



MINUTES

November 7, 2024

REGULAR MEETING OF THE CITY COUNCIL

CITY HALL-2ND FLOOR MEETING ROOM | 160 6TH AVE. E. | 5:45 p.m.

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

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

1. CALL TO ORDER

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

2. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG

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

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

In Person:

Katie Gash congratulated the recently elected candidates and thanked everyone for their community service. She also thanked the City Council for contracting the services in 2022 of a professional DEI consultant and for going through the process of an equity audit for this beautiful town.

Lynne Williams spoke about supporting local apple farmers after Hurricane Helene. She believes that the almost 1500 votes that she received in the election shows the voice of the residents. She said that she has been warning the Planning Board and City Council about the floodplains and we got Hurricane Helene and proved it and feels like she's been ignored. She also asked for justice for Elijah Timmons.

Sandra Williams spoke against the plan to build condos at 1st Avenue Villas.

Digital Public Comment

Julia Derouen emailed and said "Is it possible to partner with logging companies and other wood- using companies? Have them help clear roads and wooded areas and use wood in their production? A fair trade may be for them to donate back to the community effected so we can rebuild. Clearing roads is a priority now. Clearing wooded areas of so much debris is needed to manage forest fires that would further devastate our area. Could we partner with land conservancy, preservation or arbor foundation to "re-grow" our green areas. Give a discount to neighbors effected. Teach communities about native plants, trees and bushes that can restore our environments and welcome back animal species native to our area? A program to encourage residents to participate in programs and support to grow their properties will increase sustainability. The public library started a seed bank and has educational presentations monthly. Expanding this program to reach more people will encourage so many residents to get outside, nurture and get nurtured by our beautiful mountains and heal from Helene. When we heal our environment we heal within. Thank you for your time and consideration."

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 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*
 September 5, 2024 Regular Meeting (Amended)
 September 25, 2024 Second Monthly Meeting
 October 3, 2024 Regular Meeting
 October 29, 2024 Second Monthly Meeting

- B. Henderson County Tax Adjustments – *Amanda Lofton, Deputy Tax Collector*

- C. November, 2024 Budget Amendments – *Jennifer Floyd, Budget & Management Analyst II*

TO MAYOR & COUNCIL APPROVAL: November 07, 2024		FISCAL YEAR 2025 FORM: 11072024-01			
BUDGET AMENDMENT					
FUND 010 301 410					
ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
301-0000-470100-18007	Transfer in (from 010)	514,272	-	-	514,272
301-0000-470100-18007	Transfer in (from 032)	50,915	-	-	50,915
301-0000-_____-18007	Note Receivable	729,594	-	-	729,594
301-0000-420050-18007	Grant (NC Commerce)	500,000	-	-	500,000
301-0000-460110-18007	Reimbursements	40,000	-	-	40,000
301-0000-550103-18007	Capital Outlay CIP	799,166	-	-	799,166
301-0000-598600-18007	Loan to Outside Org (Developer)	500,000	-	-	500,000
301-0000-598901-18007	Transfer out (to 010)	535,615	-	75,025	460,590
301-0000-598901-18007	Transfer out (to 301, #18007)	-	75,025	-	75,025
FUND 301	TOTAL REVENUES	1,834,781	-	-	1,834,781
Grey Mill Project #18007	TOTAL EXPENDITURES	1,834,781	75,025	75,025	1,834,781
010-0000-470900	Fund Balance Appropriated (ARP)	130,000	-	-	130,000
010-0000-598901	Transfer out (to 410, #G2201)	130,000	-	-	130,000
FUND 010	TOTAL REVENUES	130,000	-	-	130,000
General Fund	TOTAL EXPENDITURES	130,000	-	-	130,000
410-0000-420050-G2201	Grant Revenue	750,000	-	-	750,000
410-0000-420050-G2201	Transfer in (from 010, ARP Funds)	-	130,000	-	130,000
410-0000-420050-G2201	Transfer in (from 301, #18007)	-	75,025	-	75,025
410-1014-550102-G2201	Capital Outlay- Fees and Services	750,000	205,025	-	955,025
FUND 410	TOTAL REVENUES	750,000	205,025	-	955,025
Ashe St. CDBG #G2201	TOTAL EXPENDITURES	750,000	205,025	-	955,025
An amendment transferring \$130,000 from ARP Funds and \$75,025 from the Grey Mill Project (fund 301, #18007) to the Governmental Capital Project Fund (410) for the completion of the Ashe St. CDBG Project (#G2201). The amendment increases the total appropriation for the Ashe St. Project to \$955,025.					

The City Manager and City Clerk certify budget ordinance amendment 11072024-01 was approved by City Council on November 07, 2024.

TO MAYOR & COUNCIL APPROVAL: November 7, 2024		FISCAL YEAR 2025 FORM: 11072024-02			
BUDGET AMENDMENT					
FUND 410/060/460					
ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
410-0000-470030-VE025	Insurance Proceeds	-	34,300	-	34,300
410-1300-554002-VE025	Vehicles	-	34,300	-	34,300
FUND 410	TOTAL REVENUES	-	34,300	-	34,300
VE025	TOTAL EXPENDITURES	-	34,300	-	34,300
060-0000-470028	Fund Balance Appropriation	1,927,657	106,840	-	2,034,497
060-0000-598901	Transfer Out (to 460)	715,000	106,840	-	821,840
FUND 60	TOTAL REVENUES	1,927,657	106,840	-	2,034,497
VE025	TOTAL EXPENDITURES	715,000	106,840	-	821,840
460-0000-470030-VE025	Insurance Proceeds	-	400,000	-	400,000
460-0000-470100-VE025	Transfer In (from 060)	530,000	106,840	-	636,840
460-7002-554001-VE025	Capital Outlay - Equipment	325,000	-	133,588	191,412
460-7002-554002-VE025	Capital Outlay - Vehicles	205,000	640,428	-	845,428
FUND 460	TOTAL REVENUES	530,000	506,840	-	1,036,840
VE025	TOTAL EXPENDITURES	530,000	640,428	133,588	1,036,840
An amendment increasing the #VE025 Project in both funds 410 and 460 to purchase replacement vehicles for Police and Water & Sewer departments due to damage caused by Hurricane Helene.					

The City Manager and City Clerk certify budget ordinance amendment 11072024-02 was approved by City Council on November 7, 2024.

TO MAYOR & COUNCIL
APPROVAL: November 7, 2024

FISCAL YEAR 2025
FORM: 11072024-03

BUDGET AMENDMENT

FUND 410/460					
ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
310-0000-420050-62501	Grant Revenue	-	5,116	-	5,116
310-1300-519200-62501	Contracted Services	-	5,116	-	5,116
FUND 010	TOTAL REVENUES	-	5,116	-	5,116
	TOTAL EXPENDITURES	-	5,116	-	5,116

An amendment to reflect a grant received from the North Carolina Association of Police Chiefs to reimburse expenses for Emergency Personnel software costs.
The City Manager and City Clerk certify budget ordinance amendment was approved by City Council on .

TO MAYOR & COUNCIL
APPROVAL: November 7, 2024

FISCAL YEAR 2025
FORM: 11072024-04

BUDGET AMENDMENT

FUND 010/410					
ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
010-0000-534999	Contingency	150,405	-	12,880	137,525
010-0000-598901	Transfer Out (410)	1,335,365	12,880	-	1,348,245
FUND 010	TOTAL REVENUES	-	-	-	137,525
	TOTAL EXPENDITURES	1,485,770	12,880	12,880	1,485,770
ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
410-0000-470100-23021	Transfer In (From 010)	150,000	12,880	-	162,880
410-1002-550103-23021	Capital Outlay- CIP	150,000	12,880	-	162,880
FUND 010	TOTAL REVENUES	150,000	12,880	-	162,880
	TOTAL EXPENDITURES	150,000	12,880	-	162,880

An amendment increasing the budget for project #23021 to cover the cost of painting City Hall 3rd Floor.
The City Manager and City Clerk certify budget ordinance amendment was approved by City Council on .

TO MAYOR & COUNCIL
APPROVAL: November 7, 2024

FISCAL YEAR 2025
FORM: 11072024-05

BUDGET AMENDMENT

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
310-0000-420050-H2404	Grant Revenue (FEMA - Helene 2024)	-	5,000,000	-	5,000,000
310-H2024	FEMA Reimbursement	-	5,000,000	-	5,000,000
FUND 310	TOTAL REVENUES	-	5,000,000	-	5,000,000
	TOTAL EXPENDITURES	-	5,000,000	-	5,000,000

An amendment to reflect anticipated FEMA reimbursements for Helene Distaster Response and Recovery costs.
The City Manager and City Clerk certify budget ordinance amendment was approved by City Council on .

D. Hendersonville Police Department Performance and Wellness Grant from the North Carolina Association of Chiefs of Police #G2501 – Adam Murr, Budget & Evaluation Director

Resolution #R-24-95

**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 PD NCACP PERFORMANCE AND WELLNESS GRANT PROJECT (#G2501), ORDINANCE #O-24-39 (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 \$5,116.

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 7th day of November, 2024.

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

Ordinance #O-24-39

**GRANT PROJECT ORDINANCE FOR
THE DESIGN, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE
PD NCACP PERFORMANCE AND WELLNESS GRANT, #G2501**

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

SECTION 1: The project authorized is a City project described as the PD NCACP Performance and Wellness Grant, (#G2501).

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

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
301	0000	519200	G2501	Contracted Services	\$5,116
Total Project Appropriation					\$5,116

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

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
301	0000	420050	G2501	Grant Revenue	(\$5,116)
Total Project Appropriation					(\$5,116)

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

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

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

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

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

ADOPTED by the City Council of the City of Hendersonville, North Carolina, on this 7th day of November, 2024.

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

**E. NC Forest Service & NC Urban Forestry Council Grant Opportunity - Mark Stierwalt,
Public Works Superintendent**

F. Telecommuting Policy - Jennifer Harrell, HR Director

**G. Amending the Environmental Sustainability Board's Charter to Include a Permanent
Student Member Seat - Caitlyn Gendusa, Public Works Superintendent Sustainability Manager**

H. Purchase of +/- 0.39 Acre Lot on Williams Street - *John Connet, City Manager*

Resolution #R-24-96

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A CONTRACT FOR THE PURCHASE OF +/- 0.92 TRACT ON WILLIAMS STREET

WHEREAS, the City is desirous of purchasing property, being a lot or parcel of land in the City of Hendersonville consisting of +/- 0.39 acres, having an address of 110 Williams St., Hendersonville, NC, and being more particularly described in that deed recorded in Deed Book 1191 at page 124 of the Henderson County Registry, having Tax Parcel ID# 9568-97-8675, and any appurtenances thereto (collectively the "Property"), and more specifically described in Exhibit "A", which is attached hereto and incorporated herein by reference; and

WHEREAS, the Property has a tax value of \$476,700, but was flooded by Hurricane Helene, and the City has made an offer to purchase the Property \$250,000; and

WHEREAS, the Seller, Caporoma Properties, LLC, a North Carolina limited liability company, has agreed to sell the Property to the City upon the terms and conditions set forth in a draft Contract for Purchase and Sale of Real Property;

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

1. The Contract for Purchase and Sale of Real Property between the City of Hendersonville and Caporoma Properties, LLC, for the Property, having as the sale price the sum of \$250,000.00, is hereby approved as presented.
2. The City Manager is authorized to enter execute the contract, with such changes as he deems appropriate, in consultation with the City Attorney, provided such changes do not place any financial obligation on the City beyond that contemplated by the terms of the Contract as presented.
3. The Mayor, City Manager and City Attorney are authorized to execute such other contracts, and deeds and any and all other documents, and to take any and all actions, reasonably necessary to carry out the terms of the approved Contract, including but not limited to making conveyances and reasonable expenditures for costs and expenses for the purposes stated herein.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 7th day of November, 2024.

