

**May 5, 2017**  
**Special Meeting of the City Council**  
**Second Floor Conference Room – City Hall**  
**8:00 a.m.**

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

Staff Present: City Manager John F. Connet, City Clerk Tammie Drake, Assistant to the Manager Brian Pahle, Senior Accounting Supervisor John Buchanan, Fire Chief Joseph Vindigni

The purpose of the special meeting was to review the proposed budget for Fiscal Year 2017-18. Other topics may be discussed.

**1. Call to Order:** Mayor Volk called the meeting to order at 8:00 a.m. and welcomed those in attendance. A quorum was established with all five members in attendance.

**2. Second Vote: Quasi-Judicial Public Hearing – Consideration of an Application for a Special Use Permit from Henderson County to Construct a 225,000 Square Foot Building to be Used as the Hendersonville High School and to Rezone a Portion of the Property from R-6 High-Density Residential, C-3 Highway Business, and MIC Medical, Institutional, Cultural to PID Planned Institutional District:** Mayor Volk explained the vote on the first reading [NCGS 160A-75] it would have to have had either four or five votes.

**Zoning:** Mayor Pro Tem Caraker moved that the City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designations of parcel number 9569-60-9162 from R-6 High Density Residential, parcel number 9569-70-0527 from C-3 Highway Business, and Parcel number 9569-60-4631 from MIC Medical, Institutional, Cultural to PID Planned Institutional Development, finding that the rezoning is consistent with the Comprehensive Plan, the rezoning is reasonable and in the public interest for the following reasons: because it straightens out past zoning discrepancies. The vote thee in favor (Volk, Caraker, Miller), two opposed (Smith, Stephens) Motion carried on second reading.

Ordinance #17-0531

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE  
IN RE: Hendersonville High School (File # P17-06-SUR)

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

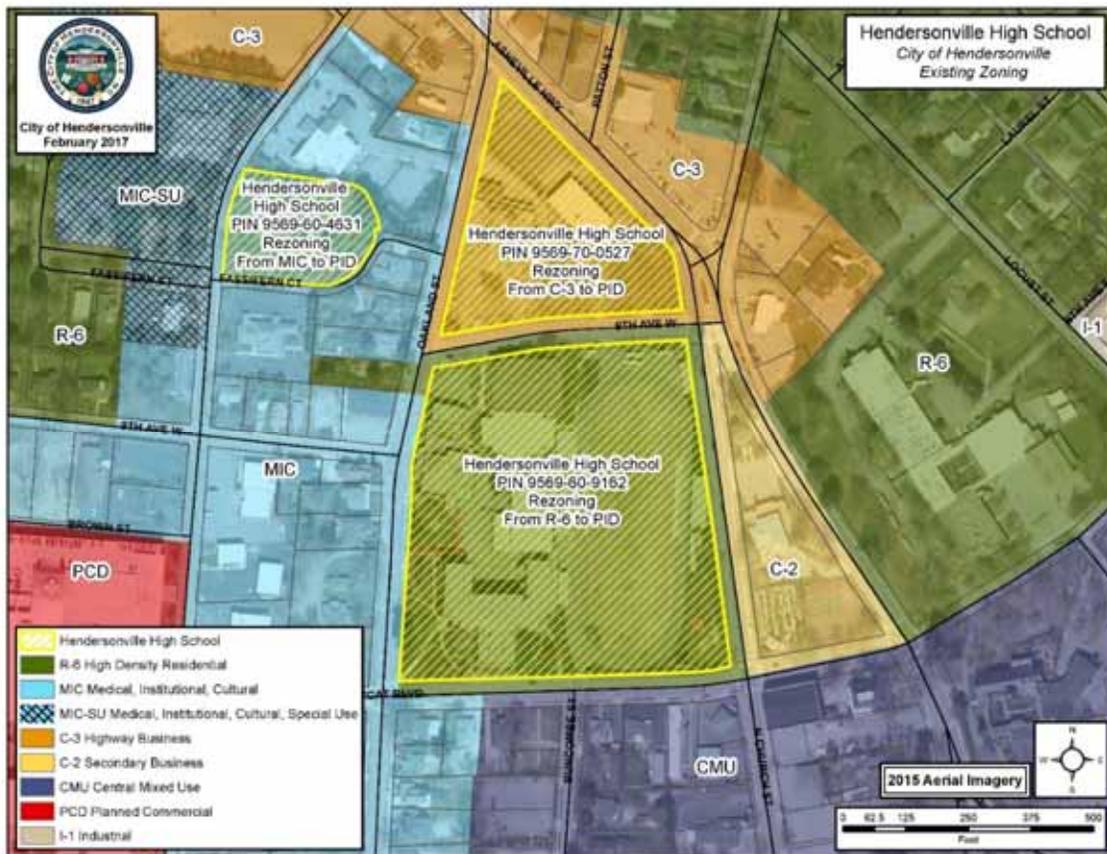
1. Pursuant to Article XI of the Zoning Ordinance of the City of Hendersonville, North Carolina, the Zoning Map is hereby amended by changing the zoning designation of the following:  
  
