



CITY OF HENDERSONVILLE CITY COUNCIL REGULAR MEETING

Operations Center - Assembly Room | 305 Williams St. | Hendersonville NC 28792
Thursday, January 04, 2024 – 5:45 PM

AGENDA

1. **CALL TO ORDER**
2. **INVOCATION AND 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.*
4. **CONSIDERATION OF AGENDA**
5. **CONSENT AGENDA** - *Items are considered routine, noncontroversial in nature and are considered approved by a single motion and vote.*
 - A. Adoption of City Council Minutes - *Jill Murray, City Clerk*
 - November 2, 2023 Regular Meeting*
 - November 20, 2023 Joint City Council & Planning Board Meeting*
 - December 7, 2023 Regular Meeting*
 - December 14, 2023 Special Called Meeting*
 - B. Sole Source Justification of Filter Underdrain, Air Scour, and Valve Actuator Equipment for the Water Treatment Facility 15-mgd Filter Expansion Project – *Devin Owen, Utilities Engineer*
 - C. Donation of Surplus Vehicle Shell to Blue Ridge Community College Educational Foundation, Inc. Pursuant to G.S. 160A-280 – *Tom Wooten, Public Works Director*
 - D. Utility Extension Agreement for the Ingles 140 – *Adela Gutierrez-Ramirez, Civil Engineer*
 - E. January 2024 Budget Amendments – *Adam Murr, Budget Manager*
6. **PRESENTATIONS**
 - A. Awarding Badge & Service Sidearm to Captain Dale Patton - *Blair Myhand, Police Chief*
 - B. Public Rail Passenger Service to WNC - *Clifford Meek & Martin Wheeler, Carolina Association for Passenger Trains, President*
7. **PUBLIC HEARINGS**
 - A. Annexation: Public Hearing- Lakewood (Fowler) (C23-92-ANX) – *Matthew Manley, AICP / Strategic Projects Manager*

8. UNFINISHED BUSINESS

9. NEW BUSINESS

- A. AARP Livable Community Designation – *Matthew Manley, Special Projects Manager*
- B. Presentation and Discussion of the FEMA Community Rating System - *Michael Huffman, Stormwater Division Manager*
- C. Sole Source Justification of Channeline GRP Box Culvert for the Highland Ave. Culvert Repair Project – *Michael Huffman, Stormwater Division Manager*
- D. Creation of an Affordable Housing Steering Committee – *Lyndsey Simpson, Council Member*

10. BOARDS/COMMISSIONS/COMMITTEE APPOINTMENTS

- A. Appointment to Firefighter Relief Fund - *Jill Murray, City Clerk*
- B. Appointment to the Historic Preservation Committee - *Jill Murray, City Clerk*

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

- A. December 2023 Contingency and Adjustment Report – *John Connet, City Manager*
- B. Surplus Items - *Adam Steurer, Utilities Director*

12. CITY COUNCIL COMMENTS

13. CLOSED SESSION

- A. Closed Session – *John Connet, City Manager*

14. ADJOURN

The City of Hendersonville is committed to providing accessible facilities, programs and services for all people in compliance with the Americans with Disabilities Act (ADA). Should you need assistance or an accommodation for this meeting please contact the City Clerk no later than 24 hours prior to the meeting at 697-3005.



MINUTES

November 2, 2023

REGULAR MEETING OF THE CITY COUNCIL

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

Present: Mayor Barbara G. Volk, Mayor Pro Tem Lyndsey Simpson and Council Members: Dr. Jennifer Hensley, Debbie O'Neal-Roundtree and Jeff Miller

Staff Present: City Manager John F. Connet, Assistant City Manager Brian Pahle, City Clerk Jill Murray, City Attorney Angela Becker, Communications Manager Allison Justus, Budget Manager Adam Murr, 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.*

In Person:

Tom Appleby spoke against paid parking and the kiosks on Main Street.

Steven Trombley inquired about the Patton Park pickle ball courts. Tom Wooten spoke and said that we've had two bid openings and the one bid was \$630,000 and that was too much so they're rewriting everything and separating everything out so they can have several companies bid on each thing separately.

Clifford Meek spoke about rail passenger service and a route coming through Hendersonville.

Via Phone:

Lynne Williams spoke via Zoom electronic software about her concern of appointing a new council member and asking for feedback of some kind, whether it be a poll or a vote of some kind and strongly recommended Mary Jo Padgett. She also spoke about misconduct in the city for the past two years and asked that council consider supporting her when she brings things like misconduct forward.

Ken Fitch spoke via Zoom electronic software regarding sewer extension, the city does have a clear policy. He also suggested that the resolution for Veteran's to play free mini golf on Veteran's Day, should also include their immediate family.

Fred Nace spoke via Zoom electronic software and suggested that Jeff Miller be nominated and voted for the vacant City Council position.

Digital:

James Shakour said you need to ban all smoking downtown. Smoking is a form of assault. The CDC says, "In adults who do not smoke, secondhand smoke exposure can cause coronary heart disease, stroke, lung cancer, and other diseases. It can also result in premature death." How can we walk around and enjoy downtown when everything smells like cigarettes and weed. Please ban smoking everywhere downtown.

4. CONSIDERATION OF AGENDA

Council Member Hensley asked that item 8A Appointment of New City Council member be moved to item 6D.

Council Member Lyndsey Simpson moved that City Council approve the agenda as amended. A unanimous vote of the Council followed. Motion carried.

5. CONSENT AGENDA

Council Member Jennifer Hensley moved that City Council approve the consent agenda as presented. A unanimous vote of the Council followed. Motion carried.

A. Adoption of City Council Minutes – Jill Murray, City Clerk

October 5, 2023 Regular Monthly Meeting

October 25, 2023 Second Monthly Meeting

B. Henderson County Tax Adjustments – Amanda Lofton, Deputy Tax Collector**C. Governor’s Highway Safety Program (GHSP) Award Resolution – Kenny Hipps, Police Captain**

Ordinance #O-23-62

**GRANT PROJECT ORDINANCE FOR
THE EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE
THE GOVERNOR’S HIGHWAY SAFETY PROGRAM TRAFFIC ENFORCEMENT OVERTIME FY24
GRANT**

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

Section 1: The project authorized is a City project described as the Governor’s Highway Safety Program Traffic Enforcement Overtime FY24 Grant Project, #G2401.

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

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
301	1300	501010	G2401	Overtime (HPD)	\$16,576
301	1300	502001	G2401	FICA Tax Expense	\$1,264
301	1300	502050	G2401	Retirement Expense	\$2,160
Total Project Appropriation					\$20,000

Section 3: The following revenues are anticipated to be available for the project:

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
301	0000	420050	G2401	Grant Revenue (GHSP)	\$20,000
Total Project Appropriation					\$20,000

Section 4: The Finance Director is hereby directed to maintain within the Grant Project Fund (301) sufficient specific detailed accounting records to satisfy the disclosure requirements of all the contractual agreements, if applicable.

Section 5: Funds may be advanced from the General Fund (010) as necessary for the purpose of making payments as due. Reimbursement requests shall be made in an orderly and timely manner.

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

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

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

ADOPTED by the City Council of the City of Hendersonville, North Carolina, on this 2nd day of November, 2023.

/s/Barbara G. Volk, Mayor
 Attest: /s/Jill Murray, City Clerk
 Approved as to form: /s/Angela S. Beeker, City Attorney

D. November 2023 Budget Amendments – Adam Murr, Budget Manager

TO MAYOR & COUNCIL **FISCAL YEAR 2024**
APPROVAL: November 02, 2023 **FORM: 11022023-01**

BUDGET AMENDMENT					
FUND 459 460					
ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
459-0000-470900	Fund Balance Appropriated	-	200,000	-	200,000
459-0000-598901	Transfer Out (to 460, #20010)	-	200,000	-	200,000
FUND 459 (W&S CRF)	TOTAL REVENUES	-	200,000	-	200,000
	TOTAL EXPENDITURES	-	200,000	-	200,000
460-0000-470100-20010	Transfer In (from 060)	60,000	-	60,000	-
460-0000-470100-20010	Transfer In (from 459)	-	200,000	-	200,000
460-0000-470900-20010	Fund Balance Appropriated	400,000	-	400,000	-
460-1014-550102-20010	Capital Outlay-Services & Fees	60,000	-	60,000	-
460-1014-550103-20010	Capital Outlay-CIP	400,000	-	200,000	200,000
FUND 460 (#20010) Old Brickyard Rd. Water	TOTAL REVENUES	460,000	200,000	460,000	200,000
	TOTAL EXPENDITURES	460,000	-	260,000	200,000

FY24 amendment decreasing the Brickyard Project, #20010 to reflect an updated project cost of \$200,000 to be transferred in from the Water and Sewer Capital Reserve Fund (459).

The City Manager and City Clerk certify budget ordinance amendment 11022023-01 was approved by City Council on November 02, 2023.

TO MAYOR & COUNCIL **FISCAL YEAR 2024**
APPROVAL: November 02, 2023 **FORM: 11022023-02**

BUDGET AMENDMENT					
FUND 459 460					
ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
459-0000-470900	Fund Balance Appropriated	-	175,000	-	175,000
459-0000-598901	Transfer Out (to 460, #23012)	-	175,000	-	175,000
FUND 459 (W&S CRF)	TOTAL REVENUES	-	175,000	-	175,000
	TOTAL EXPENDITURES	-	175,000	-	175,000
460-0000-470100-23012	Transfer In (from 459)	-	175,000	-	175,000
460-1014-550103-23012	Capital Outlay-CIP	-	175,000	-	175,000
FUND 460 (#23012) Carson Dr. Water	TOTAL REVENUES	-	175,000	-	175,000
	TOTAL EXPENDITURES	-	175,000	-	175,000

FY24 amendment transferring \$175,000 from the Water and Sewer Capital Reserve Fund (459) for the execution of the Carson Drive Water & Sewer Project, #23012.

The City Manager and City Clerk certify budget ordinance amendment 11022023-02 was approved by City Council on November 02, 2023.

TO MAYOR & COUNCIL **FISCAL YEAR 2024**
APPROVAL: November 02, 2023 **FORM: 11022023-03**

BUDGET AMENDMENT					
FUND 459 460					
ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
459-0000-470900	Fund Balance Appropriated	-	135,000	-	135,000
459-0000-598901	Transfer Out (to 460, #23018)	-	135,000	-	135,000
FUND 459 (W&S CRF)	TOTAL REVENUES	-	135,000	-	135,000
	TOTAL EXPENDITURES	-	135,000	-	135,000
460-0000-470100-23018	Transfer In (from 459)	-	135,000	-	135,000
460-7055-550103-23018	Capital Outlay-CIP	-	135,000	-	135,000
FUND 460 (#23018) Somersby Park	TOTAL REVENUES	-	135,000	-	135,000
	TOTAL EXPENDITURES	-	135,000	-	135,000

FY24 amendment transferring \$135,000 from the Water and Sewer Capital Reserve Fund (459) for the execution of the Somersby Park Water & Sewer Project, #23018.

The City Manager and City Clerk certify budget ordinance amendment 11022023-03 was approved by City Council on November 02, 2023.

TO MAYOR & COUNCIL
APPROVAL: November 02, 2023

FISCAL YEAR 2024
FORM: 11022023-04

BUDGET AMENDMENT

FUND 459 | 460

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
459-0000-470900	Fund Balance Appropriated	-	110,000	-	110,000
459-0000-598901	Transfer Out (to 460, #23019)	-	110,000	-	110,000
FUND 459 (W&S CRF)	TOTAL REVENUES	-	110,000	-	110,000
	TOTAL EXPENDITURES	-	110,000	-	110,000
460-0000-470100-23019	Transfer In (from 459)	-	110,000	-	110,000
460-1014-550103-23019	Capital Outlay-CIP	-	110,000	-	110,000
FUND 460 (#23019) WTP Thickener Drive	TOTAL REVENUES	-	110,000	-	110,000
	TOTAL EXPENDITURES	-	110,000	-	110,000

FY24 amendment transferring \$110,000 from the Water and Sewer Capital Reserve Fund (459) for the execution of the WTP Thickener Drive Project, #23019.

The City Manager and City Clerk certify budget ordinance amendment 11022023-04 was approved by City Council on November 02, 2023.

TO MAYOR & COUNCIL
APPROVAL: November 02, 2023

FISCAL YEAR 2024
FORM: 11022023-05

BUDGET AMENDMENT

FUND 459 | 460

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
459-0000-470900	Fund Balance Appropriated	-	145,000	-	145,000
459-0000-598901	Transfer Out (to 460, #23020)	-	145,000	-	145,000
FUND 459 (W&S CRF)	TOTAL REVENUES	-	145,000	-	145,000
	TOTAL EXPENDITURES	-	145,000	-	145,000
460-0000-470100-23020	Transfer In (from 459)	-	145,000	-	145,000
460-1014-550103-23020	Capital Outlay-CIP	-	145,000	-	145,000
FUND 460 (#23020) WWTP Clarifier Drive	TOTAL REVENUES	-	145,000	-	145,000
	TOTAL EXPENDITURES	-	145,000	-	145,000

FY24 amendment transferring \$145,000 from the Water and Sewer Capital Reserve Fund (459) for the execution of the WWTP Clarifier Drive Project, #23020.

The City Manager and City Clerk certify budget ordinance amendment 11022023-05 was approved by City Council on November 02, 2023.

TO MAYOR & COUNCIL
APPROVAL: November 02, 2023

FISCAL YEAR 2023
FORM: 11022023-06

BUDGET AMENDMENT

FUND 060 | 067 | 410 | 460

ACCOUNT NUMBER	DESCRIPTION OF ACCOUNT	REVISED BUDGET	INCREASE	DECREASE	REVISED BUDGET
060-0000-470020	Bond Proceeds (2023 IFC)	-	4,016,000	-	4,016,000
060-0000-598901	Transfer Out (to 410, #21017)	-	4,016,000	-	4,016,000
FUND 060	TOTAL REVENUES	-	4,016,000	-	4,016,000
	TOTAL EXPENDITURES	-	4,016,000	-	4,016,000
067-0000-470020	Bond Proceeds (2023 IFC)	-	377,000	-	377,000
067-0000-598901	Transfer Out (to 410, #21017)	-	377,000	-	377,000
FUND 067	TOTAL REVENUES	-	377,000	-	377,000
	TOTAL EXPENDITURES	-	377,000	-	377,000
410-0000-470010-21017	Debt Proceeds (2023 IFC)	6,425,000	-	4,393,000	2,032,000
410-0000-470100-21017	Transfer In (from 060 & 067, FY23)	-	4,393,000	-	4,393,000
410-1002-550103-21017	Capital Outlay - CIP	6,345,000	-	1,182,500	5,162,500
410-1002-560900-21017	Cost of Issuance	80,000	-	-	80,000
410-1002-598901-21017	Transfer Out (to #23021)	-	150,000	-	150,000
410-1002-598901-21017	Transfer Out (to #23022)	-	1,032,500	-	1,032,500
FUND 410 #21017 City Hall & Ops Imprv.	TOTAL REVENUES	6,425,000	4,393,000	4,393,000	6,425,000
	TOTAL EXPENDITURES	6,425,000	1,182,500	1,182,500	6,425,000
410-0000-470100-23021	Transfer In (from #21017)	-	150,000	-	150,000
410-1002-550103-23021	Capital Outlay - CIP	-	150,000	-	150,000
FUND 410 #23021 City Hall 3rd Floor	TOTAL REVENUES	-	150,000	-	150,000
	TOTAL EXPENDITURES	-	150,000	-	150,000
snip]	Debt Proceeds (2023 IFC)	516,250	-	516,250	-
410-0000-470100-19140	Transfer In (from 010)	254,696	-	-	254,696
410-1002-550102-19140	Capital Outlay - Services and Fees	22,500	-	-	22,500
410-1002-550103-19140	Capital Outlay - CIP	748,446	-	516,250	232,196
460-0000-470010-19140	Debt Proceeds (2023 IFC)	516,250	-	516,250	-
460-0000-470100-19140	Transfer In (from 060)	140,545	-	-	140,545
460-0000-470900-19140	Fund Balance Appropriated	50,789	-	-	50,789
460-0000-598901-19140	Transfer Out	63,362	-	-	63,362
460-1002-550102-19140	Capital Outlay - Services and Fees	22,500	-	-	22,500
460-1002-550103-19140	Capital Outlay - CIP	621,722	-	516,250	105,472
FUND 410 & 460 #19140 City Hall Ext. Phase I	TOTAL REVENUES	1,478,530	-	1,032,500	446,030
	TOTAL EXPENDITURES	1,478,530	-	1,032,500	446,030
410-0000-470100-23022	Transfer In (from #21017)	-	1,032,500	-	1,032,500
410-1002-550103-23022	Capital Outlay - CIP	-	1,032,500	-	1,032,500
FUND 410 #23022 City Hall Ext. Phase II	TOTAL REVENUES	-	1,032,500	-	1,032,500
	TOTAL EXPENDITURES	-	1,032,500	-	1,032,500

FY23 amendment appropriately reflecting the movement of bond proceeds from the 2023 Installment Financing to more accurately represent the closing book on the bond, and to create budget for the City Hall 3rd Floor Improvements Project, #23021 and the City Hall Exterior Phase II Project, #23022 via the use of 2023 IFC funds.

The City Manager and City Clerk certify budget ordinance amendment 11022023-06 was approved by City Council on November 02, 2023.

TO MAYOR & COUNCIL
 APPROVAL: November 02, 2023

FISCAL YEAR 2024
 FORM: 11022023-07

BUDGET AMENDMENT

FUND 301

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
301-0000-420050-G2302	Grant Revenue (GHSP)	45,000	-	20,000	25,000
301-1300-501010-G2302	Overtime	37,296	-	16,576	20,720
301-1300-502001-G2302	FICA Tax Expense	2,843	-	1,264	1,579
301-1300-502050-G2302	Retirement Expense	4,861	-	2,160	2,701
FUND 301 (GHSP-O/T)	TOTAL REVENUES	45,000	-	20,000	25,000
	TOTAL EXPENDITURES	45,000	-	20,000	25,000
301-0000-420050-G2401	Grant Revenue (GHSP)	-	20,000	-	20,000
301-1300-501010-G2401	Overtime	-	16,576	-	16,576
301-1300-502001-G2401	FICA Tax Expense	-	1,264	-	1,264
301-1300-502050-G2401	Retirement Expense	-	2,160	-	2,160
FUND 301 (GHSP-O/T)	TOTAL REVENUES	-	20,000	-	20,000
	TOTAL EXPENDITURES	-	20,000	-	20,000

An amendment reversing the 10/05 amendment increasing the GHSP Grant #G2302 to create a new GHSP Grant, #G2401. This amendment reflects a Grant Project Ordinance also on the November 02, 2023 agenda for City Council's consideration.

The City Manager and City Clerk certify budget ordinance amendment 11022023-07 was approved by City Council on November 02, 2023.

E. November 2023 Capital Project Ordinances and Reimbursement Resolutions – Jennifer Floyd, Budget and Management Analyst II

Resolution #R-23-106

**HENDERSONVILLE, NORTH CAROLINA
 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 EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE SOMERSBY PARK PROJECT (#23018), ORDINANCE #O-23-65 (the "Projects").

Plan of Finance. The Issuer intends to finance the costs of the Project(s) with the grant revenue 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 \$135,000.

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, on this 2nd day of November, 2023.

/s/Barbara G. Volk, Mayor
 Attest: /s/Jill Murray, City Clerk
 Approved as to form: /s/Angela S. Beeker, City Attorney

Ordinance #O-23-65

**GRANT/CAPITAL PROJECT ORDINANCE FOR
 THE EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE SOMERSBY
 PARK Project, #23018**

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

Section 1: The project authorized is a City project described as the Somersby Park Project, #23018.

Section 2: The following amounts are appropriated for the project(s):

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
460	7055	550103	23018	Capital Outlay-CIP	\$135,000

Total Project Appropriation	\$135,000
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Section 3: The following revenues are anticipated to be available for the project:

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
460	0000	470100	23018	Transfer In (from 459)	(\$135,000)

Total Project Appropriation	(\$135,000)
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Section 4: The Finance Director is hereby directed to maintain within the General Fund, Water and Sewer Fund, Environmental Services Fund, and the Capital Project Funds sufficient specific detailed accounting records to satisfy the disclosure requirements of all the contractual agreements, if applicable.

Section 5: Funds may be advanced from the Water and Sewer Fund (060) and the Water and Sewer Capital Project Fund (460), as necessary for the purpose of making payments as due. Reimbursement requests shall be made in an orderly and timely manner.

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

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

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

Section 9: The City Manager, or designee, is authorized to declare the project completed, close the project ordinance, and distribute remaining project funds to the appropriate operating fund or capital reserve fund.

ADOPTED by the City Council of the City of Hendersonville, North Carolina, on this 2nd day of November, 2023.

/s/Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

Resolution #R-23-107

**HENDERSONVILLE, NORTH CAROLINA
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 EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE CITY HALL EXTERIOR PHASE II PROJECT (#23022), ORDINANCE #O-23-68 (the "Projects").

Plan of Finance. The Issuer intends to finance the costs of the Project(s) with the grant revenue 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 \$1,032,500.

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, on this 2nd day of November, 2023.

/s/Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

Ordinance #O-23-68

**GRANT/CAPITAL PROJECT ORDINANCE FOR
THE EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE CITY HALL
EXTERIOR PHASE II Project, #23022**

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

Section 1: The project authorized is a City project described as the City Hall Exterior Phase II Project, #23022.

Section 2: The following amounts are appropriated for the project(s):

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
410	1002	550103	23022	Capital Outlay-CIP	\$1,032,500
Total Project Appropriation					\$1,032,500

Section 3: The following revenues are anticipated to be available for the project:

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
410	0000	470100	23022	Transfer In (from #21017)	(\$1,032,500)
Total Project Appropriation					(\$1,032,500)

Section 4: The Finance Director is hereby directed to maintain within the General Fund, Water and Sewer Fund, Environmental Services Fund, and the Capital Project Funds sufficient specific detailed accounting records to satisfy the disclosure requirements of all the contractual agreements, if applicable.

Section 5: Funds may be advanced from the General Fund (010) and the Governmental Capital Project Fund (410), as necessary for the purpose of making payments as due. Reimbursement requests shall be made in an orderly and timely manner.

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

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

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

Section 9: The City Manager, or designee, is authorized to declare the project completed, close the project ordinance, and distribute remaining project funds to the appropriate operating fund or capital reserve fund.

ADOPTED by the City Council of the City of Hendersonville, North Carolina, on this 2nd day of November, 2023.

/s/Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

Resolution #R-23-108

**HENDERSONVILLE, NORTH CAROLINA
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 EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE CITY HALL 3rd FLOOR RENOVATION PROJECT (#23021), ORDINANCE #O-23-63 (the "Projects").

Plan of Finance. The Issuer intends to finance the costs of the Project(s) with the grant revenue 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 \$150,000.

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, on this 2nd day of November, 2023.

/s/Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

Ordinance #O-23-63

**GRANT/CAPITAL PROJECT ORDINANCE FOR
THE EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE CITY HALL 3rd
FLOOR RENOVATION Project, #23021**

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

Section 1: The project authorized is a City project described as the City Hall 3rd Floor Renovation Project, #23021.

Section 2: The following amounts are appropriated for the project(s):

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
410	1002	550103	23021	Capital Outlay-CIP	\$150,000
Total Project Appropriation					\$150,000

Section 3: The following revenues are anticipated to be available for the project:

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
410	0000	470100	23021	Transfer In (from #21017)	(\$150,000)
Total Project Appropriation					(\$150,000)

Section 4: The Finance Director is hereby directed to maintain within the General Fund, Water and Sewer Fund, Environmental Services Fund, and the Capital Project Funds sufficient specific detailed accounting records to satisfy the disclosure requirements of all the contractual agreements, if applicable.

Section 5: Funds may be advanced from the General Fund (010) and the Governmental Capital Project Fund (410), as necessary for the purpose of making payments as due. Reimbursement requests shall be made in an orderly and timely manner.

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

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

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

Section 9: The City Manager, or designee, is authorized to declare the project completed, close the project ordinance, and distribute remaining project funds to the appropriate operating fund or capital reserve fund.

ADOPTED by the City Council of the City of Hendersonville, North Carolina, on this 2nd day of November, 2023.

/s/Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

Resolution #R-23-109

**HENDERSONVILLE, NORTH CAROLINA
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 EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE WTF THICKENER DRIVE REPLACEMENT PROJECT (#23019), ORDINANCE #O-23-66 (the "Projects").

Plan of Finance. The Issuer intends to finance the costs of the Project(s) with the grant revenue 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 \$110,000.

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, on this 2nd day of November, 2023.

/s/Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

Ordinance #O-23-66

**GRANT/CAPITAL PROJECT ORDINANCE FOR
THE EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE WTF
THICKENER DRIVE REPLACEMENT Project, #23019**

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

Section 1: The project authorized is a City project described as the WTF Thickener Drive Replacement Project, #23019.

Section 2: The following amounts are appropriated for the project(s):

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
460	7035	550103	23019	Capital Outlay-CIP	\$110,000
Total Project Appropriation					\$110,000

Section 3: The following revenues are anticipated to be available for the project:

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
460	0000	470100	23019	Transfer In (from 459)	(\$110,000)
Total Project Appropriation					(\$110,000)

Section 4: The Finance Director is hereby directed to maintain within the General Fund, Water and Sewer Fund, Environmental Services Fund, and the Capital Project Funds sufficient specific detailed accounting records to satisfy the disclosure requirements of all the contractual agreements, if applicable.

Section 5: Funds may be advanced from the Water and Sewer Fund (060) and the Water and Sewer Capital Project Fund (460), as necessary for the purpose of making payments as due. Reimbursement requests shall be made in an orderly and timely manner.

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

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

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

Section 9: The City Manager, or designee, is authorized to declare the project completed, close the project ordinance, and distribute remaining project funds to the appropriate operating fund or capital reserve fund.

ADOPTED by the City Council of the City of Hendersonville, North Carolina, on this 2nd day of November, 2023.

/s/Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

Resolution #R-23-110

**HENDERSONVILLE, NORTH CAROLINA
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 EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE WWTF CLARIFIER DRIVE MECHANISM REPLACEMENT PROJECT (#23020), ORDINANCE #O-23-64 (the "Projects").

Plan of Finance. The Issuer intends to finance the costs of the Project(s) with the grant revenue 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 \$145,000.

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, on this 2nd day of November, 2023.

/s/Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

Ordinance #O-23-64

**GRANT/CAPITAL PROJECT ORDINANCE FOR
THE EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE WWTF
CLARIFIER DRIVE MECHANISM REPLACEMENT Project, #23020**

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

Section 1: The project authorized is a City project described as the WWTF Clarifier Drive Mechanism Replacement Project, #23020.

Section 2: The following amounts are appropriated for the project(s):

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
460	7135	550103	23020	Capital Outlay-CIP	\$145,000
Total Project Appropriation					\$145,000

Section 3: The following revenues are anticipated to be available for the project:

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
460	0000	470100	23020	Transfer In (from 459)	(\$145,000)

Total Project Appropriation	(\$145,000)
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Section 4: The Finance Director is hereby directed to maintain within the General Fund, Water and Sewer Fund, Environmental Services Fund, and the Capital Project Funds sufficient specific detailed accounting records to satisfy the disclosure requirements of all the contractual agreements, if applicable.

Section 5: Funds may be advanced from the Water and Sewer Fund (060) and the Water and Sewer Capital Project Fund (460), as necessary for the purpose of making payments as due. Reimbursement requests shall be made in an orderly and timely manner.

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

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

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

Section 9: The City Manager, or designee, is authorized to declare the project completed, close the project ordinance, and distribute remaining project funds to the appropriate operating fund or capital reserve fund.

ADOPTED by the City Council of the City of Hendersonville, North Carolina, on this 2nd day of November, 2023.

/s/Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

Resolution #R-23-111

**HENDERSONVILLE, NORTH CAROLINA
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 EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE CARSON DRIVE NEIGHBORHOOD WATER REPLACEMENT PROJECT (#23012), ORDINANCE #O-23-67 (the "Projects").

Plan of Finance. The Issuer intends to finance the costs of the Project(s) with the grant revenue 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 \$175,000.

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, on this 2nd day of November, 2023.

/s/Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

Ordinance #O-23-67

**GRANT/CAPITAL PROJECT ORDINANCE FOR
THE EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE CARSON
DRIVE NEIGHBORHOOD WATER REPLACEMENT Project, #23012**

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

Section 1: The project authorized is a City project described as the Carson Drive Neighborhood Water Replacement Project, #23012.

Section 2: The following amounts are appropriated for the project(s):

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
460	7055	550103	23012	Capital Outlay-CIP	\$175,000
Total Project Appropriation					\$175,000

Section 3: The following revenues are anticipated to be available for the project:

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
460	0000	470100	23012	Transfer In (from 459)	(\$175,000)
Total Project Appropriation					(\$175,000)

Section 4: The Finance Director is hereby directed to maintain within the General Fund, Water and Sewer Fund, Environmental Services Fund, and the Capital Project Funds sufficient specific detailed accounting records to satisfy the disclosure requirements of all the contractual agreements, if applicable.

Section 5: Funds may be advanced from the Water and Sewer Fund (060) and the Water and Sewer Capital Project Fund (460), as necessary for the purpose of making payments as due. Reimbursement requests shall be made in an orderly and timely manner.

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

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

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

Section 9: The City Manager, or designee, is authorized to declare the project completed, close the project ordinance, and distribute remaining project funds to the appropriate operating fund or capital reserve fund. **ADOPTED** by the City Council of the City of Hendersonville, North Carolina, on this 2nd day of November, 2023.

/s/Barbara G. Volk, Mayor
 Attest: /s/Jill Murray, City Clerk
 Approved as to form: /s/Angela S. Beeker, City Attorney

F. Amendment of Limited Parking Zone on Oakland Street – Tom Wooten, Public Works Director

Ordinance #O-23-69

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE DESIGNATION OF THE LIMITED PARKING ZONING ON OAKLAND STREET IN ACCORDANCE WITH SECTION 50-181 – DESIGNATION OF TRAFFIC ZONES, PARKING ZONES, THROUGH STREETS AND OTHER ZONES OR AREAS; ERECTION AND INSTALLATION OF TRAFFIC CONTROL DEVICES

WHEREAS, Section 50-181 of the Code of Ordinances authorizes the City to designate limited parking zones to establish the time or condition under which a vehicle may park in such zones; and

WHEREAS, On-street parking spaces on Oakland Street have previously been designated as Limited Parking Zones, limited to two-hours; and

WHEREAS, The City desires to amend the designation of the Limited Parking Zone on Oakland Street to better conform to the needs of the daily users of those spaces.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Hendersonville, North Carolina that the Limited Parking Zone on Oakland Street is amended as follows:

1. The parking spaces on the west side of Oakland Street, from Bearcat Boulevard to 6th Avenue West, shall have no time limitation.
2. The parking spaces on the east side of Oakland Street, from Bearcat Boulevard to 6th Avenue West, shall remain designated as a Limited Parking Zone time limited to two-hours.
3. The parking space immediately to the north of the driveway at 713 Oakland Street, and indicated on the attached Exhibit A, shall be eliminated.

4. The Public Works Director is directed to install and/or remove the appropriate signs and markings to clearly mark these changes.
5. The official traffic map shall be amended to reflect these changes and to show the limited parking zones.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 2nd day of November, 2023.

/s/Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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



G. Utility Extension Agreement for the Upward Crossing Drive Project – Adela Gutierrez-Ramirez, Civil Engineer

Resolution #R-23-112

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A UTILITY EXTENSION AGREEMENT WITH WATERLEAF AT FLAT ROCK APARTMENTS, LLC, a Delaware limited liability company, PEGGY C. CABE, ENNO F. CAMENZIND, JOHN THOMAS FLEMING, PAULA CAMENZIND CARTER, and ROBERT O. CAMENZIND FOR THE UPWARD CROSSING DR

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

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

WHEREAS, the Developer extends public water and gravity 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 processes; and

WHEREAS, Waterleaf at Flat Rock Apartments, LLC, a Delaware limited liability company, Peggy C. Cabe, Enno F. Camenzind, John Thomas Fleming, Paula Camenzind Carter, and Robert O. Camenzind, herein collectively referred to as the “Developer” and “Owner”, will enter into a Utility Extension Agreement with the City to provide water and sewer services to the Upward Crossing Dr Project.

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

1. The Utility Extension Agreement with, the “Developer” and “Owner” to provide water and sewer service to the Upward Crossing Dr Project is approved, as presented.
2. City Manager is authorized to execute the Utility Extension Agreement, and to approve and execute amendments to the Utility Extension Agreement in the future provided such amendments do not impose a financial obligation upon the City.

3. City Manager is authorized to acquire easements, rights-of-way, and other interests in real property consistent with the terms of the Utility Extension Agreement, provided that such acquisition does not impose a financial obligation upon the City.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 2nd day of November, 2023.

/s/Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

H. Utility Extension Agreement for the Rutledge Road Subdivision, Phase II – Adela Gutierrez-Ramirez, Civil Engineer

Resolution #R-23-113

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A UTILITY EXTENSION AGREEMENT WITH WINDSOR BUILT HOMES, INC FOR THE RUTLEDGE ROAD SUBDIVISION, PHASE II

WHEREAS, the City of Hendersonville owns, operates and maintains water system to serve customers throughout Henderson County; and

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

WHEREAS, the Developer extends public water 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 processes; and

WHEREAS, Windsor Built Homes, INC, the “Developer” and “Owner”, will enter into a Utility Extension Agreement with the City to provide water services to the Rutledge Road Subdivision, Phase II.

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

1. The Utility Extension Agreement with Windsor Built Homes, INC, the “Developer” and “Owner” to provide water service to the Rutledge Road Subdivision, Phase II is approved, as presented.
2. City Manager is authorized to execute the Utility Extension Agreement, and to approve and execute amendments to the Utility Extension Agreement in the future provided such amendments do not impose a financial obligation upon the City.
3. City Manager is authorized to acquire easements, rights-of-way, and other interests in real property consistent with the terms of the Utility Extension Agreement, provided that such acquisition does not impose a financial obligation upon the City.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 2nd day of November, 2023.

/s/Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

I. Utility Extension Agreement for the Duncan Terrace Apartments – Adela Gutierrez-Ramirez, Civil Engineer

Resolution #R-23-114

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A UTILITY EXTENSION AGREEMENT WITH DUNCAN TERRACE LLC FOR THE DUNCAN TERRACE APARTMENTS

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

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

WHEREAS, the Developer extends public water and gravity 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 processes; and

WHEREAS, Duncan Terrace LLC, the “Developer” and “Owner”, will enter into a Utility Extension Agreement with the City to provide water and sewer services to the Duncan Terrace Apartments.

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

1. The Utility Extension Agreement with Duncan Terrace LLC, the “Developer” and “Owner” to provide water service to the Duncan Terrace Apartments is approved, as presented.
2. City Manager is authorized to execute the Utility Extension Agreement, and to approve and execute amendments to the Utility Extension Agreement in the future provided such amendments do not impose a financial obligation upon the City.
3. City Manager is authorized to acquire easements, rights-of-way, and other interests in real property consistent with the terms of the Utility Extension Agreement, provided that such acquisition does not impose a financial obligation upon the City.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 2nd day of November, 2023.

/s/Barbara G. Volk, Mayor
 Attest: /s/Jill Murray, City Clerk
 Approved as to form: /s/Angela S. Beeker, City Attorney

J. Utilities Compliance Coordinator Job Description – *Jennifer Harrell, HR Director*

K. Warehouse Specialist Job Description – *Jennifer Harrell, HR Director*

L. Utilities Inventory and Purchasing Coordinator Job Description – *Jennifer Harrell, HR Director*

6. PRESENTATIONS

A. Proclamation-Homeless Youth Awareness Month – *Barbara G. Volk, Mayor*

Mayor Barbara Volk read the proclamation aloud and presented it to Michael Absher and McKenzie Louise Govern, a youth volunteer.

Proclamation

Homeless Youth Awareness Month

WHEREAS, the month of November is designated as National Homeless Youth Awareness Month as declared by the U. S. House and Senate in 2007, renewed in 2021 and serves as an outlet to increase public awareness of an ongoing issue occurring in every city across the United States; and

WHEREAS, the nation’s public schools report between 4.2 million homeless students, 700,000 of which are unaccompanied grades pre-k through 12th grade; and

WHEREAS, we realize that when adolescents become homeless, being separated from their caregivers and homes for various reasons, which often places them in precarious situations; that school is often the most safe and stable environment for these youth; and

WHEREAS, we recognize in Henderson County that roughly 2.5 percent of our youth are identified as homeless; and

WHEREAS, Only Home WNC, Inc. is a local non-profit whose mission is to promote the value of education, honor individuality and diversity, nurture respect for self and others, and provide hope for young people in need in the community; and

WHEREAS, an effort is being made by the board members of Only Hope WNC, Inc. by hosting its 12th Annual Sleep Out on November 3 - November 4 at the Historic Courthouse on Main Street in Downtown Hendersonville in an effort to draw attention and support for youth homelessness in Henderson County.

NOW, THEREFORE, the City Council of the City of Hendersonville does hereby proclaim the month of November, 2023 as

“Homeless Youth Awareness Month”

in the City of Hendersonville and applaud the efforts of those who serve and help fight youth homelessness in Henderson County.

PROCLAIMED this 2nd day of November, 2023.

B. Quarterly MVP Recipients – John Connet, City Manager

City Manager John Connet introduced the recipients of the MVP award for July through September quarter of 2023 as selected by the Service Excellence Design Team.

Quarterly MVPs

July – September 2023

The Service Excellence Design Team voted on the 35 MVPs submitted and the following three received the highest votes.



Greg Willis (Fire)

While responding to a call to assist an elderly gentleman up, Lieutenant Willis noticed the gentleman had a device intended to assist the man in transitioning up and down scattered into pieces, awaiting assembly. Recognizing how this device would be an asset to the man, Lieutenant Willis took the time to assemble it for him, and ensure he understood how it functioned.



Dillon Baker (Fire)



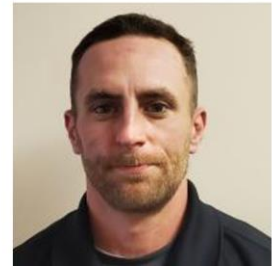
"Chief Miller, I'm a city resident writing to express gratitude for Lt. Dillon Baker on your team. My smoke detectors went haywire a couple of weeks ago, and crews from the city came out to resolve the issue. I appreciated that. I called the city today to talk to someone to help me understand what happened so I could prevent it from happening in the future. I got a call back from Lt Baker who left me a message saying 'he'd love to talk to me about my smoke detectors'. LOVE TO TALK TO ME ABOUT MY SMOKE DETECTORS! Wow. Man-o-man, he was incredibly helpful. He walked me through a number of issues and when he discovered that I currently have no working smoke detectors at the house, he offered to come out to put one up. I promised to put up a smoke detector immediately. And I forgot to put it up. But, alas, five hours later Lt. Baker called to check on my smoke detector, And when I admitted that I hadn't followed through, he gave me 10 minutes and he'd be at my door. I put up the smoke detector."

Clay Tritt, Caleb Smathers & Tim Calderazzo (Water & Sewer / WTP)

On September 14 at 3 am, Tim Calderazzo, Water Treatment Plant, noticed an alarm at the Etowah tank site that the water level in the tank was dropping at an unexpected rate. Tim immediately called Clay Tritt, on-call for our facilities and tanks maintenance. Clay dispatched to Etowah shortly after three and called Caleb Smathers who was on emergency stand-by for line breaks.

While in route, Caleb was in communication with Clay who had found the leak. They discussed the locations of valves and, as Caleb arrived, he was able to help Clay finish closing the valves necessary to isolate the leak and stop the loss of water from the storage tank. The time was just before 5am.

Through their quick response, and expertise, these men worked together to identify, respond, travel, find, and isolate the leak withing two hours. All during the predawn hours and unbeknownst to the public. Their actions certainly prevented the loss of water pressure to hundreds of our customers.



C. Environmental Services Update – Tom Wooten, Director of Public Works

Tom Wooten provided an update to City Council on the Solid Waste Study (scope of work and schedule), Track a Truck Application (existing trucks and leaf collection crews), and proposed a pilot project to improve efficiency with our yard waste collection program.

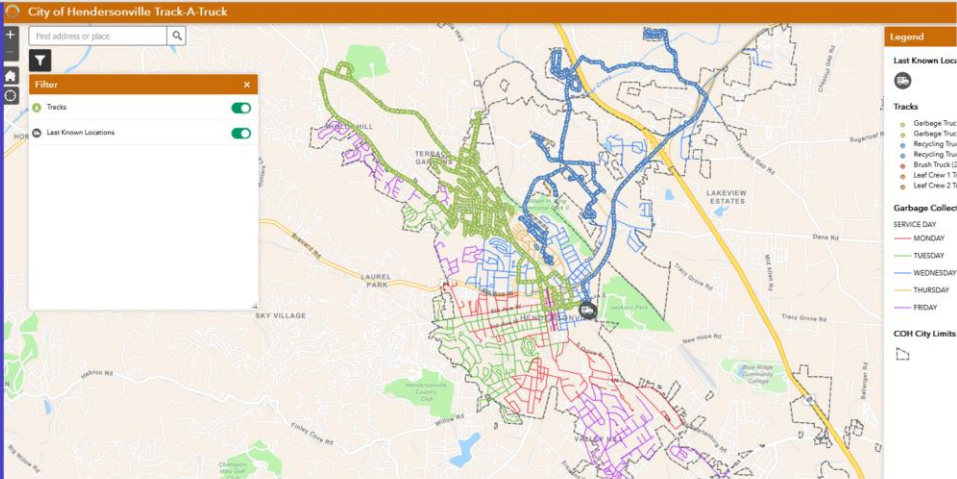


Scope of work and Schedule

We will be performing a systemwide operations study of the Sanitation Division residential programs to plan for the best model to move forward for the residents of the City.

- **Service Level Options (Frequency, Setout Limitations, Holidays, Etc.)**
- **Type of Technology (Fully Automated Trucks, Rear Loader, Routing Software)**
- **Service Fees for Select Services (Garbage, Recycling, Brush & Leaf, Bulky Item)**
- **Scheduled to start as soon as the contract can be completed, hopefully completed by the end of January.**

Track-a-Truck Map



- Map can be accessed in the city website HvInc.gov under Public Works / Garbage.
- Public can use the map to follow the collection of the Garbage, Recycling, Leaf Collection Machines & Snow Removal Trucks.
- Public Works can use the data to make sure every roadway has been serviced.

Brush Collection Pilot Program

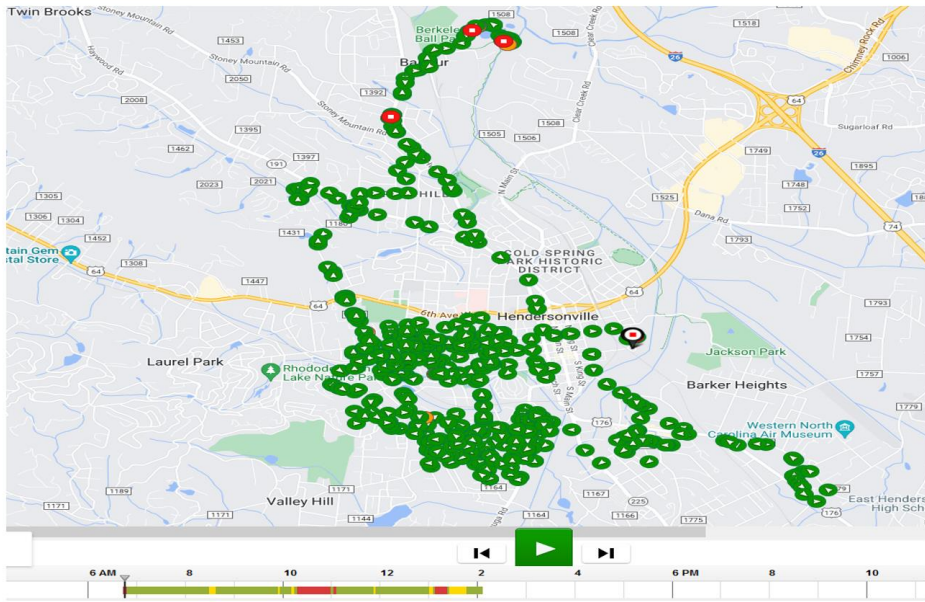


Reason

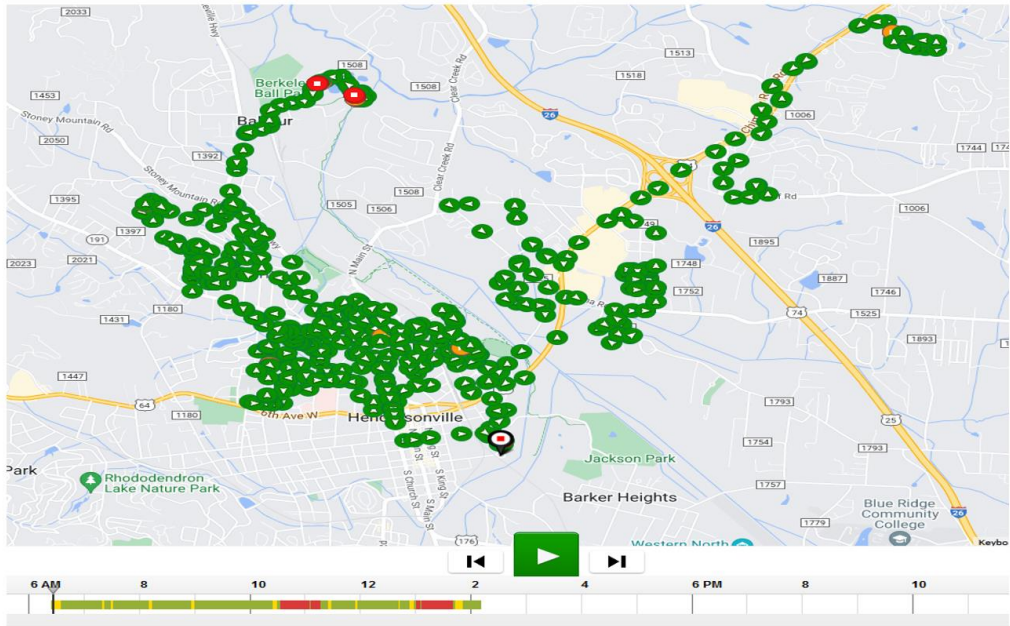


We are looking at altering our Brush pickup program to reduce fuel costs and operational expenses for environmental services. This will help reducing the department carbon footprint by reducing unnecessary emissions. It also will help with the staff shortage we have right now by freeing up a driver to fill in where needed.

