CITY OF HENDERSONVILLE
CITY COUNCIL REGULAR MEETING
Operations Center Assembly Room | 305 Williams St. | Hendersonville, NC 28792
Thursday, October 01, 2026 – 5:45 PM

AGENDA

1. **CALL TO ORDER**

2. **INVOCATION AND 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.*

4. **CONSIDERATION OF AGENDA**

5. **RECOGNITION OF CITY MANAGER JOHN CONNET AND SWEARING IN OF BRIAN PAHLE AS CITY MANAGER**

6. **CONSENT AGENDA** - *Items are considered routine, noncontroversial in nature and are considered approved by a single motion and vote.*

   A. Approval of Minutes - *Jill Murray, City Clerk*

      September 3, 2026 Regular Meeting

      September 23, 2026 Second Monthly Meeting

   B. Approval of Resolution Accepting Proposal from Baker Tilley for the FY27 Pay and Classification Study – *Adam Murr, Budget & Eval. Director*

   C. Annexation: Certificate of Sufficiency- 1208 Stanwood Ln | (26-57-ANX) – *Sarah McLaurin | Planner II*

   D. Resolution of Support FBRMPO Protect Grant & NCDOT Protect Grant– *Brian Pahle, Deputy City Manager*

   E. Request for approval to accept the Climb to Managing Community Grant and Tree Maintenance and Planting Grant for the completion of an Urban Forestry Management Plan, Tree Inventory, and Tree Canopy Cover Assessment - *Caitlyn Gendusa, Sustainability Manager*

   F. October 2026 Budget Amendments – *Adam Murr, Budget & Eval. Director*

7. **PRESENTATIONS**

   A. Proclamation-Grease Busters Day 2026 - *Barbara Volk, Mayor*

   B. Proclamation-Family Caregiver's Month - *Barbara Volk, Mayor*

C. Proclamation-Fire Prevention Week 2026 - *Barbara Volk, Mayor*

D. Quarterly MVP Recipients - *Brian Pahle, City Manager*

E. Henderson County Aging Coalition Presentation - *Elizabeth Williams, Executive Director Mountain Aging Partners*

8. PUBLIC HEARINGS

A. Rezoning: Standard Rezoning – 101 S Grove Street | 26-56-RZO – *Sarah McLaurin, Planner II*

B. Annexation: Public Hearing – Jabil Expansion (26-60-ANX) – *Sam Hayes, Planner II*

9. NEW BUSINESS

A. Helene Update 2-Year Anniversary – *Brian Pahle, Deputy City Manager*

B. Adoption of Resolution of Intent to Negotiate Terms to Acquire, Manage or Lease the City of Saluda Water System – *Brent Detwiler, Assistant City Manager for Public Services and Adam Steurer, Utilities Director*

C. City Code Amendment Establishing that Certain Utilities Must Obtain a Franchise to Operate in the City Limits – *Angie Beeker, City Attorney*

10. CITY MANAGER REPORT - John F. Connet, City Manager

A. September 2026 Contingency and Adjustment Report – *John Connet, City Manager*

11. CITY COUNCIL COMMENTS

12. CLOSED SESSION

A. Closed Session – *John Connet, City Manager*

13. ADJOURN

The City of Hendersonville is committed to providing accessible facilities, programs and services for all people in compliance with the Americans with Disabilities Act (ADA). Should you need assistance or an accommodation for this meeting please contact the City Clerk no later than 24 hours prior to the meeting at 697-3005.

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

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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

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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 **FISCAL YEAR 2026**
APPROVAL: September 03, 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 **FISCAL YEAR 2026**
APPROVAL: September 03, 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 **FISCAL YEAR 2026**
APPROVAL: September 03, 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 **FISCAL YEAR 2027**
APPROVAL: September 03, 2026 **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 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.	56% of abducted children are recovered safe within 1 hour.
18% missing persons with dementia are found deceased 12 hours after disappearing.	78% are found safe within 12 hours.
69% homicide closure rate.	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.	Immigration.
Civil matters.	Politically motivated searches.
Monitoring protests, churches, or lawful gatherings.	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.

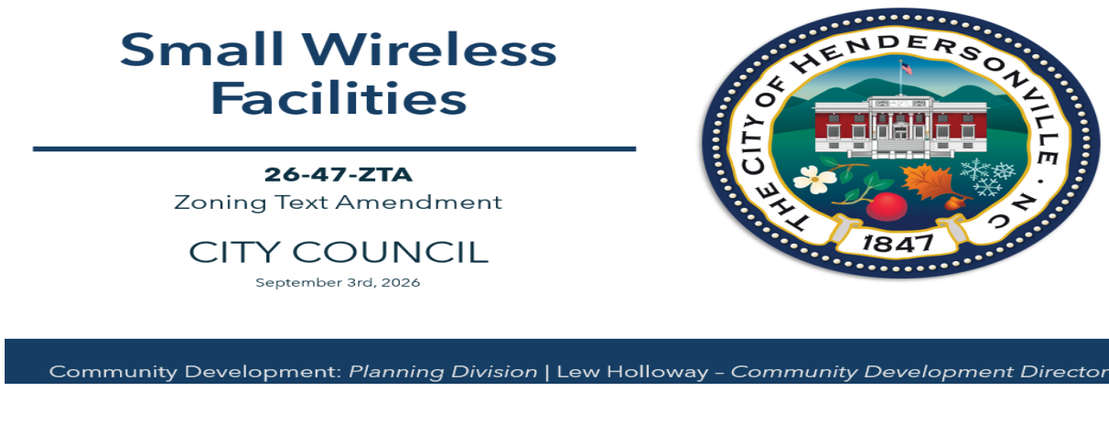
City Manager Connet added that we absolutely hear the concerns from the public and I know that city council has as well and they are the policy makers but I will tell you from the City Manager's seat and over 34 years there's been a number of times that I've gotten complaints and calls from citizens 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

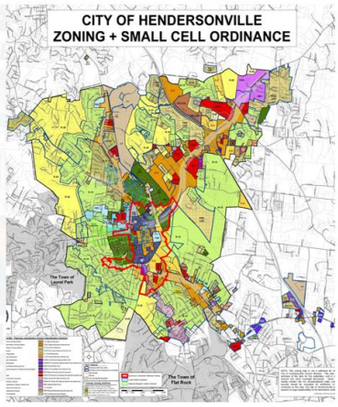
A. Zoning Text Amendment: Small Cell Wireless Facilities (26-47-ZTA) – *Lew Holloway, Community Development Director*

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. 15-180, at 23 (filed September 28, 2015).

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



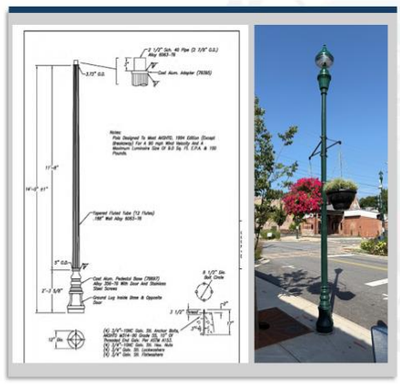
Pole Side Shroud

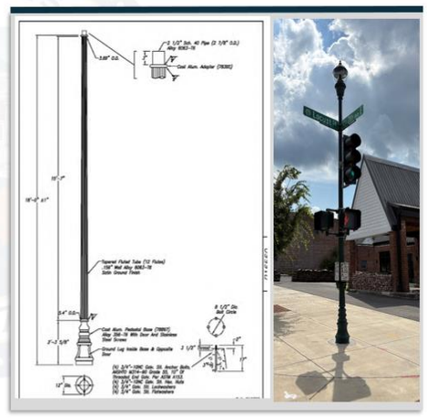
The Design Standards apply to all facilities. It provides for size limitations and requires that all of the units and the associated equipment are shrouded and concealed.

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

Design Standards

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





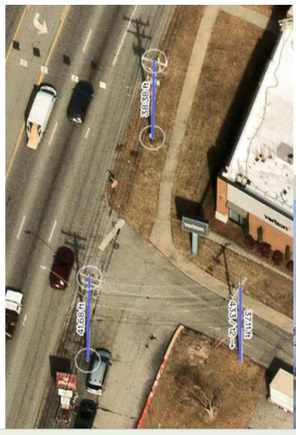
Sec. 16-4-35-3(b)
Zoning Districts are, plus national and locally designated historic districts.

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.

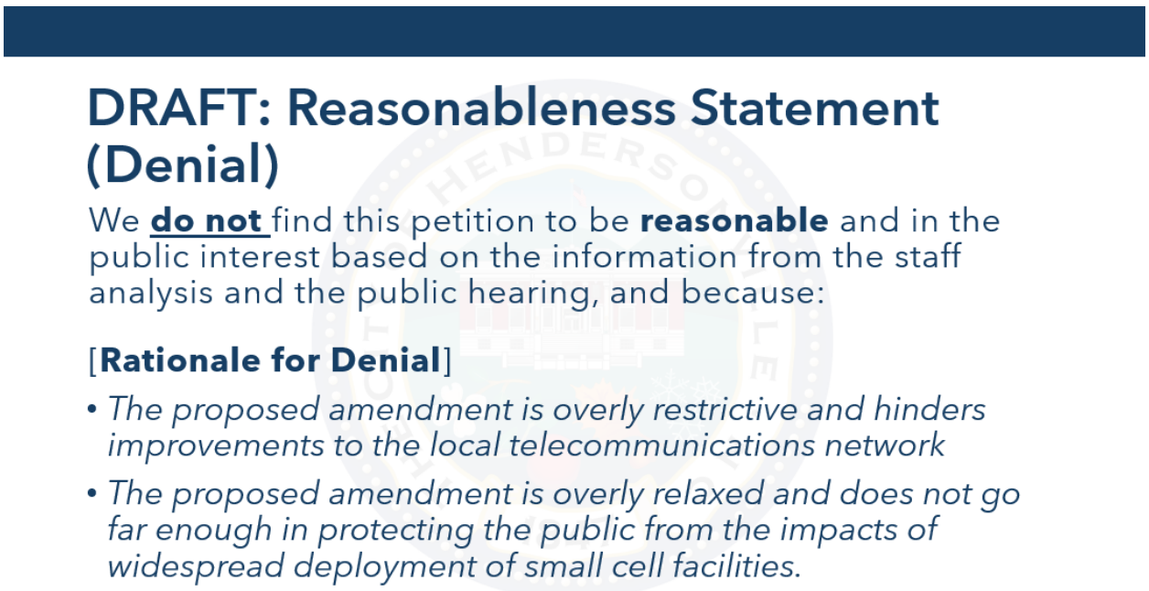
Review Planning Board overview Briefly.

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

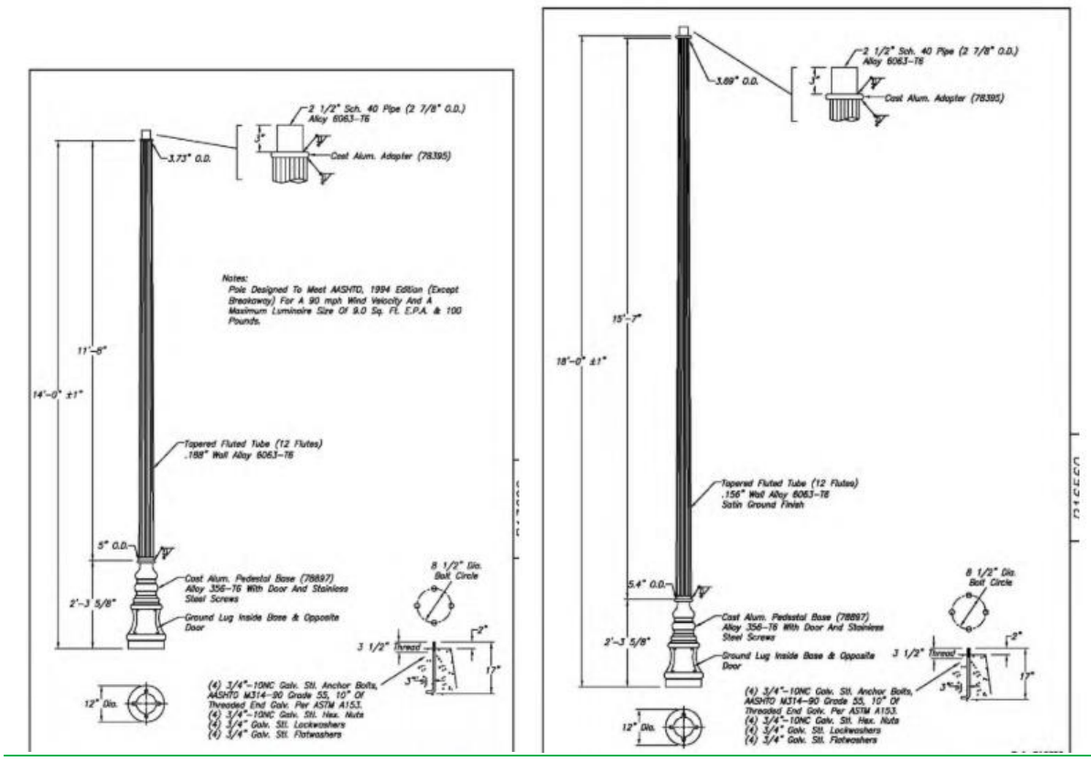


Figure 1: Design Specifications for 14' & 18' Decorative Poles



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.

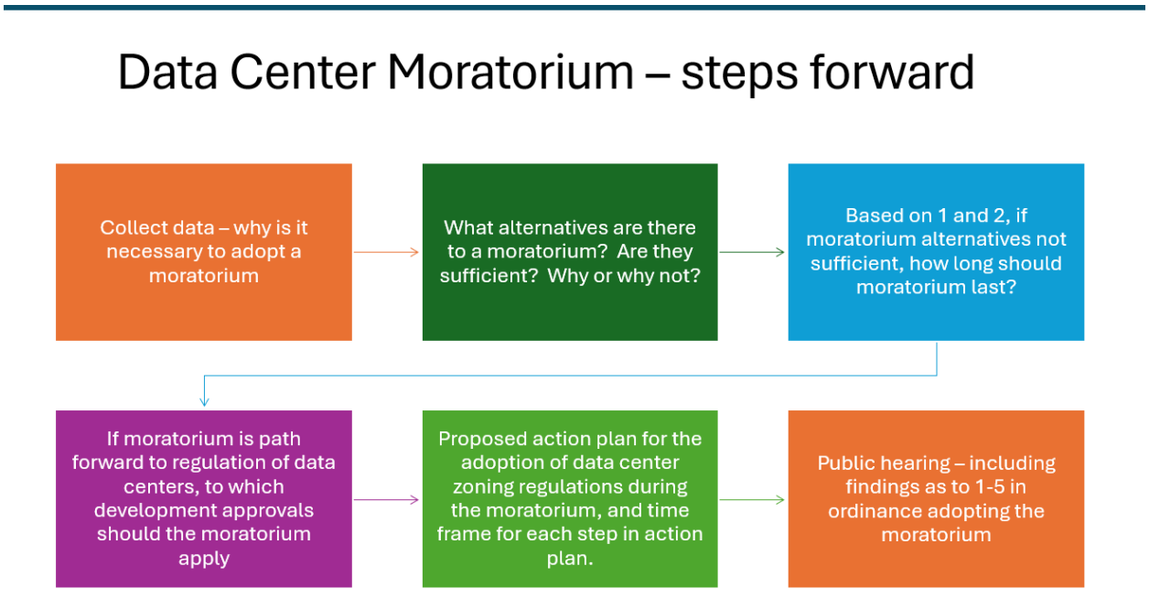
Adopted by the City Council of the City of Hendersonville, North Carolina on this 3rd day of September, 2026.

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

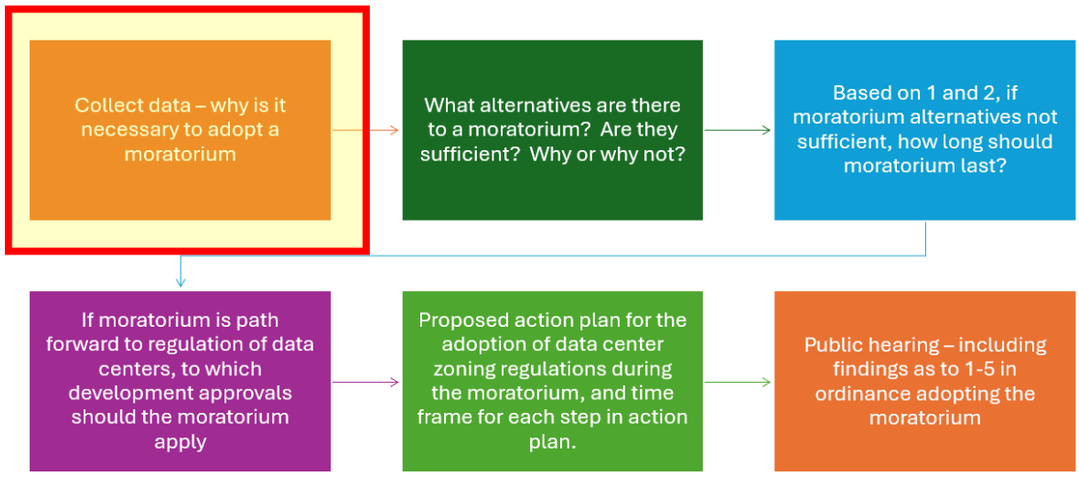
B. Data and Hyperscale Data Center Moratorium – *Lew Holloway, Community Development Director and Angela Beeker, City Attorney*

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

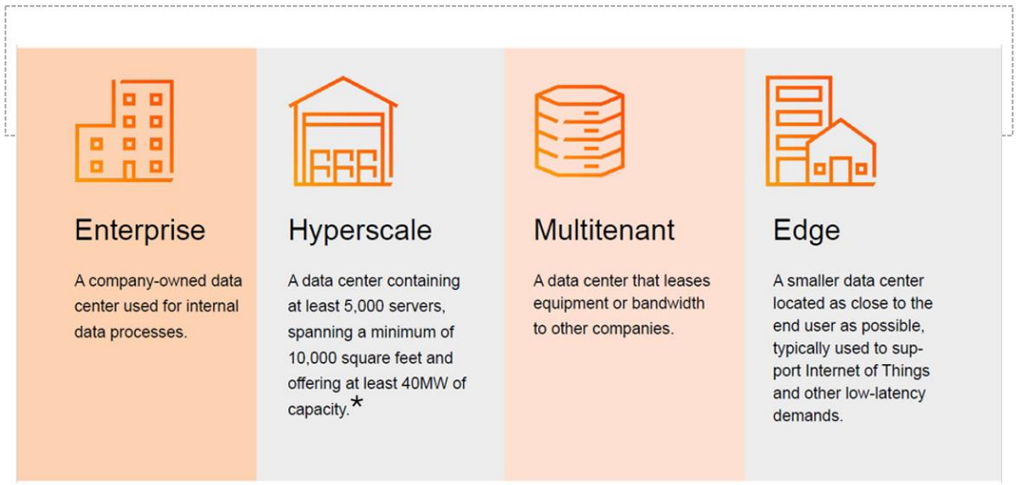




Data Centers

"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."

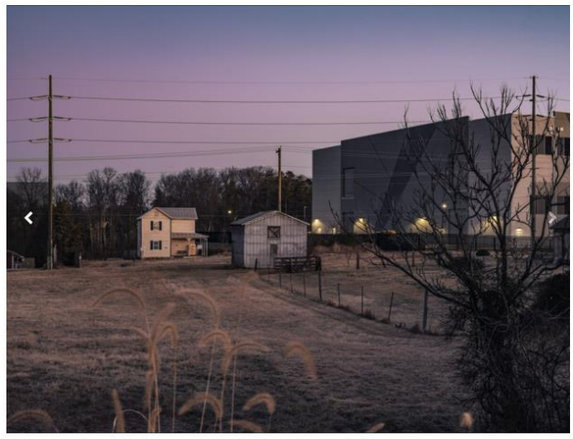
Data Centers and Their Energy Consumption: Frequently Asked Questions, **Congressional Research Service, May 12, 2026**



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

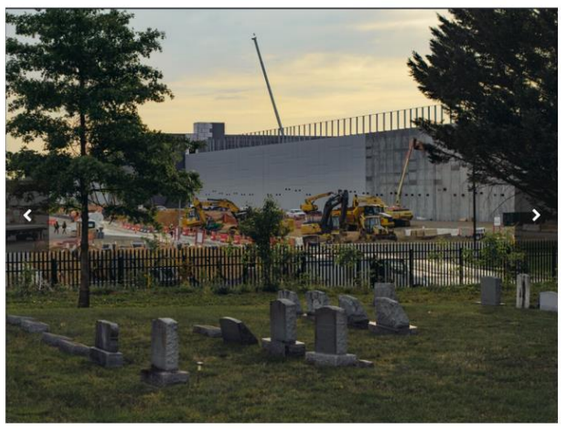
April 24, 2024 | A Google data center is seen under construction near a home in Sterling, Virginia.



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

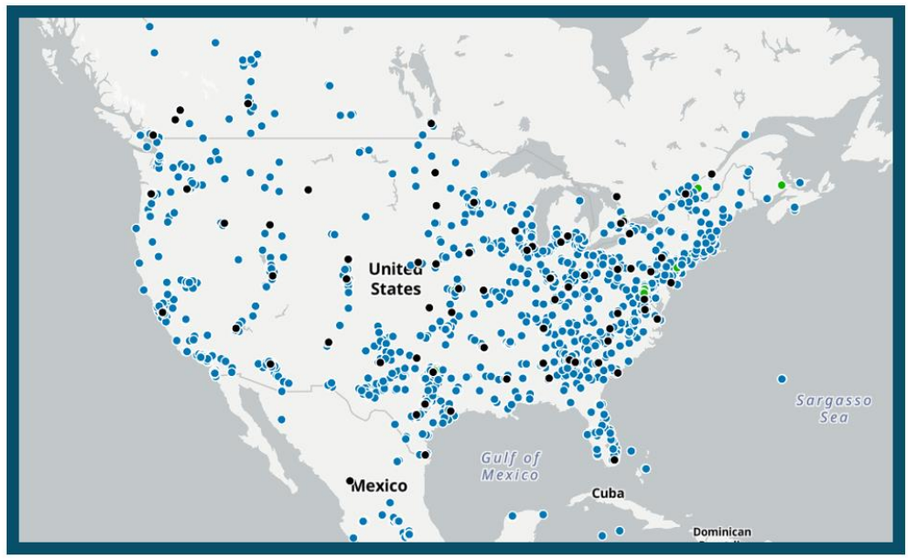
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Feb. 12, 2024 | A home sits near a data center in Gainesville, Virginia.



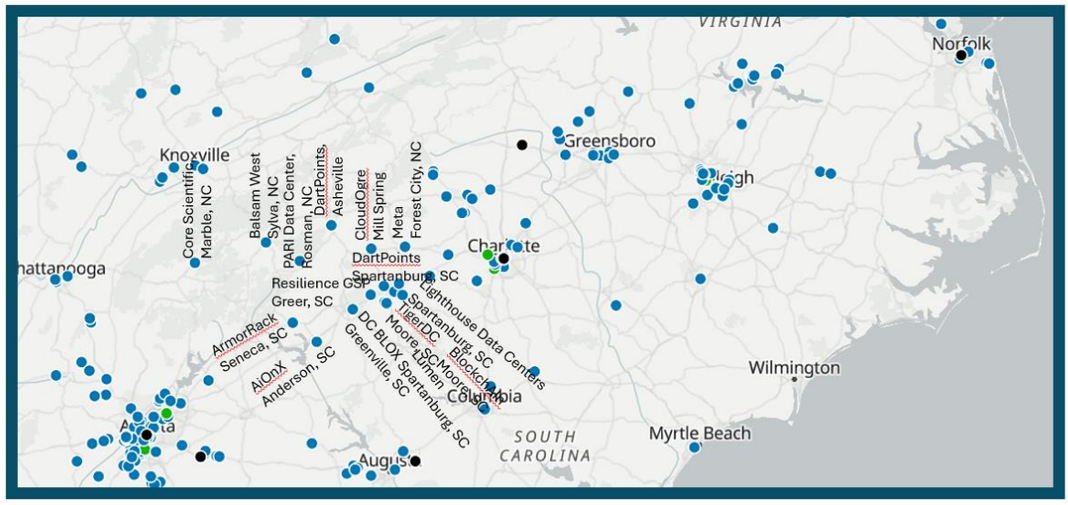
https://www.usnews.com/news/national-news/articles/2026-04-28/living-in-hell-data-center-neighbors-grapple-with-noise-air-pollution photo credits: Stephen Voxx

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://dcmap.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 Faciltiy

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
- **Enterprise Security** – Manned facility, smartcard and biometric access, perimeter/internal CCTV
- **High-Speed Connectivity** – 1G to 100G interconnection options
- **Carrier-Neutral Access** – Multiple providers with diverse fiber entries
- **Comprehensive Support** – Managed services and 24x7x365 remote hands
- **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 RURALITE

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

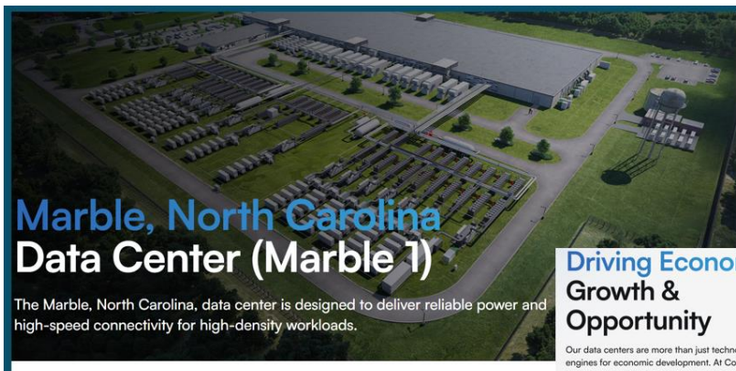


389 Tyger River Industrial Dr.
Moore, SC
(Spartanburg)

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.



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.

No tier publicly assigned

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

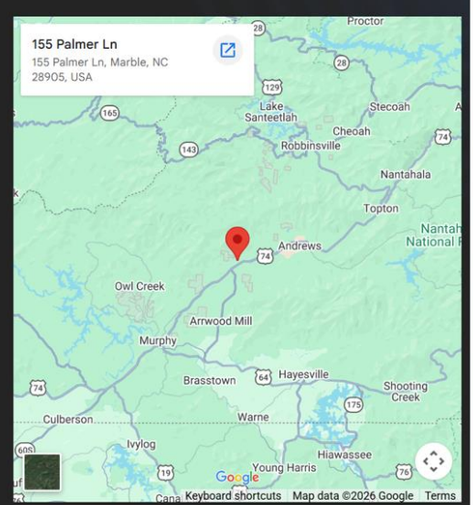
High-density data centers designed for seamless scalability.

- 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



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+ Data center investment in North Carolina

2010 Broke ground on the Forest City Data Center

275+ Operational jobs supported

Hundreds Skilled trade workers on site at peak construction

$5.9M+ Direct funding to Rutherford County-area schools and nonprofits

250+ 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.

404 Social Circle
Forest City

Meta

500,000 sq. ft.
150 MW
Enterprise Facility



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.

145 North Church Street
Spartanburg, SC

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



33 Global Drive
Greenville, SC

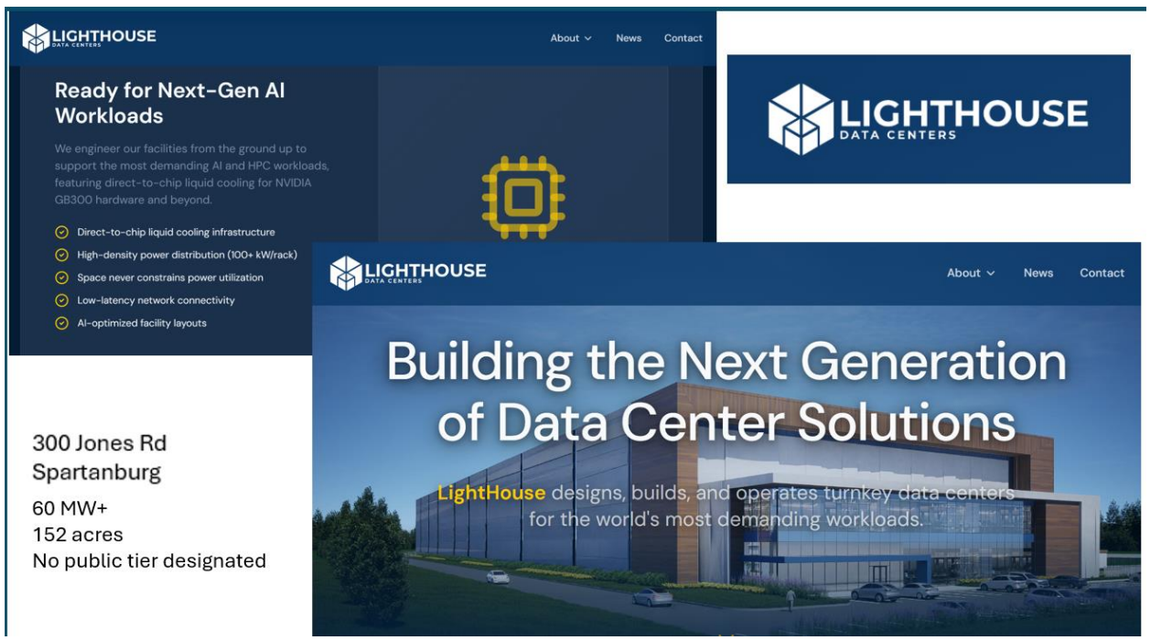
3 MW, expandable to 18 MW
54,000 sq. ft.
Tier III

DC BLOX

Greenville Data Center

South Carolina Colocation to Connect Globally





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

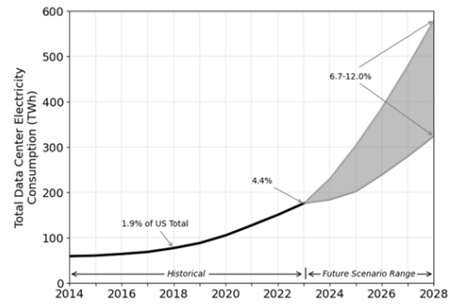


Energy Consumption

- Energy consumption
- Water consumption
- Noise
- Proliferation due to demands for Artificial Intelligence
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580 TWh

PROJECTED U.S. DC POWER DEMAND BY 2028



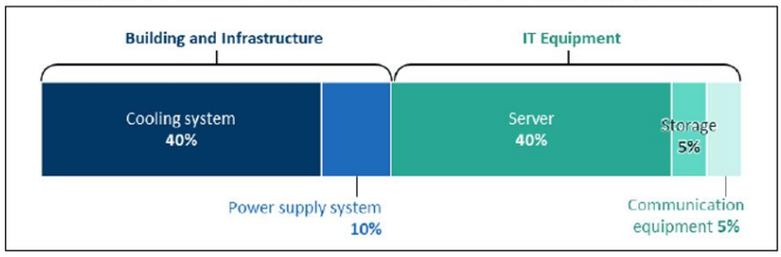
Energy Analysis and Environmental Impacts Division, Lawrence Berkeley National Laboratory, Arman Shehabi, Sarah J. Smith, Alex Hubbard, Alex Newkirk, Nuoa Lei, Md Abu Bakar Siddik, Billie Holecek, Jonathan Koomey, Eric Masanet, and Dale Sartor, December 2024, procured by U.S. Dept of Energy.

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



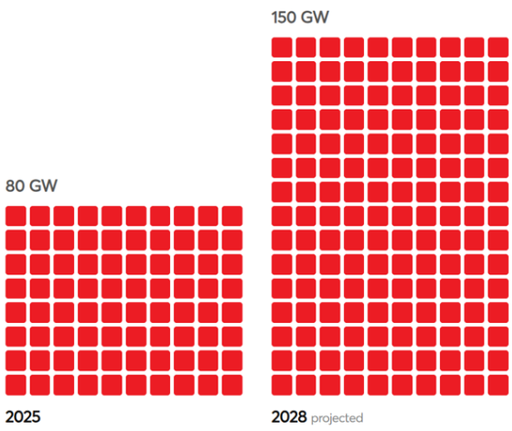
Source: CRS, adapted from ABB, *HVAC Motors: Motors in Data Centers*, https://new.abb.com/motors-generators/nema-low-voltage-ac-motors/hvac-motors.

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.

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.**



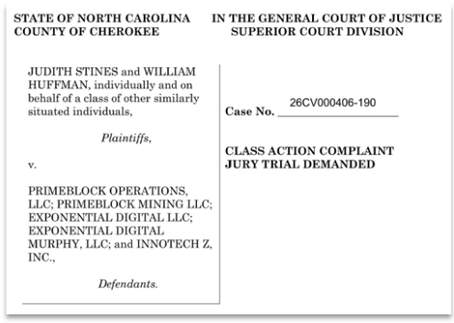


Metal containers house cryptocurrency mining servers at PrimeBlock's facility outside Murphy on Jan. 11, 2024.
Colin Campbell / WUNC

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):

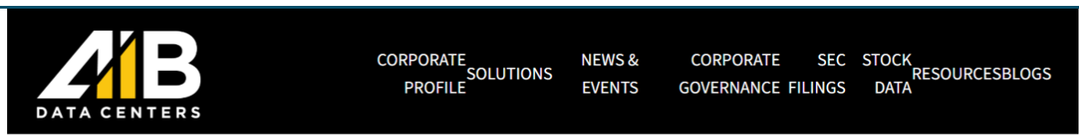
- Started with 5 shipping containers, filled with shipping containers cooled by fans. Recently more equipment has been delivered
- Sound was as high as 65 dB in neighboring front yard
- County tried to regulate with Noise Ordinance, didn't work.
- County passed a moratorium – didn't apply to this facility 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

- 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

"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.**



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

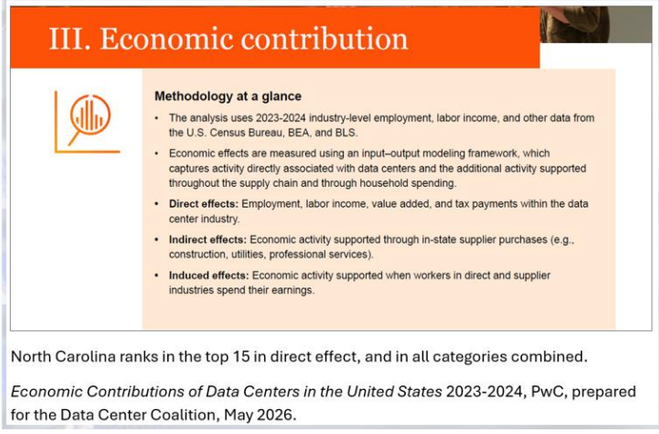
- Energy consumption
- Water consumption
- Noise
- Proliferation due to demands for Artificial Intelligence
- **Outdated local regulations insufficient to regulate their placement within the jurisdiction.**
- Pre-existing incentives and economic impact – in NC no sales tax paid on electricity supplied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

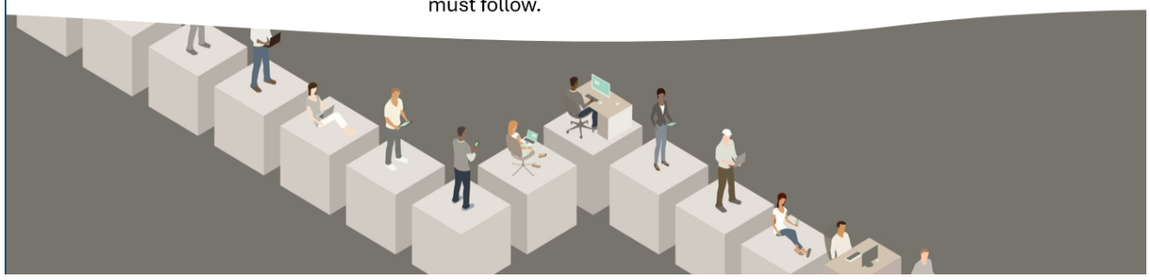
Collect data – why is it necessary to adopt a moratorium → What alternatives are there to a moratorium? Are they sufficient? Why or why not? → Based on 1 and 2, if moratorium alternatives not sufficient, how long should moratorium last?