Rezone parcel number 9569-60-9162 from R-6 High Density Residential, parcel number 9569-70-0527 from C-3 Highway Business, and parcel number 9569-60-4631 MIC Medical, Institutional, Cultural to PID Planned Institutional Development
2. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this fifth day of May 2017.

/s/Barbara G. Volk, Mayor

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

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



**Special Use Permit:** Mayor Pro Tem Caraker moved that the City Council approve the application of the Henderson County for a Special Use Permit based on the site plan submitted by the applicant and subject to the limitations and conditions stipulated on the List of Uses and Conditions. In discussion: Council Member Smith noted the Council members have expressed an interest in ensuring the Stillwell Building is preserved and there is nothing in writing, or on the List of Uses and Conditions that requires it. He stated there is nothing the Council can do after this to prevent the demolition of the building. He asked if Council will consider adding a condition or request a plan on how they will preserve the building. Mayor Pro Tem Caraker commented he is willing to add a preservation guarantee or require reuse of the Stillwell building.

At 8:12 a.m., Mayor Pro Tem Caraker moved the Council to enter a closed session to consult with the City Attorney to preserve the attorney-client privilege between the attorney and the City Council as provided under NCGS §143-318.11(a)(3). A unanimous vote of the Council followed. Motion carried.

Upon exit of the closed session, Mayor Volk reported the Council consulted with the City Attorney about adding conditions to the special use permit. Council Member Smith brought a request for a condition to be added on the special use permit and they discussed how this might be accomplished.

Council Member Smith stated as a condition of granting the special use permit, the City would like to have assurance from Henderson County Commissioners and the School Board that the Stillwell Building will be preserved, maintained and kept for public use, in writing from both of the boards. He stated he is not asking for a specific amount of money to be dedicated to this but that building will not be torn down and will be used for the public. Mayor Pro Tem Caraker commented based on conversations with Chairman Mike Edney at the meeting on 05-04-17, this is possible.

Mayor Pro Tem Caraker requested the vote be delayed until 1:30 p.m. to allow confirmation by both Boards. Mayor Volk stated the other motions from the previous meeting will be held at the same time.

## 2. Budget Review for Fiscal Year 2017-18:

**Special Appropriations:** Mr. Pahle began by asking the Council members to review the requests and to return their votes to him by June 1. No action was taken.

**Water and Sewer Fund:** Mr. Pahle reviewed the budget in total including estimates for the end of fiscal year 2016-17. Included in the Fund Balance Appropriation for 2016-17 was the Etowah Sewer Company purchase and NCDOT reimbursements. The estimated increase from the 2016-17 budget to the 2017-18 budget is 1.25 percent or \$258,486.

**Revenues:** An increase of \$496,924 is expected which reflects 2 percent growth in the system and a 2 percent rate increase. The fund is dependent on water sales and sewer charges. The operating ratio is less than 1.00 which means the revenues are not supporting expenditures on the operation side. This results in a fund balance appropriation of \$104,044. He stated the small increases will have less impact on the customers while slowly getting the operating ratio up. The City will lose approximately \$518,233 annually with the suspension of system development charges. He reported the City Manager is recommending the hiring of a rate consultant to evaluate

our rate structure and provide recommendations for future revenue needs, indirect/shared costs, and concepts for rate equalization while minimizing customer impact. Staff will keep the Council informed.

