



MINUTES

October 5, 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, Jerry Smith and Debbie O'Neal-Roundtree

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

1. CALL TO ORDER

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

In Person:

Seth Cohen, a local dermatologist spoke against the Highland Lake Road Project and said he is closing down his business in 90 days because of it.

Virginia Tegal spoke about homelessness and housing and said we need a committee to address these issues.

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

Crystal Cauley spoke to recognize Michael Huffman, for his above and beyond attitude to help with Community Fest that happened on Saturday, September 9th at Sullivan Park. There were numerous positive remarks regarding his willingness to help and his engagement with the community.

Jeff Groh spoke about the constitution class and asked the city to sponsor a class that teaches the constitution and wants it offered to the public. He sent you a revised proposal showing that the class will be sponsored by a non-partisan non-profit.

Clifford Meek spoke about a traffic problem at 3rd and Washington, an ongoing City project about updating the intersection and it has taken two years to put in a traffic signal and sidewalks and I would like someone to check into that. I would also like an update on the railroad project that I brought up to city council a while back. Lastly, I have a problem with the police department and their survey. He left a written request with the City Clerk.

Ken Fitch spoke via Zoom electronic software regarding the homeless population. The problem calls for cooperative partnership or task force action with input and participation with all of the entities, including county and city to have a cooperative coordinated approach to this very serious problem.

Digital Comments:

Ron Creel of 103 Whippoorwill Lane, Dothan, AL, said as an out-of-town visitor, your pay for parking is frustrating and will cause me to avoid this town in the future. We talked to several of your townspeople and found that they too are upset. At a minimum, pay for parking on the

weekend should be suspended. Until I hear that a change has been made, I will recommend to family and friends to look for a tourist friendly town.

Mr. & Mrs. Kenneth Edwards of 235 Greenville Ave, Arden, NC said my wife and I were thinking of buying a home in Hendersonville, NC due to your lovely downtown area with Shops and restaurants. We are now thinking since you changed your Parking situation that it has hurt Downtown business. Some have closed and the price to park is ridiculous. It had the old downtown look and now it's a mess. We were talking to a Police officer on the street and we complained to him and he said we have complaints every day and that it has hurt downtown & small business. So now we have decided to stay in the Fletcher area where it's not as expensive and easy to park. I suggest you think about what you have done to Downtown Hendersonville. It used to be a great place to walk and shop.

Rhonda Becker of 20 Westwood Place, Asheville, NC said It would be beneficial to the both parents and staff of St. Gerard House to allow public street parking without 2-hour delay.

Marlene Contreras-Montero said I support the elimination of two-hour parking restrictions along Oakland St. Our company does not have enough parking and it will be helpful to have street parking so everyone can find a place to park.

Delaney Brown of 620 Oakland Avenue, Hendersonville, NC said I support the elimination of two-hour parking restrictions along Oakland St - we provide much needed services to autistic children and teenagers at St Gerard House and are unable to park close to our establishment. There are no shortage of spaces for locals to park, in fact the entire street is empty most days. Two hour parking is unnecessary and should be accessible for longer periods of time. Thank you.

Josh Coe of 112B Owenby Lane, Black Mountain, NC said I support the elimination of two-hour parking restrictions along Oakland St.

Dawn Winter of 727 Oakland Street, Hendersonville, NC said Parking via the St. Gerard House (SGH) is limited and does not provide adequate number of spaces available for all employees (due to limited lot sizes and the number of persons employed by SGH). Therefore, employees must park on the streets surrounding the SGH. By employees having to monitor their parking situation, services to our clients could be affected in a negative fashion. Employees must interrupt their responsibilities in order to avoid parking fees or face continual fees. Given that this is related to work (and not a personal preference as to parking), this is unfair to SGH employees.

Emma Holmes of 705 Oakland Street, Hendersonville, NC said Having the 2 hour parking limit removed would be helpful for SGH employees. We already have limited parking in a small parking lot and if we can't find parking there we have to park in a lot mainly used by high schoolers. 95% of the parking spaces along our street go unused throughout the day, and when they are being used its only for a brief time. It would make our lives much easier and our parking situation much more manageable throughout the week. All of the businesses and homes along our street have their own parking situations with more than enough parking.

Mike Blake of 611 Oakland Street, Hendersonville, NC said it seems this would allow someone to park their car or a stolen car in this area for an indefinite amount of time. My recommendation would be that there would be a 12 hour maximum a car could remain in the same space.

Desiree Grubb of 300 Long Shoals Rd, Apt 13K, Arden, NC said I support the elimination of time-limited parking on Oakland St. between Bearcat Blvd and 6th. I work with children with autism on that street and I have to move my car every 2 hours to avoid getting a ticket. There is always ample space available along the street as most of the businesses have parking in their back lots that is utilized by patrons needing parking.

Gretchen Lawrence was in attendance and spoke to Council but also sent this email that said we are a medical office building, ABC Podiatry PLLC, that has been present on Oakland Street for

more than 30 years. Recently, we have been greatly impacted by your recent removal of our two handicapped parking spaces, on Oakland Street, outside of our office, as the majority of our patients are and always have been handicapped, or limited in their ability to walk due to pain. The Motor Vehicle Laws of North Carolina General Statute Chapter 20, Article 2A, Affected Disabled or Handicapped Persons. G.S. 20-37.5 Definitions(2) "Handicapped" shall mean a person with a mobility impairment who, as determined by a licensed physician: Cannot walk 200 feet without stopping to rest; Cannot walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive devices; Is severely limited in their ability to walk due to an arthritic, neurological, or orthopedic condition. Now that these two handicapped parking spaces have been removed, without our consent, it is virtually impossible for our patients to access our small and growing practice. It is also very discriminatory and unfair towards the ADA population of Hendersonville. Furthermore, the removal of the two-hour time limit for parking along our section of Oakland Street will only further the city's discrimination towards our patients and the handicapped patients of Henderson County and also greatly impact our small private practice and its accessibility to and for the handicapped population of Hendersonville. Our patients should have the same opportunity to access our business and allowing unlimited parking along this section of Oakland Street could potentially allow more of the residents in the nearby apartments, as well as people in school, full time, or out of town visitors to our community who may come in to visit on the weekend for festivals, take up more parking spots and make our business inaccessible by default. The removal of the current two-hour parameters for parking could allow for vans or buses or even recreational vehicles to park and block traffic for an unlimited time and further make Oakland Street congested and unsafe to all. Though we do have parking available on our own lot, the town of Hendersonville, the taxpayers, and business and home owners on this half residential and half commercial street should have equal say in permanent changes within our area. The Americans with Disabilities Act of 1990 (ADA) makes it unlawful to discriminate against a qualified individual with a disability. The ADA also outlaws discrimination against individuals with disabilities by state and local government, public accommodations, transportation and telecommunications. Your removal of the two handicapped parking spaces that have been on Oakland Street for more than 30 years, without our notice, is discriminatory against individuals with disabilities by state and local government and discriminates against the handicapped by prohibiting public accommodations and safe transport of individuals on Oakland Street. As you may know, specialist within the medical community are declining and the aging population is increasing. Our podiatry practice has been around for greater than 30 years and now, since the passing of Dr Sheldon Marne, our podiatrist, at 704 Oakland St, we have started to build a "niche" within our podiatric sector and in the medical community in Hendersonville. We envision utilizing our practice as an after-hours clinic for the working individual to access excellent podiatric medical care. The surrounding Hendersonville podiatric practices, similar to ours, do not offer our similar hours, and we have found that these hours, free up the travel time and inconvenience of our patient's coming into contact with the daily hustle and bustle of Oakland Street and its two schools on either end. We are a small, minority and female owned business trying to also make our way here in Hendersonville. And we will continue to fight for our patients and our small piece of "heaven" here on Oakland Street in Hendersonville, NC. I spoke with the office manager at Joshua Merrell, DDS Dentistry practice at 713 Oakland Street yesterday regarding this current proposed change. During our conversation, they also expressed to me that their office continues to serve the aging population in our county and full time, unrestricted parking along the street can make pulling into and out of our businesses a danger to our customers, pedestrians along Oakland Street, and especially the children, whom attend school all along the street where some individuals live, work and play. If you're like the majority of the population, mobility is something you take for granted. However, once you, or a loved one encounters an illness or disability that results in dependence on a wheelchair, or assistive device for mobility, your perspective is likely to change dramatically. Mobility is a major factor in a person's independence, but when illness or injury hinders free movement, even a simple task like running to the store, going to the doctor, or picking your child up from school becomes a challenge. Getting out of the house is an important way to help someone whose mobility is compromised continue to feel connected to the larger world and community. Practically speaking, even if they're not physically up to social engagements, chances are that doctor's appointments will still be a necessity. Parking limitations can cause major challenges for the disabled in our county and when overflow from our own individual parking spaces owned by each business or private sector is utilized, each and every one of us should continue to be allow to equally share the remaining spaces on Oakland Street for safe, visible parking, and protection of our patients and our community's children. It is unfair to have

individuals with disabilities walking blocks to access the school, potentially, their own residence, or medical offices and businesses along Oakland Street, if overflow street parking is not available in some capacity for all individuals. Therefore, I would like to take this opportunity on Oct 5, 2023 at 5:45 p to also have this addressed at your town hall meeting and we would like the handicapped parking spaces replaced ASAP as well as the discontinuation of unlimited street parking along Oakland Street now or in the future. We need our handicapped spaces back and we request no further changes in the parking infrastructure in Oakland St. It is unfair for small business and growth in this area. In an effort for compromise, we have always told the owners at the Girard House that they can utilize our private spaces, while we are not utilizing them. We are also interested in any grant opportunities the City of Hendersonville may have to help our small practice and the further revitalization of our Oakland Street sector for the good of the community. I have placed a few phone calls to you to discuss this, and will be present at the meeting this evening. I am traveling from out of town to make it and hoped we could discuss this in person prior to the meeting. Please feel free to contact me today at 704-487-6672 and ask for me, Gretchen Lawrence DPM directly as you will have to let my staff know that I am expecting your call.