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

6. PRESENTATIONS**A. NCDOT Mobi Award for the Oklawaha Greenway – *John Connet, City Manager***

City Manager John Connet explained that the City of Hendersonville has been honored with NCDOT Mobi ("Mobility") Awards for its Oklawaha Greenway Phase III project, recognizing the greenway's contribution to multimodal transportation and community connectivity.

The City of Hendersonville received the following awards from NCDOT:
First Place – Small Urban Category
First Place – Most Voted Project
Second Place – Innovation Category

Staff were unable to attend the Mobi Awards Ceremony in Raleigh on October 11th due to Helene recovery efforts, but NCDOT provided the awards to be presented during a City Council meeting. In addition to the project recognition, The City of Hendersonville Public Works team worked diligently to reopen the Oklawaha Greenway on Friday, October 4, to a community with a deep need for outdoor recreation opportunities, relaxation, and a return to some semblance of normalcy, following unprecedented storm impacts.

Award nomination information: Completed in July 2019, the Oklawaha Greenway Phase III project enhances the area's active transportation system by expanding the Oklawaha Greenway an additional 1.5 miles and completing a city-wide network that connects four parks in Hendersonville. The 10-foot-wide asphalt, multi-use path provides an inviting place for visitors to exercise in nature. The North Main Street sidewalk portion of the project creates a half-mile of sidewalk along a busy corridor where no walkway previously existed. A beautiful, 70-foot pedestrian bridge provides safe passage over Mud Creek and gives the Oklawaha Village direct greenway access.

Mayor Barbara Volk then presented the following gentlemen with the awards:

- David Hazzard (LA Designer of the project)
- Todd Trace (General Contractor)
- Mark Pomraning (COH Design Technician, ret'd)
- Brent Detwiler, Public Services Director
- Brendan Shanahan, City Engineer
- Tom Wooten, Public Works Director

B. Quarterly MVP Recipients – John Connet, City Manager

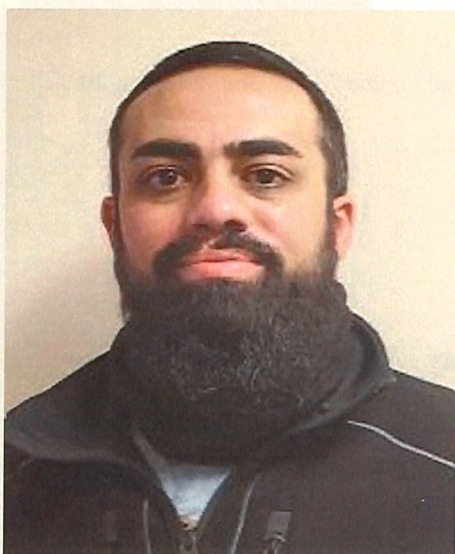
City Manager Connet, read aloud why each MVP was chosen.

Quarterly MVPs



July – September 2024

The Service Excellence Design Team voted on the 31 MVPs submitted and the following three received the highest votes.



Justin Lentini (Engineering)

During a scheduled verification inspection, a contractor's employee descended into a 20' deep manhole shortly after it had been vacuum tested. Justin was the inspector on site and was part of the group alerted that something was wrong with the worker. Justin followed his training and attempted to keep anyone else from entering the manhole. Ultimately, Justin was able to assist in putting down a rope and harness to remove the person from the manhole before they lost consciousness completely.



Rhonda Wiggins (Water & Sewer) Brandon Roberts & Joel Hart (Engineering)

Leaving at the end of the day from City Operations, Rhonda sees Tilly and Tucker, two hounds who escaped from the nearby dog park, running up Williams Street. Brandon and Joel join her in the chase which ended up covering most of that end of town. The owner drives up frantic and eventually the dogs are safely caught and returned to the owner.



Billy Ray Praytor, Dylan Bishop, John Perez, Dalton Schell (Fire)

HFD was dispatched to assist a homeowner in housing authority with shutting down the water due to a water leak inside the home. They arrived on the scene to find the occupants out on the front porch and water flowing out of the door. The crew jumped in and got wet without hesitation to shut the water off and stop the leak. There was approximately 4 inches of water within the bathroom, hallway, and 3 bedrooms. They retrieved their wet vac to get up all the water. Housing authority arrived but needed to get more wet vacs and left. HFD was able to remove all the water from the rooms and made sure to assist the homeowners in making sure they knew what the next steps would be since most of their belongings were wet. The homeowners were very appreciative.

6. PUBLIC HEARINGS –


A. Annexation: Public Hearing – Lakeside Drive (Summerville) (C24-52-ANX) – Tyler Morrow, Current Planning Manager

Tyler explained that the City of Hendersonville received a petition from Peter and Rhonda Summerville for contiguous annexation of PINs 9568-33-5111, and 9568-33-6042 located on Lakeside Drive that is approximately 1.24 acres. On September 5th, 2024, City Council accepted the City Clerk’s Certificate of Sufficiency for the petition submitted by Peter and Rhonda Summerville and set October 3rd 2024, as the date for the public hearing. The October 3rd City Council meeting was amended due to Hurricane Helene. No votes or public hearings were held at that meeting. The public hearing will be held on November 7th 2024 and was noticed in accordance with state law.

Lakeside Drive (Summerville)
(C24-52-ANX)

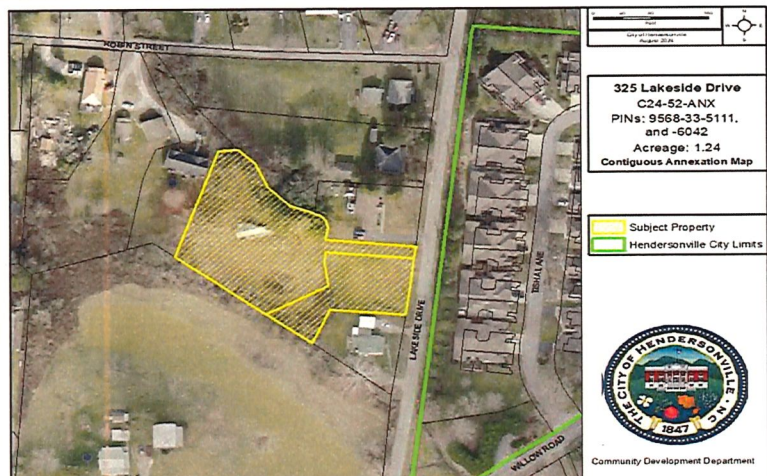
Contiguous Annexation Petition
City of Hendersonville City Council
November 7th, 2024

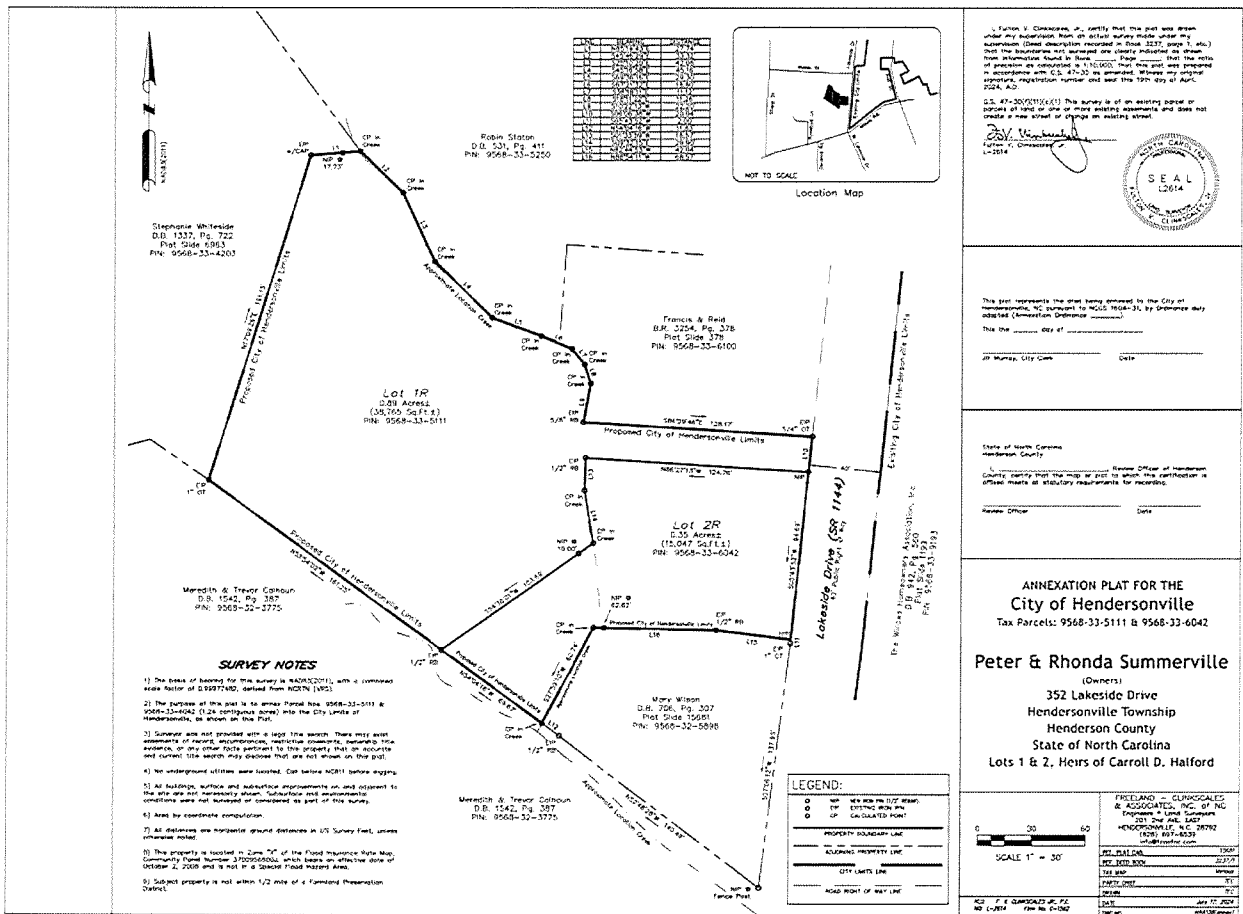
Community Development | Planning Division
Tyler Morrow | Current Planning Manager



Background

- + Petitioner:**
 - + Peter Summerville
 - + Rhonda Summerville
- + PIN:**
 - + 9568-33-5111
 - + 9568-33-6042
- + Acreage:**
 - + Approximately 1.24 acres





The public hearing opened at 6:15 p.m.

Public comments: None

The public hearing closed at 6:16 p.m.

Council Member Jeff Miller moved that City Council adopt an ordinance of the City of Hendersonville to extend the Corporate Limits of the City as a contiguous annexation, to annex that property owned by Peter and Rhonda Summerville, identified as PINs 9568-33-5111, and 9568-33-6042, finding that the standards established by North Carolina General Statute 160A-31 have been satisfied and that the annexation is in the best interest of the City. A unanimous vote of the Council followed. Motion carried.

B. Rezoning: Standard Rezoning-7th Avenue (Chariff) (P24-58-RZO) – Matthew Manley, Long-Range Planning Manager

Matt Manley explained that the City of Hendersonville is in receipt of a Zoning Map Amendment application from Lyle Chariff of 407 NC Holdings, LLC (owner) for 9 parcels (PINs listed on left) totaling .77 Acres located along 7th Ave at Locust St, Maple St and Track St in/adjacent to the 7th Ave Depot National Register Historic District. The properties are currently zoned C-2 Secondary Business. The petitioner is requesting that the full city block be rezoned to CMU to align with other properties in the 7th Ave Depot Historic District. Development/redevelopment under the C-2 zoning is restricted by a 15'/20' front setback and a minimum lot width at the building line of 50'. The CMU zoning offers greater flexibility with a 12' front setback measured from the back of the curb rather than from the property line and no minimum lot width. CMU zoning also offers standards related to site development and design considerations which the C-2 zoning district does not contain. If rezoned, there will not be a binding site plan, list of uses or conditions placed on the site. All permitted uses within the CMU district would be allowed on the site in accordance with the development standards. 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. Planning Board voted unanimously to recommend approval of the rezoning at their meeting on September 12th.

