

**October 2, 2014**  
**Regular Meeting of the City Council**  
**Assembly Room – Operations Center**  
**5:45 p.m.**

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

Staff Present: City Manager John F. Connet, City Attorney Sam Fritschner, City Clerk Tammie Drake, Planning Director Sue Anderson, Police Chief Herbert Blake, Fire Chief Dorian Flowers, Utilities Director Lee Smith, Finance Director Lisa White, Deputy Fire Chief Joe Vindigni, 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.*

Dorothy Means asked questions about the rezoning of parcels on Ninth Avenue. Mayor Volk asked Ms. Means to hold her questions and comments until the public hearing on the rezoning.

**4. Consideration of Agenda:**

Mayor Volk noted the addition to the consent agenda: Historic Courthouse 1960's Trick or Treat. Council Member Smith requested the addition of discussion of the Downtown Advisory Committee under Comments from the Mayor and City Council members.

**Council Member Caraker moved approval of the agenda with the two additions. 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:** September 4, 2014 Regular Meeting

**B. Consideration of Budget Amendments:** Mr. Brian Pahle submitted the following budget amendments:

Budget Amendment – Water/Sewer Fund: An increase in Insurance Settlements in total of \$28,500 due to reimbursement for a totaled 2010 CAT 305 Mini-Excavator.  
Amount Of Increase/(Decrease)     \$28,500

Budget Amendment – Needy Persons Program Fund: Donation received from Walmart to fund operation "SHOP WITH A COP."  
Amount Of Increase/(Decrease)     \$5,500

**C. Consideration of Special Event: Historic Courthouse 1960's Trick or Treat:** Zoning Administrator Susan Frady reported the Special Events Committee voted unanimously to recommend that Council approve the event permit for the Historic Courthouse 1960's Trick or Treat. Activities will take place on the sidewalks and in the Courthouse Plaza area. The local VW club will display some of their 1960's vehicles in front of the Historic Courthouse and will utilize the parking spaces to pass out candy from the trunks of the cars. The parking spaces directly in front of the courthouse will be closed from 3 p.m. until the event ends at 7:30 p.m.

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

**6. Public Hearing – City Council to Receive Public Input on an Application for a PARTF Grant for Improvements to Berkeley Mills Park:** Planning Director Sue Anderson explained the City is pursuing a North Carolina Parks and Recreation Trust Fund Grant for improvements to Berkeley Mills Park. She explained the City will receive additional points for receiving public comment.

Ms. Anderson stated Council approved a Master Plan for the development of Berkeley Mills Park in 2013. The Council reviewed and prioritized the park improvements.

Ms. Anderson also reported the Planning Department is pursuing the listing of the baseball field on the National Register of Historic Places.

Ms. Anderson reviewed the park improvements included in the Master Plan: soccer field, a destination playground, walking trails, a dog park and a mountain bike course for young children and a mountain bike skills course, the extension of the greenway into the park, a boardwalk and an amphitheater. She reviewed the priority and phasing plan approved by the City Council including the entrance and parking area, park pavilion, a destination playground and memorial tree garden. She stated extension of the greenway will connect Berkeley Mills Park to Patton Park, Sullivan Park and Jackson Park and is being completed with NCDOT funding.

Ms. Anderson stated a PARTF grant of \$500,000 is possible with a 1:1 match required but the City will be applying for a \$250,000 grant; also with a 1:1 required match. She explained the funds from the grant, along with the required match by the City will help make improvements to the Park for a destination playground, restrooms, memorial tree garden with picnic pavilions, park and playground equipment and trails.

Ms. Anderson stated the City has funds earmarked in the Capital Improvement Plan for park improvements. She explained the matching funds will be used to improve the entranceway, add parking and a restroom by the playground. Mr. Connet explained the required match may be paid over three years.

There was discussion from the Council on the yearly maintenance costs, the referendum held in November for a bond that failed, etc. The Council asked to see estimated costs associated with the Park at their next meeting when they will consider applying for the grant.

Mayor Volk opened the meeting for public input at 6:07 p.m. The following addressed the Council with a brief statement of their feedback:

Larry Rogers, representing Partners for Economic Progress with approximately 75 businesses, expressed a concern that the referendum for a bond for \$6 million to construct the park failed. He expressed concerns that City taxpayers are paying a three-cent tax increase to pay debt service. He stated there will be maintenance costs, equipment, staff, security, and debt service. He cautioned City Council to consider it carefully so another tax increase is not necessary.

