

July 2, 2015
Regular Meeting of the City Council
Council Chambers – City Hall
5:45 p.m.

Present: Mayor Barbara G. Volk, Mayor Pro Tem Ron Stephens and Council Members: Steve Caraker, Jerry Smith and Jeff Miller

Staff Present: City Manager John F. Connet, City Attorney Sam Fritschner, City Clerk Tammie Drake, Planning Director Sue Anderson, Police Captain Doug Jones, Engineering Director Brent Detwiler, Zoning Administrator Susan Frady, Public Information Officer Tara Ledbetter, Budget Analyst Brian Pahle, Utilities Director Lee Smith, Finance Director Lisa White, Interim Fire Chief Joseph Vindigni, Public Works Director Tom Wooten

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 five members in attendance.

2. Invocation and Pledge of Allegiance: A moment of silence for prayer was followed by the Pledge of Allegiance to the Flag.

3. Public Comment Time: *Up to 15 minutes is reserved for comments from the public for items not listed on the agenda.*

Glen Gillette, 42 Robert E. Lee Drive, Flat Rock, informed the Council a local affiliate of the International Association of Firefighters (IAFF) has been reestablished in Hendersonville. He stated although “union” may have a negative connotation, the organization has the needs of the firefighters and the community it serves, at heart. He reviewed their recent activities and possible benefits to the City. He stated it is their desire to have a working relationship and partnership with the Fire Department administration and City staff in order to improve the services they provide to the citizens and magnify their impact as public servants.

Barbara Chamberlain, 1741 Clairmont Drive, expressed opposition to a right-turn lane for Ingles citing traffic concerns. The speed limit was raised from 35 to 40 when the road was widened. She asked the City to consider a traffic light.

Mr. Connet commented the City has sent a letter to NCDOT requesting the reduction of the speed limit. He explained the process must be approved by NCDOT.

David Nicholson, 352 Brickyard Road, Etowah, NC Apple Festival, addressed the Council and explained the closing event of the Apple Festival is the King Apple parade. Every year they pick a person or persons to honor as their Grand Marshalls. He announced John Rhinehart and City staff have been selected as the Grand Marshalls this year. He stated they will provide a professional float and the City may choose who gets to ride on the float.

Barbara Hughes, 315 North Main Street, invited the City Council and the public to the 19th Annual Chalk It Up event on July 18. She expects 150 artists on the sidewalk.

4. Consideration of Agenda: The following amendments were made to the agenda:

Deletions from Consent Agenda:

D. Consideration of a Resolution with Respect to the Taking of Official Notice of Certain City Documents at Quasi-Judicial Hearings

H. Consideration of Amendments to Job Descriptions and Pay Scale

I. Consideration of Job Descriptions to Create Human Resources Coordinator and Code Enforcement Positions

Addition to Consent Agenda:

M. Consideration of Resolution for a Governor’s Highway Safety Program for Federal Funding

Council Member Caraker moved approval of the agenda as amended. A unanimous vote of the Council followed. Motion carried.

5. Consideration of Consent Agenda: *These items are considered routine, noncontroversial in nature and are considered and approved by a single motion and vote.*

A. Consideration of Minutes: June 4, 2015 Regular Meeting

B. Consideration of Walk of Fame Committee Bylaws and Rules of Procedure: Mr. Connet reminded the Council that Mr. Tom Orr made a presentation regarding the establishment of a Walk of Fame program to recognize key Henderson County residents. He reported working with Assistant Henderson County Manager Amy

Brantley to develop the Charter and Bylaws for this committee. *[This document is on file in the office of the City Clerk.]*

C. Considerations of Findings of Fact and Conclusions of Law for Skyway Towers: The findings of fact and conclusions of law for this special use permit are found in Planning Department File #P15-9-SUR.

~~D. Consideration of a Resolution with Respect to the Taking of Official Notice of Certain City Documents at Quasi-Judicial Hearings~~

E. Consideration of an Ordinance to Reduce the Speed Limit on South Justice Street and Toms Hill Drive Between West Allen Street and Kanuga Road: Mr. Wooten reported receiving complaints from residents along S. Justice Street and within the Tom's Hill neighborhood about speeding vehicles. He stated the road is narrow and is apparently used as a cut-through street. He reported data was collected which found there were several vehicles speeding in that area. He stated there are some sidewalks in the area but not for the full length of the street. Residents use this street to walk their pets and for exercise. He supported a speed limit change from 35 mph to 25 mph.

Ordinance #15-0735

AN ORDINANCE DESIGNATING THE SPEED LIMIT FOR SOUTH JUSTICE STREET AND TOMS HILL DRIVE BETWEEN WEST ALLEN STREET AND KANUGA ROAD

WHEREAS: Section 50-142 of the Code of Ordinances of the City of Hendersonville establishes general speed limits for various districts within the corporate limits of the City of Hendersonville; and

WHEREAS: Section 50-144 of the Code of Ordinances of the City of Hendersonville authorizes the City Council to determine and impose speed limits that differ from the limits imposed under 50-142; and

WHEREAS: That street known as South Justice Street and Toms Hill Drive, situated in a residential district within the City of Hendersonville, has been dedicated to public use and accepted and maintained by the City of Hendersonville as a public street, which pursuant to section 50-142 carries a speed limit of 35 miles per hour; and

WHEREAS: It is the opinion of the City Council, being advised, that for the safety of pedestrians and others traveling on South Justice Street and Toms Hill Drive, between West Allen Street and Kanuga Road, the speed limit there ought to be 25 miles per hour;

NOW, BE IT THEREFORE ORDAINED:

1. Pursuant to its powers under 50-144 of the Code of Ordinances of the City of Hendersonville the City Council hereby designates at 25 miles per hour the speed limit for south Justice Street and Toms Hill Drive between West Allen Street and Kanuga Road;
2. The Public Works Director is authorized and requested forthwith to cause signs to be placed in appropriate places conspicuously giving notice of the designated speed limit.
3. This Ordinance shall become effective on the date of its adoption.

Adopted this second day of July 2015.

/s/Barbara G. Volk, Mayor

Attest: /s/Tammie K. Drake, MMC, City Clerk

Approved as to form: /s/Samuel H. Fritschner, City Attorney

F. Consideration of an Ordinance Designating the Speed Limit for New Village Road Between Highway 191 and the End: Mr. Wooten reported residents in Henderson Village have requested the speed limit be changed from 35 mph to 25 mph. He reported data was collected that indicates there was some people speeding in the neighborhood but it did not seem to be a major problem. However, there are no sidewalks within the Henderson Village neighborhood so residents use the streets for walking thus creating a potential for accidents. With that in mind, staff supports the change from 35 mph to 25 mph.

Ordinance #15-0736

AN ORDINANCE DESIGNATING THE SPEED LIMIT FOR NEW VILLAGE ROAD BETWEEN HIGHWAY 191 AND THE END

WHEREAS: Section 50-142 of the Code of Ordinances of the City of Hendersonville establishes general speed limits for various districts within the corporate limits of the City of Hendersonville; and

WHEREAS: Section 50-144 of the Code of Ordinances of the City of Hendersonville authorizes the City Council to determine and impose speed limits that differ from the limits imposed under 50-142; and

WHEREAS: That street known as New Village Drive, situated in a residential district within the City of Hendersonville, has been dedicated to public use and accepted and maintained by the City of Hendersonville as a public street, which pursuant to section 50-142 carries a speed limit of 35 miles per hour; and

WHEREAS: It is the opinion of the City Council, being advised, that for the safety of pedestrians and others traveling on New Village Drive, between HWY 191 and the end, the speed limit there ought to be 25 miles per hour;

NOW, BE IT THEREFORE ORDAINED:

1. Pursuant to its powers under 50-144 of the Code of Ordinances of the City of Hendersonville the City Council hereby designates at 25 miles per hour the speed limit for New Village Drive between Highway 191 and the end;
2. The Public Works Director is authorized and requested forthwith to cause signs to be placed in appropriate places conspicuously giving notice of the designated speed limit.
3. This Ordinance shall become effective on the date of its adoption.

