

MINUTES

May 2, 2024

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 and Jeff Miller

Absent: Debbie O'Neal-Roundtree

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

1. CALL TO ORDER

Mayor Volk called the meeting to order at 5:45 p.m. and welcomed those in attendance. A quorum was established with all members in attendance

2. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG

The City Council observed a moment of silence for prayer or reflection followed by the Pledge of Allegiance to the Flag.

A. Appointment of New City Council Member – Barbara Volk, Mayor

Council Member Jennifer Hensley moved that City Council nominate Melinda P. Lowrance as the new City Council member. A unanimous vote of the Council followed. Motion carried.

Mayor Volk swore in Mrs. Lowrance with Mrs. Lowrance's standing with her and holding the Bible.

State of North Carolina
County of Henderson

In the Matter of
City of Hendersonville, City Council Member

I, **Melinda P. Lowrance**, do solemnly swear that I will support the Constitution and laws of the United States, that I will be faithful and bear true allegiance to the State of North Carolina, and to the Constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain and defend the Constitution of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability, so help me God.

I, **Melinda P. Lowrance**, do swear that I will well and truly execute the duties of the office of City of Hendersonville City Council Member according to the best of my skill and ability, according to law, so help me God.

This 2nd day of May, 2024.

Melinda Lowrance said "I'd like to thank City Council and the citizens of Hendersonville who entrusted me with this duty. I hope that I will perform to the best of my ability and expect great things out of this City Council now that I'm on board."

3. PUBLIC COMMENT *Up to 15 minutes is reserved for comments from the public not listed on the agenda.***In Person:**

Jane DeMartini of Red Oak Drive, spoke on behalf of the League of Women Voters in Henderson County, a 119 member non-partisan organization. We empower voters and defend democracy. We come to your meetings so that we can report back to everyone what's going on. We try to keep citizens informed and active in voting. We hold many voter registration events, we hold candidate forums and debates, including for City Council. We foster civil dialogue so our citizens can be informed. Thank you for what you do.

Via Zoom:

Lynne Williams of Chadwick Avenue gave gratitude for Councilwoman Roundtree for all of her hard work on City Council. She also spoke about the surveillance program and the cameras that will be on Main Street and is concerned about it. She also said when Ms. Roundtree was receiving death threats and people coming to her house that she wasn't able to get the security and protection from the Hendersonville Police Department. Lastly she asked that we lower the level of lead in our water for Drinking Water Week.

Councilman Jeff Miller asked that we give a response to Ms. Williams' claim that Hendersonville's Police Department did not act to the threats to Ms. Roundtree.

City Manager Connet assured the public and the audience that the Police Department took the death threats, and any threat, against Councilwoman Roundtree, or any other citizen, we take it very seriously and do what the law will allow us to do. We did get information from phone records and went through each and every one and found no threat and felt like some of them were simply hangups from telemarketers and such. We took those threats very seriously and looked into them, as we would for any citizen.

Councilman Jeff Miller added "not for one second did we dismiss that, not take it seriously or in any way, want to put the Councilwoman at risk."

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

Council Member Jeff Miller 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
April 4, 2024 Regular Meeting

B. Waste Reduction and Recycling Grant Project Ordinance and Reimbursement Resolution – Jennifer Floyd, Budget and Management Analyst

Resolution #R-24-20

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 WASTE REDUCTION AND RECYCLING PROJECT (#G2403), ORDINANCE #O-24-12 (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 \$40,000.

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

ADOPTED by the City Council of the City of Hendersonville, North Carolina, on this 2nd day of May, 2024.

Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

C. Street Closure: Resolution of Intent-Portion of Unnamed street (The Housing Assistance Corporation) (C24-22-SCL) – Tyler Morrow, Planner II

Resolution #R-24-21

**RESOLUTION OF INTENT TO CLOSE AN UNOPENED,
UNIMPROVED PORTION OF AN UNNAMED STREET**

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

WHEREAS, The Housing Assistance Corporation has petitioned the City of Hendersonville City Council to close an unopened and unimproved portion of an unnamed street, located on PIN 9569-41-8704; and

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

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

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

1. City Council herewith calls a public hearing to be held at 5:45 p.m. (or as soon thereafter as it may be heard) on the 6th day of June 2024, in the Assembly Room of the City Operations Center to consider closing an unopened and unimproved portion of an unnamed street located on PIN 9569-41-8704. Persons shall be allowed to attend and comment in person or via Zoom at the following address:

<https://zoom.us/join>

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

Meeting ID: 822 0104 2528

Passcode: 1847

Digital public hearing comments may be submitted prior to the public hearing on the City's webpage at www.hendersonvillenc.gov/public-comment or directly to the City Clerk, Jill Murray, jmurray@hvlnc.gov, 160 6th Avenue East, Hendersonville, NC 28792.

2. The legal description for the portion of the unnamed street proposed for closing is as follows:

Beginning at a ¾" existing iron pipe, said pipe having NAD83 (2011) grid coordinates of N: 591,850.69', E: 964,461.78' and standing in the northwest line of the subject parcel currently owned by The Housing Assistance Corporation as described in deed book 4121 page 511; and running thence N 46°23'42" E 3.76' to a point; thence on a curve to the right with a radius of 136.92' and a chord of S 36°09'49" E 85.91' to a point; thence on a curve to the left with a radius of 29.99' and a chord of S 31°41'17" E 14.31' to a point; thence on a curve to the right with a radius of 35.21' and an arc length of 163.27' and a chord of S 78°16'54" W 51.65' to a point; thence on a curve to the left with a radius of 21.65' and a

chord of N 05°37'27" E 17.63' to a point; thence on a curve to the left with a radius of 59.46' with a chord of N 24°27'42" W 12.54' to a point; thence on a curve to the left with a radius of 105.09' with a chord of N 42°45'19" W 44.57' to a point in the western boundary line of subject parcel; thence N 04°47'34" E 8.88' to a ¾" existing iron pipe; thence N 50°07'33" E 29.47' to the point and place of beginning. Containing 0.16 acres (7250.9 sq.ft.) and being the unopened of said unnamed street as shown on survey by Ownbey Land Surveying, PLLC, bearing job number 240112.

3. The City Clerk is hereby directed to publish this Resolution of Intent once a week for four successive weeks.
4. The City Clerk is further directed to transmit by registered or certified mail to each owner of property abutting upon that portion of said street a copy of the Resolution of Intent.
5. The City Clerk is further directed to cause adequate notices of the Resolution of Intent and the scheduled public hearing to be prominently posted in at least two along the portion of the unnamed street proposed for closure as required by G.S. 160A-299.
6. The City Council herewith declares its intent to close the street as described above.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 2nd day of May, 2024.

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

D. French Broad River Intake Project Engineering Amendment 8 – Brent Detwiler,
Public Services Director

Resolution #R-24-22

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE CITY
MANAGER TO ENTER INTO AN AMENDMENT TO AN AGREEMENT WITH BLACK & VEATCH AS
PART OF THE FRENCH BROAD RIVER INTAKE PROJECT**

WHEREAS, the French Broad River Intake Project (Project No. 16007) is under construction; and

WHEREAS, an engineering agreement with Black & Veatch was previously executed to complete the construction administration work associated with the project; and

WHEREAS, the construction of the project has been extended as a value engineering measure; and

WHEREAS, the construction timeline extension and supplemental services requested by the City has resulted in the need to amend the agreement with Black & Veatch to cover the extended construction administration, construction observation, and postconstruction services.

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

1. The City Manager is authorized to enter into an Amendment to an Agreement with Black & Veatch for the French Broad River Intake Project, as presented.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 2nd day of May, 2024.

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

E. NCDOT U-5783 US64 Blythe Street to White Pine Utility Agreement – Adam Steurer,
Utilities Director

Resolution #R-24-23

**RESOLUTION BY THE CITY OF HENDERSONVILLE FOR THE CITY MANAGER TO
ENTER INTO A UTILITY AGREEMENT WITH NCDOT FOR PROJECT U-5783 US64
IMPROVEMENTS**

WHEREAS, the North Carolina Department of Transportation (NCDOT) plans to make improvements to US64 from Blythe Street to White Pine (NCDOT Project U-5783); and

WHEREAS, NCDOT will relocate portions of the City's existing water distribution and sewer collection utility systems that are in conflict with the proposed roadway improvements; and

WHEREAS, per North Carolina statute the City is responsible for 25% of the costs associated with the relocation and 100% of "betterment" costs to existing utilities; and

WHEREAS, NCDOT has provided an agreement with estimated utility relocation cost responsibilities. Actual City cost responsibility will be based on actual bid prices and actual quantities used

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

1. The City Manager is authorized to execute a utility agreement with NCDOT for Project U-5783 US 64 Improvements in the total estimated amount of \$1,817,628.91.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 2nd day of May, 2024.

Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

F. Sole Source Purchase of Bicarbonate – Logan Hickey, Ricky Levi

Resolution #R-24-24

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE SOLE-SOURCE AND STANDARDIZATION PURCHASE OF BICARBONATE FOR THE WATER TREATMENT PLANT

WHEREAS, the City of Hendersonville's Finance Department is submitting this request on behalf of the City's Water Treatment Plant; and,

WHEREAS, the City's WTP utilizes Bicarbonate; and,

WHEREAS, Bicarbonate is required by the state for providing required alkalinity level; and,

WHEREAS, Bicarbonate is a proprietary blend called Alkalinity First and is only available from one source of supply in this area as they are the only authorized area distributor; and,

WHEREAS, this is a granular technical grade Bicarbonate, which ensures consistent levels of alkalinity that other products cannot offer. If we utilized other products with lesser alkalinity levels and lesser quality composition, this could clog our feed system and cause numerous maintenance issues. Thus, it is vital that we utilize this product as standardization is important; and,

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

WHEREAS, staff are requesting to continue to utilize Univar on Bicarbonate City-wide by asking that Council approve this sole source and standardization request; and,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Hendersonville, North Carolina that city staff is authorized to purchase Bicarbonate from Univar for FY23/24 within budgeted funds available.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 2nd day of May, 2024.

Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

G. Sole Source and Standardization Purchase of Ortho Phosphate – Logan Hickey, Ricky Levi

Resolution #R-24-25

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE SOLE-SOURCE AND STANDARDIZATION PURCHASE OF ORTHO PHOSPHATE FOR THE WATER TREATMENT PLANT

WHEREAS, the City of Hendersonville's Finance Department is submitting this request on behalf of the City's Water Treatment Plant; and,

WHEREAS, the City's WTP utilizes Ortho Phosphate; and,

WHEREAS, Ortho Phosphate is required by the state for corrosion control; and,

WHEREAS, Ortho Phosphate is a proprietary blend called 70/30 Ortho Poly with a total PO4 value of 36 percent; and,

WHEREAS, This Ortho Phosphate blend is only available from one source of supply and needs to be standardized for use at the City. While there are alternative products in the market, no other vendors offer this particular blend; and,

WHEREAS, the City has used this blend for roughly 15-20 years and utilizing a different blend would create a need to for an entirely new corrosion study with the state and the changeover would take 3-6 months to replace within the distribution system. This would significant budgetary overages, would cause regulatory issues with the state, and would cause issues with corrosion control (ie. Lead and copper); and,

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

WHEREAS, staff are requesting to continue to utilize Worx on Ortho Phosphate City-wide by asking that Council approve this sole source and standardization request; and,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Hendersonville, North Carolina that city staff is authorized to purchase Ortho Phosphate from Worx for FY24/25 within budgeted funds available.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 2nd day of May, 2024.

Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

H. Sole Source Purchase of Coagulant – Logan Hickey, Ricky Levi

Resolution #R-24-26

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE SOLE-SOURCE PURCHASE OF COAGULANT FOR THE WATER TREATMENT PLANT

WHEREAS, the City of Hendersonville's Finance Department is submitting this request on behalf of the City's Water Treatment Plant; and,

WHEREAS, the WTP utilizes Coagulant; and,

WHEREAS, Coagulant is required by the state for coagulation, flocculation, and sedimentation; and,

WHEREAS, the City ran into issues with it's current vendor's solution where some of it precipitated out into the bottom of the bulk tanks and formed back into a solid; and,

WHEREAS, The City is recommending use of a different Coagulant formula which is sole source thru a different vendor. The City has completed both jar testing and actual plant testing with this new vendor's formula and has found it to work very well in our treatment process without the issues which had developed with the previous vendor's solution. We believe it will provide a more stable formula for storage in the bulk tanks and will stay in solution better for a longer period of time. The vendor has also offered to install tank monitoring equipment in all 3 tanks to enhance ordering and quality control measures of the chemical. This will occur on a cell phone app for both City staff and the vendor to view. The new vendor will also clean the tanks at no cost to the City every 24 months or as needed; and,

WHEREAS, the new formula recommendation of Coagulant is a proprietary blend only available from one source of supply. While there are other alternative non-coagulant products, none have this particular blend which required for the efficient operations of our facility. Standardization of this blend is required; and,

WHEREAS, While there are other alternative non-coagulant products, none have this particular blend which required for the efficient operations of our facility. NCDEQ would require us to do further studies and get their approval to change from one blend to another. Another challenge with changing blends is that it could cause problems with our lead copper numbers as well as our water quality parameter numbers. Thus, standardization of this blend is required; and,

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

WHEREAS, staff are requesting to continue to utilize Zeta Solutions on Coagulant City-wide by asking that Council approve this sole source and standardization request; and,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Hendersonville, North Carolina that city staff is authorized to purchase Coagulant from CedarChem for FY24/25 within budgeted funds available.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 2st day of May, 2024.

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

I. May 2024 Budget Amendments – Adam Murr, Budget Manager

TO MAYOR & COUNCIL

APPROVAL: May 02, 2024

FISCAL YEAR 2024

FORM: 05022024-01

BUDGET AMENDMENT

FUND 301

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
301-0000-420050-G2403	Grant Revenue	-	40,000	-	40,000
301-7855-550102-G2403	Capital Outlay - Services and Fees	-	40,000	-	40,000
FUND 301	TOTAL REVENUES	-	40,000	-	-
	TOTAL EXPENDITURES	-	40,000	-	-

A budget amendment reflecting the adoption of a grant project ordinance (GPO. #G2403). The City was awarded \$40,000 from the Community Waste Reduction and Recycling Program by the NC Department of Environmental Quality (NCDEQ) on April 1, 2024.

