



# MINUTES

February 7, 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 Coordinator Brandy Heatherly, Budget Manager Adam Murr, and others

**Absent:** Assistant City Manager Brian Pahle

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

Mayor Volk called the meeting to order at 5:46 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:**

Lynne Williams of 309 Chadwick Avenue, first asked for a moment of silence for Ms. King who lost her son. After that, she spoke about discrimination, threats of violence and brutality that invade this community, in particular, against Ms. Roundtree when two men in hoodies attempted to intimidate her family with death threats and therefore she needs immediate protection. Secondly, Ms. King was brutalized at the scene of her son's murder. She has not received answers or access to body cam footage. At this point, I also need answers and so does our community. We need access to body cam footage. With regards to the Comp Plan, I asked that you wait until December to vote on so we have the people that were voted for making the decisions.

Tranace Timmons of Asheville spoke about her brother, Elijah Timmons, who was killed the day after Thanksgiving. He has four sons and there is a person walking around that could hurt other people. I think we should make an example of the person who killed my brother. It was not self-defense and it doesn't matter what type of record they had prior to this. I want the community to get better and we need good leadership for these kids.

Patricia King of Candler spoke about her son that was murdered on November 24<sup>th</sup> in the parking lot of Orchard Bar and Grill. I have reached out several times to the Chief of Police and several officers in the Police Department and Sheriff's office and spoke to the Mayor and I have asked on all levels to call attention to what was done. My sons case was treated like a speeding ticket. I have been dumbed down and not listened to. I saw what the shooter did. He should have been arrested for something. I'm a mother and watched my son die on the pavement.

#### **Digital:**

Phillip Klein of 312 Delford Court, sent in a digital comment in opposition of the proposed hotel behind the mall.

Tanianicole Cooper of 454 Stony Mountain Rd. sent in a digital comment in opposition of the proposed hotel behind mall.

**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**  
**January 4, 2024 Regular Meeting**  
**January 24, 2024 Second Monthly Meeting**

**B. February 2024 Budget Amendments – Adam Murr, Budget Manager**

<b>TO MAYOR &amp; COUNCIL</b>			<b>FISCAL YEAR 2024</b>		
<b>APPROVAL: February 07, 2024</b>			<b>FORM: 02072024-06</b>		
<b>BUDGET AMENDMENT</b>					
FUND 301   460					
ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
301-0000-420050-G2402	Contributions/Donations	-	14,750,000	-	14,750,000
301-0000-598901-G2402	Transfer Out (to 460, #22013)	-	2,342,000	-	2,342,000
301-0000-598901-G2402	Transfer Out (to 460, #16036)	-	12,408,000	-	12,408,000
FUND 301 (#G2402)	TOTAL REVENUES	-	-	-	-
FY24 State Approp.	TOTAL EXPENDITURES	-	-	-	-
460-0000-470010-22013	Debt Proceeds	1,480,000	-	1,480,000	-
460-0000-470100-22013	Transfer In (from 301, #G2402)	-	2,342,000	-	2,342,000
460-7035-550103-22013	Capital Outlay-CIP	1,480,000	-	-	2,342,000
FUND 460 (#22013)	TOTAL REVENUES	1,480,000	2,342,000	1,480,000	2,342,000
WTP Residuals	TOTAL EXPENDITURES	1,480,000	-	-	2,342,000
460-0000-470100-16036	Transfer In (from 301, #G2402)	-	12,408,000	-	12,408,000
460-0000-470010-16036	Debt Proceeds	12,530,000	-	7,446,000	5,084,000
460-7135-550102-16036	Capital Outlay - Services/ Fees	125,000	-	-	125,000
460-7135-550103-16036	Capital Outlay-CIP	12,405,000	4,962,000	-	17,367,000
FUND 460 (#16036)	TOTAL REVENUES	12,530,000	12,408,000	7,446,000	17,492,000
Biosolids Dryer	TOTAL EXPENDITURES	12,530,000	4,962,000	-	17,492,000
The State has provided the City with \$14,750,000 direct appropriation for the Biosolids and WTP Residuals projects. This amendment adjusts the existing capital project ordinances for the projects to reflect the use of grant funds, rather than debt proceeds where appropriate.					

The City Manager and City Clerk certify budget ordinance amendment 02072024-06 was approved by City Council on February 07, 2024.

<b>TO MAYOR &amp; COUNCIL</b>			<b>FISCAL YEAR 2024</b>		
<b>APPROVAL: February 07, 2024</b>			<b>FORM: 02072024-07</b>		
<b>BUDGET AMENDMENT</b>					
FUND 021   060   410					
ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
021-0000-470900	Fund Balance Appropriated	63,443	81,439	-	144,882
021-0000-598901	Transfer Out (to 410, #16030)	-	81,439	-	81,439
FUND 021	TOTAL REVENUES	-	81,439	-	-
7th Ave MSD Fund (FY25)	TOTAL EXPENDITURES	-	81,439	-	-
459-0000-470900	Fund Balance Appropriated (FY25)	-	865,000	-	865,000
459-0000-598901	Transfer Out (to 410, #16030)	-	865,000	-	865,000
FUND 459	TOTAL REVENUES	-	865,000	-	-
W&S CRF	TOTAL EXPENDITURES	-	865,000	-	-
410-0000-420010-16030	Powell Bill Allocation (FY25)	-	460,000	-	460,000
410-0000-420050-16030	Grant Revenue (Stormwater SRF)	-	250,000	-	250,000
410-0000-470020-16030	Debt Proceeds (2021 IFC)	2,038,592	-	-	2,038,592
410-0000-470100-16030	Transfer In (from Fund 010   FY25)	-	140,000	-	140,000
410-0000-470100-16030	Transfer In (from Fund 021   FY24)	-	81,439	-	81,439
410-0000-470100-16030	Transfer In (from Fund 060   FY24)	-	865,000	-	865,000
410-2202-524040-16030	Powell Bill Expenditures	-	460,000	-	460,000
410-2202-550103-16030	Capital Outlay - CIP	2,005,607	1,215,000	-	3,342,046
410-2202-560900-16030	Cost of Issuance	32,985	-	-	32,985
FUND 410 (#16030)	TOTAL REVENUES	2,038,592	1,796,439	-	3,835,031
7th Ave. Streetscape	TOTAL EXPENDITURES	2,038,592	1,675,000	-	3,835,031
An amendment to the 7th Avenue Streetscape Project (#16030) increasing the budget from the closing book amount of \$2,038,592 (2021 Installment Financing). The amendment reflects the receipt of stormwater grant revenue, planned use of FY25 Powell Bill funding, and transfers in to cover water and sewer work on the project. The budget amendment makes funds available to reflect the full cost of the project according to the guaranteed maximum price (GMP).					

The City Manager and City Clerk certify budget ordinance amendment 02072024-07 was approved by City Council on February 07, 2024.

TO MAYOR & COUNCIL  
 APPROVAL: February 07, 2024

FISCAL YEAR 2024  
 FORM: 02072024-08

BUDGET AMENDMENT

FUND 010 | 199

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
010-0000-470900	Fund Balance Appropriated	2,816,519	250,000	-	3,066,519
010-0000-598901	Transfer Out (to Fund 199, #00100)	175,000	250,000	-	425,000
FUND 010	TOTAL REVENUES	-	250,000	-	3,066,519
	TOTAL EXPENDITURES	-	250,000	-	425,000
199-0000-470100-00100	Transfer In (from Fund 010)	100,000	250,000	-	350,000
199-1001-540001-00100	Special Appropriations (ARP-IAM food security)	100,000	-	-	100,000
199-1001-540001-00100	Special Appropriations (Child.&Fam. Resource)	-	100,000	-	100,000
199-1001-540001-00100	Special Appropriations (Safelight-Phoenix)	-	100,000	-	100,000
199-1001-540001-00100	Special Appropriations (True Ridge)	-	50,000	-	50,000
FUND 199, #00100	TOTAL REVENUES	-	250,000	-	350,000
	TOTAL EXPENDITURES	-	250,000	-	350,000

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 \$250,000 for the Children and Family Resource Center, Safelight's Phoenix project, and True Ridge. \$400,000 was previously appropriated for the Apple Ridge Project. \$100,000 was previously appropriated for the IAM Food Assistance program.

The City Manager and City Clerk certify budget ordinance amendment 02072024-08 was approved by City Council on February 07, 2024.

