

**MINUTES**  
**March 7, 2019**  
**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, Senior Planner Matthew Champion, Planner Daniel Heyman, Engineering Director Brent Detwiler, Human Resources Director Jennifer Harrell, Budget and Management Analyst Adam Murr, Fire Chief Joseph Vindigni, Fire Marshall Justin Ward

**1. Call to Order:** Mayor Volk called the regular meeting to order at 5:45 p.m. and welcomed those in attendance. Mayor Volk stated Council Member Jerry Smith will be late. A quorum was established with five members in attendance.

**2. Invocation:** A moment of silence for prayer was provided.

**3. Pledge of Allegiance:** The Pledge of Allegiance to the Flag was led by Master Trinell Williams, recipient of the Mayor's Civic Achievement Award.

**4. Public Comment Time:** *Up to 15 minutes is reserved for comments from the public for items not listed on the agenda.*

Ken Fitch, 1046 Patton Street, commented on the plans for underground utilities in a historic district, a downtown hotel and historic compatibility.

**5. Consideration of Agenda:**

~~Consent Agenda:~~

~~Move consent item E. Consideration of MSD Business Incentive Program Applications for Triskelion and Allen Street Partners to Regular Agenda~~

Deletions from Regular Agenda:

12. Consideration of Accepting a Formal Bid and Awarding the Contract for the Wastewater Treatment Plan Improvements – Filter Replacement

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

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

**A. Consideration of Minutes:**

February 7, 2019 Regular Meeting  
 February 21, 2019 Special Meeting

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

Fund 10 – Increase of \$23,500

Fund 20- Decrease of \$23,500

To provide funding for two new entry/gateway signs for the City. The funding will come from available Main Street and General fund budget, the majority coming from contingencies. A budget of \$24,000 was existing and an additional \$23,500 was needed for the project. Total Expenditures: \$23,500

Fund 10 – Increase of \$8,320

Fund 452- Decrease of \$23,500

To increase revenue in the General Fund (Fund 10) by \$8,320 reflecting higher than anticipated proceeds from debt and to transfer resources to the Public Works Maintenance Facility (Fund 452) from the General Fund. This transfer will balance that fund as the maintenance facility project nears completion.

Fund 60: Increase of \$22,136

Fund 190: Increase of \$10,622

Increases various revenue lines in the Water and Sewer Fund (Fund 60) which have collected higher than anticipated revenues in the past month. Revenue Increases in Fund 60 are used to correct various overages in Fund 60.

Additionally, this amendment increases revenues from the Police Department's Drug Forfeiture program (Fund 190)- increasing supplies and materials expense appropriations to balance the fund.

Fund 20: Increase of \$17,062

To increase the Main Street MSD Fund budget by \$17,062 to fund a new tree for the holiday events.

**C. Consideration of a Resolution Conveying a Damaged Fiber Optic Cable to the Education and Research Consortium of the Western Carolinas, Inc.:** Assistant Manager Brian Pahle requested Council approve a resolution directing staff to sell a broken fiber optic cable line to the Education and Research Consortium of Western North Carolina, for the repair and long-term maintenance, redundancy, and health of the City's network connectivity.

Resolution 19-0308

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO CONVEY A DAMAGED FIBER OPTIC CABLE TO THE 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 an nonprofit corporation known as Education and Research Consortium of the Western Carolinas, Inc. (d.b.a. ERC Broadband, also "ERC"), a North Carolina 501(c)(3) not-for-profit corporation, has engaged with the City to provide at terms advantageous to the City the repair and provision of fiber optic infrastructure, a service that carries out a public purpose; and

WHEREAS the City assigns ownership, maintenance obligations and control of its legacy fiber optic cable between the Operations Center (305 Williams St) to City Hall (145 5th Ave) and Fire Station 1 (851 North Main St), and the related pole attachments, strand, cable, easements, encroachments, permits, path and other related/associated rights to ERC; and

WHEREAS it is to the benefit of the City to reduce the burden upon the City to manage and maintain fiber optic connectivity between key City sites, and for ERC to provide more-enhanced resilient service to the City and the rest of its nonprofit network within the City;

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. this asset, at a price deemed representative of the asset, sufficient to enable it to establish, repair and maintain indefinitely internet-related infrastructure, for the City of Hendersonville.

Adopted this seventh day of March 2019.

/s/Barbara G. Volk, Mayor

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

**D. Consideration of a Request for No Parking Signs on Toms Hill:** Police Chief Herbert Blake presented a request from concerned citizens and residents that live along Tom's Hill Road to prohibit parking be prohibited along Tom's Hill Road beginning at Kanuga Road and ending at Summit Circle due to safety concerns.

Chief Blake reported the Police and Public Works Departments reviewed this request as well as the location in consideration. Their findings reveal the street is narrow and there is enough space for two passenger vehicles to pass. He stated there is a possible safety issue if vehicles were parked along the roadway and an emergency apparatus such as a fire truck or ambulance tried to turn onto Tom's Hill Road. It would be difficult if not impossible for an emergency apparatus to access residents on Tom's Hill Road.