Adopted this second day of July 2015.

/s/Barbara G. Volk, Mayor
 Attest: /s/Tammie K. Drake, MMC, City Clerk
 Approved as to form: /s/Samuel H. Fritschner, City Attorney

~~G. Consideration of the Purchase of a New Garbage/Recycling Truck Through the National Joint Powers Alliance as allowed by NCGS 143-129(e)(3)~~

~~H. Consideration of Amendments to Job Descriptions and Pay Scale~~

~~I. Consideration of Job Descriptions to Create Human Resources Coordinator and Code Enforcement Positions~~

J. Consideration of a Resolution to Adopt the City of Hendersonville Treatment Plant Employment and Compensation Policy: Mr. Brian Pahle, Budget and Management Analyst, presented a Policy to the Council that addresses the equitable compensation of treatment plant employees. The Policy provides three major changes including:

1. Job Descriptions/Org. Structure
2. One-time Bonus Opportunity
3. Shift Differential Pay

The recommended changes will provide an avenue for compensation through the organizational hierarchy or structure. The State certifications listed in these changes are critical requirements for the job and in concurrence with that provides the outline for the revised organizational structure.

Resolution #15-0737

**A RESOLUTION TO ADOPT THE CITY OF HENDERSONVILLE TREATMENT PLANT
 EMPLOYMENT AND COMPENSATION POLICY**

WHEREAS, The Hendersonville City Council hereby establishes a structured and equitable process allowing departmental personnel the opportunity to obtain job-related state certification(s), continuing education training required to maintain state certification(s) and other professional and technical training and development, and

WHEREAS, Many positions in the department require some level of state certification associated with water and wastewater utilities, including operations personnel, distribution/collection system personnel, chief operators, superintendents and director, and

WHEREAS, The City of Hendersonville's pay and classification system is formatted in a way as to compensate water treatment and wastewater treatment personnel for the achievement and possession of North Carolina State certifications, and

WHEREAS, The City and/or other regulatory agencies may require individuals holding professional certificates and/or licensing to attend continuing education training each calendar (or fiscal year) in order to maintain said certification and/or licensing, and

WHEREAS, Continuing education and other professional and technical training is intended to enhance staff's professional development and allow individuals the opportunity to stay current with regulatory and process requirements that affect what they do each day, and

WHEREAS, Compensation will be permanent as the City's Personnel Policy Article III, Section VIII dictates, and

WHEREAS, No compensation will be awarded retroactively. Employees are eligible for compensation upon policy adoption.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HENDERSONVILLE THAT:

Section 1. The City Council hereby adopts the City of Hendersonville Treatment Plant Employment and Compensation Policy.

Section 2. This resolution shall become effective upon its adoption and approval.

Adopted this second day of July 2015.

/s/Barbara G. Volk, Mayor

Attest: /s/Tammie K. Drake, MMC, City Clerk

Policy Name: Treatment Plant Employment and Compensation Policy

PURPOSE: Establish a structured and equitable process allowing departmental personnel the opportunity to obtain job-related state certification(s), continuing education training required to maintain state certification(s) and other professional and technical training and development.

PROCEDURE:

1. Required Certification

a. Many positions in the department require some level of state certification associated with water and wastewater utilities, including operations personnel, distribution/collection system personnel, chief operators, superintendents and director.

b. In addition to those positions requiring state certification(s), the department may have personnel that were once certified in one (1) or more disciplines but currently work in a job that may not require said certification(s). In most cases, it would be in the best interest of the City and the City's personnel to encourage those employees to maintain at least that level of certification(s), unless determined otherwise by the employee's supervisor and/or director.

2. Probationary Period

a. In accordance with the City's personnel policy, Article IV, Section 4, all employees hired to fill permanent positions with the City shall serve a probationary period (employment), a period not less than six (6) months. Probationary periods may be extended up to six (6) months, in addition to the original six (6) months, due to poor or unsatisfactory performance. Where certification or license by a regulatory agency is required of the employee in order for that employee to perform the job for which he or she is hired, that employee shall be given twelve (12) months from the time that employee becomes eligible to obtain said certification or license. Failure to obtain or regain said certification or license within the designated

period shall be cause for immediate dismissal without the necessity of procedures outlined under the City of Hendersonville Personnel Policy, Article IX (Unsatisfactory Job Performance and Detrimental Personal Conduct) Section 3 (Communication and Warning Procedures Preceding Disciplinary Action for Unsatisfactory Job Performance).

3. Certification Training: Employees required to attend training to fulfill the above referenced certification or licensing requirement shall complete application/registration forms and make arrangements for room and board through their supervisor and the Finance Department, in accordance with the City's Travel Expense Reimbursement Policy (Adopted October 10, 2002 or most current version). The first attempt to acquire said certification, including room, board and application/examination fees, will be paid by the City. If the first attempt is unsuccessful, all attempts thereafter shall be the sole responsibility of that employee including room, board, registration fees, and application/examination fees. When the employee is successful in passing the examination and acquires the required certification/licensing, the City shall reimburse that employee for room, board, registration fees, application/examination fees and all other eligible expenditures associated with the successful attempt only, in accordance with the City's Travel Expense Reimbursement Policy.

4. Continuing Education and Other Professional and Technical Training

a. The City and/or other regulatory agencies may require individuals holding professional certificates and/or licensing to attend continuing education training each calendar (or fiscal year) in order to maintain said certification and/or licensing. It shall be the Department's policy to provide all affected staff the opportunity to attend said training whenever scheduling and budgets will allow.

b. An employee desiring to attend job-related training shall first receive written approval from his or her supervisor. If the training is not considered "job-related" it must be justified by the employee's supervisor prior to proceeding to the next step.

c. The registration and application/examination forms shall be completed by the employee and the supervisor and then submitted to the Finance Department for processing.

d. Continuing education and other professional and technical training is intended to enhance staff's professional development and allow individuals the opportunity to stay current with regulatory and process requirements that affect what they do each day. For this reason, it shall be the intention of this procedure to encourage employees to diversify their training opportunities from year to year within their chosen discipline (i.e., water treatment plant operator, distribution specialist, etc.) and not repeat the same training in two (2) consecutive years, unless approved by their supervisor and director prior to attending training.

e. If the total expenditure for an individual's training exceeds \$500, said training request shall be accompanied by a memorandum explaining the need for the training, in detail, and a justification for said training by the employee and his or her supervisor. If the request is made without accompanying justification, the request shall be returned to the sender. This training shall be approved by the director prior to processing registration and application/examination forms.

