



MINUTES

July 1, 2021

REGULAR MEETING OF THE CITY COUNCIL

CITY OPERATIONS CENTER | 305 WILLIAMS ST. | 5:45 p.m.

Present: Mayor Barbara G. Volk, Mayor Pro Tem Jerry Smith, and Council Members: Jeff Miller, Dr. Jennifer Hensley and Lyndsey Simpson

Staff Present: City Manager John F. Connet, Assistant City Manager Brian Pahle, City Attorney Angela Becker, City Clerk Angela Reece, Communications Manager Allison Justus, and others

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.

2. INVOCATION AND 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.*

Kay Phillips of 94 Meadow Woods Dr. addressed City Council expressing concerns and opposing demolition of the downtown mini golf for new fire station construction. Ms. Phillips stated she is not in favor of land swap with Henderson County Public Schools for Edwards Park.

Steve Marshall of 404 Deerhaven Ln. submitted digital comments to City Council expressing concerns of a 263-unit apartment complex and traffic on Haywood Rd.

4. CONSIDERATION OF AGENDA

City Manager John Connet requested the addition of a resolution authorizing increase in micro-purchase threshold associated with uniform guidance and CDBG contracts to allow the City to engage in contracts that are small in nature.

Council Member Jeff Miller moved that City Council approve the agenda as amended with the addition of the resolution increase in micro-purchase threshold. A unanimous vote of the Council followed. Motion carried.

5. CONSENT AGENDA

A. Adoption of City Council Minutes – Angela Reece, City Clerk

I move that move that City Council adopt the minutes of the May 26, 2021, Second Monthly Meeting, and June 3, 2021, Regular Meeting, and May 7, 2021, Special Call Budget Workshop Meeting as presented.

B. Special Event: Block Party on Main –Lew Holloway, Community Development Director

I move that City Council approve the special event permit for the Block Party on Main as presented.

C. HPD Project Change Order #013 Resolution & Budget Amendment– Brian Pahle, Assistant City Manager

I move that City Council adopt the Resolution by The City of Hendersonville City Council to Approve Certain Change Orders, as presented. I further move to adopt budget amendment 07012021-01, as presented.

Resolution #R-21-58

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE CITY MANAGER TO AUTHORIZE A SET OF CHANGE ORDERS RELATED TO THE HPD CONSTRUCTION PROJECT

WHEREAS, the North Carolina General Assembly allows for construction management at risk contracts under G.S. 143-64.31; and

WHEREAS, the City entered into a contract with Edifice General Contractors for construction manager at-risk services for the HPD project; and

WHEREAS, change orders made to the project after award of the project are not subject to competitive bidding requirements if the original contract was competitively bid and there is no limitation on the dollar amount of change order work under G.S. 143-129(e)(4); and

WHEREAS, there is a list of unforeseen circumstances in the design of the project that require changes to deliver a quality construction project; and

WHEREAS, these change orders require concurrence and approval from USDA, the lender for this project.

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

1. The City Manager is authorized to authorize the proposed change order #013, as presented, any changes orders that approve deductive changes, and any change orders that do not require a project budget ordinance amendment.

Adopted by the City Council of the City of Hendersonville, North Carolina this 1st day of July 2021.

/s/Barbara G. Volk, Mayor

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

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

D. Settlement of Delinquent Taxes – John Buchanan, Finance Director

I move that City Council approve the resolution accepting settlement of the delinquent taxes temporarily charged to Jesse Ivens and appointing Amanda Lofton as Deputy Tax Collector as presented.

Resolution #R-21-59

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO ACCEPT SETTLEMENT OF DELINQUENT TAXES CHARGED TEMPORARILY TO JESSE IVENS AND APPOINT AMANDA LOFTON DEPUTY TAX COLLECTOR

WHEREAS, General Statute 105-373 requires the tax collector to provide settlement of all taxes charged to the collector to the governing board upon their last day in office; and

WHEREAS, Delinquent taxes prior to tax year 2019 were temporarily charged to Jesse Ivens, Senior Accountant until a new Deputy Tax Collector could be appointed; and

WHEREAS, A new Deputy Tax Collector will be appointed after the acceptance of the tax settlement.

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

1. The settlement of taxes charged to Jesse Ivens is satisfactory and approved.
2. Having satisfactorily completed his temporary term Jesse Ivens is relieved of his charge to collect delinquent taxes.

Adopted by the City Council of the City of Hendersonville, North Carolina this 1st day of July 2021.

/s/Barbara G. Volk, Mayor

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

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

**E. Appointment of Deputy Tax Collector and Charge with Collection of Delinquent Taxes
- John Buchanan, Finance Director**

I move City Council adopt the Resolution to appoint Amanda Lofton as Deputy Tax Collector and to adopt the Charge and Order of Collection as presented.

Resolution #R-21-60**RESOLUTION TO APPOINT AMANDA LOFTON AS DEPUTY TAX COLLECTOR AND
ADOPTING THE CHARGE AND ORDER OF COLLECTION**

WHEREAS, the City of Hendersonville contracted with Henderson County for tax collection beginning in 2019 and;

WHEREAS, the City of Hendersonville retained the responsibility to collect delinquent taxes billed prior to 2019; and

WHEREAS, A new Deputy Tax Collector will be appointed after the acceptance of the tax settlement of Jesse Ivens; and

WHEREAS, Amanda Lofton is a person of character and integrity whose experience in business and collection work is satisfactory;

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

1. Amanda Lofton, Billing Supervisor is hereby appointed as Deputy Tax Collector for a term of 5 years.
2. The delinquent taxes as detailed in the June 21, 2021, Tax Settlement are hereby charged to the Deputy Tax Collector for collection
3. The Order of Collection is approved and shall be delivered to the Deputy Tax Collector.

Adopted by the City Council of the City of Hendersonville, North Carolina this 1st day of July 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 Accepting S&ME Proposal for Construction Materials Testing, and Special Inspections in the Amount of \$98,500 – John Connet, City Manager

I move that the City Council adopt the resolution accepting S&ME's proposal for construction materials testing and special inspections in the amount of \$98,500.

Resolution #R-21-61**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL ACCEPTING S&ME's
PROPOSAL FOR CONSTRUCTION MATERIALS TESTING AND SPECIAL INSPECTIONS IN
THE AMOUNT OF \$98,500**

WHEREAS, City Council has determined that a downtown parking deck is needed provide sufficient parking in downtown Hendersonville; and

WHEREAS, the City solicited proposals from Engineering firms to perform construction materials testing and special inspections for the new parking deck; and

WHEREAS, the City made a good faith effort to solicit proposals from historically underutilized businesses; and

WHEREAS, City staff objectively evaluated all submitted proposals and determined that S&ME was the most qualified firms to perform construction materials testing and special inspections for the downtown parking deck.

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

1. The City of Hendersonville accept S&MEs' proposal to perform construction materials testing and special inspections for the new parking deck in the not to exceed amount of \$98,500 and finds that they are the best qualified firm.
2. The City Manager and City Attorney are authorized to negotiate and execute a final contract with S&ME for construction materials testing and special inspections for the downtown parking deck.

Adopted by the City Council of the City of Hendersonville, North Carolina this 1st day of July 2021.

/s/Barbara G. Volk, Mayor

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

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

G. Resolution Approving Design and Engineering Proposal for Downtown Parking Deck
— *John Connet, City Manager*

I move that the City Council adopt the resolution accepting Walker Consultants' Design and Engineering Proposal for the downtown parking deck in the amount of \$487,000

Resolution #R-21-62

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL ACCEPTING WALKER CONSULTANTS' DESIGN AND ENGINEERING PROPOSAL FOR THE DOWNTOWN PARKING DECK IN THE AMOUNT OF \$487,000

WHEREAS, City Council has determined that a downtown parking deck is needed provide sufficient parking in downtown Hendersonville; and

WHEREAS, the City solicited proposals from architecture and engineering firms to develop the necessary design and engineering plans for the new parking deck; and

WHEREAS, the City received ten proposals for design and engineering; and

WHEREAS, the City made a good faith effort to solicit proposals from historically underutilized businesses; and

WHEREAS, independent assessors objectively evaluated all submitted proposals and determined that Walker Consultants and their sub-consultants were the most qualified firms to develop the necessary design and engineering plans for the downtown parking deck.

