



MINUTES

July 10, 2024

REGULAR MEETING OF THE CITY COUNCIL

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

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

Staff Present: City Manager John F. Connet, City Clerk Jill Murray, Staff Attorney Daniel Heyman, Communications Manager Allison Justus, Communications Coordinator Brandy Heatherly, 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:

Chris Rivera spoke about valet parking on Downtown Main Street and would like for Council to approve moving forward with consideration of it. It is on the agenda tonight as item 8A under New Business.

Lynne Williams spoke about the bridge ceremony for fallen deputy Ryan Hendrix at 9am on July 18th in front of the Sherriff's Office in Hendersonville.

Etta Robinson spoke about Crystal Cauley's untimely passing on June 16th and thanked Mayor Volk and everyone in the county for their kind words and support and for reaching out to our family. Your love and kindness will always be remembered.

Mayor Volk asked for everyone to give a moment of silence and reflection in honor of Crystal Cauley.

Chiperle Mecklenberg spoke about trees and how many are getting cut down. She said that City Clerk Jill mentioned to me on the phone that we have a Tree Board so I can check in with them for more information. She also spoke about the lack of medical offices and how long it takes to get an appointment.

Council Member Lyndsey Simpson mentioned that we do still have our Tree City designation and there have been a lot of trees removed with NCDOT on Hwy 64. We also did just establish a tree canopy ordinance that will hopefully help increase our tree canopy.

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 Jennifer Hensley asked that item 5I Change Order No. 3 Approval – Bearcat Blvd and Church Street Sewer Replacement be pulled from consent and moved to New Business

as item 8B. Council Member Lyndsey Simpson moved that City Council approve the consent agenda as amended. A unanimous vote of the Council followed. Motion carried.

- A. Adoption of City Council Minutes – *Jill Murray, City Clerk*
June 6, 2024 Regular Meeting
June 26, 2024 Second Monthly Meeting
- B. Rescind Performance Pay Program and the Performance Review & Employee Development Program – *Jennifer Harrell, HR Director*
- C. Purchase of FY25 Water & Sewer Operations Inventory and FY24 Special Project Award Ratification – *Logan Hickey & Chad Freeman*

Resolution #R-24-56

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE RATIFICATION OF AND FUTURE USE OF GROUP PURCHASING CONTRACTS FOR INVENTORY AND PART PURCHASES FOR THE CITY’S WATER AND SEWER OPERATIONS FOR THE CURRENT FISCAL YEAR

WHEREAS, the City of Hendersonville Operations Department utilizes the following wide variety of inventory to ensure that the City continues to function effectively as inventory/parts become necessary (AMI products, Meters, Transmitters, Sensus Items, Brass fittings, Clamps, Ductile pipe, Hydrants, Gate valves, Other inventory as needed); and,

WHEREAS, for many years, the City has utilized various Group Purchasing Organization contracts to purchase this inventory as is permitted by GS 143-129(e)(3) and under various previous council approvals; and,

WHEREAS, over the previous four fiscal years (FY21, FY22, FY23, FY24), between Repair/Maintenance and Capital accounts, the City has purchased an average of \$977,624.25 of inventory yearly; and,

WHEREAS, on April 4, 2024, we combined all inventory purchases under the same category of approval, and City Council ratified FY24 for all applicable contracts and vendors. The ratification included \$1 million in inventory; and,

WHEREAS, we would like to request the same ratification per GS 143-129(e)(3) for FY24 Special Projects CPO/460 spending totaling \$423,153.00 via these contracts; and,

WHEREAS, additionally, we are seeking approval for utilization of these contracts per GS 143-129(e)(3) for budgeted inventory spending in FY25 up to \$950,000.00. Specifically, these contracts are Omnia Partners contracts. Below are the three contracts and corresponding vendors; and,

WHEREAS, please note that we do not anticipate any FY25 Special Projects CPO/460 spending under these contracts. The approval is for the total amount towards these contracts encompassing both FY24 Special Projects CPO/460 spending along with budgeted FY25 inventory spending. The approved amount can be utilized as needed under each contract (Graybar Electric – Contract # EV2370, Ferguson Waterworks – Contracts # 02-104, Fortiline Waterworks – Contract # 02-76); and,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Hendersonville, North Carolina that the City’s Water and Sewer Operations Department is authorized to purchasing inventory items up to \$1,373,153.00 under the contracts listed in this resolution to the vendors listed.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 10th day of July, 2024.

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

D. July 2024 Budget Amendments – Adam Murr, Budget Manager

TO MAYOR & COUNCIL

APPROVAL: July 10, 2024

FISCAL YEAR 2025

FORM: 07102024-01

BUDGET AMENDMENT

FUND 010

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
010-0000-460090	Contribution/Donation (Laurel Park PD)	-	30,000	-	30,000
010-1300-501001	Salaries - Regular	-	30,000	-	30,000
FUND 010	TOTAL REVENUES	-	30,000	-	30,000
	TOTAL EXPENDITURES	-	30,000	-	30,000

An FY25 amendment reflecting a \$30k contribution from Laurel Park Police Department to support dispatch services provided by the City of Hendersonville.

The City Manager and City Clerk certify budget ordinance amendment 07102024-01 was approved by City Council on July 10, 2024.

