

**MINUTES**  
**November 1, 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, Fire Chief Joseph Vindigni

**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.

Alana Grace Richardson Anderson, 1104 Kanuga Road, stated NCDOT's revised plan for Kanuga Road is more invasive to their home. She requested an opportunity to discuss it further.

Kathleen Meeder, 1718 Kanuga Road, stated this is a residential area. She opposed NCDOT's plan for Kanuga Road.

Ken Fitch, 1046 Patton Street, stated NCDOT's proposal for Kanuga Road has created turmoil in the City. NCDOT uses abstract calculations to determine actions and templates that are not compatible with our region. He stated Council should resist actions that disrupt our community.

Kirby Johnson, 1202 Kanuga Road, opposed NCDOT's revised plan for Kanuga Road. The revised plan will put him out of business. He stated the flood plan ordinance also affects his business and property.

**Mayor Pro Tem Stephens asked if staff could contact NCDOT to determine what the perimeters are for changes to the plan. He stated he has heard a lot of comments, had phone calls and e-mails. Mayor Volk asked staff to follow up on this. The Council agreed by consensus.**

**4. Consideration of Agenda:**

Addition to Consent Agenda:

5a.ii. October 24, 2018 Special Meeting Minutes

Addition to Comments from Council:

a. Pedestrian crossing at Valley Street

Additions to Staff Comments:

b. Investment Report

c. Subdivision Ordinance Ad Hoc Committee

**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:**

October 4, 2018 Regular Meeting

October 24, 2018 Special Meeting

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

1. Fire Department Community Fund, Fund 170, Increase of \$5,000  
To provide funding for the purchase of t-shirts to be sole throughout the year. This is a special revenue fund that has approximately \$12,000 in reserves. This purchase will likely result in an increase in the Fund's bottom line. Existing reserves will be used to provide the budget for the purchase.
2. Fund 10SAFER Grant, Part 2, Increase of \$45,000

Second amendment to the SAFER grant received by the Fire Department. Part of this plan was to use funding saved from over-time and part-time salaries to pay for an additional position with the Fire Department. This proposed position is for a Fire Training Officer. Additionally, the position will require a one-time expense of a vehicle and various equipment. Revenues that are expected to come in higher than budgeted will be increased to cover the additional one-time expenses.

**C. Consideration of Bids for Water Meter Boxes and Brass Components:** Utilities Director Lee Smith reported the Water and Sewer Department prepared and advertised a request for bid for water meter boxes and brass components. Six bids were received. Sealed bids were opened October 9, 2018 and it was determined one bidder, Tee Utilities Supply, failed to bid on two items. thereby causing that vendor to be declared non-responsive. Of the five remaining bids, the apparent low bidder was Ferguson Waterworks. Staff recommended awarding bid RFB-19-01 to Ferguson Waterworks for water meter boxes and brass components. He reported the following bids:

Ferguson Waterworks \$193,870.92  
 Fortiline Waterworks \$233,197.32  
 Gibson Supply, Inc. \$199,803.40  
 Miller Supply Company, Inc. \$ 203,119.50  
 Core and Main \$202,012.30

**D. Consideration of Amendments to the Personnel Policy:**

**i. Address Overtime Pay for Essential Employees, Including Most Exempt Employees, During State of Emergency:** Human Resources Director Jennifer Harrell reported staff finds it necessary to include procedures in the Personnel Policy when a state of emergency is declared by the Mayor. She presented the following amendment to the Personnel Policy to address overtime pay for essential employees including most exempt employees. Essential personnel are critical to ensure public safety, provide limited services at a minimum to the City citizens and customers and to restore the City of Hendersonville to normal operation during emergency situations/disasters.

Section 13. Compensatory Time (Comp Time)

... In the case of a severe and unusual circumstance including, but not limited to natural disasters, an official "State of Emergency" may be declared by the Mayor. Essential personnel are critical to ensure public safety, provide limited services at a minimum to the City of Hendersonville citizens and customers, and to restore the City of Hendersonville to normal operation.

Therefore, the following policy has been developed to address city operations during periods of State of Emergency situations/disasters.

1. Essential employees are expected to report to his/her workstation each work day and to make the necessary advance preparations, so he/she can get to work in periods of states of emergencies/disasters.

