MINUTES

September 5, 2024

REGULAR MEETING OF THE CITY COUNCIL

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

Present: Mayor Pro Tem Lyndsey Simpson and Council Members: Dr. Jennifer Hensley, Jeff Miller and Melinda Lowrance

Absent: Mayor Barbara G. Volk

Staff Present: City Manager John Connet, Assistant City Manager Brian Pahle, City Clerk Jill Murray, Staff Attorney Daniel Heyman, Budget & Evaluation Director Adam Murr, Communications Coordinator Brandy Heatherly and others

1. CALL TO ORDER

Mayor Pro Tem Simpson called the meeting to order at 5:48 p.m. and welcomed those in attendance. A quorum was established with all members in attendance.

2. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG

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

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

In Person:

Virginia Tegel spoke in favor the rezoning of the Felicia Reeves home, the bird sanctuary in Crystal Cauley's name and spoke against having Color Us United speak at the last City Council meeting as they are not taxpayers and gave biased and erroneous information which now resides on the city's website via the video of the meeting and they do not represent my values or opinions. As a city resident and taxpayer, I fully support the city's Diversity, Equity & Inclusion process and the Diversity, Equity & Inclusion Committee.

Clifford Meek spoke about Transportation in Raleigh that had a train of about 2500 people going to the US Open Golf Tournament, I would like City Council to consider contacting Raleigh to speak with the Governor and the Secretary of Transportation to arrange a charter passenger rail service from Raleigh to Hendersonville for next years Apple Festival. I think we can beat 2500 people.

Leslie Carey spoke in favor of DEI and thanked City Council for having a DEI Board. The city has many examples in our community to make sure everyone belongs and I am thankful that the city has invested in its residents.

Colby Coren spoke against Color Us United and for DEI and believes that the city works to make sure everyone feels included and I am proud to call Hendersonville my home.

Gina Baxter spoke in favor of DEI and their effort towards DEI. While the presentation by Color Us United was a voice that deserved to be heard, it was wholly unrepresentative of the community of Hendersonville. I just wanted to give my unequivocal support for DEI.

Lynne Williams spoke in support of Mr. Meeks charter train trip. She again spoke about preserving farm land in the ETJ and getting the city and county to work together. Please save Berkley Park forest and pray for justice for Elijah Timmons III and his mother.

Digital Comments

Rial Fitch wrote: I have been a visitor to Hendersonville, NC for many years, starting in 1959. My wife and I love your town. We often comment that if we ever moved the only other place we could live would be Hendersonville. I was very disappointed to see that y'all are now charging for handicap parking. I do understand the need to increase revenue, but I wish this increase was not on the backs of handicapped persons.

Jay Carey wrote: My comment is in response to the Color Us United presentation. Mr. Xu said that white men felt discriminated against because of DEI. As a straight white male, and resident of Hendersonville, I can assure you that he does not speak for me or most of the other white men I know. In fact, what I love about living in Hendersonville is the variety of events and activities that are available for everyone to enjoy. I don't feel excluded because everything doesn't revolve around my interests. Thank you for using my tax dollars to hire a qualified consultant.

4. CONSIDERATION OF AGENDA

Council Member Melinda Lowrance moved that City Council approve the agenda as presented. A unanimous vote of the Council followed. Motion carried.

5. CONSENT AGENDA

Council Member Melinda Lowrance 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*
August 1, 2024 Regular Meeting
August 28, 2024 Second Monthly Meeting

B. Ashe Street Neighborhood and 4th Avenue Water and Sewer Replacement Loan Acceptance – *Richard Shook, Civil Engineer III*

Resolution #R-24-72

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE CITY MANAGER TO ACCEPT LOAN OFFERS FOR THE CONSTRUCTION OF ASHE STREET NEIGHBORHOOD AND 4TH AVENUE WATER AND SEWER REPLACEMENT

WHEREAS, the Safe Drinking Water Act Amendments of 1996 and the North Carolina Water Infrastructure Fund have authorized the making of loans and/or grants, as applicable, to aid eligible, drinking-water system owners in financing the cost of construction for eligible, drinking-water infrastructure; and

WHEREAS, the North Carolina Department of Environmental Quality has offered State Revolving Fund loans in the amount of $4,514,929.00 for the construction of Ashe Street Neighborhood and 4th Ave Water and Sewer Replacement hereafter referred to as the "Project"; and

WHEREAS, the City of Hendersonville intends to construct said Project in accordance with engineering plans and specifications that have been or will have been approved by the North Carolina Public Water Supply Section.

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

1. That City of Hendersonville does hereby accept the State Revolving Fund Loan offers in the total amount of $4,514,929.00 and

2. That the City of Hendersonville does hereby give assurance to the North Carolina Department of Environmental Quality that they will adhere to all applicable items specified in the standard "Conditions" and "Assurances" of the Department's funding offer, awarded in the form of a Clean Water State Revolving Fund loan and a Drinking Water State Revolving Fund loan and

3. That Brendan Shanahan, City Engineer, and successors so titled, is hereby authorized and directed to furnish such information, as the appropriate State agency may request, in connection with such application or the Project; to make the Assurances as contained above; and to execute such other documents as may be

required in connection with the application; and

4. That the City of Hendersonville has complied substantially or will comply substantially with all Federal, State and local laws, rules, regulations, and ordinances applicable to the Project, and to Federal and State grants and loans pertaining thereto.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 5th day of September, 2024.

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

C. Purchase of Biosolid Thermal Dryer Equipment – *Adam Steurer, Utilities Director*

Resolution #R-24-73

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO PURCHASE BIOSOLIDS THERMAL DRYER EQUIPMENT

WHEREAS, the proposed Wastewater Treatment Facility (WWTF) Biosolids Thermal Dryer project will produce a high-quality, thermally dried product that is safe for beneficial reuse through distribution or land application.; and

WHEREAS, the thermal dryer equipment, once operational after completion of the project, will reduce the utility's current solids hauling and disposal costs and reduce the utility's vulnerability on reliance of the volatile private hauling and landfills disposal markets.

WHEREAS, in accordance with NCGS 143-129(e), the Hendersonville City Council approved the sole-source purchase of the equipment at its August 1, 2024, regular meeting.

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

1. The purchase of Biosolids Thermal Dryer Equipment, Model 1050 direct-fired medium-temperature belt dryer manufactured by Gryphon Environmental and provided by Interstate Utility Sales, Inc. is approved for the WWTF Biosolids Thermal Dryer Project.
2. The City Manager is authorized to execute the purchase contract in the amount of $3,646,000 and is authorized to approve change orders which cumulatively do not exceed 5% of the approved purchase amount, provided however that any necessary budget ordinance or project ordinance amendments mush be brought back to City Council for approval.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 5th day of September, 2024.

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

D. Annexation: Certificate of Sufficiency – Lakeside Drive (Summerville) (C24-52-ANX) – *Tyler Morrow, Current Planning Manager*

Resolution #R-24-74

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

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

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

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

Section 1. A public hearing on the question of annexation of the contiguous area described herein will be held at the City Operations Center located at 305 William St. Hendersonville NC, 28792 at 5:45 p.m. October 3rd, 2024, or as soon thereafter as it may be heard.

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

Being all of that real property consisting of PINs 9568-33-5111 and 9568-33-6042 described in the plat recorded in Book 2024- ____ [to be inserted at recording of the plat] of the Henderson County Registry, said PINs 9568-33-5111 and 9568-33-6042 being described by metes and bounds as follows:

Being all those pieces, parcels, or tracts of land situate in Henderson County, North Carolina, and being all of Lots 1R & 2R, "Lot Line Adjustment Peter & Rhonda Summerville" of the plat thereof as recorded as Plat Slide 15681, Register of Deeds of Henderson County (RODHC), North Carolina, and being more particularly described as follows:

Beginning at a new iron pin at the northeast corner of the lands now or formerly of Mary Willson as conveyed in Deed Book 706, Page 307 RODHC and show on aforesaid plat and the western right of way line of Lakeside Drive (SR 1144); thence with the lands of Mary Wilson the following three (3) courses to wit: (1) North 82°44'53" West for 42.04 feet to a found iron pin; (2) North 88°54'11" West for 68.57 feet to a point in a creek, passing a new iron pin at 62.62 feet; (3) South 27°59'10" West for 60.74 feet to a point in a creek on the northeastern line of the lands now or formerly of Meredith & Trevor Calhoun as conveyed in Deed Book 1542, Page 387, RODHC; thence with the lands of Meredith and Trevor Calhoun the following two (2) course to wit: (1) North 54°04'16" West for 69.97 feet to a found iron pin; (2) North 54°54'02" West for 161.25 feet to a found iron pipe at the southwest corner of the land now or formerly of Stephanie Whiteside as conveyed in Deed Book 1337, Page 722, RODHC; thence with the lands of Stephie Whiteside the following two (2) courses to wit: (1) North 17°09'26" East for 191.15 feet to a found iron pin with cap; (2) North 85°19'43" East for 27.74 feet to a point in a creek and southwestern line of the lands now of formerly of Robin Staton as conveying Deed Book 531, Page 411 RODHC; thence with the lands of Robin Staton the following five (5) courses to wit: (1) South 45°46'29" East for 33.32 feet to appoint in the creek; (2) South 25°10'20" East for 42.08 feet to a point in the creek; (3) South 45°16'58" East for 45.16 feet to a point in the creek; (4) South 69°36'16" East for 29.30 feet to a point in the creek; (5) South 67°21'32" East for 18.80 feet to a point in the creek and on the southwestern line of the lands now or formerly of Francis & Reid as conveyed in Book of Record 3254, Page 378, RODHC; thence with the lands of Francis & Reid the following four (4) course to wit: (1) South 38°18'11" East for 11.12 feet to a point in the creek; (2) South 18°11'22" West for 11.31 feet to a point in the creek; (3) leaving the creek South 10°22'13" West for 22.20 feet to a found iron pin; (4) South 86°29'46" East for 128.17 feet to a found iron pipe on the western right of way line of Lakeside Drive; thence with the western right of way line of Lakeside Drive the following two (2) course to wit: (1) South 06°06'38" West for 20.04 feet to a set iron pin; (2) South 05°43'52" West for 94.69 feet to a the Point of Beginning, containing 1.24 acres, more or less.

Re: Petition for Contiguous Annexation
Petitioner: Peter and Rhonda Summerville
File No. C24-52-ANX

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

Adopted by the City Council of the City of Hendersonville, North Carolina on this 5th day of September, 2024.

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

E. Resolution to Apply for Funding for the WWTF 6MGD Expansion and Improvements
– Adam Steurer, Utilities Director

Resolution #R-24-75

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO APPLY FOR FUNDING FOR THE WASTEWATER TREATMENT FACILITY 6-MGD EXPANSION AND IMPROVEMENTS PROJECT

WHEREAS, the North Carolina Department of Environmental Quality Division of Water Infrastructure administers a funding program for investment in drinking water, wastewater, and stormwater systems; and

WHEREAS, The City of Hendersonville has need for and intends to construct a Wastewater Treatment Facility 6-mgd Expansion and Improvements project; and

WHEREAS, The City of Hendersonville intends to request State loan and/or grant assistance for the project; and

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

1. That City of Hendersonville, the Applicant, will arrange financing for all remaining costs of the project, if approved for a State loan and/or grant award.
2. That the Applicant will provide for efficient operation and maintenance of the project on completion of construction thereof.
3. That the Applicant will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.

