



MINUTES

January 7, 2021

REGULAR MEETING OF THE CITY COUNCIL

CITY COUNCIL CHAMBERS - 2ND FLOOR, CITY HALL | 160 SIXTH AVE. E. 5:45 p.m.

Present: Mayor Barbara G. Volk, and Council Members: Jeff Miller and Lyndsey Simpson

Remote Participants: Mayor Pro Tem Jerry Smith and
Dr. Jennifer Hensley joined after the policy was amended at 6:23 p.m.

Staff Present: City Manager John F. Connet, City Attorney Angela Becker, Assistant City Manager Brian Pahle, City Clerk Angela Reece, Communications Manager Allison Justus, Interim Police Chief Bill Hollingsed

Remote Staff Participants: Community Development Director Lew Holloway, Planner Tyler Morrow,
Utilities Director Lee Smith; and Utilities Engineer, Adam Steurer

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 members in attendance. Mayor Pro Tem Jerry Smith and Council Member Dr. Jennifer Hensley participated in the meeting remotely via Zoom electronic software.

2. INVOCATION & PLEDGE OF ALLEGIANCE TO THE FLAG

The City Council observed a moment of silence for prayer or reflection followed by the Pledge of Allegiance to the Flag.

3. PUBLIC COMMENT *Up to 15 minutes is reserved for comments from the public not listed on the agenda.*

Crystal Cauley of 527 Fifth Ave. W. addressed City Council expressing thanks and appreciation of the City Council for taking the initiative to address concerns with the African American community in Hendersonville. Ms. Cauley inquired regarding signage for the Green Meadows Community and additionally expressed support of the Hands On! Museum project.

Raphael Morales of 118 S. Grove St. addressed City Council expressing concerns over the violence in the nation's capital yesterday. Mr. Morales asked City Council members to renounce their support for President Donald J. Trump.

Bill Pollak of 202 Saddle Club Lane addressed City Council stating he supports diversity and inclusion and asked consideration for persons to be judged for their character and not the color of their skin.

Sara Cosgrove of 203 Davis Mtn. Rd. addressed City Council expressing support of the Hands On! Museum project.

Indián Jackson of 11 Mountain Rd. addressed City Council expressing support of the Hands On! Museum project and asking for consideration of the purchase of the property adjacent to the new police department stating she believes it would be best served as transitional housing.

Ken Fitch of 1046 Patton St. addressed City Council remotely by Zoom, expressing thanks and appreciation for the late Tom Orr, a longtime theater and English teacher and founder of both the Henderson County Education Hall of Fame and the Henderson County Walk of Fame.

Lynn Williams of Chadwick Ave. addressed City Council remotely by Zoom, expressing the urgency of needing to reduce the speed limit on Chadwick Ave. before the Chick-fil-A opens down the street. Ms. Williams asked for consideration of having signage placed to prohibit vehicles with more than six axles on this portion of roadway as well. Ms. Williams requested consideration and support of a tree ordinance as well.

Kelly Spinks of 810 Dana Rd. addressed City Council remotely by Zoom, expressing support of the Hands On! Museum project and moving the Walk of Fame to Main Street.

Kaye Youngblood of 53 Lands End Dr. addressed City Council remotely by Zoom, expressing support of the Hands On! Museum project and moving the Walk of Fame into the proposed Peoples Museum.

Ms. Youngblood stated approval of this project would honor those in our community who have made lasting contributions to the community.

Barbie Brittan of 1725 Bluebird Drive addressed City Council remotely by Zoom, expressing support of the Hands On! Museum project and moving the Walk of Fame into the proposed Peoples Museum.

Hannah Duncan of 1754 Brevard. Rd addressed City Council remotely by Zoom, expressing support of the Hands On! Museum project stating the project would be an asset to downtown and would embrace diversity in a powerful and positive way.

Caroline Gunther of 128 Poplar Loop addressed City Council remotely by Zoom, stating she supports the Hands On! Project but has concerns and stated she feels more information and considerations are needed before final approval is granted.

4. CONSIDERATION OF AGENDA

Mayor Barbara G. Volk stated in April of 2014, City Council adopted the Resolution to Amend the City's Policy Respecting Electronic Attendance at City Council Meetings, which established a policy to govern electronic meetings held by City Council. Mayor Volk recalled the policy being amended in April of 2020 to incorporate provisions related to electronic meetings when a state of emergency has been declared. Mayor Volk stated the policy, as adopted, and amended requires that 48-hour advanced notice be given to the Mayor and the City Manager if a Council member wishes to participate remotely in a meeting that is otherwise being held in person. Mayor Volk stated in a state of emergency, 48 hours' notice may not always be possible, so Council is asked to consider amending the policy to remove this requirement. Mayor Volk stated Council Member Hensley requests that the 48-hour notice requirement be waived for this meeting to allow her to participate remotely.

Council Member Jeff Miller moved that City Council waive the 48 hour advanced notice for remote participation in electronic meetings for Council members required by the City's Policy Respecting Electronic Attendance At City Council Meetings for the January 7, 2021 regular City Council meeting, and to adopt the Resolution to Amend the City's Policy Respecting Electronic Attendance At City Council Meetings to remove the 48 hour notice requirement. A unanimous vote of the Council Members present and participating followed. Motion carried.

Council Member Dr. Jennifer Hensley joined the meeting at 6:23 p.m.

Resolution #R-21-01

A RESOLUTION AMENDING THE CITY'S POLICY RESPECTING ELECTRONIC ATTENDANCE AT CITY COUNCIL MEETINGS

WHEREAS, the City Council determines that the greatest reasonable participation by Council Members at Council meetings is desirable, and

WHEREAS the Council wishes to balance ease of Board member access to and participation in orderly proceedings, especially where there are occurrences that pose impediments to physical attendance; and

WHEREAS the Council wishes to follow North Carolina General Statutes Chapter 143 Article 33C as amended from time to time and any applicable City ordinances as amended from time to time; and

WHEREAS the Council wishes to encourage City Council members to physically attend meetings whenever practicable; and

WHEREAS the Council recognizes that in states of emergency, 48 hours advance notice of remote participation by a Council member may not be practical and Council wishes to remove this requirement; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hendersonville, North Carolina that the City Council does resolve as follows:

1. The City Does hereby amend as follows its policy for attendance of City Council meetings electronically:

1. Subject to the provisions of paragraph (14) below, electronic attendance at a City Council meeting shall not constitute any part of a quorum for any portion of such meeting.