**Expenditures:** Mr. Pahle stated a 12.22 percent increase is estimated in personnel/benefits due to five new positions, a 25 percent health insurance increase, and the pay and classification implementation. He reported staff has been meeting with a facilitator and have produced two documents focusing on internal controls for continuous improvement to manage a strong system.

There is an approximately two percent increase in the operating budget. Mr. Pahle stated there is an increase in maintenance costs for the Etowah sewer system.

**Capital expenditures:** This fund experienced a large decrease (46.28 percent) due the purchase of the Etowah Sewer System and past reimbursements for one-time expenses.

**Debt Service:** Mr. Pahle estimated a decrease of \$760,188 due to notes being paid.

Mr. Pahle explained the City was recently asked if our water revenues are supporting our water expenditures and if the sewer revenues are supporting the sewer expenditures. He stated yes they do, respectively within their own function. He provided a budgetary comparison and stated staff may recommend a rate study every four years to ensure that each respective revenue source is supporting its respective expenditures. There was discussion on the benefits of having one utility

Mr. Pahle reported their recommendation is to use cash on-hand for projects.

**Major Projects:** Mr. Pahle reported the City is working with First Tryon Advisors to develop a long-term financing strategy for needed system improvements in coordination of the rate study and master plans. Series 1 will consist of nine projects for a total of approximately \$12,650,050; six will be funded with cash, two with a loan and one will be funded by a mix of those. He stated three of the projects are in Henderson County and are estimated at more than \$10,000,000, three projects are at the treatment plants and one is an evaluation of the wastewater facility. The total fund balance is approximately \$25 million, which is approximately 103 percent. According to the policy, the goal is 50 – 75 percent.

Mr. Pahle reported there is a study bill at the General Assembly that recommends certain uses for fund balance: to reinvest potential fund balance back into the system and to use it for rate stabilization to avoid “sticker shock” or customer impact and the City is doing exactly that.

Mr. Pahle reviewed the Gantt chart and projects for future years and the five-year Capital Improvement Plan (CIP) schedule for projects. He also noted the location of the projects. Discussion followed on the proposed projects.

Mr. Pahle stated overall, this is a financially strong budget that continues to focus on customer and stakeholder needs as top priority.

### **General Fund Review:**

**Strategic Planning/Budgeting:** Mr. Pahle stated strategic planning is a roadmap for translating long-term vision into present and future organization efforts. It connects resources with long-term vision to accomplish priorities and sets more realistic objectives that are demanding, yet attainable. He stated it also helps engage employees and anyone that lives, works, or visits Hendersonville with the long-term vision of the City. He stated the plan should be amended every year and accomplishments should be celebrated every three to five years.

**Council's 1-2 Year Priorities:** Mr. Pahle explained staff is considering debt financing for the Police Station and maintenance shed at Patton Park.

**Budget in Total:** Mr. Pahle estimated revenues at 103% of the budget or \$14,606,063, and expenditures are estimated at 98 percent or \$14,733,238 requiring approximately \$143,786 will be used from fund balance this year. Transfers include the Tracey Grove bridge project.

**Revenues:** Mr. Pahle provided a year-to-year comparison and expects an increase in revenues of \$428,349 without a property tax increase and with a 2 percent property tax growth. Collections have increased in the motor vehicles revenues. He also anticipates growth in sales tax.

Mr. Pahle reviewed HB 900 that gives local governments additional options to raise revenues for critical infrastructure and economic development incentives. This is a quarter-cent sales tax, a prepared meals tax, or an occupancy tax. It requires a referendum.

SB 0126 eliminates current adjustment factors applied to sales tax distribution, which would result in \$206,000 loss for the City and it has passed the Senate.

**Assessed Values:** Mr. Pahle reviewed the assessed values from 1997 to present. The next reevaluation is scheduled for FY19-20 but there is talk at the County level of delaying this reevaluation.

*Sales Tax:* Mr. Pahle reviewed a chart showing the volatility of this revenue but he anticipates growth in this source.

*Expenditures:* Mr. Pahle anticipates a 10.10 percent increase in personnel/benefits due to six new positions in response to the Council identifying the level of service as a priority. A 25 percent health insurance increase is included as well as funding for the pay and classification implementation. There was discussion of the new positions and the funding of the pay and classification.

*Operating:* Mr. Pahle reported an anticipated decrease in operating expenditures of 7.6 percent.

*Capital:* Mr. Pahle estimated \$965,000 for this expenditure type. He stated street resurfacing (estimated \$450,000) is included as well as a proposed pavement survey. There was discussion on the resurfacing schedule.

Mr. Pahle reported the CIP is in line with average spending. Projects included in this budget include: park improvements at Patton and Sullivan Parks, a skid steer purchase in the Street Department, gateway signage improvements, the pedestrian bridge at Whitmire Park.

*Debt Service:* There is an increase to cover the new fire engine debt service.

*Discussion of projects:* Mr. Pahle reviewed the major projects:

*Police Headquarters:* Mr. Pahle estimated \$3-\$4 million plus the cost of land. Staff is exploring options. He stated there will be an opportunity for public input on this project. Staff is exploring options for efficiencies including partnerships with other agencies, the construction of a parking deck and public space. He stated staff will work with financial advisors for the best loan option for this project.

*Maintenance Building, Public Parking/Restrooms:* Mr. Pahle estimated \$1-\$2 million for this building located at Patton Park. Staff is hopeful it will include an area for public parking and restrooms and access to the Oklawaha Greenway. This new building will address safety concerns. He stated staff will work with financial advisors for the best loan option for this project.

Mr. Pahle recommended creating two capital project ordinances and two reimbursement resolutions for these projects. He estimated a completion date of fiscal year 2019-20. Debt service is estimated at \$422,166 annually for 20 years.

*Items not included for funding:* Mr. Pahle explained reviewed the items not recommended for funding by management: animal control officers, Seventh Avenue improvements, Berkeley Mills Park Master Plan, Main Street Avenue improvements, Main Street public restrooms, parking deck, Years in Service – Pay/Classification plan option/

Mr. Pahle presented additional revenues options including:

Motor vehicle license fee: a fee of \$30 would generate approximately \$55,000. Mayor Volk objected to this fee. She stated would prefer a ¼-cent increase on the property tax. Council Member Miller and Mayor Pro Tem Caraker agreed.

One cent on the tax rate would result in approximately \$170,000.

HB 900: If approved, the ¼-cent sales tax would result in approximately \$1.4 million.

The Council used a chart developed by Mr. Pahle with the base budget and put in variables for funding projects and variables for revenues and the effect on fund balance.

*Pay and Classification:* Mr. Pahle explained this will increase the minimum pay in the classifications. Council Member Smith supporting funding which will affect the most employees to show Council's intent. Mayor Pro Tem Caraker agreed. **The Council agreed to fund "years in service" in this fiscal year and "years in class" in next fiscal year.**

*Animal Control Officers:* Mr. Connet explained animal calls have increased which are now handled by patrol officers. The Sheriff no longer provides animal control unless it is a vicious or rabid animal. Two animal control officers would require approximately \$112,313 recurring cost, \$90,000 non-recurring. Council Member Miller voiced support of a minimal tax increase, one cent, to pay for animal services no longer provided by Henderson County. One penny on the tax rate will fund two animal control officers who will also serve as patrol, the pay and classification plan new grade minimum, years of service, three firefighters, and one telecommunicator. **The Council agreed by general consensus.**

*Seventh Avenue:* Mayor Pro Tem Caraker commented this can be tied to the Mill Building project and could be moved to FY 2018-19 because animal control is important. **The Council agreed by consensus.** There was discussion of funding the improvements on Bearcat Boulevard. The cost for Node "A" is estimated at \$1.4 million (\$98,506/year for 20 years).

Council Member Smith brought up funding for Berkeley Mills Park. Council Member Miller suggested partnering with the private sector to raise funds for the park. Mr. Connet reported he has approached the Community Foundation about setting up a fund for park improvements. He stated another option would be to hire a professional fundraiser. Mayor Volk supported the hiring of a professional fundraiser and work steadily at completing the master plan. Council Member Smith agreed stating a person is needed with energy and experience to generate excitement. Mr. Pahle suggested funding could also be included in the CIP.

*Main Street public restrooms:* staff is evaluating options. Finding a staffed location on/near Main Street to lease in perpetuity or purchase, was discussed by the Council. Mayor Pro Tem Caraker volunteered to help with equipment estimates.

*Parking deck:* A partnership with another entity was discussed. The ideal situation would be to exit onto Main Street.

There was a brief recess.

**Special Revenue Funds:** Mr. Pahle explained these funds account for approximately 10 percent of the total budget and total approximately \$4 million.

*The Seventh Avenue MSD fund and the Main Street MSD fund* balance without any fund balance appropriation. These funds also have capital funds available for district improvement projects, i.e., electric panel upgrades, pressure washing and hanging baskets on King Street. There has been discussion of improving the Depot plaza, etc. with the Seventh Avenue MSD fund.

*Environmental Services Fund:* Debt service for financing the new garbage truck is included in accordance with the regular replacement schedule.

*Stormwater Fund:* This fund has approximately \$90,000 for stream bank stabilization on Old Chimney Rock Road. Fund balance appropriated for this fund is approximately \$35,000. Mr. Pahle stated the program function could be expanded to accommodate larger projects. There is currently a \$2 fee. Square foot is obtained from aerial photography and GIS.

Other funds are small funds and raise their own revenues. They have a fund balance each year. There was discussion of the fund created for debt service.

**Health Insurance:** Mr. Pahle reported there is a 25 percent increase in health insurance premiums. He stated there were many expensive claims. He reviewed the total cost ratio. Costs were 112 percent more than premiums paid and the provider wants to the claims around 92 percent.

At 11:25 a.m., City Attorney Fritschner asked to consult with the Council in closed session. **Mayor Pro Tem Caraker moved the Council to enter a closed session to consult with the City Attorney to preserve the attorney-client privilege between the attorney and the City Council as provided under NCGS §143-318.11(a)(3). A unanimous vote of the Council followed. Motion carried.**

The Council exited the closed session at 11:33 a.m. The Council conferred with the City Attorney on possible conditions on the special use permit. **No action was taken.**

*Health Insurance (continued):* Mr. Pahle stated on average Medcost charges 10 percent more for members that are non-compliant with mandatory preventative screenings. This additional cost is passed on to the individual employee (except for retirees on the plan). He explained the City is partially self-insured. The first \$10,000 of each claim is split: employees pay the first \$500 per year and 30 percent of the claim. The maximum out of pocket for employees is \$3,350 per fiscal year; the City pays up \$6,650 and the insurance pays the remainder.

Mr. Pahle stated the cost for pharmaceuticals are increasing at a high rate.

*Risk Stratification:* Mr. Pahle reviewed the four categories for risk: low, at risk, chronic, and complex. The City pays more if risk goes up. He stated the Wellness Program is focusing on keeping those at risk from becoming chronic.

There was discussion of how to fund the increase including the possibility of increasing employee's deductible from \$500 to \$1,000 and out of pocket to \$3,700 from \$3,350 along with the 10 percent payroll deduction for non-compliance. Mr. Pahle reported staff is looking at other options: e.g., self-insured with more risk and more control, co-insurance for catastrophic claims. Council Member Smith expressed concerns about giving employees a raise but increasing the deductible and out-of-pocket costs. Mr. Connet reported staff has gone to the private market but have not found any viable options including co-insurance for catastrophic events.

*Wellness Program:* approximately 205 of the 230 employees participate in the Wellness Program. Approximately \$100,000 has been paid in incentive payments this year. A "Big change" program was started for at risk employees and are given personal attention. He reported there is an annual benefits fair, employee trainings and

educational workshops. He stated staff is exploring a clinic and other means to promote healthy habits. Staff will provide options on rewarding tobacco cessation.

There was a recess for lunch. The Council reconvened at 12:55 p.m.

At 12:55 p.m., City Attorney Fritschner asked to consult with the Council in closed session. **Mayor Pro Tem Caraker moved the Council to enter a closed session to consult with the City Attorney to preserve the attorney-client privilege between the attorney and the City Council as provided under NCGS §143-318.11(a)(3). A unanimous vote of the Council followed. Motion carried.**

The Council exited the closed session after conferring with the City Attorney on possible conditions on the special use permit for Hendersonville High School. **No action was taken.**

*Other:* Mr. Connet reported the Housing Assistance Corporation has requested \$400,000 to assist with the infrastructure needs to serve a future development on North Main Street. After discussion, **the Council directed the City Manager to required assurance that the project will be constructed before obligating the City to participate.**

#### **Special Use Permit Vote:**

Mayor Volk stated the City Council approved the rezoning for the Hendersonville High School Project. She stated a motion was made by Mayor Pro Tem Caraker and Council Member Smith requested some stipulations on the special use permit. She stated the Henderson County Commissioners are not in favor of the stipulations.

Mayor Volk explained the suggestion is to add a condition that the Stillwell Building be maintained and used as a public school use. She asked for a response from Henderson County.

Henderson County Commissioner Chairman J. Michael Edney stated the County Commissioners are totally committed to working with the School Board to preserve, maintain and use the Stillwell Building as the School Board, who owns the building, wishes it to be used. He stated they have done this in motions in the past and is why they do not want it as a written condition. They feel it is not necessary.

Mr. Edney stated they will have to borrow \$50-\$60 million for this project. He read portions of a recent loan documents that will be required of the County. He stated the City has their commitment and promise. Mayor Volk asked why the County Commission is unwilling to sign a document committing to those conditions. Mr. Edney stated they have committed to more than the City has asked.

Ms. Amy Holt addressed the Council stating the document would require City Council approval if they want to demolish any part of the Stillwell Building, etc. She stated the building is theirs and if a majority of their board votes to do something, they should not have to come to another government entity. She expressed appreciation for the sentiment of trying to protect the Stillwell Building. She stated she is representing the School Board and they have voted to go forward with the new building. She stated they have never discussed demolishing the building or using it for anything other than school use. She stated they have commitment from the Commissioners for \$4 million, \$1 million for four years, to preserve the building. She stated it is their intention to get it intact.

Council Member Miller asked Ms. Holt if she is comfortable with what Mr. Edney presented, if it will in fact, protect and preserve the Stillwell Building. Ms. Holt stated yes and the Board has discussed it. She stated the County voted on it and are committed to giving it to them.

Council Member Miller asked if the School Board supports the new project and is supportive of the statements regarding and maintain the Stillwell Building. She stated yes, but the Board has not seen the document nor voted on it. She has reservations about it and some of the other members will. Council Member Miller commented the Council wants to protect the Stillwell Building. Ms. Holt stated they do too.

Council Member Smith asked if they would approve if the part that requires City Council is removed and keep the section that says the Stillwell Building will be preserved, maintained and kept for public school use. Ms. Holt stated she does not have an issue with that.

Council Member Miller asked if the County Commissioners would approve it if the condition of City Council approval is removed. Mr. Edney objected because of statements in the loan documents. He stated the County Commissioners did not vote to agree to any conditions. Council Member Smith stated the financing document does not yet exist. Mr. Edney stated the financing agreement will contain the statement.

Ms. Holt asked about taking it back to Mr. Caldwell, what if they wanted to sell it, what if they decided in ten years they like the new building and want to abandon the Stillwell Building, there is this document that does not allow them to do what their Board would vote to do, then where would they be. That would be the issue she would have. She hopes it would never happen but what if that is the case or if there is a charter school that wants to buy. She does not know. Council Member Smith stated the Council is trying to preserve a landmark of the City and has this opportunity to do that. He stated the agreement contains a 20-year limit.

County Attorney Burrell stated the City requires the property to be joined into one lot. City Attorney Fritschner responded the City does have a subdivision ordinance.

Council Member Miller state he believes the Stillwell Building is protected, it is in the record. He stated the County has to finance it and Council has achieved their goal.

***Special Use Permit: Mayor Pro Tem Caraker moved that the City Council approve the application of the Henderson County for a Special Use Permit based on the site plan submitted by the applicant and subject to the limitations and conditions stipulated on the List of Uses and Conditions. The vote was three in favor (Caraker, Volk, Miller) and two opposed (Smith, Stephens). Motion carried.***

***Street Closing: Mayor Pro Tem Caraker moved the Council to adopt an order to permanently close a portion of Ninth Avenue West between N. Church Street and Oakland Street as petitioned by Henderson County and the Henderson County Board of Public Education, effective January 1, 2018. The vote was three in favor (Caraker, Volk, and Miller); two opposed (Smith, Stephens). Motion carried.***

ORDER #17-0532

**ORDER TO PERMANENTLY CLOSE THE STREET OR ALLEY  
Ninth Avenue West Avenue West between N. Church Street and Oakland Street  
By Petition of Henderson County and the Henderson County Board of Public Education**

