

MINUTES
March 1, 2018
REGULAR MEETING OF THE CITY COUNCIL
COUNCIL CHAMBERS – CITY HALL
5:45 p.m.

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

Staff Present: City Manager John F. Connet, City Clerk Tammie Drake, City Attorney Samuel H. Fritschner, Development Assistance Director Susan Frady, Engineering Director Brent Detwiler, Human Resources Director Jennifer Harrell, Planner Daniel Heyman, Budget and Management Analyst Adam Murr, Assistant City Manager Brian Pahle, Fire Chief Joseph Vindigni, Fire Department Administrative Aide Pam Ludwig, 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 those commenting to limit their comments to three minutes.

Kim Bertram, 2611 Old Kanuga Rd., Hendersonville, school crossing guard, advocated for a high visibility crosswalk at Highway 64/Valley Street. He requested that NCDOT be reminded of the high visibility crosswalk to increase safety for students.

Chris Walters, 415 Linwood Pond Road, Hendersonville, supported Mr. Bertram's request.

Ken Gordon, 713 Kanuga Road, Hendersonville, presented an addition to a petition presented at the February 6, 2018 meeting, with signatures of those who are opposed to the construction of a round-about at Kanuga/White Street.

Barbara Hughes, 315 N. Main Street, Hendersonville, spoke of her two famous heroes – Martin Luther King, and Billy Graham who passed away this week at age 99. She spoke of her local heroes: Council Member Jeff Miller for Honor Air, Mayor Barbara Volk for her service. She stated this community can be an inspiration to the nation. She stated kindness is also contagious. She shared a concept she created "The ties that bind us" that she hopes to inspire middle and high schools to implement similar goals. Mayor Volk expressed appreciation for the comments.

4. Consideration of Agenda:

Additions to Regular Agenda:

5a: Presentation of Proclamation for National Service Recognition Day

5b. Introduction of Newly-Appointed Finance Director

Removal from Consent Agenda – Added to Regular Agenda as 10a:

H. Consideration of Agreement with YMCA for Patton Pool and Park Management

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

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

A. Consideration of Minutes: February 6, 2018 Regular Meeting

B. Consideration of Petition for Contiguous Annexation of Property Located at 914-920

Rutledge Annex – Acceptance of Clerk's Certificate of Sufficiency: Mrs. Frady presented a petition from Ryan Howell for contiguous annexation of parcel 9577-09-3339 and 9577-09-3279 containing 0.60 acres located at 914, 916, 918 and 920 Rutledge Annex. This annexation application is related to a sewer service request due to a failing septic system.

Mrs. Frady provided the Clerk's Certificate of Sufficiency finding that the petition is valid. The next step in the annexation process is to accept the Clerk's certificate and set a date for the public hearing on the question of adoption of an ordinance of annexation. The date for the ph1 was set for April 5, 2018.

C. Consideration of Granting a Two-Year Extension of a Special Use Permit for Lakewood Terrace: Mrs. Frady stated City Council approved a Special Use Permit for Flatiron Partners, LLC, on April

7, 2016 to construct 80 multi-family dwellings at Lakewood Terrace. The letter of approval states: *As per Section 7-14-13.1 of the City of Hendersonville Zoning Ordinance, construction shall commence within two years of the issuance of the special use permit.*

Mrs. Frady reported Flatiron Partners, LLC has requested the City Council grant an extension of the time to commence construction an additional two years. Section 7-14-3.1 of the zoning ordinance further states that City Council may, upon application prior to the expiration of a special use permit, or any extensions thereof, extend such special use permit for an additional period not to exceed 24 months.

D. Consideration of Utility Line Extension Agreement for Water Service for Groves at Town Center: Utilities Director Lee Smith presented a utility line extension agreement to provide water service to Groves at Town Center, located at 35 Howard Gap Road, Fletcher NC. This project requires an extension of the City's water system to provide service to a 168-unit apartment complex. This development will consist of one, two, and three-bedroom units, a clubhouse, playground and a dog park.

Mr. Lee Smith reported water service will be provided by approximately 1,970 linear feet of eight-inch waterlines and six fire hydrants. Sewer service will be provided by Cane Creek Sewer District.

This project is within the Zoning and Planning Jurisdiction of the Town of Fletcher and has received approval dated November 13, 2017.

Based on the above 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.

