

July 7, 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: Ron Stephens and Jeff Miller

Absent: Council Member Jerry Smith

Staff Present: City Manager John F. Connet, City Attorney Sam Fritschner, HR Coordinator Lu Ann Welter, Engineering Director Brent Detwiler, Development Assistance Director Susan Frady, Human Resources Director Jennifer Harrell, Downtown Economic Development Director Lew Holloway, Public Information Officer Tara Ledbetter, Utilities Director Lee Smith, Fire Chief Joseph Vindigni, Finance Director Lisa White, Public Works Director Tom Wooten, Administration Intern Lance Riddle

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 four 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.* The following persons addressed the Council:

Rev. Richard Weidler, 115 Nob Hill Rd., Hendersonville, Pastor of First Congregational United Church of Christ, spoke in support of refugee resettlement in this community.

Robert Miles, 208 Navaho Dr., Hendersonville, also a member of the First Congregational United Church of Christ. They are working with members of St. James as they investigate the possibility of resettling refugees into this area. He reported on the process and stated their church and others are ready to work if refugees are resettled in this community.

Beverly Green, 4218 Old US 25, Hendersonville, voiced opposition to the resettlement of refugees in this community.

Mayor Volk stated the City of Hendersonville has no legal power to direct, cause or prohibit the resettlement of foreign refugees within the City of Hendersonville. Citizens may express their opinions but it does not related to City business.

Paul Fitch, 122 Finley St., representing Flat Iron Group, gave an update on Cedar Terrace Apartments. The site is being prepped for construction.

Barbara Hughes, 315 N. Main Street, addressed the Council stating she grateful to be in this community. She has operated a store here for 21 years and this is the twentieth year for the Chalk It Up event. She received many letters of congratulations. She expressed appreciation to everyone who helped make this event so successful.

Ken Fitch, 1046 Patton Street, Hendersonville, spoke regarding the relocation of the Post Office and presented five considerations: 1. a Traffic Impact Analysis is needed, 2. parking, 3. the interior design, 4. a compatible exterior design, and 5. a public hearing for public participation.

4. Consideration of Agenda: At the request of Council Member Miller, item 16 was moved to item 9a. **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: *(Note: 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: June 2, 2016 Regular Meeting

B. Consideration of Contract with Piedmont Triad Regional Council for a Comprehensive Compensation and Classification Study: HR Director Jennifer Harrell presented a contract with Piedmont Triad Regional Council for the purposes of developing a more efficient classification system and competitive pay plan for the City. The study will be focused on internal and external equity. [The contract is available in the office of the City Clerk.]

C. Consideration of Budget Amendment: Mr. Pahle presented the following budget amendment that was inadvertently left out of the budget ordinance:

Kennel Club Fund: \$7,000 increase
To establish a budget for Fund 160 using its existing fund balance.

D. Consideration of Clerk's Certificate of Sufficiency for Voluntary Contiguous Annexation from Flat Rock Hospitality, Inc.: Mrs. Susan Frady, Development Assistance Director, presented a petition from Flat Rock Hospitality, LLC for the satellite annexation of two acres of the property identified as PIN 9588-40-9182 located between Upward Road and Education Drive. This annexation application is related to a sewer service request. The map distance from the proposed satellite corporate limits is 9,123 feet from the primary corporate limits. The total area within the satellite corporate areas, including land involved in this petition, constitutes 3.6 percent of the area within the primary corporate limits. She provided the Clerk's Certificate of Sufficiency finding the petition is valid. The next step in the annexation process is to accept the Clerk's certificate and set a date for the public hearing on the question of adoption of an ordinance of annexation.

E. Consideration of Broadband Initiative Memorandum of Understanding: City Manager John Connet reported City staff has been working informally with several regional local governments and universities on a project to recruit gigabit (125 MB per second) level broadband to our area. Traditional broadband in our area is well below 30 MB per second. The project is being modeled after similar projects in the Raleigh/Durham/Chapel Hill and the Greensboro area. The goal of the project is to recruit a broadband provider that can provide high speed service to residential, commercial and industrial customers in all areas of our community at a reasonable price. The best example of this type of project is the implementation of Google fiber in metropolitan areas. However, there are many other vendors now entering this market. The ultimate goal is to have very high speed broadband cabling deployed throughout our community in the same manner as cable television was many years ago. The next step in the process is to develop a regional coalition of local governments and universities to develop a Request for Proposals (RFP) to recruit potential private sector providers to this area. We have asked Land of Sky Regional Council of Governments to serve as the facilitator of this process. He believes broadband service will be a necessity for economic growth in the same manner as water and sewer and electricity. He requested Council's approval of the City's participation in the WestNGN Broadband project as well as the mutual agreement with the City of Asheville, the Town of Biltmore Forest, the Town of Fletcher, the Town of Laurel Park, the Town of Waynesville and UNC-Asheville.

F. Consideration of Amendment to Purchasing Policy to Increase the Level to \$2,500: Finance Director Lisa White presented amendments to the Purchasing Policy approved by the Council in August 2015. The minimum purchasing threshold which requires a purchase order was set at \$1,500 but staff has found this level cumbersome and has caused delays in service. She requested an amendment to the Policy to raise the minimum purchasing threshold to require a purchase order to \$2,500. She believes this level will continue to regulate purchases and ensure public funds are spent with prudence.