TO MAYOR & COUNCIL

APPROVAL: July 10, 2024

FISCAL YEAR 2024

FORM: 07102024-02

BUDGET AMENDMENT

FUND 060 459 460					
ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
060-0000-470100	Transfer in (from 460, #18033)	-	210,078	-	210,078
060-0900-560001	Debt Principal	-	210,078	-	210,078
FUND 060	TOTAL REVENUES	-	210,078	-	210,078
W&S Operating Fund	TOTAL EXPENDITURES	-	210,078	-	210,078
459-0000-470090	Fund Balance Appropriated	32,000	-	-	32,000
459-0000-598901	Transfer out (to 460, #18033)	32,000	-	-	32,000
FUND 459	TOTAL REVENUES	32,000	-	-	32,000
W&S Capital Reserve Fund	TOTAL EXPENDITURES	32,000	-	-	32,000
460-0000-450001-18033	Investment Income	-	109,660	-	109,660
460-0000-460090-18033	Contributions/Donations	-	300,000	-	300,000
460-0000-470010-18033	Debt Proceeds	4,585,000	70,448	-	4,655,448
460-0000-470100-18033	Transfer in (from 459)	32,000	-	-	32,000
460-7055-550103-18033	Capital Outlay CIP	4,617,000	70,030	-	4,687,030
460-0000-598901-18033	Transfer out (to 060 - debt service)	-	210,078	-	210,078
460-0000-598901-18033	Transfer out (to 460, #23007)	-	200,000	-	200,000
FUND 460	TOTAL REVENUES	4,617,000	480,108	-	5,097,108
Clear Creek Water #18033	TOTAL EXPENDITURES	4,617,000	480,108	-	5,097,108
460-0000-470100-23007	Transfer In (from 060)	124,000	-	124,000	-
460-0000-470100-23007	Transfer In (from 060)	150,000	-	76,000	74,000
460-0000-470100-23007	Transfer In (from 460, #18033)	-	200,000	-	200,000
460-7032-550103-23007	Capital Outlay CIP	274,000	-	-	274,000
FUND 460	TOTAL REVENUES	274,000	200,000	200,000	274,000
Church St. Sewer #23007	TOTAL EXPENDITURES	274,000	-	-	274,000

An amendment to the Clear Creek Water Improvements Project, #18033. The amendment increases the total project appropriation to match received debt proceeds, debt interest, and a contribution for the project. The amendment also transfers out funds to other Water and Sewer Projects (#23007) to leverage proceeds remaining from the 2022 Water and Sewer Revenue Bond.

The City Manager and City Clerk certify budget ordinance amendment 07102024-02 was approved by City Council on July 10, 2024.

TO MAYOR & COUNCIL

APPROVAL: July 10, 2024

FISCAL YEAR 2024

FORM: 07102024-03

BUDGET AMENDMENT

FUND 459 | 460

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
459-0000-470900	Fund Balance Appropriated	-	10,000	-	10,000
459-0000-598901	Transfer out (to 460, #18033)	-	10,000	-	10,000
FUND 459	TOTAL REVENUES	-	10,000	-	10,000
W&S Reserve Fund	TOTAL EXPENDITURES	-	10,000	-	10,000
460-0000-470010-18017	Transfer in (from 459, Water)	-	3,500	-	3,500
460-0000-470010-18017	Transfer in (from 459, Sewer)	-	6,500	-	6,500
460-0000-470010-18017	Debt Proceeds (SRF Loan, Water)	812,000	765,495	-	1,577,495
460-0000-470010-18017	Debt Proceeds (SRF Loan, Sewer)	1,819,000	1,118,450	-	2,937,450
460-7055-550103-18017	Capital Outlay CIP (Water)	812,000	768,995	-	1,580,995
460-7155-550103-18017	Capital Outlay CIP (Sewer)	1,819,000	1,124,950	-	2,943,950
FUND 460	TOTAL REVENUES	2,631,000	1,893,945	-	4,524,945
4th & Ashe W&S, #18017	TOTAL EXPENDITURES	2,631,000	1,893,945	-	4,524,945

An amendment increasing the 4th & Ashe Street Water and Sewer Improvements Project, #18017 by \$1,883,950 to reflect an increase in SRF funding. The amendment also includes a \$10,000 transfer in from the W&S Capital Reserve Fund (459). The City is receiving an advantageous 1.10% interest rate on the SRF borrowing.

The City Manager and City Clerk certify budget ordinance amendment 07102024-03 was approved by City Council on July 10, 2024.

TO MAYOR & COUNCIL
APPROVAL: July 10, 2024

FISCAL YEAR 2024
FORM: 07102024-04

BUDGET AMENDMENT

FUND 010					
ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
010-0000-420091	Firemen's Relief Fund Revenues	-	514,830	-	514,830
010-1400-531955	Firemen's Relief Fund Pmts.	-	514,830	-	514,830
FUND 010	TOTAL REVENUES	-	514,830	-	514,830
	TOTAL EXPENDITURES	-	514,830	-	514,830
An end-of-year FY24 amendment reflecting the Firemens' Relief Fund revenues and expenditures of \$514,830.					

The City Manager and City Clerk certify budget ordinance amendment 07102024-04 was approved by City Council on July 10, 2024.

