

MINUTES
May 3, 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, 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.* Because of the number signed up to speak, Mayor Volk asked those commenting to limit their comments to one minute. She asked commenters not to repeat issues brought up.

Cindy Lemon, 3153 Cheryl Drive, opposed the Balfour Parkway plans by NCDOT.

Madelyn Royes, 424 S. Walnut Tree Street, spoke on behalf of the Henderson County Walk of Fame and the events honoring the honorees for the Class of 2018. She invited the public to attend the events. Mayor Volk commented on the easels picturing the honorees in the lobby of City Hall.

Brian Vanderlois, 1512 Brevard Road, spoke in opposition to the widening of Highway 64 West and asked the Council to get involved.

Ken Fitch, 1046 Patton Street, Hendersonville, spoke regarding the proclamation for National Day of Prayer and moral values.

Charity Watson, 2010 Brevard Road, opposed the NCDOT project on Highway 64 West.

Glen Enggram, 230 Miller J Drive, opposed the Highway 64 West NCDOT project and presented a petition in opposition to the project. He asked for a public meeting on the projects.

Jay Farris, 109 Edgehill Road, opposed the NCDOT project on Highway 64 West.

Peggy Smith, 21 Hunters Lane, opposed NCDOT project on Highway 64 West. She requested the City participate in the design process of the project.

Ann McClinton, Forest Hill Drive, serves on the Hands On! Board, expressed appreciation to the Council for their past support, e.g., Mad Mountain Mud Run.

William Erickson, 3116 Magnolia Drive, spoke in opposition to Balfour Parkway project.

Jim Durfee, 54 Shaws Creek Lane, opposed NCDOT project on Highway 64 West.

Mayor Volk commented the City Council understands the issues. They have been receiving e-mails, calls, etc.

4. Consideration of Agenda:

Additions to Regular Agenda:

6E. Presentation of Proclamation for Police Week

6F. Presentation by Hands On! Children's Museum

15C. Reminder of Special Meeting for Budget Review on Friday, May 4, 8:00 a.m., City Hall, Second Floor Conference Room

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: April 5, 2018 Regular Meeting

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

- 1) Fund 10, Increase of \$11,662
To increase the General Fund budget for insurance proceeds associated with vehicle repairs.
- 2) Fund 10, Increase of \$4,000
To increase the General Fund budget by \$4,000 to reflect a contribution from the Friends of Downtown to pay for public safety officers at their events for the summer.
- 3) Fund 360, Increase of \$25,871
To increase Mud Creek Dump due to scope increase. The City will be reimbursed for this change by NCDEQ.

C. Consideration of Permits for Special Events: Mrs. Susan Frady, Development Assistance Director presented the following requests for Special Events:

i. Courthouse Jam: The Special Events Committee recommended approval of this special event to be held on June 2, June 9, June 16 and June 23 from 6:00 p.m. - 8:00 p.m. at the Henderson County Historic Courthouse. The Courthouse Jam is a mountain music jam hosted by the French Broad River Valley Music Association. The event is being coordinated by the Henderson County Parks and Recreation Department. The County is installing a stage at the courthouse and will designate seating and playing areas around the courthouse square. The parking spaces in front of the courthouse will be closed from 5:00 p.m. - 8:00 p.m. This event includes the sale of alcohol. The Downtown Advisory Committee also reviewed this application and recommended approval.

ii. Tails in Town: The Special Events Committee recommended approval of this new special event to be held on July 28, 2018 from 8:00 a.m. - 2:00 p.m. on Maple Street at the Train Depot. This new event is the result of a partnership between WTZQ's "Barq in the Parq" and Downtown Hendersonville. This is an event where pets of all kinds and their people can share some quality time together and give back to the local organizations that contribute to the community's animal welfare. Tails in Town along with "Strut Your Mutt" 5k run/walk will help raise funds for area animal non-profits. Maple Street from 7th Avenue to the bridge will be closed from 8:00 a.m. - 2:00 p.m. This event includes the sale of alcohol. The Seventh Advisory Committee also reviewed this application and recommended approval.

D. Consideration of Order to Advertise and Place Lien on 2017 and Prior Years Unpaid Real Property Taxes: Pursuant to N.C.G.S. 105-369, Tax Collector Tammy Holland reported the total amount of unpaid taxes for the current and prior fiscal year(s) that are liens on real property. The annual Tax Lien was published during the month of April. She provided a summary report of unpaid taxes.

