



MINUTES

January 6, 2022

REGULAR MEETING OF THE CITY COUNCIL

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

Present: Mayor Barbara G. Volk and Council Members: Mayor Pro Tem Lyndsey Simpson, Dr. Jennifer Hensley, Debbie O'Neal-Roundtree, and Jerry Smith

Staff Present: City Manager John F. Connet, Assistant City Manager Brian Pahle, Communications Manager Allison Justus, and others

Staff Present Remotely: City Attorney Angela Becker, City Clerk Angela Reece

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.*

Brenda Ramer of Team ECCO, Aquarium & Shark Lab provided an annual update to City Council on programs and education they are part of. Ms. Ramer was excited to announce joining research efforts in partnership with National Geographic. Ms. Ramer also announced publication in the Field Museum. More information may be found at <https://www.teamecco.org/>.

Indián Jackson of Mountain Rd. addressed City Council regarding Black History Month asking everyone to remember African American ancestors who were still enslaved during the beginning of the formation of the City of Hendersonville. Ms. Jackson also Council to consider Tree Board recommendations when considering development.

Lynne Williams of Chadwick Ave. addressed City Council asking for consideration of installation of a wildlife crossing sign on Chadwick Ave. Ms. Williams also addressed Council regarding Boyd Park stating that she believes the Historic Preservation Commission was drafting a letter to present to City Council.

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**

A. Adoption of City Council Minutes – Angela Reece, City Clerk

I move that City Council adopt the minutes of the November 22, 2021, Special Call Meeting and December 2, 2021 Regular Meeting as presented.

B. Grant and Capital Project Ordinances— Alex Norwood, Budget Analyst

I move City Council adopt the grant project ordinances for the Hendersonville Connection Center Grant Project #G2203 and the 2022 NCDEQ Appropriation Project #G2204; and, a capital project ordinance for WWTP Aeration Basin Rehabilitation Project #21045, and the budgets as presented.

Grant Project Ordinance #O-22-01

**GRANT PROJECT ORDINANCE FOR
THE EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE
HENDERSONVILLE CONNECTION CENTER GRANT PROJECT**

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 Hendersonville Connection Center Grant Project.

Section 2: The following amounts are appropriated for the projects:

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
301	1002	519200	G2203	Contracted Services	\$1,500,000
Total Project Appropriation					\$ 1,500,000

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

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
410	0000	420050	G2203	Grant Revenue	\$1,500,000
Total Project Appropriation					\$1,500,000

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 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 capital 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 this 6th day of January 2022.

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

Grant Project Ordinance #O-22-02

GRANT PROJECT ORDINANCE FOR
THE EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE
2022 NCDEQ APPROPRIATION PROJECT

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 2022 NCDEQ Appropriation Project.

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

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
301	1002	598901	G2204	Transfers Out (WWTP UV)	\$2,400,000
301	1002	598901	G2204	Transfers Out (Aeration Basin)	\$2,050,000
301	1002	532400	G2204	Miscellaneous Expense	\$550,000

Total Project Appropriation	\$5,000,000
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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	G2204	Grant Revenue (NCDEQ)	\$5,000,000

Total Project Appropriation	\$5,000,000
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PROJECT TO BE FUNDED USING

Section 4: The Finance Director is hereby directed to maintain within the grant project 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 Water and Sewer 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.

Adopted by the City Council of the City of Hendersonville, North Carolina this 6th day of January 2022.

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

Capital Project Ordinance #O-22-03

CAPITAL PROJECT ORDINANCE FOR
THE EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE
WWTP AERATION BASIN REHABILITATION PROJECT

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 capital project ordinance is hereby adopted:

Section 1: The project authorized is a City project described as the WWTP Aeration Basin Rehabilitation Project.

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

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
460	7135	550103	21045	Capital Outlay CIP	\$2,050,000

Total Project Appropriation	\$2,050,000
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Section 3: The following revenues are anticipated to be available for the project:

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
460	0000	420050	21045	Transfer In (from G2204)	\$2,050,000

Total Project Appropriation	\$2,050,000
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PROJECT TO BE FUNDED USING

Section 4: The Finance Director is hereby directed to maintain within the capital project 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 Water and Sewer 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 capital 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 this 6th day of January 2022.

/s/Barbara G. Volk, Mayor

Attest: /s/Angela L. Reece, City Clerk

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

C. Approval of Grant Accountant Position (Accountant II)— *John Connet, City Manager*

I move City Council authorize the creation of the Grant Accountant position to oversee the distribution and compliance of grant funds.

Resolution #R-22-01

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A CONTRACT FOR THE DEMOLITION OF THE RACQUETBALL COURTS AT PATTON PARK

WHEREAS, the City of Hendersonville desires to demolish and remove the racquetball courts, fencing, signs, trees, shrubs, and asphalt that are adjacent to the racquetball courts; and

WHEREAS, the City of Hendersonville issued an RFQ for the demolition and removal of the racquetball courts, fencing, signs, trees, shrubs, and asphalt adjacent to the racquetball courts; and

WHEREAS, five bids were received and opened on December 1, 2021 at 12:00pm; and

WHEREAS, city staff reviewed the bids for completeness and accuracy. CRW Land Services, LLC was the lowest responsive bidder; and

WHEREAS, CRW Land Services, LLC, is a responsible bidder, having the requisite qualifications and assets to complete the work on time and within budget; and

WHEREAS, funds for this project are not in this year's budget. Staff will submit a budget amendment for the project,

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

1. The bid for the demolition and removal of the racquetball courts, fencing, signs, trees, shrubs, and asphalt adjacent to the racquetball courts is awarded to CRW Land Services, LLC, the lowest responsive and responsible bidder, in the total amount of \$29,750.00. The City Manager is authorized to execute a contract consistent with the terms of this Resolution.

Adopted by the City Council of the City of Hendersonville, North Carolina this 6th day of January 2022.

/s/Barbara G. Volk, Mayor

Attest: /s/Angela L. Reece, City Clerk

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

D. Resolution Approving Racquetball Court Demolition Contract - Tom Wooten, Director of Public Works

I move that the City Council adopt the Resolution by The City Of Hendersonville City Council To Authorize The City Manager To Enter Into A Contract For The Demolition Of The Racquetball Courts At Patton Park, as presented and recommended by staff.

Resolution #R-22-01

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A CONTRACT FOR THE DEMOLITION OF THE RACQUETBALL COURTS AT PATTON PARK

WHEREAS, the City of Hendersonville desires to demolish and remove the racquetball courts, fencing, signs, trees, shrubs, and asphalt that are adjacent to the racquetball courts; and

WHEREAS, the City of Hendersonville issued an RFQ for the demolition and removal of the racquetball courts, fencing, signs, trees, shrubs, and asphalt adjacent to the racquetball courts; and

WHEREAS, five bids were received and opened on December 1, 2021 at 12:00pm; and

WHEREAS, city staff reviewed the bids for completeness and accuracy. CRW Land Services, LLC was the lowest responsive bidder; and

WHEREAS, CRW Land Services, LLC, is a responsible bidder, having the requisite qualifications and assets to complete the work on time and within budget; and

WHEREAS, funds for this project are not in this year's budget. Staff will submit a budget amendment for the project,

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

1. The bid for the demolition and removal of the racquetball courts, fencing, signs, trees, shrubs, and asphalt adjacent to the racquetball courts is awarded to CRW Land Services, LLC, the lowest responsive and responsible bidder, in the total amount of \$29,750.00. The City Manager is authorized to execute a contract consistent with the terms of this Resolution.

Adopted by the City Council of the City of Hendersonville, North Carolina this 6th day of January 2022.

/s/Barbara G. Volk, Mayor

Attest: /s/Angela L. Reece, City Clerk

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

E. Resolution by the City of Hendersonville City Council Authorizing the Purchase of a 2022 Ram 5500 4x4 Chassis with Altec AT41M Aerial Lift Pursuant to N.C.G.S 143-129(e)(3) – Tom Wooten, Director of Public Works

I move that City Council adopt a Resolution by The City of Hendersonville City Council Authorizing The Purchase Of 2022 Ram 5500 4x4 Chassis With Altec At41m Aerial Lift Pursuant To N.C.G.S. 143-129(E)(3).

Resolution #R-22-02

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL AUTHORIZING THE PURCHASE OF A 2022 Ram 5500 4X4 Chassis with Altec Industries AT41M Aerial Lift PURSUANT TO N.C.G.S. 143-129(e)(3)

WHEREAS, the City Council of the City of Hendersonville desires to purchase a new 2022 Ram 5500 4x4 Chassis with Altec Industries AT41M Aerial Lift to replace a 2004 Ford F-550 4x4 chassis with Altec Industries AT35G Aerial Lift that is 17 years old; and

WHEREAS, City Staff researched alternatives for the planned replacement with different vendors during FY2021; and

WHEREAS, N.C.G.S. 143-129(e)(3) authorizes direct purchases from a competitive bidding group purchasing program; and

WHEREAS, the City is utilizing the group purchasing program authorized under Section 143- 129(e)(3) of the NC General Statutes, and is relying upon a competitive bid process used by Sourcewell, formerly National Joint Powers Alliance (NJPA) of Staples, MN to purchase a new 2022 Ram 5500 4x4 Chassis with Altec Industries AT41M Aerial Lift from Altec Industries; and

WHEREAS, Sourcewell, formerly NJPA is an established nationwide government cooperative procurement service, and offers competitively bid products and services for local government public safety, emergency services, and communications among other equipment and services, and

WHEREAS, it is the recommendation of the City Manager, the Director of Public Works, and the Procurement and Contract Administrator that the City purchase the 2022 Ram 5500 4x4 Chassis with Altec Industries AT41M Aerial Lift at a cost of \$159,365.00 from Altec Industries; and

WHEREAS, the City of Hendersonville Finance Director has determined that sufficient funds are available to cover the cost of this purchase. Funds will be available and encumbered in the designated Capital Project Fund.

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

2. That the purchase of the 2022 Ram 5500 4x4 Chassis with Altec Industries AT41M Aerial Lift at a cost of \$159,365.00 from Altec Industries; is approved pursuant to the authority granted by N.C.G.S. § 143-129(e)(3).
3. The City Manager is authorized to negotiate and execute a contract with Altec Industries, in consultation with the City Attorney, containing such terms as he, in his discretion deems appropriate provided such contract is consistent with the terms of this Resolution.

Adopted by the City Council of the City of Hendersonville, North Carolina this 6th day of January 2022.

/s/Barbara G. Volk, Mayor

Attest: /s/Angela L. Reece, City Clerk

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

F. Northside Water Improvements Engineering Amendment 3 – Brent Detwiler, City Engineer

I move that City Council adopt the Resolution by the City of Hendersonville City Council to Authorize the City Manager to Enter Into an Amendment to an Agreement With Mckim & Creed, Inc. as Part of the Northside Water System Improvements Project.

Resolution #R-22-03

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE CITY MANAGER TO ENTER INTO AN AMENDMENT TO AN AGREEMENT WITH MCKIM & CREED, INC. AS PART OF THE NORTHSIDE WATER SYSTEM IMPROVEMENTS PROJECT

WHEREAS, the Northside Water System Improvements Project (Project No. 16019) is under construction; and

WHEREAS, an engineering agreement with McKim & Creed, Inc. was executed in February 2016 to complete the design, permitting, bidding and award work associated with the project; and

WHEREAS, construction of the project has been delayed to due to inclement weather delays and construction progress delays; and

WHEREAS, the schedule delay has resulted in the need to amend the agreement with McKim & Creed, Inc. to cover the extended construction administration, construction observation, and postconstruction services.

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

1. The City Manager is authorized to enter into Amendment No. 3 to the Agreement with McKim & Creed, Inc. for the Northside Water System Improvements Project, in the amount of \$81,600.00 as presented.

Adopted by the City Council of the City of Hendersonville, North Carolina this 6th day of January 2022.

