



MINUTES

December 1, 2022

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, Debbie O'Neal-Roundtree, and Jerry A. Smith Jr., J.D.

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

1. CALL TO ORDER

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

2. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG

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

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

Gloria Jennings at 664 Beach Street, addressed City Council requesting consideration of knowing more about what's going on in the City and to see more things being done and receiving updates and feels people are doing a good job.

Lynne Williams of Chadwick Avenue addressed City Council to thank Council and staff for all their service this past year and for hearing the voices of the citizens. She also provided an update on Boyd Park and urged that Council pause on decisions regarding Boyd Park's preservation until key stakeholders, like the HPC and the Parks and Greenspace Master Plan Committee, can filter valuable information and input back to Council. I am in full support of a much-needed full time sustainability position that will save countless dollars through utilization and transitioning to renewable resources with new funding through grants and other initiatives. Can there be clarification about the public's concern about the delayed response time on the south side of Main Street, if the fire department will be relocated and my one request is that Councilwoman, Hensley refrain from invalidating my perspective after I complete this comment.

4. CONSIDERATION OF AGENDA

Mayor Barbara G. Volk requested that the November 3, 2022 minutes be removed from the agenda as they are not complete and asked that they be considered at the January meeting.

Council Member Jennifer Hensley moved that City Council approve the agenda as amended. A unanimous vote of the Council followed. Motion carried.

5. CONSENT AGENDA

- A. **Adoption of City Council Minutes** – Jill Murray, City Clerk
- B. **December Budget Amendments** – Adam Murr, Budget Manager
- C. **Approval of School Resource Officer Agreement Between City of Hendersonville and Henderson County** – John Connet, City Manager
- D. **Earth Day Festival Special Event Application** – Jamie Carpenter, Downtown Manager
- E. **Henderson County Tax Adjustments** – Amanda Lofton, Deputy Tax Collector
- F. **Amendment to Management Agreement for Patton Pool** – Mark Stierwalt, Superintendent of Public Works, Buildings, Parks, and Cemetery

Resolution #22-139

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL

**TO AUTHORIZE THE CITY MANAGER TO EXECUTE AN AMENDED AGREEMENT
WITH THE YMCA OF WESTERN NORTH CAROLINA
FOR THE MANAGEMENT OF PATTON POOL**

WHEREAS, the City of Hendersonville (“City”) has previously entered into an agreement with the YMCA of Western North Carolina (“YMCA”) for the operation and management of Patton Pool for a 5-year term, effective September 8, 2020 (the “Agreement”) and;

WHEREAS, the City and the YMCA have previously amended the Agreement to address insurance and indemnification provisions; and

WHEREAS, the City and the YMCA desire to again amend the Agreement to provide for increased management fees for the YMCA in light of inflation; and

WHEREAS, a proposed amended agreement has been presented to the City Council for consideration, the “Amended Agreement”; and

WHEREAS, the Hendersonville Public Works Department is recommending that the Amended Agreement be approved;

THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HENDERSONVILLE, NORTH CAROLINA that:

1. The Amended Agreement with YMCA is approved as presented.
2. The City Manager is authorized to sign the Amended Agreement with such changes as he may deem appropriate, after consultation with the City Attorney, within his budgetary authority.
3. The City Manager, City Attorney, and City Staff are authorized to take such other actions as may be necessary to carry out the terms and provisions of the Amended Agreement as signed by the City Manager.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 1st day of December, 2022.

/s/Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

G. Ratification and Approval of HPD Off-Duty Employment Program – *John Connet, City Manager and Blair Myhand, Chief of Police*

Resolution #22-140

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO
AUTHORIZE THE CITY MANAGER AND CHIEF OF POLICE TO ENTER INTO
AGREEMENTS TO MANAGE HPD’S OFF-DUTY EMPLOYMENT PROGRAM**

WHEREAS, the North Carolina General Statutes and City policies authorize Hendersonville Police Officers to perform off-duty security work utilizing equipment and vehicles owned by the City of Hendersonville; and

WHEREAS, the police officers are employed by private entities, not the City of Hendersonville, while performing this off-duty security work; and

WHEREAS, the City of Hendersonville wishes to notify the police officers and private entities of their independent responsibilities and risks associated with off-duty employment; and

WHEREAS, the police officer will immediately return to duty and serve in a law enforcement capacity if they witness a crime or instructed by the Chief of Police or their designee.

