

February 5, 2015
Regular Meeting of the City Council
Council Chambers – City Hall
5:45 p.m.

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

Staff Present: City Attorney Sam Fritschner, City Clerk Tammie Drake, Planning Director Sue Anderson, Police Captain Doug Jones, Engineering Director Brent Detwiler, Zoning Administrator Susan Frady, Fire Chief Dorian Flowers, Public Information Officer Tara Ledbetter, Utilities Director Lee Smith, Finance Director Lisa White, 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.* Mayor Volk asked that comments be limited to five minutes or less.

William L. Harper, Jr., 176 Spartanburg Hwy., shares a property boundary with the Henderson County Health Department. He reported flooding and stormwater on his property possibly resulting from the sidewalk and asked for assistance from the Council to correct the issue. Council Member Caraker offered to speak with Mr. Harper about the issue.

Jim Rudisill, 12 Delacy Dr., Hendersonville, along with Ann Green, 180 W. Campus Dr., Flat Rock, representing Blue Ridge Community College, submitted a request for special appropriations for FY 2015-16 for \$3,250 for a scholarship fund for tuition fees and books so a City resident that is a full-time student may attend the community college.

Ken Fitch, 1046 Patton Street, commended the Council for their continuing commitment to transparency and public participation. Concerning "Walk of Fame" presented by Mr. Tom Orr, he recognized Mr. Orr stating he should be at the top of such a list for his constant attention to issues like this and affirming the contributions of our citizens.

4. Consideration of Agenda:

Addition to New Business:

a. Discussion of Possible Purchase of Property Located Near White Street/Greenville Highway by Halvorsen Suburban Centers, LLC

Council Member Caraker moved approval of the agenda with the listed addition. A unanimous vote of the Council followed. Motion carried.

5. 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: January 8, 2015 Regular Meeting

B. Consideration of Budget Amendments (4): Mr. Brian Pahle, Budget and Management Analyst, reported he and the Finance Director conducted a mid-year report on the City's budget for FY14-15. These amendments are the recommendations following the results of the report.

1. General Fund:

Revenues: Levy higher than originally budgeted, P-card rebates higher than budgeted, and other unforeseen donations: \$267,470.00

Expenditures: not budgeting for claims in insurance accounts, ability to fund a frozen position, ability to further street improvements, and other unforeseen expenses: \$133,735

2. General Fund, Water/Sewer Fund: To move holiday pay back into regular salary funds

Totals in Balance: \$72,530

3. General Fund, Water/Sewer Fund: Reorganization and Bank Service Charges for Lockbox

Totals in Balance: \$43,628.75

4. General Fund: The hiring of an HR consultant to assist in managing the HR Department and the search for a new Director.

Totals in Balance: \$10,000

C. Consideration of Endorsement of Housing Assistance Corporation Application for Grant Funds from the Asheville Regional Housing Consortium (This is not project approval; only endorsement

of their request for funds.) The Housing Assistance Corporation is applying for grant funding from Asheville Regional Housing Consortium for 2015 funds for a project known as Oklawaha Village on N. Main Street. All applications must be endorsed by the Consortium jurisdiction where the project will be located prior to the submission of the grant application. Because the entire development located at 1818 N Main St. will be within the City of Hendersonville if ultimately approved, approval for HAC's application to the Consortium is needed only from the City.

The Oklawaha Village Apartments will be 66 apartment units situated in five three-story buildings located on a parcel of approximately 11.8 acres at a density of 5.6 units per acre. Oklawaha Village Apartments is a separate section of a new development known as Oklawaha Village. All 66 of these rental units will be rented to and occupied by families earning 60% or less of the Area's Median Income.

Endorsement of this project is for the grant funding only and is not construed to mean that project specifics have been discussed or approved prior to the public hearing scheduled for the March City Council meeting.

D. Consideration of Special Event Permits:

i. Intelliquest: This event will begin and end at the First Citizen's parking lot on May 9, 2015. The event will be a combination of a scavenger hunt and the amazing race. This event will be held downtown from 8 a.m. until noon but no streets or sidewalks will be closed. The challenge events will be inside the businesses. There will be 15 different challenges and approximately 150 participants. The teams will leave at staggered times and will be doing different challenges to prevent a large number of people in a business at one time.

Mrs. Frady reported the Special Events Committee voted unanimously to recommend that Council approve the event permit for Intelliquest.

ii. Walk to End Alzheimer's: This event is to begin and end at the Historic Courthouse on October 17, 2015. The walk will be through downtown but no streets or sidewalks will be closed. The Hendersonville Police Department will assist with two street crossings at Barnwell Street and Seventh Avenue.

