

**MINUTES**  
**October 4, 2018**  
**REGULAR MEETING OF THE CITY COUNCIL**  
**CITY HALL – COUNCIL CHAMBERS**  
**5:45 p.m.**

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

**Staff Present:** City Manager John F. Connet, City Attorney Samuel Fritschner, City Clerk Tammie Drake, Development Assistance Director Susan Frady, Engineering Director Brent Detwiler, Human Resources Director Jennifer Harrell, Budget and Management Analyst Adam Murr, Utilities Director Lee Smith, Fire Chief Joseph Vindigni, Public Works Director Tom Wooten, Senior Planner Matt Champion, Planner Daniel Heyman

**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 speaking to limit their remarks to about four minutes.

Mary Schwendinger, 625 Kanuga Road, stated she lives in the Kanuga Road multi-generational neighborhood. She expressed concerns about no crosswalk markings, roundabouts in this suburban neighborhood, crashes involving pedestrians and driver behavior. She asked the Council to consider the neighbors when giving input on NCDOT road projects and for a walkable town and high quality of life.

Anne Hansley, 311 Buncombe Street, stated the City repaired the stormwater culverts at her property. She gave some history of her property and stated it was converted to a vacation home. She requested a commitment from the City to fund repairs to that property caused by the collapse of the City's stormwater pipes. She was unaware a City culvert was behind her house. Her insurance denied her claim. She stated support under the house was added; the house did not collapse. She did not ask for compensation for the right-of-way for the stormwater culverts. She requested the City reimburse her for her expenses.

Ken Fitch, 1046 Patton Street, commented on NCDOT projects to "upgrade" certain streets and called for public discussion before projects are planned.

**4. Consideration of Agenda:** Council Member Caraker moved approval of the agenda as presented. 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:**

September 6, 2018 Regular Meeting  
 September 25, 2018 Special Meeting

**B. Consideration of Budget Amendment:** Brian Pahle, Assistant Manager, presented the following budget amendment for Council's consideration:

LGC Loan, Fund 452 - Decrease of \$50,630, Fund 454 - Increase of \$17,823  
 Upon approval of a loan for \$2,500,000 by the Local Government Commission and a resolution previously approved by City Council at their regular September 2018 meeting, the City's budget for two project ordinances needs to be amended to reflect the total loan and construction amounts. This amendment will adjust the PW-Maintenance Facility project ordinance budget (Fund 452) and the Main St. Public Restrooms project ordinance budget (Fund 454) to reflect the final project amounts.

**C. Consideration of Certificate of Sufficiency for the Contiguous Annexation of a Parcel Located at 917 Rutledge Annex:** Mrs. Susan Frady, Development Assistance Director, presented the petition from Jennifer Fleming for the contiguous annexation of parcel 9577-09-2306 containing 0.24 acres located at 917 Rutledge Annex. This request is related to a request for sewer service.

Mrs. Frady presented the Clerk's Certificate of Sufficiency finding the petition is valid. She explained the next step in the process is to accept the Clerk's Certificate and set a date for a public hearing on the question of annexation. The public hearing was set for November 1, 2018.

**D. Consideration of the Reclassification of Certain Positions:** Human Resources Director Jennifer Harrell requested the following reclassifications:

- o Accounts Payable Specialist changed to Accounting Coordinator and reclassified from grade 10 to grade 14.
- o Payroll and Benefits Coordinator – assuming more Human Resource Functions and reallocated to the Human Resources Department as Human Resources Analyst, same grade (13)
- o Human Resources Coordinator – assuming more duties and be reclassified from grade 13 to grade 15.

Mrs. Harrell provided the amended job descriptions, a copy of which is available in the Human Resources Department.

**E. Consideration of Request to Use Berkeley Mills Park for 2019 Mad Mountain Mud Run:** City Manager John Connet presented the request from Hands On! Children Museum for the use of Berkeley Mills Park for the 2019 Mud Run on May 31, 2019 - June 1, 2019. The Mud Run requires the utilization of the entire park and City staff to help construct the course as well as City Council approval of the consumption of alcohol on City property as part of this fundraising event.

**F. Consideration of a Resolution Authorizing the City Manager to Execute an Easement Agreement with Education Research Consortium (ERC) of the Western Carolinas, Inc. for the placement of a Point of Presence in the Maple Annex Lot:** Assistant Manager Brian Pahle presented an easement agree with the Education Research Consortium for the place of a Point of Presence (PoP) on four parking spaces in the Maple Annex Lot. Mr. Pahle explained current tenants' spaces will be moved to the top of the Maple Lot. He stated this PoP will greatly enhance the resilience of the network located in Hendersonville and promote additional broadband opportunities.

