



# MINUTES

May 4, 2023

## REGULAR MEETING OF THE CITY COUNCIL

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

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

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

**Absent** Council Member Debbie O'Neal Roundtree left the meeting at 6:22 p.m.

### 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.*

#### **General Public Comment**

Tom Appleby from Bat Cave, addressed City Council regarding free parking, developing traffic circles and using the trails from Saluda to Canton. He is upset about the kiosks for paid parking and is bad business.

Raphael Morales addressed City Council about parking and said that the City made a well-informed decision about paid parking. Also, he would be super supportive of Council making decisions of a no-vote regarding the conditional rezoning that was postponed at the last council meeting.

Eric Gash addressed City Council to thank them for being proactive, not reactive, and to be forward thinking. Change is difficult but not to change is fatal.

Lynne Williams addressed City Council via Zoom electronic software to state that she is in opposition of NC House Bill S265 which will change the time of elections for municipalities, including Hendersonville, to even years beginning in 2024. She also again asked to not raise the price of the plots at Oakdale Cemetery as it seems you are price gouging.

#### **Diversity, Equity & Inclusion - FOR**

Jennifer Mayeaux, of Pine Spring Drive, addressed City Council and said that everyone born deserves opportunity, equality, equity and we deserve a City that reflects a more diverse community. Diversity, equity and inclusion is good and holy and just works and is not a political issue but a moral issue.

Peri David addressed City Council and said she loves that the City is doing this.

Ann Twiggs of Hendersonville addressed City Council and said Hendersonville needs to add diverse instruments to complete its orchestra.

Joe Elliot, of Flat Rock, addressed City Council saying that he is not a Marxist and he believes that Hendersonville and Henderson County needs to be led by public officials that truly reflect the wonderful diversity of our citizens.

#### **Diversity, Equity & Inclusion - AGAINST**

Jeff Groh, of Fletcher, addressed City Council and asked them to cancel the Ahkirah DEI contract and use the approximately \$90,000 for real problems in Hendersonville and not imagined problems and to disband the DEI committee as it is not wanted or needed and is a waste of taxpayer money.

Lyra Prickett of Hendersonville addressed City Council and said she also has a business in Hendersonville and said that DEI and anti-bias programs have no evidence of success. Are we encouraging a growth mindset or a victim mindset?

Corrine Mandel of Hendersonville addressed City Council and said that merit is why people should be hired. DEI ignores merit and instead focuses on gender, skin color and sexual orientation and that in itself is discriminatory. Just hire the best qualified person, not based on their skin color, gender or sexual orientation. Cancel the DEI project and award merit and abandon this waste of time and effort.

Cher Silvius of Hendersonville addressed City Council and said she went to all of the DEI Committee meetings over the last nine months and heard people try to look for problems but were not looking to solve problems. Let’s stop dividing and elevating groups. If Hendersonville is having such a problem, why is it such a rapidly growing city? DEI divides us. It doesn’t unite us. Please cut the contract.

Jennifer Gugliozza of Hendersonville addressed City Council and said lets not be fooled by this giant failure wrapped in a pretty package. DEI is a billion-dollar industry and its monetizing the victim mentality.

At about 6:20 p.m., the Mayor asked for a 5-minute break to allow everyone to leave who did not want to stay for the rest of the meeting.

4. CONSIDERATION OF AGENDA

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

5. CONSENT AGENDA

*Council Member Debbie O’Neal-Roundtree 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

April 12, 2023 Regular Meeting  
April 26, 2023 Second Monthly Meeting

B. May 2023 Budget Amendments

TO MAYOR & COUNCIL - May 04, 2023

FISCAL YEAR 2023

Form Number - 05042023-01

BUDGET AMENDMENT

FUND 460

ACCOUNT NUMBER	DESCRIPTION OF ACCOUNT	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
460-0000-470100-16036	Transfer In	616,350	-	616,350	-
460-0000-470010-16036	Debt Proceeds	3,492,650	9,037,350	-	12,530,000
460-7135-550102-16036	Capital Outlay - Services/ Fees	619,000	-	494,000	125,000
460-7135-550103-16036	Capital Outlay-CIP	3,490,000	8,915,000	-	12,405,000
FUND 460	TOTAL REVENUES	4,109,000	9,037,350	616,350	12,530,000
	TOTAL EXPENDITURES	4,109,000	8,915,000	494,000	12,530,000

A budget amendment reflecting an increase to the WWTP Biosolid Drying System (Fund 460, project #16036) Capital Project Ordinance (CPO). The original CPO was adopted by City Council on 04/06/2017. This amendment is needed following additional planning and prioritization of the project. The project is currently scheduled to be funded via a 2024 Water and Sewer Revenue Bond, due to a low scoring in the State Revolving Fund (SRF) application made in 2023.

/s/John Connet, City Manager  
/s/Jill Murray, City Clerk

BUDGET AMENDMENT

FUND 010   410					
ACCOUNT NUMBER	DESCRIPTION OF ACCOUNT	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
010-0000-410001	Sales Tax	5,408,691	61,475	-	5,470,166
010-0000-470050	Sale of Capital Assets	70,650	4,000	-	74,650
010-1300-521001	Supplies & Materials	151,416	-	6,000	145,416
010-0000-598901	Transfer Out (to 410, #00023)	954,800	71,475	-	1,026,275
FUND 010	TOTAL REVENUES	-	65,475	-	-
	TOTAL EXPENDITURES	-	71,475	6,000	-
410-0000-470100-00023	Transfer In (from 010)	-	71,475	-	71,475
410-0000-470010-00023	Debt Issued	559,650	-	-	559,650
410-1502-554001-00023	C/O Equipment (Pothole Patcher)	258,260	-	-	258,260
410-1300-554002-00023	C/O Vehicles (HPD FY23 Vehicles)	301,390	71,475	-	372,865
FUND 410	TOTAL REVENUES	-	71,475	-	631,125
	TOTAL EXPENDITURES	-	71,475	-	631,125
A budget amendment using increased sales tax revenues to increase budget availability for the purchase of a police vehicle through the FY23 Vehicle and Equipment Capital Project Ordinance (CPO, #00023).					