C. Budget Amendments Mid-Year FY24 – Jenny Floyd, Budget and Management Analyst

TO MAYOR & COUNCIL  
 APPROVAL: February 07, 2024

FISCAL YEAR 2024  
 FORM: 02072024-01

BUDGET AMENDMENT

FUND 010

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
010-0000-400101	Ad Valorem Taxes	(13,050,000)	(250,000)		(13,300,000)
010-0000-400102	Prior Years Ad Valorem Taxes	(50,000)	(25,000)		(75,000)
010-0000-410300	Electricity Utility Tax	(925,000)	(50,000)		(975,000)
010-0000-410303	Natural Gas Utility Tax	(71,000)	(10,000)		(81,000)
010-0000-420010	Powell Bill Allocation	(460,000)	(55,913)		(515,913)
010-0000-440005	Fire Permits & Fees	(8,000)	(3,000)		(11,000)
010-0000-440008	Zoning Permits	(10,000)	(1,000)		(11,000)
010-0000-440012	Street Sidewlk Encroachment	(250)	(1,200)		(1,450)
010-0000-450002	Powell Bill Interest	-	(2,000)		(2,000)
010-0000-450099	Market Adjustment	-	(34,000)		(34,000)
010-0000-460002	Miscellaneous Income - Police	(1,000)	(2,000)		(3,000)
010-0000-460003	Miscellaneous Income - Public Works	-	(13,000)		(13,000)
010-0000-460120	Refunds	-	(19,000)		(19,000)
010-0000-470030	Insurance Proceeds	(1,368)	(12,000)		(13,368)
010-0000-470050	Sale Of Capital Assets	(35,000)	(515,000)		(550,000)
010-0000-470900	Fund Balance Appropriated	(2,816,519)	(204,121)		(3,020,640)
010-1002-501001	Salaries - Regular	521,182	63,000		584,182
010-1005-501001	Salaries - Regular	124,157	8,300		132,457
010-1008-501001	Salaries - Regular	278,005		10,000	268,005
010-1010-501001	Salaries - Regular	38,412	3,900		42,312
010-1014-501001	Salaries - Regular	299,514	13,000		312,514
010-1200-501001	Salaries - Regular	396,212	65,500		461,712
010-1300-501001	Salaries - Regular	3,401,059	202,000		3,603,059
010-1400-501001	Salaries - Regular	2,781,517	145,868		2,927,385
010-1502-501001	Salaries - Regular	335,229	17,700		352,929
010-1521-501001	Salaries - Regular	189,200	20,000		209,200
010-1523-501001	Salaries - Regular	84,042	20,000		104,042
010-1525-501001	Salaries - Regular	361,193	40,500		401,693
010-1555-501001	Salaries - Regular	440,170		30,000	410,170
010-1001-501002	Salaries - Board/ Part Time/Temp/Aux	21,373	3,000		24,373
010-1002-501002	Salaries - Board/ Part Time/Temp/Aux	12,000		10,000	2,000
010-1008-501002	Salaries - Board/ Part Time/Temp/Aux	213	13,000		13,213
010-1300-501002	Salaries - Board/ Part Time/Temp/Aux	80,817		9,000	71,817
010-1523-501002	Salaries - Board/ Part Time/Temp/Aux	14,000		10,000	4,000
010-1525-501002	Salaries - Board/ Part Time/Temp/Aux	20,000		10,000	10,000
010-1300-501004	Salaries - Seperation	75,285	35,000		110,285
010-1014-501010	Salaries - Overtime	500	2,700		3,200
010-1300-501010	Salaries - Overtime	80,000	15,000		95,000
010-1400-501010	Salaries - Overtime	110,000	220,000		330,000
010-1502-501010	Salaries - Overtime	500	1,600		2,100
010-1521-501010	Salaries - Overtime	5,000	12,000		17,000
010-1523-501010	Salaries - Overtime	5,000		1,000	4,000
010-1555-501010	Salaries - Overtime	5,000	15,000		20,000
010-1560-501010	Salaries - Overtime	5,000	850		5,850
010-7855-501010	Salaries Overtime	-	610		610
010-1300-501011	Salaries - Holiday Pay	169,308		20,000	149,308
010-1400-501011	Salaries - Holiday Pay	98,391		15,000	83,391

010-1300-501012	Salaries - Standby Pay	19,500	1,000	20,500
010-1523-501012	Salaries - Standby Pay	5,000		3,000
010-1525-501014	Salaries - Shift Diff	-	850	850
010-1300-501025	Salaries - Uniform/Taxab	15,250	1,700	16,950
010-1502-501025	Salaries - Uniform/Taxab	575	1,400	1,975
010-7855-501025	Salaries - Uniform/Taxab	-	210	210
010-1002-501050	Salaries - CM Ins Prem	4,000	550	4,550
010-1001-502001	Fica Tax Expense	1,600	150	1,750
010-1002-502001	Fica Tax Expense	40,550	2,600	43,150
010-1005-502001	Fica Tax Expense	9,498	500	9,998
010-1010-502001	Fica Tax Expense	2,938	350	3,288
010-1014-502001	Fica Tax Expense	22,913	1,050	23,963
010-1200-502001	Fica Tax Expense	31,248	3,500	34,748
010-1300-502001	Fica Tax Expense	274,804	23,000	297,804
010-1400-502001	Fica Tax Expense	231,570	22,804	254,374
010-1521-502001	Fica Tax Expense	14,578	3,000	17,578
010-1523-502001	Fica Tax Expense	6,476	1,900	8,376
010-1525-502001	Fica Tax Expense	27,762	3,500	31,262
010-1001-502005	Group Med & Life Ins	14,000	1,700	15,700
010-1002-502005	Group Med & Life Ins	54,190	6,700	60,890
010-1005-502005	Group Med & Life Ins	7,881	2,250	10,131
010-1010-502005	Group Med & Life Ins	3,770	750	4,520
010-1014-502005	Group Med & Life Ins	38,875	4,700	43,575
010-1200-502005	Group Med & Life Ins	55,439	14,000	69,439
010-1300-502005	Group Med & Life Ins	578,521	124,000	702,521
010-1400-502005	Group Med & Life Ins	528,562	39,414	567,976
010-1502-502005	Group Med & Life Ins	51,813	12,100	63,913
010-1521-502005	Group Med & Life Ins	37,200	6,500	43,700
010-1523-502005	Group Med & Life Ins	14,330	2,700	17,030
010-1525-502005	Group Med & Life Ins	75,091	19,000	94,091
010-1555-502005	Group Med & Life Ins	80,784	2,600	83,384
010-7855-502005	Group Med & Life Ins	5,098		4,698
010-1002-502050	Retirement Expense	68,114	7,050	75,164
010-1005-502050	Retirement Expense	15,954	1,300	17,254
010-1010-502050	Retirement Expense	4,936	560	5,496
010-1014-502050	Retirement Expense	38,488	2,600	41,088
010-1200-502050	Retirement Expense	52,489	7,400	59,889
010-1300-502050	Retirement Expense	686,112		680,112
010-1400-502050	Retirement Expense	388,977	42,780	431,757
010-1502-502050	Retirement Expense	44,652	1,300	45,952
010-1521-502050	Retirement Expense	24,489	5,100	29,589
010-1523-502050	Retirement Expense	10,878	1,700	12,578
010-1525-502050	Retirement Expense	46,632	4,800	51,432
010-1002-502055	Retiree Insurance	18,396		8,396
010-1300-502055	Retiree Insurance	85,848		65,848
010-1400-502055	Retiree Insurance	73,584		43,584
010-1502-502055	Retiree Insurance	24,528		19,528
010-1002-502056	COH Match Retirement Expense	9,205	250	9,455
010-1005-502056	COH Match Retirement Expense	2,730	40	2,770
010-1014-502056	COH Match Retirement Expense	3,500	410	3,910
010-1200-502056	COH Match Retirement Expense	6,100	1,200	7,300
010-1300-502056	COH Match Retirement Expense	7,175	400	7,575
010-1560-502056	COH Match Retirement Expense	870	25	895
010-1300-502091	Worker's Comp Ins	48,164	3,300	51,464

010-1002-519103	Prof Services-Medical	5,000		5,000	-
010-1002-519200	Contract Services	85,000		10,000	75,000
010-1005-519200	Contract Services	24,360		10,000	14,360
010-1200-531220	Travel	6,000		6,000	-
010-1502-531220	Travel	6,000		6,000	-
010-1521-531220	Travel	5,000		5,000	-
010-1555-531220	Travel	3,000		3,000	-
010-1560-531220	Travel	4,500		4,500	-
010-1002-539005	Health And Welfare Expenditures	61,015	92,000		153,015
010-1200-556001	Capital Outlay - Other/Intangible	25,000		16,000	9,000
010-1556-524040	R&M Streets/Sidewalks	600,000	55,913	-	655,913
FUND 010	TOTAL REVENUES	(17,428,137)	(1,197,234)	-	(18,625,371)
	TOTAL EXPENDITURES	14,692,793	1,451,134	253,900	15,890,027

A budget amendment in the General Fund to increase revenues and expenditure accounts where appropriate as the City approaches mid-year. Increased funds will be used for priority items within the General Fund including salaries, benefits, and health & welfare expenditures.

