



# MINUTES

April 1, 2021

## REGULAR MEETING OF THE CITY COUNCIL

CITY COUNCIL CHAMBERS - 2<sup>ND</sup> FLOOR, CITY HALL | 160 SIXTH AVE. E. 5:45 p.m.

**Present:** Mayor Barbara G. Volk, Mayor Pro Tem Jerry Smith and Council Members: Jeff Miller, Dr. Jennifer Hensley and Lyndsey Simpson

**Staff Present:** City Manager John F. Connet, Assistant City Manager Brian Pahle, City Attorney Angela Becker, City Clerk Angela Reece, Communications Manager Allison Justus, and others

### 1. CALL TO ORDER

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

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

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

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

*Barbara Hughes* of 408 N. Main St. reminded everyone that it is the tulip extravaganza downtown and invited everyone to come and visit. Ms. Hughes reminded everyone the 175<sup>th</sup> anniversary of Hendersonville is next year and encouraged early planning.

*Ken Fitch* of 1046 Patton St. addressed City Council expressing thanks and appreciation to members of the National Guard who have come to the area to assist with vaccine distribution. Mr. Fitch also expressed concern regarding the Duncan Hill development and NCDOT stating he feels the public should be included in the beginning stages of planning.

The following comments were submitted electronically, and Mayor Volk read them aloud:

*Richard Hutchinson* of 64 Blacksmith Run Dr. submitted comments requesting City Council not allow scooter services in the Downtown Area due to aesthetics, contractual issues, and incidents.

*Jason Merritt* of 2009 Upper Ridgewood Blvd. submitted comments regarding concerns of speeding through the Druid Hills neighborhood and asking City Council for speed humps to discourage speeding.

### 4. CONSIDERATION OF AGENDA

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

### 5. CONSENT AGENDA

#### A. Adoption of City Council Minutes – Angela Reece, City Clerk

- i. February 24, 2021, Second Monthly Meeting
- ii. February 25, and 26<sup>th</sup> Budget Workshop Meeting
- iii. March 5, 2021 Special Call Meeting

*I move that City Council adopt the minutes of the February 24, 2021 Second Monthly Meeting, February 25, and 26<sup>th</sup> Budget Workshop Meeting, and March 5, 2021 Special Call Meeting as presented [or as amended].*

#### B. Henderson County Tax Adjustments - Jennifer Musselwhite, Deputy Tax Collector

*I move that City Council resolve to direct and authorize the tax releases submitted by Henderson County Tax Collector as presented and relieve the Henderson County Tax Collector and the Deputy Tax Collectors of the charges owed.*

**C. Budget Amendments: March FY20-21 – Adam Murr, Senior Analyst**

1. *I move that City Council amend FY20-21 Budget Ordinance as reflected on the attached budget amendment.*
2. *I move that City Council amend FY20-21 Budget Ordinance to increase contributions/donations revenue in Fund 410 by \$2,472,020 to reflect anticipated contributions for the Clear Creek Greenway project (#18026) and appropriate \$2,472,020 for project-related expenditures as reflected on the attached budget amendment.*

**D. New Position Proposed: Part-Time Events & Marketing Assistant in Downtown Division of Community Development Dept. – Jamie Carpenter, Downtown Manager**

*I move that City Council move that City Council approve the Downtown Events & Marketing Assistant job position and description as presented.*

**E. Ratification of the COVID-19 Test Policy – Jennifer Harrell, HR Director**

*I move that City Council adopt the revision of COVID-19 Test Positive Policy as presented to reflect current CDC guidelines and to authorize the City Manager to modify the policy as necessary in the future to implement compliance with the CDC Guidelines.*

**F. Revision of the Personnel Policy -FMLA Article VIII. Section 19 – Jennifer Harrell, HR Director**

*I move the City Council adopt s the revision of the Personnel Policy - Article VII. Section 19 Family and Medical Leave as presented to reflect the order in which leave may be used while an employee is on family and medical leave and to ensure compensatory leave is counted toward an employee's family and medical leave entitlement.*

**G. Recurring Events to Continue in Conjunction with Statewide Mandates – Lew Holloway, Community Development Director**

**H. 2021 LoveHendo Saturday Street Closure – Jamie Carpenter, Downtown Manager**

*I move to approve the street closure of Main Street for LoveHendo Saturday on May 8, June 12, July 10, August 14, October 9, November 13, and December 11.*

**I. Approval of Environmental Sustainability Board Logo – John Connet, City Manager**

**J. Capital Project Ordinance for the Clear Creek Greenway Project (#18026) -Adam Murr, Senior Analyst**

*I move that City Council adopt the Resolution Approving Financing Terms for f Loan in the amount of \$800,000.00 for the purchase of a Fire Truck.*

**Ordinance #O-21-08**

**CAPITAL PROJECT ORDINANCE FOR THE ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE CLEAR CREEK GREENWAY PROJECT**

**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 infrastructure project described as the Clear Creek Greenway project.

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

| Account Number                     | Account Name                         | Total Budget     |
|------------------------------------|--------------------------------------|------------------|
| 410-1014-550102-18026              | Capital Outlay - Fees and Services   | 306,620          |
| 410-1014-551000-18026              | Capital Outlay - Land, Easement, ROW | 77,820           |
| 410-1014-550103-18026              | Capital Outlay - CIP                 | 2,087,580        |
| <b>Total Project Appropriation</b> |                                      | <b>2,472,020</b> |

**Section 3:** The following revenues are anticipated to be available via contributions and donations for project expenses:

| Account Number        | Account Name                                      | Total Budget |
|-----------------------|---|--------------|
| 410-0000-460090-18026 | Contributions/Donations - Carolina Village        | 250,000      |
| 410-0000-460090-18026 | Contributions/Donations - Blue Ridge Bicycle Club | 10,000       |
| 410-0000-460090-18026 | Contributions/Donations - WRDG                    | 150,000      |
| 410-0000-460090-18026 | Contributions/Donations - PARTF 2020              | 376,000      |
| 410-0000-460090-18026 | Contributions/Donations - STBG-DA                 | 1,686,020    |
| Total Project Revenue |   | 2,472,020    |

**Section 4:** The Finance Director is hereby directed to maintain within the capital project 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 General 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 capital project shall be furnished to the City Clerk, Finance Director and City Manager for direction in carrying out this project.

Adopted by the City Council of the City of Hendersonville, North Carolina this 1<sup>st</sup> day of April 2021.

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

**K. Approval of Truist Bank to Provide Installment Financing for Purchase of Fire Apparatus -John Buchanan, Finance Director**

*I move that City Council approve the Resolution Approving Modifications to a Financing Agreement – Truist Bank as presented.*

**Resolution #R-21-17**

**OF THE CITY OF HENDERSONVILLE CITY COUNCIL  
 APPROVING FINANCING TERMS FOR A LOAN IN THE AMOUNT OF \$800,000.00  
 FOR THE PURCHASE OF A FIRE TRUCK**

**WHEREAS,** the City of Hendersonville, NC (“Borrower”) has previously determined to undertake a project for the financing of a fire apparatus and equipment (the “Project”), and the Finance Officer has now presented a proposal for the financing of such Project; and

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

1. The Borrower hereby determines to finance the Project through Truist Bank (“Lender”) in accordance with the proposal dated March 17, 2021. The amount financed shall not exceed \$800,000.00, the annual interest rate (in the absence of default or change in tax status) shall not exceed 2.47%, and the financing term shall not exceed fifteen (15) years from closing.
2. All financing contracts and all related documents for the closing of the financing (the “Financing Documents”) shall be consistent with the foregoing terms. All officers and employees of the Borrower are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution.
3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer's satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by Borrower officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer’s release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the Document’s final form.