E. Consideration of Multi-Area Streambank Restoration Project Engineering Agreement Amendment 2: City Engineer Brent Detwiler reported an on-call engineering agreement with Wildlands Engineering was executed in June 2017 for environmental design and permitting services. He stated an amendment to that agreement was then executed to complete preliminary design (Phase 1) of the Multi-area Streambank Restoration Project. Phase 1 included topographic surveys, wetland delineations, threatened and endangered species surveys, stability assessments. preliminary design and public outreach for 13 sites throughout the City.

Mr. Detwiler presented an amendment for Phase 2 to complete the final design, conservation easements and construction administration of the project for Council's consideration. The agreement is on file in the office of the City Engineer.

F. Consideration of On-Call Surveying Services Agreements: Utilities Director Lee Smith reported the City requires on-call professional land surveying services necessary for the design, construction, and easement acquisition for water, sewer, stormwater, sidewalk and other various infrastructure projects. In accordance with North Carolina General Statutes, the Utilities and Engineering Department recently advertised a Request for Qualifications (RFQ) for surveying services. The RFQ was advertised on the City's website. Local surveying firms were also notified by letter of the RFQ advertisement. City staff received qualification statements and determined the five most qualified firms to provide these services. The selected firms are:

- Ed Holmes & Associates of Asheville, NC
- Grigsby Land Surveying of Fletcher, NC
- Mattern & Craig. Inc. of Asheville. NC
- McGill Associates of Asheville, NC
- Wes Cole Land Surveying. PA of Asheville, NC

Mr. Lee Smith reported City staff are in the process of entering into Agreements with each of the firms to provide the City with on-call professional surveying 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.

G. Consideration of Justification for the Sole Source Purchase of Wastewater Treatment Plant Emergency Generator Equipment: City Engineer Brent Detwiler reported the Wastewater Treatment Plant improvement project involves the installation of a stand-by generator. NCGS 143-129(e) lists the authorized exceptions to the formal bid procedures. NCGS 143-129(e)(6) allows for purchases of

apparatus, supplies, materials or equipment to be purchasing using sole-source exception when: (i) performance or price competition for a product are not available; (ii) a needed product is available from only one source of supply; or (iii) standardization or compatibility is the overriding consideration ... governing board of a political subdivision of the State shall approve the purchases listed in the preceding sentence prior to the award of the contract. He reported in this case, staff and the consulting engineer is requesting to continue to standardize on generators within the system by asking that Council approve the sole source purchase of a stand-by generator from Cummins.

H. Consideration of Justification for the Sole Source Purchase of Wastewater Treatment Plant Filter Equipment: City Engineer Brent Detwiler reported the Wastewater Treatment Improvement Project involves the installation of filter equipment. NCGS 143-129(e) lists the authorized exceptions to the formal bid procedures. NCGS 143-129(e)(6) allows for purchases of apparatus, supplies, materials, or equipment to be purchasing using sole-source exception when: (i) performance or price competition for a product are not available; (ii) a needed product is available from only one source of supply; or (iii) standardization or compatibility is the overriding consideration ... governing board of a political subdivision of the State shall approve the purchases listed in the preceding sentence prior to the award of the contract.

Mr. Detwiler provided a recommendation from McKim & Creed to sole source purchase the Aqua Diamond filter equipment from Aqua Aerobics Systems.

I. Consideration of Water System Master Plan Capital Improvement Plan Prioritization Agreement with Hazen and Sawyer: City Engineer Brent Detwiler reported the City retained the services of Hazen and Sawyer for completion of a water system modeling project and Water System Master Plan as well as on-call hydraulic water modeling. He reported staff has requested a proposal from Hazen and Sawyer to use a risk-based scoring system to reorganize the capital improvement plan and integrate the water main rehabilitation and replacement program into the proposed projects. He requested Council approve the proposal for this work and authorize the City Manager to execute an amendment to our current agreement with Hazen and Sawyer for this work.

J. Consideration of Job Description for Miniature Golf Attendant: Human Resources Director Jennifer Harrell presented a job description for Miniature Golf Attendant for Council's consideration. The job description is available in the office of the Human Resources Director.

K. Consideration of Agreement with NCDOT for Erkwood/Shepherd Street Sidewalks: City Manager John Connet reported the NC Department of Transportation (NCDOT) is in the process of constructing a roundabout at the intersection of NC 225 (Greenville Highway) and Erkwood Drive/Shepherd Street. He stated they will be installing a new sidewalk on the southeast portion of the project replacing an existing sidewalk. He reported NCDOT is requesting the City of Hendersonville's permission to install this new sidewalk, which will require an 80/20 cost share arrangement with the City. [The agreement is on file in the office of the City Clerk.]