The City Manager and City Clerk certify budget ordinance amendment 02072024-01 was approved by City Council on February 07, 2024.

TO MAYOR & COUNCIL  
 APPROVAL: February 07, 2024

FISCAL YEAR 2024  
 FORM: 02072024-02

**BUDGET AMENDMENT**

FUND 020

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
020-0000-400150	Tax - Interest	-	(15)	-	(15)
020-0000-450001	Interest Income	(100)	(1,439)	-	(1,539)
020-0000-450099	Market Adjustment	-	(658)	-	(658)
020-0000-460040	Special Events - Nontaxable	(17,500)	(2,000)	-	(19,500)
020-0000-470900	Fund Balance Appropriated	(130,762)	(40,000)	-	(170,762)
020-1525-501002	Salaries - Board/ Part Time/Temp/Aux	-	460	-	460
020-2102-501002	Salaries - Board/ Part Time/Temp/Aux	-	20	-	20
020-1523-501010	Salaries - Overtime	-	80	-	80
020-1525-501010	Salaries - Overtime	-	160	-	160
020-1560-501010	Salaries - Overtime	-	250	-	250
020-7855-501010	Salaries - Overtime	-	630	-	630
020-1523-501012	Salaries - Standby Pay	-	80	-	80
020-1560-501012	Salaries - Standby Pay	-	770	-	770
020-1525-501014	Salaries - Shift Diff	-	50	-	50
020-2102-501014	Salaries - Shift Diff	-	2	-	2
020-1502-501025	Salaries - Uniform/Taxab	-	65	-	65
020-1523-501025	Salaries - Uniform/Taxab	-	60	-	60
020-1525-501025	Salaries - Uniform/Taxab	-	150	-	150
020-1560-501025	Salaries - Uniform/Taxab	-	60	-	60
020-2102-501025	Salaries - Uniform/Taxab	-	20	-	20
020-7855-501025	Salaries - Uniform/Taxab	-	260	-	260
020-1523-502001	Fica Tax Expense	564	20	-	584
020-1523-502005	Group Med & Life Ins	921	450	-	1,371
020-1525-502005	Group Med & Life Ins	3,626	1,250	-	4,876
020-1560-502005	Group Med & Life Ins	1,595	150	-	1,745
020-7855-502005	Group Med & Life Ins	5,118	600	-	5,718
020-1523-502050	Retirement Expense	946	40	-	986
020-1560-502056	COH Match Retirement Expense	45	10	-	55
020-2102-502056	COH Match Retirement Expense	1,860	70	-	1,930
020-1560-502091	Worker's Comp Ins	787	1,000	-	1,787
020-2102-521001	Supplies & Materials	47,500	-	11,600	35,900
020-2102-521010	Office Supplies	500	1,700	-	2,200
020-2102-521020	Janitorial Supplies	3,800.00	-	500	3,300
020-2102-523001	Utilities - Electricity	-	40,000	-	40,000
020-2102-523003	Utilities - Telephone & Internet	-	2,500	-	2,500
020-2102-524010	R & M - Bulidings	-	300	-	300
020-2102-531255	Bank Service Charges	-	5	-	5
020-2102-531700	Liab & Prop Ins & Bonds	685	5,000	-	5,685
FUND 020	TOTAL REVENUES	(148,362)	(44,112)	-	(192,474)
	TOTAL EXPENDITURES	67,947	56,212	12,100	112,059

A budget amendment in the Main St. Fund to increase revenues and expenditure accounts where appropriate as the City approaches mid-year. Increased funds will be used for priortiy items within the Main St. Fund including salaries, benefits, utilities, building repair, and liability & property insurance.

The City Manager and City Clerk certify budget ordinance amendment 02072024-02 was approved by City Council on February 07, 2024.

TO MAYOR & COUNCIL  
 APPROVAL: February 07, 2024

FISCAL YEAR 2024  
 FORM: 02072024-03

## BUDGET AMENDMENT

## FUND 060

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
060-0000-430003	Rental Income-Non Taxable	-	(4,300)	-	(4,300)
060-0000-431001	Lease Revenue	-	(10,400)	-	(10,400)
060-0000-444102	W&S Inspection Line Fees	(48,200)	(21,000)	-	(69,200)
060-0000-445001	Sewer Permits & Fees	(2,500)	(3,400)	-	(5,900)
060-0000-445201	Utility Billing Service Charges	(60,000)	(7,000)	-	(67,000)
060-0000-445202	Sewer Surcharges	(81,850)	(15,000)	-	(96,850)
060-0000-445203	Sewer Pretreatment Cost Recvry	-	(9,800)	-	(9,800)
060-0000-450001	Interest Income	(8,000)	(64,000)	-	(72,000)
060-0000-450099	Market Adjustment	-	(25,800)	-	(25,800)
060-0000-460001	Miscellaneous Income	-	(25,000)	-	(25,000)
060-0000-460003	Miscellaneous Income - Public Works	-	(25,000)	-	(25,000)
060-0000-460120	Refunds	-	(15,000)	-	(15,000)
060-0000-470030	Insurance Proceeds	-	(2,060)	-	(2,060)
060-0000-470050	Sale Of Capital Assets	-	(62,000)	-	(62,000)
060-1014-501001	Salaries - Regular	697,431	26,000	-	723,431
060-1502-501001	Salaries - Regular	19,100	6,200	-	25,300
060-1521-501001	Salaries - Regular	124,793	1,750	-	126,543
060-1523-501001	Salaries - Regular	86,835	6,500	-	93,335
060-7035-501001	Salaries - Regular	690,315	26,000	-	716,315
060-7055-501001	Salaries - Regular	1,194,004	89,000	-	1,283,004
060-7155-501001	Salaries - Regular	588,191	45,000	-	633,191
060-1005-501001	Salaries - Regular	135,161	-	1,000	134,161
060-1008-501001	Salaries - Regular	902,994	-	69,000	833,994
060-1010-501001	Salaries - Regular	192,682	-	10,000	182,682
060-7002-501001	Salaries - Regular	689,531	-	7,500	682,031
060-7050-501001	Salaries - Regular	450,437	-	12,000	438,437
060-7135-501001	Salaries - Regular	621,193	-	60,000	561,193
060-7150-501001	Salaries - Regular	222,508	-	4,300	218,208
060-1008-501002	Salaries - Board/ Part Time/Temp/Aux	337	35,200	-	35,537
060-7032-501002	Salaries - Board/ Part Time/Temp/Aux	859	32,000	-	32,859
060-7132-501002	Salaries - Board/ Part Time/Temp/Aux	423	15,500	-	15,923
060-7002-501002	Salaries - Board/ Part Time/Temp/Aux	51,937	-	20,000	31,937
060-1002-501010	Salaries - Overtime	-	2,400	-	2,400
060-1014-501010	Salaries - Overtime	3,000	4,300	-	7,300
060-1502-501010	Salaries - Overtime	-	50	-	50
060-1521-501010	Salaries - Overtime	9,000	1,300	-	10,300
060-7050-501010	Salaries - Overtime	8,000	2,800	-	10,800
060-7150-501010	Salaries - Overtime	4,000	1,700	-	5,700
060-1523-501010	Salaries - Overtime	7,000	-	80,000	(73,000)
060-7035-501010	Salaries - Overtime	16,000	-	4,500	11,500
060-7055-501010	Salaries - Overtime	70,000	-	10,000	60,000
060-7132-501010	Salaries - Overtime	50,000	-	25,000	25,000
060-7155-501010	Salaries - Overtime	40,000	-	10,000	30,000
060-7002-501011	Salaries - Holiday Pay	6,996	-	2,000	4,996
060-7035-501011	Salaries - Holiday Pay	31,434	-	15,000	16,434
060-7135-501011	Salaries - Holiday Pay	19,735	-	10,000	9,735
060-7155-501011	Salaries - Holiday Pay	3,745	-	2,000	1,745

