

February 7, 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, and Ron Stephens

Staff Present: City Manager Lee Galloway, City Attorney Samuel H. Fritschner, City Clerk Tammie Drake, Planning Director Sue Anderson, Engineering Director Brent Detwiler, Main Street Director Lew Holloway, 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.* Mayor Volk requested comments be limited to 3-4 minutes.

Barbara Hughes, Narnia Studios, 315 N. Main Street, spoke regarding the clock tower idea and how it can promote Main Street. She reported 22 businesses on Main Street will be participating in a cooperative promotion “Lover’s Lane on Main”, on Valentines Day. She also expressed appreciation to Trace and Company for their good work on Main Street.

Mark Ray and Nancy Pew, co-owners of Dad’s Cats Collectibles, suggested the O B McClintock Clock on the Lapidary Museum be repaired and restored. Mr. Ray expressed a concern that a new clock tower may conflict with the chimes of the St. James Episcopal church and it is close to two bed and breakfasts. He also expressed appreciation to Trace and Company.

Patty Adamic, Mike’s on Main, complimented the work of Trace and Company but expressed concerns about traffic flow. She asked for signs for “Historic Hendersonville Main Street” access at 7th Avenue and Main Street, and a sign for each of the first poles on each avenue on the left-hand side guiding people to Main Street.

Tom Orr, 516 Carson Dr., Hendersonville, spoke on behalf of Virginia Gambill who supports the idea of a clock tower. As Chairperson of the Main Street Advisory Committee, he asked the Council to evaluate the work of the committee to determine if it is accomplishing what Council had in mind when the committee was formed. He also complimented the Council for showing vision, civility, and saluted their character.

Mayor Volk expressed appreciation for the work of the Main Street Advisory Committee.

Eva Ritchey, 305 N. Main Street, complimented the work of Trace and Company. She encouraged the Council to think in terms of not just history but bringing the younger generation into the community. She commented a clock tower may not accomplish that and suggested the Council go back to look at Mr. White’s sculpture.

4. Consideration of Agenda:

Deletions:

7. Quasi-Judicial Public Hearing – Consideration of an Application for a Special Use Permit to Construct a 10,906 square foot Fire Station at 604 Sugarloaf Road and to Rezone the Property from I-1 Industrial to C-3SU Highway Business Special Use - rescheduled to the March meeting.

Council Member Caraker moved approval of the agenda as amended. 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 3, 2013 regular meeting, January 8, 2012 special meeting

B. Consideration of Special Event Permits:

i. Bark for Life Event: The Special Events Committee recommended approval of this event by The American Cancer Society to be held on June 22, 2013 from 9:00 a.m. – 12:00 noon at the Historic Courthouse. The event will take place on Main Street between Second Avenue and Allen Street. The event also requires an exemption to Section 10-7 of the City Code, which prohibits animals at a special event.

ii. Divco Milk Truck Day & Ice Cream Social: The Special Events Committee recommended approval of the application by Mike's on Main for a special event permit for Divco Milk Truck Day & Ice Cream Social to be held June 29, 2013, from 10 a.m. to 4 p.m. Main Street will remain open but the parking spaces between the mid-block of Fifth Avenue and Third Avenue will be closed excluding the handicap accessible spaces. Third Avenue East will be closed from the alley to Main Street and Third Avenue West will be closed from the ATM drive-thru to Main Street. The milk trucks will be parked in the parking spaces along Main Street and live music, local dairy farm displays and games will be on the two sections of Third Avenue. This new event has been reviewed by the Main Street Advisory Committee who recommended that Third Avenue be closed and that Main Street remain open.

C. Consideration of Abatement of Nuisances: Mrs. Frady certified two property owners were notified of a nuisance condition on their property but failed to remedy the nuisance. She requested approval to remedy the nuisances and to assess the actual cost to the property owners.

D. Consideration of Resolution Authorizing the Filing of an Application for Approval of a Financing Agreement Authorized by North Carolina General Statute 160A-20 to Build a New Fire Station, Replace a Fire Engine and Complete Phase 3 of the Main Street Rehabilitation Project: Mr. Jim Rudisill, Finance Director, explained the City plans to replace a fire engine, complete Phase 3 of the Main Street Rehabilitation Project and start construction on the new fire station by the end of fiscal year 2013. The City plans to finance these projects with an installment purchase agreement for \$6,000,000. In order to do so the City must pass a resolution authorizing the filing of an application for approval of a financing agreement as authorized by North Carolina General Statute 160A-20.

Resolution #13-0206

RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR APPROVAL OF A
FINANCING AGREEMENT AUTHORIZED BY NORTH CAROLINA GENERAL STATUTE 160A-20

WHEREAS, the City Council of the City of Hendersonville, North Carolina, desires to build a new fire station, replace a fire engine and complete Phase 3 of the Main Street Rehabilitation Project to better serve the citizens of Hendersonville; and

WHEREAS, the City of Hendersonville desires to finance the Project by use of an installment contract authorized under North Carolina General Statute 160A, Article 3, Section 20; and

WHEREAS, findings of fact by this governing body must be presented to enable the North Carolina Local Government Commission to make its findings of fact set forth in North Carolina General Statute 159, Article 8, Section 151 prior to the approval of the proposed contract.

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Hendersonville, North Carolina, does hereby submit the following findings of fact as requested by the North Carolina Local Government Commission to supplement the application for approval of the installment purchase agreement:

SECTION 1: The City Council considers that an installment purchase agreement in the amount of \$6,000,000 is adequate to complete the above projects and is not excessive for the proposed purpose based upon the estimated costs for said projects; and

SECTION 2: The City Council of the City of Hendersonville is confident that debt management policies have been carried out in strict compliance with the law based upon audit reports and the City's cash management policies; and

SECTION 3: The City Council is confident that the budgetary and fiscal management policies have been carried out in compliance with the law based upon past audit reports; and

SECTION 4: The City Council does not foresee the need for a property tax increase in order to cover the increased debt service requirements of these projects; however, the Council will raise the tax rate if it is found to be necessary; and

SECTION 5: The City Council of the City of Hendersonville hereby designates the City Manager as representative of the City to file the application for approval of the installment purchase agreement with the North Carolina Local Government Commission; and

SECTION 6: The City of Hendersonville is not in default in any of its debt obligations.

SECTION 7: The City Attorney for the City of Hendersonville has rendered an opinion that the proposed project is authorized by law and is a purpose for which public funds may be expended pursuant to the Constitution and laws of North Carolina.

SECTION 8: The City Council has determined that the installment purchase agreement will be less expensive than the issuance of general obligation bonds for the above project.

SECTION 9: That the City Manager is hereby authorized to request proposals from banks and financial institutions for the proposed financing of said fire station, fire engine and Phase 3 Main Street Rehabilitation.

ADOPTED by the City Council of the City of Hendersonville, North Carolina, on this seventh day of February, 2013.

/s/Barbara G. Volk, Mayor

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

E. Consideration of Tax Releases and Refunds: Ms. Donna Fox, Tax Collector, presented the following amounts for tax releases, refunds.

Refund total for 2012:	\$12,886.40
Discovery total:	\$10,712.80
Posted release totals for February 2013:	
2003	\$38.62
2004	\$38.06
2005	\$40.66
2006	\$17.86
2008	\$5.43
2009	\$692.20
2010	\$784.70

F. Consideration of Waterline Extension Agreement for Carriage Park: This request is to extend both water and sewer service to an additional phase of the existing Carriage Park residential subdivision. This phase will consist of 35 single-family units. The entire cost of the proposed extension is to be paid for by Carriage Park Associates. This extension was approved by Henderson County on January 8, 2013.

G. Consideration of Budget Amendments:

i. Water/Sewer Department: mid-year adjustments (5):

a. Administration: Budget amendment is being requested to balance budget for this division. There will be a net change in this budget due to increased salary expenditures for GIS intern through end of the calendar year, as approved by City Manager and for expenditures due to professional services fees for the water system merger defense strategy development. Requesting transfer of funds (\$30,000) from the Water Maintenance and Construction.

Total current budget appropriation:	\$381,480
Amount of increase/decrease:	30,000
Total current amended budget appropriation:	\$411,480

b. Facilities Maintenance: Budget amendment is being requested to balance budget for this division. There will be no net change in this budget.

Total current budget appropriation	\$1,290,820
Amount of increase/decrease	-
Total current amended budget appropriation	\$1,290,820

c. Water Treatment Plant: Budget amendment is being requested to balance budget for this division. There will be no net change in this budget.

Total current budget appropriation	\$ 1,827,530
Amount of increase/decrease	-
Total current amended budget appropriation	\$ 1,827,530

d. Shop Operations: Budget amendment is being requested to balance budget for this division. There will be no net change in this budget.

Total current budget appropriation	\$ 854,300
Amount of increase/decrease	-
Total current amended budget appropriation	\$ 854,300

e. Water Maintenance & Construction: Budget amendment is being requested to balance budget for this division. Request to transfer \$20,000 from Capital Outlay – Oversize Lines for professional services expenses with Martin-McGill and their work with the water system merger defense strategy development, per City Manager’s approval. Also requesting an additional transfer of \$10,000 from Capital Outlay – Oversize Lines) to Contracted Services to cover anticipated overruns in that account which are associated with the janitorial services for the Operations Center and City Hall.

Total current budget appropriation	\$ 1,413,340
Amount of decrease	-
Total current amended budget appropriation	\$ 1, 413,340

ii. Fire Department: To amend the Fire Station Capital Project Fund for professional services and construction costs related to the new fire station and additional professional services related to the existing building that is adjacent to the new fire station.

Total current budget appropriations	\$1,980,000
Amount of increase	1,647,600
Total current amended budget	\$3,647,600

iii. Main Street: To amend the Main Street Rehabilitation Project budget for Phase 3 financing.

Total current budget appropriations	\$1,887,870
Amount of increase	1,527,360
Total current amended budget	\$3,415,230

iv. Automated Meter Infrastructure: Budget amendment is being requested to transfer \$166,880 from the AMI project contingency account (767126-599100) to the project expense account (767126-559900) to fund Customer Change Order No. 2 with Energy Systems Group, previously approved by the city manager. This amendment, if approved by council, will create no net change in this project budget.

H. Consideration of Documents Relating to the Community Development Block Grant with the Housing Assistance Corporation for Oak Haven: Ms. Amy Knight explained in late summer of 2011 the Council approved a plan whereby the City would be the grant recipient for a Community Development Block Grant (CDBG) for the Oak Haven Apartments developed by The Housing Assistance Corporation (HAC). The legal department has prepared documents to effectuate this project including the Agreement for Technical Services and Grant Funds Related to a CDBG Small Cities Development Grant between the City and the Housing Assistance Corporation. [The Agreement is available in the office of the City Clerk.]

Resolution #13-0207

A RESOLUTION ADOPTING CERTAIN PLANS IN FURTHERANCE OF ACCEPTANCE OF
COMMUNITY DEVELOPMENT BLOCK GRANTS

WHEREAS the City Council has determined that low- and moderate-income housing development within the City is a benefit to the City and its citizens, and

WHEREAS the Council has determined to adopt certain plans in furtherance of acceptance of Community Development Block Grants for the purpose of construction of roads and pedestrian facilities at the Oak Haven Housing Development;

NOW, BE IT THEREFORE RESOLVED that the City Council adopt and it does by these presents adopt the following plans as attached hereto:

1. Fair Housing Plan
2. Analysis of Impediments Plan
3. Equal Employment Procurement Policy
4. Section 504 Plan
5. Citizen Participation Plan
6. Language Access Plan

By resolution adopted this seventh day of February 2013.

/s/Barbara G. Volk, Mayor

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

Approved as to form: /s/Samuel H. Fritschner

I. Consideration of Request to Waive User Fees at Berkeley Mills Park by Babe Ruth Baseball: Mr. Wooten reported the Babe Ruth Baseball Association approached the City about making some improvements to the field prior to the spring season. One of the improvements is adding sod to the infield. After negotiations, Turf Mountain Sod offered to reduce the price of the sod in addition to donating the use of a sod laying machine and four bags of fertilizer in exchange for an advertising sign on the outfield fence. The price for the sod to cover the infield area will cost about \$2,500. The Babe Ruth Baseball Association has agreed to reimburse the City \$2,500 for the cost of the sod in exchange for free use of the field for one year.

Mayor Pro Tem Collis moved approval of the items listed on the consent agenda. A unanimous vote of the Council followed. Motion carried.

6. Presentation of Donation of Funds to Interfaith Assistance Ministries (IAM) for Helping Hand Outreach Assistance Program: Mr. Lee Smith explained the H2O program is in partnership with the IAM to provide customers an opportunity to help their less fortunate neighbors. IAM screens clients to determine their needs. Mayor Volk explained customers may voluntarily choose to pay extra on their water/sewer bill that goes into this fund. She presented a symbolic check to IAM in the amount of \$3,239.23.

Mr. Cook expressed appreciation to the City Council for the opportunity to partner with the City and allow customers to help neighbors in crisis.

~~**7. Quasi-Judicial Public Hearing—Consideration of an Application for a Special Use Permit to Construct a 10,906 square foot Fire Station at 604 Sugarloaf Road and to Rezone the Property from I-1 Industrial to C-3SU Highway Business Special Use**~~

8. Consideration of Memorandum of Understanding with Land-of-Sky Regional Council for the Metropolitan Planning Organization (MPO): Ms. Lyuba Zuyeva, Transportation Planner with the Land of Sky Regional Council, provided an overview of the MPO which is housed at the Land-of-Sky Regional Council and funded by the USDOT and local dues to provide transportation planning for the region.

Ms. Zuyeva reviewed the changes to the Memorandum of Understanding (MOU) which is dependent on Census figures. She explained the 2010 Census expanded the area and now includes previously rural parts of Transylvania County (non-voting member), Madison County, Town of Mars Hill, Buncombe County, the Greater Weaverville/Jupiter Road Area and the Etowah area of Henderson County. She explained the changes are Federally-mandated because of the Census changes and primarily includes the new membership. The MOU must be adopted by all participating local governments.

Ms. Zuyeva explained the name change: the Metropolitan Area Boundary (MAB) became the Metropolitan Planning Area which is the updated Federal language. The voting structure was also updated to include the new members. She explained the references that were changed from TEA-21 to MAP-21 (Federal Legislation governing transportation). Another change is to clarify to the general public the decision-making authority of the FBRMPO/TAC. The Transportation Advisory Committee (TAC) made up of local elected officials is now referred to as “French Broad River Metropolitan Planning Organization Board”.

Ms. Zuyeva explained references to the Priority Needs List is removed because the State requires a SPOT prioritization process.

There was discussion on the funding, the MPO Board and the changes to the MOU necessary to meet Federal requirements. Council Member Caraker explained the amendments do not change what the Board does. They will still advise NCDOT and prioritize road projects. He stated Henderson County and the municipalities within have been very effective because they take a consolidated product to the MPO. He reported most of the projects are proceeding. Council Member Stephens expressed a concern about the Federal government giving direction to local issues.

Council Member Caraker moved Council’s approval of the Memorandum of Understanding for the Metropolitan Planning Organization. A unanimous vote of the Council followed. Motion carried. [The MOU is available in the office of the City Clerk.]

9. Update on Sister City Program: The City Council received an update from Ms. Karen Hultin, a member of the Board of Directors of Hendersonville Sister Cities, on their activities and future plans. She reported they will soon begin the task of choosing an additional Sister City. She expressed appreciation to the Council for paying the dues and asked for their suggestions for the next sister city. She explained their programs are open to the public and their purpose is to increase global understanding for all ages through education, travel, cultural events and more while supporting the local economy and tourism. She stated the 12-member board of directors is a very active, diverse group.

Mayor Volk expressed appreciation to Ms. Hultin for the report. **No action was required or taken.**

10. Discussion of Clock Tower at Seventh Avenue/Main Street: Mr. Lew Holloway, Main Street Director, provided a report on general design parameters and rough cost estimates for designs for a proposed clock tower as an option for the Seventh/Main art project. He reported basic design options were investigated as well as size, materials, and how choices impact the budget. He reiterated these are initial explorations without any detailed design development.

Mr. Holloway reported the Community Foundation has committed to contributing to the Sixth/Main Street fountain project but is not sure at what level. He reported the Main Street Advisory Committee has not made a specific recommendation regarding the clock tower option but may provide feedback at their February meeting.

Mr. Dave Hazzard presented concepts/options for clock or clock tower at Seventh/Main Street. He stated there are wide-ranging options and associated costs and requested further direction from the Council. Options include:

- a pole clock, 12-20 feet high, generally cast metal, semi-customizable, cost estimate rate: \$20,000-\$40,000
- open clock tower, customizable (wood, brick, etc), walk-through (open air), 15-25 feet in height, \$55,000-\$100,000
- solid clock tower, closed in, 15-25 feet in height, cost range \$70-\$130,000, completely customizable, would take up more visual space
- large clock tower, 30-60 feet in height, costs widely ranging: \$300,000-\$800,000, could be modeled after some architecture downtown, could contain bells, completely customizable.

The Council discussed the possibility of bells, four-faced clocks, and the budget for the project. Council Member Caraker commented he does not disagree with a clock tower but it may outgrow the budget. He suggested giving definite parameters, budget, height, etc. to the Main Street Advisory Committee to seek another artistic proposal that will honor Hendersonville in this space, within this budget, and in keeping with personality of Hendersonville.

Mayor Pro Tem Collis agreed with Council Member Caraker stating he likes the use of light which will stand out at night. He stated several artists expressed interest in the project.

Council Member Stephens commented it should be made clear that it has to reflect beautiful Historic Hendersonville because it is what people come here for and it is what people are comfortable with. He also commented the Gateway Park is missing a piece of art and a lot of people come into town from the south. Mayor Pro Tem Collis commented it is not the same downtown it was ten years ago. He commented on the amount of activity downtown. He stated the art should preserve history and have some modern flare. Council Member Caraker commented the art can have both.

Discussion followed on the McClintock clock on Fourth Avenue that is owned by Henderson County.

Mayor Volk commented the Council is not ready to make a decision at this point. She asked that the Main Street Advisory Committee investigate a variety of options including artists who previously submitted interest in the project along with some of the clock tower elements. She asked that the committee discuss all of the options that have been proposed and bring back options for Council review in two months. Council Member Caraker asked that the committee be given the criteria on scale and footprint.

There was discussion about the timeline and delivery of a piece of art in relation to the construction schedule. **Council Member Caraker suggesting putting in a tree, power for lighting, etc. for now without the art element. The Council agreed by consensus.**

Mayor Pro Tem Collis initiated discussion about the staffing level for the Main Street program. He cited substantial events, the Main Street project and the work of the Main Street Advisory Committee as extra work for the Main Street Director. Ms. Anderson, Planning Director, stated the Planning Department can provide staff support for the Main Street program. **The Council agreed by consensus to discuss it further at the February 15 retreat.**

After discussion, Mayor Volk commented the Council is not ready to make a decision at this point. She requested the Main Street Advisory Committee look at a variety of options including artists who previously submitted interest in addition to some of the clock tower elements, and discuss all options that have been proposed for a

recommendation to Council. She stated the artists should be given the criteria on the scale and footprint of the site. She also requested public input be sought by the Committee by asking the public if they have seen a piece of artwork, tower, etc., in another community that will be appropriate and adapted, take a picture and send it to the Committee for consideration. **The Council agreed by unanimous consensus.**

11. Presentation of Berkeley Mills Park Master Plan: Mr. Gary Wirth, Wirth & Associates, presented the Berkeley Mills Park draft master plan, detailed enlargement plans, the draft phasing plan and cost estimates. He explained the phasing plan, while numbered, is not in the order of how it should be built although phase #1 should be first because it is for safe egress. He stated there will be connectors to a future greenway.

In discussion, Council Member Smith asked to include the cost of turf for the soccer field (\$500,000-\$750,000) and for remodeling of the dugouts (\$7,000-\$10,000 each).

There was discussion of the NCDOT funding a portion of Phase 3 of the Oklawaha Greenway which will join the Berkeley Mills Park property. Mayor Volk expressed appreciation for the work. Mr. Wirth invited Council's feedback stating he enjoyed working on this project for the City. **No action was taken.**

12. Consideration of Resolution accepting the State Loan Offer for: Shepherd Creek/Atkinson Elementary Sewer Project, Wolfpen Sewer Interceptor Project and the Jackson Park Sewer Interceptor Project: Mr. Brent Detwiler, City Engineering Director, explained applications were submitted to NCDENR for these projects. He was informed the City is eligible for funding of all three projects. He stated Council authorized staff to complete the design of the projects in November 2012 with the intention of accepting the funds. He was informed that all three loans were approved and presented the offer and acceptance documents from NCDENR.

Mr. Detwiler explained all of these projects have been in the Capital Improvement Plan for the last several years. The loan terms are for 2 percent interest for 20 years with a closing fee for each project of 2 percent.

Mr. Detwiler reported a portion of the Shepherd Creek/Atkinson project will be paid for by Henderson County and will eliminate two pump stations and failing septic systems with an estimated cost of \$1.65 million.

Mr. Detwiler reported the Jackson Park project will replace a large 20+-year old pump station with a gravity interceptor sewer that serves 1,700 sewer customers including the Upward Road area. He stated the savings in maintenance costs will be \$25-\$30,000/year. The project will extend from Jackson Park to Berkeley Road, approximately 14,000 feet with an approximate cost of \$4 million.

For the Wolfpen Sewer Interceptor project, Mr. Detwiler reported this will eliminate two existing pump stations and provide sewer service from Highway 64 East to a point east of I-26 at an approximate cost of \$3 million. There was discussion on the efficiency of eliminating pump stations.

Regarding the timing of the projects, Mr. Detwiler stated the bids will be awarded by July 1 and may take 15-16 months to complete. He stated all of the projects will be in process at the same time.

Council Member Caraker moved to authorize the Mayor to execute a resolution accepting the State Loan offer for Jackson Park sewer interceptor project and authorize the City Engineer to execute the loan acceptance letter for the same project. A unanimous vote of the Council followed. Motion carried.

RESOLUTION BY GOVERNING BODY OF APPLICANT

WHEREAS, the North Carolina Clean Water Revolving Loan and Grant Act of 1987 has authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of wastewater treatment works, wastewater collection systems, and water supply systems, water conservation projects, and

WHEREAS, the North Carolina Department of Environment and Natural Resources has offered a State Revolving Loan in the amount of \$3,946,000.00 for the construction of Jackson Park Sewer Interceptor Project, and

WHEREAS, the City of Hendersonville intends to construct said project in accordance with the approved plans and specifications,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HENDERSONVILLE:

That City of Hendersonville does hereby accept the State Revolving Loan offer of \$3,946,000.00,

That the City of Hendersonville does hereby give assurance to the North Carolina Department of Environment and Natural Resources that all items specified in the loan offer, Section II - Assurances will be adhered to.

That Brent Detwiler, City Engineer, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That City of Hendersonville has substantially complied or will substantially comply with all Federal, State and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the seventh day of February, 2013 at Hendersonville, North Carolina.

/s/Barbara G. Volk, Mayor

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

Council Member Caraker moved authorize the Mayor to execute a resolution accepting the State Loan offer for Wolfpen Sewer interceptor project and authorize the City Engineer to execute the loan acceptance letter for the same project. A unanimous vote of the Council followed. Motion carried.

Resolution #13-0209

RESOLUTION BY GOVERNING BODY OF APPLICANT

WHEREAS, the North Carolina Clean Water Revolving Loan and Grant Act of 1987 has authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of wastewater treatment works, wastewater collection systems, and water supply systems, water conservation projects, and

WHEREAS, the North Carolina Department of Environment and Natural Resources has offered a State Revolving Loan in the amount of \$3,000,000.00 for the construction of Wolfpen Sewer Interceptor Project, and

WHEREAS, the City of Hendersonville intends to construct said project in accordance with the approved plans and specifications,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HENDERSONVILLE:

That City of Hendersonville does hereby accept the State Revolving Loan offer of \$3,000,000.00,

That the City of Hendersonville does hereby give assurance to the North Carolina Department of Environment and Natural Resources that all items specified in the loan offer, Section II - Assurances will be adhered to.

That Brent Detwiler, City Engineer, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That City of Hendersonville has substantially complied or will substantially comply with all Federal, State and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this the seventh day of February, 2013 at Hendersonville, North Carolina.

/s/Barbara G. Volk, Mayor

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

Council Member Caraker moved authorize the Mayor to execute a resolution accepting the State Loan offer for Shepherd Creek/Atkinson Elementary Sewer Project and authorize the City Engineer to execute the loan acceptance letter for the same project. A unanimous vote of the Council followed. Motion carried.

Resolution #13-0210

RESOLUTION BY GOVERNING BODY OF APPLICANT

WHEREAS, the North Carolina Clean Water Revolving Loan and Grant Act of 1987 has authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of wastewater treatment works, wastewater collection systems, and water supply systems, water conservation projects, and

WHEREAS, the North Carolina Department of Environment and Natural Resources has offered a State Revolving Loan in the amount of \$1,650,000.00 for the construction of Shepherd Creek/Atkinson Elementary Sanitary Sewer Improvements Project, and

WHEREAS, the City of Hendersonville intends to construct said project in accordance with the approved plans and specifications,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HENDERSONVILLE:

That City of Hendersonville does hereby accept the State Revolving Loan offer of \$1,650,000.00,

That the City of Hendersonville does hereby give assurance to the North Carolina Department of Environment and Natural Resources that all items specified in the loan offer, Section II - Assurances will be adhered to.

That Brent Detwiler, City Engineer, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

That City of Hendersonville has substantially complied or will substantially comply with all Federal, State and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted this seventh day of February, 2013 at Hendersonville, North Carolina.

/s/Barbara G. Volk, Mayor

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

13. Consideration of Budget Amendment to Purchase Equipment, to Balance the Budget, etc. for the Water/Sewer Fund: Mr. Lee Smith, Utilities Director, presented a budget amendment to balance the budget in the Sewer Maintenance fund and to purchase equipment that eliminates root problems in sewer lines and will help eliminate infiltration. He explained the City has hired a contractor in the past for this work for approximately \$20,000/year. He stated the unit may be purchased for what is paid for contracting for approximately two years plus the cost of chemicals. He stated once a root problem is identified it can be treated and it will last approximately three years. He stated the herbicide does not kill the tree and does not have adverse effects on the sewer plant. He estimated a three to four year return on the investment for this purchase.

Council Member Smith moved Council to approve the budget amendment for the Water and Sewer Department and to authorize the purchase of the equipment as presented and recommended by the Utilities Director. A unanimous vote of the Council followed. Motion carried.

Sewer Maintenance: Explanation: To balance the budget for mid-year. There will be no net change in this budget. Transfer of funds (\$40,000) from 607136-559600 (Capital Outlay – Inflow/Infiltration) to 607136-555000 (Capital Outlay – Other Equipment).

14. Presentation of RFP for Grey Hosiery Mill Building: Mayor Barbara Volk stated Council has received a draft Request for Proposals from the City Manager. She asked Council members to give their suggestions to the City Manager. Council Member Stephens complimented the RFP drafted by the City Manager Lee Galloway. Mayor Pro Tem Collis agreed. **The City Council will discuss the RFP further at their February 15 retreat.**

15. Reports from Staff

a. Meeting Announcements/Reminders: City Clerk Tammie Drake reminded the Council of the following meetings/training opportunities:

Reminder of Special Council Meetings:

- Wednesday, February 20, 2013, 5:30 p.m. Closed Session
- Tuesday, March 5, 2013, 5:30 p.m. Closed Session

Training Opportunities:

- 2013 Town Hall Day – March 27, 2013, Raleigh, NC

16. Consideration of Appointments to Boards/Commissions and Announcement of Vacancies:

a. Appointments for Consideration: Mrs. Tammie Drake, City Clerk presented the applications of citizens desiring to serve on the following boards:

Tree Board: Council Member Caraker nominated Richard Baxter to serve on the Tree Board. A unanimous vote of the Council followed. Motion carried.

b. Announcement of Vacancies: City Clerk Tammie Drake announced a vacancy on the Environmental Sustainability Board. There are no applications on file from citizens willing to serve. No action was taken.

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

18. New Business: There was none.

19. Closed Session: Council Member Caraker moved Council to enter a closed session to establish or instruct the staff (or negotiating agent) concerning the position to be taken by or on behalf of the City Council in negotiating the price and other material terms of a contract for the acquisition of real property by purchase, option, exchange, or lease as provided under NCGS §143-318.11(a)(5). A unanimous vote of the Council followed. Motion carried.

Council Member Caraker moved Council to accept the donation of property from Wells Fargo on Miami Terrace upon approval of title by the City Attorney. A unanimous vote of the Council followed. Motion carried.

20. Adjournment: Being no further business, the meeting adjourned at 8:00 p.m. upon unanimous consent of the Council.

Barbara G. Volk, Mayor, City of Hendersonville

Tammie K. Drake, MMC, City Clerk