



# MINUTES

April 12, 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 Jerry A. Smith Jr., J.D.

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

Absent: Council Member Debbie O'Neal Roundtree left the meeting at 6:22 p.m.

### 1. CALL TO ORDER

Mayor Volk called the meeting to order at 5:47 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.*

Jeff Groh addressed City Council regarding questioning the need for the Diversity, Equity and Inclusion Committee and the hiring of Ahkirah Consulting Firm to implement a DEI strategy and how it's related to Marxism.

Jim Bailes addressed City Council regarding DEI consulting and the contract for \$147,000. If the City isn't currently having a problem then we're putting the cart before the horse and should not move forward with the contract.

Andrew Clark addressed City Council regarding disabled veterans and thanked the City of Hendersonville for supporting the veteran population of this community.

Candler Willis addressed City Council regarding diversity and inclusion and by implementing such, we are replacing one kind of discrimination with another.

Vickie Amatto addressed City Council regarding DEI and asked if there is any proof that this is actually needed in this City and if there are reports showing that it is needed.

Lynne Williams addressed City Council via Zoom electronic software regarding thanking the City for hiring the Sustainability Manager, Caitlyn. She also voiced her support for hiring a diversity and inclusion consultant and opposes raising the price of the plots at Oakdale Cemetery.

### 4. CONSIDERATION OF AGENDA

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

### 5. CONSENT AGENDA

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

March 2, 2023 Regular Meeting

March 9-10, 2023 Staff Retreat

March 22, 2023 Second Monthly Meeting

#### B. Resolution to Accept Funding for the Water Treatment Facility AIA Master Plan – Adam Steurer, Utilities Engineer

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL  
ACCEPTING AMERICAN RESCUE PLAN FUNDING  
FOR THE PURPOSE OF THE WATER TREATMENT FACILITY AIA MASTER PLAN

WHEREAS, the American Rescue Plan (ARP) funded from the State Fiscal Recovery Fund was established in S.L. 2021-180 to assist eligible units of government with meeting their water/wastewater infrastructure needs, and;

WHEREAS, the North Carolina Department of Environmental Quality has offered American Rescue Plan (ARP) funding in the amount of \$ 400,000 to perform an Asset Inventory and Assessment Master Plan study detailed in the submitted application, and;

WHEREAS, the City of Hendersonville intends to perform said project in accordance with the agreed scope of work, and;

WHEREAS, the City of Hendersonville desires to accept the grant funds, and authorize the execution of the grant funding agreement.

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

1. The City of Hendersonville does hereby accept the American Rescue Plan (ARP) offer of \$400,000.
2. That the City of Hendersonville does hereby give assurance to the North Carolina Department of Environmental Quality that any Conditions or Assurances contained in the Award Offer will be adhered to.
3. That John Connet, City Manager, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project; to make the assurances as contained above; and to execute such other documents as may be required by the Division of Water Infrastructure.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 12<sup>th</sup> day of April, 2023.

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

- C. Henderson County Tax Adjustments— *Amanda Lofton, Deputy Tax Collector*
- D. Justification for the Sole Source Purchase of Large Water Meter Chamber Registers – *Adam Steurer, Utilities Engineer*

Resolution #R-23-27

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE SOLE-SOURCE PURCHASE OF LARGE WATER METER CHAMBER REGISTERS

WHEREAS, the City utilizes its Automated Metering Infrastructure (AMI) system to read water meters and subsequently bill its customers based on individual water consumption. The City standardized its AMI system to Sensus metering equipment when the AMI system was installed approximately 10 years ago. Only Sensus metering equipment is compatible with the City’s AMI system.; and

WHEREAS, large diameter water meters, meters sized 1.5 inches in diameter and greater, have chamber registers with batteries that have a lifespan of 10 years. Therefore, the large diameter meters that were installed during the initial AMI system installation have reached the end of their useful life and require replacement. The large diameter meter chamber registers will be provided by Ferguson Enterprises as the sole authorized Sensus Distributor for the State of North Carolina to ensure the equipment will be properly supported and warranted. The chamber registers once received will be replaced by City staff; 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.

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

1. A soul-source purchase of large water meter chamber registers manufactured by Sensus from Ferguson Enterprises, the sole authorized dealer in the state of North Carolina, is authorized in the amount of \$519,425.07.
2. Staff is authorized to approve change orders which cumulatively do not exceed the available project budget of \$525,00.00.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 12<sup>th</sup> day of April, 2023.

/s/Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

**E. Amending and Combining the Service Recognition Guidelines and Active Employee Service Awards – Jennifer Harrell, HR Director**

**F. Engineering Services for the WTF 15-MGD Filter Expansion Project – Adam Steurer, Utilities Engineer**

Resolution #R-23-28

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO ENTER INTO A CONTRACT FOR ENGINEERING SERVICES FOR THE WTF 15-MGD FILTER EXPANSION PROJECT**

**WHEREAS**, the City owns and operates a water treatment facility (WTF) that has a current permitted capacity of 12 million gallons per day (mgd); and

**WHEREAS**, the City intends to install one additional dual-media filter and associated piping, instrumentation, and appurtenances, which will increase the WTF's permitted capacity to 15 mgd; and

**WHEREAS**, City Staff have performed a qualifications-based selection, determined Hazen and Sawyer, D.P.C. as most qualified, and have received and negotiated a scope of work and fee from Hazen and Sawyer, D.P.C. to provide Engineering Services to support the project.

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

1. Hazen and Sawyer, D.P.C. is most qualified to provide professional engineering services for the project, as recommended by Staff.
2. The scope of engineering services from Hazen and Sawyer, D.P.C is approved in the amount of \$287,000.
3. The City Manager is authorized to execute an agreement with Hazen and Sawyer, D.P.C. consistent with the terms of this Resolution, as approved by the City Attorney.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 12<sup>th</sup> day of April, 2023.

/s/Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

**G. 7<sup>th</sup> Avenue Pup Crawl Special Event Application – Jamie Carpenter, Downtown Manager**

**H. Walk to End Alzheimer's Special Event Application – Jamie Carpenter, Downtown Manager**

**I. Resolution Approving Design, Bidding, and Construction Engineering and Inspection for the Repairs to the Exterior of City Hall – Tom Wooten, Director of Public Works**

Resolution #R-23-29

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO SELECT AN ENGINEERING FIRM TO PROVIDE DESIGN, BIDDING, AND CONSTRUCTION ENGINEERING AND INSPECTION SERVICES FOR THE REPAIRS TO THE EXTERIOR OF CITY HALL PROJECT AND DIRECT THE CITY MANAGER TO NEGOTIATE A CONTRACT WITH THE SELECTED FIRM**

**WHEREAS**, the City plans to design, bid, and complete repairs to the exterior of City Hall; and

**WHEREAS**, City Staff performed a qualification-based selection, and determined SKA Consulting Engineers, INC as the most qualified; and

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

1. SKA Consulting Engineers, INC is most qualified to provide design, bidding, and construction engineering and inspection services, as recommended by Staff.
2. The City Manager is directed to negotiate a contract for Design, Bidding, and Construction Engineering and Inspection services with SKA Consulting Engineers INC consistent with the terms of this Resolution, as approved by the City Attorney.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 12<sup>th</sup> day of April, 2023.

**J. Memorandum of Understanding (MOU) with Henderson County for Construction Related Activities Along Edwards Park and the VFW Site – *Angela S. Beeker, City Attorney***

Resolution #R-23-30

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL  
TO APPROVE A MEMORANDUM OF UNDERSTANDING WITH HENDERSON COUNTY TO PROVIDE  
FOR SHARED PARKING, CONSTRUCTION AND ACCESS EASEMENTS FOR EDWARDS PARK AND  
THE VFW SITE**

**WHEREAS**, the City of Hendersonville acquired the property known as Edwards Park for the purpose of developing a new park and putt-putt facility (“Edwards Park Property”); and

**WHEREAS**, Henderson County acquired the former VFW property (“VFW Property”) located adjacent to the Edwards Park Property; and

**WHEREAS**, the City and the County have agreed to grant certain permissions, shared parking, and easements to facilitate the development of both properties; and

**WHEREAS**, a draft Memorandum of Understanding to provide for the permissions, shared parking and easements has been prepared and presented to City Council for its consideration (“MOU”);

**THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HENDERSONVILLE, NORTH CAROLINA** that:

3. The MOU is approved as presented. .
4. The Assistant City Manager is authorized to execute the MOU with such changes as he deems appropriate to carry out the intent of the MOU, in consultation with the City Attorney.
5. The Mayor, City Clerk, and City Attorney are authorized to take such further actions as may be needed to carry out the terms of the MOU, including the execution of such easements and other documents as may be necessary.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 12<sup>th</sup> day of April, 2023.

/s/Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

**K. 2045 Comprehensive Plan Consultant Contract – *Lew Holloway, Community Development Director***

Resolution #R-23-31

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO SELECT A CONSULTANT  
TEAM TO PROVIDE PROFESSIONAL COMMUNITY PLANNING SERVICES FOR THE 2045  
COMPREHENSIVE PLAN PROJECT AND DIRECT THE CITY MANAGER TO NEGOTIATE A  
CONTRACT WITH THE SELECTED FIRM**

**WHEREAS**, the City of Hendersonville advertised a request for proposals for community planning services to complete the 2045 Comprehensive Plan for the City of Hendersonville and;

**WHEREAS**, the City included certain add-alternates to the request for proposals including the following: 1) Preparation of a Downtown Masterplan; 2) Preparation of a Comprehensive Transportation Plan; and 3) Rewrite of the City’s Zoning Ordinance; and

**WHEREAS**, the Bolton Menk/Cole Jenest Stone team was determined, following internal review, to qualify for the interview round and further was the consensus top choice among the interview team; and

**WHEREAS**, the Planning Board reviewed the proposal review process and affirmed the results of the process recommending that the City Council pursue a contract with the Bolton Menk team for the completion of the 2045 Comprehensive Plan; and

**WHEREAS**, Staff supports the recommendation, and also recommends that 1) the initial scope of work for the contract include the Preparation of a Downtown Masterplan as part of the Comprehensive Plan scope of work, and 2) the contract includes the possibility of adding the Preparation of a Comprehensive Transportation Plan and Rewrite of the City’s Zoning Ordinance to future scopes of work under the contract; and

**WHEREAS**, The Friends of Downtown Hendersonville have pledged \$50,000 to the City of Hendersonville in support of the Downtown Masterplan add-alternatives;

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



1. The City Manager is authorized to negotiate and enter into a contract in an amount not to exceed \$236,400 for the 2045 Comprehensive Plan community planning project with Cole Jenest Stone/Bolton and Menk on behalf of the City in consultation with the City Attorney, upon such terms and conditions as he deems appropriate, including but not limited to:
  - a. Determining the initial scope of work;
  - b. Breaking the scope of work into Phases if appropriate, and
  - c. Including, within the initial scope of work or as an amendment in the future, the ad alternates.
  - d. Amending the contract in the future to amend the scope of work or activate future phases, including the Preparation of a Comprehensive Transportation Plan and the Zoning Ordinance rewrite;

Provided, however, that the following conditions shall apply:

- a. The contract and any amendment(s) entered now or in the future shall only obligate the City to budgeted and available funds as of the date of the contract or any such amendment.
2. If negotiations fail, the City Manager is directed to negotiate a contract with the next most qualified firm based on the review and interview recommendations;

Adopted by the City Council of the City of Hendersonville, North Carolina on this 12<sup>th</sup> day of April, 2023.