Mrs. White also recommended the following additional language in order to meet State requirements: Section 3.1 Purchases less than \$2,500.00: Purchases less than \$2,500.00 do not require a Requisition or a Purchase Order (PO) and may be made upon the approval of the department head. In order to meet the pre-audit requirements of G.S. 159-28 each department head shall be appointed a deputy finance director for purchases less than \$2,500. [The Purchasing Policy is available in the office of the City Clerk.]

G. Consideration of Etowah Area Water System Improvements – Water Storage Tank Preferred Brand Alternative: Engineering Director Brent Detwiler reported the Etowah Area Water System Improvements project will soon be ready to bid. He explained in order to get better pricing the City will bid out the project in two contracts: one for the proposed water distribution lines and pump station and the second for the proposed 500,000-gallon water storage tank and site work.

Mr. Detwiler explained staff is requesting McGill Associates write Aquastore as a preferred brand alternative in the water storage tank project specifications because City staff has been extremely satisfied with their construction quality and low maintenance.

Mr. Detwiler provided written justification from McGill Associates for the sole source bid and water tank specifications containing performance standards for Council's consideration. He stated these items are presented and approved in order to meet the requirements of NCGS 133-3.

H. Consideration of an Agreement with Vaughn and Melton Engineering for the Scope of Work for the Bridge Replacement Project on Old Tracey Grove Road in the amount of \$205,989.38: Public Works Director Tom Wooten reported bridge # 440350 on Old Tracey Grove Road is structurally deficient and needs to be replaced. This bridge is on NCDOT's State Transportation Improvement Plan as project # B-5929 with approved funding. Fifteen firms submitted letters of interest for design services. Out of those fifteen firms, staff selected Vaughn and Melton Consulting Engineers.

Mr. Wooten reported a scoping meeting was held in Raleigh to cover the details of the project with NCDOT, and Vaughn and Melton. NCDOT reviewed the proposed scope of work and negotiated the man hours submitted by Vaughn and Melton. He provided the proposed agreement for Council's review.

The City will be responsible for 20 percent of the cost to design and replace the bridge; the Federal Highway Administration is responsible for the other 80 percent (administered by NCDOT). A capital improvement project has been set up to fund this project.

I. Consideration of Offer to Purchase Property by the Halverson, the former right-of-way of Market Street, Group: Mr. Connet reported the Halverson Company is offering the City of Hendersonville \$5,000.00 to purchase approximately 303 square feet of property that was once a portion of the Market Street right-of-way. Staff recommends the City Council accept this offer under the following conditions:

1. The sale of the property is subject to the upset bid process as described in the North Carolina General Statutes,
2. The sale of the property is contingent upon the closing of Market Street, and
3. The sale of the property is contingent upon the granting of an access easement to the City of Hendersonville providing perpetual access to the City's property identified by PIN 9568739217.

J. Consideration of Utility Extension Agreement for Ingles on Highway 176: Utilities Director Lee Smith recommended approval of the request for a water line extension to Ingles Markets #77 located at 625 Spartanburg Highway. The proposed system consists of 1,526 linear feet of eight-inch DIP CL350 and two fire hydrants. This project will be paid for by Ingles Markets.

K. Consideration of Rebate Program for Customer-Side Shut-Off Value Installation: Utilities Director Lee Smith requested Council's approval of a rebate program that would allow a \$75 rebate to customers, as one-time credit on their water bill, one rebate per account, when those customers have a customer-side shut-off valve installed on their water service where no valve was previously in place. Staff believes this shut-off valve allows the customer to respond to a leak in their water service much quicker thus reducing the amount of possible damage and reducing the amount of metered water lost as a result of the leak.

Mr. Lee Smith explained the rebate will only apply to those customer-side shut-off valves installed on or after July 1, 2016 on 3/4-inch and 1-inch metered services and will end on June 30, 2018. He also requested authorization for staff to change the method of payment for the other three types of rebates from credit equal to 1/6 of the rebate on each water bill for six months to a one-time credit in the amount of the rebate, as determined by staff. He further requested approval of the amendment to the FY 2016-2017 Schedule of Rates and Fees as presented by staff to include the rebate program.

L. Consideration of Reimbursing Henderson County Habitat for Humanity for Upsizing Gravity Sewer Lines at the City's Request: Mr. Lee Smith explained as part of the approval for the Dodd Meadows Subdivision developed by the Henderson County Habitat for Humanity (HFH), the City required HFH to extend a 12-inch diameter gravity sewer instead of an eight-inch line to allow for future expansion in the area. The City agreed to compensate HFH for this upsizing.

Mr. Lee Smith reported HFH issued a letter to the City confirming that Phases 1 and 2 of the Dodd Meadows Subdivision are complete and requested reimbursement in the amount of \$103,415.44 for upsizing gravity sewer. After reviewing their request, supporting documents, and negotiations between city staff and the engineer representing Habitat, they agreed upon a revised reimbursement amount of \$71,958.57. He requested authorization to issue payment to HFH in the amount of \$71,958.57 for reimbursement of the installation of 12-inch gravity sewer associated with the Dodd Meadows Subdivision.

