

September 7, 2017
REGULAR MEETING OF THE CITY COUNCIL
COUNCIL CHAMBERS – CITY HALL
5:45 p.m.

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

Staff Present: City Manager John F. Connet, City Clerk Tammie Drake, Development Assistance Director Susan Frady, Senior Planner Matt Champion, Engineering Director Brent Detwiler, Human Resources Director Jennifer Harrell, Fire Chief Joseph Vindigni, Pam Ludwig, Budget Analyst Adam Murr, 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 five members in attendance.

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

3. Public Comment Time: *Up to 15 minutes is reserved for comments from the public for items not listed on the agenda.* Mayor Volk asked speakers to limit remarks to three minutes per person.

Raymond Stone, informed the Council of a parking situation/citation. He felt he was misled and unfairly treated. He requested the Council rescind the parking citation. Mr. Stone was directed to speak with Police Captain Bruce Simonds.

Chad Anderson, 1104 Kanuga Road, addressed the Council regarding the proposed widening of Kanuga Road citing diminution of value and safety concerns. He asked for the City to be his advocate with NCDOT. Mayor Volk stated his concerns will be relayed to NCDOT. Mayor Pro Tem Caraker said the best way to steer NCDOT is by community input. He stated residents should make their wishes known to NCDOT. He stated based on safety, they are trying to make the traffic flow better.

Bradley Collins, First Avenue West, commended Engine One Lt. Jerod Morgan who purchased and delivered a meal to a needy resident. He stated local heroes do not get a lot of public recognition and publicly thanked them and Lt. Jerod Morgan. Mayor Volk voiced appreciation for the comments.

Judith Sheehan, Kanuga Road, citizen of Hendersonville, stated she is concerned about the plans of NCDOT to improve Kanuga Road. The premise for the plan is to improve safety but she fails to understand how widening the road will make it safer. She encouraged use of the rail or multi-use lane path along Kanuga Road for bicycles and pedestrians. She also supported the preservation of aesthetics: trees, stone walls, etc. She presented a petition. She was encouraged to stay involved with NCDOT.

Ken Fitch, 1046 Patton Street, commented on the plan for improvements to Kanuga Road.

4. Consideration of Agenda:

Addition to the Consent Agenda:

P. Consideration of a Resolution Affirming the City of City Council's Support Regarding the Sustainable Stormwater Initiative

Addition to the Regular Agenda:

06e. Proclamation for National Colonial Heritage Month

Mayor Pro Tem Caraker moved approval of the agenda with the noted additions. 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: August 3, 2017

B. Consideration of Budget Amendments: Ms. Brian Pahle, Assistant to the City Manager, presented the following:

- i. Fund 10, Donation of \$6,000 for benches and commemorative plaques at Berkeley Mills Park and the Oklawaha Greenway
- ii. All Funds, to move the budget for uniforms to the correct salary uniform allowance account: \$13,429
- iii. Fund 360 to record an increase of \$260,000 for NCDEQ Reimbursement
- iv. Fund 60 to create a new permanent, part-time position for the Utilities Department

C. Consideration of an Agreement with the Hendersonville Housing Authority to Provide Increased and Dedicated Patrols: City Attorney Fritschner provided a two-year renewal agreement with the Hendersonville Housing Authority that permits off-duty officers to work for the Housing Authority. The revised agreement reflects an increase from \$28,750 per quarter to 31,250 per quarter and removed the City's obligation to maintain the vehicles. *[The agreement is available in the Police Department.]*

D. Consideration of Special Event Permits for Vintage Hendo Market: Ms. Frady reported a change in the special event permit for Vintage Hendo. Locust Street will be closed from Bearcat Boulevard to Seventh Avenue to allow vendors in the street. She reported the Seventh Avenue Advisory Committee reviewed the event and was not opposed to the closing of the street.

E. Consideration of a Resolution to Apply for State Loan or Grant to Fund the Northside Water Improvements Project: Mr. Detwiler reported the North Carolina Department of Environmental Quality, Division of Water Infrastructure (DWI) is accepting State Revolving Fund (SRF) loan applications by September 29, 2017 for water and wastewater projects. He stated staff is working with a consultant to put together an application for the Northside Water System Improvements project, currently under design. He provided a resolution that is required as part of the application process.

Resolution #17-0958

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL

WHEREAS, The Federal Clean Water Act Amendments of 1987 and the North Carolina Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of drinking water distribution systems, and

WHEREAS, The City of Hendersonville has need for and intends to construct a drinking water distribution system project described as the Northside Water System Improvements Project, requiring the construction of a new 2,000 gallons per minute (gpm) booster pump station, suction and discharge water mains to and from the booster pump station, a new 1.0 million gallon (MG) ground storage tank, and new water main to the 1.0 MG ground storage tank, and

WHEREAS, The City of Hendersonville intends to request state loan assistance for the project,

NOW THEREFORE BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF HENDERSONVILLE: That The City of Hendersonville, the Applicant, will arrange financing for all remaining costs of the project, if approved for a State loan award.

That the Applicant will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the Applicant agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the City of Hendersonville to make scheduled repayment of the loan, to withhold from the City of Hendersonville any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

That the Applicant will provide for efficient operation and maintenance of the project on completion of construction thereof.

That John F. Connet, City Manager, the Authorized Official, and successors so titled, is hereby authorized to execute and file an application on behalf of the Applicant with the State of North Carolina for a loan to aid in the construction of the project described above.

That the Authorized Official, 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 in connection with the application.

That the Applicant has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the 7th day of September, 2017 at 145 5th Avenue East, Hendersonville, North Carolina.

/s/Barbara G. Volk, Mayor

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

F. Consideration of Resolutions to Apply for State Loan or Grant to Fund:

i. Wastewater Treatment Plant Bio-solids Project: Mr. Detwiler presented a resolution required for submitting a loan application to the NCDEQ Division of Water Infrastructure for the Wastewater Treatment Facility Bio solids project currently under design.

Resolution #17-0959

RESOLUTION BY CITY OF HENDERSONVILLE CITY COUNCIL

WHEREAS, The Federal Clean Water Act Amendments of 1987 and the North Carolina the Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of wastewater treatment works projects, and

WHEREAS, The City of Hendersonville has need for and intends to construct a wastewater treatment works project described as construction of new wastewater treatment plant biosolids dewatering and processing equipment and facilities serving the Hendersonville Wastewater Treatment Facility (WWTF), and

WHEREAS, The City of Hendersonville intends to request state loan assistance for the project,

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

That The City of Hendersonville, the Applicant, will arrange financing for all remaining costs of the project, if approved for a State loan award.

That the Applicant will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the Applicant agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the City of Hendersonville to make scheduled repayment of the loan, to withhold from the City of Hendersonville any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

That the Applicant will provide for efficient operation and maintenance of the project on completion of construction thereof.

That John F. Connet, City Manager, the Authorized Official, and successors so titled, is hereby authorized to execute and file an application on behalf of the Applicant with the State of North Carolina for a loan to aid in the construction of the project described above.

That the Authorized Official, 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 in connection with the application.

That the Applicant has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the 7th day of September 2017; at City Hall, 145 Fifth Avenue East, Hendersonville, North Carolina.

/s/Barbara G. Volk, Mayor

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

ii. Water Treatment Plant Bio-solids Handling Project: Mr. Detwiler presented a resolution required for submitting a loan application to the NCDEQ Division of Water Infrastructure for the Water Treatment Facility Bio solids project currently under design.

Resolution #17-0960

RESOLUTION BY CITY OF HENDERSONVILLE CITY COUNCIL

WHEREAS, The Federal Clean Water Act Amendments of 1987 and the North Carolina the Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of drinking water treatment works projects, and

WHEREAS, The City of Hendersonville has need for and intends to construct a drinking water treatment works project described as construction of new water treatment plant residuals dewatering and processing equipment and facilities serving the Hendersonville Water Treatment Plant (WTP), and

WHEREAS, The City of Hendersonville intends to request state loan assistance for the project,

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

That The City of Hendersonville, the Applicant, will arrange financing for all remaining costs of the project, if approved for a State loan award.

That the Applicant will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the Applicant agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the City of Hendersonville to make scheduled repayment of the loan, to withhold from the City of Hendersonville any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

That the Applicant will provide for efficient operation and maintenance of the project on completion of construction thereof.

That John F. Connet, City Manager, the Authorized Official, and successors so titled, is hereby authorized to execute and file an application on behalf of the Applicant with the State of North Carolina for a loan to aid in the construction of the project described above.

That the Authorized Official, 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 in connection with the application.

That the Applicant has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the 7th day of September 2017; at City Hall, 145 Fifth Avenue East, Hendersonville, North Carolina.

/s/Barbara G. Volk, Mayor

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

G. Consideration of a Resolution to Apply for State Loan or Grant to Fund the French Broad River Intake and Mills River Intake Relocation Project: Mr. Detwiler presented a resolution required for submitting a loan application to the NCDEQ Division of Water Infrastructure for the French Broad River Intake and Mills River Intake Relocation project currently under design.

Resolution #17-0961

RESOLUTION BY CITY OF HENDERSONVILLE CITY COUNCIL

WHEREAS, The Federal Clean Water Act Amendments of 1987 and the North Carolina the Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of drinking water treatment works projects, and

WHEREAS, The City of Hendersonville has need for and intends to construct a drinking water treatment works project described as construction of a new intake/pumping station facility along the French Broad River and relocation of existing Mills River intake, and

WHEREAS, The City of Hendersonville intends to request state loan assistance for the project,

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

That The City of Hendersonville, the Applicant, will arrange financing for all remaining costs of the project, if approved for a State loan award.

That the Applicant will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

That the governing body of the Applicant agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the City of Hendersonville to make scheduled repayment of the loan, to withhold from the City of Hendersonville any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.

That the Applicant will provide for efficient operation and maintenance of the project on completion of construction thereof.

That John F. Connet, City Manager, the Authorized Official, and successors so titled, is hereby authorized to execute and file an application on behalf of the Applicant with the State of North Carolina for a loan to aid in the construction of the project described above.

That the Authorized Official, 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 in connection with the application.

That the Applicant has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the 7th day of September, 2017; at City Hall, 145 Fifth Avenue East, Hendersonville, North Carolina.