7TH AVE C-2 to CMU (CHARIFF) (P24-58-RZO)

Standard Rezoning

City of Hendersonville City Council
November 7th, 2024

Community Development | Planning Division
Matthew Manley | Long-Range Planning Manager



Location:

- o 9568-89-7788
- o 9568-89-7766
- o 9568-89-8708
- o 9568-89-7871
- o 9568-89-7873
- o 9568-89-7865
- o 9568-89-7940
- o 9568-89-6855
- o 9568-89-6891

Applicant/Owner:
Lyle Chariff of 407 NC Holdings, LLC (owner)

Existing Zoning: C-2

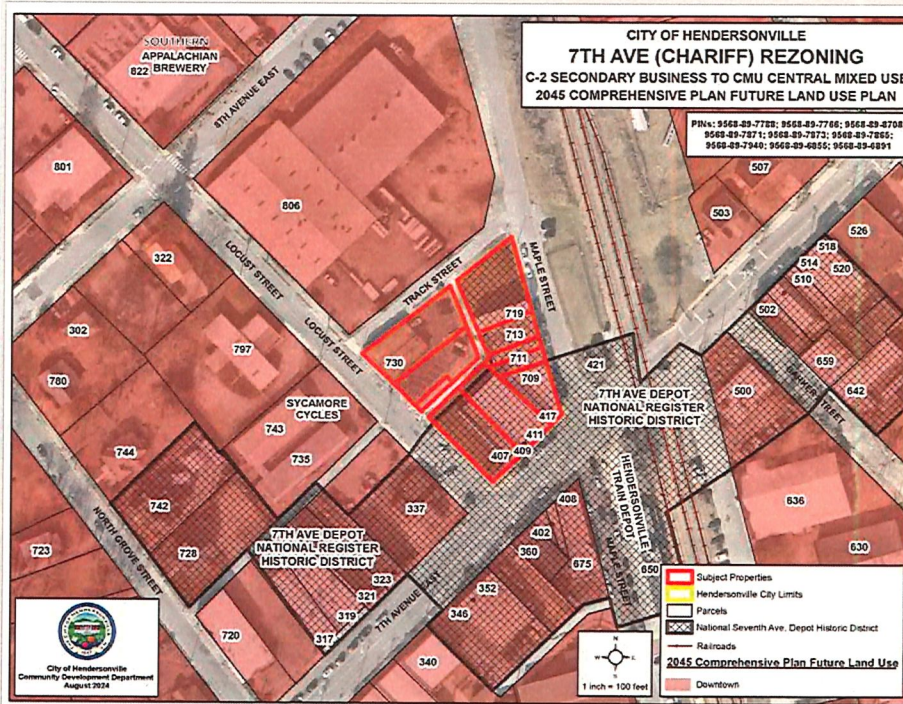
Proposed Zoning: CMU

Acreage: 0.77 Acres

Future Land Use Designation:
Downtown

Project Background

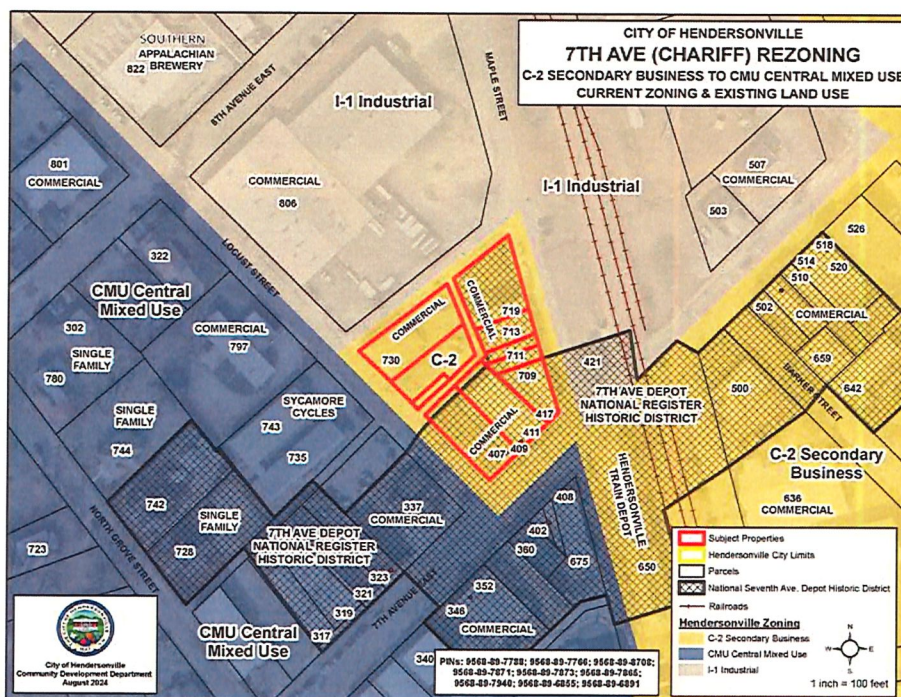




1) Comprehensive Plan Consistency: Future Land Use

+ Downtown

General Rezoning Standards: 1) COMPREHENSIVE PLAN CONSISTENCY	LAND SUPPLY, SUITABILITY & INTENSITY	<ul style="list-style-type: none"> The subject property is located on a vacant or underutilized property in the Land Supply Map. It ranks as "Highly Suitable" for residential development in the Suitability Assessment. The subject property is located in an area designated as "Highest" for Development Intensity. The subject property is located in the 7th Ave Focus Area. The subject property is not in a Focused Intensity Node but is located in the Downtown Area - which is an area designated for intense development.
	FUTURE LAND USE & CONSERVATION MAP	<ul style="list-style-type: none"> Designation: Downtown Character Area Description: Consistent Zoning Crosswalk: Consistent Focus Area Map: Consistent
	COMMITTEE RECOMMENDATION	The Long-Range Planning Committee did not review this item. The Current Planning Committee reviewed this proposal prior to today's meeting.



Current Land Use & Zoning

+ CMU-CZD

+ C-1

+ R-6

+ Ecusta Trail



General Rezoning Standards: 2) COMPATIBILITY	EXISTING CONDITIONS	The existing land uses in the area align with the mixed-use character of the CMU zoning district. The zoning districts in this area vary. To the west and south, in the core of the 7th Ave NR Historic District, the zoning is CMU. Catty-corner to the east the zoning transitions to C-2 - which was the zoning district surrounding C-1 prior to the creation of CMU. The C-2 zoning continues along 7th Ave toward Mud Creek and the Oklawaha Greenway. North of the subject property and along the railroad tracks to the east, the zoning is I-1.
	RELEVANT GEN H GOALS	Vibrant Neighborhoods: [Consistent] Abundant Housing Choices: [Consistent] Healthy and Accessible Natural Environment: [Consistent] Authentic Community Character: [Consistent] Safe Streets and Trails: [Consistent] Reliable & Accessible Utility Services: [Consistent] Satisfying Work Opportunities: [Consistent] Welcoming & Inclusive Community: [Consistent]
	GEN H GUIDING PRINCIPLES	Mix of Uses: [Consistent] Compact Development: [Consistent] Sense of Place: [Consistent] Conserved & Integrated Open Spaces: [Consistent] Desirable & Affordable Housing: [Consistent] Connectivity: [Consistent] Efficient & Accessible Infrastructure: [Consistent]

General Rezoning Standards: 2) COMPATIBILITY	DESIGN GUIDELINES ASSESSMENT (Chapter V)	<p>Public Realm - [Consistent]</p> <p>Site Design - [Consistent]</p> <p>Building Design - [Consistent]</p>
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General Rezoning Standards	3) CHANGED CONDITIONS	<ul style="list-style-type: none"> The City is currently constructing an enhanced Streetscape and Utility project serving the subject properties. One of the subject properties recently had a building demolished due to it being structurally unsound. This building was located near the corner of Locust St and 7th Ave where another vacant lot was located. Combined, these two now vacant lots present an opportunity for infill development. The current C-2 zoning would not permit by-right development that would conform to the existing character of the 7th Ave Depot NR Historic District.
	4) PUBLIC INTEREST	<ul style="list-style-type: none"> Providing opportunities for compatible infill development presents opportunities for economic development which compliments the City's investment in improved streetscaping along 7th Ave.

General Rezoning Standards	5) PUBLIC FACILITIES	<ul style="list-style-type: none"> The subject property will be served by City of Hendersonville services. The subject property is located within the City's existing interconnected street grid, which facilitates the disbursement of additional automobile traffic. The subject property is located in the heart of the burgeoning 7th Ave District and is in close proximity to the Oklawaha Greenway, and less than a 5-minute walk to historic Main St.
	6) EFFECT ON NATURAL ENVIRONMENT	<ul style="list-style-type: none"> There is no immediate development proposed on the subject properties. There are no existing trees nor environmentally-sensitive areas within the area proposed for rezoning.

PLANNING BOARD: Comprehensive Plan Consistency Statement

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

The proposed zoning of Central Mixed Use (CMU) aligns with the Gen H 2045 Comprehensive Plan Future Land Use & Conservation Map and the Character Area Description for 'Downtown'

The public hearing opened at 6:28 p.m.

Public comments:

Mr. Chariff introduced himself and wanted to meet Council in person. He was in the neighborhood of 7th Avenue and fell in love with it and own 14 PIN's in the area and is doing rehab on several buildings.

Ken Fitch spoke in favor of the rezoning of the 7th Avenue area.

Lynne Williams spoke about the project and asked what will be done to ensure that businesses and employment will provide livable wages with the prioritization of the current 7th Avenue residents and neighbors? Building out a whole block on 7th Avenue will likely create housing that will be out of reach for the affordable housing or local residents as well as jobs that they won't be able to get.

The public hearing closed at 6:32 p.m.

Council Member Jennifer Hensley moved that City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property (PINs: 9568-89-7788, 9568-89-7766, 9568-89-8708, 9568-89-7871, 9568-89-7873, 9568-89-7865, 9568-89-7940, 9568-89-6855, 9568-89-6891) from C-2 Secondary Business, to CMU, Central Mixed Use, based on the following:

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

The proposed zoning of Central Mixed Use (CMU) aligns with the Gen H 2045 Comprehensive Plan Future Land Use & Conservation Map and the Character Area Description for 'Downtown'.

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. CMU zoning would be extended to align with adjacent zoning.***
- 2. The permitted uses and development standards of the CMU zoning aligns with the existing character of the subject properties.***
- 3. CMU standards will allow for new infill development designed to complement the surrounding 7th Ave area in a way that C-2 zoning will not.***

Council Member Lyndsey Simpson said that after speaking with City Attorney Angela Beeker, she recuse herself from voting on this matter. Council Member Jeff Miller asked that Council Member Lyndsey Simpson recuse herself from voting. Motion carried.