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

1. The City of Hendersonville accept Walker Consultants' proposal to design the new parking deck in the amount of \$487,000 and finds that they are the best qualified firm.
2. The City Manager and City Attorney are authorized to negotiate and execute a final contract with Walker Consultants for design and engineering design for the downtown parking deck.

Adopted by the City Council of the City of Hendersonville, North Carolina this 1st day of July 2021.

/s/Barbara G. Volk, Mayor

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

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

H. Amendment to Water and Sewer Customer Service-Billing Policy to Include Sewer Adjustment for Filling Pools — *John Buchanan, Finance Director*

I move that City Council approve the amendment to the Water and Sewer Customer Service-Billing Policy to Include Sewer Adjustment for Filling Pools as presented.

I. Approval of Reimbursement Resolution for the Fire Station 1 Project — *Adam Murr, Budget Manager*

I move City Council approve the resolution declaring intent to reimburse for authorized expenditures related to the Fire Station 1 project.

Resolution #R-21-63

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL DECLARATION OF OFFICIAL INTENT TO REIMBURSE

BE IT RESOLVED by the City Council of the City of Hendersonville, North Carolina, this declaration (the "Declaration") is made pursuant to the requirements of the United States Treasury Regulations Section 1.150-2 and is intended to constitute a Declaration of Official Intent to Reimburse under such Treasury Regulations Section.

The undersigned is authorized to declare the official intent of HENDERSONVILLE, North Carolina (the "Issuer") with respect to the matters contained herein.

Expenditures to be Incurred. The Issuer anticipates incurring expenditures (the "Expenditures") for THE ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE FIRE STATION #1 CONSTRUCTION PROJECT, ORDINANCE #19-0643 (the "Projects").

Plan of Finance. The Issuer intends to finance the costs of the Projects with the proceeds of debt to be issued by the Issuer (the "Borrowing"), the interest on which is to be excluded from gross income for Federal income tax purposes.

Maximum Principal Amount of Debt to be Issued. The maximum principal amount of the Borrowing to be incurred by the Issuer to finance the Project is \$9,500,000.

Declaration of Official Intent to Reimburse. The Issuer hereby declares its official intent to reimburse itself with the proceeds of the Borrowing for any of the Expenditures incurred by it prior to the issuance of the Borrowing.

Adopted by the City Council of the City of Hendersonville, North Carolina this 1st day of July 2021.

/s/Barbara G. Volk, Mayor

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

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

J. Resolution Accepting Proposal from Edifice General Contractors for the Construction Manager at Risk services for New Fire Station 1 – Adam Murr, Budget Manager

I move City Council approve the resolution accepting Edifice General Contractors' construction manager at risk proposal to provide construction manager at risk services for the new Fire Station 1.

Resolution #R-21-64

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL ACCEPTING EDIFICE GENERAL CONTRACTORS' CONSTRUCTION MANAGER AT RISK PROPOSAL FOR FIRE STATION 1

WHEREAS, City Council has determined that Hendersonville Fire Department needs an updated headquarters station; and

WHEREAS, staff solicited proposals from construction management firms to provide necessary construction management services for the new fire station; and

WHEREAS, the City made a good faith effort to solicit proposals from historically underutilized businesses; and

WHEREAS, staff objectively evaluated all submitted proposals and determined that Edifice General Contractors and their sub-consultants were the most qualified firms to provide construction manager at risk services for the new fire station.

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

1. The City of Hendersonville authorizes the City Manager to execute a contract with Edifice General Contractors to provide construction manager at risk preconstruction services for the new fire station #1 in the amount not to exceed \$53,200 for preconstruction services and a construction manager's fee not greater than 6.00% of the cost of work upon establishment of a guaranteed maximum price (GMP), finding that Edifice is the best qualified firm.
2. The City Manager is authorized to utilize additional services as described in the proposal when it is determined to be in the best interest of the City of Hendersonville within budgeted funds available for the project.
3. The City Manager and City Attorney are authorized to negotiate and execute a final contract with Edifice General Contractors for construction manager at risk services for the new Fire Station 1.

Adopted by the City Council of the City of Hendersonville, North Carolina this 1st day of July 2021.

/s/Barbara G. Volk, Mayor

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

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

K. Paid Family Leave Policy – Jennifer Harrell, HR Director

I move City Council adopt the Paid Family Leave Policy Resolution as presented

Resolution #R-21-65-A

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO ADOPT THE PAID FAMILY LEAVE POLICY

WHEREAS, the City Council has put a strong emphasis on employee support and development and;

WHEREAS, the City of Hendersonville believes that strong families benefit both the local community and the workplace and;

WHEREAS, for this reason, the City of Hendersonville offers to eligible employees six weeks of the family friendly option of Paid Family Leave for the birth of and bonding with a newborn, bonding with a newly placed child for foster care or adoption and to care for a child, spouse, or parent with a serious health condition.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Hendersonville, North Carolina that from and after the effective date of this resolution, the Paid Family Leave Policy attached to this resolution, is hereby adopted.

This policy will become effective as of the date of adoption.

Adopted by the City Council of the City of Hendersonville, North Carolina this 1st day of July 2021.

/s/Barbara G. Volk, Mayor

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

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

L. Revision of the Personnel Policy -Addition of Paid Family Leave and Short- Term Disability Leave. Removing a statement about Workers' Compensation Leave – Jennifer Harrell, HR Director

I move City Council adopt the Personnel Policy Amendment Resolution, as presented.

Resolution #R-21-65B

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL AMENDING THE CITY OF HENDERSONVILLE PERSONNEL POLICY

WHEREAS, the City of Hendersonville maintains a personnel policy the purpose of which is to establish a system of personnel administration for recruiting, selecting, employing, developing, and maintaining an effective and responsible work force; and

WHEREAS, the City of Hendersonville wishes to amend that policy by adding Section 26 under Article VII. a statement describing the Paid Family Leave Policy and adding Section 27 of the same Article a statement describing Short Term Disability; and

WHEREAS, the Paid Family Leave Policy is under a separate policy; and

WHEREAS, following Human Resources best practices the amendment is also removing statement number 9 from Article VII. Section 20 Workers Compensation. "After a one-year (52-week) leave of absence on Workers' Compensation leave, employment with the City will be terminated to allow the City to fill the position. The employee will be eligible for rehire and given priority for qualified job openings upon a physician's statement certifying the employee's ability to return to work. The City reserves the right to separate the employee prior to 52-weeks."

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Hendersonville, North Carolina that from and after the effective date of this resolution, the Personnel Policy attached to this resolution, is hereby adopted.

This policy will become effective as of the date of adoption.

Adopted by the City Council of the City of Hendersonville, North Carolina this 1st day of July 2021.

/s/Barbara G. Volk, Mayor

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

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

M. Utility Extension Agreement for the Cottages at Hayes Mill – Brent Detwiler, City Engineer

I move that City Council approve the Resolution authorizing the City Manager to enter into a Utility Extension Agreement with Moore & Son Site Contractors, Inc. for the Cottages at Hayes Mill Development as presented.

Resolution #R-21-66

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A UTILITY EXTENSION AGREEMENT WITH MOORE & SON SITE CONTRACTORS, INC. FOR THE COTTAGES AT HAYES MILL DEVELOPMENT

WHEREAS, the City of Hendersonville owns, operates, and maintains water distribution and sewer collection systems to serve customers throughout Henderson County; and

WHEREAS, residential, commercial, and industrial developments often require public water and sewer service as a part of their development projects; and

WHEREAS, the Developer extends public water and sewer lines to their site, which upon completion and acceptance, are provided to the City to own, operate, and maintain; and

WHEREAS, the City requires a Utility Extension Agreement to be executed to establish requirements of both the Developer and the City for the water and sewer line extension process; and

WHEREAS, Moore & Son Site Contractors, Inc., the “Developer” and “Owner” will enter into a Utility Extension Agreement with the City to provide water service to the Cottages at Hayes Mill Development.