/s/Barbara G. Volk, Mayor

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

H. Consideration of Resolution for Making Certain Statements of Fact Concerning the Proposed Bond Issue and Bond Order Authorizing the Issuance of Not to Exceed \$1,400,000 General Obligation Refunding Bonds of the City of Hendersonville: Ms. Lisa White, Finance Director, presented “a resolution making certain statements of fact concerning the proposed bond issue.” She explained First Tryon, Financial Advisors, prepared an analysis of the City’s outstanding debt and current market rates. Their research indicates the City may be able to realize debt service savings by refunding its General Obligation Bonds, Series 2008A, maturing March 1, 2019 through and March 1, 2027. She provided the refunding analysis stating the City should realize net present value savings of approximately \$76,750 or 5.4% of the refunded par amount based on an estimated interest rate. Total cash savings of approximately \$76,750 over the remaining life of the bonds (after cost of issuance fees) or approximately \$7,938 per year.

Ms. White reported the City issued an RFP soliciting bids from banks to directly purchase the refunding bond and expects to receive those bids on September 13, 2017. The City has requested consideration for approval of this refunding in the amount not to exceed \$1,400,000 at the October 3, 2017 meeting of the local Government Commission.

Parker Poe is serving as Bond Counsel and First Tryon will serve as the Financial Advisors.

Resolution #17-0962

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HENDERSONVILLE, NORTH CAROLINA MAKING CERTAIN STATEMENTS OF FACT CONCERNING PROPOSED BOND ISSUE

WHEREAS, the City Council (the "City Council") is considering the issuance of bonds of the City of Hendersonville, North Carolina (the "City") which shall be for the following purpose and in the following maximum amount:

Not to exceed \$1,400,000 of general obligation refunding bonds to pay the costs of refunding in advance of their maturities \$1,300,000 aggregate principal amount of the City of Hendersonville, North Carolina General Obligation Sidewalk Bonds, Series 2008A maturing on and after March 1, 2019.

WHEREAS, certain findings of fact by the City Council must be presented to enable the Local Government Commission of the State of North Carolina to make certain determinations as set forth in Article 4 of Chapter 159 of the General Statutes, Section 52.

NOW, THEREFORE, BE IT RESOLVED that the City Council meeting in open session on the 7th day of September 2017, has made the following factual findings in regard to this matter:

- A. Facts Regarding Necessity of Proposed Financing. The proposed bonds are necessary and expedient to lower debt service costs to the City.
- B. Facts Supporting the Amount of Bonds Proposed. The sums estimated for these bonds are adequate and not excessive for the proposed purpose.
- C. Past Debt Management Policies. The City's debt management procedures and policies are good and have been carried out in compliance with law. The City employs a Finance Director to oversee compliance with applicable laws relating to debt management. The City Council requires annual audits of City finances. In connection with these audits, compliance with laws is reviewed. The City is not in default in any of its debt service obligations. The City Attorney reviews all debt-related documents for compliance with laws.
- D. Past Budgetary and Fiscal Management Policies. The City's budgetary and fiscal management policies have been carried out in compliance with laws. Annual budgets are closely reviewed by the City Council before final approval of budget ordinances. Budget amendments changing a function total or between functions are presented to the City Council at regular City Council meetings. The Finance Director presents financial information to City Council which shows budget to actual comparisons annually and otherwise as the City Manager deems necessary or as a member of the City Council may request.
- E. Retirement of Debt. The schedule for issuing the bonds does not require a property tax increase. The City expects to issue all of the bonds in fiscal year 2018, though the City may delay issuing the bonds until such issuance will generate sufficient net present value savings for the City.
- F. Marketability of Bonds. The City has been advised that the proposed bonds can be marketed at reasonable rates of interest.
- G. Financing Team. The City Manager and the Finance Director, with advice from the City Attorney, are hereby authorized and directed to retain Parker Poe Adams & Bernstein LLP, as bond counsel, and First Tryon Advisors, as financial advisor, and such action is hereby ratified. The City Manager and the Finance Director, individually or collectively, are authorized to retain other professionals as in their discretion may be necessary to carry out the transaction described in this Resolution.

PASSED. ADOPTED AND APPROVED this 7th day of September 2017.

/s/Barbara G. Volk, Mayor

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

The following Bond Order was introduced by Mayor Pro Tem Steve Caraker:

Order #17-0963

BOND ORDER AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$1,400,000 GENERAL OBLIGATION REFUNDING BONDS OF THE CITY OF HENDERSONVILLE, NORTH CAROLINA

WHEREAS, the City of Hendersonville, North Carolina (the "City") has issued General Obligation Sidewalk Bonds, Series 2008 (the "2008 Bonds") currently outstanding in the aggregate principal amount of \$1,400,000;

WHEREAS, the City Council (the "City Council") of the City deems it advisable to refund all of the outstanding 2008 Bonds maturing on and after March 1, 2019;

WHEREAS, an application has been filed with the Secretary of the Local Government Commission of North Carolina (the "Commission") requesting Commission approval of the bonds hereinafter described as required by the Local Government Bond Act.

NOW, THEREFORE, BE IT ORDERED by the City Council of the City of Hendersonville, North Carolina, as follows:

Section 1. The City Council deems it advisable to refund \$1,300,000 in aggregate principal amount of the 2008 Bonds maturing on and after March 1, 2019.

Section 2. To raise the money required to pay the costs of refunding the 2008 Bonds as set forth above, general obligation refunding bonds of the City of Hendersonville, North Carolina are hereby authorized and shall be issued pursuant to the Local Government Bond Act of North Carolina. The maximum aggregate principal amount of such general obligation refunding bonds authorized by this bond order shall not exceed \$1,400,000.

Section 3. Taxes will be levied in an amount sufficient to pay the principal and interest on the bonds.

Section 4. A sworn statement of the City's debt has been filed with the City Clerk and is open to public inspection.

Section 5. This bond order shall take effect on its adoption.

PASSED, ADOPTED AND APPROVED this 7th day of September 2017.

/s/Barbara G. Volk, Mayor

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

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

I. Consideration of a Resolution Encouraging Congress to Create a Reliable, Predictable Stream of Resources to Address Deferred Maintenance Needs in America's National Park System: Mr. Connet reported the Pew Charitable Trust asked the City Council to adopt a resolution asking Congress to create a reliable, predictable stream of resources to address deferred maintenance needs in America's National Park System.

Resolution #17-0964

A RESOLUTION ENCOURAGING CONGRESS TO CREATE A RELIABLE, PREDICTABLE STREAM OF RESOURCES TO ADDRESS DEFERRED MAINTENANCE NEEDS IN AMERICA'S NATIONAL PARK SYSTEM

WHEREAS, America's National Park System is a living testament to our citizens valor, our nation's hardships, our victories, and our traditions as Americans, and has been called "America's Best Idea;" and

WHEREAS, the National Park System preserves the diversity, culture, and heritage of all Americans, and serves as a living classroom for future generations; and

WHEREAS, in 2016, the National Park Service celebrated its centennial, and currently manages more than 400 nationally significant sites and an invaluable collection of more than 75,000 natural and cultural assets that span 84 million acres across all 50 states, the District of Columbia, and several U.S. territories and insular areas; and

WHEREAS, North Carolina is home to ten national park units, including the Blue Ridge Parkway, Cape Hatteras National Seashore, Moores Creek National Battlefield, Great Smoky Mountains National Park, and Carl Sandburg Home National Historic Site.

WHEREAS, the County of Henderson is a gateway community to both the Carl Sandburg Home National Historic Site and the Blue Ridge Parkway, and benefits from the tourism associated with visitors to these park; and

WHEREAS, the National Park Service's mission is to "to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations;" and

WHEREAS, in 2016, the National Park System had more than 331 million visits, with 18.5 million in North Carolina, including 81,000 to the Carl Sandburg Home National Historic Site, and 15.2 million along the length of the Blue Ridge Parkway; and

WHEREAS, in 2016, National Park Service estimates indicate that park visitors spent more than \$1.3 billion in North Carolina in the local communities adjacent to national parks, including \$4.7 million in those neighboring the Carl Sandburg Home National Historic Site, and \$980 million in those along the Blue Ridge Parkway; and

WHEREAS, the National Park Service has the obligation to preserve our nation's history; promote access to national parks for all citizens; stimulate revenue to sustain itself and nearby communities; educate the public about America's natural, cultural and historical resources, and provide safe facilities and environs to enjoy these resources; and

WHEREAS, in 2016, the National Park Service estimated a deferred maintenance backlog of \$11.3 billion, over \$430 million in North Carolina, \$8 million at the Carl Sandburg Home National Historic Site, and \$261 million along the North Carolina section of the Blue Ridge Parkway, which includes repairs to aging historical structures, trails, sewers, thousands of miles of roads, bridges, tunnels, and other vital infrastructure; and

WHEREAS, it is the responsibility of Congress to maintain America's national parks to ensure our natural places and our history is preserved and documented for future generations, and for the adjacent communities that rely on the direct and indirect economic benefits generated by visits to national park sites.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY

OF HENDERSONVILLE that the City of Hendersonville urges Congress to create a reliable, predictable stream of resources to address deferred maintenance needs in America's National Park System, and to ensure that federal infrastructure initiatives include provisions to address park maintenance.

PASSED, APPROVED AND ADOPTED this seventh day of September, 2017.

/s/Barbara G. Volk, Mayor

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

J. Consideration of Utility Extension Agreements for:

i. Carolina Village: Mr. Lee Smith reported Carolina Village is requesting an extension of the City's utilities for their proposed new developments: Clear Creek Cottages, Lakeside Apartments and a new maintenance building. Clear Creek Cottages is a 54-unit residential development Lakeside Apartments and the maintenance building will each require service connections to existing mains. This extension consists of 3,500 linear feet of eight-inch water lines. water services, fire hydrants and appurtenances. The sewer portion of the project will consist of approximately 1,400 linear feet of eight-inch sewer main and sewer services.

Based on this information, Mr. Lee Smith stated the Water and Sewer Department has the capacity to support this additional infrastructure and associated connections and recommended approval of the project contingent upon final approval of construction plans and specifications by the Water and Sewer Department.

ii. Estates at Brittany Place: Mr. Lee Smith reported the developer of the Estates at Brittany Place is requesting an extension of the City’s water and sewer system to provide service to the proposed residential development which includes six duplexes containing 120-units.