4. CONSIDERATION OF AGENDA

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

5. CONSENT AGENDA

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

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

September 7, 2023 Regular Monthly Meeting

September 27, 2023 Second Monthly Meeting

B. Approval of Resolution Committing to the Implementation of Phase II of the Lower Mud Creek Floodplain Restoration Project – Mike Huffman, Stormwater Division Manager

Resolution #R-23-100

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL COMMITTING TO THE IMPLEMENTATION OF PHASE II OF THE LOWER MUD CREEK FLOODPLAIN RESTORATION PROJECT (23006)

WHEREAS, the City of Hendersonville recognizes the importance of floodplain restoration and mitigation to protect our community and environment;

WHEREAS, the Lower Mud Creek Floodplain Restoration Project has been identified as a critical initiative to address flood risks, protect natural habitats, and enhance the overall resilience of our city;

WHEREAS, the Golden LEAF Foundation has generously awarded the City of Hendersonville a grant in the amount of \$250,000 to support the implementation of Phase II of the Lower Mud Creek Floodplain Restoration Project;

WHEREAS, the successful implementation of this project will contribute to the long-term safety and well-being of our citizens, improve water quality, and enhance the quality of life in our community;

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

1. The City of Hendersonville hereby commits to the implementation of Phase II of the Lower Mud Creek Floodplain Restoration Project, using the \$250,000 grant funds provided by the Golden LEAF Foundation.
2. The implementation of Phase II of the Lower Mud Creek Floodplain restoration is contingent upon the acquisition of the properties outlined in the grant application that was submitted to Golden LEAF foundation in May of 2023.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 5th day of October, 2023.

/s/Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

C. Consider Negotiated Offer to Purchase North Edwards Street lot, Parcel B1, Plat Book 2022 page 14832, Henderson County Registry – Daniel Heyman, Staff Attorney

Resolution #R-23-101

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

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

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

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

WHEREAS, pursuant to the Offer, WNH Investments, LLC, (“Buyer”), is offering to purchase the Property for the sum of \$30,000, subject to the terms and conditions contained within the Offer; and

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

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

1. The Council declares the Property surplus, and proposes to accept the Offer pursuant to the procedures of 160A-269.
2. The Buyer is required to deposit with the City Clerk a sum equal to 5 % of the offer, or \$1,500.00. The Clerk will cause a notice to be published in a newspaper of record advising that upset bids will be accepted within 10 days of the date of publication, which bid shall increase the proposed sales price by at least an amount equal to 10% of the first \$1,000.00 of the purchase price and 5% of the excess. Such upset bids shall be made to the City Clerk and accompanied by a deposit equal to 5% of the new purchase price, at which time the Clerk shall then publish a new notice advising that further upset bids, increased in the same minimum amount may be accepted within 10 days from the date of publication.
3. Each bidder submitting an upset bid shall be bound by the same terms and conditions as contained in the Offer. Each bidder shall therefore be required to sign an offer in the form of the Offer attached hereto as Exhibit A, with the only differences being (1) a revised purchase price; and (2) modification of the terms of the upset bid procedure described in the Offer to reflect the terms of this Resolution.
4. When there are no further bidders, the high bid shall be reported to the Council by the Clerk.
5. Following a final acceptance by the Council, the closing shall occur within 30 days of the conclusion of the due diligence period.
6. The City reserves the right to withdraw the property from sale at any time before the issuance of a final acceptance and the right at any time to reject all bids.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 5th day of October, 2023.

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

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

TO MAYOR & COUNCIL

APPROVAL: October 05, 2023

FISCAL YEAR 2024

FORM: 10052023-01

BUDGET AMENDMENT

FUND 301

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

An amendment increasing the Governor's Highway Safety Program Traffic Enforcement Overtime (GHSP-O/T) Grant, #G2302 by \$20,000 to reflect a grant award in September 2023. The grant funds are appropriated for use in paying overtime, FICA, and retirement expenditures related to the City's traffic safety and enforcement initiatives.

The City Manager and City Clerk certify budget ordinance amendment 10052023-01 was approved by City Council on October 05, 2023.

TO MAYOR & COUNCIL
APPROVAL: October 05, 2023

FISCAL YEAR 2024
FORM: 10052023-02

BUDGET AMENDMENT

FUND 467					
ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
467-0000-470100-G2306	Transfer in (from 067, FY24)	109,300	-	-	109,300
467-0000-420050-G2306	Grant Revenue (NCLWF)	1,120,929	-	-	1,120,929
467-0000-420050-G2306	Grant Revenue (NCDWI)	1,897,236	-	-	1,897,236
467-0000-460900-G2306	Contribution (GoldenLEAF)	-	250,000	-	250,000
467-7555-551000-G2306	Capital Outlay - Land/Easement/ROW	609,000	-	-	609,000
467-7555-550103-G2306	Capital Outlay - CIP	2,518,465	250,000	-	2,768,465
FUND 467 (#G2306)	TOTAL REVENUES	3,127,465	250,000	-	3,377,465
	TOTAL EXPENDITURES	3,127,465	250,000	-	3,377,465
An amendment increasing the Lower Mud Creek Stormwater Project (G2306) following the receipt of a \$250,000 contribution from the GoldenLEAF foundation.					

The City Manager and City Clerk certify budget ordinance amendment 10052023-02 was approved by City Council on October 05, 2023.

TO MAYOR & COUNCIL
APPROVAL: October 05, 2023

FISCAL YEAR 2024
FORM: 10052023-03

BUDGET AMENDMENT

FUND 080					
ACCOUNT NUMBER	DESCRIPTION OF ACCOUNT	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
080-0000-460001	Misc. Income (Shirt/Packet Sales)	13,000	6,000	-	19,000
080-3101-519200	Contracted Services	64,125	6,000	-	70,125
FUND 080	TOTAL REVENUES	-	6,000	-	-
	TOTAL EXPENDITURES	-	6,000	-	-
A budget amendment increasing turkey trot revenues and correlating expenditures for more turkey trot shirt purchases.					

The City Manager and City Clerk certify budget ordinance amendment 10052023-03 was approved by City Council on October 05, 2023.

TO MAYOR & COUNCIL
APPROVAL: October 05, 2023

FISCAL YEAR 2024
FORM: 10052023-04

BUDGET AMENDMENT

FUND 021					
ACCOUNT NUMBER	DESCRIPTION OF ACCOUNT	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
021-0000-470900	Fund Balance Appropriated	63,443	1,137	-	64,580
021-2202-532299	Misc. Program Expenditure	-	1,137	-	1,137
FUND 021	TOTAL REVENUES	-	1,137	-	-
	TOTAL EXPENDITURES	-	1,137	-	-
An amendment appropriating 7th Avenue MSD fund balance for expenditures related to the organic garden project.					

The City Manager and City Clerk certify budget ordinance amendment 10052023-04 was approved by City Council on October 05, 2023.