060-1523-501012	Salaries - Standby Pay	-	950	-	950
060-7032-501012	Salaries - Standby Pay	-	12,500	-	12,500
060-7050-501012	Salaries - Standby Pay	-	12,500	-	12,500
060-7055-501012	Salaries - Standby Pay	-	12,000	-	12,000
060-7132-501012	Salaries - Standby Pay	-	6,100	-	6,100
060-7150-501012	Salaries - Standby Pay	-	6,000	-	6,000
060-7155-501012	Salaries - Standby Pay	-	5,900	-	5,900
060-7035-501014	Salaries - Shift Diff	-	7,000	-	7,000
060-7135-501014	Salaries - Shift Diff	-	2,500	-	2,500
060-1502-501025	Salaries - Uniform/Taxab	-	250	-	250
060-1521-501025	Salaries - Uniform/Taxab	-	1,750	-	1,750
060-1523-501025	Salaries - Uniform/Taxab	-	700	-	700
060-7002-501025	Salaries - Uniform/Taxab	-	400	-	400
060-7032-501025	Salaries - Uniform/Taxab	-	3,050	-	3,050
060-7050-501025	Salaries - Uniform/Taxab	-	2,500	-	2,500
060-7055-501025	Salaries - Uniform/Taxab	-	9,200	-	9,200
060-7132-501025	Salaries - Uniform/Taxab	-	1,500	-	1,500
060-7135-501025	Salaries - Uniform/Taxab	-	3,500	-	3,500
060-7150-501025	Salaries - Uniform/Taxab	-	1,500	-	1,500
060-7155-501025	Salaries - Uniform/Taxab	-	4,500	-	4,500
060-1002-501050	Salaries - CM Ins Prem	-	4,500	-	4,500
060-1014-502001	Fica Tax Expense	53,353	1,300	-	54,653
060-1502-502001	Fica Tax Expense	1,461	460	-	1,921
060-1521-502001	Fica Tax Expense	9,616	1,050	-	10,666
060-1523-502001	Fica Tax Expense	6,691	700	-	7,391
060-7032-502001	Fica Tax Expense	32,314	1,650	-	33,964
060-7055-502001	Fica Tax Expense	91,894	10,500	-	102,394
060-7132-502001	Fica Tax Expense	14,529	2,200	-	16,729
060-7155-502001	Fica Tax Expense	45,269	5,000	-	50,269
060-7002-502001	Fica Tax Expense	57,257	-	10,000	47,257
060-7135-502001	Fica Tax Expense	49,893	-	6,000	43,893
060-1005-502005	Group Med & Life Ins	7,581	2,200	-	9,781
060-1014-502005	Group Med & Life Ins	103,610	12,700	-	116,310
060-1502-502005	Group Med & Life Ins	2,051	2,100	-	4,151
060-1521-502005	Group Med & Life Ins	24,526	1,800	-	26,326
060-1523-502005	Group Med & Life Ins	14,801	2,000	-	16,801
060-7002-502005	Group Med & Life Ins	88,734	5,500	-	94,234
060-7035-502005	Group Med & Life Ins	126,008	30,050	-	156,058
060-7050-502005	Group Med & Life Ins	79,664	600	-	80,264
060-7055-502005	Group Med & Life Ins	237,625	58,000	-	295,625
060-7132-502005	Group Med & Life Ins	34,613	1,900	-	36,513
060-7150-502005	Group Med & Life Ins	39,375	1,300	-	40,675
060-7155-502005	Group Med & Life Ins	117,038	24,000	-	141,038
060-1010-502005	Group Med & Life Ins	28,718	-	1,500	27,218
060-1014-502050	Retirement Expense	89,620	5,200	-	94,820
060-1502-502050	Retirement Expense	2,454	750	-	3,204
060-1521-502050	Retirement Expense	16,152	1,800	-	17,952
060-1523-502050	Retirement Expense	11,239	1,300	-	12,539
060-7055-502050	Retirement Expense	154,359	20,000	-	174,359
060-7132-502050	Retirement Expense	24,406	1,850	-	26,256
060-7150-502050	Retirement Expense	28,592	350	-	28,942
060-7155-502050	Retirement Expense	76,039	9,600	-	85,639
060-7002-502050	Retirement Expense	96,178	-	15,000	81,178
060-7135-502050	Retirement Expense	83,808	-	10,000	73,808
060-7002-502055	Retiree Insurance	-	4,050	-	4,050
060-7035-502055	Retiree Insurance	12,264	14,200	-	26,464
060-7050-502055	Retiree Insurance	-	14,000	-	14,000
060-7132-502055	Retiree Insurance	-	15,000	-	15,000
060-7055-502055	Retiree Insurance	24,528	-	20,000	4,528
060-1002-502056	COH Match Retirement Expense	5,176	3,700	-	8,876
060-1008-502056	COH Match Retirement Expense	9,075	50	-	9,125
060-1014-502056	COH Match Retirement Expense	8,766	250	-	9,016
060-7055-502056	COH Match Retirement Expense	8,535	400	-	8,935
060-7155-502056	COH Match Retirement Expense	4,205	200	-	4,405
060-7035-502091	Worker's Comp Ins	33,575	600	-	34,175
060-7050-502091	Worker's Comp Ins	272	350	-	622
060-7055-502091	Worker's Comp Ins	1,325	2,000	-	3,325
060-7132-502091	Worker's Comp Ins	2,297	3,500	-	5,797
060-7135-502091	Worker's Comp Ins	29,213	37,000	-	66,213
060-7155-502091	Worker's Comp Ins	687	900	-	1,587
060-1014-519104	Prof Services-Engring	55,000	-	2,000	53,000
FUND 060	TOTAL REVENUES	(200,550)	(289,760)	-	(490,310)
	TOTAL EXPENDITURES	8,982,028	696,560	406,800	9,271,788

The City Manager and City Clerk certify budget ordinance amendment 02072024-03 was approved by City Council on February 07, 2024.

TO MAYOR & COUNCIL  
 APPROVAL: February 7, 2024

FISCAL YEAR 2024  
 FORM: 02072024-04

**BUDGET AMENDMENT**

FUND 064

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
064-0000-430004	Monthly Parking Revenues	(225,000)	-	(45,000)	(180,000)
064-0000-430005	Parking Meter Revenues	(750,000)	-	(50,000)	(700,000)
064-0000-430011	Parking Garage Revenues	-	(150,000)	-	(150,000)
064-0000-450001	Interest Income	-	(2,000)	-	(2,000)
064-0000-450099	Market Adjustment	-	(500)	-	(500)
064-0000-460001	Miscellaneous Income	-	(100)	-	(100)
064-1008-531255	Bank Service Charges	-	10	-	10
064-1300-501001	Salaries - Regular	85,294	6,951	-	92,245
064-1300-501010	Salaries - Overtime	-	5,000	-	5,000
064-1300-502001	Fica Tax Expense	6,936	459	-	7,395
064-1300-502050	Retirement Expense	17,317	3,628	-	20,945
064-1502-501001	Salaries - Regular	7,676	-	7,676	0
064-7455-519200	Contract Services	4,845	-	4,302	543
064-7455-523001	Utilities - Electricity	-	5,000	-	5,000
064-7455-531260	Credit Card Processing Fees	-	60,000	-	60,000
064-7455-534000	Non-Capital Equipment	10,000	-	10,000	-
064-7455-554001	Capital Outlay - Equipment/Other Than Vehicles	8,000	-	1,470	6,530
FUND 064	TOTAL REVENUES	(975,000)	(152,600)	(95,000)	(1,032,600)
	TOTAL EXPENDITURES	140,068	81,048	23,448	197,668

A budget amendment in the Parking Fund to increase revenues and expenditure accounts where appropriate as the City approaches mid-year. Increased funds will be used for priority items within the Parking Fund including salaries, benefits, utilities, and credit card processing fees.

The City Manager and City Clerk certify budget ordinance amendment 02072024-04 was approved by City Council on February 7, 2024.

