

December 5, 2013
Regular Meeting of the City Council
Council Chambers – City Hall
5:45 p.m.

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

Staff Present: City Manager John F. Connet, City Clerk Tammie Drake, City Attorney Sam Fritschner, Planning Director Sue Anderson, Zoning Administrator Susan Frady, Finance Director Jim Rudisill, Utilities Director Lee Smith, Public Works Director Tom Wooten

1. Call to Order: Mayor Volk called the meeting to order at 5:45 p.m. and welcomed those in attendance. A quorum was established with all 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.*

Eva Ritchey, 1928 Brevard Road, requested Council reconsider free parking for downtown during holidays. She also requested promotion of Small Business Saturday next year to encourage local shopping.

Mark Ray, 26 Victoria Park, reported the dedication was completed on the McClintock clock. He stated funds will be provided in full to the HPC for the plaque. He asked the Council to create an accommodating impression for parking downtown by providing parking for buses. Mayor Volk expressed appreciation to Mr. Ray for his work and dedication on getting the clock working again.

Barbara Hughes, recognized Jeff Collis for his service and congratulated Jeff Miller on his election. She also expressed appreciation for the work downtown as she has had the best economic year ever. She expressed appreciation to the Council for addressing the problem of street entertainers.

4. Consideration of Agenda:

Addition under Mayor and Council Comments:

Discussion of Greenway at Berkeley Park – Council Member Jerry Smith

Mayor Pro Tem Collis moved approval of the agenda as amended. A unanimous vote of the Council followed. Motion carried.

5. Unfinished Business:

A. Small Meter Access Program: Mr. John Connet, City Manager, addressed the Council. He stated City staff has revised this program in accordance with Council direction to allow authorized plumbers access any time a problem arises on the customer's side of the meter, including but not limited to installing a customer-side shut-off valve. He stated the program allows licensed and permitted plumbers access to meter boxes housing small meters (3/4-inch and 1-inch only).

Mr. Connet clarified the \$50 fee is a one-time fee for the training and includes the cost of one meter box key. Additional keys are \$10 each.

Mr. Connet also clarified a change in the program that allows trained plumbers unlimited access to small meters to address any plumbing issue, for a period of five years. He emphasized if a plumber has not gone through the training and wants access to the meter, the City will come out at no charge, turn the water off and will schedule a time to meet the plumber there. Plumbers will be required to document convenience valve installation and update the Water/Sewer Department monthly.

There was some discussion on violators of the program. Mr. Lee Smith explained violators will be notified first; further action may be necessary. There was also discussion on the amount of required insurance.

Council Member Caraker moved Council to approve the revised small water meter service access permitting procedure, and related fees, \$50 one-time permitting fee, associated with the program, as presented and recommended by staff. A unanimous vote of the Council followed. Motion carried.

B. Consideration of Resolution of Appreciation and Respect for Departing Council Member

Jeff Collis: Mayor Volk presented the following resolution to Mayor Pro Tem Collis for eight years of exemplary service to City.

Resolution #13-1255

**Resolution of Respect and Appreciation for
Jeffrey D. Collis, Council Member and Mayor Pro Tem**

On this day, December 5, 2013, after serving eight years on the City Council, and four of those years as a Mayor Pro Tem, Jeff Collis is leaving the Council with a record of positive achievements.

It is appropriate and fitting to mention some of the noteworthy accomplishments made by the City Council during his term of office:

- The rehabilitation of the Main Street Infrastructure
- Implementing the City-staffed Main Street Program and Establishing the Downtown Advisory Committee
- The 2030 Comprehensive Plan which helps guide the growth within the City for the next 25 years
- The purchase of the property for and construction of a new fire station on Upward Road
- "Preserve America" designation
- Grey Hosiery Building: evaluated proposals for the building and initiated studies for convention/conference center
- Upgrade of the City's water treatment plant with room for growth
- A revamp of the City's privilege license tax rate
- French Broad River Raw Water Intake
- Amendments to the Code of Ordinances in regards to Water Shortage Response and Conservation and Incentives Program
- Amendments to the Code of Ordinance in regards to Animal Control
- Beaver management program
- Flat Rock Playhouse Downtown Hendersonville Location
- Implementing the Parks and Green Space Master Plan
- Wingate University's downtown Location
- Regulation of Electronic Gaming Operations
- Numerous Water and Wastewater System Improvement Projects including the Water Treatment Plant Renovation, a New Metering System and Amendments to the Sewer Extension Policy and the Policy Governing Voluntary Annexations as a result of Sewer Extension Requests, and water for the Dana Community

Mr. Collis served as the Council liaison for the Downtown Advisory Committee and served as alternate on the Land-of-Sky Regional Council Board.

Mr. Collis has been a strong encourager and supporter of the City employees and worked to increase Police patrols in the City.

We now express our gratitude to an individual who has made a difference in Hendersonville during his term of office. We are thankful for his public service and express our appreciation on behalf of the citizens of Hendersonville.

Adopted this fifth day of December 2013.

/s/Barbara G. Volk

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

Mayor Pro Tem Collis commented he appreciates the Council and staff; and it has been an honor to serve.



ORGANIZATIONAL MEETING OF THE CITY COUNCIL

6. Administration of the Oath of Office and Presentation of Certificate of Election to Mayor

Barbara G. Volk: The Honorable District Court Judge Emily Cowan administered the oath of office to Barbara G. Volk, elected as Mayor of the City of Hendersonville for a second term.

7. Administration of the Oath of Office and Presentation of the Certificate of Election to Council Member Jerry Smith:

The Honorable Mayor Barbara G. Volk, administered the oath of office to Council Member Jerry A. Smith, Jr.

8. Administration of the Oath of Office and Presentation of Certificate of Election to Council Member Jeff Miller:

The Honorable Senator Thomas Apodaca administered the oath of office to Jeffery L. Miller.

9. Remarks by Mayor Barbara Volk and City Council Members Jeff Miller, Jerry Smith and Others:

Mayor Volk commented she is honored to have been reelected as mayor and looks forward to serving the community for another four years. She has served on the Council for 24 years, and continues to learn, and it is a pleasure to the serve the City.

