



MINUTES

January 4, 2024

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

Absent: Assistant City Manager Brian Pahle

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:

Eva Ritchey of 1928 Brevard Road, Hendersonville talked about safety and good planning. Hotels and motels rent blocks of rooms for weddings and such and when you provide commercial transportation, such as a 30 foot long bus like I drive. The plans for the hotels and motels do not take into consideration, the needs for a 30 foot bus. Upward Road for instance does not allow us to turn around safely because there's nowhere to turn around. We do love being able to use the parking deck and picking up people there. We need to keep this in mind as we are building new buildings.

Gina Baxter of 606 Hebron Road, Hendersonville spoke about the affordable housing steering committee and is definitely for it. A while back, I was able to meet with the Government Affairs Committee of the Builders Association of the Blue Ridge Mountains and when I told them about the housing crisis in Hendersonville, they suggested this type of steering committee. The goal would be to create a landing point for all of the ideas that come from so many different angles. My hope is that this committee will focus on making sure that people from all walks of life are heard. People who grew up here can't afford to live here and are looking in South Carolina. We've seen extreme growth and hopefully we'll get a local consultant who knows what's going on.

Jeff Groh of North Main Street, Hendersonville, spoke about the U.S. Constitution and the oath that each Council member took when they took their seats. He also spoke against DEI and asked that city council focus on providing basic city services addressing crime and homelessness and supporting businesses instead.

Corrine Mandell of North Main Street, Hendersonville spoke on homelessness and a man that broke into her house. The homeless problem is very real to me and the city has the obligation to discourage this behavior and not make policy choices that encourage it.

Patricia King of Candler spoke about her son that was murdered on November 24th in the parking lot of Orchard Bar and Grill and when she came on seen she was treated unfairly, arrested and thrown in jail. Overall the treatment we get as humans should be the same. I just wanted to see if my son was ok and I didn't get to spend that last moment with him. These types of things need to be addressed. I was arrested but the man who murdered my son was not. Something needs to change.

Tranace Timmons of Asheville spoke about her brother, Elijah Timmons, who was killed the day after Thanksgiving and how her family doesn't feel like they can reach out to the police. They mistreated us when we were on scene and his case should have been handled better than it was. I just want justice for my brother.

Lynne Williams of 309 Chadwick Avenue, first asked for a moment of silence for the woman who lost her son. After that, she spoke about land preservation. She also requested that the agenda packet go out sooner so there is time to look over everything and prepare. The City Clerk responded with the timeline of when the packet actually goes out, which is the Friday before the meeting and a final agenda goes up the Wednesday before the meeting. The City Attorney explained that the only legal requirement is to publish the schedule of regular meetings when it is adopted for the year and there is no legal requirement to post an agenda at all but of course, we do.

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

November 2, 2023 Regular Meeting

November 20, 2023 Second Monthly Meeting

December 7, 2023 Regular Meeting

December 14, 2023 Second Monthly Meeting

B. Sole Source Justification of Filter Underdrain, Air Scour, and Valve Actuator Equipment for the Water Treatment Facility – Devin Owen, Utilities Engineer

Resolution #R-24-01

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE SOLE-SOURCE SELECTION FILTER UNDERDRAIN, AIR SCOUR, AND VALVE ACTUATOR EQUIPMENT FOR THE WATER TREATMENT FACILITY 15-MGD FILTER EXPANSION PROJECT

WHEREAS, the City owns and operates a water treatment facility (WTF) that has a permitted capacity of 12 million gallons per day (mgd). Due to the current and projected future water demand, the City has begun designing an expansion to their WTF filters which will increase the capacity of the facility to 15-mgd. This involves the addition of a fifth dual-media filter system and associated piping, instrumentation, and appurtenances. The existing four (4) dual-media filter systems all utilize filter underdrains and air scour equipment manufactured by Roberts Filter Group, as well as valve actuators by AUMA Actuators, Inc.; and

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

WHEREAS, Utility Staff and project engineer, Hazen and Sawyer, D.P.C. are requesting to standardize on Filter Underdrain, Air Scour, and Valve Actuator equipment by asking that Council approve the sole source purchases of "Wheeler Bottom" Filter Underdrain and "Aries" Air Scour systems by Roberts Filter Group. As well as Motor-Actuated Butterfly Valve equipment by AUMA Actuators, Inc. This equipment has outperformed expectations in the years that it has been implemented at the WTF, and the standardization of such equipment will allow for the consolidation for spare parts inventory and tools as well as leverage existing operation and maintenance knowledge.

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

1. A soul-source selection of filter underdrain, and air scour equipment by Roberts Filter Group is authorized for the Water Treatment Facility 15-mgd Filter Expansion Project.

2. A soul-source selection of valve actuator equipment by AUMA Actuators, Inc. is authorized for the Water Treatment Facility 15-mgd Filter Expansion Project.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 4th day of January, 2024.

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

C. Donation of Surplus Vehicle Shell to Blue Ridge Community College Educational Foundation, Inc. Pursuant t G.S. 160A-280 – Tom Wooten, Public Works Director

Resolution #R-24-02

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL AUTHORIZING DONATION OF PERSONAL PROPERTY TO BLUE RIDGE COMMUNITY COLLEGE EDUCATIONAL FOUNDATION, INC. PURSUANT TO G.S. 160A-280

WHEREAS, the City of Hendersonville owns a vehicle that is surplus and no longer able to be used in City service, more specifically a 2021 Dodge Durango Pursuit, VIN: 1C4SDJFT0MC792398; and

WHEREAS, G.S. § 160A-280 authorizes the City to donate personal property for nonmonetary consideration to any nonprofit organization incorporated by (i) the United States, (ii) the District of Columbia, or (iii) one of the United States, if the governing board deems the property to be surplus, obsolete, or unused; and

WHEREAS, the vehicle described above has been disassembled, the estimated value of the remaining shell is \$200.00 as scrap metal; and

WHEREAS, City of Hendersonville has determined that the vehicle described above is surplus and unused; and

WHEREAS, Blue Ridge Community College Educational Foundation, Inc. is a North Carolina nonprofit corporation; and

WHEREAS, In accordance with the notice requirements of G.S. § 160A-280, public notice of this resolution was given by posting on the City website at least five days prior to the adoption of this resolution.