The City Manager and City Clerk certify budget ordinance amendment 05022024-01 was approved by City Council on May 02, 2024.

J. Utility Extension Agreement for the 1202 Greenville Highway Townhomes Subdivision – Adela Gutierrez-Ramirez, Civil Engineer

Resolution #R-24-27

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A UTILITY EXTENSION AGREEMENT WITH 1202 GREENVILLE HWY, LLC. FOR THE 1202 GREENVILLE HIGHWAY TOWNHOMES

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

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

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

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

WHEREAS, 1202 Greenville Hwy, LLC., the “Developer” and “Owner”, will enter into a Utility Extension Agreement with the City to provide water and sewer services to the 1202 Greenville Highway Townhomes.

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

1. The Utility Extension Agreement with 1202 Greenville Hwy, LLC., the “Developer” and “Owner” to provide water and sewer service to the 1202 Greenville Highway Townhomes is approved, as presented.
2. City Manager is authorized to execute the Utility Extension Agreement, and to approve and execute amendments to the Utility Extension Agreement in the future provided such amendments do not impose a financial obligation upon the City.
3. City Manager is authorized to acquire easements, rights-of-way, and other interests in real property consistent with the terms of the Utility Extension Agreement, provided that such acquisition does not impose a financial obligation upon the City.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 2nd day of May, 2024.

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

K. ARP Amendment to GPO #G2101 – Adam Murr, Budget Manager

Ordinance #O-24-13

AMENDED Grant Project Ordinance (#G2101) for The City of Hendersonville American Rescue Plan Act of 2021: Coronavirus State and Local Fiscal Recovery Funds

BE IT ORDAINED by the Governing Board 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: This ordinance is to establish a budget for a project to be funded by the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (ARP/CSLFRF). The City of Hendersonville’s total allocation is **\$4,511,799.71**. These funds may be used for the following categories of expenditures, to the extent authorized by state law.

- 1. Support public health expenditures, by funding COVID-19 mitigation efforts, medical expenses, behavioral healthcare, and certain public health and safety staff; and,
- 2. Address negative economic impacts caused by the public health emergency, including economic harms to workers, households, small businesses, impacted industries, and the public sector; and,
- 3. Replace lost public sector revenue, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic; and,
- 4. Provide premium pay for essential workers, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors; and,
- 5. Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet.

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

Internal Project Code	Project Description	Expenditure Category (EC)	Appropriation of ARP/CSLFRF Funds
G2101	General Fund - Administration Salaries from July 1, 2022-January 31, 2023	6.1	\$290,252
G2101	General Fund - Finance salaries from July 1, 2022- January 31, 2023	6.1	\$134,545
G2101	General Fund - Engineering salaries from July 1, 2022- January 31, 2023	6.1	\$112,432
G2101	General Fund -Development Assistance salaries from July 1, 2022- January 31, 2023	6.1	\$223,557
G2101	General Fund - Police salaries from July 1, 2022- January 31, 2023	6.1	\$1,905,239
G2101	General Fund - Fire salaries from July 1, 2022- January 31, 2023	6.1	\$1,220,948
G2101	General Fund -Public Works salaries from July 1, 2022- January 31, 2023	6.1	\$624,826.71
Total			\$4,511,799.71

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

ARP/CSLFRF Funds: \$4,511,799.71
Total: \$4,511,799.71

Section 4: The Finance Officer is hereby directed to maintain sufficient specific detailed accounting records to satisfy the requirements of the grantor agency and the grant agreements.

Section 5: The Finance Officer is hereby directed to report the financial status of the project to the Hendersonville City Council on a quarterly basis.

Section 6: Copies of this grant project ordinance shall be furnished to the Budget Officer, the Finance Officer and to the Clerk to the Hendersonville City Council.

Section 7: This grant project ordinance is effective as of March 3, 2021, and expires on December 31, 2026, or when all the ARP/CSLFRF funds have been obligated and expended by the City of Hendersonville, whichever occurs sooner.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 2nd day of May, 2024.

Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

L. Utility Extension Agreement for the Farmhouse at Tap Root Apartments – Adela Gutierrez-Ramirez, Civil Engineer

Resolution #R-24-28

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A UTILITY EXTENSION AGREEMENT WITH ORANGE CAPITAL ADVISORS, LLC, PHILLIP KEITH GILLIAM, MARY LOUISE CORN, MICHAEL R. CORN, S.E. JOHNSTON III, KATHY G. JOHNSTON, WILLIAM FRANKLIN JOHNSTON, NANCY M. JOHNSTON, TIMOTHY MARCUS JOHNSTON, AND BRADLEY ARNOLD JOHNSTON FOR THE FARMHOUSE AT TAP ROOT APARTMENTS

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

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

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

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

WHEREAS, Orange Capital Advisors, LLC, the “Developer”, and Phillip Keith Gilliam, Mary Louise Corn, Michael R. Corn, S.E. Johnston III, Kathy G. Johnston, William Franklin Johnston, Nancy M. Johnston, Timothy Marcus Johnston, and Bradley Arnold Johnston, the “Owners”, the “Developer” and “Owners”, will enter into a Utility Extension Agreement with the City to provide water service to the Farmhouse at Tap Root Apartments.

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

1. The Utility Extension Agreement with Orange Capital Advisors, LLC, the “Developer”, and Phillip Keith Gilliam, Mary Louise Corn, Michael R. Corn, S.E. Johnston III, Kathy G. Johnston, William Franklin Johnston, Nancy M. Johnston, Timothy Marcus Johnston, and Bradley Arnold Johnston, the “Owners”, the “Developer” and “Owners” to provide water service to the Farmhouse at Tap Root Apartments is approved, as presented.
2. City Manager is authorized to execute the Utility Extension Agreement, and to approve and execute amendments to the Utility Extension Agreement in the future provided such amendments do not impose a financial obligation upon the City.
3. City Manager is authorized to acquire easements, rights-of-way, and other interests in real property consistent with the terms of the Utility Extension Agreement, provided that such acquisition does not impose a financial obligation upon the City.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 2nd day of May, 2024.

Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

M. Utility Extension Agreement for the Copart Fletcher Auto Auction – Adela Gutierrez-Ramirez, Civil Engineer

Resolution #R-24-29

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A UTILITY EXTENSION AGREEMENT WITH COPART OF CONNECTICUT, INC. FOR THE COPART FLETCHER AUTO AUCTION

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

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

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

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

WHEREAS, Copart of Connecticut, Inc., the “Developer” and “Owner”, will enter into a Utility Extension Agreement with the City to provide water services to the Copart Fletcher Auto Auction.

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

1.

The Utility Extension Agreement with Copart of Connecticut, Inc., the “Developer” and “Owner” to provide water service to the Copart Fletcher Auto Auction is approved, as presented.
2.

City Manager is authorized to execute the Utility Extension Agreement, and to approve and execute amendments to the Utility Extension Agreement in the future provided such amendments do not impose a financial obligation upon the City.
3.

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

Adopted by the City Council of the City of Hendersonville, North Carolina on this 2nd day of May, 2024.

Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

N. Water and Sewer System Development Fees – Adam Steurer, Utilities Director

Ordinance #O-24-07

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO ADOPT A SYSTEM DEVELOPMENT FEE ANALYSIS, TO AMEND CHAPTER 52 ARTICLE I AND II OF THE HENDERSONVILLE CITY CODE OF ORDINANCES AND TO ADOPT AND IMPLEMENT A SYSTEM DEVELOPMENT FEE

WHEREAS, the City Council of the City of Hendersonville (“City Council”) advertised a public hearing held on March 7, 2024 indicating its intent to establish and implement a System Development Fee ("SDF") for water and sewer services in accordance with North Carolina General Statute 162A Article 8 titled "System Development Fees"(the "Act") effective July 1, 2018, and N.C.G.S. § 160A-314; and

WHEREAS, the City Council has the obligation to ensure there is sufficient water and sewer capacity available for public health and welfare of the community; and

WHEREAS, the City Council is of the opinion and declares SDFs as the mechanism for the growth requiring water and sewer service(s) to contribute to the cost for the City to provide water and sewer service capacity and to minimize the extent in which existing customers must bear the cost to construct water and sewer capacity infrastructure and facilities; and

WHEREAS, the City Council advertised a public hearing held March 7, 2024 indicating its intent to adopt and implement SDFs through the adoption of this Ordinance to approve the system development fee analysis, to amend Chapter 52, Article I and II of the City of Hendersonville Code of Ordinances, and to adopt and implement SDFs for the City of Hendersonville water and sewer services.

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

Section I. Amendment to Chapter 52, Article I of the City of Hendersonville Code of Ordinances

There shall be added the following section 52-14 to Chapter 52, Article I of the City of Hendersonville Code of Ordinances, Commitment of Service.

Sec. 52-14. Commitment of Service.

Utility service shall be deemed committed for single family dwelling units, multifamily dwelling units, and nonresidential structures and uses of land as follows:

- (1) Utility service has already been established as of effective date of this ordinance, meaning that a meter has been set by the City and utility service is actually being provided by the City as of the effective date of this ordinance; or
- (2) For new service applied for before July 1, 2024, (a) a complete application for utility service has been received or application has been made no more than 30 days prior; (b) all applicable fees required for the new meter have been received by the City and (c) a building permit has been issued (not required for open uses of land involving no structures) or application has been made no more than 30 days prior; or
- (3) A letter of commitment has been issued pursuant to Section 52-27(6) of this chapter.

Section II. Amendment to Chapter 52, Article II of the City of Hendersonville Code of Ordinances, Rates and Charges.

There shall be added the following new sections to Chapter 52, Article II of the City of Hendersonville Code of Ordinances, Rates and Charges.

Sec. 52-57. System Development Fees.

- (1) Methodology Used in Development of SDFs. In accordance with the Act, the cost for additional capacity to serve new customers was determined by a qualified financial professional and was estimated on a per gallon per day ("gpd") of existing customers across various customer type categories. The City engaged Stantec Consulting Services, Inc. to complete a written analysis to determine such cost and to develop cost-justified water and sewer SDFs, such analysis to be posted on the City's website, as updated from time to time (the "SDF Report"). The City Council finds that the written analysis process began on September 9, 2022. The SDF was determined by using the Combined Approach, which takes a combination of the Buy-In and Marginal Incremental approaches and uses existing assets and capacity and combines that with planned capital improvements and additional capacity that will be constructed to calculate a blended value of both the existing and expanded system capacity. The cost of capacity per gallon per day (gpd) was calculated to be \$7.01 per gpd for water system capacity and \$11.04 per gpd for sewer system capacity.
- (2) Adoption of the SDF Report. The SDF Report prepared by Stantec Consulting Services, dated October 30, 2023, is hereby adopted.
- (3) Definitions.
 - (a) *Application* means an application, submitted to the appropriate governmental authority, for a permit, approval, or service, or for an approval or an authorization to undertake a regulated activity. An application will not be considered complete until all form(s), documents, plans, studies or other information required by law or by policy of the issuing agency have been submitted and all fees required for the application to be processed have been paid.
 - (b) *Completeness determination* means the process of determining if an application is or is not complete.
 - (c) *Development* means:
 - i. The subdivision of land;
 - ii. One or more, or the addition, construction or expansion of one or more, dwelling units, buildings, structures or uses on a single tract of land, whether such tract of land is within a subdivision or not; or
 - iii. One or more, or the addition, construction, or expansion of one or more dwelling units, buildings, structures or uses that are being developed under a common scheme of development on more than one tract of land, whether such tracts of land are within a subdivision or not.
 - (d) *Development permit* means an administrative or quasi-judicial approval that is written and that is required prior to commencing development or undertaking a specific activity, project or development proposal pursuant to a land development regulation, including zoning compliance permits, site plan approvals, special use permits, variances, certificates of appropriateness, plat approvals, development agreements, state agency permits for development, driveway permits, or erosion and sedimentation control permits.

- (e) *Increase in capacity necessary to serve a development* means new development that requires additional water or sewer capacity to serve a development than is being provided to the development prior to the new development. As an example, for a subdivision approved for the construction of an individually metered residential dwelling unit on each lot within the subdivision, it is the construction of each residential dwelling unit based on that dwelling unit's heated square footage within the subdivision that causes an increase in capacity necessary to serve the subdivision rather than the subdivision itself, and thus the construction of each new individually metered dwelling unit would be considered new development as defined in Subsection 52-57(3)(i)(ii). As another example, for an existing commercial, multi-building development served by a master meter, the addition of a new building within the multi-building development would not be an increase in capacity necessary to serve a development if the existing master meter serving the development is of sufficient size to serve the both the new building and the existing buildings within the development, and thus the addition of the new building would not be considered new development. As a third example, for a multi-family master metered residential development, the addition of each new residential dwelling unit will increase the capacity required to serve the development and thus each new residential dwelling unit would be considered new development as defined in Subsection 57(3)(i)(ii). As fourth example, for an existing individually metered single family dwelling unit with 2,000 heated square feet, either the addition of 1,501 heated square footage or an accessory dwelling unit of 1,501 heated square footage will increase the capacity required to serve the development and therefore either increase in heated square footage would be considered new development as defined in Subsection 57(3)(i)(ii).
- (f) *Individually metered* means that a building, structure or use of land has a unique meter serving such building, structure or use of land, and serving no other building, structure or use of land. Notwithstanding the foregoing, a primary dwelling unit and its accessory dwelling unit shall, for purposes of this Section 52-57, be considered as a single residential dwelling unit that is individually metered if they are served by the same meter.
- (g) *Letter of commitment* means a letter issued by the City of Hendersonville approving the provision of water or sewer capacity for new development. Notwithstanding the issuance of a Letter of Commitment, water or sewer capacity shall not be deemed "committed" by the City of Hendersonville until the circumstances outlined in Subsection 52-57 (7), below, have occurred for the new development.
- (h) *Master meter* means a water meter serving a common parcel with a single or multiple structures under single ownership generally containing residential leased units, or commercial/industrial sites. Common residential master metered uses include but are not limited to multi-family apartments, condominiums, mobile home parks, RV parks, and tiny home parks.
- (i) *New Development* means any of the following occurring after January 1, 2024, which increased or increases the capacity necessary to serve a development. It is specifically acknowledged that one or more of the following may occur and increase the capacity necessary to serve a particular development, and therefore one or more of the following may trigger the assessment of a system development fee for the same development. Notwithstanding the foregoing, only one SDF may be collected for each increase in capacity required for the particular development.
- i. The subdivision of land. As used herein, the date of subdivision shall be deemed to be the date of the recording of the subdivision plat in the appropriate Register of Deeds Office for the subdivision. For subdivisions containing more than one phase, the date of subdivision shall be determined separately for each phase, and shall be the date of the recording of the subdivision plat in the appropriate Register of Deeds Office for each phase of the subdivision; or
 - ii. The construction, reconstruction, redevelopment, conversion, structural alteration, relocation or enlargement of any structure which increases the number of service units. As used herein, the date of construction, reconstruction, redevelopment, conversion, structural alteration, relocation or enlargement shall be the date that a building permit is issued by the appropriate governmental agency, or if a building permit is not required, the earliest date that any development permit is issued by the appropriate governmental agency; or
 - iii. Any use or extension of the use of land which increases the number of service units. The date of the use or extension of land shall be deemed to be the earliest date that a development permit is issued by the appropriate governmental agency, or if no

development permit is required, the date that the use or extension of the use that increases the number of service units is established.