L. Consideration of Award of Contract for Water Treatment Plan Chlorine Scrubber: Mr. Lee Smith reported informal bids were received for the Emergency Chlorine Scrubber Design and Construction Services Project and opened on April 18, 2018. The project consists of the design and installation of an emergency chlorine gas scrubber at the City's Water Treatment Facility. Three informal bids were received with the following results:

PureAir Filtration - \$180,191.00
Harper Corporation - \$269,000.00
Purafil, Inc. - \$355,000.00

Mr. Smith reported City staff reviewed each bid for completeness and accuracy and recommends the award of the project to PureAir Filtration, the lowest responsive and responsible bidder. He stated staff intends to refine the scope of the project before entering into a contract with the selected bidder. Scope revisions will be minor in nature, within the capital project's budget and below the next bidder.

M. Consideration of Managed IT Services Contract: Assistant City Manager Brian Pahle reported the Technology Committee met and prepared an informal request for proposals for managed IT services. The Purchasing Policy and NC General Statutes exempt IT services from the bid requirements. However, the Committee found it prudent to perform an RFP to gauge cost and quality of services available to the City. There were two respondents to the RFP. After reviewing the RFPs and discussing with the selection sub-committee and full Technology Committee it is recommended that the City award the bid to VC3. Staff has negotiated a 60-month contract with VC3. [The contract is available in the office of the Assistant City Manager.]

~~**N. Consideration of Special Appropriations Full Funding List:**~~

City Manager John Connet asked to remove item 5n for discussion at the May 4, 2018 special meeting. **Council Member Caraker moved Council to approve the remaining items on the consent agenda. A unanimous vote of the Council followed. Motion carried.**

6. Recognitions/Proclamations:

A. Presentation of Quarterly Service Excellence MVPs: Mayor Barbara G. Volk, City Manager John Connet and recognized Georgia Ursin, Fire Captain Josh Poore, Fire Engineer Terry Martin, FF Jeremy Wallin and FF Tanner McCrain, and Fire Engineer Billy Ray Praytor.

B. Recognition of City of Hendersonville Academy Participants: Fourteen employees who participated in the City of Hendersonville Academy were recognized by City Manager John Connet: Public Works: Chad Bell, Al Bonham, Ross Henderson, Tammy Ledford, Terry Smith, Patrick Warren, Water & Sewer Dwayne Jones, Ricky Levi, Finance - Tammy Holland, Krystal Powell, Police - Bruce Darrah, Kyle Thiel, Fire - Thomas Kleppe, Pam Ludwig, and Christian Miller.

Mr. Connet explained the goal of the City of Hendersonville Academy (COHA) was to provide participants with a greater comprehension of City operations, services, programs, and monies to enhance their job performance and worth.

C. Recognition of Tammy Holland and Crystal Powell for NC Government Finance Officers Association Certification: Finance Director John Buchanan recognized and congratulated Tammy Holland and Crystal Powell for completing the requirements of the NC Government Finance Officers Association Certification.

D. Presentation of Proclamation for Parkinson's Awareness: Mayor Barbara Volk presented a proclamation for Parkinson's Awareness Month to Mr. Bill Jarvis.

E. Proclamation for Police Week: Mayor Barbara Volk presented a proclamation for Police Week to Police Chief Herbert Blake.

F. Presentation by Hands On! Children's Museum: Mr. Joseph Knight, Executive Director of Hands On! Children's Museum, gave a presentation on their programs, impact on the community, educational impact, and the increased demand for services. He reviewed the current facility challenges including poor lighting, deterioration of the floor, etc.

Mr. Knight stated their plans for the future include leasing additional space, for 99 years, at an affordable rate, to allow expansion from 6,135 square feet to 11,487 square feet with a Main Street presence. He predicted the expansion will increase the economic and educational impact. He stated they have chosen Haixlip Studio to complete a Master Plan for Hands On! The cost of Master Plan is \$60,000 and asked for Council's support of \$25,000. They are hoping for \$24,000 from the Community Foundation and \$11,000 from Hands On!

There was discussion of the past support by the City for the mortgage and the height of the ceiling in the building. Mayor Volk expressed appreciation for the presentation. **No action was taken by the Council.**

7. Public Hearing – Consideration of an Order to Permanently Close an Unopened, Unnamed, and Unimproved Alley off N. Grove Street: Development Assistance Director Susan Frady presented the petition from Joe D. King to close an unopened alley. She reported there are no city utilities located within this alley.