Dr. Jim Volk, 1654 Druid Hills Avenue, as a pediatrician who sees children frequently, he stressed the importance of exercise and getting outdoors. He expressed a concern about children inside all day are not getting enough Vitamin D from sunlight and it has health consequences. He asked the Council to consider the design of the destination playground. He remarked on the usual equipment in playgrounds that are geared for children ages 2-6. He mentioned a park in Falkirk, Scotland that is equipped for people of all ages. He asked the Council to consider a design other than a cookie-cutter design.

Joe Sanders, 206 Ewatts Hill Road, spoke in favor of the PARTF application. He expressed a concern that most parks are set up for team sports and not every child participates in team sports. This park would allow them the opportunity to be active. He expressed a concern about "revenue bleed" that occurs when our citizens go to another community to use those facilities such as the Swamp Rabbit Trail for activities and then shopping, meals, etc. Developing the facilities in Hendersonville will help stop the revenue bleed and may more than off-set the expense of this park.

Dan Kealy, 1047 Scheppegrell Drive, guidance counselor at Hendersonville High School, and mountain bike club sponsor. The club is open to middle and high school students in Henderson County. He voiced strong support of the park.

Ashley Ball, 135 Skyline Drive, a member of the mountain bike club at Hendersonville High School. She loves to mountain bike and it would be nice not to have to drive to another location to ride her bike. It is close to the school and those who can't drive far can go there. It is very convenient.

Beth Bockoven, 842 Dale Street, education coordinator for Hands On! at 318 N. Main Street and voiced support of the application for a grant to assist in the development of Berkeley Mills Park. The children's museum supports community projects that help the youth develop and spark their love for learning. She asked Council to consider utilizing their educators to bring fun and education to the walking trail or other areas of the park.

Pete Tintle, 210 Wash Creek, he is a grandparent and visits parks with his grandson in Charlotte. He enjoys the park system here and we should support the Oklawaha trail and connecting parks. He fully supported the grant application. After visiting the parks, they go downtown to enjoy a meal.

Guri Andermann, 140 Coral Drive, she was against the bond for the project because she didn't want the City incurring debt but wholeheartedly supports the City's grant application and commend them on the idea.

Ken Fitch, 1046 Patton Street, stated parks are often relegated to obligatory budget items and are subject to cuts, etc. The City's commitment is substantial and they are proceeding slowly in a phasing process and are marshalling consensus for a viable, sustainable plan worthy of this extraordinary resource that has been

entrusted to the City and its citizens. The community investment in this park goes back generations and offers more than playgrounds and soccer fields. It is a place where generations of mill workers and mill village residents gathered in community and family gatherings. Baseball teams took the field in storied contests. This place has historical significance that extends beyond its boundaries as ball teams traveled throughout the state and region. The quarry is a unique, natural landmark that provided the granite for the Biltmore House. The quarry also served as a community gathering place as a swimming hole, for frog gigging and baptisms. Nearby is the nexus to the future greenway and wetlands that will bring new generations in contact with a full range of natural history. We are not looking for easy money or a handout but a recognition of the importance of this place and its unique heritage that has shaped the character of the state and its people and is fully deserving of both local and state support. The preservation and enhancement of this special place is an initiative of which both the City and State can be proud.

Suzanne Hale, 322 Killarney Street, spoke regarding the economic benefits of the Park. She stated even if her property taxes increase she is happy to pay because she knows the Park will improve the quality of life for everyone in Hendersonville. When we improve the quality of life, it attracts new businesses and improves property values. There are significant benefits. We are facing a nationwide obesity epidemic. Other states have a new program to get children out and improve parks and she thinks Hendersonville should do the same.

Gary Eblen, 1728 Clairmont Drive, spoke to the facilities we already have and how they have expanded. He expressed appreciation to the Sellers who do clean-up on the Greenway. He sees people of all ages and shapes on the Greenway and people riding bikes, moms with strollers, bird watchers, etc. It speaks to all ages and abilities. It gets a lot of use and once connected to Berkeley Mills Park the use will increase. We have to live within our means but we need to find a way to develop the Park.

Hunter Hale, 322 Killarney Street, voiced support of the grant application. He stated they have two grandchildren who live in Japan. The children in Japan get more exercise in a day than most get in a week in this country because it is built into their life and is part of their opportunity. Thousands of people use the parks in Japan. The children were able to play with simple devices which makes a tremendous difference in their development. He offered to share pictures/videos of the Park for the design process.