Brush Collection



Brush Collection

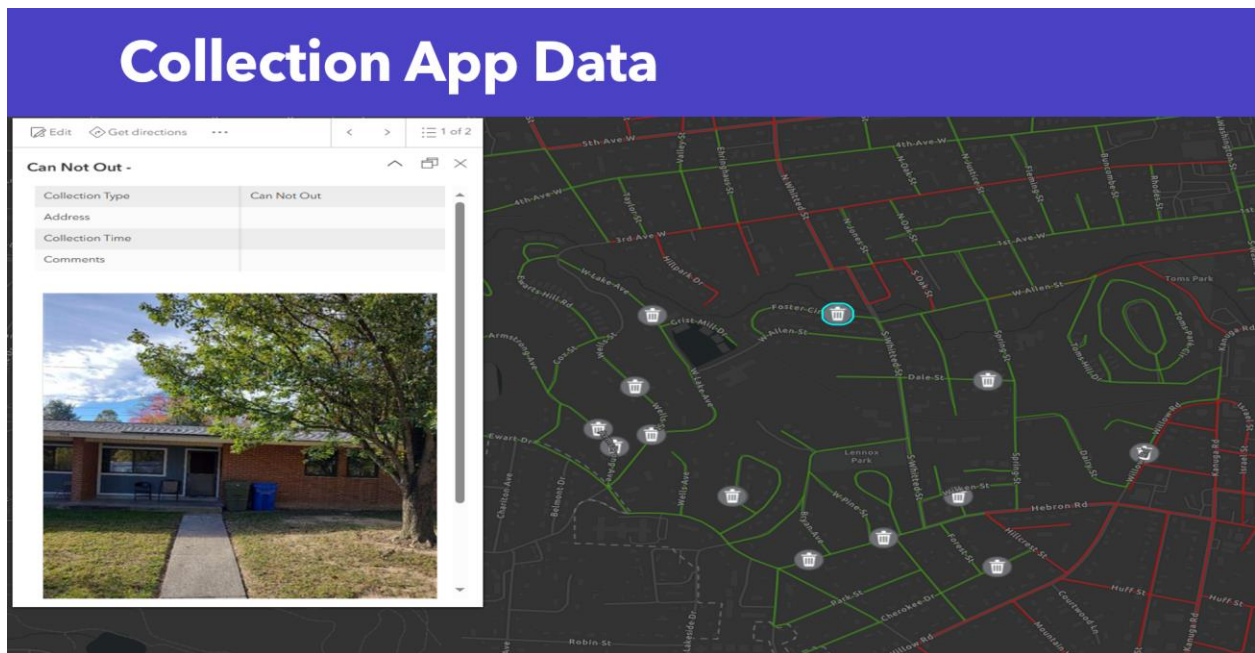
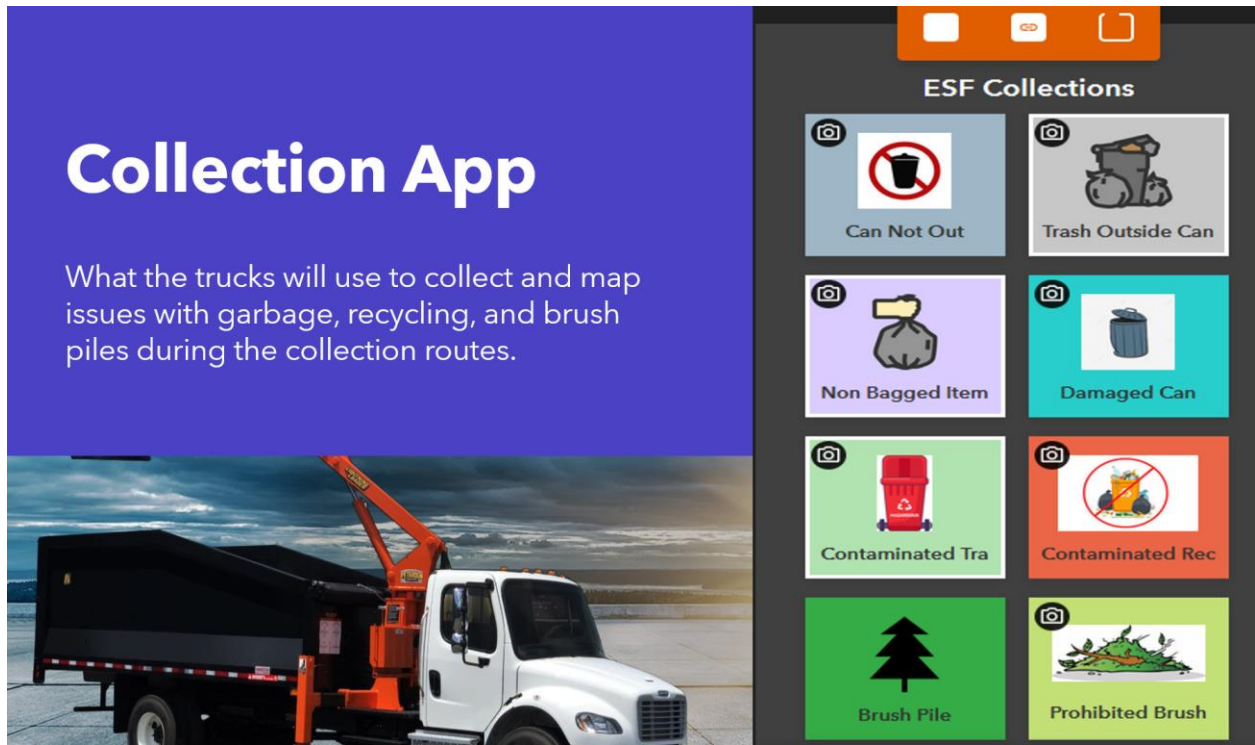


- Collection will still be every week.
- Brush pile locations will be collected by the trash and recycling trucks as they run the route daily.
- End of day when trash routes are done brush will start being collected.
- Residents should still place their brush at the curb on their collection day.
- Residents can call in to have their brush pile placed on the collection map if needed.



This is something we can do right now that will not affect the service to residents but will have a great effect on our fuel usage and emissions.

The Sanitation route study that currently is being finalized and started will help show ways we can do the same to the rest of the collection fleet. To make sure the sanitation division meets the sustainability goals in the future.



D. Appointment of new City Council Member – Barbara G. Volk, Mayor

Council Member Jennifer Hensley nominated Jeff Miller to fill the vacant City Council seat left by Jerry Smith.

Council Member Debbie O’Neal-Roundtree nominated Mary Jo Padgett to fill the vacant City Council seat left by Jerry Smith.

Mayor Volk explained that this is voted on in the order in which they were nominated and whoever gets the majority vote first, wins. Jeff Miller was voted in as the new Council Member by a vote of 3-1. Ms. Roundtree was a nay.

Mr. Miller thanked Council for the confidence and pledged that he will not run for this seat, or any other seat, when the time is up. To staff, he is excited to work with them again. He also made a commitment to civility.

7. PUBLIC HEARINGS

A. Subdivision Text Amendment: Street Design Updates (P23-78-STA) – Tyler Morrow, Planner II

City staff is proposing to align the City’s public street standards for subdivisions with standards set forth by the NCDOT for this region. It has been discovered that some of City’s current subdivision standards do not take into account the topography of the region and are better suited for piedmont or coastal areas. Staff is recommending that the street design standards for subdivisions be a hybrid of NCDOT’s requirements for rolling and

mountainous terrain. It is staffs hope that by making these corrections, it will eliminate the need for additional grading/land disturbance and will better align new public street design with the existing conditions found around the City.

The public hearing was opened at 6:52 p.m.

Lynne Williams spoke about the safety and use signage and traffic calming measures. Also, her concern is the floodplains and steep slopes because we are allowing exceptions. On Chadwick Avenue where she lives, they do not consider it a “minor thoroughfare” and do not want to go in that direction.

The public hearing was closed at 6:56 p.m.

Council Member Lyndsey Simpson moved that City Council adopt an ordinance amending the official City of Hendersonville Subdivision Ordinance, Section 4.03. Streets by revising subsection C. Street configuration, based on the following:

1. The petition is found to be consistent with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:

The petition aligns with the Comprehensive Plan’s Strategy to Implement local policies and practices that complement and expand upon the State’s access management standards (Strategy TC-3.3) and because it incorporates some of the complete street goals outlined in figure 7.3a.

2. We [find] this petition, in conjunction with the recommendations presented by staff, to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

- 1. The proposed text amendment creates flexibility for subdivision developers to work with the existing terrain and slope of the property when designing their development and public street system.***
- 2. The proposed text amendment has the potential to reduce the amount of land disturbed within a proposed subdivision which could decrease environmental impacts.***
- 3. The proposed text amendment aligns the ordinance with existing local public street conditions and NCDOT standards.***

A unanimous vote of the Council followed. Motion carried.

Ordinance #O-23-70

**AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO
AMEND THE CITY OF HENDERSONVILLE SUBDIVISION ORDINANCE,
SECTION 4.03. STREETS BY REVISING SUBSECTION C. STREET
CONFIGURATION TO AMEND THE PUBLIC STREET DESIGN STANDARDS FOR
SUBDIVISIONS IN THE CITY OF HENDERSONVILLE.**

WHEREAS, the City of Hendersonville’s Planning Board has reviewed and recommended for adoption a subdivision text amendment to the public street design standards for subdivisions within the City of Hendersonville’s jurisdiction; and

WHEREAS, the proposed amendment is intended to create compatible street design standards that reflects existing conditions while maintaining a safe and effective street system; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Hendersonville, North Carolina that Section 4.03. Streets and subsection C. Street configuration of the Subdivision Ordinance of the City of Hendersonville be amended as follows:

Sec. 4.03. Streets.

C. Street configuration.

- 1. Street rights-of-way.**

- a. All new streets established in the city's jurisdiction after March 5, 2020 shall include a minimum street right-of-way configured in accordance with Table 4.03.C.1: Minimum Street Right-of-Way Requirements.

TABLE 4.03.C.1: MINIMUM STREET RIGHT-OF-WAY REQUIREMENTS		
TYPE OF STREET	CONFIGURATION	MINIMUM RIGHT-OF-WAY (FEET) [1] [2]
Expressway	8 lanes, raised median	160
	4 lanes, grass median	150
	6 lanes, raised median	150
	4 lanes, grass median	120
	4 lanes, raised median	110
Boulevard	8 lanes, raised median	160
	6 lanes, raised median	150
	4 lanes, grass median	120
	4 lanes, raised median	110
Major Thoroughfare	7 lanes	120
	5 lanes	100
	4 lanes	90
	3 lanes	80
Minor Thoroughfare	2 lanes, parking on each side	80
	2 lanes, parking on one side	70
	2 lanes, paved shoulder	70
Local	45	
Cul-de-Sac	45 [3]	
Alley	20	
NOTES:		
[1] The street right-of-way shall include curb and gutter, sidewalks, multi-use paths, bicycle lanes (where indicated), and associated utility strips.		
[2] Minimum rights-of-way may need to be wider to accommodate all forms of planned infrastructure in accordance with the city's adopted policy guidance.		
[3] Radius will be wider.		

- b. In cases where an existing street is depicted on the city's adopted policy guidance, but is not configured to the required width or cross section, the roadway shall be improved in accordance with the city's adopted policy guidance as part of the development.
2. **Street intersections.** Street intersections shall be configured in accordance with the following standards:
- Not more than two streets shall intersect at any one point unless the city or NCDOT certifies that such an intersection can be constructed with no extraordinary danger to public safety.
 - Streets shall intersect at right angles to the maximum extent practicable, and no two streets shall intersect at less than 60 degrees.
 - Whenever possible, proposed intersections along one side of a street shall coincide with existing or proposed intersections on the opposite side of the street.
 - Where a street center line offset (jog) occurs at an intersection, the distance between centerlines of the intersecting streets shall be not less than 125 feet.
 - Except when no other alternative is practicable or legally possible, no two streets may intersect with any other street on the same side at a distance of less than 200 feet measured from centerline to centerline of the intersecting street. When the intersected street is an expressway or boulevard, the distance between intersecting streets shall be at least 1,000 feet, unless no other alternative is practicable.
 - Property lines at street intersections shall be shown as a chord connecting points not less than 15 feet back from the street intersection along each street right-of-way line. Longer setbacks for chord connections for property lines may be required by the DRC as needed for public safety.

- g. In commercial developments the city may assign traffic control to thru traffic within 500 feet of the point of access to the public right-of-way.
3. **Development entry points**
- a. Unless exempted in accordance with subsection (d) below, all subdivisions shall provide streets from the development to the street system outside the development in accordance with Table 4.03.C.3, Required Points of Access:

TABLE 4.03.C.3: REQUIRED POINTS OF ACCESS [1]		
TYPE OF DEVELOPMENT	DEVELOPMENT SIZE	MINIMUM NUMBER OF VEHICULAR ACCESS POINTS [2]
Residential and Mixed-Use Development [3]	30 or fewer lots	1
	31 or more	2
Non-residential Development, other than Industrial [4]	Less than 5 acres or fewer than 10 lots	1
	More than 5 acres	2
NOTES:		
[1] Points of access shall refer to streets, not driveways.		
[2] Additional vehicular access points may be required where determined necessary by the city.		
[3] Multi-family or mixed-use developments of 100 dwelling units or more shall provide at least two points of access regardless of the number of lots.		
[4] The Fire Code may require a minimum of two points of access.		

- b. Nothing in this section shall limit the total number of streets providing access to the street system outside a development, or exempt a development from meeting all applicable street connectivity standards.
- c. Street stubs shall be credited as an access point when all ingress or egress to a development is only available from a single expressway, boulevard, or thoroughfare street.
- d. Development shall be exempted from these standards if it is demonstrated the following conditions apply:
- A transportation impact analysis allows a deviation;
 - No other street access points can be located due to existing lot configurations, absence of connecting streets, environmental, or topographic constraints;
 - NCDOT will not authorize the required number of entrances; or
 - Alternative access can be provided in a manner acceptable to the city that is supported by a transportation impact analysis.
4. **Turn lanes.** Turn lanes for either or both left and right turns into a commercial or residential subdivision driveway may be necessary for safety when there are high roadway and/or turning volumes or traffic, when the roadway speeds are moderate or high, or where needed due to limited sight distance. When provided, turn lanes shall be configured in accordance with the following:
- The final determination for the need, location, and design of a turn lane is the responsibility of the NCDOT, or the city, as appropriate.
 - Left and right turn lanes shall be constructed in accordance with NCDOT standards and specifications.
 - Right-turn lanes shall be constructed entirely within the frontage of the property being served, since an adjacent development might subsequently require an entrance that would otherwise encroach into the turn lane.
 - The NCDOT may require a undivided street to be widened when the median has an inadequate width for a left turn lane.
5. **Deceleration lanes.**

- a. Any use capable of generating more than 60 trips per peak hour, as estimated by using NCDOT guidelines or the Institute of Traffic Engineers Trip Generation Manual, shall provide at least one deceleration lane per street front in accordance with NCDOT standards when the use is located along an expressway or boulevard street.
 - b. Deviations from these requirements may only be authorized when the NCDOT indicates that a particular development design or technique can still achieve a satisfactory level of access control consistent with the objectives of this section.
6. **Cul-de-sac and dead-end streets.**
- a. No permanently designed cul-de-sac or other dead-end street shall be longer than 800 linear feet, except where land cannot otherwise be subdivided practicably in the opinion of the city manager.
 - b. In cases where one cul-de-sac is accessed from another cul-de-sac, the maximum length for all cul-de-sacs accessed from one another shall be 500 linear feet.
 - c. All permanent cul-de-sacs or other dead-end streets shall be provided at the closed end with a turn-around configured in accordance with the city's minimum requirements.
 - d. Dead-end streets intended to be continued at a later time shall be provided with a turn-around as required for a dead-end street when required by the city manager.
 - e. Only that portion to be required as right-of-way when the street is continued shall be dedicated and made a public street.
7. **Street grade.** Street grades shall comply with the following standards:
- a. Streets and their associated gutters shall maintain grade levels in accordance with Table 4.03.C.7, Maximum and Minimum Street Grade.

TABLE 4.03.C.7: MAXIMUM AND MINIMUM STREET GRADE		
STREET TYPE	MAXIMUM GRADE	MINIMUM GRADE
Expressways and Boulevards	6%	Not less than 1%
Major and Minor Thoroughfares	8% 9%	Not less than 1%
Local Streets	10% 12%	

- b. Street and intersection approaches shall not have grades in excess of ~~three~~ five percent for a distance of 100 feet from the intersection of center lines in all directions for all streets.
 - c. All changes in grades for local streets and thoroughfares shall be connected by a vertical curve of a minimum length of ~~40~~ 20 times the algebraic difference in the percents of grade ("K" value). Stop conditions shall have a minimum "K" value of ~~14~~ 9 times the algebraic difference of the percents of grade. "K" values for arterials shall be per the AASHTO Geometric Design of Highways and Streets based on design speed.
 - d. The city manager may consider deviations from these standards based on topographic conditions or public safety concerns: for Local Streets when natural site slope exceeds 15%. Vertical curves with 10 times the algebraic difference in the percents of grade ("K" value) and stop conditions with 5 times the algebraic difference in the percents of grade ("K" value) may be permitted under this condition.
8. **Street curves.** Street curves shall maintain the minimum radii established in Table 4.03.C.8: Minimum Curve Radii and Tangents:

TABLE 4.03.C.8: MINIMUM <u>CENTERLINE</u> CURVE RADII AND TANGENTS		
STREET TYPE	MINIMUM <u>CENTERLINE</u> RADII (FEET)	MINIMUM TANGENT DISTANCE BETWEEN REVERSE CURVES ON THE SAME STREET (FEET)
Expressways and Boulevards	600	150

Major and Minor Thoroughfares	400 230	100
Local Streets	150 90	0

9. **Street drainage.**

- a. All required drainage facilities associated with a street right-of-way shall be constructed prior to consideration of a final plat.
- b. Storm sewers, drains, and structures installed by the subdivider shall be installed of a size, type, and in locations as approved by the city manager, or NCDOT, as appropriate.
- c. Street drainage facilities located outside the street right-of-way shall be maintained by the developer, the landowner, or an owners' association, and maintenance responsibility shall be noted on the final plat.
- d. The city shall not be responsible for any private or commonly-held subdivision drainage infrastructure connected to publically-maintained drainage facilities, streams, or other outlets having constant flow.

10. **Sight distance triangles.**

- a. **Sight distance triangles established.**
 - i. Corner lots and lots with driveways, alleys, or other methods of ingress/egress to a street shall include sight distance triangles to ensure visibility for drivers and pedestrians moving through or in an intersection.
 - ii. Required sight distance triangles shall be configured in accordance with Table 4.03.C.10: Sight Distance Triangle Requirements.
 - iii. Land within a required sight distance triangle shall comply with the standards in Section 4.03.C.10.c, limitations on obstructions within required sight distance triangles.

TABLE 4.03.C.10: SIGHT DISTANCE TRIANGLE REQUIREMENTS		
TYPE OF STREET, INTERSECTION, OR DRIVEWAY		MINIMUM REQUIRED SIGHT DISTANCE TRIANGLE [1] [2] [3]
Intersections of Streets [4]		10/70
Driveways Serving Parking Lots		10/70
Driveways Serving Land Uses Without Parking Lots	Residential	None
	All Other Uses of Land	10/70 wherever possible
NOTES:		
[1] See Figure 4.03.C.10, Sight Distance Triangles, for the 10/70 configuration.		
[2] The NCDOT may require an alternate configuration.		
[3] AASHTO requirements shall be applied to streets with curves.		
[4] Includes all streets, including public streets.		

- b. **Measurement of sight distance triangle.** Sight distance triangles shall be an area between a point at the edge of a street right-of-way located 70 linear feet from the intersection and a second point at the edge of the opposing street right-of-way located ten feet from the intersection (see Figure 4.03.C.10, Sight Distance Triangles).

Adopted by the City Council of the City of Hendersonville, North Carolina on this 2nd day of November, 2023.

/s/Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

8. NEW BUSINESS

B. Request by Rotary Club of Hendersonville to Place American Flags on Main Street – Fritz Becker, Rotary Community Service Director.

Fritz Baker explained that the Hendersonville Rotary Club would like to make a conspicuous reminder on a recurring basis of some of the events, values and sacrifices our flag represents and to reinforce the idea that while no one has a monopoly on interpreting what we stand for as a country, our flag is a symbol of our status as the world's oldest democracy. Therefore they would like to deploy small American Flags as a reminder of our shared community values in raised flower beds along Main Street, one day at a time on the following days: Memorial Day, Fourth of July, Veteran's Day, Martin Luther King Jr. Day, Flag Day, Patriot's Day and Election Day.

Council Member Debbie O'Neal-Roundtree moved that City Council approve the placement of American Flags along Main Street on Memorial Day, Fourth of July, Veterans' Day, Martin Luther King Jr. Day, Flag Day, Patriot's Day and Election Day. A unanimous vote of the Council followed. Motion carried.

C. Greenville Highway Sewer Installation – John Connet, City Manager

City Manager Connet explained that in accordance with the 2000 agreement Henderson County is requesting the City of Hendersonville to install approximately 1100 linear feet of gravity sewer to serve a five lot subdivision along Greenville Highway. The subdivision was approved by Henderson County with the condition that the property owner could not agree to be annexed by the City of Hendersonville. Therefore, staff recommends that the City not install sewer to this small subdivision.

Council Member Lyndsey Simpson moved that City Council deny the request from Henderson County to install sewer along Greenville Highway, but authorize Henderson County or their agent to install sewer in accordance with the Contract of Purchase and Interlocal Cooperation and Settlement Agreement dated the 20th of December, 2000 and all other City standards. A unanimous vote of the Council followed. Motion carried.

D. Acceptance of a \$100,000 Grant for the Development of an Affordable Housing Strategic Plan – Lew Holloway, Community Development Director and Angie Beeker, City Attorney

Lew Holloway, the City of Hendersonville applied for and received an \$100,000 grant for the development of a Affordable Housing Strategic Plan. Staff is asking City Council to accept the grant and direct us to proceed with the development of the plan.

Council Member Jeff Miller moved that the City Council adopt the resolution accepting the \$100,000 grant from the Dogwood Trust for the development of an Affordable Housing Strategic Plan. A unanimous vote of the Council followed. Motion carried.

E. Waive Admission Fees for Veteran's Day at Laura E. Corn Mini-Golf at Edwards Park – Tom Wooten, Public Works Director

Tom Wooten explained that in honor of the contributions and sacrifices of the men and women who served in the Armed Forces, we are proposing to waive admission fees for Veterans on Veteran's Day at Laura E. Corn Mini-Golf at Edwards Park.

Council Member Lyndsey Simpson asked to add their families and to make it for the entire weekend.

Council Member Lyndsey Simpson moved that the City Council adopt a resolution of the City of Hendersonville City Council to waive all admissions fees for veterans, and their families, on the weekend (Friday, Saturday & Sunday) of Veteran's Day at the Laura E. Corn Mini-Golf Course at Edwards Park. A unanimous vote of the Council followed. Motion carried.

Resolution #R-23-116

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL
TO WAIVE ADMISSION FEES AT THE LAURA E. CORN MINI GOLF COURSE AT
EDWARDS PARK FOR VETERANS ON VETERAN'S DAY**

WHEREAS, the City of Hendersonville has great respect, admiration, and the utmost gratitude for all of those who have served our country in the United States Armed Forces; and

WHEREAS, the contributions and sacrifices of the men and women who served in the Armed Forces have been vital in maintaining the freedoms and way of life enjoyed by our citizens; and

WHEREAS, Hendersonville's veterans continue to serve the community, including through the American Legion, the Veterans of Foreign Wars, and other organizations dedicated to service; and

WHEREAS, Veteran's Day is a time to recognize the sacrifices and contributions of Hendersonville's veterans; and

WHEREAS, Providing veterans with free admission to the Laura E. Corn mini-golf course is a small way for Hendersonville to show its appreciation for their selfless service.

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

1. The City Manager is hereby directed to waive all admissions fees for veterans, and their families, on the weekend (Friday, Saturday & Sunday) of Veteran's Day at the Laura E. Corn Mini-Golf Course at Edwards Park.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 2nd day of November, 2023.

/s/Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

9. BOARDS/COMMITTEES/COMMISSION

Due to Council Member Smith's retirement, City Council needs to appoint City Council representatives to the Water and Sewer Advisory Committee and the Parks and Recreation Master Plan Committee.

Council Member Lyndsey Simpson moved that Council Member Jennifer Hensley serve on the Water and Sewer Advisory Committee. A unanimous vote of the Council followed. Motion carried.

Council Member Debbie O'Neal-Roundtree moved that Council Member Jeff Miller serve on the Parks and Recreation Master Plan Committee. A unanimous vote of the Council followed. Motion carried.

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

City Manager Connet reminded Council that the contingency report is included in their packet. He also reminded Council that they have a special called city council meeting on November 20th. Normally, we would have our workshop on the 22nd, which is the day before Thanksgiving, but we moved it to Monday, the 20th at 4:00p.m. and it will be a joint meeting with the Planning Board to go over the Comprehensive Plan strategies and our consultant will be in town. I believe we will also be getting a check presented to us in the amount of \$14,000,000 or so for the bio solids project at the wastewater plant.

A. October 2023 Contingency Report – John Connet, City Manager

In accordance with North Carolina General Statute (NCGS) 159-13(b) it is required that all expenditures resulting from a contingency appropriation budget be reported to the governing board at its next regular meeting and recorded in the minutes.

NCGS 159-15 permits the Budget Officer (City Manager), to transfer budget from one appropriation to another within the same fund, provided any such transfers are reported to the Governing Board. The City of Hendersonville refers to transfers of budget from one appropriation to another within the same fund as a “budget adjustment”. City Council authorizes budget adjustments each year with the adoption of the annual budget ordinance (SECTION 4).

This agenda item serves to fulfill the reporting requirements of both NCGS 159-13(b) and 159-15 by providing City Council a summary of all amendments and adjustments occurring thus far in the fiscal year.

11. CITY COUNCIL COMMENTS

Lyndsey said that the put-put golf course is amazing and the lights are wonderful. She also went to two events: the groundbreaking for the Ecusta Trail and the turnout was really amazing and the dedication of the mural on the World of Clothing building which turned out really awesome and they were both wonderful.

Jennifer requested that a resolution be prepared to honor the Henderson County Sherriff’s VIP’s (Volunteers In Partnership) since they helped with the closure on 4th Avenue during trick or treat this year and it was really great and we got a lot of positive feedback and everyone felt safe with their kids. They have their annual dinner this Thursday night and they invited me to it and I would like to read this resolution that evening.

One of the biggest reasons that we had to ask our VIP’s is because of our Police Department mans all of Main Street and they were all so cooperative with the VIPs so thank you all.

Jeff Miller gave a reminder that from November 9th – 12th at the Veteran’s Healing Farm, the Vietnam Traveling Memorial Wall will be there and this is a big deal for so many of these Veteran’s. We take them to D.C. as often as we can to see the wall. A lot of them can’t make the trip so it comes to them, so please go by and support it.

12. ADJOURN

There being no further business, the meeting was adjourned at 7:53 p.m. upon unanimous assent of the Council.

ATTEST:

Jill Murray, City Clerk

Barbara G. Volk, Mayor



MINUTES

November 20, 2023

JOINT CITY COUNCIL AND PLANNING BOARD MEETING

GEN H COMPREHENSIVE PLAN

CITY OPERATIONS CENTER | 305 WILLIAMS ST. | 4:00 p.m.

Present: Mayor Barbara G. Volk, Mayor Pro Tem Lyndsey Simpson and Council Members: Dr. Jennifer Hensley, Debbie O’Neal-Roundtree and Jeff Miller

Staff Present: City Manager John F. Connet, City Clerk Jill Murray, City Attorney Angela Becker, Communications Manager Allison Justus, Budget Manager Adam Murr, Community Development Director Lew Holloway and others.

Planning Board: Barbara Cromar
 Andrea Martin
 Beth Robertson
 Jim Robertson
 Donna Waters

Consultants: Lorna Allen, Bolton & Menk
 Grant Meacci, Bolton & Menk
 Ben Hitchings, Green Heron Planning
 Meg Nealon, Nealon Planning
 Jenn Gregory, Retail Strategies / Downtown Strategies

1. CALL TO ORDER

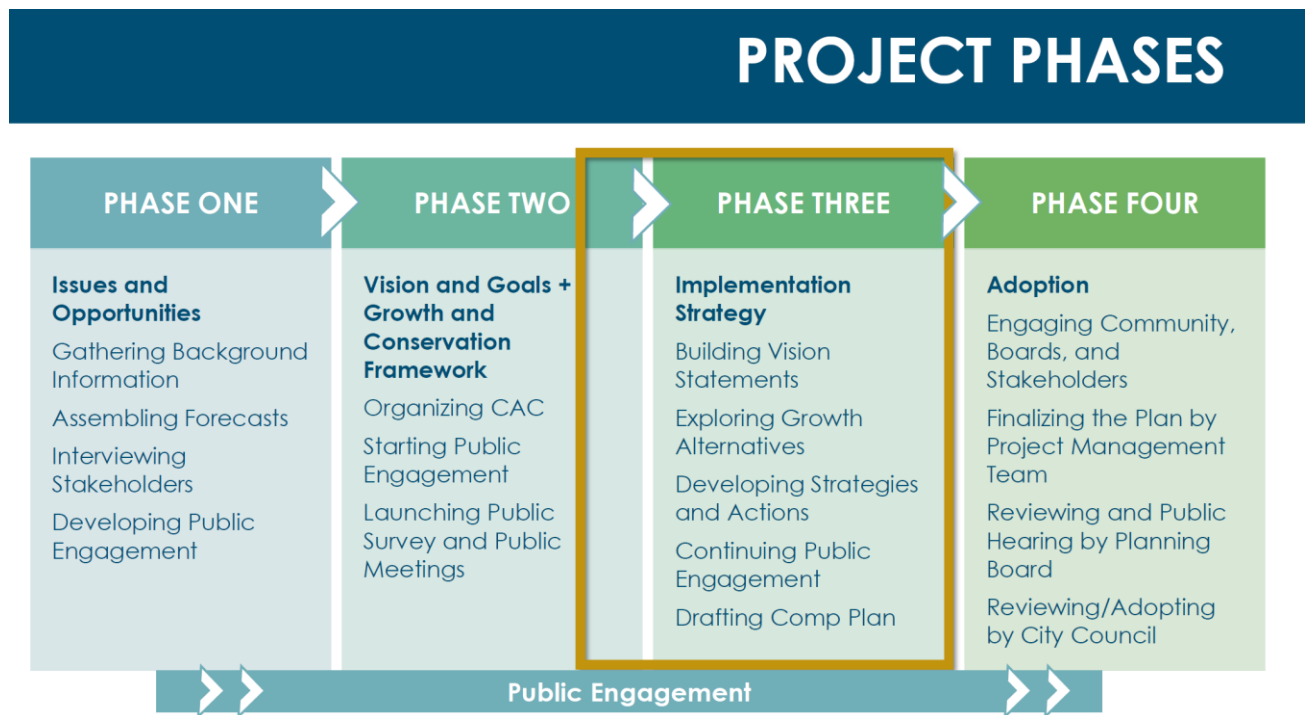
Mayor Barbara Volk called the meeting to order at 4:00 p.m. and welcomed those in attendance. A quorum was established with all members in attendance.

2. PRESENTATION OF CHECK

Jennifer Holcomb presented a check to the City in the amount of \$14,750.00. Wastewater Treatment Facilities Manager Garret DeMoss and Water Treatment Facilities Manager Ricky Levi were there to accept the check.

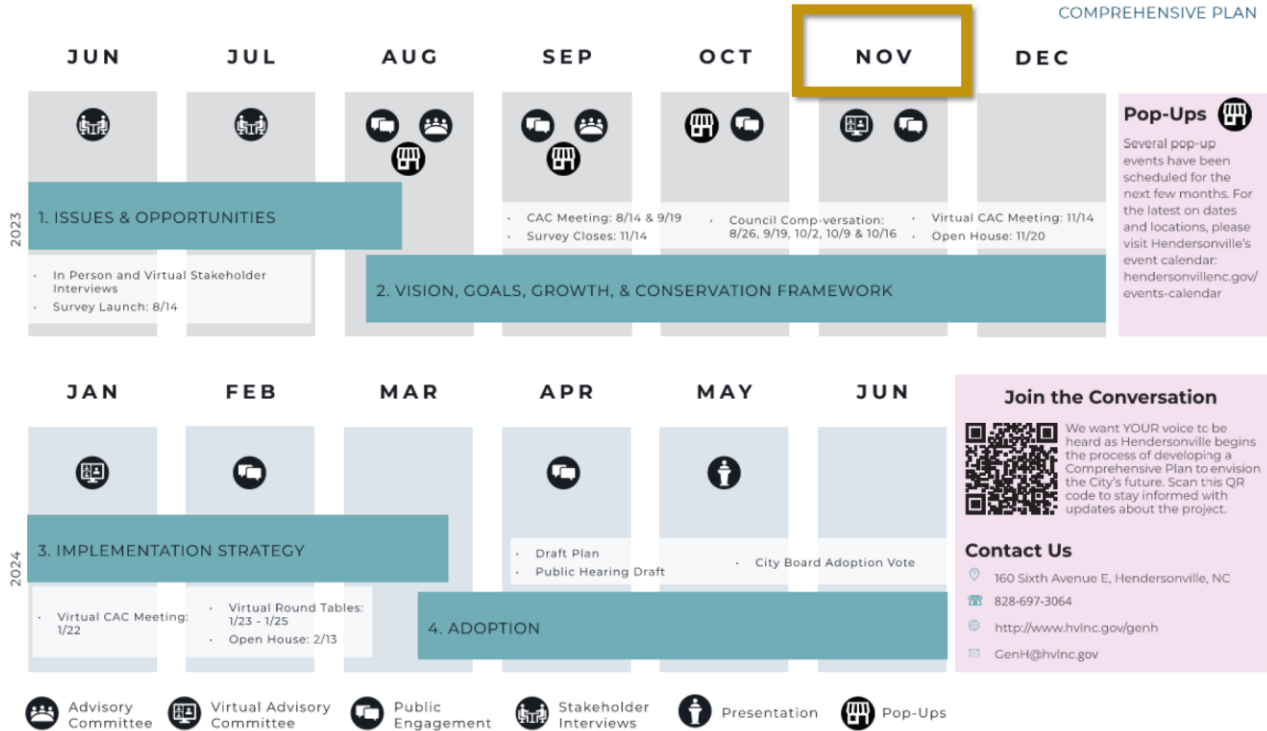
3. AGENDA

Project Update





PROJECT SCHEDULE



Engagement to Date

STAKEHOLDER OUTREACH

Strategy

- Community Advisory Committee
- Technical Committee
- Policy-maker Briefings
- Open Houses & Pop-ups
- Neighborhood Meetings
- Meetings "To Go"

Who It Reaches

- Diverse Stakeholder Group
- Town, County, and State staff
- Decision Makers
- Town Residents & Stakeholders
- Lower Participation Groups
- Everyone!

COMMUNICATION IS KEY

Building Awareness

- ✓ Project Branding
- ✓ Print Campaigns
- ✓ Media Campaigns
- ✓ Underserved Population Outreach

Gathering Input

- ✓ Online Tool
- ✓ Public Input Survey
- ✓ Meeting Facilitation
- ✓ Council Comp-versations

Gathering Input (cont.)

- ✓ Meetings "To Go"
- ✓ Walking Tours
- **Pop-up Meetings**
- **Open Houses**

GETTING THE WORD OUT

POSTCARDS TO HENDERSONVILLE

JOIN THE NEXT GENERATION OF HENDERSONVILLE.

GET YOUR POSTCARDS TODAY!

STEP 1: SELECT ONE OF THE POSTCARD OPTIONS
 STEP 2: SEND POSTCARD TO YOUR FRIENDS + FAMILY
 STEP 3: DROP YOUR POSTCARD IN THE MAILBOX

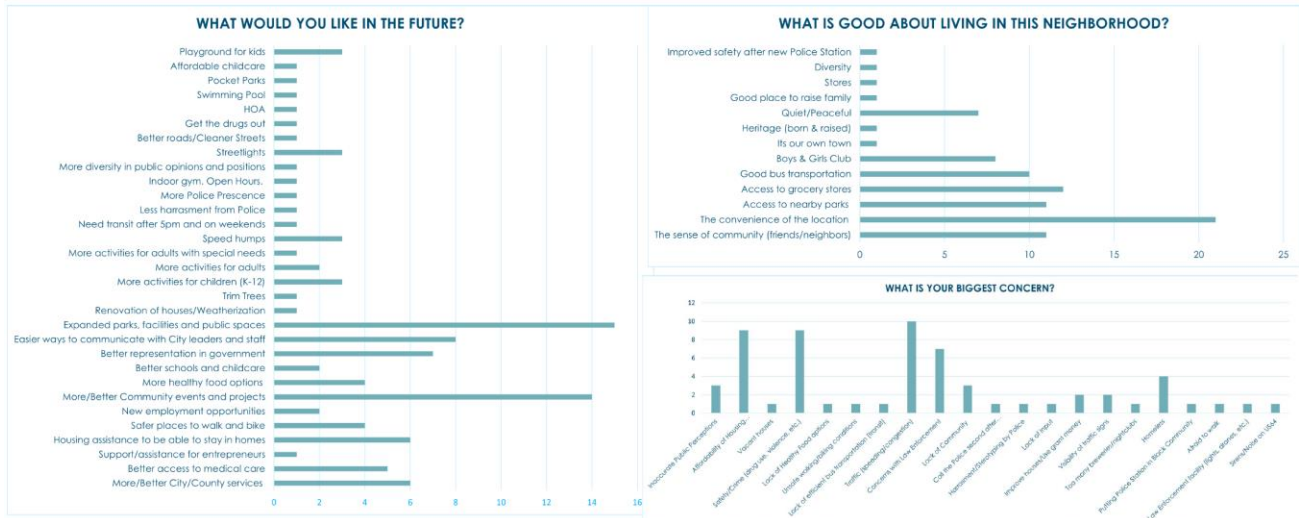
GEN H HENDERSONVILLE COMPREHENSIVE PLAN

100 N. King St. Hendersonville, NC
 828.437.3035
<http://www.hvinc.gov/genh>
 GenH@hvinc.gov

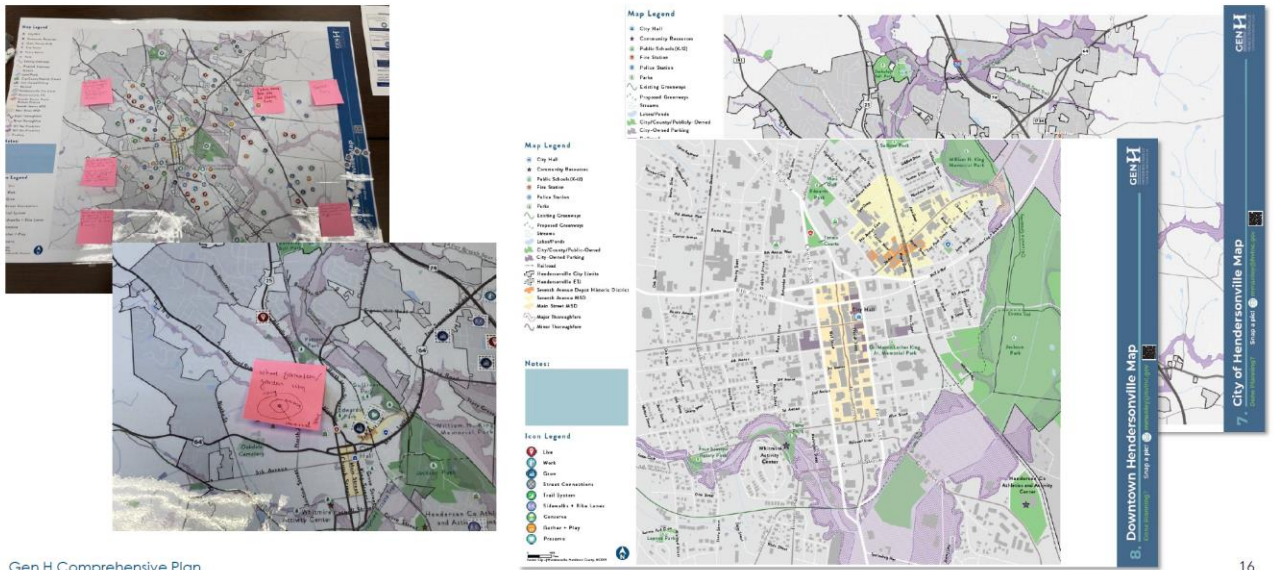
STAKEHOLDER INTERVIEWS

Live	Work	Play	Grow
<ul style="list-style-type: none"> • City of Hendersonville • City residents • Henderson County • NCDOT • Public Works • Economic Development (Agriculture) • Parks, Trails, & Greenways (parks MP consultant) • Environment, Resiliency, & Sustainability • Downtown Stakeholders 	<ul style="list-style-type: none"> • Arts, Culture, & Tourism • Education Providers • Equity & Inclusion • Housing • Senior Population • Healthcare • Developers, Large Landholders • Historic Preservation 	<ul style="list-style-type: none"> • Arts, Culture, & Tourism • Education Providers • Equity & Inclusion • Housing • Senior Population • Healthcare • Developers, Large Landholders • Historic Preservation 	<ul style="list-style-type: none"> • Arts, Culture, & Tourism • Education Providers • Equity & Inclusion • Housing • Senior Population • Healthcare • Developers, Large Landholders • Historic Preservation

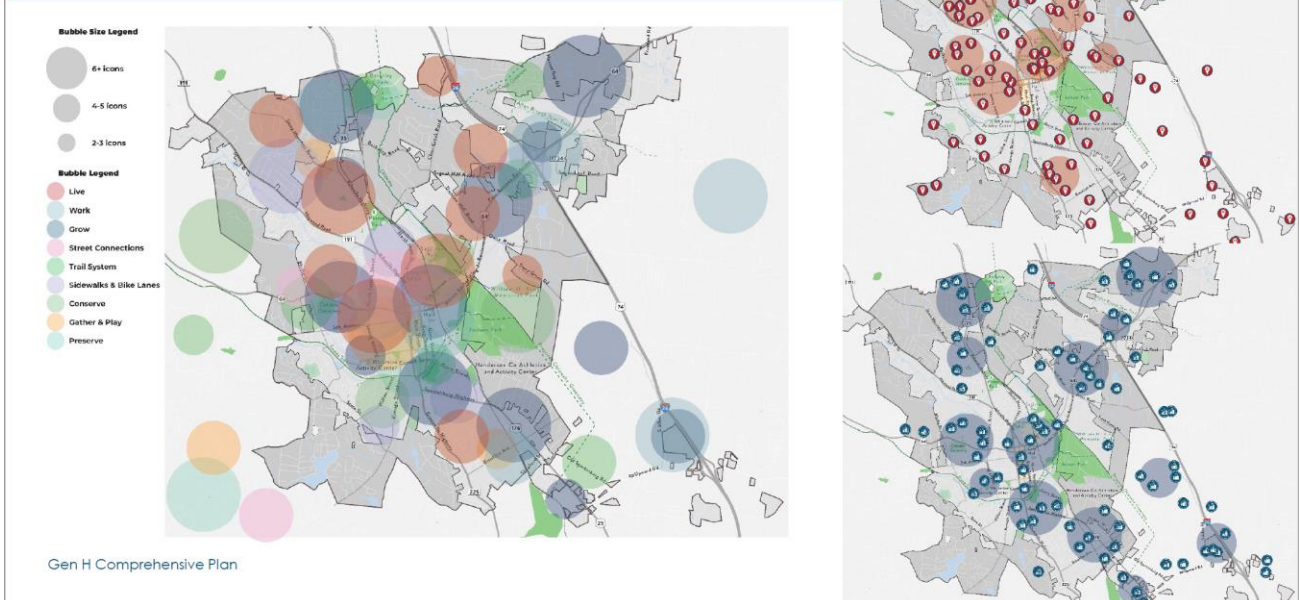
Neighborhood Canvas: Green Meadows



MEETINGS "TO GO"



Meetings "TO GO"

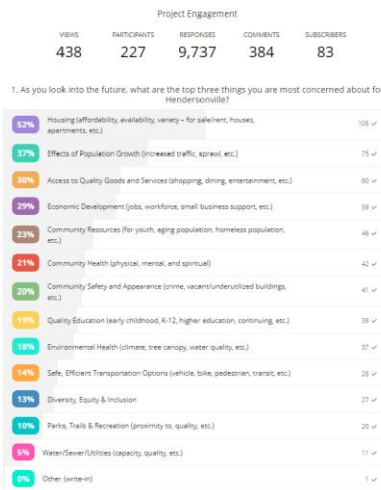


SURVEYS CLOSES 11/14

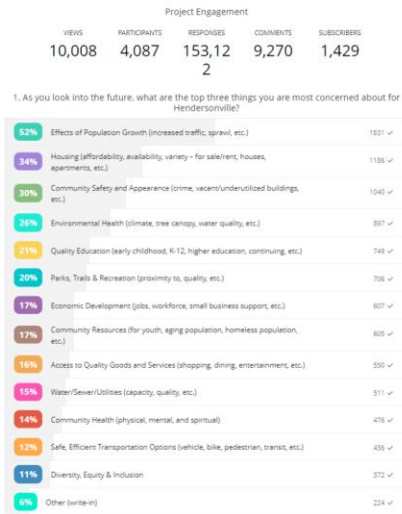
Key Issues – Student Survey

1. Housing
2. Effects of Population Growth
3. Access to quality goods and services
4. Economic Development
5. Community Resources

Gen H - Comprehensive Plan - HCPS Student Survey



Gen H - Comprehensive Plan Survey



Key Issues – General Survey

1. Effects of Population Growth
2. Housing
3. Community Safety and Appearance
4. Environmental Health
5. Quality Education

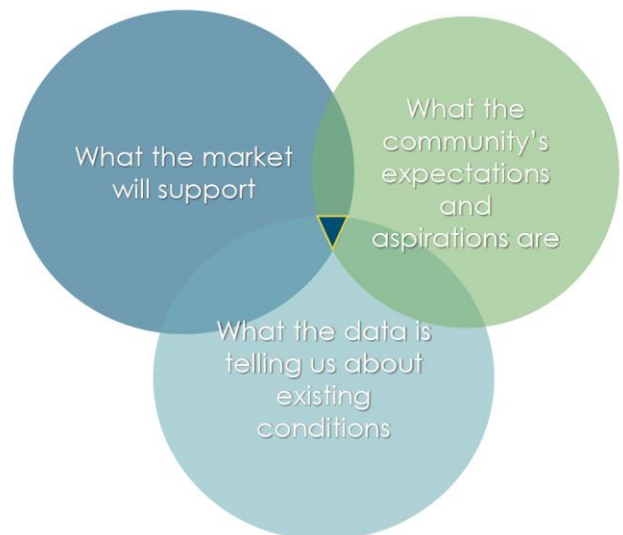
Key Topics



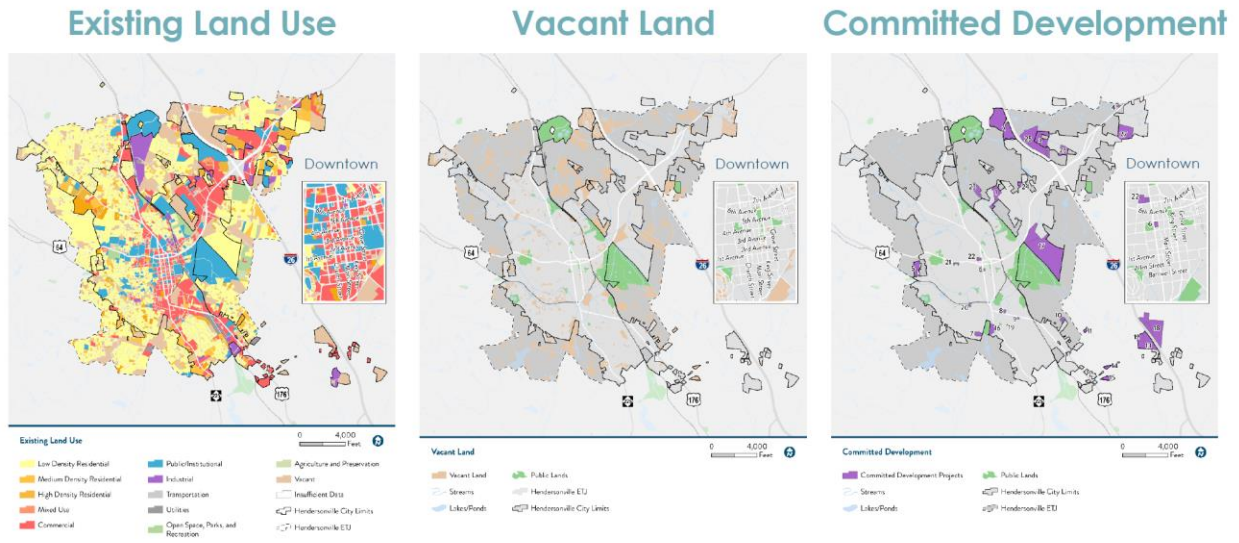
Land Use - Development Pattern – Growth Management

Three Questions:

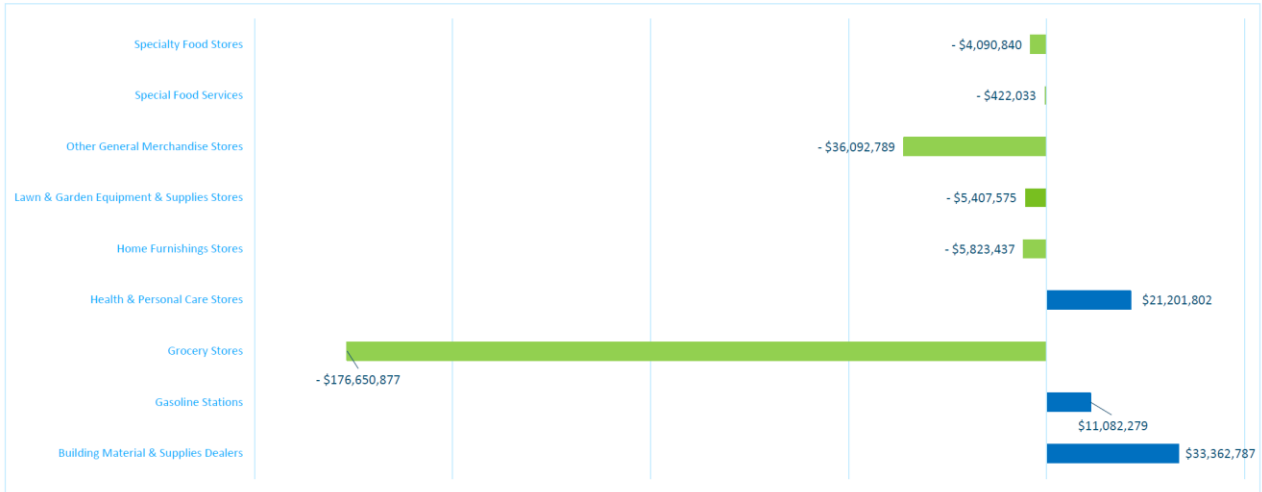
- What's the nature of existing and approved development?
- What should be protected?
- Where should new development occur? And what is it?