2. Subject to the provisions of paragraph (14) below, either the Mayor or Mayor Pro Tem must be

physically present at the place of the meeting.

~~3. A City Council member wishing to attend a meeting via electronic means shall notify the Mayor and the City Manager no later than 48 hours before the scheduled start of the City Council meeting.~~
Removed

4. A City Council member participating in a meeting electronically may do so by any method of communication that allows for simultaneous communication and is capable of being heard specifically by all other Council members attending the meeting (whether in person or electronically) and generally by the public attending the meeting, if any, and recorded by the Clerk.

5. A City Council member participating in a meeting electronically pursuant to this Policy is not required to do so in a setting that is open to the public.

6. The City Manager, is delegated to supervise and coordinate electronic participation by City Council members pursuant to this Policy.

7. A City Council member participating via electronic means pursuant to this Policy is considered present at the City Council meeting and may vote at the City Council meeting on any matter except as otherwise provided herein.

8. A City Council member participating via electronic means may cast the deciding vote on any matter properly before the City Council except as otherwise provided herein.

9. Where at least one City Council member is participating via electronic means pursuant to this Policy, all votes of the City Council will be taken by roll call.

10. This Policy does not create a right for the public to observe and record any closed session of the City Council conducted pursuant to law.

11. Participation in the hearing, deliberation and decision of any quasi-judicial matter is not permitted under this policy. If a single agenda item contains both quasi-judicial and non-quasi-judicial components, participation in the hearing, deliberation and decision of any part of such agenda item is not permitted by this policy.

12. Participation in a closed session is discouraged but permitted by this policy. No vote by a person attending a closed session electronically is permitted in that closed session unless the measure being voted upon is passed regardless of the votes of any persons attending electronically. A person attending the closed session electronically may participate in a vote taken out of closed session without this restriction.

13. In order to be permitted to participate in a vote electronically the voter shall have attended (whether electronically or in person or both) the entire hearing and deliberation of the matter voted on.

14.

(a) In the event of a duly authorized governmental declaration of emergency of a jurisdiction including the City of Hendersonville, the requirements of paragraphs (1) and (2) above shall not apply. In such case the person presiding shall note at the meeting the particulars (issuer, date and general description) of the declaration(s) relied upon, and shall state why such declaration(s) applies to current conditions in the City of Hendersonville, but failure to do these things shall not affect the application of paragraphs (1) and (2).

(b) In the event that, for any reason, no physical location is established for any Council meeting, the city manager shall establish one or more locations where the public may electronically view, attend, and participate in such meeting, to the greatest extent practicable approximating viewing, attendance, and participation in a physical meeting. Notice of such location(s) and how one may attend shall be sent as part of any notice required by NCGS § 143-318.12 as amended from time to time.

II. This amendment shall take effect upon adoption of this resolution.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 7th day of January 2021.

/s/Barbara G. Volk, Mayor

Attest: /s/Angela L. Reece, City Clerk

Approved as to form: /s/Angela S. Becker, City Attorney

Council Member Jeff Miller moved to amend and approve the agenda removing Items 5Q, 10B, 10E, and adding New Item 5Q, Resolution to approve First Amended and Restated Utility Extension Agreement with Clear Creek Investment Group, LLC and adding a Closed Session as permitted in NC General Statute § 143-318.11(a)(1)(3)(5)and(6). A unanimous vote of the Council followed. Motion carried.

Council Member Jerry Smith requested to move Item 5B, to New Business as new item 9G for discussion.

5. CONSENT AGENDA

A. Adoption of City Council Minutes

- i. November 18, 2020, Special Call
- ii. December 3, 2020, Regular Session

I move that City Council adopt the minutes of November 18, 2020 (Special Call) and December 3, 2020 (Regular Session) as presented.

B. Moved to 9G Annual City Council Meeting Schedule Ratification

C. Tax Releases, Discoveries and Refunds - Presenter: Jennifer Musselwhite, Revenue Supervisor
I move that City Council approve the releases and refunds as presented by Henderson County Tax Office.

D. Budget Amendments - Presenter: Adam Murr, Budget Analyst
I move that City Council approve the budget amendment(s) recommended by staff.

E. City of Hendersonville COVID-19 Relief Policy - Presenter: Jennifer Harrell, HR Director
I move that City Council approve the COVID-19 Relief Policy as presented.

F. City of Hendersonville COVID-19 Test Policy Revision - Presenter: Jennifer Harrell, HR Director
I move that City Council approve the COVID-19 Test Policy as presented.

G. Resolution Extending City Manager Street Closure Authority COVID-19 –Presenter: Jamie Carpenter, Downtown Manager
I move that City Council resolve to approve the resolution respecting enforcement of certain City ordinances during the current state of emergency.

Resolution #R-21-02

RESOLUTION EXTENDING THE EFFECTIVE DATE OF THAT RESOLUTION RESPECTING ENFORCEMENT OF CERTAIN CITY ORDINANCES DURING THE CURRENT EMERGENCY

WHEREAS, on or about May 18, 2020, the City Council adopted a Resolution Respecting the Enforcement of Certain City Ordinances During the Current Emergency; and

WHEREAS, City Council wishes extend the effective date of such Resolution; and

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Hendersonville, North Carolina that the City of Hendersonville resolves that the expiration date of that Resolution Respecting the Enforcement of Certain City Ordinances During the Current Emergency is extended for an additional six (6) months, retroactive to the date of its expiration. All actions taken by the City Manager and City staff in reliance upon said May 18, 2020 Resolution, including during any period of expiration, are hereby ratified.

Adopted by the City Council of the City of Hendersonville, North Carolina this 7th day of January 2021.

/s/Barbara G. Volk, Mayor
Attest: /s/Angela L. Reece, City Clerk
Approved as to form: /s/Angela S. Becker, City Attorney

H. Grant Project Ordinance for Golden LEAF Water & Sewer Project - Presenter: Adam Murr, Budget Analyst
I move that City Council adopt the Grant Project Ordinance for the Golden Leaf Water and Sewer Project as presented.

