	WHITE PINE 12"
288	WHITE PINE 12"
289	POPLAR 16"
290	POPLAR 16"
291	BEECH 14"
292	POPLAR 12"
293	WHITE PINE 12"
294	WHITE PINE 12"
295	POPLAR 12"
296	BEECH 12"
297	WHITE PINE 14"
298	WHITE PINE 16"
299	WHITE PINE 18"
300	HEMLOCK 14"
301	WHITE PINE 14"
302	SOURWOOD 16"
303	WHITE PINE 14"
304	WHITE PINE 16"
305	WHITE PINE 14"
306	SOURWOOD 12"
307	WHITE PINE 14"
308	WHITE OAK 22"
309	POPLAR 16"
310	BEECH 12"
311	WHITE PINE 14"
312	WHITE PINE 16"
313	YELLOW PINE 14"
314	HEMLOCK 18"
315	POPLAR 16"
316	WHITE PINE 12"
317	SOURWOOD 12"
318	WHITE PINE 14"
319	WHITE PINE 18"
320	POPLAR 14"
321	WHITE PINE 14"
322	WHITE OAK 16"
323	CHEST. OAK 18"
324	CHEST. OAK 16"
325	WHITE PINE 14"
326	CHEST. OAK 16"
327	CHEST. OAK 14"
328	HEMLOCK 16"
329	CHEST. OAK 16"
330	CHEST. OAK 20"
331	POPLAR 16"
332	CHEST. OAK 16"
333	CHEST. OAK 16"
334	WHITE PINE 12"
335	POPLAR 14"
336	SOURWOOD 12"
337	WHITE PINE 12"
338	WHITE PINE 14"
339	WHITE PINE 14"
340	WHITE PINE 16"
341	WHITE PINE 16"
343	WHITE PINE 14"
344	WHITE OAK 18"
345	POPLAR 14"
346	POPLAR 12"
347	CHEST. OAK 16"
348	CHEST. OAK 18"
349	CHEST. OAK 20"
350	HEMLOCK 12"
351	BEECH 14"
352	WHITE PINE 12"
353	WHITE PINE 12"
354	WHITE PINE 14"
355	POPLAR 14"
356	WHITE PINE 16"
357	CHEST. OAK 16"
358	WHITE PINE 14"
359	WHITE PINE 16"
360	SOURWOOD 12"
361	WHITE PINE 14"
362	POPLAR 12"
363	BEECH 14"
364	SOURWOOD 12"
365	CHEST. OAK 12"
366	MAPLE 18"
367	CHEST. OAK 16"
368	CHEST. OAK 16"
369	CHEST. OAK 14"
370	WHITE PINE 12"
371	CHEST. OAK 14"
372	SOURWOOD 14"
373	YELLOW PINE 14"
374	YELLOW PINE 14"
375	POPLAR 16"
376	WHITE OAK 18"
377	POPLAR 18"
378	MAPLE 12"
379	CHEST. OAK 20"
380	WHITE PINE 12"
381	WHITE PINE 12"
382	CHEST. OAK 18"
383	WHITE PINE 12"
384	CHEST. OAK 28"
385	WHITE PINE 18"
386	WHITE PINE 14"
387	CHEST. OAK 20"
388	WHITE PINE 14"
389	WHITE PINE 24"
390	WHITE PINE 16"
391	CHEST. OAK 18"
392	MAPLE 28"
393	CHEST. OAK 14"
394	WHITE PINE 14"
395	BEECH 12"
396	CHEST. OAK 16"
397	CHEST. OAK 20"
398	WHITE PINE 18"
399	CHEST. OAK 14"
400	WHITE PINE 12"
401	CHEST. OAK 12"
402	CHEST. OAK 16"
403	BIRCH 14"
404	WHITE PINE 14"
405	MAPLE 14"
407	WHITE PINE 14"
408	CHEST. OAK 14"
409	CHEST. OAK 14"
410	CHEST. OAK 12"
411	BEECH 14"
412	SOURWOOD 12"
413	MAPLE 12"
414	WHITE PINE 14"
415	SOURWOOD 12"
416	POPLAR 14"
417	WHITE PINE 14"
418	CHEST. OAK 24"
419	WHITE PINE 14"
420	YELLOW PINE 18"
421	WHITE PINE 18"
422	CHEST. OAK 22"
423	WHITE PINE 14"
424	BEECH 18"
425	WHITE OAK 12"
426	BIRCH 12"
427	WHITE PINE 14"
428	WHITE PINE 16"
429	WHITE PINE 14"
430	HEMLOCK 16"
431	CHEST. OAK 16"
432	WHITE PINE 16"
433	MAPLE 14"
434	HICKORY 14"
435	POPLAR 14"
436	MAPLE 12"
437	BEECH 14"
438	MAPLE 14"
439	MAPLE 12"
440	SOURWOOD 14"
441	WHITE PINE 18"
442	WHITE PINE 14"
443	CHEST. OAK 12"
444	WHITE PINE 18"
445	CHEST. OAK 16"
446	WHITE PINE 14"
447	WHITE PINE 16"
448	WHITE PINE 16"
449	WHITE PINE 14"
450	WHITE PINE 14"
451	WHITE PINE 12"
452	CHEST. OAK 14"
453	WHITE PINE 12"
454	WHITE PINE 14"
455	WHITE OAK 16"
456	WHITE PINE 16"
457	BEECH 12"
458	WHITE PINE 14"
459	WHITE PINE 14"
460	WHITE PINE 16"
461	WHITE PINE 16"
462	WHITE PINE 16"
463	WHITE OAK 14"
464	YELLOW PINE 14"
465	WHITE PINE 12"
466	WHITE OAK 14"
467	WHITE OAK 14"
468	WHITE OAK 14"
469	WHITE OAK 14"
470	WHITE PINE 16"
471	WHITE PINE 16"
472	POPLAR 14"
473	WHITE PINE 12"
474	CHEST. OAK 14"
475	WHITE OAK 12"
476	WHITE OAK 14"
477	WHITE PINE 12"
478	POPLAR 14"
479	WHITE OAK 14"
480	CHEST. OAK 12"
481	WHITE PINE 14"
482	MAPLE 12"
483	WHITE PINE 18"
484	WHITE OAK 14"
485	CHEST. OAK 18"
486	CHEST. OAK 18"
487	CHEST. OAK 16"
488	CHEST. OAK 14"
489	WHITE PINE 12"
490	WHITE OAK 16"
491	WHITE PINE 16"
492	POPLAR 12"
493	BIRCH 14"
494	WHITE OAK 20"
495	WHITE PINE 18"
496	WHITE PINE 16"
497	WHITE PINE 14"
498	WHITE PINE 14"
499	WHITE PINE 14"
500	POPLAR 16"
501	WHITE PINE 18"
502	POPLAR 14"
503	POPLAR 16"
504	BEECH 12"
505	WHITE PINE 14"
506	WHITE PINE 14"
507	CHEST. OAK 12"
508	CHEST. OAK 16"
509	POPLAR 12"
510	WHITE OAK 14"
511	WHITE PINE 20"
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514	WHITE PINE 16"
515	WHITE PINE 20"
516	WHITE PINE 18"
517	MAPLE 14"
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538	WHITE PINE 12"
539	WHITE PINE 14"
540	WHITE PINE 12"
541	WHITE PINE 12"
542	POPLAR 20"
543	POPLAR 12"
544	WHITE PINE 14"
545	POPLAR 14"
546	POPLAR 14"
547	POPLAR 14"
548	WHITE PINE 12"
549	WHITE PINE 14"
550	POPLAR 14"
551	POPLAR 16"
552	POPLAR 16"
553	POPLAR 12"
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555	WHITE PINE 14"
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558	WHITE PINE 12"
559	WHITE PINE 12"
560	WHITE PINE 14"
561	POPLAR 14"
562	WHITE PINE 12"
563	WHITE PINE 12"
564	WHITE PINE 14"
565	WHITE PINE 14"
567	WHITE PINE 12"
568	WHITE PINE 28"
569	WHITE PINE 16"
570	WHITE OAK 24"
571	WHITE PINE 20"
572	WHITE PINE 14"
573	WHITE PINE 22"
574	WHITE PINE 18"
575	WHITE PINE 20"
576	POPLAR 18"
577	POPLAR 12"
578	WHITE PINE 12"
579	WHITE PINE 12"
580	WHITE PINE 12"
581	WHITE PINE 16"
582	WHITE PINE 12"
583	WHITE OAK 18"
584	MAPLE 12"
585	CHEST. OAK 14"
586	WHITE PINE 16"
587	WHITE OAK 12"
588	MAPLE 14"
589	MAPLE 14"
590	POPLAR 12"
591	MAPLE 12"
592	POPLAR 16"
593	WHITE OAK 16"
594	SOURWOOD 14"
595	MAPLE 14"
596	POPLAR 16"
597	WHITE PINE 12"
598	POPLAR 16"
599	WHITE PINE 14"
600	WHITE PINE 12"
601	MAPLE 14"
602	WHITE OAK 18"
603	MAPLE 16"
604	WHITE PINE 18"
605	CHEST. OAK 16"
606	WHITE PINE 14"
607	WHITE PINE 14"
608	MAPLE 14"
609	POPLAR 12"
610	WHITE PINE 14"
611	WHITE OAK 14"
612	POPLAR 12"
613	POPLAR 14"
614	WHITE PINE 14"
615	WHITE OAK 14"
616	YELLOW PINE 14"
617	WHITE PINE 18"
618	WHITE PINE 14"
619	WHITE OAK 14"
620	WHITE PINE 14"
621	WHITE PINE 18"
622	WHITE PINE 24"
623	POPLAR 20"
624	WHITE PINE 14"
625	POPLAR 16"
626	POPLAR 12"
627	POPLAR 12"
628	MAPLE 14"
629	POPLAR 12"
630	WHITE PINE 26"
631	POPLAR 14"
632	WHITE PINE 24"
633	POPLAR 12"
634	POPLAR 12"
635	POPLAR 12"
636	POPLAR 12"
637	WHITE PINE 14"
638	YELLOW PINE 14"
639	WHITE PINE 22"
640	WHITE PINE 18"
641	WHITE PINE 18"
642	BIRCH 14"
643	WHITE OAK 16"
644	MAPLE 16"
645	POPLAR 16"
646	POPLAR 14"
647	POPLAR 16"
648	WHITE PINE 14"
649	YELLOW PINE 14"
650	POPLAR 12"
651	WHITE OAK 14"
652	POPLAR 14"
653	MAPLE 16"
654	POPLAR 12"
655	MAPLE 18"
656	POPLAR 22"
657	HICKORY 20"
658	MAPLE 16"
659	WHITE OAK 12"
660	WHITE OAK 22"
661	POPLAR 22"
662	WHITE OAK 18"
663	SOURWOOD 14"
664	CHEST. OAK 18"
665	MAPLE 22"
666	CHEST. OAK 12"
667	CHEST. OAK 18"
668	MAPLE 20"
669	CHEST. OAK 24"
670	CHEST. OAK 14"
671	POPLAR 12"
672	POPLAR 12"
673	MAPLE 22"
674	WHITE PINE 18"
675	POPLAR 18"
676	WHITE OAK 20"
677	WHITE PINE 18"
678	WHITE OAK 20"
679	WHITE PINE 18"
680	POPLAR 16"
681	MAPLE 18"
682	POPLAR 12"
683	POPLAR 14"
684	POPLAR 12"
685	POPLAR 16"
686	POPLAR 16"
687	POPLAR 14"
688	WHITE PINE 14"
689	POPLAR 12"
690	POPLAR 14"
691	POPLAR 14"
692	POPLAR 16"
693	POPLAR 12"
694	POPLAR 12"
695	POPLAR 12"
696	POPLAR 12"
697	MAPLE 14"
698	BIRCH 12"
699	POPLAR 12"
700	WHITE PINE 20"
701	WHITE PINE 20"
702	HEMLOCK 14"
703	HEMLOCK 24"
704	POPLAR 12"
705	WHITE PINE 12"
710	POPLAR 20"
711	WHITE PINE 24"
712	WHITE PINE 12"
713	POPLAR 18"
714	HICKORY 12"
715	HICKORY 12"
716	POPLAR 14"
717	MAPLE 22"
718	WHITE PINE 14"
719	MAPLE 22"
720	POPLAR 24"
721	POPLAR 20"
722	RED OAK 22"
723	POPLAR 16"
724	POPLAR 16"
725	CHEST. OAK 18"
726	POPLAR 20"
727	WHITE OAK 22"
728	POPLAR 20"
729	POPLAR 18"
730	RED OAK 20"
731	YELLOW PINE 14"
732	POPLAR 12"

LEGEND

EXISTING TREES TO BE PRESERVED

EXISTING TREES TO BE REMOVED

NORTH

0 16 40 80 160 240

SCALE: 1" = 80'

LAND PLANNING COLLABORATIVE
Landscape Architects • Land Planners
P.O. BOX 2200
ASHEVILLE, N.C. 28802
(828) 242-0111
EMAIL: bgrasso@landplancollab.com

NORTH CAROLINA REGISTERED LANDSCAPE ARCHITECT 487 ROBERT M. GRASSO

EXISTING TREE SURVEY

HALF MOON HEIGHTS
HENDERSONVILLE, NORTH CAROLINA

JOB NO.: 212850
DWG. NAME: half-moon-site.dwg
DATE: September 21, 2021
REVISIONS:

REV.:	DATE:	BY:
1	-	-
2	-	-
3	-	-
4	-	-
5	-	-

SHEET
L-9

TREE #	TYPE AND SIZE	TREE #	TYPE AND SIZE	TREE #	TYPE AND SIZE	TREE #	TYPE AND SIZE	TREE #	TYPE AND SIZE	TREE #	TYPE AND SIZE
1	WHITE PINE 16"	122	WHITE PINE 18"	246	POPLAR 14"	367	CHEST. OAK 16"	488	CHEST. OAK 14"	609	POPLAR 12"
2	POPLAR 14"	123	WHITE PINE 16"	247	WHITE PINE 12"	368	CHEST. OAK 16"	489	WHITE PINE 12"	610	WHITE PINE 14"
3	WHITE PINE 14"	124	WHITE PINE 14"	248	WHITE PINE 12"	369	CHEST. OAK 14"	490	WHITE OAK 16"	611	WHITE OAK 14"
4	WHITE PINE 14"	125	WHITE OAK 22"	249	WHITE PINE 12"	370	WHITE PINE 12"	491	WHITE PINE 16"	612	POPLAR 12"
5	WHITE PINE 16"	126	POPLAR 16"	250	WHITE PINE 14"	371	CHEST. OAK 14"	492	POPLAR 12"	613	POPLAR 14"
6	POPLAR 14"	127	WHITE PINE 16"	251	MAPLE 16"	372	SOURWOOD 14"	493	BIRCH 14"	614	WHITE PINE 14"
7	WHITE PINE 14"	128	POPLAR 16"	252	POPLAR 16"	373	YELLOW PINE 14"	494	WHITE OAK 20"	615	WHITE OAK 14"
8	WHITE PINE 18"	129	WHITE PINE 20"	253	POPLAR 16"	374	YELLOW PINE 14"	495	WHITE PINE 18"	616	YELLOW PINE 14"
9	WHITE PINE 16"	130	HICKORY 20"	254	MAPLE 18"	375	POPLAR 16"	496	WHITE PINE 16"	617	WHITE PINE 18"
10	WHITE OAK 16"	131	WHITE PINE 16"	255	WHITE PINE 18"	376	WHITE OAK 18"	497	WHITE PINE 14"	618	WHITE PINE 14"
11	WHITE PINE 16"	132	HICKORY 14"	256	BEECH 16"	377	POPLAR 18"	498	WHITE PINE 14"	619	WHITE OAK 14"
12	WHITE PINE 18"	133	POPLAR 16"	257	WHITE PINE 14"	378	MAPLE 12"	499	WHITE PINE 14"	620	WHITE PINE 14"
13	WHITE PINE 14"	134	POPLAR 14"	258	WHITE PINE 16"	379	CHEST. OAK 20"	500	POPLAR 16"	621	WHITE PINE 18"
14	WHITE PINE 16"	136	POPLAR 16"	259	WHITE OAK 14"	380	WHITE PINE 12"	501	WHITE PINE 18"	622	WHITE PINE 24"
15	WHITE PINE 14"	137	POPLAR 16"	260	POPLAR 16"	381	WHITE PINE 12"	502	POPLAR 14"	623	POPLAR 20"
16	WHITE PINE 14"	138	WHITE PINE 12"	261	WHITE PINE 14"	382	CHEST. OAK 18"	503	POPLAR 16"	624	WHITE PINE 14"
17	WHITE PINE 16"	139	HICKORY 14"	262	POPLAR 16"	383	WHITE PINE 12"	504	BEECH 12"	625	POPLAR 16"
18	WHITE PINE 12"	140	WHITE PINE 12"	263	HEMLOCK 12"	384	CHEST. OAK 28"	505	WHITE PINE 14"	626	POPLAR 12"
19	WHITE OAK 12"	141	POPLAR 14"	264	HEMLOCK 12"	385	WHITE PINE 18"	506	WHITE PINE 14"	627	POPLAR 12"
20	WHITE PINE 16"	142	POPLAR 14"	265	POPLAR 14"	386	WHITE PINE 14"	507	CHEST. OAK 12"	628	MAPLE 14"
21	WHITE PINE 18"	143	POPLAR 18"	266	WHITE OAK 16"	387	CHEST. OAK 20"	508	CHEST. OAK 16"	629	POPLAR 12"
22	WHITE OAK 16"	144	WHITE PINE 14"	267	POPLAR 16"	388	WHITE PINE 14"	509	POPLAR 12"	630	WHITE PINE 26"
23	WHITE PINE 12"	145	POPLAR 18"	268	POPLAR 18"	389	WHITE PINE 24"	510	WHITE OAK 14"	631	POPLAR 14"
25	RED OAK 20"	146	HICKORY 16"	269	HEMLOCK 12"	390	WHITE PINE 16"	511	WHITE PINE 20"	632	WHITE PINE 24"
26	WHITE PINE 20"	147	POPLAR 22"	270	POPLAR 16"	391	CHEST. OAK 18"	512	WHITE PINE 16"	633	POPLAR 12"
27	POPLAR 18"	150	WHITE PINE 14"	271	MAPLE 12"	392	MAPLE 28"	513	WHITE PINE 12"	634	POPLAR 12"
28	POPLAR 14"	151	WHITE PINE 14"	272	POPLAR 18"	393	CHEST. OAK 14"	514	WHITE PINE 16"	635	POPLAR 12"
29	POPLAR 18"	152	POPLAR 16"	273	CHEST. OAK 12"	394	WHITE PINE 14"	515	WHITE PINE 20"	636	POPLAR 12"
30	WHITE PINE 18"	153	WHITE OAK 18"	274	CHEST. OAK 18"	395	BEECH 12"	516	WHITE PINE 18"	637	WHITE PINE 14"
31	WHITE PINE 20"	154	POPLAR 18"	275	CHEST. OAK 16"	396	CHEST. OAK 16"	517	MAPLE 14"	638	YELLOW PINE 14"
32	RED OAK 26"	155	SOURWOOD 16"	276	WHITE PINE 16"	397	CHEST. OAK 20"	518	WHITE PINE 12"	639	WHITE PINE 22"
33	POPLAR 20"	156	POPLAR 14"	277	WHITE PINE 16"	398	WHITE PINE 18"	519	WHITE PINE 12"	640	WHITE PINE 18"
34	POPLAR 22"	157	YELLOW PINE 14"	278	WHITE PINE 14"	399	CHEST. OAK 14"	520	WHITE PINE 12"	641	WHITE PINE 18"
35	POPLAR 24"	158	WHITE PINE 16"	279	POPLAR 14"	400	WHITE PINE 14"	521	WHITE PINE 14"	642	BIRCH 14"
36	POPLAR 16"	159	POPLAR 20"	280	WHITE PINE 14"	401	CHEST. OAK 12"	522	WHITE PINE 14"	643	WHITE OAK 16"
37	POPLAR 22"	160	POPLAR 14"	281	POPLAR 16"	402	CHEST. OAK 16"	523	WHITE PINE 12"	644	MAPLE 16"
38	WHITE PINE 16"	161	POPLAR 16"	282	WHITE PINE 12"	403	BIRCH 14"	524	WHITE PINE 12"	645	POPLAR 16"
39	WHITE OAK 18"	162	POPLAR 16"	283	WHITE PINE 14"	404	WHITE PINE 14"	525	WHITE PINE 18"	646	POPLAR 14"
40	WHITE PINE 14"	163	HICKORY 14"	284	WHITE PINE 14"	405	MAPLE 14"	526	WHITE PINE 14"	647	POPLAR 16"
41	WHITE PINE 24"	164	POPLAR 14"	285	HEMLOCK 12"	407	WHITE PINE 14"	527	WHITE PINE 12"	648	WHITE PINE 14"
42	RED OAK 22"	165	WHITE PINE 12"	286	HEMLOCK 14"	408	CHEST. OAK 14"	528	WHITE PINE 12"	649	YELLOW PINE 14"
43	POPLAR 20"	166	HICKORY 16"	287	WHITE PINE 12"	409	CHEST. OAK 14"	529	WHITE PINE 14"	650	POPLAR 12"
44	POPLAR 12"	167	POPLAR 12"	288	WHITE PINE 12"	410	CHEST. OAK 12"	530	WHITE PINE 12"	651	WHITE OAK 14"
45	POPLAR 20"	168	WHITE PINE 18"	289	POPLAR 16"	411	BEECH 14"	531	WHITE PINE 12"	652	POPLAR 14"
46	POPLAR 14"	169	CHEST. OAK 16"	290	POPLAR 16"	412	SOURWOOD 12"	532	WHITE PINE 12"	653	MAPLE 16"
47	HICKORY 20"	170	POPLAR 18"	291	BEECH 14"	413	MAPLE 12"	533	WHITE PINE 12"	654	POPLAR 12"
48	POPLAR 20"	171	POPLAR 14"	292	POPLAR 12"	414	WHITE PINE 14"	534	WHITE PINE 12"	655	MAPLE 18"
49	POPLAR 18"	172	YELLOW PINE 14"	293	WHITE PINE 12"	415	SOURWOOD 12"	535	WHITE PINE 14"	656	POPLAR 22"
50	POPLAR 20"	173	POPLAR 14"	294	WHITE PINE 12"	416	POPLAR 14"	536	WHITE PINE 14"	657	HICKORY 20"
51	WHITE PINE 14"	174	WHITE PINE 16"	295	POPLAR 12"	417	WHITE PINE 14"	537	WHITE PINE 14"	658	MAPLE 16"
52	MAPLE 20"	175	WHITE PINE 18"	296	BEECH 12"	418	CHEST. OAK 24"	538	WHITE PINE 12"	659	WHITE OAK 12"
53	POPLAR 22"	176	POPLAR 16"	297	WHITE PINE 14"	419	WHITE PINE 14"	539	WHITE PINE 14"	660	WHITE OAK 22"
54	MAPLE 14"	177	WHITE PINE 16"	298	WHITE PINE 16"	420	YELLOW PINE 18"	540	WHITE PINE 12"	661	POPLAR 22"
55	MAPLE 12"	178	WHITE PINE 18"	299	WHITE PINE 18"	421	WHITE PINE 18"	541	WHITE PINE 12"	662	WHITE OAK 18"
56	POPLAR 16"	179	CHEST. OAK 16"	300	HEMLOCK 14"	422	CHEST. OAK 22"	542	POPLAR 20"	663	SOURWOOD 14"
57	POPLAR 18"	180	YELLOW PINE 14"	301	WHITE PINE 14"	423	WHITE PINE 14"	543	POPLAR 12"	664	CHEST. OAK 18"
58	MAPLE 14"	181	YELLOW PINE 16"	302	SOURWOOD 16"	424	BEECH 18"	544	WHITE PINE 14"	665	MAPLE 22"
59	POPLAR 16"	182	YELLOW PINE 22"	303	WHITE PINE 14"	425	WHITE OAK 12"	545	POPLAR 14"	666	CHEST. OAK 12"
60	POPLAR 16"	183	YELLOW PINE 14"	304	WHITE PINE 16"	426	BIRCH 12"	546	POPLAR 14"	667	CHEST. OAK 18"
61	POPLAR 14"	184	WHITE PINE 14"	305	WHITE PINE 14"	427	WHITE PINE 14"	547	POPLAR 14"	668	MAPLE 20"
62	MAPLE 14"	185	MAPLE 14"	306	SOURWOOD 12"	428	WHITE PINE 16"	548	WHITE PINE 12"	669	CHEST. OAK 24"
63	MAPLE 14"	186	YELLOW PINE 16"	307	WHITE PINE 14"	429	WHITE PINE 14"	549	WHITE PINE 14"	670	CHEST. OAK 14"
64	POPLAR 14"	187	YELLOW PINE 14"	308	WHITE OAK 22"	430	HEMLOCK 16"	550	POPLAR 14"	671	POPLAR 12"
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66	WHITE PINE 18"	189	YELLOW PINE 16"	310	BEECH 12"	432	WHITE PINE 16"	552	POPLAR 16"	673	MAPLE 22"
67	POPLAR 14"	190	HICKORY 14"	311	WHITE PINE 14"	433	MAPLE 14"	553	POPLAR 12"	674	WHITE PINE 18"
68	POPLAR 18"	191	RED OAK 24"	312	WHITE PINE 16"	434	HICKORY 14"	554	POPLAR 12"	675	POPLAR 18"
69	WHITE PINE 18"	192	YELLOW PINE 18"	313	YELLOW PINE 14"	435	POPLAR 14"	555	WHITE PINE 14"	676	WHITE OAK 20"
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73	POPLAR 14"	196	YELLOW PINE 14"	317	SOURWOOD 12"	439	MAPLE 12"	559	WHITE PINE 12"	680	POPLAR 16"
74	POPLAR 14"	197	YELLOW PINE 14"	318	WHITE PINE 14"	440	SOURWOOD 14"	560	WHITE PINE 14"	681	MAPLE 18"
75	POPLAR 16"	198	POPLAR 16"	319	WHITE PINE 18"	441	WHITE PINE 18"	561	POPLAR 14"	682	POPLAR 12"
76	POPLAR 16"	199	WHITE PINE 12"	320	POPLAR 14"	442	WHITE PINE 14"	562	WHITE PINE 12"	683	POPLAR 14"
77	POPLAR 22"	200	WHITE PINE 16"	321	WHITE PINE 14"	443	CHEST. OAK 12"	563	WHITE PINE 12"	684	POPLAR 12"
78	POPLAR 20"	201	YELLOW PINE 16"	322	WHITE OAK 16"	444	WHITE PINE 18"	564	WHITE PINE 14"	685	POPLAR 16"
79	MAPLE 12"	203	POPLAR 14"	323	CHEST. OAK 18"	445	CHEST. OAK 16"	565	WHITE PINE 14"	686	POPLAR 16"
80	POPLAR 18"	204	POPLAR 14"	324	CHEST. OAK 16"	446	WHITE PINE 14"	567	WHITE PINE 12"	687	POPLAR 14"
81	POPLAR 16"	205	CHEST. OAK 22"	325	WHITE PINE 14"	447	WHITE PINE 16"	568	WHITE PINE 28"	688	WHITE PINE 14"
82	POPLAR 18"	206	WHITE PINE 12"	326	CHEST. OAK 16"	448	WHITE PINE 16"	569	WHITE PINE 16"	689	POPLAR 12"
83	POPLAR 20"	207	WHITE PINE 20"	327	CHEST. OAK 14"	449	WHITE PINE 14"	570	WHITE OAK 24"	690	POPLAR 14"
84	WHITE PINE 20"	208	MAPLE 14"	328	HEMLOCK 16"	450	WHITE PINE 14"	571	WHITE PINE 20"	691	POPLAR 14"
85	POPLAR 20"	209	WHITE PINE 14"	329	CHEST. OAK 16"	451	WHITE PINE 12"	572	WHITE PINE 14"	692	POPLAR 16"
86	POPLAR 22"	210	POPLAR 12"	330	CHEST. OAK 20"	452	CHEST. OAK 14"	573	WHITE PINE 22"	693	POPLAR 12"
87	MAPLE 18"	211	MAPLE 14"	331	POPLAR 16"	453	WHITE PINE 12"	574	WHITE PINE 18"	694	POPLAR 12"
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91	POPLAR 20"	215	POPLAR 16"	335	POPLAR 14"	457	BEECH 12"	578	WHITE PINE 12"	698	BIRCH 12"
92	POPLAR 20"	216	POPLAR 14"	336	SOURWOOD 12"	458	WHITE PINE 14"	579	WHITE PINE 12"	699	POPLAR 12"
93	WHITE PINE 16"	217	CHEST. OAK 18"	337	WHITE PINE 12"	459	WHITE PINE 14"	580	WHITE PINE 12"	700	WHITE PINE 20"
94	POPLAR 18"	218	WHITE PINE 18"	338	WHITE PINE 14"	460	WHITE PINE 16"	581	WHITE PINE 16"	701	WHITE PINE 20"
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103	POPLAR 16"	227	WHITE PINE 14"	348	CHEST. OAK 18"	469	WHITE OAK 14"	590	POPLAR 12"	714	HICKORY 12"
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105	WHITE PINE 28"	229	WHITE PINE 14"	350	HEMLOCK 12"	471	WHITE PINE 16"	592	POPLAR 16"	716	POPLAR 14"
106	MAPLE 20"	230	HEMLOCK 18"	351	BEECH 14"	472	POPLAR 14"	593	WHITE OAK 16"	717	MAPLE 22"
107	WHITE PINE 20"	231	MAPLE 16"	352	WHITE PINE 12"	473	WHITE PINE 12"	594	SOURWOOD 14"	718	WHITE PINE 14"
108	WHITE OAK 28"	232	WHITE PINE 16"	353	WHITE PINE 12"	474	CHEST. OAK 14"	595	MAPLE 14"	719	MAPLE 22"
109	WHITE OAK 24"	233	WHITE PINE 14"	354	WHITE PINE 14"	475	WHITE OAK 12"	596	POPLAR 16"	720	POPLAR 24"
110	WHITE OAK 28"	234	WHITE PINE 14"	355	POPLAR 14"	476	WHITE OAK 14"	597	WHITE PINE 12"	721	POPLAR 20"
111	WHITE PINE 16"	235	YELLOW PINE 14"	356	WHITE PINE 16"	477	WHITE PINE 12"	598	POPLAR 16"	722	RED OAK 22"
112	SOURWOOD 20"	236	MAPLE 16"	357	CHEST. OAK 16"	478	POPLAR 14"	599	WHITE PINE 14"	723	POPLAR 16"
113	SOURWOOD 14"	237	MAPLE 16"	358	WHITE PINE 14"	479	WHITE OAK 14"	600	WHITE PINE 12"	724	POPLAR 16"
114	WHITE OAK 14"	238	HEMLOCK 14"	359	WHITE PINE 16"	480	CHEST. OAK 12"	601	MAPLE 14"	725	CHEST. OAK 18"
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120	WHITE PINE 20"	244	POPLAR 14"	365	CHEST. OAK 12"	486	CHEST. OAK 18"	607	WHITE PINE 14"	731	YELLOW PINE 14"
121	WHITE PINE 16"	245	WHITE PINE 14"	366	MAPLE 18"	487	CHEST. OAK 16"	608	MAPLE 14"	732	POPLAR 12"

LEGEND

EXISTING TREES TO BE PRESERVED

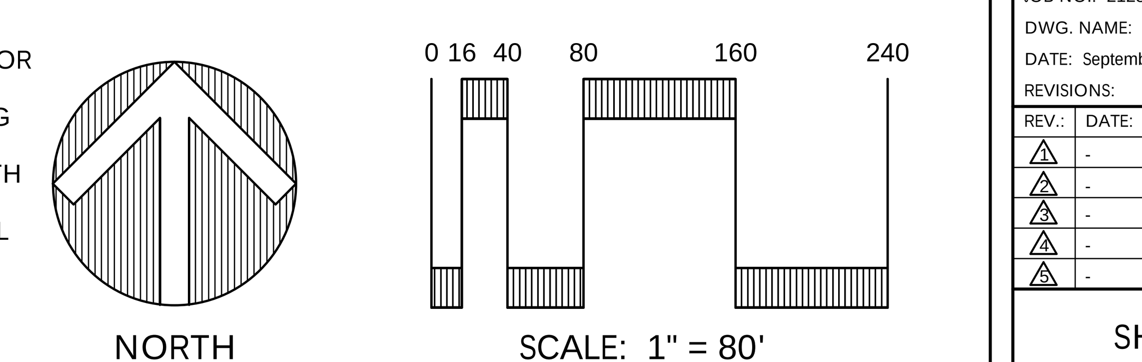
EXISTING TREES TO BE REMOVED

PLANT LIST

SYMBOL	QUANT	NAME	SIZE / SPECIFICATION
	93	Acer rubrum Red Maple	2" - 2 1/2" cal., 12' - 14' Ht., B&B, Single Straight Leader, Matched
	94	Quercus alba White Oak	2" - 2 1/2" cal., 12' - 14' Ht., B&B, Single Straight Leader, Matched
	96	Cercis canadensis Eastern Redbud	1 1/4" - 1 1/2" cal., 8' - 10' Ht., B&B, Multi-stem, 3 stems min., Matched
	96	Cornus florida 'Appalachian Spring' Applachian Spring Flowering Dogwood	1 1/4" - 1 1/2" cal., 8' - 10' Ht., B&B, Single Straight Leader, Matched
	80	Ilex X 'Nellie R. Stevens' Nellie R. Stevens Holly	4'-5' Ht., B&B, Single Straight Leader Dense Full Plants, Matched
	75	Picea abies Norway Spruce	4'-5' Ht., B&B, Single Straight Leader Dense Full Plants, Matched
		Native Shrubs, Bare Root Trees, Pollinator Plants	Varying sizes & heights
	101	Shade Tree Flower Tree	One Tree per Lot , Planted in Front or Rear Yard
TOTAL TREES	635		

LANDSCAPE NOTES:

1. ONE SHADE TREE OR FLOWERING TREE WILL BE PLANTED IN THE FRONT OR REAR OF EACH LOT IN ADDITON TO THE STREET AND BUFFER TREES.
2. LANDSCAPE CONTRACTOR SHALL VERIFY QUANTITIES SHOWN ON PLAN & SHALL NOTIFY LANDSCAPE ARCHITECT OF ANY DISCREPANCIES.
3. PLANT MATERIAL SHALL CONFORM TO ANSI Z60.1-1996 STANDARDS FOR NURSERY STOCK.
4. LANDSCAPE CONTRACTOR SHALL PROVIDE ONE-YEAR WARRANTY FOR PLANTS & LABOR AT TIME OF COMPLETION & ACCEPTANCE OF WORK.
5. PLANT MATERIAL SHALL BE APPROVED BY LANDSCAPE ARCHITECT PRIOR TO PLANTING INSTALLATION.
6. LANDSCAPE CONTRACTOR SHALL PREPARE ALL PLANTING BEDS BY TILLING TO A DEPTH OF 24" & INCORPORATING "NATURES HELPER" AT A RATE OF 2:1.
7. LANDSCAPE CONTRACTOR SHALL PREPARE ALL LAWN AREAS BY TILLING EXISTING SOIL TO A DEPTH OF 6" (EXCEPT WITHIN DRIPLINE OF EXISTING TREES).
8. LANDSCAPE CONTRACTOR SHALL MUCH ALL PLANTING BEDS WITH AGED SHREDDED PINE BARK TO A DEPTH OF 3".
10. LANDSCAPE CONTRACTOR SHALL ESTABLISH PERMANENT GRASS COVER ON ALL DISTURBED AREAS & AREAS NOT TO BE PLANTED.



LAND PLANNING COLLABORATIVE
Landscape Architects • Land Planners
P.O. BOX 2200
ASHEVILLE, N.C. 28802
(828) 242-0111
EMAIL: bgrasso@landplancollab.com

NORTH CAROLINA REGISTERED LANDSCAPE ARCHITECT ROBERT M. GRASSO 487

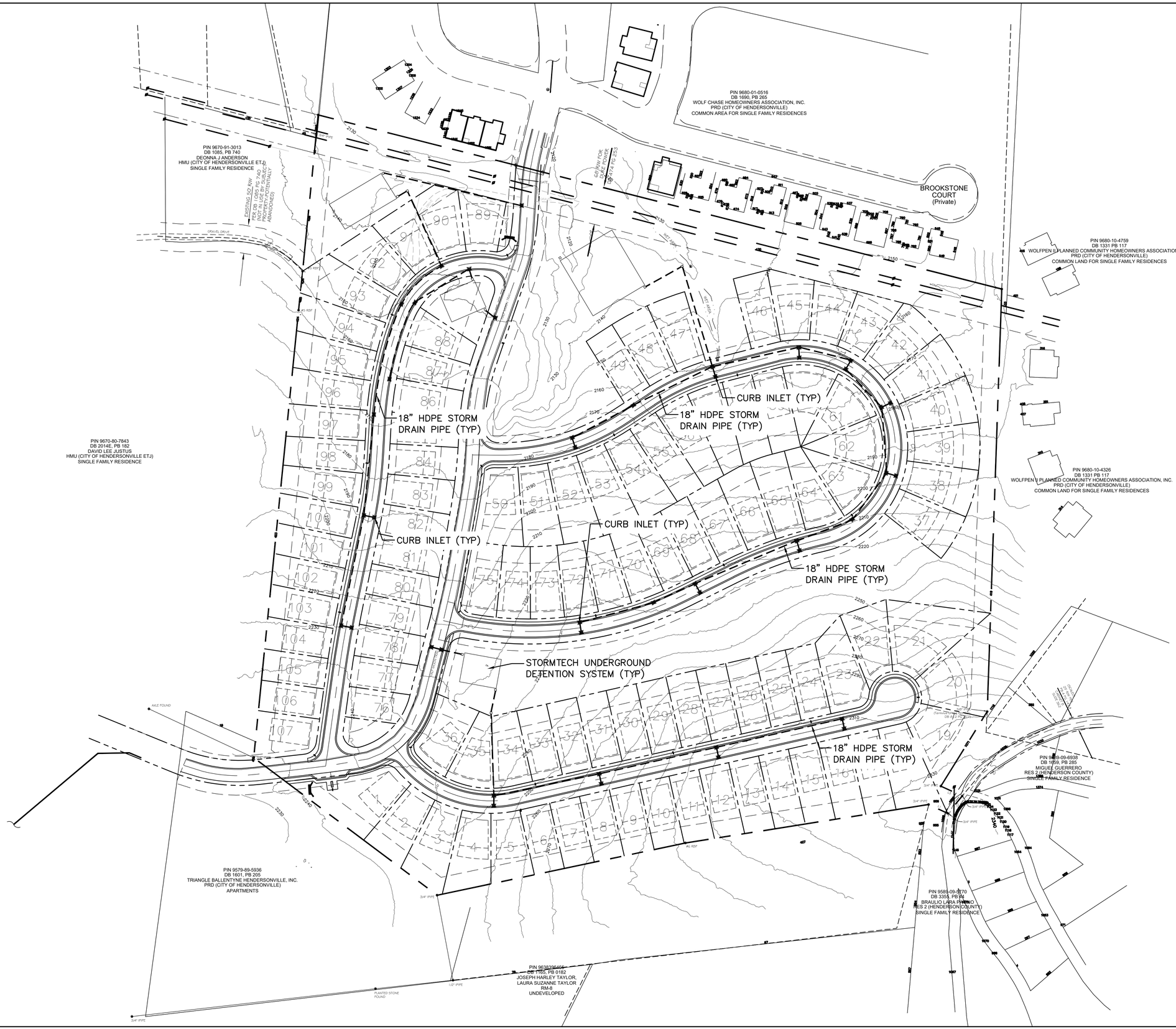
LANDSCAPE PLAN

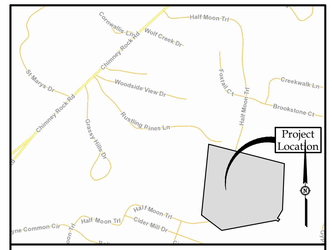
HALF MOON HEIGHTS
HENDERSONVILLE, NORTH CAROLINA

JOB NO.: 212850
DWG. NAME: half-moon-site.dwg
DATE: September 21, 2021
REVISIONS:

REV.:	DATE:	BY:
1	-	-
2	-	-
3	-	-
4	-	-
5	-	-

SHEET
L-10





Vicinity Map
NOT TO SCALE

DEVELOPMENT DATA BLOCK

OWNER/DEVELOPER:	HALF MOON LAND HOLDINGS, LLC
CONTACT:	JOE SCHLOTTERBECK
EMAIL:	JOES@BH-BUILDER.COM
PHONE:	828-628-4319
ADDRESS:	P.O. BOX 609 FAIRVIEW, NORTH CAROLINA 28730
PIN:	9680-00-1446
PHYSICAL ADDRESS:	297 RUSTLING PINES LANE HENDERSONVILLE, NC
PROPERTY SIZE:	33.65 AC.
ZONING DISTRICT:	PRD CITY OF HENDERSONVILLE

Davis CivilSolutions, PA
Site/Infrastructure Engineering/Planning
135-A Charlotte Highway• Asheville, North Carolina 28803
828.299.9440 PH • www.daviscivilsolutions.com

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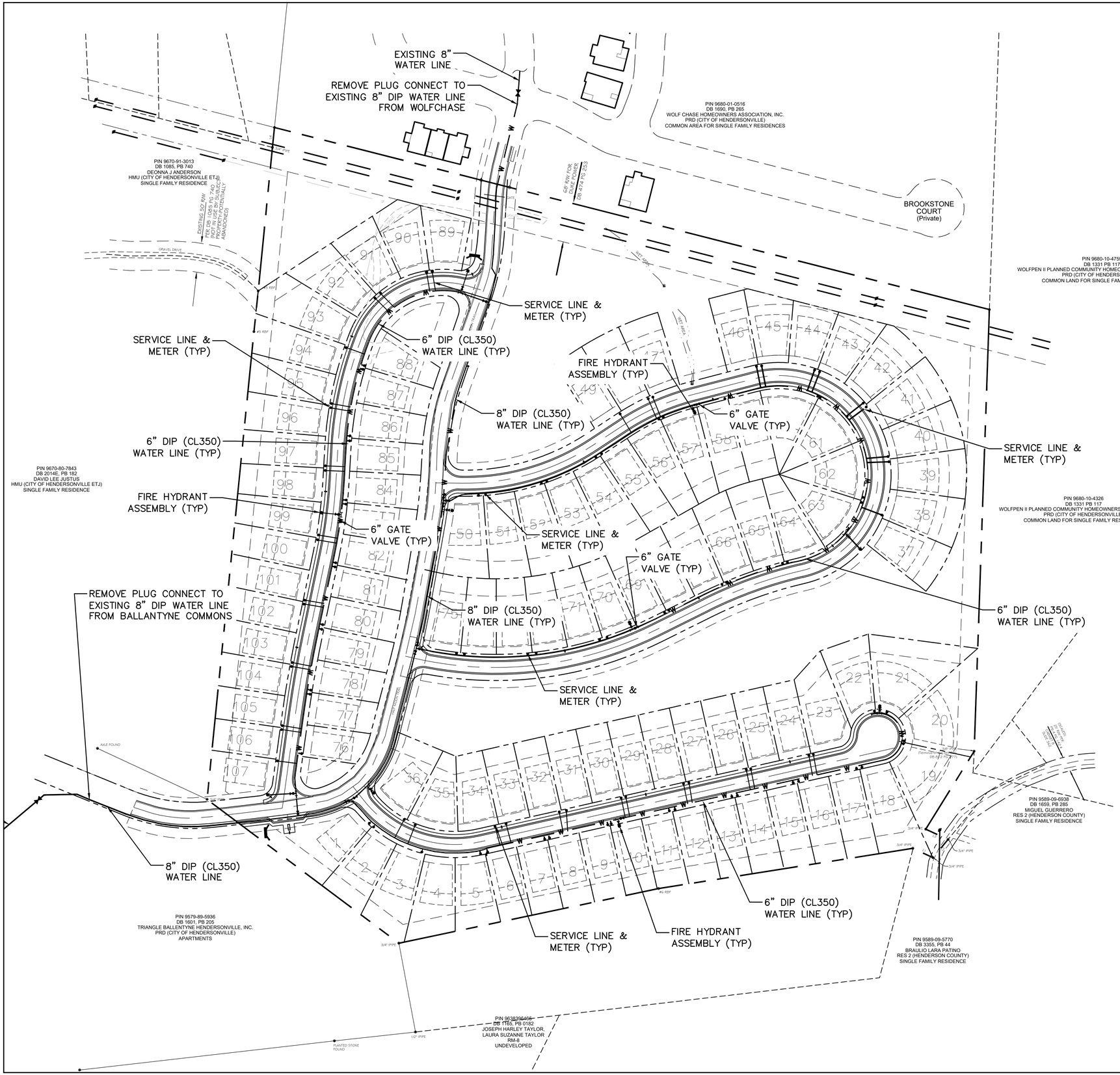
Preliminary

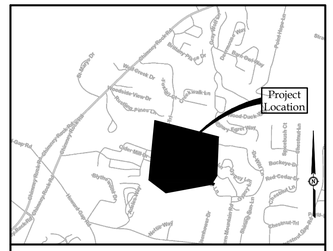
SITE PLAN For
HALF MOON TRAIL
HENDERSONVILLE, NORTH CAROLINA

Job No.: 211118
Date: September 2021
Scale: 1"=80'
Revision:

Preliminary Storm Water

Sheet
C3





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SITE PLAN For
HALF MOON TRAIL
HENDERSONVILLE, NORTH CAROLINA

Job No.: 21118
Date: September 2021
Scale: 1"=80'
Revision:

Preliminary
Utilities - Water

Sheet
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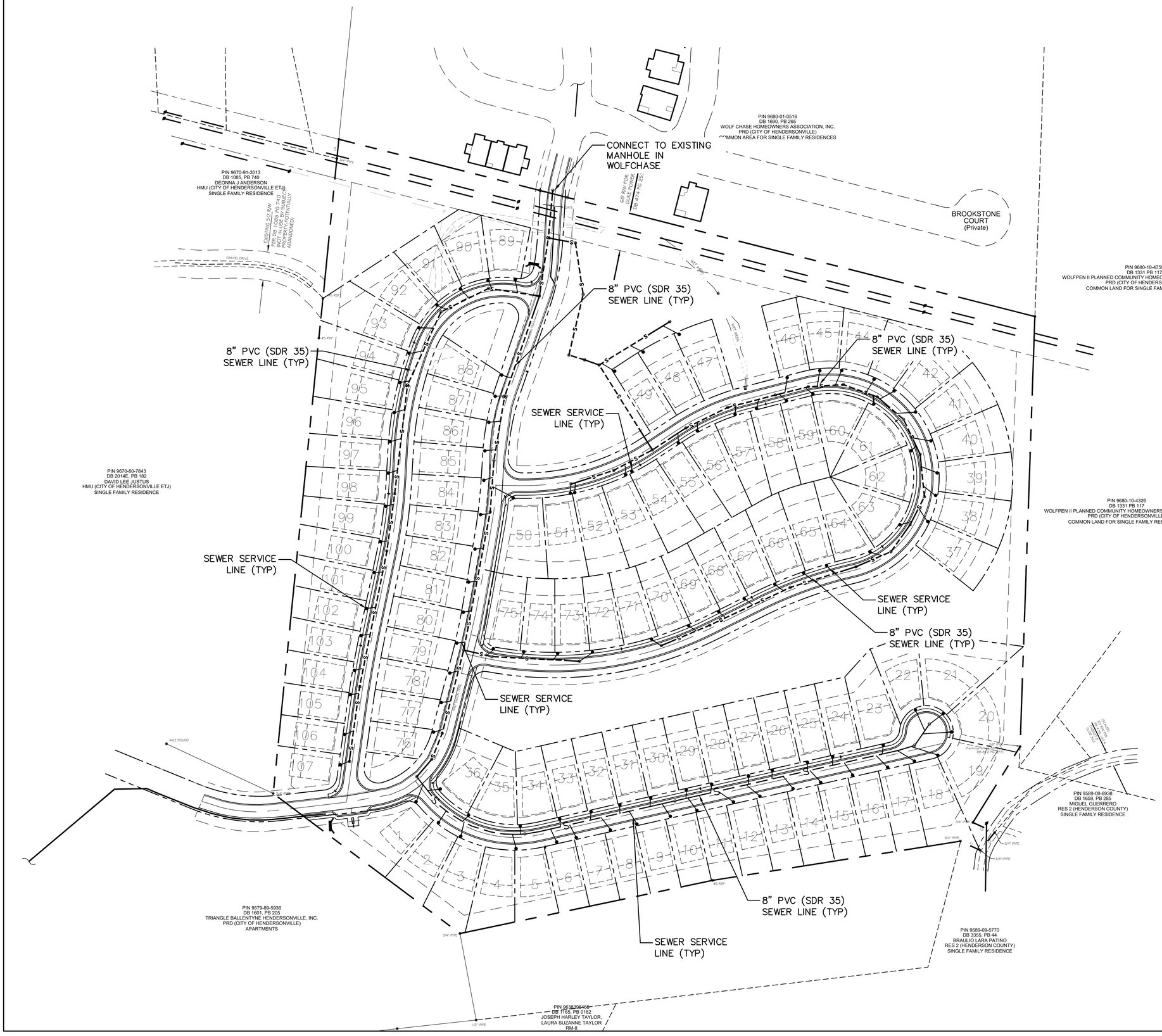

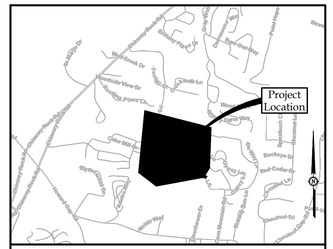

Vicinity Map
NOT TO SCALE

DEVELOPMENT DATA BLOCK

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Preliminary

NORTH CAROLINA PROFESSIONAL SEAL 042 GARY L. DAVIS

SITE PLAN For
HALF MOON TRAIL
HENDERSONVILLE, NORTH CAROLINA

Job No.: 21118
Date: September 2021
Scale: 1"=80'
Revision:

Preliminary
Utilities - Sewer

Sheet
C4.2

Half Moon Trail Residential Development (Updated Report)

Traffic Impact Analysis

City of Hendersonville, North Carolina

Prepared for:

The City of Hendersonville Planning Department

The North Carolina Department of Transportation

Prepared by:

WETHERILL ENGINEERING

WE Design Your Tomorrow

NC Board of Engineers and Surveyors Certificate: F-0377

Date: September 28, 2021

NORTH CAROLINA PROFESSIONAL SEAL 028137 ENGINEER LAWRENCE H. GREEN

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Appendix B Existing Traffic Count Data
Appendix C NCDOT Monthly Traffic Trends
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1. Introduction and Summary of Findings

Study Purpose

Wetherill Engineering has prepared this Updated Traffic Impact Analysis to quantify the impact the proposed Half Moon Trail Residential development will have on the surrounding road network in the City of Hendersonville. This updated report addresses comments received from the City of Hendersonville in a memorandum dated September 9, 2021 from Kimley Horn. A copy of Wetherill Engineering's responses to the TIA Review Comments is included in Appendix A. The subject site is located on undeveloped land between adjacent subdivisions on Half Moon Trail. Access to the development is proposed via five (5) driveways along Half Moon Trail. At the completion of this project, 107 Single Family Detached Dwelling Units will be constructed. Full completion of the project is expected by the year 2024.

It should be noted that the proposed development will generate 1,107 daily trips as per the ITE Trip Generation Manual, 10th Edition (fitted curve equation). Therefore, this development does not meet the threshold for requiring a Traffic Impact Analysis as per the NCDOT Congestion Management guidelines. However, the City of Hendersonville 1,000 daily trip threshold is met, and therefore, this traffic study was prepared to meet the zoning ordinance.

Study Criteria/Methodology

This Traffic Impact Analysis has been prepared in accordance with requirements outlined in the NCDOT Congestion Management Capacity Analysis Guidelines. Trip generation for the Half Moon Trail residential development is based on data contained in the Institute of Transportation Engineers (ITE) Trip Generation (10th Edition). Intersection capacity analyses were conducted at all study intersections using the Synchro Version 11 software and the Highway Capacity Manual, 6th Edition.

Scope of Services

The principal scope of services undertaken for this project was as follows:

- Undertake a site investigation to collect physical information concerning the nearby road system.
- Collect intersection turning movement counts from 6:00–9:00 AM and from 4:00–7:00 PM on a typical weekday at all study intersections.
- Contacted the City of Hendersonville to determine if there are any approved developments (but not constructed yet) that should be considered in the analysis by the build-out year of 2024.
- Research NCDOT traffic growth trends on area roadways to determine appropriate through traffic growth rates.
- Prepare trip generation and trip distribution for all background developments and for the development of the site.
- Undertake intersection capacity analysis using the Synchro 11 traffic analysis software and the Highway Capacity Manual.

- Provide any necessary recommendations to enhance traffic operations and provide adequate levels of service.

Summary of Findings and Recommendations

This analysis will show that all study intersections are currently operating at an overall acceptable level of service. When considering the impact of regional traffic growth and approved background developments and the site generated traffic, all intersections are projected to maintain overall acceptable levels of service.

Although the overall intersection level of service of the US 64 at Half Moon Trail is acceptable, the westbound Half Moon Trail approach to US 64 is currently operating at LOS "E" during the PM peak hour, and is projected to operate at a LOS "F" by the Year 2024 with or without the proposed Half Moon Trail Residential Development. A potential mitigation measure was explored at the US 64 at Half Moon Trail intersection that included the widening of the westbound Half Moon Trail approach to provide separate left and right turn lanes. However, this improvement was shown to have minimal delay benefits and would not improve the level of service of the westbound Half Moon Trail approach.

The possibility of the installation of a traffic signal at the US 64 at Half Moon Trail intersection was also explored. However, based upon the examination of the AM and PM peak hour traffic data and the crash history at the intersection, the intersection does not meet MUTCD Traffic Signal Warrants. Therefore, the NCDOT would likely not consider a traffic signal at this location.

Even though the westbound Half Moon Trail approach at US 64 is projected to operate with delays of approximately 1 minute per vehicle during the PM peak hour for the Year 2024 Build Condition, the traffic demand for this approach is relatively light with a vehicle expected to arrive at US 64 along westbound Half Moon Trail every 1.5 minute during the PM peak hour. Therefore, even with no improvements at the US 64/Half Moon Trail intersection, there typically would not be more than 1 other vehicle queued at US 64. Thus, improvements to offsite intersections do not appear to be justified (either by physical roadway widening or the installation of a traffic signal).

Finally, the site plan for the proposed development is at the concept stage. After a more refined site plan is developed, sight distance evaluations at the driveways along Half Moon Trail should be conducted to ensure that the available sight lines meet NCDOT and City of Hendersonville criteria. The relatively low projected peak period traffic volumes at the site driveways on Half Moon Trail do not require turn lanes at the intersections to meet adequate levels of service.

2. Existing Traffic Conditions

Site Information

The Half Moon Trail residential development is located on an undeveloped, wooded parcel along Half Moon Trail in the city of Hendersonville. The site will be developed with 107 Single Family Detached Dwelling Units. The proposed Master Plan for the site is shown in Figure 1.

Study Area

Based on the correspondence with the NCDOT and the City of Hendersonville, the following locations were determined to be studied:

- US 64 at Half Moon Trail
- US 64 at Ballantyne Common Circle
- Half Moon Trail at Foxtail Court/Brookstone Court
- Half Moon Trail at Cider Mill Drive (East)
- Half Moon Trail at Cider Mill Drive (West)
- Half Moon Trail at Ballantyne Common Circle

A map showing the Off-Site Study Area Intersections is shown in Figure 2. In the vicinity of the proposed Half Moon Trail residential development, Half Moon Trail is a 2-lane roadway. There are no sidewalks and the posted speed limit is 25 MPH. Half Moon Trail generally runs in the north-south direction from Ballantyne Common Circle to US 64. The roadway features access to residential developments on both sides of the street. Figure 3 provides a summary of the Existing Lane Use and Traffic Control Devices at each of the study intersections.

Traffic Volumes

Intersection turning movement counts were collected at each study intersection from 6-9 AM and 4-7 PM on Tuesday, June 15, 2021. The Existing AM and PM Peak Hour Traffic Volumes are shown in Figure 4. Complete turning movement count data is shown in Appendix B. Since schools had already closed during the traffic survey, Wetherill Engineering researched monthly traffic variations available from the NCDOT. It was determined that on a state-wide basis, June traffic volumes were approximately 5% less than May traffic volumes. Wetherill Engineering also contacted the NCDOT with regards to COVID impacts on traffic as of June 2021. Although the NCDOT did not have specific traffic data to reference, the NCDOT believes that traffic has returned to near pre-COVID traffic conditions. However, in order to provide a conservatively high existing traffic reference point, the existing traffic data was increased by a total of 7% to account for the June traffic count to reflect May traffic volumes when schools were in session and any possible remaining COVID traffic impacts. The NCDOT Monthly Travel Trend Chart is shown in Appendix C. The Existing Adjusted AM and PM Peak Hour Traffic Volumes are shown in Figure 5.

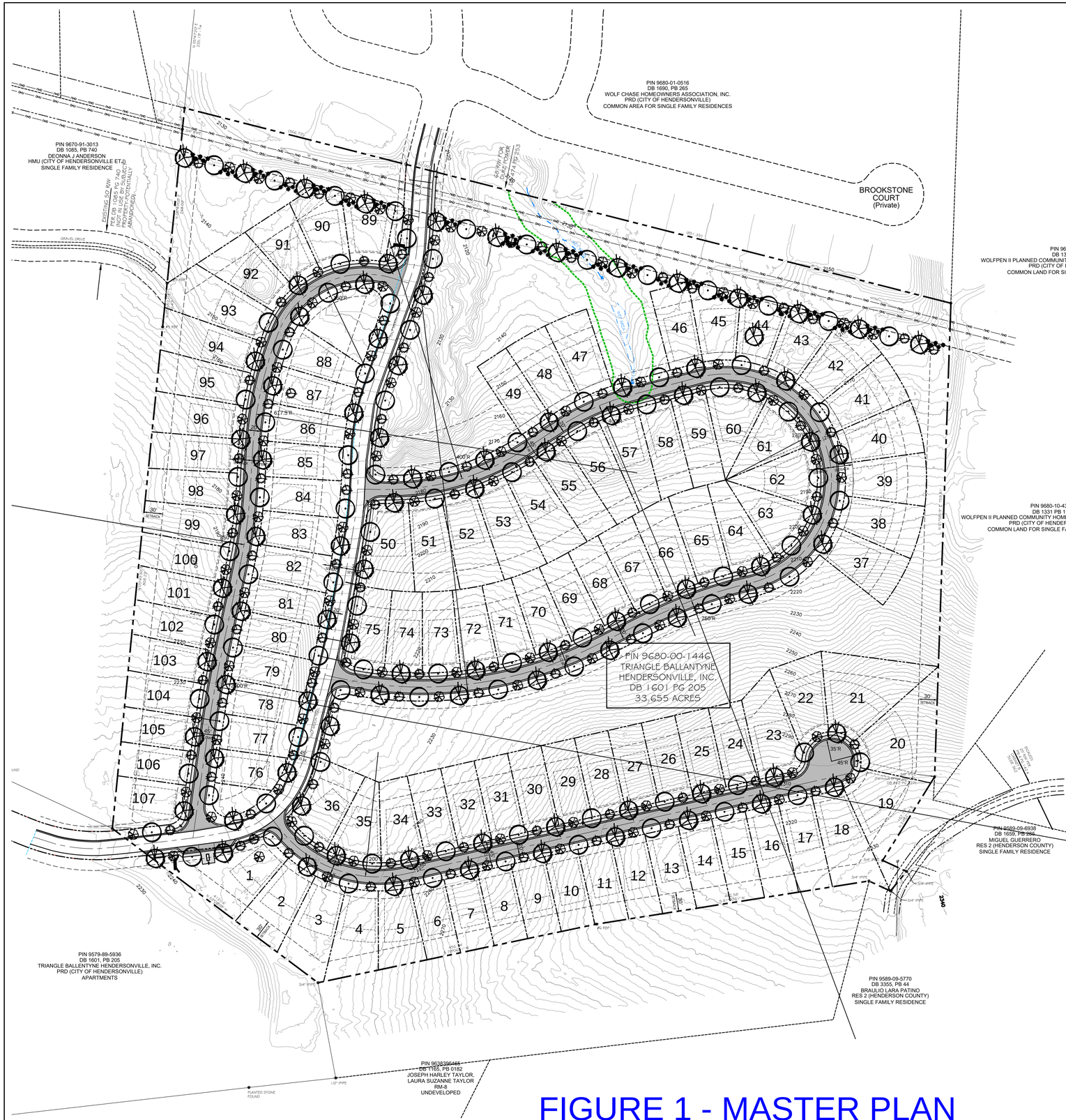


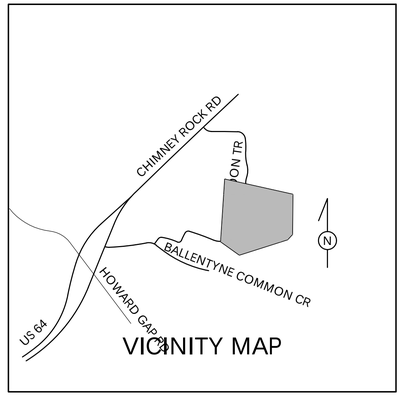
FIGURE 1 - MASTER PLAN

PROJECT INFORMATION

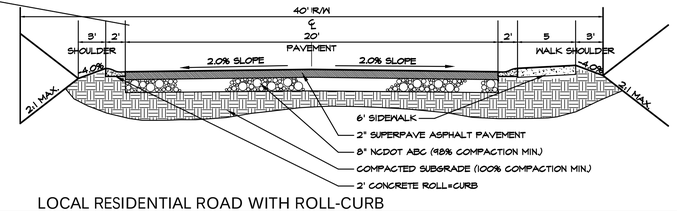
PROPERTY OWNER:	TRIANGLE BALLANTYNE HENDERSONVILLE, INC. 154 SOUTH YORK STREET GASTONIA, NC 28052 PHONE: (704) 869-6024 EMAIL: williamratchford@southwoodrealty.com CONTACT: WILLIAM RATCHFORD
APPLICANT:	HALF MOON LAND HOLDINGS, LLC P.O. BOX 609 FAIRVIEW, NC 28730 PHONE: (828) 767-7171 EMAIL: j.s@bh-builder.com CONTACT: JOSEPH SCHLOTTERBECK
LANDSCAPE ARCHITECT:	LAND PLANNING COLLABORATIVE P.O. BOX 2200 ASHEVILLE, NC 28802 PHONE: (828) 242-0111 EMAIL: bgrasso@landplancollab.com CONTACT: ROBERT M. GRASSO, RLA
CIVIL ENGINEER:	DAVIS CIVIL SOLUTIONS, PA 134 CHARLOTTE HIGHWAY, SUITE A ASHEVILLE, NC 28803 PHONE: (828) 299-9449 EMAIL: gary@daviscivilsolution.com CONTACT: GARY D. DAVIS, PE
SURVEYOR:	McABEE ASSOCIATES 3 McABEE TRAIL FAIRVIEW, NC 287303 PHONE: (828) 628-1295 EMAIL: eric@mcabeesurveying.com CONTACT: ERIC McABEE, PLS

SITE INFORMATION

PIN:	9680-00-1446
DEED BOOK/ PAGE:	1601/205
ADDRESS:	297 RUSTLING PINES LANE
ZONING CLASSIFICATION:	PRD CITY OF HENDERSONVILLE
PROJECT ACREAGE:	33.655 AC.
PROPOSED USE:	SUBDIVISON
PERMITTED DENSITY:	10 UNITS/ACRE
PROPOSED DENSITY:	3.18 UNITS/ACRE
PROPOSED NO. OF LOTS:	107 LOTS
BUILDING SETBACKS: FRONT:	35' FROM ROAD CENTERLINE
SIDE:	N/A
REAR:	30'
PERMITTED MAX. BUILDING HEIGHT:	35'
PROPOSED MAX. BUILDING HEIGHT:	35'
REQUIRED NO. OF PARKING SPACES:	164 SPACES (1.5 SPACES/UNIT & 3 MAIL KIOSK SPACES)
PROPOSED NO. OF PARKING SPACES:	431 SPACES (2 GARAGE & 2 DRIVEWAY SPACES/UNIT & 3 MAIL KIOSK SPACES)
PERMITTED MAXIMUM FOOTPRINT:	20%
PROPOSED MAXIMUM FOOTPRINT:	17.5% (2,400 SF BUILDING FOOTPRINT)
REQUIRED OPEN SPACE:	60% (879,617 SF)
PROPOSED OPEN SPACE:	70% (1,026,445 SF)
PROPOSED IMPERVIOUS:	439,584 SF (30.0%)
EXISTING ROAD:	34,277 SF
PROPOSED ROADS:	82,402 SF
PROPOSED WALKS:	23,085 SF
PROPOSED HOUSES:	256,800 SF
PROPOSED COMMON OPEN SPACE:	453,003 SF
REQUIRED COMMON OPEN SPACE:	346,013 SF (10% OF 3.466 MAINTAINED)
WATER:	HENDERSONVILLE WATER
SANITARY SEWER:	HENDERSONVILLE SEWER
UTILITIES:	DUKE ENERGY, UNDERGROUND POWER

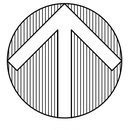


VICINITY MAP

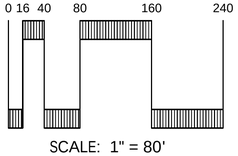


LOCAL RESIDENTIAL ROAD WITH ROLL-CURB

NOT TO SCALE



NORTH



SCALE: 1" = 80'

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NORTH CAROLINA REGISTERED LANDSCAPE ARCHITECT 487 ROBERT M. GRASSO

MASTER PLAN

HALF MOON HEIGHTS
HENDERSONVILLE, NORTH CAROLINA

JOB NO.: 212210
DWG. NAME: half-moon-site.dwg
DATE: September 1, 2021
REVISIONS:

REV.:	DATE:	BY:
1	-	-
2	-	-
3	-	-
4	-	-
5	-	-

SHEET
L-1

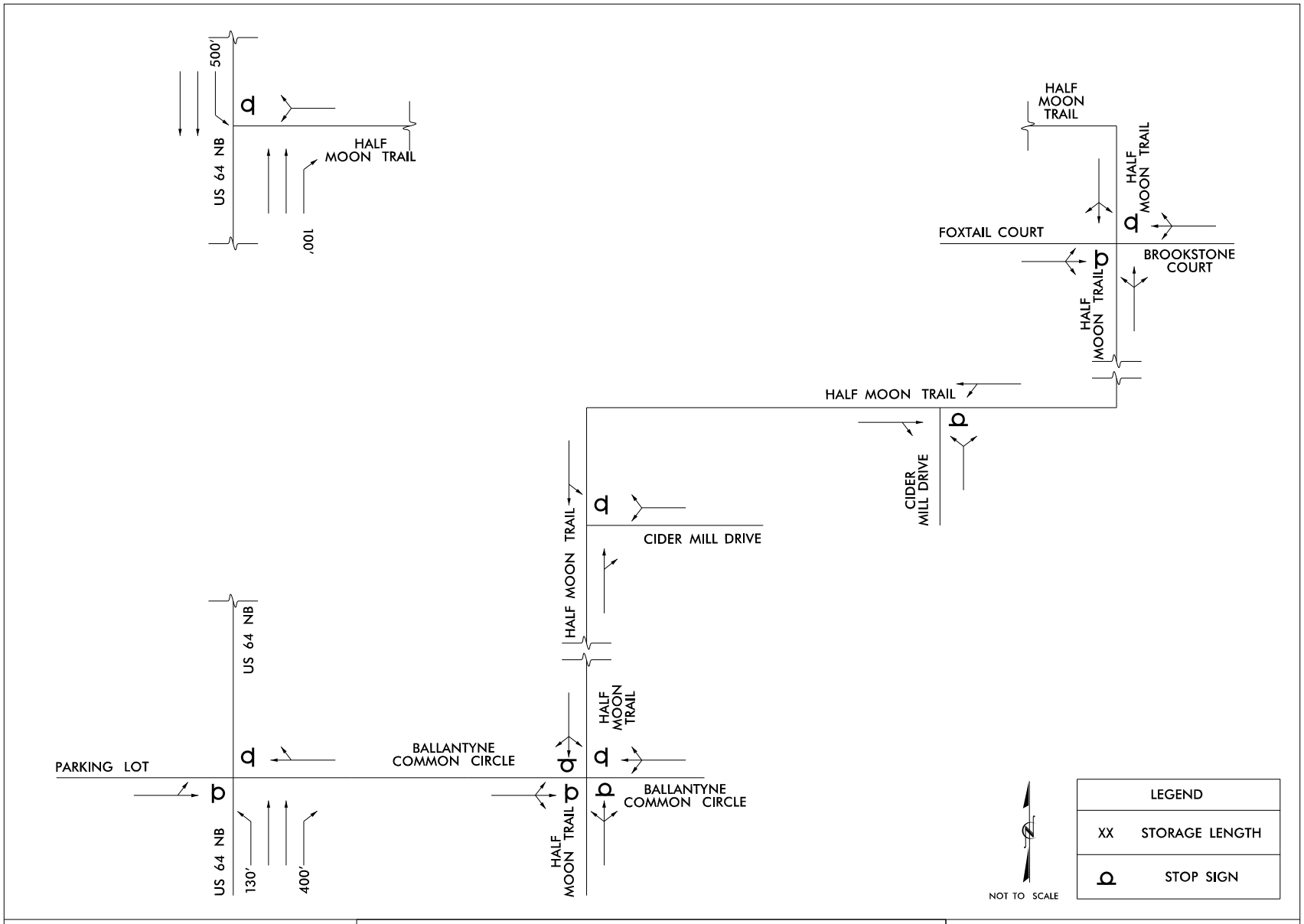

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FIGURE 3
EXISTING LANE CONFIGURATION AND TRAFFIC CONTROL DEVICES

HALF MOON TRAIL
HENDERSONVILLE, NC

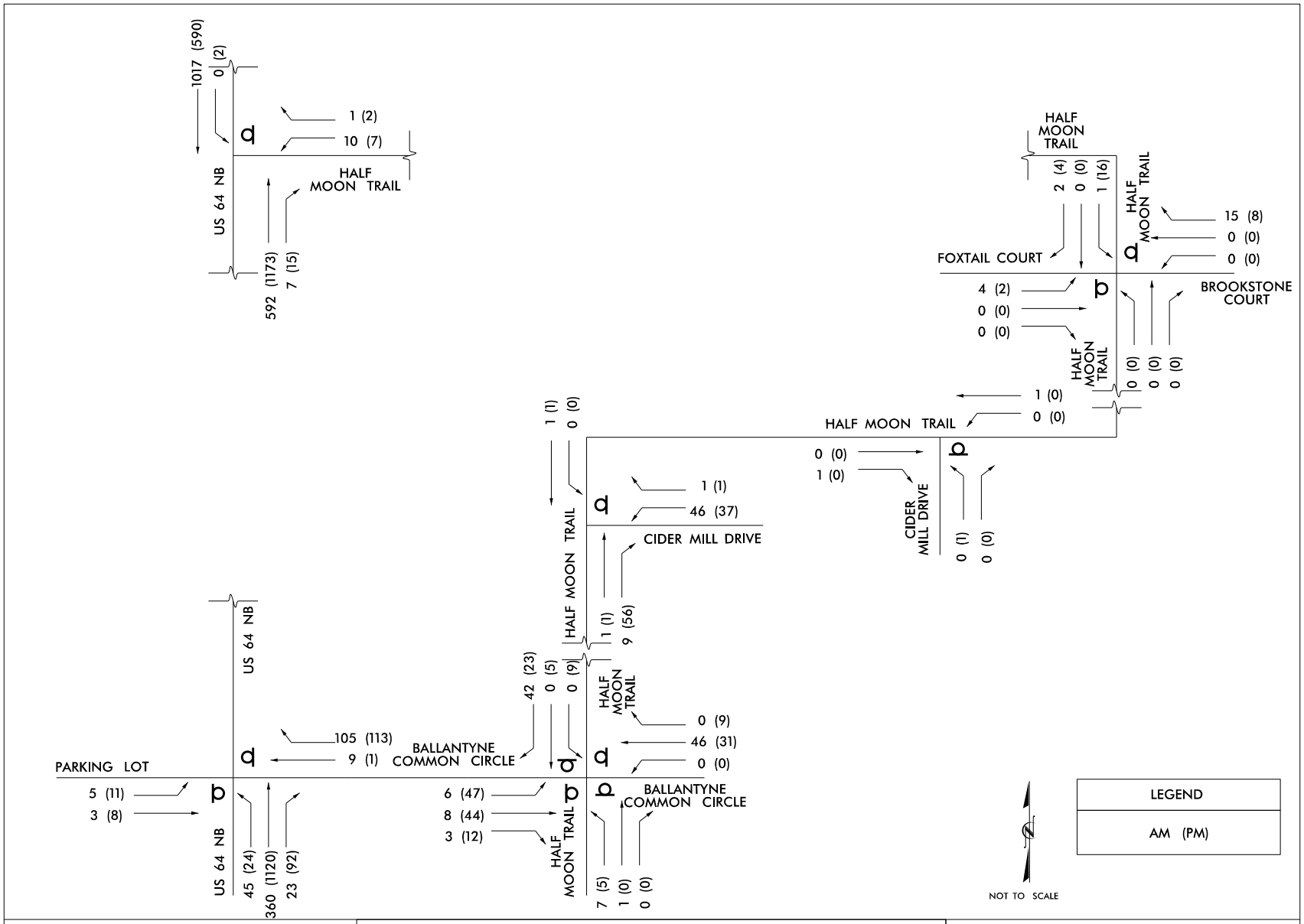

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FIGURE 4
EXISTING AM & PM PEAK HOUR TRAFFIC VOLUMES

HALF MOON TRAIL
HENDERSONVILLE, NC

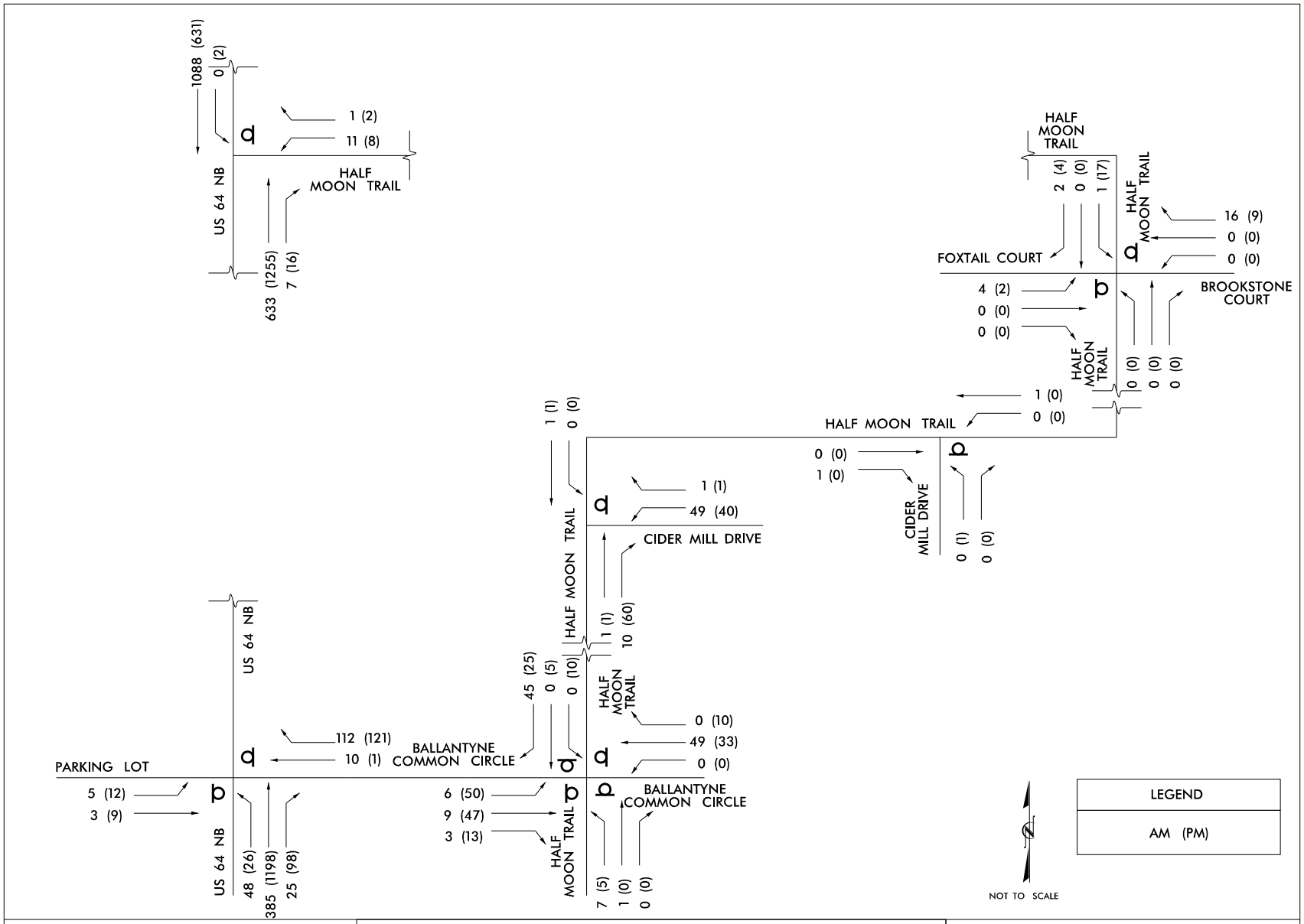

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FIGURE 5
EXISTING ADJUSTED AM & PM PEAK HOUR TRAFFIC VOLUMES

HALF MOON TRAIL
HENDERSONVILLE, NC

3. Background Traffic Conditions

Design Year

The project is anticipated to have a build-out year of 2024. Historic traffic volumes in the area were reviewed from the NCDOT traffic data base. Shown below are the most recent average daily traffic data points on US 64 in the vicinity of the site (NCDOT AADT Station 0450000144):

- Year 2014 – 36,000 ADT
- Year 2016 – 37,000 ADT
- Year 2018 – 35,000 ADT

As shown by the traffic data, the trend from 2014 to 2018 showed a negative traffic growth. However, in order to present a more conservative traffic projection, it will be assumed that a 1% annual growth rate of traffic will occur along US 64 in the vicinity of the site. The Through Traffic Growth to Build-Out Year is shown in Figure 6.

In addition, Wetherill Engineering contacted the City of Hendersonville to determine if there were any recently approved developments that have not been constructed but will be built-out during the same time period as the Half Moon Trail residential subdivision. It was determined that a proposed 78-unit Senior Living development (White Pine Villas) will be constructed along the south side of US 64 between the US 64 at Ballantyne Common Circle and US 64 at Half Moon Trail study intersections. Therefore, the traffic from this development will also be included in the future traffic projections. The AM and PM peak period traffic that will be generated by the White Pine Villas background development is shown in Table 1 below. The Background Development Traffic from the White Pine Villas Development assigned to the study area network is shown in Figure 7. The traffic distributions for the White Pine Villas development were based upon examinations of peak period traffic flows.

TABLE 1
White Pine Villas Background Development

Land Use	AM Peak Hour		PM Peak Hour	
	IN	OUT	IN	OUT
78-unit Senior Living (ITE Land Use 252)	6	10	12	9

Adding the Existing Adjusted Peak Hour Traffic Volumes shown in Figure 5, the Through Traffic Growth for 3 years to the Build-Out Year of 2024 as shown in Figure 6, and the projected traffic to the proposed White Pine Villas background development as shown in Figure 7, will yield the Year 2024 Background Peak Hour Traffic Volumes which are shown in Figure 8.

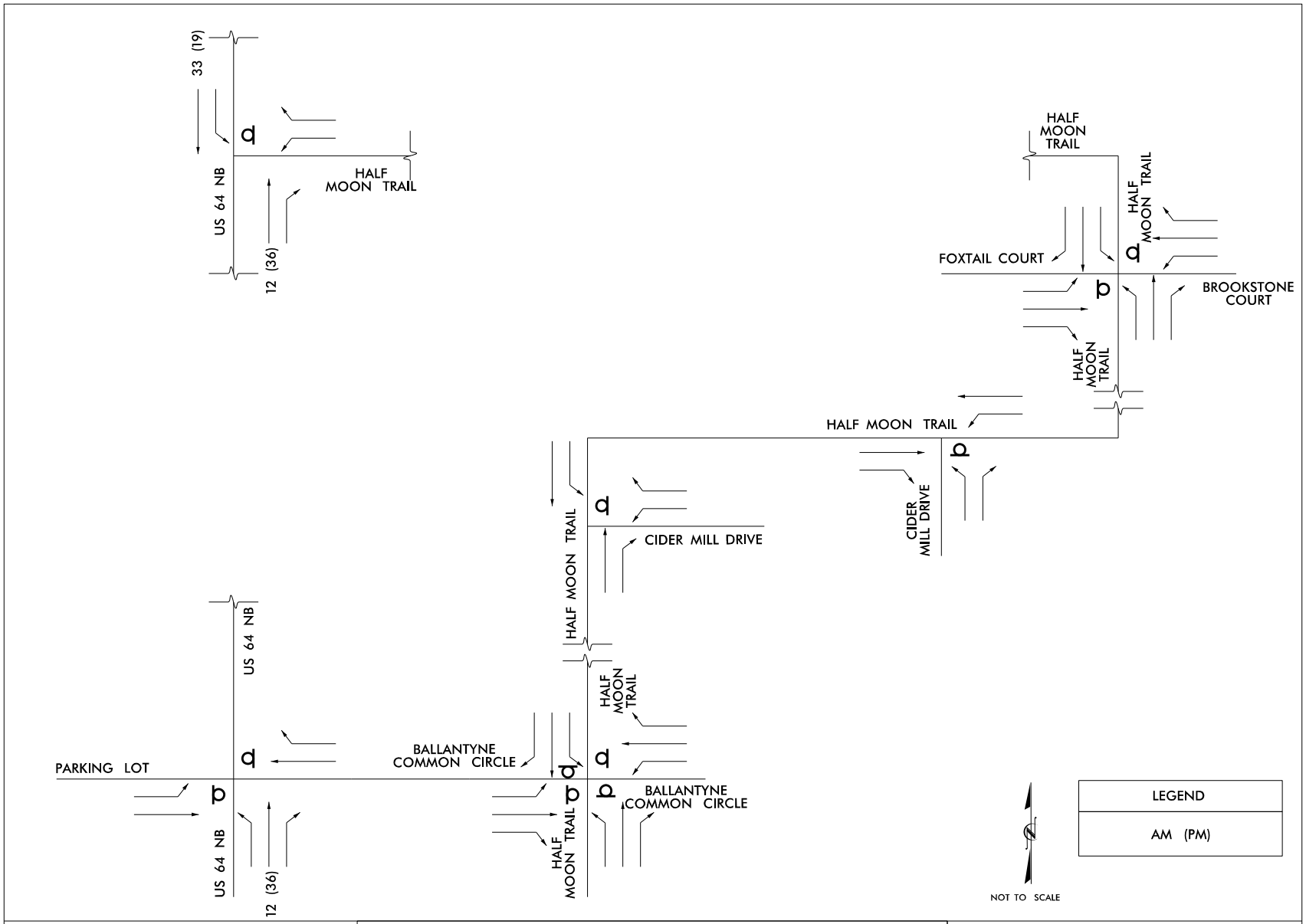

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FIGURE 6
THROUGH TRAFFIC GROWTH TO BUILD-OUT YEAR (2024)

HALF MOON TRAIL
HENDERSONVILLE, NC

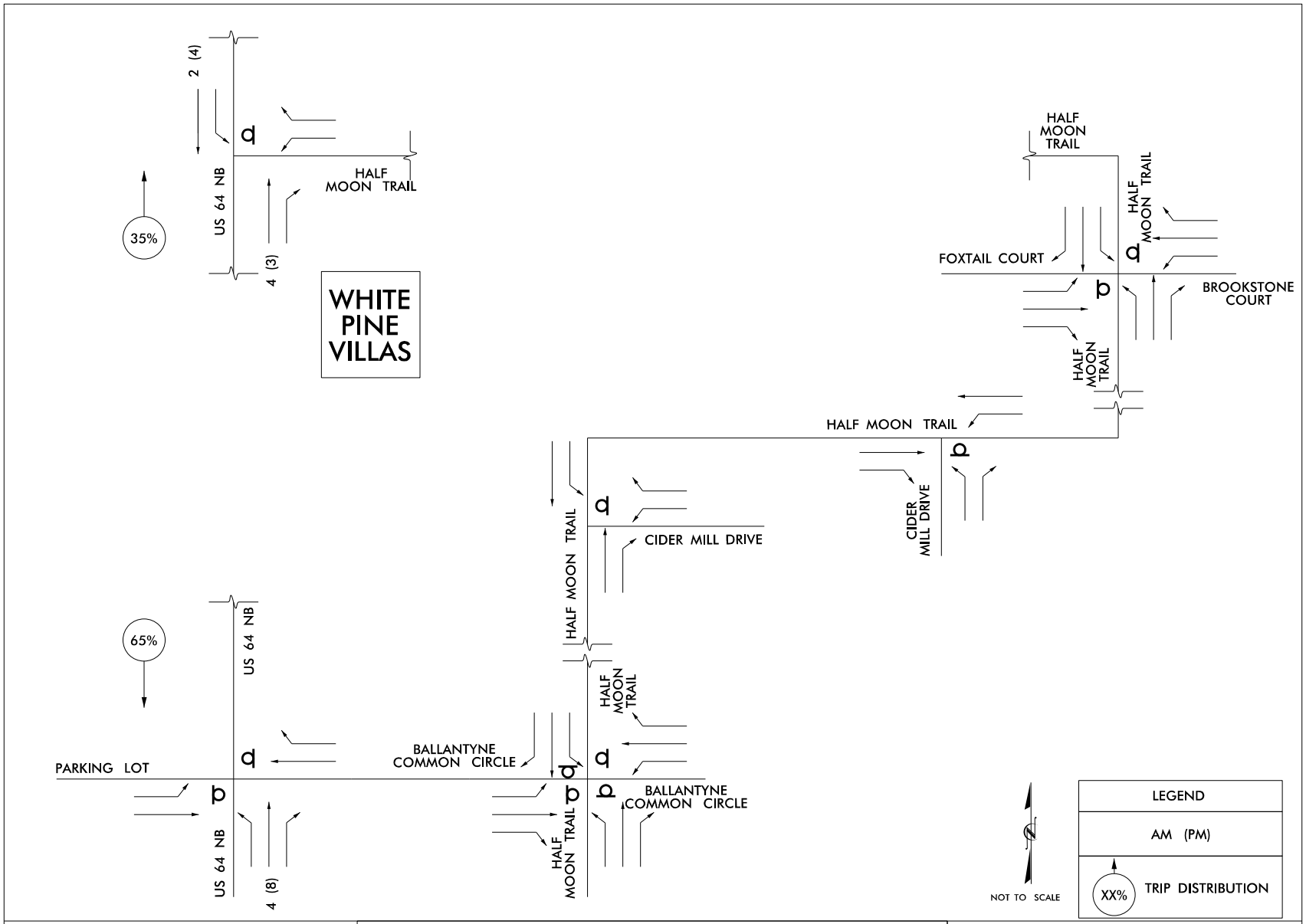

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FIGURE 7
BACKGROUND DEVELOPMENT TRAFFIC – WHITE PINE VILLAS

HALF MOON TRAIL
HENDERSONVILLE, NC

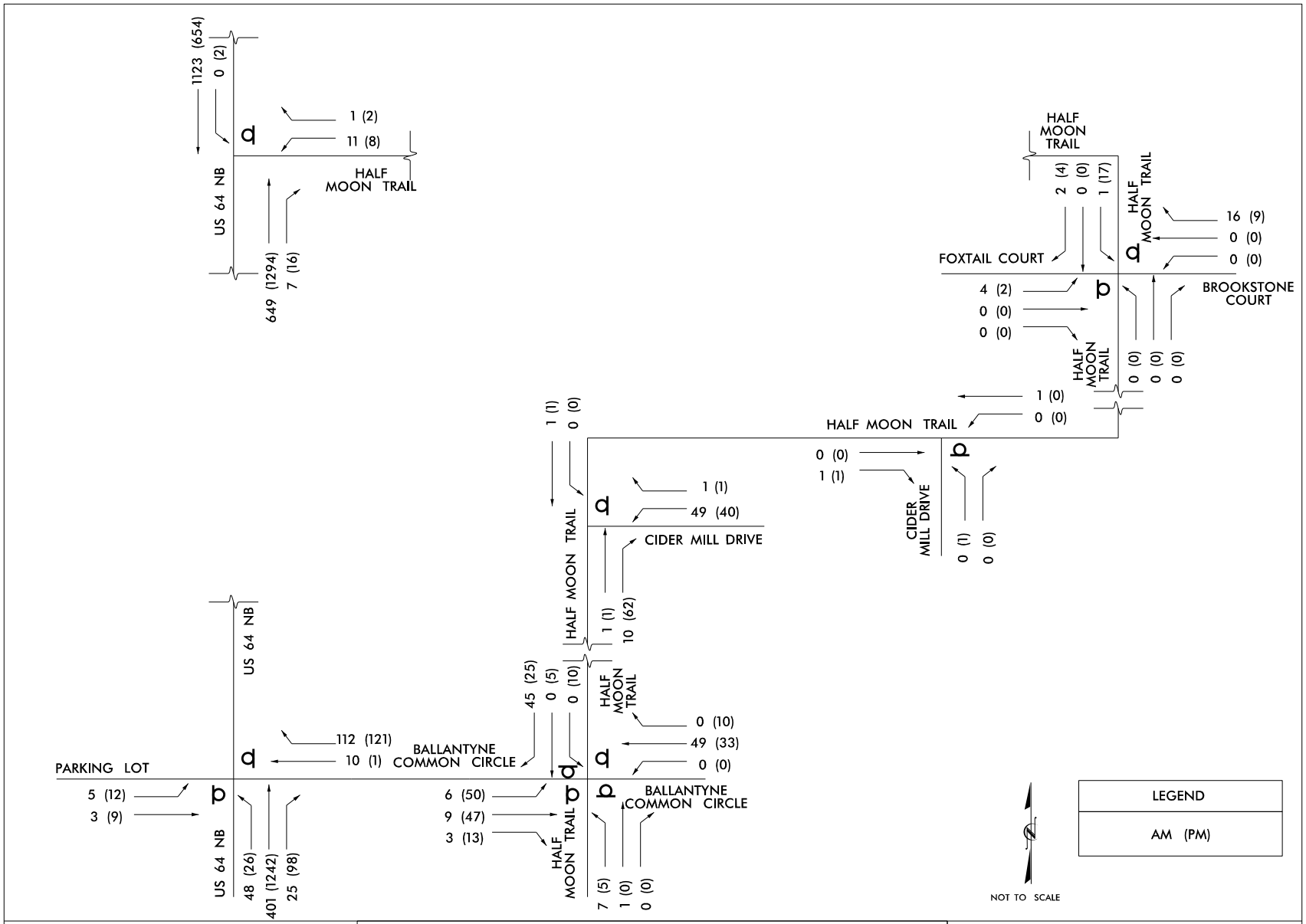

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FIGURE 8
YEAR 2024 BACKGROUND PEAK HOUR TRAFFIC VOLUMES

HALF MOON TRAIL
HENDERSONVILLE, NC

4. Build Traffic Conditions

Site Information

The subject site is located on undeveloped land between adjacent subdivisions on Half Moon Trail. Access to the development is proposed via five (5) driveways along Half Moon Trail. At the completion of this project, 107 Single Family Detached Dwelling Units will be constructed. Full completion of the project is expected by the year 2024.

Trip Generation/Distribution

The Institute of Transportation Engineers (ITE) Trip Generation (10th Edition) was utilized to quantify the trips projected to be generated by this site. As mentioned above, 107 Single Family Detached Dwelling Units is proposed for the site. Shown in Table 2 is the projected peak period and daily traffic generation for the site.

TABLE 2
Half Moon Trail Site Trip Generation

Land Use	AM Peak Hour		PM Peak Hour		
	IN	OUT	IN	OUT	Daily Traffic
107 Single Family Detached Dwelling Units (ITE Land Use 210)	20	61	68	40	1,107

The directionality of traffic along US 64 was examined to determine the anticipated traffic distribution of the proposed Half Moon Trail residential development. Shown in Figure 9 is the Site Development Peak Hour Traffic Volumes.

Adding the Site Development Peak Hour Traffic Volumes shown in Figure 9 to the Year 2024 Background Peak Hour Traffic Volumes shown in Figure 8 will yield the Year 2024 Build Peak Hour Traffic Volumes and are shown in Figure 10.

In addition to the off-site intersection analyses, traffic projections were developed at the five (5) site access points on Half Moon Trail. Shown in Figure 11 are the Year 2024 Build Peak Hour Traffic Volumes at the Site Driveways.

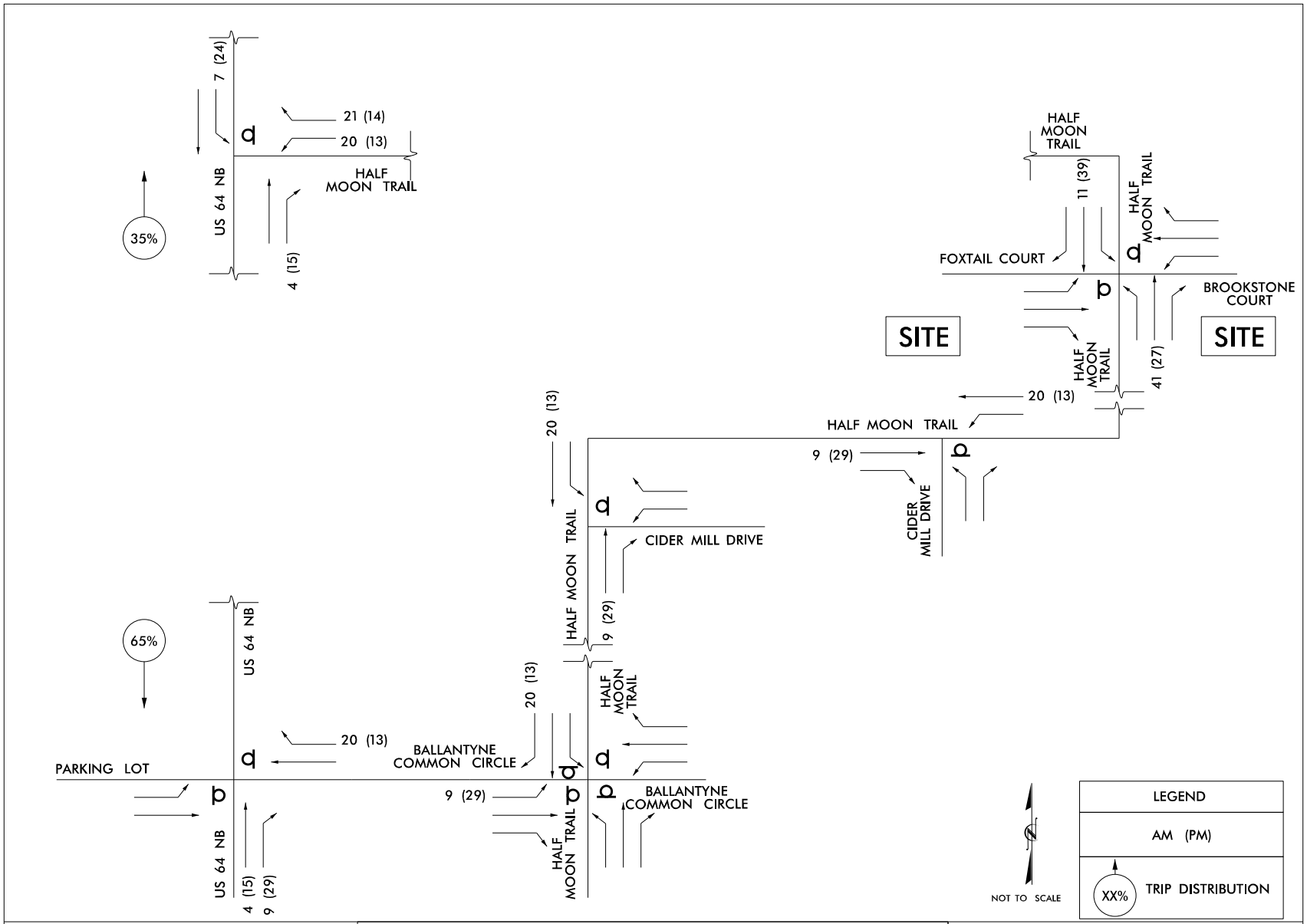

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FIGURE 9
SITE DEVELOPMENT PEAK HOUR TRAFFIC VOLUMES – OFF SITE INTERSECTIONS

HALF MOON TRAIL
HENDERSONVILLE, NC

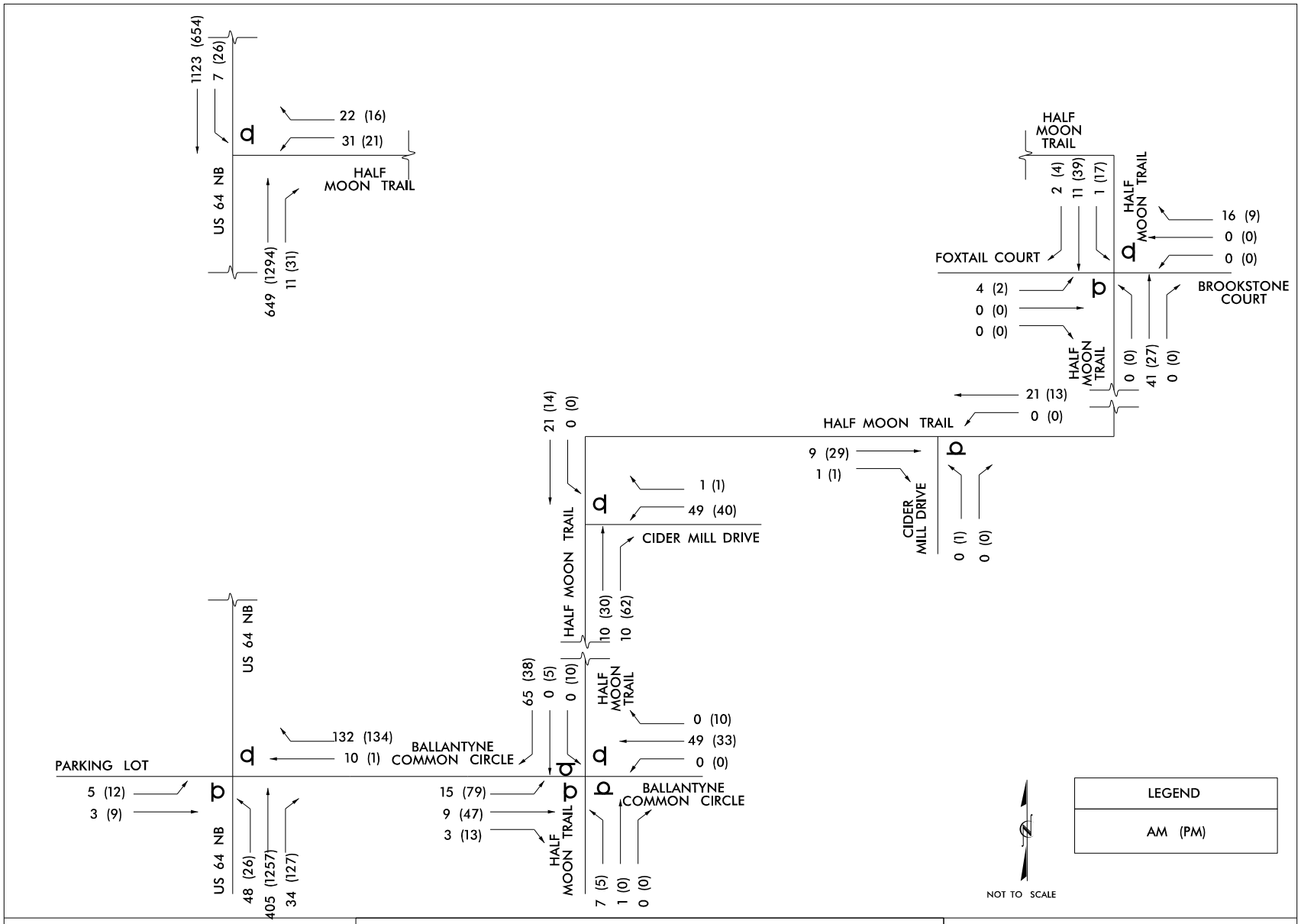

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FIGURE 10
YEAR 2024 BUILD PEAK HOUR TRAFFIC VOLUMES

HALF MOON TRAIL
HENDERSONVILLE, NC

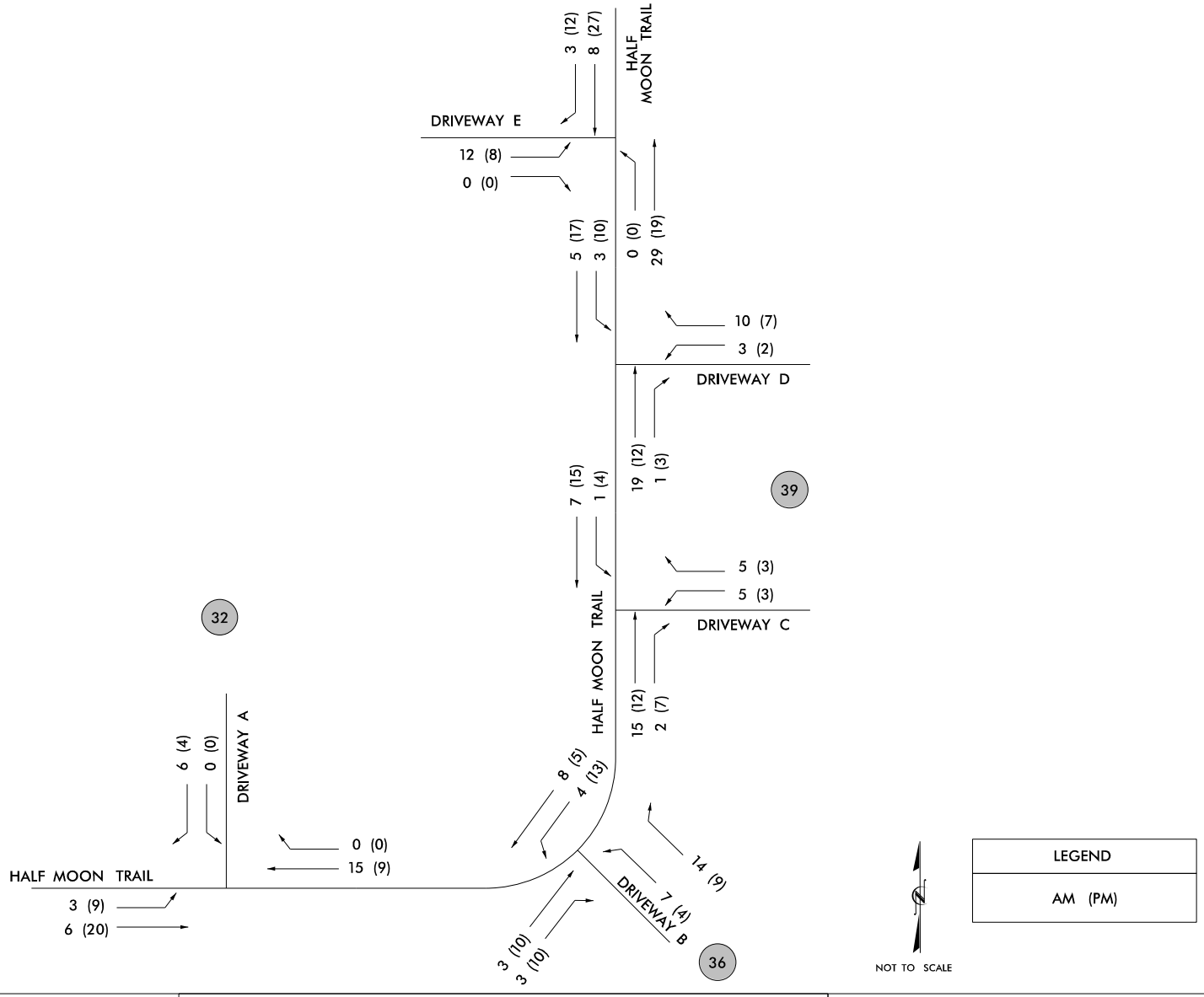

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FIGURE 11
YEAR 2024 BUILD PEAK HOUR TRAFFIC VOLUMES AT SITE DRIVEWAYS

HALF MOON TRAIL
HENDERSONVILLE, NC

5. Intersection Capacity Analyses

Intersection capacity analysis and queuing analyses were undertaken at each of the offsite study intersections using the Synchro 11 traffic analysis software. The results of the Existing, Background and Total traffic conditions is shown in Table 3. The complete Synchro reports are shown in Appendix D.

TABLE 3
Intersection Capacity Analyses – Offsite Intersections

Intersections	Existing Adjusted Traffic		Background Traffic		Build Traffic	
	AM LOS (Delay)	PM LOS (Delay)	AM LOS (Delay)	PM LOS (Delay)	AM LOS (Delay)	PM LOS (Delay)
US 64 at Half Moon Trail						
-WB Left/Right	D (28.1)	E (46.7)	D (29.7)	F (51.0)	D (27.9)	F (62.5)
-SB Left	A (Min)	A (Min)	A (Min)	A (Min)	A (9.1)	B (13.2)
-Overall Int.	A (0.2)	A (0.2)	A (0.2)	A (0.3)	A (0.9)	A (1.3)
Half Moon Trail at Foxtail/Brookstone						
- **EB Left/Th/Rt**	A (Min)	A (Min)	A (Min)	A (Min)	A (9.0)	A (9.3)
- **WB Left/Th/Rt**	A (Min)	A (Min)	A (Min)	A (Min)	A (8.6)	A (8.5)
- **NB Left**	A (Min)	A (Min)	A (Min)	A (Min)	A (Min)	A (Min)
- **SB Left**	A (Min)	A (Min)	A (Min)	A (Min)	A (7.3)	A (2.1)
- **Overall Int.**	A (Min)	A (Min)	A (Min)	A (Min)	A (2.4)	A (2.3)
Half Moon Trail at Cider Mill Dr (E)						
- **NB Left/Right**	A (Min)	A (8.5)	A (Min)	A (8.5)	A (Min)	A (8.7)
- **WB Left**	A (Min)	A (Min)	A (Min)	A (0.0)	A (Min)	A (Min)
- **Overall Int.**	A (Min)	A (2.8)	A (Min)	A (2.8)	A (Min)	A (0.2)
Half Moon Trail at Cider Mill Dr (W)						
- **WB Left/Right**	A (8.8)	A (8.9)	A (8.8)	A (8.9)	A (8.9)	A (9.1)
- **SB Left**	A (Min)	A (Min)	A (Min)	A (Min)	A (Min)	A (Min)
- **Overall Int.**	A (7.1)	A (3.5)	A (7.1)	A (3.5)	A (4.9)	A (2.5)
Half Moon Trail at Ballantyne Common						
- **EB Lt/Th/Rt**	A (7.2)	A (7.7)	A (7.2)	A (7.7)	A (7.3)	A (8.0)
- **WB Lt/Th/Rt**	A (7.3)	A (7.2)	A (7.3)	A (7.2)	A (7.4)	A (7.3)
- **NB Lt/Th/Rt**	A (7.4)	A (7.6)	A (7.4)	A (7.6)	A (7.4)	A (7.7)
- **SB Lt/Th/Rt**	A (6.7)	A (7.2)	A (6.7)	A (7.2)	A (6.8)	A (7.2)
- **Overall Int.**	A (7.1)	A (7.5)	A (7.1)	A (7.5)	A (7.1)	A (7.7)
US 64 at Ballantyne Common/Access						
- **EB Left/Th**	B (12.6)	D (29.9)	B (12.8)	D (31.8)	B (13.0)	D (34.2)
- **WB Th/Right**	B (10.8)	C (18.2)	B (10.9)	C (18.9)	B (11.1)	C (19.9)
- **Overall Int.**	A (2.4)	A (1.9)	A (2.4)	A (2.0)	A (2.6)	A (2.2)

Note: Delays are in seconds Min = Minimal Delay

A review of Table 3 indicates that all offsite intersections will operate at an overall acceptable level of service with the proposed Half Moon Trail Residential Development. However, the westbound Half Moon Trail approach level of service at US 64 operates at LOS "E" during the PM peak hour for Existing Adjusted Traffic. In addition, the westbound Half Moon Trail approach at US 64 will operate at a LOS

"F" during both the Background Traffic Condition (without the proposed site traffic) and the Build Traffic Condition (with the proposed site traffic) during the PM peak hour.

When the minor street approach (Half Moon Trail) at an unsignalized intersection operates at a poor level of service, there are typically two potential mitigation measures to explore. First, the widening of the minor street approach should be examined. The westbound Half Moon Trail approach to US 64 is a single lane serving both left and right turn traffic movements to US 64. The widening of Half Moon Trail to provide separate left and right turn movements was analyzed during the failing PM peak period for the Year 2024 Build Condition. The results of the analyses revealed that the delay to the westbound Half Moon Trail approach to US 64 would be reduced from an average delay of 62.5 seconds to an average delay of 56.3 seconds. However, the level of service remained at "F". The Synchro capacity analysis sheet with the widening of the Half Moon Trail approach to 2 lanes is shown at end of the Build Synchro Analysis Reports.

The second mitigation measure to explore would be the installation of a traffic signal at the US 64 at Half Moon Trail intersection. In order for a traffic signal to be installed at the US 64 at Half Moon Trail intersection, the North Carolina Department of Transportation (NCDOT) would need to approve the installation of the traffic signal. The NCDOT follows the criteria set forth in the Manual on Uniform Traffic Control Devices (MUTCD). At a minimum, at least one of the nine traffic signal warrants would need to be satisfied before the NCDOT would even consider the installation of a traffic signal. For roadways such as US 64 with a speed limit of 50 MPH, the absolute minimum minor street approach volume for any of the 8-hour traffic signal warrants is **53 vehicles per hour for at least 8 hours of the day**. Under the Year 2024 Build Traffic Condition, the Half Moon Trail approach to US 64 has 53 vehicles during the AM peak hour and 37 vehicles during the PM peak hour.

For residential communities, the outbound AM peak hour would represent the highest traffic flow. The westbound Half Moon Trail approach to US 64 would be the peak outbound direction in this case. Since 53 westbound Half Moon Trail vehicles are projected during the AM peak hour, this represents the peak flow and the other hours of the day would be less than 53 vehicles. Since only one of the required 8 hours would be met, the intersection would not meet any of the 8-hour traffic signal warrants.

It should be noted that the **Four-Hour Traffic Signal Warrant has a minimum of 60 vehicles per hour for a minimum of 4 hours** along the minor street approach to be satisfied. In addition, the **Peak Hour Traffic Signal Warrant has a minimum of 75 vehicles per hour for a minimum of 1 hour** along the minor street approach to be satisfied. Therefore, the Year 2024 Build Traffic Conditions would not satisfy either the Four-Hour Traffic Signal Warrant or the Peak Hour Traffic Signal Warrant. However, typically, the NCDOT would also require one or more of the 8-hour Traffic Signal Warrants to be satisfied before considering the installation of a traffic signal.

The NCDOT does consider crash activity at an intersection for the installation of a traffic signal. In order to satisfy the Crash Experience Warrant, a total of five (5) crashes must have occurred over a 12-month period that are the type of crashes susceptible for correction by a traffic signal. Based upon the reported crash activity at the US 64 at Half Moon Trail over the past 5 years (2016-2020), there have been zero (0) reported accidents at this intersection.

Therefore, the installation of traffic signal at the US 64 at Half Moon Trail does not appear to be a viable option to lessen the delays along westbound Half Moon Trail. Also, the widening of the Half Moon Trail approach to provide separate left and right turn lanes will not improve the level of service with the proposed development and will only lessen the average delay by 6.2 seconds per vehicle during the PM peak hour. It should be noted that even with the proposed build-out of the Half Moon Trail Residential Development, there are only 37 westbound Half Moon Trail vehicles projected during the PM peak hour (that includes the existing traffic from the Wolf Chase development). This equates to an average of 1 vehicle arriving along westbound Half Moon Trail at US 64 every 1.5 minutes during the PM peak hour. Since the projected Year 2024 Build Traffic condition delay along westbound Half Moon Trail was estimated at 62.5 seconds per vehicle, there typically would not be more than 1 vehicle queued to exit Half Moon Trail to US 64 when another vehicle arrives.

In addition to the offsite intersection evaluations, the operations of the proposed Site Access Driveways on Half Moon Trail were analyzed. Shown in Table 4 below are the intersection capacity analyses for the Year 2024 Build Peak Hour Traffic Volumes at the Site Driveways.

TABLE 4
Intersection Capacity Analyses – Site Access Driveways

Intersections	Build Traffic	
	AM LOS (Delay)	PM LOS (Delay)
Half Moon Trail at Driveway A		
-EB Left	A (7.3)	A (7.2)
-SB Left/Right	A (8.4)	A (8.4)
-Overall Int.	A (2.4)	A (2.4)
Half Moon Trail at Driveway B		
- **WB Left**	A (7.2)	A (7.3)
- **NB Left/Right**	A (8.5)	A (8.5)
- **Overall Int.**	A (5.3)	A (3.1)
Half Moon Trail at Driveway C		
- **WB Left/Right**	A (8.6)	A (8.6)
- **SB Left**	A (7.3)	A (7.3)
- **Overall Int.**	A (2.7)	A (1.8)
Half Moon Trail at Driveway D		
- **WB Left/Right**	A (8.5)	A (8.5)
- **SB Left**	A (7.3)	A (7.3)
- **Overall Int.**	A (3.2)	A (2.9)
Half Moon Trail at Driveway E		
- **EB Left/Right**	A (8.8)	A (8.8)
- **NB Left**	A (Min)	A (Min)
- **Overall Int.**	A (2.0)	A (1.1)

A review of Table 4 indicates that all Site Access intersections will operate at a level of service "A" during both the AM and PM peak hours.

Traffic queuing was all also analyzed at all offsite study intersections. The traffic queuing along each lane group approach is shown in Table 5.

TABLE 5
Intersection Traffic Queuing – Offsite Intersections

Intersections	Existing Adjusted Traffic		Background Traffic		Build Traffic		
	AM Max Queue	PM Max Queue	AM Max Queue	PM Max Queue	AM Max Queue	PM Max Queue	Available Storage
US 64 at Half Moon Trail							
SB Left US 64	0 feet	0 feet	0 feet	0 feet	0 feet	31 feet	500 feet
WB Half Moon Trail	27 feet	27 feet	27 feet	27 feet	70 feet	90 feet	Continuous
Half Moon Trail at Foxtail/Brookstone							
EB Foxtail Court	31 feet	0 feet	31 feet	0 feet	30 feet	31 feet	Continuous
WB Brookstone Ct	31 feet	26 feet	31 feet	31 feet	31 feet	31 feet	Continuous
SB Half Moon Trail	0 feet	0 feet	0 feet	0 feet	0 feet	0 feet	Continuous
Half Moon Trail at Cider Mill Drive (E)							
NB Cider Mill Dr	0 feet	0 feet	0 feet	0 feet	0 feet	29 feet	Continuous
Half Moon Trail at Cider Mill Drive (W)							
WB Cider Mill Dr	31 feet	68 feet	31 feet	68 feet	31 feet	68 feet	Continuous
Half Moon Trail at Ballantyne Common							
EB Ballantyne	31 feet	31 feet	31 feet	54 feet	31 feet	31 feet	Continuous
WB Ballantyne	31 feet	31 feet	31 feet	54 feet	54 feet	31 feet	Continuous
NB Half Moon Trail	31 feet	0 feet	31 feet	0 feet	31 feet	31 feet	Continuous
SB Half Moon Trail	31 feet	68 feet	31 feet	68 feet	31 feet	31 feet	Continuous
US 64 at Ballantyne Common/Access							
EB Access Road	0 feet	27 feet	0 feet	26 feet	26 feet	68 feet	Continuous
WB Ballantyne	30 feet	101 feet	30 feet	92 feet	66 feet	95 feet	Continuous

Note: Continuous signifies that there is not a dedicated storage length.

Based upon an examination of the traffic queueing at all offsite study intersections, it was determined that the existing lane geometrics are adequate to support the existing traffic and future traffic with the proposed Half Moon Trail residential development. Based upon the very low traffic volumes at the Site Access Driveways on Half Moon Trail, traffic queuing is expected to minimal at the site driveway intersections (with maximum traffic queues of 2 vehicles or less). The details of the queuing at the Site Driveways are also shown in Appendix D.

6. Results, Recommendations, and Conclusions

Study Purpose

Wetherill Engineering has prepared this Traffic Impact Analysis to quantify the impact the proposed Half Moon Trail residential development will have on the surrounding road network in the City of Hendersonville. The subject site is located on undeveloped land between adjacent subdivisions on Half Moon Trail. Access to the development is proposed via five (5) driveways along Half Moon Trail. At the completion of this project, 107 Single Family Detached Dwelling Units will be constructed. Full completion of the project is expected by the year 2024.

Study Criteria/Methodology

This Traffic Impact Analysis has been prepared in accordance with requirements outlined in the NCDOT Congestion Management Capacity Analysis Guidelines. Trip generation for the Half Moon Trail residential development is based on data contained in the Institute of Transportation Engineers (ITE) Trip Generation (10th Edition). Intersection capacity analyses were conducted at all study intersections using the Synchro Version 11 software and the Highway Capacity Manual, 6th Edition.

Summary of Findings and Recommendations

These analyses showed that all study intersections are currently operating at an overall acceptable level of service and will continue to operate at an overall acceptable level of service with the completion of the Half Moon Trail residential development. Although the overall intersection level of service of the US 64 at Half Moon Trail is acceptable, the westbound Half Moon Trail approach to US 64 is currently operating at LOS “E” during the PM peak hour, and is projected to operate at a LOS “F” by the Year 2024 with or without the proposed Half Moon Trail Residential Development. A potential mitigation measure was explored at the US 64 at Half Moon Trail intersection that included the widening of the westbound Half Moon Trail approach to provide separate left and right turn lanes. However, this improvement was shown to have minimal delay benefits and would not improve the level of service of the westbound Half Moon Trail approach.

The possibility of the installation of a traffic signal at the US 64 at Half Moon Trail intersection was also explored. However, based upon the examination of the AM and PM peak hour traffic data and the crash history at the intersection, the intersection does not meet MUTCD Traffic Signal Warrants. Therefore, the NCDOT would likely not consider a traffic signal at this location.

Even though the westbound Half Moon Trail approach at US 64 is projected to operate with delays of approximately 1 minute per vehicle during the PM peak hour for the Year 2024 Build Condition, the traffic demand for this approach is relatively light with a vehicle expected to arrive at US 64 along westbound Half Moon Trail every 1.5 minute during the PM peak hour. Therefore, even with no improvements at the US 64/Half Moon Trail intersection, there typically would not be more than 1

other vehicle queued at US 64. Thus, improvements to offsite intersections do not appear to be justified (either by physical roadway widening or the installation of a traffic signal).

Finally, the site plan for the proposed development is at the concept stage. After a more refined site plan is developed, sight distance evaluations at the driveways along Half Moon Trail should be conducted to ensure that the available sight lines meet NCDOT and City of Hendersonville criteria. The relatively low projected peak period traffic volumes at the site driveways on Half Moon Trail do not require turn lanes at the intersections to meet adequate levels of service.

APPENDIX A

WETHERILL ENGINEERING RESPONSE MEMORANDUM TO TIA REVIEW COMMENTS

MEMORANDUM

TO: Tyler Murrow – City of Hendersonville

FROM: Lawrence Green, PE, PTOE

DATE: September 23, 2021

SUBJECT: Responses to Half Moon Trail TIA Review

The purpose of this memorandum is to prepare a response to the comments prepared by Kimley Horn in their letter dated September 9, 2021 on the TIA prepared by Wetherill Engineering for the Half Moon Trail Residential Development dated August 10, 2021. Listed below are the comments and Wetherill Engineering's response.

Comment #1:

- On Page 6, the text states that "the site will be developed with up to 118 dwelling units" and notes that only 112 dwelling units are proposed.

Response #1:

- The development size is now 107 Single Family Detached Dwelling Units and will be revised in the report.

Comment #2:

- The Conceptual Master Plan provided in Figure 1 specifies a permitted density of 10 units per acre. At 33.65 acres, the proposed site is permitted for up to 337 dwelling units, which is double the specified number. The "Site Information" block on the Conceptual Master Plan should be updated to reflect the correct maximum density of single-family detached dwelling units, or the text should be updated to clarify what is meant by "the site will be developed with up to 118 dwelling units".

Response #2:

- The development size will be limited to 107 Single Family Detached Dwelling Units and will be noted as such in the report.

Comment #3:

- Intersection turning movement counts were collected on Tuesday, June 15th, after the last day of classes for Henderson County Public Schools. However, the text does not acknowledge the potential implications of collecting traffic counts while school is not in session. Considering the proximity of North Henderson High School and Apple Valley Middle School to the proposed site, further justification should be provided for using data collected while school was not in session. The potential impact of COVID-19 on travel patterns is not addressed in the TIA. At a minimum, justification should be provided for using the collected traffic counts without adjustment.

Response #3:

- Wetherill Engineering contacted NCDOT for guidance on this issue. There was no local data available to determine the difference between school-time traffic counts and summer time traffic counts. However, NCDOT did have a state-wide model that indicated that May traffic conditions were 5% higher than June traffic conditions. Therefore, a 5% adjustment factor to the traffic counts collected on June 15, 2021 was utilized to reflect traffic conditions when schools were in session. In addition, the NCDOT has indicated that traffic volumes have returned to close to normal conditions but did not have the specific traffic data to justify their opinion. Therefore, no further adjustment to June 15, 2021 traffic counts other than the 5% increase will be utilized in the updated traffic report.

Comment #4:

- No caption/title is provided for Figure 1. In Figure 4 (Existing AM & PM Peak Hour Traffic Volumes): "Cedar Mill Drive" should read "Cider Mill Drive". Based on the collected traffic count data, the westbound left- and right-turn volumes are flipped at the intersection of Half Moon Trail with Ballantyne Common Circle (i.e., 9 PM peak hour eastbound right-turn movements should be shown instead of 9 eastbound left turn movements). Based on the collected traffic count data, the arrow diagrams should be updated to show zero eastbound right-turn movements (PM peak hour) and one westbound through movement (AM peak hour) at the intersection of Half Moon Trail with Cider Mill Drive (East). Based on the collected traffic count data, the arrow diagrams should be updated to show one southbound through movement during the AM and PM peak hours at the intersection of Half Moon Trail with Cider Mill Drive (West).

Response #4:

- The typographical errors will be corrected in the report.

Comment #5:

- The opening line of this section states that the "project is anticipated to having a build-out year…" but instead should read that the "project is anticipated to have a build-out year…".

Response #5:

- Editorial comment addressed.

Comment #6:

- Generic references to NCDOT traffic data are made. Consider updating the text to specify the NCDOT AADT station ID referenced in the development of a background growth rate. Based on existing peak hour traffic volumes and the proposed 1% background growth rate, the northbound through volume growth at the intersection of US 64/Chimney Rock Road with Ballantyne Common Circle should be 7 and 23 vehicles per hour during the AM and PM peak hours, respectively. It is typical practice to apply the chosen background growth rate to all turning movement volumes within the TIA study area (i.e., not just the through volumes on the major adjacent roadway). Application of the selected growth rate only to through volumes on US 64/Chimney Rock Road appears reasonable, in this case; however, justification for the proposed background traffic volume development methodology should be provided in the report text. In Figure 7 (2023 Background Peak Hour Traffic Volumes): "Cedar Mill Drive" should read "Cider Mill Drive". Based on the

collected traffic count data, the westbound left- and right-turn volumes are flipped at the intersection of Half Moon Trail with Ballantyne Common Circle (i.e., 9 PM peak hour eastbound right-turn movements should be shown instead of 9 eastbound left turn movements). Based on the collected traffic count data, the arrow diagrams should be updated to show zero eastbound right-turn movements (PM peak hour) and one westbound through movement (AM peak hour) at the intersection of Half Moon Trail with Cider Mill Drive (East). Based on the collected traffic count data, the arrow diagrams should be updated to show one southbound through movement during the AM and PM peak hours at the intersection of Half Moon Trail with Cider Mill Drive (West).

Response #6:

- NCDOT count station now referenced in report. Other typographical errors corrected in the report.

Comment #7:

- The phrase "Total Traffic Conditions" should be revised to read "Build Traffic Conditions" in all cases. In Table 2, "ITE Land Use 252" should be revised to read "ITE Land Use 210". The projected 1,211 daily trips do not meet the NCDOT minimum threshold that defines the need for a TIA, as stated within the report text. However, the minimum threshold of 1,000 daily trips defined by the City of Hendersonville Zoning Ordinance is met. The TIA report text should be updated to note this distinction and make it clear that the subject study was required, not just completed for the City's reference. Though not explicitly shown in the TIA, 50% of the traffic volume assigned to southbound US 64/Chimney Rock Road makes a westbound right-turn movement at the intersection with Ballantyne Common Circle, then completes a U-turn to the north. Based on the proposed site location and layout, trips bound for southbound US 64/Chimney Rock Road may be more likely to execute a westbound left-turn movement at the full-movement intersection with Half Moon Trail. Consider providing a supplement to Figure 8 (Site Development Peak Hour Traffic Volumes) that shows the proposed trip assignment percentages by turning movement, including that at the U-turn location on northbound US 64/Chimney Rock Road to the north of Ballantyne Common Circle. Provide further justification for the selected trip assignment within the report text and update the capacity analysis, if necessary. In Figure 9 (2023 Total Peak Hour Traffic Volumes): "Cedar Mill Drive" should read "Cider Mill Drive". Based on the collected traffic count data, the westbound left- and right-turn volumes are flipped at the intersection of Half Moon Trail with Ballantyne Common Circle (i.e., 9 PM peak hour eastbound right-turn movements should be shown instead of 9 eastbound left turn movements). Based on the collected traffic count data, the arrow diagrams should be updated to show zero eastbound right-turn movements (PM peak hour) and 22 westbound through movements (AM peak hour) at the intersection of Half Moon Trail with Cider Mill Drive (East). Based on the collected traffic count data, the arrow diagrams should be updated to show 22 and 15 southbound through movements during the AM and PM peak hours, respectively, at the intersection of Half Moon Trail with Cider Mill Drive (West).

Response #7:

- Editorial comments addressed and typographical errors corrected. Statement added to report acknowledging City of Hendersonville minimum threshold for conducting TIA is met. The U-turn movement on US 64 is at an intersection not part of the scoped study and therefore, changes are not necessary.

Comment #8:

- The results presented in Table 3 are reflective of the "Lanes, Volumes, Timings" report in Synchro 11 software. However, NCDOT and City of Hendersonville guidelines specify that analyses should be conducted based on the procedures contained within the "most recent release of the Highway Capacity Manual". The capacity analysis and accompanying Table 3 should be revised to show intersection delay and level of service based on the Highway Capacity Manual, 6th Edition methodology for stop-controlled intersections. This change is likely to have a substantial impact on the analysis results and TIA findings. Where results are presented for two-way stop-controlled intersections, only delay associated with the minor street approaches and major street left-turn movements should be presented in Table 3. Overall intersection delay is typically not reported for two-way stop-controlled intersections. Per NCDOT guidelines, the maximum queue length from SimTraffic outputs should be reported in Table 4 instead of the 95th percentile queue length.

Response #8:

- Analyses results will be modified to reflect the delay and level of service as outlined in the Highway Capacity Manual, 6th Edition for stop-controlled intersections. Queue reports will be modified to reflect maximum queues.

Comment #9:

- The City of Hendersonville Zoning Ordinance states that "all access points, regardless of the classification of the roadway facility the access points connect to, shall follow the North Carolina Department of Transportation's most current Policy on Street and Driveway Access to NC Highways". Capacity analysis results are not presented for any of the five proposed access points on Half Moon Trail. Auxiliary turn lane warrants, intersection sight distance, and pedestrian/bicycle considerations were not addressed in the TIA. Justification for the exclusion of these key analysis elements should be provided within the report text. Otherwise, additional analyses should be conducted for the five proposed access points on Half Moon Trail, and the TIA should be updated accordingly.

Response #9:

- Capacity analyses for the site access points will be added to the report with any turn lane recommendations.

APPENDIX B

EXISTING TRAFFIC COUNT DATA

TRUE DIRECTION

TRAFFIC SERVICES,INC

236-1 Grandview Dr, Sneads

919-749-3979 truedirectiontraffic@gmail.com

Count Number: SITE 1

County: HENDERSON

City: HENDERSONVILLE

Division: 14

Location: US 64 AND BALLANTYNE COMMONS

Location Type: 4-LEG

Count Type: TURNING MOVEMENT NO CLASSIFICATION

Count Start Date: 6/15/21

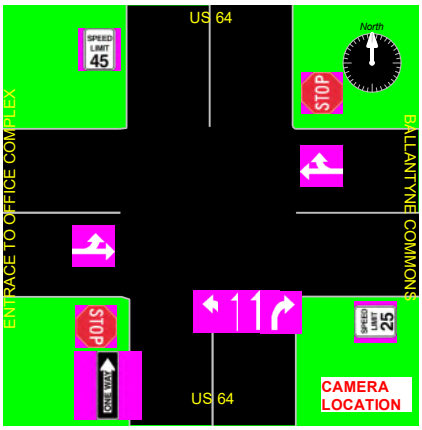
Time: 6:00AM-9:00AM AND 4:00PM-7:00PM

Video Time Used: 6:00AM-9:00AM AND 4:00PM-7:00PM (06-15)

Total Volume: 4,906

Weather: SUNNY

1. School in Session: No
2. Pedestrians Observed During Count: Yes
3. Disabled Pedestrians Present: No
4. Counted By: MICHAEL JOHNSON
5. Data Processor: MICHAEL JOHNSON
6. Signal Inventory: N/A
7. Intersection Controlled By:STOP SIGN
8. Data Collection Method: Jamar DB-400 Electronic Count Board
9. Equipment Operating Properly: Yes
10. Area Lighting: Yes
11. Construction Present: No
12. Traffic Problems Observed: No
    If Yes Describe:



LOCATION OF SITE 1

Westbound Approach

Looking Back Westbound

Westbound Approach:

Stop Sign Within 300':Yes

Traffic Signal Within 300' No

Railroad within 300': No
If Yes Distance:

Northbound Approach

Looking Back Northbound

Northbound Approach:

Stop Sign Within 300':Yes

Traffic Signal Within 300' No

Railroad within 300': No
If Yes Distance:

Eastbound Approach

Looking Back Eastbound

Eastbound Approach:

Stop Sign Within 300':No

Traffic Signal Within 300' No

Railroad within 300': No
If Yes Distance:

TRUE DIRECTION TRAFFIC SERVICES, INC.

236-1 GRANDVIEW DR.
SNEADS FERRY NC 28460
TRUEDIRECTIONTRAFFIC@GMAIL.COM
919-749-3979
MICHAEL JOHNSON

US 64 AND BALLANTYNE COMMONS
HENDERSONVILLE HENDERSON CO.
Weather: SUNNY
Counted By: MICHAEL JOHNSON

File Name : SITE 1
Site Code : SITE 1
Start Date : 6/15/2021
Page No : 1

Groups Printed- ALL VEHICLES

	US 64 SOUTHBOUND					BALLANTYNE COMMONS WESTBOUND					US 64 NORTHBOUND					ENTRACE TO OFFICE COMPLEX EASTBOUND					
Start Time	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Int. Total
06:00 AM	0	0	0	0	0	0	1	8	0	9	0	25	1	0	26	0	1	0	0	1	36
06:15 AM	0	0	0	0	0	0	0	10	0	10	0	20	0	0	20	0	1	0	0	1	31
06:30 AM	0	0	0	0	0	0	1	15	0	16	1	39	1	0	41	1	1	0	0	2	59
06:45 AM	0	0	0	0	0	0	1	14	0	15	1	52	1	1	55	0	0	0	1	1	71
Total	0	0	0	0	0	0	3	47	0	50	2	136	3	1	142	1	3	0	1	5	197
07:00 AM	0	0	0	2	2	0	2	23	0	25	0	70	3	0	73	0	0	0	0	0	100
07:15 AM	0	0	0	0	0	0	2	16	0	18	9	85	4	0	98	0	1	0	0	1	117
07:30 AM	0	0	0	0	0	0	1	23	1	25	15	89	6	0	110	1	0	0	0	1	136
07:45 AM	0	0	0	0	0	0	3	25	1	29	14	90	5	0	109	1	1	0	0	2	140
Total	0	0	0	2	2	0	8	87	2	97	38	334	18	0	390	2	2	0	0	4	493
08:00 AM	0	0	0	0	0	0	2	30	0	32	12	92	6	0	110	1	1	0	0	2	144
08:15 AM	0	0	0	0	0	0	1	28	0	29	10	85	4	0	99	1	0	0	0	1	129
08:30 AM	0	0	0	0	0	0	3	22	0	25	9	93	8	0	110	2	1	0	0	3	138
08:45 AM	0	0	0	0	0	0	3	32	0	35	8	87	5	0	100	2	2	0	0	4	139
Total	0	0	0	0	0	0	9	112	0	121	39	357	23	0	419	6	4	0	0	10	550
09:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
09:15 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
09:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
09:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10:15 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11:15 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

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12:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
01:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
01:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
01:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
01:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
02:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
02:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
02:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
02:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
03:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
03:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
03:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
03:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
04:00 PM	0	0	0	1	1	0	3	22	0	25	7	185	7	0	199	0	3	0	0	3	228
04:15 PM	0	0	0	1	1	0	0	22	0	22	11	275	18	2	306	0	2	0	0	2	331
04:30 PM	0	0	0	0	0	0	0	13	0	13	13	259	14	0	286	2	2	0	0	4	303
04:45 PM	0	0	0	3	3	0	0	22	0	22	8	268	21	1	298	3	0	0	0	3	326
Total	0	0	0	5	5	0	3	79	0	82	39	987	60	3	1089	5	7	0	0	12	1188
05:00 PM	0	0	0	0	0	0	0	24	0	24	5	289	26	1	321	2	3	0	0	5	350
05:15 PM	0	0	0	0	0	0	1	39	0	40	4	295	15	0	314	1	2	0	0	3	357
05:30 PM	0	0	0	0	0	0	0	28	0	28	7	268	30	0	305	5	3	0	0	8	341
05:45 PM	0	0	0	0	0	0	0	16	0	16	1	256	24	0	281	0	0	0	0	0	297
Total	0	0	0	0	0	0	1	107	0	108	17	1108	95	1	1221	8	8	0	0	16	1345
06:00 PM	0	0	0	0	0	0	2	29	0	31	5	270	17	0	292	0	1	0	0	1	324
06:15 PM	0	0	0	0	0	0	0	17	0	17	6	225	17	0	248	1	2	0	0	3	268

TRUE DIRECTION TRAFFIC SERVICES, INC.

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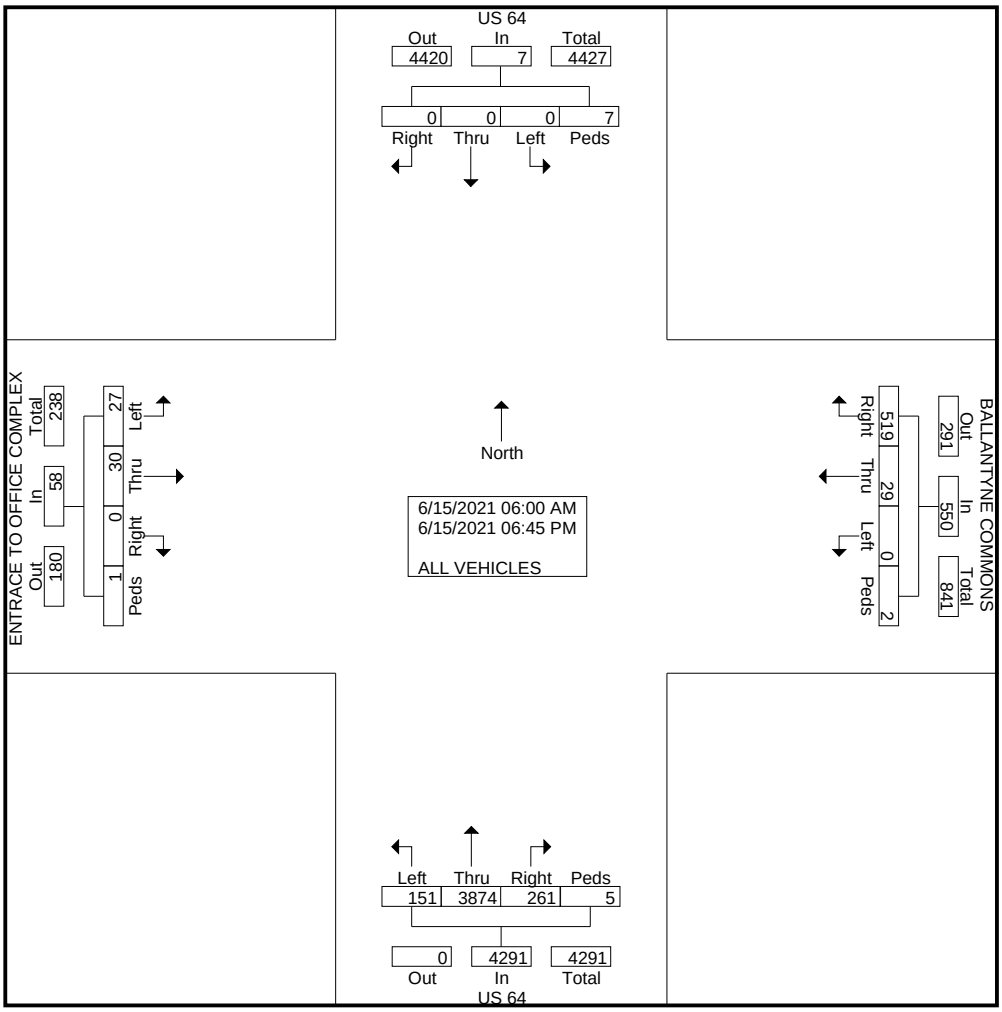
MICHAEL JOHNSON

US 64 AND BALLANTYNE COMMONS
HENDERSONVILLE HENDERSON CO.
Weather: SUNNY
Counted By: MICHAEL JOHNSON

File Name : SITE 1
Site Code : SITE 1
Start Date : 6/15/2021
Page No : 3

Groups Printed- ALL VEHICLES

	US 64 SOUTHBOUND					BALLANTYNE COMMONS WESTBOUND					US 64 NORTHBOUND					ENTRACE TO OFFICE COMPLEX EASTBOUND					
Start Time	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Int. Total
06:30 PM	0	0	0	0	0	0	1	22	0	23	2	235	17	0	254	2	1	0	0	3	280
06:45 PM	0	0	0	0	0	0	2	19	0	21	3	222	11	0	236	2	2	0	0	4	261
Total	0	0	0	0	0	0	5	87	0	92	16	952	62	0	1030	5	6	0	0	11	1133
Grand Total	0	0	0	7	7	0	29	519	2	550	151	3874	261	5	4291	27	30	0	1	58	4906
Apprch %	0	0	0	100		0	5.3	94.4	0.4		3.5	90.3	6.1	0.1		46.6	51.7	0	1.7		
Total %	0	0	0	0.1	0.1	0	0.6	10.6	0	11.2	3.1	79	5.3	0.1	87.5	0.6	0.6	0	0	1.2	



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US 64 AND BALLANTYNE COMMONS
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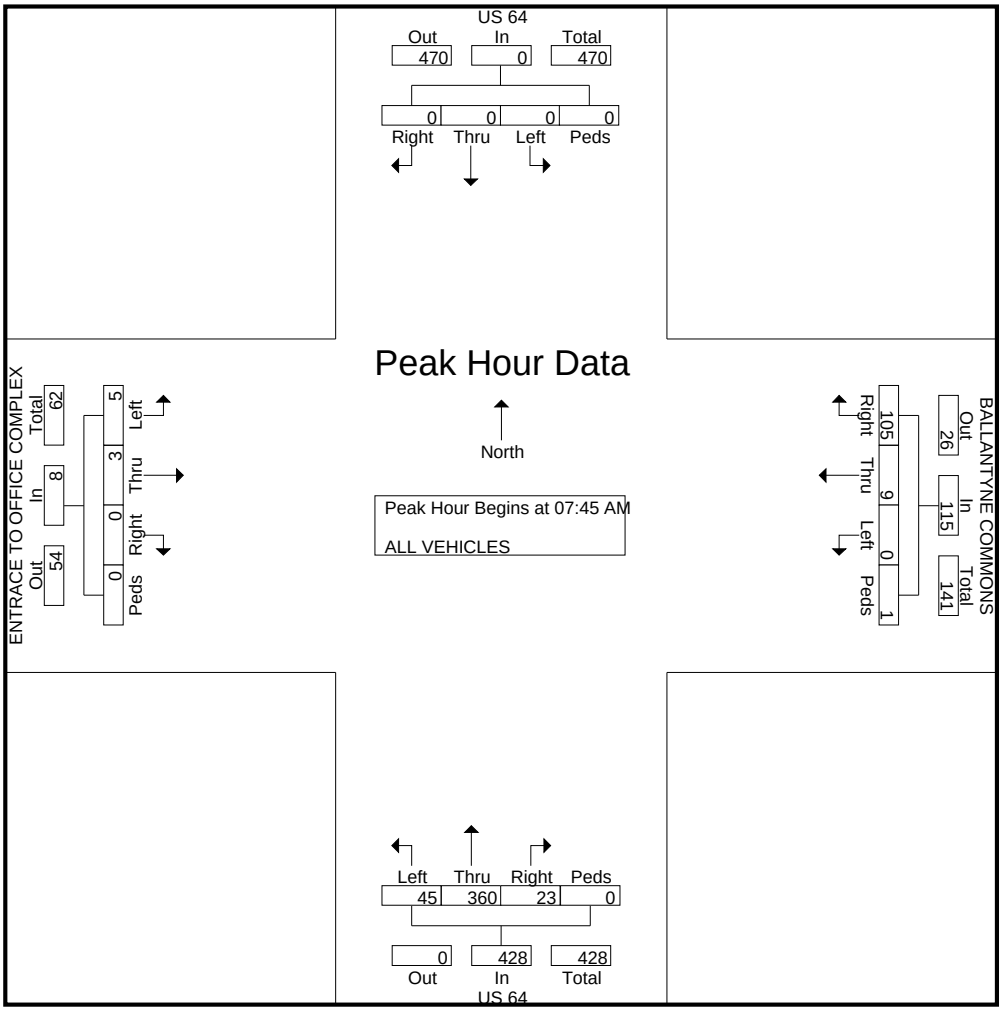
Weather: SUNNY
Counted By: MICHAEL JOHNSON

File Name : SITE 1
Site Code : SITE 1
Start Date : 6/15/2021
Page No : 4

	US 64 SOUTHBOUND					BALLANTYNE COMMONS WESTBOUND					US 64 NORTHBOUND					ENTRACE TO OFFICE COMPLEX EASTBOUND					
Start Time	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Int. Total
Peak Hour Analysis From 06:00 AM to 12:00 PM - Peak 1 of 1																					
Peak Hour for Entire Intersection Begins at 07:45 AM																					
07:45 AM	0	0	0	0	0	0	**3**	25	**1**	29	**14**	90	5	0	109	1	**1**	0	0	2	140
08:00 AM	0	0	0	0	0	0	2	**30**	0	**32**	12	92	6	0	**110**	1	1	0	0	2	**144**
08:15 AM	0	0	0	0	0	0	1	28	0	29	10	85	4	0	99	1	0	0	0	1	129
08:30 AM	0	0	0	0	0	0	3	22	0	25	9	**93**	**8**	0	110	**2**	1	0	0	**3**	138
Total Volume	0	0	0	0	0	0	9	105	1	115	45	360	23	0	428	5	3	0	0	8	551
% App. Total	0	0	0	0		0	7.8	91.3	0.9		10.5	84.1	5.4	0		62.5	37.5	0	0		
PHF	.000	.000	.000	.000	.000	.000	.750	.875	.250	.898	.804	.968	.719	.000	.973	.625	.750	.000	.000	.667	.957



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Weather: SUNNY
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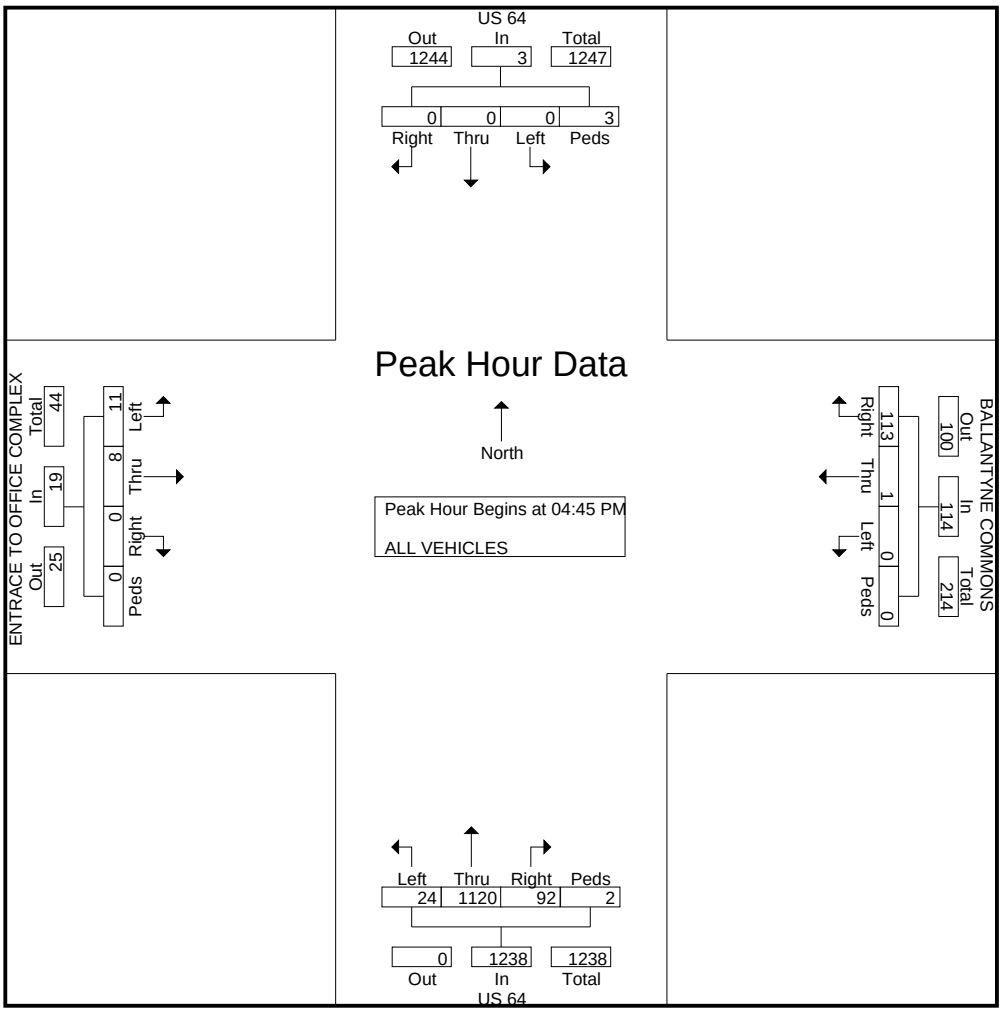
File Name : SITE 1
Site Code : SITE 1
Start Date : 6/15/2021
Page No : 5

	US 64 SOUTHBOUND					BALLANTYNE COMMONS WESTBOUND					US 64 NORTHBOUND					ENTRACE TO OFFICE COMPLEX EASTBOUND					
Start Time	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Int. Total
Peak Hour Analysis From 12:00 PM to 06:45 PM - Peak 1 of 1																					
Peak Hour for Entire Intersection Begins at 04:45 PM																					
04:45 PM	0	0	0	**3**	**3**	0	0	22	0	22	**8**	268	21	**1**	298	3	0	0	0	3	326
05:00 PM	0	0	0	0	0	0	0	24	0	24	5	289	26	1	**321**	2	**3**	0	0	5	350
05:15 PM	0	0	0	0	0	0	**1**	**39**	0	**40**	4	**295**	15	0	314	1	2	0	0	3	**357**
05:30 PM	0	0	0	0	0	0	0	28	0	28	7	268	**30**	0	305	**5**	3	0	0	**8**	341
Total Volume	0	0	0	3	3	0	1	113	0	114	24	1120	92	2	1238	11	8	0	0	19	1374
% App. Total	0	0	0	100		0	0.9	99.1	0		1.9	90.5	7.4	0.2		57.9	42.1	0	0		
PHF	.000	.000	.000	.250	.250	.000	.250	.724	.000	.713	.750	.949	.767	.500	.964	.550	.667	.000	.000	.594	.962



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US 64 AND BALLANTYNE COMMONS
HENDERSONVILLE HENDERSON CO.
Weather: SUNNY
Counted By: MICHAEL JOHNSON

File Name : SITE 1
Site Code : SITE 1
Start Date : 6/15/2021
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Westbound BALLANTYNE COMMS

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US 64 AND BALLANTYNE COMMONS
HENDERSONVILLE HENDERSON CO.
Weather: SUNNY
Counted By: MICHAEL JOHNSON

File Name : SITE 1
Site Code : SITE 1
Start Date : 6/15/2021
Page No : 7

Northbound US 64

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US 64 AND BALLANTYNE COMMONS
HENDERSONVILLE HENDERSON CO.
Weather: SUNNY
Counted By: MICHAEL JOHNSON

File Name : SITE 1
Site Code : SITE 1
Start Date : 6/15/2021
Page No : 8

Eastbound ENTRANCE TO OFFICE

TRUE DIRECTION TRAFFIC SERVICES, INC.

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US 64 AND BALLANTYNE COMMONS
HENDERSONVILLE HENDERSON CO.
Weather: SUNNY
Counted By: MICHAEL JOHNSON

File Name : SITE 1
Site Code : SITE 1
Start Date : 6/15/2021
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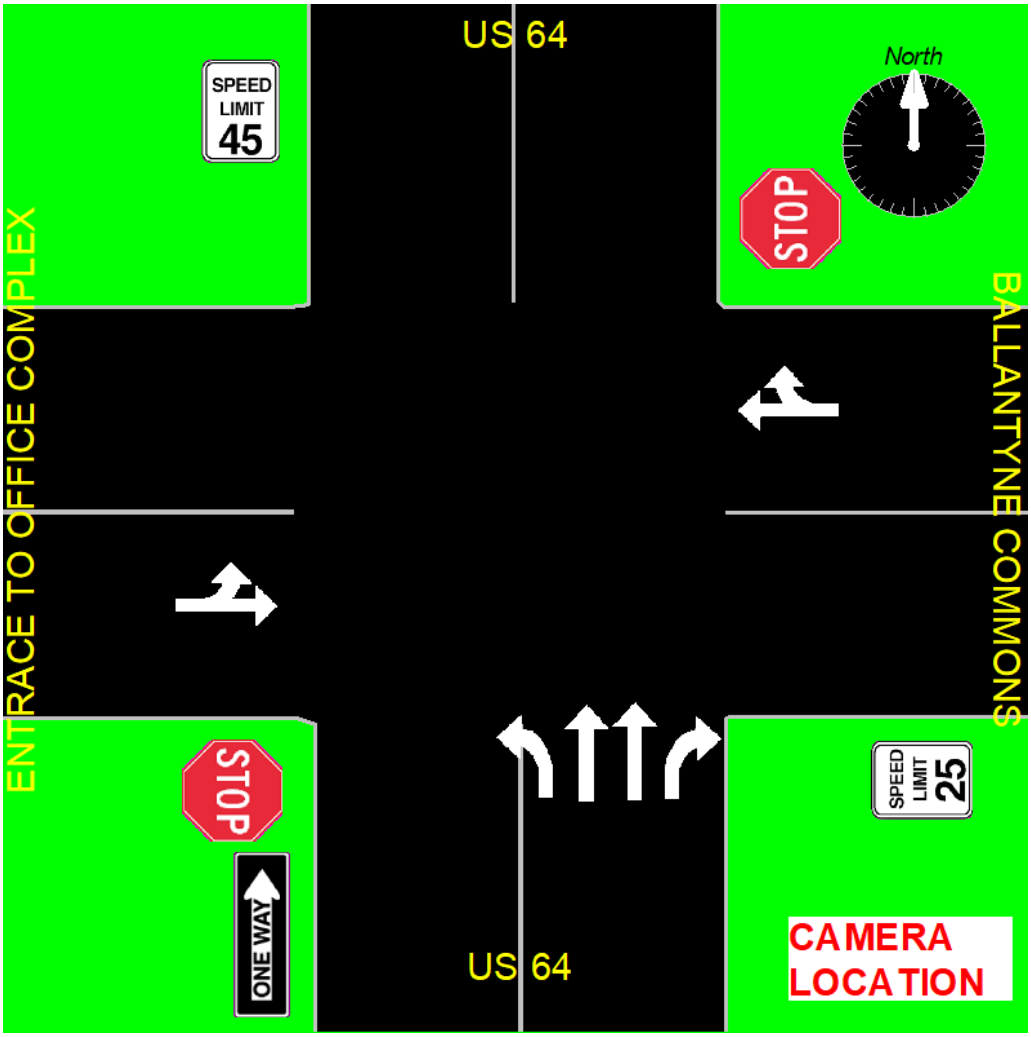


TRUE DIRECTION

TRAFFIC SERVICES,INC

236-1 Grandview Dr, Sneads

919-749-3979 truedirectiontraffic@gmail.com

Count Number: SITE 2

County: HENDERSON

City: HENDERSONVILLE

Division: 14

Location: HALFMOON TRAIL AND BALLANTYNE COMMNS CIRCLE

Location Type: 4-LEG

Count Type: TURNING MOVEMENT NO CLASSIFICATION

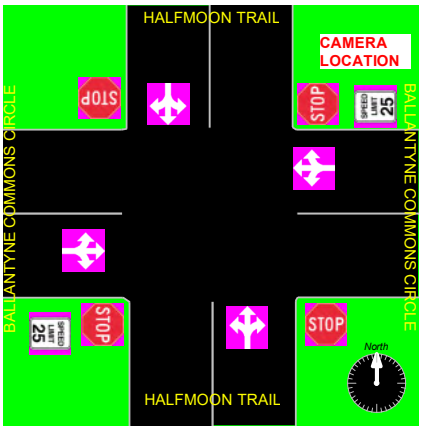
Count Start Date: 6/15/21

Time: 6:00AM-9:00AM AND 4:00PM-7:00PM

Video Time Used: 6:00AM-9:00AM AND 4:00PM-7:00PM (06-15)

Total Volume: 814

Weather: SUNNY NO RAIN



1. School in Session: No
2. Pedestrians Observed During Count: Yes
3. Disabled Pedestrians Present: No
4. Counted By: MICHAEL JOHNSON
5. Data Processor: MICHAEL JOHNSON
6. Signal Inventory: N/A
7. Intersection Controlled By:STOP SIGN
8. Data Collection Method: Jamar DB-400 Electronic Count Board
9. Equipment Operating Properly: Yes
10. Area Lighting: Yes
11. Construction Present: No
12. Traffic Problems Observed: No
    If Yes Describe:

LOCATION OF SITE 2

Southbound Approach

Looking Back Southbound

Southbound Approach:

Stop Sign Within 300':No

Traffic Signal Within 300' No

Railroad within 300': No
If Yes Distance:

Westbound Approach

Looking Back Westbound

Westbound Approach:

Stop Sign Within 300':Yes

Traffic Signal Within 300' No

Railroad within 300': No
If Yes Distance:

Northbound Approach

Looking Back Northbound

Northbound Approach:

Stop Sign Within 300':No

Traffic Signal Within 300' No

Railroad within 300': No
If Yes Distance:

Eastbound Approach

Looking Back Eastbound

Eastbound Approach:

Stop Sign Within 300':No

Traffic Signal Within 300' No

Railroad within 300': No
If Yes Distance:

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HALFMOON TRAIL AND BALLANTYNE COMMONS
HENDERSONVILLE HENDERSON CO.
Weather: SUNNY
Counted By: MICHAEL JOHNSON

File Name : SITE 2
Site Code : SITE 2
Start Date : 6/15/2021
Page No : 1

Groups Printed- ALL VEHICLES

	HALFMOON TRAIL SOUTHBOUND					BALLANTYNE COMMONS CIRCLE WESTBOUND					HALFMOON TRAIL NORTHBOUND					BALLANTYNE COMMONS CIRCLE EASTBOUND					
Start Time	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Int. Total
06:00 AM	0	0	4	0	4	0	1	0	0	1	0	0	0	0	0	0	0	0	0	0	5
06:15 AM	0	0	10	0	10	0	4	0	0	4	0	0	0	0	0	1	0	0	0	1	15
06:30 AM	0	0	6	1	7	0	12	1	0	13	0	0	0	0	0	1	2	0	0	3	23
06:45 AM	0	0	6	0	6	0	11	0	0	11	4	0	0	0	4	2	1	1	0	4	25
Total	0	0	26	1	27	0	28	1	0	29	4	0	0	0	4	4	3	1	0	8	68
07:00 AM	0	0	11	0	11	0	5	0	0	5	0	0	0	0	0	3	2	0	0	5	21
07:15 AM	0	0	10	3	13	0	16	0	1	17	0	0	0	1	1	0	1	1	1	3	34
07:30 AM	0	0	10	3	13	0	19	0	1	20	0	0	0	0	0	2	3	1	3	9	42
07:45 AM	0	0	9	0	9	0	6	0	0	6	5	1	0	1	7	2	1	0	2	5	27
Total	0	0	40	6	46	0	46	0	2	48	5	1	0	2	8	7	7	2	6	22	124
08:00 AM	0	0	13	1	14	0	5	0	2	7	2	0	0	0	2	2	3	1	1	7	30
08:15 AM	0	2	11	0	13	0	3	0	0	3	2	0	0	0	2	2	2	2	0	6	24
08:30 AM	0	1	8	0	9	0	3	0	0	3	1	0	0	0	1	3	3	2	0	8	21
08:45 AM	0	2	9	0	11	0	2	0	0	2	1	0	0	0	1	2	2	2	0	6	20
Total	0	5	41	1	47	0	13	0	2	15	6	0	0	0	6	9	10	7	1	27	95
09:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
09:15 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
09:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
09:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10:15 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11:15 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

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HALFMOON TRAIL AND BALLANTYNE COMMONS
HENDERSONVILLE HENDERSON CO.
Weather: SUNNY
Counted By: MICHAEL JOHNSON

File Name : SITE 2
Site Code : SITE 2
Start Date : 6/15/2021
Page No : 2

Groups Printed- ALL VEHICLES

	HALFMOON TRAIL SOUTHBOUND					BALLANTYNE COMMONS CIRCLE WESTBOUND					HALFMOON TRAIL NORTHBOUND					BALLANTYNE COMMONS CIRCLE EASTBOUND					
Start Time	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Int. Total
12:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
01:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
01:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
01:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
01:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
02:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
02:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
02:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
02:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
03:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
03:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
03:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
03:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
04:00 PM	0	2	6	0	8	0	5	1	0	6	1	1	1	0	3	6	10	2	0	18	35
04:15 PM	0	0	8	1	9	0	6	1	0	7	1	1	0	0	2	7	9	1	1	18	36
04:30 PM	2	2	7	2	13	0	3	1	0	4	3	0	0	0	3	8	10	0	0	18	38
04:45 PM	1	0	6	0	7	0	7	0	0	7	0	0	0	2	2	9	11	5	2	27	43
Total	3	4	27	3	37	0	21	3	0	24	5	2	1	2	10	30	40	8	3	81	152
05:00 PM	4	0	4	0	8	0	8	0	0	8	0	0	0	1	1	9	19	4	1	33	50
05:15 PM	0	0	6	1	7	0	5	3	0	8	1	0	0	6	7	8	9	2	2	21	43
05:30 PM	5	3	6	3	17	0	7	3	2	12	1	0	0	0	1	17	9	3	0	29	59
05:45 PM	0	1	4	4	9	0	8	1	0	9	0	0	0	0	0	11	14	6	0	31	49
Total	9	4	20	8	41	0	28	7	2	37	2	0	0	7	9	45	51	15	3	114	201
06:00 PM	4	1	7	3	15	0	11	2	1	14	3	0	0	2	5	11	12	1	2	26	60
06:15 PM	0	1	3	0	4	0	8	0	0	8	2	0	1	1	4	11	6	2	0	19	35

TRUE DIRECTION TRAFFIC SERVICES, INC.

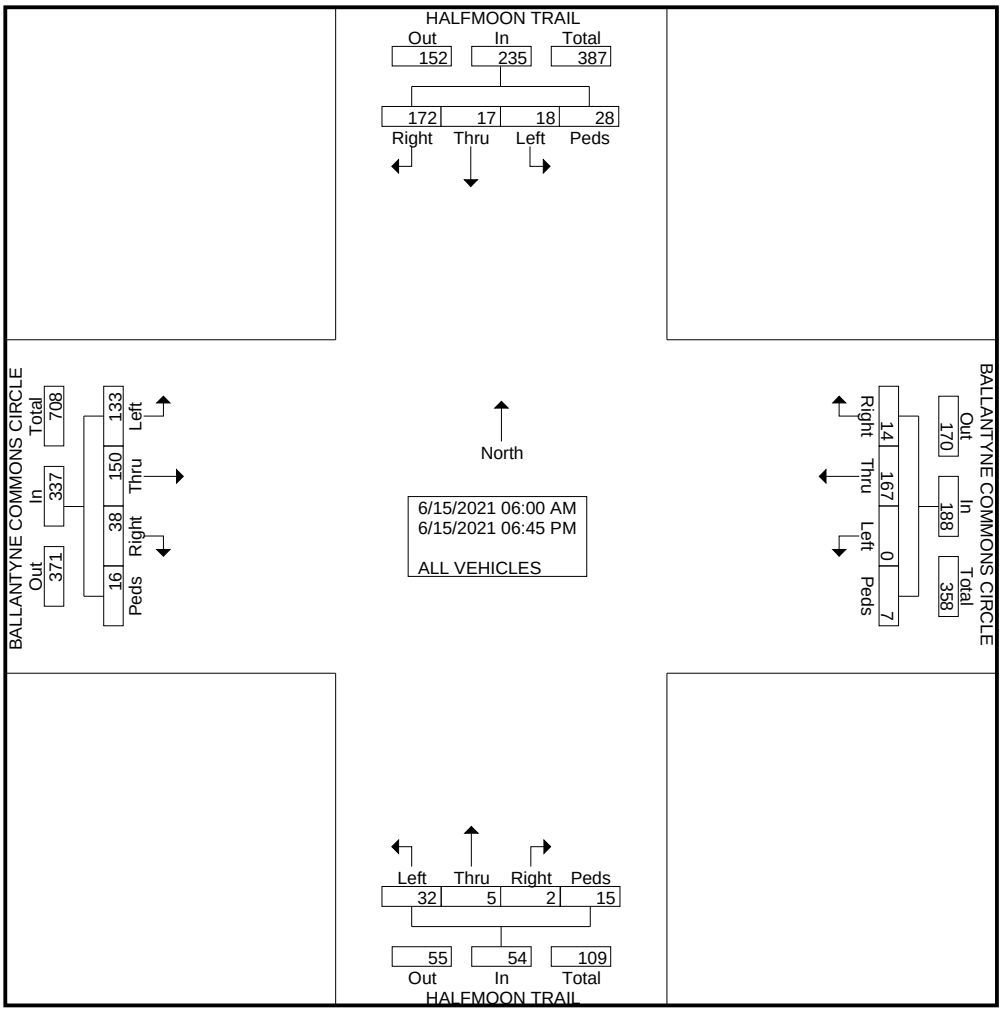
236-1 GRANDVIEW DR.
SNEADS FERRY NC 28460
TRUEDIRECTIONTRAFFIC@GMAIL.COM
919-749-3979
MICHAEL JOHNSON

HALFMOON TRAIL AND BALLANTYNE COMMONS
HENDERSONVILLE HENDERSON CO.
Weather: SUNNY
Counted By: MICHAEL JOHNSON

File Name : SITE 2
Site Code : SITE 2
Start Date : 6/15/2021
Page No : 3

Groups Printed- ALL VEHICLES

	HALFMOON TRAIL SOUTHBOUND					BALLANTYNE COMMONS CIRCLE WESTBOUND					HALFMOON TRAIL NORTHBOUND					BALLANTYNE COMMONS CIRCLE EASTBOUND					
Start Time	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Int. Total
06:30 PM	2	1	5	5	13	0	6	0	0	6	2	2	0	1	5	7	12	1	1	21	45
06:45 PM	0	1	3	1	5	0	6	1	0	7	3	0	0	0	3	9	9	1	0	19	34
Total	6	4	18	9	37	0	31	3	1	35	10	2	1	4	17	38	39	5	3	85	174
Grand Total	18	17	172	28	235	0	167	14	7	188	32	5	2	15	54	133	150	38	16	337	814
Apprch %	7.7	7.2	73.2	11.9		0	88.8	7.4	3.7		59.3	9.3	3.7	27.8		39.5	44.5	11.3	4.7		
Total %	2.2	2.1	21.1	3.4	28.9	0	20.5	1.7	0.9	23.1	3.9	0.6	0.2	1.8	6.6	16.3	18.4	4.7	2	41.4	



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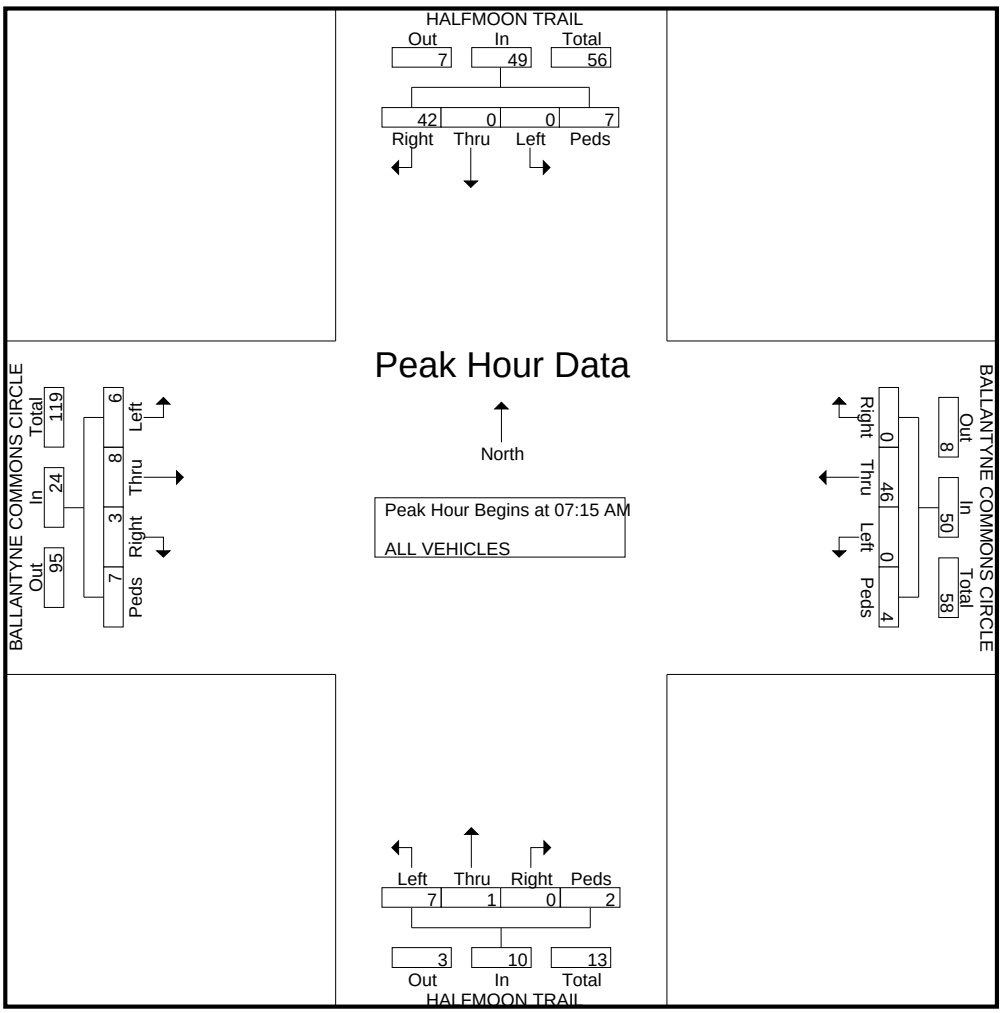
HALFMOON TRAIL AND BALLANTYNE COMMONS
HENDERSONVILLE HENDERSON CO.
Weather: SUNNY
Counted By: MICHAEL JOHNSON

File Name : SITE 2
Site Code : SITE 2
Start Date : 6/15/2021
Page No : 4

	HALFMOON TRAIL SOUTHBOUND					BALLANTYNE COMMONS CIRCLE WESTBOUND					HALFMOON TRAIL NORTHBOUND					BALLANTYNE COMMONS CIRCLE EASTBOUND					
Start Time	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Int. Total
Peak Hour Analysis From 06:00 AM to 12:00 PM - Peak 1 of 1																					
Peak Hour for Entire Intersection Begins at 07:15 AM																					
07:15 AM	0	0	10	**3**	13	0	16	0	1	17	0	0	0	**1**	1	0	1	**1**	1	3	34
07:30 AM	0	0	10	3	13	0	**19**	0	1	**20**	0	0	0	0	0	**2**	**3**	1	**3**	**9**	**42**
07:45 AM	0	0	9	0	9	0	6	0	0	6	**5**	**1**	0	1	**7**	2	1	0	2	5	27
08:00 AM	0	0	**13**	1	**14**	0	5	0	**2**	7	2	0	0	0	2	2	3	1	1	7	30
Total Volume	0	0	42	7	49	0	46	0	4	50	7	1	0	2	10	6	8	3	7	24	133
% App. Total	0	0	85.7	14.3		0	92	0	8		70	10	0	20		25	33.3	12.5	29.2		
PHF	.000	.000	.808	.583	.875	.000	.605	.000	.500	.625	.350	.250	.000	.500	.357	.750	.667	.750	.583	.667	.792



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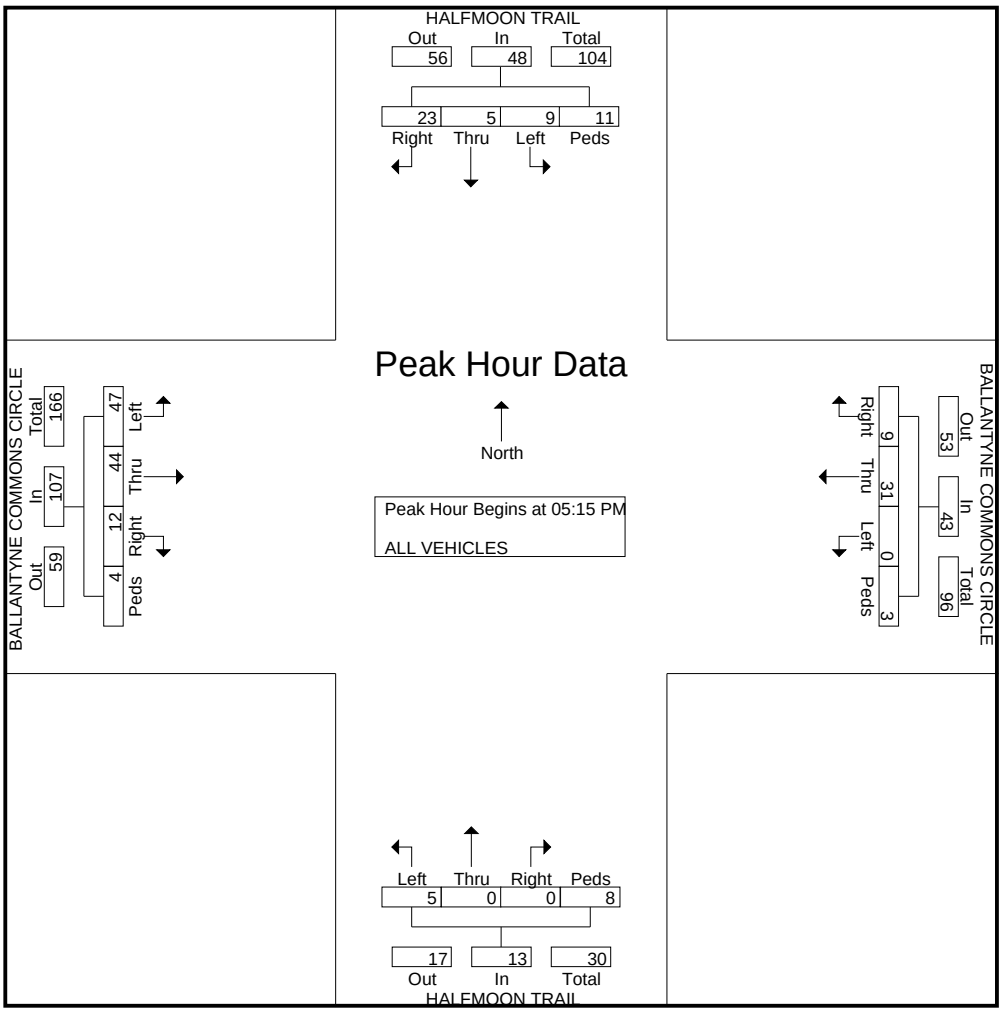
HENDERSONVILLE HENDERSON CO.
Weather: SUNNY
Counted By: MICHAEL JOHNSON

File Name : SITE 2
Site Code : SITE 2
Start Date : 6/15/2021
Page No : 5

	HALFMOON TRAIL SOUTHBOUND					BALLANTYNE COMMONS CIRCLE WESTBOUND					HALFMOON TRAIL NORTHBOUND					BALLANTYNE COMMONS CIRCLE EASTBOUND					
Start Time	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Int. Total
Peak Hour Analysis From 12:00 PM to 06:45 PM - Peak 1 of 1																					
Peak Hour for Entire Intersection Begins at 05:15 PM																					
05:15 PM	0	0	6	1	7	0	5	**3**	0	8	1	0	0	**6**	**7**	8	9	2	**2**	21	43
05:30 PM	**5**	**3**	6	3	**17**	0	7	3	**2**	12	1	0	0	0	1	**17**	9	3	0	29	59
05:45 PM	0	1	4	**4**	9	0	8	1	0	9	0	0	0	0	0	11	**14**	**6**	0	**31**	49
06:00 PM	4	1	**7**	3	15	0	**11**	2	1	**14**	**3**	0	0	2	5	11	12	1	2	26	**60**
Total Volume	9	5	23	11	48	0	31	9	3	43	5	0	0	8	13	47	44	12	4	107	211
% App. Total	18.8	10.4	47.9	22.9		0	72.1	20.9	7		38.5	0	0	61.5		43.9	41.1	11.2	3.7		
PHF	.450	.417	.821	.688	.706	.000	.705	.750	.375	.768	.417	.000	.000	.333	.464	.691	.786	.500	.500	.863	.879



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HALFMOON TRAIL AND BALLANTYNE COMMONS
HENDERSONVILLE HENDERSON CO.
Weather: SUNNY
Counted By: MICHAEL JOHNSON

File Name : SITE 2
Site Code : SITE 2
Start Date : 6/15/2021
Page No : 6

Southbound HALFMOON TRAIL

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MICHAEL JOHNSON

HALFMOON TRAIL AND BALLANTYNE COMMONS
HENDERSONVILLE HENDERSON CO.
Weather: SUNNY
Counted By: MICHAEL JOHNSON

File Name : SITE 2
Site Code : SITE 2
Start Date : 6/15/2021
Page No : 7

Westbound BALLANTYNE COMMONS

TRUE DIRECTION TRAFFIC SERVICES, INC.
236-1 GRANDVIEW DR.
SNEADS FERRY NC 28460
TRUEDIRECTIONTRAFFIC@GMAIL.COM
919-749-3979
MICHAEL JOHNSON

HALFMOON TRAIL AND BALLANTYNE COMMONS
HENDERSONVILLE HENDERSON CO.
Weather: SUNNY
Counted By: MICHAEL JOHNSON

File Name : SITE 2
Site Code : SITE 2
Start Date : 6/15/2021
Page No : 8

Northbound HALFMOON TRAIL

TRUE DIRECTION TRAFFIC SERVICES, INC.
236-1 GRANDVIEW DR.
SNEADS FERRY NC 28460
TRUEDIRECTIONTRAFFIC@GMAIL.COM
919-749-3979
MICHAEL JOHNSON

HALFMOON TRAIL AND BALLANTYNE COMMONS
HENDERSONVILLE HENDERSON CO.
Weather: SUNNY
Counted By: MICHAEL JOHNSON

File Name : SITE 2
Site Code : SITE 2
Start Date : 6/15/2021
Page No : 9

Eastbound BALLANTYNE COMMONS

TRUE DIRECTION TRAFFIC SERVICES, INC.
236-1 GRANDVIEW DR.
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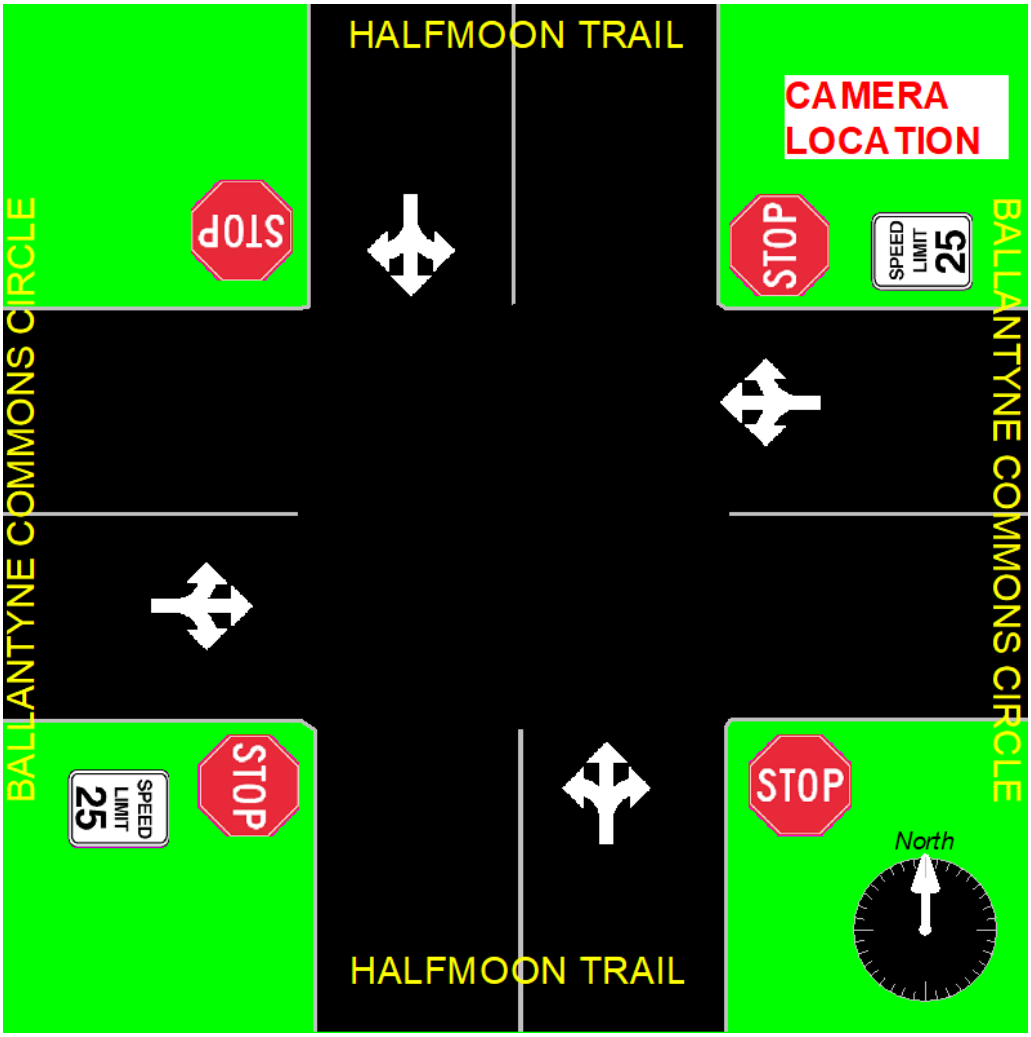
919-749-3979
MICHAEL JOHNSON

HALFMOON TRAIL AND BALLANTYNE COMMONS
HENDERSONVILLE HENDERSON CO.
Weather: SUNNY
Counted By: MICHAEL JOHNSON

File Name : SITE 2
Site Code : SITE 2
Start Date : 6/15/2021
Page No : 10



TRUE DIRECTION

TRAFFIC SERVICES,INC

236-1 Grandview Dr, Sneads

919-749-3979 truedirectiontraffic@gmail.com

Count Number: SITE 3

County: HENDERSON

City: HENDERSONVILLE

Division: 14

Location: HALFMOON TRAIL AND CIDER MILL RD.