4. The Borrower shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations.

5. The Borrower intends that the adoption of this resolution will be a declaration of the Borrower's official intent to reimburse expenditures for the Project that are to be financed from the proceeds of the Lender financing described above. The Borrower intends that funds that have been advanced, or that may be advanced, from the Borrower's general fund or any other Borrower fund related to the Project, for project costs may be reimbursed from the financing proceeds.

6. All prior actions of Borrower officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

Adopted by the City Council of the City of Hendersonville, North Carolina this this 1<sup>st</sup> day of April 2021.

/s/Barbara G. Volk, Mayor

Attest: /s/Angela L. Reece, City Clerk

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

**L. Truist Financing Agreement Modification -Brian Pahle, Assistant City Manager**

*I move that City Council approve the Resolution approving modifications to a Financing Agreement – Truist Bank as presented.*

**Resolution #R-21-18**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HENDERSONVILLE, NORTH CAROLINA APPROVING MODIFICATIONS TO A FINANCING AGREEMENT TRUIST BANK**

WHEREAS, the City of Hendersonville, North Carolina (the "City") entered into a Financing Agreement and Deed of Trust dated as of April 5, 2013 (the "Original Agreement") with Branch Banking and Trust Company, which is now Truist Bank (the "Bank") to finance; and

WHEREAS, Truist has agreed to lower the interest rate under the Original Agreement from 3.49% per annum to 1.73% per annum; and

WHEREAS, to lower the interest rate and make certain other amendments to the Original Agreement as requested by Truist, the City will enter into an Amended and Restated Financing Agreement and Deed of Trust with the Bank (the "Amended Agreement"), a form of which is available to the City Council; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HENDERSONVILLE, NORTH CAROLINA, AS FOLLOWS:

Section 1. **Authorization to Execute and Deliver the Amended Agreement.** The lowering of the interest rate as described above is in the best interests of the City. The City Manager, the Assistant City Manager, the Finance Officer and the City Clerk, or their respective designees (the "Authorized Officers"), are authorized, empowered and directed to execute and deliver the Amended Agreement for and on behalf of the City, including necessary counterparts, in substantially the form as set forth above. The execution and delivery of the Amended Agreement by the Authorized Officers constitutes conclusive evidence of the City's approval of any and all such deviations from the form and content of the Amended Agreement made available to the City Council. From and after the execution and delivery of the Amended Agreement, the Authorized Officers are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Amended Agreement as executed. The Authorized Officers are each hereby authorized, empowered and directed to do any and all other acts and to execute any and all other documents, which they, in their discretion, deem necessary and appropriate to consummate the transactions contemplated by the Amended Agreement or as they deem necessary or appropriate to implement and carry out the intent and purposes of this Resolution and to take all other actions that they deem necessary to administer the Amended Agreement in a manner consistent with the intent of this Resolution. Any and all acts of the Authorized Officers may be done individually or collectively.

Section 2. **Repealer.** All motions, orders, resolutions and parts thereof in conflict herewith are hereby repealed.

Section 3. **Effective Date.** This Resolution is effective on the date of its adoption.

Adopted by the City Council of the City of Hendersonville, North Carolina this 1<sup>st</sup> day of April 2021.

/s/Barbara G. Volk, Mayor

Attest: /s/Angela L. Reece, City Clerk

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

**M. Annexation Certificate of Sufficiency: Garrison Property (P21-16-ANX) -Lew Holloway,**  
*Community Development Director*

*I move that City Council accept the City Clerk's Certificate of Sufficiency for the petition submitted by Economic Investment Fund of Henderson County and adopt the Resolution to set May 6th, 2021 as the date for public hearing.*

**Resolution #R-21-19**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HENDERSONVILLE, NORTH CAROLINA FIXING DATE OF PUBLIC HEARING ON QUESTION OF ANNEXATION  
PERSUANT TO NC G.S. 160A-58.2 -GARRISON PROPERTY (P21-16-ANX)**

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

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

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HENDERSONVILLE, NORTH CAROLINA, AS FOLLOWS:**

**Section 1.** A public hearing on the question of annexation of the non-contiguous area described herein will be held at City Hall at 5:45 p.m. May 6<sup>th</sup>, 2021, 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 shown on that plat recorded on Plat Slide 12688 of the Henderson County Registry, and being described by metes and bounds as follows:

City of Hendersonville Annexation Description for a portion of Garrison Industrial Park of Economic Investment Fund of Henderson County, Slide 13013; Beginning at a Point in the Northern Margin of pavement for Crest Road, S.R. 1803 and in the centerline of Bat Fork Creek. Point also stands N 49°00'13"E 93.82' from an existing MagHub with N.A.D. 83/2011 coordinates N- 577656.793' E- 982715.379'; Thence with the centerline of Bat Fork Creek the following 24 courses; N 06°48'07" E a distance of 6.97'; Thence N 08°36'19" W a distance of 35.78'; Thence N 01°46'15" W a distance of 54.53'; Thence N 17°52'49" W a distance of 28.71'; Thence N 07°39'07" W a distance of 34.17'; Thence N 15°03'54" W a distance of 23.99'; Thence N 00°02'47" E a distance of 28.47'; Thence N 21°29'09" W a distance of 49.33'; Thence N 09°58'43" E a distance of 18.47'; Thence N 45°37'46" E a distance of 11.56'; Thence N 00°12'24" E a distance of 24.04'; Thence N 17°52'54" W a distance of 24.72'; Thence N 06°15'21" E a distance of 20.89'; Thence N 12°55'42" W a distance of 26.27'; Thence N 07°31'11" E a distance of 130.93'; Thence N 06°59'55" W a distance of 27.47'; Thence N 11°09'39" W a distance of 38.55'; Thence N 12°38'58" E a distance of 35.87'; Thence N 08°28'36" W a distance of 30.15'; Thence N 21°37'00" W a distance of 17.36'; Thence S 69°51'41" W a distance of 17.15'; Thence N 63°30'55" W a distance of 21.17'; Thence N 35°27'19" W a distance of 51.70'; Thence N 13°15'14" W a distance of 16.35' to a point in the centerline of Bat Fork Creek which stands S 55°19'05"E 16.71' from an existing Capped Rebar; Thence leaving the centerline of Bat Fork Creek S 84°07'47" E passing a #4 Rebar set online at 21.17, common corner of Lot 1 and Open Space slide 13013 and a #4 Rebar set online at 26.91' and an existing 1/2" Iron Pipe online at 189.56', a distance of 248.72; Thence N 14°38'37" W a distance of 361.32 #4 Rebar set, which stands S17°14'37"E 9.63' from an existing #5 Rebar; Thence N 08°15'35" E passing a #4 Rebar set online at 355.69', a distance of 383.21 to a point in the centerline of Dunn Creek; Thence with the centerline of Dunn Creek the following 16 courses N 53°47'57" E a distance of 22.04'; Thence N 49°53'23" E a distance of 28.33'; Thence N 50°49'44" E a distance of 25.79'; Thence N 59°45'10" E a distance of 32.06'; Thence N 78°56'59" E a distance of 22.89'; Thence N 59°45'34" E a distance of 25.79'; Thence N 29°47'06" E a distance of 14.58'; Thence N 44°32'54" E a distance of 27.68'; Thence N 51°23'01" E a distance of 22.78'; Thence N 70°48'26" E a distance of 24.53'; Thence N 62°34'17" E a distance of 31.58'; Thence N 81°04'48" E a distance of 23.40'; Thence S 78°45'41" E a distance of 24.00'; Thence N 81°46'42" E a distance of 26.36'; Thence S 66°58'34" E a distance of 14.74'; Thence S 83°40'09" E a distance of 69.31' to a point in centerline of Dunn creek in the Western margin of the 60' Right of Way for Commercial Boulevard, S.R. 1970, which stands S 11°17'07"E 131.02' from an existing 1" Iron Pipe the common corner of Lot 5 and Lot 10 in the Western margin of Commercial Boulevard, Appleland Business Park, Slide 1652 and Slide 1927. Also the Southeastern corner of said Lot 10; Thence with the Western margin of said right of way S 11°17'07" E a distance of 90.69' to a #5 Rebar set; Thence with the same on a curve turning to the left with an arc length of 92.91', with a radius of 49.99', with a chord bearing of S 11°23'54" E, with a chord length of 80.10', to an Existing #5 Rebar; Thence with a portion of the revised private 60' drive easement, shown on Slide 12957, on a curve turning to the left with an arc length of 204.87', with a radius of 208.62', with a chord bearing of S 41°40'21" E, with a chord length of 196.74', to a point; Thence S 69°48'22" E a distance of 121.91' to an in Eastern margin of said revised 60' private drive easement; Thence with said Eastern margin of said drive easement on a curve turning to the right with an arc length of 128.32', with a radius of

