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AGENDA

CITY OF HENDERSONVILLE CITY COUNCIL – REGULAR MEETING

MARCH 7, 2013 – 5:45 P.M.

Council Chambers – City Hall

1. **Call to Order**
2. **Invocation and Pledge of Allegiance**
3. **Public Comment Time:** *Up to 15 minutes is reserved for comments from the public for items not listed on the agenda*
4. **Consideration of Agenda**
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: February 7, 2013 Regular Meeting, February 15, 2013 Special Meeting and February 20, 2013 Special Meeting
 - B. Consideration of Special Event Permits:
 - i. Bearfootin' Public Art Reveal
 - ii. Downtown Rhythm & Brews Concert Series
 - iii. Main Street Mile Grand Prix Series
 - iv. Mad Mountain Mud Run and Family Mud Fun
 - v. Meltdown Vintage Motorcycle Show
 - C. Consideration of Ordinance Directing Code Enforcement Official to Demolish Structure at 710 E Pace Street
 - D. Consideration of Ordinance Directing Code Enforcement Official to Demolish Structure at 1206 Martin Circle

- E. Consideration of Resolution Authorizing the Donation of Surplus Property (Tasers) to Laurel Park Police Department Pursuant to NCGS 160A-280
- F. Consideration of Utility Extension Agreements:
 - i. Sewer Service, Highland Park Road requested by Jimmy Dale Freemand
 - ii. Ballantyne Commons, Phase 2
- G. Consideration of Budget Amendments: Grant fund (1)
- H. Consideration of Ordinance Amending Chapter 52, Article V - Wastewater Use, Collection and Treatment as Required by the Division of Water Quality, a Division of the NC Department of Environment and Natural Resources
- I. Consideration of Resolution in Support of the Hendersonville Co-op Expansion
- J. Consideration of Resolution of Intent to Close Portions of Two Streets near the Ingles at 625 Spartanburg Highway
- K. Consideration of System Development Charges Policy
- L. Consideration of Abatement of Nuisances

6. Public Hearing – Consideration of the Filing an Application for Approval of a Financing Contract Authorized by NC General Statute 160A-20 to Finance the Construction of a new Fire Station, Replacing a Fire Engine, and Completion of Phase 3 of the Main Street Rehabilitation Project by use of an Installment Contract Authorized under NC General Statute 160A, Article 3, Section 20

Presenter: Mr. Jim Rudisill, Finance Director

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

Presenter: Ms. Sue Anderson, Planning Director

8. Consideration of Possible Funding for the Mills River Partnership

Presenter: Mr. Lee Smith, Utilities Director and Mr. Bert Lemkes, Mills River Partnership Board

9. Update from Main Street Advisory Committee on Recommendation for Main Street/Seventh Avenue Gateway

Presenter: Mr. Lew Holloway, Main Street Director

10. Consideration of Refined Drawings and Proposals for the 700 Block of the Main Street Project

Presenter: Mr. Brent Detwiler, Engineering Director

11. Consideration of Proposal to Change the Crosswalks from Allen Street to First Avenue

Presenter: Mr. Brent Detwiler, Engineering Director

12. Consideration of Funding for Enhancement of Wi-Fi on Main Street

Presenter: Mr. Allen Edge, IT Director

13. Consideration of Possible Changes to the Recycling Program and Consideration of Funding for Roll-Out Recycling Carts

Presenter: Mr. Tom Wooten, Public Works Director and Ron Moore with American Recycling

14. Consideration of Hiring of a Contractor to Perform a Pavement Condition Survey

Presenter: Mr. Tom Wooten, Public Works Director

15. Reports from Staff

a. City Manager's Report

b. Meeting Announcements/Reminders

Presenter: Mrs. Tammie Drake, City Clerk

Special Council Meetings:

- Tuesday, March 5, 2013, 5:30 p.m., City Hall, Closed Session (Manager Search)
- Friday, April 5, 2013, noon, City Hall, Closed Session(Manager Search)
- Friday, May 17, 2013, 8:00 a.m., City Hall, Budget Review

Other Training Opportunities

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

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

Presenter: Mrs. Tammie Drake, City Clerk

a. Appointments for Consideration: None

b. Announcement of Vacancies: Environmental Sustainability Board

17. Comments from Mayor and City Council Members

a. Discussion of Memorial Walk

Presenter: Mayor Pro Tem Jeff Collis

18. New Business

19. Closed Session

20. Adjournment

February 7, 2013
Regular Meeting of the City Council
Council Chambers – City Hall
5:45 p.m.

**Return to
Agenda**

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

February 15, 2013
Special Meeting of the City Council
Chamber of Commerce
8:00 a.m.

**Return to
Agenda**

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, Police Chief Herbert Blake, Engineering Director Brent Detwiler, IT Director Allen Edge, Fire Chief Dorian Flowers, Zoning Administrator Susan Frady, Main Street Director Lew Holloway, Finance Director Jim Rudisill, Personnel Officer David Sapp, Utilities Director Lee Smith, Planning Department Assistant Lu Ann Welter, Public Works Director Tom Wooten

1. Call to Order: Mayor Volk called the meeting to order at 8:00 a.m. and welcomed those in attendance. A quorum was established with all five members in attendance.

2. Review of Capital Improvement Plan (CIP): Mr. Rudisill reviewed the Form 3s and summary requests for Year 1 for all of the departments for the CIP. Discussion items included:

Upward Road Storage Building: \$250,000 is included to ensure it is watertight, etc. Cost sharing is possible if it is used by the Water and Sewer Department.

Coverage/equipment at new fire station: Engines 2 & 4 will be moved to the new station. The new fire truck will replace engine 1 which is 38 years old. The ladder truck will stay at the main station. Engine 3 will go into primary reserve status. There was discussion of the Fire Department serving parts of Henderson County that are physically closer to the new station. GIS will determine which Department is closer. The Dana Fire Department will also respond to calls in Hendersonville which is a true mutual aid automatic agreement with no pay.

Wi-Fi expansion: Current Wi-Fi is designed for antennas on tops of buildings on Main Street for most coverage. Because power is now underground, the antennas need to be brought down to street level. New and more antennas can be mounted on light poles. This could happen July or August. The new system will be available to the side streets and inside buildings.

Fifth Avenue Reconstruction: This should be placed in Year 1 to restart this work.

Placeholders for small projects: Neither prioritization nor funding has been done for these items: park acquisition and development, Toms Park splash park, Lenox Park improvements, Dr. Martin Luther King, Jr. Park fountain, Sullivan Park improvements, Rotary Park playground equipment upgrade. There was discussion of the closed restrooms in Sullivan Park because of vandalism.

Sidewalks: North Main/Blythe Street. N. Main Street is scheduled for sidewalks next, then Blythe Street. Discussion followed on the remaining bond funds.

Environmental Services Fund:

Patton Park: Funds may be available thru NCDOT for the establishment of engineered wetlands at Patton Park to replace the pond. This project will be designed in-house and will act as a stormwater wetland. Mayor Volk commented people enjoy the ducks and wildlife.

Refuse truck replacement: This will become a two-man crew instead of a three-man crew. The truck coming off-line will be used as a recycling truck. There was discussion of the recycling program and the possibility of changing to 96-gallon roll-out recycling carts. Mr. Wooten reported there is a grant through the State that will give cities \$75,000 to purchase these roll-out carts. This requires RFBI tags (data tracking system) on the carts in order to receive the funding. American Recycling has agreed to contribute \$25,000. He stated the City will have costs including another truck and more staff. Mr. Galloway explained data indicates a 40 percent increase in recycling with the larger carts. He stated the City will realize a savings in tipping fees. There was discussion on how to inform citizens of what can be put into recycling bins. Mr. Wooten stated the brochure is being updated and it will be posted on our website. Council Member Smith suggested a sticker be placed on the blue container to help eliminate confusion.

Water and Sewer Fund:

AMR: Mr. Lee Smith provided an update on the AMR project that is 57 percent installed. The towers are all up and ten are communicating.

Brightwater: Mr. Lee Smith stated the EPA has paid everything they can pay on that project but they may be able to help fund a project for high speed service pumps that will help the residents of Brightwater. He suggested applying the \$226,000 grant to Brightwater to pay the loan down and recalculate what the residents owe. He stated the pumps could increase pressure and will improve efficiency. He stated the idea came from the EPA.

Generator for WWTP: There was discussion on the importance of a generator for the Wastewater Treatment Plant.

Sludge drying system for WWTP: Mr. Lee Smith explained there has been discussion about a power plant that would take all of the sludge, yard debris, etc. as fuel for the plant.

Dana Community well contamination: Mr. Lee Smith explained contaminated wells were discovered in the Dana community. The contamination resulted from a chemical used for termite pesticide that can also be used for crops. He stated the level of contamination is well above the accepted levels for groundwater. He stated the Division of Water Quality has been monitoring the wells. He stated a grant program will pay a percentage of the project to extend water service to the affected properties. He stated the Eastside, phase 2, project will take water lines from Highway 64 to Dana School which is within 400 feet of Academy Road where the contamination was found. There are no cost estimates at this point for extending the lines to provide water service to the affected properties.

Mr. Rudisill reported the debt load on the Water and Sewer Fund will be approximately 19 percent. He stated enterprise systems may carry a higher debt load than the General Fund side. He stated he is comfortable with the amounts because of the low interest rates.

3. Review of Two-Year Goals and Objectives Established by the Council and Any Additional Goals: Mr. Galloway reviewed Council's two-year goals and objectives established by the Council and provided updates.

Discussion of Oklawaha Greenway. Grant approval of \$700,000 was received for the Oklawaha Greenway for FY 15. Mr. Detwiler stated Phase 3 of the Oklawaha Greenway will coincide with the easement for the Jackson Park sewer project and will extend to the edge of the Berkeley Mills Park property. He reviewed drawings of the alignment of the easements. Discussion of the easements and donation of property followed. Phase 3 of the greenway needs to connect to Berkeley Mills Park which may depend on how the development of the park is phased.

Mr. Galloway stated the rough cost estimate is \$1.1 million and is shown in the CIP, Year 2. He stated the City would pay the difference (approximately \$400,000). Estimated costs assumes the worst-case scenario. He stated \$700,000 will not cover the entire project but it may be assisted by the sewer project.

Awards Program for Historic Building Rehabilitation: The program has been set up with three categories: residential, commercial and historical advocate. HPC has sent out letters to prospective awardees, including professionals and homeowners. Applications are due by March 31 and HPC is hoping for some response. They have added a \$100 cash award as an incentive.

Implement Planned Investments: The Council will hold a public hearing on the filing of an application for approval of the \$6 million financing contract at their 03.07.13 meeting.

Water Uses Reduction: The Council approved the expansion of this program at their 12.06.12 meeting due to an overwhelming number of responses for the rebates for high-efficiency clothes washers. This increased the rebate program to 180 clothes washer rebates, 240 high-efficiency toilet rebates and 60 smart irrigation system controller rebates.

Balfour Expressway: Council Member Caraker reported this project survived the MPO process and is fairly high on the MPO list for 2025. The NCDOT feasibility study for this project is underway and is scheduled for completion in late 2014.

Gateways: Improvements of sod and irrigation were made to the Southside Gateway Park. The Council is continuing discussions on the art element to be located at 7th/Main St. Phase III is on schedule to be completed Spring 2013. **The Council agreed by consensus to place the flag poles at the “north end” of Main Street in the median before the fire station.**

Mr. Galloway noted there are many appropriate places for the display of art downtown.

Economic Vitality - Wingate: A conversation with the former city manager indicated Wingate's development progress is moving forward more rapidly than anticipated. The Manager will maintain contact with Wingate for early City involvement. Mayor Volk commented the City would like to keep them in the downtown area if at all possible.

In-house Inspection Department: Council received a report from staff at their 10.04.12 meeting. No action was taken. Mayor Volk commented she brought this up to keep the process moving and eliminate bottlenecks so development may proceed as quickly as possible.

Reinstate Employee pay step increases: Preliminary discussions call for a COLA and merit increases in the FY 14 budget if possible.

Wi-Fi: Council Member Stephens asked if the Wi-Fi expansion could be done with the completion of the Main Street/7th Avenue block in early April so visitors may have it for the summer season. **Staff will report back to the City Council on the possibility of this at Council's March 7 meeting.**

Mr. Galloway suggested Council's goals and objectives be shared with the City Manager candidates. **The Council agreed by consensus.**

4. Discussion of Election Options: Mayor Volk explained it is one of Council's goals to make a decision on the election process rather than deciding every two years.

City Attorney Fritschner reviewed the election options:

The City is currently using the method of a primary and election. He explained the process stating there are either two or three seats in every election, i.e., mayor and two council members or two council members. There may be any number of candidates if constitutionally qualified. If the number of candidates is less than the number of

seats times two, there is no primary, only the election held in November. If the number of candidates is more than double the number of seats, a primary is held which narrows the top four vote getters and those people become the candidates in the election. The two with the majority votes are elected.

City Attorney Fritschner explained the advantage of the plurality method is it is decided on election day. The top two vote getters are elected but it could result in a person being elected that does not have the majority of votes.

City Attorney Fritschner stated the third option is that the [first] election is held on election day. There may be any number of candidates and if any person gets a majority of the votes, that person is seated. If not, a run off election may be required which happens after election day and generally has a low voter turn-out.

City Attorney Fritschner explained the instant run off method whereby the primary and the election is held at the same time. Hendersonville used this method in 2007 and 2009 under a pilot program. That pilot program has since ended but the City petitioned the Board of Elections to use this method without the pilot program and they have permitted it. He stated there has been some concerns expressed about it. He stated under the pilot program and since the election there has been educational programs in the newspaper and follow-up exit questionnaires at the polls. The League of Women Voters assisted in these efforts and the confusion level is now much lower. He stated the City would have to ask General Assembly to permit the instant runoff method because it is not considered one of the four methods. Council Member Stephens expressed a concern about this method in the event a hot topic issue arises between the time of the primary and the election. Council Member Caraker agreed this is a valid point. Under this method, the voter votes in priority order and it depends on the number of seats.

Mr. Galloway asked the Council to be aware of the deadline for local bills (for Charter changes) which are due by March 5 at the General Assembly.

Mayor Volk asked the Council which method they prefer and to make a decision so it doesn't have to be done every two years. She explained the main reason for instant run off method is to save the cost of an election which costs approximately \$10,000. After discussion of polling sites, possible Charter changes, etc., Mayor Volk voiced support of the one-day instant run off method because that is the day people vote and primaries have a lower turn out. **The vote of the Council for the instant run off method was three in favor (Volk, Smith, Collis) and two opposed (Stephens, Caraker who prefers the current method of non-partisan, primary). Motion carried.**

After some research, City Attorney Fritschner announced the draft bill is due by March 5. **He will draft the bill and resolution for Council's consideration at their February 20 special meeting.**

5. Discussion of Mill Building RFP: Mr. Galloway stated there is interest in the building and reported contact by a current business owner who is interested in converting the mill to a retail center. He stated the RFP will give the Council ideas and allow them to decide which ones to pursue. **The Council agreed by consensus to distribute the RFP as presented at their February 7 meeting. The deadline for proposals is April 15.**

6. Discussion of Proposal for Traffic Management on Fifth Avenue: Mr. Detwiler explained "no parking signs" were removed from Fifth Avenue. The Council reviewed the proposal from Mr. Stansbery of Kimley Horn and Associates. **Mayor Pro Tem Collis requested the scope of work be adjusted to include Third to Fifth Avenues, Blythe to Washington Streets. The Council agreed by consensus.** Mr. Detwiler will contact Kimley Horn.