NORTH CAROLINA  
HENDERSON COUNTY

TO WHOM IT MAY CONCERN:

WHEREAS, North Carolina General Statute Section §160A-299 authorizes a city council to permanently close any street or public alley way within its corporate limits or area of extraterritorial jurisdiction and provides a procedure for the closing such streets or alleyways; and

WHEREAS, Henderson County and the Henderson County Board of Public Education, has petitioned the City of Hendersonville to close 9th Avenue West between N. Church Street and Oakland Street; and

WHEREAS, on January 5, 2017, the Hendersonville City Council adopted a resolution expressing the intention of the municipality to close 9th Avenue West between N. Church Street and Oakland Street and setting February 9, 2017 as the date of a public hearing regarding such closure; and

WHEREAS, the aforementioned resolution has been published once a week for four successive weeks prior to the public hearing as required and a copy thereof has been sent by certified mail to all owners of property adjoining the street as shown on the county tax records; and

WHEREAS, notice of the closings and of the public hearing has been posted in at least two places along the street; and

WHEREAS, a public hearing was held in conformance with the aforementioned public notice on the 9th day of February 2017.

NOW, THEREFORE, the City Council of the City of Hendersonville does hereby make the following findings of fact:

1. The closing of 9th Avenue West between N. Church Street and Oakland Street hereafter described are not contrary to the public interest.

No individual owning property in the vicinity of the street or in the subdivision in which it is located would be deprived by the closing of such a street of reasonable means of ingress and egress to their property.

IN CONSIDERATION THEREOF, IT IS HEREBY ORDERED:

The following opened 9th Avenue West between N. Church Street and Oakland Street. is permanently closed and no longer existent as of the effective date of this order:

**BEGINNING** at a Control Corner, RRS Found N=590461.03906, E = 96677787092, said corner standing South 82° 29' 02" West from a ½ inch Existing Iron Pipe standing .4 feet above the ground, said corner also being located at the intersection of the northern boundary of the sidewalk on the northern side of 9th Avenue West and the eastern boundary of the sidewalk on the eastern side of Oakland Street in the City of Hendersonville, said corner also being the southwest corner of the tract conveyed to Henderson County North Carolina, as shown in deed recorded in Deed Book 1520, Page 496, Henderson County Registry; thence from said

**BEGINNING** and with the northern boundary of the sidewalk on the northern side of 9th Avenue West, North 80° 08'39" East 94.00 feet to a point; thence continuing with the northern side of said sidewalk, North 81° 28' 39" East 124.00 feet to a point; thence continuing with the northern side of said sidewalk, North 85° 04' 27" East 94.11 feet to a ¾ inch existing iron pin; thence continuing with the northern side of said sidewalk, North 87° 01' 06" East 176.32 feet to an unmarked point, said point being the intersection of the western side of the sidewalk for US Highway 25 and 9th Avenue West; thence with the western boundary of US Highway 25, the following two courses and distances: South 06° 54' 25" East 30.07; South 06° 54' 25" East 30.07 to an unmarked point standing at the intersection of the southern side of the sidewalk of 9th Avenue West and the western boundary of US Highway 25 (North Church Street), said point also being the northeastern corner of the property of Henderson County Board of Public Education as shown in deed recorded in Deed Book 824, Page 216, Henderson County Registry, thence with the southern boundary of the sidewalk on the southern side of 9th Avenue West, South 87° 01' 06" West 179.42 feet to an unmarked point; thence continuing with the southern side of said sidewalk, South 85° 04' 27" West 91.21 feet to an unmarked point; thence continuing with the southern side of said sidewalk, South 81° 28' 39" West 121.42 feet to an unmarked point; thence continuing with the southern side of said sidewalk, South 80° 08' 39" West 118.59 feet to a point, said point being the intersection of the southern side of said sidewalk and the eastern side of the eastern sidewalk of Oakland Street; thence with the eastern boundary of Oakland Street the following two courses and distances: North 12° 59' 57" East 32.56 feet to an unmarked point; North 12° 59' 57" East 32.56 feet to the point and place of **BEGINNING** and containing .69 acres, according to a survey by Associated Land Surveyors & Planners, PC, dated November 1, 2013 and captioned "Map of ROW Abandonment For Henderson County Board of Public Education" and being further identified as Job No. S-13-191, as hereto attached for a more particular description.