2. During emergency situations or disasters, an employee may be reassigned to other facilities to assist as needed.

3. Emergency Pay when a State of Emergency is declared by the Mayor during disaster situations. All essential exempt and non-exempt employees (excluding the City Manager and department heads) shall be compensated at a rate of one and one half (1 ½) hours for all hours worked above their normal work period. All employees on prior approved leave (vacation or sick) who do not work during the declared emergency will be unaffected by this policy, unless the employee's presence is deemed as essential and his/her vacation is cancelled by the department head/City Manager.

4. Any employee not reporting to work as directed by his/her department head or the City Manager shall be deemed absent without approved leave and shall be subject to disciplinary action in accordance with the Personnel Policy.

5. Payment of overtime during emergency periods will not jeopardize or change an employee's exempt status.

6. Should the designation of the "State of Emergency" continue for an extended period of time due to severe and unusual circumstances or its aftermath, the City Manager or his/her designee may reevaluate and modify the compensation rate and any other administrative policies deemed necessary.

**ii. Language Regarding Employees who are Promoted or Reclassified to the Minimum of the Salary Range:** Mrs. Harrell also presented amended language to the Personnel Policy regarding employees who are promoted or reclassified. Currently, the language provides that those employees promoted or reclassified to the minimum of the salary range be moved to the probation completion amount upon successful completion of the probationary period. The clause "upon successful completion of the probationary period" needs to be removed. This revision will clean up the language and deter any possible inequities that could result under the current language.

... Promotions. A promotion is the movement of an employee to a position in a class assigned to a higher salary range. The purpose of the promotion pay increase is to recognize and compensate the employee for taking on increased responsibility. When an employee is promoted, the employee's salary shall normally be advanced to the minimum rate of the new position, or to a salary which provides an increase of at least approximately 5% over the employee's salary before the promotion, whichever is greater. In the event that an employee's salary is increased 5% but does not reach the probation completion amount for the position, that employee's salary shall be advanced to the probation completion amount ~~upon successful completion of the probationary period~~. In the event of highly skilled and qualified employees, shortage of qualified applicants, or other reasons related to the merit principle of employment, the City Manager may set the salary at an appropriate rate in the range of the position to which the employee is promoted that best reflects the employee's qualifications for the job and relative worth to the City, taking into account the range of the position and relative qualifications of other employees in the same classification. In no event, however, shall the new salary exceed the maximum rate of the new salary range. In setting the promotion salary, the City shall consider internal comparisons with other employees in the same or similar jobs. ...

**E. Consideration of Reclassification of Facilities Maintenance Mechanic Position to**

**Generator Maintenance Technician and Associated Job Description:** Mr. Adam Murr, Budget Analyst, reported the Facilities Maintenance Mechanic I position, pay grade 9, within the Water and Sewer Department was approved in the budget. This position was intended to perform maintenance and repairs to the Water and Sewer Department's generators, located at various sites throughout our service area.

Mr. Murr reported staff reviewed the job description and determined the technical skills and abilities required for this position greatly exceed what is required for a Facility Maintenance Mechanic I or II. However, the level of responsibilities was determined to be similar to the Facilities Maintenance Mechanic II, pay grade 11. position. Additionally, staff has determined that advertisement of the position with the Facility Maintenance Mechanic title would not reach an adequate, qualified pool of candidates.

Staff recommended the Facilities Maintenance Mechanic position be retitled and reclassified to a Generator Maintenance Technician at pay grade 11. [The job description is on file in the office of the Human Resources Director.]

**F. Consideration of Sole-Source Generator Maintenance Agreement:** Mr. Murr requested City Council's approval of a sole-source generator maintenance agreement. He recommended a six-month agreement with Maybin's Emergency Power System. Maybin's is a local firm offering full support and services required by the Water and Sewer Department. He explained this contract is intended to assist in maintenance as the City begins to recruit, hire and train a Generator Maintenance Technician. [The agreement is on file in the office of the Utilities Director.]

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

**6. Recognitions/Proclamations/Presentations:**

**A. Update on Tourism by Beth Carden:** Ms. Beth Carden provided an update on tourism in Henderson County. She was notified in late August that Henderson County is now fourteenth in tourism in North Carolina and third in highest growth in 2017. She stated Henderson County also has the third largest employment growth rate in the State. She stated they identified and marketed our area's assets. There were visitors from 40 different countries here this summer.

Ms. Carden discussed some of the initiatives including Home for the Holidays. She reported the occupancy tax increased \$28,000. She commented on the success and appearance of the wayfinding signs stating these are one of the best investments made in our county and industry.