7. Discussion of Main Street Project: Mr. Detwiler reviewed material options and placement for the crosswalks on Main Street from First to Seventh Avenues. Material choices are: 1. thermoplastic which is included in the bid, unsure of NCDOT approval. The City would probably have to maintain it. 2. Stamped Imprint Asphalt which is pigmented throughout. NCDOT has approved this option and they will maintain this. 3. Brick pavers with a concrete border. The Public Works Department will have to maintain this. Or, 4. White thermoplastic.

Mr. Detwiler reviewed the cost estimates for all options compared to what is included in the bid. He stated Luther Smith and Associates recommended the Sixth and 7th Avenue blocks be tied into the rest of Main Street. He stated one of the concept drawings shows having brick or other material directly around Historic Courthouse (First and Second Avenue intersections which was included in the original bid).

Mr. Detwiler reviewed a spreadsheet detailing crosswalk options and costs. In discussion, Council Member Caraker suggested the brick pavers be used which will add some cost but will wear the best, Council Member Smith agreed stating the City should maintain it so it is done in a timely fashion. Mayor Volk also agreed because of the heavy traffic on Highway 64. Mr. Detwiler also reviewed the possible patterns of brick. There was discussion on the maintenance of the bricks pavers and NCDOT snow plows on Sixth Avenue.

The Council agreed by consensus to install brick pavers in a herringbone pattern and chose layout option 1, which includes all crosswalks from First to Seventh Avenue with an estimated additional cost of \$16,196.26.

Proposal to finish the 700 Block: Mr. Detwiler reviewed options to finish the 700 block of Main Street including curb and gutter. He stated without a plaza area north of the Triangle Stop, the basic cost would be \$75,000. With a concrete plaza, landscaping, brick seat wall, etc. the cost would be an additional \$20,000. To extend improvements to Bearcat Boulevard would cost an additional \$85,000 and would involve removing the large Sycamore trees. The Council expressed no interest in this option. There was discussion of the concrete island that could be enhanced with more landscaping. Council Member Stephens voiced opposition to spending money the City shouldn't spend in this area because it may encourage travelers to turn right instead of left onto Main Street. He stated the intersection should be done but not past that. Mayor Pro Tem Collis voiced support of finishing the block as a part of Main Street. Council Member Caraker also voiced support of enhancing the area to finish the appearance as the remainder of Main Street but also voiced concerns over the additional expenditures. There was discussion of the contingency included in the project but this additional expenditure may have to come from fund balance. Mayor Pro Tem Collis also supported the idea of putting flags in that area. Mayor Volk stated she cannot envision a need for a plaza with seating but the section should be tied together with landscaping, flags, but not brick walls. Mr. Detwiler stated they have not spoken with property owners about the potential changes.

The Council agreed to discuss the 700 Block further at their March 7 meeting (excluding the cost of the plaza).

There was discussion on replacing the thermoplastic with brick pavers from Allen Street to First Avenue. **The Council requested a modification of the plan and cost estimates for brick pavers for the Allen Street to First Avenue section and agreed to discuss this further at their March 7 meeting.**

There was a brief recess for lunch.

8. Discussion of Staff Levels:

A. SRF Projects: Mr. Brent Detwiler, City Engineer, explained his staff is designing and obtaining permits for three State Revolving Fund (SRF) sewer projects: Jackson Park Sewer Interceptor, Wolfpen Sewer Interceptor and Shepherd Creek/Atkinson Elementary Sewer Improvements. All of the projects will be in construction at the same time. He explained the City must follow NCDENR's schedule for design and construction of the projects and there are funds available in the loans for construction administration. He reviewed the schedule and stated the staff in the Engineering Department cannot provide all of necessary construction inspection, necessary applications, submittals, progress meetings, etc. and is concerned with the time frame because the projects are moving quickly.

The Council discussed options for additional staffing including retaining a construction management firm for certain projects, hiring a temporary part-time construction inspector, contracting with a retiree to work for a limited amount of time, and if the City could be reimbursed from project funds for hiring someone to assist with these projects. After discussion of salaries for construction inspectors, an RFQ process, etc., **the Council requested further information on what was budgeted for administration, etc. in order to make an informed decision.**

B. Main Street Director: Mr. Holloway, Main Street Director, reviewed his duties with the Main Street Advisory Committee and his current monthly time commitments. He stated of the Main Street programs that have additional staff, it is for communications and special events. He stated he wouldn't remove himself from those duties but it would expand those features.

Mayor Pro Tem Collis stated he spoke with the Planning Director and recommended the funds for the vacant planner's position be used for a temporary position for the Main Street program. Discussion followed on Mr. Holloway's commitments including Main Street construction and his role in public art elements. **The Council agreed by consensus to use the vacant planning position funds to fund a part-time position for a year and then reassess next year.** There was discussion on qualifications of the employee including someone with marketing and promotions experience.

There was discussion of the hours, duties, pay and benefits of the additional position and the person starting before July 1. Mayor Volk commented she is not ready to open up the possibility of marketing the entire City.

After discussion, the Council **agreed by consensus to use funds from the vacant planner position to fund a part-time temporary position for the Main Street Program and authorized the City Manager and Mr. Holloway to come up with position description, advertise for the position, and hiring someone as soon as possible.** [Council did not require seeing the job description.] Mr. Rudisill explained if the part-time position is put into the Downtown Fund, there should be a contribution from the General Fund.

C. Park Manager and Maintenance Positions: Mr. Galloway stated this idea came from the staff meeting and is not Mr. Wooten's request. He explained because of the City's commitment to parks, greenways, etc. the Council may need to consider a position to oversee the parks and remove the responsibility from Mr. Wooten. He stated the time demands for maintenance of the parks are considerable. Mayor Volk stated she spoke to the former manager about a goal for the parks to be more attractive (flowers, etc.) rather than just functional.

Council Member Smith suggested the Council take a similar approach as Greenville, SC in that the City doesn't run programs but have nice facilities. There was general agreement by the Council. Duties of the position were discussed including grant-writing and other research on how to pay for improvements, i.e., soliciting funds, making sure the grass is mowed, restrooms are clean, checking the parks on a daily basis, landscaping improvements and keeping the facilities at a certain standard. Mr. Wooten explained as Berkeley Mills Park develops, more maintenance will be required but this person may be doing hands-on activities until Berkeley Mills Park is developed.

After discussion, the consensus of the Council was to consider the position for parks maintenance in the upcoming budget as a supervisor under Mr. Wooten.

9. Discussion of System Development Charges Policy: Mr. Lee Smith reviewed a draft policy for financing system development charges. He stated customers would not be required to finance the charges but it will be an option as a monthly payment on their water/sewer bill. There was discussion on whether interest should be charged if the system development charges are financed.

Council Member Stephens stated this has not been marketed well and the public does not understand the new system development charges, why it is needed, etc. There was discussion on the City's system development charges in comparison to other cities. Council Member Stephens stated the charges should be financed over three years with no interest. There was discussion on the philosophy of system development charges including new customers create growth and a greater demand on system and those creating the additional demand should have to pay for it instead of existing customers.

After discussion of the financing option, **the Council agreed to consider the policy amendments including language for financing system development charges for up to three years without interest, terms outside of these will require Council approval and have the possibility of interest applied. This will be presented at the March 7 meeting.**

City Attorney Fritschner stated he would like an opportunity to review this to determine if financing without interest constitutes a gift, which the City does not have the power to do. **The Council agreed by consensus.**

There was a short recess.

10. Discussion of Possible Fee to Water/Sewer Bill for Funding of Mills River Watershed: Mr. Lee Smith explained the City previously set aside funds that were paid to the Mills River Partnership. He suggested discussions during Council's budget deliberations for dedicating money from the Water/Sewer operating expenses instead of adding fees to customer's bills if a project directly benefits the water quality.

There was discussion on exactly what the Mills River Partnership is asking the City for, the EPA grants they have applied for, etc. Council Member Caraker stated the Partnership may need direct communication with the Council and stated he is willing to sit on that board.

The Council heard an update from Mr. Ralph Freeman who is currently the City's representative on that Board. He explained Shaun Moore does not have the time or resources to do all of the work and they are asking for a part-time person to help administer the grant. He stated there are projects that are ready when funds are received including water quality monitoring, rotation of crops, etc. and additional projects planned for the fall. He stated the Partnership needs funds to keep the programs going, write grants, etc. and they have discussed a token amount per water meter to help fund the projects or a flat fee. He stated citizens want their water protected.

Council Member Smith agreed with Mr. Lee Smith's recommendation of a lump sum contribution for the Water/Sewer Fund instead of a fee on customer's bills. Mayor Volk asked if the grant is set up so all funding would go toward actual projects or if it is designed so part of grant could go to a person to administer it. There was discussion on whether the grant may include funds for administration, which would mean less matching funds from the City.

After discussion, Council Member Smith requested a memo laying out their exact request. There was discussion on the possibility of other contributions and the required in-kind. Mayor Volk commented the Partnership should know the status of the grants by end of February. **The Council agreed they would like more information and will discuss it further at their March 7 meeting.**

11. Consideration of Amendments to Utility Extension Agreement with Camp Judea: Mr. Lee Smith presented an amendment to the utility extension agreement with Camp Judea approved in 2009. He explained this is a seasonal usage situation. He stated staff came up with special conditions, i.e., sampling and flushing, that Camp Judea has agreed to do to ensure water quality and will benefit the City. **Mayor Pro Tem Collis moved to authorize the City Manager to execute the water line extension agreement with the newly proposed special conditions proposed and recommended by staff. A unanimous vote of the Council followed. Motion carried.**

12. Discussion of Maintenance of Median on Highway 64 East: Mr. Wooten explained he and Mr. Ferguson had discussions with NCDOT for landscaping improvements within the median on Highway 64 East. NCDOT's in-house designer from Raleigh made some verbal recommendations and a formal design will follow. He stated the City will have input on the design. He stated the designer suggested removing most of soil from the median, replacing it with new soil and amendments, planting shrubs, ornamental grasses, etc. He stated no trees will be incorporated because of the 45 mph speed limit but trees could be incorporated if the speed limit is reduced.

Mr. Wooten reported Mr. Queen with NCDOT has requested the City take over the maintenance after improvements are made by NCDOT. He stated he and the manager agreed that taking over the maintenance is not a good idea citing the intense process to work on the median and safety concerns.

There was discussion of the speed limit and enforcement issues. After discussion, **the consensus of the Council is not to take over the maintenance of the median. The Council would not object to the NCDOT completing the upgrades and providing maintenance. There was no interest in changing the speed limit so trees may be incorporated into the design.**

13. Discussion of School Resource Officer (SRO): Council Member Smith explained there is an SRO at Hendersonville High School but there is not a SRO assigned to Hendersonville Middle School. He explained the State pays for the SRO at the High School. He stated the officer's visits to the middle school is sporadic at best. He presented a request to fund a SRO at the Middle School with responsibilities to cover Hendersonville Elementary on a regular basis. The responsibilities of the Hendersonville High School officer will be to cover Bruce Drysdale as well.

Council Member Smith reviewed duties of a SRO and the start-up cost stating a new vehicle will not be necessary. He spoke to David Jones and sent a letter to Sen. Apodaca but found no other outside source to help fund the position at this time. He is hopeful the General Assembly and Congress may address this in the future. He reviewed the school population for each of the schools.

Council Member Smith explained the reason for presenting this request is the Sandy Hook tragedy and for increased security at the schools. He stated the presence of an officer may make a difference. He reported there is no longer a Sheriff's deputy at any middle school in the county. He stated the Sheriff's Office provides deputies at the high schools but not at middle schools. He stated the SRO at the high school is mainly funded by the State. He stated there is no state funding or school system funds available for an additional SRO position.

Council Member Smith stated the presence of a SRO at the high school also gives the public a positive impression of police. He suggested including funds in the budget for the position. He stated there may be funds from the state or federal government in the future but he doesn't want to wait for it. There was discussion of the cost.

After discussion, **the Council agreed by consensus to add this to the budget discussions.**

14. Housekeeping Items:

A. Monthly Calendar: The Council agreed they would like to have a monthly calendar with Council meetings, special events, etc.

B. Special Invitations: The current procedure of asking the Council to represent the City will be followed: the Mayor first, Mayor Pro Tem second and then by longevity on the Council.

C. Electronic Agenda Process: The process has worked well for the Council. A firm deadline of Wednesday at noon for submission of agenda items will be enforced. It is a great disadvantage to the Council to

have items added to the agenda at the meeting because they do not have an opportunity to review background information in order to make an informed decision.

D. Set date for special meeting for Budget Review (typically mid-May): A special meeting was scheduled for Friday, May 17, 2013 beginning at 8:00 a.m. at City Hall for budget review. The Council asked this be put in Dropbox for their review.

E. Publishing Legal Notices: The City Clerk presented a letter from the publisher of Hendersonville Lightning that is now a newspaper of general circulation in Henderson County. The Council heard comments from Mr. Ned Cowan of the Times News who spoke on their circulation numbers. The Council also heard comments from Mr. Bill Moss on the cost of their advertising. The Council will discuss this further. **No action was taken.**

15. Discussion of Park Property :

A. Berkeley Mills Park: Mr. Galloway stated Mr. Wirth is expected to present the final Master Plan for Berkeley Mills Park in March. He stated the estimated costs for completion of the plan is close to \$5 million. He asked for direction from the Council on a funding mechanism to put the plan into place for the development of the park. Options may include a tax increase or a bond issue in November.

There was discussion of the park and the purpose of the park. Council Member Caraker commented he favors a bond issue so the community can make the decision. He stated he does not want to raise taxes to pay for it. There was discussion of the advantages of a bond and the annual debt service on \$5 million (\$300,000 per year for principal and interest). Council Member Stephens commented discussions of other parks in the county may make it harder to sell this year. Council Member Smith commented Council could consider half of the funding for the bond. There was also discussion on what debt is retired this year. Mr. Rudisill stated in 2018, \$200,000 is retired from the General Fund and next debt retirement will be 2027. The standard term for bonds is 20 years.

Discussion followed on the possibility of any grants for development of the park.

After discussion, **the Council requested a report from the City Attorney on whether the bond may be placed on the November ballot.**

B. Report on Oklawaha Greenway Grant: (see Council goals and objectives)

C. Sponsorship Policy: Mr. Wooten reported Council adopted a sponsorship policy in April 2009. He stated staff has discussed possible changes to the Sponsorship Policy that will permit the City Manager to approve a sponsorship with an approximate value of \$1,000 as long as all of the other requirements of the policy are met. He stated the change will include a sign of a certain size that will display the sponsor's name and logo for a specified period time at a location approved by the City Manager and will most likely be on the outfield fence. He stated any sponsorship of higher value will be presented to the City Council for consideration. **The Council agreed by consensus to consider amendments to the current policy at their March 7 meeting.**

D. Recreation in General: Mr. Galloway initiated conversation about how deeply the City wants to get involved in recreation. He stated there are many other parks that are being created in the county. The City got out of recreation in mid 1990s. He stated he heard today that the City Council doesn't want to run programs but have nice facilities. **There was general agreement by the Council.**

There was no further business discussed by the Council.

16. Closed Session to Discuss Property Acquisition: At 4:09 p.m., 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.

17. Adjournment: Being no further business, the meeting adjourned at 4:16 p.m. upon unanimous consent of the Council.

Barbara G. Volk, Mayor, City of Hendersonville

Tammie K. Drake, MMC, City Clerk

February 20, 2013
Special Meeting of the City Council
Council Chambers – City Hall
5:30 p.m.