C. Rezoning: Standard Rezoning-6th Avenue & Bearcat Loop (P24-65-RZO) – Matthew Manley, Long-Range Planning Manager

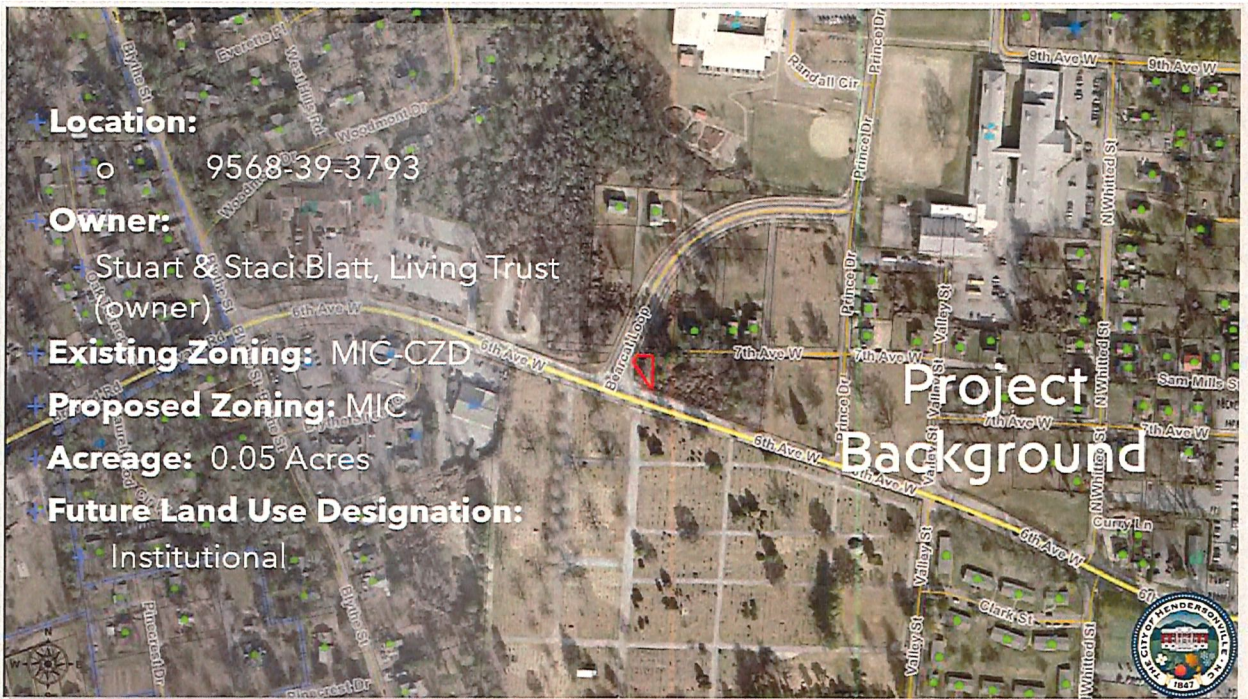
Matt Manley explained that the City of Hendersonville has initiated a standard rezoning to address a parcel created by the construction of Bearcat Loop. The parcel still retains the MIC-CZD designation that was applied to the Grace Lutheran Site when a major site amendment was completed in 2009. Originally a part of this larger site, the CZD designation remains, although it is no longer pertinent to this particular parcel. The property is proposed to be rezoned from the current MIC-CZD Medical, Institutional and Cultural Conditional Zoning to the base MIC Medical, Institutional and Cultural district. Development/redevelopment of the 0.05 acre parcel will likely require its recombination with the adjacent 0.79 acre parcel to the north currently zoned MIC. Development standards will remain the same as the underlying zoning district is not proposed to be changed. If rezoned, there will not be a binding site plan, list of uses or conditions placed on the site. All permitted uses within the MIC district would be allowed on the site subject to compliance with all applicable zoning standards. 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.

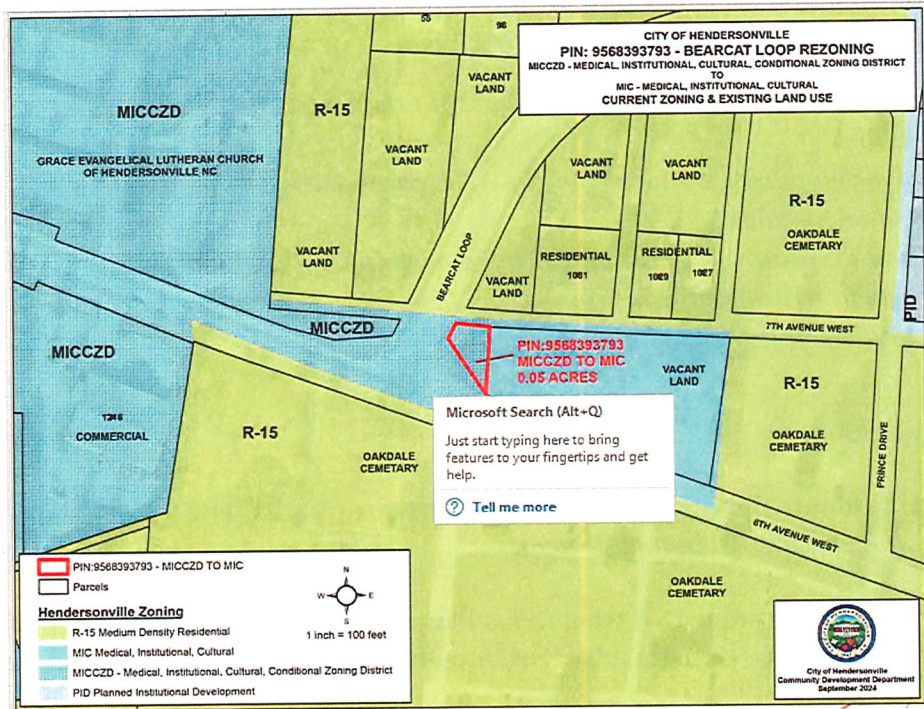
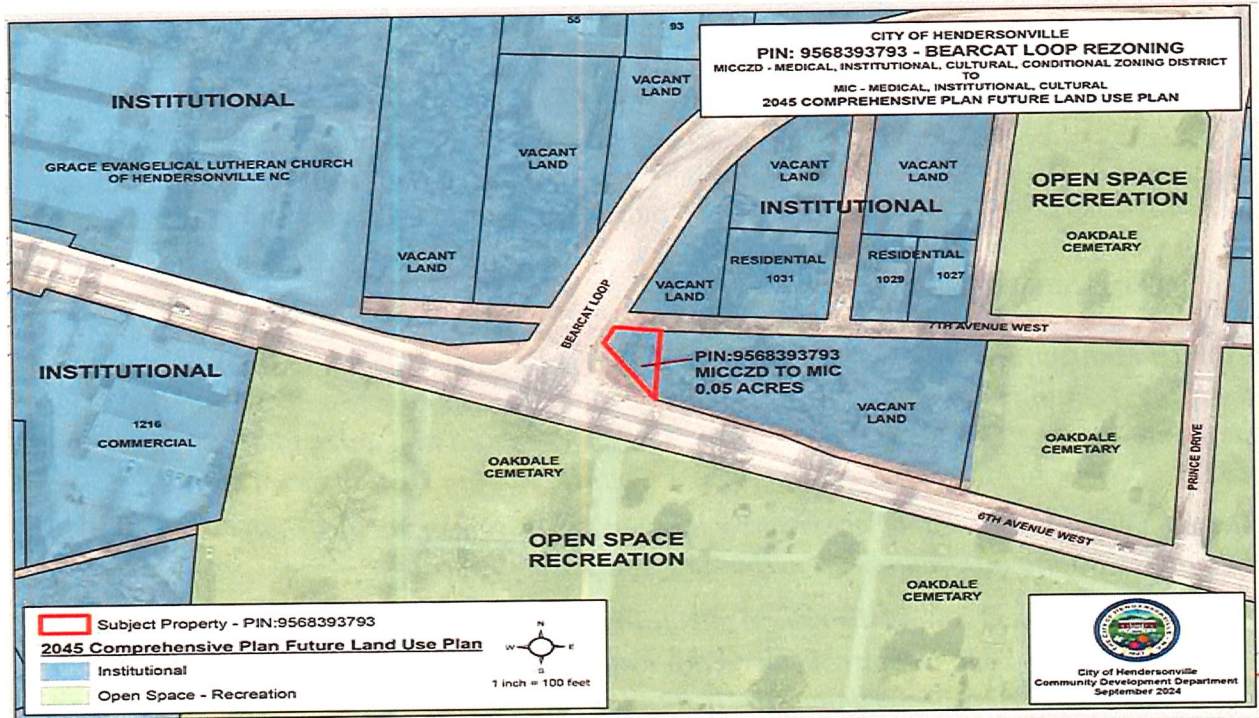
6TH AVE & Bearcat Loop MIC- CZD to MIC (P24-65-RZO)

Standard Rezoning

City of Hendersonville City Council
November 7, 2024

Community Development | Planning Division





Current Land Use & Zoning

- + MIC-CZD
- + MIC
- + R-15
- + PID-CZD

Staff Analysis Overview

Comprehensive Plan Consistency - Staff finds the petition and site plan to be fully consistent with the Gen H Comprehensive Plan Future Land Use & Conservation Map and the Character Area Description.

Compatibility - The MIC Zoning District permitted mix of uses and development standards support the goals and guiding principles, and design guidelines outlined in the City's Gen H Comprehensive Plan. Staff finds that the general location of the rezoning and the mix of land uses in vicinity to it are compatible with the city's overall growth strategies.

Changed Conditions - The removal of the parcel in question from a direct connection with the original Conditional Zoning Site Plan necessitates the rezones.

Public Interest - Staff finds that the opportunities for additional economic development will complement the 6th Avenue corridor.

Public Facilities - Staff finds that the proposed development would efficiently utilize existing services and infrastructure.

Effect on Natural Environment - Future development will have to comply with all relevant environmentally relevant zoning standards.

The public hearing opened at 6:39 p.m.

Lynne Williams spoke said she spoke at the Planning Board as well and the main point is that this building is right across from Oakdale Cemetery. The applicant mentioned to her about possibly building a pet cemetery there and she thinks a park would be great as well. She said this is important to our community and hopes that Council will vote in favor of it and preserve it.

The public hearing closed at 6:41 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: 9568-39-3793 from Medical, Institutional and Cultural – Conditional Zoning District to Medical, Institutional and Cultural Zoning District based on the following:

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

The proposed zoning district, Medical, Institutional and Cultural (MIC), aligns with the Gen H 2045 Comprehensive Plan Future Land Use & Conservation Map and the Character Area Description for 'Institutional'.

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:

- 4. The zoning standards for this parcel do not change with the removal of the Conditional Zoning District designation.*
- 5. The permitted uses and development standards of the MIC zoning aligns with existing character of the 6th Avenue corridor.*
- 6. The rezoning allows for a diminutive vacant parcel to be used in combination with surrounding MIC parcels in a productive fashion.*

A unanimous vote of the Council followed. Motion carried.


8. UNFINISHED BUSINESS

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

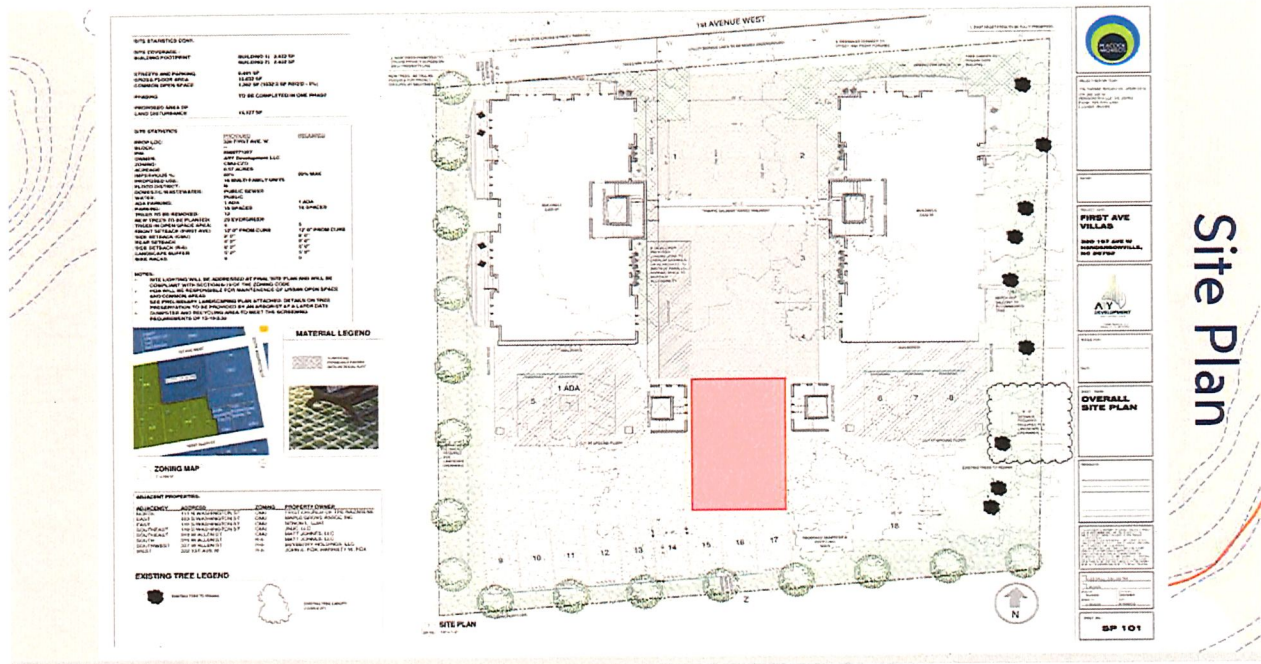
Matt Manley gave a brief recap of the project. It went to the Planning Board twice. The first time it was four-story and got denied, so they brought it back as three-story and it got recommended for approval.