Ms. Carden reported Hendersonville is marketed in many different places including the Allegiant Air magazine, by a video on Times Square, Angler magazine, Our State magazine, and others. She stated downtown restrooms have been needed for a long time. She stated the City of Hendersonville is a big part of the tourism success.

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

**B. Presentation by Friends of the Oklawaha Greenway:** Mrs. Katie Breckheimer made a presentation on the greenway expansion efforts by the Friends of the Oklawaha Greenway. She stated their mission is to grow the greenway. She stated they believe in the values that greenways bring and its support of Hendersonville's economy by:

- Encouraging tourism
- Extending vacations
- Promoting return visits
- Supporting economic growth that outweighs their costs
- Attracting new businesses
- Increasing property values
- Creating community
- Protecting our environment
- Cutting healthcare costs by increasing healthy lifestyles
- Providing an option for commuting

Ms. Breckheimer shared the results of a poll that shows what visitors and residents want. In both categories of people aged 50 years young and 50 years and older, walking paths was their number one desire. She expressed appreciation to the City Council and the staff for their roles/contributions of supporting and expanding the greenway.

Ms. Breckheimer encouraged those present to complete the survey as part of Henderson County's Greenway Master Plan to help building support. **No action was required or taken by the Council.**

**7. Public Hearing - Consideration of a Petition for the Contiguous Annexation of a Parcel Located at 917 Rutledge Annex, Containing Approximately 0.24 Acres:** Mrs. Susan Frady,

Development Assistance Director, presented the petition of Ms. Jane Fleming for the contiguous annexation of parcel 9577-09-2306. The annexation petition is related to a sewer service request due to a failing septic tank.

Mrs. Frady reported the Council accepted the Clerk's Certificate of Sufficiency at their October 4, 2018 meeting. A public hearing was set for this date. She reviewed the standards set forth in NCGS 160A-31 stating Council may adopt an ordinance annexing the parcel after finding and determining the area described in the petition meets all of the standards in that statute.

At 6:40 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 the City Council adopt an ordinance annexing the property included in the petition from Jennifer Fleming effective November 1, 2018. A unanimous vote of the Council followed. Motion carried.**

Ordinance #18-1171

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF HENDERSONVILLE, NORTH CAROLINA - Jennifer Fleming**

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 first day of November 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 first day of November 2018.

DESCRIPTION OF PROPERTY

BEGINNING at a one-inch existing iron pin, said existing iron pin being the beginning corner of that property described in deed found in Deed Book 571 at page 412 of the Records of the Henderson County Registry, said existing iron pin also being the southwestern corner of the Elgin tract (now or formerly) as shown and described in deed found in Deed Book 662 at Page 409 of the Records of the Henderson County Registry, and moving thence from said beginning point and traveling North 68 deg. 30 min. 00 sec. East 110.85 feet to an existing iron pin in the boundary of Rutledge Annex, a 20-foot right-of-way leading to Rutledge Drive (S.R. 1166); thence along and with the eastern margin of the right-of-way of Rutledge Annex, South 24 deg. 00 min. 00 sec. East 82.33 feet to a point; thence turning and running South 68 deg. 50 min. 00 sec. West 124.10 feet to a point; thence turning and running North 17 deg. 05 min. 00 sec. West 64.41 feet to a point; then North 06 deg. 18 min. 31 sec. West 17.94 feet to the iron pin that is the point and place of the BEGINNING, and containing .22 acres, more or less, according to a "Survey for Michiel Frank Wynne" under date of November 23, 1993 by Freeland-Clinkscales & Associates, Inc., and being Drawing No. HNC-13666. For legal reference see deed found in Deed Book 571 at Page 412 of the Records of the Henderson County Registry.

Section 2. Upon and after the first day of November 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.