Due to the concerns of the residents and the safety issues, Chief Blake requested "No Parking" signs be placed along Tom's Hill Road beginning at Kanuga Road and ending at Summit Circle.

**E. Consideration of Requests for MSD Business Incentive Program Applications:** City Manager John Connet presented the applications of Triskelion Brewing and Allen Street Partners for the Business Incentive Program in accordance with NCGS 160A-536 (b). This program allows the City Council to reimburse property owners for new business investment within the MSDs. The reimbursement consists of the difference between the property taxes paid before the new investment and the property taxes due after the new investment. The reimbursement comes as a grant over a five-year period. The grant will only be awarded to projects that would not have completed without the incentive program and will be paid after all new property taxes have been paid.

Triskelion Brewing applied for the incentive program to support the new business investment within the Seventh Avenue Historic District. They will receive a grant of \$600.00 per year over the five-year period.

Allen Street Partners applied for the incentive program for their project at 101 East Allen Street, the renovation of the former Henderson County Land Development Building. The project consists of the creation of new office space in downtown Hendersonville. Their grant value will be determined upon completion of the project.

Mr. Connet recommended approval of both applications.

**F. Consideration of an Amendment to the Fee Schedule for Small Wireless Facilities:**

Planner Matt Champion explained the North Carolina General Assembly has specified the maximum amount of fees a local government can require for an applicant to install small wireless facilities. NC House Bill 310

limits the fees to \$100 per facility for the first five small wireless facilities addressed in the application, plus \$50 for each additional small wireless facility addressed in the application. He explained the City's Fee Schedule includes telecommunications towers, antennas and equipment with two sub-categories of basic permit and special use permit. He stated the proposed fee schedule addition would add a third sub-category to the telecommunications towers, antennas and equipment called Small Wireless Facilities. The fees are proposed at \$100 per facility for the first five and \$50 for each additional facility.

**G. Consideration of a Resolution Exempting a Traffic Study Associations with the Fourth Avenue and Seventh Avenue Streetscape Projects from Provisions of NCGS §143-64.31:**

City Engineer Brent Detwiler reported staff and design consultants are preparing plans for streetscape improvements along Fourth and Seventh Avenues. He stated due to ongoing development, including the Grey Hosiery Apartments, priority has been given to improving problematic intersections and the interaction between traffic flow, pedestrians, cyclists, parking availability and emergency and transit routes. He stated focus has been given to the intersections of Fourth and Seventh Avenues with N. Grove Street as well as N. King Street from Second Avenue to Fifth Avenue. Staff seeks consultation with traffic engineers in order to study the most beneficial treatments to apply to these routes.

Mr. Detwiler explained in North Carolina, the procurement of professional services performed by architects, engineers, surveyors, and construction managers at risk is governed by G.S. 143-64.31 or the "Mini-Brooks Act." The Qualifications Based Selection (QBS) process focuses on the qualifications of potential firms rather than their fees. This is often done by using a request for qualifications (RFQ) to solicit responses from interested firms. NCGS 143-64.32 authorizes units of local government to exempt contracts for design services from the qualifications-based selection requirements of G.S. 143-64.31 if the estimated fee is less than \$50,000.

Mr. Detwiler stated the schedule of the streetscape project, which is to be coordinated with the opening of the Grey Hosiery Apartments, would be strained by the demands of the QBS process. He stated Mattern & Craig has provided traffic studies on multiple occasions to assist the City with roadway projects. He therefore recommended the Council pass a resolution to exempt the traffic study associated with the Fourth and Seventh Avenues streetscape projects from the provisions of G.S. 143-64.31.

Resolution #19-0309

**RESOLUTION EXEMPTING TRAFFIC STUDY ASSOCIATED WITH FOURTH AVENUE AND SEVENTH AVENUE STREETScape PROJECTS FROM PROVISIONS OF G.S. 143-64.31**

WHEREAS, G.S. 143-64.31 requires the initial solicitation and evaluation of firms to perform architectural, engineering, surveying, construction management-at-risk services, and design-build services (collectively "design services") to be based on qualifications and without regard to fee;

WHEREAS, the City proposes to enter into one or more contracts for design services for work on the 4th Avenue and 7th Avenue Streetscape Projects; and

WHEREAS, G.S. 143-64.32 authorizes units of local government to exempt contracts for design services from the qualifications-based selection requirements of G.S. 143-64.31 if the estimated fee is less than \$50,000; and

WHEREAS, the estimated fee for design services for the above-described project is less than \$50,000.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HENDERSONVILLE RESOLVES:

Section 1. The above-described project is hereby made exempt from the provisions of G.S. 143-64.31.

Section 2. This resolution shall be effective upon adoption.

Adopted this seventh day of March 2019.