RESOLUTION #18-1068

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN EASEMENT AGREEMENT WITH EDUCATION AND RESEARCH CONSORTIUM OF THE WESTERN CAROLINAS, INC.**

WHEREAS the City Council has determined that it is advantageous to the health, safety and welfare of the residents and business of, and visitors to, the city to have access to improved internet service; and

WHEREAS a nonprofit corporation known as Education Research Consortium of the Western Carolinas, Inc. ("ERC") has engaged with the city to provide at terms advantageous to the city highly accelerated internet service within the city; and

WHEREAS it is necessary and convenient to ERC, in providing internet service within the city, to establish certain internet infrastructure in particular locations; and

WHEREAS it is to the benefit of the city to provide ERC an easement for the location of the said infrastructure;

NOW THEREFORE the City Council resolves as follows:

1. The city manager and the city attorney are authorized and directed to prepare and execute such documents as may be reasonably necessary to grant to Education Research Consortium of the Western Carolinas, Inc. an easement within the Maple Annex Lot sufficient to enable it to establish, repair and maintain indefinitely internet-related infrastructure, a Point of Presence ("PoP") for Education Research Consortium's fiber network in and around the City of Hendersonville and greater Henderson County.
2. The city manager is authorized to affect the moving of current parking lot tenants' spaces to such spaces elsewhere in the Maple Lot as the city manager deems reasonable.

Adopted this 4th day of October 2018.

/s/Barbara G. Volk, Mayor

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

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

**6. Recognitions/Proclamations:**

**A. Presentation of the 2018 Tree City of the Year Award for North Carolina:** Mr. Chad Fierros, Henderson County Ranger, presented the City of Hendersonville with the 2018 Tree City of the Year Award for North Carolina. He stated this is a recognition of efforts to build positive relationships between municipalities, conservation programs and State agencies regarding our urban and suburban forest. This is an award on top of an award, a growth award through the National Arbor Day Foundation that commend communities for public involvement which included the Heritage Tree program, the Neighborhoods program and designating June as Pollinator Month through the Bee City USA project. He expressed appreciation for the work and congratulated the public for helping make this happen. He presented the award to Tree Board members Pat Christine and Mark Madsen, and Mayor Volk.

**B. Proclamation for American Pharmacists Month:** Mayor Volk presented a proclamation for American Pharmacists Month to Buzz Custer, Doctor of Pharmacy Candidate, Wingate University and other pharmacy students.

**C. Proclamation for Fire Prevention Week:** Mayor Volk presented a proclamation for Fire Prevention Week to Fire Marshal Justin Ward. She expressed appreciation for the work of the Fire Department.

**D. Introduction of Officers Zeke Johnston and Keenan Nesbitt:** Chief Herbert Blake welcomed and introduced officers Ezekiel Johnston and Keenan Nesbitt. **No action was required or taken.**

**7. Public Hearing - Consideration of an Application from Ebenezer Church to Rezone the Parcel Located at 2557 Chimney Rock Road from HMU Highway Mixed Use District to C-3CZD Highway Business Conditional Zoning District:** Mr. Daniel Heyman, Planner, presented the application for a conditional rezoning the parcel 2557 Chimney Rock Road, from HMU Highway Mixed Use to C-3CZD Highway Business Conditional Zoning District. The application is from Ebenezer Church who would like to install an animated sign.

Mr. Heyman reported the parcel is currently zoned Highway Mixed Use (HMU) and contains a religious institution. He reviewed the surrounding zoning and uses.

*Comprehensive Plan Consistency:* The 2030 Comprehensive Plan's Future Land Use Map designates the subject area as Regional Activity Center. The goal of this category is to meet the largescale retail needs of Hendersonville residents while encouraging mixed-use, walkable design through redevelopment and infill projects.

*Proposed Sign:* Mr. Heyman reported the applicant proposes to install a LED animated sign within the existing sign-face. He stated animated signs are not permitted in the HMU zoning district.

*Neighborhood compatibility meeting:* Mr. Heyman reported a neighborhood compatibility meeting was held on August 23, 2018. No one from the public attended the meeting.