Grant Project Ordinance #O-21-01

**GRANT PROJECT ORDINANCE FOR
THE ACQUISITION, CONSTRUCTION, AND INSTALLATION
OF THE GOLDEN LEAF WATER AND SEWER PROJECT**

BE IT ORDAINED by the Governing Board of the City of Hendersonville, North Carolina that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby adopted:

Section 1: The project authorized is a City infrastructure project described as the Golden Leaf Water and Sewer project.

Section 2: The following amounts are appropriated for the project:

Account Codes				Account Name	Total Budget
Fund	Dept.	Acct.	Proj.		
460	1014	550103	G2022	Capital Outlay - CIP	\$ 800,000
Total Project Appropriation					\$ 800,000

Section 3: The following revenues are anticipated to be available via grant revenue and existing reserves for project expenses:

Account Codes				Account Name	Total Budget
Fund	Dept.	Acct.	Proj.		
460	0000	420050	G2022	Grant Revenue - Golden Leaf	\$ 560,000
460	0000	470100	G2022	Transfer In (from Fund 459)	\$ 240,000
Total Project Revenue					\$ 800,000

Section 4: The Finance Director is hereby directed to maintain within the capital project fund sufficient specific detailed accounting records to satisfy the disclosure requirements of all the contractual agreements, if applicable.

Section 5: Funds may be advanced from the Water and Sewer Fund as necessary for the purpose of making payments as due. Reimbursement requests shall be made in an orderly and timely manner.

Section 6: The Finance Director is directed to report, on a quarterly basis, on the financial status of each project element in Section 3 and Section 4.

Section 7: The Finance Director is further instructed to include a detailed analysis of past and future revenues and expenses during each annual budget submission made to the Governing Board.

Section 8: Copies of this capital project shall be furnished to the City Clerk, Finance Director and City Manager for direction in carrying out this project.

Adopted by the City Council of the City of Hendersonville, North Carolina this 7th day of January 2021.

/s/Barbara G. Volk, Mayor

Attest: /s/Angela L. Reece, City Clerk

Approved as to form: /s/Angela S. Becker, City Attorney

I. NCDOT Highland Lake Sidewalk Agreement - Presenter: Brent Detwiler, Utilities Engineer

I resolve to approve the NCDOT Sidewalk Agreement for U-5887 Highland Lake Road; and to authorize the City Manager to execute the finalized agreement for said work; as presented and recommended by staff.

J. FBR Intake Project Engineering Agreement Amendment #5 - Presenter: Brent Detwiler, Utilities Engineer

I resolve to approve Amendment 5 to the Black & Veatch engineering agreement for the French Broad River Intake Project and to authorize the City Manager to execute the Amendment for said work; as presented and recommended by staff.

K. Garrison Lane Site Improvements (Golden Leaf) - Presenter: Brent Detwiler, Utilities Engineer

I resolve to approve the Golden LEAF Foundation NCDOT Garrison Lane Site Improvements: Project Wheel (R6) Water Extension Grant and to authorize the City Manager to execute the finalized agreement for said work; as presented and recommended by staff.

L. Designation of Voting Delegate-NCLM - Presenter: John F. Connet, City Manager

I move that City Council appoint Mayor Barbara G. Volk to serve as the City of Hendersonville single Voting Delegate for 2021-2022 Biennium Legislative Policies through the North Carolina League of Municipalities.

M. Resolution Adopting Rules Implementing Mediated Settlement Conferences in City of Hendersonville Construction Projects - Presenter: Angela S. Becker, City Attorney

I move that City Council approve the Resolution adopting rules implementing Mediated Settlement Conferences in the City of Hendersonville construction projects as presented.

Resolution #R-21-03**RESOLUTION ADOPTING THE RULES IMPLEMENTING MEDIATED SETTLEMENT
CONFERENCES IN THE
CITY OF HENDERSONVILLE CONSTRUCTION PROJECTS**

WHEREAS, N.C. Gen. Stat. § 143-128(f1) requires that for any building construction project in the formal bidding range the City have in place a dispute resolution procedure involving mediation for disputes of at least \$15,000.00; and

WHEREAS, City Council wishes to adopt such a policy; and

WHEREAS, a proposed policy entitled "RULES IMPLEMENTING MEDIATED SETTLEMENT CONFERENCES IN CITY OF HENDERSONVILLE CONSTRUCTION PROJECTS" has been presented to the City Council for consideration; and

WHEREAS, as written, the proposed policy, applies to any City contract which, by its terms, makes it applicable;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Hendersonville, North Carolina that resolves that the policy entitled "RULES IMPLEMENTING MEDIATED SETTLEMENT CONFERENCES IN CITY OF HENDERSONVILLE CONSTRUCTION PROJECTS" is adopted as presented.

Adopted by the City Council of the City of Hendersonville, North Carolina this 7th day of January 2021.

/s/Barbara G. Volk, Mayor

Attest: /s/Angela L. Reece, City Clerk

Approved as to form: /s/Angela S. Becker, City Attorney

N. Resolution in Support of the NC DOT Commercial Boulevard Extension - Presenter:

John F. Connet, City Manager

*I move that City Council approve the Resolution in support of the North Carolina
Department of Transportation funding the construction of Commercial
Boulevard extension.*

Resolution #R-21-04**RESOLUTION IN SUPPORT OF THE NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION COMMERCIAL BOULEVARD EXTENSION**

WHEREAS, the North Carolina Department of Transportation (NCDOT) has a history of supporting the creation of quality jobs and economic development through the design and construction of public industrial access transportation infrastructure; and

WHEREAS, the development of the Garrison Industrial Park, including the design and construction of the industrial access drive, is a function of the development plan produced in collaboration with Jabil and the Henderson County Partnership for Economic Development; and

WHEREAS, the planned occupants of the Garrison Industrial Park, Jabil, will invest \$38,000,000 in new real and business personal property and create at least 150 new jobs at wages, that meet or exceed the County's average annual wage. In addition, Garrison Industrial Park would still have 2-3 available parcels for Economic Development; and

WHEREAS, the Council appreciates the work NCDOT has done to provide the best possible transportation needs for the citizens of the City of Hendersonville and Henderson County; and

NOW THEREFORE, BE IT RESOLVED that we, the City Council of the City of Hendersonville, North Carolina do hereby support NCDOT's efforts to fund the design and construction of the industrial access drive to serve the Garrison Industrial Park development.

Adopted by the City Council of the City of Hendersonville, North Carolina this 7th day of January 2021.