280.00', with a chord bearing of S 33°09'07" E, with a chord length of 127.20', to a #4 rebar set at the Northwestern corner of Lot 3, also corner of Lot 2, Garrison Industrial Park of Economic Investment Fund of Henderson County, Slide 13013; Thence with common line of Lot 3 and Lot 2S 85°01'08" E a distance of 500.04'to a #4 Rebar set common corner of Lot 3 and Lot2; Thence S 47°17'57" E a distance of 303.92'to an existing bent 3/4" Iron pipe, common corner Lot 3 and Lot 2; Thence S 05°40'45" E a distance of 695.04'to an existing 3/4" Iron pipe, Southeast corner Lot 3; Thence S 79°29'24" W, passing an existing 1/2" Iron Pipe online at 71.45', a distance of 424.46'to an Existing 1" Iron Pipe; Thence N 75°16'57" W, passing an existing T-Post online at 653.51' a distance of 690.86'to an existing Capped Rebar, common corner Lot 3 and Lot 4; Thence S 07°34'20" W, passing an existing 1" Iron Pipe at 371.44' and an existing 1/2" Iron Pipe at 401.19', a distance of 421.28'to a point in the Northern margin of pavement for Crest Road, S.R. 1803; Thence with said margin of pavement on a curve turning to the right with an arc length of 187.71', with a radius of 467.56', with a chord bearing of N 82°10'43" W, with a chord length of 186.45',to a point; Thence N 70°40'39" W a distance of 24.29'to a point; Thence N 69°09'51" W a distance of 24.29'to a point; Thence N 65°39'49" W a distance of 46.48'to a point; Thence N 63°35'46" W a distance of 48.59'to a point; Thence N 63°00'33" W a distance of 186.63'to a point in the Northern margin of pavement Crest road and the centerline of Bat Fork Creek; which is the point of beginning, Having an area of 1801595.3 square feet, 41.36 acres

**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 this 1<sup>st</sup> day of April 2021.

/s/Barbara G. Volk, Mayor

Attest: /s/Angela L. Reece, City Clerk

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

**N. Resolution Authorizing Property Surplus & Authorizing Donation** -Tom Wooten, Public Works Director

*I move that City Council adopt the Resolution declaring certain property as surplus and authorizing its donation to the Habitat for Humanity.*

**Resolution #R-21-20**

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL DECLARING CERTAIN PROPERTY SURPLUS AND AUTHORIZING DONATION**

**WHEREAS,** the City Council of the City of Hendersonville desires to dispose of certain surplus property of the City; and

**WHEREAS,** the surplus property was advertised for sale on GovDeals.com for a period of two weeks on March 9, 2021 and again on March 25, 2021 and no bids were received; and

**WHEREAS,** the City Council believes that Habitat for Humanity could benefit from the surplus property.

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

1. The following described property is hereby declared to be surplus to the needs of the City:

- a. 5 office desks with two connecting sections
- b. 1 credenza

2. That said surplus property be approved for donation to Habitat for Humanity for use in its training facility.

3. That the City Clerk shall cause notice to be published in accordance with G.S. 160A-280.

Adopted by the City Council of the City of Hendersonville, North Carolina this 1<sup>st</sup> day of April 2021.

/s/Barbara G. Volk, Mayor

Attest: /s/Angela L. Reece, City Clerk

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

**O. Contract with Land of Sky Council of Governments for Chapter 160D Review -Lew Holloway, Community Development Director**

*I move that City Council approve the resolution authorizing the City Manager to enter into a contract with Land of Sky Council of Governments to review City ordinances for compliance with Chapter 160D of the North Carolina General Statutes.*

**Resolution #R-21-21**

**BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A CONTRACT WITH LAND OF SKY COUNCIL OF GOVERNMENTS**

**WHEREAS**, the North Carolina General Assembly has enacted Chapter 160D of the North Carolina General Statutes; and

**WHEREAS**, Chapter 160D requires all local governments to review and update all land use ordinances and regulations by July 1, 2021; and

**WHEREAS**, the Community Development Department has very limited time to complete this review and update because of the significant number of development projects; and

**WHEREAS**, Land of Sky Council of Governments has reviewed and updated land use ordinances and regulations for other local governments.

**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 a contract with Land of Sky Council of Governments to assist the City of Hendersonville with compliance with Chapter 160 D of the North Carolina General Statutes, in the amount not to exceed \$10,000 for Phase I and \$10,000 for Phase II, as presented.

Adopted by the City Council of the City of Hendersonville, North Carolina this 1<sup>st</sup> day of April 2021.

/s/Barbara G. Volk, Mayor

Attest: /s/Angela L. Reece, City Clerk

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

**P. Resolution Approving RFQ Architect Selection Fire Station #1 -Adam Murr, Senior Analyst**

*I move that City Council adopt the Resolution to direct the City Manager to negotiate a design contract with ADW architects, based on their review as most qualified firm to perform the work, and authorize the City Manager to negotiate with the next most qualified firm, based on the presented rankings, if the initial negotiations fail.*

**Resolution #R-21-22**

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO SELECT A DESIGN FIRM TO PROVIDE ARCHITECTURAL SERVICES FOR THE FIRE STATION #1 CONSTRUCTION AND PARK RELOCATION PROJECT AND DIRECT THE CITY MANAGER TO NEGOTIATE A CONTRACT WITH THE SELECTED FIRM**

**WHEREAS**, the City posted a request for qualifications for design services for the construction of a new Fire Station #1 and associate park redevelopment impacts and;

**WHEREAS**, ADW architects scored and ranked the highest among a group of reviewers; and

**WHEREAS**, firms DP3, SCN/Newell, and Little were the next highest ranking firms in order; and

**WHEREAS**, a contract for service is still to be established;

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

1. The City Manager is directed to negotiate a contract for design services with ADW Architects, and
2. If negotiations fail, the City Manager is directed to negotiate a contract with the next most qualified firm based on the rankings provided in the RFQ review sheet.
3. The final negotiated agreement shall be presented to City Council for its approval.



Adopted by the City Council of the City of Hendersonville, North Carolina this 1<sup>st</sup> day of April 2021.

/s/Barbara G. Volk, Mayor

Attest: /s/Angela L. Reece, City Clerk

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

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

## **6. PRESENTATIONS**

### **A. Update from True Ridge – Lori Garcia-McCammon, Executive Director**

Lori Garcia-McCammon, Executive Director and Maryann Festa, Program Coordinator addressed City Council expressing thanks and appreciation for previous years donations and reminded everyone the mission of True Ridge largely is to provide assistance to victims of domestic violence assistance with navigating court services and other programs and services. The City's funding is utilized for court advocacy and transportation services.