TO MAYOR & COUNCIL
APPROVAL: October 05, 2023

FISCAL YEAR 2024
FORM: 10052023-05

BUDGET AMENDMENT

FUND 410 460 467					
ACCOUNT NUMBER	DESCRIPTION OF ACCOUNT	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
410-0000-470010-21017	Debt Proceeds (2023 IFC)	6,425,000	-	4,909,250	1,515,750
410-1002-550103-21017	Capital Outlay - CIP	6,425,000	-	4,935,000	1,490,000
410-1002-560900-21017	Cost of Issuance	-	25,750	-	25,750
460-0000-470010-21017	Debt Proceeds (2023 IFC)	-	3,499,750	-	3,499,750
460-1002-550103-21017	Capital Outlay - CIP	-	3,450,000	-	3,450,000
460-1002-560900-21017	Cost of Issuance	-	49,750	-	49,750
467-0000-470010-21017	Debt Proceeds (2023 IFC)	-	377,000	-	377,000
467-1002-550103-21017	Capital Outlay - CIP	-	372,500	-	372,500
467-1002-560900-21017	Cost of Issuance	-	4,500	-	4,500
FUND 410, 460, & 467 #21017	TOTAL REVENUES	6,425,000	3,876,750	4,909,250	5,392,500
	TOTAL EXPENDITURES	6,425,000	3,902,500	4,935,000	5,392,500
410-0000-470010-19140	Debt Proceeds (2023 IFC)	-	516,250	-	516,250
410-0000-470100-19140	Transfer In (from 010)	254,696	-	-	254,696
410-1002-550102-19140	Capital Outlay - Services and Fees	22,500	-	-	22,500
410-1002-550103-19140	Capital Outlay - CIP	232,196	516,250	-	748,446
460-0000-470010-19140	Debt Proceeds (2023 IFC)	-	516,250	-	516,250
460-0000-470100-19140	Transfer In (from 060)	140,545	-	-	140,545
460-0000-470900-19140	Fund Balance Appropriated	50,789	-	-	50,789
460-0000-598901-19140	Transfer Out	63,362	-	-	63,362
460-1002-550102-19140	Capital Outlay - Services and Fees	22,500	-	-	22,500
460-1002-550103-19140	Capital Outlay - CIP	105,472	516,250	-	621,722
FUND 410 & 460 #19140	TOTAL REVENUES	446,030	1,032,500	-	1,478,530
	TOTAL EXPENDITURES	446,030	1,032,500	-	1,478,530

2023 Installment Financing Subtotal	6,425,000
Other Financing Sources Subtotal	446,030
Total Project Revenues (21017 and 19140)	6,871,030
Total Project Appropriation (21017 and 19140)	6,871,030
An amendment placing the 2023 Installment Financing Budget needed for the City Hall Exterior Improvements Project in project code 19140 rather than project 21017 (City Hall and Operations Renovations).	
The City Manager and City Clerk certify budget ordinance amendment 10052023-05 was approved by City Council on October 05, 2023.	

6. PRESENTATIONS

A. **Oath of Office – Colby Thomas Corbett – *Barbara G. Volk, Mayor***

Mayor Barbara G. Volk gave the Oath of Office to Police Officer Colby Thomas Corbett with his family and friends in attendance.

Oath of Office Police Officer

“I, Colby Thomas Corbett, do solemnly swear (or affirm) that I will be alert and vigilant to enforce the criminal laws of the State of North Carolina; that I will not be influenced in any matter on account of personal bias or prejudice; that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith; and that I will faithfully and impartially discharge and execute the duties of Police Officer of the City of Hendersonville according to the best of my skill, abilities, and judgement; so help me, God.”

B. **Proclamation – Children’s Environmental Health Day – *Barbara G. Volk, Mayor***

Mayor Barbara G. Volk presented a proclamation designating October 12, 2023 as Children’s Environmental Health Day to Elle Travis of Caregiver’s of Mother Earth.

Proclamation Children’s Environmental Health Day

WHEREAS, the aim of Children’s Environmental Health (CEH) Day is to raise awareness about the importance of clean air and water, safe food and consumer products, and healthy environments to children’s health and development; and

WHEREAS, CEH Day was created by the Children’s Environmental Health Network and celebrated for the first time on October 13, 2016; and

WHEREAS, CEH Day is observed on the second Thursday in October as a means to celebrate progress of the children’s environmental health movement and create a strong network of child health advocates; and

WHEREAS, CEH Day is a national effort supported by individuals, non-profit organizations, and government agencies; and

WHEREAS, CEH Day encourages individuals and organizations to raise awareness and understanding of children’s environmental health issues, seek improved protections for all children, and to perform acts of sustainability or environmental health wellness; and

WHEREAS, together, we can safeguard the health, safety and wellbeing of our most precious resource: children;

THEREFORE I, Barbara Volk, Mayor of the City of Hendersonville, do hereby proclaim Thursday, October 12, 2023 as:

CHILDREN’S ENVIRONMENTAL HEALTH (CEH) DAY

in Hendersonville and urge all citizens to observe this day with awareness-raising and environmental health and stewardship activities to create a healthier environment for our children.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Hendersonville to be affixed this 5th day of October, 2023.

C. **Proclamation – Grease Buster’s Day – *Barbara G. Volk, Mayor***

Mayor Barbara G. Volk presented a proclamation designating October 26, 2023 as Grease Busters Day within the City of Hendersonville to the City’s Environmental Compliance Technician, Kasey Lyons.

Mayoral Proclamation Grease Busters Day 2023

Fighting Hendersonville’s Most Wanted- Fats, Oils, Grease, and Wipes!



October 26, 2023



WHEREAS, clean water is our most valuable natural resource; and

WHEREAS, Fats, oils, and grease (FOG) pollution discharge poses a serious risk to the integrity of our water systems, interferes with the ability to properly clean polluted waters; and

WHEREAS, proper treatment of polluted waters is essential for public health and welfare as well as a healthy natural environment; and

WHEREAS, the hard work performed by the entire water sector, surveying and repairing buried pipes, operators ensuring the safety and protection of the natural environment in which we all live, and ensuring compliance with pollution control requirements; and

WHEREAS, FOG buildup in a collection system is a significant cause of sanitary sewer overflows; and

WHEREAS, we are all stewards of the water infrastructure upon which current and future generations depend; and

WHEREAS, the citizens of our city are called upon to help protect our critical water infrastructure by limiting the amount of FOG discharged into our water systems

NOW, THEREFORE, I, Barbara Volk, Mayor of the City of Hendersonville, do hereby proclaim October 26, 2023 to be Grease Busters Day within the City of Hendersonville.

PROCLAIMED this 5th day of October, 2023.

D. Proclamation – Fire Prevention 2023 – *Barbara G. Volk, Mayor*

Mayor Barbara G. Volk presented a proclamation designating October 8-14, 2023 as Fire Prevention Week to Fire Marshal, Nate Young.

**PROCLAMATION
City of Hendersonville,
Fire Prevention 2023**

WHEREAS, the city of Hendersonville, North Carolina is committed to ensuring the safety and security of all those living in and visiting Hendersonville; and

WHEREAS, fire is a serious public safety concern both locally and nationally, and homes are the locations where people are at greatest risk from fire; and

WHEREAS, home fires caused 2,840 civilian deaths in the United States in 2021, according to the National Fire Protection Association® (NFPA®), and fire departments in the United States responded to 353,500 home fires; and

WHEREAS, smoke alarms sense smoke well before you can, alerting you to danger in the event of fire in which you may have as little as 2 minutes to escape safely; and

WHEREAS, working smoke alarms cut the risk of dying in reported home fires in half; and

WHEREAS, the city of Hendersonville residents should be sure everyone in the home understands the sounds of the smoke alarms and knows how to respond; and

WHEREAS, the city of Hendersonville residents who have planned and practiced a home fire escape plan are more prepared and will therefore be more likely to survive a fire; and

WHEREAS, the city of Hendersonville residents will make sure their smoke and carbon monoxide (CO) alarms meet the needs of all their family members, including those with sensory or physical disabilities; and

WHEREAS, the city of Hendersonville first responders are dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education; and

WHEREAS, the city of Hendersonville residents that are responsive to public education measures are better able to take personal steps to increase their safety from fire, especially in their homes; and

WHEREAS, the 2023 Fire Prevention Week™ theme, “Cooking safety starts with YOU. Pay attention to fire prevention™” effectively serves to remind the city of Hendersonville it is important to have a home fire escape plan.

THEREFORE, I Barbara G. Volk, Mayor of Hendersonville, NC, do hereby proclaim October 8-14, 2023, as Fire Prevention Week throughout this city, and I urge all the people of Hendersonville to plan and practice a home fire escape for Fire Prevention Week 2023 and to support the many public safety activities and efforts of the city of Hendersonville’s fire and emergency services.

PROCLAIMED this 5th day of October, 2023.

E. Proclamation - Filipino American History Month – Barbara G. Volk, Mayor

Mayor Barbara G. Volk presented a proclamation designating the month of October as Filipino American History Month to Florence Allbaugh, Tony Robles and others.

**Proclamation
Filipino American History Month 2023 Observance**

WHEREAS, October is designated Filipino American History Month to commemorate the arrival of Filipinos in America on October 18, 1587, landing in Moro Bay, off the coast of California as part of the Manila Galleon trade from Manila to Acapulco that began in 1565; and

WHEREAS, *Filipino American History Month* honors the history and experiences of Filipinos in the United States. In October, 2009, the US congress recognized October as Filipino American History Month. Various states, counties and cities have established proclamations and resolutions declaring observance of Filipino American History Month including the state of Georgia in 2021; and

WHEREAS, Filipino Americans have made significant contributions in the areas of civil rights, education, politics, entertainment, the armed forces and in many other endeavors. The Filipino American community is the second largest Asian American group in the nation; and

WHEREAS, the numbers of Filipino Americans have been historically large on the west coast, there are growing communities of Filipino Americans in North and South Carolina, Virginia, and Georgia. There are growing numbers of Filipinos in Hendersonville; and

WHEREAS, there is a rich Filipino American history that is being discovered. We encourage people to learn more about this growing community by visiting the website of the Filipino American National Historical Society at www.fanhs-national.org.