- (j) *Structure* means any building or other structure containing a use that is served by the water system and/or sewer system of the City of Hendersonville.
 - (k) *Subdivision of land* means the division of a tract or parcel of land into two or more lots, building sites, or other divisions when any one or more of those divisions is created for the purpose of sale or building development, whether immediate or future, and includes all divisions of land involving the dedication of a new street or a change in existing streets, but excluding those matters exempted from regulation under Chapter 160D, Article 8, Subdivision Regulation, pursuant to N.C.G.S. § 160D-802(a).
 - (l) *System Development Fee(s)* (the “SDF” or “SDFs”) are charges or assessments for service, including service provided pursuant to a wholesale arrangement, imposed with respect to new development to fund costs of capital improvements necessitated by and attributable to such new development, to recoup costs of existing facilities which serve such new development, or a combination of those costs, and adopted pursuant to the authority of North Carolina General Statutes Chapter 162A, and pursuant to the general rate making authority of the City as provided in N.C.G.S. § 160A-314.
- (4) Adoption of SDFs. SDFs shall be as adopted from time to time, but no less than annually, by the City Council, and on file in the City Clerk’s office. SDFs may be adopted or amended as part of the fee schedule adopted in the annual budget ordinance for the City. SDFs shall be assessed and collected for all new development served by the City’s water system and/or sewer system.
- (5) Assessment of SDFs. For new development, SDFs shall be assessed as follows:
- (a) Residential Individually Metered. An SDF shall be assessed for each residential dwelling unit, such as single-family homes, accessory dwelling units, duplexes, townhomes, and mobile homes, that is individually metered, and shall be calculated on a heated square footage basis. Each individually metered residential dwelling unit shall be considered as a service unit evaluated by heated square footage size. For the purpose of assessment of a SDF, the total dwelling unit heated square footage shall be calculated as the sum of heated square footages of the primary and accessory dwelling units served by the same meter.
 - (b) Residential Multi-Family Master Metered. An SDF shall be assessed for structure(s) containing attached residential dwelling units, such as apartments and condominiums, that is/are master metered, and shall be calculated on a per multi-family residential dwelling unit basis. Each residential dwelling unit within a multi-family master-metered development shall be considered as a service unit.
 - (c) Residential Mobile Homes Master Metered. An SDF shall be assessed for a mobile home park that is master metered and shall be calculated on a per mobile home residential unit basis. RV Parks and Tiny Home Parks that are master metered shall be considered and assessed a SDF as non-residential new development. Each space within master-metered mobile home development capable of being occupied by a mobile home residential unit shall be considered as a service unit, regardless of whether or not a mobile home residential unit occupies the space.
 - (d) Non-Residential. An SDF shall be assessed for non-residential buildings, structures or uses of land, and shall be calculated based on a meter size or equivalent meter size basis for the master meter that will serve the non-residential buildings, structures or uses of land. Each meter size or equivalent meter size shall be considered as a service unit.
 - (e) Residential/Non-Residential Master Metered - Mixed Use Structures. An SDF shall be assessed for residential/non-residential mixed-use structure(s) that is/are master metered, and shall be calculated as the sum of the following:
 - i. the number of multi-family residential units multiplied by the per residential unit rate, plus;
 - ii. the size of the meter or meters that would be required for just the non-residential space. Common areas shall be considered as non-residential space.
 - (f) Other Connections. All other connections, including but not limited to irrigation connections, wholesale connections, institutional connections, or those not involving a structure, shall be assessed, and calculated as non-residential.

(6) Letter of Commitment. A Letter of Commitment shall be required for the provision of water or sewer service for any new development. A letter of commitment will be issued upon receipt and approval of a complete water or sewer application by the City and payment of an SDF by the applicant.

(a) For new development requiring an engineering plan approval, the extension plan or utility connection plan must be approved by the City before the application for letter of commitment may be submitted.

(b) Applications for letter of commitment submitted before an engineering approval for the extension plan or utility connection plan will not be eligible for issuance of a letter of commitment.

(c) For all new development requiring a building permit, an application for a building permit, containing all information required by the issuing agency other than the letter of commitment, must be submitted to the appropriate agency prior to submitting an application for a letter of commitment.

(d) A building permit will not be issued until a letter of commitment from the City of Hendersonville is presented to the issuing agency. Building permits are issued by the Henderson County or Buncombe County Permits and Inspections Departments.

(7) Commitment of Water or Sewer Capacity. For all new development, water or sewer capacity shall be deemed committed upon the following circumstances:

- i. Individually Metered. For all dwelling units, structures or uses of land that will be individually metered, water or sewer capacity shall be committed for each individually metered dwelling unit, structure or use of land independently of all other individually metered dwelling units, structures or uses of land, and shall be deemed to be committed for a dwelling unit, structure or use of land when the assessed SDF for the dwelling unit, or for a nonresidential structure or other use of land the SDF for the water or sewer capacity, has been paid and a letter of commitment has been issued for the dwelling unit, structure or use of land.
- ii. Master-Metered. For all dwelling units, structures or uses of land that will be served by a master or common meter, water or sewer capacity will be committed for all dwelling units, structures and uses of land to be served by the common or master meter at the same time, and shall be deemed committed for all dwelling units, structures and uses of land to be served by the common or master meter when the assessed SDF for the master or common or master meter has been paid and a letter of commitment has been issued for all of the dwelling units, structures and uses of land to be served by the common or master meter.
- iii. Subdividing of Land. Where the subdivision of land will increase the capacity necessary to serve the subdivision without the construction or addition of residential units or structures, water or sewer capacity will be deemed committed when the assessed SDF for the subdivision has been paid and a letter of commitment has been issued for the subdivision.

(8) Utilization of SDFs and SDF Ordinance. The Utilities Director shall administer the assessment of SDFs and this Section 52-57, and shall ensure that the City Council is provided with sufficient financial information to allow the setting of appropriate financial policies. The Utilities Director shall establish and maintain records, which are consistent with the City of Hendersonville's annual budget, this Section 52-57 and the appropriate North Carolina statutes.

(9) Generally Applicable Provisions.

(a) The acquisition of water or sewer capacity through payment of a SDF is non-transferrable from parcel to parcel. A parcel shall mean a tract of land having its own legal description.

(b) Construction, reconstruction, redevelopment, conversion, structural alteration, relocation, or enlargement of any structure which increases the number of units of service shall be assessed a SDF for the differential in service units using current rates in accordance with the most recently adopted fee schedule. Notwithstanding the foregoing, new development which does not increase the number of service units for a residential individually metered connection by more than 150% shall not be assessed a SDF reflecting the differential in service units. Construction, reconstruction, redevelopment, conversion, structural alteration, or relocation of any structure which decreases the number of units of service shall not be refunded a SDF for the differential in service units using current rates in accordance with the most recently adopted fee schedule.

(10) Completeness determination.

(a) Applicants shall submit applications under this Chapter in accordance with terms and requirements of this Chapter and the policies of the Hendersonville Utilities Department. *Until an application is determined to be complete an application has not been submitted.*

(b) On receiving an application under this Chapter, the Utilities Department personnel designated by the Utilities Director shall determine whether the application is complete or incomplete.

(c) On determining that the application is incomplete, the designated personnel shall, as appropriate, provide the applicant with written notice of the submittal deficiencies. The applicant may correct the deficiencies and resubmit the application for a completeness review. If the applicant fails to resubmit an application within thirty (30) consecutive calendar days after being first notified of submittal deficiencies, the application submittal shall be considered abandoned. The thirty (30) day period may be extended by the designated personnel.

(d) On determining that the application is complete, the designated Utilities Department personnel shall accept the application as submitted and provide the applicant with written notice of application submittal acceptance.

Section III. Adoption of the SDF Rate/Schedule of Fees

The City Council has elected to implement the SDF as recommended in the SDF Report prepared by Stantec Consulting Services, dated October 30, 2023. As part of the implementation, City Council has elected assess the fees in a phased approach. City Council may elect to adjust phased approach by amending this Ordinance, including the fee schedules below, or through the adoption of the annual budget ordinance.

Effective January 1, 2025 – June 30, 2025

Residential

Property Type	Water	Sewer	Combined
Residential – Individually Metered (Heated sq. ft.)			
<1,000	\$312	\$512	\$824
1,000 - 1,500	\$333	\$547	\$880
1,501 - 2,000	\$340	\$558	\$898
2,001 - 2,500	\$361	\$593	\$953
2,501 - 3,000	\$375	\$616	\$991
3,001 - 3,500	\$403	\$663	\$1,066
3,501 - 4,000	\$431	\$708	\$1,140
Over 4,000	\$498	\$818	\$1,316
Multi-Family per-unit Master-Metered	\$224	\$367	\$591
Mobile Homes per unit Master Metered Park	\$350	\$575	\$925

Non-Residential

Meter Size	Water	Sewer	Combined
3/4"	\$624	\$1,024	\$1,648
1"	\$1,039	\$1,707	\$2,746
1.5"	\$2,078	\$3,414	\$5,492
2"	\$3,325	\$5,463	\$8,788
3"	\$7,273	\$11,950	\$19,223
4"	\$13,092	\$21,509	\$34,601
6"	\$27,016	\$44,384	\$71,399
8"	\$58,187	\$95,596	\$153,783
10"	\$87,281	\$143,394	\$230,674

Effective July 1, 2025 – June 30, 2026

Residential

Property Type	Water	Sewer	Combined
Residential – Individually Metered (Heated sq. ft.)			
<1,000	\$624	\$1,024	\$1,648
1,000 - 1,500	\$666	\$1,094	\$1,760
1,501 - 2,000	\$680	\$1,117	\$1,796
2,001 - 2,500	\$722	\$1,185	\$1,907

Property Type	Water	Sewer	Combined
2,501 - 3,000	\$750	\$1,233	\$1,983
3,001 - 3,500	\$807	\$1,325	\$2,132
3,501 - 4,000	\$862	\$1,417	\$2,279
Over 4,000	\$996	\$1,637	\$2,633
Multi-Family per-unit Master-Metered	\$447	\$735	\$1,182
Mobile Homes per unit Master Metered Park	\$700	\$1,150	\$1,850

Non-Residential

Meter Size	Water	Sewer	Combined
3/4"	\$1,247	\$2,049	\$3,296
1"	\$2,078	\$3,414	\$5,492
1.5"	\$4,156	\$6,829	\$10,985
2"	\$6,650	\$10,925	\$17,575
3"	\$14,547	\$23,899	\$38,446
4"	\$26,184	\$43,018	\$69,203
6"	\$54,031	\$88,768	\$142,799
8"	\$116,374	\$191,192	\$307,566
10"	\$174,561	\$286,788	\$461,349

Effective July 1, 2026

Residential

Property Type	Water	Sewer	Combined
Residential – Individually Metered (Heated sq. ft.)			
<1,000	\$1,247	\$2,048	\$3,295
1,000 - 1,500	\$1,332	\$2,188	\$3,519
1,501 - 2,000	\$1,359	\$2,233	\$3,592
2,001 - 2,500	\$1,443	\$2,370	\$3,813
2,501 - 3,000	\$1,500	\$2,465	\$3,965
3,001 - 3,500	\$1,613	\$2,650	\$4,263
3,501 - 4,000	\$1,724	\$2,833	\$4,558
Over 4,000	\$1,992	\$3,273	\$5,265
Multi-Family per-unit Master-Metered	\$894	\$1,469	\$2,364
Mobile Homes per unit Master Metered Park	\$1,399	\$2,299	\$3,699

Non-Residential

Meter Size	Water	Sewer	Combined
3/4"	\$2,494	\$4,097	\$6,591
1"	\$4,156	\$6,828	\$10,984
1.5"	\$8,312	\$13,657	\$21,969
2"	\$13,300	\$21,850	\$35,150
3"	\$29,093	\$47,798	\$76,891
4"	\$52,368	\$86,036	\$138,405
6"	\$108,062	\$177,535	\$285,597
8"	\$232,748	\$382,383	\$615,131
10"	\$349,122	\$573,575	\$922,697

Section IV. It is the intention of the city council and it is hereby ordained, that the provisions of Sections I and II of this ordinance shall become and be made part of the Code of Ordinances, City of Hendersonville, North Carolina, and that sections of Section I and II of this ordinance may be renumbered to accomplish such intention.

Section V. Effective Date

This Ordinance shall be effective upon adoption and shall apply to all new development as defined in this ordinance.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 2nd day of May, 2024.

Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

O. Interlocal Agreement for Tax Collection – *Brian Pahle, Assistant City Manager*

Resolution #R-24-30

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE
THE CITY MANAGER TO EXECUTE AGREEMENT WITH
HENDERSON COUNTY FOR THE INTERLOCAL AGREEMENT FOR TAX COLLECTION**

WHEREAS, the City Council approved THE INTERLOCAL AGREEMENT FOR TAX COLLECTION five years ago, the “Contract”; and;

WHEREAS, the City Manager’s Office has negotiated an extension of this Contract for an additional two years; and

WHEREAS, it is in the best interest of the City’s customers and citizens to have an ease of use of a single tax bill; and

WHEREAS, the City and County agree this Interlocal Agreement shall continue for two (2) years, from July 1, 2024 to June 30, 2026, unless terminated pursuant to the terms herein; and

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

1. The Contract is to be executed with Henderson County for tax collections effective the 1st day of July 2024.
2. The City Manager is authorized to negotiate and enter into an agreement with Henderson County 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 2nd day of May, 2024.

Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

P. Approval of Sustainability & Energy Efficiency Policy – *Caitlyn Gendusa, Public Works Superintendent Sustainability Manager*

Resolution #R-24-31

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO ADOPT THE
SUSTAINABLE FACILITIES POLICY**

WHEREAS, the City of Hendersonville City Council adopted Resolution R-21-53 recognizing core values and beliefs that include environmental sustainability as an important consideration for all projects and programs; and

WHEREAS, The purpose of this policy is to incorporate green building standards into all new and renovated facilities constructed and owned by the City of Hendersonville to demonstrate the City’s commitment to sustainable building design in its own building practices and policies; and

WHEREAS, there continue to be opportunities to save Hendersonville taxpayers money by improving the energy efficiency of City buildings, reducing fuel usage by incorporating electric vehicle infrastructure, and reducing water usage by purchasing water efficiency fixtures.

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

1. The Sustainable Facilities Policy, is hereby approved.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 2nd day of May, 2024.

Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

Q. NCDOT Highway 64 Water & Sewer Improvement Project #18140 COP & RR – Adam Murr, Budget Manager

Resolution #R-24-32

**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 NCDOT HIGHWAY 64 WATER AND SEWER IMPROVEMENT PROJECT (#18140), ORDINANCE #O-24-14 (the "Project(s)").

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

Maximum Principal Amount of Debt to be Issued. The maximum principal amount of the Borrowing to be incurred by the Issuer to finance the Project is \$1,817,000

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

ADOPTED by the City Council of the City of Hendersonville, North Carolina, on this 2nd day of May, 2024.

Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

6. PRESENTATIONS

A. Proclamation – Historic Preservation Month – Barbara Volk, Mayor

Mayor Volk read the proclamation aloud and presented it to Crystal McCauley and Jane Branigan.

**A PROCLAMATION FOR NATIONAL HISTORIC PRESERVATION MONTH IN
HENDERSONVILLE, NC**

WHEREAS, Historic Preservation is an effective tool for managing growth, revitalizing neighborhoods, fostering local pride and maintaining community character while enhancing livability, and

WHEREAS, The historic houses and buildings of Hendersonville help make our City unique and provide links with the aspirations and attainments of the City’s pioneers and their descendants, and

WHEREAS, These fine examples of Nineteenth and Twentieth century buildings contribute to an appreciation of our heritage, and

WHEREAS, Historic Preservation is relevant for communities across the nation, both urban and rural, and for Americans of all ages, all walks of life and all ethnic backgrounds, and

WHEREAS, It is important to celebrate the role of history in our lives and the contributions made by dedicated individuals in helping to preserve the tangible aspects of the heritage that has shaped us as a people, and

WHEREAS, Historic Preservation Month can instill awareness of the local historically significant buildings and landmarks to the residents of Hendersonville and surrounding communities; and

NOW, THEREFORE, I, Barbara Volk, Mayor of the City of Hendersonville, North Carolina, on behalf of the City Council, do hereby acknowledge May to be Historic Preservation month in the City of Hendersonville and call upon our fellow citizens to recognize and participate in this special observance. Our work to protect our community heritage proves that in Hendersonville we are “One Team One Goal.”

Proclaimed this the 2nd day of May, 2024.

B. Proclamation – Drinking Water Week, May 5th – 11th, 2024 – *Barbara Volk, Mayor*

Mayor Volk read the proclamation aloud and presented it to Adam Steurer, Utilities Director

Proclamation

WHEREAS, water is our most valuable natural resource; and

WHEREAS, drinking water serves a vital role in daily life, serving an essential purpose to health, hydration and hygiene needs for the quality of life our citizens enjoy; and

WHEREAS, tap water delivers public health protection, fire protection, support for our economy and the quality of life we enjoy; and

WHEREAS, the hard work performed by the entire water sector, designing capital projects, operators ensuring the safety and quality of drinking water or a member of a pipe crew maintaining the infrastructure communities rely on to transport high quality drinking water from its source to consumers’ taps; and

WHEREAS, the coronavirus pandemic has shone a light on the importance of drinking water for health, hydration and hygiene needs; 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 source waters from pollution, practice water conservation and get involved with their water by familiarizing themselves with it;

NOW, THEREFORE, be it resolved that by virtue of the authority vested in me as Mayor of the City of Hendersonville, I do hereby proclaim May 5-11, 2024, as Drinking Water Week.

PROCLAIMED this 2nd, day of May, 2024.

C. Proclamation – National Police Week – *Barbara Volk, Mayor*

Mayor Volk read the proclamation aloud and presented it to Chief Myhand and other police officers in attendance. Councilwoman Lowrance asked to have a moment of silence for all of the fallen police officers.

**National Police Week
May 12, 2024 – May 18, 2024**

WHEREAS, Police Officers around the nation understand the tremendous responsibility bestowed upon them in protecting the freedom and liberty of all citizens; and

WHEREAS, the men and women of the Hendersonville Police Department are dedicated to protecting and treating all City residents and visitors with respect and dignity against deception, violence, and disorder; and

WHEREAS, the residents and visitors of the City of Hendersonville recognize the dangers of the law enforcement profession and understand the difficulties in performing the duties and responsibilities of a law enforcement officer in the State of North Carolina; and

WHEREAS, more than 800,000 law enforcement officers serve communities across the United States, including the 47 sworn police officers of the Hendersonville Police Department; and

WHEREAS, while Officers are ever vigilant, 118 Police Officers died in the line of duty in 2023 amounting to over 24,000 line of duty deaths since the first death was recorded in 1786; and

NOW, THEREFORE, I, Barbara Volk, Mayor of the City of Hendersonville, and City Council Members, do hereby proclaim May 12, 2024 – May 18, 2024 as

“National Police Week”

in the City of Hendersonville and honor the service of all law enforcement officers and the sacrifices of the men and women killed in the line of duty in 2023 while safeguarding our communities and defending our democracy and call upon all people to show support to the law enforcement officers who devote themselves to delivering exceptional service to this community and in communities across this great nation.

PROCLAIMED this 2nd day of May, 2024.

D. Proclamation – Public Service Recognition Week – *Barbara Volk, Mayor*

Mayor Volk read the proclamation aloud and presented it to several public service employees that were in attendance.

**Proclamation
Public Service Recognition Week**

Designating the week of May 5 -11, 2024 as “ Public Service Recognition Week”

WHEREAS, Americans are served every single day by public servants at the federal, state, county and city levels; and

WHEREAS, the public employees of the City of Hendersonville are committed to exhibiting the highest standards of professional excellence, creativity, skill, and customer service; and

WHEREAS, in often difficult circumstances, our civil servants work to protect and improve the quality of life for our residents, businesses, and visitors; and

WHEREAS, the efficiency of government relies on public employees who provide services in the quality and quantity required and expected by the public; and

WHEREAS, the City of Hendersonville recognizes the generous contributions of time and talent by public employees, and the importance of the services they render; and

WHEREAS, Public Service Recognition Week has been celebrated the first week of May since 1985 to honor those who serve our nation as federal, state, county, and local government employees.

NOW, THEREFORE, I, Barbara G, Volk, Mayor of the City of Hendersonville, North Carolina, herby proclaim May 5-11, 2024 as Public Service Recognition Week and encourage all citizens to join in appreciation of our public employees past and present, who, by their faithful and loyal devotion to their responsibilities, have rendered a dedicated service to their communities.

PROCLAIMED this 2nd day of May, 2024

E. NC3C Excellence in Communications – *Allison Justus, Communications Manager*

Communications Manager Allison Justus recognized Communications Coordinator Brandy Heatherly and said that the North Carolina City & County Communicators (NC3C) recognized Brandy Heatherly and the City of Hendersonville with an Excellence in Communications award at their 2024 conference held April 10-12 in Concord, NC. NC3C Excellence in Communications Awards recognize great local government communicators and foster achievement among members by showcasing top-level work. The City of Hendersonville won first place in the ‘Best Use of Humor’ category for a social media post on April Fool’s Day showcasing the Hendersonville Fire Department’s use of pool noodles as an addition to their firefighting equipment.





F. Recognition of Allison Justus – Brian Pahle, Assistance City Manager

Assistant City Manager Brian Pahle recognized Communications Manager Allison Justus for completing the Municipal and County Administration course at the UNC School of Government.

This course has been available to public servants in North Carolina since 1954 and has more than 3,700 alums. Course participants learn the roles, rules, and operations of city and county governments in North Carolina and become part of a broad network of local government peers. This comprehensive application-based program takes place over eight months. Participants are city and county managers, department heads, and city and county officials whose responsibilities require an understanding of the functions of multiple specialization areas.

Major subject areas include:

- Local government law
- Organization and management
- Finance and budgeting
- Public employment law
- Planning and regulation development
- Municipal and county services



G. Quarterly MVP Recipients – John Connet, City Manager

City Manager Connet, read aloud why each MVP was chosen.

Quarterly MVPs

January – March 2024
The Service Excellence Design Team voted on the 24 MVPs submitted and the following three received the highest votes.



Saved to Ti Drive

Brandy Heatherly (Adm), Andy Brogden (PW) and Steve Alverson (HR)

In an effort to have employees take responsibility for their fleet vehicles and discover any safety hazards, Steve Alverson, Safety & Risk Manager, enlisted Andy Brogden, Fleet Manager, to shoot a video that demonstrates a complete vehicle check. Brandy Heatherly, Communications Coordinator, did the filming and editing and it was sent out to all employees to watch. Great job!!!



Brandon Roberts & Joel Hart (Engineering)

On 3/25, water customers on Highland Lake Rd were left unexpectedly without water, including a dermatologist and their patients. Joel and Brandon met with the dermatologist's team to determine the course of action that would be most helpful to the dermatologist and patients, then communicated with work crews to complete their work accordingly. In the meantime, seeing that the practice was in need of water, Joel and Brandon took the initiative to purchase and deliver 10 gallons of water. MVPs!

Richard Ledford, Brian McCall, Dylan Ward, Steven Galloway, Dawson Heatherly, JR Blackwell, Morgan Osteen, Clarence Gilbert, Tim Sexton (WS)

During a site visit, Mike Huffman discovered a sewer service lateral that had broken and was discharging into a stream. These guys were out there the next morning to reconnect the sewer lateral to a nearby manhole and eliminate the discharge to the creek. This work would typically be done by a private plumber because it was on the customer's side of the cleanout. However, Tim and his team worked with the property owner to get the problem resolved quickly at no cost to the customer. They also relocated the sewer service away from the stream so that we could more easily restore the streambank in the future.



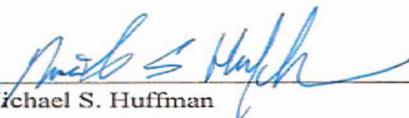
H. Recognition of Mike Huffman’s Certification as a Floodplain Manager – Brendan Shanahan, City Engineer

Brendan Shanahan explained that Michael Huffman, Stormwater Division Manager, after eight years dedicated to the City of Hendersonville’s stormwater resources, has expanded his area of expertise by becoming a Certified Floodplain Manager. The Association of State Floodplain Managers (ASFPM) provides this certification program to establish a level of competence for the Nation’s floodplain managers. Having achieved this certification, Mike has been sworn in as the City of Hendersonville’s Floodplain Manager in addition to the many other roles by which he serves the community. We’re proud of the work he has done and look forward to the positive contributions that are to come.

City of Hendersonville Floodplain Administrator

I, **Michael S. Huffman**, do solemnly and sincerely swear that I will support and maintain the Constitution and laws of the United States, that I will be faithful and bear true allegiance to the State of North Carolina, and to the Constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain and defend the Constitution of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability, so help me God.

I, Mike Huffman, do swear that I will well and truly execute the duties of the office of the City of Hendersonville Floodplain Administrator according to the best of my skill and ability, according to law, so help me God.


Michael S. Huffman

(SEAL)



Sworn to before me this the 1st day of February, 2024.


Jill Murray, City Clerk
City of Hendersonville, NC

I. Hand's On! Children's Museum – Joseph Knight, CEO

Joseph Knight gave a brief PowerPoint presentation and thanked the Council for their leadership and for supporting the museum and asked for \$42,000 to sustain the People's Museum and Walk of Fame project. In addition to supporting the operating costs for the monthly lease, City funding is also used to leverage other funding sources that support the museum. IN addition they will be adding a new display this year as they received a special artifact that is over 100 years old that visually tells the unique story of the underground railroad.









AFRICAN STORYTELLING





7. PUBLIC HEARINGS

A. Rezoning: Conditional Zoning District – Osceola Inn Adaptive Reuse (P23-70-CZD) – Matthew Manley, AICP Strategic Projects Manager

Matt explained that the City of Hendersonville is in receipt of an application for a Conditional Zoning District from Fiona McColley of BL Corp of NC for the property located at 159 Osceola Rd (PIN: 9568-31-5964). The current zoning of the historic property is R-15 in the ETJ. The applicant is requesting to reuse the existing Osceola Inn for a 20-room hotel with conference/event space and café and 26-multi-family apartment/condo units. This is considered an 'Adaptive Reuse' which is permitted in the R-15 Conditional Zoning District (CZD).

