

**MINUTES**  
**April 5, 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.

Bill Burchill, 31 J P Huggins Drive, Hendersonville, submitted comments and materials regarding the proposed NCDOT Project: Balfour Parkway, stating traffic congestion will not be relieved by the project.

Bill Erickson, 3116 Magnolia Drive, Hendersonville, provided comments and materials regarding the proposed NCDOT Project: Balfour Parkway, stating it will not solve the traffic problems. He requested the Council pass a resolution opposing every Balfour route and urge the French Broad River MPO and other agencies to enlarge the study area so NCDOT can examine better alternatives.

Cindy Lemon, 3153 Cheryl Drive, Hendersonville, lives in path of the Balfour Parkway. She expressed concerns about the number of homes and residents affected. She urged the Council to listen to the residents and oppose the project.

Kevin Overbey, 56 Reese Lane, Fletcher, artistic director for Hendersonville Ballet, a non-profit public charity organization, introduced himself and invited the Council to an upcoming event.

Ken Fitch, 1046 Patton Street, Hendersonville, spoke regarding the NCDOT Project: the Balfour Parkway. He stated because of the massive, negative, community impact, the City should oppose this project.

**4. Consideration of Agenda:**

Amendments to Regular Agenda: Addition of Closed Session

Mayor Pro Tem Stephens asked to remove Item 16 because no plan has been received and the Council cannot make a recommendation at this time.

Council Member Miller requested Consent Agenda Item J for on-call surveying services be removed to allow time to notify local surveyors of the opportunity.

**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 8, 2018 Special Meeting  
 February 9, 2018 Special Meeting  
 March 1, 2018 Regular Meeting  
 March 20, 2018 Special Meeting

**B. Consideration of Budget Amendments:** Mr. Adam Murr, Budget & Management Analyst, presented the following budget amendments:

1) Police Department, Overtime, Fund 10, No Change-Personnel - \$25,000

- To increase the overtime salaries account by \$25,000 from funding available in the auxiliary officers account due to officers out on various types of leave
- 2) Environmental Sustainability Board, Grant Fund 68, Increase of \$1,300  
To record a grant received from Duke Energy for educational and promotional materials for Bee City USA.
  - 3) Health & Welfare, Grant Fund 80. Increase of \$8,750  
To record a grant received from NCLM for wellness materials and events associated with the City's wellness program.
  - 4) Stormwater Project-Buncombe St., Fund 467, Increase of \$31,833  
To increase the Buncombe Street Stormwater Project Fund by \$31,833, through transfers from the General Fund to provide funding to reflect the final bid for the project.

**C. Consideration of Appointment of Finance Officer John Buchanan and Associated Bank Resolutions:** Mr. Adam Murr, Budget & Management Analyst, explained NCGS 159-25(b) requires all checks or drafts on an official depository must be signed by the Finance Officer or a properly designated Deputy Finance Officer and countersigned by another official of the local government or public authority designated for this purpose by the governing board. He requested Council to appoint John Buchanan, recently appointed Finance Director, as Finance Officer and to remove Brian Pahle's (Interim Finance Officer) signature.

#18-0419

## WELLS FARGO

## Authorization Certificate

## Depository Accounts and Treasury Management Services

The undersigned hereby certifies that he or she is the duly appointed authorized representative of CITY OF HENDERSONVILLE NC (Account holder's complete legal entity/company name), a Government Entity (description of Account holder's business entity type) ("Customer"), with authority to act on behalf of Customer, and that the following are true and correct resolutions duly adopted by Customer, in accordance with its formation and governing documents, and that these resolutions have not been in any way altered, amended or rescinded, and are now in full force and effect:

The undersigned further certifies that any one of the following named persons, whose signatures are set forth opposite their names (and titles, if applicable):

Name	Signature or Facsimile Signature <sup>1</sup>
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#1 Barbara G. Volk, Mayor

#2 John F. Connet, City Manager

#3 John P. Buchanan, Finance Director

#4 Tammie K. Drake, City Clerk

is individually authorized to, and to designate one or more other Customer officers, agents or employees (each such aforementioned person, officer or designee thereof is referred to herein as an "Authorized Representative") to: (a) open or close one or more deposit and/or securities accounts (the "Accounts") with Wells Fargo Bank, National Association ("Bank"); (b) execute and deliver in Customer's name such agreement(s) regarding the Accounts and the services related thereto as Bank may from time to time require; (c) authorize and execute transactions on the Accounts, including, without limitation, (i) signing checks and other instruments withdrawing funds from the Accounts, including those payable to cash or to persons who sign them, (ii) requesting funds transfers by Bank to and from the Accounts, (iii) entering into arrangements for the processing of automated clearing house ("ACH") debit entries and/or ACH credit entries to and from the Accounts, and (iv) endorsing on behalf of Customer, and otherwise negotiating, checks and other items payable to Customer; (d) incur overdrafts and other obligations in the Accounts at Bank in connection with any of the products, services, or activities authorized by these resolutions; and (e) invest Customer's funds on such terms and conditions as such Authorized Representative deems appropriate.

Customer is authorized to enter into any other arrangements, agreements and documents with respect to any of Bank's deposit and treasury management products and services, in such form and on such terms and conditions as may be agreed to by an Authorized Representative signing such agreements and documents.

Customer shall be bound to Bank by, and Bank may rely upon, any communication or act, including telephone communications, purporting to be done by any partner, employee or agent of Customer provided that Bank believes, in good faith, that the same is done by a person authorized to so act.

The authority hereby conferred is in addition to that conferred by any other certificate heretofore or hereafter delivered to Bank and shall continue in full force and effect until Bank shall have received notice in writing from Customer of the revocation hereof. Any such revocation shall be effective only as to actions which are taken by Customer pursuant to the certifications contained herein, subsequent to Bank's receipt of such notice. The authority hereby conferred shall be deemed retroactive, and any and all acts authorized herein which were performed prior to the execution of this certificate are hereby approved and ratified.

The undersigned further certify that the activities covered by the foregoing certifications constitute duly authorized activities of Customer; that said certifications are now in full force and effect; and that there is no provision in any document pursuant to which Customer is organized and/or which governs Customer's continued existence limiting the power of the undersigned to make the certifications set forth herein, and that the same are in conformity with the provisions of all such documents.

## ACKNOWLEDGED &amp; AGREED TO:

<sup>1</sup> Facsimile Signature/Logo. Customer authorizes the use of facsimile signatures/logos in connection with its agreements with and instructions to Bank if the facsimile/logo is provided on this form. Customer agrees its use of the facsimile/logo will be governed by Bank's Commercial Account Agreement.

