

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 599

Short Title: Hendersonville Charter Amendments.

(Local)

Sponsors: Senators Robinson; and Carpenter.

Referred to: Finance.

March 29, 1999

A BILL TO BE ENTITLED

AN ACT AMENDING THE CHARTER OF THE CITY OF HENDERSONVILLE TO REFLECT CHANGES IN THE GENERAL LAW.

The General Assembly of North Carolina enacts:

Section 1. Section 1.4 of the Charter of the City of Hendersonville, being Chapter 874 of the 1971 Session Laws, reads as rewritten:

"Sec. 1.4. **Form of Government; Certain General Laws Not Applicable.** The form of government of the City of Hendersonville shall be the ~~Council-Mayor form, as specified in this Charter.~~ council-manager form of government in accordance with Part 2 of Article 7 of Chapter 160A of the General Statutes. The town manager shall have all the powers and duties conferred by general law and the additional powers and duties conferred by the council so far as authorized by general law."

Section 2. Section 2.1 of the Charter of the City of Hendersonville, being Chapter 874 of the 1971 Session Laws, reads as rewritten:

"Sec. 2.1. **Existing Corporate Boundaries.** The corporate boundaries of the City of Hendersonville ~~shall be as follows until changed in accordance with law:~~

~~Beginning at a point in the original boundary line, in the center of Mud Creek, of said City, said point being one mile from a marker in front of the present County Court House, said marker being a bronze tablet imbedded in the concrete walk on a line bisecting the~~

1 front steps and dome of said Court House and being 38.8 feet in front of said steps; said
2 original boundary being a circular arc having a one-mile radius;

3 (1) Thence, with the one-mile arc, westerly, an arc length of 5,601.71 feet to a
4 concrete monument, said monument being located in the dividing line between Lots 19
5 and 20 of the Felix Lake Subdivision (Temple Terrace), said arc having an included angle
6 of 60-47-12.5 and a radius of 5,280.00 feet;

7 (2) Thence, leaving the one-mile arc and with the divisional line of said lots, S 51-
8 13-46 W, 91.54 feet to a concrete monument which is the common corner of said Lots 19
9 and 20;

10 (3) Thence, with a divisional line of said subdivisions, S 38-46-14 E, 99.84 feet to
11 a concrete monument which is the common corner of Lots 3, 4, 17 and 18;

12 (4) Thence, with the divisional line of Lots 3 and 4 of said subdivision, S 51-13-46
13 W, 156.29 feet to a concrete monument in the northeastern margin of Ewart Drive, said
14 monument being the common corner of Lots 3 and 4;

15 (5) Thence, with the northeastern margin of Ewart Drive, N 58-32-52 W, 102.72
16 feet to a concrete monument, the northwest corner of Lot 2 of said subdivision;

17 (6) Thence, leaving the margin of Ewart Drive, S 50-16-36 W, 21.15 feet to a
18 point in and near the center of said Ewart Drive;

19 (7) Thence, with the Street, N 55-33-35 W, 26.60 feet to a point in the center of
20 Ewart Drive;

21 (8) Thence, N 79-08-35 W, 260.00 feet to concrete monument in the southern
22 margin of Ewart Drive;

23 (9) Thence, crossing said Ewart Drive, N 12-24-48 W, 134.00 feet to a concrete
24 monument, an old corner of the Ewart Estate Tract;

25 (10) Thence, with the northern line of said tract, N 78-16-37 E, 150.57 feet to a
26 concrete monument;

27 (11) Thence, continuing with said line, N 59-58-51 E, 364.39 feet, crossing
28 Armstrong Avenue, to a concrete monument in the one-mile arc, said monument being 20
29 feet east of the centerline of Armstrong Avenue;

30 (12) Thence, northerly with the one-mile arc, an arc length of 5,955.07 feet to a
31 concrete monument in the western margin of Orleans Avenue, said margin being 15 feet
32 from the centerline of said Street, said arc having a delta angle of 64-37-16.7 and a radius
33 of 5,280.00 feet;

34 (13) Thence, leaving the one-mile arc and with said margin of Orleans Avenue, N
35 5-33-48 E, 569.28 feet to a concrete monument, the end of said 15-foot margin;

36 (14) Thence, N 84-18-38 W, 15.00 feet to a concrete monument, which is the
37 beginning of a 60-foot right-of-way, being 30 feet west of the centerline of Orleans
38 Avenue;

39 (15) Thence, with said western right-of-way line of Orleans Avenue, N 4-41-20 E,
40 461.13 feet to a point in the centerline of Britton Creek;