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

1. The 2021 Dodge Durango Pursuit, VIN: 1C4SDJFT0MC792398 is deemed surplus and unused and approved to be donated in accordance with G.S. § 160A-280.
2. The City Manager is authorized to execute all documents necessary to donate the 2021 Dodge Durango Pursuit, VIN: 1C4SDJFT0MC792398 to Blue Ridge Community College Educational Foundation, Inc.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 4th day of January, 2024.

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

D. Utility Extension Agreement for the Ingles 140 – Adela Gutierrez- Ramirez, Civil Engineer

Resolution #R-24-03

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A UTILITY EXTENSION AGREEMENT WITH INGLES FLETCHER EXCHANGE, LLC FOR THE INGLES 140

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 line extension process; and

WHEREAS, Ingles Fletcher Exchange, LLC, the “Developer” and “Owner”, will enter into a Utility Extension Agreement with the City to provide water service to Ingles 140.

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

1. The Utility Extension Agreement with Ingles Fletcher Exchange, LLC, the “Developer” and “Owner” to provide water service to the Ingles 140 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 4th day of January, 2024.

/s/Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

E. January 2024 Budget Amendments – Adam Murr, Budget Manager

TO MAYOR & COUNCIL
APPROVAL: January 04, 2024

FISCAL YEAR 2024
FORM: 01042024-01

BUDGET AMENDMENT

FUND 010 199					
ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
010-0000-470900	Fund Balance Appropriated	2,816,519	100,000	-	2,916,519
010-0000-598901	Transfer Out (to Fund 199, #00100)	75,000	100,000	-	175,000
FUND 010	TOTAL REVENUES	2,816,519	100,000	-	2,916,519
	TOTAL EXPENDITURES	75,000	100,000	-	175,000
199-0000-470100-00100	Transfer In (from Fund 010)	-	100,000	-	100,000
199-1001-540001-00100	Special Appropriations (ARP-IAM food security)	-	100,000	-	100,000
FUND 199, #00100 ARP Appropriations	TOTAL REVENUES	-	100,000	-	100,000
	TOTAL EXPENDITURES	-	100,000	-	100,000

An amendment continuing ARP Special Appropriation budget in FY24. This expenditure was budgeted originally in a project ordinance (multi-year budget); however, it is necessary to budget for the project annually in Fund 199. The ARP Appropriation budget was last amended in FY23, providing \$400,000 for the Apple Ridge Project partnership. The \$100,000 increase supports the d IAM Food Insecurity (\$100,000) program.

The City Manager and City Clerk certify budget ordinance amendment 01042024-01 was approved by City Council on January 04, 2024.

TO MAYOR & COUNCIL
APPROVAL: January 04, 2024

FISCAL YEAR 2024
FORM: 01042024-02

BUDGET AMENDMENT

FUND 459 460					
ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
459-0000-470900	Fund Balance Appropriated	-	6,750	-	6,750
459-0000-598901	Transfer Out (to 460)	-	6,750	-	6,750
FUND 459	TOTAL REVENUES	-	6,750	-	6,750
	TOTAL EXPENDITURES	-	6,750	-	6,750
460-0000-470100-19010	Transfer In (from 459)	-	6,750	-	6,750
460-0000-470010-19010	Debt Proceeds (2023 Revenue Bond)	1,103,929	-	-	1,103,929
460-1014-550103-19010	Capital Outlay - CIP	1,103,929	6,750	-	1,110,679
FUND 460 (#19010) North Fork	TOTAL REVENUES	1,103,929	6,750	-	1,110,679
	TOTAL EXPENDITURES	1,103,929	6,750	-	1,110,679

An amendment transferring \$6,750 of available fund balance from the W&S Capital Reserve Fund (459) to the W&S Capital Project Fund for the completion of the North Fork Dredging project. The transfer in brings the total project appropriation to \$1,110,679.

The City Manager and City Clerk certify budget ordinance amendment 01042024-02 was approved by City Council on January 04, 2024.

TO MAYOR & COUNCIL
APPROVAL: January 04, 2024

FISCAL YEAR 2024
FORM: 01042024-03

BUDGET AMENDMENT

FUND 459 460					
ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
459-0000-470900	Fund Balance Appropriated	-	48,000	-	48,000
459-0000-598901	Transfer Out (to 460)	-	48,000	-	48,000
FUND 459	TOTAL REVENUES	-	48,000	-	48,000
	TOTAL EXPENDITURES	-	48,000	-	48,000
460-0000-470100-23020	Transfer In (from 459)	145,000	48,000	-	193,000
460-1014-550103-23020	Capital Outlay - CIP	145,000	48,000	-	193,000
FUND 460 (#23020) WWTP Clarifier	TOTAL REVENUES	145,000	48,000	-	193,000
	TOTAL EXPENDITURES	145,000	48,000	-	193,000

An amendment transferring \$48,000 of available fund balance from the W&S Capital Reserve Fund (459) to the W&S Capital Project Fund for the completion of the WWTP Clarifier project, #23020. The transfer in brings the total project appropriation to \$193,000.