This extension consists of 2,200 linear feet of eight-inch water lines, water services, fire hydrants and appurtenances. The sewer portion of the project will consist of approximately 1,825 linear feet of eight-inch sewer main and sewer services.

Based on this information, Mr. Lee Smith stated the Water and Sewer Department has the capacity to support this additional infrastructure and associated connections and recommended approval of the project contingent upon final approval of construction plans and specifications by the Water and Sewer Department.

K. Consideration of Revisions to the Fee Schedule: Assistant Manager Brian Pahle presented an amendment to the Fee Schedule to allow infant lots in Oakdale Cemetery to be half the cost of a full plot.

Mr. Pahle also requested correction of a technical error with the credit card processing fee under Finance. There should be a \$2.95 flat rate not 2.75 percent per transaction.

CITY OF HENDERSONVILLE FEE SCHEDULE ADOPTED BY BUDGET ORDINANCE FOR FISCAL YEAR 2017 -2018	
Finance:	
Credit Card Processing Fee (per transaction) for Tax Payments	2.75% \$2.95
Public Works:	
Oakdale Cemetery Lots (per grave space)	
City Resident	\$500
Out of City Resident	\$1,000
Infant Lots - City Resident	<u>\$250</u>
Infant Lots - Out of City Resident	<u>\$500</u>

Deletions are ~~struck through~~; additions are underlined.

L. Consideration of Water Usage Agreement with the Town of Laurel Park: Mr. Lee Smith explained the ten-year Water User Agreement with the Town of Laurel Park is scheduled to be renewed in October 2017. He requested the City Manager be authorized to execute the agreement.

WATER USAGE AGREEMENT

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

THIS AGREEMENT, Made and entered into this ____ day of September, 2017, by and between the CITY OF HENDERSONVILLE, a municipal corporation and a political subdivision of the State of North Carolina, party of the first part, hereinafter referred to as "Seller", and the TOWN OF LAUREL PARK, a municipal corporation and a political subdivision of the State of North Carolina, party of the second part, hereinafter referred to as "Purchaser".

WITNESSTH:

WHEREAS, Purchaser, as a municipal corporation, has as one of its specified purposes the construction, operation, and maintenance of a water supply distribution system serving water users within the area described in plans now on file in the office of the Purchaser; and

WHEREAS, to accomplish this municipal purpose it is necessary, and the Purchaser will require, a supply of treated water; and

WHEREAS, Seller, incidental to its municipal existence and as one of the services extended to persons within and without its corporate limits, owns and operates a water supply distribution system with a capacity currently capable of serving the present customers of Seller's system, as well as the estimated number of water users to be served by Purchaser; and

WHEREAS, the parties to this instrument have maintained a historical relationship, the purpose of which was to furnish to the Purchaser, from the production capacity of the Seller, sufficient potable water to meet the demands and requirements of its various users; and

WHEREAS, such relationship has been satisfactorily and appropriately maintained and performed, in its entirety, by both of the parties to this agreement; and

WHEREAS, such satisfaction has been mutually agreed upon by the parties of this agreement and, as a result thereof, the parties desire to formalize the relationship as a contractual relationship established by this agreement and in conformance with the terms hereof; and

WHEREAS, by resolution of the City Council of the City of Hendersonville, adopted on the seventh day of September, 2017, the sale of water to Purchaser in accordance with the provisions of the said resolution (which said resolution provisions are reflected in the terms and conditions of this agreement) was approved and the execution of this contract carrying was duly authorized; and

WHEREAS, by resolution of Town Council of Town of Laurel Park, as adopted on the ____ day of _____, 2017, the purchase of water from Seller in accordance with the terms set forth in said resolution (which said conditions are in conformance with the terms of this agreement) was approved and the execution of this contract was duly authorized.

NOW, THEREFORE, in consideration of the foregoing and the covenants hereinafter set forth, the parties agree as follows:

A. Seller Agrees:

1. To furnish to Purchaser at the point of delivery hereinafter specified, during the term of this contract or during any renewal or extension thereof, potable, treated water meeting applicable purity standards of the North Carolina Department of Environment and Natural Resources, or comparable agency, in such quantity as may be needed by Purchaser not to exceed 7,000,000 gallons per month.
2. That water will be furnished at a reasonably constant pressure from the existing main supply at the Purchaser's side of the metering equipment located in the meter vault in front of the Purchaser's pump station # 1, 2006 Laurel Park Highway. If a greater pressure than normally available at the point of delivery is required by Purchaser, the cost of providing such greater pressure shall be borne by Purchaser. Emergency failures of pressure or supply due to main line breaks, power failure, flood, fire and the use of water to fight fire, earthquake, or other catastrophe shall excuse Seller from this provision for such reasonable period of time as may be necessary to restore services.
3. To operate and maintain at the point of delivery the necessary metering equipment, including a meter building or vault, for properly measuring the quantity of water delivered to the Purchaser. The installation and maintenance of such equipment shall be Seller's expense. Seller shall calibrate, or have calibrated, such metering equipment once every 12-months and provide the Purchaser the results of said calibration testing. A meter registering 97.5% to 102.5% shall be considered acceptable. The previous readings of any meter disclosed by test to be inaccurate shall be corrected for the two months prior to such test in accordance with the percentage of inaccuracy found by such test, unless Seller and Purchaser shall agree upon a different amount. If any meter fails to register for any period, the amount of water delivered in the corresponding period immediately prior to the failure will be used as a measurement for the period, unless Seller and Purchaser shall agree upon a different amount. The meter shall be read once each calendar month. Purchaser shall have reasonable access to the meter for the purpose of verifying its readings.
4. To provide Purchaser with an itemized statement of the amount of water furnished the Purchaser during any given month. Such statement shall be provided Purchaser not later than ten calendar days after meter(s) is read as per paragraph 3 above.

B. The Purchaser Agrees:

1. To pay Seller, not later than the 21-days after the date of the statement for each month, for water delivered in accordance with the current schedule of rates for municipal water sales, as such rates or schedules shall be constituted as of the date of the execution of this agreement, or as the same shall be hereinafter amended.
2. To operate and maintain Purchaser's water distribution system, including all booster pumping station and storage tanks, in an efficient manner and to suitably curtail, control, eliminate, and otherwise inhibit or allow the waste of water.

C. It Is Further Mutually Agreed Between the Seller and Purchaser as Follows:

1. That this contract shall extend for a term of 10-years from the date of execution of the same, and thereafter may be renewed or extended for such term or terms as may be agreed upon by Seller and Purchaser.
2. That Seller will, at all times, operate, maintain its system in an efficient manner and will take such actions as may be necessary to furnish Purchaser with quantities of water required by Purchaser. Temporary or partial failures to deliver water shall be remedied with all possible dispatch. In the event of an extended shortage of water, or in the supply of water available to Seller is otherwise diminished over an extended period of time, the supply of water to Purchaser's consumers shall be diminished or reduced in the same ratio or proportion as its supply to Seller's consumers is reduced or diminished. If Seller implements its water shortage ordinance (as the same is presently constituted, or may hereafter be amended or changed) conditions concerning conservation of water, Purchaser shall implement water use restrictions of at least the same degree of severity, restriction and compliance for the duration of the Seller's water shortage condition.
3. The provisions of this contract may be modified or altered by mutual agreement of the parties hereto, but the same shall be of no force and effect until they shall have been reduced to writing in form complimentary to the contents of this agreement.
4. That this contract is subject to such rules, regulation or laws as may be applicable to similar agreements in the State of North Carolina, and Seller and Purchaser will collaborate in obtaining such permits, certificates or the like as may be required to comply herewith.

D. Duties of the Seller: The Seller shall at all times operate and maintain its system in a good state of repair so that Purchaser may rely upon the delivery of a dependable source of water for redistribution to its customers, normal service interruptions excepted.

E. Duties of the Purchaser:

1. The Purchaser shall install and maintain, at its sole expense, all necessary backflow devices as required by the Seller in the adopted Water Policies, as amended. The Seller reserves the right to inspect and to require the Purchaser to test, repair, and replace these backflow devices as required with such replacements and/or repairs being charged to and paid by the Purchaser.
2. The Purchaser shall be held liable for any detrimental backflow occurrence into the Seller's water system and the Purchaser shall indemnify the Seller for all costs associated with a backflow occurrence resulting from the Purchaser's negligent actions.

F. General Provisions:

1. Any changes in applicable Federal or State laws or regulations requiring more restrictive changes in the operation of the Purchaser's water system shall automatically become a part of this Agreement, and the Seller shall notify the Purchaser within a reasonable length of time of any such changes. The Purchaser agrees to conform thereto.
2. The Seller hereby acknowledges that Purchaser is purchasing this water for resale to its customers. The Seller implies no warranty or responsibility for water quality or quantity beyond Purchaser's metered connections listed previously.
3. The Purchaser shall provide the Seller a minimum advance written notice of 180 days prior to activating any new water supply source or new purchased water source.
4. The Purchaser shall indemnify and hold harmless the Seller, its officers, employees, and agents, from and against any damages, liabilities, judgments, fees (including reasonable attorney's fees and expert witness fees) or costs caused solely by the negligence or willful misconduct of Purchaser, its employees, or agents in connection with this Agreement. The Seller shall indemnify and hold harmless the Purchaser, its officers, employees and agents, from and against any damages, liabilities, judgments, fees (including reasonable attorney's fees and expert witness fees) or costs caused solely by the negligence or willful misconduct of the Seller, its employees or agents in connection with this Agreement.
5. This Agreement is not to be construed as creating any third party beneficiaries and may only be enforced by the parties herein.
6. This Agreement shall not be construed as a purchase of capacity in the water treatment works owned and operated by the Seller nor shall this Agreement be deemed to be a dedication of capacity within such water works solely to or for the benefit of the Purchaser nor shall the Purchaser be expected to pay any portion of the operation and maintenance costs of the Seller's treatment works and/or distribution system other than the payment of the purchase price of the water supplied under this Agreement.
7. This Agreement is between the Seller and Purchaser and shall not be construed as creating a contractual relationship between the Seller and any particular customer of Purchaser nor shall any customer of Purchaser have any right or cause of action directly against the Seller because of this Agreement. This Agreement contains the entire agreement between the parties; and there are no representations, warranties, covenants, or undertakings other than those expressed and set forth herein.
8. This Agreement shall be construed in accordance with the laws of North Carolina.
9. For purposes of providing notice in this agreement, the following contact persons and addresses shall control unless changed in writing: the Seller contact will be City of Hendersonville Utilities Director, City of Hendersonville, PO Box 1760, 305 Williams Street, Hendersonville, NC 28793-1760. The Purchaser contact will be Town Manager, Town of Laurel Park, 441 White Pine Drive, Laurel Park, NC 28739-0910.