/s/Barbara G. Volk, Mayor

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

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

**H. Consideration of Accepting a Formal Bid and Award the Contract for the Sewer Line Erosion Abatement and Stormwater Improvements Project:**

City Engineer Brent Detwiler reported informal bids were received for the Sewer Line Erosion Abatement and Stormwater Improvements - Trunk-line near Blue Ridge Mall project. The project consists of excavating and backfilling the eroded areas, constructing a new concrete-lined flume at the discharge of the stormwater pond outfall, and transitioning the flume to a rip-rap-lined channel that drains into the existing stream. Additionally, an undermined concrete support pier for the aerial sewer line will be removed and replaced and new section of sewer pipe installed.

Mr. Detwiler reported City staff and consultant, ECS Southeast LLP, reviewed each of the bids received for accuracy and completeness. The results follow.

Steppe Construction, Inc.	\$98,020.00
Carolina Specialties Construction, LLC	\$74,100.75 (low bidder)

Mr. Detwiler recommended awarding the contract to Carolina Specialties Construction, LLC.

**I. Consideration of for License Agreement with Blue Ridge Southern Railroad, LLC, for a Waterline Encroachment on Old Airport Road as Part of an NCDOT Project:** City Engineer Brent Detwiler informed the Council NCDOT has commenced construction of road improvements on Old

Airport Road in Fletcher. It will be necessary to relocate a portion of the City's existing water distribution because it is located under the railroad tracks owned by Blue Ridge Southern Railroad LLC.

Mr. Detwiler stated in addition to relocating the existing line and executing a license agreement, the City will incur perpetual annual fees for NCDOT's special insurance requirements of approximately \$2,200 per year. *[The agreement is in the office of the City Engineer.]*

**J. Consideration of a Request to Extend Water Service to a Project known as Windy Knoll**

**Acres:** Utilities Director Lee Smith presented the request for a waterline extension to a project known as Windy Knoll Acres, a 33-single-family subdivision located off North Allen Road. This project is in the zoning and planning jurisdiction of Henderson County and was approved by them on 02/04/19.

Based on this information, Mr. Lee Smith stated the Water and Sewer Department has the capacity to support this additional infrastructure and associated connections and recommended approval contingent upon final approval of construction plans and specifications by the Water and Sewer Department.

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

**7. Employee Recognitions:**

**A. Consideration of a Resolution Awarding the Service Side Arm and Badge to Retiring Police**

**Captain Bruce Simonds:** Mayor Volk presented the resolution to retiring Police Chief Bruce Simonds and thanked him for his service to the City.

**The Council agreed by consensus to approve the resolution awarding the service side arm and badge and recognizing the distinguished service of Captain Bruce Simonds.**

Resolution #19-0310

**RESOLUTION TO RECOGNIZE DISTINGUISHED SERVICE  
TO THE CITY OF HENDERSONVILLE AND AWARDING OF SERVICE SIDE ARM**

WHEREAS, North Carolina General Statutes 20-187.2 provides that retiring members of law enforcement agencies may receive, at the time of their retirement, the badge worn or carried by them during their service; and

WHEREAS, NCGS 20-187.2 further provides that the governing body of the governing law enforcement agency may, at its discretion, award to a retiring member their service side arm, at a price determined by such governing body, upon determining that the person receiving the weapon is not ineligible to own, possess, or receive a firearm under the provisions of State or federal law, and

WHEREAS, the City of Hendersonville hereby recognizes 28 years and eight months of distinguished service as a law enforcement officer by Bruce Simonds for the City of Hendersonville and its residents, and

WHEREAS, the City of Hendersonville wishes to recognize Captain Bruce Simonds service in a manner that is customary for persons retiring from distinguished law enforcement service.

NOW THEREFORE, the City of Hendersonville hereby awards to Captain Bruce Simonds his service side arm, model Glock 19 Gen 5, serial number BGZP959, for a cost of \$1.00 as determined in the Policy for the Granting of Badges and Service Side Arms for Sworn Law Enforcement Officers, as a token of appreciation for his many years of service and dedication to the City of Hendersonville and its residents.

Adopted this seventh day of March 2019.

/s/Barbara G. Volk, Mayor

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

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

**B. Proclamation for Equal Pay:** Mayor Volk presented a proclamation for the Equal Pay Day to Co-President of AAUW (Hendersonville) Sue Hammer and other members. branch of AAAW? since 1978, national association 1881. Ms. Hammer addressed those in attendance about pay inequity for women.

**8. Public Hearing – Consideration of a Petition from Vicki D. Jones for the Satellite Annexation of a Parcel Containing Approximately 0.414 acres located on Bradshaw Avenue:**

P development Assistance Director Susan Frady presented the petition for satellite annexation from Vicki D. Jones of parcel 9578-33-8633 consisting of approximately 0.414 acres. The parcel is located on Bradshaw Avenue. This petition is related to a sewer service request.

Mrs. Frady reported the map distance from the proposed satellite corporate limits is approximately 210 feet from the primary corporate limits. The total area within the satellite corporate areas, including land involved in this petition, constitutes 4.3 percent.

Mrs. Frady stated the Council accepted the Clerk's Certificate of Sufficiency at their meeting of February 7, 2019, and recommended a public hearing for the March 7, 2019, City Council meeting. She reviewed the standards set forth for annexation in NCGS 160A-31.

At 6:06 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 Vickie D. Jones effective March 7, 2019. A unanimous vote of the Council followed. Motion carried.**

Ordinance #19-0311

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE CITY OF HENDERSONVILLE, NORTH CAROLINA  
Vicki D. Jones, Petitioner

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 seventh day of March 2019, after due notice by publication as by law provided; and,

WHEREAS, the City Council further finds the areas described therein meets the standards of N.C. G.S. 160A-58.1(b), to wit:

- a. All of the proposed satellite corporate limits are less than three miles from the primary corporate limits of Hendersonville. The map distance is 210 feet.
- b. No point on the proposed satellite corporate limit is closer to the primary corporate limits of another city than to the primary corporate limits of Hendersonville.
- c. The area is situated so that the City of Hendersonville, if City Council so determines, will be able to provide the same services within the proposed satellite corporate limits that it provides within its primary corporate limits.
- d. The area proposed for annexation is not a subdivision as defined in NCGS 160A-376.
- e. The area within the proposed satellite corporate limits when added to the areas within all other satellite corporate limits does not exceed 10 percent (10%) of the area within the primary corporate limits of the City of Hendersonville. The total area within the satellite corporate areas, including land involved in this petition, constitutes 4.3 percent of the area within the primary corporate limits.

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 N.C.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 seventh of February 2019.

DESCRIPTION OF PROPERTY: Being located within the Hendersonville Township – Henderson County, North Carolina and being more particularly described as follows:

BEGINNING on an existing  $\frac{3}{4}$  inch iron pipe (with NCGS Grid Coordinates of Northing: 583,608.653 and Easting:973,975.110) and being the southeast corner of Lot 17 of Forest Lawn Subdivision as recorded in Plat Book 4 at Page 65 (Now Plat Cabinet B at slide 323) and thence running along the southern line of said Lot 17, N 69°05'00" W – 182.46 feet to an existing  $\frac{3}{4}$  inch iron pipe and being the southwest corner of said Lot 17; Thence N21°07'45"E-100.10 feet to an existing 2  $\frac{1}{2}$  inch Flat Bar and being the northwest corner of lot 18; Thence along the northern line of said Lot 18, S 69°04'27" E – 178.31 feet to an existing  $\frac{3}{4}$  inch iron pipe and being the northeast corner of said Lot 18; Thence S 18°; Thence S 18°45'09" W – 100.15 feet to the point of the beginning; The above described parcel containing 0.414 acres, more or less, and being all of Lots 17 and 18 of the aforementioned Forest Lawn Subdivision. (Variation of bearings to that of Gris is 0°38'03" clockwise.)

Section 2. Upon and after the seventh day of March 2019, 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 seventh day of March 2019.

/s/Barbara G. Volk, Mayor

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

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



**9. Public Hearing – Consideration of Granting Economic Development Incentive Appropriations to Aid and Encouraging the Location of a new Industrial Enterprise, Lakeside Produce in Henderson County, NC:**

City Manager John Connet explained the City Council previously committed to partner with Henderson County to extend a waterline along Ladsen Road to support the construction of a large greenhouse facility owned by Lakeside Produce LLC. He explained this Canadian produce company would not have located the facility in Henderson County without the City's assistance with the water line. He stated this is considered an economic incentive and formal approval must be made by the City Council following an advertised public hearing.

Mr. Connet explained the installation of waterline utilizing our own employees is estimated to cost \$370,000. However, Henderson County has agreed to contribute up to \$100,000 for the project. He stated the new company will provide up to 150 new jobs and the new taxable base will be \$78,300,000.

Mr. Connet stated a 16-inch water main will be extended for approximately 2,500 linear feet. He stated the funds will come from the Hendersonville Utility account as authorized by NCGS 158-7.16.

At 6:09 p.m., Mayor Volk opened the public hearing in accordance with North Carolina General Statutes by notice published in the Times News.

Mark Williams, Agri Business Henderson County, 1388 Orchard Road, Flat Rock, NC, expressed appreciation on behalf of Lakeside Produce, for the water line extension. He stated without the extension of the water line, the business would not have located here. He thanked the Council for bringing this balance to the local economy.

No one else expressed a desire to speak. The public hearing was closed at 6:11 p.m.

**Council Member Caraker moved the City Council to approve the construction of a new waterline on Ladsen Road to support the development of Lakeside Produce. A unanimous vote of the Council followed. Motion carried.**

Council Member Miller thanked Mr. Williams for his efforts in bringing businesses to Henderson County.