41 (16) Thence, with the centerline of Britton Creek, N 69-51-42 W, 407.68 feet to a
42 point;

43 (17) Thence, N 66-13-30 W, 177.73 feet to a point;

- 1 (18) Thence, N 81-12-35 W, 244.67 feet to a point;
2 (19) Thence, S 89-29-30 W, 251.05 feet to a point;
3 (20) Thence, N 82-22-50 W, 243.76 feet to a point;
4 (21) Thence, N 64-54-05 W, 469.10 feet to a point;
5 (22) Thence, N 54-50-08 W, 263.16 feet to a point;
6 (23) Thence, N 45-01-40 W, 208.61 feet to a point, said point being 75 feet west of
7 the western margin of Blythe Street;
8 (24) Thence, leaving the centerline of Britton Creek and running parallel with
9 Blythe Street, N 34-46-49 E, 603.44 feet to a concrete monument in the western margin
10 of Haywood Road (N.C. 191), this monument being 30 feet from the centerline of said
11 Haywood Road;
12 (25) Thence, with the western margin of Haywood Road (N.C. 191), N 61-08-00
13 W, 41.24 feet to a concrete monument;
14 (26) Thence, northerly with a roadway curve an arc length of 255.65 feet to a point
15 of tangency, said curve having a delta angle of 22-14-00 and a radius of 658.82 feet;
16 (27) Thence, continuing with the western margin of Haywood Road, N 38-54-00 W,
17 21.67 feet to a concrete monument;
18 (28) Thence, crossing said Haywood Road, N 32-25-10 E, 459.91 feet to a concrete
19 monument;
20 (29) Thence, N 3-01-50 E, 70.56 feet to a concrete monument;
21 (30) Thence, S 83-39-40 E, 10.66 feet to a concrete monument;
22 (31) Thence, N 6-36-43 W, 532.60 feet to a concrete monument;
23 (32) Thence, N 7-32-17 E, 885.00 feet to a concrete monument;
24 (33) Thence, N 8-19-50 E, 395.61 feet to a concrete monument;
25 (34) Thence, N 8-32-00 E, 105.37 feet to a concrete monument in the northern
26 margin of Somerset Drive;
27 (35) Thence, with the northern margin of Somerset Drive, S 67-06-40 E, 117.00 feet
28 to a concrete monument, said monument being 75 feet west of the west margin of
29 Dartmouth Road;
30 (36) Thence, leaving the northern margin of Somerset Drive, N 21-43-00 E, 642.05
31 feet to a concrete monument in the southern margin of Stoney Mountain Road;
32 (37) Thence, with the southern margin of Stoney Mountain Road, S 67-06-40 E,
33 17.93 feet to a concrete monument;
34 (38) Thence, crossing Stoney Mountain Road and running with the eastern margin
35 of Florida Avenue, N 22-25-50 E, 172.04 feet to a concrete monument;
36 (39) Thence, leaving the eastern margin of Florida Avenue, S 66-49-10 E, 832.62
37 feet to a concrete monument in the eastern margin of the U.S. Highway 25;
38 (40) Thence, southerly with the eastern margin of U.S. Highway 25, being a curve,
39 an arc length of 59.50 feet to a concrete monument in the northern margin of Houston
40 Street, said curve having a radius of 874.50 feet and a delta angle of 3-53-54;
41 (41) Thence, leaving the eastern margin of U.S. 25 and running with the northern
42 margin of Houston Street, N 56-19-36 E, 140.00 feet to a concrete monument;