/s/John Connet, City Manager  
/s/Jill Murray, City Clerk

BUDGET AMENDMENT

FUND 460					
ACCOUNT NUMBER	DESCRIPTION OF ACCOUNT	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
460-0000-470010-21012	Debt Proceeds (2023 Revenue Bond)	1,400,000	157,917	-	1,557,917
460-7055-550103-21012	Capital Outlay - CIP	1,400,000	157,917	-	1,557,917
Fleetwood (21012)	TOTAL REVENUES	1,400,000	157,917	-	1,557,917
	TOTAL EXPENDITURES	1,400,000	157,917	-	1,557,917
460-7126-470010-18014	Debt Proceeds (2023 Revenue Bond)	5,200,000	-	4,200,000	1,000,000
460-7126-550103-18014	Capital Outlay - CIP	5,200,000	-	4,200,000	1,000,000
Apex (18014)	TOTAL REVENUES	5,200,000	-	4,200,000	1,000,000
	TOTAL EXPENDITURES	5,200,000	-	4,200,000	1,000,000
460-0000-470010-19014	Debt Proceeds (2023 Revenue Bond)	527,500	7,500	-	535,000
460-7055-550103-19014	Capital Outlay - CIP	515,000	20,000	-	535,000
Church St Sewer (19014)	TOTAL REVENUES	527,500	7,500	-	535,000
	TOTAL EXPENDITURES	515,000	20,000	-	535,000
460-7126-470010-17141	Debt Proceeds (2023 Revenue Bond)	3,409,130	-	174,076	3,235,054
460-1014-550102-17141	Capital Outlay-Services and Fees	-	125,000	-	125,000
460-7126-550103-17141	Capital Outlay - CIP	3,409,130	-	299,076	3,110,054
I-26 (17141)	TOTAL REVENUES	3,409,130	-	174,076	3,235,054
	TOTAL EXPENDITURES	3,409,130	125,000	299,076	3,235,054
460-0000-470010-23003	Debt Proceeds (2023 Revenue Bond)	525,000	-	-	525,000
460-7050-550103-23003	Capital Outlay - CIP	525,000	-	-	525,000
AMI Meter (23003)	TOTAL REVENUES	525,000	-	-	525,000
	TOTAL EXPENDITURES	525,000	-	-	525,000
460-0000-470010-19010	Debt Proceeds (2023 Revenue Bond)	1,110,000	-	6,071	1,103,929
460-1014-550103-19010	Capital Outlay - CIP	1,110,000	-	6,071	1,103,929
North Fork (19010)	TOTAL REVENUES	1,110,000	-	6,071	1,103,929
	TOTAL EXPENDITURES	1,110,000	-	6,071	1,103,929
460-0000-470010-22011	Debt Proceeds (2023 Revenue Bond)	550,000	-	26,900	523,100
460-7155-550103-22011	Capital Outlay - CIP	550,000	-	26,900	523,100
Vactor Truck (22011)	TOTAL REVENUES	550,000	-	26,900	523,100
	TOTAL EXPENDITURES	550,000	-	26,900	523,100
2022 Installment Financing Subtotal		8,480,000			

Other Financing Sources Subtotal	-
Total Project Revenues (21012,17141,19014,22011,18032,23003,18014)	8,480,000
Total Project Appropriation (21012,17141,19014,22011,18032,23003,18014)	8,480,000

s/John Connet, City Manager  
/s/Jill Murray, City Clerk

BUDGET AMENDMENT

FUND 060   460					
ACCOUNT NUMBER	DESCRIPTION OF ACCOUNT	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
060-7032-554001	Capital Outlay Equipment	80,000	-	74,000	6,000
060-7050-554001	Capital Outlay Equipment	200,000	-	50,000	150,000
060-0000-598901	Transfer Out (to 460)	-	124,000	-	124,000
FUND 060	TOTAL REVENUES	-	-	-	-
	TOTAL EXPENDITURES	-	124,000	124,000	-
460-0000-470100-23007	Transfer In (from 060, FY23)	-	124,000	-	124,000
460-0000-470100-23007	Transfer In (from 060, FY24)	-	150,000	-	150,000
460-7032-550103-23007	Capital Outlay CIP	-	274,000	-	274,000
FUND 460	TOTAL REVENUES	-	274,000	-	274,000
	TOTAL EXPENDITURES	-	274,000	-	274,000
A budget amendment reflecting the creation of a new capital project ordinance (CPO). The amendment transfers \$124,000 budget from the Water and Sewer Operating Fund (060) to the Water and Sewer Capital Project Fund (460, #23007) for the acquisition and installation of FY23 generators past the end of FY23. The amendment also clarifies that \$150,000 of FY24 budget in 060 will be transferred to 460 on July 1, 2023 for additional budget. The project total appropriation is \$274,000.					

/s/John Connet, City Manager  
/s/Jill Murray, City Clerk

TO MAYOR & COUNCIL - May 04, 2023

FISCAL YEAR 2023  
Form Number - 05042023-05

BUDGET AMENDMENT

FUND 010					
ACCOUNT NUMBER	DESCRIPTION OF ACCOUNT	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
010-0000-460090	Contributions	2,548	2,299	-	4,847
010-1502-532299	Misc. Program Expenditures	90,250	2,299	-	92,549
FUND 010	TOTAL REVENUES	-	2,299	-	-
	TOTAL EXPENDITURES	-	2,299	-	-
A budget amendment increasing the Public Works budget using a Community Foundation payment. The budget increase will be used on a pollinator bed project on Four Seasons and 7th Avenue. The budget increase is \$2,299.					

/s/John Connet, City Manager  
/s/Jill Murray, City Clerk

TO MAYOR & COUNCIL - May 4, 2023

FISCAL YEAR 2023  
Form Number - 05042023-07

BUDGET AMENDMENT

FUND 199   460					
ACCOUNT NUMBER	DESCRIPTION OF ACCOUNT	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
199-0000-470100-00100	Transfer In (from 010)	2,000,000	-	-	2,000,000
199-1001-540001-00100	Special Appropriations (ARP)	2,000,000	-	400,000	1,600,000
199-1001-598901-00100	Transfer Out (to 460, #22101)	-	400,000	-	400,000
FUND 199	TOTAL REVENUES		-	-	2,000,000
	TOTAL EXPENDITURES		400,000	400,000	2,000,000
460-0000-470100-22101	Transfer In (from 460 reserves)	400,000	-	-	400,000
460-0000-470100-22101	Transfer In (from ARP, #00100)	400,000	-	-	400,000
460-1014-550103-22101	Capital Outlay CIP	800,000	-	-	800,000
FUND 460	TOTAL REVENUES	800,000	-	-	800,000
	TOTAL EXPENDITURES	800,000	-	-	800,000
An amendment reflecting a transfer in from Fund 199 to provide the Apple Ridge project \$400,000 of Council Appropriated ARP funding, previously budgeted in Fund 301. This is a clarifying/financial amendment that has no impact on the bottom line project budget.					

/s/John Connet, City Manager  
/s/Jill Murray, City Clerk

TO MAYOR & COUNCIL - May 4, 2023

FISCAL YEAR 2023  
Form Number - 05042023-06

BUDGET AMENDMENT

FUND 010   410					
ACCOUNT NUMBER	DESCRIPTION OF ACCOUNT	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
010-0000-410001	Local Sales & Use Tax	5,451,891	53,101	-	5,504,992
010-0000-598901	Transfer Out (to 410, #21043)	998,000	53,101	-	1,051,101
FUND 010	TOTAL REVENUES	-	53,101	-	-
	TOTAL EXPENDITURES	-	53,101	-	-
410-0000-470100-21042	Transfer In (from 010, FY23)	24,000	29,401	-	53,401
410-1014-550102-21042	Capital Outlay- Fees and Services	24,000	29,401	-	53,401
FUND 410 (Blythe)	TOTAL REVENUES	24,000	29,401	-	53,401
	TOTAL EXPENDITURES	24,000	29,401	-	53,401
410-0000-470100-21043	Transfer In (from 010, FY23)	31,000	23,700	-	54,700
410-1014-550102-21043	Capital Outlay- Fees and Services	31,000	23,700	-	54,700
FUND 410 (Grove)	TOTAL REVENUES	31,000	23,700	-	54,700
	TOTAL EXPENDITURES	31,000	23,700	-	54,700
An amendment that includes a Transfer In and Increase in Capital Outlay- Fees and Services to cover NCDOT Match for Grove St. and Blythe St. sidewalk design in FY23, project #21042 and #21043.					

/s/John Connet, City Manager  
/s/Jill Murray, City Clerk

TO MAYOR & COUNCIL - May 04, 2023

FISCAL YEAR 2023  
Form Number - 05042023-08

BUDGET AMENDMENT

FUND 460					
Project	DESCRIPTION OF ACCOUNT	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
16003 - Etowah	Revenue Bond				6,687,159
16003 - Etowah	Interest Income				35,000
16003 - Etowah	Transfer In from Water Fund				7,000,000
16003 - Etowah	Construction & Other Costs				8,020,009
16003 - Etowah	Transfer Out				5,702,150
FUND 460	TOTAL REVENUES	-	-	-	13,722,159
	TOTAL EXPENDITURES	-	-	-	13,722,159
Approval of amended budget to reflect all approved changes in funding and scope.					