Babs Newton, 1109 Fifth Avenue W., said our playgrounds are an after-thought for the children. Most parks consists of sports fields and the children do not get a lot of enjoyment out of the equipment. She has grandchildren and takes them to Jackson and Patton Parks. Berkeley Mills Park is exciting, not only for her and her husband, but would love to take her grandchildren to such a beautiful place. She agreed with Dr. Volk as she is a Vitamin D advocate and we need to get children outside. Being able to connect downtown Hendersonville with Berkeley Mills Park is a wonderful investment. She would also like to see the day that she can ride her bike on the Ecusta Trail to Brevard.

Ms. Anderson added that an e-mail was sent to the Mayor and City Council from Katherine Kyle who could not attend the meeting but as a resident supports the efforts to improve Berkeley Mills Park. The Park's plan will preserve a historic area and create a strong infrastructure for the Park and the City. It will encourage physical activity for all ages, be an added attraction for tourists and an asset when trying to attract new industry.

The public input session was closed. Ms. Anderson added that this is a public comment period, not necessarily a public hearing. The traditional methods of advertising were not required.

Mayor Volk asked for a show of hands of those in the audience if they supported the City's moving forward with the PARTF grant application. Approximately 35 people raised their hands.

The public comment time was closed at 6:30 p.m. Mayor Volk thanked everyone for attending the meeting and voicing their opinion on the City's PARTF grant application. **No action was required or taken by the Council.**

**7. Public Hearing - Consideration of Application for the Rezoning of Three Parcels Located on Ninth Avenue West between North Justice Street and North Oak Street, from R-15 Medium Density Residential to R-6 High Density Residential:** Ms. Anderson presented the zoning map amendment application from Peter Contrastano, Carol Dietrich and Ninth Avenue Ventures for parcel numbers 9569-50-0242, 9569-50-1202 and 9569-50-1262 located on 9th Avenue West between North Justice Street and North Oak Street. Parcel number 9569-50-0242 comprises .23 acres, parcel number 9569-50-1202 comprises .23 acres and parcel number 9569-50-1262 comprises .29 acres. The property owners are related and the parcels are adjoining, therefore this request is being processed as one application. The applicants desire to rezone these parcels from City of Hendersonville R-15 Medium Density Residential to R-6 High Density Residential.

In providing a history of the request, Ms. Anderson reported the Planning Board reviewed a request to rezone these properties to MIC Medical Institutional Cultural in March 2014. The Planning Board voted seven in favor and one opposed to recommend that City Council not rezone these properties to MIC Medical Institutional Cultural. The applicants subsequently decided to withdraw their application.

*Comprehensive Plan Consistency:* Ms. Anderson explained NCGS 160A-383 requires zoning amendments must be made in accordance with a comprehensive plan. She reported the 2030 Comprehensive Plan's Future Land Use Map designates these parcels as urban institutional which is intended to create a cohesive, well-defined urban campus for medical and educational institutions, with supportive office, service and residential uses that is integrated with the downtown.

Ms. Anderson reviewed the primary and secondary recommended land uses for the Urban Institutional land use Category.

Ms. Anderson explained these parcels are proposed to be rezoned to R-6 High Density Residential. This zoning district classification is intended for areas in which the principal use of land is to permit high-density residential development. She stated the surrounding land use and zoning classification of parcels to the north, east and west are zoned R-15 Medium Density Residential, parcels to the south are zoned R-6 High Density Residential. The parcel to the east contains a single family residence, parcels to the west contain single family residences, parcels to the north contain a two-unit residence and a single family residence and parcels to the south contain a four-unit residence and a single family residence.

*Analysis:* Ms. Anderson reviewed the dimensional requirements for the R-6 High Density Residential and the R-15 Medium Density Residential zoning districts. She reported the three parcels do not meet the minimum lot area or lot width for the R-15 Medium Density Residential zoning district but do meet the minimum lot area and minimum lot width for the R-6 High Density Residential zoning district. She provided a list of permitted and conditional uses for the R-15 Medium Density Residential and the R-6 High Density Residential zoning districts.

Ms. Anderson reviewed the density allowed in both districts as well as through a minor planned residential development. She explained the parcels do not meet the minimum lot width which would require a variance by the Board of Adjustment if the developed.

*Planning Board Recommendation:* Ms. Anderson reported the Planning Board initially voted three in favor and four opposed to recommend the City Council not adopt an ordinance rezoning the parcels. A second motion was made and the Planning Board voted five in favor and two opposed to recommend City Council adopt an ordinance amending the official zoning map changing the zoning designation of these parcels from R-15 Medium Density Residential to R-6 High Density Residential, finding that the rezoning is consistent with the Comprehensive Plan, the rezoning is reasonable and in the public interest for the reason that this rezoning will allow better use of the space for construction purposes and possibly retain more landscaping due to the setbacks.