The City Manager and City Clerk certify budget ordinance amendment 01042024-03 was approved by City Council on January 04, 2024.

6. PRESENTATIONS

A. **Awarding Badge and Service Side Arm to Captain Dale Patton** – *Chief Blair Myhand*

Chief Myhand asked Mayor Volk to read the resolution aloud and Mayor Volk asked all members of Council if they approved it and they all did and they all congratulated Captain Patton.

Resolution #R-24-06

RESOLUTION TO RECOGNIZE DISTINGUISHED SERVICE TO THE CITY OF HENDERSONVILLE AND AWARDING OF SERVICE SIDE ARM

WHEREAS, North Carolina General Statutes 20-187.2 provides that retiring members of law enforcement agencies may receive, at the time of their retirement, the badge worn or carried by them during their service; and

WHEREAS, NCGS 20-187.2 further provides that the governing body of the governing law enforcement agency may, at its discretion, award to a retiring member their service side arm, at a price determined by such governing body, upon determining that the person receiving the weapon is not ineligible to own, possess, or receive a firearm under the provisions of State or federal law; and

WHEREAS, the City of Hendersonville hereby recognizes **27 years** of distinguished service as a law enforcement officer, and **20 years** total as an employee by **Captain Dale Jude Patton** for the City of Hendersonville and its residents; and

WHEREAS, the City of Hendersonville wishes to recognize **Captain Dale Patton's** service in a manner that is customary for persons retiring from distinguished law enforcement service; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hendersonville that the City of Hendersonville hereby awards to **Captain Dale Jude Patton his service side arm, Glock model 19, 9 mm, serial number BMFZ888**, for a cost of \$1.00 as determined in the Policy for the Granting of Badges and Service Side Arms for Sworn Law Enforcement Officers, as a token of appreciation for his many years of service and dedication to the City of Hendersonville and its residents.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 4th day of January 2024.

/s/Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

B. **Public Rail Passenger Service to WNC** – *Clifford Meek and Martin Wheeler, Carolina Association for Passenger Trains President.*

Mr. Meek discussed bringing passenger rail service to Western North Carolina. The infrastructure money is funded every year and it will disappear at the end of the year if President Biden is not reelected. The FRA (Federal Railroad Administration) needs to figure out where this section of track will fit in with Amtrak's big scheme. Forty miles of the 60 is up for sale between Spartanburg and Zirconia and because it crosses the state line, it is an Amtrak project, not DOT. He would like someone from city council to contact the FRA about this matter.

Council Member Jennifer Hensley explained that she met with the French Broad MPO and Chuck Edwards in the middle of November asking for support of that railroad line. The City of Hendersonville only offered a letter of support for the Ashville to Raleigh line and Congressman Chuck Edwards had not voted against funding for that. We scheduled a follow-up meeting with him this spring. She added that all of the surrounding counties have followed suit and are all in to make it a rails-to-trails program.

7. PUBLIC HEARINGS

A. **Annexation: Public Hearing Lakewood (Fowler) (C23-92-ANX)** – *Matthew Manley AICP Strategic Projects Manager*

Matt Manley explained that the City of Hendersonville received a petition from Travis Fowler of Lakewood Hendersonville, LLC. for contiguous annexation of PINs 9579-38-2595, 9579-39-2060, 9579-29-0718 and 9579-19-2770 located at Lakewood Rd and Francis Rd that is approximately 59.42 acres. On December 7, 2024, City Council accepted the City Clerk's Certificate of Sufficiency for the petition submitted by Travis Fowler and set January 4th, 2024, as the date for the public hearing

Lakewood Rd @ Francis Rd

The Highland Apartments

(C23-92-ANX)

Contiguous Annexation Petition

City of Hendersonville City Council
January 4th, 2024

Community Development | Planning Division
Matthew Manley, AICP | Strategic Projects Manager

Background

+ Petitioner:

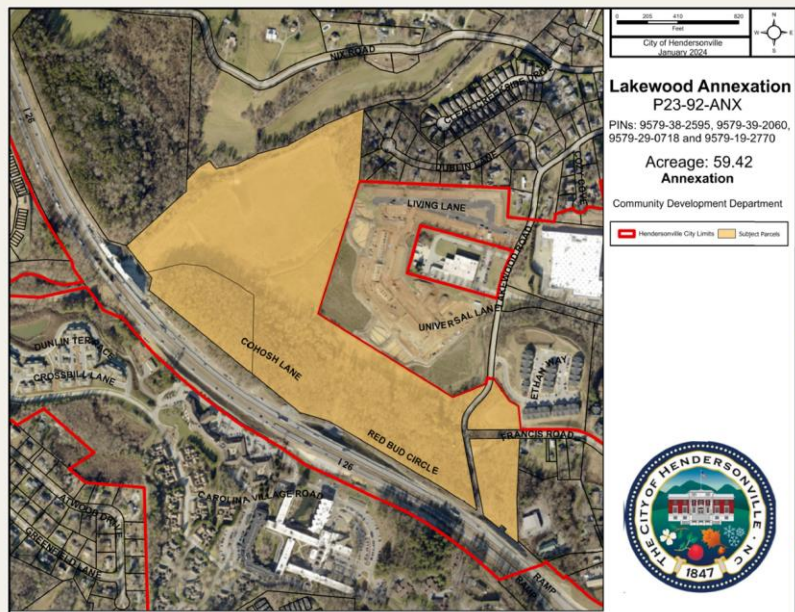
+ Travis Fowler, Lakewood Hendersonville, LLC.