Land Use - Development Pattern – Growth Management



Custom Trade Area GAP Analysis



Land Use - Development Pattern – Growth Management

Where should new development occur?



3,237 respondents

- 33% Outside the city limits within the unincorporated portions of the county
- 28% Within the existing city limits with increased density
- 26% Just outside the existing city limits
- 13% Other (write-in)

"Sprawling and congested and overcrowded roads."

"Perfect sized and well-maintained downtown area. Rural surroundings."

"Pleasant, community-based, resourceful. Small town feel. Too many traffic lights. Too many farms disappearing."

Housing

As a % of existing land use:

City Limits

Land Use Class	Acres	Percent
Insufficient Data	65.74	1.50%
Agricultural	0.00	0.00%
Industrial	128.79	2.93%
Institutional	376.64	8.58%
Multi-Family Residential	340.86	7.77%
Office	176.36	4.02%
Parks / Open Space	254.30	5.79%
Retail	648.36	14.77%
Single Family	1,643.41	37.44%
Two Family Residential	142.86	3.26%
Vacant	611.63	13.94%
Total	4388.94	100.00%

2,127.13 AC / 48.47%

Extra Territorial Jurisdiction (ETJ)

Land Use Class	Acres	Percent
Insufficient Data	29.70	0.75%
Agricultural	45.61	1.15%
Industrial	148.60	3.74%
Institutional	91.08	2.29%
Multi-Family Residential	24.32	0.61%
Office	20.10	0.51%
Parks / Open Space	362.88	9.12%
Retail	61.44	1.54%
Single Family	2329.58	58.58%
Two Family Residential	4.39	0.11%
Vacant	859.26	21.61%
Total	3976.97	100.00%

2,358.29 AC / 59.3%

Combined

Land Use Class	Acres	Percent
Insufficient Data	95.44	1.14%
Agriculture	45.61	0.55%
Industrial	277.40	3.32%
Institutional	467.72	5.59%
Multi-Family Residential	365.18	4.37%
Office	196.47	2.35%
Parks/Open Space	617.18	7.38%
Retail	709.79	8.48%
Single Family Residential	3972.98	47.49%
Two Family Residential	147.25	1.76%
Vacant	1470.89	17.58%
Total	8365.91	100.00%

4,485.41 AC / 53.62%

Housing

What housing types (beyond single family houses) does Hendersonville need?

44%	Missing Middle Housing (duplex, triplex, quadplex, small apartment buildings)	1380 ✓
38%	55+ Community/Independent Living Facility (age restricted facility)	1166 ✓
31%	Townhome (row houses, attached single family)	977 ✓
24%	Condominium (owner occupied)	755 ✓
23%	Loft, or unit above retail/office	715 ✓
22%	Accessory Dwelling Unit (small residential unit that is separate or attached to primary residential unit)	698 ✓
20%	Apartment Complex (rental)	625 ✓
13%	Other (write-in)	391 ✓

3,107 Respondents

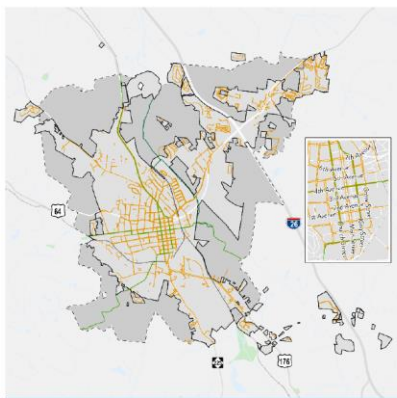
"Affordable housing that is based of the real Income interest here area"

"Retirement city"

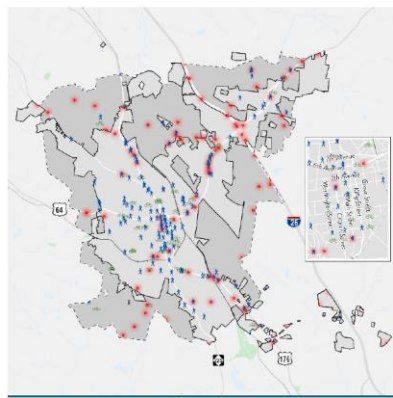
"Horrible traffic, overcrowded with cheap housing going up everywhere"

Mobility

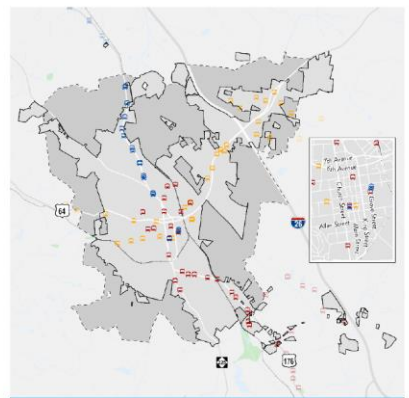
Bike & Ped Network



Crash History



Transit



Mobility

What are your priorities for making Hendersonville more bikeable and walkable?

67%	Streets with sidewalks	Rank: 2.03	1894
67%	Bikeways and bike lanes	Rank: 2.22	1885
64%	Greenways trails	Rank: 2.47	1814
59%	Walking trails	Rank: 2.67	1669
10%	Other (write-in)	Rank: 2.74	285
44%	Streets with lower speeds	Rank: 4.06	1258

2,830 Respondents

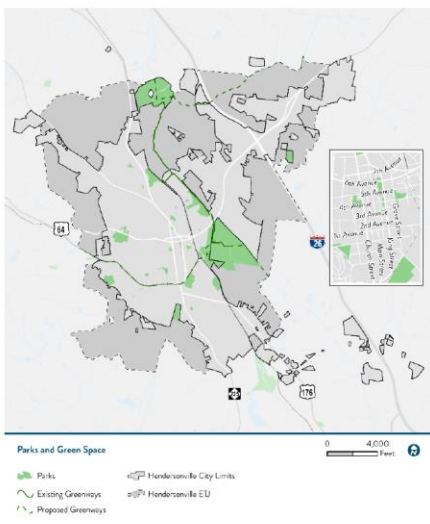
"Integrating the Ecusta and Saluda trails into the city's overall plan"

"Accommodations for wheelchairs"

"Parking that encourages walking"

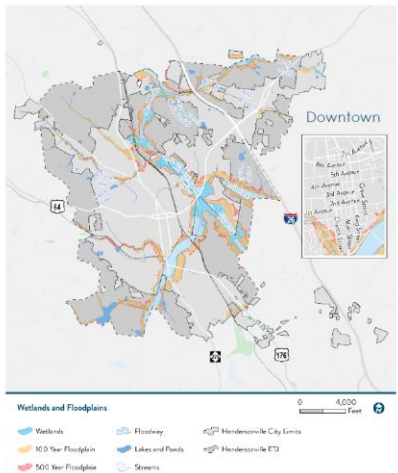
Functional Open/Green Space

Parks and Green Space

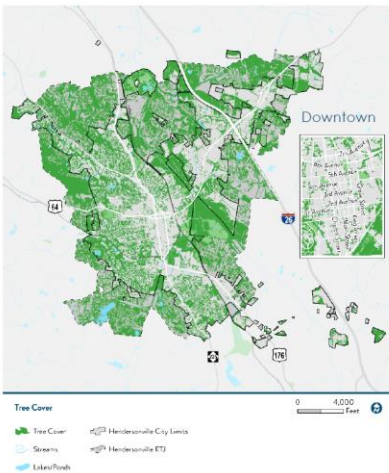


Functional Open/Green Space

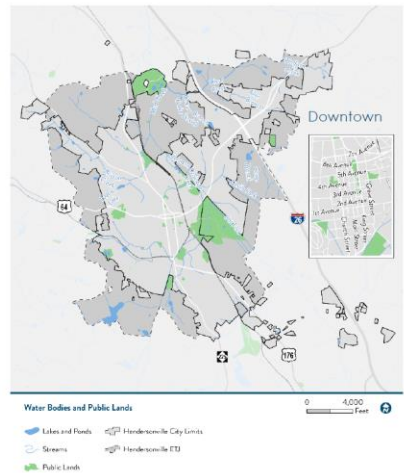
Wetlands and Floodplains



Tree Cover



Water Bodies



Functional Open/Green Space

What is most important to you for greenspace and greenway facilities over the next 20-40 years?

75%	Parks that protect environmental health and natural resources (stormwater, air quality and wildlife habitat)	Rank: 1.88	2105 ✓
65%	Neighborhood parks that meet the daily and year-round needs of nearby residents	Rank: 2.55	1823 ✓
60%	High-quality and connected system of greenways (paved trails)	Rank: 2.70	1692 ✓
55%	Park-based activities and programs that enliven our communities (fitness classes, movie festivals, walking tours)	Rank: 3.51	1535 ✓
52%	Sports and recreation opportunities that are strategically located to meet local and regional demand	Rank: 3.99	1465 ✓
52%	Destination parks and outdoor areas that promote economic development	Rank: 4.03	1451 ✓

2,813 Respondents

"Mountain Bike Trails in and around town"

"Benches/sitting areas/water stations & bathroom areas"

"Connect Flat Rock Park and Fletcher Park to Oklawaha Trail and connect to Ecusta"

Character & Appearance

What gives a place character?

78%	Quality of Life - An aspect of living or working in Hendersonville, that distinguishes it from other communities	Rank: 1.38	2548 ✓
58%	Visual Appearance - The physical features of the place	Rank: 2.01	1876 ✓
12%	Other (write-in)	Rank: 2.26	380 ✓
46%	A Special Place - A building, location, or place associated with history/heritage	Rank: 2.81	1498 ✓
45%	Nostalgia - An experience or pleasant memory	Rank: 2.99	1470 ✓

3,247 Respondents

"Keeping the natural beauty of a place gives it character"

"Locally owned businesses"

"Well-maintained streets, Old-growth trees, Nice parks with shade & water features, and seating"

Character & Appearance - Downtown

What types of things does Downtown need more of?

46%	Cultural and entertainment venues (theaters, galleries, etc.)	1394 ✓
39%	Dining, food service	1201 ✓
35%	Places to exercise, recreate (parks)	1067 ✓
31%	Housing (townhomes, condos, lofts)	959 ✓
28%	Specialty shops, boutiques	870 ✓
25%	Events (parade, festival, art show, live music)	774 ✓
18%	Grocery stores, drug stores	536 ✓
15%	Workspaces, studio spaces	471 ✓
13%	Other (write-in)	397 ✓
9%	Government offices (US Post Office, City Hall to pay bill)	280 ✓
7%	Services (hair/nail salons, tax prep, FedEx)	212 ✓

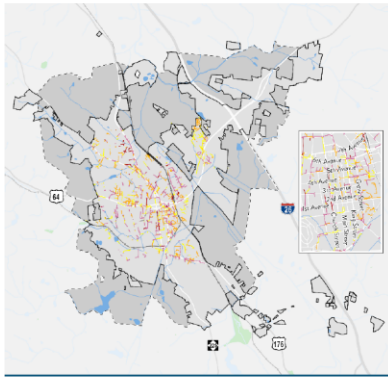
Top three improvements for Downtown?

60%	Historic preservation/reuse of existing buildings/façade improvements, building maintenance	1891 ✓
39%	New and/or improved public spaces/parks (plazas, greenspace, amphitheater, etc.)	1232 ✓
38%	Safe/improved pedestrian and bike connections in and to downtown from neighborhoods (sidewalks, crosswalks, crossing signals, bike lanes)	1194 ✓
25%	Additional public parking or dedicated employee parking	792 ✓
24%	Businesses with better/longer hours of operation	750 ✓
21%	Additional public restrooms	674 ✓
17%	Additional festivals, events, and programs in downtown	532 ✓
14%	Other (write-in)	442 ✓
13%	Landscaping (plantings, street trees)	414 ✓
11%	Seating, especially in the shade, and street furnishings (i.e. trash cans)	357 ✓
8%	Lighting (street lighting, pedestrian lighting, decorative lighting)	238 ✓
5%	More/better public art	165 ✓

3,147 Respondents

Community Facilities & Services

Stormwater Infrastructure

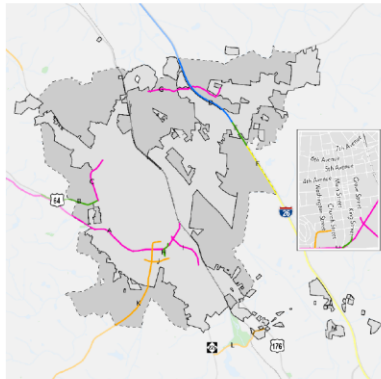


Stormwater Infrastructure

0 4,000 Feet

Pipe Material: Plastic, Brick/Clay, Metal, Concrete
 Other/Unknown
 Lanes and Ponds
 Streams
 Hendersonville City Limits
 Hendersonville EU

NCDOT Projects



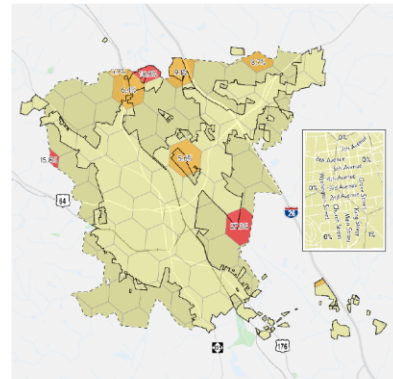
Current and Future NCDOT Projects

0 4,000 Feet

Project Type: Regional Highway, Division Bicycle And Pedestrian, Division Highway, Ex Highway, Statewide Highway
 Interstate Maintenance
 Hendersonville City Limits
 Hendersonville EU

A - BL-0007, EB-6317B, H - U-6049
 B - U-5783, I - EB-5953
 C - EB-5850, J - U-5886
 D - HD-0002A, I-440009, K - R-5748
 E - I-44004, L - U-5857
 F - I-5925, M - HA-0003
 G - BL-0008

Broadband Internet Coverage



Broadband Internet Coverage

0 4,000 Feet

Percent of Location Underwired: <15%, 15% - 30%, 30% - 45%, 45% - 60%, 60% - 75%, 75% - 90%, 90% - 100%
 Hendersonville City Limits
 Hendersonville EU

Community Facilities & Services

15%

The percentage of survey respondents that are concerned about water, sewer, and stormwater utilities.

"Well lit streets"

"Safety"

"Make sure we have enough water and more streets to accomplish the goals"

Policy Analysis

Policy Review

2030 Hendersonville Comprehensive Plan
2021 Henderson County Community Health Assessment
RE LAND USE LAND USE CHARACTER AREAS
 Prepared by: Henderson County Department of Public Health

- Plan Consistency
- Ordinance Consistency
- Investment Consistency
- Foundational Opportunities

Input from Policy Review

Other Topics for Consideration

- Age-friendly communities
- Gateway appearance
- Sustainability
- Cross-jurisdictional collaboration
- Embracing differences
- Readiness and resilience to manage disruptive emerging issues



Observations & Conclusions

Observations & Conclusions

- **Mixed-use development**
 - Compact growth
 - Essential services
 - Infill and redevelopment
 - Walkable connections
 - Housing solutions
 - Viable business locations
- **Community image**
 - Gateway
 - Branding
 - County context

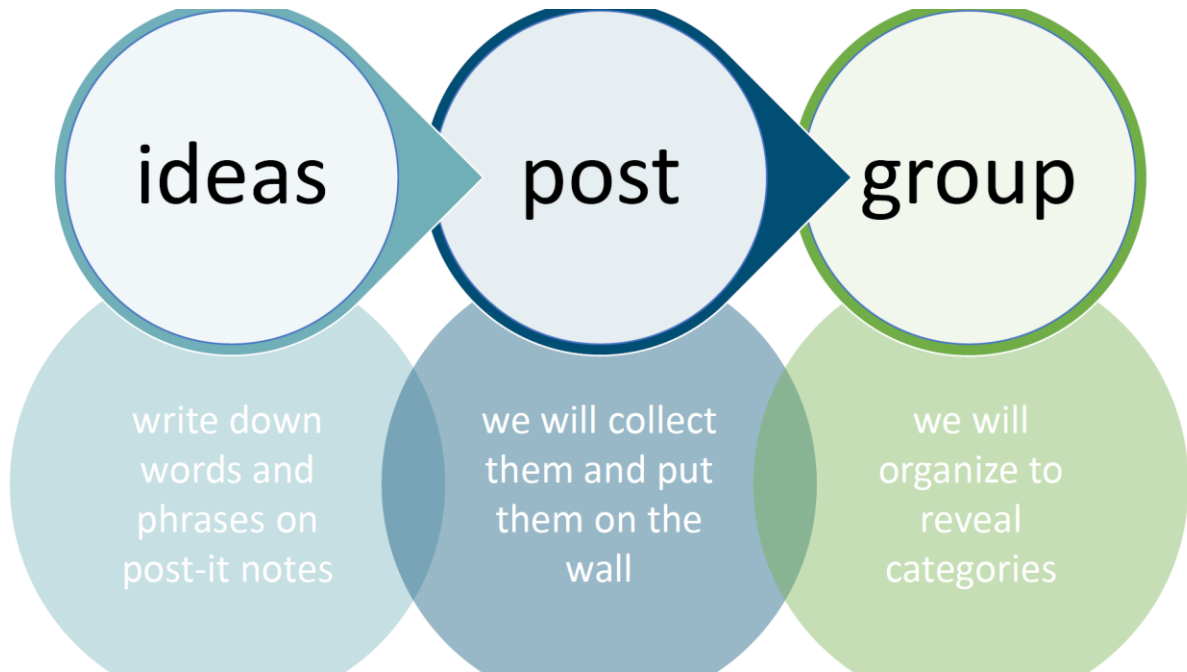


Observations & Conclusions

- **Natural environment**
 - Natural assets
- **Resilience**
 - Digital inclusion
 - Readiness
- **Leveraging Resources**
 - Development ordinances
 - Plan Implementation Fund
 - Advancing multiple objectives
 - Technology investment
 - State and federal grants
 - Partnerships



Vision Exercise



Goals & Objectives

DRAFT Goals & Objectives



- **Vibrant neighborhoods**
 - Safe
 - Well-maintained
 - Diverse
 - Connected
- **Abundant housing choices**
 - Availability of types (options)
 - Affordability
 - Housing condition/quality
- **Healthy and accessible natural environment**
 - Recreation, passive open space
 - Water quality
 - Natural system capacity (floodplains for stormwater; habitats to support flora/fauna; tree canopy for air quality, stormwater management, and microclimate)
 - Compact development form (infill, redevelopment) minimizing ecological footprint
 - Working landscapes (e.g., orchards, managed forests)

DRAFT Goals & Objectives (cont'd)



- **Authentic community character**
 - Downtown
 - Gateways
 - Historic preservation
 - Arts and cultural activities
 - Quality development
 - Local businesses
- **Safe streets and trails**
 - Access: walking, biking, transit, automobile, Mobility-as-a-Service (MaaS, e.g., Uber, Lyft, scooters, etc.)
 - Walkable development
 - Active living

DRAFT Goals & Objectives (cont'd)



▪ **Reliable and accessible utility services**

- Safe drinking water
- Wastewater treatment
- Broadband
- Renewable energy
- Compact service area (infill, redevelopment) for utilization of existing infrastructure



▪ **Satisfying work opportunities**

- Lucrative job options
- Vocation-/career-building activities
- Enrichment, growth
- Community volunteer opportunities



▪ **Welcoming and inclusive community**

- Respectful community dialogue
- Inviting public realm (i.e., parks, public buildings)
- ADA accessibility

DRAFT Goals & Objectives (cont'd)



▪ **Accessible and available community uses and services**

- Private:
 - Retail, restaurants, entertainment, etc.
- Public:
 - Sound/efficient government, civic engagement
 - Education
 - Recreation, active
 - Health and well-being
 - Public safety

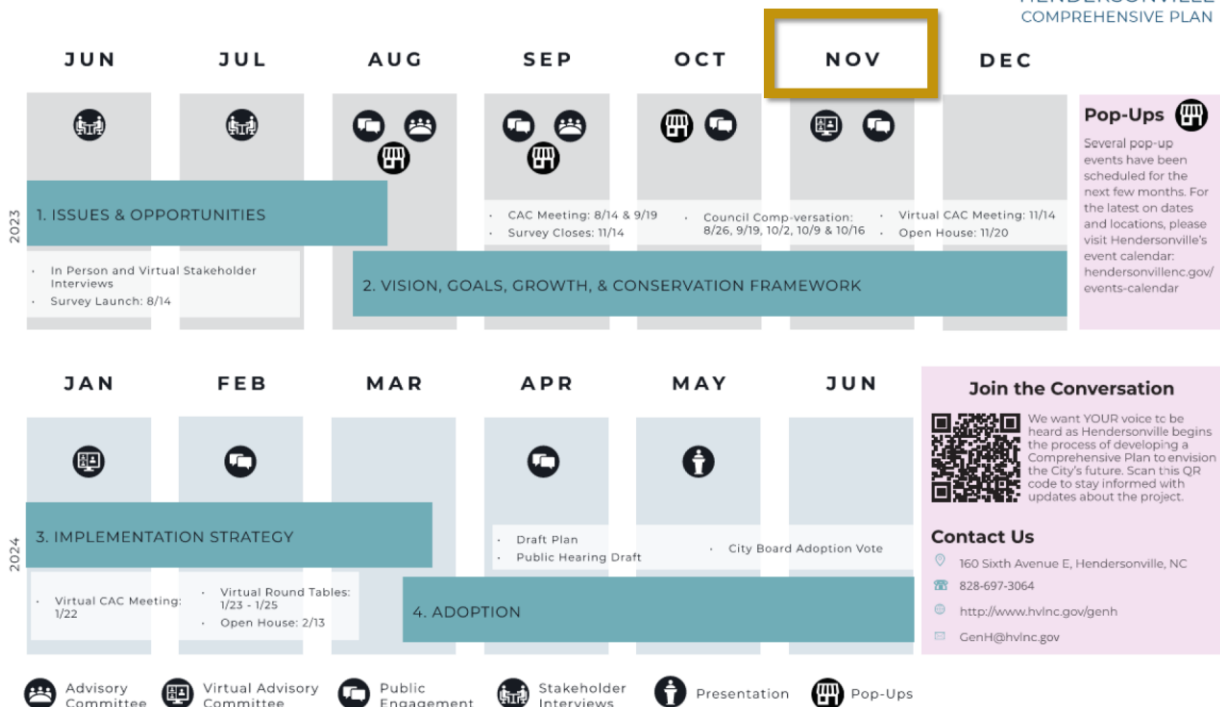


▪ **Resilient community**

- Adaptation to a changing world (e.g., economic, technological, social, environmental)
- Readiness; preparation to manage external impacts
- Recovery from adverse events (e.g., extreme weather event, natural hazards)
- Fiscally healthy government

Next Steps

PROJECT SCHEDULE



UPCOMING DATES

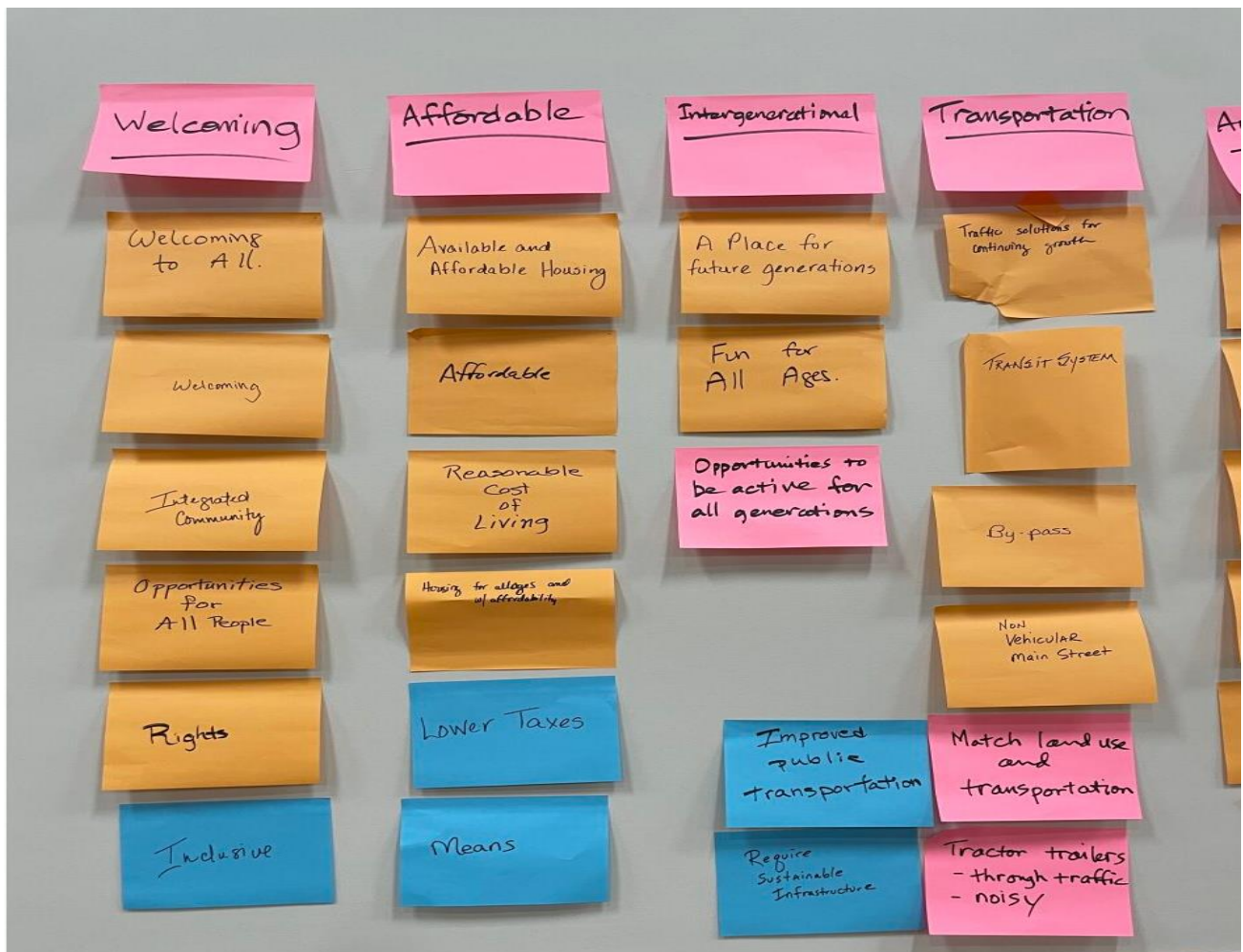
JANUARY 22, 2023

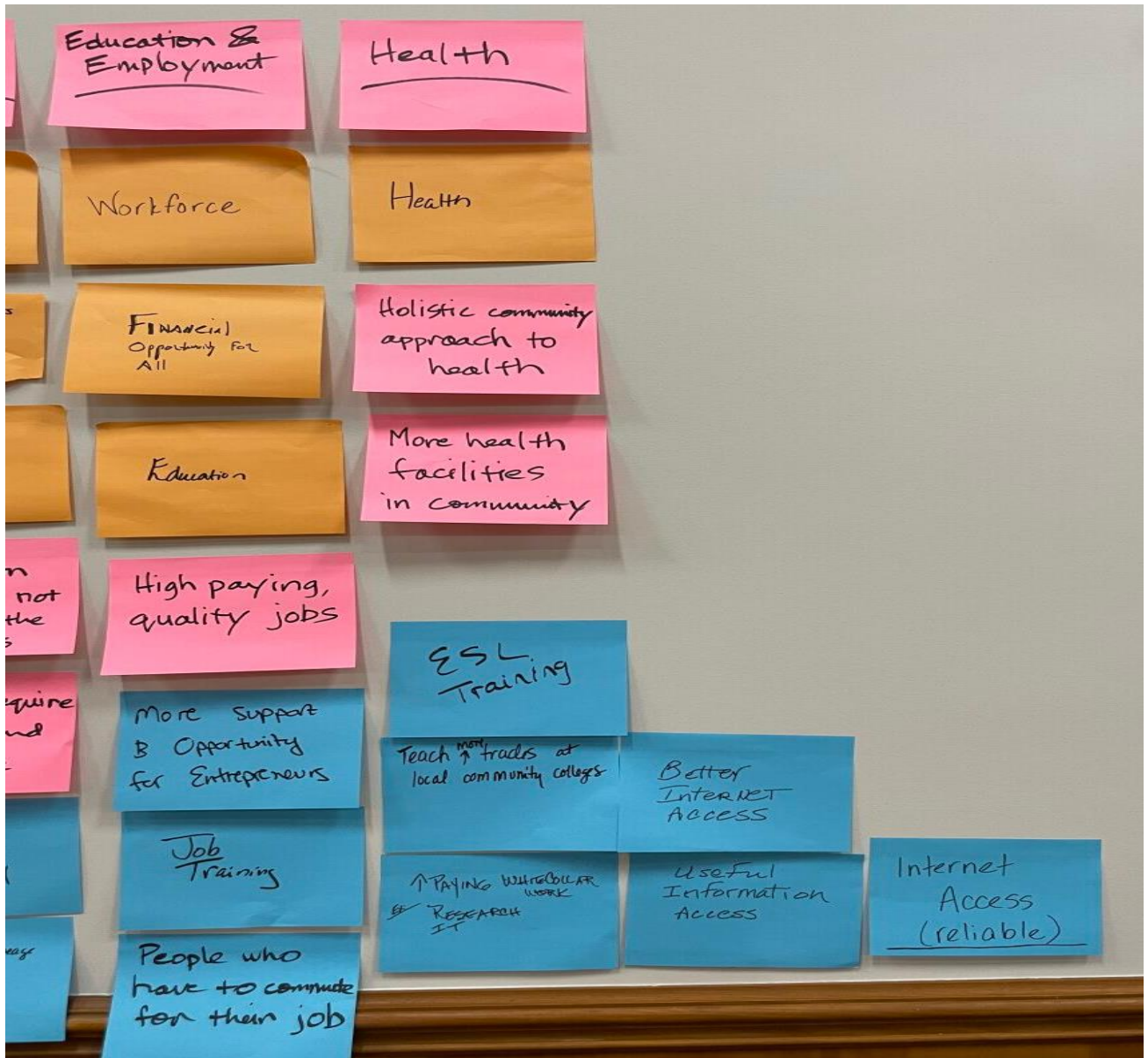
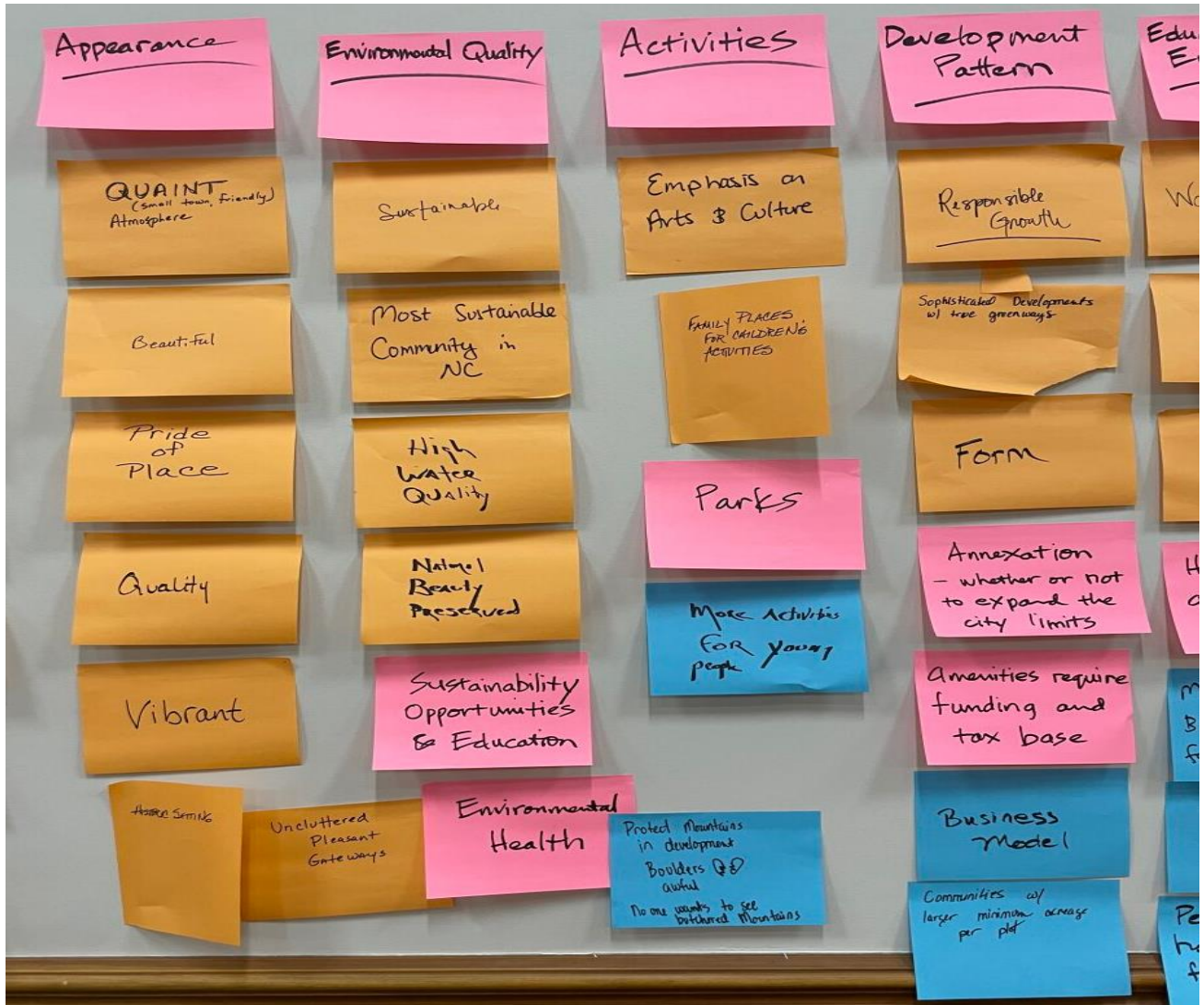
- **CAC Meeting #4**
 - Review alternatives and character areas
 - Discuss focus areas

FEBRUARY 13, 2023

- **Open House #2**
 - Review alternatives and character areas
 - Focus areas in progress

The consultants asked Council questions and had them write their answers on sticky notes. This was the outcome of that. A final report is forthcoming.





4. ADJOURN

There being no further business, the meeting was adjourned at 5:46 p.m. upon unanimous assent of the Council.

Barbara G. Volk, Mayor

ATTEST:

Jill Murray, City Clerk



MINUTES

December 7, 2023

REGULAR MEETING OF THE CITY COUNCIL

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

Present: Mayor Barbara G. Volk, Mayor Pro Tem Lyndsey Simpson and Council Members: Dr. Jennifer Hensley, Debbie O'Neal-Roundtree and Jeff Miller

Staff Present: City Manager John F. Connet, Assistant City Manager Brian Pahle, City Attorney Angela Beeker, Communications Manager Allison Justus, Budget Manager Adam Murr, and others

Absent: City Clerk Jill Murray

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.*

In Person:

Tom Appleby of P.O. Box 21, Bat Cave, NC, spoke about the homeless problem and asked that 10% of Council's budget be used towards homelessness and also spoke against paid parking and the kiosks on Main Street and thinks it's disgraceful.

Clifford Meek of Lennox Park, Hendersonville, spoke about public transportation and rail passenger service and asked that we go to the federal level regarding a passenger service from Spartanburg to Zirconia. The rail is available and Amtrak has the money to purchase it. He asked that Council contact Amtrak, our Federal Department of Transportation and Mr. Landrey. Mr. Meek gave paperwork with contact information. Council member Hensley added that City Council voted to support a resolution for passenger rail service from Asheville to Raleigh. On December 5th, Tom Tillis's office announced \$3.5 million dollars' worth of grants to identify the feasibility of the study and one of them includes an upgrade of a high-speed service from Atlanta to Charlotte and then from Charlotte to D.C. There is also an additional \$500,000 grant, which is included in the \$3.5 million, from Asheville all the way to Raleigh and then would eventually connect to Fayetteville so I just wanted to update you that that has already been passed and is already in the works. Mr. Meek said that he understood but that is the other rail to Asheville and still Council to work on it.

Jeff Groh of Fletcher, spoke against DEI and wants to promote a constitution class that continues to be denied by City Council.

Joe Sanders of 206 Ewatts Hill Road, Hendersonville, said he very strongly supports the pedestrian plan and thanked them for doing it.

Dawn Barr and Jim Lewis of 812 S. Whitted Street, Hendersonville, and said they are in support of the pedestrian plan and it solves some of our parking issues.

Scott Querin of 504 4th Avenue West, Hendersonville, NC, said that his wife and he just recently moved to Hendersonville and they are in support of the pedestrian plan and it is one of the reasons they moved to Hendersonville.

Via Phone:

Ken Fitch, 1046 Patton Street, Hendersonville, spoke via Zoom electronic software about Mac Brackett retiring from the Tree Board after 23 years and thanked him for his many years of service. City Manager Connet added that Mr. Brackett will be receiving a rocking chair as a gift of appreciation for volunteering with the City for over 20 years.

4. CONSIDERATION OF AGENDA

Council Member Debbie O'Neal-Roundtree moved that City Council approve the agenda as presented. A unanimous vote of the Council followed. Motion carried.

5. CONSENT AGENDA

Council Member Lyndsey Simpson moved that City Council approve the consent agenda as presented. A unanimous vote of the Council followed. Motion carried.

- A. Water Shortage Response Plan (WSRP) 2023 Update** – Gracie Erwin, Utilities Compliance Coordinator
- B. Special Event: The Summer Session 5K – Event Approval** – Jamie Carpenter, Community Development Downtown Manager
- C. Henderson County Tax Adjustments** – Amanda Lofton, Deputy Tax Collector
- D. Annexation: Certificate of Sufficiency-Lakewood Rd. & Francis Rd. (Lakewood Hendersonville LLC/Travis Fowler) (C23-92-ANX)** – Matthew Manley, AICP

Resolution #23-119

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION PURSUANT TO G.S. 160A-31

WHEREAS, a petition requesting annexation of the contiguous area described herein has been received; and

WHEREAS, certification by the City Clerk as to the sufficiency of the petition has been made;

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

Section 1. A public hearing on the question of annexation of the contiguous area described herein will be held at the City Operations Center located at 305 William St. Hendersonville NC, 28792 at 5:45 p.m. January 4th, 2024, or as soon thereafter as it may be heard.

Section 2. The area proposed for annexation is described as follows:

Being all of that real property consisting of PINs 9579-38-2595, 9579-39-2060, 9579-29-0718 and 9579-19-2770 described in the plat recorded in Book 2023- _____ [to be inserted at recording of the plat] of the Henderson County Registry, said PINs 9579-38-2595, 9579-39-2060, 9579-29-0718 and 9579-19-2770 being described by metes and bounds as follows:

Beginning at a rebar with a Cole Cap, said rebar having the NCGS NAD 83-2011 Coordinates N:599,600.52 and E: 972,053.47;

thence S 58°19'04" E a distance of 1071.47' to a #5 rebar;

thence N 68°13'03" E a distance of 234.68' to a magnetic nail in the centerline of Lakewood Road;

thence with the centerline of Lakewood Road the following two calls: N 33°13'29" E a distance of 75.09' to a magnetic nail;

thence N 12°15'38" E a distance of 76.14' to a magnetic nail;

thence leaving the centerline of Lakewood Road S 35°38'12" E a distance of 217.16' to a #5 rebar;

thence S 59°32'02" E a distance of 69.71' to a #5 rebar;

thence S 05°50'54" E a distance of 184.17' to a magnetic nail in the centerline of Francis Road;

thence S 04°44'22" W a distance of 35.17' to a ½" open iron pipe as a 21" walnut tree;

thence S 03°38'22" W a distance of 205.09' to a ½" open pipe at a creek;

thence S 03°39'17" W a distance of 216.85' to a spike;

thence S 00°36'39" W a distance of 32.07' to a concrete monument;

thence S 02°10'36" E a distance of 232.01' to a NCDOT concrete monument;

thence S 02°10'36" E a distance of 12.69' to a calculated point in the right-of-way of Interstate 26;

thence with the right-of-way of Interstate 26 the following fourteen calls:

N 51°53'55" W a distance of 109.99' to a calculated point;

thence N 38°54'55" E a distance of 28.46' to a NCDOT aluminum-disk monument;
 thence N 50°54'31" W a distance of 41.60' to a NCDOT aluminum-disk monument;
 thence S 38°26'52" W a distance of 29.18' to a calculated point;
 thence N 51°53'55" W a distance of 181.95' to a calculated point;
 thence with a curve turning to the left with an arc length of 494.32', with a radius of 3954.72', with a chord bearing of N 57°53'26" W, with a chord length of 494.00', to a NCDOT concrete monument;
 thence N 59°08'29" W a distance of 696.10' to a NCDOT concrete monument;
 thence N 75°16'14" W a distance of 201.08' to a NCDOT concrete monument;
 thence N 51°21'17" W a distance of 415.79' to a NCDOT concrete monument;
 thence with a curve turning to the right with an arc length of 226.93', with a radius of 3634.72', with a chord bearing of N 53°17'53" W, with a chord length of 226.89', to a NCDOT concrete monument;
 thence N 50°22'20" W a distance of 671.13' to a NCDOT concrete monument;
 thence N 16°29'07" E a distance of 88.37' to a NCDOT concrete monument;
 thence N 37°48'06" W a distance of 207.56' to a #5 rebar;
 thence N 37°48'06" W a distance of 32.00' to the centerline of Clear Creek;
 thence with the centerline of Clear Creek the following eight calls:
 N 34°36'07" E a distance of 101.80' to a calculated point;
 thence N 53°37'31" E a distance of 159.48' to a calculated point;
 thence N 38°23'40" E a distance of 263.30' to a calculated point;
 thence N 44°12'54" E a distance of 162.61' to a calculated point;
 thence S 89°51'50" E a distance of 135.37' to a calculated point;
 thence N 66°45'25" E a distance of 336.74' to a calculated point;
 thence N 74°39'41" E a distance of 142.13' to a calculated point;
 thence N 64°26'02" E a distance of 590.12' to a calculated point;
 thence S 03°36'36" W a distance of 320.62' to a #5 rebar with a Parker Cap;
 thence S 03°36'36" W a distance of 160.56' to a concrete monument;
 thence S 17°29'50" W a distance of 999.67' to a rebar with a Cole Cap; which is the point of beginning, having an area of 2,588,321 square feet, 59.420 acres.

Re: Petition for Contiguous Annexation
 Petitioners: Travis Fowler
 File No. C23-92-ANX

Section 3. Notice of the public hearing shall be published once in The Hendersonville Times-News, a newspaper having general circulation in the City of Hendersonville, at least 10 days prior to the date of the public hearing.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 7th day of December 2023.

/s/Barbara G. Volk, Mayor
 Attest: /s/Jill Murray, City Clerk
 Approved as to form: /s/Angela S. Beeker, City Attorney

E. December 2023 Budget Amendments – Adam Murr, Budget Manager

TO MAYOR & COUNCIL
 APPROVAL: December 07, 2023

FISCAL YEAR 2024
 FORM: 12072023-01

BUDGET AMENDMENT

FUND 010					
ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
010-1521-501002	Salaries - Uniform/Taxable	1,200	5,000	-	6,200
010-1521-521001	Supplies & Materials	37,500	-	5,000	32,500
FUND 010	TOTAL REVENUES	-	5,000	-	-
General Fund	TOTAL EXPENDITURES	-	-	5,000	-

An amendment moving tool purchases for fleet mechanics from supplies and materials to salaries-uniform/taxable. The amendment is needed because the tools are considered a fringe employee benefit.

The City Manager and City Clerk certify budget ordinance amendment 12072023-01 was approved by City Council on December 07, 2023.

TO MAYOR & COUNCIL
 APPROVAL: December 07, 2023

FISCAL YEAR 2024
 FORM: 12072023-02

BUDGET AMENDMENT

FUND 060

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
060-0000-470900	Fund Balance Appropriated	-	248,000	-	248,000
060-7055-519200	Contracted Services	110,000	-	40,000	70,000
060-7055-524060	R&M Lines (Water)	250,000	112,500	-	362,500
060-7055-555002	Capital Outlay - Lines	-	162,500	-	162,500
060-7032-555003	Capital Outlay - Plants/Pump Stations	195,000	-	15,000	180,000
060-7032-556001	Capital Outlay - Other/Intangible	120,000	-	120,000	-
060-7155-524060	R&M Lines (Wastewater)	132,000	60,500	-	192,500
060-7155-524060	Capital Outlay - Lines	-	87,500	-	87,500
060-7050-521950	Inventory	1,242,000	423,000	-	1,665,000
060-7050-521955	Contra Inventory	1,242,000	423,000	-	1,665,000
FUND 060	TOTAL REVENUES	-	248,000	-	-
Water & Sewer Operating	TOTAL EXPENDITURES	-	423,000	175,000	-

An amendment increasing fund balance appropriated in the Water and Sewer Fund by \$248,000 to cover priority water and sewer line replacement projects in FY24. The amendment also corrects the financial accounts: inventory and contra inventory (highlighted orange), to reflect the flow of needed equipment and materials in and out of inventory for various FY24 projects including: Carson Drive, Somersby Park, Old Brickyard, and AMI.

The City Manager and City Clerk certify budget ordinance amendment 12072023-02 was approved by City Council on December 07, 2023.