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

1. The City Manager is authorized to execute the Utility Extension Agreement with Moore & Son Site Contractors, Inc., the “Developer” and “Owner” to provide water service to the Cottages at Hayes Mill Development (the “Agreement”) on behalf of the City of Hendersonville with such changes as he deems advisable, in consultation with the City Attorney, provided such changes do not impose any new financial obligations on the party of the City.
2. After execution of the Agreement, the City Manager is authorized to approve and execute any amendments to the Agreement as may be requested by the Developer or Owner or the City Attorney, provided such changes do not impose any new financial obligations on the party of the City.

Adopted by the City Council of the City of Hendersonville, North Carolina this 1st day of July 2021.

/s/Barbara G. Volk, Mayor

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

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

N. Street Closure: 1804 Meadowbrook Terrace (Kirby Family) Resolution of Intent (P20-40-SC) – Tyler Morrow, Planner II

I move that City Council adopt the Resolution of Intent to consider closing a portion of unimproved right-of-way lying within property described in a deed recorded in the Henderson County Registry in Deed Book 1447 at page 582, having PIN of 9569-44-6625, calling for a public hearing to be held on the 5th day of August 2021 at 5:45 p.m. or as soon thereafter as possible in the Assembly Room of the City Operations Building located at 305 Williams Street as presented.

Resolution #R-21-67

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO CLOSE A PORTION OF AN UNIMPROVED RIGHT-OF-WAY LYING WITHIN PIN 9569-6625

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

WHEREAS, Carla S. and Clifford E. Kirby, owners, have petitioned the City of Hendersonville City Council to close a portion of unimproved right-of-way lying within property described in a deed recorded in the Henderson County Registry in Deed Book 1447 at page 582, having PIN of 9569-44-6625; and

WHEREAS, NC General Statute 160A-299 requires that City Council conduct a public hearing for the purpose of giving consideration to the petition; and

WHEREAS, At the public hearing, any person may be heard on the question of whether or not the closing would be detrimental to the public interest, or the property rights of any individual; and

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

1. City Council herewith calls a public hearing to be held at 5:45 p.m. (or as soon thereafter as it may be heard) on the 5th day of August 2021, in the Assembly Room of the City Operations Building at 305 Williams St to consider closing a portion of unimproved right-of-way lying within PIN 9569-44-6625. Persons shall be allowed to attend and comment in person or via Zoom at the following address:

<https://zoom.us/j/95746846396?pwd=YmlXdXdHcjRFVIM2VElqcEVwTlZLZz09#success>

Dial-in by phone: (646) 558-8656

Meeting ID: 957 4684 6396

Passcode: 28792

Written comments may be submitted prior to the public hearing on the City's webpage at www.hendersonvillenc.gov/public-comment or directly to the City Clerk, Angela Reece, areece@hvlnc.gov 160 6th Ave East, Hendersonville, NC 28792.

2. The legal description for the portion of the subject right-of-way proposed for closing is as follows:

All of that certain parcel of land situated in the Henderson County, North Carolina and more particularly described as shown on that survey labeled as "A PROPOSED ROAD CLOSURE SURVEY FOR CARLA & CLIFF KIRBY" prepared by KEE Mapping & Survey: Job #2104037 Dated 05/06/2021 (the "KEE Plat"), and further described as follows:

BEGINNING at a point shown as an IPC designated as the originating point of C4 on the KEE Plat; thence with C4 on the KEE Plat with a chord bearing of South 09 deg 28 min 15 sec East (Chord Length 21.31 feet and Arc Length 22.48 feet) and a Radius of 20.00 feet to an unmarked point; thence South 41 deg 40 min 04 sec East, 119.74 feet to an IPC; thence South 55 deg 44 min 56 sec West, 20.17 feet to a set 5/8" Rebar; thence North 41 deg 40 min 04 sec West, 101.32 feet to an unmarked point; thence along the Curve designated as C5 on the KEE Plat with a Chord Bearing of North 84 deg 31 min 02 sec West (Chord Length 27.20 feet and Arc Length 29.91 feet) and a Radius of 20.00 feet to an IPC; thence along the Curve designated as C2 with a Chord Bearing of North 32 deg 44 min 42 sec East (Chord Length 51.76 feet and Arc Length 51.84 feet) and a Radius of 262.00 feet to the point of BEGINNING.

And for a further description, the property described herein is labeled on the KEE Plat as follows:

UNOPENED ROAD REFERENCE PC B; PG 804; PORTION OF PIN 9569-44-6625; 0.06 ACRES (2,827 SQ FT)

The above-described portion of right-of-way located on PIN: 9569-44-6625 to be closed will also be shown on a plat to be recorded in the Henderson County Registry if approved by City Council.

3. At the close of the public hearing, it is the intent of City Council to close the proposed portion of the subject right-of-way.
4. The City Clerk is hereby directed to publish this Resolution of Intent once a week for four successive weeks.
5. The City Clerk is further directed to transmit by registered or certified mail to each owner of property abutting upon that portion of said street a copy of the Resolution of Intent.
6. The City Clerk is further directed to cause adequate notices of the Resolution of Intent and the scheduled public hearing to be prominently posted in at least two places along the portion of the street proposed for closure as required by NC General Statute 160A-299.

Adopted by the City Council of the City of Hendersonville, North Carolina this 1st day of July 2021.

/s/Barbara G. Volk, Mayor

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

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

**O. Stormwater Inventory and Assessment Phase 2 Contract Amendment Approval
Withers Ravenel Inc. – Michael Huffman, Stormwater Administrator**

I move City Council authorize the City Manager to execute the agreement with Withers Ravenel to complete Phase 2 of the Stormwater Asset Inventory and Assessment.

Resolution #R-21-68

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE
CITY MANAGER TO ENTER INTO AN AMENDMENT TO AN AGREEMENT WITH
WITHERSRAVENEL, INC. TO COMPLETE THE STORMWATER INVENTORY AND
ASSESSMENT PHASE 2 PROJECT**

WHEREAS, WithersRavenel, Inc. has completed the first phase of a Stormwater Inventory and Assessment project; and

WHEREAS, an engineering agreement with WithersRavenel, Inc. was executed in 2020 to complete the work; and

WHEREAS, this data will help City staff identify deficiencies in stormwater system, assess the overall condition of stormwater infrastructure, and continue development of CIP plans.

WHEREAS, a second phase of the project will provide further information to locate and assess stormwater structures with the City of Hendersonville MS4 Jurisdiction.

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

1. The City Manager is authorized to enter into an Amendment to an Agreement with Withers Ravenel, Inc. to complete Phase 2 of the Stormwater Asset Inventory and Assessment, as presented.

Adopted by the City Council of the City of Hendersonville, North Carolina this 1st day of July 2021.

/s/Barbara G. Volk, Mayor

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

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

**P. Utility Extension Agreement for the Universal at Lakewood Development – Brent
Detwiler, City Engineer**

I move that City Council adopt the Resolution authorizing the City Manager to enter into a Utility Extension Agreement with J.M. Cox, Jr. for the Universal at Lakewood Development as presented.

Resolution #R-21-69

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE
CITY MANAGER TO ENTER INTO A UTILITY EXTENSION AGREEMENT WITH J.M. COX,
JR. FOR THE UNIVERSAL AT LAKEWOOD DEVELOPMENT**

WHEREAS, the City of Hendersonville owns, operates, and maintains water distribution and sewer collection systems to serve customers throughout Henderson County; and

WHEREAS, residential, commercial, and industrial developments often require public water and sewer service as a part of their development projects; and

WHEREAS, the Developer extends public water and sewer lines to their site, which upon completion and acceptance, are provided to the City to own, operate, and maintain; and

WHEREAS, the City requires a Utility Extension Agreement to be executed to establish requirements of both the Developer and the City for the water and sewer line extension process; and

WHEREAS, J.M. Cox, Jr., the “Developer” and “Owner” will enter into a Utility Extension Agreement with the City to provide water and sewer service to the Universal at Lakewood Development.