/s/Barbara G. Volk, Mayor

Attest: /s/Angela L. Reece, City Clerk

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

G. Resolution to Accept Budget Appropriations from the State of North Carolina Department of Environmental Quality for the UV Disinfection Replacement Project and the Aeration Basin Repairs and Rehabilitation Project at the City's Wastewater Treatment Plant – Drew Finley, Assistant to the Utilities Director

I move that City Council adopt this Resolution To Accept The Budget Appropriations From The State Of North Carolina Department Of Environmental Quality For The Construction Of The UV Disinfection Replacement Project And The Aeration Basin Repairs And Rehabilitation Project At The City's Wastewater Treatment Plant as presented.

Resolution #R-22-04

RESOLUTION BY THE HENDERSONVILLE CITY COUNCIL TO ACCEPT THE APPROPRIATIONS FROM THE STATE OF NORTH CAROLINA FOR THE CONSTRUCTION OF THE UV DISINFECTION REPLACEMENT PROJECT AND THE AERATION BASIN REPAIRS AND REHABILITATION PROJECT AT THE CITY'S WASTEWATER TREATMENT PLANT

WHEREAS, The 2021 American Rescue Plan ("ARP") provides funds, through the State Fiscal Recovery Fund, that the North Carolina General Assembly ("NCGA") allocated as 100% grants and

WHEREAS, Sections 12.13.(d), (e), (f), and Section 12.14.(b) of the NCGA's Fiscal Year 2021-2022 Budget Bill (S.L. 2021-180) appropriated \$5,000,000 to the City of Hendersonville and

WHEREAS, the City intends to use these appropriations for the construction of the UV Disinfection Replacement Project and the Aeration Basin Repairs and Rehabilitation Project at the City's Wastewater Treatment Plant

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Hendersonville, North Carolina that the aforementioned appropriations have been accepted and approved.

Adopted by the City Council of the City of Hendersonville, North Carolina this 6th day of January 2022.

/s/Barbara G. Volk, Mayor

Attest: /s/Angela L. Reece, City Clerk

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

H. Justification for the Sole Source Purchase of a Standby Engine-Generator for the French Broad River Intake & Pumping Station Project- Adam Steurer, Utilities Engineer

I move that City Council adopt the Resolution by the City of Hendersonville City Council to Authorize the Sole-Source Purchase of a Standby Engine-Generator for the French Broad River Intake & Pumping Station Project as presented.

Resolution #R-22-05

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE SOLE-SOURCE PURCHASE OF A STANDBY ENGINE-GENERATOR FOR THE FRENCH BROAD RIVER INTAKE & PUMPING STATION PROJECT

WHEREAS, the French Broad River Intake and Pumping Station (DWSRF Project No. WIF1940) is intended as a redundant source of non-potable water to improve the resiliency of the Water Treatment Facility general operations. The intake and pumping station is also designed for future expansion to serve future water demands within the City's water service area. The new water source associated with this project will be utilized as needed for maintenance as well as interchangeably with existing raw water sources during normal operations. The City will have the flexibility to operate one or all of its raw water sources simultaneously as required to adjust to changing conditions and treatment needs; and

WHEREAS, the French Broad River Intake and Pumping Station will require a standby engine-generator to operate in times of power outages; and

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

WHEREAS, Utility Staff and consulting engineer is requesting to continue to standardize on generators within the system by asking that Council approve the sole source purchase of a stand-by generator from Cummins;

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

1. A sole-source purchase of a standby engine-generator is authorized for the French Broad River Intake & Pumping Station
2. Such tentative sole-source purchase is contingent upon the approval of the North Carolina Department of Environmental Quality and the approval of additional funding request by the North Carolina Local Government Commission for the project (DWSRF Project No. WIF1940).

Adopted by the City Council of the City of Hendersonville, North Carolina this 6th day of January 2022.

/s/Barbara G. Volk, Mayor

Attest: /s/Angela L. Reece, City Clerk

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

I. Sale of Personal Property – *John Connet, City Manager*

I move that City Council to resolve to approve the sale of the Microsoft Surface Pro 4 #024691654053 tablet to former Councilman Miller for \$15.00.

J. Utility Extension Agreement for the Northview Subdivision – *Brendan Shanahan, Engineering*

I move that City Council approve the Resolution authorizing the City Manager to enter into a Utility Extension Agreement with HST Development, LLC for the Northview Subdivision as presented and recommended by staff.

Resolution #R-22-06

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A UTILITY EXTENSION AGREEMENT WITH HST DEVELOPMENT, LLC, FOR THE NORTHVIEW SUBDIVISION

WHEREAS, the City of Hendersonville owns, operates and maintains a water distribution 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, HST Development, LLC, the “Developer” and “Owner”, will enter into a Utility Extension Agreement with the City to provide water service to the Northview Subdivision.

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

1. The Utility Extension Agreement with HST Development, LLC, the “Developer” and “Owner” to provide water service to the Northview Subdivision 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.

Adopted by the City Council of the City of Hendersonville, North Carolina this 6th day of January 2022.

/s/Barbara G. Volk, Mayor

Attest: /s/Angela L. Reece, City Clerk

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

K. Utility Extension Agreement for the 1210 Shepherd Street Commercial Development –
Brendan Shanahan, Engineering

I move that City Council approve the Resolution authorizing the City Manager to enter into a Utility Extension Agreement with ANEW Real Estate, LLC for the 1210 Shepherd Street Commercial Development as presented and recommended by staff.

Resolution #R-22-07

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A UTILITY EXTENSION AGREEMENT WITH ANEW REAL ESTATE, LLC FOR THE 1210 SHEPHERD STREET COMMERCIAL DEVELOPMENT

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

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

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

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

WHEREAS, Anew Real Estate, LLC, the “Developer” and “Owner” will enter into a Utility Extension Agreement with the City to provide sewer service to the 1210 Shepherd Street Commercial Development.

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

1. The Utility Extension Agreement with Anew Real Estate, LLC, the “Developer” and “Owner” to provide sewer service to the 1210 Shepherd Street Commercial Development is approved, as presented.
2. The 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.

Adopted by the City Council of the City of Hendersonville, North Carolina this 6th day of January 2022.

/s/Barbara G. Volk, Mayor

Attest: /s/Angela L. Reece, City Clerk

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

L. Utility Extension Agreement for the Kanuga Trails Subdivision – *Brendan Shanahan, Engineering*

I move that City Council approve the Resolution that City Council approve the Resolution authorizing the City Manager to enter into a Utility Extension Agreement with LCV Venture, LLC for the Kanuga Trails Subdivision as presented and recommended by staff.

Resolution #R-22-08

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A UTILITY EXTENSION AGREEMENT WITH LCV VENTURE, LLC FOR THE KANUGA TRAILS SUBDIVISION

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

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

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

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

WHEREAS, LCV Venture, LLC, the “Developer” and “Owner” will enter into a Utility Extension Agreement with the City to provide sewer service to the Kanuga Trails Subdivision.

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

1.

The Utility Extension Agreement with LCV Venture, LLC, the “Developer” and “Owner” to provide sewer service to the Kanuga Trails Subdivision is approved, as presented.
2.

The 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.

Adopted by the City Council of the City of Hendersonville, North Carolina this 6th day of January 2022.

/s/Barbara G. Volk, Mayor

Attest: /s/Angela L. Reece, City Clerk

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

M. Utility Extension Agreement for the Banner Farm Road Subdivision — *Brendan Shanahan, Engineering*

I move that City Council approve the Resolution authorizing the City Manager to enter into a Utility Extension Agreement with The Carland Company, LLC and Bradley V. Goodson for the Banner Farm Road Subdivision as presented and recommended by staff.

Resolution #R-22-09

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A UTILITY EXTENSION AGREEMENT WITH THE CARLAND COMPANY, LLC, AND BRADLEY V. GOODSON FOR THE BANNER FARM ROAD SUBDIVISION

WHEREAS, the City of Hendersonville owns, operates and maintains a water distribution 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, Bradley V. Goodson, the “Developer”, and the Carland Company, LLC, the “Owner”, will enter into a Utility Extension Agreement with the City to provide water service to the Banner Farm Road Subdivision.

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

1.

The Utility Extension Agreement with Bradley V. Goodson, the “Developer”, and the Carland Company, LLC, the “Owner” to provide water service to the Banner Farm Road Subdivision 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.

Adopted by the City Council of the City of Hendersonville, North Carolina this 6th day of January 2022.

/s/Barbara G. Volk, Mayor

Attest: /s/Angela L. Reece, City Clerk

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

N. Utility Extension Agreement for the Edneyville Orchard Subdivision – *Brendan Shanahan, Engineering*

I move that City Council approve the Resolution authorizing the City Manager to enter into a Utility Extension Agreement with The Orchards at Highway 64, LLC and Luis Graef for the Edneyville Orchard Subdivision as presented and recommended by staff.

Resolution #R-22-10

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A UTILITY EXTENSION AGREEMENT WITH THE ORCHARDS AT HIGHWAY 64, LLC AND LUIS GRAEF FOR THE EDNEYVILLE ORCHARD SUBDIVISION

WHEREAS, the City of Hendersonville owns, operates and maintains a water distribution 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, Luis Graef, the “Developer”, the Orchards at Highway 64, LLC, the “Owner” will enter into a Utility Extension Agreement with the City to provide water service to the Edneyville Orchard Subdivision.

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

1. The Utility Extension Agreement with Luis Graef, the “Developer”, and the Orchards at Highway 64, LLC, the “Owner” to provide water service to the Edneyville Orchard Subdivision 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.

Adopted by the City Council of the City of Hendersonville, North Carolina this 6th day of January 2022.

/s/Barbara G. Volk, Mayor

Attest: /s/Angela L. Reece, City Clerk

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

O. Water and Sewer Revenue Bond 2022 Initial Resolution and Certain Related Matters – *Adam Murr, Budget Manager*

I move that City Council approve the Resolution of the City Council of the City of Hendersonville, North Carolina, Directing the Application to the Local Government Commission for Approval of a Water and Sewer System Revenue Bond and Certain Related Matters.

Resolution #R-22-11

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HENDERSONVILLE, NORTH CAROLINA DIRECTING THE APPLICATION TO THE LOCAL GOVERNMENT COMMISSION

**FOR APPROVAL OF A WATER AND SEWER SYSTEM REVENUE BOND AND CERTAIN
RELATED MATTERS**

WHEREAS, the City Council (the “City Council”) of the City of Hendersonville, North Carolina (the “City”) hereby determines that it is desirable to finance certain improvements to its water and sewer system (the “Water and Sewer System”);

WHEREAS, the City Council is considering the issuance of a not to exceed \$7,100,000 Water and Sewer System Revenue Bond, Series 2022 (the “2022 Bond”) to (1) finance improvements to the City’s water and sewer system, including, without limitation, (a) the installation of an interceptor line along Clear Creek, (b) the replacement and improvement of water and sewer mains on Church Street, (c) the replacement and installation of water meters, (d) the rehabilitation of one of the City’s concrete water storage tanks and (e) payments to the North Carolina Department of Transportation related to the adjustment and relocation of certain city-owned water and sewer lines completed by the North Carolina Department of Transportation (the “2022 Projects”) and (2) pay the costs of issuing the 2022 Bond; and

WHEREAS, the City has retained (A) Parker Poe Adams & Bernstein LLP, as bond counsel for the 2022 Bond, (B) First Tryon Advisors, as financial advisor for the 2022 Bond and (C) The Bank of New York Mellon Trust Company, N.A., as trustee for the 2022 Bond and (D) Raftelis Financial Consultants, Inc., as feasibility consultant (collectively, the “Financing Team”); and

WHEREAS, on approval by the Local Government Commission of North Carolina (the “Commission”) of the City’s application for the 2022 Bond, the Commission will sell the 2022 Bond on behalf of the City to a financial institution to be selected by the City through a request for proposal process (the “Lender”);

WHEREAS, the City Council wants the Finance Director of the City to file with the Commission an application for its approval of the 2022 Bond, on a form prescribed by the Commission, and (1) request in such application that the Commission approve (A) the negotiation of the sale of the 2022 Bond to the Lender, (B) the City’s use of the Financing Team in connection with the issuance of the 2022 Bond; and (2) state in such application such facts and to attach thereto such exhibits in regard to the 2022 Bond and to the City and its financial condition, as may be required by the Commission, and to take all other action necessary to the issuance of the 2022 Bond.