Location Type: 3-LEG

Count Type: TURNING MOVEMENT NO CLASSIFICATION

Count Start Date: 6/15/21

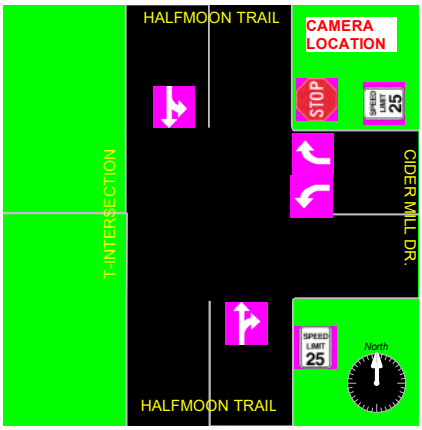
Time: 6:00AM-9:00AM AND 4:00PM-7:00PM

Video Time Used: 6:00AM-9:00AM AND 4:00PM-7:00PM (06-15)

Total Volume: 402

Weather: SUNNY NO RAIN

1. School in Session: No
2. Pedestrians Observed During Count: No
3. Disabled Pedestrians Present: No
4. Counted By: MICHAEL JOHNSON
5. Data Processor: MICHAEL JOHNSON
6. Signal Inventory: N/A
7. Intersection Controlled By:STOP SIGN
8. Data Collection Method: Jamar DB-400 Electronic Count Board
9. Equipment Operating Properly: Yes
10. Area Lighting: Yes
11. Construction Present: No
12. Traffic Problems Observed: No
    If Yes Describe:



OCATION OF SITE 3

Southbound Approach

Looking Back Southbound

Southbound Approach:

Stop Sign Within 300':No

Traffic Signal Within 300' No

Railroad within 300': No
If Yes Distance:

Westbound Approach

Looking Back Westbound

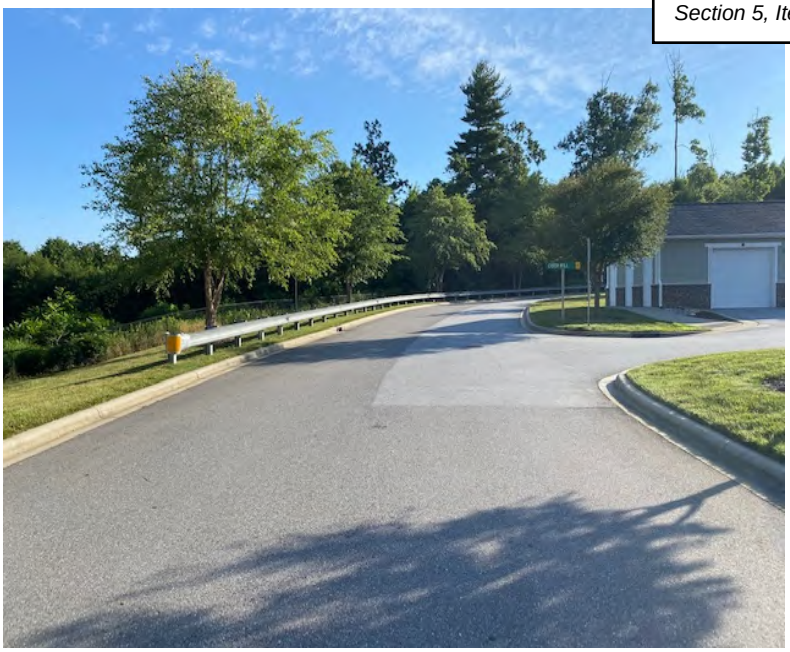
Westbound Approach:

Stop Sign Within 300':No

Traffic Signal Within 300' No

Railroad within 300': No
If Yes Distance:

Northbound Approach



Looking Back Northbound

Northbound Approach:

Stop Sign Within 300':No

Traffic Signal Within 300' No

Railroad within 300': No
If Yes Distance:

TRUE DIRECTION TRAFFIC SERVICES, INC.

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MICHAEL JOHNSON

HAFMOON TARIL AND CIDER MILL DR.
HENDERSONVILLE HENDERSON CO.
Weather: SUNNY
Counted By: MICHAEL JOHNSON

File Name : SITE 3
Site Code : SITE 3
Start Date : 6/15/2021
Page No : 1

Groups Printed- ALL VEHICLES

	HALFMOON TRAIL SOUTHBOUND					CIDER MILL DR. WESTBOUND					HALFMOON TRAIL NORTHBOUND					T-INTERSECTION EASTBOUND					
Start Time	Left	Thru	X	Peds	App. Total	Left	X	Right	Peds	App. Total	X	Thru	Right	Peds	App. Total	X	X	X	Peds	App. Total	Int. Total
06:00 AM	0	0	0	0	0	4	0	0	0	4	0	0	0	0	0	0	0	0	0	0	4
06:15 AM	0	0	0	0	0	10	0	0	0	10	0	1	1	0	2	0	0	0	0	0	12
06:30 AM	0	1	0	0	1	6	0	1	0	7	0	0	2	0	2	0	0	0	0	0	10
06:45 AM	0	0	0	1	1	6	0	0	0	6	0	0	2	1	3	0	0	0	0	0	10
Total	0	1	0	1	2	26	0	1	0	27	0	1	5	1	7	0	0	0	0	0	36
07:00 AM	0	1	0	0	1	11	0	0	0	11	0	0	3	0	3	0	0	0	0	0	15
07:15 AM	0	0	0	0	0	10	0	0	1	11	0	1	0	0	1	0	0	0	0	0	12
07:30 AM	0	1	0	0	1	10	0	0	0	10	0	0	2	0	2	0	0	0	0	0	13
07:45 AM	0	0	0	0	0	9	0	0	0	9	0	0	3	0	3	0	0	0	0	0	12
Total	0	2	0	0	2	40	0	0	1	41	0	1	8	0	9	0	0	0	0	0	52
08:00 AM	0	1	0	1	2	13	0	1	0	14	0	1	2	0	3	0	0	0	0	0	19
08:15 AM	0	0	0	0	0	13	0	0	0	13	0	0	2	2	4	0	0	0	0	0	17
08:30 AM	0	0	0	2	2	9	0	0	0	9	0	0	3	0	3	0	0	0	0	0	14
08:45 AM	0	0	0	0	0	11	0	0	2	13	0	0	2	0	2	0	0	0	0	0	15
Total	0	1	0	3	4	46	0	1	2	49	0	1	9	2	12	0	0	0	0	0	65
09:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
09:15 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
09:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
09:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10:15 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11:15 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

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HAFMOON TARIL AND CIDER MILL DR.
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Weather: SUNNY
Counted By: MICHAEL JOHNSON

File Name : SITE 3
Site Code : SITE 3
Start Date : 6/15/2021
Page No : 2

Groups Printed- ALL VEHICLES

	HALFMOON TRAIL SOUTHBOUND					CIDER MILL DR. WESTBOUND					HALFMOON TRAIL NORTHBOUND					T-INTERSECTION EASTBOUND					
Start Time	Left	Thru	X	Peds	App. Total	Left	X	Right	Peds	App. Total	X	Thru	Right	Peds	App. Total	X	X	X	Peds	App. Total	Int. Total
12:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
01:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
01:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
01:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
01:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
02:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
02:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
02:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
02:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
03:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
03:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
03:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
03:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
04:00 PM	0	1	0	0	1	8	0	0	0	8	0	0	8	0	8	0	0	0	0	0	17
04:15 PM	0	0	0	0	0	8	0	0	0	8	0	0	9	0	9	0	0	0	0	0	17
04:30 PM	0	1	0	0	1	11	0	0	0	11	0	0	9	0	9	0	0	0	0	0	21
04:45 PM	0	0	0	2	2	7	0	0	0	7	0	0	9	0	9	0	0	0	0	0	18
Total	0	2	0	2	4	34	0	0	0	34	0	0	35	0	35	0	0	0	0	0	73
05:00 PM	0	0	0	0	0	8	0	0	1	9	0	0	9	0	9	0	0	0	0	0	18
05:15 PM	0	1	0	0	1	6	0	1	0	7	0	1	11	0	12	0	0	0	0	0	20
05:30 PM	0	0	0	0	0	14	0	0	0	14	0	0	20	2	22	0	0	0	0	0	36
05:45 PM	0	0	0	0	0	5	0	0	2	7	0	0	12	0	12	0	0	0	0	0	19
Total	0	1	0	0	1	33	0	1	3	37	0	1	52	2	55	0	0	0	0	0	93
06:00 PM	0	0	0	2	2	12	0	0	0	12	0	0	13	1	14	0	0	0	0	0	28
06:15 PM	0	1	0	2	3	4	0	0	0	4	0	2	11	0	13	0	0	0	0	0	20
06:30 PM	0	0	0	0	0	8	0	0	0	8	0	0	9	3	12	0	0	0	0	0	20
06:45 PM	0	0	0	0	0	4	0	0	0	4	0	1	10	0	11	0	0	0	0	0	15
Total	0	1	0	4	5	28	0	0	0	28	0	3	43	4	50	0	0	0	0	0	83
Grand Total	0	8	0	10	18	207	0	3	6	216	0	7	152	9	168	0	0	0	0	0	402
Apprch %	0	44.4	0	55.6		95.8	0	1.4	2.8		0	4.2	90.5	5.4		0	0	0	0		
Total %	0	2	0	2.5	4.5	51.5	0	0.7	1.5	53.7	0	1.7	37.8	2.2	41.8	0	0	0	0	0	

TRUE DIRECTION TRAFFIC SERVICES, INC.

236-1 GRANDVIEW DR.
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TRUEDIRECTIONTRAFFIC@GMAIL.COM
919-749-3979
MICHAEL JOHNSON

HAFMOON TARIL AND CIDER MILL DR.
HENDERSONVILLE HENDERSON CO.
Weather: SUNNY
Counted By: MICHAEL JOHNSON

File Name : SITE 3
Site Code : SITE 3
Start Date : 6/15/2021
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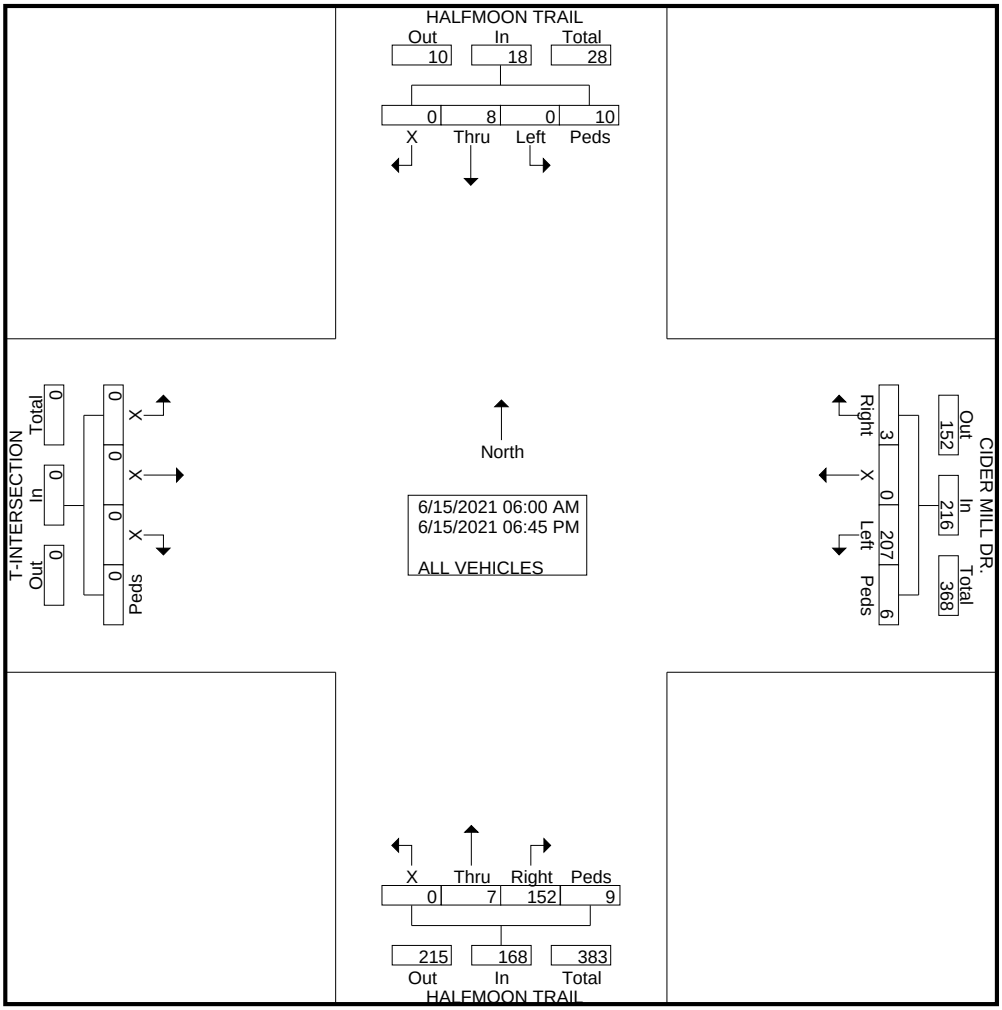

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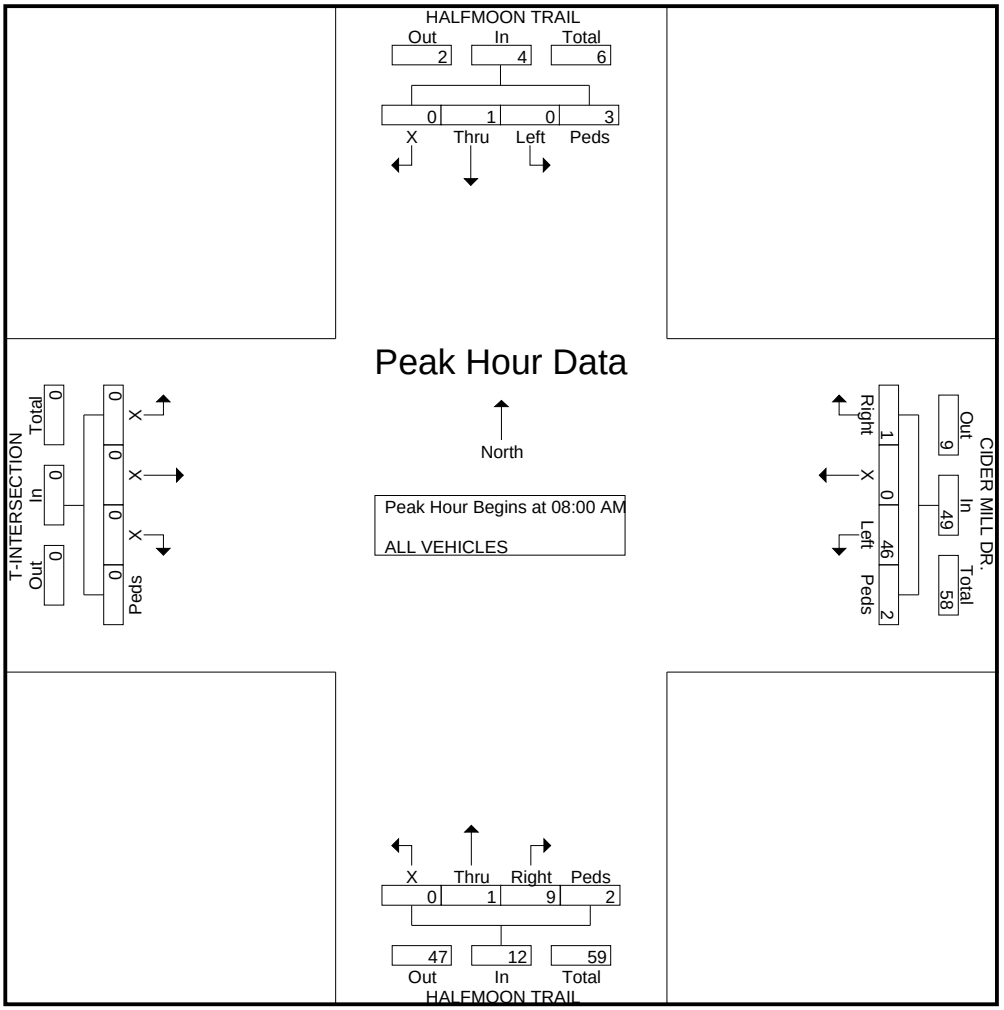
	HALFMOON TRAIL SOUTHBOUND					CIDER MILL DR. WESTBOUND					HALFMOON TRAIL NORTHBOUND					T-INTERSECTION EASTBOUND					
Start Time	Left	Thru	X	Peds	App. Total	Left	X	Right	Peds	App. Total	X	Thru	Right	Peds	App. Total	X	X	X	Peds	App. Total	Int. Total
Peak Hour Analysis From 06:00 AM to 12:00 PM - Peak 1 of 1																					
Peak Hour for Entire Intersection Begins at 08:00 AM																					
08:00 AM	0	**1**	0	1	**2**	**13**	0	**1**	0	**14**	0	**1**	2	0	3	0	0	0	0	0	**19**
08:15 AM	0	0	0	0	0	13	0	0	0	13	0	0	2	**2**	**4**	0	0	0	0	0	17
08:30 AM	0	0	0	**2**	2	9	0	0	0	9	0	0	**3**	0	3	0	0	0	0	0	14
08:45 AM	0	0	0	0	0	11	0	0	**2**	13	0	0	2	0	2	0	0	0	0	0	15
Total Volume	0	1	0	3	4	46	0	1	2	49	0	1	9	2	12	0	0	0	0	0	65
% App. Total	0	25	0	75		93.9	0	2	4.1		0	8.3	75	16.7		0	0	0	0		
PHF	.000	.250	.000	.375	.500	.885	.000	.250	.250	.875	.000	.250	.750	.250	.750	.000	.000	.000	.000	.000	.855



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File Name : SITE 3
Site Code : SITE 3
Start Date : 6/15/2021
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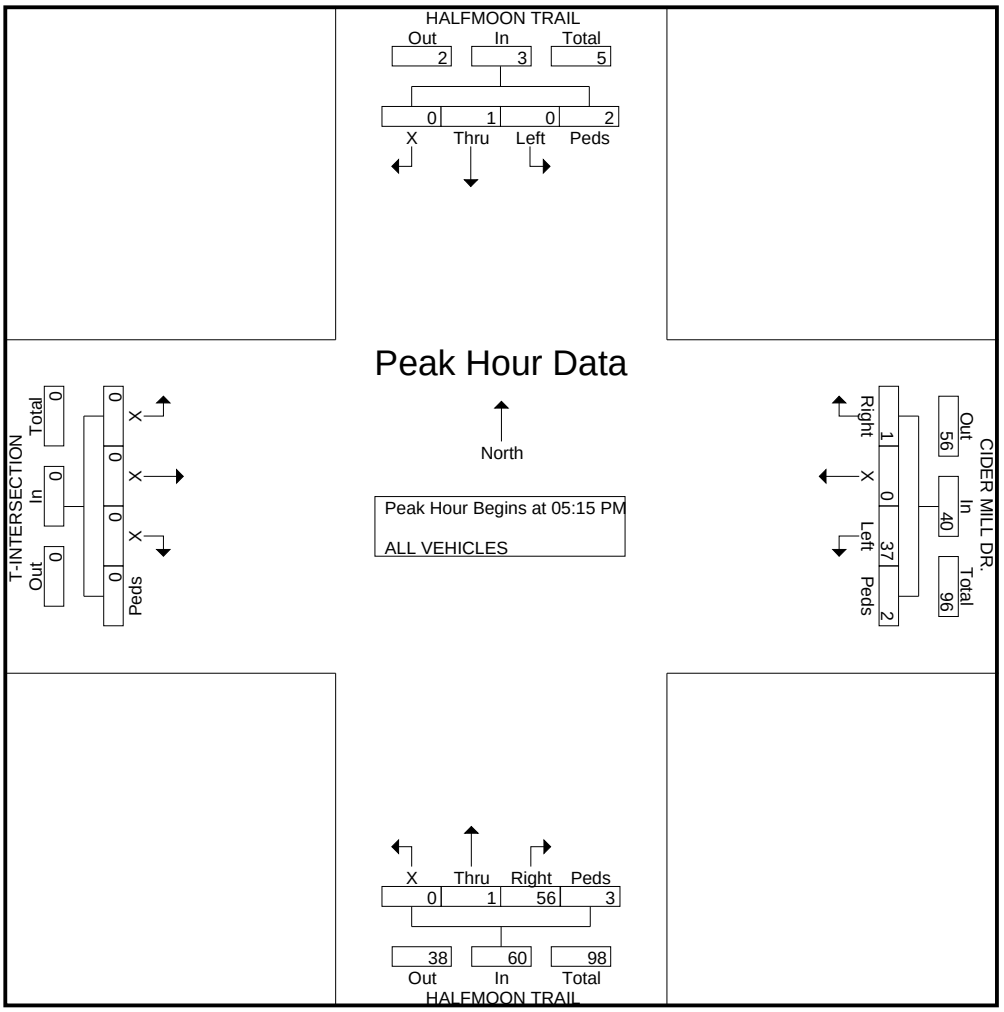
	HALFMOON TRAIL SOUTHBOUND					CIDER MILL DR. WESTBOUND					HALFMOON TRAIL NORTHBOUND					T-INTERSECTION EASTBOUND					
Start Time	Left	Thru	X	Peds	App. Total	Left	X	Right	Peds	App. Total	X	Thru	Right	Peds	App. Total	X	X	X	Peds	App. Total	Int. Total
Peak Hour Analysis From 12:00 PM to 06:45 PM - Peak 1 of 1																					
Peak Hour for Entire Intersection Begins at 05:15 PM																					
05:15 PM	0	**1**	0	0	1	6	0	**1**	0	7	0	**1**	11	0	12	0	0	0	0	0	20
05:30 PM	0	0	0	0	0	**14**	0	0	0	**14**	0	0	**20**	**2**	**22**	0	0	0	0	0	**36**
05:45 PM	0	0	0	0	0	5	0	0	**2**	7	0	0	12	0	12	0	0	0	0	0	19
06:00 PM	0	0	0	**2**	**2**	12	0	0	0	12	0	0	13	1	14	0	0	0	0	0	28
Total Volume	0	1	0	2	3	37	0	1	2	40	0	1	56	3	60	0	0	0	0	0	103
% App. Total	0	33.3	0	66.7		92.5	0	2.5	5		0	1.7	93.3	5		0	0	0	0		
PHF	.000	.250	.000	.250	.375	.661	.000	.250	.250	.714	.000	.250	.700	.375	.682	.000	.000	.000	.000	.000	.715



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Southbound HALFMOON TRAIL

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Start Date : 6/15/2021
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Westbound CIDER MILL DR.

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Site Code : SITE 3
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Northbound HALF MOON TARIL

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Site Code : SITE 3
Start Date : 6/15/2021
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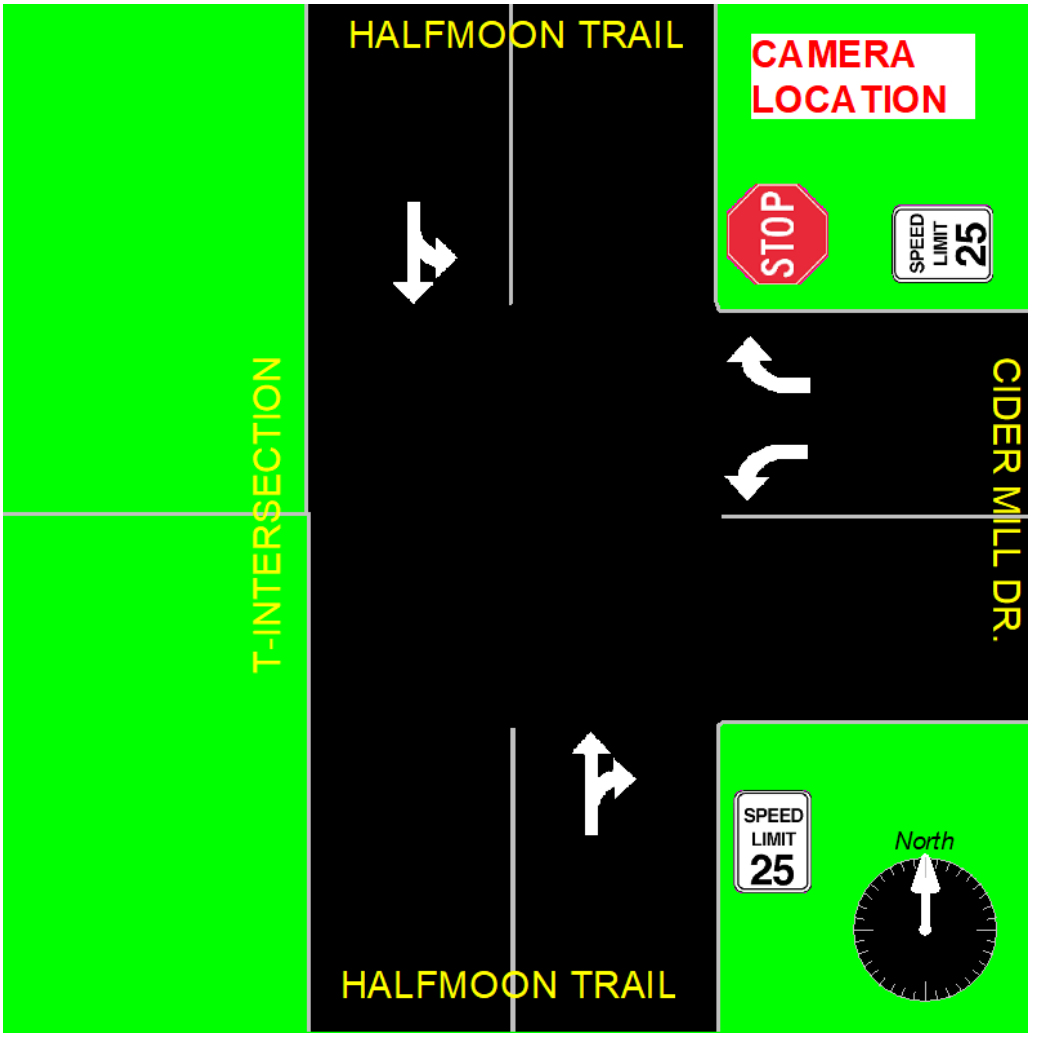


TRUE DIRECTION

TRAFFIC SERVICES,INC

236-1 Grandview Dr, Sneads

919-749-3979 truedirectiontraffic@gmail.com

Count Number: SITE 4

County: HENDERSON

City: HENDERSONVILLE

Division: 14

Location: HALFMOON TRAIL AND CIDER MILL RD.

Location Type: 3-LEG

Count Type: TURNING MOVEMENT NO CLASSIFICATION

Count Start Date: 6/15/21

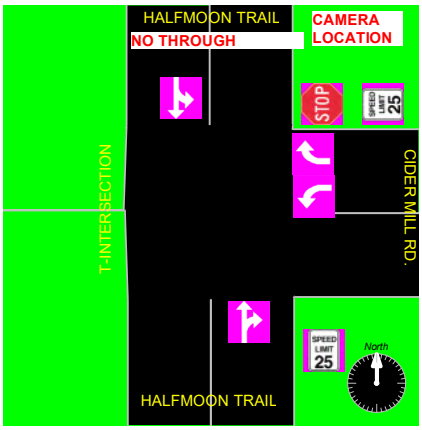
Time: 6:00AM-9:00AM AND 4:00PM-7:00PM

Video Time Used: 6:00AM-9:00AM AND 4:00PM-7:00PM (06-15)

Total Volume: 42

Weather: SUNNY NO RAIN

1. School in Session: No
2. Pedestrians Observed During Count: Yes
3. Disabled Pedestrians Present: No
4. Counted By: MICHAEL JOHNSON
5. Data Processor: MICHAEL JOHNSON
6. Signal Inventory: N/A
7. Intersection Controlled By:STOP SIGN
8. Data Collection Method: Jamar DB-400 Electronic Count Board
9. Equipment Operating Properly: Yes
10. Area Lighting: Yes
11. Construction Present: No
12. Traffic Problems Observed: Yes
    If Yes Describe: **NB HALFMOON TRAIL NO THROUGH TRAFFIC**



LOCATION OF SITE 4

Southbound Approach

Looking Back Southbound

Southbound Approach:

Stop Sign Within 300':No

Traffic Signal Within 300' No

Railroad within 300': No
If Yes Distance:

Westbound Approach

Looking Back Westbound

Westbound Approach:

Stop Sign Within 300':Yes

Traffic Signal Within 300' No

Railroad within 300': No
If Yes Distance:

Northbound Approach

Looking Back Northbound

Northbound Approach:

Stop Sign Within 300':No

Traffic Signal Within 300' No

Railroad within 300': No
If Yes Distance:

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File Name : SITE 4
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Page No : 1

Groups Printed- ALL VEHICLES

	HALFMOON TRAIL SOUTHBOUND					CIDER MILL RD. WESTBOUND					HALFMOON TRAIL NORTHBOUND					T-INTERSECTION EASTBOUND					
Start Time	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Int. Total
06:00 AM	0	0	0	0	0	0	0	0	1	1	0	0	0	0	0	0	0	0	0	0	1
06:15 AM	0	0	0	0	0	0	2	0	0	2	0	0	0	0	0	0	1	0	0	1	3
06:30 AM	0	0	0	0	0	0	0	0	1	1	0	0	0	1	1	0	0	0	1	1	3
06:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	2	2
Total	0	0	0	0	0	0	2	0	2	4	0	0	0	1	1	0	1	1	2	4	9
07:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
07:15 AM	0	0	0	1	1	0	0	0	0	0	1	0	0	2	3	0	0	0	2	2	6
07:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
07:45 AM	0	0	0	0	0	0	0	0	1	1	0	0	0	2	2	0	0	0	0	0	3
Total	0	0	0	1	1	0	0	0	1	1	1	0	0	4	5	0	0	0	2	2	9
08:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
08:15 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
08:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
08:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
09:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
09:15 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
09:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
09:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10:15 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11:15 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

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HALFMOON TRAIL AND CIDER MILL RD.
HENDERSONVILLE HENDERSON CO.
Weather: SUNNY
Counted By: MICHAEL JOHNSON

File Name : SITE 4
Site Code : SITE 4
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Groups Printed- ALL VEHICLES

	HALFMOON TRAIL SOUTHBOUND					CIDER MILL RD. WESTBOUND					HALFMOON TRAIL NORTHBOUND					T-INTERSECTION EASTBOUND					
Start Time	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Int. Total
12:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
01:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
01:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
01:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
01:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
02:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
02:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
02:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
02:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
03:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
03:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
03:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
03:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
04:00 PM	0	0	0	0	0	0	1	0	0	1	1	0	0	0	1	0	0	0	0	0	2
04:15 PM	0	0	0	1	1	0	0	0	1	1	0	0	0	1	1	0	0	0	1	1	4
04:30 PM	0	0	0	1	1	0	0	0	1	1	0	0	0	0	0	0	0	0	0	0	2
04:45 PM	0	0	0	0	0	0	0	0	1	1	0	0	0	1	1	0	0	0	0	0	2
Total	0	0	0	2	2	0	1	0	3	4	1	0	0	2	3	0	0	0	1	1	10
05:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
05:15 PM	0	0	0	0	0	0	0	0	1	1	0	0	0	1	1	0	0	0	1	1	3
05:30 PM	0	0	0	1	1	0	0	0	0	0	1	0	0	0	1	0	0	0	0	0	2
05:45 PM	0	0	0	0	0	0	0	0	0	0	1	0	0	0	1	0	0	0	0	0	1
Total	0	0	0	1	1	0	0	0	1	1	2	0	0	1	3	0	0	0	1	1	6
06:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	2	3	3
06:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	0	0	1	0	1	2
06:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
06:45 PM	0	0	0	0	0	0	0	0	1	1	1	0	0	0	1	0	0	0	1	1	3
Total	0	0	0	0	0	0	0	0	1	1	1	0	0	1	2	0	0	2	3	5	8
Grand Total	0	0	0	4	4	0	3	0	8	11	5	0	0	9	14	0	1	3	9	13	42
Apprch %	0	0	0	100		0	27.3	0	72.7		35.7	0	0	64.3		0	7.7	23.1	69.2		
Total %	0	0	0	9.5	9.5	0	7.1	0	19	26.2	11.9	0	0	21.4	33.3	0	2.4	7.1	21.4	31	

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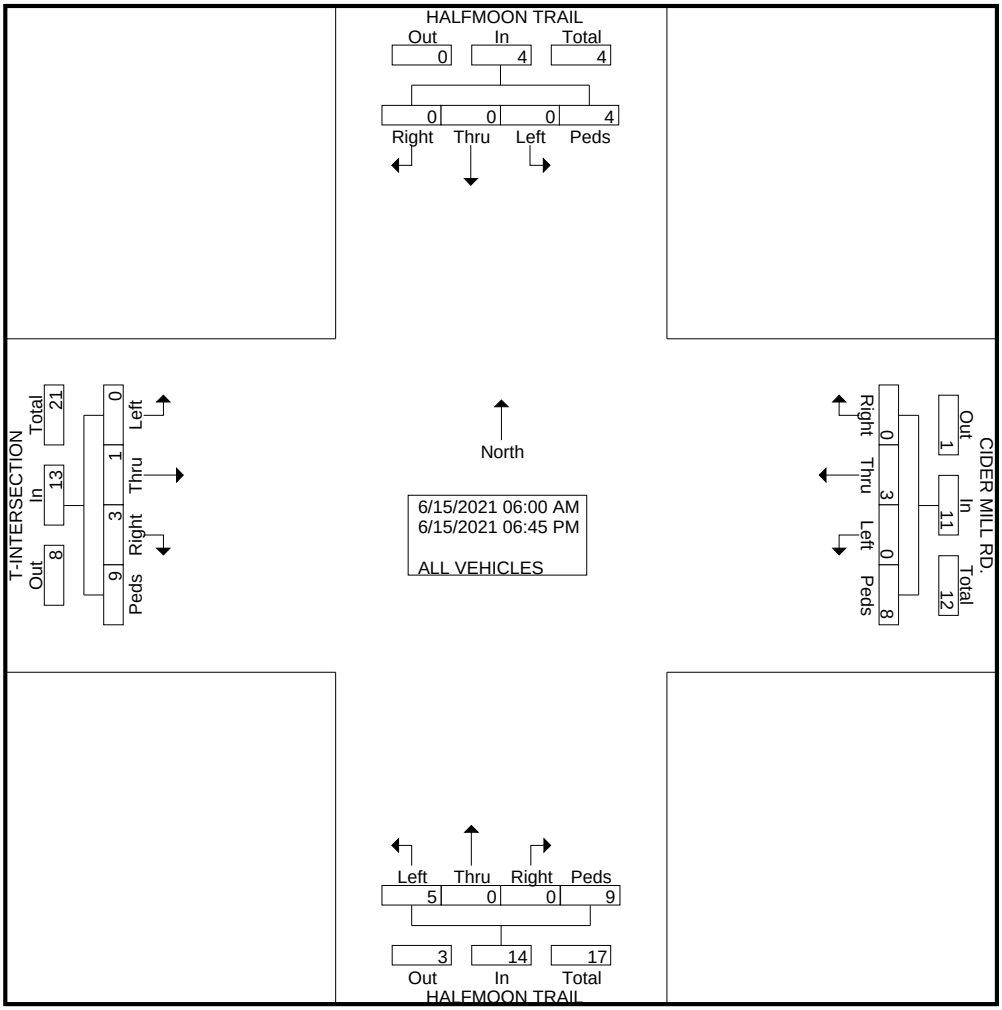

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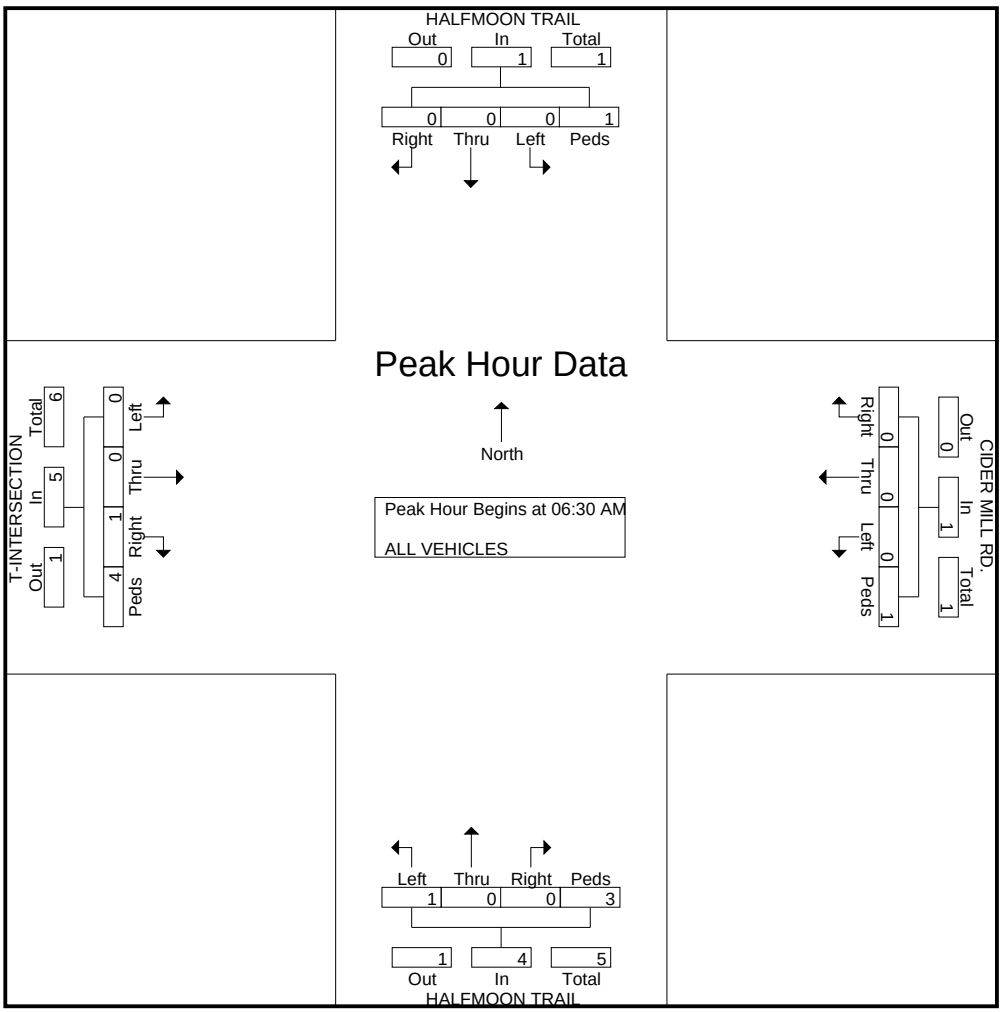
	HALFMOON TRAIL SOUTHBOUND					CIDER MILL RD. WESTBOUND					HALFMOON TRAIL NORTHBOUND					T-INTERSECTION EASTBOUND					
Start Time	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Int. Total
Peak Hour Analysis From 06:00 AM to 12:00 PM - Peak 1 of 1																					
Peak Hour for Entire Intersection Begins at 06:30 AM																					
06:30 AM	0	0	0	0	0	0	0	0	**1**	**1**	0	0	0	1	1	0	0	0	1	1	3
06:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	**1**	1	**2**	2
07:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
07:15 AM	0	0	0	**1**	**1**	0	0	0	0	0	**1**	0	0	**2**	**3**	0	0	0	**2**	2	**6**
Total Volume	0	0	0	1	1	0	0	0	1	1	1	0	0	3	4	0	0	1	4	5	11
% App. Total	0	0	0	100		0	0	0	100		25	0	0	75		0	0	20	80		
PHF	.000	.000	.000	.250	.250	.000	.000	.000	.250	.250	.250	.000	.000	.375	.333	.000	.000	.250	.500	.625	.458



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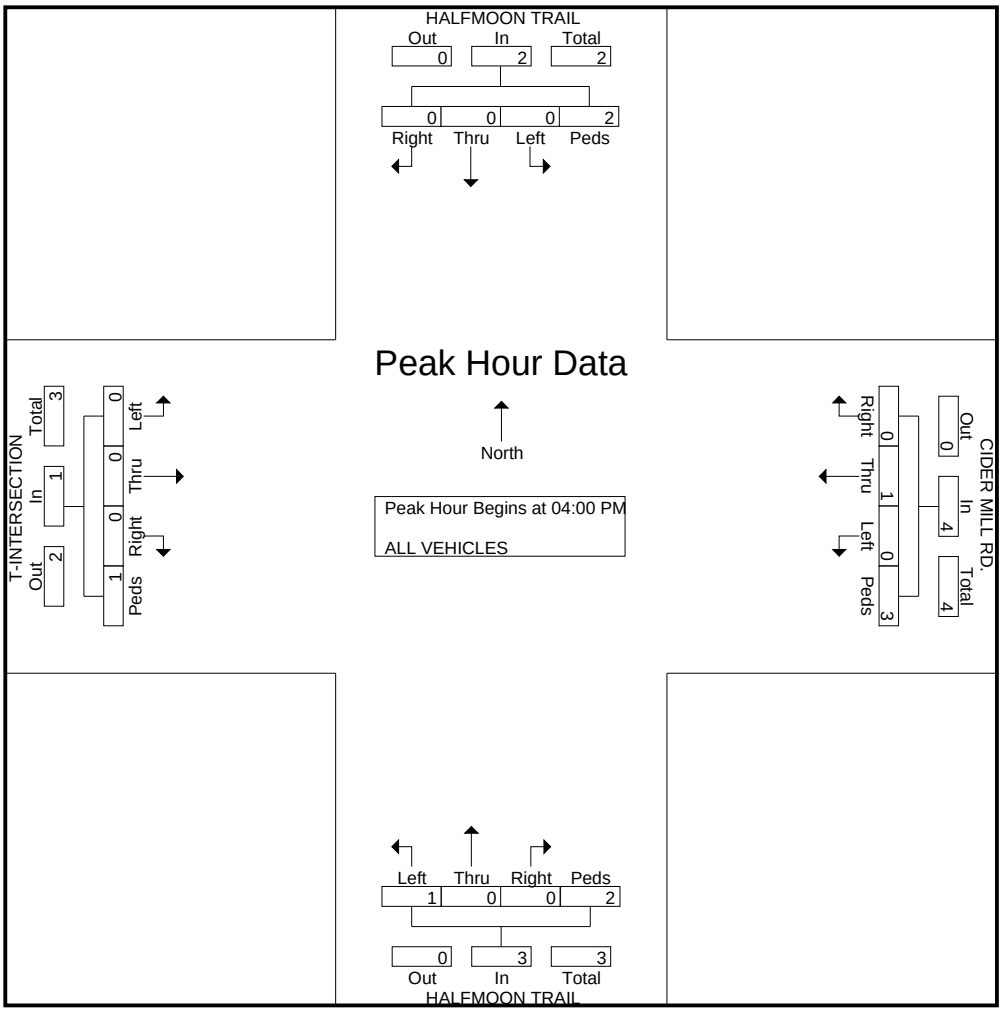
MICHAEL JOHNSON

HALFMOON TRAIL AND CIDER MILL RD.
HENDERSONVILLE HENDERSON CO.
Weather: SUNNY
Counted By: MICHAEL JOHNSON

File Name : SITE 4
Site Code : SITE 4
Start Date : 6/15/2021
Page No : 5

	HALFMOON TRAIL SOUTHBOUND					CIDER MILL RD. WESTBOUND					HALFMOON TRAIL NORTHBOUND					T-INTERSECTION EASTBOUND					
Start Time	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Int. Total
Peak Hour Analysis From 12:00 PM to 06:45 PM - Peak 1 of 1																					
Peak Hour for Entire Intersection Begins at 04:00 PM																					
04:00 PM	0	0	0	0	0	0	**1**	0	0	**1**	**1**	0	0	0	**1**	0	0	0	0	0	2
04:15 PM	0	0	0	**1**	**1**	0	0	0	**1**	1	0	0	0	**1**	1	0	0	0	**1**	**1**	**4**
04:30 PM	0	0	0	1	1	0	0	0	1	1	0	0	0	0	0	0	0	0	0	0	2
04:45 PM	0	0	0	0	0	0	0	0	1	1	0	0	0	1	1	0	0	0	0	0	2
Total Volume	0	0	0	2	2	0	1	0	3	4	1	0	0	2	3	0	0	0	1	1	10
% App. Total	0	0	0	100		0	25	0	75		33.3	0	0	66.7		0	0	0	100		
PHF	.000	.000	.000	.500	.500	.000	.250	.000	.750	1.00	.250	.000	.000	.500	.750	.000	.000	.000	.250	.250	.625



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File Name : SITE 4
Site Code : SITE 4
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Southbound HALFMOON TR

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Site Code : SITE 4
Start Date : 6/15/2021
Page No : 7

Westbound CIDER MILL RD.

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File Name : SITE 4
Site Code : SITE 4
Start Date : 6/15/2021
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Northbound HALFMOON TRAIL

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HALFMOON TRAIL AND CIDER MILL RD.
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Weather: SUNNY
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File Name : SITE 4
Site Code : SITE 4
Start Date : 6/15/2021
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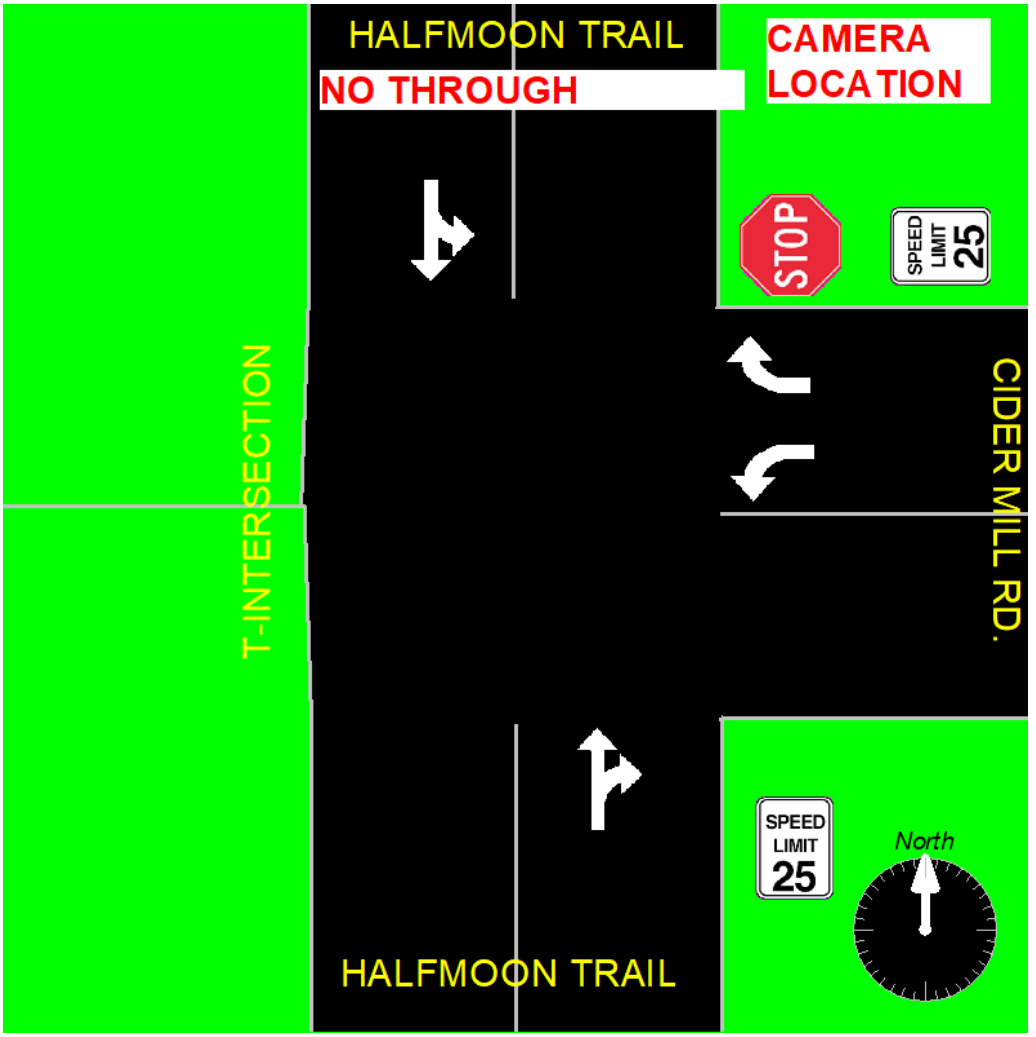


TRUE DIRECTION

TRAFFIC SERVICES,INC

236-1 Grandview Dr, Sneads

919-749-3979 truedirectiontraffic@gmail.com

Count Number: SITE 5

County: HENDERSON

City: HENDERSONVILLE

Division: 14

Location: HALFMOON TARIL AND BROOKSTONE CT. / FOXTAIL CT.

Location Type: 4-LEG

Count Type: TURNING MOVEMENT NO CLASSIFICATION

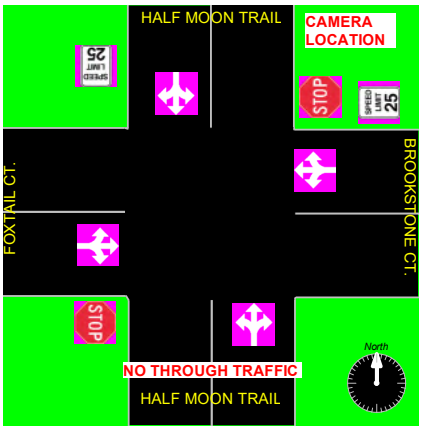
Count Start Date: 6/15/21

Time: 6:00AM-9:00AM AND 4:00PM-7:00PM

Video Time Used: 6:00AM-9:00AM AND 4:00PM-7:00PM (06-15)

Total Volume: 143

Weather: SUNNY NO RAIN



1. School in Session: No
2. Pedestrians Observed During Count: Yes
3. Disabled Pedestrians Present: No
4. Counted By: MICHAEL JOHNSON
5. Data Processor: MICHAEL JOHNSON
6. Signal Inventory: N/A
7. Intersection Controlled By:STOP SIGN
8. Data Collection Method: Jamar DB-400 Electronic Count Board
9. Equipment Operating Properly: Yes
10. Area Lighting: Yes
11. Construction Present: No
12. Traffic Problems Observed: Yes
    If Yes Describe: **SB HALFMOON TARIL NO THROUGH TRAFFIC**

LOCATION OF SITE 5

Southbound Approach

Looking Back Southbound

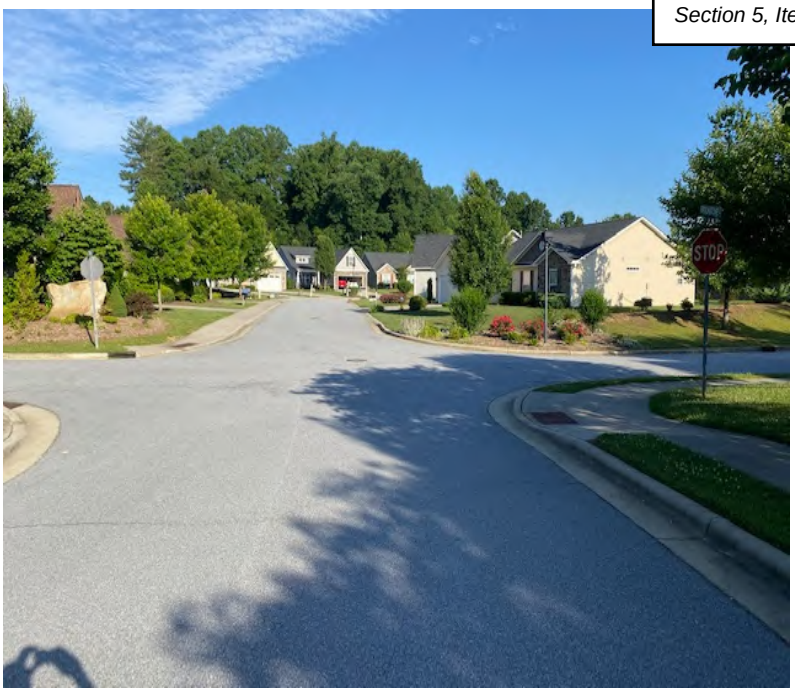
Southbound Approach:

Stop Sign Within 300':No

Traffic Signal Within 300' No

Railroad within 300': No
If Yes Distance:

Westbound Approach



Looking Back Westbound

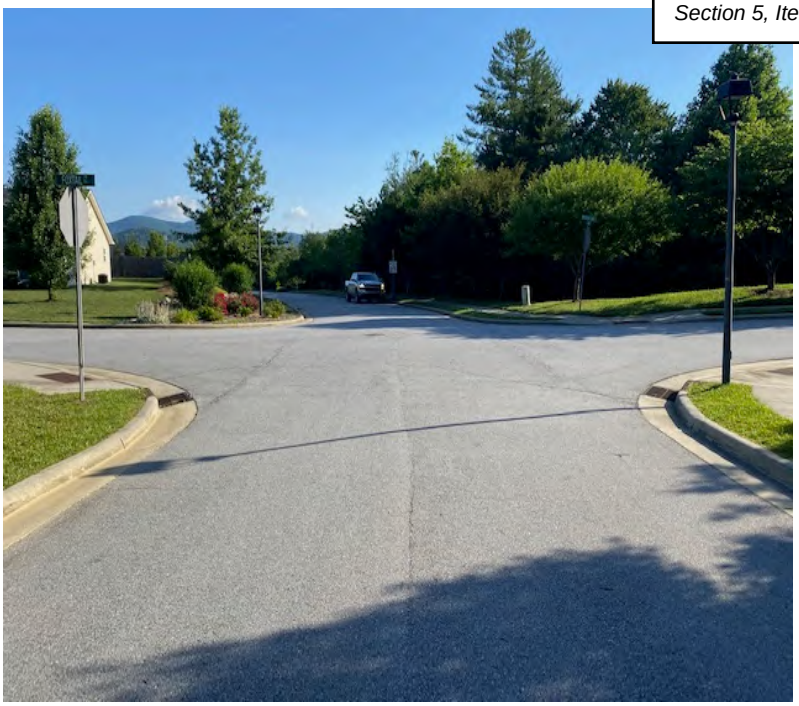
Westbound Approach:

Stop Sign Within 300':No

Traffic Signal Within 300' No

Railroad within 300': No
If Yes Distance:

Northbound Approach



Looking Back Northbound

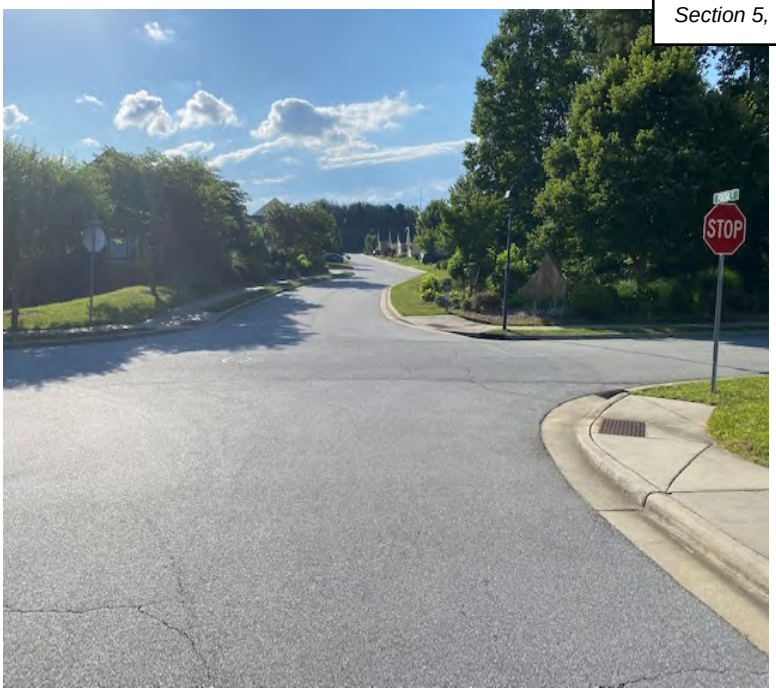
Northbound Approach:

Stop Sign Within 300':No

Traffic Signal Within 300' No

Railroad within 300': No
If Yes Distance:

Eastbound Approach



Looking Back Eastbound

Eastbound Approach:

Stop Sign Within 300':No

Traffic Signal Within 300' No

Railroad within 300': No
If Yes Distance:

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HALFMOON TARIL AND BROOKSTONE CT/ FOXTAI
HENDERSONVILE HENDERSON CO.
Weather: SUNNY
Counted By: MICHAEL JOHNSON

File Name : SITE 5
Site Code : SITE 5
Start Date : 6/15/2021
Page No : 1

Groups Printed- ALL VEHICLES

	HALF MOON TRAIL SOUTHBOUND					BROOKSTONE CT. WESTBOUND					HALF MOON TRAIL NORTHBOUND					FOXTAIL CT. EASTBOUND					
Start Time	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Int. Total
06:00 AM	0	0	0	0	0	0	0	1	0	1	0	0	0	0	0	1	0	0	0	1	2
06:15 AM	0	0	0	0	0	0	0	1	0	1	0	0	0	0	0	1	0	0	0	1	2
06:30 AM	0	0	0	0	0	0	0	2	1	3	0	0	0	1	1	2	0	0	0	2	6
06:45 AM	0	0	1	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Total	0	0	1	0	1	0	0	4	1	5	0	0	0	1	1	4	0	0	0	4	11
07:00 AM	1	0	0	1	2	0	0	1	0	1	0	0	0	0	0	1	0	0	2	3	6
07:15 AM	1	0	0	0	1	0	0	1	0	1	0	0	0	0	0	1	0	0	0	1	3
07:30 AM	0	0	1	0	1	0	0	6	0	6	0	0	0	0	0	2	0	0	0	2	9
07:45 AM	0	0	0	0	0	0	0	4	0	4	0	0	0	0	0	0	0	0	0	0	4
Total	2	0	1	1	4	0	0	12	0	12	0	0	0	0	0	4	0	0	2	6	22
08:00 AM	0	0	0	1	1	0	0	3	0	3	0	0	0	0	0	1	0	0	3	4	8
08:15 AM	1	0	1	0	2	0	0	2	0	2	0	0	0	0	0	1	0	0	0	1	5
08:30 AM	2	0	0	0	2	0	0	1	0	1	0	0	0	0	0	0	0	0	0	0	3
08:45 AM	3	0	0	0	3	0	0	2	0	2	0	0	0	2	2	1	0	0	0	1	8
Total	6	0	1	1	8	0	0	8	0	8	0	0	0	2	2	3	0	0	3	6	24
09:00 AM	0	0	0	0	0	0	0	0	1	1	0	0	0	0	0	0	0	0	0	0	1
09:15 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
09:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
09:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	1	1	0	0	0	0	0	0	0	0	0	0	1
10:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10:15 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11:15 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

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HALFMOON TARIL AND BROOKSTONE CT/ FOXTAI
HENDERSONVILE HENDERSON CO.
Weather: SUNNY
Counted By: MICHAEL JOHNSON

File Name : SITE 5
Site Code : SITE 5
Start Date : 6/15/2021
Page No : 2

Groups Printed- ALL VEHICLES

	HALF MOON TRAIL SOUTHBOUND					BROOKSTONE CT. WESTBOUND					HALF MOON TRAIL NORTHBOUND					FOXTAIL CT. EASTBOUND					
Start Time	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Int. Total
12:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
01:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
01:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
01:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
01:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
02:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
02:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
02:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
02:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
03:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
03:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
03:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
03:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
04:00 PM	1	0	1	0	2	0	0	1	0	1	0	0	0	0	0	1	0	0	0	1	4
04:15 PM	4	0	1	0	5	0	0	1	0	1	0	0	0	0	0	0	0	0	0	0	6
04:30 PM	1	0	1	1	3	0	0	2	0	2	0	0	0	1	1	1	0	0	2	3	9
04:45 PM	5	0	2	0	7	0	0	1	0	1	0	0	0	0	0	1	0	0	0	1	9
Total	11	0	5	1	17	0	0	5	0	5	0	0	0	1	1	3	0	0	2	5	28
05:00 PM	4	0	1	0	5	0	0	1	0	1	0	0	0	0	0	0	0	0	0	0	6
05:15 PM	4	0	1	0	5	0	0	3	0	3	0	0	0	0	0	1	0	0	0	1	9
05:30 PM	3	0	2	0	5	0	0	1	0	1	0	0	0	0	0	1	0	0	0	1	7
05:45 PM	5	0	0	0	5	0	0	3	1	4	0	0	0	1	1	0	0	0	2	2	12
Total	16	0	4	0	20	0	0	8	1	9	0	0	0	1	1	2	0	0	2	4	34
06:00 PM	3	0	0	2	5	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	5
06:15 PM	3	0	1	3	7	0	0	2	0	2	0	0	0	0	0	1	0	0	0	1	10
06:30 PM	1	0	1	0	2	0	0	0	2	2	0	0	0	0	0	0	0	0	0	0	4
06:45 PM	1	0	0	0	1	0	0	3	0	3	0	0	0	0	0	0	0	0	0	0	4
Total	8	0	2	5	15	0	0	5	2	7	0	0	0	0	0	1	0	0	0	1	23
Grand Total	43	0	14	8	65	0	0	42	5	47	0	0	0	5	5	17	0	0	9	26	143
Apprch %	66.2	0	21.5	12.3		0	0	89.4	10.6		0	0	0	100		65.4	0	0	34.6		
Total %	30.1	0	9.8	5.6	45.5	0	0	29.4	3.5	32.9	0	0	0	3.5	3.5	11.9	0	0	6.3	18.2	

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Start Date : 6/15/2021
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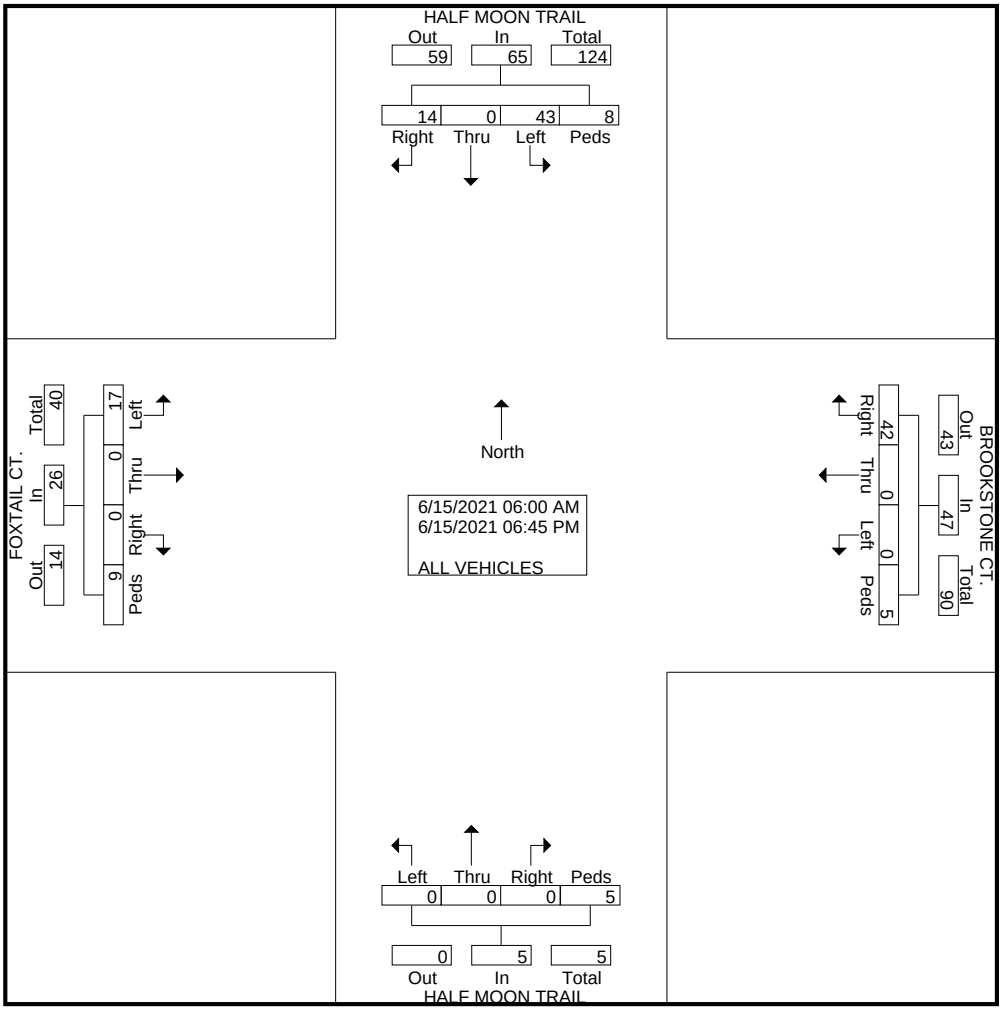

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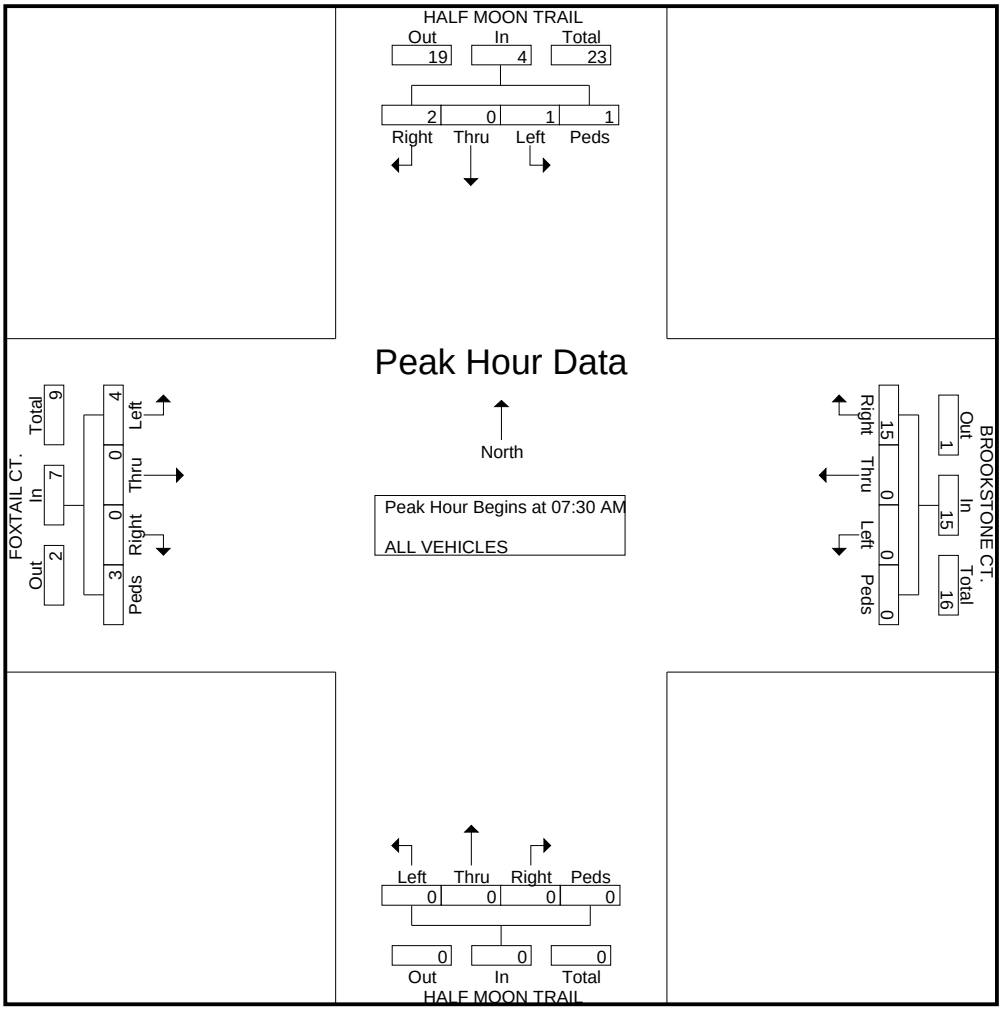
	HALF MOON TRAIL SOUTHBOUND					BROOKSTONE CT. WESTBOUND					HALF MOON TRAIL NORTHBOUND					FOXTAIL CT. EASTBOUND					
Start Time	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Int. Total
Peak Hour Analysis From 06:00 AM to 12:00 PM - Peak 1 of 1																					
Peak Hour for Entire Intersection Begins at 07:30 AM																					
07:30 AM	0	0	**1**	0	1	0	0	**6**	0	**6**	0	0	0	0	0	**2**	0	0	0	2	**9**
07:45 AM	0	0	0	0	0	0	0	4	0	4	0	0	0	0	0	0	0	0	0	0	4
08:00 AM	0	0	0	**1**	1	0	0	3	0	3	0	0	0	0	0	1	0	0	**3**	**4**	8
08:15 AM	**1**	0	1	0	**2**	0	0	2	0	2	0	0	0	0	0	1	0	0	0	1	5
Total Volume	1	0	2	1	4	0	0	15	0	15	0	0	0	0	0	4	0	0	3	7	26
% App. Total	25	0	50	25		0	0	100	0		0	0	0	0		57.1	0	0	42.9		
PHF	.250	.000	.500	.250	.500	.000	.000	.625	.000	.625	.000	.000	.000	.000	.000	.500	.000	.000	.250	.438	.722



TRUE DIRECTION TRAFFIC SERVICES, INC.

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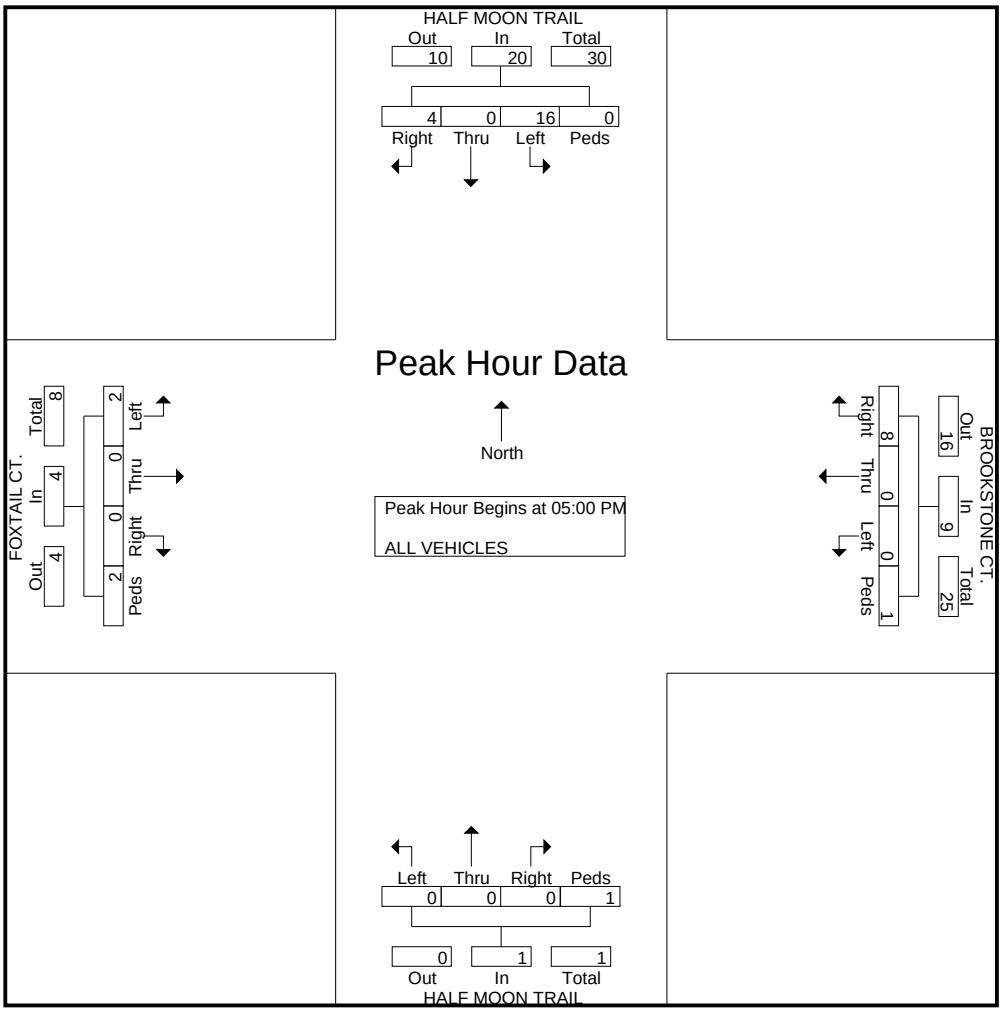
MICHAEL JOHNSON

HALFMOON TARIL AND BROOKSTONE CT/ FOXTAI
HENDERSONVILE HENDERSON CO.
Weather: SUNNY
Counted By: MICHAEL JOHNSON

File Name : SITE 5
Site Code : SITE 5
Start Date : 6/15/2021
Page No : 5

	HALF MOON TRAIL SOUTHBOUND					BROOKSTONE CT. WESTBOUND					HALF MOON TRAIL NORTHBOUND					FOXTAIL CT. EASTBOUND					
Start Time	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Int. Total
Peak Hour Analysis From 12:00 PM to 06:45 PM - Peak 1 of 1																					
Peak Hour for Entire Intersection Begins at 05:00 PM																					
05:00 PM	4	0	1	0	**5**	0	0	1	0	1	0	0	0	0	0	0	0	0	0	0	6
05:15 PM	4	0	1	0	5	0	0	**3**	0	3	0	0	0	0	0	**1**	0	0	0	1	9
05:30 PM	3	0	**2**	0	5	0	0	1	0	1	0	0	0	0	0	1	0	0	0	1	7
05:45 PM	**5**	0	0	0	5	0	0	3	**1**	**4**	0	0	0	**1**	**1**	0	0	0	**2**	**2**	**12**
Total Volume	16	0	4	0	20	0	0	8	1	9	0	0	0	1	1	2	0	0	2	4	34
% App. Total	80	0	20	0		0	0	88.9	11.1		0	0	0	100		50	0	0	50		
PHF	.800	.000	.500	.000	1.00	.000	.000	.667	.250	.563	.000	.000	.000	.250	.250	.500	.000	.000	.250	.500	.708



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HENDERSONVILE HENDERSON CO.
Weather: SUNNY
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File Name : SITE 5
Site Code : SITE 5
Start Date : 6/15/2021
Page No : 6

Southbound HALFMOON TRAIL

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File Name : SITE 5
Site Code : SITE 5
Start Date : 6/15/2021
Page No : 7

Westbound BROOKSTONE CT

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HALFMOON TARIL AND BROOKSTONE CT/ FOXTAI
HENDERSONVILE HENDERSON CO.
Weather: SUNNY
Counted By: MICHAEL JOHNSON

File Name : SITE 5
Site Code : SITE 5
Start Date : 6/15/2021
Page No : 8

Northbound HALFMOON TARIL

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HALFMOON TARIL AND BROOKSTONE CT/ FOXTAI
HENDERSONVILE HENDERSON CO.
Weather: SUNNY
Counted By: MICHAEL JOHNSON

File Name : SITE 5
Site Code : SITE 5
Start Date : 6/15/2021
Page No : 9

Eastbound FOXTAIL CT.

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HALFMOON TARIL AND BROOKSTONE CT/ FOXTAI
HENDERSONVILE HENDERSON CO.
Weather: SUNNY
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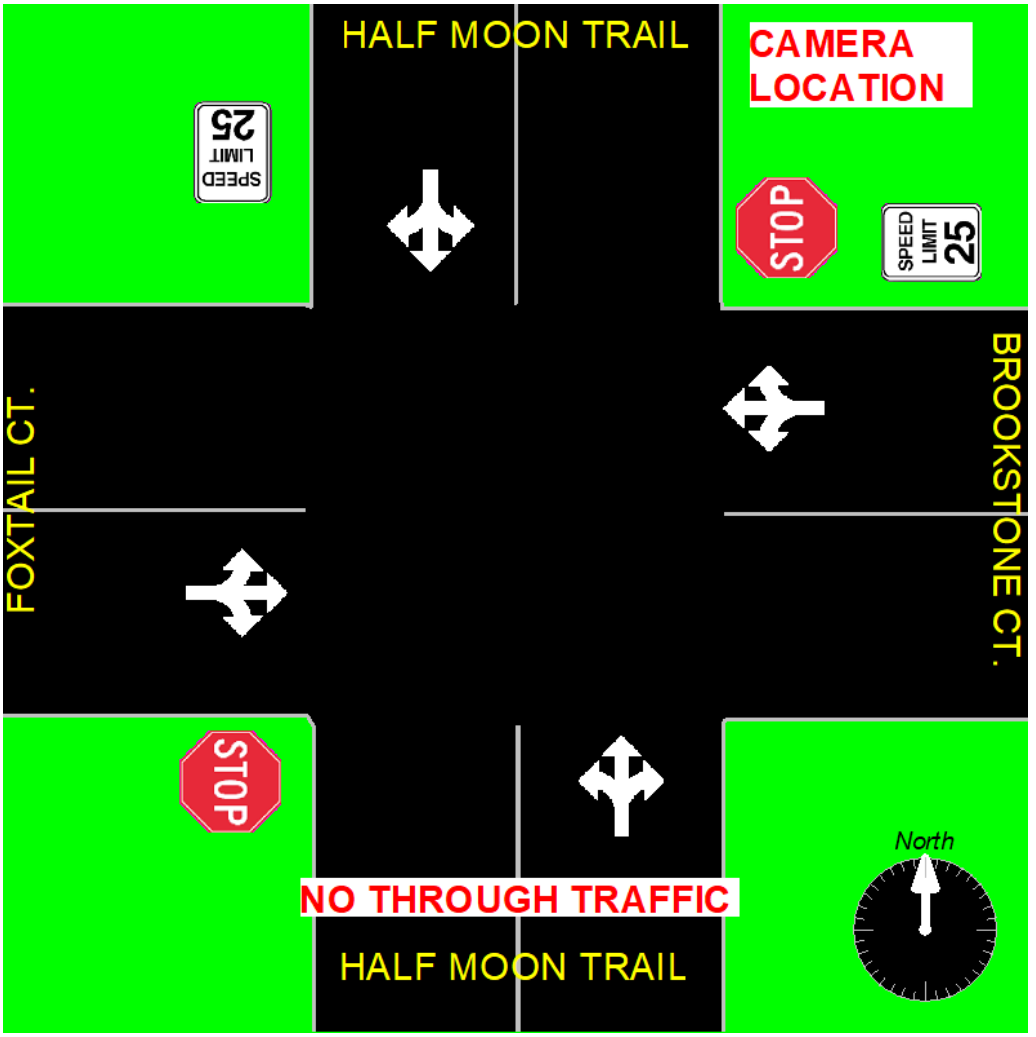
File Name : SITE 5
Site Code : SITE 5
Start Date : 6/15/2021
Page No : 10



TRUE DIRECTION

TRAFFIC SERVICES,INC

236-1 Grandview Dr, Sneads

919-749-3979 truedirectiontraffic@gmail.com

Count Number: SITE 6

County: HENDERSON

City: HENDERSONVILLE

Division: 14

Location: US 64 CHIMNEY ROCK RD. AND HALF MOON TARIL

Location Type: 3-LEG

Count Type: TURNING MOVEMENT NO CLASSIFICATION

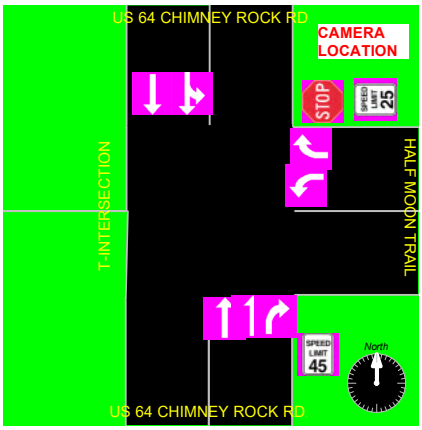
Count Start Date: 6/15/21

Time: 6:00AM-9:00AM AND 4:00PM-7:00PM

Video Time Used: 6:00AM-9:00AM AND 4:00PM-7:00PM (06-15)

Total Volume: 8,974

Weather: SUNNY NO RAIN



1. School in Session: No
2. Pedestrians Observed During Count: Yes
3. Disabled Pedestrians Present: No
4. Counted By: MICHAEL JOHNSON
5. Data Processor: MICHAEL JOHNSON
6. Signal Inventory: N/A
7. Intersection Controlled By:STOP SIGN
8. Data Collection Method: Jamar DB-400 Electronic Count Board
9. Equipment Operating Properly: Yes
10. Area Lighting: No
11. Construction Present: No
12. Traffic Problems Observed: No
    If Yes Describe:

LOCATION OF SITE 6

Southbound Approach

Looking Back Southbound

Southbound Approach:

Stop Sign Within 300':No

Traffic Signal Within 300' No

Railroad within 300': No
If Yes Distance:

Westbound Approach

Looking Back Westbound

Westbound Approach:

Stop Sign Within 300':No

Traffic Signal Within 300' No

Railroad within 300': No
If Yes Distance:

Northbound Approach

Looking Back Northbound

Northbound Approach:

Stop Sign Within 300':No

Traffic Signal Within 300' No

Railroad within 300': No
If Yes Distance:

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US 64 AND HALF MOON TRAIL
HENDERSONVILLE HENDERSON CO.
Weather: SUNNY
Counted By: MICHAEL JOHNSON

File Name : SITE 6
Site Code : SITE 6
Start Date : 6/15/2021
Page No : 1

Groups Printed- ALL VEHICLES

	US 64 CHIMNEY ROCK RD. SOUTHBOUND					HALF MOON TRAIL WESTBOUND					US 64 CHIMNEY ROCK RD. NORTHBOUND					T-INTERSECTION EASTBOUND					
Start Time	Left	Thru	X	Peds	App. Total	Left	X	Right	Peds	App. Total	X	Thru	Right	Peds	App. Total	X	X	X	Peds	App. Total	Int. Total
06:00 AM	0	103	0	0	103	2	0	0	0	2	0	24	0	0	24	0	0	0	0	0	129
06:15 AM	0	149	0	0	149	2	0	0	0	2	0	26	0	0	26	0	0	0	0	0	177
06:30 AM	0	176	0	0	176	3	0	1	0	4	0	41	0	0	41	0	0	0	0	0	221
06:45 AM	0	217	0	0	217	0	0	0	0	0	0	74	1	0	75	0	0	0	0	0	292
Total	0	645	0	0	645	7	0	1	0	8	0	165	1	0	166	0	0	0	0	0	819
07:00 AM	0	199	0	0	199	1	0	1	0	2	0	87	1	0	88	0	0	0	0	0	289
07:15 AM	1	242	0	0	243	2	0	0	0	2	0	109	0	0	109	0	0	0	0	0	354
07:30 AM	0	262	0	0	262	8	0	0	0	8	0	116	1	0	117	0	0	0	0	0	387
07:45 AM	0	240	0	0	240	4	0	0	0	4	0	168	0	0	168	0	0	0	0	0	412
Total	1	943	0	0	944	15	0	1	0	16	0	480	2	0	482	0	0	0	0	0	1442
08:00 AM	0	240	0	0	240	4	0	0	0	4	0	158	0	0	158	0	0	0	0	0	402
08:15 AM	0	260	0	0	260	3	0	0	0	3	0	134	2	0	136	0	0	0	0	0	399
08:30 AM	0	255	0	0	255	1	0	0	0	1	0	145	2	0	147	0	0	0	0	0	403
08:45 AM	0	262	0	0	262	2	0	1	0	3	0	155	3	0	158	0	0	0	0	0	423
Total	0	1017	0	0	1017	10	0	1	0	11	0	592	7	0	599	0	0	0	0	0	1627
09:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
09:15 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
09:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
09:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10:15 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
10:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11:15 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

TRUE DIRECTION TRAFFIC SERVICES, INC.

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MICHAEL JOHNSON

US 64 AND HALF MOON TRAIL
HENDERSONVILLE HENDERSON CO.
Weather: SUNNY
Counted By: MICHAEL JOHNSON

File Name : SITE 6
Site Code : SITE 6
Start Date : 6/15/2021
Page No : 2

Groups Printed- ALL VEHICLES

	US 64 CHIMNEY ROCK RD. SOUTHBOUND					HALF MOON TRAIL WESTBOUND					US 64 CHIMNEY ROCK RD. NORTHBOUND					T-INTERSECTION EASTBOUND					
Start Time	Left	Thru	X	Peds	App. Total	Left	X	Right	Peds	App. Total	X	Thru	Right	Peds	App. Total	X	X	X	Peds	App. Total	Int. Total
12:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
12:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
01:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
01:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
01:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
01:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
02:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
02:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
02:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
02:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
03:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
03:15 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
03:30 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
03:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
04:00 PM	0	179	0	1	180	1	0	1	0	2	0	236	2	1	239	0	0	0	0	0	421
04:15 PM	0	168	0	0	168	1	0	0	0	1	0	275	5	0	280	0	0	0	0	0	449
04:30 PM	0	135	0	0	135	3	0	0	0	3	0	241	2	0	243	0	0	0	0	0	381
04:45 PM	1	126	0	0	127	1	0	1	0	2	0	288	6	0	294	0	0	0	0	0	423
Total	1	608	0	1	610	6	0	2	0	8	0	1040	15	1	1056	0	0	0	0	0	1674
05:00 PM	0	133	0	0	133	0	0	1	0	1	0	294	5	0	299	0	0	0	0	0	433
05:15 PM	0	130	0	0	130	4	0	0	0	4	0	308	5	0	313	0	0	0	0	0	447
05:30 PM	1	148	0	0	149	1	0	1	0	2	0	298	3	0	301	0	0	0	0	0	452
05:45 PM	0	129	0	0	129	2	0	1	0	3	0	271	5	0	276	0	0	0	0	0	408
Total	1	540	0	0	541	7	0	3	0	10	0	1171	18	0	1189	0	0	0	0	0	1740
06:00 PM	1	183	0	0	184	0	0	0	0	0	0	296	2	0	298	0	0	0	0	0	482
06:15 PM	1	155	0	0	156	3	0	0	0	3	0	226	3	0	229	0	0	0	0	0	388

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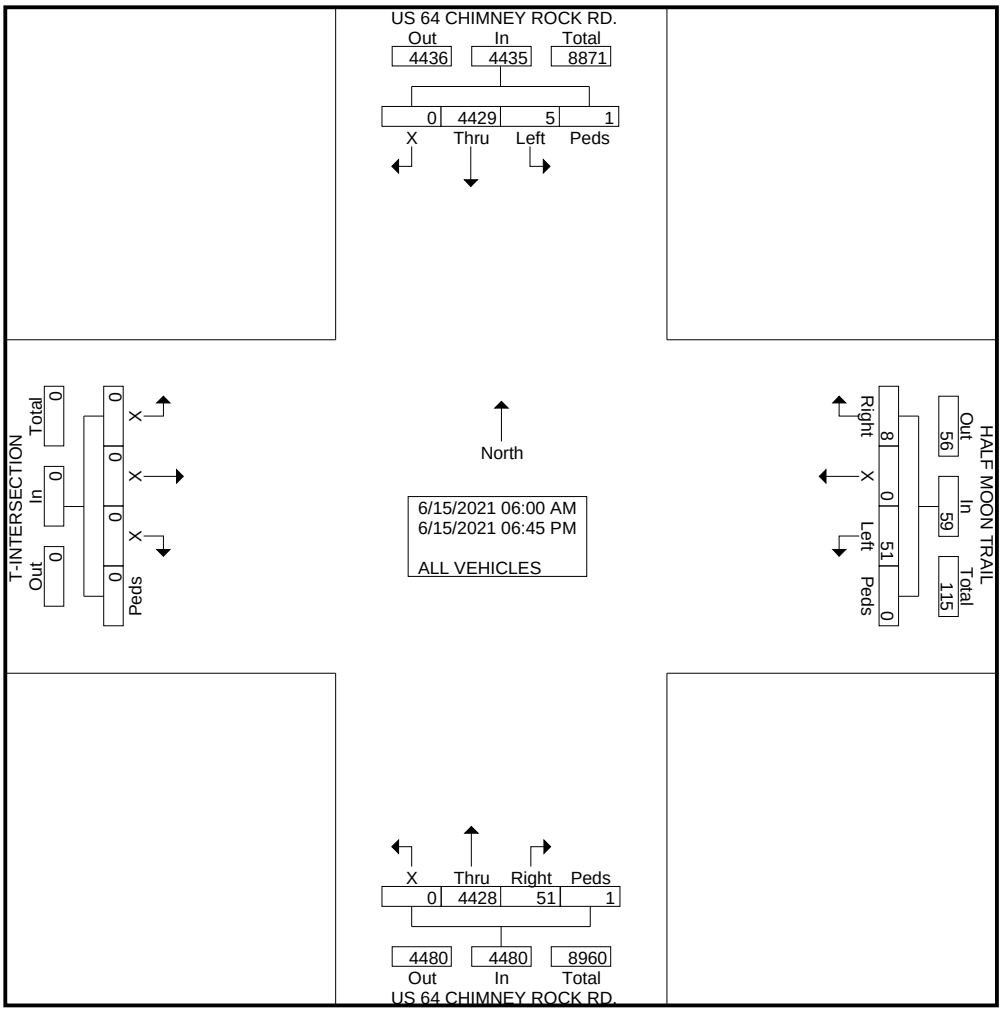
US 64 AND HALF MOON TRAIL
HENDERSONVILLE HENDERSON CO.
Weather: SUNNY
Counted By: MICHAEL JOHNSON

File Name : SITE 6
Site Code : SITE 6
Start Date : 6/15/2021
Page No : 3

Groups Printed- ALL VEHICLES

	US 64 CHIMNEY ROCK RD. SOUTHBOUND					HALF MOON TRAIL WESTBOUND					US 64 CHIMNEY ROCK RD. NORTHBOUND					T-INTERSECTION EASTBOUND					
Start Time	Left	Thru	X	Peds	App. Total	Left	X	Right	Peds	App. Total	X	Thru	Right	Peds	App. Total	X	X	X	Peds	App. Total	Int. Total
06:30 PM	0	177	0	0	177	0	0	0	0	0	0	230	2	0	232	0	0	0	0	0	409
06:45 PM	0	161	0	0	161	3	0	0	0	3	0	228	1	0	229	0	0	0	0	0	393
Total	2	676	0	0	678	6	0	0	0	6	0	980	8	0	988	0	0	0	0	0	1672
Grand Total	5	4429	0	1	4435	51	0	8	0	59	0	4428	51	1	4480	0	0	0	0	0	8974
Apprch %	0.1	99.9	0	0		86.4	0	13.6	0		0	98.8	1.1	0		0	0	0	0		
Total %	0.1	49.4	0	0	49.4	0.6	0	0.1	0	0.7	0	49.3	0.6	0	49.9	0	0	0	0	0	



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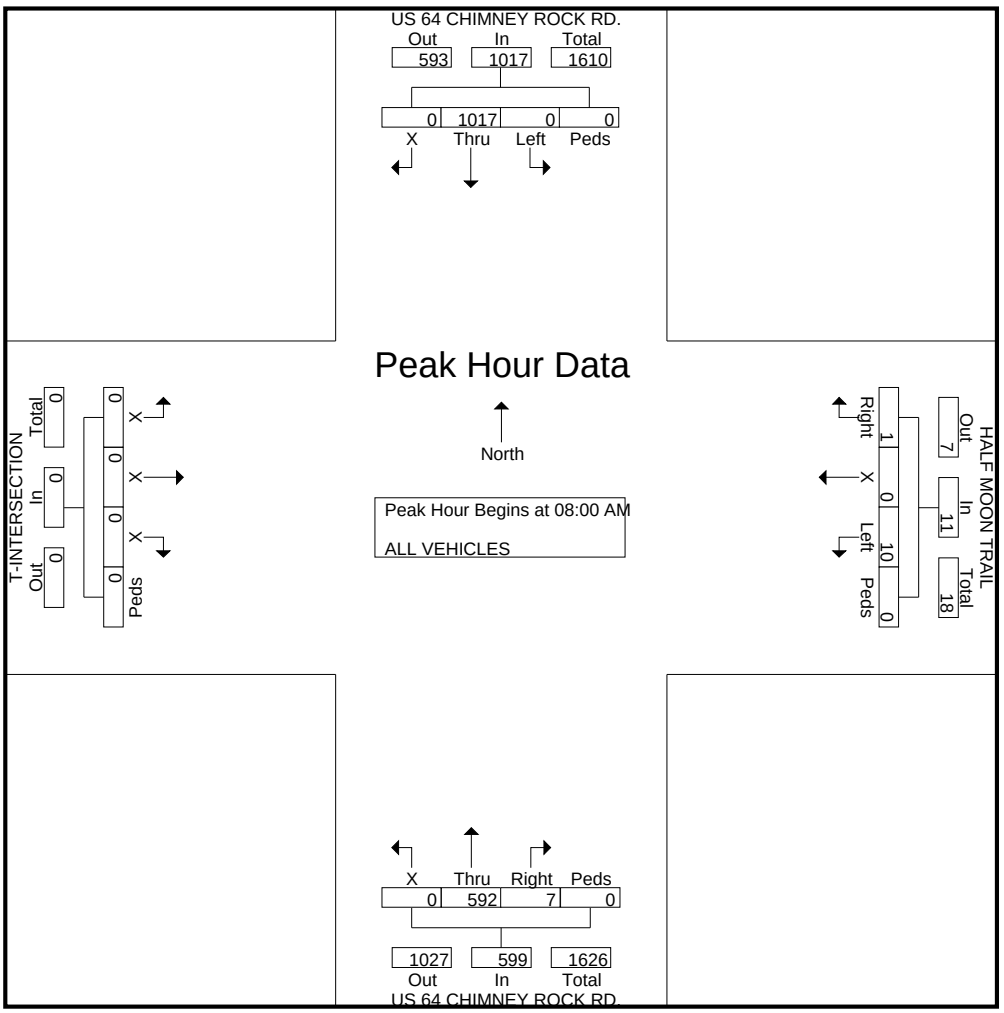
File Name : SITE 6
Site Code : SITE 6
Start Date : 6/15/2021
Page No : 4

	US 64 CHIMNEY ROCK RD. SOUTHBOUND					HALF MOON TRAIL WESTBOUND					US 64 CHIMNEY ROCK RD. NORTHBOUND					T-INTERSECTION EASTBOUND					
Start Time	Left	Thru	X	Peds	App. Total	Left	X	Right	Peds	App. Total	X	Thru	Right	Peds	App. Total	X	X	X	Peds	App. Total	Int. Total
Peak Hour Analysis From 06:00 AM to 12:00 PM - Peak 1 of 1																					
Peak Hour for Entire Intersection Begins at 08:00 AM																					
08:00 AM	0	240	0	0	240	**4**	0	0	0	**4**	0	**158**	0	0	**158**	0	0	0	0	0	402
08:15 AM	0	260	0	0	260	3	0	0	0	3	0	134	2	0	136	0	0	0	0	0	399
08:30 AM	0	255	0	0	255	1	0	0	0	1	0	145	2	0	147	0	0	0	0	0	403
08:45 AM	0	**262**	0	0	**262**	2	0	**1**	0	3	0	155	**3**	0	158	0	0	0	0	0	**423**
Total Volume	0	1017	0	0	1017	10	0	1	0	11	0	592	7	0	599	0	0	0	0	0	1627
% App. Total	0	100	0	0		90.9	0	9.1	0		0	98.8	1.2	0		0	0	0	0		
PHF	.000	.970	.000	.000	.970	.625	.000	.250	.000	.688	.000	.937	.583	.000	.948	.000	.000	.000	.000	.000	.962



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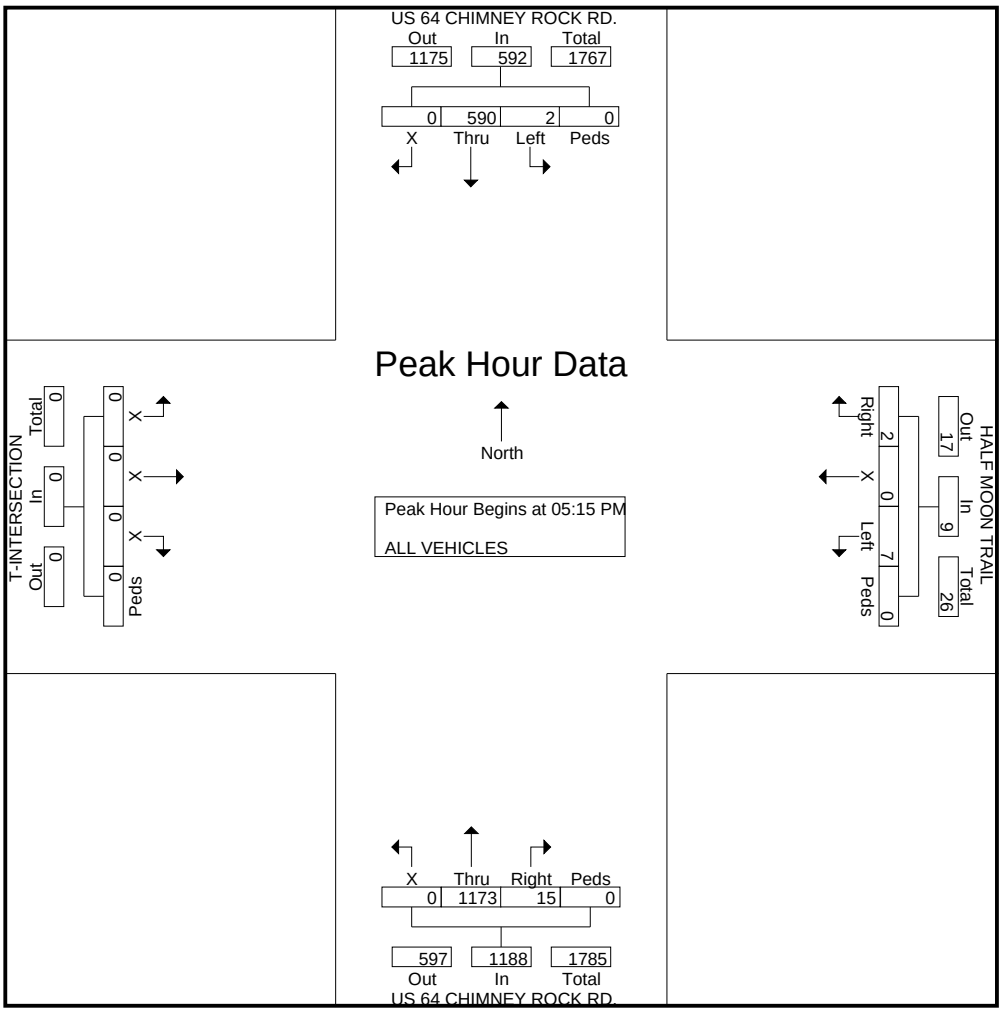
Page No : 5

	US 64 CHIMNEY ROCK RD. SOUTHBOUND					HALF MOON TRAIL WESTBOUND					US 64 CHIMNEY ROCK RD. NORTHBOUND					T-INTERSECTION EASTBOUND					
Start Time	Left	Thru	X	Peds	App. Total	Left	X	Right	Peds	App. Total	X	Thru	Right	Peds	App. Total	X	X	X	Peds	App. Total	Int. Total
Peak Hour Analysis From 12:00 PM to 06:45 PM - Peak 1 of 1																					
Peak Hour for Entire Intersection Begins at 05:15 PM																					
05:15 PM	0	130	0	0	130	**4**	0	0	0	**4**	0	**308**	**5**	0	**313**	0	0	0	0	0	447
05:30 PM	**1**	148	0	0	149	1	0	**1**	0	2	0	298	3	0	301	0	0	0	0	0	452
05:45 PM	0	129	0	0	129	2	0	1	0	3	0	271	5	0	276	0	0	0	0	0	408
06:00 PM	1	**183**	0	0	**184**	0	0	0	0	0	0	296	2	0	298	0	0	0	0	0	**482**
Total Volume	2	590	0	0	592	7	0	2	0	9	0	1173	15	0	1188	0	0	0	0	0	1789
% App. Total	0.3	99.7	0	0		77.8	0	22.2	0		0	98.7	1.3	0		0	0	0	0		
PHF	.500	.806	.000	.000	.804	.438	.000	.500	.000	.563	.000	.952	.750	.000	.949	.000	.000	.000	.000	.000	.928



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MICHAEL JOHNSON

US 64 AND HALF MOON TRAIL
HENDERSONVILLE HENDERSON CO.
Weather: SUNNY
Counted By: MICHAEL JOHNSON

File Name : SITE 6
Site Code : SITE 6
Start Date : 6/15/2021
Page No : 6

Southbound US 64 CHIMNEY ROCK RD.

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Site Code : SITE 6
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Westbound HALF MOON TRAIL

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Site Code : SITE 6
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File Name : SITE 6
Site Code : SITE 6
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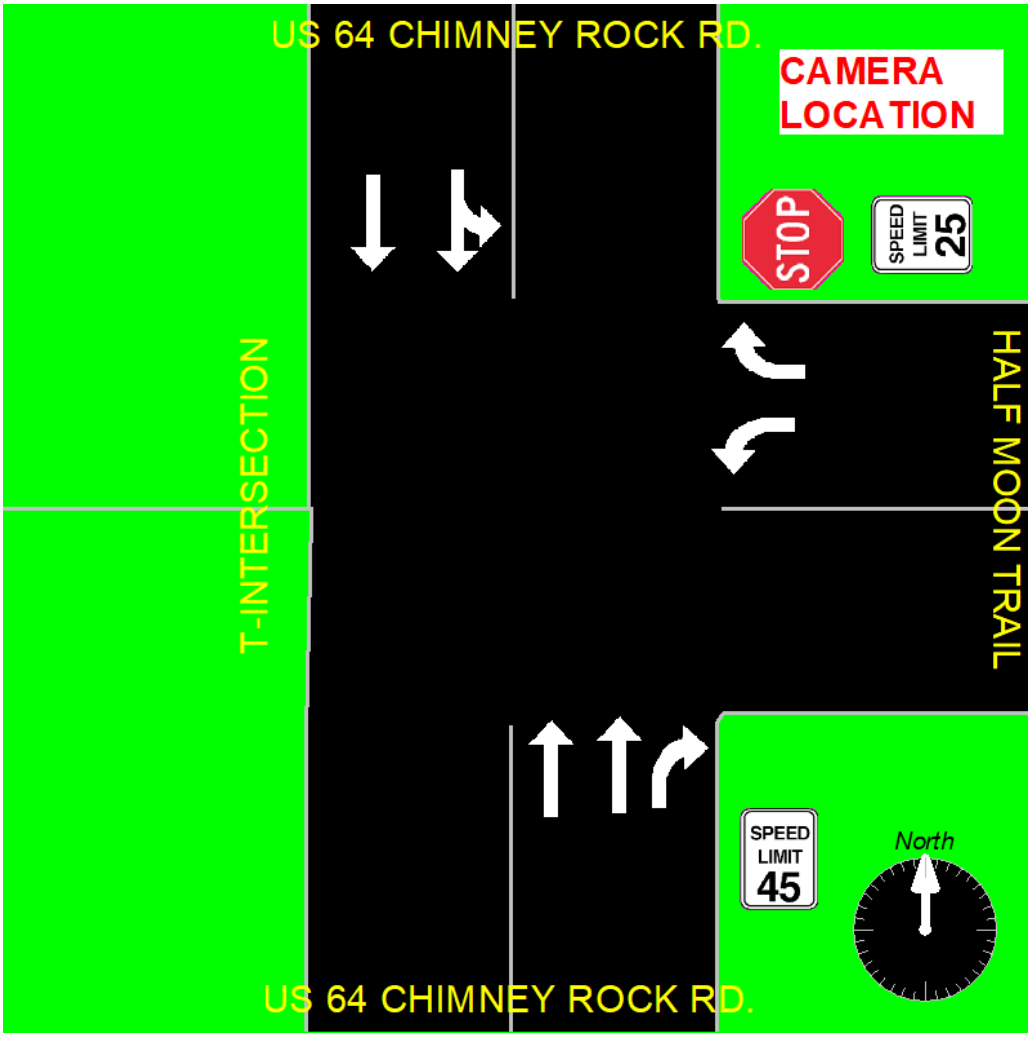
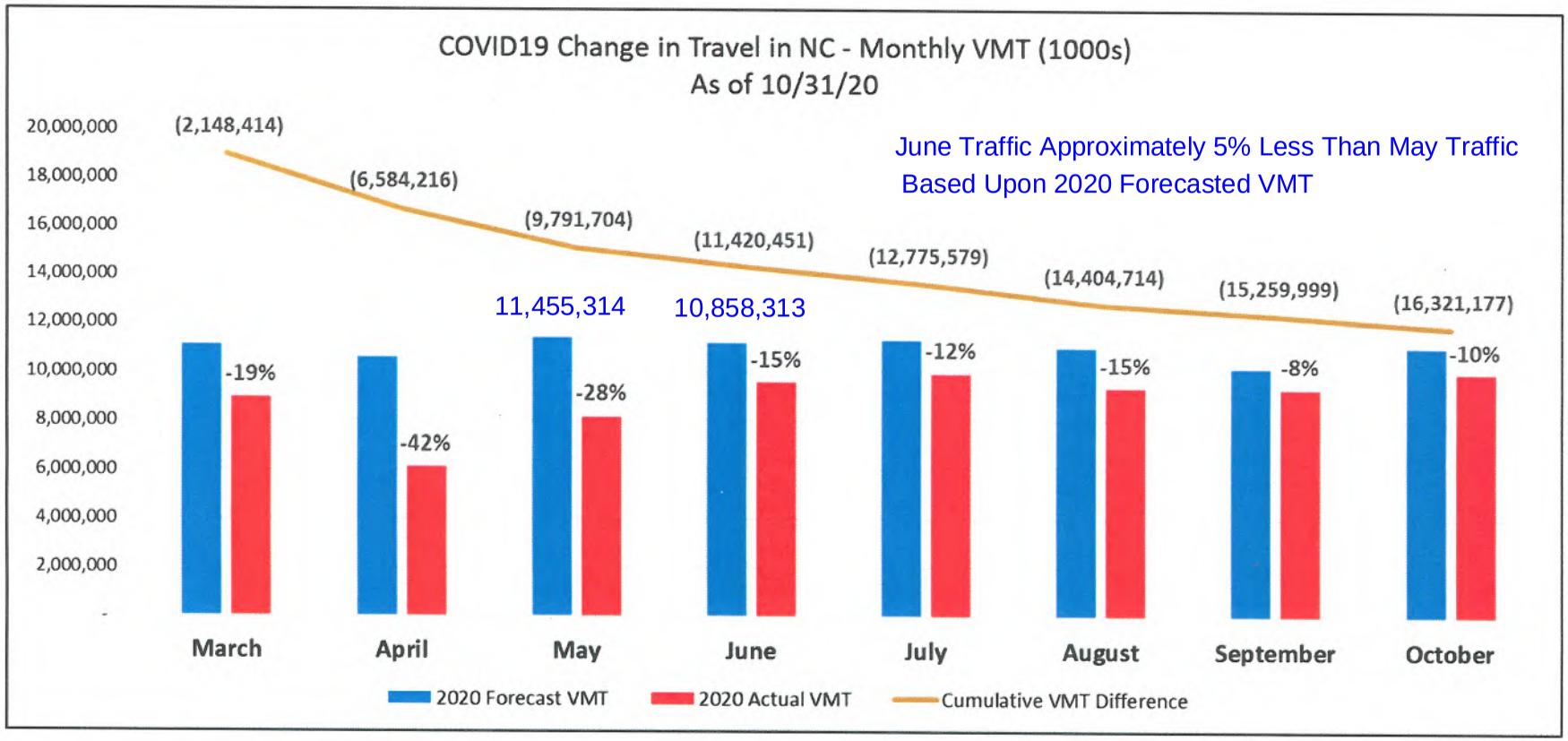


APPENDIX C

NCDOT MONTHLY TRAFFIC TRENDS

Travel Trend – Monthly



As of end of October, we have 16 Billion less VMT than forecasted

APPENDIX D

SYNCHRO LEVEL OF SERVICE & QUEUING REPORTS

AM Peak Hour Existing Adjusted
3: US 64 & Half Moon Trail

09/27/2021

Intersection	
Int Delay, s/veh	0.2

Movement	WBL	WBR	NET	NER	SWL	SWT
Lane Configurations						
Traffic Vol, veh/h	11	1	633	7	0	1088
Future Vol, veh/h	11	1	633	7	0	1088
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	100	500	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	12	1	688	8	0	1183

Major/Minor	Minor1		Major1		Major2	
Conflicting Flow All	1280	344	0	0	696	0
Stage 1	688	-	-	-	-	-
Stage 2	592	-	-	-	-	-
Critical Hdwy	6.84	6.94	-	-	4.14	-
Critical Hdwy Stg 1	5.84	-	-	-	-	-
Critical Hdwy Stg 2	5.84	-	-	-	-	-
Follow-up Hdwy	3.52	3.32	-	-	2.22	-
Pot Cap-1 Maneuver	158	652	-	-	896	-
Stage 1	460	-	-	-	-	-
Stage 2	516	-	-	-	-	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	158	652	-	-	896	-
Mov Cap-2 Maneuver	158	-	-	-	-	-
Stage 1	460	-	-	-	-	-
Stage 2	516	-	-	-	-	-

Approach	WB	NE	SW
HCM Control Delay, s	28.1	0	0
HCM LOS	D		

Minor Lane/Major Mvmt	NET	NER	WBLn1	SWL	SWT
Capacity (veh/h)	-	-	169	896	-
HCM Lane V/C Ratio	-	-	0.077	-	-
HCM Control Delay (s)	-	-	28.1	0	-
HCM Lane LOS	-	-	D	A	-
HCM 95th %tile Q(veh)	-	-	0.2	0	-

Intersection	
Int Delay, s/veh	0

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	4	0	0	0	0	16	0	0	0	1	0	2
Future Vol, veh/h	4	0	0	0	0	16	0	0	0	1	0	2
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	92	92	92	92	92	92	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2	2	2	2	2	2	2
Mvmt Flow	4	0	0	0	0	17	0	0	0	1	0	2

Major/Minor	Minor2			Minor1			Major1			Major2		
Conflicting Flow All	12	3	1	3	4	0	2	0	0	0	0	0
Stage 1	3	3	-	0	0	-	-	-	-	-	-	-
Stage 2	9	0	-	3	4	-	-	-	-	-	-	-
Critical Hdwy	7.12	6.52	6.22	7.12	6.52	6.22	4.12	-	-	4.12	-	-
Critical Hdwy Stg 1	6.12	5.52	-	6.12	5.52	-	-	-	-	-	-	-
Critical Hdwy Stg 2	6.12	5.52	-	6.12	5.52	-	-	-	-	-	-	-
Follow-up Hdwy	3.518	4.018	3.318	3.518	4.018	3.318	2.218	-	-	2.218	-	-
Pot Cap-1 Maneuver	1005	893	1084	1019	891	-	1620	-	-	-	-	-
Stage 1	1020	893	-	-	-	-	-	-	-	-	-	-
Stage 2	1012	-	-	1020	892	-	-	-	-	-	-	-
Platoon blocked, %								-	-		-	-
Mov Cap-1 Maneuver	-	893	1084	1019	891	-	1620	-	-	-	-	-
Mov Cap-2 Maneuver	-	893	-	1019	891	-	-	-	-	-	-	-
Stage 1	1020	893	-	-	-	-	-	-	-	-	-	-
Stage 2	1012	-	-	1020	892	-	-	-	-	-	-	-

Approach	EB	WB	NB	SB
HCM Control Delay, s			0	
HCM LOS	-	-		

Minor Lane/Major Mvmt	NBL	NBT	NBR	EBLn1	WBLn1	SBL	SBT	SBR
Capacity (veh/h)	1620	-	-	-	-	-	-	-
HCM Lane V/C Ratio	-	-	-	-	-	-	-	-
HCM Control Delay (s)	0	-	-	-	-	-	-	-
HCM Lane LOS	A	-	-	-	-	-	-	-
HCM 95th %tile Q(veh)	0	-	-	-	-	-	-	-

AM Peak Hour Existing Adjusted
14: Half Moon Trail & Cider Mill Dr (W)

09/27/2021

Intersection	
Int Delay, s/veh	7.1

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	49	1	1	10	0	1
Future Vol, veh/h	49	1	1	10	0	1
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	53	1	1	11	0	1

Major/Minor	Minor1		Major1		Major2	
Conflicting Flow All	8	7	0	0	12	0
Stage 1	7	-	-	-	-	-
Stage 2	1	-	-	-	-	-
Critical Hdwy	6.42	6.22	-	-	4.12	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.318	-	-	2.218	-
Pot Cap-1 Maneuver	1013	1075	-	-	1607	-
Stage 1	1016	-	-	-	-	-
Stage 2	1022	-	-	-	-	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	1013	1075	-	-	1607	-
Mov Cap-2 Maneuver	1013	-	-	-	-	-
Stage 1	1016	-	-	-	-	-
Stage 2	1022	-	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	8.8	0	0
HCM LOS	A		

Minor Lane/Major Mvmt	NBT	NBR	WBLn1	SBL	SBT
Capacity (veh/h)	-	-	1014	1607	-
HCM Lane V/C Ratio	-	-	0.054	-	-
HCM Control Delay (s)	-	-	8.8	0	-
HCM Lane LOS	-	-	A	A	-
HCM 95th %tile Q(veh)	-	-	0.2	0	-

Intersection	
Intersection Delay, s/veh	7.1
Intersection LOS	A

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	6	9	3	0	49	0	7	1	0	0	0	45
Future Vol, veh/h	6	9	3	0	49	0	7	1	0	0	0	45
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Heavy Vehicles, %	2	2	2	2	2	2	2	2	2	2	2	2
Mvmt Flow	7	10	3	0	53	0	8	1	0	0	0	49
Number of Lanes	0	1	0	0	1	0	0	1	0	0	1	0

Approach	EB	WB	NB	SB
Opposing Approach	WB	EB	SB	NB
Opposing Lanes	1	1	1	1
Conflicting Approach Left	SB	NB	EB	WB
Conflicting Lanes Left	1	1	1	1
Conflicting Approach Right	NB	SB	WB	EB
Conflicting Lanes Right	1	1	1	1
HCM Control Delay	7.2	7.3	7.4	6.7
HCM LOS	A	A	A	A

Lane	NBLn1	EBLn1	WBLn1	SBLn1
Vol Left, %	88%	33%	0%	0%
Vol Thru, %	12%	50%	100%	0%
Vol Right, %	0%	17%	0%	100%
Sign Control	Stop	Stop	Stop	Stop
Traffic Vol by Lane	8	18	49	45
LT Vol	7	6	0	0
Through Vol	1	9	49	0
RT Vol	0	3	0	45
Lane Flow Rate	9	20	53	49
Geometry Grp	1	1	1	1
Degree of Util (X)	0.01	0.022	0.06	0.047
Departure Headway (Hd)	4.271	4.041	4.048	3.465
Convergence, Y/N	Yes	Yes	Yes	Yes
Cap	835	886	887	1029
Service Time	2.31	2.064	2.064	1.502
HCM Lane V/C Ratio	0.011	0.023	0.06	0.048
HCM Control Delay	7.4	7.2	7.3	6.7
HCM Lane LOS	A	A	A	A
HCM 95th-tile Q	0	0.1	0.2	0.1

AM Peak Hour Existing Adjusted
22: US 64 NB & Commercial Access/Ballantyne Common Circle

09/27/2021

Intersection	
Int Delay, s/veh	2.4

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	5	3	0	0	10	112	48	385	25	0	0	0
Future Vol, veh/h	5	3	0	0	10	112	48	385	25	0	0	0
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	130	-	300	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	92	92	92	92	92	92	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2	2	2	2	2	2	2
Mvmt Flow	5	3	0	0	11	122	52	418	27	0	0	0

Major/Minor	Minor2			Minor1			Major1		
Conflicting Flow All	319	549	-	-	522	209	0	0	0
Stage 1	0	0	-	-	522	-	-	-	-
Stage 2	319	549	-	-	0	-	-	-	-
Critical Hdwy	7.54	6.54	-	-	6.54	6.94	4.14	-	-
Critical Hdwy Stg 1	-	-	-	-	5.54	-	-	-	-
Critical Hdwy Stg 2	6.54	5.54	-	-	-	-	-	-	-
Follow-up Hdwy	3.52	4.02	-	-	4.02	3.32	2.22	-	-
Pot Cap-1 Maneuver	610	442	0	0	458	797	-	-	-
Stage 1	-	-	0	0	529	-	-	-	-
Stage 2	667	515	0	0	-	-	-	-	-
Platoon blocked, %								-	-
Mov Cap-1 Maneuver	508	442	-	-	458	797	-	-	-
Mov Cap-2 Maneuver	508	442	-	-	458	-	-	-	-
Stage 1	-	-	-	-	529	-	-	-	-
Stage 2	554	515	-	-	-	-	-	-	-

Approach	EB	WB	NB
HCM Control Delay, s	12.6	10.8	
HCM LOS	B	B	

Minor Lane/Major Mvmt	NBL	NBT	NBR	EBLn1	WBLn1
Capacity (veh/h)	-	-	-	481	751
HCM Lane V/C Ratio	-	-	-	0.018	0.177
HCM Control Delay (s)	-	-	-	12.6	10.8
HCM Lane LOS	-	-	-	B	B
HCM 95th %tile Q(veh)	-	-	-	0.1	0.6

Queuing and Blocking Report
AM Peak Hour Existing Adjusted

09/27/2021

Intersection: 3: US 64 & Half Moon Trail

Movement	WB
Directions Served	LR
Maximum Queue (ft)	27
Average Queue (ft)	15
95th Queue (ft)	36
Link Distance (ft)	604
Upstream Blk Time (%)	
Queuing Penalty (veh)	
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

Intersection: 6: Half Moon Trail & Foxtail Court/Brookstone Court

Movement	EB	WB
Directions Served	LTR	LTR
Maximum Queue (ft)	31	31
Average Queue (ft)	6	17
95th Queue (ft)	26	39
Link Distance (ft)	310	437
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)		
Storage Blk Time (%)		
Queuing Penalty (veh)		

Intersection: 11: Cider Mill Dr (E) & Half Moon Trail

Movement
Directions Served
Maximum Queue (ft)
Average Queue (ft)
95th Queue (ft)
Link Distance (ft)
Upstream Blk Time (%)
Queuing Penalty (veh)
Storage Bay Dist (ft)
Storage Blk Time (%)
Queuing Penalty (veh)

Intersection: 14: Half Moon Trail & Cider Mill Dr (W)

Movement	WB
Directions Served	LR
Maximum Queue (ft)	31
Average Queue (ft)	31
95th Queue (ft)	31
Link Distance (ft)	237
Upstream Blk Time (%)	
Queuing Penalty (veh)	
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

Intersection: 18: Half Moon Trail & Ballantyne Common Circle

Movement	EB	WB	NB	SB
Directions Served	LTR	LTR	LTR	LTR
Maximum Queue (ft)	31	31	31	31
Average Queue (ft)	12	30	6	31
95th Queue (ft)	37	31	27	32
Link Distance (ft)	183	326	332	111
Upstream Blk Time (%)				
Queuing Penalty (veh)				
Storage Bay Dist (ft)				
Storage Blk Time (%)				
Queuing Penalty (veh)				

Intersection: 22: US 64 NB & Commercial Access/Ballantyne Common Circle

Movement	WB
Directions Served	TR
Maximum Queue (ft)	30
Average Queue (ft)	29
95th Queue (ft)	31
Link Distance (ft)	584
Upstream Blk Time (%)	
Queuing Penalty (veh)	
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

Network Summary

Network wide Queuing Penalty: 0

PM Peak Hour Existing Adjusted
3: US 64 & Half Moon Trail

09/27/2021

Intersection	
Int Delay, s/veh	0.2

Movement	WBL	WBR	NET	NER	SWL	SWT
Lane Configurations						
Traffic Vol, veh/h	8	2	1255	16	2	631
Future Vol, veh/h	8	2	1255	16	2	631
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	100	500	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	9	2	1364	17	2	686

Major/Minor	Minor1		Major1		Major2	
Conflicting Flow All	1711	682	0	0	1381	0
Stage 1	1364	-	-	-	-	-
Stage 2	347	-	-	-	-	-
Critical Hdwy	6.84	6.94	-	-	4.14	-
Critical Hdwy Stg 1	5.84	-	-	-	-	-
Critical Hdwy Stg 2	5.84	-	-	-	-	-
Follow-up Hdwy	3.52	3.32	-	-	2.22	-
Pot Cap-1 Maneuver	82	392	-	-	492	-
Stage 1	203	-	-	-	-	-
Stage 2	687	-	-	-	-	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	82	392	-	-	492	-
Mov Cap-2 Maneuver	82	-	-	-	-	-
Stage 1	203	-	-	-	-	-
Stage 2	684	-	-	-	-	-

Approach	WB	NE	SW
HCM Control Delay, s	46.7	0	0
HCM LOS	E		

Minor Lane/Major Mvmt	NET	NER	WBLn1	SWL	SWT
Capacity (veh/h)	-	-	97	492	-
HCM Lane V/C Ratio	-	-	0.112	0.004	-
HCM Control Delay (s)	-	-	46.7	12.3	-
HCM Lane LOS	-	-	E	B	-
HCM 95th %tile Q(veh)	-	-	0.4	0	-

Intersection	
Int Delay, s/veh	0

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	2	0	0	0	0	9	0	0	0	17	0	4
Future Vol, veh/h	2	0	0	0	0	9	0	0	0	17	0	4
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	92	92	92	92	92	92	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2	2	2	2	2	2	2
Mvmt Flow	2	0	0	0	0	10	0	0	0	18	0	4

Major/Minor	Minor2			Minor1			Major1			Major2		
Conflicting Flow All	43	38	2	38	40	0	4	0	0	0	0	0
Stage 1	38	38	-	0	0	-	-	-	-	-	-	-
Stage 2	5	0	-	38	40	-	-	-	-	-	-	-
Critical Hdwy	7.12	6.52	6.22	7.12	6.52	6.22	4.12	-	-	4.12	-	-
Critical Hdwy Stg 1	6.12	5.52	-	6.12	5.52	-	-	-	-	-	-	-
Critical Hdwy Stg 2	6.12	5.52	-	6.12	5.52	-	-	-	-	-	-	-
Follow-up Hdwy	3.518	4.018	3.318	3.518	4.018	3.318	2.218	-	-	2.218	-	-
Pot Cap-1 Maneuver	960	854	1082	967	852	-	1618	-	-	-	-	-
Stage 1	977	863	-	-	-	-	-	-	-	-	-	-
Stage 2	1017	-	-	977	862	-	-	-	-	-	-	-
Platoon blocked, %								-	-		-	-
Mov Cap-1 Maneuver	-	854	1082	967	852	-	1618	-	-	-	-	-
Mov Cap-2 Maneuver	-	854	-	967	852	-	-	-	-	-	-	-
Stage 1	977	863	-	-	-	-	-	-	-	-	-	-
Stage 2	1017	-	-	977	862	-	-	-	-	-	-	-

Approach	EB	WB	NB	SB
HCM Control Delay, s			0	
HCM LOS	-	-		

Minor Lane/Major Mvmt	NBL	NBT	NBR	EBLn1	WBLn1	SBL	SBT	SBR
Capacity (veh/h)	1618	-	-	-	-	-	-	-
HCM Lane V/C Ratio	-	-	-	-	-	-	-	-
HCM Control Delay (s)	0	-	-	-	-	-	-	-
HCM Lane LOS	A	-	-	-	-	-	-	-
HCM 95th %tile Q(veh)	0	-	-	-	-	-	-	-

Intersection	
Int Delay, s/veh	2.8

Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations						
Traffic Vol, veh/h	0	1	0	0	1	0
Future Vol, veh/h	0	1	0	0	1	0
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	0	1	0	0	1	0

Major/Minor	Major1		Major2		Minor1	
Conflicting Flow All	0	0	1	0	2	1
Stage 1	-	-	-	-	1	-
Stage 2	-	-	-	-	1	-
Critical Hdwy	-	-	4.12	-	6.42	6.22
Critical Hdwy Stg 1	-	-	-	-	5.42	-
Critical Hdwy Stg 2	-	-	-	-	5.42	-
Follow-up Hdwy	-	-	2.218	-	3.518	3.318
Pot Cap-1 Maneuver	-	-	1622	-	1021	1084
Stage 1	-	-	-	-	1022	-
Stage 2	-	-	-	-	1022	-
Platoon blocked, %	-	-		-		
Mov Cap-1 Maneuver	-	-	1622	-	1021	1084
Mov Cap-2 Maneuver	-	-	-	-	1021	-
Stage 1	-	-	-	-	1022	-
Stage 2	-	-	-	-	1022	-

Approach	EB	WB	NB
HCM Control Delay, s	0	0	8.5
HCM LOS			A

Minor Lane/Major Mvmt	NBLn1	EBT	EBR	WBL	WBT
Capacity (veh/h)	1021	-	-	1622	-
HCM Lane V/C Ratio	0.001	-	-	-	-
HCM Control Delay (s)	8.5	-	-	0	-
HCM Lane LOS	A	-	-	A	-
HCM 95th %tile Q(veh)	0	-	-	0	-

Intersection	
Int Delay, s/veh	3.5

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	40	1	1	60	0	1
Future Vol, veh/h	40	1	1	60	0	1
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	43	1	1	65	0	1

Major/Minor	Minor1		Major1		Major2	
Conflicting Flow All	35	34	0	0	66	0
Stage 1	34	-	-	-	-	-
Stage 2	1	-	-	-	-	-
Critical Hdwy	6.42	6.22	-	-	4.12	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.318	-	-	2.218	-
Pot Cap-1 Maneuver	978	1039	-	-	1536	-
Stage 1	988	-	-	-	-	-
Stage 2	1022	-	-	-	-	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	978	1039	-	-	1536	-
Mov Cap-2 Maneuver	978	-	-	-	-	-
Stage 1	988	-	-	-	-	-
Stage 2	1022	-	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	8.9	0	0
HCM LOS	A		

Minor Lane/Major Mvmt	NBT	NBR	WBLn1	SBL	SBT
Capacity (veh/h)	-	-	979	1536	-
HCM Lane V/C Ratio	-	-	0.046	-	-
HCM Control Delay (s)	-	-	8.9	0	-
HCM Lane LOS	-	-	A	A	-
HCM 95th %tile Q(veh)	-	-	0.1	0	-

Intersection	
Intersection Delay, s/veh	7.5
Intersection LOS	A

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	50	47	13	0	33	10	5	0	0	10	5	25
Future Vol, veh/h	50	47	13	0	33	10	5	0	0	10	5	25
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Heavy Vehicles, %	2	2	2	2	2	2	2	2	2	2	2	2
Mvmt Flow	54	51	14	0	36	11	5	0	0	11	5	27
Number of Lanes	0	1	0	0	1	0	0	1	0	0	1	0

Approach	EB	WB	NB	SB
Opposing Approach	WB	EB	SB	NB
Opposing Lanes	1	1	1	1
Conflicting Approach Left	SB	NB	EB	WB
Conflicting Lanes Left	1	1	1	1
Conflicting Approach Right	NB	SB	WB	EB
Conflicting Lanes Right	1	1	1	1
HCM Control Delay	7.7	7.2	7.6	7.2
HCM LOS	A	A	A	A

Lane	NBLn1	EBLn1	WBLn1	SBLn1
Vol Left, %	100%	45%	0%	25%
Vol Thru, %	0%	43%	77%	12%
Vol Right, %	0%	12%	23%	62%
Sign Control	Stop	Stop	Stop	Stop
Traffic Vol by Lane	5	110	43	40
LT Vol	5	50	0	10
Through Vol	0	47	33	5
RT Vol	0	13	10	25
Lane Flow Rate	5	120	47	43
Geometry Grp	1	1	1	1
Degree of Util (X)	0.007	0.135	0.052	0.047
Departure Headway (Hd)	4.457	4.076	3.971	3.9
Convergence, Y/N	Yes	Yes	Yes	Yes
Cap	793	879	897	906
Service Time	2.54	2.104	2.015	1.976
HCM Lane V/C Ratio	0.006	0.137	0.052	0.047
HCM Control Delay	7.6	7.7	7.2	7.2
HCM Lane LOS	A	A	A	A
HCM 95th-tile Q	0	0.5	0.2	0.1

Intersection	
Int Delay, s/veh	1.9

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	12	9	0	0	1	121	26	1198	98	0	0	0
Future Vol, veh/h	12	9	0	0	1	121	26	1198	98	0	0	0
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	130	-	300	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	92	92	92	92	92	92	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2	2	2	2	2	2	2
Mvmt Flow	13	10	0	0	1	132	28	1302	107	0	0	0

Major/Minor	Minor2			Minor1			Major1		
Conflicting Flow All	708	1465	-	-	1358	651	0	0	0
Stage 1	0	0	-	-	1358	-	-	-	-
Stage 2	708	1465	-	-	0	-	-	-	-
Critical Hdwy	7.54	6.54	-	-	6.54	6.94	4.14	-	-
Critical Hdwy Stg 1	-	-	-	-	5.54	-	-	-	-
Critical Hdwy Stg 2	6.54	5.54	-	-	-	-	-	-	-
Follow-up Hdwy	3.52	4.02	-	-	4.02	3.32	2.22	-	-
Pot Cap-1 Maneuver	322	127	0	0	148	411	-	-	-
Stage 1	-	-	0	0	215	-	-	-	-
Stage 2	392	191	0	0	-	-	-	-	-
Platoon blocked, %								-	-
Mov Cap-1 Maneuver	218	127	-	-	148	411	-	-	-
Mov Cap-2 Maneuver	218	127	-	-	148	-	-	-	-
Stage 1	-	-	-	-	215	-	-	-	-
Stage 2	265	191	-	-	-	-	-	-	-

Approach	EB	WB	NB
HCM Control Delay, s	29.9	18.2	
HCM LOS	D	C	

Minor Lane/Major Mvmt	NBL	NBT	NBR	EBLn1	WBLn1
Capacity (veh/h)	-	-	-	167	405
HCM Lane V/C Ratio	-	-	-	0.137	0.327
HCM Control Delay (s)	-	-	-	29.9	18.2
HCM Lane LOS	-	-	-	D	C
HCM 95th %tile Q(veh)	-	-	-	0.5	1.4

Intersection: 3: US 64 & Half Moon Trail

Movement	
Directions Served	
Maximum Queue (ft)	
Average Queue (ft)	
95th Queue (ft)	
Link Distance (ft)	
Upstream Blk Time (%)	
Queuing Penalty (veh)	
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

Intersection: 6: Half Moon Trail & Foxtail Court/Brookstone Court

Movement	WB
Directions Served	LTR
Maximum Queue (ft)	26
Average Queue (ft)	5
95th Queue (ft)	22
Link Distance (ft)	437
Upstream Blk Time (%)	
Queuing Penalty (veh)	
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

Intersection: 11: Cider Mill Dr (E) & Half Moon Trail

Movement	NB
Directions Served	LR
Maximum Queue (ft)	29
Average Queue (ft)	6
95th Queue (ft)	25
Link Distance (ft)	380
Upstream Blk Time (%)	
Queuing Penalty (veh)	
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

Intersection: 14: Half Moon Trail & Cider Mill Dr (W)

Movement	WB
Directions Served	LR
Maximum Queue (ft)	68
Average Queue (ft)	26
95th Queue (ft)	67
Link Distance (ft)	237
Upstream Blk Time (%)	
Queuing Penalty (veh)	
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

Intersection: 18: Half Moon Trail & Ballantyne Common Circle

Movement	EB	WB	SB
Directions Served	LTR	LTR	LTR
Maximum Queue (ft)	31	31	68
Average Queue (ft)	28	24	32
95th Queue (ft)	38	44	67
Link Distance (ft)	183	326	111
Upstream Blk Time (%)			
Queuing Penalty (veh)			
Storage Bay Dist (ft)			
Storage Blk Time (%)			
Queuing Penalty (veh)			

Intersection: 22: US 64 NB & Commercial Access/Ballantyne Common Circle

Movement	EB	WB
Directions Served	LT	TR
Maximum Queue (ft)	27	101
Average Queue (ft)	11	49
95th Queue (ft)	32	95
Link Distance (ft)	278	584
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)		
Storage Blk Time (%)		
Queuing Penalty (veh)		

Network Summary

Network wide Queuing Penalty: 0

AM Peak Hour Background
3: US 64 & Half Moon Trail

09/27/2021

Intersection	
Int Delay, s/veh	0.2

Movement	WBL	WBR	NET	NER	SWL	SWT
Lane Configurations						
Traffic Vol, veh/h	11	1	649	7	0	1123
Future Vol, veh/h	11	1	649	7	0	1123
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	100	500	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	12	1	705	8	0	1221

Major/Minor	Minor1		Major1		Major2	
Conflicting Flow All	1316	353	0	0	713	0
Stage 1	705	-	-	-	-	-
Stage 2	611	-	-	-	-	-
Critical Hdwy	6.84	6.94	-	-	4.14	-
Critical Hdwy Stg 1	5.84	-	-	-	-	-
Critical Hdwy Stg 2	5.84	-	-	-	-	-
Follow-up Hdwy	3.52	3.32	-	-	2.22	-
Pot Cap-1 Maneuver	149	643	-	-	883	-
Stage 1	451	-	-	-	-	-
Stage 2	504	-	-	-	-	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	149	643	-	-	883	-
Mov Cap-2 Maneuver	149	-	-	-	-	-
Stage 1	451	-	-	-	-	-
Stage 2	504	-	-	-	-	-

Approach	WB	NE	SW
HCM Control Delay, s	29.7	0	0
HCM LOS	D		

Minor Lane/Major Mvmt	NET	NER	WBLn1	SWL	SWT
Capacity (veh/h)	-	-	159	883	-
HCM Lane V/C Ratio	-	-	0.082	-	-
HCM Control Delay (s)	-	-	29.7	0	-
HCM Lane LOS	-	-	D	A	-
HCM 95th %tile Q(veh)	-	-	0.3	0	-

Intersection	
Int Delay, s/veh	0

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	4	0	0	0	0	16	0	0	0	1	0	2
Future Vol, veh/h	4	0	0	0	0	16	0	0	0	1	0	2
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	92	92	92	92	92	92	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2	2	2	2	2	2	2
Mvmt Flow	4	0	0	0	0	17	0	0	0	1	0	2

Major/Minor	Minor2			Minor1			Major1			Major2		
Conflicting Flow All	12	3	1	3	4	0	2	0	0	0	0	0
Stage 1	3	3	-	0	0	-	-	-	-	-	-	-
Stage 2	9	0	-	3	4	-	-	-	-	-	-	-
Critical Hdwy	7.12	6.52	6.22	7.12	6.52	6.22	4.12	-	-	4.12	-	-
Critical Hdwy Stg 1	6.12	5.52	-	6.12	5.52	-	-	-	-	-	-	-
Critical Hdwy Stg 2	6.12	5.52	-	6.12	5.52	-	-	-	-	-	-	-
Follow-up Hdwy	3.518	4.018	3.318	3.518	4.018	3.318	2.218	-	-	2.218	-	-
Pot Cap-1 Maneuver	1005	893	1084	1019	891	-	1620	-	-	-	-	-
Stage 1	1020	893	-	-	-	-	-	-	-	-	-	-
Stage 2	1012	-	-	1020	892	-	-	-	-	-	-	-
Platoon blocked, %								-	-		-	-
Mov Cap-1 Maneuver	-	893	1084	1019	891	-	1620	-	-	-	-	-
Mov Cap-2 Maneuver	-	893	-	1019	891	-	-	-	-	-	-	-
Stage 1	1020	893	-	-	-	-	-	-	-	-	-	-
Stage 2	1012	-	-	1020	892	-	-	-	-	-	-	-

Approach	EB	WB	NB	SB
HCM Control Delay, s			0	
HCM LOS	-	-		

Minor Lane/Major Mvmt	NBL	NBT	NBR	EBLn1	WBLn1	SBL	SBT	SBR
Capacity (veh/h)	1620	-	-	-	-	-	-	-
HCM Lane V/C Ratio	-	-	-	-	-	-	-	-
HCM Control Delay (s)	0	-	-	-	-	-	-	-
HCM Lane LOS	A	-	-	-	-	-	-	-
HCM 95th %tile Q(veh)	0	-	-	-	-	-	-	-

Intersection	
Int Delay, s/veh	0

Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations						
Traffic Vol, veh/h	0	1	0	1	0	0
Future Vol, veh/h	0	1	0	1	0	0
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	0	1	0	1	0	0

Major/Minor	Major1		Major2		Minor1	
Conflicting Flow All	0	0	1	0	2	1
Stage 1	-	-	-	-	1	-
Stage 2	-	-	-	-	1	-
Critical Hdwy	-	-	4.12	-	6.42	6.22
Critical Hdwy Stg 1	-	-	-	-	5.42	-
Critical Hdwy Stg 2	-	-	-	-	5.42	-
Follow-up Hdwy	-	-	2.218	-	3.518	3.318
Pot Cap-1 Maneuver	-	-	1622	-	1021	1084
Stage 1	-	-	-	-	1022	-
Stage 2	-	-	-	-	1022	-
Platoon blocked, %	-	-		-		
Mov Cap-1 Maneuver	-	-	1622	-	1021	1084
Mov Cap-2 Maneuver	-	-	-	-	1021	-
Stage 1	-	-	-	-	1022	-
Stage 2	-	-	-	-	1022	-

Approach	EB	WB	NB
HCM Control Delay, s	0	0	0
HCM LOS			A

Minor Lane/Major Mvmt	NBLn1	EBT	EBR	WBL	WBT
Capacity (veh/h)	-	-	-	1622	-
HCM Lane V/C Ratio	-	-	-	-	-
HCM Control Delay (s)	0	-	-	0	-
HCM Lane LOS	A	-	-	A	-
HCM 95th %tile Q(veh)	-	-	-	0	-

AM Peak Hour Background
14: Half Moon Trail & Cider Mill Dr (W)

09/27/2021

Intersection	
Int Delay, s/veh	7.1

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	49	1	1	10	0	1
Future Vol, veh/h	49	1	1	10	0	1
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	53	1	1	11	0	1

Major/Minor	Minor1		Major1		Major2	
Conflicting Flow All	8	7	0	0	12	0
Stage 1	7	-	-	-	-	-
Stage 2	1	-	-	-	-	-
Critical Hdwy	6.42	6.22	-	-	4.12	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.318	-	-	2.218	-
Pot Cap-1 Maneuver	1013	1075	-	-	1607	-
Stage 1	1016	-	-	-	-	-
Stage 2	1022	-	-	-	-	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	1013	1075	-	-	1607	-
Mov Cap-2 Maneuver	1013	-	-	-	-	-
Stage 1	1016	-	-	-	-	-
Stage 2	1022	-	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	8.8	0	0
HCM LOS	A		

Minor Lane/Major Mvmt	NBT	NBR	WBLn1	SBL	SBT
Capacity (veh/h)	-	-	1014	1607	-
HCM Lane V/C Ratio	-	-	0.054	-	-
HCM Control Delay (s)	-	-	8.8	0	-
HCM Lane LOS	-	-	A	A	-
HCM 95th %tile Q(veh)	-	-	0.2	0	-

Intersection	
Intersection Delay, s/veh	7.1
Intersection LOS	A

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	6	9	3	0	49	0	7	1	0	0	0	45
Future Vol, veh/h	6	9	3	0	49	0	7	1	0	0	0	45
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Heavy Vehicles, %	2	2	2	2	2	2	2	2	2	2	2	2
Mvmt Flow	7	10	3	0	53	0	8	1	0	0	0	49
Number of Lanes	0	1	0	0	1	0	0	1	0	0	1	0

Approach	EB	WB	NB	SB
Opposing Approach	WB	EB	SB	NB
Opposing Lanes	1	1	1	1
Conflicting Approach Left	SB	NB	EB	WB
Conflicting Lanes Left	1	1	1	1
Conflicting Approach Right	NB	SB	WB	EB
Conflicting Lanes Right	1	1	1	1
HCM Control Delay	7.2	7.3	7.4	6.7
HCM LOS	A	A	A	A

Lane	NBLn1	EBLn1	WBLn1	SBLn1
Vol Left, %	88%	33%	0%	0%
Vol Thru, %	12%	50%	100%	0%
Vol Right, %	0%	17%	0%	100%
Sign Control	Stop	Stop	Stop	Stop
Traffic Vol by Lane	8	18	49	45
LT Vol	7	6	0	0
Through Vol	1	9	49	0
RT Vol	0	3	0	45
Lane Flow Rate	9	20	53	49
Geometry Grp	1	1	1	1
Degree of Util (X)	0.01	0.022	0.06	0.047
Departure Headway (Hd)	4.271	4.041	4.048	3.465
Convergence, Y/N	Yes	Yes	Yes	Yes
Cap	835	886	887	1029
Service Time	2.31	2.064	2.064	1.502
HCM Lane V/C Ratio	0.011	0.023	0.06	0.048
HCM Control Delay	7.4	7.2	7.3	6.7
HCM Lane LOS	A	A	A	A
HCM 95th-tile Q	0	0.1	0.2	0.1

AM Peak Hour Background
22: US 64 NB & Commercial Access/Ballantyne Common Circle

09/27/2021

Intersection	
Int Delay, s/veh	2.4

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	5	3	0	0	10	112	48	401	25	0	0	0
Future Vol, veh/h	5	3	0	0	10	112	48	401	25	0	0	0
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	130	-	300	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	92	92	92	92	92	92	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2	2	2	2	2	2	2
Mvmt Flow	5	3	0	0	11	122	52	436	27	0	0	0

Major/Minor	Minor2			Minor1			Major1		
Conflicting Flow All	328	567	-	-	540	218	0	0	0
Stage 1	0	0	-	-	540	-	-	-	-
Stage 2	328	567	-	-	0	-	-	-	-
Critical Hdwy	7.54	6.54	-	-	6.54	6.94	4.14	-	-
Critical Hdwy Stg 1	-	-	-	-	5.54	-	-	-	-
Critical Hdwy Stg 2	6.54	5.54	-	-	-	-	-	-	-
Follow-up Hdwy	3.52	4.02	-	-	4.02	3.32	2.22	-	-
Pot Cap-1 Maneuver	601	432	0	0	447	786	-	-	-
Stage 1	-	-	0	0	519	-	-	-	-
Stage 2	659	505	0	0	-	-	-	-	-
Platoon blocked, %								-	-
Mov Cap-1 Maneuver	498	432	-	-	447	786	-	-	-
Mov Cap-2 Maneuver	498	432	-	-	447	-	-	-	-
Stage 1	-	-	-	-	519	-	-	-	-
Stage 2	545	505	-	-	-	-	-	-	-

Approach	EB	WB	NB
HCM Control Delay, s	12.8	10.9	
HCM LOS	B	B	

Minor Lane/Major Mvmt	NBL	NBT	NBR	EBLn1	WBLn1
Capacity (veh/h)	-	-	-	471	740
HCM Lane V/C Ratio	-	-	-	0.018	0.179
HCM Control Delay (s)	-	-	-	12.8	10.9
HCM Lane LOS	-	-	-	B	B
HCM 95th %tile Q(veh)	-	-	-	0.1	0.6

AM Peak Background
Queuing and Blocking Report

09/27/2021

Intersection: 3: US 64 & Half Moon Trail

Movement	WB
Directions Served	LR
Maximum Queue (ft)	27
Average Queue (ft)	10
95th Queue (ft)	31
Link Distance (ft)	604
Upstream Blk Time (%)	
Queuing Penalty (veh)	
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

Intersection: 6: Half Moon Trail & Foxtail Court/Brookstone Court

Movement	EB	WB
Directions Served	LTR	LTR
Maximum Queue (ft)	31	31
Average Queue (ft)	6	11
95th Queue (ft)	26	35
Link Distance (ft)	310	437
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)		
Storage Blk Time (%)		
Queuing Penalty (veh)		

Intersection: 11: Cider Mill Dr (E) & Half Moon Trail

Movement
Directions Served
Maximum Queue (ft)
Average Queue (ft)
95th Queue (ft)
Link Distance (ft)
Upstream Blk Time (%)
Queuing Penalty (veh)
Storage Bay Dist (ft)
Storage Blk Time (%)
Queuing Penalty (veh)

Intersection: 14: Half Moon Trail & Cider Mill Dr (W)

Movement	WB
Directions Served	LR
Maximum Queue (ft)	31
Average Queue (ft)	31
95th Queue (ft)	31
Link Distance (ft)	237
Upstream Blk Time (%)	
Queuing Penalty (veh)	
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

Intersection: 18: Half Moon Trail & Ballantyne Common Circle

Movement	EB	WB	NB	SB
Directions Served	LTR	LTR	LTR	LTR
Maximum Queue (ft)	31	31	31	31
Average Queue (ft)	6	30	6	31
95th Queue (ft)	27	31	27	32
Link Distance (ft)	183	326	332	111
Upstream Blk Time (%)				
Queuing Penalty (veh)				
Storage Bay Dist (ft)				
Storage Blk Time (%)				
Queuing Penalty (veh)				

Intersection: 22: US 64 NB & Commercial Access/Ballantyne Common Circle

Movement	WB
Directions Served	TR
Maximum Queue (ft)	30
Average Queue (ft)	29
95th Queue (ft)	31
Link Distance (ft)	584
Upstream Blk Time (%)	
Queuing Penalty (veh)	
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

Network Summary

Network wide Queuing Penalty: 0

PM Peak Hour Background
3: US 64 & Half Moon Trail

09/27/2021

Intersection	
Int Delay, s/veh	0.3

Movement	WBL	WBR	NET	NER	SWL	SWT
Lane Configurations						
Traffic Vol, veh/h	8	2	1294	16	2	654
Future Vol, veh/h	8	2	1294	16	2	654
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	100	500	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	9	2	1407	17	2	711

Major/Minor	Minor1		Major1		Major2	
Conflicting Flow All	1767	704	0	0	1424	0
Stage 1	1407	-	-	-	-	-
Stage 2	360	-	-	-	-	-
Critical Hdwy	6.84	6.94	-	-	4.14	-
Critical Hdwy Stg 1	5.84	-	-	-	-	-
Critical Hdwy Stg 2	5.84	-	-	-	-	-
Follow-up Hdwy	3.52	3.32	-	-	2.22	-
Pot Cap-1 Maneuver	75	379	-	-	474	-
Stage 1	192	-	-	-	-	-
Stage 2	677	-	-	-	-	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	75	379	-	-	474	-
Mov Cap-2 Maneuver	75	-	-	-	-	-
Stage 1	192	-	-	-	-	-
Stage 2	674	-	-	-	-	-

Approach	WB	NE	SW
HCM Control Delay, s	51	0	0
HCM LOS	F		

Minor Lane/Major Mvmt	NET	NER	WBLn1	SWL	SWT
Capacity (veh/h)	-	-	89	474	-
HCM Lane V/C Ratio	-	-	0.122	0.005	-
HCM Control Delay (s)	-	-	51	12.6	-
HCM Lane LOS	-	-	F	B	-
HCM 95th %tile Q(veh)	-	-	0.4	0	-

Intersection	
Int Delay, s/veh	0

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	2	0	0	0	0	9	0	0	0	17	0	4
Future Vol, veh/h	2	0	0	0	0	9	0	0	0	17	0	4
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	92	92	92	92	92	92	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2	2	2	2	2	2	2
Mvmt Flow	2	0	0	0	0	10	0	0	0	18	0	4

Major/Minor	Minor2			Minor1			Major1			Major2		
Conflicting Flow All	43	38	2	38	40	0	4	0	0	0	0	0
Stage 1	38	38	-	0	0	-	-	-	-	-	-	-
Stage 2	5	0	-	38	40	-	-	-	-	-	-	-
Critical Hdwy	7.12	6.52	6.22	7.12	6.52	6.22	4.12	-	-	4.12	-	-
Critical Hdwy Stg 1	6.12	5.52	-	6.12	5.52	-	-	-	-	-	-	-
Critical Hdwy Stg 2	6.12	5.52	-	6.12	5.52	-	-	-	-	-	-	-
Follow-up Hdwy	3.518	4.018	3.318	3.518	4.018	3.318	2.218	-	-	2.218	-	-
Pot Cap-1 Maneuver	960	854	1082	967	852	-	1618	-	-	-	-	-
Stage 1	977	863	-	-	-	-	-	-	-	-	-	-
Stage 2	1017	-	-	977	862	-	-	-	-	-	-	-
Platoon blocked, %								-	-		-	-
Mov Cap-1 Maneuver	-	854	1082	967	852	-	1618	-	-	-	-	-
Mov Cap-2 Maneuver	-	854	-	967	852	-	-	-	-	-	-	-
Stage 1	977	863	-	-	-	-	-	-	-	-	-	-
Stage 2	1017	-	-	977	862	-	-	-	-	-	-	-

Approach	EB	WB	NB	SB
HCM Control Delay, s			0	
HCM LOS	-	-		

Minor Lane/Major Mvmt	NBL	NBT	NBR	EBLn1	WBLn1	SBL	SBT	SBR
Capacity (veh/h)	1618	-	-	-	-	-	-	-
HCM Lane V/C Ratio	-	-	-	-	-	-	-	-
HCM Control Delay (s)	0	-	-	-	-	-	-	-
HCM Lane LOS	A	-	-	-	-	-	-	-
HCM 95th %tile Q(veh)	0	-	-	-	-	-	-	-

Intersection	
Int Delay, s/veh	2.8

Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations						
Traffic Vol, veh/h	0	1	0	0	1	0
Future Vol, veh/h	0	1	0	0	1	0
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	0	1	0	0	1	0

Major/Minor	Major1		Major2		Minor1	
Conflicting Flow All	0	0	1	0	2	1
Stage 1	-	-	-	-	1	-
Stage 2	-	-	-	-	1	-
Critical Hdwy	-	-	4.12	-	6.42	6.22
Critical Hdwy Stg 1	-	-	-	-	5.42	-
Critical Hdwy Stg 2	-	-	-	-	5.42	-
Follow-up Hdwy	-	-	2.218	-	3.518	3.318
Pot Cap-1 Maneuver	-	-	1622	-	1021	1084
Stage 1	-	-	-	-	1022	-
Stage 2	-	-	-	-	1022	-
Platoon blocked, %	-	-		-		
Mov Cap-1 Maneuver	-	-	1622	-	1021	1084
Mov Cap-2 Maneuver	-	-	-	-	1021	-
Stage 1	-	-	-	-	1022	-
Stage 2	-	-	-	-	1022	-

Approach	EB	WB	NB
HCM Control Delay, s	0	0	8.5
HCM LOS			A

Minor Lane/Major Mvmt	NBLn1	EBT	EBR	WBL	WBT
Capacity (veh/h)	1021	-	-	1622	-
HCM Lane V/C Ratio	0.001	-	-	-	-
HCM Control Delay (s)	8.5	-	-	0	-
HCM Lane LOS	A	-	-	A	-
HCM 95th %tile Q(veh)	0	-	-	0	-

PM Peak Hour Background
14: Half Moon Trail & Cider Mill Dr (W)

09/27/2021

Intersection	
Int Delay, s/veh	3.5

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	40	1	1	62	0	1
Future Vol, veh/h	40	1	1	62	0	1
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	43	1	1	67	0	1

Major/Minor	Minor1		Major1		Major2	
Conflicting Flow All	36	35	0	0	68	0
Stage 1	35	-	-	-	-	-
Stage 2	1	-	-	-	-	-
Critical Hdwy	6.42	6.22	-	-	4.12	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.318	-	-	2.218	-
Pot Cap-1 Maneuver	977	1038	-	-	1533	-
Stage 1	987	-	-	-	-	-
Stage 2	1022	-	-	-	-	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	977	1038	-	-	1533	-
Mov Cap-2 Maneuver	977	-	-	-	-	-
Stage 1	987	-	-	-	-	-
Stage 2	1022	-	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	8.9	0	0
HCM LOS	A		

Minor Lane/Major Mvmt	NBT	NBR	WBLn1	SBL	SBT
Capacity (veh/h)	-	-	978	1533	-
HCM Lane V/C Ratio	-	-	0.046	-	-
HCM Control Delay (s)	-	-	8.9	0	-
HCM Lane LOS	-	-	A	A	-
HCM 95th %tile Q(veh)	-	-	0.1	0	-

Intersection	
Intersection Delay, s/veh	7.5
Intersection LOS	A

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	50	47	13	0	33	10	5	0	0	10	5	25
Future Vol, veh/h	50	47	13	0	33	10	5	0	0	10	5	25
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Heavy Vehicles, %	2	2	2	2	2	2	2	2	2	2	2	2
Mvmt Flow	54	51	14	0	36	11	5	0	0	11	5	27
Number of Lanes	0	1	0	0	1	0	0	1	0	0	1	0

Approach	EB	WB	NB	SB
Opposing Approach	WB	EB	SB	NB
Opposing Lanes	1	1	1	1
Conflicting Approach Left	SB	NB	EB	WB
Conflicting Lanes Left	1	1	1	1
Conflicting Approach Right	NB	SB	WB	EB
Conflicting Lanes Right	1	1	1	1
HCM Control Delay	7.7	7.2	7.6	7.2
HCM LOS	A	A	A	A

Lane	NBLn1	EBLn1	WBLn1	SBLn1
Vol Left, %	100%	45%	0%	25%
Vol Thru, %	0%	43%	77%	12%
Vol Right, %	0%	12%	23%	62%
Sign Control	Stop	Stop	Stop	Stop
Traffic Vol by Lane	5	110	43	40
LT Vol	5	50	0	10
Through Vol	0	47	33	5
RT Vol	0	13	10	25
Lane Flow Rate	5	120	47	43
Geometry Grp	1	1	1	1
Degree of Util (X)	0.007	0.135	0.052	0.047
Departure Headway (Hd)	4.457	4.076	3.971	3.9
Convergence, Y/N	Yes	Yes	Yes	Yes
Cap	793	879	897	906
Service Time	2.54	2.104	2.015	1.976
HCM Lane V/C Ratio	0.006	0.137	0.052	0.047
HCM Control Delay	7.6	7.7	7.2	7.2
HCM Lane LOS	A	A	A	A
HCM 95th-tile Q	0	0.5	0.2	0.1

PM Peak Hour Background
22: US 64 NB & Commercial Access/Ballantyne Common Circle

09/27/2021

Intersection	
Int Delay, s/veh	2

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	12	9	0	0	1	121	26	1242	98	0	0	0
Future Vol, veh/h	12	9	0	0	1	121	26	1242	98	0	0	0
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	130	-	300	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	92	92	92	92	92	92	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2	2	2	2	2	2	2
Mvmt Flow	13	10	0	0	1	132	28	1350	107	0	0	0

Major/Minor	Minor2			Minor1			Major1		
Conflicting Flow All	732	1513	-	-	1406	675	0	0	0
Stage 1	0	0	-	-	1406	-	-	-	-
Stage 2	732	1513	-	-	0	-	-	-	-
Critical Hdwy	7.54	6.54	-	-	6.54	6.94	4.14	-	-
Critical Hdwy Stg 1	-	-	-	-	5.54	-	-	-	-
Critical Hdwy Stg 2	6.54	5.54	-	-	-	-	-	-	-
Follow-up Hdwy	3.52	4.02	-	-	4.02	3.32	2.22	-	-
Pot Cap-1 Maneuver	309	119	0	0	138	396	-	-	-
Stage 1	-	-	0	0	204	-	-	-	-
Stage 2	379	181	0	0	-	-	-	-	-
Platoon blocked, %								-	-
Mov Cap-1 Maneuver	205	119	-	-	138	396	-	-	-
Mov Cap-2 Maneuver	205	119	-	-	138	-	-	-	-
Stage 1	-	-	-	-	204	-	-	-	-
Stage 2	252	181	-	-	-	-	-	-	-

Approach	EB	WB	NB
HCM Control Delay, s	31.8	18.9	
HCM LOS	D	C	

Minor Lane/Major Mvmt	NBL	NBT	NBR	EBLn1	WBLn1
Capacity (veh/h)	-	-	-	157	390
HCM Lane V/C Ratio	-	-	-	0.145	0.34
HCM Control Delay (s)	-	-	-	31.8	18.9
HCM Lane LOS	-	-	-	D	C
HCM 95th %tile Q(veh)	-	-	-	0.5	1.5

Intersection: 3: US 64 & Half Moon Trail

Movement	WB
Directions Served	LR
Maximum Queue (ft)	27
Average Queue (ft)	13
95th Queue (ft)	33
Link Distance (ft)	604
Upstream Blk Time (%)	
Queuing Penalty (veh)	
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

Intersection: 6: Half Moon Trail & Foxtail Court/Brookstone Court

Movement	WB
Directions Served	LTR
Maximum Queue (ft)	31
Average Queue (ft)	12
95th Queue (ft)	36
Link Distance (ft)	437
Upstream Blk Time (%)	
Queuing Penalty (veh)	
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

Intersection: 11: Cider Mill Dr (E) & Half Moon Trail

Movement
Directions Served
Maximum Queue (ft)
Average Queue (ft)
95th Queue (ft)
Link Distance (ft)
Upstream Blk Time (%)
Queuing Penalty (veh)
Storage Bay Dist (ft)
Storage Blk Time (%)
Queuing Penalty (veh)

Intersection: 14: Half Moon Trail & Cider Mill Dr (W)

Movement	WB
Directions Served	LR
Maximum Queue (ft)	68
Average Queue (ft)	40
95th Queue (ft)	78
Link Distance (ft)	237
Upstream Blk Time (%)	
Queuing Penalty (veh)	
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

Intersection: 18: Half Moon Trail & Ballantyne Common Circle

Movement	EB	WB	SB
Directions Served	LTR	LTR	LTR
Maximum Queue (ft)	54	54	68
Average Queue (ft)	35	35	35
95th Queue (ft)	51	51	73
Link Distance (ft)	183	326	111
Upstream Blk Time (%)			
Queuing Penalty (veh)			
Storage Bay Dist (ft)			
Storage Blk Time (%)			
Queuing Penalty (veh)			

Intersection: 22: US 64 NB & Commercial Access/Ballantyne Common Circle

Movement	EB	WB
Directions Served	LT	TR
Maximum Queue (ft)	26	92
Average Queue (ft)	5	56
95th Queue (ft)	22	89
Link Distance (ft)	278	584
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)		
Storage Blk Time (%)		
Queuing Penalty (veh)		

Network Summary

Network wide Queuing Penalty: 0

AM Peak Hour Build
3: US 64 & Half Moon Trail

09/27/2021

Intersection	
Int Delay, s/veh	0.9

Movement	WBL	WBR	NET	NER	SWL	SWT
Lane Configurations						
Traffic Vol, veh/h	31	22	649	11	7	1123
Future Vol, veh/h	31	22	649	11	7	1123
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	100	500	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	34	24	705	12	8	1221

Major/Minor	Minor1		Major1		Major2	
Conflicting Flow All	1332	353	0	0	717	0
Stage 1	705	-	-	-	-	-
Stage 2	627	-	-	-	-	-
Critical Hdwy	6.84	6.94	-	-	4.14	-
Critical Hdwy Stg 1	5.84	-	-	-	-	-
Critical Hdwy Stg 2	5.84	-	-	-	-	-
Follow-up Hdwy	3.52	3.32	-	-	2.22	-
Pot Cap-1 Maneuver	146	643	-	-	880	-
Stage 1	451	-	-	-	-	-
Stage 2	495	-	-	-	-	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	145	643	-	-	880	-
Mov Cap-2 Maneuver	145	-	-	-	-	-
Stage 1	451	-	-	-	-	-
Stage 2	491	-	-	-	-	-

Approach	WB	NE	SW
HCM Control Delay, s	27.9	0	0.1
HCM LOS	D		

Minor Lane/Major Mvmt	NET	NER	WBLn1	SWL	SWT
Capacity (veh/h)	-	-	214	880	-
HCM Lane V/C Ratio	-	-	0.269	0.009	-
HCM Control Delay (s)	-	-	27.9	9.1	-
HCM Lane LOS	-	-	D	A	-
HCM 95th %tile Q(veh)	-	-	1	0	-

AM Peak Hour Build
5: Half Moon Trail & Driveway D

09/27/2021

Intersection	
Int Delay, s/veh	3.2

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	3	10	19	1	3	5
Future Vol, veh/h	3	10	19	1	3	5
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	3	11	21	1	3	5

Major/Minor	Minor1		Major1		Major2	
Conflicting Flow All	33	22	0	0	22	0
Stage 1	22	-	-	-	-	-
Stage 2	11	-	-	-	-	-
Critical Hdwy	6.42	6.22	-	-	4.12	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.318	-	-	2.218	-
Pot Cap-1 Maneuver	980	1055	-	-	1593	-
Stage 1	1001	-	-	-	-	-
Stage 2	1012	-	-	-	-	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	978	1055	-	-	1593	-
Mov Cap-2 Maneuver	978	-	-	-	-	-
Stage 1	1001	-	-	-	-	-
Stage 2	1010	-	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	8.5	0	2.7
HCM LOS	A		

Minor Lane/Major Mvmt	NBT	NBR	WBLn1	SBL	SBT
Capacity (veh/h)	-	-	1036	1593	-
HCM Lane V/C Ratio	-	-	0.014	0.002	-
HCM Control Delay (s)	-	-	8.5	7.3	0
HCM Lane LOS	-	-	A	A	A
HCM 95th %tile Q(veh)	-	-	0	0	-

Intersection	
Int Delay, s/veh	2.4

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	4	0	0	0	0	16	0	41	0	1	11	2
Future Vol, veh/h	4	0	0	0	0	16	0	41	0	1	11	2
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	92	92	92	92	92	92	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2	2	2	2	2	2	2
Mvmt Flow	4	0	0	0	0	17	0	45	0	1	12	2

Major/Minor	Minor2			Minor1			Major1			Major2		
Conflicting Flow All	69	60	13	60	61	45	14	0	0	45	0	0
Stage 1	15	15	-	45	45	-	-	-	-	-	-	-
Stage 2	54	45	-	15	16	-	-	-	-	-	-	-
Critical Hdwy	7.12	6.52	6.22	7.12	6.52	6.22	4.12	-	-	4.12	-	-
Critical Hdwy Stg 1	6.12	5.52	-	6.12	5.52	-	-	-	-	-	-	-
Critical Hdwy Stg 2	6.12	5.52	-	6.12	5.52	-	-	-	-	-	-	-
Follow-up Hdwy	3.518	4.018	3.318	3.518	4.018	3.318	2.218	-	-	2.218	-	-
Pot Cap-1 Maneuver	923	831	1067	936	830	1025	1604	-	-	1563	-	-
Stage 1	1005	883	-	969	857	-	-	-	-	-	-	-
Stage 2	958	857	-	1005	882	-	-	-	-	-	-	-
Platoon blocked, %								-	-		-	-
Mov Cap-1 Maneuver	906	830	1067	935	829	1025	1604	-	-	1563	-	-
Mov Cap-2 Maneuver	906	830	-	935	829	-	-	-	-	-	-	-
Stage 1	1005	882	-	969	857	-	-	-	-	-	-	-
Stage 2	942	857	-	1004	881	-	-	-	-	-	-	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	9	8.6	0	0.5
HCM LOS	A	A		

Minor Lane/Major Mvmt	NBL	NBT	NBR	EBLn1	WBLn1	SBL	SBT	SBR
Capacity (veh/h)	1604	-	-	906	1025	1563	-	-
HCM Lane V/C Ratio	-	-	-	0.005	0.017	0.001	-	-
HCM Control Delay (s)	0	-	-	9	8.6	7.3	0	-
HCM Lane LOS	A	-	-	A	A	A	A	-
HCM 95th %tile Q(veh)	0	-	-	0	0.1	0	-	-

Intersection	
Int Delay, s/veh	0

Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations						
Traffic Vol, veh/h	9	1	0	21	0	0
Future Vol, veh/h	9	1	0	21	0	0
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	10	1	0	23	0	0

Major/Minor	Major1		Major2		Minor1	
Conflicting Flow All	0	0	11	0	34	11
Stage 1	-	-	-	-	11	-
Stage 2	-	-	-	-	23	-
Critical Hdwy	-	-	4.12	-	6.42	6.22
Critical Hdwy Stg 1	-	-	-	-	5.42	-
Critical Hdwy Stg 2	-	-	-	-	5.42	-
Follow-up Hdwy	-	-	2.218	-	3.518	3.318
Pot Cap-1 Maneuver	-	-	1608	-	979	1070
Stage 1	-	-	-	-	1012	-
Stage 2	-	-	-	-	1000	-
Platoon blocked, %	-	-		-		
Mov Cap-1 Maneuver	-	-	1608	-	979	1070
Mov Cap-2 Maneuver	-	-	-	-	979	-
Stage 1	-	-	-	-	1012	-
Stage 2	-	-	-	-	1000	-

Approach	EB	WB	NB
HCM Control Delay, s	0	0	0
HCM LOS			A

Minor Lane/Major Mvmt	NBLn1	EBT	EBR	WBL	WBT
Capacity (veh/h)	-	-	-	1608	-
HCM Lane V/C Ratio	-	-	-	-	-
HCM Control Delay (s)	0	-	-	0	-
HCM Lane LOS	A	-	-	A	-
HCM 95th %tile Q(veh)	-	-	-	0	-

AM Peak Hour Build
14: Half Moon Trail & Cider Mill Dr (W)

09/27/2021

Intersection	
Int Delay, s/veh	4.9

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	49	1	10	10	0	21
Future Vol, veh/h	49	1	10	10	0	21
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	53	1	11	11	0	23

Major/Minor	Minor1		Major1		Major2	
Conflicting Flow All	40	17	0	0	22	0
Stage 1	17	-	-	-	-	-
Stage 2	23	-	-	-	-	-
Critical Hdwy	6.42	6.22	-	-	4.12	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.318	-	-	2.218	-
Pot Cap-1 Maneuver	972	1062	-	-	1593	-
Stage 1	1006	-	-	-	-	-
Stage 2	1000	-	-	-	-	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	972	1062	-	-	1593	-
Mov Cap-2 Maneuver	972	-	-	-	-	-
Stage 1	1006	-	-	-	-	-
Stage 2	1000	-	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	8.9	0	0
HCM LOS	A		

Minor Lane/Major Mvmt	NBT	NBR	WBLn1	SBL	SBT
Capacity (veh/h)	-	-	974	1593	-
HCM Lane V/C Ratio	-	-	0.056	-	-
HCM Control Delay (s)	-	-	8.9	0	-
HCM Lane LOS	-	-	A	A	-
HCM 95th %tile Q(veh)	-	-	0.2	0	-

Intersection	
Intersection Delay, s/veh	7.1
Intersection LOS	A

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	15	9	3	0	49	0	7	1	0	0	0	65
Future Vol, veh/h	15	9	3	0	49	0	7	1	0	0	0	65
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Heavy Vehicles, %	2	2	2	2	2	2	2	2	2	2	2	2
Mvmt Flow	16	10	3	0	53	0	8	1	0	0	0	71
Number of Lanes	0	1	0	0	1	0	0	1	0	0	1	0

Approach	EB	WB	NB	SB
Opposing Approach	WB	EB	SB	NB
Opposing Lanes	1	1	1	1
Conflicting Approach Left	SB	NB	EB	WB
Conflicting Lanes Left	1	1	1	1
Conflicting Approach Right	NB	SB	WB	EB
Conflicting Lanes Right	1	1	1	1
HCM Control Delay	7.3	7.4	7.4	6.8
HCM LOS	A	A	A	A

Lane	NBLn1	EBLn1	WBLn1	SBLn1
Vol Left, %	88%	56%	0%	0%
Vol Thru, %	12%	33%	100%	0%
Vol Right, %	0%	11%	0%	100%
Sign Control	Stop	Stop	Stop	Stop
Traffic Vol by Lane	8	27	49	65
LT Vol	7	15	0	0
Through Vol	1	9	49	0
RT Vol	0	3	0	65
Lane Flow Rate	9	29	53	71
Geometry Grp	1	1	1	1
Degree of Util (X)	0.01	0.034	0.061	0.068
Departure Headway (Hd)	4.306	4.158	4.095	3.482
Convergence, Y/N	Yes	Yes	Yes	Yes
Cap	827	861	876	1022
Service Time	2.354	2.184	2.116	1.527
HCM Lane V/C Ratio	0.011	0.034	0.061	0.069
HCM Control Delay	7.4	7.3	7.4	6.8
HCM Lane LOS	A	A	A	A
HCM 95th-tile Q	0	0.1	0.2	0.2

AM Peak Hour Build
22: US 64 NB & Commercial Access/Ballantyne Common Circle

09/27/2021

Intersection	
Int Delay, s/veh	2.6

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	5	3	0	0	10	132	48	405	34	0	0	0
Future Vol, veh/h	5	3	0	0	10	132	48	405	34	0	0	0
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	130	-	300	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	92	92	92	92	92	92	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2	2	2	2	2	2	2
Mvmt Flow	5	3	0	0	11	143	52	440	37	0	0	0

Major/Minor	Minor2			Minor1			Major1		
Conflicting Flow All	330	581	-	-	544	220	0	0	0
Stage 1	0	0	-	-	544	-	-	-	-
Stage 2	330	581	-	-	0	-	-	-	-
Critical Hdwy	7.54	6.54	-	-	6.54	6.94	4.14	-	-
Critical Hdwy Stg 1	-	-	-	-	5.54	-	-	-	-
Critical Hdwy Stg 2	6.54	5.54	-	-	-	-	-	-	-
Follow-up Hdwy	3.52	4.02	-	-	4.02	3.32	2.22	-	-
Pot Cap-1 Maneuver	599	424	0	0	445	784	-	-	-
Stage 1	-	-	0	0	517	-	-	-	-
Stage 2	657	498	0	0	-	-	-	-	-
Platoon blocked, %								-	-
Mov Cap-1 Maneuver	480	424	-	-	445	784	-	-	-
Mov Cap-2 Maneuver	480	424	-	-	445	-	-	-	-
Stage 1	-	-	-	-	517	-	-	-	-
Stage 2	525	498	-	-	-	-	-	-	-

Approach	EB	WB	NB
HCM Control Delay, s	13	11.1	
HCM LOS	B	B	

Minor Lane/Major Mvmt	NBL	NBT	NBR	EBLn1	WBLn1
Capacity (veh/h)	-	-	-	457	744
HCM Lane V/C Ratio	-	-	-	0.019	0.207
HCM Control Delay (s)	-	-	-	13	11.1
HCM Lane LOS	-	-	-	B	B
HCM 95th %tile Q(veh)	-	-	-	0.1	0.8

Intersection	
Int Delay, s/veh	2.4

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	3	6	15	0	0	6
Future Vol, veh/h	3	6	15	0	0	6
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	3	7	16	0	0	7

Major/Minor	Major1		Major2		Minor2	
Conflicting Flow All	16	0	-	0	29	16
Stage 1	-	-	-	-	16	-
Stage 2	-	-	-	-	13	-
Critical Hdwy	4.12	-	-	-	6.42	6.22
Critical Hdwy Stg 1	-	-	-	-	5.42	-
Critical Hdwy Stg 2	-	-	-	-	5.42	-
Follow-up Hdwy	2.218	-	-	-	3.518	3.318
Pot Cap-1 Maneuver	1602	-	-	0	986	1063
Stage 1	-	-	-	0	1007	-
Stage 2	-	-	-	0	1010	-
Platoon blocked, %		-	-			
Mov Cap-1 Maneuver	1602	-	-	-	984	1063
Mov Cap-2 Maneuver	-	-	-	-	984	-
Stage 1	-	-	-	-	1005	-
Stage 2	-	-	-	-	1010	-

Approach	EB	WB	SB
HCM Control Delay, s	2.4	0	8.4
HCM LOS			A

Minor Lane/Major Mvmt	EBL	EBT	WBT	SBLn1
Capacity (veh/h)	1602	-	-	1063
HCM Lane V/C Ratio	0.002	-	-	0.006
HCM Control Delay (s)	7.3	0	-	8.4
HCM Lane LOS	A	A	-	A
HCM 95th %tile Q(veh)	0	-	-	0

Intersection	
Int Delay, s/veh	5.3

Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations						
Traffic Vol, veh/h	3	3	4	8	7	14
Future Vol, veh/h	3	3	4	8	7	14
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	3	3	4	9	8	15

Major/Minor	Major1		Major2		Minor1	
Conflicting Flow All	0	0	6	0	22	5
Stage 1	-	-	-	-	5	-
Stage 2	-	-	-	-	17	-
Critical Hdwy	-	-	4.12	-	6.42	6.22
Critical Hdwy Stg 1	-	-	-	-	5.42	-
Critical Hdwy Stg 2	-	-	-	-	5.42	-
Follow-up Hdwy	-	-	2.218	-	3.518	3.318
Pot Cap-1 Maneuver	-	-	1615	-	995	1078
Stage 1	-	-	-	-	1018	-
Stage 2	-	-	-	-	1006	-
Platoon blocked, %	-	-		-		
Mov Cap-1 Maneuver	-	-	1615	-	993	1078
Mov Cap-2 Maneuver	-	-	-	-	993	-
Stage 1	-	-	-	-	1018	-
Stage 2	-	-	-	-	1004	-

Approach	EB	WB	NB
HCM Control Delay, s	0	2.4	8.5
HCM LOS			A

Minor Lane/Major Mvmt	NBLn1	EBT	EBR	WBL	WBT
Capacity (veh/h)	1048	-	-	1615	-
HCM Lane V/C Ratio	0.022	-	-	0.003	-
HCM Control Delay (s)	8.5	-	-	7.2	0
HCM Lane LOS	A	-	-	A	A
HCM 95th %tile Q(veh)	0.1	-	-	0	-

Intersection	
Int Delay, s/veh	2.7

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	5	5	15	2	1	7
Future Vol, veh/h	5	5	15	2	1	7
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	5	5	16	2	1	8

Major/Minor	Minor1		Major1		Major2	
Conflicting Flow All	27	17	0	0	18	0
Stage 1	17	-	-	-	-	-
Stage 2	10	-	-	-	-	-
Critical Hdwy	6.42	6.22	-	-	4.12	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.318	-	-	2.218	-
Pot Cap-1 Maneuver	988	1062	-	-	1599	-
Stage 1	1006	-	-	-	-	-
Stage 2	1013	-	-	-	-	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	987	1062	-	-	1599	-
Mov Cap-2 Maneuver	987	-	-	-	-	-
Stage 1	1006	-	-	-	-	-
Stage 2	1012	-	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	8.6	0	0.9
HCM LOS	A		

Minor Lane/Major Mvmt	NBT	NBR	WBLn1	SBL	SBT
Capacity (veh/h)	-	-	1023	1599	-
HCM Lane V/C Ratio	-	-	0.011	0.001	-
HCM Control Delay (s)	-	-	8.6	7.3	0
HCM Lane LOS	-	-	A	A	A
HCM 95th %tile Q(veh)	-	-	0	0	-

AM Peak Hour Build
32: Half Moon Trail & Driveway E

09/27/2021

Intersection	
Int Delay, s/veh	2

Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Traffic Vol, veh/h	12	0	0	29	8	3
Future Vol, veh/h	12	0	0	29	8	3
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	13	0	0	32	9	3