Less and excepting the following:

(1) A sanitary sewer easement and right-of-way across the real property hereinabove described for the purpose of operating, maintaining, adding to or altering and replacing present or future sewer lines, manholes and other appurtenant facilities for the collection of sewage and its transmission through and across the said property, which easement is more particularly described as

An easement twenty feet in width having as its center line that sewer line running more or less in the center of 9th Avenue for about three-fourths of the length of 9th Avenue from U.S. Highway 25, west toward Oakland Street, which sewer line bears slightly north away from the centerline of 9th Avenue as the line approaches Oakland Street.

And in addition an easement twenty feet in width having as its center line that sewer line running from the aforementioned line at a point about 150 feet west of U.S. 25, south from the said point toward the Hendersonville High School athletic field.

(2) A water line easement and right-of-way across the real property hereinabove described for the purpose of operating, maintaining, adding to or altering and replacing present or future water lines, manholes and other appurtenant facilities for the distribution and transmission of water and through and across the said property, which easement is more particularly described as

An easement twenty feet in width having as its center line that water line running more or less in the center of 9th Avenue for the length of 9th Avenue from U.S. Highway 25, west toward Oakland Street, which sewer line bears slightly north away from the centerline of 9th Avenue as the line approaches Oakland Street.

2. The City Clerk shall forthwith cause a copy of this order to be filed in the Office of the Register of Deeds of Henderson County.

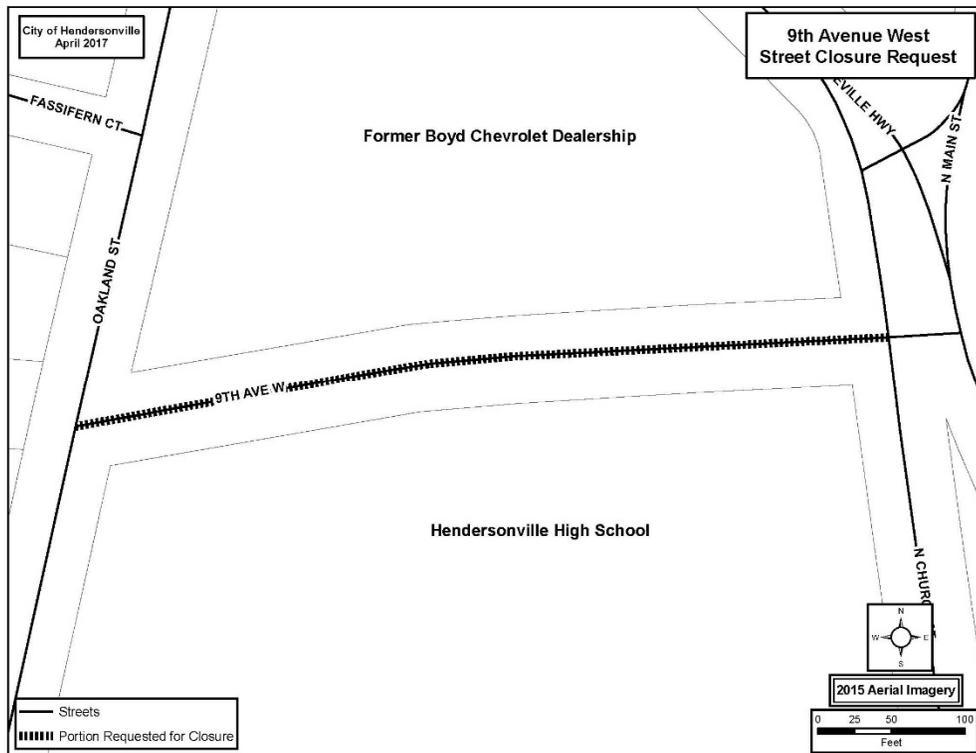
This order shall take effect the first day of January 2018.

Adopted on the fourth day of May 2017.

/s/Barbara G. Volk, Mayor

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

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



**4. Adjournment:** The meeting adjourned at 1:52 p.m. upon unanimous assent of the Council.

Barbara G. Volk, Mayor

Tammie K. Drake, City Clerk