The Special Events Committee voted unanimously to recommend that Council approve the event permit for the Walk to End Alzheimer's.

E. Consideration of Request to Rename the (Public Works) Sanitation Department to the Environmental Services Department: Mrs. Jennifer Harrell, Human Resources Director, explained a former manager renamed the Sanitation Department to the Environmental Services Department when the City added a Storm Water Base charge to customer's inside City limits to help fund the Storm Water Management Department. Public Works Director, Tom Wooten, is requesting the Sanitation Department be renamed the Environmental Services Department and all of the job descriptions that include Sanitation be changed to Environmental Services to reflect the correct name of the department. Also, keeping consistent with the other Supervisor's titles in the Public Works Department he requests to change the title of Fleet Maintenance Superintendent to Fleet Maintenance Supervisor.

F. Consideration of Job Description for Planner: Mrs. Jennifer Harrell, Human Resources Director, presented an amended job description for the Planner position. [The job description is available in the office of the Human Resources Director.]

G. Consideration of Waterline Extension Agreement for Seasons at Cane Creek: This is a request for an extension of the existing water main located along US 25 in Fletcher. This extension is required to provide water service to the proposed 192-unit apartment complex known as Seasons at Cane Creek. The project will consist of approximately 2,100 linear feet of water line with hydrants and appurtenances. This project has been approved by the Town of Fletcher and the water service plans have been reviewed and approved by the Henderson County Fire Marshall. The sewer service for this project will be provided by Cane Creek Sewer District.

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

6. Public Hearing – Consideration of Zoning Ordinance Text Amendment: Adding a New Subsection to Section 5-8 C-3 Highway Business Zoning District Classification and Section 5-12 I-1 Industrial Zoning District Classification Pertaining to Shelter Facilities and Day Centers as a Special Use: Ms. Sue Anderson, Planning Director, reported at the January 8 City Council meeting a public hearing was held to consider text amendments regarding shelter facilities and day centers. At that meeting City Council adopted an ordinance for that text amendment and as part of the motion, City Council voted to add shelter facilities and day centers as a special use in the C-3 Highway Business and I-1 Industrial zoning district classifications. Because a special use section did not already exist in these two zoning districts, staff found it necessary to draft a text amendment specifying the language to be added and has published notice of a public hearing for this text amendment. She provided a proposed ordinance with the specific language.

Mayor Volk opened the public hearing at 6:05 p.m. in accordance with North Carolina General Statutes by notice published in the Hendersonville Lightning. The following addressed the Council:

Ken Fitch, 1046 Patton Street, stated he raised the issue of the proximity to schools at the last hearing. His understanding is that the special use permit process will consider that as one of the criteria.

No one else expressed a desire to speak. The public hearing was closed at 6:06 pm.

Council Member Smith moved City Council to adopt an ordinance amending the City of Hendersonville Zoning Ordinance adding a new subsection to Section 5-8 C-3 Highway Business and Section 5-12 I-1 Industrial allowing shelter facilities and day centers as a special use in these districts. A unanimous vote of the Council followed. Motion carried.

Ordinance #15-0203

**AN ORDINANCE ADDING A NEW SUBSECTION TO
SECTION 5-8 C-3 HIGHWAY BUSINESS ZONING DISTRICT CLASSIFICATION AND
SECTION 5-12 I-1 INDUSTRIAL ZONING DISTRICT CLASSIFICATION PERTAINING TO SHELTER FACILITIES
AND DAY CENTERS AS A SPECIAL USE**

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

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

WHEREAS, the City of Hendersonville understands the need to serve all members of the community; and

WHEREAS, the City of Hendersonville supports organizations that supply services to those in need; and

WHEREAS, the City of Hendersonville desires that individual neighborhoods are not overburdened with shelter facilities and day centers; and

WHEREAS, the City of Hendersonville desires to amend those regulations with regards to the shelter facilities and day centers.

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

1. Article V Zoning District Classifications, Section 5-8 C-3 Highway Business Zoning District Classification, is hereby amended to include the following subsection:

5-8-5 Special Uses. The following uses shall be permitted in the C-3 Highway Business Zoning District Classification only upon issuance of a special use permit pursuant to Article VII, and shall be subject to special requirements contained in Section 16-4, below:

Day centers

Shelter facilities

2. Article V Zoning District Classifications, Section 5-12 I-1 Industrial Zoning District Classification, is hereby amended to include the following subsection:

5-12-5 Special Uses. The following uses shall be permitted in the I-1 Industrial Zoning District Classification only upon issuance of a special use permit pursuant to Article VII, and shall be subject to special requirements contained in Section 16-4, below:

Day centers

Shelter facilities

3. Any person violating the provisions of this ordinance shall be subject to the penalties set forth in Section 9-8 of the Zoning Ordinance.
4. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.
5. 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.
6. 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.
7. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this fifth day of February 2015.

/s/Barbara G. Volk, Mayor

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

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

7. Public Hearing – Consideration of the Street Closing of a Portion of Ninth Avenue West between N. Church Street and Oakland Street - Continued from the February 6, 2014 Council Meeting: Planning Director Sue 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 in 2013. The City Council adopted a Resolution of Intent to close this street at its December 5, 2013 meeting. A public hearing was opened on February 6, 2014. Based on conversations with the Chairman of the School Board as well as the Superintendent of Schools, the Council voted to continue the remainder of the hearing to the regular Council meeting of February 2015.

Ms. Anderson reported the City Manager spoke with Superintendent David Jones who stated that Henderson County Public Schools is not ready to proceed with the street closure. He stated that they are at least a year or two away from knowing how they are going to use the property. She recommended opening and closing the public hearing and not take any action on this matter.

Mayor Volk asked for questions from the Council. There was none. Mayor Volk opened the public hearing at 6:08 p.m. in accordance with the provisions of the notice published in the Hendersonville Lightning. The following addressed the Council:

Ken Fitch, 1046 Patton Street, supported the closing of his hearing as there are many issues that may arise out of any possible action.

No one else expressed a desire to speak. The public hearing was closed. **No motion was made; no action was taken by the Council.**

8. Presentation/Request by Mr. Tom Orr to Recognize Prominent Henderson County Citizens:

Mr. Tom Orr addressed the Council and presented a proposal to search out individuals who have made this City and County great and honor them. His proposal requested:

1. Establishing a steering committee made up of two members appointed by the Henderson County Board of Commissioners; two members appointed by the Hendersonville City Council and one member (the chair) appointed by the Henderson County Heritage Museum. This Steering Committee will study back to the development of the County in 1838 and the development of the City in 1847, and will establish:
a) qualifications for recognition, b) the procedure for setting up the selection committee, c) the means of recognition, and d) the way to achieve sponsorship of expenses related to the project. The Steering Committee will then report its recommendations to the Henderson County Board of Commissioners and City Council for further considerations and approval.
2. Establishing a Walk of Fame to recognize outstanding contributors to the growth and development of Henderson County in agriculture, education, cultural arts, industry, government, health care, commerce and special services; and that this Walk of Fame be created in downtown Hendersonville on the avenues leading to Main Street.
3. "The Photographer": statue(s) commemorating the Baker-Barker Studio and honoring the family that tells the history of Hendersonville and Henderson County in photographs. He proposed placing one of the statues on Main Street in the vicinity of the fountain and another possibly at the other end of Main Street.

Mr. Orr stated he received a donation of \$1,000 from Mr. Fletcher Roberts, who recently passed away, towards this effort. He asked for Council's support of the request. Council Member Smith voiced support of the proposal stating it is great to engage people in historic reflection and would be a great way to record history.

The Council discussed involving the Historic Preservation Commission, and the possible locations of the proposed statues.

Council Member Caraker moved Council to pursue Mr. Orr's historic preservation tribute of our ancestors. A unanimous vote of the Council followed. Motion carried.

Mayor Volk stated the details will be worked out but the Council supports the idea.

9. Presentation/Request by Hendersonville Sister Cities President to Provide an Update on Current Activities and Request Monetary Assistance to Send the President to Verbania, Italy:

Ms. Karen Hultin provided an update on the accomplishments of the Hendersonville Sister City organization in 2014 including:

- Three educational programs for the community: Japan, France and Iceland and two-three events: a Japanese meal, a fundraiser with a five-course French dinner, and hosted a delegation from Russia for a government accountability conference.
- Began adoption process for a new sister city in Italy,
- Generated exposure for the organization through programs and events and inaugurated a relationship with surrounding sister cities in North Carolina and built a stronger relationship with the offices of the City.

Ms. Hultin reviewed their goals for 2015:

- create official criteria for future sister cities with a hope of adding new sister cities every two to three years and formalizing a sister city contract with Verbania, Italy in the fall of 2015.
- add social media to their marketing and PR,
- develop a state and national presence with other sister city organizations,
- create a speakers bureau to present at other organizations to spread interest, information and awareness,
- increase marketing and PR through regular articles,
- develop a foreign films series and encourage youth involvement through interaction with schools and their international focus classes.

Ms. Hultin stated the City has one sister city at the present: Almuñécar, Spain. She explained in order to formalize the sister city contract with Verbania, Italy, a small delegation will need to visit there earlier to begin planning the formal ceremonies and logistics for the trip in September to sign the charter. The group requested monetary assistance (\$1,800) from the City to send one of their board members in May to begin the preparations with Verbania. The individual will be matching the funds granted by the City with personal funds to pay for the planning trip.

Ms. Hultin stated they will be asking for additional funding as part of the 2015-16 Special Appropriations process.

There was discussion of Council's past contributions, reciprocal sister cities, and attendance at programs and the contribution to the City and County. Ms. Hultin stated the board acts as working staff for the City doing research, creating interest in the international and global community, working with the national and state organizations. Council Member Smith commented on information exchange with the Russian delegation. He stated it provides a reinforcement of how local government works well. The Council also discussed the geographic location of Verbania and the similarities with the City.

Council Member Caraker expressed requests for funds should be made during the budget process and not during the year and their past requests. Mayor Volk stated these funds are needed before the next budget process begins. Council Member Smith commented this is ambassadorship and may create a connection here for foreign companies. He stated this will benefit the City.

After discussion, **Council Member Smith moved the City Council appropriate \$1,800 to assist with travel expenses for the Hendersonville Sister City President's trip to Verbania, Italy. The vote was four in favor; one opposed (Caraker). Motion carried.**

10. Presentation by Environmental Sustainability Board: Mr. David Allen, Chairman, and Mr. David Rhode, member of the Environmental Sustainability Board (ESB), requested the City Council's endorsement of a recycling awareness program. Mr. Allen explained the ESB would like to hold an art contest for middle and high school students for a poster design. The winning poster will then be converted into a vinyl wrap and placed on the side of one of the recycling trucks. They believe it will create additional student interest in recycling. The truck will get a lot of visibility and the message will encourage recycling. He stated they would like this to coincide with Earth Day on April 22. He stated the Arts Council of Hendersonville will assist with the art contest.

Mr. Rhode explained community involvement is a goal of the ESB and believes this will involve the community at a younger level. He stated the idea came from City Manager John Connet. He stated first place prize will be \$100 and their art placed on a recycling truck; second place \$75 and third place prize will be \$50. Mr. Allen stated the City Manager has been very helpful and also recognized Brendan Shanahan's contributions to the ESB. He stated the cost to the City will be very low and will include the cost of the vinyl wrap and the prizes and requested the Council's support.

Mayor Pro Tem Stephens moved City Council to support the recycling awareness project proposed by the Environmental Sustainability Board. A unanimous vote of the Council followed. Motion carried.

11. Comments from Mayor and City Council Members: There was none.

12. Reports from Staff:

a. Videos of Water Treatment Plant and Wastewater Treatment Plant Operations: Mr. Lee Smith joined staff of the Water Treatment Plant and Wastewater Treatment Plant and presented videos of both plants that were developed by Kirk Miller. Mr. Lee Smith stated this same technology will be used for training in the future. **The Council congratulated staff for a job well done. No action was taken.**

b. Reminder of February 13, 2015 Council and Staff Retreat at Fire Station #2 on Sugarloaf Road, beginning at 8:00 a.m.: City Attorney Fritschner reminded the Council of the retreat.

c. Reminder of Town Hall Day, March 18, 2015, in Raleigh: City Attorney Fritschner reminded the Council of Town Hall Day. He encouraged Council members to contact the City clerk for registration.

13. Boards and Commissions

a. Consideration of Resolution Establishing Business Advisory Committee: City Attorney Fritschner presented a resolution for Council's consideration that formally establishes the Business Advisory Committee. The resolution calls for six members to be appointed by the City Council, one member will be appointed by the Henderson County Board of Commissioners, one member by the Partnership for Economic Development and one by the Chamber of Commerce. The resolution calls for two-year appointments with staggered terms. He suggested five of the members be appointed for two-year terms and the other four members for one-year terms.

Mayor Pro Tem Stephens asked the Council to wait until the next meeting to decide who will be appointed for two-year or one-year terms. Mayor Volk suggested approving the structure of the Committee at this meeting and be ready to make the appointments at the next meeting.

Council Member Caraker moved adoption of resolution establishing a Business Advisory Committee. A unanimous vote of the Council followed. Motion carried. The Council requested attendance records for this committee for the past year.

Resolution #15-0204

A RESOLUTION ESTABLISHING A BUSINESS ADVISORY COMMITTEE

WHEREAS the City Council has determined that the City benefits from advice from its business community, and

WHEREAS the City Council has further determined that the business community may offer its advice, among other ways, through a committee established for that purpose, and

NOW, BE IT THEREFORE RESOLVED that the City Council establish and it does by these presents establish a Business Advisory Committee as provided herein.

1. The purpose of the Committee is to advise the City Council of the particular needs of the business community in and around the City of Hendersonville, and to give such further advice as seems appropriate to the Council to receive or the Committee to give.
2. The Committee shall meet at the times established, in a place provided by the City or at such time and place as the Committee shall from time to time determine, and may meet at such other times and places at the Committee's pleasure or upon request of the City Council.
3. The Committee shall be composed of nine members, appointed to staggered two-year terms as provided in this resolution. The City Council shall designate five members to serve initial two-year terms and four to serve one-year terms. All Committee members shall be individuals, principals or other significant representatives of businesses operating or owning real property within the City, as determined by the City Council. No member shall concurrently be a member of the Committee and hold popularly elected office with any governmental body.
4. The Committee shall from time to time designate one person to chair the Committee. Selection of the chairperson shall be by those Committee members actually appointed by the City Council. In the absence of the chair the Committee shall by majority vote select a member to preside at meetings.
5. The Committee shall at all times remain in compliance with applicable statues and ordinances, including specifically the North Carolina Public Records Act and the North Carolina Open Meetings Act.
6. The members shall be appointed as follows:
 - A. Six members shall be appointed by the City Council.
 - B. One member shall be appointed by the Henderson County Board of Commissioners.
 - C. One member shall be appointed by the Henderson County Chamber of Commerce or its successor.
 - D. One member shall be appointed by the Henderson County Partnership for Economic Development.
7. In the absence of an appointment by the appropriate body for a period of ninety days, the City Council shall appoint a person to fill the vacancy.
8. Membership on the Committee shall expire on the first day of March in the appropriate year.

Adopted this fifth day of February 2015.

/s/Barbara G. Volk, Mayor

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

b. Consideration of Appointment to Board of Adjustment : City Clerk Tammie Drake presented the applications of those interested in serving on the Board of Adjustment. She reported there is one vacant regular position and one vacant alternate position. One applicant withdrew their application. **Mayor Pro Tem Stephens nominated Chris Freeman for the regular position on the Board of Adjustment. A unanimous vote of the Council followed. Motion carried.**

c. Announcement of Vacancies: City Clerk Tammie Drake reported the terms of the members on the Seventh Avenue Advisory Committee will expire April 1. **The Council also requested the attendance records of those who have served the last year on this Committee.**

14. New Business:

a. Discussion of Possible Purchase of Property Located Near White Street/Greenville Highway by Halvorsen Suburban Centers, LLC: City Attorney Fritschner explained when the City was given a parcel of property that is situated behind El Paso Mexican Restaurant, the property description contained an error and as a result the City is the recipient of a .07-acre parcel that we did not realize we owned. He stated a potential developer is requesting the City sell that small parcel for a nominal amount. He stated they have made an offer of \$1,000 that will cover the necessary legal advirting for the upset bid process. The Council has the option to accept or reject any bid. He stated most of the property is in the floodway or stream buffer and has almost no value as a separate parcel. The person who believed himself to be the current owner has been paying the taxes.

Discussion followed on the upset bid process and if the property could be donated as an economic development tool. City Attorney Fritschner advised the property cannot be donated in the time frame that is necessary and the developers are aware of the risks.

Council Member Miller stated it should be known that the City will work with the owner/developer to ensure this occurs.

Council Member Smith moved the City Council direct the Clerk to advertise for upset bid of the \$1,000 offer of Halvorsen Suburban Centers, LLC, for the City's 0.75-acre parcel on Mud Creek in accordance with North Carolina General Statutes 160A-269. A unanimous vote of the Council followed. Motion carried.

15. Adjournment: Being no further business **the meeting adjourned at 7:25 p.m. upon unanimous assent of the Council.**

Barbara G. Volk, Mayor

Tammie K. Drake, City Clerk