IN WITNESS WHEREOF, The parties hereto, acting under authority of their respective governing bodies, have caused this contract to be duly executed in four counterparts, each of which shall constitute an original.

ACCEPTED BY THE CITY OF HENDERSONVILLE

By: /s/ John Connet, City Manager

(SEAL)

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

M. Consideration of a Resolution Adopting an Electronic and Mobile Device and Travel

Policies: Mr. Pahle requested Council approve a resolution adopting two updated policies: the Electronic and Mobile Device Policy and the Travel Policy.

Resolution #17-0965

A RESOLUTION TO ADOPT THE REVISED ELECTRONIC AND MOBILE DEVICE POLICY AND THE REVISED TRAVEL POLICY

WHEREAS, The Hendersonville City Council has previously adopted a Cell Phone Policy, and

WHEREAS, The Hendersonville City Council has previously adopted a Travel Policy, and

WHEREAS, it is recognized that policies must evolve as the City, society, and technology evolve, and

WHEREAS, the revisions to these policies will provide continuous improvement to the City of Hendersonville's practices and procedure relating to mobile and electronic device usage and travel, and

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

Section 1. The City Council hereby adopts the Electronic and Mobile Device Policy and the Travel Policy.

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

Adopted this seventh day of September 2017.

/s/Barbara G. Volk, Mayor

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

ELECTRONIC AND MOBILE DEVICE POLICY

I. Purpose: It is the policy of the City to implement procedures to effectively use mobile devices, communication services, and electronic equipment to increase the City's operational efficiencies. It is recognized that the day-to-day operations of the workforce require voice and data communications and there is often a need to communicate when access to a regular telephone or computer is unavailable. A mobile communications device allows employees to improve customer service and to enhance efficiency of operations.

II. Scope: This policy advises employees and department heads of their responsibilities and provides guidance in managing the distribution and usage of a City supplied, or personally owned, mobile device used to conduct City business. This policy shall be interpreted in connection with the City's Internet Usage Policy.

III. Definitions: Mobile Device – A wireless, portable device that allows a User to access data and information from the City's network. A mobile device includes the following devices, and other similar devices approved by Technology Services that may be set-up to connect to the City's network. Contact Technology Services to verify set-up and connectivity.

1. Smartphone – a mobile device with multifunctional features that includes an operating system, internet access, QWERTY keyboard, and a messaging system.
2. Standard mobile phone – a mobile device that can make and receive telephone calls, pictures, video, and text messages.
3. Tablet Computer – a wireless, portable flat-panel personal computer with a touch screen interface and no primary ability to function as a telephone. Some tablets may not be able to set-up and connect to the City's services. Contact Technology Services to verify set-up and connectivity accessibility.
4. Wireless Router/Mobile Wi-Fi – a mobile device that allows multiple end users and other mobile devices to share a mobile internet connection and create an ad-hoc network.
5. Personal Computer (PC) – A compact computer that uses a microprocessor and is designed for individual use.
6. Personal digital assistants (PDA) – a small mobile hand-held device that provides computing and information storage and retrieval abilities.
7. Pager – a small telecommunications device that receives (and, in some cases, transmits) alert signals and/or short messages.

User – a User includes any City employee who utilizes a City supplied, or a personally owned mobile device to conduct City business.

IV. Electronic and Mobile Device Issuance: A City mobile device will be issued and authorized under one or more of the following conditions:

1. Job responsibilities require an employee to be away from regular landline access for extended periods of time and communication by the employee is necessary to fulfill job objectives.
2. Employees whose job duties and responsibilities require immediate contact by department directors or city management (where one cannot be communicated with via radio, email or computer, or existing desk phone).
3. Mobile Device use enhances the employee's personal safety on the job and provides communication during emergencies.
4. On-call and after-hours support employees who are on-call for emergency maintenance or support outside of normal City business or department hours.
5. Emergency management/response or critical contact employees tasked with responsibilities for emergency operations response, public safety, technology personnel, or key facilities staff.
6. All department heads.
7. The employee's role requires the ability to conduct two-way communication at all times.
8. Other critical needs as approved by the City Manager.

The issuance of City-owned mobile devices shall be recommended by the department head and approved by the City Manager or his or her designee. It shall be the responsibility of the department head to ensure that funds are budgeted for the purchase and monthly service costs prior to issuance. In order to receive a City issued mobile device, the department head and the employee should sign a Mobile Device Issuance Agreement Form upon issuance.

Department heads are responsible for maintaining the approval justification for each mobile device and service issued, maintaining an inventory of mobile devices, reviewing mobile device usage to ensure that all requirements and guidelines set out in this Policy are met. In the event a mobile device no longer meets demonstrated business needs, is unused, or no longer fits with the employee's job function, the department head shall ensure cancellation, reassignment, or adjustment of mobile device services.

V. Personal Device Stipend/Reimbursement: In some cases, with the approval of the City Manager, a department head may be reimbursed for use or partial use of their personal mobile device. This allowance shall be determined by the City Manager and be paid to the department head monthly. The department head may use the device for both business and personal purposes as needed. The City will not provide technical support for personal mobile devices, except for limited support for data communication with the City's network for those authorized to have the ability to do so. Alternatively, a department head may choose to have a City-owned mobile device issued to them. All other employees will not be eligible for a stipend.

VI. Electronic and Mobile Device Usage: City provided mobile devices are to be used to support City business. Employees may use mobile devices to communicate informally with others in the City government so long as the communication meets professional standards of conduct. Employees may use mobile devices to communicate outside City government when such communication is related to legitimate business activities and is within their job assignments or responsibilities. Employees will not use mobile devices for illegal, disruptive, unethical, or unprofessional activities, for personal gain, or for any purpose that would jeopardize the legitimate interests of the City. Employees may use City issued mobile devices for personal reasons while on lunch, in emergency situations, or in accordance with department head discretion. All use must follow applicable laws and regulations. Mobile devices provided by the City are the property of the City and are to be used to conduct City business. The City reserves the right to access and monitor the use of all City-owned mobile devices. If a mobile device has a global positioning system (GPS) or location services, they must be enabled at all times. Login information and passwords for City owned mobile devices should be kept by the City and must be provided upon request. Any use of a City mobile device in violation of this policy may result in appropriate disciplinary action up to and including termination. The City reserves the right to implement security capabilities and the right to perform periodic maintenance on all City-issued mobile devices. The City reserves the right to cancel City-issued mobile device service of any City employee for any reason including but not limited to violation of this policy, abuse of mobile device privileges, or for department budgetary constraints.

Mobile device statements or summaries are public documents which may be disclosed in certain circumstances.

Employee responsibilities for use of City-owned mobile devices include:

1. Protecting the City owned mobile device from theft, loss, or damage.
2. Immediately reporting loss or theft to supervisor or department head.
3. Using discretion while making sensitive or confidential communications.
4. Immediately returning the mobile device to the department head if it is determined that the mobile device is no longer necessary, at any other time upon request, or upon leaving City employment by resignation or termination. Employees unable to present the device in good working condition within the time period requested may be expected to bear the cost of replacement.
5. Using the equipment prudently to ensure safety of themselves, their co-workers, and the general public.

Additionally, employees utilizing mobile devices in City vehicles are expected to use such devices in compliance with all current state and local laws and in a manner that does not jeopardize the safety of the employee or others.

VII. Personal Use of Electronic and Mobile Devices: Limited personal use of City technology resources is allowed with the following restrictions and is subject to all the rules in this Policy, including access and monitoring:

1. There must be no cost to the City. The employee will be required to reimburse the City for the amount in excess of the regular charges that are attributable to personal use.
2. Personal use of City-issued mobile devices may be permitted provided the use is consistent with this Policy, does not distract from or interfere with an employee's or official's obligation to carry out City duties in a timely and effective manner, does not interfere with other employees or officials performing their duties, and does not undermine the use of City technology resources for official purposes.
3. City technology resources may not be used to operate a personal business, for political activity or for solicitation of any kind.
4. No unauthorized individual is allowed to use City technology resources at any time (including family members and friends), unless in an emergency situation.
5. Employees and officials should ensure that personal use of technology resources does not express or imply sponsorship or endorsement by the City.

Employees may use personally owned mobile devices while on the job provided such use is limited and does not distract from or interfere with an employee's obligation to carry out City duties in a timely and effective manner, does not interfere with other employees or officials performing their duties, does not undermine the use of any City technology resources, and provided that such use does not otherwise violate City policies and procedures.

Mobile devices shall be turned off or set to silent or vibrate mode during meetings, conferences, and in other locations where incoming calls or texts may disrupt normal workflow. If employee use of a personal mobile devices causes disruptions or loss in productivity, the employee may become subject to disciplinary action. Abuse of this policy may result in disciplinary action up to and including termination.

VIII. Replacement of Lost or Damaged Electronic and Mobile Devices: Employees will be allowed a replacement mobile device in accordance with the agreement of the service provider, as determined by the department head. In the event the employee damages or loses their assigned device, the employee may be required to reimburse the City for expenses associated with replacing the device, at the discretion of the City Manager.

IX. Policy Revisions: This policy is being instituted by the City and is a supplement to the Personnel Policy of the City of Hendersonville. The City Manager is authorized to make future revisions to this policy. It is understood that any substantive changes to the policy should only be implemented after first consulting with the City Council.

Adopted the seventh day of August 2017.