## **7. PUBLIC HEARINGS**

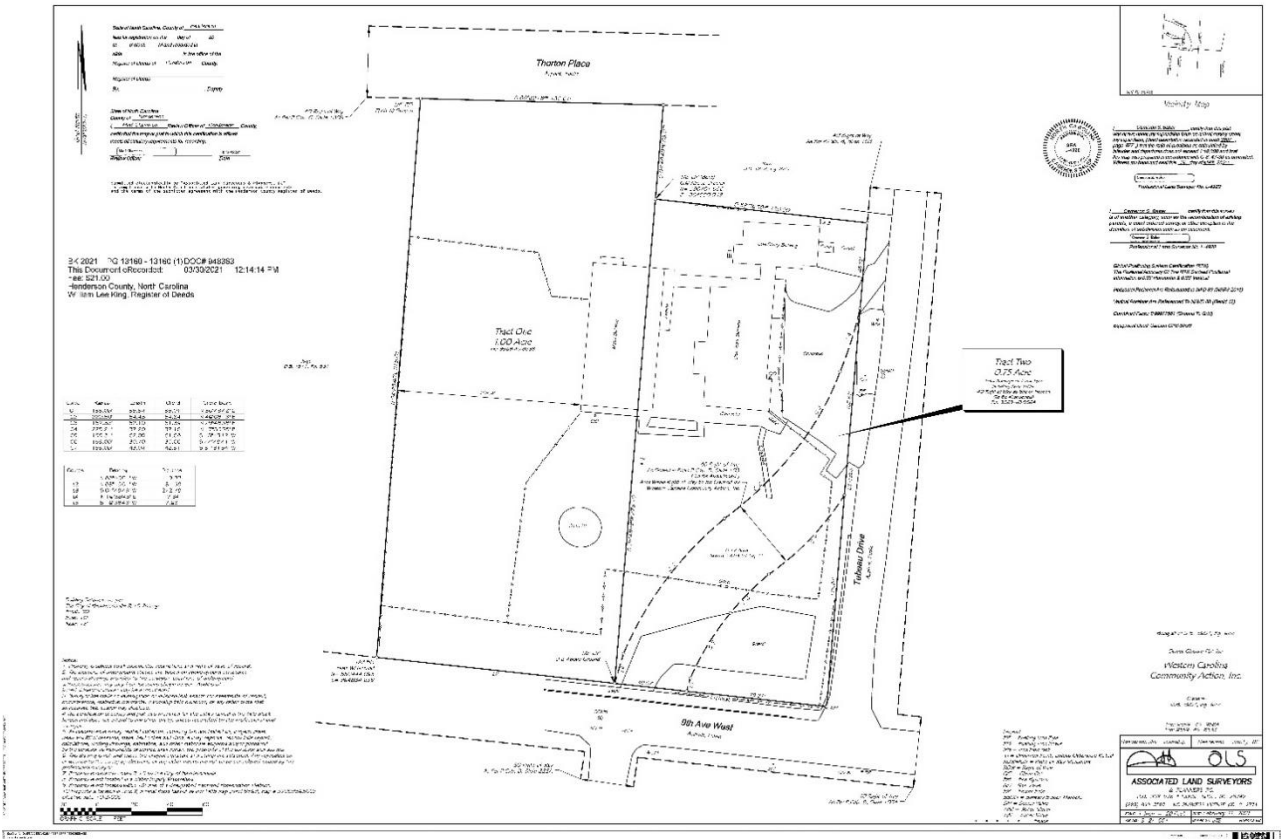
### **A. Street Closure: 911 Tebeau Dr. (P21-13-SCL) – Tyler Morrow, Planer II**

Community Development Planner Tyler Morrow stated the City has received an application from the David White of Western Carolina Community Action to close unopened and unimproved street on PIN 9569-40-9564.



This image is only an illustrative reference.





This image is only an illustrative reference. The full-size survey is recorded at the Henderson County Register of Deeds in Deed Book 2021, Page 13160.

The City Clerk confirmed the public hearing has been advertised in accordance with General Statutes. The public hearing was opened at 6:05 p.m.

There were no public comments.

The public hearing was closed at 6:06 p.m.

**Council Member Jerry Smith moved that City Council adopt the order to permanently close an unopened and unimproved portion of Tebeau Drive located on PIN 9569-40-9564 as petitioned by David White, Chief Executive Officer of Western Carolina Community Action as presented. A unanimous vote of the Council Members followed. Motion carried.**

ORDER #O-21-09

**AN ORDER TO PERMANENTLY CLOSE, AN UNOPENED, UNIMPROVED PORTION OF  
TEBEAU DRIVE**

**(Petition from David White, Chief Executive Officer of Western Carolina Community Action)**

NORTH CAROLINA  
HENDERSON COUNTY

TO WHOM IT MAY CONCERN:

WHEREAS, North Carolina General Statue Section §160A-299 authorizes a city council to permanently close any street or public alley way within its corporate limits or area of extraterritorial jurisdiction and provides a procedure for the closing such streets or alleyways; and

WHEREAS, David White, Chief Executive Officer of Western Carolina Community Action has petitioned the City of Hendersonville to close an unopened and unimproved unnamed portion of the street known as Tebeau Drive, located on Tract 2 of the property described in that deed recorded in the Henderson County Registry in Deed Book 3607 at page 622, having a PIN of 9569-40-9564; and

WHEREAS, on March 4<sup>th</sup>, 2021, the Hendersonville City Council adopted a resolution expressing the intention of the municipality to close portions of these streets and setting April 1<sup>st</sup>, 2021 as the date of a public hearing regarding such closure; and

WHEREAS, the aforementioned resolution has been published once a week for four successive weeks prior to the public hearing in the Hendersonville Times-News (a newspaper of general and regular circulation

in Hendersonville and Henderson County) and a copy thereof has been sent by certified mail to all owners of property adjoining the street as shown on the county tax records; and

WHEREAS, notice of the closings and of the public hearing has been posted in at least two places along the streets; and

WHEREAS, a public hearing was held in conformance with the aforementioned public notice on the first day of April 2021.

NOW, THEREFORE, the City Council of the City of Hendersonville does hereby make the following findings of fact:

1. The closing of the street portion hereafter described are not contrary to the public interest.
2. No individual owning property in the vicinity of the streets or in the subdivision in which it is located would be deprived by the closing of such streets of reasonable means of ingress and egress to his property.

IN CONSIDERATION THEREOF, IT IS HEREBY ORDERED:

1. The following portions of streets are permanently closed and no longer existent as of the effective date of this order:

Beginning on a ½" Iron pipe, said iron pipe being located S 83°46'01"E 134.58 feet from an Existing Iron Stake having State Plane Coordinates of N = 590444.065, and E = 964834.239, said iron pipe also being the southwestern corner of Tract 2 of the property described in that deed recorded in the Henderson County Registry in Deed Book 3607 at page 622, having a PIN of 9569-40-9564, and running thence from said beginning point N 16°38'43" E 17.34' to a point, thence on a curve to the right, said curve having a radius of 199.08' and an arc length of 95.94' (chord bearing N 36°49'42" E and chord distance 95.01') to a point, thence on a curve to the left, said curve having a radius of 220.5' and an arc length of 54.48' (chord bearing N 46°08'13" E and chord distance 54.34') to a point, thence on a curve to the left, said curve having a radius of 157.83' and an arc length of 52.10' (chord bearing N 29°48'38" E and chord distance of 51.86') to a point, thence on a curve to the left, said curve having a radius of 225.21' and an arc length of 37.20' (chord bearing N 17°36'58" E and chord distance of 37.16') to a point, thence S 04°48'49" E a distance of 105.31' to a point, thence on a curve to the right, said curve having a radius of 155.31' and an arc length of 62.09' (chord bearing S 43°43'12" W and chord distance of 61.68') to a point, thence on a curve to the left, said curve having a radius of 159.08' and an arc length of 30.70' (chord bearing S 44°48'41" W and chord distance of 30.66') to a point, thence on a curve to the left, said curve having a radius of 159.08' and an arc length of 43.04' (chord bearing S 31°31'54" W and chord distance of 42.91') to a point, thence S 16°38'43" W 7.63' to a point, thence N 83°46'01" E 40.67' to the point and place of beginning. Containing 0.17 Acre and being a portion of the right of way of Tebeau Drive running between Lots 1 and of Rosemont subdivision to the west, and Lots 17 and 18 of Rosemont subdivision to the East, as shown on Plat Cabinet B, Slide 103 of the Henderson County Registry.