*Planning Board Recommendation:* The Planning Board voted unanimously at their meeting on September 10, 2018 to recommend City Council approve the rezoning request, finding that the rezoning is consistent with the Comprehensive Plan's Future Land Use map, and the rezoning is reasonable and in the public interest for the following reasons: it is the highest and best use of the property.

*Zoning Ordinance Guidelines:* Mr. Heyman reviewed the factors contained in Section 11-4 of the Zoning Ordinance that City Council must consider prior to adopting or disapproving an amendment to the Zoning map.

Council Member Miller asked if the rezoning would permit any activity in the rezoned area. Mr. Heyman explained the uses are limited to: religious institution, accessory uses and signs.

At 6:20 p.m., Mayor Volk opened the public hearing in accordance with North Carolina General Statutes by notice published in the Times News. No one expressed a desire to speak. The public hearing was closed.

**Council Member Caraker moved City Council to adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of 2557 Chimney Rock Road, parcel number 9579-69-3917, from HMU Highway Mixed Use to C-3 CZD Highway Business Conditional Zoning District, based on the site plan submitted by the applicant and subject to the limitations and conditions stipulated on the Published List of Uses and Conditions. The rezoning is consistent with the Comprehensive Plan's Future Land Use map and is reasonable and in the public interest for the following reasons: it will remain a religious institution. A unanimous vote of the Council followed. Motion carried.**

Ordinance #18-1069

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

IN RE: FILE NO. P18-23-CZD; Ebenezer Church

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

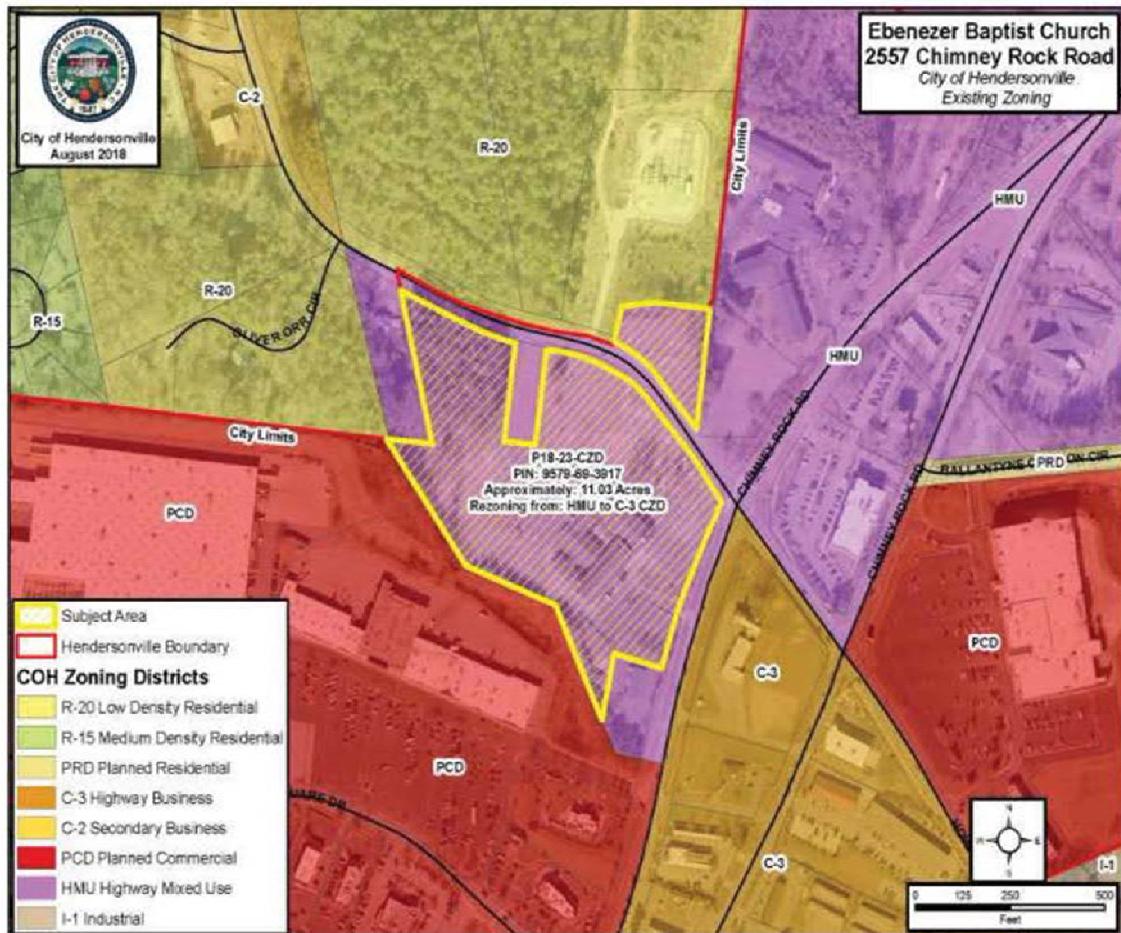
1. Pursuant to Article XI Amendments of the Zoning Ordinance of the City of Hendersonville, North Carolina, the Zoning Map is hereby amended by changing the zoning designation of parcel number 9579-69-3917 from City of Hendersonville HMU Highway Mixed Use to City of Hendersonville C-3CZD Highway Business Conditional Zoning District.
2. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this fourth day of October 2018.