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

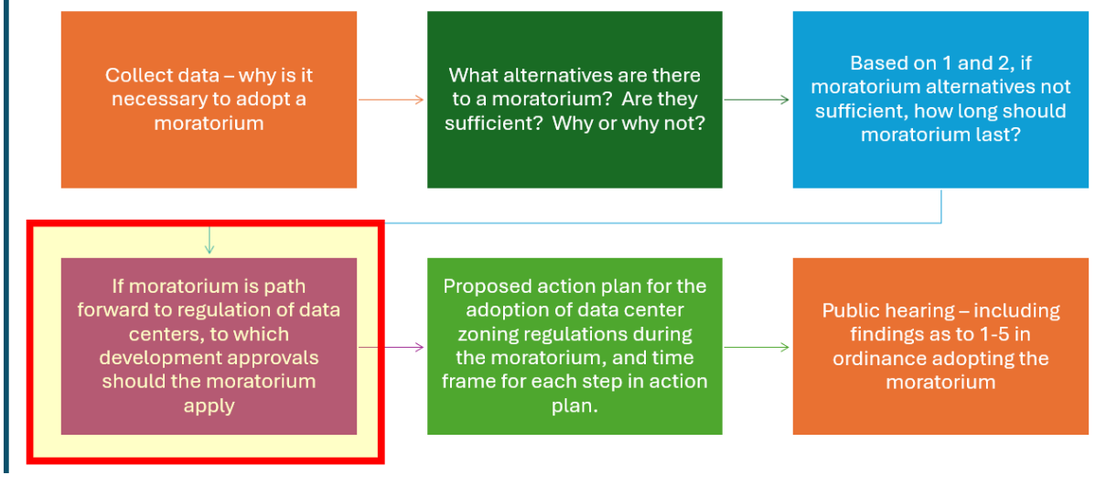
Duration of Moratorium

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



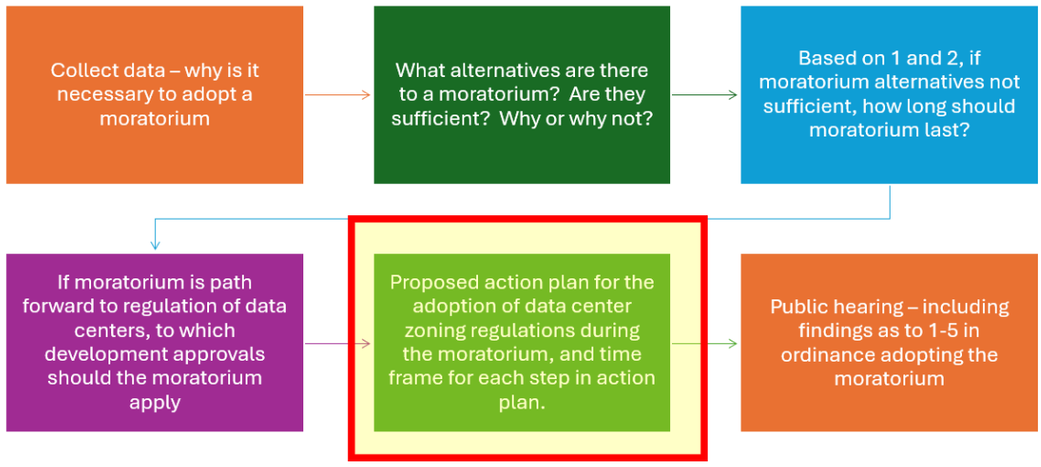
Which Development Approvals?

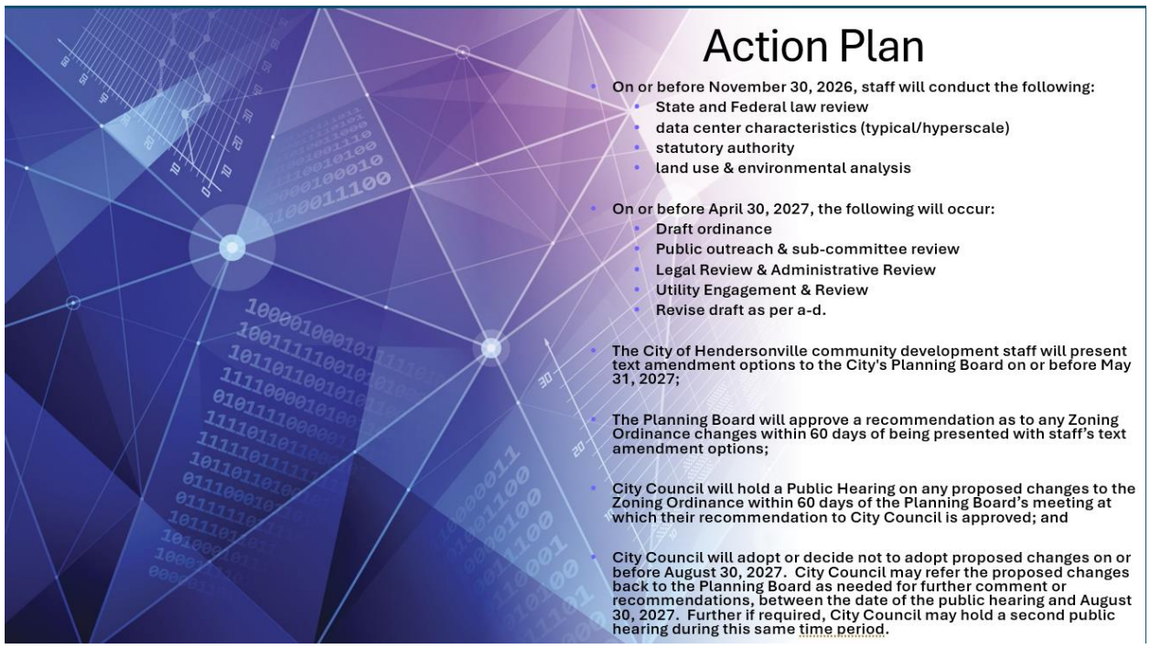
- All of them. NCGS 143-755 now defines development approvals as:
  - NCGS 160D-102(13) Development approvals:
    - Administrative or quasi judicial approval
    - Written
    - Issued under Chapter 160D
    - Required prior to commencing development, or undertaking specific activity, project or development 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

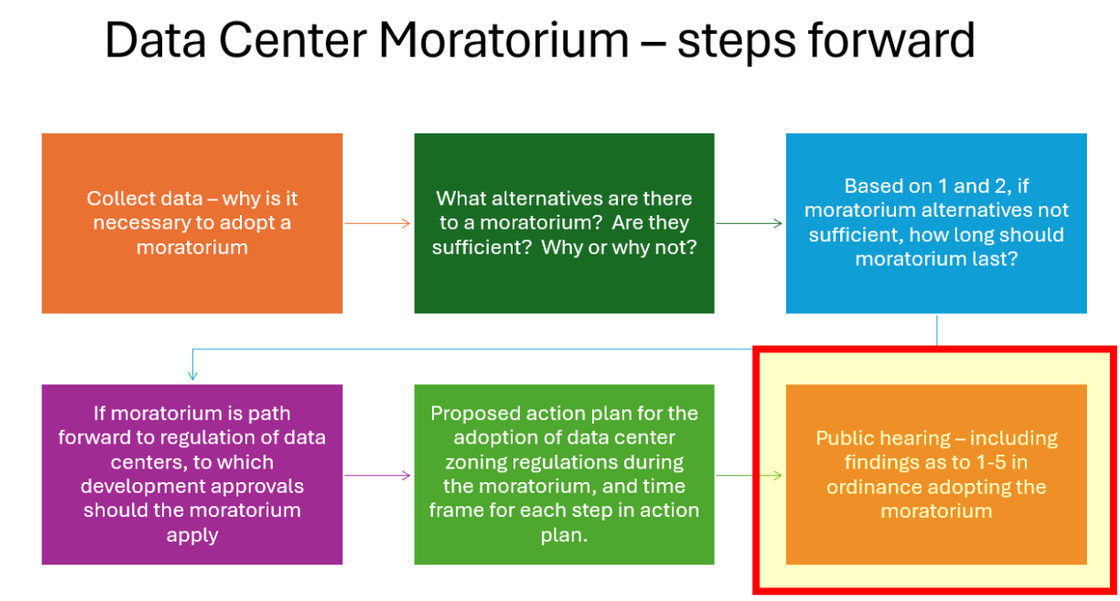
- Define "Data Center" and "Hyperscale Data Center"
- Permitted Districts/Prohibited Districts
- Special Use Permit/Conditional Zoning

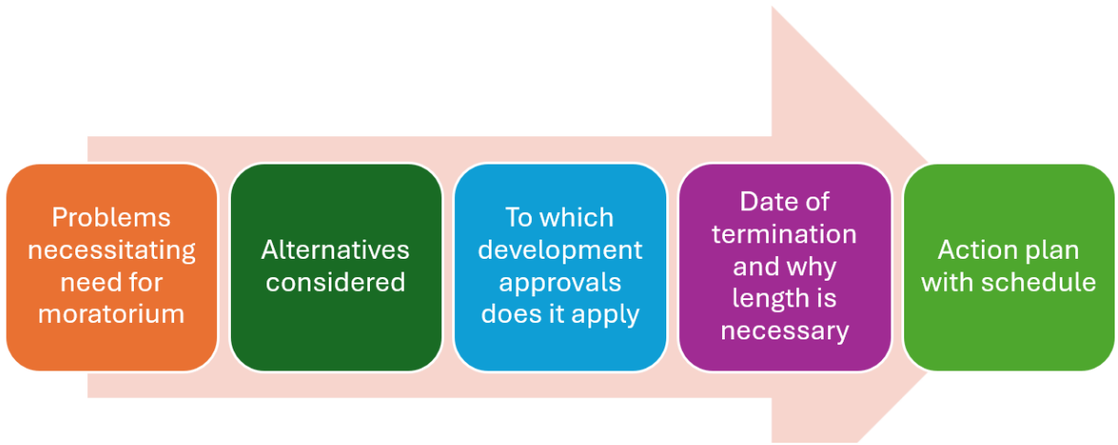
Site Requirements & Infrastructure Standards

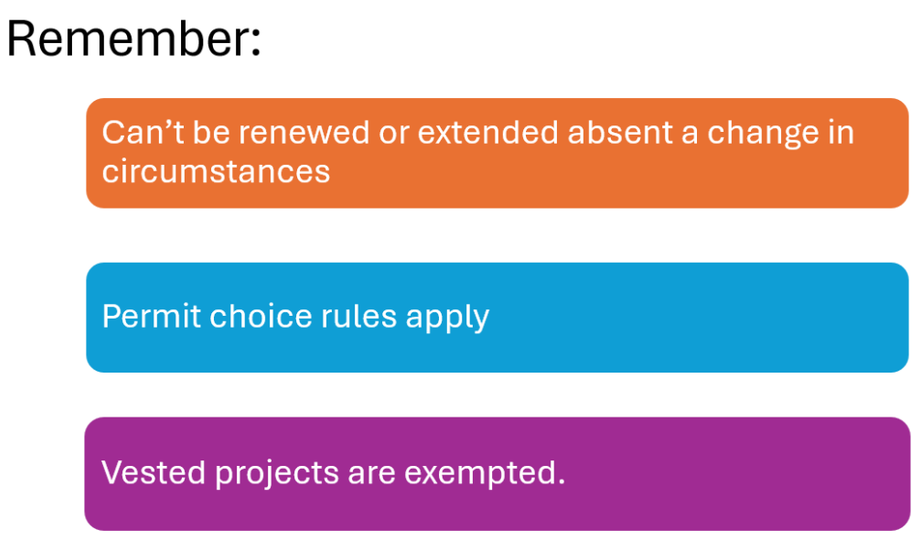
- Site Size & Buffering
- Electrical Requirements
- Water Requirements
- Noise Requirements

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

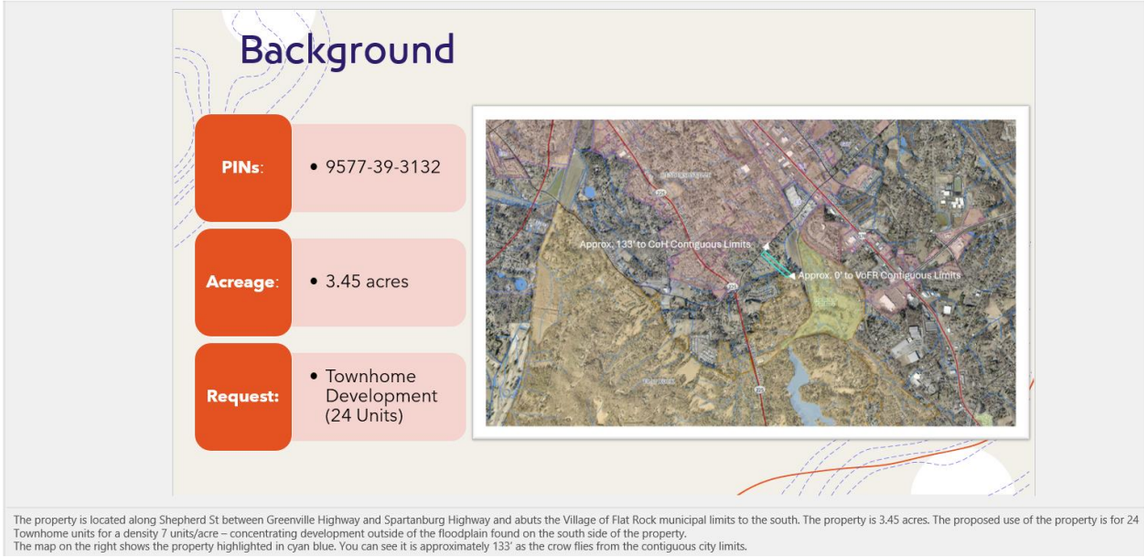
~Mayor Volk asked for a brief recess at 8:45 p.m. and returned to session at 8:51 p.m.~

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.





Future Land Use Designations

IA INFILL AREA

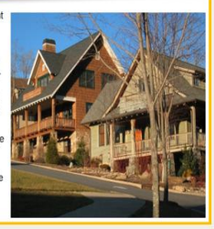
Infill Area consists of residentially focused areas that include a mix of housing types inside subdivisions and planned developments. These areas should have an improved transportation network and accommodate a variety of home options. Universal design that allows *aging-in-place* should be encouraged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

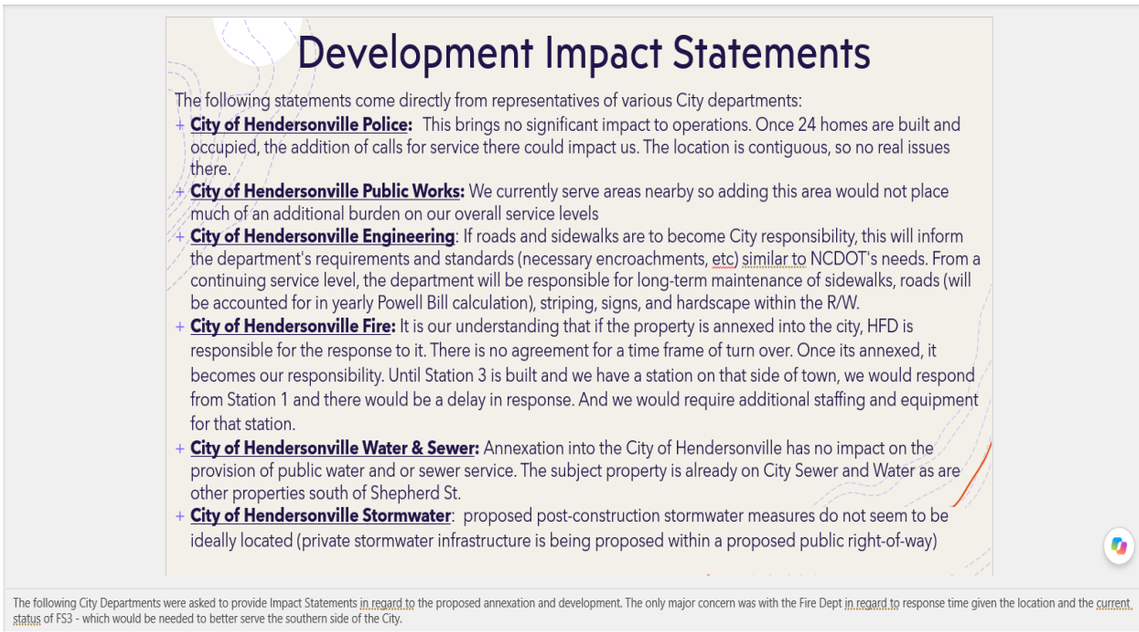
Staff Analysis

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

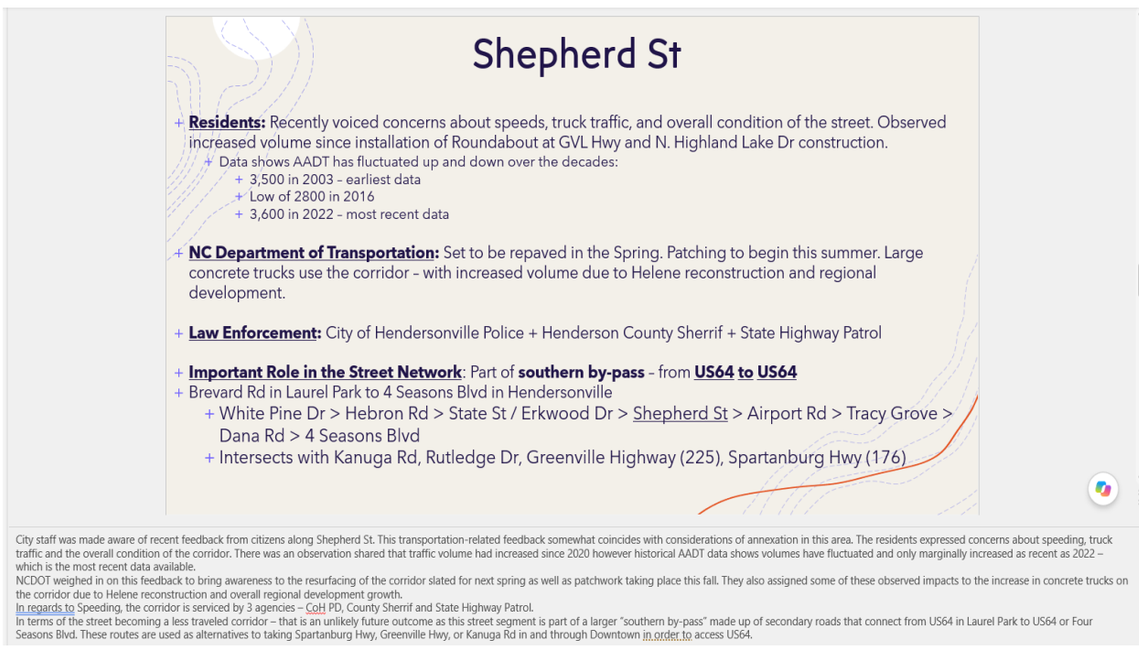
A basic Fiscal Impact Analysis was also performed for this petition. The Cost of Service Value is based on median value of a townhouse multiplied by the number of units with an additional multiplier based on density and proximity to City Hall. In summary, the project is forecasted to net a positive tax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



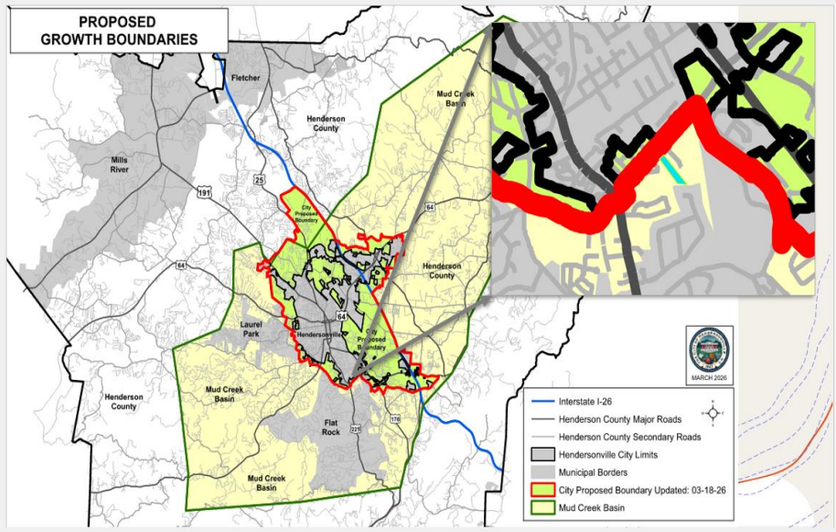
The following City Departments were asked to provide Impact Statements in regard to the proposed annexation and development. The only major concern was with the Fire Dept in regard to response time given the location and the current status of FS3 - which would be needed to better serve the southern side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



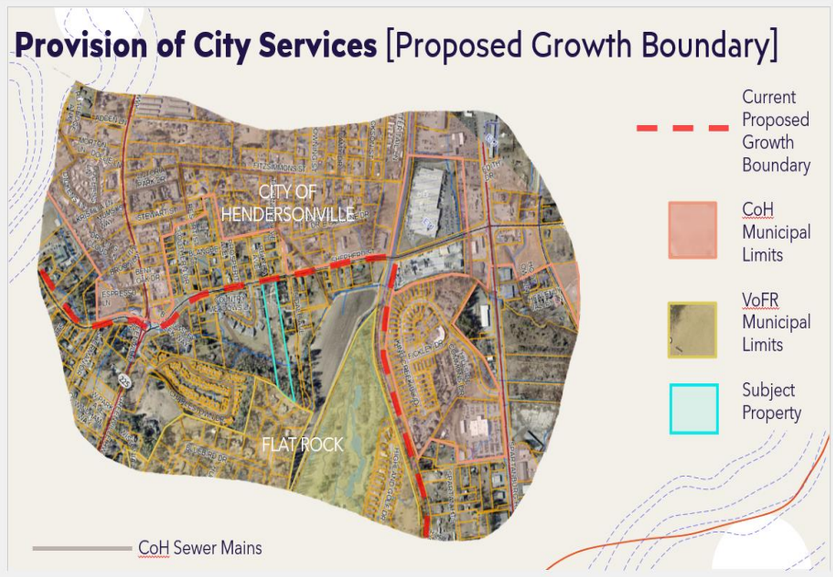
The following partner agencies were also asked to provide Impact Statements in regard to the proposed annexation and development. There were no major concerns expressed.



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, Mayor

ATTEST:

_____
Jill Murray, City Clerk

MINUTES

September 23, 2026

SECOND MONTHLY MEETING OF THE CITY COUNCIL

CITY OPERATIONS CENTER | 305 WILLIAMS ST. | 4:00 p.m.

Present: Mayor Pro Tem Dr. Jennifer Hensley, and Council Members Lyndsey Simpson, Melinda Lowrance and Gina Baxter

Staff Present: City Manager John Connet, Deputy City Manager Brian Pahle, City Clerk Jill Murray, City Attorney Angela Beeker, Communications Director Allison Justus, and others.

Absent: Mayor Barbara G. Volk, Budget & Evaluation Director Adam Murr & Communications Coordinator II Brandy Heatherly

1. CALL TO ORDER

Mayor Pro Tem Jennifer Hensley called the meeting to order at 4:00 p.m. and welcomed those in attendance. A quorum was established with all members in attendance.

2. 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.

3. CONSENT AGENDA

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

A. Amendment to Chapter 52 – Utilities of the City of Hendersonville Code of Ordinances to Align with the Revised customer Service Policy & Procedures – *Krystal Powell, Finance Director*

B. Revisions to the City of Hendersonville Billing Policy & Procedures and Temporary Waiver of Late Fees & Delinquent Fees for October & November Bills – *Krystal Powell, Finance Director*

4. PUBLIC HEARINGS

A. Public Hearing to Consider Plan to Apply for the Department of Commerce ReNew NC Grant Program for Patton Park, Wastewater Treatment Plant Facility Mitigation Project, and Whitmire Activity Center Project – *Blake Fulgham, Environmental Services Manager*

Environmental Services Manager Blake Fulgham explained that the purpose of this public hearing is to consider the potential to apply for CDBG-DR funds for three projects: the Patton Park project, the Wastewater Treatment Plan Facility Mitigation Project, and the Whitmire Activity Center Project.

The United States Department of Housing and Urban Development announced that North Carolina will receive $1.4 billion dollars in funding to support long-term recovery efforts following Hurricane Helene. The Community Development Block Grant Disaster Recover (CDBG-DR) funding program is designed to address needs that remain after all other assistance has been exhausted. We plan to submit a grant application for

(1) The Wastewater Treatment Facility Mitigation Project to complete necessary repairs and reconstruction activities to restore the damaged Wastewater Treatment Facility infrastructure back pre-disaster standards;

(2) Patton Park & Pool Restoration Project 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; and

(3) Whitmire Activity Center Project 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.

He then gave the following PowerPoint presentation.



Wastewater Treatment Facility

Mitigation & Expansion Project · 99 Balfour Road

WWTF site, Sept. 27, 2024

WHAT HELENE DID

Floodwaters rose about 9.5 feet above the 100-year floodplain, submerging the electrical system, emergency generator, and influent pump station. The plant was completely inoperable for 10 days, with over $3.25M in documented economic losses to local employers.

WHAT THE PROJECT DOES

- New 3.59-million-gallon flow equalization basin to store peak storm flows
- Backup blowers, clarifier isolation, and a second tertiary filter for redundancy
- Upgraded controls and SCADA to respond automatically to changing flows

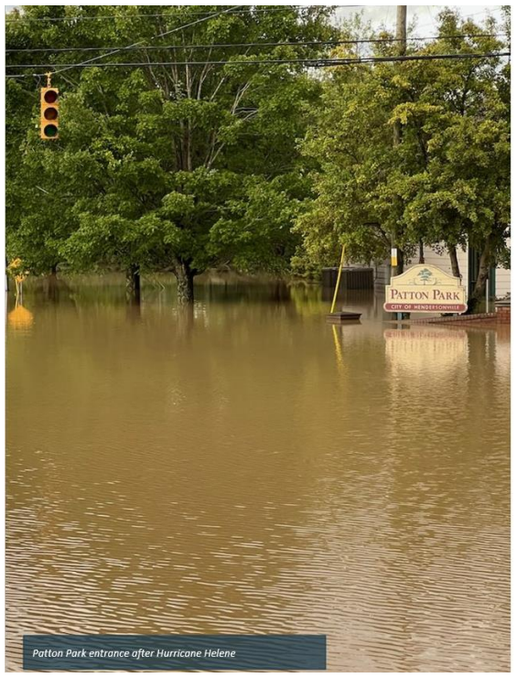
10 days
plant fully offline after the storm

21,000+
people served by the facility

$39.9M
total project cost ($22.1M already committed)

$15M
CDBG-DR funds requested

Public Hearing | CDBG-DR RenewNC Community Infrastructure Program | September 23, 2026



Patton Park entrance after Hurricane Helene

Patton Park & Pool

Restoration Project · 114 Clairmont Drive

2 seasons
pool closed since the storm

$40.6M
total estimated project cost

$15M
CDBG-DR funds requested

WHAT HELENE DID

Floodwaters inundated the park, knocking out electrical and pool treatment systems and damaging the dressing rooms, concession stand, and building foundations. Henderson County's only public pool has been closed ever since.

WHAT THE PROJECT DOES

- Rebuilds the pool facility with the site grade raised out of the floodplain
- Outdoor aquatics
- Permeable parking lot and stream restoration to reduce runoff and flooding
- 125 kW backup generator to keep critical systems running during outages

Public Hearing | CDBG-DR RenewNC Community Infrastructure Program | September 23, 2026

Whitmire Activity Center

& Toms Park Restoration · 310 Lily Pond Road

WHAT HELENE DID

Wash Creek overtopped its banks and about 7 feet of floodwater inundated the facility, destroying flooring and leaving mold, roof leaks, a cracked slab, and a detached entrance stair. Electrical and HVAC systems were damaged, the shuffleboard court cover rotted, and park trails washed out.

WHAT THE PROJECT DOES

- Rebuilds the center above the 100-year floodplain
- Stabilizes Wash Creek banks and adds a bioretention area to manage stormwater
- Shuffleboard courts, a walking loop, and a creek-side play area

7 feet
of floodwater in the building

14 courts
shuffleboard courts used by local clubs

$8.1M
CDBG-DR funds requested

Public Hearing | CDBG-DR RenewNC Community Infrastructure Program | September 23, 2026



Whitmire main hall, Sept. 29, 2024

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

The public hearing was opened at 4:10 p.m.

There were no public comments.

The public hearing was closed at 4:10 p.m.

No motion was required but the public hearing was one of the necessary steps to move forward.

5. PRESENTATIONS

A. Farmland Preservation Bond Referendum – *Henderson County Staff*

Executive Director of Agra Business of Henderson County Jeff Chandler introduced himself and wanted to discuss the Farmland Preservation Bond. He introduced Angela Price of the Farmland Preservation Program. He explained that there is a difference between the preservation program in Henderson County that Angela leads on behalf of the county residents, farmers and landowners in the county and the bond referendum that will be on the ballot in November. He came to share some basic information about the bond. The bond is a $25 million dollar general obligation bond to fund farmland preservation, open space, protecting forests, water quality, and farmland in the county. This bond provides resources that we have not had before to make the types of impacts that we feel like are necessary for Henderson County to preserve our county culture, our county agricultural productivity, the scenic landscapes and quality of life that our citizens enjoy in the county. If the bond passes, it would feed into the existing farmland preservation program that we already have in the county and it's working with what we've already got and we've had two successful applications already with the grant funds received through the county for preserving tracts of farmland in the county. The first two of those were approved for funding this year. The bond simply injects an additional $25 million dollars of resources into that for satisfying the development rights. They are compensating landowners for their development rights on those parcels of land if they choose to do that. It is a strictly voluntary plan and if a landowner or a farmer wants to participate in this, they have a voluntary opportunity to participate in this program assuming it is passed in November. It is a great opportunity for Henderson County to stem the tide of farmland loss in the county. We lost 20% of our farmland in this county between 2017 and 2022. This puts us in the forefront of counties in North Carolina, particularly in western North Carolina, with loss of useful farmland and productive lands in the county over that five-year period. I do not know how much has been lost since then, but you can make an educated presumption that we have lost additional acreage since that 20% figure closed in 2022 so we feel like the time is now. One of the things I have heard from farmers and landowners in the county is that we should have done this twenty years ago. That might be true but the best opportunity we have is starting today and starting with the bond on the ballot in November to approve this $25 million dollars that would be levied at the rate of roughly one cent per hundred on the property tax in the county for the median household in Henderson County. That equates to about $38 for each household. It is a 20-year bond so that's how long that bond would go. Once funds are received to be used for these projects, the funds have to be expended within seven years once that project is put into place. The county would have the option of only withdrawing the amount of funds that they need on an as-needed basis as applications are made for this funding, so they don't have to take the whole $25 million dollars at once, they can take it in small tranches if they choose to do that. That would shave off some interest expense to the taxpayers here in the county to fund this. Again, this is going to further enhance the farmland preservation program that we already have in the county but this $25 million dollars will provide the resources that we have not had before to make the significant impact on preserving our county culture, farmland, productivity, scenic landscapes and water quality that we have had pursuing other grant funds and county funding up to this point. We are having a kickoff event for the bond tonight for a bond campaign so we are organizing very rapidly a promotional campaign for the bond before elections come around to make sure that voters are educated and they're informed about what this means so that landowners understand the implications of what this bond would mean for farmland preservation in the county.

Council Member Gina Baxter asked how landowner compensation works. He explained the money is largely used for compensating the landowner for their development rights. So, you are effectively extinguishing the development rights on that piece of property compensating the landowner for that

financially and so then the land is not able to be developed for perpetuity. As far as the appraised value is concerned, there is a specialized calculation for appraising easement values, so we look at the appraised value of the property considering not farmland use or present use. So fair market value for that particular piece of property and then the appraised value for it to continue in its present use and the difference between those values is what the landowner will be compensated for.

Council Member Jennifer Hensley asked about the PUV program. Mr. Chandler explained that if they are enrolled in the Present Use Value Program with the county, their property tax rate is assessed at a rate for farming, agricultural or for forest use which is different than if its privately held for commercial, industrial or residential development. Being in the Present Use Value Program would be one of the criteria for this and that's consistent with what we're already doing in the farmland preservation program already in operation in the county.

Council Member Jennifer Hensley also asked if the development easement is zero development or a specific type of development that can never happen on that property. Mr. Chandler explained that residential, commercial, and industrial would not be allowed but agricultural development if you need to build a new packing house or need to build a new retail shed for your agricultural business, so agricultural facilities would still be allowed under the easement. The landowner can hold out a portion of their property if they choose to build a residential home on the property for family members or somebody else. They do not have to enroll all of their property, this is totally voluntary and they do not have to do it all at one time.

Angela Price added that she wanted to clarify on the PUV question that in order to still be enrolled in PUV after getting an easement, 25% of your easement value has to be donated, so if their easement value was $400,000, they would have to donate that $100,000 which essentially, they would just be compensated for the $300,000.

Mr. Chandler finished by asking everyone to please support the bond in November.

B. Update on Patton Pool and Whitmire Center Improvement Projects – *Richard Shook, Assistant City Engineer*

Assistant City Engineer Richard Shook gave an update on the Patton Pool and Whitmire Improvement Projects and gave the following PowerPoint presentation.