NOW, THEREFORE, I, Barbara G. Volk, Mayor of the City of Hendersonville, North Carolina, proclaim that October be declared

FILIPINO AMERICAN HISTORY MONTH

in the City of Hendersonville, North Carolina.

PROCLAIMED this 5th day of October, 2023.

F. Recognition of Michael Huffman, 2023 North Carolina Stormwater Professional of the Year – Brent Detwiler, Public Services Director

Brent explained that Michael Huffman was recognized on September 19, 2023, at the APWA Stormwater Management Division Annual Conference in Charlotte and presented with the 2023 H. Rooney Malcom Award for Stormwater Professional of the Year. The award is presented annually to an individual who stands out among their peers for exceptional leadership, innovation, agency service, customer service, community service, and contribution to their profession related to the stormwater field. We are so proud of everything that Mike has accomplished to improve the City of Hendersonville and our greater community and would like to recognize him for this incredible achievement.

7. PUBLIC HEARINGS

A. Annexation: Public Hearing-Living Savior Evangelical Lutheran Church (C23-65-ANX) – Tyler Morrow, Planner II

Tyler explained that the City of Hendersonville has received a petition from Jon Vannice, Vice President and Secretary of the Living Savior Evangelical Lutheran Church for satellite annexation of PIN 9578-90-1278 located on Upward Road and Vine Road that is approximately 4.72 acres.

On September 7th, 2023, City Council accepted the City Clerk's Certificate of Sufficiency for the petition submitted by the Living Savior Evangelical Lutheran Church and set October 5th, 2023, as the date for the public hearing.

The City Clerk confirmed this public hearing has been advertised in accordance with North Carolina General Statutes.

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

There were no public comments.

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

Council Member Lyndsey Simpson moved that City Council adopt an ordinance of the City of Hendersonville to annex noncontiguous property owned by the Living Savior Evangelical Lutheran Church, identified as PIN 9578-90-1278, finding that the standards established by North Carolina General Statute 160A-58.1 have been satisfied and that the annexation is in the best interest of the City. A unanimous vote of the Council followed. Motion carried.

Ordinance #O-23-56

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

Re: Petition for Satellite Annexation
Petitioners: Living Savior Evangelical Lutheran Church (Jon Vannice, Vice President and Secretary)
File No. C23-65-ANX

WHEREAS, The City of Hendersonville has been petitioned by the Living Savior Evangelical Lutheran Church pursuant to North Carolina General Statutes (NCGS) 160A-58.1, 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 the City Operations Center at 305 Williams Street, Hendersonville, NC at 5:45 pm, on the 5th day of October 2023, after due notice by publication as provided by law on September 24, 2023; and

WHEREAS, the City Council further finds the areas described therein meets the standards of N.C. G.S. 160A-58.1(b), to wit;

- a. All of the proposed satellite corporate limits are less than three miles from the primary corporate limits of Hendersonville. The map distance is approximately 2,446 feet.
- b. No point on the proposed satellite corporate limits is closer to the primary corporate limits of another city than to the primary corporate limits of Hendersonville.
- c. The area described is so situated that the City of Hendersonville will be able to provide the same services within the proposed satellite corporate limits that it provides within its primary corporate limits.
- d. The area proposed for annexation is not subject to subdivision regulation as described N.C.G.S. § 160D-802
- e. The area within the proposed satellite corporate limits, when added to the areas within all other satellite corporate limits does not exceed 10 percent (10%) of the area within the primary corporate limits of the City of Hendersonville.

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

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

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

- 1: By virtue of the authority granted by N.C.G.S. 160A-58.2, as amended, the following described noncontiguous area is hereby annexed and made part of the City of Hendersonville as of the fifth day of October 2023.

Being all of that real property consisting of PIN 9578-90-1278 described in the plat recorded in Book 2023- _____ [to be inserted at recording of the plat] of the Henderson County Registry, said PIN 9578-90-1278 being described by metes and bounds as follows:

Beginning on a 5/8" rebar, said rebar standing in the southern margin of Vine Road, NC State Road number 1782, and having NC Grid Coordinates of Northing 580599.81 and Easting 9799143.16, and proceeding thence from beginning point thus established, S 80°40'39" E 297.31' to a 1/2" iron pipe, thence S 26°04'49" E 276.79' to a 1/2" iron pipe, said point being located in the existing City of Hendersonville Satellite Limits, thence proceeding with the existing City of Hendersonville Satellite Limits, the following three calls: S 73°26'21" W 72.32' to a 1/2" iron pipe, thence N 14°06'44" E 2.38' to a 1/2" iron pipe, thence S 82°49'15" W 111.28' to a 1/2" iron pipe, thence leaving the existing City of Hendersonville Satellite Limits, S 81°10'08" W 5.60' to a point, thence S 73°12'20" E 156.49' to a point, thence on a curve to the right with a radius of 1158.20' and a length of 64.42' (chord S 89°17'36" E 64.41') to a point, thence S 83°59'25" E 102.70, S 10°59'23" E 7.12' to a point, thence N 89°21'02" W 105.09' to a point, thence S 89°01'43" W 60.81' to a point, thence S 89°01'43" W 25.34' to a point, thence S 83°44'40" W 97.00' to a point, thence S 80°05'40" W 73.77' to a point, thence S 78°18'45" W 62.76' to a point, thence S 79°58'47" W 68.44' to a point, thence N 42°47'57" W 20.30' to a point, thence N 14°48'09" W 20.91' to a point, thence N 17°46'58" E 19.04' to a point, thence N 22°53'57" E 72.56' to a point, thence N 27°14'58" E 459.00' to the point and place of beginning. Containing 4.72 Acres and being all of that property as described in Deed Book 3426, Page 485 as shown on survey by Associated Land Surveyors & Planners, PC bearing job number S-21-172.

- 2: Upon and after the fifth day of October 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 5th day of October, 2023.

/s/Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

B. Zoning Text Amendment: Mobile Food Vendor Updates (P23-50-ZTA) – Tyler Morrow, Planner II

Tyler explained that "Mobile Food Vendors" were added to the City Zoning Ordinance as a permitted use on April 5, 2018. The amendment in 2018 was an applicant driven text amendment petitioned by Mark Searcy to allow a mobile food vendor at 2745 Chimney Rock Road. Mobile food vendors are currently permitted in the following districts with supplementary standards: C-2, C-3, CMU, I-1, HMU. There have been no amendments to the mobile food vendor ordinance since its adoption in 2018.

Since 2018, staff have worked with and applied the supplementary standards for any permitted mobile food vendor operating in the City of Hendersonville. Through this work, staff has found that the current ordinance has some problematic aspects to it. It has been found problematic to apply the standards to real world requests, as well as the enforcement of current standards. There are few sites in the City that meet the requirements outlined in the ordinance and staff has found that our ordinance duplicates requirements that are enforced by other outside agencies.

For these reasons, staff is proposing the changes that are before you. Staff believe that these changes will make the supplementary standards enforceable and follows the trends that are currently happening in our community.

The City Clerk confirmed this public hearing has been advertised in accordance with North Carolina General Statutes.

The public hearing was opened at 6:47 p.m.

Lynne Williams spoke about being concerned about fats and oils going into the wastewater and where the wastewater from washing dishes will go. Also asked that no animals will be killed on site and concerned about them being open 24/7, bright lights, music, noxious smells and to get feedback from the neighborhood surrounding them

Tay Brown spoke and said this was the first he's heard of this and said his initial concerns is pollution and we have probably 200 restaurants in Hendersonville already and parking is a problem and now you want to add more food establishments.

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

Council Member Jerry Smith moved that City Council adopt an ordinance amending the official City of Hendersonville Zoning Ordinance, Section 16-4-17 Mobile food vendor, Section 8-1-1 Exceptions to setback regulations, Section 13-1-10- Supplementary standards for mobile food vendors, and Section 13-1- 11- Noncommercial messages, based on the following:

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

The petition aligns with the Comprehensive Plan's Strategy LU-3.5. of minimizing negative impacts from growth and land use changes on existing land uses by reflecting current and ongoing trends in the community concerning mobile food vendors.

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

- 1. The proposed text amendment creates flexibility for property owners and mobile food vendor operators while still limiting potential impacts to the greater community.***
- 2. The proposed text amendment reflects real world conditions and potentially allows non-conforming mobile food vendors to come into compliance.***
- 3. The proposed text amendment reduces duplicated standards and focuses primarily on zoning/site specific requirements.***

A unanimous vote of the Council followed. Motion carried.

Ordinance #O-23-57

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE CITY OF HENDERSONVILLE ZONING ORDINANCE, SECTION 16-4-17 MOBILE FOOD VENDOR, SECTION 8-1-1 EXCEPTIONS TO SETBACK REGULATIONS, SECTION 13-1-10 SUPPLEMENTARY STANDARDS FOR MOBILE FOOD VENDORS, AND SECTION 13-1- 11 NONCOMMERCIAL MESSAGES IN THE CITY OF HENDERSONVILLE.