/s/Barbara G. Volk, Mayor

Attest: /s/Angela L. Reece, City Clerk

Approved as to form: /s/Angela S. Becker, City Attorney

O. Resolution Exempting Garrison Site Water & Sewer Engineering NC G.S. 143-64.31-

Presenter: Brent Detwiler, Utilities Engineer

I move that City Council authorize the Mayor to execute the Resolution Exempting Garrison Site Water & Sewer Engineering from the provisions of NC G.S. 143-64.31, and authorize the City Manager to execute a contract with WGLA Engineering for the total not to exceed amount of \$47,000.00 as presented.

Resolution #R-21-05**RESOLUTION EXEMPTING GARRISON SITE WATER & SEWER ENGINEERING FROM G.S. 143-64.31 AND AUTHORIZING THE EXECUTION OF A CONTRACT WITH WGLA ENGINEERING, PLLC**

WHEREAS, G.S. 143-64.31 requires the initial solicitation and evaluation of firms to perform architectural, engineering, surveying, construction management-at-risk services, and design-build services (collectively “design services”) to be based on qualifications and without regard to fee;

WHEREAS, the City proposes to enter into one or more contracts for engineering services for work on the Garrison Site Water and Sewer Improvements Project with WGLA Engineering, PLLC, for the total not to exceed amount of \$47,000.00; and

WHEREAS, G.S. 143-64.32 authorizes units of local government to exempt contracts for design services from the qualifications-based selection requirements of G.S. 143-64.31 if the estimated fee is less than \$50,000; and

WHEREAS, the estimated fee for design services for the above-described project is less than \$50,000.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HENDERSONVILLE RESOLVES:

Section 1. The above-described project is hereby made exempt from the provisions of G.S. 143-64.31.

Section 2. The City Manager is authorized to execute a contract with WGLA Engineering, PLLC, for a total not to exceed amount of \$47,000.00 as presented.

Section 2. This resolution shall be effective upon adoption.

Adopted by the City Council of the City of Hendersonville, North Carolina this 7th day of January 2021.

/s/Barbara G. Volk, Mayor

Attest: /s/Angela L. Reece, City Clerk

Approved as to form: /s/Angela S. Becker, City Attorney

P. Resolution of Acceptance of Final Offer to Purchase -Hoard-Plat Slide 4094, PIN # 9589271459 - Presenter: Angela S. Becker, City Attorney

I move that City Council adopt the Resolution accepting Final Offer to Purchase-Hoard -Plat Slide 4094, PIN# 9589271459 as presented.

Resolution #R-21-06**RESOLUTION OF FINAL ACCEPTANCE OF NEGOTIATED OFFER**

WHEREAS, the City of Hendersonville owns certain property described as follows:

+/-0.14 acre tract as shown on that plat recorded in the Henderson County, Register of Deeds Office in Plat Slide 4094, said plat being incorporated herein by reference, the lot having a tax parcel ID of 9589271459, and the property having been acquired by the City in Deed Book 1094 at page 228 of the Henderson County Register of Deeds Office (“Property”); and

WHEREAS, North Carolina General Statute Section 160A-269 permits the City to sell property by upset bid after receiving and offer to purchase; and

WHEREAS, the City has received a NEGOTIATED OFFER RECEIVED PURSUANT TO N.C.G.S. § 160A-269 (“Offer”), a copy of which is attached hereto and incorporated herein by reference; and

WHEREAS, pursuant to the Offer, Joshua Hoard (“Buyer”), is offering to purchase the property described above for the sum of One thousand five hundred dollars and no/100 (\$1,500.00), subject to the terms and conditions contained within the Offer; and

WHEREAS, on November 5, 2020, the City Council issued a proposed acceptance of the Offer and authorized the Offer to be advertised for upset bids pursuant to N.C.G.S. § 160A-269; and

WHEREAS, the Offer was advertised in the Hendersonville Times-News on November 12, 2020 and no upset bids were received; and

WHEREAS, subject to the terms below, the City Council wishes to issue a final acceptance of the Offer;

THEREFORE, the City Council of the City of Hendersonville resolves that:

The Council issues a final acceptance of the Offer pursuant to the procedures of 160A-269, and authorizes the sale to Joshua Hoard, or an authorized assignee as allowed by Offer. The City Manager, City Clerk, and the City Attorney are authorized to take all actions on behalf of the City which are consistent with the terms of the Offer, including but not limited to the signature of all necessary documentation, to effectuate the closing on the sale of the Property.

Adopted by the City Council of the City of Hendersonville, North Carolina this 7th day of January 2021.

/s/Barbara G. Volk, Mayor

Attest: /s/Angela L. Reece, City Clerk

Approved as to form: /s/Angela S. Becker, City Attorney

Q. ~~REMOVED -Utility Billing Policy Update—Leak Adjustments—Presenter: Jennifer Musselwhite, Revenue Supervisor~~

Q. NEW Resolution to Approve First Amended and Restated Utility Extension Agreement with Clear Creek Investment Group, LLC. - Presenter: Angela S. Becker, City Attorney

Resolution #R-21-07

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL
TO APPROVE FIRST AMENDED AND RESTATED UTILITY EXTENSION AGREEMENT
WITH CLEAR CREEK INVESTMENT GROUP, LLC**

WHEREAS, the City Council has previously approved a Utility Extension Agreement, dated June 4, 2020, with Clear Creek Investment Group, LLC, “Clear Creek” providing for the City’s acceptance of water and sewer system extensions, some of which will be upsized at the City’s request with the City’s paying the difference in cost associated with the upsizing, and also providing for the contribution by Clear Creek of \$300,000 toward the cost of the City’s construction of the Clear Creek Sewer Interceptor Project in exchange for the City’s agreement to accelerate the construction of the Clear Creek Sewer Interceptor on the City’s CIP to allow for connection of the Clear Creek Development into the City’s sewer system without the use of force mains; and

WHEREAS, Clear Creek has requested that the Utility Extension Agreement, dated June 4, 2020, with Clear Creek be amended to allow the implementation of a temporary solution should the City’s construction of the Clear Creek Sewer Interceptor Project not be completed in time for connection by the Clear Creek Development; and

WHEREAS, a First Amended and Restated Utility Extension Agreement has been presented for consideration by City Council, “First Amended Utility Extension Agreement”; and

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Hendersonville, North Carolina that:

1. The First Amended and Restated Utility Extension Agreement is approved. The City Manager is authorized to sign the First Amended and Restated Utility Extension Agreement with such changes as he deems appropriate, after consultation with the City Attorney.
2. The City Manager, City Attorney, City Clerk, and City staff are authorized to take such actions as are necessary to carry out the City’s obligations under the terms of the Agreement as signed by the City Manager.