4. That the governing body of the Applicant agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the City of Hendersonville to make scheduled repayment of the loan, to withhold from the City of Hendersonville any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.
5. That Adam Steurer, Utilities Director, the Authorized Official, and successors so titled, is hereby authorized to execute and file an application on behalf of the Applicant with the State of North Carolina for a loan and/or grant to aid in the study of or construction of the project described above.
6. That the Authorized Official, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.
7. That the Applicant has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 5th day of September, 2024.

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

F. Resolution to Accept Grant Funds (#C2501) – *Matthew Manley, AICP – Long Range Planning Manager*

Resolution #R-24-76

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL ACCEPTING A GRANT FROM BLUE RIDGE BICYCLE CLUB FOR THE PURPOSE OF SUPPLEMENTING EFFORTS TO IMPROVE SAFETY AND CONNECTIVITY FOR THOSE TRAVELING BY BICYCLE

WHEREAS, Blue Ridge Bicycle Club (BRBC) has established a grant for use by the local community to focus on the needs of people to safely move around the community on bicycles; and

WHEREAS, the Community Development Department applied for and was awarded a Community Challenge Grant from BRBC for this endeavor in the amount of $5,000 to match the $15,000 the Department received from AARP for a Community Challenge Grant; and

WHEREAS, the City of Hendersonville desires to accept the grant funds which will supplement the project earmarked for the AARP Community Challenge Grant; and

WHEREAS, the Grant acceptance provides that the City will undertake activities to promote the safer movement of people within the City including, but not limited to improving infrastructure, providing new facilities, and engaging with local;

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

1. The City hereby accepts the $5,000 BRBC Grant to be used for the purposes as set out in the AARP Community Challenge Grant Agreement; and
2. The City Manager is authorized to execute the Grant Agreement, with such changes as he deems appropriate, provide they are consistent with the terms of this Resolution;
3. City Staff are authorized and directed to proceed with the performance and implementation of the BRBC Grant and AARP Community Challenge Grant as outlined in the AARP Grant Agreement.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 5th day of September, 2024.

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

G. Contract Award for Construction of the Water Treatment Filter Expansion Project – *Adam Steurer, Utilities Director*

Resolution #R-24-77

RESOLUTION BY THE CITY OF HENDERSONVILLE TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A CONTRACT FOR THE CONSTRUCTION OF THE WATER TREATMENT FACLITY FILTER EXPANSION PROJECT

WHEREAS, the City owns and operates a water treatment facility (WTF) that has a permitted capacity of 12 million gallons per day (mgd) and intends to install additional dual media filters and associated piping, instrumentation, and appurtenances, which will increase the facility's permitted capacity to 15-mgd; and

WHEREAS, on August 20,2024, at 2:00pm am sealed formal bids were received for the Water Treatment Facility Filter Expansion project summarized below:

Cove Utility, LLC: $1,788,900.50

State Utility Contractors, Inc.: $2,687,000.00

Wharton-Smith, Inc. $3,377,000.00

WGK Construction, LLC: $2,037,500.00; and

WHEREAS, formal bids were reviewed by staff for completeness and accuracy. Cove Utility, LLC. was the lowest responsive, responsible bidder in the total bid amount of $1,788,900.50; and

WHEREAS, the project engineer and utility staff are recommending award of the WTF Filter Expansion Project to Cove Utility, LLC.

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

1. The City Manager is authorized to award and execute a contract for the construction of the WTF Filter Expansion Project to Cove Utility, LLC the lowest responsive and responsible bidder in the total amount of $1,788,900.50.
2. The City Manager is authorized to approve change orders which cumulatively do not exceed 10% of the approved contract amount of $1,788,900.50, provided however that any necessary budget ordinance or project ordinance amendments must be brought back to the City Council for approval.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 5th day of September, 2024.

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

H. Telecommuting Policy – *Jennifer Harrell, Human Resources Director*

I. FY25 Special Appropriations – *Adam Murr, Budget Manager*

Special Appropriation Requests - Discretionary Funding				Council Recommendations										
City Manager Appropriation Target	$ 143,500													
Organization	FY25 Requests	Notes	Council Appropriation	N/A	Is there a conflict?	Lyndsey Simpson	Is there a conflict?	Barbara Volk	Is there a conflict?	Jennifer Hensley	Is there a conflict?	Jeff Miller	Is there a conflict?	Category
Appropriation Available (25% of Budget)	35,875		375	35,875		375		375		375		375		
Arts Council of Henderson County, Inc	17,750	[illegible]	2,250		No	-	Yes	3,000	No	3,000	No	3,000	No	Education, Arts, Culture, & Recreation
Blue Ridge Literacy Council- Literacy Connection	10,000	[illegible]	5,075		No	8,300	No	4,000	No	4,000	No	4,000	No	Education, Arts, Culture, & Recreation
Boy's & Girls Club of Henderson County	7,000	[illegible]	2,825		No	-	Yes	1,300	No	5,000	No	3,000	No	Education, Arts, Culture, & Recreation
Flat Rock Playhouse (Vagabond School)	15,500	[illegible]	1,125		No	1,000	No	1,500	No	1,000	No	1,000	No	Education, Arts, Culture, & Recreation
Henderson County Education Foundation	8,547	[illegible]	3,625		No	4,000	No	3,500	No	3,500	No	3,500	No	Education, Arts, Culture, & Recreation
Hendersonville Community Theatre	9,400	[illegible]	2,250		No	3,000	No	2,000	No	2,000	No	2,000	No	Education, Arts, Culture, & Recreation
Hendersonville Shuffleboard Club	1,200	[illegible]	1,200		No	1,200	No	1,200	No	1,200	No	1,200	No	Education, Arts, Culture, & Recreation
Hendersonville Symphony - Second Series	5,000	[illegible]	1,500		No	1,300	No	1,500	No	1,300	No	1,500	No	Education, Arts, Culture, & Recreation
Hendersonville Symphony - Youth Education	5,000	[illegible]	1,500		No	1,500	No	1,500	No	1,500	No	1,500	No	Education, Arts, Culture, & Recreation
Mineral & Lapidary Museum	10,000	[illegible]	2,375		No	2,500	No	3,000	No	2,000	No	2,000	No	Education, Arts, Culture, & Recreation
Team ECCO	6,000	[illegible]	3,000		No	3,000	No	3,000	No	3,000	No	3,000	No	Education, Arts, Culture, & Recreation
The Hope Center of Hendersonville	15,000	[illegible]	3,525		No	2,500	No	6,000	No	2,800	No	2,800	No	Education, Arts, Culture, & Recreation
YMCA of Western North Carolina	7,000	[illegible]	5,250		No	7,000	No	4,000	No	5,000	No	5,000	No	Education, Arts, Culture, & Recreation
Sub-Total	118,097		35,500			33,500		35,500		33,500		35,500		
Appropriation Available (75% of Budget)	107,625		(375)	107,625		1,125		1,125		1,125		1,125		
Agribusiness Henderson County (AgHC)	5,000	[illegible]	3,750		No	5,000	No	5,000	No	2,500	No	2,500	No	Life Quality and Economic Services
Blue Ridge Community Health Services	10,000	[illegible]	5,625		No	7,500	No	5,000	No	5,000	No	5,000	No	Life Quality and Economic Services
Blue Ridge Humane	10,000	[illegible]	3,125		No	-	Yes	2,500	No	5,000	No	5,000	No	Life Quality and Economic Services
Children & Family Resource Center	10,000	[illegible]	3,000		No	3,500	No	2,500	No	3,000	No	3,000	No	Life Quality and Economic Services
Henderson County Council on Aging	19,950	[illegible]	15,000		No	15,000	No	15,000	No	15,000	No	15,000	No	Life Quality and Economic Services
Henderson County Habitat for Humanity	95,000	[illegible]	25,000		No	25,000	No	25,000	No	25,000	No	25,000	No	Life Quality and Economic Services
Henderson County Young Leaders (Camplify)	15,000	[illegible]	2,000		No	2,000	No	2,000	No	2,000	No	2,000	No	Life Quality and Economic Services
Interfaith Assistance Ministry - Rent Asst.	56,000	[illegible]	19,500		No	18,000	No	20,000	No	20,000	No	20,000	No	Life Quality and Economic Services
Medical Loan Closet of Henderson County	3,000	[illegible]	1,250		No	1,000	No	1,000	No	1,500	No	1,500	No	Life Quality and Economic Services
Only Hope WNC	10,000	[illegible]	3,125		No	3,500	No	3,000	No	3,000	No	3,000	No	Life Quality and Economic Services
Pisgah Legal Services - Domestic Violence	10,000	[illegible]	4,625		No	3,500	No	5,000	No	5,000	No	5,000	No	Life Quality and Economic Services
Safelight, Inc.	10,000	[illegible]	3,000		No	3,000	No	3,000	No	3,000	No	3,000	No	Life Quality and Economic Services
St. Gerard House	6,000	[illegible]	3,000		No	3,000	No	3,000	No	3,000	No	3,000	No	Life Quality and Economic Services
Star Lite	2,000	[illegible]	2,000		No	2,000	No	-	No	-	No	-	No	Life Quality and Economic Services
The Mediation Center	3,000	[illegible]	1,125		No	500	No	2,000	No	1,000	No	1,000	No	Life Quality and Economic Services
Thrive	10,000	[illegible]	7,500		No	7,500	No	7,500	No	7,500	No	7,500	No	Life Quality and Economic Services
True Ridge	10,000	[illegible]	5,375		No	6,500	No	5,000	No	5,000	No	5,000	No	Life Quality and Economic Services
Sub-Total	284,950		108,000	-		106,500		106,500		106,500		106,500		
Total	**403,037**		**143,500**	$ -		$ 142,000		$ 142,000		$ 142,000		$ 142,000		

Special Appropriation Requests - Full Funding														
Organization	FY25 Requests	Notes	Council Appropriation	N/A	Is there a conflict?	Lyndsey Simpson	Is there a conflict?	Barbara Volk	Is there a conflict?	Jennifer Hensley	Is there a conflict?	Jeff Miller	Is there a conflict?	Category
Henderson County Economic Investment Fund	50,000	[illegible]	50,000		No	50,000	No	50,000	No	50,000	No	50,000	No	Full Funding
Henderson County Partnership for Econ. Dev.	25,000	[illegible]	25,000		No	25,000	No	25,000	No	25,000	No	25,000	No	Full Funding
Henderson County Rescue Squad	15,000	[illegible]	15,000		No	15,000	No	15,000	No	15,000	No	15,000	No	Full Funding
Interfaith Assistance Ministry	14,000	[illegible]	14,000		No	14,000	No	14,000	No	14,000	No	14,000	No	Full Funding
Merchant's and Business Association	2,500	[illegible]	2,500		No	2,500	No	2,500	No	2,500	No	2,500	No	Full Funding
Mills River Partnership	70,000	[illegible]	70,000		No	70,000	No	70,000	No	70,000	No	70,000	No	Full Funding
Total	**176,500**		**176,500**			$ 176,500		$ 176,500		$ 176,500		$ 176,500		

J. September 2024 Budget Amendments – *Jenny Floyd, Budget & Management Analyst*

A B C D E F G H

TO MAYOR & COUNCIL
APPROVAL: September 05, 2024

FISCAL YEAR 2025
FORM: 09052024-01

BUDGET AMENDMENT

FUND 010 | 199

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
010-0000-470900	Fund Balance Appropriated (ARP, FY25)	2,304,552	320,000	-	2,624,552
010-0000-598901	Transfer out (to 410, #00100)	915,365	320,000	-	1,235,365
FUND 010	TOTAL REVENUES	2,304,552	320,000	-	2,624,552
General Fund	TOTAL EXPENDITURES	915,365	320,000	-	1,235,365
199-0000-470100-00100	Transfer In (from 010)	-	320,000	-	320,000
199-0000-540001-00100	Special Appropriations (ARP - Pisgah Legal)	-	320,000	-	320,000
FUND 199	TOTAL REVENUES	-	320,000	-	320,000
Gov. Spc. Revenue	TOTAL EXPENDITURES	-	320,000	-	320,000

An amendment transferring $330,000 former ARP funding from the General Fund's fund balance to the Governmental Special Revenue Fund, ARP project for the City's contract with Pisgah Legal Services to assist vulnerable, at-risk, and/or un-housed community members.