5. Certification Renewal: It shall be the responsibility of each individual maintaining certification or licensing to obtain all annual renewal invoices either at their personal residence, post office box, or through the City. It shall be the responsibility of those individuals to get their renewal notices to the appropriate departmental staff member prior to the required deadline in order to allow payment of all invoices at one time. This allows the accounts payable to pay all invoices at once and greatly reduces paperwork. If an individual fails to meet this deadline that individual shall be responsible for paying the invoice, including late fees and other charges, in full.

6. Certification Compensation

a. The City of Hendersonville's pay and classification system is formatted in a way as to compensate water treatment and wastewater treatment personnel for the achievement and possession of North Carolina State certifications. As City water and wastewater employees receive specific certifications they are promoted through the three levels of operators. The details are as follows:

- Water Operator's Grade C and/or Wastewater Operator's Grade I = Grade 8
- Water Operator's Grade B and/or Wastewater Operator's Grade II = Grade 10
- Water Operator's Grade A and/or Wastewater Operator's Grade III = Grade 12

Upon possession of said certification the Department Head will file a Personnel Action Form (PAF), attach the proof of certification, and submit it to the Human Resources Department.

Compensation will be permanent as the City's Personnel Policy Article III, Section VIII dictates "When an employee is promoted, the employee's salary shall normally be advanced to the hiring rate of the new position, or to a salary which provides an increase of at least approximately 5% over the employee's salary before the promotion, whichever is greater."

b. In addition, water and wastewater personnel are eligible for an additional one-time compensation of 2.5% of their current salary reference. The following one-time compensations are detailed below and are permissible under the following conditions:

- Water Operator's Physical and Chemical certification of North Carolina
 - The following certification will be compensated only after an employee has reached a Treatment Plant Operator III
- Wastewater Operator's Grade IV certification of North Carolina
 - The following certification will be compensated only after an employee has reached a Treatment Plant Operator III

Upon possession of said certification the Department Head will file a Personnel Action Form (PAF) and submit it to the Human Resources Department.

****NOTE**** No compensation will be awarded retroactively. Employees are eligible for compensation beginning July 1, 2015.

APPROVED by City Staff of the City of Hendersonville, North Carolina.

/s/Lee Smith, Utilities Director

/s/Jennifer Harrell, Human Resources Director

/s/John F. Connet, City Manager

K. Consideration of Request to Extend Lines to Provide Water and Sewer Services to Phase Two of the Existing Habitat for Humanity Subdivision: Mr. Lee Smith, Utilities Director, reported this request is to extend lines to provide water and sewer services to phase two of the existing Habitat for Humanity Subdivision, Dodd Meadows. This phase will serve 19 units.

This phase requires approximately 656 linear feet of water line and 688 linear feet of sewer line. The cost of this extension will be paid by Henderson County Habitat for Humanity. This project is under the reviewing jurisdiction of Henderson County. The Master Plan was approved in October 2011.

L. Consideration of Request to Provide Additional Water Service for the Expansion of the Warm Company: Utilities Director Lee Smith reported this request is to provide additional water service to the expansion of the existing Warm Company. This expansion will serve a 136,000 square foot warehouse facility. This expansion was approved by the Henderson County Technical Review Committee on March 3, 2015. This expansion will consist of approximately 665 linear feet of eight-inch water line. The cost of this extension will be paid by Warm Company Products, Inc.

M. Consideration of Resolution for a Governor's Highway Safety Program for Federal Funding: Lt. Mike Vesely reported the Hendersonville Police Department is the Western Regional Coordinator for BikeSafeNC. They applied for, and received, a \$85,500.00 Governor's Highway Safety Program BikeSafe Grant. This is a non-matching grant. This grant will cover the purchase of two new Harley Davidson motorcycles, equipment for the two new motorcycles and a trailer for transporting the motorcycles for in-state and out-of-state travel.

North Carolina Governor's Highway Safety Program
LOCAL GOVERNMENTAL RESOLUTION

Resolution #15-0740

WHEREAS, the City of Hendersonville Police Department (The Applicant Agency), (herein called the "Agency"), has completed an application contract for traffic safety funding; and that City of Hendersonville City Council (The Governing Body of the Agency) (herein called the "Governing Body") has thoroughly considered the problem identified and has reviewed the project as described in the contract;

THEREFORE, NOW BE IT RESOLVED BY THE City of Hendersonville City Council (Governing Body) IN OPEN MEETING ASSEMBLED IN THE CITY OF , NORTH CAROLINA,

THIS 2 DAY OF July, 2015, AS FOLLOWS:

1. That the project referenced above is in the best interest of the Governing Body and the general public; and
2. That Mike Vesely, Lieutenant, (Name and Title of Representative), is authorized to file, on behalf of the Governing Body, an application contract in the form prescribed by the Governor's Highway Safety Program for federal funding in the amount of \$85,500 (Federal Dollar Request) to be made to the Governing Body to assist in defraying the cost of the project described in the contract application; and
3. That the Governing Body has formally appropriated the cash contribution of \$0 (Local Cash Appropriation) as required by the project contract; and
4. That the Project Director designated in the application contract shall furnish or make arrangement for other appropriate persons to furnish such information, data, documents and reports as required by the contract, if approved, or as may be required by the Governor's Highway Safety Program; and
5. That certified copies of this resolution be included as part of the contract referenced above; and
6. That this resolution shall take effect immediately upon its adoption.

DONE AND ORDERED in open meeting by
/s/Barbara G. Volk (Chairperson/Mayor)

ATTESTED BY Tammie K. Drake, (Clerk)

SEAL

Rev. 7/11

Mr. Connet requested the removal of item g from the consent agenda and adding it to the regular agenda for discussion. This item was added as 17b under Reports from Staff. **Council Member Caraker moved approval of the remaining items on the consent agenda. A unanimous vote of the Council followed. Motion carried.**

6. Presentation of Proclamation Honoring the Korean War Veterans: At the request of Council Member Miller, Mayor Barbara Volk presented a proclamation honoring the Korean War Veterans.

7. Consideration of the Sister Cities International Partnership Resolution: Ms. Karen Hultin, Chair of the Sister Cities Board, presented a partnership resolution between the City of Hendersonville and Pallanza/Verbania, Italy. **Council Member Smith moved Council to approve the resolution between the City of Hendersonville and Pallanza/Verbania, Italy. A unanimous vote of the Council followed. Motion carried.**

Resolution #15-0741

SISTER CITIES INTERNATIONAL PARTNERSHIP RESOLUTION

Whereas, the cities of Hendersonville, North Carolina, USA and Pallanza/Verbania, Italy share similar goals of international cooperation, mutual prosperity, and world peace; and

Whereas, they believe it to be in their collective interest to broaden and strengthen ties between the two cities; and

Whereas, they place similar values on cultural understanding, youth leadership, exchanges to educate citizens, artistic and environmental stewardship, tourism and agri-business and

Whereas, they will identify activities, common to all, that can generate new initiatives to further nurture economic, social, educational, artistic and cultural relationships; and

Whereas, the purpose of this relationship is to increase cultural exchanges, educational opportunities, agricultural exchanges, artistic exchanges and economic exchanges for both cities, and to increase awareness of both cities as being centers of agricultural research, artistic hubs, lake and mountain vistas, tourism, food and wine knowledge, cycling, hiking, culinary excellence and more; and

Whereas, both cities are committed to mutual support for organizing and developing the experiences, common activities, and future programs of the Sister City relationship on the basis of previous agreements of mutual cooperation and directions set forth by this declaration;

Now, Therefore, We, the Mayors of Hendersonville, North Carolina, USA and Pallanza/Verbania, Italy do believe that this pact will further contribute to global exchange between international cities and to the development of friendly relations between the peoples of Italy and the United States and our two cities;

Further, we affix our signatures and our city seals on this declaration to establish our relationship as Sister Cities.