- 1 (42) Thence, ~~crossing Houston Street, S 33-40-24 E, 50.00 feet to a concrete~~
2 ~~monument in the southern margin of Houston Street;~~
- 3 (43) Thence, ~~leaving the southern margin of Houston Street, S 33-47-24 E, 499.92~~
4 ~~feet to a concrete monument in the northern margin of Dixon Drive;~~
- 5 (44) Thence, ~~crossing Dixon Drive, S 32-43-40 E, 49.70 feet to a concrete~~
6 ~~monument in the southern margin of Dixon Drive;~~
- 7 (45) Thence, ~~S 33-27-50 E, 248.70 feet to a concrete monument in the northern~~
8 ~~margin of Franklin Street;~~
- 9 (46) Thence, ~~with the northern margin of Franklin Street, N 56-25-54 E, 144.50 feet~~
10 ~~to a concrete monument at the intersection of the northern margin of Franklin Street with~~
11 ~~the Western margin of Stoney View Drive;~~
- 12 (47) Thence, ~~crossing Stoney View Drive and continuing with the northern margin~~
13 ~~of Franklin Street, N 56-01-54 E, 693.89 feet to a concrete monument 100 feet west of~~
14 ~~the centerline of the Southern Railway;~~
- 15 (48) Thence, ~~parallel with and 100 feet west of the centerline of the Southern~~
16 ~~Railway, S 9-47-39 E, 1,136.77 feet to a concrete monument, the point of curvature;~~
- 17 (49) Thence, ~~with the curve, easterly, an arc length of 844.80 feet to a concrete~~
18 ~~monument, the point of tangency, said curve having a radius of 1,282.27 feet and a delta~~
19 ~~angle of 37-44-53;~~
- 20 (50) Thence, ~~S 47-32-32 E, 2,448.44 feet to a concrete monument;~~
- 21 (51) Thence, ~~S 46-12-02 E, 59.51 feet to a concrete monument in the one-mile arc,~~
22 ~~the original boundary, said monument being 100 feet west of the centerline of the~~
23 ~~Southern Railway;~~
- 24 (52) Thence, ~~easterly with the one-mile arc, 1,703.71 feet to the centerline of Mud~~
25 ~~Creek, said arc having a delta angle of 18-29-15.9 and a radius of 5,280.00 feet;~~
- 26 (53) Thence, ~~southerly with the centerline of Mud Creek, S 37-40-28 E, 1,802.33~~
27 ~~feet to a plaque on the southern margin of 7th Avenue East bridge and over the centerline~~
28 ~~of said Creek;~~
- 29 (54) Thence, ~~continuing southerly with the centerline of Mud Creek, S 27-07-19 E,~~
30 ~~144.91 feet to a point;~~
- 31 (55) Thence, ~~S 8-37-12 E, 925.30 feet to a point in the centerline of said Creek;~~
- 32 (56) Thence, ~~S 7-26-11 W, 1,190.45 feet to a point in the centerline of Mud Creek;~~
- 33 (57) Thence, ~~S 8-59-55 W, 1,340.52 feet to a point in the centerline of Mud Creek;~~
- 34 (58) Thence, ~~S 41-24-36 W, 428.97 feet to a point in the centerline of Mud Creek~~
35 ~~and being on the centerline of Southern Railway line to Spartanburg;~~
- 36 (59) Thence, ~~S 66-22-58 W, 528.22 feet to a point in the centerline of Mud Creek;~~
- 37 (60) Thence, ~~S 51-07-15 W, 679.35 feet to a point in the centerline of Mud Creek;~~
- 38 (61) Thence, ~~S 44-26-14 W, 185.84 feet to a point in the centerline of Mud Creek;~~
- 39 (62) Thence, ~~continuing with the centerline of Mud Creek, S 32-40-55 W, 1,497.89~~
40 ~~feet to a plaque on the top of the western rail of the South Main Street Bridge, said plaque~~
41 ~~being over the centerline of Mud Creek;~~

1 ~~(63) Thence, leaving the centerline of Mud Creek and running with the center of~~
2 ~~said western bridge rail and the western margin of U.S. Highway 25, S 13-33-46 E, 40.88~~
3 ~~feet to a point, said point being the southern face of said bridge rail;~~

4 ~~(64) Thence, continuing with the western margin of U.S. Highway 25, S 14-57-52~~
5 ~~E, 201.32 feet to a concrete monument in the western margin of said U.S. Highway 25;~~

6 ~~(65) Thence, S 14-27-52 E, 75.00 feet to a concrete monument in the western~~
7 ~~margin of said U.S. Highway 25;~~

8 ~~(66) Thence, S 14-26-26 E, 150.00 feet to a concrete monument in the western~~
9 ~~margin of said U.S. Highway 25, said monument being 5.08 feet from the edge of~~
10 ~~pavement of said Highway and the northeast corner of the property of Northwestern~~
11 ~~Bank;~~

12 ~~(67) Thence, leaving the western margin and crossing said U.S. Highway 25, N 82-~~
13 ~~11-59 E, 46.38 feet to a concrete monument in the eastern margin of said Highway, said~~
14 ~~margin being 30 feet from the centerline;~~

15 ~~(68) Thence, with the eastern margin of U.S. Highway 25, N 14-23-01 E, 70.27 feet~~
16 ~~to a concrete monument;~~

