



# MINUTES

February 10, 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, City Clerk Angela Reece, City Attorney Angela Beeker, Communications Manager Allison Justus, and others

### 1. CALL TO ORDER

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

### 2. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG

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

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

Indián Jackson of Mountain Rd. addressed City Council regarding Black History Month asking everyone to also recognize and celebrate the 50-year anniversary of the Green Meadows Community (formally know as Brooklyn).

Katy Gash of Ciccone Drive addressed City Council extending her thanks and praise for Council for actively celebrating Black History Month.

Lynne Williams of Chadwick Ave. addressed City Council regarding Boyd Park requesting Council to follow suggestions recommended by the Historic Preservation Commission.

James Shakour of Glover St. submitted digital written comments requesting consideration of expansion of Boyd Park and relocation of Fire Station 1 to other areas.

### 4. CONSIDERATION OF AGENDA

*Council Member Dr. Jennifer Hensley 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 January 6, 2022 Regular Session as presented.*

#### B. **Approval of General Fund Vehicle and Equipment Financing Agreement** – John Buchanan Finance Director

*I move that City Council approve the Resolution Approving Financing Terms For The Purchase Of Vehicles And Equipment For The General Fund not to exceed \$639,400 for a term of 4 years.*

**Resolution #R-22-16**

### **RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO APPROVE FINANCING TERMS FOR THE PURCHASE OF VEHICLES AND EQUIPMENT FOR THE GENERAL FUND**

**WHEREAS**, The City of Hendersonville has previously determined to undertake a project for the financing of vehicles and equipment, and the Finance Director issued a request for proposals for the financing and;

**WHEREAS**, The City received three proposals and Santander Bank submitted a proposal with the best interest rate and terms to meet the City's needs; and

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

1. The City of Hendersonville hereby determines to finance the purchase of vehicles and equipment through Santander Bank in accordance with the proposal dated January 14, 2022. The amount financed shall not exceed \$639,440 with an annual interest rate of 1.48% for term of 4 years.
2. All financing contracts and all related documents for the closing of the financing shall be consistent with the foregoing terms. City staff are hereby authorized to and directed to execute and deliver any financing documents, and to take all such action as they may consider necessary to carry out the financing as contemplated by the proposal and this resolution.

Adopted by the City Council of the City of Hendersonville, North Carolina this 10<sup>th</sup> day of February 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 Environmental Services/Stormwater Vehicle and Equipment Financing Agreement** – *John Buchanan Finance Director*

*I move that City Council approve the Resolution Approving Financing Terms For The Purchase Of Vehicles And Equipment For The Environmental Services And Stormwater Funds In The Amount Not To Exceed \$409,113 For A Term Of 7 Years As Presented.*

**Resolution #R-22-17**

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO APPROVE FINANCING TERMS FOR THE PURCHASE OF VEHICLES AND EQUIPMENT FOR THE ENVIRONMENTAL SERVICES AND STORMWATER FUNDS**

**WHEREAS**, The City of Hendersonville has previously determined to undertake a project for the financing of vehicles and equipment, and the Finance Director issued a request for proposals for the financing and;

**WHEREAS**, The City received five proposals and Santander Bank submitted a proposal with the best interest rate and terms to meet the City's needs; and

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

1. The City of Hendersonville hereby determines to finance the purchase of vehicles and equipment through Santander Bank in accordance with the proposal dated January 11, 2022. The amount financed shall not exceed \$409,113 with an annual interest rate of 1.79% for term of 7 years.
2. All financing contracts and all related documents for the closing of the financing shall be consistent with the foregoing terms. City staff are hereby authorized to and directed to execute and deliver any financing documents, and to take all such action as they may consider necessary to carry out the financing as contemplated by the proposal and this resolution.

Adopted by the City Council of the City of Hendersonville, North Carolina this 10<sup>th</sup> day of February 2022.

/s/Barbara G. Volk, Mayor

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

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

**D. February 2022 Capital Project Ordinances and Reimbursement Resolutions** – *Alex Norwood, Budget Analyst*

*I move that the City Council adopt the capital project ordinance(s) for the City Hall Exterior Improvements Project #22002, the Sewer Infrastructure Streambank Restoration Project #21013, Reimbursement Resolution, and their budgets as presented.*

**Capital Project Ordinance #O-22-09**

**CAPITAL PROJECT ORDINANCE FOR THE EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE CITY HALL EXTERIOR IMPROVEMENTS 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 City Hall Exterior Improvements Project.

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

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
410	1523	550103	22002	Capital Outlay - CIP	\$103,159
410	1523	550102	22002	Capital Outlay Services/Fees	\$20,000
460	1523	550103	22002	Capital Outlay - CIP	\$103,158
460	1523	550102	22002	Capital Outlay Services/Fees	\$20,000

**Total Project Appropriation**      **\$ 246,317**

**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	470100	22002	Transfer In (from 010)	\$123,159
460	0000	470100	22002	Transfer In (from 060)	\$123,158

**Total Project Appropriation**      **\$ 246,317**

#### 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 General Fund and 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 10<sup>th</sup> day of February 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-22-10**

### **CAPITAL PROJECT ORDINANCE FOR THE EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE SEWER INFRASTRUCTURE STREAMBANK RESTORATION 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 Sewer Infrastructure Streambank Restoration Project.

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

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
460	1014	551003	21013	Capital Outlay CIP	\$575,000
460	1014	550100	21013	Capital Outlay Land/ROW	\$25,000
<b>Total Project Appropriation</b>					<b>\$600,000</b>

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

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
460	0000	470020	21013	Bond Proceeds	\$600,000
<b>Total Project Appropriation</b>					<b>\$600,000</b>

### 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 Capital Project 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 10<sup>th</sup> day of February 2022.