+ PINs:

+ 9579-38-2595
+ 9579-39-2060
+ 9579-29-0718
+ 9579-19-2770

+ Acreage:

+ 59.42 Acres

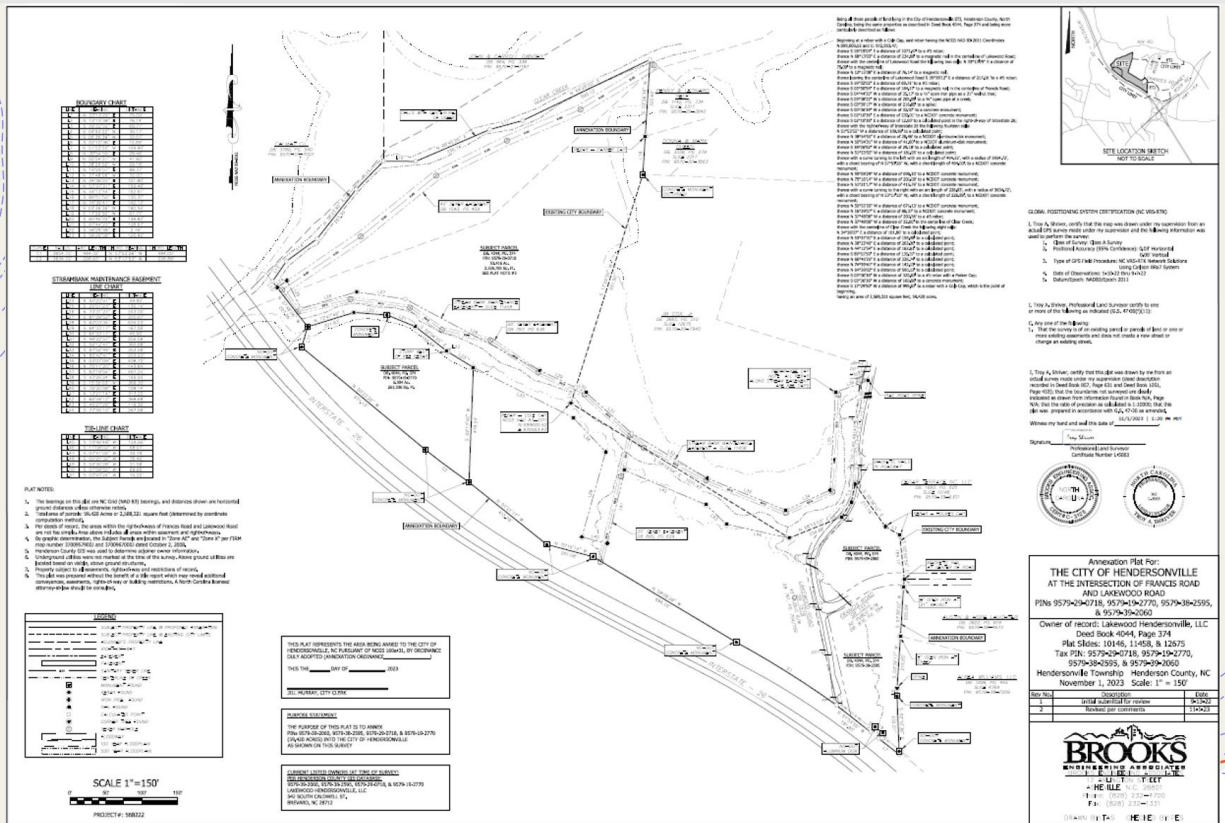


Motion for Approval

I move City Council adopt an ordinance of the City of Hendersonville to extend the Corporate Limits of the City as a contiguous annexation, to annex that property owned by Lakewood Hendersonville, LLC, identified as PINs 9579-38-2595, 9579-39-2060, 9579-29-0718 and 9579-19-2770, finding that the standards established by North Carolina General Statute 160A-31 have been satisfied and that the annexation is in the best interest of the City.

Motion for Denial

I move that City Council deny the petition received from Travis Fowler, requesting the annexation of that property having PINs 9579-38-2595, 9579-39-2060, 9579-29-0718 and 9579-19-2770.



The public hearing was opened at 6:32 p.m.

There were no public comments.

The public hearing was closed at 6:32 p.m.

Council Member Jennifer Hensley moved that City Council adopt an ordinance of the City of Hendersonville to extend the Corporate Limits of the City as a contiguous annexation, to annex that property owned by Lakewood Hendersonville, LLC, identified as PINs 9579-38-2595, 9579-39-2060, 9579-29-0718 and 9579-19-2770, finding that the standards established by North Carolina General Statute 160A-31 have been satisfied and that the annexation is in the best interest of the City. A unanimous vote of the Council followed. Motion carried.

Ordinance #O-24-01

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

IN RE: Petition for Contiguous Annexation
Parcel Number: 9579-38-2595, 9579-39-2060, 9579-29-0718 & 9579-19-2770 The
Highland-Lakewood (File# C23-92-ANX)

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

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

WHEREAS, a public hearing on the question of this annexation was held at 305 Williams Street (City Operations Center), Hendersonville, NC at 5:45 pm, on the 4th day of January 2024, after due notice by publication as provided by law on December 24, 2023 and December 31, 2023; and

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

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

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

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

1: By virtue of the authority granted by N.C.G.S. 160A-31, as amended, the following described contiguous area is hereby annexed and made part of the City of Hendersonville as of the 4th day of January 2024.

Being all of that real property consisting of PINs 9579-38-2595, 9579-39-2060, 9579-29-0718 & 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 & 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.

2: Upon and after the 4th day of January 2024, the above-described territory, and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the City of Hendersonville and shall be

entitled to the same privileges and benefits as other parts of the City of Hendersonville. Said territory shall be subject to municipal taxes according to NCGS 160A- 58.10, as amended.

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

Adopted by the City Council of the City of Hendersonville, North Carolina on this 4th day of January, 2024.