The City Manager and City Clerk certify budget ordinance amendment 09052024-01 was approved by City Council on September 05, 2024.

TO MAYOR & COUNCIL
APPROVAL: September 05, 2024

FISCAL YEAR 2025
FORM: 09052024-02

BUDGET AMENDMENT

FUND 301 | 459 | 460

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
301-0000-420050-G2204	Grant Revenue (NCDEQ 2022)	5,000,000	-	-	5,000,000
301-1002-598901-G2204	Transfer Out (to 460, #16023)	3,510,288	111,496	-	3,621,784
301-1002-598901-G2204	Transfer Out (to 460, #21045)	1,489,712	-	111,496	1,378,216
FUND 301, #G2204	TOTAL REVENUES	5,000,000	-	-	5,000,000
2022 NCDEQ Grant	TOTAL EXPENDITURES	5,000,000	111,496	111,496	5,000,000
459-0000-470900	Fund Balance Appropriated	133,780	-	133,780	-
459-0000-598901	Transfer Out (to 460, #21045)	133,780	-	133,780	-
FUND 459	TOTAL REVENUES	133,780	-	133,780	-
WS Capital Reserve Fund	TOTAL EXPENDITURES	133,780	-	133,780	-
460-0000-470100-21045	Transfer In (from 459)	133,780	-	133,780	-
460-0000-470100-21045	Transfer In (from #G2204)	1,489,712	-	111,496	1,378,216
460-1014-550103-21045	Capital Outlay CIP	1,623,492	-	245,276	1,378,216
FUND 460	TOTAL REVENUES	1,623,492	-	245,276	1,378,216
WWTP Aeration, #21045	TOTAL EXPENDITURES	1,623,492	-	245,276	1,378,216
460-0000-470100-16023	Transfer In (from'22 NCDEQ, #G2204)	3,510,288	111,496	-	3,621,784
460-0000-470100-16023	Transfer In (from 459)	400,000	-	-	400,000
460-1014-550103-16023	Capital Outlay CIP	3,510,288	111,496	-	3,621,784
460-1014-550102-16023	Capital Outlay Services and Fees	400,000	-	-	400,000
FUND 460	TOTAL REVENUES	3,910,288	111,496	-	4,021,784
WWTP UV Project, #16023	TOTAL EXPENDITURES	3,910,288	111,496	-	4,021,784

A budget amendment for the 2022 NCDEQ Grant Project (#G2204), the WWTP Aeration Basin Repair Project (#21045), the WWTP UV Improvement Project (#16023), and the Water and Sewer Capital Reserve Fund (fund 459). The amendment prepares for the close out of the WWTP Aeration Basin Project, #21045 by moving $111,496 available 2022 NCDEQ Grant, #G2204 budget to the WWTP UV Project, #16023. The amendment also transfers back $133,780 from the WWTP Aeration Basin Project to the

The City Manager and City Clerk certify budget ordinance amendment 09052024-02 was approved by City Council on September 05, 2024.

TO MAYOR & COUNCIL
APPROVAL: September 05, 2024

FISCAL YEAR 2025
FORM: 09052024-03

BUDGET AMENDMENT

FUND 060

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
060-0000-470900	Fund Balance Appropriated	1,809,190	106,407	-	1,915,597
060-7055-519200	Transfer Out (to 460, #21045)	51,000	106,407	-	157,407
FUND 060	TOTAL REVENUES	1,809,190	106,407	-	1,915,597
W&S Operating Fund	TOTAL EXPENDITURES	51,000	106,407	-	157,407

An FY25 amendment appropriating W&S Fund Balance for the Water Distribution Master Plan Project completion, which carried over from FY24.

The City Manager and City Clerk certify budget ordinance amendment 09052024-03 was approved by City Council on September 05, 2024.

TO MAYOR & COUNCIL
APPROVAL: September 05, 2024

FISCAL YEAR 2025
FORM: 09052024-04

BUDGET AMENDMENT

FUND 020

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
020-0000-470900	Fund Balance Appropriated	157,401	25,318	-	182,719
020-2102-534000	Non-Capital Equipment	-	25,318	-	25,318
FUND 010	TOTAL REVENUES	157,401	25,318	-	182,719
General Fund	TOTAL EXPENDITURES	-	25,318	-	25,318

An FY25 amendment appropriating Downtown Fund Balance for the payment of Wayfair Signage.

The City Manager and City Clerk certify budget ordinance amendment 09052024-04 was approved by City Council on September 05, 2024.

TO MAYOR & COUNCIL
APPROVAL: September 05, 2024

FISCAL YEAR 2025
FORM: 09052024-05

BUDGET AMENDMENT

FUND 199

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
199-0000-460090-C2501	Contribution/Donation (Community Challenge)	15,000	5,000	-	20,000
199-1502-521001-C2501	Supplies & Materials	15,000	5,000	-	20,000
FUND 199 (#C2501)	TOTAL REVENUES	15,000	5,000	-	20,000
Community Challenge	TOTAL EXPENDITURES	15,000	5,000	-	20,000
Total Project Revenues (#C2501)					20,000
Total Project Expenditures (#C2501)					20,000

An amendment to the FY25 budget reflecting an anticipated $5,000 contribution to undertake activities to promote the safer movement of people and older adults within the City including, but not limited to improving infrastructure, providing new facilities, and engaging with local residents through the Henderson County Aging Coalition.

The City Manager and City Clerk certify budget ordinance amendment 09052024-05 was approved by City Council on September 05, 2024.

TO MAYOR & COUNCIL
APPROVAL: September 5, 2024

FISCAL YEAR 2025
FORM: 09052024-06

BUDGET AMENDMENT

FUND 460

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
460-0000-470010-17141	Debt Proceeds ('23 Revenue Bond)	3,134,054	-	-	3,134,054
460-0000-450001-17141	Interest Income ('23 Revenue Bond Interest)	181,725	11,817	-	193,542
460-7150-550103-17141	Capital Outlay - CIP	3,134,054	13,066	-	3,147,120
460-7055-560900-17141	Cost of Issuance	95,167	26,083	-	121,250
460-0000-598901-17141	Transfer Out (to 460, #23019)	51,558	-	27,332	24,226
460-0000-598901-17141	Transfer Out (to 460, #21012)	35,000	-	-	35,000
FUND 460	TOTAL REVENUES	3,315,779	11,817	-	3,327,596
NCDOT I-26, #17141	TOTAL EXPENDITURES	3,315,779	39,149	27,332	3,327,596
459-0000-470900	Fund Balance Appropriation	-	27,332	-	27,332
459-0000-598901	Transfer Out (to 460, #23019)	-	27,332	-	27,332
FUND 459	TOTAL REVENUES	-	27,332	-	27,332
	TOTAL EXPENDITURES	-	27,332	-	27,332
460-0000-470100-23019	Transfer In (from 459)	13,560	27,332	-	40,892
460-0000-470100-23019	Transfer In (from 460, #19010)	44,882	-	-	44,882
460-0000-470100-23019	Transfer In (from 460, #17141)	51,558	-	27,332	24,226
460-7055-550103-23019	Capital Outlay - CIP	110,000	-	-	110,000
FUND 460	TOTAL REVENUES	110,000	27,332	27,332	110,000
WTP Thickener, #23019	TOTAL EXPENDITURES	110,000	-	-	110,000

An amendment changing the transfers related to the I-26 water and sewer project to more accurately reflect project closeout need. The amendment includes an increase in fund balance appropriation in Fund 459 and a transfer into project #23019.

6. PRESENTATIONS

A. Proclamation – National Recovery Month – *Lyndsey Simpson, Mayor Pro Tem*

Mayor Pro Tem Simpson read the proclamation aloud and presented it to Jodi Grabowski, Director, Department of Strategic Behavioral Health who leads the Substance Misuse Action Team.

Proclamation
National Recovery Month – September, 2024

WHEREAS according to Kaiser Family Foundation, two thirds of Americans report their lives have been impacted by substance use disorders and addiction, regardless of race, gender, age, or socioeconomic status; and

WHEREAS Henderson County Emergency Medical Services received more than 500 calls in 2023 for suspected overdose, with the Opioid Crisis transitioning to a Poly-substance Crisis in Henderson County; and

WHEREAS substance use disorders are preventable and treatable conditions; recovery is a process that transforms individuals and the communities in which they live by creating hope, health, and a sense of purpose; and

WHEREAS the focus of Recovery Month in September is to celebrate all people that make the journey of recovery; to increase awareness and understanding of substance use disorders; to show respect and support for those in recovery, as well as those who have helped them obtain treatment; to highlight the importance of evidence-based treatment and recovery practices; and

WHEREAS North Carolina is receiving $1.5 billion in opioid settlement funds over 16 years, of which Henderson County is receiving $16 million to bring resources to our community harmed by the opioid epidemic and to increase options for recovery treatment and support services; and

NOW, THEREFORE, BE IT PROCLAIMED we, Hendersonville City Council, do hereby proclaim September, 2024 as Recovery Month. As the governing body for the City of Hendersonville, North Carolina, we call upon the citizens, government agencies, public and private institutions, businesses, and schools to commit our community to work together to end the stigma of substance use disorders and addiction with increased awareness and understanding, and support those in their journey of recovery.

Henderson County Substance Misuse Action Team will have a community event dedicated to challenging substance use stigma and celebrate the journey of recovery on Tuesday, September 17th, 2024, from 5:30pm to 7:30pm at Grace Lutheran Church.

PROCLAIMED this 5th day of September, 2024.

B. Proclamation – World Suicide Prevention Day/National Suicide Prevention Month – *Lyndsey Simpson, Mayor Pro Tem*

Mayor Pro Tem Simpson read the proclamation aloud and presented it to Stacy Nash, Community Health Director for the Henderson County Department of Public Health.

