



MINUTES

January 5, 2023

REGULAR MEETING OF THE CITY COUNCIL

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

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

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

1. CALL TO ORDER

Mayor Volk called the meeting to order at 5:47 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.*

Ty Keplinger addressed City Council regarding the splash pad for Patton Park and how exciting that it is becoming a reality.

Lynn Williams addressed City Council via Zoom electronic software regarding Boyd Park and keeping the mini golf course there. She also spoke of the dismissal of the lawsuit on Chadwick Ave/Greenville Highway and asked for more access and ability to have a voice with City Council.

4. CONSIDERATION OF AGENDA

Council Member Debbie O'Neal Roundtree 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 – Jill Murray, City Clerk

B. Utility Extension Agreement for the Half Moon Heights Subdivision – Brendan Shanahan, Project Division Manager

Resolution# 23-01

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A UTILITY EXTENSION AGREEMENT WITH HALF MOON LAND HOLDINGS, LLC FOR THE HALF MOON HEIGHTS SUBDIVISION

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

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

WHEREAS, the Developer extends public water and gravity 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 „water and sewer line extension process; and

WHEREAS, Half Moon Land Holdings, LLC., the "Developer" and "Owner", will enter into a Utility Extension Agreement with the City to provide water service to the Half Moon Heights Subdivision.

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

1. The Utility Extension Agreement with Half Moon Land Holdings, LLC, the "Developer" and "Owner" to provide water service to the Half Moon Heights 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.

3. City Manager is authorized to acquire easements, rights-of-way, and other interests in real property consistent with the terms of the Utility Extension Agreement, provided that such acquisition does not impose a financial obligation upon the City.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 5th day of January, 2023.

C. Utility Extension Agreement for the Orchards at Howard Gap – *Brendan Shanahan, Project Division Manager*

Resolution #23-02

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A UTILITY EXTENSION AGREEMENT WITH HOWARD GAP, LLC. FOR THE ORCHARDS AT HOWARD GAP

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

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

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

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

WHEREAS, Howard Gap, LLC., the "Developer" and "Owner", will enter into a Utility Extension Agreement with the City to provide water service to the Orchards at the Howard Gap.

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

- I. The Utility Extension Agreement with Howard Gap, LLC., the "Developer" and "Owner" to provide water service to the Orchards at Howard Gap is approved, as presented.

2. City Manager is authorized to execute the Utility Extension Agreement, and to approve and execute amendments to the Utility Extension Agreement in the future provided such amendments do not impose a financial obligation upon the City.

3. City Manager is authorized to acquire easements, rights-of-way, and other interests in real property consistent with the terms of the Utility Extension Agreement, provided that such acquisition does not impose a financial obligation upon the City.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 5th day of January, 2023.

D. Utility Extension Agreement for the Dodd Meadows Subdivision – *Brendan Shanahan, Project Division Manager*

Resolution #23-03

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A UTILITY EXTENSION AGREEMENT WITH HOWARD GAP, LLC. FOR THE DODD MEADOWS SUBDIVISION

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

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

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

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

WHEREAS, Henderson County Habitat for Humanity, Inc., the "Developer" and "Owner", will enter into a Utility Extension Agreement with the City to provide water service to the Dodd Meadows Subdivision.

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

1. The Utility Extension Agreement with Henderson County Habitat for Humanity, Inc., the "Developer" and "Owner" to provide water service to the Dodd Meadows 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.
3. City Manager is authorized to acquire easements, rights-of-way, and other interests in real property consistent with the terms of the Utility Extension Agreement, provided that such acquisition does not impose a financial obligation upon the City.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 5th day of January, 2023.

E. Utility Extension Agreement for Haywood Park Subdivision – Brendan Shanahan, Project Division Manager

Resolution #23-04

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A UTILITY EXTENSION AGREEMENT WITH HAYWOOD PARK, LLC. FOR THE CAMP JUDAEA CABINS

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

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

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

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

WHEREAS, Haywood Park, LLC., the "Developer" and "Owner", will enter into a Utility Extension Agreement with the City to provide water service to the Haywood Park Subdivision.