E. Consideration of an Acceptance of Offer to Purchase Property by Halvorsen Development Corporation: Mr. Connet reported the City Council closed a portion of Market Street in order to facilitate the construction of the new Publix Supermarket in February 2017. Upon the closing of the street, an area of 303 square feet, which was formerly right of way, reverted back to the City of Hendersonville. This small area is located within the proposed Publix Development.

Mr. Connet reported in 2016, Halvorsen Development Corporation offered to purchase this area for \$5,000, but due to the delay in the street closing, the offer and subsequent City Council action was never completed. At the February 1, 2018 meeting the City Council declared the property surplus, received Halvorsen Development's offer to purchase the property and directed the staff to advertise for upset bids. The sale of the property has been advertised in accordance with North Carolina General Statutes and no additional bids were received by the City Clerk. He requested the City Council formally approve the sale of the aforementioned 303 square feet to Halvorsen Development Corporation and authorize staff to complete the transaction.

Resolution #18-0316

RESOLUTION AUTHORIZING THE DISPOSITION OF CERTAIN REAL PROPERTY BY NEGOTIATED OFFER, WITH UPSET BID PROVISIONS (N.C.G.S. § 160A-269)

WHEREAS, the City Council of the City of Hendersonville, North Carolina, desires to dispose of certain property of the City as identified herein, and

WHEREAS, the City of Hendersonville has received an offer for the purchase of the real property, and

WHEREAS, the Council desires to instruct the City Manager to initiate disposition of this real property in accordance with North Carolina General Statutes 160A-269,

NOW, THEREFORE, BE IT RESOLVED by the City Council that:

- 1) The property is described as follows:

Consisting of 303 square feet, more or less, commonly referred to as a portion of the Market Street (formerly Shepherd Avenue) public right-of-way abandonment, lying and being in the City of Hendersonville, Henderson County, NC.

- 2) Subjects to the terms of this resolution the City Manager is authorized to dispose of the described property by negotiated offer, advertisement, and upset bids (N.C.G.S. 160A-269).

- 3) An offer of \$5,000 has been received for this property.

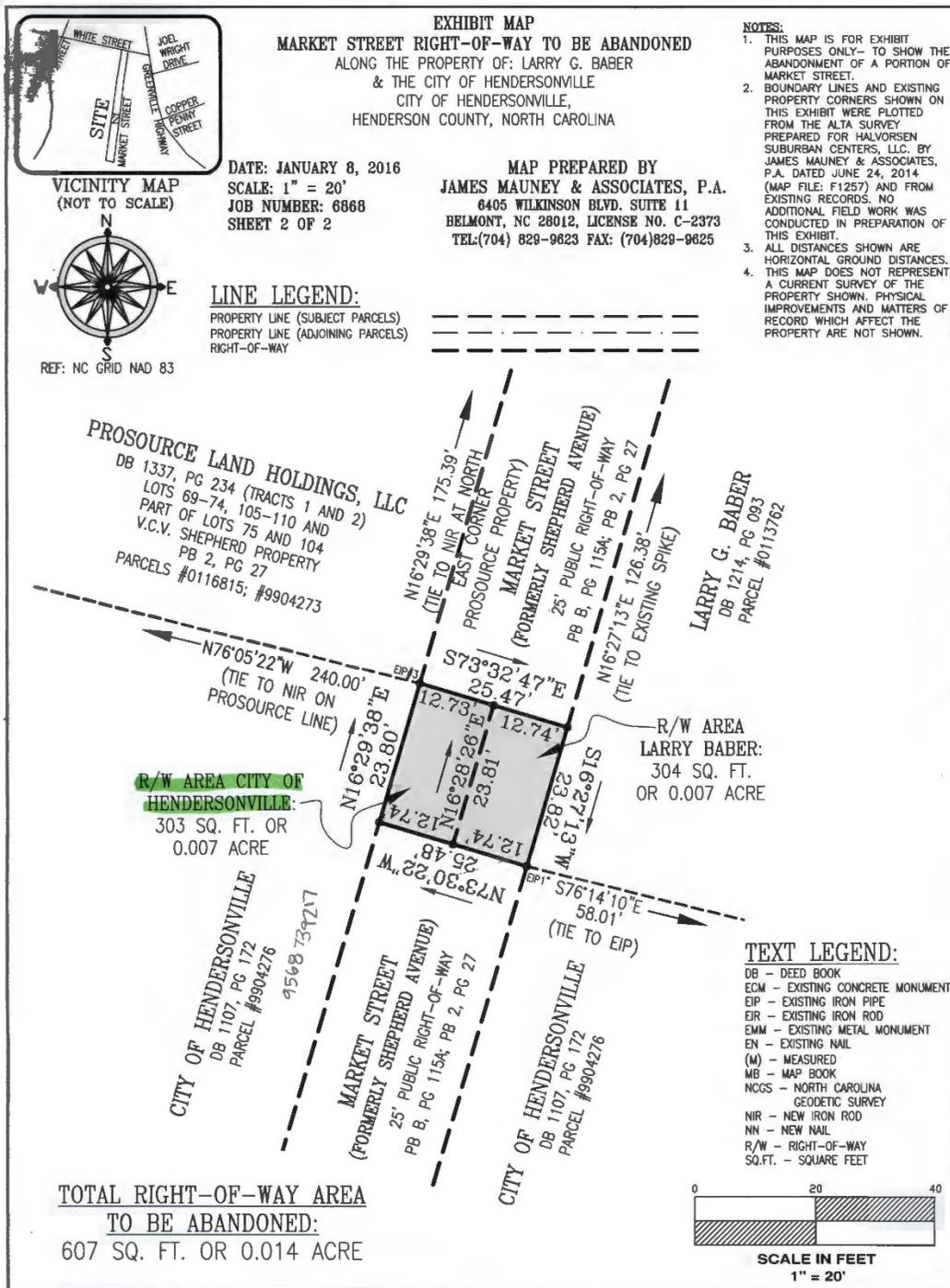
- 4) Sale of subject property will be subject to final City Council approval. The City of Hendersonville reserves the right to accept or reject any or all bids.