F. Final Acceptance of Negotiated Offer to Purchase North Edwards Street Lot, Parcel B1, Plat Book 2023, Page 14832, Henderson County Registry – Daniel Heyman, Staff Attorney

Resolution #23-120

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL OF FINAL ACCEPTANCE OF NEGOTIATED OFFER

WHEREAS, the City of Hendersonville owns certain property off of North Edwards Street adjacent to City Hall, and identified as Parcel B1, containing 2,227 sq. ft., as shown on that Plat recorded in Plat Book 2023 at page 14832, in the Office of the Register of Deeds for Henderson County, being a portion of the property with a tax parcel ID of 9568880780, and having been acquired by the City of Hendersonville in Deed Book 399 at Page 565 of the Henderson County Register of Deeds Office (“Property”); and

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

WHEREAS, the City has received a NEGOTIATED OFFER RECEIVED PURSUANT TO N.C.G.S. § 160A-269, dated October 30, 2023 (“Offer”), a copy of which is attached hereto and incorporated herein by reference; and

WHEREAS, WNH Investments, LLC, (“Buyer”), is offering to purchase the Property for the sum of \$50,000, subject to the terms and conditions contained within the Offer; and

WHEREAS, on October 5, 2023, the City Council issued a proposed acceptance of a previous offer and authorized the offer to be advertised for upset bids pursuant to N.C.G.S. § 160A-269; and

WHEREAS, the offer was advertised in the Hendersonville Times-News on October 10, 2023 and a first upset bid was received; and

WHEREAS, the first upset bid was advertised in the Hendersonville Times-News on October 20, 2023 and an upset bid was received; and

WHEREAS, the first upset bid was advertised in the Hendersonville Times-News on October 20, 2023 and a second upset bid was received; and

WHEREAS, the second upset bid was advertised in the Hendersonville Times-News on October 24, 2023 and a third upset bid was received, said third upset bid being the Buyer’s Offer for \$50,000; and

WHEREAS, the third upset bid was advertised in the Hendersonville Times-News on November 3, 2023 and no upset bids were received; and

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

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

1. The Council issues a final acceptance of the Offer pursuant to the procedures of 160A-269, and authorizes the sale to the Buyers, WNH Investments, LLC, or an authorized assignee as allowed by Offer. The City

Manager, City Clerk, and the City Attorney are authorized to take all actions on behalf of the City which are consistent with the terms of the Offer, including but not limited to the signature of all necessary documentation, to effectuate the closing on the sale of the Property.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 7th day of December, 2023.

/s/Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

**G. Resolution to Accept Leyland Circle into the City Street System – Tom Wooten,
Director of Public Works**

Resolution #23-121

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL AUTHORIZING
ACCEPTANCE OF LEYLAND CIRCLE INTO THE CITY STREET SYSTEM**

WHEREAS, The Cottages at Cypress Run, LLC, a North Carolina limited liability company (hereinafter “Developer”), was granted a special use permit for the development of that property shown on those plats recorded in Plat Book 2019 at Slide 12246, Plat Book 2020 at Slide 12674 (as amended by Plat Book 2020 at Slide 12897) and Plat Book 2021 Slide 13185, all of the foregoing in the Henderson County Registry (said plats hereinafter the “Cypress Run Subdivision Plats”) (said property hereinafter the “Subject Property”); and

WHEREAS, The Cottages at Cypress Run Homeowners Association, Inc., a North Carolina non-profit corporation (hereinafter “Homeowners Association”) is the fee simple owner of the 50-foot right-of-way identified as “Leyland Circle” on the Cypress Run Subdivision Plats (hereinafter “Leyland Circle”) by way of that deed recorded in Deed Book 4112 at page 208, Henderson County Registry; and

WHEREAS, the Homeowners Association has submitted a request to the City of Hendersonville to accept Leyland Circle into the City street system for operation and maintenance; and

WHEREAS, The City has agreed to accept the dedication of Leyland Circle as a City street upon the recording of a Deed of Dedication, in form acceptable to the City, by the Homeowners Association or then fee-simple owner of Leyland Circle.

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

1. The 50-foot right-of-way identified as “Leyland Circle” on those plats recorded in Plat Book 2019 at Slide 12246, Plat Book 2020 at Slide 12674 (as amended by Plat Book 2020 at Slide 12897) and Plat Book 2021 Slide 13185, all of the foregoing in the Henderson County Registry shall be accepted into the City of Hendersonville’s street system effective upon the recording of a Deed of Dedication, in form acceptable to the City of Hendersonville, in the Henderson County Register of Deeds, by the fee-simple owner(s) of said right-of-way.
2. The City Manager is authorized to accept a Deed of Dedication dedicating Leyland Circle to the City of Hendersonville.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 7th day of December, 2023.

/s/Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

6. PRESENTATIONS

A. Resolution Reaffirming Bias-Free Policing – Chief Blair Myhand

Chief Myhand explained that the Hendersonville Police Department pledged to complete the International Association of Chiefs of Police, Trust Building Campaign. Through this pledge, the department promises to adhere to twenty-six standards to strengthen trust within our community. As part of that pledge, the department reaffirms its commitment to bias free policing. This resolution is essential in communicating the department’s obligation to all members of our community.

Chief Myhand read the resolution aloud and Mayor Volk asked all members of Council if they approved it and they all did. There were no nays.

Resolution #R-23-123

RESOLUTION REAFFIRMING BIAS-FREE POLICING FROM THE HENDERSONVILLE POLICE DEPARTMENT TO THE CITIZENS OF HENDERSONVILLE

WHEREAS, in a free society, law enforcement is entrusted and expected to protect the civil rights of all individuals; and

WHEREAS, the overwhelming majority of police officers perform their duty in a professional and impartial manner free from bias; and

WHEREAS, it is crucial that bias, based on discriminatory practices, is deemed unacceptable and not tolerated; and

WHEREAS, the Chief of Police will review department practices, policies, and procedures to ensure that operational services are free from any form of bias; and

WHEREAS, the Hendersonville Police Department recognizes that establishing organizational accountability and transparency is the highest priority to effectively promote public trust; and

WHEREAS, when individual police employees violate laws or agency values, rules, or regulations, they should be held accountable; and

WHEREAS, the Hendersonville Police Department establishes a policy that clearly prohibits all discriminatory policing practices; now, therefore be it

NOW, THEREFORE, BE IT RESOLVED, that the Hendersonville Police Department reaffirms its long-standing position against biased policing, or any other type of discriminatory practices.

ADOPTED this 7th day of December, 2023.

/s/Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

B. Recognition of Steve Alverson, for obtaining the Public Sector MESH Certificate
– Jennifer Harrell, HR Director

Human Resources Director Jennifer Harrell explained that Steve Alverson was recently notified by the MESH Board of Directors that he has successfully completed the requirements and earned the **Public Sector -Manager of Environmental Safety and Health Certificate**. The MESH Certificate is awarded to individuals who demonstrate achievement through education in occupational safety, health and the environment. MESH is sponsored by the Safety and Health Council of North Carolina, NC State University and the NC Department of Labor.

This program is designed to increase the professionalism of environmental, safety and health managers at governmental, commercial and manufacturing sites in North Carolina through a rigorous series of continuing education programs. The MESH program strives to recognize environmental managers and raise industry standards and increase the value of these practitioners to their employers and others to whom services are provided.

This is the second MESH certificate Steve has earned.

City Council applauded Steve for his accomplishment.

C. Fiscal Year 2023 Audit Presentation – John Buchanan, Finance Director

Finance Director John Buchanan introduced Tim Lyons of Mauldin & Jenkins to present the June 30, 2023 Audit.

Agenda

- Engagement Team
- Results of the 2023 Audit
- Financial Ratios and Trends
- Comments, Recommendations, and Other Issues
- Questions & Comments

Engagement Team



INSIDE
PUBLIC ACCOUNTING
TOP 100 FIRMS
2021

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2022 **Top 100 Firms**

CONSISTENTLY RANKED AS A TOP ACCOUNTING FIRM IN THE U.S.

100+ year
HISTORY
OF QUALITY SERVICE

Serve 650+
GOVERNMENT CLIENTS

GOVERNMENTAL PARTNERS **16**



140+

TEAM MEMBERS DEDICATED TO SERVING THE GOVERNMENTAL INDUSTRY



VISION
To be a trusted advisor, earning trust and building respect through our consistent commitment to sustainable excellence, leadership, and integrity.



225+

SINGLE AUDITS PERFORMED LAST YEAR COVERING OVER \$4 BILLION OF FEDERAL GRANTS



135,000+

HOURS ANNUALLY PROVIDED TO GOVERNMENTAL CLIENTS

150+

CURRENT CLIENTS AWARDED THE GFOA CERTIFICATE OF EXCELLENCE

5

STATES

13

OFFICES



Results of 2023 Audit



- Our Responsibility Under Auditing Standards Generally Accepted in the United States of America (GAAS) and *Government Auditing Standards* (GAS)
 - We considered the internal control structure for the purpose of expressing our opinion on the City's basic financial statements and not providing assurance on the internal control structure.
 - Our audit was performed in accordance with GAAS and GAS.
 - Our objective is to provide reasonable—not absolute—assurance that the basic financial statements are free of material misstatement.
 - We did not audit the financial statements of the Hendersonville ABC Board. We relied on the report of other auditors for amounts included in the City's ACFR related to the ABC Board. The ABC Board was also not audited in accordance with *Government Auditing Standards*.
 - The basic financial statements are the responsibility of the City's management.
- Report on 2023 Basic Financial Statements
 - We issued **UNMODIFIED** ("clean") opinions on the basic financial statements.
 - Presented fairly in accordance with accounting principles generally accepted in the United States of America.
 - Our responsibility does not extend beyond financial information contained in our report.

Results of 2023 Audit (Continued)



□ Significant Accounting Policies

- The significant accounting policies used by the City are described in Note 1 to the basic financial statements.
- The policies used by the City are in accordance with generally accepted accounting principles and similar government organizations.
- In considering the qualitative aspects of its policies, the City is not involved in any controversial or emerging issues for which guidance is not available.
- The City was required to implement the provisions of Governmental Accounting Standards Board (GASB) Statement No. 96, *Subscription-based Information Technology Arrangements*. This standard changed the way that contracts that give the City the right to use a vendor's software or other IT assets are accounted for.

□ Management Judgment/Accounting Estimates

- The City uses various estimates as part of its financial reporting process – including valuation of accounts receivable, depreciation of capital assets, self-insurance claim liabilities, and pension and OPEB assumptions.
- Management's estimates used in preparation of financial statements were deemed reasonable in relation to the financial statements taken as a whole. We considered this information and the qualitative aspects of management's calculations in evaluating the City's significant accounting estimates.

Results of 2023 Audit (Continued)



□ Financial Statement Disclosures

- The footnote disclosures to the financial statements are also an integral part of the financial statements and the process used by management to accumulate the information included in the disclosures was the same process used in accumulating the statements. The overall neutrality, consistency, and clarity of the disclosures was considered as part of our audit.

□ Relationship with Management

- We received full cooperation from the City's management and staff.
- There were no disagreements with management on accounting issues or financial reporting matters.

□ Audit Adjustments

- There were several posted adjustments which were necessary during the audit process. Those entries have been provided to management and have all been recorded on the City's general ledger by management and they have agreed with all adjustments.
- We did not have any passed adjustments as a part of this year's audit.

□ Management Representation

- We requested, and received, written representations from management relating to the accuracy of information included in the financial statements and the completeness and accuracy of various information requested by us.

Results of 2023 Audit (Continued)



□ Consultation with Other Accountants

- To the best of our knowledge, management has not consulted with, or obtained opinions from, other independent accountants during the year, nor did we face any issues requiring outside consultation.

□ Significant Issues Discussed with Management

- There were no significant issues discussed with management related to business conditions, plans, or strategies that may have affected the risk of material misstatement of the financial statements.

□ Information in Documents Containing Audited Financial Statements

- Our responsibility for other information in documents containing the City's annual comprehensive financial report and our report thereon does not extend beyond the information identified in our report. If the City intends to publish or otherwise reproduce the financial statements and make reference to our firm, we must be provided with printers' proof for our review and approval before printing. The City must also provide us with a copy of the final reproduced material for our approval before it is distributed.

□ Auditor Independence

- In accordance with AICPA professional standards, M&J is independent with regard to the City and its financial reporting process.
- There were no fees paid to M&J for management advisory services during fiscal year 2023 that might affect our independence as auditors.

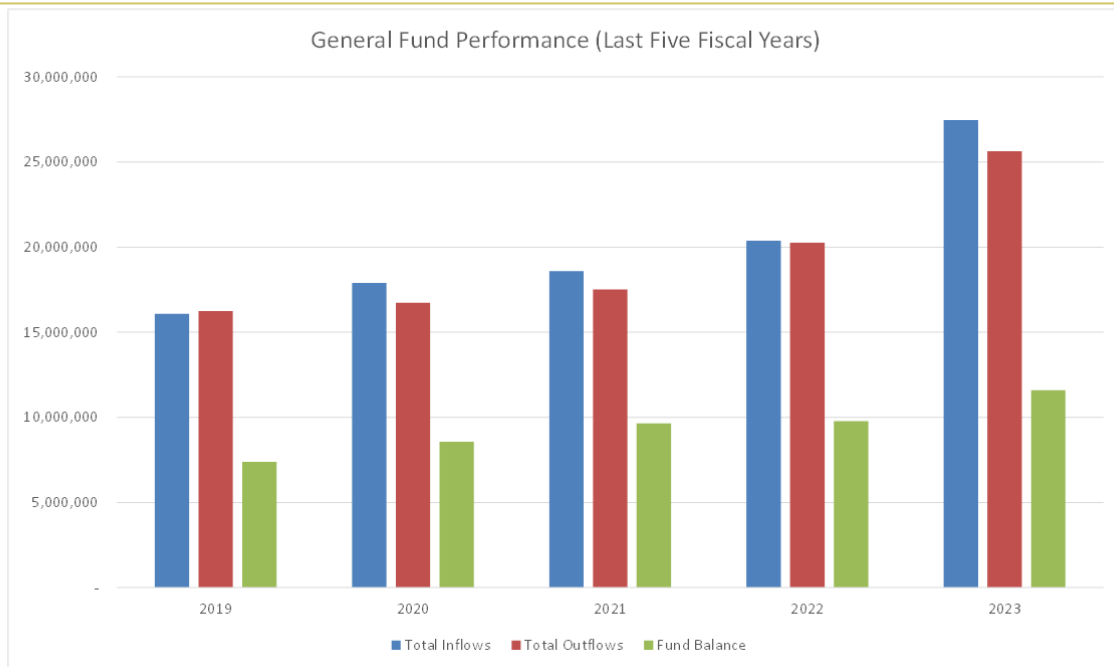
Results of 2023 Audit (Continued)



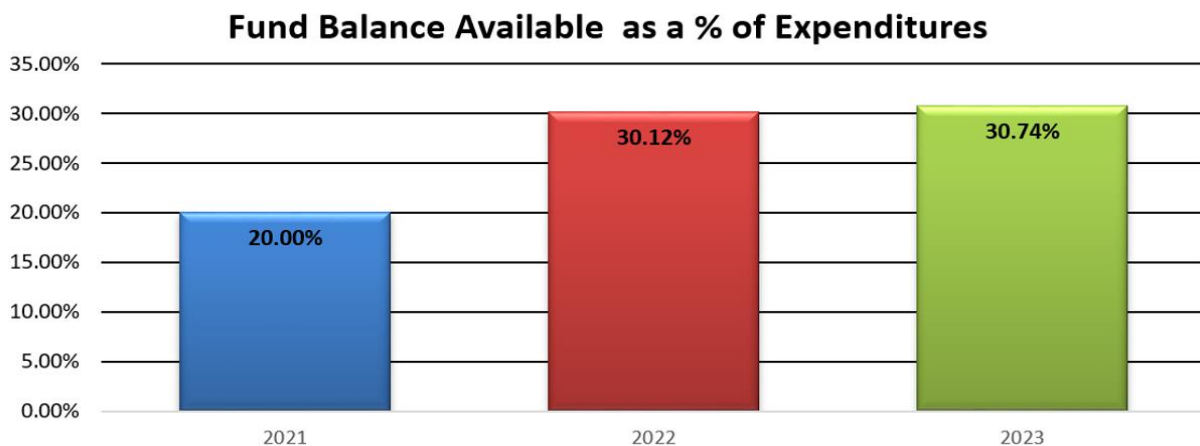
□ Federal and State Compliance Audits

- During the fiscal year 2023 audit, we conducted compliance tests for the City's expenditures of Federal and State Award programs
- City is reporting approximately \$28.2 million in Federal funding
- City is reporting approximately \$610 thousand in State funding
 - Programs tested:
 - » USDA Community Facility Loan Program (10.766) – Federal program
 - » Coronavirus State and Local Fiscal Recovery Funds (21.027) – Federal Program
 - » North Carolina Department of Transportation Powell Bill Program – State Program

General Fund Performance

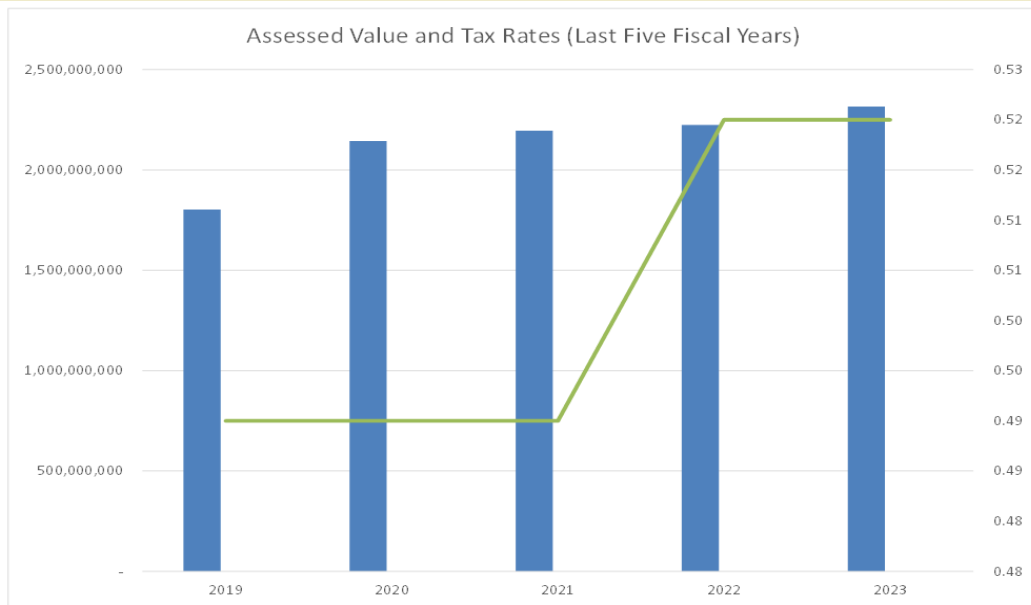


General Fund – Fund Balance Available for Appropriation



- Minimum threshold (per LGC) is 25%.
- Median of similar units is 46%.
- At year-end, the City was at 30.74% which is consistent with the prior year.

Property Taxes – Last 5 years



General Fund Budget to Actual Results – Fiscal Year 2023



General Fund Budget

	Original	Amendments	Final	Actual	Variance
Revenues	\$ 19,940,693	\$ 1,282,874	\$ 21,223,567	\$ 21,581,054	\$ 357,487
Expenditures	23,136,183	1,712,095	24,848,278	23,914,493	933,785
Other Financing Sources (Uses)	3,195,490	429,221	3,624,711	4,164,224	539,513
Net Change	\$ -	\$ -	\$ -	\$ 1,830,785	\$ 1,830,785

- ❑ Actual revenues exceeded final budget by approximately \$360,000; largest individual variances were property taxes (\$230,000) and investment earnings (\$48,000).
- ❑ Actual expenditures were below final appropriations by approximately \$934,000; the largest individual variances were in the general government (\$465,000) and public safety (\$356,000) functions.
- ❑ The final amended budget reflected a budgeted use of fund balance of approximately \$1.1 million whereas the City **added** approximately \$1.8 million to fund balance as of and for the year ended June 30, 2023.

Enterprise Operations



Environmental Services Budget

	Original	Amendments	Final	Actual	Variance
Revenues	\$ 1,523,100	\$ 58,450	\$ 1,581,550	\$ 1,538,351	\$ (43,199)
Expenditures	1,631,401	311,463	1,942,864	1,889,789	53,075
Other Financing Sources (Uses)	108,301	253,013	361,314	-	(361,314)
Net Change	\$ -	\$ -	\$ -	\$ (351,438)	\$ (351,438)

Stormwater Budget

	Original	Amendments	Final	Actual	Variance
Revenues	\$ 1,158,290	\$ (108,920)	\$ 1,049,370	\$ 1,028,654	\$ (20,716)
Expenditures	1,490,476	(173,920)	1,316,556	1,162,553	154,003
Other Financing Sources (Uses)	332,186	(65,000)	267,186	-	(267,186)
Net Change	\$ -	\$ -	\$ -	\$ (133,899)	\$ (133,899)

Enterprise Operations



Water & Sewer Fund Budget

	Original	Amendments	Final	Actual	Variance
Revenues	\$ 22,000,250	\$ 926,259	\$ 22,926,509	\$ 22,726,542	\$ (199,967)
Expenditures	22,564,786	1,645,380	24,210,166	22,534,939	1,675,227
Other Financing Sources (Uses)	564,536	719,121	1,283,657	520,601	(763,056)
Net Change	\$ -	\$ -	\$ -	\$ 712,204	\$ 712,204

Parking Services Fund Budget

	Original	Amendments	Final	Actual	Variance
Revenues	\$ 548,810	\$ 85,500	\$ 634,310	\$ 569,619	\$ (64,691)
Expenditures	1,488,666	35,500	1,524,166	1,430,645	93,521
Other Financing Sources (Uses)	939,856	(50,000)	889,856	152,253	(737,603)
Net Change	\$ -	\$ -	\$ -	\$ (708,773)	\$ (708,773)

Revenue Bond Rate Covenant



Water and Sewer Fund

Revenues (1)	\$ 22,512,835
Current expenses (2)	18,658,535
Surplus Fund (3)	6,040,576
Principal and interest on revenue bond	1,847,576
Principal and interest on other indebtedness	1,218,519
(a) Revenues plus 20% of Surplus Fund	23,720,950
(a)(i) 100% of current expenses	18,658,535
(a)(ii) 120% of annual principal and interest on revenue bond	2,217,091
(a)(iii) 100% of annual principal and interest on other indebtedness	1,218,519
	<u>22,094,145</u>
Covenant met	\$ 1,626,805
(b) Revenues	\$ 22,512,835
(b)(i) 100% of current expenses	18,658,535
(b)(ii) 110% of annual principal and interest on revenue bond	2,032,334
(b)(iii) 100% of annual principal and interest on other indebtedness	1,218,519
	<u>21,909,388</u>
Covenant met	\$ 603,447

Comments, Recommendations, and Other Issues



□ New GASB Pronouncements for Future Years

- Statement No. 100, *Accounting Changes and Error Corrections*, prescribes the accounting and financial reporting for (1) each type of accounting change and (2) error corrections. The Statement requires disclosure in notes to financial statements of descriptive information about accounting changes and error corrections, such as their nature. In addition, information about the quantitative effects on beginning balances of each accounting change and error correction should be disclosed by reporting unit in a tabular format to reconcile beginning balances as previously reported to beginning balances as restated. The requirements of this Standard are effective for accounting changes and error corrections made in fiscal years beginning after June 15, 2023 (effective for the City's fiscal year ending June 30, 2024).
- Statement No. 101, *Compensated Absences*, requires that liabilities for compensated absences be recognized for (1) leave that has not been used and (2) leave that has been used but not yet paid in cash (or settled through noncash means). The biggest change with regard to the reporting of these balances is the removal of the concept of "vested vs. non-vested." The requirements of this Standard are effective for fiscal years beginning after December 15, 2023 which means the City's fiscal year ending June 30, 2025.

Comments, Recommendations, and Other Issues



Other Matters Currently Being Considered by GASB

- **Re-Examination of the Financial Reporting Model.** GASB has added this project to its technical agenda to make improvements to the existing financial reporting model (established via GASB 34). Improvements are meant to enhance the effectiveness of the model in providing information for decision-making and assessing a government's accountability.
- **Revenue and Expense Recognition** is another long-term project where the GASB is working to develop a comprehensive application model for recognition of revenues and expenses from non-exchange, exchange, and exchange-like transactions.
- **Risk / Uncertainty Disclosures, Going Concern and Severe Financial Stress, and Capital Assets** are all items the GASB is currently researching for which additional guidance could be issued in the coming years.

Federal Audit Clearinghouse and Data Collection Form

- On October 2, 2023, the Federal Audit Clearinghouse (FAC) transitioned from the U.S. Census Bureau to the U.S. General Services Administration. Because of significant issues that have arisen since the first version of the new FAC was rolled out, the Office of Management of Budget (OMB) waived the 30-day requirement for the submission of Single Audits to the FAC. The 9-month deadline still applies and updates to the system are being made regularly. We have a partner on the AICPA's Government Audit Quality Center who is monitoring the status of the transition.

Free Quarterly CPE



Since March of 2009 – For Over 12 Years !!

- o Mauldin & Jenkins provides free quarterly continuing education for all of our governmental clients. Topics are tailored to be of interest to governmental entities. In an effort to accommodate our entire governmental client base, we offer the sessions several times per quarter at a variety of client provided locations resulting in greater networking and knowledge sharing among our governmental clients. We normally see approximately 180 people per quarter. Examples of subjects addressed in the past few quarters include:

- | | |
|--|---|
| <ul style="list-style-type: none"> ▪ Accounting for Debt Issuances ▪ Achieving Excellence in Financial Reporting ▪ Best Budgeting Practices, Policies and Processes ▪ Budget Preparation ▪ ACFR Preparation (two (2) day hands-on course) ▪ Capital Asset Accounting Processes and Controls ▪ Collateralization of Deposits and Investments ▪ Component Units ▪ Cybersecurity Risk Management ▪ Evaluating Financial and Non-Financial Health of a Govt. ▪ Financial Report Card – Where Does Your Govt. Stand? ▪ Financial Reporting Model Improvements ▪ GASB Nos. 74 & 75, OPEB Standards ▪ GASB No. 77, Tax Abatement Disclosures ▪ GASB No. 84, Fiduciary Activities | <ul style="list-style-type: none"> ▪ GASB No. 87 and 96, Leases and SBITAs ▪ GASB Projects & Updates (ongoing & several sessions) ▪ Human Capital Management ▪ Grant Accounting Processes and Controls ▪ Internal Controls Over Accounts Payable, Payroll and Cash Disbursements ▪ Internal Controls Over Receivables & the Revenue Cycle ▪ IRS Issues, Primarily Payroll Matters ▪ Legal Considerations for Debt Issuances & Disclosures ▪ Policies and Procedures Manuals ▪ Segregation of Duties ▪ Single Audits for Auditees ▪ Special Purpose Local Option Sales Tax (SPLOST) ▪ Accounting, Reporting & Compliance ▪ Uniform Grant Reporting Requirements and the New Single Audit |
|--|---|

Mr. Lyons said that the city was given an “unmodified opinion” on the financial statements, which means the financial statements are fairly presented and in conformity with generally accepted accounting principal requirements. This is the highest opinion that can be given in an audit.

City Manager Connet thanked Mr. Lyons for his presentation and John Buchanan and the entire finance staff for doing such an amazing job.

D. Walk Hendo – 2-23 Hendersonville Pedestrian Plan Presentation and Adoption – *Kristy Carter, Senior Project Manager and Christy Staudt, Regional Manager, Traffic Planning and Design, Inc.*

Matt Manley explained that the North Carolina Department of Transportation (NCDOT) has established a grant that provides funding to municipalities for the development of Comprehensive Municipal Bicycle and Pedestrian Plans. The City of Hendersonville was designated in 2021 as a recipient to receive grant funds to complete a pedestrian plan (TIP#M-0551, WBS#49600.8.16). With the help of the Pedestrian Plan Steering Committee, various stakeholders, NCDOT, and residents, merchants, and property owners; Traffic Planning and Design, Inc. recently completed Walk Hendo, the City's 2023 Pedestrian Plan. He introduced the consultants, Senior Project Manager Kristy Carter, and Regional Manager Christy Staudt of Traffic Planning and Design, Inc., who showed a PowerPoint presentation.

Plan Goals

Connect People to Places

Link sidewalks, greenways, and street crossings to key destinations and transit.

Build Safe Streets for People

Develop connections that are comfortable for all citizens and visitors regardless of age or ability.

Address Policy

Ensure that the land development code and other City policies support the pedestrian network expansion.

Promote a Culture of Walking

Develop educational and encouragement programs that create a culture where walking is celebrated.

Why This Plan?



A VISION FOR MULTIMODAL CONNECTIVITY



POSITIONS THE CITY FOR FUTURE FUNDING & PARTNERSHIPS



SUPPORTS LOCAL MULTIMODAL GOALS



GUIDE DEVELOPER PARTICIPATION

TIMELINE OF KEY PROJECT MILESTONES





Overview of the Plan

- Introduction & Goals
- Walking Conditions Today
- Project Prioritization & Recommendations
- Programs & Policies
- Implementing the Plan
- Conclusion

Why This Plan?



COST SHARE AND BETTERMENT

Pedestrian Facility	In Plan	• NCDOT pays full cost
Bicycle Facility	In CTP	• Cost Share*
Side Path	Betterment	• Local pays full cost
Greenway Crossing		
Bus Pull Out		
Bus Stop (pad only)		

*Exception – NCDOT pays full cost for on-road bicycle facility

Cost Share Formula	
Population	NCDOT / Local Share
• > 100,000	80% / 20%
• 50,000 to 100,000	85% / 15%
• 10,000 to 50,000	90% / 10%
• < 10,000	95% / 5%

- Betterment**
- A requested improvement that exceeds the recommendations from a plan and/or exceeds need identified in the project development process
 - Aesthetic materials and treatments
 - Landscaping in excess of standard treatments
 - Lighting in excess of standard treatments

WHY THIS PLAN IS IMPORTANT

- 1 People in Hendersonville are walking.**
More than 69% of survey respondents* indicated that they walk at least once a week, echoed by the success of a walkable downtown and popular greenways.
*Complete survey results can be found in the Appendix.
- 2 Hendersonville rated #1 (highest rate) for pedestrian fatalities and severe injuries.**
The number of crashes involving pedestrians has been deemed unacceptable by the community and requires safety countermeasures.
*This ranking is based on crash data from 2018-2019 and included pedestrians killed or severely injured in cities with populations between 18,699 and 25,999 in North Carolina. (Source: NCDOT PB/CAT Pedestrian Crash Data)
- 3 People are moving to the area.**
The City's population grew 46% between 2009 to 2020, which underscores the importance of ensuring that people have walkable neighborhoods and safe connections, highlighting an opportunity to attract more people to live downtown.
(Source: U.S. Decennial Census)
- 4 Sidewalk gaps prevent walkability.**
While Hendersonville's downtown is walkable, there are still gaps in the sidewalk network (see map to the right) that create barriers for people on foot, even for those who live nearby. People will walk where they feel safe, the route is convenient, and the overall experience is enjoyable. Closing gaps in the sidewalk network can address each of these elements.
- 5 Land use and transportation are interconnected.**
Planning for land use through zoning, dimensional requirements, and density has an effect on transportation. Hendersonville's development code addresses a number of transportation elements like parking, driveways, and shade trees. Meanwhile, our roadway design decisions influence the types of land uses that take root and flourish. Good planning in both realms creates the communities and neighborhoods we love. The Gen H Comprehensive Plan can work in tandem with Walk Hendo to set a purposeful framework for positive changes to both land use and transportation.

South Main Street looks a lot different south of Allen Street. The roadway is wider, sidewalks are not comprehensive, and parking lots take center stage. Zoning and development regulations here are geared towards a more urban form (there is no minimum setback or parking mandates, for instance) but redevelopment takes time and is less likely without the corresponding streetscape to support it. (Source: Google Streetview)
- 6 Corridors are not complete streets.**
Many of Hendersonville's major roadways do not accommodate people walking. Some lack sidewalks altogether, while others are unsafe to cross or reach a bus stop (see image to the left of US 64). Studying these corridors in more depth can address access, safety, and comfort for all users and facilitate the movement of people and goods. Streets can be designed with all users in mind (see cross-section example at bottom left).

(Source: Google Streetview)
- 7 Intersections are critical for safety and access.**
Unsafe crossings create barriers for people who walk and limit the effectiveness of a sidewalk system. There are opportunities for safety improvements throughout the city, including at existing crossings that need additional safety measures.

(Source: City of Alascadero)

1 Meeting with NCDOT Division Staff

4 Meetings with the Steering Committee

2 In-Person Public Meetings



2 Surveys

2 Field Visits to Explore Projects

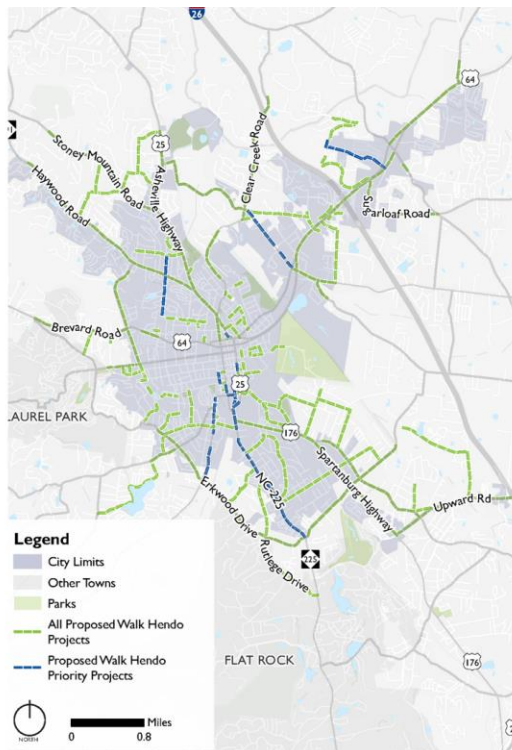
Community Engagement Milestones



Project Development Process

1. Initial Project Identification
2. Public Project Additions
3. Project Category Groupings (Road Ownership & Maintenance)
4. Initial Scoring
5. Public Input Scores
6. Final Scores

Priority Projects



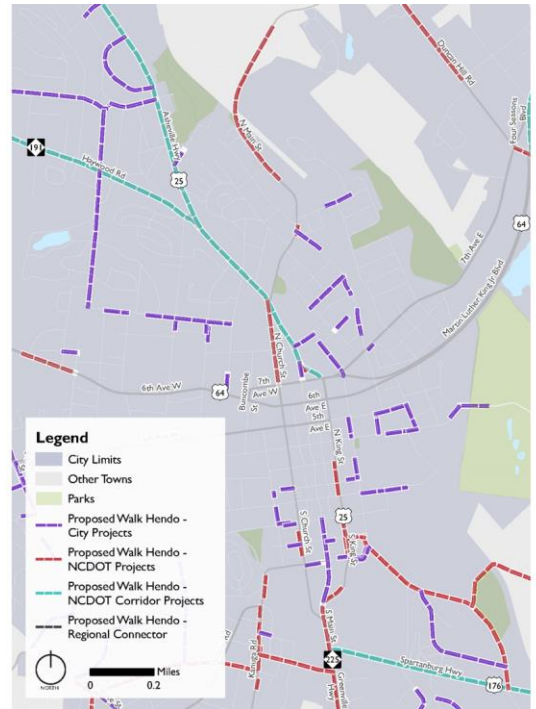
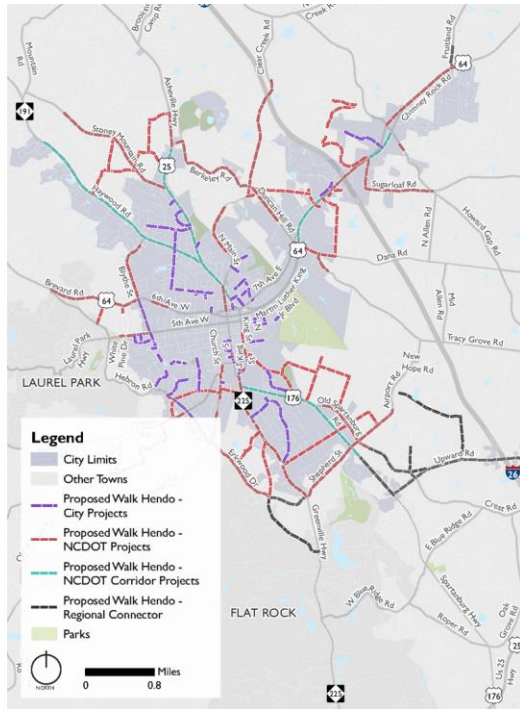
PROJECT GOAL MATRIX

Walk Hendo established three core project goals, which served as constant references during the project selection and prioritization phase. The resulting list of nine priority projects effectively embodies each of these goals.

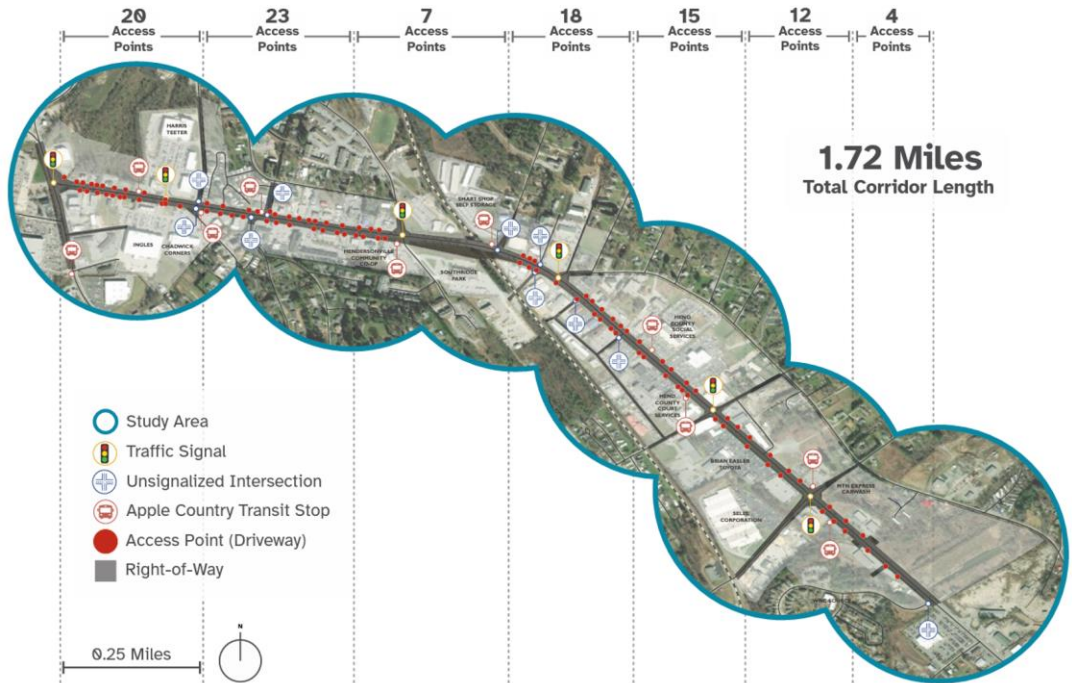
- GOAL 1: Connect Hendersonville
- GOAL 2: Identify the Network
- GOAL 3: Build a Pedestrian Friendly Hendersonville

PROJECT NAME	Street Type	Facility Type
1 / S. Church Street	NCDOT Maintained	Sidewalk
2 / N/S King Street	NCDOT Maintained	Sidewalk
3 / Kanuga Road (North)	NCDOT Maintained	Sidewalk
4 / Greenville Highway (NC 225)	NCDOT Maintained	Sidewalk
5 / Duncan Hill Road (SR 1525)	NCDOT Maintained	Sidewalk
6 / South Main Street	City Maintained	Sidewalk - Road Diet
7 / Orleans Avenue	City Maintained	Sidewalk
8 / South Washington Avenue	City Maintained	Sidewalk
9 / Highland Square Drive	City Maintained	Multi-use Sidepath

Full Network Map



Corridor Studies



Corridor Study Example

- Vision & Goal Setting
- Data Collection
- Analysis
- Design Alternatives
- Evaluation & Selection (Including Public Engagement)
- Recommendations & Phasing
- Implementation

Example:
Hendersonville Road Alternative



Source: Hendersonville Road Corridor Study, French Broad River MPO

Policy Highlights



Leverage Resurfacing Projects

- Plan ahead for City and NCDOT resurfacing projects

Increase Walkability Through Private Development Projects

- Subdivision and Zoning Ordinance Recommendations
- Develop a Street Standards Manual
- Fee-in-Lieu Update

Future Land Use Planning and Walkability through Gen H

- Land Use & Transportation
- Corridor Development



And...Keep up the good work!

Example: Partnerships with NCDOT

Recently Completed

- LPis downtown
- A new pedestrian crossing at S Grove and 176

Funded – Estimated Spring Completion (Ped Signals and Crossings)

- Pedestrian improvements to Thompson St./US 64 intersection
- Pedestrian improvements to Orr’s Camp/US 64 intersection
- Pedestrian improvements to Howard Gap/US 64 intersections
- Pedestrian improvements to Fruitland/US 64 intersection

Awaiting Funding – Already Applied

- Pedestrian improvements to the US 64 W/N. Oak St. intersection

NCDOT Maintained Streets Project #1 South Church Street



<p>PROJECT DESCRIPTION</p> <ul style="list-style-type: none"> • Fill sidewalk gap on west side near W. Barnwell Street. • 5 foot (minimum) sidewalk with 2 foot utility strip. • Additional crossings at signalized intersection. • Driveway modifications for accessibility. 	<p>PLANNING LEVEL COST ESTIMATE</p> <p>\$400,000</p> <p><i>Includes Design, Right-of-Way, Utilities and Construction Per Assumptions from the NCDOT Bicycle and Pedestrian Cost Estimating Tool</i></p>
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<p>CONNECTIONS</p> <ul style="list-style-type: none"> • Downtown sidewalk network 	<p>ADDITIONAL NOTES</p> <ul style="list-style-type: none"> • Signal upgrades to provide pedestrian ramps, crosswalks and Leading Pedestrian Intervals (LPI) and Audible Pedestrian Signals (APS) at modified signals (see crossings).
<p>CROSSINGS</p> <ul style="list-style-type: none"> • W. Barnwell Street signal (2 new crossings) 	



**NCDOT Maintained Streets
Project #2 North/South King Street**



<p>PROJECT DESCRIPTION</p> <ul style="list-style-type: none"> Fill sidewalk gaps from Caswell St to 3rd Ave (both sides). 5 foot (minimum) sidewalk with 2 foot utility strip. Additional crossings at signals. Driveway modifications for accessibility. Eliminate travel lane between 2nd and 3rd Avenues to gain width for sidewalk construction. 	<p>PLANNING LEVEL COST ESTIMATE</p> <p>\$1,885,000</p> <p><i>Includes Design, Right-of-Way, Utilities and Construction Per Assumptions from the NCDOT Bicycle and Pedestrian Cost Estimating Tool</i></p>
<p>CONNECTIONS</p> <ul style="list-style-type: none"> Downtown sidewalk network 	<p>ADDITIONAL NOTES</p> <ul style="list-style-type: none"> Signal upgrades to provide pedestrian ramps, crosswalks and Leading Pedestrian Intervals (LPI) and Audible Pedestrian Signals (APS) at Modified Signals (see crossings). Retaining walls will be required for the block between E. Caswell and E. Barnwell Streets. Consider expanding the project to include sidewalk repairs, full ADA upgrades and widening around utility conflicts for entire length (E. Caswell to 3rd Avenue - Both Sides). Consider adding E. Barnwell and E. Caswell Street sidewalk projects to S. King in order to complete the downtown pedestrian connection to the planned S. Grove Street sidewalks and future Ecusta Trail. <i>*not included in the cost estimate</i>
<p>CROSSINGS</p> <ul style="list-style-type: none"> E. Caswell Street Street Signal E. Barnwell Street 3rd Avenue East (ramps and signal modifications) 	

Project Prioritization & Recommendations 96



A third northbound lane begins at 2nd street for the left turn lane to US 64 west. This lane has excess storage as it is more than 1500 feet long and covers 5 city blocks. By reducing one block (~300 feet), this lane could be reclaimed for pedestrian access to fill a key downtown network gap.

This northbound lane currently begins at 2nd Avenue; therefore, traffic is metered by the 2nd Avenue signal and motor vehicle capacity impacts will be minimal.



This short missing sidewalk gap is near the Henderson County offices and only a block away from Main Street. It is a crucial link in the walkable downtown network. When fixed, even very short sidewalk gaps can have a dramatic effect on walkability.



Retaining walls will be necessary for some segments of this corridor with a steep bank.

This may also require modifications to existing utility infrastructure and incur a higher cost than a simple sidewalk project.



Project Prioritization & Recommendations 97

**NCDOT Maintained Streets
Project #4 Greenville Highway (NC 225)**



<p>PROJECT DESCRIPTION</p> <ul style="list-style-type: none"> Fill sidewalk gaps from Copper Penny Street to Chadwick Square Court/Chadwick Avenue. 5 foot minimum sidewalk with 2 foot utility strip. Driveway modifications for accessibility. 	<p>PLANNING LEVEL COST ESTIMATE</p> <p>\$380,000</p> <p><i>Includes Design, Right-of-Way, Utilities and Construction Per Assumptions from the NCDOT Bicycle and Pedestrian Cost Estimating Tool</i></p>
<p>CONNECTIONS</p> <ul style="list-style-type: none"> Neighborhoods to downtown and future Ecusta Trail 	<p>ADDITIONAL NOTES</p> <ul style="list-style-type: none"> NCDOT Project U-5886 / U-6949 will affect the north end of this project area. This area is slated for a major reconfiguration, with implications for people walking. Planned development may complete a large portion of this project, south of the gas station on the western side of Greenville Highway, filling in the sidewalk gap along the property parcel. Consider expanding the project to include sidewalk repairs and widening around utility conflicts for entire length (White Street to Chadwick Avenue - both sides). <i>*not included in the cost estimate</i>
<p>CROSSINGS</p> <ul style="list-style-type: none"> Copper Penny Street Joel Wright Drive 	

Project Prioritization & Recommendations 98



Gaps in the sidewalk make a less than hospitable environment for walking. People are less likely to walk when they are uncomfortable.

Planned development may complete a large portion of this project south of the gas station on the western side of Greenville Highway.



Worn paths and stairs at end of sidewalk are evidence of a need for connection to the south of Chadwick Avenue on the West Side. Consider combining this project with an expansion of sidewalk from Chadwick Avenue to Brooklyn Avenue.

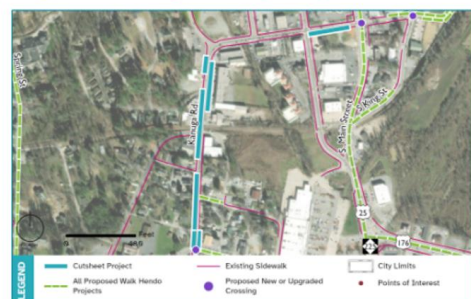


NCDOT Project U-5886/U-6949 will modify the north end of this project area. This image shows one alternative from public hearing maps. The final design is in development.



Project Prioritization & Recommendations 99

**NCDOT Maintained Streets
Project #3 Kanuga Road (North)**



<p>PROJECT DESCRIPTION</p> <ul style="list-style-type: none"> Fill sidewalk gaps from South Main Street to Huff Street. 5 foot (minimum) sidewalk with 2 foot utility strip. Intersection and driveway modifications for accessibility. 	<p>PLANNING LEVEL COST ESTIMATE</p> <p>\$897,000</p> <p><i>Includes Design, Right-of-Way, Utilities and Construction Per Assumptions from the NCDOT Bicycle and Pedestrian Cost Estimating Tool</i></p>
<p>CONNECTIONS</p> <ul style="list-style-type: none"> Neighborhoods to Downtown and future Ecusta Trail 	<p>ADDITIONAL NOTES</p> <ul style="list-style-type: none"> NCDOT Project U-5886 / U-6949 will modify much of this corridor between White Street and Hebron Road. See design drawing on the adjacent page for additional project details (image shows one alternative from public hearing maps, final design is in development). Consider expanding the project to include sidewalk repairs, full ADA upgrades and widening around utility conflicts for entire length (S. Church Street to Huff Street - Both Sides). <i>*not included in the cost estimate</i>
<p>CROSSINGS</p> <ul style="list-style-type: none"> Willow Road (future trail crossing) White Street (NCDOT project) Hebron Road (NCDOT project) 	

Project Prioritization & Recommendations 100



Kanuga Road is a key connection to downtown. People are already walking in this area, with plenty of nearby homes, grocery stores, and local businesses.