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

1. The Utility Extension Agreement with Haywood Park, LLC., the "Developer" and "Owner" to provide water service to the Haywood Park 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.
3. City Manager is authorized to acquire easements, rights-of-way, and other interests in real property consistent with the terms of the Utility Extension Agreement, provided that such acquisition does not impose a financial obligation upon the City.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 5th day of January, 2023.

F. Capital & Grant Project Ordinances – Jennifer Floyd, Budget & Mgmt. Analyst

Ordinance #23-01

CAPITAL PROJECT ORDINANCE FOR THE EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE APPLE RIDGE WATER IMPROVEMENT CAPITAL 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 Apple Ridge Water Improvement Capital Project.

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

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
460	1014	550103	22101	Capital Outlay - CIP	\$800,000
Total Project Appropriation					\$800,000

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	470100	22101	Transfer In (from 460)	\$400,000
460	0000	470100	22101	Transfer In (from ARP #G2101)	\$400,000
Total Project Appropriation					\$800,000

Section 4: The Finance Director is hereby directed to maintain within the Water & Sewer Capital Project Fund (460) 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 & Sewer Fund (060) and Water & Sewer Capital Project Fund (460) as necessary for the purpose of making payments as due. Reimbursement requests shall be made in an orderly and timely manner.

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

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

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

ADOPTED by the City Council of the City of Hendersonville, North Carolina, on this 5th day of January, 2023.

Ordinance #23-02

GRANT PROJECT ORDINANCE FOR THE EXECUTION, ACQUISITION, CONSTRUCTION, AND
INSTALLATION OF THE GOVERNOR’S HIGHWAY SAFETY PROGRAM TRAFFIC ENFORCEMENT
OVERTIME

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 Governor’s Highway Safety Program Traffic Enforcement Overtime Grant Project

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

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
301	1300	501010	G2302	Overtime (HPD)	\$20,720
301	1300	502001	G2302	FICA Tax Expense	\$1,579
301	1300	502050	G2302	Retirement Expense	\$2,701
Total Project Appropriation					\$25,000

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	G2302	Grant Revenue (NCDOT)	\$25,000
Total Project Appropriation					\$25,000

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 (010) as necessary for the purpose of making payments as due. Reimbursement requests shall be made in an orderly and timely manner.

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

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

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

ADOPTED by the City Council of the City of Hendersonville, North Carolina, on this 5th day of January, 2023.

Ordinance #23-03

GRANT PROJECT ORDINANCE FOR THE EXECUTION, ACQUISITION, CONSTRUCTION, AND
INSTALLATION OF THE GOVERNOR’S CRIME COMMISSION EMBEDDED CLINICIAN 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 Governor’s Crime Commission Embedded Clinician Grant Project

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

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
301	1300	519200	G2303	Contracted Services	\$53,625
Total Project Appropriation					\$53,625

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	G2303	Grant Revenue	\$53,625
Total Project Appropriation					\$53,625

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

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

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

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

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

ADOPTED by the City Council of the City of Hendersonville, North Carolina, on this 5th day of January, 2023.

Ordinance #23-04

GRANT PROJECT ORDINANCE FOR THE EXECUTION, ACQUISITION, CONSTRUCTION, AND
INSTALLATION OF THE GOVERNOR’S CRIME COMMISSION ACCREDITATION 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 Governor’s Crime Commission Accreditation Grant Project

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

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
301	1300	519200	G2304	Contracted Services	\$39,650
Total Project Appropriation					\$39,650

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	G2304	Grant Revenue	\$39,650
Total Project Appropriation					\$39,650

- Section 4:** The Finance Director is hereby directed to maintain within the Grant Project Fund (301) sufficient specific detailed accounting records to satisfy the disclosure requirements of all the contractual agreements, if applicable.
- Section 5:** Funds may be advanced from the General Fund (010) as necessary for the purpose of making payments as due. Reimbursement requests shall be made in an orderly and timely manner.
- Section 6:** The Finance Director is directed to report, on a quarterly basis, on the financial status of each project element in Section 3 and Section 4.
- Section 7:** The Finance Director is further instructed to include a detailed analysis of past and future revenues and expenses during each annual budget submission made to the Governing Board.
- Section 8:** Copies of this grant project shall be furnished to the City Clerk, Finance Director and City Manager for direction in carrying out this project.

ADOPTED by the City Council of the City of Hendersonville, North Carolina, on this 5th day of January, 2023.

G. Tentative Contract Award for Construction of the WWTF Ultraviolet Disinfection Improvements Project – Adam Steurer, Utilities Engineer

Resolution #23-05

RESOLUTION BY THE CITY OF HENDERSONVILLE OF TENTATIVE AWARD AND AUTHORIZATION FOR THE CITY MANAGER TO ENTER INTO A CONTRACT FOR THE CONSTRUCTION OF THE WWTF UV DISINFECTION IMPROVEMENTS PROJECT

WHEREAS, the City uses ultraviolet (UV) disinfection at its wastewater treatment facility (WWTF) to disinfect treated wastewater before discharging to the receiving Mud Creek. The existing equipment was commissioned in 200 I and is in need of replacement due to unreliable operation, significant wear, lack of redundancy, damage potentially related to lightning strikes, and the increasing cost of continued maintenance; and

WHEREAS, the project generally consists of construction of a new concrete channel and installation of new, more efficient UV disinfection equipment to replace the existing equipment, provide process redundancy, and facilitate future facility expansion; and

WHEREAS, On December 8, 2022 three sealed formal bids were received: Turner

Murphy Company, Inc.: \$2,332,193
The Harper Corporation - General Contractors: \$3,046,000
J.S. Haren Company: \$3,692,000; and

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

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

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

1. The City Manager is authorized to award and execute a contract for the construction of the WWTF UV Disinfection Improvements Project upon approval from the North Carolina Department of Environmental Quality to Turner Murphy Company, Inc., the lowest responsive and responsible bidder in the total amount of \$2,332,193.00.
2. The City Manager is authorized to approve change orders which cumulatively do not exceed 5% of the approved contract amount of \$2,332,193.00, provided however that any necessary budget ordinance or project ordinance amendments must be brought back to the City Council for approval.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 5th day of January, 2023.

- H. Rescission of the COVID-19 Test Positive Policy – Jennifer Harrell, HR Director**
- I. Conveyance of Right of Way for N. Main/US 25 Intersection Improvements – John Connet, City Manager**

Resolution #23-06

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL APPROVING THE CONVEYANCE OF CITY PROPERTY TO NCDOT FOR THE WIDENING OF NORTH MAIN STREET IN HENDERSONVILLE, NC

WHEREAS the City of Hendersonville owns the property identified by Tax Parcel ID 9569705860 and known as Edwards Park; and

WHEREAS, the North Carolina Department of Transportation (NCDOT) has a project identified as TIP Project: SM-6114C and known as North Main Street/ US Hwy. 25 Intersection Improvements; and

WHEREAS, NCDOT needs to acquire approximately .007 acres of new right of way from the City of Hendersonville for the road and sidewalk improvements; and

WHEREAS, NCDOT needs to obtain approximately .049 acres from the City of Hendersonville for a temporary construction easement; and

WHEREAS the Hendersonville City Council recognizes that improvements to the North Main Street/ Hwy 25 intersection are desperately needed and in the best interest of the City of Hendersonville.

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

1. That the City of Hendersonville will convey at no cost approximately .007 acres for use as public right way and .049 acres as temporary construction easement for this project.
2. The City Manager and City Attorney are authorized to negotiate and execute the necessary deeds and agreements.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 5th day of January, 2023.

J. January Budget Amendments – Adam Murr, Budget Manager

K. Untitled Hallmark Christmas Movie Special Event Application – Jamie Carpenter, Downtown Manager

L. Resolution for the City of Hendersonville to Pursue a NCDOT Division of Integrated Mobility Paved Trails and Sidewalk Feasibility Studies Grant – Brent Detwiler, City Engineer

Resolution# 23-07

RESOLUTION FOR THE CITY OF HENDERSONVILLE TO PURSUE A NCDOT PAVED TRAILS AND SIDEWALK FEASIBILITY STUDIES GRANT

WHEREAS, the City Council of the City of Hendersonville considers bicycle and pedestrian transportation to be of utmost importance to the region by providing Western North Carolina with recreation and equitable transportation opportunities as well as increased economic viability and community development; and

WHEREAS, the City Council of the City of Hendersonville adopted a resolution on April 5, 2012 supporting a regional recreational greenway along the Ecusta rail corridor to link the City of Hendersonville in Henderson County to the City of Brevard in Transylvania County and the Pisgah National Forest; and

WHEREAS, the North Carolina Department of Transportation (NCDOT)'s Division of Integrated Mobility (IMD) has recently implemented a Paved Trails and Sidewalk Feasibility Studies Grant Program; and

WHEREAS, the purpose of the Paved Trails and Sidewalk Feasibility Studies Grant Program is to improve the pipeline of bicycle and pedestrian projects accessing state and federal funding, resulting in successful implementation of projects led by communities prioritizing multimodal infrastructure; and

WHEREAS, a feasibility study will produce a well-conceived project with demonstrated community support that will be competitive in the State Transportation Improvement Program (STIP) and for federal investment. Quantity-based preliminary cost estimates will be generated for route alignments to help inform further decision making, identify funding needs, and develop next steps for project implementation; and

WHEREAS, City staff has developed a preliminary project, "Above the Mud," to reconnect the 7th Avenue area through streetscaping, a new greenway connection to the Ecusta Trail, and flood mitigation;

NOW THEREFORE, BE IT RESOLVED that the City of Hendersonville shall submit an application to NCDOT for Paved Trails and Sidewalk Feasibility Studies Grant to further study the Above the Mud project to engage the community, determine potential solutions, and develop cost estimates for project implementation.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 5th day of January, 2023.

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

6. PRESENTATIONS

A. **MLK Day of Service Proclamation** - *Mayor Barbara G. Volk*

Proclamation
Dr. Martin Luther King Jr. Day Of Service

WHEREAS, Dr. Martin Luther King Jr. devoted his life to advancing equality, social justice, and opportunity for all, while challenging all Americans to participate in reconcile and the never-ending work of building a more perfect union; and

WHEREAS, Dr. King recognized that everyone can be great because everyone can serve requiring only grace and love to do so and during his or her lifetime by encouraging all Americans to serve their neighbors and their communities; and

WHEREAS, Dr. King’s message of moving forward included dignity, discipline and non-violence is the way forward that we cannot walk alone in this walk to justice, and we cannot turn back; and

WHEREAS, the Dr. Martin Luther King Jr. Day of Service has been recognized by Congress since 1994 and throughout the United States communities have come together to do acts of service; and

THEREFORE, I, Barbara Volk, Mayor of the City of Hendersonville, North Carolina in honor and recognition of the contributions of Dr. Martin Luther King Jr. to the advancement of equality in our country, proclaim January 16, 2023 “Dr. Martin Luther King Jr. Day of Service” and urge our citizens to honor this day with giving back to their communities and remembering that MLK Day of Service empowers everyone with engaging people from all walks of life and strengthens our diverse city of Hendersonville, North Carolina.

PROCLAIMED this 5th day of January, 2023.

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

B. **Proclamation-National Blood Donation Month** - *Mayor Barbara G. Volk*

Proclamation
National Blood Donor Month
January, 2023

WHEREAS, since 1969, January has been recognized as National Blood Donor Month to bring awareness to the importance of routine blood donation; and

WHEREAS, National Blood Donor Month is a national effort to encourage the eligible blood donor population to donate blood every 56 days; and

WHEREAS, there is no replacement for blood, and it must be donated on one’s own accord; and

WHEREAS, The Blood Connection is the primary blood provider of blood products to local hospitals and ensures this community has a safe and adequate blood supply; and

WHEREAS, the responsibility of maintaining that safe and adequate blood supply also falls on each member of this community that is eligible to donate blood; and

WHEREAS, one blood donation can save up to three lives, costs nothing but your time, and can mean the difference between life or death for local hospital patients; and

NOW THEREFORE, be it resolved that I, Barbara Volk, Mayor of the City Hendersonville, North Carolina, do hereby proclaim January as National Blood Donor Month.

PROCLAIMED this 5th day of January, 2023.

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

C. **Caregivers of Mother Earth Update** – *Elle Travis, Caregiver of Mother Earth*

Elle Travis said I was here in September when City Council unanimously agreed to be the first city for Caregivers of Mother Earth and since that time I have talked with several people

and Lyndsey has put together a proof of a road sign and I am here tonight to see if there are any questions or discussion that we need to have.

City Manager Connet explained that there is no vote tonight and that they're working with Elle the City Attorney on the application and agreement to make sure everything follows the statutes and meets public purpose and then you can use that going forward.

D. Employee Recognition – *Adam Murr, Budget Manager and LuAnn Welter, HR Coordinator*

Adam Murr recognized Jenny Floyd for successfully completing her graduate capstone project as part of Western Carolina University's Master of Public Affairs (MPA) Program.

E. EAN Leadership Academy Participants – *Jennifer Harrell, Human Resources Director*

City Manager Connet explained that in our continued effort to provide leadership training with our staff, we had several individuals who completed the EAN Leadership Academy: Allison Justus, Suzanna McCall, Cameron Womack, Cerissa Justice, Paul Kaplan, Monica Howard, Brittany Watson, Jesse Ivens, Bethany Beddingfield, Brandon Mundy, LuAnn Welter, Deborah Sholl and Tyler Morrow. We just wanted to take the time to recognize them and thank them for taking the time to complete this.

7. PUBLIC HEARINGS

A. Zoning Text Amendment: Lighting Ordinance (P22-100-ZTA) – *Lew Holloway, Community Development Director*

The City Clerk confirmed this public hearing has been advertised in accordance with North Carolina General Statutes.

The public hearing was opened at 6:04 p.m.

Lew Holloway presented a PowerPoint presentation discussing the proposed lighting ordinance and stated that there are two things to vote on tonight:

- Establish standards for exterior lighting under the General Provisions of the Zoning Ordinance.
- Establish standards for streetlighting in the City Code of Ordinances.

The Planning Board voted 4-3 approval as presented and the general feedback was:

- Amortization Concerns
- Exemption Concerns
- Support of Requested Clarifications
- Discussion of proves to date and concessions made over the course of review

Susan Frady addressed Council and asked that if Council passes an ordinance that they go with the recommendation of the Business Advisory Committee with no amortization, one foot candle for non-residential to residential interface and that you add an exemption for existing lighting in the stream buffer.

Debbie Bell addressed Council regarding her concern on enforcement of this ordinance should it pass.

Bill McKibbin with the Chamber of Commerce addressed the Council with regards to bringing non-conforming businesses to conforming and the cost associated with that which is likely to be costly. The amortization schedule is a concern to the Chamber, as well as, the cost in having staff, or additional staff, to enforce it. Lastly, safety. The businesses that do business after dark, want their customers to feel safe. In conclusion, we would like you to address solutions as they come up instead of creating a blanket solution.

Marilyn Gordon addressed the Council and said my family and I have operated 24-hour convenience stores for over 40 years in Hendersonville so I'm very familiar about the importance of outdoor lighting. To me, this ordinance speaks to reducing outdoor lighting. The safety and security is your primary obligation and I would respectfully request that you refer this back to the Planning Board and Business Advisory Committee and ask them to revise this draft so that it is focused on safety and security.

Ken Gordon addressed the Council and said he also operates 24-hour convenience stores and said he thinks that nearly all businesses would be affected by this and wanted to point out the amortization is a burden that you're placing on existing businesses. Also, I understand the need to have a stream buffer, however, for example, we have a diesel fueling island located within the stream buffer that's been there 42 years and has lighting over the top of it. If I understand this correctly, in ten years, and this is a 24-hr location, it will have no light over the diesel fueling island which by the International Illuminating Engineers Society standards, it needs to have six foot candles and you're telling me that I'm going to have zero.

Bob Williford of the Chamber of Commerce addressed the Council, I just wanted to reiterate one talking point and that's the potential reoccurring costs to the city to find staff or a lighting engineer that's going to be able to go out and find out who is in compliance and who is not and to provide them with equipment and office space, office supplies etc. You're talking about \$150k-\$200k. As far as the amortization clause, we prefer that you stay with the "grandfather" clause that you typically see in most cities rather than the amortization.

Lynne Williams addressed Council remotely via Zoom electronic software and spoke in favor of the ordinance as presented and ideally she would like to see a five-year amortization. Perhaps a fund for create a lighting amortization expense fund over the next ten years to help the businesses out.

Ralph Hammond-Greene addressed Council remotely via Zoom electronic software and spoke in favor of the ordinance. It does not reduce lighting; it redirects lighting so that it is not going upward as that is wasted energy. Businesses are concerned about light expenses but the new lights are less expensive to operate. As for the amortization, most light fixtures have a lifetime of 5-10 years and normally get replaced because they're either broken or don't work anymore so I think the 10-year amortization is a reasonable period of time and I encourage it be left in the ordinance. As for dark parking lots, it doesn't require dark parking lots, it's up to the owners to light it.

The public hearing was closed at 7:47 p.m.

Consensus of Council was to put this back on the agenda for January 25th.

~Mayor Volk called for a five-minute recess at 7:53p.m.~

8. UNFINISHED BUSINESS

Consideration of Ordinance Amending Chapter 20, Article II, Noise of the Hendersonville City Code – *Lew Holloway, Blair Myhand, Angela Beeker, John Connet*

Several months ago, the Police Department raised concerns about several inconsistencies in our Noise Ordinance. After hearing comments from City Council at the November 2022 meeting, staff has reviewed the ordinance and made several amendments. This ordinance amendment will require two readings.

Attorney Angie Beeker gave a brief overview of noise level studies.

Police Chief Blair Myhand used a noise meter for Council to hear the difference between 50 decibels and then 65 decibels.

Attorney Angie Beeker added that they are not looking for a vote tonight but rather wanted Council to have all of the information necessary to make an informed decision when the time comes.

9. NEW BUSINESS

A. Parking Fee Amendment – *Brian Pahle, Assistant City Manager*

Assistant City Manager Brian Pahle gave a brief PowerPoint presentation explaining the parking fee amendment which would become effective on March 1, 2023. Thus far the permit RSVP has gone as follows:

Deck – 197 Available; 148 Remaining;
Interior – 93 Available; 25 Remaining;
Exterior – 184 Available; -8 Remaining; **Oversold**
The majority of permit holders are business owners/managers

Final Decisions made by Council were as follows:

Handicapped parking will be paid parking; No time limit and see how it goes;
Dogwood Lot parking w/permit Monday through Saturday, Sunday is first come-first served;
All other fee schedule amendments remain the same;

Council Member Jennifer Hensley moved to approve the fee schedule amendment as presented. A unanimous vote of the Council followed. Motion carried.

B. Resolution Requisition Local Modification to 160A-301(a) – John Connet, City Manager

Resolution #23-08

**RESOLUTION REQUESTING A LOCAL MODIFICATION TO NORTH CAROLINA GENERAL
STATUTE §160A-301**

WHEREAS, North Carolina General Statute §160A-30I regulates parking enforcement within North Carolina municipalities; and

WHEREAS, §160A-30I specifies that proceeds from the use of parking meters on public streets must be used to defray the cost of enforcing and administering traffic and parking ordinances and regulations; and

WHEREAS, it is the desire of the City of Hendersonville to use revenue from parking meters on public streets to also defray the cost of constructing and maintaining public parking assets; and

WHEREAS, numerous North Carolina municipalities had received a local modification to allow public street parking meter revenue to be used in the same manner as off-street parking facility revenue as specified in §160A-301(b).

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

1. The City Council humbly requests the Henderson County legislative delegation to submit a local modification to §160A-30I on behalf of the City of Hendersonville that states: Notwithstanding the provisions of G.S. 160A-301(a), a Hendersonville may use the proceeds from parking meters on public streets in the same manner in which proceeds from off-street parking facilities are permitted under G.S. 160A-301(b).

Adopted by the City Council of the City of Hendersonville, North Carolina on this 5th day of January, 2023.

Council Member Lyndsey Simpson moved to approve the resolution as presented. A unanimous vote of the Council followed. Motion carried.

C. Establish 2023 NCLM Legislative Priorities and Appoint Mayor Volk as NCLM Voting Delegate – John Connet, City Manager

City Manager Connet explained that at each legislative session the North Carolina League of Municipalities establishes legislative goals. This year they have developed sixteen (16) draft goals and would like each municipality to select our top 10 goals. Once the top 10 goals are selected by the City Council, your voting delegate will vote on behalf of the City Council. Mayor Volk serves on the NCLM Legislative Advocacy Committee. Therefore, I recommend her appointment as your voting delegate. The ten goals Mr. Connet recommended are:

- Expand federal and state resources for affordable housing;
- Revitalize vacant and abandoned properties with enhanced legal tools and funding;
- Create an adequate and permanent funding stream for local infrastructure;
- Expand state transportation funding streams for construction and maintenance for municipal and state-owned secondary roads;
- Support integrated and multi-modal transportation solutions;
- Increase state funding for public transportation operations;
- Expand incentives and funding for local economic development;
- Expand incentives that encourage regionalization of water and sewer, as well as, other municipal services, when appropriate;
- Enhance state systems and resources for local law enforcement officer recruitment, training and retention;

- Provide local revenue options beyond property tax;

Council Member Jennifer Hensley moved to nominate Mayor Barbara Volk as the delegate on the NCLM Legislative Advocacy Committee and endorse the recommended ten legislative goals. A unanimous vote of the Council followed. Motion carried.

D. Special Event Fee Amendment – Jamie Carpenter, Downtown Manager

Jamie Carpenter explained that in September she presented the special event fee schedule and this is an amended fee schedule. We are still working on updates to the special event policy to adapt to public safety needs and a few other things.

Council Member Debbie O’Neal Roundtree moved to adopt the amended special event fee schedule as presented. A unanimous vote of the Council followed. Motion carried.

E. Discussion Regarding Placement of Kiwanis’ Club Splashpad at Patton Park – John Connet, City Manager

City Manager Connet explained that for a year or more, we have been looking for a spot for a splash pad. City staff has evaluated several locations for the proposed Kiwanis’ Splashpad. We would recommend placing the splashpad at Patton Park. The splashpad would replace the existing kiddie pool.

Council Member Lyndsey Simpson moved, seconded by Jennifer Hensley, to approve the placement of Kiwanis’ Club Splashpad at Patton Park. A unanimous vote of the Council followed. Motion carried.

F. Rescheduling of February 2, 2023, and April 6, 2023 City Council Meetings - John Connet, City Manager

The North Carolina City and County Management Conference in Winston-Salem is scheduled for February 1-3, 2023, and Council Member Hensley is going to be out of town for the April 6, 2023, meeting. Therefore, I would like to propose that we reschedule these City Council meetings from Thursday, February 2, 2023 to Wednesday, February 8, 2023, Thursday, April 6, 2023 to Wednesday, April 12, 2023, as well as, Thursday August 3, 2023 to Wednesday, August 9, 2023 respectively.

Council Member Jerry Smith moved to reschedule the February 2, 2023, April 6, 2023 and August 3, 2023 City Council meetings to February 8, 2023, April 12, 2023, August 9, 2023. A unanimous vote of the Council followed. Motion carried.

10. BOARDS/COMMISSIONS/COMMITTEE APPOINTMENTS

A. Board and Committee Appointments for December, 2022 – Jill Murray, City Clerk

Council made nominations for each of the three boards as follows:

Historic Preservation Committee

Council Member Jennifer Hensley moved that City Council appoint Jane Branigan to serve another term on the Historic Preservation Committee ending December 31, 2025. A unanimous vote of the Council followed. Motion carried.

Council Member Jerry Smith moved that City Council appoint Ralph Hammond-Green to serve another term on the Historic Preservation Committee ending December 31, 2025. A unanimous vote of the Council followed. Motion carried.

Council Member Lyndsey Simpson moved that City Council appoint Crystal Cauley to serve another term on the Historic Preservation Committee ending December 31, 2025. A unanimous vote of the Council followed. Motion carried.

Planning Board

Council Member Jerry Smith moved that City Council appoint Neil Brown to serve another term on the Planning Board ending December 31, 2025. A unanimous vote of the Council followed. Motion carried.

Council Member Jennifer Hensley moved that City Council appoint Peter Hanley to serve another term on the Planning Board ending December 31, 2025. A unanimous vote of the Council followed. Motion carried.

Council Member Lyndsey Simpson moved that City Council appoint Laura Flores to serve another term on the Planning Board ending December 31, 2025. A unanimous vote of the Council followed. Motion carried.

Council Member Jennifer Hensley moved that City Council appoint Dr. Stuart Glassman to serve another term on the Planning Board ending December 31, 2025. A unanimous vote of the Council followed. Motion carried.

Council Member Lyndsey Simpson moved that City Council appoint Samantha Jamison to serve a term on the Planning Board filling Frederick Nace's term ending December 31, 2024. A unanimous vote of the Council followed. Motion carried.

Tree Board

Council Member Jennifer Hensley moved that City Council appoint Rebecca Doll to serve a term on the Tree Board ending December 31, 2025. A unanimous vote of the Council followed. Motion carried.

Council Member Lyndsey Simpson moved that City Council appoint Serena Crismali to serve a term on the Tree Board ending December 31, 2025. A unanimous vote of the Council followed. Motion carried.

Council Member Debbie O'Neal Roundtree moved that City Council appoint Joseph Peiso to serve a term on the Tree Board filling Mark Madsen's term ending December 31, 2024. A unanimous vote of the Council followed. Motion carried.

B. Parks & Recreation Master Plan Committee – John Connet, City Manager

The following people were nominated to be on the newly formed Parks & Recreation Master Plan Committee:

Lyndsey Simpson nominated Virginia Tegel
Jennifer Hensley nominated Hunter Marks
Jerry Smith nominated Hunter Jones
Mayor Volk nominated Sarah Kiwalick

A unanimous vote of the Council followed. Motion carried.

Council Member Jennifer Hensley moved to appoint Council Member Jerry Smith to be the Council Member to serve on the Parks and Recreation Master Plan Committee. A unanimous vote of the Council followed. Motion carried.

Council Member Debbie O'Neal Roundtree will have her pick at the January 25, 2023 City Council Meeting.

11. CITY COUNCIL COMMENTS – Council had no comments.

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

City Manager Connet explained that in December, we adopted a resolution to begin conversations about establishing a Water/Sewer Commission with Henderson County. County Manager Mitchell and I are going to meet next Wednesday morning and I would like the Mayor to join us if she can and suggest that we invite the chair of the county commission so we can evaluate if we want to move forward.

13. CLOSED SESSION

A. Closed Session – *John Connet, City Manager*

At 9:44 p.m. Council Member Jerry A. Smith Jr., J.D. moved that City Council enter closed session pursuant to NCGS § 143-318.11 (a) (1), (4) and (6) to prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes, to discuss matters relating to the location or expansion of industries and businesses in the area served by the public body and to consider the qualifications, competence, performance and character, fitness conditions of an individual public officer. A unanimous vote of the Council followed. Motion carried.

At approximately 10:12 p.m. Council Member Jerry Smith moved that City Council return to open session. A unanimous vote of the Council followed. Motion carried.

14. ADJOURN

There being no further business, the meeting was adjourned at approximately 10:12 p.m. upon unanimous assent of the Council.

Barbara G. Volk, Mayor

ATTEST:

Jill Murray, City Clerk