Authorization Certificate - Non-Personal Accounts

(Revised 08/07 /2015)

#18-0420

## CERTIFIED COPY OF RESOLUTION OF CITY OF HENDERSONVILLE

I, the undersigned, hereby certify that I am a representative of the above-named governmental entity, which entity is duly organized and existing under the laws of the State of NC: that the following is a true copy of the Resolution duly adopted by the above-named governmental entity effective the 5th day of April 2014.

RESOLVED, that the officers listed below are authorized Representatives of the above-named governmental entity with the authority to conduct all Trust Business on behalf of the entity with First-Citizens Bank & Trust Company.  
 Barbara G. Volk Mayor  
 John F. Connet City Manager  
 John P. Buchanan Finance Director  
 Tammie K. Drake City Clerk  
 I further certify that this Resolution has neither been rescinded nor modified.  
 Witness my hand and seal of this 5th day of April 2018.  
 Witness: /s/Tammie K. Drake, City Clerk

**D. Consideration of Application for Heritage Tree Designation for a Tree at 713 Kanuga Road:** Public Works Director Tom Wooten presented the application for Heritage tree status for a mature White Oak located at 713 Kanuga Road. The White Oak is about 50 inches at DBH with an 80-foot spread. It is a very uniform tree and very visible from all sides. Mr. Mark Madsen rated the tree and recommended it for Heritage tree status. The Tree Board considered the application during their meeting on March 6, 2018 meeting and voted to recommend City Council approve the application for Heritage Tree status.

**E. Consideration of a Resolution of Intent for the closing a portion of an unnamed alley located on PIN number 9568896145 located off N. Grove Street:** Mrs. Frady reported this resolution was not published for four consecutive weeks as required by NCGS and the process needs to begin again. She presented an amended resolution calling for the public hearing at the May 3, 2018 meeting.

Resolution #18-0421

**RESOLUTION OF INTENT**

**A resolution declaring the intention of the City of Hendersonville City Council to consider closing a portion of an unopened and unimproved Alley for an unnamed alley off of N. Grove Street located on PIN number 9568-89-6145**

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

WHEREAS, Joe King, has petitioned the Council of the City of Hendersonville to close a portion of an unopened and unimproved alley off of N. Grove Street located on PIN number 9568-89-6145, and

WHEREAS, the City Council considers it advisable to conduct a public hearing for the purpose of giving consideration to the closing of a portion of an unopened and unimproved alley off of N. Grove Street located on PIN number 9568-89-6145.

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

1. A meeting will be held at 5:45 p.m. on the third day of May 2018, in the Council Chambers of City Hall to consider closing a portion of an unopened and unimproved alley off of N. Grove Street located on PIN number 9568-89-6145.
2. The City Clerk is hereby directed to publish this Resolution of Intent once a week for four successive weeks.
3. The City Clerk is further directed to transmit by registered or certified mail to each owner of property abutting upon that portion of said street a copy of the Resolution of Intent.
4. The City Clerk is further directed to cause adequate notices of the Resolution of Intent and the scheduled public hearing to be posted as required by G.S. 160A-299.

Adopted by the City Council at a meeting held on the fifth day of April 2018.

/s/Barbara G. Volk, Mayor  
 /s/Tammie K. Drake, City Clerk

**F. Consideration of a Resolution Accepting the Dedication of Certain Real Property Interests to the City of Hendersonville:** City Attorney Sam Fritschner presented a resolution, which upon adoption by the City Council, accepts the dedication of certain real property interests.

RESOLUTION #18-0422

**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 PIN
Elkamet, Inc.	5 March 2018	water easement; 9577-76-0610
Wade, Stephen	13 March 2018	Fletcher pump station 9652-67-2788 and 9652-67-1617

The following Buncombe Street Temporary Stormwater Easements:

Mills, Ralph B. III Trustee	5 March 2018	9568-67-4612
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Hansley, Anne J. 13 November 2017 9568-67-3790  
 Equity Trust Co/Custodian 5 March 2018 9568-67-3777  
 (Simons, beneficiary)  
 Riley, Carol Clark 5 March 2018 9568-67-4806  
 Sawyer, Susan 6 March 2018 9568-67-3825

Adopted this fifth day of April 2018.

/s/Barbara G. Volk, Mayor

/s/Tammie K. Drake, City Clerk

**G. Consideration of Acceptance of a Grant from the Governor's Crime Commission for \$6,100 for the Purchase of Body Cams, and Associated Grant Project Ordinance, Budget Amendment and Required Match:** Police Chief Herbert Blake presented a resolution to accept a Governor's Crime Commission Grant for the purchase of body cameras in the amount of \$6,100. He requested acceptance of the Grant which requires a 50 percent match and approval of the associated grant project ordinance and budget amendment.

Resolution #18-0423

RESOLUTION BY THE GOVERNING BODY OF THE CITY OF HENDERSONVILLE

WHEREAS, the City is in receipt of a grant award from the Department of Public Safety Governor's Crime Commission in the amount of \$6,100, and

WHEREAS, the City Manager is the authorizing official for the grant, and

WHEREAS, the grant will assist the City in purchasing ten (10) body cameras to capture data during interactions between citizens and police officers. Having the body worn cameras will enable audio and video transparency, building trust within our community in Hendersonville, NC, and

WHEREAS, City of Hendersonville police officers will successfully improve the high quality of public service expected, and

WHEREAS, the City of Hendersonville intends to act and perform duties in accordance with the awarded grant,

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

That City of Hendersonville does hereby accept the Governor's Crime Commission Grant offer of \$6,100.00.

Adopted this fifth day of April 2018 at 145 5th Avenue East, Hendersonville, North Carolina.

/s/Barbara G. Volk, Mayor

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

Ordinance #18-0424

**GRANT PROJECT ORDINANCE FOR THE EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE GOVERNOR'S CRIME COMMISSION GRANT PROJECT**

BE IT ORDAINED by the Governing Board of the City of Hendersonville, North Carolina that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby adopted:

Section 1: The project authorized is a grant project described as the Governor's Crime Commission Grant Project.