Major/Minor	Minor2		Major1		Major2	
Conflicting Flow All	43	11	12	0	-	0
Stage 1	11	-	-	-	-	-
Stage 2	32	-	-	-	-	-
Critical Hdwy	6.42	6.22	4.12	-	-	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.318	2.218	-	-	-
Pot Cap-1 Maneuver	968	1070	1607	-	-	-
Stage 1	1012	-	-	-	-	-
Stage 2	991	-	-	-	-	-
Platoon blocked, %				-	-	-
Mov Cap-1 Maneuver	968	1070	1607	-	-	-
Mov Cap-2 Maneuver	968	-	-	-	-	-
Stage 1	1012	-	-	-	-	-
Stage 2	991	-	-	-	-	-

Approach	EB	NB	SB
HCM Control Delay, s	8.8	0	0
HCM LOS	A		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	1607	-	968	-	-
HCM Lane V/C Ratio	-	-	0.013	-	-
HCM Control Delay (s)	0	-	8.8	-	-
HCM Lane LOS	A	-	A	-	-
HCM 95th %tile Q(veh)	0	-	0	-	-

AM Peak Build
Queuing and Blocking Report

09/27/2021

Intersection: 3: US 64 & Half Moon Trail

Movement	WB	SW
Directions Served	LR	L
Maximum Queue (ft)	70	31
Average Queue (ft)	45	12
95th Queue (ft)	71	38
Link Distance (ft)	604	
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)		500
Storage Blk Time (%)		
Queuing Penalty (veh)		

Intersection: 5: Half Moon Trail & Driveway D

Movement	WB
Directions Served	LR
Maximum Queue (ft)	30
Average Queue (ft)	12
95th Queue (ft)	35
Link Distance (ft)	556
Upstream Blk Time (%)	
Queuing Penalty (veh)	
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

Intersection: 6: Half Moon Trail & Foxtail Court/Brookstone Court

Movement	EB	WB
Directions Served	LTR	LTR
Maximum Queue (ft)	31	28
Average Queue (ft)	6	6
95th Queue (ft)	27	24
Link Distance (ft)	310	437
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)		
Storage Blk Time (%)		
Queuing Penalty (veh)		

Intersection: 11: Cider Mill Dr (E) & Half Moon Trail

Movement
Directions Served
Maximum Queue (ft)
Average Queue (ft)
95th Queue (ft)
Link Distance (ft)
Upstream Blk Time (%)
Queuing Penalty (veh)
Storage Bay Dist (ft)
Storage Blk Time (%)
Queuing Penalty (veh)

Intersection: 14: Half Moon Trail & Cider Mill Dr (W)

Movement	WB
Directions Served	LR
Maximum Queue (ft)	31
Average Queue (ft)	30
95th Queue (ft)	31
Link Distance (ft)	237
Upstream Blk Time (%)	
Queuing Penalty (veh)	
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

Intersection: 18: Half Moon Trail & Ballantyne Common Circle

Movement	EB	WB	NB	SB
Directions Served	LTR	LTR	LTR	LTR
Maximum Queue (ft)	31	49	31	31
Average Queue (ft)	6	28	6	31
95th Queue (ft)	26	54	27	31
Link Distance (ft)	183	326	332	111
Upstream Blk Time (%)				
Queuing Penalty (veh)				
Storage Bay Dist (ft)				
Storage Blk Time (%)				
Queuing Penalty (veh)				

Intersection: 22: US 64 NB & Commercial Access/Ballantyne Common Circle

Movement	EB	WB
Directions Served	LT	TR
Maximum Queue (ft)	26	75
Average Queue (ft)	5	47
95th Queue (ft)	22	82
Link Distance (ft)	278	584
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)		
Storage Blk Time (%)		
Queuing Penalty (veh)		

Intersection: 25: Half Moon Trail & Driveway A

Movement	SB
Directions Served	LR
Maximum Queue (ft)	28
Average Queue (ft)	6
95th Queue (ft)	24
Link Distance (ft)	299
Upstream Blk Time (%)	
Queuing Penalty (veh)	
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

Intersection: 27: Driveway B & Half Moon Trail

Movement	NB
Directions Served	LR
Maximum Queue (ft)	30
Average Queue (ft)	12
95th Queue (ft)	36
Link Distance (ft)	401
Upstream Blk Time (%)	
Queuing Penalty (veh)	
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

Intersection: 29: Half Moon Trail & Driveway C

Movement	WB
Directions Served	LR
Maximum Queue (ft)	30
Average Queue (ft)	6
95th Queue (ft)	26
Link Distance (ft)	506
Upstream Blk Time (%)	
Queuing Penalty (veh)	
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

Intersection: 32: Half Moon Trail & Driveway E

Movement	EB
Directions Served	LR
Maximum Queue (ft)	31
Average Queue (ft)	6
95th Queue (ft)	27
Link Distance (ft)	384
Upstream Blk Time (%)	
Queuing Penalty (veh)	
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

Network Summary

Network wide Queuing Penalty: 0

PM Peak Hour Build
3: US 64 & Half Moon Trail

09/27/2021

Intersection	
Int Delay, s/veh	1.3

Movement	WBL	WBR	NET	NER	SWL	SWT
Lane Configurations						
Traffic Vol, veh/h	21	16	1294	31	26	654
Future Vol, veh/h	21	16	1294	31	26	654
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	100	500	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	23	17	1407	34	28	711

Major/Minor	Minor1		Major1		Major2	
Conflicting Flow All	1819	704	0	0	1441	0
Stage 1	1407	-	-	-	-	-
Stage 2	412	-	-	-	-	-
Critical Hdwy	6.84	6.94	-	-	4.14	-
Critical Hdwy Stg 1	5.84	-	-	-	-	-
Critical Hdwy Stg 2	5.84	-	-	-	-	-
Follow-up Hdwy	3.52	3.32	-	-	2.22	-
Pot Cap-1 Maneuver	69	379	-	-	467	-
Stage 1	192	-	-	-	-	-
Stage 2	637	-	-	-	-	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	65	379	-	-	467	-
Mov Cap-2 Maneuver	65	-	-	-	-	-
Stage 1	192	-	-	-	-	-
Stage 2	599	-	-	-	-	-

Approach	WB	NE	SW
HCM Control Delay, s	62.5	0	0.5
HCM LOS	F		

Minor Lane/Major Mvmt	NET	NER	WBLn1	SWL	SWT
Capacity (veh/h)	-	-	101	467	-
HCM Lane V/C Ratio	-	-	0.398	0.061	-
HCM Control Delay (s)	-	-	62.5	13.2	-
HCM Lane LOS	-	-	F	B	-
HCM 95th %tile Q(veh)	-	-	1.6	0.2	-

Intersection	
Int Delay, s/veh	2.3

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	2	0	0	0	0	9	0	27	0	17	39	4
Future Vol, veh/h	2	0	0	0	0	9	0	27	0	17	39	4
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	-	-	-	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	92	92	92	92	92	92	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2	2	2	2	2	2	2
Mvmt Flow	2	0	0	0	0	10	0	29	0	18	42	4

Major/Minor	Minor2			Minor1			Major1			Major2		
Conflicting Flow All	114	109	44	109	111	29	46	0	0	29	0	0
Stage 1	80	80	-	29	29	-	-	-	-	-	-	-
Stage 2	34	29	-	80	82	-	-	-	-	-	-	-
Critical Hdwy	7.12	6.52	6.22	7.12	6.52	6.22	4.12	-	-	4.12	-	-
Critical Hdwy Stg 1	6.12	5.52	-	6.12	5.52	-	-	-	-	-	-	-
Critical Hdwy Stg 2	6.12	5.52	-	6.12	5.52	-	-	-	-	-	-	-
Follow-up Hdwy	3.518	4.018	3.318	3.518	4.018	3.318	2.218	-	-	2.218	-	-
Pot Cap-1 Maneuver	863	781	1026	870	779	1046	1562	-	-	1584	-	-
Stage 1	929	828	-	988	871	-	-	-	-	-	-	-
Stage 2	982	871	-	929	827	-	-	-	-	-	-	-
Platoon blocked, %								-	-		-	-
Mov Cap-1 Maneuver	847	772	1026	862	770	1046	1562	-	-	1584	-	-
Mov Cap-2 Maneuver	847	772	-	862	770	-	-	-	-	-	-	-
Stage 1	929	818	-	988	871	-	-	-	-	-	-	-
Stage 2	973	871	-	918	817	-	-	-	-	-	-	-

Approach	EB	WB	NB	SB
HCM Control Delay, s	9.3	8.5	0	2.1
HCM LOS	A	A		

Minor Lane/Major Mvmt	NBL	NBT	NBR	EBLn1	WBLn1	SBL	SBT	SBR
Capacity (veh/h)	1562	-	-	847	1046	1584	-	-
HCM Lane V/C Ratio	-	-	-	0.003	0.009	0.012	-	-
HCM Control Delay (s)	0	-	-	9.3	8.5	7.3	0	-
HCM Lane LOS	A	-	-	A	A	A	A	-
HCM 95th %tile Q(veh)	0	-	-	0	0	0	-	-

Intersection	
Int Delay, s/veh	0.2

Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations						
Traffic Vol, veh/h	29	1	0	13	1	0
Future Vol, veh/h	29	1	0	13	1	0
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	32	1	0	14	1	0

Major/Minor	Major1		Major2		Minor1	
Conflicting Flow All	0	0	33	0	47	33
Stage 1	-	-	-	-	33	-
Stage 2	-	-	-	-	14	-
Critical Hdwy	-	-	4.12	-	6.42	6.22
Critical Hdwy Stg 1	-	-	-	-	5.42	-
Critical Hdwy Stg 2	-	-	-	-	5.42	-
Follow-up Hdwy	-	-	2.218	-	3.518	3.318
Pot Cap-1 Maneuver	-	-	1579	-	963	1041
Stage 1	-	-	-	-	989	-
Stage 2	-	-	-	-	1009	-
Platoon blocked, %	-	-		-		
Mov Cap-1 Maneuver	-	-	1579	-	963	1041
Mov Cap-2 Maneuver	-	-	-	-	963	-
Stage 1	-	-	-	-	989	-
Stage 2	-	-	-	-	1009	-

Approach	EB	WB	NB
HCM Control Delay, s	0	0	8.7
HCM LOS			A

Minor Lane/Major Mvmt	NBLn1	EBT	EBR	WBL	WBT
Capacity (veh/h)	963	-	-	1579	-
HCM Lane V/C Ratio	0.001	-	-	-	-
HCM Control Delay (s)	8.7	-	-	0	-
HCM Lane LOS	A	-	-	A	-
HCM 95th %tile Q(veh)	0	-	-	0	-

PM Peak Hour Build
14: Half Moon Trail & Cider Mill Dr (W)

09/27/2021

Intersection	
Int Delay, s/veh	2.5

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	40	1	30	62	0	14
Future Vol, veh/h	40	1	30	62	0	14
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	43	1	33	67	0	15

Major/Minor	Minor1		Major1		Major2	
Conflicting Flow All	82	67	0	0	100	0
Stage 1	67	-	-	-	-	-
Stage 2	15	-	-	-	-	-
Critical Hdwy	6.42	6.22	-	-	4.12	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.318	-	-	2.218	-
Pot Cap-1 Maneuver	920	997	-	-	1493	-
Stage 1	956	-	-	-	-	-
Stage 2	1008	-	-	-	-	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	920	997	-	-	1493	-
Mov Cap-2 Maneuver	920	-	-	-	-	-
Stage 1	956	-	-	-	-	-
Stage 2	1008	-	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	9.1	0	0
HCM LOS	A		

Minor Lane/Major Mvmt	NBT	NBR	WBLn1	SBL	SBT
Capacity (veh/h)	-	-	922	1493	-
HCM Lane V/C Ratio	-	-	0.048	-	-
HCM Control Delay (s)	-	-	9.1	0	-
HCM Lane LOS	-	-	A	A	-
HCM 95th %tile Q(veh)	-	-	0.2	0	-

Intersection	
Intersection Delay, s/veh	7.7
Intersection LOS	A

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	79	47	13	0	33	10	5	0	0	10	5	38
Future Vol, veh/h	79	47	13	0	33	10	5	0	0	10	5	38
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Heavy Vehicles, %	2	2	2	2	2	2	2	2	2	2	2	2
Mvmt Flow	86	51	14	0	36	11	5	0	0	11	5	41
Number of Lanes	0	1	0	0	1	0	0	1	0	0	1	0

Approach	EB	WB	NB	SB
Opposing Approach	WB	EB	SB	NB
Opposing Lanes	1	1	1	1
Conflicting Approach Left	SB	NB	EB	WB
Conflicting Lanes Left	1	1	1	1
Conflicting Approach Right	NB	SB	WB	EB
Conflicting Lanes Right	1	1	1	1
HCM Control Delay	8	7.3	7.7	7.2
HCM LOS	A	A	A	A

Lane	NBLn1	EBLn1	WBLn1	SBLn1
Vol Left, %	100%	57%	0%	19%
Vol Thru, %	0%	34%	77%	9%
Vol Right, %	0%	9%	23%	72%
Sign Control	Stop	Stop	Stop	Stop
Traffic Vol by Lane	5	139	43	53
LT Vol	5	79	0	10
Through Vol	0	47	33	5
RT Vol	0	13	10	38
Lane Flow Rate	5	151	47	58
Geometry Grp	1	1	1	1
Degree of Util (X)	0.007	0.174	0.052	0.062
Departure Headway (Hd)	4.63	4.137	4.019	3.886
Convergence, Y/N	Yes	Yes	Yes	Yes
Cap	778	866	883	904
Service Time	2.63	2.172	2.079	1.983
HCM Lane V/C Ratio	0.006	0.174	0.053	0.064
HCM Control Delay	7.7	8	7.3	7.2
HCM Lane LOS	A	A	A	A
HCM 95th-tile Q	0	0.6	0.2	0.2

Intersection	
Int Delay, s/veh	2.2

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Vol, veh/h	12	9	0	0	1	134	26	1257	127	0	0	0
Future Vol, veh/h	12	9	0	0	1	134	26	1257	127	0	0	0
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Stop	Stop	Stop	Stop	Stop	Stop	Free	Free	Free	Free	Free	Free
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None
Storage Length	-	-	-	-	-	-	130	-	300	-	-	-
Veh in Median Storage, #	-	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	92	92	92	92	92	92	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2	2	2	2	2	2	2
Mvmt Flow	13	10	0	0	1	146	28	1366	138	0	0	0

Major/Minor	Minor2			Minor1			Major1		
Conflicting Flow All	740	1560	-	-	1422	683	0	0	0
Stage 1	0	0	-	-	1422	-	-	-	-
Stage 2	740	1560	-	-	0	-	-	-	-
Critical Hdwy	7.54	6.54	-	-	6.54	6.94	4.14	-	-
Critical Hdwy Stg 1	-	-	-	-	5.54	-	-	-	-
Critical Hdwy Stg 2	6.54	5.54	-	-	-	-	-	-	-
Follow-up Hdwy	3.52	4.02	-	-	4.02	3.32	2.22	-	-
Pot Cap-1 Maneuver	305	111	0	0	135	392	-	-	-
Stage 1	-	-	0	0	200	-	-	-	-
Stage 2	375	171	0	0	-	-	-	-	-
Platoon blocked, %								-	-
Mov Cap-1 Maneuver	191	111	-	-	135	392	-	-	-
Mov Cap-2 Maneuver	191	111	-	-	135	-	-	-	-
Stage 1	-	-	-	-	200	-	-	-	-
Stage 2	234	171	-	-	-	-	-	-	-

Approach	EB	WB	NB
HCM Control Delay, s	34.2	19.9	
HCM LOS	D	C	

Minor Lane/Major Mvmt	NBL	NBT	NBR	EBLn1	WBLn1
Capacity (veh/h)	-	-	-	146	387
HCM Lane V/C Ratio	-	-	-	0.156	0.379
HCM Control Delay (s)	-	-	-	34.2	19.9
HCM Lane LOS	-	-	-	D	C
HCM 95th %tile Q(veh)	-	-	-	0.5	1.7

Intersection	
Int Delay, s/veh	2.4

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	9	20	9	0	0	4
Future Vol, veh/h	9	20	9	0	0	4
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	10	22	10	0	0	4

Major/Minor	Major1		Major2		Minor2	
Conflicting Flow All	10	0	-	0	52	10
Stage 1	-	-	-	-	10	-
Stage 2	-	-	-	-	42	-
Critical Hdwy	4.12	-	-	-	6.42	6.22
Critical Hdwy Stg 1	-	-	-	-	5.42	-
Critical Hdwy Stg 2	-	-	-	-	5.42	-
Follow-up Hdwy	2.218	-	-	-	3.518	3.318
Pot Cap-1 Maneuver	1610	-	-	0	957	1071
Stage 1	-	-	-	0	1013	-
Stage 2	-	-	-	0	980	-
Platoon blocked, %		-	-			
Mov Cap-1 Maneuver	1610	-	-	-	951	1071
Mov Cap-2 Maneuver	-	-	-	-	951	-
Stage 1	-	-	-	-	1007	-
Stage 2	-	-	-	-	980	-

Approach	EB	WB	SB
HCM Control Delay, s	2.3	0	8.4
HCM LOS			A

Minor Lane/Major Mvmt	EBL	EBT	WBT	SBLn1
Capacity (veh/h)	1610	-	-	1071
HCM Lane V/C Ratio	0.006	-	-	0.004
HCM Control Delay (s)	7.2	0	-	8.4
HCM Lane LOS	A	A	-	A
HCM 95th %tile Q(veh)	0	-	-	0

Intersection	
Int Delay, s/veh	3.1

Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations						
Traffic Vol, veh/h	10	10	4	8	4	9
Future Vol, veh/h	10	10	4	8	4	9
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	11	11	4	9	4	10

Major/Minor	Major1		Major2		Minor1	
Conflicting Flow All	0	0	22	0	34	17
Stage 1	-	-	-	-	17	-
Stage 2	-	-	-	-	17	-
Critical Hdwy	-	-	4.12	-	6.42	6.22
Critical Hdwy Stg 1	-	-	-	-	5.42	-
Critical Hdwy Stg 2	-	-	-	-	5.42	-
Follow-up Hdwy	-	-	2.218	-	3.518	3.318
Pot Cap-1 Maneuver	-	-	1593	-	979	1062
Stage 1	-	-	-	-	1006	-
Stage 2	-	-	-	-	1006	-
Platoon blocked, %	-	-		-		
Mov Cap-1 Maneuver	-	-	1593	-	976	1062
Mov Cap-2 Maneuver	-	-	-	-	976	-
Stage 1	-	-	-	-	1006	-
Stage 2	-	-	-	-	1003	-

Approach	EB	WB	NB
HCM Control Delay, s	0	2.4	8.5
HCM LOS			A

Minor Lane/Major Mvmt	NBLn1	EBT	EBR	WBL	WBT
Capacity (veh/h)	1034	-	-	1593	-
HCM Lane V/C Ratio	0.014	-	-	0.003	-
HCM Control Delay (s)	8.5	-	-	7.3	0
HCM Lane LOS	A	-	-	A	A
HCM 95th %tile Q(veh)	0	-	-	0	-

Intersection	
Int Delay, s/veh	1.8

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	3	3	12	7	4	15
Future Vol, veh/h	3	3	12	7	4	15
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	3	3	13	8	4	16

Major/Minor	Minor1		Major1		Major2	
Conflicting Flow All	41	17	0	0	21	0
Stage 1	17	-	-	-	-	-
Stage 2	24	-	-	-	-	-
Critical Hdwy	6.42	6.22	-	-	4.12	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.318	-	-	2.218	-
Pot Cap-1 Maneuver	970	1062	-	-	1595	-
Stage 1	1006	-	-	-	-	-
Stage 2	999	-	-	-	-	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	967	1062	-	-	1595	-
Mov Cap-2 Maneuver	967	-	-	-	-	-
Stage 1	1006	-	-	-	-	-
Stage 2	996	-	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	8.6	0	1.5
HCM LOS	A		

Minor Lane/Major Mvmt	NBT	NBR	WBLn1	SBL	SBT
Capacity (veh/h)	-	-	1012	1595	-
HCM Lane V/C Ratio	-	-	0.006	0.003	-
HCM Control Delay (s)	-	-	8.6	7.3	0
HCM Lane LOS	-	-	A	A	A
HCM 95th %tile Q(veh)	-	-	0	0	-

Intersection	
Int Delay, s/veh	2.9

Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Traffic Vol, veh/h	2	7	12	3	10	17
Future Vol, veh/h	2	7	12	3	10	17
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	2	8	13	3	11	18

Major/Minor	Minor1		Major1		Major2	
Conflicting Flow All	55	15	0	0	16	0
Stage 1	15	-	-	-	-	-
Stage 2	40	-	-	-	-	-
Critical Hdwy	6.42	6.22	-	-	4.12	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.318	-	-	2.218	-
Pot Cap-1 Maneuver	953	1065	-	-	1602	-
Stage 1	1008	-	-	-	-	-
Stage 2	982	-	-	-	-	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	946	1065	-	-	1602	-
Mov Cap-2 Maneuver	946	-	-	-	-	-
Stage 1	1008	-	-	-	-	-
Stage 2	975	-	-	-	-	-

Approach	WB	NB	SB
HCM Control Delay, s	8.5	0	2.7
HCM LOS	A		

Minor Lane/Major Mvmt	NBT	NBR	WBLn1	SBL	SBT
Capacity (veh/h)	-	-	1036	1602	-
HCM Lane V/C Ratio	-	-	0.009	0.007	-
HCM Control Delay (s)	-	-	8.5	7.3	0
HCM Lane LOS	-	-	A	A	A
HCM 95th %tile Q(veh)	-	-	0	0	-

Intersection	
Int Delay, s/veh	1.1

Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Traffic Vol, veh/h	8	0	0	19	27	12
Future Vol, veh/h	8	0	0	19	27	12
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	9	0	0	21	29	13

Major/Minor	Minor2		Major1		Major2	
Conflicting Flow All	57	36	42	0	-	0
Stage 1	36	-	-	-	-	-
Stage 2	21	-	-	-	-	-
Critical Hdwy	6.42	6.22	4.12	-	-	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.318	2.218	-	-	-
Pot Cap-1 Maneuver	950	1037	1567	-	-	-
Stage 1	986	-	-	-	-	-
Stage 2	1002	-	-	-	-	-
Platoon blocked, %				-	-	-
Mov Cap-1 Maneuver	950	1037	1567	-	-	-
Mov Cap-2 Maneuver	950	-	-	-	-	-
Stage 1	986	-	-	-	-	-
Stage 2	1002	-	-	-	-	-

Approach	EB	NB	SB
HCM Control Delay, s	8.8	0	0
HCM LOS	A		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	1567	-	950	-	-
HCM Lane V/C Ratio	-	-	0.009	-	-
HCM Control Delay (s)	0	-	8.8	-	-
HCM Lane LOS	A	-	A	-	-
HCM 95th %tile Q(veh)	0	-	0	-	-

Intersection: 3: US 64 & Half Moon Trail

Movement	WB	WB	SW
Directions Served	L	R	L
Maximum Queue (ft)	59	24	52
Average Queue (ft)	21	5	23
95th Queue (ft)	55	21	56
Link Distance (ft)	592	592	
Upstream Blk Time (%)			
Queuing Penalty (veh)			
Storage Bay Dist (ft)			500
Storage Blk Time (%)			
Queuing Penalty (veh)			

Intersection: 6: Half Moon Trail & Foxtail Court/Brookstone Court

Movement	WB
Directions Served	LTR
Maximum Queue (ft)	28
Average Queue (ft)	11
95th Queue (ft)	34
Link Distance (ft)	423
Upstream Blk Time (%)	
Queuing Penalty (veh)	
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

Intersection: 11: Cider Mill Dr (E) & Half Moon Trail

Movement	NB
Directions Served	LR
Maximum Queue (ft)	29
Average Queue (ft)	6
95th Queue (ft)	25
Link Distance (ft)	380
Upstream Blk Time (%)	
Queuing Penalty (veh)	
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

Intersection: 14: Half Moon Trail & Cider Mill Dr (W)

Movement	WB
Directions Served	LR
Maximum Queue (ft)	53
Average Queue (ft)	29
95th Queue (ft)	57
Link Distance (ft)	237
Upstream Blk Time (%)	
Queuing Penalty (veh)	
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

Intersection: 18: Half Moon Trail & Ballantyne Common Circle

Movement	EB	WB	NB	SB
Directions Served	LTR	LTR	LTR	LTR
Maximum Queue (ft)	53	31	31	31
Average Queue (ft)	39	24	6	25
95th Queue (ft)	55	43	27	45
Link Distance (ft)	183	326	332	111
Upstream Blk Time (%)				
Queuing Penalty (veh)				
Storage Bay Dist (ft)				
Storage Blk Time (%)				
Queuing Penalty (veh)				

Intersection: 22: US 64 NB & Commercial Access/Ballantyne Common Circle

Movement	EB	WB
Directions Served	LT	TR
Maximum Queue (ft)	48	52
Average Queue (ft)	20	37
95th Queue (ft)	50	54
Link Distance (ft)	278	584
Upstream Blk Time (%)		
Queuing Penalty (veh)		
Storage Bay Dist (ft)		
Storage Blk Time (%)		
Queuing Penalty (veh)		

Intersection: 25: Half Moon Trail & Driveway A

Movement	
Directions Served	
Maximum Queue (ft)	
Average Queue (ft)	
95th Queue (ft)	
Link Distance (ft)	
Upstream Blk Time (%)	
Queuing Penalty (veh)	
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

Intersection: 27: Driveway B & Half Moon Trail

Movement	NB
Directions Served	LR
Maximum Queue (ft)	30
Average Queue (ft)	6
95th Queue (ft)	26
Link Distance (ft)	358
Upstream Blk Time (%)	
Queuing Penalty (veh)	
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

Intersection: 29: Driveway C

Movement	WB
Directions Served	LR
Maximum Queue (ft)	30
Average Queue (ft)	6
95th Queue (ft)	26
Link Distance (ft)	483
Upstream Blk Time (%)	
Queuing Penalty (veh)	
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

Intersection: 31: Half Moon Trail & Driveway D

Movement
Directions Served
Maximum Queue (ft)
Average Queue (ft)
95th Queue (ft)
Link Distance (ft)
Upstream Blk Time (%)
Queuing Penalty (veh)
Storage Bay Dist (ft)
Storage Blk Time (%)
Queuing Penalty (veh)

Intersection: 33: Half Moon Trail & Driveway E

Movement	EB
Directions Served	LR
Maximum Queue (ft)	28
Average Queue (ft)	6
95th Queue (ft)	24
Link Distance (ft)	376
Upstream Blk Time (%)	
Queuing Penalty (veh)	
Storage Bay Dist (ft)	
Storage Blk Time (%)	
Queuing Penalty (veh)	

Network Summary

Network wide Queuing Penalty: 0

PM Peak Hour Build (With Improvements)
3: US 64 & Half Moon Trail

09/27/2021

Intersection	
Int Delay, s/veh	1.2

Movement	WBL	WBR	NET	NER	SWL	SWT
Lane Configurations						
Traffic Vol, veh/h	21	16	1294	31	26	654
Future Vol, veh/h	21	16	1294	31	26	654
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	0	-	100	500	-
Veh in Median Storage, #	0	-	0	-	-	0
Grade, %	0	-	0	-	-	0
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	23	17	1407	34	28	711

Major/Minor	Minor1		Major1		Major2	
Conflicting Flow All	1819	704	0	0	1441	0
Stage 1	1407	-	-	-	-	-
Stage 2	412	-	-	-	-	-
Critical Hdwy	6.84	6.94	-	-	4.14	-
Critical Hdwy Stg 1	5.84	-	-	-	-	-
Critical Hdwy Stg 2	5.84	-	-	-	-	-
Follow-up Hdwy	3.52	3.32	-	-	2.22	-
Pot Cap-1 Maneuver	69	379	-	-	467	-
Stage 1	192	-	-	-	-	-
Stage 2	637	-	-	-	-	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	65	379	-	-	467	-
Mov Cap-2 Maneuver	65	-	-	-	-	-
Stage 1	192	-	-	-	-	-
Stage 2	599	-	-	-	-	-

Approach	WB	NE	SW
HCM Control Delay, s	56.3	0	0.5
HCM LOS	F		

Minor Lane/Major Mvmt	NET	NER	WBLn1	WBLn2	SWL	SWT
Capacity (veh/h)	-	-	65	379	467	-
HCM Lane V/C Ratio	-	-	0.351	0.046	0.061	-
HCM Control Delay (s)	-	-	87.8	15	13.2	-
HCM Lane LOS	-	-	F	C	B	-
HCM 95th %tile Q(veh)	-	-	1.3	0.1	0.2	-

Entry #: 19

Date Submitted: 8/18/2021 11:01 AM

Date:
8/17/2021

Name of Project
Half Moon Heights

Address/Location of Property
297 Rustling Pines Lane

List 10 digit PIN or 7 digit PID number for each property
9680-00-1446

Check type of Development
Residential

Current Zoning
PRD

Proposed Zoning
PRD

List requested uses
Residential single family housing

Total Acreage
33.65

Proposed Building Sq. ft.
212,000

Dwelling Units
106

Conceptual Plan

Conditional Zoning District Petition
(Continued)

Proposed conditions for the site:
See site plan.

It is important that the applicant consider the following factors. See Section 11-4 of the Zoning Ordinance for more information. Please use additional pages and/or attachments if necessary.

Explain consistency with the City's Comprehensive Plan:
Our plan is consistent with the city's plan and compatible with the surrounding properties.

Explain compatibility with surrounding land uses:
The proposed high density single family housing is compatible with the adjoining apartment development and single family high density residential projects. The size, scale, design, and architectural materials are compatible with adjoining properties and surrounding neighborhood.

Explain whether changed conditional require a map amendment:
No map amendment is required.

Explain how the petition is in the public interest:
This project is providing needed single family housing. The roads have been designed to provide safe ingress and egress and accommodate cars trucks and emergency vehicles. It will also provide safe pedestrian circulation with an internal sidewalk connecting to the adjoining properties.

Explain whether adequate public facilities are available:
Adequate water and sewer capacity are available. Existing water and sewer is accessible to the site. An existing road to city specs is installed through the project connecting to highway 64. Proposd utilities will comply with the standards of city of Hendersonville and state of North Carolina.

Explain the impact the petition would have on the natural environment:
The proposed roads and lot layout requires the site to be mass graded due to the topography. The developer will attempt to preserve as much existing slope vegetation on the perimeter of the site to reduce the visual impact of the development on the surrounding property owners. The preserved slope vegetation will serve as a vegetative buffer for the adjoining properties. Additional landscape buffer will be planted where need to reduce the visual impact of the development. Street trees and house planting will also be planted along with bare root trees to be planted on slopes.

Additional information:
The type and size of the project signs has yet to be determined. The developer will submit drawings and application to the city of Hendersonville for their review prior to their constructing of the signs. The lighting of the signs will comply with the city of Hendersonville requirements. Street lights will be provided with an approximate spacing of every 250 feet. The light fixtures will be a 100% cutoff, provided by Duke Energy. The developer requests that the city provide curbside garbage pick up. There are no plans for providing a dumpster. Mail kiosks will be provided.

Note additional approvals prior to issuance of Zoning Compliance Permit may include, but are not limited to:

1. Henderson County Sedimentation & Erosion Control Permit
2. Stormwater management plan
3. Utility approval
4. NCDOT permit
5. Any other applicable permits as determined by the Development Assistance Department

Signature pages for Conditional Zoning District Petition

Designated Agent
Joseph Schlotterbeck

Address
PO Box 609, Fairview, North Carolina 28730

Phone
(828) 767-7171

Email
joe.s@bh-builder.com

Applicant Name
Half Moon Land Holdings, LLC

Address
PO Box 609, Fairview, North Carolina 28730

Phone
(828) 767-7171

Signature

Signature of the property owner acknowledges if the property is rezoned the property involved in this request is bound to the use(s) authorized, the approved site plan and any conditions imposed, unless subsequently changed or amended as provided for in the Zoning Ordinance.

Property Owner Name
TRIANGLE BALLANTYNE HENDERSONVILLE, INC

Address
165 S York St, Gastonia, North Carolina 28053

PID or PIN #
9680001446

Signature

Property Owner Name

Address
165 S York St, Gastonia, North Carolina 28053

PID or PIN #

Signature

Signature pages for Conditional Zoning District Petition (continued)

Signature of the property owner acknowledges if the property is rezoned the property involved in this request is bound to the use(s) authorized, the approved site plan and any conditions imposed, unless subsequently changed or amended as provided for in the Zoning Ordinance.

Property Owner Name

Address

PID or PIN #

Signature

Property Owner Name

Address

PID or PIN #

Signature

Property Owner Name

Address

PID or PIN #

Signature

City of Hendersonville General Application Owner Signature Addendum

Application Information

Date of Application 8-18-2021 Application Number P21-44-CZD/SUB

Name of Project Half Moon Heights Phase # (if subdivision) 1

Parcel Identification Number(s) (PIN) 9680-00-1446

Property Owners: (Signature indicates intent that this page be affixed to Application.)

* ^ Printed Name Triangle Ballantyne Hendersonville, Inc.

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

☐ By signature below, I hereby acknowledge, as/on behalf of (circle one) the owner my understanding this application will be considered in a quasi-judicial proceeding and that neither I, nor anyone on my behalf, may contact the City Council except through sworn testimony at the public hearing. (Applicable if box is checked.)

Signature [illegible]

Title Vice President Email William.ratchford@southwoodrealty.com

Address of Property Owner 297 Rustling Pines Ln.

* ^ Printed Name

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

☐ By signature below, I hereby acknowledge, as/on behalf of (circle one) the owner my understanding this application will be considered in a quasi-judicial proceeding and that neither I, nor anyone on my behalf, may contact the City Council except through sworn testimony at the public hearing. (Applicable if box is checked.)

Signature

Title Email

Address of Property Owner

* ^ Printed Name

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

☐ By signature below, I hereby acknowledge, as/on behalf of (circle one) the owner my understanding this application will be considered in a quasi-judicial proceeding and that neither I, nor anyone on my behalf, may contact the City Council except through sworn testimony at the public hearing. (Applicable if box is checked.)

Signature

Title Email

Address of Property Owner

* Property owner hereby grants permission to the City of Hendersonville personnel to enter the subject property for any purpose required in processing this application.

^ If signed by an agent on behalf of the Owner, this petition MUST be accompanied by a Limited Power of Attorney signed by the property owner (s) and notarized, specifically authorizing the agent to act on the owner (s) behalf in signing this application. Failure of each owner, or their duly authorized agent, to sign, or failure to include the authority of the agent signed by the property owner, will result in an INVALID APPLICATION.

City of Hendersonville

Certification of Mailing of Public Notice

IN RE: Half Moon Heights File # P21-44-CZD

I hereby certify that official notice of the City Council Meeting on November 4, 2021, has been sent with regard to this matter by U.S. Mail on the date indicated below and as specified in this document.

The parties to whom notice was mailed are indicated on the sheets attached hereto as Exhibit A. Those listed on Exhibit A were mailed the letter, a copy of which is attached as Exhibit B.

Date Mailed: 10.18.21

Site posted this date per Section 7-4-8 of the City of Hendersonville Zoning Ordinance.

Terri Swann
Terri Swann
Administrative Assistant III

Henderson County, North Carolina

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

Date: 10/18/2021

Notary Signature: Lisa N Stepp

Notary Printed Name: Lisa N Stepp
(Official Seal)

My Commission Expires: Sept 5, 2026

LISA N STEPP
NOTARY PUBLIC
HENDERSON COUNTY, NC

LOCALiQ
StarNews | The Dispatch | Times-News
Sun Journal | The Daily News | The Star
The Free Press | Gaston Gazette

Order Confirmation
Not an Invoice

Account Number:	488558
Customer Name:	City Of Hendersonville
Customer Address:	City Of Hendersonville 160 6Th AVE E City Clerk Hendersonville NC 28792-3775
Contact Name:	Angela Reece
Contact Phone:	828-697-3005
Contact Email:	areece@hvlnc.gov
PO Number:	

Date:	10/14/2021
Order Number:	6419909
Prepayment Amount:	$ 0.00

Column Count:	1
Line Count:	116.0000
Height in Inches:	0.0000

Print

Product	#Insertions	Start - End	Category
HEN Times-News	2	10/24/2021 - 10/31/2021	Public Notices
HEN blueridgenow.com	2	10/24/2021 - 10/31/2021	Public Notices

Total Order Confirmation	**$32.84**

Ad Preview

PUBLIC HEARING NOTICE

Notice is hereby given that the City of Hendersonville City Council will hold two public hearings on Thursday, November 4, 2021, at 5:45 p.m., or as soon thereafter as possible in the City Operations Assembly Room located at 305 Williams Street, Hendersonville NC to consider the following:

I. Conditional Zoning District– World of Clothing Mini Storage (P21-52-CZD) - Application for a conditional rezoning from Daniel Renckens of Canvass Capital, LLC, applicant and Dreams Dominion, Inc., property owners. The applicants are requesting to rezone the subject property, PIN 9579-56-0884 and PIN 9579-46-9642 and located at 135 Sugarloaf Road, from C-3, Highway Business to C-3 CZD, Highway Business Conditional Zoning District for the redevelopment of a 126,913 sq. ft. mini-warehouse facility on approximately 8.24 acres.

II. Conditional Zoning District – Half Moon Heights (P21-44-CZD) - Application for a conditional rezoning from Joseph Schlotterbeck of Half Moon Land Holdings, LLC, applicants and Triangle Ballantyne Hendersonville, Inc., property owners. The applicants are requesting to rezone the subject property, PIN 9680-00-1446 and located on Half Moon Trail, from PRD-CZD, Planned Residential Development Conditional Zoning District to PRD CZD, Planned Residential Development Conditional Zoning District for the construction of a housing development containing 95 single-family homes on approximately 33.65 acres.

NOTICE IS HEREBY GIVEN that some Hendersonville City Council Members may participate remotely in these hearings at the above designated time/day/place and will give additional notice complying with applicable laws should an electronic meeting become necessary.

Digital/written public hearing comments will be accepted until twenty-four hours prior to the scheduled public hearing and will be accepted during the meeting from those attending in person and also from those participating live via ZOOM at the designated time at this meeting. For security reasons screen sharing will not be allowed. Anyone wishing to submit written/digital public comment for this public hearing prior to the meeting may do so twenty-four hours prior to the meeting (by 5:45 p.m. on Wednesday November 3rd) to be considered by the City Council.

Digital pubic hearing comments must comply with security criteria in the Council's Public Comment Policy, available on the City's website by visiting https://www.hendersonvillenc.gov/public-comment.

The meeting instructions to join by Zoom will be available on the City's website by visiting https://www.hendersonvillenc.gov/events-calendar and as follows:

Zoom information for the meeting is:
https://zoom.us/j/95746846396?pwd=YmlXdXdHcjRFVlM2VEIqcEVwTTZLZz09#success
Dial-in by phone: (646) 558-8656
Meeting ID: 957 4684 6396
Passcode: 28792

The City of Hendersonville is committed to providing accessible facilities, programs, and services for all people in compliance with the Americans with Disabilities Act (ADA). Should you need assistance or a particular accommodation for this meeting please contact the City Clerk, Angela Reece at 697-3000 no later than 24 hours in advance of the meeting.

PUBLIC HEARING NOTICE

Notice is hereby given that the City of Hendersonville City Council will hold two public hearings on Thursday, November 4, 2021, at 5:45 p.m., or as soon thereafter as possible in the City Operations Assembly Room located at 305 Williams Street, Hendersonville NC to consider the following:

I. **Conditional Zoning District– World of Clothing Mini Storage (P21-52-CZD) -** Application for a conditional rezoning from Daniel Renckens of Canvass Capital, LLC, applicant and Dreams Dominion, Inc., property owners. The applicants are requesting to rezone the subject property, PIN 9579-56-0884 and PIN 9579-46-9642 and located at 135 Sugarloaf Road, from C-3, Highway Business to C-3 CZD, Highway Business Conditional Zoning District for the redevelopment of a 126,913 sq. ft. mini-warehouse facility on approximately 8.24 acres.

II. **Conditional Zoning District – Half Moon Heights (P21-44-CZD) -** Application for a conditional rezoning from Joseph Schlotterbeck of Half Moon Land Holdings, LLC, applicants and Triangle Ballantyne Hendersonville, Inc., property owners. The applicants are requesting to rezone the subject property, PIN 9680-00-1446 and located on Half Moon Trail, from PRD-CZD, Planned Residential Development Conditional Zoning District to PRD CZD, Planned Residential Development Conditional Zoning District for the construction of a housing development containing 95 single-family homes on approximately 33.65 acres.

NOTICE IS HEREBY GIVEN that some Hendersonville City Council Members may participate remotely in these hearings at the above designated time/day/place and will give additional notice complying with applicable laws should an electronic meeting become necessary.

Digital/written public hearing comments will be accepted until twenty-four hours prior to the scheduled public hearing and will be accepted during the meeting from those attending in person and also from those participating live via ZOOM at the designated time at this meeting. For security reasons screen sharing will not be allowed. Anyone wishing to submit written/digital public comment for this public hearing prior to the meeting may do so twenty-four hours prior to the meeting (by 5:45 p.m. on Wednesday November 3rd) to be considered by the City Council.

Digital pubic hearing comments must comply with security criteria in the Council's Public Comment Policy, available on the City's website by visiting https://www.hendersonvillenc.gov/public-comment.

The meeting instructions to join by Zoom will be available on the City's website by visiting https://www.hendersonvillenc.gov/events-calendar and as follows:

Zoom information for the meeting is:

https://zoom.us/j/95746846396?pwd=YmlXdXdHcjRFVlM2VElqcEVwT1ZLZz09#success

Dial-in by phone: (646) 558-8656
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Run two times: Sunday, October 24, 2021
Sunday, October 31, 2021

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: Angela Beeker, City Attorney **MEETING DATE:** December 2, 2021

AGENDA SECTION: **CONTUATION OF PUBLIC HEARING** **DEPARTMENT:** Administration

TITLE OF ITEM: Continuation of Public Hearing to Consider Annexation and Sewer Service Agreement with the Town of Laurel Park

SUGGESTED MOTION(S):

I move that City Council adopt 1) *A Resolution of the City of Hendersonville City Council to Approve Interlocal Agreement with the Town of Laurel Park*; and 2) *An Ordinance of the City of Hendersonville City Council to Approve Interlocal Agreement with the Town of Laurel Park*

SUMMARY: This public hearing was continued from the November 22, 2021 City Council meeting.

Attached for the City Council's consideration is a proposed Annexation and Sewer Service Agreement with the Town of Laurel Park, authorized by N.C.G.S. §§ 160A-58.23 and 160A-461. The Agreement establishes a sphere of influence boundary for the Town of Laurel Park. The sphere of influence boundary establishes a boundary within which Laurel Park may annex properties, and a boundary within which the City of Hendersonville will not annex properties, during the term of the Agreement. The Agreement also provides that the City of Hendersonville will not provide sewer service to any property within the sphere of influence boundary, which is not already served, unless the property is within the primary or satellite corporate limits of the Town of Laurel Park.

Because the Agreement is authorized under two different statutes, the procedures for both must be followed. N.C.G.S. § 160A-58.23 requires approval by ordinance after a public hearing. N.C.G.S. § 160A-461 et. seq requires that the agreement be approved by resolution. Therefore both an ordinance and a resolution are attached for City Council's consideration, after the public hearing.

BUDGET IMPACT: $ N/A

- An Ordinance of the City of Hendersonville City Council to Approve Interlocal Agreement with the Town of Laurel Park
- A Resolution of the City of Hendersonville City Council to Approve Interlocal Agreement with the Town of Laurel Park
- Proposed Annexation and Sewer Service Agreement
- Map of the Sphere of Influence Boundary (3 pages)
- Notice of Public Hearing

Ordinance #___-____

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO APPROVE ANNEXATION AGREEMENT WITH THE TOWN OF LAUREL PARK

WHEREAS, North Carolina General Statutes Section 160A-58.23 authorizes cities to enter into agreements to designate one or more areas that are not subject to annexation by one or more of the participating cities; and

WHEREAS, the City of Hendersonville and the Town of Laurel Park are located in proximity to each other and, in order to enhance orderly planning in the areas adjoining the cities, have negotiated an annexation agreement; and

WHEREAS, North Carolina General Statutes Section 160A-460 authorizes municipal corporations to enter into interlocal agreements; and

WHEREAS, on November 22, 2021, a public hearing was held by the City of Hendersonville to consider the proposed annexation agreement;

NOW, THEREFORE, be it ordained by the City Council of the City of Hendersonville that the Annexation Agreement between the City of Hendersonville and the Town of Laurel Park, a copy of which is attached hereto and incorporated herein by reference, is hereby approved, and the Mayor is hereby authorized to execute such agreement. The Agreement shall be effective upon approval by the Town of Laurel Park, after a duly held public hearing, and execution by both the Mayor of Hendersonville and the Mayor of the Town of Laurel Park.

This ordinance shall be in full force and effect from and after the date of its adoption.

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

_____
Barbara G. Volk, Mayor, City of Hendersonville

Attest:

_____
Angela L. Reece, City Clerk

Approved as to form:

_____
Angela S. Beeker, City Attorney

Resolution #___-____

A RESOLUTION OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO APPROVE INTERLOCAL AGREEMENT WITH THE TOWN OF LAUREL PARK

WHEREAS, North Carolina General Statutes Section 160A-58.23 authorizes cities to enter into agreements to designate one or more areas that are not subject to annexation by one or more of the participating cities; and

WHEREAS, the City of Hendersonville and the Town of Laurel Park are located in proximity to each other and, in order to enhance orderly planning in the areas adjoining the cities, have negotiated an annexation agreement; and

WHEREAS, North Carolina General Statutes Chapter 160A Article 20 authorizes interlocal cooperation among municipal corporations; and

WHEREAS, on November 22, 2021, a public hearing was held by the City of Hendersonville to consider the proposed annexation agreement;

NOW, THEREFORE, be it resolved by the City Council of the City of Hendersonville that the Annexation Agreement between the City of Hendersonville and the Town of Laurel Park, a copy of which is attached hereto and incorporated herein by reference, is hereby approved, and the Mayor is hereby authorized to execute such agreement. The Agreement shall be effective upon approval by the Town of Laurel Park, after a duly held public hearing, and execution by both the Mayor of Hendersonville and the Mayor of the Town of Laurel Park.

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

_____

Barbara G. Volk, Mayor, City of Hendersonville

Attest:

_____

Angela L. Reece, City Clerk

Approved as to form:

_____

Angela S. Beeker, City Attorney

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STATE OF NORTH CAROLINA

COUNTY OF HENDERSON

ANNEXATION AND SEWER SERVICE AGREEMENT

THIS ANNEXATION AND SEWER SERVICE AGREEMENT, made and entered into this the _____ day of _____, 2021, by and between the City of Hendersonville, a North Carolina municipal corporation, hereinafter "City," and the Town of Laurel Park, a North Carolina municipal corporation, hereinafter "Town,"

WITNESSETH:

THAT WHEREAS, the City and the Town wish to enter into an ANNEXATION AND SEWER SERVICE AGREEMENT as allowed by N.C.G.S. Chapter 160A, Article 4A, Part 6, ANNEXATION AND SEWER SERVICE AGREEMENTs, hereinafter the "Act", which authorizes municipalities to enter into binding agreements concerning future annexation in order to enhance orderly planning by the municipalities and their residents; and

WHEREAS, the City and Town have agreed upon a sphere of influence boundary for the Town; and

WHEREAS, the City and Town have agreed that the City will not annex properties within the agreed upon sphere of influence boundary, and the Town will not annex properties outside of the agreed upon sphere of influence boundary; and

WHEREAS, during the term of this ANNEXATION AND SEWER SERVICE AGREEMENT, the Town has requested that, during the term of this AGREEMENT, the City not provide sewer service to any properties lying within the sphere of influence boundary for the Town defined in this AGREEMENT unless the property is within the primary or satellite corporate limits for the Town, and the City has agreed; and

WHEREAS, the City and Town wish to memorialize their agreement into a legally binding ANNEXATION AND SEWER SERVICE AGREEMENT, duly approved by ordinance of each of them after a duly advertised public hearing;

NOW THEREFORE THIS ANNEXATION AND SEWER SERVICE AGREEMENT, that for and in consideration of the mutual promises and covenants contained hereinbelow, the parties agree as follows:

1. This ANNEXATION AND SEWER SERVICE AGREEMENT is executed pursuant to the authority of the Act. The City and Town are collectively sometimes hereinafter referred to as "Participating Municipalities" and individually as a "Participating Municipality."

2. The City and the Town agree that the mutual terms and promises contained in this ANNEXATION AND SEWER SERVICE AGREEMENT are adequate and sufficient consideration to support the terms and conditions stated in this Agreement.

3. The City and Town agree that boundary shown on that map attached hereto as Exhibit 1 and described by metes and bounds in Exhibit 2, Exhibits 1 and 2 being attached hereto and incorporated by reference as if fully set forth herein, shall be the sphere of influence boundary for the Town of Laurel Park, hereinafter the "Sphere of Influence Boundary," or "SOIB." The map shown in Exhibit 1, consisting of three pages, is hereinafter referred to as the "SOIB Map," and the metes and bounds description in Exhibit 2 is hereinafter referred to as the "SOIB Description." The SOIB Map and SOIB

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Description, together, constitute the legal description for the Town's Sphere of Influence Boundary, or SOIB.[1] An electronic copy of the SOIB Map may be accessed at the following web address: https://hendersonville.maps.arcgis.com/apps/webappviewer/index.html?id=c24c59d42a204fbba49914d4500974f0

4. The City and Town agree that the SOIB represents the natural and logical boundary line between the Participating Municipalities, based on existing or projected patterns of municipal growth.

5. The Participating Municipalities agree that the SOIB excludes that parcel having a tax REID of 1014161, hereinafter "Parcel 1." Parcel 1 is split, with most of it being located within the City's extraterritorial jurisdiction ("ETJ"), and a small portion being included in the Town's ETJ (shown in blue on Exhibit 1). Notwithstanding a small portion of Parcel 1 being within the Town's ETJ, the Town agrees that the entirety of Parcel 1 lies outside of the SOIB. It is specifically understood and agreed that the portion of Parcel 1 within the Town's ETJ will remain in the Town's ETJ and subject to the Towns land development regulation as contained in Chapter 160D of the North Carolina General Statutes unless and until annexed by the City.

6. The Participating Municipalities agree that the SOIB includes those parcels listed on Exhibit 3 by their tax REID, Exhibit 3 being attached hereto and incorporated by reference, said parcels collectively hereinafter referred to as the "City ETJ Parcels." It is specifically understood and agreed that the City ETJ Parcels will remain within the City's ETJ and subject to the City's land development regulation as contained in Chapter 160D of the North Carolina General Statutes unless and until annexed into the Town's corporate limit.

7. Except as provided herein, the City shall not annex any area within the SOIB.

8. Except as provided herein, the Town shall not annex any area outside of the SOIB.

9. Each Participating Municipality shall provide notice of all annexation ordinances adopted to the other Participating Municipality in writing within a reasonable time after the ordinance's adoption. This notice shall describe with particularity the area to be annexed and shall contain a map of the proposed annexation clearly delineating the boundaries thereof. A copy of the adopted annexation ordinance shall suffice as notice, provided the ordinance complies with notice content requirements this paragraph. The Participating Municipalities specifically waive the 60-day advance notice period provided in N.C.G.S. § 160A-58.24(a)(5) for annexations.

10. Either Participating Municipality may adopt annexation ordinances prohibited by this Article IV, ANNEXATION AND SEWER SERVICE AGREEMENT, if such annexation is consented to by the other municipality in accordance with the following terms:

    a. The Participating Municipality proposing annexation that would otherwise be prohibited by the terms of this ANNEXATION AND SEWER SERVICE AGREEMENT, shall deliver

[1] The City of Hendersonville's GIS system will maintain an electronic copy of the map, prepared by importing the tax parcel boundary, REID and listing owner's information data from the Henderson County Assessor's GIS data current as of the effective date of this Agreement. The SOIB Description references the REID and listing owner's name imported from the County's GIS data.

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written notice by U.S. certified mail, return receipt requested, to the other municipality in care of the clerk of the receiving municipality. This notice shall describe with particularity the area to be annexed and shall contain a map of the proposed annexation clearly delineating the boundaries thereof and showing the roads, streams and other prominent geographical features.

b. No ordinance effecting an annexation otherwise prohibited by this ANNEXATION AND SEWER SERVICE AGREEMENT shall be adopted unless (1) at least 60 days have elapsed from the date of receipt of the notice by the receiving municipality; and (2) the receiving municipality has consented by Resolution, to the otherwise prohibited annexation.

c. The annexation ordinance proposed by the notifying municipality must be consented to by the receiving municipality and adopted by the notifying municipality within 180 days of receipt of the original notice by the receiving municipality, otherwise a new 60 day notice and new consent by Resolution from the receiving municipality shall be required.

11. This ANNEXATION AND SEWER SERVICE AGREEMENT shall not be valid until both the City and the Town have adopted an ordinance approving this ANNEXATION AND SEWER SERVICE AGREEMENT as required by the Act. The effective date of this ANNEXATION AND SEWER SERVICE AGREEMENT shall be the date of adoption of the approving ordinance by the latter of the City and Town to do so.

12. During the term of this ANNEXATION AND SEWER SERVICE AGREEMENT, the City shall not provide sewer services to any property(ies) lying within the SOIB that is(are) not also within the primary or satellite corporate limits of the Town unless the City receives a duly adopted Resolution of the Town Board of Commissioners waiving the limitations of this Paragraph 12 for said property(ies). During the term of this ANNEXATION AND SEWER SERVICE AGREEMENT, the provision of sewer service within the SOIB shall be considered a joint exercise of power as authorized by NCGS Chapter 160A, Article 20. For the purpose of clarity, nothing in this Agreement shall be deemed to obligate the City to provide sewer services to any property in the SOIB, whether said property is within the primary or satellite corporate limits of the Town. All properties provided sewer within the SOIB shall be and remain City customers, no payment shall be owed from the Town for the City to provide sewer services to those properties within the SOIB permitted to be served by this AGREEMENT, and the City shall be entitled to all fees and revenues collected from said properties within the SOIB Boundary receiving sewer service from the City. The Town shall defend, indemnify and hold harmless the City, and its elected officials, public officials, officers and employees, from any and all liabilities, suits, actions, claims, demands, damages, losses, expenses and costs of every kind and nature incurred, including but not limited reasonable attorneys' fees and costs, asserted or imposed against the City by reason of the City's performance of this Paragraph 12. The Town's obligation to indemnify and hold the City and its elected officials, public officials, officers and employees harmless under this Paragraph 12 shall survive any termination or expiration of this Agreement.

13. This ANNEXATION AND SEWER SERVICE AGREEMENT does not give annexation authority to either municipality except as provided by North Carolina law.

14. This ANNEXATION AND SEWER SERVICE AGREEMENT shall be effective and bind the City and the Town through the date that is five (5) years after the Effective Date of this ANNEXATION AND SEWER SERVICE AGREEMENT, as defined herein, after which the provisions of this ANNEXATION AND SEWER SERVICE AGREEMENT, shall expire unless the five-year term is extended by mutual agreement of the City and the Town. · Either the City or

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Town may request an extension of the five-year term by delivering a written request to the City/Town Manager of the other party at least 180 days before the expiration of the term. (Email shall not constitute a written request.) Any such written request shall be considered by the elected boards of both the City and Town in a duly advertised public meeting prior to the expiration of the term, however approval shall be at the discretion of each elected board. Approval by the City and the Town shall require an ordinance of both boards, adopted after duly advertised public hearings.

15. This ANNEXATION AND SEWER SERVICE AGREEMENT may be amended or terminated prior to its expiration by a subsequent agreement entered into by the Participating Municipalities and approved by ordinance by all Participating Municipalities after a duly advertised public hearing as required by the Act.

16. This Agreement may be executed in duplicate, each to have the force and effect of an original.

In witness whereof, the parties have set their hand and seal.

THE TOWN OF LAUREL PARK	THE CITY OF HENDERSONVILLE
BY:_____	BY:_____
Mayor	Mayor
Attest:	Attest:
_____	_____
Town Clerk	City Clerk
(Town Seal)	(City Seal)

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EXHIBIT 1

MAP OF THE LAUREL PARK SPHERE OF INFLUENCE BOUNDARY

An electronic version of the map for the Sphere of Influence Boundary for the Town of Laurel Park may be viewed at:
https://hendersonville.maps.arcgis.com/apps/webappviewer/index.html?id=c24c59d42a204fbba49914d4500974f0

A paper copy of this map, consisting of three pages, is also attached hereto as part of this Exhibit 1.

[ATTACH MAP, PP 1-3]

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EXHIBIT 2

METES AND BOUNDS DESCRIPTION OF THE

LAUREL PARK SPHERE OF INFLUENCE BOUNDARY

The following legal description is prepared using the electronic map of the Laurel Park Sphere of Influence Boundary maintained by the City of Hendersonville's GIS Department. This electronic map has imported REID and listing owner data and tax parcel boundaries from the tax maps and data of the Henderson County GIS current as of the effective date of this ANNEXATION AND SEWER SERVICE AGREEMENT. The following description follows these tax parcel boundaries (referred to as "tracts"), road right of way boundaries (referred to as "margins"), corporate boundaries and extraterritorial jurisdiction boundaries. If there is a conflict, the legal description below shall control.

Laurel Park Sphere of Influence Boundary Description:

BEGINNING at a point where the northern margin of Fifth Ave. West intersects with the western margin of Westbrook Rd., said point also being the southeast corner of that parcel having an REID of 9943503, being that parcel owned by Celeste C. Geagan, "Geagan tract" described in that deed recorded in Deed Book 1647 at page 702 of the Henderson County Registry (hereinafter "HCR"); and thence proceeding from said **POINT OF BEGINNING** in a slightly northwesterly direction along and with the western margin of Westbrook Rd. to a point at which the western margin of Westbrook Rd. intersects with the southern margin of Brevard Rd., and passing those tracts having the following REIDs lying along the western margin of Westbrook Rd. between Fifth Ave. West and the southern margin of Brevard Road: 9943503, 9943504, 9943505, crossing an unnamed right of way, thence passing those tracts having an REID of 106038, 102968, 102962, 9959272, 9959271, 109998, 106402, and 108144, crossing Dixie Lane, passing those tracts having the following REIDs: 103606 and 107367; and proceeding thence from the point at which the western margin of Westbrook Rd. intersects with the southern margin of Brevard Rd. and crossing Brevard Rd in a straight line to a point where the northern margin of Brevard Rd. intersects with the western boundary of Sheen Circle, said point also being the southeastern corner of that tract having an REID of 114694, being owned by Ashbrook Properties, LLC , described in that deed recorded in Deed Book 3738 at page 619 of the HCR, the "Ashbrook tract"; and proceeding thence along and with the western margin of Sheen Circle in a northwesterly direction to a point lying in the western margin of Sheen Circle, said point being also the southeastern corner of that tract having an REID of 9906483, owned by Marion S. Ward, described in that deed recorded in Deed Book 567 at page 123 of the HCR, the "Ward tract," passing those tracts lying on the western margin of Sheen Circle between the southeastern corner and the Ashbrook tract and the southeastern corner of the Ward tract having the following REIDs: 114694, 1011830, 1011829, 9907316, and 9907317; and thence leaving the western margin of Sheen Circle and proceeding along and with the southern boundary of the Ward tract in a westerly direction to the southwest corner of the Ward tract, said southwest corner being also the northwest corner of that tract having an REID of 9906479, being owned by Marion Sheen Ward, Trustee, described in that deed recorded in Deed Book 1341 at page 315 of the HCR; the "Ward Tte tract,"; said point also lying in a satellite annexation boundary for the Town of Laurel Park, and thence leaving the southwest corner of the Ward tract and proceeding along and with the western boundary of the Ward tract and said satellite annexation boundary in a northwesterly direction to the northwest corner of the Ward tract, said northwest corner being also the northeast corner of that tract having an REID of 9906116, owned by Little Fish Investments, LLC, described in that deed recorded in Deed Book 3512 at page 710 of the HCR, the "Little Fish tract, "; thence leaving the northwest corner of the Ward tract and proceeding along and with the northern boundary of the Little Fish tract and continuing along the said satellite annexation boundary in a westerly direction to a point at which said northern boundary of the Little Fist tract intersects with the southeasternmost corner of that tract having an REID of 110334, owned by Grady B. and Kathleen Merrell, described in that deed recorded in Deed Book 550 at page 261 of the HCR, the "Merrell tract,"; thence leaving the northern boundary of the Little Fish tract

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and leaving the said satellite annexation boundary and proceeding along and with the easternmost boundary of the Merrell tract in a northwesterly direction to the northeastern most corner of the Merrell tract, said corner also being the southeasternmost corner of that property having an REID of 117107, being owned by Erik Summey, as referenced in Henderson County Clerk of Superior Court estate file 19E236, the "Summey tract,"; thence leaving the Merrell tract and proceeding along and with the easternmost boundary of the Summey tract in a northwesterly direction to the northeastern most corner of the Summey tract, said corner also being the southeasternmost border of that property having an REID of 107826, owned by William M. and Laura J. Lancaster, described in that deed recorded in Deed Book 496 at page 610 of the HCR, the "Lancaster tract,"; thence leaving the Summey tract and proceeding along and with the easternmost boundary of the Lancaster tract in a northwestern direction to a point located in the northeastern most corner of the Lancaster tract, said point also being located in the easternmost corner of that tract having an REID of 105994, owned by Jon W. and Shirley A. Harrelson, described in Deed Book 549 at page 299 of the HCR, the "Harrelson tract, "; thence leaving the Lancaster tract and proceeding along and with the northeastern boundary of the Harrelson tract in a northwesterly direction to a point located in the northernmost corner of the Harrelson tract, said point also being located in the northeastern most corner of that tract having an REID of 110865, owned by Mark A. Miller, and described in Deed book 1620 at page 144 of the HCR, the "Miller tract,"; thence leaving the Harrelson tract and proceeding along and with the northernmost boundary of the Miller tract in a southwesterly direction to the northwesternmost corner of the Miller tract, said corner also being the northeastern most corner of the tract having an REID of 107173, owned by Shirley H. Coren, described in Deed Book 1666 at page 627 of the HCR, the "Coren tract,"; thence leaving the Miller tract and proceeding along and with the northernmost boundary of the Coren tract in a southwesterly direction to the northwesternmost corner of the Coren tract, said corner also being the northeastern most corner of that tract having an REID of 105330, owned by David and Cynthia Hardin, et al, described in Deed Book 1586 page 273 of the HCR, the "Hardin tract,"; thence leaving the Coren tract and proceeding along and with the northernmost boundary of the Hardin tract in a southwesterly direction to the northwesternmost corner of the Hardin track, said corner also being the northeastern most corner of that tract having an REID of 108438, owned by Jennifer A. and Alan W. Miller, described in Deed Book 3548 at page 578 of HCR, the "Miller2 tract"; thence leaving the Hardin tract and proceeding along and with the northernmost boundary of the Miller2 tract in a southwesterly direction to the northwesternmost corner of the Miller2 tract, said corner also being the northeastern corner of that tract having an REID of 109833, owned by Marie Jernigan, described in Deed Book 1532 at page 342 of the HCR, the "Jernigan tract"; thence leaving the Miller2 tract and proceeding along and with the northernmost boundary of the Jernigan tract in a southwesterly direction to a point at which the northernmost boundary of the Jernigan tract intersects with the primary corporate boundary of The Town of Laurel Park, hereinafter the "LP Boundary", said point being also the southeasternmost corner of that tract having an REID of 9958500, owned by Laurel Park Place Owner's Association, described in Deed Book 915 at page 172 of the HCR, the "LPP tract,"; thence leaving the northernmost boundary of the Jernigan tract and proceeding along and with the easternmost boundary of the LPP tract and LP Boundary in a northeasterly direction to the northeastern most corner of the LPP tract, said corner being also the southeasternmost corner of that tract having an REID of 9957914, owned by Laurel Park Place Owner's Association, described in Deed Book 915 at page 172 of the HCR, the "LPP2 tract,"; thence leaving the LPP tract and proceeding along and with the easternmost boundary of the LPP2 tract and the LP Boundary in a northeasterly direction to the easternmost corner of the LPP2 tract; and thence turning and proceeding along and with the northeastern most boundary of the LPP2 tract and LP Boundary in a northwesterly direction, passing two corners lying in the northeastern boundary of the LPP2 tract, to the northwesternmost corner of the LPP2 tract, said corner also being the northernmost corner of that tract having an REID of 1014868, owned by SMV Special Holdings, LLC, described in Deed Book 1560 at page 305 of the HCR, the "SMV tract," said corner being also the easternmost corner of that tract having an REID of 1014867, owned by SMV Special Holdings, LLC, described in Deed Book 1560 at Page 305, of the HCR, the "SMV2 Tract,"; thence leaving the

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northernmost boundary of the LPP2 Tract and leaving the LP Boundary, passing the northernmost corner of the SMV Tract, and proceeding thence along and with the northernmost boundary of the SMV2 Tract in a northwesterly direction to a point at which the northernmost boundary of the SMV2 Tract intersects with the southeasternmost corner of that tract having a REID of 9955385, owned by Joshua L. Reese at Deed Book 3735 at page 525 of the HCR, the "Reese Tract,"; thence leaving the northernmost boundary of the SMV2 Tract, and proceeding along and with the easternmost boundary of the Reese Tract in a northeasterly direction to a northeastern corner of the Reese Tract, said northeastern corner also being the southeastern corner of that tract having an REID of 9955386, owned by North Carolina RSA #4, Inc., described in Deed Book 898 at Page 515 of the HCR, the "NCRSA Tract,"; thence proceeding along and with the common boundary between the Reese Tract and the NCRSA Tract, in a slightly northwesterly direction to a common corner between the Reese Tract and the NCRSA Tract, said common corner also being the southwestern corner of the NCRSA Tract, and thence turning and proceeding in a northeasterly direction, along and with the common boundary between the Reese Tract and the NCRSA Tract, said common boundary being also the westernmost boundary of the NCRSA Tract, to a common corner between the Reese Tract and the NCRSA Tract, said common corner being also the northwestern most corner of the NCRSA Tract; thence leaving the NCRSA tract and proceeding along and with the northernmost boundary of the Reese Tract in a northwesterly direction to the northwesternmost corner of the Reese Tract, said corner also being the northeastern most corner of that tract having an REID of 1016560, owned by Hill Family Limited Partnership, and described in Deed Book 963 at Page 601 of the HCR, the "Hill Family Tract,"; thence turning and leaving the northernmost boundary of the Reese Tract and proceeding thence in a southwesterly direction along and with the westernmost boundary of the Reese Tract, said westernmost boundary also being the easternmost boundary of the Hill Family Tract, to a point in the common boundary between the Hill Family Tract and the Reese Tract, said point being the northeastern most corner of that tract having an REID of 1016561, owned by James C. and Carolyn M. Howell, described in Deed Book 1561 at Page 642 of the HCR, the "Howell Tract,"; thence leaving the common boundary between the Hill Family Tract and the Reese Tract and turning and proceeding in a northwesterly direction, along and with a common boundary of the Howell tract and the Hill tract, said common boundary being also the northeastern boundary of the Howell Tract, to the northwesternmost corner of the Howell Tract; and thence turning and proceeding in a southwesterly direction along and with a common boundary between the Howell tract and the Hill tract, said common boundary being also the northwesternmost boundary of the Howell Tract, to the westernmost corner of the Howell Tract, said westernmost corner also being the northernmost corner of that tract having an REID of 106491, owned by James C. and Carolyn M. Howell and described in Deed Book 453 at Page 111 of the HCR, the "Second Howell tract,"; thence leaving the Howell Tract and proceeding in a southwesterly direction along and with a common boundary between the Hill tract and the Second Howell tract, said common boundary being also the northwestern boundary of the Second Howell tract, to a point, said point being the westernmost corner of the Second Howell tract, said point also being the northeastern most boundary of that tract having an REID of 106495 being owned by Ryan T. and Ashley Howell described in Deed Book 1541 at page 56 of the HCR, "the RT Howell tract" ; and proceeding in a northwesterly direction along and with a common boundary of the Hill tract and the RT Howell tract to a point lying in said common boundary, said point being the easternmost corner of that tract having an REID of 1014728, owned by Michael A. and Brandy L. Shaw, described in Deed Book 3598 at page 181 of the HCR, the "Shaw tract,"; and thence leaving the RT Howell tract and proceeding in a northwesterly direction along the common boundary between the Shaw tract and the Hill tract to the northernmost corner of the Shaw tract; and thence leaving the common boundary of the Shaw tract and the Hill tract and proceeding along and with the northwestern boundary of the Shaw tract in a southwesterly direction to the westernmost corner of the Shaw tract, said westernmost corner also being located in the northwest margin of Old Quarry Rd., a 10-foot-wide road; and proceeding thence along and with the northwesternmost margin of Old Quarry Rd. in a southwesterly direction, including where said road widens to 20 feet in width, and passing those tracts having the following REIDs and lying along the western margin of Old Quarry Road: 108222, 112609,

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10004903, and 10004880, to a point in the northwestern boundary of that tract having an REID of 10007313 owned by DMH Builders, Inc. described in Deed Book 3724 at page 272 of the HCR, “the DMH tract,” said northwestern boundary being a common boundary with that tract having an REID of 10004880, owned by Darren Shane Norris described in Deed Book 709 at page 707 of the HCR, “the Norris tract”; thence proceeding in a southwesterly direction along and with the common boundary of the Norris tract and the DMH tract in a southwesterly direction to the westernmost corner of the DMH tract, said westernmost corner lying in the northeastern boundary of that tract having an REID of 10003514 owned by Oscar S. and Yvonne S. Wilson, described in Deed Book 930 at page 745 of the HCR, “the Wilson tract,” said westernmost corner being also a common corner with the Norris tract, and proceeding thence along and with the common boundary between the Wilson tract and the Norris tract in a northwesterly direction to the northernmost corner of the Wilson tract, said northernmost corner also lying in the common boundary of the Norris tract and the Wilson tract; thence turning and proceeding along and with a common boundary of the Wilson tract and Norris tract in a southwesterly direction to the southernmost corner of the Norris tract, said southernmost corner lying in the northwestern boundary of the Wilson tract; thence leaving the Norris tract and proceeding along and with said western boundary of the Wilson tract to a point at which it intersects with the northwestern margin of Pisgah Drive; and thence continuing in a southwesterly direction along and with the northwestern margin of Pisgah Drive to a point at which the northwestern margin of Pisgah Drive intersects with the northeast margin of Brevard Road, said point being also the southeastern most corner of that tract having an REID of 9906095 owned by The Church of Jesus Christ of Latter Day Saints described in Deed Book 539 at page 765 of the HCR, “Church tract”; thence proceeding in a northwesterly direction along and with the northeastern margin of Brevard Road to the point at which the northern margin of Brevard Road intersects with the western margin of Hawkins Creek Road, said point being also the easternmost corner of that tract having an REID of 104661, owned by Kenneth C. and Melissa T. Stewart, III, described in Deed Book 3367 at page 400 of the HCR, “the Stewart tract” and passing those tracts having the following REIDs lying along the northwestern and then northern margins of Brevard Road between Old Quarry Road and Hawkins Creek Road: 9906095 and10000872, then crossing North Hillside Road and passing 114311, 9933149, crossing Mergans Lane and passing 1001892, 110036, 1000478, 9956601, crossing an unnamed right of way and passing 115128, 116001, 111334, crossing Carolina Avenue and passing 1011461, crossing Dalton Clan Lane, and passing 9901569, crossing Miami Terrace and passing 113061, 9938369, crossing Hawthorne Drive and passing 9938377, 9956874, 9956869, 9956871, 9956867, and 10003887, crossing Heathcote Road and passing 10003888 and 9963724, crossing Hunters Lane and passing 9972299, and crossing Hawkins Creek Road to an point on the western margin of Hawkins Creek Road, said point being the easternmost corner of the Stewart tract; and thence crossing Brevard Road in a southeastern direction in a straight line to a point in the southern margin of Brevard Road, said point being the northwesternmost point of that tract having an REID of 113866, owned by WXZ SG Acquisition LLC, described in Deed Book 1375 at page 297 of the HCR, “the WXZ tract”, said point lying also in the LP Boundary, and proceeding thence from said point along and with the western boundary of the WXZ tract and the LP Boundary in a slightly southwestern direction to the point at which the western boundary of the WXZ tract and LP Boundary intersects with the northern margin Landia Drive; and proceeding thence along and with the LP Boundary to the centerline of Landia Drive; and thence turning and following the centerline of Landia Drive and LP Boundary in an easterly direction to a point at which said centerline and LP Boundary intersects with a western boundary of the WXZ tract, and thence turning and proceeding along and with said western boundary and the LP Boundary in a slightly southwesterly direction, passing two corners in said western boundary to a point at which said western boundary and LP Boundary intersects with the northern margin of Davis Mountain Road, said point being also the southernmost corner of the WXZ tract; and thence leaving the WXZ tract and proceeding along and with the northern margin of Davis Mountain Road and LP Boundary in a westerly direction to a point at which the LP Boundary stops, and thence leaving the LP Boundary and continuing along and with the northern margin of Davis Mountain Road as it meanders to a point, said point being the westernmost corner of that tract having an REID of 9968122 owned by

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Charles T. Breckheimer and Sandra J. Schorr described in Deed Book 1449 at page 490 of the HCR, the "Breckheimer tract"; said point being also located in the eastern margin of Birchwood Views Drive, and passing the following REIDs lying between the southernmost corner of the WXZ tract and Birchwood Views Drive: 9945839, crossing Crescent Point Drive, passing 103740, 9975260, crossing Stonegate Lane, passing 9942892, 9969934, 9926078, 9901531, 9959277, 9961712, 9933479, 9907166, 104052, 9936900, 9966302, crossing Winter View Trail, passing 9906205, 115454, 9935583, 9935584, 9936176, 9936177, 9907304, and 9907302, 9968122; and proceeding thence from said westernmost corner of the Breckheimer tract, and eastern margin of Birchwood Views Drive, across Birchwood Views Drive in a northwesterly direction in a straight line to a point in the western margin of Birchwood Views Drive, said point being the southernmost corner of that property having an REID of 1003846 owned by Christopher P. and Crystal Gardner, described in that deed recorded in Deed Book 3499 at page 598 of the HCR, the "Gardner tract"; and thence leaving the Gardner tract and proceeding from said southernmost corner of the Gardner Tract across Davis Mountain Road in a southwesterly direction in a straight line to a point in the southern margin of Davis Mountain Road, said point being the northernmost corner of that property having an REID of 9961875 owned by Todd Banks, and described in that Deed recorded in Deed Book 1309 at page 422, the "Banks tract"; and proceeding along and with the southern boundary of Davis Mountain Road to a point, said point being the northwesternmost corner of that property having an REID of 1006842 owned by Leonard A. and Hannah R. Denardo, described in Deed Book 3400 at page 693 of the HCR, the "Denardo tract"; and thence following the western boundary of the Denardo tract in a southerly direction, said western boundary being also the eastern margin of Davis Mountain Road, to the southwestern corner of the Denardo tract; and thence proceeding along and with said eastern boundary of Davis Mountain Road as it meanders in a southwesterly direction, passing those tracts having the following REIDs lying along the eastern margin of Davis Mountain Road: 1006842, 1006843, 10005960, 10005961, and 102495 to a point, said point being the southwestern most corner of that tract having an REID of 102495 owned by Oscar C. Buckner, Trustee as described in Deed Book 989 at page 577 of the HCR, the "Buckner tract," said point being also the northwesternmost corner of that property having an REID of 400295 owned by Stuart Van Meter, the "Van Meter tract," described in Deed Book 750 at page 339 of HCR, said northwesternmost corner of the Van Meter tract also being within the boundary of the Town of Laurel Park extraterritorial jurisdiction boundary, hereinafter the "LP ETJ Boundary"; and thence proceeding along and with the eastern margin of Davis Mountain Road and LP ETJ Boundary as said eastern margin of Davis Mountain Road and LP ETJ Boundary meander generally in a southwesterly, then northwesterly, then southwesterly, then southeasterly direction to a point at which said eastern margin of Davis Mountain Road and LP ETJ Boundary intersect with the northern margin of Hebron Road, said intersection point being the westernmost corner of that tract having an REID of 9964360 owned by Laurel Oaks Property Owners Association, Inc described in Deed Book 1440 at page 657 of the HCR, " Laurel Oaks tract," passing those tracts having the following REIDs lying along the eastern margin of Davis Mountain Road between the northwesternmost corner of the Van Meter tract and northern margin of Hebron Road: 400295, 9960453, 9960454, 400362, 400237, 1007161, crossing Clays Cove Road, passing 1007160, 1017532, 9964343, crossing Tudor Lane and passing 9964360 to said westernmost corner of the Laurel Oaks tract, said westernmost corner being also the point at which the eastern margin of Davis Mountain Road and LP ETJ Boundary intersect with the northern margin of Hebron Road; and thence turning and continuing along and with the northern margin of Hebron Road in an easterly direction, said northern margin of Hebron Road following generally the LP ETJ Boundary, to a point in said northern margin of Hebron Road, said point being the southwestern corner of that tract having an REID of 9966557 owned by A&T Land Development, LLC described in Deed Book 3715 at page 341 of the HCR, the "A&T tract," said point also lying in the common boundary between the LP ETJ boundary and the LP Boundary; and thence continuing along and with the northern margin of Hebron Road and LP Boundary to a point in the northern margin of Hebron Road, said point being the southeasternmost corner of that property having an REID of 10004595 owned by John D. and Mona T. Hook as described in Deed Book 3426 at page 334 of the HCR, the "Hook tract," said southeastern corner also being the point at

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which the LP Boundary leaves the northern margin of Hebron Road; and thence leaving the LP Boundary and proceeding along and with the northern margin of Hebron Road, said northern margin being a part of the LP ETJ boundary, and proceeding thence along and with the northern margin of Hebron Road and LP ETJ boundary in a southeasterly direction to a point at which the LP ETJ boundary leaves the northern margin of Hebron Road, said point being the southernmost corner of that property having an REID of 4000869 owned by Tiffany R. Rhodes and Corina F. Whittaker described in Deed Book 1659 at page 427 of the HCR, "the Rhodes tract," said point also lying on the LP Boundary; and thence proceeding along and with the northern margin of Hebron Road and LP Boundary to a point, said point being the southeasternmost corner of that tract having an REID of 10004594 owned by Larry R. and Cathy L. Doebler as described in Deed Book 1666 at page 257 of the HCR, the "Doebler tract," said southeasternmost corner also being the point at which the LP Boundary leaves the northern margin of Hebron Road, said southeasternmost corner also lying on the LP ETJ boundary; and thence leaving the LP Boundary and continuing along and with the LP ETJ boundary, and northern margin of Hebron Road, in a southeasterly direction to a point at which the northern margin of Hebron Road intersects with the LP Boundary and the LP ETJ leaves the northern margin of Hebron Road, said point being also the southwestern most corner of that property having an REID of 1012271 owned by Somersby Park Homeowners Association, Inc. described in Deed Book 1447 at page 51 of the HCR, "Somersby tract"; and thence proceeding along and with the northern margin of Hebron Road, said northern margin being also a part of the LP Boundary, to the southeasternmost corner of the Somersby tract, said southeasternmost corner lying within the LP ETJ boundary and being the point at which the LP Boundary leaves the northern margin of Hebron Road; and thence leaving the southeasternmost corner of the Somersby tract and proceeding along and with the northern margin of Hebron Road to a point, said point being the easternmost corner of that tract having an REID of 9907404, owned by Jones Gap Baptist Church described in Deed Book 90 at page 218 of the HCR, "Jones Gap tract," said corner being also the point at which the LP ETJ boundary leaves the northern margin of Hebron Road, and passing those tracts having the following REIDs lying along the northern margin of Hebron Road between the Somersby tract and the easternmost corner of the Jones Gap tract: 9974781, 9974782, 9974783, 9950261, 9940407, 9940406, 9907404; and thence proceeding from the easternmost corner of the Jones Gap tract and crossing Hebron Road in a straight line in a southwestern direction to a point lying within the southern margin of Hebron Road, said point being the point at which the southern margin of Hebron Road intersects with the northern margin of Finley Cove Road; and proceeding thence along and with the northern margin of Finley Cove Road to a point at which said northern margin intersects the LP Boundary, said point being also the southeasternmost corner of that tract having an REID of 105721 owned by Brian M. and Katherine M. Dugdale, described in Deed Book 1591 at page 126 of the HCR, "Dugdale tract," and passing those tracts having the following REIDs lying along the northern margin of Finley Cove Road between the point at which the northern margin of Finley Cove Road intersects with the southern margin of Hebron Road and the southeast corner of the Dugdale tract: 9965562, 1004191, 102956, 111471, 104897, crossing Finlay Ridge Road, and passing 112076, 1000686, 1013985, 10007460, 10007461, 9969117, 9949303, 9942884, crossing Viewcrest Drive and passing 105721; and proceeding thence from the southeasternmost corner of the Dugdale tract, along and with the northern margin of Finley Cove Road in a southeasterly direction, said northern margin being also a part of the LP Boundary, to a point at which the LP Boundary leaves the northern margin of Finley Cove Road, said point being also the southeastern corner of that tract having an REID of 9935485 owned by John D. and Pamela T. Blaine, described in Deed Book 1518 at page 321 of the HCR, "the Blaine tract"; and passing those tracts having the following REIDs lying along the northern margin of Finley Cove Road between the southeastern corner of the Dugdale tract and the southeastern corner of the Blaine tract: 109307, 9949249, 112424, crossing Timbercreek Road and passing 9937983, 9927868, 9937980, 9935485; and thence continuing from the southeastern corner of the Blaine Tract along and with the northern margin of Finley Cove Road in a southeasterly direction and thence in a northeasterly direction to a point at which the northern margin of Finley Cove Road intersects with the northern margin of Finley Street, said point being also the easternmost corner of that tract having an REID of 9959191 owned by Paul E. and Catherine M. Zell

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described in Deed Book 3134 at page 215 of the HCR, the "Zell tract," passing those tracts having the following REIDs lying along the northern margin of Finley Cove Road between the southeast corner of the Blaine tract and the easternmost corner of the Zell tract: 100447, 105630, 103097, 9946275 crossing Crestwood Road and passing 9955110, 9960689, 9945454, 9959195, crossing Tall Pines Road and passing 9959193, 9959192, 9959191; and thence leaving the easternmost corner of the Zell tract and crossing Finley Street in a southeasterly direction in a straight line to a point in the northern margin of Finley Cove Road, said point being also the westernmost corner of that property having an REID of 9962786 owned by Thurman W. and Bernadette C. Gant-Jones,Trustees, described in Deed Book 3324 at page 576 of the HCR, "Jones tract"; and proceeding thence from said westernmost corner of the Jones tract along and with the northern margin of Finley Cove Road to a point at which the northern margin of Finley Cove Road intersects with the northern margin of Willow Road; and proceeding thence along and with the northern margin of Willow Road to a point along the northern margin of Willow Road, said point being the southwesternmost corner of that tract having an REID of 10004406 owned by Donna F. Blythe described in Deed Book 3342 at page 42 of the HCR, "Blythe tract," said southwesternmost corner lying on the LP ETJ Boundary, and passing those tracts having the following REIDs lying along the northern margin of Finley Cove Road and Willow Road between the westernmost corner of the Jones tract and the southwesternmost corner of the Blythe tract: 9962786, 9962785, 104984, 10004405; and thence leaving the southwestern corner of the Blythe tract and continuing along and with the northern margin of Willow Road, said northern margin being also a part of the LP ETJ boundary, in a northeasterly direction to a point at which the northern margin of Willow Road intersects with the LP Boundary, said point being also the point at which the LP ETJ Boundary leaves the northern margin of Willow Road, said point also being the easternmost corner of that tract having an REID 9906828, owned by Marion F. and Elizabeth B. Toms described in Deed Book 731 at page 7 of the HCR, "Toms tract," and passing those tracts having the following REIDs lying between the southwest corner of the Blythe tract and the easternmost corner of the Toms tract: 10004406, 10004405, 9959379, 9957325, crossing Fairway Drive and passing 101085,107022,115893,106202,107838,111098,111003,110049,113056, crossing Moore Street and passing 9942419,114059,110402, crossing Country Club Road and passing 9906828; and thence continuing from the easternmost corner of the Toms tract along and with the northern margin of Willow Road, said northern margin also being a part of the LP Boundary, to a point at which the LP Boundary leaves the northern margin of Willow Road, said point also being the southwestern corner of that tract having an REID of 9938921 owned by Hendersonville Country Club described in Deed Book 738 at page 735 of the HCR, "HCC tract"; and thence proceeding from the southwestern corner of the HCC tract and continuing along and with the northern margin of Willow Road to a point at which the northern margin intersects with a satellite annexation boundary for the Town of Laurel Park, said point being also the southwest corner of that property having an REID of 100218 owned by Valley Hill Volunteer Fire Department, Inc, described in Deed Book 712 at page 673 of the HCR, "Valley Hill tract," and passing the those tracts having the following REIDs lying along the northern margin of Willow Road between the southwest corner of the HCC tract and the southwestern corner of the Valley Hill tract: 9938921, crossing an unnamed right of way, 106262, 107568,and crossing Stepp Avenue to a point, said point being also the southwestern corner of the Valley Hill tract; and thence proceeding from the southwestern corner of the Valley tract and continuing along and with the northern margin of Willow Road in a northeasterly direction, said northern margin being a part of the satellite annexation boundary, and said northern margin being also the southern boundary of the Valley Hill tract, to the southeastern corner of the Valley Hill tract; and thence leaving the northern margin of Willow Road and proceeding in a northerly direction along and with the eastern boundary of the Valley Hill tract, said eastern boundary being also a boundary of the satellite annexation boundary, and proceeding thence in a westerly direction along and with the northern boundary of the Valley Hill tract, said northern boundary being also part of the satellite annexation boundary, to a point in the eastern margin of Stepp Avenue; and thence leaving the Valley Hill tract and the satellite annexation boundary and crossing Stepp Avenue in a westerly direction to a point lying in the western margin of Stepp Avenue, said point lying in said western margin being also the

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southeastern corner of that tract having an REID of 10006076 owned by Jon B. and Kayla E. Brezillac, described in Deed Book 3574 at page 167 of the HCR, “Brezillac tract”; and proceeding thence along and with the western margin of Stepp Avenue in a slightly northeastern direction to a point at which the western margin of Stepp Avenue intersects with the southern margin of Hebron Road, passing those tracts having the following REIDs lying along the western margin of Stepp Avenue between said southeastern corner of the Brezillac tract and said point at which the western margin intersects with the southern margin of Hebron: 10006076, 9921656, 107653, 111441, 9942421, crossing Echo Avenue and passing 114866, 115120, 115175, 9934069, reaching the point at which the western margin of said avenue intersects with the southern margin of Hebron Road, said point being also the northeast corner of that property having an REID of 9934069 owned by Golf View Homeowners Association described in Deed Book 629 at page 329 of the HCR, “the Golf View tract”; and thence proceeding from the northeast corner of the Golf View tract along and with the southern margin of Hebron Road in a northwesterly direction, said southern margin being also the northern boundary of the Golf View tract, to a point at which said southern margin intersects with the LP Boundary, said point being also the northwest corner of the Golf View tract; and thence continuing along and with the southern margin of Hebron Road in a northwesterly direction, said margin also being a part of the LP Boundary, to a point located in the southern margin of Hebron Road, said point in the southern margin of Hebron Road being also the easternmost corner of that tract having an REID of 101375 owned by Hendersonville Country Club, Inc., described in Deed Book 941 at page 619 of the HCR, “the HCC2 tract”; and thence leaving the LP Boundary and proceeding in a straight line from said easternmost corner of the HCC2 tract across Hebron Road in a northwesterly direction to a point located in the northern margin of Hebron Road, said point being the southeastern corner of that tract having an REID of 101422 owned by Steven J. Moore described in Deed Book 1583 at page 576 of the HCR, “the Steven Moore tract”; and proceeding thence along and with the eastern boundary of the Steven Moore tract in a slightly northeastern direction to the northeastern corner of the Steven Moore tract, said corner being also the southernmost corner of that tract having an REID of 9921660 owned by GB Property Management, LP, described in Deed Book 1046 at page 503 of the HCR, “the GB tract”; and thence leaving the Steven Moore tract and proceeding along and with the eastern boundary of the GB tract in a northeasterly direction to the northeastern corner of the GB tract, said corner being also the southeast corner of that tract having an REID of 9926400 owned by GB Property Management, LP, and described in Deed Book 1046 at page 503 of the HCR, “the GB2 tract”; and leaving the GB tract and proceeding along and with the eastern boundary of the GB2 tract in a northeasterly direction to the northeastern corner of the GB2 tract, said corner being also the southeastern corner of that tract having an REID of 9926401 owned by GB Property Management, LP described in Deed Book 1207 at page 383 of the HCR, “the GB3 tract”; and thence leaving the GB2 tract and proceeding along and with the easterly boundary of the GB3 tract to the northeastern corner of the GB3 tract, said corner being also the southernmost corner of that tract having an REID of 9926279 owned by Julia Congdon described in Deed Book 3258 at page 466 of the HCR, the “the Congdon tract”; and thence leaving the GB3 tract and proceeding in a northeasterly direction along and with the eastern boundary of the Congdon tract to a point at which said eastern boundary intersects with the eastern margin of Leatherwood Lane, said point of intersection being also the northernmost corner of the Congdon Tract, said point of intersection also lying on the western boundary of that tract having an REID of 9964017 owned by Stephen F. and Dawn P. Robertson described in Deed Book 3471 at page 629 of the HCR, “Robertson tract”; and thence leaving the Congdon Tract and proceeding along and with said western boundary of Robertson tract and eastern margin of Leatherwood Lane to the northwesternmost corner of the Robertson tract; and thence leaving the eastern margin of Leatherwood Lane and proceeding along and with the northern boundary of the Robertson tract in a slightly southeasterly direction to a corner of the Robertson tract, said corner being also the southeastern corner of that tract having an REID of 109117 owned by GB Property Management, LP described in Deed Book 1046 at page 503 of the HCR, “GB4 tract,” said corner lying also on the corporate boundary for the City of Hendersonville, hereinafter the “COH boundary,”; and thence continuing along and with the eastern margin of the GB4 tract and COH boundary in a northeasterly direction to the northeastern most corner

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of the GB4 tract; and thence turning and proceeding in a northwesterly direction along and with a northern boundary of the GB4 tract and COH boundary to a corner in the GB4 tract; and thence turning and proceeding in a northeasterly direction along and with the GB4 boundary and COH boundary to a northeastern corner of the GB4 tract and thence turning and proceeding along and with a northern boundary of the GB4 tract and COH boundary in a northwesterly direction to a point at which the said northern boundary of the GB4 tract and COH boundary intersects with the eastern margin of Reservoir Drive; and thence leaving the GB4 tract and proceeding along and with the eastern margin of Reservoir Drive and COH boundary to a point at which said eastern margin and COH boundary intersects with the eastern margin of Overlook View Drive, passing those tracts having the following REIDs lying along the eastern margin of Reservoir Drive between the point at which the northern boundary of the GB4 tract meets the eastern margin of Reservoir Drive and the point at which the eastern margin of Reservoir Drive intersects with the eastern margin of Overlook View Drive: 9906006, 9975521, 101316, 110421, 102119, 105824, 104012, and crossing Armstrong Avenue to said point at which the eastern margin of Reservoir Drive intersects with the eastern margin of Overlook View Drive, said point being the southwestern corner of that tract having an REID of 102589 owned by Stephen B. Rhode described in Deed Book 1657 at page 330, “Rhode tract”; and proceeding thence from the southwestern corner of the Rhode tract and proceeding along and with the western boundary of the Rhode tract in a northwesterly direction to the northwest corner of the Rhode tract, said western boundary of the Rhode tract being also the eastern margin of Overlook View Drive and a part of the COH boundary; thence leaving the northwest corner of the Rhode tract and continuing along and with said eastern margin of Overlook View Drive and COH Boundary in a northwesterly direction to a point in the northern margin of Overlook View Drive, said point being the easternmost corner of that property having an REID of 10005702 owned by Charles R. Wilkinson and Sheila M. Hoffmann-Robertson described in Deed Book 3029 at page 37 of the HCR, the “Wilkinson tract”; and thence continuing along and with the northeastern boundary of the Wilkinson tract and COH Boundary in a northwesterly direction to the northernmost corner of the Wilkinson tract; and thence turning and proceeding in a southwesterly direction along and with the northwestern boundary of the Wilkinson tract and the COH Boundary to the westernmost corner of the Wilkinson tract, said corner being also the southernmost corner of that tract having an REID of 10002917 owned by Jamin C. and Amy E. Kilpatrick, described in Deed Book 3422 at page 492 of the HCR, the “Kilpatrick tract” and thence leaving the Wilkinson tract and proceeding in a northwestern direction along and with the southwestern boundary of the Kilpatrick tract and COH Boundary to a point, said point being the northernmost corner of that tract having an REID of 9968843, owned by Laura K. Husak, described in Book 3727 at Page 19, HCR, “the Husak tract,”; and thence leaving the Husak tract and Kilpatrick tract and continuing along and with the COH Boundary in a northwesterly direction, crossing an unnamed right of, way to a point at which the COH Boundary intersects with the northwestern margin of the unnamed right of way; and thence turning and proceeding in a northeasterly direction along and with the northwestern margin of the unnamed right of way and COH Boundary to a point at which the northwestern margin of the unnamed right of way and COH Boundary intersects with the westernmost corner of the Kilpatrick tract; and thence proceeding along and with the northwestern boundary of the Kilpatrick and COH Boundary in a northeasterly direction to a point at which they intersect with the easternmost corner of that tract having an REID of 106096 owned by Jonathan M. and Laura A. Blanchard described in Deed Book 3521 at page 22 of the HCR, “Blanchard tract”; said corner being also the southernmost corner of that tract having an REID of 10002918 owned by Kendra W. Henry described in Deed Book 3720 at page 587 of the HCR, “Henry tract”; and thence turning and proceeding in a northwesterly direction along and with the southwestern boundary of the Henry tract and COH Boundary to a point at which they intersect with the southern margin of Laurel Spring Lane; and thence continuing in a northwesterly direction along and with the southern margin of Laurel Spring Lane and the COH Boundary to a point in the western margin of Jordan Street, said point lying also in the southeastern boundary of that tract having an REID of 9907387 owned by John and Jennifer Ross described in Deed Book 3164 at page 141 of the HCR, “Ross tract”; and thence turning and proceeding in a southwesterly direction along and with the southeastern boundary of the Ross tract,

- DRAFT -

northwestern margin of Jordan Street, and COH Boundary to the southernmost corner of the Ross tract; and thence turning and proceeding generally in a northwesterly direction along and with the southwestern boundary of the Ross tract and COH Boundary to the northwestern corner of the Ross tract, passing four corners of the western boundary of the Ross tract to said northwestern corner, said northwestern corner of the Ross Tract lying also on the LP Boundary, and thence continuing along and with the common boundary of the Ross tract, the LP Boundary and COH Boundary in an easterly direction to a corner of the Ross tract, said corner being the southeastermost corner of that tract having an REID of 9906250 owned by Lakemoor Village Corp described in Deed Book 512 at page 211 of the HCR, "Lakemoor tract"; and thence proceeding from the southeasternmost corner of the Lakemoor tract along and with the northwestern boundary of the Ross tract, southeastern boundary of the Lakemoor tract, and LP Boundary in a northeasterly direction to the northernmost point of the Ross tract, said northernmost point being also the northwesternmost corner of that property having an REID of 109104 owned by Mary E. White described in Deed Book 1521 at page 97 of the HCR, "White tract"; and thence leaving the Ross tract and continuing in a northeasterly direction, along and with the common boundary of the White tract, the LP Boundary and COH Boundary to the northernmost corner of the White tract, said corner being also the westernmost corner of that property having an REID of 1006137 owned by The Cloisters of Hendersonville HOA, Inc. described at Deed Book 1208 at page 633 of the HCR, "Cloisters" tract"; and thence leaving the White property and proceeding in a northeasterly direction along and with the common boundary of the Cloisters tract, LP Boundary and COH Boundary to a point, said point being the easternmost corner of that tract having an REID of 9906166 owned by Lakemoor Village Homeowners Association described in Deed Book 604 at page 403 of the HCR, "Lakemoor HOA tract"; and thence turning and leaving the COH Boundary and continuing in a northwesterly direction along and with the northeastern boundary of the Lakemoor HOA tract and LP Boundary to a point, said point being the westernmost corner of that tract having an REID of 9945505 owned by Raymond P. and Linda H. English described in Deed Book 1406 at page 557 of the HCR, "English tract"; and thence turning and proceeding in an easterly direction along the northernmost boundary of the English tract and LP Boundary to the slightly northernmost corner of the English tract, said corner being also the southwestern most corner of that tract having an REID of 10007618, listed to Ecusta Rails2Trail, LLC, described in Deed Book 3764 at page 590 of the HCR, "Ecusta 1 Tract"; and thence leaving the English tract and continuing along and with the southernmost boundary of the Ecusta 1 Tract and the LP Boundary in an easterly direction to a point at which the LP Boundary and Ecusta 1 Tract boundary intersects with the COH Boundary, said point also lying in a boundary of that tract having an REID of 10007579, listed to Ecusta Rails2trail, LLC, described in Deed Book 3764 at page 590 of the HCR, the "Ecusta 2 Tract"; and thence proceeding in a northeasterly direction along and with the common Ecusta 1 Tract Boundary, Ecusta 2 tract boundary, LP Boundary and COH Boundary in a northeasterly direction to a point at which the LP Boundary and COH Boundary stop, said point also being a common corner of the LP Boundary and COH Boundary, and thence leaving the COH Boundary and LP Boundary and continuing in a northeasterly direction along and with the southeastern boundary of the Ecusta 1 Tract, being in common with the Ecusta 2 tract boundary, to a point, said point being the easternmost corner of the Ecusta 1 Tract, said point also being a corner of the Ecusta2 tract, and said point also lying within the COH Boundary; and thence turning and proceeding in a northwesterly direction along and with the northeastern boundary of the Ecusta 1 Tract, a southwestern boundary of Ecusta 2 tract and COH Boundary to a point, said point being the westernmost point of the Ecusta 2 tract; said point being also the southernmost corner of that tract having an REID of 10007617 listed to Ecusta Rails2trail, LLC, described in Deed Book 3764 at page 590 of the HCR, the "Ecusta 3 tract"; and thence leaving the Ecusta 2 tract and continuing in a northwesterly direction along the common COH Boundary, northeastern Ecusta 1 tract boundary and southwestern Ecusta 3 tract boundary to a point at which the COH boundary stops; and thence leaving the Ecusta 2 tract boundary and Ecusta 3 tract boundary and proceeding in a northeasterly direction along and with the COH Boundary to a point at which the COH Boundary intersects with the northern margin of Fifth Avenue West; and thence proceeding along and with COH boundary and northern margin of Fifth Avenue West in a northeasterly direction, passing the following tracts

- DRAFT -

lying along the northeast margin of Fifth Avenue West: that tract having a PIN of 9568170888, crossing Broadway Street and passing those tracts having an REID of 9943509 and 9943503 to the point and place of BEGINNING, said point and place of beginning being the southeastern corner of the Geagan tract.

- DRAFT -

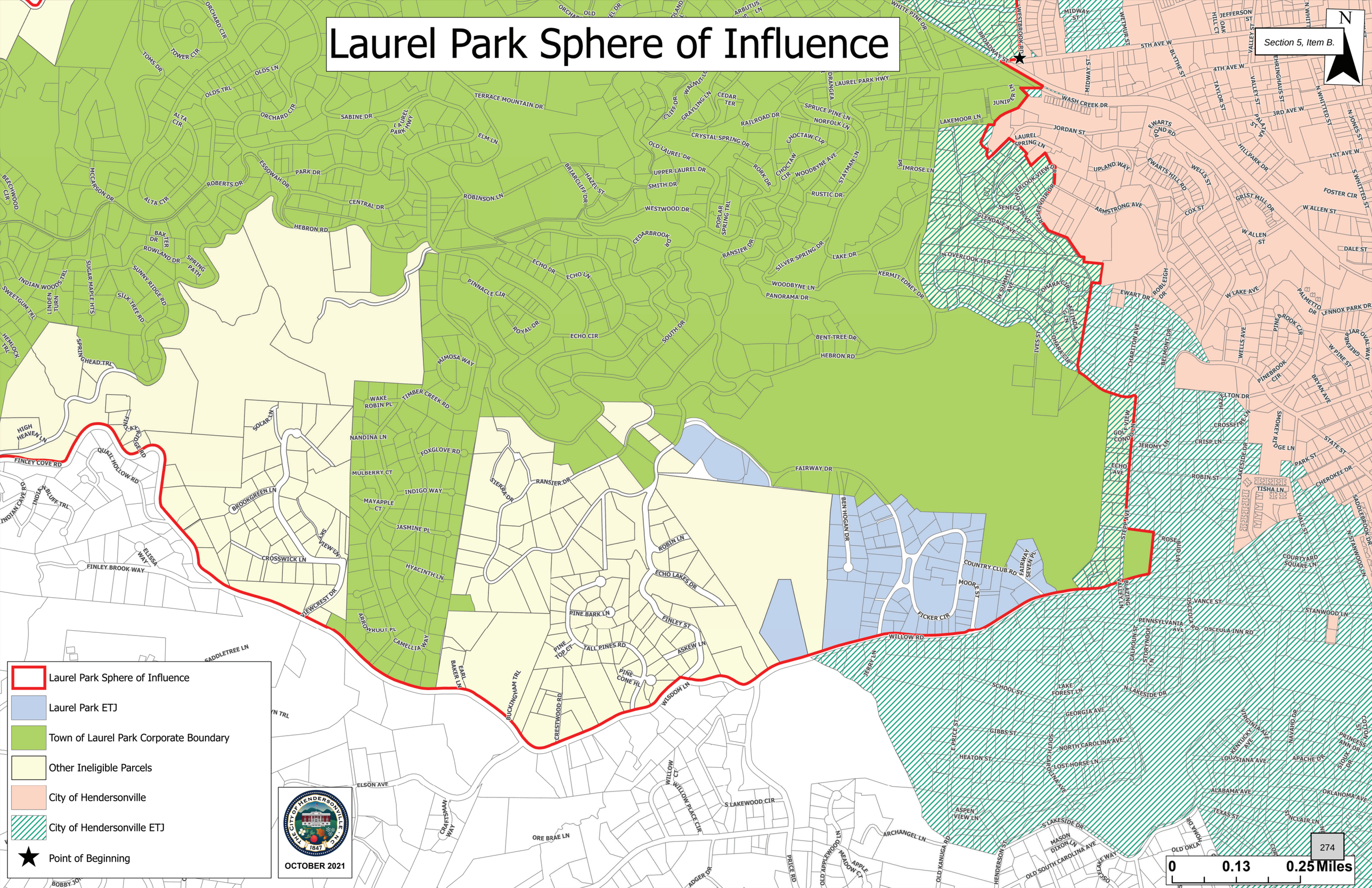
EXHIBIT 3

SPHERE OF INFLUENCE PARCELS IN THE CITY OF HENDERSONVILLE'S ETJ

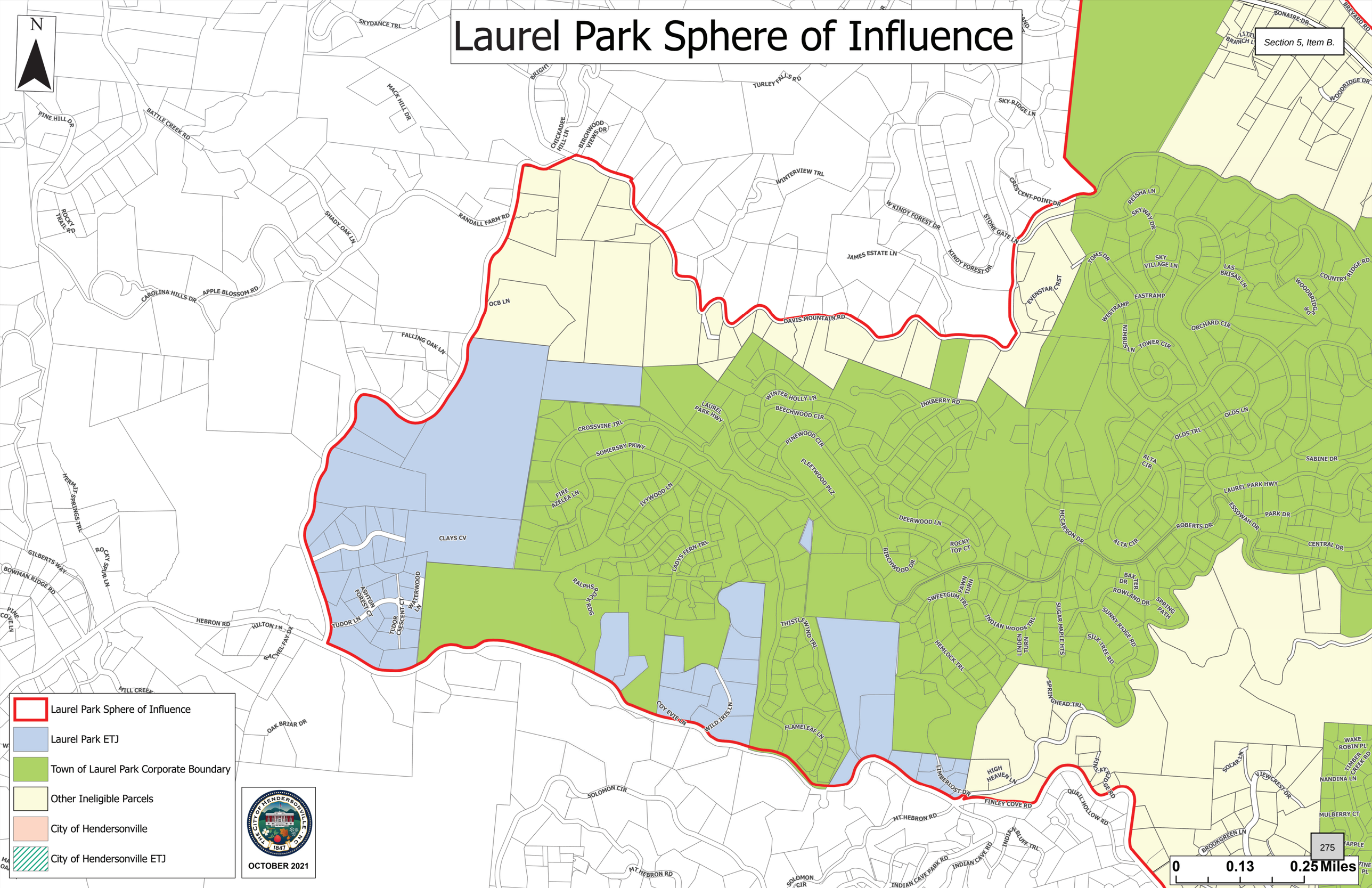
The following parcels (listed by their tax REIDs) which are within the Town of Laurel Park's Sphere of Influence Boundary will remain in the City of Hendersonville's Extraterritorial Zoning Jurisdiction. (Note: In addition to the parcels listed below, a sliver of REID 100003087 is also within the SOIB and the City's ETJ)

									109833
9938921	106894	112200	111407	1017871	102282	9959272	9942426	9970595	108438
106262	116377	104162	113997	106096	105131	9959271	115021	114644	105330
9938922	9921660	111620	115532	113980	115017	109998	10000096	103606	107173
9938920	9926400	110841	9901148	100742	9967849	106402	9967851	101950	110865
110616	107986	112595	9901147	109968	9972049	105065	108329	114491	105994
107568	9926401	103987	9949742	9903901	9943503	105062	109165	9942427	107826
110608	9926279	107132	115361	111072	9943509	115982	111450	9942428	117107
110224	103458	114677	9907388	9906005	9943508	100025	112667	110323	110334
1011254	103131	116089	9906167	9974405	9943504	105908	114841	107367	111230
10006076	114581	117055	9906004	109939	9943505	109958	9945862	114694	112767
9921656	101184	104763	106691	104774	9949866	109997	9945863	1011829	114054
107653	111294	101948	1012549	108383	9904397	108005	104309	1011830	106527
111441	115698	101947	1012548	9960958	104120	105228	104192	9907316	100021
114864	109116	105069	105125	9960957	101938	114688	9906113	9907317	116055
9942423	9906122	105290	108269	9965557	109083	114780	100019	9906479	106007
9942421	105772	1006488	113257	10005702	109819	101160	111870	108957	111928
114859	101183	101532	117079	9968843	100475	110189	106544	114372	107984
114866	109763	101120	112330	10004615	108336	9935766	111823	110607	100075
115120	101380	106788	111044	10004576	101598	9935765	103643	100509	111070
115177	109117	112126	108784	111825	107906	112835	101278	110771	116331
115175	106762	116419	113190	1018450	113852	104923	101034	113987	112489
9934069	115381	106257	112340	1018449	104098	116295	116205	110386	106173
101422	115904	113175	10005358	1018448	106038	108716	115877	107508	102952
103421	113458	102538	112885	9906003	102968	100370	9970596	108719	106441
9921659	117103	107494	112879	113666	102962	105851	108144	107399	116327

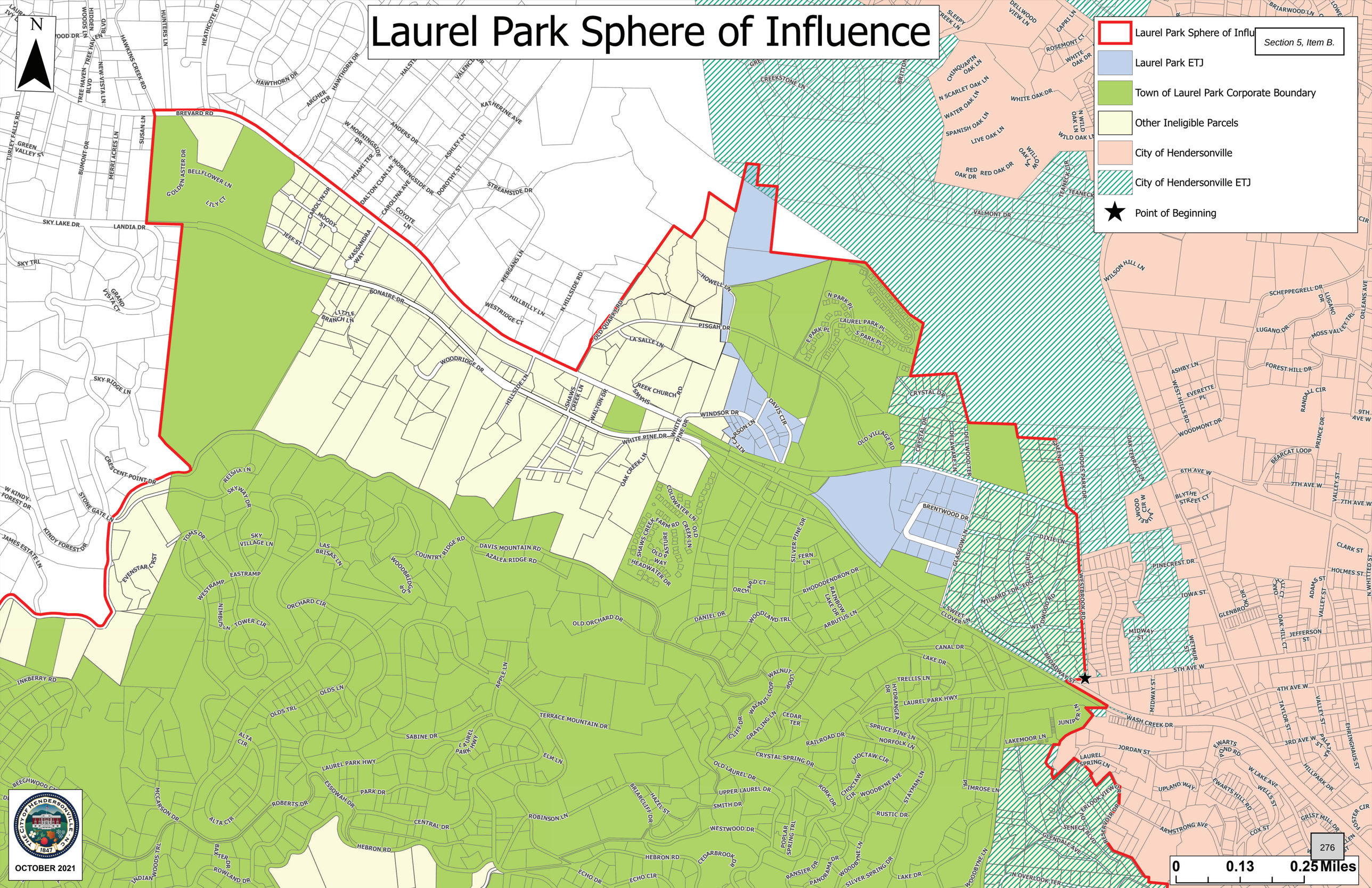
Laurel Park Sphere of Influence



Laurel Park Sphere of Influence



Laurel Park Sphere of Influence



NOTICE

City of Hendersonville 160 Sixth Avenue East Hendersonville, NC 28792

CITY COUNCIL

CITY OF HENDERSONVILLE

SPECIAL CALL MEETING

Monday, November 22, 2021, at 4:00 p.m.

The City of Hendersonville City Council will hold a Special Call Meeting on **Monday, November 22, 2021, at 4:00 p.m**. in the Assembly Room of the City Operations Building located at 305 Williams St. Hendersonville, NC. The second monthly meeting scheduled for November 24, 2021 has been CANCELED.

The purpose of this meeting is to consider the following:

1. **Public Hearing – Laurel Park Sphere of Influence Boundary Annexation Agreement** – *John Connet, City Manager*

2. **Prioritization of ARP Funding** – *Angela S. Beeker, City Attorney*

3. **Acceptance of Dogwood Trust Grant for Hendersonville Connection Center** – *John Connet, City Manager*

4. **Senate Bill 300 Ordinance Amendments** – *Angela S. Beeker, City Attorney*

There will be no general citizen comment period for this meeting. There will be a public hearing comment period for the public hearing only.

The public may also view, listen, or give public hearing comments for this meeting live via ZOOM.

For security reasons screen sharing will not be allowed. The meeting instructions to join by Zoom will be available on the City's website by visiting https://www.hendersonvillenc.gov/events-calendar and below.

ZOOM https://zoom.us/join OR **Dial-in by phone:** (646) 558-8656

Meeting ID: 957 4684 6396
Passcode: 28792

For those wishing to submit digital public hearing comments please visit the City's website or the following link: https://www.cognitoforms.com/CityOfHendersonville4/digitalpubliccommenthendersonvillecitycouncilmeeting. It is not necessary to submit digital comments if you plan to address Council in person or virtually during the meeting.

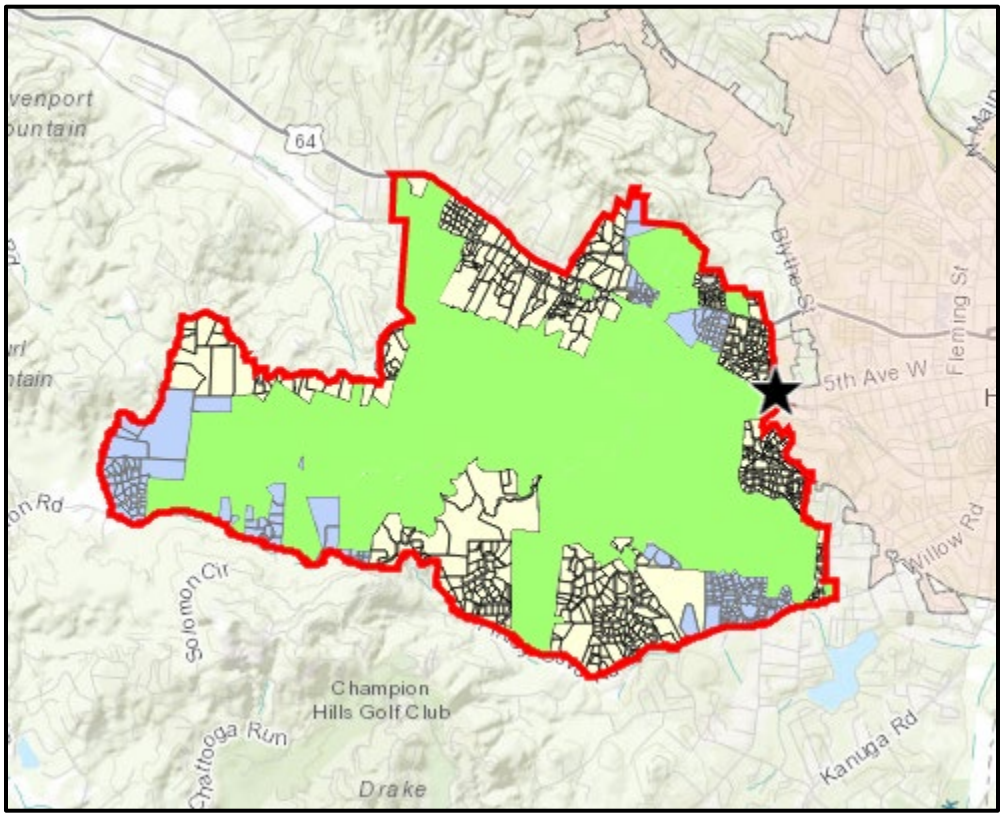
Angela L. Reece
Angela L. Reece
City Clerk

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

Posted 11/12/2021
https://www.hendersonvillenc.gov

Notice of Public Hearing

Notice is hereby given that the City of Hendersonville will hold a public hearing to consider the adoption of an ordinance and resolution to approve a proposed annexation agreement between the City of Hendersonville and the Town of Laurel Park. The proposed agreement provides a sphere of influence boundary (SOIB) for the Town of Laurel Park, and provides that the 1) only the Town of Laurel Park (and not the City of Hendersonville) may annex properties within the SOIB; 2) the Town of Laurel Park may not annex properties lying outside of the SOIB; and 3) The City will not extend sewer services to properties within the SOIB unless they are within the corporate boundaries for Laurel Park. The duration of the agreement is proposed to be five (5) years. Provisions regarding extension of the agreement duration may also be included in the agreement. The proposed SOIB is shown in red below.



The proposed SOIB may also be viewed in more detail on the City of Hendersonville's website at: https://hendersonville.maps.arcgis.com/apps/webappviewer/index.html?id=c24c59d42a204fbba49914d4500974f0. The public hearing will be held at a Special Call Meeting of the City Council on **Monday, November 22, 2021, at 4:00 p.m**. in the Assembly Room of the City Operations Building located at 305 Williams St. Hendersonville, NC. The public may view, listen, or give public hearing comments for this meeting live via ZOOM. For security reasons screen sharing will not be allowed. The meeting instructions to join by Zoom will be available on the City's website by visiting https://www.hendersonvillenc.gov/events-calendar or at **ZOOM** https://zoom.us/join OR **Dial-in by phone:** (646) 558-8656, **Meeting ID**: 957 4684 6396, **Passcode**: 28792. For those wishing to submit digital public hearing comments please visit the City's website or the following link: https://www.cognitoforms.com/CityOfHendersonville4/digitalpubliccommenthendersonvillecitycouncilmeeting. It is not necessary to submit digital comments if you plan to address Council in person or virtually during the meeting.

Angela Reece, City Clerk
11/7/2021

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: Angela Reece, *MPA, CMC, NCCMC, City Clerk*

MEETING DATE: December 2, 2021

AGENDA SECTION: ORGANIZATIONAL MEETING

DEPARTMENT: Administration

TITLE OF ITEM, Presenter Name, Title: 2022 City Council Schedule of Meetings – *Angela Reece, City Clerk*

SUGGESTED MOTION(S): I move that City Council approve the 2022 regular schedule of meetings as presented and direct the City Clerk to publish this notice in accordance with NC General Statutes.

SUMMARY:

North Carolina General Statute § 143-318.12. Public notice of official meetings governs noticing requirements for meetings of public bodies.

Staff has prepared notice for City Council Regular and Second Monthly Meetings for 2022 for consideration. The notice follows along with Council's schedule of meeting the first Thursday of each month for Regular Meetings, and the fourth Wednesday of each month for Second Monthly Meetings (Workshops) unless otherwise indicated.

If approved the City Clerk will advertise the notice and post on the bulletin board and City's website as per requirements of § 143-318.12

BUDGET IMPACT: $0

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

If no, describe how it will be funded.

N/A

PROJECT NUMBER: N/A

PETITION NUMBER: N/A

ADDITIONAL PETITION NUMBER: N/A

PETITIONER NAME: N/A

ATTACHMENTS:

Proposed Annual City Council Regular and Second Monthly Meeting Notice for 2022

NOTICE

City of Hendersonville City Council 160 Sixth Avenue East Hendersonville, NC 28792

NOTICE OF CITY COUNCIL REGULAR MEETINGS

Regular Meetings of the City of Hendersonville City Council are held on the **first Thursday** of each month beginning at **5:45 p.m.** in the Assembly Room of the Operation Center located at 305 Williams Street, Hendersonville NC unless otherwise noticed. The following regular meetings have been scheduled for 2022:

January 6, 2022
***February 10, 2022**
March 3, 2022
April 7, 2022
May 5, 2022
June 2, 2022
July 7, 2022
August 4, 2022
September 1, 2022
October 6, 2022
November 3, 2022
December 1, 2022

Second Monthly Meetings will be held in a workshop format to give the City Council an opportunity to receive and discuss information. Meetings are held on the **fourth Wednesday** of each month beginning at **4:00 p.m**. in the Assembly Room of the Operation Center located at 305 Williams Street, Hendersonville NC unless otherwise noticed. The following workshop meetings have been scheduled for 2022:

January 26, 2022
February 23, 2022
March 23, 2022
April 27, 2022
May 25, 2022
June 22, 2022
July 27, 2022
August 24, 2022
September 28, 2022
October 26, 2022
November 23, 2022
December 28, 2022

_____
Angela L. Reece
City Clerk

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

Posted 12/4/2021 *Published in Times-News 12-12-2021*
https://www.hendersonvillenc.gov

CITY COUNCIL:
BARBARA G. VOLK
Mayor
JERRY A. SMITH, JR
Mayor Pro Tem
DR. JENNIFER HENSLEY
LYNDSEY SIMPSON
DEBBIE O'NEAL-ROUNDTREE

CITY OF HENDERSONVILLE

The City of Four Seasons

Office of the City Clerk

JOHN F. CONNET
City Manager
ANGELA S. BEEKER
City Attorney
ANGELA REECE
City Clerk

To: The Honorable Mayor and Members of the City Council
From: Angela Reece, MPA, CMC, NCCMC, City Clerk
Subject: Appointment of Council Representatives to Boards
Date: December 2, 2021

Honorable Mayor and Members of City Council:

As you are aware the City Council appoints from among its membership Council Members as representatives to various advisory boards during their business meeting following each election. I have prepared a list of the following boards for your consideration.

Appointment of Council Representatives to Boards/Commissions Committees

1. Firemen's Relief Fund - (2) Seats

Current Members:

1. Jerry Smith
2. Jennifer Hensley

2. French Broad River Metropolitan Planning Organization Technical Advisory Committee (MPO - TAC)

Current Member:

1. Jennifer Hensley

3. *Henderson County* -French Broad River Metropolitan Planning Organization Technical Advisory Committee (MPO - TAC)

Current Member:

1. Jennifer Hensley

4. Henderson Co. Public Schools Facility Committee (2)

Current Members:

1. Jerry Smith
2. Jeff Miller

5. Land of Sky Regional Council (2) and alternate

Current Members:

1. Mayor Barbara Volk
2. Lyndsey Simpson
3. City Manager John Connet occupies the third seat as 2nd Alternate, and this term is un-expiring.

6. Mills River Partnership (1)
Current Member:
1. Jeff Miller

7. LGCCA (2)
Current Members:
1. Mayor Barbara Volk
2. Jerry Smith

8. Business Advisory Committee (1)
Current Member
1. Jennifer Hensley

9. Diversity & Inclusion Advisory Committee (2)
Current Members specified by Charter are Mayor and Mayor Pro-Tem:
1. Mayor Barbara Volk
2. Mayor Pro-Tem Jerry Smith

10. Downtown Advisory Board (1)
Current Member:
1. Lyndsey Simpson

11. Environmental Sustainability Board (1)
Current Member:
1. Lyndsey Simpson

12. Tree Board (1) NEW
Optional: Ex-Officio- Non-Voting Member:
1. Debbie O'Neal-Roundtree currently occupies a voting seat as a member of the Tree Board. Council Member O'Neal-Roundtree is requesting consideration to continue service as ex-officio non-voting member in addition to the regular Tree Board membership seats. Motion/discussion to follow.

13. WSAC (2)
Current Member:
1. Jeff Miller

Current **Alternate:**
1. John Connet

s/Angela L. Reece, MPA, CMC, NCCMC
City Clerk, City of Hendersonville

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: Angela Reece, *MPA, CMC, NCCMC, City Clerk* **MEETING DATE:** December 2, 2021

AGENDA SECTION: CONSENT **DEPARTMENT:** Administration

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

SUGGESTED MOTION(S):

I move that City Council adopt the minutes of the October 27, 2021, Second Monthly Meeting and November 4, 2021 Regular Meeting as presented [or as amended].

SUMMARY:

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

i. October 27, 2021, Second Monthly Meeting Minutes
ii. November 4, 2021, Regular Session Minutes

BUDGET IMPACT: $0

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

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

ATTACHMENTS:

i. October 27, 2021, Second Monthly Meeting Minutes (DRAFT)
ii. November 4, 2021, Regular Session Minutes (DRAFT)

MINUTES

October 27, 2021

SECOND MONTHLY MEETING OF THE CITY COUNCIL

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

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

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

1. CALL TO ORDER

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

2. PRESENTATIONS

A. Housing Assistance Corporation Presentation – *Ashlynn McCoy, Executive Director*

Housing Assistance Corporation Executive Director Ashlynn McCoy presented the North Carolina Housing Finance Agency Award to the City and expressed thanks and appreciation for Council support to make the Oklawaha Village Apartment Project a success. Director McCoy stated the award is judged based on overall design, sustainability, contribution to the community, public and community support and other features. City Manager John Connet stated it is important for the public to acknowledge the City Council's dedication to this project.

Director McCoy further provided an update regarding Housing Assistance Corporation (HAC) over the last year discussing the four programs they offer such as their home repair program, housing counseling, home ownership, and multifamily apartment complexes. Director McCoy stated over the last 33 years, HAC has built over 200 homes and 370 apartment units and said in 2020 HAC completed over 386 home repairs, assisted 220 clients with housing counseling, and housed over 650 persons in their apartment complexes. Director McCoy reviewed the methods of obtaining property for housing within Henderson County and stated HAC has been working internally to develop a fund to purchase property and said HAC is looking for partners to invest in the fund. Director McCoy proposed all municipalities within the County and other interested parties to contribute to a fund that will be used and reinvested exclusively in affordable housing designed to assist residents who earn up to 120 percent of the median area income. Director McCoy stated HAC's goal is to raise $400,000 to start the fund with a combined annual contribution of $100,00 from partners.

Council Member Dr. Jennifer Hensley clarified even with the City Council approving developments, the city is nowhere near the numbers necessary for the need.

Council Member Jerry Smith confirmed HAC has presented this request to all the municipalities in the county and said it would benefit everyone to have this type of housing within the county.

City Manager John Connet reminded everyone that the city is working with HAC through the Community Development Block Grant (CDBG) program to rehabilitate four homes as part of the Seventh Avenue District grant.

B. Lead and Copper Rule Compliance Support Presentation – *Gracie Erwin, Environmental Compliance Coordinator*

Environmental Compliance Coordinator Gracie Erwin provided a brief history of the establishment of the Lead and Copper Rule (LCR) under the Safe Drinking Water Act in 1991 by the Environmental Protection Agency (EPA) in order to minimize exposure to lead in drinking water with a final rule compliance date of the LCRR to December 16th, 2021. Ms. Erwin stated this regulation requires compliance from any and all water purveyors nationwide and said the rule sets the compliance deadline for LCRR to October 16th, 2024, to ensure all utilities have a full three years as set by Safe Drinking Water Act to take necessary actions for regulatory compliance.

DRAFT

Ms. Erwin stated the most common source of lead in drinking water is sourced from lead pipes, and brass or bronze faucets and fixtures and said the new LCR provides stricter regulations on lead in drinking water, with an end goal of removing all sources of lead from drinking water systems. Ms. Erwin stated the most relevant improvements under this rule include utilizing science-based standards of practice to identify sources of lead in drinking water; establishing more strict triggering levels to initiate early mitigation; complete lead service line replacement; initial lead testing in schools and childcare facilities; and requiring the establishment of a lead service line inventory which must be publicly available for all utilities that serve more than 50,000 people. Ms. Erwin stated Under the LCRR (Lead and Copper Revised Rule), all drinking water systems are required to submit a Lead Service Line (LSL) inventory or demonstrate the absence of LSL within the first three years of the rules publication (October 16th, 2024) and said this inventory will then be utilized to develop an LSL replacement plan for all systems with known or possible LSL's. She clarified the LSL inventory must include all connections, regardless of ownership, which means both the public and privately owned segments must be included or include proof of absence of LSL. Ms. Erwin discussed the challenges of this requirement stating LSLs cannot be easily seen or touched to confirm what is located below ground and said finding records of privately owned infrastructure presents additional challenges. Ms. Erwin stated staff believes the best approach to establishing an LSL inventory is to begin as soon as possible by utilizing the support of an engineering firm to create the inventory and proposed to partner once again with Hazen and Sawyer, an engineering firm, to support staff in this effort. Ms. Erwin stated Hazen and Sawyer has provided a proposal to assist the city with compliance for the LSL inventory as required by the LCRR.

Council Member Dr. Jennifer Hensley inquired regarding the city's responsibility when finding lead services lines on private property. Ms. Erwin stated in the event lead service lines are found, the city would have to notify the homeowner and report this annually on the inventory. She stated the city is required to replace 3% of city owned lines annually and said if the customer replaces their line, then the city has 45 days to replace its line. There is no other financial responsibility of the city to replace private lines. Ms. Erwin further clarified staff does not anticipate finding large amounts of lead due to the age of the city's infrastructure. Mayor Barbara Volk confirmed the city currently sample tests 34 sites annually and reminded everyone the results are published annually in the water quality report which is published on the City's website.

C. Wastewater Treatment Facility Master Plan – *Adam Steurer, Utilities Engineer*

Zach Trammel with McKim & Creed Engineering discussed the Wastewater Treatment Facility (WWTF) Master Plan with Council. Mr. Trammel stated the plan is necessary to assess needs, address aging infrastructure and capacity limits, and to satisfy regulatory requirements. Mr. Trammel discussed the plan approach as follows:

- Review previous engineering reports and flow projections
- Assess condition of existing facilities
- Evaluate capacity of existing treatment processes and major equipment
- Evaluate alternatives for replacement/rehabilitation, improvement, and expansion needs
- Provide a capital improvement plan to ensure wastewater treatment needs are met over the next 20 years

Mr. Trammel discussed the need for immediate improvements and costs as outlined below:

- Replace the Ultraviolet Disinfection System. The estimated total project cost is $2,200,000
- Rehabilitate and Repair the Aeration Basin. The estimated total project cost is $2,000,000

Mr. Trammel discussed the near-term improvements and costs as outlined below:

- 6.0 MGD (million gallons per day) Expansion which includes Headworks Improvements & Flow Equalization. The estimated total project cost is $27,000,000
- Biosolids Treatment Improvements. The estimated total project cost is $17,000,000
- Tertiary Filter No. 2 Replacement. The estimated total project cost is $2,200,000
- Blower Building Improvements. The estimated total project cost is $2,300,000

Mr. Trammel discussed the long-term improvements and costs as outlined below:

- Biological Process Conversion. The estimated total project cost is $1,700,000

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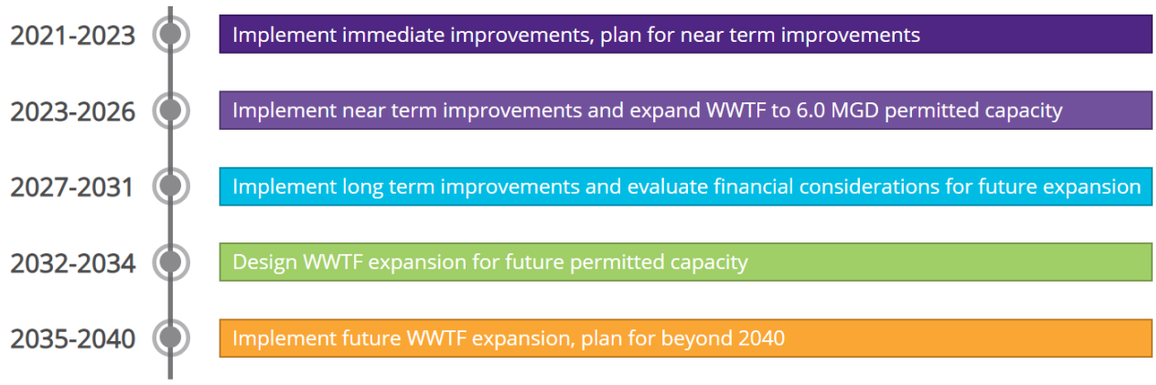
- Sludge Dewatering Belt Filter Press Replacement. The estimated total project cost is $1,800,000
- Future Expansion to 7.8 MGD. The estimated total project cost is $26,000,000

Mr. Trammel provided the estimated implementation timeline as depicted below:



City Manager John Connet asked Mr. Trammel to discuss costs related to this plan compared with building additional facilities to assist with capacity. Mr. Trammel stated maintaining the existing facility and building a new smaller facility to assist with capacity would cost an additional $20M over the next twenty years in addition to the current recommended plan and said completely replacing the existing facility would cost an additional $30 to $50M. City Council Members discussed the current waste disposal method and Mr. Trammel reminded everyone that if the City continues to dispose of waste in the current manner the costs are projected to increase to at least $600,000 in the next year due to landfill fees increasing and said the need to transition to a thermal drying system would eliminate this cost.

Manager Connet recalled prior policy decisions directing staff to build capital improvement projects into the rate structure and said as the city continues to experience growth it may be prudent to consider system development charges to offset the burden on rate payers and to generate revenue to fund the necessary wastewater projects. Manager Connet acknowledged this approach may not be popular with the business community but said he feels it is appropriate to acknowledge given the costs of these projects. Manager Connet stated staff will use the plan to prioritize the CIP and will be discussing with Council further during the budgeting process. Manager Connet reminded everyone the Ultraviolet Disinfection System project has begun and can possibly be funded with ARP funds. Council Members agreed maintenance was critical to sound infrastructure and reminded the public this plan is not set in stone as the County may come online with a plant in the future.

Upon further discussions regarding infiltration and inflow, Utilities Director Lee Smith recommended that any connections to the City's system should be built to city standards. Council Members supported the recommendation and the City Attorney advised she would prepare a draft ordinance and bring back for future discussion.

D. Hendersonville Water & Sewer Strategic Plan – *Drew Finley, Assistant to the Utilities Director*

Due to time constraints this item was not considered. It will be revisited at a future meeting to allow adequate time to process.

3. ADJOURN

There being no further discussion, the meeting was adjourned at 5:55 p.m. upon unanimous assent of the Council.

_____
Barbara G. Volk, Mayor

ATTEST:

_____
Angela L. Reece, City Clerk

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MINUTES

November 4, 2021

REGULAR MEETING OF THE CITY COUNCIL

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

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

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

1. CALL TO ORDER

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

2. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG

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

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

Lynn Clark of 343 Yon Hill Rd. addressed City Council expressing thanks and appreciation of Tyler Morrow, Planner, for assistance given regarding a development approval. Ms. Clark expressed concerns of the number of developments being approved in the North Main Street area.

Larry Phillips of 1102 Pinebrook Circle addressed City Council regarding Boyd Park requesting the matter be placed on the Historic Preservation Commission agenda for designation as a historical site.

Eddie Moses of 343 Yon Hill Rd. addressed City Council expressing concerns regarding traffic along North Main Street and infrastructure. Mr. Moses stated the roads are narrow with no shoulder and expressed concerns of one sidewalk near Oklawaha Village. Mr. Moses asked for consideration of installation of a guardrail, addressing visibility concerns on Yon Hill Rd, and of road widening and installation of sidewalks in the area.

Lynne Williams of 309 Chadwick Ave. addressed City Council asking for consideration of preserving Boyd Park and the Laura Corn Mini Golf Course asking for consideration of forming a committee to save the park.

Franco Carrasco of 229 Strick Garden Lane addressed City Council via Zoom electronic software asking City Council to deny the request for Providence Walk rezoning and expressed concerns for safe streets in the area.

4. CONSIDERATION OF AGENDA

Council Member Jeff Miller moved that City Council approve the agenda as amended by moving Rezoning: Conditional Zoning District – Providence Walk (P21-31-CZD) to Unfinished Business. A unanimous vote of the Council followed. Motion carried.

5. CONSENT AGENDA

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

I move that City Council adopt the minutes of the October 7, 2021, Regular Meeting as presented.

B. Acceptance of October 5, 2021 Official Primary Election Results – *Angela L. Reece, City Clerk*

I move that City Council accept the abstract of votes as provided by the Henderson County Board of Elections for the October 5, 2021 primary election.

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

I move that City Council resolve to direct and authorize the tax releases submitted by Henderson County Tax Collector as presented and relieve the Henderson County Tax Collector and the Deputy Tax Collectors of the charges owed.

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D. Lead and Copper Rule Compliance Support – Gracie Erwin, *Environmental Compliance Coordinator*

I move that City Council adopt the Resolution by the City of Hendersonville City Council to Enter into a Contract for Engineering Services to Support the Service Line Inventory Compliance Project as presented.

Resolution #R-21-97

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO ENTER INTO A CONTRACT FOR ENGINEERING SERVICES TO SUPPORT THE SERVICE LINE INVENTORY COMPLIANCE PROJECT

WHEREAS, the City is required as a water utility to develop a service line inventory by 2023, as outlined in the new Lead and Copper Rule Revisions (LCRR) from the Environmental Protection Agency; and

WHEREAS, City Staff are required to submit a detailed report of all services lines connected to the public water system, and the LCRR defines this to include privately owned service lines, and lines that lay on the customer side of water meters; and

WHEREAS, City Staff have solicited a proposal to provide Engineering Services to support City Staff in completing this inventory project from Hazen and Sawyer, P.C.

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

1. The scope of engineering services from Hazen and Sawyer, P.C. of Greensboro, NC is approved in the amount of $40,000.
2. The City Manager is authorized to execute an agreement with Hazen and Sawyer consistent with the terms of this Resolution, as approved by the City Attorney.
3. The agreement is exempt from the requirements of the Mini-Brooks Act.

Adopted by the City Council of the City of Hendersonville, North Carolina this 4th day of November 2021.

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

E. Etowah Water Improvements Engineering Amendment 4 – *Brent Detwiler, City Engineer*

I move that City adopt the Resolution by the City of Hendersonville City Council to Authorize the City Manager to Enter into An Amendment to An Agreement with Black & Veatch International Company as Part of the Etowah Water Improvements Project; as presented and recommended by staff.

Resolution #R-21-98

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE CITY MANAGER TO ENTER INTO AN AMENDMENT TO AN AGREEMENT WITH BLACK & VEATCH INTERNATIONAL COMPANY AS PART OF THE ETOWAH WATER IMPROVEMENTS PROJECT

WHEREAS, the Etowah Water Improvements Project (Project No. 16003) is under construction; and

WHEREAS, an engineering agreement with Black and Veatch International Company was executed in November 2016 to complete the design, permitting, bidding and award work associated with the project; and

WHEREAS, construction of the project has been further delayed to due COVID-19 and other issues; and

WHEREAS, the schedule delay has resulted in the need to amend the agreement with Black & Veatch to cover Contractor O&M Manual Review, Contractor Startup and Commissioning Plan Review, Request for Information and Change Order Support, Booster Pump Station Record Drawing Production, and Site Visits/Inspections including Substantial and Final Completion punch lists.

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

1. The City Manager is authorized to enter into an Amendment to an Agreement with Black & Veatch International Company for the Etowah Water Improvements Project, in an amount not to exceed $33,700.00, as presented.

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2. The City Manager is authorized to approve change orders which, cumulatively, do not exceed 10% of the approved contract amount of $33,700.00, provided however that any necessary budget ordinance or project ordinance amendments must be brought back to the City Council for approval.

Adopted by the City Council of the City of Hendersonville, North Carolina this 4th day of November 2021.

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

F. Agreement - NCDOT Administered Bicycle/Pedestrian Plan - *Brent Detwiler, City Engineer*

I move City Council adopt the Resolution by the City of Hendersonville City Council to Authorize the City Manager to Enter into an Agreement with the North Carolina Department of Transportation for Bicycle and Pedestrian Planning Grant (Tip#M-0551, Wbs#49600.8.16) as presented.

Resolution #R-21-99

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTAION FOR BICYCLE AND PEDESTRIAN PLANNING GRANT (TIP#M-0551, WBS#49600.8.16)

WHEREAS, the North Carolina Department of Transportation has established a grant that provides funding to municipalities for the development of Comprehensive Municipal Bicycle and Pedestrian Plans; and

WHEREAS, the City of Hendersonville requested funding for a Pedestrian Plan Update to obtain the following objectives:

1. Provide for multimodal forms of transportation.
2. Provide guidance for modifying infrastructure to safely accommodate walking in appropriate locations.
3. Ensure that the North Carolina Department of Transportation (NCDOT) funded projects incorporate the City of Hendersonville's objectives.
4. Move towards an effective network for active transportation, recreation, and exercise.
5. Have an approved plan that will support funding from NCDOT for pedestrian improvements.
6. Ensure land use decisions effectively incorporate multimodal objectives.

WHEREAS, the City of Hendersonville has since been designated as a recipient to receive grant funds to complete the Pedestrian Plan Update (TIP#M-0551, WBS#49600.8.16), not to exceed the maximum award amount of $36,000 with City matching funds of $9,000 for a project total of $45,000; and

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

1. The City agrees to participate in certain costs and to assume certain responsibilities in the manner and to the extent as hereinafter set out in the Agreement; and

2. The City Manager is authorized to enter into an Agreement with the North Carolina Department of Transportation for the Pedestrian Plan Update (TIP#M-0551, WBS#49600.8.16), as presented.

Adopted by the City Council of the City of Hendersonville, North Carolina this 4th day of November 2021.

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

G. Special Event: Holiday Carriage and Train Rides - *Lew Holloway, Community Development Director*

I move that City Council approve the special event permit for Holiday Carriage and Train Rides.

H. Street Closure: Resolution of Intent- Portion of Beech Street (AKA Richlieu Avenue) (P21-57-SCL) – *Tyler Morrow, Planner II*

I move that City Council accept the Resolution of Intent to close an unopened and unimproved portion of Beech Street (AKA Richelieu Avenue) between PINs 9578-09-0813 and 9568-99-9737 petitioned by Marie H. Flowers and Willie Lee Brown Jr and set the public hearing for December 2nd, 2021.

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Resolution #R-21-100

RESOLUTION OF INTENT TO CLOSE AN UNOPENED, UNIMPROVED PORTION OF BEECH STREET (AKA RICHLIEU AVENUE)

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

WHEREAS, Marie H. Flowers and Willie Lee Brown Jr. have petitioned the City of Hendersonville City Council to close an unopened and unimproved portion of the street known as Beech Street (AKA Richlieu Avenue), located between PIN 9578-09-0813 and PIN 9568-99-9737; and

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

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

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

1. City Council herewith calls a public hearing to be held at 5:45 p.m. (or as soon thereafter as it may be heard) on the 2nd day of December 2021, in the Assembly Room of the City Operations Center to consider closing an unopened and unimproved portion of the street known as Beech Street (AKA Richlieu Avenue), located between PIN 9578-09-0813 and PIN 9568-99-9737. Persons shall be allowed to attend and comment in person or via Zoom at the following address:

https://zoom.us/join
Dial-in by phone: (646) 558-8656
Meeting ID: 957 4684 6396
Passcode: 28792

Digital public hearing comments may be submitted prior to the public hearing on the City's webpage at www.hendersonvillenc.gov/public-comment or directly to the City Clerk, Angela Reece, areece@hvlnc.gov, 160 6th Avenue East, Hendersonville, NC 28792.

2. The legal description for the portion of Beech Street (AKA Richlieu Avenue) proposed for closing is as follows:

Beginning at a 1 inch diameter open top iron pipe found recessed 0.6 feet below grade at the intersection of the Eastern margin of the right-of-way of Jonas Street with the Northern margin of an unopened section of Beech Street, said pipe being the most Westerly corner of the property of Willie Lee Brown Jr. (see Estate File 2020/1082), as described in Deed Book 481, page 85 of the Henderson County Register of Deeds, said pipe also being located at North Carolina State Plane Grid coordinates of Northing: 589907.42 US Survey feet and Easting: 970023.36 US Survey feet, said pipe being further located South 45°42'55" West a distance of 93.77 feet from a ½ inch diameter open top iron pipe found recessed 0.2 feet below grade in the Eastern margin of Jonas Street; thence from the Beginning thus established South 46°53'25" West a distance of 40.34 feet to a #4 rebar found recessed 0.8 feet below grade at the intersection of said margin of Jonas Street and the Southern margin of the unopened section of Beech Street, said rebar being the most Northerly corner of the property of Marie H. Flowers as described in Deed Book 1215, pages 129 & 131 of said Register; thence with Flowers' line and the margin of the unopened section of Beech Street South 44°17'05" East a distance of 86.30 feet to a point, the intersection of said street margin with the controlled access right-of-way of Martin Luther King Jr. Boulevard (US-64), said point lying North 53°56'06" East a distance of 4.74 feet from a concrete right-of-way monument found projecting 0.5 feet above grade; Thence, 3 calls with the controlled access right-of-way of US-64: (1) North 53°56'06" East a distance of 20.37 feet to a point at the intersection of the centerline of the unopened section of Beech Street ; (2) North 53°56'06" East a distance of 15.02 feet to a concrete right-of-way monument found projecting 0.5 feet above grade; (3) North 52°36'49" East a distance of 5.34 feet to a point in the Northern margin of the unopened section of Beech Street and the Southernmost corner of the aforementioned property of Willie Lee Brown Jr., said point also lying South 52°36'49" West a distance of 95.71 feet from another concrete right-of-way monument found in the margin of US-64; thence with the Northern margin of the unopened section of Beech Street and the line of Willie Lee Brown Jr. North 44°17'05" West a distance of 91.18 feet to the Beginning, containing 3582 square feet.

Subject to an easement, twenty feet in width for drainage and other utilities, reserved by the City of Hendersonville within the closed street as provided for in NCGS 160A-299, further described as follows: Beginning at a point, the intersection of the centerline of the unopened portion of Beech Street with the Eastern margin of Jonas Street, said point lying South 46°53'25" West a distance of 20.17 feet from the Point of Beginning of the previously described street closure area; thence with the Eastern margin of Jonas street, South 46°53'25" West a distance of 20.17 feet to a #4 rebar found recessed 0.8 feet below grade, a corner of said closure area; thence with the margin of said closure area, South 44°17'05" East a distance of 2.82 feet to a point; thence through said closure area 2 calls: (1) South 61°07'27" East a distance of 17.83 feet; (2) South

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44°16'49" East a distance of 67.16 feet to a point in the margin of said closure area in the controlled access right-of-way of US-64; thence, with the line of the closure area and the with the margin of US-64, North 53°56'06" East a distance of 20.21 feet to a point, said point lying South 53°56'06" West a distance of 9.97 feet from a concrete right-of-way monument found; thence through said closure area 2 calls: (1) North 44°16'49" West a distance of 73.01 feet; (2) North 61°07'27" West a distance of 17.26 feet to the Beginning, containing 1781 square feet.

The above-described portion of Beech Street (AKA Richlieu Avenue) to be closed will also be shown on a plat to be recorded in the Henderson County Registry if approved by City Council.

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

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

5. The City Clerk is further directed to cause adequate notices of the Resolution of Intent and the scheduled public hearing to be prominently posted in at least two along the portion of Beech Street (AKA Richlieu Avenue) proposed for closure as required by G.S. 160A-299.
6. The City Council herewith declares its intent to close the street as described above.

Adopted by the City Council of the City of Hendersonville, North Carolina this 4th day of November 2021.

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

I. Utility Extension Agreement for the Blue Ridge Community College, Patton Hall Expansion – *Brendan Shanahan, Engineering*

I move that City Council adopt the Resolution by the City of Hendersonville City Council to Authorize the City Manager to Enter into a Utility Extension Agreement with Henderson County and the Trustees of Blue Ridge Community College for the Blue Ridge Community College Patton Hall Expansion as presented and recommended by staff.

Resolution #R-21-101

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A UTILITY EXTENSION AGREEMENT WITH HENDERSON COUNTY AND THE TRUSTEES OF BLUE RIDGE COMMUNITY COLLEGE FOR THE BLUE RIDGE COMMUNITY COLLEGE PATTON HALL EXPANSION

WHEREAS, the City of Hendersonville owns, operates and maintains water distribution and sewer collection systems to serve customers throughout Henderson County; and

WHEREAS, residential, commercial, and industrial developments often require public water and sewer service as a part of their development projects; and

WHEREAS, the Developer extends public water and sewer lines to their site, which upon completion and acceptance, are provided to the City to own, operate, and maintain; and

WHEREAS, the City requires a Utility Extension Agreement to be executed to establish requirements of both the Developer and the City for the water and sewer line extension process; and

WHEREAS, Henderson County, a body politic and corporate herein after referred to as the "County" and the Trustees of Blue Ridge Community College, herein after referred to as "Trustees," the County and the Trustees sometimes collectively herein referred to as "Developer" will enter into a Utility Extension Agreement with the City to provide water service to the Blue Ridge Community College Patton Expansion.

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

1. The City Manager is authorized to execute the Utility Extension Agreement with the "County" and the "Trustees", the "Developer" to provide water and sewer service to the Blue Ridge Community College Patton Expansion (the "Agreement") on behalf of the City of Hendersonville with such changes as he deems advisable, in consultation with the City Attorney, provided such changes do not impose any new financial obligations on the party of the City.
2. After execution of the Agreement, the City Manager is authorized to approve and execute any amendments to the Agreement as may be requested by the Developer or the City Attorney, provided such changes do not impose any new financial obligations on the party of the City.

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Adopted by the City Council of the City of Hendersonville, North Carolina this 4th day of November 2021.

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

J. Utility Extension Agreement for the Pardee Partners ASC – *Brendan Shanahan, Engineering*

I move that City Council adopt the Resolution by the City of Hendersonville City Council to Authorize the City Manager to Enter into a Utility Extension Agreement with Henderson County and the Henderson County Hospital Corporation for the Pardee Partners ASC Commercial Subdivision as presented and recommended by staff.

Resolution #R-21-102

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A UTILITY EXTENSION AGREEMENT WITH HENDERSON COUNTY AND THE HENDERSON COUNTY HOSPITAL CORPORATION FOR THE PARDEE PARTNERS ASC COMMERCIAL SUBDIVISION

WHEREAS, the City of Hendersonville owns, operates, and maintains water distribution and sewer collection systems to serve customers throughout Henderson County; and

WHEREAS, residential, commercial, and industrial developments often require public water and sewer service as a part of their development projects; and

WHEREAS, the Developer extends public water and sewer lines to their site, which upon completion and acceptance, are provided to the City to own, operate, and maintain; and

WHEREAS, the City requires a Utility Extension Agreement to be executed to establish requirements of both the Developer and the City for the water line extension process; and

WHEREAS, Henderson County, a body politic and corporate herein after referred to as the "County" and the Henderson County Hospital Corporation, a North Carolina nonprofit corporation, Henderson County and the Henderson County Hospital Corporation being herein after collectively referred to as "Developer" will enter into a Utility Extension Agreement with the City to provide water service to the Pardee Partners ASC Commercial Subdivision.

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

1. The City Manager is authorized to execute the Utility Extension Agreement with Henderson County and the Henderson County Hospital Corporation, the "Developer" to provide water service to the Pardee Partners ASC Commercial Subdivision (the "Agreement") on behalf of the City of Hendersonville with such changes as he deems advisable, in consultation with the City Attorney, provided such changes do not impose any new financial obligations on the party of the City.
2. After execution of the Agreement, the City Manager is authorized to approve and execute any amendments to the Agreement as may be requested by the Developer or Owner or the City Attorney, provided such changes do not impose any new financial obligations on the party of the City.

Adopted by the City Council of the City of Hendersonville, North Carolina this 4th day of November 2021.

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

K. Approval of Subrecipient Agreement Between the City of Hendersonville and Housing Assistance Corporation for 2021 CDBG Grant – *John Connet, City Manager*

I move that City Council adopt the Resolution by the City of Hendersonville City Council Authorizing the City Manager and City Attorney to Negotiate and Execute a CDBG Subrecipient Agreement Between the City of Hendersonville and Housing Assistance Corporation as presented.

Resolution #R-21-103

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL AUTHORIZING THE CITY MANAGER AND CITY ATTORNEY TO NEGOTIATE AND EXECUTE A CDBG SUBRECIPIENT AGREEMENT BETWEEN THE CITY OF HENDERSONVILLE AND HOUSING ASSISTANCE CORPORATION

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WHEREAS, City Council has determined that the revitalization of the Ashe Street Neighborhood is critical to protecting the residents of this area; and

WHEREAS, the city applied for and was awarded a $750,000 CDBG Neighborhood Revitalization grant to install public infrastructure and rehabilitate four homes in this neighborhood; and

WHEREAS, the city is partnering with Housing Assistance Corporation (Subrecipient) to oversee the rehabilitation of the four homeowner occupied dwellings; and

WHEREAS, CDBG regulations require a formal agreement between the grant recipient and subrecipient prior to the expending of any grant funds; and

WHEREAS, the City has received a draft subrecipient agreement from Housing Assistance Corporation proposing terms under which they would propose to act as a subrecipient for these funds;

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

1. A subaward in the amount of $175,000.00 to The Housing Assistance Corporation is approved to be used for the rehabilitation of homes in the Ashe Street Neighborhood as presented.
2. An administrative fee of $22,000.00 to be paid to the Housing Assistance Corporation from the CDBG funds is approved. The City Manager is authorized to approve increases in the administrative fee within budgeted funds to compensate Housing Assistance Corporation for unanticipated increases in their costs to act as subrecipient.
3. The Hendersonville City Manager and City Attorney are authorized to negotiate and execute the final subrecipient agreement between the City of Hendersonville and Housing Assistance Corporation for the rehabilitation of four homes, consistent with the terms of this Resolution.

Adopted by the City Council of the City of Hendersonville, North Carolina this 4th day of November 2021.

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

L. Approval of Job Descriptions for Public Works Superintendent Positions – *Tom Wooten, Director of Public Works*

I move that City Council approve the job descriptions for the Public Works Superintendent positions as presented.

M. Geotechnical Engineering and Environmental Services to Support the Mud Creek Interceptor Replacement – *Adam Steurer, Utilities Engineer*

I move to adopt the Resolution by the City of Hendersonville City Council to Enter into a Contract for Geotechnical Engineering and Environmental Services to Support the Mud Creek Interceptor Replacement Project as presented.

Resolution #R-21-104

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO ENTER INTO A CONTRACT FOR GEOTECHNICAL ENGINEERING AND ENVIRONMENTAL SERVICES TO SUPPORT THE MUD CREEK INTERCEPTOR REPLACEMENT PROJECT

WHEREAS, the Mud Creek Interceptor Replacement project was identified in the City's Sanitary Sewer Asset Inventory and Assessment Master Plan Report; and

WHEREAS, City Council adopted a Resolution to Reduce Sanitary Sewer Overflows (SSOs) on April 2, 2020, in which construction of the Mud Creek Interceptor Replacement was listed as a SSO reduction activity; and

WHEREAS, geotechnical engineering and environmental services are necessary to support the design and permitting of the Mud Creek Interceptor Replacement project; and

WHEREAS, City Staff completed a qualifications-based selection process and is recommending based upon this process that S&ME, Inc. of Asheville, NC, be designated as the best qualified firm to provide the services.

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

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1. S&ME, Inc. is best qualified to provide professional engineering services for the project, as recommended by Staff.
2. The scope of engineering services from S&ME, Inc. is approved in the amount of $64,800.
3. The City Manager is authorized to execute an agreement with S&ME, Inc. consistent with the terms of this Resolution, as approved by the City Attorney.

Adopted by the City Council of the City of Hendersonville, North Carolina this 4th day of November 2021.

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

N. Resolution Approving Purchase of Less-Lethal Controlled Electronic Weapon Systems Pursuant to N.C.G.S. § 143-129(e)(3)– *Blair Myhand, Chief of Police*

I move that City Council adopt the Resolution by the City of Hendersonville City Council Approving Purchase of Less-Lethal Controlled Electronic Weapon Systems Pursuant to N.C.G.S. § 143-129(e)(3) as presented.

Resolution #R-21-105

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL APPROVING PURCHASE OF LESS-LETHAL CONTROLLED ELECTRONIC WEAPON SYSTEMS PURSUANT TO N.C.G.S. § 143-129(e)(3)

WHEREAS the Hendersonville Police Department needs to purchase Tasers as a less-lethal controlled electronic weapon (CEW) system, and Axon Enterprises Inc. is the sole distributor of Tasers; and

WHEREAS, the Hendersonville Police Department currently uses Tasers as a less-lethal controlled electronic weapon system; and

WHEREAS, the League of Oregon Cities LOC has a cooperative group purchasing agreement which the City of Hendersonville has subscribed to which, after a competitive bidding process, offers their pricing to other units of local government; and

WHEREAS, N.C.G.S. § 143-129(e)(3) authorizes direct purchases from a competitive bidding group purchasing program; and

WHEREAS, the league of Oregon Cities LOC procured a contract through its competitive bidding process offering discount pricing to two or more public agencies for Tasers, and the City wishes to purchase the Tasers through this program; and

WHEREAS, Axon Enterprises Inc., has submitted a quote for the purchase of 45 Taser 7 CEWs, cartridges, holsters, training support and equipment, docking station, warranty and maintenance, and licensing at $149,825.76, including tax; and

WHEREAS it is the recommendation of the City Manager, the Chief of Police, and the Procurement Manager that the city purchase the 45 Taser 7 CEWs, cartridges, holsters, training support and equipment, docking station, warranty and maintenance, and licensing at $149,825.76, from Axon Enterprises, Inc.; and

WHEREAS the City of Hendersonville Finance Director has determined that sufficient funds are available to cover the cost of this purchase.

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

1. That the that the purchase of the 45 Taser 7 CEWs, cartridges, holsters, training support and equipment, docking station, warranty and maintenance, and licensing at $149,825.76, from Axon Enterprises, Inc is approved pursuant to the authority granted by N.C.G.S. § 143-129(e)(3).

2. The City Manager is authorized to negotiate and execute a contract with Axon Enterprises, Inc., in consultation with the City Attorney, containing such terms as he, in his discretion deems appropriate provided such contract is consistent with the terms of this Resolution.

Adopted by the City Council of the City of Hendersonville, North Carolina this 4th day of November 2021.

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

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

I move City Council amends the facility use agreement with the Hendersonville Bridge Club as presented.

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

I move that City Council resolve to direct and authorize the tax releases submitted by Henderson County Tax Collector as presented and relieve the Henderson County Tax Collector and the Deputy Tax Collectors of the charges owed.

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

6. PRESENTATIONS

A. Proclamation – Homeless Youth Awareness Month – *Barbara G. Volk, Mayor*

Mayor Barbara G. Volk presented a proclamation designating the month of November 2021 as Homeless Youth Awareness Month to Michael Absher of Only Hope WNC.

Proclamation

Homeless Youth Awareness Month 2021

WHEREAS, the month of November is designated as National Homeless Youth Awareness Month as declared by the U. S. House and Senate in 2007 and serves as an outlet to increase public awareness of an ongoing issue occurring in every city across the United States; and

WHEREAS, the nation's public schools report between 1.3 and 1.7 million homeless students grades pre-k through 12th grade; and

WHEREAS, we realize that when adolescents become homeless, being separated from their caregivers and homes for various reasons, which often places them in precarious situations; that school is often the most safe and stable environment for these youth; and

WHEREAS, we recognize in Henderson County that roughly 2.5 percent of our youth are identified as homeless; and

WHEREAS, Only Home WNC, Inc. is a local non-profit whose mission is to promote the value of education, honor individuality and diversity, nurture respect for self and others, and provide hope for young people in need in the community; and

WHEREAS, an effort is being made by the board members of Only Hope WNC, Inc. by hosting a sleep out on November 6 - November 7 at the Historic Courthouse on Main Street in Downtown Hendersonville in an effort to draw attention and support for youth homelessness in Henderson County.

NOW, THEREFORE, the City Council of the City of Hendersonville does hereby proclaim the month of November 2021 as

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

"**Homeless Youth Awareness Month**"

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

PROCLAIMED this 4th day of November 2021

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

B. Proclamation – Native American Heritage Month – *Barbara G. Volk, Mayor*

Mayor Barbara G. Volk presented a proclamation designating the month of November 2021 as Native American Heritage Month to Tonya Marthaler.

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Proclamation

Native American Heritage Month 2021

WHEREAS, Native Americans, who have inhabited this continent since long before their first contact with English settlers, shared their knowledge of the land and its resources, and have continued to play a vital role in the development of our local communities, the state of North Carolina, and the nation; and

WHEREAS, North Carolina is home to more than 122,000 Native Americans, and has eight historic tribes: Coharie, Eastern Band of Cherokee, Haliwa Saponi, Lum bee, Meherrin, Occaneechi Band of Saponi, Sappony, and Waccamaw-Siouan; in accordance with Chapter lE of the North Carolina General Statutes, and N.C. Gen. Stat.§§ 71A-3 - 7.2, these tribes are legally recognized by the State of North Carolina; and

WHEREAS, the North Carolina Commission of Indian Affairs was created in 1971 by the North Carolina General Assembly to advocate for local, regional, and national Native American concerns; and

WHEREAS, our state has enjoyed a positive relationship with the indigenous peoples of North Carolina, and continues to grow in our shared progress; we honor and respect the heritage, and the many cultural and economic contributions of our Native American tribes and people; and

WHEREAS, despite this relationship, there are disparities in the fair treatment of our Native American tribes, and insufficient acknowledgment of the historic destruction of our indigenous cultures; and

WHEREAS, Native American Awareness Week began in 1976 and recognition was expanded by Congress and approved by President George Bush in August 1990, designating the month of November as National American Indian Heritage Month, thereafter, commonly referred to as Native American Heritage Month; and

WHEREAS, Native American Heritage Month is celebrated every year to recognize Native American cultures, contributions, history, traditions, art, and land; and

WHEREAS, the State of North Carolina encourages all people to acknowledge the historic sacrifices of indigenous peoples and recognize their contributions to the emergence and development of our state, the nation, the free world, and the global economy.

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

"**Native American Heritage Month**"

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

PROCLAIMED this 4th day of November 2021

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

C. Recognition of Water and Sewer Crews – *Jeff Miller, City Council Member*

Council Member Jeff Miller expressed thanks and appreciation to the Water and Sewer Crews for all they do. Mayor Barbara G. Volk presented certificates on behalf of the Council to each member for a job well done.

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

City Manager Connet recognized Kourtney Looper, Wastewater Treatment Plant, Brandon Roberts, Engineering, Larry Reeves, Public Works, Dwayne Jones, Austin Jones, Brad Duncan, and Tim Laughter, Water & Sewer, as the Quarterly MVP recipients thanking them for their service and for going above and beyond illustrating great customer service.

E. Resolution Accepting Donation- Clear Creek Greenway – *Brendan Shanahan, Engineering*

Brendan Shanahan reminded everyone the City of Hendersonville has worked to expand and improve the linear parks and greenways that are available to residents and visitors and said in the last two years, the City has acquired grant funds to design and construct the Clear Creek Greenway, a 1.5-mile multi-use path to begin at the Oklawaha Greenway system and extend along Clear Creek past Carolina Village and to Lakewood Road. Mr. Shanahan stated throughout this process, the Carolina Village Retirement Community has been a staunch advocate of the project, showing their support, not only by attending meetings and providing valuable feedback, but also by offering financial support in the

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amount of $250,000 and the donation of easement as required for the trail. Mr. Shanahan reminded everyone it was this demonstration of local support and interest that the city was able to leverage into grant donations from the State and Federal levels totaling $2.2 million. City Council Members and staff expressed thanks and appreciation to Carolina Village in helping this community vision to become a reality. Kevin Parries, Executive Director at Carolina Village was on hand present the donation.

Council Member Jerry Smith moved that City Council adopt the resolution authorizing the acceptance of the Carolina Village donation for the Clear Creek Greenway as presented. A unanimous vote of the Council followed. Motion carried.

Resolution #R-21-106

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL AUTHORIZING THE ACCEPTANCE OF THE CAROLINA VILLAGE DONATION FOR CLEAR CREEK GREENWAY

WHEREAS, the Carolina Village wishes to make a donation in the amount of $250,000 to be used for the design, and construction of the section of the Clear Creek Greenway that has been awarded, and to provide local match for grant funds under the 2019 Water Resources Development Grant, the 2020 Parks and Recreation Trust Fund, and the 2020 Surface Transportation Block Grant; and

WHEREAS, in addition to the donation of funds, Carolina Village intends to donate an easement of approximately 2.5 acres, to the City of Hendersonville to be used for the same section of the Clear Creek Greenway, which will traverse the property of Carolina Village from the right of way of Clear Creek Rd (SR 1503) to the right of way of Interstate 26 along the northern portion of the property, adjacent to the Clear Creek Mitigation Site (Conservation Easement);

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

1. The City Council accepts the donation of $250,000.00 from Carolina Village for the purpose of designing and construction a portion of the Clear Creek Greenway.
2. The City Manager is authorized to accept the donation of the approximately 2.5-acre easement which will traverse the property of Carolina Village from the right of way of Clear Creek Rd (SR 1503) to the right of way of Interstate 26 along the northern portion of the property, adjacent to the Clear Creek Mitigation Site (Conservation Easement) funds.
3. The City Manager is authorized to execute such additional documents as may be required to complete the acceptance of the donated funds and the donated easement.
4. The City Council extends its thanks to Carolina Village for these generous donations.

Adopted by the City Council of the City of Hendersonville, North Carolina this 4th day of November 2021.

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

F. Trash Trout Jr. Eagle Scout Project – *Elijah Bandy, Eagle Scout Candidate & Michael Huffman, Stormwater Administrator*

Elijah Bandy, a local boy scout, addressed City Council asking consideration of approval for the installation of a new Trash Trout Jr. device. Mr. Bandy stated the smaller Trash Trout Jr. will aid in removing additional litter from Mud Creek and will provide a public education opportunity for the community.

Council Member Lyndsey Simpson moved that City Council Approve the installation of a new Trash Trout Jr. Device for the cost of $3,500.00 as presented. A unanimous vote of the Council followed. Motion carried.

G. NCDEQ MS4 Stormwater Program Audit Results – *Michael Huffman, Stormwater Administrator*

Stormwater Administrator Mike Huffman presented the results of the NCDEQ MS4 Stormwater Program Audit that was conducted in May 2021. Mr. Huffman stated the city was found to be in compliance with the audit criteria and discussed next steps including developing an updated stormwater management plan and metrics using the State of North Carolina's guidelines. Additional information and educational tools may be found in the Stormwater section on the City's website.

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7. PUBLIC HEARINGS

A. Rezoning: Conditional Zoning District: World of Clothing Mini Warehouses (P21-52-CZD)

– Tyler Morrow, Planner II

Community Development Planner Tyler Morrow stated the City is in receipt of an application for a conditional rezoning from Daniel Renckens of Canvass Capital, LLC, applicant and Dreams Dominion, Inc., property owners. The applicants are requesting to rezone the subject property, PIN 9579-56-0884 and PIN 9579-46-9642 and located at 135 Sugarloaf Road, from C-3, Highway Business to C-3 CZD, Highway Business Conditional Zoning District for the reuse/redevelopment of a 154,385 sq. ft. mini-warehouse facility on approximately 8.24 acres.

Staff presented and discussed with City Council an analysis of the consistency with the relevant portions of the Comprehensive Land Use Plan and the Planning Board's recommendation. Both were considered by the City Council in addition to supporting maps and documents provided in the agenda packet.

There was much discussion regarding allowed uses of the current zoning and change of use. City Council Member Jerry Smith raised concerns of allowing all uses for buildings over 50,000 square feet without further City Council approval and said he does not support this as its written. Mayor Volk stated she can't see any reason to limit the future uses given the proximity to the interstate. Council Member Jeff Miller stated he agreed with Mayor Volk.

The City Clerk confirmed this public hearing has been advertised in accordance with North Carolina General statutes. The public hearing was opened at 7:26 p.m.

Lynne Williams 309 Chadwick Ave. addressed City Council expressing concerns of density, removal of trees, and drainage on the site.

Jeff Doody of 156 Yon Hill Rd. addressed City Council expressing thanks and appreciation to City Council and said he agrees with Council Member Smith's comments regarding allowable uses for buildings over 50,000 square feet.

There were no further comments.

The public hearing was closed at 7:29 p.m.

Council Member Lyndsey Simpson acknowledged Council Member Smith's view but said while she did not have concerns with the current allowable uses.

Council Member Dr. Jennifer Hensley clarified developer agreed upon conditions with screening and buffer as well as lighting.

City Council Member Dr. Jennifer Hensley moved that City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property PINs 9579-56-0884 and 9579-46-9642 from C-3 Highway Business to C-3 CZD Highway Business Conditional Zoning District based on the site plan submitted by the applicant and subject to the following:

Permitted Uses shall include:
1) Mini-Warehouses
2) All permitted C-3 Uses on November 4th 2021which are listed in the ordinance
Conditions that shall be satisfied prior to final site plan approval including:

<u>City Initiated:</u>

1) The developer agrees to paint the side of the building facing I-26, incorporating artistic elements and screening of mechanical and electrical components subject to staff approval during site plan review.
2) The developer agrees to provide a photometric plan with zero-foot candles from proposed light fixtures at the property line therefore no new lighting will bleed off the property.

<u>Developer Initiated:</u>
1) To maintain existing dimensional conditions in the parking lot at 135 Sugarloaf Road.

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

1. ***This redevelopment is within a high intensity priority infill area as designated in the comprehensive plan (Chapter 8 - LU 1.1)***
2. ***The development utilizes an existing large scale commercial building with a use that is compatible with the surrounding area.***
3. ***The development provides additional storage options for the citizens of Hendersonville.***

The motion carried by a vote of 4-1 with Council Member Jerry Smith voting against.

Ordinance #O-21-48

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR PARCEL NUMBERs 9579-56-0884 AND 9579-46-9642 BY CHANGING THE ZONING DESIGNATION FROM C-3 HIGHWAY BUSINESS TO C-3 CZD HIGHWAY BUSINESS CONDITIONAL ZONING DISTRICT

IN RE: Parcel Numbers: 9579-56-0884 and 9579-46-9642 – World of Clothing Mini Warehouses
(File # P21-52-CZD)

WHEREAS, the City is in receipt of a Conditional Rezoning application from Canvass Capital LLC (applicant) and Dreams Dominion LLC (Property Owners) for the development of a mini warehouse facility development on approximately 8.24 acres., and

WHEREAS, the Planning Board took up this application at its regular meeting on October 11th, 2021; voting unanimously to recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville, and

WHEREAS, City Council took up this application at its regular meeting on November 4th, 2021, and

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

1. Pursuant to Article XI of the Zoning Ordinance of the City of Hendersonville, North Carolina, the Zoning Map is hereby amended by changing the zoning designation of the following: Parcel numbers 9579-56-0884 and 9579-46-9642 from C-3 Highway Business to C-3 CZD Highway Business Conditional Zoning District

2. Development of the parcel shall occur in accordance with the final site plan requirements of Article VII of the Zoning Ordinance of the City of Hendersonville, North Carolina, and shall be based on the site plan submitted by the applicant and subject to the following.

Permitted Uses shall include:

1) Accessory dwelling units subject to special requirements contained in Section 16-4, below
2) Accessory uses & structures
3) Adult care centers registered with the NC Department of Human Resources
4) Animal hospitals & clinics as long as they contain no outdoor kennels
5) Automobile car washes
6) Automobile sales & service establishments
7) Automotive paint & body work
8) Banks and other financial institutions
9) Bed & breakfast facilities
10) Business services
11) Congregate care facilities, subject to special requirements contained in Section 16-4, below
12) Construction trades facilities so long as the storage of equipment and materials is screened from view from any public rights-of-way
13) Convenience stores with or without gasoline sales
14) Cultural arts buildings
15) Dance and fitness facilities
16) Dry cleaning and laundry establishment containing less than 6,000 ft2 of floor area

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17) Farm equipment sales & service
18) Food pantries, subject to the special requirements contained in Section, 16-4 below)
19) Food processing establishments containing less than 10,000 ft2 of gross floor area
20) Funeral homes
21) Golf driving ranges & par three golf courses
22) Greenhouses & commercial nurseries
23) Home occupations
24) Hotels and motels
25) Laundries, coin-operated
26) Microbreweries, subject to special requirements contained in Section 16-4, below
27) Mobile food vendors, subject to special requirements contained in Section 16-4, below
28) Mobile homes sales establishments so long as they are situated on a major thoroughfare containing four or more traffic lanes
29) Music and art studios
30) Newspaper offices and printing establishments
31) Nursing homes subject to special requirements contained in Section 16-4, below
32) Offices, business, professional and public
33) Parking lots and parking garages
34) Parks
35) Personal services
36) Planned residential developments (minor), subject to the requirements of Article VII, below
37) Progressive care facilities subject to special requirements contained in Section 16-4, below
38) Public & semi-public buildings
39) Recreational facilities, indoors
40) Recreational facilities, outdoors, commercial
41) Religious institutions
42) Repair services, miscellaneous
43) Residential care facilities
44) Residential dwellings, single-family
45) Residential dwellings, two-family
46) Rest homes subject to special requirements contained in Section 16-4, below
47) Restaurants
48) Restaurants, drive-in
49) Retail stores
50) Schools, post-secondary, business, technical and vocational
51) Schools, primary & secondary
52) Service stations
53) Signs, subject to the provisions of Article XIII
54) Small Scale Manufacturing, subject to the Supplementary Standards contained in Section 16-4, below
55) Telecommunications antennas, subject to special requirements contained in Section 16-4, below.
56) Telecommunications towers, subject to special requirements contained in Section 16-4, below.
57) Theaters, indoor
58) Wholesale businesses
59) Mini warehouses

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

City initiated:

1) The developer agrees to paint the side of the building facing I-26, incorporating artistic elements and screening of mechanical and electrical components subject to staff approval during final site plan review.

2) The developer shall provide a photometric plan with zero foot-candles from proposed light fixtures at the property line therefore no new lighting will bleed off the property

Developer Initiated:

3) To maintain existing dimensional conditions in the parking lot at 135 Sugarloaf Road.

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This ordinance shall not be effective until the stipulated list of conditions is consented to in writing by the applicant and all owners of the subject property. Upon such written consent, this ordinance shall be effective retroactive to the date of its adoption.

Adopted by the City Council of the City of Hendersonville, North Carolina this 4th day of November 2021.

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

Mayor Volk briefly recessed the meeting at 7:36 p.m. and reconvene at 7:44 p.m. with all members in attendance.

B. Rezoning: Conditional Zoning District – Half Moon Heights (P21-44-CZD) – *Matthew Manley, AICP – Planning Manager*

Planning Manager Matthew Manley stated the City is in receipt of an application for a conditional rezoning from Joseph Schlotterbeck of Half Moon Land Holdings, LLC, applicant, and Triangle Ballantyne Hendersonville, Inc., property owners. The applicants are requesting to rezone the subject property located on Half Moon Trail, from PRD-CZD to PRD CZD for the construction of a housing development containing 95 single-family homes on approximately 33.65 acres with a density of 2.86 Units / Acre. Mr. Manley stated this project required a conditional rezoning due to the PRD Conditional Zoning District requirements.

Staff presented and discussed with City Council an analysis of the consistency with the relevant portions of the Comprehensive Land Use Plan and the Planning Board's recommendation. Both were considered by the City Council in addition to supporting maps and documents provided in the agenda packet.

The city's traffic impact analysis consultant Jonathan Guy of Kimley Horn addressed City Council discussing traffic analysis of the proposed area and NCDOT signal installation requirements. Mr. Guy stated NCDOT would want to see data after the development completion to determine if a signal would be permitted. Mr. Guy discussed speed studies and other options. Mr. Guy stated the traffic study should have been conducted during school hours and Council Member Lyndsey Simpson inquired if the information presented was accurate. Mr. Guy stated traffic volumes for the study area intersections could increase due to school traffic. City Council Member Dr. Jennifer Hensley stated she has contacted the area NCDOT representative to discuss traffic in this area.

Project developer, Joseph Schlotterbeck addressed City Council clarifying he requested the traffic study absent knowing the requirement of conducting the study during school hours and said he has since had the traffic engineer reconduct the study during school hours but clarified they spoke with NCDOT and together estimated the average increases in daily traffic volumes in the site area to be an additional 5 percent and said they also added an additional 2 percent for all other traffic in the area due to COVID. Mr. Schlotterbeck further discussed the city's street tree planting requirements stating they were lax and only requires planning of 29 street trees on this site. Mr. Schlotterbeck stated the amount of tree credits would allow him to plant no trees. Preserving 294 and planting 412 trees.

There was much discussion regarding the proposed trail and roadway standards and dedication. The developer agreed to construct the roads to city standards before they will be accepted by the city for maintenance.

The City Clerk confirmed this public hearing has been advertised in accordance with North Carolina General statutes. The public hearing was opened at 8:53 p.m.

Janice Valentine of 135 Creek Walk Ln., Wolf Chase HOA addressed City Council stating she is strongly opposed to the development and referred to concerns posed by residents during the Neighborhood Compatibility, Tree Board, and Planning Board meetings opposing the development. Ms. Valentine stated the concerns have been well documented and asked for protection of residents and for their concerns to be heard. Ms. Valentine stated the area lacks the infrastructure to deal with increased population, stormwater, erosion, and flooding and said she does not feel the proposed system is going to be adequate.

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Gus Martschink of 40 Snowy Egret Way addressed City Council stating he is opposed to the proposed development and expressed concerns for ongoing development in the area and removal of the mature trees affecting stormwater runoff. Mr. Martschink asked City Council to oppose the project.