TO MAYOR & COUNCIL
APPROVAL: July 10, 2024

FISCAL YEAR 2024
FORM: 07102024-05

BUDGET AMENDMENT

FUND 010 199					
ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
010-0000-470900	Fund Balance Appropriated	3,735,205	60,000	-	3,795,205
010-0000-598901	Transfer out (to 199, #00100)	153,015	60,000	-	213,015
FUND 010 General Fund	TOTAL REVENUES	3,735,205	60,000	-	3,795,205
	TOTAL EXPENDITURES	153,015	60,000	-	213,015
199-0000-470100-00100	Transfer in (from 010)	-	60,000	-	60,000
199-0000-540001-00100	Special Apprp. (ARP-Conn. Center)	-	60,000	-	60,000
FUND 199 Special Rev./ARP, #00100	TOTAL REVENUES	-	60,000	-	60,000
	TOTAL EXPENDITURES	-	60,000	-	60,000
An amendment transferring \$60,000 of previous ARP funds from General Fund (010) fund balance to the Special Revenue Fund (199) to complete the ARP/connection center project, #00100.					

The City Manager and City Clerk certify budget ordinance amendment 07102024-05 was approved by City Council on July 10, 2024.

TO MAYOR & COUNCIL
APPROVAL: July 10, 2024

FISCAL YEAR 2024
FORM: 07102024-06

BUDGET AMENDMENT

FUND 459 460					
ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
459-0000-470090	Fund Balance Appropriated	-	13,110	-	13,110
459-0000-598901	Transfer Out (to 460, #16003)	-	13,110	-	13,110
FUND 459 W&S Capital Reserve Fund	TOTAL REVENUES	-	13,110	-	13,110
	TOTAL EXPENDITURES	-	13,110	-	13,110
460-0000-470010-19014	Debt Proceeds (2022 Revenue Bond)	636,000	-	-	636,000
460-0000-470010-19014	Debt Proceeds (2023 Revenue Bond)	431,000	61,984	-	492,984
460-0000-470100-19014	Transfer In (fund 459)	-	13,110	-	13,110
460-0000-470100-19014	Transfer In (from 460, #16003)	49,949	-	-	49,949
460-7055-550103-19014	Capital Outlay- CIP	1,116,949	-	20,273	1,096,676
460-7055-550103-19014	Transfer Out	-	95,367	-	95,367
FUND 460 Church St. Sewer #19014	TOTAL REVENUES	1,116,949	75,094	-	1,192,043
	TOTAL EXPENDITURES	1,116,949	95,367	20,273	1,192,043
An amendment reflecting a correction in the project revenue sources for the Church Street Sewer Project, #19014. The amendment also includes changes to the project expenditure budget for completion of construction.					

The City Manager and City Clerk certify budget ordinance amendment 07102024-06 was approved by City Council on July 10, 2024.

TO MAYOR & COUNCIL
APPROVAL: July 10, 2024

FISCAL YEAR 2024
FORM: 07102024-07

BUDGET AMENDMENT

FUND 010 410					
ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
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 General Fund	TOTAL REVENUES	-	130,000	-	130,000
	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)	-	-	-	-
410-1014-550102-G2201	Capital Outlay- Fees and Services	750,000	130,000	-	880,000
FUND 410 Ashe St. CDBG #G2201	TOTAL REVENUES	750,000	130,000	-	880,000
	TOTAL EXPENDITURES	750,000	130,000	-	880,000
An amendment transferring \$130,000 former ARP funding from the General Fund to the Ashe St. CDBG Project, G2201.					

The City Manager and City Clerk certify budget ordinance amendment 07102024-07 was approved by City Council on July 10, 2024.

E. Utility Extension Agreement for the Mills River Shopping Center– *Adela Gutierrez-Ramirez*

Resolution #R-24-57

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A UTILITY EXTENSION AGREEMENT WITH PUBLIX NORTH CAROLINA LP FOR THE MILLS RIVER SHOPPING CENTER

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

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

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

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

WHEREAS, Publix North Carolina LP, the “Developer” and “Owner”, will enter into a Utility Extension Agreement with the City to provide water service to the Mills River Shopping Center.

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

1. The Utility Extension Agreement with Publix North Carolina LP, the “Developer” and “Owner” to provide water service to the Mills River Shopping Center is approved, as presented.
2. City Manager is authorized to execute the Utility Extension Agreement, and to approve and execute amendments to the Utility Extension Agreement in the future provided such amendments do not impose a financial obligation upon the City.
3. City Manager is authorized to acquire easements, rights-of-way, and other interests in real property consistent with the terms of the Utility Extension Agreement, provided that such acquisition does not impose a financial obligation upon the City.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 10th day of July, 2024.

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

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

G. Water Resource Development Grant Resolution – *Michael Huffman, Stormwater Director*

Resolution #R-24-58

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL
IN SUPPORT OF APPLICATION FOR
NCDWR WATER RESOURCE DEVELOPMENT GRANT**

WHEREAS, the North Carolina Department of Water Resources has established a grant that provides funding to municipalities for water resource development projects; and

WHEREAS, the City of Hendersonville, NC City Council desires to sponsor, The Lower Mud Creek Floodplain Restoration, to restore 26 acres of remnant floodplains using nature-based restoration practices including stream, wetland, and floodplain restoration; and

WHEREAS, the proposed project will increase the opportunities for passive recreation on the restored sites within the City of Hendersonville and the City intends to construct recreational amenities within the site for public access; and

WHEREAS, the North Carolina Department of Water Resources has announced a competitive Grant to award funding for Water-based recreation; and