The 3.75 Acre property and its associated structures would be rehabilitated. No new buildings are proposed to be constructed. The current site arrangement accommodates 42 parking spaces. The applicant will expand parking as needed (min 53) up to the amount shown on the site plan (67). Tree credits will be used to meet landscaping requirements. The existing Bradford Pears on the property are proposed to be removed.

The Inn was originally constructed in 1909 and was utilized for its original purpose until the early 2000s. Most recently the historic structure served as Heartwood Refuge which was categorized as Religious Institution. The R-15 zoning was likely applied when the surrounding area was added to the City's ETJ in 1996.

At their meeting on April 11, 2024, the Planning Board voted unanimously to recommend approval of the CZD request.

Fiona McCally introduced herself as the applicant and was there to answer any questions.

The public hearing was opened at 6:44 p.m.

Public Comments:

Via Zoom: Ken Fitch spoke in favor of the proposed historic property rezoning.

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

Council Member Melinda Lowrance 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: 9568-31-5964) from R-15 (Medium Density Residential) to R-15 CZD (Medium Density Residential - Conditional Zoning District) based on the site plan and list of conditions submitted by and agreed to by the applicant, [dated February 5, 2024,] and presented at this meeting and subject to the following:

1. The development shall be consistent with the site plan, including the list of applicable conditions contained therein, and the following permitted uses:

- 1. Adaptive Reuse including:*
 - a) Hotel with:*
 - 20 Guest Rooms
 - Event & Conference Space
 - Café
 - b) Residential, Multi-Family*
 - 26 - 1 & 2 Bedroom Units

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

The adaptive reuse of an historic structure aligns with strategies in the 2030 Comprehensive Plan including Strategy CR-1.5.

(3). Furthermore, we find the petition to be inconsistent with the Future Land Use Map based on the following:

The Medium Intensity Neighborhood Future Land Use designation does not recommend any commercial uses or multi-family uses on local streets.

(4). Therefore we recommend designating the Future Land Use of the parcel as:

Neighborhood Activity Center where multi-family residential, pedestrian amenities (plazas, outdoor seating, etc.) and mixed uses are secondary recommended land uses.

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

- 1. The proposed use satisfies the Supplementary Standards for 'Adaptive Reuse'.*
- 2. The proposed use as a hotel aligns with the original use of the property.*
- 3. The historic structure and its use as an inn predate the surrounding single-family land uses.*
- 4. The scale of the proposed reuse will not negatively impact the surrounding neighborhood.*
- 5. The proposed rezoning will allow for preservation of the historic structure, into which reinvestment is greatly needed.*

Ordinance #O-24-15

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR PARCELS POSSESSING PIN NUMBER: 9568-31-5964 BY CHANGING THE ZONING DESIGNATION FROM R-15 (MEDIUM DENSITY RESIDENTIAL) TO R-15 CZD (MEDIUM DENSITY RESIDENTIAL - CONDITIONAL ZONING DISTRICT)

IN RE: Parcel Numbers: 9568-31-5964
 Addresses: 159 Osceola Rd
 Hendersonville Connections: (File # P23-70-CZD)

WHEREAS, the City is in receipt of a Conditional Rezoning application from applicant and property owner, Fiona McColley of BL Corp of NC, for an adaptive reuse within an existing structure at 159 Osceola Rd, and

WHEREAS, the Planning Board took up this application at its regular meeting on April 11, 2024; voting 7-0 to recommend City Council approve an ordinance amending the official zoning map of the City of Hendersonville, and

WHEREAS, City Council took up this application at its regular meeting on May 2, 2024, 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: 9568-31-5964, changing the zoning designation from R-15 (Medium Density Residential) to R-15 CZD (Medium Density Residential - Conditional Zoning District)
2. Development of the parcel pursuant to this Ordinance is subject to the following.
 - a. Development shall comply with the site plan submitted by the applicant dated February 5, 2024, including the conditions listed therein, [and/or as modified and presented to City Council][and/or including modifications approved by City Council which shall be added to the site plan. The updated site shall be submitted to the City at or before the applicant's execution of this Ordinance].
 - b. Permitted uses shall include:
 - i. Hotel
 1. 20 Guest Rooms
 2. Event & Conference Space
 3. Café
 - ii. Residential, Multi-Family
 1. 26 - 1 & 2 Bedroom Units
 - c. Additional conditions that shall be satisfied prior to final site plan approval include:
3. Except where modified by the terms of this Ordinance, development of the parcel(s) shall occur in accordance with the final site plan requirements of Article VII of the Zoning Ordinance of the City of Hendersonville, North Carolina.
4. Except where explicit relief is granted by the terms of this Ordinance, the development of the parcel(s) shall occur in accordance with all applicable standards within local ordinances and policies.

This ordinance shall be not be effective until the list of use(s) and conditions, established herein, is consented to in writing by the applicant and all owners of the subject property. Upon such written consent, this ordinance shall be effective retroactive to the date of its adoption.

Adopted this 2nd day of May, 2024.

/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 – Hope Creek + Powell St. (P24-17-RZO) – Matthew Manley, Strategic Projects Manager

Matt explained that the City of Hendersonville is in receipt of a Zoning Map Amendment application from Paco Hernandez of Paco Properties, LLC (owner) for two parcels (PINs: 9578-36-6473 & 9578-36-8361) totaling 4.68 Acres located along Powell St in the Barker Heights area near Jackson Park. The properties are currently zoned R-15, Medium Density Residential. The petitioner is requesting that the two parcels be rezoned to R-6, High Density Residential. The subject property is outside of the corporate city limits and located in the City's ETJ. As the crow flies, the properties are approximately 1 mile from downtown Hendersonville.

The R-6 Zoning District has a minimum lot size of 6,000 Sq Ft (10,000 Sq Ft for Duplex) and allows a density of 8.5 Units/Acre for Minor Planned Residential Development. The current R-15 Zoning District has a minimum lot size of 15,000 Sq Ft (22,500 Sq Ft for Duplex) and allows a density of 3.75 Units/Acres for Minor PRD. If rezoned, there will not be a binding site plan, list of uses or conditions placed on the site. All permitted uses within the R-6 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 April 11, 2024, the Planning Board voted unanimously to recommend approval of the rezoning request.

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

Public comments:

Via Zoom:

Lynn Williams didn't speak for or against the project but spoke about things to look out for as it is a very sensitive area, i.e. flooding and is happy about stream protection.

Ken Fitch didn't speak for or against the project but he also spoke about possible flooding as well as Conserving Carolina that has a conservation area nearby.

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

Council Member Melinda Lowrance 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 (PINs: 9578-36-6473, 9578-36-8361) from R-15 Medium Density Residential to R-6, High Density Residential based on the following:

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

The Goals & Strategies of LU-7 "High-Intensity Neighborhood" calls for primary recommended land uses which align with the proposed R-6 Zoning

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

- 1. R-6 zoning aligns with and maintains the primary single-family character of the neighborhood***
- 2. R-6 zoning allows for a more efficient use of land.***
- 3. R-6 zoning is less dense than some existing land uses in proximity of the subject property.***

Ordinance #O-24-16

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR CERTAIN PARCELS (POSSESSING PIN NUMBERS 9578-36-6473, 9578-36-8361) BY CHANGING THE ZONING DESIGNATION FROM R-15 MEDIUM DENSITY RESIDENTIAL TO R-6, HIGH DENSITY RESIDENTIAL

IN RE: Parcel Numbers: 9578-36-6473, 9578-36-8361
Hope Creek + Powell St (File # P24-17-RZO)

WHEREAS, the Planning Board took up this application at its regular meeting on April 11th, 2024; 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 regular meeting on May 2nd, 2024, and

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

WHEREAS, City Council has conducted a public hearing as required by the North Carolina General Statutes on May 2nd, 2024,

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

1. Pursuant to Article XI of the Zoning Ordinance of the City of Hendersonville, North Carolina, the Zoning Map is hereby amended by changing the zoning designation of the following: Parcel Numbers: 9578-36-6473, 9578-36-8361, By Changing the zoning designation from R-15 Medium Density Residential to R-6, High Density Residential.
2. Any development of this parcel shall occur in accordance with the Zoning Ordinance of the City of Hendersonville, North Carolina.
3. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this 2nd day of May, 2024.

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

8. UNFINISHED BUSINESS

9. NEW BUSINESS

A. Approval of Sustainability Strategic Plan – Caitlyn Gendusa, Public Works Superintendent Sustainability Manager

Council Member Lyndsey Simpson moved that the City Council approve the resolution to adopt the Sustainable Facilities Policy as presented. A unanimous vote of the Council followed. Motion carried

Resolution #R-24-31

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO ADOPT THE SUSTAINABLE FACILITIES POLICY

WHEREAS, the City of Hendersonville City Council adopted Resolution R-21-53 recognizing core values and beliefs that include environmental sustainability as an important consideration for all projects and programs; and

WHEREAS, The purpose of this policy is to incorporate green building standards into all new and renovated facilities constructed and owned by the City of Hendersonville to demonstrate the City's commitment to sustainable building design in its own building practices and policies; and

WHEREAS, there continue to be opportunities to save Hendersonville taxpayers money by improving the energy efficiency of City buildings, reducing fuel usage by incorporating electric vehicle infrastructure, and reducing water usage by purchasing water efficiency fixtures.

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

1. The Sustainable Facilities Policy, is hereby approved.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 2nd day of May, 2024.

/s/Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

B. Approval of Environmental Sustainability Board's Sustainability Station – Virginia Tegel, Environmental Sustainability Board Member

Virginia Tegel presented the following PowerPoint presentation.



Sustainability Demonstration Station

Virginia Tegel, Board member



YES! IN MY BACKYARD: A Home Composting Guide for Local Government

by Brenda Platt and Colton Fagundes

ILSR INSTITUTE FOR
Local Self-Reliance

May 2018
WWW.ILSR.ORG

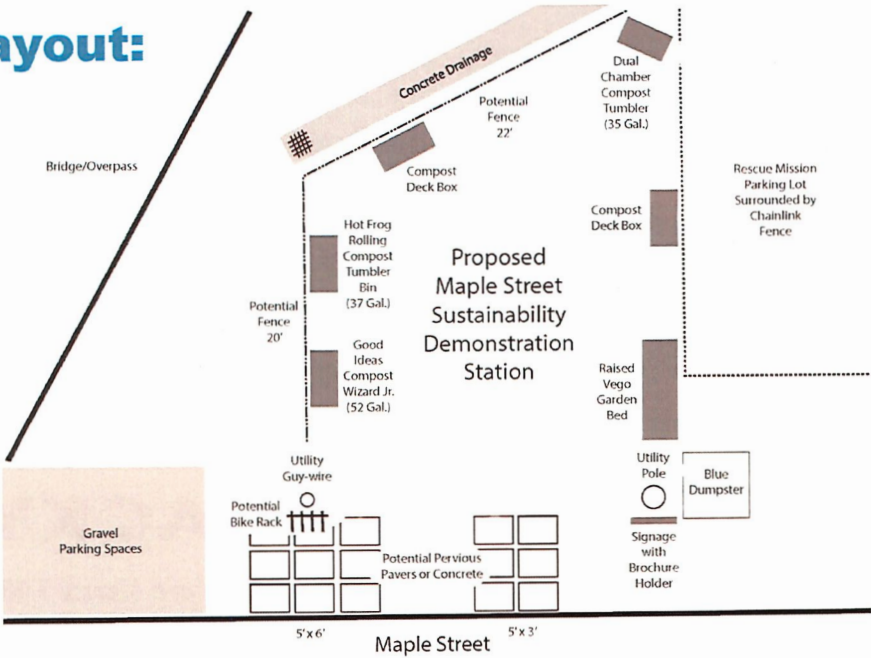
Overview:

- Spearheaded by the Environmental Sustainability Board
- Purpose: Demonstrates multiple sustainability practices community members can implement at their own homes with a focus on composting
- Will offer the City’s first small scale community compost drop off location
- Addresses recent Sustainability Strategic Plan survey feedback which showed 81% of respondents voted they are interested in City compost programs
- Approximate date of completion: June 2024 for phase 1
 - Phase 2 to include bike rack, bench, and fencing

Site Location:



Proposed Layout:



Work Plan:

Environmental Sustainability Board

- Liaison with Rescue Mission
- Liaison with Blue Ridge Bicycle Club
- Site design
- Prepare site (along with City)
- Installation of compost bins
- Maintenance
- Organize educational demos

City

- Ordering
- Provide mulch & compost (if available)
- Install permeable pavement

Outside company

- Sign creation and installation



Example of educational signage at site:



Council Member Lyndsey Simpson moved that the City Council approve the Environmental Sustainability Board's Sustainability Station. A unanimous vote of the Council followed. Motion carried

C. Resolution of Support for The Lofts at Chadwick – John Connet, City Manager

City Manager Connet explained that WDT Development, LLC is applying for low income tax credits for their 60 unit senior housing project on Greenville Highway. There is a critical need for affordable housing units in Hendersonville. The City Council ask staff to develop a resolution of support for this project.

Council Member Jennifer Hensley moved that the City Council adopt the resolution supporting the low income tax credit application for The Lofts at Chadwick. A unanimous vote of the Council followed. Motion carried

Resolution #R-24-34

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO SUPPORT THE FEDERAL TAX CREDIT APPLICATION FOR THE LOFTS AT CHADWICK DEVELOPMENT

WHEREAS, WDT Development, LLC has submitted a federal tax credit application to the North Carolina Housing Finance Agency for The Lofts at Chadwick, Application #APP24-0031; and

WHEREAS, The Lofts at Chadwick consists of sixty (60) senior low income multi-family housing units on Greenville Highway; and

WHEREAS, the Bowen Research Report indicates that Henderson County has 99.8% occupancy rate for multi-family projects, 453 families on rental housing wait lists and 42.8% of renters are cost burdened; and

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

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

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

Adopted by the City Council of the City of Hendersonville, North Carolina on this 2nd day of May, 2024.