PRESENTATION AGENDA

CITY OF HENDERSONVILLE · ENGINEERING DEPARTMENT

- PROJECT REVIEW
- PATTON PARK
- PATTON POOL
- WHITMIRE COMMUNITY CENTER & TOM'S PARK
- CONSTRUCTION COST
- NEXT STEPS
- QUESTIONS & FINAL THOUGHTS

01

PROJECT REVIEW

CITY OF HENDERSONVILLE · ENGINEERING DEPARTMENT

PROJECT REVIEW

CITY OF HENDERSONVILLE · ENGINEERING DEPARTMENT

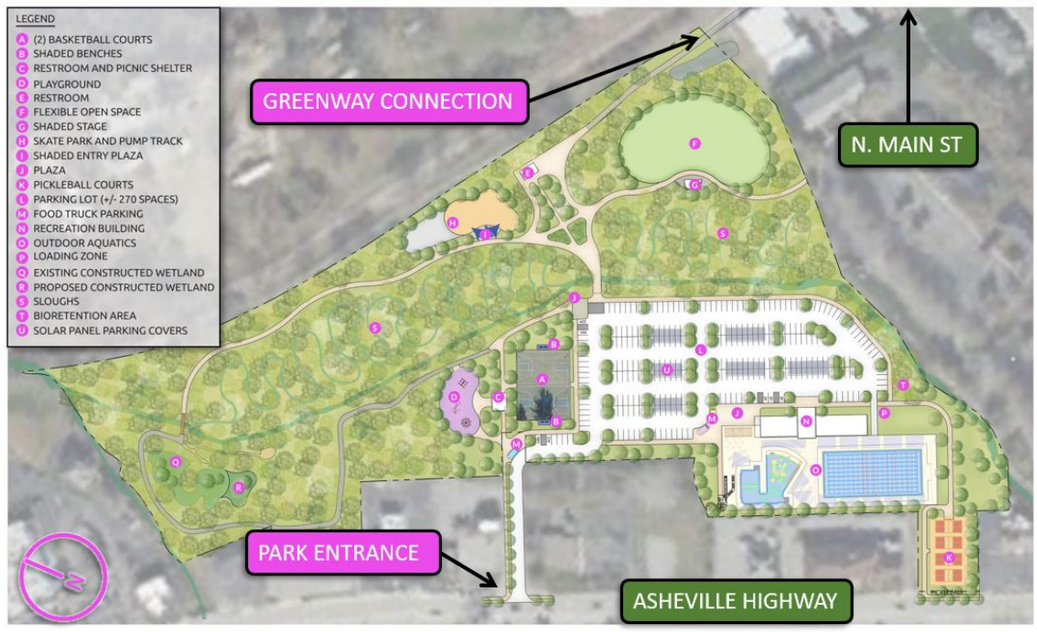
- Community Engagement Meetings – May 2025 & July 2025 (179 total participants)
- Community Survey Input – May 2025 (1175 total participants)
- **1A Whitmire – 12,600 sf community center and park**
  - **Reduced building size to 8,000 sf**
- 1B Whitmire – trail restroom without community center
- 2A: Indoor 50-meter natatorium and Patton Park
- 2B: Indoor 25-yard natatorium and Patton Park
- **Outdoor 50-meter pool with recreation pool and Patton Park**
  - **Optional competition pool covering**

02

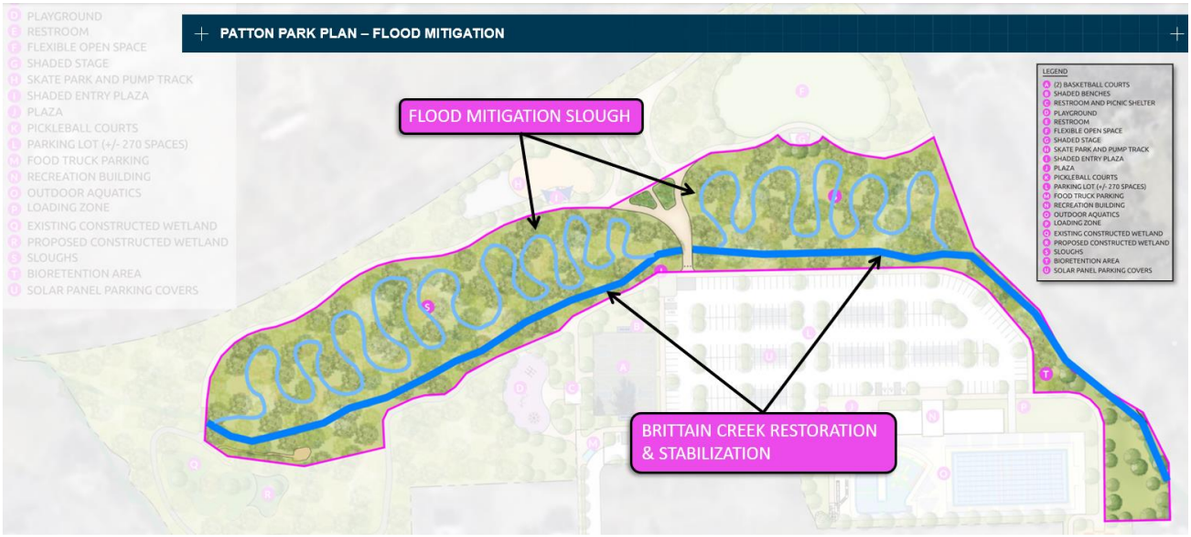
PATTON PARK

CITY OF HENDERSONVILLE · ENGINEERING DEPARTMENT

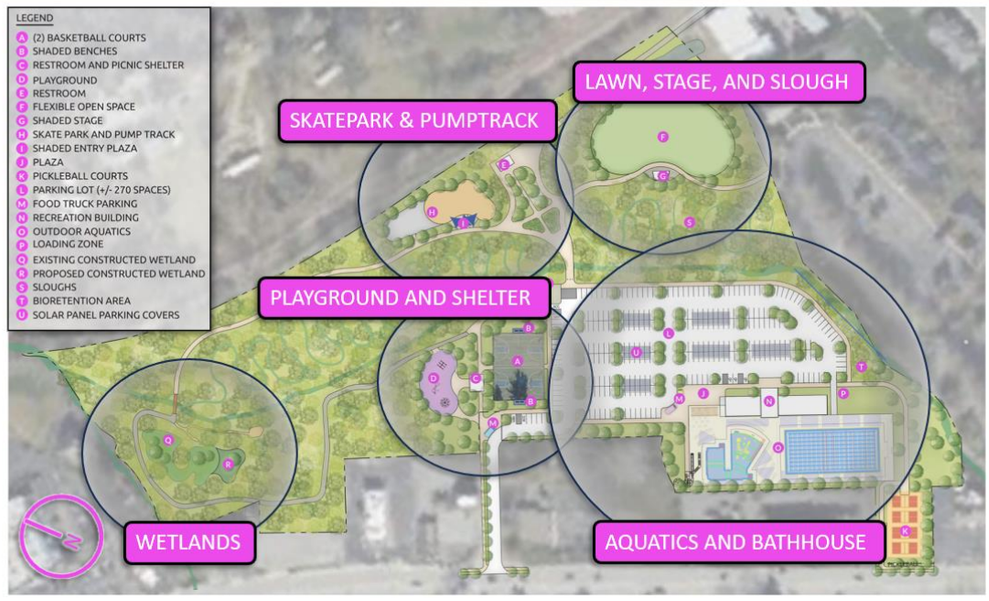
PATTON PARK PLAN



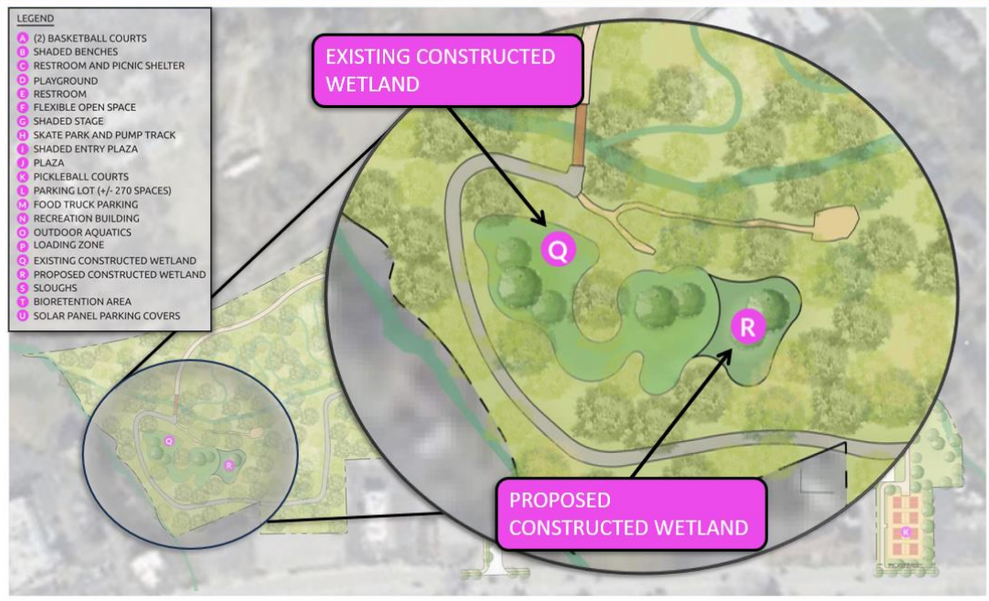
PATTON PARK PLAN – FLOOD MITIGATION



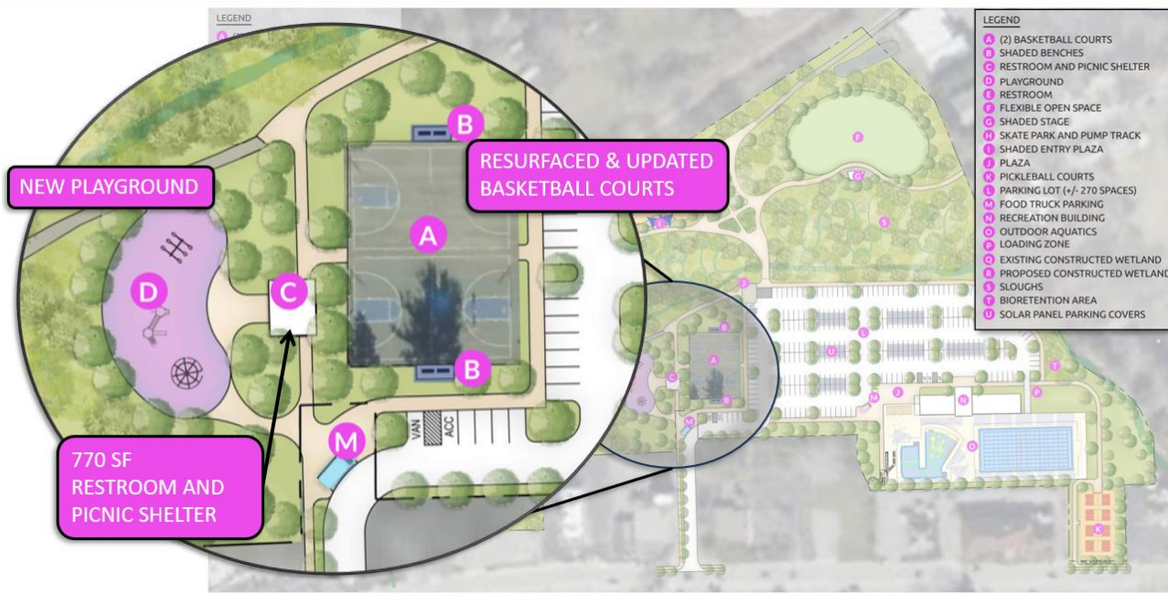
PATTON PARK PLAN – FEATURE AREAS



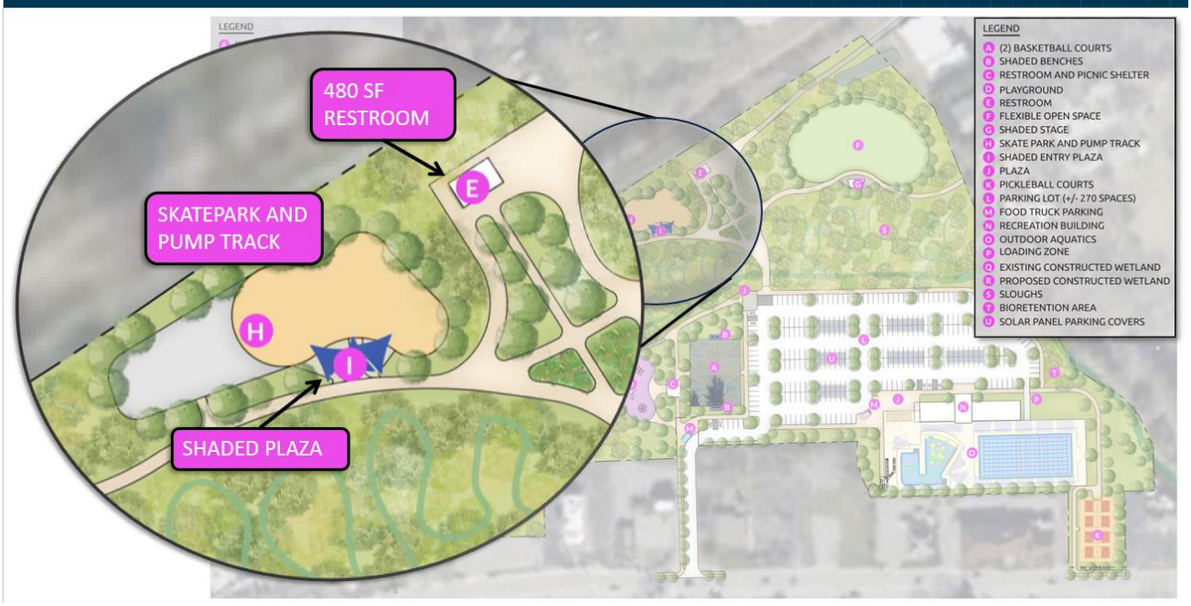
PATTON PARK PLAN – CONSTRUCTED WETLANDS



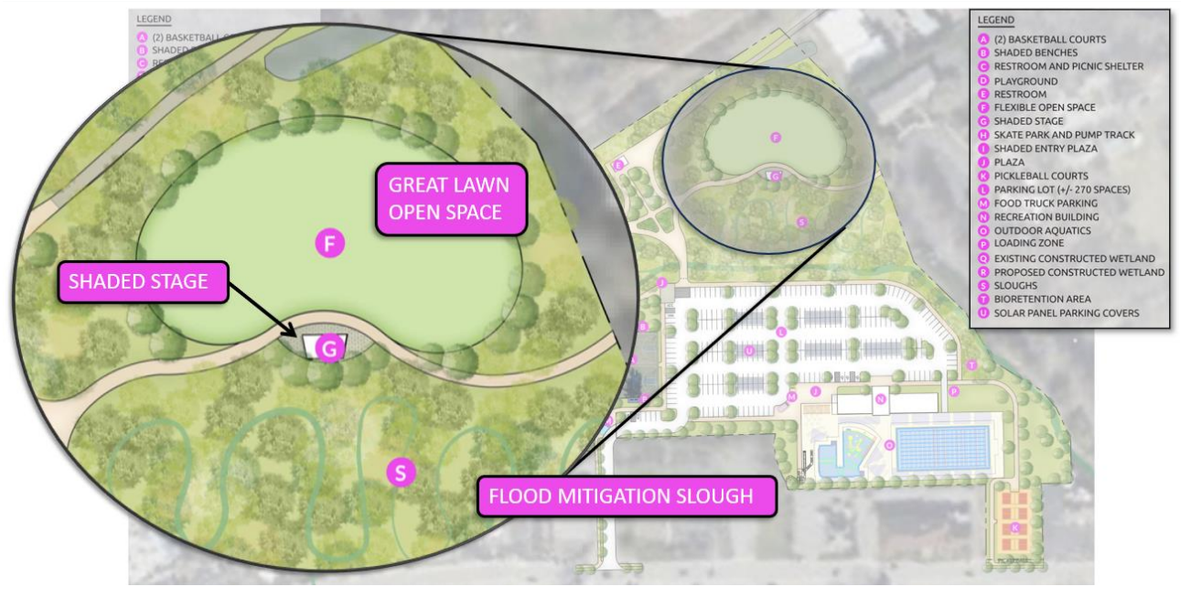
PATTON PARK PLAN – PLAYGROUND, SHELTER, AND BASKETBALL



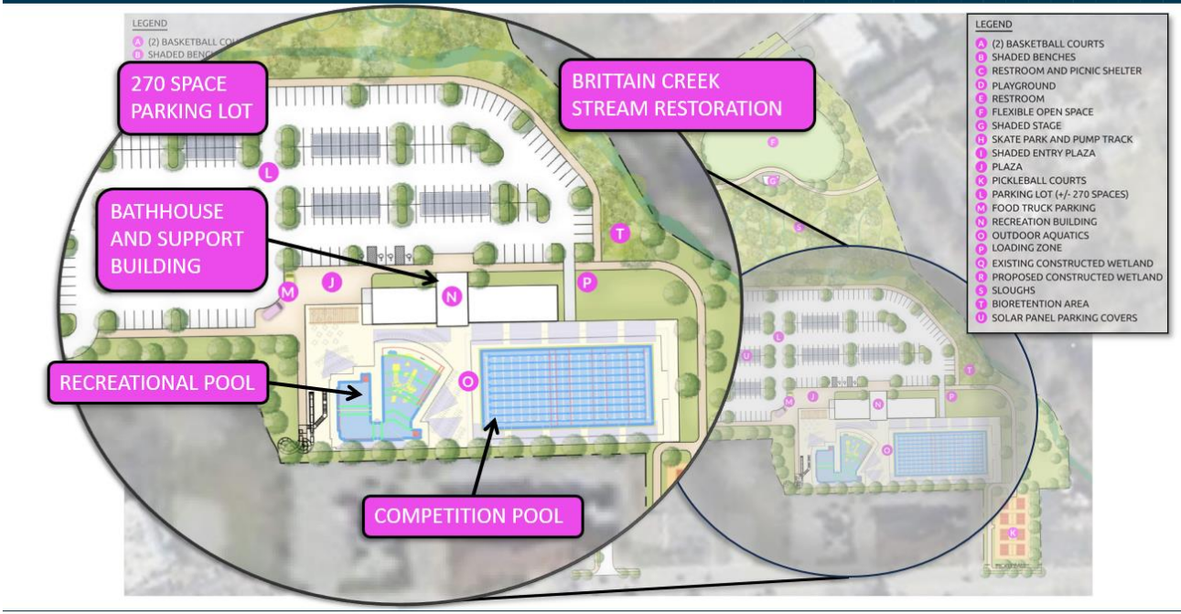
PATTON PARK PLAN – SKATEPARK/PUMP-TRACK AND RESTROOM



PATTON PARK PLAN – GREAT LAWN, SHADED STAGE, FLOOD MITIGATION



PATTON PARK PLAN – AQUATICS, BATHHOUSE, STREAM RESTORATION



PATTON PARK – ADDITIONAL FEATURES

CITY OF HENDERSONVILLE · ENGINEERING DEPARTMENT

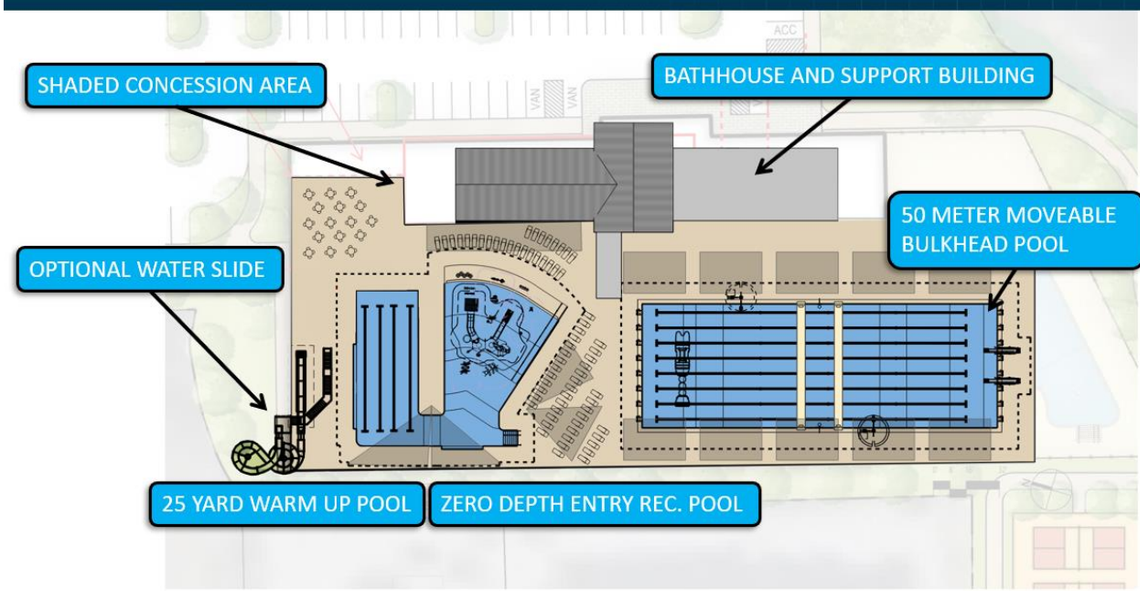
- Brittain Creek stream crossings including a northern pedestrian bridge and a southern vehicle rated bridge
- Pickleball court relocation
- Native plantings targeting wildlife habitat and flood tolerant native trees
- Park furniture, bike repair stations, bottle filling stations, signage and wayfinding
- Low Impact Development & Green Infrastructure options for parking lot including permeable pavers, solar canopies, and EV charging