/s/Barbara G. Volk, Mayor

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

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



**8. Presentation by NCDOT - Options for Roundabouts Design Review at White Street from Willow Road to U.S. 176 and NC 225 from S. King Street to U.S. 176 (Projects U-5886 and U-6049):** Mr. Jonathan Woodard, PE, NCDOT Project Engineer, introduced Wanda Austin, Division Project Development Engineer and Reece Schuler, Vaughn & Melton Design Engineers.

Mr. Woodard provided information on the proposed three roundabouts as part of this project. He stated a report was done by Kittelson & Associates, Inc. regarding the roundabouts. Based on that report, he stated some decisions need to be made and requested guidance from the Council.

**Roundabout 1: S. Main Street/S. Church Street:** The current design is a hybrid dual lane, with a single lane roundabout, single-lane approach northbound into town and a by-pass lane. It has a dual lane approach headed southbound. The traffic analysis indicates a roundabout will perform adequately in the design year for the project (2040). It also indicates the current configuration will perform in the design year. If a roundabout is implemented, the report recommends some modifications.

The Level of Service (LOS), refers to the capacity of the road or ability for traffic free flow. The proposed roundabout is LOS A (no congestion) in both a.m. and p.m. peak hours, which shows that much capacity is not needed. The report also analyzed this roundabout as a single lane which will perform at a LOS C in the a.m. peak hour, LOS D in the p.m. peak hour which is approaching a congested situation. If a roundabout is implemented, the report recommends opening it as a single lane configuration with the potential of expanding it to dual lanes in the future.

Mr. Woodard stated there are several recommendations in the report for this roundabout most of which are modifications to the geometrics which can be incorporated into the design.

Mr. Woodard stated the single lane approach is more appropriate for now, but the dual lane would benefit travelers in congested times such as festivals. Benefits of constructing a roundabout include: facilitating a U-turn movement from S. Church Street to S. Main Street, providing direct access from the Fresh Market shopping center into town, and a U-turn for southbound traffic. He stated this would benefit businesses and customers on Spartanburg Highway with a right-in, right-out condition because there would be a median divider on U.S. 176 approaching S. Main Street.

Mr. Woodard stated construction of a roundabout will consume the Gateway Park but some of the Park features could be relocated to the center of the roundabout and thereby becoming the gateway feature.

Mr. Woodard stated there are mobility benefits from constructing the roundabout. He asked which option the City prefers and if the roundabout, should the southbound approach be a single lane initially or proceed with the two-lane configuration.

**Roundabout 2: Kanuga Road/White Street:** Mr. Woodard stated a public workshop was held by NCDOT in November 2017 and two alternative alignments were presented. 1) A realignment of Hebron Road to intersect

Kanuga at White Street. 2) Realign White Street to connect to Kanuga at Hebron. After considering the public comments, NCDOT selected alternative 1 as the preferred alternative because it overall has less property impacts. A roundabout at the intersection of Kanuga/White/Hebron is NCDOT's recommended configuration but a traffic signal will work. Benefits of a roundabout include: reduced delay to traffic, safety benefits for motorists and pedestrians by reducing speed, and a reduction in conflict points where collisions may occur. He stated statistics show roundabouts are safer than signalized intersections and offers pedestrian refuges and crosswalks.

Mr. Woodard stated recommendations from the report include: a single lane roundabout and removing the bypass lane and increase the circle diameter to 130 feet (same footprint) but removing bypass lanes will allow it to operate at a LOS C in 2040 which is acceptable. NCDOT agrees with the suggested geometric recommendations.