/s/Mayor Barbara G. Volk
Hendersonville, North Carolina, USA

/s/Mayor Silvia Marchionini
Pallanza/Verbania, Italy

Ms. Hultin explained the resolution in Italian will be taken to Italy and formally signed by their mayor in September 2015. Mayor Volk expressed appreciation to the members of the Board.

8. Recognition – AWOP Award: Mr. Randy Hintz, Public Water Supply, DENR, presented an Area Wide Optimization Program Award to Mr. Ron Reid, Hendersonville Water Treat Plant. He explained the goal of the NC Area Wide Optimization Program is to provide the best quality water to the citizens of North Carolina by enhancing the existing infrastructure with minimal cost to the utility. He stated the City's staff is dedicated to providing safe drinking water. This is the seventh time City staff has earned this award. He expressed appreciation for the work of the staff and asked for Council's continued support of helping them do their job.

Mr. Ron Reid thanked the Council for their support. Mr. Lee Smith echoed his appreciation and expressed appreciation to the regulators at DENR. Mayor Volk expressed appreciation to the Water Treatment Plant staff.

9. Presentation on Duke Energy's Residential Energy Efficiency Program: Ms. Sue Dinnsen, Residential Energy Efficiency Program Manager, gave a presentation on the Residential Energy Efficiency Program. The program is for eligible neighborhoods where approximately 50 percent of the households have incomes equal to or less than 200 percent of the federal poverty level. The program provides an in-home energy assessment, installation of energy conservation measures and education to control and reduce energy usage. The process involves teams of trained energy technicians and installers going door-to-door delivering services to residents.

Ms. Dinnsen reported the crews will be coming to Hendersonville the following week. The customers will receive invitation letters. Approximately 1,200 residents will be served.

Mayor Volk thanked Ms. Dinnsen for including residents of Hendersonville in the program.

10. Consideration of the Variance Request as part of an Amended Special Use Permit for the Ingles Store Located at 1980 Asheville Highway to Allow Increasing the Number of Driveways a Development Parcel may have on any given Road from Two to Three: Planning Director Sue Anderson reported the City Council held a public hearing on June 4, 2015 for a Special Use Permit for the Ingles grocery store located at 1980 Asheville Highway. At that time, a vote was taken on a variance request to allow increasing the number of driveways a development parcel may have on any given road from two to three. The vote was three in favor and two opposed to granting the variance request.

Ms. Anderson explained NCGS 160A-75 Voting, and stated the three to two affirmative vote of the Council is not equal to or greater than two thirds of all the actual members of the council. Based on direction from the City Attorney, a second vote on this variance request needs to take place. City Council decided to revisit this item at the July regular meeting.

Council Member Caraker moved City Council to approve a variance from Zoning Ordinance Section 5-18-4.3 Driveways, increasing the number of driveways a development parcel may have on any given road from two to three. The vote was three in favor (Caraker, Stephens, Miller); two opposed (Volk, Smith). Motion carried.

11. Public Hearing – Consideration of an Ordinance amending the Zoning Ordinance Article IV Establishment of Districts Table 4-5, Article V, Article VI General Provisions, Table 6-5-2, Article XII Definition of Terms, Section 12-2 Definition of Commonly Used Terms and Words, and Article XVI Special Requirements for Certain Uses, Section 16-4 Standards Pertaining to Breweries, Cideries, Distilleries, Microbreweries and Wineries: Planning Director Sue Anderson gave some background information from the Brewers Association. She explained these types of industries are listed under the broad category of beverage manufacturing in the Zoning Ordinance and are allowed only in the I-1 Industrial zoning district and the PMD Planned Manufacturing Development zoning district. The PMD Planned Manufacturing Development zoning district is created through the Special Use permit process. Southern Appalachian Brewery, located on an I-1 zoned property at 822 Locust Street, is Hendersonville's only brewery and is allowed as a permitted use in that district.

Ms. Anderson reported there have been a number of inquiries about the possibility of locating a small brewery in or near the downtown core. Based on the growing popularity of these types of businesses, staff has developed a

text amendment for Council's consideration that would allow breweries in a greater number of zoning districts within Hendersonville.

Ms. Anderson noted due to their potential impacts on surrounding properties, large scale breweries, wineries, distilleries and cideries will continue to be limited to the I-1 Industrial and PMD Planned Manufacturing Development districts. The text amendment would allow smaller scale microbreweries, those producing less than 15,000 barrels (465,000 gallons based on 31 gallons to a barrel) per year, to be located in other commercial districts including downtown.

Ms. Anderson reported staff is suggesting adding microbreweries as a conditional use, which will require applicants to go before the Board of Adjustment for review and approval. The microbreweries will be subject to certain conditions such as limiting outdoor storage of materials along with a cap on production.

Ms. Anderson explained key issues for consideration by the Council is defining the industries, to identify the districts where they may be allowed, whether they should be permitted or conditional use, whether they are subject to special requirements, parking requirements and general housekeeping requirements.

For definitions added to the Zoning Ordinance, Ms. Anderson suggested Council adopt the definitions in NCGS 18B Regulation of Alcoholic Beverages. She reviewed the proposed districts and whether staff recommends it be a conditional or permitted use in each district. Ms. Anderson also reported the recommendations of the Planning Board for amendments to the Zoning Ordinance, districts and conditional or permitted use in each district. She reviewed a map of the districts.

Ms. Anderson reported the on-site parking requirements are the same for warehouse in industrial zones and planned manufacturing district. The parking requirements for microbreweries are the same for restaurants. On-site parking is not required in C-1 or the Seventh Avenue Historic District. The Planning Board did not object to these recommendations.

Ms. Anderson reminded the Council of Section 11-4 of the Zoning Ordinance which include the factors they must consider prior to amending the Zoning Ordinance. She explained the numbering of the Zoning Ordinance sections will change. She also reminded the Council these uses should be subject to special requirements contained in Section 16-4.

Mayor Volk opened the public hearing at 6:35 p.m. in accordance with North Carolina General Statutes by notice published in the Hendersonville Lightning. The following addressed the Council:

Joseph Dinan, 644 Rutledge Drive, Flat Rock, spoke in favor the Zoning Ordinance text amendment. He hopes to be jointly opening Sanctuary Brewing Company on First Avenue East. He stated allowing these uses downtown will create jobs and promote tourism. These uses have revitalized an area of town in Asheville. He stated this will improve the economic outlook for downtown restaurants, bars, shops, retail and will bring more people into the downtown district. He stated in North Carolina, the industry employs more than 10,000 full-time workers. He stated they plan to start with five employees, possibly doubling that within the first year and 20 employees in the near future. He stated Blue Ridge Community College has fantastic certificate and degree programs for brewing. He supported allowing breweries as a permitted use. He stated they have already gone through a lot of regulations in the State. He distributed brochures to the Council.