Project Background

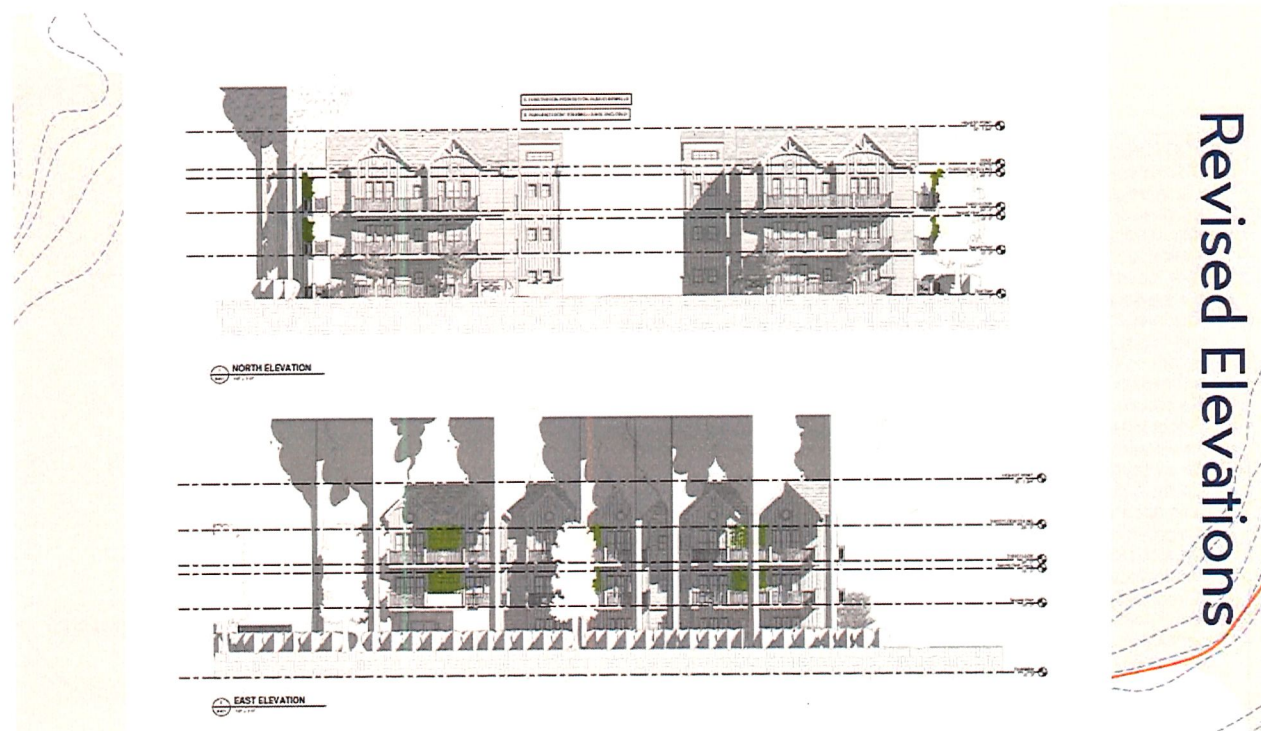
- + Location:**
 - + 9568-77-1057
 - + 0 First Avenue W
- + Applicant/Owner:**
 - + Sarah McCormick (Applicant)
 - + Rafique Charania of ARY Development LLC (Owner)
- + Existing Zoning:** CMU-CZD
- + Proposed Zoning:** CMU-CZD
- + Acreage:** 0.57 Acres
- + Density:** 28 Units/Acre
- + Proposed Use:** Residential Multi-Family
- + Project Details:**
 - + 16 Unit residential multi-family.
- + Future Land Use Designation:**
 - + Downtown
- + NCM - June 6**
- + Planning Board - July 11 - Recommended for Denial**
- + Planning Board - August 8 - Recommended for Approval**
- + City Council - September 5 - Item Deferred**



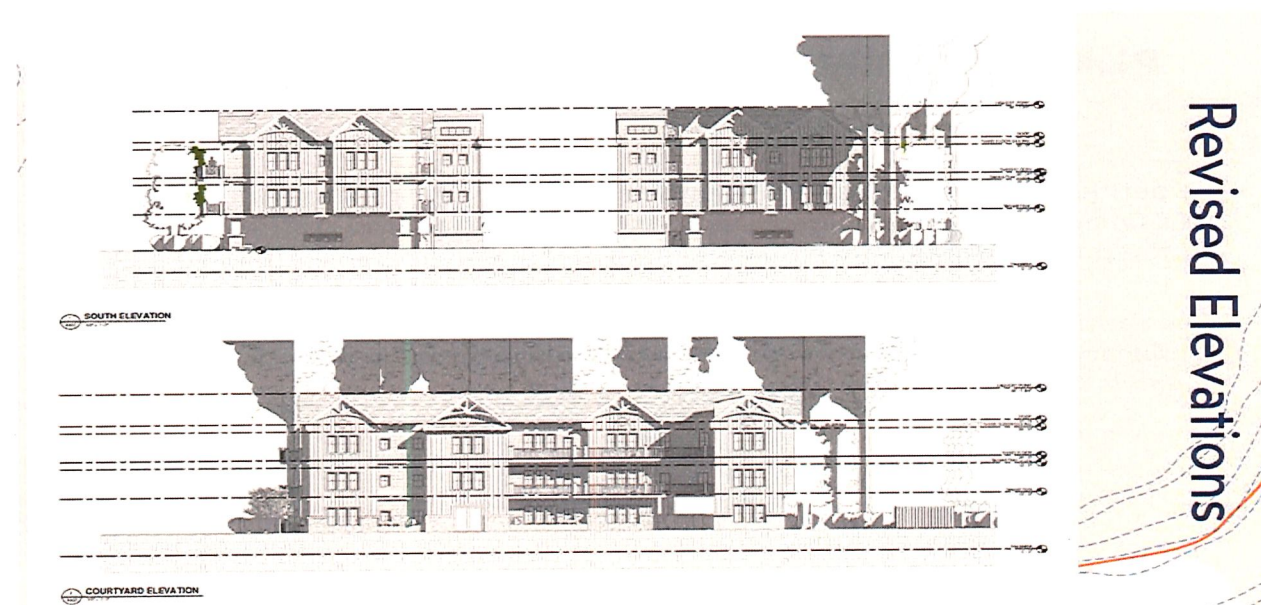
Current site plan. Two units, eight structures in each unit.



Front and Side Elevation.



Rear and Interior Elevation.



Floor Plan.



The applicant has agreed to all of the staff initiated conditions.

Proposed Conditions

CONDITIONS:

- In order to reduce unreasonable loss of privacy, we will save all shrubs and trees greater than 12" DBH within the required 8' buffer on the eastern edge of the property. Additionally if any of those trees are not able to be protected by the standards in 15-4 d), then the developer agrees to replace them at the rate specified in Sec 15-4 b) if any of the trees die within 5 years post-construction.
- We propose new trees to be planted and clustered around the balconies to block the view into the neighboring houses to address the loss of privacy on the west side. We also propose a movable privacy screen on the third floor balconies. The type of trees/height are detailed on the preliminary landscaping plan.
- We propose 4' fully functioning balconies in the front facade. We cannot extend the balconies further than 4'. The edge of the balcony on the western building is currently past the setback line and directly on the property line.
- We have provided sidewalk connection to street edge from first-floor units and from sidewalks which flank center-drive aisle.
- We provided fenestration on front facing façade of rear elevator/stairwell
- We enclosed the rear and front stairwells in order to better blend with surrounding neighborhood.
- See details sheet for cross street parking.
- Developer proposes loading zone which encroaches on sidewalk or reduction of loading zone to the width of a parallel parking space, as seen on Main Street. Allowing the loading zone in the front of the building increases accessibility.

Staff-Initiated

Developer Proposed

The Planning Board added this Consistency Statement.

PLANNING BOARD: Comprehensive Plan Consistency Statement

The petition is found to be **consistent** with the City of Hendersonville *Gen H 2045 Comprehensive Plan* based on the information from the staff analysis and the public hearing, and because:

The petition is consistent with the Future Land Use and Conservation Map Designation of 'Downtown' and the corresponding Character Area Description found in Chapter IV of the Gen H Comprehensive Plan.

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

Lynne Williams said this was already denied by the Planning Board once. There was a random long term planning committee meeting after it was denied, which has never happened before and the residents were not notified of that. I find this to be misleading and dishonest and not transparent. Planning staff working for out of town developers instead of on behalf of tax-paying residents. It's called the Community Development Department so we would like to see more of the community involved. We're asking you to deny this plan and keep the promise with the plan that you previously made a couple of years ago.

City Manager John Connet asked Mayor Volk if he could speak for a moment. He said "I have consistently pushed back when speakers have challenged the ethics and professionalism of our staff and I'm going to do it again. I will not tolerate the vague innuendos regarding the professionalism and ethics of our team. There is no evidence of that. Our folks are professional. They work with developers, they work with residents to bring projects to this board and the Planning Board so I will not tolerate it. I think it's inappropriate to make vague unsubstantiated comments against our staff so I do not appreciate it and I will continue to push back and I want to go on record saying there's no indication that anything was done inappropriately and it's just not called for."

Ken Fitch spoke against the project. There are a lot of issues and the facts are the facts and the density is the issue.

Mayor Volk read a digital comment from Harriet Fox that read "My name is Harriett Fox and I reside at 332 1st Ave. West. The property next to me is wanting to place 1st Ave Villas which I very much disagree with. I do not want people living next door to me looking out of their windows or on their porch into my house or yard. Where are these folks going to park since most folks have 2 cars today. Have you ever been down 1st Avenue during the Apple Festival? People park on both sides of the street which makes traveling very difficult and to get out of your driveway nearly impossible. Would you like to sit on your porch to stare at these Villas instead of seeing the magnolia, crepe myrtle and oak trees plus the squirrels, birds and rabbits playing in the grass? I believe this property needs to be re-surveyed also. There is a small bank on this property which is not mine but I have to maintain it in order for my property to look nice. I have been doing this since Brownlow Merrell's property was sold to Andrew Riddle. I have told them before they should be mowing the bank but they still do not. There are 2 dead trees on this which I told Andrew Riddle needed to be removed before they came down on my property to no avail. Most importantly I have 2 autistic grandsons aged 31 and 32 who live with me. They can be loud and use colorful language, which they don't understand the meaning of other than it is not a nice word which we should not be saying. My neighbors understand this and are not offended, therefore I DO NOT want others getting their feathers ruffled and calling the police or DSS. This is their home where they have lived all their life. I don't know if you are aware but autistic people do not deal well with change. I beg of you please Do Not Approve this."

Attorney Brian Goldman who represents the developer, mentioned overflow parking since it came up several times. We are working with the First Church of the Nazarene which is right across the street and they have signed a letter of intent that if this conditional zoning is approved, we would be able to lease 25 additional parking spaces at an agreed upon amount, \$70 for each space. Those spaces would be dedicated for off-street parking for use by the 1st Avenue Villa residents 24 hours a day, 7 days a week. So, in addition to parking that is included which satisfies the Land Use Plan, there's an additional 25 parking spaces that we would have available to us and we have that signed Letter of Intent from the church.

