

**November 3, 2016**  
**Regular Meeting of the City Council**  
**Council Chamber – City Hall**  
**5:45 p.m.**

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

**Staff Present:** City Manager John F. Connet, City Attorney Sam Fritschner, City Clerk Tammie Drake, Assistant to the Manager Brian Pahle, Police Chief Herbert Blake, Engineering Director Brent Detwiler, Development Assistance Director Susan Frady, Senior Planner David Hazzard, Civil Engineer Brendan Shanahan, Utilities Director Lee Smith, Fire Chief Joseph Vindigni, Finance Director Lisa White, Public Works Director Tom Wooten

**1. Call to Order:** Mayor Volk called the regular 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:** 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.*

Ken Fitch, 1046 Patton Street, addressed the Council regarding the widening of Interstate 26. He stated NCDOT has presented three alternatives for the project. He expressed concerns about one of the alternatives that reduces the number of lanes from eight to four, the effect on the Highway 64 intersection and resulting impacts on Henderson County. He expressed another alternative is necessary that will incorporate pedestrian and bicycle facilities. He requested the Council to amend the resolution of support of the project.

**4. Consideration of Agenda:**

Addition to Consent Agenda:

5a: Minutes of October 18, 2016 special meeting

5e: Addition of Capital Project Ordinance for the Resolution Accepting a Grant Offer for Wastewater Asset Inventory and Assessment

Deletion:

C. Consideration of Bid Award for the U.S. Highway 64 Sidewalk Improvements Project

**Mayor Pro Tem Caraker moved City Council's approval of the agenda as amended. A unanimous vote of the Council followed. Motion carried.**

**5. Consideration of Consent Agenda:** *Consent agenda items are considered routine, non-controversial in nature and are considered and disposed of through a singular motion and vote.*

**A. Consideration of Minutes:**

- i. October 6, 2016 Regular Meeting
- ii. October 18, 2016 Special Meeting

**B. Consideration of Amendments to the Records Retention Schedule:** Mrs. Tammie Drake, City Clerk, presented the amendments to the Municipal Records Retention Schedule as recommended by the Department of Cultural Resources dated October 1, 2016:

STANDARD 6. EMERGENCY SERVICES AND FIRE DEPARTMENT RECORDS

Amending Item 3, 911 Recordings as shown on substitute page 41 and Item 18 Emergency Notifications as shown on substitute page 43.

STANDARD 9. LAW ENFORCEMENT RECORDS

Amending Item 136, Law Enforcement Audio and Video Recordings, as shown on substitute page 90.

~~**C. Consideration of Bid Award for the U.S. Highway 64 Sidewalk Improvements Project**~~

**D. Consideration of Value Engineering, Bidding & Construction Administration Contract Award for the Etowah Area Water System Improvements Project:** Engineering Director Brent Detwiler explained the Etowah Area Water System Improvements project has been ongoing for several years. The original engineering contract was terminated due to unresponsiveness, concerns raised by equipment suppliers and prequalified bidders and design quality issues.

Mr. Detwiler explained staff completed the Request for Qualifications process in order to redesign, permit and bid the project and recently selected Black and Veatch of Charlotte, NC. Staff is asking Council to authorize the City Manager to execute an engineering agreement with Black and Veatch to complete the design, permitting, bidding and award work associated with the Etowah Area Water System Improvements Project. He noted that construction

management services will be amended to the attached scope of services at a later date. *(The agreement for Engineering Services is available in the office of the Engineering Director.)*

**E. Consideration of Resolution Accepting a Grant Offer for Wastewater Asset Inventory and**

**Assessment:** Mr. Detwiler explained City staff applied for a State Grant for a Wastewater Asset Inventory and Assessment project in April 2016. He reported the City received notification that the City's grant application for \$150,000 was approved. The funding is administered by the NC Department of Environmental Quality's Division of Water Infrastructure (DEQ DWI).

Mr. Detwiler explained staff intends for this grant to fund an Asset Inventory and Assessment project that will be a significant portion of an overall wastewater master plan. Once complete, the City will have both water and wastewater system master planning documents. He stated there is a 15 percent matching component that will consist of in-kind work by City staff as well as a 1.5 percent grant fee (\$2,250).

Mr. Detwiler presented a resolution accepting the grant offer and making the applicable assurances contained therein as well as designating the City Manager as the authorized representative for the project so that he may execute the Offer and Acceptance Document as well as other necessary paperwork.

Resolution #16-1137

**RESOLUTION BY GOVERNING BODY OF RECIPIENT**

WHEREAS, the North Carolina General Statutes Chapter 159G has created Asset Inventory and Assessment grants to assist eligible units of government with meeting their water infrastructure needs, and

WHEREAS, the North Carolina Department of Environmental Quality has offered a State Reserve Grant in the amount of \$150,000.00 to perform asset inventory and assessment work, and

WHEREAS, the City of Hendersonville intends to perform said project in accordance with the agreed scope of work, NOW, THEREFORE, BE IT RESOLVED BY THE HENDERSONVILLE CITY COUNCIL:

That City of Hendersonville does hereby accept the State Reserve Grant offer of \$150,000.00.