Proclamation
World Suicide Prevention Day - September 10, 2024
National Suicide Prevention Month – September, 2024

WHEREAS, suicide is a significant public health problem, claiming the lives of 26 individuals in Henderson County in 2023 according to NC DETECT, the highest number since 2015, and contributing to a tragic national toll expected to surpass 50,000 deaths for the first time in 2023; and

WHEREAS, one person dies by suicide every 10.6 minutes in the United States, making it the 11th leading cause of death in the country and one of the most preventable causes; and

WHEREAS, men are four times more likely to die by suicide, with 22 out of the 26 suicide deaths in Henderson County in 2023 being men; and

WHEREAS, Henderson County is creating a Suicide Postvention Response Team to offer support to families and the community as they navigate the challenges of prolonged grief and loss, demonstrating our commitment to comprehensive suicide prevention and response efforts; and

WHEREAS, the Henderson County Department of Public Health, in collaboration with the Hope Coalition, is committed to implementing evidence-based suicide prevention strategies, including the launch of "Safe September," which promotes awareness that suicide is preventable and provides community members with life-saving resources such as gun locks and medicine lock pouches; and

WHEREAS, the public is invited to attend a Question, Persuade, Refer suicide prevention training event hosted by the Henderson County Department of Public Health on September 13, 2024, to further empower our community with the knowledge and tools necessary to prevent suicide and save lives; and

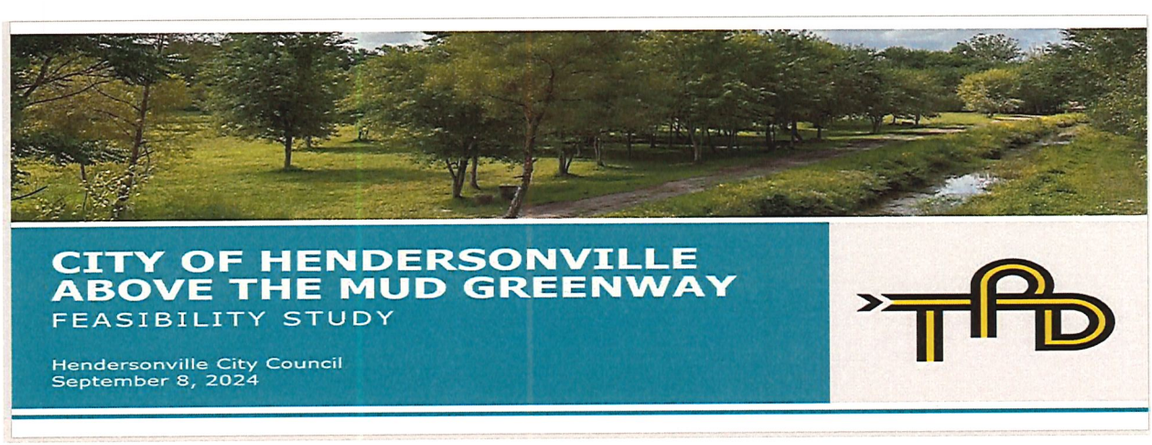
WHEREAS, World Suicide Prevention Day on September 10 and National Suicide Prevention Month in September provide an opportunity for Henderson County to join the global and national movements to raise awareness about suicide, honor those who have been affected by suicide, and promote the message that suicide is preventable.

NOW, THEREFORE, BE IT PROCLAIMED, we, the City of Hendersonville City Council, do hereby proclaim September 10, 2024, as World Suicide Prevention Day and September 2024 as National Suicide Prevention Month in the City of Hendersonville. We call upon all citizens, government agencies, public and private institutions, businesses, and schools in the City of Hendersonville to work together to prevent suicide, offer support to those who have lost loved ones, and promote hope, health, and safety for all.

PROCLAIMED this 5th day of September, 2024.

C. Above the Mud Greenway Feasibility Study Presentation and Adoption – *Kristy Carter, Senior Project Manager and Christy Staudt, Regional Manager, Traffic Planning and Design, Inc.*

Brent Detwiler introduced Kristy and Christy and they each presented the following PowerPoint presentation to Council.



CITY OF HENDERSONVILLE ABOVE THE MUD GREENWAY
FEASIBILITY STUDY

AGENDA

- Plan document summary
- Comments
- What does adoption look like?
- Next steps

CITY OF HENDERSONVILLE ABOVE THE MUD GREENWAY
FEASIBILITY STUDY

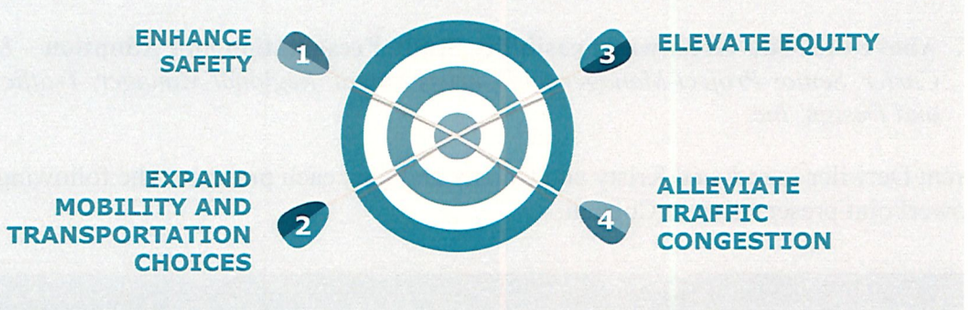
PROJECT SCHEDULE

we are here

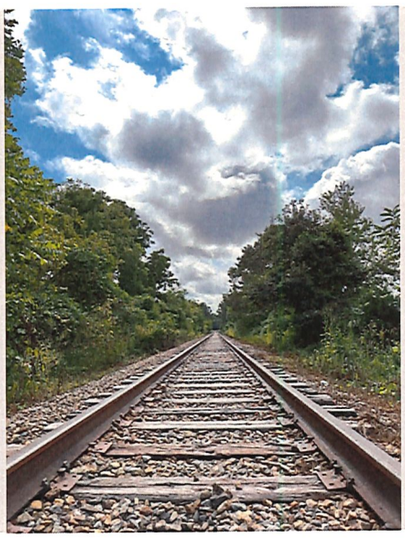
EXISTING CONDITIONS	ROUTE ANALYSIS	STUDY RECOMMENDATIONS	IMPLEMENTATION + FINAL STUDY
June - Sept 2023	Oct 2023 - Feb 2024	March - May 2024	June - Sept 2024
Data Gathering	Route Alternatives	Typical Cross Sections	Draft Study + Refinement
Kickoff Meeting	Route Selection Criteria	Steering Committee Mtg.	Project Phasing + Cut Sheets
Site Visit + Field Work	Route Decision Matrix	Stakeholder Meetings	Action Plan
Mapping Analysis	Steering Committee Mtg.	Recommended Routes	Study Adoption

CITY OF HENDERSONVILLE ABOVE THE MUD GREENWAY
FEASIBILITY STUDY

PROJECT GOALS



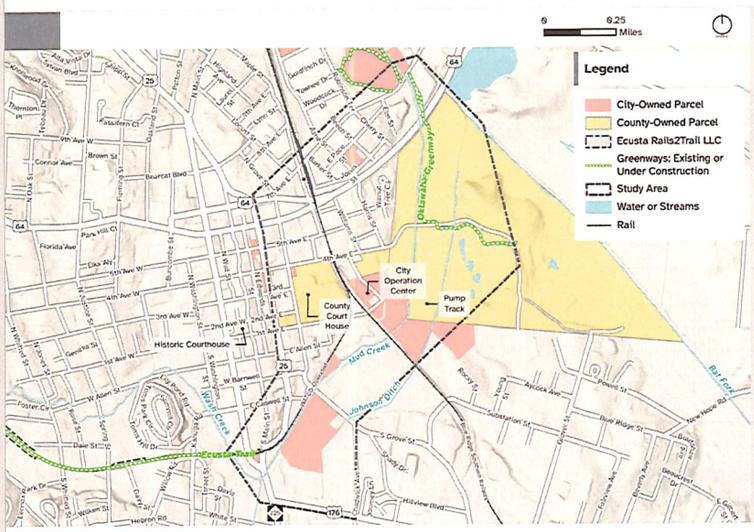
CITY OF HENDERSONVILLE ABOVE THE MUD GREENWAY
FEASIBILITY STUDY



PLAN DOCUMENT SUMMARY

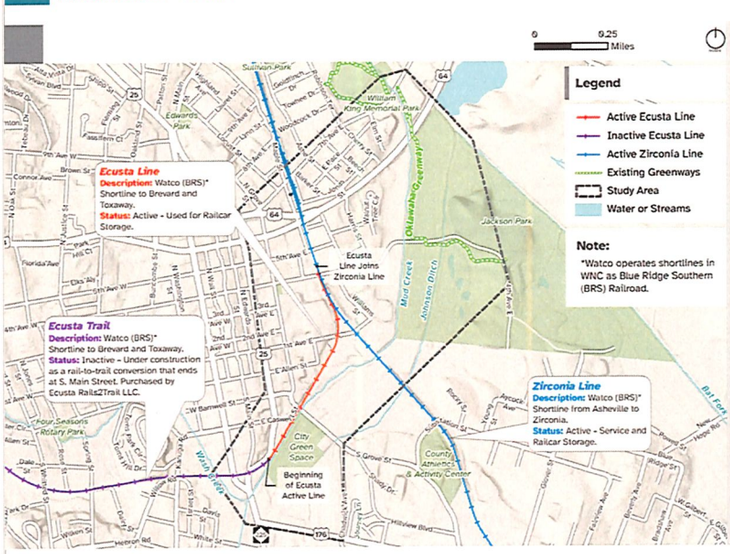
1. Study area overview
2. Alternatives development
3. Preferred alternative
4. Early action implementation

CITY OF HENDERSONVILLE ABOVE THE MUD GREENWAY
FEASIBILITY STUDY



STUDY AREA OVERVIEW

CITY OF HENDERSONVILLE ABOVE THE MUD GREENWAY
FEASIBILITY STUDY



POSSIBLE RAIL OUTCOMES

1. Rail-to-Trail Option Allowed
2. Rail-with-Trail Option Allowed
3. No Encroachment Allowed

CITY OF HENDERSONVILLE ABOVE THE MUD GREENWAY
FEASIBILITY STUDY

ALTERNATIVE DEVELOPMENT

1. Review study area conditions
2. Greenway segment analysis
3. Alternatives development and evaluation
4. Community engagement
5. Implementation plan

Alternative A

Alternative B

CITY OF HENDERSONVILLE ABOVE THE MUD GREENWAY
FEASIBILITY STUDY

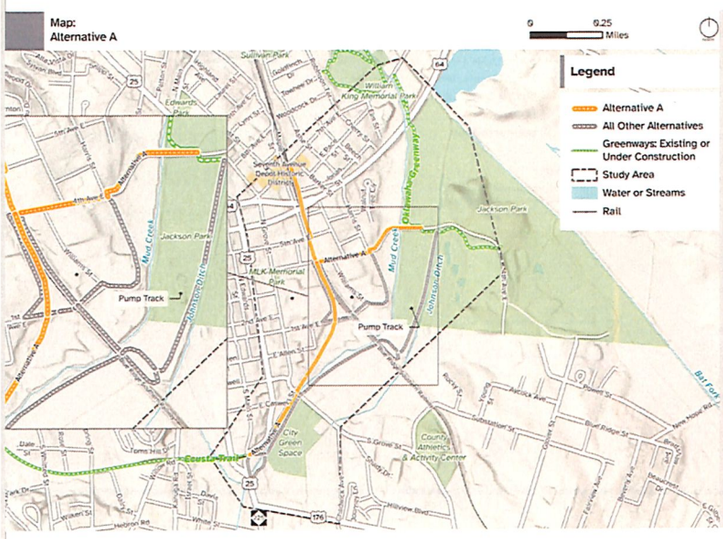
CRITERIA	ALTERNATIVE/ SCORE	
	ALT A	ALT B
Directness of connection to Jackson Park, Oklawaha Greenway (Hellbender Trail system), downtown and 7th Avenue Historic District	4	4
Ability to acquire environmental permits	4	3
Quality of user experience	4	4
Availability of right-of-way (anticipated property owner cooperation)	2	4
Secondary benefits	4	4
Separation from motorized vehicle conflicts	4	4
Ability to construct	4	4
Alignment with community goals	4	4
Cost effectiveness	4	3
Potential for funding	4	4
Potential for timely implementation	3	4
TOTAL	41	42

EVALUATION

Both alternatives are recommended for advancement to implementation.