M. Consideration of Amendments to the Bylaws of the Walk of Fame Committee: Mr. Connet reported the Walk of Fame Committee has been meeting for several months and has determined it would be in their interest to clarify some of their responsibilities and membership. He presented an amendment to the Charter to clarify how a selection committee will be formed to select the award recipients. It also changes the City of Hendersonville's third appointment to specify that the City of Hendersonville Public Works Director or his designee will always be an ex officio member of the Committee. All the proposed changes are underlined.

WALK OF FAME STEERING COMMITTEE CHARTER

The Walk of Fame Steering Committee is established to recognize outstanding contributors to the growth and development of Henderson County.

The duration of the committee shall be perpetual.

BYLAWS AND RULES OF PROCEDURE

Pursuant to the Henderson County Code, § 3-31. Bylaws of Boards or Committees. Bylaws drafted by any board of committee must be presented for approval by the Henderson County Board of Commissioners prior to adoption, unless otherwise provided by law.

I. NAME

Walk of Fame Steering Committee

II. PURPOSE

The purpose of this committee is to advise the Board of Commissioners and Hendersonville City Council on matters related to a Walk of Fame. The Committee shall act in the following manner:

- Determine the logistics of establishing a Walk of Fame in downtown Hendersonville. The Walk of Fame will recognize outstanding contributors to the growth and development of Henderson County.
- Identify the disciplines for which people would be recognized. For example: agriculture, education, cultural arts, and industry, government, health care, commerce and special services.
- Establish the qualifications for recognition within each of the identified disciplines.
- Establish the means of recognition
- Identify a means of establishing sponsorships/funding mechanisms for expenses related to the project.

III. MEMBERSHIP

- a. The Walk of Fame Steering Committee shall be comprised of five (5) voting members. Two (2) appointed by the Board of Commissioners, three (3) appointed by the Hendersonville City Council. The City of Hendersonville Public Works Director or their designee shall serve as a non-voting Ex-Officio Member.
- b. Terms shall be for a length of three years. In order to establish a staggering of the terms, the initial expiration dates of the membership shall be as follows:
 1. Position 1 – June 30, 2018 (Hendersonville)
 2. Position 2 – June 30, 2017 (Henderson County)
 3. Position 3 – June 30, 2019 (Hendersonville)
 4. Position 4 – June 30, 2018 (Henderson County)
 5. Position 5 – June 30, 2017 (Hendersonville)
- c. Any vacancy on the Committee shall be filled at the earliest convenience by the appointing authority.
- d. Members missing three (3) consecutive regular meeting in a calendar year will be subject to an appointment review by the appointing authority to determine if removal of the member is necessary or not, in light of the circumstances that are existing at that time.
- e. If for any reason a member must be replaced, the replacement member shall serve for the remainder of the unfilled term of the departing member.

IV. SELECTION COMMITTEE

The Selection Committee shall be comprised of the Steering Committee plus two additional members. The Hendersonville City Council shall appoint one member and the Walk of Fame Steering Committee shall appoint one member. The two additional members shall be appointed or reappointed annually on July 1.

V. MEETINGS AND VOTING

Meetings shall be held at the time and place determined by the Walk of Fame Committee. Special meetings may be requested by the Chairman, or by a majority vote of the Committee. Written or phone notice of such a meeting shall be given to members at least three days prior to the meeting.

A quorum shall consist of the majority of members present at a meeting, and shall be considered an act of the Walk of Fame Committee.

Each member is entitled to one vote, with voting governed by parliamentary procedure according to Robert's Rules of Order.

All meetings shall be open to the general public.

VI. OFFICERS

The Chair will preside over all meetings and decide all points of order and procedure. The Chair will be the official spokesperson of the Walk of Fame Committee.

The Committee will elect a Chair, Vice-Chair and other officers as deemed necessary. The Vice-Chair will carry out the Chair's duties in case of absence, incapacity, or resignation.

No member shall receive any salary or compensation for his or her services.

VII. DUTIES OF THE MEMBERS

The Walk of Fame Steering Committee must work within the following parameters:

- a. North Carolina Open Meetings and Public Records Laws
- b. Projects must ultimately be approved by both the Board of Commissioners and Hendersonville City Council. The Committee will report to the Board of Commissioners, and Hendersonville City Council. The Chairman shall have general supervision and control of the business and affairs of the Committee. Minutes shall be kept at all meetings, and be provided to the appointing authority upon request.

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

6. Presentation on Relocation of U.S. Post Office from Fifth Avenue West: Mr. Richard Hancock, a real estate specialist and New Space Acquisition Project Manager with the United States Postal Service, addressed the Council and the public on the proposed relocation of the Hendersonville main post office. Reasons given for the relocation included the current facility is an older, oversized facility. He proposed an updated, smaller facility and this is the beginning of the process. He stated he is the main contact for this relocation. He stated this opens a 30-day public comment period on the possible relocation. He will collect comments and the next step will include a final determination on whether to move forward with the relocation project.

Regarding comments made by Mr. Fitch during public comment time, Mr. Hancock advised the post office does not conduct traffic impact analyses for 6,000 square foot facilities but will utilize traffic patterns already within the City. He stated they are looking for 40-45 parking spaces and traffic flow.