Lynne Williams 309 Chadwick Ave. addressed City Council expressing concerns of density, removal of trees, and drainage on the site asking Council to follow the Tree Board's recommendations and to oppose the project.

Mayor Volk acknowledged and read digital comments submitted by the following:

David Litigot of 68 Winter Wren Circle submitted digital comments in opposition of this development and expressing concerns that flooding, traffic, habitat, and flood plain concerns of the residents from Wolf Chase are being ignored.

Donna Watters of 73 Winter Wren Circle submitted digital comments in opposition to this development with regard to tree removal and steep slope.

There were no further comments.

The public hearing was closed at 9:14 p.m.

City Council Member Jeff Miller stated decisions like this are never easy and said he wanted everyone to know that all points are being considered. City Council Member Dr. Jennifer Hensley recalled discussions with area residents and said she believes the accommodations the developer has agreed to coupled with proposing a traffic light with the aid of NCDOT are steps in the right direction to mitigate some of resident's concerns. Mayor Barbara Volk agreed with Council Member Miller and reminded everyone that people do have a right to develop property they own unless it is purchased for conservation and said the density affects the affordability of housing. Mayor Volk asked for clarification regarding tree removal absent rezoning of this property and Planning Manger Matthew Manley confirmed the city does not have any type of tree protection ordinance in place outside of historic districts.

City Council Members further discussed liability and maintenance of the proposed trail system and City Attorney Angela Beeker clarified the trail is shown on the plat but said it would not become public unless the city accepted it.

Council Member Jerry Smith said that without exception there is no one who is in favor of this development that he has spoken with and said it was overwhelming and he cannot support the development due to density and removal of so many trees.

Council Member Lyndsey Simpson acknowledged the thought that the Schlotterbeck's have put into the project but clarified that the decision she makes is based on comprehensive plan which indicates this area is slated for growth management. Council Member Simpson also expressed concerns of adequate infrastructure, stormwater runoff, natural habitat loss, and traffic stating she has too many concerns to support this project at this time.

Council Member Jeff Miller said it is really difficult to be responsible for these decisions and reminded everyone that people have a right to develop their property. Council Member Miller stated he walked the property and said he hates to see it go but reminded the citizens attending the meeting that the area they live in now was once like this and said that someone was opposed to it when it was developed.

Council Member Jerry Smith confirmed these homes are not affordable housing and said he feels this development is taking more than it is giving in comparison to the adjacent ones. Council Member Smith thanked the developer for working to make accommodations but said his opinion was the development is too dense.

Mr. Schlotterbeck asked Council to defer voting in this matter to allow them to speak with the neighbors again.

After much discussion, the consensus of City Council was to postpone a vote on this rezoning to the December 2, 2021 regular session meeting.

Mayor Volk briefly recessed the meeting at 9:56 p.m. and reconvene at 10:09 p.m. with all members in attendance.

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8. UNFINISHED BUSINESS

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

Mayor Barbara G. Volk reminded everyone the public hearing was closed at 7:02p.m. during the October 7, 2021 City Council regular session meeting. Staff previously presented and discussed with City Council an analysis of the consistency with the relevant portions of the Comprehensive Land Use Plan and the Planning Board's recommendation. Both were considered by the City Council in addition to supporting maps and documents provided in the agenda packet.

City Council discussed connectivity requirements within the city's subdivision ordinance. City Council Members were not in favor of requiring connectivity in the context of this project. City Manager John Connet discussed conflicting interests with tree removal and reducing traffic congestion. City Attorney Beeker reminded Council in order to eliminate the connectivity requirement the subdivision ordinance would need to be amended.

Planning Manager Matthew Manley stated staff proposes a 25 feet setback with reservation due to the double frontage zoning and impact a future widening on North Main Street. Mr. Manley stated the developer does not agree to the 25 feet would agree to 20 feet. Council Member Jerry Smith supported leaving the 25 feet buffer in place.

Council Member Lyndsey Simpson agreed with Council Member Smith for keeping a 25 feet setback. Council Member Simpson stated she does not support the project with the road due to traffic concerns.

Michael Goforth and developer Travis Fowler addressed City Council discussing connectivity and traffic control. Mr. Fowler stated in his opinion a connection to Strick Garden Lane was never intended to be a paved vehicular connection. The developer clarified he will be seeking a variance from the Board of Adjustment regarding the connection in this matter.

Council Member Jeff Miller moved that City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject properties (Parcel Numbers: 9569857172; 9569834918; 9569853434; 9569851398; & 9569853178) from R-20 (Low Density Residential) & PCD-CZD (Planned Commercial Development-CZD) to PRD-CZD (Planned Residential Development - Conditional Zoning District) based on the site plan submitted by the applicant and subject to the following;

Permitted uses shall include:

1. ***Residential Dwellings, Single-Family***

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

<u>City-Initiated:</u>

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

<u>Developer-Proposed:</u>

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

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

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

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

The motion carried by a vote of 3-2 with Council Members Jerry Smith and Lyndsey Simpson voting against.

Ordinance #O-21-49

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

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

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

WHEREAS, the Planning Board took up this application at its regular meeting on September 13, 2021; voting 7-0 to recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville; and

WHEREAS, City Council took up this application at its regular meeting on November 4, 2021.

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

1. Pursuant to Article XI of the Zoning Ordinance of the City of Hendersonville, North Carolina, the Zoning Map is hereby amended by changing the zoning designation of the following: Parcel Numbers: 9569857172; 9569834918; 9569853434; 9569851398; & 9569853178 from R-20 (Low Density Residential) & PCD-CZD (Planned Commercial Development-CZD) to PRD-CZD Planned Residential Development – Conditional Zoning District

2. Development of the parcel shall occur in accordance with the final site plan requirements of Article VII of the Zoning Ordinance of the City of Hendersonville, North Carolina, and shall be based on the site plan submitted by the applicant and subject to the following.

   a. Permitted uses shall include:
      i. Residential Dwellings, Single-Family.
   b. Conditions that shall be satisfied prior to final site plan approval include:
   City-initiated Conditions:
      i. Developer to comply with Section 15-4 of the Zoning Ordinance for the preservation of existing vegetation, and
      ii. Require all new tree plantings to be a minimum of two-inch caliper and;
      iii. Developer will work with staff to recess the garages and create longer driveways in accordance with the Comp Plan Chapter 2: Population and Housing for Walkable Neighborhoods and;
      iv. Eastern-most access point on N. Main St. to be a right-in/right-out only and;
      v. Western-most main entrance on N. Main St. to include a deceleration lane.
   Developer Proposed Condition:
      vi. Permit the rear setback to equal 20 feet for all single-family residential lots regardless of adjacent property uses or zoning with the exception of those fronting N Main St, which will retain a 20' rear setback per the City's Subdivision Ordinance that is reserved.

3. This ordinance shall not be effective until the stipulated list of use(s) and conditions, established herein, is consented to in writing by the applicant and all owners of the subject property. Upon such written consent, this ordinance shall be effective retroactive to the date of its adoption.

DRAFT

Adopted by the City Council of the City of Hendersonville, North Carolina this 4th day of November 2021.

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

9. NEW BUSINESS

A. Lease of Space in Thomas H. Thompson Emergency Services Center to Provide Temporary Housing for Fire Department Personnel and Equipment During Construction of Fire Station 1 – *James Miller, Fire Chief*

City Manager John Connet stated the County has agreed to lease space to house the City of Hendersonville Fire Department personnel and equipment in the Thomas H. Thompson Emergency Services Center during the construction of the new Fire Station 1. The annual price for the lease is $1.00 per year. City Council expressed thanks and appreciation to Henderson County for providing this space.

Council Member Jerry Smith moved that City Council adopt the Resolution to Approve Lease of Space to Provide Temporary Facilities for the Hendersonville Fire Department as presented. A unanimous vote of the Council followed. Motion carried.

Resolution #R-21-107

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO APPROVE LEASE OF SPACE TO PROVIDE TEMPORARY FACILITIES FOR THE HENDERSONVILLE FIRE DEPARTMENT

WHEREAS, the City of Hendersonville is in the process of planning for the construction of a new Fire Station 1; and

WHEREAS, the Hendersonville Fire Department will need to locate personnel and equipment to temporary locations while the new Fire Station 1 is under construction; and

WHEREAS, Henderson County has agreed to lease certain portions of the Thomas H. Thompson Emergency Services Center to the City of Hendersonville for use by the City of Hendersonville Fire Department personnel during the construction of Fire Station 1 for the cost of $1.00 per year; and

WHEREAS, the City Council wishes to enter into such a lease with Henderson County;

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

1. The Lease Agreement for the lease of space within the Thomas H. Thompson Emergency Services Center for use by the City of Hendersonville Fire Department personnel during the construction of Fire Station 1, for the cost of $1.00 per year, for a term of two years is hereby approved as presented. The City Manager is authorized to sign the Lease Agreement on behalf of the City of Hendersonville.
2. The City Manager shall have the authority to extend the Lease Agreement as necessary through the completion of construction of Fire Station 1.
3. The City of Hendersonville hereby extends its thanks to the Henderson County Board of Commissioners.

Adopted by the City Council of the City of Hendersonville, North Carolina this 4th day of November 2021.
/s/Barbara G. Volk, Mayor
Attest: /s/Angela L. Reece, City Clerk
Approved as to form: /s/Angela S. Beeker, City Attorney

B. Creation of a Staff Attorney Position – *John Connet, City Manager*

City Manager John Connet requested City Council create a Staff Attorney position to assist with the workload in the legal department.

Council Member Jeff Miller moved that the City Council create a Staff Attorney position in Pay Grade 24 of the City of Hendersonville Pay and Classification Schedule. A unanimous vote of the Council followed. Motion carried.

DRAFT

10. BOARD/COMMISSION/COMMITTEE APPOINTMENTS

A. Henderson County Rail2Trail Advisory Committee Appointment – *John Connet, City Manager*

City Council Member Jeff Miller moved that City Council appoint Brent Detwiler, City Engineer to fill a term as a Member on the Henderson County Rail2Trail Advisory Committee. A unanimous vote of the Council followed. Motion carried.

11. CITY COUNCIL COMMENTS

Council Member Jeff Miller congratulated Mayor Barbara Volk, Council Member Jerry Smith, Council Member Elect Debbie O'Neal-Roundtree, and Town of Fletcher Mayor Elect Preston Blakely on their election to office.

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

No report was provided.

13. ADJOURN

There being no further business, the meeting was adjourned at 11:00 p.m. upon unanimous assent of the Council.

_____
Barbara G. Volk, Mayor

ATTEST: _____
Angela L. Reece, City Clerk

DRAFT

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: Angela Reece, *MPA, CMC, NCCMC, City Clerk* **MEETING DATE:** December 2, 2021

AGENDA SECTION: CONSENT **DEPARTMENT:** Administration

TITLE OF ITEM: Adoption of 2021 General Records and Program Records Retention Schedules – *Angela L. Reece, City Clerk*

SUGGESTED MOTION(S):

I move that City Council adopt the Resolution by the City of Hendersonville City Council to Adopt the 2021 Records Retention and Disposition Schedules for Local Government Including the General Records and Program Records for Municipal Government as presented.

SUMMARY:

The North Carolina Department of Natural and Cultural Resources has revised the Records Retention Schedules for local governments. The 2021 General Schedule, which was last updated in 2019 now includes items that any kind of local agency may create, such as budgets, personnel files, correspondence, etc.

The 2021 Program Records Schedule is a new retention schedule created from the former Municipal Retention Schedule that was last updated in 2012. This new schedule contains specific functions of government at the municipal level and two additional standards, law enforcement records, and tax records. G. S. § 121- 5 and G. S. § 132- 3 require a municipality to approve the current schedule in order to conduct routine disposal of records which must otherwise be retained without specific permission for disposal by the Division of Archives and Records.

BUDGET IMPACT: $0

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

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

ATTACHMENTS:

i. Resolution
ii. 2021 General Records Change Log: Local Government Agencies
iii. 2021 Program Records Change Log: Local Government Agencies

The 2021 General Records Schedule: Local Government Agencies and 2021 Program Records Schedule: Local Government Agencies may be found by clicking these links or by contacting the City Clerk. They are omitted from this packet due to the size of the documents.

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO ADOPT THE 2021 RECORDS RETENTION AND DISPOSITION SCHEDULES FOR LOCAL GOVERNMENT INCLUDING THE GENERAL RECORDS SCHEDULE AND PROGRAM RECORDS SCHEDULE FOR MUNICIPAL GOVERNMENT

WHEREAS, "Public Record" means any document, paper, letter, map, book, photograph, film, sound recording, magnetic or other tape, electronic data-processing record, artifact, or other documentary material, despite physical form or characteristics, made or received pursuant to law or ordinance in connection with the transaction of public business by any agency of North Carolina government or its subdivisions; and

WHEREAS, without a records retention program, public records can accumulate, causing the need for additional storage space, and without a schedule for disposal, valuable documents can be mistakenly discarded; and

WHEREAS, the City of Hendersonville currently uses the Municipal Records Retention and Disposition Schedule for General Records released March 1, 2019 and all other Municipal Records as released on September 10, 2012 for record retention and disposal; and

WHEREAS, G. S. § 121- 5 and G. S. § 132- 3 require a municipality to approve the current schedule in order to conduct routine disposal of records which must otherwise be retained without specific permission for disposal by the Division of Archives and Records; and

WHEREAS, the City elects to utilize the Agency Policy option for specified items recorded within the North Carolina Department of Cultural Resources Record Retention and Disposition Schedule.

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

1. To reduce the burden and costs of record retention and maintain efficient City records management, the City Council finds and determines that this Resolution should be approved.

2. The City of Hendersonville hereby adopts the adopts the October 1, 2021 Municipal General Records Retention and Disposition General Records and Program Record Schedules, and the Agency Policy options for specified items within the Schedules as presented in accordance with the provisions of Chapters 121 and 132 of the General Statutes of North Carolina, copies of which are on file in the office of the City Clerk.

3. This schedule is to remain in effect from the date of approval until it is reviewed and updated.

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

_____

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

_____

Angela L. Reece, City Clerk

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

CHANGE LOG FOR PROGRAM RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES

Issued By:

NC DEPARTMENT OF
NATURAL AND CULTURAL RESOURCES

North Carolina Department of Natural and Cultural Resources
Division of Archives and Records
Government Records Section

October 1, 2021

EXECUTIVE SUMMARY

This document lists the changes that have been made from the Municipal Records Retention and Disposition Schedule issued on September 10, 2012 as well as the County Management Records Retention and Disposition Schedule issued on April 15, 2013 that are now present in the 2020 Program Records Schedule for Government Agencies. While previously adopted amendments, grammatical and alphabetization changes, wordsmithing, and the updating of citations are not listed, substantive changes are listed in the left-hand column. In the center column are the titles of new records series that have been added to the schedule. In the right-hand column are records series that have been either superseded by the *General Records Schedule: Local Government Agencies* or discontinued because the records are no longer created or received by local departments.

MUNICIPAL AND COUNTY MANAGEMENT CLARIFICATION

While some items included below were identical on the Municipal and County Management schedules, there are cases where an item was only on one schedule or had a different name on each schedule. In those cases, the item will have either an (M) or a (CM) after its title. An (M) indicates that the referenced item was only on the Municipal schedule. A (CM) indicates that the referenced item was only on the County Management schedule. When titles differ, or when multiple items from one schedule fall under a larger term in the other schedule, all previous item titles are provided.

STANDARD 10: AIRPORT AUTHORITY RECORDS

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 10: AIRPORT AUTHORITY RECORDS		
		AIRPORT CERTIFICATION MANUAL See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Accreditation Records.
		COMMUNICATIONS RECORDINGS See General Records Schedule: Local Government Agencies, Standard 7 (Public Relations Records), Audio-Visual Recordings.

STANDARD 11: ANIMAL SERVICES RECORDS

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 11: ANIMAL SERVICES RECORDS		
		ACTIVITY REPORTS (ANIMAL CONTROL) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies.
ANIMAL ABUSE AND CRUELTY RECORDS Used the records series title from the County Management schedule; changed disposition instructions from Municipal schedule to match County Management schedule.		ANIMAL ABUSE CASES (M) ANIMAL CRUELTY RECORDS (M)
		ANIMAL BITE RECORDS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies.
ANIMAL COMPLAINT RECORDS Removed reference to abuse records, which are separately covered in “Animal Abuse and Cruelty Records.”		
ANIMAL CONTROL RECORDS Removed animal abuse case disposition instructions, which are separately covered in “Animal Abuse and Cruelty Records”; added disposition instructions for animal control citations and compliance orders.		ANIMAL CONTROL CITATIONS/COMPLIANCE ORDERS DANGEROUS ANIMAL RECORDS

2021 LOCAL GOVERNMENT PROGRAM RECORDS RETENTION AND DISPOSITION SCHEDULE CHANGE LOG

NC DEPARTMENT OF NATURAL AND CULTURAL RESOURCES

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 11: ANIMAL SERVICES RECORDS		
	ANIMAL SHELTER RECORDS	ANIMAL ADOPTION RECORDS CERTIFICATES OF ANIMAL RELEASE IMPOUNDMENT RECORDS (M) OWNER CONTACT NOTICE RECORDS SHELTER DISPOSITION SHEETS
		RABIES CONTROL REPORTS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies.
		REFERENCE MATERIAL (ANIMAL CONTROL) (M) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reference File.
RABIES VACCINATION RECORDS Clarified title of “Vaccination Records.”		

STANDARD 12: CODE ENFORCEMENT AND INSPECTION RECORDS

(This standard previously encompassed STANDARD 5: BUILDING INSPECTION RECORDS (of the Municipal schedule) and STANDARD 5: CODE ENFORCEMENT AND INSPECTION RECORDS (of the County Management schedule)

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 12: CODE ENFORCEMENT RECORDS		
BLUEPRINTS AND SPECIFICATIONS Disposition was amended to change “b” disposition from “1 year after permit is issued” to “1 year after completion of project.”		For agency-owned buildings, see General Records Schedule: Local Government Agencies, Standard 1, (Administration and Management Records), Blueprints and Specifications.
		BUILDING AND FIRE CODE VIOLATIONS CASES (Municipal) See Violations: Building and Housing
		BUILDING INSPECTION REPORTS (Municipal) See Building and Road Permitting and Inspection Records.
		BUILDING PERMITS AND APPLICATIONS (Municipal) See Building and Road Permitting and Inspection Records.
		BUILDING PERMIT LOG (Municipal) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies.

2021 LOCAL GOVERNMENT PROGRAM RECORDS RETENTION AND DISPOSITION SCHEDULE CHANGE LOG

NC DEPARTMENT OF NATURAL AND CULTURAL RESOURCES

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 12: CODE ENFORCEMENT RECORDS		
		BUILDING PERMIT RECEIPT BOOKS (Municipal) See Permit Receipt Books.
		BUILDING TRADES CERTIFICATIONS (Municipal) See Trades Certifications.
		BURNING PERMITS (BUILDING INSPECTIONS) (Municipal) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reference (Reading File)
		BUSINESS CERTIFICATION RECORDS (County Management) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Business Certification Records
		CERTIFICATES OF OCCUPANCY (Municipal) See Building and Road Permitting and Inspection Records.
		CONSTRUCTION REPORTS (Municipal) See Reports: Monthly Building Permits and Construction.

2021 LOCAL GOVERNMENT PROGRAM RECORDS RETENTION AND DISPOSITION SCHEDULE CHANGE LOG

NC DEPARTMENT OF NATURAL AND CULTURAL RESOURCES

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 12: CODE ENFORCEMENT RECORDS		
		CONTRACTORS LICENSING (Municipal) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reference (Reading File)
		DEMOLITION FILE (Municipal) See Building and Road Permitting and Inspection Records.
		ENCROACHMENTS OF RIGHT-OF-WAY APPLICATIONS AND PERMITS (Municipal) See Permits: Encroachments of Right-of-Way.
		EROSION AND SEDIMENT CONTROL AFFIDAVITS See General Records Schedule: Local Government Agencies, Standard 6 (Legal Records), Litigation Case Records.
		FACILITY MAINTENANCE, REPAIR, AND INSPECTION (County Management) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Facility Maintenance, Repair, and Inspection Records.

2021 LOCAL GOVERNMENT PROGRAM RECORDS RETENTION AND DISPOSITION SCHEDULE CHANGE LOG

NC DEPARTMENT OF NATURAL AND CULTURAL RESOURCES

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 12: CODE ENFORCEMENT RECORDS		
		HAZARDOUS WASTE DISPOSAL RECORDS See General Records Schedule: Local Government Agencies, Standard 8 (Risk Management Records), Hazardous Materials Management.
ILLEGAL DUMPING FILE Cross-reference added to Violations.		
		INSPECTIONS (Municipal) Inspection records now separated into different categories within schedule depending on kind of inspection. For records concerning violations, see Violations.
INSPECTIONS Standardized retention period for all inspections at 6 years (increasing that for Sewage Disposal Systems from 2 years and for Substandard Housing and Unsafe Buildings from 5 years)		INSPECTIONS: ELECTRIC POWER AND NATURAL GAS SYSTEM (County Management) INSPECTIONS: PERIODIC REPORTS OF INDUSTRIAL FACILITIES (County Management) INSPECTIONS: SANITARY LANDFILL (County Management) INSPECTIONS: SEWAGE DISPOSAL SYSTEM (County Management) INSPECTIONS: SUBSTANDARD HOUSING AND UNSAFE BUILDINGS (County Management) INSPECTIONS: WASTE LOADS (County Management) INSPECTIONS: WATER AND WASTEWATER SYSTEM (County Management)

2021 LOCAL GOVERNMENT PROGRAM RECORDS RETENTION AND DISPOSITION SCHEDULE CHANGE LOG

NC DEPARTMENT OF NATURAL AND CULTURAL RESOURCES

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 12: CODE ENFORCEMENT RECORDS		
		INSPECTIONS: ENVIRONMENTAL HEALTH SUMMARIES (County Management) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reference (Reading File)
		INSPECTOR WORKSHEETS (Municipal) See Inspections
		LABORATORY OPERATIONS RECORDS (County Management) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reference (Reading File)
		LANDFILL OPERATIONAL PLAN (County Management) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Strategic Plan.
		MAPS, PLATS, AND DRAWINGS (Municipal) See Program Schedule for Local Government Records, Standard 15 (Planning and Regulation of Development Records), Maps, Plats, and Drawings (Official).

2021 LOCAL GOVERNMENT PROGRAM RECORDS RETENTION AND DISPOSITION SCHEDULE CHANGE LOG

NC DEPARTMENT OF NATURAL AND CULTURAL RESOURCES

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 12: CODE ENFORCEMENT RECORDS		
		MANUFACTURED HOME PERMITS (Municipal) See Program Schedule for Local Government Records, Standard 15 (Planning and Regulation of Development Records), Permits: Temporary Manufactured Home.
		MONTHLY BUILDING PERMITS AND CONSTRUCTION REPORTS (Municipal) See Reports: Monthly Building Permits and Construction.
		NORTH CAROLINA SEDIMENTATION AND POLLUTION CONTROL COMMISSION See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reference (Reading File)
		PERIODIC INSPECTION REPORTS (Municipal) See Inspections
		PERMIT LOG (County Management) Record no longer applicable.
		PERMITS: BURNING (County Management) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reference (Reading File)

2021 LOCAL GOVERNMENT PROGRAM RECORDS RETENTION AND DISPOSITION SCHEDULE CHANGE LOG

NC DEPARTMENT OF NATURAL AND CULTURAL RESOURCES

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 12: CODE ENFORCEMENT RECORDS		
		PERMITS: FACILITIES USE (County Management) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Equipment, Facility, and Vehicle Usage Records.
		PERMITS: LANDFILL (County Management) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reference (Reading File)
		PERMITS: MISCELLANEOUS (NON-CONSTRUCTION) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Miscellaneous (Non-Building) Applications, Licenses, and Permits.
		REPORTS: DAILY WATER AND WASTEWATER FACILITY OPERATORS LOG See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies.

2021 LOCAL GOVERNMENT PROGRAM RECORDS RETENTION AND DISPOSITION SCHEDULE CHANGE LOG

NC DEPARTMENT OF NATURAL AND CULTURAL RESOURCES

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 12: CODE ENFORCEMENT RECORDS		
		REPORTS: DISCHARGE MONITORING See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies.
		REPORTS: ENVIRONMENTAL HEALTH (County Management) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies.
		REPORTS: LANDFILL MONITORING See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies.
		REPORTS: U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies.

2021 LOCAL GOVERNMENT PROGRAM RECORDS RETENTION AND DISPOSITION SCHEDULE CHANGE LOG

NC DEPARTMENT OF NATURAL AND CULTURAL RESOURCES

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 12: CODE ENFORCEMENT RECORDS		
		REPORTS: WASTEWATER MAINTENANCE OPERATION See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies.
		SEWAGE DISPOSAL SYSTEM INSPECTION REPORTS (Municipal) See Inspections: Sewage Disposal Systems.
		STREET ADDRESS LOG (Municipal) See Program Schedule for Local Government Agencies, Standard 19 (Street Maintenance, Public Works, and Engineering Records), Street Name and House Number File.
		STREET INFORMATION See Program Schedule for Local Government Agencies, Standard 19 (Street Maintenance, Public Works, and Engineering Records), Street Name and House Number File.
		SUBSTANDARD HOUSING INSPECTION REPORTS (Municipal) See Inspections

2021 LOCAL GOVERNMENT PROGRAM RECORDS RETENTION AND DISPOSITION SCHEDULE CHANGE LOG

NC DEPARTMENT OF NATURAL AND CULTURAL RESOURCES

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 12: CODE ENFORCEMENT RECORDS		
		TROUT BUFFER VARIANCES (County Management) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reference (Reading File)
VIOLATIONS Description expanded to describe various kinds of violations. Changed retention from 3 years to 6 years; added “b” to account for “remaining records.”		
VIOLATIONS: SOLID WASTE MANAGEMENT Changed “produced” to “issued” in item description.	.	
		WASTE OIL, BATTERIES, AND ELECTRONICS COLLECTION FILE See General Schedule for Local Government Records, Standard 8 (Risk Management Records), Hazardous Materials Management.
WATER ANALYSIS Cross-reference added to Violations.		

STANDARD 13: EMERGENCY MEDICAL SERVICES AND FIRE DEPARTMENT RECORDS

The most significant change from the previous schedule is that all items pertaining to Emergency Management are now included in the General Records Schedule: Local Government Agencies. Since Emergency Management is a function carried out by various local agencies, and since Emergency Management is not necessarily an agency paired with Emergency Medical Services (EMS) and Fire Departments, it is logical to place the Emergency Management items in the General Schedule where they apply to all local agencies. **All Emergency Management specific standards will now be found in Standard 8 (Risk and Emergency Management) of the General Records Schedule: Local Government Agencies, to be reflected in the new revisions to the General Schedule for 2020.**

Clarification note added to the standard introduction concerning body-worn camera footage from EMS and Fire Department personnel that reads: *Footage from body-worn cameras is classified with the content captured or the purpose of the footage rather than by its format. Recordings may fit under FIRE INVESTIGATION CASE FILES, DISPATCH RECORDS AND RECORDINGS, PUBLICITY RECORDS (General Schedule), TRAINING AND EDUCATIONAL RECORDS, and other items as appropriate. Footage is only confidential if it fits within an item where confidentiality is conferred by state or federal statute.*

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 13: EMERGENCY MEDICAL SERVICES AND FIRE DEPARTMENT RECORDS		
	..	911 CALL RECORDINGS (CM) 911 TAPE RECORDINGS (M) See 911 Communication Records and Recordings.
	911 COMMUNICATION RECORDS AND RECORDINGS This item includes 911 Communication Records and 911 Call Recordings. Description explicitly includes both calls and text messages. New retention for all 911 records is retain for 30 days unless made part of a case file.	911 COMMUNICATION RECORDS

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 13: EMERGENCY MEDICAL SERVICES AND FIRE DEPARTMENT RECORDS		
		911 FILE See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Policies and Procedures OR General Records Schedule: Local Government Agencies, Standard 4 (Human Resources Records), Training and Educational Records.
		ACCIDENT FILE (M) See General Records Schedule: Local Government Agencies, Standard 8 (Risk Management Records), Accident/Incident Reports (Customer and Employee).
		ACTIVITY REPORTS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies.
AMBULANCE CALL REPORTS (ACR)/PATIENT CARE REPORTS (PCR) Minimum retention period now three years after case is closed rather than eleven years. Confidentiality statutes also added.		PATIENT CARE REPORTS (M)
		AMBULANCE DISPATCH RECORDS See Dispatch Records and Recordings.

2021 LOCAL GOVERNMENT PROGRAM RECORDS RETENTION AND DISPOSITION SCHEDULE CHANGE LOG

NC DEPARTMENT OF NATURAL AND CULTURAL RESOURCES

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 13: EMERGENCY MEDICAL SERVICES AND FIRE DEPARTMENT RECORDS		
		AMBULANCE SERVICE RUN LOG See Dispatch Records and Recordings.
		ANNUAL REPORT (M) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies.
		ANNUAL SUBMISSION ON PERSONNEL AND ADMINISTRATION FUNDS FILE See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies.
BUILDING AND FIRE SAFETY SYSTEM PLANS Revision of Plans item to clarify coverage of building and fire safety plans for commercial, industrial, and government-owned properties, as per records typically held by local fire marshals.		
		BUILDING INSPECTIONS See Fire Safety Inspections and Permits. Other kinds of inspections are found in the Program Records Schedule: Local Government Agencies, Standard 12 (Code Enforcement Records).

2021 LOCAL GOVERNMENT PROGRAM RECORDS RETENTION AND DISPOSITION SCHEDULE CHANGE LOG

NC DEPARTMENT OF NATURAL AND CULTURAL RESOURCES

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 13: EMERGENCY MEDICAL SERVICES AND FIRE DEPARTMENT RECORDS		
		COMPANY RUN REPORT (FIRE JOURNAL) See Dispatch Records and Recordings.
		CONSOLIDATED MONTHLY REPORTS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies.
		DAILY LOG (M) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies.
	.	DISASTER AND EMERGENCY MANAGEMENT PLANS See General Records Schedule: Local Government Agencies, Standard 8 (Risk Management Records), Disaster and Emergency Management Plans.
		DISPATCH FILE (M) See Fire Dispatch File.

2021 LOCAL GOVERNMENT PROGRAM RECORDS RETENTION AND DISPOSITION SCHEDULE CHANGE LOG

NC DEPARTMENT OF NATURAL AND CULTURAL RESOURCES

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 13: EMERGENCY MEDICAL SERVICES AND FIRE DEPARTMENT RECORDS		
	DISPATCH RECORDS AND RECORDINGS Consolidated item includes Ambulance Dispatch Records, Ambulance Service Run Log, Company Run Report (Fire Journal), Fire Alarm Journal, and Fire Dispatch File. Item description expanded to include body-worn camera footage from EMS and Fire Department personnel responding to an emergency unless footage fits explicitly within another item. New retention of all items is 30 days unless made part of a case file. Confidentiality statutes also added.	DISPATCH RECORDINGS
		EMERGENCY NOTIFICATIONS See General Records Schedule: Local Government Agencies, Standard 8 (Risk Management Records), Emergency Notifications.
		EMERGENCY SERVICES BILLING RECORDS (M) See General Records Schedule: Local Government Agencies, Standard 2 (Budget, Fiscal, and Payroll Records), Accounts Receivable.
		EMERGENCY SERVICES CORRESPONDENCE (M) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Correspondence and Memoranda.

2021 LOCAL GOVERNMENT PROGRAM RECORDS RETENTION AND DISPOSITION SCHEDULE CHANGE LOG

NC DEPARTMENT OF NATURAL AND CULTURAL RESOURCES

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 13: EMERGENCY MEDICAL SERVICES AND FIRE DEPARTMENT RECORDS		
		EQUIPMENT RECORDS (APPARATUS AND MAINTENANCE FILE) (M) See General Records Schedule: Local Government Agencies, Standard 8 (Risk Management Records), Emergency Drills and Equipment Records.
		EQUIPMENT RECORDS (APPARATUS OPERATING EXPENSE FILE) (M) Purchase orders of equipment are now found in General Records Schedule: Local Government Agencies, Standard 2 (Budget, Fiscal, and Payroll Records), Purchase Orders Reports of expenditures relating to the usage and upkeep of equipment fall under General Records Schedule: Local Government Agencies, Standard 2 (Budget, Fiscal, and Payroll Records), Budget Reports.
		EQUIPMENT RECORDS (APPARATUS TEST REPORTS) (M) See General Records Schedule: Local Government Agencies, Standard 8 (Risk Management Records), Emergency Drills and Equipment Records.

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 13: EMERGENCY MEDICAL SERVICES AND FIRE DEPARTMENT RECORDS		
		EQUIPMENT RECORDS (EQUIPMENT ISSUED TO FIREFIGHTERS AND EMERGENCY PERSONNEL) (M) See General Records Schedule: Local Government Agencies, Standard 8 (Risk Management Records), Emergency Drills and Equipment Records.
		EQUIPMENT RECORDS (HOSE RECORDS) (M) See General Records Schedule: Local Government Agencies, Standard 8 (Risk Management Records), Emergency Drills and Equipment Records.
		EQUIPMENT RECORDS (HOSE TESTS) (M) See General Records Schedule: Local Government Agencies, Standard 8 (Risk Management Records), Emergency Drills and Equipment Records.
		EVACUATION PLANS See General Records Schedule: Local Government Agencies, Standard 8 (Risk Management Records), Disaster and Emergency Management Plans.
		EXPOSURE RECORDS (M) See General Records Schedule: Local Government Agencies, Standard 4 (Human Resources Records), Medical Records.

2021 LOCAL GOVERNMENT PROGRAM RECORDS RETENTION AND DISPOSITION SCHEDULE CHANGE LOG

NC DEPARTMENT OF NATURAL AND CULTURAL RESOURCES

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 13: EMERGENCY MEDICAL SERVICES AND FIRE DEPARTMENT RECORDS		
		FEDERAL ASSISTANCE PROGRAMS REFERENCE RECORDS (M) As reference copies, these records can be destroyed when their reference value ends for the agency.
		FIRE ALARM JOURNAL See Dispatch Records and Recordings.
		FIRE INSPECTION REPORTS (M) See Fire Safety Inspections and Permits.
FIRE INVESTIGATION CASE FILES Confidentiality statute added for criminal investigations. Description modified to allow for agency's decision as to what to include in a fire investigation file. Cross-reference added to Case History File: Felonies and Case History File: Misdemeanors from the Law Enforcement Records standard of the Local Program Schedule.		
		FIRE INVESTIGATION RECORDS See Fire Investigation Case Files.
		FIRE LIMITS ORDINANCES See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Ordinances.

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CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 13: EMERGENCY MEDICAL SERVICES AND FIRE DEPARTMENT RECORDS		
	FIRE SAFETY INSPECTIONS AND PERMITS Item renamed to reflect inclusion of permits.	FIRE SAFETY INSPECTIONS (CM)
		FIXED NUCLEAR FACILITIES PLANS FILE See General Schedule, Standard 8 (Risk Management Records), Nuclear Facilities Plans File. Retention changed from “destroy in office after 3 years” to “destroy in office when superseded or obsolete.”
		HOSE RECORDS (CM) See General Records Schedule: Local Government Agencies, Standard 8 (Risk Management Records), Emergency Drills and Equipment Records.
		HYDRANT RECORDS (CM) HYDRANT RECORDS (LOCATION AND MAIN SIZE) (M) HYDRANT RECORDS (MAINTENANCE AND TEST FILE) (M) See General Records Schedule: Local Government Agencies, Standard 8 (Risk Management Records), Emergency Drills and Equipment Records.
		INVENTORY RECORDS FILE (M) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Inventories.

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CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 13: EMERGENCY MEDICAL SERVICES AND FIRE DEPARTMENT RECORDS		
		LOCAL EMERGENCY PLANNING COMMITTEE MINUTES See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Public Bodies: Minutes.
		LOCAL EMERGENCY COMMITTEE PLANS See General Records Schedule: Local Government Agencies, Standard 8 (Risk Management Records), Disaster and Emergency Management Plans.
		NATIONAL FLOOD INSURANCE PROGRAM RECORDS See General Records Schedule: Local Government Agencies, Standard 8 (Risk Management Records), National Flood Insurance Program Records.
		NORTH CAROLINA FIRE ASSOCIATION RECORDS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Membership Records.
		NORTH CAROLINA FIRE CASUALTY REPORT Original copy retained by N.C. State Fire Commission and covered in retention schedule for state agencies.

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CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 13: EMERGENCY MEDICAL SERVICES AND FIRE DEPARTMENT RECORDS		
NORTH CAROLINA FIRE INCIDENT REPORT Retention for original items remains permanent. Retention for copies provided to other agencies moved to General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies.		
		NORTH CAROLINA FIREMAN'S PENSION FUND PRINTOUT Removed from schedule. Printouts are not the record copy of the item. The records of the Fireman's Pension Fund are maintained at the state level. Agencies may create printouts as needed, but they have no responsibility for maintaining printouts as a public record unless the local agency changes its content.
		NOTIFICATION TO CORRECT (M) See Program Records Schedule: Local Government Agencies, Standard 12 (Code Enforcement Records), Violations.
		NUCLEAR CIVIL PROTECTION PLAN See General Records Schedule: Local Government Agencies, Standard 8 (Risk Management Records), Disaster and Emergency Management Plans.

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CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 13: EMERGENCY MEDICAL SERVICES AND FIRE DEPARTMENT RECORDS		
		OPERATIONS FILE (M) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Correspondence OR Logistics Materials.
		PATIENT CARE REPORTS (M) See Ambulance Call Reports/Patient Care Reports.
	PHARMACEUTICAL AND NARCOTICS RECORDS Consolidated item added with explanatory description and CFR citation to reflect DEA requirements for tracking administration of controlled substances. Confidentiality statutes also added.	PHARMACEUTICAL RECORDS
		PLANS See Building and Fire Safety System Plans.
		PUMP TEST RECORDS See General Records Schedule: Local Government Agencies, Standard 8 (Risk Management Records), Emergency Drills and Equipment Records.

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CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 13: EMERGENCY MEDICAL SERVICES AND FIRE DEPARTMENT RECORDS		
		RADIOLOGICAL DEFENSE (RADEF) DATA BANK RADIOACTIVE MATERIAL INVENTORY See General Records Schedule: Local Government Agencies, Standard 4 (Human Resources Records), Hazardous Materials Training Records.
		RADIOLOGICAL DATA STATION FILE See General Records Schedule: Local Government Agencies, Standard 4 (Human Resources Records), Hazardous Materials Training Records.
		RADIOLOGICAL EQUIPMENT INVENTORY (M) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Inventories.
		RESOLUTIONS ON ESTABLISHMENT OF LOCAL AGENCY See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Resolutions.

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CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 13: EMERGENCY MEDICAL SERVICES AND FIRE DEPARTMENT RECORDS		
		SAFETY COMMITTEE MEETINGS (CM) SAFETY COMMITTEE AGENDA AND MEETING PACKETS (M) SAFETY COMMITTEE MINUTES (M) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Minutes of Public Bodies.
		SHELTER FACILITY LISTING See General Records Schedule: Local Government Agencies, Standard 8 (Risk Management Records), Disaster and Emergency Management Plans.
		STATE OF EMERGENCY ORDINANCES See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Ordinances.
		SUPERFUND AUTHORIZATION RECOVERY ACT INFORMATION FILE See General Records Schedule: Local Government Agencies, Standard 8 (Risk Management Records), Superfund Authorization Recovery Act Information File.

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CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 13: EMERGENCY MEDICAL SERVICES AND FIRE DEPARTMENT RECORDS		
		TRAINING AND EDUCATION FILE (M) See General Records Schedule: Local Government Agencies, Standard 4 (Human Resources Records), Training and Education Records.
		VOLUNTEER FIRE/RESCUE DEPARTMENT LOGS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Logistics Materials.
		VOLUNTEER FIREFIGHTERS MEDICAL RECORDS See General Records Schedule: Local Government Agencies, Standard 4 (Human Resources Records), Medical Records.
		VOLUNTEER FIREFIGHTERS PERSONNEL RECORDS See General Records Schedule: Local Government Agencies, Standard 4 (Human Resources Records), Personnel Records (Official Copy).

STANDARD 14: PARKS AND RECREATION RECORDS

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 14: PARKS AND RECREATION RECORDS		
		ACCIDENT/INCIDENT REPORTS (PARKS & RECREATION) (CM) ACCIDENT/INCIDENT REPORTS (PARKS & RECREATION) (M) See General Records Schedule: Local Government Agencies, Standard 8 (Risk Management Records), Accident/Incident Reports (Customer and Employee).
		ANNUAL ACTIVITY REPORT See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies.
		ATHLETIC PROGRAM FILE (M) See Recreation Programs.
		BIRTH CERTIFICATES (REFERENCE COPIES) See Recreation Programs.

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CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 14: PARKS AND RECREATION RECORDS		
		FACILITY USE PERMITS (M) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Equipment, Facility, and Vehicle Usage Records.
		INTERNATIONAL FEDERATION OF PARKS AND RECREATION ADMINISTRATION FILE (CM) INTERNATIONAL FEDERATION OF PARKS AND RECREATION ADMINISTRATION FILE (M) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Membership Records.
		INVENTORY OF FACILITIES (M) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Inventories.
		MAPS FILE (M) See General Records Schedule: Local Government Agencies, Standard 3 (Geographic Information System), Maps: Parks.

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CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 14: PARKS AND RECREATION RECORDS		
OFFICIALS FILE Description revised to: Records concerning individuals who officiate games. Includes schedule and correspondence (including e-mail). SEE ALSO: GENERAL RECORDS SCHEDULE: LOCAL GOVERNMENT AGENCIES, Payroll and Earnings Records (STANDARD 2: BUDGET, FISCAL, AND PAYROLL RECORDS) or Seasonal and Contract Worker Records (STANDARD 6: PERSONNEL RECORDS) for disposition of payment records. Item b) deleted from Disposition Instructions		
		PARKS AND RECREATION AGENDA AND MEETING PACKETS FILE (M) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Public Bodies: Agenda and Meeting Packets.
		PARKS AND RECREATION BOARD MEETINGS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Public Bodies: Minutes.

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CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 14: PARKS AND RECREATION RECORDS		
PARKS PLANNING FILE Description revised to Records concerning and to refer to all parks not just county or municipality. References to Comprehensive Plans and Maps updated to current general schedule standard.		
		PROMOTIONAL LEAFLETS AND BROCHURES (M) See General Records Schedule: Local Government Agencies, Standard 7 (Public Relations Records), Publicity Records.
		RATE AND FEE REGULATION (M) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Rates and Fee Schedules.

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CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 14: PARKS AND RECREATION RECORDS		
RECREATION PROGRAMS Fees Paid added to description (CM) Disposition Instruction changed to: A) Destroy age verification records when reference value ends B) Destroy in office remaining records after 3 years (M) (CM) Description includes minor changes including change to Records concerning. Citation to GS132-1.12 added (M).		
		RECREATION EQUIPMENT RECORDS (CM) RECREATION EQUIPMENT RECORDS (M) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Equipment, Repair, and Inspections Records.
		RELEASE FORMS (CM) RELEASE FORMS (M) See General Records Schedule: Local Government Agencies, Standard 6 (Legal Records), Release Forms.

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CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 14: PARKS AND RECREATION RECORDS		
		RESERVATION RECORDS (CM) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Equipment, Facility, and Vehicle Usage Records.
		RULES AND REGULATIONS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Administrative Directives, Regulations, and Rules
		SPECIAL EVENTS PROGRAM FILE (CM) SPECIAL EVENTS PROGRAM FILE (M) See General Records Schedule: Local Government Agencies, Standard 7 (Public Relations Records), Fund Drive and Event Records.

STANDARD 15: PLANNING AND REGULATION OF DEVELOPMENT RECORDS

The most noticeable change from previous schedules is that the title has been amended from Planning and Zoning to Planning and Regulation of Development in accordance with changes implemented in G.S. § 160A-360 (repealed effective January 1, 2021).

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
Standard 15: PLANNING AND REGULATION OF DEVELOPMENT RECORDS		
		APPEARANCE COMMISSION AGENDA AND MEETING PACKETS FILE (County Management, Municipal) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Minutes of Public Bodies
		APPEARANCE COMMISSION MINUTES (County Management, Municipal) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Agenda and Meeting Packets
		APPEARANCE COMMISSION PROJECT FILE (County Management, Municipal) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Projects
		ASSESSMENT RECORDS FILE (County Management, Municipal) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reference (Reading) File

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CHANGES	NEW ITEMS	DISCONTINUED ITEMS
Standard 15: PLANNING AND REGULATION OF DEVELOPMENT RECORDS		
		BOARD OF ADJUSTMENT AGENDA AND MEETING PACKETS (County Management, Municipal) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Agenda and Meeting Packets
	BOARD OF ADJUSTMENT CASE FILES AND INDEXES Combined previous Board of Adjustment Case File and Board of Adjustment Case Index Records	
		BOARD OF ADJUSTMENT MINUTES (County Management, Municipal) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Minutes of Public Bodies
	CERTIFICATES OF APPROPRIATENESS FILE Issued by the Historic Preservation Commission and retained for life of structure.	
COMMUNITY DEVELOPMENT BLOCK GRANTS RECORDS: ADMINISTRATIVE Final reports added to item to allow for historical value retention.		

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CHANGES	NEW ITEMS	DISCONTINUED ITEMS
Standard 15: PLANNING AND REGULATION OF DEVELOPMENT RECORDS		
COMMUNITY DEVELOPMENT BLOCK GRANTS RECORDS: APPLICATIONS Disposition added for rejected applications. Final reports removed from item and added to CDBG Administrative records.		
	COMMUNITY DEVELOPMENT BLOCK GRANTS RECORDS: OUTSTANDING LOAN BALANCES	
	COMMUNITY DEVELOPMENT BLOCK GRANTS RECORDS: SUBJECT TO REVERSION OF ASSETS PROVISIONS OR CHANGE OF USE OF REAL PROPERTY	
COMPREHENSIVE PLAN AND AMENDMENTS FILE Modified to excise “Land Use” from title to coincide with definition given in G.S. 160D 1-2. Modified “b” disposition to read “remaining records” instead of listing specific titles.		
EASEMENT RELEASE REQUEST FILE Removed “approved by the Planning Board” from description as statute does not dictate who has approval authority and is performed by more than just the planning board.		

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CHANGES	NEW ITEMS	DISCONTINUED ITEMS
Standard 15: PLANNING AND REGULATION OF DEVELOPMENT RECORDS		
		FEASIBILITY STUDIES See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies.
MASTER SUMMARY (LOG OR REGISTER) Retention changed from "permanent" to "destroy when superseded/obsolete." The Log itself is permanent but the information added to the log is what the retention instructions should be applied to.		
		ORTHOPHOTOGRAPHY (County Management) See General Records Schedule: Local Government Agencies, Standard 3 (Geographic Information System (GIS) Records), Layers: Orthoimagrey.
		PHOTOGRAPHS AND NEGATIVES (AERIAL) (County Management) See General Records Schedule: Local Government Agencies, Standard 3 (Geographic Information System (GIS) Records), Layers: Orthoimagrey.

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CHANGES	NEW ITEMS	DISCONTINUED ITEMS
Standard 15: PLANNING AND REGULATION OF DEVELOPMENT RECORDS		
		PLANNING AND ZONING BOARD MEETINGS (County Management) (Municipal) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Agenda and Meeting Packets and Minutes of Public Bodies.
		PLANNING AND ZONING STUDIES (County Management) (Municipal) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Strategic Plan and Projects.
		PRELIMINARY SUBDIVISION AND GROUP DEVELOPMENT SITE PLANS See Subdivisions.
		REDEVELOPMENT PLANNING RECORDS (County Management) (Municipal) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Strategic Plan.

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CHANGES	NEW ITEMS	DISCONTINUED ITEMS
Standard 15: PLANNING AND REGULATION OF DEVELOPMENT RECORDS		
		REFERRED PROJECTS (County Management) (Municipal) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reference (Reading) File.
SPECIAL USE PERMIT RECORDS AND INDEX FILE Amended to change “Conditional Use” to “Special Use” to fit definitions given in G.S. 160D. Also removed “sign permits and temporary use” permits from description as these are covered under Permits: Zoning Compliance.		
		STREET NAMES AND CHANGES OF STREET NAMES FILE (County Management) (Municipal) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reference (Reading) File.
SUBDIVISION RECORDS “Maps” and “plats” removed from item description. Cross-reference added to Maps, Plats, and Other Drawings.		

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CHANGES	NEW ITEMS	DISCONTINUED ITEMS
Standard 15: PLANNING AND REGULATION OF DEVELOPMENT RECORDS		
VARIANCES Retention changed to now maintain item permanently in the minutes of the Board of Adjustment or other governing body.		

STANDARD 16: PUBLIC HOUSING AUTHORITIES AND REDEVELOPMENT COMMISSION RECORDS

General note: In the case of many grant-funded records, numerous new records series have been added to reflect the very precise retention requirements for these records established by the federal government.

Community Development Block Grant records moved to Standard 15: Planning and Regulation of Development Records.

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
Standard 16: PUBLIC HOUSING AUTHORITIES AND REDEVELOPMENT COMMISSION RECORDS		
		CDBG RECORDS See Program Records Schedule: Local Government Agencies, Standard 15 (Planning and Regulation of Development Records), Community Development Block Grant (CDBG) Records: Administrative, Applications, Outstanding Loan Balances, AND Records Subject to Reversion of Assets Provisions or Change of Use of Real Property.
	CONTINUUM OF CARE RECORDS	
	CRIMINAL RECORDS CHECKS	
	EMERGENCY SOLUTIONS GRANTS RECORDS	
	HOME INVESTMENT PARTNERSHIPS PROGRAM RECORDS	LAND MARKETING AND DEVELOPMENT RECORDS PROPERTY MANAGEMENT RECORDS REHABILITATION LOAN RECORDS RELOCATION RECORDS
	HOUSING ASSISTANCE FOR PERSONS WITH DISABILITIES	

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CHANGES	NEW ITEMS	DISCONTINUED ITEMS
Standard 16: PUBLIC HOUSING AUTHORITIES AND REDEVELOPMENT COMMISSION RECORDS		
	HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS RECORDS	
	LANDLORD MONITORING RECORDS	
REDEVELOPMENT PLANS Changed title to encompass approved as well as rejected plans; added description; clarified disposition instructions for approved vs. rejected projects		CERTIFICATION FILE

STANDARD 17: PUBLIC TRANSPORTATION SYSTEMS RECORDS

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
Standard 17: PUBLIC TRANSPORTATION SYSTEMS RECORDS		
		ACCREDITATION RECORDS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Accreditation Records.
		AGENCY LOGS (SHEETS) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies.
		APPLICATIONS FOR AWARDS If application is for employee awards, see General Records Schedule: Local Government Agencies, Standard 4 (Human Resources Records), Service Awards and Commendations. For application is for public awards, see General Records Schedule: Local Government Agencies, Standard 7 (Public Relations Records), Community Awards.

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
Standard 17: PUBLIC TRANSPORTATION SYSTEMS RECORDS		
		CALL IN LOGS (SHEETS) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Vehicle Maintenance, Repair, and Inspection Records AND Standard 5 (Information Technology Records) Voice Over Internet Protocol (VoIP) Records.
		CUSTOMER (RIDER) ALERTS See General Records Schedule: Local Government Agencies, Standard 7 (Public Relations Records), Publicity Records.
		DISPATCH RECORDS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies.
		LOST AND FOUND RECORDS See General Records Schedule: Local Government Agencies, Standard 8 (Risk Management Records), Lost, Stolen, or Damaged Property Reports.
		NATIONAL TRANSIT DATABASE (NTD) REPORT See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies.

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CHANGES	NEW ITEMS	DISCONTINUED ITEMS
Standard 17: PUBLIC TRANSPORTATION SYSTEMS RECORDS		
		OPERATOR BID RECORDS See General Records Schedule: Local Government Agencies, Standard 2 (Budget, Fiscal, and Payroll Records), Bids for Purchase.
		OPERATOR SCHEDULING AND ASSIGNMENT RECORDS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies and Standard 4 (Human Resources Records), Work Schedules and Assignments.
		RADIO DISPATCH RECORDINGS AND LOGS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies
		RIDERSHIP REPORTS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Equipment, Facility, and Vehicle Usage Records.

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CHANGES	NEW ITEMS	DISCONTINUED ITEMS
Standard 17: PUBLIC TRANSPORTATION SYSTEMS RECORDS		
		ROUTE MAINTENANCE RECORDS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Facility Maintenance, Repair, and Inspection Records.
		ROUTE REQUESTS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Citizen Comments, Complaints, Petitions, and Service Requests
		SAFETY CERTIFICATIONS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Accreditation Records.
		SERVICE PERFORMANCE RECORDS See General Records Schedule: Local Government Agencies, Standard 4 (Human Resources Records), Performance Reviews.
		SERVICE PLANNING AND DEVELOPMENT RECORDS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Strategic Plan.

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CHANGES	NEW ITEMS	DISCONTINUED ITEMS
Standard 17: PUBLIC TRANSPORTATION SYSTEMS RECORDS		
		SHELTER RECORDS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Blueprints and Specifications AND Inventories.
		SHUTTLE LOGS (SHEETS) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies.
		TERMINAL DISPATCH RECORDS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies.
		TICKET CONSIGNMENT RECORDS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Inventories
		TRANSPORTATION SYSTEM OPERATIONS REPORTS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies.

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CHANGES	NEW ITEMS	DISCONTINUED ITEMS
Standard 17: PUBLIC TRANSPORTATION SYSTEMS RECORDS		
		TRANSPORTATION SYSTEM SERVICE PERFORMANCE EVALUATIONS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Equipment, Vehicle, and Facility Usage Records.
		TRANSPORTATION SYSTEM STATISTICAL RECORDS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies.
		TRIP REQUESTS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Citizen Comments, Complaints, Petitions, and Service Requests
		VEHICLE BREAKDOWN RECORDS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Equipment, Vehicle, and Facility Usage Records and Work Orders

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CHANGES	NEW ITEMS	DISCONTINUED ITEMS
Standard 17: PUBLIC TRANSPORTATION SYSTEMS RECORDS		
		VEHICLE OPERATOR INSTRUCTIONS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Equipment and Vehicle Reference Records
		VEHICLE USAGE LOGS (SHEETS) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies.

STANDARD 18: PUBLIC UTILITIES AND ENVIRONMENTAL/WASTE MANAGEMENT RECORDS

This standard combines the Municipal Schedule Standard 17, Public Utilities and Environmental Management Records, and the County Management Schedule Standard 15, Public Utilities and Waste Management Records. To ease searching, records series have been loosely grouped into the categories Environmental Records, Erosion Control Records, Flood Control Records, Utilities Records, and Water Quality Records. This change log indicates name changes under “changes” and the Municipal and County items that have been superseded under “discontinued items.” Some overlap was found with County Management Schedule Standard 5, Code Enforcement and Inspection Records. In these cases, the records series can now be found on the Local Government Program Schedule Standard 12, Code Enforcement and Inspection.

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 18: PUBLIC UTILITIES AND ENVIRONMENTAL/WASTE MANAGEMENT RECORDS		
		ABANDONED UTILITY LINE RECORDS See Program Records Schedule: Local Government Agencies , Standard 18 (Public Utilities And Environmental/Waste Management Records), Utilities: Public Utilities System Engineering, Maintenance, and Repair Records.
		AIR POLLUTION SOURCE INFORMATION (M) See Program Records Schedule: Local Government Agencies, Standard 12 (Code Enforcement and Inspection Records), Air Pollution Source Information.
		ANNUAL REPORTS: UTILITIES See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies.

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CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 18: PUBLIC UTILITIES AND ENVIRONMENTAL/WASTE MANAGEMENT RECORDS		
		ASBESTOS DISPOSAL FILE (M) See General Records Schedule: Local Government Agencies, Standard 8 (Risk Management Records), Hazardous Materials Management.
		BATTERY COLLECTION FILE (M) See Program Records Schedule: Local Government Agencies, Standard 18 (Public Utilities and Environmental/Waste Management Records),Environmental: Discharge Monitoring Reports.
		CABLE TELEVISION FRANCHISE RECORDS Service reports repealed by Session Law 2018-145. Remaining functions performed at state level by NC Department of the Secretary of State as of 2007 according to G.S. 66-351.
		CHRONOLOGY FILE (M) Item removed. Records in chronology file should be treated under their appropriate category in this schedule. Copies of records compiled in a ready reference file do not create new record copies.
		COMMUNITY WATER SYSTEM PERMIT (M) Record copy created and issued by N.C. Department of Environmental Quality. Copy kept at local level is a reference copy.

2021 LOCAL GOVERNMENT PROGRAM RECORDS RETENTION AND DISPOSITION SCHEDULE CHANGE LOG

NC DEPARTMENT OF NATURAL AND CULTURAL RESOURCES

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 18: PUBLIC UTILITIES AND ENVIRONMENTAL/WASTE MANAGEMENT RECORDS		
		COMPLAINTS (EROSION AND SEDIMENT CONTROL) (M) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records, Constituent Comments, Complaints, and Service Requests.
ENVIRONMENTAL: COMPREHENSIVE SOLID WASTE MANAGEMENT PLAN AND AMENDMENTS Background surveys, studies, reports, and drafts integrated into Disposition (b), destroy in office when superseded or obsolete. Cross-reference added to General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Comprehensive Plan.		COMPREHENSIVE SOLID WASTE MANAGEMENT PLAN AND AMENDMENTS (M)
		CONSTRUCTION DRAWINGS (M) See Program Records Schedule: Local Government Agencies, Standard 12 (Code Enforcement and Inspection Records), Blueprints and Specifications.
		COUNTY LANDFILL RECORDS (M) See Program Records Schedule: Local Government Agencies, Standard 18 (Public Utilities and Environmental/Waste Management Records), Environmental: Landfill Operational Plan.

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NC DEPARTMENT OF NATURAL AND CULTURAL RESOURCES

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 18: PUBLIC UTILITIES AND ENVIRONMENTAL/WASTE MANAGEMENT RECORDS		
		CUSTOMER ACCOUNT HISTORIES (M) See General Records Schedule: Local Government Agencies, Standard 2 (Budget, Fiscal, and Payroll Records), Accounts Receivable for financial history. See Environmental: Customer Usage Records for usage history.
		CUSTOMER DEPOSIT RECORDS (M) See General Records Schedule: Local Government Agencies, Standard 2 (Budget, Fiscal, and Payroll Records), Accounts Receivable.
		CUSTOMER FINANCIAL RECORDS See General Records Schedule: Local Government Agencies, Standard 2 (Budget, Fiscal, and Payroll Records), Accounts Receivable.
ENVIRONMENTAL: CUSTOMER USAGE RECORDS		CUSTOMER USAGE RECORDS
		CUSTOMER WORK ORDERS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records, Constituent Comments, Complaints, and Service Requests.
ENVIRONMENTAL: DAILY DISPOSAL TICKETS		DAILY DISPOSAL TICKETS (M)

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NC DEPARTMENT OF NATURAL AND CULTURAL RESOURCES

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 18: PUBLIC UTILITIES AND ENVIRONMENTAL/WASTE MANAGEMENT RECORDS		
UTILITIES: DAILY WATER AND WASTEWATER FACILITY OPERATORS LOGS Description of item added. Disposition order reversed to reflect that wastewater treatment facility logs are retained longer than those of water treatment facilities.		DAILY FACILITY OPERATORS LOGS AND REPORTS (M)
		DAILY PLANT RECORDS (M) If waste or wastewater treatment plant, see Program Records Schedule: Local Government Agencies, Standard 18 (Public Utilities and Environmental/Waste Management Records), Utilities: Daily Water and Wastewater Facility Operators Logs. If other facility, see General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies.

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NC DEPARTMENT OF NATURAL AND CULTURAL RESOURCES

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 18: PUBLIC UTILITIES AND ENVIRONMENTAL/WASTE MANAGEMENT RECORDS		
		DAILY REPORT OF OPERATIONS AND COSTS (M) If waste or wastewater treatment plant, see Program Records Schedule: Local Government Agencies, Standard 18 (Public Utilities and Environmental/Waste Management Records), Utilities: Daily Water and Wastewater Facility Operators Logs. If other facility, see General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies AND Standard 2 (Budget, Fiscal, and Payroll Records), Budget Reports.
		DAILY TRIP REPORTS/LOGS (M) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies.
		DAM CONSTRUCTION FILES (M) See Program Records Schedule: Local Government Agencies, Standard 19 (Street Maintenance, Public Works, and Engineering Records), Project Records: Core.

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NC DEPARTMENT OF NATURAL AND CULTURAL RESOURCES

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 18: PUBLIC UTILITIES AND ENVIRONMENTAL/WASTE MANAGEMENT RECORDS		
		DAM OPERATIONS AND MAINTENANCE FILES (M) See Program Records Schedule: Local Government Agencies, Standard 19 (Street Maintenance, Public Works, and Engineering Records), Infrastructure Maintenance Records.
		DIRECT DRAFT AUTHORIZATIONS (M) See General Records Schedule: Local Government Agencies, Standard 2 (Budget, Fiscal, and Payroll Records), Electronic Funds Transfers (EFT).
ENVIRONMENTAL: DISCHARGE MONITORING REPORTS Order of dispositions changed to place longest retention requirements (NPDES reports and annual reports) ahead of daily reports.		DISCHARGE MONITORING REPORTS (M)
		DRIVERS' DAILY REPORTS (M) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies.
		DROUGHT CONTINGENCY PLANS (M) See Program Records Schedule: Local Government Agencies, Standard 12 (Code Enforcement and Inspection Records), Drought Contingency Plans.

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NC DEPARTMENT OF NATURAL AND CULTURAL RESOURCES

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 18: PUBLIC UTILITIES AND ENVIRONMENTAL/WASTE MANAGEMENT RECORDS		
UTILITIES: ELECTRIC POWER AND NATURAL GAS FACILITY ENGINEERING AND SYSTEM PLANS Description of item added. Cross-reference added to General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Comprehensive Plan. Disposition changed. Records are no longer permanent. If records are an element of the Comprehensive Plan, destroy in office when reference value ends. If not an element of the Comprehensive Plan, destroy in office when superseded or obsolete.		ELECTRIC POWER AND NATURAL GAS FACILITY ENGINEERING AND SYSTEM PLANS (M)
UTILITIES: ELECTRIC POWER AND NATURAL GAS PERMITS AND APPROVAL RECORDS		ELECTRIC POWER AND NATURAL GAS PERMITS AND APPROVAL RECORDS (M)
		ELECTRIC POWER AND NATURAL GAS SYSTEM INSPECTIONS AND TESTS (M) See Program Records Schedule: Local Government Agencies, Standard 18 (Public Utilities and Environmental/Waste Management Records), Utilities: Public Utilities System Engineering, Maintenance, and Repair Records.

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NC DEPARTMENT OF NATURAL AND CULTURAL RESOURCES

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 18: PUBLIC UTILITIES AND ENVIRONMENTAL/WASTE MANAGEMENT RECORDS		
UTILITIES: ELECTRIC POWER AND NATURAL GAS SYSTEM MAINTENANCE AND REPAIR RECORDS Disposition (b) removed; disposition for all records now destroy in office 3 years after equipment is no longer owned and/or operational.		ELECTRIC POWER AND NATURAL GAS SYSTEM MAINTENANCE AND REPAIR RECORDS (M)
UTILITIES: ELECTRIC POWER AND NATURAL GAS SYSTEM MANAGEMENT PLANS Cross-reference added to General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Comprehensive Plan. Disposition changed from retain in office permanently to retain in office for life of system and then destroy.		ELECTRIC POWER AND NATURAL GAS SYSTEM MANAGEMENT PLANS (M)
UTILITIES: ELECTRIC POWER AND NATURAL GAS SYSTEM PROJECT RECORDS Disposition (a) modified for pre-approval and final approval letters from retain permanently to retain for life of system and then destroy.		ELECTRIC POWER AND NATURAL GAS SYSTEM PROJECT RECORDS (M)

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NC DEPARTMENT OF NATURAL AND CULTURAL RESOURCES

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 18: PUBLIC UTILITIES AND ENVIRONMENTAL/WASTE MANAGEMENT RECORDS		
		ENFORCEMENT CASES: EROSION AND SEDIMENT CONTROL (M) See Program Records Schedule: Local Government Agencies, Standard 12 (Code Enforcement and Inspection Records), Erosion and Sediment Control Enforcement Cases.
		ENGINEERING REPORTS FILE (M) See Program Records Schedule: Local Government Agencies, Standard 15 (Planning and Regulation of Development Records), Planning Review Case File.
EROSION CONTROL: EROSION AND SEDIMENT AFFIDAVITS		EROSION AND SEDIMENT AFFIDAVITS (M)
EROSION CONTROL: EROSION AND SEDIMENT CONTROL EXHIBIT RECORDS		EROSION AND SEDIMENT CONTROL EXHIBIT RECORDS (M)
		EROSION AND SEDIMENT CONTROL NOTICE OF VIOLATIONS (M) See Program Records Schedule: Local Government Agencies, Standard 12 (Code Enforcement and Inspection Records), Violations: Building and Housing.

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NC DEPARTMENT OF NATURAL AND CULTURAL RESOURCES

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 18: PUBLIC UTILITIES AND ENVIRONMENTAL/WASTE MANAGEMENT RECORDS		
EROSION CONTROL: EROSION AND SEDIMENT CONTROL INSPECTIONS Description of item added. Disposition changed from destroy in office 3 years after final site inspection to destroy in office 6 years after final site inspection.		EROSION AND SEDIMENT CONTROL INSPECTIONS (M)
		EROSION AND SEDIMENT CONTROL PERMIT LOGS (M) See Erosion Control: Erosion and Sediment Control Permits.
		EROSION AND SEDIMENT CONTROL PERMIT RECEIPT BOOKS (M) See Erosion Control: Erosion and Sediment Control Permits.
EROSION CONTROL: EROSION AND SEDIMENT CONTROL PLANS Description of item revised to specify that item includes revisions, addendums, and records delineating who is financially responsible for the project. Disposition of approved plans changed from destroy in office 6 years after approval or last revision and/or addendum to destroy in office 3 years after expiration.		EROSION AND SEDIMENT CONTROL PLANS (M)

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NC DEPARTMENT OF NATURAL AND CULTURAL RESOURCES

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 18: PUBLIC UTILITIES AND ENVIRONMENTAL/WASTE MANAGEMENT RECORDS		
		EROSION AND SEDIMENT CONTROL TRADES CERTIFICATIONS (M) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Accreditation Records.
		EXEMPTION (VARIANCE) RECORDS (M) See Program Records Schedule: Local Government Agencies, Standard 12 (Code Enforcement and Inspection Records), Exemption (Variance) Records.
		FINAL INSPECTION REPORTS (M) See Program Records Schedule: Local Government Agencies, Standard 15 (Planning and Regulation of Development Records), Planning Review Case File.
		FINANCIAL RESPONSIBILITY AND OWNERSHIP RECORDS (M) See Program Records Schedule: Local Government Agencies, Standard 19 (Street Maintenance, Public Works, and Engineering Records), Project Records: Engineering and Compliance.
	FLOOD CONTROL: FLOOD CERTIFICATIONS	
	FLOOD CONTROL: FLOOD STUDIES	

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NC DEPARTMENT OF NATURAL AND CULTURAL RESOURCES

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 18: PUBLIC UTILITIES AND ENVIRONMENTAL/WASTE MANAGEMENT RECORDS		
		GARBAGE SERVICE FILE (M) See Environmental: Comprehensive Solid Waste Management Plan and Amendments AND General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records, Constituent Comments, Complaints, and Service Requests AND Standard 2 (Budget, Fiscal, and Payroll Records), Accounts Receivable.
		GROUNDWATER MONITORING RECORDS (M) See Program Records Schedule: Local Government Agencies, Standard 12 (Code Enforcement and Inspection Records), Groundwater Monitoring Records.
		HAZARDOUS WASTE DISPOSAL RECORDS (M) See General Records Schedule: Local Government Agencies, Standard 8 (Risk Management Records), Hazardous Materials Management.
		ILLEGAL DUMPING FILE (M) See Program Records Schedule: Local Government Agencies, Standard 12 (Code Enforcement and Inspection Records), Illegal Dumping File.

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NC DEPARTMENT OF NATURAL AND CULTURAL RESOURCES

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 18: PUBLIC UTILITIES AND ENVIRONMENTAL/WASTE MANAGEMENT RECORDS		
		INFORMATION AND WORKING FILE (M) Removed from schedule as information and working files are considered records with transitory or reference value until they are placed into another item.
UTILITIES: PUBLIC UTILITIES INSPECTION FORMS		INSPECTION FORMS (M)
		INSPECTIONS (EROSION AND SEDIMENT CONTROL) (M) See Program Records Schedule: Local Government Agencies, Standard 12 (Code Enforcement and Inspection Records), Inspections.
		INSPECTOR WORKSHEETS/NOTES (M) Item removed from schedule. Worksheets and notes have transitory value. Inspections are records of longer-term value.
WATER QUALITY: LABORATORY OPERATIONS RECORDS Description clarified to specify that records pertain to certification obtained by agency.		LABORATORY OPERATIONS RECORDS (M)
		LANDFILL INSPECTION RECORDS (M) See Environmental: Landfill Operational Plan.

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CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 18: PUBLIC UTILITIES AND ENVIRONMENTAL/WASTE MANAGEMENT RECORDS		
ENVIROMENTAL: LANDFILL MONITORING REPORTS (M) Cross-reference added to General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Audits: Performance. Retention citation added: 15A NCAC 13B .1626(10)		LANDFILL MONITORING REPORTS (M)
ENVIRONMENTAL: LANDFILL OPERATIONAL PLAN Disposition changed from retain in office permanently to destroy in office when superseded or obsolete. Authority citation added: G.S. 130A-309.09D		LANDFILL OPERATIONAL PLAN (M)
ENVIRONMENTAL: LANDFILL PERMITS Description for item added Disposition split into two groups of records: Retain construction and operation permits for life of system and then destroy, while all other permits and related records are eligible for destruction after the 5-year reporting period is complete.		LANDFILL PERMITS (M)

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CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 18: PUBLIC UTILITIES AND ENVIRONMENTAL/WASTE MANAGEMENT RECORDS		
		LANDFILL TONNAGE AND COST FILE (M) See Program Records Schedule: Local Government Agencies, Standard 12 (Code Enforcement and Inspection Records), Landfill Tonnage and Cost File.
UTILITIES: LANDLORD AGREEMENTS Disposition modified to destroy in office 3 years after expiration of agreement.		LANDLORD AGREEMENTS
		LEAD AND COPPER COMPLIANCE RECORDS (M) See Program Records Schedule: Local Government Agencies, Standard 12 (Code Enforcement and Inspection Records), Lead and Copper Compliance Records.
		LIFT STATION INFORMATION FILE (M) See Program Records Schedule: Local Government Agencies, Standard 18 (Public Utilities and Environmental/Waste Management Records), Utilities: Public Utilities System Engineering, Maintenance, and Repair Records.

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CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 18: PUBLIC UTILITIES AND ENVIRONMENTAL/WASTE MANAGEMENT RECORDS		
		LINE INSPECTION MAPS (M) See Program Records Schedule: Local Government Agencies, Standard 18 (Public Utilities and Environmental/Waste Management Records), Utilities: Public Utilities System Engineering, Maintenance, and Repair Records.
		LOAD INSPECTION RECORDS (M) See Program Records Schedule: Local Government Agencies, Standard 12 (Code Enforcement and Inspection Records), Inspections.
UTILITIES: MAPS (UTILITY INSTALLATIONS & DISTRIBUTIONS) Cross-reference added to General Records Schedule: Local Government Agencies, Standard 3 (Geographic Information System (GIS) Records), Maps: All Other. Disposition modified from retain permanently to retain for life of system and then destroy.		MAPS (UTILITY INSTALLATIONS & DISTRIBUTIONS)

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CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 18: PUBLIC UTILITIES AND ENVIRONMENTAL/WASTE MANAGEMENT RECORDS		
		METER RECORDS (ELECTRIC, WATER, GAS) (CM) See Program Records Schedule: Local Government Agencies, Standard 18 (Public Utilities and Environmental/Waste Management Records), Utilities: Electric Power and Natural Gas System Maintenance and Repair Records.
		METER READING RECORDS (ELECTRIC, WATER, GAS) (M) See Program Records Schedule: Local Government Agencies, Standard 18 (Public Utilities and Environmental/Waste Management Records), Environmental: Customer Usage Records.
UTILITIES: METER INSTALLATION, TESTING AND CALIBRATION RECORDS (ELECTRIC, WATER, GAS) Description of item added. Dispositions changed. For records verifying installation of meter, destroy in office 3 years after equipment is no longer owned and/or operational. For notices to property owners of approval of utility installation, destroy in office after 2 years. For remaining records, destroy in office when reference value ends.		METER TESTING AND CALIBRATION RECORDS (ELECTRIC, WATER, GAS) (M)

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CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 18: PUBLIC UTILITIES AND ENVIRONMENTAL/WASTE MANAGEMENT RECORDS		
		MONTHLY REPORTS (M) See Program Records Schedule: Local Government Agencies, Standard 18 (Public Utilities and Environmental/Waste Management Records), Environmental: Discharge Monitoring Reports AND General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies.
		MONTHLY REPORTS (LOCAL) (M) See Program Records Schedule: Local Government Agencies, Standard 18 (Public Utilities and Environmental/Waste Management Records), Environmental: Discharge Monitoring Reports AND General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies.
ENVIRONMENTAL: NOTICE OF VIOLATIONS FOR IMPROPER DISCHARGE OR DISPOSAL FILE Description of item added. Disposition changed from destroy when reference value ends to one year after resolution.		NOTICE OF VIOLATIONS FOR IMPROPER DISCHARGE OR DISPOSAL FILE (M)

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CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 18: PUBLIC UTILITIES AND ENVIRONMENTAL/WASTE MANAGEMENT RECORDS		
		NOTICE TO PROPERTY OWNERS OF APPROVAL OF WATER UTILITY INSTALLATION (CM) NOTICE TO PROPERTY OWNERS OF APPROVAL OF UTILITY INSTALLATION (M) See Program Records Schedule: Local Government Agencies, Standard 18 (Public Utilities and Environmental/Waste Management Records), Utilities: Meter Installation, Testing, and Calibration Records (Electric, Water, Gas)
ENVIRONMENTAL: OUTSIDE WASTE CLEARANCE RECORDS		OUTSIDE WASTE CLEARANCE RECORDS
		PARTICIPATION CONTRACTS (M) See General Records Schedule: Local Government Agencies, Standard 6 (Legal Records), Contracts, Leases, and Agreements.
		PERIODIC INSPECTION REPORTS OF INDUSTRIAL FACILITIES (M) See Program Records Schedule: Local Government Agencies, Standard 12 (Code Enforcement and Inspection Records), Inspections.
EROSION CONTROL: EROSION AND SEDIMENT CONTROL PERMITS		PERMITS (EROSION AND SEDIMENT CONTROL) (M)

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CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 18: PUBLIC UTILITIES AND ENVIRONMENTAL/WASTE MANAGEMENT RECORDS		
		PRELIMINARY PLAN REVIEW FILE (M) See Program Records Schedule: Local Government Agencies, Standard 15 (Planning and Regulation of Development Records), Planning Review Case File.
WATER QUALITY: PRETREATMENT PROGRAM RECORDS		PRETREATMENT PROGRAM RECORDS
UTILITIES: PUBLIC UTILITIES SYSTEM ENGINEERING, MAINTENANCE, AND REPAIR RECORDS Disposition for as built plans and specifications changed from retain permanently to retain for life of system and then destroy. Dispositions re-ordered from longest length of required retention to shortest.		PUBLIC UTILITIES SYSTEM ENGINEERING, MAINTENANCE, AND REPAIR RECORDS (CM)
		RATE SCHEDULES (M) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Rate and Fee Schedules.
		RECYCLING TONNAGE RECORDS (M) See General Record Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies.

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CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 18: PUBLIC UTILITIES AND ENVIRONMENTAL/WASTE MANAGEMENT RECORDS		
	UTILITIES: RECYCLING WATER RECORDS	
		REPORTS: RECYLCING TONNAGE (CM) See General Record Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies.
		ROUTINE REPORTS (SANITATION) (M) See General Record Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies.
		SANITARY LANDFILL INSPECTIONS (M) See Program Records Schedule: Local Government Agencies, Standard 18 (Public Utilities and Environmental/Waste Management Records), Environmental: Landfill Operational Plan.
WATER QUALITY: PUBLIC WATER SANITARY SURVEY RECORDS Cross-reference added to General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Audits: Performance. Disposition added for documentation of correction measures to destroy those records 2 years after their implementation.		SANITARY SURVEY RECORDS

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CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 18: PUBLIC UTILITIES AND ENVIRONMENTAL/WASTE MANAGEMENT RECORDS		
		SCALE HOUSE VIDEO MONITORING RECORDINGS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Office and Property Security Records.
		SERVICE AGREEMENTS See General Records Schedule: Local Government Agencies, Standard 6 (Legal Records), Contracts, Leases, and Agreements.
UTILITIES: SERVICE INTERRUPTION RECORDS		SERVICE INTERRUPTION RECORDS
WATER QUALITY: SEWER JETTING AND VECTORING RECORDS		SEWER JETTING AND VECTORING RECORDS
WATER QUALITY: SLUDGE TREATMENT RECORDS Description modified to clarify that documentation is “conducted by or for agency.”		SLUDGE TREATMENT RECORDS
		SOLID WASTE CONVENIENCE CENTER FILE See Program Records Schedule: Local Government Agencies, Standard 18 (Public Utilities and Environmental/Waste Management Records), Environmental: Discharge Monitoring Reports.

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CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 18: PUBLIC UTILITIES AND ENVIRONMENTAL/WASTE MANAGEMENT RECORDS		
		SOLID WASTE MANAGEMENT VIOLATION RECORDS (M) See Program Records Schedule: Local Government Agencies, Standard 12 (Code Enforcement and Inspection Records), Violations: Solid Waste Management.
		SOLID WASTE REPORTS (M) See General Record Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies.
		SOLID WASTE SERVICE FILE See Program Records Schedule: Local Government Agencies, Standard 18 (Public Utilities and Environmental/Waste Management Records), Environmental: Comprehensive Solid Waste Management Plan and Amendments AND General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records, Constituent Comments, Complaints, and Service Requests AND Standard 2 (Budget, Fiscal, and Payroll Records), Accounts Receivable.
	WATER QUALITY: STORMWATER DEVIATION PERMITS	

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CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 18: PUBLIC UTILITIES AND ENVIRONMENTAL/WASTE MANAGEMENT RECORDS		
		SURETY BOND INFORMATION (M) See General Records Schedule: Local Government Agencies, Standard 2 (Budget, Fiscal, and Payroll Records), Bond Closing Records AND Bond Register AND Bonds, Notes, and Coupons.
UTILITIES: TAP AND HOOK UP RECORDS Confidentiality citation added: G.S. 132-1.1(c).		TAP AND HOOK UP RECORDS
EROSION CONTROL: TROUT BUFFER VARIANCES Cross-reference added to Program Records Schedule: Local Government Agencies, Standard 15 (Planning and Regulation of Development Records), Variances. Authority citation added: 15A NCAC 04B .0125		TROUT BUFFER VARIANCES (M)
ENVIRONMENTAL: REPORTS SUBMITTED TO U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA)		U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA) REPORTS (M)
		VALVE OPERATION FILE (M) See Program Records Schedule: Local Government Agencies, Standard 12 (Code Enforcement and Inspection Records), Valve Operation File.

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CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 18: PUBLIC UTILITIES AND ENVIRONMENTAL/WASTE MANAGEMENT RECORDS		
WATER QUALITY: VIOLATION RECORDS		VIOLATION RECORDS (M)
		WASTE ELECTRONICS COLLECTION FILE (M) See Program Records Schedule: Local Government Agencies, Standard 18 (Public Utilities and Environmental/Waste Management Records), Environmental: Discharge Monitoring Reports.
		WASTE OIL COLLECTION FILE (M) See Program Records Schedule: Local Government Agencies, Standard 18 (Public Utilities and Environmental/Waste Management Records), Environmental: Discharge Monitoring Reports.
UTILITIES: WASTEWATER MAINTENANCE OPERATION REPORTS		WASTEWATER MAINTENANCE OPERATION REPORT (M)
		WASTEWATER POLLUTION CONTROL AND ABATEMENT RECORDS (M) See Program Records Schedule: Local Government Agencies, Standard 12 (Code Enforcement and Inspection Records), Wastewater Pollution Control and Abatement Records.

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CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 18: PUBLIC UTILITIES AND ENVIRONMENTAL/WASTE MANAGEMENT RECORDS		
		WASTEWATER QUALITY ANALYSIS RECORDS (M) See Program Records Schedule: Local Government Agencies, Standard 12 (Code Enforcement and Inspection Records), Wastewater Quality Analysis Records.
		WATER ANALYSIS (M) See Program Records Schedule: Local Government Agencies, Standard 12 (Code Enforcement and Inspection Records), Water Analysis.
		WATER AND SEWER PROJECTS (M) See Program Records Schedule: Local Government Agencies, Standard 18 (Public Utilities and Environmental/Waste Management Records), Utilities: Public Utilities System Engineering, Maintenance, and Repair Records.
		WATER AND WASTEWATER FACILITY ENGINEERING AND SYSTEM PLANS (M) See Program Records Schedule: Local Government Agencies, Standard 18 (Public Utilities and Environmental/Waste Management Records), Utilities: Public Utilities System Engineering, Maintenance, and Repair Records.

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CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 18: PUBLIC UTILITIES AND ENVIRONMENTAL/WASTE MANAGEMENT RECORDS		
UTILITIES: WATER AND WASTEWATER PERMITS AND APPROVAL RECORDS Order of dispositions reversed to place records for permanent value first.		WATER AND WASTEWATER PERMITS AND APPROVAL RECORDS (M)
WATER QUALITY: WATER AND WASTEWATER SYSTEM INSPECTIONS AND TESTS		WATER AND WASTEWATER SYSTEM INSPECTIONS AND TESTS (M)
		WATER AND WASTEWATER SYSTEM MAINTENANCE AND REPAIR RECORDS (M) See Program Records Schedule: Local Government Agencies, Standard 18 (Public Utilities and Environmental/Waste Management Records), Utilities: Public Utilities System Engineering, Maintenance, and Repair Records.
		WATER AND WASTEWATER SYSTEM MANAGEMENT PLANS (M) See Program Records Schedule: Local Government Agencies, Standard 18 (Public Utilities and Environmental/Waste Management Records), Utilities: Public Utilities System Engineering, Maintenance, and Repair Records.

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CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 18: PUBLIC UTILITIES AND ENVIRONMENTAL/WASTE MANAGEMENT RECORDS		
		WATER AND WASTEWATER SYSTEM PROJECT RECORDS (M) See Program Records Schedule: Local Government Agencies, Standard 18 (Public Utilities and Environmental/Waste Management Records), Utilities: Public Utilities System Engineering, Maintenance, and Repair Records.
		WATER CONSERVATION VIOLATION NOTICES (M) See Program Records Schedule: Local Government Agencies, Standard 12 (Code Enforcement and Inspection Records), Violations: Water Conservation.
		WATER STOCK PURCHASE RECORDS (M) See General Records Schedule: Local Government Agencies, Standard 2 (Budget, Fiscal, and Payroll Records), Accounts Payable.
		WATER SYSTEM OPERATIONS RECORDS (M) See Program Records Schedule: Local Government Agencies, Standard 12 (Code Enforcement and Inspection Records), Water System Operations Records.

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CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 18: PUBLIC UTILITIES AND ENVIRONMENTAL/WASTE MANAGEMENT RECORDS		
		WATER TANKS, SPECIFICATIONS, AND BOOSTER STATIONS FILE (M) See Program Records Schedule: Local Government Agencies, Standard 12 (Code Enforcement and Inspection Records), Water Tanks, Specifications, and Booster Stations File.
		WEIGH TICKETS/SCALE RECORDS (M) See Program Records Schedule: Local Government Agencies, Standard 18 (Public Utilities and Environmental/Waste Management Records), Environmental: Landfill Operational Plan.

SECTION 19: STREET MAINTENANCE, PUBLIC WORKS, AND ENGINEERING RECORDS

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
Standard 19: STREET MAINTENANCE, PUBLIC WORKS, AND ENGINEERING RECORDS		
APPRAISAL REPORTS Description for item now specifies that it covers "records appraising privately owned land for compensation in eminent domain projects." Added cross-reference to General Records Schedule: Local Government Agencies, Standard 6 (Legal Records), Easements and Right-of-Way Records.		APPRAISAL REPORTS FILE
		COMPLIANCE RECORDS See Program Records Schedule: Local Government Agencies, Standard 19: Street Maintenance, Public Works, and Engineering Records), Project Records – Engineering and Compliance.
		EMERGENCY OPERATIONS PLANS See General Records Schedule: Local Government Agencies, Standard 8 (Risk Management Records), Disaster and Emergency Management Plans.
		ENVIRONMENTAL ASSESSMENT RECORDS See Program Records Schedule: Local Government Agencies, Standard 19 (Street Maintenance, Public Works, and Engineering Records), Project Records – Engineering and Compliance.

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CHANGES	NEW ITEMS	DISCONTINUED ITEMS
Standard 19: STREET MAINTENANCE, PUBLIC WORKS, AND ENGINEERING RECORDS		
	INFRASTRUCTURE MAINTENANCE RECORDS FILE	MAINTENANCE RECORDS FILE
		PEST CONTROL RECORDS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Pest Control.
	PROJECT RECORDS: CANCELLED	PRE-PROJECT RECORDS
PROJECT RECORDS – ENGINEERING AND COMPLIANCE This item now includes records previously found under Compliance Records and Environmental Assessment Records. Grants removed from description. Cross-reference added to General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Grants, and Standard 2 (Budget, Fiscal, and Payroll Records), Grants: Financial. Payroll removed from description. Cross-reference added to General Records Schedule: Local Government Agencies, Standard 2 (Budget, Fiscal, and Payroll Records), Payroll and Earnings Records.		PROJECT RECORDS – ENGINEERING

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CHANGES	NEW ITEMS	DISCONTINUED ITEMS
Standard 19: STREET MAINTENANCE, PUBLIC WORKS, AND ENGINEERING RECORDS		
		PROJECT RECORDS – WORK PAPERS Working Papers are public records, but they are no longer included on the schedule as the only records with long-term value are the final versions of the project records, as documented in Project Records – Cancelled, Project Records – Core, and Project Records – Engineering and Compliance.
		PROJECT TRACKING RECORDS When these records have long-term value, they are now consolidated into either Project Records – Cancelled, Project Records – Core, or Project Records – Engineering and Compliance.

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CHANGES	NEW ITEMS	DISCONTINUED ITEMS
Standard 19: STREET MAINTENANCE, PUBLIC WORKS, AND ENGINEERING RECORDS		
RIGHT-OF-WAY ACQUISITION WORKING RECORDS Includes working versions of items previously found under Right-of-Way Acquisition Records Cross-reference added to General Records Schedule: Local Government Agencies, Standard 6 (Legal Records), Easements and Right-of-Way Records. Final versions of Acquisition Records fall under the Easements and Right-of-Way Records in the General Records Schedule: Local Government Agencies; this item includes only working papers. Right-of-Way Acquisition Working Records have a retention period of three years rather than a permanent retention in office.		RIGHT-OF-WAY ACQUISITION RECORDS
		RIGHT-OF-WAY APPRAISAL RECORDS See General Records Schedule: Local Government Agencies Standard 6 (Legal Records), Easements and Right-of-Way Records.

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CHANGES	NEW ITEMS	DISCONTINUED ITEMS
Standard 19: STREET MAINTENANCE, PUBLIC WORKS, AND ENGINEERING RECORDS		
		RIGHT-OF-WAY CORRESPONDENCE FILE See Program Records Schedule: Local Government Agencies, Standard 19 (Street Maintenance, Public Works, and Engineering Records), Right-of-Way Acquisition Working Records.
		STREET CLEANING RECORDS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies. Follow the disposition instructions under this item based on the kind of report generated by street cleaning efforts.
STRUCTURAL MAINTENANCE AND ANALYSIS RECORDS Disposition A modified to allow for destruction three years after the end of life of a permanent structure. Now includes a cross-reference to General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Blueprints and Specifications.		

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CHANGES	NEW ITEMS	DISCONTINUED ITEMS
Standard 19: STREET MAINTENANCE, PUBLIC WORKS, AND ENGINEERING RECORDS		
SURVEY FIELD RECORDS Records that do not have historical value are now to be retained until superseded or obsolete, rather than when reference value ends. Cross-reference added to General Records Schedule: Local Government Agencies, Standard 6 (Legal Records), Easements and Right-of-Way Records.		
		TESTING AND INSPECTION RECORDS See Program Records Schedule: Local Government Agencies, Standard 12 (Code Enforcement), Building and Road Permitting and Inspection Records.
		TRAFFIC ACCIDENT DATA FILE See General Records Schedule: Local Government Agencies, Standard 4 (Information Technology Records), Data Documentation Records.
	TRAFFIC VIDEO RECORDINGS AND DATA Includes the metadata generated by video recordings as well as the recordings themselves.	TRAFFIC CAMERA RECORDINGS
		TRAFFIC OPERATIONS PROGRAM FILE Records from the TOPICS program deleted from schedule as program is no longer active.

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CHANGES	NEW ITEMS	DISCONTINUED ITEMS
Standard 19: STREET MAINTENANCE, PUBLIC WORKS, AND ENGINEERING RECORDS		
		TRAFFIC SIGNAL FILE See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Equipment, Vehicle, and Facility Usage Records.

STANDARD 20: LAW ENFORCEMENT RECORDS (MUNICIPAL)

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 20: LAW ENFORCEMENT RECORDS (MUNICIPAL)		
		ABANDONED MOTOR VEHICLES (AMV) FILE See Auction Records.
		ACCREDITATION RECORDS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Accreditation Records.
		ACTIVITY REPORTS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies.
ALARM CALL REPORTS Amended description to include residences.		
		ALERTS FILE See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Bulletins.

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CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 20: LAW ENFORCEMENT RECORDS (MUNICIPAL)		
		AMBULANCE CALL RECORDS See Program Records Schedule for Local Government Agencies, Standard 13 (Emergency Medical Services and Fire Department Records), Ambulance Call Reports (ACR)/Patient Care Reports (PCR).
	ARREST PROCESSING RECORDS Merging of Arrest Processing: DWI Tracking Records and Arrest Processing: Tracking Records	
		AUTOMOBILES AND PROPERTY IN STORAGE: SALES AND REPORTS RECORDS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies, and Standard 2 (Budget, Fiscal, and Payroll Records), Accounts Receivable.
		BASIC TRAINING RECORDS See General Records Schedule: Local Government Agencies, Standard 4 (Human Resources Records), Law Enforcement Training.

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CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 20: LAW ENFORCEMENT RECORDS (MUNICIPAL)		
		BICYCLE REGISTRATION See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Miscellaneous (Non-Building) Applications, Licenses, and Permits.
		BINGO LICENSURE RECORDS Original records created and retained by Department of Public Safety. For copies, see General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reference (Reading) File.
		BREATHALYZER RECORDS See Chemical Analysis Records.
		CASE HISTORY FILE: CASES NOT OFFICIALLY INVESTIGATED Covered by various items on Law Enforcement standard of Local Government Program Schedule
DRUG AND ALCOHOL TESTING RECORDS Revised title and description to include DWI and Breathalyzer Records		

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CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 20: LAW ENFORCEMENT RECORDS (MUNICIPAL)		
		CITIZEN COMPLAINTS/ADMINISTRATIVE INVESTIGATION RECORDS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Constituent Comments, Complains, Petitions, and Service Requests.
		COMMENDATION LETTERS See General Records Schedule: Local Government Agencies, Standard 4 (Human Resources Records), Service Awards and Commendations.
		COMMUNICATIONS RECORDS (REQUESTS AND RECEIPTS) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Requests for Information.
		CONFIDENTIAL FUNDS RECORDS See General Records Schedule: Local Government Agencies, Standard 2 (Budget, Fiscal, and Payroll Records), Accounts Payable.
		CRIME PREVENTION RECORDS See Crime Analysis Records.

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CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 20: LAW ENFORCEMENT RECORDS (MUNICIPAL)		
		CRIMINAL HISTORY RECORDS See Arrest Reports, Fingerprint Cards, and Identification Photographs.
		DAILY BULLETINS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Bulletins.
		DETENTION FACILITY INSPECTION REPORTS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Facility Maintenance, Repair, and Inspection Records.
DETENTION FACILITY INCIDENT REPORTS Title changed from INCIDENT REPORTS: DETENTION FACILITY		
DETENTION FACILITY PHYSICAL FORCE RECORDS Title changed from Physical Force Records		
		DOMESTIC VIOLENCE: ACTIVITY REPORTS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies.

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 20: LAW ENFORCEMENT RECORDS (MUNICIPAL)		
		DOMESTIC VIOLENCE CASE FILES: CLOSED (COPIES) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reference (Reading) File. Original maintained by court system.
		DRIVER'S LICENSE REVOCATIONS FILE See respective case file related to revocation
		DRIVING WHILE IMPAIRED (DWI) REPORTS FILE See Chemical Analysis Records.
		DWI KNOLL MOTIONS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reference (Reading) File. Original maintained by court system.
	ELECTRONIC RECORDINGS OF INTERROGATIONS	
		ELECTRONIC/VIDEO RECORDINGS OF INTERROGATIONS (HOMICIDE) See Electronic Recordings of Interrogations (Juvenile and Certain Felonies).

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CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 20: LAW ENFORCEMENT RECORDS (MUNICIPAL)		
		EMERGENCY ACTION RECORDS See General Records Schedule: Local Government Agencies, Standard 8 (Risk Management Records), Disaster and Emergency Management Plans.
		EQUIPMENT INVENTORY AND ISSUANCE RECORDS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Inventories.
		EXTRADITION CASE RECORDS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reference (Reading) File. Original maintained by Office of the Governor.
		FALSE ALARM REPORTS AND VIOLATIONS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies.
		FEDERAL FIREARMS NOTIFICATION RECORDS Copies. Originals maintained by federal government.

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CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 20: LAW ENFORCEMENT RECORDS (MUNICIPAL)		
		FEDERAL FOREFEITURE RECORDS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Grants, and Standard 2 (Budget, Fiscal, and Payroll Records), Accounts Receivable and Grants: Financial.
FIELDS OBSERVATIONS Removed “Reports” from Title		
		FINGERPRINT CARDS (LATENT) See Fingerprint Cards.
		FIREARMS RANGE FILE See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Equipment, Facility, and Vehicle Usage Records.
		FIREARMS TRAINING RECORDS See General Records Schedule: Local Government Agencies, Standard 4 (Human Resources Records), Aptitude and Skills Testing Records and Standard 6: Law Enforcement Training.
		HANDGUN PERMITS See Permits: Concealed Weapons and Handguns.

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CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 20: LAW ENFORCEMENT RECORDS (MUNICIPAL)		
		HOUSE AND SPECIAL CHECK REQUESTS See Incident Response Reports.
		IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE DETAINEE RECORDS) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reference (Reading) File. Original records maintained by County Sheriff's Department.
		INCIDENT REPORTS: DETENION FACILITY See Incident Response Reports
INMATE DEATH REPORTS Renamed from Death of Inmate Reports		
INMATE INCARCERATION RECORDS Removed "(Active and Inactive)" from title.		
INMATE RESEARCH REQUESTS Changed Title from Inmate Law Library (Research) Requests		
		INTERNAL AFFAIRS CASE RECORDS See General Records Schedule: Local Government Agencies, Standard 4 (Human Resources Records), Administrative Investigations.

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CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 20: LAW ENFORCEMENT RECORDS (MUNICIPAL)		
	LABORATORY CASE RECORDS Included to cover investigative agencies which create and maintain laboratory records as part of criminal investigations. Records created and maintained separately from State Bureau of Identification.	
	LAW ENFORCEMENT AUDIO AND VIDEO RECORDINGS	
		LIST OF INMATE REPORTS Reports delivered to and maintained by Clerk of Superior Court
		MASTER INDEX FILE See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Indices.
		MOBILE UNIT VIDEO TAPES See Law Enforcement Audio and Video Recordings.
		MODIFIED DIET REQUESTS (INMATES) See Inmate Meal Records.

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CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 20: LAW ENFORCEMENT RECORDS (MUNICIPAL)		
		MONTHLY CONFINEMENT (JAIL) REPORTS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reference (Reading) File. Original records by Department of Health and Human Services.
		MUTUAL AID AGREEMENT RECORDS See General Records Schedule: Local Government Agencies, Standard 4 (Human Resources Records), Dual Employment.
		OBSERVATION REPORTS See General Records Schedule: Local Government Agencies, Standard 4 (Human Resources Records), Training and Educational Records.
		PARKING METER RECORDS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Inventories.
		PARKING METER COLLECTIONS RECORDS See General Records Schedule: Local Government Agencies, Standard 2 (Budget, Fiscal, and Payroll Records), Accounts Receivable.

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CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 20: LAW ENFORCEMENT RECORDS (MUNICIPAL)		
		PAROLE COMMISSION NOTIFICATION REPORTS Records received and retained by North Carolina Post-Release Supervision & Parole Commission
PAWNSHOP RECORDS Title changed from Pawnshop Cards		
		PEER COUNSELING (LAW ENFORCEMENT) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Projects, Standard 1: Reports and Studies, and Standard 7 (Public Relations Records), Conferences and Workshops.
	PERMITS: CONCEALED WEAPONS AND HANDGUNS	
		PERSONAL HISTORIES OF KNOWN OR SUSPECTED LAW BREAKERS See Arrest Reports, Fingerprint Cards, and Identification Photographs.
		PERSONNEL INSPECTION REPORTS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies.

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CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 20: LAW ENFORCEMENT RECORDS (MUNICIPAL)		
		PHYSICAL FORCE RECORDS See Detention Facility Incident Reports.
		POLYGRAPH AND DRUG SCREENING PROGRAM See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies.
PROPERTY RECORDS Consolidated Confiscated, Evidence, Stolen/Recovered, and Unclaimed Property records		
		PURSUIT LOGS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies.
		REIMBURSEMENT REQUESTS FOR INMATES CONFINED LOCALLY See General Records Schedule: Local Government Agencies, Standard 2 (Budget, Fiscal, and Payroll Records), Accounts Payable.

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CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 20: LAW ENFORCEMENT RECORDS (MUNICIPAL)		
		SHIFT ASSIGNMENT RECORDS See General Records Schedule: Local Government Agencies, Standard 4 (Human Resources Records), Work Schedules and Assignments.
		SPECIAL ORDER RECORDS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Policies and Procedures.
		SQUAD LEADER PROMOTION FILE See General Records Schedule: Local Government Agencies, Standard 4 (Human Resources Records), Performance Reviews, and Standard 6: Position Evaluations.
		STATISTICAL REPORTS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies.
		STOLEN MOTOR VEHICLES FILE See Case Files: Misdemeanors, Case Files: Felonies, and Incident Response Reports.

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CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 20: LAW ENFORCEMENT RECORDS (MUNICIPAL)		
		TAXICAB INSPECTION AND LICENSING FILE See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Miscellaneous (Non-Building) Applications, Licenses, and Permits.
		TOWED/SEIZED VEHICLE INVENTORIES See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Inventories.
		TRAFFIC CITATION AND PARKING TICKET, RECORDS OF DATES TURNED IN BY POLICE OFFICER See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies.
		TRAFFIC STOP REPORTS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies.
		TRAINEE INTERN PROGRAM FILE See General Records Schedule: Local Government Agencies, Standard 4 (Human Resources Records), Internship Program.

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CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 20: LAW ENFORCEMENT RECORDS (MUNICIPAL)		
		TRAINING ATTENDANCE FILE See General Records Schedule: Local Government Agencies, Standard 4 (Human Resources Records), Training and Educational Records.
		TRAINING RECORDS See General Records Schedule: Local Government Agencies, Standard 4 (Human Resources Records), Law Enforcement Training.
		TRAINING RECORDS: PERSONNEL See General Records Schedule: Local Government Agencies, Standard 4 (Human Resources Records), Training and Educational Records, and Standard 6: Law Enforcement Training.
		TRANSIENT SOLICITOR REGISTRATION FILE See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Miscellaneous (Non-Building) Applications, Licenses, and Permits.
TRESPASS RECORDS Amended title and description. Adjusted disposition instructions.		

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 20: LAW ENFORCEMENT RECORDS (MUNICIPAL)		
		UNIFORM CRIME REPORTS (UCR) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies.
		VEHICLE INSPECTION AND INVENTORY REPORTS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Equipment and Vehicle Maintenance, Repair, and Inspection Records.
		WANTED PERSONS FILE See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Bulletins.
		WARNING TICKETS See Traffic Citations and Warnings.
		WARRANTS FILE See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reference (Reading) File. Official records are stored with the Administrative Office of the Courts.

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CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 20: LAW ENFORCEMENT RECORDS (MUNICIPAL)		
		WARRANTS REGISTER See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies.
		WORK RELEASE EARNINGS REPORTS See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies.
		WRECKER SERVICE RECORDS See Vehicle Towing Records.

STANDARD 21: TAX RECORDS (MUNICIPAL)

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 21: TAX RECORDS (MUNICIPAL)		
		ANNUAL REPORT ON PUBLIC DEPOSITS Record custodian is Department of the State Treasurer. Copies retained in municipal tax office are reference copies and may be destroyed at agency's discretion.
		ASSESSED VALUATION AND LEVIES REPORT Record custodian is North Carolina Department of Revenue. Copies retained in municipal tax office are reference copies and may be destroyed at agency's discretion.
	BEER AND WINE TAXES AND RECORDS	
		BICYCLE LICENSE RECEIPTS See General Records Schedule: Local Government Agencies, Standard 2 (Budget, Fiscal, and Payroll records), Accounts Receivable.
		MOTOR VEHICLE LICENSE PLATE/DECAL RECORDS NC DMV has sole authority to issue motor vehicle license plates and decals. Series therefore removed from schedule.

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CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 21: TAX RECORDS (MUNICIPAL)		
		MOTOR VEHICLE LICENSE RECEIPTS See General Records Schedule: Local Government Agencies, Standard 2 (Budget, Fiscal, and Payroll records), Accounts Receivable.
	MUNICIPAL VEHICLE TAX RECORDS	
PRIVILEGE LICENSES, TAXES, AND FEES RECORDS Includes privilege licenses, privilege license citation records, privilege tax ledgers, and privilege tax receipts. Applies only to general privilege tax items as authorized by G.S. 160A-194. Specific privilege licenses authorized by other statutes are found in Animal Licensing Records, Beer and Wine Taxes and Records, Municipal Vehicle Tax Records, and Taxicab and Limousine Tax Records.		PRIVILEGE LICENSES See Program Records Schedule: Local Government Agencies, Standard 21 (Tax Records), Privilege Licenses, Taxes, and Fees Records.
		PRIVILEGE LICENSE CITATION RECORDS See Program Records Schedule: Local Government Agencies, Standard 21 (Tax Records), Privilege Licenses, Taxes, and Fees Records.

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CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 21: TAX RECORDS (MUNICIPAL)		
		PRIVILEGE TAX LEDGER See Program Records Schedule: Local Government Agencies, Standard 21 (Tax Records), Privilege Licenses, Taxes, and Fees Records.
		PRIVILEGE TAX RECEIPTS See Program Records Schedule: Local Government Agencies, Standard 21 (Tax Records), Privilege Licenses, Taxes, and Fees Records.
		REPORTS OF TAXES COLLECTED (DAILY AND WEEKLY) See General Records Schedule: Local Government Agencies, Standard 1 (Administration and Management Records), Reports and Studies.
ROOM OCCUPANCY TAX RECORDS Phrase “by resolution” removed from item description to allow for broader application of item.		

2021 LOCAL GOVERNMENT PROGRAM RECORDS RETENTION AND DISPOSITION SCHEDULE CHANGE LOG

NC DEPARTMENT OF NATURAL AND CULTURAL RESOURCES

CHANGES	NEW ITEMS	DISCONTINUED ITEMS
STANDARD 21: TAX RECORDS (MUNICIPAL)		
SCHEDULE "B" LICENSES Based on statute changes, description now specifies that this item only applies privilege licenses issued to attorneys-at-law and other professionals, installment paper dealers, and pawnbrokers. Authority and confidentiality statutes added. Disposition wording changed for clarity and to allow for destruction of non-specified items at the end of their reference value. Disposition also changed to retain all settlement records for three years rather than only "detailed" settlements.		
TAX EXEMPT PROPERTY FILE Disposition changed to ensure that records are kept so long as property exemption remains in effect. New disposition requires retaining exemption records for five years after expiration of exemption or end of life of the structure.		
TAX LEDGER CARDS OR SHEETS Disposition changed to "destroy in office 5 years after superseded or obsolete."		
		TAX RECEIPT BOOK
		TAX SALES CERTIFICATES Item discontinued, as it is no longer applicable.
	TAXICAB AND LIMOUSINE TAX RECORDS	

This change log notes all substantial changes from the 2019 to the 2021 version of the *General Records Schedule: Local Government Agencies*. For simplicity, wordsmithing, typographical corrections, pointers to other records series, and modifications to citations have not been tracked. Substantive changes are listed in the left-hand column. In the center column are the titles of new records series that have been added to the schedule. In the right-hand column are records series that have been discontinued because the records are no longer created or received by local government agencies (or in cases where these are listed in the same row as a series that was changed, these records have been combined into that broader records series). The index to the schedule also includes pointers where one series was subsumed into another.

Please note that what had been the Personnel Records standard (Standard 6) has been retitled as the Human Resources standard; alphabetization means this is now Standard 4 (and IT Records and Legal Records have been shifted to standards 5 and 6 respectively).

This updated schedule also includes in the appendix a section entitled "Related Records Series Found in Local Agency Program Schedules," which identifies records series within the Local General Schedule (indicated with @) that have similar records series on local program schedules.

Changes	**New Items**	**Discontinued Items**
Standard 1: Administration and Management Records		
ACCREDITATION RECORDS Added to description outside evaluations of agency		
ADMINISTRATIVE DIRECTIVES, REGULATIONS, AND RULES Added description and modified disposition instructions		
AUDITS: PERFORMANCE Added disposition instructions for PCI attestation reports		
CONSTITUENT COMMENTS, COMPLAINTS, PETITIONS, AND SERVICE REQUESTS Changed title from Citizen to Constituent; clarified that requests for reasonable accommodation included in this series are those from the general public; changed retention for all complaints to 1 year		

Changes	New Items	Discontinued Items
CONSTITUENT SURVEYS Changed title from Citizen to Constituent		
FACILITY MAINTENANCE, REPAIR, AND INSPECTION RECORDS Clarified this series also includes records related to agency-owned property as well as warranties		
GRANTS Added to description any required certifications and disclosures; specified disposition for grants funded by local appropriations		
	HISTORICAL DESIGNATIONS RECORDS	
LOGISTICS MATERIALS Added agency activities to the description and modified disposition instructions		
MISCELLANEOUS (NON-BUILDING) APPLICATIONS, LICENSES, AND PERMITS Added to description free government-issued business permits		
OFFICE AND PROPERTY SECURITY RECORDS Changed title from Office Security Records; added property to the description and added disposition instructions for recordings that may necessitate action by law enforcement		
	PHONE LOGS	

Changes	New Items	Discontinued Items
Inserted PUBLIC BODIES at beginning of series titles to group together: • Agenda and Meeting Packets (also added exhibits to description) • Applications for Appointment • Appointment Reports • Audio and Video Recordings of Meetings • Notices of Public Meetings (renamed Meeting Notices) • Governing and Advisory Body Member File (renamed Member Files) • Minutes of Public Bodies (renamed Minutes)		
	PUBLIC BODIES: CORRESPONDENCE	
REBATE PROGRAM RECORDS Deleted Citizen from title		
REPORTS AND STUDIES Added a specific disposition for quarterly reports		
REQUESTS FOR PROPOSALS Specified inclusion of elements created by the agency (e.g., notices, evaluations)		
STAFF MEETINGS FILE Renamed from Minutes (Staff Meetings) and added additional materials relevant to internal meetings along with materials from external that had been listed in Agenda and Meeting Packets		
STRATEGIC PLAN Renamed from Comprehensive Plan, added mission statements to the description, and clarified disposition instructions		

Changes	New Items	Discontinued Items
Standard 2: Budget, Fiscal, and Payroll Records		
ACCOUNTS PAYABLE Modified disposition of reimbursements to reflect DES requirements		
ACCOUNTS RECEIVABLE Modified description to add records for debt setoff program		
BOND CLOSING RECORDS Increased retention requirement to mirror state requirements		
GRANTS: FINANCIAL Specified disposition for grants funded by local appropriations		
LONGEVITY PAY Increased retention to reflect DES requirements		
PAYROLL AND EARNINGS RECORDS Increased retention to reflect DES requirements; added employer contributions to description		
PAYROLL DEDUCTION RECORDS Added retirement deductions to description		
SHIFT PREMIUM PAY Increased retention to reflect DES requirements		
TAX FORMS Increased retention to reflect DES requirements		
TIME SHEETS, CARDS, AND ATTENDANCE RECORDS Increased retention to reflect DES requirements		
TRAVEL REIMBURSEMENTS Increased retention to reflect DES requirements		
Standard 3: Geographic Information System (GIS) Records		
MAPS: ALL OTHER Included paper maps in description		

Changes	New Items	Discontinued Items
Standard 4: Human Resources Records (previously Personnel Records)		
APPLICATIONS FOR EMPLOYMENT Added pointer in disposition to Seasonal and Contract Workers		
BENEFITS RECORDS Specified disposition for correspondence with providers		
		CERTIFICATION AND QUALIFICATION RECORDS Already covered by Training and Educational Records; Conferences and Workshops
HAZARDOUS MATERIALS TRAINING RECORDS Added to description documentation of loans of radioactive materials for training purposes		
MEDICAL RECORDS Clarified description to include records of employees, contractors, and volunteers; expanded description of health and physical examinations		
PERSONNEL RECORDS (OFFICIAL COPY) Clarified description to specify employees eligible for benefits		
POLICIES AND PROCEDURES (PERSONNEL) Added description; deleted disposition for non-internal records, which should be considered part of the Reference (Reading) File, and added disposition for HR administrative records (e.g., employee orientation materials)		

Changes	New Items	Discontinued Items
RETIREMENT RECORDS Clarified description; removed separate disposition for deferred compensation – those that are from retirement plans are covered in this item, and those that are for some sort of bonus should be treated as Payroll and Earnings Records		
TRAINING AND EDUCATIONAL RECORDS Added general training materials to description; added disposition for expired employee certifications/qualifications along with one for general training materials		
UNEMPLOYMENT COMPENSATION CLAIMS Increased retention to reflect DES requirements		
UNEMPLOYMENT COMPENSATION REPORTS Increased retention to reflect DES requirements		
Standard 5: IT Records		
Clarified retention for fixity check documentation		
Standard 6: Legal Records		
ANNEXATION RECORDS Specified disposition for withdrawn petitions		
CIVIL RIGHTS CASE RECORDS Specified disposition for employee requests for reasonable accommodations		
ENCROACHMENTS Changed description from citizens to residents		
	EXPUNCTIONS	
	INVESTIGATION AND HEARING RECORDS	
		REASONABLE ACCOMMODATIONS Already covered by Constituent Comments, Complaints, Petitions, and Service Requests
	SETTLEMENTS	

Changes	New Items	Discontinued Items
Standard 8: Risk Management Records		
DISASTER RECOVERY Clarified description and specified disposition for records evaluating the efficacy of recovery efforts		
	EMERGENCY NOTIFICATIONS Moved from the Emergency Services standard of the old County Management schedule	
FIRE, HEALTH, AND ENVIRONMENTAL SAFETY RECORDS Added Environmental to the series title and added specific dispositions for inspection reports and safety audits		
	FIXED NUCLEAR FACILITIES PLANS FILE Moved from the Emergency Services standard of the old County Management schedule	
HAZARDOUS MATERIALS MANAGEMENT Broadened description and added numerous dispositions for particular types of hazardous materials; now includes asbestos management plans		ASBESTOS MANAGEMENT PLAN
LOST, STOLEN, OR DAMAGED PROPERTY REPORTS Deleted citizen from description		
	NATIONAL FLOOD INSURANCE PROGRAM RECORDS Moved from the Emergency Services standard of the old County Management schedule	

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: Angela Reece, *MPA, CMC, NCCMC, City Clerk* **MEETING DATE:** December 2, 2021

AGENDA SECTION: CONSENT **DEPARTMENT:** ADMINISTRATION

TITLE OF ITEM: Acceptance of November 2, 2021 Official General Election Results – *Angela L. Reece, City Clerk*

SUGGESTED MOTION(S): I move that City Council accept the abstract of votes as provided by the Henderson County Board of Elections for the November 2, 2021 general election.

SUMMARY: The Henderson County Board of Elections has provided an abstract of votes for the November 2, 2021 General Election.

ATTACHMENTS:

i. November 2, 2021 Abstract of Votes – General Election

2021 MUNICIPAL ELECTION
11/02/2021
ABSTRACT OF VOTES
FOR
HENDERSON COUNTY, NORTH CAROLINA

INSTRUCTIONS
The county board shall prepare abstracts of all the ballot items in triplicate originals. The county board shall retain one of the triplicate originals, and shall distribute one each to the city or town clerk for the municipality and the State Board of Elections. The State Board of Elections shall forward the original abstract it receives to the Secretary of State (GS § 163-182.6)

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

The County Board of Elections for said county, having opened, canvassed, and judicially determined the original returns of the election in the precincts in this county, held as above stated, do hereby certify that the attached is a true abstract thereof, and contains the number of legal ballots cast in each precinct for each office or referendum named, the name of each person or choice voted for, their party affiliation (where applicable), and the number of votes cast for each person or choice for the item named.

This is the 9th day of November, 2021.

Board Member

Board Chair

Board Member

Board Secretary

Board Member

This day personally appeared before me, Charles H. Medd, Chairman of the County Board of Elections, who being duly sworn, says the abstract of votes herein contained is true and correct, according to the returns made to said Board.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal this the 9th day of November, 2021.

Karen W. Hebb
Official Signature of Notary Public

Karen W. Hebb
Printed/Typed Name of Notary Public

My Commission Expires: Dec 13, 2022

Karen W Hebb
NOTARY PUBLIC
Henderson County, NC
My Commission Expires December 13, 2022
(Seal)

11/0 2:52 PM

NONPARTISAN

HENDERSON COUNTY, NC
MUNICIPAL NOVEMBER 2, 2021

	0001_FLAT ROCK COUNCIL	0002_FLAT ROCK COUNCIL DIST 2 FLAT ROCK		0003_FLAT ROCK COUNCIL	0004_FLETCHER MAYOR FLETCHER		0005_FLETCHER COUNCIL DIST 1 FLETCHER		0006_FLETCHER COUNCIL DIST 4 FLETCHER		0007_HENDERSONVILLE MAYOR HENDERSONVILLE		0008_HENDERSONVILLE COUNCIL HENDERSONVILLE				0009_LAUREL PARK COUNCIL LAUREL PARK		0015_LAUREL PARK C
	Matthew A. Toner III	Susan Gregory	Jim Hart	Barbara W. Jeter	Preston Blakely	Phillip Luther	Sheila Franklin	John Brandon Olsen	Trevor C. Lance	Erik Weber	D. J. Harrington	Barbara G. Volk	Raphael Morales	Debbie Roundtree	Jerry Smith, Jr.	Chelsea Walsh	Debra Hinson Bridges	Paul Hansen	Kristin Dunn
AR FR-ARMORY	30	25	23	34															
AR HE-ARMORY																			
CC CLEAR CREEK											26	22	4	15	21	35			
CV CAROLINA VILLAGE											73	91	11	89	118	78			
FL FLETCHER											89	163	13	115	186	129			
FR FLAT ROCK	486	440	262	493															
HC HOOPERS CREEK					146	84	95	135	108	120									
HV-1 HENDERSONVILLE-1											189	483	21	387	516	281			
HV-2 HENDERSONVILLE-2											164	276	35	281	295	193			
HV-3 HENDERSONVILLE-3											221	403	35	369	443	265			
LJ LONG JOHN MOUNTAIN											12	16	2	15	18	13			
LP LAUREL PARK																	202	208	222
MG MOORES GROVE											13	7	0	4	10	16			
NE NORTHEAST											23	8	2	15	17	15			
NW NORTHWEST											2	0	0	1	0	2			
PR PARK RIDGE					64	11	19	55	20	52									
PV PISGAH VIEW																			
SE SOUTHEAST																	12	11	12
SW HE-SOUTHWEST											2	0	0	1	1	2			
SW LP-SOUTHWEST											12	6	1	8	13	12			
TOTALS	516	465	285	527	726	583	689	618	682	620	826	1475	124	1300	1638	1041	0	0	0
																	214	219	234

	0010_MILLS RIVER COUNCIL DIST 1 MILLS RIVER		0011_MILLS RIVER COUNCIL DIST 2 MILLS RIVER			0012_MILLS RIVER COUN	0013_SALUDA MAYOR SALUDA		0014_SALUDA COMMISSIONER SALUDA	
	Brian Caskey	Sandra Goode	James Cantrell	Dennis Grass	Brian S. Kimball	Shanon Gonce	Fred Baisden	Tangie Morgan	Paul Marion	Mark Oxtoby
EV ETOWAH VALLEY	22	29	27	0	24	41				
NM NORTH MILLS RIVER	254	242	233	16	226	362				
RR RAVEN ROCK							2	0	3	3
SM SOUTH MILLS RIVER	143	208	165	10	168	279				
TOTALS	419	479	425	26	418	682	2	0	3	3

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: D. James Miller, Fire Chief **MEETING DATE:** December 2, 2021

AGENDA SECTION: CONSENT **DEPARTMENT:** Fire Department

TITLE OF ITEM: Resolution Declaring Property Surplus & Authorizing Sale – *D. James Miller, Fire Chief*

SUGGESTED MOTION(S):

I move that City Council adopt the Resolution declaring certain property as surplus and authorizing a sale to West Macon Fire & Rescue.

SUMMARY:

The City of Hendersonville Fire Department needs to dispose of a 2016 Chevrolet Tahoe that is no longer of use. Staff requests the item to be declared as surplus and enter the item for sale to West Macon Fire & Rescue, by private sale, for the amount of $30,000 with the restriction that it be used for the provision of fire protection services as allowed by NCGS § 160A-279. A notice summarizing the sale is required to be published at least 10 days before the sale can be consummated. The attached resolution authorizes the private sale and directs the Clerk to publish the required Notice.

BUDGET IMPACT: $ Receipt of $30,000.00

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

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

ATTACHMENTS:

Resolution

Bill of Sale

Resolution #

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL DECLARING CERTAIN PROPETY SURPLUS AND AUTHORIZING SALE

WHEREAS, the City Council of the City of Hendersonville desires to dispose of certain surplus property of the City; and

WHEREAS, the City wishes to dispose of certain surplus property by private sale to West Macon Fire and Rescue, Inc., for a sum of $30,000; and

WHEREAS, the City is authorized by N.C.G.S. § 160A-279 to sell personal property by private sale to a nonprofit entity carrying out a public purpose, provided the property continues to be used for a public purpose by the nonprofit entity; and

WHEREAS, West Macon Fire and Rescue, Inc., is a private nonprofit corporation organized for the public purpose of providing fire protection services;

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

1. The following described property is hereby declared to be surplus to the needs of the City:

a. 2016 Chevrolet Tahoe Vin # 1GNSKFEC6GR326522 City ID # (14-61)(the "Surplus Property")

2. The City Manager is authorized to sign a Bill of Sale for the private sale of the Surplus Property to West Macon Fire & Rescue for the sum of $30,000.00 with a restriction that the property continue to be used for the public purpose of fire protection services.

3. That the City Clerk shall cause notice to be published in accordance with G.S. 160A-267, and the sale of the Surplus Property shall not be consummated until 10 consecutive calendar days following the publication of the notice.

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

_____
Barbara G. Volk, Mayor, City of Hendersonville

Attest:

_____
Angela L. Reece, City Clerk

Approved as to form:

_____
Angela S. Beeker, City Attorney

BILL OF SALE OF MOTOR VEHICLE / AUTOMOBILE
(Sold "As-Is" without Warranty)

STATE OF: North Carolina
COUNTY OF: Henderson

KNOW ALL PERSONS BY THESE PRESENTS:

That the City of Hendersonville (Seller), a North Carolina Municipal Corporation, for and in consideration of the sum THIRTY THOUSAND DOLLARS AND NO/100S ($30,000), received in hand, does hereby sell and transfer to West Macon Fire and Rescue, Inc., a North Carolina nonprofit corporation (Buyer) pursuant to the authority of N.C.G.S. § 160A-279, the following motor vehicle (Vehicle), which is located in the County of Henderson, North Carolina:

Make:	**Chevrolet**
Model:	**Tahoe**
Body Type:	**SUV**
Year:	**2016**
VIN:	1GNSKFEC6GR326522

To have and to hold the same unto Buyer and Buyer's executors, administrators, and assigns, forever, subject to the condition and covenant of Buyer that Buyer use the Vehicle for the provision of fire protection services.

WARRANTY OF OWNERSHIP. The Seller warrants that the Seller is the true and lawful owner of the Vehicle, and that the Vehicle is free of any and all legal claims, encumbrances, and offsets by others, other than the covenant to use the Vehicle for the provision of fire protection services. Further, the Seller warrants that theSeller will defend the Buyer against any and all lawful claims and demands whatsoever in relation to this bill of sale.

DISCLAIMER OF ALL OTHER WARRANTIES. OTHER THAN THE SELLER'S WARRANTY OF OWNERSHIP STATED ABOVE, THE BUYER TAKES THE VEHICLE "AS-IS" WITHOUT ANY WARRANTIES, EXPRESS OR IMPLIED, AS TO ITS CONDITION. THE BUYER HAS PERSONALLY INSPECTED THE VEHICLE AND ACCEPTS IT "AS-IS".

ADDITIONAL TERMS OF SALE. The Seller and Buyer agree to the following additional terms in conjunction with this bill of sale: The Buyer shall use the Vehicle for the provision of fire protection services.

SELLER: THE CITY OF HENDERSONVILLE

BY: _____
John F. Connet, City Manager

_____
Date

BUYER: WEST MACON FIRE AND RESCUE, INC.

BY: _____
Chief
Print Name:

_____
Date

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: Alex Norwood **MEETING DATE:** 12/02/2021

AGENDA SECTION: CONSENT **DEPARTMENT:** Admin

TITLE OF ITEM: Budget Amendments December 2021 – *Alex Norwood, Budget Analyst*

SUGGESTED MOTION(S):

I move City Council approve budget amendments 12022021-01, 12022021-02, 12022021-03, 12022021-04, 12022021-05, and 12022021-06 as presented.

SUMMARY:

01. Henderson County is providing a $205,460 reimbursement in FY22 for School Resource Officers (SROs). The proposed amendment increases Police Department personnel expenditures and an SRO Reimbursement revenue account in the General Fund (010) by $205,460.
02. An amendment to increase the Parking Facility Project (#19101) by $2,026,814 to fund the construction of the project and purchase gate and kiosk equipment. Note the fund number will change from 410 to 464 to reflect this project being placed in a newly created parking facility capital project fund (#464).
03. An amendment to increased General Fund (010) fund balance appropriation by $750,000 for a transfer to the newly established Parking Fund (064). The amendment also moves parking revenues out of the General Fund (010) to the Parking Fund (064). The result is a total appropriation of $956,500 in the Parking Fund for FY22.
04. The City has elected to pay for a taser contract in one lump sum payment. $100,000 in revenues from the General Fund will be used to cover this payment. Previously, the City leased taser equipment over a 5-year period but have identified an efficiency in purchasing the equipment at one time.
05. A budget amendment in the General Fund to increase revenues and expenditure accounts where appropriate as the City approaches mid-year. Increased funds will be used for priority items within the General Fund including capital purchases, pedestrian plans, operating equipment.
06. A budget amendment to increase the mud creek dump investigation project by $6,490 to cover a contract with Hart and Hickman.

BUDGET IMPACT: Described above

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

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

ATTACHMENTS:

Budget Amendment Forms

TO MAYOR & COUNCIL - December 2nd, 2021

FISCAL YEAR 2022

Form Number - 12022021-01

BUDGET AMENDMENT

FUND 010

ACCOUNT NUMBER	DESCRIPTION OF ACCOUNT	INCREASE	DECREASE
010-0000-420003	SRO Reimbursement	205,460	-
010-1300-501001	Salaries - Regular	154,609	-
010-1300-502001	FICA Tax Expense	15,718	-
010-1300-502050	Retirement Expense	35,134	-
FUND 010	TOTAL REVENUES	205,460	-
	TOTAL EXPENDITURES	205,460	-

Henderson County is providing a $205,460 reimbursement in FY22 for School Resource Officers. The proposed amendment increases Police Department personnel expenditures and a School Resource Officer (SRO) Reimbursement revenue account in the General Fund (010) by $205,460.

City Manager

11-18-21
Date

City Clerk

Date

Approved: 12/2/2021

TO MAYOR & COUNCIL - December 2nd, 2021

FISCAL YEAR 2022

Form Number - 12022021-02

BUDGET AMENDMENT

FUND 010 | 464

ACCOUNT NUMBER	DESCRIPTION OF ACCOUNT	INCREASE	DECREASE
010-0000-470900	Fund Balance Appropriated	250,000	-
010-1001-598901	Transfer Out (to Fund 464, Project 19101)	250,000	-
FUND 010	TOTAL REVENUES	250,000	-
	TOTAL EXPENDITURES	250,000	-
464-0000-470010-19101	Debt Proceeds	1,776,814	-
464-0000-470100-19101	Transfer in (from General Fund 010)	250,000	
464-1002-550103-19101	Capital Outlay CIP	1,191,717	-
464-1002-550102-19101	Capital Outlay Services and Fees	634,739	-
464-1002-554001-19101	Capital Outlay Equipment	200,358	-
FUND 464	TOTAL REVENUES	2,026,814	-
	TOTAL EXPENDITURES	2,026,814	-

An amendment to increase the Parking Facility Project (#19101) by $2,026,814 to fund the construction of the project and purchase gate and kiosk equipment. Note the fund number will change from 410 to 464 to reflect this project being placed in a newly created parking facility capital project fund (#464).

John Horne

City Manager

11-18-21

Date

City Clerk

Date

Approved: 12/2/2021

TO MAYOR & COUNCIL - December 2nd, 2021

FISCAL YEAR 2022

Form Number - 12022021-03

BUDGET AMENDMENT

FUND 010 | 064

ACCOUNT NUMBER	DESCRIPTION OF ACCOUNT	INCREASE	DECREASE
010-0000-470900	Fund Balance Appropriated	956,500	-
010-0000-430004	Monthly Parking Revenues	-	52,500
010-0000-430005	Parking Meter Revenues	-	130,000
010-0000-460020	Parking Violations	-	20,000
010-0000-460021	Parking Violations - Penalties	-	2,500
010-0000-460022	Special Parking Permit	-	1,500
010-1001-598901	Transfer Out (to Fund 464, Project 19101)	750,000	-
FUND 010	TOTAL REVENUES	956,500	206,500
	TOTAL EXPENDITURES	750,000	-
464-0000-470100	Transfer in (from General Fund 010)	750,000	-
064-0000-430004	Monthly Parking Revenues	52,500	-
064-0000-430005	Parking Meter Revenues	130,000	-
064-0000-460020	Parking Violations	20,000	-
064-0000-460021	Parking Violations - Penalties	2,500	-
064-0000-460022	Special Parking Permit	1,500	-
064-7455-519104	Professional Services - Engineering	33,400	-
064-7455-519200	Contracted Services	206,217	-
064-7455-554001	Capital Outlay - Equipment	420,000	-
064-7455-560500	Debt Interest	251,883	-
064-7455-534999	Contingencies	45,000	-
FUND 064	TOTAL REVENUES	956,500	-
	TOTAL EXPENDITURES	956,500	-

An amendment to increased General Fund (010) fund balance appropriation by $750,000 for a transfer to the newly established Parking Fund (064). The amendment also moves parking revenues out of the General Fund (010) to the Parking Fund (064). The result is a total appropriation of $956,500 in the Parking Fund for FY22.

City Manager

11-18-21
Date

City Clerk

Date

Approved: 12/2/2021

TO MAYOR & COUNCIL - December 2nd, 2021

FISCAL YEAR 2022

Form Number - 12022021-04

BUDGET AMENDMENT

FUND 010

ACCOUNT NUMBER	DESCRIPTION OF ACCOUNT	INCREASE	DECREASE
010-0000-400101	Ad Volorem Taxes	75,000	-
010-0000-410001	Local Sales and Use Tax	25,000	-
010-1300-554001	Capital Outlay Equipment	117,825	-
010-0000-534999	Contingencies	-	17,825
FUND 010	TOTAL REVENUES	100,000	17,825
	TOTAL EXPENDITURES	117,825	-

The City has elected to pay for a taser contract in one lump sum payment. $100,000 in revenues from the General Fund will be used to cover this payment. Previously, the City leased taser equipment over a 5-year period but have identified an efficiency in purchasing the equipment at one time.

City Manager

11-18-21
Date

City Clerk

Date

Approved: 12/2/2021

TO MAYOR & COUNCIL - December 2nd, 2021

FISCAL YEAR 2022
Form Number - 12022021-05

BUDGET AMENDMENT

FUND 010

ACCOUNT NUMBER	DESCRIPTION OF ACCOUNT	INCREASE	DECREASE
010-0000-400102	Prior Years Ad Valorem Taxes	2,358	-
010-0000-430006	Boyd Park Golf Revenues	3,802	-
010-0000-430009	Cemetary Lot Revenue	7,500	-
010-0000-440010	Special Project Fees - Planning	13,800	-
010-0000-440015	Payment in Lieu of Sidewalk	5,700	-
010-0000-460003	Miscellanous Income - Public Works	9,217	-
010-0000-470030	Insurance Proceeds	4,318	-
010-1001-521010	Office Supplies	1,516	-
010-1014-531210	Permits, Licenses, and Fees	3,143	-
010-1555-554001	Capital Outlay Equipment Other Than Vehicles	3,772	-
010-1560-554001	Capital Outlay Equipment Other Than Vehicles	12,890	-
010-1400-531700	Liability Property Insruance, and Bonds	22,996	-
010-0000-534999	Contingencies	2,378	-
FUND 010	TOTAL REVENUES	46,695	-
	TOTAL EXPENDITURES	46,695	-

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 itmes within the General Fund including capital purchases, pedestrian plans, operating equipment.

City Manager

11-18-21
Date

City Clerk

Date

Approved: 12/2/2021

TO MAYOR & COUNCIL - December 2nd, 2021

FISCAL YEAR 2022
Form Number - 12022021-06

BUDGET AMENDMENT

FUND 301

ACCOUNT NUMBER	DESCRIPTION OF ACCOUNT	INCREASE	DECREASE
301-0000-460110-16021	Reimbursements	6,490	-
301-1014-519104-16021	Professional Services Engineering	6,490	-
FUND 301	TOTAL REVENUES	6,490	-
	TOTAL EXPENDITURES	6,490	-

A budget amendment to increase the mud creek dump investigation project by $6,490 to cover a contract with Hart and Hickman.

City Manager

11-18-21
Date

City Clerk

Date

Approved: 12/2/2021

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: Drew Finley **MEETING DATE:** December 2, 2021

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

TITLE OF ITEM: Resolution to Accept the Offer from the North Carolina Department of Transportation to Purchase Real Property– *Drew Finley, Assistant to the Utilities Director*

SUGGESTED MOTION(S):

I move that City Council adopt this Resolution By The Hendersonville City Council To Accept The Contingent Offer Of Just Compensation From The North Carolina Department Of Transportation For The Nc 191 Widening Project as presented.

SUMMARY:

The North Carolina Department of Transportation ("NCDOT") is conducting a road widening project of N.C. 191 from N.C. 280 to S.R. 1381. As part of this process, NCDOT must acquire right of way and easements from the City. NCDOT must demonstrate that it will pay fair market value for the necessary land and easements required for the road widening project. The attachments included with this agenda item (Review Certification, Summary Statement/Contingent Offer to Purchase Real Property, and Property Sketch) satisfy this requirement and City staff recommend that City Council accept NCDOT's contingent offer of just compensation in the amount of $134,300 by adopting the resolution included here.

BUDGET IMPACT: $ 134,300

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

If no, describe how it will be funded.

ATTACHMENTS:

Resolution to Accept the Offer from NCDOT to Purchase Real Property

Review Certification

Summary Statement/Contingent Offer to Purchase Real Property

Property Sketch

Resolution #21-0000

RESOLUTION BY THE HENDERSONVILLE CITY COUNCIL TO ACCEPT THE CONTINGENT OFFER OF JUST COMPENSATION FROM THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR THE NC 191 WIDENING PROJECT

WHEREAS, the North Carolina Department of Transportation ("NCDOT") is conducting a road widening project of N.C. 191 from N.C. 280 to S.R. 1381 and

WHEREAS, NCDOT must acquire right of way and easements from the City as part of this process and

WHEREAS, NCDOT has conducted an appraisal and has determined the fair market value for the necessary land and easements required for the road widening project and

WHEREAS, NCDOT has submitted to the City a contingent offer of just compensation for the necessary land and easements in the amount of $134,300 and

WHEREAS, City staff have determined that this offer is reasonable and recommend that City Council approve the offer as presented.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Hendersonville, North Carolina that this offer from the NCDOT has been accepted and approved.

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

_____

Barbara G. Volk, Mayor, City of Hendersonville

Attest:

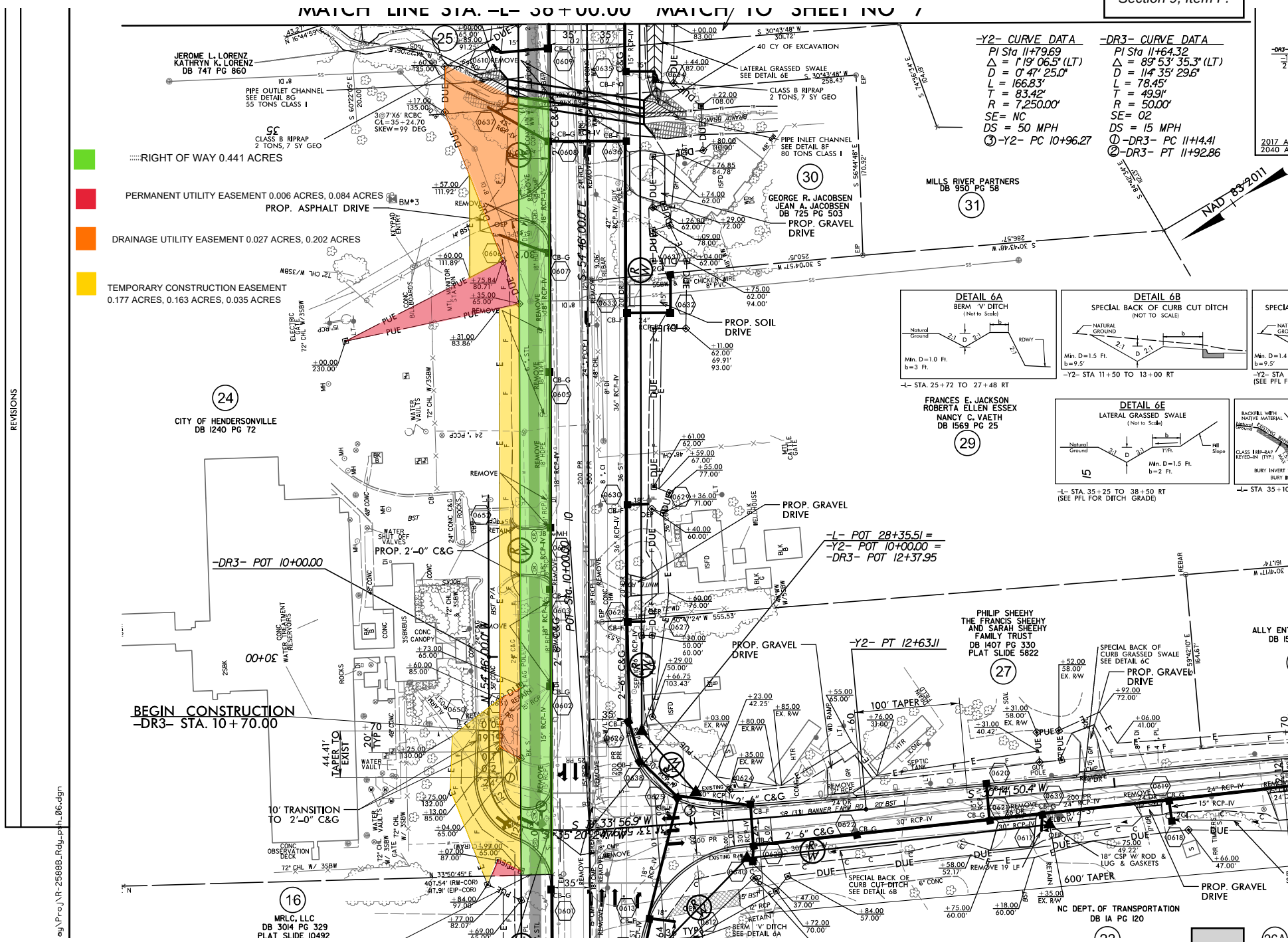
_____

Angela L. Reece, City Clerk

Approved as to form:

_____

Angela S. Beeker, City Attorney


MATCH LINE STA. -L- 38+00.00 MATCH TO SHEET NO. 7
RIGHT OF WAY 0.441 ACRES
PERMANENT UTILITY EASEMENT 0.006 ACRES, 0.084 ACRES
DRAINAGE UTILITY EASEMENT 0.027 ACRES, 0.202 ACRES
TEMPORARY CONSTRUCTION EASEMENT 0.177 ACRES, 0.163 ACRES, 0.035 ACRES
-Y2- CURVE DATA
PI Sta 11+79.69
Δ = 1° 19' 06.5" (LT)
D = 0° 47' 25.0"
L = 166.83'
T = 83.42'
R = 7,250.00'
SE= NC
DS = 50 MPH
③ -Y2- PC 10+96.27
-DR3- CURVE DATA
PI Sta 11+64.32
Δ = 89° 53' 35.3" (LT)
D = 114° 35' 29.6"
L = 78.45'
T = 49.91'
R = 50.00'
SE= 02
DS = 15 MPH
① -DR3- PC 11+14.41
② -DR3- PT 11+92.86
NAD 83/2011
JEROME L. LORENZ
KATHRYN K. LORENZ
DB 747 PG 860
MILLS RIVER PARTNERS
DB 950 PG 58
GEORGE R. JACOBSEN
JEAN A. JACOBSEN
DB 725 PG 503
FRANCES E. JACKSON
ROBERTA ELLEN ESSEX
NANCY C. VAETH
DB 1569 PG 25
CITY OF HENDERSONVILLE
DB 1240 PG 72
PHILIP SHEEHY
THE FRANCIS SHEEHY
AND SARAH SHEEHY
FAMILY TRUST
DB 1407 PG 330
PLAT SLIDE 5822
NC DEPT. OF TRANSPORTATION
DB IA PG 120
MRLC, LLC
DB 3014 PG 329
PLAT SLIDE 10492
DETAIL 6A
BERM 'V' DITCH
DETAIL 6B
SPECIAL BACK OF CURB CUT DITCH
DETAIL 6E
LATERAL GRASSED SWALE
-L- STA. 25+72 TO 27+48 RT
-Y2- STA 11+50 TO 13+00 RT
-L- STA. 35+25 TO 38+50 RT
(SEE PFL FOR DITCH GRADE)
-L- POT 28+35.51 =
-Y2- POT 10+00.00 =
-DR3- POT 12+37.95
-DR3- POT 10+00.00
-Y2- PT 12+63.11
BEGIN CONSTRUCTION
-DR3- STA. 10+70.00
PROP. GRAVEL DRIVE
PROP. SOIL DRIVE
PROP. ASPHALT DRIVE
PROP. 2'-0" C&G
10' TRANSITION TO 2'-0" C&G
44.41' TAPER TO EXIST
100' TAPER
600' TAPER
REVISIONS

SUMMARY STATEMENT/CONTINGENT OFFER TO PURCHASE REAL PROP
DUE TO THE ACQUISITION OF RIGHT OF WAY AND DAMAGES

TO: City of Hendersonville

DATE: 08-03-2021
TO: Lessee, if Applicable

TIP/PARCEL NO.: R-2588B/024
COUNTY HENDERSON
WBS ELEMENT: 34473.2.5
DESCRIPTION: WIDEN NC191 FROM NC 280 TO SR1381

Dear Property Owner:

The following contingent offer of just compensation is based on the fair market value of the property and is not less than the approved appraised value for the appropriate legal compensable interest or interests. The approved value disregards any increase or decrease in the fair market value of the property acquired due to influence caused by public knowledge of this project. The contingent offer of just compensation is based on an analysis of market data, comparable land sales, and, if applicable, building costs in the area of your property. **Please retain this form as it contains pertinent income tax information.**

Value of Right of Way to be Acquired		$ 44,100
Value of Permanent Easements to be Acquired		$ 28,700
Value of Temporary Easement (Rental of Land) to be Acquired		$ 15,000
Value of Improvements to be Acquired		$ 46,500
Damages, if any, to Remainder		$ 0
Benefits, if any, to Remainder	minus	$ 0
TOTAL CONTINGENT OFFER		**$ 134,300**

The total contingent offer includes all interests other than leases involving Federal Agencies and Tenant owned improvements.

(A) Description of the land and effects of the acquisition

Subject property described in Deed Book 1240, page 72, Henderson County Registry, contains approximately 12.350 acres of which 0.441 acres is being acquired as right of way, leaving 11.909 acres remaining on the left with access to NC191. Also being acquired is a permanent utility easement containing approximately 0.090 acres, a Drainage/Utility Easement (DUE) containing approximately 0.229 acres, and a temporary construction easement containing approximately 0.375 acres.

(B) The TOTAL CONTINGENT OFFER includes payment for the improvements and appurtenances described below:
Portion of paved parking and drives, portion of concrete curb and gutter, brick sign, flag pole, misc. landscaping

Provided there is sufficient time remaining in the project schedule, you may repurchase these improvements for a retention value, with the stipulation that you remove them from the acquisition area at no expense to the Department.

(C) Should you desire to sell the Department the portion of your property considered to be an uneconomic remnant or buildable lot, as explained to you by the Right of Way Agent, the total contingent offer would be: $ N/A .
Please note that any contingent offer to purchase a remnant/buildable lot is conditioned upon the remnant/buildable lot being environmentally clean prior to the conveyance to the Department. You may be required to provide the Department with a release from the appropriate environmental agency stating that all contaminants have been remediated and/or removed to their standards.

The original of this form was emailed, to Angela Beeker, City Attorney on 08-03 20 21 . Owner was furnished a copy of the Right of Way Brochure/Owner's Letter.

I will be available at your convenience to discuss this matter further with you. My telephone number is 828-586-4040

Please be advised that the agent signing this form is only authorized to recommend settlement to the North Carolina Department of Transportation, and any recommended settlement is not a binding contract unless and until accepted by the North Carolina Department of Transportation by its formal execution of documents for conveyance of Right of Way, Easements, and/or other interests.

Jacob B. Day

(Signed) _____
Jacob B. Day - Right of Way Agent

FRM10-B
Revised 2/17/15

North Carolina Department of Transportation-Right of Way Unit
REVIEW CERTIFICATION

TIP/Parcel No.: R-2588B/024 **WBS Element:** 34473.2.6 **County:** Henderson
Owner(s): City of Hendersonville **FedAid Project:** N/A

I HEREBY CERTIFY THAT, to the best of my knowledge and belief the facts and data reported by me and used in the review process are true and correct.

I understand that this estimate of value is to be used in connection with a highway project and/or NCDOT Real Estate transaction.

The analyses, opinions, and conclusions in this **Review Report** are limited only by the critical assumptions and limiting conditions stated in this **Review Report** and are my personal, unbiased professional analyses, opinions, and conclusions.

I have no direct or indirect, present or prospective interest in the subject property or in any benefit from the acquisition of the subject property and I have no personal interests or bias with respect to the parties involved.

I have ☐, have not ☒, performed an appraisal and / or any other services as an appraiser or any other capacity, regarding the property that is the subject of this appraisal within the three year period immediately preceding acceptance of this assignment.

My compensation is not contingent on an action or event resulting from the analyses, opinions, or conclusions in, or the use of, this **Review Report**.

My estimate of the value of all items which are Compensable under State law but not eligible for Federal Aid reimbursement is $ N/A

I personally inspected the subject parcel. I did ☒ did not ☐ personally inspect all sales/rentals considered to be comparable to the subject parcel.

My analyses, opinions, and conclusions were developed and this **Review Report** was prepared in compliance with **NCDOT Real Estate Appraisal Standards and Legal Principles** and the **Uniform Standards of Professional Appraisal Practice**. The appraisals in this assignment are to be made in accordance with all of the requirements set out in the **NCDOT Real Estate Appraisal Standards and Legal Principles** and the **Uniform Standards of Professional Appraisal Practice** and shall also comply with all applicable **Local, State, and Federal** laws, ordinances, regulations, restrictions and/or requirements; and any additions, revisions and/or supplements thereto. No one provided me with significant professional assistance with this **Review Report**.

The value opinion stated in the appraisal report is adequately supported as the estimate of just compensation. The difference indicated, if any, in the "**Market Value"** of the entire tract **Before the Acquisition** and the **"Market Value"** of the remaining property immediately **After the Acquisition** is $134,300, as allocated:

Allocation

Right of Way	$44,100
Permanent Easements	$28,700
Temporary Easements	$15,000

Total Value of Land Acquired	$87,800
Value of Improvements Acquired	$46,500
Damage to Remainder	$0
Benefits to Remainder	$0
DIFFERENCE	$134,300

S.M. BORIS ROBINSON CERTIFIED NORTH CAROLINA A8181 REAL ESTATE APPRAISER GENERAL APPRAISER

July 28, 2021
DATE OF CERTIFICATION

REVIEW APPRAISER

Un-Economic Remnant to the Owner is a Factor ☐Yes ☒No
Area 0.000 Amount $0

Administrative Approval

APPROVED BY:

July 28, 2021
DATE:

FRM5-S
Revised: 05-01-2020

North Carolina Department of Transportation
Right of Way Branch
Appraisal Summary Sheet

1. **TIP/Parcel No.:** R-2588B/024 **WBS Element:** 34473.2.6 **County:** Henderson
2. **Owner(s):** City of Hendersonville **Fed Aid Project:** N/A
3. **Plan Sheet No.:** 6 **Survey Stations:** SS 28 + 00 to SS 35 + 50, SL – L
4. **Land Areas:**

	AREA LT. OF R/W	AREA IN R/W	AREA RT. OF R/W	TOTAL
	11.909 AC	0.441 AC	0.000 AC	12.350 AC
5. Less: Land Area in Existing R/W:	0.000 AC	0.000 AC	0.000 AC	0.000 AC
6. **Appraise Net Areas**	11.909 AC	0.441 AC	0.000 AC	12.350 AC

7. **Easements:** TCE: 0.375 DRAINAGE: Temp 0 Perm 0
PUE: 0.090 DUE: 0.229

8. **Improvements Lt. of R/W**	**Improvements to be Acquired**	**Improvements Rt. of R/W**
3 SBk, Bus, 2 SBk Bus,	Portion of paved parking and drives,	N/A
Concrete water treatment reservoirs,	Portion of concrete curb and gutter, brick sign,	
72" CHL w/3SBW,	Flag pole, misc. landscaping,	
Misc. site improvements/landscaping		

9. Rights and Interests to be Appraised: **Unencumbered Fee Simple Interest**
(Subject to Existing Easements and Restrictions as Affected by Highway Acquisition.)

10. Estimated **"MARKET VALUE"** of Property Immediately Before:

Land $ 1,235,000
Improvements $ 46,500
TOTAL $ 1,281,500

11. Estimated **"MARKET VALUE"** of Property Immediately After:

Land $ 1,147,200
Improvements $ 0
TOTAL $ 1,147,200

12. "**DIFFERENCE**" Between Before and After Value (If Benefited, Type **"BENEFITS"**) $ 134,300

Signed

July 21, 2021
Date of Appraisal

Name: M. Sean Ward Phone: 828-707-3750
Address: 12 Westwind Drive
Hendersonville, NC 28791
E-Mail Address: sean.ward00@gmail.com

M SEAN WARD STATE CERTIFIED NORTH CAROLINA A6091 REAL ESTATE APPRAISER GENERAL APPRAISER

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TIP No: **R-2588B**
WBS Element: **34473.2.6**
Parcel No.: **024**
County: **Henderson**
Owner: **City of Hendersonville**

OBJECTIVE OF APPRAISAL AND PURPOSE OF REPORT

The objective of this appraisal is to estimate the market value of the subject property. The purpose of this report is to present data and analyses which support the opinion of market value. This appraisal report is prepared for the North Carolina Department of Transportation under the guidelines of the NCDOT Right-of-Way Manual, Uniform Standards of Professional Appraisal Practice 2020/2022 Edition, and General Legal Principles for Highway Right-of-Way Acquisitions. This report is to be reviewed and utilized by the North Carolina Department of Transportation as the basis for payment of just compensation under the laws of eminent domain.

APPRAISER CERTIFICATION

This appraisal report has been made in conformity with, and is subject to, the requirements of the Uniform Standards of Professional Appraisal Practice as set forth by the Appraisal Foundation and the Code of Professional Ethics and Standards of Professional Practice of the Appraisal Institute.

STATEMENT OF COMPETENCY

The signing appraiser is competent to perform the requested assignment. The appraiser has completed appraisals of similar properties, are familiar with, and knowledgeable of, the geographical market as well as the nuances of the subject's competitive market.

INSPECTION OF THE PROPERTY

The appraiser contacted a representative of the subject property owner, Mr. Brent Detwiler – City Engineer, on July 15, 2021, and an inspection time was set for July 21, 2021 at 9:00 am. The appraiser met with Mr. Ricky Levi during the property inspection that occurred on July 21, 2021. The representative was cooperative during our communication and provided all requested information about the property. All pictures, measurements, and pertinent information were gathered during the inspection. Mr. Detwiler and Mr. Levi did not express any concerns about the proposed project. The interior of the property was examined as part of the inspection.

THREE YEAR REPORTING PERIOD

The signing appraiser(s) have not performed services (or other specified) services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding the acceptance of this assignment.

DATE OF VALUE ESTIMATE(S)/DATE OF REPORT

Date of Inspection: July 21, 2021
Date of Valuation: July 21, 2021
Appraisal Report Date: July 27, 2021

SCOPE OF WORK

The Scope of Work is "the type and extent of research and analyses in an appraisal or appraisal review assignment"[1]. Per the **Scope of Work Rule,** "An appraiser must properly identify the problem to be solved in order to determine the appropriate scope of work. The appraiser must be prepared to demonstrate that the scope of work is sufficient to produce credible assignment results.[2] Scope of work includes, but is not limited to, the following:

- the extent to which the property is identified;
- the extent to which tangible property is inspected;
- the type and extent of data researched;
- the extent of data research; and,
- the type and extent of analysis applied to arrive at opinions or conclusions"[3].

Appraisers have broad flexibility and significant responsibility in determining the appropriate scope of work for an appraisal assignment. Credible assignment results require support by relevant evidence and logic. The credibility of assignment results is always measured in the context of *intended use*.

In deciding an appropriate scope of work the appraiser must: Identify the problem to be solved; Determine and perform the scope of work necessary to develop credible assignment results; and disclose the scope of work in the report.

In addition to the property inspection, the remainder of the neighborhood was also inspected and additional photographs were taken of the surrounding area. An analysis of the market area and neighborhood was performed with focus on the four forces which affect property value: social, economic, governmental, and environmental. The analysis led to an opinion of highest and best use both as vacant and as improved (when applicable). The highest and best use conclusions dictated the type of data gathered and used in the development of the appraisal.

Unusual Market Externalities:	None
Inspection Challenges:	None
Data Sources Considered:	Public records, MLS, CoStar, local brokers and appraisers, and data retained in the appraiser's files for this property type.
Data Time Frame:	One to Three Years

Valuation Approaches:	**Applicable?**	**Completed?**
Cost Approach:	Yes	Yes
Sales Comparison Approach	No	No
Income Capitalization Approach	No	No

[1] Uniform Standards of Professional Appraisal Practice 2020 - 2022
[2] Scope of Work Rule; Uniform Standards of Professional Appraisal Practice 2020-2022
[3] Scope of Work Rule; Uniform Standards of Professional Appraisal Practice 2020-2022

Applicability of Approaches:
The subject property is improved with the following improvements: 45,000 square foot water treatment facility with supporting site improvements on approximately 12.350 acres of land. Based on my inspection of the property and review of the project plans and specifications; it is my opinion that the subject's structural improvements are not affected by the proposed project.

The project calls for 0.441 acres of additional right-of-way, 0.375 acre of temporary construction easement, 0.090 acre of permanent utility easement, and 0.229 acre of drainage/utility easement. The area(s) required for the project are located along the northern side of Highway 191, and the loss/use of property in this location will not have an impact on the functional utility of the existing improvements. Upon completion of the proposed project, the functionality of the water treatment facility will remain the same as prior to the project. As a result, the subject improvements were not considered damaged by the proposed project.

Although the structural improvements at the subject are not considered affected by the proposed project, the following site improvements are affected: 5,000 square feet of asphalt paving, 250 linear feet of concrete curb and gutter, brick sign with lighting, 50' flag pole, and miscellaneous landscaping to include a mature trees and manicured grassy areas.

It is NCDOT policy that a credible assignment result can be reached by not assigning value to any improvements or land areas deemed unaffected by the highway project. The reason behind this policy stems from the fact that unaffected land and improvements would have the same value both before and after the right of way is placed and it would serve no purpose to go into extensive cost detail to achieve the purpose of the assignment.

Furthermore, in the Uniform Standards of Professional Appraisal Practice, Advisory Opinion 28 (AO-28), it states: "The client, for example, might request that the appraiser include, or exclude, specific inspection, data collection, or analysis in the scope of work. The appraiser may accept an assignment with these types of assignment conditions provided that the assignment results are credible in the context of the intended use."

Considering the intended use of this report, which is to assist in acquisition of private property for public use under North Carolina eminent domain laws, the practice of assigning no value to the unaffected improvements is deemed acceptable, when appropriate. As a result, only the underlying land and affected site improvements were considered in the valuation of the subject property.

As part of the research for the appraisal assignment, I observed surrounding land use trends, the condition of any improvements, demand for the subject property, and relevant legal limitations in concluding a highest and best use. I then valued the subject based on that highest and best use conclusion. Appraisers develop an opinion of property value with specific appraisal procedures that reflect three distinct methods of data analysis: the Cost Approach, Sales Comparison Approach, and Income Capitalization Approach. One or more of these approaches are used in all estimations of value.

- Cost Approach - In the Cost Approach, the value indication reflects the sum of current depreciated replacement or reproduction cost, land value, and an appropriate entrepreneurial incentive or profit.

- Sales Comparison Approach - In the Sales Comparison Approach, value is indicated by recent sales and/or listings of comparable properties in the market, with the appraiser analyzing the impact of material differences in both economic and physical elements between the subject and the comparables.

- Income Capitalization Approach - In the Income Capitalization Approach, value is indicated by the capitalization of anticipated future income. There are two types of capitalization: direct capitalization and yield capitalization, more commonly known as discounted cash flow (DCF) analysis.

All of these approaches to value were considered. I assessed the availability of data and applicability of each approach to value within the context of the characteristics of the subject property and the needs and requirements of the client. The subject was appraised hypothetically as though vacant with consideration given to the affected site improvements, and the Cost Approach was the only applicable approach. Based on this assessment, I have relied on the Cost Approach to value the subject property.

The level of analysis was determined to meet the needs of the client and was consistent with the level of work and analysis performed by knowledgeable appraisal professionals given the level of risk associated with the subject property type, the current and anticipated market conditions, and the intended use of the conclusions.

Scope of Sales Researched:	Henderson County, North Carolina as well as additional surrounding counties.
Highest and Best Use Analysis Completed:	Yes, when applicable, the work included a Highest and Best Use Analysis for the property both *before* and *after* the proposed roadway project.
Extraordinary Assumptions:	Yes, see Extraordinary Assumptions/Limiting Conditions section
Hypothetical Conditions:	Yes, see Hypothetical Conditions section
Comparable Sales Inspected:	Yes
Market Analysis:	Inferred demand analysis
Report/Format Type:	Appraisal Report/Narrative
Existing Use as of Date of Value:	Water treatment facility

Lastly, the appraisal report is written in compliance with, and according to, the North Carolina Department of Transportation Division of Highways – Right of Way Branch: NCDOT Real Estate Appraisal Standards and Legal Principles (4/2021), Uniform Standards of Professional Appraisal Practice (2020/2022 Edition), and the NCDOT Right of Way Manual.

CLIENT/INTENDED USER/INTENDED USER OF REPORT

Client:	North Carolina Department of Transportation
Intended User:	The intended users are the North Carolina Department of Transportation and their agents and assigns which include but are not limited to: project consultants; agents and negotiators; the Attorney General's office; Federal Highway Administration; the courts including judge and jury; and any other parties deemed appropriate by the client.
Intended Use:	The intended use of this appraisal is for the estimation of the market values, both before and after, of the subject property and for the estimation of just compensation in conjunction with the acquisition of a portion or all of the subject property's property rights through the process of eminent domain; as prepared under the guidelines set out in the North Carolina Department of Transportation's Right-of-Way Manual and the Uniform Standards of Professional Appraisal Practice.

PROPERTY IDENTIFICATION

Owner:	City of Hendersonville
Address:	4139 Haywood Road, Mills River, North Carolina 28791
Deed Book/Page:	The subject is most recently identified and described in Deed Book 1240, Page(s) 72 - 73 of the Henderson County Public Registry.
PIN(s):	9631-94-2484

PROPERTY INTEREST TO BE APPRAISED – FEE SIMPLE ESTATE

The property rights appraised include the fee simple estate. These rights are the legal and economic properties of the separate entities which may rightfully be exchanged for money or equivalent goods.

Fee simple interest is defined as:

> *"Absolute ownership unencumbered by any other interest or estate, subject only to the limitations imposed by the governmental powers of taxation, eminent domain, police power, and escheat."*[4]

Fee simple interest typically means no encumbrances whatsoever, however, for the purpose of this report the definition of fee simple is intended to include a reference to typical financing arrangements available in today's market. The nature of real estate investments in the current market is such that some financing is always in place, and not considering any leverage precludes a "market value estimate".

[4] The Appraisal of Real Estate, 14th ed. (Chicago: Appraisal Institute, 2013) pp. 5 and 69 - 70.

DEFINITION OF MARKET VALUE

As defined in, The Appraisal of Real Estate, Fourteenth Edition, market value is "The most probable price, as of a specified date, in cash, or in terms equivalent to cash, or in other precisely revealed terms, for which the specified property rights should sell after reasonable exposure in a competitive market under all conditions requisite to a fair sale, with the buyer and seller each acting prudently, knowledgeably, and for self-interest, and assuming that neither is under undue duress."

PERSONAL PROPERTY, TRADE FIXTURES, OR INTANGIBLE ITEMS

The opinion(s) of market value include real estate only. There are no items of personal property included in the value estimate(s).

SITE SIZE(S)

The reported property size(s) prior to the taking is based on information provided by the client and the North Carolina Department of Transportation. Per the appraisal request/summary sheet provided by the client, the subject property consists of 12.350 acres. The size utilized was taken from the subject tax card, which is significantly larger than the area(s) indicated on the CADD (5.866 acres); however, the area specified on the CADD was the result of forced closure. If the size on the summary sheet proves to be incorrect, I reserve the right to amend my value estimate(s) to reflect the correct size.

Size(s) of any areas within existing R/W, proposed R/W, easements, and remainders is taken from information provided by the North Carolina Department of Transportation.

When possible, I have verified the reported size(s). However, I am not qualified as a surveyor and I reserve the right to alter the opinions and estimates of value should more accurate tract size data be made available. Further, in instances in which significant portions of tracts are unusable, and in the absence of surveys identifying net usable areas, reliance was placed on my best estimates.

HYPOTHETICAL CONDITION

In compliance with *Uniform Standards of Professional Appraisal Practice* this section identifies a hypothetical condition(s) required for the completion of the appraisal assignment.

A ***hypothetical condition*** is defined as that which is contrary to what exists but is supposed for the purpose of analysis. Hypothetical conditions assume conditions contrary to known facts about physical, legal, or economic characteristics of the subject property; or about conditions external to the property, such as market conditions or trends; or about the integrity of data used in an analysis. A hypothetical condition may be used in an assignment only if:

- Use of the hypothetical condition is clearly required for legal purposes, for purposes of reasonable analysis, or for purposes of comparison;
- Use of the hypothetical condition results in a credible analysis; and
- The appraiser complies with the disclosure requirements set forth in USPAP for hypothetical conditions. (USPAP, 2020 – 2022).

Hypothetical Conditions:

1. The appraisal involves estimating the value of a property before and after the proposed project and additional R/W is established with additional consideration for damages, benefits, or both. The property is appraised "as is", before consideration of the proposed taking and impact of the project. Next, the property is appraised under the *hypothetical condition*[5] that the proposed project is complete as of the appraisal date. Consideration is given to the impact on value for the use of the easement area(s) and any benefits or damages resulting from the project.

2. This appraisal is based on the hypothetical condition that the project is completed in determining the "after" value and the before valuation assumes no knowledge or influence of the proposed right of way project.

3. In this instance, the structural improvements located on the subject site are unaffected by the proposed project. Because the improvements are not affected by the proposed project, they were not included in the analysis. Therefore, the subject property is appraised under the hypothetical condition that the unaffected improvements do not exist, and as a result of the hypothetical condition, only the land and the affected site improvements (when applicable) are valued.

The hypothetical condition(s) are used in this instance to properly develop credible opinions and conclusions for purposes of reasonable analysis, and the use of the hypothetical conditions results in a credible analysis consistent with the intended use of the appraisal report. The hypothetical condition(s) are prominently displayed and explained in accordance with the requirements set forth in USPAP for hypothetical conditions. **Use of these conditions/assumptions may have impacted the opinions and conclusions.**

[5] Per the Uniform Standards of Appraisal Practice, 2020 - 2022, Standards Rule 2-1(c), all hypothetical conditions are identified and explained

EXTRAORDINARY ASSUMPTIONS/LIMITING CONDITIONS/STATEMENTS

1. This appraisal report is written in compliance with, and according to, the North Carolina Department of Transportation Division of Highways – Right of Way Branch: NCDOT Real Estate Appraisal Standards and Legal Principles (5/2020). Please note that in accordance with the referenced document, property characteristics specifically identified as non-compensable damages have not been considered as damages.

   These include:

   - Decrease in traffic volume in front of the premises which might be caused by moving the main travel lanes away from a business or by rerouting of diversion of traffic or by one-way streets.
   - Circuity of travel to achieve access to main traveled lanes or roads.
   - One-way street; median strips which prevent turning; fences; and trees and shrubbery erected or planted on the right of way by the Department of Transportation.
   - Lowering or raising the grade of an existing street or highway within the old right of way where access is not controlled.
   - Cul-de-sac which results when an existing rural highway is dead-ended.
   - Loss of use and occupation of the property caused by the construction of the project.
   - Personal annoyance due to interference with peaceful living conditions caused by traffic noise, fumes, and vibrations; however, the appraiser may consider the use to which the condemnor will put any portion of the subject property, but not other property obtained by the condemnor, in arriving at a market value of the subject premises after the taking, in so far as concerns damage to the subject property.
   - Moving expenses including the expense of removal of or relocation of personal property and trade fixtures; breakage or other injury to such property caused by removal.
   - Loss of business, good will, or other interruption of business.
   - Anticipated loss from intended uses or purposes, which the owner has in mind, and all other speculative losses.

2. Unless otherwise stated in this report, the existence of hazardous material and/or contamination which may or may not be present on the property was not observed by the appraiser. The appraiser has no knowledge of the existence of such materials on or in the property. The appraiser, however, is not qualified to detect such substances. The presence of substances such as asbestos, urea-formaldehyde foam insulation or other potentially hazardous materials may affect the value of the property. The value estimate is predicated on the assumption that there is no such material on or in the property that would cause a loss in value. No responsibility is assumed for any such conditions, or for any expertise or engineering knowledge required to discover them. The client/property owner is urged to retain an expert in this field, if desired. That is, the subject property is appraised "as clean".

3. The appraiser has not made a specific compliance survey and analysis of the subject parcel to determine whether or not it is in conformity with the various detailed requirements of the American with Disabilities Act ("ADA"). It is possible that a compliance survey of the property together with a detailed analysis of the requirements of the ADA could reveal that the subject parcel is not in compliance with one or more of the requirements of the Act. If so, this fact could have a negative effect upon the value of the property. Since the appraiser has no direct evidence relating to this issue, the appraiser did not consider possible non-compliance with the requirements of ADA in estimating the value of the subject.

4. This analysis is made under the assumption that the road improvement project will be completed as described and identified in the plans provided. If that is not the case, the analysis herein could change.

5. The following is a **Statement** only: The global outbreak of a "novel coronavirus" known as COVID-19 was officially declared a pandemic by the World Health Organization (WHO). It is currently unknown what direct, or indirect, effect this event may have on the national economy, the local economy or the market in which the subject property is located. The reader is cautioned, and reminded that the conclusions presented in this appraisal report apply only as of the effective date(s) indicated. The appraiser makes no representation as to the effect on the subject property of this event, or any event, subsequent to the effective date of the appraisal.

If any of the noted assumptions prove to be false, I reserve the right to amend my value estimate(s) and the results of this report are null and void. There are no additional extraordinary assumptions or limiting conditions in this appraisal assignment that would have an effect on the opinion(s) of the market value(s) for the subject property. **Use of these conditions/assumptions may have impacted the opinions and conclusions.**

REGIONAL AREA ANALYSIS

The subject is located in Hendersonville, Henderson County, North Carolina. Henderson County is part of the Asheville MSA, which includes Henderson, Buncombe, Haywood and Madison Counties. Henderson County is located along the North Carolina/South Carolina state line, in the south-central portion of the Appalachian Mountain chain. Henderson County is bordered by Transylvania County to the west, Buncombe County to the North, Rutherford and Polk Counties to the east and South Carolina to the south. Interstate 26 comes up from the South Carolina coast and runs through Henderson County in a North/South direction and continues to Tennessee. The Blue Ridge Parkway runs along the northwestern border of the county for approximately 15 miles. Henderson County covers 374 square miles, and the City of Hendersonville is the county seat.

Demographics

The following table depicts the area demographics within a one-, three-, and five-mile radius from the subject.

Neighborhood Demographics

Radius	1 mile	3 miles	5 miles
Population Summary			
2000 Population	3,389	25,140	48,329
2010 Population	3,713	26,586	53,684
2019 Population	4,069	29,555	60,659
2024 Population Estimate	4,285	31,228	64,509
Annual % Change (2019 - 2024)	1.0%	1.1%	1.2%
Housing Unit Summary			
2000 Housing Units	1,929	12,479	23,661
% Owner Occupied	73.3%	64.4%	66.9%
% Renter Occupied	15.3%	24.0%	21.0%
2010 Housing Units	2,290	14,569	28,399
% Owner Occupied	62.5%	56.7%	59.7%
% Renter Occupied	19.8%	26.6%	23.9%
2019 Housing Units	2,463	15,877	31,334
% Owner Occupied	61.1%	55.4%	58.0%
% Renter Occupied	22.4%	29.3%	27.0%
2024 Housing Units	2,580	16,698	33,145
% Owner Occupied	61.7%	56.3%	58.7%
% Renter Occupied	22.1%	28.7%	26.6%
Annual % Change (2019 - 2024)	0.9%	1.0%	1.1%
Income Summary			
2019 Median Household Income	$59,511	$52,976	$52,951
2024 Median Household Income Estimate	$66,937	$58,391	$58,597
Annual % Change	2.4%	2.0%	2.0%
2019 Per Capita Income	$40,884	$31,167	$30,736
2024 Per Capita Income Estimate	$45,688	$35,073	$34,635
Annual % Change	2.2%	2.4%	2.4%

Source: Site-to-Do-Business (STDB Online)

Henderson County is a growth area which maintains a diverse economic structure based on tourism, services, and industry. Some of the most noted recent growth includes the following: Amazon Distribution Facility along Highway 280 in Mills River, Asheville Airport expansion, Lowes Distribution Facility, Pardee Cancer Center in Hendersonville - a 90,000 SF building now occupied by Pardee UNC Health Care, Blue Ridge Community College, Wingate University, Henderson County and the City of Hendersonville. Additional growth is found in all segments of the market.

Some of the largest newer developments include the following: Sierra Nevada Brewery with over 300,000 SF; five new apartment complexes with a total of 835 units; two proposed hotels; one renovated inn with a total of 260 rooms added; 189,000 SF of industrial space; 45,000+SF of flex space, and 94,000 SF of proposed flex space. All properties were added to the market in the past five years. The growth has been spurred by population increase, good transportation access and good employment base which has brought about lower unemployment.

Population

Population characteristics relative to the subject property are presented in the following table.

Population

Area	2010	Estimated 2020	Annual % Change 2010 - 20	Projected 2025	Annual % Change 2020 - 25
United States	308,745,538	333,793,107	0.8%	346,021,282	0.7%
North Carolina	9,535,483	10,736,879	1.3%	11,357,303	1.2%
Asheville, NC Metropolitan	424,858	485,182	1.4%	515,952	1.3%
Henderson County, NC	106,740	122,907	1.5%	131,318	1.4%
Mills River Town, NC	6,719	7,450	1.1%	7,863	1.1%

Source: Site-to-Do-Business (STDB Online)

According to the data taken from Site To Do business (STDB Online), Henderson County's population grew at an average rate of 1.5% per annum between 2000 and 2010. The population growth rate for the county is consistently slightly above growth rates across the state of North Carolina as well as the City of Asheville. Henderson County has consistently been one of the fastest growing of North Carolina's twenty western-most counties.

The area is heavily populated by retirees. The most recent data (2010) reported that 28.4% of the population of Henderson County is comprised of residents 65 years of age and older, up from 21.7% in 2000. As the "baby boomers" continue to reach retirement age, the increases in the elderly population are anticipated to continue. The availability of good quality medical services, housing, services geared to retirees, and a favorable climate continues to draw older residents to the area.

Population growth in recent years is most notable within northern Henderson County. The Town of Fletcher at the northern end of the county grew by more than almost 35% between 2007 and 2011 and continues to grow. Numerous new single-family residential housing developments are located in this area. The subdivisions range from modest (+$180,000) to upscale ($350,000+). Additionally, several new apartment complexes, apartment property expansions, and condominium projects have been constructed in recent years. Growth is relatively evenly distributed throughout the remainder of the county.

Overall Henderson County projects as a growth area relative to other counties in Western North Carolina.

Transportation

Major transportation routes in the larger area include I-26, I-40, Highway 191, Highway 280, Highway 64, and Highway 25. There are additional state highways and secondary roads in the general area that provide secondary access to the region. The main secondary road is North/South Rugby Road, which is a connector road between Highway 191 to the north and Highway 64 to the south. The area has mountainous terrain and the major mode of transportation is by automobile. City sponsored bus systems are in place within the municipalities.

Work Force & Employment Levels

Employment by Industry - Henderson County, NC

Industry	2020 Estimate	Percent of Employment
Agriculture/Mining	1,340	2.50%
Construction	4,662	8.70%
Manufacturing	7,823	14.60%
Wholesale Trade	1,125	2.10%
Retail Trade	5,840	10.90%
Transportation/Utilities	1,929	3.60%
Information	911	1.70%
Finance/Insurance/Real Estate	3,429	6.40%
Services	25,076	46.80%
Public Administration	1,500	2.80%
Total	53,581	100.0%

North Carolina Department of Commerce statistics indicate the Henderson County labor force is distributed in three major employment sectors. The manufacturing, services, and retail sectors comprise 14.6%, 46.80%, and 10.9%, respectively, for a combined total of 72.3%. The manufacturing and services sectors alone accounts for 61.40% of the job market.

The largest industrial employers in Henderson County are as follows: Henderson County Board of Public Education, Margaret R. Pardee Memorial Hospital, Ingles Markets, Park Ridge Health (Advent), Henderson County, Continental Automotive Systems, Wal-Mart, Blue Ridge Community College, Meritor, Broad River Rehabilitation, Sierra Nevada Brewing, and GE Lighting Solutions to name a few.

Unemployment

The following table exhibits current and past unemployment rates as obtained from the Bureau of Labor Statistics. These numbers are anticipated to fluctuate as a result of the current economic crises resulting from COVID – 19. It is unknown at this time what the long-term impact on unemployment will be as a result of the current crises; however, Henderson County includes a large population of retirees which will lessen the impacts of unemployment on the region.

Unemployment Rates

Area	YE 2015	YE 2016	YE 2017	YE 2018	YE 2019	YTD 2020
United States	6.7%	4.7%	4.1%	3.9%	3.5%	8.4%
North Carolina	5.2%	4.8%	4.1%	3.9%	3.3%	6.8%
Asheville, NC Metropolitan	4.1%	3.9%	3.3%	3.2%	2.7%	7.0%
Henderson County, NC	4.3%	4.0%	3.5%	3.4%	2.8%	6.0%

Source: Bureau of Labor Statistics - Year End - National & State Seasonally Adjusted

The most recent unemployment data from April, 2021 indicated an unemployment rate of 3.6% for Henderson County, North Carolina.

Median Household Income

Total median household income for the region is presented in the following table.

Median Household Income

Area	Estimated 2020	Projected 2025	Annual % Change 2020 - 25
United States	$62,203	$67,325	1.6%
North Carolina	$54,889	$58,884	1.5%
Asheville, NC Metropolitan Sta	$54,049	$57,391	1.2%
Henderson County, NC	$55,129	$58,790	1.3%
Mills River Town, NC	$70,749	$77,176	1.8%

Source: Site-to-Do-Business (STDB Online)

Employment and education levels directly influence per capita personal incomes. In 2020, median household income was $55,129 as compared to the state average of $54,889. Income growth was similar to statewide growth over the same period. This trend is expected to continue.

GOVERNMENT FORCES

Governmental forces include zoning, public services, and taxation. Each affects real estate values in that they reflect the land use plans and patterns for the area. In general, the area can be characterized as being pro- development. This is evident in the recent restructuring of the zoning ordinance, favorable taxation system, and continued willingness on the part of the area government and residents to expand public services.

Zoning

Area zoning policies are set by Henderson County and each of the counties municipalities. Each zoning body reports that their goal is to provide for a wider range of business development and for different levels of business development within the area while maintaining the integrity of residential neighborhoods. This is accomplished through planned land use patterns in which commercial and other non-residential development is centralized in various neighborhoods, and residential land is allocated for the needs of a growing population. The idea is to preserve a balance between the growth of these two primary development types. The area population is notably sensitive to community needs for housing and recreational areas. In September 2007 Henderson County adopted the new Land Development Code. The introduction of this code eliminated the "Open Use" districts within the county making Henderson County now fully zoned.

Taxation

Real property tax rates are levied based on the Henderson County assessment. The last complete assessment became effective on January 1, 2019 and is scheduled again for 2023. Individual parcels are also commonly re-assessed upon transfer or significant development. Taxes are levied based on 100 percent of the assessed value. The following table provides a summary of the most recently announced major tax rates for the county.

Henderson County Tax Rates - 2020

District	Tax Code & Name	2020	2019	2018	2017	2016	2015	2014	2013	2012	2011	2010
	County											
N/A	G01 GENERAL COUNTY	.561	.561	.565	.565	.565	.5136	.5136	.5136	.5136	.5136	.462
	Municipalities											
10	C10 HENDERSONVILLE, City of	.490	.490	.490	.470	.460	.460	.440	.410	.410	.410	.380
20	C20 LAUREL PARK, Town of	.435	.435	.430	.430	.430	.430	.390	.360	.360	.360	.310
30	C30 SALUDA, Town of	.665	.665	.645	.605	.605	.605	.6050	.6050	.6050	.625	.515
40	C40 FLETCHER Town of,	.340	.340	.340	.340	.340	.340	.325	.325	.325	.325	.320
50	C50 FLAT ROCK, Village of	.130	.130	.110	.110	.110	.110	.084	.084	.084	.084	.075
60	C60 MILLS RIVER, Town of	.190	.190	.180	.180	.180	.1124	.0974	.0974	.0974	.0874	.075
	Special Districts											
13	D13 DOWNTOWN - Main St	.260	.260	.280	.280	.280	.280	.280	.280	.280	.280	.250
17	D17 DOWNTOWN - Seventh Ave	.170	.170	.120	.120	.120	.120	.120	.120	.120	.120	.080
	Fire Districts											
01	F01 BLUE RIDGE	.130	.130	.120	.120	.120	.120	.095	.095	.095	.095	.085
02	F02 VALLEY HILL	.100	.100	.095	.095	.095	.095	.085	.085	.080	.080	.070
03	F03 EDNEYVILLE	.115	.115	.105	.105	.105	.105	.095	.095	.095	.095	.085
04	F04 ETOWAH-HORSESHOE	.115	.115	.105	.105	.105	.105	.095	.095	.095	.095	.085
05	F05 FLETCHER	.115	.115	.115	.115	.115	.115	.100	.100	.100	.100	.095
06	F06 GREEN RIVER	.090	.090	.080	.080	.080	.080	.070	.070	.065	.065	.060
07	F07 MOUNTAIN HOME	.120	.120	.120	.120	.120	.120	.105	.105	.105	.105	.095
08	F08 MILLS RIVER	.110	.110	.090	.090	.090	.090	.075	.075	.075	.075	.065
09	F09 DANA	.140	.140	.130	.130	.130	.130	.110	.110	.110	.110	.100
11	F11 GERTON	.135	.125	.125	.125	.125	.125	.125	.125	.125	.125	.115
12	F12 RAVEN ROCK / SALUDA	.115	.115	.100	.100	.100	.100	.085	.085	.085	.085	.075
15	F15 BAT CAVE FIRE	.120	.120	.120	.120	.120	.120	.100	.100	.100	.100	.090

The Tax Rates are applied to each 100 Dollars of Value (Example)

1. ADD Applicable Tax Rates Together = Total Tax Rate..... .561 + .100 = .661 (General County + Valley Hill Fire)
2. Total Tax Rate DIVIDED BY 100 = Adjusted Rate..... .661 / 100 = .00661
3. Adjusted Rate TIMES Tax Value = Tax Bill..... .00661 x $100,000 = $661.00

Tax incentives are typically granted to industries considering expansion, or companies considering relocation to the area. In the interest of growth and development and increased employment opportunities for the growing population, the tax breaks diminish relocation costs and increase appeal. These include tax deferment or exemption during a start-up period.