/s/Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

D. Community Development Block Grant Update – Angie Beeker, City Attorney

City Attorney Angie Beeker along with Susan Frady, Executive Director for the Housing Assistance Corporation, gave an update on the 7th Avenue Revitalization Project. This is a partnership at the federal, state and local level and non-profit level. We have involved Housing Assistance Corp., who is a sub-recipient of the grant funds and also a contributor of affordable housing. We have the U.S. Department of Urban Housing and Development who is a funder. We have the North Carolina Department of Commerce who is a funder and lastly we have contracted with Land of Sky who is our regional Council of Government (COG) to help administer the grant.



7th Avenue Revitalization Project Update

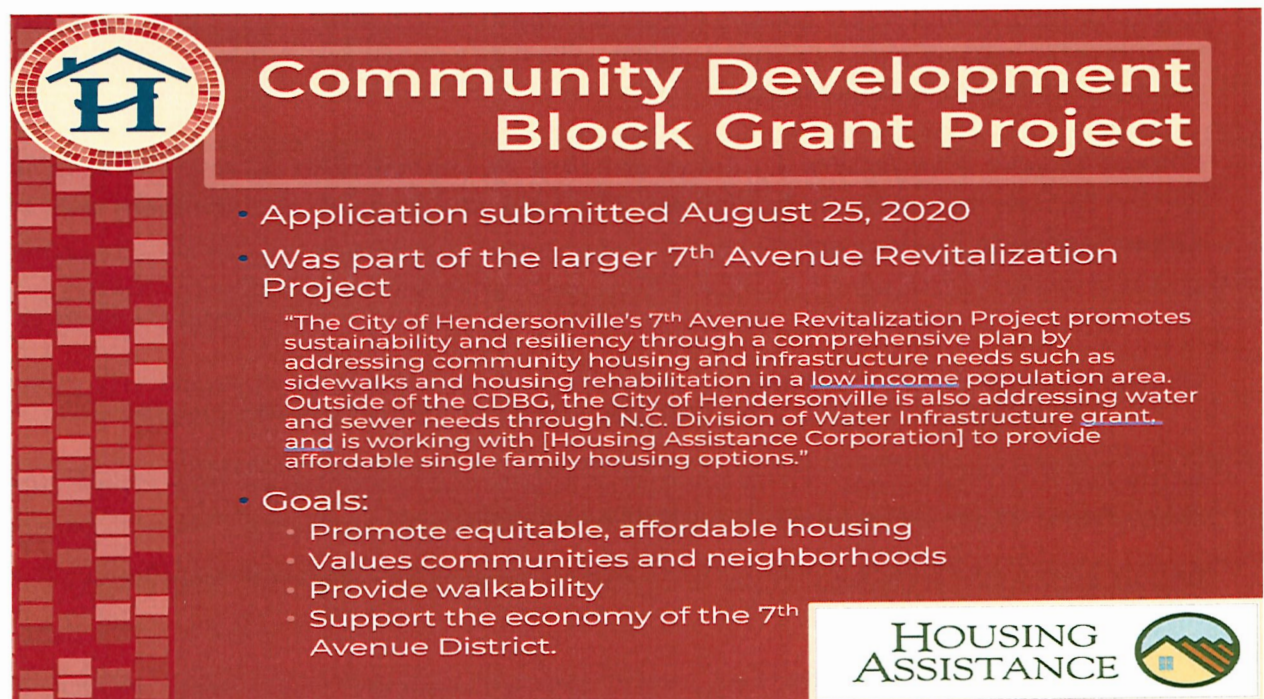
HOUSING ASSISTANCE 


 **U.S. Department of Housing and Urban Development**

 **LAND OF SKY** CREATIVE REGIONAL SOLUTIONS
LANDOFSKY.ORG

 **NORTH CAROLINA DEPARTMENT of COMMERCE**






 **Community Development Block Grant Project**

- Application submitted August 25, 2020
- Was part of the larger 7th Avenue Revitalization Project

"The City of Hendersonville's 7th Avenue Revitalization Project promotes sustainability and resiliency through a comprehensive plan by addressing community housing and infrastructure needs such as sidewalks and housing rehabilitation in a low income population area. Outside of the CDBG, the City of Hendersonville is also addressing water and sewer needs through N.C. Division of Water Infrastructure grant, and is working with [Housing Assistance Corporation] to provide affordable single family housing options."

- **Goals:**
 - Promote equitable, affordable housing
 - Values communities and neighborhoods
 - Provide walkability
 - Support the economy of the 7th Avenue District.

HOUSING ASSISTANCE 



Community Development Block Grant Project

- Neighborhood Revitalization Program Grant - \$750,000
- Administered by the NC Dept of Commerce, REDD
 - Construct Sidewalks
 - Renovate Four Homes
 - 620 Jonas
 - 702 Jonas
 - 647 Cherry
 - 640 Cherry

HOUSING
ASSISTANCE



Additional Project Components

- Public Water Upgrades
- Public Sewer Upgrades
- HAC Home Construction
 - 664 Beech
 - 674 Beech

HOUSING
ASSISTANCE



Community Investment:

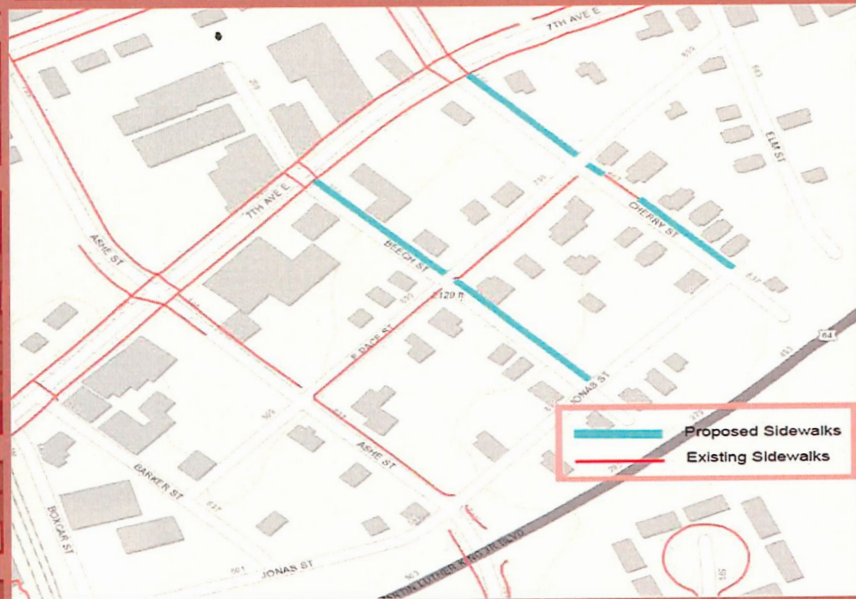
Sidewalks
Public Water
Public Sewer
Homes

HOUSING
ASSISTANCE

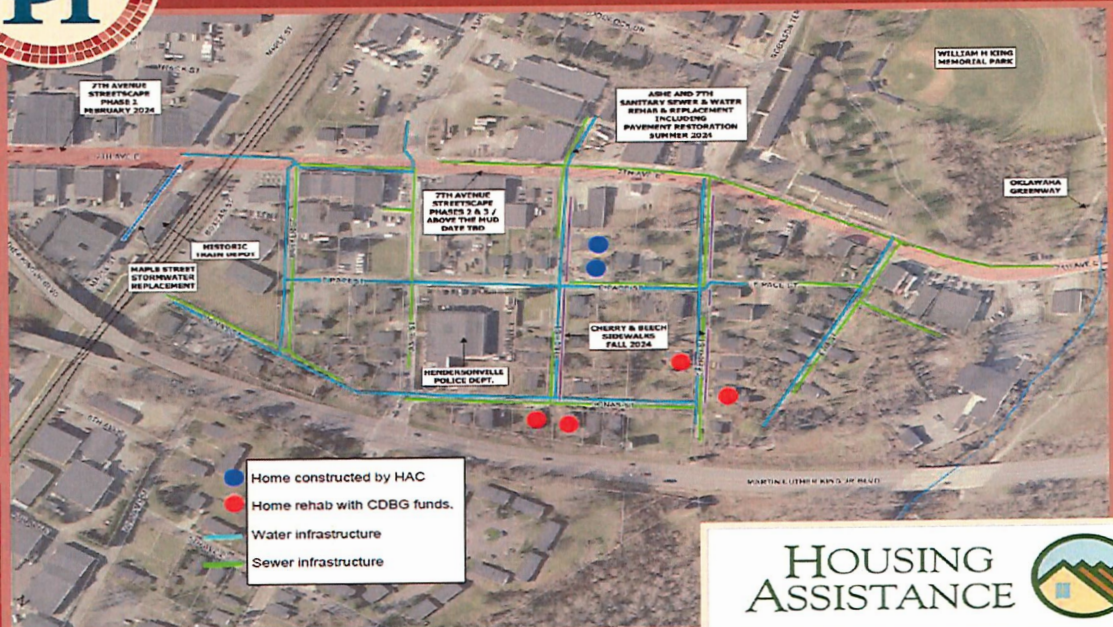




Community Investment: The Sidewalks



Community Investment: Public Water and Sewer, Homes



HOUSING
ASSISTANCE



Home Rehabilitation

HOUSING
ASSISTANCE





Home Rehabilitation

Four Homes

- 620 Jonas
- 702 Jonas
- 647 Cherry
- 640 Cherry

HOUSING
ASSISTANCE



620 Jonas Street - Before



HOUSING
ASSISTANCE



620 Jonas Street - Before



HOUSING
ASSISTANCE





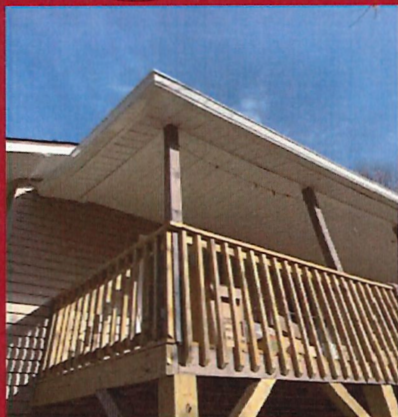
620 Jonas Street - After



HOUSING
ASSISTANCE



620 Jonas Street - After



HOUSING
ASSISTANCE



620 Jonas Street Summary of Improvements

- New siding and insulation
- New roof
- New engineered support structure
- New back deck and front porch
- New central heat and air
- New flooring
- Kitchen and bathroom improvements

Total Cost: \$122,024

HOUSING
ASSISTANCE





702 Jonas Street - Before



HOUSING
ASSISTANCE



702 Jonas Street - Before



HOUSING
ASSISTANCE



702 Jonas Street Summary of Improvements

- New roof
- New landing and steps (back porch)
- Front Porch Repair
- Repair ceilings, subfloors
- New insulation
- New flooring

**Total Cost (Est):
\$164,000**

HOUSING
ASSISTANCE





647 Cherry - Before



HOUSING
ASSISTANCE



647 Cherry - Before



HOUSING
ASSISTANCE



647 Cherry Street Summary of Improvements

- New roof
- New back porch
- Drainage improvements
- Interior Painting
- Bathroom and kitchen improvements
- New insulation
- New HVAC

**Total Cost (Est):
\$197,000**

HOUSING
ASSISTANCE





640 Cherry - Before



HOUSING
ASSISTANCE



640 Cherry Street Summary of Improvements

- New roof
- Insulation improvements
- Drainage improvements
- Porch and window repairs
- Minor electrical work
- Bath and kitchen improvements

Total Cost (Est):
\$45,000

HOUSING
ASSISTANCE



HOUSING
ASSISTANCE



Home Construction



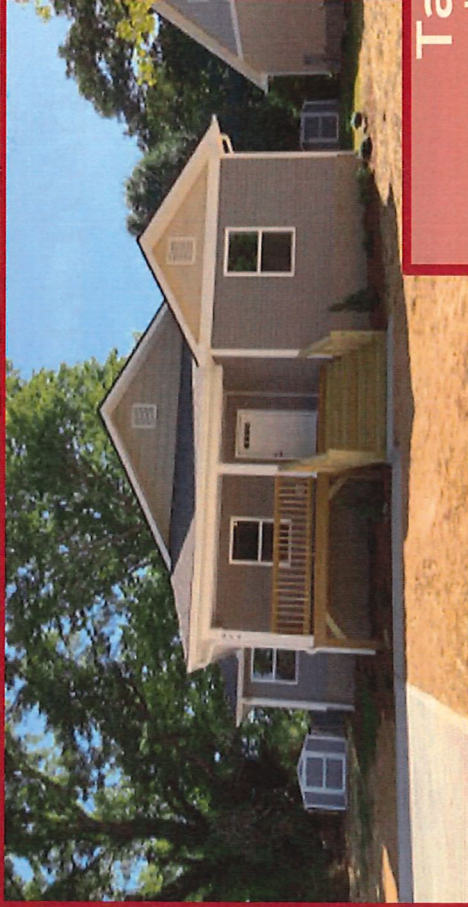
664 Beech St



Tax Value:
\$293,000



674 Beech St



Tax Value:
\$266,600



7th Avenue
Revitalization Project:
Funding





Home Rehabilitation Funding Gap

Home Rehab

CDBG-NR	200,775
City ARP Funds	130,000
Expenses to Date	-122,740
Estimated	
Remaining Costs	-398,716
Funding Gap	-\$190,681.00

Total Funding Gap:
\$205,022

Admin

CDBG-NR	49,225
Contracted Expenses (HAC, LOSRC)	-52,500
Gap Subtotal	-3,275
Legal	-7,791
Funding Gap	-\$14,341.00

TOTAL Funding Gap - \$205,022.00

7th Avenue Revitalization Project Funding Sources

• Sidewalks: US: CDBG Funds -	\$ 500,000
• Water: NC: Drinking Water SRP Loan -	\$ 812,000
• Sewer: NC: Clean Water SRF Loan -	\$ 1,819,000
• Home Rehab: US: CDBG Funds -	\$ 200,775
City: ARP Funds -	\$ 130,000
City: Grey Hosiery Paybacks (CDBG) -	\$ 205,022
• Home Construction: HAC: Federal Funding	\$ 559,600
*7th Avenue Streetscape Project (all in est):	\$4,000,000



Total Community Investment:

\$8,226,397.00

HOUSING
ASSISTANCE





7th Avenue Revitalization Project: Schedules

HOUSING
ASSISTANCE



Project Schedules

- Water and Sewer Project:
9/2024 – 9/2025
- Sidewalk Project:
1/2025 – 4/2025
- 7th Avenue Streetscape:
2/2024 – 11/2024
- Housing Rehabs:
Complete 12/2024

HOUSING
ASSISTANCE



Thank you to Our Project Partners!