Mr. Woodard asked if the City concurs with a roundabout at this location or a signal instead.

**Roundabout 3: Willow and Hebron Road intersection:** Mr. Woodard stated a mini roundabout is proposed which operates like typical single lane roundabout with a smaller footprint for less traffic volume and more constraints. The current configuration is an all-way stop. The Traffic Analysis indicates the intersection will be over capacity by 2040, operating at a LOS F. The recommended mini roundabout will operate at LOS B in 2040. This roundabout will have a fully traversable center island to accommodate larger vehicles.

Mr. Woodard stated recommendations for this roundabout include splitter islands on all four legs to improve pedestrian safety. This mini roundabout will slightly increase the footprint over the current design. He stated a traffic signal at this intersection could not accommodate the estimated traffic volumes for 2040 at an acceptable LOS without additional turn lanes.

Mr. Woodard ended by stating it is NCDOT's goal to deliver a project that achieves the City's vision and meets the City's transportation needs well into the future.

Discussion from the Council included: the effect of the roundabout on the Gateway Park and a new driveway for access into the Wendy's restaurant from the back of the property as well as a right-in, right-out lanes on Spartanburg Highway, and impact on that parking lot. Mr. Woodard stated NCDOT compensates property owners for loss of parking.

Kanuga Road/White Street: There was discussion about the recommended size of the roundabout proposed at this intersection. Mr. Woodard stated the Traffic Analysis indicated bypass lanes not necessary to provide an acceptable LOS but recommended increasing the size of the circle to accommodate larger vehicles. Council Member Caraker asked if the acquisition of private property is based on traffic flow. Mr. Woodard stated their design is based on traffic flow, minimizing impacts to human and natural environment, and property owners and try to determine the best fit situation. Council Member Caraker asked if the design could be shifted if some property owners were willing to sacrifice more of their property to decrease the impact on others. Mr. Woodard stated it is possible and would consider any situation like that.

Council Member Caraker asked about pedestrian concerns expressed by Ms. Schwendinger. Mr. Woodard stated part of changing the configuration to a single movement lane and removing the bypass lanes and larger splitter islands will improve pedestrian safety.

Mayor Pro Tem Stephens asked whether a portion of the road at the roundabout will be renamed. Mr. Woodard stated Willow Road will be relocated to the existing signalized White Street. Mayor Pro Tem Stephens asked what the main advantage over roundabout/traffic light at that intersection is. Mr. Woodard stated the advantage is less delay, it is safer – less collisions, less severe collisions and it is safer for pedestrians. Mayor Pro Tem Stephens also asked about left turns during heavy traffic times. Mr. Woodard stated if the driver is close to the roundabout they would turn right and go around the roundabout.

Council Member Caraker asked if pavers could be installed in the pedestrian crosswalks that may act as rumble strips. Mr. Woodard stated yes, with a possible cost-sharing with the City. He stated NCDOT does not maintain the area between the white stripes, but they are willing to work with the City.

In discussion, Council Member Smith expressed appreciation for the drawings but asked for a drawings of the Kanuga/White Street intersection to compare ingress/egress with the proposed roundabout and a signalized intersection. Council Member Miller also requested the drawing include "damage control". He reported he spent some time at the busy intersection. He stated no one waited longer than 45 seconds, and seven cars were backed up. He stated the biggest problem is the speed.

Mayor Volk stated this not a public hearing but allowed a statement from Mr. Ken Gordon, 1113 Kanuga Road., stated he prefers an improvement of the signalized intersection at White Street/Kanuga Road, White Street and Hebron left turn lanes added, and is willing to give up 30-40 feet of his property for that.

Mayor Volk commented the Council will not be making a decision at this meeting. Mr. Woodard stated NCDOT is in the design process. He noted NCDOT has to consider traffic volumes in the distant future. Council Member Miller asked for consideration of the residents and businesses there and attempt to make this work with the least invasive plan. Council Member Caraker expresses appreciation for the presentation and extra drawings. There was

discussion of the design of the mini roundabout. **No action was taken. The Council will consider this further at a future meeting.**

**9. Consideration of the Rental Assistance Demonstration Program (RAD):** City Manager John Connet stated staff believes this is a significant change to the HHA model and requested City Council review/approval.