Section 2: The following amounts are appropriated for the project:

Account Number	Account Name	Total Budget
3250000 529900	Supplies & Materials	\$ 6,100
<b>Total Project Appropriation</b>		<b>\$ 6,100</b>

Section 3: The following revenues are anticipated to be available via transfers from the General Fund, Drug Enforcement Fund, and grant proceeds:

Account Number	Account Name	Total Budget
3250000 434991	Grant Revenue	\$ 3,050
3250000 998010	Transfer in From GF	\$ 1,525
3250000 998195	Transfer in From Drug Enf. Fund	\$ 1,525
<b>Total Project Revenue</b>		<b>\$ 6,100</b>

Section 4: The Finance Director is hereby directed to maintain within the grant project fund sufficient specific detailed accounting records to satisfy the disclosure requirements of all the contractual agreements, if applicable.

Section 5: Funds may be advanced from the General Fund as necessary for the purpose of making payments as due. Reimbursement requests shall be made in an orderly and timely manner.

Section 6: The Finance Director is directed to report, on a quarterly basis, on the financial status of each project element in Section 3 and Section 4.

Section 7: The Finance Director is further instructed to include a detailed analysis of past and future revenues and expenses during each annual budget submission made to the Governing Board.

Section 8: Copies of this grant project shall be furnished to the City Clerk, Finance Director and City Manager for direction in carrying out this project.

ADOPTED by the City Council of the City of Hendersonville, North Carolina, on this fifth day of April 2018.

/s/Barbara G. Volk, Mayor

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

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

**H. Consideration of a Contract with Unifirst to Provide Rental Uniforms for Water and Sewer Employees:** Mr. Lee Smith, Utilities Director, presented a contract for the Council's consideration for providing rental uniform services for the field operations division.

Mr. Lee Smith reported staff reviewed quotes for uniform rentals from three different vendors: Unifirst, Cintas and Rental Uniform Service. Their quotes are as follows:

Unifirst:	\$13,125.32
Rental Uniform Service:	\$17,497.35
Cintas:	\$18,438.68

Mr. Lee Smith stated staff is recommending contracting with Unifirst because their pricing was straightforward, had no hidden charges or fees and was the lowest of the three, and because of the quality and comfort and design of their clothing. [The contract is available in the office of the Utilities Director.]

**I. Consideration of Bid for Buncombe Street Stormwater Project:** City Engineer Brent Detwiler reported the opening of informal bids for stormwater improvements along the 300 block of Buncombe Street. The bids were as follows:

1 Fuller & Co. Construction	\$199,683.00
2 Southern Appalachian Grading & Excavation	\$205,779.00
3 North American Pipeline Mgmt	\$227,305.00
4 Thunder Contracting	\$300,465.00
5 NHM Constructors	\$342,739.75

Mr. Detwiler recommended the project be awarded to Fuller & Co. Construction, the apparent low bidder and that Council authorize the City Manager to award and execute the contract.

**~~J. Consideration of Qualified Firms for On-Call Professional Surveying Services~~**

**K. Consideration of Qualified Firms for On-Call Professional Geotechnical Engineering and Construction Materials Testing Services:** Utilities Director Lee Smith reported the City requires geotechnical engineering and construction materials testing services necessary for the design and construction of water, sewer, stormwater, sidewalk and other various infrastructure projects. He reported the Utilities and Engineering Departments recently advertised a Request for Qualifications in accordance with North Carolina General Statutes, received qualification statements, and determined the two most qualified firms to provide these services. The selected firms are: ECS Southeast, LLP and S&ME, Inc.

Mr. Lee Smith reported staff is in the process of entering into agreements with each of the firms to provide the City with on-call services on a time and materials basis over a two-year period with options to extend up to an additional three years on a yearly basis.

**Council Member Caraker moved Council to approve the remaining items on the consent agenda. A unanimous vote of the Council followed. Motion carried.**

**6. Proclamation of Proclamation for Week of the Young Child, Remarks by Elisha Freeman, Executive Director of Children & Family Resource Center:** Mayor Volk issued a proclamation for Week of the Young Child to Elisha Freeman.

Ms. Freeman made remarks on the progress of the Children and Family Resource Center and expressed appreciation to the Council for their support of the PREP program and the children of the community.

**7. Presentation of Proclamation of Congenital Diaphragmatic Hernia Awareness Month:** Mayor Barbara G. Volk presented a proclamation for Congenital Diaphragmatic Hernia Awareness Month to Derek and Nicole Coté. Ms. Nicole Coté provided comments on their experience with CDH and stated they working to raise awareness of this condition.

**8. Recognition of Lu Ann Welter for Achieving a Manager of Environmental Safety and Health Certificate (MESH):** Human Resources Director Jennifer Harrell recognized and congratulated Lu Ann Welter for completing the requirements of the Manager of Environmental Safety and Health Certificate, sponsored by the Safety and Health Council of North Carolina, NC State University and the NC Department of Labor.

**9. Consideration of an Amendment to the Fee Schedule to Adopt Unique Rates for Water and Sewer Services for Henderson County Public Schools:** At the request of the Council, Mr. Connet presented an amendment to the Fee Schedule to adopt certain rates for public schools in Henderson County that are connected to the City's water and sewer systems.

Mr. Connet explained public schools have unique water and sewer usage patterns- tending to use higher volumes of water and sewer capacity during off-peak months. Because public schools use less capacity in peak months, and because public schools provide necessary public services at the expense of taxpayers, the City is creating a unique rate. He proposed the new "Public Schools" rate as follows:

1. Water for public schools will be charged at \$5.91 base fee per month and a \$2.86 volumetric fee per 1,000 gallons.
2. Sewer for public schools will be charged at \$6.60 base fee per month and a \$4.55 volumetric fee per 1,000 gallons.

**Council Member Caraker moved the City Council's approval of the amended fee schedule adopting a unique rate for water and sewer services for all public schools connected to the City of Hendersonville's water and sewer systems. A unanimous vote of the Council followed. Motion carried.**

**10. Public Hearing – Consideration of an Order to Permanently Close an Unopened, Unnamed, and Unimproved Alley off Kensington Road: Petition Withdrawn by Applicant:** Mrs. Frady reported the applicant has withdrawn the petition because a resolution with the neighbors has not been reached.

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

**Because the petition was withdrawn by the applicant, no action was required or taken.**

**11. Public Hearing – Consideration of Petition for Contiguous Annexation of Property Located at 914-920 Rutledge Annex, Ryan Howell: Petitioner:** Mrs. Susan Frady, Development Assistance Director, presented the petition of Ryan Howell for the contiguous annexation of parcels 9577 -09-3339 and 9577-09-3279 containing approximately 0.60 acres located at 914,916.918 and 920 Rutledge Road. This annexation application is related to a sewer service request due to a failing septic tank.