That the City of Hendersonville does hereby give assurance to the North Carolina Department of Environmental Quality that any Conditions or Assurances contained in the Award Offer will be adhered to.

That John F. Connet, City Manager, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required by the Division of Water Infrastructure.

Adopted this third day of November, 2016 at 145 5th Avenue East, Hendersonville, North Carolina.

/s/Barbara G. Volk, Mayor

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

**F. Consideration of Utility Extension Agreement for Claystone for a Gravity Sewer Extension:**

Mr. Lee Smith presented a Utility Extension Agreement for gravity sewer extension due to a failing septic system. This extension will serve an existing manufactured home park. The owner has requested satellite annexation. H requested the Council accept this Sewer Utility Extension Project and authorize the City Manager to execute the agreement on behalf of the City.

**G. Consideration of Report on Disposition of Surplus Property:** Mr. Connet provided a report on the declaration of surplus under the authority granted by resolution #11-1051, A Resolution Delegating the Authority for Declaring Person Property Surplus. This City Manager declared the following list of personal property as surplus, to be sold in accordance with GS 160A-266(1d) and GS 160A-280.

1999	FORD	CR VIC	SEDAN / 4 DOOR	MRV7632	2FAPF71W4XX186824	\$	1,200.00	
2006	FORD	CR VIC	SEDAN / 4 DOOR	55331T	2FAPF71W76X129712	\$	2,800.00	
2006	DODGE	CHARGER	SEDAN / 4 DOOR	55307T	2B3KA43G16H486555	\$	5,000.00	
2004	FORD	RANGER	PICKUP TRUCK	55341T	1FTYR10U74PA55821	\$	2,200.00	
2007	FORD	RANGER	PICKUP TRUCK	55376T	1FTYR10U47PA24305	\$	3,300.00	
2000	FORD	EXPLORER	4X4 SUV	55367T	1FMZU72K5YUB21783	\$	1,600.00	
1989	CHEVROLET	2500	PICKUP TRUCK (3/4 TON)	55370T	1GBGC24K8KE183591	\$	1,200.00	
1993	FORD	F700	DUMP TRUCK (2 TON)	55373T	1FDWF70JXPVA28780	\$	6,000.00	
1993	Speedaire	52639A	air comperssor		cracked tank	\$	400.00	
2000	HUDSON	HSE16	TRAILER	55504T	10HHSE164Y1000771	\$	800.00	cracks in frame
	Konica	BizHub	Copier	C220	A0ED013019619	\$	1,800.00	EQ18861
	Konica	BizHub	Copier	C364e	ASC101100479	\$	2,400.00	EQ21976
	Konica	BizHub	Copier	C35	A121011024198	\$	400.00	EQ22054
	Konica		Toner	A33K430	TN321C	\$	50.00	CYAN
	Konica		Toner	A33K230	TN321Y	\$	50.00	YELLOW
	Konica		Toner	A11G331	TN216M	\$	50.00	MAGENTA
	Konica		Toner	A11G431	TN216C	\$	50.00	CYAN
	Konica		Toner	A33K330	TN321M	\$	50.00	MAGENTA
	Konica		Toner		TN321K/TN-322	\$	50.00	BLACK
	Konica		Toner	A33K130	TN321K	\$	50.00	BLACK
	Konica		Toner	A11G231	TN216Y	\$	50.00	YELLOW
	HP	LaserJet Pro MFP M277dw	Copier	B3Q11A	VNB8J1D4YS	\$	250.00	
	HP		Toner			\$	50.00	MAGENTA
	HP		Toner			\$	50.00	YELLOW
	Brother		Toner	DR-420		\$	10.00	BLACK
	Brother		Toner	DR-420		\$	10.00	BLACK
	Symbol Technologies	Handheld & Two Straps	Parking Ticket System	MC75A0	13203522500450	\$	350.00	
	Symbol Technologies	Charger base	Parking Ticket System	CRD7000-4000E	9222521100828			included above
	HP	LaserJet P2035		CE461A	VNB3248670	\$	40.00	
	HP	LaserJet CP1025nw Color				\$	40.00	
	HP	LaserJet P2055dn		CE459A	CNB9964554	\$	40.00	
	HP	LaserJet M1212nf MFP		CE841A	CNG9D4L194	\$	40.00	
	HP	LaserJet P1102w		CE657A	VNB4K81997	\$	20.00	
	HP	ColorJet CP2025		CB495A	CNG473731	\$	50.00	
	HP	LaserJet P11032w		CE658A	VND3N48432	\$	10.00	
	Canon	ImageClass D420		F15660	DT588189	\$	40.00	
	HP	LaserJet P2055dn		CE459A	CNB9333121	\$	40.00	
	HP	LaserJet 9050dn			JPRCCC313G	\$	200.00	
	HP	LaserJet 9000dn				\$	150.00	
	HP	DesignJet 488CA	Large Format Printer	C6082A	SG02N110DV	\$	500.00	
	HP	DesignJet 1055CM	Large Format Printer	C6075A	SG01E2311H	\$	600.00	
	Globe Distributing Co.		Coin Seperator	NS1933	2793244	\$	10.00	
	Semacon	S140	Coin Counter	S-140	2K53600	\$	300.00	
	ShearTech		letter Opener			\$	30.00	
1990	EZ Liner		Paint Striping Machine	224183	K88A (1C89233D5)	\$	150.00	5HP Briggs engine