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

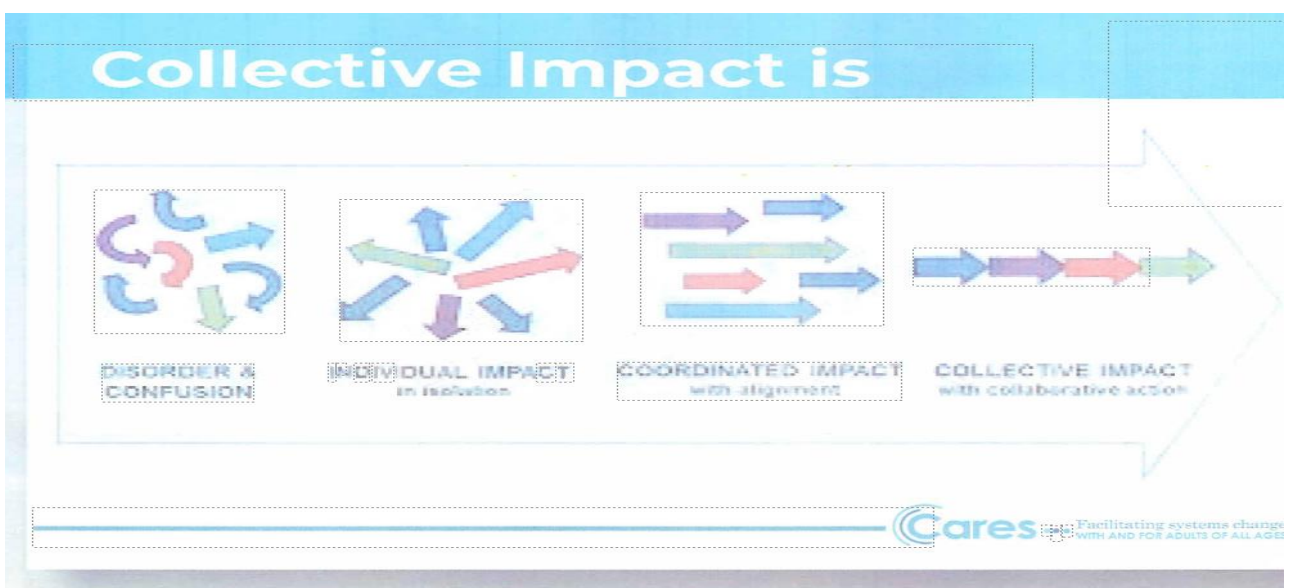
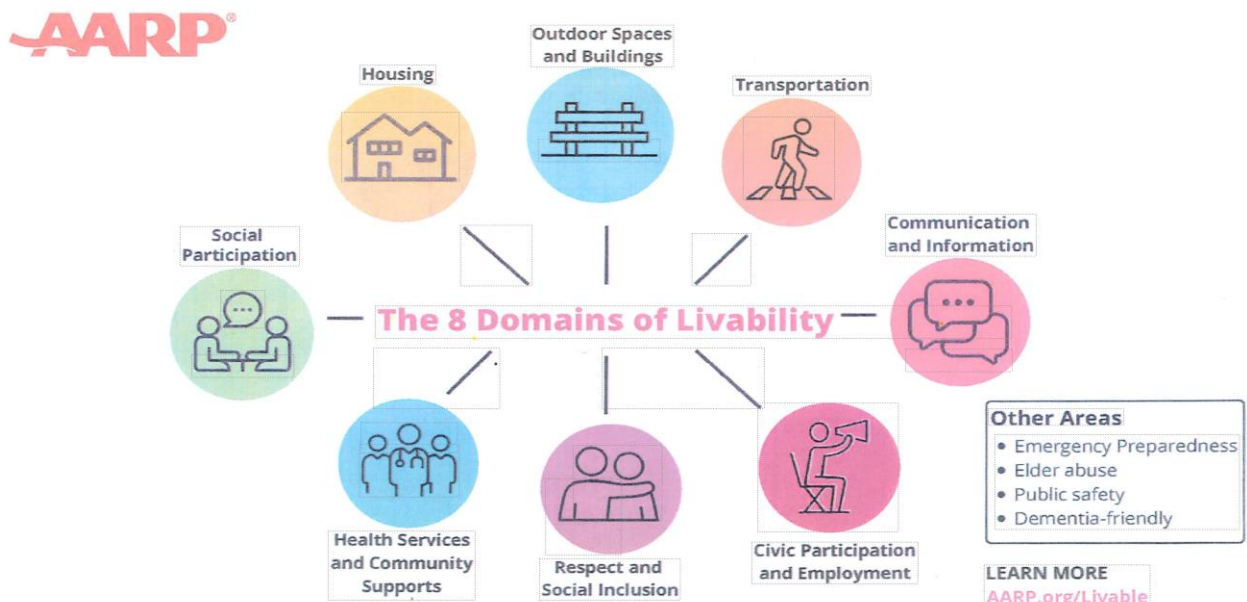
8. UNFINISHED BUSINESS - None

9. NEW BUSINESS

A. AARP Livable Community Designation – Matthew Manley, Special Projects Manager

Matt Manley explained that the City of Hendersonville aims to build upon efforts to be age-friendly through the approval and implementation of its long-term plans. The City’s Pedestrian Plan, called “Walk Hendo”, was adopted on December 7th, 2023. It will help make the community pedestrian-friendly by providing safer sidewalks and walkable connections - like those funded by the AARP Community Challenge Grant that was awarded to the Friends of Downtown Hendersonville in 2021. Through these initiatives, seniors will have greater mobility throughout the city. The pursuit of the Livable Community designation allows us to formally recognize this commitment to improving our community for our older population.