/s/Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

**L. Resolution to Remove On-Street Parking Restrictions on North Oak Street between 9<sup>th</sup> Avenue West and 7<sup>th</sup> Avenue West – Tom Wooten, Director of Public Works**

Resolution #R-23-32

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO REMOVE ON-STREET PARKING RESTRICTIONS ON NORTH OAK STREET**

**WHEREAS**, on street parking is presently prohibited in certain areas along North Oak Street; and

**WHEREAS**, the City Council instructed staff to review these on-street parking restrictions along North Oak Street following a request by a resident; and,

**WHEREAS**, after investigating and considering many alternatives, staff recommends removing the existing parking restrictions on North Oak Street between 7<sup>th</sup> Avenue West and 9<sup>th</sup> Avenue West,

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

1. The existing on-street parking restrictions on North Oak Street between 7<sup>th</sup> Avenue West and 9<sup>th</sup> Avenue West are hereby removed.
2. Staff is requested to monitor the impacts of removing these restriction, and if there are additional issues, to bring other recommendations to City Council for consideration;

Adopted by the City Council of the City of Hendersonville, North Carolina on this 12<sup>th</sup> day of April, 2023.

/s/Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

**M. Approval of Fiscal Year 2023 Audit Contract – John Buchanan, Finance Director**

Resolution #R-23-33

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO SELECT MAULDIN & JENKINS AS AUDITOR FOR FISCAL YEAR 2023**

**WHEREAS**, according to North Carolina General Statute 159-34, each unit of local government and public authority shall have its accounts audited as soon as possible after the close of each fiscal year by a certified public accountant or by an accountant certified by the Local government Commission as qualified to audit local government accounts and;

**WHEREAS**, according to North Carolina General Statute 159-34, the auditor should be selected by and shall report directly to the governing board; and

**WHEREAS**, Staff issued a Request for Proposal from qualified auditors in 2021 and recommended Mauldin & Jenkins be selected as auditor, which was authorized by Council in Resolution 21-27; and

**WHEREAS**, Mauldin & Jenkins satisfactorily completed the fiscal year 2021 and 2022 annual audit;

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

1. City Council selects Mauldin & Jenkins LLC as auditor for the fiscal year 2023 annual audit.
2. City Council directs the Finance Director to submit the completed LGC-205 Contract to Audit Accounts to the Local Government Commission.
3. City Council authorizes the City Manager to sign the Mauldin & Jenkins LLC Engagement Letter.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 12<sup>th</sup> day of April, 2023.

/s/Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

**N. Approval of Capitalization Threshold for Leases and Subscription-based Information Technology Agreements – John Buchanan, Finance Director**

Resolution #R-23-34

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL APPROVING A CAPITALIZATION THRESHOLD POLICY FOR LEASES AND SUBSCRIPTION-BASED INFORMATION TECHNOLOGY ARRANGEMENTS**

**WHEREAS**, the Governmental Accounting Standards Board (GASB) issued Statement 87 requiring lease agreements to be recognized in the City's financial statements and Statement 96 requiring subscription-based informational technology arrangements (SBITA) to be recognized in the City's financial statements;

**WHEREAS**, setting a reasonable capitalization threshold below which liabilities and right-of-use assets for leases and SBITAs are not recorded can reduce the time and cost of applying the guidance while not materially affecting financial reporting; and

**WHEREAS**, staff has reviewed guidance and analyzed relevant data and believes that a threshold of \$100,000 with respect to compliance with GASB Statements 87 & 96 is reasonable when applied to the present value of a payments for leases and SBITAs

**NOW THEREFORE, BE IT RESOLVED** by the City Council of the City of Hendersonville, North Carolina that: the City of Hendersonville does hereby adopt \$100,000 as the capitalization threshold for leases and subscription-based information technology agreements in compliance with GASB Statement 87 and GASB Statement 96.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 12<sup>th</sup> day of April, 2023.

/s/Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

**O. April 2023 Capital/Grant Project Ordinances and Reimbursement Resolutions–**

*Jennifer Floyd, Budget & Management Analyst*

Resolution #R-23-35

**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 GROVE ST SIDEWALK DESIGN (PROJECT #21043), ORDINANCE #O-23-25 (the "Projects").

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

**Maximum Principal Amount of Debt to be Issued.** The maximum principal amount of the Borrowing to be incurred by the Issuer to finance the Project is \$31,000.

**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

12<sup>th</sup> day of April, 2023.

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

Resolution #R-23-36

**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 STORMWATER MASTER PLAN PROJECT (#G2216), ORDINANCE #O-23-24 (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 \$400,000.

**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 12<sup>th</sup> day of April, 2023.

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

Resolution #R-23-37

**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 BLYTHE ST SIDEWALK DESIGN (PROJECT #21042), ORDINANCE #O-23-23 (the "Projects").

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

**Maximum Principal Amount of Debt to be Issued.** The maximum principal amount of the Borrowing to be incurred by the Issuer to finance the Project is \$24,000.

**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 12<sup>th</sup> day of April, 2023.

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

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 SULLIVAN PARK STORMWATER PROJECT (#G2129), ORDINANCE #O-23-26 (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 \$310,000.

**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 12<sup>th</sup> day of April, 2023.

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

Resolution #R-23-39

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 LOWER MUD CREEK STORMWATER PROJECT (#G2306), ORDINANCE #O-23-27 (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 \$3,018,165.

**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 12<sup>th</sup> day of April, 2023.

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

Ordinance #O-23-23

CAPITAL PROJECT ORDINANCE FOR  
THE EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF BLYTHE ST SIDEWALK  
DESIGN AND CONSTRUCTION

**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 Blythe Street Sidewalk Design project.

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

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
410	1014	550102	21042	Capital Outlay- Fees and Service	\$24,000
Total Project Appropriation					\$24,000

**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	21042	Transfer In (From 010)	\$24,000
Total Project Appropriation					\$24,000

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

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

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

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

**Section 8:** Copies of this 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 12<sup>h</sup> day of April 2023.

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

Ordinance #O-23-24

**GRANT PROJECT ORDINANCE FOR  
THE EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE STORMWATER  
MASTER PLAN PROJECT, #G2216**

**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 Stormwater Master Plan Project, #G2216.

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

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
301	7555	519200	G2216	Contracted Services	\$400,000
Total Project Appropriation					\$400,000

**Section 3:** The following revenues are anticipated to be available for the project(s):

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
301	0000	420050	G2216	Grant Revenue (NCDWI)	(\$400,000)
Total Project Appropriation					(\$400,000)

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

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



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

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

**Section 8:** Copies of this 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 12<sup>th</sup> day of April, 2023.

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

Ordinance #O-23-25

**CAPITAL PROJECT ORDINANCE FOR  
THE EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF GROVE ST SIDEWALK  
DESIGN**

**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 Grove Street Sidewalk Design Project.

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

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
410	1014	550102	21043	Capital Outlay- Fees and Service	\$31,000
Total Project Appropriation					\$31,000

**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	410001	21043	Transfer In	\$31,000
Total Project Appropriation					\$31,000

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

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

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

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

**Section 8:** Copies of this 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 12<sup>th</sup> day of April, 2023.

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

Ordinance #O-23-26

**GRANT PROJECT ORDINANCE FOR  
THE EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE SULLIVAN PARK  
STREAMBANK RESTORATION PROJECT, #G2129**

**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 Sullivan Park Streambank Restoration Project, #G2129.

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

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
467	7555	550103	G2129	Capital Outlay - CIP	\$428,000
Total Project Appropriation					\$428,000

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

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
467	0000	470100	G2129	Transfer in (from 067, FY23)	(\$65,000)
467	0000	470100	G2129	Transfer in (from 067, FY24)	(\$53,000)
467	0000	420050	G2129	Grant Revenue (WRDG)	(\$70,000)
467	0000	420050	G2129	Grant Revenue (NC319)	(\$240,000)
Total Project Appropriation					(\$428,000)

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

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

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

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

Section 8: Copies of this 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 12<sup>th</sup> day of April, 2023.

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

P. April 2023 Budget Amendments – Adam Murr, Budget Manager

TO MAYOR & COUNCIL - April 12, 2023

FISCAL YEAR 2023  
Form Number - 04122023-03

BUDGET AMENDMENT

FUND 301					
ACCOUNT NUMBER	DESCRIPTION OF ACCOUNT	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
301-0000-420050-G2216	Grant Revenue (NCDWI)	-	400,000	-	400,000
301-7555-550102-G2216	Capital Outlay - Services and Fees	-	400,000	-	400,000
FUND 301	TOTAL REVENUES	-	400,000	-	-
	TOTAL EXPENDITURES	-	400,000	-	-
An FY23 budget amendment reflecting the creation of a grant project ordinance (GPO) for the Stormwater Master Plan Project, #G2216. The project will be funded by \$400,000 in grant revenue from the NC Department of Water Infrastructure to complete a stormwater master plan.					

/s/John Connet, City Manager  
/s/Jill Murray, City Clerk

TO MAYOR & COUNCIL - April 12, 2023

FISCAL YEAR 2023  
Form Number - 04122023-04

BUDGET AMENDMENT

FUND 080					
ACCOUNT NUMBER	DESCRIPTION OF ACCOUNT	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
080-0000-470900	Fund Balance Appropriation	-	2,000	-	2,000
080-3101-532100	Grant Expense	-	2,000	-	2,000
FUND 080	TOTAL REVENUES	-	2,000	-	-
	TOTAL EXPENDITURES	-	2,000	-	-
An amendment increasing Fund Balance Appropriation for the Health and Wellness Fund, also increasing Grant Expense for use on wellness initiatives.					