There was discussion of the Planning Board's motion/recommendation.

*Zoning Ordinance Guidelines:* Ms. Anderson reviewed the factors contained Section 11-4 of the City's Zoning Ordinance that shall be considered prior to adopting or disapproving an amendment to the City's Official Zoning Map.

There was discussion of the density in the zoning classifications and in a minor planned residential development.

Mr. Peter Contrastano, applicant, provided a presentation stating the lots are non-conforming for R-15 but are conforming to R-6. Each lot is independently owned. He reviewed drawings and stated the unique feature of the lots is the topography and reviewed the contour lines. He stated in order to use the lots and meet R-15 standards, the setbacks would be greater and the wooded area would be impacted more. These lots are abutting lots zoned R-6 to the south and it conforms to the spirit of the 2030 Comprehensive Plan as the area is likely to become a high-density area and potentially commercial. He stated they do not have immediate plans for development.

Mayor Volk opened the public hearing at 6:48 p.m. in accordance with North Carolina General Statutes by notice published in the Hendersonville Lightning. No one expressed a desire to speak in favor of the application to rezone. The following spoke in opposition to the rezoning:

Bob Morrow, 901 Thornton Place, opposed development to higher density residential as a neighbor of Ninth Avenue. It is inconsistent with the current structure with single-family home or duplexes with large lots and is opposed to anything different from that. He presented a petition to the City Council with 10 signatures of those who also oppose the rezoning. He stated the largest opposition is to the character but Ninth Avenue is a narrow, high-pedestrian street that connects the high school and middle school. Students use the street each day. The street is narrow and additional traffic will increase pedestrian danger and vehicle safety danger. He stated not all the environmental concerns have been addressed: water flow on the street presents additional ice problems. A through-street could be constructed from Conner Street. He asked for a show of hands who oppose the rezoning if they did not have an opportunity to sign the petition. Approximately nine people raised their hand.

Gale Works, 834 N. Oak St., expressed concerns about traffic. She stated there is a lot of pedestrian traffic and cars speeding. Just because R-6 zoning is on other side is not a reason to rezone these parcels. There are people that have lived their entire lives there. She expressed concerns that parcels of land are getting razed. She expressed strong opposition to the rezoning because this is a place where people live and is not a commercial area.

Dorothy Means, 831 Oak St., said her parents lived there for years. Part of the parcels is connected to her property and it will affect her property. Also on 6<sup>th</sup> Avenue/Oak Street is the Wingate facility. Traffic is already bad because of the two schools. She has contacted the Police because traffic was coming through her yard. There is no speed limit on the street. Drivers speed on Oak Street and Ninth Avenue. Older neighbors have trouble crossing the street to get their mail. She feels they are being penalized being the oldest and black community. She is completely against the rezoning.

Jackie Brogie, 722 9th Ave. W., stated her property is directly east to the parcels. She is opposed to the rezoning. She has two children and they are pedestrians most of the time. She moved there because it is close to the schools. She runs, works downtown, is a taxpayer and votes. The requested rezoning would not fit the community and there's probably a better answer. With the 2030 Comprehensive Plan, the neighborhood may move toward the urban route but it doesn't change the fact that there is a school on either side of Ninth Avenue and there will always be pedestrians.

Eva Stansberry, 722 9th Ave. W., said she is a junior at Hendersonville High School. She used to walk to the high school and her sister walks to the Middle School. There were several mornings they had to wait on traffic and this may add more traffic to an already dangerous road. She does not like the idea of more construction next to her house. She stated many people walk and some use motorized wheelchairs. She voiced opposition to the rezoning.

Willie Clay, 816 N. Oak St., was born and raised here and spent 25 years in the military. The neighborhood is being squeezed by 6th Avenue. There are three day care centers in the area and two schools. They tried to get the traffic monitored on Oak Street from Ninth Avenue to Sixth Avenue because it sounds like a runway. No one comes out to monitor the traffic when called. He is a senior citizen and it takes time to cross the street to get his mail. The hospital is on one side and Wingate will be on the other side. He asked Council not to approve the rezoning.

Beth Ward, representing Appleland, Inc., 911 and 915 Tebeau Street, which is a child care on the corner adjacent to the property. She cited safety concerns. Their center serves more than 100 children. There are three child care centers serving children under the age of five plus three public schools. Anyone that uses the schools can attest to the traffic. The traffic pattern is right up Ninth Avenue right in front of the entrance to these lots. It is difficult to make turns. Council should look at the traffic statistics for the number of accidents. She asked Council to carefully consider adding more traffic to Ninth Avenue because it probably already exceeds the maximum capacity for what is already in existence.