Mrs. Frady explained the Council accepted the Clerk's Certificate of Sufficiency at their March 1 meeting and recommended a public hearing for the April 5, 2018 City Council meeting. She reviewed the standards set forth in NCGS 160A-31 for annexation.

At 6:22 p.m., Mayor Volk opened the public hearing in accordance with North Carolina General Statutes by notice published in the Hendersonville Lightning. No one expressed a desire to speak. The public hearing was closed.

**Council Member Caraker moved the City Council adopt an ordinance annexing the property included in the petition from Ryan Howell effective April 5, 2018. A unanimous vote of the Council followed. Motion carried.**

Ordinance #18-0425

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF HENDERSONVILLE, NORTH CAROLINA - Ryan Howell**

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 fifth day of April 2018, 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 fifth day of April 2018.

DESCRIPTION OF PROPERTY

TRACT ONE:

BEGINNING at the eastern most corner of that property described in Deed Book 434, Page 627, Henderson County Registry; and running thence from said beginning point, South 64 deg. West 111.7 feet; thence North 83 deg. West 17 feet; thence North 21 deg. 30 min West 91 feet; thence North 67 deg. East 125 feet; thence South 21 deg. 30 min East 92 feet to the point and place of beginning.

There is also conveyed herein a right of way for purposes of ingress, egress and regress from Rutledge Drive, said right of way being 20 feet in width and being described as follows: Beginning at the easternmost margin of Rutledge Drive at the southernmost corner of that property described in Deed Book 434, Page 627 of said Registry; and running thence from said beginning point, North 52 deg. 30 min East 255.70 feet; thence South 83 deg. East 112.70 feet to the property as conveyed herein.

Being all of the property described in Deed Book 678, Page 565, Henderson County Registry.

TRACT TWO:

BEGINNING at a new Iron pin in the eastern margin of the 20 foot right of way for Rutledge Annex, said new Iron pin being the southwestern most corner of the Elgin tract (now or formerly) as shown and described in the deed found in the Deed Book 594 at Page832 of the Henderson County, North Carolina Registry, and said new Iron pin is also the westernmost corner of Tract Two of that real property described in deed recorded in Deed Book 441 at Page 521 of the Henderson County Registry, and moving thence from said beginning point and traveling North 67 deg. 00 min.00 sec. East 100 feet to an existing Iron pin; thence turning and running South 25 deg. 00 min. 11 sec. East 18.75 feet to an existing Iron pin; thence North 67 deg. 00 min. 00 sec. East 25 feet to a new iron pin in the western boundary of the Adden tract as shown and described In deed found in Deed Book 554 at Page 139 of the Henderson County Registry; thence turning and running South 27 deg. 17 min. 32 sec. East 91.86 feet to an existing Iron pin; thence turning and running South 67 deg. 16 min. 28 sec. West 125 feet to a new Iron pin in the eastern margin of the 20 foot right of way for Rutledge; thence turning and running along and with the 20 foot right of way for Rutledge Annex North 26 deg. 55 min. 34 sec. West 110 feet to the new Iron that is the point and place of BEGINNING and containing .30 acres, more or less according to a survey prepared by David C. Huntley, R.L.S., L-3204, entitled "Survey for Freddie J. Justus and Betty J. Justus" under date of March 24, 1994 and being Dwg No. H-1329.

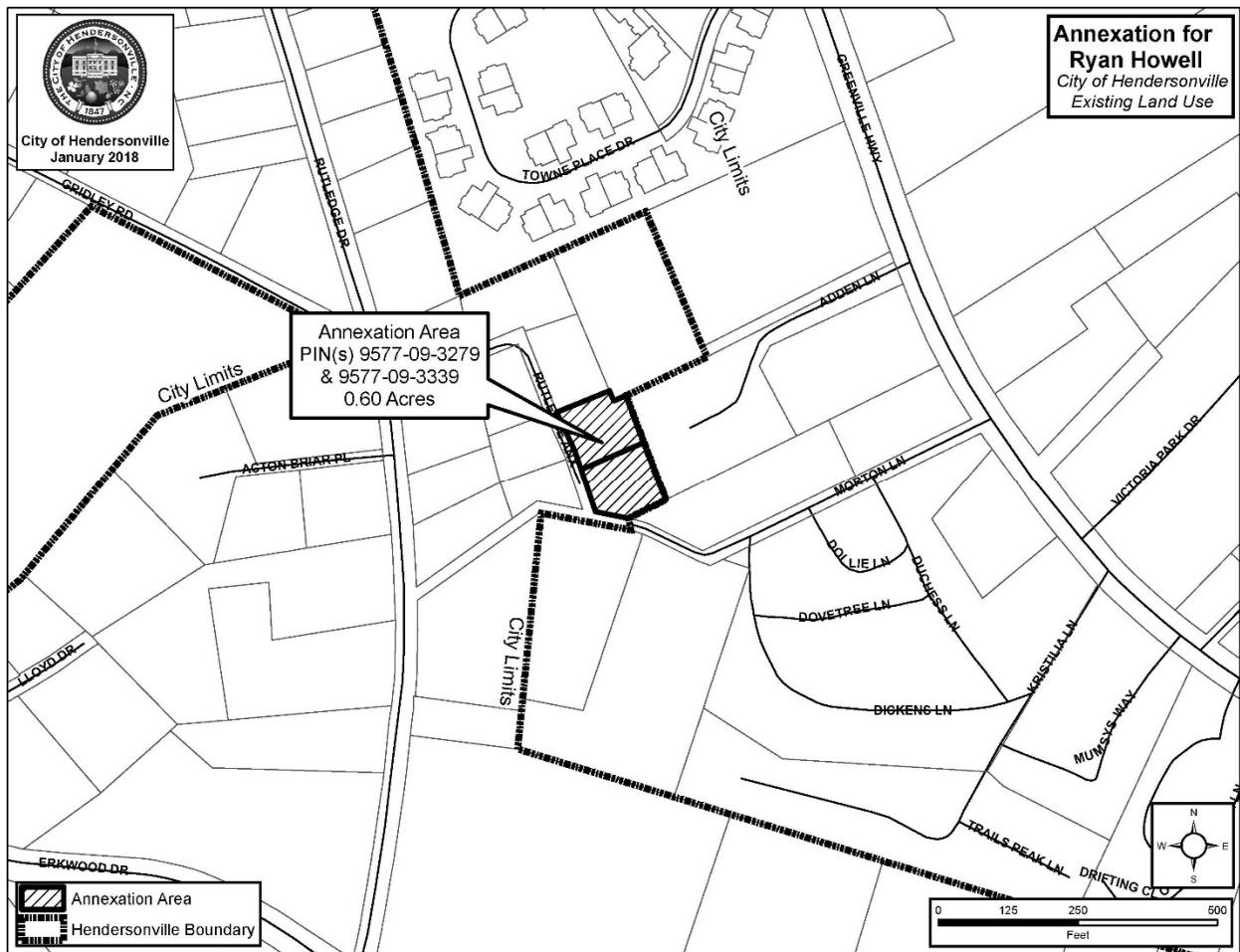
BEING that same property conveyed to Larry G. Baber, et al by deed recorded in Deed Book 980 at Page 159, Henderson County Registry.