Lisa McDonald, 644 Rutledge Drive, Flat Rock. She stated they are devoted to this community. She stated they would like to open, at minimum, a taproom in downtown Hendersonville. They have seen a great upswing in the community recently: new restaurants, a vibrant crowd and the local economy. She stated other communities have already incorporated breweries (the creation of the beer) not necessarily the taproom. Asheville has more than 20 breweries that are also taprooms. Downtown Hendersonville does not have any. Restaurants area already selling locally-crafted brews and thought some of the brews should be crafted in Hendersonville. She stated Hendersonville is a lovely community and it can be more of a destination. She stated there is a lot of activity around microbreweries in this area and asked the Council to be a part of the culture. She voiced of allowing these as a permitted use.

Jennifer Hensley, chiropractor practicing across from the Hendersonville High School, said as a small business owner, she is in favor of this amendment to allow the brewery to open. She thanked the Council for their renewed interest in small businesses and their importance to the community. She stated as a parent and local small business owner, this is a wonderful community to raise a family. The breweries they have visited are family-friendly and dog-friendly. This will bring more value to the community. She thanked the Council for their support.

No one else expressed a desire to speak. No one spoke in opposition to the proposed Zoning Ordinance text amendments. The public hearing was closed at 6:42 p.m.

Ms. Anderson explained the Planning Board's split vote and their desire to add the Greenville Highway Mixed Use District. She requested the Council, whether it is conditional or permitted use, to include the language that it is subject to special conditions in Article XVI.

Ms. Anderson reported these changes were not discussed by the Text and Policy Committee but was discussed by the full Planning Board. She reported the Planning Board voted seven in favor and one opposed to recommend the City Council make the amendments (with the exception of the split votes on the districts).

Ms. Anderson explained because the changes are for downtown, the conditional use permit provides more oversight by the Board of Adjustment. The permit is issued by the Board of Adjustment and may be revoked if violated. Ms. Frady explained the role of the Board of Adjustment stating if these are made permitted uses, all conditions would be the same for each business. If it is a conditional use, the Board of Adjustment has the right to add conditions and may revoke the permit if conditions are not met, i.e., hours of operation which may be based on testimony given at the hearings, complaints, etc.

Ms. Anderson explained the Planning Board also voted six in favor and two opposed to recommend the removal of: d) which is the setback requirement of 50 feet from a residential district. She stated the Planning Board suggested additional setback requirements. There was some discussion of upstairs apartments.

The Council agreed by consensus to allow these as permitted uses subject to the special conditions in Article XVI and to include the Greenville Highway Mixed Use District.

Ms. Anderson reported a discussion with the interim fire chief about distilleries in the downtown first fire district.

After discussion, **Council Member Caraker moved City Council adopt an ordinance amending the City of Hendersonville Zoning Ordinance Article IV Establishment of Districts, Table 4-5, Article V Zoning District Classifications, Article VI General Provisions, Table 6-5-2, Article XII Definition of Terms, Section 12-2 Definition of Commonly Used Terms and Words, and Article XVI Special Requirements for Certain Uses, Section 16-4 Standards pertaining to breweries, cideries, distilleries, microbreweries and wineries with the following modifications: subject to special conditions in Article XVI as discussed. A unanimous vote of the Council followed. Motion carried.**

Ordinance 15-0739

AN ORDINANCE AMENDING ARTICLE IV ESTABLISHMENT OF DISTRICTS SECTION 4-5 CLASSIFICATION OF USES, TABLE 4-5, ARTICLE V ZONING DISTRICT CLASSIFICATIONS, ARTICLE VI GENERAL PROVISIONS, TABLE 6-5-2, ARTICLE XII DEFINITION OF TERMS, SECTION 12-2 DEFINITION OF COMMONLY USED TERMS AND WORDS, AND ARTICLE XVI SPECIAL REQUIREMENTS FOR CERTAIN USES, SECTION 16-4 STANDARDS OF THE ZONING ORDINANCE OF THE CITY OF HENDERSONVILLE PERTAINING TO BREWERIES, CIDERIES, DISTILLERIES, MICROBREWERIES AND WINERIES.

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 breweries, cideries, distilleries, microbreweries and wineries.

NOW, THEREFORE, be it ordained by the City Council of the City of Hendersonville:

1. Article IV Establishment of Districts, Section 4-5 Classification of Uses, Table 4-5 is hereby amended to include the following:

Add breweries, cideries, cideries – hard, distilleries, microbreweries and wineries as permitted by right (P) in the I-1 Industrial Zoning District.

Add breweries, cideries, cideries – hard, distilleries, microbreweries and wineries as permitted by right (P) in the PMD Planned Manufacturing Development Zoning District.

Add microbreweries as a Special Use (S) in the PCD Planned Commercial Development District.

Add microbreweries as permitted by right subject to special requirements (SR) in the following districts:

C-1 Central Business District
 C-2 Secondary Business District
 C-3 Highway Business District
 CMU Central Mixed Use District
 GHMU Greenville Highway Mixed Use District
 HMU Highway Mixed Use District

2. Article V Zoning District Classifications, Section 5-6-1 Permitted Uses in the C-1 Central Business Zoning District Classification is hereby amended to include the following permitted use:

Microbreweries, subject to special requirements contained in Section 16-4, below

3. Article V Zoning District Classifications, Section 5-7-1 Permitted Uses in the C-2 Secondary Business Zoning District Classification is hereby amended to include the following permitted use:

Microbreweries, subject to special requirements contained in Section 16-4, below

4. Article V Zoning District Classifications, Section 5-8-1 Permitted Uses in the C-3 Highway Business Zoning District

Classification is hereby amended to include the following permitted use:

Microbreweries, subject to special requirements contained in Section 16-4, below

5. Article V Zoning District Classifications, Section 5-12-1 Permitted Uses in the I-1 Industrial Zoning District Classification is hereby amended to include the following permitted uses:

Breweries
Cideries
Cideries, hard
Distilleries
Microbreweries
Wineries

6. Article V Zoning District Classifications, Section 5-15-2 Permissible Uses, Subject to Issuance of a Special Use Permit in the Planned Commercial Development Zoning District Classification is hereby amended to include the following permissible use:

Microbreweries, subject to special requirements contained in Section 16-4, below

7. Article V Zoning District Classifications, Section 5-19-1 Permitted Uses in the CMU Central Mixed Use Zoning District Classification is hereby amended to include the following permitted use:

Microbreweries, subject to special requirements contained in Section 16-4, below

8. Article V Zoning District Classifications, Section 5-22-1 Permitted Uses in the GHMU Greenville Highway Mixed Use Zoning District Classification is hereby amended to include the following permitted use:

Microbreweries, subject to special requirements contained in Section 16-4, below

9. Article V Zoning District Classifications, Section 5-23-1 Permitted Uses in the HMU Highway Mixed Use Zoning District Classification is hereby amended to include the following permitted use:

Microbreweries, subject to special requirements contained in Section 16-4, below

10. Article VI General Provisions, Table 6-5-2 is hereby amended to include the following parking requirements:

| USES | PARKING SPACE REQUIREMENT |
|-----------------------|--|
| <u>Breweries</u> | <u>1 per each 2 employees at maximum employment on a single shift</u> |
| <u>Cideries</u> | <u>1 per each 2 employees at maximum employment on a single shift</u> |
| <u>Cideries, hard</u> | <u>1 per each 2 employees at maximum employment on a single shift</u> |
| <u>Distilleries</u> | <u>1 per each 2 employees at maximum employment on a single shift</u> |
| <u>Microbreweries</u> | <u>1 per each 3 seats or stools plus 1 per each 2 employees on the shift with the largest employment</u> |
| <u>Wineries</u> | <u>1 per each 2 employees at maximum employment on a single shift</u> |

11. Article XII Definition of Terms, Section 12-2 Definition of Commonly Used Terms and Words is hereby amended to include the following definitions:

Breweries: An establishment that engages in the production of malt beverages as defined in North Carolina General Statute 18B-101.