Libby Colena, 851 Thornton Place, she is a real estate broker and licensed general contractor. The idea of a six-plex on the three parcels is not aesthetically pleasing for what is existing. She opined the three lots could easily be combined into two lots that would conform to the R-15 requirements and he could sell them and recoup his investment. She voiced opposition to the rezoning.

Johnny Washington, owns property at 803 N. Oak Street, sees the number of school children that walk through the alleys and there is a lot of traffic on that street. He urged Council to take a good look at that before they approve something to increase it. Drivers speed on Ninth Avenue and may be taking a shortcut on Oak Street. He urged Council to deny this request.

Dorothy Williams, 1406 Martin Circle, used to live in the area. She works at a day care center there and sees the traffic. She recently had a wreck there where someone ran the stop sign. She stated the traffic is bad enough. Traffic will also move to Highway 64 and they have a hard time with traffic at the church.

No one else expressed a desire to speak. The public hearing was closed at 7:15 p.m.

Council Member Smith reviewed a map of the area of Hendersonville Middle and Elementary Schools and Hendersonville High School area stating he travels Bearcat Loop every day and agreed with the comments about the speed of vehicles. He stated with the proposed change in the traffic pattern, approximately 350 cars per day will be trying to get to the school and every vehicle must exit the same way and then down Ninth Avenue and further commented on the amount of traffic going to both schools. He explained the R-6 development would be in the middle of a very crowded street. He reiterated it is very difficult to turn off of these streets. He explained this artery connects a school with 450 students, a school with more than 600 students and a school with 780 students, plus the three day care centers. He stated anything to increase the density is a mistake in this area.

Council Member Caraker noted it became evident during the public comments that speeding is not enforced. He stated the situation needs to be studied and a recommendation from a traffic consultant. He stated Wingate will also increase traffic, and Pardee Hospital continues to expand. He stated the City needs to do a better job of traffic enforcement and management. Mayor Pro Tem Stephens agreed the largest issue appears to be traffic and speed issues. He stated there are options to slow traffic down. He opined three additional housing units will not affect the traffic. He stated the hospital has purchased one lot for parking and is negotiating purchasing additional property because of the demand on medical resources. He agreed that he would like to see a traffic study and what could be done to slow traffic down instead of restricting the property.

Council Member Caraker also commented the School Board bares some responsibility because of student safety. Mayor Pro Tem Stephens suggested having school crossing guards to help the students and a patrol car on this section of Ninth Avenue with the officer issuing citations. Council Member Smith stated part of the issue is speeding but the other is the volume of cars. He stated parents are not allowed to drop off students except in front of the school. He stated the school has no geographic district and parents have to drop off their students.

Council Member Miller explained he was leaning toward approving the rezoning because of the need for housing where people can walk to and from the schools, hospital, etc. He stated he watched the traffic and it is a mess. He stated it would be difficult to police every issue but citations will help slow traffic for a while. He agreed with Mr. Washington that this is just the beginning. He stated the rezoning will take R-6 to the street. He stated six units won't be an end-all for traffic but other lots could be rezoned R-6 and this is not the time.

Mayor Volk expressed agreement with Council Member Miller stating these lots have a right to be developed and the City cannot stop people from developing their property. She stated she is not ready to change the zoning at this point and would prefer they remain as individual single-family lots because it is consistent with rest of the block. She stated her opinion may change in a few years. She stated the parcels can be developed as they are. Council Member Miller agreed, stating the owner can get three units on the parcels. He stated there is plenty of R-6-zoned properties available. He stated the community may be faced with rezoning in the future. He stated the City cannot condemn the property or tell the owners that they have to leave it wooded. He stated the City is in need of high-density affordable housing where the residents can walk to amenities.

Council Member Smith expressed appreciation for those who spoke and expressed their opinions because it does affect how the City Council makes decisions.

Mayor Pro Tem Stephens also thanked them for making the City aware of the speeding issue. He agreed the area will be developed in the future and there is already a lot of pressure for affordable housing. He suggested the City address the speeding issue.

Council Member Caraker stated the City should address the bigger issue. He stated the neighborhood should prepare for requests for multi-family units. He stated about one-third of those who signed the petition are not in the neighborhood. He stated the City needs to look at traffic flow for the safety of the students.