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

- 1) The Council requests the State of North Carolina to provide financial assistance to The City of Hendersonville, NC for The Lower Mud Creek Floodplain Restoration in the amount of \$ 200,000 or 14 percent of the nonfederal project costs, whichever is the lesser amount;
- 2) The Council assumes full obligation for payment of the balance of project costs;
- 3) The Council will obtain all necessary State and Federal permits;
- 4) The Council will comply with all applicable laws governing the award of contracts and the expenditure of public funds by local governments.
- 5) The Council will supervise construction of the project to assure compliance with permit conditions and to assure safe and proper construction according to approved plans and specifications;
- 6) The Council will obtain suitable spoil disposal areas as needed and all other easements or rights-of-way that may be necessary for the construction and operation of the project without cost or obligation to the State;
- 7) The Council will assure that the project is open for use by the public on an equal basis with no restrictions;
- 8) The Council will hold the State harmless from any damages that may result from the construction, operation and maintenance of the project;
- 9) The Council accepts responsibility for the operation and maintenance of the completed project.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 10th day of July, 2024.

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

H. Annexation: Certificate of Sufficiency – Upward Road (Hill) (C24-35-ANX) – Tyler Morrow, Current Planning Manager

Resolution #R-24-59

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION PURSUANT TO G.S. 160A-58.2

WHEREAS, a petition requesting annexation of the satellite 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 satellite area described herein will be held at City Operations Center located at 305 William St. Hendersonville NC, 28792 at 5:45 p.m. August 1st, 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 PIN 9577-99-0735 described in the plat recorded in Book 2024- ____ [to be inserted at recording of the plat] of the Henderson County Registry, said PIN 9577-99-0735 being described by metes and bounds as follows:

Situated in the City of Hendersonville, Henderson County, North Carolina and being more particularly described as follows:

Beginning at a Point standing North 52 degrees 22 minutes 19 seconds East 54.56 feet from an existing Aluminum Cap Right of Way Monument in the Southeastern margin for the Right of Way for Upward Road, S.R. 1783. Also standing North 49 degrees 08 minutes 37 seconds East 0.24 feet from an Existing #5 Rebar. Point stands approximately 2400 feet Northwest of Hendersonville City limits Northeast corner of Deed Book 958, Page 611 and approximately 3300 feet Northwest of Hendersonville City Limits in Eastern Limits of the Village of Flat Rock the Western corner of Deed Book 1383, Page 132.

thence N 52°22'19" E a distance of 120.08' to an Existing Aluminum Cap Right of Way Monument;

thence S 36°05'01" E a distance of 65.11' to an Existing Aluminum Cap Right of Way Monument;

thence N 32°00'33" E a distance of 92.76' to a #5 Rebar set;

thence S 55°01'42" E passing a #5 Rebar set online at 10.02 feet a total distance of 217.69' to a #5 Rebar set;

thence S 36°50'25" W passing a #5 Rebar set online at 42.66 feet a distance of 217.45' to an Existing 1/2" Iron Pipe;

thence N 49°08'37" W passing an Existing 1/2" Iron Pipe online at 36.76 feet a total distance of 304.90' to the Point and Place of Beginning;

having an area of 1.20 Acres.

Being Book of Record 4165, Page 586, Tract 1.

Re: Petition for Satellite Annexation
 Petitioners: Lyndon and Lynn Hill
 File No. C24-35-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 10th day of July, 2024.

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

I. Change Order No. 3 Approval - Bearcat Boulevard and Church Street Sewer Replacement – Devin Owen, Utilities Engineer

Item was removed from Consent and voted on under New Business.

J. Resolution Authorizing the Sale of a 2011 Freightliner Chassis With an Elgin Street Sweeper body to Henderson County Solid Waste Division – Tom Wooten, Director of Public Works

Resolution #R-24-61

RESOLUTION BY THE HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE SALE OF A 2011 FREIGHTLINER CHASSIS WITH AN ELGIN STREET SWEEPER BODY TO HENDERSON COUNTY SOLID WASTE DIVISION

WHEREAS, the Hendersonville Public Works Department owns a 2011 Freightliner Chassis with an Elgin Street Sweeper body; and;

WHEREAS, the vehicle is no longer used by the Department; and

WHEREAS, Henderson County (Solid Waste Division), North Carolina desires to purchase the vehicle; and

WHEREAS, North Carolina General Statute §160A-274 authorizes the sale of personal property to other governmental units with or without consideration.

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

1. The 2011 Freightliner Chassis with an Elgin Street Sweeper Body identified by VIN # 1FVXF800XBDAX3813 is deemed surplus and approved to be sold.
2. The City Council Councils authorizes the sale of the 2011 Freightliner Chassis with an Elgin Street Sweeper Body to Henderson County Solid Waste Division in accordance with §160A-274 for \$85,000.
3. The City Manager is authorized to execute the Bill of Sale with Henderson County.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 10th day of July, 2024.

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

K. NCACP Grant – Blair Myhand, Chief of Police

Resolution #R-24-62

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL
ACCEPTING A GRANT FROM THE NORTH CAROLINA ASSOCIATION OF CHIEFS OF
POLICE (NCACP) TO IMPROVE OFFICER WELLNESS AND TRACK PERFORMANCE
MANAGEMENT**

WHEREAS, the NCACP has established a grant for use by the law enforcement agencies to improve officer wellness and track performance management; and

WHEREAS, the Hendersonville Police Department applied for and was awarded the amount of \$5,116.12; and

WHEREAS, the City of Hendersonville desires to accept the grant funds, and authorize the execution of the grant funding agreement (the “Grant Agreement”); and

WHEREAS, the Grant Agreement provides that the City will undertake activities to promote officer and employee wellness and improve performance management capabilities of the Hendersonville Police Department;

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

1. The City hereby accepts the \$5,116.12 Performance and Wellness Grant from the NCACP to be used for the purposes as set out in the 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 Community Challenge Grant as outlined in the Grant Agreement.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 10th day of July, 2024.

Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

L. Ashe Street Neighborhood and 4th Avenue Water and Sewer Replacement Tentative Award – Richard Shook, Civil Engineer

Resolution #R-24-63

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE CITY
MANAGER TO ENTER INTO A CONTRACT FOR THE CONSTRUCTION OF ASHE STREET
NEIGHBORHOOD AND 4TH AVENUE WATER AND SEWER REPLACEMENT**

WHEREAS, the City of Hendersonville, North Carolina has received bids, pursuant to duly advertisement notice therefore, for construction of the Ashe Street Neighborhood and 4th Avenue Water and Sewer Replacement (DWSRF Project No. H-SRP-D-18-0174, CWSRF Project No. CS370444-12), and

WHEREAS, the City Engineer reviewed each bid for completeness and accuracy; and

WHEREAS, TP Howards Plumbing Co. Inc. was the lowest bidder for the Ashe Street Neighborhood and 4th Avenue Water and Sewer Replacement Project, and

WHEREAS, the City Engineer negotiated with the lowest bidder in order to reduce the total project costs. The City Engineer therefore recommends **TENATIVE AWARD** to the lowest bidder for the revised project cost.

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

1. The City Manager is authorized to execute a contract for the construction of the Ashe Street Neighborhood and 4th Avenue Water and Sewer Replacement (DWSRF Project No. H-SRP-D-18-0174 & CWSRF Project No. CS370444-12) to TP Howards Plumbing Co. Inc. in the total amount of \$4,126,005.00.
2. The City Manager’s authority to award and execute the construction contract granted by this Resolution is contingent upon the approval of the North Carolina Department of Environmental Quality (NCDEQ) and the approval of additional funding requested by the North Carolina Local Government Commission (NCLCG).
3. The City Manager is authorized to approve change orders which, cumulatively, do not exceed 10% of the approved contract amount of \$4,126,005.00, provided that any necessary amendments must be brought to the City Council for approval, and provided that such change orders are approved by NCDEQ or the NCLCG if required by applicable laws or program regulations.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 10th day of July, 2024.

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

6. PRESENTATIONS

A. Introduction of Sam Hayes, Planner II – *Lew Holloway, Community Development Director*

Lew Holloway introduced Sam Hayes as their new Planner II.

7. PUBLIC HEARINGS

A. Rezoning: Conditional Zoning District – Felicia Reeves Homes – (P24-24-CZD) – *Tyler Morrow, Planner II*

Tyler explained that the applicant requested that their project be deferred until the August 1st City Council meeting. We opened the public hearing and then it was continued.

The public hearing opened at 6:02 p.m.

Public Comments: None

The public hearing closed at 6:02 p.m.

Council Member Lyndsey Simpson moved to continue the public hearing until the August 1 City Council Meeting. A unanimous vote of the Council followed. Motion carried.

B. Gen H Comprehensive Plan Presentation - Grant Meacci & Lorna Allen (Bolton Menk – Lead Consultant; Meg Nealon (Nealon Planning); Jenn Gregory (Retail Strategies); & Ben Hitchings (Green Heron Planning) – *John Connet, City Manager*

Lew explained the significance of the public hearing and introduced Grant Meacci & Lorna Allen to go over the plan in its entirety.

The public hearing opened at 6:42 p.m.

Public comments:

In Person:

Ken Fitch spoke about how important the comprehensive plan is as it will shape the future of the city and the citizens who live here. He did not like that the map showed the loss of two historic neighborhoods, one of many hard working people who work at the hospital and one of which is a 9th Avenue neighborhood that is home to many remarkable African American people that would be wiped off the map. Dr. John Bryant, the Director of Capital Projects of Pardee Hospital assures me that they have no plan to do anything with those neighborhoods. What about the homes in the orange section? Will there be many rezonings that diminish the quality of life? Mr. Fitch ran out of time and said he would come back and read at the next meeting.

Bob Johnson said he's a member of the Community Advisory Committee and he is concerned about urban sprawl taking away farm and forest lands but thinks the plan addresses it will. He mentioned the 15 minute rule. Its address three things. Things that are within a 15 minute walk, 15 minute bike ride and a 15 minute drive from the City's center. Main Street is a jewel and it needs to stay vibrant and to be close to it will help. The five focus areas: The Ecusta Trail, Blue Ridge Mall, Spartanburg Highway, 7th Avenue and the downtown edge are all wonderful.

Kyle Gilgis thanked everyone for their service and sacrifice. She serves on the Community Advisory Committee and said this is a long time coming. This plan will be a guiding light and she asked and encouraged that City Council adopt the Gen H Comprehensive Plan 2045.

Sandy Williams spoke about the plan being online and difficult to read. She also spoke about growth and how it can be good and bad. She's concerned about 3 & 4 story buildings that could be built. They want to put one at the end of our street for senior citizens and the traffic will increase immensely and become dangerous. There are empty stores around town. Maybe rent should be lowered. Also the noise in town with big trucks and motorcycles is a nuisance.