Cideries, hard: An establishment that engages in the production of hard ciders classified as unfortified wine as defined in North Carolina General Statute 18B-101.

Distilleries: An establishment that engages in the production of spirituous liquors or liquors as defined in North Carolina General Statute 18B-101.

Microbreweries: An establishment that engages in the production of malt beverages as defined in North Carolina General Statute 18B-101. Annual production shall be less than 15,000 barrels.

Wineries: An establishment that engages in the production of unfortified wines as defined in North Carolina General Statute 18B-101.

12. Article XVI Special Requirements For Certain Uses, Section 16-4 Standards is hereby renumbered as follows:

16-4- ~~14~~ 15 Mini-Warehouses
 16-4- ~~15~~ 16 Nursing Homes
 16-4- ~~16~~ 17 Private Clubs
 16-4- ~~17~~ 18 Progressive Care Facilities
 16-4- ~~18~~ 19 Public Utility Facilities
 16-4- ~~19~~ 20 Residential Care Facilities
 16-4- ~~20~~ 21 Rest Homes
 16-4- ~~21~~ 22 Restaurants
 16-4- ~~22~~ 23 Schools, Primary & Secondary
 16-4- ~~23~~ 24 Shelter Facilities
 16-4- ~~24~~ 25 Telecommunications Towers and Antennas

13. Article XVI Special Requirements For Certain Uses Section 16-4 Standards is hereby amended to include the following use and special requirements:

16-4-14 Microbreweries.

a) Shall include one or more accessory uses such as a tasting room, tap room, restaurant, retail, demonstration area, education and training facility or other uses incidental to the brewery and open and accessible to the public.

b) Storage of materials used in the manufacturing, processing and for distribution shall be located entirely within the building.

c) Shall be designed such that all newly constructed loading and unloading facilities are internal to the site, in service alleys or at the back of the building.

d) The sides and rear yard or setback requirement shall be increased to 25 feet for the C-2 Secondary Business, C-3 Highway Business, GHMU Greenville Highway Mixed Use and HMU Highway Mixed Use Zoning District Classifications.

14. Any person violating the provisions of this ordinance shall be subject to the penalties set forth in Section 9-8 of the Zoning Ordinance.

15. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

16. 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.

17. 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.

This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this second day of July 2015.

/s/Barbara G. Volk, Mayor

Attest: /s/Tammie K. Drake

Approved as to form: /s/Samuel H. Fritschner

12. Consideration of an Ordinance Amending Section 10-152 of the Code of Ordinances with Respect to the Tethering of Domestic Animals within the Enforcement Jurisdiction of the City of Hendersonville: City Manager John Connet presented amendments to Section 10-152 of the Code of Ordinances at the request of Council Member Miller and Mayor Pro Tem Stephens that would:

1. Raise the minimum age of a tethered animal from four to six months, and
2. Limit the time of tethering an animal to two hours within any 12-hour period.

Mr. Connet reported the Blue Ridge Humane Society (BRHS) will provide financial or other assistance to those residing inside the City limits who have animals and need assistance with a confinement area. He stated those needing assistance will undergo an application process. The Blue Ridge Human Society would like to be the resource agency for citizens for an alternative, provide education and will require spaying or neutering. This will be available to City residents and dogs tethered as of July 3, 2015. Council Member Miller explained spaying and neutering may be required on a case-by-case basis.

Mr. Connet recommended the delay of enforcement of the tethering time limit on tethering for a six-month period to allow citizens to make other arrangements or to get a confinement area in place. The restriction on tethering will be in place January 1, 2016.

There was discussion of enforcement of the ordinance. Captain Jones reported there were ten tethering complaints in the last year. He explained the two-hour period will be enforced by documentation, and will be complaint-driven.

Council Member Miller explained working in conjunction with BRHS takes a lot of the problems out of the new requirements because they graciously offered assistance with an in ground fence which is more humane for animals. He stated it will make a safer environment for the animal and for people. He stated they will also assist with unwanted reproduction but will consider the age of the animal. He stated this is a great joining of a governmental entity and a non-profit to create better circumstances. He stated law enforcement was included on every discussion and it will not overwork them. He stated delaying enforcement gives six months to comply with the ordinance and will not put an undue burden on those not financially able to meet the requirement. He stated BRHS will consider the age of the animal when requiring spay/neuter. He commended BRHS for providing assistance. Mayor Volk agreed stating this issue has been discussed before but no one offered to help build fences.

Mayor Pro Tem Stephens commented this is a very important issue. He has received calls over the years.

Council Member Caraker asked if animal orientation is included for new hires in the Police Department hires. Captain Jones stated yes, as part of their field training. Council Member Caraker asked if the Sheriff's Office is still active in animal control. Captain Jones stated yes, they have had no problems working together.

Council Member Smith asked what the penalty is for violating the ordinance. City Attorney Fritschner advised the penalty, fine, etc. is up to the court, with potential jail time.

Council Member Smith proposed a subsidy by the City if people want to build their own fence because the City is requiring it. There was discussion of the proposal. Council Member Miller stated BRHS will help financially if assistance is needed.

After discussion, **Council Member Miller moved the City Council to adopt the proposed amendments to City Code Section 10-152. A unanimous vote of the Council followed. Motion carried.**

Council Member Smith further moved the Council to provide citizens with a subsidy of \$400, for the next six-month period, to assist in building their own fence. The vote was one in favor (Smith); four opposed. Motion failed.

Ordinance #15-0741

AN ORDINANCE AMENDING SECTION 10-152 OF THE CODE OF ORDINANCES WITH RESPECT TO 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,

NOW THEREFORE, be it ordained by the City Council of the City of Hendersonville:

SECTION 1. Section 10-152 of the Hendersonville Code of Ordinances shall and it is hereby amended to read in its entirety as follows:

Sec. 10-152. Mistreatment of animals prohibited.

(a) It shall be unlawful for any person to deprive or cause to be deprived any domestic animal of adequate food, water, necessary medical attention and adequate shelter.

(1) Adequate food and water, as defined herein, must be provided for all domestic animals.

(2) Necessary medical attention. No person owning or responsible for any domestic animal shall fail to supply the animal with necessary medical attention when the animal suffers from illness, injury, or disease.

(3) Adequate shelter, protection from the weather and humanely clean conditions. No persons owning or responsible for any domestic animal shall fail to provide the animal with appropriate shelter, protection from the weather and humanely clean conditions as prescribed in this section.

(b) When confinement prohibited. No animal may intentionally be confined in a building, enclosure, car, boat, vehicle or vessel of any kind when to do so would expose the animal to heat or cold harmful to its health.

(c) Tethering. Domestic animals may be tethered to a stationary object only if all of the conditions numbered 1 through 9 are followed:

1. A tether must be equipped with a swivel on both ends.

2. A tether must be a minimum of 10 feet in length and be made of either metal chain or coated steel cable.

3. Tethers must be attached to a collar or harness worn by the domestic animal and under no circumstances shall the tether be placed directly around the domestic animal's neck. Tethers are never to be used in conjunction with training collars such as choke or pinch-style collars.