17 ~~(69) Thence, leaving the eastern margin of said U.S. Highway 25 and with a curve~~
18 ~~to the right, an arc length of 47.47 feet to a concrete monument in the western margin of~~
19 ~~U.S. Highway 176, said margin being 30 feet from the centerline of U.S. Highway 176~~
20 ~~and said curve having a delta angle of 143-54-54 and a radius of 18.50 feet;~~

21 ~~(70) Thence, with the western margin of U.S. Highway 176, and with a curve to the~~
22 ~~left, an arc length of 213.81 feet to a concrete monument 30 feet from the centerline of~~
23 ~~said Highway, said curve having a delta angle of 25-13-03 and a radius of 485.80 feet;~~

24 ~~(71) Thence, leaving the western margin of U.S. Highway 176, S 6-37-16 W,~~
25 ~~143.88 feet to a concrete monument in the northern line of Lot 32 of the Brownlow~~
26 ~~Jackson (Business Center) Subdivision;~~

27 ~~(72) Thence, with the northern line of said Lot 32, S 87-10-44 E, 25.00 feet to a~~
28 ~~concrete monument, the common corner of Lots 30, 31 and 32 of said Subdivision;~~

29 ~~(73) Thence, with a divisional line of said Subdivision, S 13-19-16 W, 86.26 feet to~~
30 ~~a concrete monument, a corner in the eastern line of Lot 35;~~

31 ~~(74) Thence, continuing with the divisional line of said Subdivision, S 6-15-31 E,~~
32 ~~31.50 feet to a concrete monument, the common corner of Lots 30, 36, 37 and 77;~~

33 ~~(75) Thence, with a divisional line of said Subdivision, N 83-44-29 E, 50.00 feet to~~
34 ~~a concrete monument, the common corner of Lots 28, 78 and 79 of said Subdivision;~~

35 ~~(76) Thence, with the divisional line of Lots 78 and 79, S 6-15-31 E, 150.00 feet to~~
36 ~~a concrete monument, the common corner of Lots 78 and 79 of said Subdivision and~~
37 ~~being the northern margin of Sides Street;~~

38 ~~(77) Thence, with the southern line of Lots 78, 77 and 42 and the northern margin~~
39 ~~of Sides Street, S 83-44-29 W, 200.00 feet to a concrete monument, the southwest corner~~
40 ~~of Lot 42 of said Subdivision, said monument being in the eastern margin of U.S.~~
41 ~~Highway 25;~~

42 ~~(78) Thence, crossing U.S. Highway 25, S 83-44-29 W, 52.96 feet to a concrete~~
43 ~~monument in the western margin of U.S. Highway 25;~~

1 ~~(79) Thence, with the western margin of U.S. Highway 25, said margin being at~~
2 ~~varying distances from the centerline of said Highway, S 6 19 22 E, 256.68 feet to a~~
3 ~~concrete monument;~~

4 ~~(80) Thence, S 7-58-45 E, 178.12 feet to a concrete monument;~~

5 ~~(81) Thence, S 7-58-45 E, 69.50 feet to a concrete monument;~~

6 ~~(82) Thence, S 16-37-22 E, 99.00 feet to a concrete monument;~~

7 ~~(83) Thence, S 20-59-22 E, 75.00 feet to a concrete monument;~~

8 ~~(84) Thence, S 20-57-19 E, 54.14 feet to a concrete monument;~~

9 ~~(85) Thence, S 29-39-22 E, 50.00 feet to a concrete monument;~~

10 ~~(86) Thence, S 32-03-22 E, 117.50 feet to a concrete monument;~~

11 ~~(87) Thence, leaving the western margin of U.S. Highway 25, S 53-36-22 W,~~
12 ~~291.25 feet to a point in the centerline of a drainage ditch, said ditch being a divisional~~
13 ~~property line;~~

14 ~~(88) Thence, with the centerline of said ditch, N 75-25-06 W, 246.50 feet to a point~~
15 ~~in the centerline of Johnson's Drainage Ditch;~~

16 ~~(89) Thence, with the centerline of Johnson's Drainage Ditch, N 9-03-31 E, 221.50 feet~~
17 ~~to a 1 1/2 inch iron pipe;~~

18 ~~(90) Thence, leaving the centerline of said Johnson's Drainage Ditch, N 2-07-33 E,~~
19 ~~339.05 feet to a concrete monument, said monument being the northwest corner of the~~
20 ~~William E. Ashby property;~~

