



MINUTES

December 7, 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 Jeff Miller

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

Absent: City Clerk Jill Murray

1. CALL TO ORDER

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

2. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG

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

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

In Person:

Tom Appleby of P.O. Box 21, Bat Cave, NC, spoke about the homeless problem and asked that 10% of Council's budget be used towards homelessness and also spoke against paid parking and the kiosks on Main Street and thinks it's disgraceful.

Clifford Meek of Lennox Park, Hendersonville, spoke about public transportation and rail passenger service and asked that we go to the federal level regarding a passenger service from Spartanburg to Zirconia. The rail is available and Amtrak has the money to purchase it. He asked that Council contact Amtrak, our Federal Department of Transportation and Mr. Landrey. Mr. Meek gave paperwork with contact information. Council member Hensley added that City Council voted to support a resolution for passenger rail service from Asheville to Raleigh. On December 5th, Tom Tillis's office announced \$3.5 million dollars' worth of grants to identify the feasibility of the study and one of them includes an upgrade of a high-speed service from Atlanta to Charlotte and then from Charlotte to D.C. There is also an additional \$500,000 grant, which is included in the \$3.5 million, from Asheville all the way to Raleigh and then would eventually connect to Fayetteville so I just wanted to update you that that has already been passed and is already in the works. Mr. Meek said that he understood but that is the other rail to Asheville and still Council to work on it.

Jeff Groh of Fletcher, spoke against DEI and wants to promote a constitution class that continues to be denied by City Council.

Joe Sanders of 206 Ewatts Hill Road, Hendersonville, said he very strongly supports the pedestrian plan and thanked them for doing it.

Dawn Barr and Jim Lewis of 812 S. Whitted Street, Hendersonville, and said they are in support of the pedestrian plan and it solves some of our parking issues.

Scott Querin of 504 4th Avenue West, Hendersonville, NC, said that his wife and he just recently moved to Hendersonville and they are in support of the pedestrian plan and it is one of the reasons they moved to Hendersonville.

Via Phone:

Ken Fitch, 1046 Patton Street, Hendersonville, spoke via Zoom electronic software about Mac Brackett retiring from the Tree Board after 23 years and thanked him for his many years of service. City Manager Connet added that Mr. Brackett will be receiving a rocking chair as a gift of appreciation for volunteering with the City for over 20 years.

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

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

- A. Water Shortage Response Plan (WSRP) 2023 Update** – Gracie Erwin, Utilities Compliance Coordinator
- B. Special Event: The Summer Session 5K – Event Approval** – Jamie Carpenter, Community Development Downtown Manager
- C. Henderson County Tax Adjustments** – Amanda Lofton, Deputy Tax Collector
- D. Annexation: Certificate of Sufficiency-Lakewood Rd. & Francis Rd. (Lakewood Hendersonville LLC/Travis Fowler) (C23-92-ANX)** – Matthew Manley, AICP

Resolution #23-119

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION PURSUANT TO G.S. 160A-31

WHEREAS, a petition requesting annexation of the contiguous area described herein has been received; and

WHEREAS, certification by the City Clerk as to the sufficiency of the petition has been made;

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

Section 1. A public hearing on the question of annexation of the contiguous area described herein will be held at the City Operations Center located at 305 William St. Hendersonville NC, 28792 at 5:45 p.m. January 4th, 2024, or as soon thereafter as it may be heard.

Section 2. The area proposed for annexation is described as follows:

Being all of that real property consisting of PINs 9579-38-2595, 9579-39-2060, 9579-29-0718 and 9579-19-2770 described in the plat recorded in Book 2023- _____ [to be inserted at recording of the plat] of the Henderson County Registry, said PINs 9579-38-2595, 9579-39-2060, 9579-29-0718 and 9579-19-2770 being described by metes and bounds as follows:

Beginning at a rebar with a Cole Cap, said rebar having the NCGS NAD 83-2011 Coordinates N:599,600.52 and E: 972,053.47;

thence S 58°19'04" E a distance of 1071.47' to a #5 rebar;

thence N 68°13'03" E a distance of 234.68' to a magnetic nail in the centerline of Lakewood Road;

thence with the centerline of Lakewood Road the following two calls: N 33°13'29" E a distance of 75.09' to a magnetic nail;

thence N 12°15'38" E a distance of 76.14' to a magnetic nail;

thence leaving the centerline of Lakewood Road S 35°38'12" E a distance of 217.16' to a #5 rebar;

thence S 59°32'02" E a distance of 69.71' to a #5 rebar;

thence S 05°50'54" E a distance of 184.17' to a magnetic nail in the centerline of Francis Road;

thence S 04°44'22" W a distance of 35.17' to a ½" open iron pipe as a 21" walnut tree;

thence S 03°38'22" W a distance of 205.09' to a ½" open pipe at a creek;

thence S 03°39'17" W a distance of 216.85' to a spike;

thence S 00°36'39" W a distance of 32.07' to a concrete monument;

thence S 02°10'36" E a distance of 232.01' to a NCDOT concrete monument;

thence S 02°10'36" E a distance of 12.69' to a calculated point in the right-of-way of Interstate 26;

thence with the right-of-way of Interstate 26 the following fourteen calls:

N 51°53'55" W a distance of 109.99' to a calculated point;

thence N 38°54'55" E a distance of 28.46' to a NCDOT aluminum-disk monument;
 thence N 50°54'31" W a distance of 41.60' to a NCDOT aluminum-disk monument;
 thence S 38°26'52" W a distance of 29.18' to a calculated point;
 thence N 51°53'55" W a distance of 181.95' to a calculated point;
 thence with a curve turning to the left with an arc length of 494.32', with a radius of 3954.72', with a chord bearing of N 57°53'26" W, with a chord length of 494.00', to a NCDOT concrete monument;
 thence N 59°08'29" W a distance of 696.10' to a NCDOT concrete monument;
 thence N 75°16'14" W a distance of 201.08' to a NCDOT concrete monument;
 thence N 51°21'17" W a distance of 415.79' to a NCDOT concrete monument;
 thence with a curve turning to the right with an arc length of 226.93', with a radius of 3634.72', with a chord bearing of N 53°17'53" W, with a chord length of 226.89', to a NCDOT concrete monument;
 thence N 50°22'20" W a distance of 671.13' to a NCDOT concrete monument;
 thence N 16°29'07" E a distance of 88.37' to a NCDOT concrete monument;
 thence N 37°48'06" W a distance of 207.56' to a #5 rebar;
 thence N 37°48'06" W a distance of 32.00' to the centerline of Clear Creek;
 thence with the centerline of Clear Creek the following eight calls:
 N 34°36'07" E a distance of 101.80' to a calculated point;
 thence N 53°37'31" E a distance of 159.48' to a calculated point;
 thence N 38°23'40" E a distance of 263.30' to a calculated point;
 thence N 44°12'54" E a distance of 162.61' to a calculated point;
 thence S 89°51'50" E a distance of 135.37' to a calculated point;
 thence N 66°45'25" E a distance of 336.74' to a calculated point;
 thence N 74°39'41" E a distance of 142.13' to a calculated point;
 thence N 64°26'02" E a distance of 590.12' to a calculated point;
 thence S 03°36'36" W a distance of 320.62' to a #5 rebar with a Parker Cap;
 thence S 03°36'36" W a distance of 160.56' to a concrete monument;
 thence S 17°29'50" W a distance of 999.67' to a rebar with a Cole Cap; which is the point of beginning, having an area of 2,588,321 square feet, 59.420 acres.

Re: Petition for Contiguous Annexation
 Petitioners: Travis Fowler
 File No. C23-92-ANX

Section 3. Notice of the public hearing shall be published once in The Hendersonville Times-News, a newspaper having general circulation in the City of Hendersonville, at least 10 days prior to the date of the public hearing.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 7th day of December 2023.

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

E. December 2023 Budget Amendments – Adam Murr, Budget Manager

TO MAYOR & COUNCIL
 APPROVAL: December 07, 2023

FISCAL YEAR 2024
 FORM: 12072023-01

BUDGET AMENDMENT

FUND 010

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
010-1521-501002	Salaries - Uniform/Taxable	1,200	5,000	-	6,200
010-1521-521001	Supplies & Materials	37,500	-	5,000	32,500
FUND 010	TOTAL REVENUES	-	5,000	-	-
General Fund	TOTAL EXPENDITURES	-	-	5,000	-

An amendment moving tool purchases for fleet mechanics from supplies and materials to salaries-uniform/taxable. The amendment is needed because the tools are considered a fringe employee benefit.

The City Manager and City Clerk certify budget ordinance amendment 12072023-01 was approved by City Council on December 07, 2023.

TO MAYOR & COUNCIL
APPROVAL: December 07, 2023

FISCAL YEAR 2024
FORM: 12072023-02

BUDGET AMENDMENT

FUND 060

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
060-0000-470900	Fund Balance Appropriated	-	248,000	-	248,000
060-7055-519200	Contracted Services	110,000	-	40,000	70,000
060-7055-524060	R&M Lines (Water)	250,000	112,500	-	362,500
060-7055-555002	Capital Outlay - Lines	-	162,500	-	162,500
060-7032-555003	Capital Outlay - Plants/Pump Stations	195,000	-	15,000	180,000
060-7032-556001	Capital Outlay - Other/Intangible	120,000	-	120,000	-
060-7155-524060	R&M Lines (Wastewater)	132,000	60,500	-	192,500
060-7155-524060	Capital Outlay - Lines	-	87,500	-	87,500
060-7050-521950	Inventory	1,242,000	423,000	-	1,665,000
060-7050-521955	Contra Inventory	1,242,000	423,000	-	1,665,000
FUND 060	TOTAL REVENUES	-	248,000	-	-
Water & Sewer Operating	TOTAL EXPENDITURES	-	423,000	175,000	-

An amendment increasing fund balance appropriated in the Water and Sewer Fund by \$248,000 to cover priority water and sewer line replacement projects in FY24. The amendment also corrects the financial accounts: inventory and contra inventory (highlighted orange), to reflect the flow of needed equipment and materials in and out of inventory for various FY24 projects including: Carson Drive, Somersby Park, Old Brickyard, and AMI.

The City Manager and City Clerk certify budget ordinance amendment 12072023-02 was approved by City Council on December 07, 2023.

F. Final Acceptance of Negotiated Offer to Purchase North Edwards Street Lot, Parcel B1, Plat Book 2023, Page 14832, Henderson County Registry – Daniel Heyman, Staff Attorney

Resolution #23-120

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL OF FINAL ACCEPTANCE OF NEGOTIATED OFFER

WHEREAS, the City of Hendersonville owns certain property off of North Edwards Street adjacent to City Hall, and identified as Parcel B1, containing 2,227 sq. ft., as shown on that Plat recorded in Plat Book 2023 at page 14832, in the Office of the Register of Deeds for Henderson County, being a portion of the property with a tax parcel ID of 9568880780, and having been acquired by the City of Hendersonville in Deed Book 399 at Page 565 of the Henderson County Register of Deeds Office (“Property”); and

WHEREAS, North Carolina General Statute Section 160A-269 permits the City to sell property by upset bid after receiving and offer to purchase; and

WHEREAS, the City has received a NEGOTIATED OFFER RECEIVED PURSUANT TO N.C.G.S. § 160A-269, dated October 30, 2023 (“Offer”), a copy of which is attached hereto and incorporated herein by reference; and

WHEREAS, WNH Investments, LLC, (“Buyer”), is offering to purchase the Property for the sum of \$50,000, subject to the terms and conditions contained within the Offer; and

WHEREAS, on October 5, 2023, the City Council issued a proposed acceptance of a previous offer and authorized the offer to be advertised for upset bids pursuant to N.C.G.S. § 160A-269; and

WHEREAS, the offer was advertised in the Hendersonville Times-News on October 10, 2023 and a first upset bid was received; and

WHEREAS, the first upset bid was advertised in the Hendersonville Times-News on October 20, 2023 and an upset bid was received; and

WHEREAS, the first upset bid was advertised in the Hendersonville Times-News on October 20, 2023 and a second upset bid was received; and

WHEREAS, the second upset bid was advertised in the Hendersonville Times-News on October 24, 2023 and a third upset bid was received, said third upset bid being the Buyer’s Offer for \$50,000; and

WHEREAS, the third upset bid was advertised in the Hendersonville Times-News on November 3, 2023 and no upset bids were received; and

WHEREAS, subject to the terms below, the City Council wishes to issue a final acceptance of the Offer;

NOW THEREFORE, BE IT RESOLVED, the City Council of the City of Hendersonville resolves that:

1. The Council issues a final acceptance of the Offer pursuant to the procedures of 160A-269, and authorizes the sale to the Buyers, WNH Investments, LLC, or an authorized assignee as allowed by Offer. The City

Manager, City Clerk, and the City Attorney are authorized to take all actions on behalf of the City which are consistent with the terms of the Offer, including but not limited to the signature of all necessary documentation, to effectuate the closing on the sale of the Property.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 7th day of December, 2023.

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

**G. Resolution to Accept Leyland Circle into the City Street System – Tom Wooten,
 Director of Public Works**

Resolution #23-121

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL AUTHORIZING
 ACCEPTANCE OF LEYLAND CIRCLE INTO THE CITY STREET SYSTEM**

WHEREAS, The Cottages at Cypress Run, LLC, a North Carolina limited liability company (hereinafter “Developer”), was granted a special use permit for the development of that property shown on those plats recorded in Plat Book 2019 at Slide 12246, Plat Book 2020 at Slide 12674 (as amended by Plat Book 2020 at Slide 12897) and Plat Book 2021 Slide 13185, all of the foregoing in the Henderson County Registry (said plats hereinafter the “Cypress Run Subdivision Plats”) (said property hereinafter the “Subject Property”); and

WHEREAS, The Cottages at Cypress Run Homeowners Association, Inc., a North Carolina non-profit corporation (hereinafter “Homeowners Association”) is the fee simple owner of the 50-foot right-of-way identified as “Leyland Circle” on the Cypress Run Subdivision Plats (hereinafter “Leyland Circle”) by way of that deed recorded in Deed Book 4112 at page 208, Henderson County Registry; and

WHEREAS, the Homeowners Association has submitted a request to the City of Hendersonville to accept Leyland Circle into the City street system for operation and maintenance; and

WHEREAS, The City has agreed to accept the dedication of Leyland Circle as a City street upon the recording of a Deed of Dedication, in form acceptable to the City, by the Homeowners Association or then fee-simple owner of Leyland Circle.

NOW THEREFORE, BE IT RESOLVED, the City Council of the City of Hendersonville resolves that:

1. The 50-foot right-of-way identified as “Leyland Circle” on those plats recorded in Plat Book 2019 at Slide 12246, Plat Book 2020 at Slide 12674 (as amended by Plat Book 2020 at Slide 12897) and Plat Book 2021 Slide 13185, all of the foregoing in the Henderson County Registry shall be accepted into the City of Hendersonville’s street system effective upon the recording of a Deed of Dedication, in form acceptable to the City of Hendersonville, in the Henderson County Register of Deeds, by the fee-simple owner(s) of said right-of-way.
2. The City Manager is authorized to accept a Deed of Dedication dedicating Leyland Circle to the City of Hendersonville.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 7th day of December, 2023.

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

6. PRESENTATIONS

A. Resolution Reaffirming Bias-Free Policing – Chief Blair Myhand

Chief Myhand explained that the Hendersonville Police Department pledged to complete the International Association of Chiefs of Police, Trust Building Campaign. Through this pledge, the department promises to adhere to twenty-six standards to strengthen trust within our community. As part of that pledge, the department reaffirms its commitment to bias free policing. This resolution is essential in communicating the department’s obligation to all members of our community.

Chief Myhand read the resolution aloud and Mayor Volk asked all members of Council if they approved it and they all did. There were no nays.

Resolution #R-23-123

RESOLUTION REAFFIRMING BIAS-FREE POLICING FROM THE HENDERSONVILLE POLICE DEPARTMENT TO THE CITIZENS OF HENDERSONVILLE

WHEREAS, in a free society, law enforcement is entrusted and expected to protect the civil rights of all individuals; and

WHEREAS, the overwhelming majority of police officers perform their duty in a professional and impartial manner free from bias; and

WHEREAS, it is crucial that bias, based on discriminatory practices, is deemed unacceptable and not tolerated; and

WHEREAS, the Chief of Police will review department practices, policies, and procedures to ensure that operational services are free from any form of bias; and

WHEREAS, the Hendersonville Police Department recognizes that establishing organizational accountability and transparency is the highest priority to effectively promote public trust; and

WHEREAS, when individual police employees violate laws or agency values, rules, or regulations, they should be held accountable; and

WHEREAS, the Hendersonville Police Department establishes a policy that clearly prohibits all discriminatory policing practices; now, therefore be it

NOW, THEREFORE, BE IT RESOLVED, that the Hendersonville Police Department reaffirms its long-standing position against biased policing, or any other type of discriminatory practices.

ADOPTED this 7th day of December, 2023.

/s/Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

B. Recognition of Steve Alverson, for obtaining the Public Sector MESH Certificate
– Jennifer Harrell, HR Director

Human Resources Director Jennifer Harrell explained that Steve Alverson was recently notified by the MESH Board of Directors that he has successfully completed the requirements and earned the **Public Sector -Manager of Environmental Safety and Health Certificate**. The MESH Certificate is awarded to individuals who demonstrate achievement through education in occupational safety, health and the environment. MESH is sponsored by the Safety and Health Council of North Carolina, NC State University and the NC Department of Labor.

This program is designed to increase the professionalism of environmental, safety and health managers at governmental, commercial and manufacturing sites in North Carolina through a rigorous series of continuing education programs. The MESH program strives to recognize environmental managers and raise industry standards and increase the value of these practitioners to their employers and others to whom services are provided.

This is the second MESH certificate Steve has earned.

City Council applauded Steve for his accomplishment.

C. Fiscal Year 2023 Audit Presentation – John Buchanan, Finance Director

Finance Director John Buchanan introduced Tim Lyons of Mauldin & Jenkins to present the June 30, 2023 Audit.

Agenda

- Engagement Team
- Results of the 2023 Audit
- Financial Ratios and Trends
- Comments, Recommendations, and Other Issues
- Questions & Comments

Engagement Team



INSIDE
PUBLIC ACCOUNTING
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2021

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2022 **Top 100 Firms**

CONSISTENTLY RANKED AS A TOP ACCOUNTING FIRM IN THE U.S.

100+ year
HISTORY
OF QUALITY SERVICE

Serve 650+
GOVERNMENT CLIENTS

GOVERNMENTAL PARTNERS **16**



140+ TEAM MEMBERS DEDICATED TO SERVING THE GOVERNMENTAL INDUSTRY



VISION
To be a trusted advisor, earning trust and building respect through our consistent commitment to sustainable excellence, leadership, and integrity.



225+
SINGLE AUDITS PERFORMED LAST YEAR COVERING OVER \$4 BILLION OF FEDERAL GRANTS



135,000+
HOURS ANNUALLY PROVIDED TO GOVERNMENTAL CLIENTS

150+

CURRENT CLIENTS AWARDED THE GFOA CERTIFICATE OF EXCELLENCE

5
STATES

13
OFFICES



Results of 2023 Audit



- Our Responsibility Under Auditing Standards Generally Accepted in the United States of America (GAAS) and *Government Auditing Standards* (GAS)
 - We considered the internal control structure for the purpose of expressing our opinion on the City's basic financial statements and not providing assurance on the internal control structure.
 - Our audit was performed in accordance with GAAS and GAS.
 - Our objective is to provide reasonable—not absolute—assurance that the basic financial statements are free of material misstatement.
 - We did not audit the financial statements of the Hendersonville ABC Board. We relied on the report of other auditors for amounts included in the City's ACFR related to the ABC Board. The ABC Board was also not audited in accordance with *Government Auditing Standards*.
 - The basic financial statements are the responsibility of the City's management.
- Report on 2023 Basic Financial Statements
 - We issued **UNMODIFIED** ("clean") opinions on the basic financial statements.
 - Presented fairly in accordance with accounting principles generally accepted in the United States of America.
 - Our responsibility does not extend beyond financial information contained in our report.

Results of 2023 Audit (Continued)



□ Significant Accounting Policies

- The significant accounting policies used by the City are described in Note 1 to the basic financial statements.
- The policies used by the City are in accordance with generally accepted accounting principles and similar government organizations.
- In considering the qualitative aspects of its policies, the City is not involved in any controversial or emerging issues for which guidance is not available.
- The City was required to implement the provisions of Governmental Accounting Standards Board (GASB) Statement No. 96, *Subscription-based Information Technology Arrangements*. This standard changed the way that contracts that give the City the right to use a vendor's software or other IT assets are accounted for.

□ Management Judgment/Accounting Estimates

- The City uses various estimates as part of its financial reporting process – including valuation of accounts receivable, depreciation of capital assets, self-insurance claim liabilities, and pension and OPEB assumptions.
- Management's estimates used in preparation of financial statements were deemed reasonable in relation to the financial statements taken as a whole. We considered this information and the qualitative aspects of management's calculations in evaluating the City's significant accounting estimates.

Results of 2023 Audit (Continued)



□ Financial Statement Disclosures

- The footnote disclosures to the financial statements are also an integral part of the financial statements and the process used by management to accumulate the information included in the disclosures was the same process used in accumulating the statements. The overall neutrality, consistency, and clarity of the disclosures was considered as part of our audit.

□ Relationship with Management

- We received full cooperation from the City's management and staff.
- There were no disagreements with management on accounting issues or financial reporting matters.

□ Audit Adjustments

- There were several posted adjustments which were necessary during the audit process. Those entries have been provided to management and have all been recorded on the City's general ledger by management and they have agreed with all adjustments.
- We did not have any passed adjustments as a part of this year's audit.

□ Management Representation

- We requested, and received, written representations from management relating to the accuracy of information included in the financial statements and the completeness and accuracy of various information requested by us.

Results of 2023 Audit (Continued)



□ Consultation with Other Accountants

- To the best of our knowledge, management has not consulted with, or obtained opinions from, other independent accountants during the year, nor did we face any issues requiring outside consultation.

□ Significant Issues Discussed with Management

- There were no significant issues discussed with management related to business conditions, plans, or strategies that may have affected the risk of material misstatement of the financial statements.

□ Information in Documents Containing Audited Financial Statements

- Our responsibility for other information in documents containing the City's annual comprehensive financial report and our report thereon does not extend beyond the information identified in our report. If the City intends to publish or otherwise reproduce the financial statements and make reference to our firm, we must be provided with printers' proof for our review and approval before printing. The City must also provide us with a copy of the final reproduced material for our approval before it is distributed.

□ Auditor Independence

- In accordance with AICPA professional standards, M&J is independent with regard to the City and its financial reporting process.
- There were no fees paid to M&J for management advisory services during fiscal year 2023 that might affect our independence as auditors.

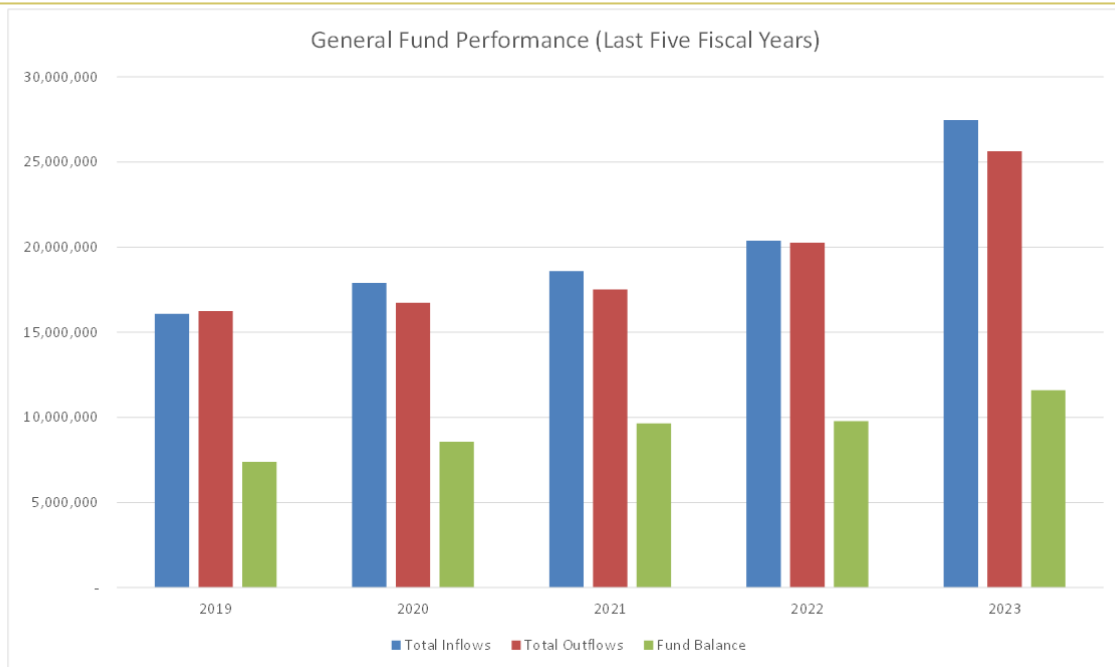
Results of 2023 Audit (Continued)



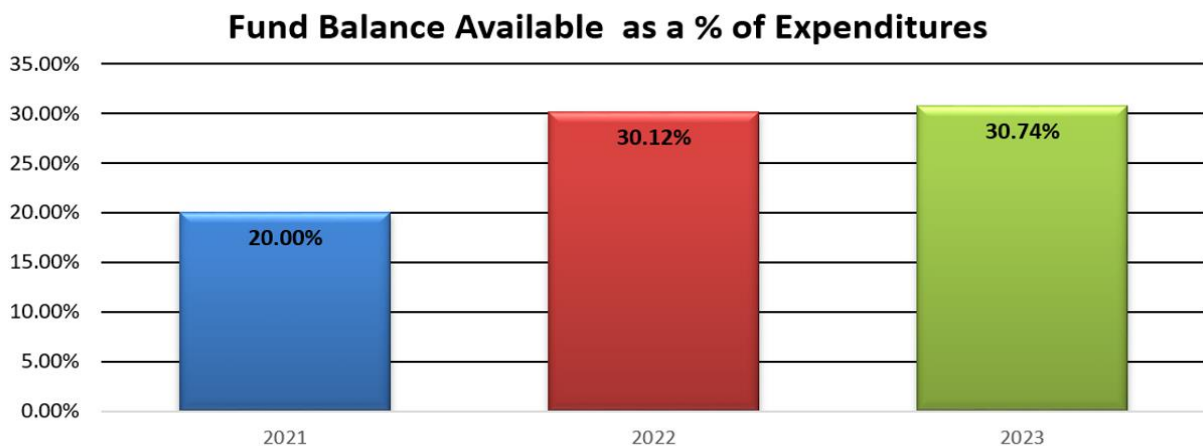
□ Federal and State Compliance Audits

- During the fiscal year 2023 audit, we conducted compliance tests for the City's expenditures of Federal and State Award programs
- City is reporting approximately \$28.2 million in Federal funding
- City is reporting approximately \$610 thousand in State funding
 - Programs tested:
 - » USDA Community Facility Loan Program (10.766) – Federal program
 - » Coronavirus State and Local Fiscal Recovery Funds (21.027) – Federal Program
 - » North Carolina Department of Transportation Powell Bill Program – State Program

General Fund Performance

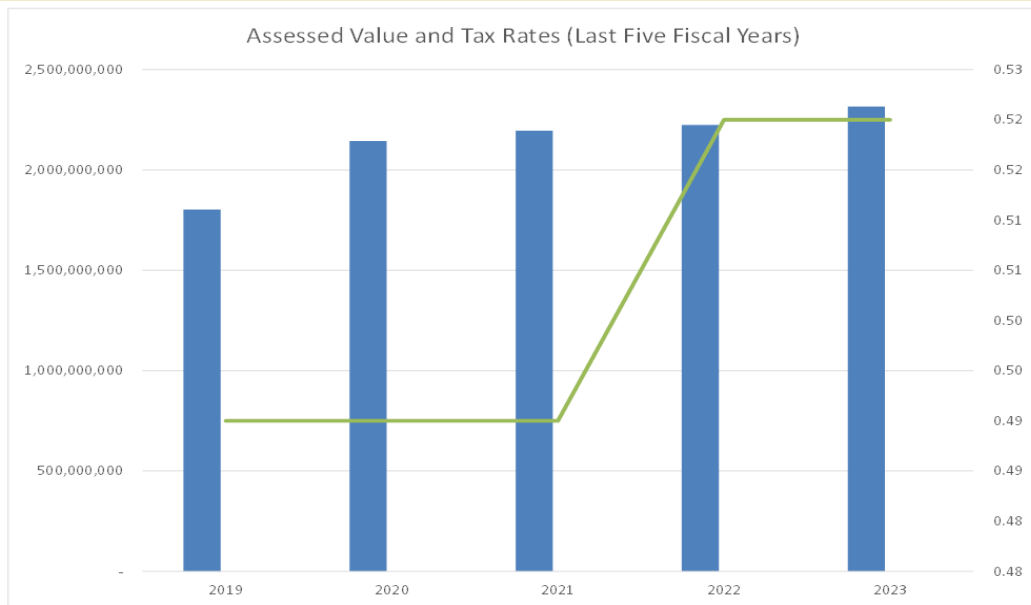


General Fund – Fund Balance Available for Appropriation



- Minimum threshold (per LGC) is 25%.
- Median of similar units is 46%.
- At year-end, the City was at 30.74% which is consistent with the prior year.

Property Taxes – Last 5 years



General Fund Budget to Actual Results – Fiscal Year 2023



General Fund Budget

	Original	Amendments	Final	Actual	Variance
Revenues	\$ 19,940,693	\$ 1,282,874	\$ 21,223,567	\$ 21,581,054	\$ 357,487
Expenditures	23,136,183	1,712,095	24,848,278	23,914,493	933,785
Other Financing Sources (Uses)	3,195,490	429,221	3,624,711	4,164,224	539,513
Net Change	\$ -	\$ -	\$ -	\$ 1,830,785	\$ 1,830,785

- ❑ Actual revenues exceeded final budget by approximately \$360,000; largest individual variances were property taxes (\$230,000) and investment earnings (\$48,000).
- ❑ Actual expenditures were below final appropriations by approximately \$934,000; the largest individual variances were in the general government (\$465,000) and public safety (\$356,000) functions.
- ❑ The final amended budget reflected a budgeted use of fund balance of approximately \$1.1 million whereas the City **added** approximately \$1.8 million to fund balance as of and for the year ended June 30, 2023.

Enterprise Operations



Environmental Services Budget

	Original	Amendments	Final	Actual	Variance
Revenues	\$ 1,523,100	\$ 58,450	\$ 1,581,550	\$ 1,538,351	\$ (43,199)
Expenditures	1,631,401	311,463	1,942,864	1,889,789	53,075
Other Financing Sources (Uses)	108,301	253,013	361,314	-	(361,314)
Net Change	\$ -	\$ -	\$ -	\$ (351,438)	\$ (351,438)

Stormwater Budget

	Original	Amendments	Final	Actual	Variance
Revenues	\$ 1,158,290	\$ (108,920)	\$ 1,049,370	\$ 1,028,654	\$ (20,716)
Expenditures	1,490,476	(173,920)	1,316,556	1,162,553	154,003
Other Financing Sources (Uses)	332,186	(65,000)	267,186	-	(267,186)
Net Change	\$ -	\$ -	\$ -	\$ (133,899)	\$ (133,899)

Enterprise Operations



Water & Sewer Fund Budget

	Original	Amendments	Final	Actual	Variance
Revenues	\$ 22,000,250	\$ 926,259	\$ 22,926,509	\$ 22,726,542	\$ (199,967)
Expenditures	22,564,786	1,645,380	24,210,166	22,534,939	1,675,227
Other Financing Sources (Uses)	564,536	719,121	1,283,657	520,601	(763,056)
Net Change	\$ -	\$ -	\$ -	\$ 712,204	\$ 712,204

Parking Services Fund Budget

	Original	Amendments	Final	Actual	Variance
Revenues	\$ 548,810	\$ 85,500	\$ 634,310	\$ 569,619	\$ (64,691)
Expenditures	1,488,666	35,500	1,524,166	1,430,645	93,521
Other Financing Sources (Uses)	939,856	(50,000)	889,856	152,253	(737,603)
Net Change	\$ -	\$ -	\$ -	\$ (708,773)	\$ (708,773)

Revenue Bond Rate Covenant



Water and Sewer Fund

Revenues (1)	\$ 22,512,835
Current expenses (2)	18,658,535
Surplus Fund (3)	6,040,576
Principal and interest on revenue bond	1,847,576
Principal and interest on other indebtedness	1,218,519
(a) Revenues plus 20% of Surplus Fund	23,720,950
(a)(i) 100% of current expenses	18,658,535
(a)(ii) 120% of annual principal and interest on revenue bond	2,217,091
(a)(iii) 100% of annual principal and interest on other indebtedness	1,218,519
	<u>22,094,145</u>
Covenant met	\$ 1,626,805
(b) Revenues	\$ 22,512,835
(b)(i) 100% of current expenses	18,658,535
(b)(ii) 110% of annual principal and interest on revenue bond	2,032,334
(b)(iii) 100% of annual principal and interest on other indebtedness	1,218,519
	<u>21,909,388</u>
Covenant met	\$ 603,447

Comments, Recommendations, and Other Issues



□ New GASB Pronouncements for Future Years

- Statement No. 100, *Accounting Changes and Error Corrections*, prescribes the accounting and financial reporting for (1) each type of accounting change and (2) error corrections. The Statement requires disclosure in notes to financial statements of descriptive information about accounting changes and error corrections, such as their nature. In addition, information about the quantitative effects on beginning balances of each accounting change and error correction should be disclosed by reporting unit in a tabular format to reconcile beginning balances as previously reported to beginning balances as restated. The requirements of this Standard are effective for accounting changes and error corrections made in fiscal years beginning after June 15, 2023 (effective for the City's fiscal year ending June 30, 2024).
- Statement No. 101, *Compensated Absences*, requires that liabilities for compensated absences be recognized for (1) leave that has not been used and (2) leave that has been used but not yet paid in cash (or settled through noncash means). The biggest change with regard to the reporting of these balances is the removal of the concept of "vested vs. non-vested." The requirements of this Standard are effective for fiscal years beginning after December 15, 2023 which means the City's fiscal year ending June 30, 2025.

Comments, Recommendations, and Other Issues



Other Matters Currently Being Considered by GASB

- **Re-Examination of the Financial Reporting Model.** GASB has added this project to its technical agenda to make improvements to the existing financial reporting model (established via GASB 34). Improvements are meant to enhance the effectiveness of the model in providing information for decision-making and assessing a government's accountability.
- **Revenue and Expense Recognition** is another long-term project where the GASB is working to develop a comprehensive application model for recognition of revenues and expenses from non-exchange, exchange, and exchange-like transactions.
- **Risk / Uncertainty Disclosures, Going Concern and Severe Financial Stress, and Capital Assets** are all items the GASB is currently researching for which additional guidance could be issued in the coming years.

Federal Audit Clearinghouse and Data Collection Form

- On October 2, 2023, the Federal Audit Clearinghouse (FAC) transitioned from the U.S. Census Bureau to the U.S. General Services Administration. Because of significant issues that have arisen since the first version of the new FAC was rolled out, the Office of Management of Budget (OMB) waived the 30-day requirement for the submission of Single Audits to the FAC. The 9-month deadline still applies and updates to the system are being made regularly. We have a partner on the AICPA's Government Audit Quality Center who is monitoring the status of the transition.

Free Quarterly CPE



Since March of 2009 – For Over 12 Years !!

- o Mauldin & Jenkins provides free quarterly continuing education for all of our governmental clients. Topics are tailored to be of interest to governmental entities. In an effort to accommodate our entire governmental client base, we offer the sessions several times per quarter at a variety of client provided locations resulting in greater networking and knowledge sharing among our governmental clients. We normally see approximately 180 people per quarter. Examples of subjects addressed in the past few quarters include:

- | | |
|--|---|
| <ul style="list-style-type: none"> ▪ Accounting for Debt Issuances ▪ Achieving Excellence in Financial Reporting ▪ Best Budgeting Practices, Policies and Processes ▪ Budget Preparation ▪ ACFR Preparation (two (2) day hands-on course) ▪ Capital Asset Accounting Processes and Controls ▪ Collateralization of Deposits and Investments ▪ Component Units ▪ Cybersecurity Risk Management ▪ Evaluating Financial and Non-Financial Health of a Govt. ▪ Financial Report Card – Where Does Your Govt. Stand? ▪ Financial Reporting Model Improvements ▪ GASB Nos. 74 & 75, OPEB Standards ▪ GASB No. 77, Tax Abatement Disclosures ▪ GASB No. 84, Fiduciary Activities | <ul style="list-style-type: none"> ▪ GASB No. 87 and 96, Leases and SBITAs ▪ GASB Projects & Updates (ongoing & several sessions) ▪ Human Capital Management ▪ Grant Accounting Processes and Controls ▪ Internal Controls Over Accounts Payable, Payroll and Cash Disbursements ▪ Internal Controls Over Receivables & the Revenue Cycle ▪ IRS Issues, Primarily Payroll Matters ▪ Legal Considerations for Debt Issuances & Disclosures ▪ Policies and Procedures Manuals ▪ Segregation of Duties ▪ Single Audits for Auditees ▪ Special Purpose Local Option Sales Tax (SPLOST) ▪ Accounting, Reporting & Compliance ▪ Uniform Grant Reporting Requirements and the New Single Audit |
|--|---|

Mr. Lyons said that the city was given an “unmodified opinion” on the financial statements, which means the financial statements are fairly presented and in conformity with generally accepted accounting principal requirements. This is the highest opinion that can be given in an audit.

City Manager Connet thanked Mr. Lyons for his presentation and John Buchanan and the entire finance staff for doing such an amazing job.

D. Walk Hendo – 2-23 Hendersonville Pedestrian Plan Presentation and Adoption – *Kristy Carter, Senior Project Manager and Christy Staudt, Regional Manager, Traffic Planning and Design, Inc.*

Matt Manley explained that the North Carolina Department of Transportation (NCDOT) has established a grant that provides funding to municipalities for the development of Comprehensive Municipal Bicycle and Pedestrian Plans. The City of Hendersonville was designated in 2021 as a recipient to receive grant funds to complete a pedestrian plan (TIP#M-0551, WBS#49600.8.16). With the help of the Pedestrian Plan Steering Committee, various stakeholders, NCDOT, and residents, merchants, and property owners; Traffic Planning and Design, Inc. recently completed Walk Hendo, the City's 2023 Pedestrian Plan. He introduced the consultants, Senior Project Manager Kristy Carter, and Regional Manager Christy Staudt of Traffic Planning and Design, Inc., who showed a PowerPoint presentation.

Plan Goals

Connect People to Places

Link sidewalks, greenways, and street crossings to key destinations and transit.

Build Safe Streets for People

Develop connections that are comfortable for all citizens and visitors regardless of age or ability.

Address Policy

Ensure that the land development code and other City policies support the pedestrian network expansion.

Promote a Culture of Walking

Develop educational and encouragement programs that create a culture where walking is celebrated.

Why This Plan?



A VISION FOR MULTIMODAL CONNECTIVITY



POSITIONS THE CITY FOR FUTURE FUNDING & PARTNERSHIPS



SUPPORTS LOCAL MULTIMODAL GOALS



GUIDE DEVELOPER PARTICIPATION

TIMELINE OF KEY PROJECT MILESTONES





Overview of the Plan

- Introduction & Goals
- Walking Conditions Today
- Project Prioritization & Recommendations
- Programs & Policies
- Implementing the Plan
- Conclusion

Why This Plan?



COST SHARE AND BETTERMENT

Pedestrian Facility	In Plan	• NCDOT pays full cost
Bicycle Facility	In CTP	• Cost Share*
Side Path	Betterment	• Local pays full cost
Greenway Crossing		
Bus Pull Out		
Bus Stop (pad only)		

*Exception – NCDOT pays full cost for on-road bicycle facility

Cost Share Formula	
Population	NCDOT / Local Share
• > 100,000	80% / 20%
• 50,000 to 100,000	85% / 15%
• 10,000 to 50,000	90% / 10%
• < 10,000	95% / 5%

- Betterment**
- A requested improvement that exceeds the recommendations from a plan and/or exceeds need identified in the project development process
 - Aesthetic materials and treatments
 - Landscaping in excess of standard treatments
 - Lighting in excess of standard treatments

WHY THIS PLAN IS IMPORTANT

- 1 People in Hendersonville are walking.**
More than 60% of survey respondents* indicated that they walk at least once a week, echoed by the success of a walkable downtown and popular greenways.
*Complete survey results can be found in the Appendix.
- 2 Hendersonville rated #1 (highest rate) for pedestrian fatalities and severe injuries.**
The number of crashes involving pedestrians has been deemed unacceptable by the community and requires safety countermeasures.
*This ranking is based on crash data from 2018-2019 and included pedestrians killed or severely injured in cities with populations between 18,699 and 25,669 in North Carolina. (Source: NCDOT PB/CAT Pedestrian Crash Data)
- 3 People are moving to the area.**
The City's population grew 46% between 2009 to 2020, which underscores the importance of ensuring that people have walkable neighborhoods and safe connections, highlighting an opportunity to attract more people to live downtown.
(Source: U.S. Decennial Census)
- 4 Sidewalk gaps prevent walkability.**
While Hendersonville's downtown is walkable, there are still gaps in the sidewalk network (see map to the right) that create barriers for people on foot, even for those who live nearby. People will walk where they feel safe, the route is convenient, and the overall experience is enjoyable. Closing gaps in the sidewalk network can address each of these elements.

- 5 Land use and transportation are interconnected.**
Planning for land use through zoning, dimensional requirements, and density has an effect on transportation. Hendersonville's development code addresses a number of transportation elements like parking, driveways, and shade trees. Meanwhile, our roadway design decisions influence the types of land uses that take root and flourish. Good planning in both realms creates the communities and neighborhoods we love. The Gen H Comprehensive Plan can work in tandem with Walk Hendo to set a purposeful framework for positive changes to both land use and transportation.

South Main Street looks a lot different south of Allen Street. The roadway is wider, sidewalks are not comprehensive, and parking lots take center stage. Zoning and development regulations here are geared towards a more urban form (there is no minimum setback or parking mandates, for instance) but redevelopment takes time and is less likely without the corresponding streetscape to support it. (Source: Google Streetview)
- 6 Corridors are not complete streets.**
Many of Hendersonville's major roadways do not accommodate people walking. Some lack sidewalks altogether, while others are unsafe to cross or reach a bus stop (see image to the left of US 64). Studying these corridors in more depth can address access, safety, and comfort for all users and facilitate the movement of people and goods. Streets can be designed with all users in mind (see cross-section example at bottom left).

(Source: Google Streetview)
- 7 Intersections are critical for safety and access.**
Unsafe crossings create barriers for people who walk and limit the effectiveness of a sidewalk system. There are opportunities for safety improvements throughout the city, including at existing crossings that need additional safety measures.

(Source: City of Alascadero)

1 Meeting with NCDOT Division Staff

4 Meetings with the Steering Committee

2 In-Person Public Meetings



2 Surveys

2 Field Visits to Explore Projects

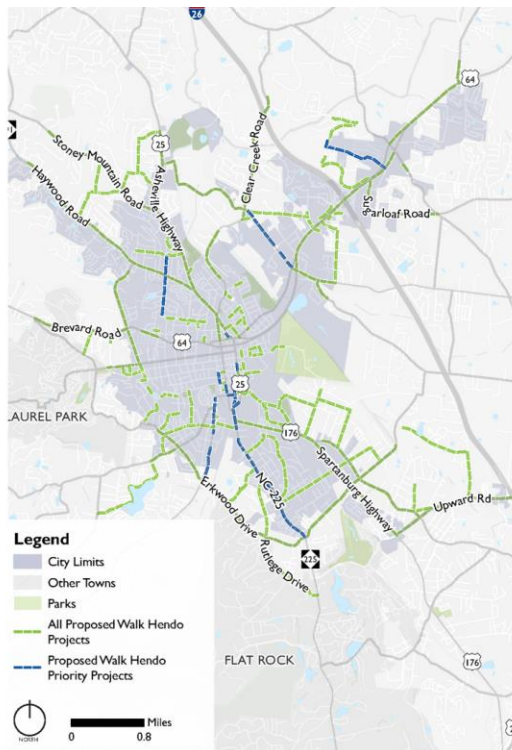
Community Engagement Milestones



Project Development Process

1. Initial Project Identification
2. Public Project Additions
3. Project Category Groupings (Road Ownership & Maintenance)
4. Initial Scoring
5. Public Input Scores
6. Final Scores

Priority Projects



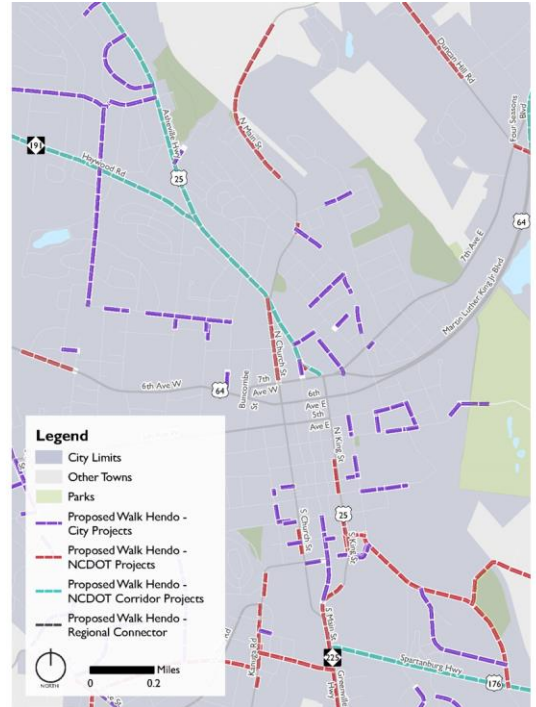
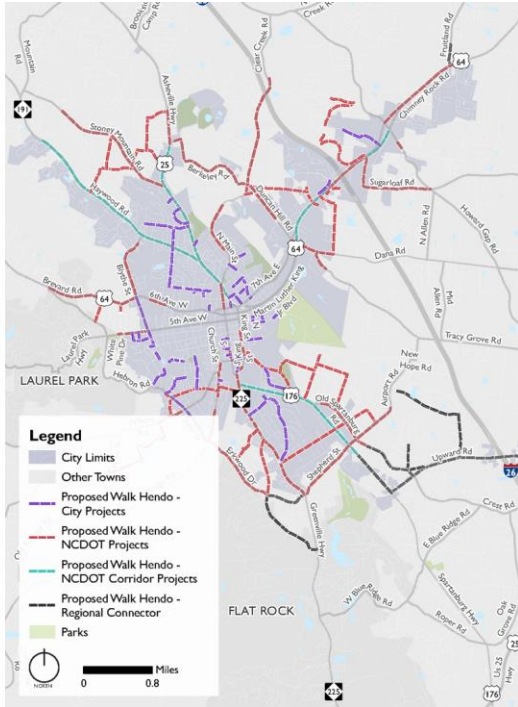
PROJECT GOAL MATRIX

Walk Hendo established three core project goals, which served as constant references during the project selection and prioritization phase. The resulting list of nine priority projects effectively embodies each of these goals.

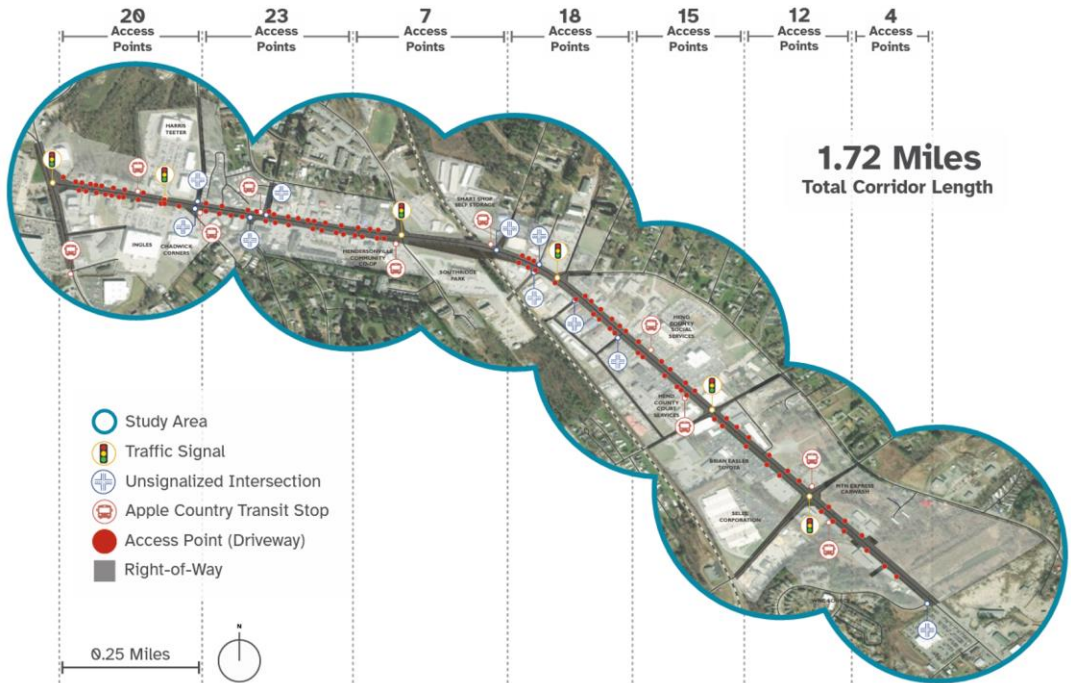
- GOAL 1: Connect Hendersonville
- GOAL 2: Identify the Network
- GOAL 3: Build a Pedestrian Friendly Hendersonville

PROJECT NAME	Street Type	Facility Type
1 / S. Church Street	NCDOT Maintained	Sidewalk
2 / N/S King Street	NCDOT Maintained	Sidewalk
3 / Kanuga Road (North)	NCDOT Maintained	Sidewalk
4 / Greenville Highway (NC 225)	NCDOT Maintained	Sidewalk
5 / Duncan Hill Road (SR 1525)	NCDOT Maintained	Sidewalk
6 / South Main Street	City Maintained	Sidewalk - Road Diet
7 / Orleans Avenue	City Maintained	Sidewalk
8 / South Washington Avenue	City Maintained	Sidewalk
9 / Highland Square Drive	City Maintained	Multi-use Sidepath

Full Network Map



Corridor Studies



Corridor Study Example

- Vision & Goal Setting
- Data Collection
- Analysis
- Design Alternatives
- Evaluation & Selection (Including Public Engagement)
- Recommendations & Phasing
- Implementation

Example:
Hendersonville Road Alternative



Source: Hendersonville Road Corridor Study, French Broad River MPO

Policy Highlights



Leverage Resurfacing Projects

- Plan ahead for City and NCDOT resurfacing projects

Increase Walkability Through Private Development Projects

- Subdivision and Zoning Ordinance Recommendations
- Develop a Street Standards Manual
- Fee-in-Lieu Update

Future Land Use Planning and Walkability through Gen H

- Land Use & Transportation
- Corridor Development



And...Keep up the good work!

Example: Partnerships with NCDOT

Recently Completed

- LPIs downtown
- A new pedestrian crossing at S Grove and 176

Funded – Estimated Spring Completion (Ped Signals and Crossings)

- Pedestrian improvements to Thompson St./US 64 intersection
- Pedestrian improvements to Orr's Camp/US 64 intersection
- Pedestrian improvements to Howard Gap/US 64 intersections
- Pedestrian improvements to Fruitland/US 64 intersection

Awaiting Funding – Already Applied

- Pedestrian improvements to the US 64 W/N. Oak St. intersection

NCDOT Maintained Streets Project #1 South Church Street



<p>PROJECT DESCRIPTION</p> <ul style="list-style-type: none"> • Fill sidewalk gap on west side near W. Barnwell Street. • 5 foot (minimum) sidewalk with 2 foot utility strip. • Additional crossings at signalized intersection. • Driveway modifications for accessibility. 	<p>PLANNING LEVEL COST ESTIMATE</p> <p>\$400,000</p> <p><i>Includes Design, Right-of-Way, Utilities and Construction Per Assumptions from the NCDOT Bicycle and Pedestrian Cost Estimating Tool</i></p>
<p>CONNECTIONS</p> <ul style="list-style-type: none"> • Downtown sidewalk network 	<p>ADDITIONAL NOTES</p> <ul style="list-style-type: none"> • Signal upgrades to provide pedestrian ramps, crosswalks and Leading Pedestrian Intervals (LPI) and Audible Pedestrian Signals (APS) at modified signals (see crossings).
<p>CROSSINGS</p> <ul style="list-style-type: none"> • W. Barnwell Street signal (2 new crossings) 	



NCDOT Maintained Streets Project #2 North/South King Street



<p>PROJECT DESCRIPTION</p> <ul style="list-style-type: none"> Fill sidewalk gaps from Caswell St to 3rd Ave (both sides). 5 foot (minimum) sidewalk with 2 foot utility strip. Additional crossings at signals. Driveway modifications for accessibility. Eliminate travel lane between 2nd and 3rd Avenues to gain width for sidewalk construction. 	<p>PLANNING LEVEL COST ESTIMATE</p> <p>\$1,885,000</p> <p><i>Includes Design, Right-of-Way, Utilities and Construction Per Assumptions from the NCDOT Bicycle and Pedestrian Cost Estimating Tool</i></p>
<p>CONNECTIONS</p> <ul style="list-style-type: none"> Downtown sidewalk network 	<p>ADDITIONAL NOTES</p> <ul style="list-style-type: none"> Signal upgrades to provide pedestrian ramps, crosswalks and Leading Pedestrian Intervals (LPI) and Audible Pedestrian Signals (APS) at Modified Signals (see crossings). Retaining walls will be required for the block between E. Caswell and E. Barnwell Streets. Consider expanding the project to include sidewalk repairs, full ADA upgrades and widening around utility conflicts for entire length (E. Caswell to 3rd Avenue – Both Sides). Consider adding E. Barnwell and E. Caswell Street sidewalk projects to S. King in order to complete the downtown pedestrian connection to the planned S. Grove Street sidewalks and future Ecusta Trail. <i>*not included in the cost estimate</i>
<p>CROSSINGS</p> <ul style="list-style-type: none"> E. Caswell Street Street Signal E. Barnwell Street 3rd Avenue East (ramps and signal modifications) 	

Project Prioritization & Recommendations | 96



This short missing sidewalk gap is near the Henderson County offices and only a block away from Main Street. It is a crucial link in the walkable downtown network. When fixed, even very short sidewalk gaps can have a dramatic effect on walkability.

Retaining walls will be necessary for some segments of this corridor with a steep bank.

This may also require modifications to existing utility infrastructure and incur a higher cost than a simple sidewalk project.



Project Prioritization & Recommendations | 97

NCDOT Maintained Streets Project #4 Greenville Highway (NC 225)



<p>PROJECT DESCRIPTION</p> <ul style="list-style-type: none"> Fill sidewalk gaps from Copper Penny Street to Chadwick Square Court/Chadwick Avenue. 5 foot minimum sidewalk with 2 foot utility strip. Driveway modifications for accessibility. 	<p>PLANNING LEVEL COST ESTIMATE</p> <p>\$380,000</p> <p><i>Includes Design, Right-of-Way, Utilities and Construction Per Assumptions from the NCDOT Bicycle and Pedestrian Cost Estimating Tool</i></p>
<p>CONNECTIONS</p> <ul style="list-style-type: none"> Neighborhoods to downtown and future Ecusta Trail 	<p>ADDITIONAL NOTES</p> <ul style="list-style-type: none"> NCDOT Project U-5886 / U-6949 will affect the north end of this project area. This area is slated for a major reconfiguration, with implications for people walking. Planned development may complete a large portion of this project, south of the gas station on the western side of Greenville Highway, filling in the sidewalk gap along the property parcel. Consider expanding the project to include sidewalk repairs and widening around utility conflicts for entire length (White Street to Chadwick Avenue – both sides). <i>*not included in the cost estimate</i>
<p>CROSSINGS</p> <ul style="list-style-type: none"> Cooper Penny Street Joel Wright Drive 	

Project Prioritization & Recommendations | 98



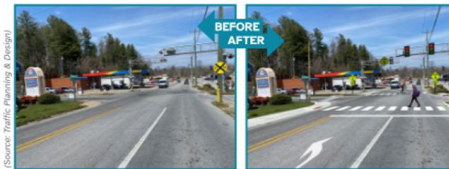
Project Prioritization & Recommendations | 99

NCDOT Maintained Streets Project #3 Kanuga Road (North)



<p>PROJECT DESCRIPTION</p> <ul style="list-style-type: none"> Fill sidewalk gaps from South Main Street to Huff Street. 5 foot (minimum) sidewalk with 2 foot utility strip. Intersection and driveway modifications for accessibility. 	<p>PLANNING LEVEL COST ESTIMATE</p> <p>\$897,000</p> <p><i>Includes Design, Right-of-Way, Utilities and Construction Per Assumptions from the NCDOT Bicycle and Pedestrian Cost Estimating Tool</i></p>
<p>CONNECTIONS</p> <ul style="list-style-type: none"> Neighborhoods to Downtown and future Ecusta Trail 	<p>ADDITIONAL NOTES</p> <ul style="list-style-type: none"> NCDOT Project U-5886 / U-6949 will modify much of this corridor between White Street and Hebron Road. See design drawing on the adjacent page for additional project details (image shows one alternative from public hearing maps, final design is in development). Consider expanding the project to include sidewalk repairs, full ADA upgrades and widening around utility conflicts for entire length (S. Church Street to Huff Street – Both Sides). <i>*not included in the cost estimate</i>
<p>CROSSINGS</p> <ul style="list-style-type: none"> Willow Road (future trail crossing) White Street (NCDOT project) Hebron Road (NCDOT project) 	

Project Prioritization & Recommendations | 100



Project Prioritization & Recommendations | 101

NCDOT Maintained Streets Project #5 Duncan Hill Road (SR 1525)



PROJECT DESCRIPTION

- 8.5 ft sidewalk gaps on east side (includes drainage infrastructure).
- 5 foot (minimum) sidewalk with 2 foot utility strip, where needed.
- Crossing treatments (with flashing beacon) at Baldwin Ave.
- Intersection and driveway modifications for accessibility.

PLANNING LEVEL COST ESTIMATE

\$1,362,000

Includes Design, Right-of-Way, Utilities and Construction Per Assumptions from the NCDOT Bicycle and Pedestrian Cost Estimating Tool

CONNECTIONS

- Existing and future residential areas to transportation corridors and retail areas

ADDITIONAL NOTES

- Several sections of sidewalk are planned to be constructed as part of nearby development near the northeast quadrant of Duncan Hill and Signal Hill Roads.
- The southern section of Duncan Hill between 7th Avenue East and US 64 is not included in this project, since this section of sidewalk will require US 64 signalized intersection modifications. To complete the US 64 crossings, a receiving sidewalk on the east side of US 64 is also needed in order to avoid stranding pedestrians at the intersection. As such, it is assumed that this work will be included with the Four Seasons Boulevard (US 64) Corridor Study and/or the Dana Road/Duncan Hill Road Sidewalk Project.

CROSSINGS

- Baldwin Avenue



This project will need to include drainage and utility infrastructure adjustments, as well as driveway modifications and new ADA ramps.



The project terminates at Signal Hill Road, which will have a sidewalk in the future. This intersection will need a crosswalk and ADA ramps.

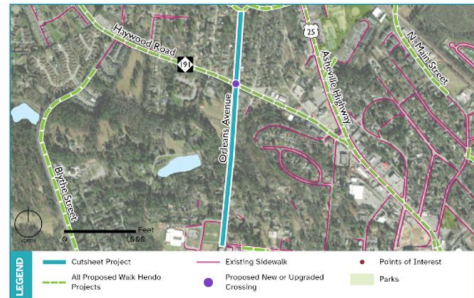
The future pedestrian crossing at Baldwin Avenue, planned by local developers to connect to nearby land uses, will require safety countermeasures such as advanced lighting and markings and a rectangular road flashing beacon (RRFB).



Project Prioritization & Recommendations

Project Prioritization & Recommendations

City Maintained Streets Project #7 Orleans Avenue



PROJECT DESCRIPTION

- Sidewalk from Clairmont Drive to schools and 9th Avenue.
- 5 foot (minimum) sidewalk on one side w/ curb and gutter.
- Crossing treatment at Hayward Road (NC 191).
- Driveway and property modifications.
- Bridge over Brittain Creek.

PLANNING LEVEL COST ESTIMATE

\$2,196,000

Includes Design, Right-of-Way, Utilities and Construction Per Assumptions from the NCDOT Bicycle and Pedestrian Cost Estimating Tool

CONNECTIONS

- Druid Hills to school property and south side of the City

ADDITIONAL NOTES

- A traffic study* and intersection improvements study is needed for the Hayward Road (NC 191) and Orleans Avenue Intersection in order to determine the need for a signal and left turn lanes, a possible pedestrian refuge island, and/or pedestrian scale lighting.
- A possible low cost, short term project could be considered that would include shared street treatments such as advisory shoulders and/or traffic calming and signing and marking for a shared road condition. This could be implemented with one-way traffic flow configurations during school arrival and dismissal times when traffic volumes are heavier and shared road conditions would not be appropriate. Additional study of traffic flow options and community engagement would be necessary to ensure this work can be done with community support.
- *not included in the cost estimate

CROSSINGS

- Haywood Road (NC 191)



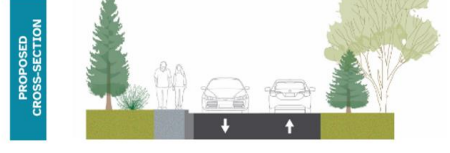
The existing bridge over Brittain Creek is narrow and will need to either be replaced or a separate pedestrian bridge constructed.



Connecting Orleans Avenue via sidewalk to both 9th Avenue West and Hayward Road gives people a safe route to the elementary school and middle school, while offering a more comfortable alternative than Asheville Highway.



Narrow width and steep terrain will contribute to higher than usual costs and possible property owner pushback due to impacts. Early community and property owner outreach will be necessary for this project.



Project Prioritization & Recommendations

Project Prioritization & Recommendations

City Maintained Streets Project #6 South Main Street



PROJECT DESCRIPTION

- Phased implementation of sidewalk and bicycle improvements.
- Phase I:** Fill sidewalk gaps and upgrade select crossings.
- Phase II:** Two-way cycle track, road diet, ADA modifications at signalized crossings.
- 5 foot (minimum) sidewalk with 2 foot utility strip, where needed.
- Intersection and driveway modifications for accessibility.

PLANNING LEVEL COST ESTIMATE

Phase I: \$490,000

Phase I and II combined: \$1,720,000

Includes Design, Right-of-Way, Utilities and Construction Per Assumptions from the NCDOT Bicycle and Pedestrian Cost Estimating Tool

CONNECTIONS

- Downtown Sidewalk Network
- Ecusta Trail to City Center

ADDITIONAL NOTES

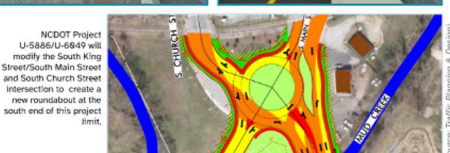
- NCDOT Project U-5886/U-6049 will modify S. King and S. Church Streets and create a new roundabout at the south end of this project.
- Modified signals (see crossings) include pedestrian ramps, crosswalks and Leading Pedestrian Intervals (LPI) and Audible Pedestrian Signals (APS) at modified signals
- Consider expanding the project to include sidewalk repairs, full ADA upgrades and widening around utility conflicts for entire length (Both Sides)
- Future Phase III Option*: Develop Future Land Use and Transportation Master Plan for South Main Street
- *not included in the cost estimate

CROSSINGS

- E. Caswell Street and Kanuga Road
- Barnwell Street
- Allen Street



South Main Street will be an important access point to the Ecusta Trail, providing a link to downtown. North of Allen Street, Main Street transitions from a wide 4 lane configuration (with parallel parking on both sides) to the more familiar 2 lane Main Street (with angled and parallel parking, curb extensions, landscaping, and wide sidewalks).



Project Prioritization & Recommendations

Project Prioritization & Recommendations

City Maintained Streets Project #8 North/South Washington Street

LEGEND

- Cutsheet Project
- All Proposed Walk Hendo Projects
- Existing Sidewalk
- Proposed New or Upgraded Crossing
- Points of Interest
- Parks

PROJECT DESCRIPTION

- Sidewalk gaps between 2nd Avenue West to West Allen Street.
- 5 foot (minimum) sidewalk with 2 foot utility strip, where applicable.
- Additional crossings.
- Intersection and driveway modifications for accessibility.

PLANNING LEVEL COST ESTIMATE

\$227,000

Includes Design, Right-of-Way, Utilities and Construction Per Assumptions from the NCDOT Bicycle and Pedestrian Cost Estimating Tool

CONNECTIONS

- Downtown sidewalk network

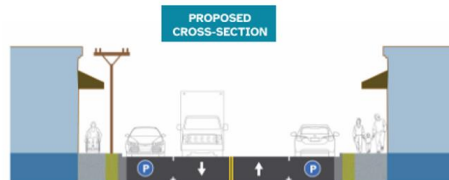
CROSSINGS

- West Allen Street

ADDITIONAL NOTES

- Consider expanding the project to include sidewalk repairs and widening around utility conflicts for entire length of South Washington Street.
- Consider a study to include South Washington Street as a neighborhood greenway to connect to the future Ecusta Trail. Consider traffic calming, pedestrian improvements, bicycle lanes and neighborhood greenway designation from 5th Avenue to West Allen and through Toms Park.
- *not included in the cost estimate

Project Prioritization & Recommendations | 95



City Maintained Streets Project #9 Highland Square Drive

LEGEND

- Cutsheet Project
- All Proposed Walk Hendo Projects
- Existing Sidewalk
- Proposed New or Upgraded Crossing
- Points of Interest
- Parks

PROJECT DESCRIPTION

- Multi-use sidepath connection from Lakewood Drive to Chimney Rock Road (US 64).
- 8 foot (minimum) greenway with 5 foot grass buffer.
- Some sections have existing sidewalk that will require widening and crossing upgrades.

PLANNING LEVEL COST ESTIMATE

\$2,999,000

Includes Design, Right-of-Way, Utilities and Construction Per Assumptions from the NCDOT Bicycle and Pedestrian Cost Estimating Tool

CONNECTIONS

- Future greenway, new development to retail center and future US 64 upgrades

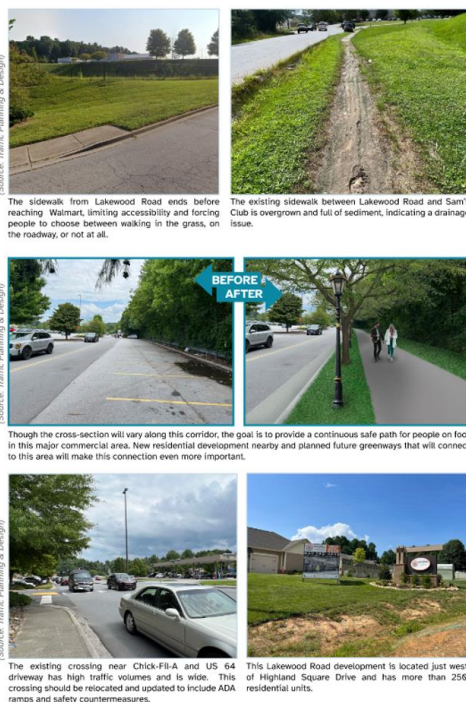
CROSSINGS

- Lakewood Road
- Internal crossings at Walmart
- Internal crossing upgrade near US 64

ADDITIONAL NOTES

- Given proximity, this project also includes a section of sidewalk along Lakewood Road to connect to the new high density residential development and planned greenway connections along Allen Branch.
- The southern section of Highland Square Drive between the offset Chimney Rock Road (US 64) signals should be included in the US 64 Corridor Study recommendation.
- *not included in the cost estimate

Project Prioritization & Recommendations | 100



Council Member Jennifer Hensley moved that City Council to resolve to adopt Walk Hendo, the 2023 Hendersonville Pedestrian Plan, as funded by the North Carolina Department of Transportation in conjunction with the City and as completed and presented by Traffic Planning and Design, Inc. A unanimous vote of the Council followed. Motion carried.

Resolution #23-122

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO ADOPT WALK HENDO, THE 2023 PEDESTRIAN PLAN

WHEREAS, the North Carolina Department of Transportation has established a grant that provides funding to municipalities for the development of Comprehensive Municipal Bicycle and Pedestrian Plans; and

WHEREAS, the City of Hendersonville requested and received funding (TIP#M-0551, WBS#49600.8.16) for a Pedestrian Plan to obtain the following objectives:

1. Provide for multimodal forms of transportation.
2. Provide guidance for modifying infrastructure to safely accommodate walking in appropriate locations.
3. Ensure that the North Carolina Department of Transportation (NCDOT) funded projects incorporate the City of Hendersonville's objectives.
4. Move towards an effective network for active transportation, recreation, and exercise.
5. Have an approved plan that will support funding from NCDOT for pedestrian improvements.

6. Ensure land use decisions effectively incorporate multimodal objectives.

WHEREAS, over the last two years the City, along with NCDOT and Traffic Planning and Design, Inc. established a Pedestrian Plan Steering Committee made up of area stakeholders, held multiple public input meetings, gathered feedback and comments, and recently received final plan approved by NCDOT; and

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

1. The City has adopted Walk Hendo, the 2023 Hendersonville Pedestrian Plan, as funded by the North Carolina Department of Transportation in conjunction with the City and as completed and presented by Traffic Planning and Design, Inc.; and
2. The City will work to implement and incorporate projects and policies identified in Walk Hendo into its capital improvement planning, budgeting, NCDOT coordination, plan review and other processes.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 7th day of December 2023.

/s/Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

7. PUBLIC HEARINGS

A. Rezoning: Standard Rezoning-Living Savior Church (P23-085-RZO) – Alexandra Hunt, Planner I

Lew Holloway explained that the City of Hendersonville received an Annexation application from Living Savior Evangelical Lutheran Church (owners) for a parcel totaling 4.38 Acres that is located between Upward Road and Vine Road near East Henderson High School. The applicant has not requested zoning, therefore the City is initiating zoning for this parcel from County CC, Community Commercial to CHMU, Commercial Highway Mixed Use. The subject property is outside of the corporate city limits on the southeastern edge of Hendersonville. The subject property sits outside of the City's ETJ but within the Upward Road Planning District. CHMU permits a range of intense commercial uses and residential uses including religious institutions. This zoning district includes design standards for all uses other than single-family and two-family (per State Statute). CZD is triggered in this zoning district by projects with a cumulative square footage over 50,000 Sq Ft.

Living Savior Church Rezoning

(P23-085-RZO)

Zoning Map Amendment (Standard Rezoning)

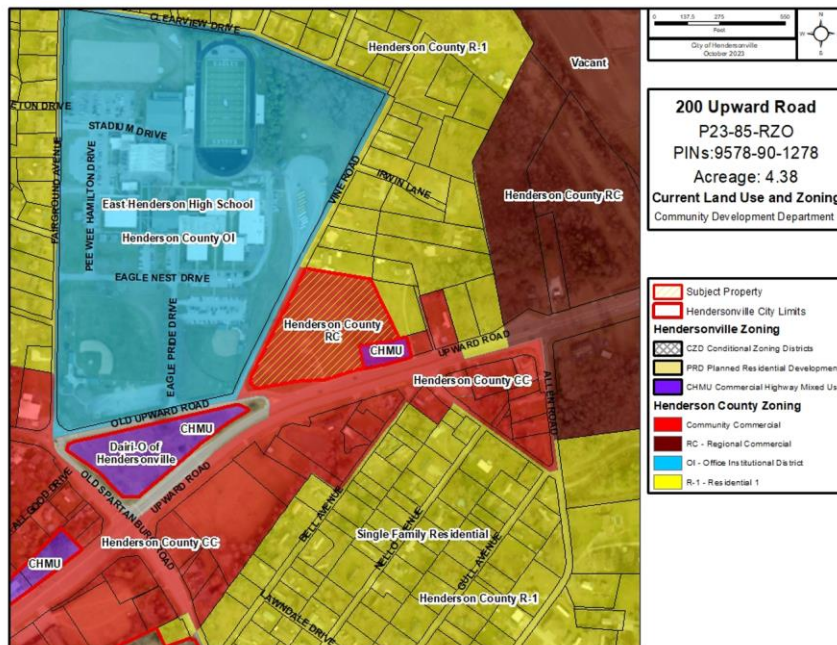
City of Hendersonville City Council
December 7, 2023

Community Development | Planning Division
Alexandra Hunt, Planner



Project Background

- + **Location:** 200 Upward Rd, Hendersonville, NC
- + **PIN:** 9578-90-1278
- + **Applicant/Owner:**
 - + City of Hendersonville (Applicant)
 - + Living Savior Evangelical Lutheran Church (Owners)
- + **Current Parcel Zoning:** County Community Commercial
- + **Proposed Zoning District:** CHMU
- + **Acreage:** 4.38 Acres
- + **Future Land Use Designation:**
 - + City: High Intensity Neighborhood
 - + County: Industrial & Urban Services Area (residential density maximized where utilities present)
- + **Annexation:**
 - + Subject property was annexed on October 5th, 2023



Existing Land Use & Zoning

- + County: Community Commercial
- + City: CHMU Commercial Highway Mixed Use



View facing west along Upward Rd.



View facing north along the eastern boundary line of the subject property

Site Photos





View of subject property from Vine Rd facing southeast



View facing northeast from near the intersection of Old Upward Rd and Upward Rd

Site Photos

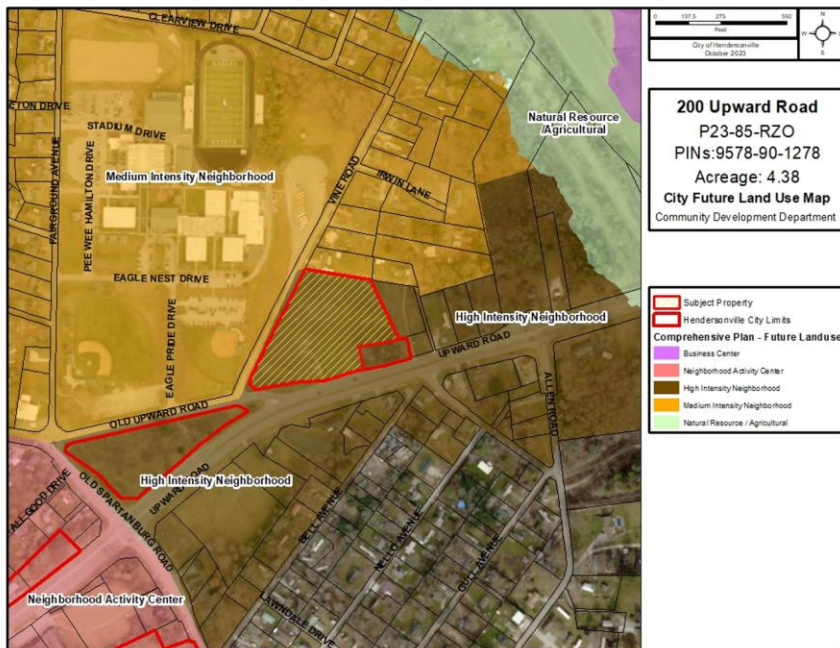


View of along Vine Rd.



View from Upward Rd.

Current Site Conditions



Future Land Use

+ High Intensity Neighborhood



Planning Board

- + Meeting Date: November 9, 2023
- + No public comment or questions during the public comment period.
- + Motion passed unanimously

Comprehensive Plan Consistency

Future Land Use	<p>The subject property is designated as High Intensity Neighborhood on the Future Land Use Map.</p> <p>Goal LU-7 Encourage low-maintenance, high density housing that supports Neighborhood and Regional Activity Centers and downtown and provides a transition between commercial and single-family development. [CONSISTENT]</p>
	<p>Strategy LU-7.1. Locations:</p> <ul style="list-style-type: none"> • Priority infill development areas where high-density development is desirable and/or expected, including: Boulevard and Major Thoroughfare corridors near Neighborhood Activity Centers [CONSISTENT]
	<p>Strategy LU-7.2. Primary recommended land uses:</p> <p>Single-family attached and multifamily residential, planned residential developments, and open space [CONSISTENT]</p>
	<p>Strategy LU-7-4 Development guidelines:</p> <ul style="list-style-type: none"> • Encouragement of multi-story, mixed-use buildings with retail on ground floors and office/residential on upper floors [CONSISTENT] • Placement of higher-intensity uses close to boulevards and major thoroughfares [CONSISTENT] • Architectural guidelines to encourage compatibility between different land uses [CONSISTENT] • Encouragement of walkable neighborhood design [CONSISTENT] • At least 60% open space in new residential developments of greater than 3 acres [CONSISTENT]
	<p>The subject property is designated as a Priority Infill on the Growth Management Map 8.3a.</p>
	<p>The subject property is designated as a Development Opportunity on the Development Framework Map.</p>

COMPREHENSIVE PLAN CONSISTENCY	Land Use & Development	<p>The Land Use and Development element analyzes existing development patterns and recommends land uses and development standards for future growth and redevelopment in all areas of the City and Extra-Territorial Jurisdiction (ETJ). This element also recommends areas for future expansion of the ETJ. <u>The framework for land use policies and decision making in this element reflects the vision statements, principles and strategies of all elements of the 2030 Comprehensive Plan.</u></p>
	Population & Housing	<p>The Population & Housing element of the 2030 Comprehensive Plan identifies and analyzes existing and forecasted housing needs in Hendersonville. This chapter of the plan is concerned with identifying standards and programs for the elimination of substandard dwelling conditions, the improvement of housing quality, variety and affordability, and with the provision of adequate sites for housing.</p>
	Natural & Environmental Resources	<p>The Natural and Environmental Resources element of the 2030 Comprehensive Plan creates a framework for the preservation of sensitive natural areas, working lands and ecological systems in concert with future development. Preserving these features will help to sustain air and water resources and contribute to the health and quality of life of Hendersonville residents. Additionally, the concepts presented in the chapter are intended to facilitate the preservation of the natural character that defines Hendersonville's identity.</p>

COMPREHENSIVE PLAN CONSISTENCY	Cultural & Historic Resources	The Cultural and Historic Resources element of the 2030 Comprehensive Plan provides an inventory of Hendersonville's existing cultural and historic resources and opportunities and recommends strategies to preserve and supplement these resources. Historic districts and landmarks connect residents to Hendersonville's past and contribute to the community's uniqueness. Maintaining and building upon these resources as the community grows will help to create an enduring identity and sense of place in Hendersonville.
	Community Facilities	The Community Facilities element of the 2030 Comprehensive Plan provides an analysis of Hendersonville's existing public facilities and services such as schools, parks and public safety, and identifies community needs in each area. This element provides a vision to efficiently use public facilities, meet long term public safety needs and provide residents with ample park and recreation amenities and opportunities.
	Water Resources	The Water Resources element of the 2030 Comprehensive Plan provides policies to maintain and improve the quality of water, stormwater and wastewater facilities in a sustainable, efficient manner as the community grows.
	Transportation & Circulation	The Transportation and Circulation element of the 2030 Comprehensive Plan classifies and analyzes performance of existing roadways, bicycle routes and other modes of transportation, while providing direction for future improvements in all modes of travel. Analysis and recommendations reflect coordination the Land Use and Development element of the 2030 Comprehensive Plan, ensuring that transportation and land use decisions are not made in isolation.

GENERAL REZONING STANDARDS		Rezoning Criteria
Compatibility	Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property -	
	Considering the vehicular traffic along Upward Rd (boulevard) and the interchange with I-26 (freeway), the CHMU zoning district permits uses that are compatible with this area and the design guidelines of the CHMU further support compatibility.	
Changed Conditions	Whether and the extent to which there are changed conditions, trends or facts that require an amendment -	
	The corridor along Upward Rd has seen and will continue to see growth and development. The addition of manufacturing, multi-family and interstate-oriented restaurants and services is expected for the area. The subject property contained a <u>single family</u> home that was removed sometime after 2018.	

Public Interest	Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern that benefits the surrounding neighborhood, is in the public interest and promotes public health, safety and general welfare -	Rezoning Criteria
	Additional commercial development within the City will generate additional tax revenue. Additional residential development within the City would provide needed housing.	
Public Facilities	Whether and the extent to which adequate public facilities and services such as water supply, wastewater treatment, fire and police protection and transportation are available to support the proposed amendment -	
	The site will be served by City water and sewer service. Upward Road is designated as a boulevard on the comprehensive transportation plan and is maintained by NCDOT. Vine Road is primarily used to access a high school parking lot and residential parcels located north east of the subject property and is not identified on the Comprehensive Plan as a NCDOT maintained road. The subject property will be serviced by the City Fire Dept and will also be served by the City of Hendersonville Police.	

<p>Effect on Natural Environment</p>	<p>Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment including but not limited to water, air, noise, storm water management, streams, vegetation, wetlands and wildlife -</p>
	<p>The subject property had featured some trees and brush that have now been cleared. However, there are some mature trees that line the property along Vine Rd.</p>

DRAFT:
Comprehensive Plan Consistency Statement

The petition is found to be consistent with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:

- + *The Goals & Strategies of LU-7 “High-Intensity Neighborhood” calls for primary and secondary recommended land uses, locations, and development guidelines which align with the proposed CHMU zoning.*

DRAFT: Reasonableness Statement

We find this petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

[Rationale for Approval]

- *Commercial Highway Mixed Use is the zoning district established for the Upward Rd Planning Area*
- *The Commercial Highway Mixed Use zoning district is well suited to achieve the goals of the Comprehensive Plan for this area*
- *The property is located in an area designated as a “Priority Infill Area” according to the City’s Comprehensive Plan.*

DRAFT: Denial Statement

We do not find this petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

[Rationale for Denial]

- + While the CHMU zoning districts permits development that may align with the Development Guidelines found in LU-7.4, not all of the guidelines are requirements of this zoning district

The public hearing was opened at 7:16 p.m.

There were no public comments.

The public hearing was closed at 7:16 p.m.

Council Member Jeff Miller moved that City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property (PIN: 9578-90-1278) from Henderson County CC, Community Commercial zoning district to City of Hendersonville CHMU (Commercial Highway Mixed Use) based on the following:

1. The petition is found to be consistent with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and because:

The proposed zoning provides design standards which align with most of the design and development guidelines outlined under Strategy LU-7.4 of the City's 2030 Comprehensive Plan.

2. Furthermore, we find this petition to be reasonable and in the public interest based on the information from the staff analysis, public hearing and because:

- 1. The Commercial Highway Mixed Use is the zoning district established for the Upward Rd Planning Area***
- 2. The Commercial Highway Mixed Use zoning district is well suited to achieve the goals of the Comprehensive Plan for this area***
- 3. The property is located in an area designated as a "Priority Infill Area" according to the City's Comprehensive Plan***

A unanimous vote of the Council followed. Motion carried.

Ordinance #O-23-71

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR PARCEL POSSESSING PIN NUMBER 9578-90-1278 BY CHANGING THE ZONING DESIGNATION FROM HENDERSON COUNTY CC, COMMUNITY COMMERCIAL ZONING DISTRICT TO CITY OF HENDERSONVILLE CHMU (COMMERCIAL HIGHWAY MIXED USE)

IN RE: Parcel Numbers: 9578-90-1278
Living Savior Church (File # P23-085-RZO)

WHEREAS, the Planning Board took up this application at its regular meeting on November 9; voting ___ to recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville, and

WHEREAS, City Council took up this application at its regular meeting on December 7th, 2023, and

WHEREAS, City Council has found that this zoning map amendment is consistent with the City's comprehensive plan, and that it is reasonable and in the public interest for the reasons stated, and

WHEREAS, City Council has conducted a public hearing as required by the North Carolina General Statutes on December 7th, 2023,

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

1. Pursuant to Article XI of the Zoning Ordinance of the City of Hendersonville, North Carolina, the Zoning Map is hereby amended by changing the zoning designation of the following: Parcel Numbers: 9578-90-1278 from Henderson County CC, Community Commercial Zoning District to City of Hendersonville CHMU (Commercial Highway Mixed Use)
2. Any development of this parcel shall occur in accordance with the Zoning Ordinance of the City of Hendersonville, North Carolina.
3. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this 7th day of December 2023.

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

8. NEW BUSINESS

A. Ordinance to Authorize the Demolition of 734 1st Avenue – Lew Holloway, Community Development Director.

Lew Holloway explained that the structure at 734 1st Avenue has been significantly damaged by fire. The Code Enforcement Officer for the City of Hendersonville has declared the structure unsafe and has attempted to notify the property owner and ordered the structure to be demolished, however, no remedial action has been taken. The structure is especially dangerous and prejudicial to the public health and public safety, because of the property's liability to fire, the bad condition of its walls, and the heavily damaged roof structure. The structure being unoccupied in its damaged condition is likely to contribute to blight, vagrancy, and a danger to children. The damage to the roof and exterior walls of the structure leaves a significant portion of the interior of the structure exposed to elements which will cause a more rapid decay of the portions of the structure that are still standing. The Community Development Department at this time is requesting the City Council adopt an Ordinance ordering the Code Enforcement Officer to have the structure at 734 1st Avenue demolished.

Council Member Debbie O'Neal-Roundtree moved that City Council adopt An Ordinance of the City Of Hendersonville City Council to Order the City Code Enforcement Officer to demolish 734 1st Avenue, Hendersonville, NC as presented. A unanimous vote of the Council followed. Motion carried.

Ordinance #O-23-72

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO ORDER THE CITY CODE ENFORCEMENT OFFICER TO DEMOLISH 734 FIRST AVENUE W, HENDERSONVILLE, NC

IN RE: Robin P. Turbeville
734 1st Ave West
PIN: 9568-56-4745

WHEREAS, Robin P. Turbeville (hereinafter the "Owner") is the owner of that real property located at 734 1st Ave West, and being more particularly described in that deed recorded in Deed Book 1652, Page 422, Henderson County registry (hereinafter the "Property"); and

WHEREAS, On April 5, 2022, pursuant to Chapter 12; Article II; Sections 12-31 through 12-38 of the Code of Ordinances of the City of Hendersonville (hereinafter called the "Code"), and G.S. 160D-1119, the Code Enforcement Officer of the City of Hendersonville (hereinafter called the "Code Enforcement Officer") declared the structure located on the Property unsafe due to excessive fire damage and affixed a notice to the structure declaring the same; and

WHEREAS, after the Owner, failed to take prompt corrective action, the Code Enforcement Officer issued a Complaint and Notice of Hearing on the issue of condemnation; and

WHEREAS, the Code Enforcement Officer attempted to give the Owner notice by certified mail, and caused the Complaint and Notice of Hearing to be posted on the outside of the structure at least 10 days prior to the administrative hearing, and notice to be published in the Hendersonville Times-News at least one week prior to the administrative hearing; and

WHEREAS, on May 10, 2023, the Code Enforcement Officer held an administrative hearing at which neither the Owner nor anyone purporting to be her representative appeared; and

WHEREAS, following the administrative hearing, the Code Enforcement Officer issued an order finding that the condition of the structure located on the Property constitutes a safety hazard and renders it dangerous to life, health, or other property due to the damaged condition of the roof and walls and ordering the Owner to demolish the structure within 60 days; and

WHEREAS, the Owner of the premises, after having been given a reasonable opportunity to do so, has failed to comply with the lawful order of the Code Enforcement Officer to demolish the structure located on the premises within the time therein prescribed.

WHEREAS, pursuant to G.S. 160A-193, the City of Hendersonville has the authority to summarily abate any condition that is dangerous or prejudicial to the public health or public safety and to assess the cost of such abatement to the Owner as a lien against the Property; and

WHEREAS, the Code Enforcement Officer has requested the City Council of the City of Hendersonville to adopt an Ordinance ordering the Code Enforcement Officer to demolish the residential structure located on the Property.

WHEREAS, pursuant to Chapter 12; Article II; Sections 12-31 through 12-38 of the Code of Ordinances of the City of Hendersonville (hereinafter called the "Code"), the Code Enforcement Officer of the City of Hendersonville (hereinafter called the "Code Enforcement Officer") has requested the City Council of the City of Hendersonville (hereinafter called "Council") to adopt an Ordinance ordering the Code Enforcement Officer to demolish the residential building located on parcel # 9568-56-4745 which the Code Enforcement Officer has condemned pursuant to the authority established in North Carolina General Statutes 160D-1119, and;

WHEREAS, the Council hereby finds that the premises are especially dangerous to life, because of the property's liability to fire and the damage to the roof and exterior walls of the structure leaves a significant portion of the interior of the structure exposed to elements which will cause a more rapid decay of the portions of the structure that are still standing, under the provisions of Section 12-31 of the Code, and;

WHEREAS, the Council hereby finds that there has been compliance with all applicable provisions of Chapter 12; Article II; Sections 12-31 through 12-38 of the Code relative to the adoption of this ordinance, and;

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

1. Pursuant to G.S. 160A-193, G.S. 160D-1125, and Chapter 12, Article II of the Code of Ordinances for the City of Hendersonville, The City Council hereby finds that the premises are especially dangerous to life, because of the property's liability to fire and the damage to the roof and exterior walls of the structure.
2. The structure being unoccupied in its damaged condition is likely to contribute to blight, vagrancy, and a danger to children.
3. The damage to the roof and exterior walls of the structure leaves a significant portion of the interior of the structure exposed to elements which will cause a more rapid decay of the portions of the structure that are still standing.
4. The Code Enforcement Officer shall cause the structure on the Property, commonly known as 734 1st Ave West, Hendersonville, North Carolina, to be vacated, closed, and demolished 30 days from the date of this Ordinance.
5. The cost of the removal or demolition shall be a lien on the Property, and on any other real property owned by the Owner located within the City's planning and development regulation jurisdiction, pursuant to G.S. 160A-193, G.S. 160D-1125, and Sec. 12-37 of the Code of Ordinances for the City of Hendersonville.

Adopted this 7th day of December 2023.

/s/Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

B. Connections Center Update – Angela S. Beeker, City Attorney

City Attorney Angela Beeker gave an update and explained that the City would own a percentage of real property equal to City funds invested (\$680,000). The City would provide a loan for renovation (\$1.5 million) at 0% interest, no payments required and the lump sum due in 30 years. The City's share of rents would go into a property maintenance fund. Each non-profit that enters the building will have to enter into a lease and a fair market value rent be arrived at and the City, as part owner, would be entitled to 36% of those rents that would go into a property maintenance fund. The next steps would be for Council to approve the Tenant In Common Agreement, then we would close on the building and the construction loan in December, 2023, then building renovation begins and then lease agreements can be signed and they can open. She added that the property will have to go through a rezoning.

City Funds Available



\$800,000 of City's supplanted ARP funds.



\$1.5 M grant from Dogwood Trust

City Funds Spent (to be spent):



Tenant in Common Agreement (Sustainability)

- City owns percentage of real property equal to City funds invested (\$680,000)
- City requires that building be used only as a Connections Center
- City provides loan for renovation (\$1.5 M)
 - 0% Interest
 - No payments required
 - Lump sum due in 30 years
- City's share of rents will go into a property maintenance fund.
- Connection Center operated by nonprofit (HCC)

Next Steps



Attorney General and Superior Court have approved



City Council approves TIC Agreement (December 2023)



Closing on Building (December 2023)



Building Renovation (by Connections Center)



Lease Agreements, occupancy and open

C. 7th Avenue Streetscape Project Update – *Brendan Shanahan, City Engineer*

Brendan Shanahan explained that staff is currently reviewing bids for the 7th Avenue Streetscape and has requested a special meeting on December 14, 2023 to approve the bids. In preparation of that meeting, staff wanted to update the City Council about the project and showed this PowerPoint.



Project Formation

- 2015 – 7th Avenue MSD Brought into management by city
- 2017 – 7th Ave Streetscape Project in Annual DT workplan.
- 2018 – Maple Street Improvements Completed by Public Works
- 2018 – Streetscape Design Kickoff – 1st Public Meeting
- February, 2020 – 7th Avenue Design Plans Presented to Council
- June, 2020 – Hendersonville Farmers Market Opens on Maple Street
- February 2021 – 7th Avenue and Main Street Committees merge to form Downtown Advisory Board



Since 2020 in 7th Avenue... Hendersonville Farmers Market

2 new brick and mortar businesses incubated from Market

44,000+ more visitors to district this year compared to 18-19





Branding Project 50+ stakeholders engaged in public input regarding branding



Since 2020 in 7th Avenue...

- Façade Improvements
 - 8 Façade Grants Awarded by Friends of Downtown (\$18,700)
 - Total Project cost: \$173,000+
- New Businesses
 - 11+ New Retail/Restaurant Businesses opened in district since 2020
- \$1.5+ Million Private Investment
 - improvements + acquisitions since 2020



Streetscape Funding Sources

- 2021 Bond
- Water and Sewer Reserve Fund
- Stormwater 319 Grant Fund
- Stormwater Reserve Fund
- 7th Ave MSD Fund
- Powell Bill
- General Fund



Streetscape Design Milestones

- Survey – 2019 (Ed Holmes)
- Streetscape Design - 2020 - 2021 (Watermark Landscape Architecture and City Staff)
- 1st Solicitation of Bids – August 2021
- 2nd Solicitation of Bids – October 2021
- CMAR Solicitation and Selection – 2022 (Harper)
- Opening of Bids – November 2023, December 2023



Delays and Challenges

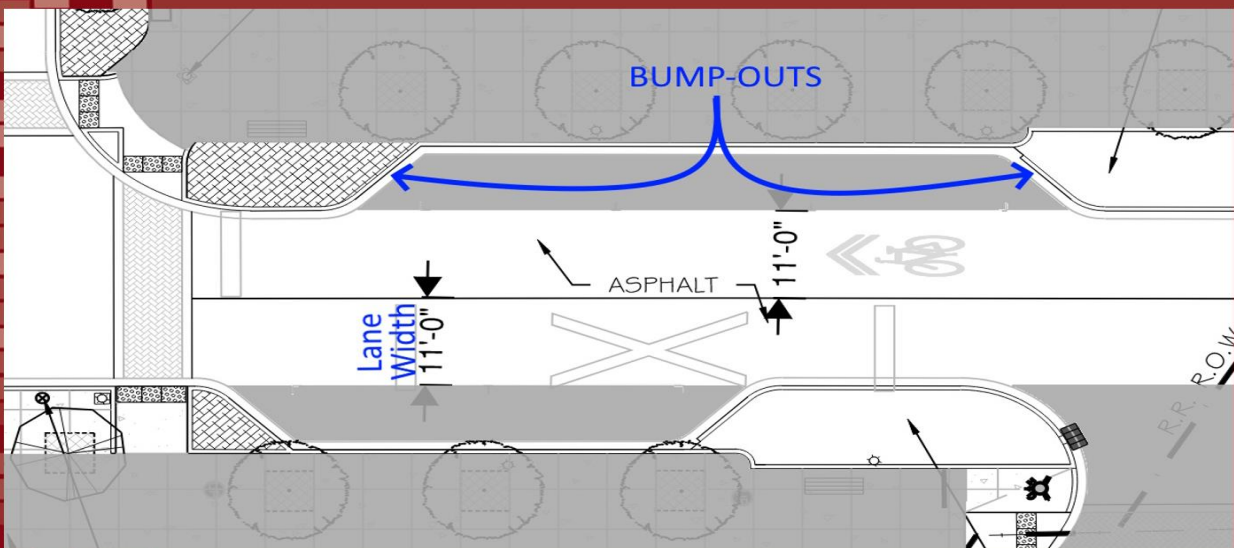
Project has been many years in the making and has taken longer than anyone expected or wanted. Some contributing factors include:

- COVID – The pandemic was an unexpected hindrance to the normal operation of business.
- Contractor Driven Market – Complex Project/ Busy Contractors
- Supply Chain Issues – Long lead times and unavailability of some materials contributed to uncertainty among possible bidding contractors.
- Inflation – Price increases meant that our original estimates and budget were inadequate, and we needed to rethink (VE) the design.
- NCDOT – A pedestrian improvement project at the intersection of N Grove St and 7th Avenue.
- Business Impact – Minimizing the disruption to business.



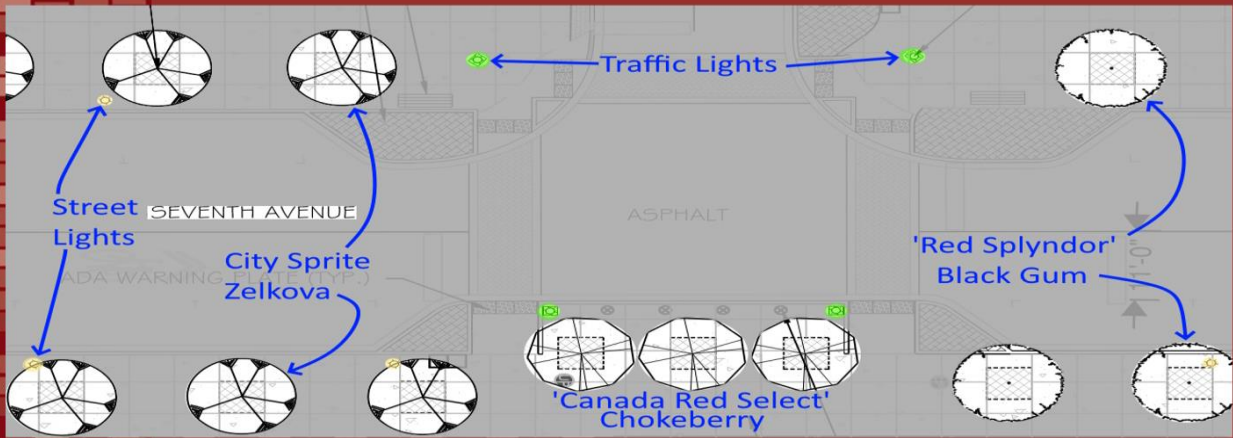
Design Elements

Narrowed Traffic Lanes/ Bump-outs

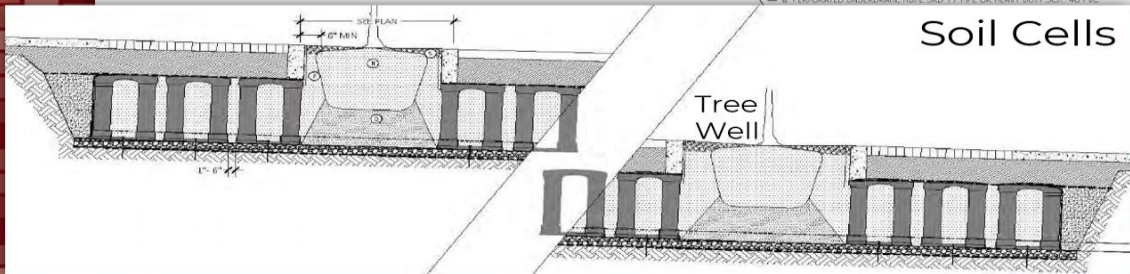
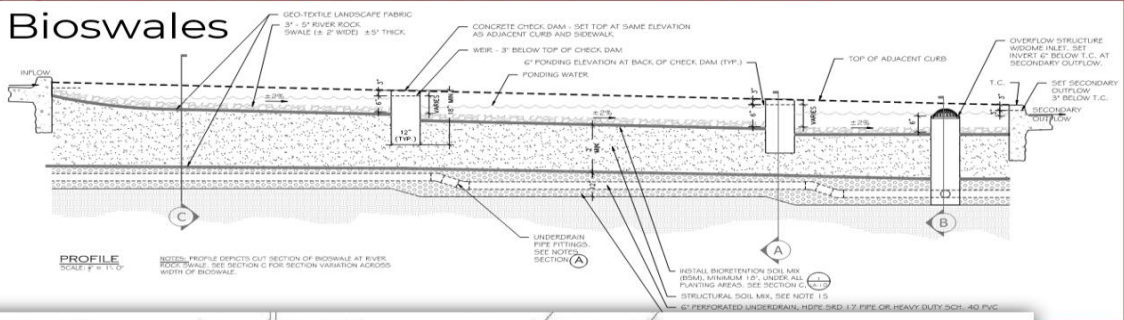




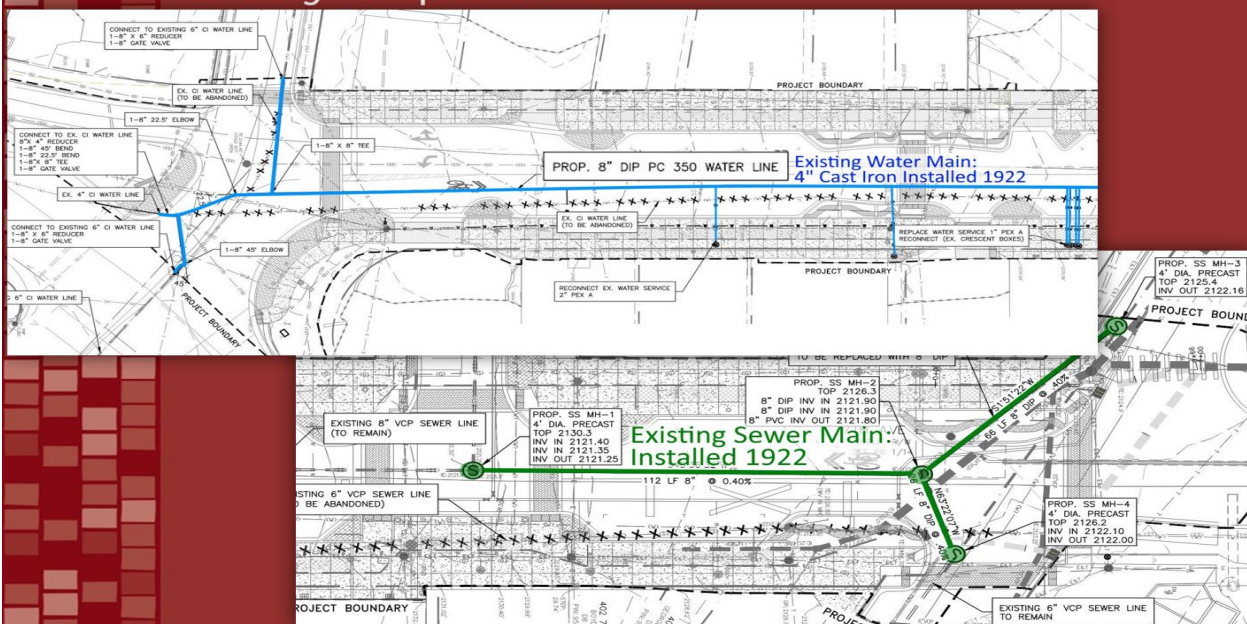
Design Elements Street Trees/Street Lights/Traffic Lights