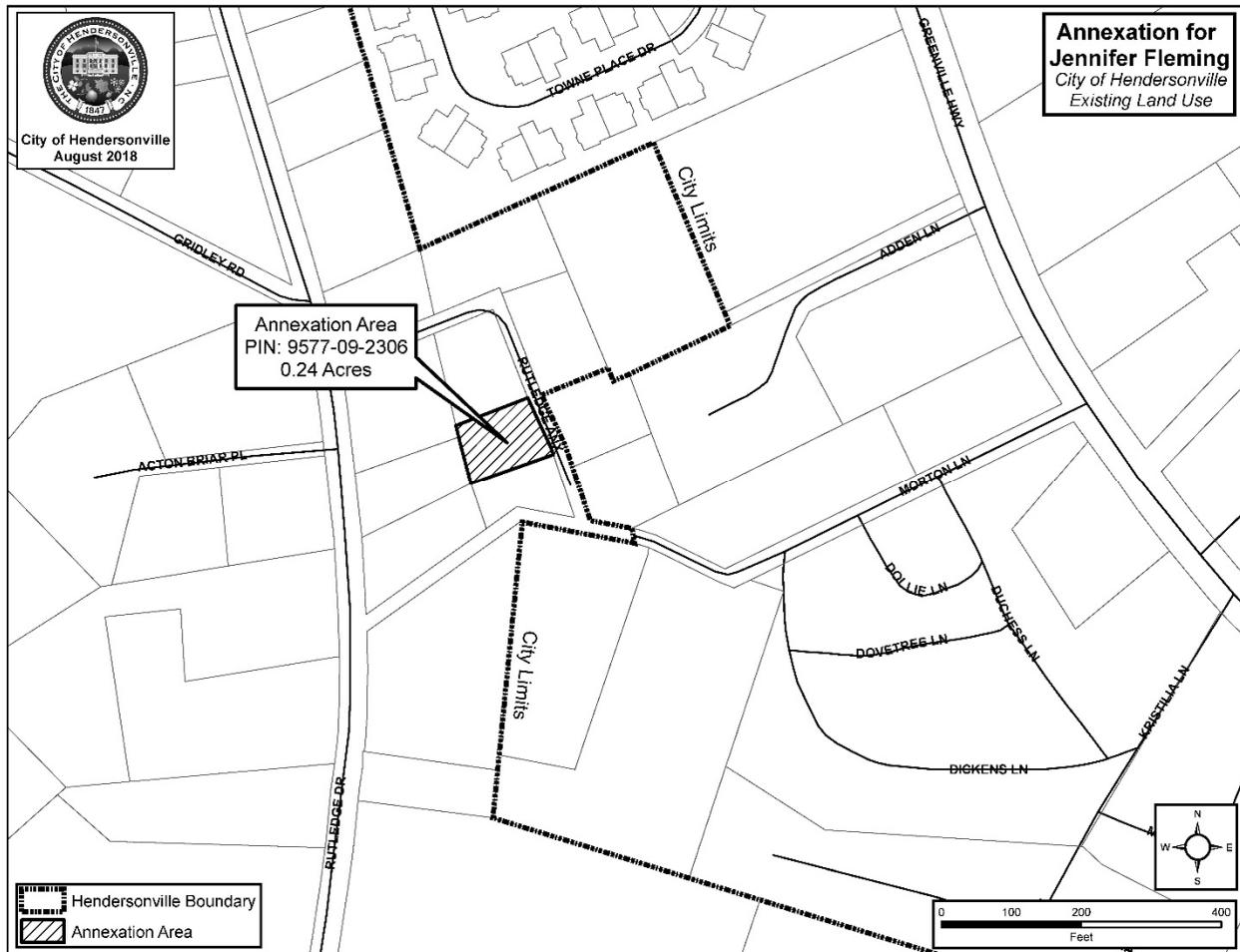
Section 3. The City Clerk of the City of Hendersonville shall cause to be recorded in the office of the Register of Deeds of Henderson County and at the Office of the Secretary of State in Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1, hereof, together with a duly certified copy of this ordinance.

ADOPTED this first day of November 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 a Zoning Ordinance Text Amendment of Section 4-5 Classification of Uses, Section 5-19-1 CMU Permitted Uses and Section 5-19-2 CMU

**Conditional Uses:** Mr. Connet requested this public hearing be continued until the December 6, 2018 meeting.

Mayor Volk opened the public hearing at 6:43 p.m. **Council Member Caraker moved Council to continue the public hearing until the December 6, 2018 Council meeting. A unanimous vote of the Council followed. Motion carried.**

**9. Update on Downtown Restrooms:** Downtown Economic Development Director Lew Holloway provided a history of the purchase of the property for the project. He provided renderings of the public restrooms by the architect Samsel Architects. He stated a bid invitation was issued and is hopeful the contractor will be chosen in December. The bid documents request project completion by June 30, 2019.