Mrs. Frady stated the Council adopted a Resolution of Intent to close this unopened alley at their April 5, 2018, meeting. A copy of the Resolution of Intent was mailed to the adjoining property owners, notification of the proposed closing was posted on the property, and the Resolution of Intent and notice of the public hearing was advertised four times in the legal notice section of a local newspaper.

Mrs. Frady reviewed the procedures contained in NCGS 160A-299 for permanently closing streets and alleys.

At 6:59 p.m., the public hearing was opened by Mayor Volk 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 to adopt an order to permanently close an unnamed alley located off of N. Grove Street as petitioned by Mr. Joe D. King. A unanimous vote of the Council followed. Motion carried.

ORDER #18-0530

**ORDER TO PERMANENTLY CLOSE A PORTION OF AN UNNAMED ALLEY
(Petition by Joe D. King)**

NORTH CAROLINA
HENDERSON COUNTY

TO WHOM IT MAY CONCERN:

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

WHEREAS, Joe D. King, has petitioned the City of Hendersonville to close an unnamed alley located off of N. Grove Street; and

WHEREAS, on the fifth day of April 2018, the Hendersonville City Council adopted a resolution expressing the intention of the municipality to close portions of these streets and setting the fifth day of April 2018, as the date of a public hearing regarding such closure; and

WHEREAS, the aforementioned resolution has been published once a week for four successive weeks prior to the public hearing in the Hendersonville Lightning (a newspaper of general and regular circulation in Hendersonville and Henderson County) and a copy thereof has been sent by certified mail to all owners of property adjoining the street as shown on the county tax records; and

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

WHEREAS, a public hearing was held in conformance with the aforementioned public notice on the third day of May 2018.

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

1. The closing of the alley hereafter described are not contrary to the public interest.
2. No individual owning property in the vicinity of the alley or in the subdivision in which it is located would be deprived by the closing of such streets of reasonable means of ingress and egress to his property.

IN CONSIDERATION THEREOF, IT IS HEREBY ORDERED:

1. The following portions of streets are permanently closed and no longer existent as of the effective date of this order:

Being located in the County of Henderson, State of North Carolina and more particularly described as:

Beginning at a point being located South 07 degrees 45 minutes 24 seconds East, 73.45' from an NCDOT Right-of-Way monument in the westernmost corner of property currently owned by Joe David King and being a part of Deed Book 1588, Page 264 and running thence from said beginning point North 82 degrees 2 minutes 57 seconds East 145.92 feet to a point; thence North 8 degrees 5 minutes 46 seconds West 43.24 feet to a point on the margin of the Right-of-Way of Highway 64, Martin Luther King, Jr. Boulevard; thence along the margin of the Right-of-Way of Highway 64, Martin Luther King, Jr. Boulevard, South 56 degrees 0 minutes 39 seconds East 7.60 feet to a point on the margin of the Right-of-Way of Highway 64, Martin Luther King, Jr. Boulevard; thence along the margin of the Right-of-Way of Highway 64, Martin Luther King, Jr. Boulevard, South 77 degrees 16 minutes 3 seconds East 6.83 feet to a margin of the Right-of-Way of Highway 64, Martin Luther King, Jr. Boulevard; thence leaving said Right-of-Way and running South 7 degrees 59 minutes 8 seconds East 47.71 feet to a point; thence South 82 degrees 2 minutes 20 seconds West 157.92 feet to a point in the western line of the aforementioned Joe David King property; thence North 7 degrees 45 minutes 24 seconds West 11.99 feet to the point and place of beginning and being 0.05 acres more or less.