**Return to
Agenda**

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

The purpose of the special meeting was to:

- 1) Consider a Resolution Requesting the General Assembly to Amend Section 4.3 Voting [of Article IV. Election Procedures] of the Hendersonville City Charter.
- 2) To hold a closed session for the purpose of considering the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee as provided under NCGS §143-318.11(a)(6). Other topics may be discussed.

1. Call to Order: Mayor Volk called the meeting to order at 5:30 p.m. A quorum was established with all five members in attendance.

2. Report on Bond Issue: Mayor Volk reported on information received from City Attorney Fritschner that it is possible to have the bond issue for the development of Berkeley Mills Park on the November ballot. He will look for bond counsel, bring a recommendation to the City Council at their March 7 meeting, and provide a status report. **No action was taken.**

3. Consideration of a Resolution Requesting the General Assembly to Amend Section 4.3 Voting [of Article IV. Election Procedures] of the Hendersonville City Charter: Mayor Volk provided a report on the City Attorney's contact with Representative Chuck McGrady who advised the General Assembly would prefer to have a unanimous vote of the Council on the possible Charter amendment regarding changing the election method. **Mayor Pro Tem Collis moved to rescind the action taken by the Council at their February 15, 2013 meeting to change to the instant runoff election method. A unanimous vote of the Council followed. Motion carried.**

4. Closed Session: Council Member Caraker moved Council to enter a closed session for the purpose of considering the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee as provided under NCGS §143-318.11(a)(6). **A unanimous vote of the Council followed. Motion carried.**

The Council consulted with the Developmental Associates on the hiring process for the City Manager. No action was taken upon exit from the closed session.

5. Adjournment: Being no further business, the meeting adjourned at 7:38 p.m. upon unanimous consent of the Council.

Barbara G. Volk, Mayor, City of Hendersonville

Tammie K. Drake, MMC, City Clerk



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Return to
Agenda**

Submitted By: Susan G. Frady

Department: Zoning

Date Submitted: 02/23/13

Presenter: Susan G. Frady

Date of Council Meeting to consider this item: 03/07/13

Nature of Item: Council Action

Summary of Information/Request:

Item # 05b1

2013 Bearfootin' Public Art Reveal

On February 22, 2013, the Special Events Committee met and reviewed an application from Historic Downtown Hendersonville for 2013 Bearfootin' Public Art Reveal to be held Saturday, May 10, 2013, from 3 p.m. – 8 p.m.

The event will be held at the First Citizen's Bank Plaza at the corner of 6th Avenue and Main Street. The 15 minute parking space will be closed from 3 p.m. – 8 p.m.

This is the 11th year of this summer long public art event. Last year the event was held at 3rd Avenue and Main Street. The Bearfootin' Artwalk is a fund raiser for HDH and other community non-profit partners. It adds significantly to the aesthetic appeal of downtown.

The Special Events Committee voted unanimously to recommend approval of a special event permit for the 2013 Bearfootin' Public Art Reveal.

Suggested Motion: *To disapprove any item, you may allow it to fail for lack of a motion.*

move that the City Council approve the agenda item for a special event permit for the 2013 Bearfootin' Public Art Reveal.

Attachments:



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Return to
Agenda**

Submitted By: Susan G. Frady

Department: Zoning

Date Submitted: 02/26/13

Presenter: Susan G. Frady

Date of Council Meeting to consider this item: 03/07/13

Nature of Item: Council Action

Summary of Information/Request:

Item # 05b2

2013 Downtown Rhythm & Brews Concert Series

On February 21, 2013, the Special Events Committee met and reviewed an application from Historic Downtown Hendersonville, sponsor of the 2013 Downtown Rhythm & Brews Concert Series to be held on May 16, June 20, July 18, and August 15, 2013. This is a new event.

The events will be held in the Azalea Parking Lot between 3rd and 4th Avenues. This will be a family friendly concert series targeted to draw an expanded demographic into downtown. The events will feature live music and local industries (brewing and outdoor related).

An amendment to the City Code will be needed for the consumption of alcohol on city property (parking lot). This will be on the April City Council Agenda.

The Special Events Committee voted unanimously to approve the 2013 Downtown Rhythm & Brews Concert Series.

Suggested Motion: *To disapprove any item, you may allow it to fail for lack of a motion.*

I move that the City Council approve the agenda item for 2013 Downtown Rhythm & Brews Concert Series.

Attachments:



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Return to
Agenda**

Submitted By: Susan G. Frady, Zoning Administrator

Department: Administration

Date Submitted: 02/26/13

Presenter: Susan G. Frady

Date of Council Meeting to consider this item: 03/07/13

Nature of Item: Council Action

Summary of Information/Request:

Item # 05b3

2013 MAIN STREET MILE GRAND PRIX SERIES

On February 21, 2013, the Special Events Committee met and reviewed an application from Historic Downtown Hendersonville, sponsor of the 2013 Main Street Mile Grand Prix Series to be held on May 16, June 20, July 18, and August 15, 2013. This is a new event.

The four race running series will be family friendly entry to expert level race targeted to draw an expanded demographic into downtown. The races will kick off the Rhythm & Brews Series. The races will go from 4th avenue onto Main Street right down to 6th Avenue turn around down to Barnwell, turn around back to finish on 4th Avenue. Police will be in front of the lead runner and volunteers will cover the intersections. Main Street will not be closed.

The Special Events Committee voted unanimously to approve the 2013 Main Street Mile Grand Prix Series.

Suggested Motion: *To disapprove any item, you may allow it to fail for lack of a motion.*

I move that the City Council approve the agenda item for 2013 Main Street Mile Grand Prix Series.

Attachments:



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Return to
Agenda**

Submitted By: Susan G. Frady

Department: Zoning

Date Submitted: 02/23/13

Presenter: Susan G. Frady

Date of Council Meeting to consider this item: 03/07/13

Nature of Item: Council Action

Summary of Information/Request:

Item # 05b4

Mad Mountain Mud Run and Family Mud Fun

On February 21, 2013, the Special Events Committee met and reviewed an application from Hands On for the Mad Mountain Mud Run and Family Mud Fun to be held Friday, May 31, 2013 from 6:00 p.m. – 8:00 p.m. and Saturday June 1, 2013, from noon – 7 p.m.

The event will be held at Berkeley Park and quarry. The family mud fun will be held on Friday night and will include dinner and music with family mud games. The mud run will be held on Saturday and will include a festival as well as the mud run. The sponsor expects to have 6,000 people in attendance.

The application includes approval of the designated area for the consumption of alcohol. The area will be the same as last year. The area encompasses about 40,000 square feet to the west of the baseball field, including the picnic shelter, restrooms and stage. Approval of the area authorizes the sponsors to serve alcohol at Berkeley Park in the specified area in conjunction with the special event permit contingent upon the City Manager's certification that all requirements of the City's Policy Governing the Sale of Alcohol at Special Events in City Parks have been satisfied. The City Police Department reported that there were no problems with the alcohol consumption at this event last year.

The Special Events Committee voted unanimously to recommend approval of a special event permit for Mad Mountain Mud Run and Family Mud Run.

Suggested Motion: *To disapprove any item, you may allow it to fail for lack of a motion.*

I move that the City Council approve the agenda item for a special event permit for the Mad Mountain Mud Run and Family Mud Fun including the designated area for the consumption of alcohol.

Attachments:



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Return to
Agenda**

Submitted By: Susan G. Frady

Department: Administration

Date Submitted: 02/22/13

Presenter: Susan G. Frady

Date of Council Meeting to consider this item: 03/07/13

Nature of Item: Council Action

Summary of Information/Request:

Item # 05b5

Meltdown Vintage Motorcycle Show

On February 21, 2013, the Special Events Committee met and reviewed an application from Southern Appalachian Brewery for the Meltdown Vintage Motorcycle Show to be held Saturday, April 27, 2013, from 1 p.m. – 9 p.m.

Locust Street will be closed from Bearcat Blvd. to 8th Avenue and from Track Street to 8th Avenue. Eighth Avenue will remain open for traffic to cross Locust Street to Maple Street.

This will be a vintage motorcycle gathering with vendors of apparel, equipment and food. The event will be family friendly and 200 or more motorcycles are expected.

This event was held last year but the street was not closed. The Historic Seventh Avenue District will be having a car and vintage motorcycle show the same day in front of the depot. Both events were held the same day last year and it appeared to work well.

The Special Events Committee voted unanimously to recommend approval of a special event permit for Meltdown Vintage Motorcycle Show.

Suggested Motion: *To disapprove any item, you may allow it to fail for lack of a motion.*

I move that the City Council approve the agenda item for a special event permit for Meltdown Vintage Motorcycle Show.

Attachments:



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Return to
Agenda**

Submitted By: Susan G. Frady

Department: Zoning

Date Submitted: 02/25/13

Presenter: Susan G. Frady

Date of Council Meeting to consider this item: 03/07/13

Nature of Item: Council Action

Summary of Information/Request:

Item # 05c

Approval of demolition for structure owned by Samuel N. and Mary Angram and located at 710 E. Pace Street which has been condemned as unsafe for human habitation.

Suggested Motion: *To disapprove any item, you may allow it to fail for lack of a motion.*

I move to approve the demolition ordinance as submitted.

Attachments:

**Return to
Agenda**

Ordinance # _____

ORDINANCE DIRECTING CODE ENFORCEMENT OFFICIAL TO DEMOLISH

Whereas, pursuant to Section 12-31 of the Code of Ordinances of the City of Hendersonville (hereinafter called the “Code”), the Code Enforcement Official of the City of Hendersonville (hereinafter called the “Code Enforcement Official”) has requested the City Council of the City of Hendersonville (hereinafter called “Council”) to adopt an Ordinance requiring the owner to repair or demolish certain structures on certain premises as outlined in Section 12-31 of the Code; and

Whereas, the Council hereby finds that the owners and parties in interest in the premises, commonly known as 710 E. Pace Street, Hendersonville, North Carolina, which premises are described in that certain deed recorded 6/20/1980, in the Henderson County Registry in Deed Book 590, Page 513, to which reference is hereby made are as follows:

Samuel N. Angram
Mary Angram
1302 SW Crest Avenue
Port St. Lucie, FL 34953 and

Whereas, the Council hereby finds that the premises appears to be vacant, appears to be in such dilapidated condition as to cause or contribute to blight, vagrancy and appears to be a safety hazard and is a imminent danger to life or other property; and

Whereas, the Council hereby finds that there has been compliance with all applicable provisions of Section 12-31 of the Code relative to the adoption of this resolution; and

Whereas, the owner of the premises, after having been given a reasonable opportunity to do so, has failed and refused to comply with a lawful order of the Code Enforcement Official to repair or demolish the structure located on the premises within the time therein prescribed;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL THAT:

Section 1. The Code Enforcement Official shall cause the structure on the premises commonly known as 710 E. Pace Street, Hendersonville, North Carolina, and described in the aforesaid deed to be vacated, closed, and removed or demolished.

Section 2. The cost of the removal or demolition shall be a lien on the premises to be collected pursuant to Article 10 of Chapter 160A of the North Carolina General Statutes.

Section 3. A copy of this Ordinance, certified as a true copy by the City Clerk, shall be recorded in the Henderson County Registry and the Register of Deeds shall index the name of the owner in the "Grantor Index" pursuant to North Carolina General Statutes 160A-443(5).

Section 4. This Ordinance shall become effective upon its adoption.

Adopted this seventh day of March 2013.

Barbara G. Volk, Mayor

ATTEST:

Tammie K. Drake, CMC, City Clerk

Ordinance ratified this _____ day of _____ upon motion of Councilman _____, seconded by Councilman _____ by a vote of _____ affirmative to _____ negative votes.

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

I, Teresa J. Beal, a Notary Public in Henderson County, State of North Carolina, do hereby certify that Greg Newman in his capacity of Mayor of the City of Hendersonville; Tammie K. Drake, in her capacity of City Clerk; and Samuel H. Fritschner, in his capacity as City Attorney, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial seal, this _____ day of March, 2013.

Amy Knight

My commission expires: 09-23-14



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Return to
Agenda**

Submitted By: Susan G. Frady

Department: Zoning

Date Submitted: 02/25/13

Presenter: Susan G. frady

Date of Council Meeting to consider this item: 03/07/13

Nature of Item: Council Action

Summary of Information/Request:

Item # 05d

Approval of demolition for structure owned by Xavier Lamar Mackey and located at 1206 Martin Circle which has been condemned as unsafe for human habitation.

Suggested Motion: *To disapprove any item, you may allow it to fail for lack of a motion.*

I move to approve the demolition ordinance as submitted.

Attachments:

**Return to
Agenda**

Ordinance # _____

ORDINANCE DIRECTING CODE ENFORCEMENT OFFICIAL TO DEMOLISH

Whereas, pursuant to Section 12-31 of the Code of Ordinances of the City of Hendersonville (hereinafter called the “Code”), the Code Enforcement Official of the City of Hendersonville (hereinafter called the “Code Enforcement Official”) has requested the City Council of the City of Hendersonville (hereinafter called “Council”) to adopt an Ordinance requiring the owner to repair or demolish certain structures on certain premises as outlined in Section 12-31 of the Code; and

Whereas, the Council hereby finds that the owners and parties in interest in the premises, commonly known as 1206 Martin Circle, Hendersonville, North Carolina, which premises are described in that certain deed recorded 6/20/1980, in the Henderson County Registry in Deed Book 1418, Page 363, to which reference is hereby made are as follows:

Xavier Lamar Mackey
112 Roper Road
Flat Rock, NC 28731 and

Whereas, the Council hereby finds that the premises appears to be vacant, appears to be in such dilapidated condition as to cause or contribute to blight, vagrancy and appears to be a safety hazard and is a imminent danger to life or other property; and

Whereas, the Council hereby finds that there has been compliance with all applicable provisions of Section 12-31 of the Code relative to the adoption of this resolution; and

Whereas, the owner of the premises, after having been given a reasonable opportunity to do so, has failed and refused to comply with a lawful order of the Code Enforcement Official to repair or demolish the structure located on the premises within the time therein prescribed;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL THAT:

Section 1. The Code Enforcement Official shall cause the structure on the premises commonly known as 1206 Martin Circle, Hendersonville, North Carolina, and described in the aforesaid deed to be vacated, closed, and removed or demolished.

Section 2. The cost of the removal or demolition shall be a lien on the premises to be collected pursuant to Article 10 of Chapter 160A of the North Carolina General Statutes.

Section 3. A copy of this Ordinance, certified as a true copy by the City Clerk, shall be recorded in the Henderson County Registry and the Register of Deeds shall index the name of the owner in the "Grantor Index" pursuant to North Carolina General Statutes 160A-443(5).

Section 4. This Ordinance shall become effective upon its adoption.

Adopted this seventh day of March 2013.

Barbara G. Volk, Mayor

ATTEST:

Tammie K. Drake, CMC, City Clerk

Ordinance ratified this _____ day of _____ upon motion of Councilman _____, seconded by Councilman _____ by a vote of _____ affirmative to _____ negative votes.

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

I, Teresa J. Beal, a Notary Public in Henderson County, State of North Carolina, do hereby certify that Greg Newman in his capacity of Mayor of the City of Hendersonville; Tammie K. Drake, in her capacity of City Clerk; and Samuel H. Fritschner, in his capacity as City Attorney, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial seal, this _____ day of March, 2013.