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

1. The City Manager is authorized to enter into the contract with Hart Halsey LLC dba Extra Duty Solutions to manage the Hendersonville Police Department's off duty employment program, as presented; however, the City Manager is authorized to approve modifications to the agreement as he deems appropriate in consultation with the City Attorney.
2. The Chief of Police is authorized to enter into the Risk Assessment and Off-Duty Agreements with Hendersonville Police Officers.
3. The Chief of Police is authorized to enter into agreements with the private entities for the provision of off-duty officers to provide law enforcement services for their premises or events.
4. The City Council ratifies HPD's General Order 211, which governs the off-duty employment program for members of Hendersonville Police Department.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 1st day of December, 2022.

/s/Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

H. Contract Award for Construction of the North Fork Reservoir Dredging Project – *Adam Steurer, Utilities Engineer*

Resolution #22-141

**RESOLUTION BY THE CITY OF HENDERSONVILLE TO AUTHORIZE THE
CITY MANAGER TO ENTER INTO A CONTRACT FOR THE
CONSTRUCTION OF THE NORTH FORK RESERVOIR DREDGING
PROJECT**

WHEREAS, the North Fork Reservoir, located in Pisgah National Forest, has served as a source of drinking water for the utility since the 1920s. Over the years sediment has accumulated within the reservoir, which has reduced storage capacity and infringed on the water intake structure. The project will remove accumulated sediment from the reservoir to allow the utility to continue to utilize this high-quality drinking water source; and

WHEREAS, on November 17, 2022, at 11:00 am sealed formal bids were received for the North Fork Reservoir Dredging project; and

WHEREAS, formal bids were reviewed by staff for completeness and accuracy. Baker Grading & Landscaping, Inc. was the lowest responsive, responsible bidder in the total bid amount of \$942,310.00.; and

WHEREAS, the Water and Sewer Department is recommending award of the North Fork Reservoir Dredging Project to Baker Grading & Landscaping, Inc.

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

1. The bid for the North Fork Reservoir is awarded to Baker Grading & Landscaping, Inc., who is determined to be the lowest responsive, responsible bidder.
2. The City Manager is authorized to award and execute a contract for the construction of the North Fork Reservoir Dredging Project to Baker Grading & Landscaping, Inc., the lowest responsive and responsible bidder in the total amount of \$942,310.00.
3. The City Manager is authorized to approve change orders which cumulatively do not exceed 10% of the approved contract amount of \$942,310.00, 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 1st day of December, 2022.

/s/Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

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

6. PRESENTATIONS

A. City of Hendersonville Academy Graduates – John Connet, City Manager

John Connet explained that the City of Hendersonville Academy is a six-week program where our teammates give up one night a week and learn things about the City. Mayor Barbara G. Volk congratulated and presented Tim Calderazzo, WTP, Chris Conard, Engineering, Steve Alverson, HR, Brent Pope, Public Works, Suzanne McCall, Water/Sewer, Nate Young, Fire, Katie Bandurraga, Water/Sewer, Brandy Heatherly, Administration, Amanda Lofton, Finance and Tracy Fletcher, Water/Sewer with a certificate for completing the course.

B. Recognition of Steve Alverson, Risk and Safety Officer for obtaining the Manager of Environmental Safety and Health Certificate – Jennifer Harrell, HR Director

Jennifer Harrell presented Steve Alverson with the certificate and congratulated him on his accomplishment.

C. Propane Gas Vehicle Conversion – Happy Fox, Blossman Gas

Happy Fox of Alliance Blossman Gas/AutoGas presented Powerpoint presentation regarding the conversion of some city vehicles (fleet vehicles) from gasoline to propane. He originally presented this to the City’s Fleet Division and Environmental Sustainability Board, and they requested that it come before Council. They offer a biofuel system giving fleet vehicles the flexibility to run on either Autogas or gasoline. Customers can choose private on-site fueling infrastructure or take advantage of existing public or private refueling networks. Also, they provide an exclusive “quick connect” nozzle that is safe and faster to fill than gasoline. Mr. Fox added the this will mean the following:

- 79% less carbon monoxide
- 54% fewer smog-producing hydrocarbons
- 42% less nitrogen oxide
- 22% less carbon dioxide

Jerry Smith confirmed that the cost of conversion for the City is \$6,300. Mr. Fox said during the test period, there is no charge to the City but after that, there would be.

John Connet said that they would like to continue and try a pilot program to see how it goes. There were no objections from Council.