2. The City Clerk shall forthwith cause a certified copy of this order to be filed in the Office of the Register of Deeds of Henderson County.

Adopted by the City Council of the City of Hendersonville, North Carolina this 1<sup>st</sup> day of April 2021.

/s/Barbara G. Volk, Mayor

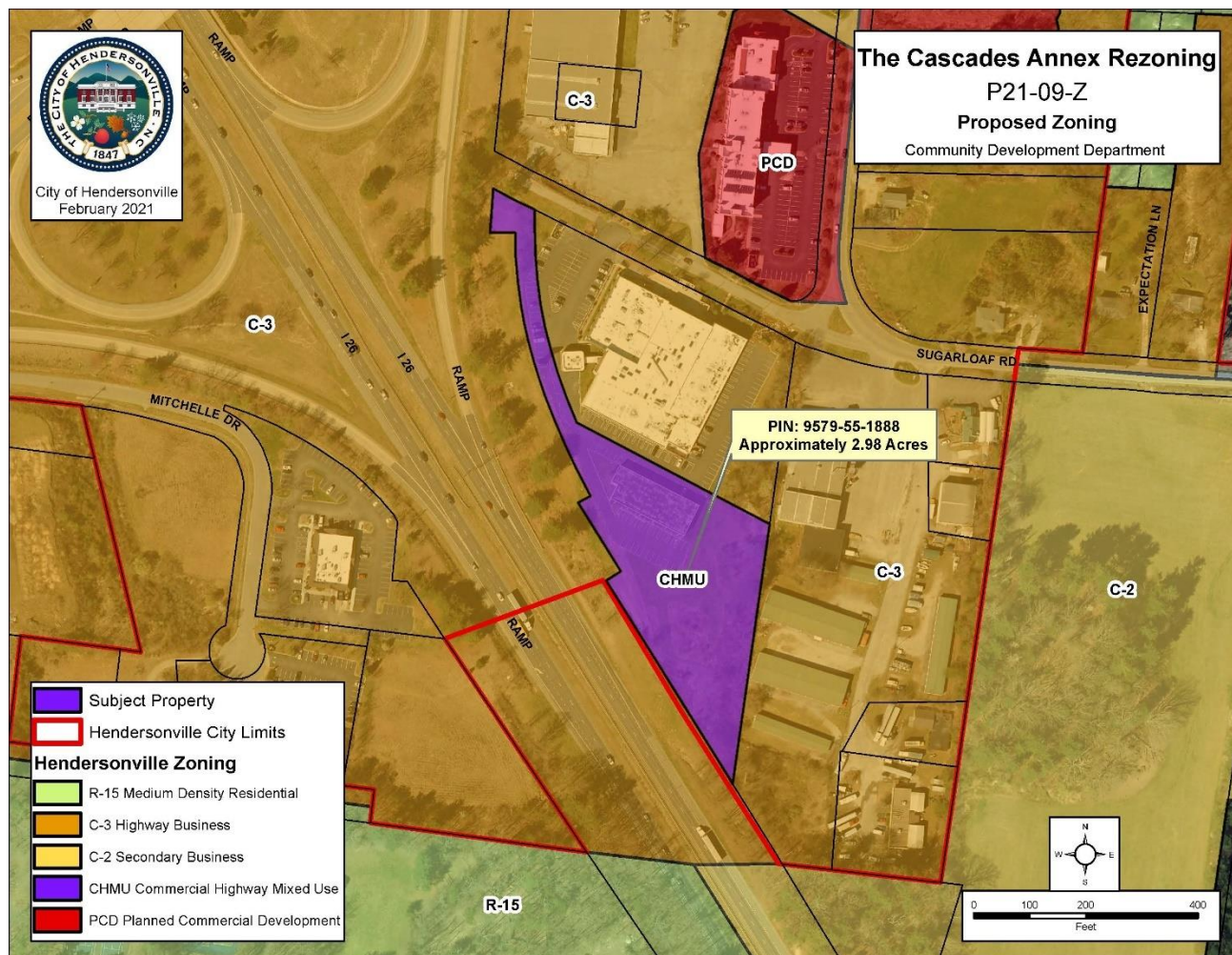
Attest: /s/Angela L. Reece, City Clerk

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

**B. Zoning Map Amendment - Day& Night LLC - The Cascades Annex (P21-09-RZO) –**  
*Matthew Manley, Planning Manager*

Community Development Planning Manager, Matthew Manley addressed City Council stating the City is in receipt of a Zoning Map Amendment application from David Day and Day & Night, LLC. for a new potential use at, The Cascades Annex building located at 0 Sugarloaf Rd., PIN # 9579551888 adjacent to 201 Sugarloaf Rd., The Cascades Mountain Resort. Mr. Manley stated the project involves a former motel building that is being sold with an anticipated desire for the use to change to multi-family apartments. Mr. Manley stated no development is proposed as part of this rezoning.

Developer David Day addressed City Council virtually via Zoom electronic software encouraging City Council to approve the rezoning request.



This image is only an illustrative reference.

The City Clerk confirmed the public hearing has been advertised in accordance with General Statutes. The public hearing was opened at 6:14 p.m.

There were no public comments. The public hearing was closed at 6:15 p.m.

*City Council Member Dr. 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 from C-3 (Highway Business District) to CHMU (Commercial Highway Mixed Use Zoning District), based on the application submitted by the applicant, finding that the rezoning is consistent with the Comprehensive Plan's Future Land Use map, and that the rezoning is reasonable and in the public interest for the following reasons: the proposed zoning district will enhance future development potential. A unanimous vote of the Council Members followed. Motion carried.*

Ordinance # O-21-10

**AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR PARCELS OF THE DAY & NIGHT, LLC. (PIN# 9579551888) BY CHANGING THE ZONING DESIGNATION FROM C-3 (HIGHWAY BUSINESS DISTRICT) TO CHMU (COMMERCIAL HIGHWAY MIXED USE ZONING DISTRICT)**

IN RE: 0 Sugarloaf Rd (PIN 9579551888)  
(File # P21-09-CZD)  
Day & Night LLC - The Cascades Annex (P21-09-RZO)

**WHEREAS**, the City is in receipt of a Rezoning application from Day & Night, LLC.

**WHEREAS**, the Planning Board took up this application at its regular meeting on March 8, 2021; voting to recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville, and

**WHEREAS**, City Council took up this application at its regular meeting on April 1<sup>st</sup>, 2021, 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 9579-55-1888 from C-3 (Highway Business District) to CHMU (Central Highway Mixed Use Zoning District)

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 by the City Council of the City of Hendersonville, North Carolina this 1<sup>st</sup> day of April 2021.