Mr. Hancock stated they are not considering building or buying a facility but lease an existing retail facility that meets the criteria and standards for the City. He stated their process does not include a public hearing but he solicited feedback from the public. He stated they will make a decision based on what is best for the postal service. He stated public comments are appreciated.

Mr. Hancock stated their current property is under contract to be purchased but they have secured a one-year lease extension to complete the relocation project.

Mayor Volk invited those with questions or comments to meet with Mr. Hancock in the conference room. Mr. Hancock requested written comments. **No action was required or taken by the Council.**

7. Public Hearing – Consideration of an Application from Glassy Mountain Partners, LLC Requesting Contiguous Annexation of a Portion of a Parcel Located on Spartan Heights Road: Development Assistance Director Susan Frady presented the application from Glassy Mountain Partners, LLC for contiguous annexation of a portion of PIN 9577595432 that is approximately 0.36 acres. The proposed use is an auto detailing business as an accessory to the current Boyd Cadillac Buick. This annexation application is related to a sewer service request.

Mrs. Frady reported the Council accepted the Clerk's Certificate of Sufficiency at their June 2, 2016 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 be heard on the questions of the sufficiency of the petition and the desirability of the annexation. If City Council finds and determines the area described in the petition meets all of the standards set out in G.S. 160A-31, Council may adopt an ordinance annexing the area described in the petition.

Mayor Volk opened the public hearing at 6:12 p.m. in accordance with North Carolina General Statutes by noticed published in the Hendersonville Lightning. No one expressed a desire to speak. The public hearing was closed.

Mayor Pro Tem Caraker moved the City Council adopt an ordinance annexing the property included in the Glassy Mountain Partners, LLC petition effective July 7, 2016. A unanimous vote of the Council followed. Motion carried.

Ordinance #16-0720

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF HENDERSONVILLE, NORTH CAROLINA
Glassy Mountain Partners, 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 seventh day of July 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 G.S. 160A-58.1(b), to wit:

- a. The area is contiguous to the present City boundaries;
- b. The petition presented to the City Council was signed by the owners of the real property located in the area;
- c. The petition was prepared in accordance with a form prescribed by NCGS 160A -31, and
- d. At the public hearing all persons owning property in the area to be annexed who allege an error in the petition were given an opportunity to be heard, as well as residents of the City who question the necessity for annexation.

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 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 seventh of July 2016.

DESCRIPTION OF PROPERTY

Being located within the Hendersonville Township - Henderson County, North Carolina and being more particularly described as follows:

Beginning at a set iron pin the Easternmost corner of Lot 1 as shown on said recorded plat and being on the Northern right of way line of Spartan Heights Road; thence with said Northern right of way line of Spartan Heights Road the following two (2) courses to wit: (1) S 48-40-18 W for 95.55 feet to a point; (2) along the arc of a curve to the left having a radius of 99.50 feet, an arc length of 12.53 feet and being subtended by a chord being S 45-38-06 W for 12.52 feet to a set iron pin at a common corner with lot 2 of said plat; thence leaving said Northern right of way line of Spartan Heights Road and with the common line with Lot 2 N 41-19-47 W for 161.87 feet to a set iron pin on the common corner of the lands now or formerly of Glassy Mountain Partners LLC as shown in a deed recorded in Deed Book 1454, Page 676 in said Henderson County Registry; thence with said common line of Glass Mountain Partners LLC the following two (2) courses to wit: (1) N 66-48-33 E for 113.50 feet to a set iron pin; (2) S 41-25-00 E for 125.64 feet to the Point of Beginning. Containing 0.36 acres (15,470 square feet), more or less.

Section 2. Upon and after the seventh day of July 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 seventh day of July 2016.

/s/Barbara G. Volk, Mayor

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

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



8. Public Hearing – Consideration of a Zoning Map Amendment from Glassy Mountain Partners, LLC for a Portion of Parcel Located on Spartan Heights Road from Henderson County CC, Community Commercial to C-3 Highway Business District:

Development Assistance Director Susan Frady explained NCGS 160A-360 (f) requires the City to adopt zoning within 60 days following annexation. She explained the lot contains a metal carport and a parcel number has not yet been assigned. She reported the Water and Sewer Department determined this lot must be combined with the existing Boyd Cadillac Buick dealership located at 1875 Spartanburg Highway in order to connect to their existing water and sewer service. Therefore, the proposed zoning is C-3 Highway Business in order to be consistent with the existing zoning and to prevent split-zoning the property.

Comprehensive Plan Consistency: NCGS 160A-383 requires zoning map amendments be made in accordance with a comprehensive plan. The 2030 Comprehensive Plan's Future Land Use Map designates these parcels as High Intensity Neighborhood. Mrs. Frady reviewed the land uses for that category as well as the surrounding land uses and zoning classifications. She reported the zoning complies with the 2030 Comprehensive Plan.

Mrs. Frady reviewed the considerations contained in Section 11-4 of the Zoning Ordinance prior to approval of the zoning map amendment.

Planning Board Recommendation: Mrs. Frady reported the Planning Board voted unanimously to recommend City Council amend the official zoning map changing the zoning from Henderson County CC Community Commercial to City of Hendersonville C-3 Highway Business District.