4. The weight of the tether must not exceed 10% of the total body weight of the domestic animal but shall be of sufficient strength to prevent breakage.

5. The tether by design and placement must allow the domestic animal a reasonable and unobstructed range of motion without the possibility of entanglement.

6. The domestic animal must be ~~four~~ six months of age or older to be tethered.

7. Only one domestic animal may be attached to a single tether.

8. Pulley systems, running lines, and trolley systems cannot be used in conjunction with training collars such as choke or pinch-style collars. The attached tether may not be made of rope, twine, cord or similar material.

a. Pulley, running line or trolley systems shall be at least 10 feet in length and no more than seven feet above ground.

b. The attached tether shall be no less than 10 foot in length.

9. No tether shall be affixed to a stationary object which allows a domestic animal to come within 5 feet of any property line.

10. The Animal Care & Control Officer may have in their sole discretion the power to order any resident a minimum tethering requirement when such a condition is found to be detrimental to the health, safety and welfare of the domestic animal.

11. No animal shall be tethered more than two hours in any continuous 12-hour period.

~~11~~12. Exemptions. Citizens residing in townhomes, apartments, condos or similar multi-family housing units with lot sizes insufficient to meet the length and property lines requirements specified in sections 2, 8 and 9 above, may only tether domestic animals for temporary exercise and relief.

(d) Properly fitted collars required. An owner of a dog or cat shall not permit injury or inflict pain upon such animal from an improperly fitting or embedded collar.

SECTION 2. SEVERABILITY. If any provision of this ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the remaining provisions of this ordinance.

This ordinance does not purport to cover treatment of animals where such treatment has been preempted by federal or North Carolina law.

SECTION 3. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this second day of July 2015.

/s/Barbara G. Volk, Mayor

Attest: /s/Tammie K. Drake

Approved as to form: /s/Samuel H. Fritschner

13. Consideration of Request for Funding by the Henderson County Partnership for Economic Development to Support Economic Development Activities: City Manager John Connet commented members of the Council have been involved in conversations with the Board of the Partnership regarding the establishment of a 501(c)(3) non-profit entity to support economic development activities in Henderson County. He explained the non-profit will have the ability to accept tax deductible donations of public and private funds or property to be used in the recruitment of industry. The funds will be used to secure property through options or purchase, complete proactive environmental assessments and extend needed infrastructure. The Partnership has approached Henderson County and all of its municipalities about providing the initial seed funding for this new initiative. Their goal is to raise \$350,000 annually for the next four years.

Mr. Connet reported Henderson County has committed to provide up to \$125,000 in matching funding in each of these years. He requested the City Council to consider contributing \$50,000 annually from the Water and Sewer Fund to this effort and to keep the option open to provide additional funding of up to another \$50,000, if a significant project is identified that benefits the City of Hendersonville or the Hendersonville Water and Sewer System.

The Council heard comments from Mr. Andrew Tate, President, Henderson County Partnership for Economic Development, and Board members: Craig DeBrew, Adam Shealy, and Chip Gould, Chair of the new organization. Mr. Tate explained they have a depleted inventory for marketable industrial sites and do not want to reach a crisis point. He explained this 501(c)(3) is intended to be a vehicle to produce more marketable industrial sites, continue to grow the local economy, keep our unemployment rate low and support quality services through tax base.

Mr. Gould explained the Partnership was formed 20 years ago because of concerns about industrial recruitment in the county and it remains a concern. He stated their track record has shown great success but they are running out of controlled sites (properties for which they have agreements to market the property). They are also expecting contributions from private organizations and local businesses.

Mr. Shealy explained they are asking for an investment in the community. He stated economic development is a team sport and they have done very well in Henderson County because all components work as a team. He expressed appreciation for past support. He stated Mr. Connet has done a good job encouraging municipalities to be part of the team.

There was discussion of the response from the other municipalities. Mr. Gould explained it has been received well; everyone understands the need and feedback has been very positive but will have to figure out how to fund it. He explained how Rockwell came here 32 years ago.

Discussion followed on negotiating for purchase, buying options by the 501(c)(3), how they will recoup costs to have funds available for future investments. Mr. Tate explained specifics will be dealt with on a case-by-case basis. He stated their organization is committed to be aggressive about recouping funds when a transaction occurs. Mr. Gould commended City staff in the water/sewer department and expressed appreciation to the Council for their support.

Council Member Smith moved that City of Hendersonville contribute \$50,000 to the Henderson County Partnership for Economic Development's non-profit entity beginning upon its creation and continuing for three additional fiscal years and that these funds come from the water and sewer fund. A unanimous vote of the Council followed. Motion carried.

14. Consideration of a Resolution to Request the French Broad River MPO Consider the Addition of a Bike/Ped Project into the Metropolitan Transportation Plan: Planning Director Sue Anderson reported the French Broad River Metropolitan Transportation Organization (FBRMPO) is in the process of updating the 2035 Long Range Transportation Plan. In the future, the Plan will be called the Metropolitan Transportation Plan. The Plan is a federally-required long-term planning document that examines current and future transportation system needs including highways, railways, public transportation, bicycle and pedestrian infrastructure with an airport component. The Plan covers a 25-year period and is updated every five years. Having projects included in the Metropolitan Transportation Plan can increase funding opportunities.

Ms. Anderson explained upon Council's consideration and review, Council may request that the FBRMPO consider the addition of Henderson County Phase 1 of the Ecusta Rail Trail to the updated Metropolitan Transportation Plan. That request needs to be in the form of a resolution. Henderson County Phase 1, as identified in the Ecusta Rail Trail Planning Study and Economic Impact Analysis, falls within Hendersonville's jurisdiction. Understanding that Watco owns the rail line, inclusion in the Metropolitan Transportation Plan addresses the

potential that this rail line could become a rail trail in the future. Other factors, such as Watco choosing to abandon the line, would have to happen before this potential project could move forward.

Ms. Anderson explained the FBRMPO requires that the requesting jurisdiction commit to provide a financial contribution by resolution.

Mr. Chris Burns representing the Friends of the Ecusta, reported the Chamber of Commerce met with Laura Blackburn, Director of the Pedestrian Greenways Department of NCDOT. He reported funds are available from the State and Federal that may fund up to 80% of the construction of the Ecusta Trail. She encouraged them to get the trail on the long-term Plan.

Council Member Smith moved City Council to adopt a resolution to request the FBRMPO consider the addition of a bike/ped project into the Metropolitan Transportation Plan. A unanimous vote of the Council followed. Motion carried.

Resolution #15-0742

RESOLUTION TO REQUEST THE FRENCH BROAD RIVER MPO CONSIDER THE ADDITION OF A BIKE/PED PROJECT INTO THE METROPOLITAN TRANSPORTATION PLAN

WHEREAS, The City Council of the City of Hendersonville is committed to improving safe and convenient transportation options for bicyclists and pedestrians; and

WHEREAS, The City Council of the City of Hendersonville plans to expand and improve the infrastructure that supports safe and convenient transportation for bicyclists and pedestrians; and

WHEREAS, The City Council of the City of Hendersonville adopted a resolution on April 5, 2012 supporting a regional recreational greenway along the Watco (aka Norfolk & Southern) rail corridor linking Henderson and Transylvania counties; and

WHEREAS, The City Council of the City of Hendersonville recognizes the economic and transportation benefits of a regional recreational greenway within western North Carolina and desires the aforementioned rail corridor be secured and developed as the foundation of a regional recreational greenway system in support of the region's tourism economy, and as an alternative means of transportation; and

WHEREAS, The City Council of the City of Hendersonville believes that it is reasonable to expect these bicycle and pedestrian projects to be constructed within the next twenty-five years; and

WHEREAS, The City Council of the City of Hendersonville wishes Henderson County Phase 1 of the Ecusta Rail Trail project, as shown in the Ecusta Rail Trail Planning Study and Economic Impact Analysis, be reflected in the MPO's Metropolitan Transportation Plan.