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

Council member Lowrance asked about gentrification and how would this development benefit and said that two-story would work so much better there as it's a small lot.

The builder, Rafique Charania of Ary Development, said the reason that we want to do three-story is that it would give you more parking and parking was an issue from the beginning. He said that anything lower than that is just not feasible for him.

After considerable conversation between City Council, the builder and the builder's attorney, City Council came to a decision.

Council Member Lyndsey Simpson moved that City Council deny an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property (PIN: 9568-77-1057) from CMU-CZD (Central Mixed Use Conditional Zoning District) to CMU-CZD (Central Mixed Use - Conditional Zoning District) based on the following:

1. The petition is found to be consistent with the City of Hendersonville Gen H 2045 Comprehensive Plan, based on the information from the staff analysis and the public hearing, and because:

The petition is consistent with a range of Goals, Guiding Principles and the Future Land Use Designation of Chapter IV of the Gen H Comprehensive Plan.

2. We do not 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 proposes a development that is incompatible with the existing neighborhood due to height and scale.*
- 2. The petition proposes a density that is out of character with the surrounding neighborhood*
- 3. The petition would generate excessive traffic, noise and light in an existing residential neighborhood.*
- 4. The petition would cause an unreasonable loss of privacy.*

A vote of 4-1 vote in favor of denying the rezoning followed. Council Members, Simpson, Miller, Lowrance and Mayor Volk voted nay. Council Member Hensley voted yay. Motion carried.

9. NEW BUSINESS

A. Final Parks & Greenspace Master Plan – Mark Stierwalt, Public Works Superintendent

Mark Stierwalt, Public Works Superintendent Buildings, Properties and Cemeteries, and said he would like to answer any questions that Council may have about the Parks & Greenspace Master Plan.

Council Member Hensley and Council Member Simpson both said that they love the plan. Council Member Hensley thanked Mark and his crew for doing a phenomenal job getting the parks back open after Hurricane Helene.

Council Member Jeff Miller moved that City Council approve the proposed final Parks & Greenspace Plan as presented. A unanimous vote of the Council followed. Motion carried.

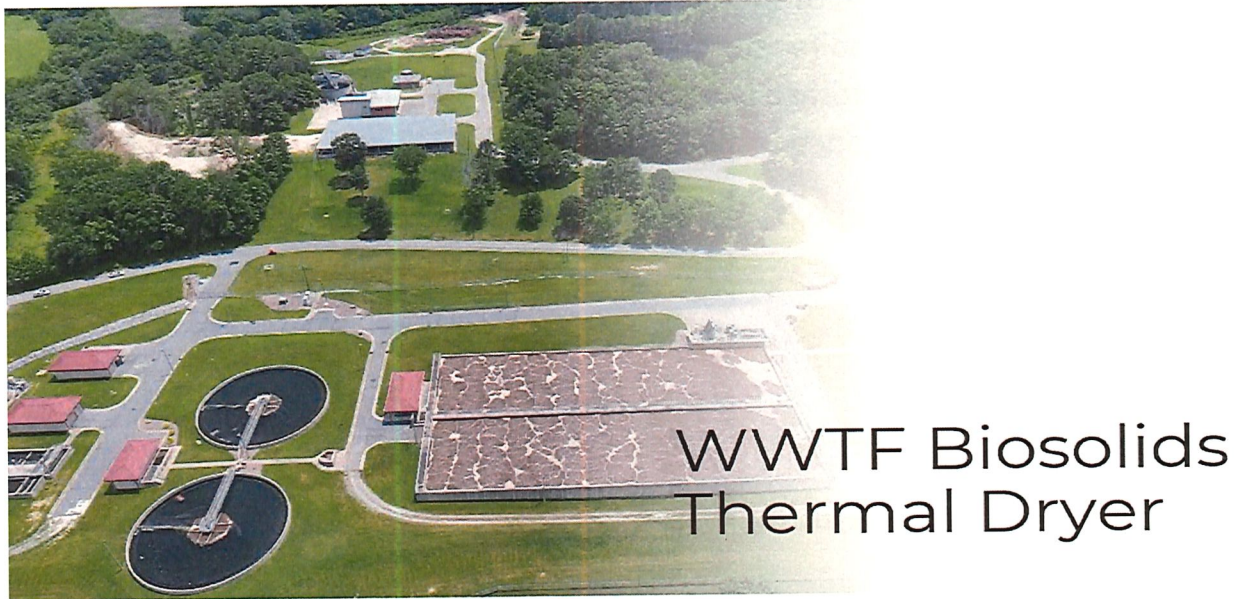
B. Tentative Construction Contract Award WWTF Thermal Dryer Project – Adam Steurer, Utilities Director

Adam explained that the 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. 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.

On October 24, 2024, formal bids for construction of the project were opened and are summarized in the attached bid tabulation. Turner Murphy Company, Inc. is the lowest responsive and responsible bidder.

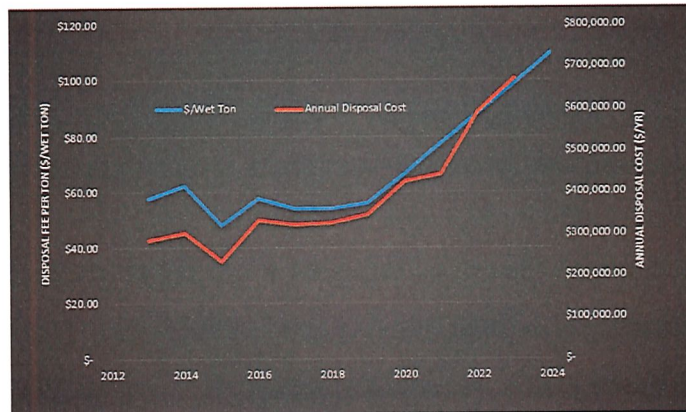
Turner Murphy Company, Inc.:	\$11,890,319.56
PC Construction Company:	\$11,997,000.00
State Utility Contractors, Inc.:	\$13,329,000.00

This project is partially funded through a direct appropriation under S.L. 2023-134 and administered by the North Carolina Department of Environmental Quality (NCDEQ). The final award is tentative and is contingent on approval from NCDEQ, which is administering the grant funding for the project.



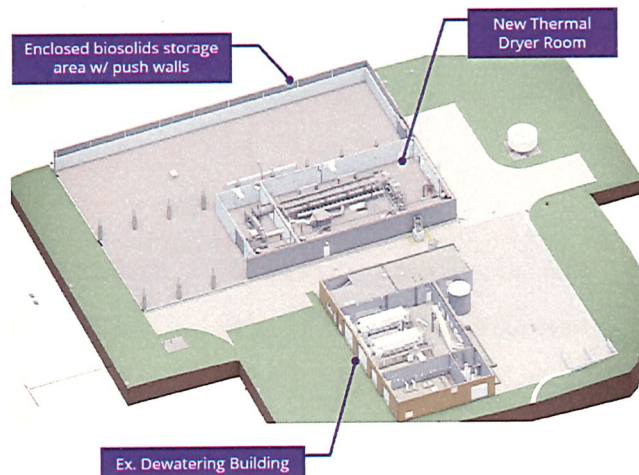
Challenges

- Current residuals must be landfilled
- Rejection due to water content
- Landfill ownership changes
- Limited local landfills
- Increasing costs



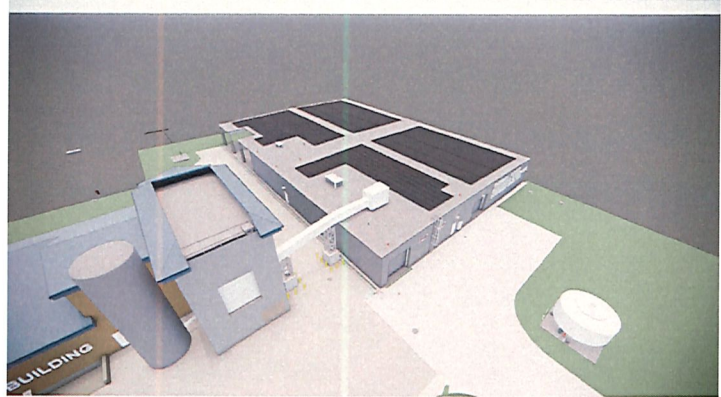
WWTP Biosolids Thermal Dryer

- Produce high-quality biosolid
- Limit vulnerability
- Reduce in solids management costs
- Sustainability
 - Reduction in landfilled material
 - Reduction in transportation costs
 - Solar photovoltaic system



Solar Photovoltaic System

- Offsets 70% -100% of dryer system power demand
- \$20k - \$30k per year electrical savings
- ~15-year payback period for system
- Ability to add battery storage in future
- No structural mods needed



Project Bid and Schedule

- Three bids received
- \$11,890,319.56 low bid.
- Turner Murphy Company, Inc.
- Construction Begins – January 2025
- Completion – ~October 2026



Project Budget and Funding

Project Budget Estimate

Construction	\$	11,890,319.56
Dryer Equipment	\$	3,646,000.00
Engineering/Administration	\$	1,915,000.00
Project Contingency	\$	300,000.00
TOTAL	\$	17,751,319.56

Funding Strategy

Grant Proceeds (S.L. 2023-134)	\$	14,528,750.00
Revenue Bond	\$	3,222,569.56



Annual Operational Savings

- Current Disposal Cost: \$670,000 (FY24)

• O&M Costs (utilites, maint., etc.)	\$ 170,000.00
Debt Service (Revenue Bond, 4% 20-year)	\$ 235,000.00
Electricity Savings	\$ (20,000.00)
TOTAL	\$ 385,000.00

- Year 1 Savings: ~\$285,000

Council Member Melinda Lowrance moved that City Council adopt the Resolution by the City of Hendersonville of tentative award and authorization for the City Manager to enter into a contract with Turner Murphy Company, Inc. for the construction of the WWTF Thermal Dryer Project. A unanimous vote of the Council followed. Motion carried.

Resolution #R-24-97

RESOLUTION BY THE CITY OF HENDERSONVILLE OF TENTAIVE AWARD AND AUTHORIZATION FOR THE CITY MANAGER TO ENTER INTO A CONTRACT FOR THE CONSTRUCTION OF THE WWTF THERMAL DRYER PROJECT

WHEREAS, the City owns and operates a water treatment facility (WWTF) that produces a solid residual effluent as part of the treatment process; and

WHEREAS, the City intends to construct biosolids thermal dryer process equipment that will produce a high-quality, thermally dried product that is safe for beneficial reuse through distribution or land application; and

WHEREAS, once completed the project will reduce the utility's current solids residuals hauling and disposal costs and reduce the utility's vulnerability on reliance of the volatile private hauling and landfills disposal markets; and

WHEREAS, on October 24, 2024, formal bids for construction of the project were opened as follows:

Turner Murphy Company, Inc.:	\$11,890,319.56
PC Construction Company:	\$11,997,000.00
State Utility Contractors, Inc.:	\$13,329,000.00

WHEREAS, formal bids were reviewed for completeness and accuracy. Turner Murphy Company, Inc. is the lowest responsive, responsible bidder; and

WHEREAS, the final contract award is tentative and is contingent on approval from the North Carolina Department of Environmental Quality, which is administering the grant funding for the project.

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 WWTF Thermal Dryer Project upon approval from the North Carolina Department of Environmental Quality to Turner Murphy Company, Inc., the lowest responsive and responsible bidder in the total amount of \$11,890,319.56.
2. The City Manager is authorized to approve change orders which cumulatively do not exceed 5% of the approved contract amount of \$11,890,319.56, 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 7th day of November, 2024.

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

C. Helene Response and Recovery Project Ordinance and Reimbursement Resolution –
Adam Murr, Budget & Evaluation Director

Adam explained that General Statute 159-13.2 provides North Carolina local governments the power to grant and maintain capital and grant project ordinances (CPOs and GPOs).