**10. Presentation from Duke Energy on Installation of Underground Powerlines in Druid Hills:**

City Manager John Connet introduced Sarah Lutz from Duke Energy who explained their grid investment program and gave a presentation on one of the parts of that: targeted undergrounding.

Ms. Lutz stated Duke Energy reviewed historical outage data for the last ten years across their enterprise. She stated the history shows most outage events are due to heavily vegetated lines. They looked for clusters of high outages to determine the worst-performing circuits so reliability can be improved. The Druid Hills area was chosen due to the number of outages and length of time combined. This project is separated into two phases.

Ms. Lutz explained the process including easement acquisition and public engagement and communication. She also explained how directional drilling is done to avoid natural and man-made objects as well as other utilities. They will convert all overhead wires to underground up to the meter. They have been working with the Development Assistance Department to ensure regulations in the historic district are met.

Mr. Connet stated other utilities, e.g., cable, phones, will stay on poles. The poles will be sold to the telephone company. He stated there are no plans to make any changes to street lights. He also reported the City has been communicating with Duke Energy as it relates to City services. The City has requested a cost for additional conduit through the neighborhood for future fiber optic cable providers.

**No action was required or taken.**

[Council Member Smith arrived at 6:40 p.m.]

**11. Presentation of Sanitary Sewer Asset Inventory & Assessment and Master Plan Project:**

City Engineer Brent Detwiler introduced staff from Black & Veatch to present their findings on the recently completed Sanitary Sewer Asset Inventory and Assessment and Master Plan Project. He stated the project was partially funded by a grant through the NCDEQ. He stated the City has received the final draft. He also presented a resolution for Council's consideration confirming the completion of the project and requesting final reimbursement.

Mr. Mike Osborne, Budget Manager with Black & Veatch gave a presentation to the Council on the project. He began by introducing other staff: Kevin Laptos, Chris Cornett, and Katy Weidner (not present). He provided a safety moment.

SSAIA Overview: The sewer system has 29 pump stations, 160 miles of gravity sewers, 20 miles of force mains 4,720 manholes and a 4.8 MGD treatment plant.

Mr. Osborne stated the project goals of the SSAIA are to develop:

- A well-documented, forward-looking master plan
- An overall assessment of the condition of the sewer system, as well as guidance for future repairs and maintenance.
- Prioritization of the recommended improvements to direct investments to the most significant projects.
- An expanded GIS database with more complete data.
- An interactive, easy-to-use planning tool.

Mr. Kevin Laptos reported on the condition assessment field inspections which were a joint effort between Black & Veatch and the City staff. He stated the lift stations were assessed, the manholes were inspected, smoke and acoustic testing were done. He gave these recommendations for the system:

- Pipelines: Conduct annual inspections using smoke testing, acoustic testing and CCTV  
Inspect (smoke test or SL-RAT) segments with a LOF score of 3 and higher in the next 3 years  
CCTV segments with defects (smoke testing) or LR-RAT scores of 3 or less (poor or blocked)
- Manholes: Complete inventory and assessment
- Force Mains: Inspect force mains over the next 5 years.

Mr. Laptos stated the inspections did not result in capital project recommendations.

Mr. Laptos stated a hydraulic model was developed from information in the City's GIS system. He stated the model is calibrated based on real flow data information coming from the system. Calibration is important because it gives confidence the model is accurately simulating what was occurring in the system. It is also used for recommending capital projects. He stated the model can also be used for future studies.

Mr. Laptos stated part of the project was to develop flow projections as part of the capacity assessment. This was accomplished through an interactive process with stakeholders. The stakeholders discussing the establishment of the sewer service area boundaries, potential agreements for non-City customers, future flows from septic conversions, future industry and projected population. He reviewed the "Future Service Area boundary." He predicted upgrades will need to be in place at the Wastewater Treatment Plant by 2021 and expansion by 2028. This will need to be studied in the near future.

Mr. Laptos stated the hydraulic model was used to do capacity assessments of the system and a two-year storm event was used. The model was used to identify capacity limitations or potential sanitary sewer overflows (SSOs).

Mr. Laptos stated two significant projects are recommended:

- 6,800 feet of 36-inch sewer and 3,200 feet of 24-inch sewer to address capacity issues
- Equalization storage tank at the Wastewater Treatment Plant.

Mr. Laptos stated in addition to the capacity analysis, they completed a Consequence of Failure Analysis (Proximity to Structure, Environmental Health, size) and a Likelihood of Failure Analysis (age, material, capacity of the system) for all of the pipes in the system.

As part of the project, Mr. Laptos stated they projected a cash flow and time frame need to fund the suggested CIP projects: 12 Capacity Driven Projects, 1 Treatment Related Project, 6 Gravity Extension Projects, and 3 Pump Station Removal Projects. Total CIP cost: \$70.3 Million including: \$43.2 – Gravity Projects, \$26.7 – Gravity Extensions and \$0.4 - Pump Station.

Mr. Laptos stated they created a dynamic dashboard with detailed information for the engineering team to manage the CIP going forward. He stated it is also linked to a capacity assessment tracking tool to allow the City to keep track of capacity as new requests are made for service. He stated this allows the City to constantly monitor the available capacity in the pipes. The timeframe could change based on the pace of development.

There was discussion of items currently in the CIP and the critical projects. Some of the projects will be moving up to planning and design after this study. Mr. Detwiler stated the cost analysis can fluctuate and projects may shift.

After discussion, **Council Member Caraker moved the City Council's approval of a resolution confirming the completion of the Sanitary Sewer Asset Inventory and Assessment project and request for final reimbursement. A unanimous vote of the Council followed. Motion carried.**

Resolution 19-0314

**RESOLUTION REQUESTING FINAL REIMBURSEMENT FROM THE NORTH CAROLINA DEPARTMENT OF ENVIRONMENTAL QUALITY FOR THE WATER INFRASTRUCTURE GRANT**

WHEREAS, At a meeting of the City Council of the City of Hendersonville held on April 7, 2016, staff was directed to apply for a North Carolina Department of Environmental Quality, Division of Water Quality Infrastructure Grant to fund a Sanitary Sewer Asset Inventory and Assessment (Master Plan) project; and

WHEREAS, the City Council accepted the \$150,000.00 grant offer from the Division of Water Infrastructure and the Mayor executed acceptance resolution on November 3, 2016, and

WHEREAS, the City Council received the Sanitary Sewer Asset Inventory and Assessment (Master Plan) completed by Black and Veatch at a regular meeting held on the seventh day of March 2019.

NOW, THEREFORE, the City Council of the City of Hendersonville hereby confirms the completion of the Sanitary Sewer Asset Inventory and Assessment Project and respectfully requests final reimbursement of the State Grant.

Adopted this seventh day of March 2019.

/s/Barbara G. Volk, Mayor

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

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

**12. Consideration of Accepting a Formal Bid and Awarding the Contract for the Wastewater Treatment Plan Improvements—Filter Replacement**

**13. Update on Stormwater Utility:** Stormwater Administrator Michael Huffman initiated a conversation with the City Council on how to fund the needed stormwater system improvements. He stated staff has met and developed a strategy for funding.

Mr. Huffman stated discussions during the retreat were: level of service and funding options for revenue: assessments, ERUs, etc. He stated staff will approach different contracting firms to develop a Stormwater Utility which may take up to a year. He stated this will help set appropriate rates. He suggested a stormwater advisory board and emphasized collaboration with the community - homeowners, business owners, environmental groups and non-profits about their expectations and how the utility should be formed. The results will be presented to the Council with options on how to fund future projects.

Mr. Huffman stated several citizens have approached the City with stormwater-related issues on private property. He stated in the past a private property owner could petition the City to take over the management of the system on their property. A determination is made on whether it would benefit the City's service or petitioner. From that point engineering plans and cost-sharing options are developed. He stated other options should be included in a future policy. He requested Council suspend the existing program that allows property owners to request the City take over maintenance on private property to avoid unforeseeable costs until a better plan is developed. Mr. Connet commented there is no funding available this year for such projects.

After discussion, **Council Member Miller moved the City Council suspend the current stormwater petition process until the completion of the stormwater utility rate study. A unanimous vote of the Council followed. Motion carried.**

**14. Consideration of a Resolution Requesting the City of Hendersonville Be Added to House Bill 92 to Allow the City to Hold a Referendum to Establish a Quarter-Cent Sales Tax for Street Construction and Maintenance:** City Manager John Connet reported staff is working with Representative McGrady to introduce a bill on behalf of Hendersonville to allow a referendum to establish a quarter-cent sales tax for street improvements: grading, servicing, widening and paving streets, acquiring rights-of-way and constructing sidewalks. He stated instead of adding Hendersonville onto another bill, Representative McGrady will file a bill on the City's behalf. He stated additional funding is needed to handle the City's infrastructure. In discussion, **the Council agreed sidewalks and greenways should be added to the local bill.** This additional sales tax would be in perpetuity.

Council Member Caraker moved the City Council approve the resolution requesting that the City of Hendersonville be added to HB 92, which will authorize a referendum to establish a 1/4% local option sales tax to street construction and maintenance and greenway construction. Council Member Miller asked if this would be a separate local Bill. Council Member Caraker rescinded the motion.

**Council Member Caraker moved the Council adopt a Resolution requesting a local bill to allow the City of Hendersonville to hold a referendum to establish a quarter-cent sales tax for street construction and maintenance, sidewalks and greenways. A unanimous vote of the Council followed. Motion carried.**

Resolution 19-0312

**RESOLUTION REQUESTING A LOCAL BILL TO ALLOW  
THE CITY OF HENDERSONVILLE TO HOLD A REFERENDUM TO ESTABLISH A QUARTER-CENT SALES TAX  
FOR STREET CONSTRUCTION AND MAINTENANCE**

WHEREAS, the City of Hendersonville is the county seat and provides services to all citizens of Henderson County, and

WHEREAS, the City of Hendersonville is a major tourist destination, and

WHEREAS, the demand for City services continue to increase, especially police and fire services, and

WHEREAS, the City of Hendersonville is home to numerous large non-profits with property valuations that exceed \$400 million that do not pay property tax or sales tax, and

WHEREAS, the City of Hendersonville property owners should not have to shoulder all the costs of services being utilized by individuals who do not live in Hendersonville.