City Attorney Fritschner discussed the motion. **Council Member Smith moved the Council to deny the application for rezoning parcel numbers 9569-50-0242, 9569-50-1202 and 9569-50-1262 from R-15 Medium Density Residential to R-6 High Density Residential finding the rezoning is not in the public interest because of the increase in density and potential effect on traffic in that area. A unanimous vote of the Council followed. Motion carried.** Mayor Volk expressed appreciation to everyone who spoke.

There was a brief recess.

**8. Consideration of Mutual Aid Agreements:** Fire Chief Dorian Flowers requested the City Council's approval to sign reciprocal mutual and automatic aid agreements with any department willing to assist the Fire Department when the need arises with structure fires, major incidents or multiple incidents at the same time. By signing these agreements, the City Fire Department would in turn respond with the appropriate resources to assist those neighboring departments. He stated there is no money involved. These agreements do not obligate either party to send resources if they do not have the resources to send without jeopardizing their own coverage. He stated this would provide better coverage for major incidents. He explained assisting other departments is already being done but the agreement will make it official. He stated the agreements will also play into ISO ratings as well but it provides for better safety for our staff and the departments surrounding the City.

There was discussion of the pink wrap on the fire truck for breast cancer awareness month. Council Member Miller explained most of the cost of the wrap was donated. Chief Flowers stated they are selling pink t-shirts and the proceeds will go to the Pardee Foundation and Park Ridge Hospital cancer programs. He stated no City tax money is involved and the vehicle wrap will be removed.

Council Member Caraker stated he is leading a breast cancer fundraising drive and would like to have the fire truck participating. Council Member Smith commented the cost of the wrap should possibly be included in the budget in the future if needed. Chief Flowers commented funds are in the budget for community education.

**Council Member Miller moved City Council authorize the City Fire Chief to develop and sign reciprocal mutual and automatic aid agreements with other fire departments to aid in service delivery. A unanimous vote of the Council followed. Motion carried.**

**9. Update on Parking Study:** Mr. John Connet, City Manager, addressed the Council and stated a parking workshop was conducted last year. One of the recommendations that came from the meeting was to move forward with a parking study.

Mr. Connet provided an update on the parking study. Dixon Unlimited is the firm performing the study and they have been in town and have conducted a baseline study. He stated they will return October 17- 22 and will be using special technology for counts and movements. They will be doing physical counts and conducting surveys.

He explained a parking steering committee is being established. They will meet four times to give feedback to the consultants. He stated there will be a focus group made up of downtown business owners and they will be interviewing employees of downtown businesses and downtown residents to hear their concerns.

Mr. Connet explained Dixon Unlimited will be looking at peak demand and current supply. A comparison will be made of cities with a similar size and in our regions to learn how they are providing parking, etc. He stated data will be compiled in October, they will work with the committee in November and expects a preliminary report by early December. A formal presentation will be made at the January meeting. **No action was required or taken by the Council.**

**10. Consideration of Traffic Flow Modifications for Orleans Avenue for School Traffic:** Police Chief Herbert Blake addressed the Council stating on September 17, the patrol captain, the School Resource Officer, the Parking Enforcement Officer and the principals from the middle and elementary schools met to discuss the traffic issues around the intersection of Orleans Avenue, Prince Drive, and Ninth Avenue. He stated the concern is the volume of traffic and drivers not doing what they should do, students not being let out where they should be, and some drivers that do not obey safety rules which causes problems.

Chief Blake reported the request for the following changes:

between 7:20-8:25 a.m. and 2:40-3:25 p.m. on school days:

1. the right-hand lane of the affected area of Orleans Avenue be allowed to only turn right into the elementary school;
2. the left-hand lane of the affected area of Orleans Avenue be allowed only to go straight onto Ninth Avenue toward the middle school;
3. the center turn lane on Prince Drive approaching Orleans and Ninth be allowed to only turn right.
4. the City paint a center line on Orleans Avenue in the affected area and place the appropriate signage in the area advising drivers of the changes.

Mr. Connet explained the changes will reverse traffic in the mornings and afternoons so everyone travels down Orleans during the two periods of the school day. Council Member Smith commented the problems are not totally a result of bad planning but impatient drivers and making very unsafe decisions. Chief Blake stated he is not sure if this will fix the problems but it is worth trying. Council Member Smith commented the largest issue is in the mornings because the schools dismiss at different times.