CITY OF HENDERSONVILLE ABOVE THE MUD GREENWAY
FEASIBILITY STUDY

Map:
Alternative A



ALTERNATIVE A

Assumes the City of Hendersonville *can* acquire the remaining active Ecusta Line (owned by Watco) that extends from the Ecusta Trail (under construction) north to 4th Avenue East.

CITY OF HENDERSONVILLE ABOVE THE MUD GREENWAY
FEASIBILITY STUDY

ALTERNATIVE A

ECUSTA LINE EXTENSION

ALIGNMENT:

1. A 12' greenway as a rail-to-trail conversion from South King Street to the Seventh Avenue Depot Historic District.
2. Along 4th Avenue East, the treatment is a 10' paved sidepath (12' where feasible) that parallels the roadway.
3. From 4th Avenue East to 7th Avenue East, the recommended treatment is a 10' rail-with-trail (12' where feasible).

PROJECT SNAPSHOT

Location: Extends the Ecusta Trail from the terminus at South Main Street up to 4th Avenue East and connects to Jackson Park along 4th Avenue East. Optional spur (pending Watco approval): Extension north to 7th Avenue East.

Facility Type(s): Conversion of rail line to paved greenway; Paved sidepath along 4th Avenue East; Optional spur (pending Watco approval): Paved greenway extension to 7th Avenue East.

Total Length: ~6,240 linear feet

Structures: One (1) greenway bridge over Mud Creek at 4th Avenue East

At-Grade Road Crossings: Five (5)

Greenway Connections: Oklawaha Greenway (Hellbender Trail system); Ecusta Trail

Destinations Served:

- Jackson Park
- City Operations Center
- 7th Avenue Historic Depot and commercial district

POTENTIAL REAL ESTATE ACQUISITION NEEDS

- Railroad right-of-way

POTENTIAL PERMITTING NEEDS

- Erosion and sedimentation control permit
- NCDOT encroachment agreement
- Optional 7th Avenue East extension requires Watco encroachment permit
- Floodway permits for Mud Creek crossings

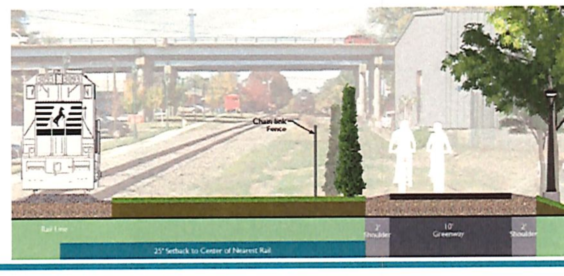
COST ESTIMATE

Baseline Construction	$3,000,000
Engineering Design & Inspection	$1,010,000
Utilities	$110,000
Right-of-Way	$600,000 *
Additional Contingency *(20%)*	$950,000
Total Estimated Budget	**$5,670,000**

See Cost Estimate Summary in Appendix for breakdown, assumptions, and exclusions.

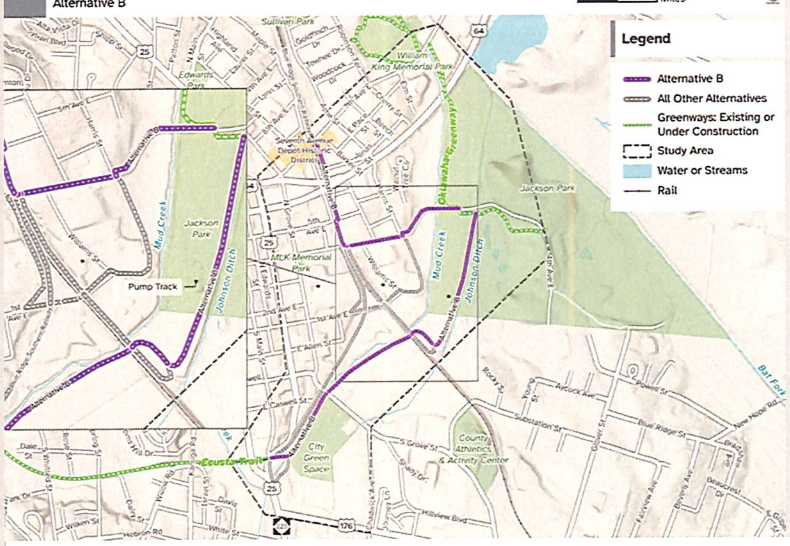
* Value is estimated pending negotiations with the rail corridor owner. Based on recent rail line acquisitions in the region, the purchase of the remaining 3,300 linear feet of the Ecusta line could range from $325,000 - $625,000.

NOTE: The segment from 4th Avenue East to 7th Avenue East is included in the cost estimate (approximately $1.4 million).



CITY OF HENDERSONVILLE ABOVE THE MUD GREENWAY
FEASIBILITY STUDY

Map:
Alternative B



ALTERNATIVE B

Assumes that it *is not* feasible to convert the remaining active Ecusta Line to a greenway.

CITY OF HENDERSONVILLE ABOVE THE MUD GREENWAY
FEASIBILITY STUDY

ALTERNATIVE B

FLOODPLAIN RESTORATION PROJECTS ALIGNMENT:

1. A 12' greenway connecting from South King Street to Jackson Park, traversing City-owned land and a proposed sewer easement.
2. Along 4th Avenue, the treatment is a 10' paved sidepath (12' where feasible) that parallels the roadway.
3. From 4th to 7th Avenue, the recommended treatment is a 10' rail-with-trail (12' where feasible).

PROJECT SNAPSHOT

Location: Connects to the Ecusta Trail terminus at South Main Street and crosses Mud Creek to south side to Jackson Park. Also includes sidepath on 4th Avenue East to downtown. Optional spur (pending Watco approval): Extension north to 7th Avenue East.

Facility Type(s): Paved off road greenway from Ecusta Trail to Jackson Park; Paved sidepath on 4th Avenue East; Optional spur (pending Watco approval): Paved greenway adjacent to rail line between 4th Avenue and 7th Avenue.

Total Length: ~8,045 linear feet

Structures: Two (2) greenway bridges over Mud Creek (one near South Main Street and one near 4th Avenue East)

At-Grade Road Crossings: Six (6)

Greenway Connections: Oklawaha Greenway (Hellbender Trail system); Ecusta Trail

Destinations Served:

- Downtown via 4th Avenue East
- Jackson Park
- City Operations Center
- 7th Avenue Historic Depot and commercial district

POTENTIAL REAL ESTATE ACQUISITION NEEDS

- Easements will be needed along 4th Avenue East

NOTE: The majority of this alternative is on current or planned City or County land as well as a planned sewer easement.

POTENTIAL PERMITTING NEEDS

- Erosion and sedimentation control permit
- NCDOT encroachment agreement
- Optional 7th Avenue East extension requires Watco encroachment permit
- Floodway permit [Saved to T: Drive] gs

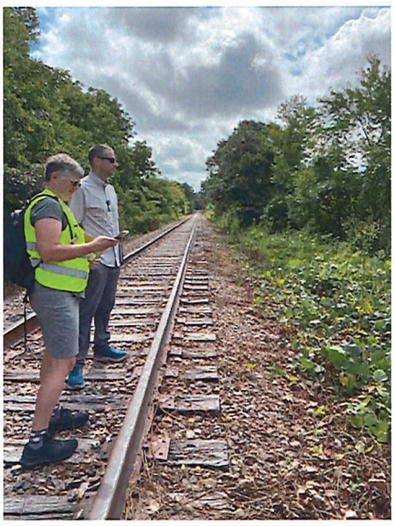
COST ESTIMAT[E]

Baseline Construction	$3,720,000
Engineering Design & Inspection	$1,250,000
Utilities	$110,000
Right-of-Way	$200,000
Additional Contingency *(20%)*	$1,060,000
Total Estimated Budget	**$6,340,000**

See Cost Estimate Summary in the Appendix for breakdown, assumptions, and exclusions.

NOTE: The segment from 4th Avenue East to 7th Avenue East is included in the cost estimate (approximately $1.4 milion).

CITY OF HENDERSONVILLE ABOVE THE MUD GREENWAY
FEASIBILITY STUDY



EARLY ACTION IMPLEMENTATION IDEAS

1. Begin coordination with Watco.
2. Work with County: unified approach.
3. Seek grants for design and construction funding. Prioritize:
   1. Mud Creek Bridge.
   2. Alternative B segments that overlap with other City projects.
   3. Phase remaining segments as stand-alone.

CITY OF HENDERSONVILLE ABOVE THE MUD GREENWAY
FEASIBILITY STUDY

Your
COMMENTS

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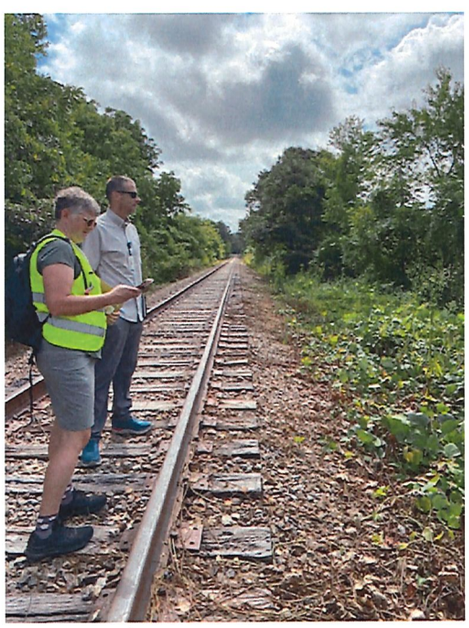
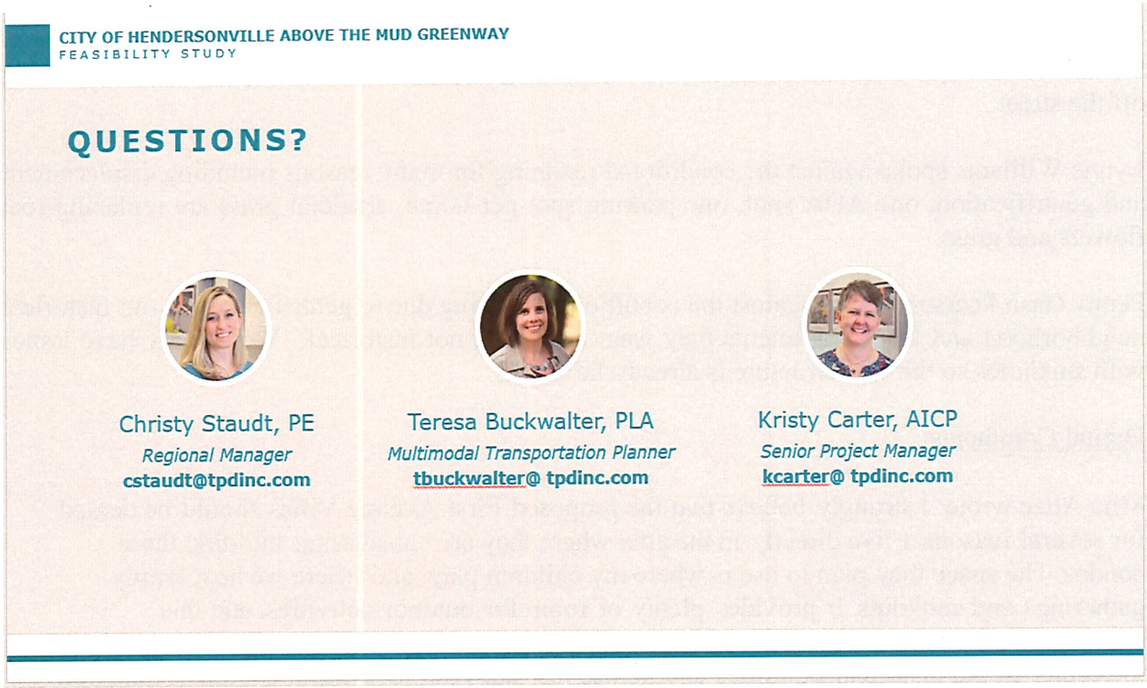
CITY OF HENDERSONVILLE ABOVE THE MUD GREENWAY
FEASIBILITY STUDY



NEXT STEPS

- Adoption
- Begin with Early Action Items



Council Member Jennifer Hensley moved that City Council adopt a Resolution by the City of Hendersonville City Council Above the Mud Greenway Feasibility Study as presented. A unanimous vote of the Council followed. Motion carried.