/s/John Connet, City Manager  
/s/Jill Murray, City Clerk

TO MAYOR & COUNCIL - April 12, 2023

FISCAL YEAR 2023  
Form Number - 04122023-05

BUDGET AMENDMENT

FUND 010   410					
ACCOUNT NUMBER	DESCRIPTION OF ACCOUNT	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
010-0000-410001	Local Sales & Use Tax	5,408,691	24,000	-	5,432,691
010-0000-598901	Transfer Out (to 410, #21042)	954,800	24,000	-	978,800
FUND 010	TOTAL REVENUES	-	24,000	-	5,432,691
	TOTAL EXPENDITURES	-	24,000	-	978,800
410-0000-470100-21042	Transfer In (from 010, FY23)	-	24,000	-	24,000
410-1014-550102-21042	Capital Outlay- Fees and Services	-	24,000	-	24,000
FUND 410	TOTAL REVENUES	-	24,000	-	24,000
	TOTAL EXPENDITURES	-	24,000	-	24,000
An amendment that includes a Transfer In and Increase in Capital Outlay- Fees and Services to cover DOT Match for Blythe St. sidewalk design in FY23, project #21042.					

/s/John Connet, City Manager  
/s/Jill Murray, City Clerk

TO MAYOR & COUNCIL - April 12, 2023

FISCAL YEAR 2023  
Form Number - 04122023-06

BUDGET AMENDMENT

FUND 010   410					
ACCOUNT NUMBER	DESCRIPTION OF ACCOUNT	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
010-0000-410001	Local Sales & Use Tax	5,432,691	31,000	-	5,463,691
010-0000-598901	Transfer Out (to 410, #21043)	978,800	31,000	-	1,009,800
FUND 010	TOTAL REVENUES	-	31,000	-	5,463,691
	TOTAL EXPENDITURES	-	31,000	-	1,009,800
410-0000-470100-21043	Transfer In (from 010, FY23)	-	31,000	-	31,000
410-1014-550102-21043	Capital Outlay- Fees and Services	-	31,000	-	31,000
FUND 410	TOTAL REVENUES	-	31,000	-	31,000
	TOTAL EXPENDITURES	-	31,000	-	31,000
An amendment that includes a Transfer In and Increase in Capital Outlay- Fees and Services to cover DOT Match for Grove St. sidewalk design in FY23, project #21043.					

/s/John Connet, City Manager  
/s/Jill Murray, City Clerk

TO MAYOR & COUNCIL - April 12, 2023

FISCAL YEAR 2023  
Form Number - 04122023-07

BUDGET AMENDMENT

FUND 010					
ACCOUNT NUMBER	DESCRIPTION OF ACCOUNT	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
010-0000-470030	Insurance Proceeds	27,150	5,255	-	32,405
010-1560-521001	Supplies and Materials	54,385	5,255	-	59,640
FUND 010	TOTAL REVENUES	-	5,255	-	-
	TOTAL EXPENDITURES	-	5,255	-	-
An amendment reflecting the receipt of an insurance reimbursement check. Funds are to be used to increase public works supply budget.					

/s/John Connet, City Manager  
/s/Jill Murray, City Clerk

TO MAYOR & COUNCIL - April 12, 2023

FISCAL YEAR 2023  
Form Number - 04122023-08

BUDGET AMENDMENT

FUND 010   410					
ACCOUNT NUMBER	DESCRIPTION OF ACCOUNT	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
010-0000-470900	Fund Balance Appropriation	1,959,090	265,529	-	2,224,619
010-0000-598901	Transfer Out	954,800	265,529	-	1,220,329
FUND 10 (Fire Station #1)	TOTAL REVENUES	1,959,090	265,529	-	2,224,619
	TOTAL EXPENDITURES	954,800	265,529	-	1,220,329
410-0000-470100-19019	Transfer In (from 010)	172,079	93,450	-	265,529
410-0000-420050-19019	Grant Revenue (Stormwater)	70,000	-	-	70,000
410-0000-470010-19019	Bond Proceeds (2022 Installment Financing)	13,723,443	-	31,500	13,691,943
410-1002-550102-19019	Capital Outlay - Services and Fees	-	-	-	-
410-1002-550103-19019	Capital Outlay - CIP	13,965,522	93,450	31,500	14,027,472
FUND 410 (Fire Station #1)	TOTAL REVENUES	13,965,522	93,450	31,500	14,027,472
	TOTAL EXPENDITURES	13,965,522	93,450	31,500	14,027,472
410-0000-470010-19019	Bond Proceeds (2022 Installment Financing)	652,204	-	-	652,204
410-1002-550103-19019	Capital Outlay - CIP	652,204	-	-	652,204
FUND 410 (Temp. Fire Station)	TOTAL REVENUES	652,204	-	-	652,204
	TOTAL EXPENDITURES	652,204	-	-	652,204
410-0000-460090-21019	Contribution (Henderson County)	100,000	-	-	100,000
410-0000-460090-21019	Contribution (Other Agencies)	17,500	-	-	17,500
410-0000-470010-21019	Bond Proceeds (2022 Installment Financing)	2,126,353	31,500	-	2,157,853
410-1002-550103-21019	Capital Outlay - CIP	2,243,853	31,500	-	2,275,353
FUND 410 (Edwards Park)	TOTAL REVENUES	2,243,853	31,500	-	2,275,353
	TOTAL EXPENDITURES	2,243,853	31,500	-	2,275,353
410-0000-470010-19021	Bond Proceeds (2022 Installment Financing)	1,500,000	-	-	1,500,000
410-1400-550103-19021	Capital Outlay - CIP	1,500,000	-	-	1,500,000
FUND 410 (Replace HFD Ladder)	TOTAL REVENUES	1,500,000	-	-	1,500,000
	TOTAL EXPENDITURES	1,500,000	-	-	1,500,000
410-0000-470010-19020	Bond Proceeds (2022 Installment Financing)	800,000	-	-	800,000
410-1400-550103-19020	Capital Outlay - CIP	800,000	-	-	800,000
FUND 410 (Replace HFD Engine)	TOTAL REVENUES	800,000	-	-	800,000
	TOTAL EXPENDITURES	800,000	-	-	800,000
2022 Installment Financing Subtotal					18,802,000
Other Financing Sources Subtotal					453,029

Total Project Revenues (19019, 19020, 19021, and 21019)	19,255,029
Total Project Appropriation (19019, 19020, 19021, and 21019)	19,255,029
A budget amendment reflecting a poriton of construction materials testing, demolition, and site preparation work being completed at Edwards Park to better fit the agreed upon contracts for the projects.	

/s/John Connet, City Manager  
/s/Jill Murray, City Clerk

TO MAYOR & COUNCIL - April 12, 2023

FISCAL YEAR 2023

Form Number - 04122023-09

BUDGET AMENDMENT

FUND 010 | 199

ACCOUNT NUMBER	DESCRIPTION OF ACCOUNT	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
010-0000-470100	Transfer In (from 301)	1,250,000	3,261,800	-	4,511,800
010-0000-470900	Fund Balance Appropriated	1,959,090	-	1,261,800	697,290
010-0000-598901	Transfer Out (to 199)	75,000	2,000,000	-	2,075,000
FUND 010	TOTAL REVENUES		3,261,800	1,261,800	
	TOTAL EXPENDITURES		2,000,000	-	
199-0000-470100-00100	Transfer In (from 010)	-	2,000,000	-	2,000,000
199-1001-540001-00100	Special Appropriations (ARP)	-	2,000,000	-	2,000,000
FUND 199	TOTAL REVENUES		2,000,000	-	
	TOTAL EXPENDITURES		2,000,000	-	

A budget amendment reflecting a transfer to the Governmental Special Revenue Fund for \$2,000,000 for Council's appropriation of ARP funds. The \$2,000,000 funding will be used to assist the City's partners with financial resources for transformative community projects.

/s/John Connet, City Manager  
/s/Jill Murray, City Clerk

**Q. ~~NCDOT EB-5860 (Blythe St Multi-Use Path Design Agreement Approval, City Project #21042)~~** ~~Brent Detwiler, City Engineer~~ **REMOVED**

**R. ~~NCDOT EB-5963 (S Grove St Sidewalk) Design Agreement Approval, City Project #21043)~~** ~~Brent Detwiler, City Engineer~~ **REMOVED**

**S. Resolution Approving Parks Master Plan and Greenway Master Plan Consultant –**  
*Tom Wooten, Director of Public Works*

Resolution #R-23-40

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE CITY MANAGER TO NEGOTIATE AND EXECUTE AGREEMENT WITH DESIGN WORKSHOP FOR PARKS AND GREENWAY MASTERPLAN**

**WHEREAS**, the City Council has identified parks as a high priority and budgeted funds for the Parks and Greenway Master Plan as part of the 2024 fiscal year budget; and,

**WHEREAS**, the Public Works Department has solicited proposals in an effort to hire a reputable and responsible Vendor to complete the master plan. Eight proposals were submitted and evaluated. The two highest ranked firms, Design Workshop and Equinox were interviewed, and Design Workshop was selected as the vendor submitting the best proposal representing the best value for the city, that is most advantageous to the city and best meets the needs of the city considering proposed methodology and process, and other factors deemed relevant by the city; and,

**WHEREAS**, Staff are recommending that the Master Plan be awarded to Design Workshop; and

**WHEREAS**, the Public Works Department requested that the City Manager be authorized to negotiate and enter into a contract with Design Workshop;

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

1. Development of the Parks and Greenway Masterplan is hereby awarded to Design Workshop.
2. The City Manager is authorized to negotiate and enter into an agreement with Design Workshop on behalf of the City in such form and with such provisions as he may deem appropriate for the preparation of a Parks and Greenway Master Plan, after consultation with the City Attorney, in an amount not to exceed \$125,000. Such authority includes, but is not limited to dividing the Plan development into phases that will occur over more than one fiscal year. Provided however that any future phases that would cause the contract amount to exceed \$125,000 shall be contingent upon additional funding for the Plan development being approved by City Council through the adoption of, or an amendment to, the annual budget ordinance or a project ordinance.
3. The City Manager, City Attorney, and City Staff are authorized to take such other actions as may be necessary to carry out the terms and provisions of the agreement as entered and signed by the City Manager.



Adopted by the City Council of the City of Hendersonville, North Carolina on this 12<sup>th</sup> day of April, 2023.

/s/Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

**T. Downtown Office Lease Agreement – *Jamie Carpenter, Downtown Manager***

Resolution #R-23-41

**RESOLUTION OF INTENT BY THE CITY OF HENDERSONVILLE CITY COUNCIL  
TO LEASE CITY OWNED REAL PROPERTY AT 125 5<sup>TH</sup> AVE WEST**

**WHEREAS**, the City of Hendersonville owns property located at 125 5<sup>th</sup> Avenue West described in deed of record in Deed Book 3225, Page 388, Henderson County Registry; and

**WHEREAS**, the City of Hendersonville purchased the property at 125 5<sup>th</sup> Ave West in 2018 for \$475,000 for the purposes of building public restrooms on the ground floor and office space on the second floor; and

**WHEREAS**, the City's Downtown Division will be relocated to City Hall and the City does not have another current need for the second-floor offices at 125 5<sup>th</sup> Ave West; and

**WHEREAS**, North Carolina General Statute § 160A-272 authorizes the City Council to lease City owned real property the City Council determines will not be needed by the City for the term of the lease; and

**WHEREAS**, North Carolina General Statute § 160A-272 requires public notice at least 30 days before approving the execution of a lease in excess of one year; and

**WHEREAS**, the City of Hendersonville intends to lease the individual office spaces for market rate which will pay towards the building's debt service.