HOUSING
ASSISTANCE



U.S. Department of
Housing and Urban Development



CREATIVE REGIONAL
SOLUTIONS

LANDOFSKY.ORG



NORTH CAROLINA
DEPARTMENT of
COMMERCE

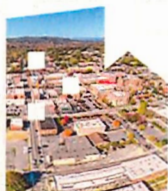


City of Hendersonville Affordable Housing Summit

FREE AND OPEN TO THE COMMUNITY

Thursday, May 16, 2024
5:30 PM - 7:45 PM

Hendersonville High School Auditorium



www.hvlnv.gov/housingplan



E. Resolution Authorizing City Manager to Execute Funding Agreement with Pisgah Legal for Homeless Services – Angie Beeker, City Attorney

City Manager John Connet explained that City staff would like to contract with Pisgah Legal for homeless services. Pisgah Legal will provide an attorney and social worker to assist our homeless/crisis population with minor legal issues (identification, eviction, disability paperwork, social security, etc.) This is a two year pilot program utilizing funds allocated to the City under the ARP legislation.

Council Member Jeff Miller moved that the City Council adopt the Resolution Authorizing City Manager to Execute Funding Agreement with Pisgah legal for Homeless Services. A unanimous vote of the Council followed. Motion carried

Resolution #R-24-35

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO DIRECT THE CITY MANAGER TO NEGOTIATE A CONTRACT WITH PISGAH LEGAL SERVICES FOR A PILOT PROGRAM FOR HOMELESS SERVICES

WHEREAS, the City of Hendersonville received ARP SLRF funds, and through the revenue replacement allowance was able to supplant City operational funding, freeing up City funds to be used for ARP purposes;

WHEREAS, Pisgah Legal Services, is a nonprofit corporation providing legal services on a free or reduced fee basis to persons in need; and

WHEREAS, the City wishes to partner with Pisgah Legal Services for a pilot program to provide legal support services to the homeless population and other persons in crisis to assist them in getting needed services and support in the City of Hendersonville through a dedicated attorney and social worker position;

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 contract with Pisgah Legal Services for a 2 year pilot program to provide legal support services to the homeless population and other persons in crisis to assist them in getting needed services and support in the City of Hendersonville through a dedicated attorney and social worker position in an amount not to exceed \$330,000.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 2nd day of May, 2024.

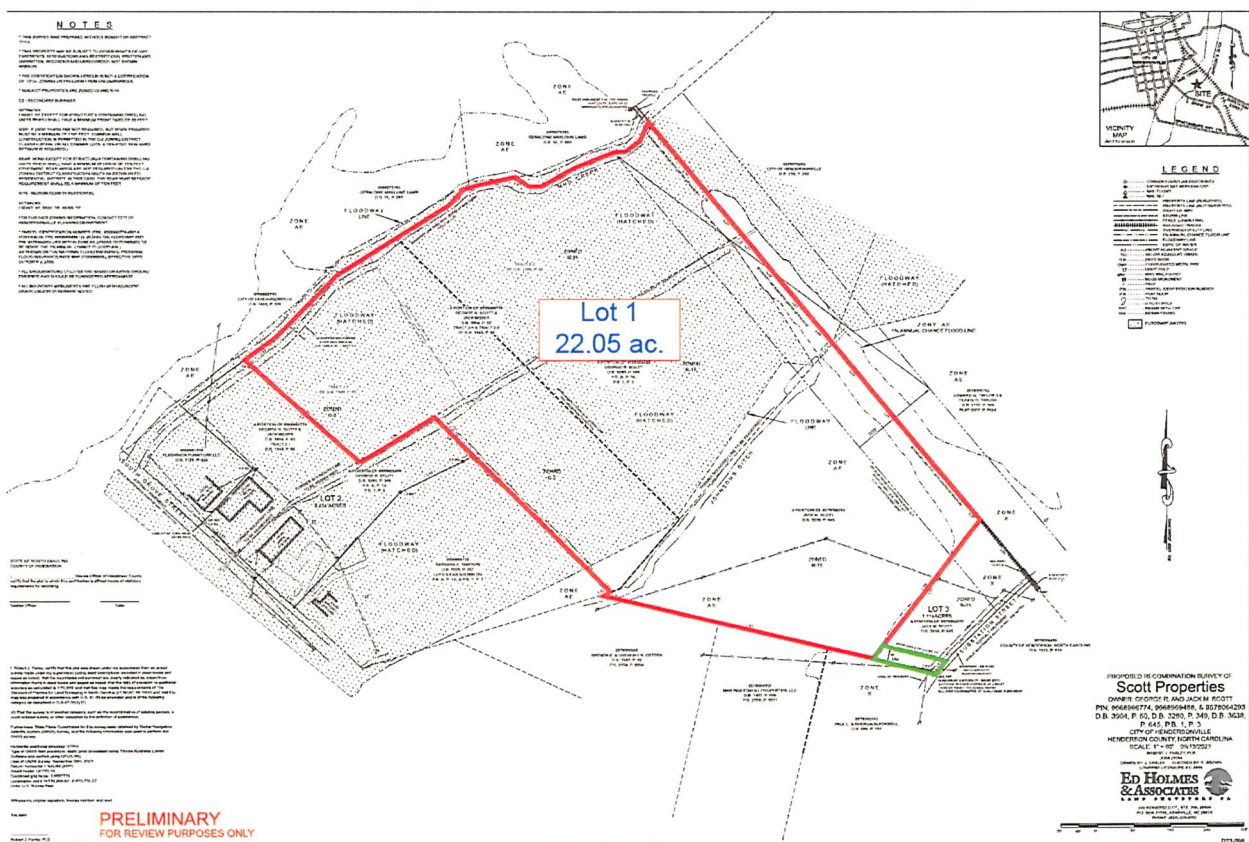
/s/Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

F. Approval of Resolution Authorizing City Manager and City Attorney to Execute a Purchase Contract for Scott Property on Grove Street – Angie Beeker, City Attorney

City Attorney Angie Beeker said this is part of the Lower Mud Creek Restoration Project and it's a piece of property that we very much wanted to acquire to complete the project. Mike Huffman has applied for and has been successful in obtaining millions of dollars for this project and this is one of the properties that he said we would love to acquire. Mr. Huffman has worked long and hard with Mr. Scott and has been successful in negotiating a purchase agreement for the acreage. This is the property that borders South Grove. He would retain the acreage facing South Grove and the City would purchase what is outlined in red which about 22 acres and he did have an appraisal done. The value was \$615,000 and we had to submit that to the State for their approval and he has signed the agreement. The access to the property is through the green on the map which is a 30' easement that would be through Substation Street so there would be vehicular access onto the property. There is another easement that he would be granting along Mud Creek through what he's retaining as well and then we would have to look at the property bordering South Grove to acquire access off of South Grove but we're working on that but for now the main access would be through the green on the map.



Council Member Jennifer Hensley moved that the City Council adopt the resolution authorizing the City Manager and City Attorney to execute a property purchase contract for the George Scott Property on Grove Street. A unanimous vote of the Council followed. Motion carried.

G. Review of Public Comment Policy – Angie Beeker, City Attorney & Allison Justus, Communications Manager

City Attorney Angie Beeker said that her and Allison Justus have been reviewing the current policy and came up with some changes that they would like Council to weigh in on.



Public Comment Policy Review

April 24, 2024



SECTION 3 - DECORUM AT COUNCIL MEETINGS

3.3.3.4 Notwithstanding any other provisions herein to the contrary, the presiding officer may impose time limitations on any speaker or presenter in order to manage the orderly and timely progression of the meeting.

SECTION 4 - RULES GOVERNING THE TIME, PLACE AND MANNER FOR RECEIVING GENERAL PUBLIC COMMENT

- 4.3 The presiding officer reserves the right to alter comment period time limits. Generally, aA total of fifteen (15) minutes will be set aside at the beginning of each meeting for general comments on a first come, first served basis according to the sign-up sheet and order of any digital meeting participation. Speakers will be limited-allotted up to four (4) minutes each in the discretion of the presiding officer. No time may be yielded or transferred from one speaker to another. Speakers will be asked to identify themselves and will address the City Council from the podium or virtually. Speakers appearing in person will be given first opportunity to speak. Speakers commenting via a digital platform such as Zoom will be given instructions at the appropriate time. Each speaker will be concise and avoid repetition. In order to avoid repetition and delay, groups of people supporting the same position are encouraged to designate a spokesperson for the group.

SECTION 4 - RULES GOVERNING THE TIME, PLACE AND MANNER FOR RECEIVING GENERAL PUBLIC COMMENT


- 4.5 No digital photos or media will be accepted for general comments. Citizens may submit general written comments or materials for consideration which comply with guidelines outlined in Section 8| Security through the City's website portal for "General Public Comments" or by emailing them to the Clerk no later than noon on the meeting day.

SECTION 5 - PUBLIC HEARING COMMENT PERIOD

- 5.1 Comments for public hearings during City Council meetings will be accepted at the appropriate time on the meeting agenda as well as through the City's website. Comments must pertain to the subject matter of the public hearing. The presiding officer may establish time limitations on both the duration of the public hearing and the time allotted to each speaker, provided that all factions are given a reasonable opportunity to be heard.
- 5.2 Public comments may be submitted electronically ("digital comments") through the City's website portal for "Public Hearing Public Comments" in advance for public hearings and may include short handouts and up to five (5) photos or one (1) 90 second video. Digital materials will be provided to City Council in the same format as received. Materials received will not be printed. All digital comments-submissions must comply with guidelines outlined in **Section 8| Security**. Digital Materials complying with security requirements such as PowerPoint presentations, handouts, photos and videos should be provided to city staff by 8:00 AM the day before the scheduled meeting as outlined in **Section 8| Security**.

SECTION 8 - SECURITY

- 8.2
- ~~Digital photo or video submissions that are expected to be shown in the speaker's presentation will be limited to five (5) pictures and/or one video of two minutes.~~ Pictures and videos must be submitted according to the requirements in 8.1. If the format of the pictures or videos is not compatible with the City's computer system, the speaker will be requested to re-format their submissions prior to the presentation. These submissions must be properly labeled in a manner that is easily identifiable and become the property of the City upon submission.

	CITY OF HENDERSONVILLE		
Policy Name:	City of Hendersonville Public Comment Policy	Date Adopted by Council:	

1. OVERVIEW

In 2005, the North Carolina General Assembly, through the passage of § 160A-81.1. Public comment period during regular meetings., required that each municipality in North Carolina provide a period for general public comments at least once per month at a regular meeting of the council. In addition to this general comment period, there are many other opportunities for the Council to receive comments from the public including public hearings and presentations. The City of Hendersonville recognizes the importance of receiving comments from the public.

- 1.1
- The City of Hendersonville is committed to providing accessible facilities, programs and services for all people in compliance with the Americans with Disabilities Act (ADA). Should you need assistance or a particular accommodation for any City Council or Board or Commission meetings please contact the City Clerk.

2. PURPOSE

- 2.1
- The City of Hendersonville Public Comment Policy is designed to give the public an opportunity to express their views, comments or opinions to the City Council. It is a time for City Council members to listen to the public. The following rules have been established to maintain order and decorum when council is receiving public comments. Furthermore, these rules are designed to ensure fairness to each speaker by establishing rules in advance that will be applied equally.

3. DECORUM AT COUNCIL MEETINGS

- 3.1
- In order to provide for the maintenance of order and decorum in the conduct of the meeting, the presiding officer may declare "out-of-order" any person who fails to comply with this policy. The presiding officer shall caution any such person to abide by the provisions of this policy. Refusal to do so shall be grounds for removal of the speaker(s) from the meeting.
- 3.2
- Speakers will address comments to the entire City Council as a whole and not one individual member. Discussions between speakers and members of the audience will not be permitted during the public comment period.
- 3.3
- Speakers shall be civil and courteous in their language and presentation. Insults, personal attacks, accusations, profanity, vulgar language, inappropriate gestures, or other

inappropriate behavior will not be tolerated. Any person, making impertinent, or slanderous remarks, or who shall become boisterous, while addressing the City Council may be considered disorderly by the City Council and may be expelled at the discretion of the presiding officer.

~~2-23.4~~ Notwithstanding any other provisions herein to the contrary, the presiding officer may impose time limitations on any speaker or presenter in order to manage the orderly and timely progression of the meeting.

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4. RULES GOVERNING THE TIME, PLACE AND MANNER FOR RECEIVING GENERAL PUBLIC COMMENT PERIOD AT COUNCIL MEETINGS (N.C.G.S. § 160A-81.1) This section is intended for Public Comment Period Only

4.1 The general public comment period shall be reserved as an item of business on the agenda for the City Council regular meeting, which is currently held on the first Thursday of each month at 5:45 p.m. in the Assembly Room of the City Operations Building located at 305 Williams St. Hendersonville NC, 28792. Speaker comments during the general public comment period may be on any agenda item or topic of public interest other than public hearings.

4.2 The public comment period is not intended to require the City Council and/or any staff to answer any impromptu questions. Council members may ask a speaker to clarify information in order to better understand the speaker's comments. The city council will not take action on an item presented during the public comment period. Upon completion of the public comment period and when appropriate, the city council may summarize the comments heard from citizens and the city council members may refer inquires made during the public comment period to the City Manager to address as appropriate. If necessary, the item may be added to the agenda of a future meeting, thereby providing the staff an opportunity to research the item and provide data to city council for consideration and review.