It was not on the agenda, however, Police Chief Blair Myhand asked if he could introduce the new social worker intern for the Police Department. Her name is Tori Doyle and she is Western Carolina graduate student in her second year and she is going to build the program for the Police Department. We are very excited to have her here.

Tori introduced herself and her daughter Eloise and said she is finishing her master's in social work at WCU. She has already met a ton resources and community stakeholders due to the buzz around this position.

7. PUBLIC HEARINGS

A. Rezoning: Conditional Zoning District – First Avenue Villas (P24-26-CZD) – *Matthew Manley, AICP Lone Range Planning Manager*

The City of Hendersonville received an application for a Conditional Zoning District from ARY Development LLC for the property located at 0 1st Ave W (PIN: 9568-77-1057). The current zoning of the property is CMU-CZD (Commercial Mixed Use Conditional Zoning District). The applicant is currently requesting to amend the current Conditional Zoning District for the construction of two three-story buildings comprised of 16 residential units on a .57 acre parcel. The current site plan depicts 18 parking spaces. There will be open space located at the front of the property. The parking is located at the center and rear of the property, and the entrance and exit to the units is located in the center of the property. There will be a landscape buffer on three sides of the property that border adjacent properties and street trees located along the frontage.

The project was initially reviewed by the Planning Board on July 11, 2024. The project was recommended for denial. The applicant has since adjusted their site plan to remove any portions that exceeded 3-stories with a max height of 38'. They adjusted the parking arrangement, the building materials and the roofline of the buildings.

Planning Board took up this item at their meeting on August 8th voting 5-0 to recommend approval with conditions.

The public hearing opened at 7:02 p.m.

Public Comments:

Ken Fitch spoke against the conditional rezoning.

Ed King spoke against the conditional rezoning, mainly because of one parking space per unit. Doesn't make any sense. If Hendersonville wants to grow, grow responsibly and get the parking off the street.

Lynne Williams spoke against the conditional rezoning for many reasons including displacement and gentrification, one ADA spot, one parking spot per home, artificial grass are replacing real flowers and grass.

Penny Gash Pearson spoke against the conditional rezoning due to gentrification to our historical neighborhood and these apartments they want to put are not historical. We already have issues with sinkholes so the infrastructure is already failing us.

Digital Comments:

Miia Alize wrote: I strongly believe that the proposed First Avenue Villas should be denied for several reasons. I live directly in the area where they are considering building these condos. The space they plan to use is where my children play, and where we host family gatherings and cookouts. It provides plenty of room for outdoor activities, and this development would take that away from us. Honestly, putting brand new condos dead in the center of old historical buildings and homes just does not look right. On top of that, you will be taking someone's parking spot because we don't have enough parking for everyone who lives in these apartments. And on top of that, you're taking all of our beautiful trees nobody wants to look out their back window and condos that I'm sure we can't even afford so that's just like rubbing it in our face! Additionally, I believe the area they want to use is far too small for luxury condos. Building them will make the space feel cluttered and overcrowded. The street they plan to build on is not meant for high traffic-it's mainly used by residents to access their homes. Adding a condo complex will significantly increase traffic, posing a safety risk to children, especially with drivers already speeding down the road. More traffic will only make the situation worse. For these reasons, I urge the committee to reconsider and deny the development of First Avenue Villas.

Joan Pack wrote: PLEASE DENY THIS.. 3 stories...NO.. out of sync with Historical district.. I understand building there but not something like this.

Jean-Jacques Benoist wrote: As a new permanent resident of 1st Ave West I can appreciate the project but am not happy with the size of the buildings and amount of units proposed. A smaller scale project would seem much more conducive to the avenue and surroundings. Vote no for the current size of the project.

~~The public hearing was closed at 7:40 p.m.~~ The public hearing was continued until the October 3, 2024 meeting.

After some back and forth discussion with Council, Mayor Pro Tem asked for a brief recess.

~Mayor Pro Tem Lyndsey Simpson briefly recessed the meeting for a short break at 7:49 p.m. and reconvened at 7:56 p.m.~

City Manager Connet asked Mike Huffman to comment on the condition of the stormwater infrastructure in the neighborhood. Mr. Huffman explained that the city does own and operate a stormwater system within our public right-of-ways and dedicated easements. Particularly in the historic district, there is a lot of private stormwater infrastructure that connects to the City's stormwater system. The majority of the issues that have been brought to the city have been related to the condition of the private infrastructure that was installed by homeowners and the people developing the private parcels and were piping creeks and ditches through their property 100 years ago when they built those homes. So that has been the majority of the issues that have been brought to the city.

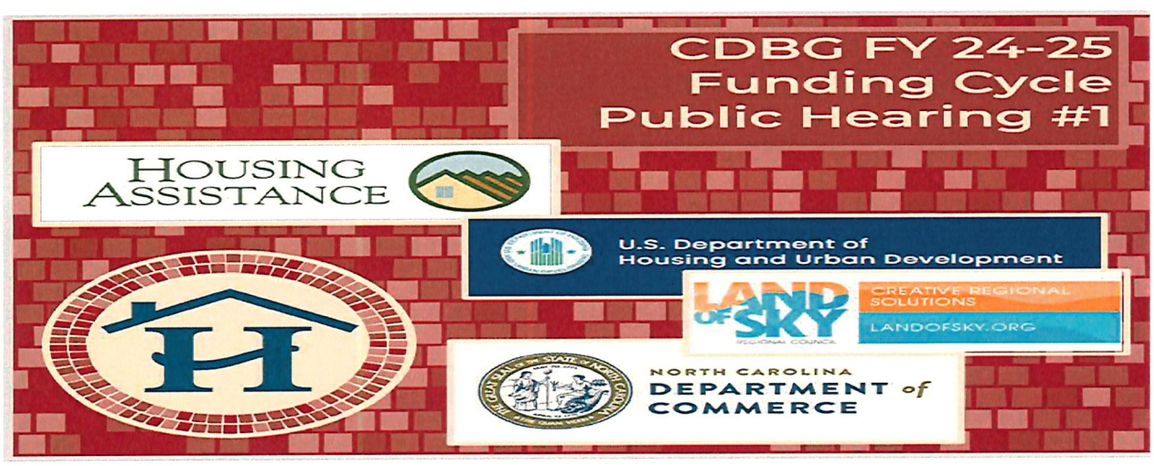
Council Member Melinda Lowrance recommended that this hearing be continued to Council's October 3, 2024 meeting. Council Member Miller agreed that he needs clarification on some things. A unanimous vote of the Council followed. Motion carried.

B. Public Hearing to Consider the Submission of a Community Development Block Grant Application, Neighborhood Revitalization, for the FY24-25 Funding Cycle – *Angela Beeker, City Attorney*

The purpose of the public hearing is to consider the submission of a Community Development Block Grant Application for the FY 2024-25 funding cycle. The grant, a Neighborhood Revitalization Grant (CDBG-NR), is offered through the North Carolina Rural Economic Development Division of the Department of Commerce (REDD), and would be for the rehabilitation of up four (4) homes owned by low-to-moderate income households. Low to moderate households are those having a household income equal to or less than 80% of the area median income. The maximum application amount for the grant is $950,000, and has no local matching requirement. The application would be submitted in partnership with the Housing Assistance Corporation, who would serve as the subrecipient of the grant funds. HAC would manage the rehabilitation projects on the homes. The grant would be administered by Land of Sky Regional Council. A maximum of 10% of the grant amount would be used to cover the administrative costs of the grant. The public is invited to the September 5, 2024 to comment on the possible submission of a grant application, and to address generally the community, housing and economic development needs.

After this initial public hearing, the City and HAC will work to identify potential homes that would qualify for this grant program, and to determine feasibility of applying for and administering the grant for the FY 2024-25 funding cycle. If successful, HAC and the City in partnership with Land of Sky would put together the application for submittal to the REDD. Prior to submittal of the final application, a second public hearing would be held to allow the public to comment on the proposed application.

City Staff Attorney Daniel Heyman presented the following PowerPoint.



2020 CDBG-NR Application

- $750,000 - Application submitted August 25, 2020
  - Construct Sidewalks
  - Renovate Four Homes in the Seventh Street neighborhood (one complete, one underway)
- Was part of the larger 7th Avenue Revitalization Project
  - Public Water Upgrades
  - Public Sewer Upgrades
  - HAC Home Construction
    - 664 Beech
    - 674 Beech