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

1. The City intends to authorize a lease for the second floor offices and shared use of common spaces located at 125 5<sup>th</sup> Ave West.
2. The annual rent shall be \$12,000, paid monthly, for an initial three-year term, with an option to renew for two additional one year terms;
3. The City Council hereby declares its intent to authorize a lease at the regular meeting of June 1, 2023 upon the terms stated herein.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 12<sup>th</sup> day of April, 2023.

**6. PRESENTATIONS**

**A. Proclamation – Abuse Prevention Month & Week of the Young Child - *Mayor Barbara G. Volk***

Mayor Barbara G. Volk presented a proclamation recognizing Abuse Prevention Month & Week of the Young Child.

**B. Earth Day Proclamation - *Mayor Barbara G. Volk***

Mayor Barbara G. Volk presented a proclamation recognizing Earth Day.

**C. Recognition of the North Carolina Apple Festival Board as Hendersonville's, North Carolina Main Street Champions- *Jamie Carpenter, Downtown Manager***

Jamie presented an award to the North Carolina Apple Festival Board of Directors as Hendersonville's Main Street Champion..

**D. ESB Sustainability Hero Award – *Environmental Sustainability Board***

Kelly Pahle presented Mike Huffman with the first ever ESB Sustainability Hero Award.

**E. ISO Presentation – *Brian Pahle, Assistance City Manager***

Assistant City Manager Brian Pahle thanked the City Council and the public for investing in the Fire Department in the last five years. In August, 2017, we received our last ISO rating which was a three

with 34/50 points. Now we have a score of five, with 42/50 points, an eight-point improvement. Some of those areas include the hiring of 15 firefighters, 3 battalion chiefs, 1 deputy chief, 1 admin assistant, 1 training officer, purchasing 4 new fire trucks, constructing fire station one and purchasing land for fire station three, a total tangible investment of over \$20 million dollars that this community has made in the fire service in the past five years so I just wanted to thank Council and John Connet for moving us forward. I also want to commend the staff, some of whom are here tonight.

Chief James Miller said great news, we've made huge strides over the last fifteen years. Fifteen years ago, we were a 5, five years ago we were a 3 and now we're amongst the very very few which is a number 1. We truly are the best of the best. I'd like to thank City Council for backing us and the water department as well, obviously water is a huge part of what we do. The insurance looks at our communications division, that's ten percent of our grade. They look at how our dispatch system works, our 911 system, 50% of the grade is the fire department, the men and women taking the calls, training classes, educating, keeping up truck maintenance etc. In the entire state of North Carolina, there are 1,295 departments and we are one of 27 that is a number one. We play bigger than we are. We're a little city playing like a big city. Out of 45,000 departments in the United States, there are 411 that are a grade one so this means a lot and we appreciate your continued support.

**F. City Academy Graduates** – *LuAnn Welter, HR*

Mayor Volk introduced the City Academy Graduates and LuAnn Welter handed out certificates and badges to the following: Tyler Morrow, Community Development, Faith Lee, Finance, Katie Sanborn, Finance Customer Service, Justin Ward, Fire, Jill Murray, Administration, Deborah Sholl, Engineering, Jennifer Case, Public Works Administration, Gary Davis, Public Works Property Maintenance.

**G. North Carolina International Public Management Association – HR Award**– *Jennifer Harrell, HR Director*

Jennifer Harrell said the City of Hendersonville and the Human Resources Department were recently recognized for their wellness program by the North Carolina International Public Management Association- Human Resources. The award was presented for excelling in Organizational Development and Leadership by introducing innovative and creative programs and achieving high standards in select categories.

The City's wellness mission is to encourage and support a culture of wellness that engages our workforce and improves the health and well-being of our employees. The program is designed to get employees active by encouraging fitness, preventive measures, education and volunteer opportunities. Jennifer presented the award to LuAnn Welter.

**H. Employee Recognition**– *John Buchanan, Finance Director*

John Buchanan said we would like to recognize Logan Hickey for receiving the Gold Star Agency Award for the contract repository he created on the City SharePoint site. The Gold Star Award is sponsored by the North Carolina Department of Administration's Procurement and Contract Division and honors procurement professionals and their agencies for outstanding public procurement in five core categories, strategic sourcing, contract management, compliance, business systems, and procurement education. This is the first year of the award program and we are grateful for the State's recognition of Logan's efforts.

**I. Employee Recognition** – *John Buchanan, Finance Director*

John Buchanan said we would like to recognize Jesse Ivens for earning the Certified Local Government Finance Officer certificate sponsored by the North Carolina Government Finance Association. This program is designed to enhance the public finance profession in North Carolina. Certification is achieved through a combination of professional experience, continuing educational requirements, and successful completion of four examinations in the public finance field:

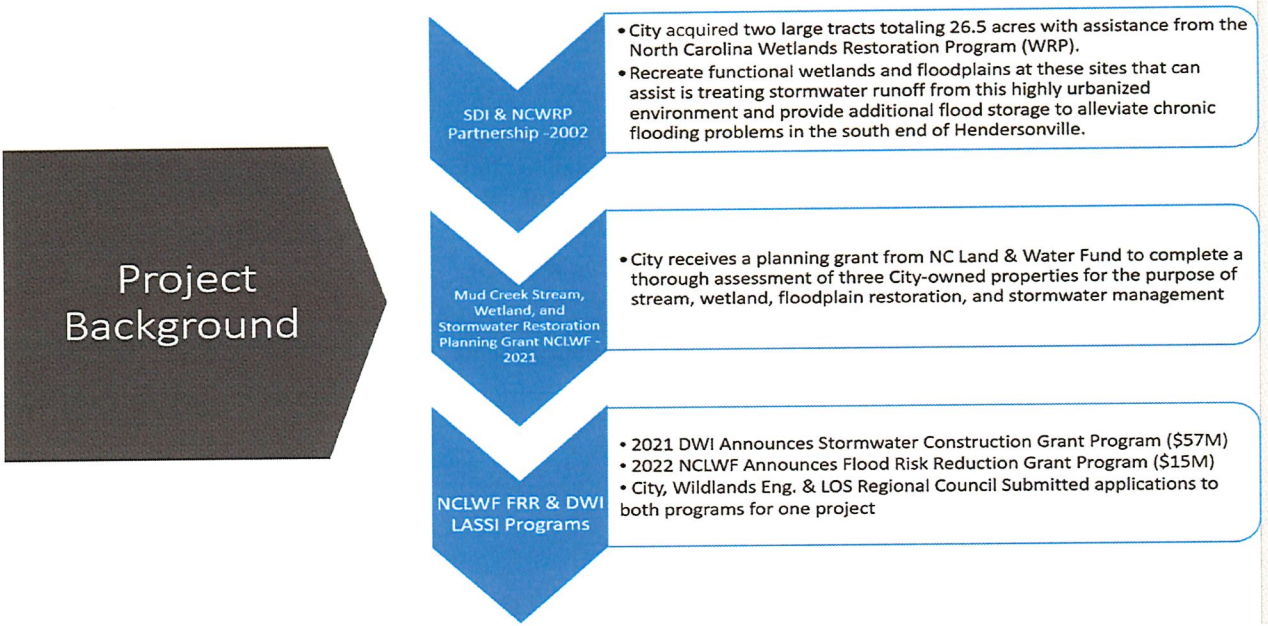
- Governmental Accounting
- Financial Planning and Budgeting
- Cash Management and Investments
- Financial Management



We congratulate him on his achievement!

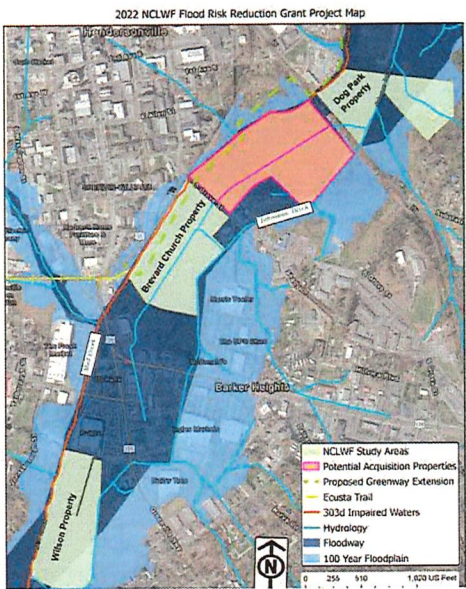
J. Presentation on Mud Creek Stormwater Grants – Mike Huffman, Stormwater Administration

Mike Huffman updated City Council on the Mud Creek Stormwater Grants.



Mud Creek Stream, Wetland, and Floodplain Restoration Planning

- Evaluate 2 vacant parcels, totaling 27 acres, along Mud Creek that were prioritized and preserved for the purpose of water resource restoration
- Assess whether the acquisition of additional properties would facilitate holistic solutions to water resources challenges and restoration efforts and/or enhance connectivity to existing and proposed park and greenway systems
- These vacant sites present many opportunities for restoring ecological services through floodplain reconnection, wetland restoration, stream realignment, riparian vegetation restoration, and innovative stormwater treatment



Mud Creek Project Sites





## Funding Opportunities

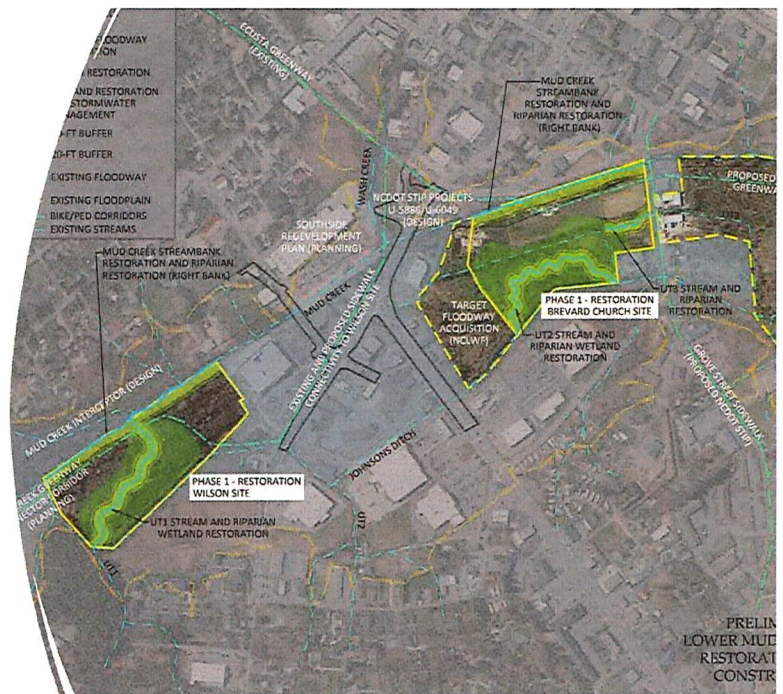
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|---|---|
| <ul style="list-style-type: none"> <li>• NC Land and Water Fund Flood Risk Reduction Program</li> <li>• \$15M</li> <li>• reduce flood risks through the design, implementation, and preservation of nature-based infrastructure</li> <li>• Additional consideration given to projects delivering other ecosystem services or public benefits</li> </ul> | <ul style="list-style-type: none"> <li>• NC Division of Water Infrastructure Stormwater Construction Grant Program</li> <li>• \$57M – (\$5M/Applicant)</li> <li>• Development and implementation of stormwater control measures (SCMs) for quantity and quality control purposes utilizing nature-based solutions.</li> </ul> |
|---|---|