Adopted by the City Council of the City of Hendersonville, North Carolina this 7th day of January 2021.

/s/Barbara G. Volk, Mayor

Attest: /s/Angela L. Reece, City Clerk

Approved as to form: /s/Angela S. Becker, City Attorney

Council Member Jeff Miller moved to approve the items on the consent agenda as amended, moving Item 5B to New Business as new item 9G for discussion. A unanimous vote of the Council followed. Motion carried.

6. **PRESENTATIONS-** There were no presentations in this section.

7. **PUBLIC HEARINGS**

City Council Member Jeff Miller moved that City Council reschedule the following public hearings to the next regularly scheduled meeting on Thursday February 4, 2021 at 5:45 p.m. in the 2nd Floor Council Chambers of City Hall located at 160 Sixth Ave. E. or as soon after there as possible to consider the following two matters:

- A. *Conditional Zoning District – The Cedars- Application for a conditional rezoning from the Tamara Peacock Company and Tom Shipman. The applicant is requesting to rezone the subject properties, PIN 9568-79-0293, 9568-79-2254, 9568-79-3224 and 9568-79-0388 and located at 227 7th Avenue West, from CMU, Central Mixed Use to CMU CZD, Central Mixed Use Conditional Zoning District for the construction of 132 condo/hotel suites, conference center and 2 restaurants. P20-09-CZD*
- B. *Conditional Zoning District – Carleton Collins Architecture, PLLC - Application for a conditional rezoning from Carleton Collins Architecture, PLLC. The applicant is requesting to rezone the subject property, PIN 9569-60-1341 and 9569-60-1454 and located at 903 & 919 Fleming Street, from MIC, Medical, Institutional and Cultural District to MIC CZD, Medical, Institutional and Cultural Conditional Zoning District for the construction of a three-story, 13,536 sq. ft. medical office building. P20-41-CZD*

A unanimous vote of the Council followed. Motion carried.

8. **UNFINISHED BUSINESS-** There was no unfinished business.

9. **NEW BUSINESS**

- A. **Hands On Children’s Museum Partnership Proposal - Presenter: Joseph Knight, Executive Director**

Joseph C. Knight, Executive Director of Hands On! Children’s Museum presented The People’s Museum and Wall of Fame Hands On! Children’s Museum proposal to City Council. Director Knight recalled the timeline of the history of the Museum and proposed a partnership with the City to preserve, promote and celebrate the diversity and the unique culture and history of all the people of the City of Hendersonville and Henderson County with a focus on African American heritage. Director Knight presented a rendering of the space and stated entry into The People’s Museum and the Walk of Fame would be free to the general public. Director Knight stated the Hands On! Children’s Museum attracted 40,000 visitors in 2019 and estimated the local economic impact being approximately \$1.6M. Director Knight projected an additional 20,000 visitor’s with the proposed addition and stated he expects to reach out to an additional 8,000 students. Director Knight asked the City Council to consider approval of funding to support the project over a five-year period as follows:

PEOPLE’S MUSEUM & WALK OF FAME
PROPOSAL TO THE CITY OF HENDERSONVILLE

		Unit 1 Lease Expense	
		Monthly	Annual
Unit 1 Rent		\$6,500	\$78,000

Unit 1 Lease Expense Museum Leases from Love in North Carolina, LLC						
	Year 1	Year 2	Year 3	Year 4	Year 5	Total
Unit 1 Rent	\$78,000	\$78,000	\$78,000	\$78,000	\$78,000	\$390,000
Total Investment from City	\$78,000	\$42,000	\$42,000	\$42,000	\$42,000	\$246,000



Council Member Jeff Miller stated he was in support of the Museum and this project but expressed reservations regarding the proposal with regards to the amount of space (800 sq. ft.), location of the Museum and the need to vet it through the Diversity Committee, designers, and staff to gather additional input in some of the planning before a decision is made. Director Knight clarified that he is in active negotiations to lease the additional space to expand the entire Museum which will also house The People's Museum pending the outcome of this request. Director Knight acknowledged concerns of gathering input on exhibits but stated in his experience it was better to plan exhibits around a defined space. Council Member Dr. Jennifer Hensley stated she also supports the Museum and this project but additionally expressed concerns of the timing of the request for funding stating it will compete with other community funding requests for basic needs such as food, shelter and clothing for area children and families. Council Member Hensley stated she feels this discussion is more appropriate for the Council's budget workshop where the Council prioritizes and set aside funding for projects and said she is not ready to make a firm commitment. Council Member Jerry Smith stated he also supports this project and said he feels this is the best opportunity to move this project forward and feels the location is a prime location for all residents and visitors to the area. Council Member Smith stated the requested cost is a very small amount of budgetary costs to be able to participate in the project. Council Member Smith stated Director Knight has acknowledged the need for additional funding by seeking out other sources of funding in addition to this request and said Mr. Knight has demonstrated a willingness to work with City staff regarding the financials of the project. Council Member Smith agreed with Council Member Hensley's comments regarding basic needs of local families and children and added it was also important to fulfill intellectual needs of children as well. Council Member Smith acknowledge concerns of waiting on a decision and said Director Knight is faced with keeping the current location with an extension into the additional space or of letting the lease expire and losing the Main Street location altogether. Director Knight clarified the Museum forecasted revenues returning to normal at least 6 months out and said if they do not have an active project to go into the additional space to further drive visitor traffic then the project would not be feasible for their investors. Director Knight clarified the Museum maintained all but two positions during the pandemic and said they have 2 full-time and 4 part-time positions currently. Director Knight announced the Dogwood Trust has granted the Museum \$20,000 to develop an African American exhibit regardless of the location. Council Member Lyndsey Simpson stated she fully supported the project and said this project would fulfil a long-lasting need in the community and a commitment made by City Council to make a lasting difference. Mayor Barbara G. Volk inquired when the Museum could become revenue self sufficient and Director Knight stated he has forecasted revenues to return to normal in July 2021 and continue to grow thereafter. He stated the requested commitment would allow them to sustain current expenses while they work to secure other financial contributions such as donations and grants. Mayor Volk stated the lease for unit 1 is \$78,000 per year and the People's Museum would occupy a small portion of this space and clarified that the City would be subsidizing other operational expenses of the Hands On! Museum if the Project is approved. Mayor Volk stated she supports the project but would like to see the contribution reviewed annually for a reduction in the City's contribution. Director Knight agreed and counter proposed a commitment for the first two years with a reduction review beginning on year 3 through 5. Council Member Smith concurred with Mayor Volk. Council Member Hensley inquired if long range financial and fund-raising goals could be incorporated into the agreement. City Manager John Connet reminded everyone that all North Carolina local government contracts are required to have a non-appropriation clause clarifying a future board may not be bound to funding in the event funds are not available for appropriation. Manager Connet stated he does not expect this to happen but wanted to make sure everyone was aware. City Attorney Angela S. Beeker advised City Council they may approve conditional funding limits for the first two years and authorize the City Manager to negotiate the terms of a contract within those parameters. Attorney Beeker advised staff would bring back any final contract for ratification at a later meeting.