Helene Response and Recovery Project, #H2024. A grant project ordinance and reimbursement resolution supporting response and recovery actions by the City of Hendersonville related to the Hurricane/Tropical Storm Helene event. This initial project ordinance and reimbursement resolution makes available \$5,000,000 to support ongoing response and recovery efforts. The City will continue to leverage available funds for emergency response, with reimbursement for many eligible efforts anticipated from the Federal Emergency Management Agency (FEMA).

Council Member Jennifer Hensley moved that City Council adopt the Project Ordinance and Reimbursement Resolution for the Helene Response and Recovery Project, #H2024 as presented.

Resolution #R-24-98

**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 HELENE RESPONSE AND RECOVERY PROJECT (#H2024), ORDINANCE #O-24-44 (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 \$5,000,000.

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 7th day of November, 2024.

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

Ordinance #O-24-44

**GRANT PROJECT ORDINANCE FOR
 THE EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE HELENE
 RESPONSE AND RECOVERY PROJECT, #H2024**

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

Section 1: The project authorized is a City project described as the Helene Response and Recovery Project, #H2024. Work associated with this project falls into FEMA's disaster response and recovery categories:

Emergency Work

Category A: Debris Removal -- Expenses related to clearing debris from public property, including roads, parks, and other infrastructure.

Category B: Emergency Protective Measures -- Costs for actions taken to protect public health and safety, such as: search and rescue operations; sheltering and evacuation; and medical care and emergency response.

Permanent Work

Category C: Roads and Bridges -- Repairs and restoration of transportation infrastructure, including highways, streets, and bridges.

Category D: Water Control Facilities -- Restoration and repair of drainage systems, levees, and other flood control measures.

Category E: Public Utilities -- Restoration of water, wastewater, electrical systems, and other essential public utilities.

Category F: Parks, Recreational Facilities, and Other -- Repair or replacement of parks, recreational areas, and public spaces.

Category G: Buildings and Equipment -- Repairs or replacements of public buildings, such as schools, community centers, and related equipment.

Administrative Work

Category Z: Management Costs -- Administrative costs related to the overall management of disaster response and recovery efforts, which are capped at a certain percentage of eligible project costs.

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

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
301	N/A	N/A	H2024	FEMA Reimb.Exp.(Helene 2024)	\$5,000,000
Total Project Appropriation					\$5,000,000

Section 3: The following revenues are anticipated to be available via contribution proceeds:

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
301	0000	420050	H2024	Grant (FEMA - Helene 2024)	(\$5,000,000)
Total Project Appropriation					(\$5,000,000)

Section 4: The Finance Director is hereby directed to maintain within the General Fund, Main Street MSD Fund, 7th Avenue MSD Fund, Water & Sewer Fund, Parking Fund, Stormwater Fund and Environmental Services Fund sufficient specific detailed accounting records to satisfy the disclosure requirements of all the contractual agreements, if applicable.

Section 5: Funds may be advanced from the General Fund, Main Street MSD Fund, 7th Avenue MSD Fund, Water & Sewer Fund, Parking Fund, Stormwater Fund and Environmental Services Fund, as necessary for the purpose of making payments as due. Reimbursement requests shall be made in an orderly and timely manner.

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

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

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

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

ADOPTED by the City Council of the City of Hendersonville, North Carolina, on this 7th day of November, 2024.

Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

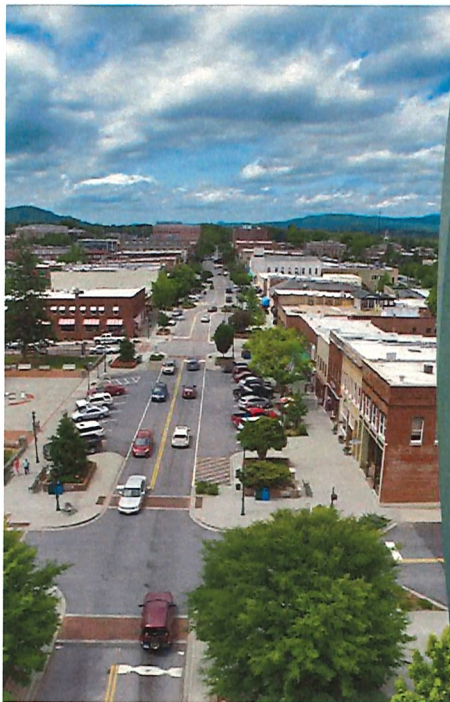
Approved as to form: /s/Angela S. Beeker, City Attorney

D. Lead Water Service Line Inventory Update – Adam Steurer, Utilities Director

Adam Steurer explained that recently the United States Environmental Protection Agency (EPA) issued a final rule requiring drinking water systems to follow the new Lead and Copper Rule Revisions and Improvements Legislation.

Delivering safe drinking water and protecting the health of the community is the Hendersonville Water and Sewer Department's core mission. Staff will provide an update on how the utility is complying with the new legislation.

Gracie Erwin, Utilities Compliance Coordinator, gave the following PowerPoint presentation.

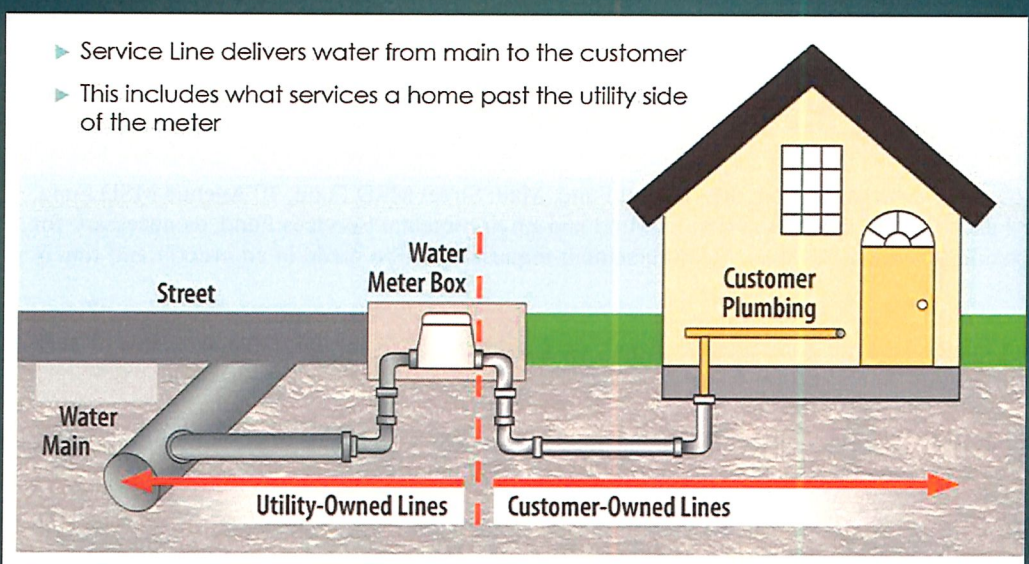


Lead Water Service Line Inventory Update

GRACIE ERWIN-UTILITIES COMPLIANCE COORDINATOR
ADAM STEURER- UTILITIES DIRECTOR

What is a service line?

- ▶ Service Line delivers water from main to the customer
- ▶ This includes what services a home past the utility side of the meter



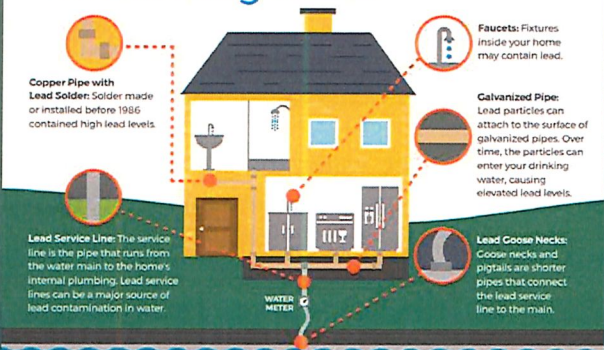
How Does Lead Get into Drinking Water?

- ▶ Not in source water
- ▶ Not in water from the treatment plant
- ▶ Corrosion from household plumbing that contains lead

EPA
CONCERNED ABOUT LEAD IN YOUR DRINKING WATER?

Sources of LEAD in Drinking Water

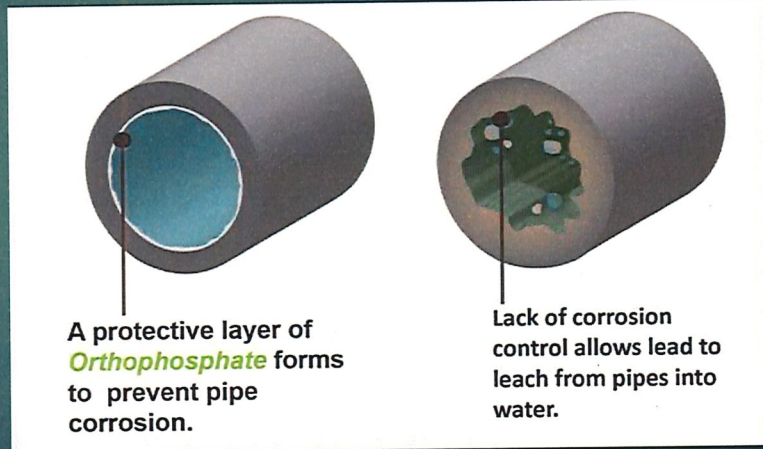
Murray, Jill (jmurray@hvinc.gov) is signed in



- Copper Pipe with Lead Solder:** Solder made or installed before 1986 contained high lead levels.
- Galvanized Pipe:** Lead particles can attach to the surface of galvanized pipes. Over time, the particles can enter your drinking water, causing elevated lead levels.
- Lead Service Line:** The service line is the pipe that runs from the water main to the home's internal plumbing. Lead service lines can be a major source of lead contamination in water.
- Lead Goose Necks:** Goose necks and pigtail are shorter pipes that connect the lead service line to the main.
- Faucets:** Faucets inside your home may contain lead.

How Do We Protect Customers

- ▶ Corrosion Control
- ▶ pH Adjustment
- ▶ System-wide sampling
- ▶ Flint changed water sources and didn't adjust for changes in pH resulting in corrosion



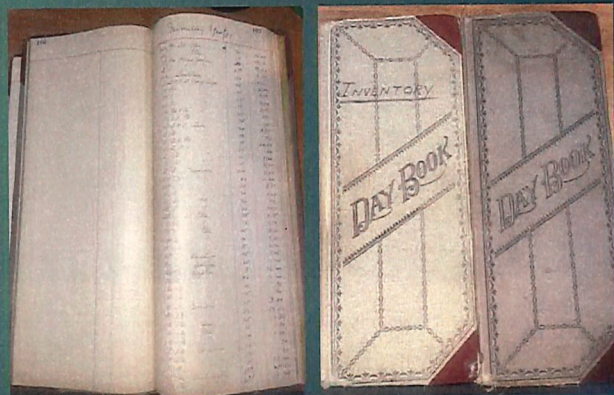
Background- Lead Regulation Overview

- ▶ Regulated in the past by LCR (1991)
- ▶ LCRR (2021)
 - ▶ Service line inventory
 - ▶ Public Education Requirements
 - ▶ Adjustments to lead action levels and sampling techniques



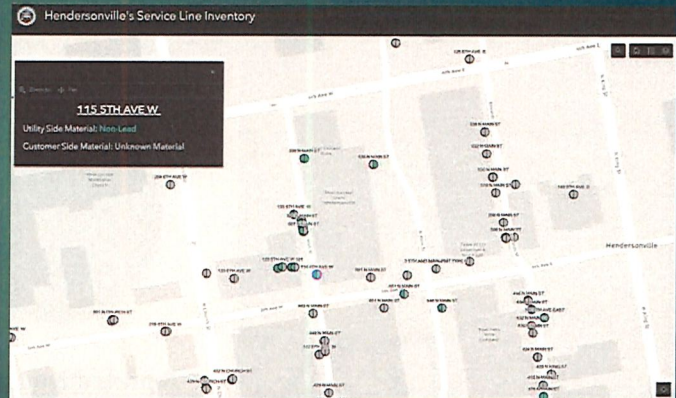
What does this mean for Water Purveyors across the country?