03

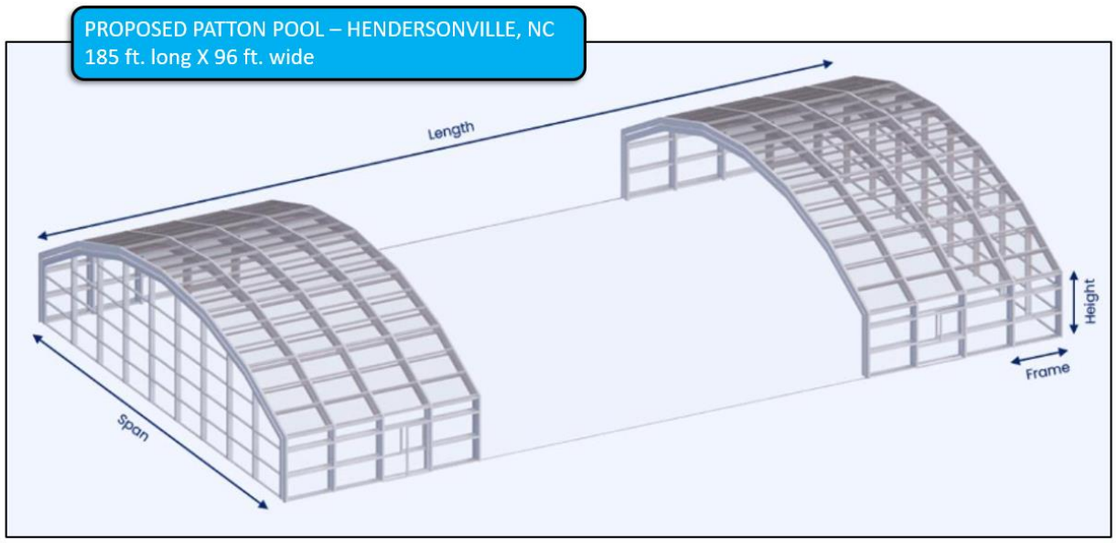
PATTON POOL

CITY OF HENDERSONVILLE · ENGINEERING DEPARTMENT

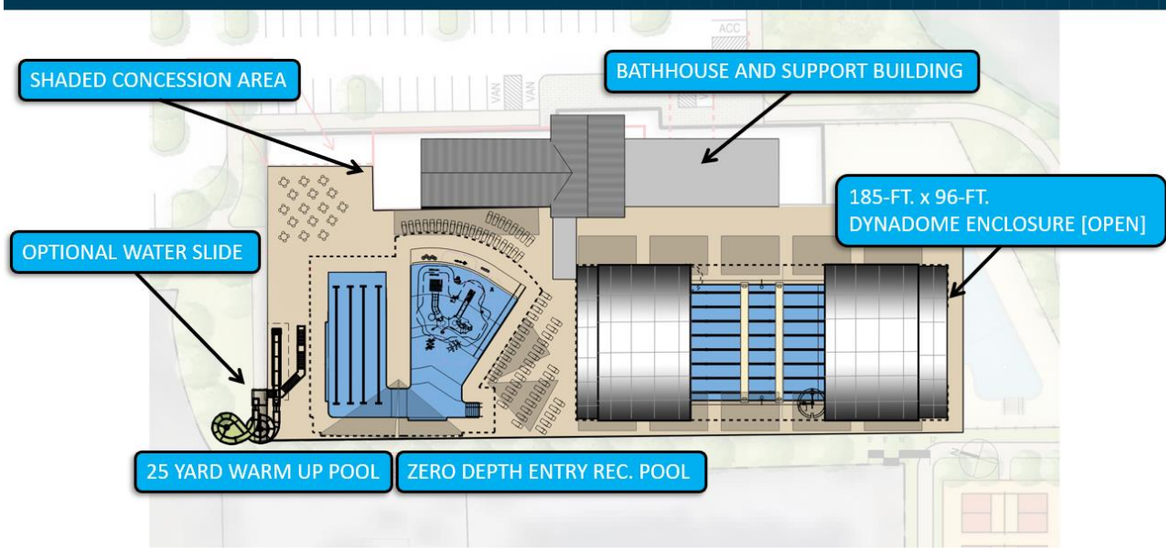
PATTON POOL – AQUATICS PLAN



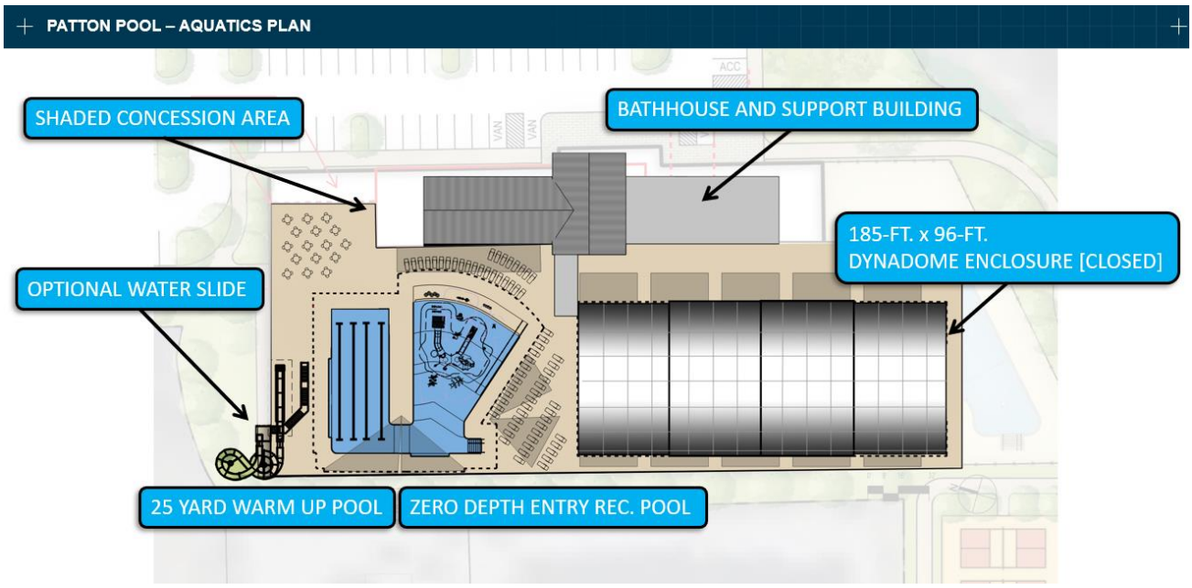
PATTON POOL – DYNADOME COVERING



PATTON POOL – AQUATICS PLAN



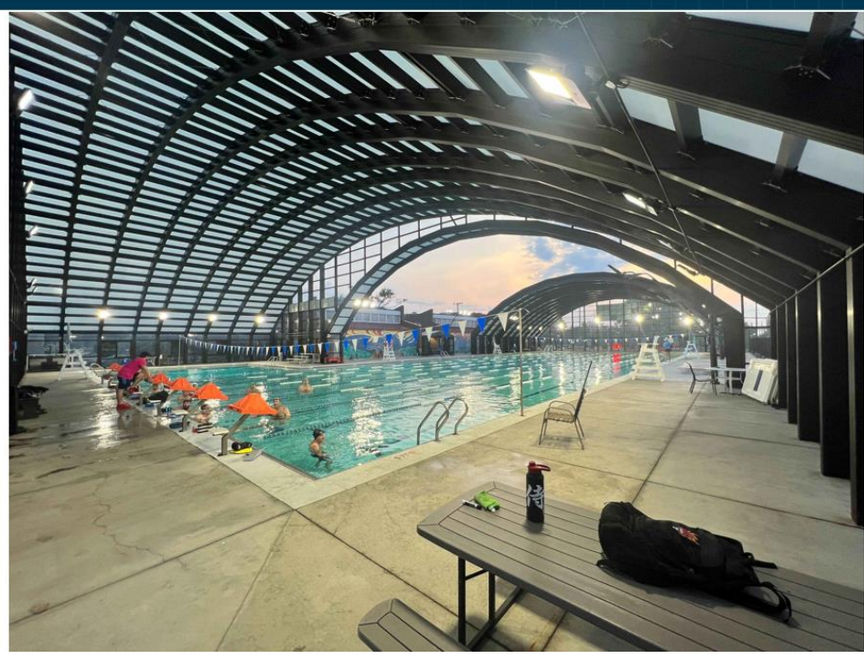
PATTON POOL – AQUATICS PLAN



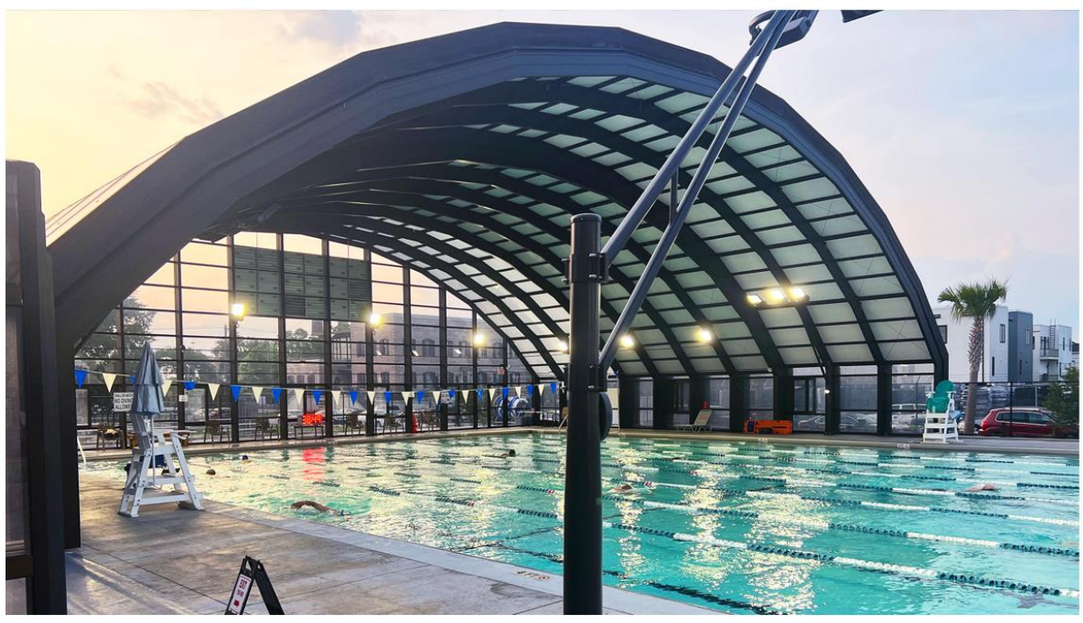
MLK JR POOL – CHARLESTON, SC - DYNADOME COVERING



MLK JR POOL – CHARLESTON, SC - DYNADOME COVERING



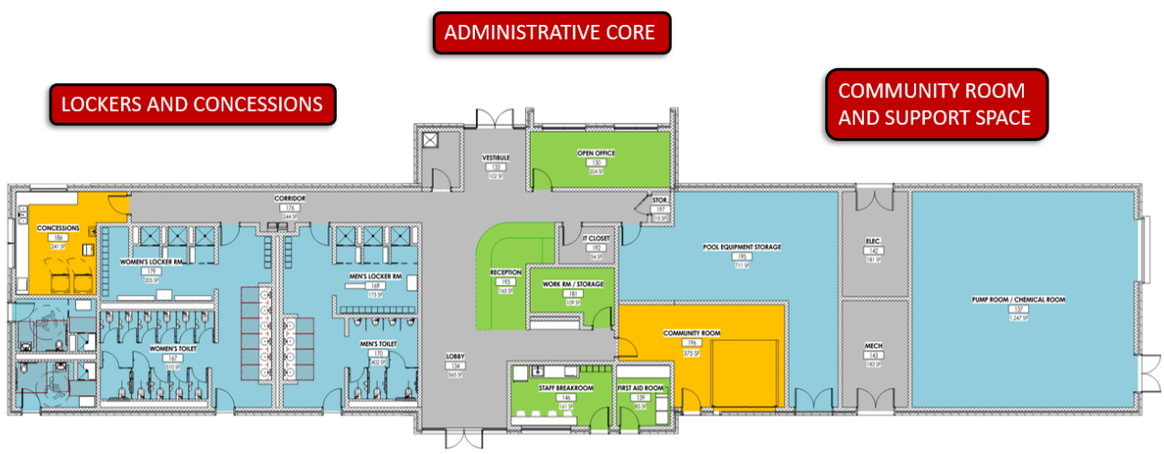
MLK JR POOL – CHARLESTON, SC - DYNADOME COVERING



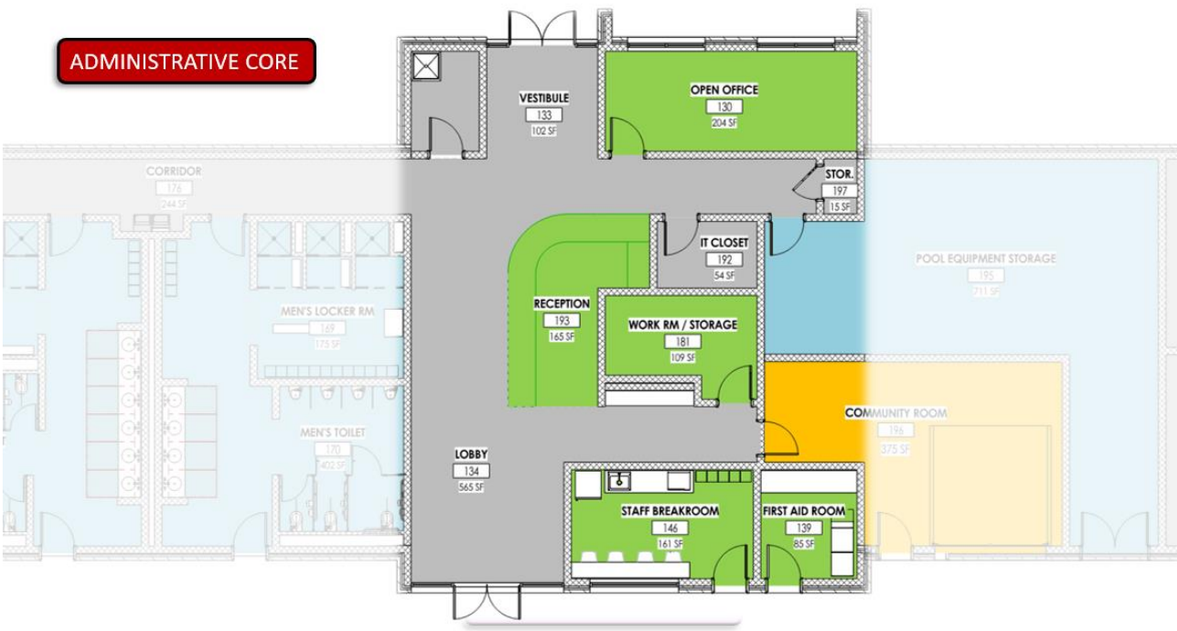
MLK JR POOL – CHARLESTON, SC - DYNADOME COVERING



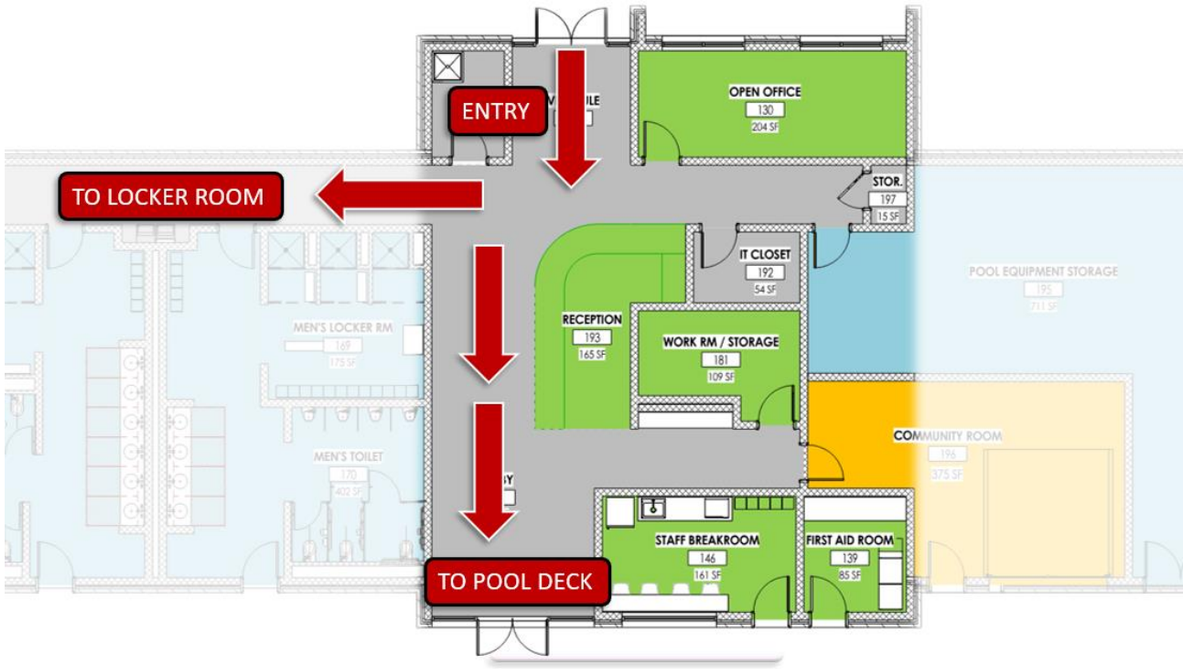
PATTON POOL – BATHHOUSE AND SUPPORT BUILDING



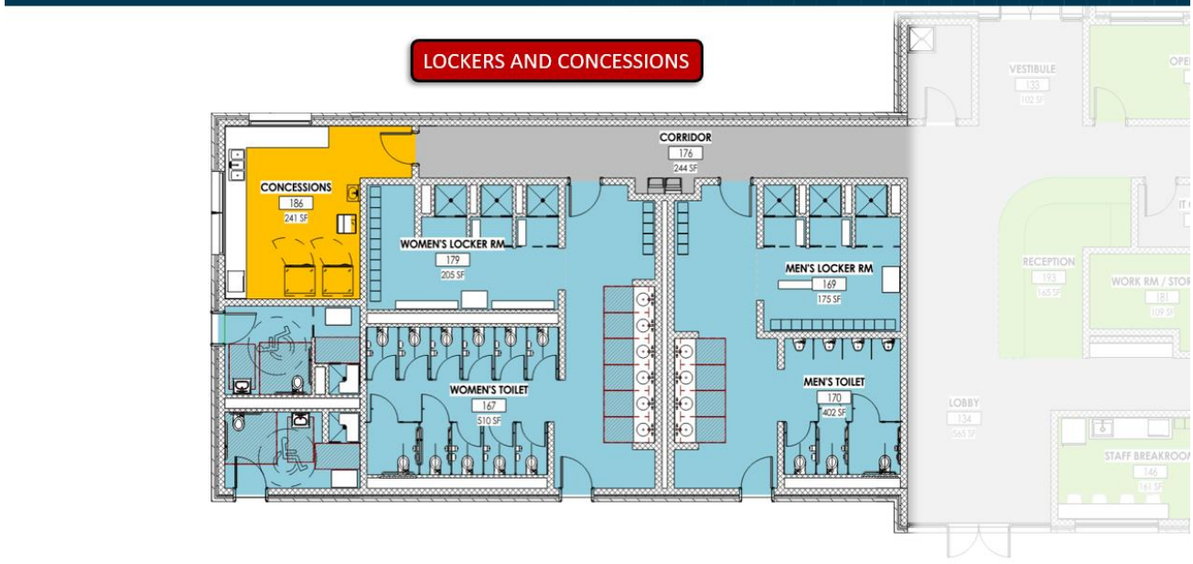
PATTON POOL – BATHHOUSE AND SUPPORT BUILDING – ADMIN CORE



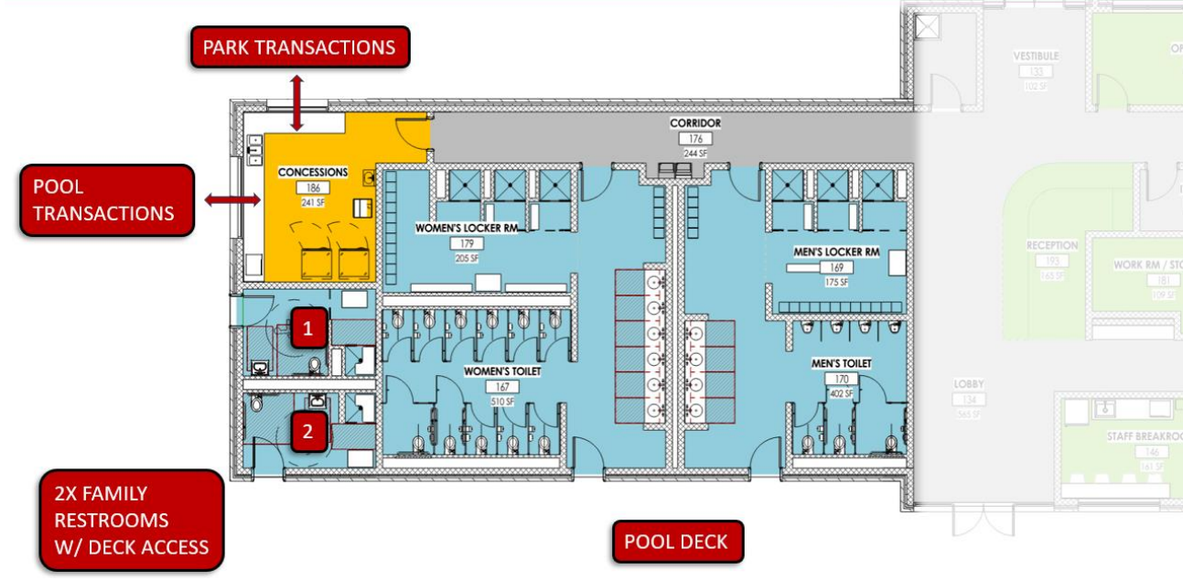
PATTON POOL – BATHHOUSE AND SUPPORT BUILDING – USER PATHS



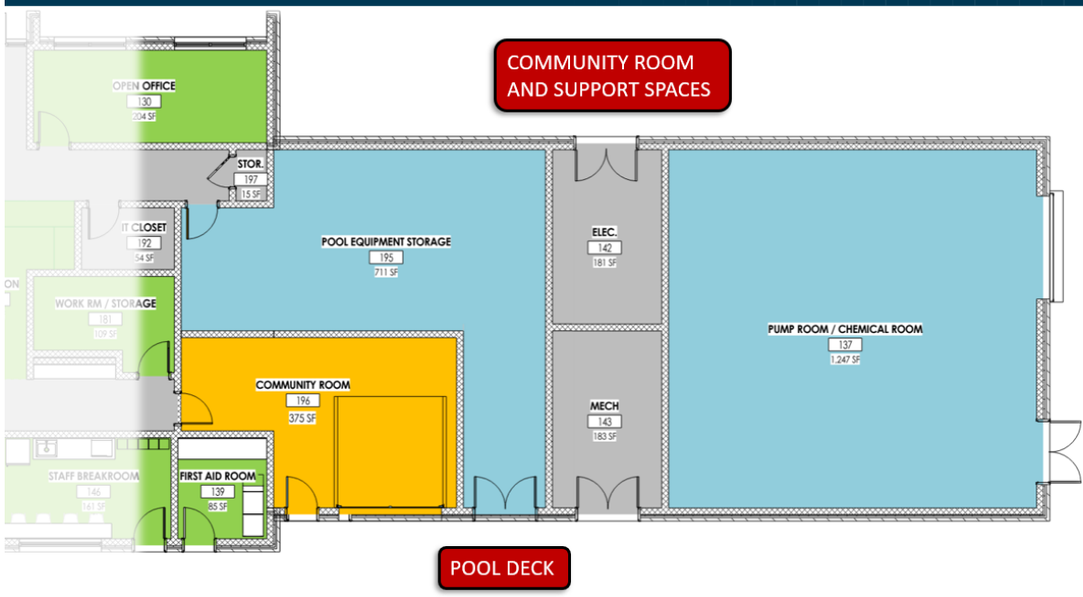
PATTON POOL – BATHHOUSE AND SUPPORT BUILDING – LOCKERS AND CONCESSIONS



PATTON POOL – BATHHOUSE AND SUPPORT BUILDING – LOCKERS AND CONCESSIONS



PATTON POOL – BATHHOUSE AND SUPPORT BUILDING – COMMUNITY ROOM AND SUPPORT SPACES



PATTON POOL – BATHHOUSE AND SUPPORT BUILDING – EXTERIOR MATERIALS



PATTON POOL – BATHHOUSE AND SUPPORT BUILDING - EXTERIOR MATERIALS



PATTON POOL – BATHHOUSE AND SUPPORT BUILDING - EXTERIOR MATERIALS

EXTERIOR 3



PATTON POOL – BATHHOUSE AND SUPPORT BUILDING - EXTERIOR MATERIALS

EXTERIOR 4

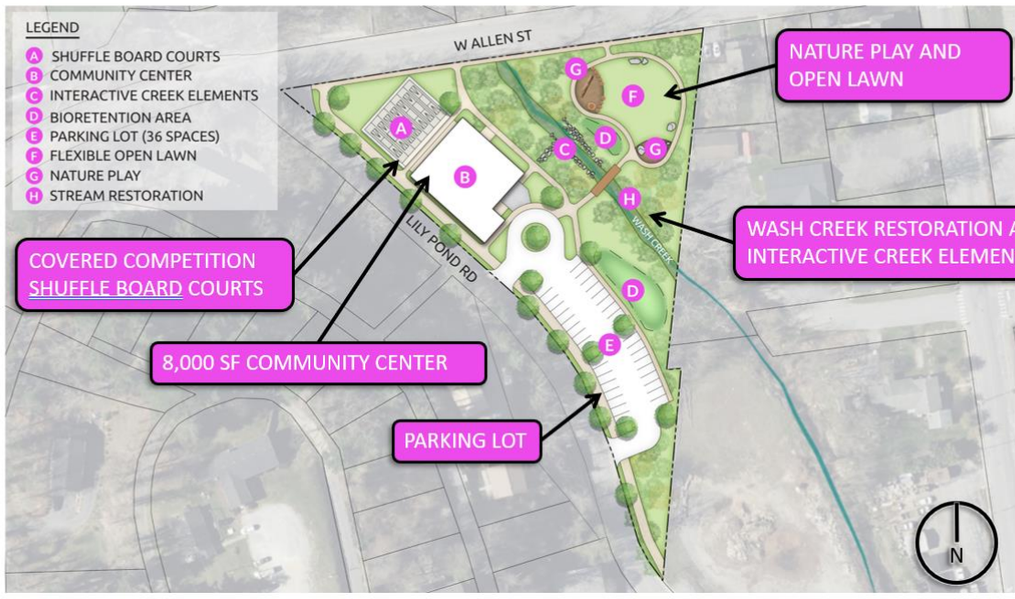


04

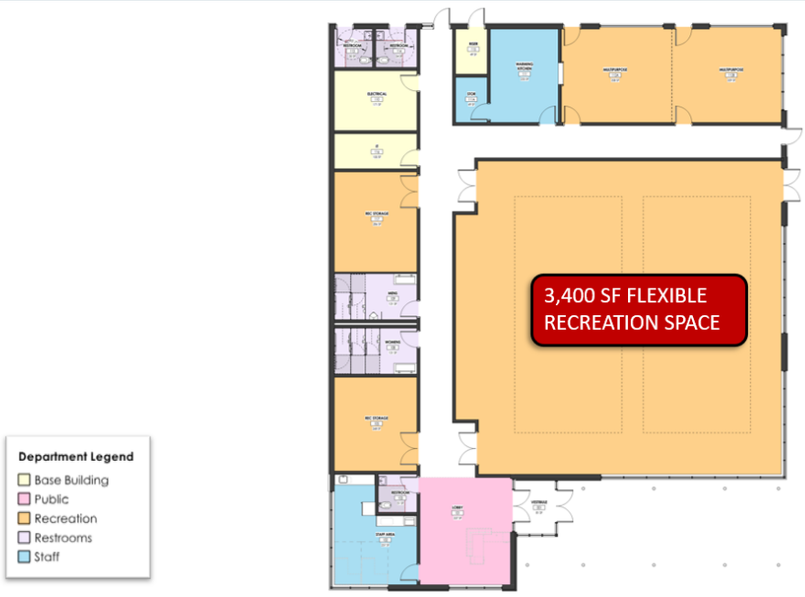
WHITMIRE COMMUNITY CENTER TOM'S PARK

CITY OF HENDERSONVILLE · ENGINEERING DEPARTMENT

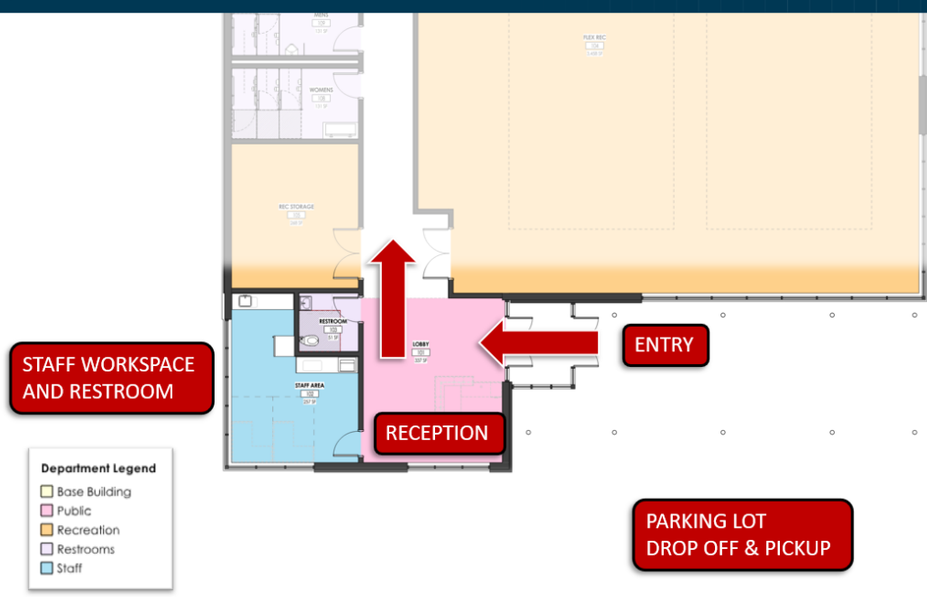
TOMS PARK PLAN



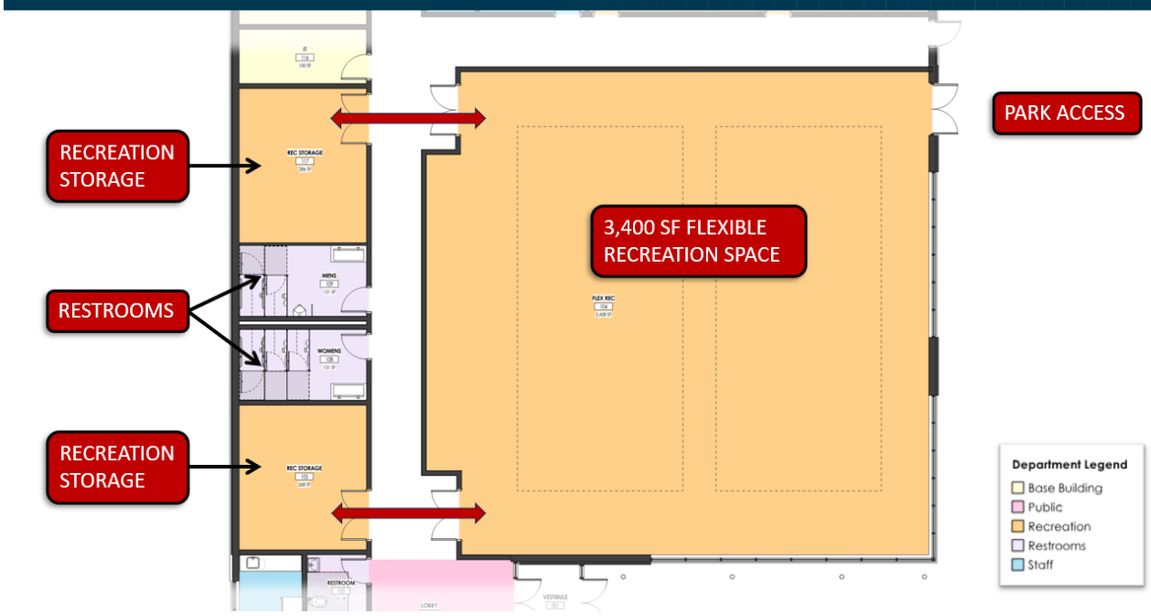
WHITMIRE COMMUNITY CENTER PLAN



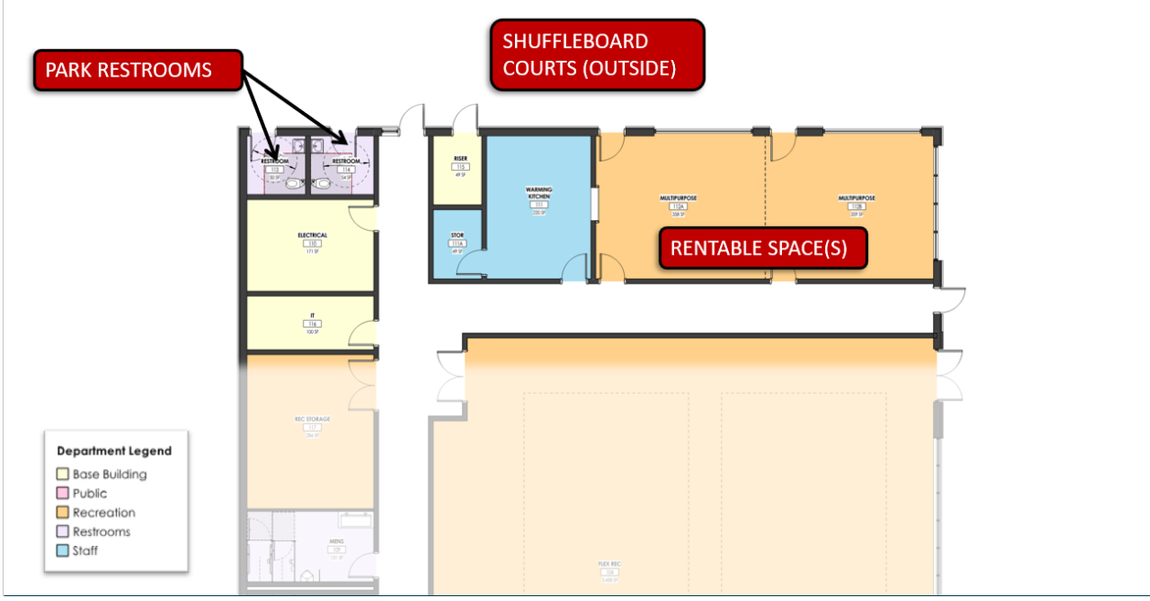
WHITMIRE COMMUNITY CENTER – ENTRY



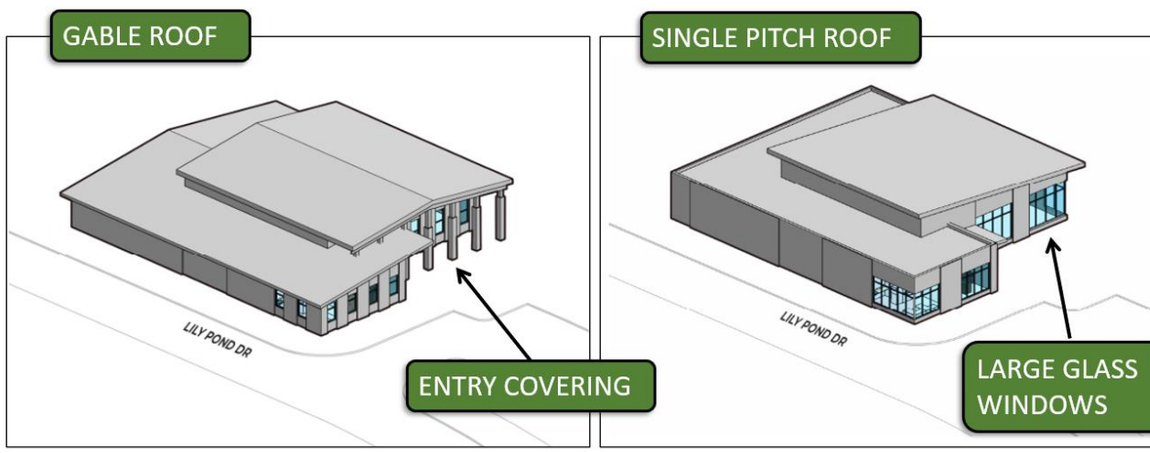
WHITMIRE COMMUNITY CENTER – FLEX SPACE



WHITMIRE COMMUNITY CENTER – RENTABLE SPACE



WHITMIRE COMMUNITY CENTER – EXTERIOR SHAPE



05

CONSTRUCTION COST

CITY OF HENDERSONVILLE · ENGINEERING DEPARTMENT

CONSTRUCTION COST

CITY OF HENDERSONVILLE · ENGINEERING DEPARTMENT

- **Patton Park and Pool** – $33 million
  - Competition Pool Covering (DynaDome) – additional $7 million
- **Whitmire Community Center** - $8 million

06

NEXT STEPS

CITY OF HENDERSONVILLE · ENGINEERING DEPARTMENT

NEXT DESIGN STEPS

CITY OF HENDERSONVILLE · ENGINEERING DEPARTMENT

- **Design Development (DD)** – Design is refined and formalized. Mechanical, electrical, plumbing, and structural systems are integrated.
- **Construction Documents(CD)** – Detailed plans and specifications are developed for permitting and bidding.
- **Bidding** – Competitive procurement process where the lowest responsive, responsible bidder is selected.

NEXT COUNCIL MEETINGS

CITY OF HENDERSONVILLE · ENGINEERING DEPARTMENT

DECEMBER 2026 MEETING:

- Funding Overview – A deep dive into FEMA, CDBG, and local funding and how they affect the Patton and Whitmire projects.
- Cost Review – A closer look at construction and project cost estimates after the Schematic Design (SD) phases.

COUNCIL RETREAT 2027:

- Design and schedule update.
- Holistic review of the project.

THANK YOU

Questions & Final Thoughts

Richard Shook, PE
Assistant City Engineer

City of Hendersonville · Engineering Department
engineering@hendersonvillenc.gov · (828) 697-3000

Consensus or Council was that they all preferred the gabled roof one below.

PATTON POOL – BATHHOUSE AND SUPPORT BUILDING - EXTERIOR MATERIALS

EXTERIOR 4



Mr. Connet thanked city council for authorizing us to use city dollars to keep this process moving forward while we wait on FEMA. Also, when these two parks come about, you will have two signature parks that you can be very proud of that will be utilized by our city, our citizens and our community for generations.

5. ADJOURN

There being no further business, the meeting adjourned at 5:02p.m. upon unanimous assent of the Council. No further action was taken.

_____
Barbara G. Volk, Mayor

ATTEST:

_____
Jill Murray, City Clerk

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: Adam Murr **MEETING DATE:** 10/01/2026

AGENDA SECTION: NEW BUSINESS **DEPARTMENT:** Administration

TITLE OF ITEM: Approval of Resolution Accepting Proposal from Baker Tilley for the FY27 Pay and Classification Study – *Adam Murr, Budget & Eval. Director*

SUGGESTED MOTION(S):

I move City Council adopt the resolution accepting Baker Tilley's FY27 Pay and Classification Study proposal and authorize the City Manager and City Attorney to negotiate and execute a finalized contract as presented.

SUMMARY:

City Staff solicited proposals from pay and classification firms to oversee the City's FY27 Pay and Classification Study. After reviewing all proposals by an evaluation team of City Staff, it was determined Baker Tilley is the most qualified firm to deliver the FY27 Pay and Classification Study. Council's approval of the attached resolution authorizes the City Manager and City Attorney to negotiate and execute a contract with Baker Tilley for the study. The resolution further authorizes the City Manager to utilize additional services as needed if it is determined those additional services are in the best interest of the City of Hendersonville.

BUDGET IMPACT: Described Above

Is this expenditure approved in the current fiscal year budget? N/A

If no, describe how it will be funded.

ATTACHMENTS:
RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL ACCEPTING BAKER TILLEY'S PAY AND CLASSIFICATION STUDY PROPOSAL IN THE AMOUNT NOT TO EXCEED $80,000

Resolution #__-____

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL ACCEPTING BAKER TILLEY'S PAY AND CLASSIFICATION STUDY PROPOSAL IN THE AMOUNT NOT TO EXCEED $80,000

WHEREAS, City Council has determined the City's pay and classification structure should be examined on a recurring basis to ensure both internal and external equity and competitiveness; and,

WHEREAS, the City of Hendersonville's most recent pay and classification study was substantially completed in FY22 and executed upon budget adoption in FY23; and,

WHEREAS, Staff solicited proposals from pay and classification professional firms to develop the necessary evaluation design and study process for the FY27 pay and classification study; and,

WHEREAS, the City made a good faith effort to solicit proposals from eligible firms; and,

WHEREAS, staff objectively evaluated all submitted proposals and determined that Baker Tilley was the most qualified firm to execute the necessary FY27 pay and classification study.

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

1. The City of Hendersonville accepts Baker Tilley's proposal to execute the FY27 pay and classification study in the amount not to exceed $80,000 and finds they are the best qualified firm.
2. The City Manager is authorized to utilize additional services as described in the proposal when it is determined to be in the best interest of the City of Hendersonville.
3. The City Manager and City Attorney are authorized to negotiate and execute a final contract with Baker Tilley for the FY27 pay and classification study.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 1st day of October 2026.

Attest: _____ Barbara Volk, Mayor, City of Hendersonville

_____
Jill Murray, City Clerk

Approved as to form:

_____
Angela S. Beeker, City Attorney

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: Sarah McLaurin

MEETING DATE: October 1, 2026

AGENDA SECTION: CONSENT

DEPARTMENT: Community Development

TITLE OF ITEM: Annexation: Certificate of Sufficiency- 1208 Stanwood Ln | (26-57-ANX) – *Sarah McLaurin | Planner II*

SUGGESTED MOTION(S):

I move Council to accept the City Clerk's Certificate of Sufficiency for the petition submitted by Drake Bruner of Watermark Landscape Architecture (applicant) and Michael and Ginger Murphy (property owners) and set November 5, 2026, as the date for public hearing.

SUMMARY: *File # 26-57-ANX*

The City of Hendersonville has received a petition from Drake Bruner of Watermark Landscape Architecture (applicant) and Michael and Ginger Murphy (property owners) for contiguous annexation of a 1.88 acre parcel (PIN: 9568-51-8549) located on Stanwood Lane. Please refer to the attached maps for additional information.

Attached is the Clerk's Certificate of Sufficiency finding that the petition is valid. The next step in the annexation process is to accept the Clerk's certificate and set a date for the public hearing on the question of adoption of an ordinance of annexation.

PROJECT/PETITIONER NUMBER:	• 26-57-ANX
PETITIONER NAME:	• Drake Bruner of Watermark Landscape Architecture (applicant) • Michael and Ginger Murphy (property owners
ATTACHMENTS:	1. Certificate of Sufficiency 2. Resolution setting public hearing 3. Annexation Plat 4. Typed legal description 5. GIS map 6. Deed 7. Annexation Application

CERTIFICATE OF SUFFICIENCY

Re: Petition for Contiguous Annexation
Petitioner: Drake Bruner of Watermark Landscape Architecture
File No. 26-57-ANX

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

1. A petition has been received for contiguous annexation of property consisting of +/- 1.91 acres located on Stanwood Lane in Hendersonville, NC, being tax parcel PIN 9568-51-8549, and being more particularly described on Exhibit A, attached hereto and incorporated by reference, hereinafter "Petition."

2. An investigation has been completed as required by N.C.G.S. § 160A-31 of the Petition for compliance with the requirements of N.C.G.S. § 160A-31.

Based upon this investigation, I find that

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

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

In witness hereof, I have set my hand and the City Seal on this the _____ day of _____, 2022.

(City Seal)

_____
Jill Murray, City Clerk

EXHIBIT A
LEGAL DESCRIPTION

Being all of that real property consisting of PIN 9568-51-8549 described in the plat recorded in Book 2023- ____ [to be inserted at recording of the plat] of the Henderson County Registry, said PIN 9568-51-8549 being described by metes and bounds as follows:

Beginning at a 3/4" iron pipe located in the southern margin of Stanwood Lane, said point having NC Grid Coordinates of Northing – 581906.3126 and Easting – 965983.3197, and proceeding thence from beginning point thus established, S 03°04’28” 7.43’ to a 5/8” rebar, thence N 86°12’03” W 9.39’ to a 1/2" iron pipe set, thence S 00°49’55” E 150.27’ to a 1/2" iron pipe set, thence S 86°13’20” E 5.43’ to a 1/2" iron pipe set, thence S 00°40’38” W 224.72’ to a nail found at the centerline of the 60’ right of way of Drake Street, thence S 00°36’16” W 202.87’ to a point in the centerline of a creek (passing a 1/2" iron pipe set at 183.99’), thence with the centerline of the creek N 67°20’19” W 155.67’ to a point, thence leaving said creek, N 00°12’09” W 10.31’ to a 1/2" rebar, thence N 00°12’09” W 170.04’ to a 1/2” iron pipe set at the centerline of the 60’ right of way of Drake Steet, thence N 00°12’09” W 356.28’ to a 1/2” iron pipe located in the southern margin of Stanwood Lane, thence S 85°37’07” E 152.16’ to the point and place of beginning. Containing 1.88 Acres as per survey by Associated Land Surveyors & Planners, PC bearing job number S-26-388.

Resolution #__-____

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

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

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

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

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

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

Being all of that real property consisting of PIN 9568-51-8549 described in the plat recorded in Book 2023- ____ [to be inserted at recording of the plat] of the Henderson County Registry, said PIN 9568-51-8549 being described by metes and bounds as follows:

Beginning at a 3/4" iron pipe located in the southern margin of Stanwood Lane, said point having NC Grid Coordinates of Northing – 581906.3126 and Easting – 965983.3197, and proceeding thence from beginning point thus established, S 03°04’28” 7.43’ to a 5/8” rebar, thence N 86°12’03” W 9.39’ to a 1/2" iron pipe set, thence S 00°49’55” E 150.27’ to a 1/2" iron pipe set, thence S 86°13’20” E 5.43’ to a 1/2" iron pipe set, thence S 00°40’38” W 224.72’ to a nail found at the centerline of the 60’ right of way of Drake Street, thence S 00°36’16” W 202.87’ to a point in the centerline of a creek (passing a 1/2" iron pipe set at 183.99’), thence with the centerline of the creek N 67°20’19” W 155.67’ to a point, thence leaving said creek, N 00°12’09” W 10.31’ to a 1/2" rebar, thence N 00°12’09” W 170.04’ to a 1/2” iron pipe set at the centerline of the 60’ right of way of Drake Steet, thence N 00°12’09” W 356.28’ to a 1/2” iron pipe located in the southern margin of Stanwood Lane, thence S 85°37’07” E 152.16’ to the point and place of beginning. Containing 1.88 Acres as per survey by Associated Land Surveyors & Planners, PC bearing job number S-26-388.

Re: Petition for Contiguous Annexation
Petitioner: Drake Bruner of Watermark Landscape Architecture
File No. 26-57-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 ____day of _____

20_____.

Attest:

_____
Barbara G. Volk, Mayor, City of Hendersonville

_____
Jill Murray, City Clerk

Approved as to form:

_____
Angela S. Beeker, City Attorney

This Plat represents the area being annexed to the City of Hendersonville, N.C. pursuant to NCGS 160A-31, by Ordinance duly adopted (Annexation Ordinance _____).

This the _____ day of _____, 20__

Jill Murray, City Clerk

State of North Carolina
County of Henderson
I, Matt Champion Review Officer of Henderson County, certify that the map or plat to which this certification is affixed meets all statutory requirements for recording.

Review Officer *Date*

Grid North
NAD83(2011)

Stanwood Lane
Asphalt, Public
City of Hendersonville Maintained

40' Right of Way
As Per D.B. 3448, Pg. 522

City of Hendersonville Corporate Limits

3/4" EIP
0.2' Below Ground
N= 581906.31260
E= 965983.31970

38.5'

Proposed City of Hendersonville Boundary Line
S 85°37'07"E 152.16'

5/8" EIS
0.1' Below Ground

1/2" EIP (Bent)
0.2' Below Ground

L1
L2
WM

Tie Line
S 86°02'46"E 110.01'

1/4" EIP (Bent)
0.1' Above Ground

Tie Line
S 86°12'03"E 82.67'

5/8" EIS
0.4' Below Ground

Tie Line
S 84°49'53"E 66.59'

Aluminum Disk
0.3' Below Ground

L4

1/2" EIP
0.5' Above Ground

Smith
D.B. 3251, Pg. 49

D.B. 667, Pg. 663
(See Note 12)

N/F
Capps
2E, Pg. 682
D.B. 667, Pg. 661
D.B. 667, Pg. 663

Proposed City of Hendersonville Boundary Line
S 00°49'55"E 150.27'
Tract Line

1/2" IPS

1/2" IPS

L3
L5
L6
L7

1/4" EIP (Bent)
1.0' Above Ground

1/2" EIP (Bent)
0.1' Above Ground

1/2" EIP (Bent)
0.1' Above Ground

Buckner
D.B. 3828, Pg. 162

Proposed City of Hendersonville Boundary Line
S 00°38'18"W 224.72'

0.2% Annual Chance Flood Hazard Line
As Per FRIS Map Panel 9568, Map # 3700956800J Effective 10-02-08

15" CMP
Invert=2093.75

Nail Found
@ Centerline of 60' Right of Way
As Per D.B. 3828, Pg. 162

Proposed City of Hendersonville Boundary Line
N 00°12'09"W 536.63' Total

Drake Creekside, LLC
D.B. 3448, Pg. 522

356.28'

Creek Zone

Drake Street
Asphalt, Public

1/2" IPS
@ Centerline of 60' Right of Way
As Per D.B. 3448, Pg. 522

60' Right of Way
As Per D.B. 3648, Pg. 644

15" CMP
Invert=2093.49

Zone AE Line As Per FRIS Map Panel 9568, Map # 3700956800J Effective 10-02-08

170.04'

Proposed City of Hendersonville Boundary Line
S 00°36'16"W 202.87' Total

183.99'

Thomas
D.B. 754, Pg. 769

1/2" EIS
0.3' Above Ground
N= 581391.62020
E= 965331.46220

10.3'

Creek

Carport

8.7'

N 67°20'19"W 155.67'
Proposed City of Hendersonville Boundary Line

Johnson
D.B. 3340, Pg. 712

8.88'

1/2" IPS

1.88 Acres
Area By Coordinate Computation



Vicinity Map

GLOBAL POSITIONING SYSTEM CERTIFICATION (NC VRS-RTK)

I, Cameron S. Baker, certify that this map was drawn under my supervision from an actual GPS survey made under my supervision and the following information was used to perform the survey:

1. *Class of Survey: Class A*
2. *Positional Accuracy: Horizontal 0.2' Vertical 0.4'*
3. *Type of GPS Field Procedure: RTK*
4. *Date of Survey: June 23, 2026*
5. *Datum / Epoch: NAD 83 (2011)*
6. *Published / Fixed-Control Used: NC NTRIP Network*
7. *Geoid Model: Geoid 18*
8. *Combined Factor: 0.99977298*
9. *Units: US Feet*

I, Cameron S. Baker, Professional Land Surveyor certify to one or more of the following as indicated (G.S. 47-30 (f)(11):

C-1 - That this survey is of an existing parcel or parcels of land and does not create a new street or change an existing street

I, Cameron S. Baker, certify that this plat was drawn under my supervision from an actual survey made under my supervision (Property description recorded in Deed Book 3643/667, Page 644/663); that the boundaries not surveyed are clearly indicated by dashed lines as drawn from information found in Deed Books as shown; that the ratio of precision as calculated is 1:10,000 or greater; that this plat was prepared in accordance with G.S 47-30 as amended.

Witness my original signature, license number and seal this 24th day of June, 2026.