/s/John Connet, City Manager  
/s/Jill Murray, City Clerk

BUDGET AMENDMENT

FUND 460					
PROJECT NUMBER	DESCRIPTION OF ACCOUNT	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
16012 - Streambank	Transfer In	-	80,084	-	80,084
16012 - Streambank	Debt Proceeds	3,042,134	-	80,084	2,962,050
16024 - WWTP Generator	Transfer In	1,600,000	50,472	-	1,650,472
16024 - WWTP Generator	CIP	1,600,000	50,472	-	1,650,472
18027 - Highland Sq Sewer	Transfer In	170,450	8,042	-	178,492
18027 - Highland Sq Sewer	CIP	170,450	8,042	-	178,492
FUND 460	TOTAL REVENUES	-	138,598	80,084	58,514
	TOTAL EXPENDITURES	-	58,514	-	58,514
Amendment to close out completed projects in the water and sewer capital project fund (460).					

/s/John Connet, City Manager  
/s/Jill Murray, City Clerk

C. May 2023 Capital/Grant Project Ordinances and Reimbursement Resolutions– Adam Murr, Budget Manager

Ordinance #O-23-32

CAPITAL PROJECT ORDINANCE FOR  
THE EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF  
THE WATER AND SEWER GENERATOR PROJECT, #23007

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 Water and Sewer Generator Project, #23007.

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

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
460	7032	550103	23007	Capital Outlay - CIP	\$274,000
Total Project Appropriation					\$274,000

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

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
460	0000	470100	23007	Transfer In (from 060, FY23)	\$124,000
460	0000	470100	23007	Transfer In (from 060, FY24)	\$150,000
Total Project Appropriation					\$274,000

Section 4: The Finance Director is hereby directed to maintain within the Water & Sewer Fund sufficient specific detailed accounting records to satisfy the disclosure requirements of all the contractual agreements, if applicable.

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

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

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

Section 8: Copies of this project ordinance 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 4<sup>th</sup> day of May, 2023.

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

Ordinance #O-23-33



GRANT PROJECT ORDINANCE FOR  
THE EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE  
THE DOGWOOD SMALL BUSINESS ASSISTANCE PROJECT, #G2301

**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 Dogwood Small Business Assistance Project, #G2301.

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

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
301	1001	519200	G2301	Contracted Services	\$400,000
Total Project Appropriation					\$400,000

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

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
301	0000	420050	G2301	Grant Revenue (Dogwood HT)	\$400,000
Total Project Appropriation					\$400,000

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

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

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

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

**Section 8:** Copies of this project ordinance 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 4<sup>th</sup> day of May, 2023.

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

Resolution R-23-48

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 BIOSOLIDS DRYING SYSTEM PROJECT (PROJECT #16036), ORDINANCE #\_\_\_\_\_ (the "Projects").

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

**Maximum Principal Amount of Debt to be Issued.** The maximum principal amount of the Borrowing to be incurred by the Issuer to finance the Project is \$12,530,000.

**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 4<sup>th</sup> day of May, 2023.

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

Resolution #R-23-49

**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 WATER AND SEWER GENERATORS PROJECT (PROJECT #23007), ORDINANCE #23-32 (the "Projects").

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

**Maximum Principal Amount of Debt to be Issued.** The maximum principal amount of the Borrowing to be incurred by the Issuer to finance the Project is \$224,000.

**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 4<sup>th</sup> day of May, 2023.

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

Resolution #R-23-50

**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 DOGWOOD SMALL BUSINESS ASSISTANCE PROJECT (PROJECT #G2301), ORDINANCE #O-23-33 (the "Projects").

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

**Maximum Principal Amount of Debt to be Issued.** The maximum principal amount of the Borrowing to be incurred by the Issuer to finance the Project is \$400,000.

**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 4<sup>th</sup> day of May, 2023.

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

**D. Annexation – Certificate of Sufficiency – Clear Creek Road (City of Hendersonville)  
(C23-30-ANX) – Tyler Morrow, Planner II**

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

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

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

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

**Section 1.** A public hearing on the question of annexation of the contiguous area described herein will be held at the City Operations Center located at 305 William St. Hendersonville NC, 28792 at 5:45 p.m. June 1<sup>st</sup>, 2023, or as soon thereafter as it may be heard.

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

Being all of that real property consisting of PINs 9569-89-2546 and 9569-99-1449 described in the plat recorded in Book 2023- \_\_\_\_ [to be inserted at recording of the plat] of the Henderson County Registry, said PINs 9569-89-2546 and 9569-99-1449 being described by metes and bounds as follows:

Being all of those certain parcels of land lying and being in the City of Hendersonville ETJ, Henderson County, North Carolina, being the same properties as described in Deed Book 3524, Page 291 and in Deed Book 3520, Page 392 and being more particularly described as follows:

BEGINNING at a 5/8” rebar being the northwesternmost corner of the Windsor Hills, Inc. Subdivision as shown in PC “C”, Slide 301, said rebar also being the easternmost corner of BJD Partners, LLC as described in DB 1571, Page 229; said rebar having “NAD 83 (2011)” coordinates of N: 599,463.62 feet and E: 967,637.96 feet and lying a grid bearing and distance of South 72°58'25” East 11833.06 feet from NCGS CORS Station “NCHE” (with coordinates of N: 602,928.48 feet and E: 956,323.55 feet); thence from said POINT OF BEGINNING with the BJD Partners, LLC line North 31°11'53" West (passing a 3/4” crimped top pipe at 164.44 feet) a total distance of 347.12 feet to a 5/8” rebar at the southeastern corner of a property (owner unknown – formerly Asheville Federal Savings and Loan Association) as described in DB 445, Page 85; thence with said property North 04°52'48" West (passing a 5/8” rebar with “EHA” cap at 135.23 feet) a total distance of 196.97 feet to an unmarked point in the center of Mud Creek, said point also being the beginning of existing City of Hendersonville limits; thence leaving the “owner unknown” property with the existing City limits and the center of Mud Creek the following 8 (eight) calls:

- 1) North 33°05'11" East 32.90 feet to an unmarked point;
- 2) North 11°02'49" East 63.13 feet to an unmarked point;
- 3) North 43°36'44" West 31.51 feet to an unmarked point;
- 4) North 04°35'58" West 39.67 feet to an unmarked point;
- 5) North 28°16'04" East 94.23 feet to an unmarked point;
- 6) North 19°37'50" East 127.86 feet to an unmarked point;
- 7) North 29°42'29" East 113.55 feet to an unmarked point;
- 8) North 23°14'22" East 35.28 feet to an unmarked point at the intersection of the center of Mud Creek and the center of Clear Creek, said point also being the end of the existing City limits;

Thence leaving the existing City limits with the center of Clear Creek the following 22 (twenty-two) calls:

- 1) South 31°35'34" East 67.61 feet to an unmarked point;
- 2) South 37°34'58" East 138.16 feet to an unmarked point;
- 3) South 42°48'13" East 225.78 feet to an unmarked point;
- 4) South 27°25'14" East 92.05 feet to an unmarked point;
- 5) South 43°08'27" East 71.43 feet to an unmarked point;
- 6) South 73°13'01" East 129.12 feet to an unmarked point;
- 7) South 44°49'30" East 44.76 feet to an unmarked point;
- 8) South 22°33'51" East 92.60 feet to an unmarked point;
- 9) South 50°23'30" East 98.90 feet to an unmarked point;
- 10) South 73°00'53" East 78.21 feet to an unmarked point;
- 11) South 79°00'55" East 66.13 feet to an unmarked point;
- 12) North 88°56'32" East 75.40 feet to an unmarked point;
- 13) North 77°25'54" East 108.78 feet to an unmarked point;
- 14) South 80°56'59" East 49.37 feet to an unmarked point;
- 15) South 62°24'20" East 119.89 feet to an unmarked point;
- 16) South 74°55'16" East 95.70 feet to an unmarked point;
- 17) South 69°51'23" East 93.86 feet to an unmarked point;
- 18) South 86°09'07" East 88.59 feet to an unmarked point;
- 19) North 88°05'14" East 110.29 feet to an unmarked point;
- 20) North 80°36'17" East 73.51 feet to an unmarked point;
- 21) North 69°56'02" East 99.51 feet to an unmarked point;
- 22) North 66°16'11" East 119.99 feet to an unmarked point on a bridge in the center of Clear



Creek Road;

Thence with the center of Clear Creek Road South 14°27'22" East 222.36 feet to an unmarked point at the northeastern corner of the Harrison property as described in DB 3264, Page 676; thence leaving the center of Clear Creek Road with the Harrison property South 78°04'38" West (passing a 5/8" rebar with "EHA" cap at 22.27 feet) a total distance of 216.77 feet to a 3/8" iron rod; thence South 11°53'25" East 38.44 feet to a rebar; thence South 78°07'01" West 115.62 feet to a rebar with "1603" cap; thence continuing with the Harrison line and the Hayes property as described in DB 1610, Page 70 on a bearing of South 14°58'10" West (passing a rebar with "1603" cap at 72.89 feet) a total distance of 187.24 feet to a rebar with "1603" cap; thence with the Brown property as described in DB 1596, Page 163 on a bearing of South 06°23'17" West 96.85 feet to a rebar with "1603" cap; thence North 85°09'22" East (passing a rebar with "1603" cap at 380.53 feet) a total distance of 386.13 feet to a 5/8" rebar with "EHA" cap along the edge of pavement of Clear Creek Road; thence leaving the Brown property with the edge of Clear Creek Road on a bearing of South 14°40'07" West 56.79 feet to 5/8" rebar with "EHA" cap at the northeastern corner of the Limerick Properties, LLC property as described in DB 1569, Page 666; thence leaving the edge of Clear Creek Road with the Limerick Properties, LLC line South 82°10'03" West 356.93 feet to a rebar with "1603" cap; thence with the Jeffrey Holbert line as described in DB 1657, Page 655 on a bearing of North 80°48'10" West 162.45 feet to an unmarked point in a branch at the northeastern corner of the Curtis and Juanita Holbert property as described in DB 1612, Page 441; thence with said Holbert line and the branch the following 6 (six) calls:

- 1) North 85°27'50" West 15.27 feet to an unmarked point;

2) North 48°47'24" West 37.86 feet to an unmarked point;

3) North 64°09'02" West 83.61 feet to an unmarked point;

4) North 72°24'23" West 29.63 feet to an unmarked point;

5) North 85°19'54" West 24.86 feet to an unmarked point;

6) South 87°00'39" West 21.44 feet to an unmarked point;
- Thence leaving the branch and continuing with said Holbert line South 06°44'45" West (passing a 5/8" rebar at 18.83 feet) a total distance of 270.04 feet to a 3/4" open top pipe at the northeastern corner of Section G of Section 1 of the Pinehurst Subdivision as shown if PC "C", Slide 118; thence leaving the Holbert line with the Pinehurst line North 83°03'54" West (passing a 5/8" iron rod at 100.06 feet) a total distance of 136.79 feet to a 3/4" crimped top pipe; thence North 60°41'32" West 172.41 feet to a 3/4" open top pipe at the northeastern most corner of the Windsor Hills, Inc. Subdivision; thence leaving the Pinehurst line with the Windsor Hills, Inc. Line North 45°49'00" West 218.34 feet to a 5/8" rebar with "EHA" cap; thence North 11°53'13" West (passing a 3/4" crimped top pipe at 83.86 feet; and passing another 3/4" crimped top pipe at 230.65 feet) a total distance of 290.00 feet to a 3/4" crimped top pipe; thence North 71°38'18" West (passing a 3/4" crimped top pipe at 89.88 feet) a total distance of 185.04 feet to a 3/4" crimped top pipe; thence South 40°37'17" West 163.91 feet to a 3/4" crimped top pipe; thence North 60°17'50" West 150.79 feet to a 3/4" crimped top pipe; thence North 73°11'39" West 128.96 feet to the POINT AND PLACE OF BEGINNING, containing 26.76 acres, more or less.

Re:      Petition for Contiguous Annexation  
          Petitioners: City of Hendersonville  
          File No. C23-30-ANX

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

Adopted by the City Council of the City of Hendersonville, North Carolina on this 4<sup>th</sup> day of May, 2023.

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

- E.   **Special Event: Immaculata Fall Fest** – *Jamie Carpenter Downtown Manager*
- F.   **Resolution to Create a Four-Way Stop at Half Moon Trail and Foxtail Ct./Brookstone Ct.** – *Tom Wooten, Director of Public Works*

Resolution #R-23-52

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE  
INSTALLATION OF TWO ADDITIONAL STOP SIGNS TO CREATE A FOUR-WAY STOP  
INTERSECTION AT HALF MOON TRAIL AND FOXTAIL CT./BROOKSTONE CT.**

**WHEREAS**, the City has received numerous requests from residents asking the City to address traffic safety concerns at the Half Moon Trail and Foxtail Ct./Brookstone Ct. intersection; and

**WHEREAS**, additional traffic is expected at this intersection as the adjacent subdivision continues to develop; and

**WHEREAS**, City Council discussed adding two additional stop signs to create a four-way stop intersection to help address the safety concerns; and

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

1. The installation of two additional stop signs at the Half Moon Trail and Foxtail Ct./Brookstone Ct. intersection is approved which will create a four way stop intersection.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 4<sup>th</sup> day of May, 2023.

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

**G. Annexation – Certificate of Sufficiency – Blue Ridge Commerce Center (C23-38-ANX)**  
– Tyler Morrow, Planner II

Resolution #R23-53

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION PURSUANT TO G.S. 160A-58.2**

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

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

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

**Section 1.** A public hearing on the question of annexation of the satellite area described herein will be held at City Operations Center located at 305 William St. Hendersonville NC, 28792 at 5:45 p.m. June 1<sup>st</sup>, 2023, or as soon thereafter as it may be heard.