Sidewalk and driveway improvements are needed to connect people safely to the future Ecusta Trail, which will cross Kanuga Road just north of Willow Road/Forest Street. This area could see many more people walking and bicycling, so will need infrastructure and visibility improvements.



NCDOT has plans to reconfigure the Kanuga Road intersection at Hebron Road or White Street (STIP project U-5886). This investment will include standard pedestrian infrastructure.

Retaining wall modifications and property owner impacts will need to be addressed along the corridor.



Project Prioritization & Recommendations 101

NCDOT Maintained Streets
Project #5 Duncan Hill Road (SR 1525)



<p>PROJECT DESCRIPTION</p> <ul style="list-style-type: none"> 5 foot sidewalk gaps on east side (includes drainage infrastructure). 5 foot (minimum) sidewalk with 2 foot utility strip, where needed. Crossing treatments (with flashing beacon) at Baldwin Ave. Intersection and driveway modifications for accessibility. 	<p>PLANNING LEVEL COST ESTIMATE</p> <p>\$1,362,000</p> <p><i>Includes Design, Right-of-Way, Utilities and Construction Per Assumptions from the NCDOT Bicycle and Pedestrian Cost Estimating Tool</i></p>
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<p>CONNECTIONS</p> <ul style="list-style-type: none"> Existing and future residential areas to transportation corridors and retail areas 	<p>ADDITIONAL NOTES</p> <ul style="list-style-type: none"> Several sections of sidewalk are planned to be constructed as part of nearby development near the northeast quadrant of Duncan Hill and Signal Hill Roads. The southern section of Duncan Hill between 7th Avenue East and US 64 is not included in this project, since this section of sidewalk will require US 64 signalized intersection modifications. To complete the US 64 crossings, a receiving sidewalk on the east side of US 64 is also needed in order to avoid stranding pedestrians at the intersection. As such, it is assumed that this work will be included with the Four Seasons Boulevard (US 64) Corridor Study and/or the Dana Road/Duncan Hill Road Sidewalk Project.
<p>CROSSINGS</p> <ul style="list-style-type: none"> Baldwin Avenue 	



This project will need to include drainage and utility infrastructure adjustments, as well as driveway modifications and new ADA ramps.



The project terminates at Signal Hill Road, which will have a sidewalk in the future. This intersection will need a crosswalk and ADA ramps.

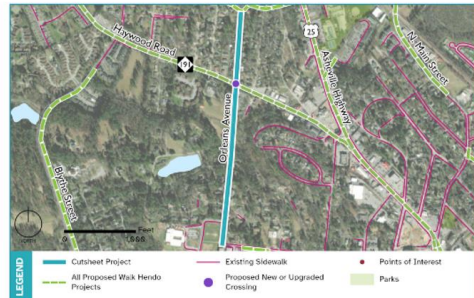
The future pedestrian crossing at Baldwin Avenue, planned by local developers to connect to nearby land uses, will require safety countermeasures such as advanced signaling and markings and a rectangular rapid flashing beacon (RRFB).



Project Prioritization & Recommendations

Project Prioritization & Recommendations

City Maintained Streets
Project #7 Orleans Avenue



<p>PROJECT DESCRIPTION</p> <ul style="list-style-type: none"> Sidewalk from Clairmont Drive to schools and 9th Avenue. 5 foot (minimum) sidewalk on one side w/ curb and gutter. Crossing treatment at Hayward Road (NC 191). Driveway and property modifications. Bridge over Brittain Creek. 	<p>PLANNING LEVEL COST ESTIMATE</p> <p>\$2,196,000</p> <p><i>Includes Design, Right-of-Way, Utilities and Construction Per Assumptions from the NCDOT Bicycle and Pedestrian Cost Estimating Tool</i></p>
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<p>CONNECTIONS</p> <ul style="list-style-type: none"> Druid Hills to school property and south side of the City 	<p>ADDITIONAL NOTES</p> <ul style="list-style-type: none"> A traffic study* and intersection improvements study is needed for the Hayward Road (NC 191) and Orleans Avenue Intersection in order to determine the need for a signal and left turn lanes, a possible pedestrian refuge island, and/or pedestrian scale lighting. A possible low cost, short term project could be considered that would include shared street treatments such as advisory shoulders and/or traffic calming and signaling and marking for a shared road condition. This could be implemented with one-way traffic flow configurations during school arrival and dismissal times when traffic volumes are heavier and shared road conditions would not be appropriate. Additional study of traffic flow options and community engagement would be necessary to ensure this work can be done with community support. <i>*not included in the cost estimate</i>
<p>CROSSINGS</p> <ul style="list-style-type: none"> Haywood Road (NC 191) 	



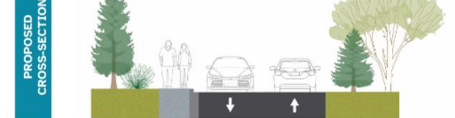
The existing bridge over Brittain Creek is narrow and will need to either be replaced or a separate pedestrian bridge constructed.



Connecting Orleans Avenue via sidewalk to both 9th Avenue West and Haywood Road gives people a safe route to the elementary school and middle school, while offering a more comfortable alternative than Asheville Highway.



Narrow width and steep terrain will contribute to higher than usual costs and possible property owner pushback due to impacts. Early community and property owner outreach will be necessary for this project.



Project Prioritization & Recommendations

Project Prioritization & Recommendations

City Maintained Streets
Project #6 South Main Street

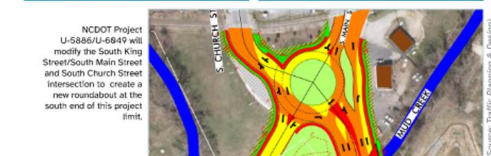
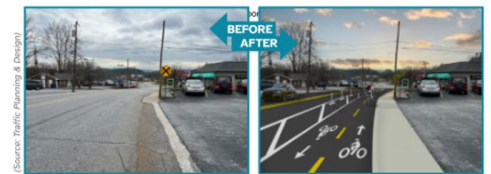


<p>PROJECT DESCRIPTION</p> <ul style="list-style-type: none"> Phased implementation of sidewalk and bicycle improvements. Phase I: Fill sidewalk gaps and upgrade select crossings. Phase II: Two-way cycle track, road diet, ADA modifications at signalized crossings. 5 foot (minimum) sidewalk with 2 foot utility strip, where needed. Intersection and driveway modifications for accessibility. 	<p>PLANNING LEVEL COST ESTIMATE</p> <p>Phase I: \$490,000</p> <p>Phase I and II combined: \$1,720,000</p> <p><i>Includes Design, Right-of-Way, Utilities and Construction Per Assumptions from the NCDOT Bicycle and Pedestrian Cost Estimating Tool</i></p>
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<p>CONNECTIONS</p> <ul style="list-style-type: none"> Downtown Sidewalk Network Ecusta Trail to City Center 	<p>ADDITIONAL NOTES</p> <ul style="list-style-type: none"> NCDOT Project U-5886/U-6049 will modify S. King and S. Church Streets and create a new roundabout at the south end of this project. Modified signals (see crossings) include pedestrian ramps, crosswalks and Leading Pedestrian Intervals (LPI) and Audible Pedestrian Signals (APS) at modified signals Consider expanding the project to include sidewalk repairs, full ADA upgrades and widening around utility conflicts for entire length (Both Sides). Future Phase III Option*: Develop Future Land Use and Transportation Master Plan for South Main Street. <i>*not included in the cost estimate</i>
<p>CROSSINGS</p> <ul style="list-style-type: none"> E. Caswell Street and Kanuga Road Barnwell Street Allen Street 	



South Main Street will be an important access point to the Ecusta Trail, providing a link to downtown. North of Allen Street, Main Street transitions from a wide 4 lane configuration (with parallel parking on both sides) to the more familiar 2 lane Main Street (with angled and parallel parking, curb extensions, landscaping, and wide sidewalks).



Project Prioritization & Recommendations

Project Prioritization & Recommendations

City Maintained Streets Project #8 North/South Washington Street

LEGEND

- Cutsheet Project
- All Proposed Walk Hendo Projects
- Existing Sidewalk
- Proposed New or Upgraded Crossing
- Points of Interest
- Parks

PROJECT DESCRIPTION

- Sidewalk gaps between 2nd Avenue West to West Allen Street.
- 5 foot (minimum) sidewalk with 2 foot utility strip, where applicable.
- Additional crossings.
- Intersection and driveway modifications for accessibility.

PLANNING LEVEL COST ESTIMATE

\$227,000

Includes Design, Right-of-Way, Utilities and Construction Per Assumptions from the NCDOT Bicycle and Pedestrian Cost Estimating Tool

CONNECTIONS

- Downtown sidewalk network

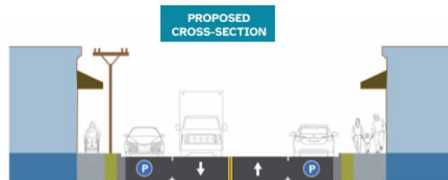
CROSSINGS

- West Allen Street

ADDITIONAL NOTES

- Consider expanding the project to include sidewalk repairs and widening around utility conflicts for entire length of South Washington Street.
- Consider a study to include South Washington Street as a neighborhood greenway to connect to the future Ecusta Trail. Consider traffic calming, pedestrian improvements, bicycle lanes and neighborhood greenway designation from 5th Avenue to West Allen and through Toms Park.
- *not included in the cost estimate

Project Prioritization & Recommendations | 95



Project Prioritization & Recommendations | 97

City Maintained Streets Project #9 Highland Square Drive

LEGEND

- Cutsheet Project
- All Proposed Walk Hendo Projects
- Existing Sidewalk
- Proposed New or Upgraded Crossing
- Points of Interest
- Parks

PROJECT DESCRIPTION

- Multi-use sidepath connection from Lakewood Drive to Chimney Rock Road (US 64).
- 8 foot (minimum) greenway with 5 foot grass buffer.
- Some sections have existing sidewalk that will require widening and crossing upgrades.

PLANNING LEVEL COST ESTIMATE

\$2,999,000

Includes Design, Right-of-Way, Utilities and Construction Per Assumptions from the NCDOT Bicycle and Pedestrian Cost Estimating Tool

CONNECTIONS

- Future greenway, new development to retail center and future US 64 upgrades

CROSSINGS

- Lakewood Road
- Internal crossings at Walmart
- Internal crossing upgrade near US 64

ADDITIONAL NOTES

- Given proximity, this project also includes a section of sidewalk along Lakewood Road to connect to the new high density residential development and planned greenway connections along Allen Branch.
- The southern section of Highland Square Drive between the offset Chimney Rock Road (US 64) signals should be included in the US 64 Corridor Study recommendation.
- *not included in the cost estimate

Project Prioritization & Recommendations | 100



Project Prioritization & Recommendations | 111

Council Member Jennifer Hensley moved that City Council to resolve to adopt Walk Hendo, the 2023 Hendersonville Pedestrian Plan, as funded by the North Carolina Department of Transportation in conjunction with the City and as completed and presented by Traffic Planning and Design, Inc. A unanimous vote of the Council followed. Motion carried.

Resolution #23-122

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO ADOPT WALK HENDO, THE 2023 PEDESTRIAN PLAN

WHEREAS, the North Carolina Department of Transportation has established a grant that provides funding to municipalities for the development of Comprehensive Municipal Bicycle and Pedestrian Plans; and

WHEREAS, the City of Hendersonville requested and received funding (TIP#M-0551, WBS#49600.8.16) for a Pedestrian Plan to obtain the following objectives:

1. Provide for multimodal forms of transportation.
2. Provide guidance for modifying infrastructure to safely accommodate walking in appropriate locations.
3. Ensure that the North Carolina Department of Transportation (NCDOT) funded projects incorporate the City of Hendersonville's objectives.
4. Move towards an effective network for active transportation, recreation, and exercise.
5. Have an approved plan that will support funding from NCDOT for pedestrian improvements.

6. Ensure land use decisions effectively incorporate multimodal objectives.

WHEREAS, over the last two years the City, along with NCDOT and Traffic Planning and Design, Inc. established a Pedestrian Plan Steering Committee made up of area stakeholders, held multiple public input meetings, gathered feedback and comments, and recently received final plan approved by NCDOT; and

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

1. The City has adopted Walk Hendo, the 2023 Hendersonville Pedestrian Plan, as funded by the North Carolina Department of Transportation in conjunction with the City and as completed and presented by Traffic Planning and Design, Inc.; and
2. The City will work to implement and incorporate projects and policies identified in Walk Hendo into its capital improvement planning, budgeting, NCDOT coordination, plan review and other processes.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 7th day of December 2023.

/s/Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

7. PUBLIC HEARINGS

A. Rezoning: Standard Rezoning-Living Savior Church (P23-085-RZO) – Alexandra Hunt, Planner I

Lew Holloway explained that the City of Hendersonville received an Annexation application from Living Savior Evangelical Lutheran Church (owners) for a parcel totaling 4.38 Acres that is located between Upward Road and Vine Road near East Henderson High School. The applicant has not requested zoning, therefore the City is initiating zoning for this parcel from County CC, Community Commercial to CHMU, Commercial Highway Mixed Use. The subject property is outside of the corporate city limits on the southeastern edge of Hendersonville. The subject property sits outside of the City's ETJ but within the Upward Road Planning District. CHMU permits a range of intense commercial uses and residential uses including religious institutions. This zoning district includes design standards for all uses other than single-family and two-family (per State Statute). CZD is triggered in this zoning district by projects with a cumulative square footage over 50,000 Sq Ft.

Living Savior Church Rezoning

(P23-085-RZO)

Zoning Map Amendment (Standard Rezoning)

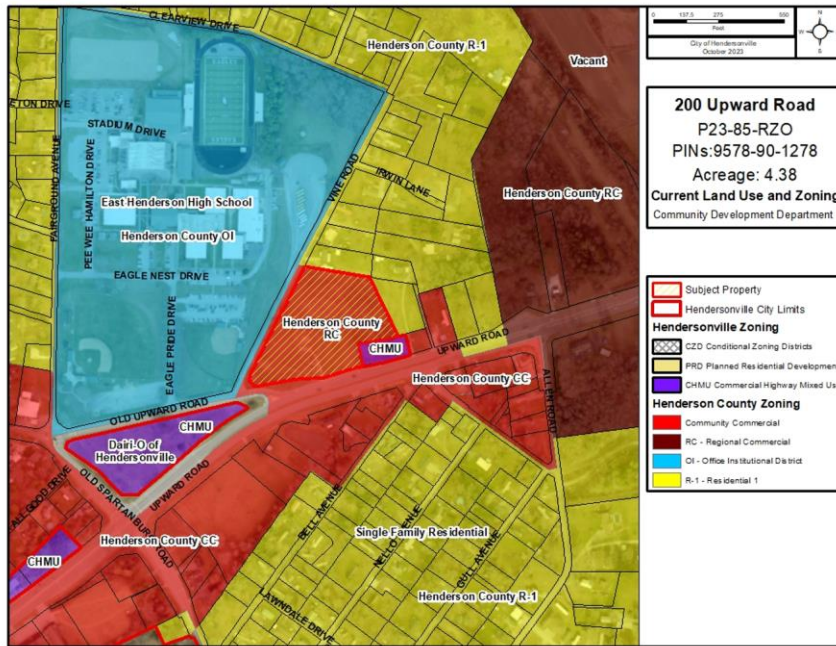
City of Hendersonville City Council
December 7, 2023

Community Development | Planning Division
Alexandra Hunt, Planner



Project Background

- + **Location:** 200 Upward Rd, Hendersonville, NC
- + **PIN:** 9578-90-1278
- + **Applicant/Owner:**
 - + City of Hendersonville (Applicant)
 - + Living Savior Evangelical Lutheran Church (Owners)
- + **Current Parcel Zoning:** County Community Commercial
- + **Proposed Zoning District:** CHMU
- + **Acreage:** 4.38 Acres
- + **Future Land Use Designation:**
 - + City: High Intensity Neighborhood
 - + County: Industrial & Urban Services Area (residential density maximized where utilities present)
- + **Annexation:**
 - + Subject property was annexed on October 5th, 2023



Existing Land Use & Zoning

- + County: Community Commercial
- + City: CHMU Commercial Highway Mixed Use



View facing west along Upward Rd.



View facing north along the eastern boundary line of the subject property

Site Photos





View of subject property from Vine Rd facing southeast



View facing northeast from near the intersection of Old Upward Rd and Upward Rd

Site Photos



View of along Vine Rd.



View from Upward Rd.

Current Site Conditions



0 100 200 Feet
City of Hendersonville
October 2023

200 Upward Road
P23-85-RZO
PINs: 9578-90-1278
Acreage: 4.38
City Future Land Use Map
Community Development Department

- Subject Property
- Hendersonville City Limits

Comprehensive Plan - Future Land Use

- Business Center
- Neighborhood Activity Center
- High Intensity Neighborhood
- Medium Intensity Neighborhood
- Natural Resource / Agricultural

Future Land Use

+ High Intensity Neighborhood



Planning Board

- + Meeting Date: November 9, 2023
- + No public comment or questions during the public comment period.
- + Motion passed unanimously

Comprehensive Plan Consistency

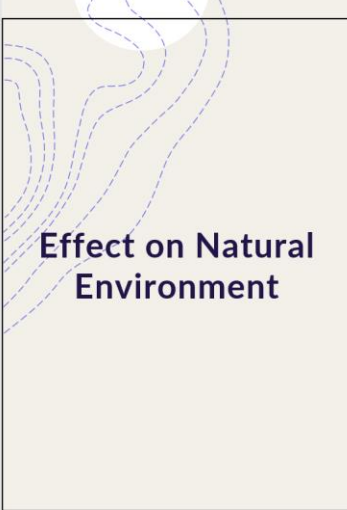
Future Land Use	<p>The subject property is designated as High Intensity Neighborhood on the Future Land Use Map.</p> <p>Goal LU-7 Encourage low-maintenance, high density housing that supports Neighborhood and Regional Activity Centers and downtown and provides a transition between commercial and single-family development. [CONSISTENT]</p>
	<p>Strategy LU-7.1. Locations:</p> <ul style="list-style-type: none"> • Priority infill development areas where high-density development is desirable and/or expected, including: Boulevard and Major Thoroughfare corridors near Neighborhood Activity Centers [CONSISTENT]
	<p>Strategy LU-7.2. Primary recommended land uses:</p> <p>Single-family attached and multifamily residential, planned residential developments, and open space [CONSISTENT]</p>
	<p>Strategy LU-7-4 Development guidelines:</p> <ul style="list-style-type: none"> • Encouragement of multi-story, mixed-use buildings with retail on ground floors and office/residential on upper floors [CONSISTENT] • Placement of higher-intensity uses close to boulevards and major thoroughfares [CONSISTENT] • Architectural guidelines to encourage compatibility between different land uses [CONSISTENT] • Encouragement of walkable neighborhood design [CONSISTENT] • At least 60% open space in new residential developments of greater than 3 acres [CONSISTENT]
	<p>The subject property is designated as a Priority Infill on the Growth Management Map 8.3a.</p>
	<p>The subject property is designated as a Development Opportunity on the Development Framework Map.</p>

COMPREHENSIVE PLAN CONSISTENCY	Land Use & Development	<p>The Land Use and Development element analyzes existing development patterns and recommends land uses and development standards for future growth and redevelopment in all areas of the City and Extra-Territorial Jurisdiction (ETJ). This element also recommends areas for future expansion of the ETJ. <u>The framework for land use policies and decision making in this element reflects the vision statements, principles and strategies of all elements of the 2030 Comprehensive Plan.</u></p>
	Population & Housing	<p>The Population & Housing element of the 2030 Comprehensive Plan identifies and analyzes existing and forecasted housing needs in Hendersonville. This chapter of the plan is concerned with identifying standards and programs for the elimination of substandard dwelling conditions, the improvement of housing quality, variety and affordability, and with the provision of adequate sites for housing.</p>
	Natural & Environmental Resources	<p>The Natural and Environmental Resources element of the 2030 Comprehensive Plan creates a framework for the preservation of sensitive natural areas, working lands and ecological systems in concert with future development. Preserving these features will help to sustain air and water resources and contribute to the health and quality of life of Hendersonville residents. Additionally, the concepts presented in the chapter are intended to facilitate the preservation of the natural character that defines Hendersonville's identity.</p>

COMPREHENSIVE PLAN CONSISTENCY	Cultural & Historic Resources	The Cultural and Historic Resources element of the 2030 Comprehensive Plan provides an inventory of Hendersonville's existing cultural and historic resources and opportunities and recommends strategies to preserve and supplement these resources. Historic districts and landmarks connect residents to Hendersonville's past and contribute to the community's uniqueness. Maintaining and building upon these resources as the community grows will help to create an enduring identity and sense of place in Hendersonville.
	Community Facilities	The Community Facilities element of the 2030 Comprehensive Plan provides an analysis of Hendersonville's existing public facilities and services such as schools, parks and public safety, and identifies community needs in each area. This element provides a vision to efficiently use public facilities, meet long term public safety needs and provide residents with ample park and recreation amenities and opportunities.
	Water Resources	The Water Resources element of the 2030 Comprehensive Plan provides policies to maintain and improve the quality of water, stormwater and wastewater facilities in a sustainable, efficient manner as the community grows.
	Transportation & Circulation	The Transportation and Circulation element of the 2030 Comprehensive Plan classifies and analyzes performance of existing roadways, bicycle routes and other modes of transportation, while providing direction for future improvements in all modes of travel. Analysis and recommendations reflect coordination the Land Use and Development element of the 2030 Comprehensive Plan, ensuring that transportation and land use decisions are not made in isolation.

GENERAL REZONING STANDARDS		Rezoning Criteria
Compatibility	Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property -	
	Considering the vehicular traffic along Upward Rd (boulevard) and the interchange with I-26 (freeway), the CHMU zoning district permits uses that are compatible with this area and the design guidelines of the CHMU further support compatibility.	
Changed Conditions	Whether and the extent to which there are changed conditions, trends or facts that require an amendment -	
	The corridor along Upward Rd has seen and will continue to see growth and development. The addition of manufacturing, multi-family and interstate-oriented restaurants and services is expected for the area. The subject property contained a <u>single family</u> home that was removed sometime after 2018.	

Public Interest	Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern that benefits the surrounding neighborhood, is in the public interest and promotes public health, safety and general welfare -	Rezoning Criteria
	Additional commercial development within the City will generate additional tax revenue. Additional residential development within the City would provide needed housing.	
Public Facilities	Whether and the extent to which adequate public facilities and services such as water supply, wastewater treatment, fire and police protection and transportation are available to support the proposed amendment -	
	The site will be served by City water and sewer service. Upward Road is designated as a boulevard on the comprehensive transportation plan and is maintained by NCDOT. Vine Road is primarily used to access a high school parking lot and residential parcels located north east of the subject property and is not identified on the Comprehensive Plan as a NCDOT maintained road. The subject property will be serviced by the City Fire Dept and will also be served by the City of Hendersonville Police.	

 <p>Effect on Natural Environment</p>	<p>Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment including but not limited to water, air, noise, storm water management, streams, vegetation, wetlands and wildlife -</p>	Rezoning Criteria
	<p>The subject property had featured some trees and brush that have now been cleared. However, there are some mature trees that line the property along Vine Rd.</p>	

DRAFT:
Comprehensive Plan Consistency Statement

The petition is found to be consistent with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:

- + *The Goals & Strategies of LU-7 “High-Intensity Neighborhood” calls for primary and secondary recommended land uses, locations, and development guidelines which align with the proposed CHMU zoning.*

DRAFT: Reasonableness Statement

We find this petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

[Rationale for Approval]

- *Commercial Highway Mixed Use is the zoning district established for the Upward Rd Planning Area*
- *The Commercial Highway Mixed Use zoning district is well suited to achieve the goals of the Comprehensive Plan for this area*
- *The property is located in an area designated as a “Priority Infill Area” according to the City’s Comprehensive Plan.*

DRAFT: Denial Statement

We do not find this petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

[Rationale for Denial]

- + While the CHMU zoning districts permits development that may align with the Development Guidelines found in LU-7.4, not all of the guidelines are requirements of this zoning district

The public hearing was opened at 7:16 p.m.

There were no public comments.

The public hearing was closed at 7:16 p.m.

Council Member Jeff Miller moved that City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property (PIN: 9578-90-1278) from Henderson County CC, Community Commercial zoning district to City of Hendersonville CHMU (Commercial Highway Mixed Use) based on the following:

1. The petition is found to be consistent with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and because:

The proposed zoning provides design standards which align with most of the design and development guidelines outlined under Strategy LU-7.4 of the City's 2030 Comprehensive Plan.

2. Furthermore, we find this petition to be reasonable and in the public interest based on the information from the staff analysis, public hearing and because:

- 1. The Commercial Highway Mixed Use is the zoning district established for the Upward Rd Planning Area***
- 2. The Commercial Highway Mixed Use zoning district is well suited to achieve the goals of the Comprehensive Plan for this area***
- 3. The property is located in an area designated as a "Priority Infill Area" according to the City's Comprehensive Plan***

A unanimous vote of the Council followed. Motion carried.

Ordinance #O-23-71

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR PARCEL POSSESSING PIN NUMBER 9578-90-1278 BY CHANGING THE ZONING DESIGNATION FROM HENDERSON COUNTY CC, COMMUNITY COMMERCIAL ZONING DISTRICT TO CITY OF HENDERSONVILLE CHMU (COMMERCIAL HIGHWAY MIXED USE)

IN RE: Parcel Numbers: 9578-90-1278
Living Savior Church (File # P23-085-RZO)

WHEREAS, the Planning Board took up this application at its regular meeting on November 9; voting ___ to recommend City Council 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 December 7th, 2023, and

WHEREAS, City Council has found that this zoning map amendment is consistent with the City's comprehensive plan, and that it is reasonable and in the public interest for the reasons stated, and

WHEREAS, City Council has conducted a public hearing as required by the North Carolina General Statutes on December 7th, 2023,

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 changing the zoning designation of the following: Parcel Numbers: 9578-90-1278 from Henderson County CC, Community Commercial Zoning District to City of Hendersonville CHMU (Commercial Highway Mixed Use)
2. Any development of this parcel shall occur in accordance with the Zoning Ordinance of the City of Hendersonville, North Carolina.
3. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this 7th day of December 2023.

/s/Barbara G. Volk, Mayor
 Attest: /s/Jill Murray, City Clerk
 Approved as to form: /s/Angela S. Beeker, City Attorney

8. NEW BUSINESS

A. Ordinance to Authorize the Demolition of 734 1st Avenue – Lew Holloway, Community Development Director.

Lew Holloway explained that the structure at 734 1st Avenue has been significantly damaged by fire. The Code Enforcement Officer for the City of Hendersonville has declared the structure unsafe and has attempted to notify the property owner and ordered the structure to be demolished, however, no remedial action has been taken. The structure is especially dangerous and prejudicial to the public health and public safety, because of the property's liability to fire, the bad condition of its walls, and the heavily damaged roof structure. The structure being unoccupied in its damaged condition is likely to contribute to blight, vagrancy, and a danger to children. The damage to the roof and exterior walls of the structure leaves a significant portion of the interior of the structure exposed to elements which will cause a more rapid decay of the portions of the structure that are still standing. The Community Development Department at this time is requesting the City Council adopt an Ordinance ordering the Code Enforcement Officer to have the structure at 734 1st Avenue demolished.

Council Member Debbie O'Neal-Roundtree moved that City Council adopt An Ordinance of the City Of Hendersonville City Council to Order the City Code Enforcement Officer to demolish 734 1st Avenue, Hendersonville, NC as presented. A unanimous vote of the Council followed. Motion carried.

Ordinance #O-23-72

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO ORDER THE CITY CODE ENFORCEMENT OFFICER TO DEMOLISH 734 FIRST AVENUE W, HENDERSONVILLE, NC

IN RE: Robin P. Turbeville
 734 1st Ave West
 PIN: 9568-56-4745

WHEREAS, Robin P. Turbeville (hereinafter the "Owner") is the owner of that real property located at 734 1st Ave West, and being more particularly described in that deed recorded in Deed Book 1652, Page 422, Henderson County registry (hereinafter the "Property"); and

WHEREAS, On April 5, 2022, pursuant to Chapter 12; Article II; Sections 12-31 through 12-38 of the Code of Ordinances of the City of Hendersonville (hereinafter called the "Code"), and G.S. 160D-1119, the Code Enforcement Officer of the City of Hendersonville (hereinafter called the "Code Enforcement Officer") declared the structure located on the Property unsafe due to excessive fire damage and affixed a notice to the structure declaring the same; and

WHEREAS, after the Owner, failed to take prompt corrective action, the Code Enforcement Officer issued a Complaint and Notice of Hearing on the issue of condemnation; and

WHEREAS, the Code Enforcement Officer attempted to give the Owner notice by certified mail, and caused the Complaint and Notice of Hearing to be posted on the outside of the structure at least 10 days prior to the administrative hearing, and notice to be published in the Hendersonville Times-News at least one week prior to the administrative hearing; and

WHEREAS, on May 10, 2023, the Code Enforcement Officer held an administrative hearing at which neither the Owner nor anyone purporting to be her representative appeared; and

WHEREAS, following the administrative hearing, the Code Enforcement Officer issued an order finding that the condition of the structure located on the Property constitutes a safety hazard and renders it dangerous to life, health, or other property due to the damaged condition of the roof and walls and ordering the Owner to demolish the structure within 60 days; and

WHEREAS, the Owner of the premises, after having been given a reasonable opportunity to do so, has failed to comply with the lawful order of the Code Enforcement Officer to demolish the structure located on the premises within the time therein prescribed.

WHEREAS, pursuant to G.S. 160A-193, the City of Hendersonville has the authority to summarily abate any condition that is dangerous or prejudicial to the public health or public safety and to assess the cost of such abatement to the Owner as a lien against the Property; and

WHEREAS, the Code Enforcement Officer has requested the City Council of the City of Hendersonville to adopt an Ordinance ordering the Code Enforcement Officer to demolish the residential structure located on the Property.

WHEREAS, pursuant to Chapter 12; Article II; Sections 12-31 through 12-38 of the Code of Ordinances of the City of Hendersonville (hereinafter called the "Code"), the Code Enforcement Officer of the City of Hendersonville (hereinafter called the "Code Enforcement Officer") has requested the City Council of the City of Hendersonville (hereinafter called "Council") to adopt an Ordinance ordering the Code Enforcement Officer to demolish the residential building located on parcel # 9568-56-4745 which the Code Enforcement Officer has condemned pursuant to the authority established in North Carolina General Statutes 160D-1119, and;

WHEREAS, the Council hereby finds that the premises are especially dangerous to life, because of the property's liability to fire and the damage to the roof and exterior walls of the structure leaves a significant portion of the interior of the structure exposed to elements which will cause a more rapid decay of the portions of the structure that are still standing, under the provisions of Section 12-31 of the Code, and;

WHEREAS, the Council hereby finds that there has been compliance with all applicable provisions of Chapter 12; Article II; Sections 12-31 through 12-38 of the Code relative to the adoption of this ordinance, and;

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

1. Pursuant to G.S. 160A-193, G.S. 160D-1125, and Chapter 12, Article II of the Code of Ordinances for the City of Hendersonville, The City Council hereby finds that the premises are especially dangerous to life, because of the property's liability to fire and the damage to the roof and exterior walls of the structure.
2. The structure being unoccupied in its damaged condition is likely to contribute to blight, vagrancy, and a danger to children.
3. The damage to the roof and exterior walls of the structure leaves a significant portion of the interior of the structure exposed to elements which will cause a more rapid decay of the portions of the structure that are still standing.
4. The Code Enforcement Officer shall cause the structure on the Property, commonly known as 734 1st Ave West, Hendersonville, North Carolina, to be vacated, closed, and demolished 30 days from the date of this Ordinance.
5. The cost of the removal or demolition shall be a lien on the Property, and on any other real property owned by the Owner located within the City's planning and development regulation jurisdiction, pursuant to G.S. 160A-193, G.S. 160D-1125, and Sec. 12-37 of the Code of Ordinances for the City of Hendersonville.

Adopted this 7th day of December 2023.

/s/Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

B. Connections Center Update – Angela S. Beeker, City Attorney

City Attorney Angela Beeker gave an update and explained that the City would own a percentage of real property equal to City funds invested (\$680,000). The City would provide a loan for renovation (\$1.5 million) at 0% interest, no payments required and the lump sum due in 30 years. The City's share of rents would go into a property maintenance fund. Each non-profit that enters the building will have to enter into a lease and a fair market value rent be arrived at and the City, as part owner, would be entitled to 36% of those rents that would go into a property maintenance fund. The next steps would be for Council to approve the Tenant In Common Agreement, then we would close on the building and the construction loan in December, 2023, then building renovation begins and then lease agreements can be signed and they can open. She added that the property will have to go through a rezoning.

City Funds Available



\$800,000 of City's supplanted ARP funds.



\$1.5 M grant from Dogwood Trust

City Funds Spent (to be spent):



Tenant in Common Agreement (Sustainability)



- City owns percentage of real property equal to City funds invested (\$680,000)
- City requires that building be used only as a Connections Center
- City provides loan for renovation (\$1.5 M)
 - 0% Interest
 - No payments required
 - Lump sum due in 30 years
- City's share of rents will go into a property maintenance fund.
- Connection Center operated by nonprofit (HCC)

Next Steps

- Attorney General and Superior Court have approved
- City Council approves TIC Agreement (December 2023)
- Closing on Building (December 2023)
- Building Renovation (by Connections Center)
- Lease Agreements, occupancy and open

C. 7th Avenue Streetscape Project Update – Brendan Shanahan, City Engineer

Brendan Shanahan explained that staff is currently reviewing bids for the 7th Avenue Streetscape and has requested a special meeting on December 14, 2023 to approve the bids. In preparation of that meeting, staff wanted to update the City Council about the project and showed this PowerPoint.

Project Formation

- 2015 – 7th Avenue MSD Brought into management by city
- 2017 – 7th Ave Streetscape Project in Annual DT workplan.
- 2018 – Maple Street Improvements Completed by Public Works
- 2018 – Streetscape Design Kickoff – 1st Public Meeting
- February, 2020 – 7th Avenue Design Plans Presented to Council
- June, 2020 – Hendersonville Farmers Market Opens on Maple Street
- February 2021 – 7th Avenue and Main Street Committees merge to form Downtown Advisory Board

Since 2020 in 7th Avenue... Hendersonville Farmers Market

2 new brick and mortar businesses incubated from Market

44,000+ more visitors to district this year compared to 18-19

Period	Visitors
11/2017 - 10/2018	83,102
11/2018 - 10/2019	101,395
11/2019 - 10/2020	115,643
11/2020 - 10/2021	142,644
11/2021 - 10/2022	144,740
11/2022 - 10/2023	145,894



Branding Project

50+ stakeholders engaged in public input regarding branding



Since 2020 in 7th Avenue...

- Façade Improvements
 - 8 Façade Grants Awarded by Friends of Downtown (\$18,700)
 - Total Project cost: \$173,000+
- New Businesses
 - 11+ New Retail/Restaurant Businesses opened in district since 2020
- \$1.5+ Million Private Investment
 - improvements + acquisitions since 2020



Streetscape Funding Sources

- 2021 Bond
- Water and Sewer Reserve Fund
- Stormwater 319 Grant Fund
- Stormwater Reserve Fund
- 7th Ave MSD Fund
- Powell Bill
- General Fund



Streetscape Design Milestones

- Survey – 2019 (Ed Holmes)
- Streetscape Design - 2020 - 2021 (Watermark Landscape Architecture and City Staff)
- 1st Solicitation of Bids – August 2021
- 2nd Solicitation of Bids – October 2021
- CMAR Solicitation and Selection – 2022 (Harper)
- Opening of Bids – November 2023, December 2023



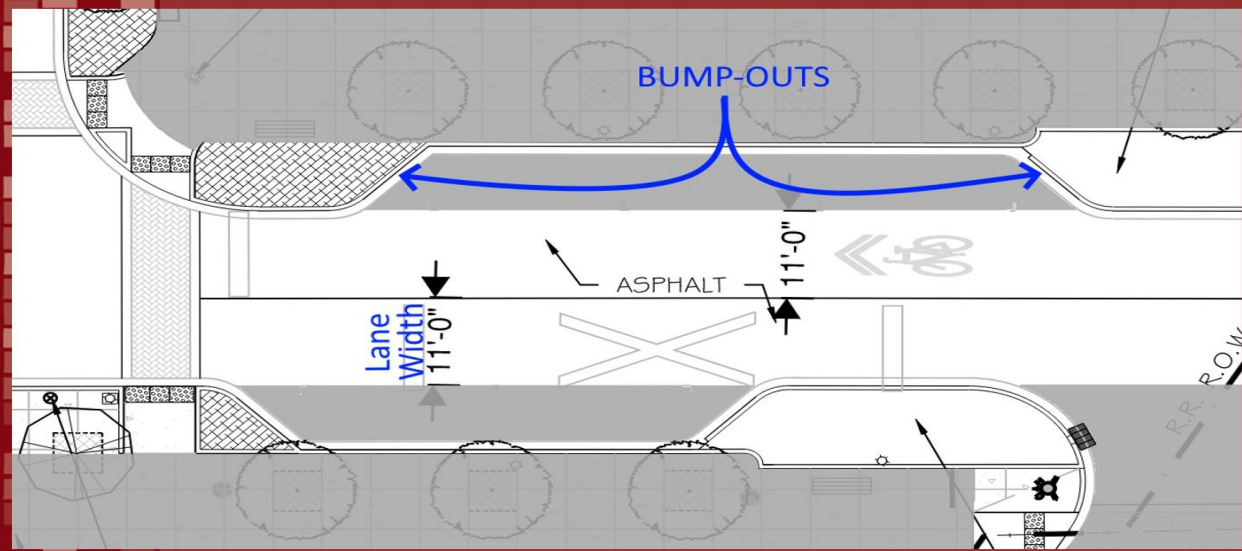
Delays and Challenges

Project has been many years in the making and has taken longer than anyone expected or wanted. Some contributing factors include:

- COVID – The pandemic was an unexpected hindrance to the normal operation of business.
- Contractor Driven Market – Complex Project/ Busy Contractors
- Supply Chain Issues – Long lead times and unavailability of some materials contributed to uncertainty among possible bidding contractors.
- Inflation – Price increases meant that our original estimates and budget were inadequate, and we needed to rethink (VE) the design.
- NCDOT – A pedestrian improvement project at the intersection of N Grove St and 7th Avenue.
- Business Impact – Minimizing the disruption to business.

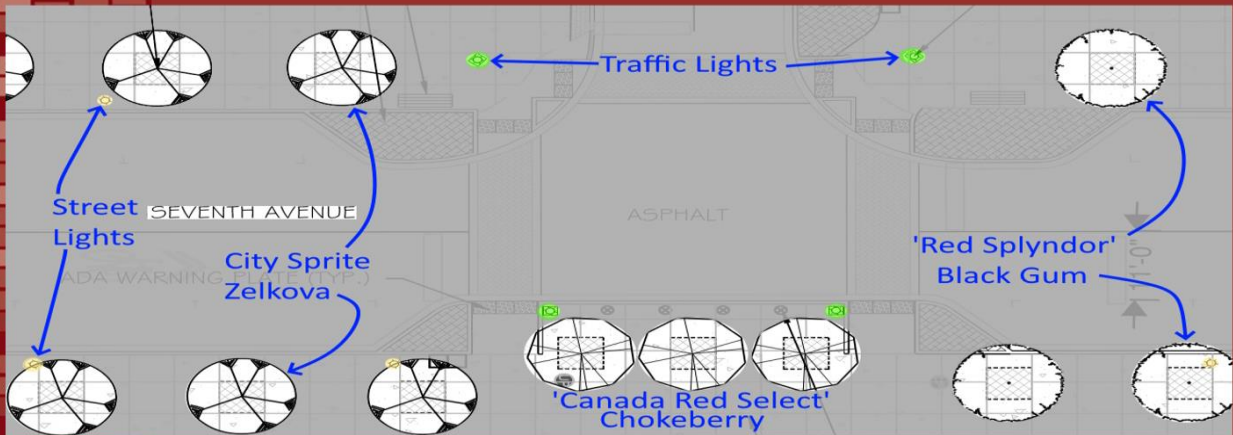


Design Elements Narrowed Traffic Lanes/ Bump-outs

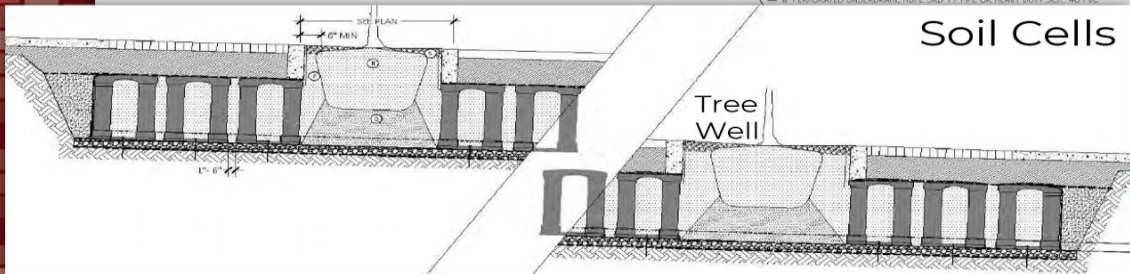
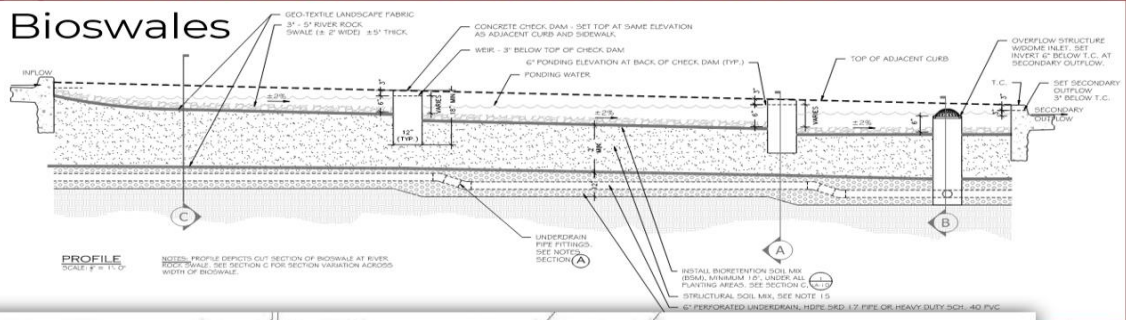




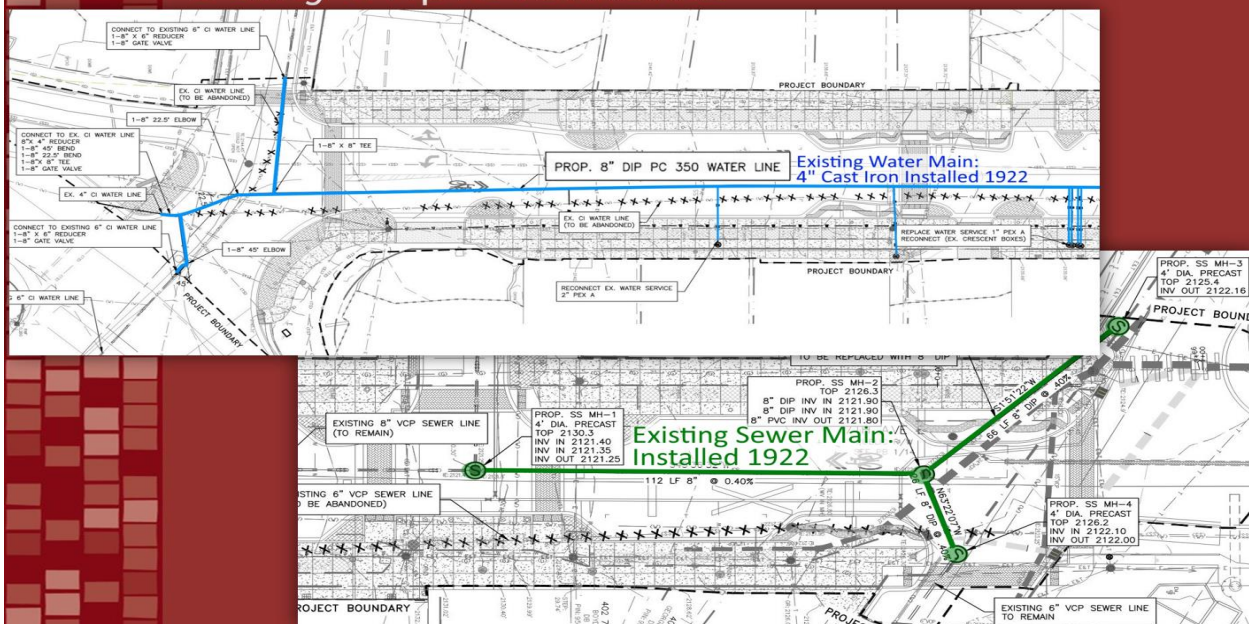
Design Elements Street Trees/Street Lights/Traffic Lights



Design Elements Stormwater Control Measures

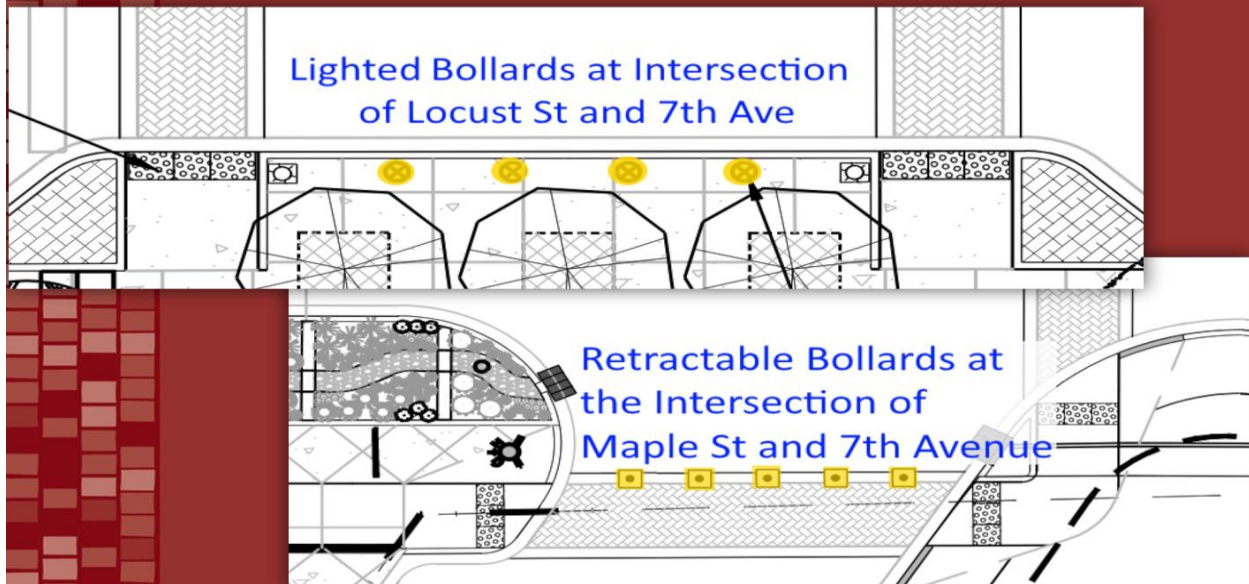


Design Elements Utility Improvements





Design 'Optional' Elements Bollards



Bid Opening

Bids were received and opened November 28th and December 7th for:

- Demolition
- Concrete
- Steel Railings
- Electrical
- Asphalt Paving
- Brick Pavers
- Landscaping
- Water & Sewer
- Stormwater
- Traffic Signals



Next Steps

- Harper will compile the bids submitted and present a GMP for the City to consider.
- City will evaluate costs of optional work and decide what scope to pursue based on available budget.
- We hope to begin construction in Jan/Feb.
- Harper, in coordination with their subcontractors and area merchants and property owners, will expedite the work to limit the closure of roadway and disruptions to business.