Services

Governmental services include law enforcement, fire protection, public schools and transportation. Area law enforcement is provided by the City of Hendersonville Police Department and the Henderson County Sheriff's Department. Townships within the county also have their own police forces. Each continues to grow, mirroring the area's overall population growth. Both the city and county provide fire protection through several strategically located fire stations.

Public education is provided either through the city or county systems. Henderson County has 22 public schools. Higher learning can be found at Blue Ridge Community College in Flat Rock. In nearby Buncombe County there is Asheville-Buncombe Technical Community College, Warren Wilson College or the UNC Asheville.

There are two hospitals in Henderson County. Pardee Memorial Hospital is near downtown Hendersonville with 222 beds, and Advent Health (Formerly Park Ridge Hospital) is in the northern area of the county with 103 beds. Additional ancillary medical services are available throughout the area, with well-trained medical specialists in most areas of medicine.

Public transportation is provided by Apple Country Transportation, which provides subscription and dial-a-ride transportation services for residents of Henderson County.

In summary, each aspect of the governmental forces facilitates the continued growth pattern of the area. Recently rewritten zoning plans provide for increased development opportunities while maintaining the integrity of existing residential neighborhoods and allocating land for future residential development. Taxation levels have shown moderate increases, but are not prohibitive to continued economic development. Further, tax incentives are used to attract business to the area. The development of governmental services such as law enforcement, public education, and transportation have been made, and continue to adjust, in response to population needs.

ENVIRONMENTAL FORCES

Infrastructure

The area infrastructure affects property value. Availability of utilities and roadways dictate development direction.

Area utilities are provided as follows: electricity by Duke Energy; natural gas by Dominion Energy, water and sewer/waste management by the Fletcher Water and Sewer Department and the City of Hendersonville.

Utility costs are typical for the state and are regulated to maintain affordability. Further, each of the suppliers noted have usage programs for both residential and business users. These programs provide billing allocation throughout the year for residential customers to prevent atypically large expenses during heavy usage months, and cost breaks for larger business users based on consumption. These programs are considered to facilitate growth, preventing utility costs or availability from being a hindrance.

Area roadways are predominantly asphalt or concrete paved and are either city of state maintained. The North Carolina Department of Transportation – Division of Highways has widened several local commercial corridors to allow for increasing growth, with numerous additional projects planned for the future.

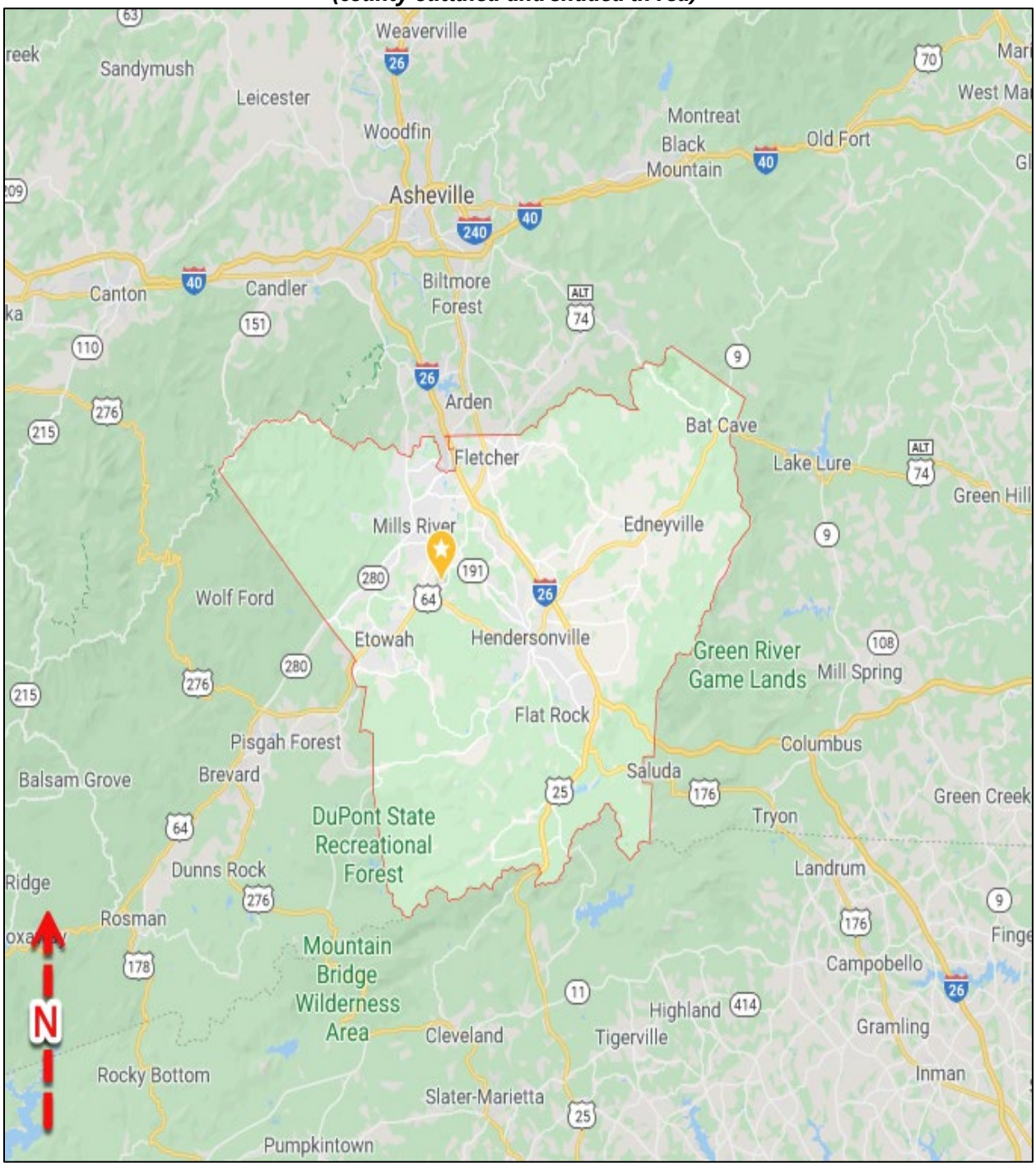
Conclusions

Henderson County is a growth area within western North Carolina that also draws from the economics of the Asheville metropolitan area. The local economy continues to grow with population increases, unemployment that is lower than the overall Asheville market and the state, and stronger median household income. Additionally, city and county government continue to facilitate growth with moderate taxes and tax incentives for new business. Lastly, the area's infrastructure is growing to meet traffic flow and utility service demands.

The real estate market has shown positive signs in the past few years and appears to be in a stability to growth part of the cycle; however, with the current pandemic (COVID – 19), the state of the economy going forward will be dictated by the depth and length of the crisis.

An area map follows:

Henderson County Area Map
(county outlined and shaded in red)



NEIGHBORHOOD DESCRIPTION

A neighborhood is defined in the Dictionary of Real Estate Appraisal, 5th Edition, as "a group of complementary land uses; a congruous grouping of inhabitants, buildings, or business enterprises".

Neighborhood analysis is defined as "the objective analysis of observable and/or quantifiable data indicating discernible patterns of urban growth, structure, and change that may detract from or enhance property values; focuses on four sets of considerations that influence value: social, economic, governmental, and environmental factors.

The project includes the widening of NC 191 from NC 280 to SR 1381 (Mountain Road). The project encompasses portions the town of Mills River as well as an unincorporated area of Henderson County.

Boundaries: The neighborhood boundaries include the commercial and residential development located along Highway 191, bound to the south by Highway 64, the north by Interstate 26, the west by Highway 280 and the east by Highway 64.

Land Use Characteristics: The subject neighborhood consists of commercial development along the primary roadways such as Highway 191, Hendersonville Road, Highway 280, Highway 64, Fanning Bridge Road, Interstate 26, and other roads. Residential development is primarily located along the secondary roadways. Vacant land tracts are scattered throughout the neighborhood.

Improvements in the subject neighborhood typically reflect average quality construction. The neighborhood includes a mix of housing types; older and newer conventionally-built homes, as well as single and double-wide manufactured homes.

Immediate Land Use: The subject is located along Highway 191 (Haywood Road), in the central portion of the neighborhood. The immediate vicinity of the subject consists of a mix of commercial, industrial, agricultural, office, residential and vacant land.

Uses along Highway 191 in the vicinity of the subject are widely mixed. Recognized uses in the immediate area of the subject include the following: Asheville Regional Airport, Land Rover of Asheville, Pepsi Bottling Group, Amazon, Sierra Nevada Brewery and Taproom, Norafin, and FedEx Ground to name a few. The density of uses in the area is sporadic with some vacant land remaining available in the area.

A drive of the neighborhood revealed that occupancies in the area are quite high. The area has remained popular with no signs of this changing into the future.

Access: Access to the subject neighborhood is considered average. Highway 191 runs through the center of the neighborhood in a northwest/southeast manner. Highway 64 runs along the southern and eastern boundaries in a northeast/southwest manner, while Highway 280 runs in a north/south manner along the western boundary of the neighborhood. The subject neighborhood is considered to have average access to area employment, shopping, schools, etc.

Road Improvements: Most roads in the area are two-way, asphalt-paved, state-maintained rights-of-way with open ditch drainage.

Utilities Available:

Electricity: Yes, Duke Energy
Telephone: Yes, AT&T and various other providers
Water/Sewer: Yes, City of Hendersonville provides water and sewer
Natural Gas: Yes, Dominion Energy - formerly PSNC

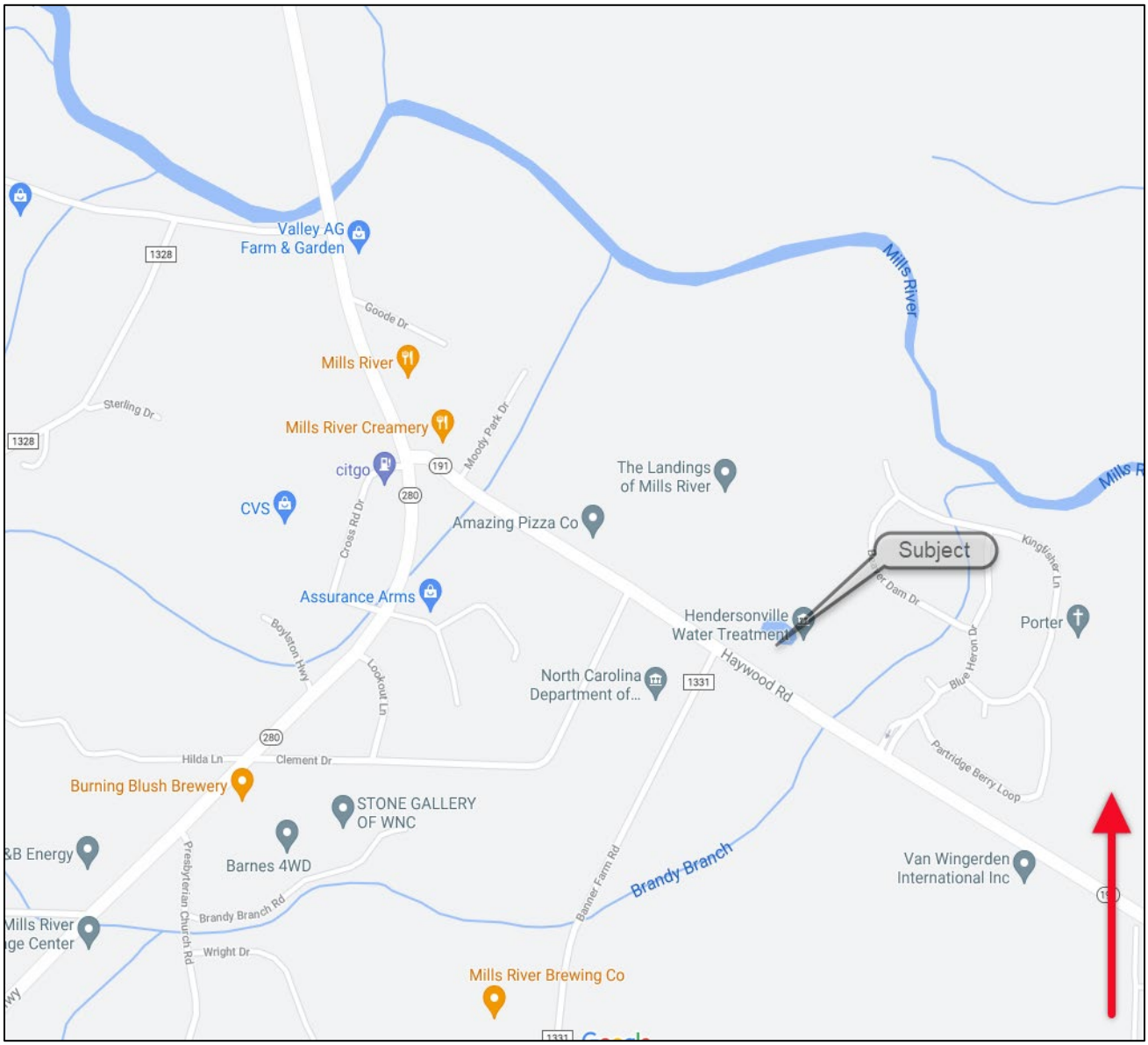
Nuisances/External Obs.: Neighborhood properties have adequate levels of maintenance. No additional adverse or unfavorable factors were observed.

Neighborhood Life Cycle: Growth Cycle –The real estate market has shown positive signs in the past few years and appears to be in a stability to growth part of the cycle; however, with the current pandemic (COVID – 19), the state of the economy going forward will be dictated by the depth and length of the crisis.

Analysis and Conclusions: The immediate subject neighborhood is well established and has been long accepted by the market as a desirable location to live and work. As a result, the area has continued to grow for the past 20 to 25 years. Proximity to the airport and a good infrastructure system provided by Highway 191, Highway 280 and the interstate highway system enhances the immediate neighborhood.

The following is a neighborhood map:

NEIGHBORHOOD LOCATION MAP



SITE DESCRIPTION

An analysis of the subject site is particularly important in estimating the highest and best use and for separate valuation of the improvements (when applicable).

Location: The subject is located along the northern side of Highway 191 (Haywood Road), approximately 250' west of Blue Heron Drive. The subject's physical address is 4139 Haywood Road, Mills River, Henderson County, North Carolina 28759.

Size: Approximately 12.350 Acres (Per NCDOT Summary Sheet).

Shape: The subject property is irregular in shape; however, the shape is not considered to limit development potential. A tax map has been included in this section of the report as a visual reference with respect to the subject's shape characteristics.

Frontage/Depth/Access: The following measurements were taken from the Henderson County GIS system:

STREETS, ACCESS, AND FRONTAGE	
Street	Highway 191
Frontage Feet	755'
Depth	804'
Paving	Asphalt
Curbs	No
Sidewalks	No
Lanes	Two
Direction Of Traffic	East/West
Condition	Average
Traffic Levels	18,000 ADT (2018)
Signals/Traffic Control	Yes
Access/Curb Cuts	3
Visibility	High

Topography: The topography varies from gently to moderately sloping throughout. The land is at road grade with Highway 191. The subject is predominately open and cleared and is improved with a water treatment facility. The site is approximately 80% cleared and 20% wooded. Upon inspection, the drainage appeared to be adequate.

Flood Zone: Per FIRM/FEMA Map:

FLOOD HAZARD STATUS	
Community Panel Number	3700963100J
Date	October 2, 2008
Zone	X
Description	Outside of 500-year floodplain
Insurance Required?	No
FEMA Definition	FEMA Zone X: Areas determined to be outside the 500-year flood plain.

A FEMA flood map can be found in the addenda.

Soil Conditions: I was not provided with any soil reports concerning the property. I am not an expert in this field, but have no reason to believe that any issues exist. Should subsequent reports indicate soil issues, my value conclusions could change materially.

Zoning/Restrictions: The property is zoned MR – NC (Mills River Neighborhood Commercial) as established by the Town of Mills River Land Development Code. As stated in the ordinance, this district is intended as follows:

Purpose. The purpose of this district is to provide for compatible residential and commercial uses, which protect and enhance the rural characteristic of Mills River.

Density and Dimensional Requirements – Residential: Within the MR-NC Commercial District, the following dimensional requirements shall be met:

- Minimum Lot Area: 30,000 square feet
- Minimum lot area per dwelling: 30,000 square feet
- Maximum building size: N/A
- Maximum building height: 50 feet
- Minimum front yard setback: 75 feet (major street)
- Minimum front yard setback: 60 feet (all other streets)
- Minimum rear yard setback: 30 feet
- Minimum side yard setback: 30 feet (every principal building

Density and Dimensional Requirements – Non-Residential: Within the MR-NC Commercial District, the following dimensional requirements shall be met:

- Minimum Lot Area: 30,000 square feet
- Maximum building size: N/A
- Maximum building height: 30 feet
- Minimum front yard setback: 75 feet (major street)
- Minimum front yard setback: 60 feet (all other streets)
- Minimum rear yard setback: 30 feet
- Minimum side yard setback: 30 feet (every principal building

Permitted uses within the Mills River – Neighborhood Commercial District are as follows:

- Retail business or service conducted within an enclosed building;
- Retail business making products sold primarily at retail on the premises;
- Other public utilities, public facilities, and public buildings;
- Offices: business, professional, medical, and public;
- Single-family dwellings;
- Family care homes;
- Adult day health homes, adult day health centers, adult day care homes, and care centers;
- Child care centers;
- Other conditional uses

Water Supply Watershed Protection Overlay District (WSWP)

The purpose of the Water Supply Watershed Protection Overlay District (WSWP) is to define the area of water supply watersheds within the County. The intent of the overlay district is to manage the uses of land and structures encompassed by water supply watersheds within the County in order to maintain the high quality of surface water in

these watersheds; this being accomplished by enforcing standards that limit the impact from existing or potential sources of contamination through the regulation of average lot size and development intensity.

The subject is inside the WP-WS-III-BW Lower Mills River Balance of Watershed Overlay Sub-District. The intent of the sub-district is to maintain predominantly underdeveloped land use intensity. Projects in this sub-district must, to the maximum extent practicable, minimize built-upon surface area; direct stormwater away from surface waters; and incorporate best management practices to minimize water quality impacts.

The maximum percent built-upon limit is 50% as a high-density option. The following chart identifies the low-density and high-density options for each watershed sub-district:

Table 2.14. Water Supply Watershed Protection Sub-District Regulations on Density and Built-Upon Area

Sub-District	Low-Density Option		High-Density Option	Natural Drainage & Filtering Bonus
	Average *Lot Size*	Maximum Percent Built-Upon Limits	Maximum Percent Built-Upon Limiits	
WP-*WS*-I	Not Applicable	Not Applicable	Not Applicable	Not Applicable
WP-*WS*-II-*CA*	80,000 sq ft.	6%	24%	Not Applicable
WP-*WS*-II-*BW*	40,000 sq ft.	12%	30%	Not Applicable
WP-*WS*-III-*CA*	40,000 sq ft.	12%	30%	Not Applicable
WP-*WS*-III-*BW*	20,000 sq ft.	24%	50%	Not Applicable
WP-*WS*-IV-*CA*	20,000 sq ft.	24%	50%	Not Applicable
WP-*WS*-IV-*PA*	20,000 sq ft. (14,250 sq ft.)	24% (36%)	70%	Yes (Low-Density Option)

Easements: Standard utility easements are assumed to be located on the property; however, development potential is not considered to be hindered by this factor.

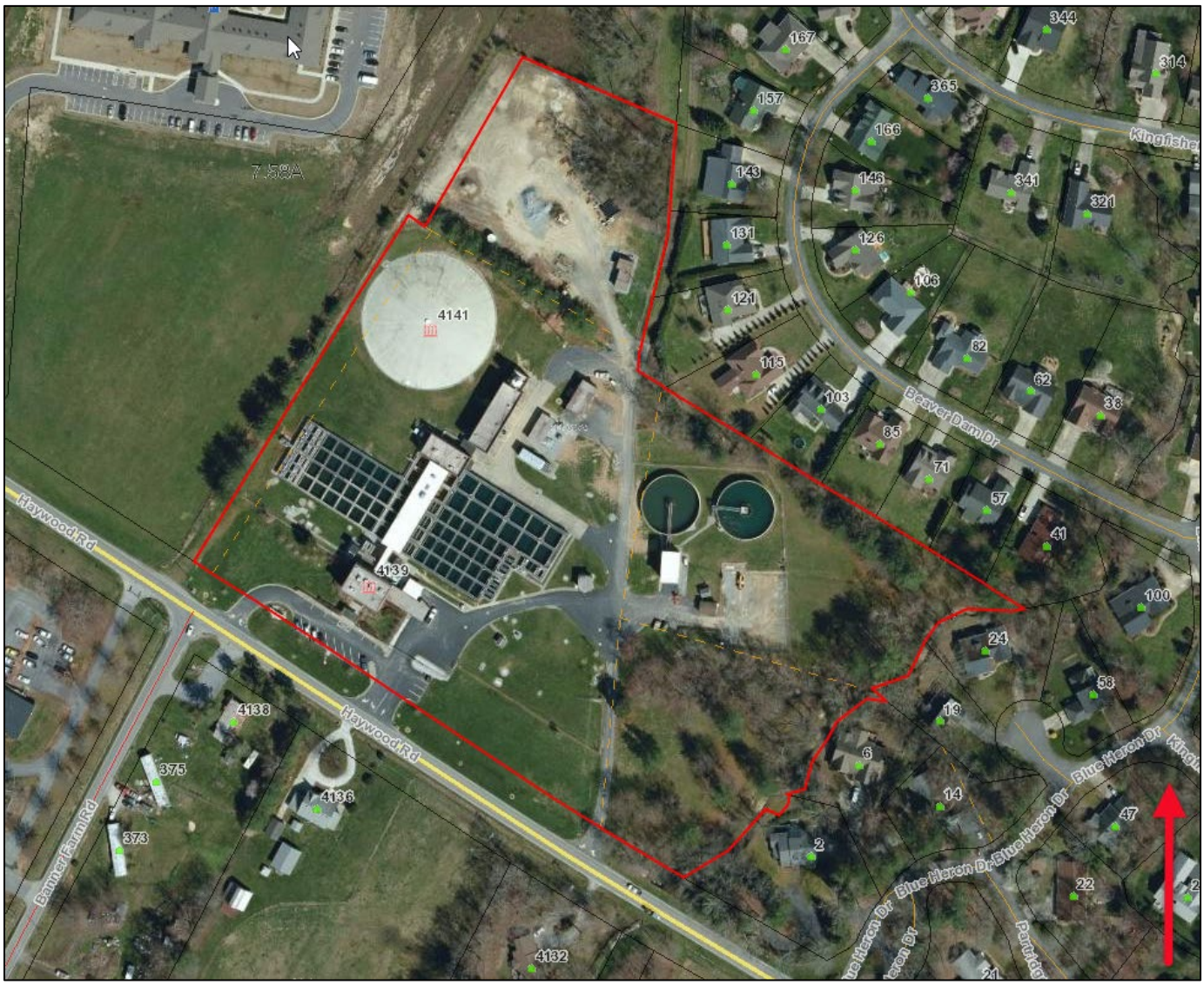
Environmental: Environmental aspects of the subject property are beyond my expertise. Based on the property inspection, I am unaware of any potential environmental hazards; however, they could exist, and I recommend consulting a professional in environmental proficiency.

Utilities: Public utilities to include water, sewer, telephone, and electricity are currently available to the site. It is assumed that adequate capacities for all utility requirements exist and have been approved by the appropriate utility entities.

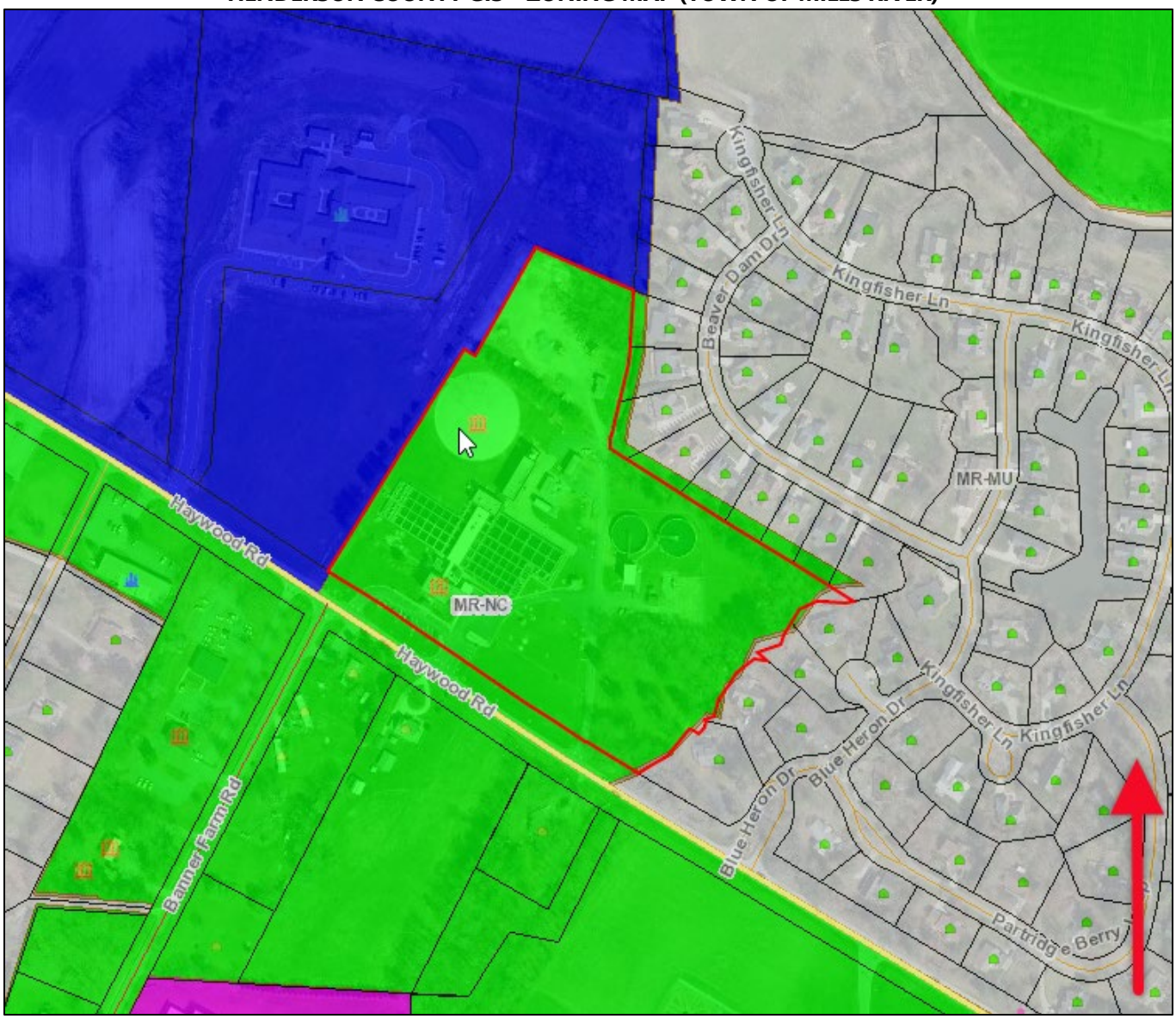
Linkages: The property is in a suburban area with various types of residential, agricultural, and commercial development typical of these types of areas. No notable linkages serve the subject.

Analysis and Conclusions: The size of the property, utility availability and convenience of access are suitable for most commercial development. The following is an aerial tax map of the subject property taken from the Henderson County GIS.

HENDERSON COUNTY GIS – AERIAL MAP



HENDERSON COUNTY GIS – ZONING MAP (TOWN OF MILLS RIVER)



SUBJECT LOCATION MAP

DESCRIPTION OF THE IMPROVEMENTS

The following improvement descriptions are based on a personal inspection of the subject property and information taken from the Henderson County tax card. The subject property is improved with the following improvements: 45,000 square foot water treatment facility with supporting site improvements on approximately 12.350 acres of land.

The subject improvements were originally constructed in 1978 and appeared to be well maintained and in overall average condition. Based on my inspection of the property and review of the project plans and specifications; it is my opinion that the subject's structural improvements are not affected by the proposed project.

The following photos are of the unaffected improvements:

Unaffected improvements	Unaffected improvements

The area(s) required for the project are located along the northern side of Highway 191, and the loss/use of property in this location will not have an impact on the functional utility of the existing improvements. Upon completion of the proposed project, the utility and functionality of the land and improvements will remain the same as prior to the project. As a result, the subject improvements were not considered damaged by the proposed project.

Because the improvements are not affected by the proposed project, they were not included in the analysis. In this instance, the subject property is appraised under the hypothetical condition that the unaffected improvements do not exist, and as a result of the hypothetical condition, only the affected site improvements are valued.

It is NCDOT policy that a credible assignment result can be reached by not assigning value to any improvements or land areas deemed unaffected by the highway project. The reason behind this policy stems from the fact that unaffected land and improvements would have the same value both before and after the right of way is placed and it would serve no purpose to go into extensive cost detail to achieve the purpose of the assignment. The affected site improvements are listed as follows:

Site Improvements:

Asphalt parking/drive: Approximately 5,000 SF of asphalt paving, average condition.

Concrete C&G: Approximately 250 LF of concrete curb and gutter, average condition.

Flag Pole: 50' flag pole rated for 185 mph wind speeds

Sign: 1 brick sign with exterior lighting, average condition

Misc. landscaping/site improvements: There are various areas of misc. landscaping to include grassy lawn area, mulched beds, bushes, and other misc. landscaping items. Most notably, the subject includes a three mature trees and manicured grassy areas.

All items are considered to be in average condition.

PROPERTY TAXES AND ASSESSMENTS

PIN(s) 9631-94-2484
Assessing Authority - Henderson County
Assessment Basis - Market Value

Assessed Values and Sizes (per tax records)

	Size	Assessed Value	
Land	12.35 acres	$755,400	
Building	Numerous improvements	$0	
Other	Misc. improvements	$400	
		$755,800	Total

Taxing Jurisdiction

	2020 Tax Rate	Tax Amount	
Henderson County	0.5610	$4,240.04	
Town of Mills River	0.1900	$1,436.02	
	0.0000	$0.00	
	0.7510	$5,676.06	Total

Rates applied to:	100% of Assessed Value (Tax rate per $100 of assessed value)
Last Assessment:	2019
Scheduled Revaluation:	2023
Year of Reported Rates:	2020
Delinquent Taxes?:	None
Is property competitively assessed?:	Yes
Assessment relative to final market value:	Land assessment is below market value

The most recent revaluation of the subject property was performed by the Henderson County tax office for the 2019 tax year. The state of North Carolina mandates that revaluations be performed at a minimum of every eight years. The next mandated revaluation is scheduled to take effect for the 2027 tax year; however, Henderson County assesses every four years, or 2023.

As compared to the market value of the land, as reconciled herein, the land assessment is below market value. This could be due to the mass model appraisal methods utilized by the tax department which may not fully recognize the features of the property, or could simply be due to a lack of data during the revaluation.

The subject property does appear to be competitively assessed however, and includes a tax assessment that is comparable to other similar properties in the area.

Significant increases and decreases in the tax rate are infrequent and no significant changes, which would positively or adversely affect the subject's market value, are anticipated. The subject property is a government owned property and is tax exempt. A copy of the subject tax card(s) has been included in the addenda.

PUBLIC AND PRIVATE RESTRICTIONS

The additional known private and public restrictions affecting the use of the subject property are typical sanitation regulations imposed on the installation of sewage disposal systems, well systems and typical building code restrictions, which are applicable to all properties. The subject must adhere to typical roadway rights-of-way as well as utility easements. There are no other known private or public restrictions affecting the subject.

EXPOSURE TIME AND MARKETING TIME

Exposure time is defined as follows:

The estimated length of time the property interest being appraised would have been offered on the market prior to the hypothetical consummation of a sale at market value on the effective date of the appraisal. *(Uniform Standards of Professional Appraisal Practice, 2020 – 2022 Edition).*

Exposure time is a retrospective opinion based on analysis of past events assuming a competitive and open market.

In this instance, the estimated exposure time is 6 to 12 months. The primary basis of the estimate is the average days on the market of sales as reported by the Henderson County Board of Realtors and the Multiple Listing Service, the marketing times of the other sales data, and conversations with owners of properties similar to the subject, real estate agents, brokers, and others familiar with the local real estate market.

Marketing time is defined as follows:

An opinion of the amount of time it might take to sell a real or personal property interest at the concluded market value level during the period immediately after the effective date of an appraisal. [7]

The definition of market value implies a "reasonable exposure in a competitive market" and buyers and sellers acting in their own self-interest assuming that neither are under "undue stimulus."

The local market has not shown any discernible trend in marketing times in recent months, either upward or downward. Therefore, in this instance, the marketing time is estimated to be consistent with the exposure time, or within the range of 6 to 12 months.

HISTORY OF THE PROPERTY

The subject was acquired by current owner, The City of Hendersonville, on August 19, 2005 from the City of Hendersonville, as identified and recorded in Deed Book 1240, Pages 072 – 073 of the Henderson County Registry. Per the deed/revenue stamps ($0.00), this was a transfer of name only and a sales transaction did not take place.

To the best of my knowledge, there were no other known conveyances or listings within the five years prior to the date of valuation. Per the owner, and a search of the local and regional MLS systems, the subject is not currently actively listed for sale and has not been listed within the past 5 years.

Additionally, a review of Henderson County records failed to reveal any pending or current building permits.

The deed(s) listed above are the reported appropriate deed(s). This appraiser does not guarantee the history or ownership of the property or the appropriateness of deed(s). This appraiser is not qualified to perform a title opinion on the subject property and the information within this report is obtained to the best of this appraiser's ability. This information is in no way to be considered a history of title for the subject property and this report is not to be considered a title opinion regarding the subject property. If such title opinion is required, it is recommended that a professional with required expertise be retained to perform said title opinion. If for any reason, ownership is changed, this report would require amendment.

HIGHEST AND BEST USE

According to The Appraisal of Real Estate, 14th Edition, copyright 2013, page 332, as published by the Appraisal Institute, highest and best use may be defined as:

"The reasonably probable use of property that results in the highest value."

Implied in these definitions is that the determination of highest and best use considers the contribution of a specific use to the community and community development goals as well as the benefits of that use to individual property owners. Hence, in certain situations, the highest and best use of land may be for parks, green belts, preservation, conservation, wildlife habitats and the like.

The procedure used in this report to estimate the highest and best use of the subject site was to consider, in sequence, the site's legally permitted uses, the physically possible uses, the feasible uses, and finally the optimum, or highest and best use. Under the highest and best use premise, the property must be considered as if the site were vacant and as it is currently improved.

Highest and Best Use as Vacant

Legally Permissible

Private (deed) restrictions and covenants, zoning regulations, building codes, historic district controls, environmental regulations, and in some cases the existence of a lease may preclude many potential uses.

The subject site is zoned MR-NC, Neighborhood Commercial District which controls the general nature of permissible uses, but is appropriate for the location and physical elements of the subject property, providing for a consistency of use with the general neighborhood. Additionally, the subject is inside the WP-WS-III-BW Lower Mills River Balance of Watershed Overlay Sub-District. The maximum percent built-upon limit is 50% as a high-density option.

The location of the subject property is appropriate for the uses allowed, as noted previously, and a change in zoning is unlikely. There are no known environmental regulations, historic district controls, or burdensome building codes, which would adversely affect the development of the subject property. Deed restrictions are a legal matter and only a title examination by an attorney would normally uncover such restrictive covenants. Thus, an examination by a title attorney is recommended on the subject property if any questions regarding such restrictions arise. As of the date of inspection, there were no adverse easements or encroachments affecting the subject property of which this appraiser is aware. Thus, the subject is suited for any legally permissible use.

Physically Possible

The subject site contains 12.350 acres (per NCDOT summary sheet). The site is of adequate size to accommodate most uses typical for the neighborhood. Developments in the immediate vicinity includes primarily residential, agricultural uses, commercial, industrial, recreational, and vacant land.

Access to the subject property is considered average from a publicly maintained roadway. The site's shape is irregular, but is not considered to affect development potential. The tract's topography dictates that typical site preparation and grading will be required prior to development.

Public utilities to include water, sewer, telephone and electricity are currently available to the subject property. No soil report for the subject property was available, however, based on the field inspection, it is assumed that the soil has sufficient load bearing capacity to accommodate typical development. Per FIRM/FEMA Map, the subject is not encumbered by a hazardous area of the flood zone. The site's configuration, elevations, landscape, public rights-of-way, access and available utilities should adequately support the development criteria of any of the noted uses.

Economically/Financially Feasible

In order to be economically feasible, improvements generally should be compatible and complementary to surrounding land use areas. This procedure is expanded to include a minimum, acceptable return on equity capital. Implied in this analysis is the consideration of surrounding land uses, public opinion, supply and demand characteristics, and occupancy, income, and expense levels for various property types in the neighborhood market, or other competing markets.

The subject is located in an area that consists of a wide mix of uses including; industrial, commercial, recreational, residential development, agricultural, and vacant land. The subject's location along a high trafficked highway corridor near the intersection with Highway 280 lends itself to commercial development.

The probable use of the site for commercial development conforms to the pattern of land use in the market area. A review of published yield, rental and occupancy rates suggest that there is a balanced supply, and demand is sufficient to support construction costs and ensure timely absorption of additional inventory in this market. Therefore, near-term speculative development of the subject site is marginally financially feasible. However, based on recent development trends in the market, the most likely scenario is a build to suit for a tenant or owner occupant.

Maximally Productive

Among the financially feasible uses, the use that results in the highest value (the maximally productive use) is the highest and best use. Considering these factors, the maximally productive use as though vacant is for a build to suit or owner-occupied for commercial development.

Highest and Best Use - As Vacant

Considering all appropriate factors, it is my opinion that the Highest and Best Use for the subject tract, as vacant, is as follows:

- Most probable physical use: Build to suit or owner-occupied commercial development
- Most probable buyer: Speculator, developer, or owner-user
- Most probable user: Commercial owner-user

Highest and Best Use as Improved

The subject property was appraised hypothetically as vacant land with consideration given to the affected site improvements only. As a result, the highest and best use, as improved, was not considered.

APPRAISAL PROCESS – VALUATION METHODOLOGY

The appraisal process begins by determining data needed to complete the assignment and includes the processes and methods of collecting and analyzing the data and developing a meaningful conclusion.

Traditionally, three approaches to value are considered to include the Cost, Sales Comparison, and Income Capitalization Approaches. The valuation process using these three approaches leads to a supportable conclusion of value.

The **Cost Approach** estimates the value of the real property. When developing the Cost Approach, the reproduction/replacement costs of any improvements are estimated, and then, if the improvements are not new accrued depreciation is estimated. The depreciation is deducted from the cost new, and the resulting depreciated improvement value is added to the land value for a value estimated by this approach.

In this instance, I have relied on the Cost Approach to value the subject property. The Cost Approach is considered most applicable and permits isolation and valuation of the land and improvement components. Additionally, typical market participants would likely utilize a cost analysis to replicate similar improvements through the purchase of a site and construction of similar improvements in order to estimate the value of the subject.

The **Sales Comparison Approach i**s a readily recognized valuation technique and based on the principle of substitution which states that a knowledgeable purchaser will not pay more for a given property than for an equally desirable substitute property. This approach involves a direct comparison between the subject and recently sold similar properties when adequate sales data is available. These comparisons are typically made on a unit basis such as price per acre, price per square foot, or price per unit.

As previously indicated, the subject's primary improvements are not affected and have not been analyzed within this report. The analysis herein estimates a value for the land area and only those site improvements located within the acquisition or easement areas only. As such, the Sales Comparison Approach was not considered applicable and was not utilized.

The **Income Capitalization Approach** is based on the principle of anticipation and derives value through the analysis of income and expenses attributable to the property and is generally the best measure of value for an income producing, investment property since it more accurately simulates the perception and desires of investors in the market. A value estimate may be derived by discounting the present value of a net income stream and reversions (estimated resale price) over a typical ownership period. Another method for value estimation via this approach is direct capitalization which capitalizes a stabilized year net operating income by an overall capitalization rate derived from market sales of similar properties.

As previously indicated, the subject's primary improvements are not affected and have not been analyzed within this report. The analysis herein estimates a value for the land area and only those site improvements located within the acquisition or easement areas only. As such, the Income Capitalization Approach was not considered applicable and was not utilized.

The Reconciliation and Final Value Estimate section of this report analyzes the relative significance, applicability, and defensibility of each of the approaches. A final estimate of value is based on the appropriateness, accuracy, and quantity of evidence in the entire appraisal.

The following data details the information obtained, analysis, and the value estimate for the subject property.

VALUATION OF PROPERTY – COST APPROACH

The Cost Approach assumes that the value of the property tends to reflect the value of the site, plus the current cost to produce the improvements, less any existing depreciation. It is based on the principle of substitution stating that an informed and prudent buyer would pay no more for a property than the cost to acquire a similar site and construct improvements of equivalent desirability and utility without undue delay. The steps taken are as follows:

1. Estimate the value of the site (land) as if vacant.
2. Estimate the reproduction cost new of all of the improvements.
3. Estimate accrued depreciation from all causes; physical deterioration, functional obsolescence and economic obsolescence.
4. Deduct accrued depreciation from the cost new of the improvements to arrive at a depreciated improvement value.
5. Add the site value to the depreciated improvement value for a final value estimate.

Land/Site Valuation

Site Value is most often estimated using the sales comparison approach. This approach develops an indication of market value by analyzing closed sales, listings, or pending sales of properties similar to the subject, focusing on the difference between the subject and the comparable sales using all appropriate elements of comparison. This approach is based on the principles of supply and demand, balance, externalities, and substitution; or the premise that a buyer would pay no more for a specific property than the cost of obtaining a property with the same quality, utility, and perceived benefits of ownership.

The process of developing the sales comparison approach consists of the following analyses: (1) researching and verifying transactional data, (2) selecting relevant units of comparison, (3) analyzing and adjusting the comparable sales for differences in various elements of comparison, and (4) reconciling the adjusted sales into a value indication for the subject site.

Unit of Comparison

The unit of comparison depends on land use economics and how buyers and sellers use the property. The unit of comparison in this analysis is sales price per gross acre.

Elements of Comparison

Elements of comparison are the characteristics or attributes of properties and transactions that cause the prices of real estate to vary. The primary elements of comparison considered in sales comparison analysis are as follows: (1) property rights conveyed, (2) financing terms, (3) conditions of sale, (4) expenditures made immediately after purchase, (5) market conditions, (6) location and (7) physical characteristics.

Comparable Sales Data

To obtain and verify comparable sales of vacant land properties, I conducted a search of public records, field surveys, interviews with knowledgeable real estate professionals in the area, searched the local MLS, CoStar, and a review of my internal database.

In this instance, I included four comparable sales in my analysis, as these were judged to be the most comparable to develop an indication of market value for the subject property. The following is a detailed sales sheet and location map for each comparable:

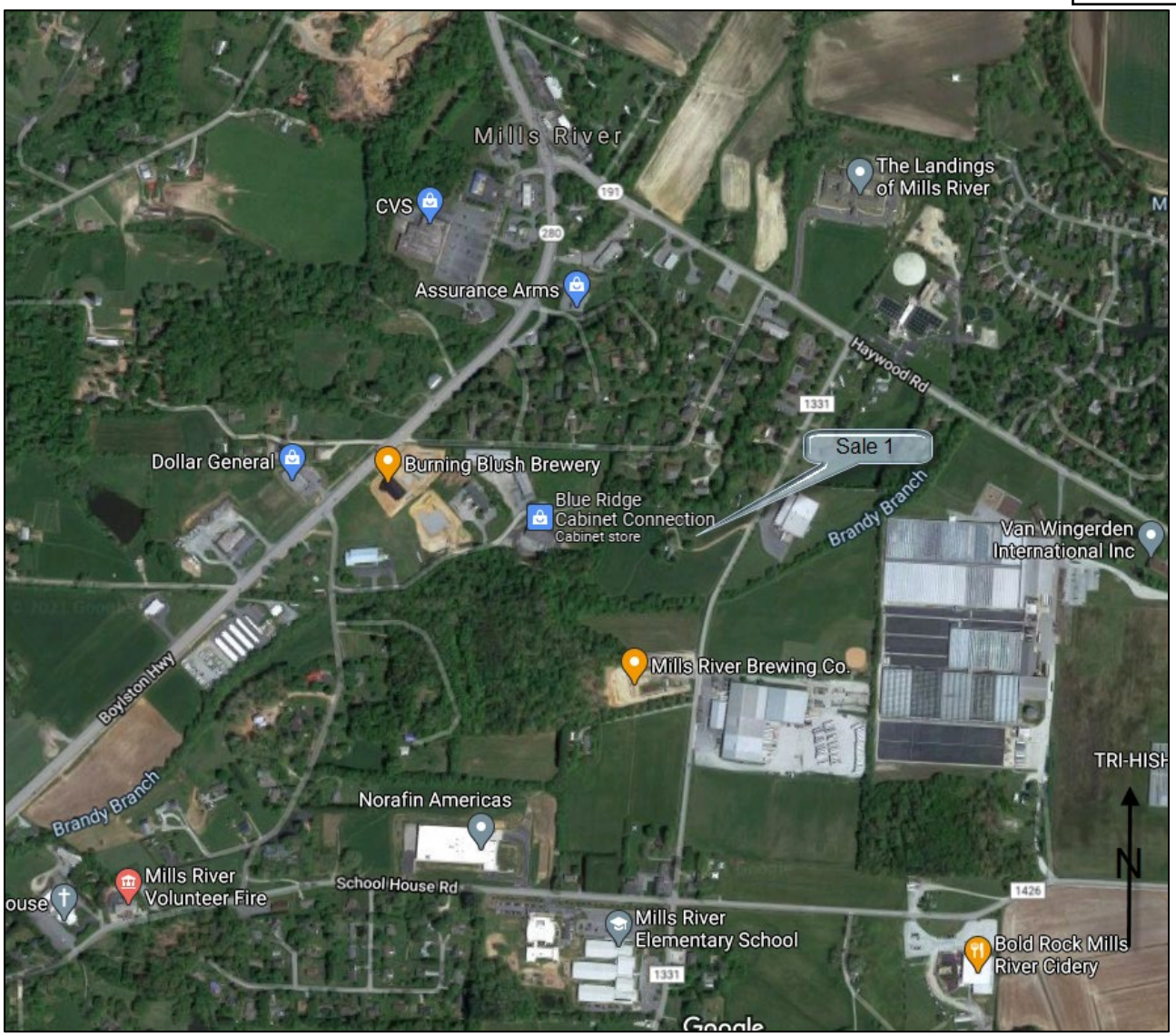
NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY BRANCH
COMPARABLE NO: 1 **LAND SALE**

DATE:	8/26/2020	**DEED BOOK:**	3550	**PAGE:**	589	**DEED STAMPS:**	$1,400	**COUNTY:**	Henderson
GRANTOR:	Linda W. Blasingame, et al				**GRANTEE:**	CP Mills River, LLC			
LOCATION:	Western side of Banner Farm Road, approximately 1,000 feet south of Highway 191 (Haywood Rd.). The address is 342 Banner Farm Road, Mills River, North Carolina 28759.								
SALES PRICE:	$700,000	**CONFIRMED BY (NAME):**		Grantor - Linda Blasingame					
FINANCING:	Cash to seller								
CONDITIONS OF SALE AND REASON BOUGHT/SOLD:				Arms length transaction					
PRESENT USE:	Vacant land					**ZONING:**	MR-LI		
HIGHEST AND BEST USE:		Commercial							
SIZE:	10.046	ACRES +/-	**SHAPE:**	Sl. Irregular		**TOPOGRAPHY:**	Sloping		
EXISTING R/W AREA:	None				**AREA CLEARED/WOODED:**		90%/10%		
SOIL TYPE:	Clay/Loam		**DRAINAGE:**	Adequate		**AVAILABLE UTILITIES:**	All Public		
ACCESS:	Average from Banner Farm Road				**FRONTAGE:**	575 feet - Banner Farm Rd. (local two-lane road - paved)			
IMPROVEMENTS:	The property included an older single family residence that did not contribute any value in the sale. Any salvage value to the improvements was offset by demolition costs.								
LESSOR:					**LESSEE:**				
RENTABLE AREA:		**RENT:**		**V & C**		**EXPENSES:**		**TERM:**	
UNIT PRICE:	$69,679	Per Acre				**TAX ID:**	9631-73-6291		

OTHER PERTINENT INFORMATION:	The property was purchased for development of a Lowe's distribution center. This property is in the WP-WS-III watershed district with a maximum of 50% development capacity.

North is up unless otherwise noted

TAKEN BY:	Sean Ward	**DATE INSPECTED:**	2/3/2021


Mills River
CVS
191
280
Assurance Arms
The Landings
of Mills River
Haywood Rd
1331
Sale 1
Dollar General
Burning Blush Brewery
Blue Ridge
Cabinet Connection
Cabinet store
Brandy Branch
Van Wingerden
International Inc
Mills River Brewing Co.
Boylston Hwy
Brandy Branch
Norafin Americas
Mills River
Volunteer Fire
School House Rd
1426
Mills River
Elementary School
1331
Bold Rock Mills
River Cidery
N

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY BRANCH
COMPARABLE NO: 4 **LAND SALE**

DATE:	2/28/2018	**DEED BOOK:**	3168	**PAGE:**	575	**DEED STAMPS:**	$2,980	**COUNTY:**	Henderson
GRANTOR:	Cove Crest, LLC				**GRANTEE:**	JRE Mills River, LLC			
LOCATION:	Western side of Old Fanning Fields Road, at the intersection of Old Fanning Fields Road and Fanning Fields Road. The address is 80 Old Fanning Fields Road, Mills River, North Carolina 28759.								
SALES PRICE:	$1,490,000	**CONFIRMED BY (NAME):**		Broker - Austin Walker					
FINANCING:	Cash to seller								
CONDITIONS OF SALE AND REASON BOUGHT/SOLD:				Arms length transaction					
PRESENT USE:	Vacant land					**ZONING:**	MR-MU		
HIGHEST AND BEST USE:		Commercial or Multi-family							
SIZE:	11.500	ACRES +/-	**SHAPE:**	Sl. Irregular		**TOPOGRAPHY:**	Moderately sloping		
EXISTING R/W AREA:	None				**AREA CLEARED/WOODED:**		75%/25%		
SOIL TYPE:	Clay/Loam		**DRAINAGE:**	Adequate		**AVAILABLE UTILITIES:**	All Public		
ACCESS:	Average from Fanning Fields Rd.				**FRONTAGE:**	715 feet - Fanning Fields/Old Fanning Fields Rd.			
IMPROVEMENTS:									
LESSOR:					**LESSEE:**				
RENTABLE AREA:		**RENT:**		**V & C**		**EXPENSES:**		**TERM:**	
UNIT PRICE:	$129,565	Per Acre				**TAX ID:**	9642-15-5016		

OTHER PERTINENT INFORMATION:	The property was purchased by an industrial equipment supplier, James River Equipment. This property is not located inside a watershed district.

North is up unless otherwise noted

TAKEN BY:	Sean Ward	**DATE INSPECTED:**	2/3/2021

McDowell Creek
Sale 4
280
N

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY BRANCH
COMPARABLE NO: 5 **LAND SALE**

DATE:	1/14/2020	**DEED BOOK:**	3438	**PAGE:**	257	**DEED STAMPS:**	$8,000	**COUNTY:**	Henderson
GRANTOR:	Marie-Jeanne E. Cadgene, et al				**GRANTEE:**	ALM Asheville, LLC			
LOCATION:	Eastern side of Highway 280, in the corner of Highway 280 and Fanning Fields Road. The address is 394 Fanning Fields Road, Mills River, North Carolina 28759.								
SALES PRICE:	$4,000,000	**CONFIRMED BY (NAME):**		Broker - Robin Boylan					
FINANCING:	Cash to seller								
CONDITIONS OF SALE AND REASON BOUGHT/SOLD:				Arms length transaction					
PRESENT USE:	Vacant land					**ZONING:**	MR-MU		
HIGHEST AND BEST USE:		Commercial							
SIZE:	29.450	ACRES +/-	**SHAPE:**	Sl. Irregular		**TOPOGRAPHY:**	Moderately sloping to sloping		
EXISTING R/W AREA:	None				**AREA CLEARED/WOODED:**		75%/25%		
SOIL TYPE:	Clay/Loam		**DRAINAGE:**	Adequate		**AVAILABLE UTILITIES:**	All Public		
ACCESS:	Average from Fanning Fields Rd. & Highway 280				**FRONTAGE:**	1,175 feet Highway 280/450 Fanning Fields Road			
IMPROVEMENTS:									
LESSOR:					**LESSEE:**				
RENTABLE AREA:		**RENT:**		**V & C**		**EXPENSES:**		**TERM:**	
UNIT PRICE:	$135,823	Per Acre				**TAX ID:**	9642-15-5016		

OTHER PERTINENT INFORMATION: The property was subsequently developed with an Amazon Distribution Facility. The property is highly visible and accessible from Highway 280. This property is not located in a watershed district.

North is up unless otherwise noted

TAKEN BY:	Sean Ward	**DATE INSPECTED:**	2/3/2021

McDowell Creek
280
Sale 5
N

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY BRANCH
COMPARABLE NO: 6 **LAND SALE**

DATE:	9/25/2020	**DEED BOOK:**	3612	**PAGE:**	709	**DEED STAMPS:**	$2,200	**COUNTY:**	Henderson
GRANTOR:	Mary C. Keith				**GRANTEE:**	Summit at Mills River, LLC			
LOCATION:	Northeast corner of Highway 280 and Old Haywood Road. Access is from Old Haywood Road only. The address is 5050 Old Haywood Road, Mills River, North Carolina 28759.								
SALES PRICE:	$1,100,000	**CONFIRMED BY (NAME):**		Broker - Mark Morris					
FINANCING:	Cash to seller								
CONDITIONS OF SALE AND REASON BOUGHT/SOLD:				Arms length transaction					
PRESENT USE:	Vacant land					**ZONING:**	MR-MU		
HIGHEST AND BEST USE:		Commercial or Multi-family							
SIZE:	11.735	ACRES +/-	**SHAPE:**	Sl. Irregular		**TOPOGRAPHY:**	Moderately sloping to sloping		
EXISTING R/W AREA:	None				**AREA CLEARED/WOODED:**		95%/5%		
SOIL TYPE:	Clay/Loam		**DRAINAGE:**	Adequate		**AVAILABLE UTILITIES:**	All Public		
ACCESS:	Average from Old Haywood Road				**FRONTAGE:**	475 feet along Highway 280			
IMPROVEMENTS:	The property is improved with a single-family residence that did not contribute any value in the sale. Any salvage value attributable to the house is offset by demolition costs.								
LESSOR:					**LESSEE:**				
RENTABLE AREA:		**RENT:**		**V & C**		**EXPENSES:**		**TERM:**	
UNIT PRICE:	$93,737	Per Acre				**TAX ID:**	9632-71-1903		
OTHER PERTINENT INFORMATION:	The property is only accessible from Old Haywood Road. The frontage along Highway 280 is significantly below grade and there is a guardrail preventing access. This property is in the WP-WS-III watershed district with a maximum of 50% development capacity.								

North is up unless otherwise noted

TAKEN BY:	Sean Ward	**DATE INSPECTED:**	2/3/2021

Sale 6
Haywood Rd
Foxhall Rd
Quail Ridge Rd
Cardinal Rd
Boylston Hwy
Blackberry Ln
Windover Dr
Cardinal Rd
280
Vance Hill Dr
191
Mill Ridge Dr
Penland Rd
Angelne Dr
Shelter Rd
1345
Emma Sharp Rd
1345
1345
N

Land Sales Analysis:

When necessary, adjustments were made for differences in various elements of comparison, including property rights conveyed, financing terms, conditions of sale, expenditures made immediately after purchase, market conditions, location, and other physical characteristics. If the element in comparison is considered superior to that of the subject, I applied a negative adjustment. Conversely, a positive adjustment was applied if inferior. A summary of the elements of comparison follows.

Conditions of Sale:

Adjustments for conditions of sale usually reflect the motivations of the buyer and the seller. This adjustment considers unusual features of the transaction, such as financing, or whether or not the sale took place under open market conditions. No adjustments were required for conditions of sale.

Market Conditions/Time:

Market conditions change over time because of inflation, deflation, fluctuations in supply and demand, or other factors. Changing market conditions may create a need for adjustment to comparable sale transactions completed during periods of dissimilar market conditions.

PwC Real Estate Investor Survey shows cap rates effectively unchanged over the last 2 years. With the outbreak of the COVID-19 virus, short to mid-term market improvements are not anticipated. Potential short to mid-term market declines are possible but not quantifiable as of the date of appraisal. Thus, no adjustments have been made.

Expenditures After Sale:

A knowledgeable buyer considers expenditures that will have to be made upon purchase of a property because these costs affect the price the buyer agrees to pay. Such expenditures may include costs to cure deferred maintenance, costs to demolish and remove any portion of the improvements, costs to petition for a zoning change, costs to remediate environmental contamination, etc…

These costs are often quantified in price negotiations and can be discovered through verification of transaction data. The relevant figure is not the actual cost that was incurred but the cost that was anticipated by the buyer and seller. In this instance, no adjustments were made for expenditures after the sale.

Location/Access/Visibility:

Location, access and visibility are most important factors affecting property values in the subject's competitive market. The subject property has an average location and good visibility along Highway 191 in the Town of Mills River.

Comparable Sales 4, 5 and 6 were located in slightly superior to superior areas when compared to the subject and each received a negative adjustment accordingly. Comparable Sale 1 was located in a slightly inferior area with inferior traffic counts when compared to the subject

and received a positive adjustment accordingly. No additional adjustments were required for location/access/visibility characteristics.

Size:

The size adjustment addresses variance in the physical size of the comparables and that of the subject, as a larger parcel typically commands a lower price per unit than a smaller parcel. This inverse relationship is due, in part, to the principle of "economies of scale."

The subject property consists of 12.350 acres (per NCDOT summary sheet). The sales range in size from 10.046 acres to 29.450 acres and required size adjustments. I applied an adjustment factor of approximately 5% per doubling to each sale, resulting in total adjustments ranging from 0% to positive 5%.

Topography:

The subject topography is near level to moderately sloping throughout. Comparable Sales 1 and 6 were considered inferior with respect to topography characteristics when compared to the subject and each received a positive adjustment accordingly. No additional adjustments were required for topography characteristics.

Shape:

The subject has irregular shape characteristics. Each of the comparables was similar with respect to shape characteristics when compared to the subject and no adjustments were required.

Watershed:

The subject is located inside the WP-WS-III-BW Lower Mills River Balance of Watershed Overlay Sub-District. The maximum percent built-upon limit is 50% as a high-density option.

The presence of the watershed limits the percentage of property available for development. This is limited to the vertical improvements, meaning the remainder of the site can be utilized for parking, site improvements, and other misc. improvements. Comparable Sales 1 and 6 were in a similar watershed restricted area and no adjustments were required. The remaining sales were outside the watershed and each received a negative adjustment accordingly for superior watershed characteristics.

Easements/Encroachments:

The subject included standard easements/encroachments typical for most properties. Development potential is not considered to be hindered by easements/encroachments.

Each of the comparable sales was similar with respect to easements/encroachments when compared to the subject and no adjustments were required.

Zoning:

The subject and comparable sales were similar with respect to zoning characteristics and no adjustments were required.

Functional Utility: The subject has average functional utility characteristics. No adjustments were required for functional utility.

Flood Zone: The subject is not encumbered by a hazardous area of the flood zone. No adjustments were required for flood zone characteristics.

Utilities: The subject property has access to public utilities to include water, sewer, electricity and telephone. Sale 1 received a positive adjustment for slightly inferior utility characteristics. The remaining sales were similar and no adjustments were required.

The subject and comparable sales are considered comparable with respect to all other measurable factors and no further adjustments were required.

Summary of Adjustments: Presented on the following page is a summary of the adjustments made to the sale comparables. As noted earlier, these adjustments were based on my market research, best judgment, and experience in the appraisal of similar properties.

Land Sales Summary and Adjustment Chart					
Sale No.	**Subject**	**1**	**4**	**5**	**6**
Location	Highway 191	Banner Farm Rd.	Old Fanning Fields	Highway 280	Highway 280
County	Henderson	Henderson	Henderson	Henderson	Henderson
Neighborhood	Mills River	Mills River	Mills River	Mills River	Mills River
Sale Price		$700,000	$1,490,000	$4,000,000	$1,100,000
$/AC		$69,679	$129,565	$135,823	$93,737
Date of Sale	07/21/21	08/26/20	02/28/18	01/14/20	09/25/20
Property Rights		Fee simple	Fee simple	Fee simple	Fee simple
Financing		Cash to seller	Cash to seller	Cash to seller	Cash to seller
Condition of Sale		Mkt. trans.	Mkt. trans.	Mkt. trans.	Mkt. trans.
Location/Access/Visibility	Average	Sl. Inferior	Sl. Superior	Superior	Sl. Superior
Size/AC	12.350	10.046	11.500	29.450	11.735
Topography	Varied	Inferior	Comparable	Comparable	Inferior
Shape	Irregular	Comparable	Comparable	Comparable	Comparable
Watershed	WP-WS-III	WP-WS-III	None	None	WP-WS-III
Easements/Encroachments	Typical	Comparable	Comparable	Comparable	Comparable
Zoning	MR-NC	Comparable	Comparable	Comparable	Comparable
Functional Utility	Typical	Comparable	Comparable	Comparable	Comparable
Flood Zone	None	Comparable	Comparable	Comparable	Comparable
Utilities	E, T, W, S	E, T, W	E, T, W, S	E, T, W, S	E, T, W, S
Property Rights		$0.00	$0.00	$0.00	$0.00
Adjusted Price		$69,679	$129,565	$135,823	$93,737
Financing Terms		$0.00	$0.00	$0.00	$0.00
Adjusted Price		$69,679	$129,565	$135,823	$93,737
Conditions of Sale		$0.00	$0.00	$0.00	$0.00
Adjusted Price		$69,679	$129,565	$135,823	$93,737
Expenditures after Sale		$0.00	$0.00	$0.00	$0.00
Adjusted Price		$69,679	$129,565	$135,823	$93,737
Market Conditions	0.0%	0.00%	0.00%	0.00%	0.00%
Adjusted Price/AC		$69,679	$129,565	$135,823	$93,737
Location/Access/Visibility		10.00%	-10.00%	-20.00%	-10.00%
Size		0.00%	0.00%	5.00%	0.00%
Topography		20.00%	0.00%	0.00%	15.00%
Shape		0.00%	0.00%	0.00%	0.00%
Watershed		0.00%	-10.00%	-10.00%	0.00%
Easements/Encroachments		0.00%	0.00%	0.00%	0.00%
Zoning		0.00%	0.00%	0.00%	0.00%
Functional Utility		0.00%	0.00%	0.00%	0.00%
Flood Zone		0.00%	0.00%	0.00%	0.00%
Utilities		5.00%	0.00%	0.00%	0.00%
Net Adjustment		**35.00%**	**-20.00%**	**-25.00%**	**5.00%**
Indicated Unit Value		$94,067	$103,652	$101,868	$98,424
Adjusted Sales Analysis:					
Low:	$94,067				
High:	$103,652				
Mean:	$99,503				
Median:	$100,146				

Summary:

Range:	$94,067/Acre to $103,652/Acre
Mean:	$99,503/Acre
Median:	$100,146/Acre
Correlation:	In final reconciliation, each of the sales was weighted equally due to their overall strengths of comparison to the subject property. The sales are believed to represent the current market conditions for the subject property and are representative of what an informed purchaser would pay.
Reconciled Value Per Acre:	Considering each of these factors and how each relates to the subject property, a value estimate of $100,000/Acre is selected and considered appropriate for the subject property. The calculations can be seen as follows:
Land Value Calculation:	**$1,235,000** (12.350 acres x $100,000/Acre)

Valuation of the Improvements—Before

The next step in the process is the estimate of value for the existing improvements on the subject property. In this instance, the reproduction cost new of the improvements was used. Reproduction Cost is defined as follows:

"…the estimated cost to construct, at current prices as of the effective appraisal date, an exact duplicate or replica of the building being appraised, using the same materials, construction standards, design layout, and quality of workmanship, and embodying all the deficiencies, super-adequacies, and obsolescence of the subject building."[6]

Affected Site Improvements

Value estimates for the site improvements are included based on their estimated depreciated contributory values. Reproduction costs for the site improvements are based upon the actual price quotes provided by those active in the local market, local contractors, the Marshall and Swift Residential Cost Handbook, and cost information maintained in the appraiser's office. The following is a summary of the cost resources researched for this project:

- Mr. Brian Caldwell with APAC Carolina indicated that for area of this size, asphalt paving ranges from $3.50/SF to $4.50/SF.

- Mr. Chris McCraw with Concrete Specialties of Hendersonville, NC, indicated that concrete curb and gutter is approximately $35 per linear foot. Marshall and Swift also indicated that typical costs of concrete curb and gutter is approximately $35.00 per linear foot on a typical 40' street.

- The subject includes a large masonry sign with two brick columns, lettering, and exterior lighting. The sign is approximately 15 feet in length and varied in height from 6' to 8' feet. Local contractors from Carolina Construction Specialties, Cooper Construction, and Fortune Concrete indicated that a similar sign could be replaced for a cost ranging from $10,000 to $15,000. Costs varied based on availability of materials and labor.

- Marshall and Swift and various internet sources were utilized to estimate the cost of the flag pole. The sources indicated a range of $4,000 to $8,000 for a similar 50' flag pole rated for 185 mph wind speeds. The bulk of the cost data was in the middle of the range, or $6,000.

- The grounds have average landscaping characteristics. The area along Highway 191 includes approximately 10,000 square feet of manicured grassy areas. Per Marshall and Swift, land can be prepped and hydro-seeded for approximately $0.50/SF. Additionally, I consulted with several local landscaping companies for pricing for different plants, shrubs, trees, ornamentals, etc... I specifically reached out to "A Growing Concern Nursery" for costs to replace the 3 trees that are being acquired. Although the trees cannot be replaced with comparable mature trees, per A Growing Concern Nursery, a mature tree, similar to the subject's trees, can be replaced for approximately $650 per tree, plus $150 per tree for planting, for a total of approximately $2,400 ($800/tree x 3 trees). Total landscaping costs were estimated to be $7,400, rounded to $7,500.

[6] The Appraisal of Real Estate. 13th Edition, page 358

The quantity of each noted site improvement, cost new, and estimated depreciation (remaining life) can be seen in the following table:

Description	Quantity	Unit	$/Unit		Cost New		Dep. Estimate		Total Dep.		Dep. Cost
Asphalt parking/drive	5,000	SF	$4.00	=	$20,000	x	20%	=	$4,000	=	$16,000
Concrete curb and gutter	250	LF	$35.00	=	$8,750	x	20%	=	$1,750	=	$7,000
Sign	1	EA	$12,500	=	$12,500	x	20%	=	$2,500	=	$10,000
Flag pole	1	EA	$6,000	=	$6,000	x	0%	=	$0	=	$6,000
Misc. landscaping/improvements				=	$7,500	x	0%	=	$0	=	$7,500
Total											$46,500

The following is a summary of the Cost Approach – Before:

Cost Approach Summary - Before				
Depreciated Value of Improvements				N/A
Plus: Contributory Value of Site Improvements				
Asphalt parking/drives	=	$16,000		
Concrete curb and gutter	=	$7,000		
Sign	=	$10,000		
Flag pole	=	$6,000		
Misc. landscaping	=	$7,500		
		$46,500	rounded to	$46,500
Plus: Estimated Land Value				$1,235,000
				$1,281,500
Value Estimate of Land and Improvements Rounded to,				**$1,281,500**

CORRELATION AND FINAL BEFORE VALUE ESTIMATE

Final reconciliation is defined as the process of evaluating alternative conclusions and selecting a final estimate of value from the approaches used in the report. The appraiser weighs the relative significance, applicability, and defensibility of the indication of value estimated by each approach and places most credence on the one that, in his professional judgment, best approximates the value being sought in the appraisal. In this instance, the Cost Approach was the sole applicable method of valuation, as summarized below.

Cost Approach	$1,281,500
Sales Comparison Approach	N/A
Income Capitalization Approach	N/A
Final Value Estimate:	**$1,281,500**

Reconciliation Summary:

In reconciliation, sole emphasis is placed on the Cost Approach to value. As such, a value estimate of $1,281,500 is considered appropriate for the subject property in the "before".

The value estimate is allocated as follows: land – $1,235,000; improvements - $46,500

DESCRIPTION OF THE TAKING (ACQUISITION)

The proposed NCDOT project is identified as R-2588B. The proposed NCDOT project involves widening NC 191 from NC 280 to SR 1381 (Mountain Road). The project work includes grading, paving, drainage, structures, and signals. Additionally, the project includes a 10' multi-use path located along the northern side of Highway 191.

Land

Fee Taking (RW)

Per NCDOT plans, the highway project will require the acquisition of 0.441 acres of land. The proposed fee acquisition includes approximately 3.57% of the subject property. The proposed fee taking consists of a strip taking that extends along the entire Highway 191 road frontage. The acquisition area is near rectangular in shape and is approximately 30 feet in width.

Please refer to the NCDOT Project Map on the following page for a visual demonstration of the proposed fee take area (red).

Temporary Construction Easement (TCE)

The temporary easement area is to be used for the duration of the road-widening project and is necessary for the maneuvering of equipment and temporary storage of materials, and redirection of run-off water. The area included in the temporary construction easement is temporarily occupied during the project and then reverts back to the owner with full fee simple rights.

Per the Summary Sheet, the proposed TCE area(s) collectively total approximately 0.375 acre. The first TCE area is located in the western portion of the property, immediately north of the proposed R/W acquisition area. This area is highly irregular in shape and varied in length and width. This area consists of approximately 0.177 acre.

The second TCE area is located in the central portion of the property, immediately north of the proposed R/W acquisition area. This TCE area consists of 0.163 acre, is near rectangular in shape, and has a length of approximately 371' and a width of approximately 19' to 24'.

The last TCE area is located in the eastern portion of the subject property, immediately north of a proposed DUE area and east of a proposed PUE area. This area contains 0.035 acre, is triangular in shape, and has a length of 97' and a width of 35'.

Please refer to the NCDOT Project Map on the following page for a visual demonstration of the proposed TCE areas (yellow).

Permanent Utility Easement (PUE)

The Permanent Utility easement is in perpetuity and is for the installation and maintenance of utilities, and for all purposes for which the DEPARTMENT is authorized by law to subject same. The Department and its agents or assigns shall have the right to construct and maintain in a proper manner in, upon and through said premises a utility line or lines with all necessary pipes, poles and appurtenances, together with the right at all times to enter said premises for the purpose of inspecting said utility lines and making all necessary repairs and alterations thereon; together with the right to cut away and keep clear of said utility lines, all trees and other obstructions that may in any way endanger or interfere with the proper maintenance and operation of the same with the right at all times of ingress, egress and regress.

Per NCDOT plans, the proposed PUE area(s) collectively total approximately 0.090 acre. The first PUE area is located in the western corner of the subject property, immediately north of the proposed R/W acquisition area and west of a TCE area. This PUE area consists of 0.006 acre, is irregular in shape, and varied in length and width.

The second PUE area is located in the eastern section of the property, immediately north a proposed DUE area, and is between two TCE areas. This PUE area is approximately 0.084 acre and is triangular in shape. The PUE is approximately 44' at the base of the triangle and has a length of approximately 167'.

Please refer to the NCDOT Project Map on the following page for a visual demonstration of the proposed PUE area (brown).

Drainage/Utility Easement (DUE)

The permanent drainage/utility easement area is in perpetuity and is for the installation and maintenance of drainage facilities and/or utilities, and for all purposes for which the DEPARTMENT is authorized by law to subject same. The Department and its agents or assigns shall have the right to construct and maintain in a proper manner in, upon and through said premises a drainage facility and/or utility line or lines with all necessary pipes, poles and appurtenances, together with the right at all times to enter said premises for the purpose of inspecting said drainage facility and/or utility lines and making all necessary repairs and alterations thereon; together with the right to cut away and keep clear of said drainage facility and/or utility lines, all trees and other obstructions that may in any way endanger or interfere with the proper maintenance and operation of the same with the right at all times of ingress, egress and regress.

Per NCDOT plans, the proposed DUE area(s) total approximately 0.229 acre. The first DUE area consists of 0.027 acre and is located in the western portion of the property between two TCE areas, and immediately north of the proposed R/W acquisition area. This DUE area is irregular in shape and is approximately 69' in length and 24' in width.

The second DUE area consists of 0.202 acre. This DUE area is located in the southeastern corner of the property, immediately north of the proposed R/W acquisition area. This DUE is irregular in shape and varied in length and width.

Please refer to the NCDOT Project Map on the following page for a visual demonstration of the proposed DUE area (purple).

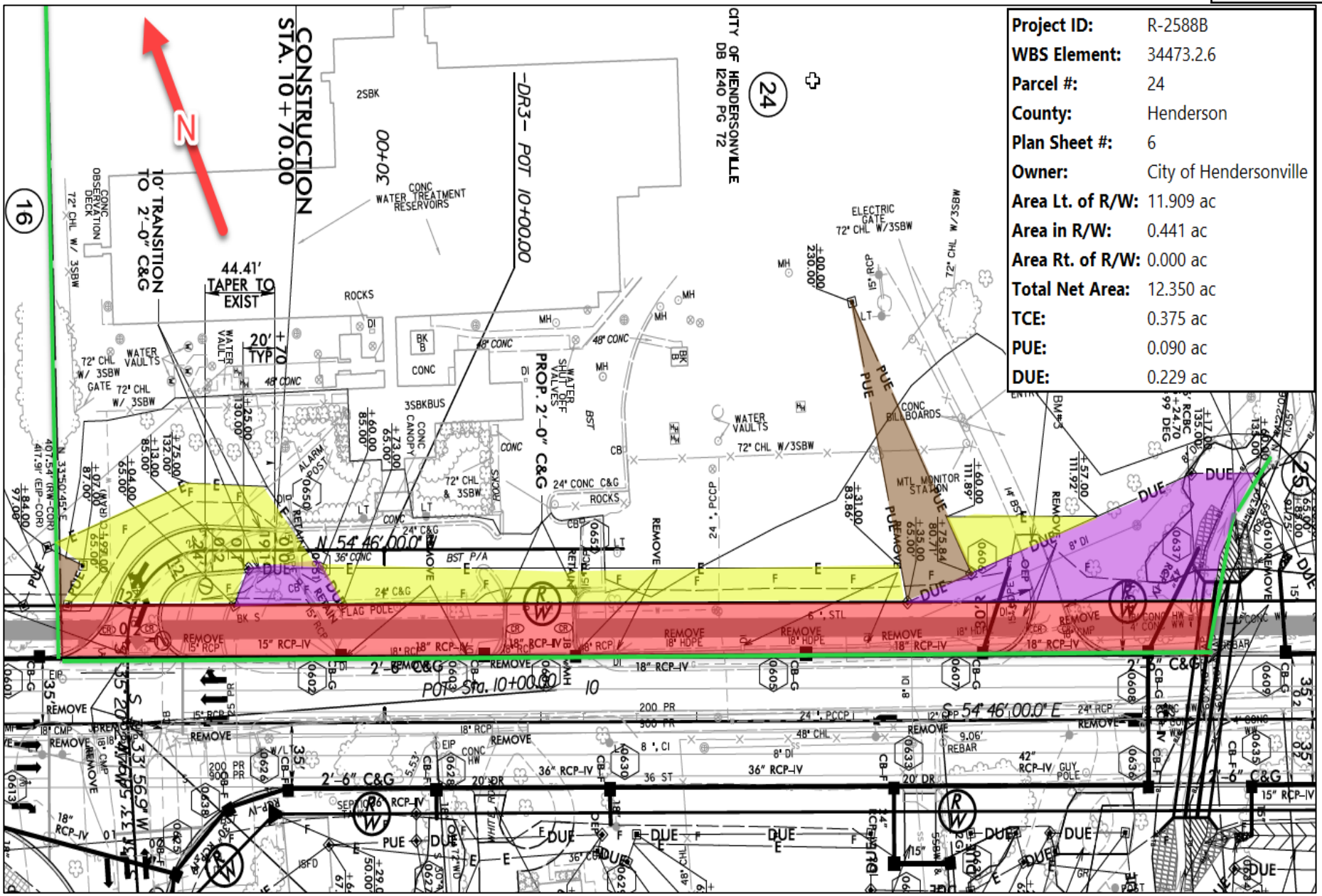
Improvements

The structural improvements located at the subject site are not affected by the road improvement project. Only those site improvements located within the acquisition and easement areas are affected. Improvements to be acquired as part of the acquisition include the following:

- 5,000 square feet of asphalt drives and parking
- 250 linear feet of concrete curb and gutter
- Sign with lighting
- 50' flag pole rated for 185 mph wind speeds
- Miscellaneous landscaping – manicured lawn and mature trees

The following exhibit is the NCDOT Project Map:

PROJECT MAP – PLAN SHEET 6



Project ID:	R-2588B
WBS Element:	34473.2.6
Parcel #:	24
County:	Henderson
Plan Sheet #:	6
Owner:	City of Hendersonville
Area Lt. of R/W:	11.909 ac
Area in R/W:	0.441 ac
Area Rt. of R/W:	0.000 ac
Total Net Area:	12.350 ac
TCE:	0.375 ac
PUE:	0.090 ac
DUE:	0.229 ac

DESCRIPTION OF THE REMAINDER AND THE EFFECTS OF THE TAKING

Land

The following section provides a description of the land, after the proposed taking.

After the acquisition, the subject will include 11.909 acres of land to the north of the proposed right-of-way. The remainder is only slightly changed from the land prior to the subject due to the smaller size, slight changes in shape, and presence of permanent easements.

Location:	Similar to the before
Size:	Approximately 11.909 acres (12.350 acres before – 0.441 acres acquired).
Shape/Utility:	The shape of the subject after the project is irregular, similar to the before.
Frontage/Access:	The frontage and access is similar to the before. The subject's primary ingress/egress will be expanded to a two-way, lighted intersection at Banner Farm Road. Prior to the project, this was a non-signalized access that was one-way only.
Topography:	Similar as in the before
Flood Zone:	Same as in the before
Soil Conditions:	Same as in the before
Off-Site Improvements:	Similar as in the before with the exception of the introduction of 2′ – 0″ concrete curb and gutter for drainage located along the Highway 191 frontage.
Zoning/Restrictions:	Same as in the before
Easements:	The subject includes 0.229-acre of DUE and a 0.090-acre PUE, as previously described. The subject also included 0.375-acre of TCE that is assumed to have reverted back to the owner after the project. No other easements are known to impact the subject property.
Utilities:	Same as in the before

Improvements

All site improvements located within the acquisition and easement areas will be acquired as a result of the project. No other improvements are affected.

HIGHEST AND BEST USE OF THE REMAINDER

After the acquisition, the remainder will include an area of 11.909 acres. This area is also subject to 0.090-acre of DUE and a 0.229-acre PUE, which effectively reduces the developable land to 11.590 acres. The remaining area is slightly smaller than before; however, the subject reminder is of adequate size to accommodate similar development as prior to the project.

The highest and best use of the remainder is considered to be the same as indicated in the highest and best use before the acquisition. The highest and best use of the subject, as improved, was not considered.

VALUATION OF PROPERTY AFTER THE TAKING – COST APPROACH

The Cost Approach was again used to estimate market value for the subject after the NCDOT acquisition. In this instance, the Cost Approach is the only approach that can accurately measure the diminution in value (if applicable) to the individual components. As a result, the Cost Approach is the only approach utilized.

Land Valuation

The sales used to analyze the subject tract prior to the taking are considered to be the best sales available for the analysis of the tract after the taking. The remainder in the after situation is slightly reduced in size, altered in shape and there is an additional encumbrance for DUE and PUE areas. As previously indicated, the before value for the subject land was $100,000 per acre.

- Unencumbered fee area of 11.909 AC x $100,000/AC x 100.0% = $1,190,900

The temporary construction easement will revert in full fee simple to the property owner after the construction period. Comparable land leases and conversations with property owners who lease land tracts indicate an annual rate of return of 10.0 percent to 20.0 percent of the property value per year. In this instance, the value of the area encumbered by the temporary easement is reduced by approximately 40.0 percent.

- TCE area of 0.375 AC x $100,000/AC x 40.0% = $15,000

The permanent utility easement is placed on a tract of land to provide for the installation and maintenance of public utilities. The easements are in perpetuity which gives the utility provider(s) the right to utilize the property for an unlimited time. As a result of the lack of utility to the land in the PUE area(s), the compensation is 90%. The calculation is as follows:

- PUE area of 0.090 AC x $100,000/AC x 90% = $8,100

The drainage/utility easement is placed on a tract of land to provide for the installation and maintenance of multiple public utilities. The easements are in perpetuity which gives the utility provider(s) the right to utilize the property for an unlimited time. As a result of the lack of utility to the land in the DUE area(s), the compensation is 90%. The calculation is as follows:

- DUE area of 0.229 AC x $100,000/AC x 90% = $20,610

The following is a summary of the land values of the remainder:

Unencumbered Fee Area	11.909	AC x	$100,000	per AC x	100%	=	$1,190,900
Temporary Construction Easement (TCE)	0.375	AC x	$100,000	per AC x	40%	=	$15,000
Permanent Utility Easement (PUE)	0.090	AC x	$100,000	per AC x	90%	=	$8,100
Drainage/Utility Easement (DUE)	0.229	AC x	$100,000	per AC x	90%	=	$20,610
							$1,147,190
					Rounded		**$1,147,200**

This results in a value for the remainder of **$1,147,200.**

Improvement Valuation

As noted, all affected improvements are either acquired or misplaced. A summary of the Cost Approach – After, can be seen in the following chart:

Cost Approach Summary - After				
Depreciated Value of Improvements				N/A
Plus: Contributory Value of Site Improvements				
Asphalt parking/drives	=	$0		
Concrete curb and gutter	=	$0		
Sign	=	$0		
Flag pole	=	$0		
Misc. landscaping	=	$0		
		$0	rounded to	$0
Plus: Estimated Land Value				$1,147,200
				$1,147,200
Value Estimate of Land and Improvements Rounded to,				**$1,147,200**

RECONCILING REMAINDER VALUE INDICATIONS

Cost Approach	$1,147,200
Sales Comparison Approach	N/A
Income Approach	N/A

In reconciliation, sole emphasis is placed on the Cost Approach to value. Based upon the strengths and weaknesses considered, as well as the foregoing general assumptions, limiting conditions, and facts, a value estimate of $1,147,200 is considered appropriate.

The value estimate is allocated as follows: land – $1,147,200; improvements - $0.

DIFFERENCE IN BEFORE AND AFTER VALUE(S)

Before Value (Rounded)			
	Land	$1,235,000	
	Improvements	$46,500	
	Total		$1,281,500
After Value (Rounded)			
	Land	$1,147,200	
	Improvements	$0	
	Total		$1,147,200
Difference			**$134,300**

DAMAGES/BENEFITS to REMAINDER

Damages:
Analysis of the proposed plans do not indicate any significant changes in the subject property in relation to the existing road in terms of access, topographical grade changes, or drainage areas that require consideration of damages to the parcel.

Benefits:
Although the proposed project will provide improved traffic flow in the vicinity of the subject, this change is not considered to equate to a measurable benefit to the property.

ALLOCATION

Value of Land Acquired	$ 87,810
Value of Improvements Acquired	$ 46,500
Damages to Remainder - Land	$ 0
Damages to Remainder – Improvements (cost to cure)	$ 0
Benefits to Remainder	$ 0
	$134,310
Total	**$134,300**

ADDENDA

A. Allocation calculations
B. Photographs of subject
C. Photo location map
D. Deed(s)
E. Property Card(s)
F. Cadd Description(s)
G. Flood Map
H. Additional Assumptions and Limiting Conditions
I. Certificate(s) of appraiser

ALLOCATION

Value of Land Acquired									
R/W	0.441	AC	x	$100,000	per AC	x	100%	$44,100	
TCE	0.375	AC	x	$100,000	per AC	x	40%	$15,000	
PUE	0.090	AC	x	$100,000	per AC	x	90%	$8,100	
DUE	0.229	AC	x	$100,000	per AC	x	90%	$20,610	
									$87,810
Value of Improvements Acquired									
Asphalt parking/drives								$16,000	
Concrete curb and gutter								$7,000	
Sign								$10,000	
Flag pole								$6,000	
Misc. landscaping								$7,500	
									$46,500
Damages to Remainder									
Land									$0
Improvements									
									$0
									$134,310
Benefits to Remainder									$0
Total Allocation									**$134,300**

I.D. No./WBS Element	R-2588B/34473.2.5	**Taken By**	MSW
County	Henderson	**Date Taken**	7/21/2021
Parcel	024	**Owner**	City of Hendersonville
Photo No.	**1**	**Direction**	**SE**

Highway 191 road frontage

Photo No.	**2**	**Direction**	**SE**

Proposed TCE, R/W, DUE and PUE acquisition areas

I.D. No./WBS Element	R-2588B/34473.2.5	**Taken By**	MSW
County	Henderson	**Date Taken**	7/21/2021
Parcel	024	**Owner**	City of Hendersonville
Photo No.	**3**	**Direction**	**SE**

Proposed R/W, PUE, DUE, and TCE acquisition areas

Photo No.	**4**	**Direction**	**SE**

Proposed R/W, PUE, DUE, and TCE acquisition areas

I.D. No./WBS Element	R-2588B/34473.2.5	**Taken By**	MSW
County	Henderson	**Date Taken**	7/21/2021
Parcel	024	**Owner**	City of Hendersonville
Photo No.	**5**	**Direction**	**SE**

Proposed R/W, PUE, DUE, and TCE acquisition areas

Photo No.	**6**	**Direction**	**SE**

Proposed R/W and DUE acquisition areas

I.D. No./WBS Element	R-2588B/34473.2.5	**Taken By**	MSW
County	Henderson	**Date Taken**	7/21/2021
Parcel	024	**Owner**	City of Hendersonville
Photo No.	**7**	**Direction**	**NW**

Highway 191 road frontage

Photo No.	**8**	**Direction**	**NW**

Proposed R/W, PUE, DUE, and TCE acquisition areas

I.D. No./WBS Element	R-2588B/34473.2.5	**Taken By**	MSW
County	Henderson	**Date Taken**	7/21/2021
Parcel	024	**Owner**	City of Hendersonville
Photo No.	**9**	**Direction**	**NW**

Proposed R/W, PUE, DUE, and TCE acquisition areas

Photo No.	**10**	**Direction**	**NW**

Proposed R/W, PUE, DUE, and TCE acquisition areas

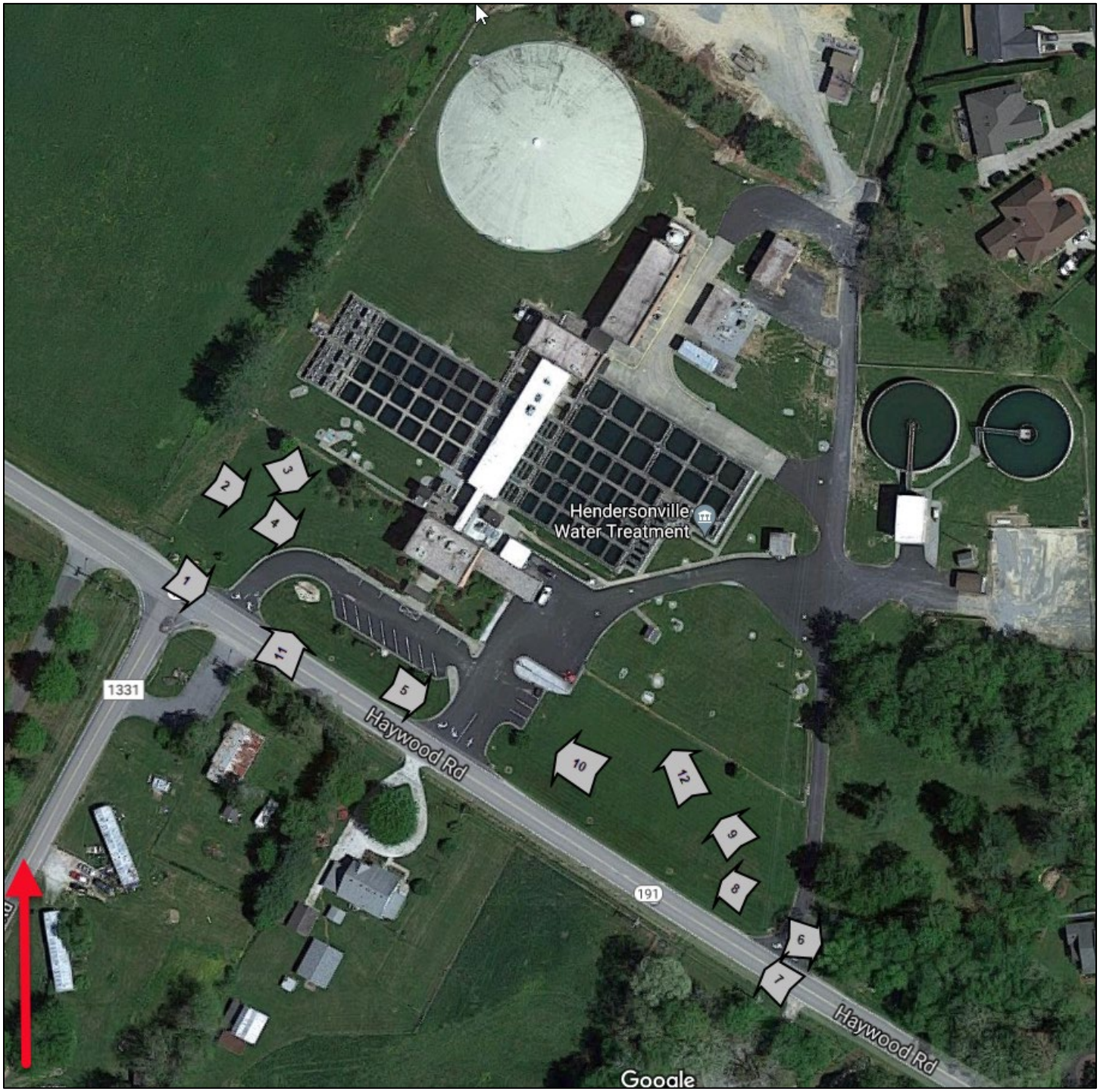
I.D. No./WBS Element	R-2588B/34473.2.5	**Taken By**	MSW
County	Henderson	**Date Taken**	7/21/2021
Parcel	024	**Owner**	City of Hendersonville
Photo No.	**11**	**Direction**	**NE**

Sign - acquired

Photo No.	**12**	**Direction**	**NW**

Overview of unaffected improvements

PHOTO LOCATION MAP



SUBJECT DEED

31240 P072

North Carolina Henderson County The foregoing certificate(s) of Samuel H Fritschner Notary Public (~~Notaries Public~~) is/~~are~~ certified to be correct, this instrument presented for registration and recorded in this office this 19 day of August, 2005 at 10:01 A.M. in book 1240, page 72

Pedra W Miller — Register of Deeds

Sylvia Strickland — (~~Assistant~~ Deputy)

Excise Tax **$0.00**

Recording Time, Book and Page

Tax Lot No. Parcel Identifier No.
Verified by _____ County on the ____ day of _____, 20___
by _____

Mail after recording to Samuel H. Fritschner P.O. Box 1670 Hendersonville NC 28793
This instrument was prepared by Samuel H. Fritschner

Brief Description for the index: Hville water plant recombination Hwy 191

NORTH CAROLINA RECOMBINATION DEED

THIS DEED made 19th day of Aug. 2005, by and between

GRANTOR	GRANTEE
The CITY OF HENDERSONVILLE, A North Carolina Municipal Corporation, and as SUCCESSOR to the Board of Water Commissioners of the City of Hendersonville	**The CITY OF HENDERSONVILLE, A North Carolina Municipal Corporation** Address: P.O. Box 1670 Hendersonville NC 28793

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

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

WITNESSETH, that the Grantor has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, for purposes of recombination, those five certain lots or parcels of land situated in Mills River Township, Henderson County, North Carolina and more particularly described as follows:

Tract 1: BEING all of that real property described in that deed recorded in Deed Book 407 at page 45, Henderson County Registry.

Tract 2: BEING all of that real property described in that deed recorded in Deed Book 407 at page 71, Henderson County Registry.

Tract 3: BEING all of that real property described in that deed recorded in Deed Book 565 at page 199, Henderson County Registry.

Tract 4: BEING all of that real property described in that deed recorded in Deed Book 565 at page 203, Henderson County Registry.

Tract 5: BEING all of that real property described in that deed recorded in Deed Book 1240 at page 66, Henderson County Registry.

AND THE SAID FIVE TRACTS are by these five tracts are by these presents RECOMBINED into a single tract.

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

N C Bar Assoc Form No 3 © 1977
Printed by Agreement with the N C Bar Assoc
#003

IN WITNESS WHEREOF, the Grantor has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by its City Clerk by authority of its City Council, the day and year first above written.

FRED H. NIEHOFF, JR., Mayor

USE BLACK INK ONLY

attest:

Tammie K. Drake

TAMMIE DRAKE, Clerk

City Seal

THE CITY OF HENDERSONVILLE N.C. 1947

SEAL-STAMP

USE BLACK INK

State of North Carolina
County of Henderson.

I, Samuel H. Fritschner, a Notary Public of the County and State aforesaid, certify that **FRED H. NIEHOFF, Jr. in his capacity as Mayor of the City of Hendersonville and TAMMIE K. DRAKE, in her capacity as Hendersonville City Clerk,** appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 15th day of August 2005.

My commission expires: 8-5-2008

Notary Public

SAMUEL H. FRITSCHNER NOTARY PUBLIC HENDERSON COUNTY, NC

N.C. Bar Assoc. Form No. 3 © 1977
Printed by Agreement with the N.C. Bar Assoc.
#003

PROPERTY CARD

Property Summary

Tax Year: 2021

REID	1002172	**PIN**	9631-94-2484	**Property Owner**	HENDERSONVILLE CITY OF
Location Address	4139 HAYWOOD RD	**Property Description**	NC 191	**Owner's Mailing Address**	160 SIXTH AVENUE EAST HENDERSONVLLE NC 28792

Administrative Data	
Plat Book & Page	
Old Map #	
Market Area	800
Township	NA
Planning Jurisdiction	MILLS RIVER
City	MILLS RIVER
Fire District	
Spec District	
Land Class	AUX IMPROVEMEN
History REID 1	
History REID 2	
Acreage	12.35
Permit Date	
Permit #	

Transfer Information	
Deed Date	8/19/2005
Deed Book	001240
Deed Page	00072
Revenue Stamps	
Package Sale Date	
Package Sale Price	
Land Sale Date	
Land Sale Price	

Improvement Summary	
Total Buildings	0
Total Units	0
Total Living Area	0
Total Gross Leasable Area	0

Property Value	
Total Appraised Land Value	$755,400
Total Appraised Building Value	
Total Appraised Misc Improvements Value	$400
Total Cost Value	$755,800
Total Appraised Value - Valued By Cost	$755,800
Other Exemptions	$755,800
Exemption Desc	Govern-Fed,St,Local
Use Value Deferred	
Historic Value Deferred	
Total Deferred Value	
Total Taxable Value	

Photograph

No Photo Found

Building Summary

Misc Improvements Summary

Card #	Unit Quantity	Measure	Type	Base Price	Eff Year	Phys Depr (% Bad)	Econ Depr (% Bad)	Funct Depr (% Bad)	Common Interest (% Good)	Value
0	14x20	DIMENSIONS	SHED-OPEN SIDES	$7.00	1978	80	0	0		$400

Total Misc Improvements Value Assessed: $400

Land Summary

Land Class: AUX IMPROVEMEN Deeded Acres: 0 Calculated Acres: 11.69

Zoning	Soil Class	Description	Size	Rate	Land Adjustment	Land Value
MR-NC		INDUSTRIAL	6.90 BY THE ACRE PRICE	$100,000		$690,000
MR-NC		RESIDUAL RESIDENTIAL	5.45 BY THE ACRE PRICE	$12,000		$65,400

Total Land Value Assessed: $755,400

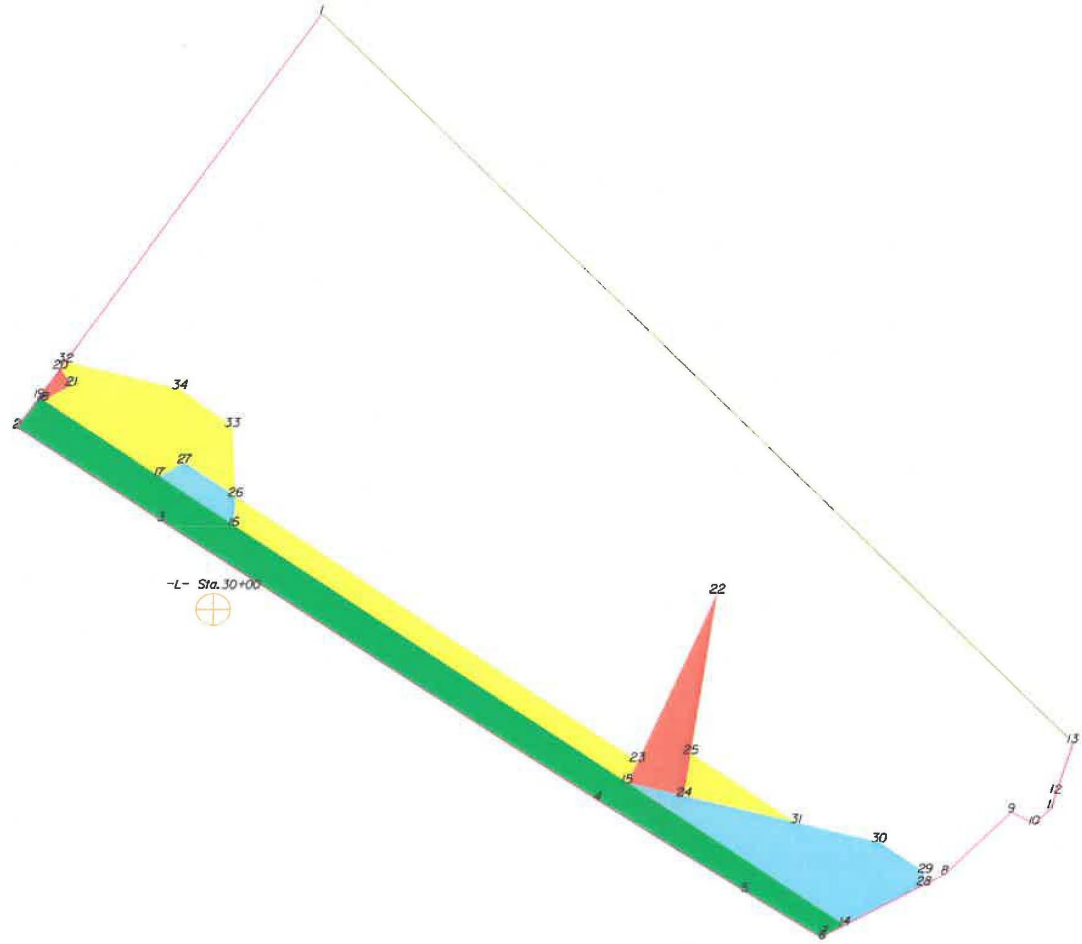
Ownership History

	Owner Name	Deed Type	% Ownership	Stamps	Sale Price	Book	Page	Deed Date
Current	HENDERSONVILLE CITY OF	DEED	100	0		001240	00072	8/19/2005
1 Back	BOARD OF WATER COMMISSIONERS	GWD	100	0		000407	00045	10/19/1962

Notes Summary

Building Card	Date	Line	Notes
No Data			

CADD DESCRIPTION



THIS MAP IS NOT A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS. THE PROPERTY SHOWN ON THIS MAP WAS LOCATED FOR THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR HIGHWAY DESIGN PURPOSES. SOME ERROR MAY EXIST BETWEEN THE GRAPHICAL AND ACTUAL GROUND LOCATIONS OF PROPERTY LINES. THIS MAP IS TO BE USED AS A GRAPHICAL REPRESENTATION OF THE NCDOT'S INTENT TO ACQUIRE PROPERTY FOR RIGHT OF WAY PURPOSES, AND IN NO WAY REPRESENTS AN ACTUAL BOUNDARY SURVEY OF THIS PROPERTY.

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION	
RIGHT OF WAY BRANCH	
CITY OF HENDERSONVILLE	10-9-2019
PARCEL # 024	S:\CADD\R2588B\DDRAFT\R-2588B_
DB 1240 PG 72	UNKNOWN SCALE

	SQR FT	ACRES	SQR M	HECTARES
ROW Left	19193.932	0.441	1783.182	0.178

FROM - TO	DISTANCE (FT/M)		BEARING	RADIUS (FT/M)		CURVE LENGTH (FT/M)	
-L- Sta. 30+00 - 3	82.376	25.108	N 28°47'36.6" W				
3 - 4	399.078	121.639	S 55°23'56.5" E	49978.000	15233.325	399.079	121.639
4 - 5	133.522	40.698	S 56°10'57.8" E	6893.000	2100.991	133.524	40.698
5 - 6	69.760	21.263	S 56°52'15.9" E	14978.000	4565.304	69.760	21.263
6 - 7	3.731	1.137	N 33°20'7.0" E				
7 - 14	16.602	5.060	N 61°10'30.0" E				
14 - 15	200.331	61.061	N 54°46'0.0" W				
15 - 16	362.000	110.338	N 54°46'0.0" W				
16 - 17	69.000	21.031	N 54°46'0.0" W				
17 - 18	107.000	32.614	N 54°46'0.0" W				
18 - 19	4.088	1.246	N 54°46'0.0" W				
19 - 2	29.864	9.103	S 33°50'45.2" W				
2 - 3	132.312	40.329	S 55°10'12.9" E				

	SQR FT	ACRES	SQR M	HECTARES
PUE Left	252.754	0.006	23.482	0.002

FROM - TO	DISTANCE (FT/M)		BEARING	RADIUS (FT/M)		CURVE LENGTH (FT/M)	
-L- Sta. 30+00 - 20	227.814	69.438	N 30°33'22.0" W				
20 - 19	28.433	8.666	S 33°50'45.2" W				
19 - 18	4.088	1.246	S 54°46'0.0" E				
18 - 21	24.166	7.366	N 59°40'38.2" E				
21 - 20	16.112	4.911	N 3°16'5.2" W				

	SQR FT	ACRES	SQR M	HECTARES
PUE Left	3644.020	0.084	338.542	0.034

FROM - TO	DISTANCE (FT/M)		BEARING	RADIUS (FT/M)		CURVE LENGTH (FT/M)	
-L- Sta. 30+00 - 22	378.021	115.221	N 87°45'25.7" E				
22 - 23	149.395	45.536	S 23°15'25.9" W				
23 - 15	19.277	5.876	S 23°15'25.9" W				
15 - 24	43.755	13.336	S 75°48'15.1" E				
24 - 25	34.971	10.659	N 8°18'12.9" E				
25 - 22	132.480	40.380	N 8°18'12.9" E				

	SQR FT	ACRES	SQR M	HECTARES
DUE Left	1160.000	0.027	107.768	0.011

FROM - TO	DISTANCE (FT/M)		BEARING	RADIUS (FT/M)		CURVE LENGTH (FT/M)	
-L- Sta. 30+00 - 16	70.385	21.453	N 12°40'33.9" E				
16 - 26	23.854	7.271	N 2°12'34.0" E				
26 - 27	47.000	14.326	N 54°46'0.0" W				
27 - 17	21.932	6.685	S 59°27'39.8" W				
17 - 16	69.000	21.031	S 54°46'0.0" E				

	SQR FT	ACRES	SQR M	HECTARES
DUE Left	8803.419	0.202	817.868	0.082

FROM - TO	DISTANCE (FT/M)		BEARING	RADIUS (FT/M)		CURVE LENGTH (FT/M)	
-L- Sta. 30+00 - 14	539.263	164.368	S 61°41'22.7" E				
14 - 28	67.979	20.720	N 61°10'30.0" E				
28 - 29	10.217	3.114	N 5°29'18.4" E				
29 - 30	43.000	13.106	N 54°46'0.0" W				
30 - 31	64.285	19.594	N 75°48'15.1" W				
31 - 24	86.958	26.505	N 75°48'15.1" W				
24 - 15	43.755	13.336	N 75°48'15.1" W				
15 - 14	200.331	61.061	S 54°46'0.0" E				

	SQR FT	ACRES	SQR M	HECTARES
TCE Left	7723.836	0.177	717.571	0.072

FROM - TO	DISTANCE (FT/M)		BEARING	RADIUS (FT/M)		CURVE LENGTH (FT/M)	
-L- Sta. 30+00 - 32	230.778	70.341	N 29°3'38.2" W				
32 - 20	6.678	2.036	S 33°50'45.2" W				
20 - 21	16.112	4.911	S 3°16'5.2" E				
21 - 18	24.166	7.366	S 59°40'38.2" W				
18 - 17	107.000	32.614	S 54°46'0.0" E				
17 - 27	21.932	6.685	N 59°27'39.8" E				
27 - 26	47.000	14.326	S 54°46'0.0" E				
26 - 33	57.009	17.376	N 2°38'30.0" W				
33 - 34	50.040	15.252	N 52°28'33.8" W				
34 - 32	88.861	27.085	N 75°48'15.1" W				

	SQR FT	ACRES	SQR M	HECTARES
TCE Left	7115.714	0.163	661.074	0.066

FROM - TO	DISTANCE (FT/M)		BEARING	RADIUS (FT/M)		CURVE LENGTH (FT/M)	
-L- Sta. 30+00 - 16	70.385	21.453	N 12°40'33.9" E				
16 - 15	362.000	110.338	S 54°46'0.0" E				
15 - 23	19.277	5.876	N 23°15'25.9" E				
23 - 26	371.002	113.082	N 54°35'24.6" W				
26 - 16	23.854	7.271	S 2°12'34.0" W				

	SQR FT	ACRES	SQR M	HECTARES
TCE Left	1512.458	0.035	140.513	0.014

FROM - TO	DISTANCE (FT/M)	BEARING	RADIUS (FT/M)	CURVE LENGTH (FT/M)

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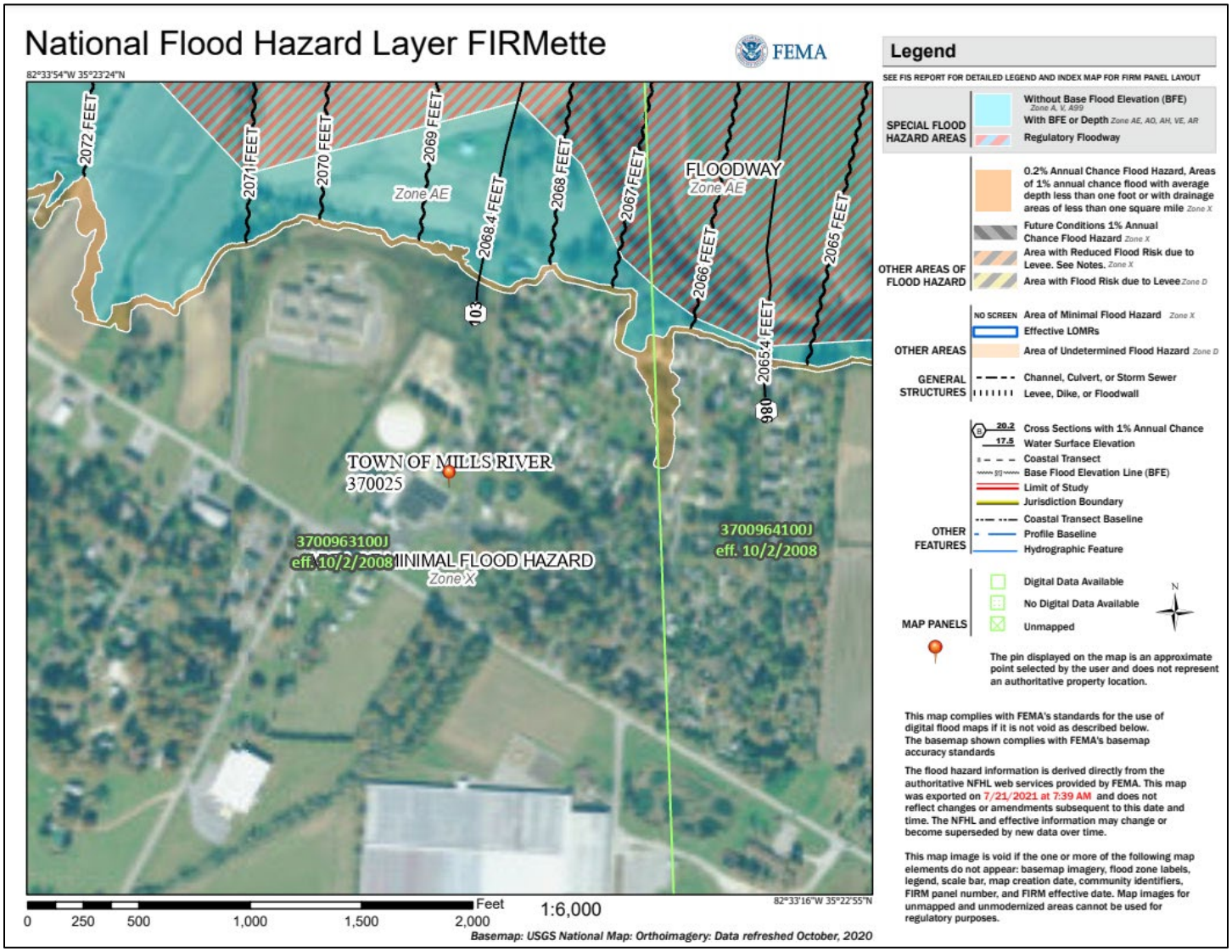
RIGHT OF WAY BRANCH	
CITY OF HENDERSONVILLE	10-9-2019
PARCEL # 024	S:\CADD\R2588B\DDRAFT\R-2588B_
DB 1240 PG 72	UNKNOWN SCALE

FLOOD MAP


National Flood Hazard Layer FIRMette
FEMA
82°33'54"W 35°23'24"N
2072 FEET
2071 FEET
2070 FEET
2069 FEET
2068.4 FEET
2068 FEET
2067 FEET
2066 FEET
2065.4 FEET
2065 FEET
Zone AE
FLOODWAY
Zone AE
103
980
TOWN OF MILLS RIVER
370025
3700963100J
eff. 10/2/2008
MINIMAL FLOOD HAZARD
Zone X
3700964100J
eff. 10/2/2008
0 250 500 1,000 1,500 2,000 Feet
1:6,000
82°33'16"W 35°22'55"N
Basemap: USGS National Map: Orthoimagery: Data refreshed October, 2020
Legend
SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT
SPECIAL FLOOD HAZARD AREAS
Without Base Flood Elevation (BFE) Zone A, V, A99
With BFE or Depth Zone AE, AO, AH, VE, AR
Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD
0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
Future Conditions 1% Annual Chance Flood Hazard Zone X
Area with Reduced Flood Risk due to Levee. See Notes. Zone X
Area with Flood Risk due to Levee Zone D
OTHER AREAS
NO SCREEN Area of Minimal Flood Hazard Zone X
Effective LOMRs
Area of Undetermined Flood Hazard Zone D
GENERAL STRUCTURES
Channel, Culvert, or Storm Sewer
Levee, Dike, or Floodwall
OTHER FEATURES
20.2 Cross Sections with 1% Annual Chance
17.5 Water Surface Elevation
Coastal Transect
Base Flood Elevation Line (BFE)
Limit of Study
Jurisdiction Boundary
Coastal Transect Baseline
Profile Baseline
Hydrographic Feature
MAP PANELS
Digital Data Available
No Digital Data Available
Unmapped
N
The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.
This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards
The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 7/21/2021 at 7:39 AM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.
This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

ASSUMPTIONS AND LIMITING CONDITIONS

This appraisal is made subject to the following assumptions and limiting conditions, and to any other specific assumptions and conditions as set forth in this report:

1. LIMIT OF LIABILITY
   The liability of the Sean Ward & Associates, Inc. firm, and employees is limited to the client only and to the fee actually received by appraiser. There is no accountability, obligation, or liability to any third party. If this report is placed in the hands of anyone other than client, the client shall make such party aware of all assumptions and limiting conditions of the assignment. The appraiser is in no way to be responsible for any costs incurred to discover or correct any deficiencies of any type present in the property - physically, financially, and/or legally.

2. COPIES, PUBLICATION, DISTRIBUTION, USE OF REPORT
   Possession of this report, whether original or copy, does not carry with it the right of publication, nor may it be used for other than its intended use. It may not be used for any purposes by any person other than the client without the prior written consent and approval of the appraiser, and in any event, only with the proper written qualification, and only in its entirety.

3. CONFIDENTIALITY
   This appraisal report must be considered and used only as a unit. No part is to be used without the whole report, and it becomes invalid if any part is separated from the whole. All conclusions and opinions as set forth in the report were prepared by the appraiser whose signature appears on the appraisal report, unless otherwise indicated. No change of any item in the report shall be made by anyone other than the appraiser. The appraiser shall have no responsibility if any such unauthorized change is made.

   The appraiser may not divulge the material (evaluation) contents of the report, analytical findings or conclusions, or give a copy of the report to anyone other than the client or his designee as specified in writing except as may be required by the Appraisal Institute as they may request in confidence for ethics enforcement, or by a court of law or body with the power of subpoena.

4. INFORMATION USED
   No responsibility is assumed for accuracy of information furnished by work of or work by others, the client, his designees, or public records. The market data relied upon in this report has been confirmed with one or more parties familiar with the transaction, from affidavit, or other source thought reasonable; all are considered appropriate for inclusion to the best of our factual judgment and knowledge. An impractical and uneconomic expenditure of time would be required to furnish unimpeachable verification in all instances, particularly as to engineering and market related information. It is suggested that the client consider independent verification as a prerequisite to any transaction involving sale, lease, or other significant commitment of funds for subject property.

5. TESTIMONY, CONSULTATION, COMPLETION OF CONTRACT FOR APPRAISAL SERVICE
   The contract for appraisal, consultation or analytical service is fulfilled and the total fee is payable upon completion of the report, unless other arrangements have been made. The appraiser will not be asked or required to give testimony in court or hearing because of having made the appraisal, in full or in part, nor engage in post-appraisal consultation with client or third parties except under separate and special arrangement, and at additional fee. If testimony or deposition is required because of any subpoena, the client shall be responsible for any additional time, fees, and charges regardless of issuing party.

6. EXHIBITS
   The sketches and maps in this report are included to assist the reader in visualizing the property, and are not necessarily to scale. Various photos, if any, are included for the same purpose. The appraiser has made no survey and assumes no responsibility for the accuracy of plats or other maps on record.

7. LEGAL AND TITLE CONSIDERATIONS

No responsibility is assumed for matters legal in character or nature. No opinion is rendered as to the title, which is presumed to be good and marketable. The property is appraised as if free and clear, unless otherwise stated in particular parts of this report, of all debts, liens, mortgages, encumbrances, or leases of an adverse nature, unless so specified in the report. It is further assumed that all real estate taxes and special assessments have been paid in full.

Responsible ownership and competent management are assumed. The legal descriptions utilized throughout this report are assumed to be correct as furnished by the client, his designee, or as derived by the appraiser.

8. ENGINEERING, STRUCTURAL AND MECHANICAL CONSIDERATIONS

No responsibility is assumed for matters of an architectural, structural, mechanical, or engineering nature. No advice is given regarding mechanical equipment or structural integrity or adequacy. The lender and owner should inspect the property before any disbursement of funds. Further, it is likely that the lender or owner may wish to require mechanical or structural inspections by qualified and licensed contractors, civil or structural engineers, architects, and other experts.

The appraiser has inspected as far as possible, by observation, the improvements. However, it was not possible to personally observe hidden structural components. This appraisal is conditional upon the structure being structurally sound, free, and clear of all wood destroying organisms. I have not critically inspected mechanical components within the improvements and no representations are made herein as to these matters unless specifically stated and considered in the report. The value estimate considers there being no such conditions that would cause a loss in value. All mechanical components are assumed to be in operable condition, and status standard for properties of the subject type. Conditions of heating, cooling, ventilating, electrical and plumbing equipment is considered to be commensurate with the condition of the balance of the improvements unless otherwise stated. No judgment may be made by the appraiser as to adequacy of insulation, type of insulation, or energy efficiency of the improvements or equipment which is assumed standard for subject age and type.

9. SOIL AND SUBSOIL CONSIDERATIONS

No advice is given regarding soils and potential for settlement, drainage, and such. The appraiser has inspected as far as possible, by observation, the site. It was not possible to personally observe conditions beneath the soil. The value estimate considers there being no soil or subsoil conditions that would cause a loss of value. Except as noted in the appraisal, the land or the soil in the area being appraised appears firm. The appraiser does not warrant against this condition, or occurrence of problems arising from soil conditions. The appraisal is based upon the assumption that there are no hidden, unapparent or apparent conditions of the soil or subsoil, except as noted that would render it more or less valuable.

No engineering survey was made or was caused to be made by the appraiser, and any estimate of fill or other site work was based on visual observation and the accuracy of required fill is not guaranteed. No test borings or pilings and analysis of subsoil conditions was made or caused to be made by the appraiser, and this appraiser assumes no responsibility for the presence of any adverse conditions or for any engineering which might be required to discover such a condition.

The appraiser assumes no responsibility for any costs or consequences arising due to the need, or the lack of need, for flood hazard insurance. An agent for the Federal Flood Insurance Program should be contacted to determine the actual need for Flood Hazard Insurance.

10. LEGALITY OF USE

The appraisal is based on the premise that there is full compliance with all applicable federal, state and local governmental regulations and laws unless otherwise stated in the appraisal report. Further, it is assumed that all applicable zoning, building, use regulations and restrictions of all types have been complied with unless otherwise stated in the appraisal report.

It is assumed that all required licenses, consents or other legislative or administrative authority from any local, state or national government or private entity or organization have been or can be obtained or renewed for any use on which the value estimated contained in this report is based.

11. COMPONENT VALUE

The distribution of the total valuation in this report between any of the components of the property, particularly between land and improvements, applies only under the reported highest and best use of this property, or under the existing program of utilization. The separate valuations for land and building must not be used in conjunction with any other appraisal, and are invalid if so used.

12. AUXILIARY AND RELATED STUDIES

No environmental or impact studies, special market study or analysis, highest and best use analysis study or feasibility study has been requested or made unless otherwise specified in an agreement for services, or in the report.

13. DOLLAR VALUES AND PURCHASING POWER

The market value estimated, and the costs used, are as of the date of the estimate of value. All dollar amounts are based on the purchasing power and price of the U.S. dollar as of the date of the value estimate.

14. INCLUSIONS

Furnishings and equipment or personal property or business operations except as specifically indicated and typically considered as a part of real estate, have been disregarded with only the real estate being considered in the value estimate, unless otherwise stated. In some property types, business and real estate interests and values are combined.

15. PROPOSED IMPROVEMENTS

On all appraisals subject to satisfactory completion, repairs or alterations, all appraisals subject to or under construction, or all appraisals subject to rehabilitation, modernization, or remodeling, the appraisal report and valuation conclusions assume and are contingent upon completion of the improvements within a reasonable period of time, using quality workmanship and materials, and further assumes substantial compliance with the plans and specifications provided to the appraisers. In all such cases above, the appraisal is subject to change upon inspection of the property after construction is completed. The date of market value is as of the date shown, as proposed, as if completed and operating at levels shown and projected.

16. FEE

The fee for this appraisal or study is for the service rendered and not for the time spent on the physical property or the physical report itself.

17. ENVIRONMENTAL

In this assignment, the existence of any hazardous or potentially hazardous material possibly located on the site(s) or used in development of the site(s) or any improvements thereon, such as urea formaldehyde foam insulation, asbestos, or toxic waste, etc., was not observed by the inspecting appraiser(s) and has not been considered. The appraiser(s) has no knowledge of any such materials on or in the property, but is not qualified to detect such substances. The presence of such materials may have an effect on the value or use of the property. It is assumed that there are no hazardous material spills, etc., resulting from underground storage tanks or other causes associated with the subject property. Full compliance with all environmental laws is assumed. The client is urged to retain an expert in this field if desired. We wish to clearly emphasize that the detection of any such hazardous materials is beyond the scope of this valuation analysis. We do not purport to be qualified engineers trained to detect such substances, and cannot assume liability for matters relating to the presence of, or impact from, any detected substances.

18. AMERICANS WITH DISABILITIES ACT (ADA)
The Americans with Disabilities Act (ADA) became effective January 26, 1992. We have not made a specific compliance survey and analysis of this property to determine whether or not it is in conformity with the various detailed requirements of the ADA. It is possible that a compliance survey of the property together with a detailed analysis of the requirements of the ADA could reveal that the property is not in compliance with one or more of the requirements of the act. If so, this fact could have a negative effect upon the value of the property. Since we have no direct evidence relating to this issue, we did not consider possible noncompliance with the requirements of ADA in estimating the value of the property.

19. CHANGES AND MODIFICATIONS
The appraiser reserves the right to alter statements, analyses, conclusions, or any value estimates in the appraisal if there becomes known to me facts pertinent to the appraisal process which were unknown when the report was prepared.

20. AUTHENTIC COPIES
The authentic copies of the report are signed in blue ink and have an embossed seal affixed near the signature. Any copy that does not have the above is unauthorized and may have been altered.

21. ACCEPTANCE AND/OR USE OF THIS APPRAISAL REPORT BY THE CLIENT OR ANY THIRD PARTY CONSTITUTES ACCEPTANCE OF THE ABOVE LIMITING CONDITIONS. APPRAISER LIABILITY EXTENDS ONLY TO THE STATED CLIENT, NOT SUBSEQUENT PARTIES OR USERS, AND THE LIMITED AMOUNT OF FEE RECEIVED BY APPRAISER.

22. In accordance with Standards Rule 2-3 – I certify that to the best of my knowledge and belief I have performed no services, as an appraiser or in any other capacity regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.

23. It is my intent that this report meets the requirements of an Appraisal Report as defined by the Uniform Standards of Professional Appraisal Practice.

24. The term “Opinion” is synonymous with “Estimate”, when the term “Estimate” is used for “Opinion”.

25. The Client of this report is the NCDOT. Intended Users of this appraisal are the NCDOT, the agents and assigns of the NCDOT, North Carolina Department of Justice Trial Attorney(s), Federal Highway Administration, and Trial Court(s) (judge and jury) that will use this appraisal as a basis to estimate market value for right-of-way acquisition for highway construction. Use of this report by others is not intended by the Appraiser.

North Carolina Department of Transportation - Right of Way Unit
Certificate of Appraiser

TIP/Parcel No.: R-2588B/024 **WBS Element:** 34473.2.6 **County:** Henderson

Description: Widen NC 191 from NC 280 to SR 1381 (Mountain Road)

Property Owner's Name: City of Hendersonville **Fed Aid Project:** N/A

I HEREBY CERTIFY THAT:

I have ☐, have not ☒, performed ANY appraisals and NO other services as an appraiser or any other capacity, regarding the property that is the subject of this appraisal within the three-year period immediately preceding acceptance of this assignment. If "Have" box is marked, please see Scope of Appraisal Section for details.

I have personally inspected the property herein appraised and that I have also made a personal field inspection of the comparable sales/rentals relied upon in making said appraisal. The subject and the comparables9651 relied upon in making said appraisal were as represented by the photographs contained in said appraisal.

I have given the owner or his designated representative the opportunity to accompany me during my inspection of the subject property.

Any decrease or increase in the "**Market Value"** of real property prior to the date of valuation caused by the public improvement for which such property is acquired or by the likelihood that the property would be acquired for such improvement, other than that due to physical deterioration within the reasonable control of the owner, is disregarded in determining the compensation for the property.

The statements of fact contained in this appraisal report are true and correct, and the reported analyses, opinions and conclusions, subject to the critical assumptions and limiting conditions herein set forth, are my personal, unbiased, professional analyses, opinions and conclusions.

I understand such appraisal may be used in connection with the acquisition of or disposal of right-of-way for a highway to be constructed by the **State of North Carolina**, and that such appraisal has been made in conformity with appropriate State laws, regulations, and policies and procedures applicable to appraisal of right-of-way for such purposes, and that to the best of my knowledge, no portion of the value assigned to such property consists of items which are **"Non-Compensable"** under established laws of the **State of North Carolina**.

My analyses, opinions, and conclusions were developed, and this report has been prepared, in compliance with **NCDOT Real Estate Appraisal Standards and Legal Principles** and the **Uniform Standards of Professional Appraisal Practice**. The appraisals in this assignment are to be made in accordance with all of the requirements set out in the **NCDOT Real Estate Appraisal Standards and Legal Principles** and the **Uniform Standards of Professional Appraisal Practice** and shall also comply with all applicable **Local, State, and Federal** laws, ordinances, regulations, restrictions and/or requirements; and any additions, revisions and/or supplements thereto.

Neither my employment nor my compensation for making this appraisal is in any way contingent on the values reported herein.

I have no direct or indirect, present or prospective interest in neither the subject property nor any benefit from the acquisition of this property nor any bias with respect to the parties involved.

In addition to the undersigned, those persons duly noted in this report and under my direct supervision and responsibility, in so far as this particular appraisal is concerned, have contributed to the production of this appraisal. The analyses, conclusions or value estimates set forth in this appraisal are those of the undersigned.

I will not reveal the findings and results of such appraisal to anyone other than the proper officials of **the State of North Carolina** or officials of the **Federal Highway Administration** until authorized by State officials to do so, or until I am required to do so by **due process of law**, or until I am released from this obligation by having publicly testified as to such findings or to a duly authorized professional peer review committee.

My independent opinion of the difference in Market Value as of the 21st day of July, 20 21, is $ 134,300 based upon my independent appraisal and the exercise of my professional judgment.

M Sean Ward

Specified Appraiser

July 27, 2021

Date

M SEAN WARD
STATE CERTIFIED
NORTH CAROLINA
A6091
REAL ESTATE APPRAISER
GENERAL APPRAISER

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: Alex Norwood **MEETING DATE:** 12/02/2021

AGENDA SECTION: CONSENT **DEPARTMENT:** Administration

TITLE OF ITEM: December 2021 Capital/Grant Project Ordinances and Reimbursement Resolutions – *Alex Norwood, Budget Analyst*

SUGGESTED MOTION(S):

I move City Council adopt the grant/capital project ordinances for: Ashe Street Community Development Block Grant (CDBG) Project #G2201, Ewart Hill Reservoir Rehabilitation Project #19025, and budgets as presented.
I move City Council adopt the reimbursement resolutions for the Fleetwood Infrastructure Project #21012, Laurel Park Automated Meter Infrastructure Project #20011, Ashe Street CDBG Project #G2201, and Ewart Hill Reservoir Rehabilitation Project #19025.

SUMMARY:

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

The attached documents are reimbursement resolutions for the following projects:

1. Fleetwood Infrastructure Project
2. Laurel Park Automated Meter Project
3. Ashe Street CDBG Project #G2201
4. Ewart Hill Reservoir Rehabilitation Project

BUDGET IMPACT: Ashe Street Community Development Block Grant Project #G2201: $750,000
Ewart Hill Reservoir Rehabilitation Project #19025: $750,000

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

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

ATTACHMENTS:
Ashe Street Community Development Block Grant Project Ordinance
Ewart Hill Reservoir Rehabilitation Project Capital Project Ordinance
Fleetwood Infrastructure Project Reimbursement Resolution
Laurel Park Automated Meter Project Reimbursement Resolution
Ewart Hill Reservoir Rehabilitation Project Reimbursement Resolution
Ashe Street Community Development Block Reimbursement Resolution

Ordinance #

CAPITAL PROJECT ORDINANCE FOR THE EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE EWART HILL RESERVIOR REHABILITATION PROJECT

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 Ewart Hill Reservoir Rehabilitation Project.

Section 2: The following amounts are appropriated for the projects:

Account Codes				**Account Name**	**Total Budget**
Fund	Dept.	Account	Project		
460	7055	550103	19025	Capital Outlay - CIP	$750,000
				Total Project Appropriation	**$ 750,000**

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

Account Codes				**Account Name**	**Total Budget**
Fund	Dept.	Account	Project		
460	0000	470010	19025	Installment Purchase/Debt Obligations Issued	$750,000
				Total Project Appropriation	**$750,000**

PROJECT TO BE FUNDED USING

Section 4: The Finance Director is hereby directed to maintain within the 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 Water and Sewer 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.

ADOPTED by the City Council of the City of Hendersonville, North Carolina, on this 2nd day of December, 2021.

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

_____
Angela L. Reece, 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 THE ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE LAUREL PARK AUTOMATED METER INFRASTRUCTURE IMPROVEMENT PROJECT, ORDINANCE #_____ (the "Projects").

Plan of Finance. The Issuer intends to finance the costs of the Projects with the proceeds of debt 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 $400,000.

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 2nd day of December, 2021.

_____
Barbara G. Volk, Mayor

ATTEST:

_____
City Clerk

Ordinance #

GRANT PROJECT ORDINANCE FOR THE EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE ASHE STREET COMMUNITY DEVELOPMENT BLOCK GRANT PROJECT

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 Ashe Street Community Development Block Grant Project.

Section 2: The following amounts are appropriated for the projects:

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
410	1014	550103	G2201	Capital Outlay - CIP	$750,000
				Total Project Appropriation	**$ 750,000**

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

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
410	0000	420050	G2201	Grant Revenue	$750,000
				Total Project Appropriation	**$750,000**

PROJECT TO BE FUNDED USING

Section 4: The Finance Director is hereby directed to maintain within the grant 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 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.

ADOPTED by the City Council of the City of Hendersonville, North Carolina, on this 2nd day of December, 2021.

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

_____
Angela L. Reece, 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 THE ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE FLEETWOOD INFRASTRUCTURE IMPROVEMENT PROJECT, ORDINANCE #_____ (the "Projects").

Plan of Finance. The Issuer intends to finance the costs of the Projects with the proceeds of debt 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 $1,400,000.

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 2nd day of December, 2021.

_____
Barbara G. Volk, Mayor

ATTEST:

_____
City Clerk

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 THE ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE ASHE STREET COMMUNITY DEVELOPMENT BLOCK GRANT PROJECT, ORDINANCE #_____ (the "Projects").

Plan of Finance. The Issuer intends to finance the costs of the Projects with the proceeds of debt 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 $750,000.

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 2nd day of December, 2021.

_____
Barbara G. Volk, Mayor

ATTEST:

_____
City Clerk

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 THE ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE EWART HILL RESERVIOR REHABILITATION PROJECT, ORDINANCE #_____ (the "Projects").

Plan of Finance. The Issuer intends to finance the costs of the Projects with the proceeds of debt 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 $750,000.

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 2nd day of December, 2021.

_____
Barbara G. Volk, Mayor

ATTEST:

_____
City Clerk

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: John Connet **MEETING DATE:** 12/2/2021

AGENDA SECTION: CONSENT **DEPARTMENT:** Administration

TITLE OF ITEM: Approval of Resolution Ratifying the City of Hendersonville's Participate in the National Opioid Settlement – *John Connet, City Manager*

SUGGESTED MOTION(S):

I move that the City Council adopt the resolution ratifying the City's participation in the National Opioid Settlement and authorizing the City Manager to execute all documents.

SUMMARY:

The three largest pharmaceutical distributers and largest opioid manufacturer have reached a nationwide settlement $26 billion to compensate state and local governments for their roles in the national opioid crisis. As a local government the City of Hendersonville is eligible to receive a portion of the settlement funds. The funds to fund future opioid remediation. Due to several time sensitive deadlines, I have notified the National Opioid Settlement Clearinghouse that the City would like to participate. I am now asking the City Council to adopt a resolution ratifying our participation in this settlement program.

BUDGET IMPACT: $ TBD

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

If no, describe how it will be funded. NA

ATTACHMENTS:

Proposed Resolution

Settlement Documents

Resolution #__-____

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO RATIFY THE CITY OF HENDERSONVILLE'S PARTICIPATION IN THE NATIONAL OPIOID SETTLEMENT AND AUTHORIZE THE CITY MANAGER TO EXECUTE ALL NECESSARY DOCUMENTS

WHEREAS, on July 21, 2021 the National Prescription Opiate Litigation MDL Plaintiffs' Executive Committee, several State Attorney General, and the four major defendants reached a nationwide settlement; and

WHEREAS, the City of Hendersonville, a local government subdivision, is eligible to receive a portion of the settlement funds to assist with opioid remediation in our community; and

WHEREAS, the settlement agreement required timely responses from local governments to determine what entities were participating in the settlement; and

WHEREAS, the City of Hendersonville continues to see the negative effects of opiate addiction and believes the settlement funds could be used to reduce these effects.

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

1. The City Council ratifies the City of Hendersonville's participation in the National Opioid Settlement.
2. The City Manager is authorized to execute all documents associated with National Opioid Settlement.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 1st day of April 2021.

_____

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

_____

Angela L. Reece, City Clerk

Approved as to form:

_____

Angela S. Beeker, City Attorney

DocuSign Envelope ID: EDD7D322-EF0B-4D6F-BDBB-41C0194DBF3B

Thank you for registering your subdivision on the national settlement website and for considering participating in the proposed Settlement Agreement with McKesson Corporation, Cardinal Health, Inc., and AmerisourceBergen Corporation (collectively "Settling Distributors"). This virtual envelope contains a Participation Form including a release of claims. The Participation Form in this envelope must be executed, without alteration, and submitted in order for your subdivision to be considered potentially "participating."

The sign-on period for subdivisions ends on January 2, 2022. On or after that date, the states (in consultation with the subdivisions) and the Settling Distributors will determine whether the subdivision participation rate is sufficient for the settlement to move forward. If the deal moves forward, your release will become effective. If it does not, it will not.

As a reminder, if you have not already started your review of the settlement documentation, detailed information about the Settlements may be found at: https://nationalopioidsettlement.com/. This national settlement website also includes links to information about how the Settlements are being implemented in your state and how settlement funds will be allocated within your state, including information about, and links to, any applicable allocation agreement or legislation. This website will be supplemented as additional documents are created. The North Carolina Attorney General's Office has also created a state-specific website. It may be accessed here: https://www.morepowerfulnc.org/opioid-settlements/. If you have questions, please send an e-mail to opioidsettlement@ncdoj.gov.

DocuSign Envelope ID: EDD7D322-EF0B-4D6F-BDBB-41C0194DBF3B

Settlement Participation Form

Governmental Entity: Hendersonville city	State: NC
Authorized Signatory: John F. Connet, City Manager	
Address 1: 160 6th Avenue East	
Address 2:	
City, State, Zip: Hendersonville North Carolina 28792	
Phone: 828 233 3201	
Email: jconnet@hvlnc.gov	

The governmental entity identified above ("Governmental Entity"), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated July 21, 2021 ("Distributor Settlement"), and acting through the undersigned authorized official, hereby elects to participate in the Distributor Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Distributor Settlement, understands that all terms in this Election and Release have the meanings defined therein, and agrees that by this Election, the Governmental Entity elects to participate in the Distributor Settlement and become a Participating Subdivision as provided therein.

2. The Governmental Entity shall, within 14 days of the Reference Date and prior to the filing of the Consent Judgment, dismiss with prejudice any Released Claims that it has filed.

3. The Governmental Entity agrees to the terms of the Distributor Settlement pertaining to Subdivisions as defined therein.

4. By agreeing to the terms of the Distributor Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.

5. The Governmental Entity agrees to use any monies it receives through the Distributor Settlement solely for the purposes provided therein.

6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity's state where the Consent Judgment is filed for purposes limited to that court's role as provided in, and for resolving disputes to the extent provided in, the Distributor Settlement.

7. The Governmental Entity has the right to enforce the Distributor Settlement as provided therein.

DocuSign Envelope ID: EDD7D322-EF0B-4D6F-BDBB-41C0194DBF3B

8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the Distributor Settlement, including but not limited to all provisions of Part XI, and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Distributor Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Distributor Settlement shall be a complete bar to any Released Claim.

9. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision as set forth in the Distributor Settlement.

10. In connection with the releases provided for in the Distributor Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

    > **General Release; extent.** A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

    A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Distributor Settlement.

11. Nothing herein is intended to modify in any way the terms of the Distributor Settlement, to which Governmental Entity hereby agrees. To the extent this Election and Release is interpreted differently from the Distributor Settlement in any respect, the Distributor Settlement controls.

DocuSign Envelope ID: EDD7D322-EF0B-4D6F-BDBB-41C0194DBF3B

I swear under penalty of perjury that I have all necessary power and authorization to execute this Election and Release on behalf of the Governmental Entity.

Signature: DocuSigned by: John Connet D6AF97F8D9BE4A6...

Name: John Connet

Title: City Manager

Date: 11/12/2021

DocuSign Envelope ID: 3C801DA2-0300-465E-AB84-2D5F81F3EF1F

Thank you for registering your subdivision on the national settlement website and for considering participating in the proposed Settlement Agreement with Johnson & Johnson, Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc., and Janssen Pharmaceutica, Inc. (collectively "Janssen"). This virtual envelope contains a Participation Form including a release of claims. The Participation Form in this envelope must be executed, without alteration, and submitted in order for your subdivision to be considered potentially "participating."

The sign-on period for subdivisions ends on January 2, 2022. On or after that date, the states (in consultation with the subdivisions) and Janssen will determine whether the subdivision participation rate is sufficient for the settlement to move forward. If the deal moves forward, your release will become effective. If it does not, it will not.

As a reminder, if you have not already started your review of the settlement documentation, detailed information about the Settlements may be found at: https://nationalopioidsettlement.com/. This national settlement website also includes links to information about how the Settlements are being implemented in your state and how settlement funds will be allocated within your state, including information about, and links to, any applicable allocation agreement or legislation. This website will be supplemented as additional documents are created. The North Carolina Attorney General's Office has also created a state-specific website. It may be accessed here: https://www.morepowerfulnc.org/opioid-settlements/. If you have questions, please send an e-mail to opioidsettlement@ncdoj.gov.

DocuSign Envelope ID: 3C801DA2-0300-465E-AB84-2D5F81F3EF1F

Settlement Participation Form

Governmental Entity: Hendersonville city	State: NC
Authorized Signatory: John F. Connet	
Address 1: 160 6th Avenue E	
Address 2:	
City, State, Zip: Hendersonville North Carolina 28792	
Phone: 828 233-3201	
Email: jconnet@hvlnc.gov	

The governmental entity identified above ("Governmental Entity"), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated July 21, 2021 ("Janssen Settlement"), and acting through the undersigned authorized official, hereby elects to participate in the Janssen Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Janssen Settlement, understands that all terms in this Election and Release have the meanings defined therein, and agrees that by this Election, the Governmental Entity elects to participate in the Janssen Settlement and become a Participating Subdivision as provided therein.

2. The Governmental Entity shall, within 14 days of the Reference Date and prior to the filing of the Consent Judgment, dismiss with prejudice any Released Claims that it has filed.

3. The Governmental Entity agrees to the terms of the Janssen Settlement pertaining to Subdivisions as defined therein.

4. By agreeing to the terms of the Janssen Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.

5. The Governmental Entity agrees to use any monies it receives through the Janssen Settlement solely for the purposes provided therein.

6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity's state where the Consent Judgment is filed for purposes limited to that court's role as provided in, and for resolving disputes to the extent provided in, the Janssen Settlement.

7. The Governmental Entity has the right to enforce the Janssen Settlement as provided therein.

DocuSign Envelope ID: 3C801DA2-0300-465E-AB84-2D5F81F3EF1F

8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the Janssen Settlement, including but not limited to all provisions of Section IV (Release), and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Janssen Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Janssen Settlement shall be a complete bar to any Released Claim.

9. In connection with the releases provided for in the Janssen Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

   > **General Release; extent.** A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

   A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Janssen Settlement.

10. Nothing herein is intended to modify in any way the terms of the Janssen Settlement, to which Governmental Entity hereby agrees. To the extent this Election and Release is interpreted differently from the Janssen Settlement in any respect, the Janssen Settlement controls.

DocuSign Envelope ID: 3C801DA2-0300-465E-AB84-2D5F81F3EF1F

I swear under penalty of perjury that I have all necessary power and authorization to execute this Election and Release on behalf of the Governmental Entity.

Signature: DocuSigned by: John Connet D6AF97F8D9BE4A6...

Name: John F. Connet

Title: City Manager

Date: 11/17/2021

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: Adam Steurer, Utilities Engineer **MEETING DATE:** December 2, 2021

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

TITLE OF ITEM: Contract Award – Ewart Hill Reservoir No. 2 Improvements – *Adam Steurer, Utilities Engineer*

SUGGESTED MOTION(S):
I move City Council adopt the *Resolution by the City of Hendersonville City Council to Authorize the City Manager to Enter Into a Contract for the Construction of the Ewart Hill Reservoir No. 2 Improvements* as presented.

SUMMARY:

On October 13, 2021 at 11:00 pm, sealed formal bids were received for the Ewart Hill Reservoir No. 2 Improvements. A minimum of three competitive bids were not received and in accordance with NCGS 143-132(a), bids were not opened and the project was re-advertised. Sealed formal bides were opened on October 25, 2021 at 11:00am. Bids were received by one bidder with the following results:

MB Kahn Construction Co.,Inc - $939,785.00 (base bid)

After further investigation and additional testing of the existing reservoir, City staff have reduced the scope of the project and reduced the contract amount by $337,500.00 and are recommending a contract award of $602,285.00.

BUDGET IMPACT: $602,285.00

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

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

ATTACHMENTS:

Resolution by the City of Hendersonville City Council to Authorize the City Manager to Enter Into a Contract for the Construction of the Ewart Hill Reservoir No. 2 Improvements

Bid Tabulation

Bid Reduction

Resolution #__-____

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A CONTRACT FOR THE CONSTRUCTION OF THE EWART HILL RESERVOIR NO. 2 IMPROVEMENTS

WHEREAS, on October 11, 2021 at 11:00am, a minimum of three competitive bids were not received and in accordance with NCGS 143-132(a), bids were not opened and the project was re-advertised; and

WHEREAS, on October 25, 2021 at 11:00am one sealed formal bids was received and opened; and

WHEREAS, the project engineer and City Staff reviewed each bid for completeness and accuracy. MB Kahn Construction Co, Inc., was the lowest responsive, responsible bidder; and

WHEREAS, bid received exceeded budgeted funds, and the scope was therefore reduced to bring the project within budget;

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

1. The bid for the construction of the Ewart Hill Reservoir No. 2 Improvements is awarded to MB Kahn Construction Co, Inc., the lowest responsive and responsible bidder, in the total amount of $602,285.00. The City Manager is authorized to execute a contract consistent with the terms of this Resolution.

2. The City Manager is authorized to approve change orders which, cumulatively, do not exceed 10% of the approved contract amount of $602,285.00, provided however that any necessary budget ordinance or project ordinance amendments must be brought back to the City Council for approval.

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

_____

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

_____

Angela L. Reece, City Clerk

Approved as to form:

_____

Angela S. Beeker, City Attorney

City of Hendersonville
Ewart Hill Reservoir No. 2 Improvements - 19025
October 25, 2021 11:00 AM - Bid Tabulation

M.B. Kahn Construction Co., Inc.
Columbia, SC

Item	Description	Unit of Measure	Quantity	Unit Cost	Total Cost
1	Mobilization	LS	1	$ 120,000.00	$ 120,000.00
2A	CIPP 12 Overflow	LF	30	$ 1,500.00	$ 45,000.00
2B	CIPP 16" Drain	LF	134	$ 750.00	$ 100,500.00
2C	CIPP 18" Influent	LF	40	$ 1,250.00	$ 50,000.00
2D	CIPP 20" Feed/Fill	LF	284	$ 500.00	$ 142,000.00
3	Flexible Membrane Liner	SF	62,900	$ 6.65	$ 418,285.00
4	HDPE Pipe Boot	EA	4	$ 1,500.00	$ 6,000.00
5	HDPE Flange Adapter	EA	4	$ 2,000.00	$ 8,000.00
6	Selective Concrete Demo	EA	5	$ 5,000.00	$ 25,000.00
7	Cast-in-Place Concrete	EA	5	$ 4,000.00	$ 20,000.00
8	Site Restoration	LS	1	$ 5,000.00	$ 5,000.00
					$ 939,785.00

I hereby certify that the above bid tabulation is a correct tabulation of the bids received on October 25, 2021

NORTH CAROLINA PROFESSIONAL SEAL 046748 ENGINEER ADAM STEURER
10-26-2021

Adam Steurer, PE
City of Hendersonville

City of Hendersonville
Ewart Hill Reservoir No. 2 Improvements - 19025
Bid Reduction

			Original Bid M.B. Kahn Construction Co., Inc. Columbia, SC			Reduced Bid M.B. Kahn Construction Co., Inc. Columbia, SC		
Item	Description	Unit of Measure	Quantity	Unit Cost	Total Cost	Quantity	Unit Cost	Total Cost
1	Mobilization	LS	1	$ 120,000.00	$ 120,000.00	1	$ 120,000.00	$ 120,000.00
2A	CIPP 12 Overflow	LF	30	$ 1,500.00	$ 45,000.00	0	$ 1,500.00	$ -
2B	CIPP 16" Drain	LF	134	$ 750.00	$ 100,500.00	0	$ 750.00	$ -
2C	CIPP 18" Influent	LF	40	$ 1,250.00	$ 50,000.00	0	$ 1,250.00	$ -
2D	CIPP 20" Feed/Fill	LF	284	$ 500.00	$ 142,000.00	0	$ 500.00	$ -
3	Flexible Membrane Liner	SF	62,900	$ 6.65	$ 418,285.00	62,900	$ 6.65	$ 418,285.00
4	HDPE Pipe Boot	EA	4	$ 1,500.00	$ 6,000.00	4	$ 1,500.00	$ 6,000.00
5	HDPE Flange Adapter	EA	4	$ 2,000.00	$ 8,000.00	4	$ 2,000.00	$ 8,000.00
6	Selective Concrete Demo	EA	5	$ 5,000.00	$ 25,000.00	5	$ 5,000.00	$ 25,000.00
7	Cast-in-Place Concrete	EA	5	$ 4,000.00	$ 20,000.00	5	$ 4,000.00	$ 20,000.00
8	Site Restoration	LS	1	$ 5,000.00	$ 5,000.00	1	$ 5,000.00	$ 5,000.00

Original Bid: $ 939,785.00

Reduced Bid: $ 602,285.00

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: Matthew Manley

MEETING DATE: December 2, 2021

AGENDA SECTION: CONSENT

DEPARTMENT: Community Development Department

TITLE OF ITEM: Annexation Certificate of Sufficiency: Providence Walk (P21-65-ANX) – *Matthew Manley, AICP | Planning Manager*

SUGGESTED MOTION(S):

I move Council to accept the City Clerk's Certificate of Sufficiency for the petition submitted by Travis Fowler of Providence Walk, LLC and set January 6, 2022 as the date for public hearing.

SUMMARY:

File # P21-65-ANX

The City of Hendersonville has received a petition from Travis Fowler of Providence Walk for contiguous annexation of PINs 9569-85-3434, 9569-85-1398, 9569-85-3178, & 9569-83-4918 located on N. Main St that is approximately 6.836 acres. Please refer to the attached maps for additional information.

Attached is the Clerk's Certificate of Sufficiency finding that the petition is valid. The next step in the annexation process is to accept the Clerk's certificate and set a date for the public hearing on the question of adoption of an ordinance of annexation.

PROJECT/PETITIONER NUMBER: P21-65-ANX (related to P21-31-CZD & P21-66-SUB)

PETITIONER NAME: Providence Walk, LLC (Travis Fowler)

ATTACHMENTS:

Certificate of Sufficiency, Resolution setting public hearing, Annexation Plat, Typed legal description, GIS map, Deed, Annexation Application

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 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 Operations Center at 5:45 p.m. January 6, 2022, 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 Tracts A, B, C, & D, described in the plat recorded in Book 2021 - [to be inserted at recording of the plat] of the Henderson County Registry, said Tracts A, B, C, & D being described by metes and bounds as follows:

TRACT A –

BEGINNING AT A CONCRETE MONUMENT (BROKEN TOP) BEING THE NORTHEAST CORNER OF DEED BOOK 1609 PAGE 267, TRACT 5, HAVING NORTH CAROLINA GRID COORDINATES (NAD 83/11) N: 595,655.29': 968,445.31';
THENCE WITH THE WESTERN MARGIN OF A 20' RIGHT OF WAY PER PLAT SLIDE 5548, S 06°48'50" E, A DISTANCE OF 252.95' TO A CONCRETE MONUMENT (BROKEN);
THENCE LEAVING SAID RIGHT OF WAY AND WITH THE PROPERTY OF PROVIDENCE WALK, LLC, S 65°11'07" W, A DISTANCE OF 113.07' TO A CONCRETE MONUMENT;
THENCE FOLLOWING THE PROPERTY OF THE PROVIDENCE WALK, LLC, N 14°59'58" W, A DISTANCE OF 244.69' TO A CONCRETE MONUMENT;
THENCE ALONG THE SOUTH MARGIN OF N. MAIN STREET, N 65°23'23" E, A DISTANCE OF 149.53' TO A CONCRETE MONUMENT; WHICH IS THE POINT OF BEGINNING,
HAVING AN AREA OF 31,639.1 SQUARE FEET, 0.726 ACRES.

BEING ALL OF TRACT A OF AN ANNEXATION SURVEY FOR PROVIDENCE WALK LLC, BY RONALD J. CUTSHALL, NC PLS #L-4563, OF COLE SURVEYING & DESIGN, PA, DATED 10/18/2021.

TRACT B -

BEGINNING AT A CONCRETE MONUMENT, BEING THE NORTHEAST CORNER OF DEED BOOK 3797 PAGE 587, BEING S 65°23'23" E, A DISTANCE OF 149.53' FROM A CONCRETE MONUMENT HAVING NORTH CAROLINA GRID COORDINATES (NAD 83/11) N: 595,655.29': E: 968,445.31';

THENCE FROM THE BEGINNING CORNER, FOLLOWING THE PROPERTY OF THE PROVIDENCE WALK, LLC, S 14°59'58" E, A DISTANCE OF 244.69' TO A CONCRETE MONUMENT;
THENCE FOLLOWING THE PROPERTY OF PROVIDENCE WALK, LLC, S 65°04'25" W, A DISTANCE OF 113.67' TO A #5 NEW IRON REBAR BEING IN THE EASTERN MARGIN OF LAKE STREET, A 20' R/W PER DEED BOOK 476 PG 277;
THENCE WITH THE MARGIN OF SAID RIGHT OF WAY, N 45°32'33" W, PASSSING A (REFERNENCE) NEW IRON REBAR A DISTANCE OF 258.72, A TOTAL DISTANCE OF 262.00' TO A CALCULATED POINT IN THE SOUTH MARGIN OF N. MAIN STREET;
THENCE WITH THE SOUTH MARGIN OF N. MAIN STREET, N 66°02'34" E, A DISTANCE OF 248.14' TO A CONCRETE MONUMENT; WHICH IS THE POINT OF BEGINNING,
HAVING AN AREA OF 1.01 ACRES.

BEING ALL OF TRACT B OF AN ANNEXATION SURVEY FOR PROVIDENCE WALK, LLC BY RONALD J. CUTSHALL, NC PLS #L-4563, OF COLE SURVEYING & DESIGN, PA, DATED 10/18/2021.

TRACT C -

BEGINNING AT A CONCRETE MONUMENT (BROKEN), BEING THE NORTHEAST CORNER OF DEED BOOK 1424 PAGE 576, BEING S 06°48'50" E, A DISTANCE OF 252.95' FROM A CONCRETE MONUMENT HAVING NORTH CAROLINA GRID COORDINATES (NAD 83/11) N: 595,655.29' E: 968,445.31';
THENCE RUNNING FROM THE BEGINNING CORNER, WITH THE WESTERN MARGIN OF A 20' RIGHT OF WAY PER PLAT SLIDE 5548 S 06°44'04" E, A DISTANCE OF 338.51' TO A #5 NEW IRON REBAR, BEING IN THE EASTERN MARGIN OF LAKE STREET, A 20' R/W PER DEED BOOK 476 PG 277;
THENCE WITH THE SAID MARGIN OF 20' RIGHT OF WAY, N 45°32'33" W, A DISTANCE OF 343.83' TO A NEW #5 IRON REBAR;
THENCE FOLLOWING THE PROPERTY OF THE PROVIDENCE WALK, LLC, N 65°04'25" E, A DISTANCE OF 113.67' TO A CONCRETE MONUMENT;
THENCE FOLLOWING THE PROPERTY OF PROVIDENCE WALK, LLC, N 65°11'07" E, A DISTANCE OF 113.07' TO A CONCRETE MONUMENT (BROKEN); WHICH IS THE POINT OF BEGINNING,
HAVING AN AREA OF 36,484.8 SQUARE FEET, 0.84 ACRES

BEING ALL OF TRACT C OF AN ANNEXATION SURVEY FOR PROVIDENCE WALK LLC, BY RONALD J. CUTSHALL, NC PLS #L-4563, OF COLE SURVEYING & DESIGN, PA, DATED 10/18/2021.

TRACT D -

BEGINNING AT A ½" EXISTING IRON PIPE, IN THE LINE OF 601 DUNCAN HILL, LLC, HAVING NORTH CAROLINA GRID COORDINATES (NAD 83/11)
N: 594,363.81' E: 968,748.86;
THENCE WITH THE PROPERTY OF 601 DUNCAN HILL, LLC S 45°54'42" W, A DISTANCE OF 390.82' TO A NEW IRON REBAR AT THE NORTH SIDE OF BAT FORK CREEK;
THENCE CONTINUING WITH THE PROPERTY OF 601 DUNCAN HILL, S 60°02'44" E, A DISTANCE OF 248.31' TO AN UNMARKED POINT IN BAT FORK CREEK;
THENCE CONTINUING WITH THE PROPERTY OF 601 DUNCAN HILL, S 47°06'19" W, PASSING A #5 EXISTING IRON REBAR AT 52.64', AND PASSING ANOTHER #5 NEW IRON REBAR A DISTANCE OF 348.10', FOR A TOTAL DISTANCE OF 452.55' TO AN UNMARKED POINT IN MUD CREEK;
THENCE WITH MUD CREEK AND PROPERTY OF THE CITY OF HENDERSONVILLE, N 42°19'28" W, A DISTANCE OF 351.21' TO AN UNMARKED POINT IN MUD CREEK;

THENCE LEAVING MUD CREEK, CONTINUING WITH THE PROPERTY OF THE CITY OF HENDERSONVILLE, N 46°09'36" E, PASSING A #4 EXISTING IRON REBAR AT A DISTANCE OF 19.79, AND THENCE CROSSING BAT FORK CREEK AND RUNNING WITH THE PROPERTY SHOWIN ON PLAT SLIDE 10082, AND PASSING ANOTHER #4 EXISTING IRON REBAR AT A DISTANCE OF 492.97' FOR A TOTAL DISTANCE OF 692.41' TO A #4 EXISTING IRON REBAR;
THENCE WITH THE PROPERTY SHOW ON PLAT SLIDE 10082, N 06°44'25" W, A DISTANCE OF 14.06' TO A #5 NEW IRON REBAR, BEING A POINT IN TRACT 2 OF PLAT SLIDE 5648;
THENCE WITH PLAT SLIDE 5648, S 70°03'12" E, A DISTANCE OF 144.48' TO A½" EXISTING IRON PIPE; WHICH IS THE POINT OF BEGINNING,
HAVING AN AREA OF 4.260 ACRES.

BEING ALL OF TRACT D OF AN ANNEXATION SURVEY FOR PROVIDENCE WALK LLC, BY RONALD J. CUTSHALL, NC PLS #L-4563, OF COLE SURVEYING & DESIGN, PA, DATED 10/19/2021.

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 second day of December 2021.

Attest:

_____
Barbara G. Volk, Mayor, City of Hendersonville

_____
Angela L. Reece, City Clerk

CERTIFICATE OF SUFFICIENCY

Re: Petition for Contiguous Annexation
Petitioners: Providence Walk, LLC. (Travis Fowler)
File No. P21-65-ANX

To the Honorable Mayor and members of the City Council of Hendersonville, North Carolina:
I, Angela L. Reece, City Clerk, being first duly sworn, hereby certify that:

1. A petition has been received for contiguous annexation of properties consisting of +/- 6.836 acres located on N Main St in Hendersonville, NC, being tax parcel(s) PIN 9569-85-3434, 9569-85-1398, 9569-85-3178, & 9569-83-4918, 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 contiguous area.
2. 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).
3. 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.
4. The area proposed for annexation is not a subdivision as defined in N.C.G.S. § 160D-802.
5. 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 24th day of November 2021.

(City Seal)

Angela L. Reece, City Clerk

1 of 4

EXHIBIT A
LEGAL DESCRIPTION

BEING all of that real property consisting of Tracts A, B, C, & D, described in the plat recorded in Book 2021 - _____ [to be inserted at recording of the plat] of the Henderson County Registry, said Tracts A, B, C, & D being described by metes and bounds as follows:

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THENCE LEAVING SAID RIGHT OF WAY AND WITH THE PROPERTY OF PROVIDENCE WALK, LLC, S 65°11'07" W, A DISTANCE OF 113.07' TO A CONCRETE MONUMENT;
THENCE FOLLOWING THE PROPERTY OF THE PROVIDENCE WALK, LLC, N 14°59'58" W, A DISTANCE OF 244.69' TO A CONCRETE MONUMENT;
THENCE ALONG THE SOUTH MARGIN OF N. MAIN STREET, N 65°23'23" E, A DISTANCE OF 149.53' TO A CONCRETE MONUMENT; WHICH IS THE POINT OF BEGINNING,
HAVING AN AREA OF 31,639.1 SQUARE FEET, 0.726 ACRES.

BEING ALL OF TRACT A OF AN ANNEXATION SURVEY FOR PROVIDENCE WALK LLC, BY RONALD J. CUTSHALL, NC PLS #L-4563, OF COLE SURVEYING & DESIGN, PA, DATED 10/18/2021.

TRACT B -

BEGINNING AT A CONCRETE MONUMENT, BEING THE NORTHEAST CORNER OF DEED BOOK 3797 PAGE 587, BEING S 65°23'23" E, A DISTANCE OF 149.53' FROM A CONCRETE MONUMENT HAVING NORTH CAROLINA GRID COORDINATES (NAD 83/11) N: 595,655.29': E: 968,445.31';
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THENCE FOLLOWING THE PROPERTY OF PROVIDENCE WALK, LLC, S 65°04'25" W, A DISTANCE OF 113.67' TO A #5 NEW IRON REBAR BEING IN THE EASTERN MARGIN OF LAKE STREET, A 20' R/W PER DEED BOOK 476 PG 277;
THENCE WITH THE MARGIN OF SAID RIGHT OF WAY, N 45°32'33" W, PASSSING A (REFERNENCE) NEW IRON REBAR A DISTANCE OF 258.72, A TOTAL DISTANCE OF 262.00' TO A CALCULATED POINT IN THE SOUTH MARGIN OF N. MAIN STREET;
THENCE WITH THE SOUTH MARGIN OF N. MAIN STREET, N 66°02'34" E, A DISTANCE OF 248.14' TO A CONCRETE MONUMENT; WHICH IS THE POINT OF BEGINNING,

HAVING AN AREA OF 1.01 ACRES.

BEING ALL OF TRACT B OF AN ANNEXATION SURVEY FOR PROVIDENCE WALK, LLC BY RONALD J. CUTSHALL, NC PLS #L-4563, OF COLE SURVEYING & DESIGN, PA, DATED 10/18/2021.

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THENCE FOLLOWING THE PROPERTY OF PROVIDENCE WALK, LLC, N 65°11'07" E, A DISTANCE OF 113.07' TO A CONCRETE MONUMENT (BROKEN); WHICH IS THE POINT OF BEGINNING,
HAVING AN AREA OF 36,484.8 SQUARE FEET, 0.84 ACRES

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THENCE WITH THE PROPERTY OF 601 DUNCAN HILL, LLC S 45°54'42" W, A DISTANCE OF 390.82' TO A NEW IRON REBAR AT THE NORTH SIDE OF BAT FORK CREEK;
THENCE CONTINUING WITH THE PROPERTY OF 601 DUNCAN HILL, S 60°02'44" E, A DISTANCE OF 248.31' TO AN UNMARKED POINT IN BAT FORK CREEK;
THENCE CONTINUING WITH THE PROPERTY OF 601 DUNCAN HILL, S 47°06'19" W, PASSING A #5 EXISTING IRON REBAR AT 52.64', AND PASSING ANOTHER #5 NEW IRON REBAR A DISTANCE OF 348.10', FOR A TOTAL DISTANCE OF 452.55' TO AN UNMARKED POINT IN MUD CREEK;
THENCE WITH MUD CREEK AND PROPERTY OF THE CITY OF HENDERSONVILLE, N 42°19'28" W, A DISTANCE OF 351.21' TO AN UNMARKED POINT IN MUD CREEK;
THENCE LEAVING MUD CREEK, CONTINUING WITH THE PROPERTY OF THE CITY OF HENDERSONVILLE, N 46°09'36" E, PASSING A #4 EXISTING IRON REBAR AT A DISTANCE OF 19.79, AND THENCE CROSSING BAT FORK CREEK AND RUNNING WITH THE PROPERTY SHOWIN ON PLAT SLIDE 10082, AND PASSING ANOTHER #4 EXISTING IRON REBAR AT A DISTANCE OF 492.97' FOR

A TOTAL DISTANCE OF 692.41' TO A #4 EXISTING IRON REBAR;
THENCE WITH THE PROPERTY SHOW ON PLAT SLIDE 10082, N 06°44'25" W, A DISTANCE OF 14.06' TO A #5 NEW IRON REBAR, BEING A POINT IN TRACT 2 OF PLAT SLIDE 5648;
THENCE WITH PLAT SLIDE 5648, S 70°03'12" E, A DISTANCE OF 144.48' TO A½" EXISTING IRON PIPE; WHICH IS THE POINT OF BEGINNING,
HAVING AN AREA OF 4.260 ACRES.

BEING ALL OF TRACT D OF AN ANNEXATION SURVEY FOR PROVIDENCE WALK LLC, BY RONALD J. CUTSHALL, NC PLS #L-4563, OF COLE SURVEYING & DESIGN, PA, DATED 10/19/2021.

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21-062_ANNEX-TO SIGN.pdf

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E-Signature Summary

E-Signature 1: Ronald James Cutshall (RJC)
Oct 28, 2021 09:20:58 -8:00 [6F1FF3A10E23] [71.80.3.148]
ronnie@wescolesurveying.com

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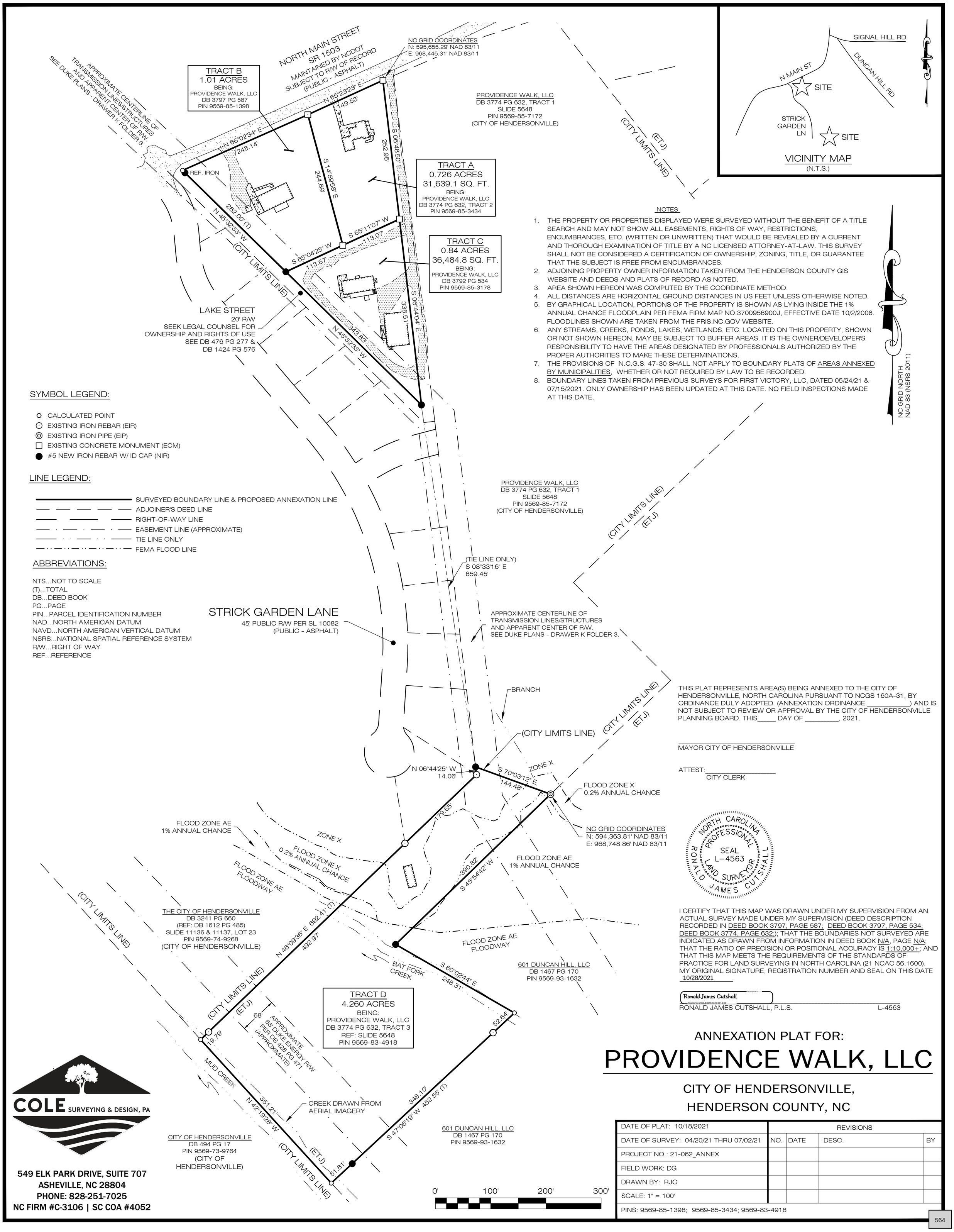

NOTES

1. THE PROPERTY OR PROPERTIES DISPLAYED WERE SURVEYED WITHOUT THE BENEFIT OF A TITLE SEARCH AND MAY NOT SHOW ALL EASEMENTS, RIGHTS OF WAY, RESTRICTIONS, ENCUMBRANCES, ETC. (WRITTEN OR UNWRITTEN) THAT WOULD BE REVEALED BY A CURRENT AND THOROUGH EXAMINATION OF TITLE BY A NC LICENSED ATTORNEY-AT-LAW. THIS SURVEY SHALL NOT BE CONSIDERED A CERTIFICATION OF OWNERSHIP, ZONING, TITLE, OR GUARANTEE THAT THE SUBJECT IS FREE FROM ENCUMBRANCES.
2. ADJOINING PROPERTY OWNER INFORMATION TAKEN FROM THE HENDERSON COUNTY GIS WEBSITE AND DEEDS AND PLATS OF RECORD AS NOTED.
3. AREA SHOWN HEREON WAS COMPUTED BY THE COORDINATE METHOD.
4. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES IN US FEET UNLESS OTHERWISE NOTED.
5. BY GRAPHICAL LOCATION, PORTIONS OF THE PROPERTY IS SHOWN AS LYING INSIDE THE 1% ANNUAL CHANCE FLOODPLAIN PER FEMA FIRM MAP NO.3700956900J, EFFECTIVE DATE 10/2/2008. FLOODLINES SHOWN ARE TAKEN FROM THE FRIS.NC.GOV WEBSITE.
6. ANY STREAMS, CREEKS, PONDS, LAKES, WETLANDS, ETC. LOCATED ON THIS PROPERTY, SHOWN OR NOT SHOWN HEREON, MAY BE SUBJECT TO BUFFER AREAS. IT IS THE OWNER/DEVELOPER'S RESPONSIBILITY TO HAVE THE AREAS DESIGNATED BY PROFESSIONALS AUTHORIZED BY THE PROPER AUTHORITIES TO MAKE THESE DETERMINATIONS.
7. THE PROVISIONS OF N.C.G.S. 47-30 SHALL NOT APPLY TO BOUNDARY PLATS OF AREAS ANNEXED BY MUNICIPALITIES, WHETHER OR NOT REQUIRED BY LAW TO BE RECORDED.
8. BOUNDARY LINES TAKEN FROM PREVIOUS SURVEYS FOR FIRST VICTORY, LLC, DATED 05/24/21 & 07/15/2021. ONLY OWNERSHIP HAS BEEN UPDATED AT THIS DATE. NO FIELD INSPECTIONS MADE AT THIS DATE.

SYMBOL LEGEND:

- CALCULATED POINT
- EXISTING IRON REBAR (EIR)
- EXISTING IRON PIPE (EIP)
- EXISTING CONCRETE MONUMENT (ECM)
- #5 NEW IRON REBAR W/ ID CAP (NIR)

LINE LEGEND:

- SURVEYED BOUNDARY LINE & PROPOSED ANNEXATION LINE
- ADJOINER'S DEED LINE
- RIGHT-OF-WAY LINE
- EASEMENT LINE (APPROXIMATE)
- TIE LINE ONLY
- FEMA FLOOD LINE

ABBREVIATIONS:

NTS...NOT TO SCALE
(T)...TOTAL
DB...DEED BOOK
PG...PAGE
PIN...PARCEL IDENTIFICATION NUMBER
NAD...NORTH AMERICAN DATUM
NAVD...NORTH AMERICAN VERTICAL DATUM
NSRS...NATIONAL SPATIAL REFERENCE SYSTEM
R/W...RIGHT OF WAY
REF...REFERENCE

THIS PLAT REPRESENTS AREA(S) BEING ANNEXED TO THE CITY OF HENDERSONVILLE, NORTH CAROLINA PURSUANT TO NCGS 160A-31, BY ORDINANCE DULY ADOPTED (ANNEXATION ORDINANCE _____) AND IS NOT SUBJECT TO REVIEW OR APPROVAL BY THE CITY OF HENDERSONVILLE PLANNING BOARD. THIS_____ DAY OF _____, 2021.

_____
MAYOR CITY OF HENDERSONVILLE

ATTEST:_____
CITY CLERK

NORTH CAROLINA PROFESSIONAL SEAL L-4563 LAND SURVEYOR RONALD JAMES CUTSHALL

I CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN DEED BOOK 3797, PAGE 587; DEED BOOK 3797, PAGE 534; DEED BOOK 3774, PAGE 632;); THAT THE BOUNDARIES NOT SURVEYED ARE INDICATED AS DRAWN FROM INFORMATION IN DEED BOOK N/A, PAGE N/A; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY IS 1:10,000+; AND THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.1600). MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL ON THIS DATE 10/28/2021.

Ronald James Cutshall
Signed on 2021/10/28 09:20:58 -8:00
RONALD JAMES CUTSHALL, P.L.S. L-4563

ANNEXATION PLAT FOR:

PROVIDENCE WALK, LLC

CITY OF HENDERSONVILLE, HENDERSON COUNTY, NC

COLE SURVEYING & DESIGN, PA
549 ELK PARK DRIVE, SUITE 707
ASHEVILLE, NC 28804
PHONE: 828-251-7025
NC FIRM #C-3106 | SC COA #4052

DATE OF PLAT: 10/18/2021	REVISIONS			
DATE OF SURVEY: 04/20/21 THRU 07/02/21	NO.	DATE	DESC.	BY
PROJECT NO.: 21-062_ANNEX				
FIELD WORK: DG				
DRAWN BY: RJC				
SCALE: 1" = 100'				
PINS: 9569-85-1398; 9569-85-3434; 9569-83-4918				

05F05C57-4E8D-466C-AC49-4924DEF87D7A — 2021/10/28 09:20:27 -8:00
DocVerify ID: 05F05C57-4E8D-466C-AC49-4924DEF87D7A
www.docverify.com
Page 1 of 1 14924DEF87D7A

BEING all of that real property consisting of Tracts A, B, C, & D, described in the plat recorded in Book 2021 - _____ of the Henderson County Registry, said Tracts A, B, C, & D being described by metes and bounds as follows:

TRACT A

LYING AND BEING IN HENDERSON COUNTY, INSIDE THE CITY OF HENDERSONVILLE EXTRA-TERRITORIAL JURSDICTION, BEING THE PROPERTY OF PROVIDENCE WALK, LLC RECORDED IN DEED BOOK 3774 PAGE 632, TRACT 2; PIN 9569-85-3434 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A CONCRETE MONUMENT (BROKEN TOP) BEING THE NORTHEAST CORNER OF DEED BOOK 1609 PAGE 267, TRACT 5, HAVING NORTH CAROLINA GRID COORDINATES (NAD 83/11) N: 595,655.29': 968,445.31';

THENCE WITH THE WESTERN MARGIN OF A 20' RIGHT OF WAY PER PLAT SLIDE 5548, S 06°48'50" E, A DISTANCE OF 252.95' TO A CONCRETE MONUMENT (BROKEN);

THENCE LEAVING SAID RIGHT OF WAY AND WITH THE PROPERTY OF PROVIDENCE WALK, LLC, S 65°11'07" W, A DISTANCE OF 113.07' TO A CONCRETE MONUMENT;

THENCE FOLLOWING THE PROPERTY OF THE PROVIDENCE WALK, LLC, N 14°59'58" W, A DISTANCE OF 244.69' TO A CONCRETE MONUMENT;

THENCE ALONG THE SOUTH MARGIN OF N. MAIN STREET, N 65°23'23" E, A DISTANCE OF 149.53' TO A CONCRETE MONUMENT; WHICH IS THE POINT OF BEGINNING,

HAVING AN AREA OF 31,639.1 SQUARE FEET, 0.726 ACRES.

BEING ALL OF TRACT A OF AN ANNEXATION SURVEY FOR PROVIDENCE WALK LLC, BY RONALD J. CUTSHALL, NC PLS #L-4563, OF COLE SURVEYING & DESIGN, PA, DATED 10/18/2021.

NORTH CAROLINA PROFESSIONAL SEAL L-4563 LAND SURVEYOR RONALD JAMES CUTSHALL

10-20-21

TRACT B

LYING AND BEING IN HENDERSON COUNTY, INSIDE THE CITY OF HENDERSONVILLE EXTRA-TERRITORIAL JURSDICTION, BEING THE PROPERTY OF PROVIDENCE WALK, LLC RECORDED IN DEED BOOK 3797 PAGE 587; PIN 9569-85-1398 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A CONCRETE MONUMENT, BEING THE NORTHEAST CORNER OF DEED BOOK 3797 PAGE 587, BEING S 65°23'23" E, A DISTANCE OF 149.53' FROM A CONCRETE MONUMENT HAVING NORTH CAROLINA GRID COORDINATES (NAD 83/11) N: 595,655.29': E: 968,445.31';

THENCE FROM THE BEGINNING CORNER, FOLLOWING THE PROPERTY OF THE PROVIDENCE WALK, LLC, S 14°59'58" E, A DISTANCE OF 244.69' TO A CONCRETE MONUMENT;

THENCE FOLLOWING THE PROPERTY OF PROVIDENCE WALK, LLC, S 65°04'25" W, A DISTANCE OF 113.67' TO A #5 NEW IRON REBAR BEING IN THE EASTERN MARGIN OF LAKE STREET, A 20' R/W PER DEED BOOK 476 PG 277;

THENCE WITH THE MARGIN OF SAID RIGHT OF WAY, N 45°32'33" W, PASSSING A (REFERNENCE) NEW IRON REBAR A DISTANCE OF 258.72, A TOTAL DISTANCE OF 262.00' TO A CALCULATED POINT IN THE SOUTH MARGIN OF N. MAIN STREET;

THENCE WITH THE SOUTH MARGIN OF N. MAIN STREET, N 66°02'34" E, A DISTANCE OF 248.14' TO A CONCRETE MONUMENT; WHICH IS THE POINT OF BEGINNING,

HAVING AN AREA OF 1.01 ACRES.

BEING ALL OF TRACT B OF AN ANNEXATION SURVEY FOR PROVIDENCE WALK, LLC BY RONALD J. CUTSHALL, NC PLS #L-4563, OF COLE SURVEYING & DESIGN, PA, DATED 10/18/2021.

NORTH CAROLINA PROFESSIONAL SEAL L-4563 LAND SURVEYOR RONALD JAMES CUTSHALL

10/20/21

TRACT C

LYING AND BEING IN HENDERSON COUNTY, INSIDE THE CITY OF HENDERSONVILLE EXTRA-TERRITORIAL JURSDICTION, BEING THE PROPERTY OF PROVIDENCE WALK, LLC RECORDED IN DEED BOOK 3792 PAGE 534; PIN 9569-85-3178 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A CONCRETE MONUMENT (BROKEN), BEING THE NORTHEAST CORNER OF DEED BOOK 1424 PAGE 576, BEING S 06°48'50" E, A DISTANCE OF 252.95' FROM A CONCRETE MONUMENT HAVING NORTH CAROLINA GRID COORDINATES (NAD 83/11) N: 595,655.29' E: 968,445.31';

THENCE RUNNING FROM THE BEGINNING CORNER, WITH THE WESTERN MARGIN OF A 20' RIGHT OF WAY PER PLAT SLIDE 5548 S 06°44'04" E, A DISTANCE OF 338.51' TO A #5 NEW IRON REBAR, BEING IN THE EASTERN MARGIN OF LAKE STREET, A 20' R/W PER DEED BOOK 476 PG 277;

THENCE WITH THE SAID MARGIN OF 20' RIGHT OF WAY, N 45°32'33" W, A DISTANCE OF 343.83' TO A NEW #5 IRON REBAR;

THENCE FOLLOWING THE PROPERTY OF THE PROVIDENCE WALK, LLC, N 65°04'25" E, A DISTANCE OF 113.67' TO A CONCRETE MONUMENT;

THENCE FOLLOWING THE PROPERTY OF PROVIDENCE WALK, LLC, N 65°11'07" E, A DISTANCE OF 113.07' TO A CONCRETE MONUMENT (BROKEN); WHICH IS THE POINT OF BEGINNING,

HAVING AN AREA OF 36,484.8 SQUARE FEET, 0.84 ACRES

BEING ALL OF TRACT C OF AN ANNEXATION SURVEY FOR PROVIDENCE WALK LLC, BY RONALD J. CUTSHALL, NC PLS #L-4563, OF COLE SURVEYING & DESIGN, PA, DATED 10/18/2021.