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

Being all of that real property consisting of PINs 9588-31-1844, 9588-22-8495, 9588-23-3192, 9588-13-8975, and 9588-23-9432 described in the plat recorded in Book 2023- \_\_\_\_\_[to be inserted at recording of the plat] of the Henderson County Registry, said PINs 9588-31-1844, 9588-22-8495, 9588-23-3192, 9588-13-8975, and 9588-23-9432 being described by metes and bounds as follows:

BEING AN ANNEXATION BOUNDARY OF LOT 1, LOT 2, LOT 3, LOT 4 AND LOT 5 OF ASHEVILLE INDUSTRIAL OWNER LLC PROPERTY SHOWN ON SLIDE 14437 AND FOUND IN BOOK OF RECORD 3925, PAGE 710 AND BOOK OF RECORD 3970, PAGE 091 BOUNDED AS FOLLOWS:

BEGINNING AT AN EXISTING CAPPED REBAR THE COMMON CORNER OF LOT 3 AND DEED BOOK 420, PAGE 099 IN THE SOUTHEASTERN LINE OF DEED BOOK 965, PAGE 651, TRACT 1;

THENCE S 84°30'38" E A DISTANCE OF 413.26' TO AN EXISTING CAPPED REBAR; THENCE S 03°53'58" W A DISTANCE OF 307.94' TO AN EXISTING CAPPED REBAR; THENCE S 04°00'13" W A DISTANCE OF 158.14' TO AN EXISTING #4 REBAR; THENCE S 03°53'04" W A DISTANCE OF 150.04' TO AN EXISTING #4 REBAR; THENCE S 86°07'21" E A DISTANCE OF 569.23' TO AN EXISTING CAPPED REBAR; THENCE S 86°04'07" E A DISTANCE OF 415.15' TO AN EXISTING CAPPED REBAR; THENCE S 86°05'52" E A DISTANCE OF 191.13' TO AN EXISTING BENT #4 REBAR;

THENCE S 86°05'06" E A DISTANCE OF 170.69' TO AN EXISTING SPINDLE IN THE CENTERLINE OF MCMURRAY ROAD, S.R. 1790. SAID SPINDLE HAVING N.A.D. 83/ 2011 COORDINATES OF NORTHING- 583896.335', EASTING- 983472.227' WITH A COMBINED FACTOR OF 0.99977472;

THENCE WITH THE CENTERLINE OF SAID ROAD THE FOLLOWING 24 COURSES: THENCE S 04°41'50" W A DISTANCE OF 64.74' TO A POINT;

THENCE S 05°38'56" W A DISTANCE OF 146.33' TO A POINT; THENCE S 05°51'59" W A DISTANCE OF 142.70' TO A POINT; THENCE S 06°25'49" W A DISTANCE OF 145.04' TO A POINT; THENCE S 05°41'54" W A DISTANCE OF 94.58' TO A POINT; THENCE S 06°04'54" W A DISTANCE OF 94.74' TO A POINT; THENCE S 06°02'17" W A DISTANCE OF 48.13' TO A POINT; THENCE S 05°30'31" W A DISTANCE OF 50.73' TO A POINT; THENCE S 05°52'55" W A DISTANCE OF 94.40' TO A POINT; THENCE S 06°19'38" W A DISTANCE OF 95.68' TO A POINT; THENCE S 06°10'50" W A DISTANCE OF 96.09' TO A POINT; THENCE S 05°52'32" W A DISTANCE OF 287.68' TO A POINT;

THENCE S 06°05'01" W A DISTANCE OF 166.93' TO AN EXISTING SPINDLE; THENCE S 06°05'01" W A DISTANCE OF 26.54' TO A;

THENCE S 06°09'40" W A DISTANCE OF 97.15' TO A POINT; THENCE S 05°32'15" W A

DISTANCE OF 95.93' TO A POINT;

THENCE S 06°08'45" W A DISTANCE OF 45.70, TO A SPINDLE SET IN THE CENTERLINE OF SAID ROAD; THENCE CONTINUING WITH SAID CENTERLINE S 06°08'45"W A DISTANCE of 48.96' TO A POINT; THENCE S 06°27'28"W A DISTANCE OF 95.64' TO A POINT;

THENCE S 05°58'58"W A DISTANCE OF 98.38' TO A POINT; THENCE S 05°32'08"W A DISTANCE OF 47.25' TO A POINT; THENCE S 05°12'35"W A DISTANCE OF 46.47' TO A POINT; THENCE S 04°32'57"W A DISTANCE OF 50.98' TO A POINT; THENCE S 03°58'46"W A DISTANCE OF 49.74' TO A POINT; THENCE S 01°51'24"W A DISTANCE OF 49.41' TO A POINT;

THENCE S 01°08'50"E A DISTANCE OF 49.06' TO AN EXISTING SPINDLE IN THE CENTERLINE OF MCMURRAY ROAD, S.R. 1790, IN THE MARGIN OF THE RIGHT OF WAY FOR INTERSTATE 26. SAID SPINDLE HAVING N.A.D. 83/ 2011 COORDINATES OF NORTHING- 581579.594', EASTING- 983244.193' WITH A COMBINED FACTOR OF 0.99977646;

THENCE WITH THE MARGIN OF THE RIGHT OF WAY FOR INTERSTATE 26 THE FOLLOWING 13 COURSES: N 85°08'49"W A DISTANCE OF 43.25' TO AN EXISTING #5 REBAR;

THENCE S 02°57'47"W A DISTANCE OF 70.49' TO AN EXISTING #5 REBAR;

THENCE N 32°46'03" W PASSING A #5 REBAR SET AT 434.94' A TOTAL DISTANCE OF 591.97' TO AN EXISTING CONCRETE RIGHT OF WAY MONUMENT;

THENCE N 37°42'36" W A DISTANCE OF 291.52' TO AN EXISTING CONCRETE RIGHT OF WAY MONUMENT; THENCE N 33°13'39" W A DISTANCE OF 201.27' TO AN EXISTING CONCRETE RIGHT OF WAY MONUMENT; THENCE WITH A CURVE TURNING TO THE LEFT WITH AN

ARC LENGTH OF 553.46', WITH A RADIUS OF 7788.13', WITH A CHORD BEARING OF N 35°27'12" W, WITH A CHORD LENGTH OF 553.34', TO AN EXISTING CONCRETE RIGHT OF WAY MONUMENT;

THENCE N 38°12'28" W A DISTANCE OF 200.56' TO AN EXISTING CONCRETE RIGHT OF WAY MONUMENT; THENCE N 38°19'35" W A DISTANCE OF 840.29' TO AN EXISTING CONCRETE RIGHT OF WAY MONUMENT; THENCE N 38°11'08" W A DISTANCE OF 108.38' TO A #5 REBAR SET;

THENCE N 81°37'53" W A DISTANCE OF 43.01' TO AN EXISTING CONCRETE RIGHT OF WAY MONUMENT; THENCE N 36°56'29" W A DISTANCE OF 105.57' TO AN EXISTING CONCRETE RIGHT OF WAY MONUMENT;

THENCE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 361.03', WITH A RADIUS OF 2717.10', WITH A CHORD BEARING OF N 31°56'53" W, WITH A CHORD LENGTH OF 360.77', TO A #5 REBAR SET;

THENCE S 78°49'44" E A DISTANCE OF 38.31' TO AN EXISTING CONCRETE RIGHT OF WAY MONUMENT;

THENCE LEAVING SAID RIGHT OF WAY OF N 79°22'05" E A DISTANCE OF 11.52' TO AN EXISTING CAPPED REBAR;

THENCE N 53°30'01" E A DISTANCE OF 25.01' TO AN EXISTING CAPPED REBAR; THENCE N 30°18'20" E A DISTANCE OF 25.00' TO AN EXISTING CAPPED REBAR; THENCE N 13°49'26" E A DISTANCE OF 25.06' TO AN EXISTING CAPPED REBAR; THENCE S 71°20'36" E A DISTANCE OF 86.02' TO A #5 REBAR SET;

THENCE S 86°04'10" E A DISTANCE OF 278.72' TO A #5 REBAR SET;

THENCE N 03°54'21" E A DISTANCE OF 202.07' TO AN EXISTING CONCRETE MONUMENT WITH CAP; THENCE N 08°27'41" E A DISTANCE OF 276.11' TO AN EXISTING CAPPED REBAR;

WHICH IS THE POINT OF BEGINNING,

HAVING AN AREA OF 2845116.8 SQUARE FEET, 65.31 ACRES

Re: Petition for Satellite Annexation

Petitioners: Asheville Industrial Owner LLC and Asheville Industrial Owner II LLC File  
No. C23-38-ANX

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

Adopted by the City Council of the City of Hendersonville, North Carolina on this 4<sup>th</sup> day of May, 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 Chimney Crossing Villas – *Brendan Shanahan, Project Division Manager***

Resolution #R-23-54

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A UTILITY EXTENSION AGREEMENT WITH PINE SHADOW DEVELOPERS, LLC. AND CHAMPION HILLS PROPERTY OWNERS ASSOCIATION, FOR THE CHIMNEY CROSSING VILLAS**

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

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

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

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

**WHEREAS**, Pine Shadow Developers, LLC. and Champion Hills Property Owners Association, the “Developers” and “Owners” will enter into a Utility Extension Agreement with the City to provide water service to the Chimney Crossing Villas.