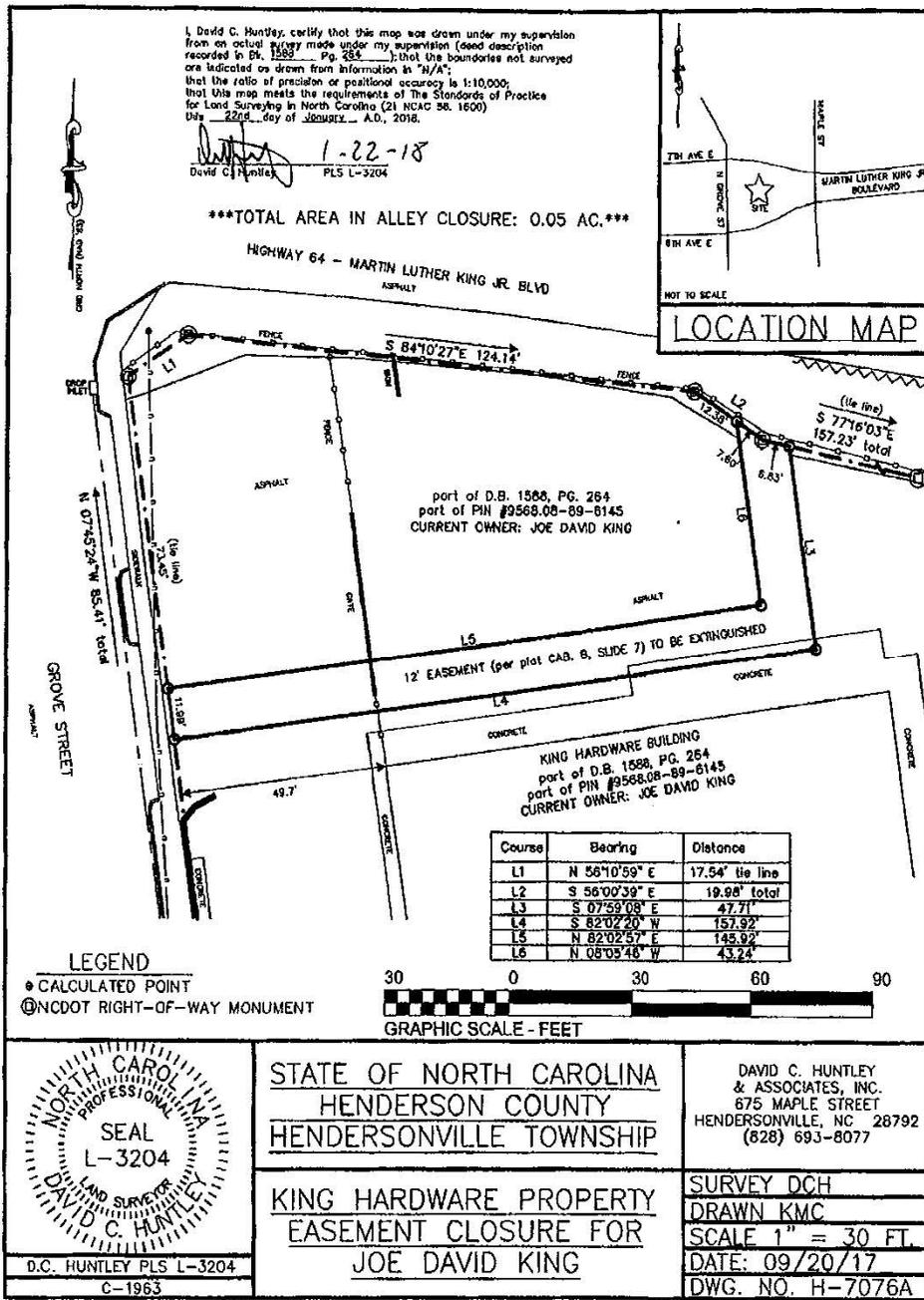
2. The City Clerk shall forthwith cause a certified copy of this order to be filed in the Office of the Register of Deeds of Henderson County.

This order shall take effect the third day of May 2018.

/s/Barbara G. Volk, Mayor

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

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



8. Public Hearing – Consideration of Zoning Ordinance Text Amendment – Amendment of Section 4-5 Classification of Uses Table 4-5, Section 5-7-1 C-2 Permitted Uses, Section 5-7-3 Dimensional Requirements, Section 16-4 Standards Pertaining to Multi-family Dwellings:

Development Assistance Director Susan Frady explained there are several buildings within the Seventh Avenue Depot National Register Historic District that have second floors that were traditionally used as multi-family dwellings. The definition for multi-family dwelling is a building arranged to be occupied by three or more families living independently of each other.

Mrs. Frady stated the portion of Seventh Avenue from Grove Street to Maple Street has been rezoned to CMU Central Mixed Use District except for one block on the north side that remains C-2 Secondary Business. Multi-family dwellings are permitted within the CMU District. She suggested multi-family residential dwellings be permitted in the C-2 Secondary Business District subject to the special requirements contained in Section 16-4 including: dwellings may only be located on the second floor of an existing building within the Seventh Avenue Depot National Register Historic District with a minimum dwelling unit size of 400 square feet.