Section 2. Upon and after the fifth day of April 2018, 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 fifth day of April 2018.

/s/Barbara G. Volk, Mayor  
 Attest: /s/Tammie K. Drake, City Clerk  
 Approved as to form: /s/Samuel H. Fritschner, City Attorney



**12. Public Hearing – Consideration of an Application from Pace Construction for the Rezoning of a Parcel located off Spartanburg Highway on E. Central Street R-15 Medium Density Residential to C-3 Highway Business District:** City Planner Daniel Heyman presented the application from Mr. Billy Pace for the rezoning of PIN 9578-24-8681 from R-15 Medium Density Residential to C-3 Highway Business District. The parcel is located off Spartanburg Highway on E. Central Street and is approximately 2.1 acres.

*Comprehensive Plan Consistency:* Mr. Heyman reported NCGS 160A-383 requires zoning map amendments be made in accordance with a comprehensive plan. He reported the 2030 Comprehensive Plan’s Future Land Use Map designates the subject area as High-Intensity Neighborhood. He reviewed the primary and secondary recommended land uses for that category as well as the C-3 Highway Business district.

Mr. Heyman reviewed the surrounding land uses and zoning classifications and provided an analysis for the two zoning district classifications.

Mr. Heyman reviewed the factors that must be considered by the Council prior to adopting or disapproving an amendment to the City's official Zoning Map contained in Section 11-4 of the Zoning Ordinance.

*Planning Board Recommendation:* Mr. Heyman reported the Planning Board voted unanimously to recommend City Council approve the rezoning from R-15 Medium Density Residential to C-3 Highway Business 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 reason: to continue with the property that was rezoned last year.

Mayor Volk opened the public hearing at 6:27 p.m. in accordance with North Carolina General Statutes by notice published in the Hendersonville Lightning. The following addressed the Council:

*In Support:* Mr. Billy Pace, Pace Brothers Construction, addressed the Council stating the development of the adjacent parcel requires a buffer but an easement from Duke Power prohibits the plantings. He stated the parcel is restricted with street rights-of-way and an area reserved for a septic system. He stated there is another easement for Central Street. He stated development of the parcel would require sewer service. He stated out of the 2.1 acres, there is only approximately 11,000 square feet of buildable area. He stated the property is bordered by trees on two sides. He stated the Duke line is diagonally across the front of the commercial property. Duke is installing new equipment and has decimated the natural buffer. He stated there is good vegetation on both sides and he has no plans of cutting it. He asked the Council to consider all the interests.

*In Opposition:* Tyler Sorento, 122 Edney Street, stated Mr. Pace has been a great neighbor. He stated Mr. Pace has constructed a building on another parcel and is trying his best to install buffering. He expressed a concern about the close proximity of another building/warehouse close to his home. He doesn't want to see another building that close to his home. He opposed the rezoning.

No one else expressed a desire to speak. The public hearing was closed at 6:33 p.m.

Council Member Miller commented the property could still be developed. Mrs. Samantha Sorento commented that the probability of larger apartment building there is low because of the septic issue but could tie into the sewer system. They are willing to take that chance over another large building being constructed. Mr. Sorento stated the building would be in their direct line of sight. He stated Duke Energy has cleared much of the lot and a buffer may not be possible. There was discussion of where their home is located. Mr. Sorento stated he was not aware of the Planning Board meeting.

Mayor Volk asked how to reconcile the ordinance requirements for buffers with Duke Energy's right-of-way. Mr. Heyman responded the Duke Energy right-of-way extends through the southern portion. He stated the ordinance would require a 10-foot type-b buffer on the northern edge of the right-of-way to buffer the property zoned R-15.

Council Member Miller initiated discussion about conditional rezoning so the buffer, tree count, etc. can be required. There was discussion of the time frame for the rezoning if it undergoes conditional rezoning. Council Member Smith commented this is a perfect example of the need for conditional rezoning because a commercial use is going into a residential area. He stated conditional rezoning will help preserve the neighborhood while allowing commercial expansion.

Mr. Pace stated there are no particular plans for the property now. There was discussion of plantings in the Duke Energy right-of-way. Mr. Connet stated the City has a list of trees approved by Duke Energy that can be planted under their lines because of their height.

Council Member Smith thanked Mr. and Mrs. Sorento for their input. They were also encouraged to plant on their own property to serve as a buffer.

**After discussion, Mr. Pace withdrew this application for rezoning to allow time to resubmit an application for conditional use zoning.**

Mrs. Frady reported she has not found another town that has only conditional zoning. Staff is working on an amendment to the Zoning Ordinance. Council members expressed their appreciation to Mr. Pace.

**13. Public Hearing – Consideration of an Application from Mark Searcy to Amend the Zoning Ordinance to Allow Mobile Food Vendors as a Permitted Use Subject to Special Requirements in the HMU Highway Mixed Use, CMU Central Mixed Use, C-3 Highway Business, C-2 Secondary Business and the I-1 Industrial Zoning Districts:** Senior Planner Matt Champion presented the application from Mr. Mark Searcy to amend the Zoning Ordinance to allow mobile food vendors.

Mr. Champion stated staff is suggesting adding a new zoning category called "mobile food vendor" that will be distinct from restaurants and special event food vendors and subject to special requirements (SR) in the HMU Highway Mixed Use, CMU Central Mixed Use, C-3 Highway Business, C-2 Secondary Business, and I-1 Industrial Zoning Districts.

Mr. Champion reviewed the proposed amendments to the Zoning Ordinance including the special requirements for mobile food vendors: e.g., a base for operations, spacing requirements, hours of operation, waste receptacles and signage.

Mr. Champion also reviewed the factors contained in Section 11-4 of the Zoning Ordinance that must be considered by the Council prior to adopting or disapproving an amendment to the City's official Zoning Ordinance.