	POM		NEW Parking Meters			\$	4,000.00	42
	POM		Dual Head Brackets			\$	20.00	Four (4)
			Dual Head Brackets					15 dual head brackets alum. "new"
			Quad head brackets					7 quad (4) meter bracket painted grey "new"
	169							114 Duncan Meter, 55 POM
	POM		Used Parking Meter housings			\$	-	19
	POM APM		"Bad" Parking Meter Mechanisms			\$	1,000.00	165
	POM APM		Parking Meter Mechanisms			\$	40.00	
			Parking Meter Parts		extra parts for meters	\$		
	POM					\$	120.00	15 mechanisms
			2 Metal coin collection boxes w/ strap			\$	10.00	2
			aluminum and plastic cups for meters			\$	5.00	51 plastic, 2 metal
			Used Parking Meter Shells			\$	150.00	16 empty shells
			Parking meter labels					21
			metal container with open top	7'9" wide, 6' tall, 181" long, one door opens at top - some metal inside.				
			50 Wooden Power Poles (approximately)	4-5 - 8' range, 15 - 25-30' range, 30 - 8 - 15' range				
		purchased 9/12/2005	used pool cover - large		see sheet in "new" folder	\$	200.00	
			Keith Park - granite monument	42" tall, 53" wide, 20" thick		\$	100.00	
			Sullivan Park - granite monument	30" tall, 74" wide, 16" think		\$	100.00	
	TEECO	Traffic Controller	one controller in cabinet, 4 spare controllers			\$	100.00	
	Econolite	Traffic Controller	2 controllers, other components			\$	100.00	
			glass lenses for traffic signal heads (different sizes and colors)			\$	100.00	
	Binks	paint sprayer (air)				\$	40.00	
	Traconex	Traffic Cabinet with parts				\$	100.00	
		box of relays				\$	20.00	
		Knuckleboom Unit	one used knuckleboom lift - worn worm gear on the turret.			\$	1,000.00	
		new street name cross pieces (box)				\$	40.00	86 individual pieces
		pallet of signal heads	all 12 plastic CH heads, some damaged. 12" wide, 36 long with hanger.			\$	400.00	
		Pallet 2 of signal heads	7 plastic CH, 1 metal. 12 wide, 36 inches long with hanger.			\$	300.00	
		Computer parts and cables	several computer parts and boxes of cables units from the IT office			\$	300.00	
		Used Zip Line	3/8 inch ss cable by 54 feet (approximately)	32 in chain on each end		\$	100.00	
		Used Zip Line	3/8 in alum. Cable by 54 feet (approximately)	34 in chain on one end, large eye bolt on the other end		\$	100.00	
		used tire swing and swivel	(from Sullivan Park)			\$	10.00	
		3 flood lights	(from CH - 175 watt Metal Halide flag pole lights)			\$	20.00	
		2 large flood lights	(from CH - 750 watt pusle start metal halide façade lightes, stanchion post is missing.)			\$	40.00	
		Sico Interlocking Floor	62 - 36 x 36 pieces, 25 pieces of edge, 3 metal storage carts on rollers for flooring.			\$	40.00	No. 271504

**H. Consideration of Resolution of Intent to Close an Unopened Alley Located within the Oklawaha Village Project on PIN 9569-85-1339 as Petitioned by the Housing Assistance Corporation:** Mrs. Frady reported the City received a petition from the Housing Assistance Corporation to close an unopened alley located within the Oklawaha Village Project. She presented a Resolution of Intent to Close the alley as required by NC General Statute 160A-299.

Resolution #16-1138

**RESOLUTION OF INTENT**

A resolution declaring the intention of the City of Hendersonville City Council to consider closing an unopened

right-of-way located on PIN 9569-85-1339 extending south from N. Main Street as petitioned by

The Housing Assistance Corporation

WHEREAS, NC General Statute (G.S.) 160A-299 authorizes the City Council to close public streets and alleys, and

WHEREAS, John G. Housing Assistance Corporation has petitioned the Council of the City of

Hendersonville to close an unopened alley located on PIN 9569-85-1339 between extending south from N. Main Street, and

WHEREAS, the City Council considers it advisable to conduct a public hearing for the purpose of giving consideration to the closing of an unopened alley located on PIN 9569-85-1339.