NORTH CAROLINA REGISTERED LAND SURVEYOR SEAL L-4920 CAMERON S BAKER

Preliminary
For Review Purposes Only

Professional Land Surveyor No. L-4920

Lines L1-L3 Are Proposed City of Hendersonville Boundary Lines
L4-L7 Are Tie Lines

Course	Bearing	Distance
L1	S 03°04'28" E	7.43'
L2	N 86°12'03" W	9.39'
L3	S 86°13'20" E	5.43'
L4	S 00°47'19" W	28.84'
L5	S 86°38'59" E	110.67'
L6	S 85°44'12" E	99.89'
L7	S 85°54'20" E	78.34'

Building Setbacks as per The City of Hendersonville
R-10 MDR Zoning:
Front: 25'
Side: 10'
Rear: 10'

Notes:
1. Property is subject to all easements, restrictions and right of ways of record.
2. The locations of underground utilities are based on above-ground structures and record drawings provided to the surveyor. Locations of underground utilities/structures may vary from locations shown hereon. Additional buned utilities/structures may be encountered.
3. Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership title evidence, or any other facts that an accurate title search may disclose.
4.The certification of survey and plat was prepared for the entity named in the title block hereon and does not extend to any other entity, unless recertified by the professional land surveyor.
5. All miscellaneous survey related materials, including but not limited to, project plans, deed and ROW research, maps, field notes and data, survey reports, record title report, calculations, working drawings, estimates, and other materials acquired and/or prepared by the surveyor as instruments of service shall remain the property of the surveyor and assigns.
6. This drawing is not valid unless the original signature and stamp are attached. Any reproduction or variance to this survey by electronic or any other means are not to be considered issued by the professional surveyor.
7. Property is currently zoned R-10 MDR by the City of Hendersonville.
8. Property is not located in a Water Supply Watershed.
9. Property is located within 1/2 mile of a designated Farmland Preservation District.
10. Property is located in Zone X, minimal flood risk, 0.2% Annual Chance Flood Hazard, and Zone AE as per FRIS Map Panel 9568, Map # 3700956800J effective date 10-2-08.
11. Contours are at 1' intervals.
12. D.B. 3648, Pg. 644 does not reflect the transfer of the portion of the property from Charley E. & Ellen H. Drake to Dennis R. & Debra L. McGraw recorded in D.B. 667, Pg. 663 and in the Deed of Trust Amendment recorded at 396, Pg. 601

30 0 30 60 90
GRAPHIC SCALE – FEET

Legend:
ECM = Existing Concrete Monument
EIP = Existing Iron Pipe
EIS = Existing Iron Stake
IPS = Iron Pipe Set
O = Unmarked Point, Unless Otherwise Noted
ROW/MON = Right of Way Monument
ROW = Right of Way
RRS = Railroad Spike
CMP = Corrugated Metal Pipe
UP = Utility Pole
WM = Water Meter
-x-x-x-x-x-x-x- = Fence

The Purpose Of This Plat Is To Annex 1208 Stanwood Lane Pin # 9568-51-8549 (1.88 Satellite Acres) Into The City of Hendersonville as Shown on this Survey

Being All of the Property as Described in D.B. 3648, Pg. 644

Annexation Plat for

The City of Hendersonville

Pin: 9568-51-8549

-Owners-
Michael & Ginger Murphy
D.B. 3648, Pg. 644
1208 Stanwood Lane
Hendersonville, NC 28739

Pin: 9568-51-8549

Hendersonville Township	Henderson County, NC

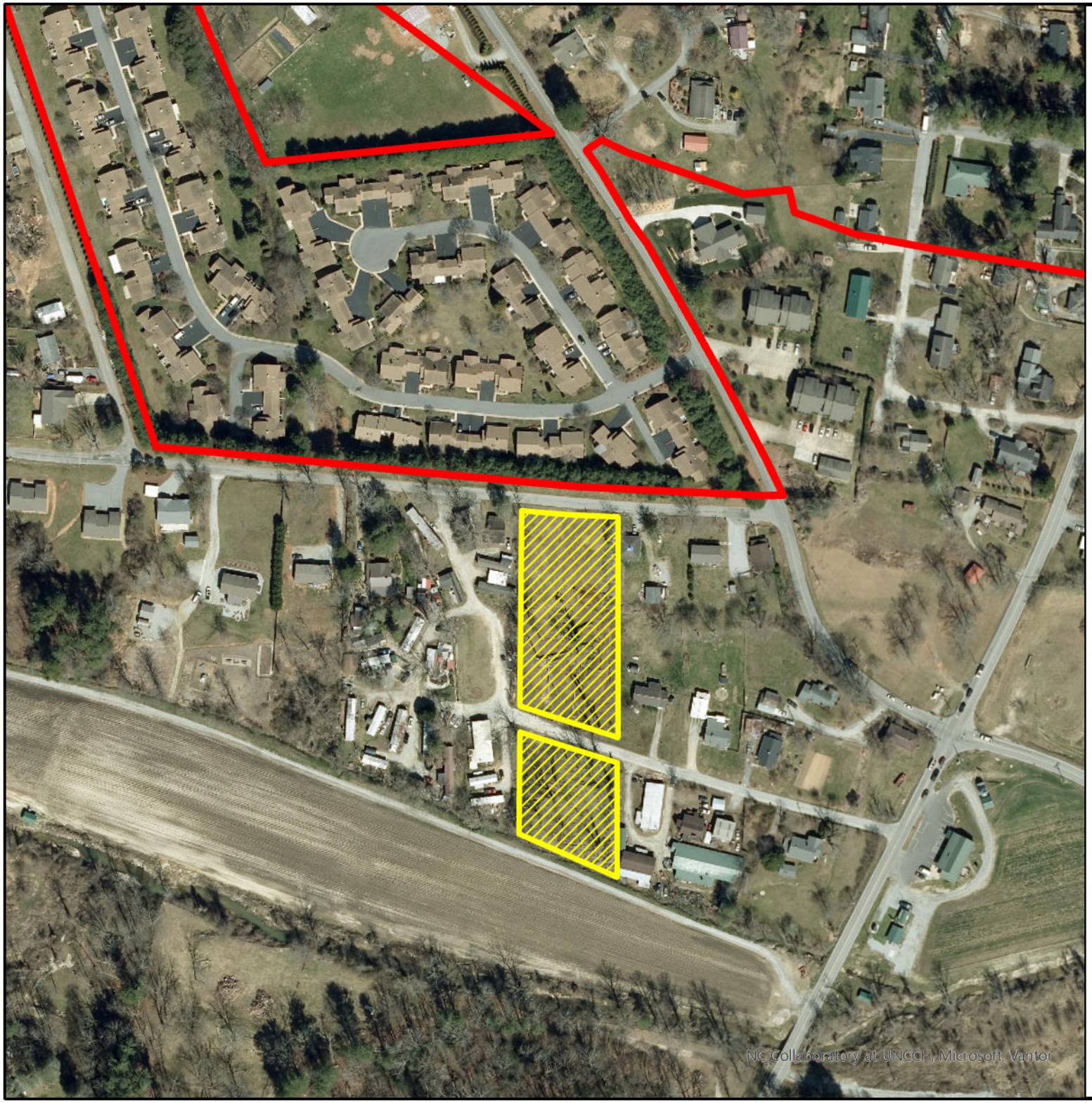
ASSOCIATED LAND SURVEYORS
& PLANNERS P.C.
P.O. BOX 578 * HORSE SHOE, NC 28742
(828) 890-3507 NC BUSINESS LICENSE NO. C-2774

SCALE: 1 Inch = 30 Feet	DATE: August 12, 2026
JOB NO.: S-26-338	DRAWN BY: JTB

IntelliCAD 9

Legal Description for Annexation – 1208 Stanwood Lane

Beginning at a 3/4" iron pipe located in the southern margin of Stanwood Lane, said point having NC Grid Coordinates of Northing – 581906.3126 and Easting – 965983.3197, and proceeding thence from beginning point thus established, S 03°04’28” 7.43’ to a 5/8” rebar, thence N 86°12’03” W 9.39’ to a 1/2" iron pipe set, thence S 00°49’55” E 150.27’ to a 1/2" iron pipe set, thence S 86°13’20” E 5.43’ to a 1/2" iron pipe set, thence S 00°40’38” W 224.72’ to a nail found at the centerline of the 60’ right of way of Drake Street, thence S 00°36’16” W 202.87’ to a point in the centerline of a creek (passing a 1/2" iron pipe set at 183.99’), thence with the centerline of the creek N 67°20’19” W 155.67’ to a point, thence leaving said creek, N 00°12’09” W 10.31’ to a 1/2" rebar, thence N 00°12’09” W 170.04’ to a 1/2” iron pipe set at the centerline of the 60’ right of way of Drake Steet, thence N 00°12’09” W 356.28’ to a 1/2” iron pipe located in the southern margin of Stanwood Lane, thence S 85°37’07” E 152.16’ to the point and place of beginning. Containing 1.88 Acres as per survey by Associated Land Surveyors & Planners, PC bearing job number S-26-388.



0 90 180 360
Feet

N
E
S

City of Hendersonville
September 2026

Drakewood Annexation

26-57-ANX

PIN: 9568-51-8549

Acreage: 1.88

Contiguous Annexation
Community Development Department

Subject Property

Hendersonville City Limits

THE CITY OF HENDERSONVILLE · N.C. · 1847

BK 3648 PG 644 - 647 (4) DOC# 944491
This Document eRecorded: 02/09/2021 09:29:55 AM
Fee: $26.00
Henderson County, North Carolina
William Lee King, Register of Deeds

Excise Tax $140.00	Recording Time, Book and Page
Tax Map No.	Parcel Identifier No. 9568-51-8549

Mail after recording to **Law Office of Bridget D. Swing, 101-B Chadwick Square Ct, Hendersonville, NC 28739**
This instrument was prepared by **William H. Christy,** a licensed North Carolina attorney. Delinquent taxes, if any, are to be paid by the closing attorney to the county tax collector upon disbursement of closing proceeds. This deed was prepared at the request of the Grantor based upon information provided by the Grantor and without title examination, survey, or verification of property description.

NORTH CAROLINA
GENERAL WARRANTY DEED

THIS DEED made this 14 day of ~~October~~ January, 2021, by and between

GRANTOR

Stephen Christopher Drake, Unmarried, a ½ interest, and VANESSA LEE DRAKE and spouse, TERENCE JOHN ADRIAN, a ½ interest
206 Vance Street
Hendersonville, NC 28739

GRANTEE

Michael Murphy and spouse, Ginger Murphy
406 N. Lakeside Drive
Hendersonville, NC 28739

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the city of _____, Hendersonville Township, Henderson County, North Carolina, and more particularly described as follows:

SEE ATTACHED DESCRIPTION

Submitted electronically by "Law Office of Bridget D. Swing PLLC"
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Henderson County Register of Deeds.

BK 3648 PG 644 - 647 (4) DOC# 944491

All or a portion of the property herein conveyed _____ includes or ____ does not include the primary residence of a Grantor.
The property hereinabove described was acquired by Grantor by instrument in Book , Page .

A map showing the above described property is recorded in Plat Book ___, Page ____.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomever except for the exceptions hereinafter stated.

Title to the property hereinabove described is hereby conveyed subject to all valid and subsisting restrictions, reservations, covenants, conditions, rights of ways and easements properly of record, if any, ad valorem taxes for the current year and subsequent years.

IN WITNESS WHEREOF, the Grantors have hereunto set their hands and seals, or, if corporate, has caused this Deed to be executed by its duly authorized officers and its seal to be hereunto affixed, the day and year first above written.

_____ **(SEAL)**
Stephen Christopher Drake

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

Personally appeared before me this day the said Stephen Christopher Drake, unmarried, known to me personally or who produced satisfactory evidence of their identity in the form of a driver's license, and who acknowledged that they voluntarily executed the foregoing instrument for the purposes stated therein this the 11 day of ~~October, 2020.~~ January 2021

My Commission Expires:

_____

_____
Notary Public

WILLIAM H CHRISTY
NOTARY PUBLIC
Buncombe County
North Carolina
My Commission Expires September 13, 2025

WILLIAM H CHRISTY
NOTARY PUBLIC
Buncombe County
North Carolina
My Commission Expires September 13, 2025

BK 3648 PG 644 - 647 (4) DOC# 944491

Vanessa Lee Drake

VANESSA LEE DRAKE

Terence John Adrian

TERENCE JOHN ADRIAN

STATE OF NEW YORK

COUNTY OF Bronx

Personally appeared before me this day, the said VANESSA LEE DRAKE and spouse, TERENCE JOHN ADRIAN , known to me personally or who produced satisfactory evidence of his or her identity in the form of a driver's license, and who acknowledged that they voluntarily executed the foregoing instrument for the purposes stated therein.

This the 30th day of October, 2020.

ADRIAN ANDRE MILLER
Notary Public - State of New York
NO. 01MI6334904
Qualified in Bronx County
My Commission Expires Dec 28, 2023

Notary Public, (signature)

Adrian Miller

Print Notary's name here

My Commission expires: 12/28/2023

Firmly Press Notary Seal in Box

BK 3648 PG 644 - 647 (4) DOC# 944491

EXHIBIT A

Beginning at an iron pin standing S86°00'00"E 279.39' from the Northwestern most corner of the property described in Deed Book 3448 page 522, thence traveling S86°00'00"E 152.84' to a calculated point in the Southern margin of Stanwood Lane. Thence S00°09'23"W passing through a new pin at 7.07' for a total of 381.82' to an existing marked point in the pavement of Drake Street, being the Northwestern property corner of the property described in Deed Book 754 page 769. Thence S00°09'23"W 202.66' to a calculated point in the center of a ditch and passing through a new iron pin at 183.99'. Thence with the center line of said ditch N67°52'16"W 155.44' to a calculated point. Thence leaving said ditch traveling N00°44'07"W through a new iron pin located at 10.28' a total distance of 536.62' to the point and place of beginning containing 1.91 acres more or less. There also exists a 60' right of way for Drake Street bisecting the property and being referenced in Deed Book 3448 Page 522.

AND BEING that propety conveyed to Charley E. Drake in Book 380 at Page 506, Henderson County Registry.

Deed recorded in Deed Book 1491 at Page 177, Henderson County Registry referenced the incorrect book and page for the subject property and the heirs of Ellen Hutchinson Drake are executing this deed to correct the error in Deed Book 1491 Page 177.

WORKSPACE INFORMATION

Application number
26-57-ANX

Category
Annexation

Workspace state
Application complete

Workspace created
08/13/2026, 9:25:27 AM EDT

Application submitted
08/19/2026, 3:14:58 PM EDT

Assignee
Sarah McLaurin

Package generation date
09/21/2026, 10:42:06 AM EDT

LOCATION INFORMATION

Address
1208 STANWOOD LN, Hendersonville, NC

Property information
9568518549,

PARTIES

NAME AND COMPANY	CONTACT DETAILS	ROLES
Drake Bruner Watermark Landscape Architecture	513 N. Justice Street Suite C Hendersonville [redacted]	Applicant
MURPHY, MICHAEL;MURPHY, GINGER	1124 OLD US 25 HWY ZIRCONIA NC 28790	Property owner

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Annexation Petition

City of Hendersonville | Community Development
160 6th Ave E.
Hendersonville, NC 28792
planning@hvlnc.gov

Property Information		
Property Address 1208 Stanwood Ln	Parcel Identification Number (PIN) 9568518549	
Does this property currently adjoin the present corporate City limits (not satellite limits)? ☑ Yes ☐ No	Is the property within the City's Extra Territorial Jurisdiction? ☑ Yes ☐ No	Are you declaring any site-specific vested right with respect to the properties subject to this petition as established under G.S. 160D-108.1? ☐ Yes ☑ No
Reason for Annexation: Sewer and water extensions		

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: Brian Pahle, Deputy City Manager

MEETING DATE: October 1st, 2026

AGENDA SECTION: Consent

DEPARTMENT: Administration

TITLE OF ITEM: Resolution of Support FBRMPO Protect Grant and NCDOT Protect Grant Applications – *Brian Pahle, Deputy City Manager*

SUGGESTED MOTION(S):

I move City Council adopt the resolution as presented.

SUMMARY:

An agenda item to consider supporting the French Broad River MPO Protect Grant and NCDOT Protect Grant applications.

BUDGET IMPACT: $0

Is this expenditure approved in the current fiscal year budget? N/A

If no, describe how it will be funded. N/A

ATTACHMENTS:

Resolution

Letters

Resolution #R-26-XX

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO SUPPORT THE FRENCH BROAD RIVER MPO PROTECT GRANT AND NCDOT PROTECT GRANT APPLICATIONS

WHEREAS, Hurricane Helene demonstrated the vulnerability of Western North Carolina's transportation system to flooding, landslides, severe weather, and other natural hazards. Damage and closures to transportation facilities disrupted travel throughout the region, affected access to homes, businesses, and essential services, complicated emergency response and recovery activities, and demonstrated the importance of having reliable and redundant transportation connections; and

WHEREAS, The proposed planning and construction effort would provide an important opportunity to build on these experiences and take a regional approach to transportation resilience; and

WHEREAS, We understand that the study is expected to assess transportation vulnerabilities and critical connections, evaluate network redundancy and emergency-access needs, identify and prioritize potential resilience improvements, and develop recommendations for incorporating resilience into future transportation planning and project development. The effort may also result in a formal Resilience Improvement Plan and construction project consistent with the PROTECT program; and

WHEREAS, Transportation systems and natural hazards do not stop at municipal, county, or MPO boundaries. A five-county approach would allow communities, transportation agencies, emergency-management partners, and other stakeholders to better understand regional vulnerabilities and coordinate strategies for maintaining access and improving the ability of the transportation network to withstand and recover from future disasters;

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

1. The City of Hendersonville supports this application and looks forward to participating in the planning process, including providing relevant information, identifying local transportation vulnerabilities and priorities, and participating in regional coordination as appropriate.
2. The Council directs the City Manager to sign a letter of support for the FBRMPO Protect Grant and NCDOT Protect Grant.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 1st day of October, 2026.

_____

Barbara G. Volk, Mayor, City of Hendersonville

Attest:

_____

Jill Murray, City Clerk

Approved as to form:

_____

Angela S. Beeker, City Attorney

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER:	Caitlyn Gendusa	**MEETING DATE:**	10/01/2026
AGENDA SECTION:	CONSENT	**DEPARTMENT:**	Stormwater & Parks

TITLE OF ITEM: Request for approval to accept the Climb to Managing Community Grant and Tree Maintenance and Planting Grant for the completion of an Urban Forestry Management Plan, Tree Inventory, and Tree Canopy Cover Assessment - *Caitlyn Gendusa, Sustainability Manager*

SUGGESTED MOTION(S): I move City Council adopt the *Resolution by the City of Hendersonville City Council to Authorize the City Manager to Enter into an Agreement with the North Carolina Forest Service for the Urban Forestry Management Plan, Tree Inventory, and Tree Canopy Cover Assessment projects.*

SUMMARY:

The N.C. Forest Service has $7.8 million in funds for the Urban and Community Forestry Financial Assistance Program. Under this program there are six offerings which the City of Hendersonville has applied and been awarded two grants.

The First grant, Climb to Managing Community is designed to help municipalities that have achieved Tree City USA standards complete practices and activities to meet the standards to achieve the NCFS U&CF Managing Community designation. This grant scope includes the completion of an Urban Forestry Management Plan.

The second grant is for the Tree Maintenance and Planting track which is designed to help municipalities that have achieved Tree City USA standards meet tree maintenance needs. This grant scope includes the completion of a tree canopy cover assessment and tree inventory.

Both grant tracts were awarded under the Hurricane Helene Recovery assistance which does not require a match. The total award is $259,619.20.

BUDGET IMPACT: +$259,619.20

Is this expenditure approved in the current fiscal year budget? YES / **NO**

If no, describe how it will be funded.

This project will be funded in whole via reimbursement by the North Carolina Department of Agriculture and Consumer Services – N.C. Forest Service Urban and Community Forestry Program.

PROJECT NUMBER: N/A

PETITION NUMBER: N/A

ADDITIONAL PETITION NUMBER: N/A

PETITIONER NAME: N/A

ATTACHMENTS:

Resolution

Agreement

Resolution #__-____

RESOLUTION BY THE CITY OF HENDERSONVILLE TO AUTHORIZE THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES – N.C. FOREST SERVICE URBAN AND COMMUNITY FORESTRY PROGRAM FOR THE COMPLETION OF AN URBAN FORESTRY MANAGEMENT PLAN, TREE INVENTORY, AND TREE CANOPY COVER ASSESSMENT

WHEREAS, the City of Hendersonville was awarded $259,619.20 from the North Carolina Forest service for the Urban and Community Forestry program for the completion of an Urban Forestry Management Plan, Tree Inventory, and Tree Canopy Cover Assessment;

WHEREAS, the City of Hendersonville City Council holds a core value to prioritize the protection of existing tree canopy and the development of greenspaces and parks and believes that it is our responsibility to protect all our natural resources and the environment through the implementation of sustainable and responsible projects;

WHEREAS, the City of Hendersonville wishes to pursue funding opportunities that would allow the City to complete an urban forestry management plan, tree inventory, and tree canopy assessment; and

WHEREAS, the City's financial resources have limited the City's ability to fund these initiatives, making grant funding crucial to implementation.

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

1. The Hendersonville City Council hereby approves the grant award for the completion of an Urban Forestry Management Plan, Tree Inventory, and Tree Canopy Cover Assessment; 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 1st day of October, 2026.

_____

Attest: Barbara G. Volk, Mayor, City of Hendersonville

_____

Jill Murray, City Clerk

Approved as to form:

_____

Angela S. Beeker, City Attorney

Steve Troxler
Commissioner

North Carolina Department of Agriculture and Consumer Services

N. David Smith
Chief Deputy Commissioner

September 17, 2026

Ms. Caitlyn Gendusa, Sustainability Manager
City of Hendersonville
305 Williams St.
Hendersonville, NC 28792

NOTIFICATION OF FUNDING OFFER

Dear Ms. Gendusa,

On behalf of Commissioner Steve Troxler and the North Carolina Department of Agriculture and Consumer Services (the "Department"), I am pleased to inform you that $259,619.20 for your project, *City of Hendersonville Urban Forest Assessment and Management Plan*, was approved under the federal Cooperative Forestry Assistance Act of 1978, Public Law 118-158 American Relief Act 2025.

Pursuant to the foregoing, this letter constitutes the Department's notification of a funding offer to you. Enclosed are two (2) original contract packets, including all specific forms and attachments (each, individually, a "Contract Packet" and, collectively, the "Contract Packets"). You must complete and return each Contract Packet to the Department at the address provided below. Prior to doing so, please ensure that each of the Contract Packets has been signed, dated, and notarized (if applicable). By completing and returning both Contract Packets, you agree to the specific stipulations, general terms and conditions, and all specific reporting requirements. Please return the two completed Contract Packets to:

Directly to Ag Building (UPS / FEDEX)	USPS Mail
Sarah Hollis Community Forestry Coordinator N.C. Forest Service – U&CF Program 512 N. Salisbury Street, **10th Floor** Raleigh, North Carolina 27604	Sarah Hollis Community Forestry Coordinator N.C. Forest Service – U&CF Program 1616 Mail Service Center Raleigh, North Carolina 27699

All authorized representative signatures shall be in **blue** or **black** ink! Please use the *Contract Check Off List* to ensure all attachments are included and are in the correct order for each Contract Packet. Time is of the essence with respect to your acceptance of this offer. Your acceptance **must** be in writing and returned expeditiously.

Once each Contract Packet has been fully executed by **all** required Parties (each fully executed Contract Packet, individually, a "Grant Contract" and, collectively, the "Grant Contracts"), one original Grant Contract will be returned to you for your official records. No execution, acceptance, or completion of

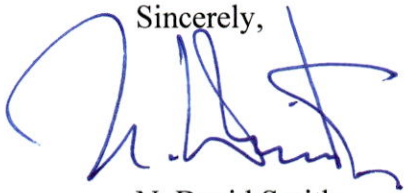
Email: David.Smith@ncagr.gov
1001 Mail Service Center, Raleigh, North Carolina, 27699-1001
(919) 707-3033 ● Fax (919) 715-0026
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either or both of the Contract Packets shall be presumed in absence of your receipt of a fully executed original Grant Contract. This includes all authorized representative signatures from **all** parties. Your failure to receive a fully executed original Grant Contract shall constitute notice that the Contract Packets have **not** been complete and are not legally binding. You shall not take any action in reliance upon this letter, the enclosed documents, or a Contract Packet that has not been fully executed by all required parties, and no action taken by you in reliance upon any of the foregoing shall be binding.

If you have any questions about your Contract Packets or any of the forms enclosed with this letter, please call Sarah Hollis at 919-857-4841 or feel free to send an email to sarah.hollis@ncagr.gov.

I would like to take this opportunity to personally thank you for participating in the Urban and Community Forestry Financial Assistance Program.

Sincerely,



N. David Smith
Chief Deputy Commissioner

Enclosures

Email: David.Smith@ncagr.gov
1001 Mail Service Center, Raleigh, North Carolina, 27699-1001
(919) 707-3033 ● Fax (919) 715-0026
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Steve Troxler
Commissioner

North Carolina Department of Agriculture and Consumer Services

N. David Smith
Chief Deputy Commissioner

GRANTEE DOCUMENT CHECK OFF LIST

INSTRUCTIONS:

1) Circle the "Yes" boxes in the left column (**Grantee**) for the document titles being returned with the two (2) signed, dated, and notarized copies of the agreement, with signatures in blue or black ink.
2) Be sure to include all the other documents specified in your agreement package.
3) If "No" has been checked off for you, that document is not required for this grant program or project.

Grantee Name: City of Hendersonville

Project Title: City of Hendersonville Urban Forest Assessment and Management Plan

Contract Number: 25-055-4002

Grantee *Circle One Box*		**Document Title**	**Division** *Attached or On File*		**Grants Office** *Attached or On File*	
Yes	No	Contractual "**Check Off List for Grantee**"	Yes	No	Yes	No
Yes	No	**Contract Cover** (To be signed, dated, and notarized)	Yes	No	Yes	No
Yes	No	**Attachment A** *General Terms and Conditions*	Yes	No	Yes	No
Yes	No	***Attachment B*** *Scope of Work (includes Timeline and Line Item Budget)*	Yes	No	Yes	No
Yes	No	**Attachment C** *Certification of No Overdue Taxes*	Yes	No	Yes	No
Yes	No	**Attachment D** *Certifications and Assurances Section*	Yes	No	Yes	No
Yes	No	**Attachment E** *Conflict of Interest Policy Certification Form* And *Current Conflict of Interest Policy*	Yes	No	Yes	No
Yes	No	**Attachment F** *NC Openbook Supplemental Information*	Yes	No	Yes	No
Yes	No	**Attachment G** *IRS Federal Tax-Exempt Letter and 501(c) Certification Form*	Yes	No	Yes	No
Yes	No	**Attachment H** *FFATA Data Reporting Requirements (Only if contract is over $30,000)*	Yes	No	Yes	No
Yes	No	**Attachment I** *Federal Regulations*	Yes	No	Yes	No
Yes	No	**Attachment J** *Reporting and Request for Payment Forms*	Yes	No	Yes	No
Yes	No	**Attachment Z** *Closeout Procedures*	Yes	No	Yes	No

Steve Troxler
Commissioner

North Carolina Department of Agriculture and Consumer Services

N. David Smith
Chief Deputy Commissioner

Federal Grant Award Pass Through Requirements
This Grant Is a Subaward of a Federal Grant

Contract Number:25-055-4002

a) Federal Award Identification Number: 25-DG-11083137-009
b) Federal Award Date (*date signed by federal authorizing official*): 7/9/25
c) Total Amount of Federal Award to NCDA&CS: $63,653,283
d) Name of Federal Awarding Agency: USDA Forest Service
CFDA(ALN) Number: 10.664
e) CFDA(ALN) Program Name: Cooperative Forestry Assistance
f) Indirect Cost Rate for Federal Award: 32.11%
g) Awarding Agency Name: N.C. Department of Agriculture and Consumer Services
h) Awarding Official Name: N. David Smith
i) Awarding Official Contact Info: 2 West Edenton St., Raleigh, NC 27601
j) Subrecipient Name (must match UEI name): City of Hendersonville
k) Subrecipient UEI Number: PNGBNJ8ALA81
Subaward Period of Performance:
    a. Start Date: October 1, 2026
    b. End Date: September 30, 2028
l) Amount of Federal Funds Obligated to Subrecipient by This Action: $259,619.20
m) Total Amount of Federal Funds Obligated to Subrecipient by the Agency: $259,619.20
n) Subaward Project Title: *City of Hendersonville Urban Forest Assessment and Management Plan*
o) Award is R&D: No
p) All Requirements:
    a. Attachment B Scope of Work
    b. Attachment A Terms and Conditions
    c. Federal Statutes and Regulations
q) Additional Requirements:
    a. Required Financial Reporting
    b. Required Programmatic Reporting
r) Subrecipient Indirect Cost Rate (or 20% de minimis): N/a
s) Access to Subrecipient's Records and Financial Statements:
    a. See Agreement General Terms and Conditions
t) Terms and Conditions of Closeout of Subaward: See Code of Federal Regulations Title 2, Subtitle A, Chapter II §200.343-5
u) Risk Evaluation Complete: Yes
v) Specific Conditions, if any: None.
w) Subrecipient's Cumulative Prior Year Federal Expenditures > $1,000,000: Yes
x) Audit verified? Yes
y) Debarred Vendor List Verification: Yes
z) OSBM Suspension of Funding List Verification: Yes

STATE OF NORTH CAROLINA
COUNTY OF WAKE

North Carolina Department of Agriculture and Consumer Services
North Carolina Forest Service Division

City of Hendersonville - Government

Contract Number: 25-055-4002

This Contract is hereby entered, by and between, the **North Carolina Department of Agriculture and Consumer Services, North Carolina Forest Service Division,** (the "Agency") and **the City of Hendersonville**, (the "Grantee"), and referred to collectively as the "Parties." The awarding of grant funds is subject to allocation and appropriation of funds to the Agency for the purposes set forth in this contract.

The Grantee's federal tax identification number is 56-6001242.
The Grantee's fiscal year ends on June 30.
The Grantee's legal address is 318 Fourth Avenue East, Hendersonville, NC 28792
The Grantee is legally located in Henderson County, District 14.
Its remittance address is: 318 Fourth Avenue East, Hendersonville, NC 28792
The Grantee's project title is: City of Hendersonville Urban Forest Assessment and Management Plan
The Contract's purpose is to educate and engage the community through the completion of a public tree inventory, tree canopy cover assessment and the development of an urban forest management plan to guide Hendersonville's future urban forest management efforts.
This Contract is Federally funded by Cooperative Forestry Assistance Act of 1978, Public Law 118-158 American Relief Act 2025.
CFDA/ALN Number (*if applicable*): 10.664
CFDA/ALN Program Name (*if applicable*): Inflation Reduction Act, Urban & Community Forestry Program
NCFS Account Coding:

	BF	Acct	AMU	Program	FS	Interfund	Project	Future	Future	Future
1000	101339	56400037	0000000	0000000	0000	000000	10G0431125	0000	000000	00000

Contract Documents:

This Contract consists of the Grant Contract and its attachments, all of which are identified by name:

1. This Contract
2. Attachment A: General Terms and Conditions
3. Attachment B: Scope of Work (including Timeline, Line-Item Budget and Budget Narrative)
4. Certifications and Assurances Section (Attachment C)
5. NC Openbook Supplemental Information (Attachment D)
6. Signature Card (Attachment E)
7. FFATA Data Reporting Requirements (for contracts greater than $30,000) (Attachment F)
8. Federal Regulations (Attachment G)

These documents constitute the entire Contract Packet between the Parties and supersede all prior oral or written statements or Contracts.

I. Precedence Among Contract Documents:

In the event of a conflict between or among the terms of the Contract Documents, the terms in the Contract Document with the highest relative precedence shall prevail. The order of precedence shall be the order of documents as listed in Paragraph 1, above, with the first-listed document having the highest precedence and the last-listed document having the lowest precedence. If there are multiple Contract Amendments, the most recent amendment shall have the highest precedence and the oldest amendment shall have the lowest precedence.

II. Effective Period:

This Contract shall be effective on **October 1, 2026,** and shall terminate on **September 30, 2028**.

(1) The Parties agree to maintain all pertinent records and documents for a period of five (5) years or until all audit exceptions have been resolved, whichever is longer.
(2) The Parties may terminate this Contract by mutual consent with 60 days' notice to the other party, or as otherwise provided by law.
(3) The Parties agree upon termination of this Contract any unexpended grant funds will revert to the Agency.

III. Contract Administrators:

All notices permitted or required to be given by one Party to the other and all questions about the Contract from one Party to the other shall be addressed and delivered to the other Party's Contract Administrator. The name, post office address, street address, telephone number, fax number, and email address of the Parties' respective initial Contract Administrator are set out below. Either Party may change the name, post office address, street address, telephone number, fax number, or email address of its Contract Administrator by giving timely written notice to the other Party.

For the Agency:

If Delivered by US Postal Service	If Delivered by Any Other Means
Name and Title: Sarah Hollis, Community Forestry Coordinator Address: North Carolina Forest Service 1616 Mail Service Center Raleigh, NC 27699-1600 Telephone: 919-857-4841 Email: sarah.hollis@ncagr.gov	Name and Title: Sarah Hollis, Community Forestry Coordinator Address: North Carolina Forest Service 512 N. Salisbury Street, 10th Floor, Raleigh, North Carolina 27604 Telephone: 919-857-4841 Email: sarah.hollis@ncagr.gov

For the Grantee:

Grantee Contract Administrator	Additional Grantee Contract Administrator
Name and Title: Caitlyn Gendusa, Sustainability Manager Address: PO Box 1810, Wilmington, NC 28402 Telephone: 910-765-0593 Email: sally.thigpen@wilmingtonnc.gov	None.

IV. Grantee's Duties:

The Grantee shall:

(1) Provide the goals, objectives, services, expected results, and itemized budget in *Attachment B: Scope of Work* prior to any fund disbursement.
(2) Make available all reports and records for inspection by the awarding agency, the Office of State Budget and Management, and the Office of the State Auditor for oversight, monitoring, and evaluation purposes.
(3) Be required to maintain compliance with the requirements set forth in CFR Title 2, Part 200 and 09 NCAC 03M .0703(14), including audit oversight by the Office of the State Auditor, access to the accounting records by both the funding entity and the Office of the State Auditor, and availability of audit work papers in the possession of any auditor of any recipient of State funding.
(4) Ensure that subrecipients comply with all reporting requirements established by this Subchapter and their contract and report to the appropriate disbursing entity, if applicable.
    a. The Grantee or its subrecipient(s) is not relieved of any of the duties and responsibilities of the original Contract.
    b. The Grantee and/or any subrecipient agree to abide by the standards contained in CFR Title 2, Part 200 and 09 NCAC 03M .0703(15) and to provide information in its possession that is needed by the recipient to comply with these standards.
(5) Have the option to request in writing to the Office of State Budget and Management to be removed from the Suspension of Funding List if they believe they have been suspended in error. Once removed from the Suspension of Funding List, the recipient is eligible for current and future grants.

V. Agency's Duties:

The Agency shall pay the Grantee in the manner and in the amounts specified in the Contract Documents. The total amount paid by the Agency to the Grantee under this Contract shall not exceed $259,619.20.

This amount consists of $259,619.20 in Cooperative Forestry Assistance funds.

There are no matching requirements from the Grantee.

The total Contract amount is $259,619.20.

VI. Conflict of Interest Policy:

The Agency has determined that the Grantee is a government agency and is not subject to N.C.G.S. § 143C-6-23(b). The Grantee is not required to file a *Conflict of Interest Policy* with the Agency prior to disbursement of funds.

VII. Statement of No Overdue Tax Debts:

The Agency has determined that the Grantee is a government agency and is not subject to N.C.G.S. § 143C-6-23(c). The Grantee is not required to file a *Statement of No Overdue Tax Debts* with the Agency prior to disbursement of funds.

VIII. Reporting Requirements:

The Agency has determined that the Grantee is a government agency and is not subject to N.C.G.S. § 143C-6-Part 3. The Grantee is not subject to the State reporting requirements.

Agency-Established Reporting Requirements:

(1) Programmatic: Grantees shall submit Progress Reports and proof of Accomplished Deliverables in accordance with the accomplishment reporting terms detailed in the Scope of Work (Attachment B). Grantee shall submit a Final Performance Report that displays how the programmatic assistance received or held was used for the purposes for which it was awarded as detailed in Attachment B within 30 days after the expiration of the contract term.
(2) Financial: Grantees shall submit Requests for Reimbursement in accordance with the payment terms detailed in the Scope of Work (Attachment B). Grantee shall submit a Final Request for Reimbursement not later than 30 days after the expiration or termination of this Contract.

Federal Reporting Requirements:

(1) FFATA: Congress passed the Federal Funding Accountability & Transparency Act (FFATA) in 2006 with the objective to promote open government by enhancing the federal government's accountability for its stewardship of public resources. The Grantee shall complete the FFATA Data Reporting Requirements, Attachment L**,** and if applicable, register in the Central Contractor Registration Database at https://www.sam.gov. **This applies to federal awards of $30,000 and over.**
(2) CFR Title 2, Part 200: Any Grantee that receives $1,000,000 or more in federal awards during its fiscal year from any source, including federal funds passed through the State or other grantors, must obtain a single audit or program-specific audit conducted in accordance with the Federal Office of Management and Budget's CFR Title 2, Part 200: "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards." If the above amounts are not met by one single funding agency, but rather any combination of funding agencies, then the appropriate reports must be uploaded to the website for the Federal Audit Clearinghouse (FAC). Also, a corrective action plan for any audit findings and recommendations must be submitted along with the audit report or within the period specified by the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards.

(3) Grantees that receive less than $1,000,000 in federal funds during its fiscal year from any source, are exempt from federal audit requirements for that year, except as noted in Subpart F Audit Requirements, but records must be available for review or audit by appropriate officials of the federal agency, pass-through entity, and General Accounting Office (GAO).

IX. Payment Provisions

Upon execution of this Contract, the Grantee shall submit to the Agency Contract Administrator a completed *Request for Payment/Reimbursement Package* which include invoices, reasoning, or any other pertinent documentation to support the request. All *Request for Payment/Reimbursement Packages* should be received no more than monthly, with a certified invoice(s) showing expenditures and matching funds, if applicable, for the current period and cumulatively for the entire project. Payment shall be made within 30 days of Agency approval.

The Grantee shall expend funds in accordance with CFR Part 200 and N.C.G.S. § 143C-6-23 (f1)(f2)(j). The Grantee shall account for any income earned, which may result from any funds awarded under this Contract, in the Agency *Request for Payment/Reimbursement Package*. Eligible uses of income earned are:

a) Expanding the project or program.

b) Continuing the project or program after grant ends; or
c) Supporting other projects or programs that further the broad objectives of the grant program.

If this Contract is terminated prior to the original end date, the Grantee may submit a final *Request for Payment/Reimbursement Package*. All unexpended funds shall be returned to the Agency within 60 days of the Contract termination date with a complete final financial report, accompanied by either a final invoice or a refund of any funds received but not expended. The Agency shall have no obligation to honor requests for payment based on expenditure reports submitted later than 60 days after termination or expiration of the Contract period.

Eligible expenditures for payment must be within the effective period noted in the Contract. Reimbursement may not be considered prior to the submission and final execution of the Contract.

All travel reimbursement shall be made in accordance with the current State rates, at the time of the expenditure, and shall be made in accordance with the "State Budget Manual" (NC OSBM State Budget Manual homepage).

Indirect costs are allowable expenditures under this Contract.

X. Fraud, Waste and Abuse

Grantee, including its employees, contractors, agents, interns, or any subrecipients, shall report suspected fraud, waste and abuse activities related to any state employee, vendor or sub recipient of state funds or state resources.

There are three methods for reporting suspected fraud, waste or abuse (FWA). Grantee can report suspected FWA directly to the Agency's Audit Services Division, to any member of the Agency's management team, or through the FWA reporting website below.

N.C.G.S. §143-748 permits Audit Services to treat all information as confidential. However, if an individual wishes to remain anonymous, reports can be submitted through the FWA reporting website: NCDACS Audit Services FWA Reporting Form

Under no circumstances should an individual attempt to personally conduct investigations or interviews /interrogations related to any suspected FWA act.

Investigation results will not be disclosed or discussed with anyone other than those who have a legitimate need to know. This is important to avoid damaging the reputations of suspected people but subsequently found innocent of wrongful conduct.

It is the Agency's policy that employees/contractors/sub recipients/interns will not suffer retaliation or harassment for reporting in good faith any FWA concerns. The Agency encourages openness and will support anyone who raises genuine concerns in good faith under this policy, even if they turn out to be unsubstantiated.

XI. Supplementation of Expenditure of Public Funds

The Grantee assures that funds received pursuant to this Contract shall be used only to supplement, not to supplant, the total amount of federal, State, and local public funds that the Grantee otherwise expends for activities involved with specialty services and related programs. Funds received under this Contract shall

be used to provide additional public funding for such services. The funds shall not be used to reduce the Grantee's total expenditure of other public funds for such services.

XI. Outsourcing

The Grantee certifies that it has identified to the Agency all jobs related to the Contract that have been outsourced to other countries, if any. The Grantee further agrees that it will not outsource any such jobs during the term of this Contract without providing prior notice to the Agency.

XII. Personal Identifying Information

N.C.G.S. §132-1.10(a-h) outlines the use and prohibition of the social security number and/or other personal identifying information for illegitimate or unlawful reasons. In execution of this Contract, you attest, for your entire organization, its employees, agents, and/or contractors, you will protect all social security numbers and/or other personal identifying information from illegitimate or unlawful usage according to applicable North Carolina General Statues and Policies set forth.

XIII. Signature Warranty:

The undersigned represent and warrant that they are authorized to bind their principals to the terms of this Contract.

IN WITNESS WHEREOF, the Grantee and the Agency execute this Contract as an electronic original, each party will be provided with a fully executed copy via electronic mail. It is required by 09 NCAC 03M that each party retain a fully executed copy of this contract.

Grantee: City of Hendersonville

Signature of Authorized Representative	Date
Printed Name	Title

Witness:

Signature of Authorized Representative	Date
Printed Name	Title

North Carolina Department of Agriculture and Consumer Services
Counter-Signature Authority

Date:

N. David Smith
Chief Deputy Commissioner

Steve Troxler
Commissioner

North Carolina Department of Agriculture and Consumer Services

N. David Smith
Chief Deputy Commissioner

ATTACHMENT A: GENERAL TERMS AND CONDITIONS
STATE, LOCAL, OR OTHER GOVERNMENT ENTITY

DEFINITIONS

Links to definitions are provided to meet the intent and requirements of *NC Administrative Rules 09 NCAC Admin Code 03M.0102, and the North Carolina General Statutes* unless otherwise noted. If the rule or statute that is the source of the definition is changed by the adopting authority, the change shall be incorporated herein.

(1) "Agency" (as used in the context of the definitions below) shall mean and include every public office, public officer or official (State or local, elected or appointed), institution, board, commission, bureau, council, department, authority or other unit of government of the State or of any county, unit, special district or other political subagency of government. For other purposes in this Contract, “Agency” shall mean the entity identified as one of the parties hereto.
(2) "Audit" means an examination of records or financial accounts to verify their accuracy.
(3) "Certification of Compliance" means a report provided by the Agency to the Office of the State Auditor that states that the Grantee has met the reporting requirements established by this Subchapter and included a statement of certification by the Agency and copies of the submitted grantee reporting package.
(4) "Compliance Supplement" refers to the North Carolina State Compliance Supplement, maintained by the State and Local Government Finance Agency within the North Carolina Department of State Treasurer that has been developed in cooperation with agencies to assist the local auditor in identifying program compliance requirements and audit procedures for testing those requirements.
(5) "Contract" means a legal instrument that is used to reflect a relationship between the agency, grantee, and subgrantee.
(6) "Fiscal Year" means the annual operating year of the non-State entity.
(7) "Financial Assistance" means assistance that non-State entities receive or administer in the form of grants, loans, loan guarantees, property (including donated surplus property), cooperative agreements, interest subsidies, insurance, food commodities, direct appropriations, and other assistance. Financial assistance does not include amounts received as reimbursement for services rendered to individuals for Medicare and Medicaid patient services.
(8) "Financial Statement" means a report providing financial statistics relative to a given part of an organization's operations or status.
(9) "Grant" means financial assistance provided by an agency, grantee, or subgrantee to carry out activities whereby the grantor anticipates no programmatic involvement with the grantee or subgrantee during the performance of the grant.
(10) "Grantee" has the meaning in N.C.G.S. §143C-6-23(a)(2): a non-State entity that receives a grant of State funds from a State agency, department, or institution but does not include any non-State entity subject to the audit and other reporting requirements of the Local Government Commission. For other purposes in this Contract, “Grantee” shall mean the entity identified as one of the parties hereto.
(11) "Grantor" means an entity that provides resources, generally financial, to another entity in order to achieve a specified goal or objective.
(12) "Non-State Entity" has the meaning in N.C.G.S. §143C-1-1(d)(18): Any of the following that is not a State agency: an individual, a firm, a partnership, an association, a county, a corporation, or any other organization acting as a unit. The term includes a unit of local government and public authority.
(13) "Public Authority" has the meaning in N.C.G.S. §143C-1-1(d)(22): A municipal corporation that is not a unit of local government or a local governmental authority, board, commission, council, or agency that (i) is not a municipal corporation and (ii) operates on an area, regional, or multiunit basis, and the budgeting and accounting systems of which are not fully a part of the budgeting and accounting systems of a unit of local government.
(14) "Single Audit" means an audit that includes an examination of an organization's financial statements, internal controls, and compliance with the requirements of federal or State awards.
(15) "Special Appropriation" means a legislative act authorizing the expenditure of a designated amount of public funds for a specific purpose.

Email: David.Smith@ncagr.gov
1001 Mail Service Center, Raleigh, North Carolina, 27699-1001
(919) 707-3033 ● Fax (919) 715-0026
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(16) "State Funds" means any funds appropriated by the North Carolina General Assembly or collected by the State of North Carolina. State funds include federal financial assistance received by the State and transferred or disbursed to non-State entities. Both federal and State funds maintain their identity as they are subgranted to other organizations. Pursuant to N.C.G.S. §143C-6-23(a)(1), the terms "State grant funds" and "State grants" do not include any payment made by the Medicaid program, the Teachers' and State Employees' Comprehensive Major Medical Plan, or other similar medical programs.

(17) "Subgrantee" has the meaning in N.C.G.S. §143C-6-23(a)(3): a non-State entity that receives a grant of State funds from a grantee or from another subgrantee but does not include any non-State entity subject to the audit and other reporting requirements of the Local Government Commission.

(18) "Unit of Local Government has the meaning in N.C.G.S. §143C-1-1(d)(29): A municipal corporation that has the power to levy taxes, including a consolidated city-county as defined by N.C.G.S. §160B-2(1), and all boards, agencies, commissions, authorities, and institutions thereof that are not municipal corporations.

RELATIONSHIPS OF THE PARTIES

Independent Contractor: The Grantee is and shall be deemed to be an independent contractor in the performance of this Contract and as such shall be wholly responsible for the work to be performed and for the supervision of its employees. The Grantee represents that it has, or shall secure at its own expense, all personnel required in performing the services under this agreement. Such employees shall not be employees of, or have any individual contractual relationship with the Agency.

Subcontracting: The Grantee shall not subcontract any of the work contemplated under this Contract without prior written approval from the Agency. Any approved subcontract shall be subject to all conditions of this Contract. Only the subcontractors or subgrantees specified in the contract documents are to be considered approved upon award of the contract. The Agency shall not be obligated to pay for any work performed by any unapproved subcontractors or subgrantees. The Grantee shall be responsible for the performance of all its subcontractors/subgrantees and shall not be relieved of any of the duties and responsibilities of this Contract.

Assignment: No assignment of the Grantee's obligations or the Grantee's right to receive payment hereunder shall be permitted. However, upon written request approved by the issuing purchasing authority, the State may:

(a) Forward the Grantee's payment check directly to any person or entity designated by the Grantee, or

(b) Include any person or entity designated by Grantee as a joint payee on the Grantee's payment check.

In no event shall such approval and action obligate the State to anyone other than the Grantee and the Grantee shall remain responsible for fulfillment of all contract obligations.

Subgrantees: The Grantee has the responsibility to ensure that all subgrantees, if any, provide all information necessary to permit the Grantee to comply with the standards set forth in this Contract.

Beneficiaries: Except as herein specifically provided otherwise, this Contract shall inure to the benefit of and be binding upon the parties hereto and their respective successors. It is expressly understood and agreed that the enforcement of the terms and conditions of this Contract, and all rights of action relating to such enforcement, shall be strictly reserved to the Agency and the named Grantee. Nothing contained in this document shall give or allow any claim or right of action whatsoever by any other third person. It is the express intention of the Agency and Grantee that any such person or entity, other than the Agency or the Grantee, receiving services or benefits under this Contract shall be deemed an incidental beneficiary only.

INDEMNITY

Indemnification: The Grantee agrees to indemnify and hold harmless the Agency, the State of North Carolina, and any of their officers, agents and employees, from any claims of third parties arising out of any act or omission of the Grantee in connection with the performance of this Contract to the extent permitted by law.

DEFAULT AND TERMINATION

Termination Without Cause: The Agency may terminate this contract without cause by giving 30 days written notice to the Grantee.

Termination by Mutual Consent: The Parties may terminate this Contract by mutual consent with 60 days notice to the other party, or as otherwise provided by law.

Termination for Cause: If, through any cause, the Grantee shall fail to fulfill its obligations under this Contract in a timely and proper manner, the Agency shall have the right to terminate this Contract by giving written notice to the Grantee and specifying the effective date thereof. In that event, all finished or unfinished deliverable items prepared by the Grantee under this Contract shall, at the option of the Agency, become its property and the

Grantee shall be entitled to receive just and equitable compensation for any satisfactory work completed on such materials, minus any payment or compensation previously made. Notwithstanding the foregoing provision, the Grantee shall not be relieved of liability to the Agency for damages sustained by the Agency by virtue of the Grantee's breach of this agreement, and the Agency may withhold any payment due the Grantee for the purpose of setoff until such time as the exact amount of damages due the Agency from such breach can be determined. The filing of a petition for bankruptcy by the Grantee shall be an act of default under this Contract.

Waiver of Default: Waiver by the Agency of any default or breach in compliance with the terms of this Contract by the Grantee shall not be deemed a waiver of any subsequent default or breach and shall not be construed to be modification of the terms of this Contract unless stated to be such in writing, signed by an authorized representative of the Agency and the Grantee and attached to the contract.

Availability of Funds: The parties to this Contract agree and understand that the payment of the sums specified in this Contract is dependent and contingent upon and subject to the appropriation, allocation, and availability of funds for this purpose to the Agency.

Force Majeure: Neither party shall be deemed to be in default of its obligations hereunder if and so long as it is prevented from performing such obligations by any act of war, hostile foreign action, nuclear explosion, riot, strikes, civil insurrection, earthquake, hurricane, tornado, or other catastrophic natural event or act of God.

Survival of Promises: All promises, requirements, terms, conditions, provisions, representations, guarantees, and warranties contained herein shall survive the contract expiration or termination date unless specifically provided otherwise herein, or unless superseded by applicable federal or State statutes of limitation.

INTELLECTUAL PROPERTY RIGHTS

Copyrights and Ownership of Deliverables: All deliverable items produced pursuant to this Contract are the exclusive property of the Agency. The Grantee shall not assert a claim of copyright or other property interest in such deliverables.

COMPLIANCE WITH APPLICABLE LAWS

Compliance with Laws: The Grantee shall comply with all laws, ordinances, codes, rules, regulations, and licensing requirements that are applicable to the conduct of its business, including those of federal, state, and local agencies having jurisdiction and/or authority.

Equal Employment Opportunity: The Grantee shall comply with all federal and State laws relating to equal employment opportunity.

Executive Order 24: In accordance with Executive Order 24 issued by Governor Perdue and N.C.G.S.§ 133-32, a vendor or contractor (i.e. architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, vendor, or grantee), is prohibited from making gifts or giving favors to any employee of the Agency of Agriculture and Consumer Services. This prohibition covers those vendors, contractors, and/or grantees who:

(a) have a Contract with a governmental Agency; or
(b) have performed under such a Contract within the past year; or
(c) anticipate bidding on such a Contract in the future.

For additional information regarding the specific requirements and exemptions, vendors, contractors, and/or grantees are encouraged to review Executive Order 24 and N.C.G.S. §133-32.

CONFIDENTIALITY

Confidentiality: Any information, data, instruments, documents, studies or reports given to or prepared or assembled by the Grantee under this agreement shall be kept as confidential and not divulged or made available to any individual or organization without the prior written approval of the Agency. The Grantee acknowledges that in receiving, storing, processing or otherwise dealing with any confidential information it will safeguard and not further disclose the information except as otherwise provided in this Contract.

Data Security: The Grantee shall adopt and apply data security standards and procedures that comply with all applicable Federal, State, and local laws, regulations, and rules.

Duty to Report: The Grantee shall report a suspected or confirmed security breach to the Agency's Contract Administrator within twenty-four (24) hours after the breach is first discovered, provided that the Grantee shall report a breach involving Social Security Administration data or Internal Revenue Service data within one (1) hour after the breach is first discovered. During the performance of this contract, the grantee is to notify the Agency Contract Administrator of any contact by the Federal Office for Civil Rights (OCR) received by the Grantee.

OVERSIGHT

Access to Persons and Records: The State Auditor shall have access to persons and records as a result of all

contracts or grants entered into by State agencies or political subdivisions in accordance with N.C.G.S 147-64.7. Additionally, as the State funding authority, the Agency shall have access to persons and records as a result of all contracts or grants entered into by State agencies or political subdivisions.

Record Retention: The Grantee and Agency agree to maintain all pertinent records and documentation for a period of five (5) years or until all audit exceptions have been resolved, whichever is longer.

MISCELLANEOUS

Choice of Law: The validity of this Contract and any of its terms or provisions, as well as the rights and duties of the parties to this Contract, are governed by the laws of North Carolina. The Grantee, by signing this Contract, agrees and submits, solely for matters concerning this Contract, to the exclusive jurisdiction of the courts of North Carolina and agrees, solely for such purpose, that the exclusive venue for any legal proceedings shall be Wake County, North Carolina. The place of this Contract and all transactions and agreements relating to it, and their situs and forum, shall be Wake County, North Carolina, where all matters, whether sounding in contract or tort, relating to the validity, construction, interpretation, and enforcement shall be determined.

Key Personnel: The Grantee shall not replace any of the key personnel assigned to the performance of this Contract without the prior written approval of the Agency. The term "key personnel" includes any and all persons identified as such in the Contract documents and any other persons subsequently identified as key personnel by the written agreement of the Parties.

Gender and Number: Masculine pronouns shall be read to include feminine pronouns and the singular of any word or phrase shall be read to include the plural and vice versa.

Amendment: This Contract may not be amended orally or by performance. Any amendment must be made in written form and executed by duly authorized representatives of the Agency and the Grantee.

Severability: In the event that a court of competent jurisdiction holds that a provision or requirement of this Contract violates any applicable law, each such provision or requirement shall continue to be enforced to the extent it is not in violation of law or is not otherwise unenforceable and all other provisions and requirements of this Contract shall remain in full force and effect.

Headings: The Section and Paragraph headings in these General Terms and Conditions are not material parts of the agreement and should not be used to construe the meaning thereof.

Time of the Essence: Time is of the essence in the performance of this Contract.

Care of Property: The Grantee agrees that it shall be responsible for the proper custody and care of any property furnished to it for use in connection with the performance of this Contract and will reimburse the Agency for loss of, or damage to, such property. At the termination of this Contract, the Grantee shall contact the Agency for instructions as to the disposition of such property and shall comply with these instructions.

Travel Expenses: Reimbursement to the Grantee for travel mileage, meals, lodging and other travel expenses incurred in the performance of this Contract shall not exceed the rates published in the applicable State rules. International travel shall not be reimbursed under this Contract.

Sales/Use Tax Refunds: If eligible, the Grantee and all subgrantees shall:

(a) ask the North Carolina Department of Revenue for a refund of all sales and use taxes paid by them in the performance of this Contract, pursuant to N.C.G.S. 105-164.14; and
(b) exclude all refundable sales and use taxes from all reportable expenditures before the expenses are entered in their reimbursement reports.

Advertising: The Grantee shall not use the award of this Contract as a part of any news release or commercial advertising.

Steve Troxler
Commissioner

North Carolina Department of Agriculture and Consumer Services

N. David Smith
Chief Deputy Commissioner

ATTACHMENT B: SCOPE OF WORK

I. ORGANIZATION:

a) Organization Name: City of Hendersonville, N.C.
b) Tax Identification #: 56-6001242
c) Organizational Fiscal Year End: June 30
d) EBS Award Number (All NonGov entities)
e) Background Information:

Hendersonville, NC, known as 'The City of Four Seasons', is nestled in the Blue Ridge Mountains. In addition to its natural beauty, Hendersonville's charming downtown and rich agricultural and cultural heritage brings visitors near and far. Hendersonville has been a Tree City USA member for 35 years. Our Tree Board, founded during the same time, is dedicated to preserving and expanding our tree canopy and natural resources. Our Property Maintenance staff of 18 and contracted arborist maintains the landscaping and natural resources within the City. Current community forestry related programs include the Bradford Pear Bounty tree replacement, NeighborWoods, and Heritage Tree programs. Our Tree Board also maintains a list of approved landscape plants for developers, gardeners, and homeowners. Lastly, our Tree Ordinance, revised in 2024 is the guiding document for tree canopy maintenance on private property.

II. PROJECT INFORMATION:

Project Name: City of Hendersonville Urban Forest Assessment and Management Plan
Project Location: City of Hendersonville, N.C.

III. FUNDING INFORMATION:

a) Source of funds: 101339 /10G0431125
b) Amount: $259,619.20

IV. Scope of Work:

a) Need Statement

Hurricane Helene devastated the tree canopy in Hendersonville and across Western North Carolina, with over 800,000 acres of timberland impacted by 100 mph winds and saturated soils in 2024. While Hendersonville has slowly started to assess the impact on our tree canopy, a robust tree inventory is needed to accurately assess the condition of our trees, which will inform Hendersonville's long term tree management work. As a municipality with no full-time arborist on staff, recording tree health and maintenance is difficult to complete. Currently, the City's contracted forester as well as a few full-time staff members will inventory trees as they are able however; no complete assessment and inventory of City trees has been completed before. A tree inventory assessment is essential to assess the condition of Hendersonville's tree canopy post-Hurricane Helene. This will enable City staff to properly allocate the necessary resources to improve tree health and ensure our tree canopy is resilient. Furthermore, since the last tree

canopy assessment was completed in 2023, showing a 2% canopy decrease from 2014 to 2022, our current data is outdated and showing already a decline in tree canopy. Several planning documents adopted by our City Council call for the completion of an urban forestry management plan and/or tree canopy analysis including the Gen H Comprehensive Plan and Sustainability Strategic Plan.

A comprehensive tree inventory of public trees and tree canopy assessment of public and private land is needed to assess the current state of the urban forest, identify priority areas for maintenance and planting, engage residents, and inform the development of an urban forestry management plan.

b) Goal, Objectives & Timeline:
   i) Goal
   The community will be educated and engaged in the completion of a public tree inventory, tree canopy cover assessment and the development of an urban forest management plan to guide Hendersonville's future urban forest management efforts.
   ii) Objectives
      (1) Urban forestry consulting contracts will be awarded by the end of quarter 2.
      (2) A complete tree inventory of public trees and a tree canopy cover assessment are completed by quarter 4.
      (3) An urban forest management plan is developed by the end of quarter 8.
      (4) The community has been educated and engaged in the completion of the project through to quarter 8.

   Expected Results:

   - Complete tree inventory of street trees and planting sites and public properties
   - Tree canopy cover assessment
   - Management plan
   - The community is engaged and educated about the project throughout the project duration.

V. Payment:

a) Payment terms:
   i) Quarterly Request for Reimbursement.
      (1) Quarterly reimbursement requests (RFRs) must be submitted within 20 days after the close of the quarter except for RFRs due in April, which must be submitted early for payment before the mandatory end-of-year state spending freeze. The final Request for Reimbursement will be due within 30 days of the end of the contract term.
      (2) Request for Reimbursement Schedule:
         (a) Quarterly due by dates
            (i) January 20, 2027
            (ii) April 5, 2027
            (iii) July 20, 2027
            (iv) October 20, 2027

(v) January 20, 2028
(vi) April 5, 2028
(vii) July 20, 2028

(b) Final due by date
(i) October 30, 2028

VI. Budget/Expenditures:

i) Budget Time period: Contract term; Start: October 1, 2026, and End: September 30, 2028
ii) Budget Detail: See attached Budget Worksheet.

VII. Reporting:

a) Performance:
i) Grant Contract Term Reporting
(1) Performance will be monitored during the contract term through submissions of the following. Reporting forms and instructions can be found in the Contract Reporting section of the U&CF Financial Assistance Program specifications and resources page at https://ncforestservice.gov/Urban/urban_resources_and_specifications.htm.
(2) Request for Reimbursement & Interim Progress Reports (RFRs)
(3) Accomplishment Deliverables
(a) The grantee will submit the following accomplishment deliverables due each project quarter for an acceptance review. Failure to meet this schedule may result in termination of the grant contract. Definitions of these deliverables are attached. (Grant Contract Accomplishment Deliverables and Definitions).
(b) Quarter 1 – Ends 12/31/26
(i) Tree Inventory Specifications
(ii) Canopy Cover Assessment specifications
(iii) Management Plan Specifications
(iv) Outreach Product(s)
(v) Outreach Event(s)
(c) Quarter 2 – Ends 3/28/27
(i) Outreach Program Plan
(ii) Tree Inventory Contract
(iii) Canopy Cover Assessment Contract
(iv) Management Plan Contract
(d) Quarter 3 – Ends 6/30/27
(i) Outreach Product(s)
(ii) Outreach Event(s)
(e) Quarter 4 – Ends 9/30/27
(i) Tree inventory report
(ii) Canopy Cover Assessment report
(f) Quarter 5 – Ends 12/31/27
(i) Outreach Product(s)
(ii) Outreach Event(s)
(g) Quarter 6 – Ends 3/28/28
(i) No Deliverables Due.

ATTACHMENT B: SCOPE OF WORK (Continued)

(h) Quarter 7 – Ends 6/30/28
  (i) Outreach Product(s)
  (ii) Outreach Event(s)
(i) Quarter 8 – Ends 9/30/28
  (i) Final Management Plan document

ii) Final Reporting
  (1) Accomplishment Measures
    (a) Submission of the Grant Contract Accomplishment Measures Report
    (b) Grantee's Accomplishment Measures
      (i) # outreach events
      (ii) # of outreach products
      (iii) # of people reached
      (iv) # trees inventoried
      (v) # acres analyzed
      (vi) # of volunteers (if applicable)
      (vii) # of volunteer hours (if applicable)
  (2) Final Report - Digital copy of a professionally published two-to-eight-page info-graphic style report with short narratives and graphics summarizing and celebrating the project. Sections to cover should include the following.
    (a) Need/Challenge
    (b) Goal
    (c) Objectives
    (d) Accomplishments noting measures
    (e) Contribution of the project to enhance urban and community forestry in the community.

b) Financial:
  i) Requests for Reimbursement
    (1) Instructions and required documentation can be found in the Contract Reporting section of the U&CF Financial Assistance Program specifications and resources page at https://www.ncforestservice.gov/Urban/urban_resources_and_specifications.htm.

VIII. Subgrants:

a) Does the Recipient anticipate that it will subgrant or pass down any funds to another organization: No
b) If yes, answer the following for each:
  i) Name of Subrecipient:
  ii) Program Name
  iii) Amount to Subrecipient:

Regarding the information contained herein, I certify to the best of my knowledge and ability the annual budget has been approved by the Grantee's Chief Financial Officer, Chief Executive Officer, or Board Chairperson.

ATTACHMENT B: SCOPE OF WORK (Continued)

Signature _____

Printed Name _____

Title _____

Date _____

NCFS Financial Assistance Project Cost Share Budget

Grantee Name:	City of Hendersonville, NC		RFA #	26-1	
Project Name:	City of Hendersonville Urban Forest Assessment and Management Plan		Funding Program:	HHR - 100% Reimburse, 15% Indirect	
NCFS/Grant Share					
Budget Item Category (select from dropdown)	**Description** (practice/activity to be completed)	**# Units**	**Unit Cost**	**Cost**	
Urban Foresty Consulting Services	Complete Tree Inventory Budget, Street trees & planting sites, public property/park trees, cost per tree	15340.0	$6.50	$99,710.00	
Urban Foresty Consulting Services	Tree Inventory Budget, 10% contingency	0.1	$99,710.00	$9,971.00	
Computer Software	Tree Inventory Management Software Budget, annual subscription per year	3.0	$5,500.00	$16,500.00	
Urban Foresty Consulting Services	Canopy Cover Assessment Budget	1.0	$24,436.00	$24,436.00	
Urban Foresty Consulting Services	Canopy Cover Assessment, 20% contingency	0.2	$24,436.00	$4,887.20	
Urban Foresty Consulting Services	Management Plan Budget	1.0	$94,650.00	$94,650.00	
Urban Foresty Consulting Services	Management Plan, 10% contingency	0.1	$94,650.00	$9,465.00	
				$0.00	
Applicant Share - If applicable					
Budget Item Category (select from dropdown)	**Description** (practice/activity completed, vendor name, unit cost structure)	**# Units**	**Unit Cost**		**Cost**
	Not Applicable				$0.00
				$259,619.20	**$0.00**
			Subtotal	**$259,619.20**	
		Indirect % - Not requested.	**0% Indirect $**	**$0.00**	
			Total Project Cost	**$259,619.20**	

26-1 CMC01 Hendersonville
Grant Contract Accomplishment Contract Deliverables

Introduction

The following is a list for project accomplishment deliverables to be submitted to NCFS U&CF for review accordance with the schedule outlined in Scope of Work, Grant Contract Instructions and NCFS U&CF best management practices as detailed on our website and the following definitions.

- Type of Review - The definitions of the type of review to be completed are as follows.
    - BMP Review – deliverable requires a content review and approval by NCFS U&CF to ensure deliverable meets NCFS U&CF best management practices prior to publishing or completion of work activity.
    - BMP Confirmation – requires confirmation the deliverable was completed; content review is not required.

Accomplishment Deliverables List and Definitions

- Outreach Program
    - Outreach program plan – BMP Confirmation, copy of plan detailing the outreach products to be developed, outreach events and schedule
    - Outreach product(s) – BMP Review, final draft and final products
    - Outreach event(s) – BMP Review, copy of media promotion
- Inventory & Assessment
    - Inventory
        - Tree Inventory Specifications - BMP Review, copy of tree inventory specifications to be utilized by a contractor prior to bid or staff to complete the tree inventory.
        - Tree Inventory Contract– BMP Confirmation, qualifications of awarded service provider and the fee schedule
        - Tree inventory report – BMP Confirmation, copy of the final tree inventory report and data
    - Canopy Cover Assessment
        - Canopy Cover Assessment specifications- BMP Review, copy of tree inventory specifications to be utilized by a contractor prior to bid or staff to complete the tree inventory.
        - Canopy Cover Assessment Contract– BMP Confirmation, qualifications of awarded service provider and the fee schedule
        - Canopy Cover Assessment report – BMP Confirmation, copy of the final report and data
- Management Plan

  - Management Plan Specifications - BMP Review, copy of specifications to be utilized to bid for services to develop the management plan.
  - Management Plan Contract - BMP Confirmation, qualifications of awarded service provider and the fee schedule
  - Final Management Plan document - BMP Confirmation, copy of report
- Final Report
- Accomplishment Measures
  - # outreach events
  - # of outreach products
  - # of people reached
  - # trees inventoried
  - # acres analyzed
  - # of volunteers if applicable
  - # of volunteer hours if applicable

Steve Troxler
Commissioner

North Carolina Department of Agriculture and Consumer Services

N. David Smith
Chief Deputy Commissioner

ATTACHMENT C: CERTIFICATION OF NO OVERDUE TAX DEBTS

Instructions: Copy this form *(from Date of Certification through Notary)* **onto your business letterhead**.
Please change the items in blue for your respective entity. Grantee should complete this certification form for all State funds received. The completed and signed form must be provided to the State agency funding the grant and attached to the contract (*Attachment C*). A copy of this form, along with the completed contract, should be maintained by all grant parties and available for review by the Office of State Budget and Management.

Date of Certification:

To: N. David Smith, Chief Deputy Commissioner

We certify that **Business Name** does not have any overdue tax debts at the Federal, State, or local level, as defined by North Carolina General Statue (N.C.G.S.) § 105-243.1. We further understand that any person making a false statement in violation of N.C.G.S. § 143C-6-23(c) is guilty of a criminal offense punishable as guided by N.C.G.S. § 143C-10-1(b).

Name of Authorizing Official and **Name of Second Authorizing Official**, being duly sworn that we are the **Authorizing Official Title** and **Second Authorizing Official Title**, respectively of **Business Name** of **Business County** in the State of North Carolina, and the foregoing certification is true, accurate and complete to the best of our knowledge and was made and subscribed by us. We acknowledge and comprehend any misuse of State funds will be reported to the appropriate authority for further action.

_____ _____
Authorizing Official Signature Second Authorizing Official Signature

NOTARY

_____ County, North Carolina

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he/she/they signed the foregoing document:

Date:

(Official Seal)

_____
Official Signature of Notary

,Notary Public

Notary's printed or typed name

My commission expires:

Steve Troxler
Commissioner

North Carolina Department of Agriculture and Consumer Services

N. David Smith
Chief Deputy Commissioner

ATTACHMENT D: CERTIFICATIONS AND ASSURANCES
GRANTEES WHO ARE INDIVIDUALS

CERTIFICATIONS REGARDING LOBBYING, NONPROCUREMENT, DEBARMENT, SUSPENSION AND DRUG-FREE WORKPLACE

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Signature on this form provides compliance with the certification requirements under Title 2 CFR Subtitle B Chapter IV Part 417 *Non-procurement Debarment and Suspension,* Title 2 CFR Subtitle B Chapter IV Part 418 *New Restrictions on Lobbying,* Title 2 CFR Subtitle B Chapter IV Part 421 *Requirements for Drug-Free Workplace (Financial Assistance),* and Title 2 CFR Subtitle A Chapter I Part 180 *OMB Guidelines to Agencies on Governmentwide Department and Suspension.*
The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Agriculture and Consumer Services determines to award the covered transaction, grant, or cooperative agreement.

1. LOBBYING

As required by authority: 31 USC 1352: *Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions* and implemented via Title 2 CFR Subtitle A Chapter I Part 180 *OMB Guidelines to Agencies on Governmentwide Department and Suspension*, for persons entering into a grant or cooperative agreement over $100,000, as defined at Title 2 CFR Subtitle B Chapter IV §418.110 *Certification and Disclosure*, the applicant certifies to the best of their knowledge and belief, that:

1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal contract, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form -LLL, “Disclosure Form to Report Lobbying” in accordance with its instructions.
3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 USC 1352: *Limitation on use of appropriated funds to influence certain*

ATTACHMENT D: CERTIFICATIONS AND ASSURANCES
GRANTEES WHO ARE INDIVIDUALS

Federal contracting and financial transactions. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

2. NONPROCUREMENT, DEBARMENT, AND SUSPENSION

As required by Executive Order 12549 *Debarment and Suspension of Participants in Federal Programs,* and implemented at Title 2 CFR Subtitle A Chapter I Part 180 *OMB Guidelines to Agencies on Governmentwide Department and Suspension,* and Title 2 CFR Subtitle B Chapter IV Part 417 *Non-procurement Debarment and Suspension* for prospective participants in primary covered transactions, as defined at Title 2 CFR Subtitle A Chapter I Subpart D §180.435 *What must I require of a primary tier participant?* and Title 2 CFR Subtitle B Chapter IV Subpart C §417.332 *What methods must I use to pass down requirements to participants in lower tier covered transactions with whom I intend to do business*?, the applicant certifies that it and its principals:

a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency
b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property
c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph 2. (a) (b) of this certification
d) Have not within a three-year period preceding this application had one or more public transaction (Federal, State, or local) terminated for cause or default
e) Agree to include a term or condition in lower tier covered transactions requiring lower tier participants to comply with Title 2 CFR Subtitle A Chapter I Part 180 *OMB Guidelines to Agencies on Governmentwide Department and Suspension* as supplemented by Title 2 CFR Subtitle B Chapter IV Part 417 Subpart C.

Where the applicant is unable to certify to any of the statements in this certification, he/she/they shall attach an explanation to this certification.

3b. DRUG-FREE WORKPLACE

As required by the Drug-Free Workplace Act of 1988 (41 USC Ch. 81: *Drug-Free Workplace*) and implemented via Title 2 CFR Subtitle A Chapter I Part 182 Subpart C *Requirements for Recipients Who Are Individuals*.

As a condition of the grant, I certify I will comply with the drug-free workplace requirements in Subpart B (or Subpart C, if the recipient is an individual) of Title 2 CFR Subtitle B Chapter IV Part 421 *Requirements for Drug-Free Workplace (Financial Assistance)* which adopts the Government-wide implementation (Title 2 CFR Subtitle A Chapter I Part 182) of the Drug-Free Workplace Act of 1988 (41 USC Ch. 81: *Drug-Free Workplace*) as published in Pub.L100-690 Title V §5152-5158 November 18, 1988 Stat. 4308.

ATTACHMENT D: CERTIFICATIONS AND ASSURANCES
GRANTEES WHO ARE INDIVIDUALS

I agree to notify the Agency as required by 2 CFR 182.300(b) of any conviction for a criminal drug offense within ten calendar days of the conviction. The notice shall include the identification number(s) of each affected grant.

The grantee must provide the location site(s) for the performance of work done in connection with the specific grant.

Place of Performance		
Street Address		
Street Address Two		
City, State, Zip		

As the duly authorized representative of the Grantee, I hereby certify and state to the best of my knowledge and belief that the Grantee will comply with the above certifications.

Date:
Organization Name:

Signature of Authorized Representative

Printed Name of Authorized Representative

Title

Steve Troxler
Commissioner

North Carolina Department of Agriculture and Consumer Services

N. David Smith
Chief Deputy Commissioner

ATTACHMENT E : CONFLICT OF INTEREST POLICY CERTIFICATION

Instructions: A copy of your Agency's current *Conflict of Interest Policy* must be attached to this completed form.

State of North Carolina

County of

This form is to certify that our organization's *Conflict of Interest Policy* is current.

The *Conflict of Interest Policy's* effective date is _____.
(mo/day/yr)

The *Conflict of Interest Policy's* approved or adopted date is _____.
(mo/day/yr)

The policy was approved by:

- ☐ Owner
- ☐ Board of Directors
- ☐ Other _____

A copy of our Conflict of Interest Policy is attached. (YES / NO)
{Please circle one}

_____
Signature Date

_____
Printed Name Title

ATTACHMENT F: NC OPENBOOK SUPPLEMENTAL INFORMATION

INSTRUCTIONS: Complete the information below and return it to the Contract Administrator identified in your original contract. This information must be submitted as part of your contract. If you have questions, please contact the Contract Administrator or the Alternate Contact as reflected in your contract.

PURPOSE: In January 2009, Executive Order 4 was signed by the Governor of North Carolina. This Executive Order requires certain information be collected from Grantees to enhance accountability and transparency of State funds. Therefore, the information outlined below shall be submitted prior to the disbursement of any State funds by the North Carolina Department of Agriculture and Consumer Services.

Contract Number: _____ Amendment Number: _____
Grantee Name: _____
UEI Number: _____
Tax ID Number: _____
Fiscal Year End: _____

1. Brief Description and Background/History of your Organization.

Items to include are the number of years in existence, number of employees, mission and goals of your organization.

2. Current project timeline. Begin _____ End _____

3. Expected outcomes and specific deliverables.

EXPECTED OUTCOMES AND SPECIFIC DELIVERABLES
(Example: Expected Outcome: Aquaculture operation will remain in business. Deliverable: Healthy food made available for human consumption.)

4. The Grantee's WEB URL: _____

5. * Primary County of Performance. County Name: _____
(CONGRESSIONAL DISTRICT # MUST BE IDENTIFIED) Congressional District #: _____

6. **County of Benefit: Single County: ☐ Yes ☐ No County Name: _____
Statewide: ☐ Yes ☐ No
Regional: ☐ Yes ☐ No

7. If the answer to question number 6 is "Regional", list the counties receiving benefit.

_____
_____
_____

Primary County of Performance: County in which grantee is located.

****County of Benefit: Identified county or counties in which funding will be spent and/or food commodities will be received.***

Steve Troxler
Commissioner

North Carolina Department of Agriculture and Consumer Services

N. David Smith
Chief Deputy Commissioner

ATTACHMENT G : IRS FEDERAL TAX-EXEMPT LETTER AND 501(C) CERTIFICATION FORM EXAMPLES

INSTRUCTIONS: The following items are provided for informational use only. The Grantee must replace this attachment with a copy of their IRS Federal Tax Exemption Letter and 501(c) Certification Letter.

IRS Department of the Treasury
Internal Revenue Service
P.O. Box 2508
Cincinnati OH 45201

In reply refer to: 0248574155
Apr. 20, 2011 LTR 4168C E0
[redacted] 000000 00
00016046
BODC: TE

[redacted]

032072

Employer Identification Number: [redacted]
Person to Contact:
Toll Free Telephone Number:

Dear Taxpayer:

This is in response to your Apr. 11, 2011, request for information regarding your tax-exempt status.