/s/Barbara G. Volk, Mayor

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

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

**Resolution #R-22-18**

### HENDERSONVILLE, NORTH CAROLINA DECLARATION OF OFFICIAL INTENT TO REIMBURSE

**BE IT RESOLVED** by the City Council of the City of Hendersonville, North Carolina, this declaration (the "Declaration") is made pursuant to the requirements of the United States Treasury Regulations Section 1.150-2 and is intended to constitute a Declaration of Official Intent to Reimburse under such Treasury Regulations Section.

The undersigned is authorized to declare the official intent of HENDERSONVILLE, North Carolina (the "Issuer") with respect to the matters contained herein.

**Expenditures to be Incurred.** The Issuer anticipates incurring expenditures (the "Expenditures") for THE ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE SEWER INFRASTRUCTURE STREAMBANK RESTORATION PROJECT, ORDINANCE #O-22-10 (the "Projects").

**Plan of Finance.** The Issuer intends to finance the costs of the Projects with the proceeds of debt to be issued by the Issuer (the "Borrowing"), the interest on which is to be excluded from gross income for Federal income tax purposes.

**Maximum Principal Amount of Debt to be Issued.** The maximum principal amount of the Borrowing to be incurred by the Issuer to finance the Project is \$600,000.

**Declaration of Official Intent to Reimburse.** The Issuer hereby declares its official intent to reimburse itself with the proceeds of the Borrowing for any of the Expenditures incurred by it prior to the issuance of the Borrowing.

Adopted by the City Council of the City of Hendersonville, North Carolina this 10<sup>th</sup> day of February 2022.

/s/Barbara G. Volk, Mayor

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

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

**E. Selection of Stantec's Proposal for Financial Services – Adam Murr, Budget Manager**

*I move that City Council adopt the resolution accepting Stantec's proposal for financial services for a water and sewer rate study, system development fee study, and future agreed upon procedures letters in the Not to Exceed amount of \$111,080.*

**Resolution #R-22-19**

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL ACCEPTING STANTEC'S PROPOSAL FOR FINANCIAL SERVICES FOR A WATER AND SEWER RATE STUDY IN THE NOT TO EXCEED AMOUNT OF \$111,080**

**WHEREAS**, the City periodically consults with financial firms to examine water and sewer utility rates to keep on target with financial sustainability goals; and,

**WHEREAS**, Staff requested proposals from recommended financial firms qualified to provide rate study, system development fee study, and agreed upon procedures letter services; and,

**WHEREAS**, the City has determined Stantec is the most qualified firm to offer the required services; and,

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

1. The City of Hendersonville accepts Stantec's proposal to perform financial services for the water and sewer rate study, system development fee study, and future agreed upon procedures studies in the not to exceed amount of \$111,080.
2. The City Manager and City Attorney are authorized to negotiate and execute a final contract with Stantec for the financial services.

Adopted by the City Council of the City of Hendersonville, North Carolina this 10<sup>th</sup> day of February 2022.

/s/Barbara G. Volk, Mayor

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

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

**F. Selection of ADW's Proposal for Edwards Park Redevelopment – Adam Murr, Budget Manager**

*I move that City Council adopt the resolution accepting ADW's proposal for architectural and engineering services for the Edwards Park Redevelopment in the Not to Exceed amount of \$129,695.*

**Resolution #R-22-20**

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL ACCEPTING ADW'S PROPOSAL FOR ARCHITECTURAL AND ENGINEERING SERVICES FOR EDWARDS PARK REDEVELOPMENT IN THE NOT TO EXCEED AMOUNT OF \$129,695**

**WHEREAS**, City Council has determined a Fire Station 1 and Park Project is needed to provide sufficient fire safety and recreational opportunity in downtown Hendersonville; and,

**WHEREAS**, the City solicited proposals from architectural and engineering firms to provide design services for a mini-golf course relocation and associated amenities on the Edwards Park property in downtown Hendersonville, NC; and,

**WHEREAS**, the City made a good-faith effort to solicit proposals from historically underutilized businesses, and;

**WHEREAS**, the City has determined ADW is the most qualified firm to provide architectural and engineering services for the construction of the mini-golf course and related amenities; and,

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

1. The City of Hendersonville accepts ADW's proposal to perform architectural and engineering services for the Edwards Park Redevelopment project in the not to exceed amount of \$129,695 and finds that ADW is the best qualified firm.
2. The City Manager and City Attorney are authorized to negotiate and execute a final contract with ADW for architectural and engineering services.

Adopted by the City Council of the City of Hendersonville, North Carolina this 10<sup>th</sup> day of February 2022.

/s/Barbara G. Volk, Mayor

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

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

**G. Selection of ADW's Proposal for Temporary Fire Station 3 Design** – Adam Murr, *Budget Manager*

*I move that City Council adopt the resolution accepting ADW's proposal for architectural and engineering services for the Temporary Fire Station 3 project in the Not to Exceed amount of \$110,040.*

**Resolution #R-22-21**

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL ACCEPTING ADW'S PROPOSAL FOR ARCHITECTURAL AND ENGINEERING SERVICES FOR A NEW TEMPORARY FIRE STATION 3 IN THE AMOUNT OF \$110,040**

**WHEREAS**, City Council has determined a Fire Station 1 and Park Project is needed to provide sufficient fire safety and recreational opportunity in downtown Hendersonville; and,

**WHEREAS**, the City will need a temporary Fire Station 3 facility for Fire Department employees, equipment, and sustained service delivery; and,

**WHEREAS**, the City has determined that the Fire Station 3 services are closely related to the services described in the Fire Station 1 and Park Project request for qualifications; and,

**WHEREAS**, City have determined ADW is the most qualified firm to provide architectural and engineering services for the construction of the temporary Fire Station 3; and,

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

1. The City of Hendersonville accepts ADW's proposal to perform architectural and engineering services for the temporary Fire Station 3 in the not to exceed amount of \$110,040 and finds that ADW is the best qualified firm.
2. The City Manager and City Attorney are authorized to negotiate and execute a final contract with ADW for architectural and engineering services.

Adopted by the City Council of the City of Hendersonville, North Carolina this 10<sup>th</sup> day of February 2022.

/s/Barbara G. Volk, Mayor

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

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

**H. Budget Amendments Mid-Year FY22** – Adam Murr, *Budget Manager*

*I move that City Council adopt the budget amendments 02102022-01, 02102022-02, 02102022-03, 02102022-04, 02102022-05, and 02102022-06 (mid-year budget amendments) as presented.*

**I. Revision of the Personnel Policy –Amending Article VII. Section 4 – Holidays: Compensation When Work is Required or Regularly Scheduled Off for Shift Personnel** – Jennifer Harrell, *HR Director*

*I move that City Council adopt the Personnel Policy Amendment Resolution, as presented.*

**Resolution #R-22-22****RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL AMENDING THE CITY OF HENDERSONVILLE PERSONNEL POLICY**

**WHEREAS**, the City of Hendersonville maintains a personnel policy the purpose of which is to establish a system of personnel administration for recruiting, selecting, employing, developing, and maintaining an effective and responsible work force; and

**WHEREAS**, the City of Hendersonville wishes to amend Article VII. Section 4 – Holidays: Compensation When Work is Required or Regularly Scheduled Off for Shift Personnel by clarifying shift employees required to perform work on regularly scheduled holidays will be paid for actual hours worked; and

**WHEREAS**, any hours that qualify for overtime may be compensated with compensatory time in accordance with Article III. Section 13. Compensatory Time.

**NOW THEREFORE, BE IT RESOLVED** by the City Council of the City of Hendersonville, North Carolina that from and after the effective date of this resolution, Article VII. Section 4 of the Personnel Policy attached to this resolution, is hereby adopted.

Adopted by the City Council of the City of Hendersonville, North Carolina this 10<sup>th</sup> day of February 2022.

/s/Barbara G. Volk, Mayor

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

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

**J. Downtown Events Assistant Position Change - Jamie Carpenter, Downtown Manager**

*I move that City Council approve the updated Downtown Events & Marketing Assistant job position and description as presented.*

**K. Utility Extension Agreement for the Landings of Flat Rock Assisted Living Facility – Brendan Shanahan, Engineering**

*I move that City Council the Resolution authorizing the City Manager to enter into a Utility Extension Agreement with Henderson Propco, LLC for the Landings of Flat Rock Assisted Living Facility as presented and recommended by staff.*

**Resolution #R-22-23****RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A UTILITY EXTENSION AGREEMENT WITH HENDERSON PROPCO, LLC FOR THE LANDINGS OF FLAT ROCK ASSISTED LIVING FACILITY**

**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**, Henderson Propco, LLC, the “Developer” and “Owner”, will enter into a Utility Extension Agreement with the City to provide water service to the Landings of Flat Rock Assisted Living Facility.

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

1. The Utility Extension Agreement with Henderson Propco, LLC, the “Developer” and “Owner” to provide water service to the Landings of Flat Rock Assisted Living Facility 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 10th day of February 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 Rutledge 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 Windsor Built Homes, Inc for the Rutledge Road Subdivision as presented and recommended by staff.*

**Resolution #R-22-24**

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A UTILITY EXTENSION AGREEMENT WITH WINDSOR BUILT HOMES, INC FOR THE RUTLEDGE 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**, Windsor Built Homes, Inc., the “Developer” and “Owner”, will enter into a Utility Extension Agreement with the City to provide water service to the Rutledge 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 Windsor Built Homes, Inc., the “Developer” and “Owner” to provide water service to the Rutledge 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 10th day of February 2022.

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

**M. Change Order No. 2 Clear Creek Interceptor Replacement - Adam Steurer, Utilities Engineer**

*I move that City Council adopt the Resolution by the City of Hendersonville City Council to Authorize the City Manager to Execute Change Order No. 2 for the Clear Creek Interceptor Replacement as presented and recommended by Staff.*

**Resolution #R-22-25**

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE CITY MANAGER TO EXECUTE CHANGE ORDER NO. 2 FOR THE CLEAR CREEK INTERCEPTOR REPLACEMENT**

**WHEREAS**, the Clear Creek Interceptor Replacement project was identified in the City’s Sanitary Sewer Asset Inventory and Assessment Master Plan Report to reduce Sanitary Sewer Overflows (SSOs) and provide additional capacity for projected wastewater demands within the Clear Creek Basin and surrounding Edneyville area; and

**WHEREAS**, the City entered into a contract with Don Moorhead Construction, Inc. (Contractor) on May 12, 2021 for the construction of the Clear Creek Interceptor Replacement; and

**WHEREAS**, as construction of the project has progressed, the Engineer and Staff have collaborated with the Contractor and have identified a more viable I-26 gravity sewer crossing; and

**WHEREAS**, Staff recommends proceeding with the re-designed I-26 crossing proposed in this Change Order No. 2, which results in a future savings of approximately \$150,000.00 from the NCDOT I-26 road widening project (I-4400), previously non-performed and removed from the NCDOT project's scope; and

**WHEREAS**, Staff recommends adding approximately 284 feet of 30" gravity sewer to the upstream portion of the contract to eliminate a portion of undersized sewer main, the cost of which is included in Change Order No. 2; and

**WHEREAS**, Staff recommends approving the Contractor's justified request for increased unit pricing for PVC pipe related to the altered/additional scope of work included in Change Order No. 2 as there has been a significant material price escalation from the bid date, the cost of which is included in Change Order No. 2;

Adopted by the City Council of the City of Hendersonville, North Carolina this 10th day of February 2022.

/s/Barbara G. Volk, Mayor

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

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

**N. Resolution to Accept Half Moon Trail Into City Street System** – *Angela S. Beeker, City Attorney*

*I move that City Council adopt the Resolution by the City Of Hendersonville City Council Authorizing Acceptance Of A Portion Of Half Moon Trail into the City Street System as presented.*

**Resolution #R-22-26**

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL AUTHORIZING  
ACCEPTANCE OF A PORTION OF HALF MOON TRAIL  
INTO THE CITY STREET SYSTEM**

**WHEREAS**, Half Moon Land Holdings, LLC, a North Carolina limited liability company, hereinafter "Developer," was granted a conditional rezoning to allow the development of certain property, having a PIN number of 9568-00-1446, being that +/- 29.9-acre parcel of property described in Deed Book 1601 at Page 205 of the Henderson County Registry, having an address of 297 Rustling Pines Lane, hereinafter the "Subject Property," as a subdivision, on December 2, 2021; and

**WHEREAS**, Developer was granted a Major Subdivision Plat approval by the City of Hendersonville Planning Board on December 13, 2021; and

**WHEREAS**, the City of Hendersonville Subdivision Ordinance 4.03(B)(5)(i) requires that "[w]here access to a subdivision site is by a street that does not meet City or State standards, that street shall be improved by the developer in order to meet current City or State standards, as appropriate"; and

**WHEREAS**, access to the Subject Property from US Highway 64 is proposed via Half Moon Trail, a street that was offered for dedication to the public via those plats recorded in Plat Slides 7850, 9167, 9020, and 8839, hereinafter "Dedication Plats," along with other plats, whereby Half Moon Trail was designated as "public," and lots have been sold pursuant to these Dedication Plats; and

**WHEREAS**, Half Moon Trail, as offered for dedication, is an offsite street, not a part of the Subject Property; and

**WHEREAS**, a portion of Half Moon Trail was constructed to City standards and was accepted by the City into the City's street system, and is now a public street, said portion being shown on that plat recorded in Plat Slide 8499 of the Henderson County Registry; and

**WHEREAS**, the Developer has requested that the City accept the remaining portion of Half Moon Trail that was dedicated to the public by the Dedication Plats, said remaining portion beginning at the terminus of the accepted portion of Half Moon Trail as shown on Plat Slide 8499, and continuing to the northernmost property boundary of the Subject Property, said remaining portion being also described as all of the right of way for Half Moon Trail as shown on the Dedication Plats which has not already been accepted by the City of Hendersonville, said remaining portion being hereinafter referred to as the "Half Moon Trail Remnant"; said Half Moon Trail Remnant being shown on Exhibit A, attached hereto and incorporated herein by reference; and

**WHEREAS**, Developer has agreed to post a cash deposit in the amount of \$4,937.50 with the City of Hendersonville in order to guarantee the completion of the construction of the Half Moon Trail Remnant to City standards as shown on Exhibits B and C, both being incorporated herein by reference; and

**WHEREAS**, the City has agreed to accept the dedication of the Half Moon Trail Remnant as a City Street upon condition that the Developer complete the construction of the Half Moon Trail Remnant to City standards and post the cash deposit as a guarantee of completion;

**NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HENDERSONVILLE, NORTH CAROLINA** as follows:

1. The Road Acceptance Agreement is approved as presented.
2. The City Manager is authorized to sign the Agreement, accepting the Half Moon Trail Remnant into the City Street System upon the occurrence of both of the following:
  - a. Developer's depositing with the City certified funds in the amount of \$4,937.50 to guarantee the construction of the Half Moon Trail Remnant to City standards; and
  - b. Developer signing the Road Acceptance Agreement.
3. The City Manager is authorized to approve such changes to the Road Acceptance Agreement as he deems in the best interest of the City.

Adopted by the City Council of the City of Hendersonville, North Carolina this 10th day of February 2022.

/s/Barbara G. Volk, Mayor

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

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

**O. Resolution Authorizing City Manager to Enter Into A Contract with Bullington Gardens, Inc., for the Management of Bee City USA-Hendersonville** – *Gracie Erwin, Environmental Compliance Coordinator*

*I move that City Council adopt the Resolution by the City Of Hendersonville City Council to Authorize the City Manager to Enter Into a Contract With Bullington Gardens, Inc., as presented.*

**Resolution #R-22-27**

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A CONTRACT WITH BULLINGTON GARDENS, INC.**

**WHEREAS**, the City staff recommend that the City contract with Bullington Gardens, Inc., a North Carolina nonprofit corporation ("Bullington,") to manage the Bee City USA-Hendersonville program ("Bee City"); and

**WHEREAS**, Bullington has indicated its willingness to provide management services for Bee City; and

**WHEREAS**, Bullington has the requisite resources to provide effective and knowledgeable management for Bee City;

**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 a contract with Bullington Gardens, Inc., to provide management services for the Bee City USA-Hendersonville program, for the annual management fee of \$15,000.00, and an annual program expense budget of \$5,000.00, for a five (5) year term.

Adopted by the City Council of the City of Hendersonville, North Carolina this 10th day of February 2022.

/s/Barbara G. Volk, Mayor

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

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

**P. Resolution to Approve Updated Uniform Guidance Procurement Policy – Angela S. Beeker, City Attorney**

*I move that City Council adopt the Resolution By The City Of Hendersonville City Council To Approve Amended City Of Hendersonville Uniform Guidance Procurement Policy as presented*

**Resolution #R-22-28**

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL  
TO APPROVE AMENDED CITY OF HENDERSONVILLE  
UNIFORM GUIDANCE PROCUREMENT POLICY**

**WHEREAS**, the City is required to procure goods and services, including construction and repair services, in compliance with North Carolina General Statutes Chapter 143, Article 8 (“State Bid Laws”) and with Chapter 2, Part 2 of the Code of Federal Regulations (“Uniform Guidance”) when such goods and services are funded in whole or in part with federal funds; and

**WHEREAS**, on or about December 3, 2020, the City Council adopted the City of Hendersonville Uniform Guidance Procurement Policy (“UG Policy”) in order to comply with State Bid Laws and the Uniform Guidance; and

**WHEREAS**, City staff is proposing amendments to the UG Policy to provide more guidance and clarity regarding federal funding requirements;

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

1. The revised City of Hendersonville Uniform Guidance Policy is approved as presented.
2. As this is an administrative policy, the City Manager is authorized to approve changes to the policy except as to those changes for which State Bid Laws or Uniform Guidance requires the changes to be approved by City Council.

Adopted by the City Council of the City of Hendersonville, North Carolina this 10th day of February 2022.

/s/Barbara G. Volk, Mayor

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

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

**Q. Resolution Approving Repairs to the Exterior of City Hall - Tom Wooten, Director of Public Works**

*I move 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 Year One Repairs To The Exterior Of City Hall as presented.*

**Resolution #R-22-29**

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE  
CITY MANAGER TO ENTER INTO A CONTRACT FOR THE YEAR ONE REPAIRS TO THE  
EXTERIOR OF CITY HALL**

**WHEREAS**, the City of Hendersonville desires to make repairs to the exterior of City Hall; and

**WHEREAS**, the City of Hendersonville worked with SKA Consulting Engineers to issue an RFP for year one repairs to the exterior of City Hall; and

**WHEREAS**, five bids were received and opened on January 6, 2022 at 2:00pm; and

**WHEREAS**, SKA Consulting Engineers reviewed the bids for completeness and accuracy. Western Specialty Contractors were the lowest responsive bidder; and

**WHEREAS**, only a portion of the funds required for this project were in this year’s budget. Staff will submit a capital project ordinance and 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 year one repairs to the exterior of City Hall is awarded to Western Specialty Contractors, the lowest responsive bidder, in the total amount of \$206,317.00. 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 10th day of February 2022.

/s/Barbara G. Volk, Mayor

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

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

***Council Member Jerry Smith moved that City Council approve the consent agenda as presented. A unanimous vote of the Council followed. Motion carried.***

## **6. PRESENTATIONS**

### **A. Quarterly MVP Recipients – John Connet, City Manager**

City Manager John Connet presented the quarterly MVP recipient awards to Nathaniel Davis – Environmental Service Worker 1, Randall West – Environmental Services Equipment Operator, Brentley Orr – Line Maintenance Worker 1, Austin Williams – Line Maintenance Worker 2, Paul Williams – Utility Production Specialist, and Andrew Jones – Utility Systems Supervisor.

### **B. Black History Month Recognition – Landina Guest House Historical Marker – John Connet, City Manager**

City Manager John Connet discussed the historical significance of the Landina Guest House and placement of a marker. Manager Connet stated the Landina Guest House served as a location where African Americans could rent a room during segregation with a private bath and meals and said the House was listed in the 1960-1961 Negro Motorist Green Book. Manager Connet added, the house served as a community gathering spot for African American residents in the area and said the Diversity and Inclusion Committee and Historic Preservation Commission recommend the placement of a historical marker to recognize the historical significance of the Landina Guest House to the African American community. Manager Connet stated he felt it was an appropriate and positive step in the history of the City. Mr. and Mrs. Lowrance as well as members from the Diversity and Inclusion Committee and Historic Preservation Commission were on hand to accept this honor. Melinda Lowrance extended thanks and appreciation to Council for fulfilling this long-time dream.

***Council Member Debbie O’Neal-Roundtree moved that in honor of Black History Month that the City Council approve the placement of a historical marker at 710 1<sup>st</sup> Avenue West in recognition of the Landina Guest House. A unanimous vote of the Council followed. Motion carried.***

### **C. Hands On! Children’s’ Museum Update – Joseph Knight, Executive Director**

Executive Director Joseph Knight presented an update on the Hands On! Children’s’ Museum announcing they have achieved their goal raising additional funds necessary to complete renovations at the museum. Director Knight stated they have raised over \$450,000 within 8 months in 2021 thanks to the support of the City Council and community.

### **D. Ecusta Trail Update – Chris Burns, Friends of the Ecusta**

Chris Burns, board member of the Friends of the Ecusta Trail Board, and vice chair of the County Rails to Trails Advisory Committee provided a history and update on the Ecusta Trail Project. In his presentation Mr. Burns stated the county has moved forward with selection of an engineering firm to begin the planning and construction phase of the first part of the trail. He also announced that NCDOT has instructed the boards to proceed with phases 1-3 by consolidating them into one phase due to increased funding availability. Mr. Burns stated this portion will span 6 miles and said construction will be completed in approximately 18 months. Mr. Burns stated the cost of entire trail is approximately \$32M for portions in both Henderson and Transylvania Counties and said this is assuming a NCDOT funding of 80%. Mr. Burns stated the matching funds total around \$6.5M and said the boards have secured \$4M, with \$2.5M is coming from TDA. The additional funding is moving forward very well.

Mr. Burns outlined challenges along the section of Kanuga Rd. to Brevard stating the county applied for and received a grant from the MPO and were given an additional ½ mile portion of trail but said they still need 80% of the costs in additional funding to develop this portion and are actively looking for a way to fund this portion. Mr. Burns outlined additional challenges with increased construction costs and inflation stating value engineering can reduce costs.

Council Member Jerry Smith clarified the cost for the King Street portion is approximately \$1.6M and confirmed that the City of Brevard and Transylvania County is applying for grants to fund construction of the portion of trail that extends into their area.

Mayor Volk briefly recessed the meeting at 6:28 p.m. for a short break and reconvened at 6:32 p.m.

## **7. PUBLIC HEARINGS**

### **A. Zoning Text Amendment: Addition and Definition of Micro-distilleries, Micro-cideries, and Micro-wineries with Supplementary Standards to existing Micro-brewery definition (P21-83-ZTA) - Alexandra Hunt, Planner I**

Planner Alexandra Hunt stated the Community Development Department is in receipt of a Zoning Text Amendment (ZTA) application from M&T Distillery LLC and said the applicant is requesting that "micro-distilleries" be added as a use in zoning districts that currently allow microbreweries as either a permitted use or permitted use subject to supplementary standards under Article 16 of the Zoning Ordinance. Ms. Hunt stated in addition to the applicant's request, the department is proposing three (3) recommendations as follows: First, the department recommends that "micro-distilleries", "micro-cideries" and "micro-wineries" be added to the use, definition, and supplementary standards for "Microbreweries." Second, the department is proposing to add additional standards taken from the supplementary standards for Small Scale Manufacturing to the existing supplementary standards for Microbreweries. Third, the department recommends adding two (2) additional zoning districts, CHMU and Urban Village, to the zoning districts that already permit microbreweries as a permitted use subject to supplementary standards. Ms. Hunt reminded everyone that microbreweries are currently a permitted use in PCD CZD, I-1, and PMD CZD zoning districts and a permitted use subject to supplementary standards in C-1, C-2, C-3, CMU, GHMU and HMU.

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.

The City Clerk confirmed this public hearing has been advertised in accordance with North Carolina General statutes. The public hearing was opened at 6:48 p.m.

Bill McDonald of M&T Distilling LLC addressed city Council requesting consideration of approval. Mr. McDonald stated he is promoting the usage of local ingredients and tourism to the county.

Lyle Chariff of Chariff Realty Group addressed City Council stating he is very supportive of Mr. McDonald's business plan and said it is beneficial to the 7<sup>th</sup> Avenue District.

There were no further comments. The public hearing was closed at 6:55p.m.

***Council Member Dr. Jennifer Hensley moved that City Council approve an ordinance revising the definition, use and supplementary standards of Microbreweries to include Micro-distilleries, Micro-cideries, and Micro-wineries in the C-1, C-2, C-3, CMU, GHMU, HMU, I-1, PCD and PMD zoning districts and extending this amended use to the CHMU and Urban Village zoning districts as a Permitted Use subject to the Supplementary Standards finding that the text amendment is consistent with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because It encourages infill development and redevelopment in areas planned for high intensity development. (Goal LU-1); It contributes to downtown's role as the focal point of niche retailers within the city. (Goal CR-4), and It encourages mixed-use development that reduces the need to drive. (Goal TC-1).***

***Further, we find this petition for a zoning text amendment to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because It will promote additional diversity of job opportunities within the City of Hendersonville, it encourages reinvestment in existing infrastructure and commercial real estate within the City of Hendersonville, and it reflects adaptation by the city to changing market trends in retail and the craft beverage industry. A unanimous vote of the Council followed. Motion carried.***

**Ordinance #O-22-11**

**AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND ARTICLE 5 - ZONING DISTRICT CLASSIFICATIONS: SECTION 5-6-1, SECTION 5-7-1, SECTION 5-8-1, SECTION 5-11-2, SECTION 5-12-1, SECTION 5-15-2, SECTION 5-19-1, SECTION 5-22-1; SECTION 5-23-1; ARTICLE 6 – GENERAL PROVISIONS: SECTION 6-5; ARTICLE 12 - DEFINITION OF TERMS: SECTION 12-2; AND ARTICLE 16 - SUPPLEMENTARY STANDARDS FOR CERTAIN USES: SECTION 16-4 OF THE CITY OF HENDERSONVILLE ZONING ORDINANCE TO ADD AND DEFINE MICRO-DISTILLERIES, MICRO-CIDERIES, AND MICRO-WINERIES TO ZONING DISTRICT CLASSIFICATIONS C-1, C-2, CMU, GHMU, HMU, CHMU AND URBAN VILLAGE.**

**WHEREAS**, the City of Hendersonville’s Downtown Advisory Board and Planning Board have reviewed and recommended for adoption a zoning text amendment adding, defining, and providing Supplementary Standards for Micro-distilleries, Micro-cideries, and Micro-wineries in the City of Hendersonville Zoning Ordinance; and

**WHEREAS**, City Council desires to promote the efficient use and reuse of commercial space within City limits by permitting compatible development and redevelopment; and

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

**WHEREAS**, the addition of Micro-distilleries, Micro-cideries, and Micro-wineries as a use represents a response to changing trends and opportunities within the craft beverage industry 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 5 - Zoning District Classifications: Section 5-6-1, Section 5-7-1, Section 5-8-1, Section 5-11-2, Section 5-12-1, Section 5-15-2, Section 5-19-1, Section 5-22-1; Section 5-23-1; Article 6 – General Provisions: Section 6-5; Article 12 - Definition of Terms: Section 12-2; & Article 16 - Supplementary Standards for Certain Uses: Section 16-4 of the City of Hendersonville Zoning Ordinance to add, define and provide Supplementary Standards for Micro-distilleries, Micro-cideries, and Micro-wineries for Zoning District Classifications C-1, C-2, C-3, CMU, GHMU, HMU, I-1, PCD, PMD, CHMU and Urban Village:

## **ARTICLE V ZONING DISTRICT CLASSIFICATIONS**

### **Section 5-6 C-1 Central Business Zoning District Classification**

#### **5-6-1 Permitted Uses**

Micro-breweries, Micro-distilleries, Micro-cideries, and Micro-wineries, subject to the Supplementary Standards contained in Section 16-4, below

### **Section 5-7 C-2 Secondary Business Zoning District Classification**

#### **5-7-1 Permitted Uses**

Micro-breweries, Micro-distilleries, Micro-cideries, and Micro-wineries, subject to the Supplementary Standards contained in Section 16-4, below

### **Section 5-8 C-3 Highway Business Zoning District Classification**

#### **5-8-1 Permitted Uses**

Micro-breweries, Micro-distilleries, Micro-cideries, and Micro-wineries, subject to the Supplementary Standards contained in Section 16-4, below

#### **5-11-2 Permissible Uses.**

Micro-breweries, Micro-distilleries, Micro-cideries, and Micro-wineries, subject to the Supplementary Standards contained in Section 16-4, below

### **Section 5-12 I-1 Industrial Zoning District Classification**

Micro-breweries, Micro-distilleries, Micro-cideries, and Micro-wineries, subject to the Supplementary Standards contained in Section 16-4, below

### **Section 5-15 PCD Planned Commercial Development Conditional Zoning District Classification**

Micro-breweries, Micro-distilleries, Micro-cideries, and Micro-wineries, subject to the Supplementary Standards contained in Section 16-4, below

### **Section 5-19 CMU Central Mixed Use Zoning District Classification**

**5-19-1 Permitted Uses**

Micro-breweries, Micro-distilleries, Micro-cideries, and Micro-wineries, subject to the Supplementary Standards contained in Section 16-4, below

**Section 5-22 GHMU Greenville Highway Mixed Use Zoning District Classification****5-22-1 Permitted Uses**

Micro-breweries, Micro-distilleries, Micro-cideries, and Micro-wineries, subject to the Supplementary Standards contained in Section 16-4, below

**Section 5-23 HMU Highway Mixed Use Zoning District Classification****5-23-1 Permitted Uses**

Micro-breweries, Micro-distilleries, Micro-cideries, and Micro-wineries, subject to the Supplementary Standards contained in Section 16-4, below

**Section 5-24 UV Urban Village Conditional Zoning District Classification****5-24-2 Permitted Uses**

Micro-breweries, Micro-distilleries, Micro-cideries, and Micro-wineries, subject to the Supplementary Standards contained in Section 16-4, below

**Section 5-27 CHMU Commercial Highway Mixed Use Zoning District Classification****5-27-1 Permitted Uses**

Micro-breweries, Micro-distilleries, Micro-cideries, and Micro-wineries, subject to the Supplementary Standards contained in Section 16-4, below

**ARTICLE XI GENERAL PROVISIONS****Section 6-5 Off-Street Parking.**

**Table 6-5-2:** Microbreweries, Micro-distilleries, Micro-cideries, and Micro-wineries: 1 per each 3 seats or stools plus 1 per each 2 employees on the shift with the largest employment

**ARTICLE XII DEFINITION OF TERMS****Section 12-2 Definition of Commonly Used Terms and Words**

Micro-breweries, Micro-distilleries, Micro-cideries, and Micro-wineries: An establishment that engages in the production of malt beverages or spiritous liquors or hard cider or wine as defined in North Carolina General Statute 18B-101. Annual production shall be less than 25,000 barrels 775,000 gallons per calendar year of final product.

**ARTICLE XVI SUPPLEMENTARY STANDARDS FOR CERTAIN USES****Section 16-4 Standards**

16-4-15 Micro-breweries, Micro-distilleries, Micro-cideries, and Micro-wineries

- a) Shall include one or more accessory uses such as a tasting room, tap room, restaurant, retail, demonstration area, education and training facility or other uses incidental to the brewery, distillery, hard cidery, or winery and open and accessible to the public.
- b) Storage of materials used in the manufacturing, processing, and for distribution shall be located entirely within the building.
- c) Shall be designed such that all newly constructed loading and unloading facilities are internal to the site, in service alleys or at the back of the building.
- d) The sides and rear yard or setback requirement shall be increased to 25 feet for the C-2 Secondary Business, C-3 Highway Business, GHMU Greenville Highway Mixed Use and HMU Highway Mixed Use Zoning District Classifications.
- e) Shipping and receiving needs shall not exceed the equivalent of (1) FHWA Class 8 truck per week.
- f) Reuse of an existing building shall not exceed 20,000 square feet of building floor space.
- g) New construction shall not exceed 10,000 square feet of all building floor space.

Adopted by the City Council of the City of Hendersonville, North Carolina this 10<sup>th</sup> day of February 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

## 8. UNFINISHED BUSINESS

There was no unfinished business.

## 9. NEW BUSINESS

### A. **Presentation of Letter Regarding Boyd Park from Historic Preservation Commission -** *Historic Preservation Chair or Vice Chair*

Chairman Cheryl Jones and Vice Chair Jim Welter presented a letter to Council explaining the Historic Preservation Commission (HPC) was approached by the public regarding possible historical significance of Boyd Park. Chair Jones asked Council to consider collaboration with the Commission to preserve and recognize any historic significant features which may be present. Vice Chairman, Welter stated the Committee is asking for consideration of input with relocating amenities to a new park. Council Member Jerry Smith advised the process has officially begun and invited HPC to sit down with the architects regarding concerns for preservation and relocation of amenities. Chair Jones clarified it is unlikely that the site would be deemed a local landmark but said HPC believes it has local significance. Council Member Lyndsey Simpson stated she supports honoring the legacy and history and recalled prior Council direction for preserving certain aspects of the park and referenced the Laura E. Corn plaque. Council Member Dr. Jennifer Hensley referred to a petition which was circulated in the community regarding preserving mini golf and said she personally contacted fifty people who signed the petition who confirmed they through the golf was going to be taken away and were unaware of it being rebuilt. Council Member Hensley stated she thinks most people are excited about having an ADA accessible facility where more persons can enjoy playing mini golf in the city. Mayor Barbara G. Volk confirmed staff will provide updates to HPC.

### B. **Fire Station Project Update – Adam Murr, Budget Manager**

Ashley Love with ADW Architects and Mike Carlisto with Edifice provided an update on Fire Station #1 stating the site will require seismic considerations due to soil issues. City Manager John Connet stated there is an underground stream beneath the football field which runs through the project site property which may contribute to the poor soil issues. Manager Connet stated there will be an additional \$1.2 M cost but said it should be manageable within the budget as it is spread out over a period of fifteen to twenty years. Council Member Dr. Jennifer Hensley and Council Member Lyndsey Simpson stated they wish to move forward with the project knowing this information.

### C. **Acceptance of Duke Energy Electric Vehicle Charging Station – John Connet, City Manager and Tom Wooten, Public Works Director**

Public Works Director Tom Wooten provided information regarding an agreement with Duke Energy to place an electric vehicle charging station at Patton Park and clarified this is a customer fee-based installation similar to fuel rates.

***Council Member Lyndsey Simpson moved that the City Council adopt the resolution authorizing the City Manager to execute the grant agreement with Duke Energy for the placement of an electric vehicle charging station at Patton Park. A unanimous vote of the Council followed. Motion carried.***

## **Resolution #R-22-30**

### **RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A CONTRACT WITH DUKE ENERGY**

**WHEREAS**, the Hendersonville City Council has established a core value that states, “that it is our responsibility to protect all our natural resources and the environment through the implementation of sustainable and responsible projects”; and

**WHEREAS**, the City Council has directed staff to pursue grants for the placement of addition electric vehicle charging stations; and

**WHEREAS**, the Public Works Department has received a grant for the installation of an electrical vehicle charging station at Patton Park; and

**WHEREAS**, the charging station will be installed at no cost to the City of Hendersonville. However, vehicle owners will be charged by Duke Energy for the use of the charging station.

**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 a contract with Duke Energy for the placement of a pay as you go electric vehicle charging station at Patton Park.

Adopted by the City Council of the City of Hendersonville, North Carolina this 10<sup>th</sup> day of February 2022.

/s/Barbara G. Volk, Mayor

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

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

#### **D. Lighting Ordinance Update – Lew Holloway, Community Development Director**

Community Development Director Lew Holloway addressed City Council providing a history and update on the proposed lighting ordinance. Director Holloway outlined concerns regarding the impact of lumen limits on existing sites and on recently approved sites as well as the need to regulate light trespass between commercial properties with options such as shielding and lumen intensity.

Council Member Jerry Smith inquired regarding a compliance date and Director Holloway said it has been discussed and clarified lighting installed today will be beyond useful service life within 20 to 30 years and said any proposed sunset date should be roughly consistent with the service life of the replacement of the light fixture. City Manager John Connet discussed the economic impact of LED streetlight shielding and said the city is being charged extra fees to shield.

Council Member Dr. Jennifer Hensley stated there is a need for guidance and recalled many recent lighting discussions with developments and reminded everyone Council determined there was a need for an ordinance which led to a committee being formed. Council Member Hensley asked staff to keep safety and the business community needs in mind with drafting the ordinance. Council directed staff to continue working on a proposed ordinance with this in mind.

#### **E. Formal Implementation of the 2022 Pay and Classification Plan – John Connet, City Manager**

City Manager John Connet recalled past presentations and said this request to ask Council to formally approve the plan as discussed during the last meeting. Council Member Jerry Smith stated he is in favor of 3%, living wage, and 65<sup>th</sup> % but will vote against this as he is not comfortable with 75%. Mayor Barbara G. Volk stated she is not real comfortable going to 75% on July 1<sup>st</sup> and would like to see it phased in but will go along with the majority of Council. Mayor Volk clarified she does think employees deserve it. Council Member Smith stated he prefers to wait until the property revaluation comes out to see what the impact on the taxpayers will be in this timeframe.

*Council Member Dr. Jennifer Hensley moved that the City Council direct staff to implement the new Pay and Classification Plan with a 3% increase plus moving all positions to 65<sup>th</sup> percentile effective immediately and moving all positions to the 75<sup>th</sup> percentile effective July 1, 2022. In addition, no position shall have probation completion salary below the living wage of \$16.88 per hour. The motion carried by a 3-2 vote with Roundtree-O'Neal and Smith voting no.*

### **10. APPOINTMENTS TO BOARDS/COMMISSIONS/COMMITTEES**

#### **A. Board & Commission Vacant Seat Appointments – Angela L. Reece, City Clerk**

*Council Member Lyndsey Simpson moved that City Council appoint Joseph Dinan to serve an unexpired term ending June 30, 2023 on the Downtown Advisory Board as a Main Street Stakeholder.*

*Council Member Lyndsey Simpson moved that City Council appoint Joseph Dinan to serve an unexpired term ending June 30, 2026 as a member of the Henderson Tourism Development Authority.*

**11. CITY COUNCIL COMMENTS**

Council Member Jerry Smith reminded everyone about the City's 175<sup>th</sup> celebration events throughout the year and encouraged everyone to visit the City's website for more information.

**12. CITY MANAGER REPORT** – *John F. Connet, City Manager***A. February 2022 Contingences Report** – *Alex Norwood, Budget Analyst*

City Manager John Connet presented the February 2022 Contingencies Report to Council making them aware of the use of the funds necessary to clean up any overages in preparation for rest of the year.

**13. ADJOURN**

There being no further business, the meeting was adjourned at 9:15 p.m. upon unanimous assent of the Council.

\_\_\_\_\_  
Barbara G. Volk, Mayor

ATTEST:

\_\_\_\_\_  
Angela L. Reece, City Clerk

DRAFT