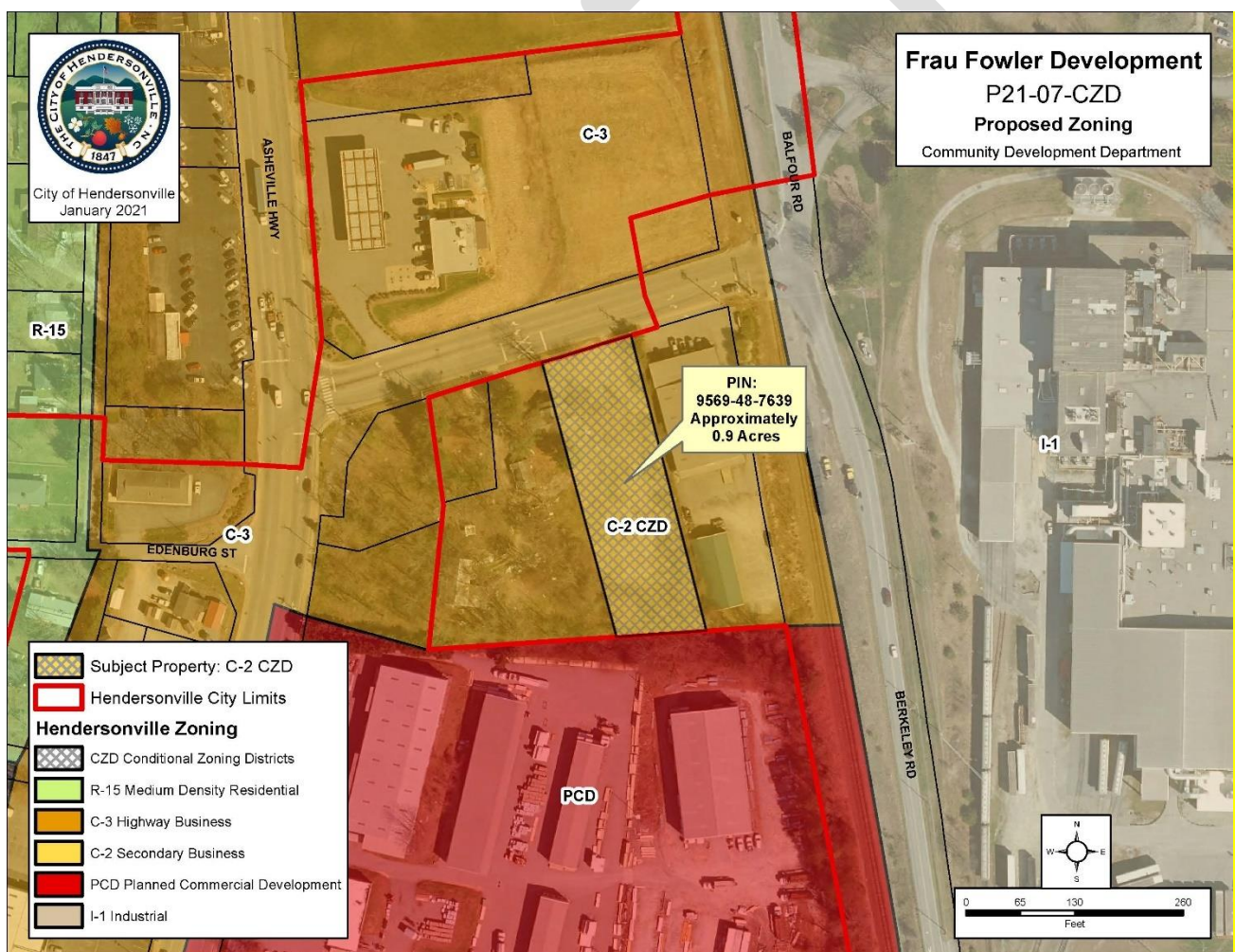
/s/Barbara G. Volk, Mayor

Attest: /s/Angela L. Reece, City Clerk

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

**C. Conditional Rezoning: Perry Fields, One Thousand and Fifteen LLC - Frau Fowler Building (P21-07-CZD) – Matthew Manley, Planning Manager, AICP**

Community Development Planning Manager, Matthew Manley addressed City Council stating the City is in receipt of a Conditional Rezoning application from Perry Fields, One Thousand and Fifteen, LLC. for the construction of a new building at 1015 Berkeley Road, PIN # 9569487639. Mr. Manley stated the project involves the construction of a 10,660 Sq Ft building and associated parking, landscaping, septic area, and open space.



This image is only an illustrative reference.

The applicant, Perry Fields addressed City Council virtually via Zoom electronic software encouraging City Council to approve the rezoning.

The City Clerk confirmed the public hearing has been advertised in accordance with General Statutes. The public hearing was opened at 6:27 p.m.

*Ken Fitch* of 1046 Patton St. addressed City Council electronically via Zoom expressing concerns regarding neighborhood compatibility of this project.

There were no other comments. The public hearing was closed at 6:28 p.m.

The following conditions were agreed upon:

**1. STIPULATED USES:**

Only the following uses are authorized for the referenced development:

- a) Light Manufacturing,
- b) Wholesale Business,
- c) Construction Trades, and
- d) Repair Service

**2. CONDITIONS:**

- a) **Shall be attached to the conditional rezoning and satisfied prior to issuance of final Site Plan approval:**

City-Initiated Conditions:

- 1) Exterior lighting will be in accord with the International Dark Sky Association standards
- b) **Shall be attached to the conditional rezoning:**
  - 1) Final plans for the project shall comply with approved plans, the conditions agreed to on the record of this proceeding and applicable provisions of the Hendersonville Zoning Ordinance and Code of Ordinances.

*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 from C-3 (Highway Business District) to C-2 CZD (Secondary Business Conditional Zoning District), based on the site plan submitted by the applicant and subject to the limitations and conditions stipulated on the List of Uses and Conditions, finding that the rezoning is consistent with the Comprehensive Plan's Future Land Use map, and that the rezoning is reasonable and in the public interest for the following reasons: the proposed use is compatible with the area. A unanimous vote of the Council Member followed. Motion carried.*

Ordinance # O-21-11

**AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR PARCELS OF THE AROUND THE CORNER MINISTRIES (PIN# 9569487639) BY CHANGING THE ZONING DESIGNATION FROM C-3 (HIGHWAY BUSINESS DISTRICT) TO C-2 CZD (SECONDARY BUSINESS CONDITIONAL ZONING DISTRICT)**

IN RE: 1015 Berkeley Rd (PIN 9569487639)

(File # P21-07-CZD)

Conditional Rezoning: Perry Fields, One Thousand and Fifteen LLC - Frau Fowler Building (P21-07-CZD)

**WHEREAS**, the City is in receipt of a Conditional Rezoning application from Perry L. Fields for the construction of a new building and associated parking and landscaping;

**WHEREAS**, the Planning Board took up this application at its regular meeting on March 8, 2021; voting to recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville, and

**WHEREAS**, City Council took up this application at its regular meeting on April 1<sup>st</sup>, 2021, 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 9569-48-7639 from C-3 (Highway Business District) to C-2 CZD (Secondary Business Conditional Zoning District)
2. Development of the parcels shall occur in accordance with the final site plan requirements of Article VII of the Zoning Ordinance of the City of Hendersonville, North Carolina, and shall be subject to the site limitations and conditions stipulated on the List of Uses and Conditions.
3. This ordinance shall be in full force and effect from and after the date of its adoption.



Adopted by the City Council of the City of Hendersonville, North Carolina this 1<sup>st</sup> day of April 2021.