Mr. Steve Studebaker spoke briefly about AARP Livable Communities.





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AARP **NATIONAL HOUSING**

BUILDING LIVABLE COMMUNITIES FOR ALL GENERATIONS

BY CREATING ENVIRONMENTS THAT ARE SAFE, ACCESSIBLE, AND INCLUSIVE FOR ALL AGES AND BACKGROUNDS.

JOIN US FOR THE RELEASE OF THE AARP LIVABILITY INDEX™ PLATFORM.

OCTOBER 31, 2023 | THE NATIONAL PRESS CLUB | WASHINGTON, DC

AN UPCOMING EVENT

Building Livable Communities for All Generations

By: [Public Policy Institute](#)

On October 31, AARP will unveil its latest iteration of the AARP Livability Index™ platform, an interactive resource that evaluates livability for neighborhoods across the United States. It is an opportunity to hear about community livability gleaned from AARP Livability Index

data. Discover its enhanced functionalities and explore how individuals and families can leverage this resource to relocate to a new community or to help their aging family members find a neighborhood that supports their specific needs. The event takes place both online and in-person in Washington, DC. Registration is free, however seating is limited.

Co-sponsored by AARP and the National Housing Conference, the event includes a discussion that will delve deep into the principles of livable communities, exploring how they enhance personal independence, allow individuals to age comfortably and safely in their homes, and provide opportunities for all residents, regardless of background and ability, to engage fully in civic, economic, and social life. It will feature experts and community leaders discussing innovative strategies and best practices that can transform neighborhoods, towns, and cities into thriving, inclusive spaces where everyone can flourish.

Council Member Jeff Miller moved that the City of Hendersonville City Council adopt a resolution in support of our pursuit of designation as an AARP Livable Community. A unanimous vote of the Council followed. Motion carried.

Resolution #R-24-04

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO APPROVE THE AARP LIVABLE COMMUNITIES APPLICATION

WHEREAS, the City of Hendersonville is desirous to better serve our elderly population by growing and improving the City to become more age friendly; and

WHEREAS, Hendersonville is dedicated to the success of our elderly population by helping them successfully participate in a civic, economic, and social life; and

WHEREAS, it would be an honor to become part of the AARP Livable Communities Network; and

WHEREAS, with the passage of Hendersonville's *Walk Hendo Pedestrian Plan*, and alongside the development of our 2045 "*Gen H*" *Comprehensive Plan*, we are committed to improving the lives of our elderly population.

THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HENDERSONVILLE, NORTH CAROLINA that:

3. The City of Hendersonville will pursue designation as an AARP Livable Community and become an active and engaged member of the AARP Age-Friendly Network.
4. The City of Hendersonville will maintain a staff liaison to the Henderson County Aging Coalition and continue to support the work of those community partners that are actively working with our senior population.
5. The City of Hendersonville will implement Gen H and Walk Hendo while engaging the public to gain adequate responses on the effectiveness of our plans.
6. The City of Hendersonville will evaluate our performance and progress with annual updates on the status of goals and objectives of Gen H and Walk Hendo and these updates will be shared with our community partners.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 4th day of January, 2024.

/s/Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

B. Presentation and Discussion of the FEMA Community Rating System – Michael Huffman, Stormwater Division Manager

Mike Huffman explained that the City of Hendersonville is a participating community in the National Flood Insurance Program. The National Flood Insurance Program (NFIP) enables property owners in participating communities to purchase flood insurance. In return, communities agree to adopt and implement local floodplain management regulations that contribute to protecting lives and reducing the risk of new construction and substantial improvements from future flooding. The Community Rating System (CRS) is a voluntary incentive program that recognizes and encourages community floodplain management practices that exceed the minimum requirements of the National Flood Insurance Program (NFIP). In CRS communities, flood insurance premium rates are discounted to reflect the reduced flood risk resulting from the community's efforts that address the three goals of the program:

- Reduce and avoid flood damage to insurable property
- Strengthen and support the insurance aspects of the National Flood Insurance Program
- Foster comprehensive floodplain management

The City of Hendersonville Floodplain management staff would like to initiate the process of becoming a CRS community. The first requirement for participation is the submittal of a Letter of Interest to the FEMA regional office. This letter must be executed by the Chief Executive Officer of the organization, in this case, the City Manager.

Did You Know?

Flooding is the **most frequent and costly** natural hazard in the United States

Since 1978 there have been **148** reported flood losses in Hendersonville with total claim payments of **\$1.6M***

There are **995** parcels that are exposed to flooding hazard in Hendersonville with a combined assessed building value of **\$173.9M**

*** include only those losses to structures that were insured through the NFIP policies, and for losses in which claims were sought and received.**

National Flood Insurance Program

- + Established under the National Flood Insurance Act of 1968
- + Administered by FEMA
- + Voluntary Federal Program
- + Enables property owners in participating communities to purchase insurance against flood losses
- + To qualify for the NFIP, a community adopts and enforces a floodplain management ordinance to regulate development in flood hazard areas.

Community Rating System (CRS)

- + Voluntary incentive program through National Flood Insurance Program (NFIP)
- + Rewards communities that exceed NFIP minimum floodplain management standards



OMB No. 1660-0022
Expires: March 31, 2020

National Flood Insurance Program
Community Rating System

Coordinator's Manual

FIA-15/2017



Goals of the CRS

- + Reduce and avoid flood damage to insurable property
- + Strengthen and support the insurance aspects of the NFIP
- + Encourage comprehensive floodplain and stormwater management



Benefits of the CRS

- + Financial Compensation
 - + Reduced Flood losses
 - + Lower flood insurance premiums
- + Safe & Resilient Communities
 - + Enhanced public safety
 - + Environmental protection
- + Support & Recognition
 - + Community Engagement
 - + State and Federal Technical Assistance



Cost to the Community

- + No fee is charged for a community to apply for participation in the CRS
- + Only costs the community incurs are those of implementing creditable floodplain management activities.
- + Staff time needed to document those activities and prepare for and participate in the recertification process and verification visits.