Council Member Smith expressed appreciation to his dad and stepmother for their support. He stated he takes his oath seriously as a teacher as well as a citizen. He stated he takes that responsibility with a great deal of humility and respect for what it stands for. He looks forward to the next four years. He stated it is an honor and privilege to serve on the Council and he doesn't take it lightly. He stated this is his chance to be the voice of citizens in the City of Hendersonville. He appreciates the opportunity to serve and work with the Council.

Jeff Miller expressed appreciate to Senator Tom Apodaca who has been a great friend for a long time. He also thanked the voters for the opportunity to work with the Mayor and Council. He stated he looks forward to working together to do the right things for Hendersonville and Henderson County. He stated he comes in with an open mind and willingness to learn and listen and to push toward the best service we can deliver. He stated to the voters, he will do his best not to disappoint, to make decisions he thinks is right and not be self-serving. He stated it is an honor and will try to make the place he was born in the best he can make it. He also expressed appreciation to Dave and Maurean Adams.

10. Election of Mayor Pro Tempore: Council Member Caraker nominated Council Member Stephens as mayor pro tem. A unanimous vote of the Council followed. Motion carried.



11. Consideration of Consent Agenda: *These items are considered routine, non-controversial in nature and are considered and approved by a single motion and vote.*

A. Consideration of Minutes: November 7, 2013 Regular Meeting

B. Consideration of Approval of 2014 Proposed Schedule of Regular Meeting Dates

C. Consideration of Election Results and D. Consideration of Results of Bond Referendum:

DRAFT

11/12/13 11:33 AM

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	STATISTICS		HENDERSONVILLE MAYOR		
	V O T E R S R E G I S T E R E D	C A S T B A L L O T A L S	R O N S T E P H E N S	B A R B A R A G V O L I K	W R I T E - I N
AR ARMORY FLAT ROCK	160	10			
AR ARMORY HENDERSONVILL	271	61	36	24	0
CC CLEAR CREEK	658	104	43	59	0
CV CAROLINA VILLAGE	482	304	117	182	0
EV ETOWAH VALLEY	200	4			
FL FLETCHER	3892	372			
FR FLAT ROCK	2923	111			
HC HOOPERS CREEK	868	55			
HV-1 HENDERSONVILLE-1	2398	710	302	401	1
HV-2 HENDERSONVILLE-2	2638	446	161	279	1
HV-3 HENDERSONVILLE-3	2560	527	197	321	2
LJ LONG JOHN MOUNTAIN	113	33	16	17	0
LP LAUREL PARK	1784	374			
MG MOORES GROVE	133	19	16	3	0
NB NORTH BLUE RIDGE	75	22	16	6	0
NE NORTHEAST	71	4	1	3	0
NM NORTH MILLS RIVER	2424	100			
NW NORTHWEST	16	1	0	1	0
PR PARK RIDGE	134	6			
PV PISGAH VIEW	80	12			
SE SOUTHEAST	50	1	0	1	0
SM SOUTH MILLS RIVER	2602	94			
SW SOUTHWEST HNDRSNVILL	79	17	9	8	0
SW SOUTHWEST LAUREL PAR	5	2			
ABSENTEE	0	58	19	33	0
PROVISIONAL	0	5	0	2	0
CURBSIDE	0	43	11	25	0
TOTALS	24616	3495	944	1365	4

11/12/13 11:33 AM

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	HENDERSONVILLE COUNCIL					Parks and Recreation Bonds HENDERSONVILLE	
	Diane Caldwell	Jeff Collins	Jeff Miller	Jerry Smith	WRITEN	Yes	No
AR ARMORY HENDERSONVILL	10	20	54	31	0	11	47
CC CLEAR CREEK	39	25	75	49	0	54	36
CV CAROLINA VILLAGE	59	72	248	162	0	127	132
EV ETOWAH VALLEY							
HV-1 HENDERSONVILLE-1	180	232	485	402	3	325	355
HV-2 HENDERSONVILLE-2	161	166	278	204	1	193	219
HV-3 HENDERSONVILLE-3	160	193	339	261	4	227	282
LJ LONG JOHN MOUNTAIN	5	15	20	22	0	23	10
LP LAUREL PARK							
MG MOORES GROVE	5	5	13	10	0	3	15
NB NORTH BLUE RIDGE	1	7	20	16	0	5	15
NE NORTHEAST	3	1	1	1	0	2	2
NM NORTH MILLS RIVER							
NW NORTHWEST	0	0	0	0	1	0	1
FV PISGAH VIEW							
SE SOUTHEAST	1	0	1	0	0	1	0
SM SOUTH MILLS RIVER							
SW SOUTHWEST HNDRSNVILL	3	4	11	12	0	10	6
SW SOUTHWEST LAUREL PAR							
ABSENTEE	14	13	33	37	1	20	27
PROVISIONAL	0	2	1	0	0	1	1
CURBSIDE	19	12	21	8	0	16	11
TOTALS	660	767	1600	1215	10	1018	1159

E. Consideration of Resolution Approving the 2012 Local Water Supply Plan: Mr. Lee Smith reported the City received notification from the North Carolina Department of Environment and Natural Resources, Division of Water Resources that the City’s 2012 Local Water Supply Plan was approved. The letter also included a request for the City to adopt this Local Water Supply Plan by means of a resolution.

Resolution #13-1256

RESOLUTION APPROVING 2012 LOCAL WATER SUPPLY PLAN FOR THE CITY OF HENDERSONVILLE

WHEREAS, North Carolina General Statute 143-355 (l) requires that each unit of local government that provides water services or plans to provide such services shall, either individually or together with other such units of local government, prepare and submit a Local Water Supply Plan; and

WHEREAS, as required by the statute and in the interests of sound local planning, a Local Water Supply Plan for the City of Hendersonville, has been developed and submitted to the City Council for approval; and

WHEREAS, the City Council finds that the Local Water Supply Plan is in accordance with the provisions of North Carolina General Statute 143-355 (l) and that it will provide appropriate guidance for the future management of water supplies for the City of Hendersonville, as well as useful information to the Department of Environment and Natural Resources for the development of a state water supply plan as required by statute;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hendersonville that the Local Water Supply Plan entitled, Hendersonville 2012 Local Water Supply Plan submitted on April 1, 2013, is hereby approved and shall be submitted to the Department of Environment and Natural Resources, Division of Water Resources; and

BE IT FURTHER RESOLVED that the City Council intends that this plan shall be revised to reflect changes in relevant data and projections at least once every five years or as otherwise requested by the Department, in accordance with the statute and sound planning practice.