Travel Policy

I. Purpose: It is the policy of the City to authorize employees, elected officials, and appointed officials to conduct City business and to establish procedures for reimbursement of the costs associated with travel. Employees, elected officials, and appointed officials are encouraged to attend trainings, conferences, and meetings of professional associations.

II. Applicability:

1. All employees that are required to be away from the City in order to engage in an environment pursuant and relevant to their current position.
2. All elected officials that are required to be away from the City in order to engage in an environment pursuant and relevant to their current position.
3. All appointed officials that are required to be away from the City in order to engage in an environment pursuant and relevant to their current position.

III. General Policy: Training shall be defined as those conferences or sessions that provide certification or a learning environment for employees, elected officials, and appointed officials pursuant and relevant to their current City position.

It shall be the general policy of the City to allow employees and officials to travel to training sessions, seminars, and meetings of professional associations under the guidelines specified in this policy. Service by Council members in an official capacity as representatives of the City on state or regional committees and boards is encouraged and their travel expenses will be reimbursed.

All travel and reimbursement is contingent upon the availability of funds in the proper budget account and no travel or reimbursement will be permitted without the employee completing a Travel Authorization, Per Diem, and Expense Reimbursement Form, referred to as the Travel Form for the remainder of this policy.

Abuse of this policy is subject to disciplinary action up to and including termination.

IV. Employee and City Official Responsibility: An employee or official on City business is expected to exercise the same care in incurring expenses that a sensible person would exercise if traveling on personal business and spending personal funds. The following conduct is discouraged and may result in the denial of travel authorization and reimbursement in the future:

- Excess costs
- Circuitous routes
- Luxury accommodations
- Unnecessary and unjustified additional services

V. Approval Authority: The responsibility for keeping within the travel budget of each activity lies with the approving authority. The authorization of all travel is as follows:

1. The Mayor shall authorize the City Manager's travel and training requests.
2. City Council shall authorize the elected officials training and travel requests. City Council shall authorize the out-of-state travel requests of Council members. Travel expenses incurred as a City representative of a statewide regional committee, to attend a convention, or to attend a training directly related to the role of the City Council member will be reimbursed without City Council approval.
3. The City Manager or their designee shall authorize travel and training by the department heads and appointed officials. This shall also include the reimbursement of transportation expenses of individuals visiting for employment interviews.
4. The department head or their designee shall authorize travel and training by employees within their department.

VI. Procedure: All travel and training should be authorized in advance. Only those expenses allowed by this policy will be paid for by the City.

General Procedure

1. Requests for travel should be submitted to the authorizing party in advance of all travel. The authorizing party will review all documents to ensure all travel expenditures are documented, substantiated, are allowed by this policy and are within available budget.
2. All expenditures related to each travel event should be included on the Travel Form. This includes deposits or other costs incurred in advance on a City Purchasing Card.
3. Travel Forms should be submitted to the Finance department for processing no later than Wednesday of the week prior to travel.

VII. Reimbursable Expenses Guidelines

A. Personal Vehicles: Personal vehicles should only be used if a City vehicle is not available, not applicable, or not economical and practical. Use of a personal vehicle must be approved in advance by the department head with written justification on the Travel Form. Employees who choose to use a personal vehicle when a City vehicle is available, applicable, or economical and practical, will be reimbursed at one half of the current IRS standard mileage rate. If a city vehicle is not available, the requesting party may use a personal automobile and be reimbursed at the current IRS standard mileage rate. The IRS standard business mileage rate is updated annually at www.irs.gov. If more than one employee is attending the same event, carpooling is mandatory even if a personal vehicle is being used, unless the authorizing party determines that it is not economical or practical. When a group of employees or officials are traveling together to the same destination, only one traveler will receive reimbursement.

No reimbursement will be made for expenses incurred in making repairs or towing a personal vehicle.

B. City Vehicles: City vehicles should be used whenever possible for any authorized travel. The employee requesting the City vehicle must sign a check-out form before travel and sign the form when the vehicle is being returned after travel. The requesting party must obey all laws of the jurisdiction in which the automobile is being operated. The City will not reimburse any expenditures related to any law enforcement fines or fees incurred traveling on City business. The City vehicle will be used for City business and activities only. Non-City employees will not be allowed to ride in City vehicles. Reimbursement will be made for repairs, gasoline, oil, parking, toll fees, and other unavoidable expenses of the City vehicle. A paid receipt must be included to support all reimbursement requests. Fuel for City vehicles should be purchased with the City Fleet fuel card. A City Purchasing Card may not be used, unless there is an emergency. Any employee or official operating a city vehicle should use the same care that a sensible person would use if operating his or her own personal vehicle.

C. Rental Vehicles: A rental vehicle may be used when it is determined that no other transportation is cost-effective, practical, or possible. A rental vehicle will be used for City business and activities only. Use of a rental vehicle must be approved in advance on the Travel Form. Additional vehicle rental expenses incurred while on City business may also be reimbursed upon completion of the trip with the proper documentation on a supplemental Travel Form for reimbursement. City employees and officials are covered under City insurance when renting a vehicle. Additional insurance is not needed and will not be reimbursed.

D. Airfare: Generally, the lowest priced coach class airfare should be purchased. Other classes may be approved if additional documentation is provided detailing better rate, lack of availability, or necessity because of disability or other special need.

Air travel should be paid for with a City Purchasing Card. Airfare purchased with personal funds will not be reimbursed until after travel is completed. Airfare purchased with "miles" or "points" will not be reimbursed.

One checked bag is approved per City-authorized traveler unless excess fees are due to a valid business purpose.

Travel to the airport is reimbursable and should be the most practical and economical method available. Personal vehicle travel to the airport will be reimbursed at the IRS standard business mileage rate at the time plus parking.

If parking at the airport, only the economy lots are approved for reimbursement.

E. Other Transportation: All necessary air, bus, taxi, train, or similar transportation must be obtained at the most cost-effective rate available for the economic benefit of the City. Reimbursements will be made for actual costs that are incurred and receipt supported with the completion of a supplemental Travel Form.

F. Accommodations: The City will not pay for out of town accommodations for travel within a 60 mile radius of City Hall unless approved by the City Manager or their designee. Lodging costs in the host city may be claimed from the night before the authorized event starts through the night before it ends, unless timely return transportation is not possible, thereby necessitating additional lodging costs. Employees must provide documentation as to the purpose of being away from the City for the business benefit of the City for every day that travel is being requested. Going to an event earlier than necessary or staying later than necessary will not be paid for by the City. Accommodations costs will be reimbursed at the actual amount incurred. Reservation confirmation for accommodations must be submitted with the Travel Form in advance of travel, including reservations made with a City Purchasing Card. Employees and officials are limited to reserving the most cost-effective accommodations that will permit the employee or official to conduct his or her City business. Special government rates should be obtained if available.

City employees and officials are responsible for any no-show fee incurred unless an emergency or other department head approved business reason causes the cancellation. Employees should always obtain a cancellation number from the accommodations entity to protect against no-show billings. Funds prepaid by the City, which relate to canceled arrangements, must be refunded to the City by the employee or official.

No room incidentals are to be paid for by the City or charged to a City Purchasing Card. Miscellaneous expenses are not considered part of a per diem reimbursement, therefore, substantiation is required. The City will require actual receipts or written certification as substantiation. Miscellaneous expenses include cab fares outside of travel to and from the event site, fax, telephone, copy charges, and other business related expenses. Any expense not in line with this policy will be paid for by the employee. In the event that any unauthorized travel charge is incurred on a City Purchasing Card, the City may deduct the expense from the employee's next payroll check.

G. Meals

Per Diem: Employees and officials traveling on overnight City business may receive a per diem for meals for travel according to the following schedule:

- Breakfast – Depart prior to 6:00 a.m.
- Lunch – Depart prior to 10:00 a.m. (day of departure) or return after 2:00 p.m. (day of return)
- Dinner – Return after 8:00 p.m. If stopping for dinner would cause the employee or official to return after 8:00 p.m. when the employee or official would have otherwise returned prior to 8:00 p.m., dinner will not be reimbursed.

Per Diem*	Breakfast	Lunch	Dinner	Total
	\$14	\$16	\$30	\$60

If a meal is included as part of a registration fee for an event paid requiring overnight travel, a deduction from the per diem will be made accordingly. Employees and officials will receive a per diem or reimbursement for breakfast if no hotel continental breakfast is included in their hotel registration or if they choose to eat breakfast elsewhere.

If travel is unexpectedly extended, the traveler must submit a new per diem request for approval upon return and will be reimbursed at the per diem rate.

H. Other Travel Expenses: Any phone charges, unless previously authorized or fully-detailed and business related, are not permissible for reimbursement.

In-room movies or entertainment that are billed to the employee's or official's room that have no relation to the legitimate nature of the business travel are the responsibility of the traveler and will not be reimbursed by the City.

Parking fees and tolls will be reimbursed with proper documentation and receipts. These expenses should be included under "Other" on the Travel Form.

Gratuities paid for luggage handling at hotels, airports, or other similar areas will be reimbursed at a reasonable and customary rate.

Tips, vending machine purchases, and other similar expenses are included in the per diem meal allowance and will not be reimbursed by the City.

Reimbursement for purchases paid by the traveler with their own funds, or their personal debit or credit card, will not be reimbursed until travel is complete.

VIII. Vacation, Familial Travel, or Traveling with Other Employees and Officials

A. Combining Business and Vacation: If an employee wishes to combine a City business-related trip with a personal vacation, the department head must approve the arrangement in advance. The City will only reimburse the portion of the trip that was for City business and activities.

The traveler must clearly detail and provide documentation of which expenses will be for the business portion of travel. The employee must specify the dates of the City business or activities and the total days of the trip in order to document work hours.

Great care must be exercised to ensure that the traveler does not, in appearance or fact, have personal gain at the expense of the City.

Any discounts received due to extended or combined travel, such as free days, discounted rates, etc., must be applied to the business portion of the travel.

It is the responsibility of the approving authority to ensure travel combining business and vacation meets all requirements of this policy.

