



MINUTES

September 2, 2021

REGULAR MEETING OF THE CITY COUNCIL - ELECTRONIC CITY OPERATIONS CENTER | 305 WILLIAMS ST. | 5:45 p.m.

Present: Mayor Barbara G. Volk, and Council Members: Mayor Pro Tem Jerry Smith, 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.*

Ben McDowell of 133 McDowell St. Canton addressed City Council expressing support for small scale manufacturing. Mr. McDowell stated he owns a business located at 429 N. Main St. and said this will allow his small business to expand and grow.

Crystal Cauley of 627 5th Ave. W. addressed City Council virtually via Zoom expressing thanks and appreciation to city staff regarding Smart Start Partnership for Children installation of a story walk in the parks and asked for consideration of the same in Sullivan Park and Four Seasons Rotary Park.

Lynn Williams of 309 Chadwick Ave. addressed City Council regarding installation of a plaque by the Historic Preservation Commission at Boyd Park and requested consideration of preservation of Boyd Park.

James and April Thompson of 316 Jordan Street submitted digital public comments to City Council expressing concerns regarding motorcycle noise in downtown.

Lynden Jones of 192 Piney Mountain Rd. submitted digital public comments to City Council expressing concerns regarding street line painting on Sugarloaf Rd.

4. CONSIDERATION OF AGENDA

Council Member Jeff Miller moved that City Council approve the agenda as presented. 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 City Council adopt the minutes of the July 28, 2021, Second Monthly Meeting, and the August 5, 2021, Regular Meeting as presented as presented.

B. Special Event: Jingle Jog 5K– Lew Holloway, Community Development Director

I move that City Council approve the special event permit for Jingle Jog.

C. Special Event: Tails in Town – Lew Holloway, Community Development Director

I move that City Council approve the special event permit for Tails in Town.

D. Special Event: Oktoberfest – Lew Holloway, Community Development Director

I move that City Council approve the approve the special event permit for Oktoberfest.

E. Special Event: Bearfootin' Bear Auction – Lew Holloway, Community Development Director

I move City Council approve the special event permit for Bearfootin' Bear Auction.

F. Transport and Disposal of WWTP Biosolids Quote Approval – Lee Smith, Utilities Director

I move that the City Council authorize the Utilities Director to contract with Southern Logistics, Inc., for the transport and disposal of sludge from the WWTP, in accordance with the pricing terms as presented, through June 30, 2022, within budgeted funds available.

G. An Ordinance to Amend Chapter 52 of the Code of Ordinances for the City of Hendersonville to Add a New Section 52-97, Policy and Procedures for the Extension of Water and Sewer Utilities – Drew Finley, Lead for North Carolina Fellow

I move that the City Council adopt An Ordinance to Amend Chapter 52 of the Code of Ordinances for the City of Hendersonville to Add a New Section 52-97, Policy and Procedures for the Extension of Water and Sewer Utilities, and that the City Council adopt and approve the Extension of Water and Sewer Utilities Policy as presented.

Ordinance #O-21-39

AN ORDINANCE TO AMEND CHAPTER 52 OF THE CODE OF ORDINANCES OF THE CITY OF HENDERSONVILLE TO ADD A NEW SECTION 52-97, POLICY AND PROCEDURES FOR THE EXTENSION OF WATER AND SEWER UTILITIES

WHEREAS, North Carolina General Statutes Chapter 160A Article 16 (“Public Enterprises”) stipulates that the rules for any public enterprise system that the City operates shall be adopted by ordinance and

WHEREAS, the City’s official policy for the extension of water and sewer utilities has not been comprehensively revised in over twenty years and

WHEREAS, City staff have made a concerted effort over the past two years to review, update, and compile the various regulations applicable to utility extensions and

WHEREAS, the policy to be included in this new section represents the culmination of those efforts and

WHEREAS, City staff presented this policy to the Water and Sewer Advisory Council at their January 25, 2021 meeting and have updated it to reflect the feedback provided,

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Hendersonville, North Carolina as follows:

Section 1. A new section 52-97, Policy and Procedures for the Extension of Water and Sewer Utilities, to be added to Chapter 52 of the Code of Ordinances for the City of Hendersonville, is hereby adopted as follows:

Sec. 52-97. – Policy and Procedures for the Extension of Water and Sewer Utilities

All utility extensions will be made in accordance with the Policy and Procedures for the Extension of Water and Sewer Utilities adopted by the City Council.

Section 2. This Ordinance shall be effective upon its adoption.

Adopted by the City Council of the City of Hendersonville, North Carolina this 2nd day of September 2021.

/s/Barbara G. Volk, Mayor

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

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

H. Engineering Services to Support the WWTF Ultraviolet Disinfection Improvements Project – Adam Steurer, Utilities Engineer

I move that City Council adopt the Resolution to Enter into a Contract with Mckim & Creed, Inc. for Engineering Services to Support the Wastewater Treatment Facility Ultraviolet Disinfection Improvements Project and Authorize the City Manager to Negotiate and Execute a Contract with the Selected Firm.

Resolution #R-21-90

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO ENTER INTO A CONTRACT FOR ENGINEERING SERVICES TO SUPPORT THE WWTF ULTRAVIOLET DISINFECTION IMPROVEMENTS PROJECT

WHEREAS, the city owns and operates a wastewater treatment facility (WWTF) that disinfects treated wastewater with ultraviolet (UV) disinfection equipment before discharging the treated wastewater to Mud Creek; and

WHEREAS, the existing, antiquated UV disinfection equipment was commissioned in 2001 and is in need of replacement due to unreliable operation, significant wear, lack of redundancy, damage potentially related to lightning strikes, and the increasing cost of continued maintenance; and

WHEREAS, City Council previously adopted a Capital Project Ordinance on June 6, 2019 that will fund the project; and

WHEREAS, City Staff have performed a qualifications-based selection, determined McKim & Creed best qualified, and received a proposal from McKim & Creed, Inc. to provide Engineering Services to support the project;

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

1. McKim & Creed, Inc. is best qualified to provide professional engineering services for the project, as recommended by Staff.
2. The scope of engineering services from McKim & Creed, Inc. is approved in the amount of \$393,000.
3. The City Manager is authorized to execute an agreement with McKim & Creed, Inc. consistent with the terms of this Resolution, as approved by the City Attorney.

Adopted by the City Council of the City of Hendersonville, North Carolina this 2nd day of September 2021.

/s/Barbara G. Volk, Mayor

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

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

I. Special Event: Meltdown Vintage Motorcycle Show – Lew Holloway, Community Development Director

I move City Council approve the special event permit for Meltdown Vintage Motorcycle Show

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. Proclamation - Constitution Week – Barbara G. Volk, Mayor

Mayor Barbara G. Volk presented a proclamation designating the week of September 17 through 23, 2021 as Constitution Week to Penny Summey.

Proclamation

Constitution Week 2021

WHEREAS, September 17, 2021, marks the two hundred and thirty fourth anniversary of the drafting of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS, The Daughters of the American Revolution (DAR) has been the foremost advocate for the awareness, promotion and celebration of Constitution Week and initiated its observance in 1955, when the organization petitioned the U.S. Congress to dedicate September 17–23 of each year to the commemoration of Constitution Week; and

WHEREAS, the United States Congress adopted the resolution, and on August 2, 1956, President Dwight D. Eisenhower signed it into Public Law #915; and

WHEREAS, it is fitting and proper to officially recognize this magnificent document and the anniversary of its creation; to encourage the study of the historical events that led to the framing of the Constitution in September 1787; and to inform people that the Constitution is the basis of America's great heritage and the foundation of our way of life; and to emphasize U.S. citizens' responsibility to protect, defend and preserve the Constitution; and

WHEREAS, public law 915 guarantees the issuing of a proclamation each year by the President of the United States of America to officially recognize the patriotic celebrations which will commemorate the occasion by designating September 17 through 23 as constitution week.

NOW, THEREFORE, I, Barbara Volk, Mayor of the City of Hendersonville do hereby proclaim the week of September 17 through 23, 2021 to be

“Constitution Week”

in the City of Hendersonville and ask our citizens to reaffirm the ideals the Framers of the Constitution had in 1787.

PROCLAIMED this 2nd day of September 2021

/s/Barbara G. Volk, Mayor

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

B. Proclamation - Suicide Prevention and Awareness Month – Barbara G. Volk, Mayor

Mayor Barbara G. Volk presented a proclamation designating the month of September as Suicide Prevention and Awareness Month to Jodi Grabowski with the Partnership for Health and Matt Gruebmeier with Henderson County Public Schools.

Proclamation

Suicide Prevention and Awareness Month

WHEREAS, September is known around the United States as National Suicide Prevention and Awareness Month and is intended to affirm the need for suicide prevention awareness, to increase the community’s awareness about suicide’s warning signs, to reduce the stigma associated with suicide, and to advocate for the availability of mental health services to all, and; and

WHEREAS, Suicide is a complex, but preventable, health issue that requires compassion, empathy, trust, understanding, and access to professional services; and

WHEREAS, according to the US Centers for Disease Control and Prevention, suicide rates increased 33% between 1999 and 2019 and suicide was responsible for more than 47,500 deaths in 2019; and

WHEREAS, Suicide is the 10th leading cause of death in the United States and the second leading cause of death for people ages 10-34; and

WHEREAS, Suicide prevention is especially vital for youth. According to the National Alliance on Mental Illness (NAMI), 16.5% of United States Youth aged 6-17 experienced a mental health disorder in 2016, and 18.8% of high school students and 11.8% of young adults aged 18-25 reported serious thoughts of suicide; and

WHEREAS, according to the Trevor Project, young people who identify as LGBTQ+ are almost five times as likely to have attempted suicide as compared to their heterosexual counterparts.

WHEREAS, Suicide and its associated mental health conditions are family and community challenges. NAMI reports that at least 8.4 million Americans provide care to an adult with a mental or emotional health issue, that high school students with significant symptoms of depression are more than twice as likely to drop out of school compared to their peers, that mental illness and substance use disorders are involved in 1 out of every 8 emergency department visits, and that more than 70% of youth in the juvenile justice system have a diagnosed mental illness

NOW, THEREFORE, I, Barbara Volk, Mayor of the City of Hendersonville, do hereby proclaim September 2021 as

“Suicide Prevention and Awareness Month”

PROCLAIMED this 2nd day of September 2021

/s/Barbara G. Volk, Mayor

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

C. Hands On! Children's' Museum Update – Joseph Knight, Executive Director

Executive Director Joseph Knight presented an update to City Council of the Museum's outreach and milestones. Director Knight expressed thanks and appreciation to the City Council for their support to help develop and sustain the People's Museum and Walk of Fame. Director Knight stated the Museum is now 14 years old and serves over 400,000 children in the area. Director Knight stated the Museum was successful in obtaining an additional \$125,000 in funding to support this project from private donors. Director Knight stated construction is underway and said the project is on schedule to open by end of the fall season.

D. Aerial Infrared Imaging Survey of Sewer Collection System – Adam Steurer, Utilities Engineer

Utilities Engineer Adam Steurer and Hartwell Carson of Mountain True presented their findings of the aerial infrared imaging survey of the City's sewer collection system. Mr. Steurer stated the infrared imaging study took place on the night of January 18, 2021 and presented maps of the study area and discussed the study results. Mr. Steurer stated there were 49 anomalies identified and investigated which resulted in no issues being found from the City's water or sewer systems. Mr. Steurer noted that private septic pollution remains a concern.