City Manager Connet added that we do have a budget and we have bids and we are going to be reviewing those bids between now and early next week. We are pushing for Monday. We have a finite budget so we will be looking at the base bid and some of the optional items and will bring them to you for approval for the maximum guaranteed price so we can hopefully get this project started in January.

D. Scheduling of a Special City Council Meeting on Thursday, December 14, 2023 at 11:00 A.M. and Cancellation of the December 27, 2023 Workshop Meeting – John Connet, City Manager

Staff is requesting a special meeting to approve the bids for the 7th Avenue Streetscape Project. I am proposing that we schedule the special meeting on Thursday, December 14, 2023 at 11:00 AM. This is directly prior to the City Christmas Lunch.

Council Member Lyndsey Simpson moved that the City Council schedule a Special Meeting on Thursday, December 14, 2023 at 11:00 AM at the Whitmire Center and cancel the December 27, 2023 Workshop Meeting. A unanimous vote of the Council followed. Motion carried.

E. Approval of 2024 Meeting Schedule – John Connet, City Manager

We are asking City Council to approve your meeting schedule for 2024. We have tried to include all known special meetings and adjustments for holidays. We ask that you please review and let us know if changes are needed.

Council Member Jennifer Hensley moved that the City Council approve the 2024 Meeting Schedule as presented..

NOTICE

City of Hendersonville City Council

805 Williams Street, Hendersonville, NC 28792

NOTICE OF CITY COUNCIL MEETINGS 2024

Regular Meetings of the City of Hendersonville City Council are held on the **first Thursday** of each month beginning at **5:45 p.m.** in the Assembly Room of the Operation Center located at 305 Williams Street, Hendersonville NC unless otherwise noticed. The following regular meetings have been scheduled for 2024:

January 4, 2024
February 7, 2024
March 7, 2024
April 4, 2024
May 2, 2024
June 6, 2024

July 10, 2024
August 1, 2024
September 5, 2024
October 3, 2024
November 7, 2024
December 5, 2024

****Council/Staff Retreat – March 14th & 15th**
****City Council Budget Workshop – May 3, 2024**

Second Monthly Meetings will be held on the **fourth Wednesday** of each month beginning at **4:00 p.m.** in the Assembly Room of the Operation Center located at 305 Williams Street, Hendersonville NC unless otherwise noticed. The following workshop meetings have been scheduled for 2024:

January 24, 2024
February 28, 2024
March 27, 2024
April 24, 2024
May 22, 2024
June 26, 2024

July 24, 2024
August 28, 2024
September 25, 2024
October 23, 2024
November 25, 2024
December 25, 2024 - Cancelled

Jill Murray
City Clerk

The City of Hendersonville is committed to providing accessible facilities, programs and services for all people in compliance with the Americans with Disabilities Act (ADA). Should you need assistance or a particular accommodation for this meeting please contact the City Clerk no later than 24 hours prior to the meeting at 697-3005.

Posted 12/12/2023

Published in Times-News 01/7/2024

<https://www.hendersonvillenc.gov>



BOARDS/COMMITTEES/COMMISSION**Board of Adjustment**

Council Member Lyndsey Simpson nominated Steve Saalfield (city resident) to a three-year term ending June, 2026, for the Board of Adjustment. A unanimous vote of the Council followed. Motion carried.

Council Member Jeff Miller nominated Terrance Bond (city resident) to a three-year term ending June, 2026, for the Board of Adjustment. A unanimous vote of the Council followed. Motion carried.

Environmental Sustainability Board

Council Member Debbie O'Neal-Roundtree nominated Margina Baxter (city resident) to a three-year term ending June, 2026, for the Environmental Sustainability Board. A unanimous vote of the Council followed. Motion carried.

Historic Preservation Committee

Council Member Jeff Miller nominated Jim Boyd for reappointment to the Historic Preservation Committee. His term will expire in December, 2026. A unanimous vote of the Council followed. Motion carried.

Planning Board

Council Member Jennifer Hensley nominated Laura Flores for reappointment to the Planning Board. Her term will expire in December, 2026. A unanimous vote of the Council followed. Motion carried.

Council Member Lyndsey Simpson nominated Tamara Peacock for reappointment to the Planning Board. Her term will expire in December, 2026.. A unanimous vote of the Council followed. Motion carried.

Tree Board

Council Member Jeff Miller nominated Glenn Lange (city) for reappointment of his three-year term, to the Tree Board. A unanimous vote of the Council followed. Motion carried.

Council Member Jennifer Hensley nominated Natalie Wilcoxon (ETJ) for appointment to the Tree Board. Her term will expire in December, 2026. A unanimous vote of the Council followed. Motion carried.

Council Member Lyndsey Simpson nominated Steven Stark (city) for appointment to the Tree Board. His term will expire in December, 2024 as he is coming in mid-term for Joseph Pieso.. A unanimous vote of the Council followed. Motion carried.

CDBG Housing Committee

Council Member Jennifer Hensley nominated Jeff Miller for appointment to the CDBG Housing Committee. A unanimous vote of the Council followed. Motion carried.

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

City Manager Connect explained that in accordance with North Carolina General Statute (NCGS) 159-13(b) it is required that all expenditures resulting from a contingency appropriation budget be reported to the governing board at its next regular meeting and recorded in the minutes.

NCGS 159-15 permits the Budget Officer (City Manager), to transfer budget from one appropriation to another within the same fund, provided any such transfers are reported to the Governing Board. The City of Hendersonville refers to transfers of budget from one appropriation to another within the same fund as a “budget adjustment”. City Council authorizes budget adjustments each year with the adoption of the annual budget ordinance (SECTION 4).

This agenda item serves to fulfill the reporting requirements of both NCGS 159-13(b) and 159-15 by providing City Council a summary of all amendments and adjustments occurring thus far in the fiscal year.

City Manager Connet reminded everyone about the meeting on December 14th at 11:00 a.m. which will take place right before the Employee Christmas Lunch at the Whitmire Center.

11. CITY COUNCIL COMMENTS

Council Member Jeff Miller reminded everyone that December 7th is Pearl Harbor Day and that we should always remember that.

12. ADJOURN

There being no further business, the meeting was adjourned at 7:53 p.m. upon unanimous assent of the Council.

Barbara G. Volk, Mayor

ATTEST:

Jill Murray, City Clerk



MINUTES

December 14, 2023

SPECIAL CALL MEETING OF THE CITY COUNCIL

WHITMIRE ACTIVITY CENTER | 310 LILY POND DR. | 11:00 a.m.

Present: Mayor Barbara G. Volk and Council Members: Mayor Pro Tem Lyndsey Simpson, Dr. Jennifer Hensley, Debbie O'Neal-Roundtree, and Jeff Miller

Staff Present: City Manager John F. Connet, Assistant City Manager Brian Pahle, City Clerk Jill Murray, Community Development Director Lew Holloway, City Engineer Brendan Shanahan, Public Service Director Brent Detwiler, Communications Coordinator Brandy Heatherly, Budget Manager Adam Murr, and others

1. CALL TO ORDER

Mayor Volk called the meeting to order at 11:00 a.m. and welcomed those in attendance. A quorum was established with all members in attendance.

2. PRESENTATION

7th Avenue Streetscape Guaranteed Maximum Price (GMP) – *Brendan Shanahan, City Engineer*

City Manager John Connet explained that Harper General Contractors (Harper), the City's contracted Construction Manager at Risk, has bid the construction and trades related to the 7th Avenue Streetscape project (#18022). Harper has provided the City a guaranteed maximum price (GMP) of \$3,545,936.00. There may be opportunities to manage costs and lower the GMP. Board approval of the GMP is an important step in the Local Government Commission's (LGC) debt issuance process.

Brendan Shanahan was on hand to answer any questions of Council.

Council Member Lyndsey Simpson moved that City Council adopt the Resolution Authorizing the City Manager to Execute a Contract Amendment with Harper General Contractors for a Guaranteed Maximum Price (GMP) not to exceed \$3,545,936.00 and Authorize the City Manager to Make Change Orders for the 7th Avenue Streetscape Project (#16030) as presented. A unanimous vote of the Council followed. Motion carried.

Resolution #R-23-124

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT WITH HARPER GENERAL CONTRACTORS FOR A GUARANTEED MAXIMUM PRICE (GMP) NOT TO EXCEED \$3,545,936.00 AND AUTHORIZE THE CITY MANAGER TO MAKE CHANGE ORDERS FOR THE 7TH AVENUE STREETScape PROJECT (#16030)

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

WHEREAS, the City of Hendersonville entered into a contract with Harper General Contractors. For construction manager at risk services for the 7th Avenue Streetscape Project (#16030); and

WHEREAS, Harper General Contractors have proposed a contract amendment to establish the guaranteed maximum price (GMP) for the project; and

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

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 guaranteed maximum price contract amendment for the 7th Avenue Streetscape Project (#16030) in an amount not to exceed \$3,545,936.00.
2. The City Manager is authorized to approve any changes orders that include 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 on this 14th day of December, 2023.

3. ADJOURN

There being no further discussion, the meeting was adjourned at 11:13 a.m. upon unanimous assent of the Council.

Barbara G. Volk, Mayor

ATTEST:

Jill Murray, City Clerk



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

SUBMITTER: Devin Owen, Utilities Engineer **MEETING DATE:** January 4, 2024

AGENDA SECTION: Consent Agenda **DEPARTMENT:** Utilities

TITLE OF ITEM: Sole Source Justification of Filter Underdrain, Air Scour, and Valve Actuator Equipment for the Water Treatment Facility 15-mgd Filter Expansion Project –
Devin Owen, Utilities Engineer

SUGGESTED MOTION(S):

I move City Council adopt the *Resolution by the City of Hendersonville City Council to Authorize the Sole-Source Selection of Filter Underdrain, Air Scour, and Valve Actuator Equipment for the Water Treatment Facility 15-mgd Filter Expansion Project* as presented.

SUMMARY:

The City owns and operates a water treatment facility (WTF) that has a permitted capacity of 12 million gallons per day (mgd). Due to the current and projected future water demand, the City has begun designing an expansion to their WTF filters which will increase the capacity of the facility to 15-mgd. This involves the addition of a fifth dual-media filter system and associated piping, instrumentation, and appurtenances. The existing four (4) dual-media filter systems all utilize filter underdrains and air scour equipment manufactured by Roberts Filter Group, as well as valve actuators by AUMA Actuators, Inc.

NCGS 143-129(e) lists the authorized exceptions to the formal bid procedures. NCGS 143-129(e)(6) allows for purchases of apparatus, supplies, materials, or equipment to be purchasing using sole-source exception when: (i) performance or price competition for a product are not available; (ii) a needed product is available from only one source of supply; or (iii) standardization or compatibility is the overriding consideration. The governing board of a political subdivision of the State shall approve the purchases listed in the preceding sentence prior to the award of the contract.

In this case, Utility Staff and project engineer, Hazen and Sawyer, D.P.C. are requesting to standardize on Filter Underdrain, Air Scour, and Valve Actuator equipment by asking that Council approve the sole source purchases of “Wheeler Bottom” Filter Underdrain and “Aries” Air Scour systems by Roberts Filter Group. As well as Motor-Actuated Butterfly Valve equipment by AUMA Actuators, Inc. This equipment has outperformed expectations in the years that it has been implemented at the WTF, and the standardization of such equipment will allow for the consolidation for spare parts inventory and tools as well as leverage existing operation and maintenance knowledge.

BUDGET IMPACT: N/A

Is this expenditure approved in the current fiscal year budget? Project is funded through a CPO.

If no, describe how it will be funded.

ATTACHMENTS:

Resolution

Sole-source Justification letter from Hazen and Sawyer, D.P.C.

Resolution # __-____

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE SOLE-SOURCE SELECTION FILTER UNDERDRAIN, AIR SCOUR, AND VALVE ACTUATOR EQUIPMENT FOR THE WATER TREATMENT FACILITY 15-MGD FILTER EXPANSION PROJECT

WHEREAS, the City owns and operates a water treatment facility (WTF) that has a permitted capacity of 12 million gallons per day (mgd). Due to the current and projected future water demand, the City has begun designing an expansion to their WTF filters which will increase the capacity of the facility to 15-mgd. This involves the addition of a fifth dual-media filter system and associated piping, instrumentation, and appurtenances. The existing four (4) dual-media filter systems all utilize filter underdrains and air scour equipment manufactured by Roberts Filter Group, as well as valve actuators by AUMA Actuators, Inc.; and

WHEREAS, NCGS 143-129(e) lists the authorized exceptions to the formal bid procedures. NCGS 143-129(e)(6) allows for purchases of apparatus, supplies, materials, or equipment to be purchasing using sole-source exception when: (i) performance or price competition for a product are not available; (ii) a needed product is available from only one source of supply; or (iii) standardization or compatibility is the overriding consideration. The governing board of a political subdivision of the State shall approve the purchases listed in the preceding sentence prior to the award of the contract; and

WHEREAS, Utility Staff and project engineer, Hazen and Sawyer, D.P.C. are requesting to standardize on Filter Underdrain, Air Scour, and Valve Actuator equipment by asking that Council approve the sole source purchases of “Wheeler Bottom” Filter Underdrain and “Aries” Air Scour systems by Roberts Filter Group. As well as Motor-Actuated Butterfly Valve equipment by AUMA Actuators, Inc. This equipment has outperformed expectations in the years that it has been implemented at the WTF, and the standardization of such equipment will allow for the consolidation for spare parts inventory and tools as well as leverage existing operation and maintenance knowledge.

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

1. A soul-source selection of filter underdrain, and air scour equipment by Roberts Filter Group is authorized for the Water Treatment Facility 15-mgd Filter Expansion Project.
2. A soul-source selection of valve actuator equipment by AUMA Actuators, Inc. is authorized for the Water Treatment Facility 15-mgd Filter Expansion Project.

Adopted by the City Council of the City of Hendersonville, North Carolina on this ____ day of _____, _____.

Attest:

Barbara G. Volk, Mayor, City of Hendersonville

Angela L. Reece, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney



Hazen and Sawyer
4011 WestChase Boulevard, Suite 500
Raleigh, NC 27607 • 919.833.7152

December 1, 2023

Mr. Adam Steurer, PE
Utilities Director
City of Hendersonville
305 Williams Street
Hendersonville, NC 28792

**Re: Sole Source Equipment Recommendations
Hendersonville Water Treatment Facility Filter Expansion Project**

Dear Mr. Steurer:

This letter is to provide the basis for the recommended specification of certain brands of equipment that have no equal for the Hendersonville Water Treatment Facility (WTF) Filter Expansion Project.

North Carolina General Statute 133-3 states: *“where it is impossible to specify performance and design characteristics for such materials and impossible to cite three or more items due to the fact that there are not that many items of similar or equivalent design in competition, than as many items as are available shall be cited.”* Hazen and Sawyer has followed the statute during the design process for the project. However, the design includes several equipment items which are recommended to be sole sourced:

- Filter underdrains and air scour equipment by Roberts
- Valve actuators by AUMA

Roberts Filter Underdrains and Air Scour Equipment

The existing filters (Nos. 1, 2, 4, and 5) are equipped with “Wheeler bottom” underdrains which are composed of precast sections supported by reinforced concrete piers. Each precast section has integral hoppers with porcelain spheres used to balance flow distribution and support the overlaying layers of gravel, which in turn support the filter media (sand and anthracite). Stainless steel laterals positioned at the sand-gravel interface are used to supply air for scouring the media during backwash operations. These laterals are fed by stainless steel piping headers which extend from the pipe gallery into each filter cell. Due to years of successful operation in Filters 1, 2, 4, and 5, City operations staff desire to utilize this same underdrain and air scour design for the new Filter No. 3. The Roberts Filter Group (Roberts) is the sole provider of the “Wheeler bottom” underdrain and “Aries” air scour technology. Sole sourcing the Roberts filter underdrains and air scour equipment will allow for consolidation of spare parts inventory and tools as well as leveraging existing operation and maintenance knowledge.

AUMA Valve Actuators

The City utilizes AUMA valve actuators throughout the existing WTF process. The new Filter No. 3 will have nine (9) new motor-actuated butterfly valves located within the pipe gallery. Sole sourcing the AUMA valve actuators will allow for standardization across the WTF for operation, spare parts, and tools.

Hazen will follow the steps outlined in the North Carolina Local Government Law Blog and allow submittal of any alternate items for our review provided they are submitted at least twenty-one (21) days prior to the scheduled bid opening.

We recommend that the City sole source the equipment items listed above as they will provide the best value for the City. Please let us know if you have any questions or need further information.

Sincerely,



Jared Hostetler, PE
Associate

cc: Devin Owen, EI
David Briley, PE
Cory Hopkins, PE
Carter Day

Resolution #24-

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL
AUTHORIZING DONATION OF PERSONAL PROPERTY TO BLUE RIDGE
COMMUNITY COLLEGE EDUCATIONAL FOUNDATION, INC. PURSUANT TO G.S.
160A-280**

WHEREAS, the City of Hendersonville owns a vehicle that is surplus and no longer able to be used in City service, more specifically a 2021 Dodge Durango Pursuit, VIN: 1C4SDJFT0MC792398; and

WHEREAS, G.S. § 160A-280 authorizes the City to donate personal property for nonmonetary consideration to any nonprofit organization incorporated by (i) the United States, (ii) the District of Columbia, or (iii) one of the United States, if the governing board deems the property to be surplus, obsolete, or unused; and

WHEREAS, the vehicle described above has been disassembled, the estimated value of the remaining shell is \$200.00 as scrap metal; and

WHEREAS, City of Hendersonville has determined that the vehicle described above is surplus and unused; and

WHEREAS, Blue Ridge Community College Educational Foundation, Inc. is a North Carolina nonprofit corporation; and

WHEREAS, In accordance with the notice requirements of G.S. § 160A-280, public notice of this resolution was given by posting on the City website at least five days prior to the adoption of this resolution.

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

1. The 2021 Dodge Durango Pursuit, VIN: 1C4SDJFT0MC792398 is deemed surplus and unused and approved to be donated in accordance with G.S. § 160A-280.
2. The City Manager is authorized to execute all documents necessary to donate the 2021 Dodge Durango Pursuit, VIN: 1C4SDJFT0MC792398 to Blue Ridge Community College Educational Foundation, Inc.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 4th day of January, 2023.

Attest:

Barbara G. Volk, Mayor, City of Hendersonville

Jill Murray, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

SUBMITTER: Adela Gutierrez-Ramirez, Civil Engineer **MEETING DATE:** January 4, 2023

AGENDA SECTION: CONSENT **DEPARTMENT:** Engineering

TITLE OF ITEM: Utility Extension Agreement for the Ingles 140 – *Adela Gutierrez-Ramirez, Civil Engineer*

SUGGESTED MOTION(S): I move that City Council approve the Resolution authorizing the City Manager to enter into a Utility Extension Agreement with Ingles Fletcher Exchange, LLC, for the Ingles 140 as presented and recommended by staff.

SUMMARY:

The Ingles 140 located off U.S. Highway 25 in Fletcher proposes to extend the City's water system to serve said expansion. The attached Utility Extension Agreement (UEA) outlines the water utility line extension process and assigns responsibilities to the Developer and City. We welcome any questions that you may have.

BUDGET IMPACT: \$0

Is this expenditure approved in the current fiscal year budget? N/A

If no, describe how it will be funded. N/A

PROJECT NUMBER: 22113

PETITION NUMBER: N/A

ADDITIONAL PETITION NUMBER: N/A

PETITIONER NAME: N/A

ATTACHMENTS:

Utility Extension Agreement – Ingles 140

Map showing Ingles 140 parcel

Resolution # __-____

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A UTILITY EXTENSION AGREEMENT WITH INGLES FLETCHER EXCHANGE, LLC FOR THE INGLES 140

WHEREAS, the City of Hendersonville owns, operates and maintains water system to serve customers throughout Henderson County; and

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

WHEREAS, the Developer extends public water 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 line extension process; and

WHEREAS, Ingles Fletcher Exchange, LLC, the “Developer” and “Owner”, will enter into a Utility Extension Agreement with the City to provide water service to Ingles 140.

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

1. The Utility Extension Agreement with Ingles Fletcher Exchange, LLC, the “Developer” and “Owner” to provide water service to the Ingles 140 is approved, as presented.
2. City Manager is authorized to execute the Utility Extension Agreement, and to approve and execute amendments to the Utility Extension Agreement in the future provided such amendments do not impose a financial obligation upon the City.
3. City Manager is authorized to acquire easements, rights-of-way, and other interests in real property consistent with the terms of the Utility Extension Agreement, provided that such acquisition does not impose a financial obligation upon the City.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 4th day of January 2024.

Attest:

Barbara G. Volk, Mayor, City of Hendersonville

Jill Murray, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney

CITY OF HENDERSONVILLE

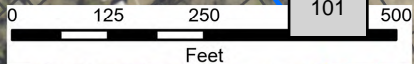
UTILITY AVAILABILITY

Ingles #140

Section 5, Item D.

Ingles #140
 PINs: 9652-31-6641,
 9652-31-6277, 9652-31-4347
 Fletcher Fire District
 Fire Chief: Greg Garland

- Sewer Layers**
- Gravty Main
 - Public Gravity Main
 - Public Force Main
 - Proposed Gravity Main
 - Abandoned
- Water Layers**
- Fire Hydrants
 - City Fire Hydrant
 - Water Main
 - City Water Main
 - Raw Water Main
 - Private Fire Line
 - Proposed Water Main
 - Abandoned Water Main
 - Road Layers
 - State Maintained Road
 - Non-State Maintained Road



The City of Hendersonville makes every effort to confirm the accuracy of this information; however, it does not warrant or guarantee that any information provided is accurate or current.

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

Prepared by and return to: Daniel Heyman, Staff Attorney, City of Hendersonville, in the City Box

UTILITY EXTENSION AGREEMENT

THIS AGREEMENT, Made and entered into this ____ day of _____, 20____, by and between the **CITY OF HENDERSONVILLE**, a North Carolina municipal corporation, situate in Henderson County, herein referred to as the "City", and **INGLES FLETCHER EXCHANGE, LLC**, a North Carolina limited liability company, herein referred to as "Developer,"

WITNESSETH:

THAT WHEREAS, Developer is the owner of, and is desirous of developing and improving, a tract of land situated in Henderson County, State of North Carolina, described as follows:

Consisting of +/- 10.773 acres, having PINs of 9652313853 and 9652317640, and being all of that real property described in the following deeds: (1) that deed recorded in Deed Book 3396 at page 597, Henderson County registry, being Lots 2 and 3 as shown that plat recorded at Plat Book 2023 page 15145, Henderson County registry, and (2) that deed recorded in Deed Book 4091 at page 484, Henderson County registry, (1) and (2) hereinafter collectively referred to as the "Property"; and

WHEREAS, the Developer has submitted an application for the development of a project known as Ingles 140 (project number 22113); and

WHEREAS, in the process of such development and improvement, Developer is desirous of constructing water infrastructure and/or sanitary sewer infrastructure to and on said tract(s) of land, for which the City requires that the Developer enter into a utility extension agreement with the City, said water and/or sewer infrastructure to consist of the following:

Being and consisting of: Water Service Extension consisting of all water meters and underground vault and +/- 734 lineal feet of 8" ductile iron pipe running easterly of U.S. Highway 25 connecting to an existing 16" ductile water main, and being more particularly shown and described on those construction plans and specifications, dated April 19, 2022, and bearing project number , prepared by Land Planning Associates of NC, Inc. a Civil Engineering firm, said plans being incorporated herein by reference. Said Water Service

Extension is hereinafter referred to as the “New Infrastructure”. It is understood and agreed that the New Infrastructure may be modified or amended from and after the date of this Agreement as may be required to meet the standards of the City of Hendersonville. As used herein, “New Infrastructure” shall be deemed to include any and all of any such modifications and amendments.; and

WHEREAS, the Developer has received zoning approval from the designated governing body for such development and improvement on the Property; and

WHEREAS, the Property is not located within the City’s municipal boundaries but is located within the Town of Fletcher, North Carolina; and

WHEREAS, the City is not obligated to offer water or sanitary sewer service to property outside its corporate limits; and

WHEREAS, Developer desires to have the completed New Infrastructure connected to the City's municipal water system and/or sanitary sewer system and made an integral portion thereof; and

WHEREAS, the City will permit said system(s) to be connected to the municipal system(s) under the terms and conditions heretofore established and agreed upon between the parties and specifically in conformance with the requirements of the most recent extension policy, most recent water and sewer standard construction specifications and details, and the City's Code of Ordinances currently in force.

NOW, THEREFORE, in consideration of the mutual benefits which will result to the parties in carrying out the terms of this Agreement, it is agreed as follows:

1. Developer shall, at Developer’s own expense, employ a North Carolina registered and licensed professional engineer ("Engineer") to complete design and permitting of the proposed New Infrastructure in conformance with NCAC Title 15A Subchapter 18C (water) and NCAC Title 15A Subchapter 02T(sanitary sewer), the City's water and sewer standard construction specifications and details, and the City water and/or sewer Master Plan(s).
2. Developer shall require the Engineer to submit plans, reports, technical specifications, fees, permit applications, and any other items as required and approvable by the City (“Required Documents”). The Engineer shall disclose all proposed changes in the approved construction plans to the City in writing. If proposed changes are deemed by the City to be "significant" in nature, the City may require the Engineer to resubmit plans for re-permitting. The determination of whether a change is deemed to be significant shall be in the sole and absolute discretion of the City, and the Developer agrees to be bound thereby. This will require written approval by the City prior to re-submitting to the permitting agency or before proceeding with changes, even if permitting agency re-submittal is not required. City approval of a utility extension is subject to expiration should construction not be completed after a period of two years from the date of approval. Once the Required Documents have been approved by the City, they shall be deemed to be incorporated herein by reference as an amendment to this Agreement to indicate the Developers construction obligations under this Agreement.
3. The City will perform construction inspection during installation of the New Infrastructure and upon project completion submit written certification that the project was completed in accordance with the approved plans and specifications as required by NCAC Title 15A Subchapter 18C (water) and NCAC Title 15A Subchapter 02T

(sanitary sewer). Water and Sewer inspection fees shall be in accordance with the adopted City Fee Schedule as of the date of this agreement. Fees will be paid by the Developer upon certification and acceptance of the New Infrastructure, with amounts due being based on length of lines inspected, certified, and accepted.

4. The Developer shall, at his or her own expense, furnish and transfer to the City all on-site and off-site easements, rights-of-way, and real property required for access to and perpetual maintenance and operation of the New Infrastructure and its appurtenances in accordance with the terms of this Agreement as provided herein below.

Developer will be required to enter into the City's standard Deed of Dedication and Conveyance With Associated Easements for conveyance of the New Infrastructure and on-site easements, as amended. Further Developer will be required to use the City's standard Utility Infrastructure Easement Agreement when securing the necessary off-site right of way for the operation and maintenance of the New Infrastructure. For the avoidance of doubt, both standard forms permit use of the easements for the future installation of water, sewer and stormwater lines, and their associated appurtenances and accessories, in addition to the New Infrastructure, by or on behalf of the City. The City shall provide a copy of these standard forms upon request by the Developer.

5. Developer shall convey to the City all of the New Infrastructure and easements, on-site and off-site, prior to selling any of the lots in the lots in the development. If the Developer sells a lot within the development to a third-party prior to the conveyance of the New Infrastructure and easements, Developer shall be responsible for all costs associated with obtaining title to the New Infrastructure and easements.
6. Developer shall, at his or her own cost and expense, furnish all materials and all equipment and perform all the work necessary to complete the construction of the New Infrastructure described in the plans and specifications as approved by the City's authorized representative and permitting agency.
7. The installation and construction of the New Infrastructure shall be performed by a reputable and responsible Contractor possessing a valid North Carolina Public Utility Contractor's License directly related to the installation of the New Infrastructure issued by the North Carolina Licensing Board for General Contractors. As used herein, a "responsible Contractor" shall mean one possessing the requisite knowledge, experience, and financial resources to complete the construction of the New Infrastructure in accordance with the plans and specifications within the time allotted.
8. Developer shall be required to establish a discharge point for the flushing of the waterlines that are installed pursuant to this Agreement and that provided the City utilizes the method provided by the Developer, the City shall not be liable, and Developer shall, to the fullest extent allowed by law, indemnify and hold the City harmless during the warranty period for any damages whatsoever as a result of the flushing of water lines.
9. The Engineer shall contact the City prior to the start of construction in order to schedule a preconstruction conference between the Developer, Contractor, Engineer, and City staff. This request should be made at least seven (7) days in advance of the anticipated starting date. Developer or Engineer shall receive a written notice to proceed (NTP) from the City before commencing with construction. If construction is anticipated to be

greater than sixty (60) days, a monthly progress meeting shall be scheduled once every thirty (30) days. The date and time of the monthly progress meeting shall be established during the preconstruction conference.

10. Developer shall submit the name, address, and the Public Utility Contractor's License Identification Number of the proposed Contractor to the City prior to the preconstruction meeting. The City may investigate the validity of the Contractor's license and the Contractor's status as a responsible Contractor by methods including but not limited to contacting the owners of past projects for which the Contractor furnished work in order to obtain reference information.
11. City staff will be assigned for the express purpose of periodic construction observation and inspection. The City's construction inspector(s) shall have the authority to report all discrepancies identified in all phases of construction to the Engineer regarding conformance with the approved construction drawings and specifications. This report shall in no way relieve the Developer of his or her obligation to engage a professional engineer to perform construction inspection and coordinate construction.
12. During construction, no deviations from the approved plans and specifications shall be allowed without the prior express written approval of the City and permitting agency if deemed necessary by the City.
13. The City Engineer, or authorized representative, shall be authorized to resolve disagreements between Developer's Contractor(s), and the City's construction inspector(s) regarding conformance with approved plans and/or specifications.
14. Upon completion of construction, the Developer shall cause the Engineer to arrange for a final inspection to be performed jointly by the Engineer, the contractor, and the City's construction inspector to determine if the project is acceptable to the City. At this time, a draft as-built shall be submitted to the City. If the project is not immediately acceptable, any deficiencies shall be noted in a written report (punch list) prepared by the City. This report shall be transmitted to the responsible parties. It shall be the responsibility of the Developer to correct any such deficiencies and arrange for a re-inspection of the system.
15. As part of the final inspection process for sewer collection systems, Developer shall satisfactorily complete the following as described in the most recent water and sewer standard construction specifications and details: air test, manhole vacuum tests, and mandrel deflection test. Video of the new sanitary sewer collection system by means of closed-circuit television (CCTV) will be performed by the City. All testing shall be certified and all certifications, along with the related data and any video of the sewer system, shall be submitted to the City before final acceptance of the project is granted by the City.
16. As part of the final inspection process for water distribution systems, Developer shall satisfactorily complete the following: pressure test lines, bacteriological sampling performed by a certified laboratory. The City's certified laboratory may be utilized. All testing shall be certified and all certifications, along with related data, shall be submitted to the City before final acceptance of the project is granted by the City.
17. Once all deficiencies are corrected and the project is deemed acceptable to the City, the Developer shall cause the Engineer to submit as-builts in formats acceptable to the City. The Engineer shall also submit any easements required for the New Infrastructure and any deeds necessary to convey ownership to the City. The

Developer shall be responsible for acquiring easements from any third parties owning property over which any portion of the New Infrastructure is constructed, said easements to be titled in the name of the City, using forms to be provided by the City.

18. Prior to the activation of services on the newly constructed New Infrastructure, Developer shall convey unencumbered title and ownership to the City, of the New Infrastructure and its appurtenances, and shall assign and transfer all associated permits, licenses, and permissions to the City. If a water extension was permitted for the same or similar project, the City shall receive final approval from the permitting agency. In certain circumstances as approved by the City, activation of services on portion(s) of the New Infrastructure may be permitted after partial certification(s) completion and approval(s).
19. The conveyance, assignment or transfer of (1) all permits, licenses or other permissions, and (2) all property and assets to the City, including but not limited to real or personal property, the New Infrastructure and its appurtenances, easements, rights of way or encroachments, (1) and (2) collectively hereinafter referred to as "Required Conveyances," shall be in form as approved by the City's legal counsel, and unless specifically excepted by the City Attorney, shall be in form proper for recording in the appropriate public registry. The conveyance of real property shall be in the form of a fee simple deed and without encumbrance as approved by the City's legal counsel. The Developer shall cause all affiliates or other third parties or entities having an ownership interest in the New Infrastructure or the Property to join the Required Conveyances, as reasonably determined by the City to be necessary to convey full title to the New Infrastructure and Required Conveyances to the City. With the execution hereof, Developer and City specifically agree that the New Infrastructure shall remain personal property, and shall not become a part of the real property, regardless of whether or not the New Infrastructure is permanently affixed to the real property comprising the Property.
20. The Developer shall provide a written release of the City's interest in the Required Conveyances (in form approved by the City Attorney) from any and all liens or other legal interests held by lenders, vendors or other third parties. The release(s) must be delivered in form for recording in the appropriate public registry, and must be received by the City in conjunction with the City's receipt of the Required Conveyances.
21. To the fullest extent allowed by law, and regardless of the approval(s) of any document(s) by the City's legal counsel, the Developer shall indemnify and hold the City harmless from all actions, causes and claims whatsoever against the City by any persons, firms, and corporations whatsoever relating in any manner to this Agreement (including but not limited to damages to persons or property related to construction and/or installation of the New Infrastructure) or the Required Conveyances. Without limiting the Developer's obligations under this paragraph in any manner, the Developer shall defend any and all claims, causes or actions whatsoever regarding the City's title or ownership in any of the Required Conveyances.
22. Developer shall guarantee the accepted and dedicated New Infrastructure to be free of defects in materials and workmanship and to be properly functioning in all respects for a period of one calendar year from the date of final acceptance by the City. During this year of guarantee, Developer shall correct, or have corrected, any defects that may develop in material, equipment, or workmanship. Should Developer fail to correct defects within a reasonable period of time after being notified, as determined in good faith by the City Engineer or designee, the City may proceed to correct defects and Developer shall be liable for the City's expense in doing so. It shall be the Developer's responsibility to attend, or to provide an authorized

representative to attend, a warranty inspection with the City prior to the expiration of said warranty period. For purposes of this paragraph 22, final acceptance shall be the date the Letter of Acceptance is issued by the City as described in paragraph 24 hereinbelow.

23. Before the issuance of final acceptance, the Developer or Engineer shall schedule a project closeout meeting with the City. The Developer or Engineer shall submit to the City, not later than the start of the project closeout meeting, all required closeout documents, including but not limited to recorded easement plats, warranty deeds, affidavits of lien waiver, as-built drawings with georeferenced infrastructure data, final walk-through inspection punch list and evidence of completion of said punch list, utility extension agreements, fixed asset evaluation form and infrastructure testing results. The City shall be under no obligation to [and in the absence of extraordinary circumstances will not] activate any services before receipt of all required documentation. Partial receipt shall be treated as an incomplete project closeout and no services shall be activated. A project closeout form shall be completed and executed by the Developer or by an authorized representative of the Developer and the City for each project. If the project described in this utility extension agreement is divided into phases, a project closeout form shall be executed for each phase prior to issuance of final acceptance. For purposes of this paragraph, and notwithstanding any other provision of this agreement, every required document shall be considered material, and "substantial compliance" shall not apply.
24. Once all items required by the Developer under this Agreement are complete, the City shall issue a formal "Letter of Acceptance" to the Developer for the project. The City shall incorporate the accepted system as an integral part of its utility system and shall furnish service therefrom in accordance with the rules, regulations, rates, and policies established for its customers. For the avoidance of doubt, "final acceptance" as used in this Agreement shall refer only to the date the Letter of Acceptance as described in this paragraph is issued by the City.
25. There shall be no intended nor incidental third-party beneficiaries of this Agreement.
26. This Agreement may not be assigned by the Developer without the express written consent of the City. Any assignment without the express written consent of the City shall be void. Any assignment approved by the City shall be in form approved by the City's legal counsel. Such consent by the City and approval by the City's legal counsel shall be for the sole and exclusive benefit and reliance of the City, and shall not be relied upon by the Developer nor any third party as to the validity or legal effect of an assignment.
27. All inspections of the New Infrastructure performed by the City shall be for the sole and exclusive benefit and reliance of the City. The inspection, approval and acceptance of the New Infrastructure shall not be deemed a warranty or guarantee upon which any person or entity can rely that the construction of the extension was done in a workmanlike manner, or was completed in accordance with the construction contract documents, with standards of the profession in and around Hendersonville, North Carolina, or in accordance with the applicable federal, State, or local laws, rules or regulations.
28. Developer is put on notice, and Developer agrees that, in the event that the meter boxes or cleanouts which are part of the New Infrastructure are installed, set, damaged, moved, or altered in any manner that requires the City to make repairs or adjustments to the meter boxes or cleanouts for their proper operation, or if the

City has to perform any work, including but not limited to grading or removal of obstructions, to provide access to the City, Developer shall reimburse the City's full cost and expense incurred.

29. This agreement is executed in the State of North Carolina, and shall be construed in accordance with the laws of the State of North Carolina. Both parties submit their persons to the jurisdiction of the Courts for North Carolina. Exclusive venue for any action brought in connection with this agreement, its interpretation and breach shall be in the courts for Henderson County, North Carolina.

30. Failure of either party to enforce any terms of this Agreement shall not be deemed a waiver, in whole or in part, to enforcing any of its terms against the other party, unless such waiver is delivered to the other party in writing. Failure of either party to exercise the rights under this Agreement shall not be deemed a waiver or abandonment of such rights unless such waiver or abandonment be delivered in writing to the other party.

31. This Agreement may be recorded in the Henderson County Register of Deeds Office at the option of the City.

PLEASE BE ADVISED: The City shall not allow the activation of any water or sewer services until the City receives partial certification approval or final approval from the permitting agency and shall not allow the issuance of any certificates of occupancy until the City deems the project complete.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals, the day and year first above written.

DEVELOPER: INGLES FLETCHER EXCHANGE, LLC,
an North Carolina Limited Liability Company

THE CITY OF HENDERSONVILLE

BY: _____ (SEAL)
(signature)

BY: _____ (SEAL)
John F. Connet, City Manager

Printed name: _____

Title: _____

STATE OF _____ COUNTY OF _____

I, _____, (printed name of notary) a Notary Public of said County and State, do hereby certify that _____, personally appeared before me this day, and being duly sworn, stated that they are the _____(title) for Ingles Fletcher Exchange, LLC, and that they executed and acknowledged the foregoing instrument on behalf of Ingles Fletcher Exchange, LLC pursuant the due authorization by Ingles Fletcher Exchange, LLC and that the instrument is the act and deed of Ingles Fletcher Exchange, LLC.

WITNESS my hand and official seal, this _____ day of _____, 20____

My commission expires _____

Notary Public Signature

(OFFICIAL SEAL)

STATE OF NORTH CAROLINA, COUNTY OF HENDERSON

I, _____, (printed name of notary) a Notary Public in and for the State and County aforesaid, do hereby certify that John F. Connet, personally appeared before me and, being duly sworn, stated that he is City Manager of the City of Hendersonville, North Carolina, and that he executed and acknowledged the foregoing instrument on behalf of the City of Hendersonville pursuant to order of the City Council of said City and that the instrument is the act and deed of the City of Hendersonville.

WITNESS my hand and official seal, this _____ day of _____, 20____

My commission expires _____

Notary Public Signature

(OFFICIAL SEAL)



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

SUBMITTER: Adam Murr **MEETING DATE:** 01/04/2024
AGENDA SECTION: CONSENT **DEPARTMENT:** Administration
TITLE OF ITEM: January 2024 Budget Amendments – *Adam Murr, Budget Manager*

SUGGESTED MOTION(S):

I move City Council adopt budget amendments 01042024-01, 01042024-02, and 01042024-03 as presented.

SUMMARY:

- 01042024-01 | ARP amendment \$100,000 for IAM – connection center TBD (February).
- 01042024-02 | \$6,750 from W&S reserves (459) for North Fork #19010.
- 01042024-03 | \$48,000 from W&S reserves (459) for WWTP Clarifier #23020.

BUDGET IMPACT: Detailed Above

Is this expenditure approved in the current fiscal year budget? N/A

If no, describe how it will be funded. N/A

ATTACHMENTS:

FY24 Amendments: 01042024-01, 01042024-02, and 01042024-03.

TO MAYOR & COUNCIL
APPROVAL: January 04, 2024

FISCAL YEAR 2024
FORM: 01042024-01

BUDGET AMENDMENT

FUND 010 | 199

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
010-0000-470900	Fund Balance Appropriated	2,816,519	100,000	-	2,916,519
010-0000-598901	Transfer Out (to Fund 199, #00100)	75,000	100,000	-	175,000
FUND 010	TOTAL REVENUES	2,816,519	100,000	-	2,916,519
	TOTAL EXPENDITURES	75,000	100,000	-	175,000
199-0000-470100-00100	Transfer In (from Fund 010)	-	100,000	-	100,000
199-1001-540001-00100	Special Appropriations (ARP-IAM food security)	-	100,000	-	100,000
FUND 199, #00100 ARP Appropriations	TOTAL REVENUES	-	100,000	-	100,000
	TOTAL EXPENDITURES	-	100,000	-	100,000

An amendment continuing ARP Special Appropriation budget in FY24. This expenditure was budgeted originally in a project ordinance (multi-year budget); however, it is necessary to budget for the project annually in Fund 199. The ARP Appropriation budget was last amended in FY23, providing \$400,000 for the Apple Ridge Project partnership. The \$100,000 increase supports the d IAM Food Insecurity (\$100,000) program.

The City Manager and City Clerk certify budget ordinance amendment 01042024-01 was approved by City Council on January 04, 2024.

 City Manager _____
Date

 City Clerk _____
Date

TO MAYOR & COUNCIL
APPROVAL: January 04, 2024

FISCAL YEAR 2024
FORM: 01042024-02

BUDGET AMENDMENT

FUND 459 | 460

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
459-0000-470900	Fund Balance Appropriated	-	6,750	-	6,750
459-0000-598901	Transfer Out (to 460)	-	6,750	-	6,750
FUND 459	TOTAL REVENUES	-	6,750	-	6,750
W&S Capital Reserve	TOTAL EXPENDITURES	-	6,750	-	6,750
460-0000-470100-19010	Transfer In (from 459)	-	6,750	-	6,750
460-0000-470010-19010	Debt Proceeds (2023 Revenue Bond)	1,103,929	-	-	1,103,929
460-1014-550103-19010	Capital Outlay - CIP	1,103,929	6,750	-	1,110,679
FUND 460 (#19010)	TOTAL REVENUES	1,103,929	6,750	-	1,110,679
North Fork	TOTAL EXPENDITURES	1,103,929	6,750	-	1,110,679

An amendment transferring \$6,750 of available fund balance from the W&S Capital Reserve Fund (459) to the W&S Capital Project Fund for the completion of the North Fork Dredging project. The transfer in brings the total project appropriation to \$1,110,679.

The City Manager and City Clerk certify budget ordinance amendment 01042024-02 was approved by City Council on January 04, 2024.

 City Manager

 Date

 City Clerk

 Date

TO MAYOR & COUNCIL
APPROVAL: January 04, 2024

FISCAL YEAR 2024
FORM: 01042024-03

BUDGET AMENDMENT

FUND 459 | 460

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
459-0000-470900	Fund Balance Appropriated	-	48,000	-	48,000
459-0000-598901	Transfer Out (to 460)	-	48,000	-	48,000
FUND 459	TOTAL REVENUES	-	48,000	-	48,000
W&S Capital Reserve	TOTAL EXPENDITURES	-	48,000	-	48,000
460-0000-470100-23020	Transfer In (from 459)	145,000	48,000	-	193,000
460-1014-550103-23020	Capital Outlay - CIP	145,000	48,000	-	193,000
FUND 460 (#23020)	TOTAL REVENUES	145,000	48,000	-	193,000
WWTP Clarifier	TOTAL EXPENDITURES	145,000	48,000	-	193,000

An amendment transferring \$48,000 of available fund balance from the W&S Capital Reserve Fund (459) to the W&S Capital Project Fund for the completion of the WWTP Clarifier project, #23020. The transfer in brings the total project appropriation to \$193,000.

The City Manager and City Clerk certify budget ordinance amendment 01042024-03 was approved by City Council on January 04, 2024.

 City Manager _____
Date

 City Clerk _____
Date



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

SUBMITTER: Blair Myhand, Police Department **MEETING DATE:** January 4, 2024

AGENDA SECTION: Presentation **DEPARTMENT:** Police

TITLE OF ITEM: Resolution awarding retiring Captain Dale Patton with his badge and service side arm

SUGGESTED MOTION(S):

Motion to approve the resolution to award retiring Captain Dale Patton with his badge and service side arm for a cost of \$1.00.

SUMMARY:

The City of Hendersonville recognizes and appreciates the service provided to the citizens of our community by the commitment of sworn law enforcement officers of the Hendersonville Police Department.

North Carolina General Statute 20-187.2 and City of Hendersonville Policy Granting of Badges and Service Side Arms for Sworn Law Enforcement Officers enables the City Council to award a retiring member or surviving relatives, the badge and service side arm of law enforcement officers.

The attached resolution will allow the Hendersonville Police Department to award retiring Captain Dale Patton with his badge and service side arm for a cost of \$1.00.

BUDGET IMPACT: N/A

Is this expenditure approved in the current fiscal year budget? N/A

If no, describe how it will be funded. N/A

ATTACHMENTS:

Resolution #

Resolution #

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 **27 years** of distinguished service as a law enforcement officer, and **20 years** total as an employee by **Captain Dale Jude Patton** for the City of Hendersonville and its residents; and

WHEREAS, the City of Hendersonville wishes to recognize **Captain Dale Patton'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 **Captain Dale Jude Patton his service side arm, Glock model 19, 9 mm, serial number BMFZ888**, 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 on this 4th day of January 2024.

Attest:

Barbara G. Volk, Mayor, City of Hendersonville

Jill Murray, City Clerk

Approved as to form:

Angela S. Becker, City Attorney



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

SUBMITTER: Jill Murray, City Clerk **MEETING DATE:** 01/04/2024
AGENDA SECTION: PRESENTATIONS **DEPARTMENT:** Administration
TITLE OF ITEM: Public Rail Passenger Service to WNC

SUGGESTED MOTION(S):

N/A

SUMMARY:

Mr. Clifford Meek and Mr. Martin Wheeler, President of the Carolina Association of Passenger Trains, are going to give a brief presentation regarding passenger rail service through Western North Carolina. Mr. Meek will likely have handouts for Council.

BUDGET IMPACT: NONE

Is this expenditure approved in the current fiscal year budget? NA

If no, describe how it will be funded. NA

ATTACHMENTS:



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

SUBMITTER: Matthew Manley

MEETING DATE: January 4th, 2024

AGENDA SECTION: Public Hearing

DEPARTMENT: Community
Development

TITLE OF ITEM: Annexation: Public Hearing- Lakewood (Fowler) (C23-92-ANX) – *Matthew Manley, AICP / Strategic Projects Manager*

SUGGESTED MOTION(S):

<u>For Approval:</u>	<u>For Denial:</u>
<p>I move 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 Lakewood Hendersonville, LLC, identified as PINs 9579-38-2595, 9579-39-2060, 9579-29-0718 and 9579-19-2770, 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.</p>	<p>I move that City Council deny the petition received from Travis Fowler, requesting the annexation of that property having PINs 9579-38-2595, 9579-39-2060, 9579-29-0718 and 9579-19-2770</p>

SUMMARY:

File # C23-92-ANX

The City of Hendersonville has received a petition from Travis Fowler of Lakewood Hendersonville, LLC. for contiguous annexation of PINs 9579-38-2595, 9579-39-2060, 9579-29-0718 and 9579-19-2770 located at Lakewood Rd and Francis Rd that is approximately 59.42 acres. Please refer to the attached maps for additional information.