D. 7th Avenue Branding Presentation – Jamie Carpenter, Downtown Manager

Jamie Carpenter said in 2021, the Downtown Workplan included a 7th Avenue branding/visioning process. In spring 2021, an RFP was released to identify a consultant who could help guide the process, including public input and participation. The City of Hendersonville awarded a contract to Arnett Muldrow & Associates from Greenville, South Carolina to create a brand package that represents both the history and vision of the 7th Avenue Municipal Service District. Over 40 stakeholders participated in roundtables and public meetings in August, 2022 and a steering committee made up of 7th Avenue business owners, property owners, and residents of the Green Meadows neighborhood participated in the steering committee. The final product was reviewed by the Steering Committee, Downtown Advisory Board and Community Character subcommittee of the Downtown Advisory Board.

Shawn Terpack of Arnett Muldrow presented a PowerPoint presentation showing the final product. He talked about the Depot being an inspiration for the project, as well as, showed the imagery of a subway sign for 7th Avenue in New York which is a mosaic. He showed colors and they want to broaden the pallet to blues, greens, gold, yellow and red. He created an update to the typeface as well and talked about the history surrounding the Depot and 7th Avenue.

Mayor and Council thanked Shawn for his presentation and are excited to see this move forward.

E. Flood Sensor System and Stormwater Update – Michael Huffman, Stormwater Division Manager

Michael Huffman gave a brief update on the new flood sensor system that was installed it. A while back they identified a need for a better flood response. In July, 2021, we developed a planning group and through that group they identified a need to monitor the flooding within the City and to be able to know when certain roads and areas would start flooding. Prior to this, staff would drive around to look for flooding. In November, 2022 we installed sensors and staff is continuing to calibrate the sensors to provide the most accurate and useful alert levels during flood events. Intellisense is the company that we chose, and we are using the Aware Flood Sensor System which is a low-cost flood sensor that detects and automatically alerts users to flooding and continuously reports water levels using a self-sustaining battery and passive solar energy system.

Michael also gave an update on the Comprehensive Stormwater Master Plan and outlined the first two phases, with Phase 1 - Strategic Asset Management Plan in February, 2023 and Phase 2 – Master Plan Protocols in April, 2023. He also gave a breakdown of recent grant awards and applications as follows:

- Sullivan Park Stream Restoration – Awarded \$310,000 from NCDEQ and DWR;
- Fire Station 1 Green Infrastructure – Awarded \$70,000 from DWR for rainwater harvesting system;
- Lower Mud Creek Floodplain Restoration – Requested \$1.21M from NCLWF for flood reduction; Requested \$1.9M from DWI for stream/wetland/floodplain restoration
- Stormwater Master Planning – Requested \$400,000 from DWI to supplement the existing budget for CSWMP

7. PUBLIC HEARINGS

8. UNFINISHED BUSINESS

9. NEW BUSINESS

A. Allocation of City Funds to Support Apple Ridge Affordable Housing Project – John Connet, City Manager

John Connet explained that City Council previously approved the construction of the Apple Ridge Affordable Housing Project. Housing Assistance Corporation (HAC) had applied for Federal Affordable Housing Tax Credits to pay for the project. Unfortunately, HAC was not awarded the tax credits. However, following discussions between Henderson County Commissioner Rebecca McCall and City Council Member Jennifer Hensley, they would request that the City partner with Henderson County to fund the installation of the water and sewer infrastructure. Mr. Connet suggested that if Council wishes to allocate \$800,000 to match the County's contribution of \$800,000 to fund the water and sewer infrastructure, that money is available and would be a good project to move the needle on the affordable housing issue.

Council member Jerry Smith said that he thinks a reasonable time frame for Housing Assistance to build out the development should be part of the agreement so that the money doesn't just sit there, and nothing gets built. Five years should be plenty.

Council Member Jennifer Hensley moved that City Council direct the City Manager and City Attorney work with the Housing Assistance Corporation and Henderson County to fund the installation of water and sewer infrastructure at the Apple Ridge Affordable Housing Project in the amount of \$800,000. A unanimous vote of the Council followed. Motion carried.

B. Evaluation of Purchase of Duncraggen Park – John Connet, City Manager

The Duncraggen Homeowners Association has approached the city about purchasing their park property at the intersection of 3rd Avenue and W. Lake Drive. City staff believes that the City may benefit from owning the property. However, prior to obtaining an appraisal, we wish to receive formal direction from the City Council. We see some benefits in acquiring this space in case we have to do streambank restoration or widen that property but before we go and get an appraisal, we

wanted to make sure that City Council was in concurrence that this property may be valuable and willing to at least consider purchase of the property from the Duncraggen Homeowner's Association.