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

1. A meeting will be held at 5:45 p.m. on the fifth day of January 2017, in the Council Chambers of City Hall to consider closing an unopened alley located on PIN 9569-85-1339.
2. The City Clerk is hereby directed to publish this Resolution of Intent once a week for four successive weeks.
3. 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.
4. The City Clerk is further directed to cause adequate notices of the Resolution of Intent and the scheduled public hearing to be posted as required by G.S. 160A-299.

Adopted by the City Council at a meeting held on the third day of November 2016.

/s/Barbara G. Volk, Mayor

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

**I. Consideration of Resolution of Intent to Close an Unopened Alley Located on PIN 9569-71-4068 Between N. Main Street and Algeria Street as Petitioned by Mr. John Liberatos:** Mrs. Frady presented the petition of Mr. John Liberatos to close an unopened alley located between North Main Street and Algeria Street in accordance with street closing procedures as set forth in NC General Statute 160A-299.  
Resolution #16-1139

#### RESOLUTION OF INTENT

A resolution declaring the intention of the City of Hendersonville City Council to consider closing an unopened alley located on PIN 9569-71-4068 between N. Main Street and Algeria Street as petitioned by John G. Liberatos

WHEREAS, NC General Statute (G.S.) 160A-299 authorizes the City Council to close public streets and alleys, and

WHEREAS, John G. Liberatos has petitioned the Council of the City of Hendersonville to close an unopened alley located on PIN 9569-71-4068 between N. Main Street and Algeria Street, and

WHEREAS, the City Council considers it advisable to conduct a public hearing for the purpose of giving consideration to the closing of the unopened alley.

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

1. A meeting will be held at 5:45 p.m. on the fifth day of January 2017, in the Council Chambers of City Hall to consider closing an unopened alley located on PIN 9569-71-4068.
2. The City Clerk is hereby directed to publish this Resolution of Intent once a week for four successive weeks.
3. 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.
4. The City Clerk is further directed to cause adequate notices of the Resolution of Intent and the scheduled public hearing to be posted as required by G.S. 160A-299.

Adopted by the City Council at a meeting held on the third day of November 2016.

/s/Barbara G. Volk, Mayor

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

**J. Consideration of Special Event Permit for the VFW Post 5206 Veterans Day Poker Run:** Mrs. Frady reported the Special Events Committee and the Downtown Advisory Committee recommends Council's approval of the special event permit for the VFW Post 5206 Veterans Day Poker Run on November 5, 2016. The applicant requested two 15-minute express parking spaces in front of Hannah Flanagan's be blocked from noon to 3 p.m. to allow the motorcycles to use these spaces. It was recommended that the applicant obtain permission from PNC Bank to use their parking lot on Third Avenue for additional parking.

**K. Consideration of the Amendments to the Fee Schedule:** Mr. Pahle presented two amendments for Council's consideration to the Fee Schedule for fiscal year 2016-17: 1) Add a footnote authorizing the City to refund, credit, or transfer water and sewer service deposits. Currently, there is no authorization to refund these deposits and this revision will provide that. It was the intent of that a deposit by the customer be refunded upon satisfactory termination of service with the City. He submitted a standard draft procedure. 2) Add two charges to the fee schedule to address a small number of accounts that are on City sewer only and not water. These customers are charged a flat rate for service since a meter is not present to measure the gallons of water used which reflects the wastewater (sewer) produced. This charge would be based on 5,000-gallon usage plus the base charge. The total flat rate would be \$29 per month for inside and \$44 per month for outside. There are less than ten of these customers that fall into this category but we need to establish a fee to address this situation.

**Mayor Pro Tem Caraker moved approval of the remaining items listed on the consent agenda. A unanimous vote of the Council followed. Motion carried.**

**6. Public Hearing – Consideration of a Request to Close a Portion of Market Street off of White Street (continued from October 6, 2016 Meeting):** Mayor Volk announced this was continued from the October meeting. She explained the necessary paperwork has not been submitted. **Council Member Smith moved**

**Council to continue the public hearing on the question of closing a portion of Market Street to the December 1 meeting. A unanimous vote of the Council followed. Motion carried.**

**7. Public Hearing – Consideration of a Request to Close an Unopened Alley off of Seventh Avenue** (continued from October 6, 2016 Meeting) – was moved down on the agenda awaiting the arrival of parties involved.

**8. Public Hearing – Consideration of an Application from Claystone, LLC Requesting Satellite Annexation of Property Located at 20 Hannah Grace Way:** Mrs. Susan Frady reported the City received a petition from Claystone, LLC for the satellite annexation of 5.25 acres of property identified as PIN 9579-66-3377 located at 20 Hannah Grace Way. This annexation application is related to a sewer service request.

Mrs. Frady reported the map distance from the proposed satellite corporate limits is 238 feet from the primary corporate limits. The total area within the satellite corporate areas, including land involved in this petition, constitutes 3.7 percent of the area within the primary corporate limits.