Amy Knight

My commission expires: 09-23-14



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Return to
Agenda**

Submitted By: Chief Herbert Blake

Department: Police

Date Submitted: 02/25/13

Presenter: Chief Herbert Blake

Date of Council Meeting to consider this item: 03/07/13

Nature of Item: Council Action

Summary of Information/Request:

Item # 05e

The Police Department has in its possession older, larger M26 Tasers. We have been upgrading our tasers to the newer more compact X26 model. The Laurel Park Police Department is in need of tasers. I would like to donate four M-26 Tasers, two M-26 Taser Chargers, four M-26 battery holders and 16 Taser Cartridges to the Laurel Park Police Department.

Suggested Motion: *To disapprove any item, you may allow it to fail for lack of a motion.*

I move approval of the resolution authorizing the donation of surplus property to the Laurel Park Police Department pursuant NCGS 160A-280.

Attachments:

Resolution

Resolution # _____

**RESOLUTION AUTHORIZING THE DONATION OF SURPLUS PROPERTY TO LAUREL
PARK POLICE DEPARTMENT PURSUANT TO NCGS 160A-280 ENTITLED
DONATIONS OF PERSONAL PROPERTY TO OTHER GOVERNMENTAL UNITS**

WHEREAS; The City of Hendersonville has in its possession four surplus M-26 Tasers (as listed below), two M-26 Taser Chargers, four M-26 battery holders and 16 Taser cartridges and,

WHEREAS; The City of Hendersonville desires to donate such surplus property to Laurel Park Police Department, and

WHEREAS; The City of Hendersonville is authorized to make such a donation pursuant to NCGS 160A-280 entitled "Donations of Personal Property to other Governmental Units" and

WHEREAS; The City of Hendersonville posted its intention to conduct such donation on March 1, 2013.

BE IT RESOLVED THAT the City Council of Hendersonville, North Carolina seeks to donate and provide to Laurel Park Police Department the properties listed below:

M-26 Taser Serial # P4-008166
M-26 Taser Serial # P7-020652
M-26 Taser Serial # P7-020656
M-26 Taser Serial # P7-020669

Adopted this seventh day of March 2013.

Barbara G. Volk, Mayor

Attest:

Tammie K. Drake, MMC, City Clerk



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Return to
Agenda**

Submitted By: Rhonda Wiggins

Department: Water/Sewer

Date Submitted: 02/25/13

Presenter: Lee Smith

Date of Council Meeting to consider this item:

Nature of Item: Council Action

Summary of Information/Request:

Item # 05f1

This project is to extend sewer service to a single lot located on Highland Park Road, just .1 miles east of the intersection North Highland Lake Road. Construction will consist of approximately 120 lf of gravity sewer and will discharge 360 gpd. The entire cost of this project will be paid for by the owner, Jimmy Dale Freemand.

Due to its proximity to the primary corporate limits of the Village of Flat Rock, this property cannot be annexed by the City.

Based on the above information, the Water & Sewer Department has the capacity to support this additional infrastructure and associated connections and hereby recommends approval of said project contingent upon final approval of construction plans and specifications by the Water & Sewer Department.

Suggested Motion: *To disapprove any item, you may allow it to fail for lack of a motion.*

"I move to accept this Sewer Utility Extension Project and to authorize the City Manager to execute the associated Sewer Utility Extension Agreement on behalf of the City."

Attachments:



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Return to
Agenda**

Submitted By: Rhonda Wiggins

Department: Water/Sewer

Date Submitted: 02/26/13

Presenter: Lee Smith

Date of Council Meeting to consider this item:

Nature of Item: Council Action

Summary of Information/Request:

Item # 05f2

Ballantyne Commons, Phase 2

This is a request to extend water and sewer services to phase 2 of the existing residential development located along Howard Gap Rd within the city limits of Hendersonville.

This extension will consist of 680 lf of sewer line, 1,620 lf of water line, 4 manholes, 5 fire hydrants and 160 domestic service connections.

This project will be paid for by the developer, Triangle Real Estate of Gastonia, Inc.

Suggested Motion: *To disapprove any item, you may allow it to fail for lack of a motion.*

"I move to accept this Water and Sewer Utility Extension Project and to authorize the City Manager to execute the associated Utility Extension Agreement on behalf of the City."

Attachments:



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Return to
Agenda**

Submitted By: Jim Rudisill

Department: Finance

Date Submitted: 02/21/13

Presenter: Jim Rudisill

Date of Council Meeting to consider this item: 03/07/13

Nature of Item: Council Action

Summary of Information/Request:

Item # 05g

This budget amendment amends the existing FY2013 Governor's Highway Safety Grant to provide funding in the amount of \$4,255 for Mike Vesely to attend a motorcycle instructor school.

Suggested Motion: *To disapprove any item, you may allow it to fail for lack of a motion.*

I move approval of the budget amendment to amend the existing FY2013 Governor's Highway Safety Grant to provide funding in the amount of \$4,255 for the bike safety grant.

Attachments:

Budget Amendment

BUDGET AMENDMENT

**Return to
Agenda**

TO: MAYOR, CITY COUNCIL
AND CITY MANAGER

DATE: March 7, 2013

GRANT FUND

BE IT RESOLVED, THAT THE FOLLOWING AMENDMENTS BE MADE TO THE ADOPTED BUDGET FOR THE CITY OF HENDERSONVILLE, NORTH CAROLINA FOR THE FISCAL YEAR ENDING JUNE 30, 2013.

ACCOUNT NUMBER	DESCRIPTION OF ACCOUNT	DEBIT (+)	CREDIT (-)
	GHSP GRANT 2013		
460000-539400	Travel Expense	\$4,255.00	
460000-434991	Grant Revenue		4,255.00

EXPLANATION: TO AMEND GRANT RECEIVED FROM THE NORTH CAROLINA GOVERNOR'S HIGHWAY SAFETY PROGRAM FOR THE BIKE SAFETY GRANT.

TOTAL CURRENT BUDGET APPROPRIATIONS	\$31,000.00
AMOUNT OF INCREASE/(DECREASE)	<u>4,255.00</u>
TOTAL CURRENT AMENDED BUDGET	<u>\$35,255.00</u>

CITY MANAGER

FINANCE DIRECTOR



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Return to
Agenda**

Submitted By: Lee Smith

Department: Water/Sewer

Date Submitted: 01/30/13

Presenter: Lee Smith

Date of Council Meeting to consider this item: 03/07/13

Nature of Item: Council Action

Summary of Information/Request:

Item # 05h

From time to time, the Division of Water Quality (DWQ, a division of the NC Department of Environment and Natural Resources), state agency that regulates the City's sewer system (from collection system to treatment plant to treatment plant discharge) updates and revises the model sewer use ordinances for all that are regulated by this agency. As you may recall, you approved changes to this portion of the Utility ordinance back in December 2012. DWQ has reviewed those changes and is now requiring us to make further changes (attached). As in the December 2012 version of this ordinance, these changes are required by the State and would seem to create very little if any impact on our sewer customers. All of the changes recommended in this revision are administrative updates to definitions found in the ordinance.

Suggested Motion: *To disapprove any item, you may allow it to fail for lack of a motion.*

I move to approve the proposed changes to the City's sewer use ordinance, included in Chapter 52 of the City's Code of Ordinance, as presented and recommended by staff.

Attachments:

Sewer Use Ordinance including proposed changes to Chapter 52, Article V - Wastewater Use, Collection and Treatment.

AN ORDINANCE AMENDING CHAPTER 52 ENTITLED "UTILITIES, ARTICLE V – WASTEWATER USE COLLECTION AND TREATMENT" OF THE CITY OF HENDERSONVILLE CODE OF ORDINANCES

WHEREAS, North Carolina State Statutes 160A-312 grants municipalities the power to regulate certain utilities; and

WHEREAS, the North Carolina Department of Environment and Natural Resources, Division of Water Quality has required the City of Hendersonville to amend the text of Chapter 52 - Utilities, Article V, of the Code of Ordinances.

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

Section 1.

ARTICLE V. WASTEWATER USE, COLLECTION AND TREATMENT

DIVISION 1. GENERALLY

Sec. 52-167. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Pollutant means any waste as defined in G.S. 143-213(18) and dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal and agricultural waste and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, metals or odor).

POTW director, also referred to in this article as "utilities director," means the person designated by the city council with the responsibility for the pretreatment program, and enforcement of this sewer use ~~article and to direct and manage the operation of the Control Authority's (and/or POTW's if different from Control Authority) NPDES, collection system and non-discharge permit or a downstream water quality standard even if not in the permit, and who is charged with certain duties and responsibilities by this article, or his duly authorized representative(s).~~ ordinance.

Significant noncompliance or SNC means a status of noncompliance ~~defined as follows:~~
Of a Significant Industrial User when one or more of the following criteria are met. Additionally any Industrial User which meets the criteria in Violations of wastewater discharge Limits section 1, Parts c d, or h.

(1) Violations of wastewater discharge limits as follows:

a. Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of the measurements taken during a six-month period exceed (by any magnitude) the same daily maximum or the same average limit for the same pollutant parameter; (Not including Flow) during a six month period exceed (buy any magnitude) a numeric Pretreatment Standard or Requirement including instantaneous limits as defined by 40 CFR part 403.3(1). ~~this percentage is determined by dividing the total number of violations for the parameter by the number of compliance judgment points for the parameter.~~

b. Technical Review Criteria (TRC) violations, defined here as those in which Thirty-three percent or more of the measurements taken for the same pollutant parameter during a six-month period ~~are equal or exceed the product of the numeric Pretreatment Standard or Requirement including Instantaneous limits, as defined by 40 CFR Part 403.3(1) multiplied by the applicable TRC; TRC=1.4 for BOD, TSS and FOG, 1.2 for all other pollutants (except flow and pH).~~ BOD, TSS and FOG TRC =1.4

~~For all other pollutants TRC = 1.2~~

c. Any other violations of a pretreatment standard or requirements defined by 40 CFR Part 403.3(1) (daily maximum, long-term average, instantaneous limit, or narrative standard) that the Control Authority and/or POTW determines has caused, alone or in combination with other discharges, interference or pass through (including endangering an effluent limit (average or daily maximum) that the control authority believes has caused, alone or in combination with other discharges, interference or pass through; or endangered the health of the sewage treatment plant personnel or the public.

d. Any discharge of a pollutant or wastewater that has caused imminent endangerment to human health/welfare or to the environment or has resulted in either the Control Authority or the POTW's if different from Control Authority, exercise of its emergency authority under 40 CFR Part 403.8(f)(1)(vi)(B) and Division 8 enforcement section 52-376(e) of this SUO to halt or prevent such a discharge.

(Code 1971, § 32-82; Ord. No. 06-1048, § 32, 10-10-06; Ord. No. 07-0633, § 1, 6-7-07)

Cross references: Definitions generally, § 1-2.

[ADDITIONS TO TEXT ARE UNDERLINED; DELETIONS ARE ~~STRUCK THROUGH~~]

Section 2. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extend of such conflict.

Section 3. 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.

Section 4. 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.

Section 5. The ordinance shall be in full force and effect from and after the date of adoption.

Adopted this seventh day of February, 2013.

Barbara Volk, Mayor, City of Hendersonville

Attest:

Tammie K. Drake, MMC, City Clerk

Approved as to form:

Samuel H. Fritschner, City Attorney



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Return to
Agenda**

Submitted By: Tammie Drake

Department: Administration

Date Submitted: 02/28/13

Presenter: Mayor Volk

Date of Council Meeting to consider this item: 03/07/13

Nature of Item: Council Action

Summary of Information/Request:

Item # 05i

Mayor Volk received a request for a resolution supporting the Hendersonville Community Co-op expansion.

According to Thomas Beckett, the Hendersonville Community Co-op has purchased the land at 899 Spartanburg Highway, next to Carolina Mountain Credit Union. They are still considering contractor proposals but hope to be in a new building by this time next year.

Mr. Beckett provided the following link to an info graphic about the economic benefit of cooperatives to a community. He stated the upshot is that food co-ops hire more, spend more, and retain more earnings in their local community than do comparable chain groceries.

<http://www.yesmagazine.org/issues/how-cooperatives-are-driving-the-new-economy/just-the-facts-what-s-so-good-about-co-ops>

Suggested Motion: *To disapprove any item, you may allow it to fail for lack of a motion.*

I move Council's approval of the resolution supporting the expansion of the Hendersonville Community Co-op.

Attachments:

Resolution

RESOLUTION # _____

**A RESOLUTION SUPPORTING THE EXPANSION OF THE
HENDERSONVILLE COMMUNITY CO-OP**

WHEREAS, the Hendersonville Community Co-op has since 1978 provided residents of Hendersonville and surrounding communities with healthful organic foods, and helped our citizens learn more about the role of food and nutrition in our health and economy; and

WHEREAS, the Hendersonville Community Co-op has always been owned within our community, by fourteen families in 1978 to more than 2,000 families at present, and now employs more than 35 people in its grocery store, and that the Co-op is by nature an enterprise that is firmly rooted in Hendersonville and which keeps its profits within Hendersonville; and

WHEREAS, the Hendersonville Community Co-op has grown to the point where it is now purchasing its own land and building, significantly increasing the food and product offerings, resources for the community, and the number of jobs available in the community; and now it is hereby

RESOLVED, that the City of Hendersonville recognizes and celebrates the Hendersonville Community Co-op as a significant and truly local member of our business community; and further

RESOLVED, that the City of Hendersonville supports the Hendersonville Community Co-op in its expansion and new permanent location; and further

RESOLVED, that the City of Hendersonville encourages its citizens and neighbors to support the Hendersonville Community Co-op with their business and good will.

Adopted this seventh day of March 2013.

Attest:

Barbara G. Volk, Mayor

Tammie K. Drake, City Clerk



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Return to
Agenda**

Submitted By: Sue Anderson, Planning Director

Department: Planning

Date Submitted: 02/27/13

Presenter: Sue Anderson

Date of Council Meeting to consider this item: 03/07/13

Nature of Item: Council Action

Summary of Information/Request:

Item # 05j

File # P12-5-SC

The City has received an application from Ingles Markets and William and Mark Pace to close portions of Joel Wright Drive, Copper Penny Street and an unopened alley surrounding the Ingles Market at 625 Spartanburg Highway. A map and survey are included with this memorandum.

The Resolution of Intent, setting May 2, 2013 as the public hearing date, is attached.

Suggested Motion: *To disapprove any item, you may allow it to fail for lack of a motion.*

I move Council to adopt the Resolution of Intent for the closing of portions of Joel Wright Drive, Copper Penny Drive, and an unopened alley surrounding the Ingles Market petitioned by Ingles Markets and William and Mark Pace.

Attachments:

Map
Survey
Resolution

Resolution #13-0316

RESOLUTION OF INTENT

A resolution declaring the intention of the City of Hendersonville City Council to consider the closing of portions of Joel Wright Drive and Copper Penny Street, and an unopened alley surrounding the Ingles Market at 625 Spartanburg Highway.

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

WHEREAS, the City Council considers it advisable to conduct a public hearing for the purpose of giving consideration to the closing of portions of Joel Wright Drive, Copper Penny Street, and an unopened alley surrounding the Ingles Market at 625 Spartanburg Highway.

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 second day of May, 2013, in the Council Chambers of City Hall to consider closing portions of Joel Wright Drive, Copper Penny Street, and an unopened alley surrounding the Ingles Market at 625 Spartanburg Highway.
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.

Upon motion duly made by Councilmember _____, and a unanimous vote of the Council, the above resolution was duly adopted by the City Council at a meeting held on the seventh day of March, 2013, in the City Hall Council Chambers.

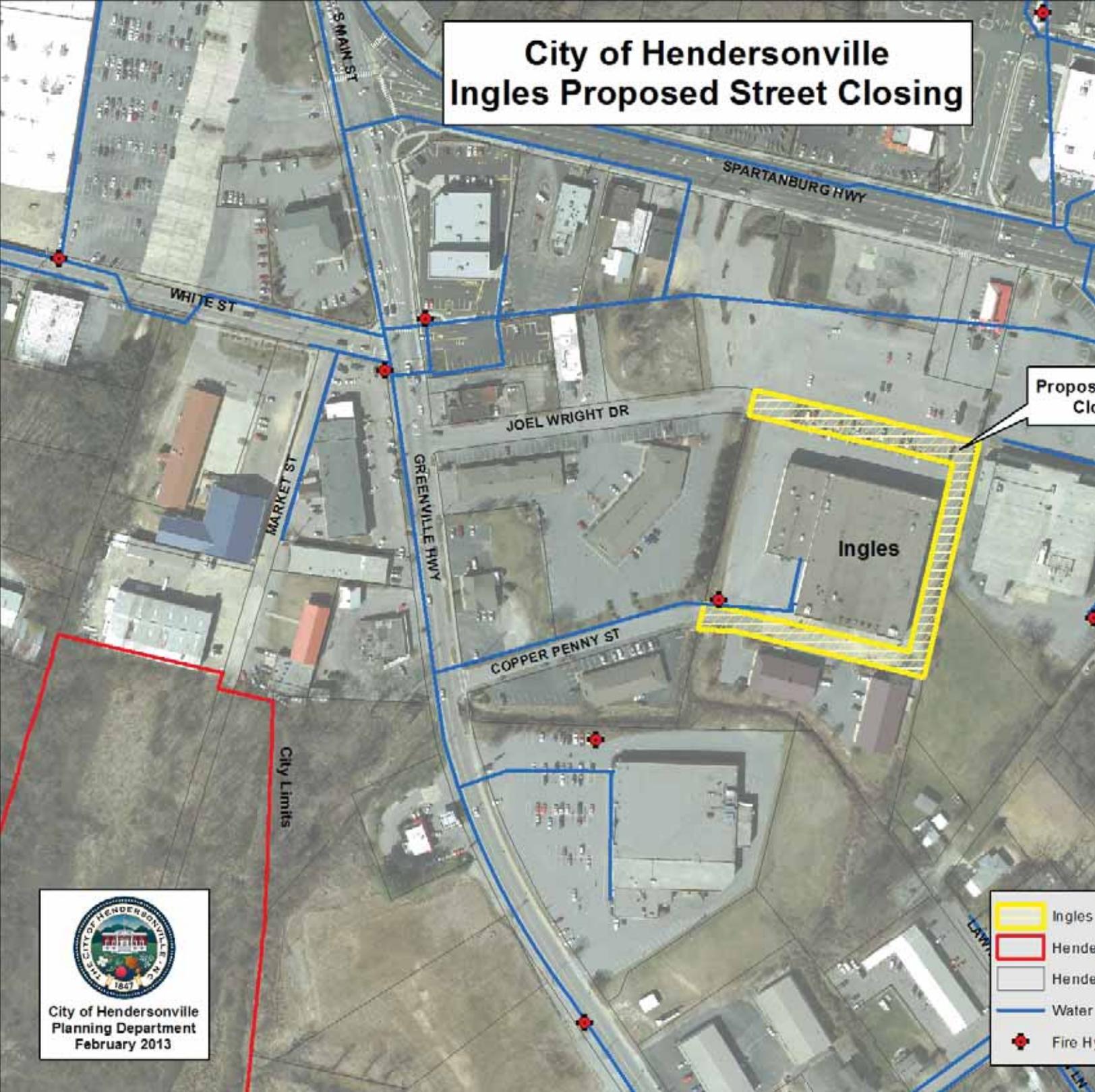
Barbara G. Volk, Mayor

ATTEST:

Tammie K. Drake, City Clerk

(Seal)

City of Hendersonville Ingles Proposed Street Closing



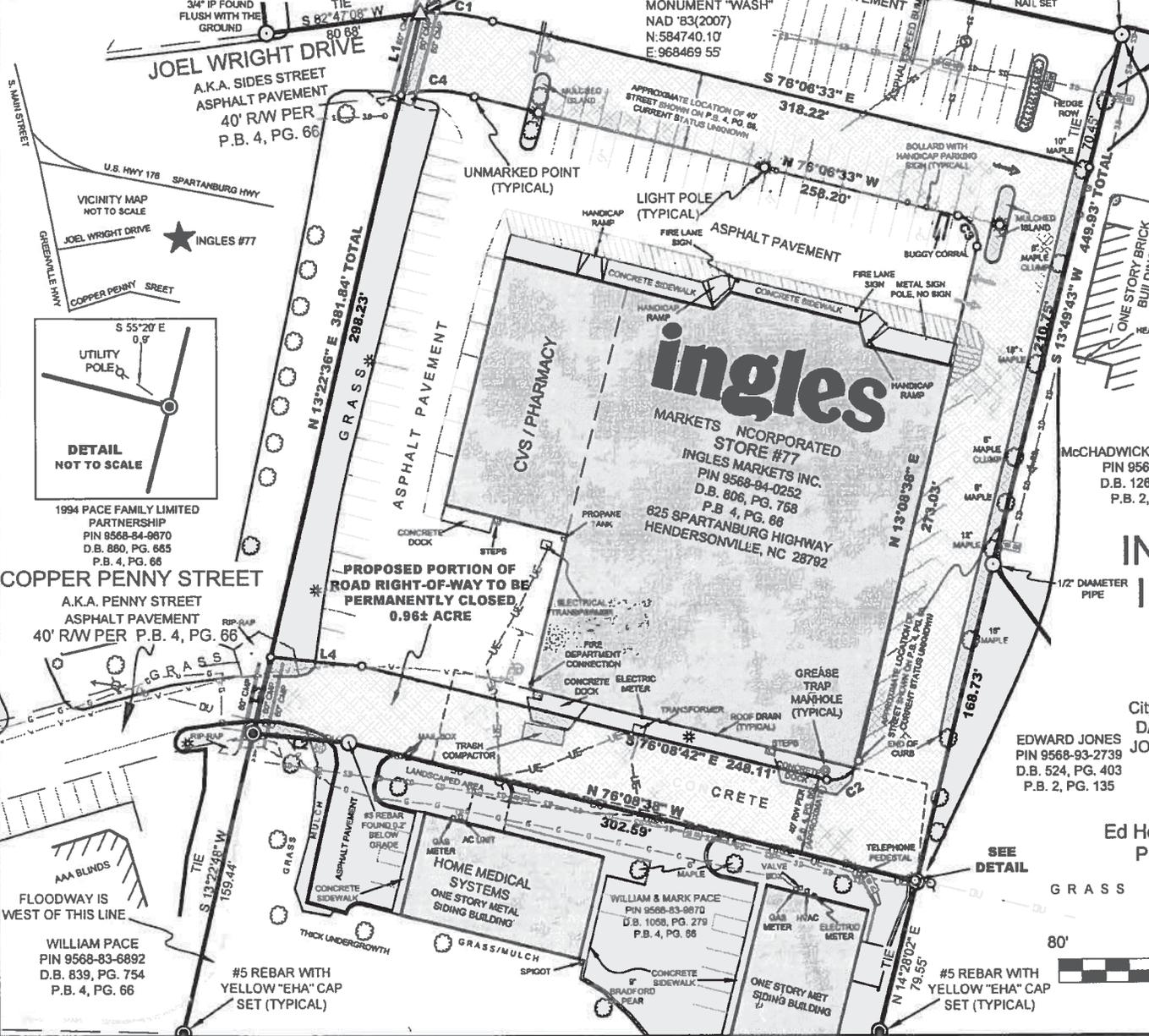
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	106.48'	37.90'	37.70'	S 83°48'09" E
C2	15.09'	20.79'	19.18'	N 59°22'39" E
C3	13.22'	20.58'	18.57'	N 31°27'11" W
C4	65.71'	38.44'	37.89'	N 88°43'30" W

POB
 N 584341 73
 E: 968964.80
 NAD 83' (2007) COORDINANTS
 LYING S 51°11'16" E
 635.72' GROUND DIST.
 635.58' GRID DIST.
 FROM NCGS
 MONUMENT "WASH"
 NAD '83(2007)
 N: 584740.10
 E: 968469.55

LINE	BEARING	DISTANCE
L1	N 13°22'36" E	43.25'
L2	N 84°17'35" W	50.50'
L3	N 13°22'36" E	40.38'
L4	S 84°17'35" E	47.96'

The following information was used to perform the survey:
 Horizontal Positional Accuracy 0.002'
 Type of GPS Field Procedure: Static/RTK (Processed using Topcon Tools Software)
 Date of Survey 9/20/2010 - 9/23/2010
 Horizontal Datum/EPOCH NAD '83 (NSRS 2007)
 Published/Fixed Control NCGS Monument "Post Office 2"
 Geoid Model Geoid09
 Combined Grid Factor: 0.9997780
 Units: U.S. Survey Feet

* See survey by Robert C. Brown, titled "Survey for Ingles Markets Incorporated", dated October 11, 2010, for complete subject property boundary information.



I, Robert C. Brown, certify that this map was drawn under my supervision from an actual survey made under my supervision using GPS and traditional field procedures, that the boundaries not surveyed are clearly indicated by dashed lines as drawn from information found in deed books as shown that the ratio of precision as calculated [(21 NCAC 58 1603)] is 1 to 10,000 or better (Class A)

Witness my signature, License Number, and Seal this 5th Day of June, A.D., 2012

Robert C. Brown

Robert C. Brown, PLS
 N.C. Professional Land Surveyor
 License # L-2748



Right-of-way Exhibit for
INGLES MARKETS INCORPORATED

REFERENCES
 PIN 9568-94-0252

Deed Book 806, Page 758
 Plat Book 4, Page 66

City of Hendersonville, Henderson County, N.C.
 DATE: 10-11-10 DRAWN BY: P. White, PLS
 JOB #10177 CHECKED BY: R.C. Brown, PLS
 Ingles Markets Inc: 0.96± ACRES

EDWARD JONES
 PIN 9568-93-2739
 D.B. 524, PG. 403
 P.B. 2, PG. 135

Robert C. Brown, PLS
 Ed Holmes & Associates Land Surveyors, PA
 P.O. Box 17335 Asheville, NC 28816
 828.225.6562
 Company License # C 2806



SCALE 1" = 80'



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Return to
Agenda**

Submitted By: Lee Smith

Department: Water/Sewer

Date Submitted: 02/27/13

Presenter: Lee Smith

Date of Council Meeting to consider this item: 03/07/13

Nature of Item: Council Action

Summary of Information/Request:

Item # 05k

During the past several months, there has been much discussion regarding the new methodology used by city staff for calculating system development charges (SDC) for new commercial and industrial customers. Based on city council's desire to allow developers and owners connecting, potentially large water using establishments to the city's water and sewer utility, to pay these charges over an extended period of time, staff would like to provide the following procedure. This procedure describes how the SDCs are calculated and a procedure to allow payment of those charges over a period not to exceed three years, in accordance with city council direction provided during the February 15 council retreat.

Suggested Motion: *To disapprove any item, you may allow it to fail for lack of a motion.*

I hereby move to authorize the city manager, finance director and utilities director to execute the attached standard operating procedure entitled "SYSTEM DEVELOPMENT CHARGES FOR NEW COMMERCIAL, INDUSTRIAL AND INSTITUTIONAL CUSTOMERS", as presented and recommended by staff.

Attachments:

"SYSTEM DEVELOPMENT CHARGES FOR NEW COMMERCIAL, INDUSTRIAL AND INSTITUTIONAL CUSTOMERS"

average daily usage amounts are described in NCAC T15A:18C.0409, July 2010 for water and NCAC T15A:02T.0114, January 1, 2009 for sewer, or the most current version of each.

City staff has developed a basis for establishing a more “fair” system development charge. By comparing all commercial, industrial and institutional usage to residential usage, since residential customers comprise the majority of our customer base, in sheer numbers, we can compare all other customer classes to an average residential usage.

2. Calculation Methodology.

First, determine daily water and sewer demand for new customer, which is expressed in gallons per day (gpd). These amounts can either be provided by the new customers based on actual usage experience at other similar facilities or may be calculated using the appropriate information from the NCAC referred to above. Compare these amounts to a residential equivalent unit (REU) for water (400-gpd) and sewer (360-gpd) by dividing water and sewer REU into new demand (gpd), respectively. Multiply each of the resulting **ratios** (or multiplier) by the respective water and sewer system development charge (SDC) currently in force. The results of these calculations are the SDCs for water and sewer.

Example 1:

If a business has 8-employees at 25-gpd per employee (NCAC T15A: 18C.0409) of water usage for a total daily demand of 200-gpd. When you compare this usage to the REU for water, 400-gpd, one would anticipate this new customer to use approximately 50% of what an “average” residential customer would use in a day. Based on this comparison, we would then calculate the system development charge for this business by using the following method -

$$\begin{aligned} 8\text{-employees} \times 25\text{-gpd per employee} &= 200\text{-gpd} \\ 200\text{-gpd} / 400\text{-gpd (REU)} &= \mathbf{0.50} \\ \mathbf{\$800} \text{ (current residential SDC for water)} \times \mathbf{0.50} &= \mathbf{\$400} \end{aligned}$$

In this example the business would only pay **\$400** for their system development charge because, in theory, this type of customer will apply less demand on the City’s water system.

Example 2:

A proposed new restaurant with 50-seats at 40-gpd per seat of sewer (NCAC T15A: 02T.0114). The SDC calculation for this new restaurant would be as follows –

$$\begin{aligned} 50\text{-seats} \times 40\text{-gpd per seat} &= 2,000\text{-gpd} \\ 2,000\text{-gpd} / 360\text{-gpd (REU)} &= \mathbf{5.56} \\ \mathbf{\$1,400} \text{ (current residential SDC for sewer)} \times \mathbf{5.56} &= \mathbf{\$7,784} \end{aligned}$$

In this example the restaurant would pay **\$7,784** for their system development charge because, in theory, this facility will discharge much more sewer on a daily basis than a residential customer thus placing a much greater demand on the City’s sewer system.

C. PAYMENT.

1. SDC Payment Eligibility.

All new commercial, institutional and industrial may opt to pay system development charges owed to the City, upon connecting to the City's water and/or sewer systems, on a monthly basis for a period not to exceed three years.

2. Exceptions.

All requested exceptions to C.1 above shall be reviewed and approved by city council.

DRAFT



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Return to
Agenda**

Submitted By: Susan G. Frady

Department: Zoning

Date Submitted:

Presenter: Susan G. Frady

Date of Council Meeting to consider this item: 03/07/13

Nature of Item: Council Action

Summary of Information/Request:

Item # 051

Pursuant to Section 26-40 of the City Code of Ordinances, I request approval for the City to cause certain nuisances to be remedied and to assess the actual cost to the property owner. By this memorandum, I certify that the following property owners have been notified of a nuisance condition by certified mail and have failed to take corrective action:

- 1) Ingles Markets, Inc. – 3643 Howard Gap Road.
- 2) Stephen B & John R. Rhode – 802 N. Whitted Street.
- 3) Assisted Living Group of Hendersonville, LLC – 1744 Meadowbrook Terrace.
- 4) Hendersonville (Highlands) WMS, LLC – 150 Highlands Square Drive.
- 5) Mark White & Tanis Toney Duffie – 551 S. Grove Street.

Suggested Motion: *To disapprove any item, you may allow it to fail for lack of a motion.*

I move that the City Council approve abatement by the City of the nuisances as listed and that the cost be assessed to the property owner.

Attachments:



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Return to
Agenda**

Submitted By: Jim Rudsill

Department: Finance

Date Submitted: 02/27/13

Presenter: Jim Rudisill

Date of Council Meeting to consider this item: 03/07/13

Nature of Item: Council Action

Summary of Information/Request:

Item # 06

General Statute 160A-20 Installment Purchase to build a new fire station, replace a fire engine and complete Phase 3 of the Main Rehabilitation Project.

The City solicited seven (7) requests for proposal for installment purchase financing for the projects listed above. Only one response was received and deemed valid. All the other six banks declined to bid and were disqualified. The Local Government Commission says that one proposal is sufficient as long as we feel that we were treated "reasonably by the banking community." I have dealt with BB&T in the past and have found them to always be competitive and fair. Since I have been with the city over half of our loans have been with BB&T including the existing fire station, renovation of the water treatment plant, a refuse truck, and several major water line projects. Although I am disappointed that we did not receive more bids, I am not disappointed that BB&T was the bank that submitted the only bid. I recommend that we accept the bid from BB&T. A summary of the bid received on the proposed financing is given as follows:

FINANCIAL INSTITUTION	INTEREST RATE
BB&T Government Finance	3.49%
SunTrust Bank	No response
Bank of America	No response
Wells Fargo	No response
TD Bank	No response
First Citizens Bank	No response
PNC Bank	No response

Suggested Motion: *To disapprove any item, you may allow it to fail for lack of a motion.*

I move acceptance of the Low Bidder, BB&T Government Finance, for the Installment Purchase Financing to build a new fire station, replace a fire engine and complete Phase 3 of the Main Street Rehabilitation Project; and, Resolution Approving the Financing Terms.

Attachments:

Resolution

RESOLUTION APPROVING FINANCING TERMS

WHEREAS, The City Council of the City of Hendersonville ("City") has previously decided to build a new fire station, replace a fire engine and complete Phase 3 of the Main Street Rehabilitation Project ("the Project") and the Finance Officer has now presented a term sheet for the financing of these projects.

BE IT THEREFORE RESOLVED, as follows:

1. The City hereby determines to finance the above projects through Branch Banking and Trust Company ("BB&T") in accordance with their term sheet dated February 25, 2013. The amount financed shall not exceed \$6,000,000.00, the annual interest rate (in the absence of default or change in tax status) shall not exceed 3.49%, and the financing term shall not exceed twenty (20) years from closing.

2. All financing contracts and all related documents for the closing of the financing (the "Financing Documents") shall be consistent with the foregoing terms. All officers and employees of the City are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution. The Financing Documents shall include a Financing Agreement and Deed of Trust, and, a Project Fund Agreement as BB&T may request.

3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer's satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by City officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer's release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the Document's final form.

4. The City will not take or omit to take any action the taking or omission of which will cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The City hereby designates its obligations to make principal and interest payments under the Financing Documents as "qualified tax-exempt obligations" for the purpose of Internal Revenue Code Section 265(b)(3) if applicable.

5. The City intends that the adoption of this resolution will be a declaration of the City's official intent to reimburse expenditures for the Project that is to be financed from the proceeds of the BB&T financing described above. The City intends that funds that have been advanced, or that may be advanced, from the City's General Fund, or any other City fund related to the Project, for project costs may be reimbursed from the financing proceeds.

6. All prior actions of City officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution will take effect immediately.

Adopted this Seventh day of March, 2013.

Tammie K. Drake, CMC, City Clerk

Barbara Volk, Mayor, City of Hendersonville

SEAL



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Return to
Agenda**

Submitted By: Planning Director

Department: Planning

Date Submitted: 01/23/13

Presenter: Sue Anderson

Date of Council Meeting to consider this item: 02/07/13

Nature of Item: Council Action

Summary of Information/Request:

Item # 07

Planning Department File # P12-55-SUR

The City of Hendersonville is applying for a Special Use Permit to construct a 10,906 ft² fire station at 604 Sugarloaf Road. The 11.56 acre site currently includes a 29,675 ft² warehouse, two 3,302 ft² shed buildings and a 150' lattice type telecommunication tower. The City is also requesting that parcel # 9579-65-7695 be rezoned from I-1 Industrial to C-3SU Highway Business Special Use.

PLANNING BOARD RECOMMENDATION

The Planning Board took this matter up at its regular meeting on January 14, 2013. The Planning Board voted unanimously to recommend City Council approve the application for a Special Use Permit subject to the limitations and conditions stipulated on the published List of Uses and Conditions

The Planning Board also voted unanimously to recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of Parcel # 9579-65-7695 from I-1 Industrial to City of Hendersonville C-3SU Highway Business Special Use, finding that the rezoning is consistent with the Comprehensive Plan, the rezoning is reasonable and in the public interest and meets the needs to serve that area for fire protection.

Suggested Motion: *To disapprove any item, you may allow it to fail for lack of a motion.*

See page 4 of memo for motion

Attachments:

Memo

MEMORANDUM

**Return to
Agenda**

TO: Honorable Mayor and City Council
FROM: Sue Anderson
RE: Hendersonville Fire Station #2
FILE #: P12-55-SUR
DATE: January 22, 2013

PROJECT DESCRIPTION

The City of Hendersonville is applying for a Special Use Permit to construct a 10,906 ft² fire station at 604 Sugarloaf Road. The 11.56 acre site currently includes a 29,675 ft² warehouse, two 3,302 ft² shed buildings and a 150' lattice type telecommunication tower. The City is also requesting that parcel # 9579-65-7695 be rezoned from I-1 Industrial to C-3SU Highway Business Special Use.

EXISTING LAND USE

The existing warehouse and shed buildings are vacant. The new telecommunication tower will accommodate five antennas for the purpose of transmitting emergency services communications and water meter communications.

ADJACENT ZONING & LAND USE

Properties to the east and south include single-family residential, multifamily residential and a mini storage facility. The property to the west is in commercial use. Properties across Sugarloaf Road include a single family residence and a daycare. A map on page nine shows surrounding zoning classifications.

COMPREHENSIVE PLAN CONSISTENCY

This parcel is classified as Business Center on the 2030 Comprehensive Plan's Future Land Use Map. Surrounding parcels are also classified as Business Center and parcels to the north across Sugarloaf Road are classified as High Intensity Neighborhood.

The goal of the Business Center classification is to "create an employment corridor along I-26 that supports the growth of Hendersonville as a business destination" and to "create a campus-like mixed-use environment that includes office, research and low-impact industrial uses, as well as supportive retail amenities."

The goal of the High Intensity Neighborhood is to "encourage low-maintenance, high-density housing that supports Neighborhood and Regional Activity Centers and downtown and provides a transition between commercial and single-family."

Comprehensive Plan consistency is addressed under “E” on page three.

PLAN REVIEW

Building Addition

The site plan shows the addition of a 10,906 ft² free standing building to the site. Along with accommodating the basic needs of a fire station, the building will include a multi-purpose room with seating for 45 persons available to city staff and the general public for special events and training.

Parking

The site plan shows the addition of 39 parking spaces. The proposed parking area is in excess of the minimum necessary for the function of the fire department and will provide additional parking for special events and training.

Stormwater

The City will be improving the site’s stormwater management by replacing compacted gravel areas with grass and adding stormwater management facilities that will meet current stormwater management requirements.

Rezoning

The City is requesting a rezoning from City of Hendersonville I-1 Industrial to C-3SU Highway Business Special Use. Public and semi-public buildings and telecommunication towers are permitted uses in the C-3 Highway Business district.

ANALYSIS

Section 7-4-10.1 of the Zoning Ordinance states, “no special use permit shall be approved by City Council unless each of the following findings is made.”

- (A) The use or development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare.

A new fire station at this location will decrease emergency response times and enhance the public health, safety and general welfare.

- (B) There are, or will be at the time they are required, adequate public facilities to serve the use or development as specified in Section 7-11.

The property is currently served by water. For sewer, a new grinder pump station will be installed near the existing steel building in order to serve the entire property with public sanitary sewer. A force main will be extended from the grinder pump station to the existing public sewer along Sugarloaf Road.

- (C) The use or development complies with all required regulations and standards of the Zoning Ordinance or with variances thereto, if any, granted pursuant to Section 7-4-14, and with all other applicable regulations.

No variances are requested.

- (D) The use or development is located, designed, and proposed to be operated so as to be compatible with the particular neighborhood in which it is to be located.

A neighborhood compatibility meeting concerning the application was held on December 13, 2012. Notice was provided by U.S. mail to the owners of record of all property situated within 400 feet of the subject property as required by Section 7-4-4.1 of the Zoning Ordinance. One member of the general public attended the meeting.

A copy of the neighborhood compatibility report accompanies this memorandum.

- (E) The use or development conforms to the general plans for the physical development of the City as embodied in this Ordinance and in the *Comprehensive Plan* and the *Comprehensive Transportation Plan*.

The 2030 Comprehensive Plan's Business Center classification goal is to "create an employment corridor along I-26 that supports the growth of Hendersonville as a business destination" and to "create a campus-like mixed-use environment that includes office, research and low-impact industrial uses, as well as supportive retail amenities." Providing a second fire station in this location will improve emergency response times and will support both existing and future development.

Sugarloaf Road is shown in the FBRMPO Comprehensive Transportation Plan as needing improvement and is classified as a low priority. Recommendations include the addition of turn lanes, widen shoulders and improve geometrics and intersection operations as appropriate. Existing ROW width is 60' and the existing roadway width is approximately 24'. The building is proposed to be setback approximately 34' from the existing 60' ROW. The distance from the edge of the 60' ROW to the existing pavement is an additional 18'.

PLANNING BOARD RECOMMENDATION

The Planning Board took this matter up at its regular meeting on January 14, 2013. The Planning Board voted unanimously to recommend City Council approve the application for a Special Use Permit subject to the limitations and conditions stipulated on the published List of Uses and Conditions

The Planning Board also voted unanimously to recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of Parcel # 9579-65-7695 from I-1 Industrial to City of Hendersonville C-3SU Highway Business Special Use, finding that the rezoning is consistent with the Comprehensive Plan, the rezoning is reasonable and in the public interest and meets the needs to serve that area for fire protection.

SUGGESTED MOTIONS

Special Use Permit and Rezoning

Approval I move the City Council adopt an ordinance amending the official zoning map of the City of Hendersonville, changing the zoning designation of Parcel # 9579-65-7695 from I-1 Industrial to City of Hendersonville C-3SU Highway Business Special Use, finding that the rezoning is consistent with the Comprehensive Plan, the rezoning is reasonable and in the public interest.

I further move the City Council to approve the application for a Special Use Permit based on the site plan submitted by the City and subject to the limitations and conditions stipulated on the published List of Uses and Conditions.

[ADD, IF APPLICABLE, “AND THE FOLLOWING ADDITIONAL CONDITIONS”]

Denial: To disapprove any item, you may allow it to fail for lack of a motion.

[PLEASE STATE YOUR REASONS]

IN RE: Hendersonville Fire Station #2 (File # P12-55-SUR)

List of Uses & Conditions

I. Stipulated Uses:

Only the following uses are authorized for the referenced development:

Public and Semi-Public Buildings
Telecommunications Towers

II. Conditions:

- (1) Shall Be Attached to the Special Use Permit and Satisfied Prior to Issuance of Final Site Plan Approval:**

No additional conditions are identified.

- (2) Shall Be Attached to the Special Use Permit:**

Final plans for the project shall comply with approved plans, the conditions agreed to on the record of this proceeding and applicable provisions of the Zoning Ordinance.

City of Hendersonville

By: _____

Date: _____

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP
OF THE CITY OF HENDERSONVILLE**

IN RE: Hendersonville Fire Station #2 (File # P12-55-SUR)

Be it ordained by the City Council of the City of Hendersonville:

1. Pursuant to Article XI of the Zoning Ordinance of the City of Hendersonville, North Carolina, the Zoning Map is hereby amended by changing the zoning designation of Parcel # 9579-65-7695 from I-1 Industrial to City of Hendersonville C-3SU Highway Business Special Use.
2. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this 7th day of February 2013.

Barbara Volk, Mayor

ATTEST:

Tammie K. Drake, CMC, City Clerk

Approved as to form:

Samuel H. Fritschner, City Attorney

Planning Director's Report
Neighborhood Compatibility Meeting
Application for a Special Use Permit
Sugarloaf Fire House File #P12-55-SUR
Thursday December 13, 2012 1:30 p.m.

Sue Anderson, Planning Director, convened the compatibility meeting at 1:30 pm in the Council Chambers of City Hall. In attendance was one member of the public, one application representative and three City staff.

Name	Address	Name	Address
Scott Homewood	Mattern & Craig Engineers	Chief Dorian Flowers	City of Hendersonville
Thomas Thompson	PO Box 563 Dana, NC	Sue Anderson	City of Hendersonville
Lu Ann Welter	City of Hendersonville		

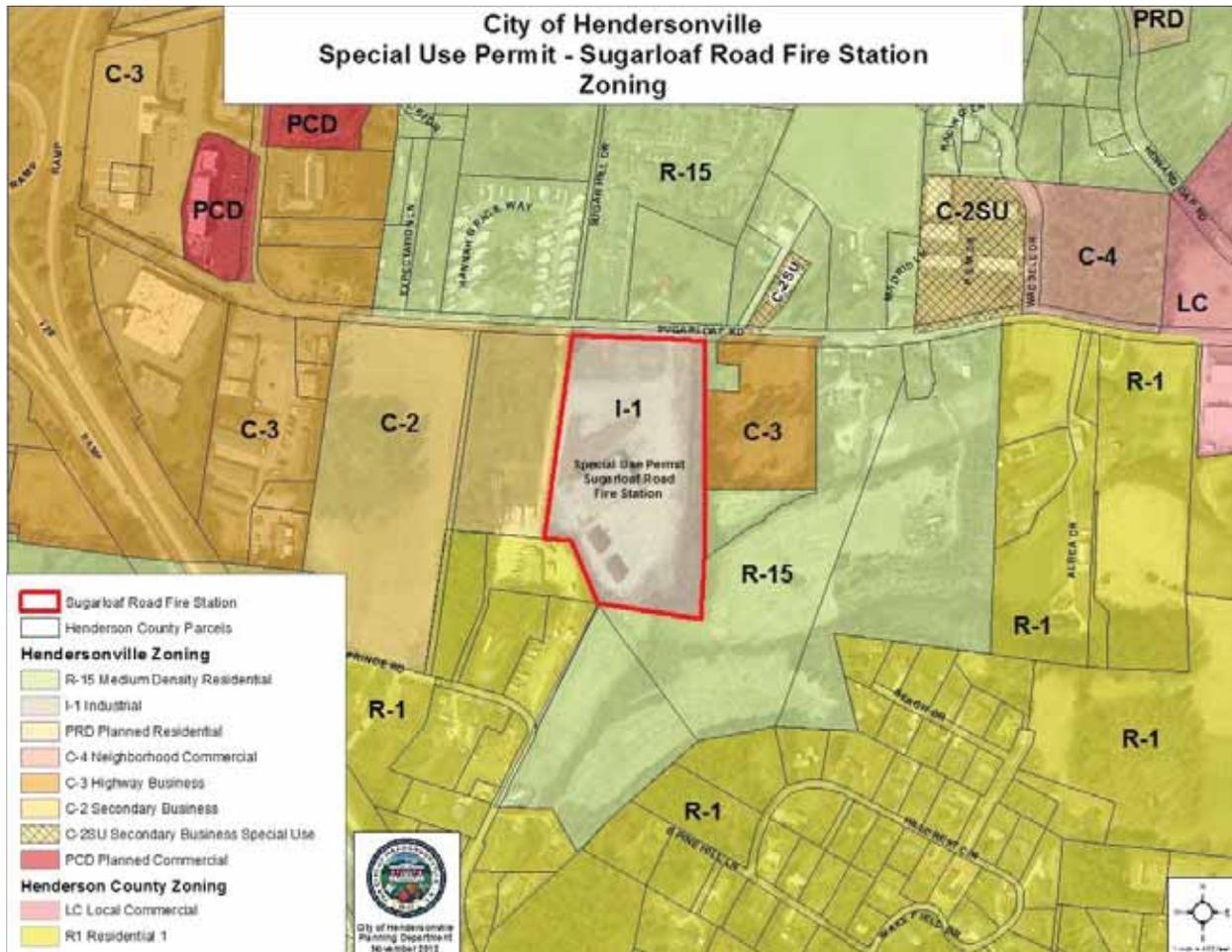
Ms. Anderson opened the meeting explaining this is the first step in a three step process. She explained the special use process adding anyone who received notice of this meeting would receive notice of the Planning Board meeting and the City Council Public Hearing. Minutes of this meeting will be forwarded to Planning Board and City Council. Ms. Anderson said this project could go before the Planning Board on January 14, 2013 at 4:00 and City Council could hear the project on February 7 at 5:45 pm.

Scott Homewood of Mattern & Craig said they are engineers for the site work. This property will contain a new 11,000 sq.ft. fire station near the front with residential, training and apparatus areas. He said gravel will be removed from the site to reduce runoff to the stormwater basin in the back of the property. Another basin will be added for the new building. Mr. Homewood said they will tie onto the water system and use a grinder pump station for sewer.

Thomas Thompson asked if the driveway is in the same place. Mr. Homewood said no, it will be shifted. Ms. Anderson added a rezoning is proposed from Industrial to C-3, highway business. This may cause additional landscaping against residential uses and zonings. Mr. Homewood said no clearing of vegetation is planned at this time. Mr. Thompson reported a fence along the back of the property has fallen down and is in pretty rough shape. Chief Dorian Flowers said the fence along the front will be coming down as it will not be needed once the firemen are in residence. Chief Flowers said he has talked with the Dana Voluntary Fire Chief about shared service out there. He added on the proposed schedule, they could break ground in April and construction will take 12-13 months. Mr. Thompson said he has no objections and likes the look of the building.

With no further comments or questions, Ms. Anderson closed the meeting at 1:45.







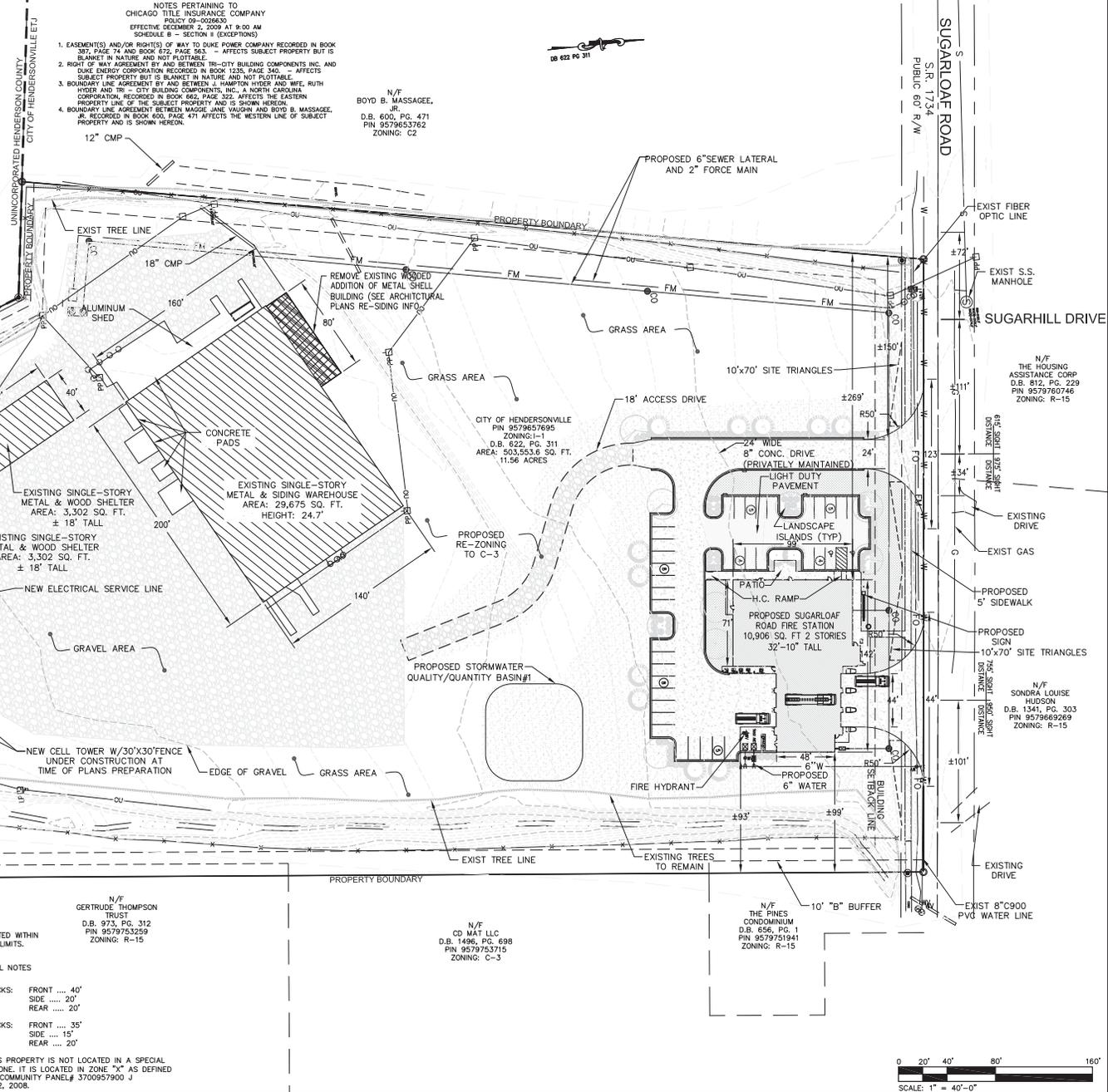
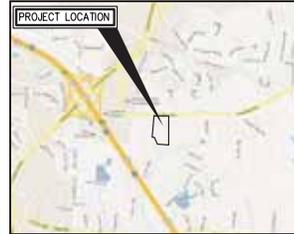
PROJECT CONTACTS

OWNER:
CITY OF HENDERSONVILLE
145 FIFTH AVENUE E
HENDERSONVILLE, N.C. 28792-4328
828-697-3000
CONTACT: SCOTT HOMEWOOD
828-254-2201

CIVIL ENGINEER:
MATTERN & CRAIG
12 BROAD STREET
ASHEVILLE, NC 28801
CONTACT: SCOTT HOMEWOOD
828-254-2201

SURVEYOR:
MATTERN & CRAIG
12 BROAD STREET
ASHEVILLE, NC 28801
CONTACT: JEFF AKER
828-254-2201

ARCHITECT:
ADW ARCHITECTS
101 W. WORTHINGTON AVE.
CHARLOTTE, NC 28203
CONTACT: KEITH CARLYON
704-379-1919



NOTES PERTAINING TO CHICAGO TITLE INSURANCE COMPANY POLICY 09-0006650 EFFECTIVE DECEMBER 2, 2009 AT 9:00 AM SCHEDULE B - SECTION 8 (EXCEPTIONS)

- EASEMENT(S) AND/OR RIGHT(S) OF WAY TO DUKE POWER COMPANY RECORDED IN BOOK 587, PAGE 74 AND BOOK 572, PAGE 363 - AFFECTS SUBJECT PROPERTY BUT IS BLANKET IN NATURE AND NOT PLOTTABLE.
- RIGHT OF WAY AGREEMENT BY AND BETWEEN TRI-CITY BUILDING COMPONENTS, INC. AND DUKE ENERGY CORPORATION RECORDED IN BOOK 1235, PAGE 340 - AFFECTS SUBJECT PROPERTY BUT IS BLANKET IN NATURE AND NOT PLOTTABLE.
- BOUNDARY LINE AGREEMENT BY AND BETWEEN J. HAMPTON HYDER AND WIFE, RUTH HYDER AND TRIP CITY BUILDING COMPONENTS, INC. A NORTH CAROLINA CORPORATION, RECORDED IN BOOK 662, PAGE 322 - AFFECTS THE EASTERN PROPERTY LINE OF THE SUBJECT PROPERTY AND IS SHOWN HEREON.
- BOUNDARY LINE AGREEMENT BETWEEN MAGGIE JANE VAUGHN AND BOYD B. MASSAGEE, JR. AS RECORDED IN BOOK 450, PAGE 471 AFFECTS THE WESTERN LINE OF SUBJECT PROPERTY AND IS SHOWN HEREON.

N/F
BOYD B. MASSAGEE, JR.
D.B. 600, PG. 471
PIN 9579653762
ZONING: C-2

N/F
AARONS HOPE LLC & BETTY BREEDING
D.B. 1365, PG. 637
PIN 9579650690
COUNTY ZONING: R-1

N/F
GERTRUDE THOMPSON
D.B. 711, PG. 85
PIN 9579646536
ZONING: R-15

CITY OF HENDERSONVILLE
PIN 9579657695
ZONING: I-1
D.B. 622, PG. 311
AREA: 503,553.6 SQ. FT.
11.56 ACRES

N/F
THE HOUSING ASSISTANCE CORP.
D.B. 812, PG. 229
PIN 9579760746
ZONING: R-15

N/F
SONDRA LOUISE HUDSON
D.B. 1341, PG. 303
PIN 9579669269
ZONING: R-15

N/F
GERTRUDE THOMPSON TRUST
D.B. 973, PG. 312
PIN 9579753259
ZONING: R-15

N/F
CD MAT LLC
D.B. 1496, PG. 688
PIN 9579753715
ZONING: C-3

N/F
THE PINES CONDOMINIUM
D.B. 656, PG. 1
PIN 9579751941
ZONING: R-15

FIRE STATION SITE NOTES

- NUMBER OF REQUIRED PARKING SPACES = 39.
NUMBER OF PROVIDED PARKING SPACES = 39.
- EXISTING BUILDING SQ. FOOTAGE = 36,279
PROPOSED BUILDING SQ. FOOTAGE = 10,906
TOTAL BUILDING SQ. FOOTAGE = 47,185 = 9.37% OF SITE
- EXISTING GRAVEL TO BE REMOVED = 89,067 = 2.04 ACRES
TOTAL PROPOSED GRAVEL AREA TO REMAIN = 113,845 = 2.61 ACRES
TOTAL PROPOSED PARKING AND DRIVE AREAS = 35,776 = 0.82 ACRES
TOTAL AREA = 149,621 = 29.7% OF TOTAL SITE IS DRIVE/GRAVEL/PARKING
- TOTAL OPEN SPACE FOR PROPOSED SITE = 306,850 = 7.04 ACRES
TOTAL OPEN SPACE PERCENTAGE = 60.9%
- THE EXISTING SITE HAS BEEN PREVIOUSLY CLEARED OF TREES. THERE ARE NO PROPOSED IMPACTS TO EXISTING BUFFER TREES ON-SITE.
- PROPOSED PLANTING LAYOUT SHOWN IS STILL PRELIMINARY IN NATURE. ADDITIONAL PLANTINGS ARE PLANNED TO MEET ALL BUFFER/VEHICULAR USE REQUIREMENTS SET FORTH IN ZONING REGULATIONS.

NOTE: PROPERTY IS NOT LOCATED WITHIN HENDERSONVILLE'S CITY LIMITS.

FIRE STATION PARCEL NOTES

- ZONING: I-1
BUILDING SET BACKS:
FRONT 40'
SIDE 20'
REAR 20'
- ZONING: C-3
BUILDING SET BACKS:
FRONT 35'
SIDE 15'
REAR 20'

2.) FLOOD NOTE: THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD ZONE. IT IS LOCATED IN ZONE "X" AS DEFINED BY FEMA F.I.R.M. COMMUNITY PANEL# 3700957900 J DATED OCTOBER 2, 2008.

PRELIMINARY

Date	Revisions

Drawn By: KSH
Designed By: JET/MSK
Checked By: GSO
Date: 1/22/13

Mattern & Craig
CONSULTING ENGINEERS • SURVEYORS
12 BROAD STREET
ASHEVILLE, NORTH CAROLINA 28801
PHONE: (828) 254-4662
FAX: (828) 254-4662

SUGARLOAF ROAD FIRE STATION
PRELIMINARY SITE PLAN
HENDERSONVILLE, NC

Vertical Scale: N/A

Horizontal Scale: 1" = 40'

Commission Number: 3299

Sheet No.:

SITE



APPEAL OF DEVELOPMENT DECISIONS

Section 7-13 of the Zoning Ordinance outlines the process for appeal of development decisions by City Council. The following Sections of the Zoning Ordinance apply specifically to Special Use Review:

Section 7-13-2 (b): Preliminary site plans. Decisions of the City Council regarding appeals from development decisions concerning applications for preliminary site plan approval may be appealed to the Superior Court by any aggrieved party. Such appeals shall be in the nature of certiorari and must be filed within 30 days after the filing of the decision in the office of the City Clerk or after a written copy thereof is delivered to every aggrieved party who has filed a written request for such copy with the Clerk at the time of the hearing, whichever is later. The copy of the decision of the Council may be delivered to aggrieved parties either by personal service for by registered mail or certified mail return receipt requested.

Section 7-13-2 (d): Special use review. Judicial review of decisions regarding applications processed under the provisions of special use review, established in Section 7-4, above, require special treatment due to the fact that they involve two separate applications which, though processed simultaneously, require Council to make two separate decisions exercising two different types of decision-making authority. One application requests enactment of an ordinance amending the Official Zoning Map, and the other requests issuance of a special use permit. The first application involves a legislative decision on the part of Council, and the second a quasi-judicial decision. The quasi-judicial decision, that is, the one concerning the application for a special use permit, may be appealed to the Superior Court by any aggrieved party in the manner prescribed in paragraph b), above. Such appeal shall be in the nature of certiorari. The legislative decision, which is the one concerning the request for rezoning, may be contested, in accordance with NCGS Section 160A-364.1, by a cause of action commenced within two months of the date of the decision.

The validity of the ordinance may be challenged in accordance with North Carolina General Statute Section 160A-364.1.

§ 160A-364.1. Statute of limitations.

A cause of action as to the validity of any zoning ordinance, or amendment thereto, adopted under this Article or other applicable law shall accrue upon adoption of the ordinance, or amendment thereto, and shall be brought within two months as provided in G.S. 1-54.1. (1981, c. 891, s. 3; 1995 (Reg. Sess., 1996), c. 746, s. 7.)

City of Hendersonville

PLANNING BOARD REPORT

Project Name: Hendersonville Fire Station #2
Applications for Rezoning and Issuance of Special Use Permit

File Number: P12-55-SUR

Special Use Permit and Rezoning

Approval – The application is consistent with all of the objectives and policies for growth and development contained in the City of Hendersonville’s Zoning Ordinance, 2030 Comprehensive Plan and Comprehensive Transportation Plan.

Approval With Conditions – The application is not fully consistent with all of the objectives and policies for growth and development of the City of Hendersonville’s Zoning Ordinance, 2030 Comprehensive Plan and Comprehensive Transportation Plan, so the following conditions are recommended in order to make it fully consistent.

Denial – The application is not consistent with all of the objectives and policies for growth and development of the City of Hendersonville’s Zoning Ordinance, 2030 Comprehensive Plan and Comprehensive Transportation Plan.

This report reflects the recommendation of the Planning Board, this the 14th day of January, 2013.

Attest:


Planning Board Chair



Planning Director



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Return to
Agenda**

Submitted By: Lee Smith

Department: Water/Sewer

Date Submitted: 02/27/13

Presenter: Lee Smith and Kieran Roe

Date of Council Meeting to consider this item: 03/07/13

Nature of Item: Discussion/Staff Direction

Summary of Information/Request:

Item # 08

Mills River Partnership (MRP) has received a EPA 319 Grant and a proposed budget (attached) to help fund work in the Mills River watershed. The MRP has requested matching funds from the City in the amount of \$132,250 or \$66,125/year for a period beginning July 1, 2013 and ending June 30, 2015. Based on city council's request for additional information during the council's retreat held on February 15, 2013, staff respectfully submits the attached information for your review and consideration and shall await further direction from council regarding this request from the MRP.

Mr. Kieran Roe, secretary to the MRP board and executive director of the Carolina Mountain Land Conservancy, will be providing a presentation for council and will be available to answer questions council may have regarding this request for funding.

Suggested Motion: *To disapprove any item, you may allow it to fail for lack of a motion.*

Attachments:

Proposed Grant Match Budget (July 1, 2013 - June 30, 2015)

**Mills River Partnership
Two-Year Request to City of Hendersonville
July 1, 2013 to June 30, 2015**

**Return to
Agenda**

Expense	319 Grant	Matching Amount	Total	Match Source
Watershed Planning	20,000	10,000	30,000	CWMTF -- \$10,000 Awarded
Best Management Practices (contract with SWCD)	140,000	123,250	263,250	SWCD -- \$20,000 TBR Landowner Cost-Share -- \$20,000 TBR Hendersonville -- \$83,250 Requested
Partnership Staffing	15,000	45,000	60,000	Hendersonville -- \$45,000 Requested
Supplies	3,000	2,000	5,000	Hendersonville -- \$2,000 Requested
Equipment	5,000		5,000	
Travel	2,000	2,000	4,000	Hendersonville -- \$2,000 Requested
Project Management and Administration	15,000		15,000	
	<u>200,000</u>	<u>182,250</u>	<u>382,250</u>	

Match Source	Total	Status
NC Clean Water Management Trust Fund (CWMTF)	10,000	Awarded
Henderson Co. Soil & Water Conservation District (SWCD)	20,000	To Be Requested
Landowner Cost-Share Contribution	20,000	To Be Requested
City of Hendersonville	132,250	Respectfully Requested -- \$66,125/year for two years
	<u>182,250</u>	



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Return to
Agenda**

Submitted By: Lew Holloway

Department: Planning

Date Submitted: 02/28/13

Presenter: Lew Holloway

Date of Council Meeting to consider this item: 03/07/13

Nature of Item: Presentation Only

Summary of Information/Request:

Item # 09

Following a staff presentation on potential design strategies and costs for a clock tower at the 7th & Main Street gateway during the February 7th, 2013 Council Meeting, City Council requested that the Main Street Advisory Committee review the variety of options that are available for the corner, seek additional input from the community and provide Council with their recommendation.

On February 20th the Main Street Advisory Committee met and facilitated public and committee comment regarding a variety of topics including clock towers, our existing McClintock clock and public art (both temporary and permanent installations). A broad theme that arose during the discussion was the importance of tying whatever might happen at the corner of 7th & Main into a broader vision for design work in the district.

As such the committee recommended the following:

The Main Street Advisory Committee recommends that Council proceed with the intersection design that was without a unique element on the southwest corner. This design, presented by Luther Smith & Associates, was approved by City Council during the February 7th Council meeting. This design would allow the addition of an element in the future, without delaying the current construction project.

It would also allow the Advisory Committee to develop a broader understanding of the opportunities in the district via on-site study and through investigative research into successful models from other Main Street communities. Initially, the Advisory Committee has directed the Design Sub-Committee to review and prioritize the locations in and around downtown where opportunities, like the 7th & Main gateway, exist.

In the view of the committee this recommendation achieves two priorities: 1) a completed 7th & Main intersection design that doesn't hamper construction and 2) an opportunity to provide long term value to Council by identifying, prioritizing and developing strategies to support additional opportunities for design in the district.

Suggested Motion: *To disapprove any item, you may allow it to fail for lack of a motion.*

Attachments:



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Return to
Agenda**

Submitted By: Brent Detwiler

Department: Engineering

Date Submitted: 02/27/13

Presenter: Brent Detwiler

Date of Council Meeting to consider this item: 03/07/13

Nature of Item: Discussion/Staff Direction

Summary of Information/Request:

Item # 10

At the February 15, 2013 City Council retreat, I presented a concept and approximate cost to complete the 700 block of Main Street as part of Phase 3 of the Main Street Improvements project. Council asked staff to refine the concept, providing additional details and cost estimates. A brief presentation will be provided to summarize the designs and review the cost estimates of each. Staff would like direction from Council as to whether to complete 700 block as part of the Phase 3 project and if so which design or design elements are preferred.

Suggested Motion: *To disapprove any item, you may allow it to fail for lack of a motion.*

Attachments:

2/26/13 proposal from Trace & Company



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Return to
Agenda**

Submitted By: Brent Detwiler

Department: Engineering

Date Submitted: 02/27/13

Presenter: Brent Detwiler

Date of Council Meeting to consider this item: 03/07/13

Nature of Item: Discussion/Staff Direction

Summary of Information/Request:

Item # 11

At the February 15, 2013 City Council retreat, Council approved the use of brick pavers for all crosswalks from First Avenue to Seventh Avenue. Staff was asked to obtain a proposal from the contractor to replace the thermoplastic crosswalks in the Allen to First block with brick pavers as well. The attached proposal from Trace and Company for \$8,819.37 would replace the two crosswalks in this block. Staff would like direction from Council as to whether to accept this proposal.

Suggested Motion: *To disapprove any item, you may allow it to fail for lack of a motion.*

Attachments:

2/26/13 proposal from Trace & Company

TRACE & COMPANY, INC.

"EXCAVATION & PAVING CONTRACTORS"

POST OFFICE BOX 1028

163 MOUNTAIN ROAD

MOUNTAIN HOME, NORTH CAROLINA 28758

TELEPHONE: (828) 692-5664 • FACSIMILE: (828) 693-9499

**Return to
Agenda**

Proposal

February 26, 2013

Mr. Brent Detwiler
City of Hendersonville
Engineering Department
305 Williams Street
Hendersonville, NC 28792

RE: Main Street Infrastructure Improvements – Phase 3
City of Hendersonville Henderson County, NC
Brick Cross Walk Installation

Dear Mr. Detwiler,

The following is the proposal to install brick paver cross walks at Mid Block of Allen, East Allen and Main. They are as follows:

1. Installation of 450 Square Feet of Brick Paver
Cross Walk, with High Early Concrete: \$8,212.50
2. Additional Seal Coating to Black Out Street Print: \$350.00
3. 3% Bond for Additional Work: \$256.87

Total for Cross Walk Addition: \$8,819.37

Time Extension: Trace and Company request an additional 3 working days added to the contract time to install the cross walks.

If you have any questions or need any additional information please call.

Sincerely,
Trace and Company, Inc.
Matthew Lawter



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Return to
Agenda**

Submitted By: Allen Edge

Department: IT

Date Submitted: 02/27/13

Presenter: Allen Edge

Date of Council Meeting to consider this item: 03/07/13

Nature of Item: Council Action

Summary of Information/Request:

Item # 12

At the Council retreat on February 15, 2013, Councilman Stephens requested that the 2013-14 CIP project to upgrade the Wi-Fi availability on Main Street be expedited to possibly take place prior to July 1, 2013 when next fiscal year's funds will become available. In order to complete the project a budget amendment for \$35,000 must be approved which will allow for project completion by May 1, 2013.

There will be a full presentation of the project scope and explanation of associated costs at the meeting.

Suggested Motion: *To disapprove any item, you may allow it to fail for lack of a motion.*

I move approval of the budget amendment to expedite the completion of the Wi-Fi Upgrade Project on Main Street.

Attachments:

Budget Amendment

BUDGET AMENDMENT

**Return to
Agenda**

TO: MAYOR, CITY COUNCIL
AND CITY MANAGER

DATE: March 7, 2013

INFORMATION TECHNOLOGY DEPARTMENT

BE IT RESOLVED, THAT THE FOLLOWING AMENDMENTS BE MADE TO THE ADOPTED BUDGET FOR THE CITY OF HENDERSONVILLE, NORTH CAROLINA FOR THE FISCAL YEAR ENDING JUNE 30, 2013.

ACCOUNT NUMBER	DESCRIPTION OF ACCOUNT	DEBIT (+)	CREDIT (-)
104140-553000	Capital Outlay - Non Depreciable	\$ 35,000.00	
100090-499200	Fund Balance Appropriated		35,000.00

EXPLANATION: To re budget funds for upgrading the Downtown Wi-Fi system.

ALLEN EDGE
DEPARTMENT HEAD

FINANCE DIRECTOR



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Return to
Agenda**

Submitted By: Tom Wooten

Department: Public Works

Date Submitted: 02/27/13

Presenter: Tom Wooten

Date of Council Meeting to consider this item: 03/07/13

Nature of Item: Discussion/Staff Direction

Summary of Information/Request:

Item # 13

If City Council is interested in moving forward with the recycling cart program, we will need to review the additional costs associated with this change. Staff is sure that we cannot empty the recycling carts using the same equipment and staff that we currently use to empty the recycling bins. We have two options as to how we proceed with the additional equipment. Below is a breakdown of the anticipated expenses associated with the change.

Option 1 - use a back up truck for one year and budget for a new truck in year 1 of the CIP (\$195K). This option will require two staff persons until the new truck is purchased.

Staff expenses - \$75,000 (includes benefits)

Repair and maintenance on the old truck - \$16,000

Fuel - \$14,000

Additional expense for year one - \$105,000 (reduce by \$49,500 after the new truck arrives in the following budget year.)

(We expect a minor reduction in expenses since the other recycling truck will be completing half of a route per day versus a full route per day.)

Option 2 - purchase a new truck now and hire one new staff person.

Staff expenses - \$37,500 (includes benefits)

Repair and maintenance on a new truck - \$6,000

Fuel - \$12,000

New truck - \$195,000

Additional annual expense for year one - \$250,500 (reduce by \$195,000 in the following budget year.)

Note: In both options, we assumed that City Council wishes to proceed with weekly recycling collection. We do have the option of biweekly collection for garbage and recycling. We have one new truck in the CIP for the upcoming budget which will allow us to move one staff person from the old crew to the crew on the new recycling truck.

Staff is seeking direction as to how we should proceed with the recycling program (if City Council would like to move forward with purchasing new recycling carts). We are also seeking direction as to how to fund the additional annual expense of \$55,500 and the purchase of the new truck within the Environmental Services Fund.

Suggested Motion: *To disapprove any item, you may allow it to fail for lack of a motion.*

Attachments:



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Return to
Agenda**

Submitted By: Tom Wooten

Department: Public Works

Date Submitted: 02/27/13

Presenter: Ron Moore/Tom Wooten

Date of Council Meeting to consider this item: 03/07/13

Nature of Item: Discussion/Staff Direction

Summary of Information/Request:

Item # 13

Mr. Ron Moore, with American Recycling of WNC, will be present to endorse a project where American Recycling would help fund the purchase of recycling carts for use in Hendersonville. The project details include the City of Hendersonville applying for and receiving a grant through N.C. Department of Environment and Natural Resources, Division of Environmental Assistance and Outreach. This grant would reimburse the city up to \$75,000 (\$25 per cart) if the city switched from bins to 65 gallon carts (for weekly collection). If we selected to switch to biweekly collection, the grant would only reimburse the city \$20 per cart. American Recycling would then reimburse the city up to \$25,000.

As it stands, the city has about 4,321 solid waste accounts (active and inactive) and 4,003 recycling accounts (active and inactive). Since some of our accounts have multiple carts, we figure we would need 4,800 recycling carts to serve all of our customers. The cost to purchase 4,800 carts would be about \$206,500. The grant should reimburse us \$75,000 and American Recycling should reimburse us \$25,000 for a total of \$100,000. The net cost to the city would be \$106,500. (We would have to pay extra for someone to distribute the carts to the residents and I do not have that cost at this time.)

In addition to the one time purchase of the carts, additional staff and equipment would be required in order to proceed with this change in our recycling collection process.

Suggested Motion: *To disapprove any item, you may allow it to fail for lack of a motion.*

I move to allow the Director of Public Works to apply for the curbside recycling roll-out cart grant through the N.C. Department of Environment and Natural Resources, Division of Environmental Assistance and Outreach in order to switch from bins to 65 gallon carts for our curbside recycling program.

Attachments:



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Return to
Agenda**

Submitted By: Tom Wooten

Department: Administration

Date Submitted: 02/27/13

Presenter: Tom Wooten

Date of Council Meeting to consider this item: 03/07/13

Nature of Item: Council Action

Summary of Information/Request:

Item # 14

In 2003, we hired B&F Consulting to complete a Pavement Condition Survey (PCS). This survey measures and inspects every road in the city that we maintain and assigns a Pavement Condition Rating (PCR) or score between 0 - 100, 100 is a new or newly rebuilt street. The streets are placed in ascending order with the lowest scored streets at the top of the list then the streets are separated into groups to create an annual street resurfacing plan.

We have been completing updates to the original survey using city staff but we feel like it is time to bring in another consultant in order to make sure we continue to use our annual funds effectively. After discussing this idea with Bo Ferguson, we sent out Request for Proposals (RFP) for a new Pavement Condition Survey. We received and rated nine proposals and US Infrastructure (USI) from Greensboro, NC was selected as the firm with the most experience and expertise to complete a survey for us. USI has completed over 77 surveys for municipalities in North Carolina. A preliminary meeting was held with USI on February 26 to discuss the survey.

We have \$26,222 in Powell Bill funds available in our current budget to complete the survey and are comfortable that we will not exceed this amount. We request approval to move forward with hiring USI in order to complete a new study.

Suggested Motion: *To disapprove any item, you may allow it to fail for lack of a motion.*

I move to allow the Director of Public Works to negotiate a contract with US Infrastructure of Carolina, Inc. in order to complete a pavement management study for the City of Hendersonville.

Attachments:

None



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

**Return to
Agenda**

Submitted By: Tammie Drake

Department: Administration

Date Submitted: 02/27/13

Presenter: Tammie Drake

Date of Council Meeting to consider this item: 03/07/13

Nature of Item: Council Action

Summary of Information/Request:

Item # 16

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

a. Appointments for Consideration: None

b. Announcement of Vacancies: This is a reminder of a vacancy on the Environmental Sustainability Board.

Suggested Motion: *To disapprove any item, you may allow it to fail for lack of a motion.*

Attachments: