MINUTES

September 3, 2026

REGULAR MEETING OF THE CITY COUNCIL

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

Present: Mayor Barbara G. Volk, Mayor Pro Tem Dr. Jennifer Hensley, and Council Members: Lyndsey Simpson, Melinda Lowrance

Staff Present: City Manager John Connet , Deputy City Manager Brian Pahle, City Clerk Jill Murray, City Attorney Angela Beeker, Budget & Evaluation Director Adam Murr, Communications Director Allison Justus, Communications Coordinator Brandy Heatherly, 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.*

A. A. CDBG-DR ReNew NC Infrastructure Grant Application for the Patton Park & Pool Mitigation Project, *Blake Fulgham, Management Analyst III*

The purpose of this project is to complete necessary repairs and reconstruction activities to restore the damaged Patton Park & Pool infrastructure back to the necessary codes and standards to be reopened to the public.

B. A. CDBG-DR ReNew NC Infrastructure Grant Application for the Whitmire Activity Center Restoration Project, *Blake Fulgham, Management Analyst III*

The purpose of this project is to complete necessary repairs and reconstruction activities to restore the damaged Whitmire Activity Center infrastructure back to the necessary codes and standards to be reopened to the public.

C. A. CDBG-DR ReNew NC Infrastructure Grant Application for the Wastewater Treatment Facility Mitigation Project, *Blake Fulgham, Management Analyst III*

The purpose of this project is to complete necessary repairs and reconstruction activities to restore the damaged Wastewater Treatment Facility infrastructure back to pre-disaster standards.

The public hearing was opened at 5:48 p.m.

There were no public comments.

The public hearing was closed at 5:48 p.m.

There was no motion made as this was just part of the grant application process and is considered approved by Council to move forward.

GENERAL PUBLIC COMMENT

Holly Newton of Hendersonville spoke against ALPR cameras (Flock) and the lack of transparency from the city and lack of public consent among other things. She asked that the city cancel all contracts for mass surveillance.

Tom Shautz of Flat Rock spoke against ALPR cameras (Flock). This is not about being anti-police but anti-mass surveillance and ask that it be defunded.

Cathy Veal of Hendersonville spoke against ALPR cameras (Flock) and is worried about the next generation of Flock that will be able to identify drivers and everywhere they go. Please reconsider the contracts and decommission the cameras.

Gretchen Poe of Hendersonville spoke against ALPR cameras (Flock) and said that Flock is not representing themselves accurately with City Council. She urged them to cancel the contract.

Ken Fitch of Hendersonville spoke about source water protection and spoke for the "roadless rule" and urged Council to stay on top of it and keep the resources protected.

Jason Kimmel of Hendersonville spoke against ALPR cameras (Flock) and the contracts that were signed without public knowledge and said that a line needs to be drawn before we lose all of our privacy and urged Council to take down all of the cameras and not to build a "surveillance state" in North Carolina.

Indian Jackson spoke about the harassment of people who have been unnecessarily stopped, followed, questioned, or harassed when simply driving through Hendersonville. There is one officer in particular whose name keeps coming up and he has a "God Bless the Ghetto" sticker on his work laptop. I'm just here asking leadership to pay attention to the patterns. She also spoke against flock cameras and against data centers and said plant more trees. She added that between 2020 and 2024 there has been a 50% increase in alcohol-related car crashes, so we need to pay attention to that.

Chris Becker of Edneyville spoke against ALPR cameras (Flock). He said that the CEO of Flock referred to the people who are worried about his products being used as part of a surveillance state, as terrorists and said that no one is forcing flock on anyone because we live in a democratic society so, this is democracy. Please consider removing the ALPRs from this lovely, wonderful place on God's earth.

Via Zoom

Lynne Williams spoke against ALPR cameras (Flock), as well as against the small cell towers that will be talked about tonight as they too can be used to ping cell phones and track individual locations. She added that a memorial was held for Elijah Timmons III this past month and we are still looking for justice.

4. CONSIDERATION OF AGENDA

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

5. CONSENT AGENDA

Council Member Gina Baxter 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*

August 6, 2026 Regular Meeting
August 26, 2026 Second Monthly Meeting

B. Consideration of Ordinance Amending Section 36-87 of the Hendersonville City Code Related to City Manager Authority to Authorize City Employees to Carry Concealed Weapons on Duty – *John Connet, City Manager*

Ordinance #O-26-26

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND SECTION 36-87 OF THE CODE OF ORDINANCES TO ELIMINATE THE CITY MANAGER'S AUTHORITY TO PERMIT NON-SWORN CITY EMPLOYEES TO CARRY CONCEALED WEAPONS WHILE ON DUTY

WHEREAS, the City Council previously granted the City Manager authority to permit non-sworn employees to carry concealed weapons while performing city duties; and

WHEREAS, this authority was granted under a former Police Chief and City Attorney, and without consultation with our insurance carrier; and

WHEREAS, additional safety measures (body cameras) are now available to all City employees to ensure that any inappropriate interactions are recorded in a manner that protects the employee; and

WHEREAS, law enforcement is always available to accompany employees when necessary.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Hendersonville, North Carolina that Section 36-87 of the Code of Ordinances for the City of Hendersonville shall be amended to add a new subparagraph (a) as follows:

Sec. 36-87. Weapons on city-owned or city-maintained property.

(a) *Carry of certain weapons prohibited.*

(1) *Prohibited acts.* Except as provided in subsection (b) of this section, all persons are prohibited from possessing firearms as defined in G.S. 14-415.10 in city government buildings and their appurtenant premises.

(2) Where posted, the carrying of a concealed handgun on city government recreational facilities identified specifically as follows is hereby prohibited:

a. Patton Park athletic fields including any appurtenant facilities such as restrooms, during an organized athletic event, if the fields have been scheduled for use with the city department of public works;

b. Patton Park swimming pool, including any appurtenant facilities used for dressing, storage of personal items, or other uses relating to the swimming pool;

c. Boyd Park and Patton Park tennis courts during organized athletic events, if the courts have been scheduled for use with the city department of public works;

d. William H. King Park baseball field including any appurtenant facilities such as restrooms, during an organized athletic event, if the field has been scheduled for use with the city department of public works;

e. Sullivan Park basketball facility including appurtenant facilities such as restrooms, during an organized athletic event, if the facility has been scheduled for use with the city department of public works;

f. Whitmire Activity Center shuffleboard courts including appurtenant facilities such as restrooms, during an organized athletic event, if the courts have been scheduled for use with the city department of public works.

(b) Exceptions. This prohibition of subsection (a) of this section shall not apply to the following persons:

(1) Officers and enlisted personnel of the armed forces of the United States when discharging their official duties as such and acting under orders requiring them to carry arms and weapons;

(2) Civil officers of the United States while in the discharge of their official duties;

(3) Officers and soldiers of the national guard when called into actual service;

(4) Sworn law enforcement officers;

(5) County animal control officers while in the discharge of their official duties as such and acting under orders requiring them to carry arms and weapons;

(6) Employees of the city, a utility company, or a contractor to the city, may possess tools approved by their employer so long as such tools are not used as a weapon; and

(7) Persons possessing a written permit from the chief of police to possess weapons for ceremonial purposes or funerals.

~~(8) City employees with a valid North Carolina concealed carry permit and prior approval which may be granted by the city manager in consultation with the chief of police in such places and under such circumstances as the city manager may from time to time designate. The city manager is hereby authorized and directed to draw up and keep current from time to time such policies for the carrying of concealed weapons as the city manager, in consultation with the chief of police, may determine is in the interest of the health, safety and welfare of the city.~~

(c) In addition to any other remedy available, violation of this section is also a misdemeanor as provided in section 1-6.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 3rd day of September, 2026.

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

C. Approval Request to Apply to the CDBG-DR ReNew NC Infrastructure Grant Program for the Wastewater Treatment Facility Mitigation Project – *Blake Fulgham, Management Analyst III*

Resolution #R-26-79

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL IN SUPPORT OF APPLICATION FOR THE RENEW NC CDBG-DR GRANT PROGRAM FOR THE HENDERSONVILLE WASTEWATER TREAMENT FACILITY MITIGATION PROJECT

WHEREAS, the United States Department of Housing and Urban Development announced the State of North Carolina will receive $1.4 billion in funding to support recovery efforts following Hurricane Helene.

WHEREAS, eligible communities must be located within a "Most-Impacted and Distressed" area defined by HUD or the State of North Caroline.

WHEREAS, the City of Hendersonville wishes to pursue funding opportunities that would allow the City to restore, repair, and/or replace critical infrastructure on public property and provide safe access to these properties.

WHEREAS, the City's financial resources have limited the City's ability to fund restorative and repair projects as well as implement necessary mitigation measures to increase resiliency to future weather-related disasters.

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

1. The City hereby endorses the application for the ReNew NC Infrastructure Grant Program and staff assistance for the duration of the project; and
2. The City Manager is authorized to execute said application.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 3rd day of September, 2026.

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

D. Hendersonville City Hall 2026 Roofing and Façade Repairs and Tentative Award – *Richard Shook, Assistant Engineering Director*

Resolution #R-26-80

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A CONTRACT FOR THE CONSTRUCTION OF HENDERSONVILLE CITY HALL 2026 ROOFING AND FAÇADE REPAIRS

WHEREAS, the City of Hendersonville, North Carolina has received bids, pursuant to duly advertisement notice therefore, for construction of the Hendersonville City Hall 2026 Roofing and Façade Repairs and

WHEREAS, the City Engineer reviewed each bid for completeness and accuracy; and

WHEREAS, *Exterior Diagnostic Services, LLC* was the lowest bidder for the 2026 Hendersonville City Hall 2026 Roofing and Façade Repairs project, and

WHEREAS, the City Engineer recommends **TENTATIVE AWARD** to the lowest bidder for the project cost.

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

1. The City Manager is authorized to execute a contract for the construction of the Hendersonville City Hall 2026 Roofing and Façade Repairs to *Exterior Diagnostic Services, LLC* in the total amount of $1,063,027.81.

2. The City Manager is authorized to approve change orders which, cumulatively, do not exceed 10% of the approved contract amount of $1,169,330.59 provided that any necessary amendments must be brought to the City Council for approval.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 3rd day of September, 2026.

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

E. Approval of United Financial, a Division of Home Trust Banik to Provide Installment Financing for Vehicles and Equipment in Fiscal Year 2027 – *Krystal Powell, Finance Director*

Resolution #R-26-81

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO APPROVE FINANCING TERMS FOR THE PURCHASE OF VEHICLES AND EQUIPMENT

WHEREAS, The City of Hendersonville has previously determined to undertake a project for the financing of vehicles and equipment, and

WHEREAS, United Financial has provided a proposal with an acceptable interest rate and terms to meet the City's needs; and

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

1. The City of Hendersonville herby determines to finance the purchase of a vehicles and equipment through United Financial, in accordance with the proposal dated August 18, 2026. The amount financed shall not exceed $1,175,350 with an annual interest rate of 4.05% for a term of 4 years.

2. The City of Hendersonville herby determines to finance the purchase of a vehicles and equipment through United Financial, in accordance with the proposal dated August 18, 2026. The amount financed shall not exceed $250,000 with an annual interest rate of 4.27% for a term of 7 years.

3. All financing contracts and all related documents for the closing of the financing shall be consistent with the foregoing terms. City staff are hereby authorized to and directed to execute and deliver any financing documents, and to take all such action as they may consider necessary to carry out the financing as contemplated by the proposal and this resolution.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 3rd day of September, 2026.

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

F. September 2026 Budget Amendments – *Adam Murr, Budget & Evaluation Director*

TO MAYOR & COUNCIL **FISCAL YEAR 2026**
APPROVAL: September 03, 2026 **FORM: 09032026-01**

BUDGET AMENDMENT

FUND 010 | 067 | 301 | 410 | 459 | 460 | 467

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
010-0000-470900	Fund Balance Appropriated (FY25)	1,112,756	-	443,250	669,506
010-0000-598901	Transfer Out (to 410, #17126 (FY25))	2,145,426	-	443,250	1,702,176
010-0000-470010	Transfer In (from 301, #G2205)	2,576,234	75,000	-	2,651,234
010-0000-470900	Fund Balance Appropriated (FY26)	3,747,277	465,455	-	4,212,732
010-0000-598901	Transfer Out (to 410, #17126 (FY26))	2,132,528	443,250	-	2,575,778
010-0000-598901	Transfer Out (to 410, #16021 (FY26))	2,575,778	4,506	-	2,580,284
010-0000-598901	Transfer Out (to 410, #00420 (FY26))	2,575,778	456	-	2,576,234
010-0000-598901	Transfer Out (to 410, #19140 (FY26))	2,580,284	17,243	-	2,597,527
FUND 010 General Fund	TOTAL REVENUES	4,860,033	465,455	443,250	4,882,238
	TOTAL EXPENDITURES	12,009,794	465,455	443,250	12,031,999
067-0000-470900	Fund Balance Appropriated (FY26)	-	84,894	-	84,894
067-0000-598901	Transfer Out (to 467, #19900)	450,000	1,077	-	451,077
067-0000-598901	Transfer Out (to 467, #G2129)	451,077	83,817	-	534,894
FUND 067 Stormwater Fund	TOTAL REVENUES	-	84,894	-	84,894
	TOTAL EXPENDITURES	901,077	84,894	-	985,971
459-0000-470010	Transfer In (from 460, #16019)	-	46,883	-	46,883
459-0000-470010	Transfer In (from 460, #19014)	-	14,669	-	14,669
459-0000-470010	Transfer In (from 460, #19014)	-	63,249	-	63,249
459-0000-470010	Transfer In (from 460, #21012)	-	52,440	-	52,440
459-0000-470010	Transfer In (from 460, #23007)	-	133,367	-	133,367
459-0000-470010	Transfer In (from 460, #VE026)	-	77,442	-	77,442
459-0000-470010	Transfer In (from 460, #23019)	-	10,582	-	10,582
459-0000-598901	Transfer Out (to 460, #23003)	-	1,559	-	1,559
459-0000-598901	Transfer Out (to 460, #16003)	-	8,805	-	8,805
459-0000-598901	Transfer Out	-	388,268	-	388,268
FUND 459 W&S Capital Reserve	TOTAL REVENUES	-	398,632	-	398,632
	TOTAL EXPENDITURES	-	398,632	-	398,632
410-0000-470010-17126	Transfer In (from 010, FY25)	443,250	-	443,250	-
410-0000-470010-17126	Transfer In (from 010, FY26)	-	443,250	-	443,250

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FUND 410, #17126 White & S. Main St	TOTAL REVENUES	443,250	-	443,250	-
	TOTAL EXPENDITURES	-	443,250	-	443,250
301-0000-598901-G2205	Transfer Out (to 010, FY26)	-	75,000	-	75,000
301-1502-550103-G2205	Capital Outlay - CIP	325,000	-	75,000	250,000
FUND 301, #G2205 NCSCIF Grant	TOTAL REVENUES	-	75,000	-	75,000
	TOTAL EXPENDITURES	325,000	-	75,000	250,000
301-0000-470010-16021	Transfer In (from 010, FY26)	-	4,506	-	4,506
301-1014-519104-16021	Professional Services - Engineering	583,079	4,506	-	587,585
FUND 301, #16021 Mud Creek Dump	TOTAL REVENUES	-	4,506	-	4,506
	TOTAL EXPENDITURES	-	4,506	-	587,585
301-0000-470010-00420	Transfer In (from 010, FY26)	-	456	-	456
301-1300-534000-00420	Non-Capital Equipment	24,480	456	-	24,936
FUND 301, #00420 Gov. Crime Com. Tasers	TOTAL REVENUES	-	456	-	456
	TOTAL EXPENDITURES	-	456	-	24,936
467-0000-470100-19900	Transfer In (From 067, FY26)	77,000	1,077	-	78,077
467-7555-519200-19900	Contracted Services	175,000	1,077	-	176,077
FUND 467, #19900 Stormwater 319 Grant	TOTAL REVENUES	-	1,077	-	78,077
	TOTAL EXPENDITURES	-	1,077	-	176,077
467-0000-470100-G2129	Transfer in (from 067, FY23)	65,000	-	10,817	54,183
467-0000-470100-G2129	Transfer In (from 067, FY24)	73,000	-	73,000	-
467-0000-470100-G2129	Transfer In (from 067, FY26)	-	83,817	-	83,817
FUND 467, #G2129 Sullivan Park Streambank	TOTAL REVENUES	138,000	83,817	83,817	138,000
	TOTAL EXPENDITURES	-	-	-	-
410-0000-470100-19140	Transfer In (from 010, FY26)	-	17,243	-	254,696
410-0000-470100-19140	Transfer In (from 410, #23021)	-	35,278	-	254,696
410-1002-550103-19140	Capital Outlay - CIP	232,196	-	52,521	232,196
FUND 410, #19140 City Hall & Ops Security	TOTAL REVENUES	-	52,521	-	509,392
	TOTAL EXPENDITURES	232,196	-	52,521	232,196
410-1002-550103-23021	Capital Outlay - CIP	165,712	-	35,278	130,434
410-1002-598901-23021	Transfer Out (to 410, #19140)	-	35,278	-	35,278

FUND 410, #23021 City Hall 3rd Floor Project	TOTAL REVENUES	-	-	-	-
	TOTAL EXPENDITURES	165,712	35,278	35,278	165,712
460-0000-598901-16019	Transfer Out (to 460, #18017)	-	116,500	-	116,500
460-0000-598901-16019	Transfer Out (to 459)	-	46,883	-	46,883
460-1014-550103-16019	C/O - CIP	5,437,825	-	163,383	5,274,442
FUND 460, #16019 Northside Water	TOTAL REVENUES	-	-	-	-
	TOTAL EXPENDITURES	5,437,825	163,383	163,383	5,437,825
460-0000-598901-19014	Transfer Out (to 459)	-	14,669	-	14,669
460-0000-598901-19014	Transfer Out (to 459: Pre-pay 23 Rev.Bond)	-	63,249	-	63,249
460-7055-550103-19014	Capital Outlay - CIP	1,096,676	-	77,918	1,018,758
FUND 460, #19014 Church and King W&S	TOTAL REVENUES	-	77,918	-	77,918
	TOTAL EXPENDITURES	1,096,676	-	77,918	1,018,758
460-0000-470010-23003	Transfer In (from 459)	-	1,559	-	1,559
460-0000-598901-23003	Debt Proceeds (23 Rev.Bond)	525,000	-	-	525,000
460-7055-550103-23003	Capital Outlay - CIP	525,000	1,559	-	526,559
FUND 460, #23003 AMI Meter Replacement Project	TOTAL REVENUES	525,000	1,559	-	526,559
	TOTAL EXPENDITURES	525,000	1,559	-	526,559
460-7055-550103-21012	Capital Outlay - CIP	1,557,917	-	52,440	1,505,477
460-0000-598901-21012	Transfer Out (to 459: Pre-pay 23 Rev.Bond)	-	52,440	-	52,440
FUND 460, #21012 Fleetwood Improvements	TOTAL REVENUES	-	-	-	-
	TOTAL EXPENDITURES	1,557,917	52,440	52,440	1,557,917
460-7055-550103-23007	Capital Outlay - CIP	-	-	133,367	(133,367)
460-0000-598901-23007	Transfer Out (to 459)	-	133,367	-	133,367
FUND 460, #23007 W&S Generators	TOTAL REVENUES	-	-	-	-
	TOTAL EXPENDITURES	-	133,367	133,367	-
460-0000-450001-23019	Interest Income	-	10,582	-	10,582
460-0000-598901-23019	Transfer Out (to 459: Pre-pay 23 Rev.Bond)	-	10,582	-	10,582
FUND 460, #23019 WTP Thickener Drive	TOTAL REVENUES	-	10,582	-	10,582
	TOTAL EXPENDITURES	-	10,582	-	10,582
460-0000-470100-16003	Transfer In (from 459)	865,000	8,805	-	873,805
460-7055-550103-16003	Capital Outlay - CIP	865,000	8,805	-	873,805

FUND 460, #16003 Etowah Water Improvements	TOTAL REVENUES	865,000	8,805	-	873,805
	TOTAL EXPENDITURES	865,000	8,805	-	873,805

An end-of-year FY26 budget amendment to reflect various project closeouts occurring with the annual audit process.

The City Manager and City Clerk certify budget ordinance amendment 09032026-01 was approved by City Council on September 03, 2026.

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TO MAYOR & COUNCIL
APPROVAL: September 03, 2026

FISCAL YEAR 2026
FORM: 09032026-02

BUDGET AMENDMENT

FUND 010 | 410

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
010-0000-470900	Fund Balance Appropriated (FY25)	1,474,563	-	60,410	1,414,153
010-0000-598901	Transfer Out (to FY25 410, #16030)	649,797	-	60,410	589,387
FUND 010	TOTAL REVENUES	1,474,563	-	60,410	1,414,153
General Fund (FY25)	TOTAL EXPENDITURES	649,797	-	60,410	589,387
010-0000-470900	Fund Balance Appropriated (FY26)	4,212,732	66,999	-	4,279,731
010-0000-598901	Transfer Out (to FY26 410, #16030)	2,597,527	66,999	-	2,664,526
FUND 010	TOTAL REVENUES	4,212,732	66,999	-	4,279,731
General Fund (FY26)	TOTAL EXPENDITURES	2,597,527	66,999	-	2,664,526
410-0000-450001-16030	Interest Income (2021 IFC)	228,903	-	-	228,903
410-0000-470010-16030	Debt Proceeds (2021 IFC)	2,038,592	-	-	2,038,592
410-0000-470100-16030	Transfer In (from 010)	140,000	-	-	140,000
410-0000-470100-16030	Transfer In (from 010 | FY25)	649,797	-	60,410	589,387
410-0000-470100-16030	Transfer In (from 010 | FY26)	-	66,999	-	66,999
410-0000-470100-16030	Transfer In (from 021)	81,439	-	-	81,439
410-2202-550103-16030	Capital Outlay - CIP	3,138,731	6,589	-	3,145,320
FUND 410	TOTAL REVENUES	3,138,731	66,999	60,410	3,145,320
Gov. Project Fund	TOTAL EXPENDITURES	3,138,731	6,589	-	3,145,320

An end of year (FY26) amendment changing a transfer in to the 7th Avenue Streetscape project from FY25 to FY26, reflecting actual transfer action for the audit process.

The City Manager and City Clerk certify budget ordinance amendment 09032026-02 was approved by City Council on September 03, 2026.

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TO MAYOR & COUNCIL
APPROVAL: September 03, 2026

FISCAL YEAR 2026
FORM: 09032026-03

BUDGET AMENDMENT

FUND 460

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
460-0000-420050-23007	Transfer in (from 060, FY23)	124,000	-	-	124,000
460-0000-420050-23007	Transfer in (from 060, FY24)	150,000	-	-	150,000
460-0000-420050-23007	Transfer in (from 060, FY26)	-	75,000	-	75,000
460-7032-550103-23007	Capital Outlay - CIP	274,000	75,000	-	349,000
FUND 460, #23007	TOTAL REVENUES	274,000	75,000	-	349,000
W&S Generator Project	TOTAL EXPENDITURES	274,000	75,000	-	349,000

An amendment reflecting a transfer in from the Water and Sewer Operating Fund (060) in FY26 to increase the Water and Sewer Generator Project, #23007.

The City Manager and City Clerk certify budget ordinance amendment 09032026-03 was approved by City Council on September 03, 2026.

TO MAYOR & COUNCIL
APPROVAL: September 03, 2026

FISCAL YEAR 2026
FORM: 09032026-04

BUDGET AMENDMENT

FUND 060 | 459

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
060-0000-444299	Water System Dev. Fees	511,000	236,845	-	747,845
060-0000-445299	Sewer System Dev. Fees	489,000	-	115,334	373,666
060-0000-598901	Transfer Out (to 459, SDFs [water])	-	747,845	-	747,845
060-0000-598901	Transfer Out (to 459, SDFs [sewer])	-	373,666	-	373,666
FUND 060	TOTAL REVENUES	1,000,000	236,845	115,334	1,121,511
W&S Operating	TOTAL EXPENDITURES	-	1,121,511	-	1,121,511
459-0000-470100	Transfer In (from 060, FY25 [water])	143,269	-	-	143,269
459-0000-470100	Transfer In (from 060, FY25 [sewer])	32,211	-	-	32,211
459-0000-470100	Transfer In (from 060, FY26 [water])	-	747,845		747,845
459-0000-470100	Transfer In (from 060, FY26 [sewer])	-	373,666		373,666
459-0000-470100	Transfer In (from 060, FY27 [water])	600,000	-	-	600,000
459-0000-470100	Transfer In (from 060, FY27 [sewer])	250,000	-	-	250,000
459-0000-598901	Transfer Out	1,025,480	1,121,511	-	2,146,991
FUND 459	TOTAL REVENUES	1,025,480	1,121,511	-	2,146,991
W&S Capital Reserve (SDFs)	TOTAL EXPENDITURES	1,025,480	1,121,511	-	2,146,991

In accordance with N.C.G.S. 162A-211(d) The City must account for system development fee revenues by means of a capital reserve fund. This budget amendment increases FY26 water system development fee revenue budget, and decreases FY26 sewer system development fee revenue budget to reflect actual revenues recieved, and transfer the $1,121,511 revenues to the Water & Sewer Capital Reserve Fund (459).

The City Manager and City Clerk certify budget ordinance amendment 09032026-04 was approved by City Council on September 03, 2026.

TO MAYOR & COUNCIL
APPROVAL: September 03, 2026

FISCAL YEAR 2027
FORM: 09032026-05

BUDGET AMENDMENT

FUND 459 | 460

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
460-0000-470010-18017	Transfer In (from 459[water])	3,500	-	-	3,500
460-0000-470010-18017	Transfer In (from 459[sewer])	6,500	-	-	6,500
460-0000-470010-18017	Transfer In (from 460, #16019)	-	116,500	-	116,500
460-0000-470100-18017	Debt Proceeds (water SRF)	1,577,495	-	-	1,577,495
460-0000-470100-18017	Debt Proceeds (sewer SRF)	2,937,450	-	-	2,937,450
460-7055-550103-18017	Capital Outlay - CIP [water]	1,580,995	-	-	1,580,995
460-7155-550103-18017	Capital Outlay - CIP [sewer]	2,943,950	116,500	-	3,060,450
FUND 460, #18017	TOTAL REVENUES	4,524,945	116,500	-	4,641,445
4th & Ashe Project	TOTAL EXPENDITURES	4,524,945	116,500	-	4,641,445

An FY27 budget amendment increasing the 4th and Ashe project using $116,500 from the W&S Capital Reserve Fund (459).

The City Manager and City Clerk certify budget ordinance amendment 09032026-05 was approved by City Council on September 03, 2026.

TO MAYOR & COUNCIL **FISCAL YEAR 2026**
APPROVAL: September 03, 2026 **FORM: 09032026-06**

BUDGET AMENDMENT

FUND 060 | 410 | 460 | 468

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
060-0000-470900	Fund Bal. Appropriated (FY26)	2,466,441	-	289,855	2,176,586
060-0000-470100	Transfer In (from 460, VE025)	-	289,855	-	289,855
FUND 060	TOTAL REVENUES	2,466,441	289,855	289,855	2,466,441
W&S Operating Fund	TOTAL EXPENDITURES	-	-	-	-
410-0000-450001-VE024	Interest Income (FY24)	-	26,159	-	26,159
410-0000-598901-VE024	Transfer Out (to 410, #VE027)	-	26,159	-	26,159
FUND 410	TOTAL REVENUES	-	26,159	-	26,159
'24 V&E Loan, #VE024	TOTAL EXPENDITURES	-	26,159	-	26,159
468-0000-470100-VE024	Transfer In (from 010)	49,065	-	-	49,065
468-0000-470010-VE024	Debt Proceeds (Vehicle & Equip. Loan)	500,000	-	-	500,000
468-7855-554002-VE024	C/O-Vehicles (14-18, 3500 Series)	75,000	-	-	75,000
468-7855-554001-VE024	C/O-Equipment (61-17 Leaf Machine)	174,065	-	-	174,065
468-7855-554001-VE024	C/O-Equipment (Waste Truck)	300,000	-	4,375	295,625
468-0000-598901-VE024	Transfer Out (to 410, #VE025)	-	3,891	-	3,891
468-0000-598901-VE024	Transfer Out (to 410, #VE027)	-	484	-	484
FUND 468	TOTAL REVENUES	549,065	-	-	549,065
'24 V&E Loan, #VE024	TOTAL EXPENDITURES	549,065	4,375	4,375	549,065
410-0000-470010-VE025	Debt Proceeds (Vehicle & Equip. Loan)	675,120	-	-	675,120
410-0000-470010-VE025	Transfer In (from 468, #VE024)	-	3,891	-	3,891
410-1002-554002-VE025	Capital Outlay - Vehicles	675,120	3,891	-	679,011
FUND 410	TOTAL REVENUES	675,120	3,891	-	679,011
'25 V&E Loan, #VE025	TOTAL EXPENDITURES	675,120	3,891	-	679,011
460-0000-470100-VE025	Interest Income (FY25)	-	18,084	-	18,084
460-0000-470100-VE025	Transfer In (from 060, FY25)	530,000	-	18,084	511,916
460-7002-554001-VE025	Capital Outlay-Equipment	191,412	-	267	191,145
460-7002-554002-VE025	Capital Outlay - Vehicles	205,000	-	205,000	-
460-0000-598901-VE025	Transfer Out(to 360, #H2024)	133,588	-	133,588	-
460-0000-598901-VE025	Transfer Out (to 460, #VE027)	-	49,000	-	49,000
460-0000-598901-VE025	Transfer Out (to 060)	-	289,855	-	289,855
FUND 460	TOTAL REVENUES	530,000	18,084	18,084	530,000
'25 V&E Loan, #VE025	TOTAL EXPENDITURES	530,000	338,855	338,855	530,000
460-0000-470100-VE026	Transfer In (from 060)	342,000	-	-	419,442
460-7002-554002-VE026	C/O-Vehicles	150,000	-	49,000	101,000
460-7002-554001-VE026	C/O-Equipment (22-12 Dump Truck)	110,000	-	-	110,000
460-7002-554001-VE026	C/O-Equipment (44-17 Excavator)	82,000	-	-	82,000
460-0000-598901-VE026	Transfer Out (to 460, #VE027)	-	49,000	-	49,000
460-0000-598901-VE026	Transfer Out (to 459)	-	77,442	-	77,442
FUND 460, #VE026	TOTAL REVENUES	342,000	-	-	419,442
(Water & Sewer)	TOTAL EXPENDITURES	342,000	126,442	49,000	419,442
410-0000-470010-VE027	Debt Proceeds (FY27 V&E Loan)	219,500	-	-	219,500
410-0000-470100-VE027	Transfer In (from 468, #VE024)	-	484	-	484
410-0000-470100-VE027	Transfer In (from 410, #VE024)	-	26,159	-	26,159
410-1523-554002-VE027	C/O-Vehicles (14-30 Truck)	55,000	-	-	55,000
410-1523-554001-VE027	C/O-Equipment (42-10 Tractor)	64,500	-	-	64,500
410-1555-554002-VE027	C/O-Vehicles (22-19 Dump Truck)	100,000	-	-	100,000
410-1014-554002-VE027	C/O-Vehicles (Ford Rangers)	-	26,643	-	26,643
FUND 410	TOTAL REVENUES	549,065	484	-	549,549
'27 V&E Loan, #VE027	TOTAL EXPENDITURES	549,065	-	4,375	544,690
460-0000-470100-VE027	Transfer In (from 060)	240,000	-	-	240,000
460-0000-470100-VE027	Transfer In (from 460, #VE026)	-	49,000	-	49,000
460-1014-554002-VE027	C/O-Vehicles (Ford Rangers)	-	49,000	-	49,000
460-7002-554002-VE027	C/O-Vehicles	150,000	-	-	150,000
460-7002-554001-VE027	C/O-Equipment (50-03 Skid Steer)	90,000	-	-	90,000
FUND 460	TOTAL REVENUES	240,000	49,000	-	289,000
'27 V&E Loan, #VE027	TOTAL EXPENDITURES	240,000	49,000	-	289,000

An amendment transferring budget from prior vehicle and equipment loan projects being closed out as part of the annual audit process. This amendment moves resources to the FY27 vehicle and equipment project (#VE027) for the acquisition of 2 Ford Rangers by the Engineering Department.

The City Manager and City Clerk certify budget ordinance amendment 09032026-06 was approved by City Council on September 03, 2026.

TO MAYOR & COUNCIL **FISCAL YEAR 2026**
APPROVAL: September 03, 2026 **FORM: 09032026-07**

BUDGET AMENDMENT

FUND 460

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
460-0000-420050-25019	Grant Revenue (NCDWI)	5,000,000	1,750,000	-	6,750,000
460-0000-470010-25019	Debt Proceeds (NCDWI, 0 Interest)	5,000,000	1,750,000	-	6,750,000
460-0000-420050-25019	Grant Revenue (GoldenLEAF)	-	1,938,000	-	1,938,000
460-0000-420050-25019	Grant Revenue (CDBG-ED)	-	1,862,000	-	1,862,000
460-7055-550103-25019	Capital Outlay - CIP	10,000,000	7,300,000	-	17,300,000
FUND 460, #25019	TOTAL REVENUES	10,000,000	7,300,000	-	17,300,000
Water Resiliency Looping	TOTAL EXPENDITURES	10,000,000	7,300,000	-	17,300,000

An amednemnt increasing the Water System Resiliency Looping Project, #25019 by $7,300,000. This amendment follows confirmation of increased funding opportunity from NCDWI, the GoldenLEAF foundation, and CDBG-ED funding. This amendment increases the total project appropriation to $17,300,000.

The City Manager and City Clerk certify budget ordinance amendment 09032026-07 was approved by City Council on September 03, 2026.

TO MAYOR & COUNCIL **FISCAL YEAR 2027**
APPROVAL: September 03, 2026 **FORM: 09032026-08**

BUDGET AMENDMENT

FUND 010

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
010-0000-460002	Misc. Income - Police (NNO)	1,000	500		1,500
010-1300-532250	Outreach Program	24,500	500	-	25,000
FUND 010	TOTAL REVENUES	1,000	500	-	1,500
	TOTAL EXPENDITURES	24,500	500	-	25,000

An amendment increasing contribution/donation revenues related to Hendersonville Police Department's National Night Out event.

The City Manager and City Clerk certify budget ordinance amendment 09032026-08 was approved by City Council on September 03, 2026.

G. Resolution to Permit Alcoholic Beverages at the Board & Commission Volunteer Reception – *Jamie Carpenter, Downtown Manager*

Resolution #R-26-82

HENDERSONVILLE, NORTH CAROLINA RESOLUTION TO PERMIT THE POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES AT THE BOARD AND COMMISSION VOLUNTEER RECEPTION

WHEREAS, North Carolina General Statute 18B-300 (c)(3) permits a city or county, by local ordinance, to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys, or parking lots which are temporarily closed to regular traffic for special events; and

WHEREAS, Section 6-2 (d) of the City of Hendersonville Code of Ordinances establishes that it "shall not be unlawful for any person to possess or consume any alcoholic beverage on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events, if the city council has adopted a resolution making provisions for the possession and consumption of malt beverages or unfortified wine or both at such special event, to the extent permitted by such resolution."

NOW THEREFORE BE IT RESOLVED by the city council of the City of Hendersonville, North Carolina, pursuant to the authority granted by general statute and according to the duly adopted local ordinance that,

The Friends of Downtown Hendersonville are permitted to host the Board and Commission Volunteer Reception at Edwards Park on Thursday, October 22.

Furthermore, that the possession of alcohol in the form of malt beverages and unfortified wine, be permitted within the event footprint established by the City Special Events Committee and the associated North Carolina Alcohol Beverage Control Special Event Permit on the dates listed above.

ADOPTED by the City Council of the City of Hendersonville, North Carolina, on this 3rd day of September, 2026.

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

H. HPD-GHSP Overtime Funds Grant – *Blair Myhand, Police Chief*

Resolution #R-26-84

North Carolina Governor's Highway Safety Program
LOCAL GOVERNMENTAL RESOLUTION

WHEREAS, the Hendersonville Police Department (The Applicant Agency) (herein called the "Agency") has completed an application contract for traffic safety funding; and that Hendersonville City Council (The Governing Body of the Agency) _____ (herein called the "Governing Body") has thoroughly considered the problem identified and has reviewed the project as described in the contract;

THEREFORE, NOW BE IT RESOLVED BY THE Hendersonville City Council (Governing Body) IN OPEN MEETING ASSEMBLED IN THE CITY OF Hendersonville, NORTH CAROLINA, THIS 3 DAY OF September, 20 26, AS FOLLOWS:

1. That the project referenced above is in the best interest of the Governing Body and the general public; and
2. That Sergeant Austin Putnam (Name and Title of Representative) is authorized to file, on behalf of the Governing Body, an application contract in the form prescribed by the Governor's Highway Safety Program for federal funding in the amount of $ 10,000 (Federal Dollar Request) to be made to the Governing Body to assist in defraying the cost of the project described in the contract application; and
3. That the Governing Body has formally appropriated the cash contribution of $0 (Local Cash Appropriation) as required by the project contract; and
4. That the Project Director designated in the application contract shall furnish or make arrangement for other appropriate persons to furnish such information, data, documents and reports as required by the contract, if approved, or as may be required by the Governor's Highway Safety Program; and
5. That certified copies of this resolution be included as part of the contract referenced above; and
6. That this resolution shall take effect immediately upon its adoption.

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

I. Resolution in Support of the Leonard Antonielli and Jacob Hill Bicycle Safety Zone ACT OF 2025 (Lennie's Law) – *Jennifer Hensley, Mayor Pro Tem*

Resolution #R-26-85

RESOLUTION IN SUPPORT OF THE LEONARD ANTONELLI AND JACOB HILL BICYCLE SAFETY ZONE ACT OF 2025 ("LENNIE'S LAW")

WHEREAS, the City of Hendersonville is committed to promoting the safety, health, and well-being of all residents and visitors, including those who utilize public roadways for cycling and other forms of active transportation; and

WHEREAS, Western North Carolina is home to a vibrant and growing cycling community, with many roadways—particularly in and around Hendersonville—serving as popular and heavily trafficked cycling routes; and

WHEREAS, on July 1, 2025, Leonard Antonelli ("Lennie", age 27) and Jacob Hill ("Jake", age 32) were tragically killed, while Griffin Tichenor was injured, when a commercial vehicle crossed the center line and struck them during a weekly group cycling ride near Woodfin, North Carolina; and

WHEREAS, this tragic crash underscores the urgent need for enhanced roadway safety measures to protect cyclists and prevent future loss of life; and

WHEREAS, the proposed Leonard Antonelli and Jacob Hill Bicycle Safety Zone Act of 2025, also known as "Lennie's Law," seeks to establish designated Bicycle Safety Zones on popular cycling routes across North Carolina, where stricter enforcement of posted speed limits and increased penalties for violations would apply; and

WHEREAS, "Lennie's Law" proposes a practical, cost-effective approach—modeled after school zone safety measures—that is non-invasive to private property owners and existing roadways, including the installation of clear signage designating bicycle safety zones to increase driver awareness and accountability; and

WHEREAS, data consistently identifies excessive speed as a leading contributing factor in vehicle-cyclist collisions, and enhanced enforcement mechanisms can play a critical role in reducing such crashes; and

WHEREAS, local leaders and advocates have expressed support for the concept of bicyclist safety zones as a proactive step toward improving roadway safety; and

WHEREAS, regional partners, including the French Broad Metropolitan Planning Organization and the North Carolina Department of Transportation, are actively evaluating strategies to improve safety along key corridors further demonstrating the need for coordinated action; and

WHEREAS, the City of Hendersonville recognizes that safer roadways benefit all users, including motorists, cyclists, and pedestrians, and contributes to a more livable, connected, and resilient community.

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

1. The City of Hendersonville formally expresses its strong support for the establishment of a law that increases awareness and consequences for speeding on designated roadways that meet prescribed criteria for bicycle safety; and
2. The City supports collaboration with state and regional agencies to identify and designate appropriate Bicycle Safety Zones within and near Hendersonville, based on data, community input, and demonstrated need; and
3. The City encourages the North Carolina General Assembly to adopt this legislation to enhance cyclist safety through the establishment of Bicycle Safety Zones and increased penalties for speeding violations within those zones; and
4. The City honors the memory of Leonard Antonelli and Jacob Hill and recognizes this legislation as a meaningful step toward preventing future tragedies.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 3rd day of September, 2026.

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

J. Resolution to Accept Grant Funds for CLG Grant – *Sam Hayes, Planner II*

Resolution #R-26-86

RESOULTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL ACCEPTING A GRANT FROM THE STATE HISTORIC PRESERVATION OFFICE CERTIFIED LOCAL GOVERNMENT GRANT PROGRAM

WHEREAS, the State Historic Preservation Office, utilizing pass through funds from the National Preservation Fund, has established a grant program for qualified Certified Local Governments (CLGs) in North Carolina to be used for restoration work on historic buildings within their jurisdiction; and

WHEREAS, the Historic Preservation Commission applied for and was awarded $25,000 for work on the Round House in Oakdale Cemetery; and

WHEREAS, the City of Hendersonville desires to accept the grant funds, and authorize the execution of the grant funding agreement (the "Grant Agreement"); and

WHEREAS, the Grant Agreement provides that the City will undertake activities to promote the historic preservation of Oakdale Cemetery; and

WHEREAS, the City is not required to provide matching funds for this grant; and

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

1. The City hereby accepts the $25,000 Certified Local Government grant from the State Historic Preservation Office for the purposes as set out in the Grant Agreement.
2. The City Manager is authorized to execute the Grant Agreement, with such changes as he deems appropriate, provided they are consistent with the terms of this Resolution.
3. City Staff are authorized and directed to proceed with the performance and implementation of the Certified Local Government grant as outlined in the Grant Agreement.

Adopted by City Council of the City of Hendersonville, North Carolina on this 3rd day of September, 2026.

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

K. Annexation: Certificate of Sufficiency-Jabil Extension (26-60-ANX) – *Sam Hayes, Planner II*

Resolution #R-26-83

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

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

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

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

Section 1. A public hearing on the question of annexation of the satellite area described herein will be held at City Operations Center located at 305 William St. Hendersonville NC, 28792 at 5:45 p.m. October 1st, 2026, or as soon thereafter as it may be heard.

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

BEGINNING at a 5/8" rebar with cap stamped "Holmes Geospatial" set flush with existing grade (hereafter referred to as "Holmes rebar"); said Holmes rebar lying in the eastern boundary of that North Carolina Department of Transportation (referred to as NCDOT hereafter) fee simple right of way tract as described per deed book 3731 page 303 and being the northwestern most corner of Lot 2 as shown per plat book 2021 page 13013 of the Henderson County Register of Deeds (referred to hereafter as Henderson County registry); said Holmes rebar having NC Grid NAD83 coordinates of Northing: 578918.08' Easting: 983408.15'; thence with the northern boundary of Lot 2 as shown per plat book 2021 page 13013 the following three calls; 1. S 69°48'33" E 14.73 feet to a calculated point; 2. A curve to the right having an arc length of 0.54 feet, a radius of 141.27 feet, a chord bearing of S 69°27'08" E, and a chord length of 0.54 feet to a Holmes rebar set flush with existing grade; 3. S 84°10'04" E 112.25 feet to a calculated point lying at the southwestern most corner of the Appleland Business Park Property Owners Association property as described per deed book 1031 page 161 of the Henderson County registry; thence with the southern boundary of the property as described

per deed book 1031 page 161 and the northern boundary of Lot 2 as shown per plat book 2021 page 13013 S 84°10'04" E 638.44 feet to a 1" axle found 0.7 feet below existing grade; said 1" axle being the southeastern most corner of Lot 7a as shown per plat book 1995 page 2042 and being the northeastern most corner of that property as described per deed book 3258 page 544 of the Henderson County registry; thence with the eastern boundary of Lot 7a, Lot 7, and Lot 11 of plat book 1995 page 2042 N 06°38'07" E 414.24 feet to a 4"x4" concrete monument found 1 foot above existing grade; said concrete monument being the northwestern most corner of that property as described per 1289 page 412; said concrete monument also being a common corner of Lot 11 per plat book 1995 page 2042; thence with the common boundary of deed book 1289 page 412 and Lot 11 as shown per plat book 1995 page 2042, S 84°56'34" E 91.18 feet to a 1/2" open iron pipe found 0.5 feet above existing grade; said open iron pipe lying in the western right of way line of Interstate 26 and being a common corner of Lot 11 as shown per plat book 1995 page 2042 of the Henderson County Register of Deeds; said open iron pipe being the northwestern most corner of that 3.7 acre right of way tract as described per deed book 421 page 299 of the Henderson County registry; said open iron pipe having NC Grid NAD83(2011) coordinates of Northing: 579239.87' Easting: 984307.77'; thence with the western right of way line of Interstate 26 as described per deed book 421 page 299 the following three calls; 1. S 32°35'44" E 44.26 feet to a 6" x 6" concrete right of way monument found 0.4 feet below existing grade; 2. S 32°21'25" E 196.82 feet to a 1/2" rebar found 0.3 feet above existing grade; 3. thence with a curve to the right having an arc length of 593.18 feet, a radius of 4448.67 feet, a chord bearing of S 27°41'47" E, and a chord length of 592.74 feet to a calculated point lying in the northern boundary line of the John M. Magnusson Revocable Trust property as described in deed book 1345 page 308 of the Henderson County Register of Deeds; said calculated point lying N 84° 22' 13" W 0.79 feet from a 3/4" open iron pipe found broken at existing grade; thence with the northern boundary of the John M. Magnusson Revocable Trust Property as described per deed book 1345 page 308, N 84°22'13" W 515.99 feet to a 5/8" rebar with cap stamped "Ed Holmes & Associates" found 0.0 feet above existing grade; said 5/8' rebar with cap being the northwestern most corner of the John M. Magnusson Revocable Trust property and the northeastern most corner of Lot 3 as shown per plat book 2021 page 13013 of the Henderson County registry; thence with the northern boundary of Lot 3 per plat book 2021 page 13013 the following two calls; 1. N 47°18'56" W 303.88 feet to a 1/2" rebar found 0.2 feet above existing grade; 2. N 85°01'19" W 499.94 feet to a Holmes rebar set flush with existing grade; said Holmes rebar lying in the eastern boundary of that NCDOT fee simple right of way tract as described per deed book 3731 page 303; thence with the eastern boundary of that NCDOT fee simple right of way tract as described per deed book 3731 page 303 a curve to the left having an arc length of 128.30 feet, a radius of 280.00 feet, a chord bearing of N 33°09'14" W, and a chord length of 127.19 feet to the point and place of BEGINNING containing 7.23 ± Acres.

ALSO BEING all of Lot 2 as shown per plat book 2021 page 13013 of the Henderson County Register of Deeds.

Re: Petition for Satellite Annexation
Petitioners: Jeffrey Butt (applicant) and SMBC Leasing and Finance, Inc (owner)
File No. 26-60-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 3rd day of September, 2026.

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

6. PRESENTATIONS

A. Proclamation-Source Water Protection Week - *Barbara Volk, Mayor*

Mayor Volk presented the proclamation to Kasey Lions, Utilities Compliance Technician.



Mayoral Proclamation

In support of Source Water Protection Week

WHEREAS, the health, prosperity, and quality of life of Hendersonville's citizens and communities depend on a reliable supply of safe, high-quality drinking water; and

WHEREAS, protecting our drinking water is essential to preserve our own health and economy and that of future generations; and

WHEREAS, we strive to build opportunities and work together to ensure clean, safe source water for all; and

WHEREAS, [Hendersonville citizens are encouraged to recognize this precious resource and help conserve the watersheds that are the source of our water, protect our shared water resources from pollution, practice water conservation, become involved in local water issues, and plan to protect water for future community health and economic vitality.

NOW, THEREFORE, as Mayor of Hendersonville I do hereby proclaim September 27-October 3, 2026 SOURCE WATER PROTECTION WEEK in Hendersonville and urge all citizens to join in supporting this observance.

PROCLAIMED this 3rd day of September, 2026.

B. Proclamation-Ovarian Cancer Awareness Month - *Barbara Volk, Mayor*

Mayor Volk presented the proclamation to Debbie Robins who herself has survived ovarian cancer.

Proclamation
DECLARING SEPTEMBER AS OVARIAN CANCER AWARENESS MONTH IN THE CITY OF HENDERSONVILLE

WHEREAS, ovarian cancer is the fifth leading cause of cancer-related deaths among women, profoundly impacting patients, caregivers, and families across our nation and within our own community; and

WHEREAS, public awareness is vital, as there is currently no reliable early detection screening test for ovarian cancer, making knowledge of its subtle symptoms—such as bloating, pelvic pain, difficulty eating, and urinary urgency—the most effective defense; and

WHEREAS, the dedication of advocates, including local survivors and leadership from the National Ovarian Cancer Coalition (NOCC), plays a critical role in educating the public, supporting patients, and honoring the memory of the family members and friends we have lost to this disease; and

WHEREAS, 19-year survivor and NOCC Vice Chair, Debbie Robbins, resides in our community exemplifies the strength of our citizens and the vital importance of early detection, timely medical care, and continued research; and

WHEREAS, the City of Hendersonville stands united with survivors, families, and medical professionals to raise awareness and improve health outcomes for all women.

NOW, THEREFORE, I, Barbara G. Volk, Mayor of the City of Hendersonville, do hereby proclaim September as **OVARIAN CANCER AWARENESS MONTH** in our community, and urge all citizens to wear teal, learn the symptoms, and support the fight against this disease.

PROCLAIMED this 3rd day of September, 2026.

C. Utilization of License Plate Readers and Camera Technology by Hendersonville Police Department - *Blair Myhand, Chief*

Chief Myhand gave the following PowerPoint presentation about flock cameras.

License Plate Recognition Systems

HENDERSONVILLE NORTH CAROLINA POLICE

Hendersonville Police Department

City Council Presentation

September 3, 2026

Objectives for this meeting...

1	**Clarity and Privacy**	Understanding the technology, use, and individual privacy.
2	**Policy and Governance**	Understanding controls, auditing, and accountability.
3	**Next steps**	Discuss what tomorrow looks like.

Clarity - *Success in Hendersonville*

Bank Robbery – the suspect was arrested hiding in a motel in Greenville, SC., within 13-hours. Evidence and money was also recovered. (Aug 2024)

Missing Person – a woman was found safe by Jacksonville, FL. Police, within minutes of a LPRS search. (Sep 2024)

Critical Missing Person – an elderly man with dementia was found safe before the reporting officer cleared the scene. (Oct 2024)

Murder – a homicide suspect was identified within 24-hours and later arrested after witnesses described a vehicle seen speeding from the scene. (Dec 2024)

Domestic Violence – suspect was arrested within 30-minutes of the crime being reported. (July 2025)

Bomb Threat – a suspect was located after witnesses suspected he threatened to blow-up a local retail store. (March 2026)

Armed Robbery – suspects were located and arrested within 90-minutes of the crime being committed. (May 2026)

Assault – a suspect from Charleston was identified and charged after assaulting a 16-year-old during Garden Jubilee. (May 2026)

Clarity - *National Statistics*

- ✗ Child abduction homicide rates are 48% within 1 hour.
- ✗ 18% missing persons with dementia are found deceased 12 hours after disappearing.
- ✗ 69% homicide closure rate.
- ✓ 56% of abducted children are recovered safe within 1 hour.
- ✓ 78% are found safe within 12 hours.
- ✓ 95% homicide closure rate and 8X more likely to be cleared.

Clarity – *System Capabilities*

Does...

- Capture a point-in-time, retrospective picture of a license plate and vehicle from the rear.
- Cross references an image against information in the LPRS database.
- Send an audible alert when there is a match.
- Provide Officers an investigative lead to identify potential suspects.

Does not...

- Collect biometric data or perform facial recognition.
- Use signal tracing or device tracking (i.e., Bluetooth, Wi-Fi, cellular, smart watches, etc.,).
- Track people's movement.
- Access personal identifying information.

Clarity - *Prohibited uses*

- ✗ Any use not part of a legitimate law enforcement investigation.
- ✗ Civil matters.
- ✗ Monitoring protests, churches, or lawful gatherings.
- ✗ Immigration.
- ✗ Politically motivated searches.
- ✗ Personal/Romantic Partner Stalking.

Privacy – *Retention, Reason, and Records (3Rs)*

Optional 7-Day retention period

Most pictures never match anything and are never viewed. Every picture without value is deleted after 7 days.

Every search needs a reason and case number

No search can be made without first being related to an active case. Every search leaves a record that is auditable.

Someone always checks the records

Search records are audited monthly and reported to the Chief of Police by the 10th day of the following month.

We retain evidence as in any other criminal investigation. Data is only deleted after the case is adjudicated.

Policy and Governance - *Access*

Law Enforcement	Controlled by agency policy.
Private Entities	No access (one-way street).
Federal Government	Official request only*.

Policy & Governance - *Accountability*

Policy	Department policy clearly defines authorized and prohibited uses.
Control	Mandatory fields prevent unauthorized searches within the system.
Audits	Searches are audited monthly and the findings are sent to the Chief of Police for review.
Misuse	**Any prohibited use results in administrative and/or criminal penalties.**

Policy & Governance - *Trust*

Public Policy	A downloadable policy is posted publicly.
Monthly Reports	LPRS information is included in agency monthly reports.
Public Audit Reports	Audits and findings to be published publicly.
Feedback	Send feedback to bmyhand@hvlnc.gov and/or akleppe@hvlnc.gov

Next Steps – *Action*

IACP	ALPR statement, working group, and roundtable with Flock CEO.
Landing page	Utilize the city's website for public information and feedback.
Listening Sessions	Determine how the public can share concerns and inform policy.
Transparency	**Continued commitment to public transparency.**

Time for Questions

Chief Myhand also mentioned that the police department would be having opportunities for public input sessions and discussions at a future date which will be advertised. Mayor Volk reminded everyone that this was a presentation and that nothing is being voted on tonight and this is an opportunity for Council to ask any questions.

City Manager John Connet asked Chief Myhand if he can get the signed contract and put it up on the website so that everyone can read it.

Council Member Hensley asked how many cases of misuse has the City of Hendersonville had since implementing the cameras? Chief Myhand said there have been no instances of misuse thus far. Communications and Technology Bureau Manager Amber Kleppe spoke and said that Flock provides an algorithm that they use monthly and the system will flag anomalies for us. For example if it's a single plate search that no one else has looked for, that's not normal and the system will flag it if it's a single user. The system will also flag if an officer looks for a tag one month and then again the next month etc. We also randomly pick 20 each month and confirm that they are legit searches.

Council Member Hensley asked what the process is if another agency asks our department to get footage from one of our cameras? Chief Myhand said they would have to send a DCI message which is through our secure law enforcement database and say we need to search your cameras because we believe this person is in the city of Hendersonville. Once that message comes across, it's considered authorized. They could also send me an email but that approval sits with my office so I would not look up some buddy's wife's tag for example, they would have to go through the office channels for that process to move forward.

Council Member Hensley asked that since stalking another person has been happening for years prior to cameras, how would an officer go about stalking someone using the camera? Chief Myhand said the camera would take a picture of the license plate and that officer has to take that information and put it in another system. The Flock system doesn't have search capability within it to find out who that person is based on their tag number. The officer would have to input that info into another system that was in existence long before I became a police officer. Prior to the cameras, the officer could input information into the same system that we use every single day and get the same information, which is a clear violation. We try to hire great people but peopole also make mistakes.

Council Member Hensley asked is there any software or devices that you know of currently that can actually track devices or do signal tracing? Chief Myhand said that he was sure there is something out there and he knows there are companies that are woking on collecting the metadata from newer vehicles and that gets sold to dealerships and manufacturers and

they use that data to do some of that. If that tool exists, its not owned by the Hendersonville Police Department.

Council Member Baxter asked about the data access that Flock has for its own system. She said I know that we have a lot of precautions in place and are fortunate to have a good policy around it but I'm curious what we know about if other PDs access it and they have different policies. If they don't have the policy that we have, where does that information go and what can Flock do with it? Chief Myhand said lets say an agency accesses our database, they don't get access to everything. They do not get a data dump. It's only to that particular vehicle and they can save it as evidence in their case, just like we could do. Flock tells me that it is our data and is not within their database. I can only tell you what they've told us time and time again. Our vendor has assured us that the data is ours and when it leaves our system it's deleted forever.

City Manager Connet added that we absolutely hear the concerns from the public and I know that city council has as well and they are the policy makers but I will tell you from the City Manager's seat and over 34 years there's been a number of times that I've gotten complaints and calls from citizens because law enforcement could not solve certain specific crimes like theft, larceny, etc., and the public did not think that law enforcement cared or would investigate these matters. I will tell you that this tool is helping our police department solve these crimes like I've never seen before and actually protecting our citizens and that's just my experience. It needs to be controlled, it needs to have guardrails and it needs to be used properly and I fully admit that. I just want to support the chief with the fact that it is a powerful tool that is solving crimes in your community.

~Mayor Volk asked for a brief recess at 7:03 p.m. and returned to session at 7:10 p.m.~

7. PUBLIC HEARINGS

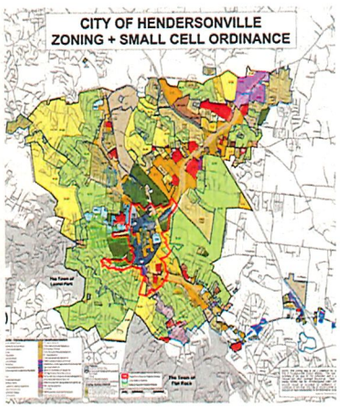
A. Zoning Text Amendment: Small Cell Wireless Facilities (26-47-ZTA) – *Lew Holloway, Community Development Director*

Lew Holloway explained that the City of Hendersonville has initiated a zoning text amendment to address the deployment of small cell wireless telecommunications facilities across the city. The proposed updates to this zoning ordinance are precipitated by state and federal laws on this same topic. These existing laws limit what can be done to address these facilities at the local level. The proposed ordinance is based upon model policies that reflect conformance with state and federal regulations. Small cell wireless facilities are a type of infrastructure that helps improve cell phone and wireless internet service, especially in areas where signals are weak or overloaded. They are small, low-powered antennas that transmit data within the larger cellular network. These facilities are typically found on standalone poles in the right-of-way but can be mounted to existing structures such as streetlights, utility poles, traffic signals, and buildings and are much smaller than traditional towers. The proposed standards provide guidance for the installation of small cell facilities that mirror in form the City's existing telecommunication zoning standards on where and how traditional towers are installed. Because small cell facilities are and will continue to be located along public rights-of-way, aesthetic standards are a principal focus for certain areas of town (downtown + historic districts) to address concerns over appearance and visual clutter.



Project Background

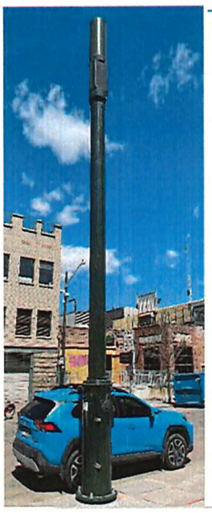
- City-Initiated ZTA
- Response to recent deployment of Small Wireless Facilities across the City
- Small Wireless Facilities aka Small Cells are...
  - are a type of infrastructure that helps improve cell phone and wireless internet service—especially in areas where signals are weak or overloaded.
- Federal law establishes that a local government cannot effectively limit the provision of personal cell service.
- Aesthetic Standards Permitted



The proposed standards provide guidance for the installation of small cell facilities in much the same way that the City's existing telecommunication zoning standards guide where and how traditional towers are installed. Because small cell facilities are and will continue to be located along public rights-of-way, aesthetic standards are a principal focus for certain areas of town (downtown + historic districts) to address concerns over appearance and visual clutter.

D
are a type of infrastructure that helps improve cell phone and wireless internet service—especially in areas where signals are weak or overloaded.
They are small, low-powered antennas that transmit data within the larger cellular network. They are much smaller than the traditional cell towers. These facilities are typically found on standalone poles in the right-of-way but can be mounted to) existing structures such as streetlights, utility poles, traffic signals, and buildings.

EXAMPLES



Standalone w/ Decorative Pole

Collocated on Utility Pole



Source: Comments of PCIA - Attachment, WT Docket No. 25-180, at 23 (filed September 28, 2025).

Integrated with Light Post



Here are a few various examples with one showing

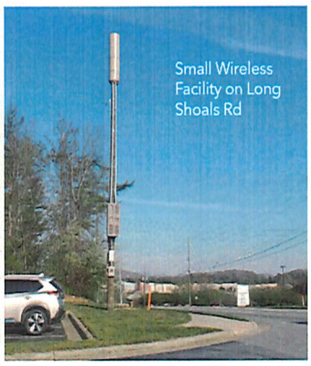
Purpose, Intent, & Applicability

Purpose & Intent

1 Facilitate deployment of wireless infrastructure;

2. Protect the public health, safety, and welfare; and

3. Preserve the aesthetic character of the public realm



Applicability

1. All Small Cells except:
   a) inside Buildings
   b) inside Stadiums/Athletic Facilities

Review

Zoning Compliance (Administrative) | COAs + Encroachment Permits also needed, as applicable

Getting into the specifics of the Ordinance. The Purpose is to guide the deployment of Small Wireless facilities in a way that is safe and visually appealing. It applies to all exterior small cell facilities and they will be reviewed by staff for zoning compliance. Public Works will also review those going in the public ROW while the HPC will review those that are proposed in a historic district.

Key restrictions placed on local communities include:

- **No Environmental/Health Bans:** Local governments cannot regulate or deny wireless facilities based on the environmental or health effects of radiofrequency (RF) emissions, provided the devices comply with FCC safety standards.
- **No Effective Prohibitions:** Towns and cities cannot pass moratoriums or outright bans that effectively prevent a wireless carrier from providing or improving coverage.
- **The "Shot Clock" Rule:** The FCC enforces strict deadlines (usually 60 to 90 days) for local governments to approve or deny small cell applications. If a city fails to act in time, it can face legal action.

Placement

Preferred Placement in order of preference:

1. Collocation on existing structures including telecommunication facilities;
2. Collocation on existing utility poles;
3. Collocation on existing streetlight poles;
4. Replacement of existing poles;
5. New Small Wireless Facility Poles, where no feasible alternative exists

AND

- Shall not be located within locally designated or National historic districts, unless allowed by location analysis.

- Service location analysis required for all new locations.

Spacing:

- 300' unless otherwise necessary



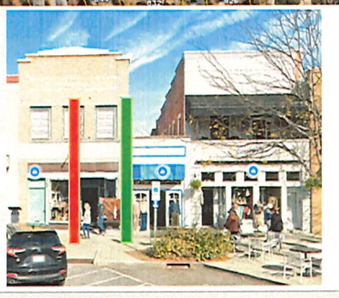
The standards provide guidance on where we want these facilities located with a preference for Collocating on an existing structure or pole. It also seeks to avoid placement in Historic Districts though we cannot prohibit them. The Wireless Provider will have to provide justification for their proposed location.

Placement

c) Prohibited Locations

- Where they would obstruct sidewalks or ADA access;
- Within a 10' x 70' sight triangle at intersections;
- In a manner that interferes with traffic control devices or public safety operations;
- Directly in front of primary residential facades or primary commercial storefronts;
- On streets where utilities are underground, new poles shall be prohibited unless:
  - No feasible alternative exists; and
  - The facility is designed to minimize visual impact.





It also aims to keep sidewalks and intersections clear as well as front of homes and storefronts.

Design Standards



Pole Top Shroud



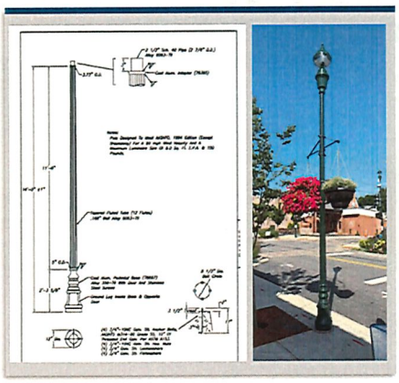
Pole Side Shroud

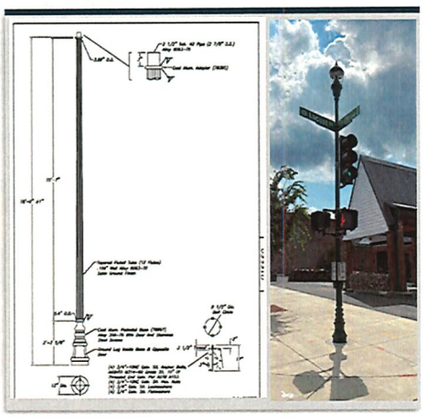
The Design Standards apply to all facilities. It provides for size limitations and requires that all of the units and the associated equipment are shrouded and concealed.

Sec. 16-4-35-3(a)

Design Standards

Pole Design: C-1 + CMU + Historic Districts
(eventually DDO)





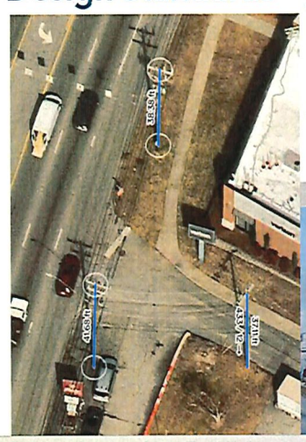
Sec. 16-4-35-3(b)
Zoning Districts are, plus national and locally designated historic districts.

Essentially, In Downtown and in Historic Districts, the standards call for use of a decorative metal pole matching those already used in our historic areas.

Design Standards

Pole Design: All Other Zoning Districts

- Pole height shall not exceed:
  - Fifty (50) feet for freestanding poles; or
  - Ten percent above pre-existing height of the existing structure as a result of collocation.
- Finish shall be non-reflective and made of material consistent with utility poles within the district.





Outside of those area, the aesthetic controls are much more relaxed. Essentially wireless providers would be allowed to have a 50' wooden pole with the equipment attached to it. Further, when collocating, the facilities can extend 10' higher than the top of the existing pole. The deployment of small wireless facilities will be comparable to the power poles we see along our roadways currently both in commercial and residential areas.

Additional Standards

- **Foundations and Utilities**
- All conduit and utility connections shall be underground where feasible.
- **Noise and Ventilation**
- **Identification and Safety**
- **Removal and Abandonment**
- **Nonconforming Facilities**

DEFINITION OF TERMS

Small Wireless Facility - A wireless telecommunications facility that meets the following qualifications:

a. Enclosure is no greater than 6 cubic feet.
b. All other wireless equipment associated with the facility has a cumulative volume of no more than 28 cubic feet.

Micro Wireless Facility - a telecommunication device no larger than 24 inches in length…not considered a small wireless facility.

Telecommunications tower: A tower, pole, or similar structure, exceeding 20 feet in height… shall not include Small Wireless Facility Poles.

There are some additional sections that I will not go over in detail. I will highlight that the definition is essentially setting parameters on the size of the facilities. If they are larger than this, then they are not considered small cell and they would not have to abide by these standards. However, they would be subject to our existing Telecommunication Tower limitations.

Additional Standards

Facility Maintenance Standards

A) Removal and Abandonment Requirements

B) Non-Conforming Facilities Standards

DEFINITION OF TERMS

Small Wireless Facility Pole - A wireless support structure, which is 50 feet or less in height including antennae, which only supports or incorporates, or is intended to only support or incorporate, small wireless facilities.

Utility pole: A structure that is designed for and used to carry lines, cables, or wires for telephone, cable television, ~~or~~ electricity, small wireless facilities to provide wireless services, and/or to provide lighting.

There are some additional sections that I will not go over in detail. I will highlight that the definition is essentially setting parameters on the size of the facilities. If they are larger than this, then they are not considered small cell and they would not have to abide by these standards. However, they would be subject to our existing Telecommunication Tower limitations.

General Amendment Standards: 1) COMPREHENSIVE PLAN CONSISTENCY

LAND SUPPLY, SUITABILITY & INTENSITY	**Land Supply Map:** N/A **Land Suitability:** N/A **Development Intensity:** N/A **Intensity Nodes:** N/A **Focus Area:** N/A
FUTURE LAND USE & CONSERVATION MAP	**Designation**: "Downtown" **Character Area Description**: Somewhat Consistent **Zoning Crosswalk**: N/A

Looking at our Amendment Standards For Criteria 1 - Comprehensive Plan Consistency – There was not a whole lot in the mapped designations that were relevant.

General Rezoning Standards: 2) COMPATIBILITY

EXISTING CONDITIONS	• The conditions of rights-of-way throughout the City of Hendersonville vary. However, within much of the city, it is characteristic to have numerous utility poles which contribute to an appearance of visual clutter, especially along thoroughfares. • The preemptions allowing for the addition of new poles for small cell facilities has the potential to add to the visual clutter and create safety concerns as a result. • Standards which require safe placement and construction and first require collocation on existing poles can assist in stabilizing the visual appearance and safety of rights-of-way in the City.
GEN H GOALS	**Vibrant Neighborhoods:** Consistent **Abundant Housing Choices:** N/A **Healthy and Accessible Natural Environment:** Consistent **Authentic Community Character:** Consistent **Safe Streets and Trails:** Consistent **Reliable & Accessible Utility Services:** Consistent **Satisfying Work Opportunities:** N/A **Welcoming & Inclusive Community**: Consistent **Accessible & Available Community Uses and Services:** Consistent **Resilient Community:** Consistent
GEN H GUIDING PRINCIPLES	**Mix of Uses**: Inconsistent **Compact Development:** N/A **Sense of Place:** Somewhat Consistent **Conserved & Integrated Open Spaces**: N/A **Desirable & Affordable Housing:** N/A **Connectivity:** N/A **Efficient & Accessible Infrastructure:** Consistent

Similarly, very Few of the Guiding Principles were relevant.
However, the proposed standards were surprisingly found to be relevant with a number of Goals and found to be Consistent with 8 out of 10.

General Rezoning Standards

2) EXISTING CONDITIONS CONT...	DOWNTOWN MASTER PLAN: RELIABLE & ACCESSIBLE UTILITY SERVICES - Infrastructure and utilities within downtown should be positioned to support existing development and future redevelopment opportunities. ACCESSIBLE & AVAILABLE COMMUNITY USES AND SERVICES - Downtown should be the center for exceptional public facilities and services. DESIGN STANDARDS - Pedestrian-friendly environments should be expanded and clear of obstacles. Lighting should be pedestrian-scaled. Use trees, shrubs, and other landscaping elements to conceal service areas, utilities, and parking spaces.
3) CHANGED CONDITIONS	Recent installation of small cell facilities, application of permits to install underground wiring for small cell facilities, and permit applications for above ground small cell facilities have prompted City staff to prioritize the initiation of these proposed code standards.
4) PUBLIC INTEREST	Improved communication infrastructure which is safe and minimizes visual impacts. Some claims have been made to suggest that radiofrequency (RF) used by these facilities are a public health concern. However, major health organizations state that the RF emissions fall well within strict guidelines and pose no known health risk.

The Downtown Master Plan also had some relevant points around the provision of quality service and maintaining pedestrian friendly design.

For Criteria 3 - Changed Conditions – The recent installation of wooden small cell poles in downtown were a major impetus for moving forward with the proposed amendments

For Criteria 4 - Public Interest – The amendment proposes to allow for Improved communication infrastructure which is safe and minimizes visual impacts.

General Rezoning Standards

5) PUBLIC FACILITIES	The proposed text amendment would not directly impact the provision of publicly-provided services but may enhance communication technology needed to effectively and efficiently provide public services
6) NATURAL ENVIRONMENT	Federal law establishes that facilities designed to comply with FCC Safety standards cannot be regulated based on the environmental and health effects of radiofrequency (RF) emissions. (47 USCS 1455)

For Criteria 5 - Public Facilities – may improve communication services for public services and emergency response.

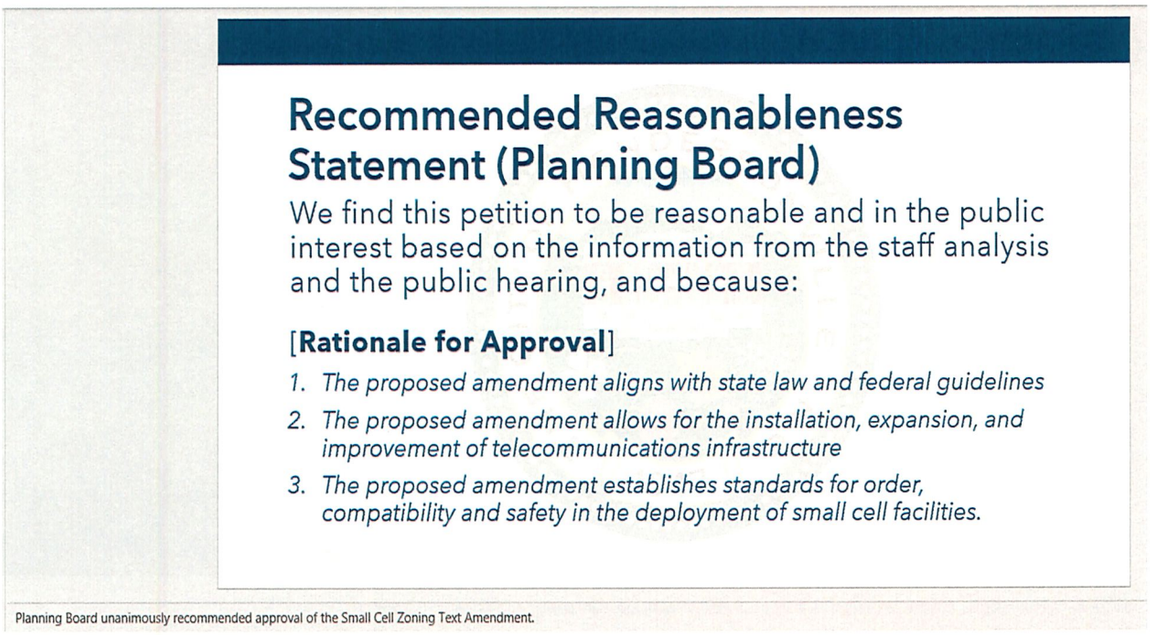
For Criteria 6 – Local governments cannot regulate or deny wireless facilities based on the environmental or health effects of radiofrequency (RF) emissions, provided the devices comply with FCC safety standards.

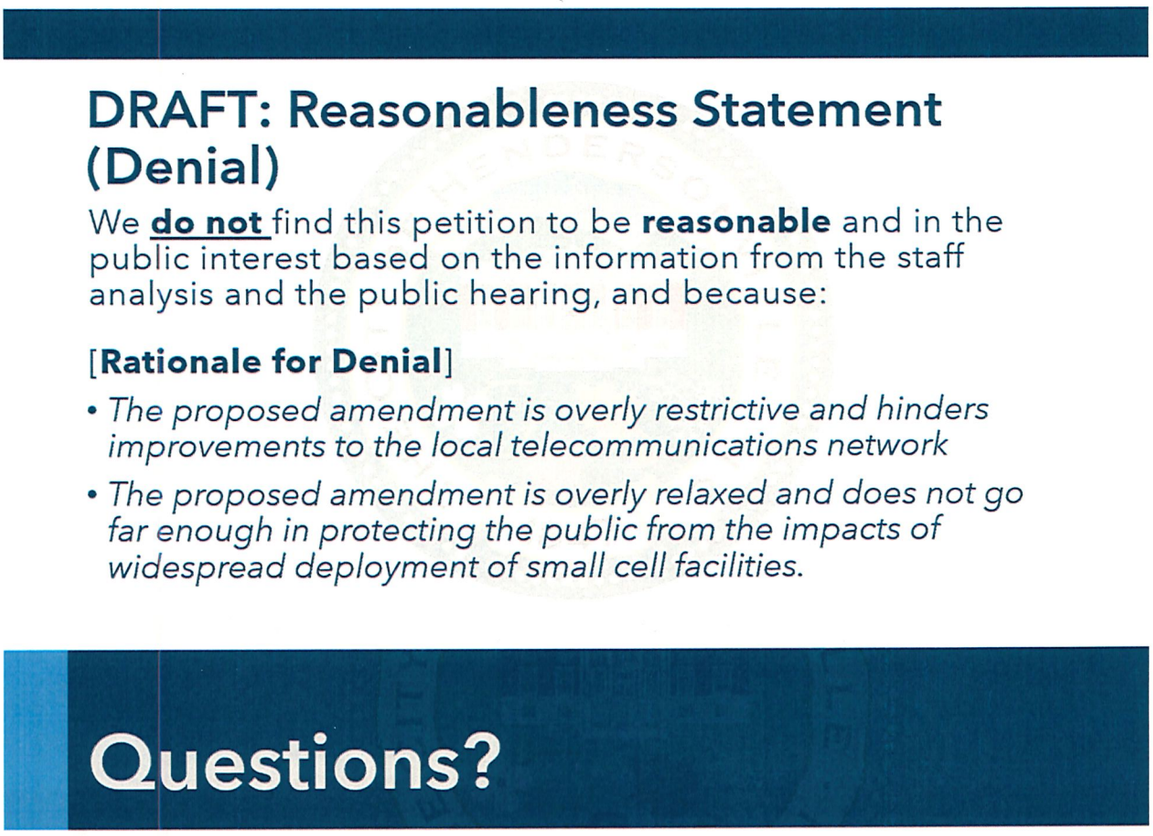
Review Planning Board overview Briefly.

Recommended Comprehensive Plan Consistency Statement (Planning Board)

The petition is found to be **consistent** with the City of Hendersonville Gen H 2045 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:

The proposed text amendment aligns with 8 of 10 of the Gen H Comprehensive Plan Goals





The City Clerk confirmed this public hearing has been advertised in accordance with North Carolina General Statutes.

The public hearing was opened at 7:29 p.m.

Mia Elias of Edneyville spoke about the wireless radiation and the fact that there has been no safety testing since 1996 so please be aware of how unhealthy they are.

Mitch McCarthy spoke about the infrastructure and that we need to consider how we're placing them and how we're hiding them. Also, how they are being fed and the construction and restoration of the land after they are connected to their network.

Lynne Williams is concerned about this, and I know you cannot prohibit them, but you can regulate them so please regulate them to the highest extent.

The public hearing was closed at 7:38 p.m.

Council Member Simpson asked Mr. Holloway if he can explain how stringent this ordinance is and if this is as strong as we can regulate this.

Mr. Holloway said that there were model ordinances they reviewed that were adopted elsewhere and used effectively and Attorney Beeker and I worked through the FCC regs, the State regs and also some resources that we had from other state attorneys or firms within the state who have looked at what we could do and what we couldn't do and looked at applying the highest level of standards that we could.

Attorney Beeker added that we are regulating from an aesthetic standpoint because that and public safety are the only ways that we can, and we are trying to avoid the proliferation of polls throughout the city, so the burden is on them. So, when they come in with their analysis, they are supposed to identify the search ring where the antenna can go so we can look in that search ring and suggest alternative locations. She added that they're coming in without any regulation right now so we are trying to put in some standards so that we can at least require some separation and require them to jump through some hoops before they actually put in a new poll because the ones that came in, we really had no ability to tell them no. That's about the best that we can do.

Council Member Jennifer Hensley moved City Council to adopt an ordinance amending the official City of Hendersonville Zoning Ordinance Article XII. 'Definition of Terms' And Article XVI. 'Supplementary Standards' for Small Cell Wireless Facilities based on the following:

1. The petition is found to be consistent with the Gen H Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:

> ***The proposed amendment aligns with the Gen H Comprehensive Plan Goals & Guiding Principles***

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 amendment aligns with state law and federal guidelines.***
2. ***The proposed amendment allows for the installation, expansion, and improvement of telecommunications infrastructure.***
3. ***The proposed amendment establishes standards for order, compatibility, and safety in the deployment of small cell facilities.***

A unanimous vote of the Council followed. Motion carried.

Ordinance #O-26-27

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND CITY OF HENDERSONVILLE ZONING ORDINANCE, ARTICLE XII. 'DEFINITION OF TERMS' AND ARTICLE XVI. 'SUPPLEMENTARY STANDARDS' FOR SMALL WIRELESS FACILITIES

WHEREAS, the Planning Board reviewed this petition for a zoning text amendment at its regular meeting on August 13th, 2026; voting 6-0 to recommend City Council adopt an ordinance amending the City of Hendersonville Zoning Ordinance, and

WHEREAS, City Council took up this application at its regular meeting on September 3rd, 2026, and

WHEREAS, the City of Hendersonville aims to establish order, compatibility, and safety in the deployment of small wireless facilities across its jurisdiction, and

WHEREAS, Session Law 2017-159 governs authority to standardize the deployment of small wireless facilities in North Carolina, and

WHEREAS, General Statute allows for small wireless facilities to be regulated by design standards, and

WHEREAS, state & federal laws provide that small wireless facility applications shall not be denied for aesthetic reasons unless: 1) the standards are reasonable; 2) the standards are no more burdensome than those applied to other infrastructure deployments; and 3) the standards are published in advance, and

WHEREAS, these standards are intended to be: 1) technologically neutral; 2) non-discriminatory; and 3) consistent with applicable federal and state law, and

WHEREAS, these standards are intended to: 1) facilitate deployment of wireless infrastructure, 2) protect the public health, safety, and welfare; and 3) preserve the aesthetic character of the public realm, and

WHEREAS, City Council has found that this zoning text amendment is consistent with the City's comprehensive plan, and that it is reasonable and in the public interest for the reasons stated, and

WHEREAS, City Council has conducted a public hearing as required by the North Carolina General Statutes on August 6, 2026,

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Hendersonville to amend City of Hendersonville Zoning Ordinance, Article XII, "Definition of Terms" And Article XVI, "Supplementary Standards' for Small Wireless Facilities

ZONING ORDINANCE

ARTICLE IV – Sec. 4-5. - Classification of uses

USE	R-40	R-20	R-15	R-10	R-6	PRDCZD	PMHCZD	RCT	MIC	C-1	C-2	C-3	C-4	CMU	PCDCZD	I-1	PMDCZD	PIDCZD	GHMU	HMU	UVCZD	URCZD	CHMU
Small Wireless Facilities	S S	S S	S S	S S	S S	S S	S S	S S	S S	S S	S S	S S	S S	S S	S S	S S	S S	S S	S S	S S	S S	S S	S S

ARTICLE V – ZONING DISTRICT CLASSIFICATIONS

[*Each Zoning District will include the following Permitted Use*]:

Small Wireless Facility, subject to the supplementary standards contained in Section 16-4, below.

ARTICLE XVI – SUPPLEMENTARY STANDARDS

Section 16-4-34 - Telecommunications towers and antennas.

Special application requirements, procedures, and permitting standards, as set forth herein, apply to telecommunication towers and antennas. The following standards do not apply to Small Wireless Facilities (see Section 16-4-35).

16-4-35 - Small Wireless Facility

16-4-35-1. Applicability

a) Special application requirements, procedures, and permitting standards, as set forth herein, apply to all small wireless facilities and associated support structures, including but not limited to:

1. New poles;
2. Replacement poles; and
3. Collocation on existing structures.

b) The following small cell installations are exempt from these standards:

1. Small wireless facilities located in an interior structure, and;
2. Small wireless facilities located upon the site of any stadium or athletic facility.

c) Small wireless facilities shall be subject to administrative review and shall be reviewed within the time limits established by applicable law.

d) Nothing in this section shall be construed to waive the requirements of additional permits, as applicable, including but not limited to Certificate of Appropriateness and Encroachment Permits.

e) Where these standards conflict with state or federal law, state and federal law shall control.

f) Applications shall include the owner/applicant and shall include documentation on the cellular service provider(s) who intend to locate wireless facilities on the proposed infrastructure.

16-4-35-2. Facility Location Standards

Applicants shall provide a service location analysis which demonstrates the following standards are being met in order to justify any proposed new locations for small wireless facilities. All facilities shall be located to minimize visual impact and integrate with their environs as established by these standards.

a) **Facility Location Hierarchy**

1) Small wireless facility locates shall be in the following order of preference:

a. Collocation on existing structures including telecommunication facilities;
b. Collocation on existing utility poles;
c. Collocation on existing streetlight poles;
d. Replacement of existing poles;
e. New Small Wireless Facility Poles, where no feasible alternative exists.

2) Small wireless facilities shall not be located within locally designated or National Register historic districts, or on properties containing locally designated or National Register historic landmarks, unless evidence presented in the location analysis indicates service cannot be provided from outside the district or property.
3) Small wireless facilities shall consider placement near street tree(s) to help screen the facility when feasible and where no detrimental impact to the tree(s) is found.

b) **Spacing**

1) Small wireless facilities shall be spaced at least three hundred (300) feet apart unless the applicant demonstrates that a shorter separation is necessary for service.

c) **Prohibited Locations**

1) Small wireless facilities shall not be located:
a. Where they would obstruct sidewalks or ADA access;
b. Within a 10' x 70' sight triangle at intersections;
c. In a manner that interferes with traffic control devices or public safety operations;
d. Directly in front of primary residential facades or primary commercial storefronts, new facilities shall align with the extension of side property lines running perpendicular to the primary right of way unless:
   - No feasible alternative exists; and
   - The facility is designed to minimize visual impact.
e. On streets where utilities are underground, new poles shall be prohibited unless:
   - No feasible alternative exists; and
   - The facility is designed to minimize visual impact.

16-4-35-3. Facility Design Standards

Applicants shall apply the following design standards to all facilities located within the City of Hendersonville. All facilities shall be designed to minimize the visual impact and remain compatible with surrounding streetscape elements.

a) **Antenna Design**

1) Equipment and wiring shall be fully concealed. shrouded, or integrated into the pole.
2) All mounting hardware, bolts and brackets must be hidden from view using a tapered concealment shroud connecting the base of the antenna shroud to the pole.
3) Color and finish shall match the supporting structure.
4) The following dimensional limits shall apply unless otherwise preempted by law:
   a. Antennas shall not exceed three feet (3') in height.
   b. Antenna enclosure diameter/width: eighteen (18) inches maximum;
   c. Equipment cabinet diameter/width: twenty (20) inches maximum;

b). **Decorative Small Wireless Facility Pole Design Requirements**

1) New and replacement Small Wireless Facility Poles located within the following areas shall comply with the City of Hendersonville Downtown Municipal Service District pole specifications shown in Figure 1 and shall be color-matched to existing City-approved facilities, as approved by the Public Services Director (Ex. Figures 2 and 3):
   a. C-1 Central Business District
   b. CMU Central Mixed-Use District
   c. Locally designated historic districts
   d. Nationally registered historic districts

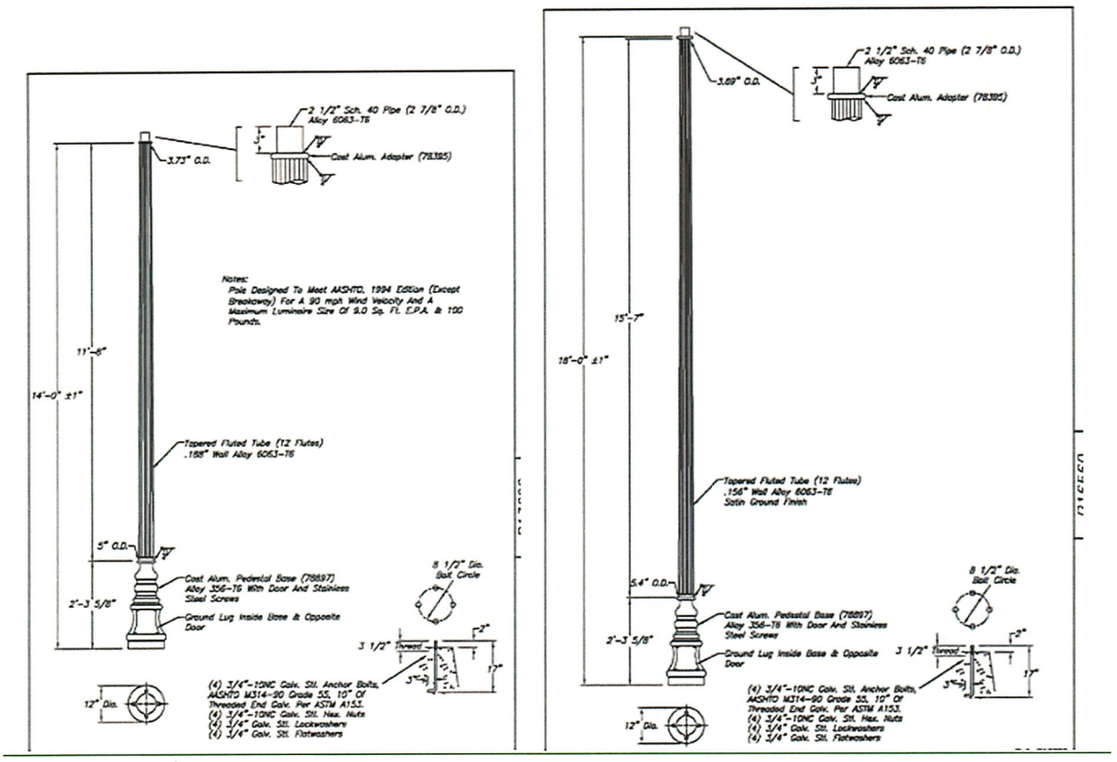


Figure 1: Design Specifications for 14' & 18' Decorative Poles

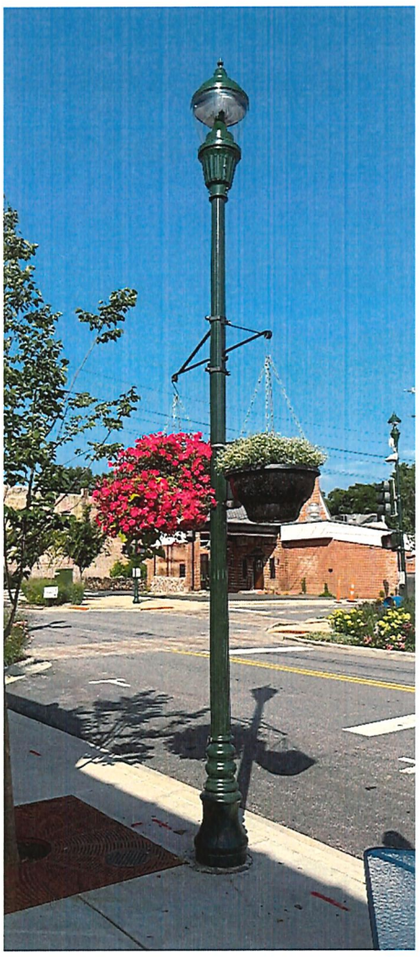


Figure 2: Photo example of 14' Decorative Pole

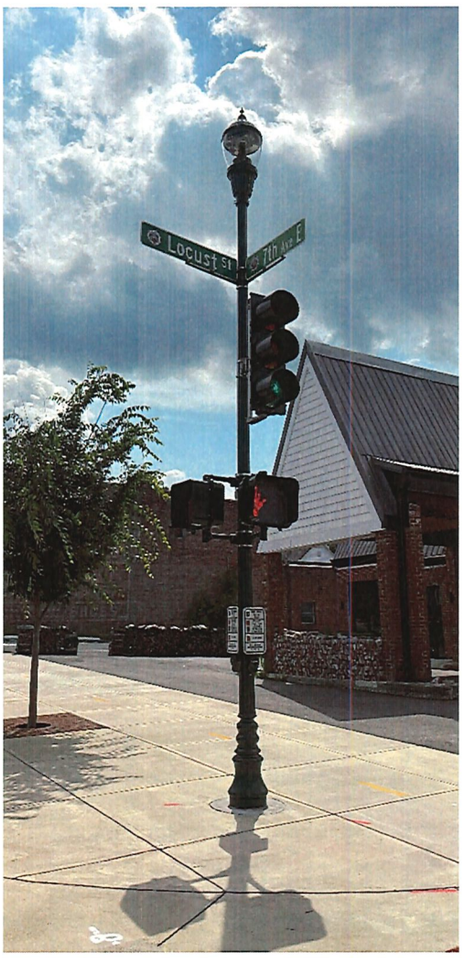


Figure 3: Photo example of 18' Decorative Pole

2) New and replacement Small Wireless Facility Poles located outside the areas listed above shall:
   a) Not exceed:
      - Fifty (50) feet including antennae for freestanding poles; or
      - Ten percent above pre-existing height of the existing structure as a result of the collocation of new antenna facilities.
   b) Have a non-reflective finish and be made of material consistent with surrounding utility

poles.

c) Foundations and Utilities

1) Foundations shall comply with engineering and building code requirements.
2) All conduit and utility connections shall be underground where feasible.
3) Equipment shall be internally separated by ownership where applicable.
4) For collocations and replacement poles, no new ground disturbance shall be permitted that would exceed the width of any previous ground disturbance (including footings and anchoring mechanisms). Except up to four lightning grounding rods up to ¾-inch in diameter may be installed.

d) Noise and Ventilation

1) Facilities shall utilize passive ventilation where feasible.
2) Noise from mechanical equipment shall not exceed:
    a. Thirty (30) dBA measured at one (1) meter; or
    b. Applicable local noise ordinance standards, whichever is more restrictive.

e) Identification and Safety

1) Facilities shall include required safety signage.
2) Identification plates shall not exceed four (4) inches by six (6) inches and shall include:
    a. Provider name;
    b. Facility ID; and
    c. Emergency contact information.

16-4-35-4. Facility Maintenance Standards

a) Removal and Abandonment

1) Facilities that are abandoned or not in use for a period of six (6) months shall be removed. Failure to remove will result in City removal and removal cost recovery.
2) The City may require removal if the facility:
    a. Creates a safety hazard; or
    b. Is no longer maintained in accordance with this Section.

b) Nonconforming Facilities

1) Legally existing facilities that do not conform to these standards may continue.
2) Modifications shall comply with applicable federal and state law regarding eligible facilities requests.

ARTICLE XII. DEFINITION OF TERMS

Micro Wireless Facility: a telecommunication device no larger than 24 inches in length, 15 inches in width, and 12 inches in height, with an exterior antenna no longer than 11 inches. A micro wireless facility is not considered a small wireless facility.

Small Wireless Facility: A wireless telecommunications facility that meets the following qualifications:

a. Each antenna is located inside an enclosure of no more than 6 cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements, if enclosed, could fit within an enclosure of no more than 6 cubic feet; and
b. All other wireless equipment associated with the facility has a cumulative volume of no more than 28 cubic feet.

Small Wireless Facility Pole: A wireless support structure, which is 50 feet or less in height, including antennae, which only supports or incorporates, or is intended to only support or incorporate, small wireless facilities.

Telecommunications tower: A tower, pole, or similar structure, exceeding 20 feet in height, which supports or incorporates, or is intended to support or incorporate, one or more telecommunications antennas that is not a small wireless facility, and is operated for commercial or public purposes above ground, whether freestanding, guyed, or affixed to a building. The term shall include mobile towers but shall not include Small Wireless Facility Poles.

Utility pole: A structure that is designed for and used to carry lines, cables, or wires for telephone, cable television, or electricity, small wireless facilities to provide wireless services, or to provide lighting.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 3rd day of September, 2026.

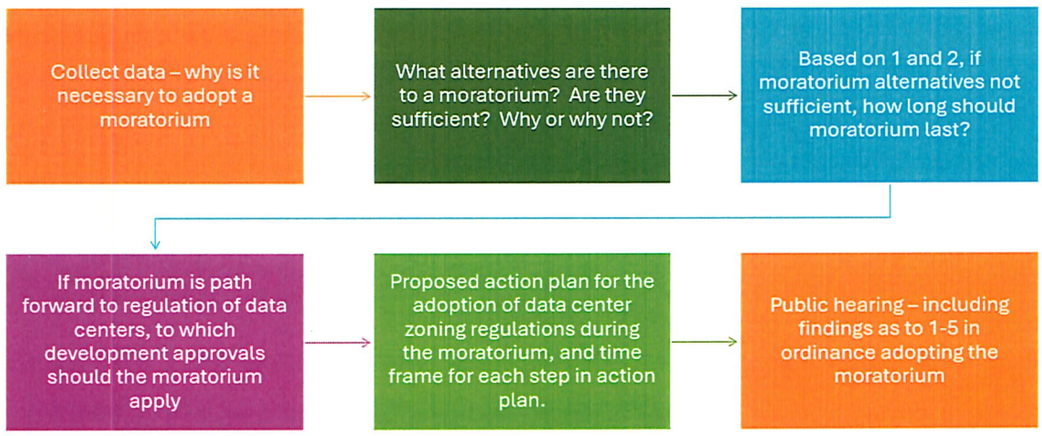
Barbara G. Volk, Mayor
Attest: /s/Jill Murray, City Clerk
Approved as to form: /s/Angela S. Beeker, City Attorney

B. Data and Hyperscale Data Center Moratorium – *Lew Holloway, Community Development Director and Angela Beeker, City Attorney*

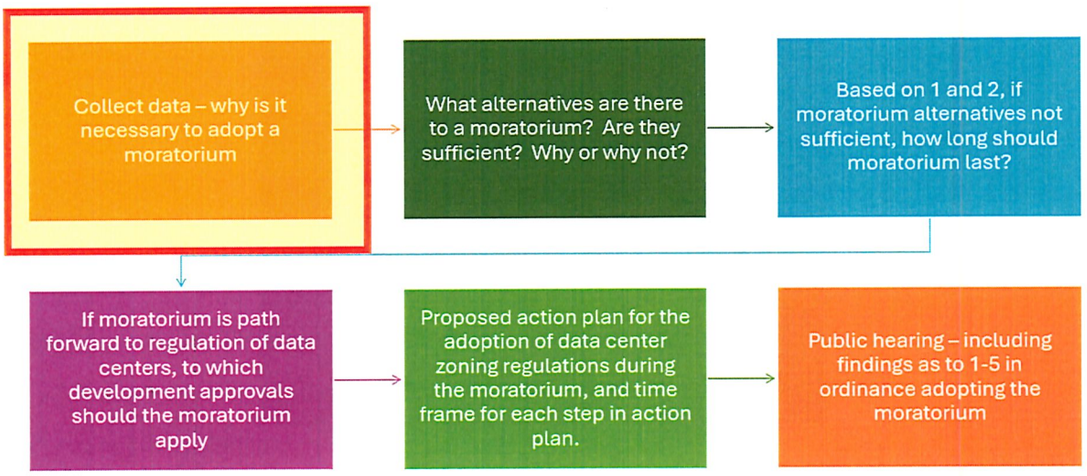
City Attorney Beeker explained that the City Council requested a public hearing to consider the establishment of a development moratorium for data and hyperscale data centers. The public hearing has been advertised in accordance with the North Carolina General Statutes. She presented a proposed plan to modify our Zoning Ordinance during the moratorium period and showed the following PowerPoint presentation.

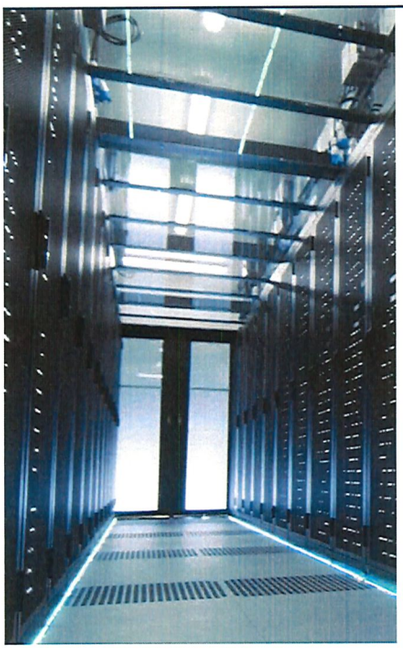


Data Center Moratorium – steps forward



Data Center Moratorium – steps forward

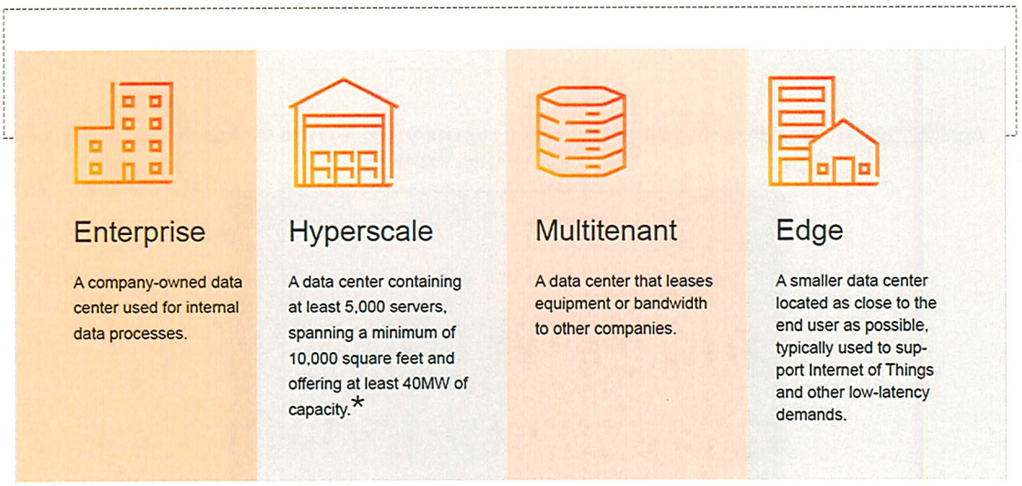




Data Centers

"In its simplest form, a data center is a physical facility that houses and runs large computer systems. A data center typically contains multiple computer servers, data storage devices, and network equipment that can provide IT infrastructure service for organizations to store, manage, process, and transmit large amounts of data."

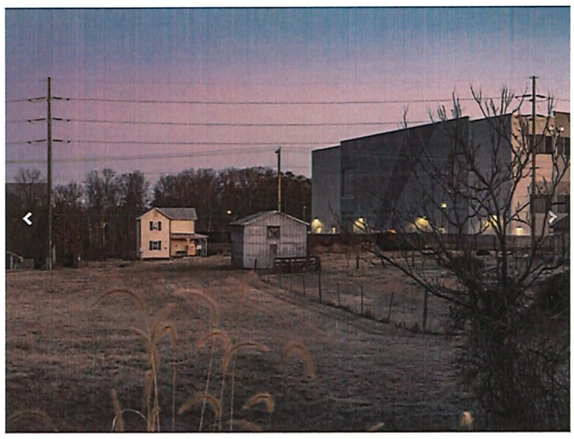
***Data Centers and Their Energy Consumption: Frequently Asked Questions,* Congressional Research Service, May 12, 2026**



Economic Contributions of Data Centers in the United States 2023-2024, PwC, prepared for the Data Center Coalition, May 2026.

*Some define hyperscale as having 100 MW

Jan. 13, 2026 | A data center is seen near a farmhouse in Manassas, Virginia.



https://www.usnews.com/news/national-news/articles/2026-04-28/living-in-hell-data-center-neighbors-grapple-with-noise-air-pollution photo credits: Stephen Voxx

April 24, 2024 | A Google data center is seen under construction near a home in Sterling, Virginia.



https://www.usnews.com/news/national-news/articles/2026-04-28/living-in-hell-data-center-neighbors-grapple-with-noise-air-pollution photo credits: Stephen Voxx

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April 22, 2026 | The Gainesville Methodist Church cemetery sits next to a data center being built by NTT, in Gainesville, Virginia.



https://www.usnews.com/news/national-news/articles/2026-04-28/living-in-hell-data-center-neighbors-grapple-with-noise-air-pollution photo credits: Stephen Voxx

April 22, 2026 | A Microsoft data center is under construction near Chris Yung Elementary School in Bristow, Virginia.



https://www.usnews.com/news/national-news/articles/2026-04-28/living-in-hell-data-center-neighbors-grapple-with-noise-air-pollution photo credits: Stephen Voxx

May 29, 2025 | A data center is seen under construction in Sterling, Virginia.



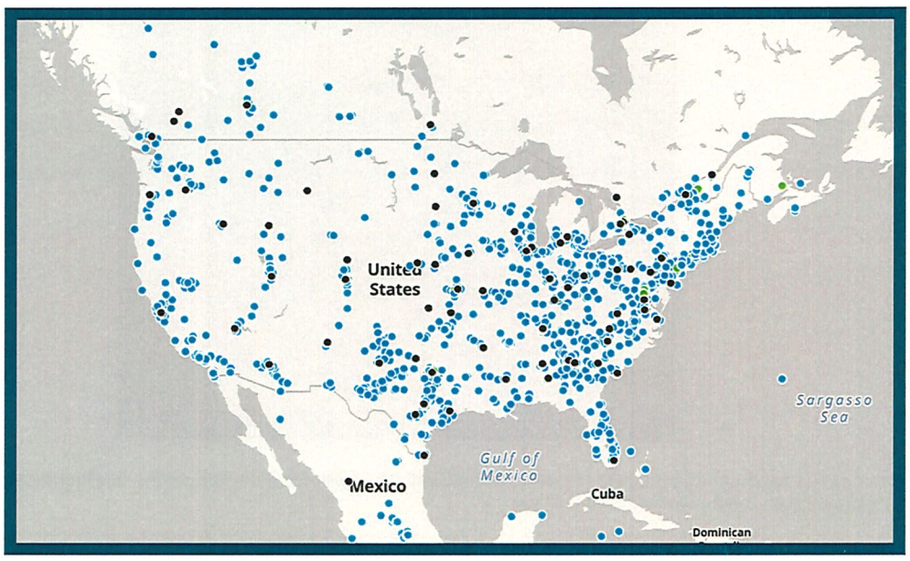
https://www.usnews.com/news/national-news/articles/2026-04-28/living-in-hell-data-center-neighbors-grapple-with-noise-air-pollution photo credits: Stephen Voxx

Feb. 12, 2024 | A home sits near a data center in Gainesville, Virginia.



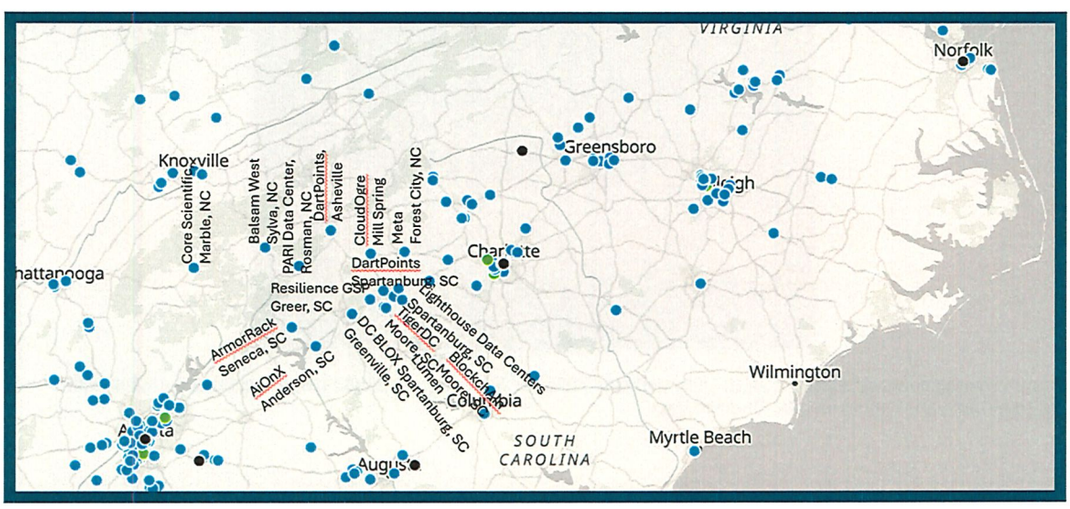
https://www.usnews.com/news/national-news/articles/2026-04-28/living-in-hell-data-center-neighbors-grapple-with-noise-air-pollution photo credits: Stephen Voxx

Data Centers Across the United States



https://www.datacentermap.com/

Some Data Centers Near Hendersonville



https://www.datacentermap.com/

Name	Location	Power, MW	Tract Size	
One BlockchAIn (AIB)	389 Tyger River Industrial Dr. Moore, SC (Spartanburg)	40 MW	17.6 AC	Lease Land AIB Data Centers, Converting Power into AI Infrastructure
TigerDC SC1	Moore Duncan Highway Moore, SC	400 MW	868 AC, with 250 acres available for expansion	Campus Designed with AI workloads in mind Phase 1, Q2 2027.
Lumen	145 North Church Street Spartanburg, SC	DC Power, Generators and batteries	4,212 building 1,517 for co-location	Downtown Spartanburg 145 N. Church St.
Core Scientific	156 Palmer Ln Marble, NC	104 MW	70 acres 250,000 sq.ft.	Former thread mill
BalsamWest	35 Bonnie Ln Sylva, NC	3 MW		Tier 2 Colocation serves multiple Tier 1 ISPs
PARI Data Center	Cline Building 1 Pari Dr Rosman, NC			Pisgah Astronomical Research Institute Former NASA and NSA tracking station Repurposed for scientific research and STEM education, located in Pisgah National Forest.
DartPoints	100 Technology Dr., Suite C Biltmore Park Technology Center Asheville, NC	1.5 MW	23,000 square feet	Operating since 2012; colocation, cloud and managed IT services
CloudOgre	156 School Rd Mill Spring, NC			Mill Spring Ag Center Tier 3 facility Colocation services
Meta https://domap.us/?state=NC&id=726&c=35.1023%2C-83.3000%2C6.84	404 Social Circle Forest City	150 MW	500,000 sq. ft	Operational since 2012
300 Jones Road Lighthouse Data Center	300 Jones Rd Spartanburg	60MW+	152 acres	Under expansion
DC Blox Est. 2022	33 Global Drive Greenville, SC	3 MW – expandable to 18MW	54,000 sq.ft.	Uptime Institutes Tier 3 standards Part of network with facilities in Birmingham, Atlanta, Huntsville and Chattanooga Colocation Facilitiv

The Tier Classification System

- Uptime Institute Classification System adopted in the 1990s, for customers to be able to identify quickly whether a center will meet its needs
- Tier I – Basic infrastructure, no redundancy
  - Downtime up to 28.8 hours per year
  - Costs - $5M - 25M, built in 6-12 mos
  - Includes UPS, IT equipment, generator, basic cooling via single unit
  - Any workload where downtime is tolerable
- Tier II – Redundant capacity components, limited fault tolerance
  - Downtime up to 22 hours per year
  - Costs - $20M - $60M, built in 9-15 mos
  - Adds more UPS, more colling, redundant power feeds and generator capacity sized for redundant load
  - Mid market businesses, colocation tenants, need for improved reliability without a Tier III budget.
- Tier III – Concurrent maintainability, dual distribution paths (Most widely built worldwide)
  - Downtime up to 1.6 hours per year
  - Costs - $50M - $250M, built in 12-18 mos
  - Adds multiple indept power distribution paths, multiple cooling distribution paths cross=connected UPS systems, dual fuel connections for generators, physically separated distribution routs
  - Enterprises, SaaS providers, financial services, healthcare organizations, cloud providers, any facility where unplanned downtime has material financial or regulatory consequences.
- Tier IV – Full fault tolerance, every system duplicated
  - Downtime up to 26.3 minutes per year
  - Costs - >$5000M, built in 18-24+ mos
  - Adds more redundancy across all critical systems, all distribution paths active simultaneously, automatic failover with no manual switching required, physical separation between main and redundant system, continuous fault detection and monitoring
  - Hyperscale cloud providers, AI training clusters, financial exchanges, defense and government infrastructure, any operation where even a few minutes of downtime per year can mean catastrophic circumstances.

DartPoints DATA CENTERS 1.5 MW Tier III Facility



https://www.datacentermap.com/usa/north-carolina/asheville/immedion-technology/gallery/

975 kW	330	99.999%	7	23,000
Critical Capacity	Cooling Capacity (Tons)	Uptime SLA	On-site Network Providers	Facility (Square Feet)

Service Overview & Certifications

- **Colocation & Cloud** – Secure cabinet and cage colocation, plus scalable cloud services
- **High-Speed Connectivity** – 1G to 100G interconnection options
- **Comprehensive Support** – Managed services and 24x7x365 remote hands
- **Enterprise Security** – Manned facility, smartcard and biometric access, perimeter/internal CCTV
- **Carrier-Neutral Access** – Multiple providers with diverse fiber entries
- **Industry Recognition & Compliance** – Inc. 5000 2024; AICPA SOC-compliant for clearpoint analysis and strategic planning confidence

100 Technology Dr., Suite C
Biltmore Park Technology Center
Asheville, NC

balsamwest

Colocation

Sylva, NC

Pay My Bill
Email Support
(828) 339-2900

Home | Residential | Business | Carrier | Colocation | About Us | Contact Us | Resources | Cherokee Cablevision

35 Bonnie Ln
Sylva, NC

Tier II Facility
3 MW

Full Rack

- 42U Locking Cabinet
- 1,000 Watts
- 50Mb x 50Mb DIA
- 1 Static IP

1/2 Rack

- 21U Locking Cabinet
- 500 Watts
- 50Mb x 50Mb DIA
- 1 Static IP

THE SYLVA HERALD
AND RUBALITE

Data center moratorium passes

Hardened Facility Strategy

Concrete encased computer room, Raise floor architecture, Automated clean agent fire suppression, Hot/Cold Aisle distribution and humidification control, ANSI/TIA grounding.

Secure Cabinets

Cabinets support Combination Locks, Card Access, Biometrics, and Remote Unlock, Video Recorded and Monitored

24/7/365

Exterior Key Card Access
Remote Hands Available

Grow your business

- Redundant power feeds available in multiple configurations.
- Diversely routed underground fiber construction with dual entrance.
- Interconnected on Ring Architecture to multiple Tier 1 ISPs in Atlanta, Chicago, and Ashburn.

AIB DATA CENTERS

CORPORATE PROFILE | SOLUTIONS | NEWS & EVENTS | CORPORATE GOVERNANCE | SEC FILINGS | STOCK DATA | RESOURCES | BLOGS

Converting Power into

AI Infrastructure

We design, build, and operate scalable, AI-ready data centers that
transform electricity into durable compute capacity. Our infrastructure
is engineered for the demands of next-generation AI workloads.

KNOW MORE



389 Tyger River Industrial Dr.
Moore, SC
(Spartanburg)

17.6 AC
40 MW
No tier class publicized

The demands of artificial intelligence and high-performance computing are fundamentally different from traditional data center needs. Modern GPU clusters require extraordinary power density, advanced cooling systems, and purpose-built facilities that legacy infrastructure was never designed to support.

This has created a structural deficit in AI-ready capacity. Our approach prioritizes capital efficiency and institutional risk management as we build a scalable, durable infrastructure platform that treats power as the primary asset and builds everything else around it.



No tier publicly assigned

Marble, North Carolina
Data Center (Marble 1)

The Marble, North Carolina, data center is designed to deliver reliable power and high-speed connectivity for high-density workloads.

CORE SCIENTIFIC

Driving Economic Growth & Opportunity

Our data centers are more than just technology hubs — they're engines for economic development. At Core Scientific, we invest in our communities by:

- **Creating High-Value Jobs**
  Developing skilled, high-paying jobs with clear career paths in a rapidly expanding industry.
- **Building for the Future**
  Enhancing power grids, fiber networks, and essential systems that lay the foundation for long-term economic growth.
- **Empowering Local Businesses**
  Driving demand for construction, maintenance, and service-based industries, fueling widespread economic expansion.
- **Bettering Communities**
  Partnering with local leaders, organizations, schools, and first responders to support initiatives that make a lasting difference.



Campus Details

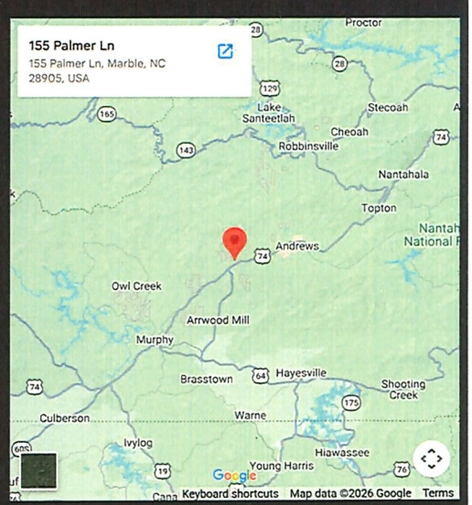
High-density data centers designed for seamless scalability.

- Total Power Capacity: 117 MW
- Campus Footprint: 70 acres
- Total Square Feet: 250,000
- Extra Amenities:
  - ✓ Office Space
  - ✓ Conference Rooms
  - ✓ Storage Rooms

Core Scientific Marble, NC

Location

155 Palmer Ln, Marble, NC 28905



Security

Security infrastructure and processes built for maximum protection.

- ✓ 24/7 on-site and remote monitoring
- ✓ 24/7 CCTV
- ✓ Protected by a perimeter with fencing and gated access to enter campus
- ✓ Badge access to all data center space
- ✓ Complete access control
- ✓ Alarm and intrusion detection



404 Social Circle
Forest City

Meta

500,000 sq. ft.
150 MW
Enterprise Facility

Meta's Forest City Data Center

The Forest City Data Center is part of Meta's global infrastructure that brings our technologies and services to life.

$750M+	2010	275+
Data center investment in North Carolina	Broke ground on the Forest City Data Center	Operational jobs supported
Hundreds	$5.9M+	250+
Skilled trade workers on site at peak construction	Direct funding to Rutherford County-area schools and nonprofits	Grants and sponsorships provided locally since 2011

We prioritize sustainability

Meta's goal is to be water positive in 2030, where we restore more water than we consume.

Our data centers' electricity use is matched with 100% clean and renewable energy, and our global operations have reached net zero

Meta-supported projects are adding 310 megawatts of new renewable energy in North Carolina.

Prioritizing sustainability

Meta approaches sustainability from the ground up — from design and construction to operations — by prioritizing energy efficiency and renewable energy, water stewardship, and responsibly managing the end of life of our equipment. Our operational data center buildings achieve LEED® Gold certification by focusing on efficiency, sustainability and innovation. We worked with Duke Energy to meet our 100% clean and renewable energy goal for the Forest City Data Center. This includes supporting four new renewable energy projects in North Carolina.

Minimizing water use

We are proud to build some of the most sustainable data centers in the world and prioritize on-site water efficiency. The Forest City Data Center:

- Uses cooling technology that is significantly more water efficient than the industry standard.
- Reuses water numerous times before discharging it as wastewater.
- Is landscaped with native vegetation where possible to reduce irrigation demand.
- Captures and infiltrates rainwater on site.
- Utilizes water-saving fixtures and technologies within data center facilities.



145 North Church Street
Spartanburg, SC

4,212 sq. ft.
+/- 1,300 for colocation
No tier publicly assigned

LUMEN

Intelligent solutions for a future-ready foundation



Infrastructure
Dedicated fiber and colocation drive low-latency performance.

Connectivity
On-demand bandwidth and 99.99% availability stay live under pressure.

Cybersecurity
Integrated cybersecurity and Black Lotus Labs® intelligence put the brakes on threats.

Communications
Cloud-based voice and collaboration help keep your teams connected.