Council Member Jerry Smith moved that City Council direct the City Manager to obtain an appraisal for Duncraggen Park. A unanimous vote of the Council followed. Motion carried.

C. Parks and Greenway Masterplan Committee – John Connet, City Manager

Staff are preparing to move forward with a Parks and Greenway Masterplan. We plan to publish the RFQ this month and select a consultant in January. An integral part of the plan development is having a steering committee of area stakeholders to review plan drafts, provide feedback and help develop the final plan. Staff has provided a list of potential members and is asking City Council for guidance on the makeup of the committee.

Mark Stierwalt said he is looking to put together a holistic plan and want a document that will map out a path forward and lays the framework to set up the City for success. We're also going to be developing a master plan steering committee. Right now, our recommendation is one City Council member, along with the names listed below:

Potential Members of the Parks and Greenway Masterplan Steering Committee

One City Council member

Citizen representative from each City Council member (5)

Bruce Gilliam, Henderson County Parks and Recreation

Downtown Advisory Committee Member

Tree Board Member

Environmental Sustainability Member

MPO Representative

NCDOT Representative

Staff-

Tom Wooten – Public Works Department

Mark Stierwalt - Parks Department

Adam Murr – Budget Manager

Lew Holloway – Planning Department

Matthew Manley – Planning Department

Brendan Shanahan - Engineering Department

Council was unanimously in agreement with the master plan steering committee.

D. Update Regarding Sustainability/Parks Manager Position – John Connet, City Manager

Council Member Hensley has requested an update regarding the Sustainability/Parks Manager. John Connet explained that the proposal was that we would hire this hybrid position as it relates to sustainability initiatives as it relates to solar, alternative fuels and as we got into really developing the position and looking at the opportunities for the position and how the position would work with our Public Works department, we've gone back and forth three or four times with that and realizing that parks is a high priority and also realizing that sustainability is a high priority and when it came to the end of the day, we felt like if we tried to have this hybrid position that we would be doing both parks and sustainability a disservice and neither area would get the attention that it needs. Tom Wooten, Brian, and I have talked, and we started looking at how the makeup of how the Public Works Superintendent staff is made up of including Mark. At one point, it was Tom Wooten and

Chad Freeman, they were trying to divide and conquer and get everything done, but last year, we were able to add a second superintendent position, so now we have Brandon Mundy who supervises the solid waste division, as well as, streets and traffic divisions. Marl Stierwalt's position currently supervises, parks, cemetery, and grounds. So, when we looked at what we needed to do with this other position, it felt like what was really missing was sustainability. So, we've decided to add a third superintendent position, all equal pay grade. Brandon's position would focus on streets, solid waste and traffic, Mark's position would focus on park development, cemetery and building/facility maintenance and now a sustainability superintendent to work with the sustainability board who could look for grants and focus on environmental sustainability as it relates to the ESB and work with Mike Huffman and other folks to move the needle forward on the environmental/sustainability items, building efficiency, alternative fuels and everything that's associated with that.

City Council is happy with the decision and thanked Mr. Connet.

E. Cancellation of December 28, 2022 City Council Meeting – John Connet, City Manager

Council Member Jerry Smith moved that City Council cancel the December 28, 2022 City Council Meeting. A unanimous vote of the Council followed. Motion carried.

F. Adoption of Joint Resolution in Support of a Consolidated Water and Sewer Utility Commission – Jennifer Hensley, Council Member

A small delegation of Hendersonville and Henderson County governing officials recently visited with officials from the Winston-Salem/ Forsyth County Utilities Commission (WSFCUC). The WSFCUC manages most if not all utilities within Forsyth County. WSFCUC is governed by an eleven-member governing board appointed by the County Commissions and City Council. The Chairman is appointed by the Mayor and Chairman of the County Commission. The delegation feels that this governing model may help Hendersonville and Henderson County resolve some of our differences regarding utility extensions and land use planning. The delegation is asking the City Council and Board of Commissioners to adopt a resolution support the exploration of forming a joint water and sewer commission. This resolution is a joint resolution between Hendersonville City Council and Henderson County Commissioners that we explore the idea of forming a commission of governance of the system to hopefully put aside this long-standing debate of governance of the system.