Mrs. Frady reported Council accepted the Clerk's Certificate of Sufficiency at their October meeting and recommended a public hearing for this meeting. She explained at this public hearing, any person residing in or owning property in the area proposed for annexation and any resident of Hendersonville may appear and speak on the questions of the sufficiency of the petition and the desirability of the annexation. If City Council then finds and determines that the area described in the petition meets all of the standards set out in N.C.G.S. 160A-31, Council may adopt an ordinance annexing the area described in the petition.

Mayor Volk opened the public hearing at 5:58 p.m. in accordance with North Carolina General Statutes by notice published in the Hendersonville Lightning. No one expressed a desire to speak. The public hearing was closed.

**Mayor Pro Tem Caraker moved Council to adopt an ordinance annexing the property included in the Claystone, LLC petition effective November 3, 2016. A unanimous vote of the Council followed. Motion carried.**

Ordinance #16-1141

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF HENDERSONVILLE,  
NORTH CAROLINA - Claystone, LLC**

WHEREAS, the City of Hendersonville has been petitioned, pursuant to North Carolina General Statutes (NCGS) 160A-58.1, as amended, to annex the area described herein; and

WHEREAS, the City Council has by resolution directed the City Clerk to investigate the sufficiency of said petition; and

WHEREAS, the City Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at City Hall, Hendersonville, N.C. at 5:45 p.m., on the third day of November 2016, after due notice by publication as by law provided; and

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

- a. All of the proposed satellite corporate limits are less than three miles from the primary corporate limits of Hendersonville. The map distance is 238 feet.
- b. No point on the proposed satellite corporate limit is closer to the primary corporate limits of another city than to the primary corporate limits of Hendersonville.
- c. The area is situated so that the City of Hendersonville, if City Council so determines, will be able to provide the same services within the proposed satellite corporate limits that it provides within its primary corporate limits.
- d. The area proposed for annexation is not a subdivision as defined in NCGS 160A-376.
- e. The area within the proposed satellite corporate limits when added to the areas within all other satellite corporate limits does not exceed 10 percent (10%) of the area within the primary corporate limits of the City of Hendersonville. The total area within the satellite corporate areas, including land involved in this petition, constitutes 3.7 percent of the area within the primary corporate limits.

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

Section 1. By virtue of the authority granted by N.C.G.S. 160A-58.1, as amended, the following described area is hereby annexed and made part of the City of Hendersonville as of the third of November 2016.

DESCRIPTION OF PROPERTY: Being located within the Hendersonville Township – Henderson County, North Carolina and being more particularly described as follows:

All that real property described in that deed recorded in Deed Book 777 at page 93, Henderson County Registry.

Section 2. Upon and after the third day of November 2016, the above described territory, and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Hendersonville, and shall be entitled to the same privileges and benefits as other parts of the City of Hendersonville. Said territory shall be subject to municipal taxes according to NCGS 160A-31, as amended.

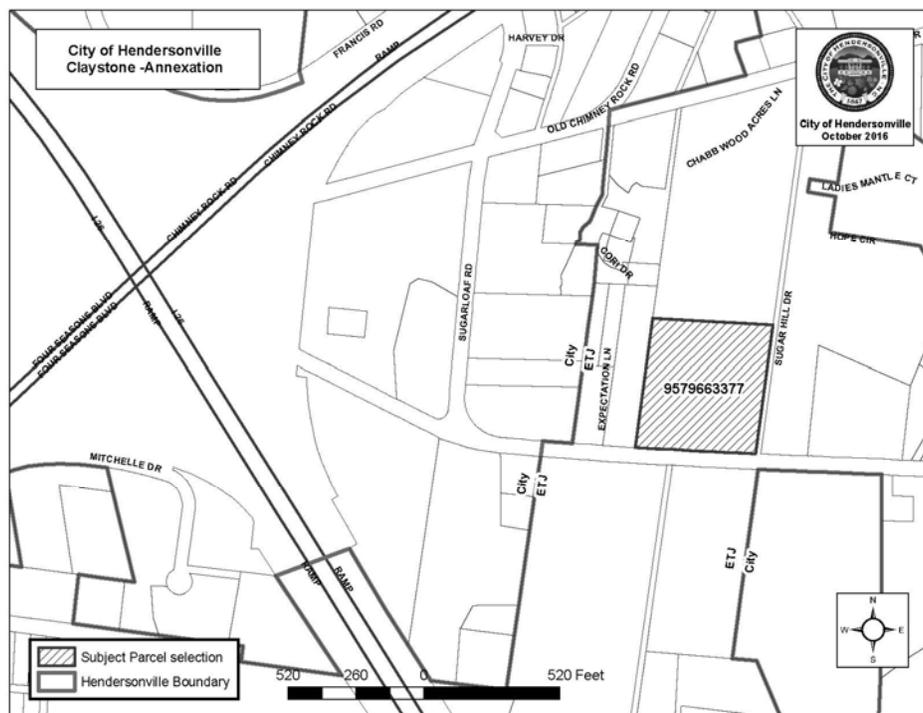
Section 3. The City Clerk of the City of Hendersonville shall cause to be recorded in the office of the Register of Deeds of Henderson County and at the Office of the Secretary of State in Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1, hereof, together with a duly certified copy of this ordinance.