Adopted this second day of February, 2018.

/s/Barbara G. Volk, Mayor

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

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



MARKET STREET RIGHT-OF-WAY TO BE ABANDONED
 0.014 Acre
 Along the Property of Larry G. Baber & The City of Hendersonville
 Hendersonville, Henderson County, North Carolina

Being a portion of the existing public right-of-way of Market Street (formerly Shepherd Avenue) lying and being in the City of Hendersonville, Henderson County, North Carolina, to be abandoned, said portion of Market Street to be abandoned being more particularly described as follows:

BEGINNING at an existing iron pipe on the easterly margin of the right-of-way of Market Street (formerly Shepherd Avenue - 25' public right-of-way), said iron being a common corner between the City of Hendersonville property as described in Deed Book 1107, Page 172 of the Henderson County Public Registry and the Larry G. Baber property as described in Deed Book 1214, Page 93 of said Registry, said iron being furthermore located North 73°32'47" West a distance of 287.09 feet from North Carolina Geodetic Survey Control Monument "Creek" (SPC 83 Coordinates N: 583,838.76 feet; E: 968,442.98 feet; Combined Grid Factor: 0.99977800), and runs thence from said BEGINNING point with a new line crossing Market Street North 73°30'22" West a distance of 25.48 feet to a point on the westerly margin of the right-of-way of Market Street; thence with the westerly margin of the right-of-way of Market Street North 16°29'38" East a distance of 23.80 feet to an existing iron pipe at the common corner between The City of Hendersonville property as referenced above and the Prosource Land Holdings, LLC property as described in Deed Book 1337, Page 234 of said Registry; thence with a new line crossing Market Street South 73°32'47" East a distance of 25.47 feet to a point on the easterly margin of the right-of-way of Market Street; thence with the easterly margin of the right-of-way of Market Street South 16°27'13" West a distance of 23.82 feet to the point and place of BEGINNING; containing 607 square feet or 0.014 acre, more or less, as shown on the attached Exhibit Map prepared by James Mauney & Associates, P.A. dated January 8, 2016.

F. Consideration of a Resolution Accepting the Dedication of Certain Real Property

Interests to the City of Hendersonville: City Attorney Fritschner advised a completed dedication of a real property interest in this state requires two acts: (1) the dedication by the owner of the property interest and (2) acceptance by the dedicatee (in this case the City of Hendersonville.)

City Attorney Fritschner explained the most certain way to show acceptance would be a resolution by the City Council.

In conjunction with the water and sewer and engineering departments, the legal department is developing a method for providing for City Council acceptance of recorded documents, including easements and other property grants. City Attorney Fritschner reported the legal department will submit a list of projects approved by all of the aforementioned departments (but not signed by an authorized City agent) monthly for adoption of a resolution by the City Council accepting these dedications. He stated anyone searching to see whether the interest was accepted would then be able to find out simply by doing a search of the minutes.