WHEREAS, the City of Hendersonville's Planning Board has reviewed and recommended for adoption a zoning text amendment to the requirements for mobile food vendors within the City of Hendersonville's jurisdiction; and

WHEREAS, the proposed amendment is intended to not duplicate regulations enforced by other agencies and to keep the requirements up to date and reflective of current trends; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Hendersonville, North Carolina that Section 16-4-17 Mobile Food Vendor, Section 8-1-1 Exceptions to Setback Regulations, Section 13-1-10 Supplementary Standards for Mobile Food Vendors, and Section 13-1-11 Noncommercial Messages of the Zoning Ordinance of the City of Hendersonville be amended as follows:

16-4-17 Mobile food vendor.

- a) Zoning compliance permits for mobile food vendor sites ~~and mobile food vendors shall be valid for a period of one year, and shall be renewed annually.~~ shall be accompanied by a conceptual site plan depicting a location on the subject property that meets all applicable requirements of this section.

1) Exemption: A mobile food vendor associated with an event with an active City of Hendersonville Special Event Permit.

- b) ~~Mobile food vendors must have a base of operations, such as a restaurant or commissary, and must report to said base daily for supplies, cleaning, and servicing unless exempted by the health department. If the~~

base-of operations is under different ownership than the mobile food vendor, a written agreement for use must be submitted as part of the application. No waste, grease, or wastewater shall be released into the city's sanitary sewer or stormwater collection systems, ditches, tree wells, or other public spaces.

- b) There shall be no limit to the number of mobile food vendors per parcel so long as all other separation and site requirements as set forth below are met.

- c) ~~Mobile food vendors shall follow the dimensional requirements of the zoning district classification in which they are located. If there are no dimensional requirements in zoning district classification, at a minimum, food vendors shall be situated at least ten feet from all property lines and any road right of way. Mobile food vendors shall:~~

- 1) Not encroach onto any street, sidewalk, or travel way, and shall not obstruct any loading zone or handicapped parking space. Additionally, ~~mobile food vendors must be:~~
- 2) ~~1)~~ Be located on property in a manner that does not eliminate required parking for a development or impede the flow of traffic in any way.

- 3) ~~2)~~ Be situated at least 10 feet away from buildings, structures, vehicles, and any combustible materials. Situated at least 25 feet from any permanent structure. ~~The community development director or designee may, upon recommendation of the fire marshal, approve the placement of mobile food vendors within 25 feet or less of a permanent structure. Such approval shall be based upon building type, building materials, existing fire breaks, and other pertinent information.~~

- 4) ~~3)~~ Not located within 250 feet from any restaurant, and Not be located within 100 feet from any residential structure or residential zoning district lot line, unless their hours of operation are limited to 7:00 a.m. to 10:00 p.m.

- 5) 4) Be set back a minimum of ten feet in all directions from fire hydrants.
- 6) ~~5)~~ Be situated at least 10 ~~20~~ feet from one another.

- e) ~~Mobile food vendors on vacant sites shall adhere to article XV, buffering, screening, and landscaping general requirements, including any overlay district landscaping requirements.~~

- f) ~~Hours of operation for mobile food vendors shall be limited to 7:00 a.m. to 10:00 p.m. Mobile food vendor operators or their designee must be present at all times during operation, except in the event of an emergency.~~

- g) ~~Vendors must vacate the site each day unless the vendor owns the site.~~

- h) Each food truck shall supply at least one waste receptacle which must be removed and emptied at the end of each day; city trash receptacles shall not be used for food truck waste.

- i) ~~Mobile food vendors shall be limited to the following signage: One wall sign affixed to the vehicle or trailer per side of vehicle or trailer. Said sign shall be no larger than 32 square feet and one small A-frame sign not to exceed four feet in height and eight square feet of surface area may be placed within five feet of the vehicle or trailer to display daily specials, menus, or other similar information. Other signs and devices including plaques, banners, pennants, streamers, and posters are not permitted.~~

8-1-1 Exceptions to setback regulations.

The following features shall not be subject to the required minimum setbacks:

- Bridges
- Doghouses
- Driveways, walks and parking areas
- Fences and walls not exceeding nine feet in height
- Landscape features such as entrance piers, columns, gates, planters and gardens
- Mobile food vendors
- Playhouses, not exceeding 64 square feet in floor area
- Required building entry ramps
- Retaining walls
- Stormwater management facilities such as head walls and culverts

13-1-10- Supplementary standards for mobile food vendors.

Mobile food vendors shall be limited to the following signage:

- a) One wall sign affixed to the vehicle or trailer per side of vehicle or trailer. Said sign shall be no larger than 32 square feet. Any sign illumination shall be downward facing.
- b) One small A-frame sign not to exceed four feet in height and eight square feet of surface area may be placed within five feet of the vehicle or trailer.
- c) Other signs and devices including plaques, banners, pennants, streamers, and posters are not permitted.

13-1-10 11- Noncommercial messages.

Any sign, display, or device allowed under this article and which complies with size, lighting, and spacing requirements of this article may contain, in lieu of any other copy, any otherwise lawful noncommercial message that does not direct attention to a business operated for profit, or to a commodity or service for sale

Adopted by the City Council of the City of Hendersonville, North Carolina on this 5th day of October, 2023.

/s/Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

C. Zoning Text Amendment: Transportation Standards in CHMU (P23-51-ZTA) –
Matthew Manley, AICP Strategic Projects Manager

Mr. Manley explained that the City of Hendersonville is initiating a zoning code text amendment to supplement the standards of the Commercial Highway Mixed Use (CHMU) Zoning District. This zoning district was established to address development along the Upward Road corridor.

In January 2011, the City established the Upward Road Planning Area to help plan for and direct sewer expansion in this southern portion of the City's surroundings. Given that the City's ETJ was not expanded to this area, the land in this area does not have City zoning, but rather is zoned by Henderson County. In anticipation of properties in the Upward Road Planning Area requesting annexation and connection to sewer service, the City established the CHMU to foster orderly development along this corridor.

One key attribute of orderly development along major thoroughfares are zoning regulations which address congestion management. A study performed in 2005 for the US64 East corridor helped to establish such standards in the Highway Mixed Use (HMU) zoning district - the zoning district established for US64 East/Chimney Rock Rd. Staff is proposing to expand these standards to the CHMU zoning district. Applying these same transportation-related standards from the HMU zoning district will help shape growth along the quickly developing Upward Road corridor.

Planning Board voted unanimously to recommend approval of this text amendment.

The City Clerk confirmed this public hearing has been advertised in accordance with North Carolina General Statutes.

The public hearing was opened at 7:12 p.m.

Lynne Williams spoke about whether traffic studies were being deleted. Matt said it was but because it had nothing to do with CHMU. She also mentioned preserving key cultural areas along the corridor.

Ken Fitch spoke via Zoom electronic software in favor of the zoning code text amendment but asked to perhaps clarify the spacing with interconnectivity would be helpful.

The public hearing was closed at 7:20 p.m.

Council Member Jennifer Hensley moved that City Council adopt an ordinance amending the official City of Hendersonville Zoning Ordinance, Article V. – Zoning District Classifications, Section 5-27 CHMU Commercial Highway Mixed Use Zoning District, based on the recommendations presented by staff and based on the following:

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

The petition aligns with Goal TC-3 of the Transportation and Circulation Chapter of the Comprehensive Plan which calls for providing a safe and efficient roadway system that meets adequate vehicular level-of-service requirements in order to support business activity and residential quality of life.

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

1. *The text amendment would help address access management, congestion management and transportation circulation in the Upward Rd corridor.*
2. *The text amendment will impact a rapidly growing area of the City.*

A unanimous vote of the Council followed. Motion carried.

D. Public Hearing to Consider Amending the City Charter to Provide for the Plurality Method of Electing City Council Members – Angela S. Beeker, City Attorney

Attorney Beeker explained this public hearing is being held pursuant to N.C.G.S. § 160A-102 to consider an amendment to the City Charter to provide for using the plurality method to elect City Council members. A draft ordinance to amend the City Charter is attached for purposes of the public hearing; however this may not be adopted until the November 2, 2023 if City Council wishes to approve it.

The City Clerk confirmed this public hearing has been advertised in accordance with North Carolina General Statutes.

The public hearing was opened at 7:26 p.m.

Lynne Williams is concerned that the primary vote is being taken away from her and that Council members, Hensley and Simpson are basically grandfathered in for another year and will be able to make decisions on the comp plan. She is considering a run for Council and thinks her rights are being taken away from her.

The public hearing was closed at 7:29 p.m.