NORTH CAROLINA PROFESSIONAL SEAL L-4563 LAND SURVEYOR RONALD JAMES CUTSHALL

10/20/21

TRACT D

LYING AND BEING IN HENDERSON COUNTY, INSIDE THE CITY OF HENDERSONVILLE EXTRA-TERRITORIAL JURSDICTION, BEING THE PROPERTY OF PROVIDENCE WALK, LLC RECORDED IN DEED BOOK 3774 PG 632 TRACT 3, (PIN 9569-83-4918) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A ½" EXISTING IRON PIPE, IN THE LINE OF 601 DUNCAN HILL, LLC, HAVING NORTH CAROLINA GRID COORDINATES (NAD 83/11)
N: 594,363.81' E: 968,748.86;

THENCE WITH THE PROPERTY OF 601 DUNCAN HILL, LLC S 45°54'42" W, A DISTANCE OF 390.82' TO A NEW IRON REBAR AT THE NORTH SIDE OF BAT FORK CREEK;

THENCE CONTINUING WITH THE PROPERTY OF 601 DUNCAN HILL, S 60°02'44" E, A DISTANCE OF 248.31' TO AN UNMARKED POINT IN BAT FORK CREEK;

THENCE CONTINUING WITH THE PROPERTY OF 601 DUNCAN HILL, S 47°06'19" W, PASSING A #5 EXISTING IRON REBAR AT 52.64', AND PASSING ANOTHER #5 NEW IRON REBAR A DISTANCE OF 348.10', FOR A TOTAL DISTANCE OF 452.55' TO AN UNMARKED POINT IN MUD CREEK;

THENCE WITH MUD CREEK AND PROPERTY OF THE CITY OF HENDERSONVILLE, N 42°19'28" W, A DISTANCE OF 351.21' TO AN UNMARKED POINT IN MUD CREEK;

THENCE LEAVING MUD CREEK, CONTINUING WITH THE PROPERTY OF THE CITY OF HENDERSONVILLE, N 46°09'36" E, PASSING A #4 EXISTING IRON REBAR AT A DISTANCE OF 19.79, AND THENCE CROSSING BAT FORK CREEK AND RUNNING WITH THE PROPERTY SHOWIN ON PLAT SLIDE 10082, AND PASSING ANOTHER #4 EXISTING IRON REBAR AT A DISTANCE OF 492.97' FOR A TOTAL DISTANCE OF 692.41' TO A #4 EXISTING IRON REBAR;

THENCE WITH THE PROPERTY SHOW ON PLAT SLIDE 10082, N 06°44'25" W, A DISTANCE OF 14.06' TO A #5 NEW IRON REBAR, BEING A POINT IN TRACT 2 OF PLAT SLIDE 5648;

THENCE WITH PLAT SLIDE 5648, S 70°03'12" E, A DISTANCE OF 144.48' TO A½" EXISTING IRON PIPE; WHICH IS THE POINT OF BEGINNING,

HAVING AN AREA OF 4.260 ACRES.

BEING ALL OF TRACT D OF AN ANNEXATION SURVEY FOR PROVIDENCE WALK LLC, BY RONALD J. CUTSHALL, NC PLS #L-4563, OF COLE SURVEYING & DESIGN, PA, DATED 10/19/2021.

NORTH CAROLINA PROFESSIONAL SEAL L-4563 LAND SURVEYOR RONALD JAMES CUTSHALL

10/20/21

CITY OF HENDERSONVILLE

DEVELOPMENT ASSISTANCE DEPARTMENT

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

PETITION REQUESTING ANNEXATION

The following are required to constitute a complete application for voluntary annexation:

- **~This form including the property owner's signature**
- **~A copy of the deed indicating ownership of the property.**
- **~A survey plat (8 1/2 " by 11") of the property prepared by a registered surveyor licensed to practice in the state of North Carolina.**
- **~ A typed boundary description of the property, in digital format if possible.**

Date	10/28/2021	**Location / Property Address**	1824 N. Main Street

List 10 digit PIN or 7 digit PID number 9569-85-1398

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

Is the property within the ETJ? ☑ YES ☐ NO

Reason for annexation Overall subdivision development of Providence Walk

Applicant Name Travis Fowler

Address 542 South Caldwell Street, Brevard, NC 28712

Phone	828-577-4201	Fax		Email	travis@firstvictory.com

Property Owner: Name Providence Walk, LLC

Address 542 South Caldwell Street, Brevard, NC 28712

Signature _____

Printed Name Travis A. Fowler

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

CITY OF HENDERSONVILLE
COMMUNITY DEVELOPMENT DEPARTMENT

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

PETITION REQUESTING ANNEXATION

The following are required to constitute a complete application for voluntary annexation:
- **~This form including the property owner's signature**
- **~A copy of the deed indicating ownership of the property.**
- **~A survey plat (8 1/2 " by 11") of the property prepared by a registered surveyor licensed to practice in the state of North Carolina.**
- **~ A typed boundary description of the property**

Date 11-15-2021

Location / Property Address North Main street

List 10 digit PIN or 7 digit PID number 9569853434

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

Is the property within the ETJ? ☑ YES ☐ NO

Reason for annexation ADDITION TO Providence walk subdivision

Applicant Name First Victory Inc

Address 542 South Caldwell street Brevard, NC 28712

Phone 828-577-4201

Fax

Email travis@firstvictory.com

Property Owner: Name Providence Walk LLC

Address 542 South Caldwell Street Brevard, NC 28712

Signature _____

Printed Name Travis A. Fowler

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

City Of Hendersonville
Community Development Department
100 N. King Street Hendersonville, NC 28792
Phone (828)697-3010 Fax (828)697-6185
www.hendersonvillenc.gov

Application Number: P21-65-ANX

Property Owner Signatures:

Printed Name Providence Walk, LLC

☐ **Corporation** ☑ **Limited Liability Company** ☐ **Trust** ☐ **Partnership** ☐ **Other:**

Signature as manager

Title Manager **Email** Travis@FirstVictory.com

Address of Property Owner 542 S. Caldwell Street Brevard, NC 28712

Printed Name

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

Signature

Title **Email**

Address of Property Owner

Printed Name

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

Signature

Title **Email**

Address of Property Owner

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Created:	October 28, 2021 09:20:27 -8:00
Pages:	1
E-Sign:	Yes

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E-Signature Summary

E-Signature 1: Ronald James Cutshall (RJC)
Oct 28, 2021 09:20:58 -8:00 [6F1FF3A10E23] [71.80.3.148]
ronnie@wescolesurveying.com

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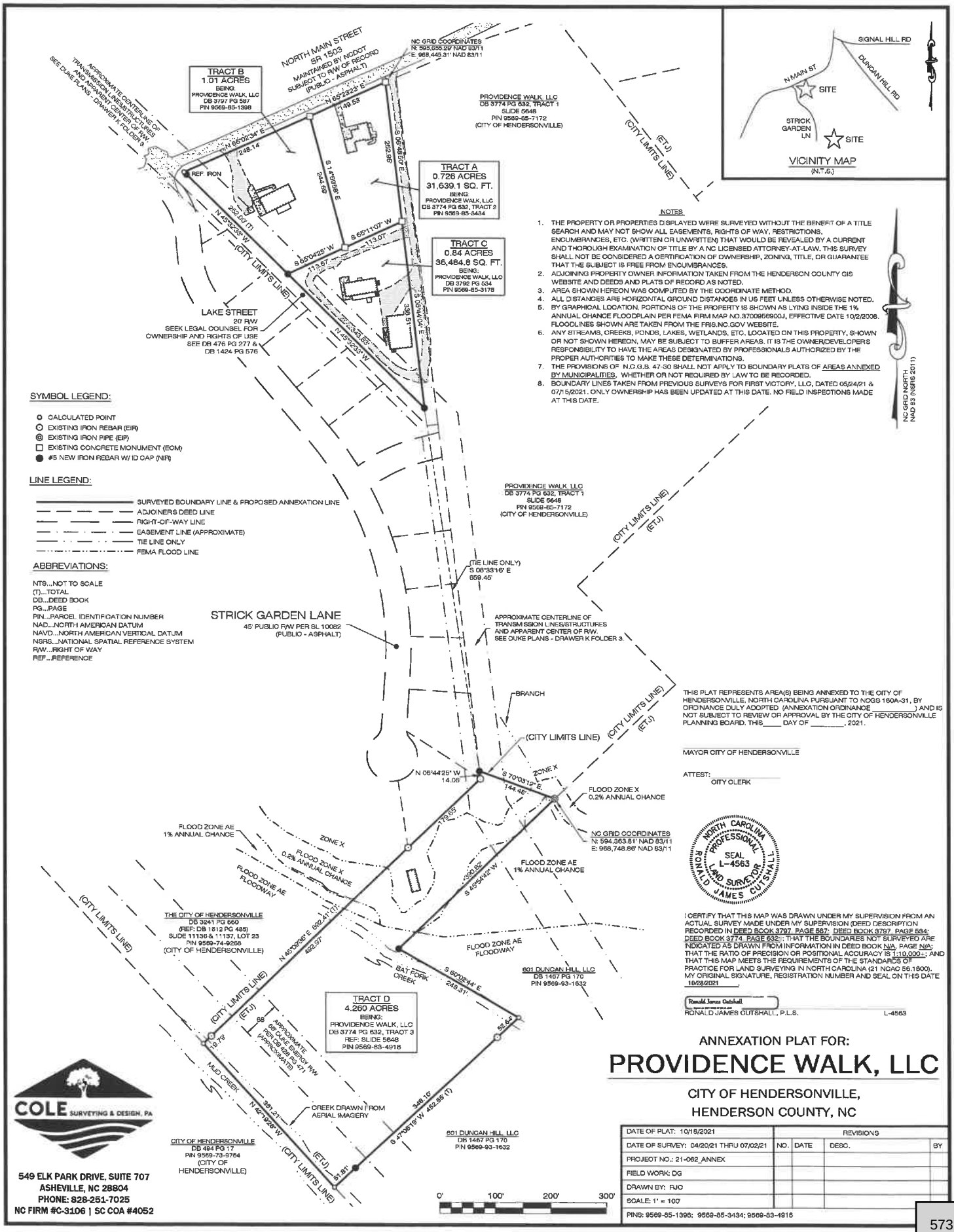

THIS PLAT REPRESENTS AREA(S) BEING ANNEXED TO THE CITY OF HENDERSONVILLE, NORTH CAROLINA PURSUANT TO NCGS 160A-31, BY ORDINANCE DULY ADOPTED (ANNEXATION ORDINANCE _____) AND IS NOT SUBJECT TO REVIEW OR APPROVAL BY THE CITY OF HENDERSONVILLE PLANNING BOARD. THIS_____ DAY OF _____, 2021.

MAYOR CITY OF HENDERSONVILLE

ATTEST:

CITY CLERK

NORTH CAROLINA PROFESSIONAL SEAL L-4563 LAND SURVEYOR RONALD JAMES OUTSHALL

I CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN DEED BOOK 3797, PAGE 587; DEED BOOK 3797, PAGE 584; DEED BOOK 3774, PAGE 632;); THAT THE BOUNDARIES NOT SURVEYED ARE INDICATED AS DRAWN FROM INFORMATION IN DEED BOOK N/A, PAGE N/A; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY IS 1:10,000+; AND THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.1600). MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL ON THIS DATE 10/28/2021

Ronald James Outshall

RONALD JAMES OUTSHALL, P.L.S. L-4563

ANNEXATION PLAT FOR:

PROVIDENCE WALK, LLC

CITY OF HENDERSONVILLE,
HENDERSON COUNTY, NC

DATE OF PLAT: 10/18/2021	REVISIONS			
DATE OF SURVEY: 04/20/21 THRU 07/02/21	NO.	DATE	DESC.	BY
PROJECT NO.: 21-062_ANNEX				
FIELD WORK: DG				
DRAWN BY: RJC				
SCALE: 1" = 100'				
PINS: 9569-85-1398; 9569-85-3434; 9569-83-4918				

COLE SURVEYING & DESIGN, PA
549 ELK PARK DRIVE, SUITE 707
ASHEVILLE, NC 28804
PHONE: 828-251-7025
NC FIRM #C-3106 | SC COA #4052

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www.docverify.com
Page 1 of 1 14624DEF87D7A

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: Michael Huffman

MEETING DATE: December 2, 2021

AGENDA SECTION: CONSENT

DEPARTMENT: Engineering - Stormwater

TITLE OF ITEM: Resolution Accepting Proposal from Nu-Pipe LLC Culvert Repair at New Village Rd. – *Michael Huffman, Stormwater Administrator*

SUGGESTED MOTION(S):
I move City Council approve the *Resolution by the City of Hendersonville City Council to Accept the Proposal from Nu-Pipe LLC for Culvert Repair Under New Village Rd.* as presented.

SUMMARY:

Informal proposals were received in the amounts stated from the contractors listed below for the repair of a culvert at New Village Road, a city maintained street as follows:

Vendor Name	Vendor 1:	Vendor 2:	Vendor 3:
	Nu-Pipe	Vortex Inc.	SnapTite
Total Quote	$ 99,935.00	$ 147,650.00	$ 146,520.00

Nu-Pipe LLC submitted the lowest responsive bid to repair the failing culvert under New Village Rd. Hendersonville, NC. Nu-Pipe LLC have extensive experience in repairing failing stormwater infrastructure utilizing trenchless techniques and has been determined by staff to be a responsible bidder. Therefore, we request your approval of the attached resolution authorizing the City Manager and City Attorney to execute a contract with Nu-Pipe LLC at a cost of $99,935.

BUDGET IMPACT: $99,935.00

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

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

ATTACHMENTS:

Resolution
Informal Bid from Nu Pipe, LLC
Purchase Order with Bid Tab
Construction Contract

Resolution #__-____

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO ACCEPT THE PROPOSAL FROM NU-PIPE LLC FOR CULVERT REPAIR UNDER NEW VILLAGE RD.

WHEREAS, informal bids have been received for the repair of a culvert located under New Village Road, a city maintained street as follows:

Vendor Name	Vendor 1:	Vendor 2:	Vendor 3:
	Nu-Pipe	Vortex Inc.	SnapTite
Total Quote	$ 99,935.00	$ 147,650.00	$ 146,520.00

; and

WHEREAS, Nu-Pipe LLC submitted the lowest responsive proposal to repair the deteriorating culvert under New Village Rd. in Hendersonville, NC; and

WHEREAS, Nu-Pipe LLC has extensive experience in trenchless culvert repair techniques and is therefore a responsible contractor; and

WHEREAS, the repair of this culvert is imperative to maintaining New Village Rd., the only point of entry for Henderson Village HOA; and

WHEREAS, the City does not have the resources to complete this repair and the repair will ensure the long-term function of the culvert and associated infrastructure.

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

1. The informal bid for the repair of the culvert located under New Village Road is awarded to Nu Pipe, LLC, in the amount of $99,935.00.

2. The City Manager is authorized to execute into a contract with Nu-Pipe LLC to repair a deteriorating culvert under New Village Rd. in Hendersonville, NC consistent with the terms of this Resolution.

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

_____

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

_____

Angela L. Reece, City Clerk

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

P.rO. Box 2529
Mount Pleasant, SC 29465

Hendersonville, NC
Mike Huffman
Quote # HVNC-007
Henderson Village
29 October 2021

60 LF x 120" x 96" Oval Pipe @ Henderson Village

Dewater, Inject 150 gallons of structural polyurethane grout to fill voids and stabilize/compact soils around pipe, and install new invert. Also Nu-Pipe has provided the option to provide a strucvturally independent, new pipe using CCCP or Spincasting.

Exclusions: staging area to be provided by others; surface repairs to be provided by others; backfill to be provided by others; traffic control to be provided by others; access to potable water to be provided by others; cleaning to be provided by others; CCTV to be provided by others.

Mobilization $5,460.00

Dewater $3,500.00

Invert Placement $33,900.00

Includes labor, supervision, tools, equipment, insurance, expendables, materials, and freight on materials to replace two sections of invert. Price includes a replacing a total of 60' of partially deteriorated invert with CCCP mortar @ a thickness of 2".

Inject 150 gal. @ 120" x 96" x 60 LF $18,750.00

Inject expansive grout to fill voids, stabilize/compact soils, and stop infiltration into existing pipe. We have estimated that this will require 150 gallons, based on length, diameter, depth, and condition.

Subtotal $61,610.00

Option to Spincast @ 120"x 96" x 60 LF $38,325.00

Spincast to provide structurally independent, new CCCP @ thickness=1 1/2" .

Total $99,935.00

Quote valid for 60 days.
We warranty all work we design and perform for up to five (5) years,
upon condition that the owner contact us to inspect our work annually each of those five (5) years.

CITY OF HENDERSONVILLE

Revised September 3, 2021

PURCHASE ORDER/QUOTE FORM

NOTE: All requisitions must be entered in Oracle and approved prior to the department making the purchase.

Requester Name:	**Michael Huffman**	**Dollar Thresholds:**	**Select value of purchase below.**
Date Quotes Obtained:	11/15/2021	**No Competition Required:**	☐ Below $5,000.00
Date Goods Are Required:	6/30/2022	**Formal Written Quotes:**	☐ $5,000.00-$29,999.99
Reason For Purchase:	**New Village Rd. Culvert Repair**	**Informal Bid Process:**	☐ $30,000.00-$89,999.99
		Formal Bid Process:	☑ $90,000.00 and above

If alternate purchasing policy other than those listed in section entitled "Dollar Thresholds" was followed, check appropriate box below for policy followed and provide applicable justification(s).

NC State Contract (NSC): (Select top box if you are utilizing the state contracted quote. Select the second box if you are selecting an alternative quote based on the listed acceptable criteria.)	☐	**NC State Contract #:** *Vendor must reference contact # on the quote.	
	☐	**Non-State Contract Quote Comparison Option (Justification Required):** *After obtaining NSC quote, a non-NSC quote may be utilized if price or timeline are overriding considerations. Product offerings must otherwise be identical. Must be approved by Finance. This only applies for purchases below $30,000.00.	
Group Purchasing Program (aka Cooperative Agreement Contract):	☐	**Contract Name, Number, and Other General Information:**	
Blanket PO:	☐	**Justification Required:**	

Waive Competition: (Select basis for waiving competition in the field below. SELECT ALL THAT APPLY AND PROVIDE THOROUGH WRITTEN JUSTIFICATION FOR EACH BASIS BELOW. An * indicates City Council approval is required for purchases $30,000.00 or greater. Other documentation may also be requested.)

☐ Where performance or price competition is not available. Sole source letter from vendor is required.*
☐ Where a needed product or service is available from only one source of supply. Sole source letter from vendor is required.*
☐ Where emergency action is required due to present, immediate, and existing special emergency involving public health and safety of people or property.

☐ Where standardization or compatibility is the overriding consideration.*
☐ Where personal or particular professional services are required.
☐ Where a product or service being sourced from a nonprofit work center for the blind or severely disabled, and there are overriding considerations for its use.

☐ Where additional products or services are needed to complete an ongoing job or task.
☐ Where equipment is already installed, connected and in service, and it is determined advantageous to purchase it.
☐ Where a purchase is being made and a satisfactory price is available from a previous federal, state, or local government agency's contract in the U.S. within the previous 12 months. This is contingent on the contractor's willingness to extend the same or more favorable prices, terms, and conditions. This is known as Piggybacking.*

☐ Where a purchase is being made for gasoline, diesel, fuel alcohol fuel, motor oil, fuel oil, or natural gas.
☐ Where construction/repair work undertaken during the progress of a competitively bid project that is within the scope of the original project.
☐ Where a purchases is being sourced directly from another federal, state, or local government anywhere in the U.S.
☐ Where used good(s) is available on short notice and subject to prior sale. This includes items sourced from both public and private entities. Remanufactured, refabricated, or demo goods are not included under this allowance of waiving competition.

Justification Required:

Single Brand Convienence: (Select basis for the brand specific nature of this request in the field below. SELECT ALL THAT APPLY AND PROVIDE THOROUGH WRITTEN JUSTIFICATION FOR EACH BASIS BELOW. If this brand is only sold by one source, the "Waive Competition" field should also be filled out.)

☐ Where the desired product must be compatible with or is an integral component of the existing equipment or products or where prequalification of products is necessary to support specific needs of a program.
☐ The product is covered by a patent or copyright; when the product must yield absolute continuity of results.
☐ The product is one with which a user has had extensive training and experience, and the use of any other similar piece of equipment would require considerable reorientation, training, and funding.

Justification Required:

Vendor Name	**Vendor 1:**	**Vendor 2:**	**Vendor 3:**
	Nu-Pipe	Vortex Inc.	SnapTite
Total Quote	$ 99,935.00	$ 147,650.00	$ 146,520.00

160 6th Avenue East
Hendersonville, NC 28792
(704) 875-6541

CONSTRUCTION CONTRACT

CONTRACTOR: Nu-Pipe LLC

P.O Box 2529
Mount Pleasant, SC 29465

PROJECT: 21038 Henderson Village Culvert Repair

PROJECT ADDRESS: New Village Dr.
Hendersonville, NC 28792

PROJECT CONTACT: Dan Foster
Nu-Pipe LLC
P.O Box 2529
Mount Pleasant, SC 29465

PROJECT MANAGER: Michael Huffman
City of Hendersonville, NC
305 Williams St.
Hendersonville, NC 28792
828-697-3013

This Construction Contract, and all exhibits, (collectively this "Contract") is entered into this _____day of _____, 2021 by and between, the City of Hendersonville, a municipal corporation of the State of North Carolina, (the "City") and, Nu-Pipe LLC (the "Contractor") having an address of P.O Box 2529 Mount Pleasant, SC 29465.

WITNESSETH:

That for and in consideration of the mutual promises set forth in this Contract, the sufficiency of which is acknowledged by the parties hereto, the parties agree as follows:

1. Scope of Services. The Contractor agrees to provide the professional construction services needed to complete the Project in accordance with the Project Drawings and Specifications and the Contract Documents for the price stated in the Contractors Proposal Form, plus or minus the substitutions listed on the Substitution Listing which are accepted by the City.

2. Contract Documents. The Contract Documents consist of, in addition to this Contract, the Contract Drawings, and the General Conditions of the Construction Contract, and the Supplementary General Conditions, all of the foregoing being incorporated herein by reference as if fully set forth herein, and all parties agree to be bound thereby.

3. Time for Performance of the Work. The Work shall be completed no later than June 30th ,2022.

4. Payment for Services. For the performance of the Work Contractor shall be paid the hereby proposes to furnish all labor, materials, equipment and services necessary to perform the work required in the aforementioned documents.

Contract Sum (Estimated): Ninety nine thousand nine hundred and thirty five Dollars ($ 99,935.00) It is understood and agreed that the Estimated Contract Sum is based upon the upon the quantities specified in the Pricing Schedule below. **The actual Contract Sum paid will be based upon the actual quantities used in the performance of the work.**

Pricing Schedule:

Henderson Village Culvert Repair			
BID ITEM	UNIT	QTY	COST
Mobilization	LS	1	$5,460.00
Dewater	LS	1	$3,500.00
Invert Placement	LS	1	$33,900.00
Expansive Grout Injection	LS	1	$18,750.00
Spincasting CCCP 1.5” thick	LS	1	$38,325.00
Total		N/A	$99,935.00

It is understood and agreed that the unit prices stated above include profit and overhead, and represent the entire unit price amount for the work stated.

All work shall be performed in accordance with the terms and conditions provided in the General Conditions of the Construction Contract.

In witness thereof, the contracting parties, by their authorized agents, affix their signatures this _____ day of _____, 2021.

CONTRACTOR

BY:_____
Print Name:
Print Title:

CITY OF HENDERSONVILLE

BY:_____
Print Name:
Print Title:

This instrument has been pre-audited in that manner required by the North Carolina Budget and Fiscal Control Act.

_____
John Buchanan, Finance Director

GENERAL CONDITIONS OF THE CONSTRUCTION CONTRACT

1. DEFINITIONS

   Owner: "Owner" shall mean, The State of North Carolina through (name of agency)

   Contractor: "Contractor" shall mean the entity that will provide the services for the Owner.

   Designer: The designer(s) are those referred to within the Contract documents, or their authorized representatives. The Designer(s), as referred to herein, shall mean architect and/or engineer responsible for preparing the Project plans and specifications. They will be referred to hereinafter as if each were of the singular number, masculine gender.

2. Scope of Services. The Contractor agrees to perform for the City the following services according to the following requirements:

   The Contractor agrees to complete the construction of the Project in accordance with the Contract Documents. Such construction of the Project shall constitute the "Work." The Contractor agrees to provide all of the personnel, contract personnel, subcontractors, financial resources, materials, supplies, and equipment necessary to complete the Work in a timely and professional manner in accordance with the standards of the profession for similar work in the Henderson County area at the time of the performance of the Work.

3. Contract Documents. The Contract Documents consist of the Contract Drawings, the City's Standard Form Contract, and the General Conditions of the Construction Contract. The drawings and specifications are complementary, one to the other. That which is shown on the drawings or called for in the specifications shall be as binding as if it were both called for and shown. The intent of the drawings and specifications is to establish the scope of all labor, materials, transportation, equipment, and any and all other things necessary to provide a complete job. In case of discrepancy or disagreement in the Contract Documents, the order of precedence shall be the Construction Contract, the Bid Proposal Form, the Substitution Listing (only those items accepted by the City), Addenda, the Contract Drawings, the Instructions to Bidders, the General Conditions of the Contract, and the Non-collusion Affidavit.

4. Licensure Required. The Contractor must be a licensed General Contractor as required by North Carolina General Statutes Section 87-1, and must have a good ethical and professional standing with the North Carolina General Contractor's Licensing Board. The Contractor will be responsible for providing properly qualified, licensed (if required) personnel to complete the Work in accordance with the standard of care ordinarily used by members of the Contractor's profession practicing under similar circumstances and at the same time in Mecklenburg County.

5. Coordination With Others. The Contractor agrees to coordinate its Work with the work of any other unaffiliated contractors or with the work of the City's own forces to avoid delaying or interfering with their work.

6. Contract Insurance. Contractor shall be required to purchase and maintain during its performance under this Contract insurance coverage as shown on the Insurance Requirements as stated in Exhibit A, which is incorporated herein by reference. With the exception of Worker's Compensation and Professional Liability policies, all insurance purchased shall have a specific endorsement, copy of which shall be provided to the City, naming the City as an additional insured and for all insurance purchased, an endorsement providing that such insurance will not be cancelled without providing thirty (30) days advance written notice to the City.

7. Time for Performance of the Work. The Work will begin within ten (10) days of receipt of the Notice to Proceed from the City. The Contractor will have ninety (90) days to complete the Work.

8. Payment for Services. In consideration of the above services, the City will pay the Contractor, in accordance with the Contractor's, plus reimbursable expenses at the Contractor's actual cost (without markup). Contractor will submit monthly Requests for Payment for Work performed to the Project Engineer who will forward them to the Project Architect for Review. The Request for payment shall be based upon the Contractor's estimate of the percentage of the total Work completed during the period represented on the Request for Payment. The Project Architect must certify that the Work represented in the Contractor's Request for Payment has been completed in accordance with the Contract Documents, and certify that the Request for Payment is appropriate for payment before the City shall be obligated to make such payment to the Contractor. If any Request for Payment is disputed by the City, in whole or in part, the City shall provide a written explanation for such dispute to Contractor within five days of receipt of the certified Request for Payment from the Architect and shall pay all undisputed amounts therein.

a. The designer with the approval of the Owner may withhold payment for the following reasons:

(1) Faulty work not corrected.

(2) The unpaid balance on the contract is insufficient to complete the work in the judgment of the designer.

(3) To provide for sufficient contract balance to cover liquidated damages that will be assessed.

(4) The secretary of the Department of Administration may authorize the withholding of payment for the following reasons:

(5) Claims filed against the Contractor or evidence that a claim will be filed.

(6) Evidence that subcontractors have not been paid.

(7) When grounds for withholding payments have been removed, payment will be released. Delay of payment due the Contractor without cause will make owner liable for payment of interest to the Contractor as provided in G.S. 143 134.1. As provided in G.S. 143-134.1(e), the owner shall not be liable for interest on payments withheld by the owner for unsatisfactory job progress, defective construction not remedied, disputed work, or third-party claims filed against the owner or reasonable evidence that a third-party claim will be filed.

b. Final payment will be made within forty-five (45) consecutive days after acceptance of the work, receipt of marked-up "as-built" drawings and specifications and the submission both of notarized Contractor's affidavit and final pay request. All pay requests shall be submitted to the Designer/Owner for approval.

THE CONTRACTOR'S FINAL PAYMENT AFFIDAVIT SHALL STATE: "THIS IS TO CERTIFY THAT ALL COSTS OF MATERIALS, EQUIPMENT, LABOR, SUBCONTRACTED WORK, AND ALL ELSE ENTERING INTO THE ACCOMPLISHMENT OF THIS CONTRACT, INCLUDING PAYROLLS, HAVE BEEN PAID IN FULL."

9. Acceptance. Execution of the Contract constitutes an agreement to the terms contained within the Contract Documents. The terms and provisions set forth in the Contract Documents shall constitute the entire agreement between Contractor and the City with respect to the performance of the Work as described in the Contract Documents. The agreements set forth in the Contract Documents are sometimes referred to herein as the "Contract." Except as provided herein, no additional or supplemental provision or provisions in variance with the Contract Documents that may appear in Contractor's proposal, acknowledgment, Requests for Payment, or in any other communication from Contractor to the City shall be deemed accepted by or binding on the City. The City hereby expressly rejects all such provisions which supplement, modify or otherwise vary from the terms of the Contract Documents, and such provisions are superseded by the terms and conditions stated in the Contract Documents, unless and until the City's authorized representatives expressly assent, in writing, to such provisions. Stenographic and clerical errors and omissions by the City are subject to correction.

10. Working Drawings And Specifications At The Job Site. The Contractor shall maintain, in readable condition at his job site one complete set of working drawings and specifications for his work including all shop drawings. Such drawings and specifications shall be available for use by the owner, designer or his authorized representative. The Contractor shall also maintain at the job site, a day-to-day record of work-in-place that is at variance with the contract documents. Such variations shall be fully noted on Project drawings by the Contractor and submitted to the designer upon Project completion and no later than 30 days after acceptance of the Project.

11. Materials, Equipment, Employees. The Contractor shall, unless otherwise specified, supply and pay for all labor, transportation, materials, tools, apparatus, lights, power, fuel, heat, sanitary facilities, water, scaffolding and incidentals necessary for the completion of his work, and shall install, maintain and remove all equipment of the construction, other utensils or things, and be responsible for the safe, proper and lawful construction, maintenance and use of same, and shall construct in the best and most workmanlike manner, a complete job and everything incidental thereto, as shown on the plans, stated in the specifications, or reasonably implied therefrom, all in accordance with the contract documents.

a. All materials shall be new and of quality specified, except where reclaimed material is authorized herein and approved for use. Workmanship shall at all times be of a grade accepted as the best practice of the particular trade involved, and as stipulated in written standards of recognized organizations or institutes of the respective trades except as exceeded or qualified by the specifications.

b. Upon notice, the Contractor shall furnish evidence as to quality of materials.

c. Products are generally specified by ASTM or other reference standard and/or by manufacturer's name and or trade name. When specified only by reference standard, the Contractor may select any product meeting this standard, by any manufacturer. When several products or manufacturers are specified as being equally acceptable, the Contractor has the option of using any product and manufacturer combination listed. However, the Contractor shall be aware that the cited examples are used only to denote the quality standard of product desired and that they do not restrict bidders to a specific brand, make, manufacturer or specific name; that they are used only to set forth and convey to bidders the general style, type, character and quality of product desired; and that equivalent products will be acceptable. Request for substitution of materials, items, or equipment shall be submitted to the designer for approval or disapproval; the designer prior to the opening of bids shall make such approval or disapproval. Alternate materials may be requested after the award if it can clearly be demonstrated that it is an added benefit to the owner and the designer and owner approves.

d. The designer is the judge of equality for proposed substitution of products, materials or equipment.

e. If at any time during the construction and completion of the work covered by these contract documents, the language, conduct, or attire of any workman of the various crafts be adjudged a nuisance to the owner or designer, or if any workman be considered detrimental to the work, the Contractor shall order such parties removed immediately from grounds.

f. The Contractor shall cooperate with the designer and the owner in coordinating construction activities.

g. The Contractor shall maintain qualified personnel and effective supervision at the site at all times during the Project, and exercise the appropriate quality control program to ensure compliance with the Project drawings and specifications. The designer is responsible for determining compliance with the drawings and specifications.

12. Cleaning Up And Restoration Of Site. The Contractor shall keep the sites and surrounding area reasonably free from rubbish at all times and shall remove debris from the site from time to time or when directed to do so by the Owner. Before final inspection and acceptance of the Project, the Contractor shall thoroughly clean the sites, and completely prepare the Project and site for use by the Owner. At the end of construction, the Contractor shall oversee and implement the restoration of the construction site to its original state. Restoration includes but not limited to walks, drives, lawns, trees and shrubs, corridors, stairs and other elements shall be repaired, cleaned or otherwise restored to their original state.

13. Codes, Permits And Inspections. The Contractor shall obtain the required permits, if required, give all notices, and comply with all laws, ordinances, codes, rules and regulations bearing on the conduct of the work under this contract. If the Contractor observes that the drawings and specifications are at variance therewith, he shall promptly notify the Designer in writing. All work under this contract shall conform to the current North Carolina Building Code and other state and national codes as are applicable. If the Contractor performs any work knowing it to be contrary to such laws, ordinances, codes, rules and regulations, and without such notice to the Owner, he shall bear all cost arising there from.

    All fire alarm work shall be in accordance with the latest State Construction Office (SCO) Guidelines for Fire Alarm Installation (NFPA72). Where the contract documents are in conflict with the SCO guidelines, the SCO guidelines shall govern. The Contractor shall be responsible for all the costs for the correction of the work where he installs it in conflict with the latest edition of the SCO Guidelines for Fire Alarm Installation..

14. Protection Of Work, Property, The Public And Safety. The Contractor shall be solely responsible for the entire site and the building or construction of the same and provide all the necessary protections, as required by the owner or designer, and by laws or ordinances governing such conditions. The Contractor shall be responsible for any damage to the owner's property or of that of others on the job, by them, their personnel, or their subcontractors, and shall make good such damages. The Contractor shall be responsible for and pay for any damages caused to the owner. Contractor shall have access to the Project at all times.

    a. The Contractor shall provide cover and protect all portions of the structure when the work is not in progress, provide and set all temporary roofs, covers for doorways, sash and windows, and all other materials necessary to protect all the work on the building, whether set by him, or any of the subcontractors. Any work damaged through the lack of proper protection or from any other cause, shall be repaired or replaced without extra cost to the owner.

    b. No fires of any kind will be allowed inside or around the operations during the course of construction without special permission from the designer and owner.

    c. The Contractor shall protect all trees and shrubs designated to remain in the vicinity of the operations by building substantial boxes around it. He shall barricade all walks, roads, etc., as directed by the designer to keep the public away from the construction. All trenches, excavations or other hazards in the vicinity of the work shall be well barricaded and properly lighted at night.

d. The Contractor shall provide all necessary safety measures for the protection of all persons on the job, inclu requirements of the A.G.C. Accident Prevention Manual in Construction, as amended, and shall fully comply with all state laws or regulations and North Carolina State Building Code requirements to prevent accident or injury to persons on or about the location of the work. He shall clearly mark or post signs warning of hazards existing, and shall barricade excavations, elevator shafts, stairwells and similar hazards. He shall protect against damage or injury resulting from falling materials and he shall maintain all protective devices and signs throughout the progress of the work.

e. The Contractor shall adhere to the rules, regulations and interpretations of the North Carolina Department of Labor relating to Occupational Safety and Health Standards for the Construction Industry (Title 29, Code of Federal Regulations, Part 1926, published in Volume 39, Number 122, Part II, June 24, 1974, Federal Register), and revisions thereto as adopted by General Statutes of North Carolina 95-126 through 155.

f. In the event of emergency affecting the safety of life, the protection of work, or the safety of adjoining properties, the Contractor is hereby authorized to act at his own discretion, without further authorization from anyone, to prevent such threatened injury or damage. Any compensation claimed by the Contractor on account of such action shall be determined as provided for under Article 13(b).

Any and all costs associated with correcting damage caused to adjacent properties of the construction site or staging area shall be borne by the Contractor. These costs shall include but not be limited to flooding, mud, sand, stone, debris, and discharging of waste products.

15. As-Built Marked-Up Construction Documents. Contractor shall provide one complete set of legible “as-built” marked-up construction drawings and specifications recording any and all changes made to the original design during the course of construction. In the event no changes occurred, submit construction drawings and specifications set with notation “No Changes.” The Designer/Owner must receive “As-built” marked-up construction drawings and specifications before the final pay request can be processed.

16. Entire Agreement. The Contract Documents constitute and represent the complete and entire agreement between the City and Contractor and supersede all previous communications, either written or verbal with respect to the subject matter of this Contract.

17. Changes, Additions, Deletions. No changes, additions, deletions or modifications (other than substitutions accepted by the City at the time the contract is awarded) of the scope of work, specifications, terms and conditions, quantity, unit of issue, delivery date, delivery charges or price will be permitted unless the same are incorporated into a written Change Order, signed by the City and the Contractor. However, the Contractor will not be liable for delays caused by circumstances beyond its control including without limitation, delays caused by acts of God, the City or its other consultants/contractors, federal, state, and local government authorities, strikes, riots, civil unrest, war, or unknown or concealed conditions, and if such delays occur, the Contractor will be entitled to an equitable adjustment in the time for the performance of the Work and compensation.

18. Change Orders. Change orders shall be submitted by the Contractor in writing to the owner/designer for review and approval. The Contractor will provide such proposal and supporting data in suitable format. The designer shall verify correctness. Delay in the processing of the change order due to lack of proper submittal by the Contractor of all required supporting data shall not constitute grounds for a time extension or basis of a claim. Within five (5) days after receipt of the Contractor’s accepted proposal including all supporting documentation required by the designer, the designer shall prepare the change order and forward to the Contractor for his signature or otherwise respond, in writing, to the Contractor’s proposal. Within five (5) days after receipt of the change order executed by the Contractor, the designer shall, certify the change order by his signature, and forward the change order and all supporting data to the owner for the owner's signature. The owner shall execute the change order, within five (5) days of receipt.

a. A change order, when issued, shall be full compensation, or credit, for the work included, omitted or substituted. It shall show on its face the adjustment in time for completion of the Project as a result of the change in the work.

b. If, during the progress of the work, the owner requests a change order and the Contractor's terms are unacceptable, the owner, may require the Contractor to perform such work on a time and material basis whereupon the Contractor shall proceed and keep accurately on such form as specified by the Designer or owner, a correct account of cost together with all proper invoices, payrolls and supporting data. Upon completion of the work a change order will be prepared with allowances for overhead and profit per paragraph d. above and “net cost” and “cost” per paragraph e. above. Without prejudice, nothing in this paragraph shall preclude the owner from performing or to have performed that portion of the work requested in the change order.

19. Relationship of the Parties. The Contractor is an independent Contractor and not an affiliate of the City. The co control of the work will lie solely with the Contractor. The Contract shall not be construed as establishing a joint venture, partnership or any principal-agent relationship for any purpose between the Contractor and the City. Employees of the Contractor shall remain subject to the exclusive control and supervision of the Contractor, which is solely responsible for their compensation.

20. Sales Taxes. Any applicable sales taxes shall be invoiced as a separate item.

21. Substitutions. Substitutions proposed by the Contractor on the Substitution Listing Form, submitted with the Contractor's Bid Proposal, which are accepted by the City shall be considered a modification to the Contract Documents. No other substitutions shall be made by the Contractor unless the same is put into a Change Order, signed by the Owner and Contractor.

22. Indemnification. To the greatest extent allowed by the law the Contractor shall indemnify and hold harmless the City, its officers, agents, employees and assigns from and against all claims, losses, costs, damages, expenses, attorneys' fees ("Claims"), but only to the extent the fault of the Consultant or its derivative parties (as defined in N.C.G.S §22B-1) is a proximate cause of the Claim. In the event that any portion of the Work performed under the Contract shall be defective in any respect whatsoever, the Contractor shall indemnify and save harmless the City, its officers, agents, employees and assigns from all loss or the payment of all sums of money, but only to the extent the fault of the Consultant or its derivative parties (as defined in N.C.G.S §22B-1) is a proximate cause of the Claim.

23. Anti-Discrimination. During the performance of the Contract, the Contractor shall not discriminate against or deny the Contract's benefits to any person on the basis of sexual orientation, national origin, race, ethnic background, color, religion, gender, age or disability.

24. Insurance. The Contractor shall provide the insurance coverages shown on Exhibit A, attached hereto and incorporated herein by reference. The Contractor shall provide the City with a North Carolina Certificate of Insurance and such endorsements as may be required by the Contract Documents PRIOR to the commencement of any work under the Contract and agrees to maintain such insurance until the completion of the Contract. Such certificates of insurance shall be considered part of the Contract.

25. Ethics in Public Contracting. By submitting their prices and acceptance of this Contract, the Contractor certifies that their proposal was made without collusion or fraud and that they have not offered or received any kickbacks or inducements from any other supplier, manufacturer or subcontractor in connection with their proposal, and that they have not conferred on any public employee having official responsibility for this procurement transaction any payment, loan, subscription, deposit of money, services or anything of more than nominal value, present or promised, unless consideration of substantially equal or greater value was exchanged.

26. Applicable Laws and Courts. This Contract shall be governed in all respects by the laws of the State of North Carolina. All matters, whether sounding in contract or tort relating to the validity, construction, interpretation and enforcement of the Contract, shall be governed in all respects by the laws of the State of North Carolina and venue shall be proper only in a court of competent jurisdiction located in Mecklenburg County, North Carolina. The Contractor represents and warrants that it shall comply with all applicable federal, state and local laws, regulations and orders.

27. Strict Compliance. The City may at any time insist upon strict compliance with these terms and conditions notwithstanding any previous course of dealing or course of performance between the parties to the contrary.

28. Assignment. The Contractor shall not assign, subcontract or otherwise transfer any interest in the Contract without the prior written approval of the City.

29. General Provisions. The City's remedies as set forth herein are not exclusive. Any delay or omission by the City in exercising any right hereunder, or any waiver by the City of any single breach or default hereunder, shall not be deemed to be a waiver of such right or of any other right, breach, or default.

30. Risk of Loss. Risk of Loss for all supplies, materials, the Work performed, and the Project as it is being constructed, shall be on the Contractor until such time as substantial completion is achieved, certified by the Architect, and approved by the City.

31. Warranties. The Contractor warrants it shall adhere to all applicable laws, codes, ordinances, and regulations of the United States, the State of North Carolina, the County of Mecklenburg, and the City of Hendersonville in the performance of the Work outlined in this Contract and any attached specifications. The Contractor warrants that any finished Work completed hereunder shall also adhere to all applicable laws, codes, ordinances, and regulations of the United States, the State of North Carolina, the County of Mecklenburg, and the City of Hendersonville. The Contractor warrants that all Work will be performed in accordance with this Contract and the standard of care ordinarily used by members of the Contractor's engineering profession practicing

under similar circumstances and at the same time in Mecklenburg County. The Contractor makes no additional express or implied, in connection with the Work. In addition to any other rights available at law or in equity, the City shall be entitled to consequential and incidental damages.

32. Default. In the event of a breach by the Contractor, addition to any other remedies available to the City in law or equity, the City may procure upon such terms as the City shall deem appropriate, construction services substantially similar to those so terminated, in which case the Contractor shall be liable to the City for any excess costs for such similar services and any expenses incurred in connection therewith. This Contract shall not terminate if the alleged default is cured within a ten (10) day notice period. In the event this Contract is terminated by the City for the default of the Contractor, the City shall be entitled to keep and use Work, including materials and supplies on site provided by the Contractor in finishing the construction of the Project.

33. Termination for Convenience. The City shall have the right, without assigning any reason therefore, to terminate any Work under the Contract, in whole or in part, at any time at its complete discretion by providing ten (10) day notice in writing from the City to the Contractor. If the Contract is terminated by the City in accordance with this paragraph, the Contractor will be paid for all Work performed and reimbursable expenses incurred up to the effective date of the termination. The City will not be liable to the Contractor for any costs for materials acquired or contracted for, if such costs were incurred prior to the date of this Contract.

34. Assignment. Contractor may not assign, pledge, or in any manner encumber the Contractor's rights under this Contract, or delegate the performance of any of its obligations hereunder, without the City's prior, express written consent. Hiring a subcontractor to perform any portion of the Work shall be at the Contractor's discretion; however Contractor shall remain liable and responsible to the City for all such Work completed by subcontractors.

35. No Third Party Beneficiaries. There shall be no intended nor incidental third party beneficiaries of this Contract. The Contractor shall include in all contracts, subcontracts or other agreements relating to the Contract an acknowledgment by the contracting parties that the Contract creates no third party beneficiaries.

36. Valid Contract. In order for this Contract to be valid, it must be executed by the City Manager or his or her authorized designee, and must be preaudited in that manner required by the Local Government Budget and Fiscal Control Act, as the same may be amended.

37. Verification of Work Authorization. The Contractor shall comply with, and require all contractors and subcontractors to comply with, the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes, "Verification of Work Authorization," sometimes known as E-verify for all contractors and subcontractors.

38. Iran Divestment List. With the execution hereof, Contractor, certifies that they are not on the Iran Final Divestment List created by the N.C. State Treasurer pursuant to N.C.G.S. § 147-86.58, and will not contract with anyone on such List in performance of the work hereunder.

39. Severability. If any provision of this Contract is found to be invalid or unlawful, then remainder of this Agreement shall not be affected thereby, and each remaining provision shall be valid and enforced to the fullest extent permitted by law.

40. Dispute Resolution. As a precondition for filing a lawsuit related to a dispute under this Agreement, a party must comply with the City of Hendersonville Rules Implementing Mediated Settlement Conferences for City of Hendersonville Construction Projects, the "Dispute Resolution Procedure."

EXHIBIT A

MINIMUM INSURANCE REQUIREMENTS

The Work under this Contract shall not commence until the Firm has obtained all required insurance and verifying certificates of insurance have been approved in writing by the City. The City shall be named as additional insured on all policies, except Worker's Compensation and Professional Liability policies. These certificates shall document that coverages afforded under the policies will not be cancelled until at least thirty (30) days after mailing written notice, by certified mail, return receipt requested, to the insured and the City of such cancellation. If endorsements are needed to comply with the notification or other requirements of this article copies of the endorsements shall be submitted with the certificates.

a. Worker's Compensation and Employer's Liability

The Firm shall provide and maintain, until final acceptance, workmen's compensation insurance, as required by law, as well as employer's liability coverage with minimum limits of $100,000.

b. Comprehensive General Liability Insurance

The Firm shall provide and maintain, until final acceptance, comprehensive general liability insurance, including coverage for premises operations, independent contractors, completed operations, products and contractual exposures, as shall protect such contractors from claims arising out of any bodily injury, including accidental death, as well as from claims for property damages which may arise from operations under this contract, whether such operations be by the Firm or by any subcontractor, or by anyone directly or indirectly employed by either of them and the minimum limits of such insurance shall be as follows:

Bodily Injury:	$1,000,000 per occurrence / $2,000,000 aggregate
Property Damage:	$100,000 per occurrence / $300,000 aggregate

Or,

Bodily Injury and Property Damage, combined single limit (CSL): $1,000,000 per occurrence / $2,000,000 aggregate

Such coverage for completed operations must be maintained for at least two (2) years following final acceptance of the Work performed under the contract.

c. Deductible

Any deductible, if applicable to loss covered by insurance provided, is to be borne by the Firm.

d. Other Insurance

The Firm shall obtain such additional insurance as may be required by the City or by the General Statutes of North Carolina including motor vehicle insurance, in amounts not less than the statutory limits.

e. Proof of Carriage

The Firm shall furnish the City with satisfactory proof of carriage of the insurance required before written approval is granted by the City

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: Michael Huffman

MEETING DATE: December 2, 2021

AGENDA SECTION: CONSENT

DEPARTMENT: Engineering - Stormwater

TITLE OF ITEM: Approval of Resolution Accepting Proposal from AQUALIS for CCTV Inspection and Cleaning services for the City of Hendersonville stormwater system – *Michael Huffman, Stormwater Administrator*

SUGGESTED MOTION(S):

I move City Council approve the *Resolution by the City of Hendersonville to Authorize the Center Manager to Enter into a Contract with AQUALIS,* as presented.

SUMMARY:

The City has received proposals for CCTV Inspection and Cleaning services for the City of Hendersonville stormwater system. New Restoration and Recovery Services, LLC, dba AQUALIS, a nationwide leading stormwater compliance company providing stormwater services, submitted the lowest responsive bid in the amount of $146,143.28. Therefore, staff requests approval of the attached resolution authorizing the City Manager and City Attorney to execute a contract with New Restoration and Recovery Services, LLC, dba AQUALIS at a cost of $146,143.28.

BUDGET IMPACT: $146,143.28

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

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

ATTACHMENTS:
Resolution
Bid Tabulation
The Request for Proposals
Proposal Received from AQUALIS
Assumed Name Certificate

Resolution #__-____

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A CONTRACT WITH AQUALIS

WHEREAS, the City of Hendersonville requested proposals for CCTV Inspection and cleaning for the City's storm sewer system; and

WHEREAS, three proposals were received, with New Restoration and Recovery Services, LLC, dba AQUALIS, submitting the lowest responsive proposal in the amount of $146,143.28, together with a proposed scope of services to complete CCTV Inspection and cleaning for the City of Hendersonville storm sewer system; and

WHEREAS, AQUALIS has developed a comprehensive and effective approach to managing stormwater facilities that ensure proper function and regulatory compliance ; and

WHEREAS, comprehensive CCTV inspections of the City's municipal separate storm sewer system (MS4) will help City Staff develop a detailed asset management and capital improvement plan for the MS4;

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

1. New Restoration and Recovery Services, LLC, dba AQUALIS, is determined to be the lowest responsive, responsible proposer for the CCTV Inspection and cleaning service for the City's MS4.
2. The City Manager is authorized to execute into a contract with New Restoration and Recovery Services, LLC, dba AQUALIS, in the amount $146,143.28 consistent with the terms of this Resolution, in consultation with the City Attorney.

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

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

_____
Angela L. Reece, City Clerk

Approved as to form:

_____
Angela S. Beeker, City Attorney

MS4 CCTV INSPECTION & CLEANING BID TAB

				AQUALIS		BIO-NOMICS		PCI	
Bid Item No.	Description	Unit	Quantity	Unit Price	Bid Amount	Unit Price	Bid Amount	Unit Price	Bid Amount
1.	CCTV Inspection – Pipes (diameter or equivalent) >36"	LF	8483	$ 1.44	$ 12,144.96	$ 6.36	$ 53,951.88	$ 4.00	$ 33,932.00
2.	30-36”	LF	4944	$ 1.44	$ 7,119.36	$ 5.39	$ 26,648.16	$ 4.00	$ 19,776.00
3.	24-30”	LF	17399	$ 1.44	$ 25,054.56	$ 5.34	$ 92,910.66	$ 4.00	$ 69,596.00
4.	18-24”	LF	32160	$ 1.44	$ 46,310.40	$ 5.06	$ 162,729.60	$ 4.00	$ 128,640.00
5.	Total	LF	62,987	$ 1.44	$ 90,701.28	N/A	$ 336,240.30	$ 4.00	$ 251,948.00
6.	CCTV Inspection - Manholes	EA	180	$ 30.00	$ 5,400.00	$ 133.20	$ 23,976.00	$ 250.00	$ 45,000.00
	Municipal Water Supply	gal	1000	$ 7.00	$7 per 1000 gal	$ 7.00	$7 per 1000 gal	$ 7.00	$7 per 1000 gal
7.	CCTV Mobilization	LS	1	$ 3,800.00	$ 3,800.00	$ 1,300.00	$ 1,300.00	$ 30,000.00	$ 30,000.00
8.	Stormwater Asset Cleaning (sizes ranging from 18”-36”+)	LF	13,000	$ 3.25	$ 42,250.00	$ 5.53	$ 71,890.00	$ 18.50	$ 240,500.00
9.	Cleaning Mobilization	LS	1		$ 1,000.00	$ 1,500.00	$ 1,500.00	$ 2,500.00	$ 2,500.00
10.	Traffic Control	LS	1	$ 1,525.00	$1525 per day	$ 850.00	$ 850.00	$ 25,000.00	$ 25,000.00
11.	Emergency Cleaning Mobilization	LS	1		$ 1,500.00	$ 2,350.00	$ 2,350.00	$ 3,500.00	$ 3,500.00
12.	Total				$ 146,143.28		$ 438,106.30		598.444.00

AQUALIS

Delivered to:

City of Hendersonville, NC

AQUALIS

A. Cover Letter

November 19, 2021

Michael Huffman, Stormwater Administrator
City of Hendersonville, NC
305 Williams St.
Hendersonville, NC 28791

Since 2001, AQUALIS has developed a comprehensive and effective approach to managing stormwater facilities that ensure proper function and regulatory compliance. We are excited about our potential future partnership with the City of Hendersonville, NC for support of their stormwater CCTV pipe inspections and cleaning of storm sewer lines.

Headquartered in Durham, North Carlina, AQUALIS has been providing stormwater and lift station management services to communities throughout North Carolina and across the nation for over 20 years. Specializing in stormwater management and root-cause analysis, our CCTV inspection program is self-performed by certified professionals of the National Association of Sewer Services Companies (NASSCO). Year-to-date AQUALIS has inspected over 190,000 linear square feet of underground stormwater and sewer pipes for our clients. We pride ourselves on thorough documentation, delivery, and reporting of all deficiencies to provide our clients with the most accurate information to make the most informed decision and course of action that meets budgetary and compliance requirements. In addition to our NASSCO certification, our teams are extensively trained with ongoing training programs to guarantee project and site safety and various certifications, including OSHA Permit-Required Confined Space Entry and OSHA 10 / 30 Hour, for example.

As outlined in the Request for Proposal, AQUALIS has the capabilities to not only capture video inspection of underground stormwater and sewer pipes in the City of Hendersonville, but also provide comprehensive cleaning by unclogging pipes and removing built-up sediment from pipes in various sizes utilizing industrial vacuum and jetting applications from our self-performing fleet of trucks. Our teams provide expertise of operation and proper sediment disposal per the state's standards and regulations.

We strive to bring innovation and improvements to the stormwater industry every day. Developing cutting edge stormwater credit programs, including and enhancing technology with our services, documenting all aspects of our work, providing a client portal for you to access all customer data, weekly Quality Assurance and Quality Control programs and focused KPIs for our teams allows us to remain focused and committed to water quality excellence through superior stormwater management.

By submittal of this offer, I hereby certify that company or its principals are not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any government agency.

Sincerely,
Erik Rice
Territory Sales Representative
erice@aqualisco.com | 919.412.4005
aqualisco.com

AQUALIS

B. Use of Subcontractors/Partners.

AQUALIS will self-perform all CCTV and necessary vactor work to complete the scope of the project presented by the City of Hendersonville, NC.

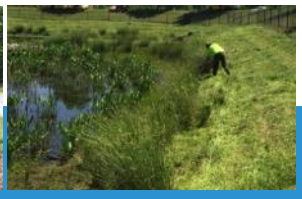
C. Minimum Mandatory Qualifications

See section E for description and itemized qualifications for each specified section.

AQUALIS

D. Company Information

ABOUT AQUALIS



AQUALIS
2510 Meridian Pkwy, Suite 350
Durham, NC 27713
Richard Matero, Chief Executive Officer

Founded in 2001, AQUALIS is a nationwide leading water compliance company providing stormwater and lift station management to commercial, retail, industrial and residential markets through consulting, inspection, maintenance and repair services. AQUALIS currently operates throughout the United States and Puerto Rico and will perform more than 57,000 maintenance and inspection visits as well as 12,600 repairs in 2021. Upon award of the proposal to City of Hendersonville, North Carolina, AQUALIS will deploy immediately to fulfill the requirements outlined in our scope.

AQUALIS differentiates itself from the marketplace through the following:

- **Focused and Comprehensive:** Stormwater management is what we do. We are not a division of a larger, less focused organization. Instead, we focus only on stormwater management, but we do *everything* within the industry.

Comprehensive Stormwater Services

Our dedicated maintenance teams ensure your Stormwater Control Measures (SCM) are maintained to the highest standards of quality and compliance. Our scheduled maintenance protocols include:

- Vegetation Management
- Invasive Species and Pest Control/Nuisance Animal Control
- Trash/Debris Removal
- Sediment Removal
- Porous/Permeable/Pervious Pavement Evaluation and Cleaning
- Dam and Slope Stabilization/Restoration
- Riprap Replacement and Waterproofing/Relining
- Wetland Species Management and Planting Hydro Excavation
- Confined Space and Video Inspection (CCTV)
- Underground Vault Cleaning
- Hydrodynamic Separator and Jellyfish Filter Maintenance
- Dry Well Maintenance
- Vacuuming (Vactor) and High-Pressure Jetting
- Underground Filter Cartridge Replacement including Contech Filters
- Trenchless Pipe Repair
- Catch Basin Cleaning and Repair

AQUALIS

Stormwater Repairs

We expertly repair and maintain all above and below ground stormwater systems, including:

- Catch Basins
- Grates
- Sand Filters
- Infiltration Trenches
- Green Roofs
- Detention/Retention Ponds
- Vaults
- Inlets
- Outfalls
- Drainage Channels/Pipes
- Swales
- Engineered BMPs
- Manholes
- Storm pipes
- Bioretention Cells
- Rain Gardens

Corrective Maintenance

Should your stormwater system fail for any reason, AQUALIS offers quick and reliable repair, rehabilitation, and retrofit services.

- Repair Response
- Retrofitting
- Structural Redesign
- Ad Hoc, Large-scale Maintenance Projects
- Engineering Services

Certifications

We are a team of enthusiastic and educated environmentalists dedicated to helping our customers understand complicated stormwater management laws, avoid expensive violations, and ensure the safety of our planet and all its inhabitants. Our team of experts are certified to inspect, maintain, and repair stormwater assets of all varieties.

- NASSCO-PACP
- MACP
- LACP Certifications (CCTV)
- CESSWI
- CPESC
- Commercial Aquatic Pesticide Applicator
- Stormwater Erosion And Sedimentation Control Inspector
- Commercial Turf, Ornamental, Right of Way Applicator
- FAA Certified Remote Pilot and Commercial Operator
- OSHA Permit-Required Confined Space Entry
- OSHA 10 / 30 Hour
- Hazardous Materials Operations/OSHA Level II
- ISA Certified Arborist
- AGC Safety Team Certification
- Bayfilter Certification
- Oldcastle Perk Filter Certification
- ADS Certification

AQUALIS

E. Company Work Profile #1

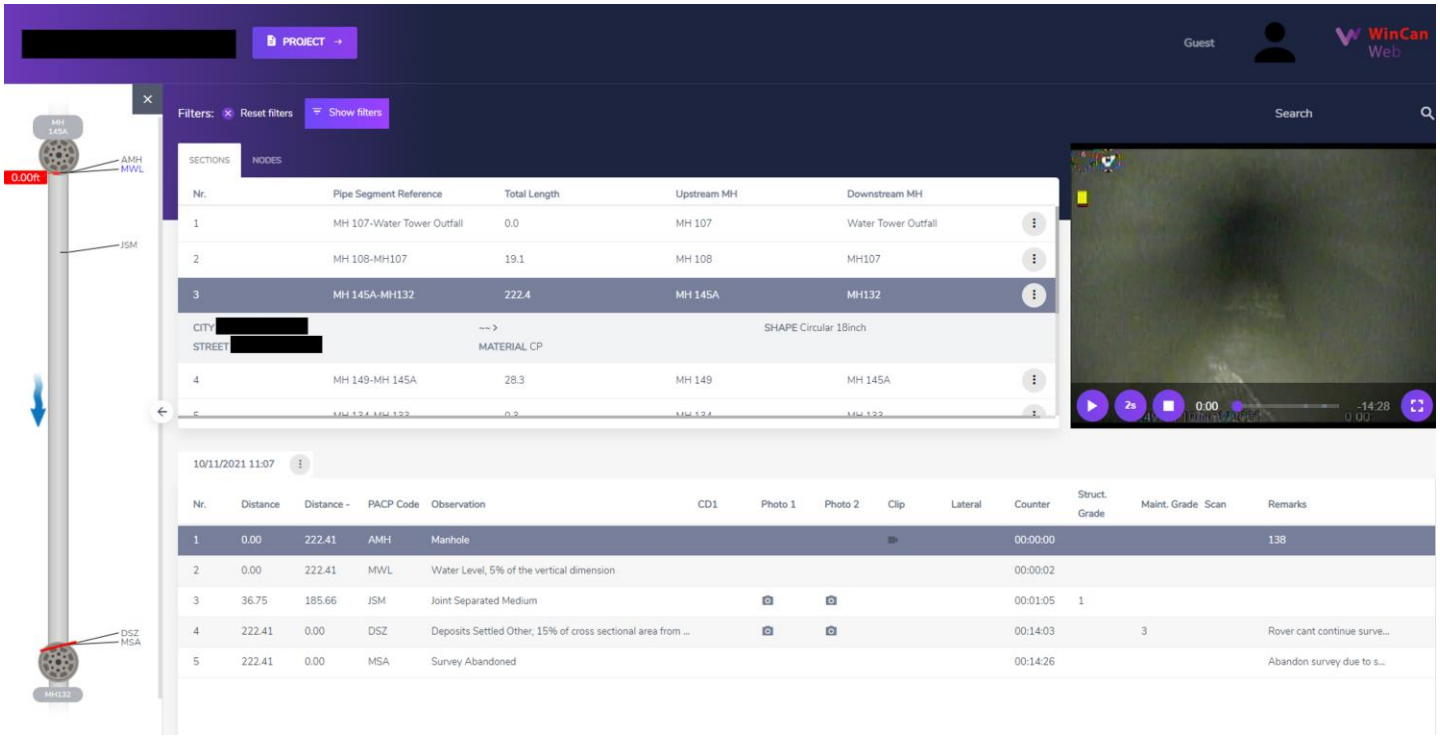
1. AQUALIS provides itself in delivering 'Raving Fan' services which includes the highest quality of client experience from delivery of scope to completion reports. We are a team that is thorough in documentation, providing timelines and execution dates and ensuring communication is met every step of the way. Additionally, we provide one point of contact to ease the burden of multiple contacts, emergency calls and streamline the process so you know who to call when you need service. Our teams are highly trained in their service departments with continuing education celebrated at AQUALIS to continue to meet and exceed our client's expectations.
2. The successful Contractor must have a supervisor or project manager with minimum two (2) years of experience using NASSCO PACP and MACP inspection and coding.
3. The Contractor shall be able to meet NASSCO Requirements:
    a. Anthony Craig CCTV Operator – PACP/MACP/LACP Cert#U0720-70309944 Exp. 07-25-2023
    b. Joel Vasey CCTV Operator – PACP/MACP/LACP Cert#U-304-1198 Exp. 06-07-2021 (Renewal in progress)
    c. Luis Parada CCTV Supervisor – PACP/MACP/LACP Cert# U-212-14605 Exp. 05-05-2021 (Renewal in progress)
    d. Nirpaul Kang General Manager & Director – PACP/MACP/LACP Cert#U-1208-7918 Exp. 07-25-2023
    e. Rob Winskowski CCTV Operator – PACP/MACP/LACP Cert#U-815-070001020 08-15-2021 (Renewal in progress)
4. References
    a. Hydro International, we have completed numerous CCTV projects and scopes for them as including vactor work
        i. POC: Pasquale Napolitano, pnapolitano@hydro-int.com
    b. Dulaney Center (CBRE Property Management), CCTV completion
        i. Contact: Joel Carver SE, CPMM, Lead Building Engineer
        ii. joel.carver@cbre.com
    c. Town of Hilton Head, SC
        i. Contact: Erik Ladd, Project Manager
        ii. (843)384-4072
        iii. erikl@hiltonheadislandsc.gov
5. Key Employees
    a. Chris Reaves - Director of Operations Planning, creaves@aqualisco.com
    b. Mark Cummins – Director of Rehab Services, mcummins@aqualisco.com
    c. Other Aqualis employees will be onsite from the crew level. The crews that we use rotate based on scheduling and availability. If win bid, we are able to let you know which crew will be onsite for the project before starting work.

AQUALIS

6. Subcontractors
    a. AQUALIS will be self-performing the work, no sub-contractors required.

F. Company Work Profile#2 – Example Work Products

1. See work completion inserted after O.Bid in RFP document. Still images provided, full video is protected for client's protection per our Terms and Agreements.
    a. Dashboard example:



G. Company Work Profile#3 – Equipment

1. Enviro Sight Rovver X (Owned)
    a. Crawl as far as 1640, Steerable 6-wheel drive maneuvers past obstacles
    b. Adapt to inspect lines 6" to 96" in diameter,
    c. https://envirosight.com/products/rovver-x/

H. Company Work Profile#4 – Approach to Scope of Work

Upon being awarded the RFP Aqualis will provide a complete work schedule with all the information for the dedicated crew to the project.

1. Provide a detailed work plan and schedule of activities including specific working hour timeframes.
2. Provide a data collection, management, and deliverable plan describing specific data to be collected along with specific tools, software, hardware and methods, data storage and delivery, and quality assurance and quality control. Specifically, how field, data, and final product issues would be monitored and resolved, work

AQUALIS

checked and cross-referenced, and coordination ensured to be complete, accurate, and coordinated with subcontractors or the City.

3. Describe the methods and timeline of communication your firm will use with the City's Project Manager, other involved City staff, and any other interested parties.
4. Provide a traffic control plan. The City will be responsible for any NCDOT permits needed.
5. Provide a health and safety plan.

I. Company Work Profile #5 - Value/Cost of Efforts

1. All billing is NET 30 from date of completion of work.

O. Bid Schedule:

Bid Item No.	Description	Unit	Quantity	Unit Price	Bid Amount
1.	CCTV Inspection – Pipes (diameter or equivalent) >36"	LF	8483	$1.44	$12,144.96
2.	30-36"	LF	4944	$1.44	$7,119.36
3.	24-30"	LF	17399	$1.44	$25,054.56
4.	18-24"	LF	32160	$1.44	$43,310.40
5.	Total	LF	62,987	$1.44	$90,701.28
6.	CCTV Inspection - Manholes	EA	180	$30.00	$5,400.00
7.	CCTV Mobilization	LS	1		$3,800.00
8.	Municipal Water Supply Rate	gal	1,000	$7.00	$7.00 per 1,000 gal
9.	Stormwater Asset Cleaning (sizes ranging from 18"-36"+)	LF	13,000	$3.25	$42,210.00
10.	Cleaning Mobilization	LS	1		$1,000.00
11.	Traffic Control	LS	Daily	$1,525.00	$1525.00 per day
12.	Emergency Cleaning Mobilization	LS	1		$1500.00
13.	**Total**				$146,143.28

***Disposal exceeding 65,000 tons will be charged $210 a ton

***City of Hendersonville is supplying a dump area so no extra fees will be associated with disposal

***Scope indicates a Modified Level 2 digital formatting for the camera equipment. AQUALIS has camera equipment with Modified Level 1 digital formatting that will save $220 per manhole and still provide quality imagery.

****Utilizing municipal water sources to supply water for vac truck which will charged at $7 per 1000 gal consumed

**We will determine when traffic control is needed, priced issued per day displayed above.

AQUALIS STORMWATER MANAGEMENT

Project

Project	[redacted]
	11/10/2021
End Date	11/16/2021

Client

Company	[redacted].
Responsible person	
Street	
City	
Phone	
E-Mail	

Remarks

AQUALIS STORMWATER MANAGEMENT

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AQUALIS STORMWATER MANAGEMENT

Project Information

Project		11/15/2021
[redacted]		

Client

Company: [redacted]
Responsible person:
Division:
Street:
City:
Phone:
Fax:
Mobile:
E-Mail:

AQUALIS STORMWATER MANAGEMENT

Legend of Classification (Section)

Project	11/15/2021
[redacted]	

1:	Excellent Condition Minor Defects- Failure unlikley in the foreseeable future
2:	Good Condition Defects that have not begun to deteriorate- Pipe unlikely to fail for at least 20 years.
3:	Fair Condition Moderate defects that will continue to deteriorate- Pipe may fail in 10-20 years.
4:	Poor Condition Severe Defects that will become Grade 5 defects within the foerseeable future- Pipe will probably fail in 5-10 years
5:	Immediate Attention Defects require immediate attention- Pipe has failed or will likely fail within the next 5 years or sooner.

AQUALIS STORMWATER MANAGEMENT

Section Profile

Project	11/15/2021
[redacted]	

Total: 0 = 358.46 Total Length (0.00 Length Surveyed)

AQUALIS STORMWATER MANAGEMENT

Section Summary

Project	11/15/2021
[redacted]	

Number of sections	10
Total length of sewer network	358.46 ft
Inspected length of sewer network	357.23 ft
Not inspected length of sewer network	1.23 ft
Total abandoned inspections	10
Number of section inspection photos	55
Number of section inspection videos	10
Number of section inspection scans	0
Number of section inclination measurements	0

Pipe Segment Reference	**MH 107-Water Tower Outfall**	Upstream MH	**MH 107**
City	[redacted]	Downstream MH	**Water Tower Outfall**
Street		Shape	**Circular 24inch**
Total Length	**1.0**	Material	**Concrete Pipe (non-reinforced)**

	Distance	PACP Code	Observation
1	0.00	MSA	Survey Abandoned
2	0.00	MWL	Water Level, 20% of the vertical dimension
3	0.00	ACB	Catch Basin
4	1.00	DNF	Deposits Ingress Fine, 30% of cross sectional area from 4 o'clock to 8 o'clock

Pipe Segment Reference	**MH 108-MH107**	Upstream MH	**MH 108**
City	[redacted]	Downstream MH	**MH107**
Street		Shape	**Circular 24inch**
Total Length	**19.1**	Material	**Concrete Pipe (non-reinforced)**

	Distance	PACP Code	Observation
1	0.00	MWL	Water Level, 50% of the vertical dimension
2	0.00	AMH	Manhole
3	5.00	DAZ	Deposits Attached Other, 5% of cross sectional area from 1 o'clock to 11 o'clock, Start
4	9.25	RFJ	Roots Fine Joint at 10 o'clock, within 8 inch
5	13.50	MWL	Water Level, 80% of the vertical dimension
6	17.16	CL	Crack Longitudinal at 12 o'clock, within 8 inch
7	19.08	MSA	Survey Abandoned

Pipe Segment Reference	**MH 145A-MH132**	Upstream MH	**MH 145A**
City	[redacted]	Downstream MH	**MH132**
Street		Shape	**Circular 18inch**
Total Length	**222.4**	Material	**Concrete Pipe (non-reinforced)**

AQUALIS STORMWATER MANAGEMENT

Section Summary

Project	11/15/2021
[redacted]	

	Distance	PACP Code	Observation
1	0.00	AMH	Manhole
2	0.00	MWL	Water Level, 10% of the vertical dimension
3	36.75	DAZ	Deposits Attached Other, 5% of cross sectional area from 1 o'clock to 11 o'clock
4	36.75	JSM	Joint Separated Medium
5	73.66	LU	Alignment Up, 5% changed
6	86.83	DSF	Deposits Settled Fine, 10% of cross sectional area from 5 o'clock to 7 o'clock
7	180.76	DAZ	Deposits Attached Other, 5% of cross sectional area from 1 o'clock to 11 o'clock
8	220.00	DSF	Deposits Settled Fine, 10% of cross sectional area from 4 o'clock to 8 o'clock
9	222.41	DSZ	Deposits Settled Other, 15% of cross sectional area from 5 o'clock to 7 o'clock
10	222.41	MSA	Survey Abandoned

Pipe Segment Reference	**MH 149-MH 145A**	Upstream MH	**MH 149**
City	[redacted]	Downstream MH	**MH 145A**
Street	[redacted]	Shape	**Circular 24inch**
Total Length	**28.3**	Material	**Other**

	Distance	PACP Code	Observation
1	0.00	AMH	Manhole
2	0.00	MWL	Water Level, 10% of the vertical dimension
3	5.91	DAE	Deposits Attached Encrustation, 5% of cross sectional area from 1 o'clock to 11 o'clock, Start
4	7.00	RTJ	Roots Tap Joint at 1 o'clock, 5% of cross sectional area, within 8 inch
5	11.75	CL	Crack Longitudinal at 3 o'clock
6	15.00	RTJ	Roots Tap Joint at 1 o'clock, 5% of cross sectional area, within 8 inch
7	28.25	DSZ	Deposits Settled Other, 20% of cross sectional area from 5 o'clock to 7 o'clock
8	28.25	MSA	Survey Abandoned

Pipe Segment Reference	**MH 134-MH 133**	Upstream MH	**MH 134**
City	[redacted]	Downstream MH	**MH 133**
Street	[redacted]	Shape	**Circular 12inch**
Total Length	**0.3**	Material	**Other**

	Distance	PACP Code	Observation
1	0.00	AMH	Manhole
2	0.00	MWL	Water Level, 20% of the vertical dimension
3	0.08	MSA	Survey Abandoned
4	0.30	DSZ	Deposits Settled Other, 10% of cross sectional area from 5 o'clock to 7 o'clock

Pipe Segment Reference	**MH 133-MH 132**	Upstream MH	**MH 133**
City	[redacted]	Downstream MH	**MH 132**
Street	[redacted]	Shape	**Circular 12inch**
Total Length	**22.5**	Material	**Other**

	Distance	PACP Code	Observation
1	0.00	AMH	Manhole
2	0.00	MWL	Water Level, 10% of the vertical dimension
3	0.06	DAE	Deposits Attached Encrustation, 5% of cross sectional area from 1 o'clock to 11 o'clock
4	8.50	DSF	Deposits Settled Fine, 20% of cross sectional area from 5 o'clock to 7 o'clock
5	22.00	MCU	Camera Underwater
6	22.50	MSA	Survey Abandoned

AQUALIS STORMWATER MANAGEMENT

Section Summary

Project	
IRON MIKE 11_15_2021	11/15/2021

Pipe Segment Reference	150-MH 149	Upstream MH	150
City	[redacted]	Downstream MH	MH 149
Street	[redacted]	Shape	Circular 12inch
Total Length	26.3	Material	Vitrified Clay Pipe

	Distance	PACP Code	Observation
1	0.00	AMH	Manhole
2	0.00	MWL	Water Level, 10% of the vertical dimension
3	1.83	DSF	Deposits Settled Fine, 10% of cross sectional area from 7 o'clock to 8 o'clock, Start
4	26.33	DSF	Deposits Settled Fine, 25% of cross sectional area from 7 o'clock to 8 o'clock, Finish
5	26.33	MSA	Survey Abandoned

Pipe Segment Reference	DI 161-MH 149	Upstream MH	DI 161
City	[redacted]	Downstream MH	MH 149
Street	[redacted]	Shape	Circular 24inch
Total Length	7.0	Material	Other

	Distance	PACP Code	Observation
1	0.00	MWL	Water Level, 20% of the vertical dimension
2	0.00	AMH	Manhole
3	2.25	DSF	Deposits Settled Fine, 20% of cross sectional area from 4 o'clock to 8 o'clock
4	7.00	MSA	Survey Abandoned

Pipe Segment Reference	177-176 bn	Upstream MH	177
City	[redacted]	Downstream MH	176 bn
Street	[redacted]	Shape	Circular 24inch
Total Length	2.1	Material	Concrete Pipe (non-reinforced)

	Distance	PACP Code	Observation
1	0.00	MWL	Water Level, 20% of the vertical dimension
2	0.00	AMH	Manhole
3	0.75	LR	Alignment Right, 10% changed
4	2.08	MSA	Survey Abandoned

Pipe Segment Reference	176BN-175	Upstream MH	176BN
City	[redacted]	Downstream MH	175
Street	[redacted]	Shape	Circular 24inch
Total Length	29.5	Material	Concrete Pipe (non-reinforced)

	Distance	PACP Code	Observation
1	0.00	MWL	Water Level, 30% of the vertical dimension
2	0.00	AMH	Manhole
3	5.16	CL	Crack Longitudinal at 12 o'clock, within 8 inch, 0inch defective, 0inch intrusion
4	19.00	MWL	Water Level, 50% of the vertical dimension
5	20.75	LL	Alignment Left, 5% changed
6	29.50	MSA	Survey Abandoned

AQUALIS STORMWATER MANAGEMENT

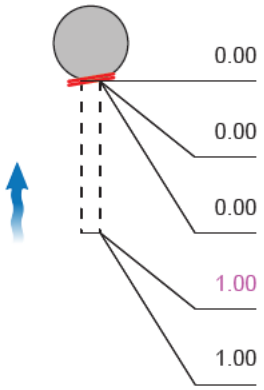
Inspection report

Date:	Work Order:	Weather:	Surveyed By:	Certificate Number:	Pipe Segment Ref.:
11/10/2021		**Dry**	Kolby Scott Operator QC Mark Cummins PACP	**P0034442-102021**	**MH 107-Water Tower Outfall**
Year laid:	Pre-cleaning:	Direction:	Pipe Joint Length:	Total Length:	Length Surveyed:
	No Pre-Cleaning	**Upstream**		**1.0 '**	**1.0 '**

City:	[redacted]	Drainage Area:		Upstream MH:	**MH 107**
Street:	[redacted]	Media Label:		Up Rim to Invert:	**86.0**
Location Code:		Flow Control:	**Not Controlled**	Downstream MH:	**Water Tower Outfall**
Location Details:	**Iron Mike Outfall to Marsh**	Sheet Number:		Down Rim to Invert:	**86.0**
Pipe shape:	**Circular**	Sewer Use:		Total gallons used:	**0.0**
Pipe size:	**24 "**	Sewer Category:	**SEC**	Joints passed:	**0**
Pipe material:	**Concrete Pipe (non-reinforced)**	Purpose:	**Infiltration/Inflow Investigation**	Joints failed:	**0**
Lining Method:		Owner:	**MCRI PI PUBLIC WORKS DEP**		

Additional Info: **Survey Abandon Due to Sediment and Standing Woter**

Water Tower Outfall



1:50 Distance	Code	Observation	Counter	Photo	Grade
0.00	MSA	Survey Abandoned / Rover Couldn't continue survey due to sediment and water rising over camera			
0.00	MWL	Water Level, 20% of the vertical dimension	00:00:00	MH 107-Water Tower	
0.00	ACB	Catch Basin	00:00:00		
1.00	DNF	Deposits Ingress Fine, 30% of cross sectional area from 4 o'clock to 8 o'clock / Accumulated sediment was too deep to operate rover	00:01:00	MH 107-Water Tower	M4
1.00		End of pipe			

QSR	QMR	QOR	SPR	MPR	OPR	SPRI	MPRI	OPRI
0000	4100	4100	0.0	4.0	4.0	0.0	4.0	4.0

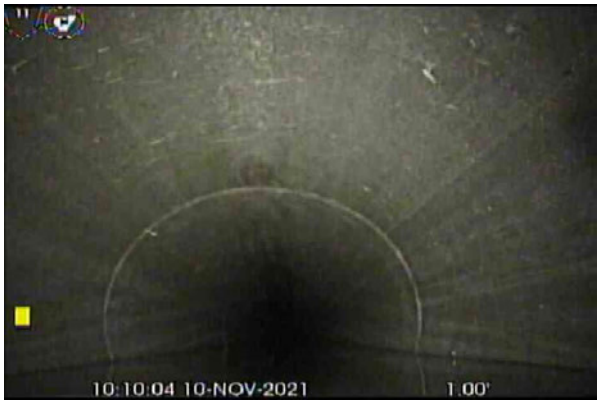
AQUALIS STORMWATER MANAGEMENT

Section Pictures - 11/10/2021 - MH 107-Water Tower Outfall

City	Street	Date	Pipe Segment Reference	Nr.
[redacted]	[redacted]	**11/10/2021**	**MH 107-Water Tower**	**1**

MH 107-Water Tower
Outfall_5d146fd2-0238-4396-9708-b2da8e9f0fae_20211116_143106_637.jpg, 00:00:00, 0.00ft
Water Level, 20% of the vertical dimension

MH 107-Water Tower
Outfall_aac7ac2f-223a-45f8-a9a7-5779526aa01a_20211116_143125_660.jpg, 00:00:00, 0.00ft
Water Level, 20% of the vertical dimension



MH 107-Water Tower
Outfall_390191b7-fbb6-4abc-8eec-6c5cccb7f2c7_20211116_143449_892.jpg, 00:01:00, 1.00ft
Deposits Ingress Fine, 30% of cross sectional area from 4 o'clock to 8 o'clock / Accumulated sediment was too deep to operate rover

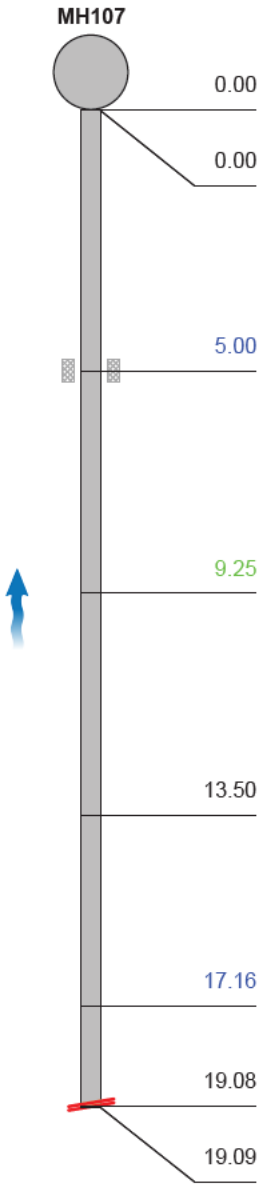
AQUALIS STORMWATER MANAGEMENT

Inspection report

Date:	Work Order:	Weather:	Surveyed By:	Certificate Number:	Pipe Segment Ref.:
11/10/2021		**Dry**	Kolby Scott Operator QC Mark Cummins PACP	**P0034442-102021**	**MH 108-MH107**
Year laid:	Pre-cleaning:	Direction:	Pipe Joint Length:	Total Length:	Length Surveyed:
	No Pre-Cleaning	**Upstream**		**19.1 '**	**19.1 '**

City:	**Parris Island**	Drainage Area:		Upstream MH:	**MH 108**
Street:	**Iron Mike**	Media Label:		Up Rim to Invert:	**86.0**
Location Code:		Flow Control:	**Not Controlled**	Downstream MH:	**MH107**
Location Details:	**Iron Mike**	Sheet Number:		Down Rim to Invert:	**86.0**
Pipe shape:	**Circular**	Sewer Use:		Total gallons used:	**0.0**
Pipe size:	**24 "**	Sewer Category:	**SEC**	Joints passed:	**0**
Pipe material:	**Concrete Pipe (non-reinforced)**	Purpose:	**Infiltration/Inflow Investigation**	Joints failed:	**0**
Lining Method:		Owner:	[redacted]		

Additional Info: **Survey Abandon due to Sediment and Standding Water**



1:145	Distance		Code	Observation	Counter	Photo	Grade
	0.00		MWL	Water Level, 50% of the vertical dimension / Pipe 50% full of standing water	00:00:00	MH 108-MH107_9b866c3	
	0.00		AMH	Manhole / MH107	00:01:02		
	5.00	S01	DAZ	Deposits Attached Other, 5% of cross sectional area from 1 o'clock to 11 o'clock, Start / Sedimentation accunulated on pipe side walls representative of full water & no flow	00:01:54	MH 108-MH107_2f8abe8	M2
	9.25		RFJ	Roots Fine Joint at 10 o'clock, within 8 inch	00:02:43	MH 108-MH107_35f7481	M1
	13.50		MWL	Water Level, 80% of the vertical dimension / Camera Underwater	00:03:43	MH 108-MH107_5a6bc31	
	17.16		CL	Crack Longitudinal at 12 o'clock, within 8 inch	00:05:42	MH 108-MH107_f956b1e	S2
	19.08		MSA	Survey Abandoned / WATER RISING OVER CAMERA	00:07:19		
	19.09			End of pipe			

QSR	QMR	QOR	SPR	MPR	OPR	SPRI	MPRI	OPRI
2100	1100	2111	2.0	1.0	3.0	2.0	1.0	1.5

AQUALIS STORMWATER MANAGEMENT

Section Pictures - 11/10/2021 - MH 108-MH107

City	Street	Date	Pipe Segment Reference	Nr.
[redacted]	[redacted]	**11/10/2021**	**MH 108-MH107**	**2**

MH
108-MH107_9b866c3f-83f5-450b-810d-d273d140984d_20211116_143726_090.jpg, 00:00:00, 0.00ft
Water Level, 50% of the vertical dimension / Pipe 50% full of standing water

MH
108-MH107_2f8abe82-6bed-4128-80d2-450a0f465cd1_20211116_144856_341.jpg, 00:01:54, 5.00ft
Deposits Attached Other, 5% of cross sectional area from 1 o'clock to 11 o'clock, Start / Sedimentation accunulated on pipe side walls representative of full water & no flow

MH
108-MH107_35f74818-5c49-42fb-bef3-a58f20980ee4_20211116_144846_131.jpg, 00:02:43, 9.25ft
Roots Fine Joint at 10 o'clock, within 8 inch

MH
108-MH107_5a6bc310-b0b9-434f-966c-3c76aaa9c945_20211116_145219_947.jpg, 00:03:43, 13.50ft
Water Level, 80% of the vertical dimension / Camera Underwater

AQUALIS STORMWATER MANAGEMENT

Section Pictures - 11/10/2021 - MH 108-MH107

City	Street	Date	Pipe Segment Reference	Nr.
[redacted]	[redacted]	**11/10/2021**	**MH 108-MH107**	**2**

MH
108-MH107_87d7f1a6-d291-4074-a7e0-53cd03fad33c_20211116_145306_475.jpg, 00:03:43, 13.50ft
Water Level, 80% of the vertical dimension / Camera Underwater

MH
108-MH107_f956b1ef-507c-4183-a7cd-3fff19d89216_20211116_145433_680.jpg, 00:05:42, 17.16ft
Crack Longitudinal at 12 o'clock, within 8 inch

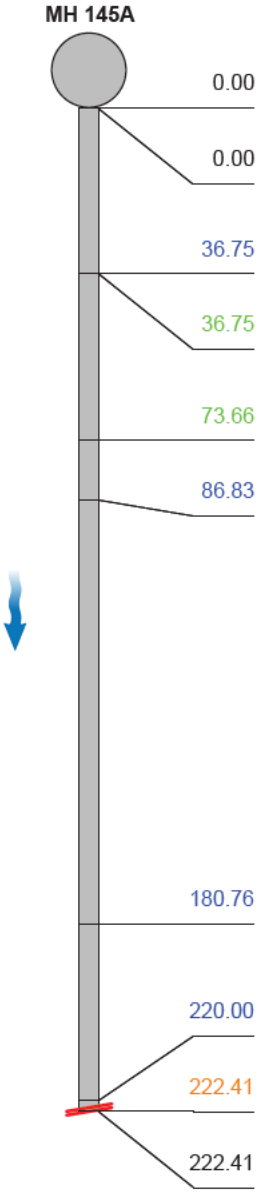
MH
108-MH107_a5ce088a-c4a1-4911-ac08-6f9822b4b406_20211116_145959_293.jpg, 00:05:42, 17.16ft
Crack Longitudinal at 12 o'clock, within 8 inch

AQUALIS STORMWATER MANAGEMENT

Inspection report

Date:	Work Order:	Weather:	Surveyed By:	Certificate Number:	Pipe Segment Ref.:
11/10/2021		Dry	Kolby Scott Operator QC Mark Cummins PACP	P0034442-102021	MH 145A-MH132
Year laid:	Pre-cleaning:	Direction:	Pipe Joint Length:	Total Length:	Length Surveyed:
	No Pre-Cleaning	Downstream		222.4 '	222.4 '

City:	Parris Island	Drainage Area:		Upstream MH:	MH 145A
Street:	Iron Mike	Media Label:		Up Rim to Invert:	60.0
Location Code:		Flow Control:	Not Controlled	Downstream MH:	MH132
Location Details:	Iron Mike - Near water tow	Sheet Number:		Down Rim to Invert:	0.0
Pipe shape:	Circular	Sewer Use:		Total gallons used:	0.0
Pipe size:	18 "	Sewer Category:	SEC	Joints passed:	0
Pipe material:	Concrete Pipe (non-reinforced)	Purpose:	Infiltration/Inflow Investigation	Joints failed:	0
Lining Method:		Owner:	[redacted]		
Additional Info:	Survey Abandon due to Sediment and Standing Water				



Distance	Code	Observation	Counter	Photo	Grade
0.00	AMH	Manhole / 138	00:00:00		
0.00	MWL	Water Level, 10% of the vertical dimension	00:00:02	MH 145A-MH132_530c04	
36.75	DAZ	Deposits Attached Other, 5% of cross sectional area from 1 o'clock to 11 o'clock / Flow / stagnent line	00:01:00	MH 145A-MH132_de5aa	M2
36.75	JSM	Joint Separated Medium	00:01:05	138-MH135_83b374b4-c875-4	S1
73.66	LU	Alignment Up, 5% changed	00:03:04	MH 145A-MH132_ede33	M1
86.83	DSF	Deposits Settled Fine, 10% of cross sectional area from 5 o'clock to 7 o'clock	00:04:13	MH 145A-MH132_523c26	M2
180.76	DAZ	Deposits Attached Other, 5% of cross sectional area from 1 o'clock to 11 o'clock / Stagnent standing water line Continous	00:09:32	MH 145A-MH132_8ddcb8	M2
220.00	DSF	Deposits Settled Fine, 10% of cross sectional area from 4 o'clock to 8 o'clock / Sediment accumulation getting heavier	00:13:29	MH 145A-MH132_17407	M2
222.41	DSZ	Deposits Settled Other, 15% of cross sectional area from 5 o'clock to 7 o'clock / Rover cant continue survey due to accumulated sediment	00:14:03	138-MH135_40df3256-c4da-44	M3
222.41	MSA	Survey Abandoned / Abandon survey due to sediment bottom of pipe	00:14:26		

QSR	QMR	QOR	SPR	MPR	OPR	SPRI	MPRI	OPRI
1100	3124	3124	1.0	12.0	13.0	1.0	2.0	1.9

AQUALIS STORMWATER MANAGEMENT

Section Pictures - 11/10/2021 - MH 145A-MH132

City	Street	Date	Pipe Segment Reference	Nr.
[redacted]	[redacted]	**11/10/2021**	**MH 145A-MH132**	**3**

MH 145A-MH132_530c0422-944e-40f1-a597-7c3414dcc68c_20211116_150343_633.jpg, 00:00:02, 0.00ft
Water Level, 10% of the vertical dimension

MH 145A-MH132_de5aa42b-d85a-4af8-8933-0edbc1f47991_20211116_150650_232.jpg, 00:01:00, 36.75ft
Deposits Attached Other, 5% of cross sectional area from 1 o'clock to 11 o'clock / Flow / stagnent line

138-MH135_83b374b4-c875-4c4d-8559-d3370dbbe8e3_20211110_105227_947.jpg, 00:01:05, 36.75ft
Joint Separated Medium

138-MH135_153a49ad-ace7-4bff-9f59-9b72534e6b40_20211110_105241_077.jpg, 00:01:05, 36.75ft
Joint Separated Medium

AQUALIS STORMWATER MANAGEMENT

Section Pictures - 11/10/2021 - MH 145A-MH132

City	Street	Date	Pipe Segment Reference	Nr.
[redacted]	[redacted]	**11/10/2021**	**MH 145A-MH132**	**3**

MH
145A-MH132_ede33d2c-bbfe-4578-a462-100c1419014d_20211116_151112_425.jpg, 00:03:04, 73.66ft
Alignment Up, 5% changed

MH
145A-MH132_523c265d-b896-41ff-8948-c7a9c8191f70_20211116_151324_485.jpg, 00:04:13, 86.83ft
Deposits Settled Fine, 10% of cross sectional area from 5 o'clock to 7 o'clock

MH
145A-MH132_13b99e41-1a89-4b5f-ada2-7168d09c7a28_20211116_151450_896.jpg, 00:04:13, 86.83ft
Deposits Settled Fine, 10% of cross sectional area from 5 o'clock to 7 o'clock

MH
145A-MH132_8ddcb838-36cb-46aa-aa6c-c59ae61d3e38_20211116_152702_745.jpg, 00:09:32, 180.76ft
Deposits Attached Other, 5% of cross sectional area from 1 o'clock to 11 o'clock / Stagnent standing water line Continous

AQUALIS STORMWATER MANAGEMENT

Section Pictures - 11/10/2021 - MH 145A-MH132

City	Street	Date	Pipe Segment Reference	Nr.
[redacted]	[redacted]	**11/10/2021**	**MH 145A-MH132**	**3**

MH 145A-MH132_174078c2-7c88-4442-8abd-dde843346035_20211116_153336_724.jpg, 00:13:29, 220.00ft
Deposits Settled Fine, 10% of cross sectional area from 4 o'clock to 8 o'clock / Sediment accumulation getting heavier

MH 145A-MH132_f2479426-325a-40a2-97f4-4e9315172d6a_20211116_153317_835.jpg, 00:13:29, 220.00ft
Deposits Settled Fine, 10% of cross sectional area from 4 o'clock to 8 o'clock / Sediment accumulation getting heavier

138-MH135_40df3256-c4da-44a2-9eab-e11fa862a570_20211110_110655_604.jpg, 00:14:03, 222.41ft
Deposits Settled Other, 15% of cross sectional area from 5 o'clock to 7 o'clock / Rover cant continue survey due to accumulated sediment

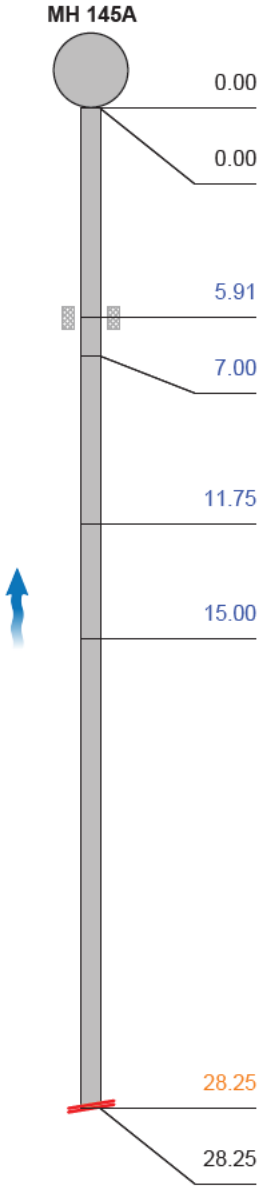
138-MH135_07587d25-2b99-4470-bc3d-81a94795a855_20211110_110700_364.jpg, 00:14:03, 222.41ft
Deposits Settled Other, 15% of cross sectional area from 5 o'clock to 7 o'clock / Rover cant continue survey due to accumulated sediment

AQUALIS STORMWATER MANAGEMENT

Inspection report

Date:	Work Order:	Weather:	Surveyed By:	Certificate Number:	Pipe Segment Ref.:
11/10/2021		Dry	Kolby Scott Operator QC Mark Cummins PACP	P0034442-102021	MH 149-MH 145A
Year laid:	Pre-cleaning:	Direction:	Pipe Joint Length:	Total Length:	Length Surveyed:
	No Pre-Cleaning	Upstream		28.3 '	28.3 '

City:	Parris Island	Drainage Area:		Upstream MH:	MH 149
Street:	Iron Mike	Media Label:		Up Rim to Invert:	68.0
Location Code:		Flow Control:	Not Controlled	Downstream MH:	MH 145A
Location Details:	Iron Mike Near Water Towe	Sheet Number:		Down Rim to Invert:	60.0
Pipe shape:	Circular	Sewer Use:		Total gallons used:	0.0
Pipe size:	24 "	Sewer Category:	SEC	Joints passed:	0
Pipe material:	Other	Purpose:	Infiltration/Inflow Investigation	Joints failed:	0
Lining Method:		Owner:	[redacted]		
Additional Info:	Survey Abandon due to Sediment and Standing Water				



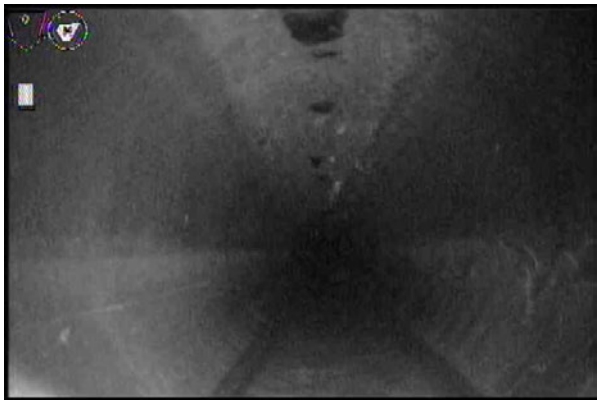
Distance		Code	Observation	Counter	Photo	Grade
0.00		AMH	Manhole / MH149			
0.00		MWL	Water Level, 10% of the vertical dimension	00:00:00	MH 149-MH 145A_b0c	
5.91	S01	DAE	Deposits Attached Encrustation, 5% of cross sectional area from 1 o'clock to 11 o'clock, Start	00:00:47	MH 149-MH 145A_e93	M2
7.00		RTJ	Roots Tap Joint at 1 o'clock, 5% of cross sectional area, within 8 inch	00:01:21	MH149-MH 145A_4a4f 9941-2658	M2
11.75		CL	Crack Longitudinal at 3 o'clock / Pipe Sidewall damage	00:01:28	MH 149-MH 145A_c19	S2
15.00		RTJ	Roots Tap Joint at 1 o'clock, 5% of cross sectional area, within 8 inch	00:02:01	MH149-MH 145A_e4b c0b01-b18	M2
28.25		DSZ	Deposits Settled Other, 20% of cross sectional area from 5 o'clock to 7 o'clock / Accumulated sediment bottom of pipe causing rover unable to cross	00:03:19	MH 149-MH 145A_d94	M3
28.25		MSA	Survey Abandoned / Accumulated sediment	00:03:22		

QSR	QMR	QOR	SPR	MPR	OPR	SPRI	MPRI	OPRI
2100	3122	3123	2.0	7.0	9.0	2.0	2.3	2.2

AQUALIS STORMWATER MANAGEMENT

Section Pictures - 11/10/2021 - MH 149-MH 145A

City	Street	Date	Pipe Segment Reference	Nr.
[redacted]	[redacted]	**11/10/2021**	**MH 149-MH 145A**	**4**



MH 149-MH 145A_b0cc15e3-2376-4f69-a283-f67734ff5ff4_20211116_154421_002.jpg, 00:00:00, 0.00ft
Water Level, 10% of the vertical dimension

MH 149-MH 145A_e932c772-871e-417b-9201-7b654c483641_20211116_154650_445.jpg, 00:00:47, 5.91ft
Deposits Attached Encrustation, 5% of cross sectional area from 1 o'clock to 11 o'clock, Start

MH 149-MH 145A_c8f22da4-376c-4bee-a671-31231e88704e_20211116_154711_414.jpg, 00:00:47, 5.91ft
Deposits Attached Encrustation, 5% of cross sectional area from 1 o'clock to 11 o'clock, Start

MH149-MH 145A_4a4f9941-2658-42d3-b0dc-dbd80c5e9e5a_20211110_115324_022.jpg, 00:01:21, 7.00ft
Roots Tap Joint at 1 o'clock, 5% of cross sectional area, within 8 inch

AQUALIS STORMWATER MANAGEMENT

Section Pictures - 11/10/2021 - MH 149-MH 145A

City	Street	Date	Pipe Segment Reference	Nr.
[redacted]	[redacted]	**11/10/2021**	**MH 149-MH 145A**	**4**

MH 149-MH 145A_c192cc0d-112c-416b-926e-684941757bac_20211116_154958_838.jpg, 00:01:28, 11.75ft
Crack Longitudinal at 3 o'clock / Pipe Sidewall damage

MH149-MH 145A_e4bc0b01-b187-4ae0-a237-73b9b85a25ba_20211110_115425_258.jpg, 00:02:01, 15.00ft
Roots Tap Joint at 1 o'clock, 5% of cross sectional area, within 8 inch

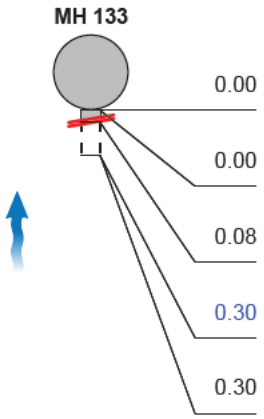
MH 149-MH 145A_d94e3073-5eda-46bf-84ae-eae5204bd54b_20211116_155303_711.jpg, 00:03:19, 28.25ft
Deposits Settled Other, 20% of cross sectional area from 5 o'clock to 7 o'clock / Accumulated sediment bottom of pipe causing rover unable to cross

AQUALIS STORMWATER MANAGEMENT

Inspection report

Date:	Work Order:	Weather:	Surveyed By:	Certificate Number:	Pipe Segment Ref.:
11/10/2021		**Dry**	Kolby Scott Operator QC Mark Cummins PACP	**P0034442-102021**	**MH 134-MH 133**
Year laid:	Pre-cleaning:	Direction:	Pipe Joint Length:	Total Length:	Length Surveyed:
	No Pre-Cleaning	**Upstream**		**0.3 '**	**0.3 '**

City:	**Parris Island**	Drainage Area:		Upstream MH:	**MH 134**
Street:	**Iron Mike**	Media Label:		Up Rim to Invert:	**60.0**
Location Code:		Flow Control:	**Not Controlled**	Downstream MH:	**MH 133**
Location Details:	**Iron Mike Near water towe**	Sheet Number:		Down Rim to Invert:	**59.0**
Pipe shape:	**Circular**	Sewer Use:		Total gallons used:	**0.0**
Pipe size:	**12 "**	Sewer Category:	**SEC**	Joints passed:	**0**
Pipe material:	**Other**	Purpose:	**Infiltration/Inflow Investigation**	Joints failed:	**0**
Lining Method:		Owner:	[redacted]		
Additional Info:	**Survey Amandon due to Sediment and Standing Water**				



1:50	Distance	Code	Observation	Counter	Photo	Grade
	0.00	AMH	Manhole / MH 133	00:00:00	MH 134-MH 133_e9ed	
	0.00	MWL	Water Level, 20% of the vertical dimension	00:00:03	MH 134-MH 133_5685	
	0.08	MSA	Survey Abandoned / Sediment build up bottom of pipe causing rover unable to continue surveying	00:01:24		
	0.30	DSZ	Deposits Settled Other, 10% of cross sectional area from 5 o'clock to 7 o'clock / Sediment buildup bottom of pipe	00:00:19	MH 134-MH 133_bad4	M2
	0.30		End of pipe			

QSR	QMR	QOR	SPR	MPR	OPR	SPRI	MPRI	OPRI
0000	2100	2100	0.0	2.0	2.0	0.0	2.0	2.0

AQUALIS STORMWATER MANAGEMENT

Section Pictures - 11/10/2021 - MH 134-MH 133

City	Street	Date	Pipe Segment Reference	Nr.
[redacted]	[redacted]	**11/10/2021**	**MH 134-MH 133**	**5**

MH 134-MH 133_e9edd746-5a00-4b70-8faf-0186629f656a_20211116_155428_756.jpg, 00:00:00, 0.00ft
Manhole / MH 133

MH 134-MH 133_56851915-2702-4f97-be86-ad2f0277ff8e_20211116_155524_788.jpg, 00:00:03, 0.00ft
Water Level, 20% of the vertical dimension

MH 134-MH 133_d562f77d-f10a-4358-8a7c-651f2b1366ec_20211116_155547_360.jpg, 00:00:03, 0.00ft
Water Level, 20% of the vertical dimension

MH 134-MH 133_bad4e287-5106-4513-8607-66d24d9a2df6_20211110_122703_881.jpg, 00:00:19, 0.30ft
Deposits Settled Other, 10% of cross sectional area from 5 o'clock to 7 o'clock / Sediment buildup bottom of pipe

AQUALIS STORMWATER MANAGEMENT

Section Pictures - 11/10/2021 - MH 134-MH 133

City	Street	Date	Pipe Segment Reference	Nr.
[redacted]	[redacted]	**11/10/2021**	**MH 134-MH 133**	**5**

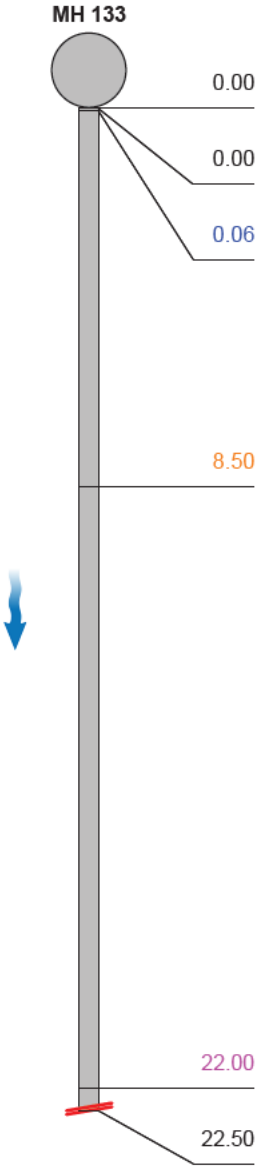
MH 134-MH 133_16d67bcd-d9dd-4142-a7d4-39b6ddd9b04f_20211110_122720_780.jpg, 00:00:19, 0.30ft
Deposits Settled Other, 10% of cross sectional area from 5 o'clock to 7 o'clock / Sediment buildup bottom of pipe

AQUALIS STORMWATER MANAGEMENT

Inspection report

Date:	Work Order:	Weather:	Surveyed By:	Certificate Number:	Pipe Segment Ref.:
11/10/2021		**Dry**	Kolby Scott Operator QC Mark Cummins PACP	**P0034442-102021**	**MH 133-MH 132**
Year laid:	Pre-cleaning:	Direction:	Pipe Joint Length:	Total Length:	Length Surveyed:
	No Pre-Cleaning	**Downstream**		**22.5 '**	**22.5 '**

City:	**Parris Island**	Drainage Area:		Upstream MH:	**MH 133**
Street:	**Iron Mike**	Media Label:		Up Rim to Invert:	**59.0**
Location Code:		Flow Control:	**Not Controlled**	Downstream MH:	**MH 132**
Location Details:	**Iron Mike Near water towe**	Sheet Number:		Down Rim to Invert:	**60.0**
Pipe shape:	**Circular**	Sewer Use:		Total gallons used:	**0.0**
Pipe size:	**12 "**	Sewer Category:	**SEC**	Joints passed:	**0**
Pipe material:	**Other**	Purpose:	**Infiltration/Inflow Investigation**	Joints failed:	**0**
Lining Method:		Owner:	[redacted]		
Additional Info:	**Survey Abandon due to Sediment and Standing Water**				



Distance	Code	Observation	Counter	Photo	Grade
0.00	AMH	Manhole / MH 133			
0.00	MWL	Water Level, 10% of the vertical dimension	00:00:00	MH 133-MH 132_e3c56	
0.06	DAE	Deposits Attached Encrustation, 5% of cross sectional area from 1 o'clock to 11 o'clock / Attached accumlated sediment pipe wall	00:00:14	MH 133-MH 132_bed2c	M2
8.50	DSF	Deposits Settled Fine, 20% of cross sectional area from 5 o'clock to 7 o'clock	00:01:50	MH 133-MH 132_fd4cc	M3
22.00	MCU	Camera Underwater	00:03:25	MH 133-MH 132_c8ccb	M4
22.50	MSA	Survey Abandoned / Camera underwater unable to survey rest of pipe	00:03:28		

QSR	QMR	QOR	SPR	MPR	OPR	SPRI	MPRI	OPRI
0000	4131	4131	0.0	9.0	9.0	0.0	3.0	3.0

AQUALIS STORMWATER MANAGEMENT

Section Pictures - 11/10/2021 - MH 133-MH 132

City	Street	Date	Pipe Segment Reference	Nr.
[redacted]	[redacted]	**11/10/2021**	**MH 133-MH 132**	**6**

MH 133-MH 132_e3c5658f-07d6-49d1-92b3-d4d3e0eaea56_20211116_155951_652.jpg, 00:00:00, 0.00ft
Water Level, 10% of the vertical dimension

MH 133-MH 132_bed2c9cc-c6c0-41cf-9e06-988fa5949016_20211116_160224_773.jpg, 00:00:14, 0.06ft
Deposits Attached Encrustation, 5% of cross sectional area from 1 o'clock to 11 o'clock / Attached accumlated sediment pipe wall

MH 133-MH 132_00081d27-504a-496d-acec-eaedebd7557c_20211116_160248_021.jpg, 00:00:14, 0.06ft
Deposits Attached Encrustation, 5% of cross sectional area from 1 o'clock to 11 o'clock / Attached accumlated sediment pipe wall

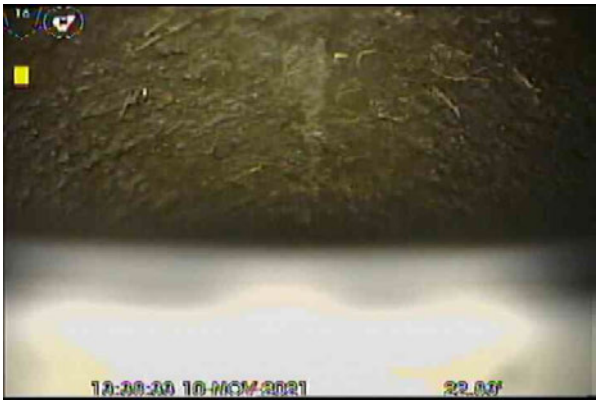
MH 133-MH 132_fd4ccdd6-ba1c-45e4-8119-7eaabbb56cb3_20211116_160733_111.jpg, 00:01:50, 8.50ft
Deposits Settled Fine, 20% of cross sectional area from 5 o'clock to 7 o'clock

AQUALIS STORMWATER MANAGEMENT

Section Pictures - 11/10/2021 - MH 133-MH 132

City	Street	Date	Pipe Segment Reference	Nr.
[redacted]	[redacted]	**11/10/2021**	**MH 133-MH 132**	**6**

MH 133-MH 132_bf505ba4-3aa4-4eda-aacd-3403ac2bd93f_20211116_160801_738.jpg, 00:01:50, 8.50ft
Deposits Settled Fine, 20% of cross sectional area from 5 o'clock to 7 o'clock



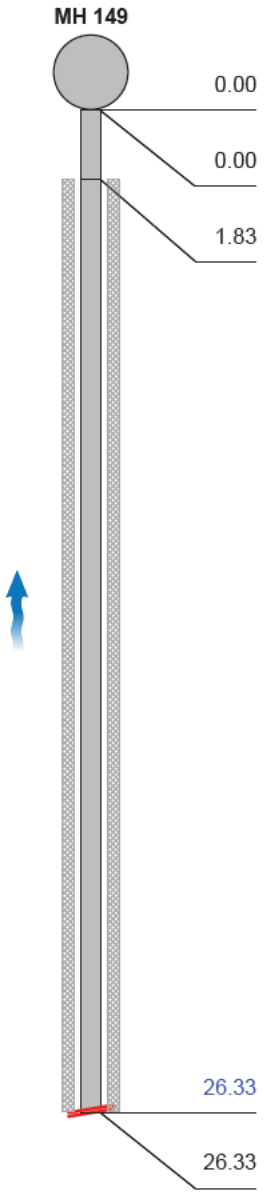
MH 133-MH 132_c8ccb283-1a55-4c34-b297-d81a284d16bd_20211116_161328_075.jpg, 00:03:25, 22.00ft
Camera Underwater

AQUALIS STORMWATER MANAGEMENT

Inspection report

Date:	Work Order:	Weather:	Surveyed By:	Certificate Number:	Pipe Segment Ref.:
11/10/2021		**Dry**	Kolby Scott Operator QC Mark Cummins PACP	**P0034442-102021**	**150-MH 149**
Year laid:	Pre-cleaning:	Direction:	Pipe Joint Length:	Total Length:	Length Surveyed:
	No Pre-Cleaning	**Upstream**		**26.3 '**	**26.3 '**

City:	**Parris Island**	Drainage Area:		Upstream MH:	**150**
Street:	**Iron Mike**	Media Label:		Up Rim to Invert:	**63.0**
Location Code:		Flow Control:	**Not Controlled**	Downstream MH:	**MH 149**
Location Details:	**Iron Mike Near Water towe**	Sheet Number:		Down Rim to Invert:	**68.0**
Pipe shape:	**Circular**	Sewer Use:		Total gallons used:	**0.0**
Pipe size:	**12 "**	Sewer Category:	**SEC**	Joints passed:	**0**
Pipe material:	**Vitrified Clay Pipe**	Purpose:	**Infiltration/Inflow Investigation**	Joints failed:	**0**
Lining Method:		Owner:	[redacted]		
Additional Info:	**Survey Abandon due to Sediment and Standing Water**				



1:199	Distance		Code	Observation	Counter	Photo	Grade
	0.00		AMH	Manhole / MH 149			
	0.00		MWL	Water Level, 10% of the vertical dimension	00:00:00	150-MH 149_81fe6 d17-58b1-	
	1.83	S01	DSF	Deposits Settled Fine, 10% of cross sectional area from 7 o'clock to 8 o'clock, Start	00:00:15	150-MH 149_8f985 068-5ecb-	
	26.33	F01	DSF	Deposits Settled Fine, 25% of cross sectional area from 7 o'clock to 8 o'clock, Finish	00:05:18	150-MH 149_ab07 e738-1593	M2
	26.33		MSA	Survey Abandoned / Sediment buildup bottom of pipe not allowing rover to continue survey	00:05:22		

QSR	QMR	QOR	SPR	MPR	OPR	SPRI	MPRI	OPRI
0000	2500	2500	0.0	10.0	10.0	0.0	2.0	2.0

AQUALIS STORMWATER MANAGEMENT

Section Pictures - 11/10/2021 - 150-MH 149

City	Street	Date	Pipe Segment Reference	Nr.
[redacted]	[redacted]	**11/10/2021**	**150-MH 149**	**7**

150-MH
149_81fe6d17-58b1-4bd3-8ff1-963e00518fa4_20211116_161416_467.jpg, 00:00:00, 0.00ft
Water Level, 10% of the vertical dimension

150-MH
149_8f985068-5ecb-4db1-a947-53ba6d07c555_20211110_143517_291.jpg, 00:00:15, 1.83ft
Deposits Settled Fine, 10% of cross sectional area from 7 o'clock to 8 o'clock, Start

150-MH
149_fc29a0bc-fb56-453f-b29b-52851bbd0996_20211116_161455_147.jpg, 00:00:15, 1.83ft
Deposits Settled Fine, 10% of cross sectional area from 7 o'clock to 8 o'clock, Start

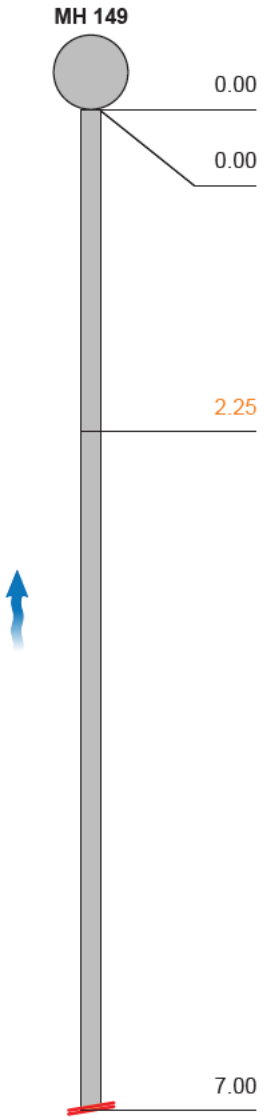
150-MH
149_ab07e738-1593-419d-9529-7da473fd9b57_20211116_161716_523.jpg, 00:05:18, 26.33ft
Deposits Settled Fine, 25% of cross sectional area from 7 o'clock to 8 o'clock, Finish

AQUALIS STORMWATER MANAGEMENT

Inspection report

Date:	Work Order:	Weather:	Surveyed By:	Certificate Number:	Pipe Segment Ref.:
11/10/2021		**Dry**	Kolby Scott Operator QC Mark Cummins PACP	**P0034442-102021**	**DI 161-MH 149**
Year laid:	Pre-cleaning:	Direction:	Pipe Joint Length:	Total Length:	Length Surveyed:
	No Pre-Cleaning	**Upstream**		**7.0 '**	**7.0 '**

City:	**Parris Island**	Drainage Area:		Upstream MH:	**DI 161**
Street:	**Iron Mike**	Media Label:		Up Rim to Invert:	**0.0**
Location Code:		Flow Control:	**Not Controlled**	Downstream MH:	**MH 149**
Location Details:	**Iron Mike Near water towe**	Sheet Number:		Down Rim to Invert:	**68.0**
Pipe shape:	**Circular**	Sewer Use:		Total gallons used:	**0.0**
Pipe size:	**24 "**	Sewer Category:	**SEC**	Joints passed:	**0**
Pipe material:	**Other**	Purpose:	**Infiltration/Inflow Investigation**	Joints failed:	**0**
Lining Method:		Owner:	[redacted]		
Additional Info:	**Survey Abandon due to Sediment and Standing Water**				



1:53	Distance	Code	Observation	Counter	Photo	Grade
	0.00	MWL	Water Level, 20% of the vertical dimension	00:00:00	DI 161-MH 149_2734f 6c3-804c-	
	0.00	AMH	Manhole / MH 149	00:05:23		
	2.25	DSF	Deposits Settled Fine, 20% of cross sectional area from 4 o'clock to 8 o'clock	00:00:38	DI 161-MH 149_0db9 1d0b-ebf8-	M3
	7.00	MSA	Survey Abandoned / Sediment buildup	00:01:45		

QSR	QMR	QOR	SPR	MPR	OPR	SPRI	MPRI	OPRI
0000	3100	3100	0.0	3.0	3.0	0.0	3.0	3.0

AQUALIS STORMWATER MANAGEMENT

Section Pictures - 11/10/2021 - DI 161-MH 149

City	Street	Date	Pipe Segment Reference	Nr.
[redacted]	[redacted]	**11/10/2021**	**DI 161-MH 149**	**8**

DI 161-MH
149_2734f6c3-804c-4d94-91c4-0054c5022088_20211116_161819_385.jpg, 00:00:00, 0.00ft
Water Level, 20% of the vertical dimension

DI 161-MH
149_beb345fc-ca44-486d-a160-09ce27f54186_20211116_161833_427.jpg, 00:00:00, 0.00ft
Water Level, 20% of the vertical dimension

DI 161-MH
149_0db91d0b-ebf8-47f6-b84a-bd6496760fc4_20211116_162048_364.jpg, 00:00:38, 2.25ft
Deposits Settled Fine, 20% of cross sectional area from 4 o'clock to 8 o'clock

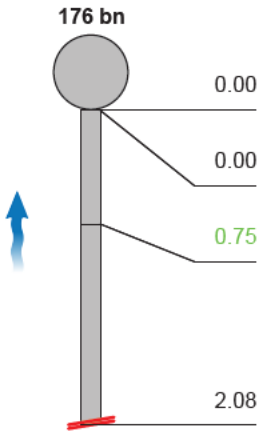
AQUALIS STORMWATER MANAGEMENT

Inspection report

Date:	Work Order:	Weather:	Surveyed By:	Certificate Number:	Pipe Segment Ref.:
11/10/2021		Dry	Kolby Scott Operator QC Mark Cummins PACP	P0034442-102021	177-176 bn
Year laid:	Pre-cleaning:	Direction:	Pipe Joint Length:	Total Length:	Length Surveyed:
	No Pre-Cleaning	Upstream		2.1 '	2.1 '

City:	Parris Island	Drainage Area:		Upstream MH:	177
Street:	Iron Mike	Media Label:		Up Rim to Invert:	74.0
Location Code:		Flow Control:	Not Controlled	Downstream MH:	176 bn
Location Details:	Iron Mike Near Water Towe	Sheet Number:		Down Rim to Invert:	76.0
Pipe shape:	Circular	Sewer Use:		Total gallons used:	0.0
Pipe size:	24 "	Sewer Category:	SEC	Joints passed:	0
Pipe material:	Concrete Pipe (non-reinforced)	Purpose:	Infiltration/Inflow Investigation	Joints failed:	0
Lining Method:		Owner:	[redacted]		

Additional Info: **Survey Abandon due to Sediment and Standing Water**



1:50	Distance	Code	Observation	Counter	Photo	Grade
	0.00	MWL	Water Level, 20% of the vertical dimension	00:00:00	177-176 bn_80911 173-a9ce-	
	0.00	AMH	Manhole / 176 bn	00:01:45		
	0.75	LR	Alignment Right, 10% changed	00:00:19	177-176 bn_84e49 297-84e2-	M1
	2.08	MSA	Survey Abandoned / sediment buildup in bottom of pipe	00:03:09		

QSR	QMR	QOR	SPR	MPR	OPR	SPRI	MPRI	OPRI
0000	1100	1100	0.0	1.0	1.0	0.0	1.0	1.0

AQUALIS STORMWATER MANAGEMENT

Section Pictures - 11/10/2021 - 177-176 bn

City	Street	Date	Pipe Segment Reference	Nr.
[redacted]	[redacted]	**11/10/2021**	**177-176 bn**	**9**

177-176
bn_80911173-a9ce-4c57-91e9-935fe5b5d841_20211116_162402_460.jpg, 00:00:00, 0.00ft
Water Level, 20% of the vertical dimension

177-176
bn_7824bfde-98f0-4409-84ab-c6fa1032b352_20211116_162651_077.jpg, 00:00:00, 0.00ft
Water Level, 20% of the vertical dimension

177-176
bn_84e49297-84e2-4350-b718-24dc85ae355e_20211116_162549_130.jpg, 00:00:19, 0.75ft
Alignment Right, 10% changed

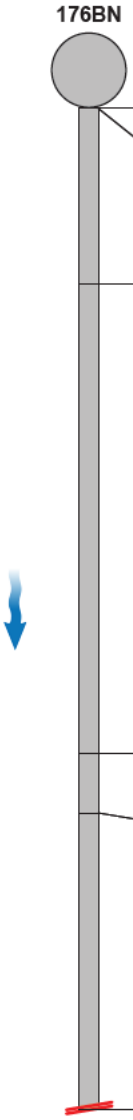
AQUALIS STORMWATER MANAGEMENT

Inspection report

Date:	Work Order:	Weather:	Surveyed By:	Certificate Number:	Pipe Segment Ref.:
11/10/2021		Dry	Kolby Scott Operator QC Mark Cummins PACP	P0034442-102021	176BN-175
Year laid:	Pre-cleaning:	Direction:	Pipe Joint Length:	Total Length:	Length Surveyed:
	No Pre-Cleaning	Downstream		29.5 '	29.5 '

City:	Parris Island	Drainage Area:		Upstream MH:	176BN
Street:	Iron Mike	Media Label:		Up Rim to Invert:	76.0
Location Code:		Flow Control:	Not Controlled	Downstream MH:	175
Location Details:	Iron Mike Near Water Towe	Sheet Number:		Down Rim to Invert:	66.0
Pipe shape:	Circular	Sewer Use:		Total gallons used:	0.0
Pipe size:	24 "	Sewer Category:	SEC	Joints passed:	0
Pipe material:	Concrete Pipe (non-reinforced)	Purpose:	Infiltration/Inflow Investigation	Joints failed:	0
Lining Method:		Owner:	[redacted]		

Additional Info: **Survey Abandon due to Sediment and Standing Water**



1:223	Distance	Code	Observation	Counter	Photo	Grade
	0.00	MWL	Water Level, 30% of the vertical dimension	00:00:00	176BN-175_13ad9dd1-ffcb-48	
	0.00	AMH	Manhole / 176BN	00:03:10		
	5.16	CL	Crack Longitudinal at 12 o'clock, within 8 inch, 0inch defective, 0inch intrusion	00:00:41	176BN-175_9ea06ade-4142-4	S2
	19.00	MWL	Water Level, 50% of the vertical dimension	00:02:43	176BN-175_0517914a-3701-4f	
	20.75	LL	Alignment Left, 5% changed	00:06:08	176BN-175_eae68542-38b0-4	M1
	29.50	MSA	Survey Abandoned / sediment build up on bottom of pipe	00:21:12	176BN-175_8e92a6bc-1427-4	

QSR	QMR	QOR	SPR	MPR	OPR	SPRI	MPRI	OPRI
2100	1100	2111	2.0	1.0	3.0	2.0	1.0	1.5

AQUALIS STORMWATER MANAGEMENT

Section Pictures - 11/10/2021 - 176BN-175

City	Street	Date	Pipe Segment Reference	Nr.
[redacted]	[redacted]	**11/10/2021**	**176BN-175**	**10**

176BN-175_13ad9dd1-ffcb-4881-8714-072c2d9d58c0_20211116_162851_229.jpg, 00:00:00, 0.00ft
Water Level, 30% of the vertical dimension

176BN-175_9ea06ade-4142-479d-ad74-2519a0e0b282_20211116_163038_183.jpg, 00:00:41, 5.16ft
Crack Longitudinal at 12 o'clock, within 8 inch, 0inch defective, 0inch intrusion

176BN-175_0517914a-3701-4fd4-bf93-c26e11200bdd_20211116_163339_430.jpg, 00:02:43, 19.00ft
Water Level, 50% of the vertical dimension

176BN-175_eae68542-38b0-42ef-a690-9fbcdd617a8d_20211116_163800_455.jpg, 00:06:08, 20.75ft
Alignment Left, 5% changed

AQUALIS STORMWATER MANAGEMENT

Section Pictures - 11/10/2021 - 176BN-175

City	Street	Date	Pipe Segment Reference	Nr.
[redacted]	[redacted]	**11/10/2021**	**176BN-175**	**10**

176BN-175_8e92a6bc-1427-4236-bed4-166fd862e22b_20211116_164016_240.jpg, 00:21:12, 29.50ft
Survey Abandoned / sediment build up on bottom of pipe

CITY OF HENDERSONVILLE, NC
Request for Proposal

Closed Circuit Television (CCTV) Video Inspection of MS4 Storm Water Collection System

For

Stormwater Division

Memorandum To: *Interested Bidders*

From: *Michael Huffman*
Stormwater Administrator

Subject: ***Request for Proposals***
CCTV & Clean Storm
Storm sewer Lines

Date: *October 22, 2021*

Overview

City of Hendersonville requests proposals for CCTV inspection and assessment and cleaning services for storm sewer lines within the City of Hendersonville MS4 Storm sewer system. All bids must be quoted in price per linear foot of each size storm sewer line to be CCTV and cleaned. Listed below are the approximate lengths of each size storm sewer line.

36”+/ 8483 LF
30-36”/ 4944 LF
24-30”/ 17399 LF
18-24”/ 32160 LF

Proposals are due: November 19, 2021, by 3:00 PM @
City of Hendersonville City Operations Center (Attention: Michael Huffman)
305 Williams St.
Hendersonville N.C. 28791

Location of Work: City of Hendersonville MS4 Storm Sewer Service District

Scope of Work:

The work will involve inspection and condition assessment rating using current NASSCO PACP and MACP standards, and cleaning, as necessary, for the City's existing stormwater system, including storm mains, laterals, culverts, and manholes.

Required Proposal Information:

1. Work Schedule for start and completion
2. Contractor's Licensure with North Carolina
3. Certificate of Insurance

Proposals shall be submitted via email to Michael Huffman at mhuffman@hvlnc.gov.

City of Hendersonville reserves the right to reject any and / or all proposals. Qualified contractors interested in submitting a proposal for the project should contact Michael Huffman (mhuffman@hvlnc.gov) with any questions. Questions must be submitted at least seven (7) days before bids are due.

All proposals are due no later than 3:00 PM on Friday November 19th. There will not be a formal bid opening for this RFP.

City of Hendersonville Stormwater Division

SPECIFICATIONS FOR STORM SEWER CLEANING & INSPECTION BY CLOSED CIRCUIT TELEVISION

A. Scope of Work:

The work will involve inspection and condition assessment rating using NASSCO PACP and MACP standards for the City's existing stormwater system, including pipes, culverts, and manholes. Pipe sizes range from 18 to 60-inch diameter. Work is requested up to approximately 70,000 linear feet of pipe inspection and assessment and 180 manhole inspection and assessments as shown in the Bid Schedule, and Exhibit 1, Map of Work. The Contractor will be responsible for performing asset cleaning prior to inspection work as needed. The work will also involve providing traffic control procedures and devices that meet the requirements of the applicable laws and regulations covering work area protection. The City of Hendersonville will provide GIS maps of the assets to be inspected. Additional assets city-wide may be added or subtracted based on Contractor proposals and/or City budget. Contractor shall follow all applicable Federal, State, and local safety regulations, guidelines and procedures during all of the work.

B. General

1. The City of Hendersonville is hereby referred to as the City.

2. All work shall be completed and delivered on or before June 30th, 2022.

3. The assets are located in various areas throughout the City and will vary by length and diameter; see Exhibit 1(Map of Area).

4. Pipes may be accessed via manholes, inlets, or end treatments (pipe ends). Pipes between inlets (catch basins) and manholes or other assets are considered separate inspections and are not considered lateral launches.

5. To reduce mobilization, the Contractor shall perform as many inspections from each individual access structure as possible. This shall include pipe and manhole inspections.

6. Distance units shall be in US Survey Feet. Diameters, heights, widths, depths, and inverts shall be measured in US Inches.

7. The Contractor shall furnish and maintain all labor, components, materials, tools, and appurtenances necessary for the performance and completion of the contract.

8. All pipe video inspections shall be completed using the most recent PACP (Pipeline Assessment and Certification Program) standards by PACP certified professionals. A current PACP certification number shall be included for each person creating / gathering inspection reports.

9. All manhole inspections shall be completed using the most recent MACP (Manhole Assessment and Certification Program) standards by MACP certified professionals. A current MACP certification number shall be included for each person creating / gathering inspection reports.

10. In case of Contractor damage to any utility or property, immediately stop work and report the damage to 911 if necessary and the City's Project Manager. The Contractor shall be responsible for any repairs.

11. The City reserves the right to stop the work when, in the Project Manager's judgment, the Contractor's work or activities are threatening the health and safety of the public or endangering the environment or endangering the waters of the state. Work shall not proceed until a satisfactory resolution is determined in the sole and unfettered opinion of the City.

12. The Contractor, or any contracted parties, shall not perform any work not specifically identified in the work schedule unless approved by the City.

13. The Contractor shall provide a mobile telephone number of field crew/s to the City for emergency communication purposes.

14. The City reserves the right to delay or stop the performance of any or all work in this contract due to inclement weather conditions.

15. It shall be the responsibility of the Contractor to make timely email requests of the City for supplemental information as required in the planning and execution of the work. Such requests may be submitted from time to time as the need approaches, but each shall be within ample time to permit appropriate action to be taken by all parties involved to avoid delay of work.

16. Working hours are Monday – Friday 7 am to 6 pm unless otherwise notified by the City. Any traffic control setup would begin at 7 am, for example, and operations taken completely down by 6 pm.

17. The Contractor shall keep the work area in an uncluttered condition and shall remove all debris and leave each area in a condition similar to the condition before any work was performed. Any camera equipment cleaning must use potable water and be directed down the storm structure by which it was accessed. It shall be the Contractor's responsibility to remove any materials and equipment that may become lodged in the assets due to inspection work.

18. Work not in accordance with this RFP may be rejected for payment and the Contractor may be required to re-perform the work.

C. <u>Insurance</u>

1. The Contractor shall not commence work until he has obtained all insurance required, and the Owner has approved such insurance, nor shall the Contractor allow any subcontractor to commence work on his subcontract until all similar insurance required of the subcontractor has been obtained.

2. The Contractor shall provide and maintain during the life of this contract Workmen's Compensation Insurance for all employees employed at the site of the project under his contract.

3. The Contractor shall provide and maintain during the life of this contract such Public Liability and Property Damage Insurance as shall protect him and any subcontractor performing work covered by this contract, from claims for damage for personal injury, including accidental death, as well as from claims for property damages which may arise from operations under this contract, whether such operation be by the Contractor himself or by any subcontractor, or by anyone directly or indirectly employed by either of them and the amounts of such insurance shall be as follows:

D. <u>INSURANCE PROVISIONS</u>

1. **Worker's Compensation**: The Contractor agrees during the pendency of any agreement with the City to carry Insurance covering all employees meeting statutory limits in compliance with the applicable state and federal laws. The coverage must include employer's liability with a limit of **$100,000** for each accident, **$100,000** bodily injury by disease each employee; and **$500,000** bodily injury by disease, policy limit.
2. **Commercial General Liability**: The Contractor agrees during the pendency of any agreement with the City to carry Commercial General Liability Insurance. Coverage shall have minimum limits of **$1,000,000** general aggregate, products/completed operations aggregate, personal and advertising injury and each occurrence. This shall include premises and operations, broad form property damage, XCU coverage and contractual liability. The coverage shall be written on an occurrence basis.
3. **Business Auto Liability** : The Contractor agrees during the pendency of any agreement with the City to carry Business Auto liability insurance. Coverage shall have a minimum limit of $**1,000,000** per occurrence, combined single limit for bodily injury liability and property damage liability. This shall include owned vehicles, hired and non-owned vehicles and employee non-ownership.

E. <u>Contractor's Responsibility for Safety</u>

1. The Contractor shall develop and maintain a safety program that will implement required safety procedures recognized and required of their industry group.
2. The Contractor shall have in place and instituted a confined space entry program which at a minimum meets the OSHA regulation - 29 CFR 1910.146.
3. Accidents shall be reported to the project manager promptly, in writing, giving full details describing the incident including statements from witnesses.

F. <u>Traffic Control</u>

1. The Contractor shall obtain, maintain, and remove all signs, barricades, flagmen, and other traffic control devices as may be necessary for the purpose of regulating, warning, or guidingtraffic.

2. Traffic control procedures and devices shall meet the requirements of the applicable laws and NCDOT and/or City regulations covering work area protection.

3. Maintain local traffic at all times and notify the proper authorities regarding the closure of the roads.

   a) If at any time traffic has to be blocked (emergencies only), notify the nearest fire, police departments and service departments.

G. <u>Pipe Video Inspection Services</u>

1. CCTV inspection work must be completed by certified National Association of Sewer Service Companies (NASSCO) Pipeline Assessment and Certification Program (PACP) trained operator(s) using established PACP coding and observations in digital format. Coding and observation results shall be recorded and presented on a per asset basis, access structure to access structure in pipes. A pipe asset is defined as one continuous pipe from the upstream access structure to the next immediate downstream access structure. Footage in pipes shall be recorded with the starting and ending points being the invert of the pipe in andout of the access structure.

2. The Contractor shall use a camera compatible with PACP inspection using color pan, tilt and zoom,

for storm inspection using 700-line minimum resolution. Adequate and appropriate lighting for the camera shall provide a clear picture of the entire periphery of the existing pipeor access structure up to four feet as well as not impede visual inspection of the asset. The pan, tilt, zoom camera shall pause, pan, and visually inspect all connections, pipe ends or entireaccess structure, and any defects.

3. All cameras shall move through the main pipes via self-powered tractor assemblies. Articulated cameras shall be used on pipe systems with bends that do not lend themselves to inspection by standard cameras. The Consultant must have access to cameras that fit inside pipes that are equal to or greater than 15-inches. The tractor shall be the appropriate size assembly for the pipe being inspected according to the manufacturer of the television equipment. The tractor assemblies shall be capable of being configured to be centered horizontally and vertically in pipes up to at least 72-inches in height.

4. Cameras shall move through the storm drain in either direction at a uniform rate but not greater than 30 feet per minute. Inspect the full length of all assigned pipes from structure to structure. The camera should be centered horizontally and vertically in the pipe during the inspection. The camera shall be stopped at all defects and connections and shall be panned, tilted, zoomed and rotated to fully view the defects and connections. All such inspections shall be documented in the video and computer-generated logs. Footages and locations of any defects and connections shall be documented. During inspections of corrugated metal, plastic, cured in place pipe liners, spin cast rehabilitation, cast in place concrete pipes, and other materials with joint frequencies greater than eight (8) feet apart, the Operator should pan around to fully view the pipe wall(s) at least every ten (10) feet, unless the City representative requires more frequent intervals.

5. Each video shall include an overlay / text display. Each inspection start shall include the overlay display of section details including at a minimum:

   - Owner Name;
   - Project Name;
   - Consultant Name;
   - Street Name;
   - Date / Time of inspection;
   - City supplied Pipe Asset ID;
   - MH Start # / MH End #
   - Pipe Material;
   - Pipe size;
   - Direction of Video with respect to flow;
   - Weather;
   - Flow Level; and
   - GPS coordinates at each entry point.

6. CCTV inspections will be conducted entirely in digital format. The entire inspection survey shallbe recorded in current .mp4 (preferably in H264 format), or similar mpeg or wmv format. No other file format will be accepted unless approved by the City.

7. The City may choose to include lateral launch inspections. A separate line item has been added to the Bid Schedule for this option. In the case that lateral launches are not deemed necessary,each inspection shall stop at each connecting pipe, note the distance along the inspection at which each are encountered, pan to show the pipe connection, and if possible, zoom up the connecting pipe as far as is effective.

8. The assets will be in service with potential flow present during inspections. The camera lens shall remain clean and clear for the duration of the CCTV inspection. Should the lens become soiled,or fogged, or otherwise impaired to any degree that impedes the ability to clearly see the condition of the pipe, the inspection shall be paused to clean and clear the lens. No additionalcompensation will be made for re-inspections required by the City due to soiled, fogged, or otherwise impaired camera lenses or equipment.

9. If a blockage cannot be removed and hampers the televising of the asset in one direction, thenthe Contractor shall attempt to complete the pipe segment by televising from the other end to complete the segment. The Contractor will be responsible to removing obstructions and if re-cleaning is necessary.

10. If observed defects are believed to be such that further cleaning operations may compromisethe structural integrity and/or cause the pipe to become unusable, the Contractor must provide written communication to the City's Project Manager of the observed condition(s) and reason to believe that continued cleaning operations may cause substantial damage.

11. If the Consultant's television equipment becomes lodged in the pipe being inspected during the work, the Consultant shall be responsible for removing the equipment, including excavation of the pipe if necessary, and paying all costs associated with the removal unless otherwise agreed to by the Engineer (for example, if the equipment is hung in a pipe with major structural damage that warrants the pipe being repaired, the Engineer may elect to agree to pay for the removal of the equipment.)

Manholes:

1. CCTV inspection work must be completed by certified National Association of Sewer Service Companies (NASSCO) Manhole Assessment and Certification (MACP) trained operator(s) using established MACP coding and observations in digital format using a Modified Level 2 (or current). Coding and observation results shall be recorded and presented on a per asset basis from the plane of the structure surface access to the invert of the structure and 360 degrees within the entire structure.

2. The Contractor shall use a camera compatible with MACP inspection using 4,000 lines, 288 MP/scan, or similar resolution, complete 360 perspective, and point cloud collection. Adequate and appropriate lighting for the camera shall provide a clear picture of the entire periphery ofthe existing structure as well as not impede visual inspection of the asset. The inspection shalldefine the physical dimensions, structural condition, defects, and any visible blockages of eachasset.

3. CCTV inspections will be conducted entirely in digital format. The entire inspection survey shallbe recorded in current MPEG or wmv format. No other file format will be accepted unless approved by the City.

4. Provide one clear still photo showing entire manhole cover and at least 6 feet diameter approach to manhole cover taken facing the structure toward compass north. File name shall be in this format: 2021_[Structure ID].jpg (Example: 2021_05-MH-0224). Provide a still photo for any unusual conditions or defects in the same naming convention but adding a reference to the inspection form (Example: 2021_05-MH-0224_[Img Ref].jpg)

5. The assets will be in service with potential flow present during inspections. The lens shall remain clean and clear for the duration of the CCTV inspection. Should the lens become soiled,or fogged, or otherwise impaired to any degree that impedes the ability to clearly see the condition of the pipe, the inspection shall be paused to clean and clear the lens. No additionalcompensation will be made for re-inspections required by the City due to soiled, fogged, or otherwise impaired camera lenses or equipment.

H. <u>Storm water pipe, structure, inlet, and outfall cleaning (as needed)</u>

1. Storm water pipes to be cleaned may include circular, elliptical, box, arch, or other shapes. The most common storm water pipes to be cleaned will be circular pipes from 18 inches to 48 inches, but pipes larger than 48 inches may require cleaning services as well. Though the Service Provider will receive task orders to clean pipes larger than 48 inches, no additional special equipment is required to be available for cleaning pipes larger than 48 inches for this contract. Structures including, but not limited to, manholes, catch basins, drop inlets, curb inlets, junction boxes, risers, end walls, or others will also require cleaning.

2. Regardless of scope, cleaning services to be performed will be assigned in the form of a written task order. The task order will be issued by City of Hendersonville Stormwater personnel. The Service Provider will acknowledge, via email to the City of Hendersonville Stormwater personnel, within 24 hours of receiving written task orders and complete all services within the timeframe stated in each individual task order

3. Regardless of scope, all work includes determining access requirements, determining the control of existing flows, cleaning using high pressure water jets, mechanical cleaning equipment and/or other required means, internal inspection of pipes, collection, transportation, and disposal of waste materials generated by the cleaning process.

4. Service Provider Minimum Requirements.

    - The Service Provider must meet the following minimum requirements:

    - Minimum of 5 years of experience in the municipal sewer cleaning business. This can be a mixture of municipal storm and sanitary sewer cleaning.

    - Own a minimum of one (1) cleaning service truck and equipment with the ability to clean lengths up to 500 feet with vehicular access to one structure only, and off-road equipment capable of reasonable access to structures more than 500 feet from a paved street; Own at least one (1) high pressure water jetting equipment capable of producing a minimum of 80 gallons per minute.

5. Task orders are required. Under no circumstances, may work begin prior to receiving the written task order from Hendersonville Stormwater personnel, unless in emergency situations. Typically, task orders will be issued by the Project Manager.

6. Any non-emergency work that commences prior to obtaining the task order shall not be invoiced.

7. All task orders will be issued by Hendersonville Stormwater personnel. The Service Provider will acknowledge in writing or by telephone all such written task orders within 24 hours of receipt and complete all services within the timeframe stated in each individual task order. A contact list of Hendersonville Stormwater personnel will be provided to the selected Service Provider(s).

8. Most task orders will require the cleaning of one (1) or more of the following: line segment(s), structure(s), inlet(s), and/or outlet(s) of a storm water system. No less than one (1) hour of work

will be issued on any task order.

9. The discharge of water or materials from the cleaning operations into any part of the storm drainage system, waterways, or any location that drains to waterways is not permitted.

10. The Service Provider shall possess and have a minimum of one (1) crew available for cleaning to meet the City's demand.

11. Task orders will include control of existing storm water flow, cleaning of the assets using high pressure water jets, mechanical cleaning equipment or other means as may be required, internal inspection of storm water assets, and collection, transportation, and disposal of waste materials generated by the cleaning process. Work issued on this contract will be a mixture of on- and off-street lines using right of entries acquired by the City, right-of-way, and easements for access.

12. Storm water pipes, structures, inlets, and outlets must be cleaned to within 95% of the original carrying (flow) capacity of the asset. All sediment, rocks, roots, and debris shall be completely removed to be considered clean. Pipes and structures which do not meet these standards will be re-cleaned and re-inspected at no additional cost to the City.

13. The Service Provider will also be required to respond and mobilize for an emergency. Examples of an emergency include a blockage resulting in flooding of a structure or roadway. In this situation, the Service Provider will immediately begin to terminate work on the current task order and will proceed to the emergency work. After the emergency work is completed, the Service Provider must return to the initial task order within 2 business days for completion.

14. The Service Provider may be requested to respond to an emergency on or after business hours, weekends and City of Hendersonville observed holidays. The Service Provider must be reachable via telephone twenty-four hours a day. Return calls must take place within an hour. The Service Provider must respond to service and be on site within 4 hours of receiving call.

15. A separate pay item has been established for emergency cleaning mobilization.

16. When an order for cleaning is issued, the Service Provider must physically walk the area the task order details with the system map to verify access location(s), establish terrain conditions, and identify any possible access locations not shown on the drawings. The Service Provider shall notify the City of any additional access locations identified.

17. The Service Provider shall take precautions to avoid flooding or damage to public or private property as a result of the cleaning. The City will not be responsible for damage done on any private property due to cleaning activities. The Service Provider shall be responsible for all re-establishment of pre-cleaning conditions and cleanup to the satisfaction of the property owner. The Service Provider shall document all incidents and submit documentation to the Project Manager within 24 hours of incident and include a detailed description to the reason for the incident, the time and date of the incident, the property owner's name, address and phone number, the resolution to problem, the time and date the problem was resolved, and any special cleanup work that had to be performed. This required documentation shall be submitted for all backups regardless of when they occur.

18. All re-establishment of pre-cleaning conditions and clean-up shall be completed within 4 hours of an incident. The Service Provider shall take care in cleaning older assets and shall protect existing assets from damage caused by improper use of cleaning equipment. The Service Provider is advised that the assets to be cleaned under this Contract may be in poor structural condition.

19. If the Service Provider's cleaning equipment becomes lodged in the asset(s) during the work, the Service Provider shall be responsible for removing the equipment, including excavation of the asset, and paying all costs associated with the removal unless otherwise agreed to by the City's

Project Manager in a formal memo.

20. The Service Provider shall use the appropriate equipment to clean all sediment, rocks, roots, and debris from each asset thoroughly. The required equipment may be high velocity water jet cleaning equipment with various attachments or mechanical cleaning equipment such as buckets, root cutters or power rodders. The Service Provider shall select the proper cleaning equipment and procedures based on the conditions of the assets at the time the work commences. Passing material from one asset to another will not be permitted. The solids shall be removed from the site and disposed of properly.

21. The City of Hendersonville will not furnish any equipment for cleaning services.

I. <u>Removal of Debris</u>

1. All sludge, dirt, sand, rocks, roots, and/or debris shall be removed to allow for proper CCTV inspection and viewing of defects and other solid or semisolid material resulting from the cleaning operation shall be removed at the downstream structure of the section being cleaned. Passing material from structure section to structure, which can cause line stoppages, accumulations of sand in wet wells or damage to pumping equipment, shall not be permitted.

J. <u>Disposal of Debris</u>

1. All dirt, debris, roots, and other material removed from the storm sewers shall be hauled away by the Contractor to a dumpsite furnished by the contractor. All regulations of the Environmental Protection Agency and all other regulating agencies shall be followed.

K. <u>Deliverables</u>:

1. The Consultant shall provide the City with the following on a USB drive, hard drive, or through a City approved data transfer site within 24 hours of the inspection:

2. Submittals shall be due based on the schedule and delivery method agreed upon at the pre- work meeting. Submittals shall be approved for acceptance by the City prior to payment.

3. The Contractor shall label each submittal indicating what work is completed using Structure ID's of the assets provided by the City. Organize data in folders with readily identifiable naming to allow simplified browsing and identification of specific work products.

4. Any submittals identified as being in error shall be re-performed and corrected at the Contractor's expense prior to payment for the work.

5. Pipe inspection deliverables shall be:

    1. MPEG-4 H.264 video file of the recorded closed-circuit television (CCTV) inspection
    2. A digital copy of the PACP compliant database and associated files for importing into the City's pipe video application
    3. PACP database shall use existing asset IDs provided by the City
    4. Exported PACP database that can be integrated with existing City software and databases
    5. Condition grading calculation sheet, per NASSCO
    6. Still photos per section G Execution
    7. Worksheet of completed work referencing upstream and downstream Structure ID's

6. Manhole inspection deliverables shall be
    1. Video or image file shall be in .mpg4,. ipf, or similar
    2. Interactive unfolded view of entire asset
    3. MACP database shall use existing asset IDs provided by the City
    4. Exported MACP database that can be integrated with existing City software and databases
    5. MACP Report
    6. Condition grading calculation sheet, per NASSCO Appendix C example
    7. Still photos per section G Execution
    8. Worksheet of completed work referencing Structure ID's

L. Qualifications of Bidders

No proposal will be considered from any vendor unless he is known to be skilled in work of a similar nature to that covered by the contract and has sufficient capital to meet all obligations to be incurred in carrying out the work. In addition, the Contractor shall be able to provide conclusively that have the following:

1. The successful Contractor must have a supervisor or project manager with minimum two (2) years of experience using NASSCO PACP and MACP inspection and coding.

2. The Contractor shall have completed at least three (3) contracts of similar scope, preferably on storm sewer infrastructure.
3. Five (5) years' experience in the field of pipeline inspection by means of closed circuit television.

4. The Contractor shall be able to provide references from at least three (3) separate contracts of similar scope, preferably on storm infrastructure.

5. Sufficient quantity of cleaning equipment and CCTV cameras, (multiple units), to ensure continuous work, and proof of ownership of equipment. Include copy of titles of at least three units.

6. Cleaning equipment capable of cleaning lengths up to 500 feet with vehicular access to one structure only. Additionally, high-pressure water jetting equipment must be capable of a minimum of 80 GPM.

7. The Contractor shall be able to meet NASSCO Requirements:
    1. Indicate NASSCO certification numbers of operators on all inspections;
    2. Pipe and manhole inspection camera software shall be NASSCO PACP 7 certified;
    3. Inspections and ratings (video and data, such as photographs, collected) will be conductedentirely in electronic or digital format following NASSCO 7 requirements.

8. Contractor must certify that the company has never failed to complete a contract.

M. Personnel Required

1. The Contractor shall furnish a trained supervisor who has had a minimum of five (5) years' experience in the entire field of storm sewer inspection and rehabilitation such as will be undertaken in the project, and sufficient personnel to perform all the work required.

2. At least one person on the crew must have:

1. CCTV operators must be PACP Certified
2. First Aid Certified
3. Confined Space Certified
4. Proof of Completion of Flagger Trainer Course

N. <u>Response format</u>

The following items are to be included in your proposal, in the order listed. Deviation from this may render your proposal non-responsive

A. Cover Letter. Include a cover letter introducing your company, summarizing your qualifications, and detailing any exceptions to this RFP (please note that significant exceptions may make your proposal non-responsive). This letter should also provide principal contact information for this RFP, including address, telephone number, fax number, e-mail, and website (if applicable).

B. Use of Subcontractors/Partners. There may be areas for use of subcontractors or partners in this project. If you are utilizing this approach, your proposal must list the subcontractors/partners, their area(s) of expertise, and include all other applicable information herein requested for each subcontractor/partner. Please keep in mind that the City will contract solely with your company, therefore subcontractors/partners remain your sole responsibility.

C. Minimum Mandatory Qualifications. Include an itemized description of how your company meets each of the minimum mandatory qualifications outlined in Section E. This can be included with the requirements listed in the Company Work Profile, see Section, E. Failure to meet or exceed these requirements may disqualify the proposal.

D. Company Information

1. Provide the following information as listed: Company Name, Address, Phone Number, and Names of Principals.
2. Identify the year in which your company was established and began providing services.
3. Describe any pending plans to sell or merge your company.
4. Provide a comprehensive listing of all the services you provide.
5. State if you can begin providing services immediately upon award.

E. Company Work Profile#1 – Qualifications and Experience

1. Briefly describe your customer service philosophy.
2. The successful Contractor must have a supervisor or project manager with minimum two (2) years of experience using NASSCO PACP and MACP inspection and coding.

3. The Contractor shall be able to meet NASSCO Requirements:
    a. Indicate NASSCO certification numbers of operators on all inspections;
    b. Pipe and manhole inspection camera software shall be NASSCO PACP certified; state name of software being used and if it is NASSCO compliant and that inspections and ratings (video and data, such as photographs, collected) will be conducted entirely in electronic or digital format following NASSCO requirements.
4. The Contractor shall have completed at least three (3) contracts of similar scope, preferably on storm infrastructure. The Contractor shall be able to provide references from at least three (3) separate contracts of similar scope, preferably on storm infrastructure. Provide information from at least three (3) completed contracts of similar scope. Include, at a minimum, the following information: 1) client name, 2) contact name of person authorized to accept final products, 3) phone number, 4) fax number, 5) email address, 6)brief description of project location, size, scope and value as it relates to this proposal, 7) start and completion dates. The City reserves the right to contact the references provided in your proposal as well as other references without prior notification to you.
5. List the number of people, and their roles, that you can commit to working on this project and the amount of time each is expected to spend on the project.
6. Provide the names and resumes of the key personnel that will be performing the proposed se[illegible], including the primary project manager.

7. List the names of the subcontractors you expect to use, the services to be provided by the subcontractors and the amount of time that each is expected to spend on the project. Also, include the names and resumes of the key subcontractor personnel who will be working on the project.
8. The successful Contractor must meet all qualifications for the duration of the contract.
9. Any other pertinent information for consideration.

F. Company Work Profile#2 – Example Work Products

1. The Contractor shall submit an example of prior CCTV inspection work that meets the requirements in this RFP. This example shall include a completed CCTV inspection with a PACP database for a pipe segment and also a MACP Level 1 or 2 database for a manhole. This example shall be submitted in the emailed proposal (or accessible via hyperlink).

G. Company Work Profile#3 – Equipment

1. Provide a detailed list, specifications (including resolution, lighting, etc.), description and age of all proposed camera equipment to be used on the project and Contractor's experience with the equipment.
2. Provide a detailed description and the specifications of all proposed software and hardware to be used on the project and Contractor's experience with the software.
3. For all equipment, identify whether the equipment is owned by the Contractor, will be leased or rented to complete the work, or will be acquired through a sub-contract agreement. State the backup plan and timing for any equipment failure during the project.

H. Company Work Profile#4 – Approach to Scope of Work

1. Provide a detailed work plan and schedule of activities including specific working hour timeframes.
2. Provide a data collection, management, and deliverable plan describing specific data to be collected along with specific tools, software, hardware and methods, data storage and delivery, and quality assurance and quality control. Specifically, how field, data, and final product issues would be monitored and resolved, work checked and cross-referenced, and coordination ensured to be complete, accurate, and coordinated with subcontractors or the City.
3. Describe the methods and timeline of communication your firm will use with the City's Project Manager, other involved City staff, and any other interested parties.
4. Provide a traffic control plan. The City will be responsible for any NCDOT permits needed.
5. Provide a health and safety plan.

I. Company Work Profile#5 - Value/Cost of Efforts

1. Provide a cost for the consulting services and products broken down per task listed in the Bid Schedule. Show a breakdown of all reimbursable expenses required to complete the work. If applicable, the subcontractors' costs must be shown as separate items. Also, provide hourly rates for your firm and all subcontractors.
2. Provide a proposed invoicing schedule.
3. Describe any project approaches (NASSCO or other standards you may suggest) or ideas that you would apply to this project and that you feel would enhance the quality of your services or provide equal quality work at a more effective cost.

City of Hendersonville MS4 CCTV Inspection of Storm Sewers

O. Bid Schedule:

Bid Item No.	Description	Unit	Quantity	Unit Price	Bid Amount
1.	CCTV Inspection – Pipes (diameter or equivalent) >36”	LF	8483		
2.	30-36”	LF	4944		
3.	24-30”	LF	17399		
4.	18-24”	LF	32160		
5.	Total	LF	62,987		
6.	CCTV Inspection - Manholes	EA	180		
7.	CCTV Mobilization	LS	1		
8.	Stormwater Asset Cleaning (sizes ranging from 18”-36”+)	LF	13,000		
9.	Cleaning Mobilization	LS	1		
10.	Traffic Control	LS	1		
11.	Emergency Cleaning Mobilization	LS	1		
12.	**Total**				

The City reserves the right to reject any or all Bids, including without limitation, nonconforming, nonresponsive, unbalanced, or conditional Bids, or for any reason determined by the City Council to be in the best interest of the City, other than to evade the bid laws. Owner also reserves the right to waive all minor Bid informalities not involving price, time, or changes in the Work, or any other informality that would render a bid as nonresponsive. Owner will reject the Bid of any Bidder that Owner finds, after reasonable inquiry and evaluation, to not be responsible.

For the determination of the apparent low Bidder when unit price bids are submitted, Bids will be compared on the basis of the total of the products of the estimated quantity of each item and unit price Bid for that item, together with any lump sum items.

Bidder acknowledges that: each Bid Unit Price includes an amount considered by Bidder to be adequate to cover Contractor’s overhead and profit for each separately identified item, and estimated quantities are not guaranteed, and are solely for the purpose of comparison of Bids, and final payment for all Unit Price Work will be based on actual quantities, determined as provided in the Contract Documents.

The Owner may make adjustments to the quantities of an item of Unit Price Work at any time without a change in unit prices.

City of Hendersonville CCTV Work Area Map

WAKE COUNTY, NC 97
CHARLES P. GILLIAM
REGISTER OF DEEDS
PRESENTED & RECORDED ON
11/04/2019 12:03:46

BOOK:017637 PAGE:02390 - 02391

Return to Box 120

ASSUMED BUSINESS NAME CERTIFICATE (NCGS §66-71.5)

Please print legibly.

1. The assumed business name is:
   R+R; DGC; AQUALIS; AQUALIS Stormater Management

   (You may include no more than five (5) assumed business names on this form.)

2. The real name of the person or entity engaging in business under the assumed business name is:
   New Restoration and Recovery Services, LLC 1193872

   (Corporations, LLC's, limited partnerships must provide the exact name registered with the NC Secretary of State's office and the SOSID number assigned at the time of formation. Go to www.sosnc.gov/br/search to look up your information.)

3. The nature/type of the business is: Stormwater Management

4. The street address of the principal place of business is: (PO Boxes are not acceptable)
   2510 Meridian Pkwy., Suite 350, Durham, NC 27713

5. The mailing address, if different from the street address, is:

6. The counties where the assumed business name will be used to engage in business are:
   ■ All 100 North Carolina counties

This certificate is signed by the owner/legal representative of the person or entity named above, this 14th day of October, 2019.

Signature:

Printed/Typed Name: Richard Matero

Title: Chief Executive Officer
(See instructions for who must sign for various business entity types.)

BOOK:017637 PAGE:02390 - 02391

WAKE COUNTY
NORTH CAROLINA

Please retain yellow trailer page

It is part of the recorded document and must be submitted with the original for re-recording.

Charles P. Gilliam
Register of Deeds

Wake County Justice Center
300 South Salisbury Street, Suite 1700
Raleigh, NC 27601

☐ New Time Stamp ☐ $25 Non-Standard Fee

☐ Additional Document Fee ☐ Additional Reference Fee

This Customer Group

_____ # of Excessive Entities

_____ # of Time Stamps Needed

This Document

2 # of Pages

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: Michael Huffman

MEETING DATE: December 2nd, 2021

AGENDA SECTION: CONSENT

DEPARTMENT: Engineering - Stormwater

TITLE OF ITEM: Resolution Accepting Proposal from McGill Associates, PA for the Wash Creek Stormwater Improvements Preliminary Engineering Report (Area 2) – *Michael Huffman, Stormwater Administrator*

SUGGESTED MOTION(S):

I move City Council adopt the *Resolution by the City of Hendersonville City Council to Authorize the City Manager to Enter into a Contract with Mcgill Associates, PA* for the Wash Creek stormwater improvements preliminary engineering report and survey as presented.

SUMMARY:

McGill Associates, PA has submitted a proposal to conduct surveying and produce a preliminary engineering report to assist in developing targeted stormwater capital improvement projects in the Wash Creek subwatershed. McGill Associates, PA have extensive experience in developing and implementing stormwater capital improvement plans for municipalities. Therefore, we request your approval of the attached resolution authorizing the City Manager and City Attorney to execute a contract with McGill Associates, PA at a cost of $37,100.

BUDGET IMPACT: $37,100.00

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

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

ATTACHMENTS:

Resolution

Mini-Brooks Act Exemption

Scope of Services

Draft Agreement

Resolution #__-____

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A CONTRACT WITH MCGILL ASSOCIATES, PA

WHEREAS, McGill Associates, PA has submitted a scope of services to complete surveying and develop a preliminary engineering report for stormwater improvement project for priority areas of the Wash Creek subwatershed; and

WHEREAS, McGill Associates, PA has extensive experience in developing and implementing municipal stormwater capital improvement plans; and

WHEREAS, this survey and preliminary engineering report will help City Staff develop a detailed capital improvement plan for priority area two within the Wash Creek subwatershed; and

WHEREAS, a preliminary engineering report will provide City staff with the necessary data to develop an accurate and cost-effective capital improvement plan for priority area two within the Wash Creek subwatershed; and

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

1. The City Manager is authorized to enter into a contract with McGill Associates, PA to assist the City of Hendersonville with surveying and a preliminary engineering report for the Wash Creek subwatershed in an amount not to exceed $37,200.00.
2. The contract is exempted from the requirements of the Mini-Brooks Act.

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

_____

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

_____

Angela L. Reece, City Clerk

Approved as to form:

_____

Angela S. Beeker, City Attorney

EXEMPTION OF CONTRACT FROM G.S. 143-64.31 ("Mini Brooks")

Name of Project: Wash Creek Stormwater Improvements Preliminary Engineering (Area 2) - ("Project")

1. G.S. 143-64.31 requires the initial solicitation and evaluation of firms to perform architectural, engineering, surveying, and alternative construction delivery services (collectively "design services") to be based on qualifications and without regard to fee; and

2. The City of Hendersonville proposes to enter into a contract ("Contract") for professional services with McGill Associates, PA [Firm] to provide the following services: Engineering and consulting services to produce a preliminary engineering report for Wash Creek Subwatershed CIP stormwater improvements.

3. G.S. 143-64.32 authorizes units of local government to exempt contracts for professional services from the qualifications-based selection requirements of G.S. 143-64.31 if the estimated fee is less than $50,000; and

4. The estimated fee for the Services is less than $50,000.

BASED ON THE FOREGOING, THE UNDERSIGNED HEREBY DECLARES THE FOLLOWING:

The Contract is hereby made exempt from the provisions of G.S. 143-64.31.

_____
Authorized Signer

Brent Detwiler, City Engineer
Print Name and Title

Shaping Communities Together

November 3, 2021

Michael Huffman, CPMSM
Stormwater Administrator
City of Hendersonville
305 Williams Street
Hendersonville, North Carolina 28792

RE: Wash Creek Stormwater Improvements Area 2
Henderson County, North Carolina

Dear Mr. Huffman,

We appreciate the opportunity to offer this proposal to assist the City of Hendersonville with surveying and preliminary engineering associated with stormwater improvements within the Wash Creek Watershed Area 2 as defined in the 2019 Stormwater Master Plan. The following is our proposed scope of services

ROUTE SURVEY AND SITE MAPPING

1. Establish geodetic survey control in the project area tied to NAD83(2011) and NAVD88 (GEOID12B) for field surveying and mapping efforts. Provide four survey control benchmarks in the overall project area as shown in red on the attached survey scope map.

2. Perform an existing conditions route survey for storm drainage design within each of the mapping areas labeled 1-4 as shown on the attached survey scope map.

3. Site mapping to include the following items within the survey scope mapping areas: visible above ground features; accessible storm and sewer piping networks including pipe sizes, materials and invert elevations; visible utilities (as marked by NC One Call utility representatives); roads; buildings; structures; fences.

4. Perform a topographic survey suitable to produce a one foot contour interval for the delineated mapping area. Final digital terrain models will be a composite model of topographic information gathered from field run ground surveys and unmanned aerial vehicle (UAV) aerial photography and photogrammetry.

5. Gather enough property boundary and road right-of-way information to adequately generate property boundary lines to guide design efforts. No property boundary plats will be produced. Property corners, monuments, or evidence of possession lines will be surveyed if readily identifiable. Deliverable will be in CAD format only.

6. Contact NC One Call and request utility locations for areas along the project site, and

locate the utilities as marked by representatives of the respective utilities. Please be aware, NC One Call utility representatives are likely to locate only those underground utilities within the right-of-way of the roadway. NC One Call utility representatives will not locate underground utilities on private property. If you anticipate a need for underground utility mapping across portions of the site that are outside of the road right-of-way, please contact McGill Associates and we can obtain quotes for a private utility locator to complete this work.

7. Deliverables to include: CAD files in AutoCAD DWG 2017 format or later; digital terrain model of the survey area in LandXML format; ascii points file of all surveyed points; GPS survey control report; final survey report and certification.

PRELIMINARY ENGINEERING REPORT

1. Meet with City of Hendersonville staff to review Stormwater Master Plan and existing conditions at Area 2. Survey information will be verified during this site visit.

2. Create existing conditions plans.

3. Develop updated hydrologic and hydraulic model for drainage basin to develop more accurate runoff coefficients, time of concentration, and flow data for evaluation. Analyzing the existing stormwater infrastructure for the 25-year storm will meet City of Hendersonville Stormwater ordinance for capacity and the 50-year storm will match typical NCDOT Standards for secondary road crossings. We anticipate minimal areas that may need a 50-year storm level of service and will coordinate with City of Hendersonville on those locations.

4. Update the existing PCSWWM model to incorporate the field run survey and for items in number 3 above. The above-mentioned design storms will then be entered into the model to revise the pipe capacity and hydraulic grade line output.

5. Develop schematic design plans to demonstrate the areas of repair, re-routing of stormwater piping, or upgrade to existing infrastructure. Pipe sizes or channel geometry will be based on a proposed condition PCSWWM model to provide appropriate capacity of the design storms previously described.

6. Meet with City of Hendersonville staff to review schematic design plans. Based on the anticipated storm piping re-route, we anticipate that improvements to street cross sections (i.e. curb and gutter, repaving) may also be accomplished during the stormwater project. Our primary focus of this meeting will be to ensure constructability of the schematic design based on review of existing site conditions to provide the City of Hendersonville with a schematic design that can be successfully implemented as the project moves forward to construction documents.

7. Revise schematic design plans based on feedback received from item 6.

8. Prepare detailed cost estimate based on the scope included in the schematic design plans.

9. Meet with City of Hendersonville staff to review cost estimates and determine if project phasing should be adjusted based on budgets available for capital improvement projects.

10. Revise cost estimates and schematic design plans based on feedback received from item 9.

11. Summarize findings, project approach, schematic design, project costs, and project phasing in a summary Preliminary Engineering Report as a final deliverable.

BASIS OF COMPENSATION

We anticipate the following hourly maximum not to exceed fee for the above-described scope of services:

- Route Survey and Site Mapping $17,100.00
- Preliminary Engineering Report $20,000.00

Fees will be billed based on actual time spent plus expenses in accordance with the attached Basic Fee Schedule on a monthly basis.

ASSUMPTIONS

1. Our attendance at public meetings, or additional meetings not listed in the above scope, is not included in the above fees and will be billed on an hourly basis in accordance with the attached Basic Fee Schedule.

2. Drawings will be prepared in 22-inches by 34-inches size on McGill Associates title block, unless otherwise requested. For other formats, title block and appropriate fonts will be provided in AutoCAD format to our office.

3. Detailed design and permitting of stormwater improvements is not included in this scope of services.

4. Surveying services for preparation of easements is not included.

5. No environmental reviews or assessments are included in this scope of services.

6. Services for tasks other than those specifically detailed above are not included in the above fees.

We appreciate the opportunity to work with you on this project. Please feel free to give me a call if you have any questions.

McGILL ASSOCIATES, PA

SCOTT BURWELL, PE
Senior Project Manager

Attachments: Basic Fee Schedule

P:\2021\21.00146-HendersonvilleNC-Wash Crk 1 and 2 SW Imp\Admin\Contracts\21-1101 Wash Creek Stormwater Area 2 PER Proposal.docx

THE CITY OF HENDERSONVILLE
160 6TH Avenue East
Hendersonville, NC 28792
(828) 697-3000

CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES

FIRM:	**MCGILL ASSOCIATES, PA**	**PROJECT:**	**WASH CREEK STORMWATER IMPROVEMENTS PRELIMINARY ENGINEERING (Area 2)**
	55 BROAD STREET **ASHEVILLE, NC 28801** **828-252-0575**	**PROJECT DESCRIPTION:**	**Survey and development of preliminary engineering report detailing potential upgrades and repairs based on hydraulic modeling, review of field conditions, schematic level design drawings, and cost estimates to cover the anticipated construction work items.**
		PROJECT NUMBER:	**21027**

This Contract for Professional Services, and all exhibits, (collectively this "Contract") is entered into this _____day of _____, 20_____ by and between, the City of Hendersonville, a municipal corporation of the State of North Carolina, (the "City") and, MCGILL ASSOCIATES, PA; a North Carolina professional corporation, having an address of 55 BROAD STREET, ASHEVILLE, NC 28801 (the "Firm")

WITNESSETH

That for and in consideration of the mutual promises set forth in this Contract below, the sufficiency of which is acknowledged by the parties hereto, the parties do mutually agree as follows:

1. Scope of Services. The Firm agrees to perform for the City the following services according to the following requirements:

   The Firm agrees to provide professional engineering services needed to complete the Project. Such professional engineering services shall constitute the "Work." The Scope of Services and Firm's Fee Schedule are attached as Exhibits B and C, which are incorporated herein by reference. Additional (extra) services are defined as any work not included in the Scope of Services in Exhibit B that are requested by the City or any review agencies ("Additional Services"). Additional Services will be billed at the Firm's billing rates as shown on the attached Exhibit D, which is incorporated herein by reference. The Firm represents to the City that the hourly billing rates are the Firms standard billing rates. The Firm may adjust the hourly rates shown on the attached Exhibit D only if and to the extent that the Firm's standard billing rates are adjusted. The Firm shall provide thirty (30) days advanced notice to the City in writing of any increases to the Firm's standard billing rates. Upon receipt of such notice, the City shall have the option of terminating this Agreement within the thirty (30) day notice period given by the Firm. Any meetings not included in the Scope of Services in Exhibit B will be considered Additional Services. Additional Services will be identified either in writing or by verbal communication but must be approved in writing by City before proceeding to perform such Additional Services.

   The Firm will be responsible for providing properly licensed engineers to complete the Work in accordance with the standard of care ordinarily used by members of the Firm's engineering profession practicing under similar circumstances and at the same time in Henderson County. In addition to the indemnification obligations contained in the STANDARD TERMS AND CONDITIONS attached to this Contract, the Firm further agrees to indemnify and save harmless the City from claims and liabilities to the extent caused by the negligent errors or omissions of the Firm, including its engineers, technicians or subcontractors.

   The Firm agrees to coordinate its Work with the work of any other separate professional services, contractors or with the work of the City's own forces to avoid delaying or interfering with their work.

The Firm must be properly registered with the North Carolina Board of Examiners for Engineers and Su must be properly authorized to conduct business in the state of North Carolina. The engineers performing the Work, and in responsible charge of the Work, must be a licensed Engineer in the State of North Carolina and must have a good ethical and professional standing.

The City reserves the right to terminate the professional service contract of the Firm based on the Firm's breach of this Contract (ex: schedule, responsiveness, quality of design, accuracy of documents etc.) or for convenience. The City reserves the right to modify the Scope of Work described in Exhibit B Scope of Services, and in such event the City and Firm shall negotiate in good faith to make corresponding modifications to the Fee Schedule in Exhibit C.

2. Required Insurance. Firm shall be required to purchase and maintain during its performance under this Contract insurance coverage as shown on the Insurance Requirements as stated in Exhibit A, which is incorporated herein by reference. With the exception of Worker's Compensation and Professional Liability policies, all insurance purchased shall have a specific endorsement, copy of which shall be provided to the City, naming the City as an additional insured and for all insurance purchased, an endorsement providing that such insurance will not be cancelled without providing thirty (30) days advance written notice to the City.

3. Standard Terms and Conditions. The attached Standard Terms and Conditions shall be a part of this Contract. Such Standard Terms and Conditions are hereby incorporated by reference, and all parties agree to be bound thereby.

4. Marketing Use. The use of this project for marketing and reference purposes is subject to the City's consent.

5. Time for Performance of the Work. The Work will begin within ten (10) days of receipt of the Notice to Proceed from the City and shall conclude with the conclusion of the project, unless extended or terminated by written amendment to this Contract.

6. Payment for Services. In consideration of the above services, the City will pay the Firm, in accordance with the submitted fee schedule in Exhibit C, attached hereto and incorporated by reference, plus reimbursable expenses at the Firm's actual cost up to, but not exceeding, the lump sum stated in the Fee Schedule in Exhibit C. Firm will submit monthly invoices for Work performed based upon the Firm's estimate of the percentage of the total Work completed during the billing period which shall be paid thirty (30) days after receipt of undisputed invoices delivered. Additional Services will be billed as provided in Paragraph 1 above in accordance with the hourly fee schedule shown on Exhibit D, attached hereto and incorporated by reference. If any invoice is disputed by the City, in whole or in part, it shall provide a written explanation for such dispute to Firm within five days of receipt of the invoice and shall pay all undisputed amounts therein.

In witness thereof, the contracting parties, by their authorized agents, affix their signatures and seals at Hendersonville, North Carolina, this _____ day of _____, 20_____.

MCGILL ASSOCIATES, PA.

BY:_____(SEAL)
Signature

_____
Printed Name and Title

THE CITY OF HENDERSONVILLE

BY:_____(SEAL)
John Connet, City Manager

This instrument has been preaudited in that manner required by the North Carolina Local Government Budget and Fiscal Control Act.

_____
John Buchanan, Finance Director, City of Hendersonville

STANDARD TERMS & CONDITIONS

1. **Acceptance**. Firm's acknowledgment of the terms of this Contract constitutes an agreement to (i) all terms and conditions set forth or referenced herein, (ii) Exhibits A, B, C & D hereto, and (iii) any other terms and conditions of a written agreement signed by Firm and the City that deals with the same subject matter as this Contract (collectively, the "Contract Documents"). The terms and provisions set forth in the Contract Documents shall constitute the entire agreement between Firm and the City with respect to the performance of the Work as described in the Contract Documents. The agreement

set forth in the Contract Documents are sometimes referred to herein as the "Contract." Except as provided additional or supplemental provision or provisions in variance herewith that may appear in Firm's quotation, acknowledgment, invoice or in any other communication from Firm to the City shall be deemed accepted by or binding on the City. The City hereby expressly rejects all such provisions which supplement, modify or otherwise vary from the terms of the Contract Documents, and such provisions are superseded by the terms and conditions stated in the Contract Documents, unless and until the City's authorized representatives expressly assent, in writing, to such provisions. Stenographic and clerical errors and omissions by the City are subject to correction.

2. **Entire Agreement**. The Contract Documents constitute and represent the complete and entire agreement between the City and Firm and supersede all previous communications, either written or verbal with respect to the subject matter of this Contract.
3. **Changes, Additions, Deletions**. No changes, additions, deletions or substitutions of scope of work, specifications, terms and conditions, quantity, unit of issue, delivery date, delivery charges or price will be permitted without the prior written approval from the City. However, the Firm will not be liable for delays caused by circumstances beyond its control including without limitation, delays caused by acts of God, the City or its other consultants/contractors, federal, state, and local government authorities, strikes, riots, civil unrest, war, or unknown or concealed conditions, and if such delays occur, the Firm will be entitled to an equitable adjustment in the time for the performance of the Work and compensation.
4. **Relationship of the Parties**. The Firm is an independent Professional Engineering Company and not an affiliate of the City. The conduct and control of the work will lie solely with the Firm. The Contract shall not be construed as establishing a joint venture, partnership or any principal-agent relationship for any purpose between the Firm and the City. Employees of the Firm shall remain subject to the exclusive control and supervision of the Firm, which is solely responsible for their compensation.
5. **Prices**. If the Firm's price or the regular market price of any of the Work covered hereunder is lower than the price stated in the Contract Documents on the date of performance of the Work, the Firm agrees to give the City the benefit of such lower price on such Work. In no event shall the Firm's price be higher than the price contained in the Firm's Fee Schedule attached as Exhibit C unless otherwise agreed in writing.
6. **Taxes**. Any applicable taxes shall be invoiced as a separate item.
7. **Substitutions**. No substitutions or cancellations shall be permitted without prior written approval from the City.
8. **Indemnification**. To the greatest extent allowed by the law the Firm shall indemnify and hold harmless the City, its officers, agents, employees and assigns from and against all claims, losses, costs, damages, expenses, attorneys' fees ("Claims"), but only to the extent the fault of the Consultant or its derivative parties (as defined in N.C.G.S §22B-1) is a proximate cause of the Claim. In the event that any portion of the Work performed under the Contract shall be defective in any respect whatsoever, the Firm shall indemnify and save harmless the City, its officers, agents, employees and assigns from all loss or the payment of all sums of money, but only to the extent the fault of the Consultant or its derivative parties (as defined in N.C.G.S §22B-1) is a proximate cause of the Claim.
9. **Invoices and Payment Terms.** Invoice and Payment Terms are set forth in Section 5 in the Contract for Professional Engineering Services. All invoices and statements shall reference the Contract number and be submitted to: City of Hendersonville, Accounts Payable, PO Box 664, Hendersonville, North Carolina 28070.
10. **Anti-Discrimination**. During the performance of the Contract, the Firm shall not discriminate against or deny the Contract's benefits to any person on the basis of sexual orientation, national origin, race, ethnic background, color, religion, gender, age or disability.
11. **Insurance**. The Firm shall provide the insurance coverages shown on Exhibit A, attached hereto and incorporated herein by reference. The Firm shall provide the City with a North Carolina Certificate of Insurance and such endorsements as may be required by the Contract Documents PRIOR to the commencement of any work under the Contract and agrees to maintain such insurance until the completion of the Contract. Such certificates of insurance shall be considered part of the Contract.
12. **Ethics in Public Contracting**. By submitting their prices and acceptance of this Contract, the Firm certifies that their proposal was made without collusion or fraud and that they have not offered or received any kickbacks or inducements from any other supplier, manufacturer or subcontractor in connection with their proposal, and that they have not conferred on any public employee having official responsibility for this procurement transaction any payment, loan, subscription, deposit of money, services or anything of more than nominal value, present or promised, unless consideration of substantially equal or greater value was exchanged.
13. **Applicable Laws and Courts**. This Contract shall be governed in all respects by the laws of the State of North Carolina. All matters, whether sounding in contract or tort relating to the validity, construction, interpretation and enforcement of the

Contract, shall be governed in all respects by the laws of the State of North Carolina and exclusive venue shall competent jurisdiction for Henderson County, North Carolina. The Firm represents and warrants that it shall comply with all applicable federal, state and local laws, regulations and orders.