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

1. The Utility Extension Agreement with Pine Shadow Developers, LLC. and Champion Hills Property Owners Association, the “Developers” and “Owners” to provide water service to the Chimney Crossing Villas 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 4<sup>th</sup> day of May, 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 Seasons at Cane Creek Phase 2 – *Brendan Shanahan, Project Division Manager***

Resolution # R-23-55

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A UTILITY EXTENSION AGREEMENT WITH SOUTHWOOD REALTY COMPANY AND SRC CANE CREEK, INC FOR THE SEASONS AT CANE CREEK PHASE 2**

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

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

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

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

**WHEREAS**, Southwood Realty Company, the “Developer” and “Owner” and SRC Cane Creek, Inc, will enter into a Utility Extension Agreement with the City to provide water service to the Seasons at Cane Creek Phase 2.

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

1. The Utility Extension Agreement with Southwood Realty Company, the “Developer” and “Owner” and SRC Cane Creek, Inc., to provide water service to the Seasons at Cane Creek Phase 2 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 4<sup>th</sup> day of May, 2023.

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

**J. NCDOT EB-5860 (Blythe St Multi-Use Path) Design Agreement Approval, City Project #21042 – Brent Detwiler, City Engineer**

Resolution #R23-56

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE CITY MANAGER TO ENTER INTO AN WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION**

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

**WHEREAS**, a project has been identified as part of the North Carolina Department of Transportation’s State Transportation Improvement Program called EB-5860 Blythe Street Multi-Use Path; and

**WHEREAS**, the North Carolina Department of Transportation has agreed to design and construct the Blythe Street Multi-Use Path project with a required match provided by the City of Hendersonville; and

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

1. The City Manager is authorized to enter into an agreement with the North Carolina Department of Transportation for design of the Blythe Street Multi-Use Path (EB-5860), as presented.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 4<sup>th</sup> day of May, 2023.

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

**K. NCDOT EB-5963 (S Grove St Sidewalk) Design Agreement Approval, City Project #21043 – Brent Detwiler, City Engineer**

Resolution #R-23-57

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE CITY MANAGER TO ENTER INTO AN WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION**

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

**WHEREAS**, a project has been identified as part of the North Carolina Department of Transportation’s State Transportation Improvement Program called EB-5963 South Grove Street Sidewalks; and

**WHEREAS**, the North Carolina Department of Transportation has agreed to design and construct the South Grove Street Sidewalks project with a required match provided by the City of Hendersonville; and

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

- 1. The City Manager is authorized to enter into an agreement with the North Carolina Department of Transportation for design of the South Grove Street Sidewalks (EB-5963), as presented.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 4<sup>th</sup> day of May, 2023.

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

**L. 2023 Installment Financing Contract (IFC) – Adam Murr, Budget Manager**

Resolution #R-23-58

**RESOLUTION OF THE CITY OF HENDERSONVILLE, NORTH CAROLINA, APPROVING CERTAIN MATTERS RELATED TO AN INSTALLMENT FINANCING CONTRACT AND DELIVERY THEREOF**

**WHEREAS**, the City Council of the City of Hendersonville, North Carolina (the “City”) has previously approved a resolution on April 26, 2023 (the “*Approving Resolution*”) regarding an installment financing contract (the “*Contract*”) with JPMorgan Chase Bank, N.A. (the “*Lender*”) in an amount not to exceed \$6,450,000 to pay the costs of renovations and improvements to City facilities and infrastructure, including City Hall and the City Operations Center (collectively, the “*2023 Projects*”);

**WHEREAS**, in the Approving Resolution in order to provide security for the City’s obligations under the Contract, the City approved granting to the Lender a security interest under a deed of trust, security agreement and fixture filing (the “*Deed of Trust*”) in all or a portion of the City’s fee simple interest in the site of the City Operations Center, together with all improvements and fixtures located thereon;

**WHEREAS**, upon further review, the City has determined it would rather secure the City’s obligations under the Contract by granting to the Lender a security interest under the Deed of Trust in all or a portion of the City’s fee simple interest on the site of City Hall, together with all improvements and fixtures located thereon (the “*City Hall Property*”);

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

Section 1. ***Approval and Authorization of the Mortgaged Property.*** The City Council of the City hereby approves securing the City’s obligations under the Contract with the City Hall Property in accordance with the terms of the Deed of Trust, which will be a valid, legal and binding security instrument of the City in accordance with its respective terms.

Section 2. ***Related Actions.*** All other approvals and authorizations obtained by the City in the Approving Resolution shall be, and the same hereby are, in all respects ratified, approved and confirmed.

Section 3. ***Repealer.*** All motions, orders, resolutions, ordinances and parts thereof, in conflict herewith are hereby repealed.

Section 4. ***Severability.*** If any section, phrase or provision of this Resolution is for any reason declared to be invalid, such declaration will not affect the validity of the remainder of the sections, phrases or provisions of this Resolution.

Section 5. ***Effective Date.*** This Resolution is effective on the date of its adoption.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 4<sup>th</sup> day of May, 2023.

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

**6. PRESENTATIONS**

**A. Proclamation – Lung Cancer Awareness - Mayor Barbara G. Volk**

Mayor Barbara G. Volk presented a proclamation recognizing Lung Cancer Awareness.

**B. Proclamation - Foster Care Awareness - Mayor Barbara G. Volk**

Mayor Barbara G. Volk presented a proclamation recognizing Foster Care Awareness.



C. Proclamation of 2023 Drinking Water Week – Kasey Lyons, Environmental Compliance Technician

City Manager Connet read the proclamation aloud recognizing Drinking Water Week.

D. Quarterly MVP Recipients – John Connet, City Manager

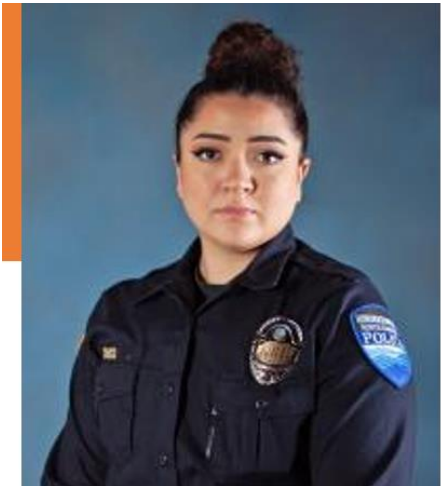
City Manager Connet said, as is custom, we recognize employees who go above and beyond on a quarterly basis. The following individuals were recognized:

Brittany Watson, Finance Department  
Marianna Tinoco, Police Department  
Ross Henderson, Public Works  
Jody Martin, Public Works  
Terry Smith, Public Works  
Jerry Villars, Public Works



Brittany Watson (Finance)

An employee, who is a Type 1 diabetic, had an appointment with her surgeon regarding having her gallbladder removed. Her sugar dropped suddenly and she did not feel safe to drive and was going to cancel her appointment. Brittany immediately stepped up and offered to drive her to the appointment and the surgery was successfully scheduled. Brittany also goes above and beyond assisting her teammates!!