City of
Hendersonville
Charter
as amended by
S.L. 2023-44

• **Article IV – Election Procedures**

- **Sec. 4.1. Regular Municipal Elections.** Regular municipal elections shall be held at the time of the general election in each even-numbered year. The Mayor and Council Members shall serve until their successors are elected and qualified.
- **Sec. 4.2. Regular Municipal Primaries.** The Mayor and Council Members shall be elected on a nonpartisan basis and results determined by the primary method as provided in G.S. 163-294.
- **Sec. 4.4. Regulation of Elections.** All municipal elections shall be conducted in accordance with the uniform municipal election laws in Chapter 163 of the General Statutes, except as otherwise provided by this act.

Plurality
Method
NCGS § 163-292

- No primary
- Election – top vote getters for number of seats open win
 - If 1 seat open, 2 or more candidates on ballot, top vote getter wins.
 - If 2 seats open, 3 or more candidates on ballot, top 2 vote getters win.
- No districts
- All qualified voters in the City get to vote for all seats in general election.

Steps to Change Method of Election

- Adopt Resolution of Intent
 - State intent
 - Call public hearing (no more than 45 days out)
- Publish Notice of Public Hearing
 - Summarize Resolution
 - Publish at least 10 days prior to PH
- Hold Public Hearing
- Adopt Ordinance at Next (or subsequent) Regular Meeting after Public Hearing (but not more than 60 days later)
- Publish Notice of Adoption within 10 days
- Must be adopted at least 90 days before 1st election held under new ordinance.

Council Member Jerry Smith moved that City Council adopt a Resolution of the City Council for the City of Hendersonville to the North Carolina General Assembly Requesting that the Filing Period for Candidacy for City Council Seats be During The Month of July. A unanimous vote of the Council followed. Motion carried.

8. UNFINISHED BUSINESS

9. NEW BUSINESS

A. Request to Eliminate Two-Hour Parking on Oakland Street – John Connet, City Manager.

City Manager Connet explained that the St Gerard House has requested the elimination of the two-hour parking limits on Oakland Street between Bearcat Boulevard and 64 West. Staff has notified all businesses and residents along this section of Oakland Street to allow them to provide input regarding this request.

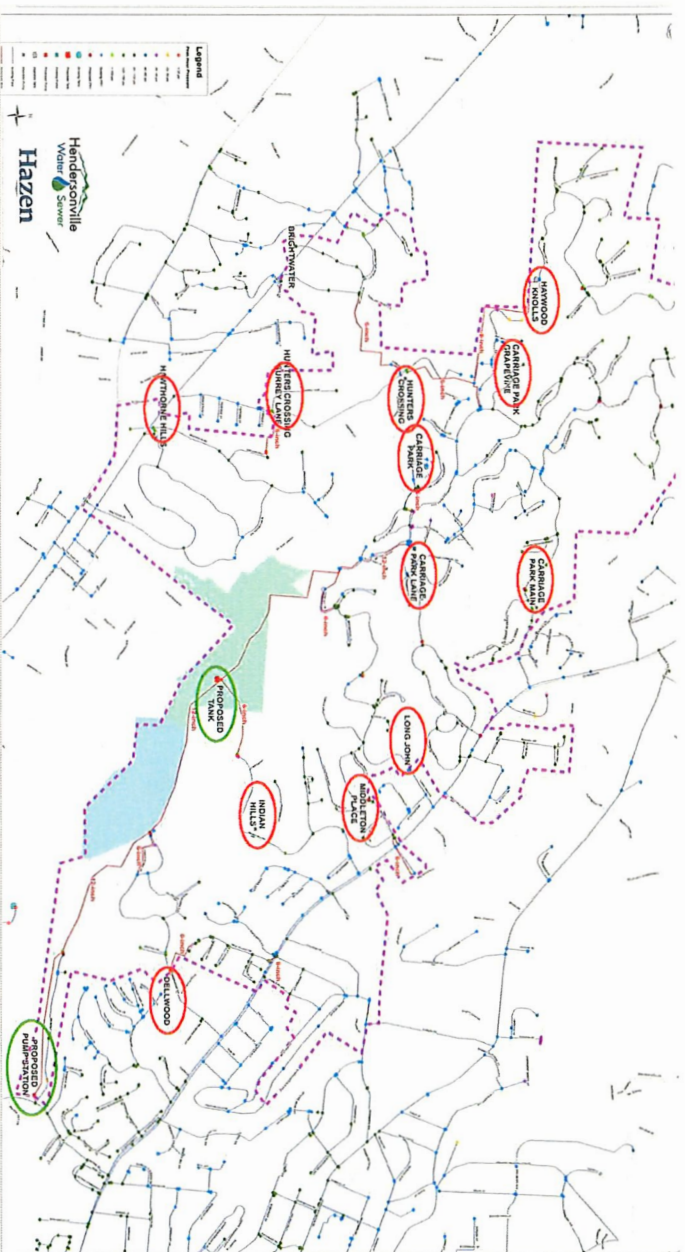
Council Member Jerry Smith moved that City Council direct staff to change the parking on Oakland Street between Bearcat Blvd. & US64 such that the west side of Oakland Street would be unrestricted and the east side of Oakland be restricted with two-hour parking and eliminate the spot in front of Merrell Family Dentistry at 713 Oakland. A unanimous vote of the Council followed. Motion carried.

B. Purchase of +/- 40 Acre Parcel +/- .84 Acre Parcel on Long John Mountain, Together with Associated Easements, for the Constructions of a Water Tank – Brent Detwiler, Public Services Director

City Council is requested to approve the attached Contract for Purchase and Sale of Real Property for (1) a +/- 40 acre parcel on Long John Mountain, shown as Tract B on the attached Preliminary Survey, and having a of PIN 9559-73-4839, and (2) a +/- 0.84 acre parcel on Long John Mountain, shown as Tract A on the attached Preliminary Survey, and having a PIN of 9559-83-2386, together with associated easements, for the construction of a water tank.

The construction of a water tank in this area is recommended in the City's Water System Master Plan. As a condition of the purchase, the City will agree to work with Conserving Carolina to place a conservation easement over the parcel.

Brent Detwiler, Public Services Director, gave a brief presentation on the proposed project and the proposed conservation easement.



Long John Mountain Water Project

GOAL:

- Project identified in 2017 Water System Master Plan
- Connect the valley along NC 191 with the valley along US 64
- Construction of water line, at-grade water storage tank, and pump station

BENEFITS:

- Elimination of approximately 11 existing pump stations and 2 tanks
- 20-year present worth operational savings of over \$2.7M
- Significant decrease in power consumption

Bennett Rogers Property

CONSERVING CAROLINA

- Approached the City several years ago to try to conserve additional land on Long John Mountain
- Working with the City and the property owners to incorporate further conservation efforts on the mountain

GLENN AND DEBORAH BENNETT AND MARTHA AND WAYNE ROGERS

- Grandfather purchased the property decades ago
- Their family is interested in helping the City provide enhanced service to its customers while ensuring conservation of the property

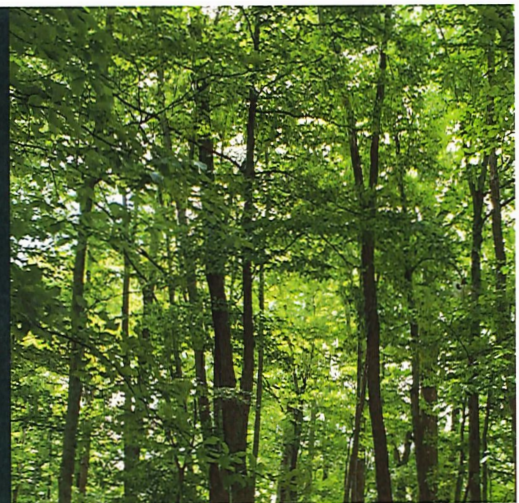


Long John Mountain Water Project and the Bennett Rogers Property

- Contract for property purchase is the first step in the process to build a sustainable water improvement project to benefit the City's customers
- It is also the beginning of the City's partnership with the Bennetts and Rogers and Conserving Carolina

Thank you

Glenn and Deborah Bennett
Martha and Wayne Rogers
Conserving Carolina



Council Member Lyndsey Simpson moved that City Council to adopt the Resolution By The City of Hendersonville City Council to Authorize the City Manager to Enter into a Contract for the Purchase of a +/- 40 Acre Parcel and a +/- 0.84 Acre Parcel on Long John Mountain as presented. A unanimous vote of the Council followed.