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

1. The City Manager is authorized to execute the Utility Extension Agreement with J.M. Cox, Jr., the “Developer” and “Owner” to provide water and sewer service to the Universal at Lakewood Development (the “Agreement”) on behalf of the City of Hendersonville with such changes as he deems advisable, in consultation with the City Attorney, provided such changes do not impose any new financial obligations on the party of the City.
2. After the Agreement has been executed, the City Manager is authorized to approve and execute any amendments to the Agreement as may be requested by the Developer or Owner or the City Attorney, provided such changes do not impose any new financial obligations on the party of the City.

Adopted by the City Council of the City of Hendersonville, North Carolina this 1st day of July 2021.

/s/Barbara G. Volk, Mayor

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

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

Q. Land of Sky Technical Service Assistance Agreement – John Connet, City Manager

I move that the City Council adopt the resolution to approve the agreement with Land of Sky Regional Council for technical service assistance with a fee of \$30,000.

Resolution #R-21-70

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO APPROVE AN AGREEMENT WITH LAND OF SKY REGIONAL COUNCIL FOR TECHNICAL SERVICE ASSISTANCE WITH A FEE OF \$30,000.00

WHEREAS, the City of Hendersonville has obtained a Community Development Block Grant (CDBG) for neighborhood revitalization in the amount of \$750,000; and

WHEREAS, CDBG Funding Approval requires the City to utilize an experienced CDBG administrator and permits the execution of Inter-local agreements to meet this condition; and

WHEREAS, §160A-461 authorizes any unit of local government in this State and any other state (to the extent permitted by the laws of the other state) may enter into contracts and agreements with each other in order to execute any undertaking; and

WHEREAS, § 160A-470 authorizes the creation of regional councils and on April 17, 1972, the City Council passed a resolution empowering the “Region B” Planning Organization (Land of Sky Regional Council) to provide technical assistance; and

WHEREAS, Land of Sky Regional Council has experience administering CDBG grants and is authorized by §160A-475 and their charter to apply for, accept, receive, and dispense funds and grants made available to it by the State of North Carolina or any agency thereof, the United States of America or any agency thereof, any unit of local government, and any private or civic agency.

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

1. The City of Hendersonville accepts Land of Sky Regional Council’s proposal to provide technical service assistance for the CDBG – NR 7th Avenue Improvements Grant with a fee of \$30,000.
2. The City Manager and City Attorney are authorized to negotiate and execute a final contract with Land of Sky Council of Governments for technical service assistance.

Adopted by the City Council of the City of Hendersonville, North Carolina this 1st day of July 2021.

/s/Barbara G. Volk, Mayor

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

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

R. Environmental Sustainability Board Charter and Rules of Procedure Amendment – Angela Reece, City Clerk and Michael Huffman, Staff Liaison

I move that City Council approve the revised Charter and Rules of Procedures for the Environmental Sustainability Board as recommended by the ESB Board as presented [or as amended].

S. Summary Nuisance Abatement – Angela S. Beeker, City Attorney

I move that City Council adopt the Resolution by the City of Hendersonville City Council to Authorize Summary Abatement Pursuant N.C.G.S. § 160A-193 And Section 26-193(c) of the Code of Ordinances for The City of Hendersonville, as presented.

Resolution #R-21-71**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE SUMMARY ABATEMENT PURSUANT N.C.G.S. § 160A-193 AND SECTION 26-193(c) OF THE CODE OF ORDINANCES FOR THE CITY OF HENDERSONVILLE**

WHEREAS, City Council is in receipt of a June 24, 2021, decision from the Code Enforcement Officer, Tyler Henry, recommending that the City of Hendersonville proceed with the summary abatement of a public nuisance existing on or about the 822 Locust Street Condominium located in Hendersonville, NC, including legal actions, methods, and procedures as necessary or convenient to abate the nuisance; and

WHEREAS, City Council wishes to authorize the actions as recommended by Tyler Henry;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Hendersonville, North Carolina that Code Enforcement Officer Tyler Henry, Community Development Director Lew Holloway, City Manager John Connet, City Attorney Angela Beeker, shall have the authority to do the following:

1. Proceed with summary abatement of the public nuisance posed by the conditions of the Retaining Wall, including all conditions which pose an immediate danger and are prejudicial to the public health and safety, are seriously dangerous and seriously prejudicial to the public health or safety, and constitute a public health and safety nuisance which demand urgent or immediate corrective action.
2. Use any available methods, procedures, or remedies as necessary or convenient to access to property and to carry out the summary abatement.
3. File any legal actions in court at law or in equity necessary or convenient to carry out the summary abatement, including but not limited to a civil action in Superior Court requesting the Court to determine the persons or entities responsible for reimbursing the City for its costs incurred in abating the public nuisance described above, and if such costs are left unpaid, determining which properties shall be subject to the lien imposed by N.C. Gen. Stat. § 160A-193. Any legal action should join the potentially responsible parties identified by this order, and any other necessary parties to the action.
4. As part of any legal action, including the civil action proposed, request such other relief as may be determined to be appropriate and allowable under applicable law by the City Attorney, including but limited to attorneys' fees and costs as may be deemed just and proper.
5. Take any other actions, or enter into any contracts, as necessary or convenient to carry out the actions authorized by this Resolution, except that where a budget amendment is necessary, such amendment must be brought to City Council for approval.
6. Retain outside legal counsel without securing additional authorization from City Council to represent the City in any legal action filed, and as otherwise necessary or convenient to carry out the actions authorized by this Resolution.

Adopted by the City Council of the City of Hendersonville, North Carolina this 1st day of July 2021.

/s/Barbara G. Volk, Mayor

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

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

T. Resolution by the City of Hendersonville City Council Authorizing the Engagement of Smith, Rodgers & Aldridge, Plc for Legal Services Related to the City of Hendersonville Police Department –Blair Myhand, Chief

I move that City Council approve the Resolution authorizing the engagement of Smith, Rodgers & Aldridge, Plc for providing real-time legal services related to the City of Hendersonville Police Department as presented.

Resolution #R-21-72**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL AUTHORIZING THE ENGAGEMENT OF SMITH, RODGERS & ALDRIDGE, PLLC_ FOR LEGAL SERVICES RELATED TO THE CITY OF HENDERSONVILLE POLICE DEPARTMENT**

WHEREAS, the City of Hendersonville Police Department needs specific legal counsel on law enforcement related issues; and

WHEREAS, the City of Hendersonville Police Department proposes to engage Smith, Rodgers & Aldridge, PLLC for the purposes of providing real-time legal advice in criminal investigations or other law enforcement circumstances, as allowed under applicable laws; and

WHEREAS, City Council wishes to engage the services of outside counsel for the purposes of providing real-time legal advice in criminal investigations or other law enforcement circumstance, as allowed under applicable laws.

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

1. The City of Hendersonville hereby selects the firm of Smith, Rodgers & Aldridge, PLLC to provide legal services to the Police Department for any matters related to criminal investigations or other law enforcement circumstance.
2. The Chief of Police is authorized to execute the engagement letters for these services dated July 1, 2021, on behalf of the City of Hendersonville as presented.

Adopted by the City Council of the City of Hendersonville, North Carolina this 1st day of July 2021.

/s/Barbara G. Volk, Mayor

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

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

U. Resolution Authorizing Increase in Micro-Purchase Threshold – Angela Beeker, City Attorney

I move that City Council approve the Resolution authorizing increase in micro-purchase threshold as presented.

Resolution#R-21-79

RESOLUTION TO INCREASE IN MICRO-PURCHASE THRESHOLD

WHEREAS, from time to time, the City of Hendersonville purchases goods and services using federal funding subject to the procurement standards in 2 C.F.R. Part 200, Subpart D; and

WHEREAS, the City of Hendersonville's procurement of such goods and services is subject to the purchasing policies of the City, including but not limited to the City of Hendersonville Uniform Guidance Procurement Policy; and

WHEREAS, the City of Hendersonville is a non-Federal entity under the definition set forth in 2 C.F.R. § 200.1; and

WHEREAS, pursuant to 2 C.F.R. § 200.320(a)(1)(ii), a non-Federal entity may award micro-purchases without soliciting competitive price or rate quotations if the non-Federal entity considers the price to be reasonable based on research, experience, purchase history or other information and documents that the non-Federal entity files; accordingly; and

WHEREAS, pursuant to 2 C.F.R. § 200.320(a)(1)(iii), a non-Federal entity is responsible for determining and documenting an appropriate micro-purchase threshold based on internal controls, an evaluation of risk, and its documented procurement procedures; and

WHEREAS, pursuant to 2 C.F.R. § 200.320(a)(1)(iv), a non-Federal entity may self-certify on an annual basis a micro-purchase threshold not to exceed \$50,000 and maintain documentation to be made available to a Federal awarding agency and auditors in accordance with 2 C.F.R. § 200.334; and

WHEREAS, pursuant to 2 C.F.R. § 200.320(a)(1)(iv), such self-certification must include (1) a justification for the threshold, (2) a clear identification of the threshold, and (3) supporting documentation, which, for public institutions, may be a "higher threshold consistent with State law"; and

WHEREAS, G.S. 143-129(a) and G.S. 143-131(a) require the City of Hendersonville to conduct a competitive bidding process for the purchase of (1) "apparatus, supplies, materials, or equipment" where the cost of such purchase is equal to or greater than \$30,000, and (2) "construction or repair work" where the cost of such purchase is greater than or equal to \$30,000; and

WHEREAS, North Carolina law does not require a unit of local government to competitively bid for purchase of services other than services subject to the qualifications-based selection process set forth in Article 3D of Chapter 143 of the North Carolina General Statutes (the "Mini-Brooks Act"); and

WHEREAS, G.S. 143-64.32 permits units of local government to exercise, in writing, an exemption to the qualifications-based selection process for services subject to the Mini-Brooks Act for particular projects where the aggregate cost of such services do not exceed \$50,000; and

WHEREAS, pursuant to 2 C.F.R. § 200.320(a)(1)(iv), the City Council for the City of Hendersonville now desires to adopt higher micro-purchase thresholds than those identified in 48 C.F.R. § 2.101 in order to take advantage of increased efficiencies and cost savings that are available under an increased micro-purchase threshold exemption.

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

1. In accordance with 2 C.F.R. § 200.320(a)(1)(iv) and the applicable provisions of North Carolina law, the City of Hendersonville hereby self-certifies the following micro-purchase thresholds, each of which is a “higher threshold consistent with State law” under 2 C.F.R. § 200.320(a)(1)(iv)(C) for the reasons set forth in the recitals to this resolution:
 - A. \$30,000, for the purchase of “apparatus, supplies, materials, or equipment”; and
 - B. \$30,000, for the purchase of “construction or repair work”; and
 - C. \$50,000, for the purchase of services not subject to competitive bidding under North Carolina law;
 - D. \$50,000, for the purchase of services subject to the qualifications-based selection process in the Mini-Brooks Act; provided that such threshold shall apply to a contract only if the City has exercised an exemption to the Mini-Brooks Act, in writing, for a particular project pursuant to G.S. 143-64.32. If the exemption is not authorized, the micro-purchase threshold shall be \$10,000.
 - E. \$50,000 for any contract, other than those described in A-D above, that is exempt from competitive procurement requirements under North Carolina State Law.
2. The self-certification made herein shall be effective as of the date hereof and shall be applicable until the end of the current fiscal year of the City of Hendersonville but shall not be applicable to Federal financial assistance awards issued prior to November 12, 2020, including financial assistance awards issued prior to that date under the Coronavirus Aid, Relief, and Economic Support (CARES) Act of 2020 (Pub. L. 116-136).
3. In the event that the City of Hendersonville receives funding from a federal grantor agency that adopts a threshold more restrictive than those contained herein, the City shall comply with the more restrictive threshold when expending such funds.
4. The City of Hendersonville shall maintain documentation to be made available to a Federal awarding agency, any pass-through entity, and auditors in accordance with 2 C.F.R. § 200.334.
5. The City Manager, Assistant City Manager, Finance Director, and Budget Manager of the City of Hendersonville are hereby authorized, individually and collectively, to revise the purchasing policies of the City, including but not limited to the City of Hendersonville Uniform Guidance Procurement Policy, to reflect the increased micro-purchase thresholds specified herein, and to take all such actions, individually and collectively, to carry into effect the purpose and intent of the foregoing resolution.

Adopted by the City Council of the City of Hendersonville, North Carolina this 1st day of July 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 that City Council approve the consent agenda as presented. A unanimous vote of the Council followed. Motion carried.

6. PRESENTATIONS

A. Resolution to Recognize Distinguished Service to the City of Hendersonville and Awarding of Service Side Arm and Badge – Barbara G. Volk, Mayor, Blair Myhand, Chief of Police

Mayor Barbara G. Volk presented the Resolution recognizing the distinguished service of Lieutenant Leon Worthy.

Council Member Dr. Jennifer Hensley moved that City Council adopt the resolution to award Lieutenant Leon Worthy with his badge and service side arm for a cost of \$1.00. A unanimous vote of the Council followed. Motion carried.

Resolution #R-21-73

**RESOLUTION TO RECOGNIZE DISTINGUISHED SERVICE TO THE CITY OF
HENDERSONVILLE AND AWARDING OF SERVICE SIDE ARM**

WHEREAS, North Carolina General Statutes 20-187.2 provides that retiring members of law enforcement agencies may receive, at the time of their retirement, the badge worn or carried by them during their service; and

WHEREAS, NCGS 20-187.2 further provides that the governing body of the governing law enforcement agency may, at its discretion, award to a retiring member their service side arm, at a price determined by such governing body, upon determining that the person receiving the weapon is not ineligible to own, possess, or receive a firearm under the provisions of State or federal law; and

WHEREAS, the City of Hendersonville hereby recognizes 22 years of distinguished service as a law enforcement officer by Leon Worthy for the City of Hendersonville and its residents; and

WHEREAS, the City of Hendersonville wishes to recognize Lieutenant Leon Worthy's service in a manner that is customary for persons retiring from distinguished law enforcement service; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hendersonville that the City of Hendersonville hereby awards to Lieutenant Leon Worthy his service side arm, Glock model 45, 9 mm, serial number BLP706, for a cost of \$1.00 as determined in the Policy for the Granting of Badges and Service Side Arms for Sworn Law Enforcement Officers, as a token of appreciation for his many years of service and dedication to the City of Hendersonville and its residents.

Adopted by the City Council of the City of Hendersonville, North Carolina this 1st day of July 2021.

/s/Barbara G. Volk, Mayor

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

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

B. Annual Update from the Animal Services Advisory Committee – Caroline Gunther, Chair

Caroline Gunther, Chair of the Animal Services Advisory Committee addressed City Council expressing thanks and appreciation to Council members for the creation of the Committee and recognition of the need in the community. Ms. Gunther provided updates on Committee activities to date recalling development of a survey and educational materials in concert with Henderson County Animal Control and Blue Ridge Humane Society. Ms. Gunther stated the Committee is working through the animal ordinance to make recommendations soon.

7. PUBLIC HEARINGS

- A.** Street Closure Order for a portion of right-of-way lying within the intersection of E. Barnwell Street and S. Grove Street located adjacent to PIN 9568-86-855. (P21-32-SCL) –
Lew Holloway, Community Development Director

Community Development Director Lew Holloway stated the city has received an application from Ron and Maryann Merker to close a portion of unimproved right-of-way lying within the intersection of E. Barnwell Street and S. Grove Street located adjacent to their property at 401 S Gove St. There were no comments from City Council.