21 ~~(91) Thence, with Ashby's northern line, S 85-36-55 E, 55.00 feet to a concrete~~
22 ~~monument, said monument being the southwest corner of the Biltmore Dairy property;~~

23 ~~(92) Thence, with the western line of the said Biltmore Dairy property, N 15-48-05~~
24 ~~E, 188.62 feet to a concrete monument, said monument being the northwest corner of~~
25 ~~said Biltmore Dairy property, and in L. A. Gossett's southern line;~~

26 ~~(93) Thence, with said Gossett's southern line, N 80-36-55 W, 105.00 feet to a~~
27 ~~concrete monument, said monument being Gossett's southwest corner and the eastern~~
28 ~~margin of Sheppard Avenue;~~

29 ~~(94) Thence, with the eastern margin of Sheppard Avenue, N 16-23-05 E, 50.00 feet~~
30 ~~to a concrete monument, said monument being Gossett's northwest corner;~~

31 ~~(95) Thence, crossing Sheppard Avenue, N 81-51-55 W, 25.00 feet to a concrete~~
32 ~~monument in the western margin of Sheppard Avenue;~~

33 ~~(96) Thence, with the western margin of Sheppard Avenue, N 16-23-05 E, 301.84~~
34 ~~feet to a concrete monument at the intersection of the western margin of said Sheppard~~
35 ~~Avenue and the southern margin of White Street, said margin of White Street being 20~~
36 ~~feet from the centerline;~~

37 ~~(97) Thence, with the southern margin of White Street, N 75-46-54 W, 263.40 feet~~
38 ~~to a point 20 feet south of the centerline of said White Street and in the centerline of Mud~~
39 ~~Creek;~~

40 ~~(98) Thence, with the centerline of Mud Creek, S 16-50-04 W, 2,388.29 feet to the~~
41 ~~point of Beginning. are delineated on a map on file in the Office of the City Clerk."~~

42 Section 3. Section 3.6(a) of the Charter of the City of Hendersonville, being
43 Chapter 874 of the 1971 Session Laws, reads as rewritten:

1 "(a) The City Council shall fix suitable times for its regular meetings, which shall be at
2 least as often as once monthly. Special meetings may be held on the call of the Mayor or a
3 majority of the Council and those not joining in the call shall be notified in writing. called in
4 accordance with general law. Any business may be transacted at a special meeting that
5 might be transacted at a regular meeting."

6 Section 4. Section 3.7 of the Charter of the City of Hendersonville, being
7 Chapter 874 of the 1971 Session Laws, reads as rewritten:

8 "Sec. 3.7. **Quorum; Votes.** ~~(a) A majority of the members elected to the City Council~~
9 ~~shall constitute a quorum for the conduct of business, but a less number may adjourn~~
10 ~~from time to time and compel the attendance of absent members in such manner as may~~
11 ~~be prescribed by ordinance.~~

12 ~~(b) Three affirmative votes, which may include the vote of the Mayor, shall be~~
13 ~~necessary to adopt any ordinance, or any resolution or motion having the effect of an~~
14 ~~ordinance. All other matters to be voted upon shall be decided by a majority vote of~~
15 ~~those present and voting.~~

16 (a) A quorum for the conduct of business shall be as provided in general law, but
17 if general law does not provide the number needed to establish a quorum, a quorum shall
18 consist of a majority of the members elected to the city council, including the mayor.
19 Notwithstanding the foregoing, a smaller number than that required by general law to
20 establish a quorum may adjourn from time to time and compel the attendance of absent
21 members in the manner prescribed by ordinance or other law.

22 (b) Subject to subsection (c) of this section, an affirmative vote of a majority of the
23 members of the city council shall be necessary to adopt any ordinance, resolution, or
24 motion having the effect of an ordinance. In calculating the total membership of the city
25 council, the mayor shall be included in instances where the mayor is eligible to vote. All
26 other matters to be voted upon shall be decided by a majority vote of those present and
27 voting.

28 (c) Notwithstanding any other provision of this section, if a majority of the city
29 council votes in the affirmative on any matter having the effect of an ordinance, but
30 general law prohibits the adoption of the matter on that date unless there is greater than a
31 simple majority of the council, excluding vacant seats and not including the mayor, the
32 council may stay the vote on the matter until the next regular meeting of the city council
33 at which enough members of the city council eligible to vote on the matter are present."

34 Section 5. Section 16.8 of the Charter of the City of Hendersonville, being
35 Chapter 874 of the 1971 Session Laws, is repealed.

36 Section 6. This act is effective when it becomes law.