Mayor Volk opened the public hearing at 6:17 p.m. in accordance with North Carolina General Statutes by noticed published in the Hendersonville Lightning. No one expressed a desire to speak. The public hearing was closed.

Mayor Pro Tem Caraker moved the City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of a portion of parcel 9577595432 from Henderson County CC Community Commercial to City of Hendersonville C-3 Highway Business District, finding that the rezoning is consistent with the Comprehensive Plan, the rezoning is reasonable and in the public interest. A unanimous vote of the Council followed. Motion carried.

Ordinance #16-0721

Be it ordained by the City Council of the City of Hendersonville:

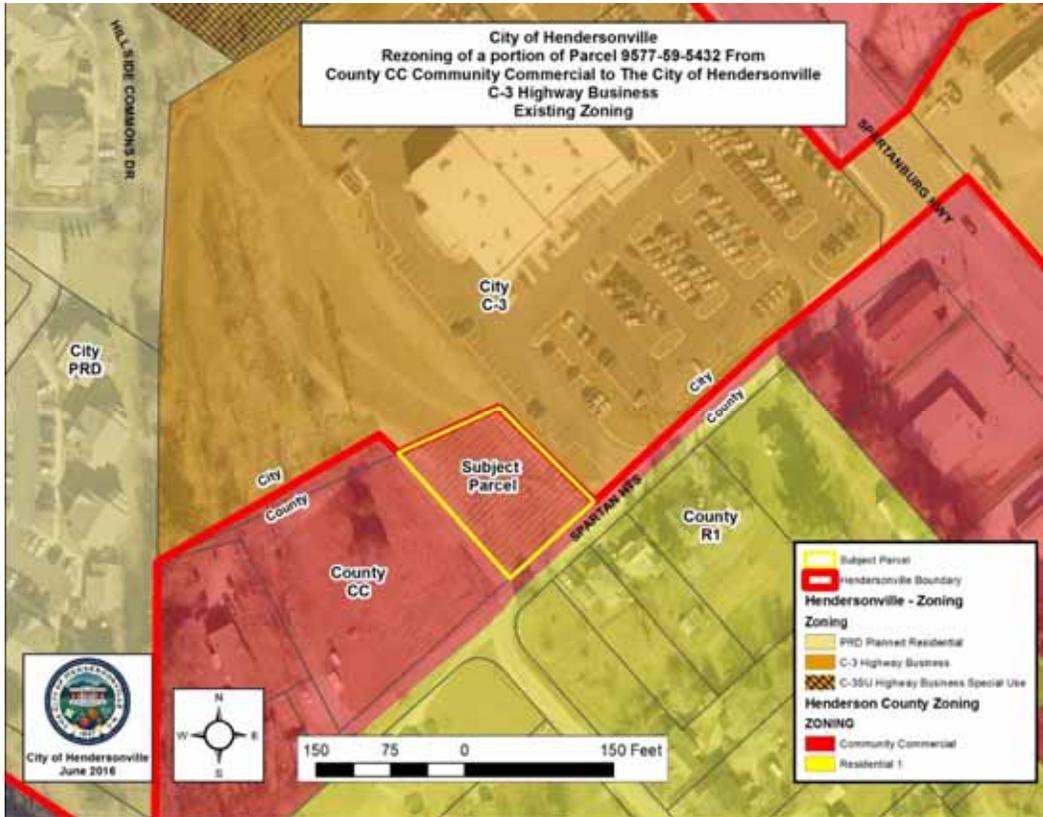
1. Pursuant to Article XI Amendments of the Zoning Ordinance of the City of Hendersonville, North Carolina, the Zoning Map is hereby amended by changing the zoning designation of a portion of parcel number 9577-59-5432 from Henderson County CC Community Commercial to City of Hendersonville C-3, Highway Business.
2. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this seventh day of July 2016.

/s/Barbara G. Volk, Mayor

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

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



9. Public Hearing – Consideration of an Application from Cedar Terrace NC, LLC, Skyway Towers, LLC Requesting Contiguous Annexation of a portion of approximately 11.13 acres, for a Project known as Cedar Terrace Development located at the intersection of Lakewood Road and Highland Square Drive: Development Assistance Director Susan Frady presented the petition from Cedar Terrace NC, LLC for contiguous annexation of a portion of PIN 9579295777 that is approximately 11.13 acres. This parcel is the previously-approved Cedar Terrace Development located at the intersection of Lakewood Road and Highland Square Drive.

Mrs. Frady reminded the Council of their acceptance of the Clerk's Certificate of Sufficiency at their June meeting and the recommendation that a public hearing be held at this meeting. She reviewed the standards contained in NCGS 160A-31.

Mayor Volk opened the public hearing at 6:21 p.m. in accordance with North Carolina General Statutes by noticed published in the Hendersonville Lightning. No one expressed a desire to speak. The public hearing was closed.

Mayor Pro Tem Caraker moved the City Council adopt an ordinance annexing the property included in the Cedar Terrace NC, LLC petition effective July 7, 2016. A unanimous vote of the Council followed. Motion carried.