TO MAYOR & COUNCIL  
 APPROVAL: February 07, 2024

FISCAL YEAR 2024  
 FORM: 02072024-05

**BUDGET AMENDMENT**

FUND 068

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
068-0000-430803	Solid Waste Disposal Tax	(3,000)	(300)		(3,300)
068-0000-460120	Refunds	(200)	(350)		(550)
068-1502-501001	Salaries - Regular	56,123		1,260	54,863
068-7855-501001	Salaries - Regular	630,320		11,350	618,970
068-1502-501010	Salaries - Overtime	-	1,600		1,600
068-1521-501010	Salaries - Overtime	-	1,900		1,900
068-7855-501010	Salaries - Overtime	10,000	12,000		22,000
068-1502-501025	Salaries - Uniform/Taxab	-	500		500
068-1521-501025	Salaries - Uniform/Taxab	-	250		250
068-7855-501025	Salaries - Uniform/Taxab	-	5,000		5,000
068-1502-502005	Group Med & Life Ins	8,342	610		8,952
068-1521-502005	Group Med & Life Ins	6,996	50		7,046
068-7855-502005	Group Med & Life Ins	122,642		3,000	119,642
068-1521-502050	Retirement Expense	4,608	100		4,708
068-7855-502050	Retirement Expense	84,052		2,000	82,052
068-7855-502091	Worker's Comp Ins	18,657	2,000		20,657
068-7855-521001	521001-Supplies & Materials	59,000		2,000	57,000
068-7855-531100	531100-Fuel	70,000		5,200	64,800
068-7855-531210	531210-Permits, License And Fees	500	450		950
068-7855-531220	531220-Travel	2,500		1,500	1,000
068-7855-531225	531225-Training	5,500	2,500		8,000
FUND 068	TOTAL REVENUES	(3,200)	(650)	-	(3,850)
	TOTAL EXPENDITURES	1,079,240	26,960	26,310	1,079,890

A budget amendment in the Environmental Services Fund to revenue and expenditure accounts where appropriate as the City approaches mid-year. Amended funds will be used for priority items within the ESF Fund including salaries, benefits, supplies & materials, and truck repair.

The City Manager and City Clerk certify budget ordinance amendment 02072024-05 was approved by City Council on February 07, 2024.

**D. Annexation Certificate of Sufficiency 1019 Berkeley Rd (C24-3-ANX)– Matthew Manley, AICP**

The City of Hendersonville has received a petition from Kevin & Alexandra Fakhoury for contiguous annexation of PIN 9569-48-5695 located at 1019 Berkeley Rd near the intersection of Asheville Hwy. The property to be annexed is approximately 1.28 acres. Please refer to the attached maps for additional information. Attached is the Clerk's Certificate of Sufficiency finding that the petition is valid. The next step in the annexation process is to accept the Clerk's certificate and set a date for the public hearing on the question of adoption of an ordinance of annexation.



### CERTIFICATE OF SUFFICIENCY

Re: Petition for Contiguous Annexation  
 Petitioners: Kevin & Alexandra Fakhoury  
 File No. C24-3-ANX

To the Honorable Mayor and members of the City Council of Hendersonville, North Carolina:  
 I, Jill Murray, City Clerk, being first duly sworn, hereby certify that:

1. A petition has been received for contiguous annexation of property consisting of +/- 1.27 acres located at 1019 Berkeley Rd in Hendersonville, NC, being tax parcel PIN 9569-48-5695, and being more particularly described on Exhibit A, attached hereto and incorporated by reference, hereinafter "Petition."
2. An investigation has been completed as required by N.C.G.S. § 160A-31 of the Petition for compliance with the requirements of N.C.G.S. § 160A-31.

Based upon this investigation, I find that

1. The Petition includes the names and addresses and signatures of all owners of real property lying in the area described therein.
2. The Petition was prepared in substantially the form prescribed by 160A-31(b).
3. The area described in the petition is contiguous to the City of Hendersonville's primary corporate limits, as defined by N.C.G.S. 160A-31(f).
4. The area for annexation meets all other requirements defined in NC 160A-31 regarding the character of the area to be annexed.

Having made the findings stated above, I hereby certify the Petition appears to be valid.

In witness hereof, I have set my hand and the City Seal on this the 26<sup>th</sup> day of January, 2024.

(City Seal)

  
 Jill Murray, City Clerk



#### EXHIBIT A LEGAL DESCRIPTION

Being all of that real property consisting of PIN 9569-48-5695 as described in the plat recorded in Plat Book 2024 Slide \_\_\_\_\_ [to be inserted at recording of the plat] of the Henderson County Registry, said PIN 9569-48-5695 being more particularly described by metes and bounds as follows:

Beginning at a set iron pin on the southern right of way line of Berkeley Road (SR 1511) and the limits of the City of Hendersonville, said iron pin being the northeast corner of that certain 2.076 acre tract as recorded in Plat Slide 12078, Henderson County Registry; thence leaving the southern right of way line of Berkeley Road (SR 1511) and the limits of the City of Hendersonville and running with the east line of said 2.076 acre tract South 14°41'27" East for 338.92 feet to a found iron pin on the limits of the City of Hendersonville, being the southeast corner of said 2.076 acre tract; thence along the south line of said 2.076 acre tract and the limits of the City of Hendersonville running South 86°17'36" West for 222.87 feet to a point; thence leaving the south line of said 2.076 acre tract and running with the limits of the City of Hendersonville the following two (2) courses to wit: (1) North 03°52'32" East for 176.62 feet to a point; (2) North 04°26'58" West for 126.40 feet to a point on the southern right of way line of Berkeley Road (SR 1511) and the limits of the City of Hendersonville; thence along the on the southern right of way line of Berkeley Road (SR 1511) and the limits of the City of Hendersonville running North 73°24'37" East for 140.16 feet to the Point of Beginning. Containing 1.28 acres, more or less.

Resolution #R-24-07

**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. March 7<sup>th</sup>, 2024, or as soon thereafter as it may be heard.

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

Being all of that real property consisting of PIN 9569-48-5695 as described in the plat recorded in Plat Book 2024 Slide \_\_\_\_ [to be inserted at recording of the plat] of the Henderson County Registry, said PIN 9569-48-5695 being more particularly described by metes and bounds as follows:

Beginning at a set iron pin on the southern right of way line of Berkeley Road (SR 1511) and the limits of the City of Hendersonville, said iron pin being the northeast corner of that certain 2.076 acre tract as recorded in Plat Slide 12078, Henderson County Registry; thence leaving the southern right of way line of Berkeley Road (SR 1511) and the limits of the City of Hendersonville and running with the east line of said 2.076 acre tract South 14°41'27" East for 338.92 feet to a found iron pin on the limits of the City of Hendersonville, being the southeast corner of said 2.076 acre tract; thence along the south line of said 2.076 acre tract and the limits of the City of Hendersonville running South 86°17'36" West for 222.87 feet to a point; thence leaving the south line of said 2.076 acre tract and running with the limits of the City of Hendersonville the following two (2) courses to wit: (1) North 03°52'32" East for 176.62 feet to a point; (2) North 04°26'58" West for 126.40 feet to a point on the southern right of way line of Berkeley Road (SR 1511) and the limits of the City of Hendersonville; thence along the on the southern right of way line of Berkeley Road (SR 1511) and the limits of the City of Hendersonville running North 73°24'37" East for 140.16 feet to the Point of Beginning. Containing 1.28 acres, more or less.

Re: Petition for Contiguous Annexation  
Petitioners: Kevin & Alexandra Fakhoury  
File No. C24-3-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 7<sup>th</sup> day of February, 2024.

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

**E. Acceptance of Gift from Frederick and Marilyn Young Revocable Trust for Health and Maintenance of Hendersonville Police Dogs – Daniel Heyman, Staff Attorney**

The City of Hendersonville has been notified that a gift in the amount of \$193,901.82 has been left by the Frederick and Marylin Young Revocable Trust dated May 21, 2019 to be used “solely for the health and maintenance of the Hendersonville Police Department’s police dogs.”

The attached resolution authorizes the City Manager to accept this gift on behalf of the City. The money will be held by the City for the stated purpose.

Resolution #R-24-08

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL AUTHORIZING THE CITY MANAGER TO ACCEPT A GIFT FROM THE FREDERICK AND MARILYN YOUNG REVOCABLE TRUST**

**WHEREAS**, The City of Hendersonville has been notified that a gift in the amount of \$193,901.82 has been left by the Frederick and Marylin Young Revocable Trust dated May 21, 2019”; and

**WHEREAS,** The gift has been left to the City solely for the health and maintenance of the Hendersonville Police Department's police dogs.

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

1. The City Manager is authorized to accept the gift from the Frederick and Marylin Young Revocable Trust dated May 21, 2019 in the amount of \$193,901.82 to be used solely for the health and maintenance of the Hendersonville Police Department's police dogs
2. The City Manager is authorized to execute all documents necessary to accept the gift from the Frederick and Marylin Young Revocable Trust dated May 21, 2019.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 7<sup>th</sup> day of February, 2024.