The City Clerk confirmed this public hearing has been advertised in accordance with North Carolina General statutes. The public hearing was opened at 6:09 p.m.

There were no public comments.

The public hearing was closed at 6:10 p.m.

Council Member Jerry Smith moved that City Council adopt an order permanently closing a portion of unimproved right-of-way lying within the intersection of E. Barnwell Street and S. Grove Street located adjacent to property described in that deed recorded in the Henderson County Registry in Deed Book 657 at page 805, having PIN 9568-86-855 as petitioned by Ron & Maryann Merker. A unanimous vote of the Council followed. Motion carried.

Ordinance #O-21-33

AN ORDINANCE PERMANENTLY CLOSE, AN UNOPENED, UNIMPROVED PORTION OF AN UNIMPROVED RIGHT-OF-WAY LYING WITHIN THE INTERSECTION OF E. BARNWELL STREET AND S. GROVE STREET LOCATED ADJACENT TO PIN 9568-86-8555

(Petition From Ronald and Maryann Merker)

NORTH CAROLINA
HENDERSON COUNTY

TO WHOM IT MAY CONCERN:

WHEREAS, North Carolina General Statute Section §160A-299 authorizes a city council to permanently close any street or public alley way within its corporate limits or area of extraterritorial jurisdiction and provides a procedure for the closing such streets or alleyways; and

WHEREAS, Ronald and Maryann Merker, owners, have petitioned the City of Hendersonville City Council to close a portion of unimproved right-of-way lying within the intersection of E. Barnwell Street and S. Grove Street located adjacent to property described in that deed recorded in the Henderson County Registry in Deed Book 657 at page 805, having PIN of 9568-86-8555; and

WHEREAS, on June 3rd, 2021, the Hendersonville City Council adopted a resolution expressing the intention of the municipality to close portions of these streets and setting July 1st, 2021 as the date of a public hearing regarding such closure; and

WHEREAS, the aforementioned resolution has been published once a week for four successive weeks prior to the public hearing in the Hendersonville Times-News (a newspaper of general and regular circulation in Hendersonville and Henderson County) and a copy thereof has been sent by certified mail to all owners of property adjoining the street as shown on the county tax records; and

WHEREAS, notice of the closings and of the public hearing has been posted in at least two places along the streets; and

WHEREAS, a public hearing was held in conformance with the aforementioned public notice on the first day of July 2021.

NOW, THEREFORE, the City Council of the City of Hendersonville does hereby make the following findings of fact:

1. The closing of the street portion hereafter described are not contrary to the public interest.
2. No individual owning property in the vicinity of the streets or in the subdivision in which it is located would be deprived by the closing of such streets of reasonable means of ingress and egress to his property.

IN CONSIDERATION THEREOF, IT IS HEREBY ORDERED:

1. The following portions of streets are permanently closed and no longer existent as of the effective date of this order:

Beginning on a new iron pin, said iron pin being located S83°40'00" E 24.33 feet and S 28°20'51" E 9.25 feet from a drill hole in concrete shown on SLIDE 9962 and being the North West corner of D.B. 657, PG. 805. From said beginning point along the edge of the existing asphalt parking area the following 10 calls: S71°52'15"E 5.04 feet to a new iron pin, thence S57°29'14"E 22.90 feet to a new iron pin, thence S42°56'51"E 7.90 feet to a new iron pin, thence S36°22'19"E 12.17 feet to a new iron pin, thence S27°16'58"E 14.42 feet to a new iron pin, thence S12°25'57"E 46.11 feet to a new iron pin, thence S18°45'11"E 9.40 feet to a new iron pin, thence S31°06'02"E 7.40 feet to a new iron pin, thence S55°25'17"E 5.81 feet to a new iron pin, thence S22°54'45"E 31.39 feet to an existing 5/8" iron pin. Thence N32°32'37"W 36.24 feet to a point, thence N31°37'17"W 21.09 feet to a point, thence N28°20'51"W 92.22 feet to a point, thence N28°20'51"W 5.79

feet to the point and place of beginning. Containing 0.034 Acres (1462.5 sq. ft) and being a portion of the right of way of the southwest side of the intersection of E Barnwell Street and S Grove Street.

The foregoing is also shown on that plat attached hereto and incorporated by reference as Exhibit A.

2. The City Clerk shall forthwith cause a certified copy of this order to be filed in the Office of the Register of Deeds of Henderson County.

Adopted by the City Council of the City of Hendersonville, North Carolina this 1st day of July 2021.

/s/Barbara G. Volk, Mayor

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

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

8. UNFINISHED BUSINESS - NONE

9. NEW BUSINESS

A. Resolution of Proposed Acceptance of Negotiated Offer – John Connet, City Manager

City Manager John Connet stated Mr. Terry Young has approached the City about purchasing a landlocked lot in the Ashe Street neighborhood which is adjacent to property owned by his father. Manager Connet stated the City has no use for the property and said it would be appropriate to sell to someone in that neighborhood to increase their lot size. Manager Connet stated the tax value for the property is \$8,000 and said Mr. Young has offered to purchase the property for \$8,000. Manager Connet stated staff recommends accepting Mr. Young's offer and advertising the sale via the upset bid process.

Council Member Jeff Miller moved that City Council adopt the resolution of proposed acceptance of negotiated offer received from George Terry Young Jr. for Parcel Number 111082, PIN Number 9569909023 as presented. A unanimous vote of the Council followed. Motion carried.

Resolution #R-21-74

RESOLUTION OF PROPOSED ACCEPTANCE OF NEGOTIATED OFFER

WHEREAS, the City of Hendersonville owns certain property described as that +/- 0.12 more accurately described in the Sherriff's Deed recorded in Deed Book 1516 Page 457 of the Henderson County Registry. Being the same property as described in Deed Book 495, Page 314 of the Henderson County Registry, and being identified for property tax purposes as Parcel Number 111082/PIN Number 9569909023; 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, George Terry Young Jr. ("Buyer"), is offering to purchase the Property for the sum of Eight thousand dollars and no/100 (\$8,000.00), subject to the terms and conditions contained within the Offer; and

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

NOW THEREFORE BE IT RESOLVED by the Hendersonville City Council resolves as follows:

1. The Council declares the Property surplus and proposes to accept the Offer pursuant to the procedures of 160A-269.
2. The Buyer has required to deposit with the City Clerk a sum equal to 5 % of the offer, or \$400.00. The Clerk will cause a notice to be published in a newspaper of record advising that upset bids will be accepted within 10 days of the date of publication, which bid shall increase the proposed sales price by at least an amount equal to 10% of the first \$1,000.00 of the purchase price and 5% of the excess. Such

- upset bids shall be made to the City Clerk and accompanied by a deposit equal to 5% of the new purchase price, at which time the Clerk shall then publish a new notice advising that further upset bids, increased in the same minimum amount may be accepted within 10 days from the date of publication.
3. Each bidder submitting an upset bid shall be bound by the same terms and conditions as contained in the Offer. Each bidder shall therefore be required to sign an offer in the form of the Offer attached hereto as Exhibit A, with the only differences being (1) a revised purchase price; and (2) modification of the terms of the upset bid procedure described in the Offer to reflect the terms of this Resolution.
 4. When there are no further bidders, the high bid shall be reported to the Council by the Clerk.
 5. Closing shall occur within 30 days of the issuance of a final acceptance by the Council.
 6. The City reserves the right to withdraw the property from sale at

Adopted by the City Council of the City of Hendersonville, North Carolina this 1st day of July 2021.