Adopted this fifth day of December, 2013.

/s/Barbara G. Volk, Mayor

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

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

F. Consideration of Budget Amendment - Police Department: The Police Department requested funds received from an insurance settlement (\$8,000) on car 01-48 be moved to Police Vehicles repair and maintenance account to equip an unmarked spare car to become marked spare car for patrol.

Total Current Budget Appropriations 27,000.00

Amount of Increase/Decrease 8,000.00

Total Current Amended Budget Appropriations 35,000.00

G. Consideration of Petition by Henderson County and the Henderson County Board of Public Education to Close a Portion of Ninth Avenue West between N. Church Street and Oakland Street: Ms. Anderson reported the City received an application from Henderson County and the Henderson County Board of Public Education to close a portion of Ninth Avenue West between N. Church Street and Oakland Street to facilitate the expansion of Hendersonville High School.

Resolution #13-1257

RESOLUTION OF INTENT

A resolution declaring the intention of the City of Hendersonville City Council to consider the closing of a portion of 9th Avenue West between N. Church Street and Oakland Street.

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

WHEREAS, Henderson County and the Henderson County Board of Public Education, have petitioned the Council of the City of Hendersonville to close a portion of 9th Avenue West between N. Church Street and Oakland Street; and

WHEREAS, the City Council considers it advisable to conduct a public hearing for the purpose of giving consideration to the closing of a portion of 9th Avenue West between N. Church Street and Oakland Street.

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

1. A meeting will be held at 5:45 p.m. on the sixth day of February, 2014, in the Council Chambers of City Hall to consider closing a portion of 9th Avenue West between N. Church Street and Oakland Street.
2. The City Clerk is hereby directed to publish this Resolution of Intent once a week for four successive weeks.
3. The City Clerk is further directed to transmit by registered or certified mail to each owner of property abutting upon that portion of said street a copy of the Resolution of Intent.
4. The City Clerk is further directed to cause adequate notices of the Resolution of Intent and the scheduled public hearing to be posted as required by G.S. 160A-299.

Adopted by the City Council at a meeting held on the fifth day of December 2013.

/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 Agreement with NCDOT for the Construction of the Oklawaha Greenway Phase 3 from N. Main Street to Balfour Road Connecting Patton Park to Berkeley Mills Park: City Engineering Director Brent Detwiler reported City staff secured a grant from the NCDOT Bike and Pedestrian Division for \$1,200,000 to pay for engineering and construction of Phase 3 of the Oklawaha Greenway connecting Patton and Berkeley Mills Parks.

Mr. Detwiler explained the \$1,200,000 grant is to fund engineering and construction of the Oklawaha Greenway Phase 3. The City of Hendersonville will be required to administer and construct the project on a reimbursable

agreement basis not to exceed \$1,200,000. He explained no local match is required but any funds needed to pay for the project beyond \$1,200,000 will be the responsibility of the City.

Mr. Detwiler presented the grant reimbursement agreement from NCDOT for acceptance by the City Council of the grant and the funding provisions contained therein and requested approval for the City Manager to execute the agreement with NCDOT. [The agreement is on file in the office of the City Clerk.]

I. Consideration of a Resolution Declaring a Lien on Certain Real Property Located at 710 E. Pace Street Pursuant to NC General Statute §160A-432: City Attorney Fritschner reported earlier this year the Council, by ordinance, authorized the demolition of a building situated at 710 E. Pace Street. The demolition was effected at a cost of \$8,600. North Carolina General Statutes 160A-432 provides a method for the City to establish a lien for the amount expended on the demolition. He presented a resolution establishing a lien in accordance with the provisions of this statute.

Resolution #13-1258

A RESOLUTION DECLARING A LIEN ON CERTAIN REAL PROPERTY PURSUANT TO GENERAL STATUTE § 160A-432

WHEREAS the State of North Carolina has by virtue of General Statutes Article 19 Part 5 provided for the demolition of certain unsafe buildings and has further provided through the establishment of a statutory lien a mechanism whereby a city may recoup its expenses incurred in such demolition, and

WHEREAS the City has incurred demolition expenses in relation to the demolition of a building pursuant to the aforementioned General Statutes,

NOW, BE IT THEREFORE RESOLVED that the City Council declares as follows:

1. Pursuant to North Carolina General Statutes Chapter 160A Article 19 Part 5 the City Council did, in Ordinance # 13-0311 authorize the zoning department to effect the demolition of a building situated on real property described in that deed recorded in Deed Book 590 at page 513, Henderson County Registry.
2. Under the authority granted by the said ordinance the zoning department effected the demolition of the said building in accordance with the terms of the General Statutes.
3. The demolition of the said building was effected at a cost to the City of \$8,600.00. A copy of the invoice submitted to and paid by the City in accordance with the terms contained therein is attached to this resolution.
4. Pursuant to the terms of North Carolina General Statute § 160A-432 the City Council does hereby declare the establishment of a lien on the real property described in that deed recorded in Deed Book 590 at page 513, Henderson County Registry in the amount of \$8,600.00 as of the date and time of this declaration plus interest thereupon accruing as provided by law.

Adopted this fifth day of December 2013 at p.m.

/s/Barbara G. Volk, Mayor

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

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

J. Consideration of Disposition of Property Located at 715 Miami Terrace: City Clerk Tammie Drake reported the property located at 715 Miami Terrace was donated to the City of Hendersonville by US Bank National Association in June 2013. The structure on this property was demolished by the grantor prior to the City receiving it. The property is not in the City limits but is currently being maintained by the Public Works Department. A neighbor, Ms. Rose P. Woodward, expressed an interest in purchasing the property and has submitted a bid for \$1,000 along with the required deposit. The Council adopted a Resolution Authorizing the Disposition of the Real Property By Negotiated Offer, with the Upset Bid Provision in accordance with N.C.G.S. §160A-269, at their November meeting. The offer was published in the Hendersonville Lightning on Nov. 13 and the public was given until Nov. 25, 2013 to respond with an upset bid offer. She reported no further offer was received.

