

September 10, 2015
Special Meeting of the City Council
Council Chambers – City Hall
12:30 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, Assistant to the City Manager Brian Pahle

Purpose: The purpose of the special meeting is to consider a resolution regarding the Foothills 230 KV transmission line project through Hendersonville proposed by Duke Energy.

The City Council met in a special-called meeting for the previously mentioned purpose. Mayor Volk called the meeting to order at 12:32 p.m.

Mayor Volk explained the City sent a letter to Duke Energy regarding this issue. The proposed resolution is a follow up with more detail and the Council's formal position.

Council Member Miller stated the resolution is similar to the resolution adopted by Henderson County. He stated Council members worked with Henderson County in shaping their resolution. He stated this is a follow up to the City's initial letter with requests to the Utilities Commission and Duke Energy. He stated the resolution will reinforce the letter with more detail and clarity to Duke Energy if, in fact, it is approved by the Utilities Commission. He stated the threshold question is the most important: is this transmission line needed? He stated a study began some time ago. The plant is scheduled to be enlarged and capacity increased.

Council Member Smith proposed sending the resolution directly to the Utilities Commission who has the most control over the matter. He added Duke Energy should, in good faith and good energy, make statements as to their intent to follow the City's request as there may not be any requirement for Duke Energy to do so. Council Member Miller commented Duke Energy has not announced their route but the resolution is directed at both the Utilities Commission and Duke Energy. He stated the resolution requests a public hearing and time for further public discussion.

Council Member Smith asked if any body, person or collective group, has standing if they want to be present at the Utilities Commission to make a statement or to appeal the decision. City Attorney Fritschner stated NCGS provides the right to any citizen or resident of Henderson County to attend the hearing. Council Member Miller explained other parties can argue against the route if the utility meets its burden of proof. Any party that proposes an alternative route of the transmission route then has the burden of establishing that a proposed or alternative route meets the factors. There was discussion on whether any qualified Henderson County resident may be considered a party.

Council Member Miller commented the resolution is in front of everything because an announcement of the route has not been made and that has to be decided first. During the decision making process, there will be public hearings and citizens may participate. He stated if Duke Energy gets approval, anyone opposing it will have to appear before the Utilities Commission. He stated the City is following suit with Henderson County. He stated the emphasis is that Duke Energy must prove to the Utilities Commission that it is needed.

Mayor Pro Tem Stephens questioned why the Council is here today because the letter expressed the Council's desires. He received e-mails that a joint resolution was being developed but he did not hear that this was not a joint meeting. He stated he will vote for the resolution because it says what the letter said but thinks it puts the City in a weak position.

Council Member Caraker moved Council to adopt the following resolution:

Resolution #15-0958

**RESOLUTION REGARDING THE PROPOSED
DUKE ENERGY FOOTHILLS 230 KV TRANSMISSION LINE PROJECT**

Whereas, the residents of Hendersonville have been informed by Duke Energy that Duke intends to construct a new 230 KV transmission line from Campobello, SC to Arden, NC. This proposed line will pass through Hendersonville or its Extraterritorial Jurisdiction for a distance of approximately 5 miles, and

Whereas, the construction of this transmission line will have negative impacts on Hendersonville property owners and the Hendersonville economy, and

Whereas, Duke Energy is considering numerous alternative routes for this proposed transmission line. Several of these alternative routes have a direct impact on the value of properties in Hendersonville. These property owners never purchased their property with the knowledge that a high voltage power line would be constructed in their immediate vicinity, and

Whereas, the North Carolina Utilities Commission have recently held an open project information meeting for the public to hear further details on the project and to express their feelings on the proposed project, and

Whereas, residents of Hendersonville are encouraged to continue sharing their feelings with the North Carolina Utilities Commission as the commission determines the necessity for Duke's proposal, and

Whereas, the North Carolina Utilities Commission is authorized under North Carolina General Statutes to render the final approval of the construction of the proposed transmission line project, and

Whereas, the City Council for the City of Hendersonville express herewith their opinion of the proposed project.

NOW THEREFORE BE IT RESOLVED, that the City Council request the following:

- Of the North Carolina Utility Commission Public Staff:

1. That an independent consultant with expertise in electric utility system master planning be engaged to render an independent opinion as to the need for the proposed transmission line project;
2. That the North Carolina Utilities Commission hold the mandatory Public Hearing on this matter in Henderson County;

- Of Duke Energy (if the transmission line is deemed appropriate by the North Carolina Utilities Commission):

1. That the proposed transmission line be located within either existing power transmission line easements or immediately adjacent and parallel to these same existing easements; even if the cost is greater to do so.
2. That the proposed transmission line structures be constructed of fabricated steel monopoles with a natural color which blends with the adjacent natural colors.
3. That every effort be made to install the transmission line underground in those sections which will directly impact the long range view shed of existing residential subdivisions; even if the cost is greater to do so.
4. That the project be constructed of the most current technology materials related to the conductor wires which could have an impact on the height of the proposed tower structures.
5. That additional support poles be installed to permit lower pole heights especially in sections which could have an impact on existing residential subdivisions.
6. That Duke Energy permit the construction of public greenway trails within these transmission line easements and help fund the development of such trails whenever possible.

In witness whereof, I have hereunto set my hand and caused the seal of the City of Hendersonville to be affixed.

Adopted this tenth day of September 2015.

/s/Barbara G. Volk, Mayor

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

A unanimous vote of the Council followed. Motion carried.

Adjournment: Being no further business, the meeting adjourned at 12:45 p.m. upon unanimous assent of the Council.

Barbara G. Volk, Mayor

Tammie K. Drake, City Clerk