Mr. Champion reported the amendment was reviewed by the Text and Policy Committee of the Planning Board and recommended approval of the proposed amendments. He further reported the Planning Board also voted unanimously to recommend City Council approve the amendments to the Zoning Ordinance with the following modifications: reduce setback from existing restaurants from 500 feet to 250 feet and reduce the maximum allowed signage from 36 square feet to 32 square feet.

Mr. Champion provided a map of the properties zoned C-2, C-3, CMU, HMU, and I-1.

There was discussion of inspections by the Health Department and trucks returning to the commissary kitchens.

At 7:00 p.m., Mayor Volk opened the public hearing in accordance with North Carolina General Statutes by notice published in the Hendersonville Lightning. No one expressed a desire to speak. The public hearing was closed.

**Council Member Smith moved that the City Council adopt an ordinance amending the City of Hendersonville Zoning Ordinance Section 4-5 Classification of Uses Table 4-5, Section 5-7-1 C-2 Permitted Uses, Section 5-8-1 C-3 Permitted Uses, Section 5-12-1 I-1 Permitted Uses, Section 5-19-1 CMU Permitted Uses, Section 5-23-1 HMU Permitted Uses, Section 12-2 Definition of Commonly Used Terms and Words, and Article XVI (16) Special Requirements for Certain Uses, Section 16-4 Standards Pertaining to Mobile Food Vendor because it is in the public interest. A unanimous vote of the Council followed. Motion carried.**

Ordinance #18-0427

**AN ORDINANCE AMENDING SECTION 4-5 CLASSIFICATION OF USES TABLE 4-5, SECTION 5-7-1 C-2 PERMITTED USES, SECTION 5-8-1 C-3 PERMITTED USES, SECTION 5-12-1 I-1 PERMITTED USES, SECTION 5-19-1 CMU PERMITTED USES, SECTION 5-23-1 HMU PERMITTED USES, SECTION 12-2 DEFINITION OF COMMONLY USED TERMS AND WORDS, AND ARTICLE XVI SPECIAL REQUIREMENTS FOR CERTAIN USES SECTION 16-4 STANDARDS PERTAINING TO MOBILE FOOD VENDOR**

WHEREAS, the General Assembly of the State of North Carolina has granted authority to municipalities to adopt, administer and enforce zoning and subdivision regulation ordinances, building codes, and minimum housing standards and other related measures, and

WHEREAS, the General Assembly of the State of North Carolina has granted authority to municipalities to amend, supplement, change, modify or repeal zoning regulation ordinances, and

WHEREAS, the City of Hendersonville understands the need to serve all members of the community, and

WHEREAS, the City of Hendersonville supports organizations that supply services to those in need, and

WHEREAS, the City of Hendersonville desires to amend those regulations with regards to pet-sitting.

NOW, THEREFORE, be it ordained by the City Council of the City of Hendersonville:

1. Article IV Establishment of Districts Section 4-5 Classification of Uses Table 4-5 is hereby amended to include the following:

Add "mobile food vendor" as a permitted use subject to special requirements (SR) in the C-2, C-3, I-1, CMU, and HMU Zoning Districts.

2. Article V Zoning District Classifications, Section 5-7-1 C-2 Secondary Business Permitted Uses is hereby amended to include the following use:

Mobile food vendor.

2. Article V Zoning District Classifications, Section 5-8-1 C-3 Highway Commercial Permitted Uses is hereby amended to include the following use:

Mobile food vendor.

4. Article V Zoning District Classifications, Section 5-12-1 I-1 Industrial Permitted Uses is hereby amended to include the following use:

Mobile food vendor.

5. Article V Zoning District Classifications, Section 5-19-1 CMU Central Mixed Use Permitted Uses is hereby amended to include the following use:

Mobile food vendor.

6. Article V Zoning District Classifications, Section 5-23-1 HMU Highway Mixed Use Permitted Uses is hereby amended to include the following use:

Mobile food vendor.

7. Article XII Definition of Terms Section 12-2 Definition of Commonly Used Terms and Words is hereby amended to include the following definition:

**Mobile Food Vendor:** Are licensed motor vehicles or mobile food units which offer for sale and consumption food and beverages (excluding alcohol). This definition shall not apply to approved vendors during a permitted special event or as an accessory use to an approved primary use.

8. Article XVI Special Requirements For Certain Uses Section 16-4 Standards is hereby renumbered as follows:

- 16-4- ~~17~~ 18 Nursing Homes
- 16-4- ~~18~~ 19 Pet-Sitting
- 16-4- ~~19~~ 20 Private Clubs
- 16-4- ~~20~~ 21 Progressive Care Facilities
- 16-4- ~~21~~ 22 Public Utility Facilities
- 16-4- ~~22~~ 23 Residential Care Facilities
- 16-4- ~~23~~ 24 Rest Homes
- 16-4- ~~24~~ 25 Restaurants
- 16-4- ~~25~~ 26 Schools, Primary & Secondary
- 16-4- ~~26~~ 27 Shelter Facilities
- 16-4- ~~27~~ 28 Telecommunications Towers and Antennas

9. Article XVI Special Requirements For Certain Uses Section 16-4 Standards is hereby amended to include the following uses and special requirements:

**Section 16-4 Standards** is hereby amended as follows:

**16-4-17 Mobile Food Vendor.**

a) Zoning Compliance Permits for mobile food vendor sites and mobile food vendors shall be valid for a period of one year, and shall be renewed annually.

b) Mobile food vendors must have a base of operations, such as a restaurant or commissary, and must report to said base daily for supplies, cleaning, and servicing unless exempted by the Health Department. If the base of operations is under different ownership than the mobile food vendor, a written agreement for use must be submitted as part of the application. No waste, grease, or wastewater shall be released into the city's sanitary sewer or stormwater collection systems, ditches, tree wells, or other public spaces.

c) There shall be no limit to the number of mobile food vendors per parcel so long as all other separation and site requirements as set forth below are met.

d) Mobile food vendors shall follow the dimensional requirements of the zoning district classification in which they are located. If there are no dimensional requirements in zoning district classification, at a minimum, food vendors shall be situated at least ten feet from all property lines and any road right-of-way. Mobile food vendors shall not encroach onto any street, sidewalk, or travel way, and shall not obstruct any loading zone or handicapped parking space. Additionally, mobile food vendors must be:

1) Located on property in a manner that does not eliminate required parking for a development or impede the flow of traffic in any way.

2) Situated at least 25 feet from any permanent structure. The Development Assistance Director or designee may, upon recommendation of the fire marshal, approve the placement of mobile food vendors within 25 feet or less of a permanent structure. Such approval shall be based upon building type, building materials, existing fire breaks, and other pertinent information.

3) Not located within 250 feet from any restaurant, and not within 100 feet from any residential structure or residential zoning district lot line.

4) Set back a minimum of 10 feet in all directions from fire hydrants.

5) Situated at least 20 feet from one another.

e) Mobile food vendors on vacant sites shall adhere to Article XV Buffering, Screening, & Landscaping general requirements, including any overlay district landscaping requirements.

f) Hours of operation for mobile food vendors shall be limited to 7:00 a.m. to 10:00 p.m. Mobile food vendor operators or their designee must be present at all times during operation, except in the event of an emergency.

g) Vendors must vacate the site each day unless the vendor owns the site.

h) Each food truck shall supply at least one waste receptacle which must be removed and emptied at the end of each day, City trash receptacles shall not be used for food truck waste.

i) Mobile food vendors shall be limited to the following signage: one wall sign affixed to the vehicle or trailer per side of vehicle or trailer. Said sign shall be no larger than 32 square feet and one small A-frame sign not to exceed four feet in height and eight square feet of surface area may be placed within five feet of the vehicle or trailer to display daily specials, menus, or other similar information. Other signs and devices including plaques, banners, pennants, streamers, and posters are not permitted.

j) Parking: Mobile food vendors / 2 per vendor or motor vehicle

10. Any person violating the provisions of this ordinance shall be subject to the penalties set forth in Section 9-8 of the Zoning Ordinance.

11. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

12. If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

13. The enactment of this ordinance shall in no way affect the running of any amortization provisions or enforcement actions, or otherwise cure any existing zoning violations.

14. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this fifth day of April 2018.

/s/Barbara G. Volk, Mayor

Attest: /s/Tammie K. Drake, City Clerk  
Approved as to form: /s/Samuel H. Fritschner, City Attorney

**14. Presentation of Analysis of MeterSYS:** Mr. Connet introduced Mr. Andy Honeycutt from MeterSYS for a presentation.

Mr. Honeycutt addressed the Council and also introduced Lauren Brown. He presented a review of findings and recommendations for the AMI system.

Mr. Honeycutt stated the City's investment in 2014-15 was exceptional. The City made a significant capital commitment and was a leap forward in operating the utility. He stated the question now is whether the City is yielding the benefits from the investment.

Mr. Honeycutt stated the engagement of the team is outstanding as they are seeking continual improvement which makes the system stronger. He stated they are focused on three areas:

- Finance – enhance revenues; lower costs
- Operations – standardize and streamline
- Customer Service – provide real-time data access and improved response.

Mr. Honeycutt stated the City is hitting the mark in all three areas. AquaHawk ties the data to the customer. He reviewed the objectives:

- Foster data-driven decision making
- Facilitate systems improvements: design, interfaces, usage, etc.
- Enhance utility operations: improve non-revenue water loss with system sensors, conservation efforts, etc.
- Improve data governance
- Contribute to long-term management strategy

Mr. Honeycutt stated there are multiple systems feeding the data-drive decisions and wants to ensure the systems are optimized. AquaHawk alerts staff and customers, Tyler Technologies is for billing and financials, etc. and the data makes its way to the meters and then to the end user: the utility and the customer.

CityWorks: Mr. Honeycutt provided observations stating there is a need for data-entry cleanup. His recommendations include:

- Continue to maintain GIS system and consistently update it through field audits
- Review work order types and descriptions and remove variations of same type
- Create definitions of work order types with consistent standards
- Avoid umbrella terms like miscellaneous
- Review settings and confirm work order types and descriptions are appropriately set to avoid “double-counting”
- Align work order types with City KPIs.

AquaHawk: Mr. Honeycutt provided observations. His recommendations include:

- Consider enabling mobile version
- Continue to pursue Tyler Tech API for two-way capability; potential to interface Municode and Munis Notifier
- Consider creating customized reports and export features
- Customer consumption charts
- NRWL reports that utilize AWWA modeling
- Configure to allow rate tiers and billing period to be displayed
- Import Sensus alarms

Mr. Connet explained staff prefers using AquaHawk that is not as functional and does not have all the data. He stated increased training is planned for Logic versus AquaHawk. Mr. Honeycutt recommended a standardized approach.

Logic and FlexNet: Mr. Honeycutt provided observations and findings and discussed improvements for each. He explained Logic is the software that pulls the information from meter reads through the network called FlexNet and it is a complex system.

Crystal Reports: Mr. Honeycutt provided observations and provided these recommendations:

- Identify the ‘high-value’ reports
- Document details of these reports, including:
  - Report name, description, attributes, data types, filters, formula fields and SQL
  - Applications used to produce reports (operational and reporting)
  - Data source details including name, host, vendor and version
  - Validate report for accuracy against prior baseline versions

Perform data quality analysis on commonly used attributes  
Document findings and training opportunities

Ferguson/Sensus partnership:

Confirm City power user is assigned the Super Administrative permission setting for full Logic access and so that the City has the ability to see data and issue commands to Smart Gateways and ally meters

Request Sensus/Ferguson allow the City to retain any equipment used in the R&D project after the program is completed

Request Sensus provide the requested items:

Formal statement of objectives and progression of R&D project

Virtual meter best practices and case studies

Logic to Sensus Analytics transition roadmap and functionality comparison

List and status of all open help desk tickets the City has

EULA for Sensus Analytics

Key Findings and Recommendations include:

### Key Findings and Recommendations



#### Systems Standardization

- **Data Governance** - establishing standards and controls
- **Data Dictionary/Standards** - resources for identification of system objects and relationships to other systems
- **Job Aid and Handbooks** - standardization data for user reference and systems utilization accountabilities
- **Training** - formalizing a continual learning program for systems defined within the Data Governance and Job Aids

#### Systems Strategy

- **Systems Interface and Database Management** - evaluation of key operational parameters
- **Distribution Operations** - defined strategies for water distribution and metering devices and applications
- **Partner Planning Strategy** - defining the roles and responsibilities of metering technology partners
- **MDMS Migration/Upgrade** - determining the long range strategy for MDMS based on unique utility operational criteria and vendor support.



Data governance – establishing standards and controls

Data dictionary/standards – resources for identification of system objects and ...