Approval of this item is to dispose of the property located at 715 Miami Terrace, Hendersonville, NC, PIN: 9559-43-1068 as advertised in accordance with G.S. § 160A-269, to Rose P. Woodward, for \$1,000 plus the cost of

closing, recording and advertising fees. Further, to direct the City Attorney to prepare the deed and to authorize the Mayor to execute the deed on behalf of the City.

K. Consideration of an Agreement with NCDENR for the Britton (Brittain) Creek Stormwater Management/Mud Creek Watershed Restoration Project: Mr. Brent Detwiler, Engineering Director, explained the City Council unanimously endorsed the submission of a grant application to make stormwater improvements in the Britton Creek watershed at their June 7, 2012 meeting. He reported the City was awarded a grant in the amount of \$121,528 from the NC Department of Environment and Natural Resources for six projects within the Britton Creek watershed. The City will be providing a cash and in-kind match of \$260,322 (\$172,400 cash and \$87,922 In-kind). The cash contribution will come from the Water and Sewer Fund as part of the Jackson Park and Comet Drive sewer line projects. All other projects will be funded through in-kind services and/or grant funds.

Mr. Detwiler reported projects included as part of this grant include:

1. Construction of two bio retention cells at Opportunity House and Calvary Baptist Church (grant funds)
2. Flow monitoring of bio retention cells (in-kind - Diane Silver)
3. Development of Mountain Stormwater Best Management Practices Manual by NC State University (grant funds)
4. Streambank stabilization and restoration along Comet Drive and in Jackson Park - These projects will allow improvements to the streambank in an effort to protect the City's sewer line. The wet pond at Patton Park will be converted into a designed stormwater wetland (cash match).
5. Continue stormwater monitoring throughout the watershed. (grant funds - Diane Silver)
6. Continue education efforts throughout the watershed to share the benefits of good stormwater management. (grant funds - Diane Silver)
7. Provide administration of watershed grant projects (grant funds - Diane Silver)

Mr. Detwiler requested City Council's approval of the grant agreement between the City and NC Department of Environment and Natural Resources for the Britton Creek watershed projects.

L. Consideration of Tax Releases and Refunds: Ms. Donna Fox, Tax Collector, presented the following tax releases and discoveries for the period shown.

<u>Year</u>	<u>Amount</u>
2004	\$202.50
2011	\$8,917.53
2012	\$11,574.78
2013	\$3,297.34
Refund Total	\$23,992.15

<u>Year</u>	<u>Amount</u>
2007	\$173.89
2011	\$11,379.63
2012	\$15,042.74
2013	\$2,302.17
Release Total	\$28,898.43

Council Member Smith asked to remove item B. Consideration of Approval of 2014 Proposed Schedule of Regular Meeting Dates to discuss the January Council meeting. **This item was moved to Mayor/Council comments.**

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

12. Recognition of YMCA Community Health Award: Mr. Connet presented the “Champion of Community Health Award for 2013” presented to the City by the YMCA. He stated the Wellness Committee members received the award at the YMCA’s Annual Meeting on November 7. He recognized Council’s leadership and congratulated the Wellness Committee on the success of the Turkey Trot 5K on Thanksgiving morning.

13. Recognition of “Hendersonville Heroes”: Mr. Connet recognized Police Officer Jason Smith and Fire Captain Tim Cagle for their actions at an incident that led to an arrest. District Attorney Greg Newman assisted in the recognition. Mayor Volk presented certificates of commendation to Officer Smith and Captain Cagle.

Fire Chief Dorian Flowers recognized Fire Captain Scott Justus who successfully completed the International Professional Designation process that awards him the professional designation of “Fire Officer” stating there are only 166 worldwide. Mayor Volk commented this shows the quality of City staff.

14. Presentation of Audit: Mr. Ron Carland, Carland and Andersen, Inc., presented the Comprehensive Annual Finance Report for the City stating it has been a collaborative effort with the Finance Director, Jim Rudisill.

Mr. Carland reviewed the City’s Statement of Net Position (which is a new term that stands for net worth). The City’s net worth is more than \$100 million, one-fourth of which is governmental activities, and three-fourths is utility activities and this includes capital assets: streets, bridges, fire trucks and buildings. He reported the net worth of the City increased by \$2 million. The Hendersonville ABC Board is included because they qualify as a component unit because the City Council appoints the members of the Board and receive 50 percent of the operating profits each year.

Mr. Connet reviewed the City’s General Fund which takes care of Police and Fire protection, Zoning, Public Works, parks, the cemetery and Patton Pool. The fund balance increased by approximately \$552,000. He stated revenues generally improved with an increase of \$170,000 in taxes that passed through from the State (primarily sales taxes and taxes on public utilities).

Mr. Carland reported the City continues to enjoy a strong financial position with a fund balance in the General Fund at nearly \$9 million with an unreserved fund balance of 56 percent of the year’s expenditures in comparison to a minimum required of 8 percent. He reported the enterprise funds also have a healthy fund balance. The Environmental Service Fund has an operating profit of approximately \$200,000 and has a net worth of \$1.25 million. He stated the Water and Sewer Fund had an operating profit of \$1.7 million and has a net worth of approximately \$75 million and is composed of the system in the ground, vehicles, etc. and is off-set by notes payable.

Mr. Carland stated the City operates other funds, administers grants, and capital projects including Main Street improvements and the construction of the fire station. More details are available in the CAFR. **No action was required or taken.**

Mayor Volk expressed appreciation for the work of Mr. Carland over the years.

•Special Recognition: Mayor Volk and Mr. Connet recognized Mr. Jim Rudisill, retiring Finance Director with 28½ years of service, as a “Hendersonville Hero” for his outstanding service upon the occasion of his retirement. Mr. Connet reviewed a comparison of the CAFR from 1988 to 2013.

Mr. Rudisill stated he wanted to share the award with Mr. Ron Carland. Mr. Rudisill commented it has been an honor and privilege to work for the City for 28½ years. He expressed appreciation to the Council and fellow staff members.

15. Consideration of Request of Historic Seventh Avenue District (HSAD) Board to Utilize the School of Government Services: Mr. John Connet, City Manager, proposed that the HSAD and the City of Hendersonville partner with the UNC School of Government's Development Finance Initiative to develop a strategy for the redevelopment of the Historic Seventh Avenue District.

Mr. Will Lambe with the UNC School of Government provided an overview of the community and economic development program. He stated their team specializes in how public incentives/strategies may attract private investment. He proposed examining the Historic Seventh Avenue District closely to determine how the City may creatively use its legal authority and financial means to encourage the maximum amount of private investment in the district to increase the tax base in that district. He explained their team will examine each parcel to attempt to find the highest and best uses that could be supported, what programs and strategies that encourage the implementation of the highest and best uses, and what development partners may be interested in the district.

Mr. Lambe stated the opportunities in this district are high. He stated the results of the study will belong to the City to distribute as necessary.

Mr. Lambe stated they will regularly spend time in the area, will perform a three or four-day extensive visit with the team, walk the existing MSD boundaries to determine if the boundaries are the right boundaries with respect to the City's goals of redevelopment, suggest additional policies the City may consider, etc. He stated they may also act as a developer to bring partners together. He stated they look at a five to six-year strategy to determine what the highest and best uses will call for and the amount of redevelopment necessary. He stated their partnership with the HSAD and the City will be a key component to make the necessary connections with current property owners and business owners as prime audiences for the redevelopment. Mayor Pro Tem Stephens commented the group is very impressive and the seminar he attended was outstanding.

Mr. Connet reported the concept was presented to the HSAD executive committee who unanimously endorsed this project and funding proposal. He reported they are willing to expend \$10,000 out of their budget next year to assist in paying the cost of the \$24,000 initiative. He proposed the Council advance the remainder \$14,000 to get the project started. Council Member Miller expressed a concern about spending next year's money. He asked if the City could participate in the cost instead. Council Member Caraker believes the HSAD Board has done a good job with limited funds. He supported a budget amendment to begin this initiative.

Ms. Tara Ledbetter, Executive Director, expressed appreciation of consideration of the request. She stated the HSAD is working on a very limited budget but found \$10,000 because of the amount of volunteer work and profitable events.

Council Member Caraker moved that the City of Hendersonville contract with Development Finance Initiative to develop a Strategic Development Plan for Historic Seventh Avenue District and to consider a budget amendment to provide the necessary funding for the program. A unanimous vote of the Council followed. Motion carried.

16. Public Hearing - Closing-Out of the Community Development Block Grant Awarded for Funds to Support Oak Haven Apartments, a Development of the Housing Assistant Corporation: Mr. Connet explained in 2011 the City agreed to cooperate with the Housing Assistance Corporation on a CDBG application to aid the development of the Oak Haven project. The project is a 56-unit apartment complex for the elderly and is located off Old Spartanburg Road. The CDBG funds have provided the public infrastructure (streets and sidewalks) for the development. The funds have been disbursed and the grant is in the closeout phase.

Mr. Connet explained the Community Development Block Grant Program requires the City to conduct a public hearing to close out the Community Development Block Grant that was awarded to support Oak Haven

Apartments. He invited all interested parties to comment on the grant. He expressed appreciation to Paralegal Amy Knight for her work on the project.

At 7:06 p.m. Mayor Volk opened the public hearing in accordance with NCGS by notice published in the Hendersonville Lightning. No one expressed a desire to speak. The public hearing was closed. **No action was required or taken by the Council.**

17. Public Hearing - Zoning Ordinance Text Amendment of Article V Zoning District Classifications, Section 5-19 Central Mixed Use Zoning District, Pertaining to Vehicle repair and Service as a Conditional Use: Ms. Anderson presented the application from Stuart Rubin for a Zoning Ordinance text amendment to add vehicle repair to the conditional use category of the CMU Central Mixed Use Zoning District Classification. She explained how conditional permits function, reviewed the intentions of the CMU Central Mixed Use Zoning District Classification as contained in the Zoning Ordinance and also reviewed the permitted and conditional uses for the CMU Classification.

Ms. Anderson reported the Text & Policy Committee voted unanimously to recommend sending this item to the Planning Board for review with the recommendation that, in addition to being a conditional use, the category vehicle repair and service in the CMU Zoning District be restricted to include the phrase “without outdoor operations.” She reported the Planning Board voted unanimously to recommend City Council adopt an ordinance amending the City of Hendersonville Zoning Ordinance Section 5-19-2 Conditional Uses in the CMU Central Mixed Use Zoning District Classification adding vehicle repair and service without outdoor operations.

Ms. Anderson reviewed the Zoning Ordinance guidelines for text amendments.

Discussion from the Council included whether vehicles may be parked outside. Ms. Anderson explained vehicles may be parked outside but cannot be worked on outdoors. Council Member Miller asked if the ordinance clearly addresses that vehicles may or may not be parked outside and used for parts. Ms. Anderson provided an interpretation because it is not a junk yard, vehicles may not be parked there for stripping. She stated she is confident that it can be defended as vehicle repair because having cars stored on the property would qualify the use as a junk yard. City Attorney Fritschner stated he will investigate whether the ordinance addresses it clearly. Discussion followed on definitions in the Zoning Ordinance and further clarification.

Mr. John Crawford, spoke on behalf of Stuart Rubin, stating they are seeking indoor repair of vehicles and the amendment should take care of that issue. He stated Mr. Rubin has parties interested in the space. He stated the building has not been changed and previously was used as a garage or service station.

Mayor Volk opened the public hearing at 7:20 p.m. in accordance with North Carolina General Statutes by notice published in the Hendersonville Lightning. No one expressed a desire to speak. The public hearing was closed.

Council Member Smith moved City Council to adopt an ordinance amending the City of Hendersonville Zoning Ordinance Section 5-19-2 Conditional Uses in the CMU Central Mixed Use Zoning District Classification adding vehicle repair and service without outdoor operations. A unanimous vote of the Council followed. Motion carried. The Council directed staff to come back with clarification on vehicles parked outside.

Ordinance #13-1259

AN ORDINANCE AMENDING ARTICLE V SECTION 5-19-2 CENTRAL MIXED USE CONDITIONAL USES OF THE ZONING ORDINANCE OF THE CITY OF HENDERSONVILLE PERTAINING TO VEHICLE REPAIR & SERVICE

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

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

WHEREAS, the City of Hendersonville desires to amend those regulations in regards to conditional uses.

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

1. Article V Zoning District Classifications, Section 5-19-2 Conditional Uses in the Central Mixed Use Zoning District is hereby amended to include the following conditional use:

Vehicle repair & service, without outdoor operations

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

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

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

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

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

Adopted this fifth day of December 2013.

/s/Barbara G. Volk, Mayor

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

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

18. Public Hearing - Zoning Ordinance Text Amendment of Article VI General Provisions, Section 6-15 Rights-of-Way for Roads and Streets, Pertaining to Variances Granted by the Board of Adjustment or City Council:

Ms. Anderson explained Session Law 2013-126 (House Bill 276) which became effective October 1, 2013, is an act passed by the NC General Assembly to clarify and modernize statutes regarding zoning boards of adjustment. In October, the City Council adopted text amendments relating to this legislation. She stated staff has identified another area in the Zoning Ordinance that needs to be updated to be in conformance with the state legislation.

Ms. Anderson explained Zoning Ordinance Section 6-15 addresses the reservation of road and street rights-of-ways and has a provision that allows the Board of Adjustment or the City Council to approve variances from these requirements. The new legislation requires a hardship must be demonstrated in order to grant a variance. She reviewed the amendments to the ordinance.

Ms. Anderson reported the Planning Board voted unanimously to recommend City Council adopt an ordinance amending Article VI Section 6-15-1.3 Variances. She reviewed the guidelines contained in the Zoning Ordinance for text amendments.

Mayor Volk opened the public hearing at 7:24 p.m. in accordance with North Carolina General Statutes by notice published in the Hendersonville Lightning. No one expressed a desire to speak. The public hearing was closed.

Council Member Caraker moved City Council to adopt an ordinance amending Article VI Section 6-15-1.3 Variances. A unanimous vote of the Council followed. Motion carried.

Ordinance #13-1260

AN ORDINANCE AMENDING ARTICLE VI GENERAL PROVISIONS SECTION 6-15-1.3 VARIANCES AS IT PERTAINS TO SESSIONS LAW 2013-126 HOUSE BILL 276

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

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

WHEREAS, the General Assembly enacted Sessions Law 2013-126 - House Bill 276, effective October 1, 2013, which modernizes the board of adjustment statute; and

WHEREAS, the General Assembly enacted Sessions Law 2013-126 - House Bill 276, effective October 1, 2013, providing clarification on variances and what constitutes a hardship; and

WHEREAS, the City of Hendersonville desires to amend those regulations regarding variances granted by the Board of Adjustment or the City Council assuring those actions are consistent with acts of the General Assembly.

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

1. City of Hendersonville Zoning Ordinance Article VI General Provisions, Section 6-15-1.3 Variances is hereby amended to read as follows:

6-15-1.3 Variances. A variance from the provisions of this section may be granted by the Board of Adjustment or by City Council, as appropriate, upon demonstration ~~(1) that the requirements of this section result in practical difficulties or unnecessary hardships and (2) that no reasonable return may be earned from the land. For purposes of determining whether any reasonable use may be earned, the entire parcel will be considered, not just that portion lying within the bounds of the existing or proposed roadway.~~ (1) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property. (2) The hardship results from conditions that are peculiar to the property, such as location, size or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. (3) The hardship did not result from actions taken by the applicant or property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship. (4) The requested variance is consistent with the spirit, purpose and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

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

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

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

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

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

Adopted this fifth day of December, 2013.

/s/Barbara G. Volk, Mayor

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

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

19. Public Hearing - Zoning Ordinance Text Amendment of Article VI General Provisions, Section 6-5-5 Minimum Design Requirements, Pertaining to Parking Lot Pedestrian Channels:

Ms. Anderson gave a history of this proposed Zoning Ordinance amendment and stated Section 6-5-5.6 requires pedestrian channels for parking lots with 100 or more parking spaces. The Zoning Ordinance requires all parking

aisles require a pedestrian channel. She recommended amendments to Section 6-5-5.6 to improve the overall design of the pedestrian channels and to reduce the number of aisles requiring pedestrian channels by 50 percent.

Ms. Anderson reviewed examples of parking lot pedestrian channels: raised sidewalk or at grade (painted on the pavement). She explained some of these pedestrian aisles resulted from the requirements of Section 6-12-2 of the Zoning Ordinance which requires if the new construction is intended for a commercial, industrial, or institutional use, sidewalks shall be required to connect street sidewalks with any entrances intended for public use. She informed the Council that Harris Teeter is installing wheel stops in January.

Ms. Anderson reported the Text & Policy Committee of the Planning Board voted unanimously to recommend sending this item to the Planning Board for review with the added condition that this provision apply to both new parking lots and parking lots associated with property renovations. She explained requirements exist in the ordinance [Section 15-2] that requires developers to bring the entire site into full compliance with the landscaping provisions when renovations are proposed with a total cost exceeding 50% of the assessed value of the building according to Henderson County tax records or an appraisal by a state licensed appraiser. This provision also applies when expansions exceed 50% of the pre-expansion floor area or paved surface. She provided an example of the Fresh Market site. She reported staff suggested applying this language to the parking lot requirement. She stated staff also recommended that automobile sales and service uses be exempt from this provision.

Ms. Anderson reported the Planning Board voted six in favor and two opposed to recommend City Council adopt an ordinance amending the Zoning Ordinance Section 6-5 Off-Street Parking relating to parking lot pedestrian channels and to include the following:

Existing parking lots exceeding one hundred or more uncovered parking spaces, pre-redevelopment or post redevelopment, shall incorporate safe and identifiable pedestrian channels to the building or structure when either of the following conditions exists:

1. Building renovation cost will exceed 50% of the assessed value of the building according to Henderson County tax records or an appraisal by a state licensed appraiser.
2. Expansions will exceed 50% of the pre-expansion floor area or paved surface.

Ms. Anderson presented additional language proposed by staff: The pedestrian channel be at least five feet in width and that vehicles shall be prevented from projecting over the pedestrian channel through the use of landscaping, wheel stops or other method approved by the Planning Director or Zoning Administrator. The parking spaces shall be located within 75 feet of a pedestrian channel. The measurement is taken from the closest edge of the parking space to the pedestrian channel. She explained this would reduce the requirement by 50 percent of the number of pedestrian channels for parking lots.

Ms. Anderson stated there has been a couple of development since the ordinance went into effect one of which is the Henderson County parking lot across from the Mill Building. The pedestrian channel was placed at grade with wheel stops to prevent vehicles in the pedestrian channel. She explained under the proposed requirements, the center pedestrian aisle would not be required.

Council Member Miller asked if the connection ordinance [Section 6-12-2] defines the pedestrian channel the same way as a sidewalk. Ms. Anderson stated she is not sure but will clarify it with the Engineering Department. The Council discussed whether the pedestrian channels may be done by striping the pavement only. Council Member Miller commented raised sidewalks complicates snow removal in parking lots. He commented if pedestrians have not been struck, there may need to be discussion about whether the pedestrian channel is necessary. Mayor Pro Tem Stephens and Mayor Volk agreed that pedestrians walk the shortest distance and this may be requiring something that will never be used.

Council Member Miller voiced support of the connection ordinance because it serves a good purpose. There was discussion of sending this back to the Planning Board for consideration of eliminating the provisions of Section 6-5-5.6 because the concern is addressed by the connection ordinance [Section 6-12-2].

Mayor Volk opened the public hearing at 8:01 p.m. in accordance with North Carolina General Statutes by notice published in the Hendersonville Lightning. The following spoke:

Larry Rogers, speaking on behalf of Partners for Economic Progress, stated the connection ordinance was not discussed at the Planning Board.

No one else expressed a desire to speak. The public hearing was closed.

There was some discussion of the Fresh Market project which has new construction and the connection provision was applied.

Council Member Smith moved City Council to refer the Zoning Ordinance Section 6-5 Off-Street Parking relating to parking lot pedestrian channels to the Planning Board in light of current provisions for pedestrian channels, to consider eliminating Section 6-5-5.6. A unanimous vote of the Council followed. Motion carried.

20. Consideration of an Ordinance Amending Chapter 46 Article III of the Code of Ordinances Pertaining To Street Entertainers (Busking): City Attorney Fritschner explained the Zoning and Police Departments have recognized an increase of street entertainers (sometimes known as "buskers") and has received concerns from certain Main Street merchants concerning these entertainers.

City Attorney Fritschner presented a proposed ordinance that would recognize and meet the constitutional rights of entertainers but also protect residents, visitors and merchants and recognized their various needs related to noise, private property and especially sidewalk safety and movement. He stated the proposed ordinance was reviewed by the City Manager, the Zoning and Police Departments and the Downtown Advisory Committee. Mr. Connet reported the Downtown Advisory Committee supports the proposed ordinance.

City Attorney Fritschner explained the ordinance will require entertainers to locate at (marked) street corners and applies only to stationary entertainers. He stated this activity will be restricted during special events as it will be required to be approved by the event organizers, and they will be required to temporarily yield to those with disabilities. He stated a blue tag will be placed on the sidewalk to identify the area where the entertainers may perform to assist in enforcement.

After discussion, **Council Member Caraker moved the City Council adopt the ordinance pertaining to Street Entertainers. A unanimous vote of the Council followed. Motion carried.**

Ordinance #13-1262

AN ORDINANCE AMENDING CHAPTER 46 ARTICLE III OF THE CODE OF ORDINANCES PERTAINING TO STREET ENTERTAINERS

WHEREAS, the City of Hendersonville recognizes the benefit of having street entertainment, and

WHEREAS, the City recognizes further the need of pedestrians to use City sidewalks without undue obstruction in the interest of safety for persons using the sidewalks, including disabled persons, and

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

SECTION 1. Chapter 46, Article III of the Hendersonville Code of Ordinances is hereby amended to add an additional section as follows:

Sec. 46-87. Street Entertainers

1. "Street Entertainers" or "Entertainers" as used herein shall mean persons and groups of persons providing entertainment intended for the benefit of pedestrians on sidewalks, which entertainers in the

course of their entertainment remain substantially stationary in areas adjoining or within twenty-five feet of Main Street in downtown Hendersonville between Sixth Avenue and First Avenue. This ordinance shall apply equally to all persons regardless of whether such persons are requesting or accepting reward associated with the entertainment. The terms as used herein shall not apply to substantially mobile pedestrians regardless of whether such pedestrians are attempting to entertain or communicate with other pedestrians.

2. Street Entertainers shall be subject to the following requirements while on sidewalks adjoining or within twenty-five feet of Main Street between Sixth Avenue and First Avenue.

a. Entertainers while preparing for, engaging in, or disengaging from entertaining shall remain within areas designated by the City for entertainment purposes at the ends of most Main Street blocks.

b. Entertainers, whether one or more engaging in a particular entertainment, shall not occupy an entertainment area already occupied by another Entertainer.

c. The sale or attempted sale of any goods by an entertainer shall be subject to applicable law, including ordinances regulating business licensing of such sales.

d. Entertainers shall not obstruct pedestrian or vehicular traffic and shall yield to disabled persons reasonably requiring temporary use of the entertaining area.

e. Entertainers shall not perform on sidewalks adjacent to or within twenty-five feet of Main Street during special events hours unless designated as part of the special event by the event's promoter or organizer.

f. Entertainers shall not be exempt in any respect from applicable law relating to the propagation of noise, or to criminal trespass on private property.

g. Entertainers shall not enter the streets while entertaining except for the purposes of loading or unloading objects from vehicles.

SECTION 2. SEVERABILITY. If any provision of this ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the remaining provisions of this ordinance.

SECTION 3. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this fifth day of November 2013.

/s/Barbara G. Volk, Mayor

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

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

21. Consideration of Appointments to Boards and Commissions:

a. Appointments to Boards and Commissions: There was none.

b. Announcement of Vacancies and Upcoming Appointments: City Clerk Tammie Drake announced the following vacancies:

Environmental Sustainability Board/Board of Adjustment vacancy: Because of health concerns, Mr. Phelps has resigned from the ESB and as an alternate on the Board of Adjustment. There are no other applications on file at this time for the ESB. There is one application on file for the Board of Adjustment. **No action was taken.**

Historic Preservation Commission: Ms. Brooke Tate has resigned from the HPC because of other commitments requiring more of her time. Mrs. Drake presented the applications of other citizens expressing an interest in serving on the HPC. **No action was taken.**

Tree Board: The terms of three members on the Tree Board will expire Feb. 1: Mac Brackett, Wes Burlingame and Judy Frank. Ms. Drake announced all three members would like to continue serving on the Tree Board. **No action was taken.**

Downtown Advisory Committee: Council Liaison Position: Mrs. Drake reported this position was filled by departing Mayor Pro Tem Jeff Collis and should be filled by a member of the Council. Council Member Smith expressed an interest in filling the position and stated he is available to serve as Council's pleasure. **Mayor Pro Tem Stephens moved to appoint Council Member Smith to the Downtown Advisory Committee in the Council Liaison position. A unanimous vote of the Council followed. Motion carried.** Mayor Volk expressed appreciation for his willingness to serve.

Land-of-Sky Regional Council: City Clerk Tammie Drake reported Mr. Collis served as the alternate for the City on the Land-of-Sky Regional Council Board. Mayor Volk stated the Board meets monthly on the fourth Wednesday. Council Member Caraker volunteered to serve as alternate. **Council Member Smith nominated Council Member Caraker as the alternate for the Land-of-Sky Regional Council Board. A unanimous vote of the Council followed. Motion carried.**

22. Comments from Staff and City Attorney

A. Update on Recycling Program: Mr. Wooten provided an update on the recycling program. The new carts are scheduled for delivery in early December. He stated distribution will take place December 16-20 and the new truck will be delivered around the same time. Collection with new carts will begin January 6. Customers may continue to use the existing bins instead of the cart or leave it at the street for pick-up by the City.

Mr. Wooten stated a brochure will be attached to the new roll-out cart. He reported the City received two grants from NC Department of Environment and Natural Resources to assist in the purchase the new carts and recycling truck. The City received \$75,000 that will go toward the purchase of the carts and \$30,000 that will go toward the purchase of the truck. The City's Environmental Services Fund will cover the remaining other \$134,500 for the carts and \$179,000 for the new truck. He stated there is some question about the \$25,000 grant from American Recycling.

Mr. Wooten explained all materials go to the transfer station and then to American recycling. **No action was required or taken.**

B. Urban Progress Zone Expiration: Ms. Sue Anderson, Planning Director, reported since 1999, the City of Hendersonville had an area designated as a NC Department of Commerce State Development Zone, later called an Urban Progress Zone. The purpose of these state certified zones is to provide economic incentives to stimulate new investment and job creation in economically distressed urban areas under certain conditions. She informed the Council that according to the NC Department of Commerce, the tax credits will sunset on January 1, 2014 and therefore, the Urban Progress Zone designation will no longer be applicable. **No action was required or taken.**

C. Remarks from Retiring Finance Director Jim Rudisill: (see above)

D. Reminder of Christmas Parade, Saturday, December 7, 2013, 10:00 a.m.

E. Reminder of Employee/Volunteer Christmas Lunch – December 18, at Noon, Whitmire Activity Building

F. Reminder of Required Ethics Training for Newly-Elected Officials: City Clerk Tammie Drake reminded the newly-elected officials of the two-hour State-mandated ethics training that must occur before 12 months after (re)election.

23. Comments from Mayor and City Council Members:

A. Scheduling of City Council Planning Retreat: The special meeting was scheduled for Friday, January 24, 2014, beginning at 8:00 a.m. Location to be announced.

B. Discussion of Greenway at Berkeley Mills Park: Council Member Jerry Smith reported a conversation with Representative McGrady who encouraged the City to file applications for grants for Berkeley Mills Park. He asked the Council to direct staff to proceed with grant applications for a greenway at Berkeley Mills Park. Mr. Connet suggested including improvements in the Capital Improvement Plan process so it will be included in the planning process. He stated applying for grants for the various phases is seen as a priority. Council Member Smith stated the most requested item on the plan for Berkeley Mills Park was the greenway. **The Council agreed by consensus to include it on the CIP and directed staff to search for grant opportunities.**

c. Consideration of Approval of 2014 Proposed Schedule of Regular Meeting Dates: Council Member Smith announced he will not be available for the January 2, 2014 Council Meeting. **The Council agreed by unanimous consent to move the regular meeting of the Council to Thursday, Jan. 9, 2014.**

The Council also agreed by unanimous consent to move the regular meeting of the City Council from June 5 to Tuesday, June 3, 2014 to accommodate the schedule of Council Member Miller. Council Member Miller was asked to assist with an event for the 70th Anniversary of National D-Day on June 5.

Council Member Smith moved to accept the 2014 meeting schedule as amended. A unanimous vote of the Council followed. Motion carried.

d. Appraisal for Grey Hosiery Mill Building: Mayor Pro Tem Stephens asked for an update on the appraisal of the Mill Building. City Attorney Fritschner stated staff has engaged an appraiser who has provisionally promised the appraisal before the January Council meeting. **No action was required or taken.**

24. New Business: There was none.

25. Adjournment: The meeting adjourned at 8:44 p.m. upon unanimous consent of the Council.

Barbara G. Volk, Mayor

Tammie K. Drake, City Clerk