Our records indicate that you were recognized as exempt under section 501(c)(3) of the Internal Revenue Code in a determination letter issued in August 1963.

Our records also indicate that you are not a private foundation within the meaning of section 509(a) of the Code because you are described in section 509(a)(2).

Donors may deduct contributions to you as provided in section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to you or for your use are deductible for Federal estate and gift tax purposes if they meet the applicable provisions of sections 2055, 2106, and 2522 of the Code.

Please refer to our website www.irs.gov/eo for information regarding filing requirements. Specifically, section 6033(j) of the Code provides that failure to file an annual information return for three consecutive years results in revocation of tax-exempt status as of the filing due date of the third return for organizations required to file. We will publish a list of organizations whose tax-exempt status was revoked under section 6033(j) of the Code on our website beginning in early 2011.

ATTACHMENT G : IRS FEDERAL TAX-EXEMPT LETTER AND 501(C) CERTIFICATION FORM EXAMPLES

Department of the Treasury
Internal Revenue Service
Tax Exempt and Government Entities
P.O. Box 2508
Cincinnati, OH 45201

DESTIEL
5900 BALCONES DRIVE STE 8341
AUSTIN, TX 78731

Date:
10/30/2023
Employer ID number:
93-2727850
Person to contact:
Name: Customer Service
ID number: 31954
Telephone: (877) 829-5500
Accounting period ending:
December 31
Public charity status:
509(a)(2)
Form 990 / 990-EZ / 990-N required:
Yes
Effective date of exemption:
August 04, 2023
Contribution deductibility:
Yes
Addendum applies:
No
DLN:
26053683010723

Dear Applicant:

We're pleased to tell you we determined you're exempt from federal income tax under Internal Revenue Code (IRC) Section 501(c)(3). Donors can deduct contributions they make to you under IRC Section 170. You're also qualified to receive tax deductible bequests, devises, transfers or gifts under Section 2055, 2106, or 2522. This letter could help resolve questions on your exempt status. Please keep it for your records.

Organizations exempt under IRC Section 501(c)(3) are further classified as either public charities or private foundations. We determined you're a public charity under the IRC Section listed at the top of this letter.

If we indicated at the top of this letter that you're required to file Form 990/990-EZ/990-N, our records show you're required to file an annual information return (Form 990 or Form 990-EZ) or electronic notice (Form 990-N, the e-Postcard). If you don't file a required return or notice for three consecutive years, your exempt status will be automatically revoked.

If we indicated at the top of this letter that an addendum applies, the enclosed addendum is an integral part of this letter.

Letter 947 (Rev. 2-2020)
Catalog Number 35152P

Federal Funding Accountability and Transparency Act (FFATA) Data Reporting Requirements

GRANTEE: This form only needs to be filled out if your grant award is above $30,000 . Please review all three (3) sections below. ***See the paragraph below for information on why this information in required.***

SECTION 1: EXEMPTION FROM FFATA DATA REPORTING REQUIREMENT

Check the box below as applicable:

☐ Individual – defined as one who applies for or receives an award as a natural person (i.e. unrelated to any business or nonprofit organization he or she may own or operate in his or her name).

☐ Entity with a gross income, from all sources, of ***less*** than $300,000 in the previous tax year.

- Entity is defined as:
  - Governmental organization, which is a State, local government, or Indian Tribe:
  - Foreign public entity.
  - Domestic or foreign nonprofit organization.
  - Domestic or foreign for-profit organization: and
  - Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.

☐ If the required reporting would disclose classified information.

☐ I do NOT meet any requirements listed above. (If you do NOT meet any of the requirements, strike through the signature box below, or if filling out electronically put N/A in each section).

If you **have** checked one of the boxes above, you are exempt from FFATA reporting, please fill out the information below and sign and date:
You can sign the following ways:

- Electronic Signature
- Original signature with blue or black ink

Entity Name: _____

Name of person filling out form: _____

Title: _____

Signature: _____

Date: _____

SECTION II: EXECUTIVE COMPENSATION INFORMATION:

1. In your business or organization's previous fiscal year, did your business or organization (including parent organization, all branches, and all affiliates worldwide) receive:
   a. 80% or more of your annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance (e.g. loans, grants, subgrants, and/or cooperative agreements, etc.) subject to the Transparency Act, as defined at 2 CFR170.320

   AND

   b. $25,000,000 or more in annual gross revenues from U.S. Federal procurement contracts (and subcontracts) and Federal financial assistance (e.g. loans, grants, subgrants, and/or cooperative agreements, etc.) subject to the Transparency Act

   ☐ YES ☐ NO

If the answer to Question 1 is **"Yes,"** continue to Question 2. If the answer to Question 1 is **"No",** move to the signature block below to complete the certification and submittal process.

2. Does the public have access to information about the compensation of the executives in your business or organization (including parent organization, all branches, and all affiliates worldwide) through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or Section 6104 of the Internal Revenue Code of 1986?

   ☐ YES ☐ NO

   If the answer to Question 2 is **"Yes,"** move to the signature block below to complete the certification and submittal process. [Note: Securities Exchange Commission information should be accessible at http://www.sec.gov/answers/execomp.htm. Requests for Internal Revenue Service (IRS) information should be directed to the local IRS for further assistance.]
   If the answer to Question 2 is **"No"** FFATA reporting is required.

Directions for filling out the chart:

- Report the "Total Compensation" for the five (5) most highly compensated "Executives", in rank order, in your organization.
- "Executive" is defined as "officers, managing partners, or other employees in management positions" (defined in 2 CFR Ch. 1 Part 170 Appendix A)
- "Total Compensation" is defined as the cash and noncash dollar value earned by the executive during the most recently completed fiscal year and includes the following:
  - Salary and bonus.
  - Awards of stock, stock options, and stock appreciation rights. Use the dollar amount recognized for financial statement reporting purposes with respect to the fiscal year in accordance with the Statement of Financial Accounting Standards No. 123 (Revised 2004) (FAS 123R), Shared Based Payments

- Earnings for services under non-equity incentive plans. This does not include group life, health, hospitalization or medical reimbursement plans that do not discriminate in favor of executives and are available generally to all salaried employees.
- Change in pension value. This is the change in present value of defined benefit and actuarial pension plans
- Above-market earnings on deferred compensation which is not tax-qualified.
- Other compensation, if the aggregate value of all such other compensation (e.g. severance, termination payments, value of life insurance paid on behalf of the employee, perquisites or property) for the executive exceeds $10,000.

TOTAL COMPENSATION CHART FOR MOST RECENTLY COMPLETED FISCAL YEAR

(Date of Fiscal Year Completion (mm/dd/yyyy)): _____

Rank (Highest to Lowest)	Name	Title	Total Compensation
1			
2			
3			
4			
5			

SECTION III: ENTITIES REQUIRED TO PROVIDE FFATA DATA:

If your entity had a GROSS income from all sources of **OVER** $300,000 in the previous tax year, or your Entity is not exempt from providing executive compensation, you are required to provide the following information. Please complete information requested below and follow Further Instructions as stated below:

Entity's Legal Name:

UEI Number of Entity: (If you have received one- please indicate if you have opened a validation case with SAM.gov and currently waiting assistance) :

SSN/EIN/ITIN:

Entity Location (Street Address, City/State/Zip Code):

County:

* The Federal Funding Accountability and Transparency Act (signed on September 26, 2006) requires the Office of Management and Budget (OMB) to maintain a single, searchable website that contains information on all federal spending awards, which is www.USASpending.gov. The Transparency Act prescribes specific pieces of information to be reported. The North Carolina Department of Agriculture and Consumer Services must provide certain data about its sub awards.

Federal Regulations and Contract Provisions

Uniform Grant Guidance (applies to all grants)
2 CFR Chapter I, and Chapter II Parts 200, 215, 220, 225, and 230 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards.

Revised to **Uniform Guidance Title 2 Part 200** Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, eff. 12/24/14.

Emergency Food Assistance (Administrative Costs)
10.568 2CL
7 CFR Part 251; refer to 7 CFR Part 250 for applicable provisions on USDA Foods handling.

Emergency Food Assistance (Food Commodities)
10.569 2CL
7 CFR Part 251; refer to 7 CFR Part 250 for applicable provisions on USDA Foods handling.

National School Lunch Program
10.555
Program regulations on operational requirements are codified at 7 CFR Parts 210, and 7 CFR 245 for free and reduced price meal eligibility.

Commodity Supplemental Food Program
10.565
7 CFR Part 247.

Special Crop Block Grant – Farm Bill
10.170
OMB Guidance for Grants Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at 2 CFR part 200 and 2 CFR 400 applies to this program. 2 CFR 200, Subpart E - Cost Principles applies to this program.
Additional information about the Specialty Crop Block Grant Program is available at www.ams.usda.gov/scbgp. Additional information about the Specialty Crop Multi-State Program is available at www.ams.usda.gov/scmp .

Cooperative Forestry Assistance
10.664
Forest Service Manual- Titles 3000, 3100, 3200, 3300, 3400, 3500, 3600, 3700, 3800, and 3900 available in all Forest Service offices, and State Forestry agency offices. Grant regulations found at 2 CFR 200 as implemented and supplemented by USDA at 2 CFR 400.

Nonpoint Source Implementation Grants
66.460
Operational grant guidelines for FY 2013 Nonpoint Source Program and Grants Guidelines for States and Territories (Oct. 23, 2003). The guidelines can be found at https://www.epa.gov/polluted-runoff-nonpoint-source-pollution/319-grant-historic-guidance.
The revised guidelines published on April 12, 2013 apply for FY 2014 and beyond and can be found at https://www.epa.gov/polluted-runoff-nonpoint-source-pollution/319-grant-current-guidance.

Tribal grant information is posted at http://www.epa.gov/nps/tribal.

Basic and Applied Scientific Research
12.300
Department of Defense Grant and Agreement Regulations (DoDGARS) and refer to ONR website – http://www.onr.navy.mil

The Grantee agrees to abide by all applicable federal administrative and audit requirements, cost principles and program regulations.

The electronic code of federal regulation is available at the U.S. Government Printing Office's website, http://www.ecfr.gov. The Catalog of Federal Domestic Assistance is available at https://www.cfda.gov.

Appendix II to Part 200—Contract Provisions for Non-Federal Entity Contracts Under Federal Awards

In addition to other provisions required by the Federal agency or non-Federal entity, all contracts made by the non-Federal entity under the Federal award must contain provisions covering the following, as applicable.

(A) Contracts for more than the simplified acquisition threshold currently set at $150,000, which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) as authorized by 41 U.S.C. 1908, must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.

(B) All contracts in excess of $10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be effected and the basis for settlement.

(C) Equal Employment Opportunity. Except as otherwise provided under 41 CFR Part 60, all contracts that meet the definition of "federally assisted construction contract" in 41 CFR Part 60-1.3 must include the equal opportunity clause provided under 41 CFR 60-1.4(b), in accordance with Executive Order 11246, "Equal Employment Opportunity" (30 FR 12319, 12935, 3 CFR Part, 1964-1965 Comp., p. 339), as amended by Executive Order 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," and implementing regulations at 41 CFR part 60, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor."

(D) Davis-Bacon Act, as amended (40 U.S.C. 3141-3148). When required by Federal program legislation, all prime construction contracts in excess of $2,000 awarded by non-Federal entities must include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 3141-3144, and 3146-3148) as supplemented by Department of Labor regulations (29 CFR Part 5, "Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction"). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The non-Federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency. The contracts must also include a provision for compliance with the Copeland "Anti-Kickback" Act (40 U.S.C. 3145), as supplemented by Department of Labor regulations (29 CFR Part 3, "Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States"). The Act provides that each contractor or subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency.

(E) Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708). Where applicable, all contracts awarded by the non-Federal entity in excess of $100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5). Under 40 U.S.C. 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is

permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

(F) Rights to Inventions Made Under a Contract or Agreement. If the Federal award meets the definition of "funding agreement" under 37 CFR §401.2 (a) and the recipient or subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that "funding agreement," the recipient or subrecipient must comply with the requirements of 37 CFR Part 401, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," and any implementing regulations issued by the awarding agency.

(G) Clean Air Act (42 U.S.C. 7401-7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251-1387), as amended—Contracts and subgrants of amounts in excess of $150,000 must contain a provision that requires the non-Federal award to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).

(H) Debarment and Suspension (Executive Orders 12549 and 12689)—A contract award (see 2 CFR 180.220) must not be made to parties listed on the governmentwide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), "Debarment and Suspension." SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.

(I) Byrd Anti-Lobbying Amendment (31 U.S.C. 1352)—Contractors that apply or bid for an award exceeding $100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.

(J) See §200.322 Procurement of recovered materials.

[78 FR 78608, Dec. 26, 2013, as amended at 79 FR 75888, Dec. 19, 2014]

Steven W. Troxler
Commissioner

North Carolina Department of Agriculture and Consumer Services
Budget and Finance Division

Shaundrelle Todd
Grants & Contracts

ATTACHMENT J: GRANT OUTCOMES AND ACCOMPLISHMENTS FINAL REPORT

North Carolina Department of Agriculture and Consumer Services is requesting a narrative of the final outcomes and accomplishments related to the funds provided to your agency.

ORGANIZATION NAME:

Outcomes and Accomplishments: *Please provide a detailed narrative regarding the impact the funds had on your agency. Details on the outcomes and accomplishments of the past year and how these funds were necessary to help you achieve these items should also be included in the narrative. Some questions to consider answering in the narrative:*

How did this funding help advance and expand your programs?
What was the final outcome for all of your goals and objectives as outlined in the scope of work?
Were there any additional outcomes not listed in the scope of work?
What is the most remarkable accomplishment/finding of your project?

I certify that funds referenced in this document were used in accordance with applicable laws and regulations; and the terms and conditions as stated in any contracts, agreements, or use of allocated funds between the State of North Carolina and the sub-recipient based on the information provided to the NC Department of Agriculture and Consumer Services.

Name and Title: _____

Signature: _____ Date:_____

E-mail: shaundrelle.todd@ncagr.gov
1001 Mail Service Center, Raleigh, N.C. 27699-1001 ● (919) 707-3051 ● Fax (919)715-0026
An Equal Opportunity Employer

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: Adam Murr **MEETING DATE:** 10/01/2026

AGENDA SECTION: CONSENT **DEPARTMENT:** Administration

TITLE OF ITEM: October 2026 Budget Amendments – *Adam Murr, Budget & Eval. Director*

SUGGESTED MOTION(S):

I move City Council adopt budget amendment(s) 10012026-01, 10012026-02, 10012026-03, 10012026-04, and 10012026-05 as presented.

SUMMARY:

- **10012026-01.** An FY26 end-of-year amendment in the General Fund and Water and Sewer Fund in preparation for the annual audit process.
- **10012026-02.** An FY26 amendment transferring $49,000 from the FY25 Vehicle and Equipment Loan Project (#VE025) to the Water and Sewer Operating Fund.
- **10012026-03.** An FY27 amendment increasing police misc. income related to the National Night Out event.
- **10012026-04.** An FY27 amendment to the WWTP Belt Filter Project #25002, increasing the Project to $370,000 through transfers in from the W&S Capital Reserve Fund and changes in ARPA grant revenue originally included in the WWTP UV Project (#16023) budget.
- **10012026-05.** An FY27 amendment reflecting the acquisition of a Police Department Ford Maverick using existing FY27 Vehicle and Equipment Loan resources. The Maverick will be used by a newly created Civilian Traffic/Crash Investigator position. The estimated cost of the Maverick is $37,500. The City expects to purchase all 13 police vehicles noted in the VE027 project within the original $845,850 appropriation.

BUDGET IMPACT: Described Above

Is this expenditure approved in the current fiscal year budget? N/A

If no, describe how it will be funded.

ATTACHMENTS:
Budget Amendments 10012026-01, 10012026-02, 10012026-03, 10012026-04, and 10012026-05.

TO MAYOR & COUNCIL **FISCAL YEAR 2026**

APPROVAL: October 01, 2026 **FORM: 10012026-01**

BUDGET AMENDMENT

FUND 010 | 060					
ACCOUNT NUMBER	**ACCOUNT DESCRIPTION**	**EXISTING BUDGET**	**INCREASE**	**DECREASE**	**REVISED BUDGET**
010-0000-470100	Transfer in (from 301, #G2205)	7,500	75,000	-	82,500
010-0000-534999	Contingencies (FY26)	9,490	75,000	-	84,490
FUND 010 General Fund	TOTAL REVENUES	7,500	75,000	-	82,500
	TOTAL EXPENDITURES	9,490	75,000	-	84,490
060-0000-444299	Water Sales (FY26)	17,788,215	765,000	-	18,553,215
060-0000-445299	Sewer Charges (FY26)	8,441,865	235,000	-	8,676,865
060-0000-470010	Transfer in (from 460, #VE025, FY26)	289,855	49,000	-	338,855
060-0000-534999	Contingencies (FY26)	39,531	49,000	-	88,531
060-0000-598901	Transfer Out (FY26)	763,411	1,000,000	-	1,763,411
FUND 060 W&S Operating	TOTAL REVENUES	26,519,935	1,049,000	-	27,568,935
	TOTAL EXPENDITURES	802,942	1,049,000	-	1,851,942
End of year amendments to the General Fund and Water and Sewer Fund in preparation for the annual audit process.					

The City Manager and City Clerk certify budget ordinance amendment 10012026-01 was approved by City Council on October 01, 2026.

City Manager Date

City Clerk Date

TO MAYOR & COUNCIL **FISCAL YEAR 2026**

APPROVAL: October 01, 2026 **FORM: 10012026-02**

BUDGET AMENDMENT

FUND 460					
ACCOUNT NUMBER	**ACCOUNT DESCRIPTION**	**EXISTING BUDGET**	**INCREASE**	**DECREASE**	**REVISED BUDGET**
460-0000-598901-VE025	Transfer Out (to 460, #VE027, FY26)	49,000	-	49,000	-
460-0000-598901-VE025	Transfer Out (to 060, FY26)	289,855	49,000	-	338,855
FUND 460	TOTAL REVENUES	338,855	49,000	49,000	338,855
W&S Capital Projects	TOTAL EXPENDITURES	-	-	-	-
An amendment transferring $49,000 from the FY25 Vehicle and Equipment Loan (#VE025) Project to the Water & Sewer Operating Fund in FY26.					

The City Manager and City Clerk certify budget ordinance amendment 10012026-02 was approved by City Council on October 01, 2026.

City Manager Date

City Clerk Date

TO MAYOR & COUNCIL **FISCAL YEAR 2027**

APPROVAL: October 01, 2026 **FORM: 10012026-03**

BUDGET AMENDMENT

FUND 010					
ACCOUNT NUMBER	**ACCOUNT DESCRIPTION**	**EXISTING BUDGET**	**INCREASE**	**DECREASE**	**REVISED BUDGET**
010-0000-460002	Misc. Income - Police (NNO, check 2)	1,500	200	-	1,700
010-0000-460002	Misc. Income - Police (NNO, check 3)	1,700	500	-	2,200
010-1300-532250	Outreach Program	25,000	700	-	25,700
FUND 010	TOTAL REVENUES	3,200	700	-	3,900
General Fund	TOTAL EXPENDITURES	25,000	700	-	25,700
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 10012026-03 was approved by City Council on October 01, 2026.

City Manager Date

City Clerk Date

TO MAYOR & COUNCIL **FISCAL YEAR 2027**
APPROVAL: October 01, 2026 **FORM: 10012026-04**

BUDGET AMENDMENT

FUND 459 | 460					
ACCOUNT NUMBER	**ACCOUNT DESCRIPTION**	**EXISTING BUDGET**	**INCREASE**	**DECREASE**	**REVISED BUDGET**
459-0000-470900	Fund Balance Appropriated	-	115,150	-	115,150
459-0000-598901	Transfer Out (to 460, #25002)	-	115,150	-	115,150
FUND 459	TOTAL REVENUES	-	115,150	-	115,150
W&S Capital Reserve	TOTAL EXPENDITURES	-	115,150	-	115,150
460-0000-420050-16023	Grant Revenue (NCDEQ 2022 | ARPA)	3,621,784	-	254,850	3,366,934
460-0000-470100-16023	Transfer In (from 459)	400,000	-	-	400,000
460-1014-550103-16023	Capital Outlay CIP	3,621,784	-	254,850	3,366,934
460-1014-550102-16023	Capital Outlay Services and Fees	400,000	-	-	400,000
FUND 460, #16023	TOTAL REVENUES	4,021,784	-	254,850	3,766,934
WWTP UV Project	TOTAL EXPENDITURES	4,021,784	-	254,850	3,766,934
460-0000-470100-25002	Transfer in (from 060, FY25)	96,000	-	96,000	-
460-0000-470100-25002	Transfer in (from 460, #16023 | ARPA)	211,000	-	211,000	-
460-0000-470100-25002	Transfer in (from 459)	-	115,150	-	115,150
460-0000-520050-25002	Grant Revenue (NCDEQ 2022 | ARPA)	-	254,850	-	254,850
460-7135-550103-25002	Capital Outlay CIP	307,000	63,000	-	370,000
FUND 460, #25002	TOTAL REVENUES	307,000	370,000	307,000	370,000
WWTP Belt Filter Press #1	TOTAL EXPENDITURES	307,000	63,000	-	370,000

An amendment increasing the Wastewater Treatment Plant (WWTP) Belt Filter Press #1 Project (#25002) to a total appropriation of $370,000. The amendment moves $254,850 of Grant Revenue/ARPA funds from the WWTP UV Project, and $115,150 from the Water and Sewer Capital Reserve Fund to accomplish the increase. The amendment further removes revenue sources identified in the original capital project ordinance (CPO) that are no longer available for the project.

The City Manager and City Clerk certify budget ordinance amendment 10012026-04 was approved by City Council on October 01, 2026.

City Manager Date

City Clerk Date

TO MAYOR & COUNCIL **FISCAL YEAR 2027**
APPROVAL: October 01, 2026 **FORM: 10012026-05**

BUDGET AMENDMENT

FUND 410 | 460 | 468					
ACCOUNT NUMBER	**ACCOUNT DESCRIPTION**	**EXISTING BUDGET**	**INCREASE**	**DECREASE**	**REVISED BUDGET**
410-0000-470010-VE027	Debt Proceeds (FY27 V&E Loan)	845,850	-	-	845,850
410-1300-554002-VE027	C/O-Vehicles (14-50, Unmarked)	63,605	-	3,125	60,480
410-1300-554002-VE027	C/O-Vehicles (14-56, Unmarked)	63,605	-	3,125	60,480
410-1300-554002-VE027	C/O-Vehicles (14-62, Unmarked)	63,605	-	3,125	60,480
410-1300-554002-VE027	C/O-Vehicles (15-24, Unmarked)	63,605	-	3,125	60,480
410-1300-554002-VE027	C/O-Vehicles (15-25, Unmarked)	63,605	-	3,125	60,480
410-1300-554002-VE027	C/O-Vehicles (15-26, Unmarked)	63,605	-	3,125	60,480
410-1300-554002-VE027	C/O-Vehicles (14-86, Marked)	77,370	-	3,125	74,245
410-1300-554002-VE027	C/O-Vehicles (14-94, Marked)	77,370	-	3,125	74,245
410-1300-554002-VE027	C/O-Vehicles (New Hire 1, Marked)	77,370	-	3,125	74,245
410-1300-554002-VE027	C/O-Vehicles (New Hire 2, Marked)	77,370	-	3,125	74,245
410-1300-554002-VE027	C/O-Vehicles (New Hire 3, Marked)	77,370	-	3,125	74,245
410-1300-554002-VE027	C/O-Vehicles (New Hire 4, Marked)	77,370	-	3,125	74,245
410-1300-554002-VE027	C/O-Vehicles (Civilian Traffic Maverick)	-	37,500	-	37,500
FUND 410	TOTAL REVENUES	845,850	-	-	845,850
(Police)	TOTAL EXPENDITURES	845,850	37,500	37,500	845,850
410-0000-470010-VE027	Debt Proceeds (FY27 V&E Loan)	110,000	-	-	110,000
410-1200-554002-VE027	C/O-Vehicles (Code Enforcement)	30,000	-	-	30,000
410-2102-554002-VE027	C/O-Vehicles (Event Van)	40,000	-	-	40,000
410-2102-554001-VE027	C/O-Equipment (Crew Cart/UTV)	40,000	-	-	40,000
FUND 410	TOTAL REVENUES	110,000	-	-	110,000
(Com.Dev. & Downtown)	TOTAL EXPENDITURES	110,000	-	-	110,000
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
410-1525-554002-VE027	C/O-Vehicles (14-30 Truck)	55,000	-	-	55,000
410-1525-554001-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	246,143	-	-	246,143
(Public Works)	TOTAL EXPENDITURES	246,143	-	-	246,143
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 (New Ford Rangers, x2)	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 (Water & Sewer)	TOTAL REVENUES	289,000	-	-	289,000
	TOTAL EXPENDITURES	289,000	-	-	289,000
468-0000-470010-VE027	Debt Proceeds (FY27 V&E Loan)	250,000	-	-	250,000
468-7855-554001-VE027	C/O-Equipment (Recycle Truck)	250,000	-	-	250,000
FUND 468 (Environmental Services)	TOTAL REVENUES	250,000	-	-	250,000
	TOTAL EXPENDITURES	250,000	-	-	250,000

A budget amendment reflecting the acquisition of a Police Department Ford Maverick using existing FY27 Vehicle and Equipment Loan resources. The Maverick will be used by a newly created Civilian Traffic/Crash Investigator position. The estimated cost of the Maverick is $37,500. The City expects to purchase all 13 police vehicles noted in the VE027 project within the original $845,850 appropriation.

The City Manager and City Clerk certify budget ordinance amendment 06042026-01 was approved by City Council on June 04, 2026.

City Manager Date

City Clerk Date

MAYORAL PROCLAMATION

GreaseBusters Day 2026

Fighting Hendersonville's Most Wanted- Fats, Oils, Grease, and Wipes!

October 22, 2026

WHEREAS, clean water is our most valuable natural resource; and

WHEREAS, Fats, oils, and grease (FOG) pollution discharge poses a serious risk to the integrity of our water systems, interferes with the ability to properly clean polluted waters; and

WHEREAS, proper treatment of polluted waters is essential for public health and welfare as well as a healthy natural environment; and

WHEREAS, the hard work performed by the entire water sector, surveying and repairing buried pipes, operators ensuring the safety and protection of the natural environment in which we all live, and ensuring compliance with pollution control requirements; and

WHEREAS, FOG buildup along with wipes in a collection system is a significant cause of sanitary sewer overflows; and

WHEREAS, we are all stewards of the water infrastructure upon which current and future generations depend; and

WHEREAS, the citizens of our city are called upon to help protect our critical water infrastructure by limiting the amount of FOG discharged into our water systems

NOW, THEREFORE, I, Barbara Volk, Mayor of the City of Hendersonville, do hereby proclaim October 22, 2026 to be GreaseBusters Day within the City of Hendersonville.

PROCLAIMED this 1st day of October, 2026.

THE CITY OF HENDERSONVILLE, N.C. 1847

Barbara G. Volk, Mayor
City of Hendersonville

Attest:

Jill Murray, City Clerk

Proclamation

Family Caregivers Month, Hendersonville, North Carolina

THIS NOVEMBER, in the City of Hendersonville, we recognize the 2.1 million family caregivers across our state who are helping their older parents, spouses and other loved ones live independently in their homes and in their communities – where they want to be; and

The City of Hendersonville family caregivers are among millions of Americans recognized this November during National Family Caregivers Month. Family caregivers are the backbone of North Carolina's long-term care system providing 1.79 billion hours of care, worth 33 billion annually. This extraordinary contribution not only sustains families but also saves our state's taxpayers billions; and

But family caregivers are stressed and overwhelmed by balancing the physical, emotional, financial, and often time-consuming demands required to care for their older loved ones. They do it all, help their older loved ones with essential tasks, including medications and medical care, meals, bathing and dressing, chores, finances, grocery shopping, transportation and more; and

Most pay for expensive care out of their own pockets all while facing soaring prices for everyday essentials like groceries, housing, utilities, and health care. Too often, family caregivers stop saving, take on more debt, use up personal short-term savings, leave bills unpaid or pay them late, and borrow money from family and friends to deal with the financial challenges and for the family caregivers who are also juggling jobs, many must reduce work hours or leave the workforce entirely due to caregiving responsibilities; and

Family caregivers deserve our gratitude, but they also need common sense solutions that save them money, time, and provide support.

NOW, THEREFORE, I, Barbara G. Volk, Mayor of the City of Hendersonville, by virtue of the authority vested in me by the City Charter of the City of Hendersonville do hereby proclaim November 2026 as National Family Caregivers Month in the City of Hendersonville. Chances are if you are not a family caregiver right now, you have been, you may be at some point, or you know someone who is, or you will someday need a family caregiver yourself to help you live independently at home. Family caregivers need support, including financial relief. I encourage all citizens to reach out to the family caregivers in their lives, thank them for the incredibly important work they do, and support them if you can.

PROCLAIMED this 1st day of October, 2026.

Barbara G. Volk

Barbara G. Volk, Mayor
City of Hendersonville

Seal

Attest: Jill Murray

Jill Murray, City Clerk

PROCLAMATION

City of Hendersonville
Fire Prevention 2026

WHEREAS, the city of Hendersonville, North Caroline is committed to ensuring the safety and security of all those living in and visiting Hendersonville; and

WHEREAS, fire is a serious public safety concern both locally and nationally, and homes are the locations where people are at greatest risk from fire; and

WHEREAS, in 2024, local fire departments responded to an estimated 1.38 million fires in the United States. These fires caused an estimated 3,920 civilian fire deaths and 11,780 reported civilian fire injuries. The property damage caused by these fires was estimated at $19 billion according to the National Fire Protection Association® (NFPA®).

WHEREAS, smoke alarms sense smoke well before you can, alerting you to danger in the event of fire in which you may have as little as 2 minutes to escape safely; and

WHEREAS, working smoke alarms cut the risk of dying in reported home fires in half; and

WHEREAS, the city of Hendersonville residents should be sure everyone in the home understands the sounds of the smoke alarms and knows how to respond; and

WHEREAS, the city of Hendersonville residents who have planned and practiced a home fire escape plan are more prepared and will therefore be more likely to survive a fire; and

WHEREAS, the city of Hendersonville residents should make sure their smoke and carbon monoxide (CO) alarms meet the needs of all their family members, including those with sensory or physical disabilities; and

WHEREAS, the city of Hendersonville first responders are dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education; and

WHEREAS, the city of Hendersonville residents that are responsive to public education measures are better able to take personal steps to increase their safety from fire, especially in their homes; and

WHEREAS, the 2026 Fire Prevention Week™ theme, "Charge Into Fire Safety™. Safe Charging Is a Superpower," focuses on the everyday charging habits that can help reduce the risk of lithium-ion battery fires and keep homes and communities safer.

NOW, THEREFORE, I Barbara G. Volk, Mayor of Hendersonville, NC, do hereby proclaim October 4-10, 2026, as Fire Prevention Week throughout this city, and I urge all the people of Hendersonville to plan and practice a home fire escape for Fire Prevention Week 2026 and to support the many public safety activities and efforts of the city of Hendersonville's fire and emergency services.

PROCLAIMED this 2nd day of October, 2025.

THE CITY OF HENDERSONVILLE N.C. 1847

Barbara G. Volk, Mayor
City of Hendersonville

Attest: Jill Murray
Jill Murray, City Clerk

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: Meredith Troughton **MEETING DATE:** October 1, 2026

AGENDA SECTION: Presentation Only **DEPARTMENT:** Human Resources

TITLE OF ITEM, Presenter Name, Title: Quarterly MVP Recipient – *Brian Pahle, City Manager*

SUGGESTED MOTION(S): None

SUMMARY:

The Service Excellence Design Team voted for this employee as the MVP winner for the April through June quarter of 2026.

BUDGET IMPACT: $

Is this expenditure approved in the current fiscal year budget? No

If no, describe how it will be funded.

PROJECT NUMBER: N/A **PETITION NUMBER:** N/A

ADDITIONAL PETITION NUMBER: N/A

PETITIONER NAME: N/A

ATTACHMENTS:

PowerPoint Presentation

Kasey Lyons Sudderberg



Over the past several years, Kasey has played a key role in building and strengthening Hendersonville's FOG (Fats, Oils, and Grease) Management Program. The program encompasses grease management policies, inspections, enforcement, and public outreach and education. One of the program's signature outreach initiatives is our annual Grease Busters Day, which helps educate the community about the importance of proper grease disposal and the impact FOG can have on the wastewater system.

The success of Hendersonville's FOG program has gained the attention of other utilities. Hendersonville has been contacted by two different utilities requesting the opportunity to shadow Kasey and learn firsthand about the day-to-day responsibilities of a "Grease Buster." Most recently, the City of Brevard reached out to gain a better understanding of Hendersonville's processes, challenges, and successes in managing FOG.

Specifically, Kasey took time out of her day to work directly with an employee from the Brevard Wastewater Treatment Plant, providing hands-on insight into how to manage and inspect FOG-related issues, apply enforcement practices, and troubleshoot challenging situations. By sharing her knowledge and experience, Kasey created an efficient and effective learning environment while helping another utility strengthen its own FOG management efforts.

HENDERSON COUNTY

State of Aging

Our community. Our future.

Understanding the demographic shift—and building a coordinated community response.

Presented by Henderson County Aging Coalition partners

Elizabeth Williams
Executive Director – Mountain Aging Partners (formally Council on Aging for Henderson County and Mountain Care Adult day)

Traci Corn -
Social Work Program Manager –
Adult Services/Child Support
Henderson County DSS

Zack Schmitt
Aging Specialist
Land of Sky Regional Council

October 2026

33.5%

City of Hendersonville residents age 65+

The population has changed. Our approaches must, too.

Building on Hendersonville's age-friendly work

The City has already done important planning. Our goal is to **align with it, build on it, and strengthen the connection** between City and countywide priorities.

1. **Community voice** — Gen H engaged residents and stakeholders in shaping Hendersonville's long-term vision.
2. **Age-friendly planning** — **The City's Age-Friendly Action Plan builds on Gen H and includes input from older adults and Henderson County Aging Coalition (HCAC).**
3. **Shared direction** — **HCAC's Aging Plan can reinforce—not duplicate—the priorities Hendersonville already has in motion.**

HENDERSONVILLE GEN H COMPREHENSIVE PLAN

A 20-year vision for Hendersonville's future

Developed through extensive community engagement

Older adults were part of the conversation.

We appreciate the work already underway — and we are excited to build on it together.

HENDERSON COUNTY: OUR COMMUNITY. OUR FUTURE.

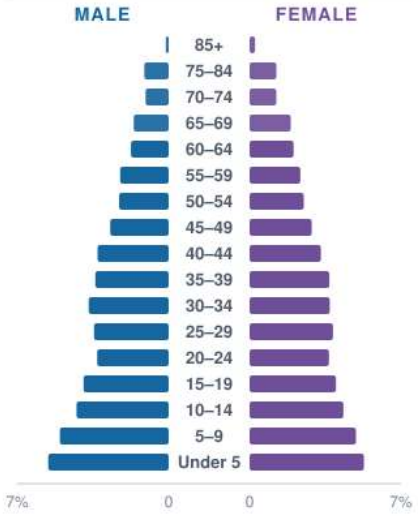
How our population has changed—and will continue to change

The changing shape tells the story: fewer children, more older adults, and a fundamentally different age structure.

THE SHAPE HAS CHANGED. OUR SYSTEMS MUST, TOO.