33 Global Drive
Greenville, SC

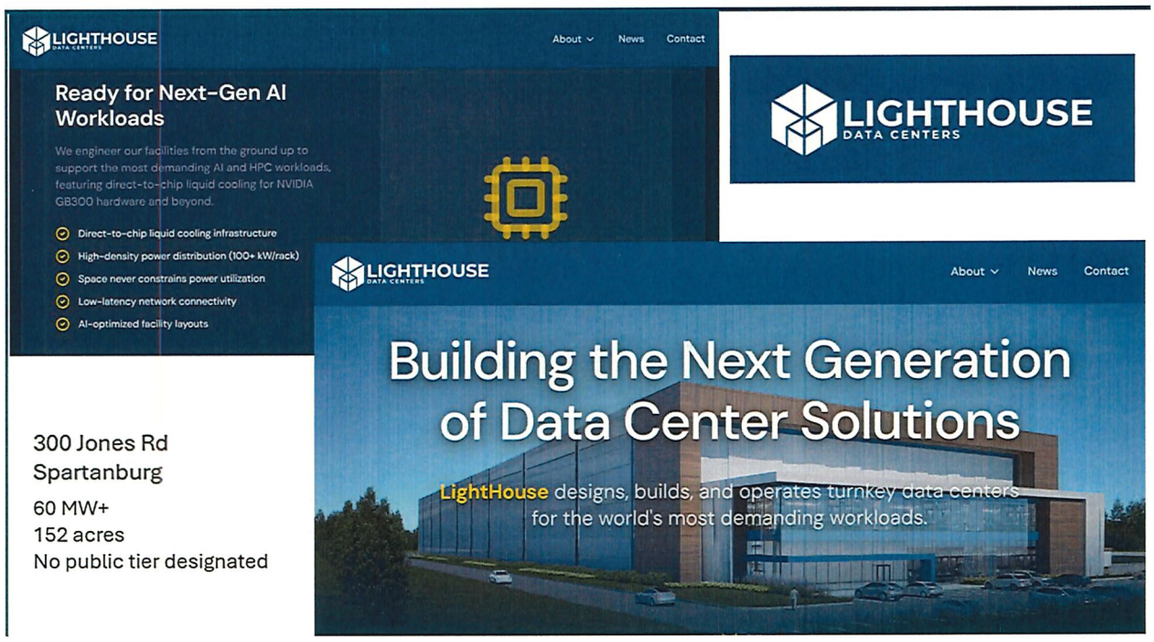
3 MW, expandable to 18 MW
54,000 sq. ft.
Tier III

DC BLOX

Greenville Data Center

South Carolina Colocation to Connect Globally





300 Jones Rd
Spartanburg
60 MW+
152 acres
No public tier designated

CloudOgre Data Center at the Mill Spring Ag Center

Full Screen



The CloudOgre Data Center at the Mill Spring Ag Center is a Tier 3 data center available turn key or build to suit. With two power services and available natural gas, multiple Internet Service Providers, and the ability to provide power at 7.5 cents per kWh, CloudOgre is able to provide to the most discerning clients with highest level of security and compliance requirements.

Nestled between Hogback and Tryon Mountain staring at Caitlyn Farms, the Ag Center is high above the surrounding area at 1100 feet above sea level. The building was constructed in the early 1920's to serve as a school in Polk County NC. Today its home to CloudOgre and its data center, county offices, and other small businesses.

What does the future look like for this historic property?

- Solar and wind for green energy along with natural gas
- Liquid Immersion Cooling (GRC and Submer)
- EMP proofing
- Thermodynamic cooling
- Modular Containerized Edge Data Center
- Discreet & Customized Co-Location Services
- Meet Me Room, Line of Sight, and 5G Cellular Roof Rights

CLOUDOGRE

Data Centers: Why all the concern?

- Energy consumption
- Water consumption
- Noise
- Proliferation due to demands for Artificial Intelligence
- Outdated local regulations insufficient to regulate their placement within the jurisdiction.
- Pre-existing incentives and economic impact – in NC no sales tax paid on electricity supplied to data centers

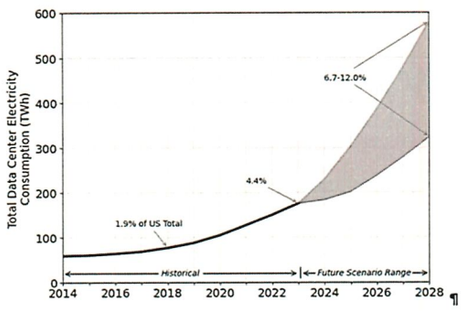


Energy Consumption

- Energy consumption
- Water consumption
- Noise
- Proliferation due to demands for Artificial Intelligence
- Outdated local regulations insufficient to regulate their placement within the jurisdiction.
- Pre-existing incentives and economic impact – in NC no sales tax paid on electricity supplied to data centers

580 TWh

PROJECTED U.S. DC POWER DEMAND BY 2028



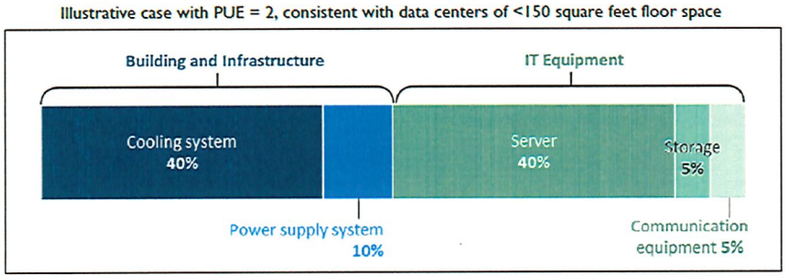
Energy Analysis and Environmental Impacts Division, Lawrence Berkeley National Laboratory, Arman Shehabi, Sarah J. Smith, Alex Hubbard, Alex Newkirk, Nuoa Lei, Md Abu Bakar Siddik, Billie Holecek, Jonathan Koomey, Eric Masanet, and Dale Sartor, December 2024, procured by U.S. Dept of Energy.

Figure provides an estimate of total U.S. data center electricity use including servers, storage, network equipment, and infrastructure from 2014 through 2028.

- → AI began to appear in 2017, and accounts for the growth.
- → Estimated power consumption by 2028 is 325-580 TWh, Terrawatts, 1 TWh = trillion watts. Estimated to be between 6.7-12% of US electricity consumption in 2028.
- → Calculated from the "bottom up"—based on individual components (e.g. power draw of servers) and a facility's overall efficiency and anticipated future growth.
- → Estimate accounts for increase in electric vehicle use, onshoring of manufacturing hydrogen utilization, and the electrification of industry and buildings.

Figure 1. Notional Power Draws of IT Equipment and Infrastructure

Illustrative case with PUE = 2, consistent with data centers of <150 square feet floor space



Source: CRS, adapted from ABB, *HVAC Motors: Motors in Data Centers*, https://new.abb.com/motors-generators/nema-low-voltage-ac-motors/hvac-motors.

Notes: PUE = power usage effectiveness, the ratio of all power used by a data center to that used by the information technology (IT) equipment (i.e., by servers, data storage, and communication). The depicted PUE of 2 is typical of a small data center (i.e., one having less than 150 square feet of floor space), as reported in A. Shehabi et al., *2024 United States Data Center Energy Usage Report*, Lawrence Berkeley National Laboratory (LBNL), LBNL-2001637, December 2024, p. 47.

***Data Centers and Their Energy Consumption: Frequently Asked Questions,* Congressional Research Service, May 12, 2026**

Data Centers Use Vast Amounts of Energy

Power demand, all U.S. data centers



- The International Energy Agency says a typical hyperscale facility might use 100 MW = 100,000 households.
- Across the US, residential prices for electricity increased 7.1% in 2025. AI Data centers are not the only cause – inflation and aging infrastructure contribute.
- Bloomberg News Analysis (study of Virginia which has almost 600 data center facilities – most are concentrated in Northern Virginia, which has seen electricity prices increase 267 percent over last five years. Data centers accounted for 40% of VA's total electrical consumption in 2024.

■ = 1 GW = Output of a nuclear reactor = Power demand of 1 million homes

Source: Bloom Energy/Industry estimates.

https://www.consumerreports.org/data-centers/ai-data-centers-impact-on-electric-bills-water-and-more-a1040338678/

Water Consumption

- Energy consumption
- **Water consumption** ←
- Noise
- Proliferation due to demands for Artificial Intelligence
- Outdated local regulations insufficient to regulate their placement within the jurisdiction.
- Pre-existing incentives and economic impact – in NC no sales tax paid on electricity supplied to data centers

- Data centers' direct water use (i.e., water used or consumed at the data center for thermal regulation, not indirect use of water used for off-site power generation or further up the supply chain for manufacturing computer hardware or building materials) is estimated to make up a relatively small proportion (approximately 2%) of total U.S. water consumption.
- Est that 100MW data center may directly consume the same as 2,600 households.
- Estimated 97% of data centers get their water from public water systems as of 2025.
- Other sources treated wastewater, direct draws (some do reuse the water)
- Onsite power generation systems use water
- Cooling systems use water
- Estimate in 2023, data centers consumed approx. 17 billion gallons of water, in 2014 est. 5.6 billion gallons.
- Water remaining after consumption is discharged into the POTW

Data Centers and Water: Frequently Asked Questions, **Congressional Research Service, July 31, 2026**

Noise

- Energy consumption
- Water consumption
- **Noise** ←
- Proliferation due to demands for Artificial Intelligence
- Outdated local regulations insufficient to regulate their placement within the jurisdiction.
- Pre-existing incentives and economic impact – in NC no sales tax paid on electricity supplied to data centers

- Data Centers host thousands of servers and chips that are often cooled by fans and air cooling systems alone or in combination with water systems. All of these produce noise.
- Noisy jet-like engines provide on-site, off-grid power to many facilities. These run 24/7. Large hyperscale facilities can have as many as 27 (Mississipi)
- Diesel generators are primarily for backup operations (regulated by EPA as to noise- allowed 50 hours per year per generator for testing; unlimited during emergencies).
- Industrial sized diesel generators can emit 105 dB, as noisy as a jet flying overhead.
- Noise reduction can occur with equipment soundproofing, acoustical barriers, even landscaping.
- Differing cooling technology is quieter.
- 85 dB considered harmful to hearing; 65 dB considered to have health impacts (stress, increase in BP, poor sleep)

Communities Are Raising Noise Pollution Concerns About Data Centers**, Environmental and Energy Study Institute, March 23, 2026.**





Metal containers house cryptocurrency mining servers at PrimeBlock's facility outside Murphy on Jan. 11, 2024.
Colin Campbell / WUNC

Even at a house a mile away, the sound can make it seem like you're next to a busy freeway. It comes from massive computer servers that are running the complex computations needed to power cryptocurrency. Just like the hard drive on your personal computer, these servers need fans to keep from overheating.

https://www.wunc.org/politics/2024-01-19/murphy-noise-cryptomining-north-carolina-western-regulations

Primeblock Mining, LLC, Cryptomining Facility, Murphy, NC, Cherokee County

STATE OF NORTH CAROLINA
COUNTY OF CHEROKEE

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

JUDITH STINES and WILLIAM HUFFMAN, individually and on behalf of a class of other similarly situated individuals,

Plaintiffs,

v.

PRIMEBLOCK OPERATIONS, LLC; PRIMEBLOCK MINING LLC; EXPONENTIAL DIGITAL LLC; EXPONENTIAL DIGITAL MURPHY, LLC; and INNOTECH Z, INC.,

Defendants.

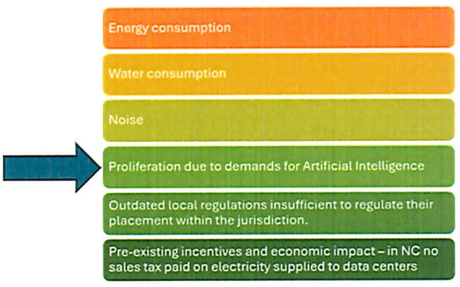
Case No. 26CV000406-190

CLASS ACTION COMPLAINT
JURY TRIAL DEMANDED

Allegations in the Complaint (Class Action, 1,000 members):

- Started with 5 shipping containers, filled with shipping containers cooled by fans. Recently more equipment has been delivered
- Sound was as high as 65 dB in neighboring front yard
- County tried to regulate with Noise Ordinance, didn't work.
- County passed a moratorium – didn't apply to this facility because it was pre-existing
- Plaintiff Stines lives 5,000 feet from facility, almost 1 mi and describes sound as a jet engine. This has abated over time but lower rumbling noise, high pitched squealing and vibration remains.
- Rolling blackouts occur due to demand on the grid, but the facility always has power.
- Suit alleges private and public nuisance. Noise is abatable with ordinary care in the design, construction operation and maintenance of the facility.
- Suit has been moved to Federal Court

Proliferation Due to Demand – e.g. AI



"OpenAI and its collaborators have announced 10 GW of capacity commitments worth $500 billion that are being built or are already operational in Texas, New Mexico, and the Midwest (OpenAI 2025). OpenAI CEO Sam Altman also suggested that the company has committed to spending $1.4 trillion on data centers and cloud services over the next eight years (Altman 2025).1 These dramatic investments in data centers, artificial intelligence (AI), cloud services, and cryptocurrency mining come at a time when the demand for reliable electricity supplies, the need for new generating capacity and transmission lines, supply chain challenges and other issues affecting construction, delays in connecting resources to the grid, and community concerns have never been higher (Wilson et al. 2024).", p.1.

***Data Centers and Generation Capacity over the Next Decade,* Potential Benefits of Flexiblity, Martin T. Ross and Jackson Ewing, Nicholas Institute for Energy, Environment & Sustainability, at Duke, 2026. Nicholasinstitute.duke.edu.**

AIB DATA CENTERS

CORPORATE PROFILE | SOLUTIONS | NEWS & EVENTS | CORPORATE GOVERNANCE | SEC FILINGS | STOCK DATA | RESOURCES | BLOGS

Building the Backbone of the AI Economy

AIB Data Centers Inc. ("AIB") is a US-based infrastructure company focused on AI data center development and hosting. We provide an owner-agnostic platform for AI neoclouds and enterprise AI workloads, with sites designed for power availability, grid integration, and operational discipline.

The demands of artificial intelligence and high-performance computing are fundamentally different from traditional data center needs. Modern GPU clusters require extraordinary power density, advanced cooling systems, and purpose-built facilities that legacy infrastructure was never designed to support.

This has created a structural deficit in AI-ready capacity. Our approach prioritizes capital efficiency and institutional risk management as we build a scalable, durable infrastructure platform that treats power as the primary asset and builds everything else around it.

580 TWh

PROJECTED U.S. DC POWER DEMAND BY 2028

Source: U.S. Department of Energy, 2024

Outdated Local Regulations, e.g. City Zoning Ordinance

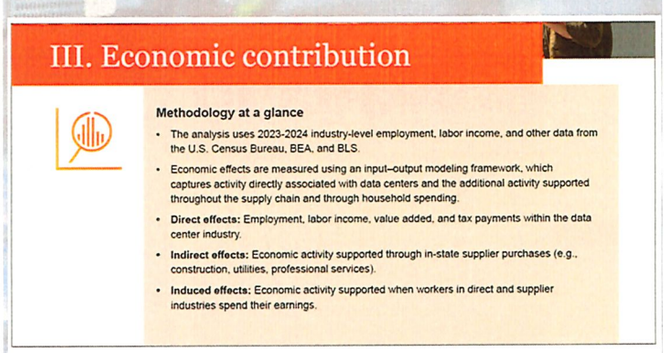
- Energy consumption
- Water consumption
- Noise
- Proliferation due to demands for Artificial Intelligence
- **Outdated local regulations insufficient to regulate their placement within the jurisdiction.**
- Pre-existing incentives and economic impact – in NC no sales tax paid on electricity supplied to data centers

- **Hendersonville's Current Ordinance:**
  - No Use Defined (CZD/Special Use/Etc.)
  - No Districts Permitted/Prohibited
  - No Design Requirements or Impact Analysis
- Data centers/cryptomining facilities are not specifically addressed in Hendersonville's Zoning Ordinance, but similar facilities, business services, are permitted by right in all districts, and without the imposition of a moratorium, a court could potentially interpret this use to include data centers without the City having adequate land use standards in place to regulate data centers and crytomining facilities. City Council therefore finds that the Zoning Ordinance as written does not adequately evaluate and regulate such high-intensity land uses.
- **Murphy Example**

Pre-existing Incentives; Economic Benefit

- Energy consumption
- Water consumption
- Noise
- Proliferation due to demands for Artificial Intelligence
- Outdated local regulations insufficient to regulate their placement within the jurisdiction.
- **Pre-existing incentives and economic impact – in NC no sales tax paid on electricity supplied to data centers**

- In North Carolina, no sales tax paid on electricity supplied to data centers.



North Carolina ranks in the top 15 in direct effect, and in all categories combined.

Economic Contributions of Data Centers in the United States 2023-2024, PwC, prepared for the Data Center Coalition, May 2026.

Data Center Moratorium – steps forward

- Collect data – why is it necessary to adopt a moratorium
- What alternatives are there to a moratorium? Are they sufficient? Why or why not?
- Based on 1 and 2, if moratorium alternatives not sufficient, how long should moratorium last?
- If moratorium is path forward to regulation of data centers, to which development approvals should the moratorium apply
- Proposed action plan for the adoption of data center zoning regulations during the moratorium, and time frame for each step in action plan.
- Public hearing – including findings as to 1-5 in ordinance adopting the moratorium

Alternatives to a Moratorium

Do nothing.	Adopt Police Powers Ordinance.	Study/Adopt Zoning Amdts w/o Moratorium.
Not a viable alternative as there exists the possibility of a data center qualifying as a business service, a use allowed by right in all districts, and doing nothing leaves the City and its residents vulnerable to a data center coming into the City by right, without adequate regulations in place in the Zoning Ordinance.	Such an ordinance would be subject to the requirements for adopting a Zoning Ordinance and therefore a stand-alone single use police power gives no benefit to the City.	Not a viable alternative as there exists the possibility of a data center qualifying as a business service, a use allowed by right in all districts, and doing nothing leaves the City and its residents vulnerable to a data center coming into the City by right, without adequate regulations in place in the Zoning Ordinance.

Data Center Moratorium – steps forward

Collect data – why is it necessary to adopt a moratorium

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→ Based on 1 and 2, if moratorium alternatives not sufficient, how long should moratorium last?

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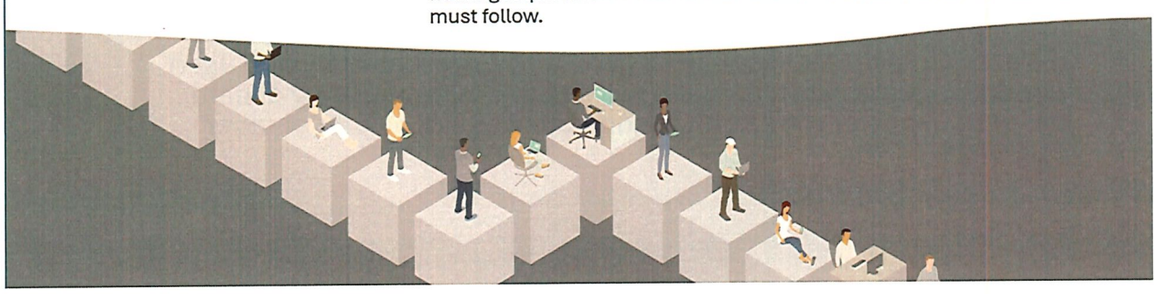
→ Proposed action plan for the adoption of data center zoning regulations during the moratorium, and time frame for each step in action plan.

→ Public hearing – including findings as to 1-5 in ordinance adopting the moratorium

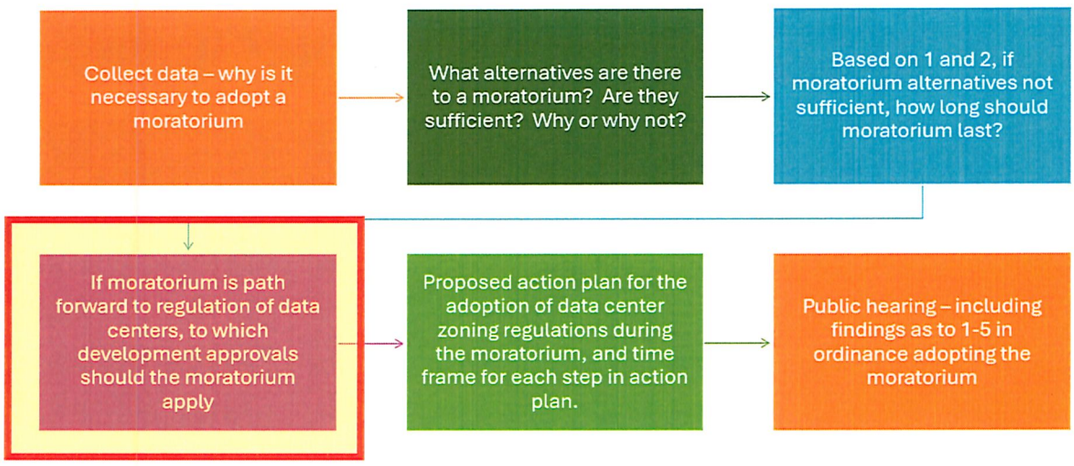
Duration of Moratorium

Moratoria – NCGS § 160D-107

- Temporary halt of development
  - "Reasonable duration" in light of the specific conditions that warrant imposition of moratorium
  - Cannot exceed period of time necessary to correct, modify, or resolve such conditions
    - Based on the steps in the proposed action plan, staff proposes a moratorium of 12 months, with the ability to terminate sooner if warranted.
    - This date gives the City of Hendersonville adequate time to consider text amendments to its Zoning Ordinance, have them approved by its Planning Board and City Council, and comply with the notice and public hearing requirements that text amendments before those two boards must follow.



Data Center Moratorium – steps forward



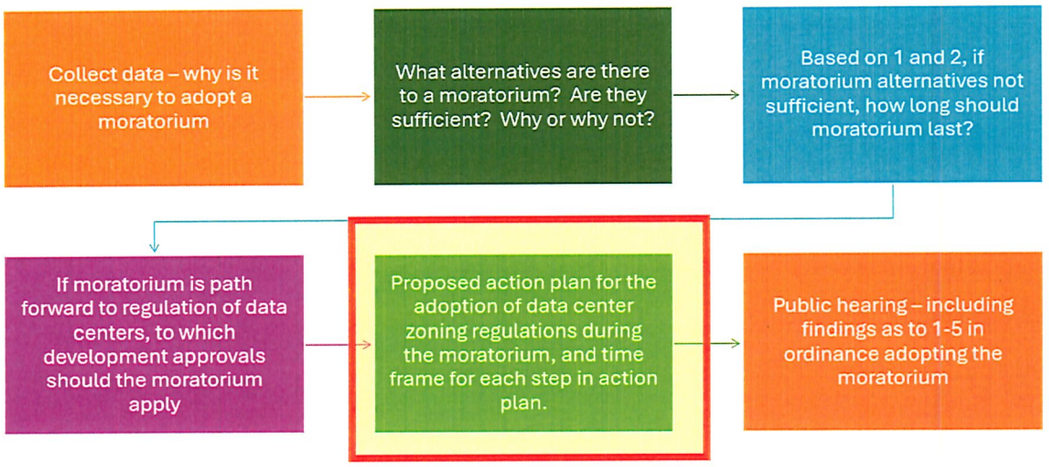
Which Development Approvals?

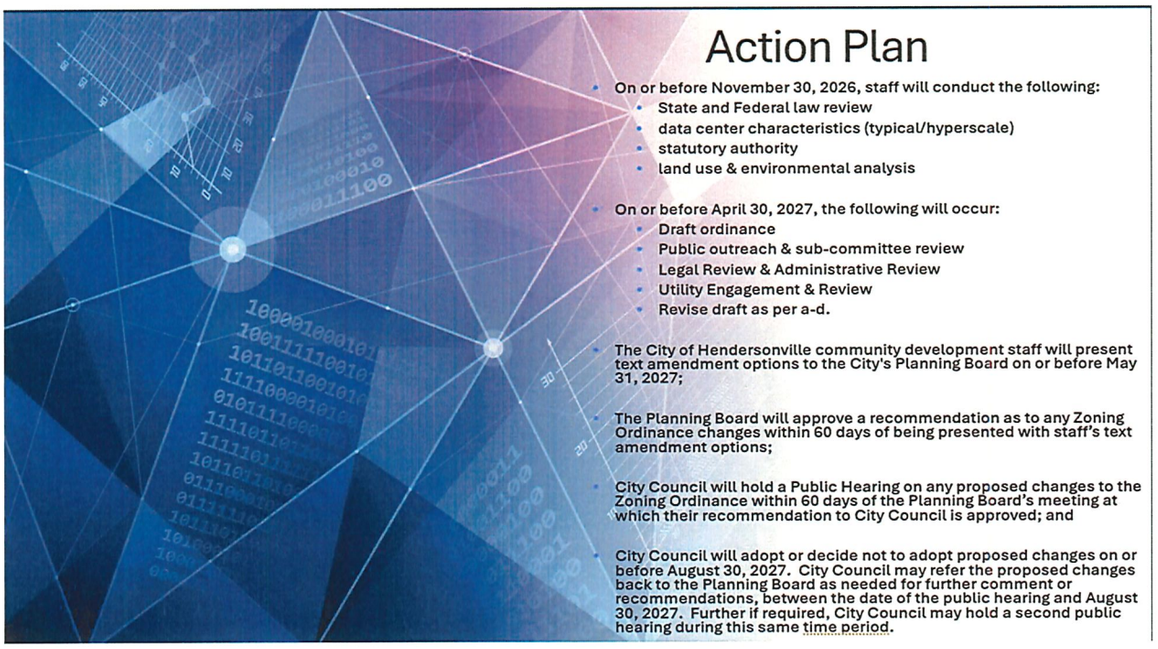
- All of them. NCGS 143-755 now defines development approvals as:
  - NCGS 160D-102(13) Development approvals:
    - Administrative or quasi judicial approval
    - Written
    - Issued under Chapter 160D
    - Required prior to commencing development, or undertaking specific activity, project or development proposal
      - Zoning permits
      - Site plan approvals
      - Special Use Permits — Now includes conditional zoning approvals
      - Variances
      - Certificates of appropriateness
      - Building permits
      - Plat approvals
      - All other regulatory approvals required by City ordinances adopted under Chapter 160D

Proposed Language:

The City hereby imposes a temporary moratorium on the acceptance, processing, and approval of any application for and the issuance of any development approval for data centers, cryptomining facilities, AI data centers, server farms or any other similar facility. Nothing herein shall be deemed to prevent the issuance of a development approval for a data center as an accessory use to a facility whose primary operation is not the storage and/or processing of data, and provided such accessory use is for the facility's own internal purposes. Such accessory use shall not exceed a total of 1000 square feet of space dedicated to, and used directly for or in support of, the storage and/or processing of data, whether in one or more stand-alone buildings or as part of other buildings.