B. Travel with Spouse or Family: Spouses and family members may accompany an employee or official on City business-related trips. However, the City provides reimbursement only for the employee's or official's expenses. Spouses and family members are not allowed to travel in City vehicles. Any additional expenses that the employee or official would not incur if traveling alone will not be reimbursed. Employees are required to put all expenses that are incurred due to spouse and family travel on a personal debit or credit card and they will be reimbursed only for their portion of the business-related costs upon return from travel. Employees must provide documentation of costs associated with single-person travel and documentation of actual costs incurred. No purchase is to be put on the employee's City Purchasing Card that is over what the City would pay for a single employee traveling.

C. Travel with Someone from Another Organization: If an employee travels with someone from another organization in a vehicle owned by that person or his or her employer, and if he or she shares the cost of the trip, he or she can receive reimbursement for their share only if proper documentation and receipts are submitted. This method must be approved by the proper approval authority. A waiver may be required. Employees are reminded that City insurance provides less coverage for City employees not traveling in City vehicles. More detailed information can be found on the North Carolina League of Municipalities website or in the Human Resources Department.

IX. Travel Expense Report: The Travel Form must be used regardless of the employee's intention to be reimbursed for payments or not. All expenditures related to each travel event, including any expenditures for travel paid for in advance on a City Purchasing Card must be detailed and documented on a Travel Form. Travel Forms should be completed prior to travel. However, employees may submit supplemental expense reports for any additional costs incurred to be reimbursed no later than ten working days after return from the trip. Expense report accommodations receipts must reflect no more than single accommodation rates for employees and officials. Employees who travel with non-City employees must also provide documentation for what was paid during the business portion of the travel. The employee will complete the expense report and attach original bills and or receipts to support the following expenditures:

- Accommodations
- Transportation Costs
- Registration Fees (a brochure, agenda or program from the event detailing all days included in the event)
- Car Rental Fees (when applicable)
- City Vehicle Expenditures (repairs, gas, oil, parking, tolls, etc.)

A. Approval and Processing of Travel Expense Reports: Reimbursement requests must be submitted to the department head for approval in advance of travel. After approval by the department head, the Travel Form will be forwarded to the Finance Department in advance of travel.

The Finance Department will determine that the reimbursement form has been properly approved, that it is mathematically correct, and that expenses agree with submitted documentation and receipts and are within limits set by this policy. If an error is found in the reimbursement request, the requesting party will be informed and the error will be corrected before payment is made. Any expenses found to not be in line with this policy will be paid for by the employee.

Before the reimbursement is made, the Finance Department will determine that an amount sufficient to pay the request has been accounted for or that there is a sufficient unexpended appropriation in the expenditure line item.

An employee submitting a falsified Travel Form knowingly will be subject to disciplinary action up to and including termination. A department head who approves a Travel Form which is known to be falsified will be subject to disciplinary action up to and including termination.

X. Travel Policy Revisions

The City Manager is authorized to make future revisions to this policy, including an adjustment to the per diem rate for meals while traveling, mileage reimbursements, and other monetary matters. It is understood that any substantive changes to the Travel Policy should only be implemented after first consulting with the City Council.

Adopted the seventh day of September 2017.

N. Consideration of an Application by the Walk of Fame for a Grant from the Community Foundation: City Clerk Tammie Drake reported the Walk of Fame Steering Committee would like to submit a request to the Community Foundation for grant funds. The grant funds will be used to pay for the

markers and assist with the banquet expenses for the next class of honorees chosen. Because the Walk of Fame is not a 501(c)(3), the City must apply on their behalf. This is to authorize the application for \$4,170.

O. Consideration of a Contract for Engineering Services and Construction Administration for the 2017 Wastewater Treatment Facility Improvements Project with McKim and Creed:

Mr. Lee Smith reported one part of this project includes the replacement of a failing traveling bridge gravity sand filter with an Aqua Aerobic's AquaDiamond cloth media filter system. This will involve the removal of one of the two traveling bridge gravity sand filter trains and replace that with the AquaDiamond filtering system. This one unit will handle the permitted flow and more leaving the other traveling bridge gravity filter has a backup. He reported the engineer's estimate for this project is \$1,320,000 plus engineering services.

Mr. Lee Smith reported the other part of this project is to provide backup power supply for the City's wastewater treatment facility, which currently has no back-up power supply. This includes the addition of two generator sets (1-600 kW genset and 1-800 kW genset) with transfer switching. The engineer's estimate for this project is \$1,328,500 plus engineering services.

The total estimated cost for construction of this overall project is \$2,648,000 and with engineering services at \$370,500, the percentage for engineering services, including design, permitting, bidding and construction administration, is approximately 14%.

P. Consideration of a Resolution Affirming the City of City Council's Support Regarding the Sustainable Stormwater Initiative: Engineering Director Brent Detwiler reported the NC Department of Environmental Quality (DEQ) has announced a new voluntary program to assist municipal separate storm sewer systems (MS4) and demonstrate to the Environmental Protection Agency (EPA) the state's commitment to building sustainable local stormwater programs. This program will, in turn, lessen permit reporting requirements for participating local governments.

The new program is named the North Carolina MS4 Sustainable Stormwater Management Program (MS6), and it is a collaborative initiative of DEQ and League affiliate organizations the Storm Water Association of North Carolina (SWANC) and the American Public Works Association – North Carolina Chapter (APWA-NC), in partnership with EPA - Region 4.

Mr. Detwiler explained while voluntary and non-regulatory, the MS6 program strives to build sustainable community stormwater management programs that focus on program efficiency, effectiveness, collaboration, and strong municipal and community support. The intent is to develop and build a network of stormwater support across communities within the state through peer reviews, open information reporting and exchange, and best practice development and sharing. DEQ and EPA support the innovative program and recognize the goals of developing consistent, scalable, practicable, and adaptable stormwater measures that fit local community needs, as well as meet state and federal regulatory requirements.

Mr. Detwiler stated communities that participate in the MS6 program in good standing will gain many benefits, including waiver of the DEQ annual MS4 permit reporting requirement, access to a sustainable program framework with gap analysis review and guidance on six MS4 program areas, open information sharing among participants, and access to a clearinghouse of best practices. They will also receive a consistent set of key metrics for evaluating and reporting the performance of their storm management programs. He presented the following resolution in support of the MS6 program.

Resolution #17-0966

RESOLUTION AFFIRMING THE CITY OF HENDERSONVILLE CITY COUNCIL'S SUPPORT
REGARDING THE SUSTAINABLE STORMWATER INITIATIVE

WHEREAS, the North Carolina Municipal Separate Storm Sewer System Sustainability Strategy (NC MS6) will allow the City to demonstrate and model success in maintaining NPDES MS4 regulatory compliance while continually improving upon practicable measures to help achieve local, state, and federal stormwater management goals.

WHEREAS, the NC MS6 will allow the City to lead in transparency, open data reporting, public engagement and collaboration, and results-based adaptive management that benefits the community and watersheds served by the stormwater program, the regulated entity, regulatory agencies, and broader program stakeholders.

WHEREAS, the NC MS6 will allow the City to identify and implement program strategies and measures to meet the community's existing stormwater management requirements and needs while anticipating and preparing for the future.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Hendersonville hereby affirms its support of the North Carolina Municipal Separate Storm Sewer System Sustainability Strategy (NC MS6).

Adopted this, the 7th day of September 2017.

/s/Barbara G. Volk, Mayor

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

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

6. Recognitions:

A. Alzheimer's Awareness Day Proclamation: Mayor Volk presented a proclamation to Mollie Good to raise awareness and funds for Alzheimer's care support and research.

B. Report from Girl Scout Troop 1886 Regarding their "Apple Quest" Silver Award Project: Mr. Brad Vail, Assistant Leader of Troop 1886, reported on the success of the "Apple Quest" project. He expressed appreciation for the Council's support and encouragement. The Girl Scouts are seeking their gold awards.

C. Service Excellence Quarterly MVP – Mike Huffman: City Manager John Connet stated Mr. Huffman received three MVPs during the last quarter and was selected as an MVP. Mayor Volk presented a certificate to Mr. Huffman.

D. Reminder and Invitation to the Historic Berkeley Mills Park Celebration: Historic Preservation Commission Chair Cheryl Jones encouraged the Council's participation in the Historic Berkeley Ball Field celebration on Saturday, September 16.

E. Proclamation for National Colonial Heritage Month: Mayor Volk presented a proclamation to Diane Janis for National Colonial Heritage Month in October.

7. Public Hearing – Consideration of an Ordinance to Extend the Corporate Limits of the City of Hendersonville as Petitioned by Carolina Village: Mrs. Frady presented a petition from the Trustees of Carolina Village for contiguous annexation of parcels 9579-08-6537, 9570-09-1625 and 9569-99-7294 containing approximately 19 acres, located off N. Main Street. This annexation application is a part of the application for a special use permit for Carolina Village that was heard at the August meeting.

Mrs. Frady reported the Council accepted the Clerk's Certificate of Sufficiency at their August meeting and recommended a public hearing for the September 7, 2017 City Council 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 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 6:21 p.m. No one expressed a desire to speak. Mayor Volk closed the public hearing.

Mayor Pro Tem Caraker requested permission to be recused from the vote because of his employer's involvement in the project. **Council Member Smith moved Council to recuse Mayor Pro Tem Caraker from the vote on the issue. Motion carried.**

Council Member Smith moved City Council adopt an ordinance annexing the property included in the petition from Carolina Village effective September 7, 2017. A unanimous vote of the Council followed. Motion carried. [Mayor Pro Tem Caraker did not vote.]

Ordinance #17-0967

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF
THE CITY OF HENDERSONVILLE, NORTH CAROLINA
Carolina Village**

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 September 2017, 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 day of September 2017.

DESCRIPTION OF PROPERTY/ LEGAL DESCRIPTION: Being the Tracts described in Deed 1101, Page 286 and Deed Book 1077, Page 350.

Beginning at the Center line of Clear Creek road, S.R. 1535, and the centerline of Clear Creek.