On December 7, 2024, City Council accepted the City Clerk’s Certificate of Sufficiency for the petition submitted by Travis Fowler and set January 4th, 2024, as the date for the public hearing

PROJECT/PETITIONER NUMBER:	<ul style="list-style-type: none"> • C23-92-ANX
PETITIONER NAME:	<ul style="list-style-type: none"> • Travis Fowler

ATTACHMENTS:	<ol style="list-style-type: none">1. Ordinance2. Signed Certificate of Sufficiency3. Signed Resolution setting public hearing4. Annexation Plat5. Typed legal description6. GIS map7. COH-Flat Rock Annexation Agreement Map8. Deed9. Annexation Application
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Ordinance #___-___

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

IN RE: Petition for Contiguous Annexation
Parcel Number: 9579-38-2595, 9579-39-2060, 9579-29-0718 & 9579-19-2770
The Highland-Lakewood (File# C23-92-ANX)

WHEREAS, The City of Hendersonville has been petitioned by Travis Fowler of Lakewood Hendersonville, LLC, 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 4th day of January 2024, after due notice by publication as provided by law on December 24, 2023 and December 31, 2023; 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 that:

- 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 4th day of January 2024.

Being all of that real property consisting of PINs 9579-38-2595, 9579-39-2060, 9579-29-0718 & 9579-19-2770 described in the plat recorded in Book 2023- _____ [to be inserted at recording of the plat] of the Henderson County Registry, said PINs 9579-38-2595, 9579-39-2060, 9579-29-0718 & 9579-19-2770 being described by metes and bounds as follows:

Beginning at a rebar with a Cole Cap, said rebar having the NCGS NAD 83-2011 Coordinates N:599,600.52 and E: 972,053.47;
 thence S 58°19'04" E a distance of 1071.47' to a #5 rebar;
 thence N 68°13'03" E a distance of 234.68' to a magnetic nail in the centerline of Lakewood Road;
 thence with the centerline of Lakewood Road the following two calls: N 33°13'29" E a distance of 75.09' to a magnetic nail;
 thence N 12°15'38" E a distance of 76.14' to a magnetic nail;
 thence leaving the centerline of Lakewood Road S 35°38'12" E a distance of 217.16' to a #5 rebar;
 thence S 59°32'02" E a distance of 69.71' to a #5 rebar;
 thence S 05°50'54" E a distance of 184.17' to a magnetic nail in the centerline of Francis Road;
 thence S 04°44'22" W a distance of 35.17' to a ½" open iron pipe as a 21" walnut tree;
 thence S 03°38'22" W a distance of 205.09' to a ½" open pipe at a creek;
 thence S 03°39'17" W a distance of 216.85' to a spike;
 thence S 00°36'39" W a distance of 32.07' to a concrete monument;
 thence S 02°10'36" E a distance of 232.01' to a NCDOT concrete monument;
 thence S 02°10'36" E a distance of 12.69' to a calculated point in the right-of-way of Interstate 26;
 thence with the right-of-way of Interstate 26 the following fourteen calls:
 N 51°53'55" W a distance of 109.99' to a calculated point;
 thence N 38°54'55" E a distance of 28.46' to a NCDOT aluminum-disk monument;
 thence N 50°54'31" W a distance of 41.60' to a NCDOT aluminum-disk monument;
 thence S 38°26'52" W a distance of 29.18' to a calculated point;
 thence N 51°53'55" W a distance of 181.95' to a calculated point;
 thence with a curve turning to the left with an arc length of 494.32', with a radius of 3954.72', with a chord bearing of N 57°53'26" W, with a chord length of 494.00', to a NCDOT concrete monument;
 thence N 59°08'29" W a distance of 696.10' to a NCDOT concrete monument;
 thence N 75°16'14" W a distance of 201.08' to a NCDOT concrete monument;
 thence N 51°21'17" W a distance of 415.79' to a NCDOT concrete monument;
 thence with a curve turning to the right with an arc length of 226.93', with a radius of 3634.72', with a chord bearing of N 53°17'53" W, with a chord length of 226.89', to a NCDOT concrete monument;
 thence N 50°22'20" W a distance of 671.13' to a NCDOT concrete monument;
 thence N 16°29'07" E a distance of 88.37' to a NCDOT concrete monument;
 thence N 37°48'06" W a distance of 207.56' to a #5 rebar;
 thence N 37°48'06" W a distance of 32.00' to the centerline of Clear Creek;
 thence with the centerline of Clear Creek the following eight calls:

N 34°36'07" E a distance of 101.80' to a calculated point;
thence N 53°37'31" E a distance of 159.48' to a calculated point;
thence N 38°23'40" E a distance of 263.30' to a calculated point;
thence N 44°12'54" E a distance of 162.61' to a calculated point;
thence S 89°51'50" E a distance of 135.37' to a calculated point;
thence N 66°45'25" E a distance of 336.74' to a calculated point;
thence N 74°39'41" E a distance of 142.13' to a calculated point;
thence N 64°26'02" E a distance of 590.12' to a calculated point;
thence S 03°36'36" W a distance of 320.62' to a #5 rebar with a Parker Cap;
thence S 03°36'36" W a distance of 160.56' to a concrete monument;
thence S 17°29'50" W a distance of 999.67' to a rebar with a Cole Cap; which is the point of beginning, having an area of 2,588,321 square feet, 59.420 acres.

- 2: Upon and after the 4th day of January 2024, 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 on this 4th day of January 2024.

Attest: Barbara G. Volk, Mayor, City of Hendersonville

Jill Murray, City Clerk

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

STATE OF NORTH CAROLINA, COUNTY OF HENDERSON

I, _____, a Notary Public in Henderson County, State of North Carolina, do hereby certify that Barbara G. Volk in her capacity of Mayor of the City of Hendersonville, and Jill Murray, in her capacity of City Clerk personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial seal, this _____ day of _____, 2022.

My commission expires: _____

CERTIFICATE OF SUFFICIENCY

Re: Petition for Contiguous Annexation
Petitioners: Travis Fowler
File No. C23-92-ANX

To the Honorable Mayor and members of the City Council of Hendersonville, North Carolina:
I, Jill Murray, City Clerk, being first duly sworn, hereby certify that:

1. A petition has been received for contiguous annexation of property consisting of +/- 60.56 acres located at intersection of Lakewood Rd and Francis Rd in Hendersonville, NC, being tax parcel PINs 9579-38-2595, 9579-39-2060, 9579-29-0718 and 9579-19-2770, and being more particularly described on Exhibit A, attached hereto and incorporated by reference, hereinafter "Petition."
2. An investigation has been completed as required by N.C.G.S. § 160A-31 of the Petition for compliance with the requirements of N.C.G.S. § 160A-31.

Based upon this investigation, I find that

1. The Petition includes the names and addresses and signatures of all owners of real property lying in the area described therein.
2. The Petition was prepared in substantially the form prescribed by 160A-31(b).
3. The area described in the petition is contiguous to the City of Hendersonville's primary corporate limits, as defined by N.C.G.S. 160A-31(f).
4. The area for annexation meets all other requirements defined in NC 160A-31 regarding the character of the area to be annexed.

Having made the findings stated above, I hereby certify the Petition appears to be valid.

In witness hereof, I have set my hand and the City Seal on this the 7th day of December, 2023.

(City Seal)

Jill Murray

Jill Murray, City Clerk



EXHIBIT A
LEGAL DESCRIPTION

Being all of that real property consisting of PINs 9579-38-2595, 9579-39-2060, 9579-29-0718 and 9579-19-2770, described in the plat recorded in Book 2023- [to be inserted at recording of the plat] of the Henderson County Registry, said PINs 9579-38-2595, 9579-39-2060, 9579-29-0718 and 9579-19-2770, being described by metes and bounds as follows:

Beginning at a rebar with a Cole Cap, said rebar having the NCGS NAD 83-2011 Coordinates N:599,600.52 and E: 972,053.47;
 thence S 58°19'04" E a distance of 1071.47' to a #5 rebar;
 thence N 68°13'03" E a distance of 234.68' to a magnetic nail in the centerline of Lakewood Road;
 thence with the centerline of Lakewood Road the following two calls: N 33°13'29" E a distance of 75.09' to a magnetic nail;
 thence N 12°15'38" E a distance of 76.14' to a magnetic nail;
 thence leaving the centerline of Lakewood Road S 35°38'12" E a distance of 217.16' to a #5 rebar;
 thence S 59°32'02" E a distance of 69.71' to a #5 rebar;
 thence S 05°50'54" E a distance of 184.17' to a magnetic nail in the centerline of Francis Road;
 thence S 04°44'22" W a distance of 35.17' to a ½" open iron pipe as a 21" walnut tree;
 thence S 03°38'22" W a distance of 205.09' to a ½" open pipe at a creek;
 thence S 03°39'17" W a distance of 216.85' to a spike;
 thence S 00°36'39" W a distance of 32.07' to a concrete monument;
 thence S 02°10'36" E a distance of 232.01' to a NCDOT concrete monument;
 thence S 02°10'36" E a distance of 12.69' to a calculated point in the right-of-way of Interstate 26;
 thence with the right-of-way of Interstate 26 the following fourteen calls:
 N 51°53'55" W a distance of 109.99' to a calculated point;
 thence N 38°54'55" E a distance of 28.46' to a NCDOT aluminum-disk monument;
 thence N 50°54'31" W a distance of 41.60' to a NCDOT aluminum-disk monument;
 thence S 38°26'52" W a distance of 29.18' to a calculated point;
 thence N 51°53'55" W a distance of 181.95' to a calculated point;
 thence with a curve turning to the left with an arc length of 494.32', with a radius of 3954.72', with a chord bearing of N 57°53'26" W, with a chord length of 494.00', to a NCDOT concrete monument;
 thence N 59°08'29" W a distance of 696.10' to a NCDOT concrete monument;
 thence N 75°16'14" W a distance of 201.08' to a NCDOT concrete monument;
 thence N 51°21'17" W a distance of 415.79' to a NCDOT concrete monument;
 thence with a curve turning to the right with an arc length of 226.93', with a radius of 3634.72', with a chord bearing of N 53°17'53" W, with a chord length of 226.89', to a NCDOT concrete monument;
 thence N 50°22'20" W a distance of 671.13' to a NCDOT concrete monument;
 thence N 16°29'07" E a distance of 88.37' to a NCDOT concrete monument;
 thence N 37°48'06" W a distance of 207.56' to a #5 rebar;
 thence N 37°48'06" W a distance of 32.00' to the centerline of Clear Creek;
 thence with the centerline of Clear Creek the following eight calls:

N 34°36'07" E a distance of 101.80' to a calculated point;
thence N 53°37'31" E a distance of 159.48' to a calculated point;
thence N 38°23'40" E a distance of 263.30' to a calculated point;
thence N 44°12'54" E a distance of 162.61' to a calculated point;
thence S 89°51'50" E a distance of 135.37' to a calculated point;
thence N 66°45'25" E a distance of 336.74' to a calculated point;
thence N 74°39'41" E a distance of 142.13' to a calculated point;
thence N 64°26'02" E a distance of 590.12' to a calculated point;
thence S 03°36'36" W a distance of 320.62' to a #5 rebar with a Parker Cap;
thence S 03°36'36" W a distance of 160.56' to a concrete monument;
thence S 17°29'50" W a distance of 999.67' to a rebar with a Cole Cap; which is the point of beginning, having an area of 2,588,321 square feet, 59.420 acres.

Resolution #23-119

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION PURSUANT TO G.S. 160A-31

WHEREAS, a petition requesting annexation of the contiguous area described herein has been received; and

WHEREAS, certification by the City Clerk as to the sufficiency of the petition has been made;

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

Section 1. A public hearing on the question of annexation of the contiguous area described herein will be held at the City Operations Center located at 305 William St. Hendersonville NC, 28792 at 5:45 p.m. January 4th, 2024, or as soon thereafter as it may be heard.

Section 2. The area proposed for annexation is described as follows:

Being all of that real property consisting of PINs 9579-38-2595, 9579-39-2060, 9579-29-0718 and 9579-19-2770 described in the plat recorded in Book 2023-_____ [to be inserted at recording of the plat] of the Henderson County Registry, said PINs 9579-38-2595, 9579-39-2060, 9579-29-0718 and 9579-19-2770 being described by metes and bounds as follows:

Beginning at a rebar with a Cole Cap, said rebar having the NCGS NAD 83-2011 Coordinates N:599,600.52 and E: 972,053.47;

thence S 58°19'04" E a distance of 1071.47' to a #5 rebar;

thence N 68°13'03" E a distance of 234.68' to a magnetic nail in the centerline of Lakewood Road;

thence with the centerline of Lakewood Road the following two calls: N 33°13'29" E a distance of 75.09' to a magnetic nail;

thence N 12°15'38" E a distance of 76.14' to a magnetic nail;

thence leaving the centerline of Lakewood Road S 35°38'12" E a distance of 217.16' to a #5 rebar;

thence S 59°32'02" E a distance of 69.71' to a #5 rebar;

thence S 05°50'54" E a distance of 184.17' to a magnetic nail in the centerline of Francis Road;

thence S 04°44'22" W a distance of 35.17' to a ½" open iron pipe as a 21" walnut tree;

thence S 03°38'22" W a distance of 205.09' to a ½" open pipe at a creek;

thence S 03°39'17" W a distance of 216.85' to a spike;

thence S 00°36'39" W a distance of 32.07' to a concrete monument;

thence S 02°10'36" E a distance of 232.01' to a NCDOT concrete monument;

thence S 02°10'36" E a distance of 12.69' to a calculated point in the right-of-way of Interstate 26;

thence with the right-of-way of Interstate 26 the following fourteen calls:

N 51°53'55" W a distance of 109.99' to a calculated point;

thence N 38°54'55" E a distance of 28.46' to a NCDOT aluminum-disk monument;

thence N 50°54'31" W a distance of 41.60' to a NCDOT aluminum-disk monument;

thence S 38°26'52" W a distance of 29.18' to a calculated point;

thence N 51°53'55" W a distance of 181.95' to a calculated point;

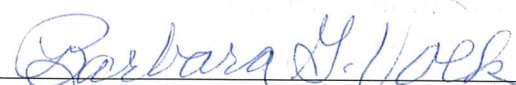
thence with a curve turning to the left with an arc length of 494.32', with a radius of 3954.72', with a chord bearing of N 57°53'26" W, with a chord length of 494.00', to a NCDOT concrete monument;
 thence N 59°08'29" W a distance of 696.10' to a NCDOT concrete monument;
 thence N 75°16'14" W a distance of 201.08' to a NCDOT concrete monument;
 thence N 51°21'17" W a distance of 415.79' to a NCDOT concrete monument;
 thence with a curve turning to the right with an arc length of 226.93', with a radius of 3634.72', with a chord bearing of N 53°17'53" W, with a chord length of 226.89', to a NCDOT concrete monument;
 thence N 50°22'20" W a distance of 671.13' to a NCDOT concrete monument;
 thence N 16°29'07" E a distance of 88.37' to a NCDOT concrete monument;
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 thence S 17°29'50" W a distance of 999.67' to a rebar with a Cole Cap; which is the point of beginning, having an area of 2,588,321 square feet, 59.420 acres.

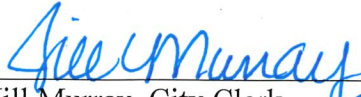
Re: Petition for Contiguous Annexation
 Petitioners: Travis Fowler
 File No. C23-92-ANX

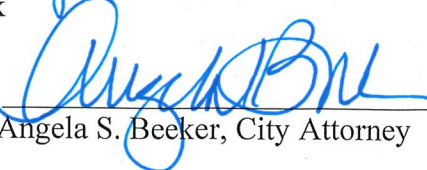
Section 3. Notice of the public hearing shall be published once in The Hendersonville Times-News, a newspaper having general circulation in the City of Hendersonville, at least 10 days prior to the date of the public hearing.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 7th day of December 2023.

Attest:


 Barbara G. Volk, Mayor, City of Hendersonville


 Jill Murray, City Clerk

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

BOUNDARY CHART

Table with 3 columns: LINE, BEARING, DISTANCE. Lists lines L1 through L23 with their respective bearings and distances.

Table with 4 columns: CURVE, RADIUS, ARC LENGTH, CHORD BEARING, CHORD LENGTH. Lists curves C1 and C2 with their geometric data.

STREAMBANK MAINTENANCE EASEMENT LINE CHART

Table with 3 columns: LINE, BEARING, DISTANCE. Lists lines L24 through L44 with their respective bearings and distances.

TIE-LINE CHART

Table with 3 columns: LINE, BEARING, DISTANCE. Lists lines L45 through L51 with their respective bearings and distances.

- PLAT NOTES: 1. The bearings on this plat are NC Grid (NAD 83) bearings... 2. Total area of parcels: 59,420 Acres or 2,588,321 square feet... 3. Per deeds of record, the areas within the right-of-ways of Francis Road and Lakewood Road are not fee simple...

LEGEND: SUBJECT PROPERTY LINE @ PROPOSED ANNEXATION, SUBJECT PROPERTY LINE @ EXISTING CITY LIMITS, ADJOINER'S PROPERTY LINE, RIGHT-OF-WAY, EASEMENT, PAVEMENT, SANITARY SEWER LINE, CENTERLINE OF CREEK, MONUMENT FOUND, REBAR FOUND, IRON PIPE FOUND, NAIL FOUND, CALCULATED POINT, CORNER TREE FOUND, SEWER MANHOLE, FLOODWAY, 100 YEAR FLOODPLAIN, 500 YEAR FLOODPLAIN.

SCALE 1"=150'



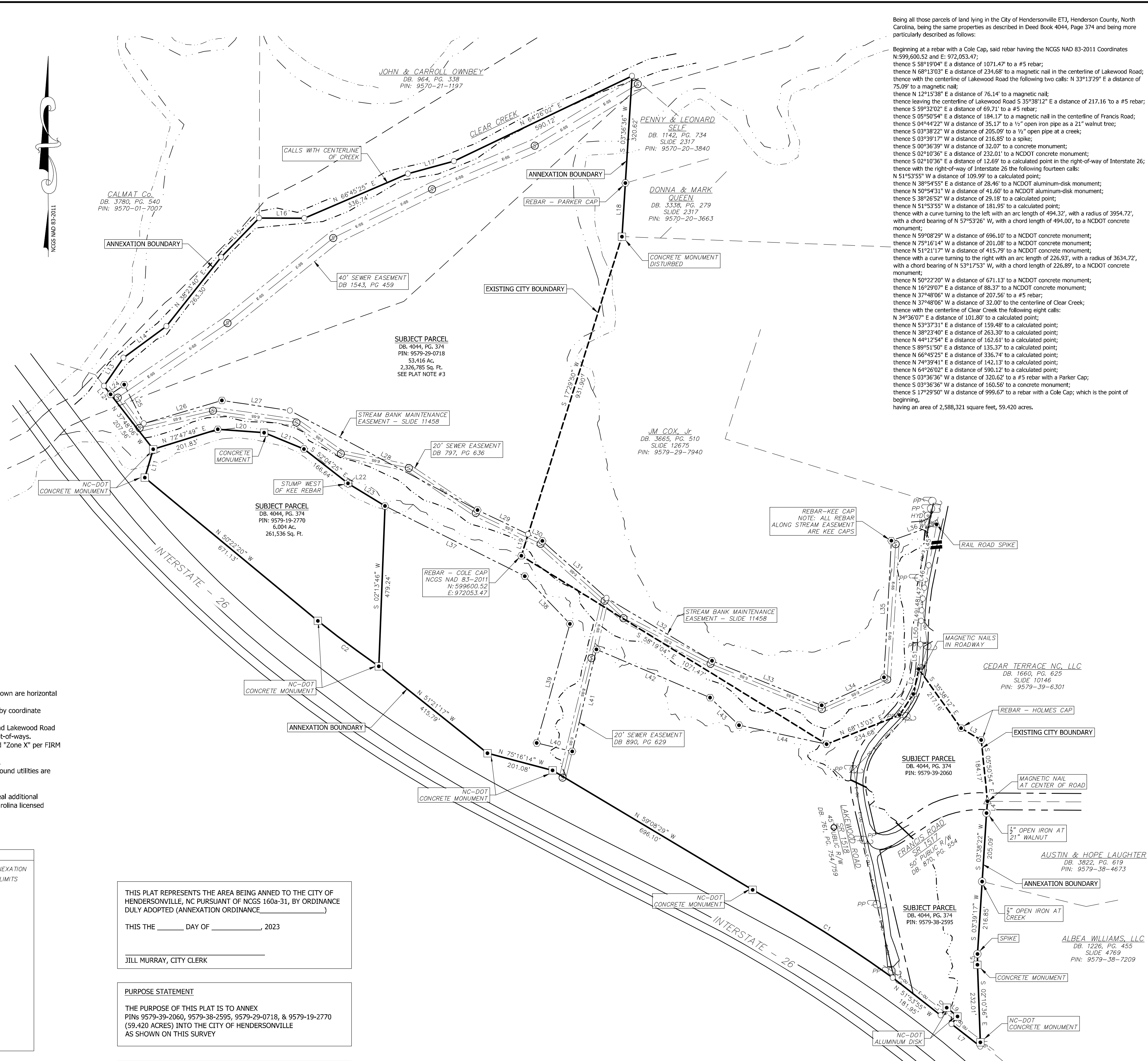
PROJECT#: 568222

THIS PLAT REPRESENTS THE AREA BEING ANNED TO THE CITY OF HENDERSONVILLE, NC PURSUANT OF NCGS 160a-31, BY ORDINANCE DULY ADOPTED (ANNEXATION ORDINANCE)

THIS THE ____ DAY OF _____, 2023
JILL MURRAY, CITY CLERK

PURPOSE STATEMENT
THE PURPOSE OF THIS PLAT IS TO ANNEX PINs 9579-39-2060, 9579-38-2595, 9579-29-0718, & 9579-19-2770 (59.420 ACRES) INTO THE CITY OF HENDERSONVILLE AS SHOWN ON THIS SURVEY

CURRENT LISTED OWNERS (AT TIME OF SURVEY)
PER HENDERSON COUNTY GIS DATABASE:
9579-39-2060, 9579-38-2595, 9579-29-0718, & 9579-19-2770
LAKEWOOD HENDERSONVILLE, LLC
542 SOUTH CALDWELL ST.
BREVARD, NC 28712



Being all those parcels of land lying in the City of Hendersonville ETJ, Henderson County, North Carolina, being the same properties as described in Deed Book 4044, Page 374 and being more particularly described as follows:
Beginning at a rebar with a Cole Cap, said rebar having the NCGS NAD 83-2011 Coordinates N:599,600.52 and E: 972,053.47; thence S 58°19'04" E a distance of 1071.47' to a #5 rebar; thence N 68°13'03" E a distance of 234.68' to a magnetic nail in the centerline of Lakewood Road; thence with the centerline of Lakewood Road the following two calls: N 33°13'29" E a distance of 75.09' to a magnetic nail; thence N 12°15'38" E a distance of 76.14' to a magnetic nail; thence leaving the centerline of Lakewood Road S 35°38'12" E a distance of 217.16' to a #5 rebar; thence S 59°32'02" E a distance of 69.71' to a #5 rebar; thence S 05°50'54" E a distance of 184.17' to a magnetic nail in the centerline of Francis Road; thence S 04°44'22" W a distance of 35.17' to a 1/2" open iron pipe as a 21" walnut tree; thence S 03°38'22" W a distance of 205.09' to a 1/2" open pipe at a creek; thence S 03°39'17" W a distance of 216.85' to a spike; thence S 00°36'39" W a distance of 32.07' to a concrete monument; thence S 02°10'36" E a distance of 232.01' to a NCDOT concrete monument; thence S 02°10'36" E a distance of 12.69' to a calculated point in the right-of-way of Interstate 26; thence with the right-of-way of Interstate 26 the following fourteen calls: N 51°53'55" W a distance of 109.99' to a calculated point; thence N 38°54'55" E a distance of 28.46' to a NCDOT aluminum-disk monument; thence N 50°54'31" W a distance of 41.60' to a NCDOT aluminum-disk monument; thence S 39°35'52" W a distance of 183.61' to a calculated point; thence N 51°53'55" W a distance of 181.95' to a calculated point; thence with a curve turning to the left with an arc length of 494.32', with a radius of 3954.72', with a chord bearing of N 57°53'26" W, with a chord length of 494.00', to a NCDOT concrete monument; thence N 59°08'29" W a distance of 696.10' to a NCDOT concrete monument; thence N 75°16'14" W a distance of 201.08' to a NCDOT concrete monument; thence N 51°21'17" W a distance of 415.79' to a NCDOT concrete monument; thence with a curve turning to the right with an arc length of 226.93', with a radius of 3634.72', with a chord bearing of N 53°17'53" W, with a chord length of 226.89', to a NCDOT concrete monument; thence N 50°22'20" W a distance of 671.13' to a NCDOT concrete monument; thence N 16°29'07" E a distance of 88.37' to a NCDOT concrete monument; thence N 37°48'06" E a distance of 207.56' to a #5 rebar; thence S 37°48'06" W a distance of 32.00' to the centerline of Clear Creek; thence with the centerline of Clear Creek the following eight calls: N 34°36'07" E a distance of 101.80' to a calculated point; thence N 53°37'31" E a distance of 159.48' to a calculated point; thence N 38°23'40" E a distance of 263.30' to a calculated point; thence S 44°12'54" E a distance of 183.61' to a calculated point; thence S 89°51'50" E a distance of 135.37' to a calculated point; thence N 66°45'25" E a distance of 336.74' to a calculated point; thence N 74°39'41" E a distance of 142.13' to a calculated point; thence N 64°26'02" E a distance of 556.12' to a calculated point; thence S 03°36'36" W a distance of 200.02' to a #5 rebar with a Parker Cap; thence S 03°36'36" W a distance of 160.56' to a concrete monument; thence S 17°29'50" W a distance of 999.67' to a rebar with a Cole Cap; which is the point of beginning, having an area of 2,588,321 square feet, 59,420 acres.

GLOBAL POSITIONING SYSTEM CERTIFICATION (NC VRS-RTK)
I, Troy A. Shriver, certify that this map was drawn under my supervision from an actual GPS survey made under my supervision and the following information was used to perform the survey:
1. Class of Survey: Class A Survey
2. Positional Accuracy (95% Confidence): 0.03' Horizontal 0.06' Vertical
3. Type of GPS Field Procedure: NC VRS-RTK Network Solutions Using Carlson BR7 System
4. Date of Observations: 5-10-22 thru 9-7-22
5. Datum/Epoch: NAD83/Epoch 2011

I, Troy A. Shriver, Professional Land Surveyor certify to one or more of the following as indicated (G.S. 47-30(f)(11)):
C. Any one of the following:
1. That the survey is of an existing parcel or parcels of land or one or more existing easements and does not create a new street or change an existing street.

I, Troy A. Shriver, certify that this plat was drawn by me from an actual survey made under my supervision (deed description recorded in Deed Book 857, Page 631 and Deed Book 1051, Page 453); that the boundaries not surveyed are clearly indicated as drawn from information found in Book N/A, Page N/A; that the ratio of precision as calculated is 1:10000; that this plat was prepared in accordance with G.S. 47-30 as amended.
11/1/2023 | 1:20 PM PDT
Witness my hand and seal this date of _____
Troy Shriver
Professional Land Surveyor
Certificate Number L-5063



Annexation Plat For:
THE CITY OF HENDERSONVILLE
AT THE INTERSECTION OF FRANCIS ROAD
AND LAKEWOOD ROAD
PINs 9579-29-0718, 9579-19-2770, 9579-38-2595,
& 9579-39-2060
Owner of record: Lakewood Hendersonville, LLC
Deed Book 4044, Page 374
Plat Slides: 10146, 11458, & 12675
Tax PIN: 9579-29-0718, 9579-19-2770,
9579-38-2595, & 9579-39-2060
Hendersonville Township Henderson County, NC
November 1, 2023 Scale: 1" = 150'

Table with 3 columns: Rev No., Description, Date. Shows revision 1 (Initial submittal for review, 9-13-22) and revision 2 (Revised per comments, 11-1-23).

BROOKS ENGINEERING ASSOCIATES
BROOKS ENGINEERING ASSOCIATES
17 ARLINGTON STREET
ASHEVILLE, N.C. 28801
Phone: (828) 232-4700
Fax: (828) 232-1331

DRAWN BY: TAS CHECKED BY: PES

Beginning at a rebar with a Cole Cap, said rebar having the NCGS NAD 83-2011 Coordinates N:599,600.52 and E: 972,053.47;

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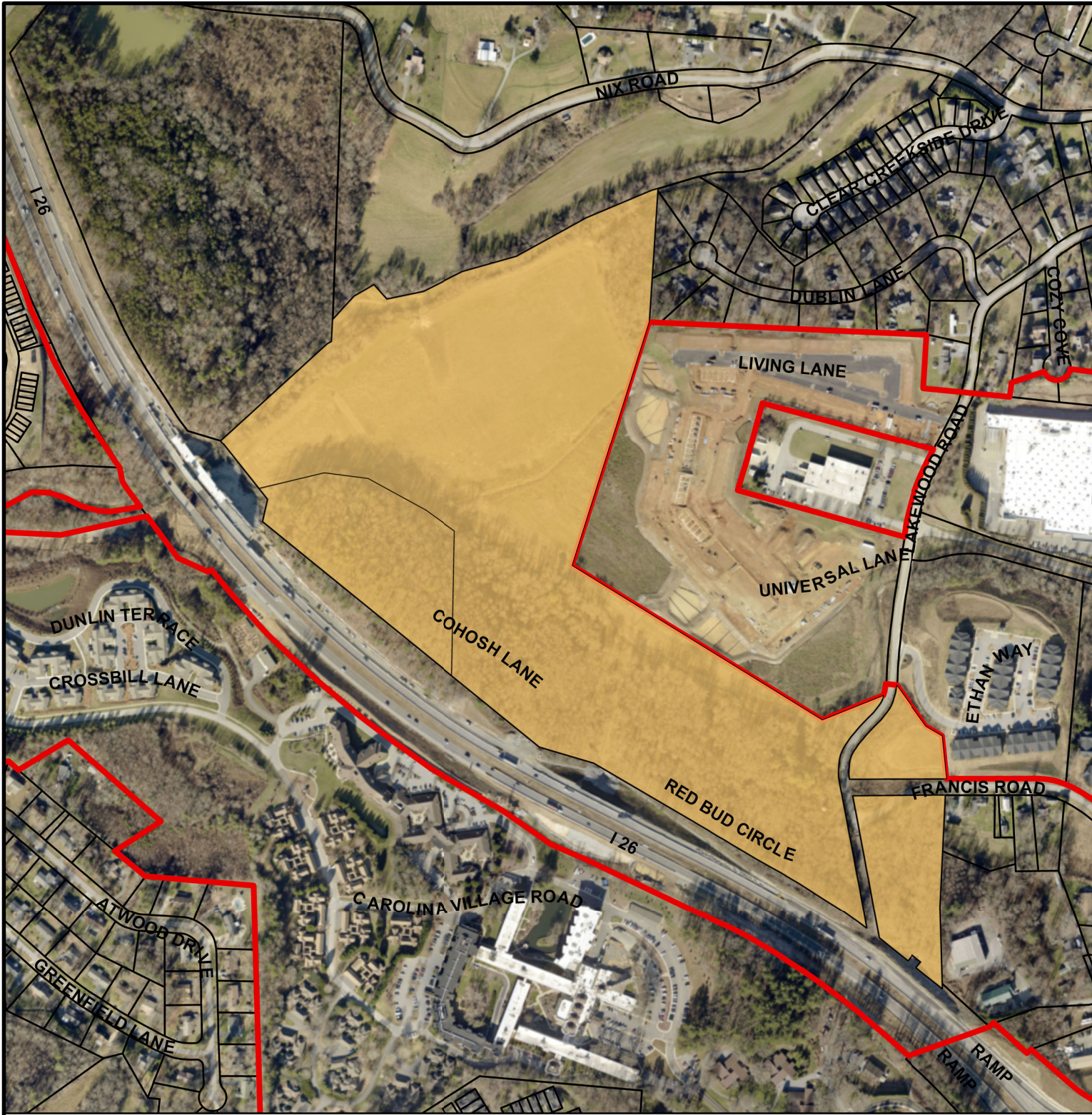
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Lakewood Annexation P23-92-ANX

PINs: 9579-38-2595, 9579-39-2060,
 9579-29-0718 and 9579-19-2770

**Acreage: 59.42
 Annexation**

Community Development Department

 Hendersonville City Limits  Subject Parcels



BK 4044 PG 374 - 377 (4)

DOC# 1000997849

This Document eRecorded:

05/16/2023 04:22:43 PM

Fee: \$26.00

Henderson County, North Carolina
William Lee King, Register of Deeds

Tax: \$4,400.00

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$4,400.00

Parcel Identifier No: 10000166, 10004091, 10006079 & 9968081 Verified by _____ County on the ____ day of _____, 20____
By: _____

Mail/Box to: Donald E. Jordan, 4 West Main Street, Brevard, NC 28712 ←

This instrument was prepared by: Sherri L. Brewer DEED PREP ONLY TITLE NOT EXAMINED

Brief description for the Index:

THIS DEED made this 19 day of April, 2023, by and between

GRANTOR

GRANTEE

GROUP VENTURES, INC. a North Carolina Corporation

Lakewood Hendersonville, LLC, a North Carolina Limited Liability Company

314 Fourth Avenue West
Hendersonville, NC 28739

542 S. Caldwell Street
Brevard, NC 28712

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in Henderson County, North Carolina and more particularly described as follows:

SEE ATTACHED EXHIBIT A.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 857 at Page 631 and Book 1051 at Page 453.

All or a portion of the property herein conveyed ___ includes or X does not include the primary residence of a Grantor.

A map showing the above-described property is recorded in Plat Slide 10146.

Submitted electronically by "Donald E. Jordan"
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Henderson County Register of Deeds.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

Subject to Henderson County ad valorem taxes.
Subject to Restrictions, Easements, and Rights of Way of Record.

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

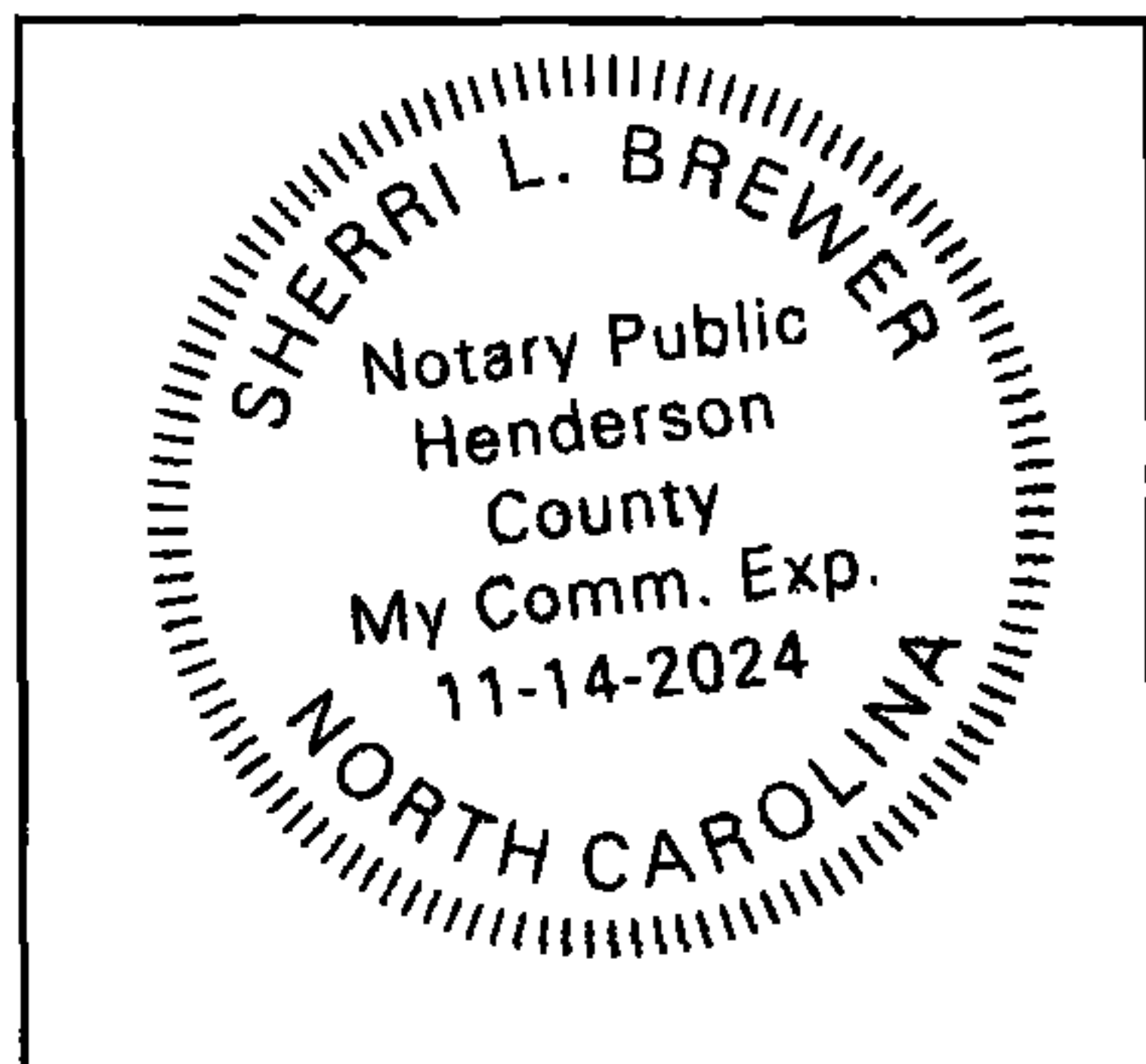
Group Ventures, Inc.

(SEAL)

By: Jon Laughter
Jon Laughter - President

By: _____
Title: _____

By: _____
Title: _____



(Affix Seal)

State of NORTH CAROLINA - County of HENDERSON

I, the undersigned Notary Public of the County and State aforesaid, certify that Jon Laughter personally came before me this day and acknowledged that he is the President of Group Ventures, Inc., a North Carolina Corporation, and that by authority duly given and as the act of such entity, he signed the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal this 19th day of April, 2023.

My Commission Expires:
11-14-2024

Sherri L. Brewer
Sherri L. Brewer Notary Public
Notary's Printed or Typed Name

EXHIBIT A

TRACT ONE: REID: 10000166 PIN# 9579392060

TRACT TWO: REID: 10004091 PIN# 9579382595

TRACT THREE: REID: 10006079 PIN# 9579290718

BEGINNING at an iron pin located in the center of Francis Road, S.R. 1517, said iron pin being the northwesternmost corner of the R.D. Williams property as recorded in Deed Book 616 at Page 557, Henderson County Registry, and running thence from said beginning point and with the center of Francis Road the following calls, North 89° 45' 26" East 316.75 feet and thence in a southern direction along a curve to the right, with a radius of 288.00 feet, an arc of 114.93 feet and a chord bearing of South 78° 48' 39" East 114.17 feet to an iron pin; thence leaving said Francis Road, North 04° 53' 50" East 768.74 feet to an iron pin; thence South 74° 24' 31" East 509.00 feet to an iron pin; thence North 05° 19' 42" East 737.05 feet to an iron pin; thence North 84° 28' 04" West 957.55 feet; thence crossing Lakewood Road S. R. 1518, North 83° 53' 34" West 188.05 feet to an iron pin; thence North 03° 57' 39" East 196.62 feet to an iron pin; thence North 87° 47' 45" West 1017.82 feet to an iron pin; thence North 03° 24' 06" East 478.35 feet to an iron pin; thence South 63° 29' 35" West 578.14 feet to an iron pin; thence South 77° 08' 49" West 144.72 feet to an iron pin; thence South 65° 02' 43" West 200.18 feet to an iron pin; thence North 75° 45' 51" West 165.25 feet to an iron pin; thence South 32° 43' 37" West 150.03 feet to an iron pin; thence South 60° 07' 55" West 114.41 feet to an iron pin; thence South 45° 50' 31" West 653.46 feet to an iron pin; thence South 40° 44' 08" East 297.34 feet to an iron pin; thence North 17° 00' 22" East 88.57 feet to an iron pin; thence North 72° 32' 03" East 202.02 feet to an iron pin; thence South 67° 54' 58" East 127.11 feet to an iron pin; thence South 52° 17' 45" East 165.00 feet to an iron pin; thence South 58° 47' 45" East 133 feet to an iron pin; thence South 02° 20' 59" West 480.22 feet to an iron pin; thence South 51° 19' 41" East 416.01 feet to an iron pin; thence South 75° 15' 54" East 201.10 feet to an iron pin; thence South 59° 6' 52" East 696.52 feet to an iron pin; thence in a southern direction along a curve to the right with a radius of 3954.72 feet, an arc of 494.32 feet and a chord bearing of South 57° 52' 45" East 494.00 feet to an iron pin; thence South 51° 53' 14" East 332.73 feet to an iron pin; thence North 00° 09' 40" East 12.64 feet to an iron pin; thence North 02° 07' 11" West 231.90 feet to an iron pin; thence North 03° 24' 20" East 487.18 feet to the point and place of BEGINNING, containing 115.536 acres, more or less, and shown on a plat prepared by Laughter, Austin and Associates, P.A., dated February 14, 1992.

LESS AND EXCEPTING from the operation of title conveyance that certain 5 acre tract heretofore conveyed to the U.S. Postal Service by Deed recorded in Deed Book 836 at Page 127, Henderson County Registry and that 13.92 acres conveyed in Deed Book 1045 at Page 210; that 1.89 acres conveyed in Deed Book 1045 at Page 215; that 11.13 acres conveyed in Deed Book 1660 at Page 625; and that 29.198 acres conveyed in Book 3665 at Page 510, all in the Office of the Register of Deeds for Henderson County, North Carolina.

ALSO BEING all that property conveyed to Grantor by that certain deed recorded in Book 857 at Page 631, Henderson County Registry

TRACT FOUR: REID: 9968081 PIN #9579192770

BEING a portion of the Nelle B. Cantrell property described in Book 280, Page 39 of the Records of Deeds for Henderson County and being all that portion of Tract 2 as described in said deed which is located northeast of Interstate Highway 26. Containing 6 acres according to survey of the Nelle B. Cantrell property by Laughter, Austin and Associates, P.A. Job No. 94-191 and being bound on the southwest by Interstate Highway 26 and on the north and east by property of Group Ventures, Inc. described in Book 424, Page 367 of the Records of Deeds for Henderson County.

ALSO BEING all that property conveyed to Grantor by that certain deed recorded in Book 1051 at Page 453, Henderson County Registry.



CITY OF HENDERSONVILLE
COMMUNITY DEVELOPMENT DEPARTMENT
100 N. King Street, Hendersonville, NC 28792
Phone (828) 697-3010|Fax (828) 698-6185
www.hendersonvillenc.gov

Petition Requesting Annexation

The following are the **required** submittals for a complete application for a Voluntary Annexation. Staff will not review applications until each item has been submitted and determined complete. By placing a check mark by each of the following items, you are certifying that you have performed that task.

- 1. Completed Application Form
- 2. A copy of the deed indicating ownership of the property.
- 3. A Survey Plat of the property prepared by a registered surveyor licensed to practice in the state of North Carolina.
- 4. A typed boundary description of the property.

A. Property Information

PIN(s): 9579-38-2595, 9579-39-2060, 9579-29-0718
9579-19-2770
Address(es) / Location of Property: Lakewood Road

Does this property adjoin the present City Limits? Yes No

Is the property within the ETJ? Yes No

Reason for Annexation: City services.

B. Property Owner Contact Information

Travis Fowler

* Printed Applicant Name

Date

Lakewood Hendersonville, LLC

Printed Company Name (if applicable)

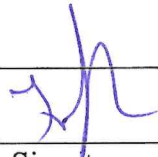
Corporation

Limited Liability Company

Trust

Partnership

Other:



Property Owner Signature

Manager

Property Owner Title (if applicable)

542 S Caldwell St.

Address of Property Owner

Brevard Nc 28712

City, State, and Zip Code

828-884-7934

Telephone

travis@firstvictory.com

Email

C. Additional Property Owner Contact Information

* Printed Applicant Name

Date

Printed Company Name (if applicable)

Corporation Limited Liability Company Trust Partnership

Other: _____

Property Owner Signature

Property Owner Title (if applicable)

Address of Property Owner

City, State, and Zip Code

Telephone

Email

AARP Livable Communities Application

Section 1: Community Details

State: North Carolina

Community Name: City of Hendersonville

Total Population: 15,321

Percentage of Residents Age 65 or Older: 31%

Median Age: 51.9

Community Governance Structure: Council / Manager

Community Type: City

*Elected Official contact: Mayor Barbara Volk (bvolk@hvlnc.gov \ 828-693-5692)

*Community Contact: Matthew Manley, AICP | Special Projects Manager

Matthew is the Special Projects Manager in the Community Development Dept for the City of Hendersonville. He serves as a liaison to the Henderson County Aging Coalition Steering Committee. He oversees planning and assist with the implementation of various long-range projects such as Bicycle and Pedestrian Plans and Facilities, development of the City's Comprehensive Plan and Future Land Use Map and implementation of zoning strategies.

Section 2: Community Activities, Engagements and Collaborations

Briefly describe your existing community policies, programs and services that are targeted toward older people. Please identify how your community plans to become more age-friendly. (250-300 words required)

The City of Hendersonville aims to build upon efforts to be age-friendly through the approval and implementation of its long-term plans. The City's Pedestrian Plan, called "*Walk Hendo*", was adopted on December 7th, 2023. It will help make the community pedestrian-friendly by providing safer sidewalks and walkable connections - like those funded by the AARP Community Challenge Grant that was awarded to the Friends of Downtown Hendersonville in 2021. Through these initiatives, seniors will have greater mobility throughout the city.

The City's "*Gen H*" 2045 Comprehensive Plan, due to be adopted in summer 2024, will outline the way our city will develop and spend funds in the future. This plan has largely been informed by the city's Senior Population due to targeted outreach and tailored efforts to give a voice to our aging residents. As such, the goals of *Gen H* are to establish a long-term vision for an age-friendly community through sustainable growth in areas such as public infrastructure, community character, natural resources, parks/recreation, economic development, etc.

Other local service providers include WNCSource - a local organization that focuses on healthier living, transportation, and paths to independence. They facilitate free/low-cost public transportation and ADA-Paratransit through Apple Country Transit - which runs throughout Henderson County transporting residents to appointments, shopping, activity programs,

employment, etc. They also provide meals and housing aid to elder adults. The Council on Aging is another local organization which provides and connects seniors to services. They organize Meals on Wheels, a Senior Companion program, Congregate Dining, and are the hub for seniors to find information and aid. True Ridge is a local nonprofit that provides bilingual and culturally appropriate services and resources for the Hispanic community - providing assistance with food, transportation, and legal aid. The City has dedicated \$50,000 in funding to this organization.

How will older adults be involved in the community's efforts to become more age-friendly? (250-300 words required)

The Henderson County Aging Coalition is a group of local stakeholders which aims “to create an inclusive age friendly community”. This advocacy group has been very involved in supporting the City’s long-term planning efforts. They’ve been supporters of the City’s recently-adopted *Walk Hendo* Pedestrian Plan, as they see these efforts as essential to creating an age-friendly community. The goals of the plan were identified through community engagement activities (public meetings, surveys, etc.) The elderly community was able to speak out about their mobility needs throughout the city. The City and NCDOT are using the plan’s guidance to direct how projects are constructed, make policy choices, and apply for new types of funding. *Walk Hendo* will build pedestrian connections throughout the city; offering safer walking routes, connections to resources, and the framework for a more engaged community. Once implemented, all residents, especially seniors, will benefit from the positive impacts made to transportation, public health, social networks, and the natural and built environments.