City Council Member Jerry Smith moved that City Council direct the City Manager to enter into a partnership agreement with Hands On! Children's Museum to establish the People's Museum - A Cultural History of Henderson County and a permanent home for The Walk of Fame under the following terms:

- 1. The City Council will agree to fund Hands On! Children's Museum in the amount of \$78,000 in year 1, for the specific purpose of \$39,000 going to pay rent and \$39,000 being used for the build out of the People's Museum; and***
- 2. The City Council will agree to fund Hands On! Children's Museum in the amount not to exceed \$42,000 in year 2 for the specific purpose of paying rent; and***

3. *For each of years 3-5, the City Council will consider funding in the amount not to exceed \$42,000 to be specifically used for rent, with the funding approval each year to be conditional upon Council's review of the prior years' performance.*

A unanimous vote of the Council followed. Motion carried.

B. Hendo Half-Marathon - Presenter: Council Member Hensley/City Manager Connet

Council Member Dr. Jennifer Hensley addressed City Council requesting support from the City to jointly sponsor a half-marathon race with Laurel Park. Council Member Hensley stated the proposed date for the event is May 8, 2021 and said if approved, the race would start at Jump Off Rock and end on Main Street. City Manager John Connet stated iDaph Events would be responsible for coordinating/managing the event but said City staff (HPD/HFD) would be needed on the day of the event to help with traffic control and safety. Manager Connet reminded everyone if the City is an event sponsor, city service would be provided at no cost to the event and asked for direction from City Council to proceed. Council Member Jeff Miller stated he prefers to work the race in conjunction with the currently planned street closure that weekend. Council members agreed to co-sponsor this event.

C. Hendersonville Kiwanis 100th Anniversary Legacy Project Presentation - Presenter: Kiwanis Club

Lee Henderson-Hill, President of the Hendersonville Kiwanis Club presented their 100th Anniversary Legacy Project to City Council proposing the Club will raise \$100,000 through the Club members and community partners to build out the splash pad and in return the Club is asking the City of Hendersonville to provide a location at one of the City's parks to permanently house this project. Ms. Henderson-Hill stated the Club is also requesting assistance of City Public Works staff to build & install the splash pad and stated upon completion of the project, the Kiwanis Club of Hendersonville will assist with annual landscaping of the project area. City Manager John Connet clarified the overall maintenance and operation of the splash pad will be turned over to the City of Hendersonville and clarified in the future, if the Kiwanis Club of Hendersonville would like to add any amenities to the property, they would be responsible for raising the necessary funds to do so. City Council Members expressed praise and excitement to partner with the Kiwanis Club in this project with a consensus to direct staff to identify an appropriate location in one of the City's parks for installation and to coordinate staff to assist with implementation.

D. Gun Safety Program - Presenter: John Connet, City Manager/ HPD

Interim Police Chief Bill Hollingsed addressed City Council regarding gun violence in the City recalling prior conversations with Council Member Dr. Jennifer Hensley to research and implement a firearm safety program. Chief Hollingsed stated he and staff are proposing implementation of Project Child Safe which encompasses topics such as North Carolina laws regarding storage of firearms when children are present, security of firearms (discussing types of gun locks, lock boxes, and safes available), choosing appropriate firearms for home safety, and deterring access by at-risk persons who may have substance abuse, or mental health issues or persons who demonstrate a propensity of violence. Chief Hollingsed stated staff are working with the Communications Manager, Allison Justus to create videos which will appear on the City's website, and social media accounts. Chief Hollingsed stated HPD will conduct a drive through safety event on January 16th to give away gun locks and educational literature to launch the program to the community. Council Member Hensley expressed thanks and appreciation to the work HPD staff has put into this program and to get the gun locks donated.

E. Presentation Expanded Outdoor Dining Structures-Pilot Project - Presenter: Jamie Carpenter, Downtown Manager

Downtown Planning Manager Jamie Carpenter presented the Outdoor Dining Structures Pilot Project presentation to City Council. Ms. Carpenter stated due to COVID-19, several businesses have expressed an interest in investing in semi-permanent outdoor dining structures. Ms. Carpenter stated Downtown staff have worked with Oklawaha Brewing and Hannah Flanagan's to determine feasibility and would like to pursue allowing these businesses to serve as pilot projects for expanded outdoor dining structures in the downtown area. Ms. Carpenter stated if approved, the businesses will be making a financial investment in this project, but will work with city staff to create a structure that fits within parameters for public works and safety as well as a design aesthetic that fits within the historic downtown context. Ms. Carpenter outlined the project costs stating there is no

financial cost to the City but said there is a financial investment from the businesses of approximately \$10,000. Ms. Carpenter stated the Downtown program has provided in-kind design services and said that businesses may apply for a Pivot Grant through Friends of Downtown nonprofit to help with costs. Ms. Carpenter stated staff are proposing a 6-month pilot project period followed by a report on recommended policies based on the lessons learned and results from the pilot project.

City Council Member Jennifer Hensley moved that City Council approve the resolution to pilot expanded outdoor dining projects in the Downtown District and to develop the project subject to the recommendations of the City Attorney regarding liability and insurance. A unanimous vote of the Council followed. Motion carried.