THENCE North 71 degrees 10 minutes 41 seconds East for a distance of 43.88 feet to a point in the centerline of Clear Creek THENCE North 42 degrees 49 minutes 21 seconds East for a distance of 78.04 feet to a point in the centerline of Clear Creek. THENCE North 43 degrees 32 minutes 08 seconds East for a distance of 72.66 feet to a point in the centerline of Clear Creek. THENCE North 43 degrees 42 minutes 38 seconds East for a distance of 49.16 feet to a point in the centerline of Clear Creek. THENCE North 75 degrees 36 minutes 38 seconds East for a distance of 85.26 feet to a point in the centerline of Clear Creek. THENCE South 67 degrees 49 minutes 44 seconds East for a distance of 182.53 feet to a point in the centerline of Clear Creek. THENCE South 77 degrees 12 minutes 11 seconds East for a distance of 157.34 feet to a point in the centerline of Clear Creek. THENCE North 60 degrees 11 minutes 30 seconds East for a distance of 115.16 feet to a point in the centerline of Clear Creek. THENCE North 29 degrees 28 minutes 57 seconds East for a distance of 64.55 feet to a point in the centerline of Clear Creek. THENCE North 73 degrees 32 minutes 15 seconds East for a distance of 47.59 feet to a point in the centerline of Clear Creek. THENCE South 86 degrees 16 minutes 47 seconds East for a distance of 79.26 feet to a point in the centerline of Clear Creek. THENCE South 62 degrees 16 minutes 45 seconds East for a distance of 68.95 feet to a point in the centerline of Clear Creek. THENCE South 71 degrees 42 minutes 00 seconds East for a distance of 66.12 feet to a point in the centerline of Clear Creek. THENCE North 87 degrees 30 minutes 12 seconds East for a distance of 74.38 feet to a point in the centerline of Clear Creek. THENCE North 80 degrees 13 minutes 16 seconds East for a distance of 80.79 feet to a point in the centerline of Clear Creek at the Western margin of the Right of Way for Interstate 26.

THENCE South 37 degrees 16 minutes 05 seconds East for a distance of 232.19 feet with the Western Right of Way for Interstate 26 passing a #4 Rebar set online in a ditch at 66.91 feet to a #4 Rebar set. THENCE South 63 degrees 38 minutes 22 seconds East for a distance of 113.43 feet with the Western margin of the Right of Way for Interstate 26 to a Existing Concrete Monument. THENCE along a curve to the left having a radius of 3954.72 feet and an arc length of 275.51 feet, being subtended by a chord of South 42 degrees 56 minutes 18 seconds East for a distance of 275.45 feet with the Western Margin of the Right of Way for Interstate 26 to a Existing #4 Rebar standing South 21 degrees 54 minutes 04 seconds East for a distance of 162.67 feet from N.C.G.S. monument "Clear" having N.A.D. 83 coordinates of North- 599607.293 feet and East- 970851.144 feet with a combined factor of 0.99977749. Thence South 01 degrees 09 minutes 26 seconds East for a distance of 271.45 feet to a point. Thence North 42 degrees 21 minutes 09 seconds West for a distance of 104.48'. Thence North 42 degrees 28 minutes 45 seconds West for a distance of 287.67 feet to a point. Thence South 38 degrees 34 minutes 52 seconds West for a distance of 204.00 feet to a point.

Thence South 50 degrees 38 minutes 23 seconds West for a distance of 614.21 feet to a point passing a Capped Rebar online at 613.55 feet. THENCE North 48 degrees 58 minutes 41 seconds West for a distance of 75.43 feet to a Existing 3/4" Iron Pipe. THENCE South 75 degrees 23 minutes 37 seconds West for a distance of 269.84 feet to a Existing 1/2" Iron Pipe passing a Existing Capped Rebar online at 189.16'.

THENCE North 21 degrees 18 minutes 50 seconds West for a distance of 40.05 feet to a Existing Bent #4 Rebar
THENCE North 20 degrees 51 minutes 42 seconds West for a distance of 60.25 feet to a Point.

THENCE North 29 degrees 48 minutes 02 seconds West for a distance of 100.00 feet to a Point.

THENCE North 42 degrees 23 minutes 02 seconds West for a distance of 100.00 feet to a Point.

THENCE North 47 degrees 23 minutes 02 seconds West for a distance of 176.83 feet to a Point.

THENCE North 01 degrees 52 minutes 48 seconds West for a distance of 34.16 feet to a Point in the centerline of Clear Creek road, S.R. 1503. THENCE North 05 degrees 31 minutes 42 seconds West for a distance of 34.91 feet to a point in the centerline of Clear Creek Road, SR. 1503. THENCE North 07 degrees 36 minutes 26 seconds West for a distance of 26.13 feet to a Point in the centerline of Clear Creek road, S.R. 1503. THENCE North 09 degrees 29 minutes 51 seconds West for a distance of 51.24 feet to a Point in the centerline of Clear Creek road, S.R. 1503. THENCE North 12 degrees 12 minutes 16 seconds West for a distance of 51.08 feet to a point in the centerline of Clear Creek road, S.R. 1503.

THENCE North 13 degrees 20 minutes 42 seconds West for a distance of 54.62 feet to a point in the centerline of Clear Creek road, S.R. 1503 THENCE North 14 degrees 28 minutes 33 seconds West for a distance of 215.61 feet to a Point in the centerline of Clear Creek road, S.R. 1503. Together with and subject to covenants, easements, and restrictions of record.

LEGAL DESCRIPTION - Being the Tract described in Deed 1565, Page 348.

BEGINNING AT A 1/2" IRON PIPE STANDING SOUTH 18 DEGREES 00 MINUTES 15 SECONDS WEST A DISTANCE OF 902.69 FEET FROM N.C.G.S. MONUMNET "CLEAR" HAVING N.A.D. 83 COORDINATES OF NORTH- 599607.293 FEET AND EAST- 970851.144 FEET WITH A COMBINED FACTOR OF 0.99977749.; THENCE SOUTH 85 DEGREES 22 MINUTES 35 SECONDS EAST A DISTANCE OF 341.86 FEET TO A 3/4" AXLE; THENCE SOUTH 03 DEGREES 57 MINUTES 05 SECONDS WEST A DISTANCE OF 214.27 FEET TO A 3/4" AXLE; THENCE NORTH 85 DEGREES 00 MINUTES 48 SECONDS WEST A DISTANCE OF 394.68 FEET TO A 3/4" IRON PIPE; THENCE NORTH 49 DEGREES 49 MINUTES 23 SECONDS WEST A DISTANCE OF 146.51 FEET TO A 1" AXLE; THENCE NORTH 57 DEGREES 52 MINUTES 32 SECONDS EAST A DISTANCE OF 211.53 FEET TO THE POINT AND PLACE OF BEGINNING.

Section 2. Upon and after the seventh day of September 2017, 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 September 2017.

/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 an Application for the Rezoning of a Parcel Located on Signal Hill Road off Thompson Street from R-20 Low Intensity Residential to C-3 Highway Business:

Planner Matt Champion presented an application for a zoning map amendment. The applicant is Tom Jacobson and the property owners are Julie Green, Philip Green, and North Main Street Properties of Hendersonville, LLC. The application is for a vacant parcel 9579-16-7043 consisting of 2.29 acres. This parcel is located off Thompson Street on Signal Hill Road. The property is currently split-zoned C-3 and R-20. The proposed zoning district is C-3 Highway Business.

Mr. Champion stated the Development Assistance Department recommends rezoning a portion of the adjacent parcel 9579-25-0812, which is listed to the City of Hendersonville Board of ABC. A small portion on the western edge of the Board of ABC property is currently zoned R-20 Low Density Residential while the rest of the property is zoned C-3 Highway Business. This 0.01-acre portion recommended to be rezoned from R-20 Low Density Residential to C-3 Highway Business in order to clean up the City's Zoning Map.

Comprehensive Plan Consistency: Mr. Champion stated the 2030 Comprehensive Plan's Future Land Use Map designates the subject area as High Intensity Neighborhood and Regional Activity Center. He reviewed the purpose of the classification.

Mr. Champion reviewed the surrounding land uses and zoning classifications, existing zoning and dimensional requirements for both zoning classifications as well as the dimensional requirements, permitted and conditional uses.

Zoning Ordinance Guidelines: Mr. Champion reviewed the factors contained in Section 11-4 of the Zoning Ordinance. He reported the Development Assistance Department staff has not found any issues related to the guidelines.

Planning Board vote: The Planning Board voted unanimously to recommend City Council adopt the ordinance amending the official zoning map changing a portion of the zoning designation of parcel number 9579-16-7043 and 9579-25-0812 from R-20 Low Density Residential to C-3, Highway Business, finding that the rezoning is consistent with the Comprehensive Plan, the rezoning is reasonable and in the public interest for the following reason: highest and best use for the property.

Council Member Miller commented the zoning error was discovered through a realtor.

Mayor Volk opened the public hearing at 6:29 p.m. in accordance with North Carolina General Statutes by notice published in the Hendersonville Lightning. No one expressed a desire to speak. She closed the public hearing.

Mayor Pro Tem Caraker moved City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing a portion of the zoning designation of parcel number 9579-16-7043 and 9579-25-0812 from R-20 Low Density Residential to C-3 Highway Business, finding that the rezoning is consistent with the Comprehensive Plan, the rezoning is reasonable and in the public interest because it brings the zoning to what is more prevalent in the area. A unanimous vote of the Council followed. Motion carried.

Ordinance #17-0968

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE

IN RE: FILE NO. P17-29-Z; Jacobsen

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

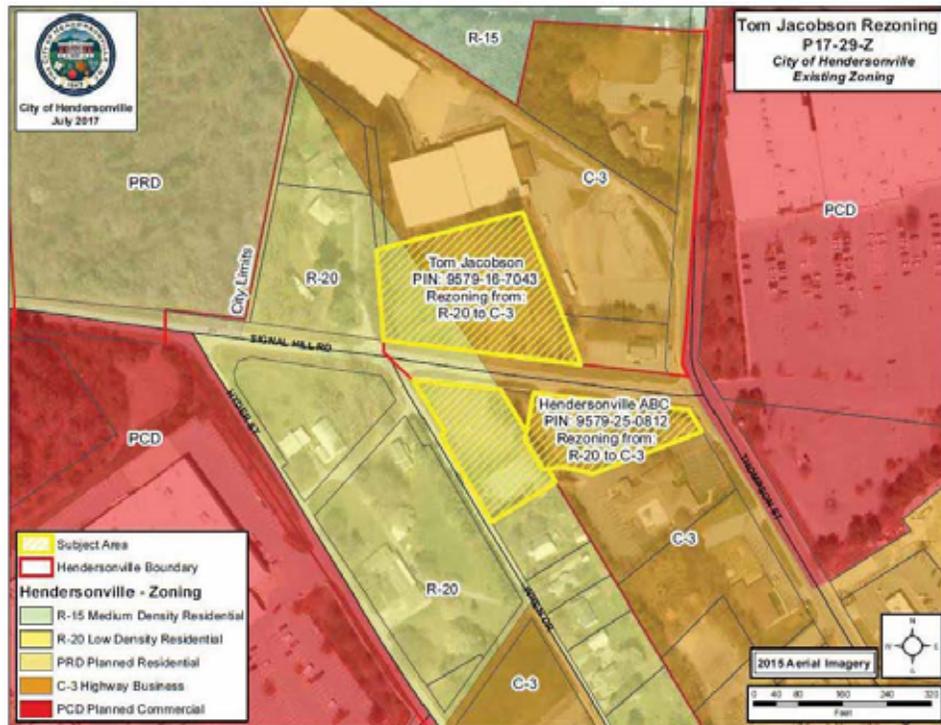
1. Pursuant to Article XI Amendments of the Zoning Ordinance of the City of Hendersonville, North Carolina, the Zoning Map is hereby amended by changing a portion of the zoning designation of parcel number 9579-16-7043 and 9579-25-0812 from City of Hendersonville R-20, Low Density Residential to City 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 September 2017.

/s/Barbara G. Volk, Mayor

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

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



9. Presentation of Police Department Long-Range Plan: Police Chief Herbert Blake, Captain Chris Leroy and Captain Bruce Simonds were in attendance. Chief Blake presented the Police Department's long-range plan.

Chief Blake identified the following goals and provided key proposals for each:

- Control and reduce crimes for a safer community,
- Reduce crashes and improve traffic safety,
- Maintain high professional standards through staff growth, training, and development,
- Improve internal and external communications and
- Plan for capital improvements and necessities.

Chief Blake reviewed the number of calls for service for 2012-2016 and population counts.

The Council discussed traffic crashes, graffiti solutions and the Alive at 25 young driver safety course. Council Member Miller reported interest by a National Guard recruiter who wants to create a volunteer citizens group, in cooperation with property owners, to react quickly and remove graffiti. He asked if that is something that could be pursued. Chief Blake responded yes. Mr. Connet stated staff would like to have a conversation regarding graffiti removal on historic buildings, etc. Chief Blake agreed if graffiti is quickly removed, there would not be as much.

No action was required or taken by the Council.

10. Consideration of West Hendersonville (Buncombe Street) Stormwater Issues and Plan: Mr. Brendan Shanahan made a presentation to the Council on the Buncombe Street drainage area improvements. He stated some joints and sections have eroded and failed. The area encompasses about 70 acres and is a tributary to Wash Creek. It receives drainage from 6th Avenue, First Baptist Church and Crosswalk Student Center, Elk's Lodge, the U.S. Post Office, the County Library and approximately 70 homes. He stated the system includes open streams and enclosed drainage. The age and condition of the system is variable. He stated the system crosses utilities, under roads and yards, winding through and around homes. He provided photos of the drainage area and drainage structures.

Mr. Shanahan stated while precedent indicates the City does not maintain stormwater on private property some exceptions are made when it is deemed in the public interest. He stated a property owner petitioned the Council for assistance after a recent heavy rain event and the Council committed to repairing the failure which led to structural damage to a house. He presented a proposed repair 15-20 feet from the original line providing more space for foundations, and tying into the existing system. He detailed elements of the repair including a survey of the system, connecting to the system with junction boxes, installing approximately 240 linear feet of pipe and filling in the abandoned section of the system so further erosion does not occur. He estimated a four-month completion date.

Mr. Shanahan provided a conservative estimate of \$168,000 that does not include easement acquisition or geotechnical engineering if necessary. He stated following the repairs a concern of maintaining the public system across private property will continue because of the age of the system and inevitability of other failures.

Long-term Maintenance Plan: Mr. Detwiler explained the focus initially was on the 300 block of Buncombe. He reported staff investigated the larger drainage area because of the age and condition of the infrastructure. He reviewed slides delineating areas of concern. He stated issues became known from the heavy rain event in July.

Mr. Detwiler reviewed the infrastructure of the system and need repairs. Buncombe Street drainage area possible improvements consist of environmental permitting, moving some storm lines from private property to the street right-of-way, and reduction of public stormwater. The repairs should be coordinated with other CIP projects: water line or sewer line work. He stated traffic will be impacted while the work is being done. He stated the Wash Creek line received the most impact from the July rain event. He stated there is a significant area that is draining into that system.

Mr. Connet asked for Council's concurrence to move forward with the repair they have committed to with estimated cost of \$168,000. **The Council concurred to move forward with the stormwater repair work on Buncombe Street.** He stated he has spoken to four of the five property owners who have agreed to grant easements, etc. He stated the larger project will be discussed with the CIP. He asked staff to give this context to the Council to show this is a small piece of a much larger issue in that area.

Mayor Volk expressed appreciation for the work.

11. Discussion of Purchase of Laurel Park Water System: City Manager John Connet presented a letter from the Town of Laurel Park regarding the sale or merger of their system with the City of Hendersonville. He asked Council to provide direction on how to proceed with this matter.

Mr. Connet recommended a comprehensive review of the report and the City conduct an evaluation to determine the cost/benefits and capital costs before any negotiations begin. He asked if City Council is comfortable with continuing discussions with the Town of Laurel Park. There are some possible benefits to the City's system.

There was discussion of the rates in Laurel Park and the condition of the system. Mr. Lee Smith reported Laurel Park has done a lot of line replacements and have tried to bring the level of service up.

After discussion, **there was no objection by the Council to direct staff to continue discussions, analyses, etc. for a merger or purchase of the Laurel Park system.**

12. Discussion of Naming Opportunities at Berkeley Mills Park: At the direction of the Council, Mr. Connet presented a plan to raise private funds in order to implement the Master Plan at Berkeley Mills Park. He presented a list of naming opportunities with donation levels for Council's consideration. He explained the City will install the basic infrastructure. The prices were established to address potential amenities for sponsors.

Berkeley Park Naming Opportunities	
Park	TBD by City Council
Baseball Field	\$150,000/\$25,000 per year for 6 years
Dog Park (1)	\$60,000/\$10,000 per year for 6 years
Dugout Improvements (2)	\$12,000 each/\$4,000 per year for 3 years
Playgrounds	
Single donor	\$150,000/\$25,000 per year for 6 years
Multi-donor (6)	\$25,000/\$5,000 per year for 5 years
Concession Building (1)	\$20,000/\$5,000 per year for 4 years
Grandstand Improvements (1)	\$50,000/10,000 per year for 5 years
Picnic Shelters (1)	\$20,000/\$5,000 per year for 4 years
Site Furnishings	
Bench	\$1,500
Picnic Tables	\$1,000
Scoreboard	\$30,000/ \$5,000 per year for 6 years
Memorial Trees	\$300.00

Notes:

1. Installment payments can be made in larger amounts, but will not exceed approved terms.
2. Multi-donor gifts will be recognized on signage listing all donors.
3. Cost for benches, picnic tables and memorial trees include name recognition plaques or stones.

The Council discussed the length of time of sponsorship, i.e., permanent or limited to a number of years, if the sponsor remains in business, etc. He stated terms may be established in an written agreement with the sponsor as provided by the Sponsorship Policy. Council Member Stephens commented Berkeley Mills donated the land to the City and the name of the park should remain as with the historic ball field. Council Member Stephens requested the greenway, or segments thereof, be included for sponsorship. He stated roads may also be added to the list of projects.

After discussion, **Council Member Smith moved Council approve the proposed list of naming opportunities for Berkeley Mills Park as presented by the City Manager. A unanimous vote of the Council followed. Motion carried.**

13. Comments for Mayor and City Council Members:**14. Reports from Staff:**

A. Contingencies Report: Mr. Connet provided a contingencies report.

B. Hurricane Irma: Fire Chief Joseph Vindigni provided a report on the potential impact on this area. A Proclamation for a State of Emergency was put into place by Mayor Volk as of 12:01 a.m. this date.

15. Boards and Commissions: Consideration of (Re)Appointments, Announcement of Upcoming Vacancies:

a) Consideration of Appointments: City Clerk Tammie Drake announced the (re)appointments and presented the applications on file.

Environmental Sustainability Board: City Clerk Tammie Drake reported Mr. Connet requested postponement of the appointment last month. **Council Member Miller nominated Mr. Steven Orr for a two-year term. A unanimous vote of the Council followed. Motion carried.**

b) Announcement of Vacancies and Upcoming Vacancies: Mrs. Drake announced the vacancies and upcoming vacancies/reappointments: Board of Adjustment, Downtown Advisory Committee, Seventh Avenue Advisory Committee, and the Historic Preservation Commission.

16. New Business: There was none.

17. Closed Session: At 8:05 p.m., Mayor Pro Tem Caraker moved City Council enter a Closed Session to establish or instruct the staff (or negotiating agent) concerning the position to be taken by or on behalf of the City Council in negotiating the price and other material terms of a contract for the acquisition of real property by purchase, option, exchange, or lease as provided under NCGS §143-318.11(a)(5). A unanimous vote of the Council followed. Motion carried.

The Council exited the closed session at 8:36 p.m. upon motion of Mayor Pro Tem Caraker and a unanimous vote.

Mayor Pro Tem Caraker moved City Council to move forward with sewer service without requiring annexation petition from Demmel, Inc. A unanimous vote of the Council followed. Motion carried.

Mayor Pro Tem Caraker moved City Council approve the purchase of a lot in Kenmure for \$20,000 plus closing costs. A unanimous vote of the Council followed. Motion carried.

At 8:35 p.m., Mayor Pro Tem Caraker moved Council to reenter closed session to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee as provided under NCGS §143-318.11(a)(6). A unanimous vote of the Council followed. Motion carried.

No action was taken upon the exit of the closed session.

18. Adjournment: The meeting adjourned at 9:10 p.m. upon unanimous assent of the Council.

Barbara G. Volk, Mayor

Tammie K. Drake, City Clerk