City Attorney Fritschner stated typically these will be included with the proposed consent agenda along with copies of the recorded documents. He provided the following resolution for Council consideration/adoption.

RESOLUTION #18-0317

A RESOLUTION ACCEPTING THE DEDICATION OF CERTAIN REAL PROPERTY INTERESTS TO THE CITY OF HENDERSONVILLE

WHEREAS the City Council is advised that in order for a dedication to the City of an interest in real property, to be completed, requires not only the initial dedication but also the acceptance in some form by the City of the dedication; and

WHEREAS the City Council has determined that it is desirable for the City to accept dedications formally and in a manner that can easily be discovered; and

WHEREAS the City Council believes that the most formal and easily discovered method of accepting real property dedications is by City Council resolution, where the property interest has not been accepted by a document executed by an authorized City representative; and

WHEREAS the City Council is informed that the real property interests listed below have been dedicated to the City but not yet accepted in writing;

NOW, THEREFORE, BE IT THEREFORE RESOLVED that the City Council does hereby accept the dedication of the following identified real property interests effective as of the moment of adoption of this resolution:

<u>Dedicated by</u>	<u>Date of recording</u>	<u>Property interest and short description</u>
Hendersonco LLC	12/15/2017	(Mills River Nursing Home) water system & easement; PIN 9631857163
South Creek Cottages, LLC	12/15/2017	Water system & easement; PIN 962015631
Eade Road Investments, LLC	12/15/2017	Water system & easement – River Breeze Ln., off Eade Rd., Mills River; Plat slide 10951)
Flat Rock Hospitality, Inc	1/24/2018	Water system & easement – Fairfield Inn & Suites, Upward Rd.; PIN 9587599902
Norafin (Americas), Inc.	2/1/2018	Water system & easement – Schoolhouse Rd.; PIN 9631615703.

Adopted this first day of March 2018.

/s/Barbara G. Volk, Mayor

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

G. Consideration of Budget Amendments: W/S Budget Analyst Adam Murr presented the following budget amendments:

- 1) WTP Pumps & Equipment (Chlorine Scrubber), Fund 60, Decrease \$410,000, Fund 403, Increase \$410,000
An amendment to cover various overages in the W&S fund stemming from overtime, bank reconciliation, insurance, uniforms, and coding error. Moves funds designated for the Water Treatment Plant chlorine scrubber to a Capital Project Ordinance (tied with the high service pump station). CPO has been re-named WTP PUMPS & EQUIPMENT. Originally, this CPO was WTP HIGH SERVICE PUMP.
- 2) Walk of Fame, Fund 821, Increase \$2,000: An amendment to increase the Walk of Fame Committee budget to reflect costs associated with this year's event.
- 3) Grey Hosiery Mill, Fund 305, Increase of \$600,000: An amendment to increase the Grey Hosiery Mill Project Fund by \$600,000 to provide budget for streetscape improvements from Main St. to Grove St. along 4th Avenue. This is an initial estimate based on other street scape improvements in the district. This budget will be amended when final bids for the work come in. The budget is needed for preliminary design and survey work.

~~H. Consideration of Agreement with YMCA for Patton Pool and Park Management~~

Council Member Miller asked for discussion on item F. Consideration of a Resolution Accepting the Dedication of Certain Real Property Interests to the City of Hendersonville. This was added to the regular agenda as item 10b. **Council Member Caraker moved Council's approval of the remaining items listed on the consent agenda. A unanimous vote of the Council followed. Motion carried.**

5a. Proclamation – National Service Day: Mayor Volk issued a proclamation for National Service Day in recognition of AmeriCorps and Senior Corps participants and encouraged residents to recognize the positive impact of their service.

5b. Introduction of Newly-Appointed Finance Director John Buchanan: Mr. Pahle introduced the newly-appointed Finance Director for the City of Hendersonville, John Buchanan. He is a Certified Public Accountant and a Certified Government Finance Officer. Mayor Volk congratulated Mr. Buchanan.