## Funding Results

- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li>• NC Land and Water Fund Flood Risk Reduction Program</li> <li>• 3<sup>rd</sup> Highest Ranked Application             <ul style="list-style-type: none"> <li>• 19 applications received</li> </ul> </li> <li>• Awarded \$1,120,929</li> </ul> | <ul style="list-style-type: none"> <li>• NC Division of Water Infrastructure Stormwater Construction Grant Program</li> <li>• Highest Scoring Application (Tied)             <ul style="list-style-type: none"> <li>• 82 applications received</li> </ul> </li> <li>• Awarded \$1,897,236</li> </ul> |
|---|--|

# Division of Water Infrastructure – Stormwater Construction Grant Overview

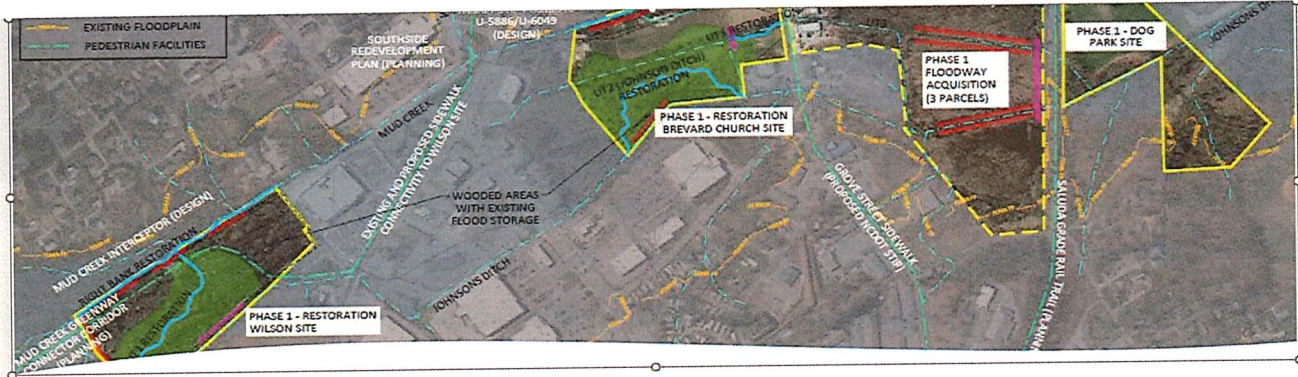
- Complete final design, permitting and construction activities
- 2,359 LF of first-order stream restoration
- 1,556 LF of streambank restoration along Mud Creek
- 8.5 acres of wetland restoration
- 9.2 acres of riparian floodplain restoration





# DWI Construction Grant Budget

Activity	DWI Funded	City Funded	Total Cost
Engineering/Design	\$279,120	\$93,040	\$372,160
Administration	\$56,228	\$6,248	\$62,476
Construction	\$1,561,888	\$0	1,561,888
Total Project Cost	\$1,897,236	\$99,288	\$1,996,524



## NCLWF Flood Risk Reduction Grant Overview

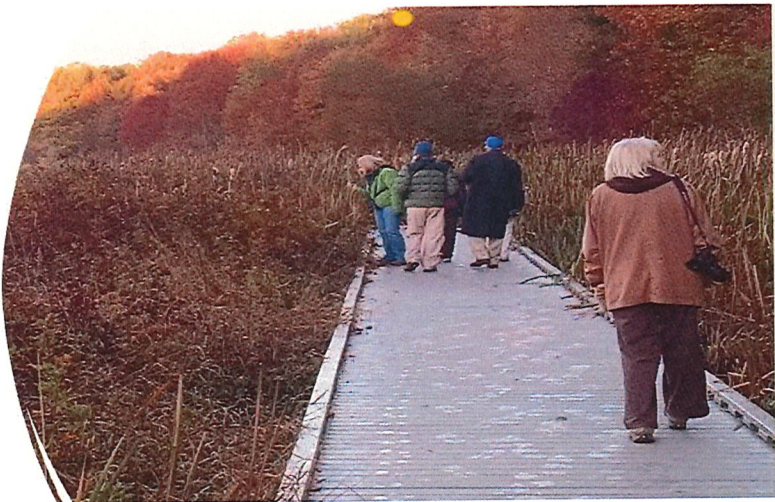
- Assessment of watershed hydrology and hydraulics
- Acquisition of 14 additional acres of Floodway/Floodplain property
- Implement ecological restoration and flood storage on the Wilson and Brevard Church sites
- Berm removal and a flood control structure on acquisition sites

# NCLWF Flood Risk Reduction Grant Budget

Activity	NCLWF Funded	Matching Funds	Total Cost
Design/Permitting	\$61,982	\$372,160	\$434,142
Acquisition	\$609,100	\$10,000	\$619,100
Construction	\$359,861	\$1,561,888	\$1,921,749
Project Admin (Monitoring/Maintenance /Education)	\$89,986	\$62,476	\$152,462
Total Project Cost	\$1,120,929	\$2,006,524	\$3,127,453

# Additional Project Benefits

- Greenway/Open Space Connectivity
  - Above the Mud
  - Ecusta
- Public Greenspace
- Passive Recreation
- Climate Resiliency
- Environmental Education Opportunities

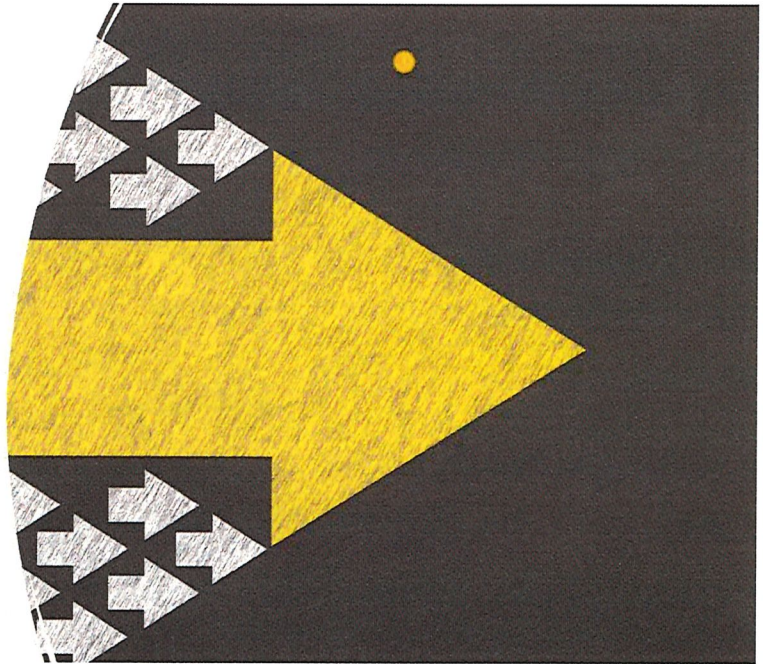




## Future Phases

Currently assessing other grant programs for potential funding of future phases

- NC319
- NCLWF
- Water Resource Development Grant
- Golden Leaf Flood mitigation



### PUBLIC HEARINGS

**A. Rezoning: Standard Rezoning-Upward Crossing Rezoning (P23-07-RZO) – Matt Manley, AICP/Planning Manager**

Matt Manley explained that the City of Hendersonville is in receipt of an application for a Standard Rezoning from Chris Cormier of Carolina Specialties Construction [Applicant] and Satis Patel of Upward Road Hospitality [Owner]. The applicant is requesting to rezone the 1.5 acre subject property (PIN: 9588-21-9113) located at Upward Crossing Rd, from Planned Commercial Development Conditional Zoning District (PCD) to Commercial Highway Mixed Use (CHMU). If rezoned, there will not be a binding site plan, list of uses or conditions placed on the site. All permitted uses within the CHMU district would be allowed on the site. The City of Hendersonville Zoning Ordinance states that, during a standard rezoning process, an applicant is prohibited from discussing the specific manner in which they intend to develop or use a site. At their meeting on March 9th, the Planning Board voted 7-0 to recommend approval of the petition.

The City Attorney confirmed this public hearing has been advertised in accordance with North Carolina General Statutes. The public hearing was opened at 6:53 p.m.

There were no comments.

The public hearing was closed at 6:53 p.m.

*Council Member Jennifer Hensley 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: 9588-21-9113) from PCD (Planned Commercial Development Conditional Zoning District) to 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 the public hearing, and because:*

- 1. The Future Land Use designation of Regional Activity Center recommends restaurants & Community/Regional Services as primary land uses and the location of the subject property aligns with the goals and strategies of LU-9.*

*2. 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:*

- 1. The CHMU Zoning District features Design Standards*
- 2. The CHMU Zoning District permits a mix of uses including those that are consistent with the interstate-oriented development occurring in this area.*
- 3. The subject property is located in a "Priority Growth Area"*

*A unanimous vote of the Council followed. Motion carried.*



**AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE  
OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR PARCEL NUMBERS: 9588-21-  
9113 BY CHANGING THE ZONING DESIGNATION FROM PCD (PLANNED COMMERCIAL  
DEVELOPMENT CONDITIONAL ZONING DISTRICT) TO CHMU (COMMERCIAL HIGHWAY  
MIXED USE)**

IN RE: Parcel Numbers: 9588-21-9113  
(File # P23-07-RZO)

**WHEREAS**, the City is in receipt of a Zoning Map Amendment application from Chris Cormier of Carolina Specialties Construction [Applicant] and Satis Patel of Upward Road Hospitality [Owner].