14. **Strict Compliance**. The City may at any time insist upon strict compliance with these terms and conditions notwithstanding any previous course of dealing or course of performance between the parties to the contrary.
15. **Assignment**. The Firm shall not assign, subcontract or otherwise transfer any interest in the Contract without the prior written approval of the City.
16. **General Provisions**. The City's remedies as set forth herein are not exclusive. Any delay or omission by the City in exercising any right hereunder, or any waiver by the City of any single breach or default hereunder, shall not be deemed to be a waiver of such right or of any other right, breach, or default.
17. **Obligations of the Firm.** The Firm shall adhere to all applicable laws, codes, ordinances, and regulations of the United States, the State of North Carolina, the County of Henderson, and the City of Hendersonville in the performance of the Work outlined in this Contract and any design documents, drawings and specifications applicable to the Work. The Work shall also adhere to all applicable laws, codes, ordinances, and regulations of the United States, the State of North Carolina, the County of Henderson, and the City of Hendersonville.
18. **Quality and Workmanship**. The Firm shall perform all Work in accordance with this Contract and the standard of care ordinarily used by members of the engineering profession practicing under similar circumstances and at the same time in Henderson County.
19. **Default**. Either Party may terminate the Contract, in whole or in part, upon thirty (30) days written notice upon a material breach by the other Party unless the alleged default is cured within the thirty (30) day notice period. The nonbreaching party shall have all remedies available at law or in equity in addition to any remedies provided in this Contract for material breach. In the event of a material breach by the Firm the City may procure upon such terms as the City shall deem appropriate, professional engineering services substantially similar to those so terminated, in which case the Firm shall be liable to the City for any excess costs for such similar services and any expenses incurred in connection therewith.
20. **Termination for Convenience**. The City shall have the right, without assigning any reason therefore, to terminate any Work under the Contract, in whole or in part, at any time at its complete discretion by providing ten (10) consecutive calendar days notice in writing from the City to the Firm. If the Contract is terminated by the City in accordance with this paragraph, the Firm will be paid for all Work performed and reimbursable expenses incurred up to the effective date of the termination. The City will not be liable to the Firm for any costs for materials acquired or contracted for, if such costs were incurred prior to the date of this Contract.
21. **Instruments of Service and Work for Hire.** All Work performed by the Firm, and all data compiled, shall be considered Instruments of Service and Work for Hire, and shall be the Property of the Owner. The Firm shall retain a license in the Work performed and data compiled to use for the Firm's own purposes, and not for the benefit of any third party without the City's consent. The terms of this Paragraph shall survive the termination of this Contract for any reason, including but limited to for a material breach of either Party, or for the convenience of the Owner. In the event this Contract is terminated for any reason, the City shall be entitled to keep and use all design work provided by the Engineer and all data compiled by the Engineer. All representations and obligations with respect to the Work by the Firm under this Contract shall survive termination of this Agreement unless this Contract is terminated by the Firm for the City's material breach, in which case use by the City of the Firm's design work and data compiled shall be at the City's own risk, and without any representation by the Engineer as to its accuracy or fitness for any purpose.
22. **Assignment**. Firm may not assign, pledge, or in any manner encumber the Firm's rights under this Contract, or delegate the performance of any of its obligations hereunder, without the City's prior, express written consent.
23. **No Third Party Beneficiaries**. There shall be no intended nor incidental third party beneficiaries of this Contract. The Firm shall include in all contracts, subcontracts or other agreements relating to the Contract an acknowledgment by the contracting parties that the Contract creates no third party beneficiaries.
24. **Valid Contract**. In order for this Contract for Professional Engineering Services to be valid, it must be executed by the City Manager or his or her authorized designee, and must be pre-audited in that manner required by the Local Government Budget and Fiscal Control Act, as the same may be amended.
25. **Verification of Work Authorization.** The Firm shall comply with, and require all contractors and subcontractors to comply with, the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes, "Verification of Work Authorization," sometimes known as E-verify for all contractors and subcontractors.
26. **Iran Divestment List.** With the execution hereof, Firm, certifies that they are not on the Iran Final Divestment List created by the N.C. State Treasurer pursuant to N.C.G.S. § 147-86.58, and will not contract with anyone on such List in performance

of the work hereunder.

27. **Severability**. If any provision of this Contract is found to be invalid or unlawful, then remainder of this Agreement shall not be affected thereby, and each remaining provision shall be valid and enforced to the fullest extent permitted by law.
28. **Companies that Boycott Israel List.** With the execution hereof, Firm, certifies that they are not on the Companies that Boycott Israel List created by the N.C. State Treasurer pursuant to N.C.G.S. § 147-86.80, and will not contract with anyone on such List in performance of the work hereunder.

EXHIBIT A
MINIMUM INSURANCE REQUIREMENTS

The Work under this Contract shall not commence until the Firm has obtained all required insurance and verifying certificates of insurance have been approved in writing by the City. The City shall be named as additional insured on all policies, except Worker's Compensation and Professional Liability policies. These certificates shall document that coverages afforded under the policies will not be cancelled until at least thirty (30) days after mailing written notice, by certified mail, return receipt requested, to the insured and the City of such cancellation. If endorsements are needed to comply with the notification or other requirements of this article copies of the endorsements shall be submitted with the certificates.

a. **Worker's Compensation and Employer's Liability**

The Firm shall provide and maintain, until final acceptance, workmen's compensation insurance, as required by law, as well as employer's liability coverage with minimum limits of $100,000.

b. Comprehensive General Liability Insurance

The Firm shall provide and maintain, until final acceptance, comprehensive general liability insurance, including coverage for premises operations, independent contractors, completed operations, products and contractual exposures, as shall protect such contractors from claims arising out of any bodily injury, including accidental death, as well as from claims for property damages which may arise from operations under this contract, whether such operations be by the Firm or by any subcontractor, or by anyone directly or indirectly employed by either of them and the minimum limits of such insurance shall be as follows:

Bodily Injury: $1,000,000 per occurrence / $2,000,000 aggregate
Property Damage: $100,000 per occurrence / $300,000 aggregate
Or,
Bodily Injury and Property Damage, combined single limit (CSL): $1,000,000 per occurrence / $2,000,000 aggregate

Such coverage for completed operations must be maintained for at least two (2) years following final acceptance of the Work performed under the contract.

c. **Deductible**

Any deductible, if applicable to loss covered by insurance provided, is to be borne by the Firm.

d. **Other Insurance**

The Firm shall obtain such additional insurance as may be required by the City or by the General Statutes of North Carolina including motor vehicle insurance, in amounts not less than the statutory limits.

e. **Proof of Carriage**

The Firm shall furnish the City with satisfactory proof of carriage of the insurance required before written approval is granted by the City

EXHIBIT B

FIRM'S SCOPE OF SERVICES

Wash Creek Stormwater Improvements
Preliminary Engineering

SCOPE OF SERVICES

ROUTE SURVEY AND SITE MAPPING

1. Establish geodetic survey control in the project area tied to NAD83(2011) and NAVD88 (GEOID12B) for field surveying and mapping efforts. Provide four survey control benchmarks in the overall project area as shown in red on the attached survey scope map.

2. Perform an existing conditions route survey for storm drainage design within each of the mapping areas labeled 1-4 as shown on the attached survey scope map.

3. Site mapping to include the following items within the survey scope mapping areas: visible above ground features; accessible storm and sewer piping networks including pipe sizes, materials and invert elevations; visible utilities (as marked by NC One Call utility representatives); roads; buildings; structures; fences.

4. Perform a topographic survey suitable to produce a one-foot contour interval for the delineated mapping area. Final digital terrain models will be a composite model of topographic information gathered from field run ground surveys and unmanned aerial vehicle (UAV) aerial photography and photogrammetry.

5. Gather enough property boundary and road right-of-way information to adequately generate property boundary lines to guide design efforts. No property boundary plats will be produced. Property corners, monuments, or evidence of possession lines will be surveyed if readily identifiable. Deliverable will be in CAD format only.

6. Contact NC One Call and request utility locations for areas along the project site, and locate the utilities as marked by representatives of the respective utilities. Please be aware, NC One Call utility representatives are likely to locate only those underground utilities within the right-of-way of the roadway. NC One Call utility representatives will not locate underground utilities on private property. If you anticipate a need for underground utility mapping across portions of the site that are outside of the road right-of-way, please contact McGill Associates and we can obtain quotes for a private utility locator to complete this work.

7. Deliverables to include: CAD files in AutoCAD DWG 2017 format or later; digital terrain model of the survey area in LandXML format; ascii points file of all surveyed points; GPS survey control report; final survey report and certification.

PRELIMINARY ENGINEERING REPORT

1. Meet with City of Hendersonville staff to review Stormwater Master Plan and existing conditions at Area 2. Survey information will be verified during this site visit.

2. Create existing conditions plans.

3. Develop updated hydrologic and hydraulic model for drainage basin to develop more coefficients, time of concentration, and flow data for evaluation. Analyzing the existing stormwater infrastructure for the 25-year storm will meet City of Hendersonville Stormwater ordinance for capacity and the 50-year storm will match typical NCDOT Standards for secondary road crossings. We anticipate minimal areas that may need a 50-year storm level of service and will coordinate with City of Hendersonville on those locations.

4. Update the existing PCSWWM model to incorporate the field run survey and for items in number 3 above. The above-mentioned design storms will then be entered into the model to revise the pipe capacity and hydraulic grade line output.

5. Develop schematic design plans to demonstrate the areas of repair, re-routing of stormwater piping, or upgrade to existing infrastructure. Pipe sizes or channel geometry will be based on a proposed condition PCSWWM model to provide appropriate capacity of the design storms previously described.

6. Meet with City of Hendersonville staff to review schematic design plans. Based on the anticipated storm piping re-route, we anticipate that improvements to street cross sections (i.e. curb and gutter, repaving) may also be accomplished during the stormwater project. Our primary focus of this meeting will be to ensure constructability of the schematic design based on review of existing site conditions to provide the City of Hendersonville with a schematic design that can be successfully implemented as the project moves forward to construction documents.

7. Revise schematic design plans based on feedback received from item 6.

8. Prepare detailed cost estimate based on the scope included in the schematic design plans.

9. Meet with City of Hendersonville staff to review cost estimates and determine if project phasing should be adjusted based on budgets available for capital improvement projects.

10. Revise cost estimates and schematic design plans based on feedback received from item 9.

11. Summarize findings, project approach, schematic design, project costs, and project phasing in a summary Preliminary Engineering Report as a final deliverable.

BASIS OF COMPENSATION

We anticipate the following hourly maximum not to exceed fee for the above-described scope of services:

- Route Survey and Site Mapping $17,100.00
- Preliminary Engineering Report $20,000.00

Fees will be billed based on actual time spent plus expenses in accordance with the attached Basic Fee Schedule on a monthly basis.

EXHIBIT C
Fee Schedule

[SAMPLE BELOW]

Task Number	Task Name	Cost
1	Route Survey and Site Mapping	$ 17,100.00
2	Preliminary Engineering Report	$20,000.00
	Lump Sum Note to Exceed Fee Total	**$ 37,100.00**

The total fee for the completion of all Work contained in the Scope of Services shall not exceed $37,100, Including all reimbursable expenses, which shall be billed at the Firm's actual costs.

EXHIBIT D

FIRM'S HOURLY RATES FOR ADDITIONAL SERVICES

Shaping Communities Together

BASIC FEE SCHEDULE

JANUARY 2020

PROFESSIONAL FEES	I	II	III	IV
Senior Principal	$225			
Principal – Regional Manager – Director	$190	$205	$210	$215
Practice Area Lead	$160	$170	$195	$210
Senior Project Manager	$170	$185	$195	$200
Project Manager	$155	$165	$175	$180
Project Engineer	$110	$125	$140	$145
Engineering Associate	$95	$100	$110	$115
Planner- Consultant – Designer	$100	$115	$135	$150
Engineering Technician	$90	$105	$115	$120
CAD Operator – GIS Analyst	$80	$85	$95	$100
Construction Services Manager	$130	$145	$155	$160
Construction Administrator	$95	$110	$120	$125
Construction Field Representative	$85	$90	$95	$100
Financial Services Manager	$125	$135	$145	$155
Grant Administrator	$105	$120	$135	$145
Environmental Specialist	$85	$95	$100	$105
Surveyor	$90	$95	$100	$105
Surveying Associate	$70	$75	$80	$85
Survey Technician	$75	$80	$85	$90
Survey Field Technician	$60	$65	$70	$75
Administrative Assistant	$70	$75	$80	$85

Additional Services to be performed at the hourly rates provided in the Firm's fee table, plus allowable Expenses at the Firm's actual costs. Allowable reimbursable expenses associated with the provision of additional services will be determined by the Firm and the City at the time the additional services are requested by the City

Proclamation

Kwanzaa Week

WHEREAS, Kwanzaa Week was first established by Dr. Maulana Karenga, a professor and chairman of African Studies at California State University, who first created Kwanzaa in 1966. Kwanzaa is based on harvest festivals that originated in Africa and the name translates to "first fruits of the harvest" in the Swahili language; and

WHEREAS, Kwanzaa is observed annually throughout the world representing family, culture and heritage with events, observances, and proclamations; and

WHEREAS, Kwanzaa is celebrated using various symbols associated with harvest and by lighting a Kinara or seven-pronged candle holder that has seven candles. Each candle represents one of these seven principles which include unity, self-determination, collective responsibility, cooperative economics, purpose, creativity, and faith; and

WHEREAS, through each principle we will recognize the essence of building and reflecting shared values that bind us and celebrate Kwanzaa Week, December 26 to January 1st. This proclamation acknowledges the value of celebrating this cultural week and our commitment is to strive to strengthen diversity, inclusion, equity and opportunity for all; and

WHEREAS, Kwanzaa will be celebrated while reflecting on the many blessings and memories over the past year and aspirations for the new year to come. This special week reminds us to recommit ourselves to building a stronger country and overcoming challenges together.

WHEREAS, Hendersonville is a vibrant mountain city where the government and citizens work together for a high quality of life and the City acknowledges the valued and varied contributions of people of African descent in Hendersonville have made and continue to make to the city.

NOW, THEREFORE, I, Barbara Volk, Mayor of the City of Hendersonville do hereby proclaim the week of December 26, 2021 through January 1, 2022 as

"Kwanzaa Week"

in the City of Hendersonville NC.

PROCLAIMED this 2nd day of December 2021

Seal

_____
Barbara G. Volk, Mayor
City of Hendersonville

Attest:

_____
Angela Reece, City Clerk

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

PLANNING DIVISION

SUBMITTER:	Tyler Morrow, Planner II	**MEETING DATE:**	December 2, 2021
AGENDA SECTION:	Public Hearing	**DEPARTMENT:**	Community Development

TITLE OF ITEM: Street Closure: Order to Close - Portion of Beech Street (AKA Richlieu Avenue) (P21-57-SCL) – *Tyler Morrow, Planner II*

SUGGESTED MOTION(S):

For Approval:	**For Denial**:
I move that City Council adopt an ordinance permanently closing an unopened and unimproved portion of Beech Street (AKA Richlieu Avenue) between PINs 9578-09-0813 and 9568-99-9737 petitioned by Marie H. Flowers, Willie Lee Brown Jr and the City of Hendersonville. [DISCUSS & VOTE]	I move that City Council deny the application to permanently close an unopened and unimproved portion of Beech Street (AKA Richlieu Avenue) between PINs 9578-09-0813 and 9568-99-9737 petitioned by Marie H. Flowers, Willie Lee Brown Jr and the City of Hendersonville [DISCUSS & VOTE]

SUMMARY: The City has received an application from Marie H. Flowers, Willie Lee Brown Jr and the City of Hendersonville to close an unopened and unimproved portion of Beech Street (AKA Richlieu Avenue) between PINs 9578-09-0813 and 9568-99-9737. A street closure plat is included in your packet.

General Statue 160A-299 outline procedures and provides the City with authority for permanently closing streets and alleys. Whenever there is a proposal to permanently close any street or public alley, the City Council shall first adopt a resolution declaring its intent to close the street or alley and shall set a date for a public hearing. This step was completed at your November 4th, 2021 regular session of City Council. At the public hearing to be held at your December 2nd, 2021 regular session of City Council, any person may be heard on the question of whether the closing would be detrimental to the public interest or the property rights of any individual.

PROJECT/PETITIONER NUMBER:	(P21-57-SCL)
PETITIONER NAME:	Marie H. Flowers/ Willie Lee Brown Jr./ The City of Hendersonville

ATTACHMENTS:	1. Order to close 2. Resolution of Intent 3. Street Closure Plat 4. Legal Description 5. GIS street closure map 6. Application **7.** Deed 8. Certificate of mailing

ORDER # _____

ORDER TO PERMANENTLY CLOSE, AN UNOPENED,
UNIMPROVED PORTION OF AN UNIMPROVED RIGHT-OF-WAY LYING BETWEEN PINS:
9578-09-0813 and 9568-99-9737

(Petition from Marie H. Flowers and Willie Lee Brown Jr)

NORTH CAROLINA
HENDERSON COUNTY

TO WHOM IT MAY CONCERN:

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

WHEREAS, Marie H. Flowers, Willie Lee Brown Jr, owners, have petitioned the City of Hendersonville City Council to close a portion of unimproved right-of-way that abuts property described in a deed recorded in the Henderson County Registry in Deed Book 1215 at page 131, having PIN of 9568-99-9737

WHEREAS, on November 4th, 2021, the Hendersonville City Council adopted a resolution expressing the intention of the municipality to close portions of these streets and setting December 2nd, 2021 as the date of a public hearing regarding such closure; and

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

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

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

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

1. The closing of the street portion hereafter described are not contrary to the public interest.

2. No individual owning property in the vicinity of the streets or in the subdivision in which it is located would be deprived by the closing of such streets of reasonable means of ingress and egress to his property.

IN CONSIDERATION THEREOF, IT IS HEREBY ORDERED:

1. The following portions of streets are permanently closed and no longer existent as of the effective date of this order:

Description of a portion of Beech Street

between Jonas Street and Martin Luther King Jr. Boulevard

to be closed under NCGS 160A-299

Beginning at a 1 inch diameter open top iron pipe found recessed 0.6 feet below grade at the intersection of the Eastern margin of the right-of-way of Jonas Street with the Northern margin of an unopened section of Beech Street, said pipe being the most Westerly corner of the property of Willie Lee Brown Jr. (see Estate File 2020/1082), as described in Deed Book 481, page 85 of the Henderson County Register of Deeds, said pipe also being located at North Carolina State Plane Grid coordinates of Northing: 589907.42 US Survey feet and Easting: 970023.36 US Survey feet, said pipe being further located South 45°42'55" West a distance of 93.77 feet from a ½ inch diameter open top iron pipe found recessed 0.2 feet below grade in the Eastern margin of Jonas Street; thence from the Beginning thus established South 46°53'25" West a distance of 40.34 feet to a #4 rebar found recessed 0.8 feet below grade at the intersection of said margin of Jonas Street and the Southern margin of the unopened section of Beech Street, said rebar being the most Northerly corner of the property of Marie H. Flowers as described in Deed Book 1215, pages 129 & 131 of said Register; thence with Flowers' line and the margin of the unopened section of Beech Street South 44°17'05" East a distance of 86.30 feet to a point, the intersection of said street margin with the controlled access right-of-way of Martin Luther King Jr. Boulevard (US-64), said point lying North 53°56'06" East a distance of 4.74 feet from a concrete right-of-way monument found projecting 0.5 feet above grade; Thence, 3 calls with the controlled access right-of-way of US-64: (1) North 53°56'06" East a distance of 20.37 feet to a point at the intersection of the centerline of the unopened section of Beech Street ; (2) North 53°56'06" East a distance of 15.02 feet to a concrete right-of-way monument found projecting 0.5 feet above grade; (3) North 52°36'49" East a distance of 5.34 feet to a point in the Northern margin of the unopened section of Beech Street and the Southernmost corner of the aforementioned property of Willie Lee Brown Jr., said point also lying South 52°36'49" West a distance of 95.71 feet from another concrete right-of-way monument found in the margin of US-64; thence with the Northern margin of the unopened section of Beech Street and the line of Willie Lee Brown Jr. North 44°17'05" West a distance of 91.18 feet to the Beginning, containing 3582 square feet.

Subject to an easement, twenty feet in width for drainage and other utilities, reserved by the City of Hendersonville within the closed street as provided for in NCGS 160A-299, further described as follows: Beginning at a point, the intersection of the centerline of the unopened portion of Beech Street with the Eastern margin of Jonas Street, said point lying South 46°53'25" West a distance of 20.17 feet from the Point of Beginning of the previously described street closure area; thence with the Eastern margin of Jonas street, South 46°53'25" West a distance of 20.17 feet to a #4 rebar found recessed 0.8

feet below grade, a corner of said closure area; thence with the margin of said closure area, South 44°17'05" East a distance of 2.82 feet to a point; thence through said closure area 2 calls: (1) South 61°07'27" East a distance of 17.83 feet; (2) South 44°16'49" East a distance of 67.16 feet to a point in the margin of said closure area in the controlled access right-of-way of US-64; thence, with the line of the closure area and the with the margin of US-64, North 53°56'06" East a distance of 20.21 feet to a point, said point lying South 53°56'06" West a distance of 9.97 feet from a concrete right-of-way monument found; thence through said closure area 2 calls: (1) North 44°16'49" West a distance of 73.01 feet; (2) North 61°07'27" West a distance of 17.26 feet to the Beginning, containing 1781 square feet.

The foregoing legal description and reservation of easement are as depicted on that plat recorded in Book _____ at page _____ of the Henderson County Registry [to be filled in at recording].

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

This order shall take effect the 2nd day of December, 2021.

_____
Barbara G. Volk, Mayor, City of Hendersonville

ATTEST:

_____
Angela L. Reece, City Clerk

Approved as to form:

_____
Angela S. Beeker, City Attorney

STATE OF NORTH CAROLINA, COUNTY OF HENDERSON

I, _____, a notary public in Henderson County, State of North Carolina, do hereby certify that Barbara G. Volk, in her capacity as Mayor of the City of Hendersonville, Angela L. Reece, in her capacity as City Clerk, and Angela S. Beeker, in her capacity as City Attorney, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial seal, this _____.

_____

My commission expires _____

NOTES:

1. ALL DISTANCES DEPICTED HEREON ARE HORIZONTAL GROUND DISTANCES IN U.S SURVEY FEET UNLESS OTHERWISE NOTED. PROJECT IS LOCALIZED FROM A LOCALIZATION BASE POINT HAVING NAD83(2011) NORTH CAROLINA STATE PLANE COORDINATE GRID COORDINATES OF: NORTHING: 589373.71' US SURVEY FEET, EASTING:968503.95 US SURVEY FEET. TO CONVERT TO GRID, UTILIZE A COMBINED SCALE FACTOR OF 0.999775465.

2. THIS SURVEY ORIENTED TO NORTH CAROLINA GRID NAD83(2011). STATE PLANE COORDINATES FOR THIS PROJECT WERE PRODUCED BY LEAST SQUARES ADJUSTMENT OF TRADITIONAL LOOP TRAVERSE ORIENTED TO STATIC GNSS POINTS ESTABLISHED RELATIVE TO "CINEMA" PID DG4660. SEE GNSS CERTIFICATION. ALL COORDINATES SHOWN ARE N.C. GRID COORDINATES OF THE 2010 EPOCH.

3. PROPERTIES SHOWN ARE SUBJECT TO RIGHTS OF WAY AND EASEMENTS BOTH RECORDED AND UNRECORDED, WRITTEN AND UNWRITTEN IN ADDITION TO ANY SHOWN HEREON..

4. NO PORTION OF THE PROPERTY SHOWN HEREON LIES WITHIN A SPECIAL FLOOD HAZARD AREA AS SHOWN IN FLOOD INSURANCE RATE MAPS NUMBERS 3700956800J, & 3700957800J WITH EFFECTIVE DATES OF OCTOBER 2, 2008.

5. THIS SURVEY PERFORMED WITHOUT THE BENEFIT OF A TITLE OPINION. ANY QUESTIONS REGARDING MATTERS OF TITLE SHOULD BE REFERRED TO AN ATTORNEY.

6. UNDERGROUND UTILITIES SHOWN ARE AS MARKED AT DATE OF SURVEY. ADDITIONAL UTILITIES MAY EXIST WHICH WERE NOT MARKED AND ARE NOT SHOWN. THE LOCATIONS OF STORM DRAINAGE PIPES AND BURIED JUNCTIONS ARE BASED FROM APPROXIMATE PIPE DIRECTIONS OBSERVED AND SHOULD BE CONSIDERED APPROXIMATE AND FURTHER VERIFIED. WATER LINES SHOWN ARE A COMPOSITE OF LOCATIONS FROM OBSERVED STRUCTURES, PAINT MARKS, AND INFORMATION OBTAINED FROM THE CITY OF HENDERSONVILLE GEOGRAPHIC UTILITY INFORMATION SYSTEM. WATER LINES MARKED AS SHOWN ON CITY UTILITY GIS/ STRIP MAPS UNLESS NOTED AS BEING SHOWN PER OTHER PLANS. UTILITIES SHOULD BE RE-MARKED AND FIELD VERIFIED PRIOR TO ANY EXCAVATION. CONTACT NC ONE-CALL CENTER AT 811.

7. SURVEY PERFORMED OCTOBER 31, 2019 TO MARCH 26, 2020, WITH FURTHER WORK FOR THE CLOSURE OF A PORTION OF BEECH STREET PERFORMED ON JANUARY 29, 2021.

8. NOTE THAT NO PLAT OF RECORD WAS FOUND SHOWING BEECH STREET (AKA RICHLIEU AVENUE), THOUGH THE 40' WIDTH IS MENTIONED IN THE DEEDS OF ADJACENT LOTS, WHICH ALSO ARE BOUNDED BY THE MARGIN OF THE STREET. THE STREET IS SHOWN IN RIGHT-OF-WAY BOOK 1, PAGE 7.

9. THE 20' EASEMENT RESERVED FOR THE CITY OF HENDERSONVILLE IS INTENDED FOR THE MAINENANCE OF ANY EXISTING UTILITIES, BUT ALSO FOR THE INSTALLATION AND MAINTENANCE OF ANY AND ALL PUBLIC UTILITIES AS ALLOWED BY THE CITY OF HENDERSONVILLE, INCLUDING, BUT NOT LIMITED TO, STORM DRAINAGE, MUNICIPAL WATER, & SEWER.

SYMBOLS

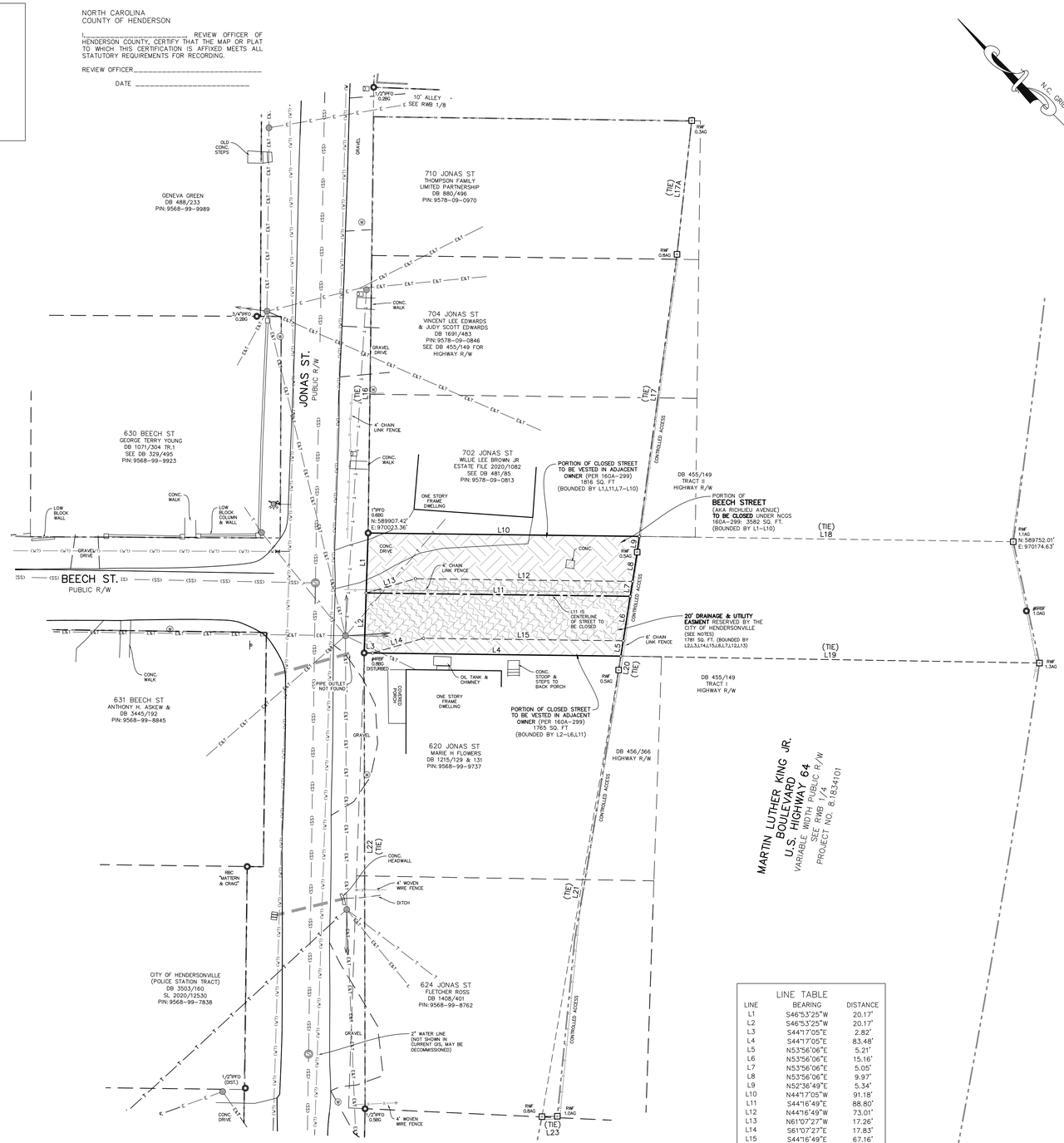
- FIRE HYDRANT
- SIGN
- WATER METER
- UTILITY POLE W/ GUY WIRE
- CALCULATED POINT
- PROPERTY CORNER MONUMENT FOUND (AS DESCRIBED)
- MONUMENT FOUND (AS DESCRIBED)
- SEWER MANHOLE
- STORM DRAIN INLET
- MAILBOX

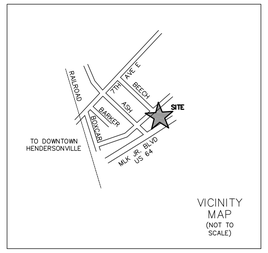
NORTH CAROLINA
COUNTY OF HENDERSON

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_____

DATE _____





VICINITY MAP
(NOT TO SCALE)

ABBREVIATIONS

AG –	ABOVE GRADE
BG –	BELOW GRADE
CMP –	CORRUGATED METAL PIPE
CONC. –	CONCRETE
DB –	DEED BOOK
DIST. –	DISTURBED
E. –	EASTING
ELEC. –	ELECTRIC
GIS –	GEOGRAPHIC INFORMATION SYSTEM
GNSS –	GLOBAL NAVIGATION SATELLITE SYSTEM
IPFO –	OPEN TOP IRON PIPE FOUND
NAD –	NORTH AMERICAN DATUM
NC –	NORTH CAROLINA
NCGS –	NORTH CAROLINA GEODETIC SURVEY
NCGS –	NC GENERAL STATUTES
NCDOT –	NC DEPARTMENT OF TRANSPORTATION
N. –	NORTHING
NGS –	NATIONAL GEODETIC SURVEY
PB –	PLAT BOOK
PC –	PLAT CABINET
PID –	POINT IDENTIFICATION NUMBER (NGS)
PIN –	PARCEL IDENTIFICATION NUMBER
P.L.S. –	PROFESSIONAL LAND SURVEYOR
RBC –	REBAR FOUND WITH CAP
RBF–	REBAR FOUND
RWB –	RIGHT-OF-WAY PLAN BOOK
RWF –	RIGHT-OF-WAY MONUMENT FOUND
SL –	PLAT SLIDE
SQ. –	SQUARE
TCOM –	TELECOMMUNICATIONS
W/ –	WITH
(TYP.) –	TYPICAL

LINE TYPES

- WATER LINE (MARKED)
- WATER LINE (FROM PLANS OR GIS)
- OVERHEAD ELECTRIC & TELECOM
- OVERHEAD ELECTRIC
- OVERHEAD TELECOM
- FENCE (AS DESCRIBED)
- STORM PIPE
- RIGHT-OF-WAY (AS NOTED)
- DEED/PLAT LINE (NOT SURVEYED)

SURVEYOR'S CERTIFICATE: BOUNDARY & GNSS

I, J. DANIEL HENRY CERTIFY:

- THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTIONS RECORDED IN REFERENCES AS SHOWN) ; THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN REFERENCES AS SHOWN; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY AS CALCULATED IS 1:31300; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.
- NCGS 47-30(F)(11) D. THAT THE SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY, OR OTHER EXEMPTION OR EXCEPTION TO THE DEFINITION OF SUBDIVISION.
- STATE PLANE COORDINATES FOR THIS PROJECT WERE OBTAINED BY GLOBAL NAVIGATION SATELLITE SYSTEM (GNSS) SURVEY AND THE FOLLOWING INFORMATION WAS USED TO PERFORM THE GNSS SURVEY:

•• GNSS FIELD PROCEDURE: STATIC WITH POST PROCESSING;
•• HORIZONTAL POSITIONS ARE REFERENCED TO NAD83\NSRS(2011)(EPOCH 2010) HOLDING THE PUBLISHED COORDINATES AND CALCULATED ORTHOMETRIC HEIGHT OF NCGS MONUMENT "CINEMA" NGS PID DG4660: N:592581.99', E:971691.81'.
•• POSITIONAL ACCURAY: 0.015M
•• COMBINED FACTOR UTILIZED: 0.999775465

WITNESS MY ORIGINAL SIGNATURE AND SEAL THIS DAY, April 14, 2021

J. Daniel Henry

J. DANIEL HENRY, PLS L-4881

NORTH CAROLINA PROFESSIONAL SEAL L-4881 LAND SURVEYOR J. DANIEL HENRY

LINE TABLE

LINE	BEARING	DISTANCE
L1	S46°53'25"W	20.17'
L2	S46°53'25"W	20.17'
L3	S44°17'05"E	2.82'
L4	S44°17'05"E	83.48'
L5	N53°56'06"E	5.21'
L6	N53°56'06"E	15.16'
L7	N53°56'06"E	5.05'
L8	N53°56'06"E	9.97'
L9	N52°36'49"E	5.34'
L10	N44°17'05"W	91.18'
L11	S44°16'49"E	88.80'
L12	N44°16'49"W	73.01'
L13	N61°07'27"W	17.26'
L14	S61°07'27"E	17.83'
L15	S44°16'49"E	67.16'
L16	S45°42'55"W	93.77'
L17	S52°36'49"W	95.71'
L17A	S51°16'52"W	45.24'
L18	N44°11'04"W	125.75'
L19	N44°03'18"W	140.79'
L20	N53°56'06"E	4.74'
L21	N54°44'52"E	152.39'
L22	N44°53'12"E	153.29'
L23	N46°27'09"W	5.19'

REVISIONS:

STREET CLOSURE SURVEY
FOR THE
CITY OF HENDERSONVILLE
OFA PORTION OF
BEECH STREET
BETWEEN JONAS STREET
AND MARTIN LUTHER KING JR. BOULEVARD
CITY OF HENDERSONVILLE
(HENDERSONVILLE TOWNSHIP)
HENDERSON COUNTY, NORTH CAROLINA
SCALE: 1" = 20' 1/29/2021
J. DANIEL HENRY, P.L.S. #4881

ED HOLMES & ASSOCIATES
LAND SURVEYORS, PA
300 RIDGEFIELD COURT, SUITE 301, ASHEVILLE, NC 28806
PHONE: (828) 225-6562 COMPANY LICENSE C-2806

0' 10' 20' 40' 60' 80' 100' 120'

D21-039

N:\JOBS\19269 Ashe St Neighborhood 4th Ave Water and Sewer Project City of Hendersonville\Ashe St Neighborhood Scope Area\CAD\Closure-Storm Plat Beech\19269 Beech Closure-Utility Easement.dwg 4/14/2021 5:10:42 PM EDT

F75981F3-1957-4604-8748-6F977C7372FA — 20210414 17:13:10 -5:00
DocVerify ID: F75981F3-1957-4604-8748-6F977C7372FA
www.docverify.com
Page 1 of 1 16F977C7372FA

Description of a portion of Beech Street

between Jonas Street and Martin Luther King Jr. Boulevard

to be closed under NCGS 160A-299

Beginning at a 1 inch diameter open top iron pipe found recessed 0.6 feet below grade at the intersection of the Eastern margin of the right-of-way of Jonas Street with the Northern margin of an unopened section of Beech Street, said pipe being the most Westerly corner of the property of Willie Lee Brown Jr. (see Estate File 2020/1082), as described in Deed Book 481, page 85 of the Henderson County Register of Deeds, said pipe also being located at North Carolina State Plane Grid coordinates of Northing: 589907.42 US Survey feet and Easting: 970023.36 US Survey feet, said pipe being further located South 45°42'55" West a distance of 93.77 feet from a ½ inch diameter open top iron pipe found recessed 0.2 feet below grade in the Eastern margin of Jonas Street; thence from the Beginning thus established South 46°53'25" West a distance of 40.34 feet to a #4 rebar found recessed 0.8 feet below grade at the intersection of said margin of Jonas Street and the Southern margin of the unopened section of Beech Street, said rebar being the most Northerly corner of the property of Marie H. Flowers as described in Deed Book 1215, pages 129 & 131 of said Register; thence with Flowers' line and the margin of the unopened section of Beech Street South 44°17'05" East a distance of 86.30 feet to a point, the intersection of said street margin with the controlled access right-of-way of Martin Luther King Jr. Boulevard (US-64), said point lying North 53°56'06" East a distance of 4.74 feet from a concrete right-of-way monument found projecting 0.5 feet above grade; Thence, 3 calls with the controlled access right-of-way of US-64: (1) North 53°56'06" East a distance of 20.37 feet to a point at the intersection of the centerline of the unopened section of Beech Street ; (2) North 53°56'06" East a distance of 15.02 feet to a concrete right-of-way monument found projecting 0.5 feet above grade; (3) North 52°36'49" East a distance of 5.34 feet to a point in the Northern margin of the unopened section of Beech Street and the Southernmost corner of the aforementioned property of Willie Lee Brown Jr., said point also lying South 52°36'49" West a distance of 95.71 feet from another concrete right-of-way monument found in the margin of US-64; thence with the Northern margin of the unopened section of Beech Street and the line of Willie Lee Brown Jr. North 44°17'05" West a distance of 91.18 feet to the Beginning, containing 3582 square feet.

Subject to an easement, twenty feet in width for drainage and other utilities, reserved by the City of Hendersonville within the closed street as provided for in NCGS 160A-299, further described as follows: Beginning at a point, the intersection of the centerline of the unopened portion of Beech Street with the Eastern margin of Jonas Street, said point lying South 46°53'25" West a distance of 20.17 feet from the Point of Beginning of the previously described street closure area; thence with the Eastern margin of Jonas street, South 46°53'25" West a

distance of 20.17 feet to a #4 rebar found recessed 0.8 feet below grade, a corner of said closure area; thence with the margin of said closure area, South 44°17'05" East a distance of 2.82 feet to a point; thence through said closure area 2 calls: (1) South 61°07'27" East a distance of 17.83 feet; (2) South 44°16'49" East a distance of 67.16 feet to a point in the margin of said closure area in the controlled access right-of-way of US-64; thence, with the line of the closure area and the with the margin of US-64, North 53°56'06" East a distance of 20.21 feet to a point, said point lying South 53°56'06" West a distance of 9.97 feet from a concrete right-of-way monument found; thence through said closure area 2 calls: (1) North 44°16'49" West a distance of 73.01 feet; (2) North 61°07'27" West a distance of 17.26 feet to the Beginning, containing 1781 square feet.

The foregoing legal description and reservation of easement are as depicted on that plat recorded in Book _____ at page _____ of the Henderson County Registry [to be filled in at recording].

Portion of B t

P21-57-SCL

Street Closure Map

Community Development Department

City of Hendersonville
November 2021

CITY OF HENDERSONVILLE
DEVELOPMENT ASSISTANCE DEPARTMENT
100 N. King Street ~ Hendersonville, NC ~ 28792
Phone (828) 697-3010 ~ Fax (828) 697-6185
www.cityofhendersonville.org

PETITION TO PERMANENTLY CLOSE A STREET / ALLEY

The following are required to constitute a complete application for closing a street or alley:

- **~This form including the signature(s) of property owner(s) adjoining the street or alley.**
- **~ Appropriate fee.**
- **~A copy of the deed indicating ownership of the property.**
- **~A survey plat (81/2 " by 11") of the property prepared by a registered surveyor licensed to practice in the state of North Carolina.**
- **~ A typed boundary description of the area to be closed, in digital format if possible.**

Date 04/29/21

Name of street/alley Beech Street (Unopened portion)

List 10 digit PIN or 7 digit PID number N/A

Are you proposing to close a street or alley? [X] STREET [ ] ALLEY

Are you closing all or a portion of the street/ alley? [X] ALL [ ] PORTION

Applicant Name City of Hendersonville, NC

Address 305 Williams St. Hendersonville, NC

Phone 697-3013 Fax Email mhuffman@hvlnc.gov

Property Owner: Name Marie H. Flowers

Address 620 Jonas St. Hendersonville, NC 28792

Signature Marie H. Flowers Printed Name Marie H. Flowers

Property Owner: Name Willie Lee Brown Jr.

Address 702 Jonas St. Hendersonville, NC 28792

Signature Willie L Brown Jr Printed Name Willie Lee Brown Jr

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

1215 P131

North Carolina, Henderson County The foregoing certificate(s) of Becky D Bass Notary Public (~~Notaries Public~~) is/~~are~~ certified to be correct, this instrument presented for registration and recorded in this office this 4 day of February, 2005 at 1:15 Pm in book 1215, page 131

Sedra W Moles
Register of Deeds

Linda Jorgensen
(~~Assistant~~ Deputy)

NORTH CAROLINA

HENDERSON COUNTY

QUITCLAIM DEED

Water

THIS DEED is made and entered into this 3 day of February 2005, by THOMAS FLETCHER, Grantor; to MARIE H. FLOWERS, Grantee; whose address is: 620 Jonas St.

WITNESSETH:

That the Grantor for and in consideration of ONE DOLLAR to him in hand paid, the receipt of which is hereby acknowledged, has remised and released and by these presents does remise, release and forever quitclaim unto the Grantee and her heirs and assigns all right, title, claim and interest of the Grantor in and to a certain tract or parcel of land lying and being in Hendersonville Township, County of Henderson, State of North Carolina, and more particularly described as follows:

> BEGINNING at a stake standing at the point of intersection of southern margin of Jones Street (also known as Jonas Street) with the western margin of Richlieu Avenue (which is known as an extension of Beech Street) and runs with the western margin of Richlieu Avenue South 45° 45′ East 100 feet to a stake; thence South 45° 30′ West 75 feet to a stake; thence North 45° 30′ West 100 feet to a stake in the southern margin of Jones Street (also known as Jonas Street); thence with the said margin of Jones Street North 45° 30′ East 75 feet to the point of BEGINNING.
>
> The Grantor was the only child of John Henry Hayden who died in 1974 and one of three heirs of Gladys Hayden.

TO HAVE AND TO HOLD the aforesaid parcel of land and all privileges thereunto belonging to her, the Grantee, and her heirs and assigns, free and discharged from all right, title, claim or interest of the Grantor or anyone claiming by, through or under him.

IN TESTIMONY WHEREOF, the Grantor has hereunto set his hand and seal the day and year first above written.

Thomas Fletcher (SEAL)
Thomas Fletcher

STATE OF NORTH CAROLINA, COUNTY OF Henderson

I, Ricky D Bess, a Notary Public of said County and State do hereby certify that THOMAS FLETCHER personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

WITNESS my hand and seal this the 3 day of Feb., 2005.

Ricky D Bess
Notary Public

My Commission Expires: Sept 1 2008

[NOTARY SEAL]
RICKY D. BESS
NOTARY PUBLIC
HENDERSON COUNTY, NC

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

85

O.K. - R.W.

This Deed, Made this 31st day of December, in the year of our Lord, one thousand nine hundred and 70, between

G. E. CROUCH and wife, Addie M. CROUCH

of the County of Buncombe and State of North Carolina, of the first part, and

LEE GRANT MOORE and wife, LOLA WASHINGTON MOORE

of the County of Henderson, and State of North carolina, of the second part,

WITNESSETH:

STATE OF NORTH CAROLINA REAL ESTATE EXCISE TAX $5.00

STATE OF NORTH CAROLINA REAL ESTATE EXCISE TAX $1.00

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of ($-------10.00----------)

--------TEN DOLLARS AND OTHER VALUABLE CONSIDERATIONS---------- XXXXXXXX,

in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, have Bargained and Sold, Conveyed and Confirmed, and by these presents do Bargain and Sell and Convey and Confirm, unto the said parties of the second part, their heirs and assigns forever, all the following described pieces or parcels of land lying and being in the Township of Hendersonville, County of Henderson, and State of North Carolina, and known and designated as follows, viz:

BEGINNING at a stake at the intersection of two cross streets being the northwest corner of a lot conveyed to H. G. Hyder by D. S. Pace, said lot being No. 9 on a plat of division of Major T. G. Barker land situated in northeast Hendersonville and running thence with a margin of a cross street, North 44° East 46 2/3 feet to a stake, corner of lot conveyed to George Kincaid; thence South 46° East 110 feet to a stake; thence South 44° West 46 2/3 feet to a stake in the margin of a street; thence with said street, North 46° West 110 feet to the BEGINNING.

Being a portion of the property conveyed by William W. Osborne et ux to G. E. Crouch by deed dated February 23, 1968 recorded in Deed Book 456 at page 67, Henderson County Registry.

Excepting and reserving that part of the above land heretofore conveyed to the North Carolina State Highway Commission for highway purposes (~~[illegible]~~)

(See given W.S.C.)

CERTIFICATE OF MAILING

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

1. Marie H. Flowers – 620 Jonas Street
2. Willie Lee Brown, Jr. – 702 Jonas Street

Terri Swann
Terri Swann
Administrative Assistant III
Community Development Department

11/15/21
Date

Henderson County, North Carolina

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

Date: 11/15/2021

Notary Signature: Jf L Pickens

Notary Printed Name: Jennifer L Pickens

My Commission Expires: Nov 26, 2026

JENNIFER L. PICKENS
(Official Seal)
NOTARY
PUBLIC
HENDERSON CO., NC

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY
PLANNING DIVISION

SUBMITTER:	Alexandra Hunt, Planner I	**MEETING DATE:**	December 2, 2021
AGENDA SECTION:	Public Hearing	**DEPARTMENT:**	Community Development

TITLE OF ITEM: Rezoning: Standard Rezoning - Shepherd St. (P21-59-RZO) – *Alexandra Hunt Planner I*

SUGGESTED MOTION(S):

For Recommending Approval:

I move City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property (PIN 9578-51-3579) from R-15 Medium Density Residential to C-4 Neighborhood Commercial based finding that the rezoning is consistent with the Comprehensive Plan's Future Land Use map designation of High Intensity Neighborhood and that the rezoning is reasonable and in the public interest for the following reasons:

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

1) That the zoning map amendment is consistent with the 2030 Comprehensive Plan, Chapter 8 – Land Use & Development.
2) That the rezoning is compatible with the surrounding land uses.
3) That it is reasonable and in the public's interest to approve the application because it will advance goals related to the Comprehensive Plan.

[DISCUSS & VOTE]

For Recommending Denial:

I move City Council deny the rezoning of the subject property (PIN 9578-51-3579) from R-15 Medium Density Residential to C-4 Neighborhood Commercial for the following reasons:

[Please state reasons describing why this development is not good for the community. Example suggestions below or include your own]

1) The rezoning is not consistent with the Comprehensive Plan [if applicable].
2) The rezoning is not compatible with the surrounding uses. [if applicable].
3) The rezoning is not in the public interest because [state why if applicable].

[DISCUSS & VOTE]

SUMMARY: The City is in receipt of a Zoning Map Amendment (rezoning) application from The City of Hendersonville to rezone property along Shepherd Street (PIN: 9578-51-3579) from R-15 Medium Density Residential to C-4 Neighborhood Commercial.

PROJECT/PETITIONER NUMBER:	P21-59-RZO
PETITIONER NAME:	City of Hendersonville
ATTACHMENTS:	1. Staff Report 2. Ordinance 3. Proposed Zoning Map 4. Planning Board Minutes 5. List of Permitted & Special Use (C-4) 6. Application

Shepherd Street (PIN:9578-51-3579) Zoning Map Amendment/Rezoning R-15 to C-4 (P21-59-RZO)

CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

Staff Report Contents

PROJECT SUMMARY 2
SITE CONDITIONS – SITE IMAGES 4
STAFF ASSESSMENT 9
PLANNING BOARD - SUMMARY OF ACTION 9
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Planning Board Motion 9
Attachments 9

PROJECT SUMMARY

Applicant: City of Hendersonville

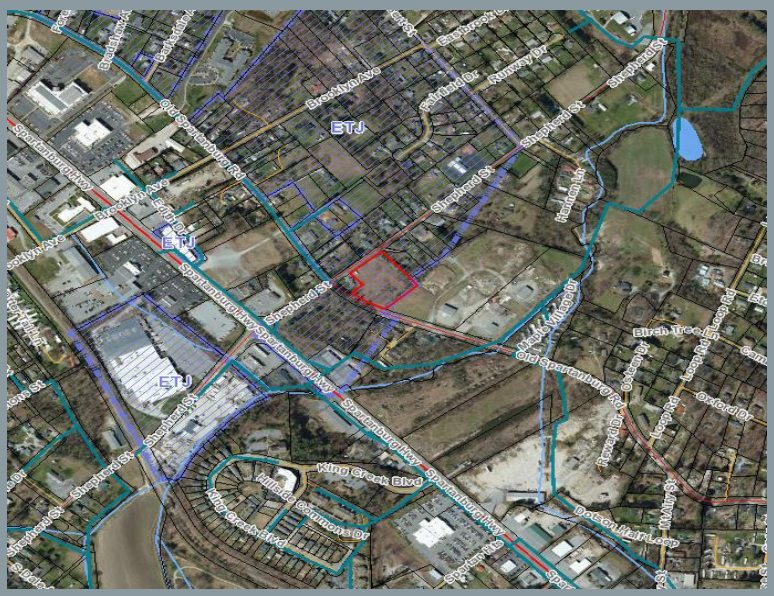
Property Owner: City of Hendersonville

Project Acreage: 2.1

Parcel Identification Number(s): 9578-51-3579

Current Parcel Zoning: R-16 Medium Density Residential

Proposed Zoning: C-4 Neighborhood Commercial



SITE VICINITY MAP

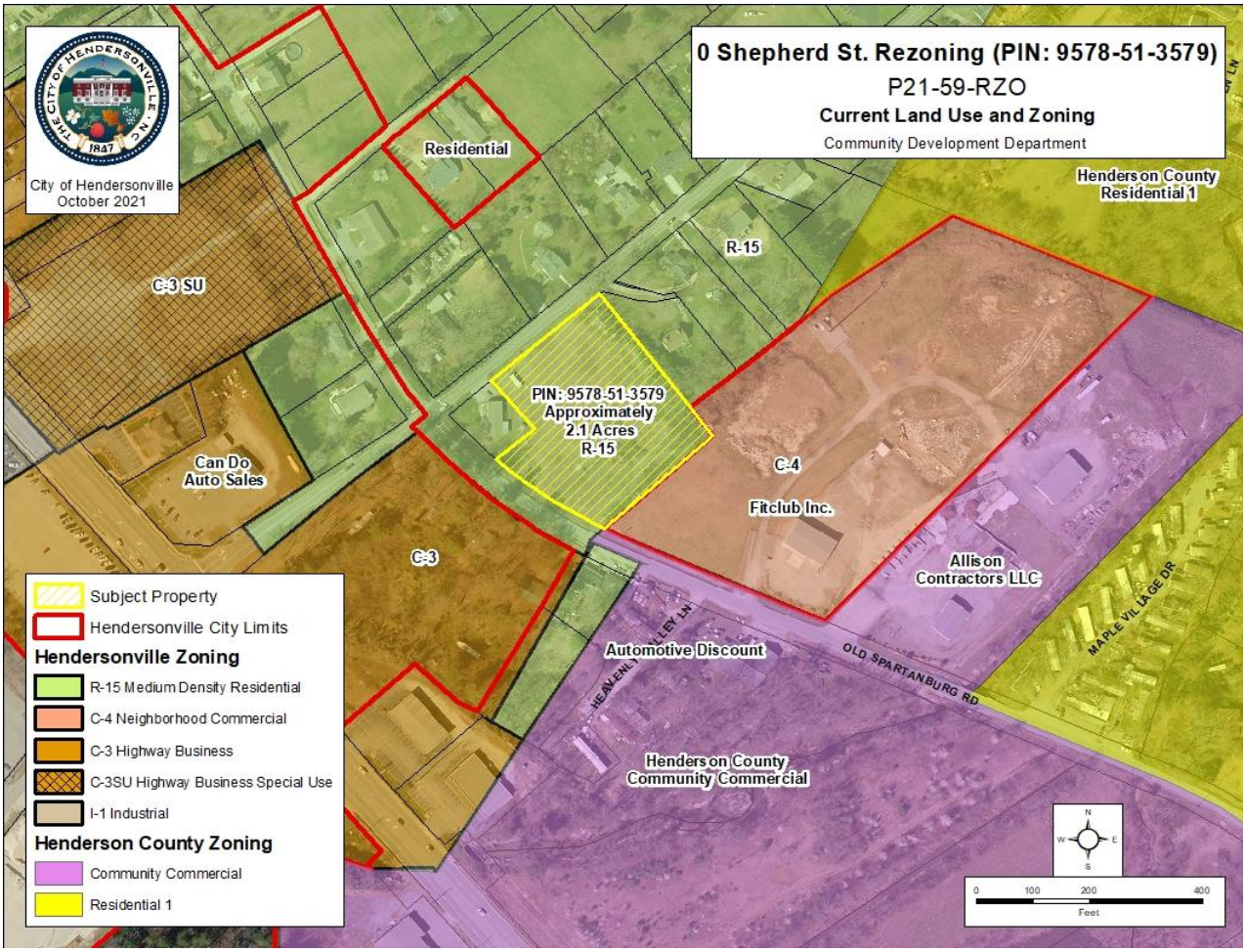
Staff is in receipt of a Zoning Map Amendment (standard rezoning) application from The City of Hendersonville to rezone the property at 0 Shepherd Street (PIN# 9578-51-3579) from R-15 Medium Density Residential to C-4 Neighborhood Commercial. The 2.1 Acre (91,476 Sq Ft) site is located in the City's ETJ and is currently a vacant, open lot that is adjacent to Old Spartanburg Highway. The lot is accessed from both Shepherd Street and Old Spartanburg Road.

The proposed rezoning from R-15 to C-4 would be an extension of the C-4 Zoning District that is already present in this area.

As a standard rezoning, there is no binding site plan or restriction of uses beyond what is permitted by the Zoning Code.

Furthermore, Section 11-6 of the Zoning Ordinance prohibits an applicant from discussing the specific manner in which they intend to use or develop the property.

PROJECT SUMMARY – CONTINUED



City of Hendersonville Current Zoning Map

The predominant uses in the area around the subject property are residential. However, C-3 Highway Mixed Use and C-4 Neighborhood Commercial are also found concentrated in the vicinity of the intersection of Old Spartanburg Rd and Shepherd St. The subject property sits adjacent to a C-4 Neighborhood Commercial zoning district which is currently operating as a gym/fitness studio. One single-family home sits directly on the corner of Old Spartanburg Rd and Shepherd St. and is surrounded on the side and rear by the subject property. The parcels to the south of the subject property, and across Old Spartanburg Rd, are located in the County's Community Commercial zoning district. Due to this location, the subject property is in a transitional area where land uses are lowering in intensity from commercial to residential as you move east from Spartanburg Highway. The intersection of Old Spartanburg Rd and Shepherd St serves as a node where neighborhood-scale commercial uses or compatible public facilities may be clustered while concurrently being located in close proximity to residential uses.

SITE CONDITIONS – SITE IMAGES

View from Old Spartanburg Rd providing access to the lot. Facing northeast.

View of lot from property line fronting Old Spartanburg Road. Facing northwest.

View of some site trees and brush along the property line of the adjacent single-family home located northeast of the site. (Zoned R-15-Medium Density Residential)

View of adjacent single-family home on the corner of Shepherd St. and Old Spartanburg Rd.

View of some site trees along the property line of the adjacent lot. Facing southeast from Shepherd St.

View of property line fronting Shepherd St. Facing southeast.

Goal LU-7.

High-Intensity Neighborhood. ***Encourage low-maintenance, high-density housing that supports Neighborhood and Regional Activity Centers and downtown and provides a transition between commercial and single-family development. Promote walkable neighborhood design that creates attractive and functional roadway corridors and multi-family residential neighborhoods.***

Strategy LU-7.1.

Locations:

- o Neighborhoods near Downtown, excluding historic neighborhoods

Strategy LU-7.2.

Primary recommended land uses:

- Single-family attached and multi-family residential
- Planned Residential Developments
- Open space

Strategy LU-7.3.

Secondary recommended land uses:

- Public and institutional uses
- Offices and retail along thoroughfares
- Recreational amenities

Strategy LU-7.4.

Development guidelines:

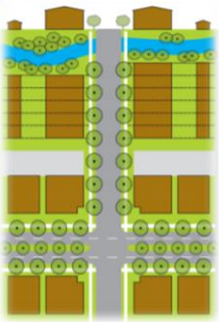
- Eight or more units per gross acre
- Placement of higher-intensity uses (e.g. office or higher-density residential) close to Boulevards and Major Thoroughfares, and/or adjacent to Neighborhood and Regional Activity Centers
- At least 60% open space in new residential developments greater than three acres
- Architectural guidelines to encourage compatibility between different land uses (e.g. similarities in building height, massing, roof pitch, and rhythm of windows and façade detailing)
- Encouragement of walkable neighborhood design, as described under Goal PH-3 in Chapter 2

COMPREHENSIVE PLAN CONSISTENCY

The subject property is classified as **High Intensity Neighborhood** on the *2030 Comprehensive Plan's Future Land Use Map (FLUM)*.

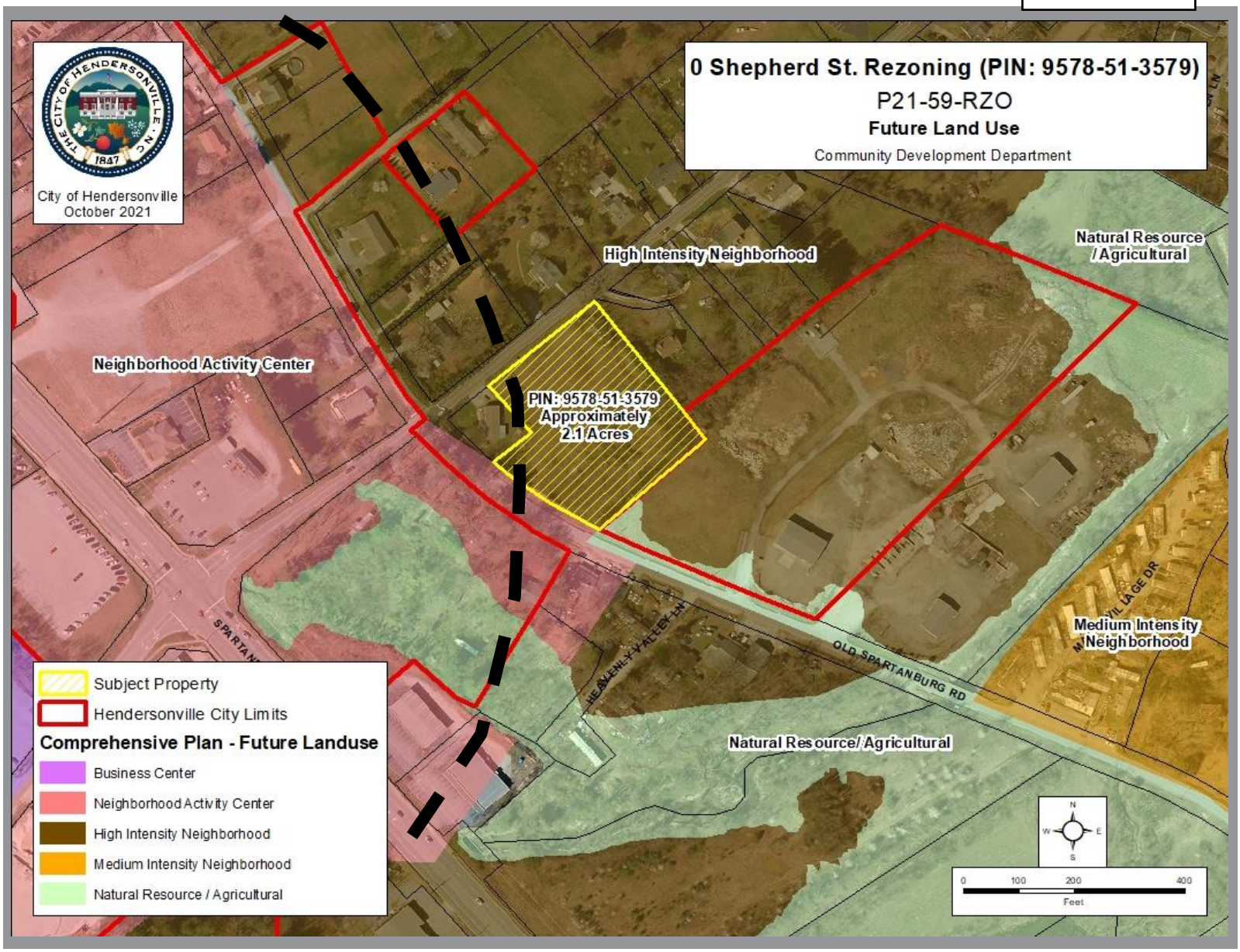
The *FLUM* designates all adjacent parcels as **High Intensity Neighborhood.**

The most relevant goals of the **High Intensity Neighborhood** classification are outlined on this page.



High-Intensity Neighborhood

Example of High-Intensity Neighborhood development



COMPREHENSIVE PLAN CONSISTENCY CONTINUED

The proposed rezoning to C-4 aligns with the Comprehensive Plan's Land Use & Development Chapter with the designation of this area as High Intensity Neighborhood. One of the main purposes of this designation is to provide a transition between commercial and single-family development while promoting a walkable neighborhood design that creates attractive and functional roadway corridors and multi-family residential neighborhoods. Secondary recommended land uses include public and institutional uses, office and retail along thoroughfares and recreational amenities. The subject property is also located in close proximity to an Activity Node (dashed line) which are high-density, pedestrian-friendly community focal points that encourage a mixing of neighborhood or regional retail with other complementary uses within a five to 10-minute walking radius. Activity Nodes will act as "satellite" nodes of downtown. Development guidelines for High Intensity Neighborhood suggest placement of higher intensity uses (e.g. office or higher-density residential) close to Boulevards and Major Thoroughfares, and/or adjacent to Neighborhood and Regional Activity Centers. These designations are in proximity to the site.

ZONING MAP AMENDMENTS STANDARDS:

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

Comprehensive Plan Consistency

The subject property is designated in the Comprehensive Plan's Future Land Use Map as a High-Intensity Neighborhood area which provides a transition between commercial and single-family development. The subject property is also located in an area identified as an activity node which encourages a mixing of neighborhood or regional retail with other complementary uses.

Compatibility with Surrounding Uses

The subject property is adjacent to a C-4 zoning district and is also located in a transitional land use area - defined by its proximity to commercial uses along a major thoroughfare and single-family homes in the surrounding area. The subject property is also located at the intersection of Old Spartanburg Rd and Shepherd St. which serves as a node where neighborhood-scale commercial uses or compatible public facilities may be clustered while concurrently being located in close proximity to residential uses.

Changed Conditions

The subject property is a vacant lot located in a transitional area. A final site plan for a parcel zoned C-3 located to the southwest of the subject property (across from Old Spartanburg Rd.) has been submitted for administrative review. This parcel, which encompasses an area extending between Spartanburg Highway and Old Spartanburg Rd with frontage on Shepherd St, will house a carwash and other undetermined highway commercial uses.

Public Interest

The proposed amendment would allow for the development of neighborhood-scale commercial uses or compatible public facilities that would provide services and contribute to the needs of the residents within the surrounding neighborhoods.

Public Facilities

All public services and facilities are currently available to the subject property.

Effect on the Natural Environment

The subject property is a vacant field with only few mature trees. There is a sparsely vegetated buffer existing on the northeastern boundary line. A landscaping plan will be required for final site plan. A buffer will be required between the subject property and adjacent residential uses.

City of Hendersonville Zoning Ordinance Section 11-6

It is the intent of this ordinance that applicants for rezoning to any district other than a conditional zoning district shall be prohibited from discussing the specific manner in which they intend to use or develop the property.

STAFF ASSESSMENT

Given the compatibility with the Comprehensive Plan goals, proximity of the site to an Activity Node, the surrounding land uses, the existing C-4 zoning adjacent to the site, incentivization of infill development, and the need for additional opportunities to provide for the frequent daily needs of residents of the surrounding residential neighborhoods, the proposal to rezone the property from R-15 to C-4 appears to provide a benefit to the City.

PLANNING BOARD - SUMMARY OF ACTION

Summary of Planning Board Discussion:

- Mr. Blatt asked if a government entity had the right to build anything they wanted to and is this zoning change really needed. Ms. Hunt stated they can build what is permitted. Mr. Blatt stated he is not talking about permitted uses. Ms. Hunt stated under Section 5-9-2 under Special Uses public utility facilities are allowed. Mr. Manley stated it is public knowledge what is being proposed at this site. Public Utility Facility is defined in the ordinance as any structure or facility transmitting a service provided by a government or public utility, including, without limitation, fire stations, emergency medical service centers, telephone and repeater stations, pumping substations, and water towers, but not including telecommunications towers, antennas and other telecommunication devices.

Planning Board Motion

Ms. Cromar moved the 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 (PIN: 9578-51-3579) from R-15 Zoning (Medium Density Residential) to C-4 (Neighborhood Commercial) Zoning District based on the application submitted by the applicant. Finding that the rezoning is consistent with the Comprehensive Plan's Future Land Use map designation of High Intensity Neighborhood and that the rezoning is reasonable and in the public interest for the following reasons: That the map amendment is consistent with the 2030 Comprehensive Plan, Chapter 8 – Land Use & Development. That the rezoning is compatible with the surrounding land uses. That it is reasonable and in the public's interest to approve the application because it will advance goals related to the Comprehensive Plan. Mr. Blatt seconded the motion which passed unanimously.

ATTACHMENTS

1) Ordinance
2) Proposed Zoning Map
3) Planning Board Minutes
4) List of Permitted and Special Uses in C-4 Zoning District
5) Application

Ordinance #___-____

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR PARCEL (PIN - 9578-51-3579) BY CHANGING THE ZONING DESIGNATION FROM R-15 (MEDIUM DENSITY RESIDENTIAL) DISTRICT TO C-4 (NEIGHBORHOOD COMMERCIAL) DISTRICT

IN RE: Shepherd St. (PIN - 9578-51-3579)
(File # P21-59-RZO)

WHEREAS, the City is in receipt of a Rezoning application from the City of Hendersonville.

WHEREAS, the Planning Board took up this application at its regular meeting on November 8, 2021; voting unanimously to recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville, and

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

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

1. Pursuant to Article XI of the Zoning Ordinance of the City of Hendersonville, North Carolina, the Zoning Map is hereby amended by changing the zoning designation of the following:
   Parcel 9578-51-3579 from R-15 (Medium Density Residential) to C-4 (Neighborhood Commercial) District
2. Any development of the parcels shall occur in accordance with the Zoning Ordinance of the City of Hendersonville, North Carolina.

3. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this 2nd, day of December 2021.

_____
Barbara G. Volk, Mayor, City of Hendersonville

Attest:

_____
Angela L. Reece, City Clerk

Approved as to form:

_____
Angela S. Beeker, City Attorney

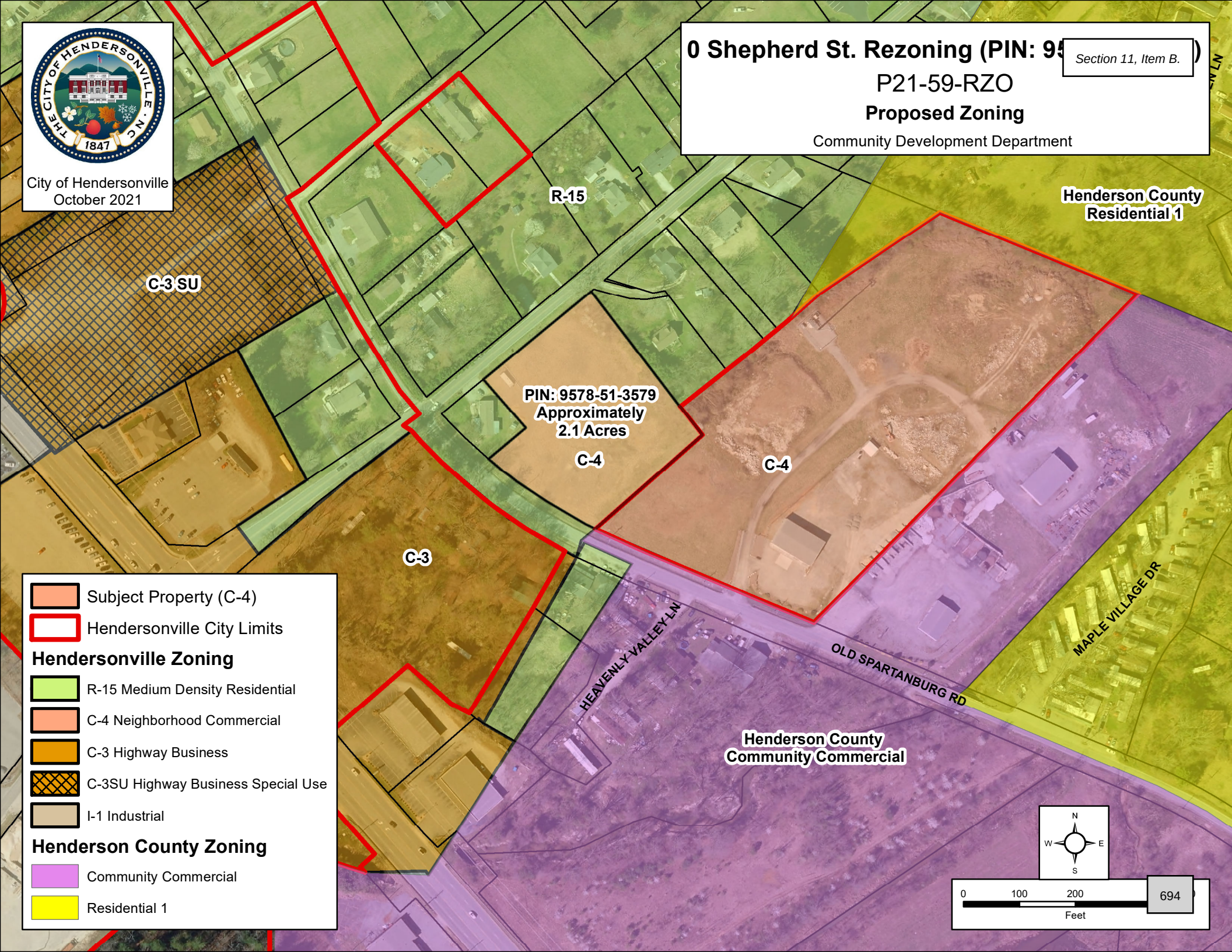
0 Shepherd St. Rezoning (PIN: 95)

P21-59-RZO

Proposed Zoning

Community Development Department

City of Hendersonville
October 2021



V(D) Zoning Map Amendment – Application for a standard rezoning for the subject property PIN 9578-51-3579 and located at 0 Shepherd Street. Ms. Hunt gave the following background:

The applicant is the City of Hendersonville. Section 11-6 prohibits the applicant from discussing the specific manner in which they plan to use the property. The property is identified at PIN 9578-51-3579 and is currently a vacant lot. The property is 2,1 acres and is currently zoned R-15, Medium Density Residential. The proposed zoned is C-4, Neighborhood Commercial. The property is adjacent to Old Spartanburg Highway and can be accessed from Shepherd Street and Old Spartanburg Road.

As a standard rezoning there is no binding site plan or restriction of uses beyond what is permitted in the Zoning Code. The C-4 zoning district is already present in this area and this zoning would be an extension of the C-4 district.

The predominant uses in the area are residential however, C-3, Highway Business and C-4 Neighborhood Commercial are also found in the area. One single-family home sits directly on the corner of Old Spartanburg Road and Shepherd Street and is surrounded on the side and rear by the subject property. Parcels to the south of the property and across Old Spartanburg Road are zoned Henderson County Community Commercial. This zoning provides daily needs for the residents in this area. The subject property sits close to the intersection. Public uses are in close proximity to the residential uses in the area.

The proposed rezoning to C-4 aligns with the Comprehensive Plan's Land Use map and Development Chapter with the designation of this area as High-Intensity Neighborhood. The goal of the High-Intensity neighborhood is to encourage low-maintenance, high-density housing that supports Neighborhood and Regional Activity Centers and downtown and provides a transition between commercial and single-family development and promotes walkable neighborhood design.

Photos of the existing site were shown. There are site trees along the property line facing southeast from Shepherd Street.

Ms. Hunt stated the proposed zoning is supported by the Comprehensive Plan. The site is in a priority infill area. The site is in proximity of an Activity Node. The subject property is adjacent to the C-4 zoning district. Proposed zoning allows for the incentivization of infill development and the need for additional opportunities to provide for the frequent daily needs of residents of the surrounding neighborhoods.

Mr. Blatt asked if a government entity had the right to build anything they wanted to and is this zoning change really needed. Ms. Hunt stated they can build what is permitted. Mr. Blatt stated he is not talking about permitted uses. Ms. Hunt stated under Section 5-9-2 under Special Uses public utility facilities are allowed. Mr. Manley stated it is public knowledge what is being proposed at this site. Public Utility Facility is defined in the ordinance as *any structure or facility transmitting a service provided by a government or public utility, including, without limitation, fire stations, emergency medical service centers, telephone and repeater stations, pumping substations, and water towers, but not including telecommunications towers, antennas and other telecommunication devices.*

Mr. Manley stated the supplementary standards have to be met and are as follows:

16-4-22 Public Utility Facilities.

a) Lots must conform to minimum setback and yard requirements of the district in which they are located. Unstaffed utility structures with internal floor space of less than 600 ft2 are exempted from the minimum lot size requirement.

b) Electric and gas substations and sewage treatment plants will be separated by a ten-foot B type buffer meeting the specifications of Article XV from the street and any abutting residential use or any property located in a residential zoning district.

c) Control houses, pump and lift stations, and other similar uses shall be screened from the street and any abutting residential use or any property located in a residential zoning district.

d) A fence not easily climbable or comparable safety devices must be installed and maintained in order to deter access to the facility.

e) The design of buildings, structures and facilities on a site should conform as closely as possible to the character of the area or neighborhood.

f) The facility's lighting shall be shielded to prevent light and glare spill-over on to any adjacent residential properties, if such exist.

g) The Board of Adjustment may give relief from these requirements so long as public safety and neighborhood compatibility are protected, if strict adherence would constitute a hardship or is unnecessary.

This would have to be reviewed and approved by the Board of Adjustment.

Chair asked if there were any questions for staff. There were no further questions for staff.

Adam Murr, 160 6th Avenue East stated he was there to speak on the City's behalf. The property was purchased in 2019 for public use. It meets the criteria, and it is adjacent to residential property.

Chair asked if there were any questions for Mr. Murr. There were none.

Chair opened the public comment time for anyone in the room or on Zoom. There were no comments.

Chair closed the public comment.

Ms. Cromar moved the 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 (PIN: 9578-51-3579) from R-15 Zoning (Medium Density Residential) to C-4 (Neighborhood Commercial) Zoning District based on the application submitted by the applicant. Finding that the rezoning is consistent with the Comprehensive Plan's Future Land Use map designation of High Intensity Neighborhood and that the rezoning is reasonable and in the public interest for the following reasons: That the map amendment is consistent with the 2030 Comprehensive Plan, Chapter 8 – Land Use & Development. That the rezoning is compatible with the surrounding land uses. That it is reasonable and in the public's interest to approve the application because it will advance goals related to the Comprehensive Plan. Mr. Blatt seconded the motion which passed unanimously.

List of Permitted Uses in C-4

5-9-1 Permitted Uses: The following uses are permitted by right in the C-4 Neighborhood Commercial Zoning District Classification, provided they meet all requirements of this Section and all other requirements established in this Ordinance:

Accessory dwelling units

Accessory uses & structures

Adult care centers registered with the NC Department of Health and Human Services (DHSS)

Automobile car washes so long as no attendants are employed on the premises

Banks and other financial institutions

Business services

Convenience stores with or without gasoline sales

Dance and fitness facilities

Dry cleaning and laundry establishment containing less than 2,000 square feet of floor area

Garage apartments

Home occupations

Laundries, coin-operated

Music and art studios

Offices, business, professional and public

Parks

Personal services

Religious institutions

Residential dwellings, single-family

Retail stores customarily serving neighborhoods and designed to serve a neighborhood

Service stations

Signs, subject to the provisions of Article XIII

Telecommunications antennas, subject to Supplementary Standards contained in Section 16-4, below

5-9-2 Special Uses: The following uses shall be permitted in the C-4 Neighborhood Commercial Zoning District Classification only upon issuance of a Special Use pursuant to Article X and shall be subject to Special Use requirements contained in Section 16-4, below:

Bed & breakfast facilities

Child care centers

Civic clubs & fraternal organizations

Pet-sitting

Public utility facilities

Restaurants

CITY OF HENDERSONVILLE
COMMUNITY DEVELOPMENT DEPARTMENT

100 N. King Street, Hendersonville, NC 28792
Phone (828) 697-3010|Fax (828) 698-6185
www.hendersonvillenc.gov

Zoning Ordinance Map Amendment
Section 11-1 of the City Zoning Ordinance

The following are the **required** submittals for a complete application for a Zoning Map Amendment. 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. Completed Signature Page (completed Owner's Affidavit if different from applicant)
- ☑ 3. Application Fee

A. Property Information

Name of Project: Shepherd St. - Rezoning

PIN(s): 9578-51-3579

Address(es) / Location of Property: No assigned address

Type of Development: ☐ **Residential** ☐ **Commercial** ☐ **Other**

Current Zoning: R-15 Medium Density Residential

Proposed Zoning: C-4 Neighborhood Commercial

B. Adjacent Parcel Owners and Uses

PIN: 9578511568 **Use:** Residential

PIN: 9578514793 **Use:** Residential

PIN: 9578519624 **Use:** C-4 Neighborhood Commercial

PIN: _____ **Use:** _____

PIN: _____ **Use:** _____

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

C. Applicant Contact Information

John Connet

* Printed Applicant Name

City of Hendersonville

Printed Company Name (if applicable)

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership

☑ Other: _____

X John Connet

Applicant Signature

City Manager

Applicant Title (if applicable)

160 6th Ave E

Address of Applicant

Hendersonville, NC 28792

City, State, and Zip Code

828-697-3000

Telephone

N/A

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.

D. Section 11-1 Standards

The advisability of amending the text of this Zoning Ordinance or the Official Zoning Map is a matter committed to the legislative discretion of the City Council and is not controlled by any one factor. In determining whether to adopt or disapprove the proposed amendment to the text of this Ordinance or the Official Zoning Map, the City Council shall consider the following factors among others:

a) **Comprehensive Plan Consistency** – Consistency with the Comprehensive Plan and amendments thereto.

The proposed amendment is consistent with the Comprehensive Plan in that it would take the subject property that is currently zoned R-15 to C-4 Neighborhood Commercial which is already present in the area. Additionally, the Comprehensive Plan's Future Land Use designation for the subject property is High Intensity Neighborhood which provides a transition between commercial and single-family development and includes both residential and public and institutional uses.

b) **Compatibility with surrounding uses** – Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property. (Also, see NCGS 160-601 (d) Down-Zoning)

The predominate uses in the area around the subject property are residential. However, C-4 Neighborhood Commercial and C-3 Highway Mixed Use are also present in the surrounding areas. The subject property is in close proximity to Old Spartanburg Highway which runs north and south acting as a transition from C-3 Highway Mixed Use to R-15 Medium Density Residential. Additionally, an adjacent property to the subject property is zoned C-4 Neighborhood Commercial making the requested amendment an extension of a zoning district currently present in the area.

c) **Changed Conditions.** Whether and the extent to which there are changed conditions, trends or facts that require an amendment. (Also, see NCGS 160D-601 (d) Down-Zoning)

The subject property is currently a vacant lot that is located near an area designated as an activity node on the Comprehensive Plan's Future Land Use Map and the proposed amendment would allow for neighborhood-scale commercial uses or compatible public facilities that would contribute to the needs of the residents within the surrounding neighborhoods.

D. Owner Contact Information

John Connet

* Printed Applicant Name

City of Hendersonville

Printed Company Name (if applicable)

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership

☑ Other: _____

X _____

Applicant Signature

City Manager

Applicant Title (if applicable)

160 6th Ave E

Address of Applicant

Hendersonville, NC 28792

City, State, and Zip Code

828-697-3000

Telephone

N/A

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.

d) **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 heath, safety and general welfare. (Also, see NCGS 160D-601 (d) Down-Zoning)

The proposed amendment would contribute to the C-4 Neighborhood Commercial zoning district already present in the area. The purpose of this zoning district classification is to provide for the most frequent daily needs of residents to an immediate neighborhood. The surrounding uses to the subject property are predominately residential areas and the proposed amendment would contribute to the needs of the residents within the surrounding neighborhoods.

e) **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. (Also, see NCGS 160D-601 (d) Down-Zoning)

All public services and facilities such as water supply, wastewater treatment, fire and police protection and transportation are currently available to the subject property.

f) **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.

The proposed amendment would not result in an adverse impacts on the natural environment. The subject property is an open, vacant lot consisting mostly of grasses and shrubs with minimal mature trees located on the northeastern boundary of the subject property.

Additional Property Owners: (Signature indicates intent that this page be affixed to Application.)

_____

*Printed Owner Name

_____

Printed Company Name (if applicable)

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership

☐ Other: _____

_____

Property Owner Signature

_____

Property Owner Title (if applicable)

_____

City, State, and Zip Code

_____

Telephone

_____

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.

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

PLANNING DIVISION

SUBMITTER:	Tyler Morrow, Planner II	**MEETING DATE:**	December 2, 2021
AGENDA SECTION:	Public Hearing	**DEPARTMENT:**	Community Development

TITLE OF ITEM: Rezoning: Conditional Zoning District Site Plan Amendment - The Landings of Flat Rock PIN 9588-12-4337 (P21-50-CZD MOD) - *Tyler Morrow, Planner II*

SUGGESTED MOTION(S):

For Approval:

I move City Council adopt an ordinance amending the approved site plan associated with the Planned Residential Development Conditional Zoning District for the subject property (PIN9588-12-4337) on the official zoning map of the City of Hendersonville, based on the site plan submitted by the applicant.

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

[Please state reasons describing why this development is good for the community. Examples follow, or to include your own]

1) This development is within a priority growth area as designated in the comprehensive plan (*Chapter 8)*
2) The property is classified as a development opportunity as designated in the comprehensive plan (Chapter 8)
3) The development provides additional senior housing options for the City of Hendersonville.

[DISCUSS & VOTE]

For Denial:

I move City Council deny the application to amend the official zoning map of the City of Hendersonville for the subject property for the following reasons:

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

1) The development is not consistent with the Comprehensive Plan [if applicable];
2) The development is not compatible with the surrounding uses. [if applicable]
3) The development is not in the public interest because [state why if applicable]
4) The development will have a detrimental impact on the natural environment. [if applicable]

SUMMARY:

The City of Hendersonville is in receipt of an application for a conditional zoning district amendment from Carolina Commercial Contractors, LLC. The applicant is requesting to amend the conditional zoning district on the subject property, PIN 9588-12-4337 and

located on S. Allen Road. The subject property was rezoned from Henderson County OI, Office Institutional District to PRD CZD, Planned Residential Development Conditional Zoning District by City Council in December of 2020 for the construction of a one-story, 58 bed, 32,000 sq. ft. assisted living facility and a three-story, 95 bed, 85,000 sq. ft. independent living facility.

The proposed amendment is to allow the subject property to be subdivided into two parcels. The applicant is also requesting a height exemption in accordance with section 5-14-6.5

7-6-3 Modifications of Developments Authorized Under Special Use Review and Conditional Zoning Districts. The City Manager is authorized to approve minor modifications to the approved final plans of developments authorized under special use review and conditional zoning districts, but major modifications may only be authorized by City Council in accordance with procedures set forth herein. A modification shall be deemed minor if it is not a major modification.

a) A substantial change in the boundaries of the site approved by City Council;

This Site Plan Amendment to the Conditional Zoning District is the only item under review, any new conditions must be related directly to the proposed amendment.

PROJECT/PETITIONER NUMBER:	P21-50-CZD MOD
PETITIONER NAME:	Carolina Commercial Contractors, LLC (applicant)/ Henderson Propco LLC (property owner)
ATTACHMENTS:	1. Staff Report 2. Site Plan 3. Survey 4. Draft Ordinance 5. Ordinance Establishing the CZD- Ordinance #200591 6. Application 7. Proposed Zoning Map 8. NCM Minutes 9. Planning Board Minutes 10. Certificate of Mailing

THE LANDINGS OF FLAT ROCK CONDITIONAL ZONING DISTRICT SITE PLAN AMENDMENT (P21-50-CZD MOD)

CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

Staff Report Contents

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PROJECT SUMMARY

Applicant: Carolina Commercial Contractors, LLC

Property Owner: Henderson Propco LLC

Property Address: 0 South Allen Road

Project Acreage: 8.449 Acres

Parcel Identification Number(s): 9588-12-4337

Current Parcel Zoning: Planned Residential Development

Neighborhood Compatibility Meeting: September 28th 2021

SITE VICINITY MAP

Summary Statement of Applicant Rezoning Request

The City of Hendersonville is in receipt of an application for a conditional zoning district amendment from Carolina Commercial Contractors, LLC. The applicant is requesting to amend the conditional zoning district on the subject property, PIN 9588-12-4337 and located on S. Allen Road. The subject property was rezoned from Henderson County OI, Office Institutional District to PRD CZD, Planned Residential Development Conditional Zoning District by City Council in December of 2020 for the construction of a one-story, 58 bed, 32,000 sq. ft. assisted living facility and a three-story, 95 bed, 85,000 sq. ft. independent living facility.

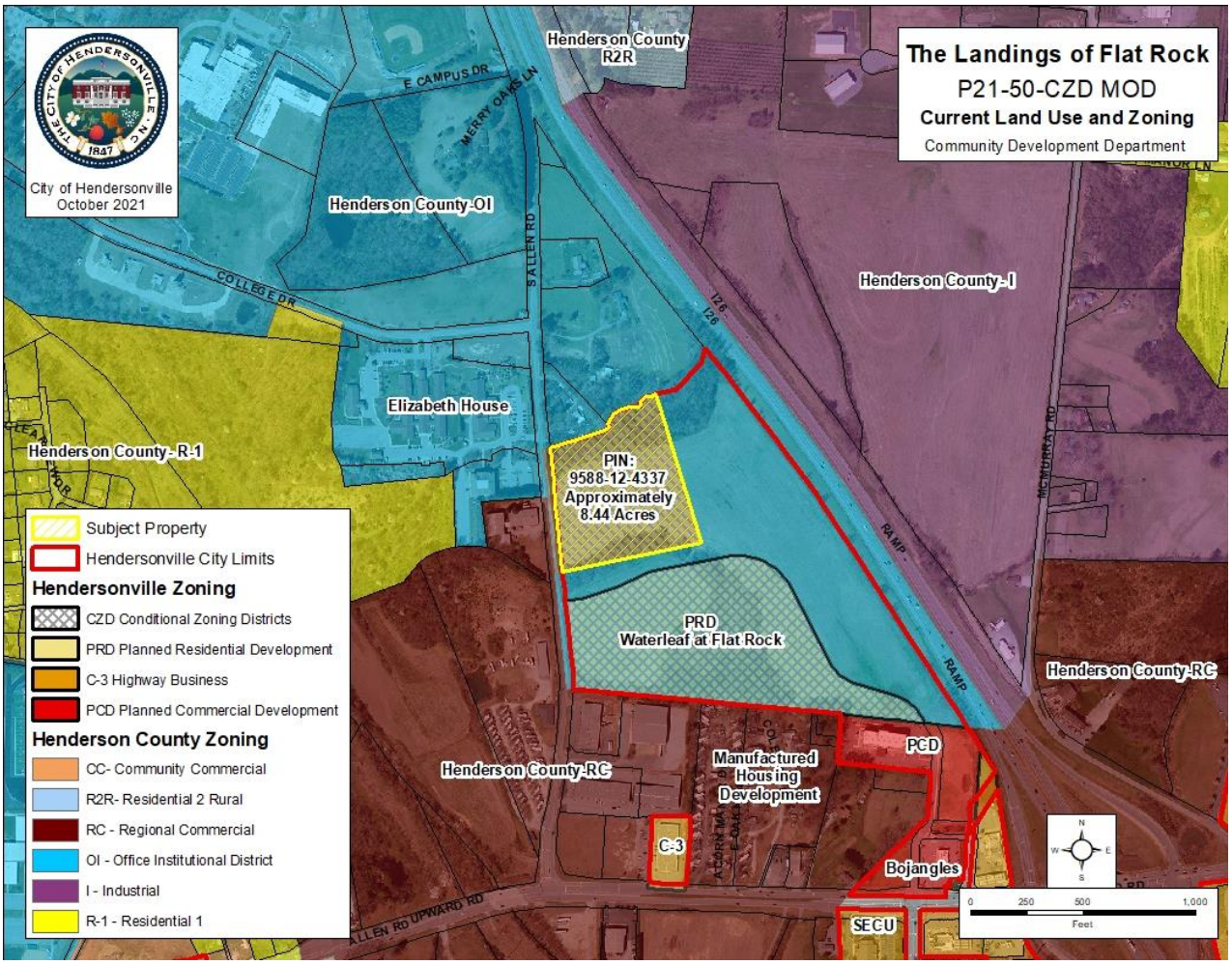
The proposed amendment is to allow the subject property to be subdivided into two parcels. The applicant is also requesting a height exemption in accordance with section 5-14-6.5.

***7-6-3 Modifications of Developments Authorized Under Special Use Review and Conditional Zoning Districts**. The City Manager is authorized to approve minor modifications to the approved final plans of developments authorized under special use review and conditional zoning districts, but major modifications may only be authorized by City Council in accordance with procedures set forth herein. A modification shall be deemed minor if it is not a major modification.*

a) A substantial change in the boundaries of the site approved by City Council;

This Site Plan Amendment to the Conditional Zoning District is the only item under review, any new conditions must be related directly to the proposed amendment.

PROJECT SUMMARY - CONTINUED



The parcels to the north are zoned Henderson County Office Institutional. To the east, the parcel is bordered by a large vacant property that was annexed into the City and will likely be developed in the near future. To the south, parcels around the intersection of Upward Rd and S. Allen Road are zoned Henderson County Regional Commercial, City of Hendersonville C-3 Highway Business and City of Hendersonville Planned Residential Development and contain commercial uses, a high density manufactured housing development and the Waterleaf at Flat Rock project which is a proposed 263-unit apartment complex. Parcels to the east across S. Allen Road are zoned regional Commercial which houses an RV campground and Henderson County Office Institutional which houses Four Seasons Hospice and the Elizabeth House.

SITE CONDITIONS – SITE IMAGES

View from South Allen Road.

View from the back of the property looking toward South Allen Road

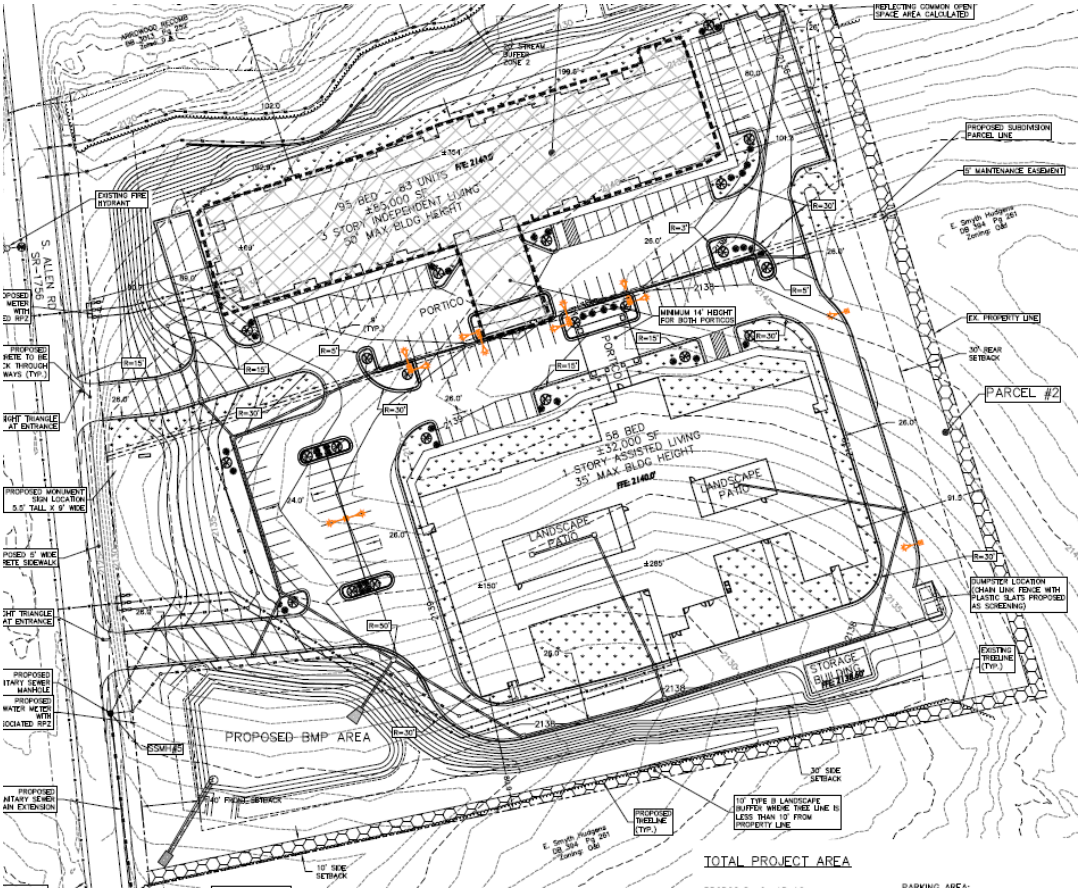
View of existing tree line on the northern property line.

AERIAL PHOTOS

View from the south

View from the north

REZONING/SITE PLAN TOPICS



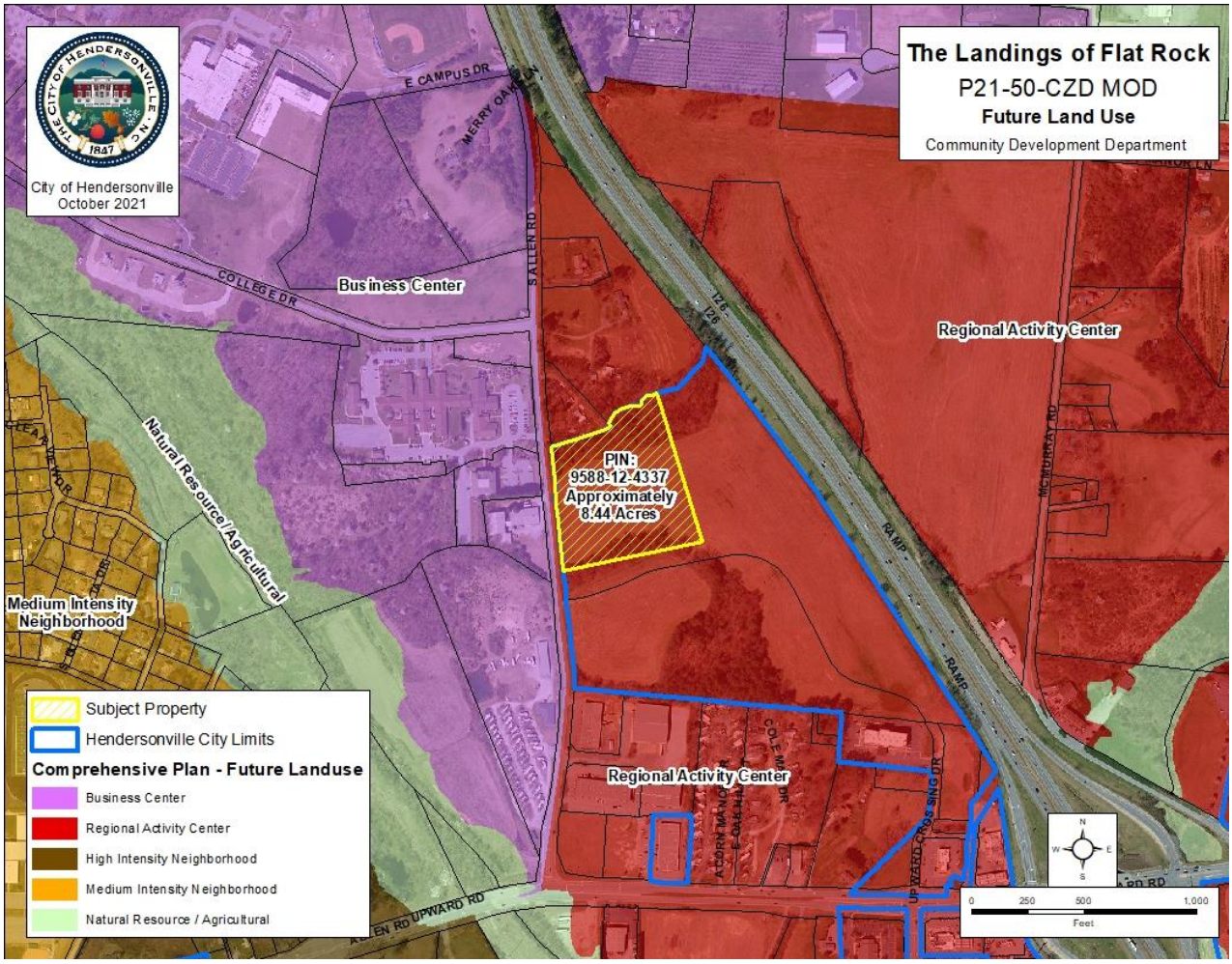
PROPOSED SITE PLAN

SITE DATA PARCEL #1	
PARCEL SIZE	3.54 ACRES
CURRENT DEED BOOK/PAGE	394/261
ZONING	PRD–CZD
EXISTING LAND USE	VACANT
PROPOSED LAND USE	INDEPENDENT LIVING
PARKING REQUIRED	102 SPACES
PARKING PROVIDED	67 (INCLUDING 3 HANDICAP SPACES)
PARKING NOTE:	126 TOTAL REQ'D / 132 TOTAL PROVIDED
PROPOSED IMPERVIOUS AREA	±1.44 ACRES (TO BE DETERMINED WITH FINAL DESIGN)
PROPOSED DWELLING UNITS	83

SITE DATA PARCEL #2	
PARCEL SIZE	4.53 ACRES
CURRENT DEED BOOK/PAGE	394/261
ZONING	PRD–CZD
EXISTING LAND USE	VACANT
PROPOSED LAND USE	ASSISTED LIVING
PARKING REQUIRED	24 SPACES
PARKING PROVIDED	59 (INCLUDING 1 HANDICAP SPACES)
PROPOSED IMPERVIOUS AREA	±2.16 ACRES (TO BE DETERMINED WITH FINAL DESIGN)
PROPOSED DWELLING UNITS	58

REZONING CRITERIA:

COMPREHENSIVE PLAN CONSISTENCY



The 2030 Comprehensive Plan's Future Land Use Map designates this parcel as Regional Activity Center. Parcels located to the north, east and south are also designated Regional Activity Center. This future land use designation is specifically concentrated in this area due to its proximity to I-26 and is intended for community & regional retail sales and services, restaurants, multi-family residential and offices.

The parcels to the west of S. Allen Rd are designated as Business Center. This land use designation, which calls for employment centers developed in a campus-like environment, is present at this location due to the large undeveloped tracts in close proximity to I-26, the existing presence of Blue Ridge Community College, and the fact that it is naturally buffered from existing residential uses by the floodplain of Bat Fork Creek.

REZONING CRITERIA
COMPREHENSIVE PLAN CONSISTENCY

Goal LU-9.

Regional Activity Center: Meet the large-scale retail needs of Hendersonville residents while encouraging mixed-use, walkable design through redevelopment and infill projects.

Strategy LU-9.1.

Locations:

- Commercial areas surrounding the US-64/I-26 and Upward Road/I-26 interchanges

Strategy LU-9.2.

Primary recommended land uses:

- Community and regional retail sales and services
- Restaurants

Strategy LU-9.3.

Secondary recommended land uses:

- Multi-family residential
- Offices
- Public and institutional uses
- Pedestrian amenities

Strategy LU-9.4.

Development guidelines:

- Mitigation of bulk of large buildings through façade detailing and window coverage
- Hiding of large parking lots (more than one double-row deep) from thoroughfares with outlot structures

Example of a Regional Activity Center

The subject area is designated Regional Activity Center on the 2030 Comprehensive Plan's Future Land Use Map.

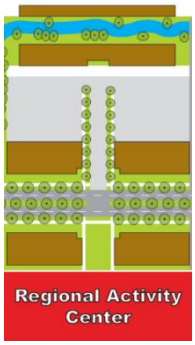
Retiree Influx

- A significant factor in the growth of Hendersonville is the influx of retirees, as evidenced by decreasing average household size, aging population, and the combination of low incomes and high amounts of money in savings.

Strategy PH-1.1.

Promote compatible infill development. Compatible infill development helps to re-invigorate older neighborhoods with new housing products, amenities or services while minimizing negative impacts. Compatibility is achieved through selection of appropriate land uses and/or design strategies that smooth the transition between potentially conflicting land uses. Design strategies should address architectural compatibility and scale as well as landscape buffering.

This project sits just east of Four Seasons Hospice and the Elizabeth House. Due to the sensitive nature of those developments, compatibility is important. This project will act as a low traffic compatible transition abutting those developments.



COMPREHENSIVE PLAN CONSISTENCY–CONTINUED

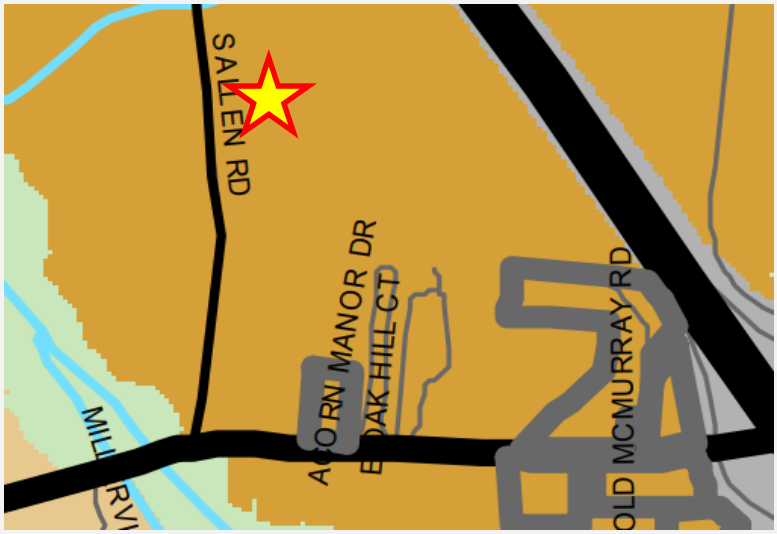
Growth Management

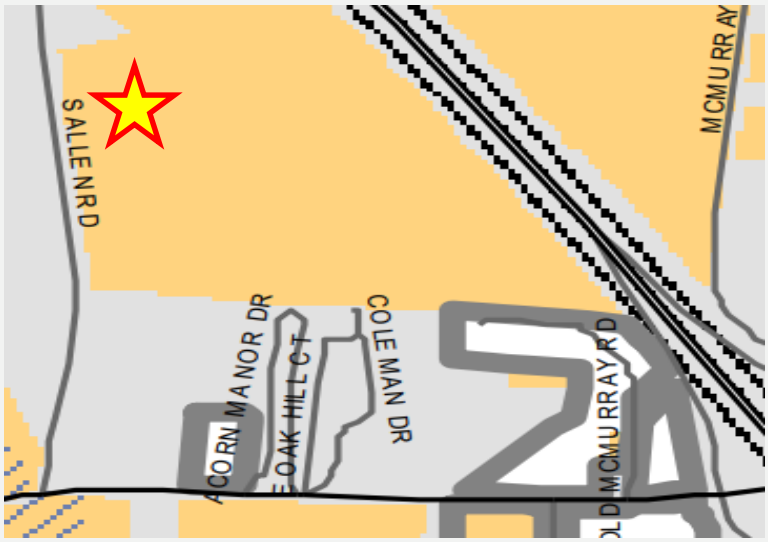
Priority Growth Areas (orange):

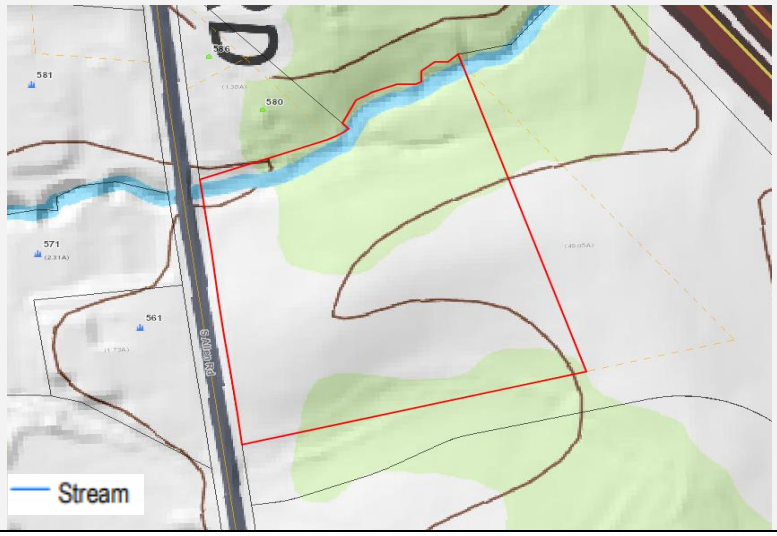
Areas that are considered a high priority for expansion of the ETJ, annexation, and extension of infrastructure and services

Development Opportunities (includes vacant land, agricultural land, and single-family residential properties greater than five acres)

There is a blue line stream along the northern property line.







SITE PLAN REVIEW

AMENDED SITE PLAN REVIEW P21-50-CZD MOD

Parcel

The subject parcel will be subdivided into two parcels.

- Parcel 1: 3.54 Acres
  - Independent Living
- Parcel 2: 4.53 Acres
  - Assisted Living

Easement

The project will provide an easement for maintenance in accordance with Section 5-14-6.3

- 5-14-6.3 Subdivision of Planned Residential Developments requires that a five-foot maintenance easement and a maximum eave encroachment of 32 inches within the maintenance easement shall be established in the deed restrictions and covenants of the adjoining lot. This will provide ready access for normal maintenance to the porticos.

Building Height

Buildings 1-7 of the development exceed the allowable maximum height of 35', they are proposed to be 40' high. Due to this the development must fall under these criteria.

5-14-6.5 Building Height. A building may exceed 35 feet in height only upon the granting of a height limitation exemption by the City Council. Upon application, the Council may grant a height limitation exemption upon finding that:

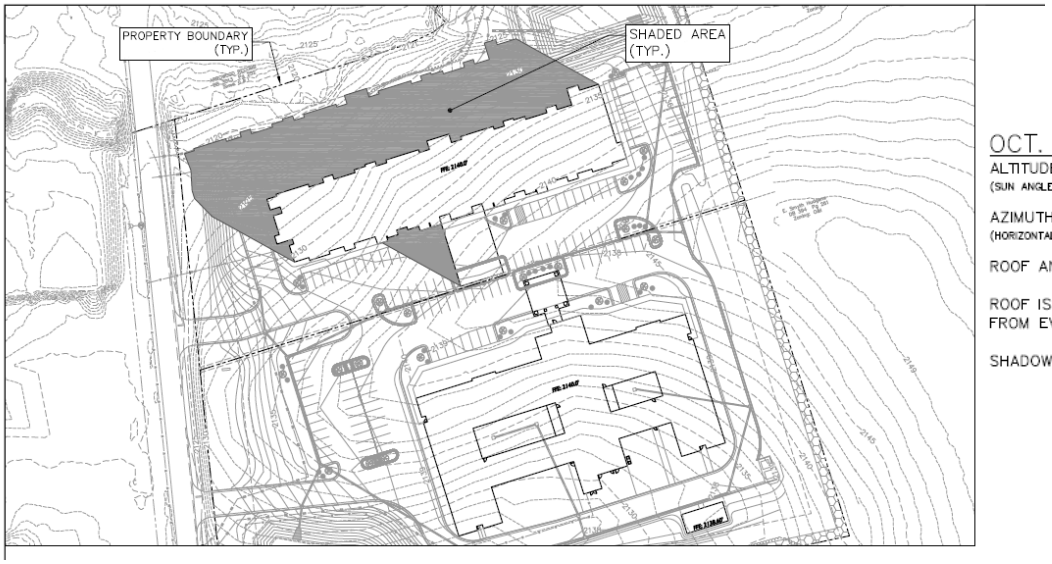
a) Such building will not block sunlight from adjacent property between the hours of 10:00 a.m. and 2:00 p.m. from the months of October 1st to May 1st. The developer provided a sun study. Exhibits from this study are included below.

b) Such building is adequately designed and served from the standpoint of safety, and the City Fire Chief certifies that the fire safety equipment to be installed is adequately designed and that the building is reasonably well located in relation to the fire stations and equipment so as to offer adequate protection to life and property. In no case shall the building exceed 50 feet in height. The Fire Department have not raised any concerns about servicing these buildings. The Fire Department has reviewed the plans as a member of the City's Development Review Committee and have a few suggested changes as far as hydrant placement, which can be resolved during final site plan review.

c) The side and rear yards for any structure in excess of 35 feet in height shall be increased by one foot for each one foot in height in excess of 35 feet. The yards for these structures meet this requirement.

These requirements are in place to ensure that shadows from this development will not impact neighboring properties, leaving them in darkness. This Sun Study shows where

the shadows of the buildings will be on May 1st and October 1st. The photos below show the shadows at their peak. As you will see with these photos that no shadow will leave the subject property.

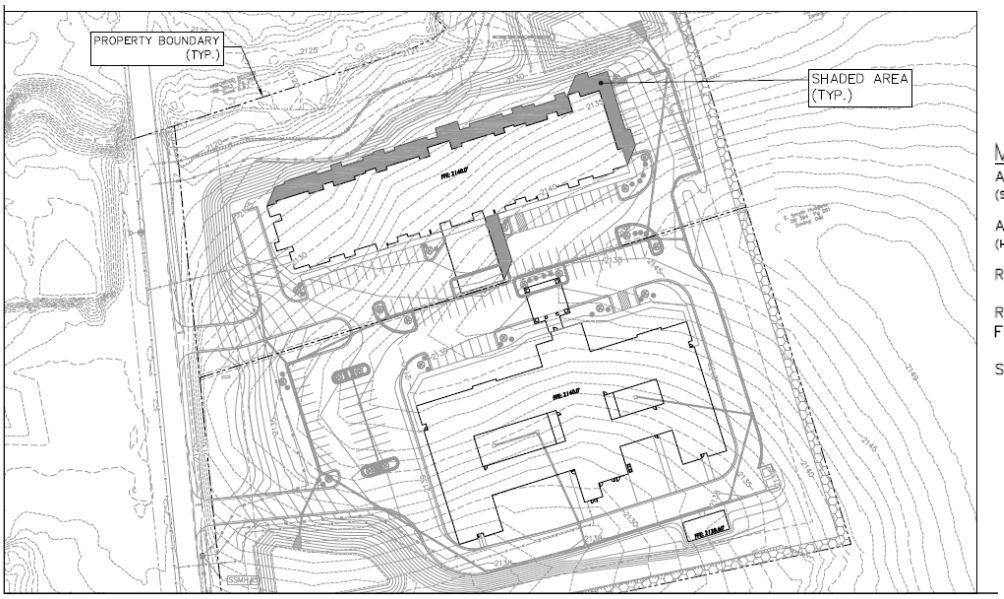


OCT. 1ST SHADING – 10:00 AM

ALTITUDE OF SUN ANGLE: (SUN ANGLE FROM HORIZON)	29.46°
AZIMUTH: (HORIZONTAL SUN ANGLE)	118.9±°
ROOF ANGLE:	21.8°

ROOF IS STEEPER THAN SUN ANGLE. THEREFORE SHADING IS CAST FROM EVE OF THE ROOF.

SHADOW LENGTH: ±95 FT



MAY. 1ST SHADING – 2:00 PM

ALTITUDE OF SUN ANGLE: (SUN ANGLE FROM HORIZON)	68.66°
AZIMUTH OF SUN ANGLE: (HORIZONTAL SUN ANGLE)	202.56±°
ROOF ANGLE:	21.8°

ROOF IS STEEPER THAN SUN ANGLE. THEREFORE SHADING IS CAST FROM EVE OF THE ROOF.

SHADOW LENGTH: ±21 FT

APPROVED SITE PLAN REVIEW P20-36-CZD

Buildings

The site plan shows

- 32,000 square foot 58 bed 1 story assisted living facility.
- 85,000 square foot, 95 bed/83-unit 3 story independent living facility.

Parking Requirements - Table 6-5-2

The site plan shows 132 proposed parking spaces to serve both the independent and assisted living facilities. The project is required to have 126 spaces.

Stream Buffer

According to the most recent USGS seven-and-one-half minute quadrangle topographic maps a blue line stream is present along the northern boundary of the property. The developer is required to provide a 30-foot stream buffer and a 20-foot transitional zone. Both of these are present on the developer's plan.

Entrance

The development would have two points of ingress and egress, both would be accessed off of S. Allen Road

Project Phasing - Section 7-5

The project will be constructed in 2 phases.

Stormwater/Flood Hazard Area

The applicant will be providing stormwater management plans to the Engineering Department as part of the final site plan submittal requirements

Sidewalks - Section 6-12

Sidewalks will be provided on the subject property's frontage along S. Allen Road.

Landscaping

The applicant is proposing a 10-foot Type B buffer along the East and South property lines. The plan also shows required interior plantings for the vehicular use areas.

TRANSPORTATION:

Transportation Impact Analysis: According to the 7th Edition of the Institute of Transportation Engineers Trip Generation Manual

The project is not expected to meet either the 100 or more peak-hour trips or the 1,000 or more daily trips thresholds to require a TIA.

Congregate Care- Per Dwelling Unit Calculation

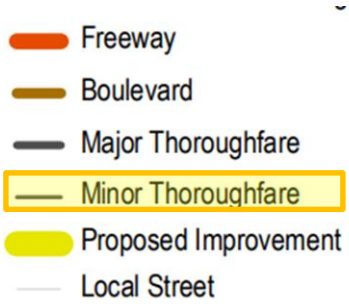
Overall Project Totals

21.42 Trips AM peak hour.

30.6 trips PM peak hour

309 Daily Trips.

2030 Comprehensive Plan Transportation Map



Notable Area NCDOT Projects

There are no planned NCDOT projects that would impact this site.

STAFF ASSESSMENT & COMPREHENSIVE PLAN CONSISTENCY:

Zoning Compliance:

Based on the review by staff, the submitted site plan for this project appears to be generally compliant with the Zoning Ordinance standards established in Article 11 -4 of the City Zoning Ordinance.

Staff finds that the application/proposed site plan is in keeping with the standards established for CZD zoning map amendments outlined in Section 11-4 of the zoning ordinance.

Final zoning ordinance compliance will be established at the time of the final site plan review and approval.

Once subdivided the two parcels will be considered a single development in accordance with section "7-12 Aggregation" in the Zoning Ordinance.

Section 7-12 states:

- "Two or more developments shall be aggregated and treated as a single development under this ordinance when they are determined to be part of a unified plan of development and are physically proximate to one another. Each of the criteria listed below is indicative of a unified plan of development. Whenever one or more are found to exist, the reviewing authority may, but is not required to, determine that two or more projects are part of a unified plan of development:
    - a) The same person has control of the developments;
    - b) The same person has ownership or a significant legal or equitable interest in the developments;
    - c) There is common management controlling the form of physical development or disposition of parcels of the development;
    - d) There is a reasonable closeness in time between the completion of some or all of one development and the submission of an application for authorization of other development which is indicative of a common developmental effort;
    - e) A master plan or series of plans or drawings exists covering the developments sought to be aggregated;
    - f) There is a voluntary sharing of infrastructure that is indicative of a common development effort or is designated specifically to accommodate the developments sought to be aggregated;
    - g) There is a common advertising scheme or promotional plan in effect for the developments sought to be aggregated.

Both parcels will be tied to the approved site plan and approved list of uses and conditions for the total site.

The established conditional zoning district was approved with 4 conditions. The conditions were already consented to and do not have to be restated as part of the amendment.

The conditions are as follows:

1. 7-3-3.2 (n): Provide a survey showing tree line before site preparation with species and diameter of trees 12 inches or greater DBH (diameter at breast height)
2. 5-14-6.6 & Section 15: Provide a landscaping plan that shows tree and shrub locations within the proposed 10-foot type B buffer along the east, south and west property lines.
3. Provide a total area open space of 56% rather than the required 65% Special Requirement for Congregate Care Facilities and the 60% requirement for the Planned Residential Development Zoning District.
4. Use a bed-based density calculation rather than the bedroom-based density calculation from section 16-4-10 (d) of the Zoning Ordinance:

Comprehensive Plan Consistency:

Staff feels that this development is in alignment with Strategy PH 1.1 of Chapter 2 which states "Promote compatible infill development. Compatible infill development helps to reinvigorate older neighborhoods with new housing products, amenities or services while minimizing negative impacts. Compatibility is achieved through selection of appropriate land uses and/or design strategies that smooth the transition between potentially conflicting land uses. Design strategies should address architectural compatibility and scale as well as landscape buffering". This development will be compatible in use to the Four Seasons Hospice and the Elizabeth House which are located to the west across South Allen Road. This development will also provide a 10-foot vegetative buffer around the southern and eastern property boundary to better buffer it from other developments.

This development is also in alignment with Goal Ph 2 in Chapter 2 which states "Encourage a wide range of housing types and price points in order to meet the diverse and evolving needs of current and future residents, match the housing supply with the local workforce, and promote diverse neighborhoods". Hendersonville has an aging population and an influx of retirees, and it is important that the City promote senior developments to foster the City's current and future needs. Senior living facilities are at a premium in this area. Adding an independent and assisted living facility will better serve the City and its citizens going into the future.

PROPOSED CONDITIONS:

Staff does not have any proposed conditions for this development.

The developer has not requested any conditions.

PUBLIC COMMENT:

The Neighborhood Compatibility meeting was held on September 28th, 2021. 0 member of the public attended in person with 1 citizen on Zoom. He had questions concerning:

- Ownership of the property

- Management of the property
- Traffic issues

TREE BOARD- SUMMARY OF ACTION

The Tree Board did not review this site plan amendment since it does not have an impact on trees or the landscaping plan.

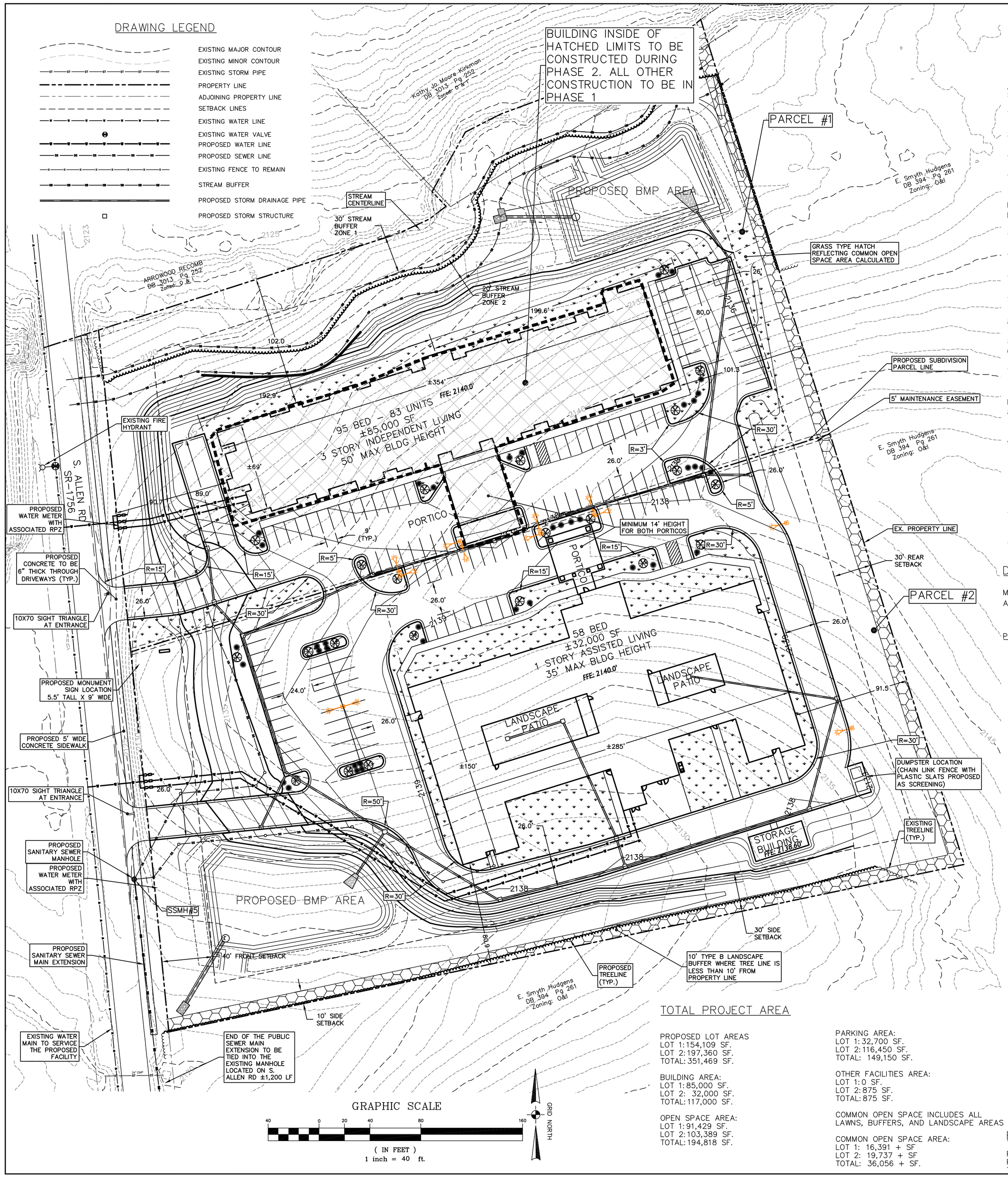
PLANNING BOARD SUMMARY OF ACTION

Summary of Planning Board Discussion

- Corey Mabus with Carolina Commercial Contractors stated the site plan is the same as the last time. They are only needing to subdivide the property due to financing. Things are tough in the Covid world and financing is easier on two tracts.

Planning Board Motion

Mr. Brown moved the Planning Board recommend that City Council adopt an ordinance amending the approved site plan associated with the PRD-CZD zoning designation for the subject parcel (PIN 9588-12-4337) on the official zoning map of the City of Hendersonville, based on the site plan submitted by the applicant finding that the amended zoning is consistent with the Comprehensive Plan's Future Land Use map, and that the rezoning is reasonable and in the public interest for the following reasons: This development is within a priority growth area as designated in the comprehensive plan (Chapter 8). The property is classified as a development opportunity as designated in the comprehensive plan (Chapter 8). The development provides additional senior housing options for the City of Hendersonville. Mr. Jones seconded the motion which passed unanimously.



CONCEPT PLAN PRELIMINARY NOTE:

THIS PLAN IS TO BE USED FOR REFERENCE ONLY.

THE FINAL LAYOUT IS SUBJECT TO CHANGE. EXISTING TOPOGRAPHY AND UTILITY LOCATIONS ARE TO BE FIELD SURVEYED AND FIELD VERIFIED, AND FINAL BUILDING FOOTPRINTS ARE TO BE DETERMINED BY THE PROJECT ARCHITECT PRIOR TO FINAL CIVIL DESIGN.

SITE NOTES:

1. PARCEL BOUNDARIES ARE SHOWN PER SURVEY PLAT RECEIVED FROM SURVEY CAROLINA, PLLC DATED , AUGUST 17TH 2020.
2. TOPOGRAPHIC DATA IS SHOWN PER LIDAR INFORMATION AND FIELD SURVEY RECEIVED FROM SURVEY CAROLINA, PLLC DATED Nov. 9TH, 2020.
3. EXISTING WATER AND SANITARY SEWER ARE SHOWN PER INFORMATION RECEIVED FROM HENDERSON COUNTY WATER AND SEWER.
4. THIS PROPERTY IS A SATELLITE ANNEXED PROPERTY IN THE CITY OF HENDERSONVILLE.

PARKING REQUIRED: ALL PARKING CALCULATIONS HAVE BEEN ESTIMATED BASED OFF OF AVAILABLE INFORMATION ON THE NUMBER OF REQUIRED EMPLOYEES, BEDS AND UNITS.

1 PER EACH INDEPENDENT DWELLING UNIT
1 X 83 UNITS = 83 SPACES
1 PER EACH 10 INDEPENDENT DWELLING UNITS FOR VISITORS PLUS
1 X (80 UNITS/10) = 8.3 VISITOR SPACES
1 PER EVERY EMPLOYEE ON THE LARGEST SHIFT PLUS
1 X (20 EMPLOYEES) = 20 SPACES
1 PER EVERY 4 BEDS FOR ASSISTED LIVING OR NURSING CARE BEDS.
1 X (58 BEDS/4) = 14.5 SPACES
83 + 8.3 +20 + 14.5 = 125.8 (126) PARKING SPACES REQUIRED

5. HANDICAP SPACES SHALL BE INSTALLED PER ADA REQUIREMENTS.
6. OBTAIN ALL APPLICABLE PERMIT APPROVALS PRIOR TO ANY CONSTRUCTION.
7. CONFIRM UTILITY SIZE AND LOCATION WITH ARCHITECTURAL DESIGN PRIOR TO CONSTRUCTION.

WATER AND SEWER UTILITY TIE IN LOCATIONS ARE SHOWN ON THIS PLAN FOR REFERENCE ONLY.

8. A PUBLIC SANITARY SEWER MAIN EXTENSION WILL BE REQUIRED FOR THIS PROJECT. THE NEAREST SANITARY SEWER MANHOLE IS LOCATED ±1,200 LF SOUTH OF THE PROJECT LOCATION ON SOUTH ALLEN RD.
9. IN ORDER TO ENSURE THE SITE WILL DRAIN PROPERLY THE ENTIRE PROJECT LIMITS WILL BE CLEARED AND GRUBBED, GRADED AND FINAL STORM DRAINAGE WILL BE PUT IN PLACE IN PHASE 1. PHASE 1 CONSTRUCTION WILL ALSO INCLUDE THE CONSTRUCTION OF THE ASSISTED LIVING FACILITY AND THE MAJORITY OF PARKING AND DRIVEWAY AREAS. PHASE 2 WILL CONSIST OF CONSTRUCTING THE INDEPENDENT LIVING FACILITY AND ADJUSTING PARKING AREAS NEAR THE BUILDING.
10. PROPOSED TREELINE IS SUBJECT TO CHANGE WITH FINAL GRADING PLAN DESIGN AND SHOULD BE CONSIDERED APPROXIMATE AND FOR REFERENCE ONLY.
11. OWNER IS RESPONSIBLE FOR PERPETUAL MAINTENANCE OF COMMON OPEN SPACE.

DENSITY CALCULATION:

MAXIMUM DENSITY: 20 PEOPLE PER ACRE
ALLOWABLE DENSITY: 20 PEOPLE X 8.07 ACRES(OUTSIDE OF RIGHT OF WAY)
161 PEOPLE
20 PEOPLE X 8.449 AC(R/W INLCUDED) = 169 PEOPLE

PROPOSED RESIDENTS:
INDEPENDENT LIVING: 12 STUDIO APARTMENTS X 1 = 12
59 1-BEDROOMS APARTMENTS X 1.5 = 88.5
12 2-BEDROOM APARTMENTS X 2 = 24
ASSISTED LIVING: 58 STUDIO APARTMENTS X 1 = 58

TOTAL DENSITY: 182.5 PEOPLE PER HENDERSONVILLE DENSITY CALCULATIONS

OPEN SPACE NOTES:

OPEN SPACE REQUIRED: 65% OF PROJECT AREA
351,469 SF (8.07 AC) OUTSIDE OF RIGHT OF WAY
351,469 SF X 0.65 = 228,454 SF
ROOF AND CANOPY AREA: 63,186 SF
VEHICULAR USE AREA: 93,465 SF
REMAINING OPEN SPACE: 194,818 SF (55%)

LANDSCAPE BUFFER NOTES:

1. STREETYARD:
NO PROPOSED STREETYARD IS REQUIRED DUE TO 60 FT RIGHT OF WAY WIDTH.

2. EASTERN AND SOUTHERN BOUNDARY:
ADJOINING PROPERTY TO THE EAST AND TO THE SOUTH IS ZONED OFFICE AND INSTITUTIONAL. PER SECTION 15-6 TABLE OF BUFFER REQUIREMENTS, INSTITUTIONAL USES ARE NOT REQUIRED TO PROVIDE BUFFERS WHEN ADJOINING INSTITUTIONALLY ZONED PROPERTY. TO THE EXTENT POSSIBLE, EXISTING TREES LOCATED ON THE SOUTHERN PROPERTY BOUNDARY WILL BE MAINTAINED.

3. NORTHERN PROPERTY BOUNDARY:
THE NORTHERN BOUNDARY WILL CONSIST OF AN UNDISTURBED 30' STREAM BUFFER. THE EXISTING LANDSCAPING IN THE EXISTING STREAM BUFFER EXCEEDS THE LANDSCAPE BUFFER REQUIREMENTS AND WILL BE MAINTAINED.

PARKING LOT LANDSCAPING NOTES

1. VEHICULAR USE AREAS WILL REQUIRE 1 TREE AND AT LEAST 2 SHRUBS PER EVERY 4,000SF OF VEHICULAR USE AREA.
2. VEHICULAR USE AREA PROPOSED: 85,075 SF
3. REQUIRED PARKING LOT LANDSCAPING:
85,075 / 4,000 = 22 TREES & 44 SHRUBS
4. PARKING LOT LANDSCAPING PROPOSED:
22 CANOPY TREES (RED MAPLES)
44 EVERGREEN SHRUBS

EASEMENT NOTES

PARCEL 1 AND PARCEL 2 WILL HAVE AN EASEMENT RECORDED FOR SHARED PARKING AND DRIVE ACCESS. UTILITY EASEMENTS WILL ALSO BE RECORDED FOR THE MAINTENANCE AND REPAIR OF ALL STORM, SANITARY, AND WATER UTILITIES.

TOTAL PROJECT AREA

PROPOSED LOT AREAS
LOT 1:154,109 SF.
LOT 2:197,360 SF.
TOTAL: 351,469 SF.

BUILDING AREA:
LOT 1: 85,000 SF.
LOT 2: 32,000 SF.
TOTAL: 117,000 SF.

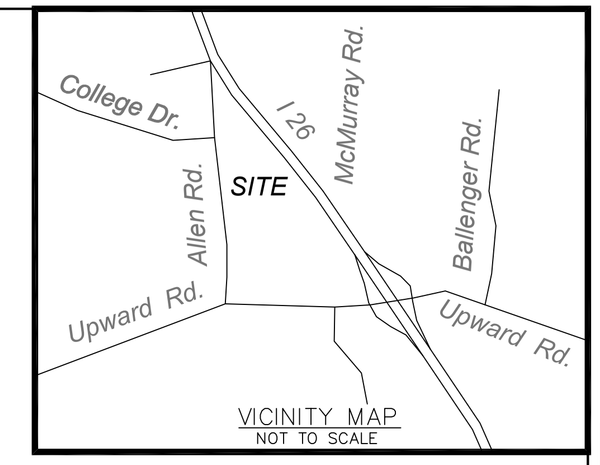
OPEN SPACE AREA:
LOT 1: 91,429 SF.
LOT 2: 103,389 SF.
TOTAL: 194,818 SF.

PARKING AREA:
LOT 1: 32,700 SF.
LOT 2: 116,450 SF.
TOTAL: 149,150 SF.

OTHER FACILITIES AREA:
LOT 1: 0 SF.
LOT 2: 875 SF.
TOTAL: 875 SF.

COMMON OPEN SPACE INCLUDES ALL LAWNS, BUFFERS, AND LANDSCAPE AREAS

COMMON OPEN SPACE AREA:
LOT 1: 16,391 + SF
LOT 2: 19,737 + SF
TOTAL: 36,056 + SF.



VICINITY MAP
NOT TO SCALE

OVERALL SITE DATA TABLE

ADDRESS	471 MCMURRAY RD, FLAT ROCK, NC 28731 (S. ALLEN RD)
OWNER	HENDERSON PROPCO LLC
OWNER ADDRESS	PO BOX 2568 HICKORY NC 28603
DEVELOPER	CAROLINA COMMERCIAL CONTRACTORS, LLC
DEVELOPER ADDRESS	PO BOX 159, SANFORD, NC 27331
DEVELOPER PHONE	919-776-4641
PIN#	9588124337
PARCEL SIZE (PER SURVEY)	8.449 ACRES (8.07 AC OUTSIDE OF RIGHT OF WAY AREA)
DEED BOOK/PAGE	394/261
ZONING	PRD-CZD
EXISTING LAND USE	VACANT
PROPOSED LAND USE	ASSISTED AND INDEPENDENT LIVING
SETBACKS	FRONT = 40 FT SIDE = 30 FT REAR = 30 FT
PARKING REQUIRED	126 SPACES
PARKING PROVIDED	132 (INCLUDING 4 HANDICAP SPACES)
SITE DISTURBED AREA	±8.0 ACRES (ESTIMATED)
PROPOSED IMPERVIOUS AREA	±4.0 ACRES (TO BE DETERMINED WITH FINAL DESIGN)
PROPOSED DWELLING UNITS	141

SITE DATA PARCEL #1

PARCEL SIZE	3.54 ACRES
CURRENT DEED BOOK/PAGE	394/261
ZONING	PRD-CZD
EXISTING LAND USE	VACANT
PROPOSED LAND USE	INDEPENDENT LIVING
PARKING REQUIRED	102 SPACES
PARKING PROVIDED	67 (INCLUDING 3 HANDICAP SPACES)
PARKING NOTE:	126 TOTAL REQ'D / 132 TOTAL PROVIDED
PROPOSED IMPERVIOUS AREA	±1.44 ACRES (TO BE DETERMINED WITH FINAL DESIGN)
PROPOSED DWELLING UNITS	83

SITE DATA PARCEL #2

PARCEL SIZE	4.53 ACRES
CURRENT DEED BOOK/PAGE	394/261
ZONING	PRD-CZD
EXISTING LAND USE	VACANT
PROPOSED LAND USE	ASSISTED LIVING
PARKING REQUIRED	24 SPACES
PARKING PROVIDED	59 (INCLUDING 1 HANDICAP SPACES)
PROPOSED IMPERVIOUS AREA	±2.16 ACRES (TO BE DETERMINED WITH FINAL DESIGN)
PROPOSED DWELLING UNITS	58

Summey Engineering Associates, PLLC
Engineering - Land Planning - Consulting
PO Box 968
Asheboro, NC 27204
Phone: 336-328-0902 Fax: 336-328-0922
Email - info@summeyengineering.com
NC Professional Engineering Firm License No. P-0336

No.	Date:	Description:	By:
A	11-09-20	PER HENDERSONVILLE COMMENTS	ZHG
B	11-13-20	PER HENDERSONVILLE COMMENTS	ZHG
C	11-20-20	PER HENDERSONVILLE COMMENTS	ZHG
D	11-24-20	PER HENDERSONVILLE COMMENTS	ZHG
E	12-10-21	PER REVISED PLANS	ZHG
F	11-17-21	PER HENDERSONVILLE COMMENTS	ZHG

CONCEPT PLAN
THE LANDINGS OF FLAT ROCK
S. ALLEN RD
HENDERSON COUNTY - HENDERSONVILLE - NC

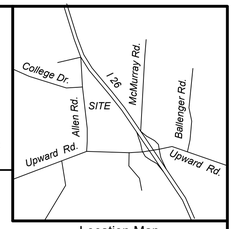
Scale:	AS NOTED
Date:	AUG 2020
Drawn By:	ZHG
Checked By:	HMSJ
Job No.:	E-6445

Sheet No.

LINE	BEARING	DISTANCE
L1	N 64°55'31" E	27.64
L2	N 52°26'26" E	16.17
L3	N 43°53'31" W	15.92
L4	N 29°13'26" E	53.64
L5	N 62°53'30" E	31.11
L6	N 69°42'48" E	49.75
L7	S 86°28'50" E	33.08
L8	N 66°07'12" E	11.35
L9	N 03°41'08" E	22.03
L10	N 53°45'46" E	30.52
L11	N 90°00'00" E	23.50
L12	N 50°37'35" E	22.87
L13	S 17°19'07" E	18.55

Legend

- Property Line
- Computed Property Line
- Right of Way Line
- Easement Line
- Tie Lines
- Old Plat Book Line
- Existing Iron Rod/Pipe
- NIR
- Point Not Set/Computed Point
- Well



Location Map
(Not to Scale)

Notes:

1. No NCGS Monuments found within 2000' of property.
2. This project is not located within a special flood hazard area.
3. Area calculated by coordinate geometry.
4. All lines surveyed by Survey Carolina, PLLC are indicated by bold lines. All lines not surveyed by Survey Carolina, PLLC are indicated by dashed lines.
5. No attempt was made by this survey to locate all underground utilities nor any other easements that would be revealed by a title search.
6. This property is within 1/2 mile of a Farmland Preservation District.
7. Tax PIN: 9588127382

I, Dan W Tanner II, certify that this map was drawn under my supervision from an actual GPS/ GNSS survey made under my supervision and the following information was used to perform the survey:
(1) Class of survey: Class A
(2) Positional accuracy: <0.10'
(3) Type of GNSS field procedure: Real-Time Kinematic Networks
(4) Dates of survey: July 02, 2020
(5) Datum/Epoch: NAD83(2011) / 2010.00
(6) Published/Fixed-control use: North Carolina Real Time Network
(7) Geoid model: Geoid 12A
(8) Combined grid factor(s): 0.99977982
(9) GPS/GNSS Scale Point:
N:582,340.69 E:981,405.04 E= 2142.32
(10) Units: US Survey Feet

I, Dan W Tanner II, Professional Land Surveyor, certify that this survey completed with accuracies of:
Horizontal: 0.2'
Vertical: 0.2'

Topographic information collected during field Survey: July, 2020 and October, 2020.
Date of This Plat: November 1, 2020

NORTH CAROLINA PROFESSIONAL SEAL L-4787 LAND SURVEYOR DAN W TANNER II

Dan W Tanner II
Digitally signed by Dan W Tanner II
Date: 2020.11.09 17:27:28 -05'00'

Zoned: O & I
Setbacks: Front ROW: 20'
Side, Rear: 10'

Owner:
Peggy C Cabe et al
5133 Boylston Hwy
Mills River, NC 28759

Sheet 1 of 2
Topographic Survey For:
NC LLC

Blue Ridge Township ***Henderson County***
North Carolina ***November 1, 2020***
Deed Book:3578 Pg:329
Plat Book: 2002 Page: 4376
Plat Book: 2020 Page: 12688
Scale: 1" = 40 US Survey Feet

Bar Scale:
0 40 80 120

SURVEY CAROLINA, PLLC
154 S. Fayetteville St, Suite B, Asheboro, NC 27203
Phone Number: 336 625-8000
Email: mail@surveycarolina.com

Firm #: P-1110
Dan W Tanner II L-4787
© 2020 Survey Carolina, Pllc
Job #: 12071

Ordinance #

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR PARCEL NUMBER 9588-12-4337 BY AMENDING CONDITIONAL ZONING ORDINANCE #20-0591

IN RE: Parcel Number: 9588-12-4337 –The Landings of Flat Rock Site Plan Amendment (File # P21-50-CZD MOD)

WHEREAS, the City Council adopted Ordinance #20-0591, An Ordinance Amending the Official Zoning Map of the City of Hendersonville which rezoned Parcel Number 9588-12-4337 (previously 9588-12-7382, the "Subject Parcel") from Henderson County OI Office Institutional to PRD CZD Planned Residential Development Conditional Zoning District; and

WHEREAS, Ordinance #20-0591 approved a site plan for the subject parcel and imposed conditions governing development of the Subject Parcel, which conditions were consented to by the Owner of the Subject Parcel; and

WHEREAS, as adopted, Ordinance #20-0591 approved the development of a 32,000 square foot assisted living facility and an 85,000 square foot independent living facility on approximately 8.449 acres; and

WHEREAS, the City is in receipt of a Conditional Rezoning Amendment application from Carolina Commercial Contractors, LLC (applicant) and Henderson Propco LLC (Property Owner) for the subject parcel, consisting of a proposed revised site plan for the subject parcel, to allow the subject parcel to be subdivided into two (2) parcels and for City Council to grant a height exemption in accordance with section 5-14-6.5 "Building Height" of the zoning ordinance; and

WHEREAS, the Planning Board took up this application at its regular meeting on November 8th2021; voting unanimously to recommend City Council approve the requested amendments, finding that the proposed amendments were consistent with the Comprehensive Plan's Future Land Use map, and that the rezoning is reasonable and in the public interest, and

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

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

1. Pursuant to Article XI of the Zoning Ordinance of the City of Hendersonville, North Carolina, the Zoning Map is hereby amended by adopting the following modifications to Conditional Zoning Ordinance #20-0591:

   a. The revised site plan is approved as presented, including the subdivision of the subject

property into two (2) parcels.

b. Grant a height exemption in accordance with section 5-14-6.5 “Building Height” of the zoning ordinance

2. Except as modified by this Ordinance, all other terms and conditions of Conditional Zoning Ordinance #20-0591 shall remain in full force and effect and shall govern the development on the Subject Parcel, and the same are hereby ratified and incorporated herein by reference.

3. In addition to the requirements of Conditional Zoning Ordinance #20-0591, as modified by this Ordinance, development of the parcel shall occur in accordance with the final site plan requirements of Article VII of the Zoning Ordinance of the City of Hendersonville, North Carolina.

4. The property Final plans for the project shall comply with approved plans, conditions imposed, allowable uses, and terms of Conditional Zoning Ordinance #20-0591 as amended by this Ordinance, and all applicable provisions of the Hendersonville Zoning Ordinance and Code of Ordinances.

5. This ordinance shall be effective upon its adoption.

Adopted this 2nd day of December 2021.

_____

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

_____

Angela L. Reece, City Clerk

Approved as to form:

_____

Angela S. Beeker, City Attorney

Ordinance #20-0591

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR A PORTION OF PARCEL NUMBER 9588-12-7382 BY CHANGING THE ZONING DESIGNATION FROM HENDERSON COUNTY OFFICE INSTITUTIONAL TO PRD-CZD PLANNED RESIDENTIAL DEVELOPMENT CONDITIONAL ZONING DISTRICT.

WHEREAS, the City is in receipt of a Conditional Rezoning application from Agemark Acquisition, LLC, Peggy C. Cabe, Enno F. Camenzind, Joan C. Fleming, John Thomas Fleming, Paula C. Carter, Lynda Hill Camenzind, Brenda Merrill Camenzind, Charles Norman Carter and Robert O. Camenzind for the development of a 32,000 square foot assisted living facility and an 85,000 square foot independent living facility on approximately 8.449 acres, and

WHEREAS, the Planning Board took up this application at its regular meeting on November 9th, 2020; voting 5-0 to recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville, and

WHEREAS, City Council took up this application at its regular meeting on December 3rd, 2020, 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:

   A portion of parcel number 9588-12-7382 from Henderson County Office Institutional to PRD-CZD Planned Residential Development Conditional Zoning District.

2. Development of the parcel shall occur in accordance with the final site plan requirements

of Article VII of the Zoning Ordinance of the City of Hendersonville, North Carolina, and shall be subject to the site limitations and conditions stipulated on the published List of Uses and Conditions.

3. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 3rd day of December, 2020.

Barbara G. Volk

Barbara G. Volk, Mayor, City of Hendersonville

Attest:

Angela L. Reece, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney

IN RE: The Landings of Flat Rock
(File # P20-36-CZD) Ordinance #20-0591
PIN # 9588-12-7382

STATE OF NORTH CAROLINA, COUNTY OF HENDERSON

I, Amy H. Knight, 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; Angela L. Reece, in her capacity of City Clerk; and Angela S. Beeker, in her capacity as City Attorney, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

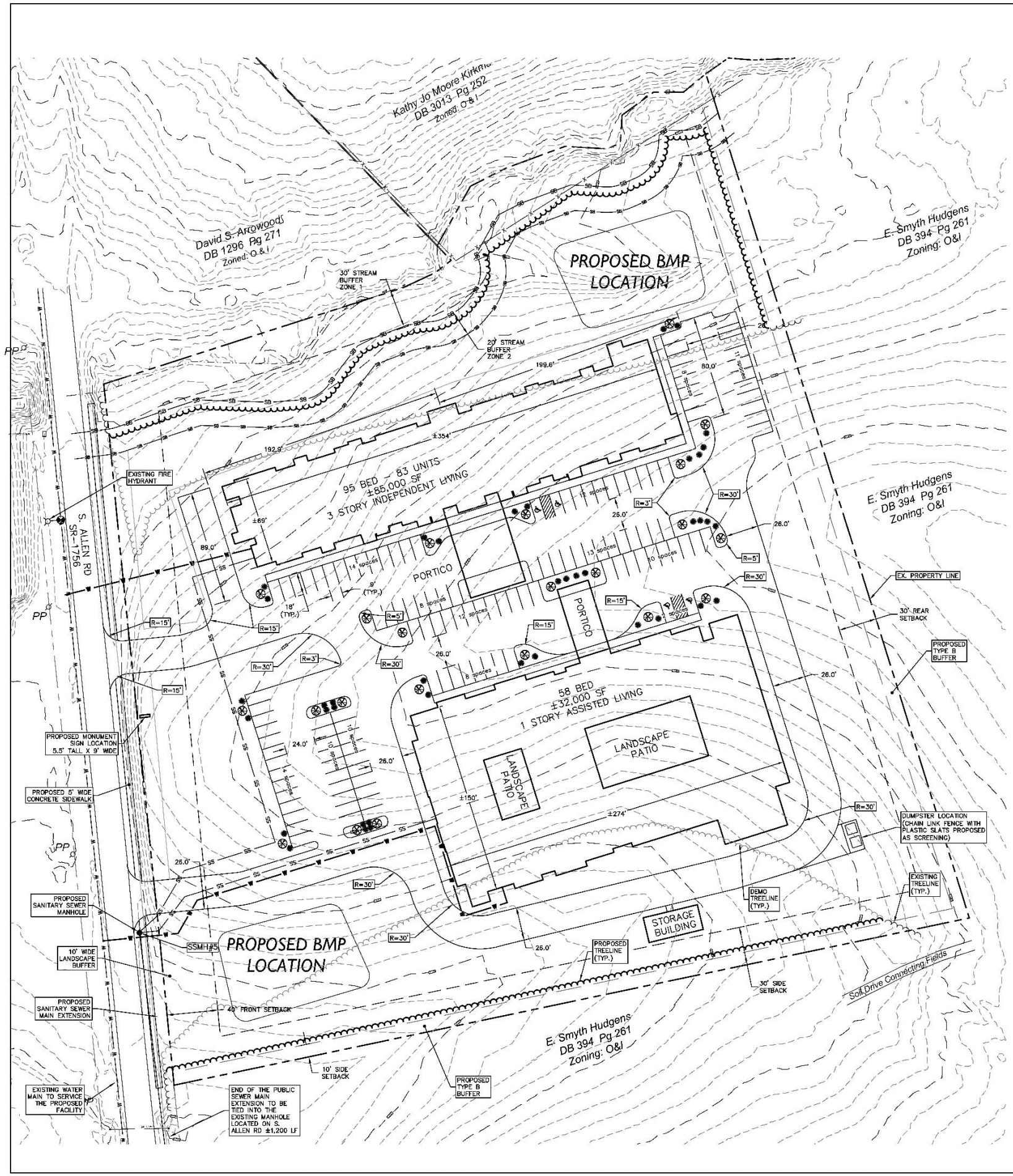
Witness my hand and notarial seal, this _____ day of _____, 2020.

My commission expires:

_____

Amy H. Knight

Appendix F



PRELIMINARY PLAN PRELIMINARY NOTE:

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SITE NOTES:

1. PARCEL BOUNDARIES ARE SHOWN PER SURVEY PLAT RECEIVED FROM SURVEY CAROLINA, PLLC DATED , AUGUST 17TH 2020.
2. TOPOGRAPHIC DATA IS SHOWN PER LIDAR INFORMATION AND FIELD SURVEY RECEIVED FROM SURVEY CAROLINA, PLLC DATED Nov. 9TH, 2020.
3. EXISTING WATER AND SANITARY SEWER ARE SHOWN PER INFORMATION RECEIVED FROM HENDERSON COUNTY WATER AND SEWER.
4. THE PROJECT PARCEL WILL BE ANNEXED TO THE CITY OF HERDERSONVILLE , SUBJECT TO APPROVAL FROM THE CITY OF HENDERSONVILE STAFF, PLANNING BOARD AND CITY COUNCIL.

PARKING REQUIRED: ALL PARKING CALCULATIONS HAVE BEEN ESTIMATED BASED OFF OF AVAILABLE INFORMATION ON THE NUMBER OF REQUIRED EMPLOYEES, BEDS AND UNITS.

1 PER EACH INDEPENDENT DWELLING UNIT
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1 PER EACH 10 INDEPENDENT DWELLING UNITS FOR VISITORS PLUS
1 X (80 UNITS/10) = 8.3 VISITOR SPACES
1 PER EVERY EMPLOYEE ON THE LARGEST SHIFT PLUS
1 X (20 EMPLOYEES) = 20 SPACES
1 PER EVERY 4 BEDS FOR ASSISTED LIVING OR NURSING CARE BEDS.
1 X (58 BEDS/4) = 14.5 SPACES
83 + 8.3 +20 + 14.5 = 125.8 (126) PARKING SPACES REQUIRED

5. HANDICAP SPACES SHALL BE INSTALLED PER ADA REQUIREMENTS.
6. OBTAIN ALL APPLICABLE PERMIT APPROVALS PRIOR TO ANY CONSTRUCTION.
7. CONFIRM UTILITY SIZE AND LOCATION WITH ARCHITECTURAL DESIGN PRIOR TO CONSTRUCTION.

WATER AND SEWER UTILITY TIE IN LOCATIONS ARE SHOWN ON THIS PLAN FOR REFERENCE ONLY.

8. A PUBLIC SANITARY SEWER MAIN EXTENSION WILL BE REQUIRED FOR THIS PROJECT. THE NEAREST SANITARY SEWER MANHOLE IS LOCATED ±1,200 LF SOUTH OF THE PROJECT LOCATION ON SOUTH ALLEN RD.
9. IN ORDER TO ENSURE THE SITE WILL DRAIN PROPERLY THE ENTIRE PROJECT LIMITS WILL BE CLEARED AND GRUBBED, GRADED AND FINAL STORM DRAINAGE WILL BE PUT IN PLACE IN PHASE 1. PHASE 1 CONSTRUCTION WILL ALSO INCLUDE THE CONSTRUCTION OF THE ASSISTED LIVING FACILITY AND THE MAJORITY OF PARKING AND DRIVEWAY AREAS. PHASE 2 WILL CONSIST OF CONSTRUCTING THE INDEPENDENT LIVING FACILITY AND ADJUSTING PARKING AREAS NEAR THE BUILDING.
10. PROPOSED TREELINE IS SUBJECT TO CHANGE WITH FINAL GRADING PLAN DESIGN AND SHOULD BE CONSIDERED APPROXIMATE AND FOR REFERENCE ONLY.

DENSITY CALCULATION:

MAXIMUM DENSITY: 20 PEOPLE PER ACRE
ALLOWABLE DENSITY: 20 PEOPLE X 8.07 ACRES(OUTSIDE OF RIGHT OF WAY)
161 PEOPLE
PROPOSED RESIDENTS: 95 BEDS + 58 BEDS = 153 BEDS

OPEN SPACE NOTES:

OPEN SPACE REQUIRED: 65% OF PROJECT AREA
351,469 SF (8.07 AC) OUTSIDE OF RIGHT OF WAY
351,469 SF X 0.65 = 228,454 SF
ROOF AND CANOPY AREA: 67,299 SF
VEHICULAR USE AREA: 85,075 SF
REMAINING OPEN SPACE: 199,095 SF (56%)

LANDSCAPE BUFFER NOTES:

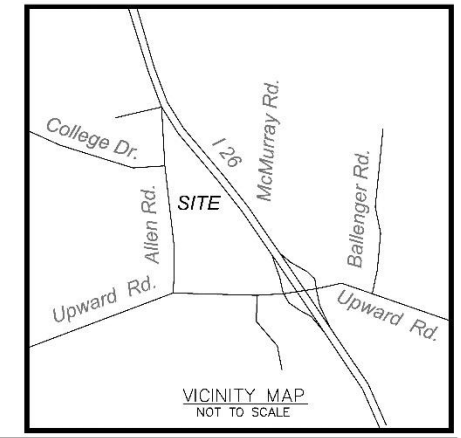
1. STREETYARD:
NO PROPOSED STREETYARD IS REQUIRED DUE TO 60 FT RIGHT OF WAY WIDTH.

2. EASTERN AND SOUTHERN BOUNDARY:
ADJOINING PROPERTY TO THE EAST AND TO THE SOUTH IS ZONED OFFICE AND INSTITUTIONAL. PER SECTION 15-6 TABLE OF BUFFER REQUIREMENTS, INSTITUTIONAL USES ARE NOT REQUIRED TO PROVIDE BUFFERS WHEN ADJOINING INSTITUTIONALLY ZONED PROPERTY. TO THE EXTENT POSSIBLE, EXISTING TREES LOCATED ON THE SOUTHERN PROPERTY BOUNDARY WILL BE MAINTAINED.

3. NORTHERN PROPERTY BOUNDARY:
THE NORTHERN BOUNDARY WILL CONSIST OF AN UNDISTURBED 30' STREAM BUFFER. THE EXISTING LANDSCAPING IN THE EXISTING STREAM BUFFER EXCEEDS THE LANDSCAPE BUFFER REQUIREMENTS AND WILL BE MAINTAINED.

PARKING LOT LANDSCAPING NOTES

1. VEHICULAR USE AREAS WILL REQUIRE 1 TREE AND AT LEAST 2 SHRUBS PER EVERY 4,000SF OF VEHICULAR USE AREA.
2. VEHICULAR USE AREA PROPOSED: 85,075 SF
3. REQUIRED PARKING LOT LANDSCAPING:
85,075 / 4,000 = 22 TREES & 44 SHRUBS
4. PARKING LOT LANDSCAPING PROPOSED:
22 CANOPY TREES (RED MAPLES)
44 EVERGREEN SHRUBS



VICINITY MAP
NOT TO SCALE

SITE DATA TABLE

ADDRESS	471 MCMURRAY RD, FLAT ROCK, NC 28731 (S. ALLEN RD)
OWNER	E. SMYTH HUDGENS
OWNER ADDRESS	5133 BOYLSTON HWY, MILLS ROVER, NC
DEVELOPER	CAROLINA COMMERCIAL CONTRACTORS, LLC
DEVELOPER ADDRESS	PO BOX 159, SANFORD, NC 27331
DEVELOPER PHONE	919-776-4641
PIN#	9588127382
PARCEL SIZE (PER SURVEY)	8.449 ACRES
DEED BOOK/PAGE	394/261
EXISTING ZONING	O&I
PROPOSED ZONING	PRD-CZD
EXISTING LAND USE	VACANT
PROPOSED LAND USE	ASSISTED AND INDEPENDENT LIVING
SETBACKS	FRONT = 40 FT SIDE = 30 FT REAR = 30 FT
PARKING REQUIRED	126 SPACES
PARKING PROVIDED	132 (INCLUDING 4 HANDICAP SPACES)
SITE DISTURBED AREA	±8.0 ACRES (ESTIMATED)
PROPOSED IMPERVIOUS AREA	±4.0 ACRES (TO BE DETERMINED WITH FINAL DESIGN)
TOTAL BUILDING AREAS (INCLUDING CANOPY OVERHANGS)	±1.67 AC
TOTAL PARKING AND DRIVE AREAS	±2.02 AC
TOTAL LANDSCAPED AND OPEN SPACE	±4.76 AC (4.76/8.449=
COMMON OPEN SPACE REQUIRED	500 SF/UNIT
PROPOSED DWELLING UNITS	141
PROPOSED OPEN SPACE	STREAM BUFFER OPEN SPACE = ±32,235 SF GENERAL OPEN SPACE = ±47,309 SF TOTAL PROVIDED OPEN SPACE = 79,544 SF

DRAWING LEGEND

EXISTING MAJOR CONTOUR
EXISTING MINOR CONTOUR
EXISTING STORM PIPE
PROPERTY LINE
ADJOINING PROPERTY LINE
SETBACK LINES
EXISTING WATER LINE
EXISTING WATER VALVE
EXISTING FENCE TO REMAIN
STREAM BUFFER
PROPOSED CANOPY TREE
PROPOSED EVERGREEN SHRUB

GRAPHIC SCALE
(IN FEET)
1 inch = 40 ft.

HUMON GRID

PRELIMINARY CIVIL SITE DEVELOPMENT PLANS

Summey Engineering Associates, PLLC
Engineering - Land Planning - Consulting
PO Box 968
Asheboro, NC 27204
Phone: 336-328-0903 Fax 336-328-0922
Email - info@summeyengineering.com
NC Professional Engineering Firm License No. P-0356

No.	Date:	Description:	By:
A	11-09-20	PER HENDERSONVILLE COMMENTS	ZHG
B	11-23-20	PER HENDERSONVILLE COMMENTS	ZHG
C	11-30-20	PER HENDERSONVILLE COMMENTS	ZHG

PRELIMINARY SITE PLAN
THE LANDINGS OF FLAT ROCK
S. ALLEN RD
HENDERSON COUNTY - HENDERSONVILLE - NC

Scale:	AS SHOWN
Date:	NOV 2020
Drawn By:	MG
Checked By:	MGJ
Job No.:	E-6445

Sheet No. C-3

F:\E-6445 Carolina Commercial - Cory Mabus - East Flat Rock Assisted Living, Hendersonville\PDWG\C-6445 Base P-2020-11-16.dwg, 11/30/2020 12:28:54 PM, Zach Todd Phillips\PDF Printer

City of Hendersonville Community Development Department
100 N. King Street Hendersonville, NC 28792
(828) 697-3010

LIST OF USES AND CONDITIONS

Name/Address: The Landings of Flat Rock
File #: (File # P20-36-CZD)
PIN#: 9588-12-4337

1. STIPULATED USES:

Only the following uses are authorized for the referenced development:

a) Accessory structures
b) Congregate care facilities
c) Home Occupations

2. CONDITIONS:

Shall be attached to the conditional rezoning and satisfied prior to issuance of final Site Plan approval:

City-Initiated Conditions:

a) 7-3-3.2 (n): Provide a survey showing tree line before site preparation with species and diameter of trees 12 inches or greater DBH (diameter at breast height)
b) 5-14-6.6 & Section 15: Provide a landscaping plan that shows tree and shrub locations within the proposed 10-foot type B buffer along the east, south and west property lines.

Developer-Initiated Conditions:

a) Provide a total area open space of 56% rather than the required 65% Special Requirement for Congregate Care Facilities and the 60% requirement for the Planned Residential Development Zoning District.
b) Use a bed-based density calculation rather than the bedroom-based density calculation from section 16-4-10 (d) of the Zoning Ordinance:

3. REQUIRED ATTACHMENTS

The following shall be attached to the Conditional Rezoning:

a) Final plans for the project shall comply with approved plans, the conditions agreed to on the record of this proceeding and applicable provisions of the Hendersonville Zoning Ordinance and Code of Ordinances.

City of Hendersonville Community Development Department
100 N. King Street Hendersonville, NC 28792
(828) 697-3010

With their signatures below, the undersigned applicant(s) and property owner(s) consent to and agree to the imposition of all conditions stated.

Applicant: Agemark Acquisition LLC

Signature: by _____, Manager

Printed Name: Charles E. Trefzger

Date: 6/1/2021

Title within LLC: MANAGER

Property Owner

Henderson Propco LLC

Signature: _____

Printed Name: CHARLES TREFZGER

Date: 6/1/2021

Title Within LLC: Manager

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

APPLICATION FOR CONDITIONAL ZONING DISTRICT AMENDMENT

Section 7-6-3 City Zoning Ordinance

The following are required to amend a Conditional Zoning District:
- **~ This form including the property owner(s) signature(s)**
- **~ Appropriate fee**
- **~ 2 copies of the amended site plan.**

Date	**9-21-2021**
Name of Project	The Landings of Flat Rock
Address / Location of Property	471 McMurray Road, Flat Rock, NC, 28731
List 10 digit PIN or 7 digit PID Number for each property	9588-12-4337
Contact Information	Carolina Commercial Contractors, LLC
Address	1600 Colon Rd. Sanford, NC 27330
Phone	919-776-4641
Fax	
Email	
Proposed change(s) to Conditional Zoning District	The property parcel has a proposed subdivision into two lots. One lot will have a proposed assisted living while the other lot will have the proposed independent living facility.
Designated Agent	W. Carter Keller - Carolina Commercial Contractors, LLC
Address	1600 Colon Rd. Sanford, NC 27330
Phone	910-580-6744

Signature _____

Official Use:
DATE RECEIVED: _____ **BY** _____ **FEE RECEIVED $** _____ **FILE NO.** _____

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Proposed Conditions for the site:	Assisted Living Facility with the intention of installing a separate independent living on the site at a later date.

It is important that the applicant consider the following factors. See Section 11-4 of the Zoning Ordinance for more information. Please use additional pages and/or attachments if necessary:

Explain consistency with City's Comprehensive Plan:	This project will comply with all City of Hendersonville parking, landscaping, setbacks and all other requirements noted in the zoning ordinance.
Explain compatibility with surrounding land uses:	The land that is located directly across S. Allen Rd from the project parcel is currently used for hospice and medical care.
Explain whether changed conditions require a map amendment:	
Explain how the petition is in the public interest:	If approved the proposed project would provide adeqaute and safe housing for the elderly residents of the community. This facility would provide job opportunities for professionals in the medical field.

City Of Hendersonville
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Explain whether adequate public facilities are available:	Public water is available on S. Allen Rd. The project applicant would extend the existing public sewer main to the project parcel.
Explain the impact the petition would have on the natural environment:	The project will comply with all applicable state and local codes in order to ensure the safety of the natural resources of The City of Hendersonville, Henderson County and the State of North Carolina.
Additional information:	

Note additional approvals prior to issuance of a Zoning Compliance Permit may include, but are not limited to:

1. **Henderson County Sedimentation & Erosion Control permit**
2. **Stormwater management plan**
3. **Utility approval**
4. **NCDOT permit**
5. **Any other applicable permits as determined by Community Development Department**

City Of Hendersonville
Community Development Department
100 N. King Street Hendersonville, NC 28792
Phone (828)697-3010 Fax (828)697-6185
www.hendersonvillenc.gov

Applicant:

Printed Name W. Carter Keller - Carolina Commercial Contractors, LLC

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

Signature _____

Title Manager Email corey@carolinacommercialnc.com

Address of Applicant 1600 Colon Rd. Sanford, NC 27330

Printed Name _____

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

Signature _____

Title _____ Email _____

Address of Applicant _____

Printed Name _____

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

Signature _____

Title _____ Email _____

Address of Applicant _____

City Of Hendersonville
Community Development Department
100 N. King Street Hendersonville, NC 28792
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www.hendersonvillenc.gov

Property Owner:

Printed Name Henderson Propco, LLC

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

Signature Henderson Propco, LLC

Title General Counsel Email notices@stonevilleacceptance.com

Address of Property Owner 471 McMurray Road, Flat Rock, NC 28731
P.O. Box 26255, Winston-Salem, NC 27114 (mailing)

Printed Name _____

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

Signature _____

Title _____ Email _____

Address of Property Owner _____

Printed Name _____

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

Signature _____

Title _____ Email _____

Address of Property Owner _____

City Of Hendersonville
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Property Owner:

Printed Name_____

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

Signature_____

Title_____ Email_____

Address of Property Owner_____

_____

Printed Name_____

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

Signature_____

Title_____ Email_____

Address of Property Owner_____

_____

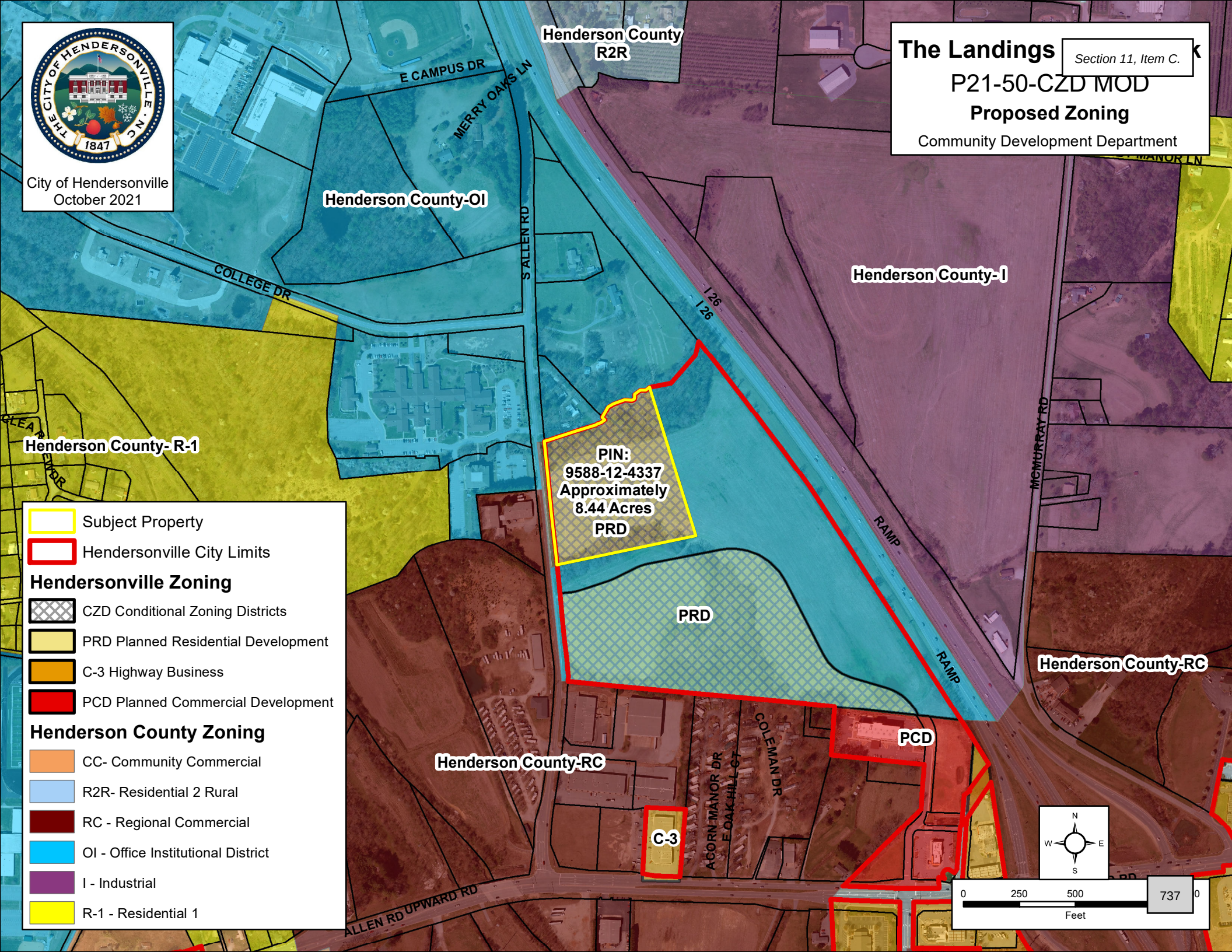
* Property owner hereby grants permission to the City of Hendersonville personnel to enter the subject property for anypurpose required in processing this application.

* Signature of the property owner acknowledges that if the property is rezoned, the property involved in this request isbound to the use(s) authorized, the approved site plan and any conditions imposed, unless subsequently changed oramended as provided for in the Zoning Ordinance.

* If signed by an agent on behalf of the Owner, this petition MUST be accompanied by a Limited Power of Attorney signedby 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

The Landings
P21-50-CZD MOD
Proposed Zoning
Community Development Department

City of Hendersonville
October 2021



Planning Report
Neighborhood Compatibility Meeting
Application for a Conditional Zoning District
Landings of Flat Rock File # P21-50-CZD
Tuesday, September 28, 2021 2:00 p.m.

Tyler Morrow, Planner II, convened the compatibility meeting at 2:00 pm in the Assembly Room of the City Operations Building, 305 Williams Street. The applicant and four City staff were in attendance and four attended via Zoom. The following attended:

Name	***Address***	***Name***	***Address***
Matt Manley	staff		
Tyler Morrow	staff		
Terri Swann	staff		
Alexandra Hunt	staff		
Corey Mabus. App	Sanford, NC		

Mr. Morrow opened the meeting explaining this is the Neighborhood Compatibility meeting for the Landings of Flat Rock project. This is the first step in the process. This will go to the Planning Board and the Tree Board for their review. After that it will go before City Council for the final decision.

Pre-submitted public comments for today's meeting were accepted via the City of Hendersonville website and via email. There were no pre-submitted comments for this project. Comments and questions will also be accepted during today's meeting, both in-person and through zoom by following these procedures: Participants must use the raise hand feature to make comments or ask questions. At the appropriate time, we will identify users by name and unmute you. You may need to click "participants" to see the raise hand feature. On the telephone, you must press star-9. If you are in the room and would like to speak, please make yourself known and we will direct you up to the podium. Before you speak, please state your name and address to be included in the record.

The subject property is currently zoned PRD CZD, Planned Residential Development Conditional Zoning District. This rezoning was approved by City Council in December 2020. The original site plan was shown. Mr. Morrow stated the applicant requested to make changes to the site plan and that triggered it back through the process. This is for an amendment to a previously approved application. The zoning will not change and will remain PRD CZD. The project will still consist of a one-story, 32,000 sq. ft. assisted living facility and a three-story, 85,000 sq. ft. independent living facility.

The change is to split the development into two parcels. Staff has not started the formal review for this but will start the review after this meeting. They will be limited to what is approved on the site plan.

Following the developer's presentation, you will be able to question the developer about points which remain unclear. Questioning shall center on the proposal's compatibility as presented. We will identify speakers in order and unmute you.

Before you speak, please give your name and address for the record. Minutes of this meeting are being recorded and will be forwarded to the Planning Board and City Council.

Mr. Morrow stated Zach Gardner is on the zoom call and asked if he would like to speak about the project.

Zach Gardner, Summey Engineering stated Corey Mabus should be attending via zoom soon. He stated the only change is the subdivision of the property. The square footage of the buildings will not change. They have made a few changes to the easements, but the overall design will remain the same.

Mr. Morrow asked if anyone would like to speak via zoom.

Ken Fitch, 1046 Patton Street stated why is it two parcels. Will they have separate owners for each parcel? How will they manage it? Will it be the same agreement? If one fails how will they live up to the requirements? Are there two entities? Who is responsible for the two driveways with two owners? This will be connecting to an adjacent parcel so in terms of the impact, does this serve a need? Traffic is a big issue with another development being built in the area. A TIA was not required for the other development but with two developments now it will be an issue. Will the assisted living facility have separate owners? The adjacent project and the traffic adjustment at the entrances may have an effect on the projects and this could be an issue for staff. When both projects are under construction what will happen? There is also an issue with the trees. What existing trees will exist? They say they will save as many trees as they can but sometimes that is not enough, and it will affect the buffer. Construction of major buildings does have an impact on vegetation.

Mr. Morrow asked if anyone would like to speak that is in attendance.

Corey Mabus, landholder and developer stated he cannot address the neighbors concerns regarding traffic but the owners will remain the same for both parcels. It will be operated by the same company. Due to financing restraints in the market, they want to separate the parcels so they can finance them separately. That is the only reason for this change.

Mr. Morrow stated the two parcels do appear adjacent, but they actually are not. There is a flag parcel between them. The deceleration lane was not required by NCDOT, but they would support it. The other project is actually on the other side of the street closer to Upward Road on South Allen. It is not on the same side.

Mr. Morrow explained what a flag lot is. He also stated this is an amendment. The Landings of Flat Rock has already received approval and anything outside of the what's being amended is off the table. The original conditions still stand.

Mr. Fitch asked if the developer will be the owner of a dual entity. Mr. Mabus stated the developer will own both facilities and the project will be part of their portfolio of what they already own.

Mr. Fitch asked if the financing fell through what would happen. Mr. Mabus stated they do anticipate the financing failing.

Mr. Fitch asked about a TIA. Mr. Morrow stated a TIA is not required for this project.

Mr. Morrow stated the guidance on amendments comes from the City Attorney.

Mr. Morrow stated the Planning Board will hear this application in November and the City Council will have the final decision in December.

With no further comments or questions, Mr. Morrow closed the meeting at 2:20 pm.

V(C) Conditional Zoning District - Application for a conditional zoning district amendment from Carolina Commercial Contractors, LLC. The applicant is requesting to amend the conditional zoning district on the subject property, PIN 9588-12-4337 and located on S. Allen Road. Mr. Morrow gave the following background:

The subject property was rezoned from Henderson County I, Industrial and OI, Office Institutional District to PRD CZD, Planned Residential Development Conditional Zoning District by City Council in December of 2020 for the construction of a one-story, 58 bed, 32,000 sq. ft. assisted living facility and a three-story, 95 bed, 85,000 sq. ft. independent living facility.

The proposed amendment is to allow the subject property to be subdivided into two parcels. The existing zoning is staying the same. This will still be considered a single development. Both parcels (if subdivided) will be tied to the approved site plan and uses. The property is 8.449 acres.

A Neighborhood Compatibility meeting was held September 28, 2021. No members of the public attended in person and only one citizen attended via Zoom. He had questions concerning ownership of the property, management of the property and traffic issues.

Parcels to the north are zoned Henderson County Office Institutional. To the east the parcel is bordered by a large vacant property that was annexed into the City and will be developed in the future. Parcels to the south around the intersection of Upward Road and South Allen Road are zoned Henderson County Regional Commercial, City of Hendersonville C-3, Highway Business and City of Hendersonville Planned Residential Development and contain commercial uses, a high density manufactured housing development and the Waterleaf at Flat Rock project which is a proposed 263-unit apartment complex. Parcels to the east across South Allen Road are zoned Regional Commercial which houses an RV campground and Henderson County Office Institutional which houses 4 Seasons Hospice and the Elizabeth House.

The 2030 Comprehensive Plan's Future Land Use Map designates this parcel as Regional Activity Center. Parcels to the north, east and south are also designated Regional Activity Center. This is the same designation as the previous project. Chapter 8, Land Use development goal is to fill in the infill areas with compatible uses.

The assisted living facilities normally have low traffic. This is included in the priority growth area and will extend infrastructure to the property.

Existing conditions of the site were shown.

There is a Blueline Stream on the property and the Transitional Area was shown on the site plan. There is a 10-foot Type B buffer along the southern property line.

Mr. Morrow discussed the height exemptions. He stated there is a section in the ordinance that states City Council must grant exemptions on height. The developer did provide a sun study and they will maintain shadows on their property.

The Design Review Committee reviewed the project. It does comply with the zoning code. There were only a few minor things added.

Staff does not have any recommended conditions. The Tree Board did not review this amendment.

Mr. Johnson asked about the design of the sidewalk. Mr. Morrow stated it will have to be 5 feet in width. They will have to extend it through the driveway and the sidewalk must run property line to property line.

He asked since the previous project is a middle property between these two will there be a connection to it. Mr. Morrow stated that has not been determined yet.

Chair asked if each of the buildings met the parking requirements. Mr. Morrow stated yes, this is considered one large building.

Chair asked if there were any further questions for staff. There were no further questions.

Corey Mabus with Carolina Commercial Contractors stated the site plan is the same as the last time. They are only needing to subdivide the property due to financing. Things are tough in the Covid world and financing is easier on two tracts.