/s/Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

**F. Annexation: Certificate of Sufficiency – Upward Road & Old Spartanburg Road (Jones) (C23-97-ANX) – Tyler Morrow, Planner II**

The City of Hendersonville has received a petition from Spevines Rex Jones Jr., Deitra Blythe Jones, Michael C. Jones, and Cecilia Jones for satellite annexation of PINs located on Upward Road and Ballenger Road that is approximately 3.795 acres. The subject property is set to be sold to "The Spinx Company LLC" between the certificate of sufficiency (February 7<sup>th</sup>) and the public hearing (March 7<sup>th</sup>). Staff have included both the signed annexation applications from the current owners and the future owners to show that all parties involved are agreeing to the annexation. Attached is the Clerk's Certificate of Sufficiency finding that the petition is valid. The next step in the annexation process is to accept the Clerk's certificate and set a date for the public hearing on the question of adoption of an ordinance of annexation.

**CERTIFICATE OF SUFFICIENCY**

Re: Petition for Satellite Annexation  
Petitioners: Spevines Rex Jones Jr., Deitra Blythe Jones, Michael C. Jones, and Cecilia Jones  
File No. C23-97-ANX

To the Honorable Mayor and members of the City Council of Hendersonville, North Carolina: I, Jill Murray, City Clerk, being first duly sworn, hereby certify that:

1. A petition has been received for satellite annexation of properties consisting of +/- 4.723 acres located on Upward Road, Old Spartanburg Road and Bell Avenue in Hendersonville, NC, being tax parcel(s) PINs 9577-89-7580, 9577-89-6416, 9577-89-5289, 9577-89-6236, 9577-89-6187, and 9577-89-8138, and being more particularly described on Exhibit A, attached hereto and incorporated by reference, hereinafter "Petition."
2. An investigation has been completed as required by N.C.G.S. § 160A-58.2 of the Petition for compliance with the requirements of N.C.G.S. § 160A-58.1.

Based upon this investigation, I find that

1. The Petition includes a metes and bounds description of the area proposed for annexation and has attached a map showing the proposed satellite area.
2. The nearest point on the proposed satellite corporate limit is approximately 2,043' from the primary corporate limits of the City of Hendersonville, which is less than 3 miles.
3. The Petition includes the names and addresses and signatures of all owners of real property lying in the area described therein, except those not required to sign by G.S.160A-58.1 (a).
4. No point on the propose satellite corporate limits is closer to the primary corporate limits of another city than to the primary corporate limits of Hendersonville.
5. The area is situated so the City will be able to provide the same services within the proposed corporate limits that is provided within the primary corporate limits.
6. The area proposed for annexation is not subject to subdivision regulation as described N.C.G.S. § 160D-802.
7. The total area within the proposed satellite corporate limits, when added to the area within all the other satellite corporate limits of the City, does not exceed ten (10%) of the area within the primary corporate limits of the City.
8. The area for annexation meets all other requirements defined in NC 160A-58.54 regarding the character of the area to be annexed.

Having made the findings stated above, I hereby certify the Petition appears to be valid.

In witness hereof, I have set my hand and the City Seal on this the 30<sup>th</sup> day of January, 2024.

(City Seal)



*Jill Murray*  
Jill Murray, City Clerk

EXHIBIT A  
LEGAL DESCRIPTION

Being all of that real property consisting of PINs 9577-89-7580, 9577-89-6416, 9577-89-5289, 9577-89-6236, 9577-89-6187, and 9577-89-8138 described in the plat recorded in Book 2024- \_\_\_\_ [to be inserted at recording of the plat] of the Henderson County Registry, said PINs 9577-89-7580, 9577-89-6416, 9577-89-5289, 9577-89-6236, 9577-89-6187, and 9577-89-8138 being described by metes and bounds as follows:

ALL THAT CERTAIN PIECE, PARCEL OR TRACT OF LAND SITUATE, LYING AND BEING IN HENDERSON COUNTY, NORTH CAROLINA, CONTAINING 4.723 ACRES AND HAVING THE FOLLOWING METES AND BOUNDS TO WIT:

BEGINNING AT AN IRON PIN SET 1/2" REBAR LOCATED ON THE NORTHEASTERN RIGHT OF WAY OF OLD SPARTANBURG ROAD (SR 1828), N02-25-32W 5135.86 FEET FROM USGS MONUMENT FB0333, THENCE RUNNING ALONG SAID RIGHT OF WAY, N22-13-06W 65.25 FEET TO AN IRON PIN SET 1/2" REBAR, THENCE N14-54-41W 98.59 FEET TO AN OLD NCDOT CAP, THENCE N27-19-02W 103.39 FEET TO AN IRON PIN SET 1/2" REBAR, THENCE WITH A CURVE TO THE LEFT HAVING A LENGTH OF 169.66 FEET, A RADIUS OF 1655.00 FEET AND A CHORD BEARING AND DISTANCE OF N34-48-52W 169.59 FEET TO AN IRON PIN OLD 5/8" REBAR LOCATED ON THE SOUTHERN END OF A SITE TRIANGLE AT THE INTERSECTION OF THE NORTHEASTERN RIGHT OF WAY OF OLD SPARTANBURG ROAD (SR 1828) AND THE SOUTHEASTERN RIGHT OF WAY OF UPWARD ROAD (SR 1783), THENCE RUNNING ALONG SAID SITE TRIANGLE, N05-29-01E 61.29 FEET TO AN OLD NCDOT CAP LOCATED ON THE NORTHERN END OF SAID SITE TRIANGLE LOCATED ON THE SOUTHEASTERN RIGHT OF WAY OF UPWARD ROAD (SR 1783), THENCE RUNNING ALONG SAID RIGHT OF WAY, N50-23-14E 72.56 FEET TO AN IRON PIN OLD 5/8" REBAR, THENCE N50-37-23E 288.31 FEET TO AN OLD NCDOT CAP, THENCE N52-10-34E 54.50 FEET TO AN IRON PIN OLD 5/8" REBAR, THENCE LEAVING THE SOUTHEASTERN RIGHT OF WAY UPWARD ROAD (SR 1783) S49-04-21E 304.99 FEET TO AN IRON PIN OLD 3/4" OPEN TOP PASSING AN IRON PIN OLD 3/4" OPEN TOP @ 268.28 FEET, THENCE S35-14-50W 351.18 FEET TO AN IRON PIN OLD 3/4" OPEN TOP, THENCE S53-56-40E 123.20 FEET TO AN IRON PIN OLD 1/2" REBAR LOCATED ON THE NORTHWESTERN RIGHT OF WAY OF BELL AVENUE (SR 1785), THENCE RUNNING ALONG SAID RIGHT OF WAY, S35-57-19W 100.17 FEET TO AN IRON PIN OLD 3/4" OPEN TOP, THENCE LEAVING THE NORTHWESTERN RIGHT OF WAY OF BELL AVENUE (SR 1785), N53-51-32W 122.00 FEET TO AN IRON PIN OLD 1/2" REBAR, THENCE S36-01-53W 175.75 FEET TO THE POINT OF BEGINNING.

**G. Selection of Auditor for Fiscal Year 2024 – John Buchanan, Finance Director**

G.S. 159-34 requires each local unit to have its accounts audited as soon as possible after the end of each fiscal year. The auditor shall be selected by and reports to the governing board. Staff prepared and issued an RFP in January 2024 for audit services, which is recommended but not required. Four firms responded with proposals, Gould Killian CPA Group, Mauldin Jenkins LLC, Blackburn Childers Steagall PLC, and RH CPA's. Finance staff evaluated each proposal per the criteria detailed in the RFP. Staff recommends selecting Gould Killian CPA Group as the new City auditor.

Resolution #R-24-10

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO**

**AUTHORIZE A CONTRACT WITH GOULD KILLIAN CPA GROUP**

**WHEREAS**, the North Carolina General Assembly has enacted Chapter 159-34 of the North Carolina General Statutes which requires all local governments to have their accounts audited as soon as possible after the close of each fiscal year by a certified public accountant, or accountant certified by the Local Government Commission as qualified to audit local government accounts, selected by and reporting to the governing board; and

**WHEREAS**, City staff issued a Request for Proposal from qualified auditing firms on January 11, 2024 and four proposals were received; and

**WHEREAS**, staff reviewed the proposals based on the criteria outlined in the Request for Proposal; and

**WHEREAS**, Gould Killian CPA Group scored the highest among the four proposals reviewed by staff.

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

1. City Council selects Gould Killian CPA Group as auditor for fiscal year 2024 for the amount of \$49,950 plus \$3,950 for each major Single Audit program.

2. City Council directs the Finance Director to submit the completed LGC-205 Contract to Audit Accounts to the Local Government Commission.
3. City Council authorizes the City Manager to sign the Gould Killian CPA Group Engagement Letter and the LGC-205 Contract to Audit Accounts for the fiscal year 2024 audit.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 7<sup>th</sup> day of February, 2024.