Marianna Tinoco (Police)

Officer Tinoco witnessed cable lines that were down from a storm. This storm knocked over a power pole the previous Friday. The power pole was replaced that same day but the lines remained in the roadway and was discovered to have been there for 4 days. Tinoco stayed on scene and cleaned up debris and contacted ATT, DUKE, and Optimum. All 3 came out and had the lines cleared from the roadway in a few hours.



Ross Henderson, Jody Martin, Terry Smith and Jerry Villars (Public Works)

Ross & the Building Maintenance team are constantly taking on extra projects to assist with various City initiatives. This team took responsibility for installing & removing the banners & decals celebrating HVL's 175th anniversary. They are also repairing features from the old mini-golf so they can be included on the new course. These 'extra' projects are beyond their regular jobs - but their skills & expertise help make Hendersonville special and better for the community.



E. Introduction of Arts Council Executive Director Eric Kerchner – John Connet, City Manager

City Manager Connet introduced the new Executive Director of the Henderson County Arts Council, Eric Kerchner. Mr. Kerchner introduced himself and said they are working with the Tourism Development Authority to put on the Music on Main series for the summer and moving the traditional street dance nights from Monday nights to Saturday nights. We have taken our Arts Council into the schools and we’ve had a wonderful run called Artists in Schools where we take requests from teachers on what kind of artists they want to come in to their classrooms. We’ve had dance, painting and ceramics projects. He thanked Council for their support.

**F. New Fats Oils and Grease (FOG) Management Policy** – *Lee Smith, Utilities Director*

Gracie Erwin and Kasey Lyons presented the Hendersonville Proposed FOG policy.



## Fats, Oils and Grease... Who cares?

TOPICS TO DISCUSS

- What is FOG?
- Why do we need to manage it?
- What are FSEs and MFUs?
- Why do we need a policy?
- Who does it apply to?
- Specific Highlights
- Contact Information

## What is FOG?

**FATS, OILS AND GREASE THAT HAVE POTENTIAL TO BE DISCHARGED INTO THE SANITARY SEWER.**

Without proper management, FOG will negatively interfere with the components of the sewer collection system, impairs wastewater treatment and contributes to sanitary sewer overflows (SSOs).



## Why do we need a policy?

It has become evident that FOG management inside of Hendersonville's sewer collection system needs some standardization and well-defined requirements.







# To whom does the policy apply to?

**FOOD SERVICE ESTABLISHMENTS (FSE)**  
Any food service facility discharging kitchen or food preparation wastewater - examples include restaurants, hotels, schools, grocery stores, nursing homes.

**MOBILE FOOD UNITS (MFU)**  
Any self-contained mobile kitchen that is equipped to prepare and/or sell consumable food or drink items; a food establishment designed to be readily moved and vend food.

## What does the new policy include?



**BEST MANAGEMENT PRACTICES -**  
A detailed BMP section has been included to assist FSE and MFU in FOG management.

**CONSTRUCTION AND PLUMBING REQUIREMENTS -**  
Clear requirements have been outlined for new and existing construction.

**GRANDFATHER CLAUSE REMOVED**  
The policy includes no "grandfathering out" and requires that all FSE and MFU be subject to the policy.

**G. Special Appropriations**— *Jenny Floyd, Budget & Mgmt. Analyst*

Jenny Floyd gave an overview of special appropriations.

CATEGORIES



Education, Arts, Culture, & Recreation



Life Quality and Economic Services



Full Funding

City Manager’s Recommendation

\$130,000

25%

Education, Arts, Culture, & Recreation

\$32,500

75%

Life Quality and Economic Services

\$97,500

Education, Arts, Culture, & Recreation

Total \$119,465

Organization	Request
Arts Council of Henderson County, Inc.	\$5,000
Blue Ridge Literacy Council	\$7,000
Boy's & Girl's Club of Henderson County	\$20,000
Flat Rock Playhouse (Vagabond School)	\$4,992
Henderson County Education Foundation	\$8,075
Henderson County Education Initiative	\$1,000
Henderson County NAACP - Medical Training	\$10,200
Hendersonville Community Theatre	\$26,498
Hendersonville Shuffleboard Club	\$1,200
Hendersonville Symphony - Second Series	\$5,000
Hendersonville Symphony - Youth Education	\$5,000
Mineral & Lapidary Museum	\$10,000
Team ECCO	\$3,500
Western North Carolina Air Museum	\$12,000

Life Quality and Economic Services

Total \$266,260

Organization	Request
Blue Ridge Community Health Services	\$10,000
Blue Ridge Humane	\$10,000
Children & Family Resource Center	\$10,000
Henderson County Council on Aging	\$16,860
Henderson County Young Leaders (Camplify)	\$2,500
Interfaith Assistance Ministry - Rent Asst.	\$145,000
Medical Loan Closet of Henderson County	\$3,000
Only Hope WNC	\$10,000
Pisgah Legal Services - Domestic Violence	\$5,000
Pisgah Legal Services - Homeless Prevention	\$5,000
Safelight, Inc.	\$20,000
St. Gerard House	\$6,900
The Mediation Center	\$2,000
Thrive	\$10,000
True Ridge	\$10,000

Full Funding

Total \$294,709

Organization	Request
Agribusiness Henderson County (AgHC)	\$5,000
Henderson County Economic Investment Fund	\$50,000
Henderson County Partnership for Econ. Dev.	\$25,000
Henderson County Planning Department	\$102,709
Henderson County Rescue Squad	\$15,000
Interfaith Assistance Ministry	\$15,000
Merchant's and Business Association	\$2,000
Mills River Partnership	\$80,000

# ARP Review

Organization	Amount	Program/Project
Children & Family Resources Center	\$100,000	Grow, Lean, Outreach (GLO) Mobile
Interfaith Assistance Ministry	\$100,000	Food Insecurity
Pisgah Legal Services	\$320,000	Legal Services w/ Connection Center
Safelight, Inc.	\$100,000	Phoenix Project (SANE)
True Ridge	\$50,000	Bilingual services with partnered nonprofits.

## Recap

Manager’s Recommendations: \$130,000  
Total General Requests: \$385,725



Education, Arts, Culture & Recreation

\$119,465

Rec. \$32,500



Life Quality & Economic Services

\$266,260

Rec. \$97,500



Full Funding

\$294,709

Request Summary – Education, Arts, Culture, & Recreation

Organization	Summary
Arts Council of Henderson County, Inc.	Provide arts ed. to 200+ students, in Henderson Co. title1 schools. Renting classroom space, pay art teachers & supplies.
Blue Ridge Literacy Council	Funds for marketing to recruit tutors; Provide tutoring to adults -learning materials: books, workbooks
Boy's & Girl's Club of Henderson County	To support community service activities, fitness programs, life skills training, and education of at-risk youth.
Flat Rock Playhouse (Vagabond School)	Theater Arts Education Program: supplies, technology, costumes, and equipment.
Henderson County Education Foundation	Muddy Sneakers program for 5th graders' experiential outdoors learning opportunity.
Henderson County Education Initiative	Funds will be used to digitize historical information about the HC education system.
Henderson County NAACP - Medical Training	Partnership w/ Pardee Foundation and BRCC to provide medical training/education opportunities.*
Hendersonville Community Theatre	Funding will be used for exterior façade renovations costs.
Hendersonville Shuffleboard Club	Purchase equipment for recreational opportunities and maintain facilities.
Hendersonville Symphony - Second Series	3rd and 6th grade orchestra education concerts.
Hendersonville Symphony - Youth Education	Facility and production costs for orchestra grades 9-12.
Mineral & Lapidary Museum	Educational materials for school tours of the museum.
Team ECCO	Funds the purchase equipment and materials to promote STEM education through shark tracking.
Western North Carolina Air Museum	Funds for exhibits and airplane refurbishing