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

1. That the 2022 Bond is to be issued by the City in an aggregate principal amount not to exceed \$7,100,000 for the purpose of providing funds to (1) finance the 2022 Projects and (2) pay the costs of issuing the 2022 Bond, all as will be set out in the documents attached to the City’s application to the Commission. The 2022 Projects are necessary to meet the needs of the users of the Water and Sewer System and to assure that the Water and Sewer System remains in full compliance with all state and federal requirements for the provision of water and sewer services.
2. That the City Manager and the Finance Director, with advice from the City’s financial advisor and bond counsel, is hereby authorized and directed to select the Lender through the request for proposal process.
3. That the Financing Team is hereby approved in connection with the issuance by the City of the 2022 Bond, and the Mayor, the City Manager, the Assistant City Manager, and the Finance Director, in consultation with the Commission, are each hereby authorized to retain other persons or organizations as may be necessary and appropriate to carry out the intention of this Resolution.
4. That the Finance Director of the City with advice from the City Manager, the Assistant City Manager, the City Attorney, the financial advisor and bond counsel, is hereby authorized, directed and designated to file an application with the Local Government Commission of North Carolina for its approval of the issuance of the 2022 Bond.
5. That the City Council finds and determines and asks the Commission to find and determine from the City’s application and supporting documentation:
 - (a) that the issuance of the 2022 Bond is necessary or expedient;
 - (b) that the not to exceed stated principal amount of the 2022 Bond will be sufficient but is not excessive, when added to other money available to the Water and Sewer System, to finance the 2022 Projects;
 - (c) that the Water and Sewer System as now constituted, and as it will be constituted after the completion of the 2022 Projects, is feasible;
 - (d) that the City’s debt management procedure and policies are good; and

- (e) that the 2022 Bond can be marketed at a reasonable interest cost to the City.
6. That the City Council requests that the Commission sell the 2022 Bond through negotiation to the Lender on such terms as may be agreed on but at an interest rate not exceeding 4.00%.
7. That the Mayor, the City Manager, the Assistant City Manager, the City Attorney, the Finance Director and the City Clerk, as their respective designees, individually or collectively, are each hereby authorized to do any and all other things necessary to complete the steps necessary for the authorization and sale of the 2022 Bond.
8. That this Resolution is effective on the date of its adoption.

Adopted by the City Council of the City of Hendersonville, North Carolina this 6th day of January 2022.

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

P. Budget Amendments January 2022 – Adam Murr, Budget Manager

I move that City Council approve budget amendment 01062022-01 as presented.

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

6. PRESENTATIONS

A. Proclamation – 175th Anniversary of the City of Hendersonville – Barbara G. Volk, Mayor

Mayor Barbara G. Volk presented a proclamation recognizing the 175th Anniversary of the City.

Proclamation

IN RECOGNITION OF THE 175TH ANNIVERSARY OF THE CITY OF HENDERSONVILLE

WHEREAS, in 1841 Judge Mitchell King of Charleston, South Carolina, generously donated 56 acres from his summer estate for a site to build the county seat within the county of Henderson, which was formed in 1838 from the southern part of Buncombe County; and

WHEREAS, on January 7, 1847, the North Carolina General Assembly approved an act to establish the Town of Hendersonville, to serve as the seat of government for Henderson County, and named in honor of Judge Leonard Henderson, Chief Justice of the Supreme Court of North Carolina; and

WHEREAS, with the arrival of the railroad in 1879 from Spartanburg, South Carolina, the agricultural significance of the city increased; and

WHEREAS, in 1913 the Town of Hendersonville became known as the City of Hendersonville; and

WHEREAS, Hendersonville's Main Street, a remarkable one hundred feet in width, was designed by surveyor James Dryer Justice on what was known in the 1850s to 1880s as the Buncombe Turnpike. Main Street today retains much of the character it has possessed since the height of its development in the late 19th and early 20th centuries and was registered in the National Register of Historic Places in March 1988; and

WHEREAS, Hendersonville is traditionally known as “The City of Four Seasons” with its distinct seasonal weather patterns which draw visitors to the area; and

WHEREAS, the City of Hendersonville’s governing body and staff are committed to providing quality, efficient services to residents, visitors, and businesses, and promoting a high quality of life, and

WHEREAS, the 175th anniversary is an appropriate time to reflect on the remarkable history of the City of Hendersonville;

NOW, THEREFORE, I, Barbara G. Volk, Mayor of the City of Hendersonville do hereby proclaim January 7, 2022, “IN RECOGNITION OF THE 175TH ANNIVERSARY OF THE CITY OF HENDERSONVILLE, NORTH CAROLINA” and commend its observance to all citizens.

PROCLAIMED this 6th day of January 2022

/s/Barbara G. Volk, Mayor

Attest: /s/Angela L. Reece, City Clerk

B. Presentation of Certificate – *Barbara G. Volk, Mayor*

Mayor Barbara G. Volk presented a certificate of appreciation to Larry Rogers for distinguishing himself through dutifully attending most area governmental meetings and advocating and promoting the interests of local business owners in Henderson County over the last twenty-one years as Chairman of the Partnership for Economic Progress. The Mayor and City Council Members wish to recognize the many years of service to our community by Larry Rogers on the occasion of his retirement and to thank him for his dedicated service to our area business district.

Larry Rogers expressed thanks and appreciation to Council for recognition and fondly recalled the longest meeting he had ever attended with Mayor Volk who was a Council Member at the time. Mr. Rogers stated in order to have a strong government you have to have businesses to support it.

C. Fiscal Year 2021 Auditor Presentation – *John Buchanan, Finance Director*

Assistant Finance Director Krystal Powell presented the 2021 Annual Comprehensive Financial Report (ACFR) with guest, Tim Lyon of Mauldin & Jenkins auditing firm. Mr. Lyon stated the independent audit firm concluded that there was a reasonable basis for rendering an unmodified opinion that the City of Hendersonville's financial statements for the fiscal year ending June 30, 2021 are fairly presented in conformity with GAAP. The Government Finance Officers Association (GFOA) of the United States and Canada awarded a Certificate of Achievement for Excellence in Financial Reporting to the City of Hendersonville for its Annual Comprehensive Financial Report for the Fiscal Year Ended June 30, 2020. This was the 31st consecutive year the City of Hendersonville received this prestigious award. The ACFR may be viewed on the City's website. Council Member Jerry Smith clarified the financial position of the City is stable and illustrates good indicators of prudently managed finances.

D. Pay and Classification Presentation and Discussion – *Adam Murr, Budget Manager & Evergreen Solutions*

Budget Manager Adam Murr and guest Nancy Berkley with Evergreen Solutions presented the Pay and Classification Study results to City Council. Ms. Berkley discussed the findings recalling Council preference to lead the market and presented the following questions for consideration and feedback:

1. Should the increase be implemented over one, two, or three phases?
2. Which of the following percentiles is most favorable to Council; Average Percentile, 65th Percentile, or 75th Percentile?
3. Would Council prefer a "cap" or "range penetration" option?
4. What revenue requirements and sources would be necessary?

City Manager John Connet clarified Greenville South Carolina was included in the peer group based on proximity and recruitment potential. Council Member Smith also inquired regarding internal and external position equity and Ms. Berkley stated internal equity is the placement of position(s) relative to others within the City of Hendersonville and external equity is the placement of position(s) relative to other local governments.

Council Member Lyndsey Simpson stated she is not in favor of a cap option as she does not think this is a fair option and said she supports the range penetration option instead. Council Member Simpson further acknowledged the Dogwood Housing Study and said she feels that Council should go with the 75th percentile option to be competitive or face having the same conversation again in a year and a half. Council Member Simpson further stated she is not in favor of a three-year implementation and said it would not solve the current issues.

Council Member Jerry Smith stated he prefers the 65% range penetration and wants to see options for implementation of the 75th percentile.

Council Member Dr. Jennifer Hensley agreed with Council Member Simpson and said implementation in a timely manner was necessary. She added she would like to see some increase soon and said she

believes the job market is extremely competitive and the city needs to be at the higher end of things. Council Member Hensley stated increases will improve the community health as a whole and provided an example of affordable housing and retirees moving to the area and said, "If we are paying employees a salary they can live and work on it will allow more local people to be able to live and work here". She further stated there is an urgency to make this happen.

Council Member Debbie O'Neal-Roundtree stated her goal is to be able to meet needs and accommodate all people who live in the area.

Mayor Barbara G. Volk stated she supports the range and not the cap but said she does not support making such extreme changes in mid-year. Mayor Volk suggested going to 65th percentile beginning with the FY22-23 budget and the 75th percentile in the following fiscal years. Mayor Volk stated this is a more responsible approach with revaluations coming.

City Manager John Connet clarified two hours will be devoted to financial review at the January 26th workshop and said staff will provide Council with additional information at that time. Manager Connet clarified staff is not asking Council to make final decisions at this time.

7. PUBLIC HEARINGS

A. Continuation of Public Hearing -Rezoning: Standard Rezoning - 0 South Allen Road PIN 9588-22-1126 (P21-60-RZO) – Tyler Morrow, Planner II (The public hearing was opened during the last meeting and was continued)

Mayor Barbara G. Volk reminded everyone that this public hearing was continued from the December 2, 2021 regular meeting and that it is still open. Community Development Planner Tyler Morrow provided a summary of the application for conventional rezoning stating the applicants are requesting initial zoning for C-3, Highway Business District and said the subject property, PIN 9588-22-1126 is located on S. Allen Road. Mr. Morrow stated the subject property is approximately 17.13 acres and was annexed into the City of Hendersonville on September 2, 2021. Mr. Morrow stated the City has subsequently received a letter from the applicant's attorney stating they now agree to the property being zoned as commercial highway mixed use as the Planning Board has recommended.

Staff presented and discussed with City Council an analysis of the consistency with the relevant portions of the Comprehensive Land Use Plan and the Planning Board's recommendation. Both were considered by the City Council in addition to supporting maps and documents provided in the agenda packet.

Jerry Smith clarified the application is still active and was not withdrawn.

The City Clerk confirmed this public hearing has been advertised in accordance with North Carolina General statutes. The public hearing was opened during the previous regular scheduled meeting on December 2, 2021 at 7:26 p.m. and is still open.

Lynne Williams of Chadwick Ave. addressed City Council via Zoom electronic software expressing concerns of site maps not illustrating additional adjacent developments, and also requested consideration of conservation of some of the open space.

There were no further comments.

The public hearing was closed at 7:12 p.m.

Council Member Jerry Smith moved that City Council deny the rezoning of the subject property (PIN 9588-22-1126) from Henderson County Office Institutional to C-3 Highway Business for the following reasons; the rezoning is not compatible with the surrounding uses and the rezoning is not in the public interest because rezoning is not compatible and would better be suited with a different zoning classification. I further move City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property PIN 9588-22-1126 from Henderson County Office Institutional to CHMU Commercial Highway Mixed Use finding that the rezoning is consistent with the Comprehensive Plan's Future Land Use map designation of Regional Activity Center and that the rezoning is reasonable and in the public interest for the following reasons: CHMU provides standards that assure future development will

be compatible with recently approved residential; CHMU created for properties within the Upward Planning District, including these parcels; and CHMU encourages a more mixed-use development pattern. A unanimous vote of the Council followed. Motion carried.

Council Member Dr. Jennifer Hensley expressed thanks and appreciation to Community Development Department staff for their work in development matters and stated their efforts often go without appreciation from the public.