Mrs. Frady reviewed the proposed amendments to the Zoning Ordinance. She also reviewed Section 11-4 of the Zoning Ordinance that must be considered by the Council prior to approving amendments to the Zoning Ordinance.

Mrs. Frady reported the Planning Board voted unanimously to recommend approval of the amendments. She reported following the Planning Board meeting, the standard was added to allow these units only within the Seventh Avenue Depot National Register Historic District rather than all C-2 districts.

Council Member Miller asked why this is limited to this district. Mrs. Frady explained there are very few two-story buildings within the remainder of C-2 and focus is on the redevelopment of the Seventh Avenue area. Discussion followed on whether the zoning should be changed to CMU, potential safety issues and meeting the Fire Code.

Mrs. Frady explained the area was previously zoned MXR which was removed when CMU was put into place. She stated the definition prohibits boarding houses but there are grandfathered structures.

At 7:10 p.m., the public hearing was opened by Mayor Volk in accordance with North Carolina General Statutes by notice published in the Hendersonville Lightning. The following spoke in favor of the Zoning Ordinance text amendment:

Linda Paeola, lives in Mooresville but owns property on Seventh Avenue and Locust Street. She expressed support of the ordinance amendment to allow studio apartments.

Ken Fitch, 1046 Patton Street, supported the amendment to encourage revitalization of the area.

No one else expressed a desire to speak. The public hearing was closed at 7:13 p.m.

Council Member Caraker moved 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 and Article XVI (16) Special Requirements for Certain Uses Section 16-4 Standards Pertaining to Residential Dwellings Multi-Family. A unanimous vote of the Council followed. Motion carried.

Ordinance #18-0531

**AN ORDINANCE AMENDING THE ZONING ORDINANCE
SECTION 4-5 CLASSIFICATION OF USES, TABLE 4-5, SECTION 5-7-1 C-2 PERMITTED USES AND ARTICLE
XVI SPECIAL REQUIREMENTS FOR CERTAIN USES, SECTION 16-4 STANDARDS PERTAINING TO
RESIDENTIAL DWELLINGS MULTI-FAMILY**

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 encourage redevelopment and revitalization of the community, and

WHEREAS, the City of Hendersonville supports the 7th Avenue Municipal Service District, and

WHEREAS, the City of Hendersonville desires to amend those regulations with regards to off-street parking requirements.

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 "residential dwellings multi-family" as a permitted use subject to special requirements (SR) in the C-2, Zoning District.

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

Residential dwellings multi-family.

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

16-4-23-24 Residential Dwellings Multi-Family
16-4- 24 ~~25~~ Rest Homes
16-4- ~~25~~ ~~26~~ Restaurants
16-4- ~~25~~~~27~~ Schools, Primary & Secondary
16-4- ~~27~~ ~~28~~ Shelter Facilities
16-4- ~~27~~~~29~~ Telecommunications Towers and Antennas

4. 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:

16-4-24 Residential Dwellings Multi-Family.

- a) The property must be within the Seventh Avenue Depot National Register Historic District.
- b) Multi-family dwellings may only be permitted on the second floor.
- c) There shall be no maximum density other than the minimum dwelling size is 400 square feet.
- d) Multi-Family dwellings must be occupied by three or more families living independently of each other

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

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

7. 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.

8. 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.

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

Adopted this third day of May 2018.

/s/Barbara G. Volk, Mayor

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

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

9. Presentation of Public Transit Special Appropriations: Ms. Autumn Radcliff, Henderson County Planning Director, provided an update on the Apple Country Public Transit. She provided an overview of how the special appropriation funds are spent for the public transit urban fixed route. She noted:

- We became urbanized in the 2000 census which means the system had to be run by county or municipal jurisdictions to be eligible for Federal funds. Henderson County took over the system. They are in the second year of a six-year contract with WCCA, their service provider, selected through a formal bid process.
- They operate six CNG buses and two paratransit vans and have five shelters.
- Promotional materials include: signs at stops, routes information is on-line.
- The result of their efforts is quality of service: reliability with low fare costs of 75 cents.
- Stops by jurisdiction: 74% are in Hendersonville. Route 3 makes a connection at the Asheville Airport.
- Trip origination: most begin with riders in Hendersonville.
- Paratransit service for citizens with disabilities.
- Contract costs: total local match needed is \$349,383; Henderson County requests 50% of the operational costs for ridership from each jurisdiction: \$145,447 from Hendersonville. The request is based on stops and trips originated from jurisdiction. Henderson County provides the other 50%.
- Historic funding of transit operation costs. Buses are being replaced on recurring schedule.
- FTA funding: only 32% can be used for operational costs, up to 80% of shelters and buses.