Mr. Holloway presented drawings and noted the modifications. He stated alternates will be included: a window along alleyway, additional access to storage, additional sidewalk, etc. He provided some details on the plans for the second floor, fixtures, etc. [Council Member Miller left the meeting at 6:56 p.m.] **No action was required or taken.**

### 10. Comments from Mayor and City Council Members

- a. **Pedestrian Crossing at Valley Street:** Council Member Smith requested a flashing pedestrian crossing at Valley Street to increase safety for the students. He stated the City would pay for the signage at \$14,000 for two signs which will be activated by push buttons. Mr. Connet stated a public education effort will also be done. **Council Member Smith moved the City Council to direct staff to install a RFD or LED at the intersection of Valley Street/US Highway 64 West. A unanimous vote of the Council followed. Motion carried.** Mr. Connet stated staff is working on a reimbursement agreement with NCDOT for a solar-powered sign.

### 11. Reports from Staff:

- a. **Report on Surplus Property:** In accordance with the City's Surplus Property Policy, City Manager John Connet reported the following property was declared surplus and will be sold by internet auction on Govdeals.com.

Pair of audio cabinets, full size 40U Middle Atlantic audio rack cabinets, valued at \$50 for the pair  
 Pair of HP Proliant G8 servers. Service tag # MXQ30405VM, MXQ30405PS. Valued at \$150 each  
 Buffalo NAS (2). Terastation TS-XE8.0TL/R5. Valued at \$50 each  
 Dell PowerEdge 2900 server. Service tag # G8758B1. Valued at \$50  
 Dell PowerEdge R410 server. Service Tag # G0T8XV1 Valued at \$120  
 Dell PowerEdge 1900 server. Service Tag # F2029C1 Valued at \$50

- b. **Investment Report:** Finance Director John Buchanan provided the following:

As of September 30, 2018, the City investment portfolio, held by First Citizens Bank (FCB), Custodian, and North Carolina Capital Management Trust (NCCMT) consists of the following investments which all comply with the City Investment Policy and State Statute:

Government Agencies: \$13,570,562.50  
 Municipal & NC: \$ 3,525,848.50  
 Commercial Paper: \$ 1,965,716.67  
 NCCMT( FCB Cash): \$ 325,109.15  
 NCCMT Term Account: \$ 1,307,211.57  
 Total Cost basis \$20,694,448.39

**c. Subdivision Ordinance Ad Hoc Committee:** Mr. Connet stated an introductory meeting will be held November 15, 2 – 4 p.m., requested Council’s participation. **Mayor Pro Tem Stephens expressed an interest in serving on this committee. The Council agreed by general consensus.** Mrs. Frady expects four to five meetings and a public hearing by the City Council.

## 12. Consideration of Board/Commission Appointments:

**Board of Adjustment:** City Clerk Tammie reported the alternate position on the Board of Adjustment is vacant and presented the application of a citizen who is willing to serve, Kathy Watkins. **Council Member Caraker nominated Kathy Watkins to the alternate position on the Board of Adjustment This term will expire June 2019. A unanimous vote of the Council followed. Motion carried.**

**Historic Preservation Commission:** Mrs. Drake reported the terms of three members will expire in December: Cheryl Jones, Charles Reed and Mia Freeman. **Council Member Caraker nominated Cheryl Jones, Charles Reed and Mia Freeman to another three-year term on the Historic Preservation Commission. A unanimous vote of the Council followed. Motion carried.**

**Planning Board:** Mrs. Drake reported the term of Ben Pace will expire in December. **Council Member Smith nominated Ben Pace for another three-year term on the Planning Board. This term will expire December 2021. A unanimous vote of the Council followed. Motion carried.**

**Seventh Avenue Advisory Committee:** Mrs. Drake reported the terms of Sheryl Fortune, Becky Ayers and Ron Kauffman will expire in December. All would like to continue serving. **Council Member Caraker nominated Sheryl Fortune, Becky Ayers and Ron Kauffman for a two-year term. A unanimous vote of the Council followed. Motion carried.**

**Tree Board:** The terms of Mia Freeman and Mark Madsen will expire in December. **Council Member Smith nominated Mia Freeman and Mark Madsen for a three-year term on the Tree Board. This term will expire December 2021. A unanimous vote of the Council followed. Motion carried.**

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

Business Advisory Committee: 1 vacancy  
 Environmental Sustainability Board: 3 vacant positions for City residents, 1 vacant position for outside-City representative  
 Tree Board: Wes Kocher submitted his resignation.  
 Walk of Fame Steering Committee: 1 vacant position

**13. New Business:** Mr. Connet announced the City of Hendersonville has received the “Friends of the YMCA” Award. Mr. Wooten is accepting the award.

**14. Adjournment:** The meeting adjourned at 7:12 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