NOW, THEREFORE, the City Council of the City of Hendersonville hereby respectfully requests Representative Chuck McGrady to file a local Bill which will allow the City of Hendersonville to hold a referendum to establish a quarter-cent sales tax for street construction and maintenance, greenways and sidewalks.

Adopted this seventh day of March 2019.

/s/Barbara G. Volk, Mayor

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

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

There was some discussion of when the referendum will be held. Mr. Connet stated assuming the bill passes by late summer, it could be on the ballot in November 2019.

**15. Letter of Commitment for the Fire Chief to Apply for a Staffing for Adequate Fire and Emergency Response Grant (SAFER) for 15 Firefighters:** Fire Chief Joseph Vindigni asked for Council's consideration of a letter of commitment for 15 firefighters to increase staffing and overall availability of resources.

Chief Vindigni stated the City is facing challenges due to the success of the historic downtown: population growth during the day and an overall increase in population. He stated the additional firefighters will reduce the department's reliance on outside agencies and enhance their ability to protect lives and property throughout the community.

Chief Vindigni stated recent reports show additional firefighters should be a high priority. He noted incidences where the department was out of apparatus when calls came in.

Chief Vindigni stated accepting the grant could result in a savings to the taxpayers of more than \$1.5 million over four years and allow the department to serve the citizens at a higher level of service.

There was discussion on the reliance on outside organizations. Chief Vindigni stated they have simultaneous calls about 40 percent of the time. There was discussion of how many more people on duty and equipment is needed. Chief Vindigni stated an additional apparatus is needed and four firefighters per shift is needed, a minimum of 12 firefighters. Mr. Connet stated the department has one apparatus that has three firefighters. The Council also discussed the cost of a vehicle. Chief Vindigni estimated \$800,000 for an additional apparatus that has a 15-20 year life.

Discussion followed on applying for the SAFER grant. Chief Vindigni stated the City received a SAFER grant last year for three firefighters. The Council discussed the apparatus. Chief Vindigni recommended an engine because of the ISO rating. The City currently only has two engine companies. He stated the Department of Insurance requires the City to have three engine companies to every structure fire in the City.

Chief Vindigni said some of the funds for the 15 firefighters would be used to promote battalion chief positions and hire firefighters. He stated if 21 firefighters would allow them to have four members on all of their apparatus. He discussed the challenge with nine firefighters stating overtime and part-time costs increase.

In discussion of the budget, Mr. Connet stated at year four, there will be a need for additional revenue. He stated at it stands now, the tax would have to be raised to cover the costs of the firefighters and apparatus. For nine additional firefighters, the tax rate may be kept as it is now. There was also discussion of additional positions needed if another station is built.

Council Member Miller supported pursuing a grant for 12 firefighters to allow battalion chief positions. Council Member Caraker voiced support of getting the level of service up before beginning a new building. There was discussion of the costs for both the additional personnel and apparatus.

**Council Member Miller moved the City Council to approve a letter of commitment for the Fire Chief to apply for a Staffing for Adequate Fire and Emergency Response Grant for 12 firefighters. The vote was four in favor, one opposed (Smith). Motion carried.**

**16. Consideration of Maple Lot Boundary Line Resolution:** Council Member Miller asked to be excused from voting because of current financial interest. He stated he is not receiving any money from the City for this boundary line resolution; no funds will be exchanging hands. **Council Member Caraker moved to excuse Council Member Miller from voting on item 16. A unanimous vote of the Council followed. Motion carried.** *[Council Member Miller left the meeting.]*

City Attorney Fritschner stated Mr. Pahle has been working with a nonprofit to install fiber optics in the Maple Parking Lot. He stated when working on the easement, a survey was done but property lines could not be identified.

City Attorney Fritschner reported a survey was completed on an assumed boundary lot. He stated the boundary line does not give up any property in the Maple Parking Lot. The line runs through planting area to the point where ERC will be located. Both the City and Mr. Miller agreed to the boundary.