Discussion from the Council included riders using the system to get to work, the purchase and design specifications of new buses, the shelters, the revenue side and cost of fares. Ms. Radcliff explained a portion of reimbursements is set aside and to help offset the cost of bus replacement. **No action was taken by the Council.**

10. Consideration of a Request to Apply for “Staffing for Adequate Fire and Emergency Response” (SAFER) Grant for Three Firefighters: Fire Chief Joseph Vindigni presented a funding opportunity through the Federal Government. He plans to apply for three firefighting positions.

Chief Vindigni stated the goal of SAFER grant is to enhance the local fire departments' abilities to comply with staffing, response and operational standards established by the National Fire Protection Association. He reviewed the application scoring process stating the Fire Department currently does not meet the standard of 15 firefighters on-scene 90% of the time within nine minutes.

Chief Vindigni reviewed the costs of the three positions estimating a savings of \$300,000 over three years if the grant is received.

Chief Vindigni explained as part of the grant application process a letter of commitment is required from the governing board which states, "grants awarded under the Hiring of Firefighters Activity requires grantees to maintain their staffing levels and incur no lay-offs during the life of the grant". It further requires the letter to state: "In order to ensure that there is a clear understanding of the long-term obligations of a SAFER grant and that, if awarded, all parties involved are committed to fulfilling those requirements upon acceptance of the award". He stated the letter must be submitted as part of the application process. After three years, the City pays 100% of the costs.

After discussion, **Council Member Caraker moved the City Council's approval of a letter of commitment authorizing the Fire Chief to apply for a Staffing for Adequate Fire and Emergency Response Grant for three firefighters. A unanimous vote of the Council followed. Motion carried.**

11. Presentation of Agreement for the Purchase of Property for Downtown Restrooms, Etc.:

Mr. Lew Holloway, Downtown Economic Development Director, presented an agreement for the purchase of real property that will be used for downtown restrooms for a price of \$475,000. He stated Downtown funds will be used for the purchase and staff is actively pursuing funding from the Tourism Development Authority.

Mr. Holloway stated the next step includes a 45-day due diligence period. Staff is working with an architect to document existing conditions and perform a safety analysis. He estimated a closing on July 6.

Mr. Holloway stated the conceptual budget for the grant application is \$825,000 including the property purchase. There was discussion on the cleaning of the public restrooms which will be contracted out. Mr. Holloway stated maintenance costs will be included in future budget estimates. The project will be phased but the restrooms may be complete by Fall 2018. **Council Member Caraker moved the City of Hendersonville enter into a purchase agreement with Hunting Creek Associates for the real property with improvements situated at 125 5th Avenue West and identified as Henderson County PIN 9568786564 for the price of \$475,000. A unanimous vote of the Council followed. Motion carried.**

12. Presentation of Entrance Way Signage: City Manager John Connet presented conceptual drawings for entrance way signs. He stated staff has been working with Merje Design. He asked for feedback from the Council.

Mr. Connet explained the shorter monument signs are proposed to be installed at US 64 East in the triangular island near WHKP and in front of Fire Station 1 on Asheville Highway. The taller signs could be installed along smaller corridors such as US 64 West at the Oakdale Cemetery and NC 225 Greenville Highway.

After discussion, **the Council favored options 1a and 1 b with the “H” logo. Final conceptual designs will be presented to the Council.**



13. Discussion of the Possible Transfer of Property with the Housing Assistance Corporation:

Mr. Connet reported the City has been approached by the Housing Assistance Corporation (HAC) who would like to exchange property adjacent to the Oklawaha Greenway for two lots located on North Main Street owned by the City. He stated this will put the property back into private hands for residential uses. He explained NCGS provide for the exchange of properties of similar value.

Mr. Connet explained the HAC property connects to the Oklawaha Greenway and would allow the protection of the natural area around the greenway.

Mr. Connet also reported the adjoining property owner was notified of the potential exchange and has submitted an offer of \$56,000, the tax value, for the two lots. He stated selling the property will initiate the upset bid process. Either of the options require additional action.

Sarah Grimes with the HAC addressed the Council explaining the agency is trying to be more self-funding: grants, etc. He stated future projects will be in multiple locations for single family dwellings in groups of four for the self-help program. She stated they are in need of funds to purchase property. Their plans for the N. Main Street property is to build market rate homes (under \$250,000 per home) in an affordable range. She explained the sale of these homes will be used to purchase the next property. She stated they will have no cost in building the first home. She explained anyone will be able to purchase the other homes for the purpose of paying for the next affordable property.

