

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

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

Staff Present: City Manager John F. Connet, City Clerk Tammie Drake, City Attorney Sam Fritschner, Planning Director Sue Anderson, Engineering Director Brent Detwiler, Zoning Administrator Susan Frady, Downtown Director Lew Holloway, Finance Director Jim Rudisill, Public Works Director Tom Wooten

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

2. Invocation and Pledge of Allegiance: A moment of silence for prayer was followed by the Pledge of Allegiance to the Flag.

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

Mayor Volk asked those speaking to limit their comments to three minutes.

Donald Goldstein, 215 Fallen Timber Road, thanked the Council for the conclusion of the Brightwater system charges but he did not agree with the numbers. He stated after an investigation, he discovered the error is a lot more. He would like to meet with the City Attorney and his attorney to review the numbers. He stated he received a check from the City.

Eva Ritchey, 1928 Brevard Road, stated the parking is an important issue and businesses are negatively impacted by the lack of parking at peak times. She asked Council to look five years out for solutions and not just for the present. She is hopeful for an effective long-term solution.

Fred Higgins, 1402 Highland Avenue, commented there were two 15-minute parking spaces in front of his business before the street was renovated and now there are six three-hour spaces. No one comes in his business because people park there all day. He requested a space where people can come in and out of his business. He also commented that people are tripping over the curbing in front of Macon Bank and cars drive over it. Mayor Volk asked staff to investigate the issue.

4. Consideration of Agenda:

5a. Hvl Heroes

Mayor Pro Tem Collis moved approval of the agenda as presented. The Council agreed by unanimous consent.

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: October 3, 2013 Regular Meeting

B. Consideration of Budget Amendments

i. Police Department: This budget amendment is to move funds received from the Kawasaki Corporation for the buy-back of a Police motorcycle due to many mechanical issues, from the Insurance Settlement Account to the Capital Outlay Vehicles account to cover the expense of the replacement motorcycle which has been purchased.

ii. Public Works Department: Mr. Wooten requested additional funding to replace the green signs along Interstate 26 with brown historic signs for Historic Hendersonville. NCDOT will replace the signs for \$1,500. This item was one of City Council's priorities for this year.

The Tree Board requested \$4,700 for maintenance of the trees planted along Martin Luther King, Jr. Boulevard between Duncan Hill Road and Harris Street. The maintenance plan includes the removal of vegetation in a ten-foot circle around the base of each tree and the removal of unwanted vegetation and trash from Cherry Street to Harris Street. The Tree Board will contribute \$1,000 of their annual funding toward this project.

Mr. Wooten reported funding for these two projects will come from the Powell Bill Revenue Fund.

iii. Water/Sewer Department: Mr. Lee Smith requested a budget amendment to re-allocate funds received from the insurance carrier during the last fiscal year to rebuild the hydropneumatic pump station located in Champion Hills that burned down last December. All of the funds were not expended during FY 2012-2013, so he requested portion of those funds be appropriated to complete this project in the current fiscal year.

C. Consideration of Special Event Permit for the McClintock Clock Restoration Dedication: The Special Events Committee voted unanimously to recommend Council's approval of the McClintock Clock Restoration Dedication to be held on November 15, 2013 at the Henderson County Genealogical & Historical Society. A ribbon cutting will be held at the clock at the corner of Fourth Avenue East and Main Street. This appreciation event is for the restoration of the McClintock clock and will be held from 6:00-9:00 p.m. with music and refreshments inside the Henderson County Genealogical & Historical Society building located at 400 N. Main Street.

D. Consideration of Resolution Authorizing Submission of a Formal Application to the NC Department of Commerce for Approval of a Contingency Community Development Block Grant to Extend Public Water to the Dana Community: Mr. Lee Smith, Utilities Director presented a resolution required by the Department of Commerce to be submitted along with an application for a Community Development Block Grant (CDBG) from the Department of Commerce for the Academy Road water system improvements project located in the Dana Community.

Resolution 13-1154

**RESOLUTION FOR THE CITY OF HENDERSONVILLE
APPLICATION FOR COMMUNITY DEVELOPMENT BLOCK GRANT
FUNDING FOR THE DANA COMMUNITY WATERLINE EXTENSION PROJECT**

WHEREAS, the City of Hendersonville's City Council has previously indicated its desire to assist in infrastructure improvement efforts to extend public water to residents with contaminated wells within the City; and,

WHEREAS, the City Council has held two public hearings concerning the proposed application for Community Development Block Grant funding to extend public water to the Dana Community; and,

WHEREAS, the City Council wishes the City to pursue a formal application for Community Development Block Grant funding to benefit citizens in the Dana Community;

WHEREAS, the City Council certifies it will meet all federal regulatory and statutory requirements of the Small Cities Community Development Block Grant Program,

NOW, THEREFORE BE IT RESOLVED, by the City's Council that the City of Hendersonville is authorized to submit a formal application to the North Carolina Department of Commerce for approval of a Contingency Community Development Block Grant to extend public water to the Dana Community.

Adopted this the seventh day of November, 2013 in Hendersonville, North Carolina.

/s/Barbara G. Volk, Mayor

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

E. Consideration of the Resolution Authorizing Disposition of the Miami Terrace Property in Accordance with G.S. §160A-269: City Manager John Connet recommended disposition of this property in accordance with N.C.G.S. Chapter 160A Article 12, and particularly the private sale method authorized therein. Council action is required to initiate this procedure.

Mr. Connet reported a neighbor has expressed an interest in purchasing the property located at 715 Miami Terrace that was donated to the City of Hendersonville by the US Bank National Association in June 2013. The property is not in the City limits and is currently being maintained by the Public Works Department.

The neighbor has submitted a bid for \$1,000 along with the required deposit. The attached proposed resolution begins the process for disposing of the property.

Resolution #13-1153

**RESOLUTION AUTHORIZING THE DISPOSITION OF CERTAIN REAL PROPERTY
BY NEGOTIATED OFFER, WITH UPSET BID PROVISIONS (N.C.G.S. § 160A-269)**

WHEREAS, the City Council of the City of Hendersonville, North Carolina, desires to dispose of certain property of the City as identified herein, and

WHEREAS, a neighbor of the property has expressed an interest in purchasing the real property, and

WHEREAS, the Council desires to instruct the City Manager to initiate disposition of this real property in accordance with North Carolina General Statutes 160A Article 12,

NOW, THEREFORE, BE IT RESOLVED by the City Council that:

1) The property is described as follows:

A vacant lot consisting of .36 acres, more or less, commonly referred to as being Lots 19 and 20 of Block B of the Carolina Homes Subdivision, as shown on plat thereof recorded in Plat Cabinet B, Slide 55, Henderson County Registry. The parcel is situated at 715 Miami Terrace, Hendersonville, NC. Henderson County PIN: 9559-43-1068

2) Subject to the terms of this resolution the City Manager is authorized to dispose of the described property by negotiated offer, advertisement, and upset bids (N.C.G.S. 160A-269).

3) No minimum bid has been established for this property.

4) Sale of subject property will be subject to final City Council approval. The City of Hendersonville reserves the right to accept or reject any or all bids.

Adopted this seventh day of November, 2013.

/s/Barbara G. Volk, Mayor

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

F. Consideration of Acceptance of Offer for Pump Station Property Located on Pace Road: A pump station used by the City has been determined by Utilities Director Lee Smith to be unneeded for future use. Neighbors, Gerald and Diane Resch, indicated an interest in purchasing the property and submitted an offer of \$1,500 for the property, along with a 5 percent deposit as required.

The Council adopted a Resolution Authorizing the Disposition of the Real Property By Negotiated Offer, with the Upset Bid Provision in accordance with N.C.G.S. §160A-269, at their September meeting.

The Resch's offer was published in the Hendersonville Lightning on September 18 and the public was given until October 7, 2013 to respond with an upset bid offer. No further offer was received.

Mr. Lee Smith has indicated because it is not necessary at this time to move the water line that crosses the property for the integrity of the system, an easement from the Resch's may be necessary for access to the waterline. If in the future the Resch's would like the waterline relocated before it is necessary for the system, they will be responsible for the cost of the relocation.

Approval of this item is to dispose of the property known as the Sunrise Ridge Hydropneumatic Pump Station property, located on Pace Road, as advertised in accordance with G.S. § 160A-269, to Gerald and Diane Resch, for \$1,500 plus the cost of closing, recording and advertising fees. The City Attorney will prepare the deed. Approval also authorizes the Mayor to execute the deed on behalf of the City. This sale is subject to the ability to retain the necessary easement for the waterline on the property.

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

5a. Recognition of "Hendersonville Heroes": Mr. Connet recognized the Lady Bearcats volleyball team who won the State Championship 2-A. Mayor Volk presented a proclamation honoring the coaches and team and proclaiming Friday, November 8, 2013 as "Lady Bearcat" day in Hendersonville.

6. Consideration of Waivers for System Development Charges for the Dana Community and Boyd Chevrolet:

Dana Community Water Project: Mr. John Connet, City Manager, explained the Council has the authority to waive system development charges under certain circumstances.

Dana Community: Mr. Connet explained the Water and Sewer Department is in the process of obtaining grant funding to extend public water to portions of the Dana Community. However, grant funds cannot be utilized to pay for System Development Charges. Because this project is necessitated by a public health concern which is contaminated wells in that area, he requested the Council approve the waiving of the system development charges for the residents that connect to our system as part of this project. The waiver associated with this project will expire upon the completion of this project.

Boyd Chevrolet: Mr. Connet explained the City has received a request from Mr. Boyd to waive the system development charges for his new dealership on Spartanburg Highway. The new dealership is located on property that was formerly a mobile home park and the water usage at this location has been reduced by greater than 50%. He explained staff is recommending the waiving of the system development charges for Boyd Chevrolet because of the tangible benefit derived from the reduction of water use at this location and the economic development benefit derived from the redevelopment of this property.

Council Member Caraker moved City Council to waive the system development charges for the Dana Community and Boyd Chevrolet. A unanimous vote of the Council followed. Motion carried.

7. Discussion of Possible Options for the Disposition of the Grey Hosiery Mill Property: Mr. John Connet, City Manager, addressed the Council and provided some possible options for disposing of the Grey Hosiery Mill property.

Environmental Issues: Mr. Connet reported the City has received an updated Phase II Environmental Assessment for the Mill Property. Further testing will not be required if the property is used for a commercial or industrial use. However, if the property is going to be used for any type of residential use, additional testing will be conducted by the City which may require environmental mitigation (vapor barrier) as part of the redevelopment process and may take an additional three months.

Historic Preservation: Mr. Connet reported the Historic Preservation Commission has recommended that the City place conservation agreements on the Grey Hosiery Mill property prior to transferring it to a new owner to protect the 1915 and 1919 portions of the Grey Hosiery Mill as well as other recommendations for the preservation of the building.

Selling of Public Property: Mr. Connet reported the options available to the Council if they desire to sell the property (per NCGS 160A, Article 12): advertisement for sealed bids (160A-268), negotiated offer, advertisement, and upset bids (160A-269) or a public auction (160A-270). To protect it as an historic property, the Council may do that through the private negotiation of an historic property (160A-266) which would require the transfer of the property to a non-profit historic preservation organization who may place additional covenants on the property and then may sell the property.

Discussion followed on whether an agreement with historic preservation requirements is possible. Council Member Caraker suggested having another appraisal of the property, with and without a historic preservation easement, so the Council knows the value of the property. He stated the original appraisal included space that is not usable. There was discussion of the cost of the appraisal. Council Member Caraker commented the public spoke boldly in the past about preserving the building but that may decrease the value of the building. He stated considering how much has been spent on this property, another \$3,000 will not be disservice to the public and may result in more money for the property. Council Member Stephens agreed the City should have the property appraised because the appraisal is approximately five years old. He stated banks would require an appraisal. He stated the basement may be up to 45% of the square footage that can no longer be counted.

Council Member Caraker moved City Council to have an appraisal done of the Grey Hosiery Mill Building property with current known facts, one appraisal with a historic preservation easement and one appraisal without the historic preservation easement. The vote was four in favor; one opposed (Council Member Jerry Smith). **Motion carried.** City Attorney Fritschner will arrange for the appraisal.

8. Reconsideration of Small Water Meter Access Fees: Mr. Lee Smith, Utilities Director, presented an amendment to the policy on small water meter access fees at the request of Council Member Stephens to eliminate the associated fee. He stated this should be a one-time fee, not an annual fee. Council Member Stephens explained this is a matter of principle. He explained the City is asking plumbers to do something to save the City money. After training, they can open meters without the City having to send employees. He stated these small business now have to name the City in their insurance policies in the event of damages and their rates are increasing several hundred dollars in some cases. He agreed the companies should pay for the keys but not the \$50 fee. Mr. Lee Smith explained the first key comes with the \$50 permit.

Council Member Caraker asked how much staff time it takes to get someone enrolled in program. Mr. Lee Smith stated it does not take a tremendous amount of time to start the program but they are finding it takes time to police it. He stated staff has found several plumbers that have accessed the boxes that were not installing cut-off valves. Council Member Caraker asked if this permit allows the plumbers access to the meter box for any reason. Mr. Lee Smith stated no, that was not the intention of the program. He stated the intention of the program was to give access to the box to install cut-off valves only.

Mr. Lee Smith commented it is preferable not to allow others in the meter box but the purpose of the program was to allow someone, other than City staff, to cut off the valve in the box and install a cut-off valve which allows

anyone to cut the water off because it is outside the box. He stated the new services have a cut-off value on the customer side when installed but this has only been done in the last five years.

Council Member Caraker stated only allowing a one-time access to install the valve is not of value. He requested a refund for his company. He stated he misunderstood based on his expectations of the program.

Mr. Connet explained this is a policy decision of the Council and it may be amended by the Council. He suggested an amendment to the policy to allow the trained plumbers access to the meter for their purposes. He agreed there is some value as it results to lag time for the plumber and for City employees. Mayor Volk agreed and requested staff to prepare amendments to the policy to clarify the misunderstanding and asked staff to bring it back at the next meeting for Council review. She suggested tabling the decision. **The Council agreed by consensus.**

9. Presentation of Results of Downtown Parking Survey: Mr. Lew Holloway, Downtown Economic Development Director, presented data from the workshop held August 13, 2013 and the 15-question survey posted during September 2013. He explained the focus of the data collection was to understand parking issues in downtown including problems and solutions.

Mr. Holloway reviewed the data and noted the significant differences in the way owners and employees think the issue should be resolved. He stated developing shared parking with private lot owners was the primary solution agreed upon among the users. Regarding managing existing parking resources, owners showed a preference for eliminating meters in public lots over installing smart meters. Owners showed the strongest preference for enhanced enforcement and employees showed the strongest preference for smart meters on Main Street.

Mr. Holloway stated there are many users and they were asked to rank the importance of the various users which produced the most consistent responses. He also provided feedback about how cost-conscious the City should be in making the decisions about parking.

Mr. Connet presented some options for downtown parking. He presented an option that was strongly agreed upon by all user groups: to conduct a comprehensive parking resource study which addresses the current supply, looks at the current demand, potential future demand, peak usage analysis, parking resource gaps (existing and potential), solution ranking/rating based on demand, peak usage and resource gaps.

Mr. Connet discussed possible short-term, intermediate and long-term parking solutions. He explained most of these solutions were heard at the workshop and through the survey.

Discussion followed on whether customers and others are willing to walk the two blocks from a parking deck if placed on the Dogwood Lot to Main Street and where the resources can be located to address concerns. There was also discussion on the violators of parking, the possibility of a parking deck, security at a parking deck, etc.

Mr. Connet suggested the short-term solutions are things the City can begin doing to help alleviate the problem and he would like to begin as soon as possible. He stated these options have a low cost, are low-risk and may provide results. He stated a study could be done in the future, at the Council's direction. There was discussion on funding a comprehensive parking resource study. The scope of work will impact the cost of the study. Council Member Smith commented the City may plan for funding the study in next fiscal year. He stated this will provide more information and return on the investment. Mr. Connet agreed, stating it also may address/identify the best location.

There was discussion on the use of smart meters.

Mayor Volk asked the Council if there was any objection to moving forward with the short-term solutions and further, request the City Manager to include funds for a comprehensive parking study in the budget for next year.

After discussion, **the Council agreed by consensus to move forward with the short-term solutions identified by Mr. Connet including:**

- **Develop a list of private lots and their uses in downtown to better understand and, potentially utilize this resource.**
- **Develop partnerships with private lot owners to provide downtown employee and volunteer parking.**
- **Develop temporary high-visibility public lot signage.**
- **Evaluate vegetation in public lots with an eye toward visibility, appearance and safety.**
- **Evaluate parking enforcement practices to ensure a consistent, efficient and positive experience for downtown customers.**
- **Eliminate or modify the holiday bagged meter program.**

10. Discussion of Bagging Meters Downtown for Holidays: Mr. John Connet, City Manager, reported there has been some opposition to bagging the meters for the holiday shopping season because downtown employees are abusing it. He reported requests by local businesses not to bag meters for this season. Mr. Holloway, Downtown Economic Development Director, reported the Downtown Advisory Committee discussed this with the business owners on Main Street. He stated they agree the incentive is nice but not if it is being abused. Council Member Stephens commented it would have to be discontinued in all lots so employees would not park in other lots. **Council Member Smith moved to discontinue the bagging of parking meters during the 2013 holiday season. A unanimous vote of the Council followed. Motion carried.**

11. Reports from Staff: There was none.

12. Consideration of Appointments to Boards and Commissions

a. Consideration of Appointments: These appointments were announced at Council's October meeting:

Historic Preservation Commission: City Clerk Tammie Drake reported the terms of three members on the Historic Preservation Commission will expire in November: Charles Kuester, Marty Payton and John Ogletree. Both Mr. Kuester and Mrs. Payton would like to continue serving. Mr. Ogletree has declined reappointment. She presented the applications on file from citizens who have expressed an interest in serving.

Council Member Caraker moved to reappoint Charles Kuester to a three-year term on the Historic Preservation Commission. This term will expire November 1, 2016. A unanimous vote of the Council followed. Motion carried.

Mayor Pro Tem Collis moved to reappoint Marty Payton to a three-year term on the Historic Preservation Commission. This term will expire November 1, 2016. A unanimous vote of the Council followed. Motion carried.

Council Member Caraker moved to appoint Kristie Ogletree to a three-year term on the Historic Preservation Commission. This term will expire November 1, 2016. A unanimous vote of the Council followed. Motion carried.

Planning Board: City Clerk Tammie Drake reported the terms of Steve Johnson, Ralph Freeman and Fred Dutcher will expire in December. All three appointees would like to continue serving on the Planning Board. She also presented the applications on file from other citizens who have expressed an interest in serving on the Planning Board.

Council Member Stephens nominated Steve Johnson for a three-year term on the Planning Board. This term will expire December 1, 2016. A unanimous vote of the Council followed. Motion carried.

Council Member Caraker nominated Fred Dutcher for a three-year term on the Planning Board. This term will expire December 1, 2016. A unanimous vote of the Council followed. Motion carried.

Council Member Smith nominated Jeff Collis for a three-year term on the Planning Board, taking effect after December 6, 2013. This term will expire December 1, 2016. The vote was three in favor, 2 opposed (Stephens, Caraker). Motion carried.

Environmental Sustainability Board: City Clerk Tammie Drake announced there has been an opening on this Board for a City representative for quite some time. She reported Ms. Guri Andermann has expressed interest in serving on this Board.

Council Member Stephens nominated Guri Andermann to serve on the Environmental Sustainability Board. This term will expire 09-01-14. A unanimous vote of the Council followed. Motion carried.

b. Announcement of Up-Coming Reappointments/Vacancies: City Clerk Tammie Drake announced there are no term expirations until February unless a vacancy arises for another reason. **No action was necessary or taken.**

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

14. New Business: There was none.

15. Adjournment: The meeting adjourned at 7:12 p.m. upon unanimous consent of the Council.

Barbara G. Volk, Mayor

Tammie K. Drake, City Clerk