6. Public Hearing – Consideration of an Order to Permanently Close an Unopened, Unnamed, and Unimproved Alley off Kensington Road – Request to Continue to April 5, 2018 Meeting: Mrs. Frady reported the applicant would like another month to work on the petition. **Council Member Caraker moved the public hearing on the street closing request be continued until the April 5, 2018 meeting. A unanimous vote of the Council followed. Motion carried.**

7. Public Hearing – Consideration of an Application from Chuck Anderson of CLA Builders, Inc. to Rezone a Portion of PIN 9569-41-8704 from R-15 Medium Density Residential to R-10 Medium Density Residential: Mr. Matt Champion presented the rezoning request from applicant Chuck Anderson. The property is listed to CLA Builders Inc. NC Corporation. The applicant is requesting to rezone a portion of PIN 9569-41-8704 from R-15 Medium-Density Residential to R-10 Medium-Density Residential. The parcel is located off of Haywood Road on Sylvan Boulevard and is approximately 1.67 acres.

Comprehensive Plan Consistency: Mr. Champion explained NCGS160A-383, zoning map amendments must be made in accordance with a comprehensive plan. He reported The 2030 Comprehensive Plan's Future Land Use Map designates the subject area as Medium Intensity Neighborhood.

Mr. Champion reviewed the *Surrounding Land Uses & Zoning Classification:* The parcel in the proposed rezoning request is currently vacant and split zoned. The subject area is 1.75 acres and approximately 1.22 acres is zoned R-10, Medium Density Residential and approximately 0.53 acres is zoned R-15, Medium Density Residential. The parcels to the north, northeast, and northwest are zoned R-10, Medium-Density Residential, which includes a mix of vacant property and single family residential structures. Parcels to the south, southeast, and southwest are zoned R-15, Medium Density Residential and includes a mix of single family residential structures and vacant property.

Analysis: Mr. Champion reviewed the dimensional requirements for both zoning district classifications along with permitted and conditional uses.

Zoning Ordinance Guidelines: Mr. Champion reviewed the guidelines contained in Section 11-4 of the City's Zoning Ordinance that must be considered prior to adopting or disapproving an amendment to the City's Official Zoning Map.

Planning Board Recommendation: Mr. Champion reported the Planning Board voted 5 to 2 to recommend City Council adopt an ordinance amending the official zoning map changing the zoning designation for a portion of parcel number 9569-41-8704 from R-15, Medium Density Residential to R-10, Medium Density Residential, finding that the rezoning is consistent with the Comprehensive Plan's Future Land use map, the rezoning is reasonable, and in the public interest for the following reasons: to unify the property into the same zoning.

Mayor Volk opened the public hearing at 6:05 p.m. in accordance with North Carolina General Statutes by notice published in the Hendersonville Lightning. The following addressed the Council:

Mr. Scott Bolyard addressed the Council stating there were some residents that were opposed to the rezoning at the Planning Board meeting. He stated they cannot show a plan for a rezoning request but their intentions were shared with those residents. He stated they want to rezone the smaller portion to R-10 because administratively it will make it easier to get development plans approved. He stated there are reduced setbacks in R-10. He stated it would also allow the developer to build two-single family dwellings. **The Council recognized that any and all permitted uses in the zoning classification may be put there.**

Ms. Kathlene Mink, 905 Sylvan Boulevard, asked questions about the times allowed for construction and expressed concerns about construction vehicles. Mr. Connet explained construction times are regulated by the Code. Mr. Champion offered information about what is allowed in the zoning classification. He offered to share plans and meet with her.

The public hearing was closed at 6:12 p.m.

Council Member Caraker moved the City Council to adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation for a portion of parcel number 9569-41-8704 from R-15 Medium Density Residential to R-10 Medium Density Residential, finding that the rezoning is consistent with the Comprehensive Plan's Future Land Use map, the rezoning is reasonable, and in the public interest for the following reasons: it unifies the zoning designation for the entire property. A unanimous vote of the Council followed. Motion carried.

Ordinance #18-0318

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

IN RE: FILE NO. P17-50-Z

Petitioner: Chuck Anderson – CLA Builders, Inc.