Ordinance #16-0722

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF HENDERSONVILLE, NORTH CAROLINA
Cedar Terrace**

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 seventh day of July 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 G.S. 160A-58.1(b), to wit:

- a. The area is contiguous to the present City boundaries;
- b. The petition presented to the City Council was signed by the owners of the real property located in the area;
- c. The petition was prepared in accordance with a form prescribed by NCGS 160A -31, and
- d. At the public hearing all persons owning property in the area to be annexed who allege an error in the petition were given an opportunity to be heard, as well as residents of the City who question the necessity for annexation.

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 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 seventh of July 2016.

DESCRIPTION OF PROPERTY

Being located within the Hendersonville Township - Henderson County, North Carolina and being more particularly described as follows:

Being all of Tract 1, containing approximately 11.13 acres as shown on that plat recorded at Slide 10146, Henderson County Registry, a copy of which is attached hereto.

Section 2. Upon and after the seventh day of July 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.

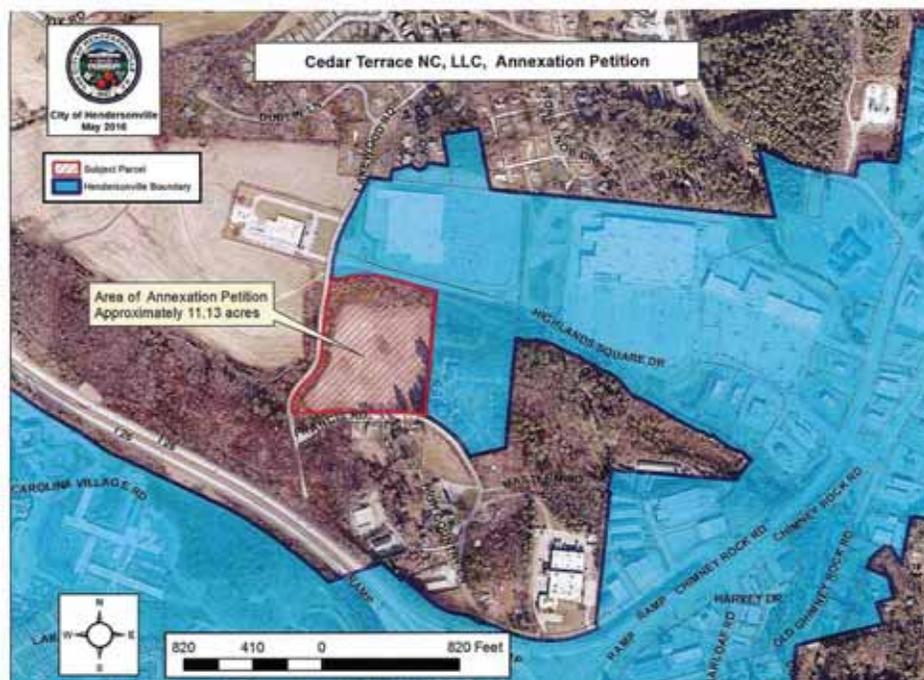
Section 3. The City Clerk of the City of Hendersonville shall cause to be recorded in the office of the Register of Deeds of Henderson County and at the Office of the Secretary of State in Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1, hereof, together with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

ADOPTED this seventh day of July 2016.

/s/Barbara G. Volk, Mayor

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

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



9a. Downtown Hotel Project Update by UNC School of Government Development Finance Initiative:

Mr. Connet explained individual meetings were held with the City Council. He presented a resolution for Council's consideration exempting the contract to construct a conceptual model of Downtown Hendersonville from the Mini Brooks Act in accordance with NCGS 143-64.31.

The City Council and the public received a presentation from Mr. Tanner Dudley with the UNC School of Government Development Finance Initiative. He explained the process they are engaged in is for the benefit of the public. He reviewed the nine to 12-month process they are following with an end result of attracting a private partner for the downtown hotel project.

Mr. Dudley reported individual meetings were held with the Council members to identify public interests and summarized the takeaways:

- Maximize value to the City
- The project is likely to spur other private development.
- The project contributes to vitality, culture and economy of City (e.g. event space)
- The project respects existing City fabric (height limits, historic buildings, design aesthetics, etc.)
- Integrating the project with Main Street

- Connecting the project to Historic Seventh Avenue District.

Mr. Dudley stated the physical model is an important part of the next steps of their work. It allows them to look at different development options on the sites identified, how it integrates with downtown, with the scale of downtown buildings, etc. He stated they will work with staff to identify and select a group to complete the model in a five to six-week timeline.

Mayor Pro Tem Caraker moved Council to approve a resolution exempting the contract to be awarded for the building of a conceptual model of downtown Hendersonville from the operation of NCGS 143-64.31. A unanimous vote of the Council followed. Motion carried.

Resolution #16-0723

RESOLUTION EXEMPTING THE CONTRACT TO BE AWARDED FOR THE BUILDING OF A CONCEPTUAL MODEL OF DOWNTOWN HENDERSONVILLE FROM THE OPERATION OF N.C.G.S. § 143-64.31

WHEREAS, N.C.G.S. 143-64.31 requires the initial solicitation and evaluation of firms to perform architectural, engineering, surveying, construction management-at-risk services, and design-build services to be based on qualifications and without regard to fee;

WHEREAS, the City proposes to enter into one or more contracts for design services for work on the Building of a Conceptual Model of Downtown Hendersonville (the "Model Project"); and

WHEREAS, N.C.G.S. 143-64.32 authorizes units of local government to exempt contracts for design services from the qualifications-based selection requirements of N.C.G.S. 143-64.31 if the estimated fee is less than \$50,000; and

WHEREAS, the City estimates the fee for design services for the above-described project to be less than \$50,000.00;

NOW, THEREFORE, Hendersonville City Council resolves:

Section 1. The Model Project is hereby made exempt from the provisions of N.C.G.S. 143-64.31.