Ordinance #O-22-04

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR PARCEL NUMBER 9588-22-1126 BY CHANGING THE ZONING DESIGNATION FROM HENDERSON COUNTY OFFICE INSTITUTIONAL TO CITY OF HENDERSONVILLE CHMU COMMERCIAL HIGHWAY MIXED USE DISTRICT

IN RE: Parcel Number: 9588-22-1126 0 South Allen Road Rezoning
(File # P21-60-RZO)

WHEREAS, the city is in receipt of a Standard Rezoning application from Peggy C. Cabe, Enno F. Camenzind, Paula Camenzind Carter, Robert O. Camenzind, Joan C. Fleming

WHEREAS, the Planning Board took up this application at its regular meeting on November 8th, 2021; voting unanimously to recommend City Council deny the rezoning application of the subject property from Henderson County Office Institutional to City of Hendersonville C-3 Highway Business. The Planning Board further recommended that City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property from Henderson County Office Institutional to City of Hendersonville CHMU Commercial Highway Mixed Use District, and

WHEREAS, City Council took up this application at its regular meeting on December 2nd, 2021, and

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

1. Pursuant to Article XI of the Zoning Ordinance of the City of Hendersonville, North Carolina, the Zoning Map is hereby amended by changing the zoning designation of the following: Parcel number 9588-22-1126 from Henderson County Office Institutional to City of Hendersonville CHMU, Commercial Highway Mixed Use District
2. Any development of the parcels shall occur in accordance with the Zoning Ordinance of the City of Hendersonville, North Carolina.
3. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted by the City Council of the City of Hendersonville, North Carolina this 6th day of January 2022.

/s/Barbara G. Volk, Mayor

Attest: /s/Angela L. Reece, City Clerk

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

Mayor Volk briefly recessed the meeting at 7:15 pm for a short break and reconvened at 7:19 pm

B. Annexation Public Hearing: Providence Walk (P21-65-ANX) – Matthew Manley, Planning Manager

Community Development Manager Matthew Manley stated the city is in receipt of a petition from Travis Fowler of Providence Walk for contiguous annexation of PINs 9569-85-3434, 9569-85-1398, 9569-85-3178, & 9569-83-4918 located on N. Main St that is approximately 6.836 acres.

The City Clerk confirmed this public hearing has been advertised in accordance with North Carolina General statutes. The public hearing was opened at 7:20 p.m.

Lynne Williams of Chadwick Ave. addressed City Council via Zoom electronic software asking Council to further review environmental compliance and stormwater for this petition.

Ken Fitch of Patton St. addressed City Council via Zoom electronic software stating approval of this annexation is a breach of the health safety and wellness of city residents and expressed concerns of which plan is being considered.

Mayor Barbara G. Volk read aloud digital comments submitted by the following persons:

Franco Carrasco of Strick Garden Lane submitted digital comments to City Council expressing concerns of rainwater runoff, maintenance road blockage, safety and health, and sidewalk placement.

Johanna Bosch-Diaz of Strick Garden Lane submitted digital comments to City Council expressing concerns of the use of the right of way as well as opposition to a sidewalk being placed near her home.

Simeon Espinoza of Strick Garden Lane submitted digital comments to City Council expressing concerns of the high voltage tower behind his home and potential for heavy equipment striking it during construction of the proposed development. Mr. Espinoza also expressed concerns for the right of way remaining as it is and asking why the plan has been changed.

There were no further comments.

The public hearing was closed at 7:36 p.m.

City Manager Connet reminded everyone this is a public hearing on annexation and not the project and responded to Mr. Fitch's comments saying he does not think it appropriate for Mr. Fitch to insinuate staff have acted unethical or inappropriate. Manager Connet stated city staff work very long hours to address public questions and concerns and asked Mr. Fitch to issue an apology to staff.

Community Development Director Lew Holloway addressed City Council clarifying staff does not have authority to deviate from ordinances which require roads and connections be extend to property lines and said the developer would need to request a variance from City Council. Director Holloway acknowledged there is some confusion regarding the elements of the plan which were discussed at CZD hearing. Director Holloway stated the Planning Board did review plans showing roads extending to property edge. Director Holloway further clarified stormwater will be reviewed by DRC and staff during final site plan approval.

City Attorney Angela S. Beeker clarified that the purpose of this plat is not to establish any development plans and said the only purpose is to establish the legal boundaries of what is being annexed. Attorney Beeker further clarified this is not a new development or plan.

There we no other comments.

Dr. Jennifer Hensley move 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 Providence Walk, LLC., identified as PINs 9569-85-3434, 9569-85-1398, 9569-85-3178, & 9569-83-4918, 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. The motion carried by a vote of 3-2 with Council Member Jerry Smith and Debbie O'Neal-Roundtree voting against.

Ordinance #O-22-05

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO EXTEND THE CORPORATE LIMITS OF THE CITY AS A CONTIGUOUS ANNEXATION

IN RE: Parcel Number: 9569-85-3434, 9569-85-1398, 9569-85-3178, & 9569-83-4918
Providence Walk (File# P21-65-ANX)

WHEREAS, The City of Hendersonville has been petitioned by Travis Fowler of Providence Walk, LLC. pursuant to North Carolina General Statutes (NCGS) 160A-31, as amended, to annex the area described herein below; and,

WHEREAS, the City Clerk has investigated and certified the sufficiency of said petition; and,

WHEREAS, a public hearing on the question of this annexation was held at 305 Williams Street (City Operations Center), Hendersonville, NC at 5:45 pm, on the 6th day of January 2022, after due notice by publication as provided by law on December 19, 2021 and December 26, 2021; and,

WHEREAS, the City Council further finds the areas described therein meets the standards of N.C. G.S. 160A-31.

WHEREAS, the City further finds that the petition has been signed by all the owners of real property in the area who are required by law to sign; and

WHEREAS, the City further finds that the petition is otherwise valid, and that the public health, safety, and welfare of the City and of the area proposed for annexation will be best served by annexing the area described;

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

1: By virtue of the authority granted by N.C.G.S. 160A-31, as amended, the following described contiguous area is hereby annexed and made part of the City of Hendersonville as of the 6th day of January 2022.

Being all of that real property consisting of Tracts A, B, C & D, shown on that plat recorded on Book 2021 at Page _____ of the Henderson County Registry [to be inserted at recording], said Tracts A, B, C & D being described by metes and bounds as follows:

TRACT A –

BEGINNING AT A CONCRETE MONUMENT (BROKEN TOP) BEING THE NORTHEAST CORNER OF DEED BOOK 1609 PAGE 267, TRACT 5, HAVING NORTH CAROLINA GRID COORDINATES (NAD 83/11) N: 595,655.29': 968,445.31';
THENCE WITH THE WESTERN MARGIN OF A 20' RIGHT OF WAY PER PLAT SLIDE 5548, S 06°48'50" E, A DISTANCE OF 252.95' TO A CONCRETE MONUMENT (BROKEN);
THENCE LEAVING SAID RIGHT OF WAY AND WITH THE PROPERTY OF PROVIDENCE WALK, LLC, S 65°11'07" W, A DISTANCE OF 113.07' TO A CONCRETE MONUMENT;
THENCE FOLLOWING THE PROPERTY OF THE PROVIDENCE WALK, LLC, N 14°59'58" W, A DISTANCE OF 244.69' TO A CONCRETE MONUMENT;
THENCE ALONG THE SOUTH MARGIN OF N. MAIN STREET, N 65°23'23" E, A DISTANCE OF 149.53' TO A CONCRETE MONUMENT; WHICH IS THE POINT OF BEGINNING,
HAVING AN AREA OF 31,639.1 SQUARE FEET, 0.726 ACRES.
BEING ALL OF TRACT A OF AN ANNEXATION SURVEY FOR PROVIDENCE WALK LLC, BY RONALD J. CUTSHALL, NC PLS #L-4563, OF COLE SURVEYING & DESIGN, PA, DATED 10/18/2021.

TRACT B -

BEGINNING AT A CONCRETE MONUMENT, BEING THE NORTHEAST CORNER OF DEED BOOK 3797 PAGE 587, BEING S 65°23'23" E, A DISTANCE OF 149.53' FROM A CONCRETE MONUMENT HAVING NORTH CAROLINA GRID COORDINATES (NAD 83/11) N: 595,655.29': E: 968,445.31';
THENCE FROM THE BEGINNING CORNER, FOLLOWING THE PROPERTY OF THE PROVIDENCE WALK, LLC, S 14°59'58" E, A DISTANCE OF 244.69' TO A CONCRETE MONUMENT;
THENCE FOLLOWING THE PROPERTY OF PROVIDENCE WALK, LLC, S 65°04'25" W, A DISTANCE OF 113.67' TO A #5 NEW IRON REBAR BEING IN THE EASTERN MARGIN OF LAKE STREET, A 20' R/W PER DEED BOOK 476 PG 277;
THENCE WITH THE MARGIN OF SAID RIGHT OF WAY, N 45°32'33" W, PASSING A (REFERENCE) NEW IRON REBAR A DISTANCE OF 258.72, A TOTAL DISTANCE OF 262.00' TO A CALCULATED POINT IN THE SOUTH MARGIN OF N. MAIN STREET;
THENCE WITH THE SOUTH MARGIN OF N. MAIN STREET, N 66°02'34" E, A DISTANCE OF 248.14' TO A CONCRETE MONUMENT; WHICH IS THE POINT OF BEGINNING,
HAVING AN AREA OF 1.01 ACRES.
BEING ALL OF TRACT B OF AN ANNEXATION SURVEY FOR PROVIDENCE WALK, LLC BY RONALD J. CUTSHALL, NC PLS #L-4563, OF COLE SURVEYING & DESIGN, PA, DATED 10/18/2021.

TRACT C -

BEGINNING AT A CONCRETE MONUMENT (BROKEN), BEING THE NORTHEAST CORNER OF DEED BOOK 1424 PAGE 576, BEING S 06°48'50" E, A DISTANCE OF 252.95' FROM A CONCRETE MONUMENT HAVING NORTH CAROLINA GRID COORDINATES (NAD 83/11) N: 595,655.29' E: 968,445.31';
THENCE RUNNING FROM THE BEGINNING CORNER, WITH THE WESTERN MARGIN OF A 20' RIGHT OF WAY PER PLAT SLIDE 5548 S 06°44'04" E, A DISTANCE OF 338.51' TO A #5 NEW IRON REBAR, BEING IN THE EASTERN MARGIN OF LAKE STREET, A 20' R/W PER DEED BOOK 476 PG 277;

THENCE WITH THE SAID MARGIN OF 20' RIGHT OF WAY, N 45°32'33" W, A DISTANCE OF 343.83' TO A NEW #5 IRON REBAR;
THENCE FOLLOWING THE PROPERTY OF THE PROVIDENCE WALK, LLC, N 65°04'25" E, A DISTANCE OF 113.67' TO A CONCRETE MONUMENT;
THENCE FOLLOWING THE PROPERTY OF PROVIDENCE WALK, LLC, N 65°11'07" E, A DISTANCE OF 113.07' TO A CONCRETE MONUMENT (BROKEN); WHICH IS THE POINT OF BEGINNING, HAVING AN AREA OF 36,484.8 SQUARE FEET, 0.84 ACRES
BEING ALL OF TRACT C OF AN ANNEXATION SURVEY FOR PROVIDENCE WALK LLC, BY RONALD J. CUTSHALL, NC PLS #L-4563, OF COLE SURVEYING & DESIGN, PA, DATED 10/18/2021.