ADOPTED this third day of November 2016.

/s/Barbara G. Volk, Mayor

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

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



**9. Quasi-Judicial Public Hearing – Consideration of an Application from Atha Plaza, Inc., for an Amendment to a Special Use Permit to Construct a 3,150 Square Foot Building within the Existing Sugarloaf Commercial Center:** Mayor Volk explained the procedures for quasi-judicial public hearing stating they are required by the State of North Carolina in certain situations. Quasi-judicial hearings differ from regular public hearings in that interested persons have the following rights: to cross examine witnesses, to present evidence, to inspect documentary evidence presented against them, and to be afforded all the procedural steps set out in the pertinent ordinance and statute.

Mayor Volk explained the City Council may only consider factual information and/or expert testimony and not feelings or opinions. Mayor Volk asked the members of City Council to announce any contacts concerning the application that are not included in the file. There was none. Mayor Volk asked the members of City Council to announce any conflicts of interest they may have pertaining to this matter. There was none. Mayor Volk asked if any person present is aware of anything of value that has been given or promised in exchange for a vote on the application. There was none. Mayor Volk asked those who anticipate speaking to be sworn in. Two people were sworn in to provide testimony.

Mr. Dave Hazzard, Senior Planner, provided the following testimony:

The City received an application to amend a Special Use Permit from Atha Plaza Inc. to construct a 3,150 square foot building within the existing Sugarloaf Commercial Center complex. This complex is on parcel 9579-86-0329 located on the corner of Sugarloaf Road and Waddell Drive. This project was previously approved by City Council on January 4, 2001. The applicant has made the following modifications to the approved Preliminary Site Plan: to add a 3,150 square foot building within the existing Sugarloaf Commercial Center. An amended Special Use Permit approved by City Council is required. He provided an aerial drawing of the center.

*Existing Land Uses & Zoning:* The existing Sugarloaf Commercial Center complex is on approximately 4.91 acres within the City's extraterritorial jurisdiction. The existing zoning classifications for this parcel is C2SU Secondary Business Special Use. This complex has five existing buildings with a mix of uses that include commercial, retail, and office uses. There are 127 existing parking spaces.

Surrounding land uses on all sides are residential.

*Comprehensive Plan Consistency:* This parcel and adjacent parcels to the north and west are classified as High Intensity Neighborhood. The parcels to the south and east of this parcel are classified as Business Center on the 2030 Comprehensive Plan's Future Land Use Map.

Mr. Hazzard reviewed the goal of the High Intensity Neighborhood and the Business Center classifications. He provided a drawing of where the proposed building will be constructed.

*Plan Review:* The approximately 4.91-acre site currently has five buildings and associated parking. The applicant is proposing to add one additional 3,150 square foot building. The exact use of the proposed building is to be determined however, the use shall be one that is included in the list of uses.

*Parking:* The site plan shows 127 existing parking spaces; 119 spaces are required.

*Sidewalks:* It appears the original applicant was granted a variance from constructing a sidewalk along Waddell Drive but was required to make a payment in lieu of constructing a sidewalk along Sugarloaf Road by City Council when originally approved.

*Stormwater and Landscaping:* Because this is an addition of one 3,150 square foot building to an existing developed site this project does not require an approved stormwater management plan. No new pavement is proposed so this project is not required to add landscaping.

*Analysis:* He reviewed the required findings required in Section 7-4-10.1 of the Zoning Ordinance and reported:

(A) Staff has not identified any issues relating to public health, safety, or general welfare.

(B) The property is served by water and has onsite septic systems. The applicant will be required to receive approval from the County Health Department for the proposed building septic system. This has been added to the list of conditions.

(C) The applicant is not requesting any variances.

(D) A neighborhood compatibility meeting concerning the application was held on September 26, 2016. Notice was provided by U.S. mail to the owners of record of all property situated within 400 feet of the subject property. Two members of the public attended the meeting but asked no questions. He provided a copy of the neighborhood compatibility report.

(E) This project appears to be consistent with 2030 Comprehensive Plan. The 2008 Comprehensive Transportation Plan has the following recommendations for Sugarloaf Road (SR 1541): add turn lanes, widen shoulders and improve geometrics and intersection operations as appropriate.

The Planning Board recommended City Council approve the application for an amended Special Use Permit based on the site plan submitted by the applicant and subject to the limitations and conditions stipulated on the published List of Uses and Conditions.

At 6:10 p.m., Mayor Volk opened the public hearing in accordance in North Carolina General Statutes by notice published in the Hendersonville Lightning. No one expressed a desire to speak. The public hearing was closed.