Data Center Moratorium – steps forward





Potential Ordinance Elements

Use Classification

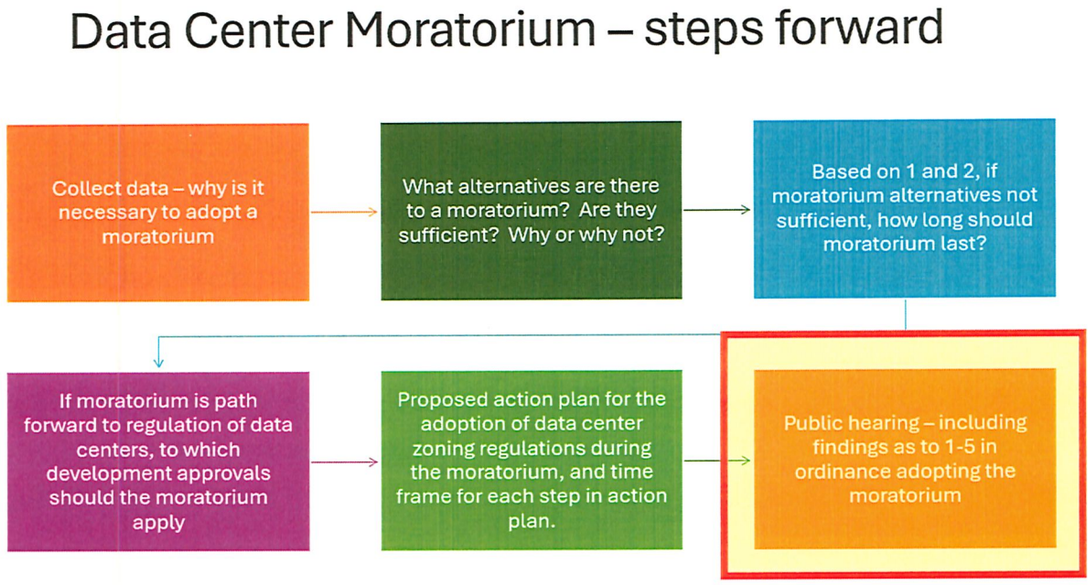
- Define "Data Center" and "Hyperscale Data Center"
- Permitted Districts/Prohibited Districts
- Special Use Permit/Conditional Zoning

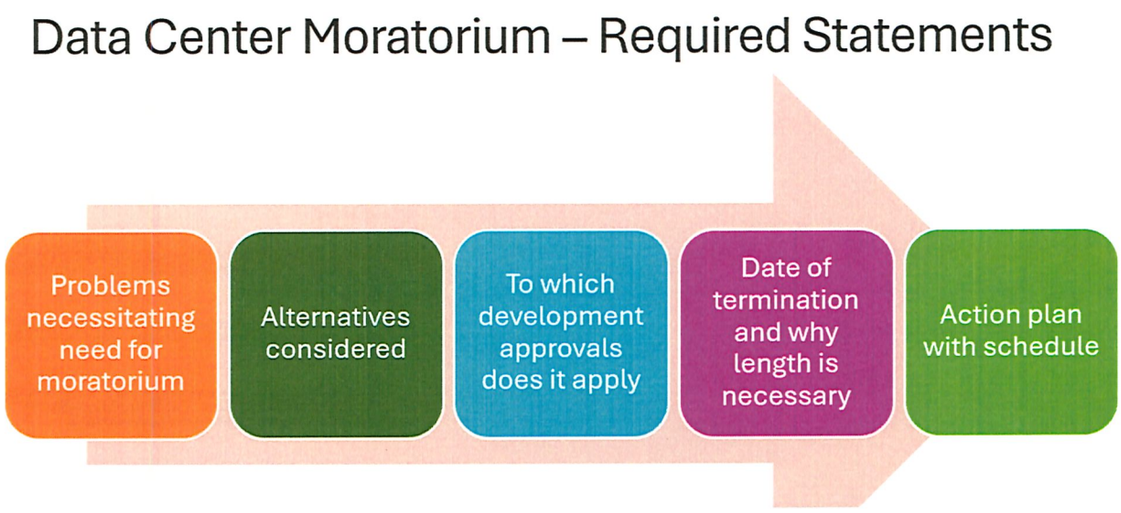
Site Requirements & Infrastructure Standards

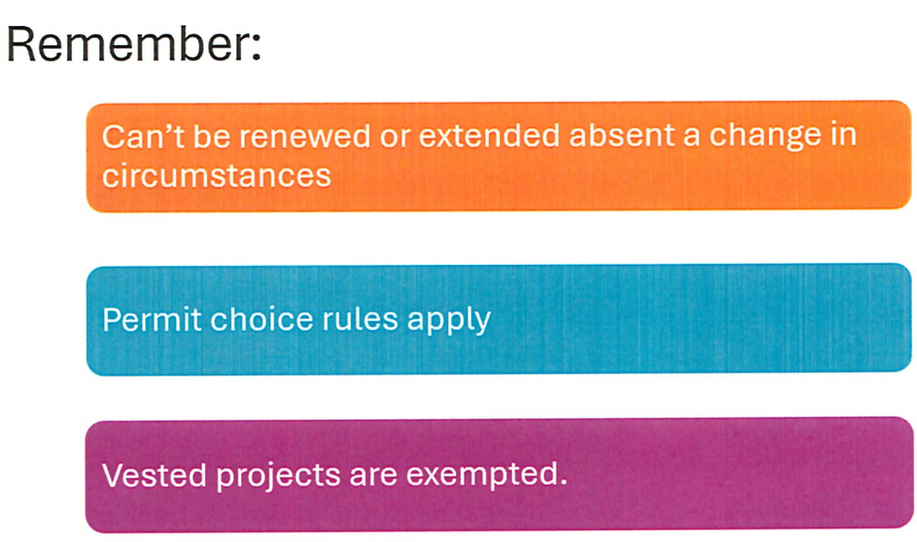
- Site Size & Buffering
- Electrical Requirements
- Water Requirements
- Noise Requirements

Submission Requirements

- Utility Capacity Study
- Noise Study
- Emergency Response Plan
- Decommissioning Plan







The City Clerk confirmed this public hearing has been advertised in accordance with North Carolina General Statutes.

The public hearing was opened at 8:10 p.m.

The following Hendersonville residents spoke for the moratorium and against data centers:

Laura Bannister; Reid Barwick; Ken Fitch; Mitch McCarthy; Jason Kimmel; Ben Mason; and Duncan Roe

The public hearing was closed at 8:44 p.m.

Council Member Melinda Lowrance moved that the City Council adopt the ordinance establishing a twelve (12) month development moratorium for the construction of data and hyperscale data centers. A unanimous vote of the Council followed. Motion carried.

Ordinance #O-26-28

ORDINANCE IMPOSING A TEMPORARY MORATORIUM ON DATA CENTER, CRYPTOMINING, AND SIMILAR FACILITIES

WHEREAS, North Carolina General Statute 160D-107 outlines the legal conditions under which local governments can declare moratoria on development approvals; and

WHEREAS, data centers, crypto mining facilities and similar facilities typically involve significant demands on electrical and water infrastructure, generate noise and heat, and may have land use impacts that are not adequately addressed by the City of Hendersonville's Zoning Ordinance ("Zoning Ordinance"); and

WHEREAS, western North Carolina is already home to three large data centers-Apple in Maiden, Meta in Forest City, and Google in Lenoir; and

WHEREAS, at their August 26, 2026 meeting, Hendersonville City Council set a public hearing to consider the possibility of adopting a moratorium on development approvals for data centers and crypto mining facilities; and

WHEREAS, City staff recommend that Hendersonville Planning Board and City Council consider text amendments to clarify the conditions under which data centers, crypto mining facilities, and similar facilities can locate within the City's zoning jurisdiction; and

WHEREAS, City staff also recommend that City Council declare a temporary pause on new data center development, per the provisions of NCGS 160D-107, to protect the public health, safety, and welfare while the City evaluates appropriate zoning and regulatory updates; and

WHEREAS, the NCGS 160D-107 requires that "any development regulation establishing a development moratorium must include, at the time of adoption," the statements proclaimed below.

NOW, THEREFORE, THE CITY COUNCIL OF HENDERSONVILLE, NORTH CAROLINA FINDS THE FOLLOWING:

Statement 1. Data centers, crypto mining facilities, AI data centers, and other data processing facilities can have significant adverse impacts on the neighboring properties and the community as a whole, depending upon their size, infrastructure, electric use, cooling system methodology, back-up power supplies including by not limited to large generators, on-site electricity generation, and other operational aspects that may not be compatible with residential, mixed use development, small scale commercial development, office and institutional uses, and agricultural uses. Such adverse impacts may include noise, large scale energy generation and consumption, large water consumption, and size and scaling of the facilities to name a few.

Statement 2. Data centers/crypto mining facilities are not specifically addressed in Hendersonville's Zoning Ordinance, but similar facilities, business services, are permitted by right in all districts, and without the imposition of a moratorium, a court could potentially interpret this use to include data centers without the City having adequate land use standards in place to regulate data centers and cytokinin facilities. City Council therefore finds that the Zoning Ordinance as written does not adequately evaluate and regulate such high-intensity land uses.

Statement 3. Prior to the start of the public hearing, City staff presented City Council with the following options to consider as an alternative to adopting a moratorium:

Option 1. Do nothing. City Council finds that this is not a viable alternative as there exists the possibility of a data center qualifying as a business service, a use allowed by right in all districts, and doing nothing leaves the City and its residents vulnerable to a data center coming into the City by right, without adequate regulations in place in the Zoning Ordinance.
Option 2. Adopt an ordinance under the police powers found in N.C.G.S. § 160A-174 as a single use police power ordinance. The City finds that such an ordinance would be subject to the requirements for adopting a Zoning Ordinance and therefore a stand-alone single use police power gives no benefit to the City.

Option 3. Do not adopt a moratorium, but direct staff and the Planning Board to study the issue of data centers and crypto mining regulation across the state and propose an amendment to the Zoning Ordinance that regulates the placement of such facilities within the City and its extraterritorial jurisdiction. City Council finds that such an approach is not a viable alternative for the same reasons expressed in Option 1.

Statement 4. The moratorium applies to the acceptance, processing, and approval of development approvals for data centers, crypto mining facilities, server farms, and other high-impact digital infrastructure facilities, including but not limited to zoning permits, special use permits, site plan approvals, building permits, conditional zoning approvals, and other any other development approvals under the City of Hendersonville's Zoning Ordinance. Temporarily suspending these approvals will prevent the establishment or expansion of such facilities under regulatory provisions that do not adequately address their infrastructure demands, noise, heat generation, and utility consumption while the City evaluates and adopts appropriate zoning and development standards.

Statement 5. The moratorium should be effective upon the adoption of an ordinance and should expire 12 months after the adoption unless earlier ended by act of City Council. This date gives the City of Hendersonville adequate time to consider text amendments to its Zoning Ordinance, have them approved by its Planning Board and City Council, and comply with the notice and public hearing requirements that text amendments before those two boards must follow.

Statement 6. The implementation plan to be followed during the moratorium should be as follows:

a) On or before November 30, 2026, staff will conduct the following:
   a. State and Federal law review
   b. data center characteristics (typical/hyperscale)
   c. statutory authority
   d. land use & environmental analysis

b) On or before April 30, 2027, the following will occur:
   a. Draft ordinance
   b. Public outreach & sub-committee review
   c. Legal Review & Administrative Review
   d. Utility Engagement & Review
   e. Revise draft as per a-d.

c) The City of Hendersonville community development staff will present text amendment options to the City's Planning Board on or before May 31, 2027;

d) The Planning Board will approve a recommendation as to any Zoning Ordinance changes within 60 days of being presented with staff's text amendment options;

e) City Council will hold a Public Hearing on any proposed changes to the Zoning Ordinance within 60 days of the Planning Board's meeting at which their recommendation to City Council is approved; and

f) City Council will adopt or decide not to adopt proposed changes on or before August 30, 2027. City Council may refer the proposed changes back to the Planning Board as needed for further comment or recommendations, between the date of the public hearing and August 30, 2027. Further if required, City Council may hold a second public hearing during this same time period.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF HENERSONVILLE, NORTH CAROLINA, as follows:

1. The City hereby imposes a temporary moratorium on the acceptance, processing, and approval of any application for and the issuance of any development approval for data centers, crypto mining facilities, AI data centers, server farms, or any other similar facility. Nothing herein shall be deemed to prevent the issuance of a development approval for a data center as an accessory use to a facility whose primary operation is not the storage and/or processing of data, and provided such accessory use is for the facility's own internal purposes. Such accessory use shall not exceed a total of 1000 square feet of space dedicated to, and used directly for or in support of, the storage and/or processing of data, whether in one or more stand-alone buildings or as part of other buildings.

2. The moratorium shall be effective upon the adoption of this ordinance and shall expire at 11:59 p.m. on September 2, 2027 unless earlier ended by act of City Council, after due compliance with the notice and public hearing requirements that text amendments must follow.

3. The implementation plan as set out in Statement 6 above is hereby approved.

ADOPTED by the City Council of the City of Hendersonville, North Carolina, on this 3rd day of September, 2026.

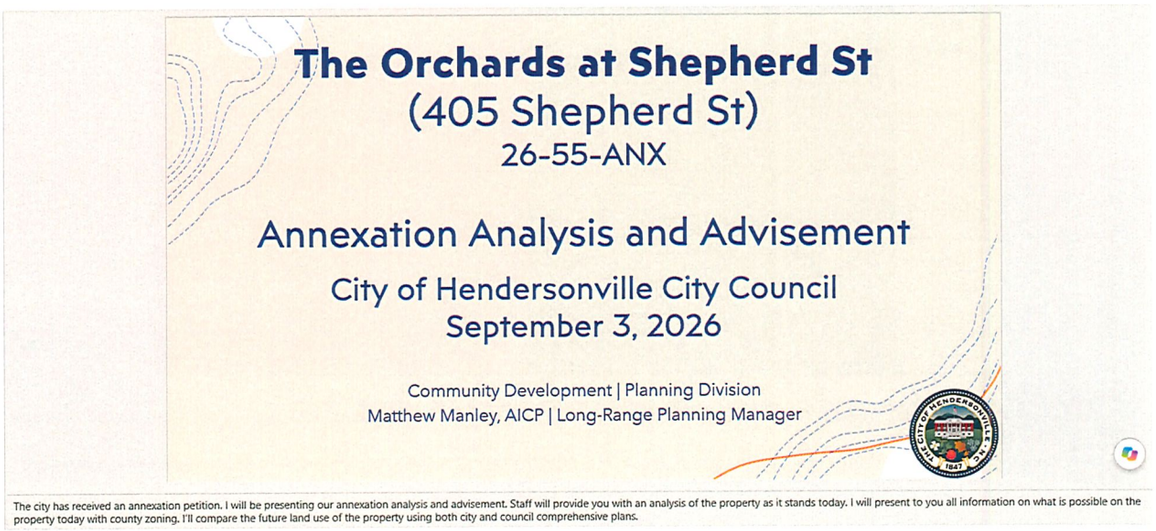
Barbara G. Volk, Mayor
Attest: /s/Jill Murray, City Clerk
Approved as to form: /s/Angela S. Beeker, City Attorney

~Mayor Volk asked for a brief recess at 8:45 p.m. and returned to session at 8:51 p.m.~

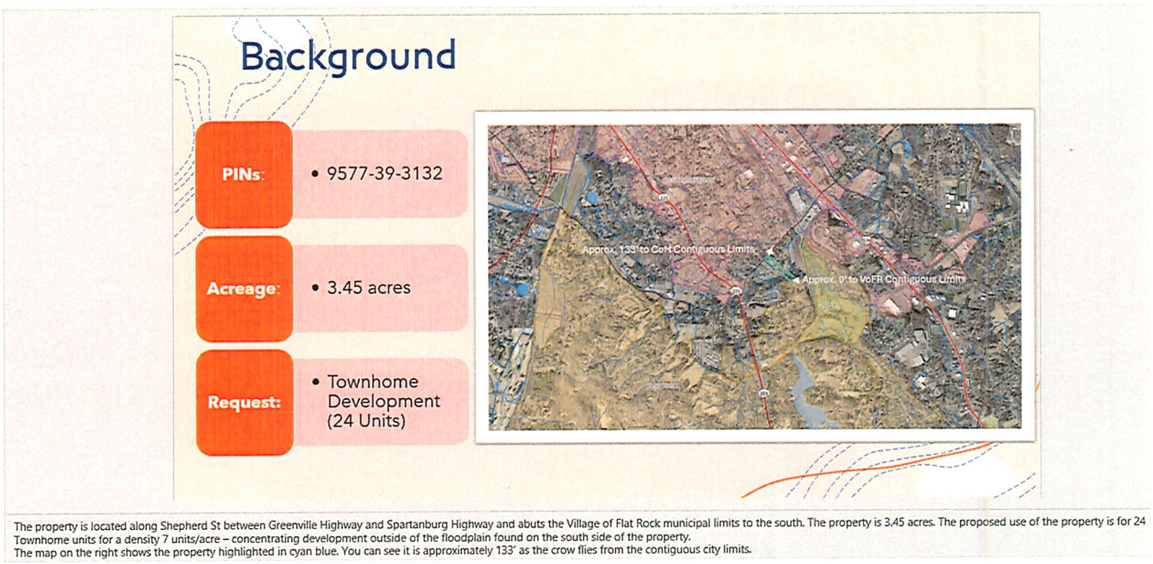
8. NEW BUSINESS

A. Annexation Analysis-The Orchards at Shepherd St | 26-55-ANX – *Matthew Manley, AICP, Long-Range Planning Manager*

Matt Manley explained that the City of Hendersonville received a petition from Luis Graef of The Orchards at Shepherd St, LLC (owner) and Jared Derider of WGLA Engineering, PLLC (applicant) for satellite annexation of a 3.45 acre parcel (PIN: 9577-39-3132) located on Shepherd St. The parcel is outside of the City's ETJ and outside (but contiguous to) the City's newly proposed Growth Boundary. The property is within the "Hendersonville" portion of the 2018 Annexation Agreement with the Village of Flat Rock. Per state statute 160A-58.1, the proposed satellite annexation is eligible for annexation. The petitioner seeks to connect to City Utilities to develop a 24-unit townhome development with a density of 7 units per acre. A City sewer main bisects the property. It is a City of Hendersonville policy that a party must petition for annexation in order to be eligible to connect to the sewer utility. Prior to processing the petition for annexation, City staff is seeking direction from City Council. City Council may 1) direct staff to proceed with the annexation request, 2) indicate that the utility connection can be made without annexation or 3) indicate that neither the utility connection nor the annexation will be approved.



The city has received an annexation petition. I will be presenting our annexation analysis and advisement. Staff will provide you with an analysis of the property as it stands today. I will present to you all information on what is possible on the property today with county zoning. I'll compare the future land use of the property using both city and council comprehensive plans.



The property is located along Shepherd St between Greenville Highway and Spartanburg Highway and abuts the Village of Flat Rock municipal limits to the south. The property is 3.45 acres. The proposed use of the property is for 24 Townhome units for a density 7 units/acre – concentrating development outside of the floodplain found on the south side of the property.
The map on the right shows the property highlighted in cyan blue. You can see it is approximately 133' as the crow flies from the contiguous city limits.

Future Land Use Designations

IA INFILL AREA

Infill Area consists of residentially focused areas that include a mix of housing types inside subdivisions and planned developments. These areas should have an improved transportation network and accommodate a variety of home options. Universal design that allows *aging-in-place* should be encouraged where appropriate.

Where: Found near existing municipalities and existing development. Inside the defined *Utility Service Area*

Density: The maximum allowable density range is four to eight units per acre (gross density)

Uses: A mix of types, including *single family*, townhomes, and apartments where appropriate

Utility Access: Served by utilities



"Infill Area"



Family/Neighborhood Living includes smaller lot single-family detached homes | New Horizon

"Family Neighborhood Living"

In analyzing an annexation petition, one step is to compare the County's Comprehensive Plan Future Land Use Designation for the subject property to the City's designation under the Gen H Plan. The County has designated the area around the property as "Infill" while the City has assigned the character area of "Family Neighborhood Living"

Comprehensive Plan & Zoning Comparison

	Henderson County			City of Hendersonville		
	2045 Comprehensive Plan	Comp Plan Consistency	Zoning Compliance	Gen H Comprehensive Plan	Comp Plan Consistency	Zoning Compliance
Future Land Use	*Infill*		R1	*Family Neighborhood Living*		R-6
Description	Mix of housing types, in subdivisions and planned developments. allows aging-in-place	Consistent	Permitted under Conditional Zoning	"Detached" units. Conservation design can accommodate smaller lots.	Somewhat Consistent	Permitted by-right under R-6
Location	Near Municipalities	Consistent		Periphery of city limits and adjacent to rural areas	Consistent	
Density	Max. 4-8 Units/Acre	Consistent		Generally 3-8 Units/Acre	Consistent	
Uses	Single-Family, Townhomes, Some Apartments	Consistent		Single-Family, Some Townhomes	Consistent	

Further, we took a look at the Consistency of the proposed development with those Future Land Use Designations as well as the current County zoning and proposed City zoning.
The proposed development is in alignment with both the Henderson County's 2045 Comprehensive Plan and somewhat consistent with the City of Hendersonville's Gen H Comprehensive Plan due to the Family Neighborhood Living Character Area Description referencing "detached" units.

Staff Analysis

The proposed use appears to be permissible with both jurisdiction's zoning standards though under the County the development would trigger Conditional Zoning while the City could permit the development by-right if the property were zoned R-6.

Cost of Service / Fiscal Impact Analysis

Cost of Service Value per Acre:	• $2,717,575
Modified Cost of Service Value per Acre:	• $543,515
Net Tax Revenue per Acre:	• $2,663

A basic Fiscal Impact Analysis was also performed for this petition. The Cost of Service Value is based on median value of a townhouse multiplied by the number of units with an additional multiplier based on density and proximity to City Hall. In summary, the project is forecasted to net a positive tax revenue of roughly $2,600 per acre.

Development Impact Statements

The following statements come directly from representatives of various City departments:

- **City of Hendersonville Police:** This brings no significant impact to operations. Once 24 homes are built and occupied, the addition of calls for service there could impact us. The location is contiguous, so no real issues there.
- **City of Hendersonville Public Works:** We currently serve areas nearby so adding this area would not place much of an additional burden on our overall service levels
- **City of Hendersonville Engineering**: If roads and sidewalks are to become City responsibility, this will inform the department's requirements and standards (necessary encroachments, etc) similar to NCDOT's needs. From a continuing service level, the department will be responsible for long-term maintenance of sidewalks, roads (will be accounted for in yearly Powell Bill calculation), striping, signs, and hardscape within the R/W.
- **City of Hendersonville Fire:** It is our understanding that if the property is annexed into the city, HFD is responsible for the response to it. There is no agreement for a time frame of turn over. Once its annexed, it becomes our responsibility. Until Station 3 is built and we have a station on that side of town, we would respond from Station 1 and there would be a delay in response. And we would require additional staffing and equipment for that station.
- **City of Hendersonville Water & Sewer:** Annexation into the City of Hendersonville has no impact on the provision of public water and or sewer service. The subject property is already on City Sewer and Water as are other properties south of Shepherd St.
- **City of Hendersonville Stormwater**: proposed post-construction stormwater measures do not seem to be ideally located (private stormwater infrastructure is being proposed within a proposed public right-of-way)

The following City Departments were asked to provide Impact Statements in regard to the proposed annexation and development. The only major concern was with the Fire Dept in regard to response time given the location and the current status of FS3 - which would be needed to better serve the southern side of the City.

Development Impact Statements

The following statements come directly from representatives of various external agencies:

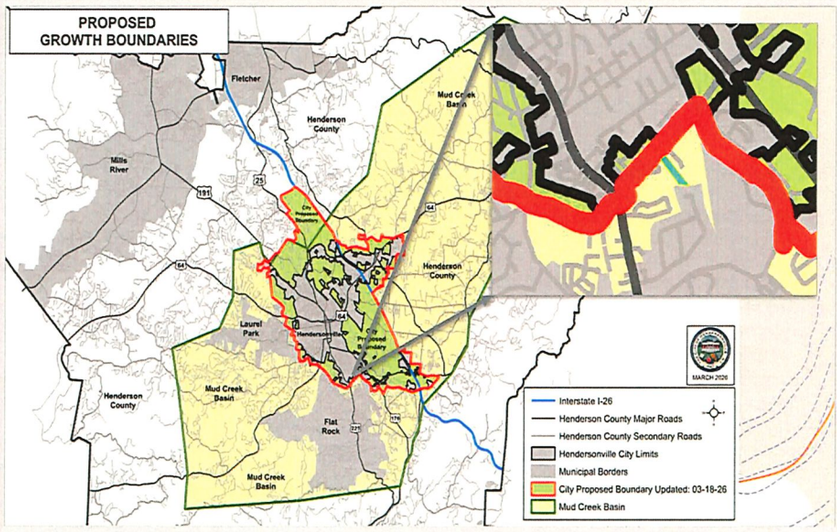
- **Henderson County Public Schools:** Based on the information provided, we do not have any concerns regarding the potential impact of the proposed townhome development on our school operations.
- **NC Department of Transportation:** In general, the Department of Transportation will require a driveway permit submittal in accordance with our policy, as well as any applicable encroachment permits for work within the right-of-way (including sidewalk, water service, etc.). We will also need a drainage plan and hydraulic report for the site, including details related to the curb and gutter and sidewalk installation.
- **Henderson County Emergency Management**: No Comment

The following partner agencies were also asked to provide Impact Statements in regard to the proposed annexation and development. There were no major concerns expressed.

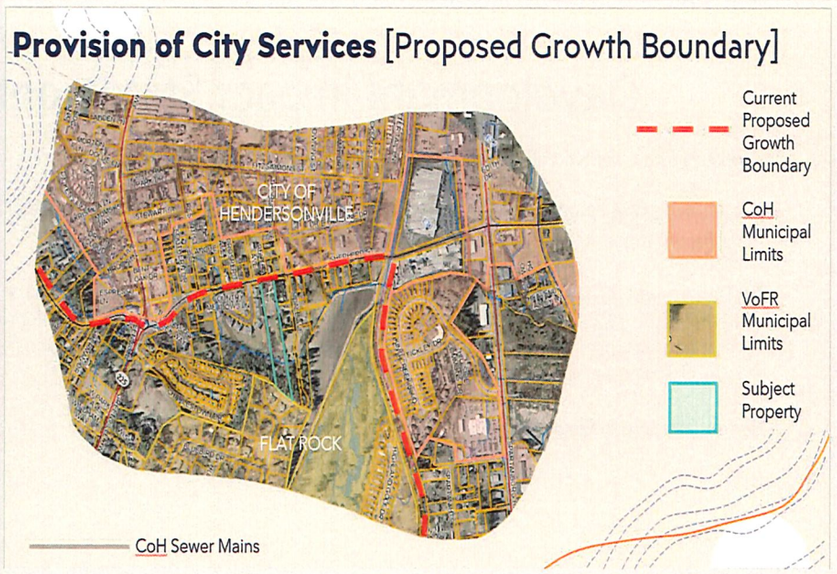
Shepherd St

- **Residents:** Recently voiced concerns about speeds, truck traffic, and overall condition of the street. Observed increased volume since installation of Roundabout at GVL Hwy and N. Highland Lake Dr construction.
  - Data shows AADT has fluctuated up and down over the decades:
    - 3,500 in 2003 - earliest data
    - Low of 2800 in 2016
    - 3,600 in 2022 - most recent data
- **NC Department of Transportation:** Set to be repaved in the Spring. Patching to begin this summer. Large concrete trucks use the corridor - with increased volume due to Helene reconstruction and regional development.
- **Law Enforcement:** City of Hendersonville Police + Henderson County Sherrif + State Highway Patrol
- **Important Role in the Street Network**: Part of **southern by-pass** - from **US64** to **US64**
- Brevard Rd in Laurel Park to 4 Seasons Blvd in Hendersonville
  - White Pine Dr > Hebron Rd > State St / Erkwood Dr > Shepherd St > Airport Rd > Tracy Grove > Dana Rd > 4 Seasons Blvd
  - Intersects with Kanuga Rd, Rutledge Dr, Greenville Highway (225), Spartanburg Hwy (176)

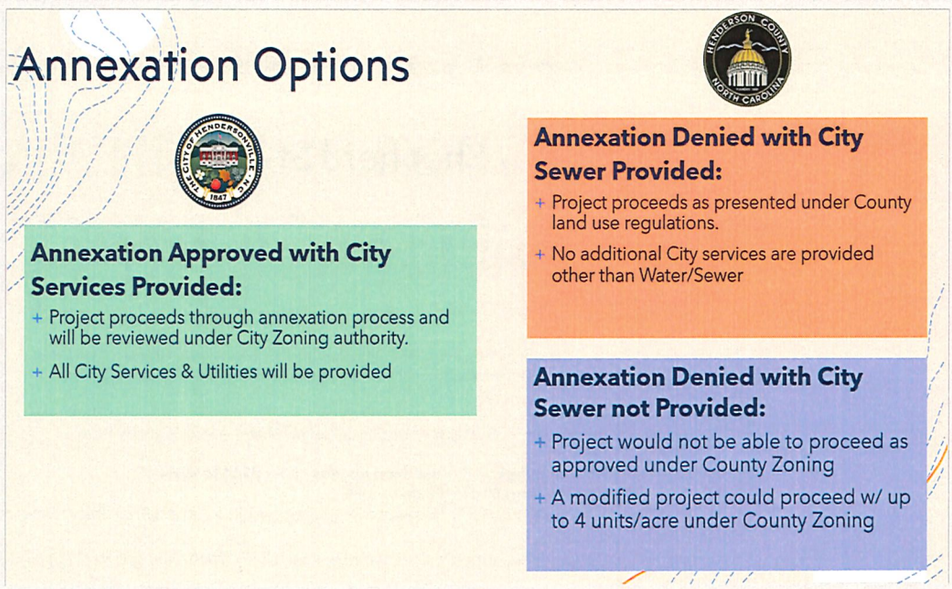
City staff was made aware of recent feedback from citizens along Shepherd St. This transportation-related feedback somewhat coincides with considerations of annexation in this area. The residents expressed concerns about speeding, truck traffic and the overall condition of the corridor. There was an observation shared that traffic volume had increased since 2020 however historical AADT data shows volumes have fluctuated and only marginally increased as recent as 2022 – which is the most recent data available.
NCDOT weighed in on this feedback to bring awareness to the resurfacing of the corridor slated for next spring as well as patchwork taking place this fall. They also assigned some of these observed impacts to the increase in concrete trucks on the corridor due to Helene reconstruction and overall regional development growth.
In regards to Speeding, the corridor is serviced by 3 agencies – CoH PD, County Sherrif and State Highway Patrol.
In terms of the street becoming a less traveled corridor – that is an unlikely future outcome as this street segment is part of a larger "southern by-pass" made up of secondary roads that connect from US64 in Laurel Park to US64 or Four Seasons Blvd. These routes are used as alternatives to taking Spartanburg Hwy, Greenville Hwy, or Kanuga Rd in and through Downtown in order to access US64.



The City has developed a Proposed Growth Boundary to govern annexation. This is an unofficial boundary that has not been formally agreed upon by Henderson County. The subject property is shown in the upper right as being just south of the proposed boundary that runs along Shepherd St.



Planning Staff took a closer look at this proposed boundary location. Roughly half of the parcels between Greenville Hwy and Spartanburg Hwy on north side of Shepherd St are within the City's corporate limits and receiving City services. This creates a scenario of sporadic provision of City services. However, properties on the south side of Shepherd St are nearly all connected to City Sewer already. It would require redevelopment proposals to trigger potential future annexations of these properties.



For the annexation request, there are 3 options:
Annexation Approved with City Services Provided:
Project proceeds to annex and will be reviewed under City Zoning.
And All City Services are provided.
or
Annexation Denied but City Sewer Provided:
Project proceeds as presented under County land use regulations.
No additional City services are provided other than Water/Sewer

Council Member Lyndsey Simpson moved that City Council direct staff to grant the applicant the right to connect to the City of Hendersonville Utility System without requiring further processing of the petition for annexation. A unanimous vote of the Council followed. Motion carried.

B. Appointment of City of Hendersonville Representatives on the Asheville Regional Home Consortium – *John Connet, City Manager*

City Manager John Connet explained that he has served as the City of Hendersonville's representative on the Asheville Regional Home Consortium. He is departing to join the North Carolina League of Municipalities and requests that Lew Holloway be appointed as the City's representative and Sam Hayes as the alternate representative.

Council Member Jennifer Hensley moved that the City Council appoint Lew Holloway as the City of Hendersonville's representative on the Asheville Regional Home Consortium and Sam Hayes as the alternate representative. A unanimous vote of the Council followed. Motion carried.

City Manager John Connet asked City Council to approve a Resolution Urging the U.S. Department of Agriculture and U.S. Forest Service to Preserve Protections Within The Mills River Watershed and explained that there is the Roadless Area Conservation Rule that was adopted by the U.S. Forest Service and they are looking to repeal that rule to say that in very pristine areas and areas where they do not allow roads to be constructed, they are considering to allow that to happen which may allow for logging or other activity. This could impact one or two of our areas in the North Fork of the Mills River and also South Mills River Roadless Area and the Laurel Mountain Roadless Area and could potentially impact 5700 acres in our watershed in the North Fork and 8600 acres in the South Mills River. We have drafted a resolution that we will send to the U.S. Forest Service and the U.S. Department of Agriculture that hopefully you will adopt tonight.

Council Member Jennifer Hensley moved that the City Council adopt the Resolution Urging the U.S. Department of Agriculture and U.S. Forest Service to Preserve Protections Within The Mills River Watershed. A unanimous vote of the Council followed. Motion carried.

Resolution #R-26-87

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL URGING THE U.S. DEPARTMENT OF AGRICULTURE AND U.S. FOREST SERVICE TO PRESERVE PROTECTIONS WITHIN THE MILLS RIVER WATERSHED

WHEREAS, for over 100 years the City of Hendersonville (the "City") owned and operated the North Fork Mills River Reservoir and the Bradley Creek Reservoir, which together provide drinking water for the City's water customers throughout Henderson County; and

WHEREAS, the City holds a Special Use Permit from the United States Department of Agriculture, Forest Service, authorizing the operation and maintenance of these reservoirs, dams, and associated pipelines within the Pisgah Ranger District of the Pisgah National Forest, and the City's current permit (Authorization ID PIS1021-02) remains in effect through December 31, 2032; and

WHEREAS, the City wishes to acknowledge and express its sincere appreciation for the longstanding partnership between the City and the U.S. Forest Service, and for the Forest Service's stewardship of the Pisgah National Forest, which has helped protect the quality and reliability of the watershed relied upon by the residents, businesses, and visitors of Henderson County; and

WHEREAS, this partnership dates to at least May 1922, when the City's Board of Water Commissioners and the Secretary of Agriculture entered into a Cooperative Agreement for Conserving and Protecting the Water Supply of the City of Hendersonville, which protected the watersheds of Fletcher Creek, Big Creek, Wash Creek, and Bradley Creek within the Pisgah National Forest, conditioned the cutting or removal of timber on the written permission of the Forest Supervisor, and tied other land uses within the watershed to the Board's approval, establishing a century-long precedent for binding, activity-specific protections for the City's water supply within the Forest; and

WHEREAS, the Roadless Area Conservation Rule (the "Roadless Rule"), adopted by the U.S. Forest Service in 2001, has for nearly twenty-five years protected inventoried roadless areas of the National Forest System from new road construction, road reconstruction, mining, and most timber harvesting, thereby safeguarding intact forestland, wildlife habitat, and water resources; and

WHEREAS, on August 18, 2026, the U.S. Department of Agriculture and the U.S. Forest Service filed a proposed rule to repeal the 2001 Roadless Rule in its entirety, and have opened a period of public comment on that proposal, with public comments due September 21, 2026; and

WHEREAS, two inventoried roadless areas lie within the Mills River watershed upstream of the City's water supply intakes — the Laurel Mountain Roadless Area, approximately 5,700 acres (8.9 sq. mi.) in the watershed of the North Fork of the Mills River, and the South Mills River Roadless Area, approximately 8,600 acres (13.4 sq. mi.) in the watershed of the South Fork of the Mills River — both of which currently benefit from the protections afforded by the Roadless Rule; and

WHEREAS, these undeveloped, roadless forestlands help filter and regulate the flow of water into the North and South Forks of the Mills River, reducing erosion, sedimentation, and flood impacts, and thereby help protect the water quality and supply on which the City's water customers and downstream communities depend; and

WHEREAS, new road construction, mining, and increased timber harvesting within these currently roadless areas could increase erosion and sediment delivery to the North and South Forks of the Mills River, degrade aquatic habitat, elevate flood risk, and impair the water quality and supply that the City and its water customers rely upon; and

WHEREAS, City staff have met and corresponded with U.S. Forest Service Pisgah Ranger District officials regarding the proposed repeal, who have confirmed that the Laurel Mountain and South Mills River Roadless Areas are designated as Backcountry under the Forests' 2023 Land Management Plan, which independently prohibits permanent road construction and limits timber harvesting to specific circumstances within these areas regardless of the status of the national Roadless Rule; and

WHEREAS, however, the 2023 Land Management Plan is presently the subject of ongoing federal litigation, and on March 31, 2026, the U.S. District Court for the Western District of North Carolina ruled that the biological opinion underlying the Plan violated the Endangered Species Act and that this ruling "voids authority for the Revised Forest Plan"; the parties dispute the scope and effect of that ruling, and Forest Service officials have advised the City that, if the Forests must resume management under the prior Land Management Plan (as adopted in 1987 and significantly amended in 1994) while a new plan is developed, management area designations within the watershed would be mixed — with a portion of the Laurel Mountain Roadless Area, roughly 939 of its 5,682 acres, previously designated in a management area in which timber production was permitted, while other portions of both roadless areas were designated in more restrictive, backcountry-type management areas; and

WHEREAS, given this uncertainty surrounding both the national Roadless Rule and the Forests' current Land Management Plan, and the mixed level of protection that applied to portions of the watershed under the prior Land Management Plan, the City Council believes that protections for the North Fork and South Fork Mills River watershed that do not depend on the outcome of either the Roadless Rule rulemaking or the pending Forest Plan litigation — including terms incorporated directly into the City's Special Use Permit — would provide more durable certainty and security for the City's water supply; and

WHEREAS, Pisgah Ranger District officials have indicated a willingness to discuss modifying the City's Special Use Permit to address these concerns, and the City Council wishes to formally express its support for a binding amendment to the Special Use Permit, as opposed to a non-binding letter of commitment, so that these protections endure independent of changes in Forest Service leadership, policy, or litigation outcomes; and

WHEREAS, the City Council believes that any decision affecting the future management of the North Fork and South Fork of the Mills River watershed should give full and meaningful consideration to the interests of downstream communities, including the City of Hendersonville and its water customers, that depend on the continued health of this watershed for drinking water, economic vitality, and quality of life.

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

1. The City Council expresses its appreciation for the U.S. Forest Service's longstanding partnership with the City and its stewardship of the Pisgah National Forest on behalf of the residents and visitors of Henderson County.

2. The City Council respectfully urges the U.S. Department of Agriculture and the U.S. Forest Service to retain roadless area protections for the Laurel Mountain and South Mills River Roadless Areas, or, at a minimum, to complete a thorough, transparent, and site-specific environmental review of the effects of any repeal on the North Fork and South Fork Mills River watersheds before taking final action.

3. The City Council urges the U.S. Forest Service, through the Environmental Impact Statement process, to fully evaluate the potential impacts of road construction, mining, and timber harvesting within these roadless areas on water quality, water supply, flood risk, and wildlife habitat within the Mills River watershed.

4. The City Council urges the U.S. Forest Service to generally agree not to authorize or conduct any activity within the North Fork and South Fork Mills River watershed that would negatively impact the quality or quantity of the City's water supply, regardless of Management Area designation, roadless status, or which Land Management Plan is in effect at any given time.

5. The City Council requests that the U.S. Forest Service amend the City's Special Use Permit (Authorization ID PIS1021-02) - through a formal, binding permit amendment rather than a letter of commitment - to (a) require the Forest Service to coordinate and consult with the City in advance of any proposed road construction or

reconstruction, mineral exploration or development, or timber harvesting activity within the Laurel Mountain and South Mills River Roadless Areas or elsewhere within the North Fork and South Fork Mills River watersheds that could affect the City's water supply, and (b) generally prohibit such activities where they would cause adverse effects to the quality or quantity of the City's water supply, so that these protections remain in place regardless of the outcome of the Roadless Rule rulemaking, the pending litigation over the Forests' Land Management Plan, or future changes in Forest Service policy or personnel.

6. The City Manager, or his designee, is authorized and directed to submit this Resolution as an official public comment on the proposed repeal of the Roadless Rule, to submit the request described in Section 5 to the appropriate Forest Service officials, and to transmit copies of this Resolution to the Secretary of the U.S. Department of Agriculture, the Chief of the U.S. Forest Service, the Forest Supervisor of the National Forests in North Carolina, the District Ranger of the Pisgah Ranger District, and the members of the North Carolina Congressional Delegation representing the City of Hendersonville.

This Resolution shall take effect immediately upon its adoption.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 3rd day of September, 2026.

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

9. CITY MANAGER REPORT

A. August 2026 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 with a summary of all amendments and adjustments occurring thus far in the fiscal year.

FISCAL YEAR 2025 - 2026 (FY26) BUDGET AMENDMENTS AND ADJUSTMENTS			Completed / Proposed	Corrected / Denied				
ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET	DESCRIPTION	TYPE	AMENDMENT NUMBER
010-1002-519200	Contracted Services	82,500	-	2,155	80,345	Analyst & Com. Dev. Office Walls	adjustment	7/27/2026
010-1002-534000	Non-Capital Equipment	-	2,155	-	2,155	Analyst & Com. Dev. Office Walls	adjustment	7/27/2026
010-0000-534999	Contingencies	81,560	-	7,500	74,060	JustFOIA	adjustment	8/6/2026
010-1002-519200	Supplies & Materials	80,345	7,500	-	87,845	JustFOIA	adjustment	8/6/2026
010-1400-521060	Educational Supplies	44,000	-	8,000	36,000	Fire Dues & Subscriptions	adjustment	8/10/2026
010-1400-521001	Supplies & Materials	47,500	-	5,000	42,500	Fire Dues & Subscriptions	adjustment	8/10/2026
010-1400-524020	R&M Equipment	49,200	-	5,000	44,200	Fire Dues & Subscriptions	adjustment	8/10/2026
010-1400-524030	R&M Trucks	131,500	-	10,000	121,500	Fire Dues & Subscriptions	adjustment	8/10/2026
010-1400-531100	Fuel	72,000	-	5,000	67,000	Fire Dues & Subscriptions	adjustment	8/10/2026
010-1400-531225	Training	69,650	-	10,000	59,650	Fire Dues & Subscriptions	adjustment	8/10/2026
010-1400-531215	Dues & Subscriptions	-	43,000	-	43,000	Fire Dues & Subscriptions	adjustment	8/10/2026
064-7455-519200	Contract Services	50,000	-	2,000	48,000	Parking envelopes	adjustment	8/10/2026
064-7455-519200	Supplies & Material	-	2,000	-	2,000	Parking envelopes	adjustment	8/10/2026
010-1300-524030	R&M Trucks	121,000	-	33,000	88,000	Traffic Investigator Truck	adjustment	8/11/2026
010-1300-554002	Capital Outlay- Vehicles	-	33,000	-	33,000	Traffic Investigator Truck	adjustment	8/11/2026
060-7035-524020	R&M Equipment	55,000	-	11,000	44,000	Purchase of Bicarb Mixer	adjustment	8/17/2026
060-7035-554001	Capital Outlay - Equipment	20,000	11,000	-	31,000	Purchase of Bicarb Mixer	adjustment	8/17/2026
010-0000-534999	Contingency	74,060	-	3,540	70,520	Transmission Replacement in 15-31	adjustment	8/19/2026
010-1014-524030	R&M Trucks	2,500	3,540	-	6,040	Transmission Replacement in 15-31	adjustment	8/19/2026
060-0000-534999	Contingency	100,000	-	8,260	91,740	Transmission Replacement in 15-31	adjustment	8/19/2026
060-1014-524030	R&M Trucks	750	8,260	-	9,010	Transmission Replacement in 15-31	adjustment	8/19/2026

B. Mayor's Memories – *John Connet, City Manager*

City Manager Connet said on September 7, 2017, we applied for a grant for the north side water system improvements which are fully constructed and providing great water service to the folks in the Fletcher area. We also had a resolution to apply for a state loan or grant for our biosolids project that is just now nearing completion. This shows how long it takes to get these things done. We applied for a grant for the French Broad River intake which is now done. We refinanced some bonds to save our taxpayers some money on annual debt payments. We had a ten year water usage agreement with the town of Laurel Park, did a travel policy update, cell phone policy updates, and a contract for engineering services for the wastewater treatment plant improvements that included the new filter that we put in in

the last five years. Mike Huffman got an MVP that night, we had some rezonings and we had a discussion about purchasing the Laurel Park Water System that night.

10. CITY COUNCIL COMMENTS

Council Member Hensley said that when she did her 24-hour shift with the Hendersonville Fire Department, we went on an overdose call to Subway, and it was a person who overdosed on Kratom which is one of the new 7-OH (7-hydroxymitragynine) types of drugs. It's a synthetic opioid so it binds to the opioid receptors in the brain very similar to the way fentanyl does and it can be purchased at gas stations so I didn't know if we have the ability to ban these substances locally, but it is increasingly becoming an issue. The University of Michigan is doing quite a bit of data research on these synthetic opioids and how they bind very similarly to fentanyl so I want to know if that is something that we can look into.

City Manager Connet said that we will look into it, and he knows that there is a bill in the General Assembly to regulate Kratom and the industry is pushing back very very hard at the state level regarding that. I think it is sitting and waiting for a vote, but we will look and see.

11. 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, 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 consider the case of Advenir Azora Development, LLC VS The City of Hendersonville, 26CV000562-440, Henderson County Superior Court. A unanimous vote of the Council followed. Motion carried.

12. ADJOURN

City Council went into closed session at 9:10 p.m.

There being no further business, the meeting adjourned at 9:26 p.m. upon unanimous assent of the Council.

Barbara G. Volk

Barbara G. Volk, Mayor

ATTEST:

Jill Murray

Jill Murray, City Clerk