/s/Barbara G. Volk, Mayor

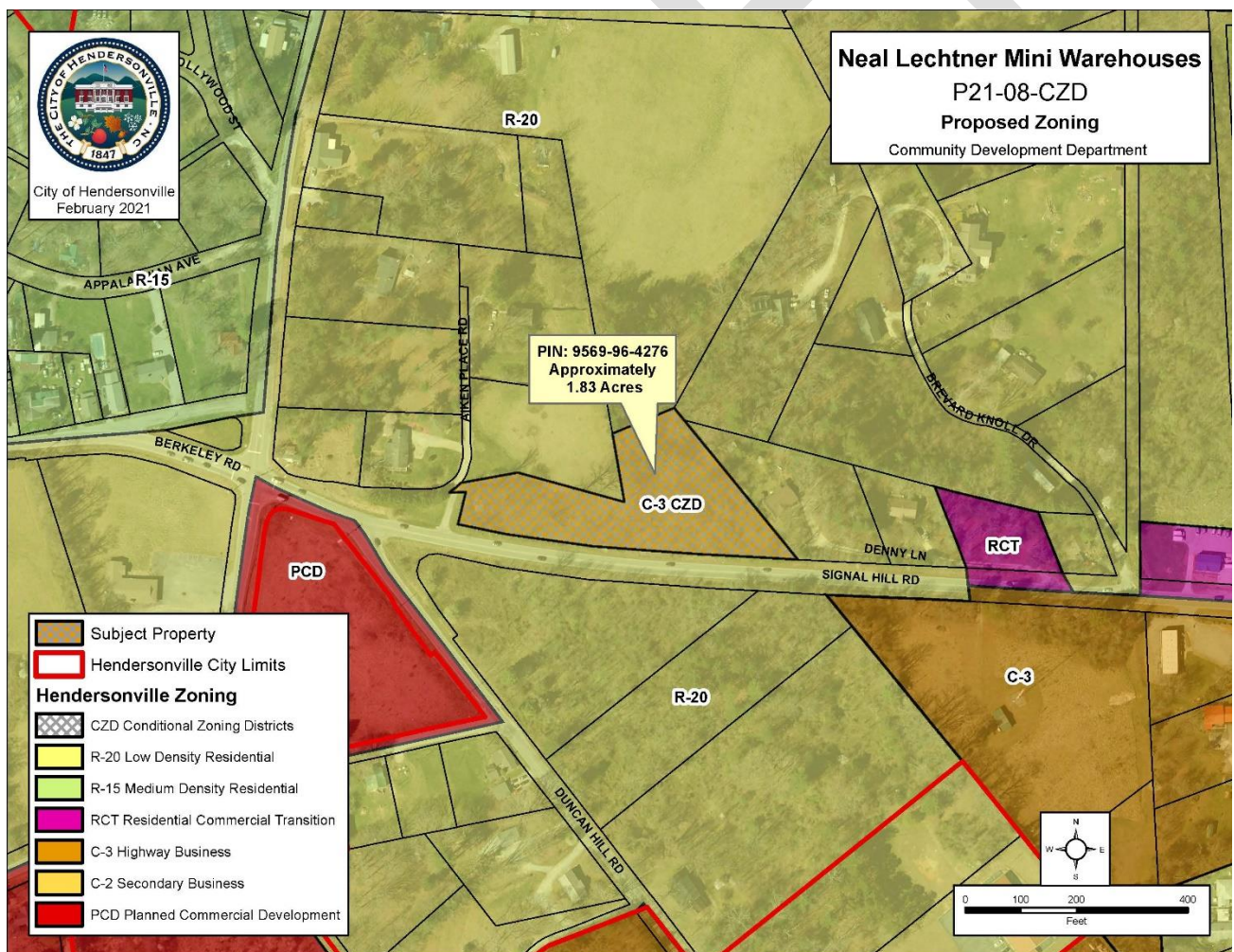
Attest: /s/Angela L. Reece, City Clerk

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

**D. Conditional Rezoning: Neal Lechtner Mini Warehouses (P21-08-CZD) – Tyler Morrow, Planner II.**

Community Development Planner, Tyler Morrow stated the City is in receipt of a Conditional Rezoning application from Neal Lechtner and North Main Street Properties of Hendersonville, LLC. for the development of a 3-story mini storage facility on approximately 1.83 acres. Mr. Morrow stated the subject property is identified as parcel number 9569-96-4276 and said the lot is currently vacant and wooded. Mr. Morrow stated the applicant is requesting to rezone the subject property from R-20 Low Density Residential to C-3 Highway Business Conditional Zoning District. Mr. Morrow stated the Planning Board recommended City Council does not approve the rezoning citing reasons that the project was not compatible to surrounding uses, which are primarily residential, and that they believed it was inconsistent with the Comprehensive Plan.

Council Member Dr. Jennifer Hensley asked for clarification if the developer would be required to come back before City Council to build additional storage units on the lot and staff confirmed they would. Dr. Hensley also inquired regarding water/sewer access to the area and Community Development Director, Lew Holloway stated due to topography is not immediately available to the properties. Utilities Director, Lee Smith stated there were no plans for sewer in this location as it is in a low-lying area between two ridges. City Manager Connet stated the City would need to conduct engineering studies to accurately advise but said he believes connection may be possible.



This image is only an illustrative reference.

The City Clerk confirmed this public hearing has been advertised in accordance with NC General Statutes. The public hearing was opened at 6: 50 p.m.

*Ken Fitch* of 1046 Patton S t. addressed City Council electronically via Zoom expressing concerns regarding the project location recalling housing as an identified need of the City and stating this area is currently identified in the comprehensive plan as high intensity neighborhood and residential use.



Bronce Pesterfield of Pesterfield Civil Engineering addressed City Council electronically via Zoom stating much work has went into the plans and said this is the best design available which includes stormwater infrastructure. Mr. Pesterfield stated he feels it was a perfect low traffic impact design for the area.

*Neil Lechtner* addressed City Council electronically via Zoom stating he feels the project is compatible with the neighborhood and said he plans to preserve many trees for an adequate buffer and said if there is unused property then he would propose donating it to the City for use as a small park. Mr. Lechtner stated due to the demand on the infrastructure in the area he feels this project will have a small impact on traffic due to the other high density uses in the area and said the visual impact on the neighborhood would be minimal.

There were no further comments.

The public hearing was closed at 7:02 p.m.

Council Member Jeff Miller inquired of how many high-density housing units could be installed on the site and Community Development Director Lew Holloway stated due to the small site size it only qualifies for minor PRD consideration which allows for 4 units on the site. City Council Members discussed preferences for connectivity to sewer as a condition. City Attorney Angela Beeker stated City Council may approve rezoning of this parcel if it is not consistent with the Comprehensive Plan by citing reasons as to why it makes sense to rezone it in their motion. Attorney Beeker reminded everyone this would amend the Comprehensive Plan.

City Manager John Connet recommended continuing the public hearing to discuss availability and connectivity to sewer further with the project developers.

Lyndsey Simpson stated she does not support changing the zoning designation due to being in favor of affordable housing and further expressed concerns of the structure height. Council Member Jeff Miller clarified the height allowance would be 35'. Council Members agreed to continue the public hearing to their next regular meeting on May 6, 2021.

8. **UNFINISHED BUSINESS** There was no unfinished business.

9. **NEW BUSINESS**

A. **Ordinance Establishing Twenty-Five (25) Miles Per Hour Speed Limit on a Portion of Chadwick Avenue** – *John Connet, City Manager*

City Manager Connet stated this portion of Chadwick Avenue connects two major thoroughfares and is often used as a cut through street and said the street is currently very narrow with limited roadway shoulders. Manager Connet stated the street serves both residential and commercial properties and recalled requests from Members of City Council of staff to prepare an ordinance to reduce the speed limit on this portion of Chadwick Avenue. Council Member Dr. Jennifer Hensley stated she would like additional speed control measures investigated in conjunction with the speed limit reduction. Council Members expressed preference to have signage in place as well as officers to conduct education for the new speed in the area.