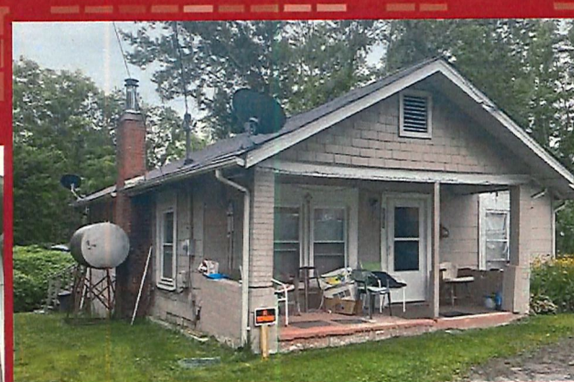
HOUSING ASSISTANCE

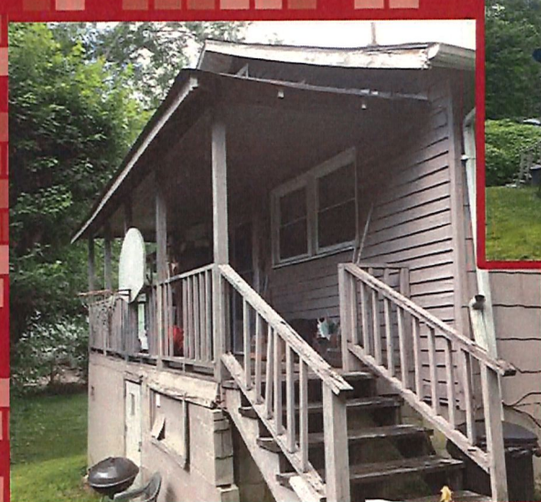
Additional Project Components

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

HOUSING ASSISTANCE

620 Jonas Street - Before



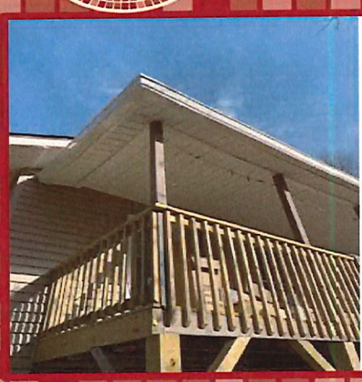


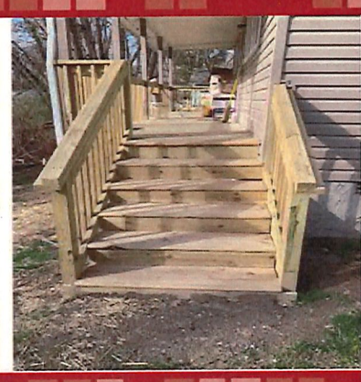
HOUSING ASSISTANCE

620 Jonas Street - After

HOUSING ASSISTANCE

620 Jonas Street - After





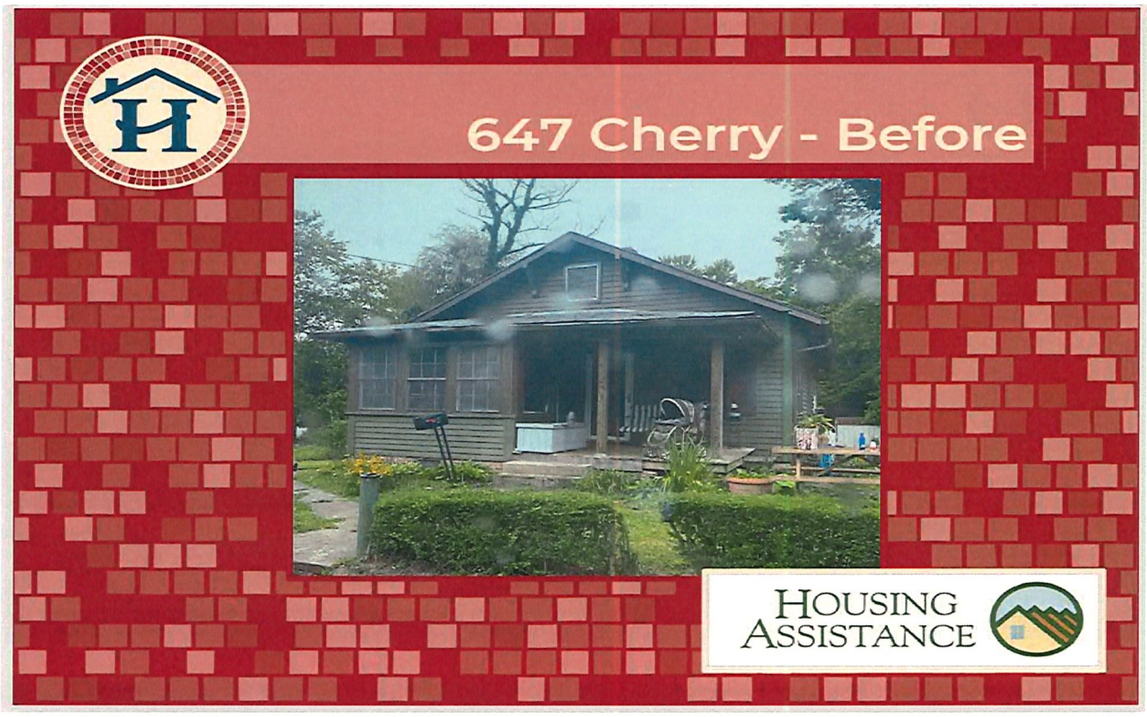
HOUSING ASSISTANCE

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

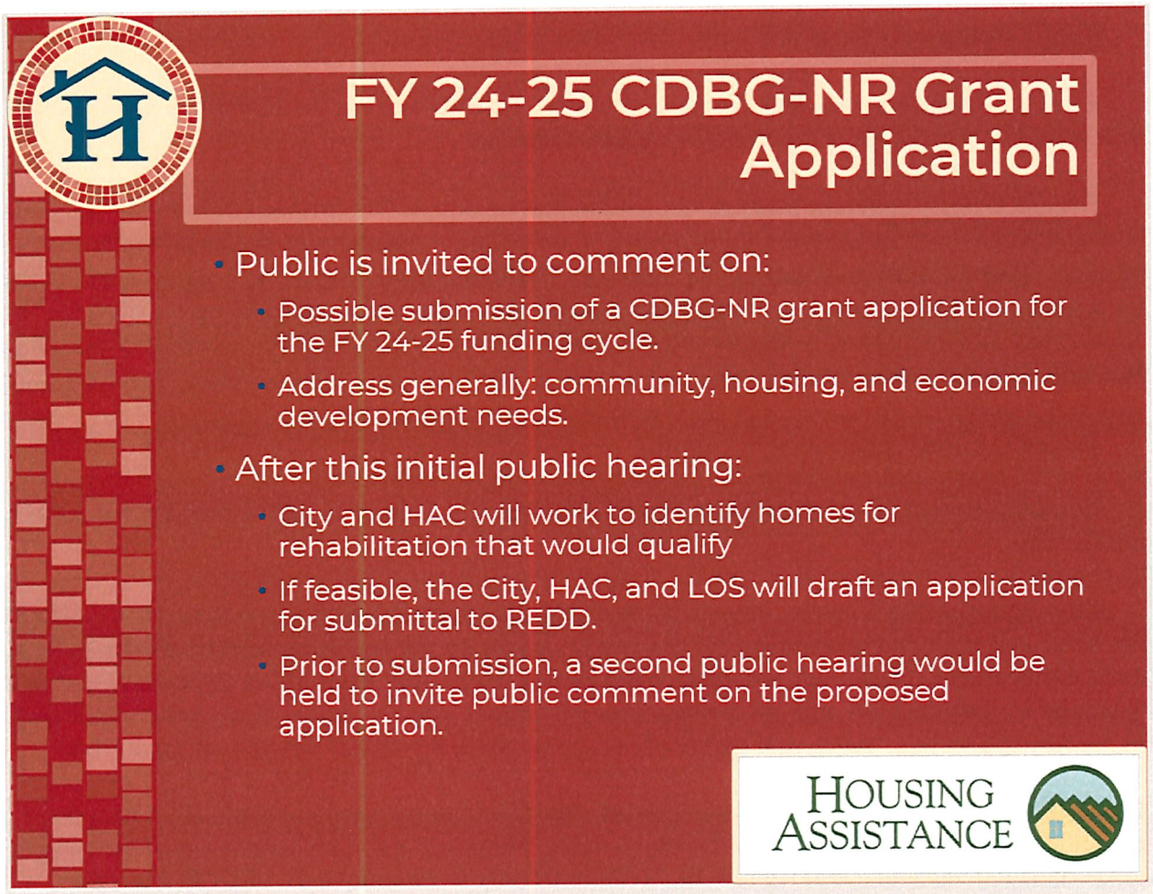
Total Cost: $122,024

HOUSING ASSISTANCE


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



City Manager Connet added that this is just one program that we are doing in addition to the work that we're doing with affordable housing that will allow homeowners and residents in our community to continue to live in our community, continue to keep their homes safe and affordable housing using the Community Development Block Grant funds. I appreciate the partnership that we have with the Housing Assistance Corporation and what they're doing so I just wanted to say that because a lot of things get said when people are emotional and I just wanted to say that the city cares and that's why we're looking at these Community Development Block Grant programs so that we can support existing residents.

The public hearing opened at 8:05 p.m.

Public comments:

Alice Knaflich spoke in favor of the Community Development Block Grant.

The public hearing closed at 8:05 p.m.

Council Member Hensley spoke and said that she knows of other homes behind the hospital over on Oak and I wonder if the grant could also cover some of the other neighborhoods in the area that need some help.

Council Member Lowrance mentioned homes on 3rd Avenue that are basically not livable that need help too. So that was my question. Do we want to consider other areas in the future?

No motion was necessary for this public hearing.

8. UNFINISHED BUSINESS

A. Rezoning: Conditional Zoning District – Felicia Reeves Home (P24-24-CZD) – Tyler Morrow, Current Planning Manager

City Manager Connet said this hearing is for a conditional rezoning and we know that there are issues associated with the floodplain. That is an administrative issue. The decisions tonight regarding conditional use center around whether this is the proper use for this location.

Public Comments Cont'd

Alice Knaflich spoke in favor of the conditional rezoning and I hope the project goes through as it would be a great place for homeless female veterans.

Patricia Gearity spoke in favor of the conditional rezoning. I've known Alice for 10-15 years now and when the military talks about a mission its different than how us civilians thinks about a mission. There is a commitment to that mission. They don't give up and don't leave people in the field, they don't turn and run. They keep pushing and Alice will not give up. You have the opportunity to raise up our veterans and our neighborhood which deserves a beautiful building. We will stand behind her all the way.

The public hearing closed at 8:13 p.m.

Council Member Hensley explained that the people Alice talked to, all worked for the county, not the city.

City Manager said if council moves forward, we need to make sure that we have strong support for Alice and her team and make sure that we're talking to our building inspections department, code enforcement, floodplain administrators, zoning etc., Just want to set expectations that it won't be an easy process and not a cheap process and we need to know that you're prepared to move forward on this. Alice said that she is ready to move forward if Council approves this.

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: 9569-44-7296) from R-10, Medium Density Residential to R-10-CZD, Medium Density Residential Conditional Zoning District, for the adaptive reuse of an existing structure for the use of a residential care facility based on the master site plan and list of conditions submitted by and agreed to by the applicant, [revision dated 6-3-24] 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

Permitted Uses:

1. **Adaptive Reuse**
    - **Residential Care Facility**

2. Permitted uses and applicable conditions presented on the site plan shall be amended to include:

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

> **The petition supports the City's 2030 Comprehensive Plan goals by adhering to the Preservation/Enhancement Area designation for the subject property. The proposal enhances and renovates a long-vacant and decaying structure without expanding it, promoting compatibility with the surrounding area.**

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

1. **The petition addresses a critical need for housing and services for local female veterans.**
2. **The petition proposes to renovate and repurpose an existing structure that has contributed to urban blight for the past decade.**
3. **The petition proposes to reduce the residential intensity of the previous use on the site (rest home).**
4. **Given the building's size and scale in the R-10 zoning district, there is no reasonable likelihood that the property will revert to a use permitted in the R-10 zoning district.**

9. <u>NEW BUSINESS</u>

A. Annexation: Analysis and Advisement – Old Sunset Hill Road (Taylor & Albea) (C24-56-ANX) – *Tyler Morrow, Current Planning Manager*

Mr. Morrow explained that the City of Hendersonville received a petition from Gregory Albea, Julianne Albea, Joseph Taylor, and Laura Taylor for contiguous annexation of PINs 9579-98-0375, 9579-98-3527, 9579-99-4115, and 9579-99-8724 and located on Old Sunset Hill Road that is approximately 21.32 acres.