Resolution #R-21-08

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO PILOT EXPANDED OUTDOOR DINING PROJECTS IN THE DOWNTOWN DISTRICT

WHEREAS, in May, 2020, the City Council of the City of Hendersonville granted authority to the City Manager to allow expanded outdoor dining related to the Covid-19 pandemic; and;

WHEREAS, Oklawaha Brewing Company and Hannah Flanagans Irish Pub requested additional space to expand into loading zones and parking spaces to allow additional seating capacity; and

WHEREAS, Oklawaha Brewing Company and Hannah Flanagans Irish Pub have expressed interest in making a financial investment to build semi-permanent structures for outdoor dining; and

WHEREAS, The Downtown Division of the City of Hendersonville partnered with UNC Greensboro Main Street Architecture Fellows to develop design renderings for an expanded dining structure at Oklawaha Brewing Company; and

WHEREAS, The Downtown Advisory Committee would like to promote creative use of outdoor dining space to benefit the downtown atmosphere.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Hendersonville, North Carolina that:

1. The Downtown Division of the City of Hendersonville may develop a pilot outdoor dining project with Oklawaha Brewing Company and Hannah Flanagan's Irish Pub to build semi-permanent outdoor dining structures
2. Oklawaha Brewing Company and Hannah Flanagan's Irish Pub shall be responsible for the financing and maintenance of the outdoor dining structures
3. The structures shall be subject to approval regarding stormwater drainage, traffic flow, fire safety, appearance, materials, building inspection, and any other parameters as determined by staff
4. The structures shall be subject to the Sidewalk Dining ordinance
5. The pilot project shall be reviewed and presented within 6 months from the date herein, and no other projects of this nature shall be approved until the pilot period is complete
6. The Downtown Advisory Committee shall recommend policies on expanded outdoor dining structures upon review of the pilot projects granted.
7. The Pilot Project must be developed in consultation with the City Attorney with regards to protecting the City from liability.

Adopted by the City Council of the City of Hendersonville, North Carolina this 7th day of January 2021.

/s/Barbara G. Volk, Mayor

Attest: /s/Angela L. Reece, City Clerk

Approved as to form: /s/Angela S. Becker, City Attorney

F. Resolution to Purchase Property located at 622 Pace Street Request - Presenter: John Connet, City Manager

City Manager John Connet stated City staff is requesting permission to purchase the property located at 622 Pace Street for \$100,000 stating if the City purchases the property, we can eliminate the illegal activities and resolve a drainage issue between the new police headquarters and this property. Manager Connet stated the tax value for the property is approximately \$80,000 and said the current property owners (4 heirs of Marion Jones) are willing to sell the property for \$100,000. Manager Connet stated this price is consistent with other property the City has purchased in this area and said the property could be later sold for the construction of a new home or utilized by the City for another use.

Council Member Lyndsey Simpson moved that City Council approve the Resolution to Authorize the City Manager to Enter into A Contract for the Purchase of 622 East Pace Street Property for \$100,000. A unanimous vote of the Council followed. Motion carried.

Resolution #R-21-09

**RESOLUTION AUTHROIZING CITY MANAGER TO ENTER TO CONTRACT FOR THE
PURCHASE OF 622 EAST PACE STREET PROPERTY**

WHEREAS, the City of Hendersonville has received an offer to sell to the City certain property described as that +/- 0.19 acre tract, having a tax parcel ID of 9568997909, and an address of 622 East Pace Street, Hendersonville, NC 28792 (the "Property"); and

WHEREAS, acquisition of the Property would enable the City to address a drainage issue related to the new Hendersonville Police Headquarters, would end the repeated use of the Property for criminal purposes, and would allow the property to be put to a public purpose by the City; and

WHEREAS, the City Council wishes to authorize the City Manager to acquire the Property on behalf of and in the name of the City for the price of \$100,000.00, upon such terms and conditions as are acceptable to the City Manager, after consultation with the City Attorney;

NOW THEREFORE, the Hendersonville City Council resolves that:

1. The City Manager is authorized to negotiate and execute a purchase agreement for the Property, for the price of \$100,000.00 upon such terms and conditions as are acceptable to the City Manager in consultation with the City Attorney, including depositing a portion of the purchase price as an earnest money deposit.
2. The City Manager, City Clerk, City Attorney and City staff are further authorized to take such actions as are necessary to effectuate the purchase of the Property, including closing on the purchase and acceptance of a deed in the name of and on behalf of the City.

Adopted by the City Council of the City of Hendersonville, North Carolina this 7th day of January 2021.

/s/Barbara G. Volk, Mayor

Attest: /s/Angela L. Reece, City Clerk

Approved as to form: /s/Angela S. Beeker, City Attorney

G. Annual City Council Meeting Schedule Ratification

Council Member Jerry Smith requested City Council consider holding the January 27th and February 4th meetings as remote meetings due to ongoing health concerns surrounding the pandemic. After much discussion, Attorney Beeker recommended to leave the meeting notice as drafted to allow flexibility and in addition give notice of electronic participation 48 hours in advance of the meeting. Manager Connet reminded everyone the largest impact of holding remote meetings would be a delay of 24 hours to allow additional public comment before City Council can vote on planning matters.

Council Member Jerry Smith moved that City Council adopt the 2021 Annual Meeting Schedule as presented. A unanimous vote of the Council followed. Motion carried.

AMENDED

NOTICE

City of Hendersonville City Council 160 Sixth Avenue East Hendersonville, NC 28792

**NOTICE OF CITY COUNCIL REGULAR MEETINGS
&
SECOND MONTHLY MEETINGS**

The regular meetings will be held at the physical locations designated, and will be conducted as "in person" meetings of the City Council, however due to COVID restrictions, any regular meeting may be conducted electronically, in which case additional public notice will be given that complies with the special meeting notice requirements, with instructions on how the public can view and participate electronically.

For "in person" meetings, in-person attendance by the public will also be permitted; however, in compliance with Governor Cooper's Executive Orders and social distancing guidelines, in person attendance of the public may be limited and as spacing permits. Citizens requesting to speak during the in person meeting will be given instructions and the opportunity to address City Council at the appropriate time during the meeting. The conference room located on the 2nd floor of City Hall across from the Council Chambers will be utilized as an overflow room for these meetings. Citizens attending in-person may be asked to wait in this room where they may view the meeting live.