/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-Black History Month – *Barbara Volk, Mayor***

Mayor Volk read the proclamation aloud and presented it to JT Williams and I’brahim Newborn from Bruce Drysdale Elementary School representing Black History Collective of Henderson County, NC.

**Proclamation  
Observing Black History Month  
February, 2024**

**WHEREAS**, noted historian, Dr. Carter G. Woodson, announced the second week of February as “Negro History Week” in 1926 in order to increase public awareness and appreciation of the important role that African-Americans have played in shaping America’s history; and

**WHEREAS**, the United States government officially recognized Negro History Week in 1976 as part of the U.S. Bicentennial, expanding it to Black History Month; and

**WHEREAS**, the observance of Black History Month calls our attention to the continued need to build a society that lives up to its democratic ideals. This Black History Month, lets us draw inspiration and courage from those who came before us as we continue the work toward full diversity, equality, inclusion and representation.

**NOW, THEREFORE**, the City of Hendersonville, NC has proclaimed the month of February as Black History Month in the City of Hendersonville and we urge all citizens to celebrate the history and contributions of African Americans in our community who have been vital to the growth and development and commit to becoming an inclusive community in which all citizens-past, present and future are respected.

**PROCLAIMED** this 7<sup>th</sup> day of February, 2024.

### **B. Presentation of Certificate of Membership to AARP Network of Age-Friendly Communities – *Rebecca Chaplain, Associate Director, AARP NC Mountain Region***

At the January 2024 City Council meeting, the Council moved to submit an application to join the AARP Network of Age-Friendly Communities. The application for membership was submitted and approved. Rebecca Chaplin, Associate State Director of AARP’s NC Mountain Region presented the Certificate of Membership to City Council.



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

City Manager John Connet Presented Certificates to each of the following MVP's.

#### Chris Conard (Engineering)

Chris went way outside his job duties to ensure the 11th annual Turkey Trot was safer than in the past. As a volunteer in 2022, he saw the need to close Church Street and on his own, contacted NCDOT for permission and stayed on City departments to be sure everything was in place. With 1400 plus participants, his actions made for a much smoother and safer event.



#### Garrett Gardin (Police)

A citizen wrote a handwritten letter commending Garrett for assisting her after she was assaulted. She expressed how he helped her more than he could possibly know. He went above and beyond the call of duty when he paid \$30 to put gas in her car, so she could drive home. She called Garrett a "blessing from God," and she is forever grateful to him. Garrett exemplified the department's mission to "Serve with Excellence."



**Brad Duncan, Jonathan Owen, James Clugh, Caleb Smathers, Brian McCall, Peyton Blackwell, Tommy Sheehan, and Chase Dowdy (Water & Sewer)**

On the evening of 10/19/23, Brad Duncan was contacted by the Henderson County Sheriffs Dept about a ditch collapse in Edneyville and with two men trapped. He was asked to respond with personnel and equipment. Without hesitation, Brad had a crew ready to go with trucks and equipment to help.

They stayed on site until both men were rescued.



**D. MVP Of The Year – John Connet, City Manager**

City Manager John Connet explained that in 2023, 196 employees were nominated for MVP and each quarter three were chosen as Quarterly MVPs. From these, the Service Excellence Design Team selected the Water and Sewer crew of Brad Duncan, Jonathan Owen, James Clugh, Caleb Smathers, Brian McCall, Peyton Blackwell, Tommy Sheehan, and Chase Dowdy as MVP of the Year for 2023. Together with each getting a certificate, their names were put on a plaque as MVP’s of the Year.

**Brad Duncan, Jonathan Owen, James Clugh, Caleb Smathers, Brian McCall, Peyton Blackwell, Tommy Sheehan, and Chase Dowdy (Water & Sewer)**

On the evening of 10/19/23, Brad Duncan was contacted by the Henderson County Sheriffs Dept about a ditch collapse in Edneyville and with two men trapped. He was asked to respond with personnel and equipment. Without hesitation, Brad had a crew ready to go with trucks and equipment to help.

They stayed on site until both men were rescued.



**7. PUBLIC HEARINGS**

**A. Rezoning: Standard Rezoning – 116 Stewart St (P23-96-RZO) – Matthew Manley  
AICP Strategic Projects Manager**

Matt Manley explained that the City of Hendersonville is in receipt of an application for a Standard Rezoning (Zoning Map Amendment) from Roger Grant, applicant / property owner. The applicant is requesting to rezone the subject property at 116 Stewart St (PIN: 9577-19-7262) totaling .44 acres (19,166.4 Sq Ft), from R-15, Medium Density Residential to GHMU, Greenville Highway Mixed Use. The Planning Board voted unanimously to recommend approval of the rezoning.

If rezoned, there will not be a binding site plan, list of uses or conditions placed on the site. All permitted uses within the GHMU district would be allowed on the site. 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.

The public hearing was opened at 6:27 p.m.

There were no public comments.

The public hearing was closed at 6:27 p.m.

***Council Member Jennifer Hensley 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 (PINs: 9577-19-7262) from R-15 (Medium Density Residential) to GHMU (Greenville Highway Mixed Use) based on the following:***

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

***The Development Guidelines and Primary Recommended Land Uses of the High Intensity Neighborhood designation align with the design standards and permitted uses outlined in the Greenville Highway Mixed Use Zoning District***

***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 rezoning would align the zoning of the subject parcel with other parcels on Stewart St.***
- 2. The proposed rezoning would allow an increase in residential density.***
- 3. The size of the lot would constrain potential high intensity uses from entering the surrounding residential neighborhood.***

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

Ordinance #O-24-02

**AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR PARCEL NUMBER: 9577-19-7262 BY CHANGING THE ZONING DESIGNATION FROM R-15 (MEDIUM DENSITY RESIDENTIAL) TO GHMU (GREENVILLE HIGHWAY MIXED USE)**

IN RE: Parcel Number: 9577-19-7262  
(File # P23-96-RZO)

**WHEREAS**, the City is in receipt of a Zoning Map Amendment application from Roger Grant [Applicant / Owner], and

**WHEREAS**, the Planning Board took up this application at its regular meeting on January 11<sup>th</sup>, 2024; voting 6-0 to recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville, and

**WHEREAS**, City Council took up this application at its called meeting on February 7, 2024, and

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

1. Pursuant to Article XI of the Zoning Ordinance of the City of Hendersonville, North Carolina, the Zoning Map is hereby amended by changing the zoning designation of the following: Parcel Number 9577-19-7262, from R-15 (Medium Density Residential) to GHMU (Greenville Highway Mixed Use)
2. Any development of the parcels shall occur in accordance with the Zoning Ordinance of the City of Hendersonville, North Carolina.
3. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this 7<sup>th</sup> day of February, 2024.

/s/Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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



**B. Rezoning: Standard Rezoning – 799 S. Grove S. Grove (P23-95-RZO) – Matthew Manley AICP Strategic Projects Manager**

The City of Hendersonville is in receipt of an application for a Standard Rezoning from Roy D. Neil, applicant/property owner. The applicant is requesting to rezone the subject property at 799 S. Grove Street (PIN: 9578-14-0598) totaling 0.52 acres, from R-15, Medium Density Residential to C-2 Secondary Business.

If rezoned, there will not be a binding site plan, list of uses or conditions placed on the site. All permitted uses within the C-2 district would be allowed on the site. 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.

The public hearing was opened at 6:37 p.m.

Lynne Williams spoke about concerns about buffers, visibility, trees and impervious surfaces but didn't say if she was for or against the rezoning.

Roy Neill spoke in favor of the rezoning and believes that would be consistent with the other areas around.

The public hearing was closed at 6:40 p.m.

*Council Member Jeff Miller moved that City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property (PIN: 9578-14-0598) from R-15 Medium Density Residential Zoning District to C-2 Secondary Business 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 subject property is designated as a "Priority Infill Area" in the comprehensive plan which are areas that are considered a high priority for the City to encourage infill development on remaining vacant lots and redevelopment of underutilized or underdeveloped properties. The High Intensity Neighborhood designation also calls for offices and retail along thoroughfares as a secondary recommended land use.*

*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. C-2 zoning is present all along the Grove Street corridor north of the property until the zoning transitions to CMU at the intersection of S. Grove Street and E. Caswell Street.*
- 2. The proposed rezoning to C-2 could lead to infill commercial development on a long vacant and underutilized property.*

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

Ordinance #O-24-03

**AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR PARCEL NUMBER: 9578-14-0598 BY CHANGING THE ZONING DESIGNATION FROM R-15, (MEDIUM DENSITY RESIDENTIAL) TO C-2 (SECONDARY BUSINESS)**

IN RE: Parcel Number: 9578-14-0598  
(File # P23-95-RZO)

**WHEREAS**, the City is in receipt of a Zoning Map Amendment application from Roy D. Neil [Applicant/Property Owner].

**WHEREAS**, the Planning Board took up this application at its regular meeting on January 11<sup>th</sup>, 2024; voting 6-0 to recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville, and

**WHEREAS**, City Council took up this application at its regular called meeting on February 7<sup>th</sup>, 2024, and

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

1. Pursuant to Article XI of the Zoning Ordinance of the City of Hendersonville, North Carolina, the Zoning Map is hereby amended by changing the zoning designation of the following: Parcel Number: 9578-14-0598 from R-15, (Medium Density Residential) to C-2 (Secondary Business).
2. Any development of the parcels shall occur in accordance with the Zoning Ordinance of the City of Hendersonville, North Carolina.
3. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this 7<sup>th</sup> day of February, 2024.