Lynne Williams has concerns: Gentrification and displacement; building in the floodplain; farmlands on Upward Rd and preserving them; the current plan doesn't list any Ag land; need to collaborate more with the county and need more input from more people in all areas. Three story buildings need to be thoughtfully placed; The vote should wait until December after we get to vote on the council members. The Mayor is the only one on the council that we voted for.

Ginny Faust spoke in favor of the Gen H Comprehensive plan. The plan is very well organized, easy to read with great graphics. She also spoke about having connections with people around us.

Cher Silvius said the plan appears to be well done with things that people will be happy with and some that they will not be happy with. She questioned how all of these things are going to be paid for. What does equitable manner mean with dilapidated houses? Are people going to be pushed out? The Housing Trust Fund, who are the institutional partners and do they have a political bend and are there expectations of how the money is used? The City Land Bank? Who is that? What about floodplains and putting housing on them? This could reroute water and increase the floodplains. What is the Downtown Opportunity Fund and who has access to this? Otherwise she was thankful to everyone who worked on the plan.

Chris Dannals said he works at Pardee Hospital and has kids at Bruce Drysdale and is on the Community Advisory Committee. I am here to speak in favor of the comprehensive plan. I want to assure you that this process has been very thorough and well thought out. First, this is an excellent plan and I would urge you to adopt it. Secondly, the implementation is the most important part of the document. We need to implement the plans and I realize that's not easy for you to do. What people want is quality of life, livable, more affordable, and not sprawl. Keeping farmland and keeping open greenspaces. Growth is going to happen, we can't stop it so we have to manage it. The best move is to take the plan and codify the recommendations from the plan, otherwise it's going to sit on a shelf.

The public hearing closed at 7:26 p.m.

City Manager Connet added in regards to Mr. Fitch's comments about the institutional area on 9th Avenue and Highway 64 and that area and we heard that comment from the Planning Board and out of respect, we went and met with the hospital yesterday to get their vision and I will confirm what Ken said and that is that the hospital has no intention of acquiring property in that historic area of Oak and 9th Avenue, the particularly historic African American neighborhood. They have even been approached by members of that neighborhood and said they have no intention of doing anything at this time. Their focus is along Fleming and 25. Also I want the public to know that we have been having one on one meetings with Council members and they are going page by page to provide their comments that will ultimately end up in the final draft.

Lyndsey said we have a huge opportunity to talk about how we're going to attract young people and families here because that's important for everyone's quality of life that lives here. We need folks that are going to be in the workforce. The other thing is the tree canopy assessment and making sure it's in the document. There are several things that people have mentioned that are on the priority list, even the short priority list including developing an Urban Forestry Plan, a vacant property registry downtown, and the public land trust. It's a lot but we are all reading it and going over it with staff. Thank you to everyone on the committee and to everyone that came out.

Council Member Jennifer Hensley thanked the staff and consultants. The community outreaches have been amazing and I don't know how we could have possibly done better. Everyone has worked so hard and I know that staff has been out on the streets and we have gotten a lot of input on this plan and it has been put into this huge document and we are studying it ourselves and I am grateful that we have such a great team that's been so engaged and helpful and I know that staff has put in a lot of time so thank you all.

8. NEW BUSINESS

A. Discussion Regarding Valet Parking on Main Street – John Connet, City Manager

General Consensus of Council is for Mr. Rivera to gather information about valet parking and how it works in other cities and then get with staff to come back to Council to give a report.

B. (5-I) Change Order No. 3 Approval - Bearcat Boulevard and Church Street Sewer Replacement – Devin Owen, Utilities Engineer

City Manager Connet explained that this was regarding change order number 3 for our Bearcat and Church Street Sewer Project. We installed 1200 linear feet of sewer main replacement along Church Street and new sewer on Bearcat which allowed us to abandon existing sewer lines under the edge of the Hendersonville High School football field. We had a concern that if there was a sewage failure, we would have to damage the turf so City staff put together a project where we relocated the sewer down Bearcat and it travels North down the Five Points intersection. So, new sewer line along Bearcat and along Church Street. As part of the high school project, all of the sewer lines under the high school have been completely relocated under various phases. The total project cost for relocating under the football field down Bearcat and Church Street is \$723,359.00. You have a resolution in your packet as well as the draft change order number 3.

Council Member Hensley asked if this was built into the renovation of the high school. City Manager Connet said it was not. Originally the sewer line came down 9th Avenue and crossed the high school property and then connected into the sewer line that ran along the football field and soccer field. As part of the high school project, our staff initially worked with Henderson County because that is obviously not a good design to have a sewer line under a building carrying public sewer, so our team worked with the designers and engineers of the high school project and was able to find a way to move the line.

Council Member Jeff Miller said this is another example of the City working with the County to help them execute a very important improvement for the whole community and I think we did the right thing and I'm proud of it. This was 100% effort by the City of Hendersonville to help public schools and the County in general.

Council Member Jeff Miller moved that the City Council adopt a Resolution by the City of Hendersonville for Authorization for the City Manager or Authorized Representative to Approve Change Order Number 3 for the Construction of the Bearcat Blvd and Church Street Sewer Replacement Project. A unanimous vote of the Council followed. Motion carried.