TRACT D -

BEGINNING AT A ½" EXISTING IRON PIPE, IN THE LINE OF 601 DUNCAN HILL, LLC, HAVING NORTH CAROLINA GRID COORDINATES (NAD 83/11) N: 594,363.81' E: 968,748.86;
THENCE WITH THE PROPERTY OF 601 DUNCAN HILL, LLC S 45°54'42" W, A DISTANCE OF 390.82' TO A NEW IRON REBAR AT THE NORTH SIDE OF BAT FORK CREEK;
THENCE CONTINUING WITH THE PROPERTY OF 601 DUNCAN HILL, S 60°02'44" E, A DISTANCE OF 248.31' TO AN UNMARKED POINT IN BAT FORK CREEK;
THENCE CONTINUING WITH THE PROPERTY OF 601 DUNCAN HILL, S 47°06'19" W, PASSING A #5 EXISTING IRON REBAR AT 52.64', AND PASSING ANOTHER #5 NEW IRON REBAR A DISTANCE OF 348.10', FOR A TOTAL DISTANCE OF 452.55' TO AN UNMARKED POINT IN MUD CREEK;
THENCE WITH MUD CREEK AND PROPERTY OF THE CITY OF HENDERSONVILLE, N 42°19'28" W, A DISTANCE OF 351.21' TO AN UNMARKED POINT IN MUD CREEK;
THENCE LEAVING MUD CREEK, CONTINUING WITH THE PROPERTY OF THE CITY OF HENDERSONVILLE, N 46°09'36" E, PASSING A #4 EXISTING IRON REBAR AT A DISTANCE OF 19.79, AND THENCE CROSSING BAT FORK CREEK AND RUNNING WITH THE PROPERTY SHOWN ON PLAT SLIDE 10082, AND PASSING ANOTHER #4 EXISTING IRON REBAR AT A DISTANCE OF 492.97' FOR A TOTAL DISTANCE OF 692.41' TO A #4 EXISTING IRON REBAR;
THENCE WITH THE PROPERTY SHOWN ON PLAT SLIDE 10082, N 06°44'25" W, A DISTANCE OF 14.06' TO A #5 NEW IRON REBAR, BEING A POINT IN TRACT 2 OF PLAT SLIDE 5648;
THENCE WITH PLAT SLIDE 5648, S 70°03'12" E, A DISTANCE OF 144.48' TO A ½" EXISTING IRON PIPE; WHICH IS THE POINT OF BEGINNING,
HAVING AN AREA OF 4.260 ACRES. BEING ALL OF TRACT D OF AN ANNEXATION SURVEY FOR PROVIDENCE WALK LLC, BY RONALD J. CUTSHALL, NC PLS #L-4563, OF COLE SURVEYING & DESIGN, PA, DATED 10/19/2021.

2: Upon and after the sixth day of January 2022, the above-described territory, and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the City of Hendersonville and shall be entitled to the same privileges and benefits as other parts of the City of Hendersonville. Said territory shall be subject to municipal taxes according to NCGS 160A-58.10, as amended.

3. The Mayor of the City of Hendersonville shall cause to be recorded in the office of the Register of Deeds of Henderson County and at the Office of the Secretary of State in Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1, above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Henderson County Board of Elections, as required by G. S. 163-288.1.

Adopted by the City Council of the City of Hendersonville, North Carolina this 6th day of January 2022.

/s/Barbara G. Volk, Mayor

Attest: /s/Angela L. Reece, City Clerk

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

C. Zoning Text Amendment – Industrial Conditional Zoning District (P21-76-ZTA) – Lew Holloway – Community Development Director

Community Development Director Lew Holloway stated the city has initiated a Zoning Text Amendment to Article V Zoning District Classification, Section 5-12-4 I-1CZD Industrial Conditional Zoning District Classification to allow certain uses which exceed 50,000 square feet to proceed without requiring rezoning to I-1CZD. Director Holloway stated the proposed amendment is reflective of identified obstacles that the CZD process has previously presented in the recruitment of manufacturers to the city. Director Holloway stated the uses which are proposed to be exempt from the CZD process are reflective of those which may be part of a requirement process, in which efficiency of the approval processes becomes a competitive advantage.

Staff presented and discussed with City Council an analysis of the consistency with the relevant portions of the Comprehensive Land Use Plan and the Planning Board's recommendation. Both were

considered by the City Council in addition to supporting maps and documents provided in the agenda packet.

Council Member Jerry Smith inquired who makes the decision of determining the use of property and Director Holloway clarified decisions are made by staff in consultation with the City Attorney depending on the situation where the use does not fit a zoning category. Council Member Smith further inquired regarding change of use upon sale of property and Director Holloway stated a new use would have to go through a CZD process if the use was not currently allowed.

The City Clerk confirmed this public hearing has been advertised in accordance with North Carolina General statutes. The public hearing was opened at 7:52 p.m.

Brittany Brady with Partnership for Economic Development addressed City Council stating in order to be competitive with industrial uses the city would want to have to rezone a property. Ms. Brady stated prospective investors look for properties already zoned to fit their needs and said this amendment would give the City an advantage.

Lynne Williams of Chadwick Ave. addressed City Council via Zoom electronic software expressing concerns of types of industrial uses allowed in the zoning and requested any use that creates noxious odors or particulates in the air to be prohibited. Ms. Williams asked Council to review the exemption list for environmental safety.

Mayor Barbara G. Volk read aloud digital comments submitted by the following person:

Nancy Bowdish of Park Place Trail submitted digital comments to City Council stating the proposed number of units at the Greenville Highway and Chadwick are too many and would affect traffic and public safety. Ms. Bowdish stated the area is zoned residential and should remain as.

There were no further comments.

The public hearing was closed at 7:55 p.m.

There was no further discussion.

Council Member Jerry Smith moved that City Council approve an Ordinance of The City of Hendersonville City Council to Amend Article 4 -Establishment of Districts: Section 4-5 (e)(2); Article 5 - Zoning District Classifications: Section 5-12, Section 5-12-1. Section 5-12- 4; of the City of Hendersonville Zoning Ordinance to allow certain uses which exceed 50,000 square feet to proceed without requiring rezoning to I-1CZD, as presented, finding that the zoning text amendment is consistent with the Comprehensive Plan Chapter 8, Strategy LU-13.5, Action LU-13.5.3 and that the zoning text amendment is reasonable and in the public interest for the following reasons: that it encourages infill development and redevelopment in areas planned for high intensity development, it fosters the City to better work with partners to attract businesses to planned Business Center Locations and that it allows the City to better work with the Henderson County Partnership for Economic Development and other economic development organizations in overcoming development obstacles for economic development projects that meet the City's Comprehensive Plan goals. A unanimous vote of the Council followed. Motion carried.

Ordinance #O-22-06

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND ARTICLE 4 -ESTABLISHMENT OF DISTRICTS: SECTION 4-5 (e)(2); ARTICLE 5 -ZONING DISTRICT CLASSIFICATIONS: SECTION 5-12, SECTION 5-12-1. SECTION 5-12-4; OF THE CITY OF HENDERSONVILLE ZONING ORDINANCE TO ALLOW CERTAIN USES WHICH EXCEED 50,000 SQUARE FEET TO PROCEED WITHOUT REQUIRING REZONING TO I-1CZD.

WHEREAS, the City of Hendersonville's Planning Board Legislative Committee and Planning Board have reviewed and recommended for adoption a zoning text amendment to allow certain uses which exceed 50,000 square feet to proceed without requiring rezoning to I-1CZD to the City of Hendersonville Zoning Ordinance: and

WHEREAS, the proposed amendment is reflective of identified obstacles that the CZD process has previously presented in the recruitment of manufacturers to the City; and

WHEREAS, City Council desires to promote a diverse local economy which promotes and supports job creation; and

WHEREAS, amending the I-1 uses that require going through the conditional zoning district process represents a response to changing trends and opportunities within manufacturing and economic development in the City of Hendersonville.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Hendersonville, North Carolina that Article 4 -Establishment of Districts: Section 4-5 (e)(2); Article 5 -Zoning District Classifications: Section 5-12, Section 5-12-1 and, Section 5-12-4; of the City of Hendersonville Zoning Ordinance to allow certain uses which exceed 50,000 square feet to proceed without requiring rezoning to I-1CZD:

ARTICLE IV Establishment of Districts

Section 4-5 Classification of Uses.

4-5 e) Uses Permitted Only Pursuant to a Rezoning to a Conditional Zoning District.

- 1) Any building or structure that exceeds the maximum square footage as stated in a conventional zoning district shall require a rezoning to a conditional zoning district which allows the proposed square footage for the building or structure in order to be permitted.
- 2) Any building or structure that is more than 50,000 square feet of gross floor area shall be required a rezoning to a conditional zoning district which allows the proposed gross square footage for the building. The 50,000 square foot gross floor area threshold for requiring a rezoning to a conditional zoning district is subject to any exemptions established in Article V Zoning District Classifications.

ARTICLE V Zoning District Classifications

Section 5-12 I-1 Industrial Zoning District Classification. This zoning district classification is established for those areas of the City where the principal use of the land is for industrial activities that by their nature may create some nuisance and which are not properly associated with residential, commercial and/or service establishments. This district is also established to preserve areas exhibiting industrial potential. Selected business uses of a convenience character are also permitted in this district. Some of the permitted uses in this district are exempt from the size limitations contained in Section 4-5(e)(2) of the Zoning Ordinance, as is indicated specifically below.

5-12-1 Permitted Uses:

5-12-1 (a) Permitted Uses: The following uses are permitted by right in the I-1 Industrial Zoning District Classification and are not exempted from the size limitations contained in Section 4-5 (e)(2) of this Ordinance, provided that they meet all requirements of this Section and all other requirements established in this Ordinance. SIC references are to the 1987 edition of the Standard Industrial Classification Manual published by the Office of Management and Budget.

Accessory dwelling units subject to Supplementary Standards contained in Section 16-4, below
Accessory uses & structures
Agricultural supplies, bulk
Animal hospitals & clinics subject to Supplementary Standards contained in Section 16-4, below.
Automobile car washes
Automobile sales & service
Automobile paint & body work
~~Bottling plants~~
~~Breweries~~
Bus stations
Business services
Cemeteries, mausoleums, columbariums, memorial gardens, and crematoriums
~~Cideries~~
~~Cideries, hard~~
Civic centers

Concrete plants
Congregate care facilities, subject to Supplementary Standards contained in Section 16-4, below
Construction trades facilities
Convenience stores with or without gasoline sales
Day care facilities
~~Distilleries~~
Dry cleaning & laundry
Exhibition buildings
Exterminators
Fairgrounds
Farm equipment sales & service
Feed and grain storage
Freight terminals (SIC Groups 40, 41, 42)
~~Food processing establishments, limited to dairy products, bakery products, canneries, and beverage products (SIC codes 202, 203, 205 and 208), not to include slaughtering plants~~
Funeral homes
Golf courses and related activities
Government facilities
~~Greenhouses & commercial nurseries~~
Health clubs and athletic facilities
Heavy equipment, sales, rentals, leases, and service
Heavy equipment storage
Hospitals
Hotels
Laboratories with or without outdoor storage or operations
~~Manufacturing (selected industries) — Those manufacturing industries defined by the following SIC Codes are permitted:~~

Standard Industrial Classification	Industries Excluded	Short Title
202		Food processing: dairy products
203		Food processing: canned, frozen & preserved fruits, vegetable & food specialties
2043		Food processing: cereal breakfast foods
2045		Food processing: prepared flour mixes & doughs
205		Food processing: bakery products
206		Food processing: sugar & confectionery products
207	2077	Food processing: fats & oils
208		Food processing: beverages
2095		Roasted coffee
2096		Potato chips, corn ships & similar snacks
2097		Manufactured ice
2098		Macaroni, spaghetti, vermicelli & noodles
2099		Food preparations, not elsewhere classified
22	226	Textile Mill Products
23		Apparel and other textile products
24	241, 242, 2435, 2436, 2491, 2492	Lumber and wood products
25		Furniture and fixtures
265		Paperboard containers & boxes
267		Converted paper and paperboard products, except containers and boxes
27		Printing, publishing & allied industries
283		Drugs
2844		Perfumes, cosmetics & other toilet preparations
30	301	Rubber & plastic products
323		Glass products, made of purchased glass
326		Pottery & related products
3271		Concrete block & brick
3272		Concrete products, except block & brick

Standard Industrial Classification	Industries Excluded	Short Title
3273		Ready mixed concrete
3297		Non-clay refractories
34	3443, 3449, 345, 346, 347, 348	Fabricated metal products
35		Industrial equipment
36		Electronic & electric equipment
3714		Motor vehicle parts & accessories
3715		Truck trailers
3732		Boat building & repairing
38		Instruments & related products
39		Miscellaneous manufacturing

- Merchandise gaming operations
- ~~Microbreweries~~
- Mini-warehouses
- Mobile food vendors, subject to Supplementary Standards contained in Section 16-4, below
- Motels
- Motor freight terminals
- Nursing homes, subject to Supplementary Standards contained in Section 16-4, below
- Parking lots and parking garages
- Parks
- Passenger transportation terminals
- Personal Services
- Planned residential developments (minor), subject to the requirements of Article VII, below
- Progressive care facilities, subject to Supplementary Standards contained in Section 16-4, below
- Public and semi-public structures
- Publishing and printing establishments
- Radio and television broadcasting studios
- Recreational facilities, commercial, indoor
- Recreational facilities, commercial, outdoor
- Recycling centers
- Religious institutions
- Repair services, miscellaneous
- Research and development with or without outdoor storage and operations
- Residential dwellings
- Rest homes, subject to Supplementary Standards contained in Section 16-4, below
- Restaurants
- Restaurants, drive-in
- Retail stores
- Service stations
- Signs, subject to the provisions of Article XIII
- Storage yards
- Telecommunications antennas, subject to Supplementary Standards contained in Section 16-4, below.
- Telecommunications towers, subject to Supplementary Standards contained in Section 16-4, below.
- Travel trailer sales
- Treatment plants, water and sewer
- Vehicle repair shops with or without outdoor operations and storage
- Vehicle storage areas, not to include junk yards and wrecking yards as defined by NCGS 136-143
- Warehouses
- ~~Wineries~~
- Wholesaling establishments

5-12-1 (b) Permitted Uses: The following uses are permitted by right in the I-1 Industrial Zoning District Classification and are exempt from the size limitations contained in Section 4-5 (e)(2) of this Ordinance, provided that they meet all requirements of this Section and all other requirements

established in this Ordinance. SIC references are to the 1987 edition of the Standard Industrial Classification Manual published by the Office of Management and Budget:

- Accessory uses & structures, when accessory to another permitted use that is also exempt from Section 4-5(e)(2) of the Zoning Ordinance
- Bottling Plants
- Breweries
- Cideries
- Cideries, hard
- Distilleries
- Food processing establishments, limited to dairy products, bakery products, canneries, and beverage products (SIC codes 202, 203, 205 and 208), not to include slaughtering plants
- Greenhouses and commercial nurseries
- Microbreweries
- Wineries
- Manufacturing (selected industries) – Those manufacturing industries defined by the following SIC Codes are permitted:

<u>Standard Industrial Classification</u>	<u>Industries Excluded</u>	<u>Short Title</u>
<u>202</u>		<u>Food processing: dairy products</u>
<u>203</u>		<u>Food processing: canned, frozen & preserved fruits, vegetable & food specialties</u>
<u>2043</u>		<u>Food processing: cereal breakfast foods</u>
<u>2045</u>		<u>Food processing: prepared flour mixes & doughs</u>
<u>205</u>		<u>Food processing: bakery products</u>
<u>206</u>		<u>Food processing: sugar & confectionery products</u>
<u>207</u>	<u>2077</u>	<u>Food processing: fats & oils</u>
<u>208</u>		<u>Food processing: beverages</u>
<u>2095</u>		<u>Roasted coffee</u>
<u>2096</u>		<u>Potato chips, corn ships & similar snacks</u>
<u>2097</u>		<u>Manufactured ice</u>
<u>2098</u>		<u>Macaroni, spaghetti, vermicelli & noodles</u>
<u>2099</u>		<u>Food preparations, not elsewhere classified</u>
<u>22</u>	<u>226</u>	<u>Textile Mill Products</u>
<u>23</u>		<u>Apparel and other textile products</u>
<u>24</u>	<u>241, 242, 2435, 2436, 2491, 2492</u>	<u>Lumber and wood products</u>
<u>25</u>		<u>Furniture and fixtures</u>
<u>265</u>		<u>Paperboard containers & boxes</u>
<u>267</u>		<u>Converted paper and paperboard products, except containers and boxes</u>
<u>27</u>		<u>Printing, publishing & allied industries</u>
<u>283</u>		<u>Drugs</u>
<u>2844</u>		<u>Perfumes, cosmetics & other toilet preparations</u>
<u>30</u>	<u>301</u>	<u>Rubber & plastic products</u>
<u>323</u>		<u>Glass products, made of purchased glass</u>
<u>326</u>		<u>Pottery & related products</u>
<u>3271</u>		<u>Concrete block & brick</u>
<u>3272</u>		<u>Concrete products, except block & brick</u>
<u>3273</u>		<u>Ready-mixed concrete</u>
<u>3297</u>		<u>Non-clay refractories</u>
<u>34</u>	<u>3443, 3449, 345, 346, 347, 348</u>	<u>Fabricated metal products</u>
<u>35</u>		<u>Industrial equipment</u>
<u>36</u>		<u>Electronic & electric equipment</u>

<u>Standard Industrial Classification</u>	<u>Industries Excluded</u>	<u>Short Title</u>
<u>3714</u>		<u>Motor vehicle parts & accessories</u>
<u>3715</u>		<u>Truck trailers</u>
<u>3732</u>		<u>Boat building & repairing</u>
<u>38</u>		<u>Instruments & related products</u>
<u>39</u>		<u>Miscellaneous manufacturing</u>

Section 5-12-4 I-1CZD Industrial Conditional Zoning District Classification. The purpose and requirements of this zoning district classification are identical to the I-1 Industrial Zoning District Classification except that rezoning to I-1 Conditional Zoning District as provided for in Article VII herein, is required as a prerequisite to any use or development. The following uses shall be permitted in the I-1 Industrial Conditional Zoning District Classification only upon rezoning to I-1CZD.

- Day centers
- Shelter facilities Permitted uses for the I-1 Industrial Zoning District Classification as specified in Section 5-12-1, above
- Special Uses for the I-1 Industrial Zoning District Classification as specified in Section 5-12-2, above
- Development or redevelopment involving more than 50,000 square feet of floor area unless exempted in Section 5-12-1 (b), above

Adopted by the City Council of the City of Hendersonville, North Carolina this 6th day of January 2022.

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

D. Rezoning: Conditional Rezoning: Hendersonville Home 2 (P21-73-CZD) – Alexandra Hunt, Planner I

Community Development Planner Alexandra Hunt stated the city is in receipt of an application for a Conditional Rezoning from Sugarloaf Hospitality LLC to rezone property along Sugarloaf Road (PIN: 9579-56-7956) from PCD Planned Commercial Development to PCD CZD Planned Commercial Development, Conditional Zoning District. Ms. Hunt stated the purpose of the request is to construct a four-story hotel and meeting room. Ms. Hunt stated a special use permit was issued by Council in August 2018 for this project.

Staff presented and discussed with City Council an analysis of the consistency with the relevant portions of the Comprehensive Land Use Plan and the Planning Board’s recommendation. Both were considered by the City Council in addition to supporting maps and documents provided in the agenda packet.

Staff presented and discussed with City Council an analysis of the consistency with the relevant portions of the Comprehensive Land Use Plan and the Planning Board’s recommendation. Both were considered by the City Council in addition to supporting maps and documents provided in the agenda packet

Council Member Dr. Jennifer Hensley clarified there is a draft lighting ordinance going before the Planning Board next week in which the Lighting Committee has added elements to and expressed concerns of which lighting conditions were to be followed. Council Member Lyndsey Simpson concurred.

Sanjay Patel of Sugarloaf Hospitality Inc. Developer addressed City Council in support of approval for the project. Mr. Patel discussed the project and provided a Dark Sky Lighting diagram. Mr. Patel requested Council grant a height exemption from the previously approved 48 feet to 55 ½ feet to

accommodate the logo and design on the building face. Mr. Patel stated the main part of building is 46 feet and he said there is a logo and design that extends a little past this.

The City Clerk confirmed this public hearing has been advertised in accordance with North Carolina General statutes. The public hearing was opened at 8:15 p.m.

Lynne Williams of Chadwick Ave. addressed City Council via Zoom electronic software expressing concerns of concerns of the developer's actions. Ms. Williams stated her understanding is that the developer began clearing the land while permits were expired. Ms. Williams inquired regarding a buffer requirement near a blue line stream and of consideration of a three-sided buffer as recommended by the Tree Board.

Ken Fitch of Patton Street addressed City Council via Zoom electronic software apologizing for previous comments and said he understands staff is directed to follow certain procedures. Mayor Volk asked Mr. Fitch to keep his comments specific to this hearing. Mr. Fitch stated the area for this project is appropriate for this type of venture.

There were no further comments.

The public hearing was closed at 8:22p.m.

Council Member Jerry Smith inquired regarding the buffer requirements and Mr. Patel stated the parking area would be greatly reduced if this were required on all four sides. Mr. Patel stated they have plans to install vegetation in the parking lot location.

Council Member Dr. Jennifer Hensley clarified the lighting condition the developer is agreeing to, and Mr. Patel consented to amending the lighting requirement language to read "developers proposed dark sky initiative plan as presented".

Council Member Lyndsey Simpson moved the City Council APPROVE the adoption of an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property (PIN: 9579-56-7956) from PCD (Planned Commercial Development) Zoning to PCD CZD (Planned Commercial Development, Conditional Zoning District) based on the site plan submitted by the applicant and subject to the following:

Permitted Uses shall include:

- 1) Hotels & Motels***

Conditions that shall be satisfied prior to final site plan approval include:

City initiated:

- 1) Provide a pedestrian walkway between the Day in the Country parking lot and the proposed hotel parking lot.***
- 2) Provide elevations of the proposed hotel prior to City Council.***
- 3) If a reinforced soil slope is used, to provide that appropriate native sedges, grasses, herbaceous and wood ground covers, and low shrubs be used on the slope. No turf grasses are to be used.***

Developer Initiated:

- 1) Provide a 25ft Type C buffer as prescribed in Section 15-6 but without any fencing or walls along the eastern border of the project site.***
- 2) The height limitation in PCD CZD should be increased from 48 ft to 55 ½ ft.***
- 3) The lighting plan as presented by the developer be followed.***

Finding that the rezoning is consistent with the Comprehensive Plan's Future Land Use map designation of Regional Activity Center and that the rezoning is reasonable and in the public

interest for the following reasons: that the site is in close proximity to a major interstate exit and the existing commercial uses on Sugarloaf, including three other hotels currently operating in close proximity to the site. A unanimous vote of the Council followed. Motion carried.

Ordinance #O-22-07

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR PARCEL 9579-26-7956 BY CHANGING THE ZONING DESIGNATION FROM PCD, PLANNED COMMERCIAL DEVELOPMENT TO PCD CZD PLANNED COMMERCIAL DEVELOPMENT, CONDITIONAL ZONING DISTRICT

IN RE: Parcel Number(s): 9579-56-7956 – Hendersonville Home 2.
(File # P21-73-CZD)

WHEREAS, the City is in receipt of a Conditional Rezoning application from Sanjay Patel (applicant) and Sugarloaf Hospitality LLC (owner) for the development of a four-story hotel and meeting room on approximately 2.3 acres, and

WHEREAS, the Planning Board took up this application at its regular meeting on December 13th, 2021; voting unanimously to recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville, and

WHEREAS, City Council took up this application at its regular meeting on January 6th, 2022, and

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

1. Pursuant to Article XI of the Zoning Ordinance of the City of Hendersonville, North Carolina, the Zoning Map is hereby amended by changing the zoning designation of the following: Parcel number 9579-56-7956 from PCD Planned Commercial Development to PCD CZD Planned Commercial Development, Conditional Zoning District
2. Development of the parcel shall occur in accordance with the final site plan requirements of Article VII of the Zoning Ordinance of the City of Hendersonville, North Carolina, and shall be based on the site plan submitted by the applicant and subject to the following:

Permitted Uses shall include:

- i. Hotels & Motels

Conditions that shall be satisfied prior to final site plan approval include:

City initiated:

- i. Provide a pedestrian walkway between the Day In the Country parking lot and the proposed hotel parking lot.
- ii. Provide elevations of the proposed hotel prior to City Council.
- iii. If a reinforced soil slope is used, to provide that appropriate native sedges, grasses, herbaceous and wood ground covers, and low shrubs be used on the slope. No turf grasses are to be used.

Developer initiated:

1. Provide a 25ft Type C buffer as prescribed in Section 15-6 but without any fencing or walls along the eastern border of the project site.
2. The height limitation in PCD CZD should be increased from 48 ft to 55 ½ ft
3. The lighting plan submitted by the developer be followed.

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

Adopted by the City Council of the City of Hendersonville, North Carolina this 6th day of January 2022.

/s/Barbara G. Volk, Mayor

Attest: /s/Angela L. Reece, City Clerk

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

E. Rezoning: Conditional Rezoning: 137 & 139 E. Central St. (P21-72-CZD) – Lew Holloway, Director & Alexandra Hunt, Planner I

Community Development Director Lew Holloway stated the City is in receipt of an application from William A. Pace Jr. to add Automotive Paint & Body and the permitted uses from the C-2 Secondary Business Zoning District listed below, to the property located at 137 & 139 E. Central St. (PIN: 9578-24-9710) to the existing C-2 CZD Zoning District. Director Holloway outlined the permitted uses to be added and clarified this is not a change to the site plan which was approved on April 2, 2020 and said this is solely a change to the allowable uses and said the building has already been constructed.

Staff presented and discussed with City Council an analysis of the consistency with the relevant portions of the Comprehensive Land Use Plan and the Planning Board's recommendation. Both were considered by the City Council in addition to supporting maps and documents provided in the agenda packet.

Mr. Pace addressed City Council stating he is requesting additional uses to attract a prospective tenant.

The City Clerk confirmed this public hearing has been advertised in accordance with North Carolina General statutes. The public hearing was opened at 8:38p.m.

There were no comments.

The public hearing was closed at 8:38 p.m.

Council Member

Council Member Debbie O'Neal-Roundtree moved the City Council move the City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property (PIN: 9578-24-9710) from C-2 CZD (Secondary Business, Conditional Zoning District) Zoning to C-2 CZD (Secondary Business, Conditional Zoning District) based on the application submitted by the applicant. Finding that the rezoning is consistent with the Comprehensive Plan's Future Land Use map designation of High Intensity Neighborhood and that the rezoning is reasonable and in the public interest for the following reasons: that the request includes no modifications to the site plan, only additional proposed uses for the existing building on site and the site was previously approved for both "Light Manufacturing" and "Repair Services," proposed additional uses and target use of automotive paint and body to not present a greater potential impact to surrounding properties. A unanimous vote of the Council followed. Motion carried.

Ordinance #O-22-08

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR PARCEL 9578-24-9710 BY CHANGING THE ZONING DESIGNATION FROM C-2 CZD SECONDARY BUSINESS, CONDITIONAL ZONING DISTRICT TO C-2 CZD SECONDARY BUSINESS CONDITIONAL ZONING DISTRICT

IN RE: Parcel Numbers: 9578-24-9710 – 137 & 137 E. Central St.
(File # P21-72-CZD)

WHEREAS, the City Council adopted Ordinance #18-070749, An Ordinance Amending the Official Zoning Map of the City of Hendersonville which rezoned Parcel Number 9578-24-9710 (previously, 9578-24-8681) from City of Hendersonville R-15 Medium Density Residential to C-3 CZD, Highway Business Conditional Zoning District; and

WHEREAS, the City adopted Ordinance #20-0427, An Ordinance Amending the Official Zoning Map of the City of Hendersonville which rezoned Parcel Number 9578-24-9710 9710 (previously, 9578-24-8681) from City of Hendersonville C-3 CZD Highway Business Conditional Zoning District to C-2 CZD, Secondary Business Conditional Zoning District; and

WHEREAS, the City is in receipt of a Conditional Rezoning Application from William A. Pace, Jr. (Applicant) and William A. Pace Jr. LLC (Property Owner) for the subject parcel, consisting of the addition of Automotive Paint & Body and certain permitted uses in the C-2 Secondary Business Zoning District to the approved list of uses for the Conditional Zoning District at the subject property, and

WHEREAS, the Planning Board took up this application at its regular meeting on December 13th, 2021; voting unanimously to recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville, and

WHEREAS, City Council took up this application at its regular meeting on January 6th, 2022, and

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

1. Pursuant to Article XI of the Zoning Ordinance of the City of Hendersonville, North Carolina, the Zoning Map is hereby amended by changing the zoning designation of the following: Parcel number 9578-24-9410 from C-2 CZD Secondary Business, Conditional Zoning District to C-2 CZD Secondary Business Conditional Zoning District
2. Development of the parcel shall occur in accordance with the final site plan requirements of Article VII of the Zoning Ordinance of the City of Hendersonville, North Carolina, and shall be based on the site plan submitted by the applicant and subject to the following:
 - a) Permitted Uses shall include:
 - i. Accessory uses & structures
 - ii. Animal hospitals & clinics so long as the use contains no outdoor kennels
 - iii. Automobile car washes
 - iv. Automobile sales & service establishments
 - v. Banks and other financial institutions
 - vi. Bed & breakfast facilities
 - vii. Cultural arts buildings
 - viii. Dance and fitness facilities
 - ix. Dry cleaning and laundry establishments containing less than 6,000 ft² square feet of floor area
 - x. Farm equipment sales & service
 - xi. Funeral homes
 - xii. Laundries, coin-operated
 - xiii. Microbreweries, subject to special requirements Supplementary Standards contained in Section 16-4, below
 - xiv. Mobile food vendors, subject to special requirements Supplementary Standards contained in Section 16-4, below
 - xv. Music and art studios
 - xvi. Neighborhood community centers
 - xvii. Newspaper offices and printing establishments
 - xviii. Offices, business, professional and public
 - xix. Parking lots and parking garages
 - xx. Parks
 - xxi. Progressive care facilities subject to special requirements Supplementary Standards contained in Section 16-4, below
 - xxii. Restaurants
 - xxiii. Retail stores
 - xxiv. Schools, post-secondary, business, technical and vocational
 - xxv. Schools, primary & secondary
 - xxvi. Signs, subject to the provisions of Article XIII
 - xxvii. Theaters, indoor
3. This ordinance shall not be effective until the stipulated list of conditions is consented to in writing by the applicant and all owners of the subject property. Upon such written consent, this ordinance shall be effective retroactive to the date of its adoption.

Adopted by the City Council of the City of Hendersonville, North Carolina this 6th day of January 2022.

/s/Barbara G. Volk, Mayor

Attest: /s/Angela L. Reece, City Clerk

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

8. UNFINISHED BUSINESS

There was no unfinished business.

9. NEW BUSINESS

A. Discussion - Designation of a Planner to Represent Residents' Views in Zoning, Rezoning and Conditional Zoning Public Hearings

Council Member Jerry Smith stated he feels it appears Council is on the side of the developer during contentious development hearings and proposed assigning a staff member to lead communications during neighborhood compatibility and planning board meetings between parties for more transparency. Council Member Smith stated he has discussed this with the City Manager and wanted to pose it to Council for additional feedback.

Council Member Lyndsey Simpson stated the ESB is working on a sustainability plan and stated there is a position within city staff to focus on environmental concerns from residents and proposed this could be a part of the discussions surrounding stormwater and other environmental sustainability. Council Member Simpson said she could have more information to present to Council at their retreat for consideration.

Mayor Barbara G. Volk stated she does not feel there is need of a staff person to represent residents and said the residents have been very articulate and capable in presenting their positions to Council. Council Member Smith agreed but stated he feels the power point presentations appear to be supportive of the developer and not reflective of resident's concerns. Mayor Volk stated the presentations should be neutral and include ordinance requirements.

Council Member Dr. Jennifer Hensley stated she has practical and legal concerns and said she would be interested to know of any other municipalities using taxpayer funds to advocate land issues for private citizens. Council Member Hensley stated citizens are provided with numerous opportunities for input as required by ordinance and said if Council has issues with the ordinances, then those should be addressed. Council Member Hensley stated she feels the developers go through an extensive process and said she does support consideration of an environmental staff position to offer a professional opinion. Council Member Hensley stated she feels the Council is the voice of the residents.

Council Member Jerry Smith inquired whether or not Council would allow presentations created by Council Members during hearings.

City Manager John Connet reminded everyone that Council must base their decisions on city ordinances and the comprehensive plan. Manager Connet stated if a sustainability position were to be considered it would need to be included in the comprehensive plan and said staff has concerns of a challenge to a decision if Council Members provide information to citizens to present and said this could be used against the city in a court hearing if it were to be challenged.

Attorney Angela S. Beeker expressed concerns of setting up internal conflict between staff, individual council persons with staff, and of staff advocating for one group versus another.

There was no further discussion.

B. Discussion - Change in Meeting Schedule During Municipal Election Years

Council Member Jerry Smith requested City Council consider not holding any meetings during the City of Hendersonville primary or general election days. Council Member Smith explained if the election is on Tuesday and the Council meeting takes place the following Thursday, he feels that meeting should be moved to the following week and not be held in the same week as election or primary.

Mayor Volk stated she does not feel the City should change the schedule to benefit for persons running for office but agreed with not holding any municipal meetings on election days.

Council Member Dr. Jennifer Hensley stated she never considered this aspect of it but said she is more concerned about confusion and disarray and does not support changing the regular meeting schedule but agreed with not holding any municipal meetings on election days.

Council Member Lyndsey Simpson stated she does agree with not scheduling any advisory meetings on election day(s) to allow community members to focus on voting.

Council Member Jerry Smith moved that the City of Hendersonville not conduct municipal meetings on primary or election day dates. A unanimous vote of the Council followed. Motion Carried.

Mayor Volk clarified this is guidance for staff for meeting preparations.

C. Approval of a Resolution Authorizing the Use of the Design/ Build Delivery Method to Construct the New Laura B. Corn Mini Golf – *John Connet, City Manager*

City Manager John Connet presented a rendering of Edwards Park and clarified there is no plans to remove the existing Boy Scout buildings or trees and said staff may look at ways to enhance this section. Manager Connet recalled earlier public comments regarding historic designation of this site and said those comments refer to a state law that would require an extensive review process. Manager Connet stated the city is not using federal or state funds on this project, so it is not subject to this type of review. Manager Connet provided the project description as follows:

Construct a new Fire Station #1 on the existing site and Boyd Park area.
Relocate existing tennis courts to Patton Park.
Relocate Laura E. Corn Mini-Golf to Edwards Park.

Manager Connet recalled prior discussions which began in 2017 and outlined the transition of this project to current day and stated the GIS Station Location Analysis provided information for the location of a new fire station which would ensure adequate response times for emergency calls in relation to the area. Manager Connet also discussed alternative options but said none could meet the criteria for safe response as outlined in the GIS Station Location Analysis.

Manager Connet provided the following project timeline:

Demolition of Patton Park handball courts to begin immediately.
Fire Station #1 is in the final design development stage.
Mini-golf and tennis courts will close after Labor Day 2022.
Construction will begin in September 2022.
Goal is to have the new Laura E. Corn Mini-Golf open by June 2023.
Goal is to have tennis courts open in late 2022 pending immediate demolition of the handball courts.

Manager Connet discussed the various types of approved methods to build facilities and discussed mini-golf construction and said staff is proposing to hire one contractor to design and construct this facility as it is a specialty type of facility. Manager Connet stated staff is proposing to utilize Edifice Contracting to coordinate construction activities on both sites and said there could be cost savings with this arrangement as some of the work may be able to be performed simultaneously on both sites. Manager Connet discussed mini-golf design stating staff are recommending preservation of much of the existing mini-golf and regional elements, initiation of a community input meeting for comments on design, and to preserve Laura Corn's belief that the mini-golf is more about children, families, and the community than the game itself.

Council Member Jerry Smith requested the following language be added to the resolution in section 1: "and include design elements of the existing mini-golf course along with the natural and cultural features of Western North Carolina". Council Members concurred.

Council Member Jerry Smith moved that the City Council adopt the Resolution by The City of Hendersonville City Council To Authorize The Use Of The Design-Build Delivery Method For The New Laura E. Corn Mini Golf Pursuant To § 143-128.1a along with the noted modifications. A unanimous vote of the Council followed. Motion carried.

Resolution #R-22-12

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE USE OF THE DESIGN-BUILD DELIVERY METHOD FOR THE NEW LAURA E. CORN MINI GOLF PURSUANT TO § 143-128.1A

WHEREAS, the City is relocating the Laura E. Corn Mini Golf from Boyd Park to Edwards Park and wishes to utilize the design-build construction delivery method to construct the new mini golf recreational facility within Edwards Park; and

WHEREAS, § 143-128.1A (b) requires the City to establish in writing the criteria used for determining the circumstances under which the design-build method is appropriate; and

WHEREAS, the City of Hendersonville wishes to utilize the design-build construction delivery- method for the following reasons:

1. The City wishes to construct an American with Disability Act (ADA) accessible eighteen-hole mini golf facility that will honor the legacy of Laura E. Corn and include design elements of the existing mini-golf course along with the natural and cultural features of Western North Carolina.
2. The mini-golf facility must be seamlessly integrated into the greater design concept for Edwards Park, and the design-builder must be able to coordinate the delivery of the design-build services for the mini-golf component with the design and construction of Edwards Park.
3. It is the Cities desire to construct the mini-golf facility within an eight-month time window. The City desires to begin construction on September 1, 2022 and complete construction on May 15, 2023. This will ensure that residents and visitors can enjoy the mini golf facility without interruption.
4. The City has consulted with design consultants (ADW Architecture) and construction professionals (Edifice Contractors) who are providing the design and construction management at risk services for the greater Edwards Park and has determined that mini golf design and construction is a specialized service offered by few companies, that mini-golf design and construction is typically done through a design-build process rather than through traditional construction methods, and that in order to get a high-quality product the City should contract with one of these design-build companies to construct the new Laura E. Corn Mini Golf component of Edwards Park to include elements of the existing mini-golf.
5. The City will contract with ADW Architecture and Edifice Contractors to assist with the preparation of the request for proposals so that the project requirements are adequately and thoroughly defined and to assist with the management of the mini golf design-build process.
6. The City will make a good-faith effort to comply with § 143-128.2 (Minority Business Participation and § 143-128.4 (Historically Underutilized Businesses), as applicable, and to recruit and select small business entities. In addition to traditional project advertisement, the City will advertise on the State of North Carolina's Historical Underutilized Businesses website and in minority business publications.
7. The City has reviewed the criteria for separate-prime bidding, single-prime bidding and construction management at risks contracts and determined that due to project scope, complexity, and time constraints that the design-build delivery method is appropriate for the construction of the new Laura E. Corn Mini Golf for the following reasons:
 - a. The design and construction of mini-golf facilities is a highly specialized industry, with a limited availability of contractors performing this type of work.
 - b. The traditional design-bid-build method would not allow the City to receive the specialized services necessary to deliver the highest quality mini-golf facility.
 - c. The construction management at risk type of bid process would not allow the City to use the design-build process that is typical in the mini-golf industry.

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

1. The City Manager, City Attorney and Purchasing Manager are hereby authorized to issue a Request for Qualifications (RFQ) for a design-build contractor to construct the new Laura E. Corn Mini Golf course, to be integrated into the overall design and construction of Edwards Park.
2. The City shall make a good faith effort to comply with NCGS §§ 143-128.2 and 143-128.4, as applicable, and to recruit and select small business entities. Additionally, this RFQ shall be advertised in publications that attract minority business and historically underutilized business consideration and shall be sent to design professionals and contractors listed on the City's bid solicitation lists.

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

1. The City Manager, City Attorney and Purchasing Manager are hereby authorized to issue a Request for Qualifications (RFQ) for a design-build contractor to construct the new Laura B. Corn Mini Golf course, to be integrated into the overall design and construction of Edwards Park.
2. The City shall make a good faith effort to comply with NCGS §§ 143-128.2 and 143-128.4, as applicable, and to recruit and select small business entities. Additionally, this RFQ shall be advertised in publications that attract minority business and historically underutilized business consideration and shall be sent to design professionals and contractors listed on the City's bid solicitation lists.

Adopted by the City Council of the City of Hendersonville, North Carolina this 6th day of January 2022.

/s/Barbara G. Volk, Mayor

Attest: /s/Angela L. Reece, City Clerk

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

D. Discussion Regarding Pedestrian Safety Improvements at 6th Avenue and Oak Street – *John Connet, City Manager and Brent Detwiler, City Engineer*

City Manager John Connet acknowledged concerns received from constituents regarding safety of this intersection and recalled a 2018 study and recommendations for pedestrian improvements as well as discussions with the YMCA. Manager Connet discussed several designs included in the prior studies and said within the last year NCDOT has studied many intersections identifying specific locations where there may be vehicle pedestrian conflict and said they recommended installing a center refuge on Oak Street. Manager Connet stated this may be an opportunity if Council is interested in addressing this intersection in a variety of ways and said the city could apply for funding through MPO for pedestrian improvements. City Engineer Brent Detwiler has scheduled a meeting with NCDOT to discuss other opportunities and funding. Council Members expressed interest in aligning and installation of a light in this area and directed staff to provide additional information regarding intersections of concern in the city identified by NCDOT and to reach out to the YMCA before a formal recommendation is made.

E. Request from Interfaith Assistance Ministries for Additional Utility Bill Assistance Funding – *John Connet, City Manager*

City Manager John Connet stated Interfaith Assistance Ministries (IAM) has contacted him requesting additional utility bill assistance funding. Manager Connet stated they are in a deficit and are transferring funds from other necessary programs to assist with utility bills. Manager Connet recalled the initial request for funding from IAM being \$20,000 and City Council approving \$8,000. Manager Connet stated there were discussions at the time surrounding utilizing ARP funding before the rules changed and said he feels they have extended themselves based on that conversation and he would recommend increasing the total appropriation to \$18,000. Manager Connet stated he has had conversations with IAM to advise them regarding the availability of utility assistance through the Department of Social Services and to direct requests there for assistance.

Council Member Dr. Jennifer Hensley stated the goal is to encourage persons to utilize the available grant funds in lieu of city funds and to discourage persons for incurring two- or three-thousand-dollar utility bills.

Council Member Lyndsey Simpson moved that the City Council increase Interfaith Assistance Ministries 2021-2022 Special Appropriations Funding from \$8,000 up to \$18,000 and to direct staff to coordinate with IAM to direct persons to apply for utility bill assistance funding through the Department of Social Services. A unanimous vote of the Council followed. Motion carried.

F. Contingent Contract Award of the French Broad River Intake and Pumping Station Project – *Brent Detwiler, City Engineer*

The French Broad River Intake & Pumping Station Project consists of construction of raw water supply facilities including raw water intake structure with three fixed mechanically cleaned trash racks; raw water pumping station with three vertical diffusion vane pumps, surge tank and compressor, and a traveling bridge crane; standby power; and site work. City Engineer Brent Detwiler stated two formal bids were received on September 29, 2021 and said as required by N.C.G.S. § 143-132, the project was rebid, with two bids being received again on October 14, 2021 with the following results:

Crowder Construction Company - \$18,782,200.00

Kiewit Infrastructure South Co. - \$19,619,000.00

Mr. Detwiler noted that the final award will be contingent upon the approval of the North Carolina Department of Environmental Quality and the approval of additional funding request by the North Carolina Local Government Commission. He said the State Water Infrastructure Authority has already approved the additional funding request.

There were no questions.

Council Member Dr. Jennifer Hensley moved that City Council adopt the Resolution by the City of Hendersonville City Council to Authorize the City Manager to Enter into a Contract for the Construction of the French Broad River Intake & Pump Station as presented and recommended by staff. A unanimous vote of the Council followed. Motion carried.

Resolution #R-22-13

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A CONTRACT FOR THE CONSTRUCTION OF THE FRENCH BROAD RIVER INTAKE & PUMP STATION

WHEREAS, the French Broad River Intake and Pumping Station (DWSRF Project No. WIF1940) is intended as a redundant source of non-potable water to improve the resiliency of the Water Treatment Facility general operations. The intake and pumping station is also designed for future expansion to serve future water demands within the City's water service area. The new water source associated with this project will be utilized as needed for maintenance as well as interchangeably with existing raw water sources during normal operations. The City will have the flexibility to operate one or all of its raw water sources simultaneously as required to adjust to changing conditions and treatment needs.

WHEREAS, bids were scheduled to be received at 2:00 p.m., September 9th, 2021, for the French Broad River Intake and Pumping Station Project but fewer than three bids were offered; and

WHEREAS, North Carolina General Statute (N.C.G.S.) 143-132(a) requires a minimum of three bids for formal construction and repair contracts and N.C.G.S. 143-129 authorizes the project to be re-advertised; and

WHEREAS, after proper re-advertisement, two bids were received and publicly opened by the City of Hendersonville at 2:00 p.m. on October 14th, 2021 and the following bids were received; and

Name of Contractor	Amount
1. Crowder Construction Company	\$18,782,200.00
2. Kiewit Infrastructure South Co.	\$19,619,000.00

WHEREAS, Black and Veatch Consulting Engineers reviewed each bid for completeness and accuracy. Crowder Construction Company was the lowest responsive, responsible bidder in the total bid amount of \$18,782,200.00, and

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 French Broad River Intake & Pumping Station Project (DWSRF Project No. WIF1940) to Crowder Construction Company, the lowest responsive and responsible bidder, in the total amount of \$18,782,200.00.
2. The City Manager’s authority to award and execute the construction contract granted by this Resolution in paragraph 1 above is contingent upon the approval of the North Carolina Department of Environmental Quality and the approval of additional funding request by the North Carolina Local Government Commission.
3. The City Manager is authorized to approve change orders which, cumulatively, do not exceed 10% of the approved contract amount of \$18,782,200.00, provided however that any necessary budget ordinance or project ordinance amendments must be brought back to the City Council for approval, and provided that such change orders are approved by the NCDEQ or the NCLCG if required by applicable laws or program regulations.

Adopted by the City Council of the City of Hendersonville, North Carolina this 6th day of January 2022.

/s/Barbara G. Volk, Mayor

Attest: /s/Angela L. Reece, City Clerk

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

10. CITY COUNCIL COMMENTS

There were no comments.

11. CITY MANAGER REPORT – *John F. Connet, City Manager*

City Manager John Connet stated staff are planning public input sessions for ARP funding and said staff are meeting with area organizations for planning and will be providing additional information.

12. CLOSED SESSION

At 9:28 p.m. Council Member Lyndsey Simpson moved that City Council enter into closed session pursuant to NCGS § 143-318.11(a) (1), (3) and (4) 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 public body, which privilege is hereby acknowledged and to discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations. A unanimous vote of the Council followed. Motion carried.

At 10:31 p.m. Council Member Lyndsey Simpson moved that City Council return to open session. A unanimous vote of the Council followed. Motion carried.

13. ADJOURN

There being no further business, the meeting was adjourned at 10:32 p.m. upon unanimous assent of the Council.

Barbara G. Volk, Mayor

ATTEST:

Angela L. Reece, City Clerk