/s/Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

## **8. NEW BUSINESS**

### **A. Creation of an Affordable Housing Steering Committee – Lyndsey Simpson, Council Member**

Council Member Simpson explained that at the last Council meeting she asked if she could move forward with putting together an affordable housing steering committee. She came back with a list of people.

<b>Name</b>	<b>Organization</b>	<b>Position</b>
<b>Sarah Cosgrove</b>	Builder's Assoc. of the Blue Ridge/Grove Manor Flooring	Legislative Committee/Owner
<b>Robert Hooper</b>	<a href="#">WNCSource</a>	Housing Director
<b>Jennifer Duvall</b>	HAC/First Bank	Board Member/Mortgage Lender
<b>Hilary Paradise</b>	Land of Sky Assoc. Of Realtors	REALTOR/ Affordable Housing Committee
<b>Madeline Offen</b>	Pisgah Legal	Attorney
<b>Debi Smith</b>	TDA/Cascades Mountain Resort	Board Member/Hotel Manager
<b>Connie Stewart</b>	Housing Authority	Executive Director
<b>TBD</b>	Henderson County	County Commissioner
<b>TBD</b>	Partnership for Economic Dev.	TBD

Council Member Hensley nominated Bill Lapsley from Henderson County to be on the board.

***Council Member Lyndsey Simpson moved to create the Affordable Housing Steering Committee and nominated Sarah Cosgrove, Robert Hooper, Jennifer Duvall, Hilary Paradise, Madeline Offen, Debi Smith, Connie Stewart, Bill Lapsley and a TBD member for the Partnership of Economic Development to the board. A unanimous vote of the Council followed. Motion carried.***

Council Member Roundtree said that she would like to be involved somehow and explained that she is holding an affordable housing workshop at the Presbyterian Church on May 4<sup>th</sup> and it's through the Napa program, the nations best mortgage and it entails affordable housing so I would like to be a part of that.

Council Member Lyndsey Simpson added that we need two Council Liaisons that perhaps could alternate meetings.

***After some discussion, Jeff Miller moved that Council nominate Lyndsey Simpson and Jennifer Hensley be the board liaisons and that Debbie Roundtree be the alternate member.***

***City Manager Connet added that staff will help convene the meetings and help choose a chair etc.***

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

## **9. BOARDS/COMMITTEES/COMMISSION**

### **A. Appointment of Alternate Member of Community Advisory Committee (CAC) for Comprehensive Plan – Matthew Manley, AICP Strategic Projects Manager**

City Manager John Connet explained In an effort to provide community-driven feedback over the course of the Gen H Comprehensive Planning process, City Council established a Community Advisory Committee (CAC). This committee is made up of a wide range of citizens and leaders within various sectors. With the final phases of the Comprehensive Plan remaining, it has become apparent that an alternate member be appointed to the CAC to ensure sufficient representation.

Ben Smith, resident of the City’s ETJ and Associate Pastor at Speak Life Community Church (400 1<sup>st</sup> Ave W), has expressed interest in serving as an Alternate Member of the CAC. Ben has lived in the community for 47 years having moved here when he was 3 years old. He is a graduate of Hendersonville High School and has been employed as a Service Provider at UPS for 26 years.

*Council Member Debbie O’Neal-Roundtree moved that Ben Smith be appointed as an alternate member of the Community Advisory Committee (CAC) for the Gen H Comprehensive Plan.*

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

## **11. CITY MANAGER REPORT**

### **A. Cash & Investment Report – John Connet, City Manager**

#### **SUMMARY:**

	<u>9/30/2023</u>	<u>12/31/2023</u>
U.S. Treasuries	\$0.00	\$0.00
Agencies	1,498,225.00	499,125.00
Commercial Paper	0	\$0.00
NCCMT Mutual Fund	9,469,511.60	10,594,093.91
NCCMT Cash Fund	850,455.21	842,249.25
Wells Fargo H&W	53,568.53	57,632.64
Wells Fargo Operating Account	5,591,128.63	7,687,833.55
<b>Total</b>	<b>\$17,462,888.97</b>	<b>\$19,680,934.35</b>
<b>Undisbursed Restricted Proceeds</b>		
2019 Revenue Bond	\$233,748.86	\$236,816.51
2022 Revenue Bond	\$740,687.85	\$750,962.14
2023 Revenue Bond	\$6,323,016.21	\$4,413,652.23
2021 LOB	\$2,098,205.33	\$2,125,759.94
2022 IFC Fire Station	\$11,862,255.88	\$9,787,637.88
2023 City Hall/Ops Construction	\$5,682,532.07	\$4,906,641.49
2024 Vehicle Loan	\$1,789,222.34	\$1,208,790.37
2024 Powell Bill	\$231,391.16	\$519,585.19
Fire Relief Fund Investments		406,809.36
First Citizen Firefighter Fund Account		22,267.57

**B. January 2024 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.



### C. Response to Public Comments – John Connet, City Manager

City Manager Connet responded to the public comments from earlier in the meeting:

The City of Hendersonville is very sorry that Mr. Timmons was shot and killed on Thanksgiving evening. I will remind the public and community that this was two individuals that got in to a fight and chose to bring guns out in a private parking lot. After working with the Chief and talking to the Police Department, I am assured that our Police Department has done everything within their legal powers up to this point to investigate this matter. I will say based on the video evidence and evidence that we have received, they have done everything they can. No one is more disheartened than the Hendersonville Police Department that they could not charge the individual with a crime in this particular case. However, the laws of justice are what they are. They have met repeatedly with the District Attorney's office and reviewed the evidence. In addition, the video that Ms. King has asked for is not public record. By law, we cannot share that with anybody other than those involved with the case other than law enforcement and the District Attorney. However, we did show the video that we could to Ms. King and we have helped her petition the courts to release the other video because by law, it is not public record. I will say that members of our police department have spent countless hours meeting with Ms. King and her representatives, including City Attorney Angie Beeker one Friday afternoon, who spent four hours with Ms. King and her representatives and showed Ms. King what she could legally see which was video that she was involved in. They have taken their time and their effort. Regardless of what some members of our community have said, they have gone above and beyond and have met with her. Again, we have petitioned the court and it is now up to the court to determine what video can be released to Ms. King. That video still cannot be released to the public. The City Council may have some avenues to address that video. I would encourage you to speak with the city attorney in private about that. There are still privacy protections and we may not be able to view that video. The Chief has told me and I 100% trust him, that our officers went above and beyond to control the situation and to protect Ms. King. The video shows us working to console her. It was a very tense situation at 2:00 in the morning with a large crowd with weapons we knew were there. There were several law enforcement agencies there involved in the situation, a very tense situation and very chaotic after gunfire at 2:00 in the morning. It is easy for folks to Monday morning quarterback sitting in this room but they were not there at 2:00 in the morning trying to maintain order and protect the witnesses and other people in the parking lot. I will say if anyone wanted to come forward, the police department would welcome any additional evidence and video and would like nothing more than to charge someone with a crime. I thought it was important as City Manager of the City of Hendersonville, to support the Hendersonville Police Department and the job they're doing and to support City Attorney Beeker who spent her time meeting with Ms. King and her representatives so its important that that information be released to the public even though most of those folks and the new media has left. I just think that statement was important, thank you.

#### 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 (3) 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 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 discuss the case of Hendersonville Holdings, LLC v. City of Hendersonville, Henderson County Superior Court File 23-CVS 600. A unanimous vote of the Council followed.*

**14. ADJOURN**

There being no further business, the meeting was adjourned at 7:13 p.m. upon unanimous assent of the Council.

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

ATTEST: \_\_\_\_\_  
Jill Murray, City Clerk