Recommended Next Steps:

Make recommended changes to systems to improve functionality and accuracy of reports

Pursue data standardization through adopting control measures (i.e. data dictionary, systems governance); routinely update and maintain

Establish greater parameters around Smart Gateways and Ally Meters through coordination with Sensus and Ferguson Waterworks

Work with MeterSYS team for Logic and FlexNet utilization training, systems optimization, and establishing Key Performance Indicators (KPIs)

Initiate future OpEx and CapEx required investments for utility within metering and billing

Ms. Lauren Brown addressed the Council explaining the report and findings is fine-tuning because the systems are already in place and this will help standardize it. She reported staff has already made strides in adopting some recommendations.

The Council discussed the life and failure rate of meters, towers, base stations and other equipment and replacement. Mr. Connet stated the debt service rolls off in 2027-28. He explained the idea is to phase in replacement over multiple years if possible. It is necessary that equipment can “talk” to the old equipment. Mr. Honeycutt is confident of a seamless transition. He is also confident of the 15-20 year life for meters. Proactive planning: Mr. Connet stated staff is planning replacement a certain amount at year 15 and spread that out over a five-year period for a rolling replacement until the life of the meters have been determined.

There was discussion of the ability to stop service for leaks. Mr. Connet stated we are now a test site for beta testing of those meters. Currently we must go on-site to stop service. There was also discussion of the security of the data.

In summary, Mr. Honeycutt advocated for additional training and strong utilization of the system and data.

Mayor Volk expressed appreciation for the report. **No action was required or taken by the Council.**

**15. Discussion/Staff Direction for Including the Hiring of an Additional School Resource Officer for Bruce Drysdale in the Fiscal Year 2018-19 Budget:** City Manager John Connet reported Chief Blake has requested an additional officer for Bruce Drysdale in the 2018-19 budget. He reported Henderson County is planning to add officers to schools. He requested guidance from the Council.

Council Member Miller advocated for additional School Resource Officers (SROs). Currently two SROs are shared between Hendersonville High School and Bruce Drysdale, Hendersonville Elementary and Hendersonville Middle School. He stated a SRO is needed for each school. He stated funding two officers would result in a 1.5 cent tax increase. From a safety standpoint, he suggested funding an additional SRO to cover for absences, instances, threats, etc. for the school campuses in Hendersonville. The difference would be an additional ½-cent tax increase. Council Member Smith voiced support and prefers three officers be funded.

Chief Blake commented it would be ideal to have two officers at the new Hendersonville High School. Mayor Pro Tem Stephens voiced support. Schools are protected now by armed officers as these details are being worked out. Council Member Caraker also supported funding the additional SROs. There was discussion of the reimbursement for the SRO for the high school.

The consensus of the Council was to consider funding three SROs. Council Member Miller stated the City should continue to work with Henderson County. **No action was taken.**

#### **16. Discussion of White Street Relocation Alternatives**

**17. Comments from Mayor and City Council Members:** None.

**18. Reports from Staff:** Mr. Connet provided the following reminders/report: The City Council's Budget Workshop will be held on Friday, May 4, 2018.

A. 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

**19. Consideration of Appointment to the Historic Preservation Commission:** Mrs. Drake provided the applications of citizens willing to serve on the Historic Preservation Commission. After discussion, **Council Member Smith moved to appoint Brian Price to the Historic Preservation Commission. This term will expire December 2019. A unanimous vote of the Council followed. Motion carried.**

**Announcement of (Re)Appointments, Upcoming Vacancies on City-Appointed Boards and Commissions:** Mrs. Drake announced upcoming vacancies. **No action was necessary.**

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

#### **20a. Closed Session:**

At 7:51 p.m. Council Member Caraker moved the City Council enter Closed Session in accordance with NCGS 143-318.11(a) (3) and (5) to consult with the City Attorney regarding a potential claim and to establish or instruct City staff or negotiating agent concerning the position to be taken by or on behalf of the City Council on negotiating on the purchase of properties identified by PIN 9568996818, 9568996963 and 9568997736. A unanimous vote of the Council followed. Motion carried.

The Council discussed the purchase of properties and consulted with the City Attorney regarding a potential claim.

Upon exit of the closed session, Council Member Caraker moved the Council adopt a resolution authorizing the City Manager to purchase three properties for a new police station. A unanimous vote of the Council followed. Motion carried.

RESOLUTION #18-0428

#### **A RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE CERTAIN REAL PROPERTIES IN HENDERSON COUNTY**

WHEREAS the City Council finds it to the benefit of the City and its taxpayers to complete the construction of a police station within the block bounded by Ashe Street, Jonas Street, Pace Street and Beech Street within the City of Hendersonville and to do so at a reasonable price,

NOW, BE IT THEREFORE RESOLVED that the City Manager be and he is hereby authorized to acquire the following identified real properties at the prices shown, plus reasonable costs.

Record Owner	PIN	PURCHASE PRICE
Bone Yard, LLC	9568-99-6818	\$99,000.00
Lottie F. and Jimmie Maxwell	9568-99-6963	\$56,000.00
Cynthia N. Featherstone (Lynch)	9568-99-7736	\$70,000.00

Adopted this fifth day of April 2018.  
/s/Barbara G. Volk, Mayor  
Attest: /s/Tammie K. Drake, City Clerk

**Council Member Caraker further moved Council adopt a resolution authorizing the City Attorney to file actions under NCGS Chapter 40A with respect to Eminent Domain for the purchase of property for the construction of a police station. A unanimous vote of the Council followed. Motion carried.**

RESOLUTION #18-0429

**A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO FILE ACTIONS UNDER N.C.G.S. CHAPTER 40A WITH RESPECT TO CERTAIN REAL PROPERTIES IN HENDERSON COUNTY**

WHEREAS the City Council finds it necessary in order to complete the construction of a police station within the block bounded by Ashe Street, Jonas Street, Pace Street and Beech Street within the City of Hendersonville, and

WHEREAS the City Council finds that efforts to purchase at a reasonable price certain properties needed for the said construction, and

NOW, BE IT THEREFORE RESOLVED that the City Attorney be and he is hereby authorized to cause the filing of actions under N.C.G.S. Chapter 40A with respect to the following identified real properties.

Record Owner:	PIN
Hall F. Sams	9568-99-5880
E. A. Henderson Land Company, LLC	9568-99-5834
Robert M. Garren, Carole G. Kitchen, Kathy G. Wells	9568-99-7872

Adopted this fifth day of April 2018.  
/s/Barbara G. Volk, Mayor  
Attest: /s/Tammie K. Drake, City Clerk

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

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Barbara G. Volk, Mayor

\_\_\_\_\_  
Tammie K. Drake, City Clerk