/s/Barbara G. Volk, Mayor

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

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

B. Plastic Reduction Program Resolution – *Environmental Sustainability Board*

Beth Stang, Environmental Sustainability Board (ESB) Chair, and Christine Whitmire, Mountain True Recycling Team Chair presented the voluntary Plastic Reduction Program resolution to City Council. Ms. Stang stated the ESB and MountainTrue have developed a voluntary plastic reduction program for local organizations to participate in and requested City Council approve the resolution authorizing the ESB to implement the program as presented. Ms. Whitmire clarified the proposed program will work in conjunction with City staff to identify and recognize local businesses in the downtown Hendersonville area who are working to be plastic free. City Manager John Connet further clarified the program is voluntary and consists of members visiting local businesses and providing educational information to them to encourage them to sign a pledge to work toward being plastic free. Manager Connet stated businesses would be recognized for their efforts. Manager Connet stated any expansion of the program will come back before the City Council for approval.

Council Member Lyndsey Simpson moved that City Council adopt the resolution approving the Plastic Reduction Program Resolution as presented. A unanimous vote of the Council followed. Motion carried.

With no objections from Council Members, the City of Hendersonville will sign the digital pledge to work toward becoming plastic free.

Resolution #R-21-75

RESOLUTION TO DECLARE THAT THE CITY OF HENDERSONVILLE IS WORKING TO BE PLASTIC FREE AND TO ESTABLISH A VOLUNTARY PLASTIC REDUCTION PROGRAM

WHEREAS, the City of Hendersonville is diligent in its efforts to preserve the beautiful environment that enhances our residents' quality of life and supports the tourism industry which is so vital to our local economy; and

WHEREAS, single use plastic items are detrimental because they do not fully degrade in our waterways or on land, they introduce unsafe chemicals into our environment, and the expansive usage of single use plastic items and their disposal challenges create unsightly litter; and

WHEREAS, single use plastic items are difficult to recycle, frequently contaminate material that is processed through municipal recycling and composting programs, and cause operational problems at recycling processing facilities, landfills, and transfer stations; and

WHEREAS, reusable and compostable items are considered to be the best option to reduce waste and litter, protect wildlife and conserve resources; and

WHEREAS, City Council acknowledges that some businesses and organizations have taken affirmative steps to reduce the use of single use plastic items and recognizes their proactive efforts; and

WHEREAS, numerous studies have shown the negative environmental and health effects of plastics and the chemicals used to produce them; and

WHEREAS, numerous studies have documented the prevalence of single use plastic items littering the environment, blocking storm drains, becoming entangled in treetops, and fouling waterways; and

WHEREAS, plastic bags and other plastic products are a substantial source of aquatic debris, responsible for the deaths of tens of thousands of aquatic animals each year; and

WHEREAS, studies have shown the presence of micro plastics in terrestrial and aquatic life systems throughout the entire planet, resulting in a wholesale contamination of the food supply due to the proliferation of plastic litter and plastic breakdown products; and

WHEREAS, the City of Hendersonville and nonprofit partners installed a “Trash Trout” litter collection device in Mud Creek in 2017, and to date has been able to remove 6,500 pounds of litter, approximately 80% of which is comprised of single use plastic items; and

WHEREAS, the City of Hendersonville Environmental Sustainability Board has identified single use plastic litter as a priority and is working in partnership with the nonprofit organization MountainTrue to develop and implement a voluntary plastic reduction program for local businesses and organizations; and

WHEREAS, numerous states and cities throughout the United States have enacted voluntary and mandatory restrictions on single-use plastic items, resulting in dramatic decreases in plastic waste; and

WHEREAS, the City of Hendersonville, NC strives to protect the natural environment, the economy and the health of its residents and visitors of the city and believes environmental sustainability is critical to preserving the community for future generations as stated in the City’s new Core Values and Beliefs;

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

1. The City of Hendersonville is working to be plastic free; and
2. The City Council directs the Environmental Sustainability Board with the support of City staff and in partnership with MountainTrue to develop and implement the voluntary plastic reduction program as presented at this July 1, 2021, City Council meeting to encourage local businesses and organizations to reduce and eliminate single use plastic items from their operations.

Adopted by the City Council of the City of Hendersonville, North Carolina this 1st day of July 2021.

/s/Barbara G. Volk, Mayor

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

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

C. Resolution in Support of Fair & Impartial Redistricting Reform in NC – John Connet,
City Manager

Mayor Barbara G. Volk stated the Director of NC Coalition for Lobbying and Government Reform has communicated with City Council regarding support for fair and impartial redistricting reform in NC.

Council Member Dr. Jennifer Hensley moved that the City Council adopt the Resolution in support of Fair and Impartial Redistricting Reform in North Carolina as presented. A unanimous vote of the Council followed. Motion carried.

Resolution # R-21-76

**JOINT RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL
IN SUPPORT OF REDISTRICTING REFORM**

WHEREAS, the current redistricting process creates conflict of interest – as State legislators are effectively choosing their own constituents; and

WHEREAS, the redistricting process should be conducted in an open manner with real opportunities for public dialogue and feedback, not behind closed doors; and

WHEREAS, legislative incumbents often draw districts that are not compact and split communities of interest; and

WHEREAS, important principles such as the protections of the Federal Voting Rights Act of 1965 and respect for neighborhoods and cities should be clearly listed for a Commission to abide by; and

WHEREAS, voters are more likely to participate when they feel that their vote will count and that they have a reasonable chance of electing candidates who represent their interests; and

WHEREAS, elected officials are more responsive to constituents when voters have a choice of candidates, thus increasing accountability and serving the best interests of the voters of North Carolina.

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

1. The State of North Carolina should establish an independent redistricting process that ensures diversity of representation, protects communities of interest, and does not unduly favor one political party over the other, for all future redistricting.

Adopted by the City Council of the City of Hendersonville, North Carolina this 1st day of July 2021.

/s/Barbara G. Volk, Mayor

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

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

D. Resolution in Support for White Pine Villas Federal Tax Credit Application – John Connet, City Manager

City Manager John Connet stated White Pine Villas has submitted a federal tax credit application to the North Carolina Housing Finance Agency. Manager Connet recalled the City Council's core belief that it must pursue and provide opportunities for responsible growth in order to generate affordable housing options and reduce the impacts of high cost of living within our community. Manager Connet recalled City Council approval of a senior living facility in 2019 and said approval of this application would allow the contractor to buy down construction costs of that project to make the units more affordable. Mayor Volk added that federal tax credit applications are very competitive and said any support City Council gives would be beneficial to the applicants. The City Council supports White Pine Villas' application for federal tax credits and requests that the North Carolina Housing Finance Agency give the application serious consideration for approval

Council Member Dr. Jennifer Hensley moved that City Council adopt the Resolution in support of the Federal Tax Credit Application for White Pine Villas as presented. A unanimous vote of the Council followed. Motion carried.

Resolution # R-21-77

JOINT RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO SUPPORT THE FEDERAL TAX CREDIT APPLICATION FOR WHITE PINE VILLAS

WHEREAS, White Pine Villas, Application # APP21-0082, has submitted a federal tax credit application to the North Carolina Housing Finance Agency; and

WHEREAS, White Pine Villas propose to construct seventy-eight (78) senior housing units on Chimney Rock Road; and

WHEREAS, the Bowen Research Report indicates that Henderson County has 99% occupancy rate for multi-family projects and 47% of multi-family residents list cost burden as a major housing issue; and

WHEREAS, the City Council has a core belief that it must pursue and provide opportunities for responsible growth in order to generate affordable housing options and reduce the impacts of high cost of living within our community.

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

1. The City Council supports White Pine Villas' application for federal tax credits and requests that the North Carolina Housing Finance Agency give the application serious consideration for approval.

Adopted by the City Council of the City of Hendersonville, North Carolina this 1st day of July 2021.

/s/Barbara G. Volk, Mayor

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

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

E. Resolution in Support for Duncan Terrace Federal Tax Credit Application – John Connet, City Manager

City Manager John Connet stated Duncan Terrace has submitted a federal tax credit application to the North Carolina Housing Finance Agency. Manager Connet recalled the City Council's core belief that it must pursue and provide opportunities for responsible growth in order to generate affordable housing options and reduce the impacts of high cost of living within our community. Manager Connet recalled City Council approval of this project in 2020 of 84 traditional family units and said if the tax credit application was approved the credits would offset pricing and allow caps on the rent. The City Council supports Duncan Terrace's application for federal tax credits and requests that the North Carolina Housing Finance Agency give the application serious consideration for approval.