Table 110-1. CRS classes, credit points, and premium discounts.

CRS Class	Credit Points (cT)	Premium Reduction	
		In SFHA	Outside SFHA
1	4,500+	45%	10%
2	4,000-4,499	40%	10%
3	3,500-3,999	35%	10%
4	3,000-3,499	30%	10%
5	2,500-2,999	25%	10%
6	2,000-2,499	20%	10%
7	1,500-1,999	15%	5%
8	1,000-1,499	10%	5%
9	500-999	5%	5%
10	0-499	0	0

SFHA: Zones A, AE, A1-A30, V, V1-V30, AO, and AH
Outside the SFHA: Zones X, B, C, A99, AR, and D
Preferred Risk Policies are not eligible for CRS premium discounts because they already have premiums lower than other policies. Preferred Risk Policies are available only in B, C, and X Zones for properties that are shown to have a minimal risk of flood damage.
Some minus-rated policies may not be eligible for CRS premium discounts.
Premium discounts are subject to change.

How does it work?

- + Credit Points and Activities
 - + A community receives a CRS classification based upon the total credit for its activities
- + Credited Activities
 - + Public Information
 - + Mapping and Regulations
 - + Flood Damage Reduction
 - + Warning and Response

Community Requirements



- + Been in the Regular Phase of the NFIP for at least one year
 - ✓ Hendersonville has been in the Regular Phase for 41 years
- + Be in full compliance with NFIP
 - + We will need to have a Community Assistance Visit to verify
 - + Last CAV was closed in 2019

- + Maintain FEMA Elevation Certificates on buildings in the SFHA
 - ✓ Our community has EC's on file
- + Meet Repetitive Loss Criteria
 - ✓ Our community has 18 Repetitive Loss structures



U.S. DEPARTMENT OF HOMELAND SECURITY
Federal Emergency Management Agency
National Flood Insurance Program

OMB No. 1660-0008
Expiration Date: November 30, 2018

ELEVATION CERTIFICATE

Important: Follow the instructions on pages 1-9.

Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

SECTION A – PROPERTY INFORMATION		FOR INSURANCE COMPANY USE
A1. Building Owner's Name		Policy Number:
A2. Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.		Company NAIC Number:
City	State	ZIP Code
A3. Property Description (Lot and Block Numbers, Tax Parcel Number, Legal Description, etc.)		
A4. Building Use (e.g., Residential, Non-Residential, Addition, Accessory, etc.)		
A5. Latitude/Longitude: Lat. _____ Long. _____ Horizontal Datum: <input type="checkbox"/> NAD 1927 <input type="checkbox"/> NAD 1983		
A6. Attach at least 2 photographs of the building if the Certificate is being used to obtain flood insurance.		
A7. Building Diagram Number _____		
A8. For a building with a crawlspace or enclosure(s):		
a) Square footage of crawlspace or enclosure(s) _____ sq ft		
b) Number of permanent flood openings in the crawlspace or enclosure(s) within 1.0 foot above adjacent grade _____		
c) Total net area of flood openings in A8.b _____ sq in		
d) Engineered flood openings? <input type="checkbox"/> Yes <input type="checkbox"/> No		
A9. For a building with an attached garage:		
a) Square footage of attached garage _____ sq ft		
b) Number of permanent flood openings in the attached garage within 1.0 foot above adjacent grade _____		
c) Total net area of flood openings in A9.b _____ sq in		
d) Engineered flood openings? <input type="checkbox"/> Yes <input type="checkbox"/> No		

- Maintain Flood Insurance policies on community-owned buildings in the SFHA
 - ✓ We do have insurance on our buildings
- Demonstrate enough points to obtain Class 9
 - ✓ A review of credited activities shows that we do would qualify for at least class 9 (5%)



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Next Steps toward Participation

- +Prepare CRS Documentation
 - + Document Credited Activities
 - + Review Community Data
- +Schedule Community Assistance Visit
 - + Prepare for CAV
 - + Participate in CAV
- +Submit Letter of Interest & Quick Check to FEMA Region IV

C. Sole Source Justification of Channeline GRP Box Culvert for the Highland Avenue Culvert Repair Project – *Michael Huffman, Stormwater Division Manager*

Highland Avenue Culvert Repair

City of Hendersonville City Council
January 4th, 2024

Stormwater Division
Michael Huffman CSM, CFM | Stormwater Division
Manager

Highland Avenue Culvert

- + 60' long
- + 50" x 50" Box Culvert
- + Concrete and stacked stone
- + Runs under Highland Ave. downstream of Cold Spring Park





Current Condition



Repair Options

Dig and replace



Trenchless Approach (Liner Method)



Dig and Replace

- + Requires road closure and repair
- + Higher Cost
- + Conflict with existing utilities
 - + 4" Water line
 - + 8" Clay sewer,
 - + Gas etc.