After some discussion, Council Member Jerry Smith moved that City Council change the word “should” to “could” in the 9th “Whereas” paragraph. Council members Simpson, Roundtree and Smith were ayes. Mayor Volk and Council member Hensley were nays. Motion carried.

Council Member Lyndsey Simpson moved that City Council approve the Joint Resolution in in Support of a Consolidated Water and Sewer Utility Commission as amended. A unanimous vote of Council followed. Motion carried.

Resolution #22-142

**JOINT RESOLUTION IN SUPPORT OF A CONSOLIDATED
WATER AND SEWER UTILITY COMMISSION**

WHEREAS, Henderson County (County) and The City of Hendersonville (City) are committed to promoting the public health, safety, and welfare of all Citizens in their respective and joint jurisdictions; and

WHEREAS, the City of Hendersonville owns and operates the largest publicly owned water and sewer system in Henderson County; and

WHEREAS, the system is currently governed by the Hendersonville City Council; and

WHEREAS, Henderson County and Hendersonville both exist for the benefit of the citizens of their respective and joint jurisdictions; and

WHEREAS, Henderson County and Hendersonville both maintain land use regulation in their respective jurisdictions; and

WHEREAS, control of water and sewer dictates growth and land use decisions in a given jurisdiction; and

WHEREAS, both governing bodies believe that responsible growth of Henderson County and Hendersonville should be maintained and protected; and

WHEREAS, it is agreed that a water and sewer utility commission managed in a businesslike manner is in the best interest of both citizens and business interests; and

WHEREAS, it is agreed that the water and sewer systems in the county should be jointly managed among the County and City and maintained for the public good.

NOW, THEREFORE LET IT BE RESOVLED BY HENDERSON COUNTY BOARD OF COMMISSIONERS AND HENDERSONVILLE CITY COUNCIL, in consideration of these and other relevant matters, the Henderson County Board of Commissioners and Hendersonville City Council hereby jointly resolve to enter into negotiations to establish an urban growth strategy and a joint water and sewer utility commission.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 1st day of December, 2022.

/s/Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

ORGANIZATIONAL MEETING

Adoption of 2023 Regular Meeting Schedule – Jill Murray, City Clerk

John Connet said your regular meeting schedule for 2023 is in your agenda packet and we ask that Council approve the schedule as presented.

Council Member Lyndsey Simpson moved that City Council adopt the 2023 Regular Meeting Schedule as presented. A unanimous vote of the Council followed. Motion carried.

10. CITY MANAGER REPORT – John F. Connet, City Manager

John Connet said that Lynne Williams left but he wanted to give a response about Edwards Park. I just want to remind folks that we did look at building the fire station as associated with Edwards Park and the VFW and before we could make that happen, the property was acquired by Henderson County to construct the Veteran's Services Center/Community Center so there was not enough property left in Edwards Park to have enough property to build a fire station. Also, it is much closer to a residential area as it relates to our equipment leaving particularly late at night, so we did explore that option. That is why we delayed construction for almost a year while we looked for other alternatives other than Boyd Park.

Secondly, she has mentioned twice now about fire response, and we are having to relocate fire apparatus and we have heard concerns from fire fighters about that. As it's going to take a year or so to construct the new facility, we have found alternatives to locate our apparatus around the city. One being at the Henderson County Emergency Management building. Other apparatus will be stationed, especially at night, at station 2 with the fire fighters, but during the day we are going to utilize the police department or other city facilities to put a peak engine close to the downtown area and close to south Hendersonville to maintain response times. Its not ideal but we had a meeting about a week and a half ago and they are committed to providing great service to our citizens and we realize that it's only for a year and we're going to provide great services and the response time necessary.

Lastly, I want to congratulate our Communications teams today, particularly Allison Justus as we had an interesting social media day. I will say that our communications team came through as champions. We embraced the fun that our community was having over a map. The map is completely accurate related to the parade and our detours and Allison did a great job, so I just want to commend Allison for the job she did today. With that being said, the Christmas parade is Saturday and Council will be riding in the parade. We are entry number 4 and will be lining up in the high-school parking lot and Council members should be thereby 5:30 and I will be texting you other information as it relates to that.

11. CITY COUNCIL COMMENTS

Jerry A. Smith Jr., J.D. confirmed that the City's Christmas Luncheon is on December 14th.

12. CLOSED SESSION**13. ADJOURN**

There being no further business, the meeting was adjourned at 7:46 p.m. upon unanimous assent of the Council.

Barbara G. Volk, Mayor

ATTEST:

Jill Murray, City Clerk

DRAFT