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

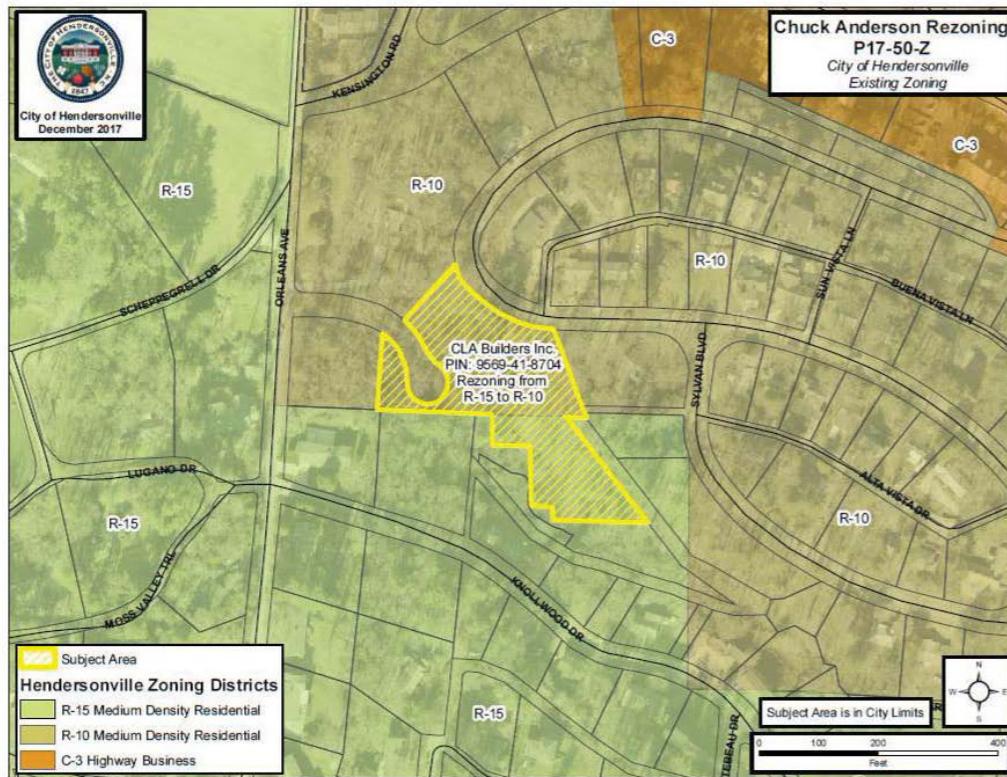
1. Pursuant to Article XI Amendments of the Zoning Ordinance of the City of Hendersonville, North Carolina, the Zoning Map is hereby amended by changing the zoning designation for a portion of parcel number 9569-41-8704 from City of Hendersonville R-15, Medium Density Residential to City of Hendersonville R-10, Medium Density Residential.
2. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this first day of March 2018.

/s/Barbara G. Volk, Mayor

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

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



8. Presentation – Hendersonville Sister Cities Annual Report: Mr. Chris Ree, President of Hendersonville Sister Cities presented the annual report to the Council. He stated the Board has updated a strategic plan for the future which includes five key means to achieve that:

- 1) Nurture and strengthen existing sister city relationships with Almuñécar, Spain and Verbania, Italy
- 2) Investigate ways to attract and add a sister city by the end of 2020,
- 3) Created pen-pal programs with students from local schools with students from Almuñécar, Spain and hope to do the same with Verbania, Italy soon,
- 4) Engage in a library series that provides programs to the community, and
- 5) Sponsor a gala event to celebrate their ten-year anniversary where they announced a Hendersonville Youth Ambassador travel scholarship, up to \$3,000 to assist those who have been accepted in a study-abroad program. They also participate in the International Young Artists and Author Showcase (YAAS).

Mr. Ree expressed appreciation to the Council for their past support through special appropriations. Mayor Volk expressed her appreciation for the update. **No action was required or taken by the Council.**

9. Presentation of Fire Department Annual Report: Fire Chief Joseph Vindigni presented an annual report from the Fire Department. Chief Vindigni provided a five-year incident comparison for call volume, and fire incidents. He also reviewed the functions of the Life Safety Division including conducting 80 fire prevention classes and installing 238 smoke alarms.

Chief Vindigni reported an operational change that the Fire Department no longer responds to urgent care facilities unless the patient is unresponsive because those facilities have staff on-site to care for the patients. He stated this has decreased duplication of efforts.

Chief Vindigni highlighted the accomplishments this year:

- Improved public protection rating through the Department of Insurance – Office of State Fire Marshal to a Class 3.
- Celebrated the 125th anniversary as an organization by inviting the public into our stations and showcasing what they do on a regular basis
- Placed a new engine in service at Station 2 and invited the public to join in a “push in” ceremony.
- Training: members attended more than 12,300 hours of training

Chief Vindigni also addressed the plan for the future and the increase in mutual aid assistance.