- ▶ Service Line Inventory's were submitted nation wide on October 16th 2024
 - ▶ Must be publicly available
 - ▶ Record review requirements
- ▶ Customer Notification deadline of **November 15th 2024.**



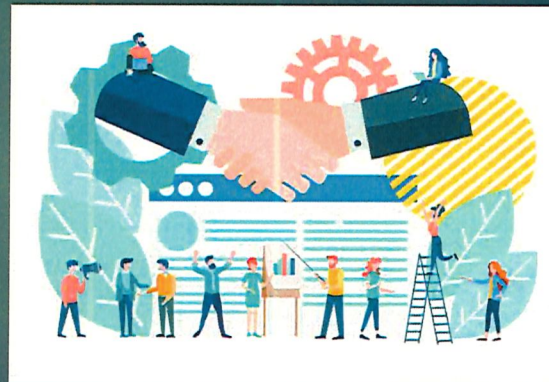
Hendersonville's Service Line Inventory

- ▶ Prior work includes ID sites to be most likely to contain lead (**All field verified non lead!**)
- ▶ 0 known LSL , 21706 Unknown, 20 GRR
- ▶ Material type is broken into Lead, Non-Lead, GRR and Unknown
- ▶ www.Hendersonvillenc.gov/LCRR



Public Education Notices on Service Line Material

- ▶ Notices are to roll out week of Nov 16th via U.S. Mail to customers with unknowns and GRR
- ▶ Notices include all required language per EPA regarding potential exposure to lead and health effects from lead
- ▶ Email message to customers as well



On Going Work for Classifying Unknowns?

- ▶ Partnering with Hazen and Sawyer to develop a statistical Model
- ▶ Investigate ~340 more sites representing the entire distribution system
- ▶ Do not anticipate finding any lead service lines based on previous work and records review
- ▶ Conclusion of model will allow us to be 95% confident that there are no lead pipes on either customer or utility side
- ▶ Build more trust via outreach and education with our Water Customers
- ▶ Continue Corrosion control methods



Takeaways

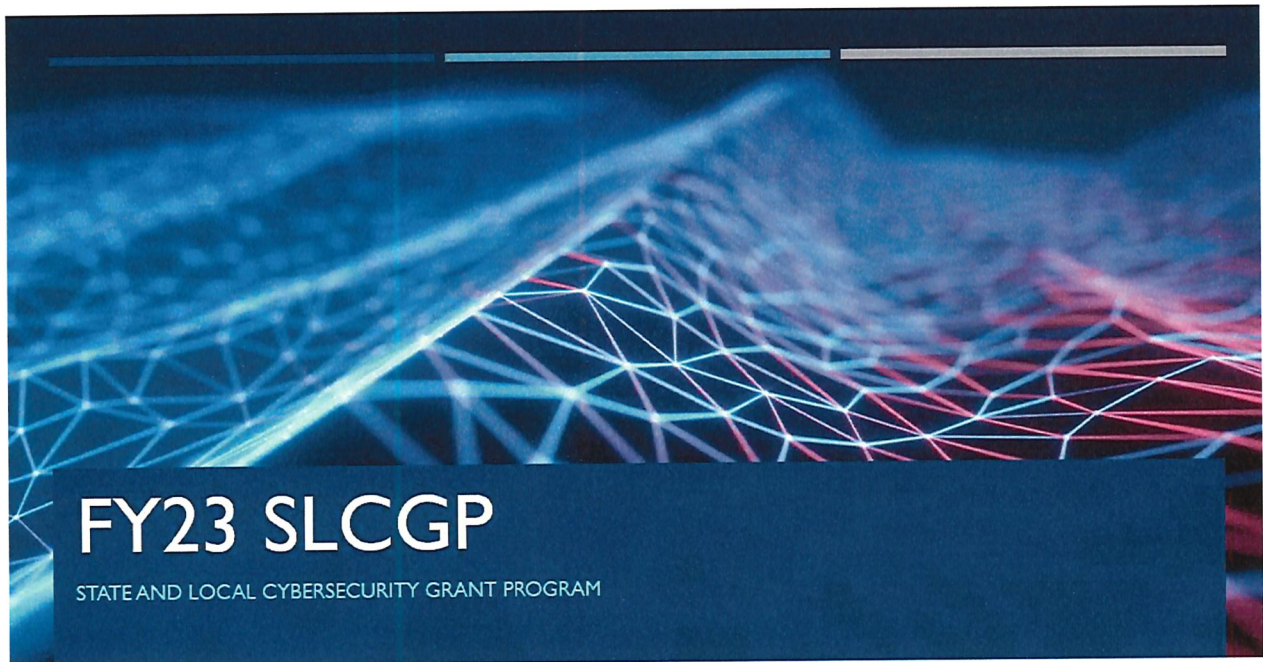
- ▶ Continue to protect customers with corrosion control and pH adj
- ▶ Public Education – Customer Notification
- ▶ Continue Field Verifications



No motion was required. Presentation only.

E. Resolution to Accept Grant Funds – Jay Heatherly, IT Manager

The City has applied for a grant from the United States Department of Homeland Security for increased network security and infrastructure. The grant amount is \$199,286.



SLCGP GRANT

- Provides funding to eligible state and local governments to manage and reduce cyber risk
- Enabled by the Department of Homeland Security
- Reviewed and implemented by the Cybersecurity and Infrastructure Security Agency (CISA) and Federal Emergency Management Agency (FEMA)
- Amount awarded - \$199,286



Council Member Lyndsey Simpson moved that City Council adopt a resolution accepting the funds of \$199,286 from the FY23 State and Local Cybersecurity Grant to increase network security and infrastructure.

Resolution #R-24-99

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL
ACCEPTING A GRANT FROM THE DEPARTMENT OF HOMELAND SECURITY FOR THE
PURPOSE OF SUPPLEMENTING EFFORTS TO IMPROVE CYBER SECURITY FOR THE
CITY OF HENDERSONVILLE**

WHEREAS, Department of Homeland Security (DHS) has established a grant for use by state and local governments to improve and harden network security and infrastructure, distributed by the North Carolina Emergency Management (NCEM); and

WHEREAS, the Information Technology Department applied for and was awarded the FY23 State and Local Cybersecurity Grant Program (SLCGP) from DHS in the amount of \$199,286; and

WHEREAS, the City of Hendersonville desires to accept the grant funds; and

WHEREAS, the Grant acceptance provides that the City will undertake activities to increase network security and infrastructure including, but not limited to the purchase of new hardware and the completion of a cybersecurity audit;

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

1. The City hereby accepts the \$199,286 FY23 SLCGP Grant to be used for the purposes as set out in the NCEM 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 SLCGP Grant and as outlined in the NCEM Grant Agreement.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 7th day of November, 2024.

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

10. CITY MANAGER REPORT

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

City Manager John Connet mentioned that the October Contingency Report is in their packet for review. Reminder that the we have started back up the Affordable Housing Listening Sessions. The first one being Tuesday the 19th at Mountain View Baptist Church in the Fellowship Building at 650 Duncan Hill Road hosted by Mayor Pro Tem Lyndsey Simpson from 2:00-3:30pm. Also, later that same day from 6:00-7:30pm at Union Grove Baptist Church at 901 Robinson Terrace, Council Member Lowrance will be there. Finally on December 3rd from 6:00-7:30pm at Immaculate Conception Catholic Church in St. Francis Hall at 208th Avenue W., Mayor Volk will host her meeting.

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 2024 - 2025 (FY25)		Completed		Corrected		REVISED BUDGET	DESCRIPTION	APPROVED	TYPE	AMENDMENT NUMBER
BUDGET AMENDMENTS AND ADJUSTMENTS		Proposed	Denied	Proposed	Denied					
ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE						
010-1002-532260	Service Excellence	5,000	-	5,000	-	-	Service Excellence	yes	adjustment	10/15/2024
010-1007-532260	Service Excellence	-	5,000	-	5,000	-	Service Excellence	yes	adjustment	10/15/2024
060-7002-532260	Service Excellence	3,500	-	3,500	-	-	Service Excellence	yes	adjustment	10/15/2024
060-1007-532260	Service Excellence	-	3,500	-	3,500	-	Service Excellence	yes	adjustment	10/15/2024
010-1014-534000	Non-Capital	5,400	-	4,906	494	494	Computer Replacements	yes	adjustment	10/17/2024
010-1502-534000	Non-Capital	40,000	-	1,195	38,805	38,805	Computer Replacements	yes	adjustment	10/17/2024
010-1010-534000	Non-Capital	87,300	6,101	-	93,401	93,401	Computer Replacements	yes	adjustment	10/17/2024
060-7002-534000	Non-Capital	1,500	-	1,195	305	305	Computer Replacements	yes	adjustment	10/17/2024
060-1008-534000	Non-Capital	1,000	-	1,000	-	-	Computer Replacements	yes	adjustment	10/17/2024
060-1009-532400	Misc	2,200	-	334	1,866	1,866	Computer Replacements	yes	adjustment	10/17/2024
060-1014-534000	Non-Capital	12,000	-	2,102	9,898	9,898	Computer Replacements	yes	adjustment	10/17/2024
060-1010-534000	Non-Capital	5,000	4,831	-	9,831	9,831	Computer Replacements	yes	adjustment	10/17/2024

B. City Manager Hurricane Helene Report Updates – John Connet, City Manager

City Manager John Connet said many of our parks are back open thanks to our Public Works Department working hard to get those back open and back to public use so thank you again Tom and your team for that. We continue to have regular meetings regarding Helene. Also, as far as Public Works goes and the folks from Chapel Hill have been here and we’ve folks from Fayetteville, Shelby and several other communities, they have collected over 7,955 cubic yards which is 357 loads of vegetative debris. Our crews have collected over 10,121 cubic yards which is 896 loads, so total cubic yards is 18,076.25 which is 1253 loads. Compared to the same period last year, 52 loads. I had a conversation with the county today and they’re concentrating on vegetative debris. Very limited construction debris so far. Currently the only place in the

county to take construction debris is the landfill so there is very little being collected, if any. They're trying to find sites. They have permitted sites for vegetation and they have permitted sites to accept construction debris however, before they can accept it, they have to do soil testing and identify the base level foundation of the soil so we know if it would cause a problem in the future. That has not been done yet so they're not doing construction debris anywhere in the county. It's a challenge, we all know it's a challenge and we know we're going to hear about it and I just want to reassure the public that we're not picking up some areas and not picking up others. We're just looking for a place to dispose of it at this point. Just want to reassure the public that it's a priority for us. Also we have 746 people in transitional housing, 65 people need direct housing and of those 65, only one person has been placed by FEMA. This is county-wide and we think that 65 number will go up because you have 746 in transitional housing. In addition, there are 4,588 in short term housing meaning they will be there for less than 18 months or less. 26,000 people have filed for individual assistance with FEMA and over thirty million dollars has been distributed into the county. We will continue our construction and you will see projects come before this board regarding recovery and rebuilding. We've had our first meeting with FEMA and we'll have what is known as our scoping meeting going over all of our recovery on December 4th with our team. Lots to do.

11. CITY COUNCIL COMMENTS - None

12. CLOSED SESSION

Council Member Lyndsey Simpson moved that City Council enter closed session pursuant to NCGS § 143-318.11 (a) (1), (3), (4) and (6) to prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes, to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, to discuss matters relating to the location or expansion of industries and businesses in the area served by the public body and to consider the qualifications, competence, performance and character, fitness conditions of an individual public officer.


13. ADJOURN

There being no further business, the meeting adjourned at 8:51 p.m. upon unanimous assent of the Council.

ATTEST:



Jill Murray, City Clerk



Barbara G. Volk, Mayor