Discussion followed on the traffic around the schools and higher student enrollment at the schools. Council Member Smith reviewed the changes stating the changes should make the traffic flow faster. There was discussion of moving violations in the area, how long in advance to warn drivers of the change (two weeks) and having police officers on the site initially. Mr. Connet added the School Resource Officer at the Middle School has been involved, is on-site and will provide assistance. Chief Blake commented it is a volume issue. Council Member Smith agreed stating everyone has to use the same route.

**Council Member Caraker moved the Council to approve the traffic flow modifications for Orleans Avenue for school traffic suggested by Police Chief Blake. A unanimous vote of the Council followed. Motion carried.**

**11. Consideration of Seventh Avenue Striping Plan:** City Manager John Connet reported over the last several months members of the Seventh Avenue Advisory Committee and members of the City Council have been working on improvements to the Seventh Avenue area to stimulate growth and economic development.

Mr. Connet stated one of the suggestions from the community workshop was to consider changing the streetscape of Seventh Avenue, in particular, from the railroad tracks to Martin Luther King Boulevard. He stated Dave Hazzard, with Luther Smith and Associates submitted a new striping plan. He stated the street was just resurfaced. He stated they initially considered parking in the middle of the street but it did not work because there was not enough space. He stated the new plan will be using paint to begin "narrowing" the street to slow traffic and to identify crosswalks for a more pedestrian-friendly area. He stated they are looking for opportunities to implement a new model: a "parklet." This will utilize materials that are temporary in nature to create a park-like area or outdoor seating that is moveable and low cost. He stated the design subcommittee will work with the community to infuse colors to delineate lines instead of traditional colors to bring in an artistic aspect. They will invite community groups to participate to build enthusiasm and interest in the area. He stated the initial striping for the traffic plan has been done but asked for Council's endorsement before proceeding. He stated if the plan does is not successful the paint can be removed but more permanent features can be used if it is successful.

Council Member Miller asked Mr. Farrell Beam if they have had any interaction with the business owners in the area. Mr. Beam stated he has talked to a lot of the business owners who expressed this is a great idea. They believe it will bring energy to the area. He stated the bump-outs will tie into downtown but be different. Council Member Caraker commented it has generated a lot of positive communications and many are in agreement.

**Council Member Caraker moved City Council to approve the Seventh Avenue striping plan as presented by Mr. Connet. A unanimous vote of the Council followed. Motion carried.**

Mr. Connet explained the staff will move forward post haste to get in the striping in place. The initial work will be the outlining of the spaces and then color will be applied. There was discussion of restamping the crosswalk and how it will work with the plan.

**12. Discussion of Business Advisory Committee (BAC) Recommendations:** City Manager John Connet reported the BAC has met and challenged staff to streamline the permitting process and make it more efficient.

Mr. Connet reviewed the issues voiced by the BAC: having to make corrections to plans multiple times, they would like a single concierge to help guide applicants through the development process, they would like the ability to provide feedback through surveys or other means at the end of the process and they expressed concerns that the process takes too long.

Mr. Connet reviewed the following solutions:

- Improving communication:
  - Staff is working on developing a process guide/checklist (handout),
  - possibly fill an open position with a permitting technician (position)
  - Evaluate the need for a Planning Board review (at certain thresholds): Staff is recommending a change to the Zoning Ordinance to decrease delays for project reviews. Currently, projects have to go through review of the Planning Board even though they did not have the ability to approve or deny the project. Depending on when the application comes in, the applicant may have to wait an additional 30 days to be put on the Planning Board agenda even though the project may meet all zoning regulations. There may be an opportunity improve the process by creating a technical review committee made up of staff to meet in a timely manner to ensure compliance with ordinances. These meetings could be held more frequently than having applicants waiting to go to the Planning Board. Staff recommends removing the Planning Board stage for those particular projects. He stated it is also important to schedule meetings on-site with the contractor or property owner at the permitting approval stage to ensure a clear understanding of requirements (checklist) so a Certificate of Occupancy may be issued.
  - Preliminary and final site plan review: Staff is recommending an initial meeting with the developer/contractor at the very beginning of the process so they receive feedback for changes once which will help speed up the process.
- Other suggestions: Evaluate stormwater thresholds (meet state requirement/consistent with erosion control): Currently our stormwater permitting requires undergoing a process as it relates to federal permits: for any development greater than an acre or a structure greater than 20,000 square feet. He stated federal law now only requires this if the area is greater than an acre. Staff is recommending removal of the requirement if greater than one acre will be disturbed. This will be consistent with federal, state and Henderson County government.
  - Co-locate those involved in development process
- To improve efficiency:
  - Evaluate permitting thresholds,
  - Evaluate the need for a Neighborhood Compatibility Meeting: few residents attend these meetings and this may be done at the Planning Board meeting.

Mr. Connet asked for Council's feedback on the possible amendments. He stated an Applicant Guide has been developed by staff and it will include an evaluation.

Discussion included whether a finite time frame will be included. Mr. Connet explained a model will be developed for projects that meet the criteria.

Mayor Pro Tem Stephens commented this was received positively. He stated a lot of criticism is because of rules and regulations that have accumulated over the years and haven't been analyzed. He opined this will make a huge difference in the process. He expressed appreciation to Mr. Connet and Mr. Pahle.

Council Member Caraker commented a tiered system may be helpful for large projects so the developer may proceed. Mr. Connet stated staff will continue to meet as a group and will be glad to discuss how permits may be issued without jeopardizing the process. **No action was required or taken.**

**13. Update on Privilege Licenses:** City Manager John Connet explained he reviewed the changes in the law that relates to privilege license as a previous meeting. He stated staff was asked how the gross receipts process works and the amount of revenue generated for Hendersonville.

Mr. Connet stated proprietary data cannot be released but provided hypotheticals based on what typical Hendersonville businesses are paying under the gross receipts method. He explained there are several proposals being considered by the General Assembly. He reviewed examples of the fees a business could pay based on the formula in the fee schedule. The City has 986 active privilege license accounts, 815 pay \$100 or less annually, 102 businesses pay between \$100-\$500 and 69 businesses pay greater than \$500. He explained the big box retailers generate a lot of traffic and calls for service related to police and fire which is one of the justifications to go to the

gross receipts methods because they should pay more than the smaller businesses. **No action was required or taken by the Council.**

#### **14. Comments from Mayor and City Council Members:**

**Downtown Advisory Committee:** Council Member Smith tendered a resignation from the committee because he cannot attend the meetings on a regular basis. There was no objection to his resignation expressed by the Council. **Mayor Pro Tem Stephens volunteered to accept the position. The vote of the Council to appoint Mayor Pro Tem Stephens to the Downtown Advisory Committee was unanimous.**

**15. Reports from Staff:** There was none.

#### **16. Consideration of Appointments to Boards and Commissions**

##### **a. Consideration of Appointments:**

**i. HSAD Board of Directors:** Mr. Connet reported in order to complete the transition of the Historic Seventh Avenue District, Inc. (HSAD) Board of Directors into the Seventh Avenue Advisory Board, the HSAD membership amended their Bylaws to empower the City Council to appoint the executive board of the 501(c)(3). He explained the HSAD membership approved the changes to the Bylaws on September 22, 2014 and the provisions in the new Bylaws states that the City Council will appoint HSAD Board of Directors. He recommended the City Council appoint the Seventh Avenue Advisory Committee to serve as the Board of Directors for the Historic Seventh Avenue District. In accordance with the new Bylaws, we have received resignations from the former HSAD Board of Directors.

**Council Member Caraker moved the City Council to appoint the members of the Seventh Avenue Advisory Committee as the Board of Directors for Historic Seventh Avenue District, Inc. A unanimous vote of the Council followed. Motion carried.**

**ii. Historic Preservation Commission:** City Clerk Tammie Drake reported three members on the Historic Preservation Commission will expire in November: Ralph Bastedo, Jo Tyler and Phillip Allen. All three would like to be considered for reappointment. **Council Member Caraker nominated Ralph Bastedo, Jo Tyler and Phillip Allen for reappointment to the Historic Preservation Commission. A unanimous vote of the Council followed. Motion carried.**

**b. Announcement of Vacancies and Upcoming Appointments:** Mrs. Drake reminded the Council of vacancies on the Board of Adjustment, the Environmental Sustainability Board and the Tree Board.

**17. New Business:** There was none.

**18. Closed Session for Discussion Relating to the Location or Expansion of Industries or Other Businesses under N.C.G.S. 143-318.11(a)(4):** At 8:41 p.m., Council Member Caraker moved the Council to go into closed session to discuss matters relating to the location or expansion of industries or other businesses in the area served by this body under G.S. 143-318.11(a)(4). A unanimous vote of the Council followed. Motion carried.

The Council discussed the location or expansion of a business or industry in the City.

At 9:00 p.m., Council Member Caraker moved Council to exit the closed session. A unanimous vote of the Council followed. Motion carried. No action was taken by the Council.

**15. Adjournment:** The meeting adjourned at 9:00 p.m. upon unanimous assent of the Council.

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Barbara G. Volk, Mayor

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Tammie K. Drake, City Clerk