Council Member Miller commended the fire department for their work at an apartment fire where no one was hurt. Mr. Connet also commended Chief Vindigni for conducting a presentation on fire service for the School of Government. Mayor Volk also reported a compliment from a resident who received assistance with her fire extinguisher. **No action was required or taken by the Council.**

10. Consideration of Construction Manager at Risk for Building and Grounds Maintenance

Facility: City Manager John Connet reported the Council previously approved moving forward with the construction of a building and grounds maintenance facility. He stated after examining various options, staff determined the construction manager at risk (CMAR) process is the most appropriate way to get the best product at the best price.

Mr. Connet reported staff recently advertised, received three proposals from contractors to serve as a partner in the construction of the building. He reviewed the process:

- The project was scored per the 21 tasks and the associated point values per the RFQ.
- CMAR Selection Criteria sheets were distributed to each scorer along with a copy of each respondent's submittal.
- The respondent's submittals were reviewed and comparatively scored per item, rather than scoring each respondent individually for all 21 items.
- Each scorer assigned points to each respondent per item. The scores were written down for all 21 items, then aggregate score for each item was tabulated.
- The aggregate scores for each respondent were then totaled.
- The project was awarded based on the most points acquired.

After evaluating and rating the proposals from received from Carolina Specialties, Vannoy Construction and Cooper Construction the tabulated results were:

Carolina Specialties - 309.75
Vannoy Construction - 352.5
Cooper Construction – 359

Based on the scoring, Mr. Connet reported staff recommends hiring Cooper Construction. Council Member Caraker asked if the plans have been finalized. Mr. Brian Price, with Tamara Peacock, stated they have a good idea of how to proceed and begin pricing.

Council Member Caraker moved City Council hire Cooper Construction to serve as the City's construction manager at risk on the new building and grounds maintenance facility. A unanimous vote of the Council followed. Motion carried.

10a. Consideration of Agreement with YMCA for Patton Pool and Park Management: Mr. Wooten presented an amended agreement between the City and the YMCA to operate Patton Pool and manage Patton Park. He presented the amendments under supplies and equipment showing what the City and the YMCA will furnish. He stated Council Member Smith also asked to include the City will collect the trash and recycling. He also requested an addition that the YMCA will roll the trash and recycling to the curb for collection by the City.

Council Member Smith reported a conversation with Mr. Simpson from the YMCA. He requested the following amendment to the written agreement under item 11: *"The City of Hendersonville and the YMCA recognize that Henderson County Public Schools (HCPS), specifically Hendersonville High School, and United FC Soccer Club (UFC) use Patton Park for practices during the spring and fall sports seasons, including summer workouts. The YMCA will work with HCPS and UFC to insure that they will have scheduled practice time during the above sports seasons."*

Mayor Volk commented many entities use the park regularly, lacrosse, etc., some of which are pick-up games, and is not sure how many entities can be added to the agreement. Mr. Wooten explained teams who cannot pay still use the park for practice. Council Member Smith explained the groups should be included because they use the field at the same time the YMCA operates after-school programs. He stated the YMCA can coordinate the time so everyone may use the park. Regarding public schools, he stated Hendersonville High School has very little practice facilities and Patton Park is necessary for practice. Mayor Volk commented the lacrosse team, and others who use the park, should be also able to schedule times at the park. Council Member Miller supporting protecting the schools for the use of the facilities. Mayor Volk agreed.

The Council discussed who pays for the use of the field and were in agreement that the cost of \$10/participant/season is reasonable.

Council Member Miller moved Council to authorize the City Manager to enter into an agreement with the YMCA of WNC to operate Patton Pool and Patton Park with the addition under 11) the City of Hendersonville and the YMCA recognize the Henderson County public schools will be guaranteed practice times during the sports seasons and the additions submitted by the Public Works Department. The vote was unanimous. Motion carried.

Mayor Volk commented there can be further amendments to the agreements if needed.

Mr. Josh Simpson stated the YMCA is excited to join in partnership with City to utilize this asset. He stated they would be remiss to remove access for entities who utilize the fields. He stated the YMCA is flexible and will work around it to ensure access to the fields.

Regarding maintenance, Council Member Smith stated the park will be used more and the City may need to prepare for maintenance on the practice field. There was discussion about whether turf would be appropriate for this field but because of flooding, it is not.

10b. Consideration of a Resolution Accepting the Dedication of Certain Real Property Interests to the City of Hendersonville: Mr. Connet explained this resolution allows the City to accept dedications or real property interests. City Attorney Fritschner explained adopting the resolutions allows acceptance to be recorded in the minutes of the City Council. He stated if there is the slightest question of whether or not the City would accept certain interests, he would present it to the Council separately. He stated most are part of Water/Sewer or Engineering Departments projects.