**Council Member Caraker moved City Council adopt the resolution authorizing execution of the boundary line agreement with Millers Laundry. A unanimous vote of the Council followed. Motion carried.**

RESOLUTION #19-0313

**A RESOLUTION AUTHORIZING THE EXECUTION OF A BOUNDARY LINE AGREEMENT WITH MILLER'S LAUNDRY AND CLEANERS, INC.**

WHEREAS Miller's Laundry and Cleaners, Inc. is the owner of certain real property in Hendersonville situated on King Street between Fourth Avenue and Fifth Avenue, often referred to as "Miller's Laundry"; and

WHEREAS the City of Hendersonville is the owner of certain real property in Hendersonville situated on King Street at Fifth Avenue, often referred to as the "Maple Parking Lot," and

WHEREAS a number of surveyors, attempting to determine the exact location of the property boundary line between The Maple lot and Miller's Laundry; and

WHEREAS the City Council deems it to be in the best interest of the City of Hendersonville to establish a clear boundary line between the aforesaid parcels; and

WHEREAS the City Council has engaged a registered surveyor, with the tentative agreement of the officers of Miller's Laundry and Cleaners, Inc., to establish henceforth a certain boundary line between the aforesaid parcels; and

NOW, THEREFORE, BE IT THEREFORE RESOLVED that the City Council does hereby authorize and direct the city manager to execute on behalf of the City the attached Boundary Line Agreement and to record the same with the Register of Deeds once it has been fully executed and acknowledged.

This resolution shall be effective upon its adoption.

Adopted this seventh day of February 2019.

/s/Barbara G. Volk, Mayor

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

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

*[Council Member Miller returned to the meeting.]*

**17. Reports/Comments from Mayor and City Council Members:**

Council Member Smith initiated a discussion about the police headquarters and asked if there is a possibility of redesigning the building and reducing it by 10 percent to reduce the cost. He commented the City has so many things to pay for and wanted to ask before the project proceeds.

Mayor Pro Tem Stephens commented the City was presented with two options. He voiced support of the smaller building because the needs for future years are unknown. He supported a design that could be redesigned for additions at a minimum cost.

There was discussion on tailoring systems or architectural details to cut back on costs. Mr. Connet stated staff asked the architect how the costs could be cut if needed. He stated there may be some efficiencies if the floors were stacked evenly. He stated the second floor is offset because it is going in a residential neighborhood. He stated there may be ways to cut the square footage. Council Member Caraker suggesting asking the architect to tailor some of the systems to save some costs. He stated there many be some savings by changing architectural features. Mayor Volk commented this building is being put in a residential neighborhood that Council wants to enhance. She stated putting up a box because it is cheaper is not doing the neighborhood a favor. Council Member Caraker agreed, stating the City made a commitment to the neighborhood and he wants to honor the commitment to the revitalization of Seventh Avenue.

Mayor Pro Tem Stephens asked to see what \$9 million design looks like. He stated there will be additional costs to renovate City Hall once the Police Department vacates.

Council Member Caraker commented value engineering should be done on the building, the base needs should be met and then reassess the design and cost. Council Member Smith stated he does not want to remove the meeting space.

Mr. Connet suggested another meeting with the architect so options can be heard. **A special meeting was set for Thursday, March 14, 2019, at 1:00 p.m. at City Hall.**

Mr. Connet explained staff previously asked the architect to come back with potential options to reduce costs.

- Mayor Volk announced there is a group working to cut down on energy use in general combatting climate change with things that can be done locally. She invited the Council to the presentation at the Environmental Sustainability Board on March 21 at 4:00 p.m. at the Operations Center.

## **18. Reports from Staff:**

**A. Report on Contingencies:** Mr. Connet reported the following contingency appropriations in accordance with NCGS 15-13(b)(3):

- 1) Fund 10, \$9,000 - Sidewalks
- 2) Fund 10, \$672 – Fleet Maintenance Overage
- 3) Fund 60, 510,000 - Economic Development Project
- 4) Fund 60, \$7,275 - 14" Check Valve at Water Treatment Plant Transfer Pump Station
- 5) Fund 60, \$3,106 - Worker's Comp. Insurance
- 6) Fund 10, \$628 - Worker's Comp. Insurance
- 7) Fund 10, \$18,914 - Security Service
- 8) Fund 60, \$15,964 - Security Service
- 9) Fund 10, \$868 - Worker's Comp. Insurance
- 10) Fund 60, \$4,768 - Worker's Comp. Insurance

## **19. Appointments to Boards/Commissions:**

**Tree Board:** Council Member Caraker nominated Alan Krueger for an open position on the Tree Board. This term will expire December 2019. The Council voted unanimously to approve the nomination.

**Environmental Sustainability Board:** Council Member Caraker nominated Roger Bass for an open position as an outside-City representative on the Environmental Sustainability Board. This term will expire June 2020. The Council voted unanimously to approve the nomination.

**Business Advisory Committee:** Mayor Pro Tem Stephens nominated Will Penny for an open position on the Business Advisory Committee. This term will expire June 2021. The Council voted unanimously to approve the nomination.

**Board of Adjustment:** Mayor Pro Tem Stephens nominated Kathy Watkins for the regular position on the Board of Adjustment. This term will expire June 2020. The Council voted unanimously to approve the nomination.

Mrs. Drake also reported a vacant position on the Walk of Fame Steering Committee.

**18. New Business:** There was no new business.

**20. Adjournment:** The meeting adjourned at 8:20 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