Trenchless Approach (Liner Method)

- + No need to close/repair roadway
- + Avoid conflict with existing utilities
- + Cost efficient
- + Faster installation



Next Steps

- + Based on a thorough review of the repair options staff is recommending the trenchless approach
- + Requires purchase of Channeline GRP liner through DLVEWS
 - + DLVEWS is the sole distributor of this product in the United States
 - + Sole Source Justification has been submitted in the agenda for Council consideration
- + Purchase liner and enter contract with qualified contractor
 - + Vendor recommended contractor has been selected

D. Creation of an Affordable Housing Steering Committee – Lyndsey Simpson, Council Member

Council Member Lyndsey Simpson said that back in October, her, Angie, Tyler and Caitlyn went to a housing conference in Raleigh and one thing I noticed while I was there was that each city either had a department or a committee that worked on this and in order to move the housing strategic plan forward, I would like to see us form a steering committee. I'm thinking five members but no more than seven, with representatives of City Council being non-voting members on there and I was hoping to get that committee in place by our February meeting so that we can start looking for consultants for the housing strategic plan and get it moving along.

Consensus of Council is to move forward with creating an Affordable Housing Steering Committee and to have seven members plus two Council members and to get input from the public and private sectors as well. A unanimous vote of the Council followed. Motion carried.

10. BOARDS/COMMITTEES/COMMISSION

Firefighter Relief Fund

Council Member Lyndsey Simpson nominated Jeff Miller to serve on the Firefight Relief Fund. A unanimous vote of the Council followed. Motion carried.

Historic Preservation Committee

Council Member Jennifer Hensley nominated David McKinley for appointment to the Historic Preservation Committee. His term will expire in December, 2024. A unanimous vote of the Council followed. Motion carried.

Council Member Lyndsey Simpson nominated Xana Peltola for appointment to the Historic Preservation Committee. Her term will expire in December, 2026. A unanimous vote of the Council followed. Motion carried.

Council Member Jennifer Hensley nominated John Falvo for reappointment to his first three-year term to the Historic Preservation Committee. His term will expire in December, 2026. A unanimous vote of the Council followed. Motion carried.

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

A. December 2023 Contingency and Adjustment 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.

Surplus Items – Adam Steurer, Utilities Director

TO: John Connet, City Manager
John Buchanan, Finance Director

FROM: Adam Steurer, Utilities Director

DATE: 11/14/2023

RE: A Request for Declaration of Surplus Items

The following items are no longer in use by the city, and we are requesting that these items be declared surplus with the intent to sell them via Internet auction:

- **Asset 497: 1978 Massey Ferguson Tractor Model 230.** Diesel Engine with 3374 hours. Runs well but fuel is getting into the oil. Machine must be turned off for PTO to be engaged. The machine itself is in good condition but has some scratches on the seat. **Listing Price: \$1,000. Estimated Sell Price: \$2,500**
- **Asset 579: Sweepster industrial sweeper.** Inventory ID: 42-06. Model S32C7. Serial number: 0110023. In good working condition. **Listing Price: \$300. Estimated Sell Price: \$500**
- **Asset 580: Cummins Onan Generator (missing enclosure).** Model: 55HGSAE-2131. Serial Number: A010195497. 3773.9 hours. Will crank and run with the aid of starting fluid. 120 volts each circuit. Has code 36C. Stopped without fault condition. Suspect fuel pump or carburetor is clogged. Approximately 3'. **Listing Price: \$200. Estimated Sell Price: \$200**
- **Asset 581: 2005 Chevrolet 2500.** Inventory ID: 17-15 VIN: 1GBJC34205E293549. 132,766 miles. In good condition/is drivable. Leather and cloth interior. The interior has a few rips and scratches. Floors are worn and slightly damaged. **Listing Price: \$ 3,000. Estimated Sell Price: \$4,000.**
- **Asset 583: Ford Tractor with Front Loader and Bush Hog Model 1715.** Inventory ID: 42-02. Serial number UK22392. 5330 hours. Tractor and front loader have some rusting on exterior and cracks in front tire rims but otherwise in good condition. Bush hog is a Woods Bushbull Extreme model BB600XC with a 60" cutter and slip clutch. Bush Hog Inventory ID: 68-07. **Listing Price: \$3,000. Estimated Sell Price: \$5,000**
- **Asset 584: 2012 Chevrolet Colorado.** Inventory ID: 15-21. VIN: 1GBGSBFE1C8143122. 148,579 miles. Has a service body and new battery. In good condition. Interior is worn (mostly on floorboards). **Listing Price: \$3,000. Estimated Sell Price: \$4,000**

305 Williams St.
Hendersonville, NC 28792-4461
www.hendersonvillenc.gov

- **Asset 586: Cummins White Onan Generator.** Model 55HGSAE-2131L. Serial Number: A190472807. Ran and produced 120 volts on each circuit. Ran 40 minutes with no issues. 5.5 kW. Approximately 3'. **Listing Price: \$300. Estimated Sell Price: \$300.**
- **Asset 587: Cummins Green Onan Generator.** Model 55HGSAE-2131E. Serial Number: A010195497. Hour meter is broken. Has code 32 (low cranking speed sensor) 5.5kW. Fault power production unknown. Approximately 3'. **Listing Price: \$200. Estimated Sell Price: \$200.**
- **Asset 588: 2013 Ford F-250 Cab and Chassis.** Inventory Number: 16-10. 6.7L Diesel engine. 148,579 miles. Engine is not complete but will come with a box of the vehicle's parts. Interior is worn and slightly damaged. **Listing Price: \$500. Estimated Sell Price: \$1,500.**

B. All assets have been listed on GovDeals.com and are ready for review.

12. CITY COUNCIL COMMENTS - None

13. CLOSED SESSION

Council Member Lyndsey Simpson moved that City Council enter closed session pursuant to NCGS § 143-318.11 (a) (1) and (5) to prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes and to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease. A unanimous vote of the Council followed.

14. ADJOURN

There being no further business, the meeting was adjourned at 7:21 p.m. upon unanimous assent of the Council.

Barbara G. Volk, Mayor

ATTEST: _____
Jill Murray, City Clerk