9. BOARDS/COMMISSIONS/COMMITTEE APPOINTMENTS

A. Appointment of City Council Member to LGCCA – Jill Murray, City Clerk

Council Member Jennifer Hensley moved that City Council appoint Melinda Lowrance to serve on the LGCCA.. A unanimous vote of the Council followed. Motion carried.

B. Appointments to ASAC, BAC & Planning – Jill Murray, City Clerk

Animal Services Advisory Committee

Council Member Lyndsey Simpson moved that City Council appoint the following people to the Animal Services Advisory Committee:

- *Reappoint Catherine Weibel to a three-year term ending in June, 2027.*
- *Reappoint Robin Grainger to a three-year term ending in June, 2027.*
- *Appoint Dalleen Jackson-McClaskey to a three-year term ending in June, 2027.*
- *Appoint Holly Newton to a three-year term ending in June, 2027.*
- *Appoint Beth Scarborough to a two-year term ending in June, 2026.*
- *Appoint Patricia Shepherd to a one-year term ending in June, 2025.*

Business Advisory Committee

Council Member Jennifer Hensley moved that City Council reappoint Chris Cormier to a three year term ending in June, 2027 and appoint Jamie Justus to a three year term ending in June, 2027

Council Member Jeff Miller moved that City Council appoint reappoint Cam Boyd to the Business Advisory Committee.

Planning Board

Council Member Jennifer Hensley moved that City Council appoint Kyle Gilgis to fill an unexpired term. Her term will end in December, 2025. At that time, she is eligible to apply for a full three-year term if she wishes to.

Council Member Jeff Miller moved that City Council appoint Robert Johnson to fill an unexpired term. His term will end in December, 2025. At that time, he is eligible to apply for a full three-year term if he wishes to.

10. CITY MANAGER REPORT

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

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	AMENDMENT NUMBER
060-7002-519200	Contracted Services	76,300	9,486	-	85,786	Janitorial Contract Increase	yes	adjustment	6/14/2024
060-7002-519103	Prof Services ENG	14,250	-	6,236	8,014	Janitorial Contract Increase	yes	adjustment	6/14/2024
060-7002-531225	Training	28,700	-	3,250	25,450	Janitorial Contract Increase	yes	adjustment	6/14/2024
020-2102-521001	Supplies and Materials	35,900	-	3,185	32,715	Janitorial Contract Increase	yes	adjustment	6/14/2024
020-2102-519200	Contracted Services	190,130	3,185	-	193,315	Janitorial Contract Increase	yes	adjustment	6/14/2024
010-1010-534000	Non-Capital Equipment	64,071	-	500	63,571	Fourth Square	yes	adjustment	6/14/2024
010-1010-519200	Contracted Services	343,379	500	-	343,879	Fourth Square	yes	adjustment	6/14/2024
060-0000-534999	Contingency	24,225	-	5,760	18,465	FY24 Unemployment Insurance	yes	adjustment	6/14/2024
060-7002-502092	Unemployment Insurance	-	5,760	-	5,760	FY24 Unemployment Insurance	yes	adjustment	6/14/2024
068-0000-537999	Contingency	10,000	-	5,331	4,669	FY25 Liability & Property	yes	adjustment	6/19/2024
068-7855-531700	Liab & Prop Ins & Bonds	34,690	5,331	-	40,021	FY25 Liability & Property	yes	adjustment	6/19/2024
020-0000-534999	Contingency	7,500	-	628	6,872	FY25 Liability & Property	yes	adjustment	6/19/2024
020-2102-531700	Liab & Prop Ins & Bonds	4,084	628	-	4,712	FY25 Liability & Property	yes	adjustment	6/19/2024
067-7555-524020	R&M Equipment	8,000	-	744	7,256	FY25 Liability & Property	yes	adjustment	6/19/2024
067-7555-531700	Liab & Prop Ins & Bonds	4,845	744	-	5,589	FY25 Liability & Property	yes	adjustment	6/19/2024
064-7455-531560	Credit Card Processing Fees	60,000	-	1,349	58,651	FY25 Liability & Property	yes	adjustment	6/19/2024
064-7455-531700	Liab & Prop Ins & Bonds	8,777	1,349	-	10,126	FY25 Liability & Property	yes	adjustment	6/19/2024
060-1002-539005	Health and Welfare	157,260	-	35,550	121,710	FY25 Liability & Property	yes	adjustment	6/19/2024
060-7002-531700	Liab & Prop Ins & Bonds	72,808	11,188	-	83,996	FY25 Liability & Property	yes	adjustment	6/19/2024
060-7032-531700	Liab & Prop Ins & Bonds	26,406	4,058	-	30,464	FY25 Liability & Property	yes	adjustment	6/19/2024
060-7035-531700	Liab & Prop Ins & Bonds	34,285	5,268	-	39,553	FY25 Liability & Property	yes	adjustment	6/19/2024
060-7050-531700	Liab & Prop Ins & Bonds	1,854	285	-	2,139	FY25 Liability & Property	yes	adjustment	6/19/2024
060-7055-531700	Liab & Prop Ins & Bonds	31,682	4,868	-	36,550	FY25 Liability & Property	yes	adjustment	6/19/2024
060-7132-531700	Liab & Prop Ins & Bonds	12,765	1,961	-	14,726	FY25 Liability & Property	yes	adjustment	6/19/2024
060-7135-531700	Liab & Prop Ins & Bonds	35,947	5,524	-	41,471	FY25 Liability & Property	yes	adjustment	6/19/2024
060-7155-531700	Liab & Prop Ins & Bonds	15,605	2,398	-	18,003	FY25 Liability & Property	yes	adjustment	6/19/2024