Chair asked if there were any further questions. There were no further questions.

Chair opened the public comment and asked if anyone present would like to speak. No one spoke.

Chair asked if anyone via zoom wanted to speak. No one spoke via zoom. Chair closed the public comment time.

Mr. Brown moved the Planning Board recommend that City Council adopt an ordinance amending the approved site plan associated with the PRD-CZD zoning designation for the subject parcel (PIN 9588-12-4337) on the official zoning map of the City of Hendersonville, based on the site plan submitted by the applicant finding that the amended zoning is consistent with the Comprehensive Plan's Future Land Use map, and that the rezoning is reasonable and in the public interest for the following reasons: This development is within a priority growth area as designated in the comprehensive plan (Chapter 8). The property is classified as a development opportunity as designated in the comprehensive plan (Chapter 8). The development provides additional senior housing options for the City of Hendersonville. Mr. Jones seconded the motion which passed unanimously.

City of Hendersonville

Certification of Mailing of Public Notice

IN RE: Landings of Flat Rock File # P21-50-CZD

I hereby certify that official notice of the City Council Meeting on December 2, 2021, has been sent with regard to this matter by U.S. Mail on the date indicated below and as specified in this document.

The parties to whom notice was mailed are indicated on the sheets attached hereto as Exhibit A. Those listed on Exhibit A were mailed the letter, a copy of which is attached as Exhibit B.

Date Mailed: 11.15.21

Site posted this date per Section 7-4-8 of the City of Hendersonville Zoning Ordinance.

Terri Swann
Terri Swann
Administrative Assistant III

Henderson County, North Carolina

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

Date: 11/15/2021

Notary Signature: Jf L Pickens

Notary Printed Name: Jennifer L Pickens
(Official Seal)

My Commission Expires: Nov 26, 2026

JENNIFER L. PICKENS NOTARY PUBLIC HENDERSON CO., NC

Peter G. Bloomfield
642 Dunroy Drive
Hendersonville, NC 28739

Pauline Kuykendall
640 Upward Road
Flat Rock, NC 28731

Hospice of Henderso
571 S. Allen Road
Flat Rock, NC 28731

Upward and Others, LLC
3737 Howard Gap Road
Hendersonville, NC 28792

Anne E. Dyer
1040 Broadleaf Drive
Johnson City, TN 37601

John A. Hudgens, Jr., Family Ltd. Part.
819 McMurray Road
Flat Rock, NC 28731

Anita W. Heatherly
James G. Heatherly
149 Fawn Spring Lane
Flat Rock, NC 28731

Lemuel C. Oates
3737 Howard Gap Road
Hendersonville, NC 28792

Justus Business Center LLC
620 Crest Road
Flat Rock, NC 28731

Hendersonville Physicians & Assoc., LLC
229 Airport Road
Arden, NC 28704

Daniel Roger Moore
Kathy Jo Moore Kirkman
3801 Eagle Downs Way
Summerfield, NC 27358

David Scott Arrowood
Kim Hedrick Arrowood
586 S. Allen Road
Flat Rock, NC 28731

Partners in Health Condominium
104 College Drive
Flat Rock, NC 28731

Upward Road Development Group LLC
7 Park Road
Asheville, NC 28803

Rhodes Lodging Group LLC
PO Box 793
Highlands, NC 28741

Leland E. Johnson
Betty R. Johnson
PO Box 613
Hendersonville, NC 28793

RDMA Enterprises LLC
PO Box 422
Flat Rock, NC 28731

Blue Ridge Technical Institute
180 W. Campus Drive
Flat Rock, NC 28731

Henderson Propco, LLC
PO Box 2568
Hickory, NC 28603

Summey Engineering Assoc., PLLC
Attn: Zach Gardner
PO Box 968
Asheboro, NC 27204

Carolina Commercial Contractors
Attn: Corey Mabus
1600 Colon Road
Sanford, NC 27330

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY
PLANNING DIVISION

SUBMITTER: Tyler Morrow, Planner II

MEETING DATE: December 2, 2021

AGENDA SECTION: Public Hearing

DEPARTMENT: Community Development

TITLE OF ITEM: Rezoning: Standard Rezoning - 0 South Allen Road PIN 9588-22-1126 (P21-60-RZO) – *Tyler Morrow, Planner II*

SUGGESTED MOTION(S):

For Approval of C-3:

I move City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property PIN 9588-22-1126 from Henderson County Office Institutional to C-3 Highway Business finding that the rezoning is consistent with the Comprehensive Plan's Future Land Use map designation of Regional Activity Center and that the rezoning is reasonable and in the public interest for the following reasons:

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

1) That the zoning map amendment is consistent with the 2030 Comprehensive Plan, Chapter 8 – Land Use & Development.
2) That the rezoning is compatible with the surrounding land uses.
3) That it is reasonable and in the public's interest to approve the application because it will advance goals related to the Comprehensive Plan.

[DISCUSS & VOTE]

For Denial of C-3 and Approval of CHMU:

I move City Council deny the rezoning of the subject property (PIN 9588-22-1126) from Henderson County Office Institutional to C-3 Highway Business for the following reasons:

[Please state reasons describing why this development is not good for the community. Example suggestions below or include your own]

4) The rezoning is not consistent with the Comprehensive Plan *[if applicable]*.
5) The rezoning is not compatible with the surrounding uses. *[if applicable]*.
6) The rezoning is not in the public interest because *[state why if applicable]*.
7) There are not adequate public facilities and services such as water supply, wastewater treatment, fire and police protection and transportation available to support the proposed amendment. *[if applicable]*.
8) The rezoning will have a detrimental impact on the natural environment *[if applicable]*.

I further move City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property PIN 9588-22-1126 from Henderson County Office Institutional to CHMU Commercial Highway Mixed Use finding that the rezoning is consistent with the Comprehensive Plan's Future Land Use map designation of Regional Activity Center and that the rezoning is reasonable and in the public interest for the following reasons:

	[Please state reasons describing why this development is not good for the community. Example suggestions below or include your own] 9) The zoning map amendment is consistent with the 2030 Comprehensive Plan, Chapter 8 – Land Use & Development. 10) The rezoning is compatible with the surrounding land uses. 11) It is reasonable and in the public's interest to approve the application because it will advance goals related to the Comprehensive Plan. [DISCUSS & VOTE]

SUMMARY: The City is in receipt of a Zoning Map Amendment (Standard Rezoning) application. The applicants are requesting initial zoning from the City of Hendersonville for C-3, Highway Business District. The subject property, PIN 9588-22-1126 is located on S. Allen Road. The subject property is approximately 17.13 acres. This property was annexed into the City of Hendersonville on September 2nd, 2021. NCGS 160D-202(g) provides that upon annexation, the County's zoning will stay in place until the City zones the property or 60 days from the effective date of the annexation, whichever is sooner. If the 60 days elapses without the City zoning the property, it becomes "un-zoned" until the City zones it.

PROJECT/PETITIONER NUMBER:	(P21-60-RZO)
PETITIONER NAME:	Peggy C. Cabe / Enno F. Camenzind / Paula Camenzind Carter/ Robert O. Camenzind/ Joan C. Fleming
ATTACHMENTS:	1. Staff Report 2. Survey 3. Ordinance for C-3 4. Ordinance for CHMU 5. Application 6. Comparison between C-3 and CHMU Uses 7. Applicant Proposed Zoning Map 8. Planning Board Proposed Zoning Map 9. CHMU Directing Staff 10-12-02 City Council Minutes 10. Creating CHMU 11-03-03 City Council Minutes 11. Upward Road Planning District Map 12. November 2021 Planning Board Minutes 13. Certificate of Mailing.

0 South Allen Road (PIN 9588-22-1126) Zoning Map Text Amendment/ Rezoning (P21-60-RZO)

CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

Staff Report Contents

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PROJECT SUMMARY

Applicant: *Peggy C. Cabe, Enno F. Camenzind, Paula Camenzind Carter, Robert O. Camenzind, Joan C. Fleming*

Property Owner: *Peggy C. Cabe, Enno F. Camenzind, Paula Camenzind Carter, Robert O. Camenzind, Joan C. Fleming*

Property Address: 0 South Allen Road

Project Acreage: 17.13 Acres

Parcel Identification Number(s): 9588-22-1126

Current Parcel Zoning: Henderson County Office Institutional

SITE VICINITY MAP

Summary Statement of Applicant Rezoning Request

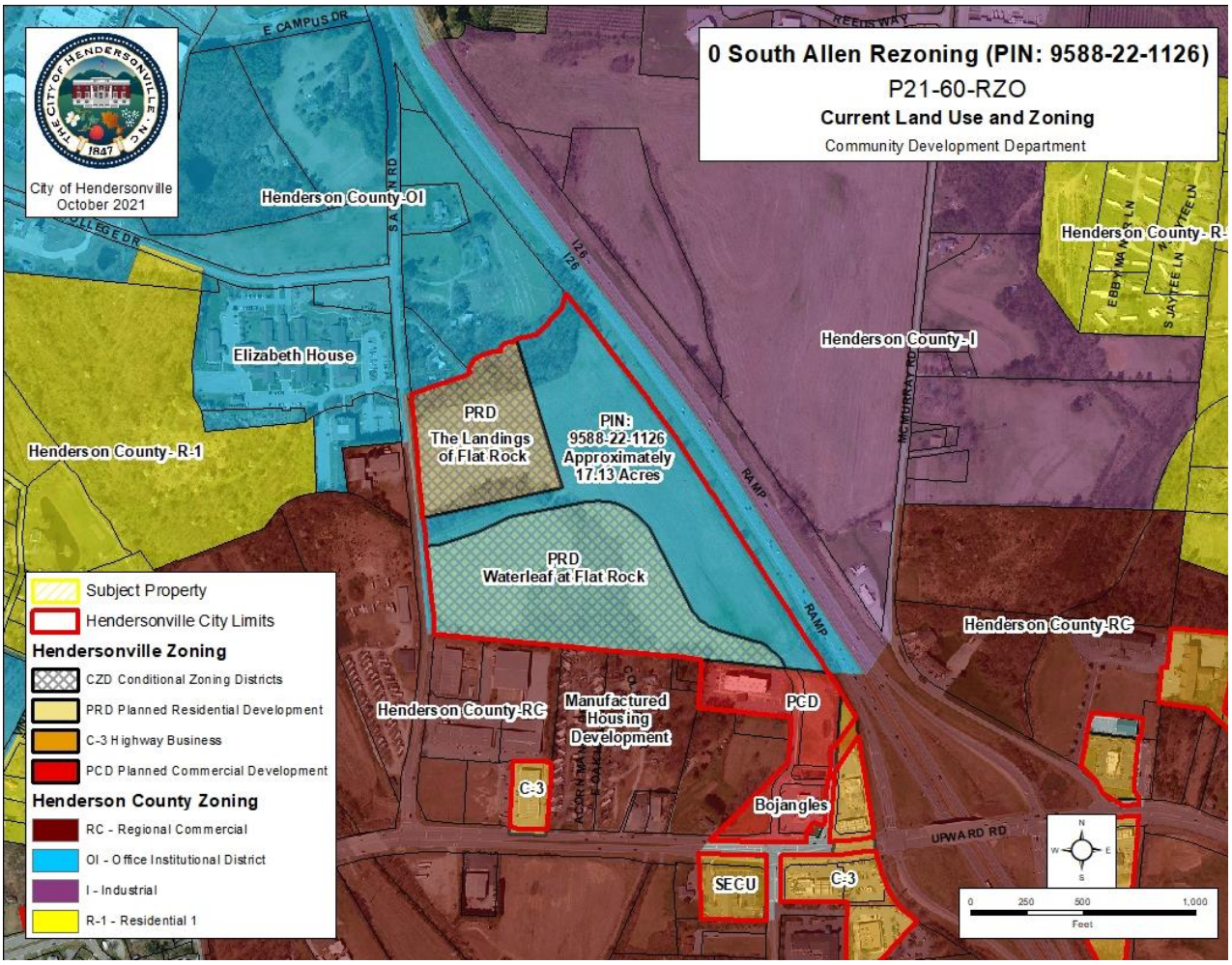
The City is in receipt of a Zoning Map Amendment (Standard Rezoning) application from Peggy C. Cabe, Enno F. Camenzind, Paula Camenzind Carter, Robert O. Camenzind, Joan C. Fleming (property owners). The applicants are requesting initial zoning from the City of Hendersonville for C-3, Highway Business District. The subject property, PIN 9588-22-1126 is located on S. Allen Road. The subject property is approximately 17.13 acres.

This property was annexed into the City of Hendersonville on September 2nd, 2021. NCGS 160D-202(g) provides that upon annexation, the County's zoning will stay in place until the City zones the property or 60 days from the effective date of the annexation, whichever is sooner. If the 60 days elapses without the City zoning the property, it becomes "un-zoned" until the City zones it.

The applicant is requesting that the parcel be zoned C-3 Highway Business.

Staff's analysis and a comparison between CHMU and C-3 can be found later in the staff report.

PROJECT SUMMARY - CONTINUED



To the east, the subject property is bordered by two recently zoned Planned Residential Developments, the Landings of Flat Rock and Waterleaf at Flat Rock. The Landings of Flat Rock is a proposed development for a 153-bed facility with a mix of assisted living and independent living for seniors. The Waterleaf at Flat Rock is a proposed 263-unit apartment complex. Both of these projects establish the transitioning intensity from commercial uses along Upward Rd to multi-family extending up S. Allen Rd. The subject property and parcels to the north are zoned Henderson County Office Institutional and Henderson County Industrial. To the east, the parcel is bordered by I-26 providing the site with significant visibility from the interstate. Parcels to the east on the opposite side of I-26 are zoned Henderson County Industrial. To the south, parcels around the interchange of Upward Rd and I-26 are zoned Henderson County Regional Commercial, City of Hendersonville C-3 Highway Business and City of Hendersonville Planned Commercial Development and contain various commercial uses such as Holiday Inn Express, Bojangles, and State Employees Credit Union.

SITE CONDITIONS – SITE IMAGES

Facing North – View of tree line found along northern portion of the subject property

SITE CONDITIONS – SITE IMAGES

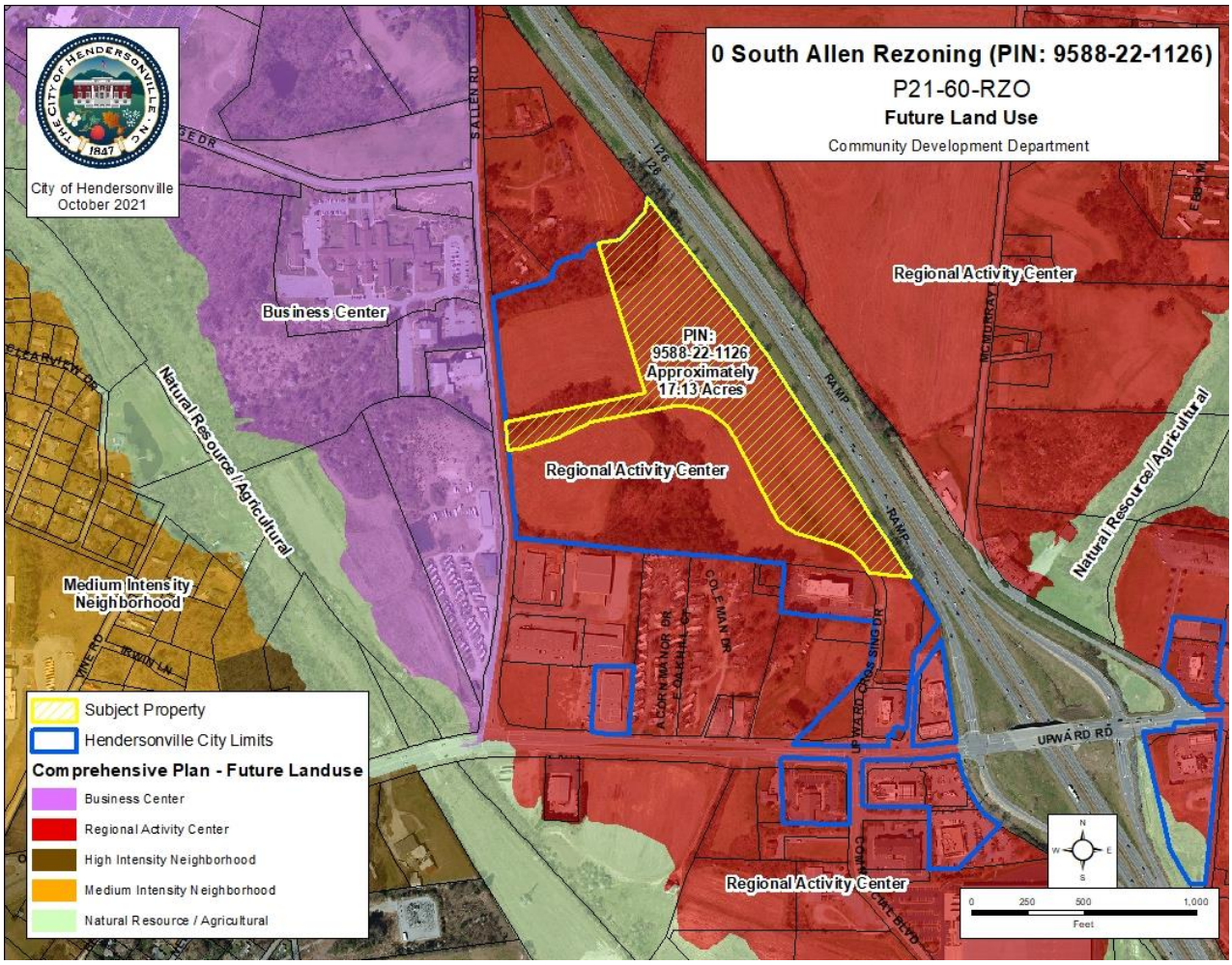
Facing South – I-26 to the east with Holiday Inn Express along Upward Crossing Rd visible to the south.

AERIAL PHOTOS

View from the north

View from the South

REZONING CRITERIA:
COMPREHENSIVE PLAN CONSISTENCY



The 2030 Comprehensive Plan's Future Land Use Map designates this parcel as Regional Activity Center. Parcels located to the north, east and south are also designated Regional Activity Center. This future land use designation is specifically concentrated in this area due to its proximity to I-26 and is intended to for community & regional retail sales and services, restaurants, multi-family residential and offices.

The parcels to the west of S. Allen Rd are designated as Business Center. This land use designation, which calls for employment centers developed in a campus-like environment, is present at this location due to the large undeveloped tracts in close proximity to I-26, the existing presence of Blue Ridge Community College, and the fact that it is naturally buffered from existing residential uses by the floodplain of Bat Fork Creek.

Goal LU-9.

Regional Activity Center: Meet the large-scale retail needs of Hendersonville residents while encouraging mixed-use, walkable design through redevelopment and infill projects.

Strategy LU-9.1.

Locations:

- Commercial areas surrounding the US-64/I-26 and Upward Road/I-26 interchanges

Strategy LU-9.2.

Primary recommended land uses:

- Community and regional retail sales and services
- Restaurants

Strategy LU-9.3.

Secondary recommended land uses:

- Multi-family residential
- Offices
- Public and institutional uses
- Pedestrian amenities

Strategy LU-9.4.

Development guidelines:

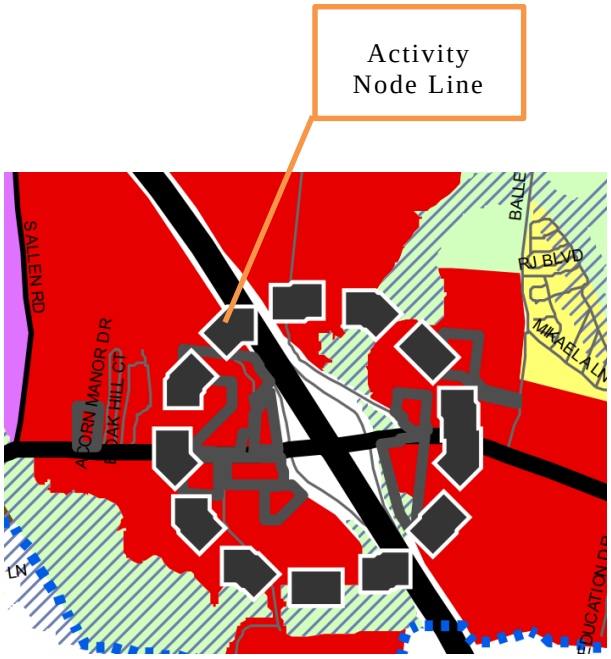
- Mitigation of bulk of large buildings through façade detailing and window coverage
- Hiding of large parking lots (more than one double-row deep) from thoroughfares with outlot structures
- Provision of pedestrian connections to parking and other buildings and properties

Example of a Regional Activity Center

The subject area is designated Regional Activity Center on the 2030 Comprehensive Plan's Future Land Use Map.

Activity Nodes:

- Encouragement of multi-story, mixed-use buildings with retail on ground floors and office/residential on upper floors
- Placement of new buildings close to the street along thoroughfares (less than 20 feet) encouraged
- Location of all parking to the side or rear of buildings or in a garage encouraged
- Improved pedestrian connections to surrounding neighborhoods



COMPREHENSIVE PLAN CONSISTENCY–CONTINUE

Growth Management

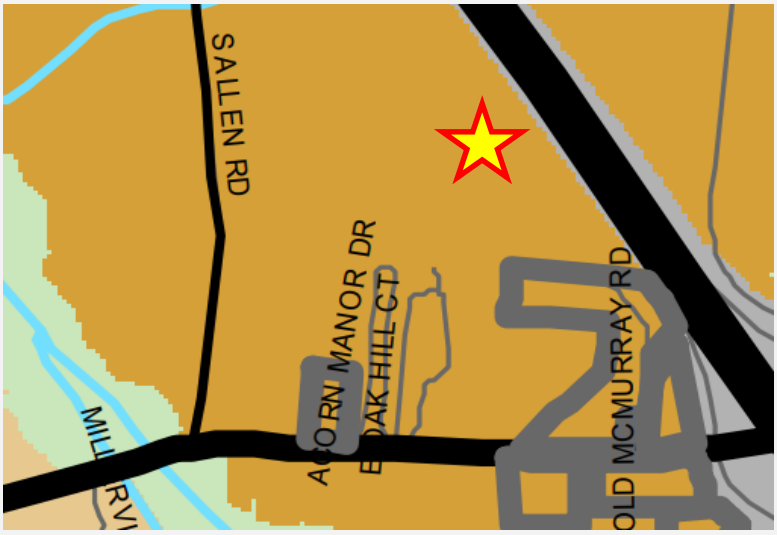
Priority Growth Areas (orange):

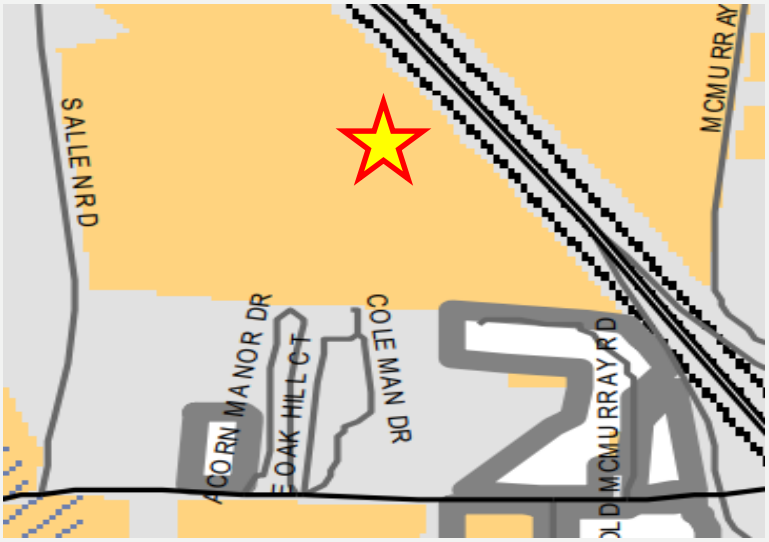
Areas that are considered a high priority for expansion of the ETJ, annexation, and extension of infrastructure and services

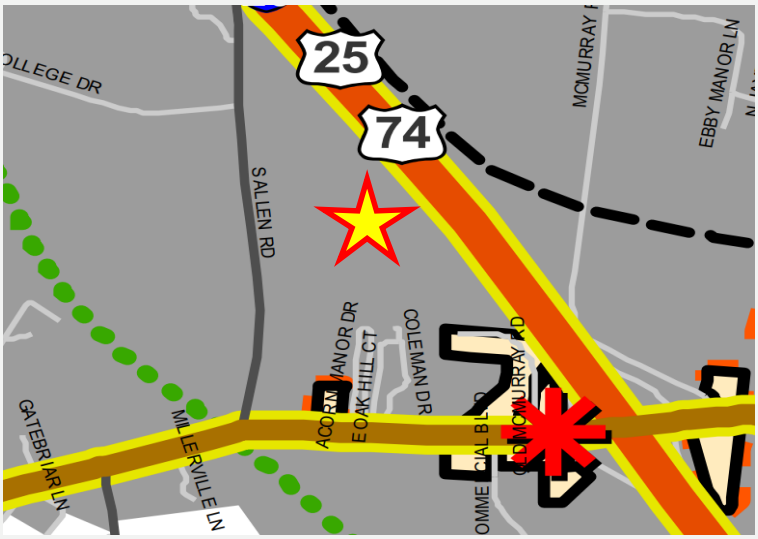
Development Opportunities (includes vacant land, agricultural land, and single-family residential properties greater than five acres)

Road Designations

- Freeway
- Boulevard
- Major Thoroughfare
- Minor Thoroughfare
- Proposed Improvement
- Local Street







STAFF ASSESSMENT & COMPREHENSIVE PLAN CONSISTENCY:

ZONING COMPLIANCE:

The C-3, Highway Business District, has been proposed by the applicant. This zoning district is specifically designed to accommodate local and pass-through automobile trips to a wide range of commercial uses such as: Car Washes, Car Dealerships, Body Shops, Gas Stations, Driving Ranges, Hotels & Motels, Personal Service, Retail Stores, Wholesale Businesses, and Single-family / Two-family residential uses. A full list of permitted uses is provided in the appendix along with a comparison of uses found in the CHMU, Commercial Highway Mixed Use District.

In 2010 Henderson County Board of Commissioners voted against the City of Hendersonville extending its Extraterritorial Jurisdiction (ETJ) into the Upward Road Corridor. Although the extension of the ETJ was turned down, the City maintained a goal to manage the growth pattern in this area due to anticipated development pressures and subsequent requests for sewer connections. City Manager Ferguson gave City Council several options to consider at their meeting on December 2, 2010.

Those options were:

1) Conditioning sewer and/ or water extensions on voluntary compliance with the City's plans for quality land development,
2) Influencing Henderson County land use decisions by adopting a resolution urging Henderson County to enact certain regulations and providing input to various processes as the corridor develops, and
3) Adopting a new zoning district: the Commercial Highway Mixed Use Zoning District - which may be applied to those properties that are annexed and which may be applicable in other areas of the City.

After discussion, the City Council agreed by majority consensus to direct the staff and the Planning Board to continue developing the Commercial Highway Mixed Use (CHMU) zoning district classification in compliance with the Henderson County Land Development Plan and to examine the utility extension agreement and make provisions for property owners requesting sewer service to meet the City's requirements for that area.

On March 3rd, 2011, City Planning Staff brought forward a proposal for the creation of the Commercial Highway Mixed Use District. Planning Director Sue Anderson explained that the intent was to apply this zoning classification to properties in the Upward Road area that wish to annex into the City of Hendersonville in order to obtain sewer connections. She explained the new zoning classification was closely modeled after the Highway Mixed Use zoning district which includes design standards for buildings and development sites. It was reported that the Planning Board voted unanimously to recommend that City Council adopt the ordinance enacting a new CHMU Zoning District Classification.

Mayor Pro Tern Collis moved City Council to adopt an ordinance enacting a new Section 5-27 Commercial Highway Mixed Use Zoning District Classification of the Zoning Ordinance. A unanimous vote of the Council followed. Motion carried.

Additionally, City Council created the Upward Road Planning District in line with the City’s sewer extension policy. A map of the Upward Road Planning District is attached in your packet. The subject property is within the Upward Road Planning District. The Upward Road Planning District is a direct reflection of the proposed ETJ expansion that was turned down by the Henderson County Board of Commissioners.

C-3 and CHMU Permitted Uses Comparison Table

Use Type	Allowed in Both	Allowed in C-3 Only	Allowed in CHMU Only
Permitted Uses	47	11	13
Special Uses	2	5	0

*A full list of use comparisons is included in the packet.

One of the largest differences between the two districts is that CHMU permits for Multi-Family residential uses by-right, while C-3 does not permit high density residential uses. Given that this property is designated for mixed use development in the comprehensive plan, the ability to allow for multi-family condominiums or apartments as part of a mixed-use development is important to consider and offers flexibility to current and future property owners.

The other, most critical, difference between the C-3 and CHMU is the design standards that are included in the Commercial Highway Mix Use District. C-3 does not have any type of design or architectural standards, only conventional dimensional standards. These generally result in buildings setback far from the road with large parking lots between the street and the building.

Some of the design standards that are included in CHMU are:

- Building Orientation
- Building Façade Details
- Building Scale
- Building Materials
- Building Offsets

This is not an exhaustive list of the design requirements in CHMU; but provides a sample of the type of architectural considerations that are addressed.

COMPREHENSIVE PLAN CONSISTENCY:

The property is designated as Regional Activity Center on the City's Future Land Use map. The goal of this designation is to "Meet the large-scale retail needs of Hendersonville residents while encouraging mixed-use, walkable design through redevelopment and infill projects." Both C-3 and CHMU provide the framework to allow this parcel to meet the large-scale retail needs of Hendersonville residents. However, where the two differ is in regard to "mixed-use, walkable design". C-3 does not permit mixed-use development due to multi-family not being a permitted use. CHMU allows multi-family by right – thus providing the opportunity to incorporate residential uses with commercial uses and achieving the vision for the Regional Activity Center. Additionally, the standards to encourage walkable design are integrated into the CHMU district design standards while C-3 has no design standards.

Furthermore, one of the development guidelines for the Regional Activity Center future land use designation is the "Mitigation of bulk of large buildings through façade detailing and window coverage". This strategic vision is directly addressed in the CHMU district design standards by requiring additional requirements for windows and building façade.

Some of these standards include:

- Front, rear and side façades of buildings shall contain at least two building materials which shall contrast in color and texture. At least 15% of the façade, exclusive of windows, doors and trim, shall consist of stone, brick, decorative concrete or decorative block.
- Windows shall either be (1) recessed a minimum of three inches from the façade or (2) trimmed. If trim is used, it shall be a minimum of four inches (nominal) in width and shall project beyond the façade.

The subject property appears to be partially in an activity node. In the Comprehensive Plan Activity Nodes are areas of emphasis and additional regulations due to their visibility and future importance. A portion of this parcel is included in an activity node and the remainder is adjacent to the node. The additional standards are important to this parcel due to its high visibility from Interstate 26 and developability in the future. The additional standards for activity nodes are:

- Encouragement of multi-story, mixed-use buildings with retail on ground floors and office/residential on upper floors
    - Mixed Use Residential Development
        - C-3: No
        - CHMU: Yes
- Placement of new buildings close to the street along thoroughfares (less than 20 feet) encouraged
    - Setbacks:
        - C-3:
            - 35 (Front yard requirements may be reduced to ten feet for an accessory canopy structure for a commercial building or use, provided the primary structure or use con- forms to the established setback requirements.)
            - Side: 15
            - Rear: 20
        - CHMU (for multi-family with commercial on 1st floor):
            - Front: 10 feet
            - Sides: 15 feet plus 5 feet for each floor above 2.
            - Rear: 15 feet plus 5 feet for each floor above 2.
- Location of all parking to the side or rear of buildings or in a garage encouraged
    - Parking Requirements
        - C-3: None
        - CHMU (for multi-family with commercial on 1st floor):
            - Off-street parking shall be located in the rear or side yard only and shall be screened from view from public roadways. On-street parking is encouraged for private streets and drives.
- Improved pedestrian connections to surrounding neighborhoods
    - Common open space

- C-3: Common open space for non-residential developments shall be used for landscaping, lawns, screening or buffering. It may not contain any streets, parking or loading areas, outdoor storage, trash handling, utility or service areas, or areas with impervious surfaces other than sidewalks, recreational facilities and meeting areas. Sidewalks would be required along property frontages.
- CHMU: Common space is intended to shape the design and character of a project through a connecting system of pedestrian areas that create a relationship among the various components of the built environment. It shall be designed to create areas where workers, residents and shoppers, as the case may be, are directly or indirectly invited to gather, browse, sit, interact or congregate. It shall be arranged as community space with open areas, landscaping, seating facilities and lighting fixtures which provide for safety and visual effects. Common spaces are intended to be places for social interaction and, thus, may include impervious surfaces. Sidewalks would be required along property frontages.

CRITERIA FOR ZONING MAP AMENDMENTS:

Chapter XI of the Zoning Ordinance provides standards for consideration of zoning map amendments. The following criteria are to be considered as part of the decision-making process. Bullet points under each factor provides general information as well a comparison between the C-3 and CHMU zoning districts.

Compatibility with Surrounding Uses

- The subject property abuts two recently approved Planned Residential Developments. One of the developments is a Congregate care facility (The Landings of Flat Rock) and the other PRD is a multi-family development (Waterleaf at Flat Rock). The summary details for these projects are found under the current land use map above. There is also a small portion of an existing Planned Commercial Development to the south of this property.
- C-3: Given the proximity to and visibility from I-26, intense highway commercial uses are likely to want to locate on the subject property. However, the subject property is not directly adjacent to a major thoroughfare and given the recent approval of residential uses adjacent to this site, the intensity of development afforded by the C-3 would be incompatible with the surrounding land uses.
- CHMU: Staff believes that CHMU provides standards that provide greater assurances that a commercial or mixed-use development will be compatible with surrounding commercial and residential uses.

Changed Conditions

- The City is zoning this property since it was annexed into the City on September 2nd, 2021.
- The most apparent change in conditions in this area is the two recent rezonings mentioned previously along with the extension of sewer and associated increase in traffic that will be a result of these approved developments.
- C-3: How the C-3 zoning district would relate to these recent changes in conditions is

covered in the previous section.

- CHMU: How the CHMU zoning district would better relate to these recent change in conditions is covered in the previous section.

Public Interest

- C-3: This zoning district is in the public interest because it affords the development of commercial uses which have higher rates of tax revenue.
- CHMU: This zoning district classification is equally in the public interest due to potential tax revenue, however it furthers the public interest because it provides an opportunity for commercial or mixed-use development that will be visually appealing from I-26 and it will better foster development along the Upward Road Corridor. Additionally, the development standards related to walkability are also in the public interest.

Public Facilities

- The property is already annexed into the city and will receive City services. Water and sewer will be extended to this property as a part of the two approved PRDs.
- C-3: Provision of city services will be identical regardless of zoning classification, as is the case for all properties within the city limits.
- CHMU: Provision of city services will be identical regardless of zoning classification, as is the case for all properties within the city limits.

Effect on the Natural Environment

- The lot is already mostly cleared and used for agricultural purposes. Depending on land disturbance on the site, stormwater control measures may be required for future development.
- C-3: There is no anticipated difference in impact to the natural environment associated with development of the site other than the potential impact of more automobile-centric design that could diminish opportunities for walking/biking trips to and within the site.
- CHMU: There is no anticipated difference in impact to the natural environment associated with development of the site other than the potential impact of a more walkable design that could increase opportunities for walking/biking trips to and within the site.

Staff Conclusion

Due to a number of factors, including previous Planning Board and Council action, Comprehensive Plan Consistency, compatibility with surrounding land uses and public interest, staff has concluded that CHMU is the most appropriate zoning district to ensure compatibility with current/proposed land uses and to facilitate quality future development

PLANNING BOARD SUMMARY OF ACTION

Summary of Planning Board Discussion

- Mr. Hanley stated if they are going to sale it, they will be looking for the biggest, widest window and who knows what the new owner will do with the property. Mr. Manley stated if the project is less than 50,000 sq. ft. it will not come before this Board for a CZD. They could possibly do the project by right and not have to come back to the Planning Board. Getting this done correctly with the right uses makes it very important that they get the zoning done right today.
- Mr. Lastein stated they had to annex and then have 60 days for the City to rezone it. He wants what is best for the landowner and with 2,000 feet on the interstate side they feel that C-3, Highway Business is their best option. Mr. Blatt stated it could be used for commercial or residential. Mr. Morrow stated C-3 does not allow multi-family. It only allows single and two family. Mr. Blatt stated he feels like C-3 is reasonable given the 2,000 feet on the interstate side.
- Mr. Blatt asked if the developer of the two approved projects is the same. Mr. Lastein stated no, they are two new owners of both of those projects. Mr. Blatt asked if he has a statement from those folks concerning this project. Mr. Lastein stated no, he does not.

Planning Board Motion

Ms. Peacock moved the Planning Board recommend City Council deny the rezoning of the subject property (PIN 9588-22-1126) from Henderson County Office Institutional to C-3 Highway Business for the following reasons: The rezoning is not consistent with the Comprehensive Plan. The rezoning is not compatible with the surrounding uses. The rezoning is not in the public interest because: There are not adequate public facilities and services such as water supply, wastewater treatment, fire and police protection and transportation available to support the proposed amendment. The rezoning will have a detrimental impact on the natural environment.

I further move that the 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 PIN 9588-22-1126 from Henderson County Office Institutional to CHMU Commercial Highway Mixed Use finding that the rezoning is consistent with the Comprehensive Plan's Future Land Use map designation of Regional Activity Center and that the rezoning is reasonable and in the public interest for the following reasons: That the zoning map amendment is consistent with the 2030 Comprehensive Plan, Chapter 8 – Land Use & Development. That the rezoning is compatible with the surrounding land uses. That it is reasonable and in the public's interest to approve the application because it will advance goals related to the Comprehensive Plan. Mr. Brown seconded the motion which passed unanimously.

13636

I, KEITH BURNS, REGISTERED LAND SURVEYOR NO. L-5265, CERTIFY TO ONE OR MORE OF THE FOLLOWING AS INDICATED THUS, ☒ OR ☐:

☐ A. THAT THIS PLAT IS OF A SURVEY THAT CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.

☐ B. THAT THIS PLAT IS OF A SURVEY THAT IS LOCATED IN SUCH PORTION OF A COUNTY OR MUNICIPALITY THAT IS UNREGULATED AS TO AN ORDINANCE THAT REGULATES PARCELS OF LAND.

☐ C. THAT THIS PLAT IS OF A SURVEY OF AN EXISTING PARCEL OR PARCELS OF LAND.

☒ D. THAT THIS PLAT IS OF A SURVEY OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION.

☐ E. THAT THE INFORMATION AVAILABLE TO THIS SURVEYOR IS SUCH THAT I AM UNABLE TO MAKE A DETERMINATION TO THE BEST OF MY PROFESSIONAL ABILITY AS TO PROVISIONS CONTAINED IN (A) THROUGH (D) ABOVE.

9/10/2021

KEITH BURNS
P.L.S. No. L-5265

I, KEITH BURNS, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL GPS SURVEY MADE UNDER MY SUPERVISION AND THE FOLLOWING INFORMATION WAS USED TO PERFORM
THE SURVEY:
(1) CLASS OF SURVEY: AA
(2) POSITIONAL ACCURACY: HOR: 0.05, VER: 0.08
(3) TYPE OF GPS FIELD PROCEDURE: REAL TIME KINETIC (RTK)
(4) DATES OF SURVEY: JULY 6, 2021
(5) DATUM/EPOCH: NAD 83/2011
(6) PUBLISHED/FIXED-CONTROL USE: AH 2421
(7) GEOID MODEL: 12A
(8) COMBINED GRID FACTOR(S): 0.99977722
(9) UNITS: US SURVEY FEET

9/10/2021

KEITH BURNS
P.L.S. No. L-5265

GRID TIE
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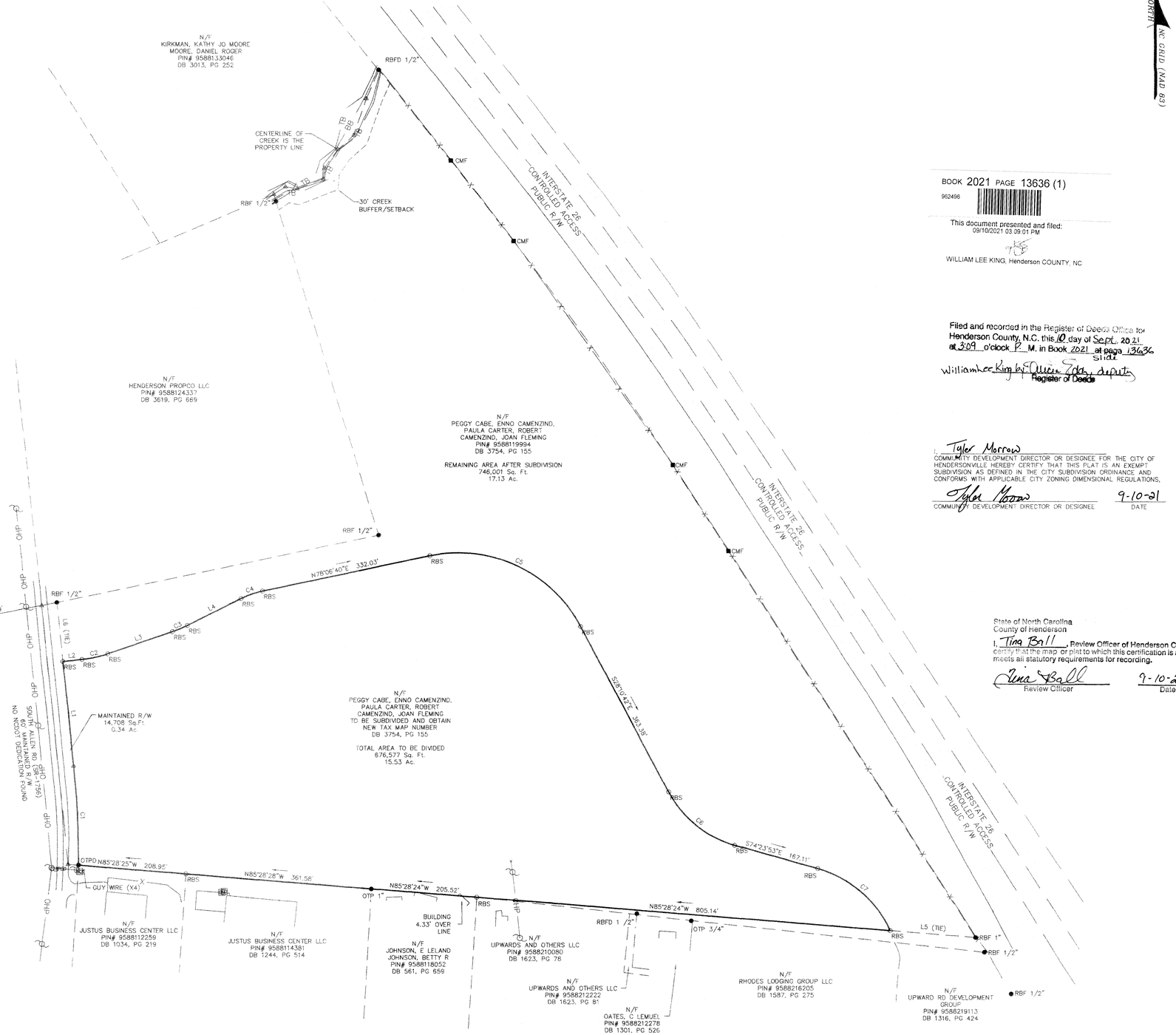
E: 975,106.20
EL: 2101.2
CF: 99977722



LINE TABLE		
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L2	N83°49'49"E	37.33'
L3	N71°03'51"E	132.59'
L4	N83°15'15"E	116.79'
L5	S85°28'24"E	166.41'
L6	N06°05'34"W	115.17'

CURVE TABLE					
LABEL	RADIUS	ARC	CHORD	CHORD BEARING	DELTA
C1	2119.44'	192.96'	192.89'	N02°54'35"W	5°12'59"
C2	230.00'	51.25'	51.14'	N77°26'50"E	12°45'59"
C3	230.00'	31.35'	31.33'	N67°09'33"E	7°48'35"
C4	170.00'	44.08'	43.96'	N70°40'58"E	14°51'25"
C5	270.00'	347.35'	323.89'	S65°02'01"E	73°42'38"
C6	210.00'	169.40'	164.85'	S51°17'18"E	46°13'11"
C7	220.00'	191.13'	185.18'	S49°30'33"E	49°46'40"

100 50 0 100 200
GRAPHIC SCALE

BOOK 2021 PAGE 13636 (1)
962496

This document presented and filed:
09/10/2021 03:09:01 PM

WILLIAM LEE KING, Henderson COUNTY, NC

Filed and recorded in the Register of Deeds Office for Henderson County, N.C. this 10 day of Sept. 2021 at 3:09 o'clock P. M. in Book 2021 at page 13636 Slide
William Lee King by: Alicia Zoda, deputy
Register of Deeds

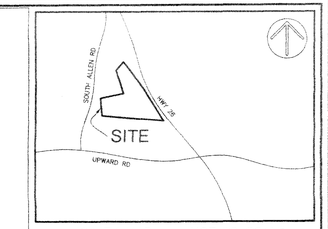
I, Tyler Morrow
COMMUNITY DEVELOPMENT DIRECTOR OR DESIGNEE FOR THE CITY OF HENDERSONVILLE HEREBY CERTIFY THAT THIS PLAT IS AN EXEMPT SUBDIVISION AS DEFINED IN THE CITY SUBDIVISION ORDINANCE AND CONFORMS WITH APPLICABLE CITY ZONING DIMENSIONAL REGULATIONS.

Tyler Morrow — 9-10-21
COMMUNITY DEVELOPMENT DIRECTOR OR DESIGNEE — DATE

State of North Carolina
County of Henderson

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

Tina Ball — 9-10-2021
Review Officer — Date



VICINITY MAP NOT TO SCALE

LEGEND

	△	CALC POINT
CMF	■	CONC. MONUMENT FOUND
RBF	●	IRON REBAR FOUND
RBFD	●	IRON REBAR FOUND DISTURBED
OTP	●	OPEN TOP PIPE
RBS	○	IRON REBAR SET
— TB —		TOP OF BANK
— BB —		BOTTOM OF BANK
—X—		FENCE LINE

NOTES

1. ALL DISTANCES ARE HORIZONTAL GROUND IN US SURVEY FEET UNLESS OTHERWISE SHOWN.
2. PARCEL LOCATED IN THE CITY OF HENDERSONVILLE.
3. BEARING REFERENCED TO NORTH CAROLINA STATE PLANE COORDINATE SYSTEM, NAD83
4. THIS PROPERTY LIES IN ZONES X AS SCALED FROM FLOOD INSURANCE RATE MAP #3700958800J, DATED OCTOBER 2, 2008
5. DATE OF FIELD SURVEY :07-06-2021
6. OWNER OF RECORD: PEGGY CABE, ENNO CAMENZIND,PAULA CARTER, ROBERT CAMENZIND, JOAN FLEMING
7. TOTAL ACREAGE: 32.66 ACRES, TO SUBDIVIDE 15.32 ACRES
8. 0.304 ACRE GAP OBSERVED BETWEEN PARCELS DURING SURVEY
9. NO CEMETARIES OR BURIAL GROUNDS WERE OBSERVED ON THE PROPERTY
10. EVIDENCE OF OLD WETLAND FLAGGING OBSERVED DURING SURVEY.

REFERENCES

1. MAP BY CLARENCE A. JENKINS, P.L.S. FOR E.S. HUDGENS DATED JULY 9, 2002 (PB 2002, PG 4376)
2. MAP BY WAGGONER & RHODES LAND SURVEYORS, INC. FOR JUSTUS BUSINESS CENTER, LLC. DATED OCTOBER 17, 2006 (PB 2007, PG 647?)
3. MAP BY SURVEY CAROLINA, PLLC FOR NC LLC DATED AUGUST 17, 2020 (PB 2020, PG 12688)

PREPARED FOR:
GRAYCLIFF CAPITAL
AN EXEMPT SUBDIVISION OF
±15.53 ACRE PARCEL BETWEEN SOUTH ALLEN ROAD & INTERSTATE 26
PARCEL ID No. 9588119994
CITY OF HENDERSONVILLE
HENDERSON COUNTY, NORTH CAROLINA

FIELD WORK:	JWW
FIELD CHECK:	WHG
DRAWN BY:	APD
DATE:	09-10-2021
SCALE:	1"=100'
PROJECT No.:	GSP-21065
FILE:	GSP-21065 TL.DWG
PAGE:	PAGE 1 OF 1

Blue Ridge Township

ATLAS SURVEYING, INC.
13331 YORK CENTER DRIVE, SUITE E
CHARLOTTE, NC 28273
PHONE: (980)949-8475
WEBSITE: WWW.ATLASSURVEYING.COM

NORTH CAROLINA PROFESSIONAL CERTIFICATE OF AUTHORITY — ATLAS SURVEYING CLT, P.C. No. C-4370

NORTH CAROLINA PROFESSIONAL SEAL L-5265 LAND SURVEYOR KEITH BURNS

I, KEITH BURNS, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED LISTED REFERENCES); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN LISTED REFERENCES; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY AS CALCULATED IS GREATER THAN 1:10,000; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.

WITNESS MY ORIGINAL SIGNATURE, REGISTRATION LICENSE NUMBER AND SEAL THIS 10TH DAY OF SEPTEMBER, A.D., 2020.

9/10/2021

KEITH BURNS
P.L.S. No. L-5265

Ordinance #

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR PARCEL NUMBER 9588-22-1126 BY CHANGING THE ZONING DESIGNATION FROM HENDERSON COUNTY OFFICE INSTITUTIONAL TO CITY OF HENDERSONVILLE C-3 HIGHWAY BUSINESS DISTRICT

IN RE: Parcel Number: 9588-22-1126 0 South Allen Road Rezoning
(File # P21-60-RZO)

WHEREAS, the City is in receipt of a Standard Rezoning application from Peggy C. Cabe, Enno F. Camenzind, Paula Camenzind Carter, Robert O. Camenzind, Joan C. Fleming

WHEREAS, the Planning Board took up this application at its regular meeting on November 8th, 2021; voting unanimously to recommend City Council deny the rezoning application of the subject property from Henderson County Office Institutional to City of Hendersonville C-3 Highway Business. The Planning Board further recommended that City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property from Henderson County Office Institutional to City of Hendersonville CHMU Commercial Highway Mixed Use, and

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

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

1. Pursuant to Article XI of the Zoning Ordinance of the City of Hendersonville, North Carolina, the Zoning Map is hereby amended by changing the zoning designation of the following: Parcel number 9588-22-1126 from Henderson County Office Institutional to City of Hendersonville C-3 Highway Business District

2. Any development of the parcels shall occur in accordance with the Zoning Ordinance of the City of Hendersonville, North Carolina.

3. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this second day of December 2021.

_____

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

_____

Angela L. Reece, City Clerk

Approved as to form:

_____

Angela S. Beeker, City Attorney

Ordinance #

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR PARCEL NUMBER 9588-22-1126 BY CHANGING THE ZONING DESIGNATION FROM HENDERSON COUNTY OFFICE INSTITUTIONAL TO CITY OF HENDERSONVILLE CHMU COMMERCIAL HIGHWAY MIXED USE DISTRICT

IN RE: Parcel Number: 9588-22-1126 0 South Allen Road Rezoning
(File # P21-60-RZO)

WHEREAS, the City is in receipt of a Standard Rezoning application from Peggy C. Cabe, Enno F. Camenzind, Paula Camenzind Carter, Robert O. Camenzind, Joan C. Fleming

WHEREAS, the Planning Board took up this application at its regular meeting on November 8th, 2021; voting unanimously to recommend City Council deny the rezoning application of the subject property from Henderson County Office Institutional to City of Hendersonville C-3 Highway Business. The Planning Board further recommended that City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property from Henderson County Office Institutional to City of Hendersonville CHMU Commercial Highway Mixed Use District, and

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

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

1. Pursuant to Article XI of the Zoning Ordinance of the City of Hendersonville, North Carolina, the Zoning Map is hereby amended by changing the zoning designation of the following: Parcel number 9588-22-1126 from Henderson County Office Institutional to City of Hendersonville CHMU, Commercial Highway Mixed Use District

2. Any development of the parcels shall occur in accordance with the Zoning Ordinance of the City of Hendersonville, North Carolina.

3. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this second day of December 2021.

_____

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

_____

Angela L. Reece, City Clerk

Approved as to form:

_____

Angela S. Beeker, City Attorney

CITY OF HENDERSONVILLE
DEVELOPMENT ASSISTANCE DEPARTMENT
100 N. King St. ~ Hendersonville, NC ~ 28792
Phone (828) 697-3010 ~ Fax (828) 697-6185
www.cityofhendersonville.org

ZONING ORDINANCE MAP AMENDMENT

Sections 4-1 and 11-1 of the City Zoning Ordinance

The following are required to constitute a complete application for a zoning map amendment:
~ This form and the property owner(s) signature(s), if applicable.
~ Appropriate fee.
~ A survey and/or metes and bounds description of the property.
Applications for zoning map amendments are due at least 30 days prior to any Planning Board Meeting.

Date	10/7/21	**Address / Location of Property**	0 South Allen Road
Current Zoning	Henderson County OI	**Proposed Zoning**	C-3

List the adjacent property parcel numbers & uses.

PIN or PID #	9588219113	**Adjacent Property Use**	Vacant / Commercial
PIN or PID #	9588118740	**Adjacent Property Use**	Vacant / Multi-Family
PIN or PID #	9588124337	**Adjacent Property Use**	Vacant / Congregate Care
PIN or PID #	9588133046	**Adjacent Property Use**	Residential

Applicant Name	ROBERT O. CAMENZIND, ET AL.
Address	5133 BOYLSTON HIGHWAY, MILLS RIVER, NC 28759

Phone	828-329-2956	Fax		E-mail	HCAMENZIND@RAMSEY-PRATT.COM

Property Owner: Name	ROBERT O. CAMENZIND, ET AL.
Address	5133 BOYLSTON HIGHWAY, MILLS RIVER, NC 28759

PIN or PID # 9588221126

Signature SEE ATTACHED

Printed Name _____

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

Section 11-4 Standards The advisability of amending the text of this Zoning Ordinance or the Official Zoning Map is a matter committed to the legislative discretion of the City Council and is not controlled by any one factor. In determining whether to adopt or disapprove the proposed amendment to the text of this Ordinance or the Official Zoning Map, the City Council shall consider the following factors among others:

a) **Comprehensive Plan Consistency.** Consistency with the Comprehensive Plan and amendments thereto.

Land is in a priority growth area proposed as a regional activity center that touches a main highway. Consistent with a commercial rezone.

b) **Compatibility with surrounding uses.** Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property.

Surrounding uses are PRD CZD, PCD, Single Family/Agriculture, and a Highway Interstate. With synergy of two surrounding PRDs the future use of land will serve the nearby residents and interstate travelers.

c) **Changed conditions.** Whether and the extent to which there are changed conditions, trends or facts that require an amendment.

Land was recently satellite annexed into the City of Hendersonvile as required by the state of North Carolina.

d) **Public Interest.** Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern that benefits the surrounding neighborhood, is in the public interest and promotes public health, safety and general welfare.

The remaining land will offer a great opportunity for commercial highway users to support the underserved communities on the south side of Henderson County.

e) **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.

Land owner proposes to privately extend city utilities and build a city standard road to service the remaining land between Upward Crossing Drive and South Allen Road. The facilities in this immediate area can support the future of commercial development on this site.

f) **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, stormwater management, streams, vegetation, wetlands and wildlife.

Future development will need to be consistent with the water and light management of PRD projects

EXHIBIT "A"

APPLICANTS & PROPERTY OWNERS

10/8/2021
DATE

Robert O. Camenzind
ROBERT O. CAMENZIND

Peggy C. Cabe, by and through her A-I-F, Robert Otto Camenzind
PEGGY C. CABE, **by and through her attorney-in-fact, Robert Otto Camenzind**

Lynda Hill Camenzind, by and through her A-I-F, Robert Otto Camenzind
LYNDA HILL CAMENZIND, **by and through her attorney-in-fact, Robert Otto Camenzind**

Enno F. Camenzind, by and through his A-I-F, Robert Otto Camenzind
ENNO F. CAMENZIND, **by and through his attorney-in-fact, Robert Otto Camenzind**

Brenda Merrill Camenzind, by and through her A-I-F, Robert Otto Camenzind
BRENDA MERRILL CAMENZIND, **by and through her attorney-in-fact, Robert Otto Camenzind**

Paula C. Carter, by and through her A-I-F, Robert Otto Camenzind
PAULA C. CARTER, **by and through her attorney-in-fact, Robert Otto Camenzind**

Charles Norman Carter, by and through his A-I-F, Robert Otto Camenzind
CHARLES NORMAN CARTER, **by and through his attorney-in-fact, Robert Otto Camenzind**

Joan C. Fleming, by and through her A-I-F, Robert Otto Camenzind
JOAN C. FLEMING, **by and through her attorney-in-fact, Robert Otto Camenzind**

John Thomas Fleming, by and through his A-I-F, Robert Otto Camenzind
JOHN THOMAS FLEMING, **by and through his attorney-in-fact, Robert Otto Camenzind**

C-3 Uses and CHMU Uses

(Green=allowed in both districts, Red= allowed only in one district)

C-3	CHMU
Permitted Uses: • Accessory dwelling units subject to Supplementary Standards contained in Section 16-4, below • Accessory uses & structures • Adult care centers registered with the NC Department of Health and Human Services (DHSS) • Animal hospitals & clinics as long as they contain no outdoor kennels • Automobile car washes • Automobile sales & service establishments • Automotive paint & body work • Banks and other financial institutions • Bed & breakfast facilities • Business services • Congregate care facilities, subject to Supplementary Standards contained in Section 16-4, below • Construction trades facilities so long as the storage of equipment and materials is screened from view from any public rights-of-way • Convenience stores with or without gasoline sales • Cultural arts buildings • Dance and fitness facilities • Dry cleaning and laundry establishment containing less than 6,000 square feet of floor area • Farm equipment sales & service • Food pantries, subject to the Supplementary Standards contained in Section, 16-4 below) • Food processing establishments containing less than 10,000 square feet of gross floor area • Funeral homes • Golf driving ranges & par three golf courses • Greenhouses & commercial nurseries	Permitted Uses: • Accessory dwelling units subject to Supplementary Standards contained in Section 16-4, below • Accessory uses & structures • Adult care centers registered with the NC Department of Health and Human Services (DHSS) • Adult care homes • Agriculture • Animal hospitals & clinics so long as they contain no outdoor kennels • Automobile car washes • Automobile sales & service • Banks & other financial institutions • Business services • Camps • Child care centers, subject to Supplementary Standards contained in Section 16-4, below • Child care homes • Civic clubs & fraternal organizations, subject to Supplementary Standards contained in Section 16-4 • Congregate care facilities, subject to Supplementary Standards contained in Section 16-4, below • Construction trades facilities, so long as the storage of equipment and materials is screened from view from any public rights-of-way • Convenience stores with or without gasoline sales • Cultural arts buildings • Dance, health & fitness facilities • Day care facilities • Dry cleaning and laundry establishments containing less than 6,000 square feet of floor area • Equipment rental & sales • Funeral homes • Greenhouses & commercial nurseries

• Home occupations • Hotels and motels • Laundries, coin-operated • Microbreweries, subject to Supplementary Standards contained in Section 16-4, below • Mobile food vendors, subject to Supplementary Standards contained in Section 16-4, below • Mobile homes sales establishments so long as they are situated on a major thoroughfare containing four or more traffic lanes • Music and art studios • Newspaper offices and printing establishments • Nursing homes subject to Supplementary Standards contained in Section 16-4, below • Offices, business, professional and public • Parking lots and parking garages • Parks • Personal services • Planned residential developments (minor), subject to the requirements of Article VII, below • Progressive care facilities subject to Supplementary Standards contained in Section 16-4, below • Public & semi-public buildings • Recreational facilities, indoors • Recreational facilities, outdoors, commercial • Religious institutions • Repair services, miscellaneous • Residential care facilities • Residential dwellings, single-family • Residential dwellings, two-family • Rest homes subject to Supplementary Standards contained in Section 16-4, below • Restaurants • Restaurants, drive-in • Retail stores • Schools, post-secondary, business, technical and vocational	• Health clubs & athletic facilities • Home occupations • Hotels & motels • Laundries, coin-operated • Lawn & garden centers • Manufacturing, light • Music & art studios • Neighborhood community centers • Newspaper offices & printing establishments • Nursing homes, subject to Supplementary Standards contained in Section 16-4, below • Offices, business, professional and public • Parking lots & parking garages • Parks • Personal services • Progressive care facilities, subject to Supplementary Standards contained in Section 16-4, below • Public & semi-public buildings • Recreational facilities, indoors • Recreational facilities, outdoors, commercial • Religious institutions • Repair services, miscellaneous • Research & development with no outdoor storage and operations • Residential care facilities • Residential dwellings, single family • Residential dwellings, multi-family • Residential dwellings, two-family • Restaurants • Restaurants, drive-in • Retail stores • Schools, post-secondary, business, technical and vocational • Schools, primary & secondary • Service stations • Signs, subject to the provisions of Article XIII, below • Small Scale Manufacturing, subject to the Supplementary Standards contained in Section 16-4, below

• Schools, primary & secondary • Service stations • Signs, subject to the provisions of Article XIII • Small Scale Manufacturing, subject to the Supplementary Standards contained in Section 16-4, below • Telecommunications antennas, subject to Supplementary Standards contained in Section 16-4, below. • Telecommunications towers, subject to Supplementary Standards contained in Section 16-4, below. • Theaters, indoor • Wholesale businesses Special Uses • Animal boarding facilities • Bus stations • Child care centers • Civic clubs & fraternal organizations • Mini-warehouses • Private clubs • Public utility facilities	• Telecommunications antennas, subject to Supplementary Standards contained in Section 16-4, below • Theaters, indoors Special Uses: • Bus stations • Public utility facilities

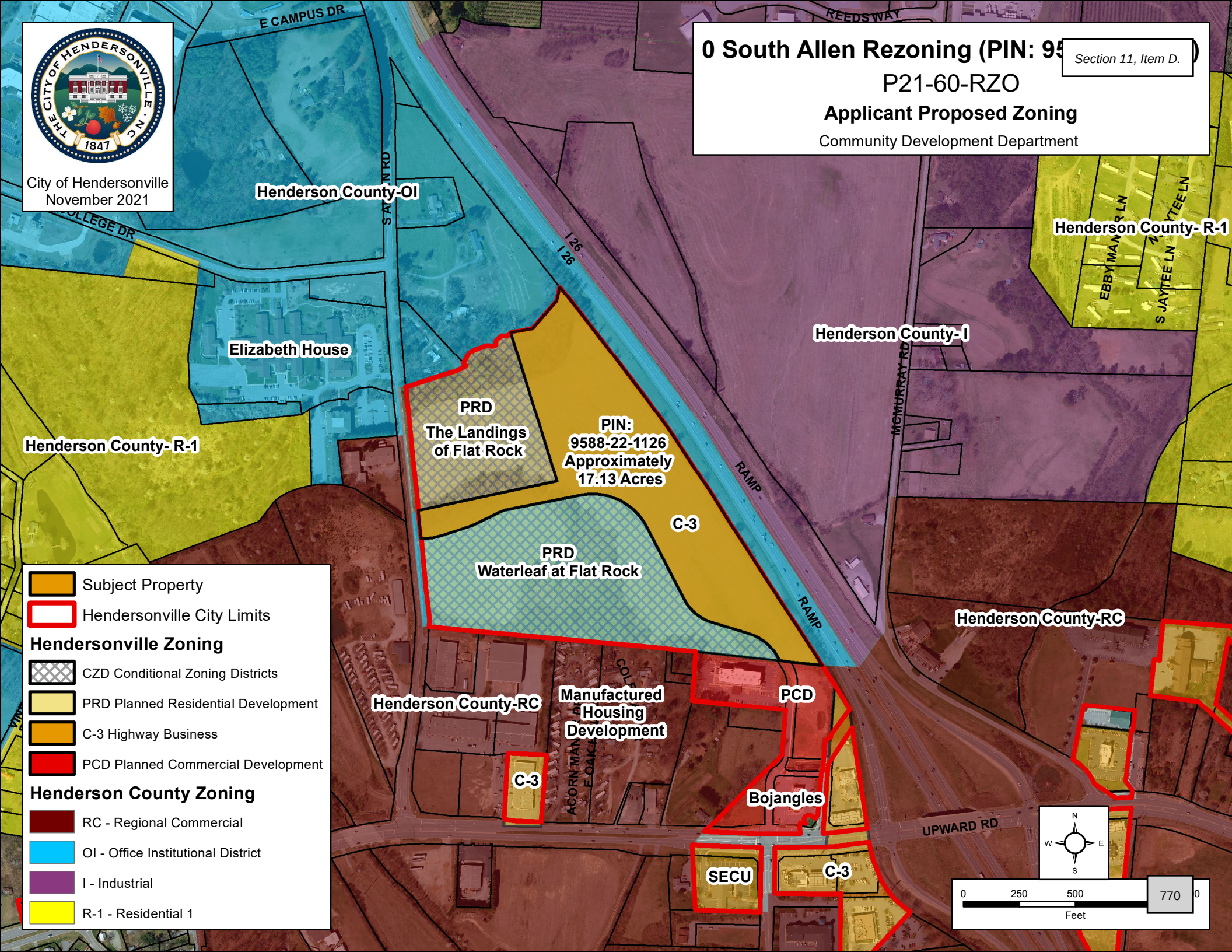
0 South Allen Rezoning (PIN: 95)

P21-60-RZO

Applicant Proposed Zoning

Community Development Department

City of Hendersonville
November 2021



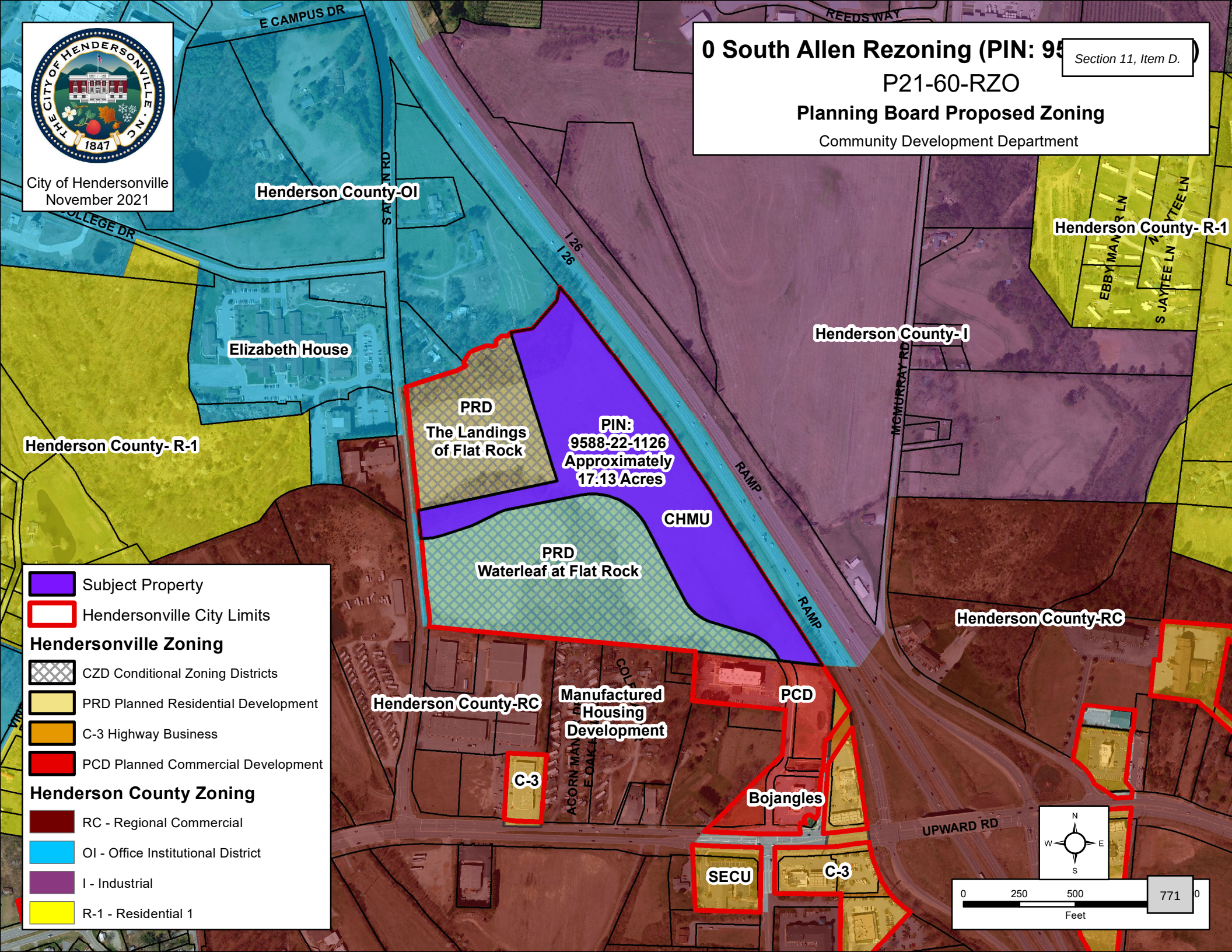
0 South Allen Rezoning (PIN: 95)

P21-60-RZO

Planning Board Proposed Zoning

Community Development Department

City of Hendersonville
November 2021



The City Manager reported the Finance Director is evaluating whether it will be more financially advantageous to use fund balance or finance the project and will continue to monitor the financial situation.

Council Member Caraker moved to authorize the city engineer to award the contract for the construction of the Main Street Infrastructure improvements, Phase I Project to Trace and Company, Inc. the lowest responsive and responsible bidder, in the amount of $199,970.80 as presented and recommended by staff. A unanimous vote of the Council followed. Motion carried.

City Manager Ferguson reported work will begin next month. Mayor Volk stated merchants want to know what is going on and asked that the work be done as quickly as possible.

13. Discussion of Next Steps for Upward Road Planning: City Manager Ferguson discussed options that may be available for planning of the Upward Road area following the Henderson County Board of Commissioners' refusal to allow the City to expand the extraterritorial jurisdiction in that area. He presented options the City may consider:

1) conditioning sewer and/or water extensions on voluntary compliance with the City's plans for quality land development,
2) influencing Henderson County land use decisions by adopting a resolution urging Henderson County to enact certain regulations and providing input to various processes as the corridor develops, and
3) adopt a new zoning district: the Commercial Highway Mixed use Zoning District which may be applied to those properties that are annexed and which may be applicable in other areas of the City.

Mr. Ferguson asked for Council's direction. Council Member Caraker voiced support of those property owners requesting certain utility service complying with zoning regulations. Council Member Freeman agreed and also voiced support of the developing the new zoning district. Council Member Smith also supported a policy that those requesting sewer service would have to meet zoning requirements of the City and to develop the zoning district. Mayor Pro Tem Collis stated larger developments will have to have water and sewer service and this will not be a hardship for those large developments. He also supported the concept of the CHMU zoning district. He agreed that zoning regulations should apply to those requesting utilities. Mayor Volk agreed.

The Council discussed the possibility of applying the CHMU to the U.S. Highway 25 North area if appropriate. There was discussion about the redevelopment of property with the same owner/different owner that already has water service. The City Manager will research that further. He explained requests will be brought to the Council individually and decisions are guided by the policy. He stated the Council could apply exceptions to the policy.

There was discussion on projects that are developed under Henderson County's requirements which makes it more difficult for property owners who need to request sewer service.

City Manager Ferguson stated staff will continue to participate in the Dana small area plan.

After discussion, the City Council agreed by majority consensus to direct the staff and the Planning Board to continue developing the Commercial Highway Mixed Use (CHMU) zoning district classification in compliance with the Henderson County Land Development Plan and to examine the utility extension agreement and make provisions for property owners requesting sewer service to meet the City's requirements for that area.

14. Consideration of NC Community Conservation Assistance Program (NC DENR Grant): Mr. Tom Wooten, Public Works Director, reported severe erosion was experienced at Patton Park during Hurricane Frances. He stated repairs were made but more is needed to prevent the problem from occurring again. He reported no funding has been available through the State so the plan approved by the City Council in July 2008 for a riparian buffer is idle. He reported there is funding available now through the Community Conservation Assistance Program that will pay up to 75% of the cost to install a natural riparian buffer and other water quality improvement projects. He reported the City has received funding for the following projects:

A. Install a natural riparian buffer along the creek within Patton Park using native trees and shrubs for $4,875 (City's cost: $1,218.75)
B. Purchase and install a pet waste station along the Oklawaha Greenway Trail for $350 (City's cost: $87.50)

Wilmer Gonzales and Gainer Jernigan. The amendment request is for the addition of religious institutions as a permitted use in the I-1 Industrial zoning district classification.

Ms. Anderson reviewed the district purpose and provided an analysis of the classification.

Ms. Anderson reported the Planning Board voted six in favor and two opposed to recommend that City Council adopt an ordinance adding religious institutions as a permitted use in the I-1 Industrial District. She explained this would automatically add them in the Planned Manufactured District also.

Mayor Volk opened the public hearing at 6:31 p.m. in accordance with NCGS by notice published in the Times News. The following spoke:

Gainer Jernigan, representing a church congregation, stated this is a foreclosed property that they want to fix it up to service the congregation. It was previously used as a woodworking shop and is located between residential and the railroad tracks, between N. Main Street and Seventh Avenue.

No one spoke in opposition to the text amendment. The public hearing was closed.

Mayor Pro Tem Collis moved City Council to adopt an ordinance amending the City of Hendersonville Zoning Ordinance, Article V Zoning District Classifications, Section 5-12-1 Permitted Uses, adding religious institutions as a permitted use. A unanimous vote of the Council followed. Motion carried.

Ordinance #11-0310

AN ORDINANCE AMENDING ARTICLE V SECTION 5-12-1 OF THE ZONING ORDINANCE OF THE CITY OF HENDERSONVILLE ADDING RELIGIOUS INSTITUTIONS AS A PERMITTED USE IN THE I-1 INDUSTRIAL ZONING DISTRICT CLASSIFICATION

WHEREAS, the General Assembly of the State of North Carolina has granted authority to municipalities to adopt, administer and enforce zoning and subdivision regulation ordinances, building codes, and minimum housing standards and other related measures; and

WHEREAS, the General Assembly of the State of North Carolina has granted authority to municipalities to amend, supplement, change, modify or repeal zoning regulation ordinances; and

WHEREAS, the City of Hendersonville desires to amend those regulations with regards to permitted uses.

NOW, THEREFORE, be it ordained by the City Council of the City of Hendersonville:

1. Article V Zoning District Classifications, Section 5-12-1 Permitted Uses is hereby amended to include the following permitted use:

   Religious institutions

2. Any person violating the provisions of this ordinance shall be subject to the penalties set forth in Section 9-8 of the Zoning Ordinance.

3. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

4. If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

5. The enactment of this ordinance shall in no way affect the running of any amortization provisions or enforcement actions, or otherwise cure any existing zoning violations.

6. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this third day of March, 2011.

/s/Barbara G. Volk, Mayor
Attest: /s/Tammie K. Drake, City Clerk
Approved as to form: /s/Samuel H. Fritschner, City Attorney

8. Public Hearing - Consideration of Zoning Ordinance Text Amendment: Adding a new Section 5-27 entitled Commercial Highway Mixed Use Zoning District Classification: Ms. Anderson explained while undergoing the process to expand the Extraterritorial Jurisdiction (ETJ) along Upward Road, staff developed a new zoning classification to apply to this area per City Council's direction. The Henderson County Board of Commissioners denied the City's request to expand the ETJ in that area.

Ms. Anderson explained City Council directed staff and the Planning Board to move forward with the new zoning classification. The intent is to apply this zoning classification to properties in the Upward Road area that wish to annex into the City of Hendersonville in order to obtain sewer connections. She explained the new zoning classification was closely modeled after the Highway Mixed Use zoning district which includes design guidelines for buildings and development sites. She reviewed the proposed district, dimensional requirements, design guidelines, etc. She noted if the guidelines cannot be met, there is an option for the applicant to go through the Alternative Design Review Committee.

Ms. Anderson reported the Planning Board voted unanimously to recommend that City Council adopt the ordinance enacting a new Commercial Highway Mixed Use Zoning District Classification of the Zoning Ordinance.

Mayor Volk opened the public hearing at 6:38 p.m. in accordance with NCGS by notice published in the Times News. No one expressed a desire to speak. The public hearing was closed.

Mayor Pro Tem Collis moved City Council to adopt an ordinance enacting a new Section 5-27 Commercial Highway Mixed Use Zoning District Classification of the Zoning Ordinance. A unanimous vote of the Council followed. Motion carried.

Ordinance #11-0311

AN ORDINANCE ENACTING A NEW SECTION 5-27 COMMERCIAL HIGHWAY MIXED USE ZONING DISTRICT CLASSIFICATION of the Zoning Ordinance OF THE CITY OF HENDERSONVILLE

WHEREAS, the General Assembly of the State of North Carolina has granted authority to municipalities to adopt, administer and enforce zoning and subdivision regulation ordinances, building codes, and minimum housing standards and other related measures; and

WHEREAS, the General Assembly of the State of North Carolina has granted authority to municipalities to amend, supplement, change, modify or repeal zoning regulation ordinances; and

WHEREAS, the City of Hendersonville desires to amend those regulations with regards to zoning district classifications.

NOW, THEREFORE, be it ordained by the City Council of the City of Hendersonville:

1. A new Section 5-27 Commercial Highway Mixed Use Zoning District Classification is hereby enacted to read as follows:

Commercial Highway Mixed Use Zoning District Classification

Section 5-27 CHMU Commercial Highway Mixed Use Zoning District Classification. The Commercial Highway Mixed Use Zoning District Classification is intended to encourage a mix of high density residential development in conjunction with appropriately scaled and compatible commercial development, consisting of community and regional retail sales and services, professional offices, research facilities, restaurants, accommodations services and similar uses. Development design becomes a critical consideration when establishing regional activity centers that create attractive and functional roadway corridors which also encourage mixed-use and walkable design. In addition to the general dimensional and use provisions, the regulations contained herein, along with those in Article XVIII which apply to mixed use zoning district classifications generally, address the design of buildings and development sites.

5-27-1 Permitted Uses. The following uses are permitted by right in the CHMU Commercial Highway Mixed Use Zoning District Classification, provided they meet all requirements of this Section and all other requirements established in this Ordinance:

Accessory dwelling units subject to special requirements contained in Section 16-4, below
Accessory uses & structures
Adult care centers registered with the NC Department of Human Resources
Adult care homes
Agriculture
Animal hospitals & clinics so long as they contain no outdoor kennels
Automobile car washes
Automobile sales & service
Banks & other financial institutions
Business services
Camps
Child care centers, subject to special requirements contained in Section 16-4, below
Child care homes
Civic clubs & fraternal organizations, subject to special requirements contained in Section 16-4, below
Congregate care facilities, subject to special requirements contained in Section 16-4, below
Construction trades facilities, so long as the storage of equipment and materials is screened from view from any public rights-of-way
Convenience stores with or without gasoline sales
Cultural arts buildings
Dance, health & fitness facilities
Day care facilities
Dry cleaning and laundry establishments containing less than 6,000 square feet of floor area
Equipment rental & sales

Funeral homes
Greenhouses & commercial nurseries
Health clubs & athletic facilities
Home occupations
Hotels & motels
Laundries, coin-operated
Lawn & garden centers
Manufacturing, light
Music & art studios
Neighborhood community centers
Newspaper offices & printing establishments
Nursing homes, subject to special requirements contained in Section 16-4, below
Offices, business, professional and public
Parking lots & parking garages
Parks
Personal services
Progressive care facilities, subject to special requirements contained in Section 16-4, below
Public & semi-public buildings
Recreational facilities, indoors
Recreational facilities, outdoors, commercial
Religious institutions
Repair services, miscellaneous
Research & development with no outdoor storage and operations
Residential care facilities
Residential dwellings, single family
Residential dwellings, multi-family
Residential dwellings, two-family
Restaurants
Restaurants, drive-in
Retail stores (not including manufactured housing, boat & heavy equipment sales)
Schools, post-secondary, business, technical and vocational
Schools, primary & secondary
Service stations
Signs, subject to the provisions of Article XIII, below
Telecommunications antennas, subject to special requirements contained in Section 16-4, below
Theaters, indoors

5-27-2 Conditional Uses. The following uses shall be permitted in the CHMU Commercial Highway Mixed Use Zoning District Classification only upon issuance of a conditional use permit pursuant to Article X and shall be subject to special requirements contained in Section 16-4, below:

Bus stations
Public utility facilities

5-27-3 Special Uses. Within the CHMU Commercial Highway Mixed Use Zoning District Classification, the following uses may only be authorized by issuance of a special use permit and shall be processed under special use review in accordance with Section 7-4 of the Zoning Ordinance. Such development shall not require rezoning of the property to a special use or planned development district.

Development or redevelopment exceeding 50,000 square feet of gross floor area.
Telecommunications towers, subject to special requirements contained in Section 16-4, below.

5-27-4 Development Standards. The following standards shall apply to development within the CHMU Commercial Highway Mixed Use Zoning District Classification.

5-27-4.1 Parking & Loading. The requirements of Section 6-5, below, shall apply.

5-27-4.2 Dimensional Requirements.
Minimum Lot Area in Square Feet: None
Minimum Lot Width: None
Open Space Ratio: ≥.30
Common Space Ratio: ≥.10
Yard Requirements: Varies with building type. See Design Standards.
Building Separation: If buildings are separated, they must be separated by at least 15 feet. This provision shall not be construed to qualify any setback provisions contained elsewhere in this ordinance.
Building Height: Varies with building type. See Design Standards.

5-27-4.3 Residential Density. The number of residential dwellings permitted on any development tract varies with regard to the open space ratio provided as noted on the following table.

Open Space Ratio	Maximum Dwelling Units / Acre
.40	8
.50	10
.60	12

5-27-5 Design Standards. These standards are intended to apply to all development and redevelopment within the CHMU Commercial Highway Mixed Use Zoning District Classification. Applicants for authorization to undertake development or redevelopment within such zoning district shall demonstrate compliance with

these standards or shall undergo alternative design review as provided for in Article XVIII, below.

5-27-5.1 Standards of General Applicability. The following standards shall apply to all development in the CHMU Commercial Highway Mixed Use Zoning District Classification regardless of use or building type.

5-27-5.1.1 General Site Development. Site development shall not result in the removal of lateral support for adjoining properties. Furthermore, development shall not create hazardous or dangerous conditions or result in the creation of a nuisance as specified in Section 6-13, below.

5-27-5.1.2 Physical Integration of Uses. Residential and commercial uses may be located within the same or adjoining structures provided appropriate health and safety regulations are followed.

5-27-5.1.3 Building Orientation. Primary façades, which may or may not contain an entrance to the building, shall face primary vehicular access or significant public space. A main entrance shall face a connecting walkway with a direct, safe, pedestrian connection to the street.

5-27-5.1.4 Common Space. Common space is intended to shape the design and character of a project through a connecting system of pedestrian areas that create a relationship among the various components of the built environment. It shall be designed to create areas where workers, residents and shoppers, as the case may be, are directly or indirectly invited to gather, browse, sit, interact or congregate. It shall be arranged as community space with open areas, landscaping, seating facilities and lighting fixtures which provide for safety and visual effects.

Common spaces are intended to be places for social interaction and, thus, may include impervious surfaces. Unless interior common space is approved by the reviewing authority, common space shall be out-of-doors. Common space design shall comply with the following:

a) Size. At least ten percent of the acreage of a site shall be devoted to common space. Common space shall count toward meeting open space requirements for a project.

b) Trees. One tree shall be planted for each 1000 square feet of common space. Trees shall have a minimum caliper of 3-3½ inches measured six inches above ground at the time of planting.

c) Utilities. All utilities service lines and connections shall be underground.

d) Seating. Seating shall be provided to accommodate workers, residents and/or shoppers. Seating may be accomplished in whole or in part using planters or other similar structures.

e) Amenities. Common space for a development shall contain adequate amenities to animate and enliven the environment and to make it conducive for social interaction. Following is a list of such amenities: ornamental fountains, stairways, waterfalls, public art, arbors, trellises, planted beds, drinking fountains, clock pedestals, awnings, canopies, informational kiosks, and similar structures. This list is not intended to be exhaustive.

5-27-5.1.5 Architectural Details. The appearance of all streetside façades is important and shall be addressed in development design. Architectural elements like openings, sill details, posts, and other architectural features shall be used to establish human scale at the street level. On corner lots, the applicant shall provide distinctive architectural elements at the corner of buildings facing the intersection. Windows, doors, columns, eaves, parapets, and other building components shall be proportional to the overall scale of the building. Windows shall be vertically aligned.

All buildings shall provide detailed design along all façades which are visible from a street or common space. Detailed design shall be provided by using at least three of the following architectural features.
Dormers.
Gables.
Recessed entries.
Covered porch, entries.
Cupolas or towers.
Pillars or posts.
Eaves (minimum 6-inch projection).
Off-sets in building face or roof.
Window trim (minimum nominal four inches wide).
Bay windows.
Balconies.
Decorative patterns on exterior finish (e.g. scales / shingles, wainscoting, ornamentation).
Decorative cornices and roof lines (for flat roofs).

5-27-5.1.6 Building Façades. Front, rear and side façades of buildings shall contain at least two building materials which shall contrast in color and texture. At least 15% of the façade, exclusive of windows, doors and trim, shall consist of stone, brick, decorative concrete or decorative block.

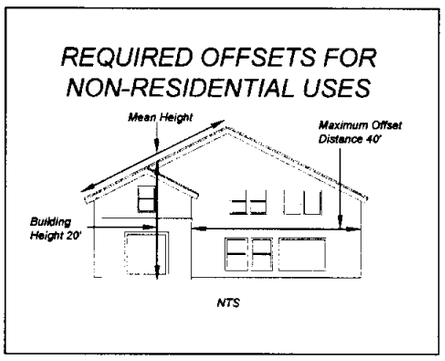
5-27-5.1.7 Windows. Windows shall either be (1) recessed a minimum of three inches from the façade or (2) trimmed. If trim is used, it shall be a minimum of four inches (nominal) in width and shall project beyond the façade.

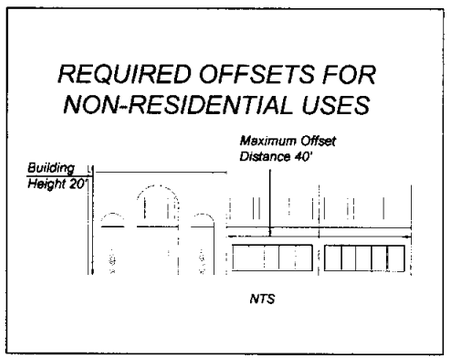
5-27-5.1.8 Building Scale. The scale of a building is a function of the size of the individual pieces of a building and their relationship to each other. The scale of a building is important in order to contribute

to the overall diversity of building types, to give visual interest, and to maintain compatibility between buildings. These design standards regulate scale by means of offsets, that is, protrusions or breaks in the plane of façades.

a) Scale, Buildings Containing Nonresidential Uses. The following requirements apply to any building containing nonresidential uses, regardless whether the building also contains residential uses:

1) The distance between required offsets is related to the height of the building wall on a two-to-one basis. A building façade which is less than or equal to the height of the building shall not require an offset.





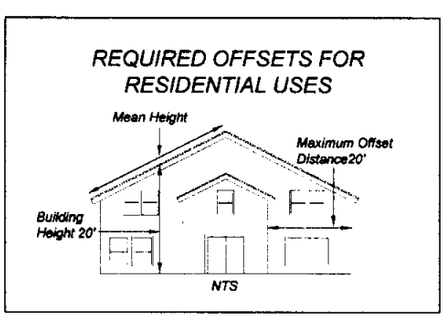
2) The height of any particular façade shall be measured from the average ground level to the mean height level between the eaves and ridge of a gable, hip or gambrel roof, or for flat roofs, to the top of the parapet.

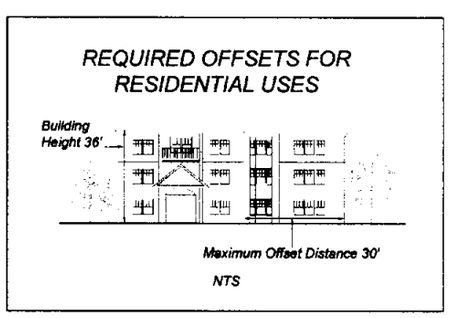
3) The depth or projection of the offset shall be 1/10th the length of the longest adjacent wall panel; provided, however, the minimum offset depth shall be one foot. By means of illustration, a building with a 20-foot wall panel shall have a two-foot offset adjacent to such wall panel.

4) Each façade of a building visible from a street or common space shall comply with the offset requirements contained herein.

b) Scale, Buildings Containing Only Residential Uses. The following requirements apply to any building containing only residential uses:

1) The distance between required offsets shall be related to the height of the building on a one-to-one basis; provided, however, no wall shall exceed 30 feet in length without an offset. A building façade which is less than or equal to the height of the building shall not require an offset. Provided, however, the provisions of this paragraph shall not be construed to require an offset for that portion of a façade containing a two-car garage.





2) The height of any particular façade shall be measured from the average ground level to the mean height level between the eaves and ridge of a gable, hip or gambrel roof, or, for flat roofs, to the top of the parapet.

3) Offsets shall have a minimum depth or projection of two feet regardless of the length of adjacent wall façades.

4) Each façade of a building visible from a street or common space shall comply with the offset requirements contained herein.

5-27-5.1.9 Streets and Sidewalks. Streets and sidewalks shall comply with the circulation and access requirements contained in Section 18-6-4.6, below.

5-27-5.1.10 Building Materials. Building materials shall be used consistently on the exterior of the building and shall comply with the lists of prohibited materials contained herein.

Prohibited Building Materials. Unless authorized through alternative design compliance, the following building materials shall be prohibited within the CHMU Commercial Highway Mixed Use Zoning District Classification: plain concrete block (with or without paint); corrugated or ribbed metal siding; reflective glass; more than 50% glass on any façade; roll roofing; roll siding; plain unfinished concrete (painting does not constitute a finish); aluminum; unpainted metal; exposed plain pipe columns; metal wall siding; and any other materials not customarily used in conventional construction.

5-27-5.1.11 Certain Exemptions for Single-Family and Two-Family Detached Dwellings. Detached single-family and two-family dwellings shall be exempt from the requirements contained in Sections 5-27-5.1.4 (common space) and 5-27-5.1.8 (building scale).

5-27-5.2 General Standards for Residential Developments. The following standards shall apply to developments containing only residential uses with the exception that multi-family buildings must comply with the general standards contained in Section 5-27-5.3, below.

5-27-5.2.1 General Appearance. Residential development shall contain a variation of façades and materials so that there shall not be a row or strip housing appearance. Means to accomplish this goal may include the use of dormers, gables, recessed entries, covered porch entries, bay windows, cupolas or towers, and a variation in the depth and height of walls, among others.

5-27-5.2.2 Architectural.

a) Useable porches and/or stoops, at least eight feet in width, shall be located on the front and/or side of the home.

b) Front-loading garages and carports shall be offset from the front façade of the house and visually designed to form a secondary building volume. Developers are encouraged to turn garages and carports so the openings or doors are not visible from the street. At no time shall the width of an attached garage exceed 50% of the total building façade.

c) Accessory buildings with a floor area greater than 150 square feet shall be clad in materials similar in appearance to the principal structure.

d) Walls and fences located in the front yard shall be decorative and limited in height to no more than four feet above grade. Front-yard walls shall be of brick, stone or stucco. Front yard fences shall be wood, wrought iron or materials similar in appearance and durability. Side and rear yard fences may be chain link, wood, wrought iron, or similar material.

5-27-5.2.3 Configurations.

a) Main roofs on residential buildings shall be gables, hips or clerestory with a pitch between 5:12 and 12:12. Monopitch (shed) roofs are allowed only if they are attached to a wall of the main building.

b) Foundation walls (except those under porches) shall be finished with brick, stucco or stone. If crawlspaces of porches are enclosed, they shall be enclosed with brick, stone, and lattice or any combination thereof.

5-27-5.3 General Standards for Nonresidential and Multi-Family Buildings. The following standards shall apply to all buildings containing nonresidential uses and multi-family dwellings.

5-27-5.3.1 Storage, Utility & Service Areas. Areas devoted to storage, garbage, recycling collection and utilities shall be enclosed and screened around their perimeter, and constructed of materials consistent with the principal building. Gas meters, electric meters, ground-mounted mechanical units, and any other similar structures shall be hidden from public view or screened with approved construction materials. Fences designed for screening shall be constructed of brick, stone, architectural stucco, concrete, wood or iron. Roof vents, mechanical units, utility equipment and telecommunication receiving devices located on the roof shall be screened from view. Solar technology components including solar panels and solar thermal collectors are exempt from this provision.

5-27-5.3.2 Parking & Vehicular Access. All vehicular use areas shall be set back a minimum of 20 feet from the right-of-way line of public right-of-way and shall be screened from view from such rights-of-way in accordance with Article XV, below.

5-27-5.3.3 Encroachments. Balconies, stoops, chimneys and bay windows are permitted to encroach into any setback up to five feet.

5-27-5.3.4 Roofs. Parapets and decorative cornices are required for buildings with a flat roof. Eaves shall be provided with a pitched roof.

5-27-5.4 Specific Standards for Single-Family and Two-Family Detached Dwellings.

Minimum Setbacks:

Front:	15 feet
Sides:	20% of lot width. The entire setback may be allocated to one side.
Rear:	10 feet
Minimum Lot Width:	50 feet
Maximum Height:	2 ½ stories.
Encroachments:	Balconies, stoops, stairs, chimneys, open porches, bay windows, roof

overhangs and raised doorways are permitted to encroach into the front setback a maximum of five feet.

Accessory Structures
Side/Rear Setback: 3 feet

5-27-5.5 Specific Standards for Townhouses. The townhouse is a building with two or more residential units that are located side-by-side. When an entrance is provided at-grade, the townhouse may be used as a live-work unit.

Minimum Setbacks:
Front: 8 feet
Sides: 0 feet (Corner 8 feet). Buildings within a development must be separated by a minimum of 15 feet
Rear: 15 feet from centerline of alley, if applicable.
Minimum Lot Width: 16 feet
Maximum Height: 3 stories.
Encroachments: Balconies, stoops, stairs, chimneys, open porches, bay windows, roof overhangs and raised doorways are permitted to encroach into the front setback a maximum of five feet.
Upper story balconies may encroach into the right-of-way up to five feet with permission from the City.
Accessory Structures: 3 feet
Side / Rear Setback: 0 feet
Maximum Footprint: 400 square feet
Maximum No. of Structures: 1

5-27-5.6 Specific Standards for Multi-Family Dwellings. Multi-family dwelling consists of three or more dwelling units vertically and/or horizontally arranged. The ground floor may be available for commercial uses.

Minimum Setbacks:
Front: 10 feet
Sides: 15 feet plus 5 feet for each floor above 2.
Rear: 15 feet plus 5 feet for each floor above 2.
Parking: Off-street parking shall be located in the rear or side yard only and shall be screened from view from public roadways. On-street parking is encouraged for private streets and drives.
Vehicular Access: Primary vehicular access from public roads shall be accomplished by means of a rear lane or alley only. No curb cuts or driveways are permitted along the frontage except for vehicular access to rear parking. These limitations shall not apply to parcels or buildings where primary vehicular access is by means of a private street or drive.
Maximum Height: 4 stories.
Encroachments: Balconies, stoops, stairs, chimneys, open porches, bay windows, roof overhangs and raised doorways are permitted to encroach into the front setback a maximum of five feet. Upper story balconies may encroach into the right-of-way up to five feet with permission from the City.
Accessory Structures:
Side / Rear Setback: 0 feet.
Maximum Footprint: 400 square feet.

5-27-5.7 Specific Standards for Commercial & Institutional Buildings. Commercial buildings are structures which can accommodate a variety of uses mixed either horizontally (shopping center) or vertically (dwelling unit over a store). Office buildings, hotels and inns can be placed in commercial buildings. Buildings containing both commercial and residential uses shall be classified as commercial buildings for the purposes of this section. Institutional buildings are specialized public or semi-public buildings intended to serve as public gathering places. Such uses include governmental offices, churches or other places of worship, schools, hospitals, post offices, and nonprofit or charitable clubs and organizations. Note there are exceptions from the maximum height restrictions for steeples, cupolas and similar structures. These are contained in Section 8-2, below.

Minimum Height: 14 feet to the top of the parapet for buildings with flat roofs. There is no minimum height requirement for other buildings.
Maximum Height: 4 stories
Minimum Setbacks:
Front: 10 feet
Sides: 15 feet plus 5 feet for each floor above 2.
Rear: 15 feet plus 5 feet for each floor above 2.
Minimum Lot Width: None.
Encroachments: Balconies, stoops, chimneys, roof overhangs and bay windows are permitted to encroach into any setback up to 5 feet.
Accessory Structures:
Side/Rear Setback: 3 feet.

Section 5-27S CHMUSU Commercial Highway Mixed Use Special Use Zoning District Classification. The purpose and requirements of this classification are identical to the CHMU Commercial Highway Mixed Use Zoning District Classification except that a special use permit, as provided for in Article VII herein, is required as a prerequisite to any use or development.

2. Any person violating the provisions of this ordinance shall be subject to the penalties set forth in Section 9-8 of the Zoning Ordinance.

3. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

4. If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

5. The enactment of this ordinance shall in no way affect the running of any amortization provisions or enforcement actions, or otherwise cure any existing zoning violations.

6. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this third day of March, 2011.
/s/Barbara G. Volk, Mayor
Attest: /s/Tammie K. Drake, City Clerk
Approved as to form: /s/Samuel H. Fritschner, City Attorney

9. Consideration of an Ordinance Amending Chapter 10 of the Code of Ordinances to Restrict the Tethering of Domestic Animals within the Enforcement Jurisdiction of the City of Hendersonville: Mr. Ferguson presented a draft ordinance as directed by the City Council with changes to further govern and restrict the tethering of animals in the City. He stated these amendments were based on elements of the City of Charlotte's recently-adopted ordinance. He stated the Police are prepared to implement the changes if adopted by the Council. He requested a delayed effective date if the changes are adopted so all officers may be adequately trained.

Mr. Ferguson reviewed the amendments and asked for Council's input on each. Mayor Pro Tem Collis asked for an amendment requiring adequate water be available at all times instead of suitable intervals. The Council agreed by consensus. Regarding the weight of the tether, Mr. Ferguson explained officers will not have the equipment to weigh the dog and/or chain but enables the officer to make judgment calls and if disputed, equipment may be used.

Mr. Ferguson reviewed a revision allowing an animal control officer to order more restrictive tethering requirements if circumstances require.

Council Member Caraker reported the Animal Services Board will be considering tethering issues at their next meeting so there is consistency between the ordinances. Mayor Pro Tem Collis commented on the many e-mails in support of banning tethering that he received from areas such as Greensboro and Raleigh. He voiced support of the proposed amendments stating it addresses problems in Hendersonville. He stated he does not plan to adopt the same ordinance as Buncombe County. He stated the City can work with Henderson County to address concerns. Council Member Caraker also voiced support of the amendments stating this is a step in the right direction but may require amendments but it will help provide consistency between the County and the City, provided an exchange of education and cooperation. He stated the Council has made great steps in improving the lives of animals. Council Member Freeman commented he has neighbors who are responsible pet owners who tether their dogs without any problems. He also voiced support of the amendments.

Council Member Smith moved to amend the Code of Ordinances pertaining to the tethering of animals in the City of Hendersonville, as presented by staff, with the following amendments: 10. An animal control officer may in his/her discretion order a more restrictive tethering requirement if circumstances require and it is not detrimental to the health, safety or welfare of the domestic animal. Under Definitions: Adequate water shall mean the ready availability to the domestic animal at all times of clean, fresh water. The effective date of the ordinance is April 4, 2011. A unanimous vote of the Council followed. Motion carried.

Ordinance #11-0312

AN ORDINANCE AMENDING CHAPTER 10 OF THE CODE OF ORDINANCES TO RESTRICT THE TETHERING OF DOMESTIC ANIMALS WITHIN THE ENFORCEMENT JURISDICTION OF THE CITY OF HENDERSONVILLE

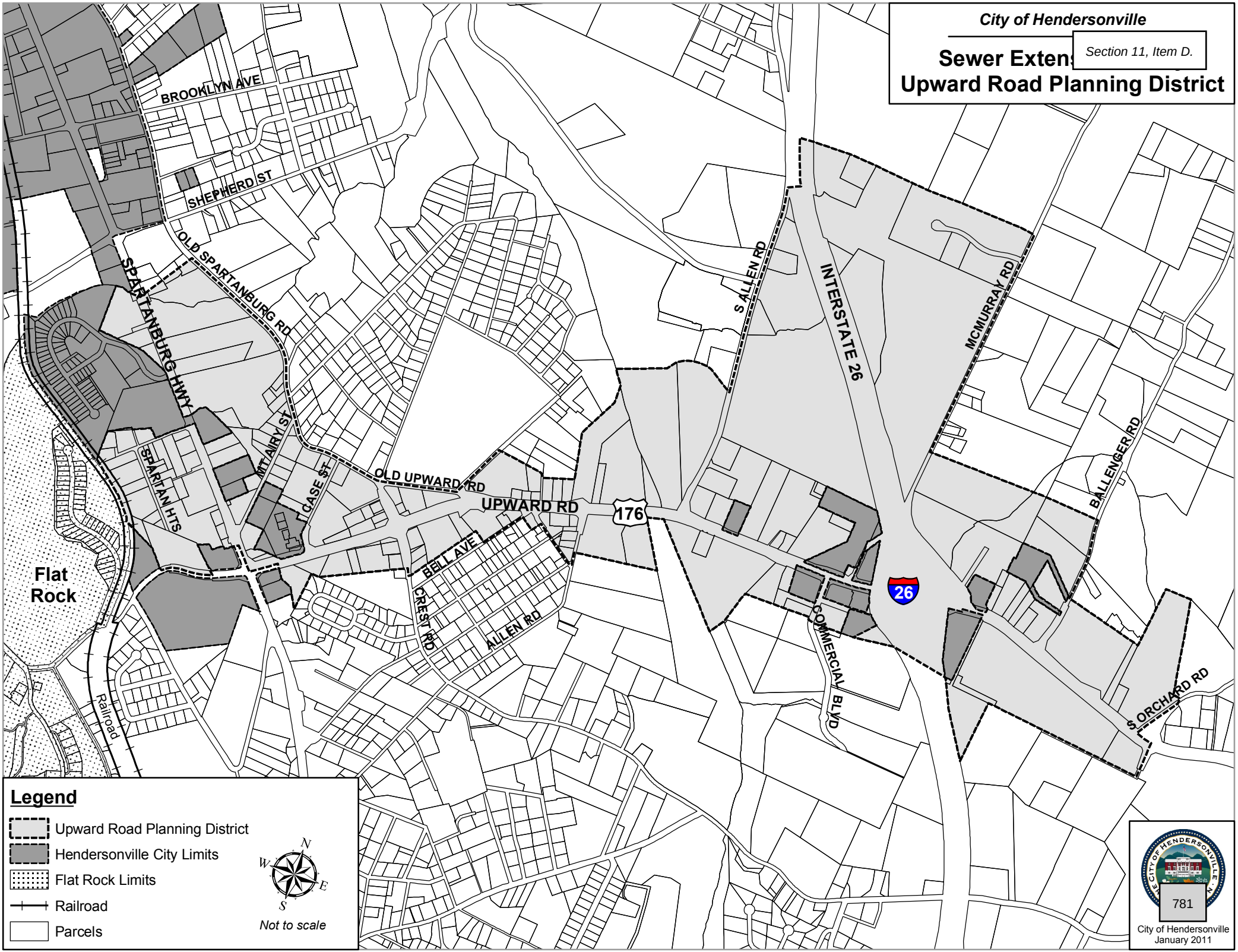
WHEREAS, the State of North Carolina has declared that municipalities may define and regulate animal cruelty; and

WHEREAS, the City of Hendersonville has determined that cruelty to animals is a danger to the public health, safety and welfare; and

WHEREAS, the City Council has determined that the tethering of domestic animals constitutes in many cases animal cruelty,

City of Hendersonville

Sewer Extens
Upward Road Planning District



V(B) Zoning Map Amendment – Application for a standard rezoning from Peggy C. Cabe, Enno F. Camenzind, Paula Camenzind Carter, Robert O. Carmenzind and Joan C. Fleming (property owners), for PIN 9588-22-1126 and located at 0 South Allen Road. Mr. Morrow gave the following background:

The initial zoning application is for a standard rezoning of PIN 9588-22-1126. The property is currently zoned Henderson County Office Institutional (OI). The property was annexed into the City of Hendersonville on September 2, 2021. NCGS 160D-202(g) provides that upon annexation, the County's zoning will stay in place until the City zones the property or 60 days from the effective date of the annexation, whichever is sooner. If the 60 days elapses without the City zoning the property, it becomes "un-zoned" until the City zones it. The applicant is proposing the property to be rezoned to C-3, Highway Business. Staff has a different zoning suggestion. The property is 17.13 acres. This is a standard rezoning, and no use is tied to it other than what is permitted by right.

Parcels to the north are zoned Henderson County Office Institutional and Henderson County Industrial. To the east, the parcel is bordered by I-26 providing the site with significant visibility from the interstate. Parcels to the east on the opposite side of I-26 are zoned Henderson County Industrial. To the south, parcels around the interchange of Upward Road and I-26 are zoned Henderson County Regional Commercial, City of Hendersonville C-3, Highway Business and City of Hendersonville Planned Commercial Development and contain various commercial uses such as the Holiday Inn Express, Bojangles and State Employees Credit Union. The subject property is bordered by two recently zoned Planned Residential Developments, the Landings of Flat Rock which is a proposed development consisting of a 153-bed facility with a mix of assisted living and independent living for seniors and Waterleaf at Flat Rock which is a proposed 263-unit apartment complex. Parcels to the west consist of a business center and are naturally buffered from the residential uses by the Floodplain.

Site conditions and aerial photos were shown.

The 2030 Comprehensives Plan's Future Land Use map designates this parcel as Regional Activity Center. The goal for Regional Activity Center is to meet the large-scale retail needs of Hendersonville residents while encouraging mixed-use walkable design through redevelopment and infill projects.

Staff recommends that this parcel not be zoned C-3, Highway Business. Staff recommends that this parcel be zoned CHMU, Commercial Highway Mixed Use for the following reasons: Previous Planning Board and City Council action, Comprehensive Plan Consistency and Compatibility with surrounding land uses. Commercial Highway Mixed Use was created for parcels along the Upward Road Corridor that annexed into the City of Hendersonville for sewer connections. The C-3 Zoning District has no design standards but the CHMU Zoning District does have design standards.

Activity Nodes in the Comp Plan encourages multi-family mixed use buildings with retail on ground floors and office/residential on upper floors. Placement of new buildings close to the street along thoroughfares (less than 20 feet) encouraged. Location of all parking to the side or rear of buildings or in a garage encouraged. Improved pedestrian connections to surrounding neighborhoods. The CHMU zoning meets most of the goals for this.

Existing conditions of the property were shown. The property is vacant and has been used as agricultural.

In 2010 County Commissioner's declined the City's request to extend the ETJ out Upward Road. On December 2, 2010, City Council directed staff to create a new zoning district for Upward Road. On March 3, 2011 staff created the CHMU zoning district. The Planning Board voted unanimously to create the CHMU zoning district.

The Upward Road Planning District was shown in light gray on a map. This planning district mirrors what the ETJ should be in this area.

Mr. Morrow compared the C-3, Highway Business and CHMU, Commercial Highway Mixed Use Zoning Districts. C-3 zoning has 11 permitted uses, 5 special uses and the key differences are no design standards and some more intense commercial uses. CHMU zoning has 13 permitted uses and no special uses. The key differences are design standards and multi-family, and light manufacturing are allowed. Multi-family and light manufacturing are permitted by right in CHMU district.

Mr. Blatt asked staff to address outdoor storage. Mr. Morrow stated outdoor storage has its own section in the zoning ordinance. Mr. Blatt asked what the difference in the two districts would be. Mr. Morrow stated outdoor storage is permitted in C-3 but not permitted in CHMU.

Mr. Morrow stated rarely is a parcel annexed before it is zoned. Staff thought the CHMU zoning would be a better fit given the closeness to multi-family in the area.

Ms. Peacock asked if there is a downside to leaving it un-zoned. Mr. Morrow stated the City has 60 days to rezone it. Ms. Peacock asked if it hurt anything to leave it un-zoned. Mr. Morrow stated they cannot use it for anything if left un-zoned. It would have to be zoned before the property could be used. Mr. Manley stated they need to move forward on the zoning of this property.

Chair asked if there were any questions for staff. There were no further questions for staff.

Kelton Lastein, representative for the applicant, 275 S. Church Street, Spartanburg SC stated he has worked on this property for five years now. In 2020 the assisted living facility was approved and then the multi-family development was approved. He has worked with brokers and they have all intention of meeting the needs of the community on this project. He would like to have retail uses to better meet the needs of Dana and the south end community. He sat down with the planning guys and he is representing the landowner when he says he feels that it is unfair to have design standards thrown on them. The project coming to this site has been hand-picked and the best security they have is his word that this will fit into the community.

Mr. Blatt asked if the developer of the two approved projects is the same. Mr. Lastein stated no, they are two new owners of both of those projects. Mr. Blatt asked if he has a statement from those folks concerning this project. Mr. Lastein stated no, he does not.

Mr. Lastein stated they had to annex and then have 60 days for the City to rezone it. He wants what is best for the landowner and with 2,000 feet on the interstate side they feel that C-3, Highway Business is their best option. Mr. Blatt stated it could be used for commercial or residential. Mr. Morrow stated C-3 does not allow multi-family. It only allows single and two family. Mr. Blatt stated he feels like C-3 is reasonable given the 2,000 feet on the interstate side.

Chair stated it is unfair to impose design standards but the CHMU zoning was specifically designed for the Upward Road area, yet he does find imposing design standards unfair.

Mr. Hanley stated if they are going to sale it, they will be looking for the biggest, widest window and who knows what the new owner will do with the property. Mr. Manley stated if the project is less than 50,000 sq. ft. it will not come before this Board for a CZD. They could possibly do the project by right and not have to come back to the Planning Board. Getting this done correctly with the right uses makes it very important that they get the zoning done right today.

Ms. Cromar asked about Mr. Lastein working on this for five years and him stating something about the Planning Department. Chair stated this was only annexed in September and both of the previous projects have been approved. Mr. Blatt stated he wished Mr. Lastein had the blessing of his neighbors. The Planning Department doesn't have their blessing either. He is sympathetic to the location being so close to the interstate. He sees things permitted in the CHMU district that is scary to him, such as light manufacturing.

Chair asked if there were any further questions for the applicant. There were no further questions.

Chair opened the public comment time for anyone in the room or on zoom.

Ken Fitch (zoom), 1046 Patton Street stated if this development is permitted by right, they will not know the density or the use and this could affect traffic in a major way. Chair stated over 50,000 sq. ft. would trigger a CZD but anything under 50,000 sq. ft. would be staff review and approval. He also stated the CHMU zoning district was established for this particular area.

Mr. Manley stated the City has the authority to zone any property. The general public can petition to have a property rezoned but the City has the authority to rezone it. They have to refer to the Comp Plan and they had the blessing of City Council when moving forward with creating the CHMU zoning district for this area.

Chair asked if C-3 was not compatible with the Comp Plan. Mr. Manley stated no, it does not meet the Comp Plan requirements for Activity Node or the design standards under Activity Node. It does meet the requirements however for the CHMU zoning district.

Traffic was also another concern. Ms. Cromar stated the CHMU district would promote a more walkable area and she feels it is more compatible.

Mr. Brown stated there are people living in this area and it is not just interstate frontage they have to consider.

Mr. Morrow stated the application is for the property to be zoned C-3. There is an approval for that in the suggested motions. There is also a denial motion which includes an approval recommendation for the CHMU zoning.

Ms. Peacock moved the Planning Board recommend City Council deny the rezoning of the subject property (PIN 9588-22-1126) from Henderson County Office Institutional to C-3 Highway Business for the following reasons: The rezoning is not consistent with the Comprehensive Plan. The rezoning is not compatible with the surrounding uses. The rezoning is not in the public interest because: There are not adequate public facilities and services such as water supply, wastewater treatment, fire and police protection and transportation available to support the proposed amendment. The rezoning will have a detrimental impact on the natural environment.

I further move that the 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 PIN 9588-22-1126 from Henderson County Office Institutional to CHMU Commercial Highway Mixed Use finding that the rezoning is consistent with the Comprehensive Plan's Future Land Use map designation of Regional Activity Center and that the rezoning is reasonable and in the public interest for the following reasons: That the zoning map amendment is consistent with the 2030 Comprehensive Plan, Chapter 8 – Land Use & Development. That the rezoning is compatible with the surrounding land uses. That it is reasonable and in the public's interest to

approve the application because it will advance goals related to the Comprehensive Plan. Mr. Brown seconded the motion which passed unanimously.

Chair asked that the motion be amended to use the word rezoning instead of development. Ms. Peacock amended the motion.

City of Hendersonville

Certification of Mailing of Public Notice

IN RE: Rezoning of PIN 9588-22-1126 File # P21-60-RZO
0 S. Allen Road

I hereby certify that official notice of the City Council Meeting on December 2, 2021, has been sent with regard to this matter by U.S. Mail on the date indicated below and as specified in this document.

The parties to whom notice was mailed are indicated on the sheets attached hereto as Exhibit A. Those listed on Exhibit A were mailed the letter, a copy of which is attached as Exhibit B.

Date Mailed: 11.16.21

Site posted this date per Section 7-4-8 of the City of Hendersonville Zoning Ordinance.

Terri Swann
Terri Swann
Administrative Assistant III

Henderson County, North Carolina

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

Date: 11/16/2021

Notary Signature: Jennifer L. Pickens

Notary Printed Name: Jennifer L Pickens

(Official Seal)

JENNIFER L. PICKENS NOTARY PUBLIC HENDERSON CO., NC

My Commission Expires: Nov 26, 2026

HEATHERLY, ANITA W;HEATHERLY, JAMES G
149 FAWN SPRING LN
FLAT ROCK, NC 28731

HOSPICE OF HENDERSON COUNTY INC A NC CORPORATION
571 S ALLEN RD
FLAT ROCK, NC 28731

JOHN A HUDGENS JR FAMILY LTD PARTNERSHIP
819 MCMURRAY RD
FLAT ROCK, NC 28731

JUSTUS BUSINESS CENTER LLC
620 CREST RD
FLAT ROCK, NC 28731

BLOOMFIELD, PETER G
642 DUNROY DR
HENDERSONVLLE, NC 28739

ARROWOOD, DAVID SCOTT;ARROWOOD, KIM HEDRICK
586 S ALLEN RD
FLAT ROCK, NC 28731

HENDERSON PROPCO LLC
PO BOX 2568
HICKORY, NC 28603

KIRKMAN, KATHY JO MOORE;MOORE, DANIEL ROGER
3801 EAGLE DOWNS WAY
SUMMERFIELD, NC 27358

KUYKENDALL, PAULINE
640 UPWARD RD
FLAT ROCK, NC 28731

SKYLAND LEGACY LLC
556 STONE PONY LN
KNOXVILLE, TN 37919

UPWARD AND OTHERS LLC
3737 HOWARD GAP RD
HENDERSONVILLE, NC 28792

KELTON LASTEIN
PO BOX 942
FLAT ROCK, NC 28731

OATES, C LEMUEL
3737 HOWARD GAP RD
HENDERSONVLLE, NC 28792

KUYKENDALL, PAULINE
640 UPWARD RD
FLAT ROCK, NC 28731

RHODES LODGING GROUP, LLC
PO OBX 793
HIGHLANDS, NC 28741

UPWARD ROAD DEVELOPMENT GROUP LLC
7 PARK ROAD
ASHEVILLE, NC 28803

CABE, PEGGY C.;CAMENZIND, ENNO F.;FLEMING, JOAN C.;CARTER, PAULA CAMENZIND;CAMENZIND, ROBERT O.
5133 BOYLSTON HWY
MILLS RIVER, NC 28759

HUDGENS, JOHN ALLISON III;SEDGWICK, ROBERTA HUDGENS;HUDGENS, KATHRYN ALLISON;HUDGENS, WILLIAM AUGUSTUS;SHIELDS,
819 MCMURRAY RD
FLAT ROCK. NC 28731

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

PLANNING DIVISION

SUBMITTER:	Matthew Manley, Planning Manager	**MEETING DATE:**	December 2, 2021
AGENDA SECTION:	Public Hearing	**DEPARTMENT:**	Community Development

TITLE OF ITEM: Zoning Text Amendment: Supplementary Standards for Private Clubs (P21-58-ZTA) – *Matthew Manley, AICP – Planning Manager*

SUGGESTED MOTION(S):

For Recommending Approval:	**For Recommending Denial**:
I move City Council APPROVE an ordinance amending the official zoning ordinance of the City of Hendersonville, Article XVI – Supplementary Standards for Certain Uses, Section 16-4-20 Private Clubs as presented. Finding that the zoning text amendment is consistent with the Comprehensive Plan Chapter 4 - Goal CR-4 and Chapter 8, Strategy LU-1.1, Action LU-1.1.1, and Goal LU-10 and that the zoning text amendment is reasonable and in the public interest for the following reasons: **[Please state reasons describing why this development is good for the community. Example suggestions below or include your own]** 1) It will promote additional entertainment, hospitality and social experiences within the City of Hendersonville's primary entertainment districts. 2) It encourages reinvestment in commercial real estate within the City of Hendersonville, supporting a sustainable tax base. 3) It reflects adaptation by the City to changing market trends in entertainment and hospitality. [DISCUSS & VOTE]	I move City Council DENY an ordinance amending the official zoning ordinance of the City of Hendersonville, Article XVI – Supplementary Standards for Certain Uses, Section 16-4-20 Private Clubs as proposed. Finding that the zoning text amendment is inconsistent with the Comprehensive Plan and that the zoning text amendment is not reasonable nor in the public interest for the following reasons: **[Please state reasons describing why this development is not good for the community. Example suggestions below or include your own]** 1)

SUMMARY: The City is in receipt of a Zoning Text Amendment application from Gene Ellison on behalf of Sam Souhail of Casablanca Cigar Bar to remove the 600' radius supplementary standard associated with Private Clubs. Currently there are 4 licensed private clubs in Hendersonville. The Legislative Committee of the Planning Board, the Economic Vitality Subcommittee of the Downtown Advisory Board, the Downtown Advisory Board and the Planning Board reviewed this application and is recommending the following amendments to the zoning ordinance:

Remove all Supplementary Standards related to Private Clubs from Section 16-4 of the Zoning Code. And reclassify Private Clubs as a 'Permitted Use' rather than a 'Special Use' in the Zoning Districts found in Article 5 of the Zoning Ordinance in which they are currently permitted as a 'Special Use'. These include C-1, C-2, C-3, CMU and I-1.

PROJECT/PETITIONER NUMBER:	P21-58-ZTA
PETITIONER NAME:	Gene Ellison / Sam Souhail / Casablanca Cigar Bar
ATTACHMENTS:	1. Staff Report 2. Draft Ordinance 3. Planning Board Legislative Committee Minutes

Text Amendment for Private Clubs - Supplementary Standards [P21-58-ZTA]

CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

Staff Report Contents

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SUMMARY OF TEXT AMENDMENT

The City is in receipt of a Zoning Text Amendment application from Gene Ellison on behalf of Sam Souhail of Casablanca Cigar Bar to remove the 600' radius supplementary standard associated with Private Clubs.

This proposal was reviewed by the Planning Board's Legislative Committee on October 21.

Currently, the Zoning Code's Supplementary Standards for Private Clubs are as follows:

16-4-20 Private Clubs.

a) No private club shall be located within a 600-foot radius of another private club.

b) The parking lot for such facility shall be adequately lighted to provide security for its patrons and to otherwise comply with Section 6-13, above.

Currently Private Clubs are listed as a Special Use (SU) in the C-1, C-2, C-3, CMU, I-1, and PMD-CZD Zoning Districts. It is also listed as a "limited" use under our Urban Residential Conditional Zoning District.

USE	R-40	R-20	R-15	R-10	R-6	PRDCZD	PMHCZD	RCT	MIC	C-1	C-2	C-3	C-4	CMU	PCDCZD	I-1	PMDCZD	PIDCZD	GHMU	HMU	UVCZD	URCZD	CHMU
Planned residential development (major)	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Private clubs	-	-	-	-	-	-	-	-	-	SU	SU	SU	-	SU	-	SU	P	-	-	-	-	L	-

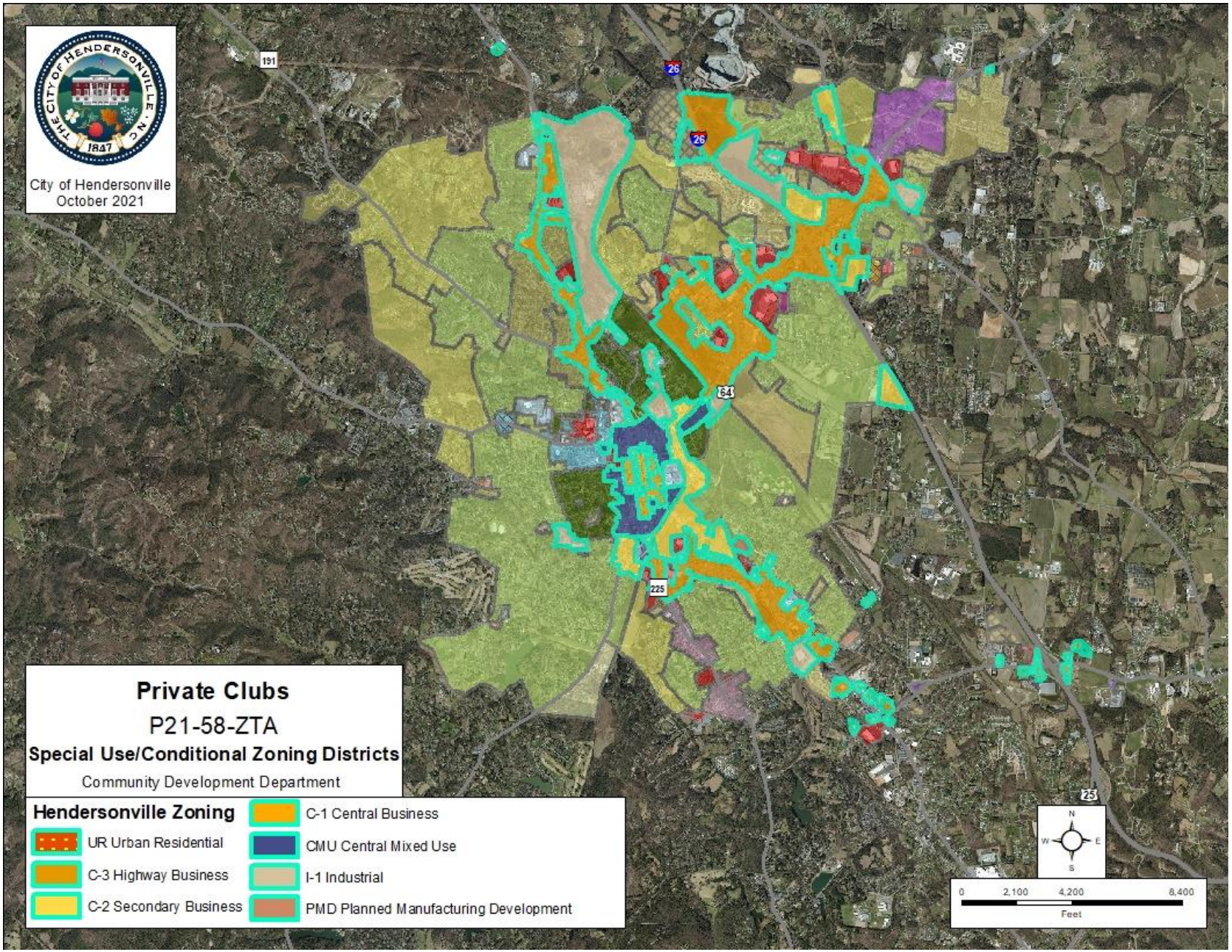
Private Clubs are defined as follows:

Any person, firm, corporation or association, key club, bottle club, locker club, pool club or any other kind of club or association having, possessing or requiring membership and excluding the general public from its premises or place of meeting, or congregating, or operating, or exercising control over any other place where persons are permitted to drink alcoholic beverages, consume food, observe entertainment, live or otherwise, play at video, mechanical or electronic games and/or dance, other than in a private home. Nothing in this definition or elsewhere in this ordinance permits a Private Club to conduct, contain or house an Electronic Gaming Operation in any district in which it is not otherwise expressly permitted by this ordinance.

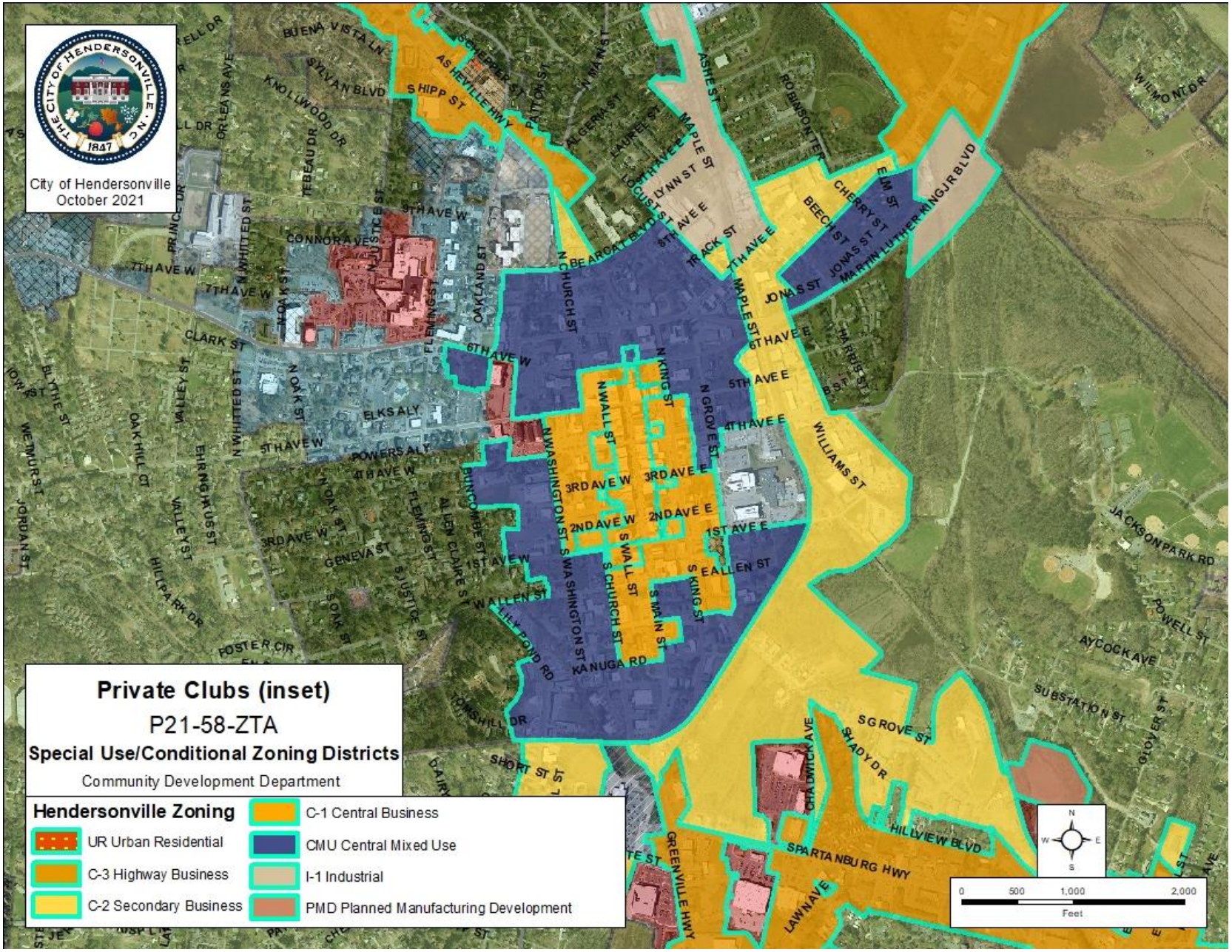
The NC State ABC regulates Private Clubs across the state. There are currently four Private Clubs licensed in Hendersonville:

1. Tobacco Merchant – 129 4th Avenue West – approved 7/9/19
2. Southern Appalachian Brewery – 822 Locust Street – approved 10/26/10
3. Jeff Grier (axe throwing) – 218 Duncan Hill Road – approved 8/14/18
4. The Brandy Bar – 504 7th Avenue East – approved 12/18/17

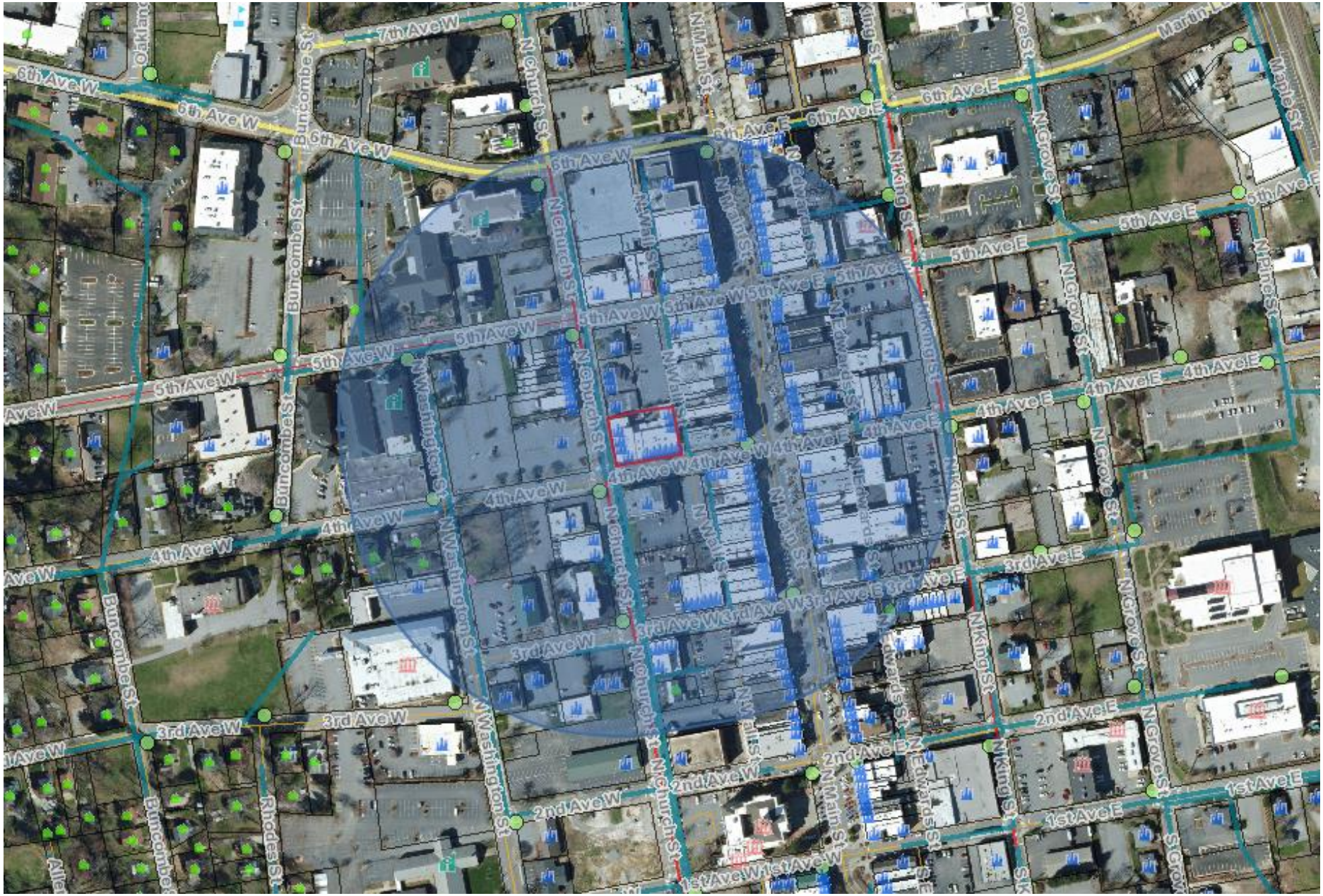
ZONING MAP – Areas highlighted where Private Clubs are permitted as a Special Use



ZONING MAP – ZOOM – Areas highlighted where Private Clubs are permitted as a Special Use



EXAMPLE MAP - 600’ RADIUS MAP AROUND PRIVATE CLUB IN C-1 DISTRICT



COMPREHENSIVE PLAN CONSISTENCY ASSESSMENT:

The Comprehensive Plan does not have a dedicated chapter on economic development. As such staff looked to understand more broadly the intent of various future land use categories that would be impacted by the proposed Zoning Text Amendment. Future Land Uses that will be impacted by the proposed text amendment include Business Center, Regional Activity Center, Neighborhood Activity Center, Downtown Core, Downtown Support, Urban Institutional & High Intensity Neighborhood. While none of these Land Uses designations discuss Private Clubs explicitly, they all discuss the inclusion of retail and/or restaurant uses as primary and/or secondary uses. These types of land uses are most similar to Private Clubs in terms of impact. Furthermore, no explicit direction is given in the Comprehensive Plan regarding distance requirements in general nor specifically for Private Clubs.

Chapter 8 establishes the consistency for the reviewing of potential new uses (such as Private Clubs) under *Strategy LU-1.1* which establishes the following: "*Encourage infill development and redevelopment in areas planned for high intensity development, as indicated by the "Priority Infill Areas" on Map 8.3a.*" Further, *Action LU-1.1*.1 directs implementation through the following means: "*Review zoning standards in High-Intensity Neighborhood, Neighborhood Activity Center, Regional Activity Center, Downtown Core, Downtown Support and Urban Institutional areas and revise as necessary to enable compatible infill projects*."

Chapter 8 also includes *Goal LU-10* for the "*Downtown Core*" Future Land Use Map designation. Key aspects of this designation as it relates to this proposed text amendment are as follows:

Goal LU-10.	Strategy LU-10.1.	Strategy LU-10.2.
***Downtown Core*: Maintain, enhance, and grow Downtown as a vibrant, mixed-use gathering place and cultural center with an emphasis on retail, arts and entertainment uses. Maintain a highly urban, pedestrian-focused environment through building and streetscape design.**	**Locations:** • Main Street • 7th Avenue • Portions of Church Street and King Street	**Primary recommended land uses:** • Neighborhood retail sales and services • Restaurants • Arts, cultural and entertainment establishments

Chapter 4, Goal CR-4. establishes a goal to "*Promote downtown as Hendersonville's central gathering place and a focal point for niche retailers and entertainment, cultural and civic uses.*"

SUMMARY OF COMMITTEE MEETINGS

LEGISLATIVE COMMITTEE

The proposed text amendment was reviewed in a public meeting with the Legislative Committee of the Planning Board on October 21, 2021. The Committee consisted of two Planning Board members, Neil Brown and Bob Johnson, as well as Planning Division staff. After some lengthy discussion, the Committee came up with the following recommendation based on concerns that the 600' rule was essentially creating a "monopoly"-like situation in the City's main social/entertainment districts.

Recommendations from Legislative Committee related to Supplementary Standards for Private Clubs:

1. In the C-1 & C-2, no private club shall be located within 300' of another private club on the same street.
2. The measurements for supplementary standards for Private Clubs will be measured from the center of the Main Entrance of any existing private club to the center of the main entrance of any proposed private club.

It was clear in discussing the Supplementary Standards for Private Clubs that the Legislative Committee saw potential adjustments to the "600' Rule" as promoting the inclusion of diversified entertainment options specifically in the zoning districts which govern Downtown (C-1) and the 7th Ave District (C-2).

ECONOMIC VITALITY SUBCOMMITTEE OF THE DOWNTOWN ADVISORY BOARD

The proposed text amendment was reviewed in a public meeting with the Economic Vitality Subcommittee of the Downtown Advisory Board on November 2, 2021. The meeting attendees consisted of Subcommittee members, Downtown Division staff and Planning Division staff. After some lengthy discussion, the Committee came up with the following:

"The Economic Vitality subcommittee of the Downtown Advisory Board was in favor of less restrictions for private clubs. There was discussion on the definition of private clubs (City ordinance definition vs NC ABC definition, and more recently the distinguishing definition of 'Private Bar' per NC ABC).

The subcommittee was in favor of a per block rule rather than 300 ft rule. If a 300' distance measurement is used, the committee felt as though it should be measured by walking route distance rather than radius."

PLANNING BOARD - SUMMARY OF ACTION

Summary of Planning Board Recommendations

The Planning Board met on November 8, 2021 to consider this item as a recommendation to City Council. The Planning Board discussed the history of the provisions for Private Clubs. They also reviewed the positions proposed by both the Legislative Committee and the Economic Vitality Subcommittee. There was a general consensus that less regulation is needed. After some discussion, the following motion was made.

Planning Board Motion

Ms. Peacock moved the Planning Board recommend City Council approve an ordinance amending the official Zoning Ordinance of the City of Hendersonville, Article XVI Supplementary Standards for Certain Uses, Section 16-4-20 Private Clubs, removing all Supplementary Standards associated with Private Clubs further that Private Clubs be reclassified from a Special Use to a Permitted Use in the C-1, C-2, C-3, CMU and I-1 zoning districts finding that the zoning text amendment is consistent with the Comprehensive Plan Chapter 4 – Goal CR-4 and Chapter 8, Strategy LU-1.1, and Goal LU-10 and that the zoning text amendment is reasonable and in the public interest for the following reasons: It will promote additional entertainment, hospitality and social experiences within the City of Hendersonville's primary entertainment districts. It encourages reinvestment in commercial real estate within the City of Hendersonville, supporting a sustainable tax base. It reflects adaptation by the City to changing market trends in entertainment and hospitality. Mr. Hanley seconded the motion which passed unanimously.

DOWNTOWN ADVIOSRY BOARD - SUMMARY OF ACTION

Summary of Downtown Advisory Board Recommendations

The Downtown Advisory Board convened on November 9, 2021 following the recommendation that was made by the Planning Board. After a short discussion, they concurred with the recommendation of the Planning Board to remove the Supplementary Standards for Private Clubs and reassign them as "permitted uses".

SUGGESTED MOTION

See Cover Sheet for Suggested Motion including Consistency Statement and Reasonableness Statements.

ATTACHMENTS:

- Planning Board Legislative Committee Minutes (Oct. 21, 2021)
- Draft Ordinance

Ordinance #___-____

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE CITY OF HENDERSONVILLE'S CODE OF ORDINANCES - PART II - APPENDIX A – ZONING ORDINANCE, ARTICLE V - ZONING DISTRICT CLASSIFICATIONS AND ARTICLE XVI: SUPPLEMENTARY STANDARDS FOR CERTAIN USES, SECTION 16-4-20 PRIVATE CLUBS

WHEREAS, the City of Hendersonville's Downtown Advisory Board and Planning Board have reviewed and recommended for adoption a zoning text amendment pertaining to the supplementary standards and use designation for Private Clubs as regulated by the City of Hendersonville Zoning Ordinance; and

WHEREAS, City Council desires to promote additional entertainment, hospitality and social experiences within the City of Hendersonville's primary entertainment districts; and

WHEREAS, City Council desires to encourage reinvestment in commercial real estate within the City of Hendersonville, supporting a sustainable tax base; and

WHEREAS, the proposed amendment reflects adaptation by the City to changing market trends in entertainment and hospitality.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Hendersonville, North Carolina that Zoning Ordinance Article V – Zoning District Classifications and Article XVI: Supplementary Standards For Certain Uses, Section 16-4-20 Private Clubs shall be amended as follows:

ARTICLE V - ZONING DISTRICT CLASSIFICATIONS

5-6-1 Permitted Uses: The following uses are permitted by right in the C-1 Central Business Zoning District Classification, provided that they meet all requirements of this Section and all other requirements established in this Ordinance:

Private Clubs

5-6-2 Special Uses: The following uses shall be permitted in the C-1 Central Business Zoning District Classification only upon issuance of a Special Use pursuant to Article X and shall be subject to Special Use requirements contained in Section 16-4, below:

~~Private clubs~~

5-7-1 Permitted Uses: The following uses are permitted by right in the C-2 Secondary Business Zoning District Classification, provided that they meet all requirements of this Section and all other requirements established in this Ordinance:

Private Clubs

5-7-2 Special Uses: The following uses shall be permitted in the C-2 Secondary Business Zoning District Classification only upon issuance of a Special Use pursuant to Article X and shall be subject to Special Use requirements contained in Section 16-4, below:

~~Private clubs~~

5-8-1 Permitted Uses: The following uses are permitted by right in the C-3 Highway Business Zoning District Classification, provided that they meet all requirements of this Section and all other requirements established in this Ordinance:

Private Clubs

5-8-2 Special Uses: The following uses shall be permitted in the C-3 Highway Business Zoning District Classification only upon issuance of a Special Use pursuant to Article X and shall be subject to Special Use requirements contained in Section 16-4, below:

~~Private clubs~~

5-12-1 Permitted Uses: The following uses are permitted by right in the I-1 Industrial Zoning District Classification, provided that they meet all requirements of this Section and all other requirements established in this Ordinance. SIC references are to the 1987 edition of the Standard Industrial Classification Manual published by the Office of Management and Budget.

Private Clubs

5-12-2 Special Uses. The following uses shall be permitted in the I-1 Industrial Zoning District Classification only upon issuance of a Special Use Permit pursuant to Article X and shall be subject to Special Use requirements contained in Section 16-4, below:

~~Private clubs~~

5-19-1 Permitted Uses The following uses are permitted by right in the CMU Central Mixed Use Zoning District Classification provided they meet all requirements of this Section and all other requirements established in this Ordinance:

Private Clubs

5-19-2 Special Uses The following uses shall be permitted in the CMU Central Mixed Use Classification only upon issuance of a Special Use Permit pursuant to Article X and shall be subject to Special Use requirements contained in Section 16-4, below

~~Private clubs~~

ARTICLE XVI - SUPPLEMENTARY STANDARDS FOR CERTAIN USES

~~16-4-20 Private Clubs.~~

~~a) No private club shall be located within a 600-foot radius of another private club.~~

~~b) The parking lot for such facility shall be adequately lighted to provide security for its patrons and to otherwise comply with Section 6-13, above.~~

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

Attest: _____

Barbara G. Volk, Mayor, City of Hendersonville

_____

Angela L. Reece, City Clerk

Approved as to form:

_____

Angela S. Beeker, City Attorney

Minutes of the Planning Board – Legislative Committee
Virtual Meeting
October 21, 2021

Members Present: Neil Brown, Bob Johnson

Staff Present: Tyler Morrow, Planner II, Lew Holloway, Community Development Director, Matt Manley, Planning Manager, Alexandra Hunt, Planner and Terri Swann, Administrative Assistant III

Legislative Committee Meeting – Supplementary Standards for Private Clubs
A meeting was held via Zoom regarding a Zoning Text Amendment Application from Casablanca Cigar Bar for a proposed change to Section 16-4-20 of the Zoning Ordinance.

It was stated that this application is on the agenda for the November 8, 2021 Planning Board meeting. The purpose of this meeting was to discuss the requirements of Section 16-4-20, which prohibits Private Clubs from being located within a 600-foot radius of another Private Club, in order to give staff direction on the proposal ahead of the November Planning Board meeting. The applicant, Casablanca Cigar Bar, is located within 600 ft of an existing private club. Mr. Manley provided a map demonstrating the 600 ft radius around the existing private club. Staff also provided map displaying all of the zoning districts which currently permit Private Clubs as a Special Use. Mr. Manley also provided a list of current private clubs in Hendersonville:

1. Tobacco Merchant – 129 4th Avenue West – approved 7/9/19
2. Southern Appalachian Brewery – 822 Locust Street – approved 10/26/10
3. Jeff Grier (axe throwing) – 218 Duncan Hill Road – approved 8/14/18
4. The Brandy Bar – 504 7th Avenue East – approved 12/18/17

It was also discussed that any changes to the Supplementary Standards for Private Clubs would affect all proposed Private Clubs moving forward, not just the one proposed by the applicant. A discussion proceeded where the Legislative Committee provided the following recommendations:

- In the C-1 and C-2 zoning districts, no private club shall be located withing 300 ft of another private club on the same street
- The measurements for supplementary standards for Private Clubs will be measured from the center of the Main Entrance of any existing private club to the center of the main entrance of any proposed private club.

Notice: This meeting was noticed to the public in accordance with all requirements. The meeting was also attended by one local resident and a member of the media.

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: D. James Miller, Fire Chief

MEETING DATE: December 2, 2021

AGENDA SECTION: New Business

DEPARTMENT: Fire Department

TITLE OF ITEM: Resolution By the City Of Hendersonville City Council Authorizing Purchase Of 2022/2023 Spartan Metro Star / Smeal Custom Pumper Pursuant To N.C.G.S. § 143-129(E)(3) – *D. James Miller, Fire Chief*

SUGGESTED MOTION(S):

I move that City Council adopt the RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL AUTHORIZING PURCHASE OF 2022/2023 Spartan Metro Star / Smeal Custom Pumper PURSUANT TO N.C.G.S. § 143-129(e)(3)

SUMMARY:

The City of Hendersonville Fire Department is requesting permission to replace a 2004 E-One Fire Engine. It is currently 17 years old and by the time it is ordered, built and delivered, it will be 19/20 years old. With a notice from the vendor of another price increase of 5% on January 5th, we hope to beat this deadline to save the increased amount ($34,693.15 dollars). This truck was selected out of four vendors by our truck committee, this committee is reflective of the personnel, different shifts and positions (Firefighters, Engineers and Officers) that will be using this fire truck.

BUDGET IMPACT: $693,863.00

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

If no, describe how it will be funded. Funds will be available and encumbered in the designated Capital Project Fund.

ATTACHMENTS:

Resolution

Resolution #

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL AUTHORIZING PURCHASE OF 2022/23 Spartan Metro-Star / Smeal Custom Pumper PURSUANT TO N.C.G.S. § 143-129(e)(3)

WHEREAS, the City Council of the City of Hendersonville desires to purchase a new 2022/23 Spartan Metro-Star / Smeal Custom Pumper to replace a 2004 E- One that is 17 years old to ensure the provision of high quality, safe fire suppression services for its residents, property owners, visitors, and Fire Department personnel; and

WHEREAS, the City staff researched alternatives for the planned purchase of a replacement with E-One, Pierce, and KME during FY2021; and

WHEREAS, N.C.G.S. § 143-129(e)(3) authorizes direct purchases from a competitive bidding group purchasing program; and

WHEREAS, the City is utilizing the group purchasing program authorized under Section143-129(e)(3) of the NC General Statutes, and is relying upon a competitive bid process used by Sourcewell, formerly National Joint Powers Alliance (NJPA) of Staples, MN to purchase a new 2022/23 Spartan Metro-Star / Smeal Custom Pumper from Atlantic Coast Fire Trucks; and

WHEREAS, Sourcewell, formerly NJPA is an established nationwide government cooperative procurement service, and offers competitively bid products and services for local government public safety, emergency services, and communications among other equipment and services, and

WHEREAS it is the recommendation of the City Manager, the Fire Chief, and the Procurement and Contract Administrator that the City purchase the 2022/23 Spartan Metro-Star / Smeal Custom Pumper at a cost of $693,863.00 from Atlantic Coast Fire Trucks; and

WHEREAS the City of Hendersonville Finance Director has determined that sufficient funds are available to cover the cost of this purchase. Funds will be available and encumbered in the designated Capital Project Fund.

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

1. That the purchase of the 2022/23 Spartan Metro-Star / Smeal Custom Pumper at a cost of $693,863.00 from Atlantic Coast Fire Trucks; is approved pursuant to the authority granted by N.C.G.S. § 143-129(e)(3).
2. The City Manager is authorized to negotiate and execute a contract with Atlantic Coast Fire Trucks, in consultation with the City Attorney, containing such terms as he, in his discretion deems appropriate provided such contract is consistent with the terms of this Resolution.

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

Attest:

_____
Barbara G. Volk, Mayor, City of Hendersonville

_____
Angela L. Reece, City Clerk

Approved as to form:

_____
Angela S. Beeker, City Attorney

atlantic coast FIRETRUCKS

37 Stonington Drive, Murrells Inlet, SC 29576

1

SALES CONTRACT

THIS CONTRACT ("Contract") is made by and between Atlantic Coast Fire Trucks, LLC ("ACFT"), and **City of Hendersonville, NC Fire Department_** ("Customer") for the purchase of **2022/23 Spartan/Smeal Custom Pumper**. This Contract will not become binding by ACFT until it is executed by an authorized person(s) on behalf of ACFT and the Customer, and the effective date of the Contract ("Effective Date") will be the date that the ACFT authorized person executes the Contract. The parties hereby agree as follows: **2022/23 Spartan Metro-Star / Smeal Custom Pumper**

(1) Subject to the terms of this Contract, the manufacturer shall furnish, and Customer shall purchase, the apparatus and equipment ("Apparatus and Equipment") described and in accordance in all material respects with the specifications ("Original Specifications") submitted with the bid proposal (the "Bid Proposal"). In the event there is any conflict between Original Specification and the Bid Proposal, the Bid Proposal will prevail.

(2) This Contract for Apparatus and Equipment conforms to all Federal Department of Transportation (DOT) and Environmental Protection Agency (EPA) rules and regulations and to all National Fire Protection Association (NFPA) Guidelines for Automotive Fire Apparatus in effect as of the Effective Date. Any increased cost incurred by the manufacturer because of future changes in or additions to such DOT, EPA or NFPA standards will be passed along to Customer as an addition to the Purchase Price set forth below.

(3) The Apparatus and Equipment shall be ready for delivery from the factory, within **365** days. This delivery timeframe is subject to modification if there are customer driven delays to holding the pre-construction meeting and/or if there are customer driven delays to returning the corresponding signed change order to the factory. All days exceeding 10 days after the pre-construction conclusion with priced change order ready for approval will be added to the above-mentioned delivery timeframe. Any further delays after the pre-construction has been completed in providing additional desired specifications, change approvals, inspection timelines, or other required information for the Apparatus and Equipment may result in an extension of the above referenced delivery timeline by the amount of time the manufacturer requires, in its sole but reasonable discretion, to furnish the Apparatus and Equipment following Customer's delay, but in any event by at least the duration of Customer's delay. It is understood by the Customer that change orders can affect contract price and delivery time.

(4) A competent ACFT service representative shall, upon request, be provided to demonstrate and provide instructions in the handling and operation of Apparatus or Equipment described herein.

(5) In exchange for the Apparatus and Equipment, Customer agrees to pay ACFT the sum of *Six hundred ninety-three thousand eight hundred sixty-three* Dollars ($ **693,863.00**) ("Purchase Price"). The Purchase Price (a) includes a discount of $___N/A_____dollars for a $____N/A_____dollar prepayment to be made at ____N/A_____ (type of prepayment option chosen); OR (b) Customer reserves the right to receive a $___N.A_____ discount if, after the Effective Date, a $_____N/A_____ prepayment is made at _____N/A_____ (type of prepayment option chosen). Net payment is due within 21 days upon receipt of invoice or delivery to Customer, unless otherwise specified herein. Dealer-supplied or dealer-installed items that delay payment will be invoiced separately. Interest at 18 percent per annum, payable monthly, shall be charged on all past due payments. If more than one item of Apparatus and Equipment is covered by this Contract, the above terms of payment shall apply to each item, and an invoice covering each item shall be rendered in the proper amount and paid upon delivery of the item. In the event the Apparatus and Equipment is placed in service prior to payment in full, ACFT reserves the right to charge a rental fee of Three Hundred Fifty Dollars ($350.00) per day. Any applicable taxes not specified noted above will be paid by Customer directly or will be added to the Purchase Price. If Customer claims exemption from any tax, Customer shall furnish applicable exemption certificate to ACFT and hold ACFT harmless from any such tax, interest or penalty which may at any time be assessed against ACFT.

All payments must be made to Atlantic Coast Fire Trucks, LLC. Any representation that payment is to be to any other party is unauthorized.

(6) Acceptance of Apparatus and Equipment shall occur immediately after completion of a final inspection by a representative of the Customer, completion of any discrepancy list, and shipment of Apparatus and Equipment from the factory location. Upon completion of the final inspection and related discrepancy list, the Apparatus and Equipment shall be conclusively determined to be in full compliance with the terms of this Contract, including without limitation the Original Specifications. Smeal will not surrender to Customer the title to or the statement of origin for any Apparatus or Equipment or provide Customer with any other documentation regarding ownership of any Apparatus or Equipment until Smeal has received full payment of the Purchase Price and taxes.

(7) ACFT shall not be liable to Customer or to anyone else for consequential, incidental, special, exemplary, indirect or punitive damages arising from any defect, delay, nondelivery, recall or other breach by ACFT, including but not limited to personal injury, death, property damage, lost

profits, or other economic injury. ACFT shall not be liable to Customer or anyone else in tort for any negligent design or manufacture of any body or other part of Apparatus or Equipment, or for the omission of any warning with respect thereto.

(8) Customer shall indemnify ACFT against, and hold ACFT, its agents, employees, officers, and directors harmless from, any and all claims, action, suits and proceedings, costs, expenses, damages and liabilities, whether based in negligence, tort, strict liability or otherwise, including

attorney's fees and costs, arising out of, connected with, or resulting from this Contract or the Apparatus or Equipment, except t claims, action, suits and proceedings, costs, expenses, damages or liabilities arise from ACFT's breach of its obligations under this Contract.

(9) ACFT warrants that, at the time of delivery, the Apparatus and Equipment shall comply in all material respects with the Original Specifications. OTHER MANUFACTUER WARRANTIES APPLICABLE TO THE APPARATUS AND EQUIPMENT ARE THOSE EXPRESSLY SET FORTH IN THE BID PROPOSAL AND IDENTIFIED AS APPLYING TO THE APPARATUS AND EQUIPMENT. SUCH WARRANTIES ARE IN LIEU OF ALL OTHER WARRANTIES, EXPRESSED OR IMPLIED, INCLUDING BUT NOT LIMITED TO THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR ANY PARTICULAR PURPOSE.

(10) ACFT shall not be liable if performance failure arises out of causes beyond its reasonable control, which causes shall include without limitation acts of God, war, fires, floods, public health emergencies, difficulty in procuring materials, equipment or tooling failure, freight embargoes, order of any court, strike, lockout, shortage of labor, failure or delays by suppliers or contractors, or legislative or governmental, or other, prohibitions or restrictions.

(11) The Apparatus and Equipment shall remain the property of ACFT until the entire Purchase Price for each and every item of Apparatus and Equipment has been paid. In case of a default in payment, ACFT may take full possession of the Apparatus and Equipment, or of the item or items upon which default has been made, and any payments that have been made shall be applied as payment for the use of the Apparatus and Equipment up to the date ACFT takes possession.

(12) This Contract will only be binding on ACFT after it is signed and approved by an authorized person of ACFT. This Contract (which includes the other documents referenced in this Contract) embody the entire agreement and understanding between the parties with respect to the subject matter of this Contract and supersede all prior oral or written agreements and understandings relating to the subject matter of this Contract. No statement, representation, warranty, covenant or agreement of any kind not expressly set forth in this Contract shall affect, or be used to interpret, change or restrict, the express terms and provisions of this Contract. This Contract cannot be altered or modified except by mutual written agreement signed by the parties. The Customer representative signing this Contract on Customer's behalf represents and warrants that he or she has the authority to sign this Contract and that all necessary action has been taken by Customer to authorize Customer's execution of and performance under this Contract.

(13) In the event that any court of competent jurisdiction shall determine that any provision, or any portion thereof, contained in this Contract shall be unenforceable in any respect, then the provision shall be deemed limited to the extent that the court deems it enforceable, and as so limited shall remain in full force and effect. In the event the court shall deem any provision, or portion thereof, wholly unenforceable, the remaining provisions of this Contract shall nevertheless remain in full force and effect.

(14) This Contract shall be governed by and construed in accordance with the laws of the State of South Carolina without giving effect to principles of conflict of laws. Customer irrevocably and unconditionally (a) agrees that any suit, action, or other legal proceeding arising out of or relating to this Contract may, at the option of ACFT, be brought in a court of record of the State of South Carolina in Horry County, in the United States District Court for the District of South Carolina, or in any other court of competent jurisdiction; (b) consents to the jurisdiction of each such court in any such suit, action or proceeding; and (c) waives any objection that it may have to the laying of venue of any such suit, action, or proceeding in any of such courts.

Submitted to Customer By: _Rob Smith_____ on _11/03/2021 .
ACFT *Sales Representative – Print Name* *Date*

_Rob Smith_____
ACFT *Sales Representative Signature*

Atlantic Coast Fire Trucks, LLC

By: _____
Atlantic Coast Fire Trucks, LLC Authorized Signature

_____
Print Name

_____
Date

Customer: _____

By: _____
Customer Signature

_____
Print Name

By:_____

_____
Print Name

_____
Date

The Price does include the Sourcewell fees.
Customer Sourcewell #
Performance Bond
PreCon and Final Inspection Travels for 3 personnel per trip
Contingency

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: D. James Miller, Fire Chief

MEETING DATE: December 2, 2021

AGENDA SECTION: New Business

DEPARTMENT: Fire Department

TITLE OF ITEM: Resolution By the City of Hendersonville City Council Authorizing Purchase Of 2022/2023 Spartan Gladiator / Smeal 100' Mid-Mount Platform Pursuant To N.C.G.S. § 143-129(e)(3) – *D. James Miller, Fire Chief*

SUGGESTED MOTION(S):

I move that City Council adopt the Resolution By The City Of Hendersonville City Council Authorizing Purchase Of 2022/2023 Spartan Gladiator / Smeal 100' Mid-Mount Platform PURSUANT TO N.C.G.S. § 143-129(e)(3)

SUMMARY:

The City of Hendersonville Fire Department is requesting permission to replace a 2004 E-One Ladder Truck. It is currently 17 years old and by the time it is ordered, built and delivered it will be 19/20 years old. With a notice from the vendor of another price increase of 5% on January 5th, we hope to beat this deadline to save the increased amount ($72,675.15 dollars). This truck was selected out of four vendors by our truck committee, this committee is reflective of the personnel, different shifts and positions (Firefighters, Engineers and Officers) that will be using the ladder / tower truck.

BUDGET IMPACT: $1,453,503.00

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

If no, describe how it will be funded. Funds will be available and encumbered in the designated Capital Project Fund.

ATTACHMENTS:

Resolution

Resolution #

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL AUTHORIZING PURCHASE OF 2022/2023 Spartan Gladiator / Smeal 100' Mid-Mount Platform PURSUANT TO N.C.G.S. § 143-129(e)(3)

WHEREAS, the City Council of the City of Hendersonville desires to purchase a new 2022/23 Spartan Gladiator / Smeal 100' Mid-Mount Platform to replace a 2004 E- One 100 ft. Tower / Ladder that is 17 years old to ensure the provision of high quality, safe fire suppression services for its residents, property owners, visitors, and Fire Department personnel; and

WHEREAS, the City staff researched alternatives for the planned purchase of a replacement with Pierce, E-One, and Sutphen during FY2021; and

WHEREAS, N.C.G.S. § 143-129(e)(3) authorizes direct purchases from a competitive bidding group purchasing program; and

WHEREAS, the City is utilizing the group purchasing program authorized under Section143-129(e)(3) of the NC General Statutes, and is relying upon a competitive bid process used by Sourcewell, formerly National Joint Powers Alliance (NJPA) of Staples, MN to purchase a new 2022/23 Spartan Gladiator / Smeal 100' Mid-Mount Platform from Atlantic Coast Fire Trucks; and

WHEREAS, Sourcewell, formerly NJPA is an established nationwide government cooperative procurement service, and offers competitively bid products and services for local government public safety, emergency services, and communications among other equipment and services, and

WHEREAS it is the recommendation of the City Manager, the Fire Chief, and the Procurement and Contract Administrator that the City purchase the 2022/23 Spartan Gladiator / Smeal 100' Mid-Mount Platform at a cost of $1,453,503.00 from Atlantic Coast Fire Trucks; and

WHEREAS the City of Hendersonville Finance Director has determined that sufficient funds are available to cover the cost of this purchase. Funds will be available and encumbered in the designated Capital Project Fund.

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

1. That the purchase of the 2022/23 Spartan Gladiator / Smeal 100' Mid-Mount Platform at a cost of $1,453,503.00 from Atlantic Coast Fire Trucks; is approved pursuant to the authority granted by N.C.G.S. § 143-129(e)(3).
2. The City Manager is authorized to negotiate and execute a contract with Atlantic Coast Fire Trucks, in consultation with the City Attorney, containing such terms as he, in his discretion deems appropriate provided such contract is consistent with the terms of this Resolution.

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

Attest:

_____
Barbara G. Volk, Mayor, City of Hendersonville

_____
Angela L. Reece, City Clerk

Approved as to form:

_____
Angela S. Beeker, City Attorney

37 Stonington Drive, Murrells Inlet, SC 29576

SALES CONTRACT

THIS CONTRACT ("Contract") is made by and between Atlantic Coast Fire Trucks, LLC ("ACFT"), and **City of Hendersonville, NC Fire Department_** ("Customer") for the purchase of **2022/23 Spartan/Smeal MidMount Platform**. This Contract will not become binding by ACFT until it is executed by an authorized person(s) on behalf of ACFT and the Customer, and the effective date of the Contract ("Effective Date") will be the date that the ACFT authorized person executes the Contract. The parties hereby agree as follows: **2022/23 Spartan Gladiator / Smeal 100' Mid-Mount Platform**

(1) Subject to the terms of this Contract, the manufacturer shall furnish, and Customer shall purchase, the apparatus and equipment ("Apparatus and Equipment") described and in accordance in all material respects with the specifications ("Original Specifications") submitted with the bid proposal (the "Bid Proposal"). In the event there is any conflict between Original Specification and the Bid Proposal, the Bid Proposal will prevail.

(2) This Contract for Apparatus and Equipment conforms to all Federal Department of Transportation (DOT) and Environmental Protection Agency (EPA) rules and regulations and to all National Fire Protection Association (NFPA) Guidelines for Automotive Fire Apparatus in effect as of the Effective Date. Any increased cost incurred by the manufacturer because of future changes in or additions to such DOT, EPA or NFPA standards will be passed along to Customer as an addition to the Purchase Price set forth below.

(3) The Apparatus and Equipment shall be ready for delivery from the factory, within **365** days. This delivery timeframe is subject to modification if there are customer driven delays to holding the pre-construction meeting and/or if there are customer driven delays to returning the corresponding signed change order to the factory. All days exceeding 10 days after the pre-construction conclusion with priced change order ready for approval will be added to the above-mentioned delivery timeframe. Any further delays after the pre-construction has been completed in providing additional desired specifications, change approvals, inspection timelines, or other required information for the Apparatus and Equipment may result in an extension of the above referenced delivery timeline by the amount of time the manufacturer requires, in its sole but reasonable discretion, to furnish the Apparatus and Equipment following Customer's delay, but in any event by at least the duration of Customer's delay. It is understood by the Customer that change orders can affect contract price and delivery time.

(4) A competent ACFT service representative shall, upon request, be provided to demonstrate and provide instructions in the handling and operation of Apparatus or Equipment described herein.

(5) In exchange for the Apparatus and Equipment, Customer agrees to pay ACFT the sum of *One Million four hundred fifty three thousand five hundred and three* Dollars ($ **1,453,503.00**) ("Purchase Price"). The Purchase Price (a) includes a discount of $___N/A_____dollars for a $____N/A_____dollar prepayment to be made at ____N/A_____ (type of prepayment option chosen); OR (b) Customer reserves the right to receive a $___N.A_____ discount if, after the Effective Date, a $_____N/A_____ prepayment is made at _____N/A_____ (type of prepayment option chosen). Net payment is due within 21 days upon receipt of invoice or delivery to Customer, unless otherwise specified herein. Dealer-supplied or dealer-installed items that delay payment will be invoiced separately. Interest at 18 percent per annum, payable monthly, shall be charged on all past due payments. If more than one item of Apparatus and Equipment is covered by this Contract, the above terms of payment shall apply to each item, and an invoice covering each item shall be rendered in the proper amount and paid upon delivery of the item. In the event the Apparatus and Equipment is placed in service prior to payment in full, ACFT reserves the right to charge a rental fee of Three Hundred Fifty Dollars ($350.00) per day. Any applicable taxes not specified noted above will be paid by Customer directly or will be added to the Purchase Price. If Customer claims exemption from any tax, Customer shall furnish applicable exemption certificate to ACFT and hold ACFT harmless from any such tax, interest or penalty which may at any time be assessed against ACFT.

All payments must be made to Atlantic Coast Fire Trucks, LLC. Any representation that payment is to be to any other party is unauthorized.

(6) Acceptance of Apparatus and Equipment shall occur immediately after completion of a final inspection by a representative of the Customer, completion of any discrepancy list, and shipment of Apparatus and Equipment from the factory location. Upon completion of the final inspection and related discrepancy list, the Apparatus and Equipment shall be conclusively determined to be in full compliance with the terms of this Contract, including without limitation the Original Specifications. Smeal will not surrender to Customer the title to or the statement of origin for any Apparatus or Equipment or provide Customer with any other documentation regarding ownership of any Apparatus or Equipment until Smeal has received full payment of the Purchase Price and taxes.

(7) ACFT shall not be liable to Customer or to anyone else for consequential, incidental, special, exemplary, indirect or punitive damages arising from any defect, delay, nondelivery, recall or other breach by ACFT, including but not limited to personal injury, death, property damage, lost

profits, or other economic injury. ACFT shall not be liable to Customer or anyone else in tort for any negligent design or manufacture of any body or other part of Apparatus or Equipment, or for the omission of any warning with respect thereto.

(8) Customer shall indemnify ACFT against, and hold ACFT, its agents, employees, officers and directors harmless from, any and all claims, action, suits and proceedings, costs, expenses, damages and liabilities, whether based in negligence, tort, strict liability or otherwise, including

attorney's fees and costs, arising out of, connected with, or resulting from this Contract or the Apparatus or Equipment, except t claims, action, suits and proceedings, costs, expenses, damages or liabilities arise from ACFT's breach of its obligations under this Contract.

(9) ACFT warrants that, at the time of delivery, the Apparatus and Equipment shall comply in all material respects with the Original Specifications. OTHER MANUFACTUER WARRANTIES APPLICABLE TO THE APPARATUS AND EQUIPMENT ARE THOSE EXPRESSLY SET FORTH IN THE BID PROPOSAL AND IDENTIFIED AS APPLYING TO THE APPARATUS AND EQUIPMENT. SUCH WARRANTIES ARE IN LIEU OF ALL OTHER WARRANTIES, EXPRESSED OR IMPLIED, INCLUDING BUT NOT LIMITED TO THE IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR ANY PARTICULAR PURPOSE.

(10) ACFT shall not be liable if performance failure arises out of causes beyond its reasonable control, which causes shall include without limitation acts of God, war, fires, floods, public health emergencies, difficulty in procuring materials, equipment or tooling failure, freight embargoes, order of any court, strike, lockout, shortage of labor, failure or delays by suppliers or contractors, or legislative or governmental, or other, prohibitions or restrictions.

(11) The Apparatus and Equipment shall remain the property of ACFT until the entire Purchase Price for each and every item of Apparatus and Equipment has been paid. In case of a default in payment, ACFT may take full possession of the Apparatus and Equipment, or of the item or items upon which default has been made, and any payments that have been made shall be applied as payment for the use of the Apparatus and Equipment up to the date ACFT takes possession.

(12) This Contract will only be binding on ACFT after it is signed and approved by an authorized person of ACFT. This Contract (which includes the other documents referenced in this Contract) embody the entire agreement and understanding between the parties with respect to the subject matter of this Contract and supersede all prior oral or written agreements and understandings relating to the subject matter of this Contract. No statement, representation, warranty, covenant or agreement of any kind not expressly set forth in this Contract shall affect, or be used to interpret, change or restrict, the express terms and provisions of this Contract. This Contract cannot be altered or modified except by mutual written agreement signed by the parties. The Customer representative signing this Contract on Customer's behalf represents and warrants that he or she has the authority to sign this Contract and that all necessary action has been taken by Customer to authorize Customer's execution of and performance under this Contract.

(13) In the event that any court of competent jurisdiction shall determine that any provision, or any portion thereof, contained in this Contract shall be unenforceable in any respect, then the provision shall be deemed limited to the extent that the court deems it enforceable, and as so limited shall remain in full force and effect. In the event the court shall deem any provision, or portion thereof, wholly unenforceable, the remaining provisions of this Contract shall nevertheless remain in full force and effect.

(14) This Contract shall be governed by and construed in accordance with the laws of the State of South Carolina without giving effect to principles of conflict of laws. Customer irrevocably and unconditionally (a) agrees that any suit, action, or other legal proceeding arising out of or relating to this Contract may, at the option of ACFT, be brought in a court of record of the State of South Carolina in Horry County, in the United States District Court for the District of South Carolina, or in any other court of competent jurisdiction; (b) consents to the jurisdiction of each such court in any such suit, action or proceeding; and (c) waives any objection that it may have to the laying of venue of any such suit, action, or proceeding in any of such courts.

Submitted to Customer By: _Rob Smith_____ on _11/03/2021 .
ACFT *Sales Representative – Print Name* *Date*

_Rob Smith_____
ACFT *Sales Representative Signature*

Atlantic Coast Fire Trucks, LLC

By: _____
Atlantic Coast Fire Trucks, LLC Authorized Signature

_____
Print Name

_____
Date

Customer: _____

By: _____
Customer Signature

_____
Print Name

By:_____

_____
Print Name

_____
Date

The Price does include the Sourcewell fees.
Customer Sourcewell #
Performance Bond
PreCon and Final Inspection Travels for 3 personnel per trip

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: John Connet **MEETING DATE:** 12/2/2021

AGENDA SECTION: NEW BUSINESS **DEPARTMENT:** Administration

TITLE OF ITEM: Consideration of Employee Christmas Bonuses – *John Connet, City Manager*

SUGGESTED MOTION(S):

I move that the City Council authorize City Manager to issue $1,000 Christmas Bonuses to all permanent full and part-time employees as a reward for outstanding service during the COVID-19 Pandemic.

SUMMARY:

Council Member Hensley has made the suggestion that the City reward employees for their efforts during the COVID -19 pandemic by providing $1000.00 Christmas bonuses to all full and parti-time employees.

BUDGET IMPACT: $350,000 +/- across all Funds

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

If no, describe how it will be funded. A budget amendment will be prepared to appropriate fund balance or other revenue to cover this expense.

ATTACHMENTS:

None

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: Alex Norwood **MEETING DATE:** 12/02/2021

AGENDA SECTION: REPORTS FROM STAFF **DEPARTMENT:** Admin

TITLE OF ITEM: Contingences Report – *Alex Norwood, Budget Analyst*

SUGGESTED MOTION(S):

N/A - presentation only.

SUMMARY:

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

The following contingency appropriations were made:

1. Increase 064-7455-534999 (Parking Fund Contingencies) $45,000
2. Decrease 010-0000-534999 (General Fund Contingencies) $13,172
    a. Pedestrian plan grant match $9,000
    b. Police department (Police HQ) gate $4,172

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:

N/A

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER:	Angela Reece, *MPA, CMC, NCCMC*	**MEETING DATE:**	December 2, 2021
AGENDA SECTION:	BOARD/COMMISSION/COMMITTEE APPOINTMENTS	**DEPARTMENT:**	ADMINISTRATION

TITLE OF ITEM: Board & Commission Vacant Seat Appointments – *Angela L. Reece, City Clerk*

SUGGESTED MOTION(S):

SUMMARY: The City of Hendersonville has vacancies on various Boards and Committees. The City Clerk has received applications for consideration of appointment and disseminated to City Council. Information is detailed in the attached memo.

ATTACHMENTS:

Memo

CITY COUNCIL:
BARBARA G. VOLK
Mayor
JERRY A. SMITH, JR
Mayor Pro Tem
DR. JENNIFER HENSLEY
LYNDSEY SIMPSON
DEBBIE O'NEAL-ROUNDTREE

CITY OF HENDERSONVILLE

The City of Four Seasons

Office of the City Clerk

JOHN F. CONNET
City Manager
ANGELA S. BEEKER
City Attorney
ANGELA REECE
City Clerk

To: The Honorable Mayor and Members of the City Council
From: Angela Reece, MPA, CMC, NCCMC, City Clerk
Subject: Board and Commission Appointments
Date: December 2, 2021

Honorable Mayor and Members of City Council:

You have vacancies on the following advisory boards/commissions/committees open for consideration: Historic Preservation Commission, Planning Board, Tree Board which you have received applications to fill.

You have additional vacancies on the following boards/commissions/committees for consideration: ESB, TDA All applications are provided directly to City Council in addition to this memo.

Appointments to Boards/Commissions Committees

A. <u>Board of Adjustment</u> - Appointment to vacant seat (City Appointed Seat) (1vacancy/ ending June 30, 2023)

You have received 1 application:

1. Stefan Grunwald – (New Applicant)

B. <u>Environmental Sustainability Board -</u> Appointment to vacant At-Large seat (1 vacancy/ unexpired term ending June 30, 2023) – Kim Bailey has announced her resignation effective December 31st 2021.

1. Will Garvey – (New Applicant)

C. <u>Historic Preservation Commission</u> - Appointment to vacant seats (3 vacancies/ ending December 31, 2024)

You have received 9 applications:

2. Cheryl Jones – (re-applying for a full term)
3. Charles Reed – (re-applying for a full term)
4. James Welter – (re-applying for a full term)
5. Chris Battista – (New Applicant)
6. Evelyn Fuller – (New Applicant)
7. Amy Jones – (New Applicant)
8. Sharon Pearson – (New Applicant)

9. Harry Petersen – (New Applicant)
10. Richard Reagen – (New Applicant)

D. <u>Planning Board</u> - Appointment to vacant seats (City Appointed Seats)
(1 vacancy/ ending December 31, 2024)
(1 vacancy/ unexpired term ending December 31, 2022) Robert Hogan resigned**.**
You have received 9 applications:

1. Robert "Bob" Johnson – (re-applying for a full term)
2. Michael Balin– (NEW applicant)
3. Stuart Glassman – (NEW applicant)
4. Nan Jennings – (NEW applicant)
5. Diana Lewis-– (NEW applicant)
6. Frederick Nace – (NEW applicant)
7. Carolyn Prater – (NEW applicant)
8. Richard Reagen – (NEW applicant)
9. Bryant Smith – (NEW applicant)

E. <u>Tree Board</u> - Appointment to vacant seats
(2 vacancies/ terms ending December 31, 2024) – At-Large Seats
(1 vacancy/ unexpired term ending December 31, 2023) * Debbie Roundtree elected to City Council. Vacant term. Roundtree to move into Ex-Officio role as non-voting Liaison to Tree Board? **<u>This would require a vote to amend the Tree Board Charter and to appoint Council Member Debbie O'Neal-Roundtree as an optional non-voting Liaison to this board.</u>**

You have received 3 applications:

1. Landon Justice – (re-applying for a full term) (at large)
2. Mark Madsen – (re-applying for a full term) (at large)
3. Mary Davis – (NEW applicant) (city resident)

F. <u>Walk of Fame Steering Committee</u> - Appointment to a vacant seat
(1 vacancy/ term ending December 31, 2024)

You have received 1 application:

1. Marcia Mills-Kelso – (re-applying for a full term)

G. <u>TDA</u> - Appointment to a vacant seat #5 (1 vacancy/ unexpired term ending June 30, 2026)
Established by resolution, the terms of this seat are that the person must be registered to vote in Henderson County.

Other Vacancy Information

Animal Services Advisory Committee - (Veterinarian Appointment: 1 vacancy/ unexpired term ending June 30, 2023)
Dr. John Galligan resigned the seat in 2021. I mailed letters soliciting interest to all veterinarian offices in the area with no responses being received. Staff recommends amending the charter to allow this seat to become a liaison- non-voting member in hopes of gaining more interest in serving.

Board of Adjustment - (County Appointed: 2 vacancies/ unexpired terms ending June 30, 2023)
Jay Angel's seat expired in 2020 and remains vacant. Candi Guffey moved out of the ETJ and has resigned her seat. No qualifying applications have been received for either seat which remain vacant. (Applicants must reside in ETJ)

Housing Authority Board - (Mayor Volk Appoints these members NCGS 157-5 upon recommendation of the Housing Authority)
There are two vacancies. Additional applications are being solicited.

Planning Board
(County Appointed: 1 vacancy/ term ending December 31, 2024) (Applicants must reside in ETJ)
Current member occupying this seat is eligible to reapply (James Robertson (county)). Mr. Robertson emailed his application to the County on October 29th via email.

(County Appointed: 1 vacancy/ unexpired term ending December 31, 2022)
Candi Guffey moved out of the ETJ and resigned her seat. David Batchelder has submitted an application to the County on November 19th via email.

NEW/PROPOSED: **Stormwater Advisory Committee**
You have received 4 applications of interest for this Committee (three county residents and one city resident). Additional applications are being solicited.

s/Angela L. Reece, MPA, CMC, NCCMC
City Clerk, City of Hendersonville

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: John Connet **MEETING DATE:** 12/2/2021

AGENDA SECTION: CLOSED SESSION **DEPARTMENT:** Administration

TITLE OF ITEM: Closed Session – *John Connet, City Manager*

SUGGESTED MOTION(S):

I move that City Council enter into closed session pursuant to NCGS § 143-318.11(a) (1) and (4) to prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes and to discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body.

SUMMARY:

City staff is requesting a closed session to prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes and consult with an attorney employed by the public body in order to preserve the attorney-client privilege between the attorney and to discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body.

BUDGET IMPACT: $ TBD

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

If no, describe how it will be funded. NA

ATTACHMENTS: