



# MINUTES

November 2, 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 Clerk Jill Murray, City Attorney Angela Becker, Communications Manager Allison Justus, Budget Manager Adam Murr, and others

### **1. CALL TO ORDER**

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

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

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

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

#### **In Person:**

Tom Appleby spoke against paid parking and the kiosks on Main Street.

Steven Trombley inquired about the Patton Park pickle ball courts. Tom Wooten spoke and said that we've had two bid openings and the one bid was \$630,000 and that was too much so they're rewriting everything and separating everything out so they can have several companies bid on each thing separately.

Clifford Meek spoke about rail passenger service and a route coming through Hendersonville.

#### **Via Phone:**

Lynne Williams spoke via Zoom electronic software about her concern of appointing a new council member and asking for feedback of some kind, whether it be a poll or a vote of some kind and strongly recommended Mary Jo Padgett. She also spoke about misconduct in the city for the past two years and asked that council consider supporting her when she brings things like misconduct forward.

Ken Fitch spoke via Zoom electronic software regarding sewer extension, the city does have a clear policy. He also suggested that the resolution for Veteran's to play free mini golf on Veteran's Day, should also include their immediate family.

Fred Nace spoke via Zoom electronic software and suggested that Jeff Miller be nominated and voted for the vacant City Council position.

#### **Digital:**

James Shakour said you need to ban all smoking downtown. Smoking is a form of assault. The CDC says, "In adults who do not smoke, secondhand smoke exposure can cause coronary heart disease, stroke, lung cancer, and other diseases. It can also result in premature death." How can we walk around and enjoy downtown when everything smells like cigarettes and weed. Please ban smoking everywhere downtown.

#### 4. CONSIDERATION OF AGENDA

*Council Member Hensley asked that item 8A Appointment of New City Council member be moved to item 6D.*

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

#### 5. CONSENT AGENDA

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

**A. Adoption of City Council Minutes – Jill Murray, City Clerk**

October 5, 2023 Regular Monthly Meeting

October 25, 2023 Second Monthly Meeting

**B. Henderson County Tax Adjustments – Amanda Lofton, Deputy Tax Collector**

**C. Governor’s Highway Safety Program (GHSP) Award Resolution – Kenny Hipps, Police Captain**

Ordinance #O-23-62

**GRANT PROJECT ORDINANCE FOR  
THE EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE  
THE GOVERNOR’S HIGHWAY SAFETY PROGRAM TRAFFIC ENFORCEMENT OVERTIME FY24  
GRANT**

**BE IT ORDAINED** by the Governing Board of the City of Hendersonville, North Carolina that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following grant project ordinance is hereby adopted:

**Section 1:** The project authorized is a City project described as the Governor’s Highway Safety Program Traffic Enforcement Overtime FY24 Grant Project, #G2401.

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

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
301	1300	501010	G2401	Overtime (HPD)	\$16,576
301	1300	502001	G2401	FICA Tax Expense	\$1,264
301	1300	502050	G2401	Retirement Expense	\$2,160
<b>Total Project Appropriation</b>					<b>\$20,000</b>

**Section 3:** The following revenues are anticipated to be available for the project:

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
301	0000	420050	G2401	Grant Revenue (GHSP)	\$20,000
<b>Total Project Appropriation</b>					<b>\$20,000</b>

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

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

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

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

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

**ADOPTED** by the City Council of the City of Hendersonville, North Carolina, on this 2<sup>nd</sup> day of November, 2023.

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

**D. November 2023 Budget Amendments – Adam Murr, Budget Manager**

**TO MAYOR & COUNCIL** **FISCAL YEAR 2024**  
**APPROVAL: November 02, 2023** **FORM: 11022023-01**

BUDGET AMENDMENT					
FUND 459   460					
ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
459-0000-470900	Fund Balance Appropriated	-	200,000	-	200,000
459-0000-598901	Transfer Out (to 460, #20010)	-	200,000	-	200,000
FUND 459 (W&S CRF)	TOTAL REVENUES	-	200,000	-	200,000
	TOTAL EXPENDITURES	-	200,000	-	200,000
460-0000-470100-20010	Transfer In (from 060)	60,000	-	60,000	-
460-0000-470100-20010	Transfer In (from 459)	-	200,000	-	200,000
460-0000-470900-20010	Fund Balance Appropriated	400,000	-	400,000	-
460-1014-550102-20010	Capital Outlay-Services & Fees	60,000	-	60,000	-
460-1014-550103-20010	Capital Outlay-CIP	400,000	-	200,000	200,000
FUND 460 (#20010) Old Brickyard Rd. Water	TOTAL REVENUES	460,000	200,000	460,000	200,000
	TOTAL EXPENDITURES	460,000	-	260,000	200,000
FY24 amendment decreasing the Brickyard Project, #20010 to reflect an updated project cost of \$200,000 to be transferred in from the Water and Sewer Capital Reserve Fund (459).					

The City Manager and City Clerk certify budget ordinance amendment 11022023-01 was approved by City Council on November 02, 2023.

**TO MAYOR & COUNCIL** **FISCAL YEAR 2024**  
**APPROVAL: November 02, 2023** **FORM: 11022023-02**

BUDGET AMENDMENT					
FUND 459   460					
ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
459-0000-470900	Fund Balance Appropriated	-	175,000	-	175,000
459-0000-598901	Transfer Out (to 460, #23012)	-	175,000	-	175,000
FUND 459 (W&S CRF)	TOTAL REVENUES	-	175,000	-	175,000
	TOTAL EXPENDITURES	-	175,000	-	175,000
460-0000-470100-23012	Transfer In (from 459)	-	175,000	-	175,000
460-1014-550103-23012	Capital Outlay-CIP	-	175,000	-	175,000
FUND 460 (#23012) Carson Dr. Water	TOTAL REVENUES	-	175,000	-	175,000
	TOTAL EXPENDITURES	-	175,000	-	175,000
FY24 amendment transferring \$175,000 from the Water and Sewer Capital Reserve Fund (459) for the execution of the Carson Drive Water & Sewer Project, #23012.					

The City Manager and City Clerk certify budget ordinance amendment 11022023-02 was approved by City Council on November 02, 2023.

**TO MAYOR & COUNCIL** **FISCAL YEAR 2024**  
**APPROVAL: November 02, 2023** **FORM: 11022023-03**

BUDGET AMENDMENT					
FUND 459   460					
ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
459-0000-470900	Fund Balance Appropriated	-	135,000	-	135,000
459-0000-598901	Transfer Out (to 460, #23018)	-	135,000	-	135,000
FUND 459 (W&S CRF)	TOTAL REVENUES	-	135,000	-	135,000
	TOTAL EXPENDITURES	-	135,000	-	135,000
460-0000-470100-23018	Transfer In (from 459)	-	135,000	-	135,000
460-7055-550103-23018	Capital Outlay-CIP	-	135,000	-	135,000
FUND 460 (#23018) Somersby Park	TOTAL REVENUES	-	135,000	-	135,000
	TOTAL EXPENDITURES	-	135,000	-	135,000
FY24 amendment transferring \$135,000 from the Water and Sewer Capital Reserve Fund (459) for the execution of the Somersby Park Water & Sewer Project, #23018.					

The City Manager and City Clerk certify budget ordinance amendment 11022023-03 was approved by City Council on November 02, 2023.

**TO MAYOR & COUNCIL**  
**APPROVAL: November 02, 2023**

**FISCAL YEAR 2024**  
**FORM: 11022023-04**

**BUDGET AMENDMENT**

FUND 459 | 460

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
459-0000-470900	Fund Balance Appropriated	-	110,000	-	110,000
459-0000-598901	Transfer Out (to 460, #23019)	-	110,000	-	110,000
FUND 459 (W&S CRF)	TOTAL REVENUES	-	110,000	-	110,000
	TOTAL EXPENDITURES	-	110,000	-	110,000
460-0000-470100-23019	Transfer In (from 459)	-	110,000	-	110,000
460-1014-550103-23019	Capital Outlay-CIP	-	110,000	-	110,000
FUND 460 (#23019) WTP Thickener Drive	TOTAL REVENUES	-	110,000	-	110,000
	TOTAL EXPENDITURES	-	110,000	-	110,000

FY24 amendment transferring \$110,000 from the Water and Sewer Capital Reserve Fund (459) for the execution of the WTP Thickener Drive Project, #23019.

The City Manager and City Clerk certify budget ordinance amendment 11022023-04 was approved by City Council on November 02, 2023.

**TO MAYOR & COUNCIL**  
**APPROVAL: November 02, 2023**

**FISCAL YEAR 2024**  
**FORM: 11022023-05**

**BUDGET AMENDMENT**

FUND 459 | 460

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
459-0000-470900	Fund Balance Appropriated	-	145,000	-	145,000
459-0000-598901	Transfer Out (to 460, #23020)	-	145,000	-	145,000
FUND 459 (W&S CRF)	TOTAL REVENUES	-	145,000	-	145,000
	TOTAL EXPENDITURES	-	145,000	-	145,000
460-0000-470100-23020	Transfer In (from 459)	-	145,000	-	145,000
460-1014-550103-23020	Capital Outlay-CIP	-	145,000	-	145,000
FUND 460 (#23020) WWTP Clarifier Drive	TOTAL REVENUES	-	145,000	-	145,000
	TOTAL EXPENDITURES	-	145,000	-	145,000

FY24 amendment transferring \$145,000 from the Water and Sewer Capital Reserve Fund (459) for the execution of the WWTP Clarifier Drive Project, #23020.

The City Manager and City Clerk certify budget ordinance amendment 11022023-05 was approved by City Council on November 02, 2023.

**TO MAYOR & COUNCIL**  
**APPROVAL: November 02, 2023**

**FISCAL YEAR 2023**  
**FORM: 11022023-06**

**BUDGET AMENDMENT**

FUND 060 | 067 | 410 | 460

ACCOUNT NUMBER	DESCRIPTION OF ACCOUNT	REVISED BUDGET	INCREASE	DECREASE	REVISED BUDGET
060-0000-470020	Bond Proceeds (2023 IFC)	-	4,016,000	-	4,016,000
060-0000-598901	Transfer Out (to 410, #21017)	-	4,016,000	-	4,016,000
FUND 060	TOTAL REVENUES	-	4,016,000	-	4,016,000
	TOTAL EXPENDITURES	-	4,016,000	-	4,016,000
067-0000-470020	Bond Proceeds (2023 IFC)	-	377,000	-	377,000
067-0000-598901	Transfer Out (to 410, #21017)	-	377,000	-	377,000
FUND 067	TOTAL REVENUES	-	377,000	-	377,000
	TOTAL EXPENDITURES	-	377,000	-	377,000
410-0000-470010-21017	Debt Proceeds (2023 IFC)	6,425,000	-	4,393,000	2,032,000
410-0000-470100-21017	Transfer In (from 060 & 067, FY23)	-	4,393,000	-	4,393,000
410-1002-550103-21017	Capital Outlay - CIP	6,345,000	-	1,182,500	5,162,500
410-1002-560900-21017	Cost of Issuance	80,000	-	-	80,000
410-1002-598901-21017	Transfer Out (to #23021)	-	150,000	-	150,000
410-1002-598901-21017	Transfer Out (to #23022)	-	1,032,500	-	1,032,500
FUND 410 #21017 City Hall & Ops Imprv.	TOTAL REVENUES	6,425,000	4,393,000	4,393,000	6,425,000
	TOTAL EXPENDITURES	6,425,000	1,182,500	1,182,500	6,425,000
410-0000-470100-23021	Transfer In (from #21017)	-	150,000	-	150,000
410-1002-550103-23021	Capital Outlay - CIP	-	150,000	-	150,000
FUND 410 #23021 City Hall 3rd Floor	TOTAL REVENUES	-	150,000	-	150,000
	TOTAL EXPENDITURES	-	150,000	-	150,000
snip]	Debt Proceeds (2023 IFC)	516,250	-	516,250	-
410-0000-470100-19140	Transfer In (from 010)	254,696	-	-	254,696
410-1002-550102-19140	Capital Outlay - Services and Fees	22,500	-	-	22,500
410-1002-550103-19140	Capital Outlay - CIP	748,446	-	516,250	232,196
460-0000-470010-19140	Debt Proceeds (2023 IFC)	516,250	-	516,250	-
460-0000-470100-19140	Transfer In (from 060)	140,545	-	-	140,545
460-0000-470900-19140	Fund Balance Appropriated	50,789	-	-	50,789
460-0000-598901-19140	Transfer Out	63,362	-	-	63,362
460-1002-550102-19140	Capital Outlay - Services and Fees	22,500	-	-	22,500
460-1002-550103-19140	Capital Outlay - CIP	621,722	-	516,250	105,472
FUND 410 & 460 #19140 City Hall Ext. Phase I	TOTAL REVENUES	1,478,530	-	1,032,500	446,030
	TOTAL EXPENDITURES	1,478,530	-	1,032,500	446,030
410-0000-470100-23022	Transfer In (from #21017)	-	1,032,500	-	1,032,500
410-1002-550103-23022	Capital Outlay - CIP	-	1,032,500	-	1,032,500
FUND 410 #23022 City Hall Ext. Phase II	TOTAL REVENUES	-	1,032,500	-	1,032,500
	TOTAL EXPENDITURES	-	1,032,500	-	1,032,500

FY23 amendment appropriately reflecting the movement of bond proceeds from the 2023 Installment Financing to more accurately represent the closing book on the bond, and to create budget for the City Hall 3rd Floor Improvements Project, #23021 and the City Hall Exterior Phase II Project, #23022 via the use of 2023 IFC funds.

The City Manager and City Clerk certify budget ordinance amendment 11022023-06 was approved by City Council on November 02, 2023.

TO MAYOR & COUNCIL  
 APPROVAL: November 02, 2023

FISCAL YEAR 2024  
 FORM: 11022023-07

**BUDGET AMENDMENT**

FUND 301

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
301-0000-420050-G2302	Grant Revenue (GHSP)	45,000	-	20,000	25,000
301-1300-501010-G2302	Overtime	37,296	-	16,576	20,720
301-1300-502001-G2302	FICA Tax Expense	2,843	-	1,264	1,579
301-1300-502050-G2302	Retirement Expense	4,861	-	2,160	2,701
FUND 301 (GHSP-O/T)	TOTAL REVENUES	45,000	-	20,000	25,000
	TOTAL EXPENDITURES	45,000	-	20,000	25,000
301-0000-420050-G2401	Grant Revenue (GHSP)	-	20,000	-	20,000
301-1300-501010-G2401	Overtime	-	16,576	-	16,576
301-1300-502001-G2401	FICA Tax Expense	-	1,264	-	1,264
301-1300-502050-G2401	Retirement Expense	-	2,160	-	2,160
FUND 301 (GHSP-O/T)	TOTAL REVENUES	-	20,000	-	20,000
	TOTAL EXPENDITURES	-	20,000	-	20,000

An amendment reversing the 10/05 amendment increasing the GHSP Grant #G2302 to create a new GHSP Grant, #G2401. This amendment reflects a Grant Project Ordinance also on the November 02, 2023 agenda for City Council's consideration.

The City Manager and City Clerk certify budget ordinance amendment 11022023-07 was approved by City Council on November 02, 2023.

**E. November 2023 Capital Project Ordinances and Reimbursement Resolutions – Jennifer Floyd, Budget and Management Analyst II**

Resolution #R-23-106

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

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

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

**Expenditures to be Incurred.** The Issuer anticipates incurring expenditures (the "Expenditures") for EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE SOMERSBY PARK PROJECT (#23018), ORDINANCE #O-23-65 (the "Projects").

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

**Maximum Principal Amount of Debt to be Issued.** The maximum principal amount of the Borrowing to be incurred by the Issuer to finance the Project is \$135,000.

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

**ADOPTED** by the City Council of the City of Hendersonville, North Carolina, on this 2<sup>nd</sup> day of November, 2023.

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

Ordinance #O-23-65

**GRANT/CAPITAL PROJECT ORDINANCE FOR  
 THE EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE SOMERSBY  
 PARK Project, #23018**

**BE IT ORDAINED** by the Governing Board of the City of Hendersonville, North Carolina that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

**Section 1:** The project authorized is a City project described as the Somersby Park Project, #23018.

**Section 2:** The following amounts are appropriated for the project(s):

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
460	7055	550103	23018	Capital Outlay-CIP	\$135,000

<b>Total Project Appropriation</b>	<b>\$135,000</b>
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**Section 3:** The following revenues are anticipated to be available for the project:

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
460	0000	470100	23018	Transfer In (from 459)	(\$135,000)

<b>Total Project Appropriation</b>	<b>(\$135,000)</b>
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**Section 4:** The Finance Director is hereby directed to maintain within the General Fund, Water and Sewer Fund, Environmental Services Fund, and the Capital Project Funds sufficient specific detailed accounting records to satisfy the disclosure requirements of all the contractual agreements, if applicable.

**Section 5:** Funds may be advanced from the Water and Sewer Fund (060) and the Water and Sewer Capital Project Fund (460), as necessary for the purpose of making payments as due. Reimbursement requests shall be made in an orderly and timely manner.

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

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

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

**Section 9:** The City Manager, or designee, is authorized to declare the project completed, close the project ordinance, and distribute remaining project funds to the appropriate operating fund or capital reserve fund.

**ADOPTED** by the City Council of the City of Hendersonville, North Carolina, on this 2<sup>nd</sup> day of November, 2023.

/s/Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

Resolution #R-23-107

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

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

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

**Expenditures to be Incurred.** The Issuer anticipates incurring expenditures (the "Expenditures") for EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE CITY HALL EXTERIOR PHASE II PROJECT (#23022), ORDINANCE #O-23-68 (the "Projects").

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

**Maximum Principal Amount of Debt to be Issued.** The maximum principal amount of the Borrowing to be incurred by the Issuer to finance the Project is \$1,032,500.

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

**ADOPTED** by the City Council of the City of Hendersonville, North Carolina, on this 2<sup>nd</sup> day of November, 2023.

/s/Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

**GRANT/CAPITAL PROJECT ORDINANCE FOR  
THE EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE CITY HALL  
EXTERIOR PHASE II Project, #23022**

**BE IT ORDAINED** by the Governing Board of the City of Hendersonville, North Carolina that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

**Section 1:** The project authorized is a City project described as the City Hall Exterior Phase II Project, #23022.

**Section 2:** The following amounts are appropriated for the project(s):

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
410	1002	550103	23022	Capital Outlay-CIP	\$1,032,500
<b>Total Project Appropriation</b>					<b>\$1,032,500</b>

**Section 3:** The following revenues are anticipated to be available for the project:

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
410	0000	470100	23022	Transfer In (from #21017)	(\$1,032,500)
<b>Total Project Appropriation</b>					<b>(\$1,032,500)</b>

**Section 4:** The Finance Director is hereby directed to maintain within the General Fund, Water and Sewer Fund, Environmental Services Fund, and the Capital Project Funds sufficient specific detailed accounting records to satisfy the disclosure requirements of all the contractual agreements, if applicable.

**Section 5:** Funds may be advanced from the General Fund (010) and the Governmental Capital Project Fund (410), as necessary for the purpose of making payments as due. Reimbursement requests shall be made in an orderly and timely manner.

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

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

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

**Section 9:** The City Manager, or designee, is authorized to declare the project completed, close the project ordinance, and distribute remaining project funds to the appropriate operating fund or capital reserve fund.

**ADOPTED** by the City Council of the City of Hendersonville, North Carolina, on this 2<sup>nd</sup> day of November, 2023.

/s/Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

Resolution #R-23-108

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

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

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

**Expenditures to be Incurred.** The Issuer anticipates incurring expenditures (the "Expenditures") for EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE CITY HALL 3<sup>rd</sup> FLOOR RENOVATION PROJECT (#23021), ORDINANCE #O-23-63 (the "Projects").

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

**Maximum Principal Amount of Debt to be Issued.** The maximum principal amount of the Borrowing to be incurred by the Issuer to finance the Project is \$150,000.

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

**ADOPTED** by the City Council of the City of Hendersonville, North Carolina, on this 2<sup>nd</sup> day of November, 2023.

/s/Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

Ordinance #O-23-63

**GRANT/CAPITAL PROJECT ORDINANCE FOR  
THE EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE CITY HALL 3<sup>rd</sup>  
FLOOR RENOVATION Project, #23021**

**BE IT ORDAINED** by the Governing Board of the City of Hendersonville, North Carolina that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

**Section 1:** The project authorized is a City project described as the City Hall 3<sup>rd</sup> Floor Renovation Project, #23021.

**Section 2:** The following amounts are appropriated for the project(s):

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
410	1002	550103	23021	Capital Outlay-CIP	\$150,000
<b>Total Project Appropriation</b>					<b>\$150,000</b>

**Section 3:** The following revenues are anticipated to be available for the project:

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
410	0000	470100	23021	Transfer In (from #21017)	(\$150,000)
<b>Total Project Appropriation</b>					<b>(\$150,000)</b>

**Section 4:** The Finance Director is hereby directed to maintain within the General Fund, Water and Sewer Fund, Environmental Services Fund, and the Capital Project Funds sufficient specific detailed accounting records to satisfy the disclosure requirements of all the contractual agreements, if applicable.

**Section 5:** Funds may be advanced from the General Fund (010) and the Governmental Capital Project Fund (410), as necessary for the purpose of making payments as due. Reimbursement requests shall be made in an orderly and timely manner.

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

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

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

**Section 9:** The City Manager, or designee, is authorized to declare the project completed, close the project ordinance, and distribute remaining project funds to the appropriate operating fund or capital reserve fund.

**ADOPTED** by the City Council of the City of Hendersonville, North Carolina, on this 2<sup>nd</sup> day of November, 2023.

/s/Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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



Resolution #R-23-109

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

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

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

**Expenditures to be Incurred.** The Issuer anticipates incurring expenditures (the "Expenditures") for EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE WTF THICKENER DRIVE REPLACEMENT PROJECT (#23019), ORDINANCE #O-23-66 (the "Projects").

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

**Maximum Principal Amount of Debt to be Issued.** The maximum principal amount of the Borrowing to be incurred by the Issuer to finance the Project is \$110,000.

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

**ADOPTED** by the City Council of the City of Hendersonville, North Carolina, on this 2<sup>nd</sup> day of November, 2023.

/s/Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

Ordinance #O-23-66

**GRANT/CAPITAL PROJECT ORDINANCE FOR  
THE EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE WTF  
THICKENER DRIVE REPLACEMENT Project, #23019**

**BE IT ORDAINED** by the Governing Board of the City of Hendersonville, North Carolina that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

**Section 1:** The project authorized is a City project described as the WTF Thickener Drive Replacement Project, #23019.

**Section 2:** The following amounts are appropriated for the project(s):

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
460	7035	550103	23019	Capital Outlay-CIP	\$110,000
<b>Total Project Appropriation</b>					<b>\$110,000</b>

**Section 3:** The following revenues are anticipated to be available for the project:

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
460	0000	470100	23019	Transfer In (from 459)	(\$110,000)
<b>Total Project Appropriation</b>					<b>(\$110,000)</b>

**Section 4:** The Finance Director is hereby directed to maintain within the General Fund, Water and Sewer Fund, Environmental Services Fund, and the Capital Project Funds sufficient specific detailed accounting records to satisfy the disclosure requirements of all the contractual agreements, if applicable.

**Section 5:** Funds may be advanced from the Water and Sewer Fund (060) and the Water and Sewer Capital Project Fund (460), as necessary for the purpose of making payments as due. Reimbursement requests shall be made in an orderly and timely manner.

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

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

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

**Section 9:** The City Manager, or designee, is authorized to declare the project completed, close the project ordinance, and distribute remaining project funds to the appropriate operating fund or capital reserve fund.

**ADOPTED** by the City Council of the City of Hendersonville, North Carolina, on this 2<sup>nd</sup> day of November, 2023.

/s/Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

Resolution #R-23-110

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

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

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

**Expenditures to be Incurred.** The Issuer anticipates incurring expenditures (the "Expenditures") for EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE WWTF CLARIFIER DRIVE MECHANISM REPLACEMENT PROJECT (#23020), ORDINANCE #O-23-64 (the "Projects").

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

**Maximum Principal Amount of Debt to be Issued.** The maximum principal amount of the Borrowing to be incurred by the Issuer to finance the Project is \$145,000.

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

**ADOPTED** by the City Council of the City of Hendersonville, North Carolina, on this 2<sup>nd</sup> day of November, 2023.

/s/Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

Ordinance #O-23-64

**GRANT/CAPITAL PROJECT ORDINANCE FOR  
THE EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE WWTF  
CLARIFIER DRIVE MECHANISM REPLACEMENT Project, #23020**

**BE IT ORDAINED** by the Governing Board of the City of Hendersonville, North Carolina that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

**Section 1:** The project authorized is a City project described as the WWTF Clarifier Drive Mechanism Replacement Project, #23020.

**Section 2:** The following amounts are appropriated for the project(s):

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
460	7135	550103	23020	Capital Outlay-CIP	\$145,000
<b>Total Project Appropriation</b>					<b>\$145,000</b>

**Section 3:** The following revenues are anticipated to be available for the project:

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
460	0000	470100	23020	Transfer In (from 459)	(\$145,000)

**Total Project Appropriation****(\$145,000)**

**Section 4:** The Finance Director is hereby directed to maintain within the General Fund, Water and Sewer Fund, Environmental Services Fund, and the Capital Project Funds sufficient specific detailed accounting records to satisfy the disclosure requirements of all the contractual agreements, if applicable.

**Section 5:** Funds may be advanced from the Water and Sewer Fund (060) and the Water and Sewer Capital Project Fund (460), as necessary for the purpose of making payments as due. Reimbursement requests shall be made in an orderly and timely manner.

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

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

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

**Section 9:** The City Manager, or designee, is authorized to declare the project completed, close the project ordinance, and distribute remaining project funds to the appropriate operating fund or capital reserve fund.

**ADOPTED** by the City Council of the City of Hendersonville, North Carolina, on this 2<sup>nd</sup> day of November, 2023.

/s/Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

Resolution #R-23-111

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

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

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

**Expenditures to be Incurred.** The Issuer anticipates incurring expenditures (the "Expenditures") for EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE CARSON DRIVE NEIGHBORHOOD WATER REPLACEMENT PROJECT (#23012), ORDINANCE #O-23-67 (the "Projects").

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

**Maximum Principal Amount of Debt to be Issued.** The maximum principal amount of the Borrowing to be incurred by the Issuer to finance the Project is \$175,000.

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

**ADOPTED** by the City Council of the City of Hendersonville, North Carolina, on this 2<sup>nd</sup> day of November, 2023.

/s/Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

Ordinance #O-23-67

**GRANT/CAPITAL PROJECT ORDINANCE FOR  
THE EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE CARSON  
DRIVE NEIGHBORHOOD WATER REPLACEMENT Project, #23012**

**BE IT ORDAINED** by the Governing Board of the City of Hendersonville, North Carolina that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

**Section 1:** The project authorized is a City project described as the Carson Drive Neighborhood Water Replacement Project, #23012.

**Section 2:** The following amounts are appropriated for the project(s):

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
460	7055	550103	23012	Capital Outlay-CIP	\$175,000
<b>Total Project Appropriation</b>					<b>\$175,000</b>

**Section 3:** The following revenues are anticipated to be available for the project:

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
460	0000	470100	23012	Transfer In (from 459)	(\$175,000)
<b>Total Project Appropriation</b>					<b>(\$175,000)</b>

**Section 4:** The Finance Director is hereby directed to maintain within the General Fund, Water and Sewer Fund, Environmental Services Fund, and the Capital Project Funds sufficient specific detailed accounting records to satisfy the disclosure requirements of all the contractual agreements, if applicable.

**Section 5:** Funds may be advanced from the Water and Sewer Fund (060) and the Water and Sewer Capital Project Fund (460), as necessary for the purpose of making payments as due. Reimbursement requests shall be made in an orderly and timely manner.

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

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

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

**Section 9:** The City Manager, or designee, is authorized to declare the project completed, close the project ordinance, and distribute remaining project funds to the appropriate operating fund or capital reserve fund. **ADOPTED** by the City Council of the City of Hendersonville, North Carolina, on this 2<sup>nd</sup> day of November, 2023.

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

**F. Amendment of Limited Parking Zone on Oakland Street – Tom Wooten, Public Works Director**

Ordinance #O-23-69

**AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE DESIGNATION OF THE LIMITED PARKING ZONING ON OAKLAND STREET IN ACCORDANCE WITH SECTION 50-181 – DESIGNATION OF TRAFFIC ZONES, PARKING ZONES, THROUGH STREETS AND OTHER ZONES OR AREAS; ERECTION AND INSTALLATION OF TRAFFIC CONTROL DEVICES**

**WHEREAS**, Section 50-181 of the Code of Ordinances authorizes the City to designate limited parking zones to establish the time or condition under which a vehicle may park in such zones; and

**WHEREAS**, On-street parking spaces on Oakland Street have previously been designated as Limited Parking Zones, limited to two-hours; and

**WHEREAS**, The City desires to amend the designation of the Limited Parking Zone on Oakland Street to better conform to the needs of the daily users of those spaces.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Hendersonville, North Carolina that the Limited Parking Zone on Oakland Street is amended as follows:

1. The parking spaces on the west side of Oakland Street, from Bearcat Boulevard to 6<sup>th</sup> Avenue West, shall have no time limitation.
2. The parking spaces on the east side of Oakland Street, from Bearcat Boulevard to 6<sup>th</sup> Avenue West, shall remain designated as a Limited Parking Zone time limited to two-hours.
3. The parking space immediately to the north of the driveway at 713 Oakland Street, and indicated on the attached Exhibit A, shall be eliminated.

4. The Public Works Director is directed to install and/or remove the appropriate signs and markings to clearly mark these changes.
5. The official traffic map shall be amended to reflect these changes and to show the limited parking zones.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 2<sup>nd</sup> day of November, 2023.

/s/Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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



**G. Utility Extension Agreement for the Upward Crossing Drive Project – Adela Gutierrez-Ramirez, Civil Engineer**

Resolution #R-23-112

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A UTILITY EXTENSION AGREEMENT WITH WATERLEAF AT FLAT ROCK APARTMENTS, LLC, a Delaware limited liability company, PEGGY C. CABE, ENNO F. CAMENZIND, JOHN THOMAS FLEMING, PAULA CAMENZIND CARTER, and ROBERT O. CAMENZIND FOR THE UPWARD CROSSING DR**

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

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

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

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

**WHEREAS**, Waterleaf at Flat Rock Apartments, LLC, a Delaware limited liability company, Peggy C. Cabe, Enno F. Camenzind, John Thomas Fleming, Paula Camenzind Carter, and Robert O. Camenzind, herein collectively referred to as the “Developer” and “Owner”, will enter into a Utility Extension Agreement with the City to provide water and sewer services to the Upward Crossing Dr Project.

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

1. The Utility Extension Agreement with, the “Developer” and “Owner” to provide water and sewer service to the Upward Crossing Dr Project is approved, as presented.
2. City Manager is authorized to execute the Utility Extension Agreement, and to approve and execute amendments to the Utility Extension Agreement in the future provided such amendments do not impose a financial obligation upon the City.

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

Adopted by the City Council of the City of Hendersonville, North Carolina on this 2<sup>nd</sup> day of November, 2023.

/s/Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

**H. Utility Extension Agreement for the Rutledge Road Subdivision, Phase II – Adela Gutierrez-Ramirez, Civil Engineer**

Resolution #R-23-113

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A UTILITY EXTENSION AGREEMENT WITH WINDSOR BUILT HOMES, INC FOR THE RUTLEDGE ROAD SUBDIVISION, PHASE II**

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

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

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

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

**WHEREAS**, Windsor Built Homes, INC, the “Developer” and “Owner”, will enter into a Utility Extension Agreement with the City to provide water services to the Rutledge Road Subdivision, Phase II.

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

1. The Utility Extension Agreement with Windsor Built Homes, INC, the “Developer” and “Owner” to provide water service to the Rutledge Road Subdivision, Phase II is approved, as presented.
2. City Manager is authorized to execute the Utility Extension Agreement, and to approve and execute amendments to the Utility Extension Agreement in the future provided such amendments do not impose a financial obligation upon the City.
3. City Manager is authorized to acquire easements, rights-of-way, and other interests in real property consistent with the terms of the Utility Extension Agreement, provided that such acquisition does not impose a financial obligation upon the City.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 2<sup>nd</sup> day of November, 2023.

/s/Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

**I. Utility Extension Agreement for the Duncan Terrace Apartments – Adela Gutierrez-Ramirez, Civil Engineer**

Resolution #R-23-114

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A UTILITY EXTENSION AGREEMENT WITH DUNCAN TERRACE LLC FOR THE DUNCAN TERRACE APARTMENTS**

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

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

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

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

**WHEREAS**, Duncan Terrace LLC, the “Developer” and “Owner”, will enter into a Utility Extension Agreement with the City to provide water and sewer services to the Duncan Terrace Apartments.

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

1. The Utility Extension Agreement with Duncan Terrace LLC, the “Developer” and “Owner” to provide water service to the Duncan Terrace Apartments is approved, as presented.
2. City Manager is authorized to execute the Utility Extension Agreement, and to approve and execute amendments to the Utility Extension Agreement in the future provided such amendments do not impose a financial obligation upon the City.
3. City Manager is authorized to acquire easements, rights-of-way, and other interests in real property consistent with the terms of the Utility Extension Agreement, provided that such acquisition does not impose a financial obligation upon the City.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 2<sup>nd</sup> day of November, 2023.

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

**J. Utilities Compliance Coordinator Job Description** – *Jennifer Harrell, HR Director*

**K. Warehouse Specialist Job Description** – *Jennifer Harrell, HR Director*

**L. Utilities Inventory and Purchasing Coordinator Job Description** – *Jennifer Harrell, HR Director*

## **6. PRESENTATIONS**

**A. Proclamation-Homeless Youth Awareness Month** – *Barbara G. Volk, Mayor*

Mayor Barbara Volk read the proclamation aloud and presented it to Michael Absher and McKenzie Louise Govern, a youth volunteer.

### **Proclamation**

#### **Homeless Youth Awareness Month**

**WHEREAS**, the month of November is designated as National Homeless Youth Awareness Month as declared by the U. S. House and Senate in 2007, renewed in 2021 and serves as an outlet to increase public awareness of an ongoing issue occurring in every city across the United States; and

**WHEREAS**, the nation’s public schools report between 4.2 million homeless students, 700,000 of which are unaccompanied grades pre-k through 12th grade; and

**WHEREAS**, we realize that when adolescents become homeless, being separated from their caregivers and homes for various reasons, which often places them in precarious situations; that school is often the most safe and stable environment for these youth; and

**WHEREAS**, we recognize in Henderson County that roughly 2.5 percent of our youth are identified as homeless; and

**WHEREAS**, Only Home WNC, Inc. is a local non-profit whose mission is to promote the value of education, honor individuality and diversity, nurture respect for self and others, and provide hope for young people in need in the community; and

**WHEREAS**, an effort is being made by the board members of Only Hope WNC, Inc. by hosting its 12<sup>th</sup> Annual Sleep Out on November 3 - November 4 at the Historic Courthouse on Main Street in Downtown Hendersonville in an effort to draw attention and support for youth homelessness in Henderson County.

**NOW, THEREFORE**, the City Council of the City of Hendersonville does hereby proclaim the month of November, 2023 as

#### **“Homeless Youth Awareness Month”**

in the City of Hendersonville and applaud the efforts of those who serve and help fight youth homelessness in Henderson County.

**PROCLAIMED** this 2<sup>nd</sup> day of November, 2023.

## B. Quarterly MVP Recipients – John Connet, City Manager

City Manager John Connet introduced the recipients of the MVP award for July through September quarter of 2023 as selected by the Service Excellence Design Team.

# Quarterly MVPs

July – September 2023

The Service Excellence Design Team voted on the 35 MVPs submitted and the following three received the highest votes.



### Greg Willis (Fire)

While responding to a call to assist an elderly gentleman up, Lieutenant Willis noticed the gentleman had a device intended to assist the man in transitioning up and down scattered into pieces, awaiting assembly. Recognizing how this device would be an asset to the man, Lieutenant Willis took the time to assemble it for him, and ensure he understood how it functioned.



### Dillon Baker (Fire)

“Chief Miller, I'm a city resident writing to express gratitude for Lt. Dillon Baker on your team. My smoke detectors went haywire a couple of weeks ago, and crews from the city came out to resolve the issue. I appreciated that. I called the city today to talk to someone to help me understand what happened so I could prevent it from happening in the future. I got a call back from Lt Baker who left me a message saying 'he'd love to talk to me about my smoke detectors'. LOVE TO TALK TO ME ABOUT MY SMOKE DETECTORS! Wow. Man-o-man, he was incredibly helpful. He walked me through a number of issues and when he discovered that I currently have no working smoke detectors at the house, he offered to come out to put one up. I promised to put up a smoke detector immediately. And I forgot to put it up. But, alas, five hours later Lt. Baker called to check on my smoke detector, And when I admitted that I hadn't followed through, he gave my 10 minutes and he'd be at my door. I put up the smoke detector.”

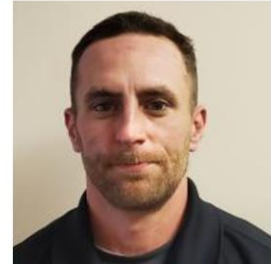


### Clay Tritt, Caleb Smathers & Tim Calderazzo (Water & Sewer / WTP)

On September 14 at 3 am, Tim Calderazzo, Water Treatment Plant, noticed an alarm at the Etowah tank site that the water level in the tank was dropping at an unexpected rate. Tim immediately called Clay Tritt, on-call for our facilities and tanks maintenance. Clay dispatched to Etowah shortly after three and called Caleb Smathers who was on emergency stand-by for line breaks.

While in route, Caleb was in communication with Clay who had found the leak. They discussed the locations of valves and, as Caleb arrived, he was able to help Clay finish closing the valves necessary to isolate the leak and stop the loss of water from the storage tank. The time was just before 5am.

Through their quick response, and expertise, these men worked together to identify, respond, travel, find, and isolate the leak withing two hours. All during the predawn hours and unbeknownst to the public. Their actions certainly prevented the loss of water pressure to hundreds of our customers.



### C. Environmental Services Update – Tom Wooten, Director of Public Works

Tom Wooten provided an update to City Council on the Solid Waste Study (scope of work and schedule), Track a Truck Application (existing trucks and leaf collection crews), and proposed a pilot project to improve efficiency with our yard waste collection program.

# Solid Waste Study Update

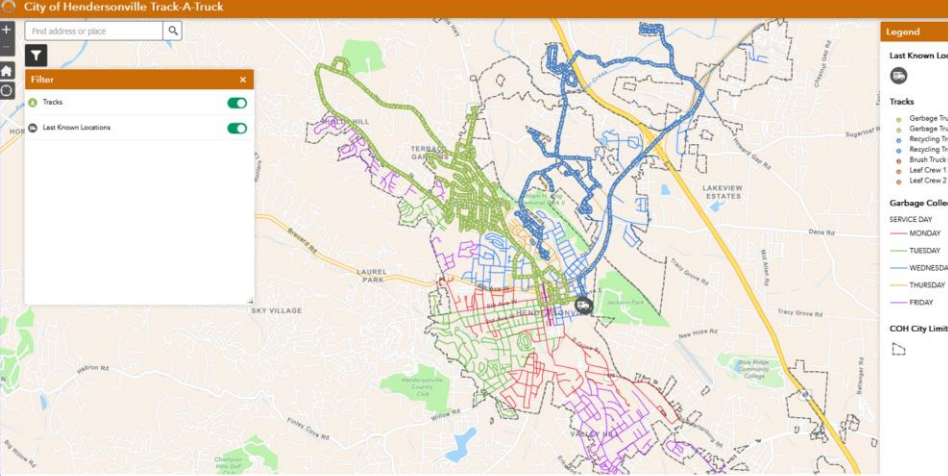


## Scope of work and Schedule

**We will be performing a systemwide operations study of the Sanitation Division residential programs to plan for the best model to move forward for the residents of the City.**

- **Service Level Options ( Frequency, Setout Limitations, Holidays, Etc.)**
- **Type of Technology ( Fully Automated Trucks, Rear Loader, Routing Software )**
- **Service Fees for Select Services ( Garbage, Recycling, Brush & Leaf, Bulky Item )**
- **Scheduled to start as soon as the contract can be completed, hopefully completed by the end of January.**

## Track-a-Truck Map




- **Map can be accessed in the city website [HvInc.gov](http://HvInc.gov) under Public Works / Garbage.**
- **Public can use the map to follow the collection of the Garbage, Recycling, Leaf Collection Machines & Snow Removal Trucks.**
- **Public Works can use the data to make sure every roadway has been serviced.**

# Brush Collection Pilot Program

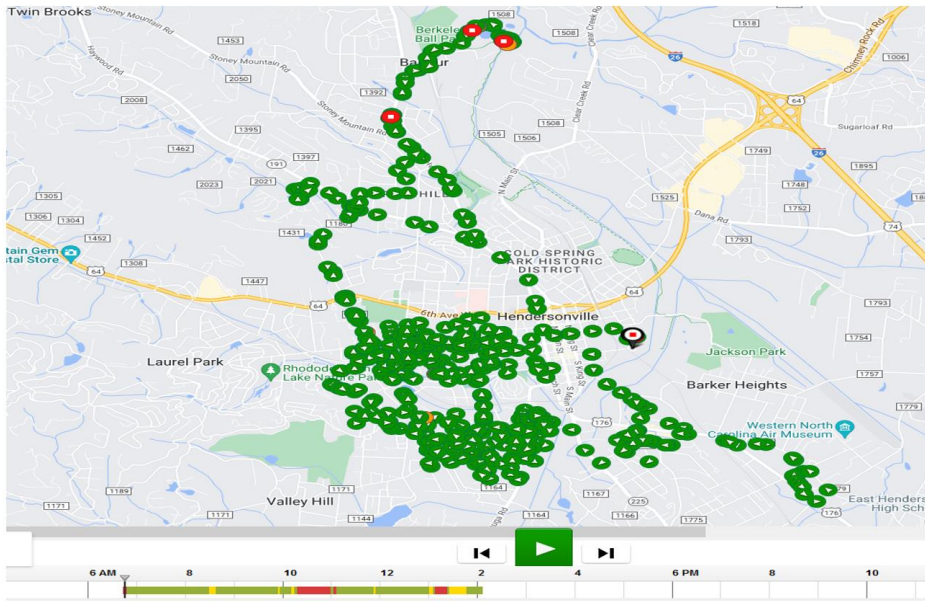


## Reason

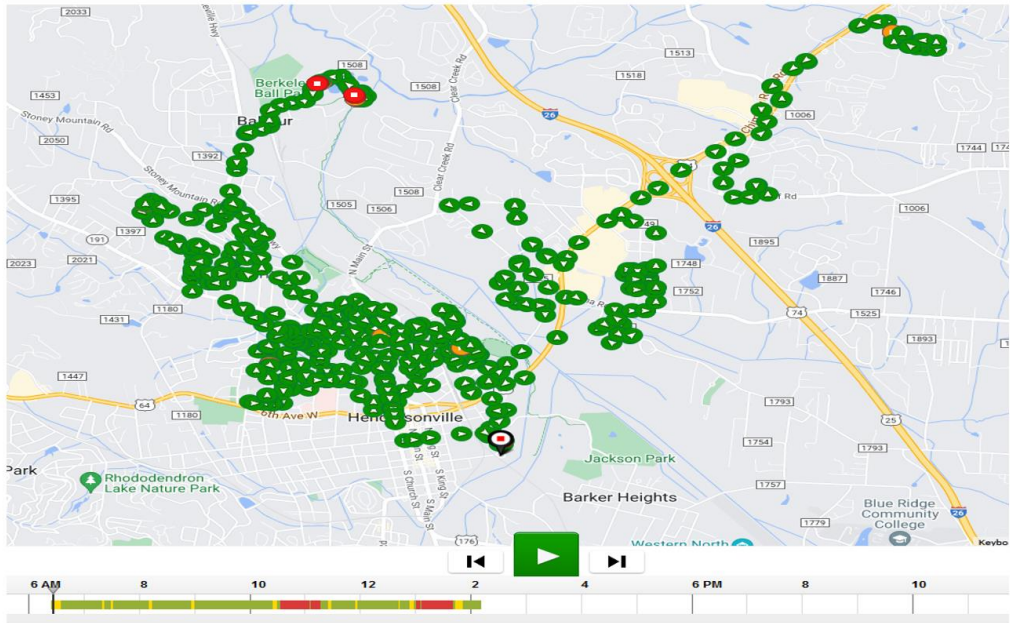


We are looking at altering our Brush pickup program to reduce fuel costs and operational expenses for environmental services. This will help reducing the department carbon footprint by reducing unnecessary emissions. It also will help with the staff shortage we have right now by freeing up a driver to fill in where needed.

# Brush Collection



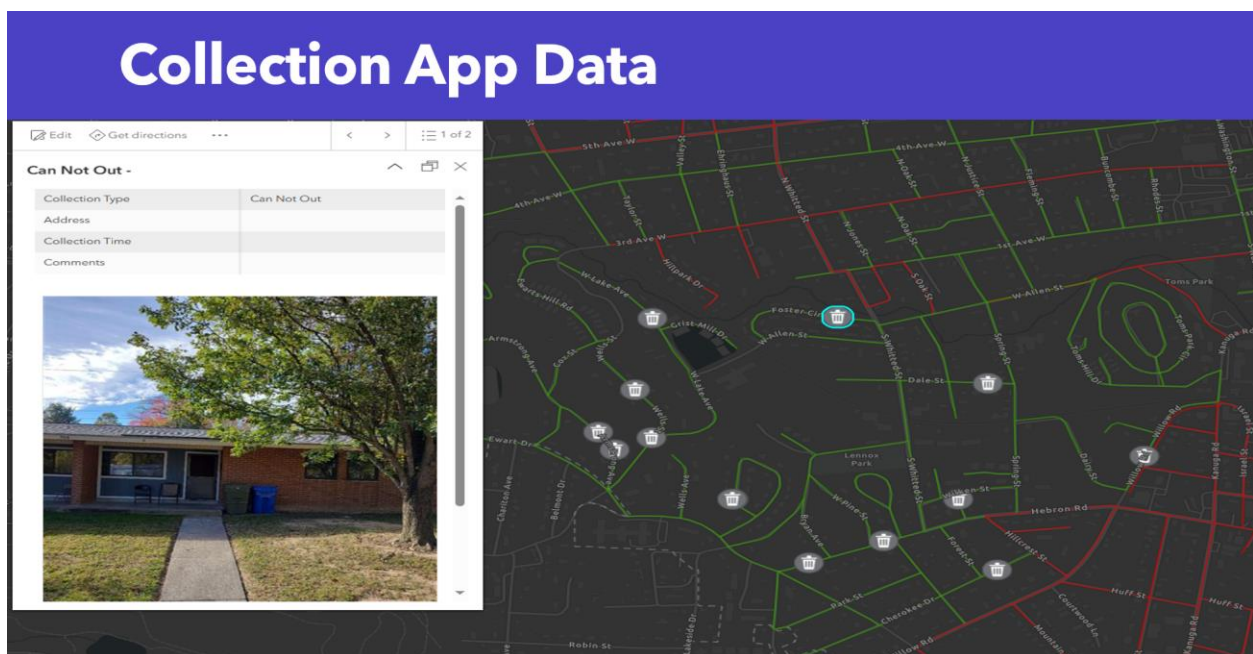
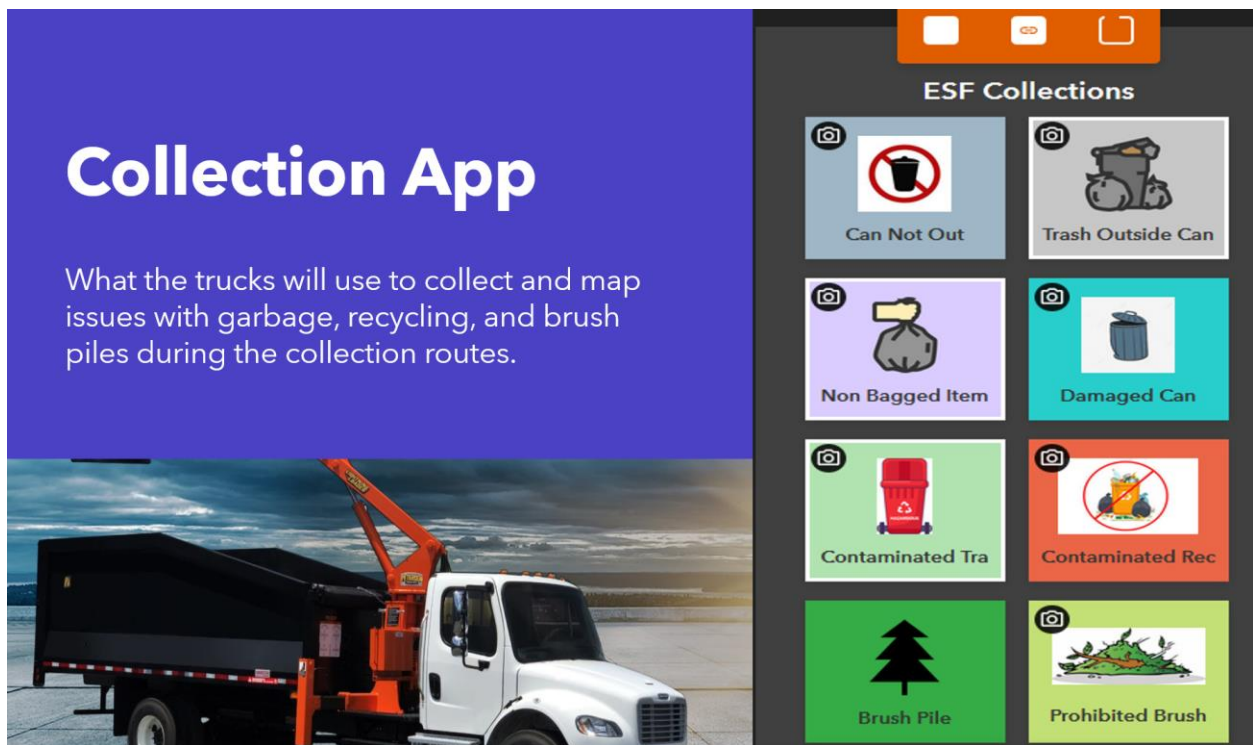
# Brush Collection



- Collection will still be every week.
- Brush pile locations will be collected by the trash and recycling trucks as they run the route daily.
- End of day when trash routes are done brush will start being collected.
- Residents should still place their brush at the curb on their collection day.
- Residents can call in to have their brush pile placed on the collection map if needed.



**This is something we can do right now that will not affect the service to residents but will have a great effect on our fuel usage and emissions.**  
**The Sanitation route study that currently is being finalized and started will help show ways we can do the same to the rest of the collection fleet. To make sure the sanitation division meets the sustainability goals in the future.**



#### **D. Appointment of new City Council Member – Barbara G. Volk, Mayor**

Council Member Jennifer Hensley nominated Jeff Miller to fill the vacant City Council seat left by Jerry Smith.

Council Member Debbie O’Neal-Roundtree nominated Mary Jo Padgett to fill the vacant City Council seat left by Jerry Smith.

Mayor Volk explained that this is voted on in the order in which they were nominated and whoever gets the majority vote first, wins. Jeff Miller was voted in as the new Council Member by a vote of 3-1. Ms. Roundtree was a nay.

Mr. Miller thanked Council for the confidence and pledged that he will not run for this seat, or any other seat, when the time is up. To staff, he is excited to work with them again. He also made a commitment to civility.

### **7. PUBLIC HEARINGS**

#### **A. Subdivision Text Amendment: Street Design Updates (P23-78-ST A) – Tyler Morrow, Planner II**

City staff is proposing to align the City’s public street standards for subdivisions with standards set forth by the NCDOT for this region. It has been discovered that some of City’s current subdivision standards do not take into account the topography of the region and are better suited for piedmont or coastal areas. Staff is recommending that the street design standards for subdivisions be a hybrid of NCDOT’s requirements for rolling and

mountainous terrain. It is staffs hope that by making these corrections, it will eliminate the need for additional grading/land disturbance and will better align new public street design with the existing conditions found around the City.

The public hearing was opened at 6:52 p.m.

Lynne Williams spoke about the safety and use signage and traffic calming measures. Also, her concern is the floodplains and steep slopes because we are allowing exceptions. On Chadwick Avenue where she lives, they do not consider it a “minor thoroughfare” and do not want to go in that direction.

The public hearing was closed at 6:56 p.m.

***Council Member Lyndsey Simpson moved that City Council adopt an ordinance amending the official City of Hendersonville Subdivision Ordinance, Section 4.03. Streets by revising subsection C. Street configuration, 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 the public hearing, and because:***

***The petition aligns with the Comprehensive Plan’s Strategy to Implement local policies and practices that complement and expand upon the State’s access management standards (Strategy TC-3.3) and because it incorporates some of the complete street goals outlined in figure 7.3a.***

***2. We [find] this petition, in conjunction with the recommendations presented by staff, to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:***

- 1. The proposed text amendment creates flexibility for subdivision developers to work with the existing terrain and slope of the property when designing their development and public street system.***
- 2. The proposed text amendment has the potential to reduce the amount of land disturbed within a proposed subdivision which could decrease environmental impacts.***
- 3. The proposed text amendment aligns the ordinance with existing local public street conditions and NCDOT standards.***

***A unanimous vote of the Council followed. Motion carried.***

Ordinance #O-23-70

**AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO  
AMEND THE CITY OF HENDERSONVILLE SUBDIVISION ORDINANCE,  
SECTION 4.03. STREETS BY REVISING SUBSECTION C. STREET  
CONFIGURATION TO AMEND THE PUBLIC STREET DESIGN STANDARDS FOR  
SUBDIVISIONS IN THE CITY OF HENDERSONVILLE.**

**WHEREAS**, the City of Hendersonville’s Planning Board has reviewed and recommended for adoption a subdivision text amendment to the public street design standards for subdivisions within the City of Hendersonville’s jurisdiction; and

**WHEREAS**, the proposed amendment is intended to create compatible street design standards that reflects existing conditions while maintaining a safe and effective street system; and

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Hendersonville, North Carolina that Section 4.03. Streets and subsection C. Street configuration of the Subdivision Ordinance of the City of Hendersonville be amended as follows:

**Sec. 4.03. Streets.**

**C. Street configuration.**

- 1. Street rights-of-way.**

- a. All new streets established in the city's jurisdiction after March 5, 2020 shall include a minimum street right-of-way configured in accordance with Table 4.03.C.1: Minimum Street Right-of-Way Requirements.

TABLE 4.03.C.1: MINIMUM STREET RIGHT-OF-WAY REQUIREMENTS		
TYPE OF STREET	CONFIGURATION	MINIMUM RIGHT-OF-WAY (FEET) [1] [2]
Expressway	8 lanes, raised median	160
	4 lanes, grass median	150
	6 lanes, raised median	150
	4 lanes, grass median	120
	4 lanes, raised median	110
Boulevard	8 lanes, raised median	160
	6 lanes, raised median	150
	4 lanes, grass median	120
	4 lanes, raised median	110
Major Thoroughfare	7 lanes	120
	5 lanes	100
	4 lanes	90
	3 lanes	80
Minor Thoroughfare	2 lanes, parking on each side	80
	2 lanes, parking on one side	70
	2 lanes, paved shoulder	70
Local	45	
Cul-de-Sac	45 [3]	
Alley	20	
<b>NOTES:</b>		
[1] The street right-of-way shall include curb and gutter, sidewalks, multi-use paths, bicycle lanes (where indicated), and associated utility strips.		
[2] Minimum rights-of-way may need to be wider to accommodate all forms of planned infrastructure in accordance with the city's adopted policy guidance.		
[3] Radius will be wider.		

- b. In cases where an existing street is depicted on the city's adopted policy guidance, but is not configured to the required width or cross section, the roadway shall be improved in accordance with the city's adopted policy guidance as part of the development.
2. **Street intersections.** Street intersections shall be configured in accordance with the following standards:
- Not more than two streets shall intersect at any one point unless the city or NCDOT certifies that such an intersection can be constructed with no extraordinary danger to public safety.
  - Streets shall intersect at right angles to the maximum extent practicable, and no two streets shall intersect at less than 60 degrees.
  - Whenever possible, proposed intersections along one side of a street shall coincide with existing or proposed intersections on the opposite side of the street.
  - Where a street center line offset (jog) occurs at an intersection, the distance between centerlines of the intersecting streets shall be not less than 125 feet.
  - Except when no other alternative is practicable or legally possible, no two streets may intersect with any other street on the same side at a distance of less than 200 feet measured from centerline to centerline of the intersecting street. When the intersected street is an expressway or boulevard, the distance between intersecting streets shall be at least 1,000 feet, unless no other alternative is practicable.
  - Property lines at street intersections shall be shown as a chord connecting points not less than 15 feet back from the street intersection along each street right-of-way line. Longer setbacks for chord connections for property lines may be required by the DRC as needed for public safety.

- g. In commercial developments the city may assign traffic control to thru traffic within 500 feet of the point of access to the public right-of-way.
3. **Development entry points**
- a. Unless exempted in accordance with subsection (d) below, all subdivisions shall provide streets from the development to the street system outside the development in accordance with Table 4.03.C.3, Required Points of Access:

<b>TABLE 4.03.C.3: REQUIRED POINTS OF ACCESS [1]</b>		
<b>TYPE OF DEVELOPMENT</b>	<b>DEVELOPMENT SIZE</b>	<b>MINIMUM NUMBER OF VEHICULAR ACCESS POINTS [2]</b>
Residential and Mixed-Use Development [3]	30 or fewer lots	1
	31 or more	2
Non-residential Development, other than Industrial [4]	Less than 5 acres or fewer than 10 lots	1
	More than 5 acres	2
<b>NOTES:</b>		
[1] Points of access shall refer to streets, not driveways.		
[2] Additional vehicular access points may be required where determined necessary by the city.		
[3] Multi-family or mixed-use developments of 100 dwelling units or more shall provide at least two points of access regardless of the number of lots.		
[4] The Fire Code may require a minimum of two points of access.		

- b. Nothing in this section shall limit the total number of streets providing access to the street system outside a development, or exempt a development from meeting all applicable street connectivity standards.
- c. Street stubs shall be credited as an access point when all ingress or egress to a development is only available from a single expressway, boulevard, or thoroughfare street.
- d. Development shall be exempted from these standards if it is demonstrated the following conditions apply:
- A transportation impact analysis allows a deviation;
  - No other street access points can be located due to existing lot configurations, absence of connecting streets, environmental, or topographic constraints;
  - NCDOT will not authorize the required number of entrances; or
  - Alternative access can be provided in a manner acceptable to the city that is supported by a transportation impact analysis.
4. **Turn lanes.** Turn lanes for either or both left and right turns into a commercial or residential subdivision driveway may be necessary for safety when there are high roadway and/or turning volumes or traffic, when the roadway speeds are moderate or high, or where needed due to limited sight distance. When provided, turn lanes shall be configured in accordance with the following:
- The final determination for the need, location, and design of a turn lane is the responsibility of the NCDOT, or the city, as appropriate.
  - Left and right turn lanes shall be constructed in accordance with NCDOT standards and specifications.
  - Right-turn lanes shall be constructed entirely within the frontage of the property being served, since an adjacent development might subsequently require an entrance that would otherwise encroach into the turn lane.
  - The NCDOT may require a undivided street to be widened when the median has an inadequate width for a left turn lane.
5. **Deceleration lanes.**

- a. Any use capable of generating more than 60 trips per peak hour, as estimated by using NCDOT guidelines or the Institute of Traffic Engineers Trip Generation Manual, shall provide at least one deceleration lane per street front in accordance with NCDOT standards when the use is located along an expressway or boulevard street.
  - b. Deviations from these requirements may only be authorized when the NCDOT indicates that a particular development design or technique can still achieve a satisfactory level of access control consistent with the objectives of this section.
6. **Cul-de-sac and dead-end streets.**
- a. No permanently designed cul-de-sac or other dead-end street shall be longer than 800 linear feet, except where land cannot otherwise be subdivided practicably in the opinion of the city manager.
  - b. In cases where one cul-de-sac is accessed from another cul-de-sac, the maximum length for all cul-de-sacs accessed from one another shall be 500 linear feet.
  - c. All permanent cul-de-sacs or other dead-end streets shall be provided at the closed end with a turn-around configured in accordance with the city's minimum requirements.
  - d. Dead-end streets intended to be continued at a later time shall be provided with a turn-around as required for a dead-end street when required by the city manager.
  - e. Only that portion to be required as right-of-way when the street is continued shall be dedicated and made a public street.
7. **Street grade.** Street grades shall comply with the following standards:
- a. Streets and their associated gutters shall maintain grade levels in accordance with Table 4.03.C.7, Maximum and Minimum Street Grade.

TABLE 4.03.C.7: MAXIMUM AND MINIMUM STREET GRADE		
STREET TYPE	MAXIMUM GRADE	MINIMUM GRADE
Expressways and Boulevards	6%	Not less than 1%
Major and Minor Thoroughfares	<del>8%</del> 9%	Not less than 1%
Local Streets	<del>10%</del> 12%	

- b. Street and intersection approaches shall not have grades in excess of ~~three~~ five percent for a distance of 100 feet from the intersection of center lines in all directions for all streets.
  - c. All changes in grades for local streets and thoroughfares shall be connected by a vertical curve of a minimum length of ~~40~~ 20 times the algebraic difference in the percents of grade ("K" value). Stop conditions shall have a minimum "K" value of ~~14~~ 9 times the algebraic difference of the percents of grade. "K" values for arterials shall be per the AASHTO Geometric Design of Highways and Streets based on design speed.
  - d. The city manager may consider deviations from these standards based on topographic conditions or public safety concerns: for Local Streets when natural site slope exceeds 15%. Vertical curves with 10 times the algebraic difference in the percents of grade ("K" value) and stop conditions with 5 times the algebraic difference in the percents of grade ("K" value) may be permitted under this condition.
8. **Street curves.** Street curves shall maintain the minimum radii established in Table 4.03.C.8: Minimum Curve Radii and Tangents:

TABLE 4.03.C.8: MINIMUM <u>CENTERLINE</u> CURVE RADII AND TANGENTS		
STREET TYPE	MINIMUM <u>CENTERLINE</u> RADII (FEET)	MINIMUM TANGENT DISTANCE BETWEEN REVERSE CURVES ON THE SAME STREET (FEET)
Expressways and Boulevards	600	150



Major and Minor Thoroughfares	<del>400</del> 230	100
Local Streets	<del>150</del> 90	0

9. **Street drainage.**

- a. All required drainage facilities associated with a street right-of-way shall be constructed prior to consideration of a final plat.
- b. Storm sewers, drains, and structures installed by the subdivider shall be installed of a size, type, and in locations as approved by the city manager, or NCDOT, as appropriate.
- c. Street drainage facilities located outside the street right-of-way shall be maintained by the developer, the landowner, or an owners' association, and maintenance responsibility shall be noted on the final plat.
- d. The city shall not be responsible for any private or commonly-held subdivision drainage infrastructure connected to publically-maintained drainage facilities, streams, or other outlets having constant flow.