Council Member Miller moved the City Council accept the dedications shown on the following resolution A unanimous vote of the Council followed. Motion carried.

RESOLUTION #18-0317

A RESOLUTION ACCEPTING THE DEDICATION OF CERTAIN REAL PROPERTY INTERESTS TO THE CITY OF HENDERSONVILLE

WHEREAS the City Council is advised that in order for a dedication to the City of an interest in real property, to be completed, requires not only the initial dedication but also the acceptance in some form by the City of the dedication; and

WHEREAS the City Council has determined that it is desirable for the City to accept dedications formally and in a manner that can easily be discovered; and

WHEREAS the City Council believes that the most formal and easily discovered method of accepting real property dedications is by City Council resolution, where the property interest has not been accepted by a document executed by an authorized City representative; and

WHEREAS the City Council is informed that the real property interests listed below have been dedicated to the City but not yet accepted in writing;

NOW, THEREFORE, BE IT THEREFORE RESOLVED that the City Council does hereby accept the dedication of the following identified real property interests effective as of the moment of adoption of this resolution:

Dedicated by	Date of recording	Property interest and short description
Hendersonco LLC	12/15/2017	(Mills River Nursing Home) water system & easement; PIN 9631857163
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Eade Road Investments, LLC	12/15/2017	Water system & easement – River Breeze Ln., off Eade Rd., Mills River; Plat slide 10951)
Flat Rock Hospitality, Inc	1/24/2018	Water system & easement – Fairfield Inn & Suites, Upward Rd.; PIN 9587599902
Norafin (Americas), Inc.	2/1/2018	Water system & easement – Schoolhouse Rd.; PIN 9631615703.

Adopted this first day of March 2018.

/s/Barbara G. Volk, Mayor

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

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

11. Comments from Mayor and City Council Members: Council Member Miller asked about rezoning issues and whether conditional use may be required to protect neighbors when a proposed rezoning is substantially different. Mrs. Frady replied the City cannot force an applicant to apply for conditional use instead of traditional rezoning. Denying a request for traditional rezoning may encourage an applicant to apply for condition use zoning. She explained zoning is legislative matter and it may be denied.

Council Member Miller asked how Council can know what will happen in a neighborhood. Council Member Smith agreed, and asked how to get that message across to the applicant. Mrs. Frady stated the Development Assistance Department can inform the applicant that Council has discussed this matter and inform them Council may look more favorably on conditional use zoning. She stated staff has to present the application in an unbiased fashion. There was discussion of conditional use zoning.

Mr. Connet suggested a future workshop about the possibility of a Zoning Ordinance rewrite, an update of the land use plan, zoning map – where commercial uses infringes into residential, etc. Mrs. Frady will consult with Fletcher about conditional uses. **No action was taken.**

21. Reports from Staff: Mr. Connet provided the following reminders/report:

- A. Reminder of Special Meeting – March 20, 2018, 4:00 p.m., City Hall to review Bids for the Buncombe Street project and the Possible Acquisition of Property
- B. Contingencies Report: Mr. Connet reported the following contingency appropriations were made:
 - 1) Fund 10, \$5,420, Property and liability insurance claims
 - 2) Fund 60, \$2,500, Property and liability insurance claims
 - 3) Fund 10, \$830, Worker's compensation insurance claims

4) Fund 60, \$17,975, Overtime, uniforms, retiree insurance, and bank reconciliation

C. Board vacancies: City Clerk Tammie Drake reported on the vacancies on the various boards.

22. Closed Session:

At 7:29 p.m., Council Member Caraker moved Council to enter a Closed Session pursuant to NCGS 143-318.11(a) (4) and (5) to discuss matters relating to the location or expansion of industries or other businesses served by the public body and to establish or instruct the City's negotiating agent concerning the position to be taken by or on behalf of the City Council in negotiating the price and other material items of a contract for the acquisition of real property by the purchase, option, exchange, or lease. A unanimous vote of the Council followed. Motion carried.

The Council heard a request to assist with incentives for a company considering locating in Henderson County and directed staff on negotiating the purchase of real property.

The Council exited the closed session at 8:14 p.m. No action was taken.

23. New Business: There was none.

24. Adjournment: The meeting adjourned at 8:15 p.m. upon unanimous assent of the Council.

Barbara G. Volk, Mayor

Tammie K. Drake, City Clerk