**Mayor Pro Tem Caraker moved City Council approve the application from Atha Plaza Inc. for the Sugarloaf Commercial Center project for an amended Special Use Permit based on the site plan submitted by the applicant and subject to the limitations and conditions stipulated on the published List of Uses and Conditions because it is consistent with the previously-approved special use permit. A unanimous vote of the Council followed. Motion carried.**

#### **10. Consideration of the UNC School of Government's Development Finance Initiative (DFI) Recommendation to Solicit Proposals for the Development of a Hotel on the Grey Hosiery Mill Property:**

Mr. Connet explained staff of DFI provided a public presentation at a special meeting of the Council on October 18, 2016 regarding the recruitment of a hotel. The Council also received comments and questions from the public.

Mr. Connet reported the DFI is recommending the City move forward with the solicitation of proposals for a hotel development on the Grey Hosiery Mill property. He asked the Council to consider endorsing or approving the recommendation of DFI. He provided a time line for moving forward stating if approved, the next 26 days will be used to draft and review a Request for Proposals (RFP), the Council will review/approve the RFP at their December 1 meeting and it will then be released to the public and potential developers. DFI will assist in advertising, soliciting, and recruiting developers to submit proposals between December 2 and February 28. The Council will review and select the best-suited proposals for the site in March and April of 2017.

Council Member Smith commented both the Dogwood Lot and Grey Hosiery Mill properties were considered. He requested the Council reconsider and review the findings for the Dogwood Lot for another potential project. Mayor Pro Tem Caraker agreed with Council Member Smith and stated parking was discussed at the special meeting. He stated there may be an opportunity for a public/private partnership for a parking structure. He also wants to keep the possibility open.

Council Member Miller asked what occurs if another project submits a project. Mr. Connet explained the RFP will be written in way, based on the criteria put forth in the RFP, a hotel will be a priority but will say the City will encourage/accept other proposals/potential uses. He stated the Council will have the opportunity to review and determine what is best suited for the site and the community.

There was some discussion of the RFP process if the City were to receive an offer on the property. City Attorney Fritschner advised the City is not bound unless there is a signed agreement. He explained the Council is statutorily permitted to reject any and all proposals.

**Mayor Pro Tem Caraker moved that City Council endorse DFI's recommendation to solicit proposals for a new hotel development on the Grey Hosiery Mill property. A unanimous vote of the Council followed. Motion carried.**

**11. Consideration of a Resolution in Support of the I-26 Widening Project:** Mr. Connet stated because I-26 has reached its designed capacity, is frequently congested and is a critical transportation route for Hendersonville residents, businesses and visitors, he presented a resolution in support of the I-26 widening project. He stated this resolution will be sent to NCDOT with a letter asking them to also consider making bicycle and pedestrian improvements to the Four Seasons Boulevard interchange.

Council Member Stephens expressed concerns about some of NCDOT's plans for the Highway 64 East/I-26 interchange and the impacts on traffic in Henderson County. He asked Council to make a specific request that NCDOT explore other alternatives for the specific intersection. The Council discussed amendments to the resolution.

**Council Member Smith moved Council approve the resolution of support for the I-26 widening project as amended. A unanimous vote of the Council followed. Motion carried.**

Resolution #16-1142

**A RESOLUTION REGARDING THE INTERSTATE 26 WIDENING PROJECT  
THROUGH HENDERSON COUNTY**

WHEREAS, the North Carolina Department of Transportation (NCDOT) proposes to widen Interstate 26 through Henderson County; and

WHEREAS, NCDOT held an open house and public hearing for the Interstate 26 Widening Project I-4400/I-4700 on October 13, 2016; and

WHEREAS, Interstate 26 is a major transportation artery through our community for residents, businesses and visitors; and

WHEREAS, the City of Hendersonville is a member of the French Broad River Metropolitan Planning Organization (MPO) and supports a transportation planning process in urbanized areas that is comprehensive, cooperative and continuing, and addresses public safety and local and regional economic needs; and

WHEREAS, the City of Hendersonville asks NCDOT to reexamine all possible alternatives for the intersection of Highway 64/Interstate 26.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hendersonville fully supports this widening project and encourages NCDOT to begin as soon as possible.

In witness whereof, I have hereunto set my hand and caused the seal of the City of Hendersonville to be affixed.

Adopted this third day of November 2016.

/s/Barbara G. Volk, Mayor

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

**7. Public Hearing – Consideration of a Request to Close an Unopened Alley off of Seventh Avenue (continued from October 6, 2016 Meeting):** Mrs. Susan Frady reported the street closing was postponed from the October 6 Council meeting.

Mr. Derek Allen, attorney representing Stag's Head Brewery, addressed the Council stating they are combining two properties in order to obtain one ABC license. He stated the access easement agreement will still provide access to neighbors. He stated the suggestions have been implemented in the easement agreement. Ms. Walker stated she did not receive final document; she expected to receive it, but did not. Mr. Allen asked the Council to consider the street closing with the easement stating the neighbors will be allowed to use the alley the same way they have been. City Attorney Fritschner advised the street can not be closed conditionally.