Old Sunset Hill Road
(C24-56-ANX)

Annexation Analysis and Advisement

City of Hendersonville City Council
September 5th, 2024

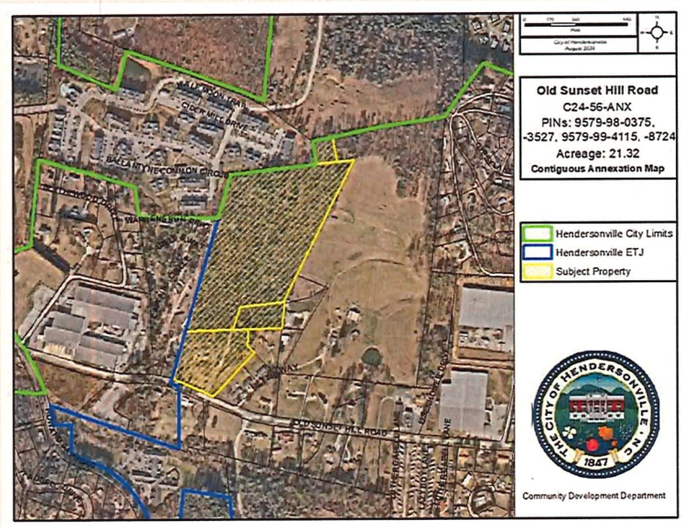
Community Development | Planning Division
Tyler Morrow |Current Planning Manager

Background

PINs:
- 9579-98-0375
- 9579-98-3527
- 9579-99-4115
- 9579-99-8724

Acreage:
- 21.32 Acres

Request:
- 58 Detached Single-Family Homes
- 2.7 units per acre.



Comprehensive Plan Analysis

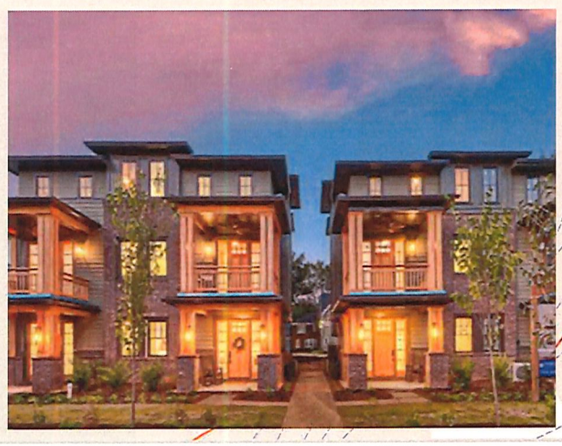
Infill Area

- Encourages a mix of housing types including single family detached residential.
- Calls out a maximum allowable density range of four to eight units per acre.
- States infill areas to be served by utilities.
- Infill areas should have an improved transportation network and accommodate a variety of home options.

Multi Generational Living

- Encourages a mix of housing types including single family detached residential.
- Does not specify specific densities, but the proposed density aligns with the vision portrayed. Likely could be denser.
- Improving the framework for providing water and sewer service is crucial to efficiency and quality of service to residents.
- Creating an interconnected street network isn't just about convenience; it's about relieving congestion, reducing travel times, and enhancing the provision of essential services.

Housing Type Examples



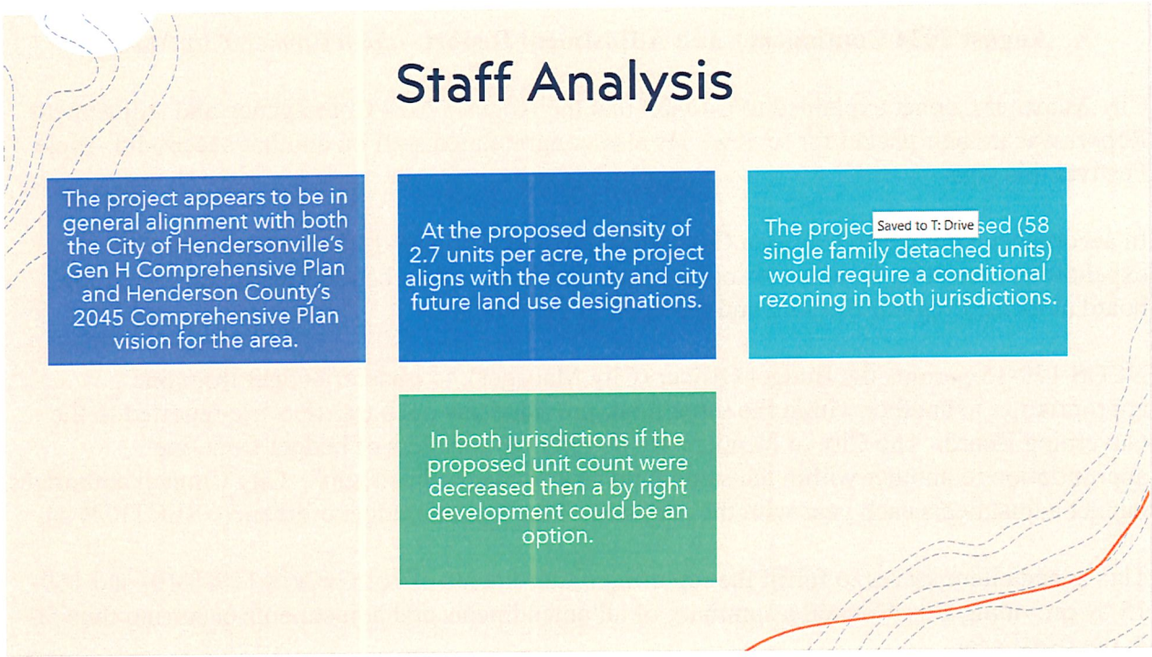
Zoning Analysis

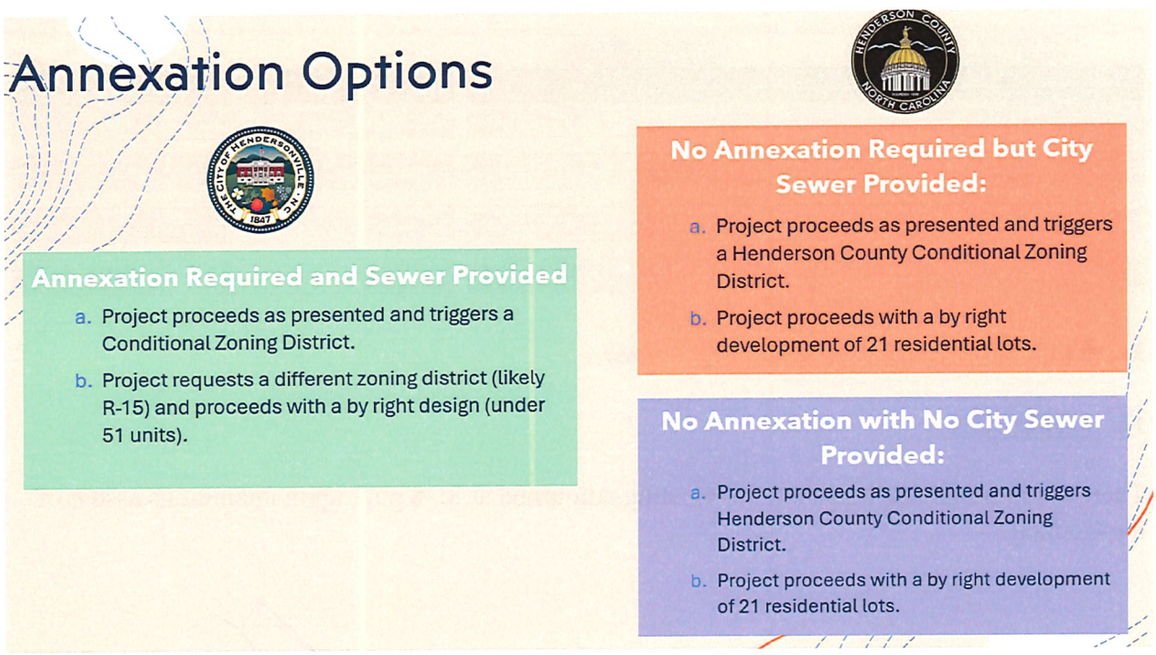
Residential Two Rural (R2R)

- With or without utilities-21 residential lots
  - A single-family dwelling or a duplex is permitted on each lot by right.
    - 21 to 42 dwelling units depending on mix of permitted types
- An increase in density would require a Conditional Zoning District.

PRD-CZD (Proposed by Applicant)

- Density is dependent on the base zoning district. However, 51 or more units automatically trigger a Conditional Zoning District.
- PRD-CZD
  - 10 units per acre.
  - This density can be further increased to 18 units per acre if the applicant follows the additional requirements and is granted a density bonus by City Council.
- The subject property is adjacent to R-15, Medium Density Residential. R-15 allows minor PRD as a permitted use with a density of 3.75 units per acre.





Council Member Jennifer Hensley moved that Council direct staff to move forward in reviewing the annexation petition submitted by Gregory Albea, Julianne Albea, Joseph Taylor, and Laura Taylor. A unanimous vote of the Council followed. Motion carried.

B. Establishment of the Brooklyn Bird Sanctuary – *John Connet, City Manager*

City Manager Connet explained that several groups have inquired about establishing a memorial honoring the contributions of Crystal Cauley. The Environmental Sustainability Board and staff would like to propose the dedication of the Brooklyn Bird Sanctuary in Sullivan Park in memory of Crystal.

Council Member Melinda Lowrance moved that the City Council authorize the dedication of the Brooklyn Bird Sanctuary in memory of Crystal Cauley. A unanimous vote of the Council followed. Motion carried.

C. Dogwood Grant Proposal – *John Connet, City Manager*

City Manager Connet asked that due to time, the Dogwood Grant Proposal be moved to the Workshop Meeting on September 25, 2024.

10. <u>CITY MANAGER REPORT</u>

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

City Manager Connet explained to Council that the August, 2024 Contingency and Adjustment Report was in their packet for review. He also congratulated staff on another successful Apple Festival this year.

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.

FISCAL YEAR 2023 - 2024 (FY24)
BUDGET AMENDMENTS

Completed | Corrected
Proposed | Denied

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET	DESCRIPTION	APPROVED	TYPE	AMENDMENT NUMBER
060-7002-540001	Special Appropriations	50,000	-	35,000	15,000	Adjustment for AMI Drive By System- AS	yes	Adjustment	8/13/2024
060-7050-554001	Capital Outlay- Equip Other Than	-	35,000	-	35,000	Adjustment for AMI Drive By System- AS	yes	Adjustment	8/13/2024
060-7002-540001	Special Appropriations	15,000	-	10,000	5,000	Mills River Partnership Increase	yes	Adjustment	8/13/2024
060-1001-540001	Special Appropriations	149,000	10,000	-	159,000	Mills River Partnership Increase	yes	Adjustment	8/13/2024
010-1010-524020	R&M Equipment	5,000	-	2,300	2,700	CH Click Share	yes	Adjustment	8/14/2024
010-1010-534000	Non-Capital Equipment	85,000	2,300	-	87,300	CH Click Share	yes	Adjustment	8/14/2024
010-0000-534999	Contingency	167,750	-	17,345	150,405	Toro Mower Lease	yes	Adjustment	8/22/2024
010-1525-534000	Non-Capital Equipment	13,600	17,345	-	30,945	Toro Mower Lease	yes	Adjustment	8/22/2024

Saved to this PC

11. CITY COUNCIL COMMENTS - None

12. ADJOURN

There being no further business, the meeting adjourned at 8:38 p.m. upon unanimous assent of the Council.

Lyndsey Simpson, Mayor Pro Tem

ATTEST:

Jill Murray, City Clerk