Resolution #R-23-102

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A CONTRACT FOR THE PURCHASE OF A +/- 40 ACRE PARCEL AND A +/- 0.84 ACRE PARCEL ON LONG JOHN MOUNTAIN

WHEREAS, the City of Hendersonville is desirous of purchasing a +/- 40 acre parcel of land located on Long John Mountain, being that real property described in that deed recorded in Deed Book 708 at Page 335 of the Henderson County Registry, having a tax PIN of 9559-73-4839, together with associated easements (the "Subject Property"); and

WHEREAS, the City of Hendersonville also is desirous of purchasing a +/- 0.84 acre tract of land, being that real property described in Deed Book 1117 at Page 165 of the Henderson County Registry, also being shown as Tract A on that plat recorded in Plat Cabinet C at Page 278A of the Henderson County Registry, having a tax PIN of 9559-83-2386 (the "Small Bennett Tract"); and

WHEREAS, the City has offered to pay NINE HUNDRED SEVENTY THREE THOUSAND THREE HUNDRED AND NO/100 DOLLARS (\$973,300.00) as consideration for the Subject Property and the Small Bennett Tract, and the Property Owners are in agreement; and

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

1. The Contract for Purchase and Sale of Real Property between the City of Hendersonville, Glenn N. Bennett, and wife, Deborah S. Bennett, and Martha Bennett Rogers for the Subject Property and the Small Bennett Tract, having as the sale price the total sum of \$973,300.00 is hereby approved as presented.
2. The City Manager is authorized to enter execute the contract, with such changes as he deems appropriate, in consultation with the City Attorney, provided such changes do not place any financial obligation on the City beyond that contemplated by the terms of the Contract as presented.

3. The Mayor, City Manager, City Attorney, and City Clerk are authorized to execute such other contracts, and deeds and any and all other documents, and to take any and all actions, reasonably necessary to carry out the terms of the approved Contract, including but not limited to making conveyances and reasonable expenditures for costs and expenses, including reasonable closing costs and reasonable due diligence costs, for the purposes stated herein.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 5th day of October, 2023.

/s/Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

C. Update Regarding Unhoused (Homeless) Population in Hendersonville – *Various Staff*

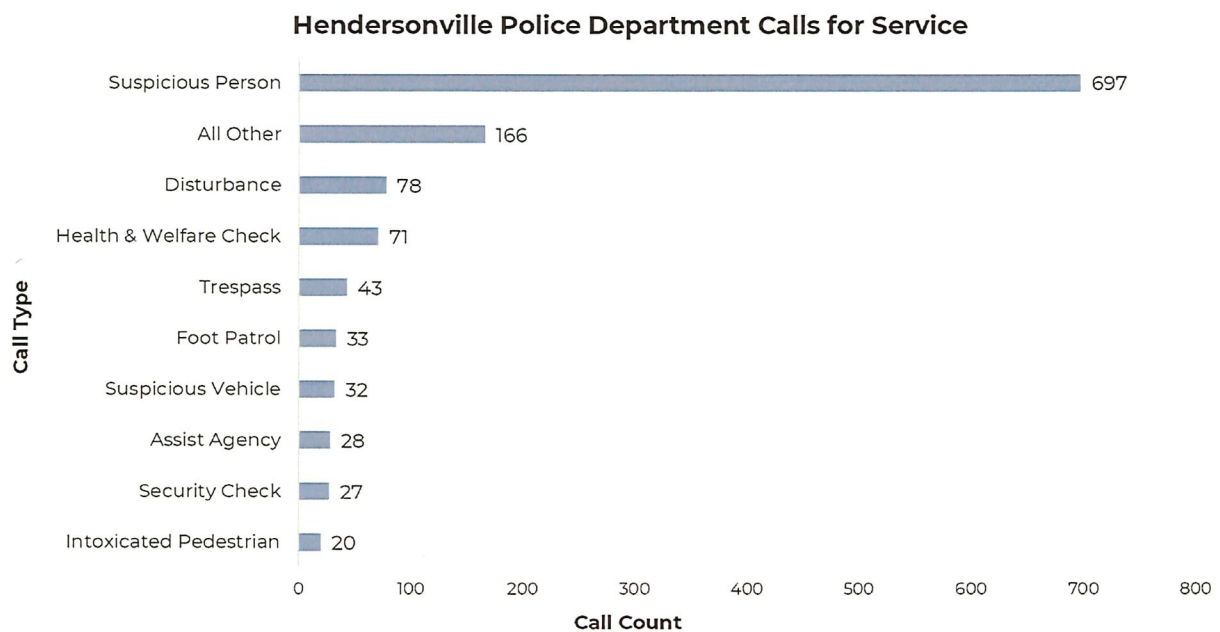
City staff gave an update regarding interaction with unhoused (homeless) population in Hendersonville and requested policy guidance from the City Council.

Homeless Epidemic	National and Statewide Problem <ul style="list-style-type: none"> • ICMA Conference – Six sessions on homeless response • Hickory-Morganton-Lenior – Partnered with WPCOG to hire homeless advocate • “Have you guys been dealing with a homeless problem by chance? Ours has increased so rapidly I swear they are being bused in.” - Mt. Airy, NC Local Government Professional 	Causes <ul style="list-style-type: none"> • Lack of affordable housing • Domestic abuse • Drug/alcohol addiction • Mental Health Issues
	Citizen Concerns <ul style="list-style-type: none"> • Crime and Vandalism • Panhandling • Camping on public and private properties • Drug overdoses • Feeling unsafe • Ruining downtown atmosphere 	

How are we responding?

- Law Enforcement Interactions
- Code Enforcement
- Homeless Committee
- Affordable Housing Projects
- Local Ordinances





Homeless Camp – Code Enforcement Procedure Upon Complaint

- Site Visit (Confirm Validity of Complaint)
- If Occupied Request HPD assistance
- Photograph Site
- Send mailed Notice to Property Owners; and/or contact via email/phone if contact known
- Send email notice to Blue Ridge Community Health Services (<https://www.brchs.com/street-outreach/>)
- Continue monitoring and follow up with property owner
- Advise Property Owner on maintenance and on-going monitoring of the property to avoid recurrence of camps.

Enforcement Authority

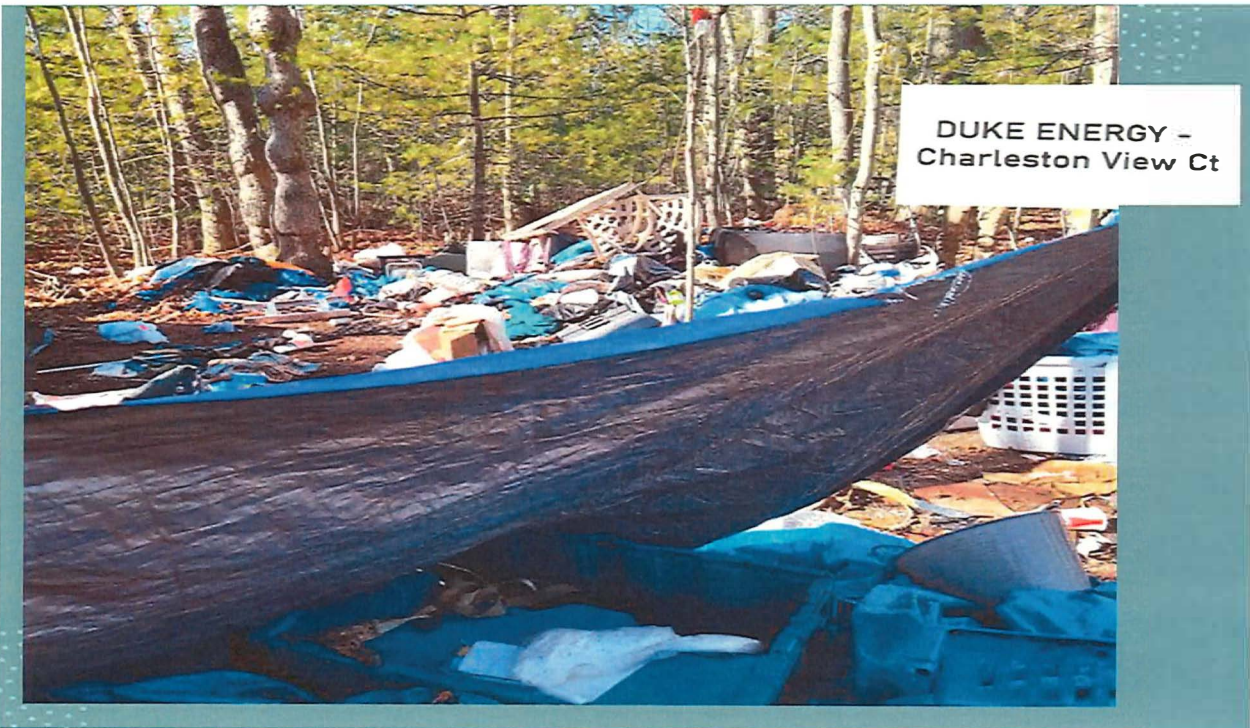
- City Boundary
 - Noxious Weeds and Similar Nuisances (Sec. 26-36 to Sec. 26-41)
 - Illegal Use; Zoning Compliance (Sec. 9-1 to Sec. 9-8)
- Extra Territorial Jurisdiction
 - Illegal Use; Zoning Compliance (Sec. 9-1 to 9-8)