Section 2. This resolution shall be effective upon adoption.

Adopted this seventh day of July 2016.

/s/Barbara G. Volk, Mayor

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

10. Presentation by the Walk of Fame Steering Committee: Mr. Tom Orr, Chair of the Walk of Fame Committee, addressed the Council and provided a report on the work of the Committee. He provided a report on the Committee's work and proposed a plan of action. He expressed appreciation to those who provided assistance in developing the plan.

Mr. Orr provided a timeline for the plan of action including the announcement of the nominees at a play on December 15. Discussion followed on the size of the monument and the installation of the granite monuments with the honoree's name, date of birth and death, which will be installed as sidewalks are replaced. Mr. Orr said he is so proud of the City and the County for recognizing important figures. This will be reminders of these great people and their deeds. There was discussion of how information on the honorees will be available to the public. Mrs. Gambill explained brochures will be available at City Hall and the courthouse and they are hoping to have a QR code for smartphones.

Mr. Orr explained approximately \$3,000 in funding is needed for the play, etc. He hopes the play will also become a fundraiser for the project.

The Council unanimously agreed for the Walk of Fame Steering Committee to continue with the plan of action.

11. Presentation on Ninth Avenue Circulation Study: Mr. Connet explained the City engaged in a traffic study with Kimley-Horne and Associates for the Ninth Avenue area. He introduced Mr. Trung Vo who presented the findings and recommendations of that study.

Mr. Vo reported the objectives of the study included:

- collecting data, engaging stakeholders and residents and developing improvement options
- conducting crosswalk evaluations, creating concept illustrations and meeting with stakeholders.

Mr. Vo relayed issues in the area: mobility issues such as a lot of students walking, speeding traffic, obstacles on the sidewalks, no sidewalks, limited crosswalks, additional 300 trips with the health building and possibly more with the new high school. He presented four categories for improvements and provided cost estimates for each: crossing safety, driver behavior, walkability and bike ability and interaction operations.

Mr. Connet stated there are short and long-term options. He asked Council to review the report and begin work on the short-term things and develop plans for the long-term and bigger impact items. Council Member Stephens commented the students are a primary concern and there are seniors and disabled citizens that move slower through that area. There was discussion of some short-term solutions including maintenance of the

sidewalk, police enforcement and possibly the installation of speed humps. Mayor Volk expressed appreciation for the report. **No action was taken by the Council.**

12. Presentation on Public Art Project for Main Street:

a. ArtScape: Presenter: Connie Knight: Ms. Connie Knight presented the idea of banners with local artists works on them as seen in Winchester, VA. She stated this is similar to a walking art show. The artwork will then be sold at the end of the season to fund the next year and sponsors would have the banners. She suggested hanging these banners along the avenues and Seventh Avenue. She has received support for the idea including the Historic Preservation Commission. She stated Mr. Holloway suggested perhaps downtown funds could purchase the hardware for hanging the banners. She discussed the sponsors and the process. She referenced the costs in a proposal and asked City Council to budget \$3,500 toward this endeavor (from the Downtown budget). Mayor Pro Tem Caraker expressed support of the project with the banners on the avenues and Seventh Avenue. Mr. Connet explained the Public Works Department will be involved in this project along with the City's donation. **The Council unanimously supported the project.**

Council Member Stephens commended the business signs on the avenues.

b. Apple Quest: Ms. Katie Vale and another member of Girl Scout Troop 1886, Henderson County, NC, presented a request for a joint Sliver Award project, which was chosen by the girl scouts and inspired by Mice on Main, Greenville, SC. Apple Quest is a free, permanent scavenger hunt created by Girl Scout Troop 1886 and is based on landmarks and history of businesses in downtown Hendersonville. This involves the placement of 12 four-inch diameter bronze apples throughout downtown, primarily along Main Street. The clues were derives from the history of the businesses.

Ms. Vale reported they partnered with Warren-Wilson College to obtain the bronze apples, to create a brochure about the project as well as a children's book. They discussed how the apples will be attached to sidewalks. They requested Council's approval of the project. Mr. Holloway reported the Downtown Advisory Committee supported the idea as did the Historic Preservation Commission with the caveat of approval of mounting the apples to buildings. The Council discussed the placement of the apples upon approval of the Public Works Department, i.e., considering snow removal, etc. **The Council supported the project with staff's review/approval of the implementation of the project.**

13. Consideration of the Purchase of the Etowah Sewer System: Mr. Connet reported staff has been working with the owners of the Etowah Sewer Company at Council's direction to negotiate the terms for the purchase of the Etowah sewer system. He stated the Hendersonville Water and Sewer Department will purchase and operate the system. He reported both parties have reached agreement on the purchase. The purchase is contingent upon approval from the NC Utilities Commission for \$1,026,000. The terms specified by Council previously are included in the agreement. A letter from the Hendersonville Water and Sewer Department and the Etowah Sewer Company will be sent to the customers explaining the purchase.

Mr. Connet stated the system was inspected and the City is aware of the condition of the system. He requested direction from the Council on the purchase. After discussion, **Mayor Pro Tem Caraker moved the City Council approve the Purchase Agreement with Etowah Sewer Company. A unanimous vote of the Council followed. Motion carried.** (The agreement is available in the office of the City Clerk.)

14. Consideration of 2016 Street Resurfacing Contract: Mr. Wooten reported the Public Works Department obtained formal bids for the 2016 Resurfacing Project. Bids were opened on June 30, 2016 at 9:00 a.m. and publicly read to the attendees. He reported the following bids:

Tarheel Paving	\$346,952.07
Southeastern Asphalt	\$379,985.85
Trace and Company	\$535,732.25
Rogers Group	\$587,906.25
JLS Company	Did not bid

Mr. Wooten reported the low bid was from Tarheel Paving in the amount of \$346,952.07 and it has been reviewed for accuracy and completeness and he requested approval by City Council.

Mr. Connet reported Lake Avenue is on the list and scheduled to be paved this fiscal year. **Council Member Stephens moved Council to award the contract for the 2016 Resurfacing Project to Tarheel Paving for \$346,952.07. A unanimous vote of the Council followed. Motion carried.** Mr. Wooten explained additional street work will be done for an amount not to exceed \$476,250.00.

15. Consideration of a Request from the Police and Fire Departments to Fund Moving to a New Radio System: Lieutenant Tracy Cox reported Henderson County Emergency Services, including Sheriff, EMS, Rescue, and Fire, are in the process of moving to a digital trunked radio system. The new County system would cause some issues for both Police and Fire Departments. He expressed concerns that:

- 1) The Police would not be able to scan any of the County agencies, or City Fire, which is paramount to operation of the agencies and mutual backup.
- 2) The Fire Department needs to have an operational channel on the County system, since all of their mutual aid departments would be on the new system. Trying to switch between the new system and old system would be very difficult for departments responding to a City fire.
- 3) Several base station radios, including the Police 9-1-1 center and the Fire Stations will have to be replaced.

Lt. Cox explained to join the system and to replace an existing repeater that will be kept as a backup, the cost of the equipment and installation is \$125,733. The Fire Department budget includes \$8,000 for the repeater replacement, bringing the amount needed to down to \$118,000. Recurring costs: Lt. Cox reported the County will charge a maintenance fee which is \$10,000 for the first year and thereafter the costs will be divided equally between departments based on actual use. Discussion followed on access to the channels by the local news media. Council Member Miller and Mayor Pro Tem Caraker supported the funding stating they will support Police safety. **Mayor Pro Tem Caraker moved the Council to approve the Police and Fire request to fund moving to the new County radio system and approval of the associated budget amendment. A unanimous vote of the Council followed. Motion carried.**

Fund: 10 - General – Police and Fire

Fund Balance Appropriated: \$127,234

Amendment to upgrade the City's radio system to be able to function with the County's recent upgrade to a fully digital system.

16. Downtown Hotel Project Update by UNC School of Government Development Finance Initiative – moved to item 9a.

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

18. Reports from Staff:

a. Consideration of Request from the City Manager to move the February Regular City Council Meeting to February 15, 2017: There was no objection from the Council to move the regular meeting in February 2017.

b. Presentation of Contingency Expenditures Report: Mr. Connet presented a contingency expenditures report. He reported Water and Sewer Funds were used for design costs for the Etowah water project and for construction of the Glenwood gravity sewer project.

c. Parking Permit Update by Lew Holloway: Mr. Holloway reported the City has been collecting from existing permit holders for their preferences for permits moving forward. He stated a significant number are interested in or willing to switch to the "S" or "R" permits. He stated because of the number of people interested in transferring, staff wants to ensure the Dogwood Lot is ready to handle the change. In order to ensure this change goes smoothly, he requested the delay until October 1. He reported about 50 percent of permit holders have expressed interest in switching to the new permits. He stated the new permits are giving more flexibility. **Mayor Pro Tem Caraker moved Council to delay the new parking permit program implementation until October 2016. A unanimous vote of the Council followed. Motion carried.**

15. Consideration of Appointments to Boards and Commissions: City Manager John Connet reviewed the board/commission openings.

Downtown Advisory Committee: Council Member Miller nominated Lori Dorsey; Mayor Pro Tem Caraker nominated Michelle Sparks for reappointment. A unanimous vote of the Council followed. Motion carried.

Board of Adjustment: Council Member Miller nominated Melinda Lowrance, Barbara McCoy and Perry Mace for reappointment. These terms will expire 08-01-19. A unanimous vote of the Council followed. Motion carried.

Environment Sustainability Board: Mayor Pro Tem Caraker nominated Gray Jernigan to serve on the Environmental Sustainability Board. A unanimous vote of the Council followed. Motion carried.

Announcements: Mr. Connet announced the vacancies on the Board of Adjustment (alternate position) and the Historic Preservation Commission.

20. New Business: There was none.

21. Adjournment: The meeting adjourned at 8:08 p.m. upon unanimous assent of the Council.