Mr. Jay Green, L&JG Development, LLC, explained the Hendersonville Housing Authority requested a letter of support for the PILOT (payment in lieu of taxes agreement) agreement. He explained the Rental Assistance Demonstration (RAD) was initiated by HUD in 2012 to improve public housing. He stated the program has expanded since 2012 and it takes public housing, which is subsidized through the Federal Government, and moving it to the Section 8 Program. He stated there are restrictions on the funds through the public housing program and they cannot borrow against the income they receive. There are no such restrictions under the Section 8 program. The changing of the programs is to allow the authorities to obtain loans to renovate properties or bring them up to standard, if needed, and that is what the Hendersonville Housing Authority wants to do.

Mr. Green reported an application for RAD was submitted and they have received a positive commitment. He stated they are now in the long underwriting process with HUD to apply for \$6.5 million loan for renovations on properties including energy efficiencies, accessibility upgrades, etc. He stated the HHA has done a good job of maintaining the properties over the years.

Discussion followed on the PILOT agreement. He stated the HHA is a State entity and are exempt from all local and state taxes. He stated because HUD wanted to be good corporate citizens, so they approved the PILOT agreement because of the benefits they receive from the City.

Mr. Connet voiced no objection. Mayor Volk asked if this change will affect current residents in any way. Mr. Green stated no, residents will continue to pay 30% of their gross income for rent under Section 8. He stated a PILOT agreement with the City is in effect and will continue after the renovation. After discussion of the PILOT, **Council Member Smith moved the City of Hendersonville write a letter of support for the Hendersonville Housing Authority to participate in the Rental Assistance Demonstration (RAD) Program. A unanimous vote of the Council followed. Motion carried.**

**10. Consideration of Construction Manager at Risk for Police Department Headquarters:**

Assistant Manager Brian Pahle explained on August 7, 2018 City staff posted a request for qualifications (RFQ) for construction manager at risk services for the Police Department Headquarters project. Nine potential construction firms submitted statements of qualifications. He stated a selection committee made up of six reviewers scored the statements for specific evaluation criteria spelled out in the RFQ. Ultimately, the firm Edifice General Contractors scored the highest and stood out as the most qualified to perform the stated work.

Mr. Pahle presented the scoring, the RFQ, and the SOQ from Edifice General Contractors as a recommendation to be selected as the City's construction manager at risk on this project. He stated upon approval of the City Council, staff will negotiate a contract and scope of work with Edifice General Contractors.

**Council Member Caraker moved the City Council select Edifice General Contractors to serve as the City's construction manager at risk on the Police Department Headquarters project. He further moved to authorize the City Manager to engage in negotiations and execute a contract and scope of work with Edifice General Contractors. A unanimous vote of the Council followed. Motion carried.**

**11. Comments from Mayor and City Council Members**

- Council Member Miller invited those present to the Asheville Airport on October 6 to welcome back a group of veterans flying back from Washington, DC to view the Vietnam Memorial. More than 90 Vietnam Veterans will be participating.
- Council Member Smith stated October is breast cancer awareness month encouraged appropriate cancer screenings.
- Council Member Caraker welcomed Council's input and involvement in traffic concerns. Mayor Volk expressed appreciation for him taking the lead on these issues.

**12. Reports from Staff:**

- Mr. Connet stated a Press Release was distributed for Council Conversations beginning October 15.

**13. Consideration of Appointments to:**

**Historic Preservation Commission:** City Clerk Tammie Drake presented the application of a citizen interested in serving on the Historic Preservation Commission. Derek Cote was nominated by Council Member Caraker. This term will expire December 2019. A unanimous vote of the Council followed. Motion carried.

**Board of Adjustment and Report of Board Vacancies:** City Clerk Tammie Drake presented the application of a citizen interested in serving on the Board of Adjustment. **Libby Collina was nominated by**

**Council Member Smith. This term will expire June 2019. A unanimous vote of the Council followed. Motion carried.**

Mrs. Drake also presented the vacancies on the boards/commissions.

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

**15. Request for Closed Session: to provide direction to staff regarding the disposition of property.**

At 7:29 p.m., Council Member Caraker moved that the City Council enter Closed Session in accordance with NCGS 143-318.11(a)(5) and to establish. or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property. A unanimous vote of the Council followed. Motion carried.

The Council discussed the possible acquisition or sale of property. **No action was taken upon exit of closed session.**

**16. Adjournment:** The meeting adjourned at 7:57 p.m. upon unanimous assent of the Council.

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Barbara G. Volk, Mayor

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Tammie K. Drake, City Clerk