The public may also view and verbally comment on public hearings live via ZOOM. For security reasons screen sharing will not be allowed. The meeting instructions to join by Zoom will be available on the City's website by visiting <https://www.hendersonville.gov/citycouncilcenter>. Comment period instructions will also be displayed at the appropriate times during the meeting.

Anyone wishing to submit written public comment for public hearings prior to the meeting may visit <https://www.hendersonville.gov/citycouncilcenter> to submit their comment. Written comments must be submitted by Noon the day of the meeting to be considered by the City Council. If comments include photo(s) or video they must be submitted by 8:00 a.m. the day prior to the meeting to be considered by the City Council.

LOCATION AMENDMENT

The following Regular Meetings of the City of Hendersonville City Council are held on the first Thursday of each month beginning at 5:45 p.m. at City Hall on the 2nd floor Council Chambers at 160, Sixth Avenue, E. Hendersonville NC through May 2021.

January 7, 2021
February 4, 2021
March 4, 2021
April 1, 2021
May 6, 2021

The following Regular Meetings of the City of Hendersonville City Council are held on the first Thursday of each month beginning at 5:45 p.m. in the Assembly Room of the Operation Center located at 305 Williams Street, Hendersonville NC.

June 3, 2021
July 1, 2021
August 5, 2021

September 2, 2021
October 7, 2021
November 4, 2021
December 2, 2021

AMENDED

CITY COUNCIL SECOND MONTHLY MEETING NOTICE

LOCATION AMENDMENT

The following Second Monthly Meetings will be held in a workshop format to give the City Council an opportunity to receive and discuss information. Meetings are held on the fourth Wednesday of each month beginning at 4:00 p.m. at City Hall Council Chambers on the 2nd floor at 160, Sixth Avenue, E. Hendersonville NC through May 2021.

January 27, 2021
February 24, 2021
March 24, 2021
April 28, 2021
May 26, 2021

Second Monthly Meetings will be held in a workshop format to give the City Council an opportunity to receive and discuss information. Meetings are held in the Assembly Room of the Operation Center located at 305 Williams Street, Hendersonville NC. The following workshop meetings have been scheduled for 2021:

June 23, 2021
July 28, 2021
August 25, 2021

September 22, 2021
October 27, 2021
November 24, 2021
December 22, 2021

Angela L. Reece
City Clerk

The City of Hendersonville is committed to providing accessible facilities, programs and services for all people in compliance with the Americans with Disabilities Act (ADA). Should you need assistance or a particular accommodation for this meeting please contact the City Clerk no later than 24 hours prior to the meeting at 697-3025.

Ratified 1/7/2021

Posted 12/9/2020

Published in Times-News 12/30/2020

<https://www.hendersonvillenc.gov>

10. APPOINTMENTS TO BOARDS/COMMISSIONS/COMMITTEES

City Manager John Connet provided the Council with Boards and Commissions Applicants. City Council made the following appointments:

Board of Adjustment

Council Member Jeff Miller moved that City Council appoint Karen Livingston to fill an un-expired term on the Board of Adjustment ending on June 30, 2023. A unanimous vote of the Council followed. Motion carried.

Historic Preservation Commission

Council Member Jeff Miller moved that City Council re-appoint Chris Barron to fill a 3-year term on the Historic Preservation Commission ending December 31, 2023. A unanimous vote of the Council followed. Motion carried.

Council Member Lyndsey Simpson moved that City Council appoint Samuel Hayes to fill a 3-year term on the Historic Preservation Commission ending December 31, 2023. The motion carried by a vote of 3-2 with Council Members Miller and Hensley voting against.

Council Member Jerry Smith moved that City Council re-appoint Phillip Allen to fill a 3-year term on the Historic Preservation Commission ending December 31, 2023. A unanimous vote of the Council followed. Motion carried.

Planning Board

Council Member Jeff Miller moved that City Council re-appoint Jon Blatt to fill a 3-year term on the Planning Board ending December 31, 2023. The motion carried by a vote of 4-1 with Council Member Simpson voting against.

Council Member Jennifer Hensley moved that City Council appoint Tamara Peacock to fill a 3-year term on the Planning Board ending December 31, 2023. A unanimous vote of the Council followed. Motion carried.

Tree Board

Council Member Jerry Smith moved that City Council re-appoint Debbie Roundtree and Mac Brackett, and to appoint Glenn Lange to each fill a 3-year term on the Tree Board ending December 31, 2023. A unanimous vote of the Council followed. Motion carried.

Walk of Fame Steering Committee

Council Member Jennifer Hensley moved that City Council appoint Joelyn Baker to fill a 3-year term on the Walk of Fame Steering Committee ending December 31, 2023. A unanimous vote of the Council followed. Motion carried.

Water and Sewer Advisory Council

Council Member Jeff Miller moved that City Council appoint Chuck McGrady to fill an un-expiring term on the Water and Sewer Advisory Council. A unanimous vote of the Council followed. Motion carried.

FBRMPO TCC Appointment

Council Member Jeff Miller moved that City Council appoint Planning Manager, Matthew Manley to fill an un-expiring term on the French Broad River MPO Technical Coordinating Committee. A unanimous vote of the Council followed. Motion carried.

11. CITY COUNCIL COMMENTS

There were no comments.

12. CITY MANAGER REPORT - Presenter: John F. Connet, City Manager

There were no comments.

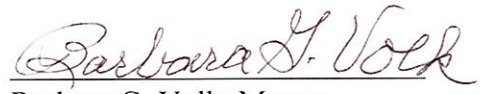
13. CLOSED SESSION

At 9:12 p.m. City Council Member Lyndsey Simpson moved that City Council enter into closed session pursuant to NCGS § 143-318.11(a)(1)(3)(5)(6) to (1) to prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes, (3) to consult with an attorney employed by the public body in order to preserve the attorney-client privilege between the attorney and the public body, (5) to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange or lease, and (6) to consider 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. A unanimous vote of the Council followed. Motion carried.

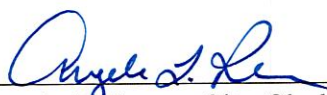
Council Member Lyndsey Simpson moved that City Council return to Open Session at 9:50 p.m. A unanimous vote of the Council followed. Motion carried.

14. ADJOURN

There being no further discussion, the meeting was adjourned at 9:50 p.m. upon unanimous assent of the Council.


Barbara G. Volk, Mayor

ATTEST:


Angela L. Reece, City Clerk