*Council Member Lyndsey Simpson moved that City Council adopt the Ordinance establishing a twenty-five (25) miles per hour speed limit on Chadwick Avenue between Greenville Highway (N.C. 225) and Spartanburg Highway (U.S. 176) as presented. A unanimous vote of the Council Member followed. Motion carried.*

Ordinance # O-21-13

**ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND SECTION 50-144 OF THE CODE OF ORDINANCES TO ESTABLISH A TWENTY-FIVE MILES PER HOUR SPEED LIMIT ON A PORTION OF CHADWICK AVENUE**

**WHEREAS**, unless otherwise posted all City of Hendersonville streets have a speed limit of thirty-five (35) miles per hour; and

**WHEREAS**, a portion of Chadwick Avenue connects two major thoroughfares within Hendersonville and is often used as a cut through street; and

**WHEREAS**, this portion of the street is very narrow with limited roadway shoulders that allow vehicles to move off the edge of road in emergency situations; and

**WHEREAS**, this portion of Chadwick Avenue contains both residential and commercial properties.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Hendersonville, North Carolina that Section 50-144 of the Code of Ordinances for the City of Hendersonville shall be amended to add a new subparagraph (a) as follows:

**Sec. 50-144. - Variation of maximum speed limits.**

The city council may alter the maximum speed limit as established in this division on any street or portion thereof which is not a part of the state highway system and which is not maintained by the state highway commission in accordance with the provisions of G.S. 20-141(f1). No such alteration of the speed limits shall become or remain effective unless signs have been conspicuously placed giving notice of such speed limit for such street.

- (a) The speed limit on Chadwick Avenue between Greenville Highway (NC 225) and Spartanburg Highway (US 176) shall be twenty-five (25) miles per hour.

Adopted by the City Council of the City of Hendersonville, North Carolina this 1<sup>st</sup> day of April 2021.

/s/Barbara G. Volk, Mayor

Attest: /s/Angela L. Reece, City Clerk

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

**B. Berkeley Road & North Main Street Intersection – Lew Holloway, Community Development Director**

Community Development Director Lew Holloway stated in developing the staff report for the Duncan Terrace project staff became aware of a NC DOT study of this intersection which has not previously advanced out of an initial review level with DOT. Director Holloway stated considering existing and future potential development in this corridor staff felt it would be beneficial to bring awareness to this study and to seek direction from City Council regarding potential staff efforts to have the project added to the State Transportation Improvement Program (STIP) for eventual construction. Director Holloway recalled prior discussions with City Council regarding four priority intersections in this area including recommendations from staff for inclusion and modernization in SPOT 6.0 stating it is important to note that staff have been in conversation with NCDOT regarding the significance of this corridor. Director Holloway discussed the timeline for the State Transportation Improvement Plan (STIP) and stated the timeline for projects to be included in the next STIP which covers 2023-2032 is due in May 2023. Director Holloway stated staff would know if any of these projects would be approved and receive funding for construction at that time. Director Holloway stated many projects have been delayed and said that every spur of this intersection has been prioritized as important.

Director Holloway discussed the NCDOT concept intersection design and stated as of now it is unfunded. Director Holloway discussed the role of the Metropolitan Planning Organization (MPO) and Locally Administered Projects Program (LAPP). City Manager John Connet stated there is much growth in our community and said allowing staff to be proactive will assist in determining the pace of projects moving forward which improve connectivity and eliminate congestion in identified areas. Manager Connet asked City Council if they would prefer staff to proceed with involvement with MPO and NCDOT to discuss transportation projects in the City.

After much discussion, the consensus of City Council was to proceed.

**C. Briefing on Permitting for Duke Energy Coal Ash Contact Water – Gracie Erwin, Environmental Compliance Coordinator**

Environmental Compliance Coordinator, Gracie Erwin addressed City Council regarding Duke Energy's permit for coal ash leachate disposal at the City's Wastewater Treatment Plant. Ms. Erwin recalled the closure of Duke Energy's coal ash pond and stated contact water (leachate) would need to be treated and said MSD has agreed to accept and treat 250,000 gallons each month. Ms. Erwin stated the State of North Carolina requires a contingency plan in the event MSD is unable to handle

all of the contact water (leachate) for some unforeseen reason. Ms. Erwin stated staff have conducted chemical analysis of the leachate and have determined it can be treated safely and said they have agreed to accept amounts in excess of the 250,000 gallons being treated by MSD for treatment by the City of Hendersonville Water Treatment Facility at a rate of \$60.00 per 100,000 gallons which will be billed to Duke Energy. Ms. Erwin stated it is very unlikely the City will end up processing any of this water and said the permit will need to be renewed once before the project is completed. Ms. Erwin confirmed any leachate water would continue to be tested for safety and said operators may refuse to accept anything that does not meet City standards.

**D. Special Event: Sneaky Scavenger Race – Lew Holloway, Community Development Director**

City Manager John Connet stated this event was originally planned at Sullivan Park but has been moved over to Berkeley Park to address parking concerns and wanted City Council and the public to be aware. Manager Connet stated the event will held on Saturday, May 22, 2021 from 10am-2pm at Sullivan Park and on the Oklawaha Greenway and said the event is organized by the Kiwanis Club of Hendersonville in conjunction with the Boys and Girls Club of Henderson County

***City Council Member Lyndsey Simpson moved that the City Council approve the special event permit for the Sneaky Scavenger Race. A unanimous vote of the Council Member followed. Motion carried.***

**10. CITY COUNCIL COMMENTS**

Council Member Dr. Jennifer Hensley reminded everyone of the Citywide Litter Sweep Event will take place on April 24<sup>th</sup> and encouraged everyone to participate.

Council Member Jerry Smith encouraged everyone to attend the tree planting in Green Meadows on Saturday April 10<sup>th</sup>.

Council Member Lyndsey Simpson stated the Environmental Sustainability Board will be participating in various Earth Day events as well as the Litter Sweep.

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

**A. City Surplus**

City Manager Connet provided the City Surplus to City Council.

City Manager Connet discussed Dark Sky Compliance ordinance revisions and inquired preferences of Council for their expectation for public involvement and direction. City Council directed staff to provide research and options at their May workshop meeting including costs, options, and examples of other light pollution ordinances to provide City Council with options.

**12. BOARDS/COMMISSIONS/COMMITTEE APPOINTMENTS**

**A. Board & Commission Appointments (Planning Board & Tree Board) – Angela L. Reece, City Clerk**

***Council Member Jeff Miller moved that City Council appoint Bob Johnson to fill an unexpired term on the Planning Board ending December 31, 2021. A unanimous vote of the Council Member followed. Motion carried.***

***Council Member Lyndsey Simpson moved that City Council appoint Andreas Crawford to fill an unexpired term on the Tree Board ending December 31, 2022.***

City Manager Connet advised City Council that Mr. Charlie Byrd has resigned from the ABC Board. Mr. Byrd served as the chairman.

***Council Member Jeff Miller moved that City Council appoint Marcia Kane as interim Board Chair. A unanimous vote of the Council Member followed. Motion carried.***

**13. ADJOURN**

There being no further business, the meeting was adjourned at 8:20 p.m. upon unanimous assent of the Council.

---

Barbara G. Volk, Mayor

ATTEST:

---

Angela L. Reece, City Clerk

DRAFT