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HENDERSONVILLE THAT:

Section 1. The City of Hendersonville does commit to provide the financial contribution necessary to complete Henderson County Phase 1 of the Ecusta Rail to Trail when the financial contribution is required from the City of Hendersonville, and that financial contribution is within reason.

Section 2. This Resolution shall become effective upon its adoption and approval.

Adopted the second day of July 2015.

/s/Barbara G. Volk, Mayor

Attest: /s/Tammie K. Drake

Approved as to form: /s/Samuel H. Fritschner

15. Consideration of Awarding the 2015 Street Resurfacing Contract: Public Works Director Tom Wooten explained the Public Works Department is preparing for this year's street resurfacing project. He provided a list of paving projects including; Fifth Avenue West to Church Street, Justice Street, a portion of Fourth Avenue, Oakland Street, Bearcat Boulevard, and Buncombe Street. He stated they want to complete the work around the high school before school begins. He explained these streets do require milling.

Mr. Wooten reported the bid opening was June 30, 2015 and reported the following bids:

| | |
|-----------------------|--------------|
| Rogers Group | \$655,850.75 |
| Trace & Company | \$590,342.25 |
| APAC Harrison | \$546,715.25 |
| Southeastern Asphalt: | \$472,611.25 |

There was some discussion of when the project begins and will be completed. **Council Member Caraker moved Council to award the resurfacing contract to Southeastern Asphalt for \$472,611.25. A unanimous vote of the Council followed. Motion carried.**

16. Comments from Mayor and City Council Members: There was none.

17. Reports from Staff

- a. **Staff Report on NCDOT Grant for Bicycle Plan:** Ms. Anderson announced the City received an award letter from NCDOT for a grant to do a bicycle plan for the City. The grant is for an amount up to \$49,000; covers 70 percent of the cost, and a 30 percent match is required by the City (approximately \$15,000).

Ms. Anderson reported \$5,000 has been allocated by the Council toward this process. She also reported receipt of a letter from Mr. Joe Sanders of the Blue Ridge Bicycle Club committing \$10,000 toward the required match.

Ms. Anderson reported the next step is to develop a Request for Proposals that will be sent to NCDOT for review/approval. City Council will need to appoint a selection committee to review the proposals and interview the consultants. The committee will recommend a consultant that will be approved by City Council. She stated staff will provide some recommendations for a steering committee. **No action was taken.**

Council Member Smith asked when the City will learn about park grants. Mr. Connet stated funding is tied to the State budget.

- b. Purchase of garbage truck:** Mr. Wooten reported the replacement of a garbage/recycling truck was approved in the current fiscal year's budget. He requested authorization to purchase a replacement truck that is available through the National Joint Powers Alliance (NJPA), a national contract purchasing agency, for \$221,996. This method of purchasing has no fees for the City and is allowed by General Statute 143-129(e)(3).

Mr. Wooten reviewed the comparisons of purchasing a compressed natural gas (CNG) vehicle versus diesel. He reported the cost to convert a vehicle to CNG is approximately \$35,000. He stated he was not planning to purchase a CNG vehicle because of the extra cost. He provided a comparison of fuel cost for CNG versus diesel and miles per gallon for the trucks. He stated it would take approximately 21 years to recoup the additional investment. He stated they use the vehicles for approximately ten years and then they serve as a backup truck.

Mr. Wooten explained the cost of a slow-fill station for CNG is approximately \$150,000. He also explained the mechanics of a slow-fill station and the cost per gallon for CNG. Mr. Wooten noted the price point to break even in ten years is for diesel fuel costs to go to \$3.75/gallon. The City is currently paying \$3.10 per gallon for diesel. The City currently has a pickup, two dump trucks, one garbage truck and a street sweeper that use CNG.

Council Member Smith expressed support of purchasing a CNG vehicle citing quality of life issues, e.g., air quality, and the CNG vehicles are a good investment, predicting the cost of diesel fuel, etc. Council Member Miller commented he would prefer having a plan in place for investing in a fill station if the City wants to purchase CNG vehicles. Discussion followed on the cost of fill stations, etc.

Mr. Connet explained the funds to pay for the truck will come from the Environmental Services Fund. Mr. Pahle explained the truck will be financed so the extra cost may be spread over the years of the debt service. Mayor Volk commented the cost of diesel will probably increase and CNG may be more economical in the long term.

After discussion, **Council Member Miller moved Council to allow for the purchase of a new diesel garbage/recycling truck through the National Joint Powers Alliance as allowed by GS 143-129(e)(3) as presented. The vote was three in favor; (Miller, Caraker, Stephens); two opposed (Smith, Volk). Motion carried.**

18. Boards and Commissions:

a. Consideration of Appointments:

East Flat Rock Community Plan Committee (non-voting liaison position): Mayor Volk commented she would prefer to have someone representing the City on this committee. No additional applications were received. There was discussion of the committee. **No action was taken.**

Seventh Avenue Advisory Committee: Council Member Caraker nominated John Ryan to serve on the Seventh Avenue Advisory Committee. He commented Mr. Ryan is with the Apple Valley Railroad Club that is essential to the function of Seventh Avenue. This term will expire April 1, 2017. Mayor Volk commented he may be considered "in district" because of his association with the Railroad Club. **A unanimous vote of the Council followed. Motion carried.**

Downtown Advisory Committee: Council Member Caraker nominated Candi Guffey, and to reappoint Marty Payton, Scott Biron, and Tom Orr to serve a two-year term on the Committee. **A unanimous vote of the Council followed. Motion carried.**

Tourism Development Authority: Council Member Miller nominated Sharon Carlyle for a five-year term on the Tourism Development Authority. Mayor Pro Tem Stephens supported the nomination. **A unanimous vote of the Council followed. Motion carried.**

b. Announcement of Vacancies/Upcoming (Re)appointments:

Environmental Sustainability Board: City Clerk Tammie Drake reminded the Council of the vacancies on this Board. **No action was taken.**

19. New Business: There was none.

20. Request for Closed Session to Discuss the Acquisition of Property as authorized under G.S. 143.318.11(a)(5): At 8:18 pm., Council Member Caraker moved Council to enter a closed session to establish or instruct the staff, or negotiating agent, concerning the position to be taken by or on behalf of the City Council in negotiating the price and other material terms of a contract for the acquisition of real property by purchase, option, exchange, or lease as provided under NCGS §143-318.11(a)(5). A unanimous vote of the Council followed. **Motion carried.**

The Council consulted with City Attorney Fritschner on acquisition of property.

Council Member Caraker moved the Council to exit the closed session at 8:20 p.m. A unanimous vote of the Council followed. **Motion carried. No action was taken.**

21. Adjournment: The meeting adjourned at 8:20 p.m. upon unanimous assent of the Council.

Barbara G. Volk, Mayor

Tammie K. Drake, City Clerk