10. **Sight distance triangles.**

- a. **Sight distance triangles established.**
  - i. Corner lots and lots with driveways, alleys, or other methods of ingress/egress to a street shall include sight distance triangles to ensure visibility for drivers and pedestrians moving through or in an intersection.
  - ii. Required sight distance triangles shall be configured in accordance with Table 4.03.C.10: Sight Distance Triangle Requirements.
  - iii. Land within a required sight distance triangle shall comply with the standards in Section 4.03.C.10.c, limitations on obstructions within required sight distance triangles.

TABLE 4.03.C.10: SIGHT DISTANCE TRIANGLE REQUIREMENTS		
TYPE OF STREET, INTERSECTION, OR DRIVEWAY		MINIMUM REQUIRED SIGHT DISTANCE TRIANGLE [1] [2] [3]
Intersections of Streets [4]		10/70
Driveways Serving Parking Lots		10/70
Driveways Serving Land Uses Without Parking Lots	Residential	None
	All Other Uses of Land	10/70 wherever possible
<b>NOTES:</b>		
[1] See Figure 4.03.C.10, Sight Distance Triangles, for the 10/70 configuration.		
[2] The NCDOT may require an alternate configuration.		
[3] AASHTO requirements shall be applied to streets with curves.		
[4] Includes all streets, including public streets.		

- b. **Measurement of sight distance triangle.** Sight distance triangles shall be an area between a point at the edge of a street right-of-way located 70 linear feet from the intersection and a second point at the edge of the opposing street right-of-way located ten feet from the intersection (see Figure 4.03.C.10, Sight Distance Triangles).

Adopted by the City Council of the City of Hendersonville, North Carolina on this 2<sup>nd</sup> day of November, 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**

### **B. Request by Rotary Club of Hendersonville to Place American Flags on Main Street – Fritz Becker, Rotary Community Service Director.**

Fritz Baker explained that the Hendersonville Rotary Club would like to make a conspicuous reminder on a recurring basis of some of the events, values and sacrifices our flag represents and to reinforce the idea that while no one has a monopoly on interpreting what we stand for as a country, our flag is a symbol of our status as the world's oldest democracy. Therefore they would like to deploy small American Flags as a reminder of our shared community values in raised flower beds along Main Street, one day at a time on the following days: Memorial Day, Fourth of July, Veteran's Day, Martin Luther King Jr. Day, Flag Day, Patriot's Day and Election Day.

*Council Member Debbie O'Neal-Roundtree moved that City Council approve the placement of American Flags along Main Street on Memorial Day, Fourth of July, Veterans' Day, Martin Luther King Jr. Day, Flag Day, Patriot's Day and Election Day. A unanimous vote of the Council followed. Motion carried.*

### **C. Greenville Highway Sewer Installation – John Connet, City Manager**

City Manager Connet explained that in accordance with the 2000 agreement Henderson County is requesting the City of Hendersonville to install approximately 1100 linear feet of gravity sewer to serve a five lot subdivision along Greenville Highway. The subdivision was approved by Henderson County with the condition that the property owner could not agree to be annexed by the City of Hendersonville. Therefore, staff recommends that the City not install sewer to this small subdivision.

*Council Member Lyndsey Simpson moved that City Council deny the request from Henderson County to install sewer along Greenville Highway, but authorize Henderson County or their agent to install sewer in accordance with the Contract of Purchase and Interlocal Cooperation and Settlement Agreement dated the 20<sup>th</sup> of December, 2000 and all other City standards. A unanimous vote of the Council followed. Motion carried.*

### **D. Acceptance of a \$100,000 Grant for the Development of an Affordable Housing Strategic Plan – Lew Holloway, Community Development Director and Angie Beeker, City Attorney**

Lew Holloway, the City of Hendersonville applied for and received an \$100,000 grant for the development of a Affordable Housing Strategic Plan. Staff is asking City Council to accept the grant and direct us to proceed with the development of the plan.

*Council Member Jeff Miller moved that the City Council adopt the resolution accepting the \$100,000 grant from the Dogwood Trust for the development of an Affordable Housing Strategic Plan. A unanimous vote of the Council followed. Motion carried.*

### **E. Waive Admission Fees for Veteran's Day at Laura E. Corn Mini-Golf at Edwards Park – Tom Wooten, Public Works Director**

*Tom Wooten explained that in honor of the contributions and sacrifices of the men and women who served in the Armed Forces, we are proposing to waive admission fees for Veterans on Veteran's Day at Laura E. Corn Mini-Golf at Edwards Park.*

Council Member Lyndsey Simpson asked to add their families and to make it for the entire weekend.

*Council Member Lyndsey Simpson moved that the City Council adopt a resolution of the City of Hendersonville City Council to waive all admissions fees for veterans, and their families, on the weekend (Friday, Saturday & Sunday) of Veteran's Day at the Laura E. Corn Mini-Golf Course at Edwards Park. A unanimous vote of the Council followed. Motion carried.*

Resolution #R-23-116

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL  
TO WAIVE ADMISSION FEES AT THE LAURA E. CORN MINI GOLF COURSE AT  
EDWARDS PARK FOR VETERANS ON VETERAN'S DAY**

**WHEREAS**, the City of Hendersonville has great respect, admiration, and the utmost gratitude for all of those who have served our country in the United States Armed Forces; and

**WHEREAS**, the contributions and sacrifices of the men and women who served in the Armed Forces have been vital in maintaining the freedoms and way of life enjoyed by our citizens; and

**WHEREAS**, Hendersonville's veterans continue to serve the community, including through the American Legion, the Veterans of Foreign Wars, and other organizations dedicated to service; and

**WHEREAS**, Veteran's Day is a time to recognize the sacrifices and contributions of Hendersonville's veterans; and

**WHEREAS**, Providing veterans with free admission to the Laura E. Corn mini-golf course is a small way for Hendersonville to show its appreciation for their selfless service.

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

1. The City Manager is hereby directed to waive all admissions fees for veterans, and their families, on the weekend (Friday, Saturday & Sunday) of Veteran's Day at the Laura E. Corn Mini-Golf Course at Edwards Park.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 2<sup>nd</sup> day of November, 2023.

/s/Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

**9. BOARDS/COMMITTEES/COMMISSION**

Due to Council Member Smith's retirement, City Council needs to appoint City Council representatives to the Water and Sewer Advisory Committee and the Parks and Recreation Master Plan Committee.

*Council Member Lyndsey Simpson moved that Council Member Jennifer Hensley serve on the Water and Sewer Advisory Committee. A unanimous vote of the Council followed. Motion carried.*

*Council Member Debbie O'Neal-Roundtree moved that Council Member Jeff Miller serve on the Parks and Recreation Master Plan Committee. A unanimous vote of the Council followed. Motion carried.*

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

City Manager Connet reminded Council that the contingency report is included in their packet. He also reminded Council that they have a special called city council meeting on November 20<sup>th</sup>. Normally, we would have our workshop on the 22<sup>nd</sup>, which is the day before Thanksgiving, but we moved it to Monday, the 20<sup>th</sup> at 4:00p.m. and it will be a joint meeting with the Planning Board to go over the Comprehensive Plan strategies and our consultant will be in town. I believe we will also be getting a check presented to us in the amount of \$14,000,000 or so for the bio solids project at the wastewater plant.

**A. October 2023 Contingency Report – John Connet, City Manager**

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.

**11. CITY COUNCIL COMMENTS**

Lyndsey said that the put-put golf course is amazing and the lights are wonderful. She also went to two events: the groundbreaking for the Ecusta Trail and the turnout was really amazing and the dedication of the mural on the World of Clothing building which turned out really awesome and they were both wonderful.

Jennifer requested that a resolution be prepared to honor the Henderson County Sherriff’s VIP’s (Volunteers In Partnership) since they helped with the closure on 4<sup>th</sup> Avenue during trick or treat this year and it was really great and we got a lot of positive feedback and everyone felt safe with their kids. They have their annual dinner this Thursday night and they invited me to it and I would like to read this resolution that evening.

One of the biggest reasons that we had to ask our VIP’s is because of our Police Department mans all of Main Street and they were all so cooperative with the VIPs so thank you all.

Jeff Miller gave a reminder that from November 9<sup>th</sup> – 12<sup>th</sup> at the Veteran’s Healing Farm, the Vietnam Traveling Memorial Wall will be there and this is a big deal for so many of these Veteran’s. We take them to D.C. as often as we can to see the wall. A lot of them can’t make the trip so it comes to them, so please go by and support it.

**12. ADJOURN**

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

ATTEST:

\_\_\_\_\_  
Jill Murray, City Clerk

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