Council Member Lyndsey Simpson moved that City Council adopt the Resolution in support of the Federal Tax Credit Application for Duncan Terrace as presented. A unanimous vote of the Council followed. Motion carried.

Resolution # R-21-78

JOINT RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO SUPPORT THE FEDERAL TAX CREDIT APPLICATION FOR DUNCAN TERRACE

WHEREAS, Duncan Terrace, Application # APP21-0071, has submitted a federal tax credit application to the North Carolina Housing Finance Agency; and

WHEREAS, Duncan Terrace proposes to construct eighty-four (84) multi-family housing units on Duncan Hill Road; and

WHEREAS, the Bowen Research Report indicates that Henderson County has 99% occupancy rate for multi-family projects and 47% of multi-family residents list cost burden as a major housing issue; and

WHEREAS, the City Council has a core belief that it must pursue and provide opportunities for responsible growth in order to generate affordable housing options and reduce the impacts of high cost of living within our community.

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

1. The City Council supports Duncan Terrace's application for federal tax credits and requests that the North Carolina Housing Finance Agency give the application serious consideration for approval.

Adopted by the City Council of the City of Hendersonville, North Carolina this 1st day of July 2021.

/s/Barbara G. Volk, Mayor

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

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

10. CITY COUNCIL COMMENTS

There were no comments.

11. CITY MANAGER REPORT – John F. Connet, City Manager

City Manager John Connet stated he attended a meeting hosted by Crystal Cauley and Indián Jackson last evening to hear community discussions regarding returning the community's name to "Brooklyn" from Green Meadows. Manager Connet stated his interpretation of resident concerns were as follows:

- How will name change impact the community? Manager Connet stated while residents are interested in the name change, they expressed concerns about the impact of activities and programs for their children close to the neighborhood.

- What is the spirit of Brooklyn? Manager Connet stated residents discussed the spirit and potential of the neighborhood expressing preferences for their children to know the great leaders who came out of their community. He stated the residents do not want the history of Brooklyn/Green Meadows community to be lost with new growth and development like it was previously due to urban renewal.
- Will the Community lose its identity? Manager Connet stated residents want to have a place in their community where African American history can be taught to their children and others. Manager Connet stated the residents are looking for a community center they can call their own and said residents talked about the city eliminating the recreation department which was located in their neighborhood.

Manager Connet stated there are opportunities to make sure the African American history of the Brooklyn/Green Meadows Community is captured and said he will bring a proposal back to City Council to include the Historic Preservation Commission and The People's Museum. Council Member Jeff Miller recalled the city deeding the former recreation facility to the Boys and Girls Club and said it has been used very strongly. Council Member Dr. Jennifer Hensley stated having activities and programs for children and utilizing city parks to their potential is necessary.

12. BOARDS/COMMISSIONS/COMMITTEE APPOINTMENTS

A. Board & Commission Appointments (Diversity and Inclusion Advisory Committee & Environmental Sustainability Board) – *Angela L. Reece, City Clerk*

Mayor Volk advised City Council she will use Roberts Rules for this nomination process and explained she will not nominate and will remain neutral and will not comment on any individuals but will vote along with the rest of the Council. Mayor Volk announced any Council Member may start the nominations but may make only one nomination at a time, continuing until there are none, at which time nominations will be closed. Mayor Volk clarified since this is a main motion, it can be discussed, and said Council Members are free to explain why they think an individual would or would not be a good choice for the committee. Mayor Volk stated when there is no more discussion a vote will be taken and clarified a majority vote is required for a person to be appointed to the Committee. Mayor Volk stated once all positions are filled voting ends.

Nominations for the Diversity and Inclusion Advisory Committee are as follows:

Council Member Jeff Miller nominated Melinda Lowrance
Council Member Dr. Jennifer Hensley nominated Laura Bannister
Council Member Jerry Smith nominated Jayne Jennings
Council Member Lyndsey Simpson nominated Josh Williams
Council Member Jeff Miller nominated Eric Gash
Council Member Lyndsey Simpson nominated Nancy Diaz
Council Member Jerry Smith nominated Florence Allbaugh

The rest were not voted on as the committee was filled.

Council Member Dr. Jennifer Hensley nominated Richard Reagan
Council Member Lyndsey Simpson nominated Crystal Cauley
Council Member Jerry Smith nominated Kelly Hart

After the nominations were voted upon, names were drawn to fill the individual terms as indicated below. Council Member Jerry Smith clarified those persons may reapply for another term. Mayor Volk announced applicant names will be placed on file and may be called upon to serve pending any vacancy or as requested by the Committee. Mayor Volk and City Council Members extended their thanks and appreciation to everyone who applied.

Council Member Jeff Miller moved to accept the results of the drawn names to specific terms as below. A unanimous vote of the Council followed. Motion carried.

Council Members Lyndsey Simpson and Jeff Miller moved that City Council appoint Nancy Diaz, Melinda Lowrance, and Josh Williams, each to fill a 1-year term on the Diversity &

Inclusion Advisory Committee ending June 30, 2022. A unanimous vote of the Council followed. Motion carried.

Council Members Jerry Smith and Jeff Miller moved that City Council appoint Jane Jennings, and Eric Gash each to fill a 2-year term on the Diversity & Inclusion Advisory Committee ending June 30, 2023. A unanimous vote of the Council followed. Motion carried.

Council Member Jerry Smith moved that City Council appoint Florence Allbaugh to fill a 3-year term on the Diversity & Inclusion Advisory Committee ending June 30, 2024. Council Members Smith, Simpson, and Mayor Volk voted Aye, and Council Members Hensley and Miller voted No. Motion carried.

Council Member Dr. Jennifer Hensley moved that City Council appoint Laura Bannister to fill a 3-year term on the Diversity & Inclusion Advisory Committee ending June 30, 2024. A unanimous vote of the Council followed. Motion carried.

City Council Member Lyndsey Simpson moved that City Council appoint Mayor Barbara G. Volk as Liaison, and Mayor Pro-Tempore Jerry Smith as Alternate Liaison to the Diversity & Inclusion Advisory Committee. A unanimous vote of the Council followed. Motion carried.

Environmental Sustainability Board

Council Member Lyndsey Simpson moved that City Council appoint Kim Bailey and Ann Twigs each to fill a 2-year At-Large term on the Environmental Sustainability Board ending June 30, 2023. A unanimous vote of the Council followed. Motion carried.

Council Member Lyndsey Simpson moved that City Council appoint Gray Jernigan to fill a 3-year At-Large term on the Environmental Sustainability Board ending June 30, 2024. A unanimous vote of the Council followed. Motion carried.

Council Member Jerry Smith moved that City Council appoint Kelly Pahle to fill a 3-year At-Large term on the Environmental Sustainability Board ending June 30, 2024.

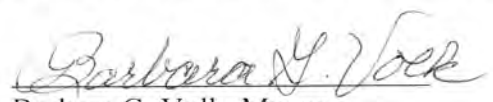
Council Member Lyndsey Simpson moved that City Council appoint Beth Stang and Geri Conley each to fill a 2-year term on the Environmental Sustainability Board ending June 30, 2023. A unanimous vote of the Council followed. Motion carried.

Council Member Jerry Smith moved that City Council appoint Caroline Beamer, Mary Ellen Kustin, and Francis Rundlett each to fill a 3-year term on the Environmental Sustainability Board ending June 30, 2024. A unanimous vote of the Council followed. Motion carried.

Council Member Jerry Smith moved that City Council appoint City Council Member Lyndsey Simpson as Liaison, to the Environmental Sustainability Board. A unanimous vote of the Council followed. Motion carried.

13. ADJOURN

There being no further business, the meeting was adjourned at 6:51 p.m. upon unanimous assent of the Council.


Barbara G. Volk, Mayor

ATTEST:


Angela L. Reece, City Clerk