**WHEREAS**, the Planning Board took up this application at its regular meeting on March 9<sup>th</sup>, 2023; voting 7-0 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 called meeting on April 12<sup>th</sup>, 2023, and

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

1. Pursuant to Article XI of the Zoning Ordinance of the City of Hendersonville, North Carolina, the Zoning Map is hereby amended by changing the zoning designation of the following: Parcel Number: 9588-21-9113 from PCD (Planned Commercial Development Conditional Zoning District) to CHMU (Commercial Highway Mixed Use)
2. Any development of the parcels 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 12<sup>th</sup> day of April, 2023.

/s/Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

**B. ~~Rezoning: Standard Rezoning Hillview Blvd Rezoning (P23-18-RZO)~~ Matthew Manley, AICP/Planning Manager ~~REMOVED~~**

**C. Street Closure: Order to Close Portion of N. Wall Street (C23-16-SCL) – Tyler Morrow, Planner II**

Tyler Morrow explained that the City has received an application from TJF Enterprises, LLC to close a portion of N. Wall Street between PIN 9568-78-7052 and PINs 9568-78-8039, 9568-78-8036, 9568-78-8044, 9568-78-8042, 9568-78-8041, and 9568-77-8957. General Statute 160A-299 outline procedures and provides the City with authority for permanently closing streets and alleys. Whenever there is a proposal to permanently close any street or public alley, the City Council shall first adopt a resolution declaring its intent to close the street or alley and shall set a date for a public hearing. This step was completed at your March 2<sup>nd</sup>, 2023 regular session of City Council. At the public hearing to be held at your April 12<sup>th</sup> 2023 regular session of City Council, any person may be heard on the question of whether the closing would be detrimental to the public interest or the property rights of any individual.

The City Attorney confirmed this public hearing has been advertised in accordance with North Carolina General Statutes. The public hearing was opened at 6:57 p.m.

David Adams introduced himself as one of the managers that requested the closing and said he is happy to answer any questions.

The public hearing was closed at 6:58 p.m.

***Council Member Jerry A. Smith Jr., J.D. moved that City Council adopt an order permanently closing a portion of N. Wall Street between PIN 9568-78-7052 and PINs 9568-78-8039, 9568-78-8036, 9568-78-8044, 9568-78-8042, 9568-78-8041, and 9568-77-8957 as petitioned by TJF Enterprises, LLC. A unanimous vote of the Council followed. Motion carried.***

ORDER #O-23-29

ORDER TO PERMANENTLY CLOSE A

PORTION OF A RIGHT-OF-WAY LYING BETWEEN PIN 9568-78-7052 AND PINS 9568-78-8039, 9568-78-8036, 9568-78-8044, 9568-78-8042, 9568-78-8041, AND 9568-77-8957

(Petition from TJF Enterprises, LLC)

NORTH CAROLINA  
HENDERSON COUNTY

TO WHOM IT MAY CONCERN:

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

WHEREAS, TJF Enterprises, LLC, owner, has petitioned the City of Hendersonville City Council to close a portion of a right-of-way that abuts property described in a deed recorded in the Henderson County Registry in Deed Book 948 at page 520, having PIN of 9568-78-7052.

WHEREAS, on March 2<sup>nd</sup>, 2023, the Hendersonville City Council adopted a resolution expressing the intention of the municipality to close a portion of this street and setting April 12<sup>th</sup>, 2023 as the date of a public hearing regarding such closure; and

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

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

WHEREAS, a public hearing was held in conformance with the aforementioned public notice on the twelfth day of April, 2023.

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

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

IN CONSIDERATION THEREOF, IT IS HEREBY ORDERED:

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

Being all of that real property described as “Existing 10’ alley (To be Closed & maintained as 10’ Utility Easement)” as shown on that plat recorded in Plat Book\_\_\_\_\_ at Page\_\_\_\_\_ of the Henderson County Registry [to be inserted at recording]

Description of a portion of N. Wall Street

to be closed under NCGS 160A-299

Beginning at the most NE corner of the  
TJF Enterprises LLC property described in D.B. 948, PG. 520;  
Said beginning point being located N 36°24’02” E a distance of 204.42’ from a point having NCGS Gridiron “Post Office 2” coordinates of N: 587993.34 and E: 967676.32, and proceeding thence from said beginning point N 82°06’29" E a distance of 4.98' to a point; N 82°06’29" E a distance of 4.98' to a point;  
thence S 07°52’22" E a distance of 95.02' to a point;  
thence S 08°15’00" E a distance of 41.95' to a point;  
thence S 81°41’57" W a distance of 4.68' to a point;  
thence S 81°41’57" W a distance of 4.81' to a point;  
thence N 08°10’52" W a distance of 137.04' to a point;  
which is the point of beginning.  
Having an area of 1,320 square feet, hereinafter “Closed Portion of N. Wall Street”

2. The City herewith reserves all right, title, and interest in and to any utility infrastructure including water, sewer, and stormwater infrastructure within the closed portion of N. Wall Street, as well as an easement over, upon, across, under and through the closed portion of N. Wall Street for the placement, construction, and maintenance of public utilities including waterlines, sewer lines, stormwater management, and underground telecommunications facilities including cables, wires, and/or conduit.

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

This order shall take effect the 12<sup>th</sup> day of April, 2023.

/s/Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

**D. Annexation: Public Hearing – 7 Bridgette Loop Road (Lynnwood Cabins LLC) (C23-19-ANX) – Tyler Morrow, Planner II**

Tyler Morrow explained that the City of Hendersonville has received a petition from Lynnwood Cabins LLC for contiguous annexation of PIN 9569-14-9568 located on Bridgette Loop Road and Haywood Road that is approximately 3.06 acres. On March 2nd, 2023, City Council accepted the City Clerk's Certificate of Sufficiency for the petition submitted by Lynnwood Cabins LLC and set April 12<sup>th</sup>, 2023, as the date for the public hearing.

The City Attorney confirmed this public hearing has been advertised in accordance with North Carolina General Statutes. The public hearing was opened at 7:00 p.m.

There were no comments.

The public hearing was closed at 7:00 p.m.

*Council Member Lyndsey Simpson moved that City Council adopt an ordinance of the City of Hendersonville to extend the Corporate Limits of the City as a contiguous annexation, to annex that property owned by Lynnwood Cabins LLC, identified as PIN 9569-14-9568, finding that the standards established by North Carolina General Statute 160A-31 have been satisfied and that the annexation is in the best interest of the City. A unanimous vote of the Council followed. Motion carried.*

Ordinance #O-23-30

**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: 9569-14-9568

7 Bridgette Loop Road Annexation (File# C23-19-ANX)

**WHEREAS**, The City of Hendersonville has been petitioned by Lynnwood Cabins LLC (Diane Newman, Member Manager), 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 12<sup>th</sup> day of April 2023, after due notice by publication as provided by law on Sunday, March 19, 2023 and Sunday, March 26, 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 12<sup>th</sup> day of April 2023.

Being all of that real property consisting of PIN 9569-14-9568 described in the plat recorded in Book 2023- \_\_\_\_\_ [to be inserted at recording of the plat] of the Henderson County Registry, said PIN 9569-14-9568 being described by metes and bounds as follows:

Beginning at an existing iron pin at the southeast corner of Lot 27 of Lynnwood Subdivision, as shown on a plat filed in Plat Cabinet B, at Slide 158, in the Henderson County Registry;

Running with the existing Hendersonville city limits for the following five calls:

South 06 degrees 45 minutes 14 seconds West 11.01 feet to an existing pin;

Thence South 64 degrees 19 minutes 43 seconds East 241.17 feet to an existing iron pin;

Thence South 21 degrees 01 minutes 28 seconds West 179.75 feet to an existing iron pin;

Thence South 25 degrees 10 minutes 06 seconds West 364.83 feet to an existing iron pin along NC Highway 191 (Haywood Rd.)

Thence North 49 degrees 12 minutes 56 seconds West 79.98 feet along Haywood Road (NC 191) to an existing iron pin;

Thence, leaving Haywood Road (NC 191) and departing from the existing Hendersonville City limits, North 06 degrees 31 minutes 42 seconds East 185.36 feet to an existing iron pin;

Thence North 54 degrees 52 minutes 25 seconds West 311.62 feet to a calculated point at the corner of Lynnwood Circle (SR #1349);

Thence North 86 degree 12 minutes 56 seconds East 143.22 feet to an existing iron pin;

Thence North 22 minutes 52 degrees 12 seconds East 223.02 to an existing iron pin

Thence running South 75 degrees 49 minutes 58 seconds East 70.49 feet to an existing iron pin, the point and place of beginning, containing 3.06 acres, more or less.

2: Upon and after the twelfth day of April 2023, 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 12<sup>th</sup> day of April, 2023.

/s/Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

**E. Street Closure: Order to Close Portion of Laws Avenue (C23-01-SCL) – Tyler Morrow, Planner II**

Tyler Morrow explained that the City has received an application from Danny Huggins, Sara Huggins and Katheryn Enloe Writesel to close an unopened and unimproved portion of Laws Avenue between PINs 9568-18-1100, 9568-18-1372, 9568-18-3257 and 9568-18-3133. General Statute 160A-299 outlines procedures and provides the City with authority for permanently closing streets and alleys. Whenever there is a proposal to permanently close any street or public alley, the City Council shall first adopt a resolution declaring its intent to close the street or alley and shall set a date for a public hearing. This step was completed at your March 2<sup>nd</sup>, 2023 regular session of City Council. At the public hearing to be held at your April 12<sup>th</sup>, 2023 regular session of City Council, any person may be heard on the question of whether the closing would be detrimental to the public interest or the property rights of any individual.

The City Attorney confirmed this public hearing has been advertised in accordance with North Carolina General Statutes. The public hearing was opened at 7:03 p.m.

There were no comments.

The public hearing was closed at 7:03 p.m.

***Council Member Dr. Jennifer Hensley moved that City Council adopt an order permanently closing an unopened and unimproved portion of Laws Avenue between PINs 9568-18-1100, 9568-***



18-1372, 9568-18-3257 and 9568-18-3133 as petitioned by Danny Huggins, Sara Huggins and Katheryn Enloe Writesel. A unanimous vote of the Council followed. Motion carried.

ORDER #O-23-31

ORDER TO PERMANENTLY CLOSE, AN UNOPENED,  
UNIMPROVED PORTION OF A RIGHT-OF-WAY LYING BETWEEN PINS: 9568-18-1100, 9568-18-1372,  
9568-18-3257 and 9568-18-3133

(Petition from Danny Huggins, Sara Huggins and Katheryn Enloe Writesel)

NORTH CAROLINA  
HENDERSON COUNTY

TO WHOM IT MAY CONCERN:

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

WHEREAS, Danny Huggins, Sara Huggins and Katheryn Enloe Writesel, owners, have petitioned the City of Hendersonville City Council to close a portion of unimproved right-of-way that abuts property described in a deed recorded in the Henderson County Registry in Deed Book 838 at page 55, Deed Book 1383 at page 679, Deed Book 1180 at page 721, and Deed Book 1107 at page 27 having PINs of 9568-18-1100, 9568-18-1372, 9568-18-3257 and 9568-18-3133.