Request Summary – Life Quality & Economic Services

Organization	Summary
Blue Ridge Community Health Services	Provide 81 homeless individuals with medical services - primary care, behavioral health, pharmacy services.
Blue Ridge Humane	Spay/neuter programing for residents of HVL - assists low-income families and mitigates stray animal externalities.
Children & Family Resource Center	Provide funding for staff performing developmental screenings for children ages 3-5.
Henderson County Council on Aging	Full funding would provide 5 city residents home-delivered meals for an entire year. \$5.50/meal*1272 meals = \$7,000.
Henderson County Young Leaders (Camplify)	Funds will be used for 4 Counselors-in-Training, overnight summer camp, and weekend camp.
Interfaith Assistance Ministry - Rent Asst.	Crisis Services = food and housing assistance.
Medical Loan Closet of Henderson County	Preparation and maintenance on medical equipment offered to in-need members of the community.
Only Hope WNC	Support of homeless youth including food, clothing, and school supplies.
Pisgah Legal Services - Domestic Violence	Legal support for victims of domestic violence matched by federal grant from the NC Governor's Crime Commission.
Pisgah Legal Services - Homeless Prevention	Legal support for low-income residents matched by federal grant from the NC Governor's Crime Commission.
Safelight, Inc.	Job training program for survivors of interpersonal violence for economic empowerment & independence.
St. Gerard House	Event support for special needs children and families, including meals, education, and childcare.
The Mediation Center	Funding for Community Mediation Coordinator.
Thrive	Funds will support Coordinated Entry staff to aid residents at risk of losing housing.
True Ridge	Direct client support for victims of crimes and staff training for legal interpretations services.

Request Summary – Full Funding

Organization	Summary
Agribusiness Henderson County (AgHC)	Promote economic growth in agribusiness through recruitment and retention.
Hand On! - A Child's Gallery	Council agreed to consider a not-to-exceed \$42,000 for years 3-5 of the HandsOn! Agreement (Year 3).
Henderson County Economic Investment Fund	Economic development support and programming.
Henderson County Partnership for Econ. Dev.	Economic development support and programming.
Henderson County Planning Department	Hendersonville to fund 50% of operational cost for City riders.
Henderson County Rescue Squad	Aid and assist in case of disaster or accident.
Interfaith Assistance Ministry	Water bills and water repairs
Merchant's and Business Association	To provide enhanced quality parades.
Mills River Partnership	Water quality efforts in the Mills River.

7. PUBLIC HEARINGS

A. Rezoning: Standard Rezoning 1208 Stanwood Rezoning (P23-26-RZO) – Matt Manley, AICP/Planning Manager

Matt Manley explained that the City of Hendersonville received an application for a Standard Rezoning from Michael Murphy, applicant/owner. The applicant is requesting to rezone the subject property (PIN: 9568-51-8549) located at 1208 Stanwood Ln from R-15, Medium Density Residential Zoning District to R-10, Medium Density Residential Zoning District. The southernmost 1/3 of the parcel is divided by Drake St which is an NCDOT street which provides access from Kanuga Rd to a mobile home park neighboring the subject property. The portion of the parcel located south of Drake St is primarily located in the 100-Year Floodplain. The City of Hendersonville Zoning Ordinance states that, during a standard rezoning process, an applicant is prohibited from discussing the specific manner in which they intend to develop or use a site. If rezoned, there will not be a binding site plan, list of uses nor any conditions placed on the site. All permitted uses within the R-10 district would be allowed on the site. The Planning Board voted 5-1 in favor of recommending approval of the rezoning request.

The City Attorney confirmed this public hearing has been advertised in accordance with North Carolina General Statutes. The public hearing was opened at 7:14 p.m.

Michael Redden spoke against the rezoning.

Lynn Williams addressed City Council via Zoom electronic software spoke against the rezoning.



Ken Fitch addressed City Council via Zoom electronic software but didn't really speak for or against the rezoning but rather pointed out issues that could arise because of it.

Mayor Volk read a digital comment from Diana Justus which spoke against the rezoning.

The petitioner, Michael Murphy, spoke about the main benefit of the rezoning is the setbacks and the narrow lots allow for more housing so the size requirements are the main benefit of this.

The public hearing was closed at 7:24 p.m.

***Council Member Jerry Smith moved that City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property (PIN: 9568-51-8549) from R-15 (Medium Density Residential) to R-10 (Medium Density Residential) Zoning District 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 Medium Intensity Neighborhood designation calls for Attached and Detached Single-Family Residential uses as Primary Land Uses and Development Guidelines recommend densities at a rate of 2 - 8 units per acre. The R-10 Medium Density Residential Zoning District permits single-family and two-family uses at a maximum of 5.5 units per acre.***

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

- 1. The proposed residential zoning district is compatible with the character of the surrounding neighborhood and the adjacent land uses.***
- 2. The petition provides for a modest increase in density without introducing new uses that would be detrimental to or out of character with the surrounding neighborhood.***
- 3. The proposed increase in density would provide a public benefit by allowing for additional housing stock.***
- 4. The proposed increase in density helps to offset limitations to development which are constrained by the presence of a 100-Year Floodplain on the subject parcel.***

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

## **8. UNFINISHED BUSINESS**

There was no unfinished business.

## **9. NEW BUSINESS**

### ***A. Pollinator Bed Partnership – Lyndsey Simpson, Mayor Pro Tem***

Mayor Pro Tem Lyndsey Simpson first congratulated the Environmental Sustainability Board and to everyone that helped with the Hendo Earth Fest on April 22<sup>nd</sup>. It turned out really well. Also, the Environmental Sustainability Board is recommending the development of a partnership between the City of Hendersonville and Blue Ridge Community College to expand the number of pollinator plants throughout the city. The gist of the proposal is that we would enter into a contract with the horticultural department at Blue Ridge Community College, we would give them the seeds to grow and we would in turn get half of the plants back to use in whatever landscaping we wanted to use them in and they would keep the other half of the plants to support the program. ESB would like us to adopt this but I told them I needed to bring it in front of you all first and see if you had any questions or comments.

***Consensus of Council was to move forward.***

**10. CITY COUNCIL COMMENTS**

Council Member Hensley said that the morning of Hendo Earth Fest we had a joint litter cleanup with Commissioner McCall, County Manager John Mitchell, and Councilman Smith and the grand total was 290 pounds of trash was picked up and this was a very small area. It was awesome to see the participation and it does help to clean up our roadways and I just wanted to say thank you for the participation.

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

City Manager Connet said I look forward to seeing everyone in the morning at 8:30 for our budget workshop and we'll have breakfast here and it will be the "budget department show" and they've been working hard to do that, so I'll see everyone in the morning.

**12. CLOSED SESSION****A. Closed Session – John Connet, City Manager**

*At 7:25 p.m. Council Member Lyndsey Simpson moved that City Council enter closed session pursuant to NCGS § 143-318.11 (a) (1) (5) and (6) to prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes, to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body 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 and to consider the qualifications, competence, performance, character, fitness of an individual public officer or employee. A unanimous vote of Council follows. Motion carried.*

*At 8:10 p.m. Council Member Jerry Smith moved that City Council return to open session. A unanimous vote of the Council followed. Motion carried.*

**13. ADJOURN**

There being no further business, the meeting was adjourned at 8:10 p.m. upon unanimous assent of the Council.

---

Barbara G. Volk, Mayor

ATTEST:

---

Jill Murray, City Clerk