The City’s 2045 *Gen H* Comprehensive Plan, is also founded on community engagement. City staff and their consultants have utilized a number of techniques, in collaboration with the Aging Coalition, to engage seniors. These include: a focus group interview held with Senior Population stakeholders; participation at the Council on Aging’s Congregate Lunch; staff-led mapping exercise conducted for the Aging Coalition; and visiting local retirement village to promote the Gen-H survey. Ultimately the results of the City-wide survey show that 32% of survey respondents were 65+. While this aligns with the current distribution of our population, it should be noted that an additional 21% of respondents were between the ages of 56-65. The voice of the aging population is being heard and will continue to inform the development and implementation of the *Gen H* Comprehensive Plan.

How will the efforts to become more age-friendly increase collaboration and coordination among relevant community agencies and departments? (250-300 words required)

The Henderson County Aging Coalition’s efforts have already resulted in a number of community partners working in collaboration. The Coalition has had great success in bringing both the City and the County to the same table to discuss issues related to creating an age-friendly community. Their efforts have also helped to inform the development of the City’s *Walk Hendo* Plan and *Gen H* Comprehensive Plan.

The *Walk Hendo* Plan aims to make mobility in Hendersonville safer and easier. *Walk Hendo* was made possible with a grant from the NCDOT and a financial match from the Blue Ridge

Bicycle Club. The plan will facilitate direction for NCDOT and guide local government investments toward active transportation facilities. Implementation of the *Walk Hendo* Plan is more likely to occur with the ongoing collaboration and coordination that is occurring between community partners. This will result in safer areas for pedestrians, more sidewalks, supportive policies, and a culture that supports a more friendly and walkable community. As a result of these efforts, community agencies and departments will be much more connected. By addressing the “last mile” senior populations will have easier access to Apple Country transit and thus the resources and programs they need, such as True Ridge and the Council on Aging, will be more accessible.

Through the community engagement process for both *Walk Hendo* and *Gen H*, the local government has been successful in fostering better relationships with residents and community partners. These relationships will continue to flourish and provide new opportunities for cooperation as we shift to the implementation phase. Ultimately, the collaboration and coordination associated with these planning efforts will enhance personal independence, improve public health, and provide many more opportunities for the elderly population to engage in civic, economic, and social life as they age.

Section 3: Network Membership

Your answers to the following questions will help us complete your community's membership in the age-friendly network and enable AARP to better understand how to support the network.

1-a. What motivated your community to join the AARP Network of Age-Friendly States and Communities. (100 words minimum)

Hendersonville's Population has a Median Age of 51.9 - 20+ years older than the rest of the nation. The percentage of seniors living in our community (30.8%) is 13.5% higher than the rest of North Carolina (17.4%) and the country (17.3%). While some existing resources are in place, continued learning and adapting is imperative. Joining the AARP Network would allow Hendersonville to further connect to a hub of resources - bringing fresh, innovative, and proven approaches to our efforts. As a member community, we can also help other member communities learn from our successes/failures.

1-b. If you have consulted with an AARP State office or the national AARP Livable Communities team to discuss enrollment, please provide that person's name, title and e-mail address or phone number.

2. What aspect of your community's current or intended age-friendly work could be useful to other communities in the network? (100 words minimum)

In addition to the efforts/structure of the Aging Coalition, the aspects of both the *Walk Hendo* and *Gen H* plans could be offered as resources for other communities looking to implement long-range planning for age-friendly communities. *Walk Hendo* combined research and expertise with community input to propose transportation projects designed for all users. *Gen H* developed/used an innovative mapping exercise to solicit input from residents related to where various elements of the city should be placed as the city continues to grow in the future.

Communities with similar demographics could adapt these models and apply them to their own initiatives.

Section 4: Required Materials

1-a. Letter of Commitment

Provide a digital file (PDF preferred) of the signed document.

the following items must be addressed in a Letter of Commitment that is signed by the community's highest elected leader.

1. *Establishing mechanisms to involve older people*
2. *A baseline assessment of the age-friendliness of the community*
3. *The development of a community-wide action plan based on the findings of the assessment*
4. *Identification of indicators so progress can be monitored against the action plan*

1-b. Resolution or Proclamation (optional)

If your community issued either document in addition to the commitment letter, provide a digital file (PDF preferred) here.

LETTER OF COMMITMENT: See Attached of Draft Letter

2. Logo or Image

Provide a digital file (JPG preferred) and/or a link to a downloadable logo or other image that represents your community and for which you have reprint rights and permission to provide for use by AARP and the World Health Organization.

Please email attachments of items 1-a, 1-b and your community's logo or image to AARPAge-FriendlyNetwork@aarp.org

Website URL - [CityOfHendo Logo 2022.jpg](#)

Section 5: Social Media

Facebook: <https://www.facebook.com/HVLNC/>

Twitter: N/A

Section 6: Agreement

CITY COUNCIL:
BARBARA G. VOLK
Mayor
LYNDSEY SIMPSON
Mayor Pro Tem
DR. JENNIFER HENSLEY
DEBBIE O'NEAL-ROUNDTREE
JERRY A. SMITH, JR.

CITY OF HENDERSONVILLE

The City of Four Seasons

COMMUNITY DEVELOPMENT DEPARTMENT LEW HOLLOWAY - DIRECTOR PLANNING DIVISION

Section 9, Item A.

JOHN F. CONNET
City Manager
ANGELA S. BEEKER
City Attorney
JILL MURRAY
City Clerk

Michael Olender, Director
AARP North Carolina
5511 Capital Center Drive, Suite 400
Raleigh, NC 27606

December 18, 2023

Dear Mr. Olender:

On behalf of the City of Hendersonville, North Carolina, we are delighted to express our commitment to better serving our elderly population by growing and improving the City to become more age friendly. Hendersonville is dedicated to the success of our elderly population by helping them successfully participate in a civic, economic, and social life. It would be an honor to become part of the AARP Livable Communities Network.

With the passage of Hendersonville's *Walk Hendo Pedestrian Plan*, and alongside the development of our 2045 "*Gen H*" *Comprehensive Plan*, we are committed to improving the lives of our elderly population. The *Walk Hendo* initiative will guide the City's sidewalk policies, street improvements and private development projects - ultimately making the city better connected and safer with improved mobility for seniors. Heavily based upon feedback from our aging residents, *Gen H* will guide the city's development over the next 10 to 15 years by addressing housing, transportation, community services, recreation, and more. These plans all harness the values of AARP's Eight Domains of Livability in making a city more age-friendly through transportation, civic participation, communication and engagement, respect and social inclusion, social participation, health services, housing, and outdoor spaces.

As a member of the AARP Livable Community Network it is the intent of the City of Hendersonville to:

- Become an active and engaged member of the AARP Age-Friendly Network
- Maintain a staff liaison to the Henderson County Aging Coalition and continue to support the work of those community partners that are actively working with our senior population.
- Implement *Gen H* and *Walk Hendo* while engaging the public to gain adequate responses on the effectiveness of our plans.
- Evaluate our performance and progress with annual updates on the status of the goals and objectives of *Gen H* and *Walk Hendo*. These annual updates will be shared with our community partners.

We are delighted to be considered to become a part of a network that is so dedicated to better serving our community and other communities across the country. We look forward to learning, engaging, and participating with the organization as we endeavor to make our city a better place to live and age.

Warmest Regards,

Barbara G. Volk, Mayor, City of Hendersonville
100 N. King St.
Hendersonville, NC 28792

www.hendersonvillenc.gov

Phone: 828.697.3010
Fax: 828.698.6145

Resolution #23-XX

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL
TO APPROVE THE AARP LIVABLE COMMUNITIES APPLICATION**

WHEREAS, the City of Hendersonville is desirous to better serve our elderly population by growing and improving the City to become more age friendly; and

WHEREAS, Hendersonville is dedicated to the success of our elderly population by helping them successfully participate in a civic, economic, and social life; and

WHEREAS, it would be an honor to become part of the AARP Livable Communities Network; and

WHEREAS, with the passage of Hendersonville’s *Walk Hendo Pedestrian Plan*, and alongside the development of our *2045 “Gen H” Comprehensive Plan*, we are committed to improving the lives of our elderly population.

THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HENDERSONVILLE, NORTH CAROLINA that:

1. The City of Hendersonville will pursue designation as an AARP Livable Community and become an active and engaged member of the AARP Age-Friendly Network.
2. The City of Hendersonville will maintain a staff liaison to the Henderson County Aging Coalition and continue to support the work of those community partners that are actively working with our senior population.
3. The City of Hendersonville will implement Gen H and Walk Hendo while engaging the public to gain adequate responses on the effectiveness of our plans.
4. The City of Hendersonville will evaluate our performance and progress with annual updates on the status of goals and objectives of Gen H and Walk Hendo and these updates will be shared with our community partners.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 4th day of January, 2024.

Attest:

Barbara G. Volk, Mayor, City of Hendersonville

Jill Murray, City Clerk

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

CITY COUNCIL:
BARBARA G. VOLK
Mayor
LYNDSEY SIMPSON
Mayor Pro Tem
DR. JENNIFER HENSLEY
DEBBIE O'NEAL-ROUNDTREE
JEFFERY L. MILLER



Section 9, Item B.

JOHN F. CONNET
City Manager
ANGELA S. BEEKER
City Attorney
JILL MURRAY
City Clerk

November 9, 2023

Roy McClure
Federal Emergency Management Agency
Region IV
Koger Center - Rutgers Building 3003 Chamblee-Tucker Road
Atlanta, GA 30341

Dear Mr. McClure:

The City of Hendersonville, North Carolina is s interested in participating in the Community Rating System (CRS) so that our residents will qualify for discounted flood insurance premiums.

Our CRS Coordinator is Michael Huffman, who can be reached at 828-458-5693, or mhuffman@hvlnc.gov

We will cooperate with FEMA, the Insurance Services Office, Inc. (ISO), and the CRS verification process to ensure that our credited activities are fully earned and warranted.

Please ask ISO to visit us to review our program in depth and verify the creditable activities. We understand that approval from the FEMA Regional Office is needed for the ISO/CRS Specialist to visit the community.

Sincerely,

X

John F. Connet
City Manager, City of Hendersonville



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

SUBMITTER: Michael Huffman, Stormwater Division Manager **MEETING DATE:** January 4, 2024

AGENDA SECTION: NEW BUSINESS **DEPARTMENT:** Stormwater

TITLE OF ITEM: Sole Source Justification of Channeline GRP Box Culvert for the Highland Ave. Culvert Repair Project – *Michael Huffman, Stormwater Division Manager*

SUGGESTED MOTION(S):

I move City Council adopt the *Resolution by the City of Hendersonville City Council to Authorize the Sole-Source Selection of Channeline GRP Box Culvert for the Highland Ave. Culvert Repair Project* as presented.

SUMMARY:

In April 2023 Stormwater division staff discovered a failure in a box culvert that runs under Highland Ave. Due to the depth of the structure and existing utilities in close proximity to the culvert, stormwater staff are recommending a trenchless repair approach. This requires the installation of a custom segmented liner produced by Channeline International Fiber Glass Manufacturing that will be inserted into the existing culvert to extend the usable life of this critical stormwater asset.

NCGS 143-129(e) lists the authorized exceptions to the formal bid procedures. NCGS 143-129(e)(6) allows for purchases of apparatus, supplies, materials, or equipment to be purchasing using sole-source exception when: (i) performance or price competition for a product are not available; (ii) a needed product is available from only one source of supply; or (iii) standardization or compatibility is the overriding consideration. The governing board of a political subdivision of the State shall approve the purchases listed in the preceding sentence prior to the award of the contract.

In this case, Stormwater Staff are requesting to purchase a needed product is available from only one source of supply, DLVEWS, by asking that Council approve the sole source purchases of “Channeline GRP Box Culvert” from DLVEWS to complete the repair of this critical stormwater asset.

BUDGET IMPACT: \$34, 950

Is this expenditure approved in the current fiscal year budget? Yes.

If no, describe how it will be funded.

ATTACHMENTS:

Resolution
Sole-source Justification letter from DL Views.

Channeline International Fiber Glass Manufacturing LLC Quote

Resolution # __ - ____

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE SOLE-SOURCE SELECTION CHANNELINE GRP BOX CULVERT FOR THE HIGHLAND AVE. CULVERT REPAIR PROJECT

WHEREAS, In April 2023 Stormwater division staff discovered a failure in a box culvert that runs under Highland Ave. Due to the depth of the structure and existing utilities in close proximity to the culvert, stormwater staff are recommending a trenchless repair approach. This requires the installation of a custom segmented liner produced by Channeline International Fiber Glass Manufacturing that will be inserted into the existing culvert to extend the usable life of this critical stormwater asset; and

WHEREAS, NCGS 143-129(e) lists the authorized exceptions to the formal bid procedures. NCGS 143-129(e)(6) allows for purchases of apparatus, supplies, materials, or equipment to be purchasing using sole-source exception when: (i) performance or price competition for a product are not available; (ii) a needed product is available from only one source of supply; or (iii) standardization or compatibility is the overriding consideration. The governing board of a political subdivision of the State shall approve the purchases listed in the preceding sentence prior to the award of the contract; and

WHEREAS, Stormwater Staff are requesting to purchase a needed product available from only one source of supply, DLVEWS, by asking that Council approve the sole source purchases of “Channeline GRP Box Culvert” from DL View to complete the repair of this critical stormwater asset.

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

- 1. A soul-source selection of Channeline GRP Box Culvert by DLVEWS for the Highland Ave. Culvert Repair Project.

Adopted by the City Council of the City of Hendersonville, North Carolina on this ____ day of _____, _____.

Attest:

Barbara G. Volk, Mayor, City of Hendersonville

Angela L. Reece, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney



Michael S. Huffman, CSM, CFM
Stormwater Division Manager
City of Hendersonville, NC

December 7th, 2023

Re: Request from DLVEWS

Dear Mr. Huffman, further to the request for information from Chris Hamilton at DLVEWS, we write to clarify the following points:

1. DLVEWS are the exclusive Agency for the sale and support for North Carolina.
2. As Channeline was incorporated and patented in 1984, all Patents are expired.
3. Channeline is the only manufacturer of “true” flat wall, GRP box culvert liners in North America at this time.

Should you require anything else, please do not hesitate to contact me.

Kind Regards

Andy Sherwin
Technical Sales Manager

P.O. Box 8091
Dubai Investment Park, PH-2
Dubai, U.A.E
Tel : +971 4 884 8383 Fax : +971 4 884 8384
Email: sales@apsdubai.com



Channeline International Fiber Glass Manufacturing

Section 9, Item C.



Quote No.: CH-2519-US-NC-1PB-Q01

Date: 08-Sep-23

Channeline International Fiber Glass Manufacturing LLC
 P.O. Box 8091
 Dubai, United Arab Emirates
 Contact Andy Sherwin,
 Technical Sales Manager
 Cell: 514-242-4495

To:

 Attn:
 Phone:

 Owner:
 Client:

Project: Rehab of Box Culvert @ Hendersonville, NC, US
 Location: USA
 Scope: Glass Reinforced Plastic (GRP) Liner

Profile	Liner	Pipe I.D		Wall T	Joint L	Length	Approx. Weight	Price	Total
Type	Class	Height(in)	Width(in)	(in)	(ft)	(L.F)	Lbs/L.F	(\$/L.F)	(US. \$)
Box	AR	44.09"	46.09"	0.98	8.00	45.00	150	\$ 610.00	\$ 27,450.00
Freight - Sea*									\$ 7,500.00
						Total :	45.00		\$ 34,950.00

* Included Freight Cost is valid only for 2 months from the date of this quotation. Any increase in freight charges will be charged accordingly at the time of order.

Mechanical Properties of Liners :

Class	S	R	HR
Short Term Flexible Modulus	8000 M.Pa	10,000 M.Pa	12,000 M.Pa
Short Term Flexible Strength	100 M.Pa	120 M.Pa	140 M.Pa

NOTES:

- Any additional Linear feet will be charged at above listed unit cost.
- Additional Field Service technician is available upon request at \$1,500/per day plus travel expenses (optional).
- Channeline maximum pipe length is 8FT
- Freight rate includes delivery of the containers to jobsite.(Customer to confirm delivery address on attached Worksheet).
- It could take up to 14 days to deliver the goods after arrival at port depending on the location of site and means of transport.
- Channeline pipes are in accordance with the tender specifications.
- U.A.E based third party inspection cost will be to the Contractors account, if required.

PROJECT SPECIFIC TERMS & CONDITIONS

- Pipe price excludes any customs import duties, taxes, fees or demurrage costs that may be applicable.
- All funds are in US Dollars
- Payment Terms:
 - 30% Advance payment with order.
 - Balance 70% to be paid upon delivery to site.
- Delivery Terms: DDU (Delivered Duty Unpaid)
- This price is guaranteed for sixty (60) days from the date of latest quotation. The Final prices are valid for a manufacturing start date of 180 days from the date of issuance of purchase order.
- Approx. 01 x 40ft containers required for shipping purpose.
- A 10-year certificate of conformity is provided by Channeline International
- Note the General terms and Conditions attached, for further contract arrangements.

CONTRACTOR:

We hereby order the required materials at the above price:

Company: _____
Signature: _____
Signed By: _____
Title: _____
P.O. No: _____

PURCHASE ORDER WORKSHEET AND TERMS OF SALE

Section 9, Item C.

Note: The following checklist is to be populated and included with Purchase Order.

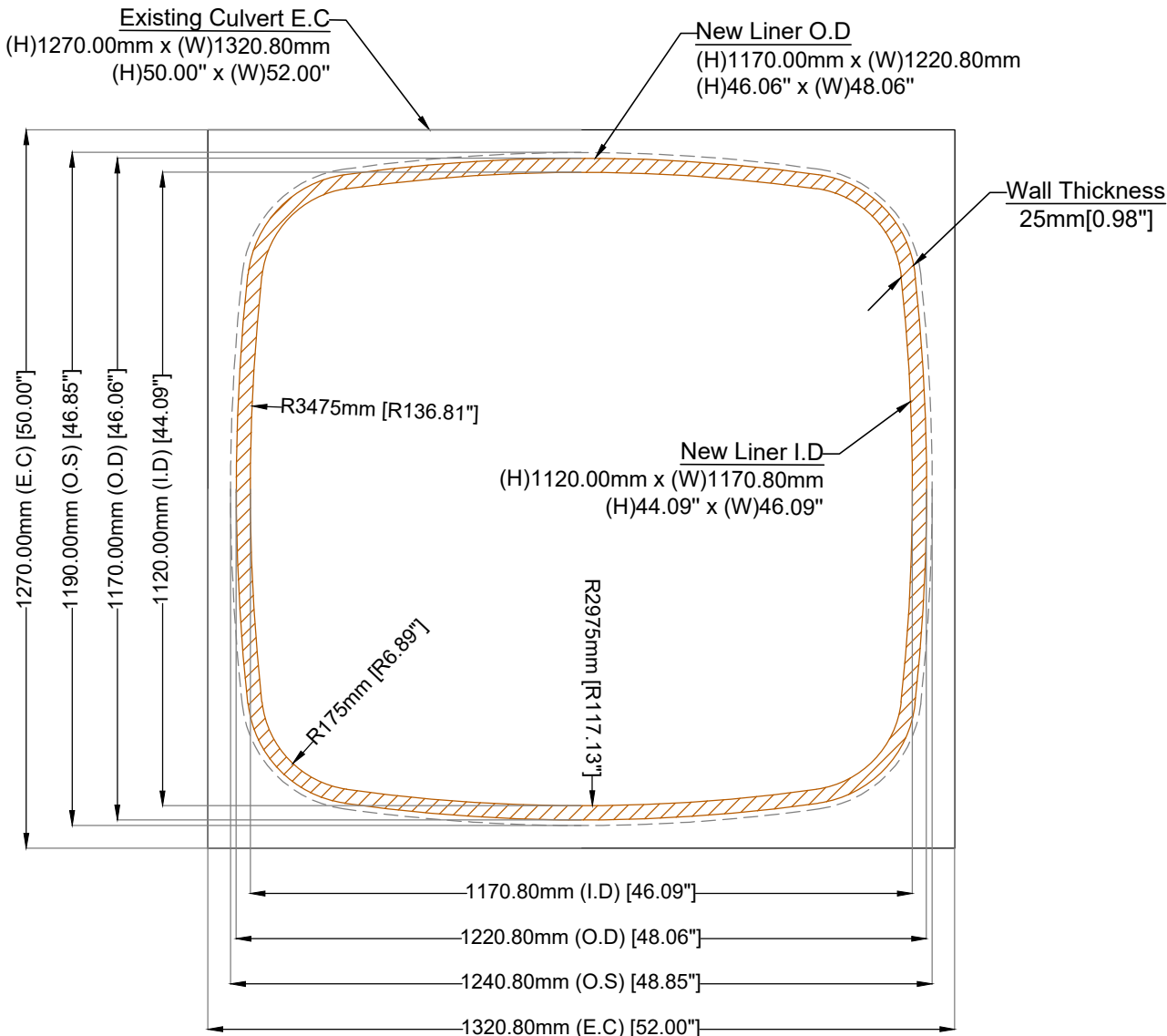
LINER SIZE AND PROFILE			
Has the Existing Sewer been Measured for Length:		yes/no?	<input type="text"/>
Has a Mandrel Template been used to proof the size and profile of the Liner:		yes/no?	<input type="text"/>
Has the Proposed Liner Profile Drawing been signed and attached:		yes/no?	<input type="text"/>
Length of Liner Required 8ft(2.4m) <input style="width:50px;" type="text"/> 4ft(1.2m) <input style="width:50px;" type="text"/>		Other(specify)	<input type="text"/>
Are Gasket Joints Required with the Liner:		yes/no?	<input type="text"/>
Does the Liner Require Special Coating/Corrosion Barrier:		yes/no?	<input type="text"/>
Is a Non-Slip Invert Strip Required:		yes/no?	<input type="text"/>
SHIPPING DETAILS			
Please provide the address where the liner containers are to be delivered. If multiple delivery sites will be required please note the address and number of containers or pipe length for each site as this may involve a price increase. <i>Note: Changes in delivery address or delays in delivery to site or of over 2 hours on site may result in diversion or demurrage charges which will be charged back to the buyer. It is the buyers responsibility to liaise with the local hauler to arrange for site delivery times.</i>			
DELIVERY ADDRESS:			
Street Number:	<input style="width:100px;" type="text"/>	Intersector:	<input style="width:100px;" type="text"/>
Street/Road:	<input style="width:100%; height: 20px;" type="text"/>		
City:	<input style="width:100%; height: 20px;" type="text"/>	County/State:	<input style="width:100%; height: 20px;" type="text"/>
Country:	<input style="width:100%; height: 20px;" type="text"/>	Postal/Zip Code:	<input style="width:100%; height: 20px;" type="text"/>
UNLOADING OF MATERIALS:			
Channeline International will make every attempt to ensure that the materials are loaded and secured in such a manner to allow the Buyer to safely and productively unload the materials from the shipping containers. Standard Operating Procedures for Unloading of Panels including required equipment are available on request. On site unloading training is also available at the buyers expense. Cost per day is \$1500 + Travel Expense.			
ADDITIONAL TERMS OF SALE:			
DAMAGE CLAIMS: Great care is taken in packing all materials, parts and accessories. All claims for breakage or damage whether concealed or obvious must be made to the carrier as soon as possible after receipt of the shipment.			
LIMITS OF LIABILITY: Liability of the original materials supplier, Channeline, it's agents, distributors and representatives, for any damages suffered by the buyer or it's customers, whether in contract or otherwise, shall be limited the amount paid to the seller by the buyer or it's customers, whether in contract or otherwise, shall be limited to the amount paid to the seller by the buyer in reference to the materials supplied, and in no case shall seller be liable for any special, indirect or consequential damages (including loss of goods, loss of profits, loss of opportunity, replacement cost or other) of buyer, any customer, or of any third party, even if seller has been previously advised of the possibility of such damages.			
STORAGE: We reserve the right to store materials however we see fit, and to charge for reasonable costs incurred should the deliveries be delayed by the buyer, or by the buyers inability to provide the necessary information, samples and payments required when due.			
CANCELLATION: Acceptance of this proposal creates a contract that can be terminated or cancelled only upon Channeline written consent thereto. Our consent to such cancellation will be subject to your agreeing to pay us a cancellation charge based on the work in progress at the time of cancellation, any cancellation charges imposed on us by our suppliers, and any other costs incurred or committed to as of the date of such cancellation.			
RETURN OF GOODS: In no case can material or product be returned to us without our prior written acceptance.			
FORCE MAJEURE: Under no circumstances can Channeline or their representatives be responsible for delays caused by Force Majeure.			
SHIPPING WEIGHTS AND DIMENSIONS: Are published as estimates only and are not guaranteed. Actual crate weight and dimensions can only be advised once materials are fully packed. Freight rates where applicable are estimates only and are subject to revision according to the actual freight incurred at time of shipment.			
PERMITS: Permits and inspections, when not specified, required for the installation and/or use of the materials furnished, must be applied for by the Buyer at their own expense.			
TAXES: Excises or other charges imposed by any local, state or federal authority, which have to do with or affect the goods herein ordered, shall be assumed and paid by Buyer. Bank charges, fees for legalization or certification of documents are not included.			
COPYRIGHT: This proposal, specifications, literature material, and all technical details are the property of Channeline, and are supplied for the sole purpose of evaluating materials to be supplied by Channeline. Any reproduction or redistribution without our prior written consent is strictly prohibited.			

CHANNELINE INTERNATIONAL



GRP Structural Lining Systems, P.O. BOX: 8091, Dubai

Tel: 00971 4 8848383, Fax: 00971 4 8848384 Email: sales@channeline-international.com



Proposed New Liner

Existing Culvert I.D.

P = 5.182m(17.001ft)

A = 1.677sq.m (18.051sq.ft)

New Liner I.D.

P = 4.102m(13.458ft)

A = 1.228sq.m (13.218sq.ft)

CUSTOMER APPROVAL	
Name of Company	_____
Address	_____
Date	_____
Signature	_____

ISSUED BY: TIM WEBB	PROJ. TITLE:		
REVIEWED BY: BB	Rehab of Box Culvert @ Hendersonville, NC, US		
DRAWN BY: VP	CLIENT / CONTRACTOR :	DRAWING NO.	REV.
DATE: 08 SEP. 23	All dimension are in millimeter,u.n.o and with a tolerance of ±2mm.	CH/2519/US/NC/1PB/D01	0



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

SUBMITTER: John Connet **MEETING DATE:** 01/4/2024
AGENDA SECTION: NEW BUSINESS **DEPARTMENT:** Administration
TITLE OF ITEM: Creation of an Affordable Housing Steering Committee – Lyndsey Simpson,
 Council Member

SUGGESTED MOTION(S):

NA

SUMMARY:

Council Member Simpson has approached staff about the creation of an Affordable Housing Steering Committee to guide the development of a Strategic Housing Plan. She will discuss the idea with City Council and ask that the group be appointed at the February 7th City Council meeting.

BUDGET IMPACT: \$ NA

Is this expenditure approved in the current fiscal year budget? NA

If no, describe how it will be funded. NA

ATTACHMENTS:

None

CITY COUNCIL:
BARBARA G. VOLK
Mayor
LYNDSEY SIMPSON
Mayor Pro Tem
DR. JENNIFER HENSLEY
DEBBIE O'NEAL-ROUNDTREE
JEFF MILLER



Section 10, Item B.

JOHN F. CONNET
City Manager
ANGELA S. BEEKER
City Attorney
JILL MURRAY
City Clerk

To: Honorable Mayor and Members of the City Council
From: Jill Murray, City Clerk
Subject: Board and Committee Vacancies for Consideration of Appointment
Meeting Date: January 4, 2024

Honorable Mayor and Members of City Council:

Attached is information and applications regarding vacancies on our Historic Preservation Committee.

A. Historic Preservation Committee
9 Members that have to be in the City or ETJ and at least 5 must demonstrate special interest, experience or education in history, architecture, archeology or field.

We have 2 city vacancies and one renewal.

One vacancy term is ending December 31, 2024 and one is ending December 31, 2026.
The renewal term will be ending December 31, 2026

We received 4 City and 1 ETJ applications as follows:

1. Robert Johnson - City – Experience in building and home design
2. Lauren Matoian – City – BA & MA in History
3. David McKinley – City – 40+ years building & developing
4. Xana Peltola – City – Masters of Science in Historic Preservation and special experience with FEMA & compliance with requirements of historic preservation and environmental laws
5. Susan Kim Nelson – ETJ – Masters in Education, ran historical museum for 8 years

John Falvo was filling the unexpired term of Chris Danals and is up for renewal. He is in good standing with the Board. If reappointed, his term will expire 12/2026.

****Council, you will need to reappoint John Falvo and pick two more people to serve. These people must demonstrate special interest, experience or education in history, architecture, archeology or field.**

In order for City Council to consider vacancies at their June 2023 meeting, applications are due Friday, May 5, 2023 at 5:00 p.m.

Date of Application

3/1/2023

Select Board/Commission/Committee

Historic Preservation Commission

Name

Robert D JOHNSON

Do you reside within Hendersonville's City limits?

Yes

Street Address

216 Fleming, Hendersonville, North Carolina 28739 City

Mailing Address (If Different)

216 Fleming, Hendersonville, North Carolina 28739

Phone

[Redacted]

Email

[Redacted]

The Commission consists of nine (9) members appointed by the City Council.

All members of the Historic Preservation Commission shall be residents of the territory subject to the zoning jurisdiction of the city, and a majority of the members shall have demonstrated special interest, experience or education in history, architecture, archaeology or related fields.

Historic Preservation Commission

Please list any other appointed board positions you presently hold in any capacity. This includes advisory boards, quasi-judicial boards, committees, non-proffits ect.

Recently a member of the Hendersonville planning board Feb-Dec 2021.

Please list educational background, special qualifications, i.e., civic memberships, related work experience, etc.

B.A. in English, Virginia Military Institute; M.B.A, Campbell University; M.P.S in Publishing, George Washington University; M.A. in Non-fiction Writing, Johns Hopkins University. Career in custom building industry which involved home design including Highland Lake village.

Based on your qualifications and experience, briefly describe why your services on these boards/commissions would be beneficial to the City of Hendersonville.

I am a retired builder and home designer with a published book on building and design with a significant series of chapters on home design including history of building. Recently designed three new buildings in the styles typical of the west side of Hendersonville including Tudor and craftsman. Structures completed in 2014, 2020, and 2022 and blend seamlessly into the neighborhood. I have lived in Henderson County since 1986 but have lived/visited Europe and Asia plus considerable time in New England.

For reporting purposes, please select how you identify.

Male

Race: For purposes of diversity and inclusion please identify your race.

White

The City Council adopted a Code of Ethics for Advisory Boards/Commissions/Committees as well a Handbook. All persons appointed to City advisory boards must sign acknowledgement of this document. [You may view the Handbook and Code of Ethics Resolution and other information here.](#)

[The training video is available here.](#)

Signature- I hereby affirm that, to the best of my knowledge, the information provided on this application is true and accurate. I also acknowledge upon appointment to an advisory board I will view the Advisory Board Training Video, Handbook & Code of Ethics on the City's website and agree to abide by its tenants.

Section 10, Item B.

Robert Johnson

sent email 6-6-23 to say we will hold onto application.

****In order for City Council to consider vacancies at their June 2023 meeting, applications are due Friday, May 5, 2023 at 5:00 p.m.****

Date of Application

Select Board/Commission/Committee

Historic Preservation Commission

Name

Lauren Matoian

Do you reside within Hendersonville's City limits?

Street Address

660 Britton Creek Drive, Hendersonville, North Carolina 28791

City

Mailing Address (If Different)

Yes

Phone

Email

[Redacted]

[Redacted]

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Historic Preservation Commission

Please list any other appointed board positions you presently hold in any capacity. This includes advisory boards, quasi-judicial boards, committees, non-profits ect.

None

Please list educational background, special qualifications, i.e., civic memberships, related work experience, etc.

- B.A. in History from Smith College (2007)
- M.A. in History with a certificate in Non- Profit management from Northeastern University (2011-much of my coursework was related to the study of historic preservation)
- volunteered at the South End Historical Society in Boston all through grad school (largest Victorian neighborhood in the U.S.)
- currently an elementary English as a Second Language Teacher for Henderson County Public Schools

Based on your qualifications and experience, briefly describe why your services on these boards/commissions would be beneficial to the City of Hendersonville.

The study of historic buildings and how they impact our feelings about where we live has been an interest of mine since high school. I grew up in a dying city the boasted some of the most beautiful homes I had ever seen. My time in New England in particular, and Boston specifically, honed my understanding of how saving historic buildings is not just about preserving a mansard roof or a beautiful facade. The buildings we live our lives in are intimately tied to how we feel about our place in the world. I have never served on a county board before, but would relish to opportunity to join the discussion on how to balance preserving our historic buildings with providing quality spaces for all our diverse community members. Thank you for your consideration.

For reporting purposes, please select how you identify.

Race: For purposes of diversity and inclusion please identify your race.

Female

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Section 10, Item B.

Signature- I hereby affirm that, to the best of my knowledge, the information provided on this application is true and accurate. I also acknowledge upon appointment to an advisory board I will view the Advisory Board Training Video, Handbook & Code of Ethics on the City's website and agree to abide by its tenants.



sent email on 6-7-23 to say we will hold onto application

****In order for City Council to consider vacancies at their June 2023 meeting, applications are due Friday, May 5, 2023 at 5:00 p.m.****

Date of Application

12/20/2023

Select Board/Commission/Committee

Historic Preservation Commission

Name

David McKinley

Do you reside within Hendersonville's City limits?

Yes

Street Address

126 3rd Ave E, Hendersonville, North Carolina 28792

City

Mailing Address (If Different)

126 3rd Ave E,
Hendersonville, North
Carolina 28792

Phone

Email

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All members of the Historic Preservation Commission shall be residents of the territory subject to the zoning jurisdiction of the city, and a majority of the members shall have demonstrated special interest, experience or education in history, architecture, archaeology or related fields.

[Historic Preservation Commission](#)

Please list any other appointed board positions you presently hold in any capacity. This includes advisory boards, quasi-judicial boards, committees, non-proffits ect.

None

Please list educational background, special qualifications, i.e., civic memberships, related work experience, etc.

Bachelor of Science in Marketing from Trinity University, San Antonio Texas
40 + years building and developing. I have an Unlimited NC General Contractors License and a NC Plumbing License.
I have been Developing Subdivisions from the ground up through Construction of Homes
Developing and Building commercial projects.
Owner of David Scot Builders Inc.
Leading mission trips with Adventures in Missions
Coaching Club and College Volleyball

Based on your qualifications and experience, briefly describe why your services on these boards/commissions would be beneficial to the City of Hendersonville.

I have been in the building and developing business for 40 years and have been involved in all phases of that process. My wife and I are currently living in one of the newest residential constructions in downtown Hendersonville on third Ave East and therefore have gone thru the process of working with the Historic Commission to build this project myself. We love living in downtown and would love to be a part of the process of how to move Hendersonville into the future without compromising its past.

For reporting purposes, please select how you identify.

Male

Race: For purposes of diversity and inclusion please identify your race.

White

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[The training video is available here.](#)

Signature- I hereby affirm that, to the best of my knowledge, the information provided on this application is true and accurate. I also acknowledge upon appointment to an advisory board I will view the Advisory Board Training Video, Handbook & Code of Ethics on the City's website and agree to abide by its tenants.

David McKinley

Entry #: 281 - 9/8/2022

Status: Submitted

Submitted: 9/8/2022 11:37 PM

Section 10, Item B.

Date of Application

9/8/2022

Select Board/Commission/Committee

Historic Preservation Commission

Name

Xana C Peltola

Do you reside within Hendersonville's City limits?

Yes

Street Address

444 Ballantyne Common Cr., Apt 201, Hendersonville, North Carolina 28792

City

Mailing Address (If Different)

444 Ballantyne Common Circle, Apt 201, Hendersonville, North Carolina 28792

Phone

Email

[Redacted]

[Redacted]

Please list any other appointed board positions you presently hold in any capacity. This includes advisory boards, quasi-judicial boards, committees, non-proffits ect.

None

Please list educational background, special qualifications, i.e., civic memberships, related work experience, etc.

Masters of Science in Historic Preservation, Clemson University and College of Charleston graduated 2008.

Undergraduate History emphasis on Southern American History, minor in Art History Georgia Southern University, 2006

Based on your qualifications and experience, briefly describe why your services on these boards/commissions would be beneficial to the City of Hendersonville.

Hendersonville. For the past ten (10) years I have worked for FEMA (Federal Emergency Management Agency) reviewing federally funded projects across the US for compliance with historic preservation and environmental laws (title: Environmental Preservation Specialist, Manager). This includes identifying and addressing laws within the context of federally funded projects resulting from disasters for compliance with State and Federal environmental laws. This includes but not limited to: NEPA, NHPA, CWA, CAA, ESA, EO 11988 and EO 11990. Between 2015 and 2016 I worked for MNHS (Minnesota Historical Society) which holds among other standings the heritage preservation department. This sub-entity in part functions as the SHPO (State Preservation Office). Among multiple tasks during my employment I reviewed and provided guidance and direction/information to local historical societies across the state to hone their public history tours, national register district survey documentation, and development of historic contexts (be they community/neighborhood, town/city or county/state in geographic in scope).

For reporting purposes, please select how you identify.

Female

Race: For purposes of diversity and inclusion please identify your race.

White

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Signature- I hereby affirm that, to the best of my knowledge, the information provided on this application is true and accurate. I also acknowledge upon appointment to an advisory board I will view the Advisory Board Training Video, Handbook & Code of Ethics on the City's website and agree to abide by its tenants.

Section 10, Item B.

A handwritten signature in black ink that reads "Nana Peltola". The signature is written in a cursive, somewhat stylized font. There is a faint pink arrow pointing to the signature area from the left.

sent email on 1-6-23 to say we will hold onto application.

****In order for City Council to consider vacancies at their June 2023 meeting, applications are due Friday, May 5, 2023 at 5:00 p.m.****

Date of Application

3/3/2023

Select Board/Commission/Committee

Historic Preservation Commission

Name

Susan Kim Nelson

Do you reside within Hendersonville's City limits?

Street Address

206 Windsor Ct, Hendersonville, North Carolina 28792

Mailing Address (If Different)

206 Windsor Ct, Hendersonville, North Carolina 28792

I reside in the ETJ

ETJ

Phone

[Redacted]

Email

[Redacted]

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All members of the Historic Preservation Commission shall be residents of the territory subject to the zoning jurisdiction of the city, and a majority of the members shall have demonstrated special interest, experience or education in history, architecture, archaeology or related fields.

Historic Preservation Commission

Please list any other appointed board positions you presently hold in any capacity. This includes advisory boards, quasi-judicial boards, committees, non-proffits ect.

Seminole co.fl historical society and former liaison to sc(FL,) historical commission. Also managed Seminole co. History museum for 8 years. Now live in Hendersonville where I volunteer for Brhs and Safelight.

Please list educational background, special qualifications, i.e., civic memberships, related work experience, etc.

Masters in education from Rutgers univ; taught college humanities for 30 years, ran historical museum for 8 years

Based on your qualifications and experience, briefly describe why your services on these boards/commissions would be beneficial to the City of Hendersonville.

Lots of administrative experience, knowledge of preservation requirements, interaction with committee members and govt officials.worked a little with instruction and blueprints

For reporting purposes, please select how you identify.

Female

Race: For purposes of diversity and inclusion please identify your race.

White

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Section 10, Item B.

Signature- I hereby affirm that, to the best of my knowledge, the information provided on this application is true and accurate. I also acknowledge upon appointment to an advisory board I will view the Advisory Board Training Video, Handbook & Code of Ethics on the City's website and agree to abide by its tenants.

|

A. Kim Wilson

BUDGET AMENDMENTS

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	Proposed	Denied	REVISED BUDGET
			INCREASE	DECREASE	
010-1001-534999	Contingency	61,720	-	2,900	58,820
010-1300-519102	Professional Services Legal	16,320	2,900	-	19,220
010-1525-519200	Contracted Services	50,000	17,300	-	67,300
010-1525-553000	Capital Outlay - Land Improvements	75,000	-	17,300	57,700
010-1521-501025	Salaries - Uniform/Taxable	1,200	5,000	-	6,200
010-1521-521001	Supplies & Materials	37,500	-	5,000	32,500
060-0000-470900	Fund Balance Appropriated	388,438	248,000	-	636,438
060-7055-519200	Contracted Services	110,000	-	40,000	70,000
060-7055-524060	R&M Lines (Water)	250,000	112,500	-	362,500
060-7055-555002	Capital Outlay - Lines	-	162,500	-	162,500
060-7032-555003	Capital Outlay - Plants/Pump Stations	195,000	-	15,000	180,000
060-7032-556001	Capital Outlay - Other/Intangible	120,000	-	120,000	-
060-7155-524060	R&M Lines (Wastewater)	132,000	60,500	-	192,500
060-7155-555002	Capital Outlay - Lines	-	87,500	-	87,500
060-7050-521950	Inventory	1,242,000	423,000	-	1,665,000
060-7050-521955	Contra Inventory	1,242,000	423,000	-	1,665,000
010-1014-534000	Non-Capital Equipment	10,400	-	5,000	5,400
010-1014-554001	Capital Outlay Equipment	-	5,000	-	5,000
060-1014-534000	Non-Capital Equipment	17,600	-	5,822	11,778
060-1014-554001	Capital Outlay Equipment	-	5,822	-	5,822
060-0000-534999	Contingency	125,694	-	18,300	107,394
060-7002-519200	Contracted Services	58,000	19,300	-	77,300
060-7002-521020	Janitorial Supplies	12,000	-	1,000	11,000
060-7002-531215	Dues & Subscriptions	400	7,000	-	7,400
060-7002-523002	Utilities- Gas	32,000	-	7,000	25,000
068-7855-519200	Contracted Services	97,000	-	9,000	88,000
060-7855-521001	Supplies and Materials	50,000	9,000	-	59,000

DESCRIPTION	APPROVED	TYPE	AMENDMENT NUMBER
HPD Lawsuit deductible	Yes	Adjustment	12/4/2023
HPD Lawsuit deductible	Yes	Adjustment	12/4/2023
Tom - remove boardwalk	Yes	Adjustment	12/7/2023
Tom - remove boardwalk	Yes	Adjustment	12/7/2023
Fleet tool purchases - taxable/fr	yes	amendment	12072023-01
Fleet tool purchases - taxable/fr	yes	amendment	12072023-01
W&S inventory amendment	yes	amendment	12072023-02
W&S inventory amendment	yes	amendment	12072023-02
W&S inventory amendment	yes	amendment	12072023-02
W&S inventory amendment	yes	amendment	12072023-02
W&S inventory amendment	yes	amendment	12072023-02
W&S inventory amendment	yes	amendment	12072023-02
W&S inventory amendment	yes	amendment	12072023-02
W&S inventory amendment	yes	amendment	12072023-02
W&S inventory amendment	yes	amendment	12072023-02
W&S inventory amendment	yes	amendment	12072023-02
W&S inventory amendment	yes	amendment	12072023-02
Engineering coding adjustment	yes	adjustment	12/11/2023
Engineering coding adjustment	yes	adjustment	12/11/2023
Engineering coding adjustment	yes	adjustment	12/11/2023
Engineering coding adjustment	yes	adjustment	12/11/2023
Stantec Rate Study & SDF	yes	adjustment	12/15/2023
Stantec Rate Study & SDF	yes	adjustment	12/15/2023
Stantec Rate Study & SDF	yes	adjustment	12/15/2023
Stantec Rate Study & SDF	yes	adjustment	12/15/2023
Stantec Rate Study & SDF	yes	adjustment	12/15/2023
Stantec Rate Study & SDF	yes	adjustment	12/15/2023
Trash Cans	yes	adjustment	12/18/2023
Trash Cans	yes	adjustment	12/18/2023

CITY COUNCIL:
BARBARA G. VOLK
Mayor
LYNDESE SIMPSON
Mayor Pro Tem
DR. JENNIFER HENSLEY
DEBBIE O'NEAL-ROUNDTREE
Jeff Miller

CITY OF HENDERSONVILLE

The City of Four Seasons



OFFICERS:
JOHN F. CONNET
City Manager
ANGELA S. BEEKER
City Attorney
JILL MURRAY
City Clerk

WATER AND SEWER DEPARTMENT

Adam Steurer, Utilities Director

TO: John Connet, City Manager
John Buchanan, Finance Director

FROM: Adam Steurer, Utilities Director

DATE: 11/14/2023

RE: A Request for Declaration of Surplus Items

The following items are no longer in use by the city, and we are requesting that these items be declared surplus with the intent to sell them via Internet auction:

- **Asset 497: 1978 Massey Ferguson Tractor Model 230.** Diesel Engine with 3374 hours. Runs well but fuel is getting into the oil. Machine must be turned off for PTO to be engaged. The machine itself is in good condition but has some scratches on the seat. **Listing Price: \$1,000. Estimated Sell Price: \$2,500**
- **Asset 579: Sweepster industrial sweeper.** Inventory ID: 42-06. Model S32C7. Serial number: 0110023. In good working condition. **Listing Price: \$300. Estimated Sell Price: \$500**
- **Asset 580: Cummins Onan Generator (missing enclosure).** Model: 55HGSAE-2131. Serial Number: A010195497. 3773.9 hours. Will crank and run with the aid of starting fluid. 120 volts each circuit. Has code 36C. Stopped without fault condition. Suspect fuel pump or carburetor is clogged. Approximately 3'. **Listing Price: \$200. Estimated Sell Price: \$200**
- **Asset 581: 2005 Chevrolet 2500.** Inventory ID: 17-15 VIN: 1GBJC34205E293549. 132,766 miles. In good condition/is drivable. Leather and cloth interior. The interior has a few rips and scratches. Floors are worn and slightly damaged. **Listing Price: \$ 3,000. Estimated Sell Price: \$4,000.**
- **Asset 583: Ford Tractor with Front Loader and Bush Hog Model 1715.** Inventory ID: 42-02. Serial number UK22392. 5330 hours. Tractor and front loader have some rusting on exterior and cracks in front tire rims but otherwise in good condition. Bush hog is a Woods Bushbull Extreme model BB600XC with a 60" cutter and slip clutch. Bush Hog Inventory ID: 68-07. **Listing Price: \$3,000. Estimated Sell Price: \$5,000**
- **Asset 584: 2012 Chevrolet Colorado.** Inventory ID: 15-21. VIN: 1GBGSBFE1C8143122. 148,579 miles. Has a service body and new battery. In good condition. Interior is worn (mostly on floorboards). **Listing Price: \$3,000. Estimated Sell Price: \$4,000**

305 Williams St.
Hendersonville, NC 28792-4461
www.hendersonvillenc.gov

- **Asset 586: Cummins White Onan Generator.** Model 55HGSAE-2131L. Serial Number: A190472807. Ran and produced 120 volts on each circuit. Ran 40 minutes with no issues. 5.5 kW. Approximately 3'. **Listing Price: \$300. Estimated Sell Price: \$300.**
- **Asset 587: Cummins Green Onan Generator.** Model 55HGSAE-2131E. Serial Number: A010195497. Hour meter is broken. Has code 32 (low cranking speed sensor) 5.5kW. Fault power production unknown. Approximately 3'. **Listing Price: \$200. Estimated Sell Price: \$200.**
- **Asset 588: 2013 Ford F-250 Cab and Chassis.** Inventory Number: 16-10. 6.7L Diesel engine. 148,579 miles. Engine is not complete but will come with a box of the vehicle's parts. Interior is worn and slightly damaged. **Listing Price: \$500. Estimated Sell Price: \$1,500.**

All assets have been listed on GovDeals.com and are ready for review.



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

SUBMITTER: John Connet **MEETING DATE:** 1/04/2023
AGENDA SECTION: CLOSED SESSION **DEPARTMENT:** Administration

TITLE OF ITEM: Closed Session – *John Connet, City Manager*

SUGGESTED MOTION(S):

I move that City Council enter closed session pursuant to NCGS § 143-318.11 (a) (1) and (5) 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 and to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease.

SUMMARY:

City staff is requesting a closed session 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 and to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease.

BUDGET IMPACT: \$ TBD

Is this expenditure approved in the current fiscal year budget? NA

If no, describe how it will be funded. NA

ATTACHMENTS:

None