WHEREAS, on February 8<sup>th</sup>, 2023, the Hendersonville City Council adopted a resolution expressing the intention of the municipality to close a portion of this street and setting April 12<sup>th</sup>, 2023 as the date of a public hearing regarding such closure; and

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

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

WHEREAS, a public hearing was held in conformance with the aforementioned public notice on the twelfth day of April, 2023.

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

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

IN CONSIDERATION THEREOF, IT IS HEREBY ORDERED:

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

Being all of that real property described as “Unopened Portion of Laws Avenue to Be Closed” as shown on that plat recorded in Plat Book\_\_\_\_\_ at Page\_\_\_\_\_ of the Henderson County Registry [to be inserted at recording]

Description of a portion of Laws Avenue  
  
to be closed under NCGS 160A-299

Beginning on a 3/4" iron pipe, said iron pipe standing S 83°36'39" E 73.23' from the northwestern most corner of the Huggins property as described in Deed Book 838, Page 055, and continuing thence from said beginning point thus established, N 06°41'02" E 20.00' to a point, thence N 06°41'02" E 9.25' to a 3/4" iron pipe, said pipe marking the southwestern corner of the Enloe property as described in Deed Book 1388, Page 679, and continuing thence S 87°40'12" E 258.20' to a point, thence S 02°29'48" E 20.98' to a 1/2" iron pipe, thence N 87°25'58" E 124.94' to a 3/4" iron pipe, thence N 87°25'58" E 10.47' to a 1/2" iron pipe set, thence S 04°16'22" 24.84' to a point, thence S 04°16'22" 20.00' to a 1/2" iron pipe, thence S 85°45'15", passing through a 1/2" iron pipe at 67.39', a total distance of 150.00' to a 1/2" iron pipe, thence N 65°55'09" W 35.00' to a 1/2" iron pipe, thence N 65°42'22" W 41.74' to a point, thence N 83°28'54" W 182.52' to the point and place of beginning. Containing 0.37 Acres (16213 SF) and being an unopened portion of “Laws Avenue” as shown on survey by Associated Land Surveyors & Planners, PC bearing job number S-22-753, herein after “closed portion of Laws Avenue”.

2. The City herewith reserves all right, title, and interest in and to an easement over, upon, across, under and through the closed portion of Laws Avenue for the placement, construction, and maintenance of public utilities including waterlines, sewer lines, stormwater management, and underground telecommunications facilities including cables, wires, and/or conduit.
4. The City Clerk shall forthwith cause a certified copy of this order to be filed in the Office of the Register of Deeds of Henderson County.

This order shall take effect the 12<sup>th</sup> day of April, 2023.

/s/Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

#### **F. Installment Financing Contract (IFC) – Adam Murr, Budget Manager**

Budget Manager, Adam Murr, explained that the City of Hendersonville has determined it is in the best interest of the City to contract with a bank to finance the renovations and improvements to the City Hall and City Operations Center, complete 7<sup>th</sup> Avenue Streetscape improvements/enhancements, and certain other related matters. The resolution authorizes the City Manager and Staff, Special Counsel, and Financial Advisor to negotiate financing for the projects, not to exceed \$8,000,000.00 in accordance with NCGS160A-20 and also authorizes an application to the Local Government Commission (LGC) and approval of the Financing Team: Parker Poe [Special Counsel]; and, First Tryon Advisors [Financial Advisors].

The City Attorney confirmed this public hearing has been advertised in accordance with North Carolina General Statutes. The public hearing was opened at 7:05 p.m.

There were no comments.

The public hearing was closed at 7:05 p.m.

***Council Member Jerry Smith moved that City Council adopt the Resolution of the City council of the City of Hendersonville, North Carolina, Authorizing the Negotiation of an Installment Financing Contract and Providing for Certain Other Related Matters thereto as presented. A unanimous vote of the Council followed. Motion carried.***

Resolution #R-23-42

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

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

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

**WHEREAS**, the City Council of the City (the “City Council”) hereby determines that it is in the best interest of the City to (1) enter into an installment financing contract (the “Contract”) with a financial institution to be determined (the “Bank”) in order to pay the costs of (a) renovations and improvements to City facilities and infrastructure, including City Hall and the City Operations Center (collectively, the “2023 Projects”) and (b) entering into the Contract and (2) in order to provide security for the City’s obligations under the Contract, grant to the Bank a security interest under a deed of trust, security agreement and fixture filing (the “Deed of Trust”) on all or a portion of the sites of the 2023 Projects and improvements thereon as may be required by the Bank;

**WHEREAS**, the City staff has retained (1) Parker Poe Adams & Bernstein LLP, as special counsel (“Special Counsel”) and (2) First Tryon Advisors, as financial advisor, in connection with the proposed installment financing;

**WHEREAS**, the City Council hereby determines that the 2023 Projects are essential to the City’s proper, efficient and economic operation and to the general health and welfare of its inhabitants; that the 2023 Projects will provide an essential use and will permit the City to carry out public functions that it is authorized by law to perform; and that entering into the Contract and Deed of Trust is necessary and expedient for the City by virtue of the findings presented herein;

**WHEREAS**, the City Council hereby determines that such cost of the 2023 Projects exceeds the amount that can be prudently raised from currently available appropriations, unappropriated fund balances and non-voted bonds that could be issued by the City in the current fiscal year pursuant to Article V, Section 4 of the Constitution of the State;

**WHEREAS**, although the cost of financing the 2023 Projects pursuant to the Contract and the Deed of Trust is expected to exceed the cost of financing the 2023 Projects pursuant to a bond financing for the same undertaking, the City hereby determines that the cost of financing the 2023 Projects pursuant to the Contract and Deed of Trust and the obligations of the City thereunder are preferable to a general obligation bond financing or revenue bond financing for several reasons, including but not limited to the following: (1) the cost of a special election necessary to approve a general obligation bond financing, as required by the laws of the State, would result in the expenditure of significant funds; (2) the time required for a general obligation bond election would cause an unnecessary delay which would thereby decrease the financial benefits of the 2023 Projects; and (3) insufficient revenues are produced by the 2023 Projects so as to permit a revenue bond financing;

**WHEREAS**, the City Council hereby determines that the estimated cost of financing the 2023 Projects pursuant to the Contract and the Deed of Trust allows the City to finance the 2023 Projects at a favorable interest rate currently available in the financial marketplace and on terms advantageous to the City and reasonably compares with an estimate of similar costs under a bond financing for the same undertaking as a result of the findings delineated in the above preambles;

**WHEREAS**, the City does not anticipate a future property tax increase to pay installment payments falling due under the Contract but an increase in taxes, if any, necessary to meet the sums to fall due under the Contract will not be excessive.

**WHEREAS**, Special Counsel will render an opinion to the effect that entering into the Contract and the transactions contemplated thereby are authorized by law;

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

**WHEREAS**, the City is not in default under any of its debt service obligations;

**WHEREAS**, the City's budget process and Annual Budget Ordinance are in compliance with the Local Government Budget and Fiscal Control Act, and external auditors have determined that the City has conformed with generally accepted accounting principles as applied to governmental units in preparing its Annual Budget Ordinance;

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

**WHEREAS**, a public hearing on the Contract, the Deed of Trust and the 2023 Projects, after publication of a notice with respect to such public hearing, was held on April 12, 2023 and approval of the LGC with respect to entering the Contract must be received; and

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

Section 1. **Authorization to Negotiate the Contract and the Deed of Trust.** That the City Manager, the Assistant City Manager and the Finance Director (the "*Authorized Officers*"), individually or collectively, with advice from the City Attorney, Special Counsel and the City's financial advisor, are hereby authorized and directed to negotiate on behalf of the City (1) the financing of the 2023 Projects for a principal amount of approximately \$8,000,000 under the Contract to be entered into with the Bank in accordance with the provisions of Section 160A-20 of the General Statutes of North Carolina, as amended, and (2) the provision of a security interest under the Deed of Trust in the City's fee simple interest on all or a portion of the sites of the 2023 Projects, together with all improvements and fixtures located thereon, as may be required by the Bank providing the funds to the City under the Contract to secure the City's obligations thereunder.

Section 2. **Application to LGC.** The Finance Director or his designee is hereby directed to file with the LGC an application for its approval of the Contract and all relevant transactions contemplated thereby on a form prescribed by the LGC and to state in such application such facts and to attach thereto such exhibits regarding the City and its financial condition as may be required by the LGC.

Section 3. **Approval of the Financing Team.** Parker Poe Adams & Bernstein LLP has been retained by the City to serve as special counsel and First Tryon Advisors been retained to serve as financial advisor. The Authorized Officers, with advice from the City Attorney and Special Counsel, are hereby authorized to retain the assistance of other professionals as they deem necessary and desirable to carry out the intention of this Resolution.

Section 4. **Ratification.** All actions of the City and its officials, whether previously or hereafter taken in effectuating the proposed financing as described herein, are hereby ratified, authorized and approved.

Section 5. **Repealer.** All motions, orders, resolutions and parts thereof in conflict herewith are hereby repealed.

Section 6. **Effective Date.** This Resolution is effective on the date of its adoption.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 12<sup>th</sup> day of April, 2023.

/s/Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

**7. UNFINISHED BUSINESS**

There was no unfinished business.

**8. NEW BUSINESS****A. Tree Ordinance Study Committee – John Connet, City Manager**

Glenn Lange spoke about tree canopy loss and the need to discuss it further. Council Member Smith added that he and Council Member Simpson have discussed it and they would like to form a study committee to look at current tree ordinances.

*Council Member Lyndsey Simpson moved that City Council appoint a limited purpose committee, the Tree Ordinance Study Committee, to study and recommend ordinance provisions related to the preservation of the tree canopy within the City of Hendersonville, to consist of the following people:*

*Glenn Lange (Tree Board)  
Mary Davis (Tree Board)  
Mark Steirwalt (Staff - PW)  
Lyndsey Simpson (Jerry Smith Alt.)  
Virginia Tegel (ESB)  
Neil Brown (Planning)  
Lew Holloway (Staff - Community Dev.)  
Daniel Heyman (Staff - Legal)  
Steve Dozier (Business Advisory)  
Susan Frady (At-large)  
Caitlyn Gendusa (Staff - Sustainability)*

*A unanimous vote of the Council followed. Motion carried.*

**B. Resolution to Adopt a ten-foot Right-of-Way for Wall Street – Tom Wooten, Public Works Director**

Tom Wooten explained that the City of Hendersonville has received a request from TJF Enterprises, LLC to accept a 10 foot right of way through their property, known as Wall Street, into our street maintenance program. Staff have no objections to this dedication and request that City Council adopt the attached Resolution.