Council Member Stephens asked if the design plan has changed. Mr. Ayers addressed the Council stating they will be putting in a tap room in the front and moving the beer garden to the front. He stated the alley will stay completely open. He stated the green space in the back will be the brew house. He explained the alley needs to be closed because he has to maintain ownership of it for federal law.

**The City Council continued the meeting to Tuesday, November 8, 2016, at 4:30 p.m. at City Hall, to consider the order to close the street.**

**12. Presentation of the Southside Stormwater Hydraulic Model Results:** Civil Engineer Brendan Shanahan gave a presentation on the southside stormwater hydraulic model results. He stated questions were voiced regarding flooding impacts in the southside area when South Market Village Special Use Permit was approved. Subsequently, Council resolved to evaluate the feasibility of using the City-owned property to help to mitigate flooding.

*The Process:* Mr. Shanahan explained the Engineering Department produced hydrologic and hydraulic models to develop a foundation for such an evaluation. Staff discussed flood mitigation possibilities and benefits.

*Hydraulic Analysis:* FEMA's hydraulic model was obtained and modified to incorporate the additional calculated discharge rates. Water surface elevations (WSEL) were calculated by the hydraulic model and were overlaid onto the topographic surface of the floodplain to create floodplain maps for the smaller storm intervals.

*Flood Mitigation:* Flooding is not a one-time event. Flood mitigation can involve redirecting floodwater but often involves the management of people and development: "getting out of the way of the water". He illustrated how development increases flooding. The flood problem on the southside is due to runoff from breaches all over the watershed verging and accumulating. There is greater potential to mitigate runoff upstream of the flood area. By addressing runoff throughout the watershed, we can move closer to the best-case scenario exemplified in green stormwater infrastructure.

*Opportunities for Improvement:* Individuals, community groups and governments can take steps to reduce runoff and flooding. Since watersheds often cross political boundaries, partnerships are necessary.

*Next steps:* Over the next several months, staff will: 1) research programs and initiatives nationwide to discover what works well and what could work in Hendersonville, 2) seek ways to encourage more low impact development and green infrastructure, 3) expand partnerships with neighbors and non-profit community groups to educate residents and the public regarding stewardship, coordinate volunteers, collect data, discuss solutions and finally implement solutions.

Mayor Pro Tem Caraker asked if it may help to dig out the basin on the City's property to collect water temporarily. Mr. Shanahan stated no. Council Member Miller asked if the Publix project will do any harm in the area. Mr. Shanahan stated the rise from the development is negligible. He explained expanding the storage by five times did not decrease the flow rate. Mr. Connet addressed the question of a basin on the City's property and reported it may be of little benefit but would have significant maintenance cost and questioned whether there is value in doing that for minimum water storage. Council Member Miller stated the area should remain as natural storage. Mr. Connet agreed; stated both of the City's property should remain as natural storage and continue to work as development occurs in the area. Staff will continue to work with Henderson County and others to look for opportunities to reduce the flow of water upstream. Council Member Miller asked this to remain an open discussion between the City and County Managers and NCDOT for potential opportunities. **No action was taken by the Council.**

**13. Comments from Mayor and City Council Members:** Council Member Smith announced Congressman Mark Meadows will be at Hendersonville High School the next day for a symposium on election week with the students.

**14. Reports from Staff:** There was none.

**15. Consideration of Appointments to Boards and Commissions:** City Clerk Tammie Drake announced the board/commission openings.

**Sister Cities Board:** Council Member Smith nominated Alex Templeton and Lisa White for three-year terms on the Hendersonville Sister Cities Board. A unanimous vote of the Council followed. Motion carried.

**Planning Board:** Council Member Stephens nominated Peter Hanley, Steve Johnson and Robert Hogan for three-year terms on the Planning Board. These terms will expire 12-01-19. A unanimous vote of the Council followed. Motion carried.

**Environmental Sustainability Board:** Council Member Miller nominated Gary Eblen for appointment to an unexpired position on the Environmental Sustainability Board. This term will expire 09-01-17. A unanimous vote of the Council followed. Motion carried.

**Up-Coming Reappointments/Vacancies:** Mrs. Tammie Drake, City Clerk, announced the vacant positions on the Board of Adjustment (alternate position) and the Business Advisory Committee.

**16. New Business:** There was none.

**16a: Closed Session:** At p.m., 7:01 p.m., Mayor Pro Tem Caraker moved City Council to enter a closed session:

- 1) to consult with the attorney to preserve the attorney-client privilege between the attorney and the City Council to consider and give instructions concerning a potential or actual claim, administrative procedure, or judicial action as provided under NCGS §143-318.11(a)(3), and
- 2) 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 the City Attorney regarding a potential claim and instructed the staff regarding negotiating the price for a potential purchase.

Upon exiting the closed session, **no action was taken by the Council.**

**17. Adjournment:** The meeting adjourned at 7:30 p.m. upon unanimous assent of the Council.

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Barbara G. Volk, Mayor

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Tammie K. Drake, City Clerk