7. PUBLIC HEARINGS**A. Negotiation of an Installment Financing Contract and Certain Other Related Matters – Adam Murr, Budget Manager**

The City of Hendersonville has determined it is desirable to finance certain improvements related to a Parking Facility Project, 7th Avenue Streetscape Project, and refinancing of an existing loan. Budget Manager Adam Murr stated the city is considering installment financing not to exceed \$17,000,000 for the purchase, acquisition, construction, and installation of the total project. Mr. Murr clarified the current estimated construction cost is \$15,671,905.00 and said the "not to exceed" amount of \$17,000,000 indicated in the contract is to provide flexibility in the event there is a price increase in the construction market. Mr. Murr stated staff recommends the City Council adopt the preliminary resolution, drafted by Special/Bond Counsel, Parker Poe Adams & Bernstein, LLP which directs staff and Special Counsel to negotiate financing and apply to the Local Government Commission for approval of Contracts.

The City Clerk confirmed this public hearing has been advertised in accordance with North Carolina General statutes. The public hearing was opened at 6:31p.m.

There were no public comments and no discussion by City Council.

The public hearing was closed at 6:32p.m.

Council Member Jeff Miller moved that City Council adopt the Resolution of the City Council of the City of Hendersonville, North Carolina, Authorizing the Negotiation of an Installment Financing Contract and Providing for Certain Other Related Matters Thereto. A unanimous vote of the Council followed. Motion carried.

Resolution #R-21-91

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HENDERSONVILLE, NORTH CAROLINA, AUTHORIZING THE NEGOTIATION OF AN INSTALLMENT FINANCING CONTRACT AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS THERETO

WHEREAS, the City of Hendersonville, North Carolina (the "City") is a validly existing municipal corporation, existing as such under and by virtue of the Constitution, statutes, and laws of the State of North Carolina (the "State"); and

WHEREAS, the City has the power, pursuant to the General Statutes of North Carolina to (1) enter into installment contracts in order to purchase, or finance or refinance the purchase of, real or personal property and to finance or refinance the construction or repair of fixtures or improvements on real property and (2) create a security interest in some or all of the property financed or refinanced to secure repayment of the purchase price; and

WHEREAS, the City Council of the City (the “City Council”) hereby determines it is in the best interest of the City to proceed with financing of (1) the construction, equipping and furnishing of a parking facility and (2) the construction of various streetscape improvements in downtown Hendersonville (collectively, the “Projects”); and

WHEREAS, the City Council has been advised by the City’s staff that the City may be able to achieve debt service savings by refinancing some of its outstanding indebtedness (referred to as the “Prior Indebtedness”), including the Installment Financing Contract dated as of October 11, 2018 between Pinnacle Financial Partners and the City of Hendersonville, North Carolina, the proceeds of which were used to finance (a) the construction and equipping of a public works maintenance facility, (b) the construction of public restroom facilities and (c) improvements to the Whitmire Building, a recreation center, including parking lot expansion/repaving and the replacement of interior flooring; and

WHEREAS, the City Council determines that it is in the best interest of the City to enter into (a) an installment financing contract (the “Contract”) with a North Carolina nonprofit corporation (the “Corporation”) to be created to assist the County with its financings to (1) pay all or a portion of the capital costs of the Projects, (2) refinance all or a portion of the Prior Indebtedness and (3) pay the costs related to the execution and delivery of the Contract and (b) a deed of trust and security agreement (the “Deed of Trust”) related to the City’s fee simple interest in the site of the parking facility and the improvements thereon, and such other of the sites on which projects to be financed or refinanced under the Contract are located as may be necessary to secure the City’s obligations under the Contract; and

WHEREAS, the Corporation will assist the city by the issuance of Limited Obligation Bonds (the “2021 Bonds”) to finance the Projects and refinance the Prior Indebtedness; and

WHEREAS, the City hereby determines that the Projects and refinancing the Prior Indebtedness are essential to the City’s proper, efficient and economic operation and to the general health and welfare of its citizens; that the financing of the Projects and the projects originally financed from the proceeds of the Prior Indebtedness provide an essential use and will permit the City to carry out public functions that it is authorized by law to perform; and that entering into the Contract and the Deed of Trust are necessary and expedient for the City by virtue of the findings presented herein; and

WHEREAS, the City hereby determines that the Contract allows the City to complete the Projects and take title thereto at a favorable interest rate currently available in the financial marketplace and upon terms advantageous to the City; and

WHEREAS, the City hereby determines that the estimated cost of the portion of the Projects to be financed and the cost of refinancing the Prior Indebtedness exceeds the amount that can be prudently raised from currently available appropriations, unappropriated fund balances and non-voted bonds that could be issued by the City in the current fiscal year pursuant to Article V, Section 4 of the Constitution of the State; and

WHEREAS, although the cost of financing the Projects and refinancing the Prior Indebtedness pursuant to the Contract is expected to exceed the cost of financing the Projects and refinancing the Prior Indebtedness pursuant to a bond financing for the same undertaking, the City hereby determines that the cost of financing the Projects and refinancing the Prior Indebtedness pursuant to the Contract and the Deed of Trust and the obligations of the City thereunder are preferable to a general obligation bond financing or revenue bond financing for several reasons, including but not limited to the following: (1) the cost of a special election necessary to approve a general obligation bond financing, as required by the laws of the State, would result in the expenditure of significant funds; (2) the time required for a general obligation bond election would cause an unnecessary delay which would thereby decrease the financial benefits of financing the Projects and refinancing the Prior Indebtedness; and (3) revenues produced by the Projects are insufficient to permit a revenue bond financing; and

WHEREAS, the City has determined and hereby determines that the estimated cost of financing the Projects and refinancing the Prior Indebtedness pursuant to the Contract reasonably compares with an estimate of similar costs under a bond financing for the same undertaking as a result of the findings delineated in the above preambles; and

WHEREAS, the City anticipates that any property tax increase, if necessary, to pay installment payments falling due under the Contract will not be excessive; and

WHEREAS, Parker Poe Adams & Bernstein LLP, as bond counsel, will render an opinion to the effect that entering into the Contract and the transactions contemplated thereby are authorized by law; and

WHEREAS, no deficiency judgment may be rendered against the City in any action for its breach of the Contract, and the taxing power of the City is not and may not be pledged in any way directly or indirectly or contingently to secure any moneys due under the Contract; and

WHEREAS, the city is not in default under any of its debt service obligations; and

WHEREAS, the City's budget process and Annual Budget Ordinance are in compliance with the Local Government Budget and Fiscal Control Act; and

WHEREAS, past audit reports of the City indicate that its debt management and contract obligation payment policies have been carried out in strict compliance with the law, and the City has not been censured by the North Carolina Local Government Commission (the "LGC"), external auditors or any other regulatory agencies in connection with such debt management and contract obligation payment policies; and

WHEREAS, a public hearing on entering into Contract after publication of a notice with respect to such public hearing was held by the City Council on September 2, 2021, and approval of the LGC with respect to entering into the Contract must be received; and

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

1. **Authorization to Negotiate Contract.** That the City Manager, the Assistant City Manager and the Finance Director (the "Authorized Officers"), individually or collectively, with advice from the City Attorney and Bond Counsel, are hereby authorized and directed to proceed and negotiate on behalf of the City the Contract for a principal amount not to exceed \$17,000,000 for the financing of the Projects and the refinancing of the Prior Indebtedness to be entered into in accordance with the provisions of Section 160A-20 of the General Statutes of North Carolina and to provide in connection with the Contract, as security for the City's obligations thereunder, the Deed of Trust conveying a lien and interest in the projects to be financed or refinanced, as may be required by the entity, or its assigns, providing the funds to the City under the Contract.
2. **Application to LGC.** That the Finance Director or his designees are hereby directed to file with the LGC an application for its approval of the Contract and all relevant transactions contemplated thereby on a form prescribed by the LGC and to state in such application such facts and to attach thereto such exhibits regarding the City and its financial condition as may be required by the LGC.
3. **Direction to Retain Professionals.** That the Authorized Officers are hereby authorized and directed to retain the assistance of Robert W. Baird & Co. Incorporated to serve as underwriter for the 2021 Bonds, Parker Poe Adams & Bernstein LLP to serve as bond counsel and First Tryon Advisors to serve as financial advisor. The Authorized Officers, with advice from the City Attorney and Bond Counsel, are hereby authorized to retain the assistance of and engage such professionals as he or she deem necessary and desirable to carry out the intention of this Resolution.
4. **Repealer.** That all motions, orders, resolutions, and parts thereof in conflict herewith are hereby repealed.
5. **Effective Date.** That this Resolution is effective on the date of its adoption.

Adopted by the City Council of the City of Hendersonville, North Carolina this 2nd day of September 2021.

/s/Barbara G. Volk, Mayor

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

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

B. Annexation Public Hearing: 0 Monroe Drive and 2115 N Stoney View Court (P21-43-ANX)

– Tyler Morrow, Planner II

Community Development Director Lew Holloway stated the City of Hendersonville has received a petition from Larry and Mary Maitland for contiguous annexation of PINs 9569-46-0920 and 9569-46-1849 located on Monroe Drive and N. Stoney View Court that is approximately 0.53 acres and presented information and maps to City Council for consideration.

The City Clerk confirmed this public hearing has been advertised in accordance with North Carolina General statutes. The public hearing was opened at 6:34 p.m.

City Council Member Jerry Smith clarified the parcels are currently in the ETJ and said the zoning designation does not change by bringing them into the city.

There were no public comments.

The public hearing was closed at 6:34 p.m.

City Council Member Dr. Jennifer Hensley moved that City Council adopt an ordinance of the City of Hendersonville to extend the Corporate Limits of the City as a contiguous annexation, to annex that property owned by Larry and Mary Maitland, identified as PINs 9569-46-0920 and 9569-46-1849, finding that the standards established by North Carolina General Statute 160A-31 have been satisfied and that the annexation is in the best interest of the City. A unanimous vote of the Council followed. Motion carried.

Ordinance #O-21-40

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO EXTEND THE CORPORATE LIMITS OF THE CITY AS A CONTIGUOUS ANNEXATION

WHEREAS, The City of Hendersonville has been petitioned by Larry and Mary Maitland pursuant to North Carolina General Statutes (NCGS) 160A-31, as amended, to annex the area described herein below; and,

WHEREAS, the City Clerk has investigated and certified the sufficiency of said petition; and,

WHEREAS, a public hearing on the question of this annexation was held at 305 Williams Street (City Operations Center), Hendersonville, NC at 5:45 pm, on the 2nd day of September, 2021, after due notice by publication as provided by law on August 22nd and August 29th, 2021; and,

WHEREAS, the City Council further finds the areas described therein meets the standards of N.C. G.S. 160A-31.

WHEREAS, the City further finds that the petition has been signed by all the owners of real property in the area who are required by law to sign; and

WHEREAS, the City further finds that the petition is otherwise valid, and that the public health, safety and welfare of the City and of the area proposed for annexation will be best served by annexing the area described;

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

1. By virtue of the authority granted by N.C.G.S. 160A-31, as amended, the following described contiguous area is hereby annexed and made part of the City of Hendersonville as of the 2nd day of September 2021.

Being all of that real property shown on that annexation plat recorded in Book 2021 at Page _____ of the Henderson County Registry, and being also all of that real property shown on that plat recorded on Deed Book 3741; pages 319-321, Plat Slide 13355 of the Henderson County Registry, and being described by metes and bounds as follows:

LOT 1 AND LOT 2 OF PLAT SLIDE 2021-13355 AS RECORDED IN THE HENDERSON COUNTY REGISTER OF DEEDS CONTAINING 0.53 ACRES (23,257 SQUARE FEET). ALSO DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF LOT 8, PLAT BOOK 5, PAGE 9 OF SAID HENDERSON COUNTY REGISTER OF DEEDS; THENCE N85°25'19"W ALONG THE NORTH LINE OF SAID LOT 8, ALONG THE EXISTING CITY LIMITS OF HENDERSONVILLE A DISTANCE OF 116.77 FEET TO A POINT ON THE ARC OF A NON-TANGENT CURVE CONCAVE TO THE EAST, SAID POINT BEING ON THE RIGHT OF WAY LINE OF U.S. HIGHWAY 25; THENCE NORTHERLY ALONG SAID RIGHT OF WAY LINE, ALONG SAID EXISTING CITY LIMITS AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 914.93 FEET AND HAVING A CHORD BEARING OF N05°33'16"E AND CHORD DISTANCE OF 38.95 FOR AN ARC DISTANCE OF 38.95 FEET TO A POINT ON A NON-TANGENT LINE; THENCE N55° 53'41"E ALONG SAID RIGHT OF WAY LINE, ALONG SAID EXISTING CITY LIMITS A DISTANCE OF 86.44 FEET;

THENCE N87°59'49"E ALONG SAID RIGHT OF WAY LINE, ALONG SAID EXISTING CITY LIMITS A DISTANCE OF 56.23 FEET; THENCE CONTINUE N87°59'49"E ALONG SAID RIGHT OF WAY LINE, ALONG THE PROPOSED NEW HENDERSONVILLE CITY LIMITS A DISTANCE OF 40.40 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF MONROE DRIVE; THENCE S76°07'17"E ALONG SAID SOUTH RIGHT OF WAY LINE, ALONG SAID NEW CITY LIMITS FOR A DISTANCE OF 103.14 FEET TO A POINT ON THE ARC OF A NON-TANGENT CURVE, SAID POINT BEING ON THE EASTERLY RIGHT OF WAY LINE OF NORTH STONEY VIEW COURT; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE TO THE LEFT, ALONG SAID EASTERLY RIGHT OF WAY LINE, ALONG SAID NEW CITY LIMITS, HAVING A RADIUS OF 592.70 AND A CHORD BEARING OF S09°18'12"W AND A CHORD DISTANCE OF 87.67 FEET FOR AN ARC DISTANCE OF 87.75 TO A POINT ON A NON-TANGENT LINE, SAID POINT BEING ON THE NORTH LINE OF LOT 2 OF SAID

PLAT BOOK 5, PAGE 9; THENCE N85°25'19"W ALONG THE NORTH LINE OF SAID LOT 2, ALONG SAID NEW CITY LIMITS A DISTANCE OF 141.93 FEET TO THE POINT OF BEGINNING.

2. Upon and after the second day of September 2021, the above-described territory, and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the City of Hendersonville and shall be entitled to the same privileges and benefits as other parts of the City of Hendersonville. Said territory shall be subject to municipal taxes according to NCGS 160A-58.10, as amended.

3. The Mayor of the City of Hendersonville shall cause to be recorded in the office of the Register of Deeds of Henderson County and at the Office of the Secretary of State in Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1, above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Henderson County Board of Elections, as required by G. S. 163-288.1.

Adopted by the City Council of the City of Hendersonville, North Carolina this 2nd day of September 2021.

/s/Barbara G. Volk, Mayor

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

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

C. Annexation Public Hearing: Annexation Public Hearing: 0 South Allen Road PIN: 9588-11-9994 (P21-40-ANX) – Tyler Morrow, Planner II

Community Development Director Lew Holloway stated the city has received a petition from Peggy C. Cabe, Enno F. Camenzind, Paula Camenzind Carter, Robert O. Camenzind, Joan C. Fleming for noncontiguous annexation of PIN 9588-11-9994 located on S. Allen Road that is approximately 32.66 acres. Director Holloway presented information and maps to City Council for consideration.

The City Clerk confirmed this public hearing has been advertised in accordance with North Carolina General statutes. The public hearing was opened at 6:37 p.m.

Kelton Lastene of 125 Continental Dr. Flat Rock addressed City Council requesting consideration of the annexation.

The public hearing was closed at 6:39 p.m.

City Council Member Jerry Smith moved that City Council adopt an ordinance of the City of Hendersonville to annex noncontiguous property owned by Peggy C. Cabe, Enno F. Camenzind, Paula Camenzind Carter, Robert O. Camenzind, Joan C. Fleming, identified as PIN 9588-11-9994, finding that the standards established by North Carolina General Statute 160A-58.1 have been satisfied and that the annexation is in the best interest of the City. A unanimous vote of the Council followed. Motion carried.

Ordinance #O-21-41

Adopted by the City Council of the City of Hendersonville, North Carolina this 2nd day of September 2021.

/s/Barbara G. Volk, Mayor

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

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

D. Amended Grey Hosiery Mill Local Landmark Designation (H21-10-LL) – Matthew Manley, AICP | Planning Division Manager

Planning Manager Matthew Manley stated the owner of the Grey Hosiery Mill, Ken Reiter, Grey Mill Ventures, LLC has requested an amendment to the local landmark designation. Mr. Manley stated MacRostie Historic Advisers were contracted to prepare a local historic landmark report which was reviewed by the City of Hendersonville Historic Preservation Commission and found that it meets the criteria of Section 28-77(c) of the City of Hendersonville Historic Preservation Ordinance. Mr. Manley stated the original Local Landmark designation of the Grey Mill site as approved by City Council in November 2019 did not include the parking lot and common area associated with the development. Mr. Manley stated the requested addition is located on an adjacent parcel identified in PIN 9568-88-9541 and said the developer has amended his request to include this additional parcel in order to receive a tax incentive on local property taxes. Mr. Manley clarified a landmark status gives the property

owners a 50% tax reduction on local property taxes and requires exterior changes to follow the certificate of appropriateness review process and said the amendment designation for Grey Mill would also be governed by Historic Preservation design standards.

Council Member Jerry Smith clarified this designation does not affect adjacent properties.

The City Clerk confirmed this public hearing has been advertised in accordance with North Carolina General statutes. The public hearing was opened at 6:43 p.m.

Ken Fitch of 1046 Patton St. addressed City Council via Zoom electronic software recalling brownfield area issues at the onset of the Grey Mill Project expressing concerns of the location of the brownfield on this site stating it may have relevance.

The public hearing was closed at 6:51 p.m.

City Manager John Connet stated Mr. Fitch's comments were also questions of the Historic Preservation Commission and said staff view the historic significance of the site as being a center for the first industry in the community. Manager Connet stated there was a clerical error resulting in some parcel numbers being left off initially and said the site is owned by one entity and the purpose is to protect the entire site. Manager Connet stated the site is designated as a brownfield and is on file with the state.

City Council Member Lyndsey Simpson moved that City Council approve the adoption of an ordinance amending the designation of the Grey Mill Local Landmark to include the Grey Hosiery Mill Parking Lot and Common Space (PIN 9568-88-9541). A unanimous vote of the Council followed. Motion carried.

Ordinance #O-21-42

AN ORDINANCE AMENDING ORDINANCE #19-1186 DESIGNATING PROPERTY KNOWN AS GREY HOSIERY MILL TO INCLUDE PARKING LOT & COMMON AREA (PIN 9568-88-9541) AS PART OF LOCAL HISTORIC LANDMARK DESIGNATION

WHEREAS, pursuant to N.C. General Statutes Sections. 160D-942 and Chapter 28 of the Code of Ordinances of the City of Hendersonville, the City has the authority for designation of a local historic landmark; and

WHEREAS, Henderson County Tax Records for Parcels # 9568-88-7494 and #9568-88-9541, located at 301 4th Avenue East and known as Grey Hosiery Mill, lists Grey Mill Ventures, LLC as the property owners; and

WHEREAS, the property owners have caused to be made an investigation and report on the historic, architectural, and cultural significance of the buildings and property proposed for designation located at/adjacent to 301 4th Avenue East; and

WHEREAS, the North Carolina Department of Cultural Resources has reviewed and commented on the proposed designation; and

WHEREAS, a public hearing on the original designation of the portion of the Grey Hosiery Mill property, having a PIN of 9568-88-7494, as a local historic landmark was held by the Hendersonville Historic Preservation Commission on September 18, 2019, and the following findings were made:

- a. First constructed in 1915, the Grey Hosiery Mill is the only remaining early twentieth century industrial structure in Hendersonville.
- b. The Grey Hosiery Mill is significant for its association with Hendersonville's industrial and social history.
- c. The Grey Hosiery mill is significant in the area of architecture for being representative of early twentieth century mill design in the area: one-to-two story brick buildings with minimalist, unadorned facades characteristic of International Modernism architecture.

WHEREAS, a public hearing on the original designation of the portion of the Grey Hosiery Mill property, having a PIN of 9568-88-7494, as a local historic landmark was held by the City of Hendersonville City Council on November 7, 2019 and subsequently City Council adopted Ordinance #19-1186 designating the 1.09 Acre parcel of the Grey Hosiery Mill property as a Local Landmark; and

WHEREAS, the initial Local Landmark Designation for Grey Mill did not include the Parking Lot & Common Area (PIN 9568-88-9541); and

WHEREAS, a public hearing on the amendment to the designation of Grey Mill as a local historic landmark to add the Parking Lot & Common Area (PIN 9568-88-9541) was held by the Hendersonville Historic Preservation Commission on May 19, 2021, and the following findings were made subsequently at a meeting held on July 21, 2021:

- a. The parcel in question serves as the parking lot and common area for the Grey Mill Condo's.
- b. The developer's proposal is to add this associated parcel to the existing Local Landmark Designation.
- c. The HPC found that amending the designation to include the associated parcel was appropriate based on the standards set forth in Chapter 28 of the City's Code of Ordinances.

WHEREAS, the Hendersonville City Council has taken into full consideration all statements and information presented at its public hearing on September 2, 2021, and considered the recommendation of the Hendersonville Historic Preservation Commission after its public hearing held on May 19, 2021, on the question of amending the designation of the property known as Grey Hosiery Mill to include the associated Parking Lot & Common Area (PIN 9568-88-9541) as a part of the Grey Hosiery Mill local historic landmark.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HENDERSONVILLE:

Section 1. The City Council makes the following findings:

- a. The Parking Lot and Common Area (PIN 9568-88-9541) are an integral part and parcel of the Grey Hosiery Mill local historic landmark designated through that Ordinance #119-1186, adopted by City Council on November 7, 2019.
- b. As an integral part of the Grey Hosiery Mill local historic landmark, the Parking Lot and Common Area (PIN 9568-88-9541) are of special significance in terms of its historical, architectural and cultural significance, and together with the Grey Hosiery Mill, possess integrity of setting, feeling and association.
- c. The proposed amendment to Ordinance #119-1186, to add the Parking Lot Common Area (PIN 9568-88-9541) to the Grey Hosiery Mill local historic landmark designation meets the requirements of Chapter 28 of the City's Code of Ordinances.

Section 2. The designation of the Grey Hosiery Mill Property as a local historic landmark enacted by Ordinance #119-1186 is amended to include the Parking Lot and Common Areas (PIN 9568-88-9541). From and after the adoption of this Ordinance, the entirety of all of the property known as Grey Hosiery Mill and its associated properties including Parking Lot and Common Area and located at and adjacent to 301 4th Avenue East, and further described in Exhibit A, is hereby designated as a local historic landmark pursuant to Part 942 Chapter 160D of the North Carolina General Statutes and Chapter 28 of the Code of Ordinances of the City of Hendersonville, and is subject to the conditions and restrictions set forth therein and below:

- a. The interior and exterior of the mill building, all of the historic acreage currently associated with the parcel (2.26 acres), and all contributing outbuildings or additions shall not be demolished, materially altered, restored, or removed, nor any new structure built upon the lot without a Certificate of Appropriateness issued by the Hendersonville Historic Preservation Commission.
- b. The Certificate of Appropriateness shall reference the Historic Preservation Commission Design Standards.
- c. Any application for demolition of the mill building or its additions shall require the waiting period set forth in Section 949 of Chapter 160D of the North Carolina General Statutes and Section 28-76(a) of the Code of Ordinances for the City of Hendersonville.

Section 3. If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 4. All ordinances and clauses of ordinances in conflict herewith be and are hereby repealed, to the extent of such conflict.

Section 5. This ordinance shall be in full force and effect on the date of adoption.

Section 6. Violation of this ordinance shall be subject to the remedies set forth in Section 1-6 of the City Code, in addition to other remedies provided by law.

Adopted by the City Council of the City of Hendersonville, North Carolina this 2nd day of September 2021.

/s/Barbara G. Volk, Mayor

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

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

E. Rezoning Amendment: West Avenue Villas (P21-42-CZD) – Matthew Manley, AICP | Planning Manager

Matthew Manley, Planning Manager stated the City is in receipt of a conditional rezoning district amendment application from Andrew Riddle, of Riddle Development, LLC for the addition of one (1) garage apartment on a previously approved site plan and an adjustment of the floor area of proposed buildings. Mr. Manley recalled previous site plan approval for 10 dwelling units (2 quad-plexes + 2 garage apartments) at the August 6, 2020 Council meeting and said the applicant is requesting a total of 11 dwellings units (2 quadplexes + 3 garage apartments). Mr. Manley clarified the request would equate to a 10% increase in dwelling units and said the applicant is also requesting that the total square footage of the site increase from 5,788 sq ft to 6,128 sq ft which is a 6% increase.

Staff presented and discussed with City Council an analysis of the consistency with the relevant portions of the Comprehensive Land Use Plan and the Planning Board's recommendation. Both were considered by the 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 6:59 p.m.

Helen Youngblood of 103 South Washington Street addressed City Council via Zoom electronic software expressing support for the amendment and thanking City Council for conditions that were placed on the development.

Andrew Riddle, project developer, addressed City Council in support of the project asking City Council for consideration.

The public hearing was closed at 7:04 p.m.

City Council Member Jeff Miller moved that City Council adopt An Ordinance of the City of Hendersonville City Council to Amend the Official Zoning Map of the City of Hendersonville for Parcel Number 9568-77-1057 by Amending Conditional Zoning Ordinance #20-0563, finding that the proposed amendment, and the conditional zoning of the Parcel with the amendment, are consistent with the Comprehensive Plan's Future Land Use map, and that the conditional zoning with the proposed amendment is reasonable and in the public interest for the following reasons: That the additional housing unit will allow for a variety of housing types close to downtown. A unanimous vote of the Council followed. Motion carried.

Ordinance #O-21-43

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR PARCEL NUMBER 9568-77-1057 BY AMENDING CONDITIONAL ZONING ORDINANCE #20-0563

IN RE: Parcel Number: 9568-77-1057– West Ave Villas Site Plan Amendment
(File # P21-42-CZD)

WHEREAS, the City Council adopted Ordinance #20-0563, An Ordinance Amending the Official Zoning Map of the City of Hendersonville which rezoned Parcel Number 9568-77-1057 (the "Subject Parcel") from R-6 High Density Residential to CMUCZD Central Mixed-Use Conditional Zoning District; and

WHEREAS, Ordinance #20-0563 approved a site plan for the Subject Parcel and imposed conditions governing development of the Subject Parcel, which conditions were consented to by the Owner of the Subject Parcel; and

WHEREAS, as adopted, Ordinance #20-0563 approved the construction of 10 dwelling units consisting of 2 quadplexes and 2 garage apartments, and approved the total square footage to be constructed on the Subject Property as 5,788 square feet; and

WHEREAS, the city is in receipt of a Conditional Rezoning Amendment application from Andrew Riddle, of Riddle Development, LLC for the Subject Parcel, consisting of a proposed revised site plan for the Subject Parcel, to allow the construction of 11 dwelling units consisting of 2 quadplexes and 3 garage apartments (an increase of 1 garage apartment), and to increase the approved total building square footage for the Subject Parcel to 6,128 square feet, a 6% increase; and

WHEREAS, the Planning Board took up this application at its regular meeting on August 9, 2021; voting 4 to 1 to recommend City Council approve the requested amendment, finding that the proposed amendment was consistent with the adopt an ordinance amending the official zoning map of the City of Hendersonville; and

WHEREAS, City Council took up this application at its regular meeting on September 2, 2021, and

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

1. Pursuant to Article XI of the Zoning Ordinance of the City of Hendersonville, North Carolina, the Zoning Map is hereby amended by adopting the following modifications to Conditional Zoning Ordinance #20-05653:
 - a. The revised site plan is approved as presented, including the increased number of dwelling units from 10 to 11, consisting of 2 quadplexes and 3 garage apartments, and to allow the increased approved total building square footage from 5,788 square feet to 6,128 total square feet.
2. Except as modified by this Ordinance, all other terms, and conditions of Conditional Zoning Ordinance #20-05653 shall remain in full force and effect and shall govern the development on the Subject Parcel, and the same are hereby ratified and incorporated herein by reference.
3. In addition to the requirements of Conditional Zoning Ordinance #20-05653, as modified by this Ordinance, development of the parcel shall occur in accordance with the final site plan requirements of Article VII of the Zoning Ordinance of the City of Hendersonville, North Carolina.
4. The property Final plans for the project shall comply with approved plans, conditions imposed, allowable uses, and terms of Conditional Zoning Ordinance #20-05653 as amended by this Ordinance, and all applicable provisions of the Hendersonville Zoning Ordinance and Code of Ordinances.
5. This ordinance shall be effective upon its adoption.

Adopted by the City Council of the City of Hendersonville, North Carolina this 2nd day of September 2021.

/s/Barbara G. Volk, Mayor

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

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

F. Addition and Definition of Small-Scale Manufacturing with Supplementary Standards to C-1, C-2, C-3, CMU, GHMU, HMU and CHMU (P21-41-ZTA) – Matthew Manley, AICP | Planning Manager

Lew Holloway, Community Development Director stated the Planning Board needs to adopt a comprehensive plan consistency statement and written recommendation to the City Council and said staff recommends that the public hearing be opened and then continued so that City Council can receive the recommendation and consistency statement from the Planning Board. City Attorney Angela Beeker stated this requirement is part of the new Chapter 160D requirements by the state.

The City Clerk confirmed this public hearing has been advertised in accordance with North Carolina General statutes. The public hearing was opened at 7:12 p.m.

City Council Member Dr. Jennifer Hensley moved that City Council continue this public hearing until Wednesday September 22, at 4:00 p.m., or as soon thereafter as it may be heard, at the City Ops Center, at 305 Williams St, Hendersonville, NC 28792. A unanimous vote of the Council followed. Motion carried.

8. UNFINISHED BUSINESS - NONE

9. NEW BUSINESS

A. Proposal to Compensate Rural Fire Departments for Automatic Aid – *John Connet, City Manager*

City Manager John Connet recalled discussions by the Henderson County Board of Commissioners regarding the loss of revenue by rural fire departments due to annexation by the City of Hendersonville. Council Member Miller has asked staff to develop a policy to compensate these fire departments for lost revenue over a five-year period. Manager Connet provided an overview of various annexation statutes and said it is prudent for the city to continue to grow and to focus on annexations of high-density urban areas. Manager Connet provided an overview of § 160A-58.2A for compensating rural fire departments following annexation and presented the following recommendation:

The City of Hendersonville would negotiate a modification to the existing automatic aid agreements with the four rural fire departments surrounding Hendersonville to include a provision to compensate the rural fire departments for providing automatic aid to the Hendersonville Fire Department. The compensation would be based on lost revenue due to annexation. The lost revenue would be determined by multiplying the values of the properties annexed by the City times the rural fire district tax rate. The property values would be determined at the time of annexation. The rural department would be compensated for loss of revenue due to annexation for each annexed parcel(s) for a five-year period.

Manager Connet clarified compensation could range from \$51 per year up to \$3,000 per year depending on the location and value of the parcel.

Council Member Jeff Miller commented this approach came about from frustrations with communications and the ability to annex property within the county stating he met with two County Commissioners who formed this suggestion. Council Member Miller clarified the five-year compensation term suggestion came from an old statute and said this information has been provided to the County for their consideration.

City Council members directed staff to place this item on their consent agenda for their October meeting.

B. Discussion Regarding Redevelopment of the Dogwood Parking Lot – *John Connet, City Manager*

City Manager John Connet recalled prior discussions and history of Council preferences for the best use of the Dogwood Parking Lot. City Attorney Angela Beeker discussed options for development of this site by any private developer and presented the following four options to City Council; Negotiated Offer with Upset Bid; Downtown Development Project; Economic Development Project; and Redevelopment Project.

Council Member Jerry Smith stated he feels an appraisal of the property is necessary regardless of any action the Council wishes to take regarding development and encouraged Council to direct staff to proceed with acquiring an appraisal before any decision is made. Council Member Smith stated he believes a park is the best use of the property and asked Council to at least consider preliminary plans to see what is possible on the site. Council Member Smith stated he was encouraged by the public private partnership information the City Attorney provided.

Council Member Dr. Jennifer Hensley inquired regarding appraisal costs versus market and tax value and City Attorney Beeker stated she always recommends having an appraisal. Council Member Hensley stated she supports the idea of downtown park but recalled prior votes by three Council members in support of a hotel and said she believes the highest and best use for this site is an economic development project.

Council Member Lyndsey Simpson stated she is in favor of obtaining an appraisal of the Dogwood Parking Lot to give the Council the most information and said she supports the idea of a park on this location. Council Member Simpson expressed reservations of having three downtown hotels.

Council Member Jeff Miller agreed with obtaining an appraisal regardless of the plans for the site in a timely manner. Council Member Miller stated he also agreed with obtaining a conceptual rendering

of what a park could look like on the site but not full plan due to the cost. Council Member Miller Stated although two hotels have been approved neither have begun construction and said there is much uncertainty.

Mayor Barbara G. Volk stated there is much uncertainty regarding hotels and agreed with obtaining an appraisal and park concept and said she prefers to hold off on formal decision making at this time.

City Manager John Connet suggested engaging Hunter Marks Landscape Architects along with staff to develop a park concept plan for the Dogwood Lot to include a splash pad.

The consensus of City Council was to direct staff to take the necessary steps to obtain an appraisal of the Dogwood Parking Lot property and to engage with Hunter Marks Landscape Architects to develop an initial park concept plan to include a splash pad on this site.

10. CITY COUNCIL COMMENTS

Mayor Barbara G. Volk recalled attending the first Diversity & Inclusion Advisory Committee meeting and said Jayne Jennings was selected as Chair and Josh Williams was selected as vice-chair.

Council Member Jerry Smith expressed thanks and appreciation to Police Department for traffic enforcement at the five points intersections.

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

City Manager John Connet shared a conceptual plan related to Edwards Park and stated he wanted to be very clear with the public that this is only a conceptual plan and no final decisions have been made.

12. CLOSED SESSION

A. Closed Session – John Connet, City Manager

At 8:08 p.m. City Council Member Jerry Smith moved that City Council enter into closed session pursuant to NCGS § 143-318.11(a) (1) (3) (5) (6) 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, to consult with an attorney employed by the public body in order to preserve the attorney-client privilege between the attorney, 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 and to consider the qualifications, competence, performance, character, fitness of an individual public officer, or employee. A unanimous vote of the Council followed. Motion carried.

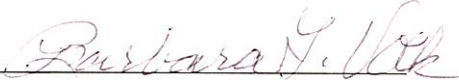
Council Member Jeff Miller moved that City Council return to Open Session at 9:55 p.m. A unanimous vote of the Council followed. Motion carried.

13. ADJOURN

There being no further business, the meeting was adjourned at 9:57 p.m. upon unanimous assent of the Council.

ATTEST:


Angela L. Reece, City Clerk


Barbara G. Volk, Mayor