Design Elements Stormwater Control Measures

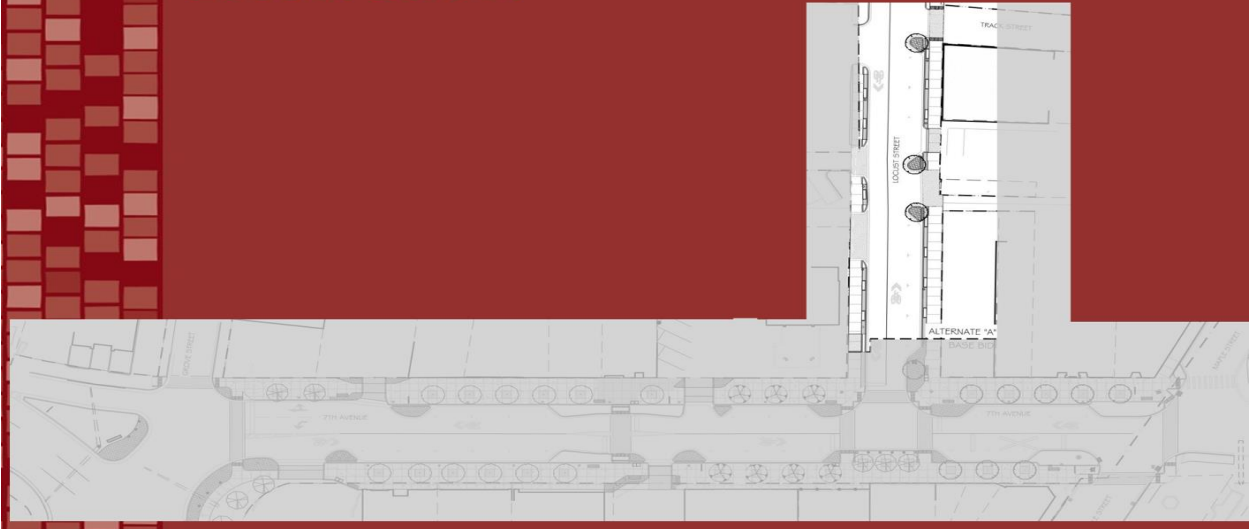


Design Elements Utility Improvements

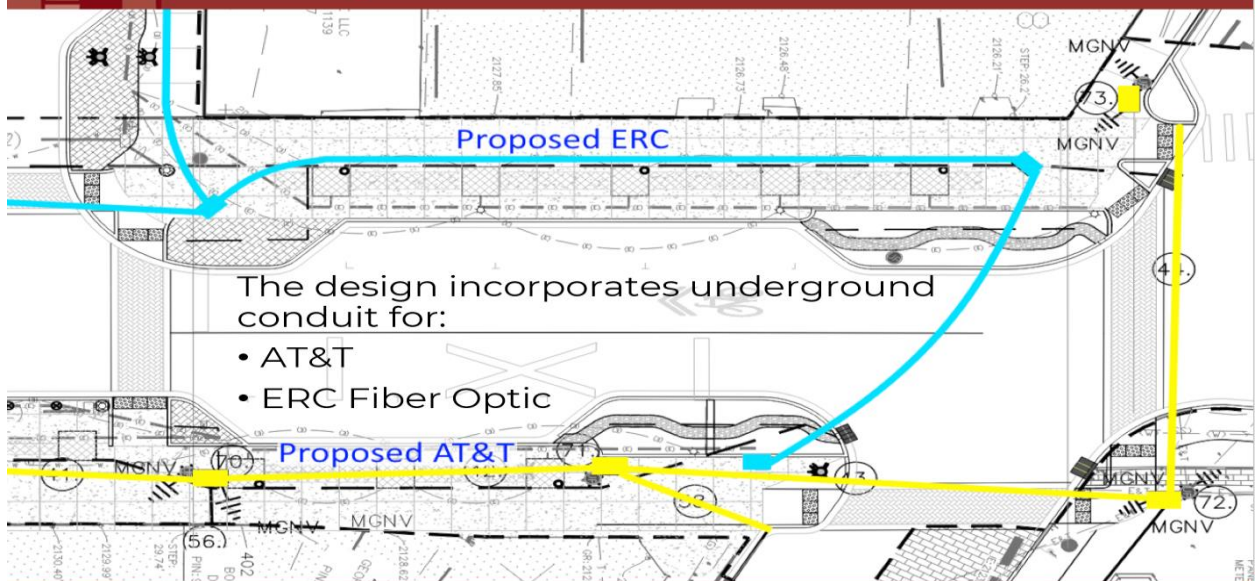




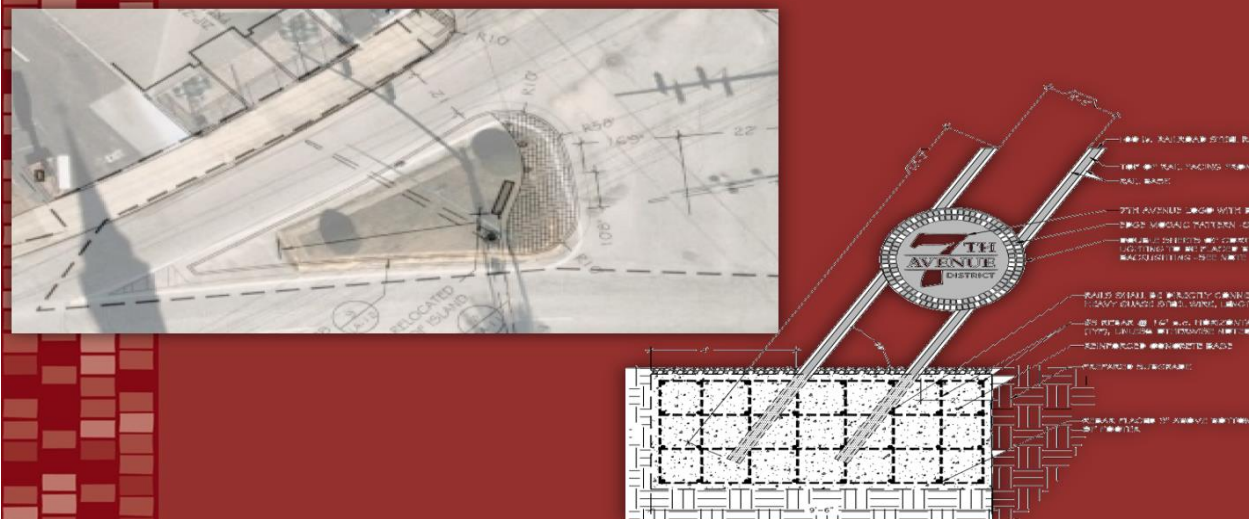
Design 'Optional' Elements Locust Street



Design 'Optional' Elements Underground Telecommunications

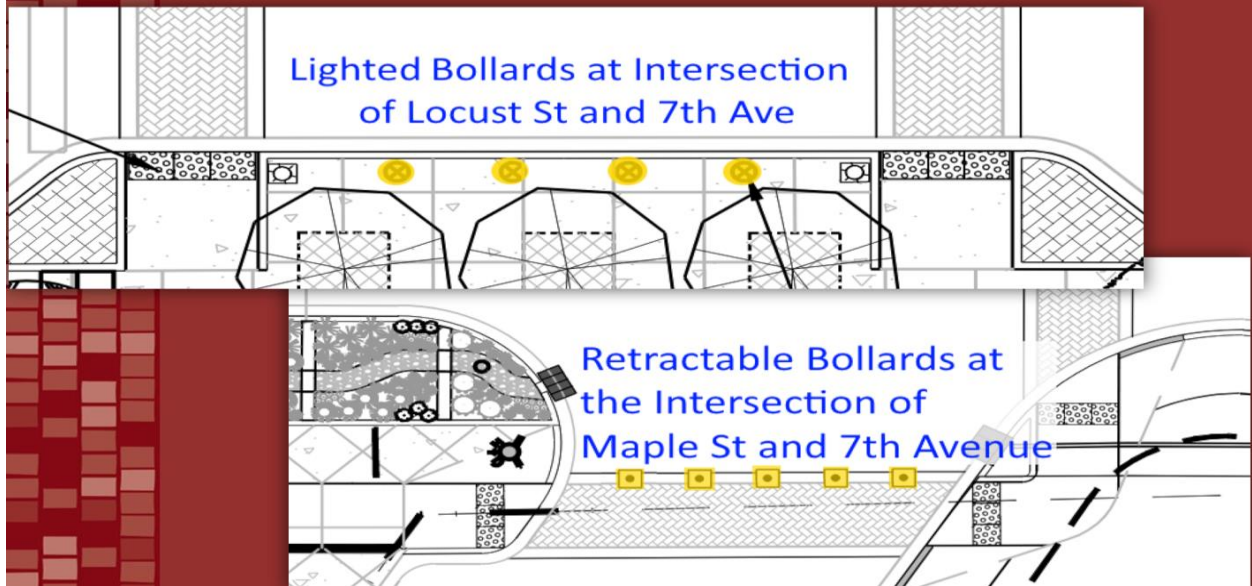


Design 'Optional' Elements Grove Street 'Gateway' Intersection





Design 'Optional' Elements Bollards



Bid Opening

Bids were received and opened November 28th and December 7th for:

- Demolition
- Concrete
- Steel Railings
- Electrical
- Asphalt Paving
- Brick Pavers
- Landscaping
- Water & Sewer
- Stormwater
- Traffic Signals



Next Steps

- Harper will compile the bids submitted and present a GMP for the City to consider.
- City will evaluate costs of optional work and decide what scope to pursue based on available budget.
- We hope to begin construction in Jan/Feb.
- Harper, in coordination with their subcontractors and area merchants and property owners, will expedite the work to limit the closure of roadway and disruptions to business.

City Manager Connet added that we do have a budget and we have bids and we are going to be reviewing those bids between now and early next week. We are pushing for Monday. We have a finite budget so we will be looking at the base bid and some of the optional items and will bring them to you for approval for the maximum guaranteed price so we can hopefully get this project started in January.

D. Scheduling of a Special City Council Meeting on Thursday, December 14, 2023 at 11:00 A.M. and Cancellation of the December 27, 2023 Workshop Meeting – John Connet, City Manager

Staff is requesting a special meeting to approve the bids for the 7th Avenue Streetscape Project. I am proposing that we schedule the special meeting on Thursday, December 14, 2023 at 11:00 AM. This is directly prior to the City Christmas Lunch.

Council Member Lyndsey Simpson moved that the City Council schedule a Special Meeting on Thursday, December 14, 2023 at 11:00 AM at the Whitmire Center and cancel the December 27, 2023 Workshop Meeting. A unanimous vote of the Council followed. Motion carried.

E. Approval of 2024 Meeting Schedule – John Connet, City Manager

We are asking City Council to approve your meeting schedule for 2024. We have tried to include all known special meetings and adjustments for holidays. We ask that you please review and let us know if changes are needed.

Council Member Jennifer Hensley moved that the City Council approve the 2024 Meeting Schedule as presented..

NOTICE

City of Hendersonville City Council

805 Williams Street, Hendersonville, NC 28792

NOTICE OF CITY COUNCIL MEETINGS 2024

Regular Meetings of the City of Hendersonville City Council are held on the **first Thursday** of each month beginning at **5:45 p.m.** in the Assembly Room of the Operation Center located at 305 Williams Street, Hendersonville NC unless otherwise noticed. The following regular meetings have been scheduled for 2024:

January 4, 2024
February 7, 2024
March 7, 2024
April 4, 2024
May 2, 2024
June 6, 2024

July 10, 2024
August 1, 2024
September 5, 2024
October 3, 2024
November 7, 2024
December 5, 2024

****Council/Staff Retreat – March 14th & 15th**
****City Council Budget Workshop – May 3, 2024**

Second Monthly Meetings will be held on the **fourth Wednesday** of each month beginning at **4:00 p.m.** in the Assembly Room of the Operation Center located at 305 Williams Street, Hendersonville NC unless otherwise noticed. The following workshop meetings have been scheduled for 2024:

January 24, 2024
February 28, 2024
March 27, 2024
April 24, 2024
May 22, 2024
June 26, 2024

July 24, 2024
August 28, 2024
September 25, 2024
October 23, 2024
November 25, 2024
December 25, 2024 - Cancelled

Jill Murray
City Clerk

The City of Hendersonville is committed to providing accessible facilities, programs and services for all people in compliance with the Americans with Disabilities Act (ADA). Should you need assistance or a particular accommodation for this meeting please contact the City Clerk no later than 24 hours prior to the meeting at 697-3005.

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BOARDS/COMMITTEES/COMMISSION**Board of Adjustment**

Council Member Lyndsey Simpson nominated Steve Saalfield (city resident) to a three-year term ending June, 2026, for the Board of Adjustment. A unanimous vote of the Council followed. Motion carried.

Council Member Jeff Miller nominated Terrance Bond (city resident) to a three-year term ending June, 2026, for the Board of Adjustment. A unanimous vote of the Council followed. Motion carried.

Environmental Sustainability Board

Council Member Debbie O'Neal-Roundtree nominated Margina Baxter (city resident) to a three-year term ending June, 2026, for the Environmental Sustainability Board. A unanimous vote of the Council followed. Motion carried.

Historic Preservation Committee

Council Member Jeff Miller nominated Jim Boyd for reappointment to the Historic Preservation Committee. His term will expire in December, 2026. A unanimous vote of the Council followed. Motion carried.

Planning Board

Council Member Jennifer Hensley nominated Laura Flores for reappointment to the Planning Board. Her term will expire in December, 2026. A unanimous vote of the Council followed. Motion carried.

Council Member Lyndsey Simpson nominated Tamara Peacock for reappointment to the Planning Board. Her term will expire in December, 2026.. A unanimous vote of the Council followed. Motion carried.

Tree Board

Council Member Jeff Miller nominated Glenn Lange (city) for reappointment of his three-year term, to the Tree Board. A unanimous vote of the Council followed. Motion carried.

Council Member Jennifer Hensley nominated Natalie Wilcoxon (ETJ) for appointment to the Tree Board. Her term will expire in December, 2026. A unanimous vote of the Council followed. Motion carried.

Council Member Lyndsey Simpson nominated Steven Stark (city) for appointment to the Tree Board. His term will expire in December, 2024 as he is coming in mid-term for Joseph Pieso.. A unanimous vote of the Council followed. Motion carried.

CDBG Housing Committee

Council Member Jennifer Hensley nominated Jeff Miller for appointment to the CDBG Housing Committee. A unanimous vote of the Council followed. Motion carried.

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

City Manager Connect explained that in accordance with North Carolina General Statute (NCGS) 159-13(b) it is required that all expenditures resulting from a contingency appropriation budget be reported to the governing board at its next regular meeting and recorded in the minutes.

NCGS 159-15 permits the Budget Officer (City Manager), to transfer budget from one appropriation to another within the same fund, provided any such transfers are reported to the Governing Board. The City of Hendersonville refers to transfers of budget from one appropriation to another within the same fund as a “budget adjustment”. City Council authorizes budget adjustments each year with the adoption of the annual budget ordinance (SECTION 4).

This agenda item serves to fulfill the reporting requirements of both NCGS 159-13(b) and 159-15 by providing City Council a summary of all amendments and adjustments occurring thus far in the fiscal year.

City Manager Connet reminded everyone about the meeting on December 14th at 11:00 a.m. which will take place right before the Employee Christmas Lunch at the Whitmire Center.

11. CITY COUNCIL COMMENTS

Council Member Jeff Miller reminded everyone that December 7th is Pearl Harbor Day and that we should always remember that.

12. ADJOURN

There being no further business, the meeting was adjourned at 7:53 p.m. upon unanimous assent of the Council.

Barbara G. Volk, Mayor

ATTEST:

Jill Murray, City Clerk