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4.3 The presiding officer reserves the right to alter comment period time limits. Generally, aA total of fifteen (15) minutes will be set aside at the beginning of each meeting for general comments on a first come, first served basis according to the sign-up sheet and order of any digital meeting participation. Speakers will be limited-allotted up to four (4) minutes each in the discretion of the presiding officer. No time may be yielded or transferred from one speaker to another. Speakers will be asked to identify themselves and will address the City Council from the podium or virtually. Speakers appearing in person will be given first opportunity to speak. Speakers commenting via a digital platform such as Zoom will be given instructions at the appropriate time. Each speaker will be concise and avoid repetition. In order to avoid repetition and delay, groups of people supporting the same position are encouraged to designate a spokesperson for the group.

4.4 The City of Hendersonville City Council shall have a "Council Comment" period for follow up or addressing issues that arise from the public comment section. This shall be a

point of response from Council Members to respond to comments that have been made, not to debate with the public.

- 4.5 No digital photos or media will be accepted for general comments. Citizens may submit general written comments ~~or materials for consideration which comply with guidelines outlined in Section 8| Security~~ through the City's website portal for "General Public Comments" ~~or by emailing them to the Clerk no later than noon on the meeting day.~~
- 4.6 Speakers who have prepared written materials that they want distributed to the council related to the item they plan to discuss during the general public comment period, shall provide nine (9) copies of those documents to the City Clerk prior to the start of the meeting. The Clerk shall distribute the copies to the Mayor and City Council Members, Attorney, and City Managers and retain one copy for the record. All materials submitted are considered public records as defined in § 132.1

5. PUBLIC HEARING COMMENT PERIOD

- 5.1 Comments for public hearings during City Council meetings will be accepted at the appropriate time on the meeting agenda as well as through the City's website. Comments must pertain to the subject matter of the public hearing. The presiding officer may establish time limitations on both the duration of the public hearing and the time allotted to each speaker, provided that all factions are given a reasonable opportunity to be heard.
- 5.2 Public comments may be submitted electronically ("digital comments") through the City's website portal for "Public Hearing Public Comments" in advance for public hearings and may include short handouts and up to five (5) photos or one (1) 90 second video. Digital materials will be provided to City Council in the same format as received. Materials received will not be printed. All digital ~~comments-submissionsand~~ must comply with guidelines outlined in Section 8| Security. Digital Materials complying with security requirements such as PowerPoint presentations, handouts, photos and videos should be provided to city staff by 8:00 AM the day before the scheduled meeting as outlined in Section 8| Security.
- 5.3 Speakers who have prepared written materials that they want distributed to the council related to the item they plan to discuss during the public hearing comment period, shall provide nine (9) copies of those documents to the City Clerk prior to the start of the meeting. The Clerk shall distribute the copies to the Mayor and City Council Members, Attorney, and City Managers and retain one copy for the record. All materials submitted are considered public records as defined in § 132.1

6. PUBLIC COMMENTS DURING SPECIAL CALLED AND EMERGENCY MEETING

- 6.1 Because subjects of Special and Emergency meetings are often regulated by law, there will be no Public Comment Period reserved on agendas of Special and Emergency meetings; however, like regular monthly meetings, these meetings are open for public attendance except as otherwise prohibited by law. The public are welcome to send comments to the City Clerk in advance that will be distributed to council members.

7. REQUESTING PRESENTATIONS TO CITY COUNCIL

- 7.1 The Mayor and City Manager will review all presentation requests for consideration by Council. Some requests may be resolved administratively without council action. The ability to request to make a presentation to City Council shall not be considered as a general, limited or designated public forum. The decision of whether or not to receive a public presentation shall be in the sole discretion of the Mayor and City Manager and the City Council.
- 7.2 Persons requesting to make a presentation to the City Council must contact the City Clerk no later than 10 days prior to the Council meeting in which the presentation request is being made. Approved presentations will be placed on the earliest meeting agenda. All presentation materials must comply Section 8| Security and are considered public records as defined in § 132.1

8. SECURITY

- 8.1 To preserve the integrity of the City's computer databases, networks and operations, no USB devices or links to materials will be accepted. Digital presentation requests & materials may be emailed to the City Clerk in Microsoft Word, Power Point, or other attachment format such as PDF or JPG no later than 8:00 AM the day before the meeting.
- 8.2 ~~Digital photo or video submissions that are expected to be shown in the speaker's presentation will be limited to five (5) pictures and/or one video of two minutes.~~ Pictures and videos must be submitted according to the requirements in 8.1. If the format of the pictures or videos is not compatible with the City's computer system, the speaker will be requested to re-format their submissions prior to the presentation. These submissions must be properly labeled in a manner that is easily identifiable and become the property of the City upon submission.
- 8.3 Speakers who have prepared written materials that they want distributed to the council related to the item they plan to discuss during the general or public hearing comment period, shall provide nine (9) copies to the Clerk prior to the start of the meeting.
- 8.4 The City of Hendersonville staff will control digital public presentations and electronic participation at all times during City Council meetings and may, without notice, end any electronic presentation or electronic participation that has become compromised.

9. REMOTE MEETINGS

- 9.1 Defined § 166A-19.24 authorizes any public body to conduct remote meetings in accordance with the rules set out in the act, as well as with the provisions of the open meetings law. "Remote meeting" is defined as: An official meeting, or any part thereof, with between one and all of the members of the public body participating by simultaneous communication. "Simultaneous communication" is defined as: Any communication by

Page 4 of 5

conference telephone, conference video, or other electronic means. "Official meeting" and "public body" are defined as set out in the open meetings law.

- 9.2 Public comment at remote meeting must adhere to the guidelines as permitted in North Carolina General Statutes Article 33C-Meetings of Public Bodies and as adopted by Resolution #20-0432 of the City Council of the City of Hendersonville in addition to the requirements of this Policy.

Mayor Volk asked to change it to 3 minutes instead of 4 minutes in Section 4.3.

Council Member Jeff Miller moved that the City Council adopt the Public Comment Policy as amended to change section 4.3 from four minutes to 3 minutes.. A unanimous vote of the Council followed. Motion carried.

10. CITY MANAGER REPORT

A. April 2024 Contingency and Adjustment Report – John Connet, City Manager

City Manager Connet pointed out that the contingency and adjustment report and cash and investment report are included in their packet for their review.

Also, he reminded Council of the budget workshop happening tomorrow beginning at 8:30 a.m. and if they have not had the chance to, please go see the work being done at Sullivan Park. That is another Mike Huffman grant. They’re doing streambank restoration and removing invasive species.

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

NCGS 159-15 permits the Budget Officer (City Manager), to transfer budget from one appropriation to another within the same fund, provided any such transfers are reported to the Governing Board. The City of Hendersonville refers to transfers of budget from one appropriation to another within the same fund as a “budget adjustment”. City Council authorizes budget adjustments each year with the adoption of the annual budget ordinance (SECTION 4). This agenda item serves to fulfill the reporting requirements of both NCGS 159-13(b) and 159-15 by providing City Council a summary of all amendments and adjustments occurring thus far in the fiscal year.

010-1010-524020	R&M Equipment	5,000	-	3,000	2,000	Clickshare for Jav	yes	adjustment	4/5/2024
010-1010-534000	Non-Capital Equipment	61,071	3,000	-	64,071	Clickshare for Jav	yes	adjustment	4/5/2024
010-1556-524040	R&M Streets	655,913	-	75,550	580,363	Powell Bill	yes	adjustment	4/15/2024
010-1556-554001	Capital Outlay- Equipment	-	75,550	-	75,550	Powell Bill	yes	adjustment	4/15/2024
010-1008-531255	Bank Services Charges	31,000	-	6,000	25,000	Finance Clean up - Krystal	yes	adjustment	4/15/2024
010-1008-519200	Contracted Services	8,100	6,000	-	14,100	Finance Clean up - Krystal	yes	adjustment	4/15/2024
060-1008-531255	Bank Services Charges	125,000	-	37,500	87,500	Finance Clean up - Krystal	yes	adjustment	4/15/2024
060-1008-531260	Credit Card Fees	80,000	35,000	-	115,000	Finance Clean up - Krystal	yes	adjustment	4/15/2024
060-1008-591200	Postage	2,650	2,000	-	4,650	Finance Clean up - Krystal	yes	adjustment	4/15/2024
060-1008-52010	Office Supplies	7,500	500	-	8,000	Finance Clean up - Krystal	yes	adjustment	4/15/2024
010-0000-534999	Contingency	39,963	-	15,000	24,963	Lawsuit	yes	adjustment	4/17/2024
010-1300-531700	Liability & Property Insurance	97,378	7,500	-	104,878	Lawsuit	yes	adjustment	4/17/2024
010-7455-531700	Liability & Property Insurance	-	7,500	-	7,500	Lawsuit	yes	adjustment	4/17/2024
067-7555-521040	Construction Repair and Supplies	49,000	-	6,500	42,500	Lawsuit	yes	adjustment	4/17/2024
067-7555-531700	Liability & Property Insurance	669	6,500	-	7,169	Lawsuit	yes	adjustment	4/17/2024
010-1300-521001	Supplies & Materials	121,645	-	15,000	106,645	HPD Vehicle Temp adjustment	yes	adjustment	4/18/2024
010-1300-521100	Uniforms	69,800	-	15,000	54,800	HPD Vehicle Temp adjustment	yes	adjustment	4/18/2024
010-1300-531225	Training/Travel	91,479	-	15,000	76,479	HPD Vehicle Temp adjustment	yes	adjustment	4/18/2024
010-1300-554002	Capital - Vehicles-Equipment	-	45,000	-	45,000	HPD Vehicle Temp adjustment	yes	adjustment	4/18/2024

B. Cash and Investment Report – John Buchanan, Finance Director

	12/31/2023	3/31/24
U.S. Treasuries	\$0.00	\$3,953,732.79
Agencies	499,125	499,125.00
Commercial Paper	0	\$0.00
NCCMT Mutual Fund	10,594,093.91	6,759,589.03
NCCMT Cash Fund	842,249.25	7,958,009.20
Wells Fargo H&W	53,568.53	58,700.80
Wells Fargo Operating Account	5,591,128.63	6,615,485.77
Total	\$19,680,934.35	\$25,844,642.59
Undisbursed Restricted Proceeds		
2019 Revenue Bond	\$236,816.51	\$239,921.61
2022 Revenue Bond	\$750,962.14	\$760,802.20
2023 Revenue Bond	\$4,413,652.23	\$4,332,930.54
2021 LOB	\$2,125,759.94	\$2,153,650.94
2022 IFC Fire Station	\$9,787,637.88	\$6,419,319.86

2023 City Hall/Ops Construction	\$4,906,641.49	\$4,163,240.38
2024 Vehicle Loan	\$1,208,790.37	\$1,219,172.31
2024 Powell Bill	\$519,585.19	\$526,402.78

CITY OF HENDERSONVILLE FIRST CITIZENS CUSTODIAN ACCOUNT											
INVESTMENT REPORT											
MAR 24											
Investment Name	Rating	Cusip	Price	Coupon	YTM	Purchased Date	Issued Date	Maturity Date	Call Date	Cost Basis	Coupon Date
TREASURY AND FEDERAL AGENCIES											
Federal Home Loan Bks Cons Bds	FHL	3130ALLN2	99.825	0.50%	0.50%	3/24/2021	3/24/2021	3/24/2026	NO	499,125.00	
US Treasury Bill Due 06/25/2024	UST	912797KG1	98.305	0.00%	0.00%	2/25/2024	2/25/2024	6/25/2024	NO	1,966,107.78	
US Treasury Note Dtd 09/30/22 Due 9/30/27	USN	91282CFM8	99.936	4.11%	4.16%	9/30/2022	2/20/2024	9/30/2027	NO	999,359.38	
US Treasury Note Dtd 02/25/23 Due 02/15/26	USN	91282CGL9	98.827	4.00%	4.05%	2/15/2023	2/15/2024	2/15/2026	NO	988,265.63	
TOTAL TREASURY AND FEDERAL AGENCIES										4,452,857.79	
COMMERCIAL PAPER/CASH EQUIVALENT											
TOTAL COMMERCIAL PAPER/ CASH EQUIVALENT										0.00	
OTHER INVESTMENTS (MUNI/BABS/)											
TOTAL OTHER INVESTMENTS (MUNI/BABS/)										0.00	
Total Securities										4,452,857.79	
NC Capt Management										6,759,589.03	
										Total Security - Cost Basis	11,212,446.82

Portfolio Allocation - by Security Type				% of Total		Portfolio Allocation - by Maturity Date:			
				Cash					
Fannie Mae	FNMA				0.00%	FY24	\$	1,966,107.78	
Federal Home Loan bank	FHLB		1,458,484.38	7.61%		FY25	\$	-	
Freddie Mac	FHLMC		-	0.00%		FY26	\$	1,487,390.63	
Federal Farm Credit Bank	FFCB	\$	-	0.00%		FY27	\$	999,359.38	
US Treasury Note	USTN		-	0.00%		FY28	\$	999,359.38	
US Treasury Note	USTN		-	0.00%					
US Treasury Bill	USTB		-	0.00%					
Total GOVERNMENT AGENCIES				\$	1,458,484.38				54,452,857.79
Commercial Paper Ing					0.00%				
MUNI/OTHER									
Cash					6,759,589.03				
				\$	8,258,073.41				
					2,864,311.41				


11. CITY COUNCIL COMMENTS


Jeff said we had a very successful Honor Flight this past Saturday. We had three WWII Veterans, six Korean War Veterans, 80+ Vietnam Veterans and about five Gold Star Family Members. I'm very proud to say that Chief Miller was one of our med team members who help take care of all of these folks and also as part of our med staff, I drafted Councilwoman Hensley to go at the last minute when someone dropped out and I was really thankful to have both of them along to see what it is we do. Next flight is September 28th so keep us in your thoughts and prayers for that.

12. ADJOURN

There being no further business, the meeting was adjourned at 7:56 p.m. upon unanimous assent of the Council.

ATTEST:




Barbara G. Volk, Mayor