*Council Member Dr. Jennifer Hensley moved that the City of Hendersonville City Council to adopt the resolution accepting the Right of Way from TJF Enterprises, LLC as described and shown on the final plat. A unanimous vote of the Council followed. Motion carried.*

Resolution #R-23-43

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL AUTHROZING ACCEPTANCE OF  
A TEN-FOOT RIGHT OF WAY INTO THE CITY STREET SYSTEM**

**WHEREAS**, TJF ENTERPRISES, LLC, a North Carolina limited liability company, has submitted a request to the City to accept a ten-foot right of way through their property, having PIN # 9568-78-7052; and,

**WHEREAS**, City Council previously closed the old road within the same parcel that was not accessible to the public and need the new ten-foot right of way for a dedicated public road; and,

**WHEREAS**, TJF Enterprises, LLC has approve a resolution and offered the ten-foot right of way for dedication and acceptance by the City of Hendersonville; and

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

The City of Hendersonville accept the ten-foot right of way from TJF Enterprises, LLC as presented.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 12<sup>th</sup> day of April, 2023.

/s/Barbara G. Volk, Mayor  
Attest: /s/Jill Murray, City Clerk

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

**C. City Hall/Ops Renovation Bid Approval – Brian Pahle, Assistant City Manager**

Brian Pahle explained that we have bids in hand for the City Hall/Ops Renovation. A bid came in at \$4.2 million dollars and this is within our budget and this resolution would authorize the city manager to award the contract to H&M Construction and begin negotiations for a contract.

*Council Member Jerry Smith moved that the City Council approve the Resolution by the City of Hendersonville City Council to authorize the City Manager to negotiate and execute a contract for the City Hall and Ops Renovations Project. A unanimous vote of the Council followed. Motion carried.*

Resolution #R-23-44

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE CITY MANAGER TO EXECUTE AGREEMENT WITH H&M CONSTRUCTORS FOR THE CITY HALL AND CITY OPERATIONS CENTER RENOVATIONS PROJECT**

**WHEREAS**, the City Council approved THE CITY HALL AND CITY OPERATIONS CENTER RENOVATIONS PROJECT as part of the budget, the “Project”; and;

**WHEREAS**, the City Manager’s Office has solicited proposals in an effort to hire a reputable and responsible vendor(s) to perform the Project; and

**WHEREAS**, H&M Constructors has submitted the lowest certified responsive and responsible bid in the best interest of the City, and references indicate that they are a responsible vendors, able to complete the Project within the bid or price stated, and within the time frames requested; and

**WHEREAS**, the City Manager’s Office is recommending that the Project be awarded to H&M Constructors and the Agreement be approved; and

**WHEREAS**, the City Manager’s Office has requested that the City Manager be authorized to negotiate and enter into a contract with H&M Constructors for a not to exceed amount;

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

1. The Project is awarded to H&M Constructors in the amount not to exceed \$4,221,000.00.
2. The City Manager is authorized to negotiate and enter into an agreement with H&M Constructors on behalf of the City in such form and with such provisions as he may deem appropriate, after consultation with the City Attorney, provided that the price may not be changed without approval from the City Council.
3. The City Manager, City Attorney, and City Staff are authorized to take such other actions as may be necessary to carry out the terms and provisions of the agreement as entered and signed by the City Manager.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 12<sup>th</sup> day of April, 2023.

/s/Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

**D. 2023 Water & Sewer Revenue Bond –Adam Murr, Budget Manager**

Adam Murr explained that the City of Hendersonville has determined it is desirable to finance certain improvements related to: the Fleetwood Utility Improvement Project, the Long John Mountain Property Acquisition Project, the Church Street Sewer Project, the I-26 Utility Project, the 2023 AMI Meter Project, the North Fork Improvement Project, and the Vactor Truck Project. The not to exceed amount for the projects, plus the cost of issuance and contingency is \$9,000,000. The City is not required to hold a public hearing for revenue bond issuances.

Staff recommends the City Council adopt the resolution, drafted by Special/Bond Counsel, Parker Poe Adams & Bernstein, LLP. The resolution directs Staff and Special Counsel to negotiate financing and apply to the Local Government Commission for approval of Contracts.

*Council Member Lyndsey Simpson moved that the City Council adopt the Resolution of the City Council of the City of Hendersonville, North Carolina Directing the Application to the Local Government Commission for Approval of a Water and Sewer System Revenue Bond and Certain Related Matters. A unanimous vote of the Council followed. Motion carried.*

Resolution # R-23-45

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HENDERSONVILLE, NORTH CAROLINA  
DIRECTING THE APPLICATION TO THE LOCAL GOVERNMENT COMMISSION FOR APPROVAL OF A  
WATER AND SEWER SYSTEM REVENUE BOND AND CERTAIN RELATED MATTERS**

*WHEREAS*, the City Council (the “City Council”) of the City of Hendersonville, North Carolina (the “City”) hereby determines that it is desirable to finance certain improvements to its water and sewer system (the “Water and Sewer System”);

*WHEREAS*, the City Council is considering the issuance of a not to exceed \$9,000,000 Water and Sewer System Revenue Bond, Series 2023 (the “2023 Bond”) to (1) finance improvements to the City’s water and sewer system, including, without limitation, (a) the replacement, improvement and maintenance of water and sewer mains, pipes and pump stations, (b) the replacement and installation of water meters, (c) improvements to a water intake reservoir, (d) payments to the North Carolina Department of Transportation related to the adjustment, relocation and improvements of certain city-owned water and sewer lines completed by the North Carolina Department of Transportation and (e) the acquisition of equipment (collectively, the “2023 Projects”) and (2) pay the costs of issuing the 2023 Bond; and

*WHEREAS*, the City has retained (A) Parker Poe Adams & Bernstein LLP, as bond counsel for the 2023 Bond, (B) First Tryon Advisors, as financial advisor for the 2023 Bond and (C) The Bank of New York Mellon Trust Company, N.A., as trustee for the 2023 Bond and (D) Stantec Inc., as feasibility consultant (collectively, the “Financing Team”); and

*WHEREAS*, on approval by the Local Government Commission of North Carolina (the “Commission”) of the City’s application for the 2023 Bond, the Commission will sell the 2023 Bond on behalf of the City to a financial institution to be selected by the City through a request for proposal process (the “Lender”);

*WHEREAS*, the City Council wants the Finance Director of the City to file with the Commission an application for its approval of the 2023 Bond, on a form prescribed by the Commission, and (1) request in such application that the Commission approve (A) the negotiation of the sale of the 2023 Bond to the Lender, (B) the City’s use of the Financing Team in connection with the issuance of the 2023 Bond; and (2) state in such application such facts and to attach thereto such exhibits in regard to the 2023 Bond and to the City and its financial condition, as may be required by the Commission, and to take all other action necessary to the issuance of the 2023 Bond.

*NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HENDERSONVILLE, NORTH CAROLINA, AS FOLLOWS:*

**Section 1.** That the 2023 Bond is to be issued by the City in an aggregate principal amount not to exceed \$9,000,000 for the purpose of providing funds to (1) finance the 2023 Projects and (2) pay the costs of issuing the 2023 Bond, all as will be set out in the documents attached to the City’s application to the Commission. The 2023 Projects are necessary to meet the needs of the users of the Water and Sewer System and to assure that the Water and Sewer System remains in full compliance with all state and federal requirements for the provision of water and sewer services.

**Section 2.** That the City Manager, the Assistant City Manager and the Finance Director, with advice from the City’s financial advisor and bond counsel, is hereby authorized and directed to select the Lender through the request for proposal process.

**Section 3.** That the Financing Team is hereby approved in connection with the issuance by the City of the 2023 Bond, and the Mayor, the City Manager, the Assistant City Manager and the Finance Director, in consultation with the Commission, are each hereby authorized to retain other persons or organizations as may be necessary and appropriate to carry out the intention of this Resolution.

**Section 4.** That the Finance Director of the City with advice from the City Manager, the Assistant City Manager, the City Attorney, the financial advisor and bond counsel, is hereby authorized, directed and designated to file an application with the Local Government Commission of North Carolina for its approval of the issuance of the 2023 Bond.

**Section 5.** That the City Council finds and determines and asks the Commission to find and determine from the City’s application and supporting documentation:

- (a) that the issuance of the 2023 Bond is necessary or expedient;
- (b) that the not to exceed stated principal amount of the 2023 Bond will be sufficient but is not excessive, when added to other money available to the Water and Sewer System, to finance the 2023 Projects;
- (c) that the Water and Sewer System as now constituted, and as it will be constituted after the completion of the 2023 Projects, is feasible;
- (d) that the City’s debt management procedure and policies are good; and



(e) that the 2023 Bond can be marketed at a reasonable interest cost to the City.

**Section 6.** That the City Council requests that the Commission sell the 2023 Bond through negotiation to the Lender on such terms as may be agreed on but at an interest rate not exceeding 5.50%.

**Section 7.** That the Mayor, the City Manager, the Assistant City Manager, the City Attorney, the Finance Director and the City Clerk, as their respective designees, individually or collectively, are each hereby authorized to do any and all other things necessary to complete the steps necessary for the authorization and sale of the 2023 Bond.

**Section 8.** That this Resolution is effective on the date of its adoption.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 12<sup>th</sup> day of April, 2023.

/s/Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

## 9. CITY COUNCIL COMMENTS

Council Member Lyndsey Simpson reminded everyone that Hendo Earth Fest is on April 22<sup>nd</sup> from 10-3 downtown. Also, I am excited to say that the Kiwanis Splash Pad Project was awarded another \$50,000 from the TDA Grant Program so that project is slowly picking up steam and I am really excited to see where this goes and hopefully we can schedule a ground-breaking soon.

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

City Manager Connet said your cash and investment report is attached to your agenda and I want to congratulate City Council on conducting a large amount of business tonight.

## 12. CLOSED SESSION

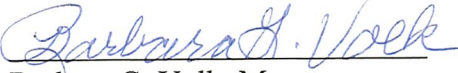
### A. Closed Session – John Connet, City Manager

*At 7:26 p.m. Council Member Lyndsey Simpson moved that City Council enter closed session pursuant to NCGS § 143-318.11 (a) (1) and (6) to prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes, And the public body and to consider the qualifications, competence, performance, character, fitness of an individual public officer or employee. A unanimous vote of the Council followed. Motion carried.*

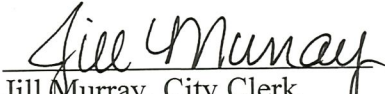
*At 7:32 p.m. Council Member Lyndsey Simpson moved that City Council return to open session. A unanimous vote of the Council followed. Motion carried.*

## 13. ADJOURN

There being no further business, the meeting was adjourned at 7:32 p.m. upon unanimous assent of the Council.

  
Barbara G. Volk, Mayor

ATTEST:

  
Jill Murray, City Clerk