The Council discussed options of the bidder which includes the HAC building their home. Ms. Grimes stated the HAC is entering a new partnership with USDA and will be building homes. She stated anyone can go to a local bank and apply for a USDA loan and this property will be the launch of that partnership.

There was discussion of the upset bid process. City Attorney Fritschner commented the assessed tax value of the parcels proposed for exchange is very close. After discussion, **the consensus of the Council was to advertise the exchange of property with the Housing Assistance Corporation.** Ms. Grimes stated they are willing to discuss the property with the neighbor who is interested in the property.

14. Comments from Mayor and City Council Members: Regarding the comments about NCDOT projects, Council Member Caraker expressed this willingness to assist in working out a compromise. He stated the City of Hendersonville's input is only for the portion that is in the City's extraterritorial jurisdiction. He stated NCDOT may come up with better options or possibly forsake the project. Council Member Smith commented the extraterritorial jurisdiction is also an entrance to the City. The Council agreed with Mayor Volk not to conflict with Laurel Park officials because most of the project is within the jurisdiction of Laurel Park and agreed the City cannot force the issue in Laurel Park.

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

- A. Contingencies Report: In accordance with NCGS 159-13(b)(3), Mr. Connet reported the following contingency appropriations were made:
 - 1) Fund 60, \$30,760, Wastewater pump purchase from Carolina Pumpworks
 - 2) Fund 60, \$6,472, Adjustments for various end of year overages

- 3) Fund 60, \$1,000, Insurance Premiums
- 4) Fund 60, \$5,100, MeterSync file

- B. Fire Department First Quarter Statistical Report: Fire Chief Vindigni provided data on call volume, automatic and mutual aid, simultaneous incidents, response time, life safety report and prevention and education.
- C. Reminder of Special Meeting for Budget Review on Friday, May 4, 8:00 a.m., City Hall, Second Floor Conference Room

16. Consideration of Appointment

Business Advisory Committee: Mayor Pro Tem Stephens nominated Cam Boyd for a three-year term on the Business Advisory Committee. The term will expire June 30, 2021. A unanimous vote of the Council followed. Motion carried.

Downtown Advisory Committee: Council Member Miller nominated Carole Sitzer, Kelly Jones Friesen, Michelle Sparks and Caroline Gunther to serve a two-year term on the Downtown Advisory Committee. The terms will expire June 30, 2020. A unanimous vote of the Council followed. Motion carried.

Environmental Sustainability Board: Council Member Caraker nominated Geri Conley, Kim Bailey and Alesia Griesmyer to serve a two-year term on the Environmental Sustainability Board. The terms will expire June 30, 2020. A unanimous vote of the Council followed. Motion carried.

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

17. New Business:

A. Consideration of A Resolution Authorizing the City Manager to Purchase Certain Real Properties in Henderson County: City Attorney Fritschner presented a resolution for the Council's considerations that would authorize the City Manager to purchase real property. The property is for the construction of a Police Station. He stated of the nine lots necessary, the City owns three, another three have been purchased and eminent domain proceedings were initiated for the remaining three lots. The proceedings resulted in oral agreements for the purchase of two of the three at amounts within an informal appraisal. He is in conversation with the property owner's attorney for the remaining lot. **Council Member Caraker moved Council adopt a resolution authorizing the City Manager to purchase real properties in Henderson County. A unanimous vote of the Council followed. Motion carried.**

Resolution #18-0532

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
Hall F. Sams	9568-99-5880	\$74,500.00
Robert M. Garren, Carole G. Kitchen, Kathy G. Wells	9568-99-7872	\$35,000.00

Adopted this third day of May 2018.

/s/Barbara G. Volk, Mayor

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

There was no further new business.

18. Closed Session: At 8:44 p.m. Council Member Caraker moved the City Council enter Closed Session in accordance with 143-318.11(a) (5) City staff or negotiating agent concerning the position to be taken by or on behalf of the City Council on negotiating on the acquisition of property identified by PIN 9559553329 for a future water system improvement project. A unanimous vote of the Council followed. Motion carried.

The Council discussed the purchase of properties. The Council exited the closed session at 9:03 p.m. upon motion of Council Member Caraker and a unanimous vote of the Council.

19. Adjournment: The meeting adjourned at 9:03 p.m. upon unanimous assent of the Council.