DATE	ADDRESS	OWNER CONTACT	OCCUPANT	NOTES	VACATED	AMT OF DEBRIS REMOVED	COST OF CLEAN UP
10/25/2022	0 BROWNING AVE	SHARON HEPTIG	STACY HARDIN COX	CAMPING ON VACANT LOT OWNED BY STEPMOTHER - STACY IS ON PROBATION/PAROLE	X		
10/31/2022	414 N. MAIN ST	SHELLE ROGERS	BILL JO CLAYTON II & SUMMER HAUBURTON	10/31/2022 - VISITED STORE AND W/OCCUPANT - LIVING UNDER BACK STEPS IN ALLEY WITH TARPS SET UP	X		
12/12/2022	1830 ASHEVILLE HWY	ALEX (BAY BREEZE) - EFFIE CONSTANTINOU	UNKNOWN	12/10/2022 - LT. LAWS MADE CONTACT WITH HOMELESS. 12/12/2022 I WENT TO SITE AND TOOK PHOTOS - DID NOT GO DIRECTLY TO CAMP AREA EFFIE SIGNED AUTHORITY TO REMOVE 12/19/2022	3/2/2023		7,000.00
2/3/2023	957 SPARTANBURG HWY	DUKE ENERGY - DAVID SANFORD	5 CAMPS LOCATED TO THE REAR OF THE PARCEL -	AT LEAST 3 SEPARATE CAMPS WITH A LARGE AREA OF REFUSE IN THE MIDDLE POSSIBLY AN OLD CAMP	3/1/2023		74,744.00
3/2/2023	1ST AVE E	RAIL ROAD ROW	ONE PERSON FOUND DECEASED IN TENT	3/6/2026 - WENT W/HPO ESCORT AND TOBY UNVILLE TO REMOVE THE TENTS AND BELONGINGS	3/6/2023	540#	
3/20/2023	SUBSTATION	DUKE ENERGY - DAVID SANFORD					
3/21/2023	GLOVER ST - PIN 9578-15-9187	M REALTY LLC - GEORGE MOROSANI	VACANT LAND	3/21/2023 - SITE VISIT - PHOTOS - SPOKE W/MR. MOROSANI HE WILL HAVE A CREW CLEAN IT UP - NOTICE OF VIOLATION SENT	5/13/2023		13,305.00
4/4/2023	715 GREENVILLE HWY	RICHARD HERMAN - SOUTH MARKET	VACANT LAND	OFFICER NIX REMOVED 6 PEOPLE FROM PROPERTY ON SUNDAY - NOTICE OF VIOLATION SENT			
	443 KANUGA RD			COUNTY CLEAN UP	Mar-23	220	
	512 KANUGA RD			COUNTY CLEAN UP	Mar-23	440	
4/12/2023	957 SPARTANBURG HWY	RAIL ROAD ROW		3 TENTS REPORTED 7 AM 4/12/2023 - HPD RESPONDING			
6/15/2023	WHITE ST BRIDGE	DOT / CITY		UNDER THE BRIDGE BETWEEN FRESH MARKET AND PUBLIX			
7/16/2023	608 SPARTANBURG HWY S MAIN & 176	KENNETH YOUNGBLOOD	MICHAEL LOLLIS (11/13/1986)	MICHAEL LOLLIS (11/13/1986) ARRESTED FOR LITTERING; FORWARDED TO TRISHA ECKLAND	8/3/2023		
6/10/2023	610 SPARTANBURG HWY	BOYD HYDER		CONNECTS TO CAMP BEHIND 608	8/3/2023		
9/25/2023	00 1ST AVE E	MICHAELIAN HOME INC		6 TENTS LOCATED OFF THE RAILROAD BED; PIN 9568-97-3263 - SPOKE W/JASON SUMNER (OWNER) 828-697-7741 EXT 228 ON 9/26/2023 - HE WILL HAVE THIS CLEANED UP			
9/18/2023	3RD AVE & N GROVE	MANSOURI PROPERTY	AMANDA LEE MURPHY & CURTIS PERKINS	PIN 9568-87-5739 - 1 TENT; HAMMOCK AND OTHER BELONGINGS UNDER A TARP - AMANDA LEE MURPHY WAS SLEEPING IN THE HAMMOCK CURTIS PERKINS WAS IN THE CAMP - TOLD TO VACATE 9/18/2023	9/21/2023	N/A	N/A
9/26/2023	614 SPARTANBURG HWY (VACANT)	STUART RUBIN TRUST	HERMAN MILLER (He was at the camp behind Duke Property)	Letter to property owner			

Examples of Sites Addressed







Homeless Committee

- Governmental and Non-Profit Agencies meet quarterly to discuss homeless issues.
 - Developed resource brochure
 - Developed process to involve crisis counselors when cleaning up camps
 - Established 14 day posting period when cleaning up camps on public property.
 - Review current trends with local homeless population
 - Generated support for Connections Center
 - Support Place in Time Count
 - We need more data!

Data



DATA ARE CRITICAL FOR IDENTIFYING PROBLEMS AND EVALUATING OUTCOMES



DATA SYSTEMS, PARTICULARLY AT THE LOCAL LEVEL, ARE FRACTURED AND LIMITED



HIRING TECHNICALLY CAPABLE TEAMS IS CHALLENGING

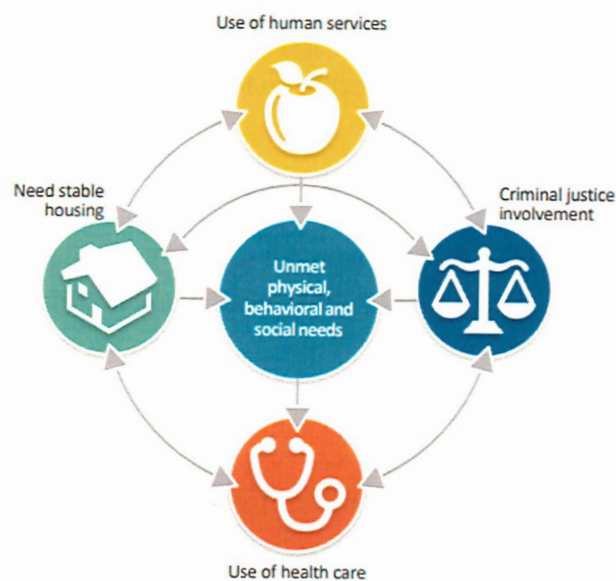
Affordable Housing

- Housing Assistance Corporation
 - Oklawaha Village
 - Apple Ridge
 - Allen Street and 1st Avenue
 - Beech Street
- Low Income Housing Tax Credit Projects
- Elephant in the room
 - Limited temporary housing
 - Low Barrier vs. High Barrier Shelters
 - Build it and they will come?

Local Ordinances

- Solicitation in Public / Panhandling
 - Sidewalks
 - Public Right of Way
- Blocking Sidewalks
- Urinating and Defecating in Public
- Trespassing
- Disturbing the Peace
- Criminal Statutes

Cross-Sector Partnerships



What's Next?

- Policy Statement
 - "Individuals have the right to be homeless, but they do not have the right to be a nuisance." Chief Blair Myhand
- Strategic Plan
- Review City Ordinances
 - Camping in public parks
 - Authority to Act
- Improve Partnerships (Connections Center)
 - Affordable Housing
 - Mental Health/Drug Treatment
 - Public Health

10. BOARDS/COMMITTEES/COMMISSION

Jill Murray, City Clerk, explained that there is a vacancy on the Environmental Sustainability Board for a "city" resident. Logan Secord has applied and his application is attached for your review.

Council Member Lyndsey Simpson moved that the City Council appoint Logan Secord to the vacant spot on the Environmental Sustainability Board.

11. CITY MANAGER REPORT – John F. Connet, City Manager**A. September 2023 Contingency Report – John Connet, City Manager**

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

The following contingency appropriation was made due to legal fees invoiced by the NCLM:

1. Decrease Fund 010 contingencies by \$2,031 for Professional Services- Legal
 - a. Increase 010-1535-519102 by \$2,031

Mr. Connet added that we had to upgrade the water shortage alert today in accordance with our water shortage plan, as the Mills River continues to drop so we're asking folks to limit outside watering, washing of cars, any non-essential uses until we get some rain. He also reminded Council that the Laura Corn Mini-Gold opening is October 19th and I think you'll be very pleased with how we remembered Laura Corn and the history of mini-golf, as well as, the community in general with some of the elements on the holes and we are particularly proud of it.

12. CITY COUNCIL COMMENTS

Jerry Smith gave his resignation to the City Council board. He wished everyone well and thanked everyone. Mayor Volk read a Resolution of Appreciation and he was given a rocking chair for his 14 years of service.

13. CLOSED SESSION

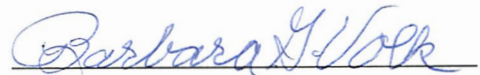
Council member Jerry Smith moved that City Council enter closed session pursuant to NCGS § 143-318.11 (a) (1) and (6) to prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes and to consider the qualifications, competence, performance, character, fitness of an individual public officer or employee.

14. ADJOURN

There being no further business, the meeting was adjourned at 9:18 p.m. upon unanimous assent of the Council.

ATTEST:


Jill Murray, City Clerk


Barbara G. Volk, Mayor