060-1002-539005	Health and Welfare	157,260	-	35,550	121,710	FY25 Liability & Property	yes	adjustment	6/19/2024
060-7002-531700	Liab & Prop Ins & Bonds	72,808	11,188	-	83,996	FY25 Liability & Property	yes	adjustment	6/19/2024
060-7032-531700	Liab & Prop Ins & Bonds	26,406	4,058	-	30,464	FY25 Liability & Property	yes	adjustment	6/19/2024
060-7035-531700	Liab & Prop Ins & Bonds	34,285	5,268	-	39,553	FY25 Liability & Property	yes	adjustment	6/19/2024
060-7050-531700	Liab & Prop Ins & Bonds	1,854	285	-	2,139	FY25 Liability & Property	yes	adjustment	6/19/2024
060-7055-531700	Liab & Prop Ins & Bonds	31,682	4,868	-	36,550	FY25 Liability & Property	yes	adjustment	6/19/2024
060-7132-531700	Liab & Prop Ins & Bonds	12,765	1,961	-	14,726	FY25 Liability & Property	yes	adjustment	6/19/2024
060-7135-531700	Liab & Prop Ins & Bonds	35,947	5,524	-	41,471	FY25 Liability & Property	yes	adjustment	6/19/2024
060-7155-531700	Liab & Prop Ins & Bonds	15,605	2,398	-	18,003	FY25 Liability & Property	yes	adjustment	6/19/2024
010-1002-539005	Health and Welfare	135,765	-	44,220	91,545	FY25 Liability & Property	yes	adjustment	6/19/2024
010-1001-531700	Liab & Prop Ins & Bonds	10,058	1,546	-	11,604	FY25 Liability & Property	yes	adjustment	6/19/2024
010-1002-531700	Liab & Prop Ins & Bonds	93,290	14,335	-	107,625	FY25 Liability & Property	yes	adjustment	6/19/2024
010-1014-531700	Liab & Prop Ins & Bonds	1,759	270	-	2,029	FY25 Liability & Property	yes	adjustment	6/19/2024
010-1200-531700	Liab & Prop Ins & Bonds	815	125	-	940	FY25 Liability & Property	yes	adjustment	6/19/2024
010-1300-531700	Liab & Prop Ins & Bonds	51,217	7,870	-	59,087	FY25 Liability & Property	yes	adjustment	6/19/2024
010-1400-531700	Liab & Prop Ins & Bonds	76,000	11,678	-	87,678	FY25 Liability & Property	yes	adjustment	6/19/2024
010-1502-531700	Liab & Prop Ins & Bonds	9,291	1,428	-	10,719	FY25 Liability & Property	yes	adjustment	6/19/2024
010-1521-531700	Liab & Prop Ins & Bonds	1,670	257	-	1,927	FY25 Liability & Property	yes	adjustment	6/19/2024
010-1532-531700	Liab & Prop Ins & Bonds	4,161	639	-	4,800	FY25 Liability & Property	yes	adjustment	6/19/2024
010-1525-531700	Liab & Prop Ins & Bonds	13,608	2,091	-	15,700	FY25 Liability & Property	yes	adjustment	6/19/2024
010-1535-531700	Liab & Prop Ins & Bonds	474	73	-	547	FY25 Liability & Property	yes	adjustment	6/19/2024
010-1555-531700	Liab & Prop Ins & Bonds	21,073	3,238	-	24,311	FY25 Liability & Property	yes	adjustment	6/19/2024
010-1560-531700	Liab & Prop Ins & Bonds	4,356	669	-	5,025	FY25 Liability & Property	yes	adjustment	6/19/2024

B. June 2024 Contingency and Adjustment Report – John Connet, City Manager

Per City policy, the following items have been declared surplus and will be sold on GovDeals,

MEMO

Approved – 6/19/24
John Connet

TO: John Connet, City Manager

FROM: Jakob Olsen, IT Intern

DATE: 06/19/2024

RE: A Request for Declaration of Surplus Items

The following items are no longer in use by the city, and we are requesting that these items be declared surplus with the intent to sell them by internet auction:

1. (x6) Desktop: 2013 Dell Optiplex 9010 from Engineering. Approximate Value: \$25 each.

2. (x2) Desktop: 2019 Dell Optiplex 3060 from Engineering. Approximate Value: \$80 each.

3. (x2) Desktop: 2011 Dell Optiplex 790 from Engineering. Approximate Value: \$15 each.

4. (x1) Desktop: 2012 Dell Optiplex 990 from Engineering. Approximate Value: \$20

5. (x1) Desktop: 2019 Dell Precision 3620 from Engineering. Approximate Value: \$100

6. (x1) Desktop: 2018 Dell Precision 3420 from Engineering. Approximate Value: \$60

7. (x1) Desktop: 2012 HP Compaq 8100 Elite from Engineering. Approximate Value: \$20

11. CITY COUNCIL COMMENTS

Council Member Lyndsey Simpson said that the Environmental Sustainability Committee would like to donate one or all of the birdhouses in Sullivan Park to Crystal Cauley who recently passed unexpectedly.

12. ADJOURN

There being no further business, the meeting adjourned at 7:58 p.m. upon unanimous assent of the Council.

ATTEST:

Barbara G. Volk, Mayor

Jill Murray, City Clerk