1950
A YOUNG COMMUNITY

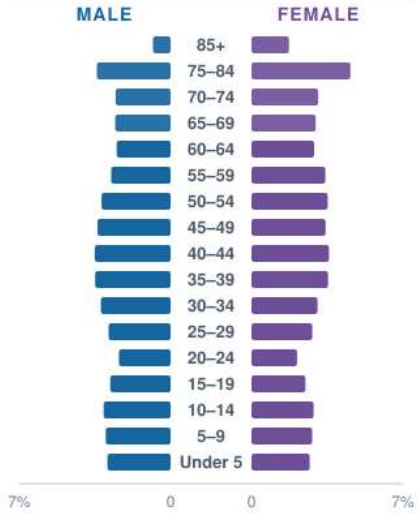
TOTAL **30,921** | 65+ **8.6%**



ADULTS 65+
2,650 PEOPLE

2000
A COMMUNITY IN TRANSITION

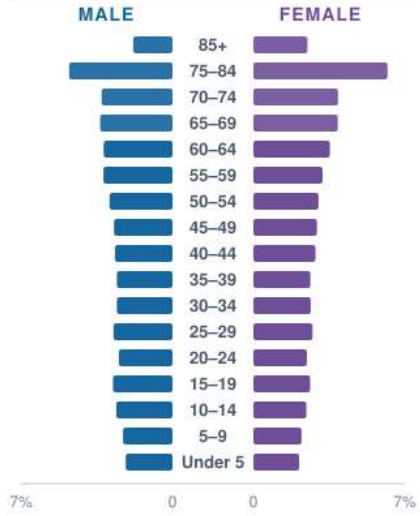
TOTAL **89,173** | 65+ **21.7%**



ADULTS 65+
19,341 PEOPLE

2026
AN AGING COMMUNITY

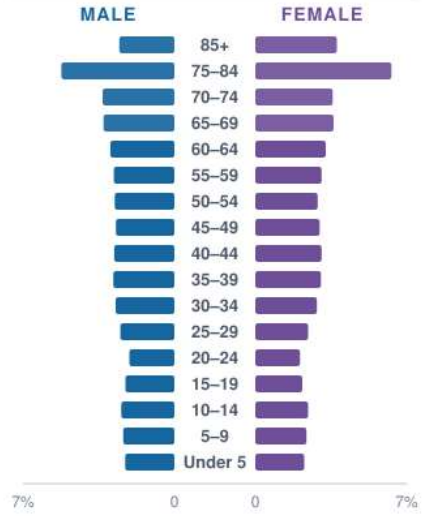
TOTAL **124,588** | 65+ **29.7%**



ADULTS 65+
37,053 PEOPLE

2040
THE NEW AGE STRUCTURE

TOTAL **139,552** | 65+ **31.6%**



ADULTS 65+
44,147 PEOPLE

Our systems were built for the population on the left. We are now—and will be—serving the population on the right.

Sources: U.S. Census Bureau (1950 Census of Population; Census 2000 SF1); NC OSBM Vintage 2025 Population Projections. 2026 and 2040 are projections.

MOUNTAIN AGING PARTNERS

The scale of change is visible in these numbers

1950

8.6%

AGE 65+

2,650 residents age 65+

2026

29.7%

AGE 65+

37,053 residents age 65+

2042 - Projections

32%

AGE 65+

47,000 residents age 65+

Nearly 1 in 3 residents are 65+ today.

1950: Census count | 2026 and 2040: NC OSBM Vintage 2025 projections

Three workforce data points

WNC Healthcare Workforce

26% are older than 55+

Above national average

24,000+ job postings WNC RN

WNC Healthcare Workforce

5:1 jobs per seeker

In healthcare support roles - CNA, home health aide

What does this mean? - 7 in home agencies called

| Good Jobs WNC and Strada report

Three more numbers that tell the story of our community

Currently over 65+ 24% live alone

8,900 residents age 65+

60% plan to age at home with a caregiver

Only 43.5% of homes are aging ready

Do we have the workforce to support these needs and desires?

Census data, US Department of Commerce 2023 Housing report, Pew Research Center 2026

Aging is a community planning issue

A different age structure changes what our community needs, where pressure appears, and how decisions could be made.

Housing & Land Use
Options that support safety, affordability and **aging in place**

Transportation & Mobility
Ways to reach healthcare, food, work and community life

Healthcare, EMS & Public Health
Capacity for prevention, response and ongoing support

Workforce & Economic Development
A reliable care workforce and policies that support working caregivers

Family Caregiving
Information, respite and earlier planning before crisis

Social Connection
Places, programs and relationships that keep people engaged

Community Infrastructure
Public spaces and systems that work across ages and abilities

Local Government Planning
Aging considered in budgets, policy and long-range decisions

What we're seeing on the ground

The demographic shift is showing up in the complexity, urgency and capacity of our community systems.

1

Needs are interconnected

Health, housing, finances, transportation, safety and caregiving needs rarely occur in isolation.

2

Families reach us in crisis

Too often, decisions about care, safety and support are being made after circumstances have already become urgent.

3

Capacity shapes outcomes

Eligibility or knowing what someone needs does not mean a worker, service or support is available when it is needed.

When formal supports are limited, families and other informal caregivers are often left to fill the gap.

The pressure is visible in three numbers

Henderson County Adult Services data show growing demand — and growing pressure on county and community capacity.

735 → 2,241

INTAKE CONTACTS

FY2018–19 to FY2025–26
More than tripled

277 → 437

APS INVESTIGATIONS

FY2018–19 to FY2025–26
A 58% increase in screened-in reports

~80

IN-HOME AIDE WAITLIST

About a year or more waiting for service
Workforce availability is a major constraint

Adult Services serves adults age 18+; these figures cannot be separated to show only adults age 65+.

Demand is rising faster than the systems and workforce available to respond.

Why a New Aging Plan — and Why Now?

Henderson County's last Aging Plan was developed in 2018.

Our population has changed
The number of older adults has continued to grow—and the demographic shift is still underway.

Community systems are feeling the impact
The pressures Traci described extend beyond aging services to housing, transportation, healthcare, caregiving, workforce and local government.

Good work is happening—but we need a shared framework
Organizations across Henderson County continue to serve older adults and caregivers. What has been missing is a current, coordinated countywide framework for where we go next.

The question is how do we respond together.

HCAC is working to create a community-wide planning platform.

Auspicious Beginnings

The Henderson County Aging Coalition (HCAC) was convened in September 2022 in conjunction with Council on Aging of Henderson County, Always Best Care, Henderson County Chamber of Commerce and Hulsey Media.

They were tasked, through the strategic planning process, to identify gaps in Henderson County's system of care for the older adult population.

The goal of the HCAC was to prioritize older adult needs and to speak as a unified voice.

This unified voice includes individuals from:

Private Sector
Public Sector
Resource Partners
Beneficiaries
Healthcare Practitioners
Informal Individuals (Caretakers, Relatives, Etc.)
Volunteer Sector

HCAC brings the community together around a shared response

MISSION

Community collaboration advocating for the needs of older adults in Henderson County: Identify, Educate, Develop, Connect

VISION

Create a community where older adults can remain connected, informed, supported, and engaged throughout the aging journey.

MAP facilitates HCAC as the convener/backbone organization; the plan is community-owned.

HCAC serves as a

Planning Partner

Convener

Connector

Educator

Advocate

What a Master Aging Plan Does

A shared roadmap for how a community can age well.

01

Reflects community input

Grounds priorities in lived experience, local needs and community voice.

02

Communicates a shared vision

Gives leaders and partners common priorities and language.

03

Guides policy & investment

Helps align public and private planning, funding and decision-making.

04

Aligns infrastructure

Connects changing needs with housing, transportation, health and other systems.

05

Improves coordination

Creates a framework for organizations and sectors to work together.

06

Tracks progress over time

Supports action, accountability and regular review of results.

A Master Aging Plan is not just a document. It is a tool to help leaders, partners and the community make better decisions together.

Four priorities organize the work

1 **Age-Friendly Communities**

Healthy aging, connection, mobility and participation

2 **Empowering Older Adults**

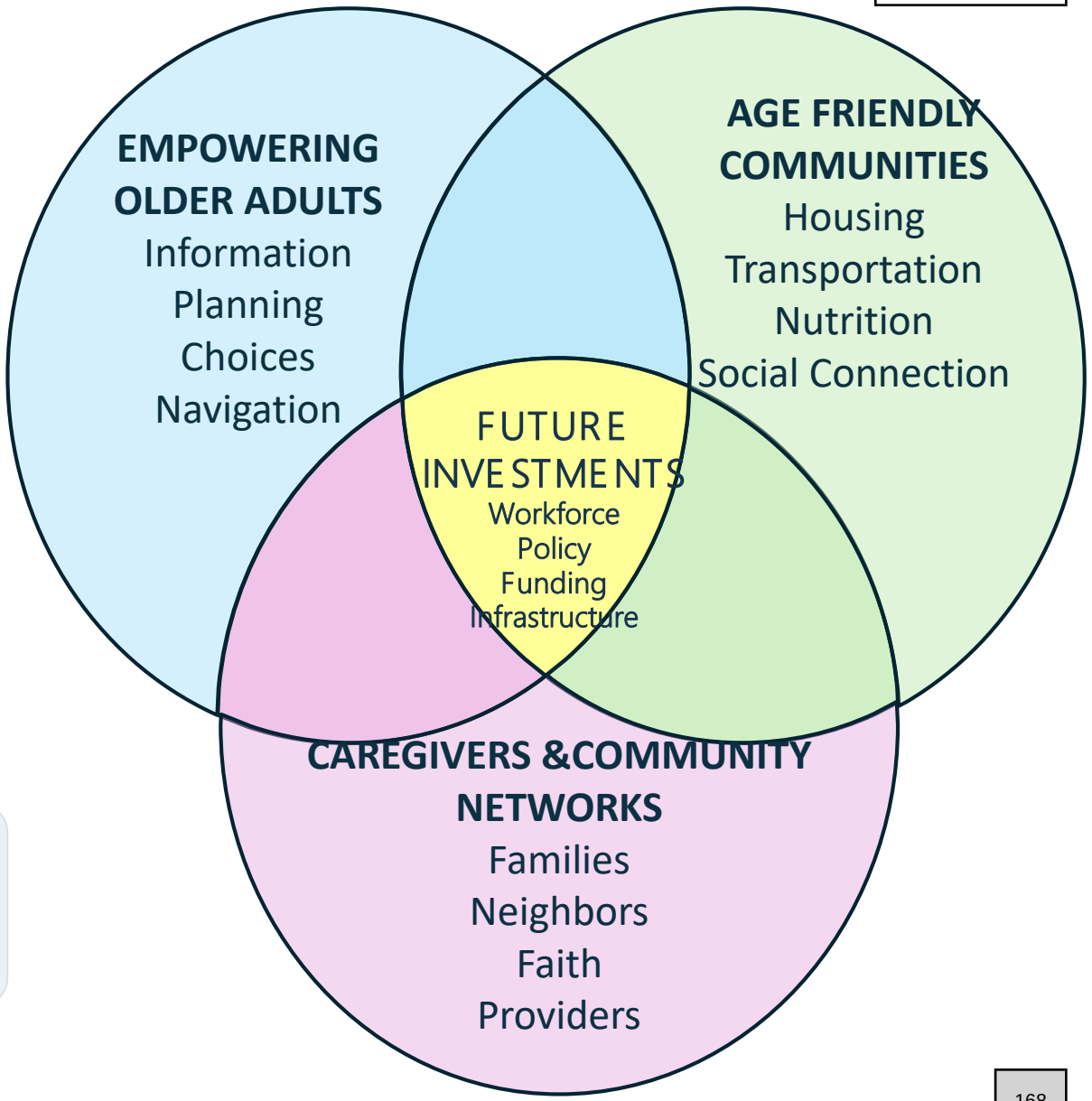
Information, planning ahead, and easier navigation

3 **Caregivers & Community Support Networks**

Stronger support before a crisis occurs

4 **Workforce, Investment & Long-Term Sustainability**

Capacity and investment for the years ahead



The plan is designed to produce visible, measurable work

FALL 2026

Adopt and present the Aging Plan

Build awareness and alignment among public and community leaders.

BEGINNING 2027

Quarterly community forums

Use education and engagement to keep priorities connected to community input.

2026-2029

Continuing planning for a Senior Center & Aging Resource Hub

Support a shared community conversation, models and partnerships.

FALL 2027

Annual State of Aging report

Review data, gaps and progress so the plan remains active and accountable.

WHERE WE GO FROM HERE

What we need from community leaders now

1. **Recognize aging as a community planning priority**
2. Consider older adults and caregivers in policy and long-range decisions
3. Join HCAC and help connect sectors that do not usually plan together
4. Support shared data, coordination and progress measurement
5. Partner in implementation as priorities become specific projects

No single organization can prepare Henderson County alone. Coordinated action can.

Thank You to the HCAC Steering Committee Community Partners

This plan is stronger because it has been shaped by people and organizations across Henderson County.

- County Government
- City of Hendersonville
- WNC Source
- Four Seasons Hospice
- AdventHealth
- UNC Health Pardee
- Land of Sky – Area on Aging
- Community Members

HCAC

Shared planning.
Shared priorities.
Shared responsibility.

Contact Info for HCAC – Elizabeth eliazabethw@mapnc.org

HENDERSON COUNTY

AGING PLAN

2026–2029

Community collaboration advocating for the needs of older adults in Henderson County

Identify. Educate. Develop. Connect.

MISSION

Community collaboration advocating for the needs of older adults in Henderson County:

Identify. Educate. Develop. Connect.

VISION

Create a community where older adults can remain connected, informed, supported, and engaged throughout the aging journey.

WHAT A MASTER AGING PLAN DOES

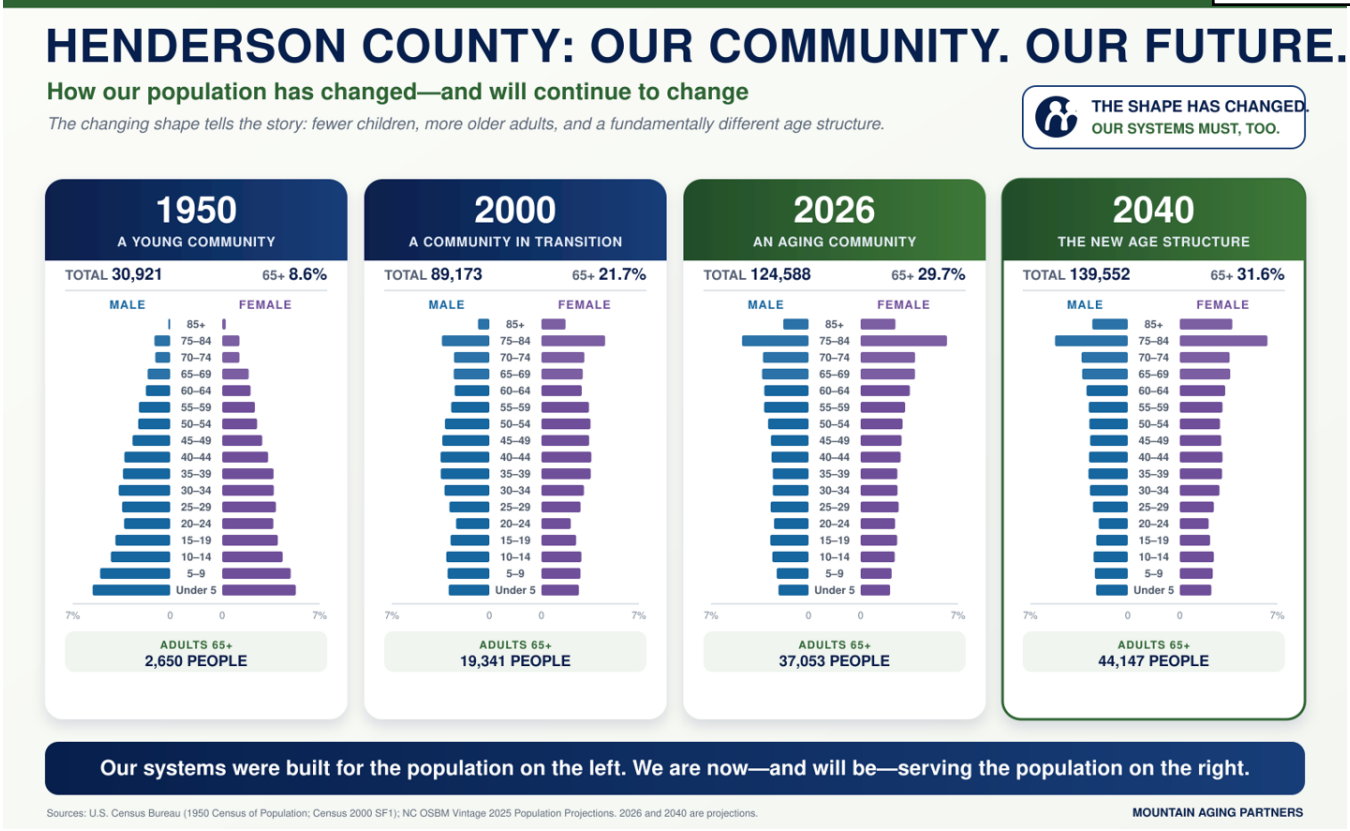
- Reflects community input and shared priorities.
- Enables communication of a clear vision and priorities.
- Guides public and private policy, planning, and investment.
- Aligns infrastructure and community resources.
- Improves coordination across organizations and sectors.
- Provides a framework for measuring progress over time.

WHY NOW?

Henderson County is experiencing significant demographic change. Henderson County has long been a destination for older adults and has one of the oldest populations in North Carolina. Since the last county aging plan was completed in 2018, the county has continued to grow and age, while family structures, housing availability, transportation needs, workforce capacity, healthcare demands, and community supports have also changed.

Organizations and community partners across Henderson County have continued to do important work to support older adults and caregivers. What has been missing is a current, coordinated countywide planning framework to align that work around shared priorities and a common direction.

The demographic shift is not a future issue—it is already shaping daily life in Henderson County. The purpose of this plan is to help the community respond effectively to current needs while anticipating and preparing for what comes next.



HCAC recognizes that every sector of the community will be affected by the demographic shifts, including healthcare, housing, transportation, workforce, education, economic development, recreation, and civic life. Creating a community where people can age well will require collaboration across generations, organizations, and sectors.

Advancing Alignment with Existing Community Planning

The Henderson County Aging Plan is intended to build on and strengthen—not duplicate—planning already underway across our community and region. HCAC will:

- Support alignment with the Henderson County Community Health Assessment and related community health priorities.
- Build on and advance alignment with the City of Hendersonville's Gen H Comprehensive Plan and Age-Friendly Community Action Plan.
- Advocate for aging priorities to be reflected in the Henderson County Strategic Plan and other local planning efforts.
- Coordinate, when appropriate, with Land of Sky Area Agency on Aging and other regional and statewide aging plans, surveys, and resource-coordination efforts.

HCAC ROLE



The Henderson County Aging Coalition serves as a:

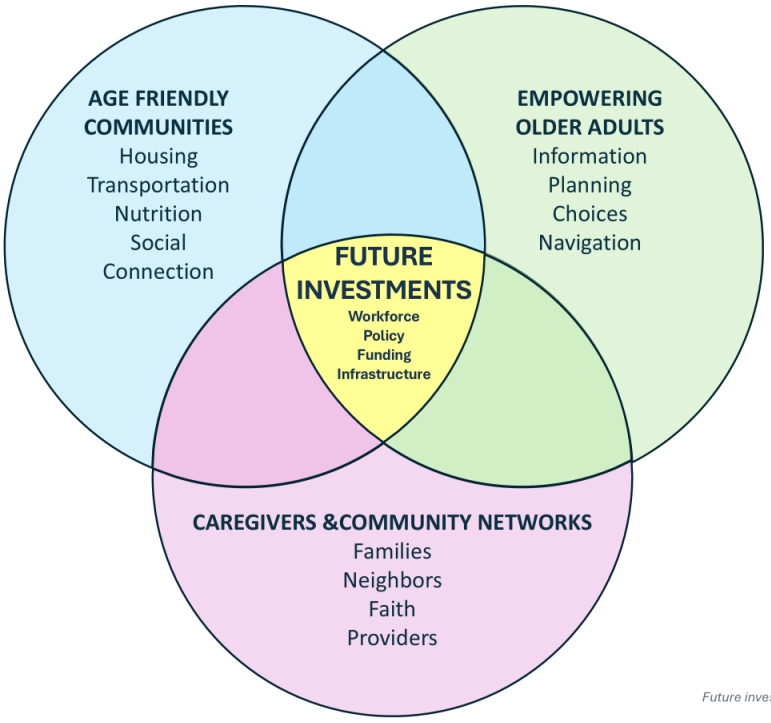
- Planning and advisory partner
- Convener
- Connector
- Educator
- Advocate

HCAC does not directly provide services. It works to strengthen collaboration, identify community needs, elevate aging issues, support coordinated action, track progress and help ensure that aging priorities are reflected in community planning and decision-making.

Mountain Aging Partners serves as the convener and backbone organization for HCAC; the Aging Plan is community-owned and implemented through shared partnership.

PRIORITY FRAMEWORK

The four priority areas remain the organizing framework for the plan. The diagram below shows how the first three areas overlap and how long-term investment in workforce, policy, funding, and infrastructure supports all of them.



Future investments support all three priorities.

AGE-FRIENDLY COMMUNITIES

Goal

Strengthen community environments that support healthy aging, social connection, mobility, and participation.

Potential Strategies

- Advance alignment with adopted City and County strategic plans
- Campaign and advocate for an Aging Resource Hub or Senior Center in partnership with community stakeholders.
- Assess and report on transportation access and gaps through the annual State of Aging report.
- Assess and report on food security and nutrition resources.
- Track housing and aging-in-place needs in coordination with Partnership for Health and other community partners.
- Consider relevant chronic disease indicators in alignment with the Community Health Assessment.
- Promote fraud prevention education in the community
- Collaborate with local law enforcement around fraud prevention and education.
- Strengthen collaboration with Parks and Recreation and other community engagement programs.

Areas of Focus

- Transportation
- Nutrition and food security
- Housing
- Social connection
- Fraud prevention
- Volunteerism and civic engagement
- Home modifications
- Aging in place
- Community infrastructure

Desired Outcomes

- *Improved awareness of community needs*
- *Increased community engagement*
- *Greater ability to age in place*
- *Increased awareness of housing options*
- *Stronger community planning for an aging population*

PRIORITY AREA 2

EMPOWERING OLDER ADULTS

Goal

Empower older adults to make informed choices, plan ahead, and access the information, services, and resources they need throughout the aging journey.

Potential Strategies

- Promote the concept of a personal aging plan and encourage planning before a crisis occurs.
- Identify opportunities for centralized, easy-to-understand information and navigation.
- Increase education about resources available in the community.
- Improve coordination among service providers and align with regional and statewide resource-coordination efforts.

Areas of Focus

- Personal aging planning
- Understandable information
- Resource navigation
- Referral pathways
- Community awareness of services

Desired Outcomes

- *Increased awareness of available resources*
- *Earlier planning and informed decision-making*
- *Improved service coordination*
- *Easier navigation for older adults*

PRIORITY AREA 3

CAREGIVERS & COMMUNITY SUPPORT NETWORKS

Goal

Strengthen the ability of families, caregivers, friends, neighbors, faith communities, businesses, and service providers to support older adults before a crisis occurs.

Potential Strategies

- Support caregiver education opportunities.
- Increase education about the important role of friends, neighbors, faith communities, businesses, and informal support networks.
- Encourage creating a personal aging plan.
- Increase Hendersonville based resources via Land of Sky AAA newsletter.
- Increase awareness of caregiver and respite resources.
- Report on available caregiver statistics through the annual State of Aging report.
- Track caregiver support needs and gaps.
- Encourage advance planning and preparedness for future care needs.

Areas of Focus

- Caregiver education
- Respite awareness
- Community support networks
- Caregiver resource awareness
- Planning for future care needs

Desired Outcomes

- Better support for caregivers
- Increased awareness of available resources
- Stronger informal and community support networks
- Earlier planning before crisis

PRIORITY AREA 4

WORKFORCE, INVESTMENT & LONG-TERM SUSTAINABILITY

Goal

Strengthen awareness of workforce, funding, and infrastructure challenges affecting an aging population and advance the partnerships and long-term investments needed to address them.

Potential Strategies

- Include relevant workforce and capacity indicators in the annual State of Aging report.
- Educate community leaders and policymakers about workforce, funding, and infrastructure needs related to an aging population.
- Strengthen connections with the Mountain Area Workforce Development Board and other regional workforce initiatives.
- Engage Blue Ridge Community College, Henderson County Public Schools, and other education partners around workforce needs and opportunities.
- Support and elevate innovative approaches to direct-care workforce recruitment, retention, training, and career pathways.
- Explore training and education opportunities for caregivers, community members, and in-home service providers.
- Advocate for sustainable public and private investment in aging services and age-friendly community infrastructure
-

Areas of Focus

- Direct-care workforce
- Training and education
- Public policy
- Sustainable funding and investment
- Community infrastructure
- Innovation

Desired Outcomes

- Greater awareness and understanding of workforce and capacity needs.
- Stronger connections among aging, workforce, education, healthcare, and community partners.
- Increased attention to long-term funding and infrastructure needs.
- Greater coordination of public and private investment in an aging community.

WHAT SUCCESS LOOKS LIKE

- Older adults and caregivers have greater awareness of available resources.
- More residents are encouraged to plan before a crisis occurs.
- Service providers and community partners coordinate more effectively.
- Community leaders use aging data to inform planning and investment decisions.
- Caregiver, workforce, housing, transportation, and other emerging needs are monitored over time.
- Progress is reviewed annually through the State of Aging in Henderson County Report.

SIGNATURE INITIATIVE

Annual State of Aging in Henderson County Report

Purpose: To provide community leaders, elected officials, service providers, funders, and residents with a shared understanding of aging trends, community needs, service gaps, and progress toward local aging priorities.

The State of Aging Report may include:

- Demographic trends
- Transportation access and gaps
- Housing and aging-in-place needs
- Caregiving and community support networks
- Nutrition and food security
- Workforce challenges
- Progress on aging priorities
- Other emerging issues identified by HCAC

HCAC DELIVERABLES | 2026–2029

Deliverable 1 — Adopt and Present the Henderson County Aging Plan

Target: Fall 2026

Present HCAC priorities, goals, and recommendations to:

- Henderson County Board of Commissioners
- Hendersonville City Council
- Henderson County Board of Health and Public Health leadership
- Relevant city, county, and regional boards
- Partnership for Health and other community partners

Deliverable 2 — Produce and Present an Annual State of Aging Report

Beginning Fall 2026

- Demographic trends
- Transportation
- Housing
- Caregiving
- Nutrition and food security
- Workforce challenges
- Progress on aging priorities

Deliverable 3 — Advance Community Support and Planning for a Senior Center & Aging Resource Hub

2026–2029

Support community conversations, partnerships, education, advocacy, and planning related to the potential development of a Senior Center and Aging Resource Hub in Henderson County. This may include engaging local partners, identifying possible models, clarifying community needs, supporting public awareness, and helping build momentum for a shared community solution.

Deliverable 4 — Quarterly Community Education & Engagement Forums

2027

Host quarterly HCAC community meetings focused on aging-related topics, community input, education, and awareness. Topics may align with the four priority areas.

- Understanding the aging population
- Caregiving
- Housing and aging in place
- Transportation
- Long-term care and personal aging planning
- Fraud prevention
- Community resources

IMPLEMENTATION

HCAC will advance the plan through Steering Committee oversight, time-limited workgroups, community and technical partners, quarterly education and engagement forums, and annual review through the State of Aging in Henderson County Report.

Initial workgroups will be established only when there is a clear assignment, an identified lead, and a specific product or recommendation to complete.

GLOSSARY

Age-friendly — Community conditions that help people remain safe, connected, engaged, and independent as they age.

Aging in place — The ability to live safely and independently in the home and community of one's choice.

Caregiver — A family member, friend, neighbor, or other person who provides unpaid or paid support to someone with ongoing needs.

Resource navigation — Helping individuals understand available services, compare options, and connect with appropriate supports.

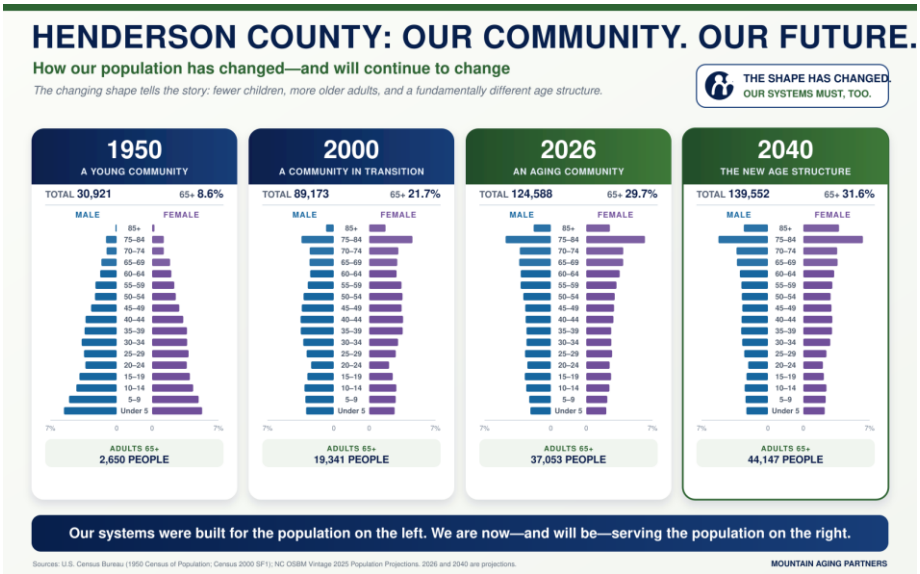
Community Health Assessment — A collaborative process that identifies local health needs, priorities, and opportunities for action.

STATE OF AGING IN HENDERSON COUNTY

October 2026

> **Henderson County is already living through a historic demographic shift.**
> The opportunity is to plan for the population we have today - and the population we know is coming.

THE DEMOGRAPHIC SHIFT



Nearly 1 in 3 Henderson County residents is already age 65+.

WHY THIS MATTERS FOR COMMUNITY PLANNING

A different age structure changes what our community needs, where pressure appears, and how decisions are made. Aging touches housing and land use, transportation and mobility, healthcare and public health, workforce and economic development, family caregiving, social connection, community infrastructure, and local government planning.

A COORDINATED COMMUNITY RESPONSE

The Henderson County Aging Coalition (HCAC) brings community partners together to identify needs, strengthen coordination, educate the community, and advance shared priorities. Mountain Aging Partners facilitates HCAC as the convener/backbone organization; the Aging Plan is community-owned.

1 AGE-FRIENDLY COMMUNITIES Healthy aging, connection, mobility and participation	**2 EMPOWERING OLDER ADULTS** Information, planning ahead and easier navigation
3 CAREGIVERS & COMMUNITY SUPPORT NETWORKS Stronger support before a crisis occurs	**4 WORKFORCE, INVESTMENT & LONG-TERM SUSTAINABILITY** Capacity and investment for the years ahead

FROM PLAN TO PROGRESS

Fall 2026	Adopt and present the Henderson County Aging Plan
Beginning 2027	Hold quarterly community forums
2026-2029	Advance planning for a Senior Center & Aging Resource Hub
Fall 2027	Publish second annual State of Aging report

No single organization can prepare Henderson County alone. Coordinated action can.

Mountain Aging Partners | Henderson County Aging Coalition | mapnc.org

Population sources: U.S. Census Bureau, 1950 Census of Population; NC OSBM Vintage 2025 Population Projections.

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY
PLANNING DIVISION

SUBMITTER:	Sarah McLaurin	**MEETING DATE:**	October 1st, 2026
AGENDA SECTION:	Public Hearings	**DEPARTMENT:**	Community Development

TITLE OF ITEM: Rezoning: Standard Rezoning – 101 S Grove Street | 26-56-RZO – *Sarah McLaurin, Planner II*

SUGGESTED MOTION(S):

For Recommending Approval:
I move City Council **adopt** an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property (PINs 9568-87-7059 and 9568-87-6293) from C-1SU Central Business Special Use to C-1 Central Business, based on the following:

1. The petition is found to be Consistent with the City of Hendersonville Gen H Comprehensive Plan based on the information from the staff analysis and because:

The proposed zoning of C-1 aligns with the Gen H 2045 Comprehensive Plan Future Land Use & Conservation Map and the Character Area Description for 'Downtown'.

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

1. A return to the previous base zoning, C-1 Central Business, restores potential development opportunities on this property by permitting the same uses available to other adjacent C-1 properties.
2. C-1 zoning is designed to promote development in the Downtown district which the subject parcels are within.

[DISCUSS & VOTE]

For Recommending Denial:
I move City Council **deny** an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property (PINs 9568-87-7059 and 9568-87-6293) from C-1SU Central Business Special Use to C-1 Central Business, based on the following:

1. The petition is found to be Consistent with the City of Hendersonville Gen H Comprehensive Plan based on the information from the staff analysis and because:

The proposed zoning of C-1 aligns with the Gen H 2045 Comprehensive Plan Future Land Use & Conservation Map and the Character Area Description for 'Downtown'.

2. Furthermore, we do not find this petition to be reasonable and in the public interest based on the information from the staff analysis, public hearing and because:

1. Rezoning to a standard C-1 Central Business eliminates the current conditions and site plan on the site that may impact the future of the development.
2. Rezoning to a standard zoning district eliminates limited uses that were approved as part of the Special Use District and allows for a range of permitted uses under C-1 zoning.

[DISCUSS & VOTE]

SUMMARY: *Jared DeRidder of WGLA Engineering PLLC has initiated a Zoning Map Amendment application for a property located at 101 South Grove Street (PINs 9568-87-7059 and 9568-87-6293) totaling 0.77 Acres. The property is currently zoned C-1SU Central Business Special Use.*

The Applicant is requesting a return to base zoning of C-1 Central Business, which aligns with other adjacent properties. Special Use Districts are no longer created within City Zoning, but existing Districts such as the one created for this site in 2003 are similar to the Conditional Zoning Districts (CZDs) used today. Both Special Use Districts and CZDs impose special conditions on top of base zoning and are tied to an approved site plan.

If rezoned, there will not be a binding site plan, list of uses, nor conditions placed on the site. All permitted uses within the C-1 district would be allowed on the site. The City of Hendersonville Zoning Ordinance states that, during a standard rezoning process, an applicant is prohibited from discussing the specific manner in which they intend to develop or use a site.

PROJECT/PETITIONER NUMBER:	26-56-RZO
PETITIONER NAME:	• Jared DeRidder of WGLA Engineering PLLC (Applicant) • Chris Todd of Henderson County (Property Owner)
ATTACHMENTS:	1. Staff Report 2. Comprehensive Plan Consistency & Criteria Evaluation Worksheet 3. Planning Board Summary 4. Draft Ordinance 5. Proposed Zoning Map 6. Application

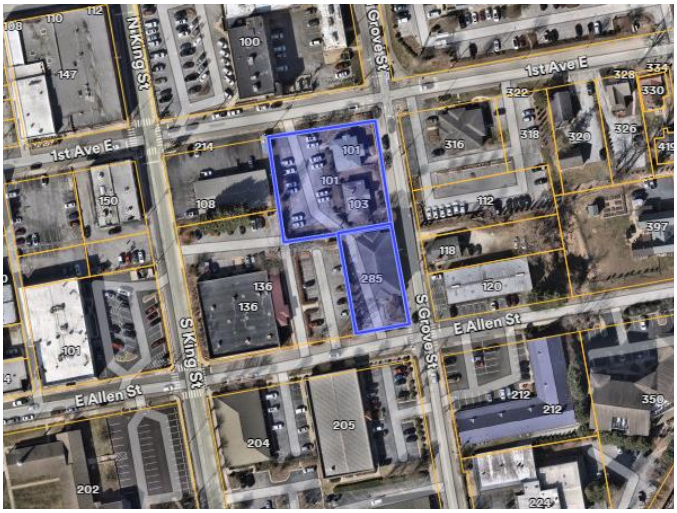
STANDARD REZONING: 101 S GROVE STREET (26-56-RZO)

CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

PROJECT SUMMARY 2
SITE IMAGES 3
EXISTING ZONING & LAND USE 6
FUTURE LAND USE 7
REZONING STANDARDS (ARTICLE 11-4) 8

PROJECT SUMMARY

- Project Name & Case #:
  - 101 S Grove St. Rezoning
  - 26-56-RZO
- Applicant & Property Owner:
  - Applicant: Jared DeRidder of WGLA Engineering PLLC
  - Property Owner: Henderson County, Representative: Chris Todd
- Property Address:
  - 101 S Grove St
- Project Acreage:
  - 0.77 Acres
- Parcel Identification (PINs):
  - 9568-87-7059
  - 9568-87-6293
- Current Parcel Zoning:
  - C-1SU Central Business Special Use
- Proposed Zoning District:
  - C-1 Central Business
- Future Land Use Designation:
  - Downtown



SITE VICINITY MAP

Jared DeRidder of WGLA Engineering PLLC has initiated a Zoning Map Amendment application for a property located at 101 South Grove Street (PINs 9568-87-7059 and 9568-87-6293) totaling 0.77 Acres. The property is currently zoned C-1SU Central Business Special Use.

The Applicant is requesting a return to base zoning of C-1 Central Business, which aligns with other adjacent properties. Special Use Districts are no longer created within City Zoning, but existing Districts such as the one created for this site in 2003 are similar to the Conditional Zoning Districts (CZDs) used today. Both Special Use Districts and CZDs impose special conditions on top of base zoning and are tied to an approved site plan.

If rezoned, there will not be a binding site plan, list of uses, nor conditions placed on the site. All permitted uses within the C-1 district would be allowed on the site. The City of Hendersonville Zoning Ordinance states that, during a standard rezoning process, an applicant is prohibited from discussing the specific manner in which they intend to develop or use a site.

The Planning Board voted 7-0 to recommend approval of this petition

SITE IMAGES



View of existing commercial building on the southern parcel from S Grove St.



View of existing commercial building from the parking lot of E Allen St.



View of parcels from S Grove St, showing the two homes on the northern parcel.



View of parking lot with access along 1st Avenue E.

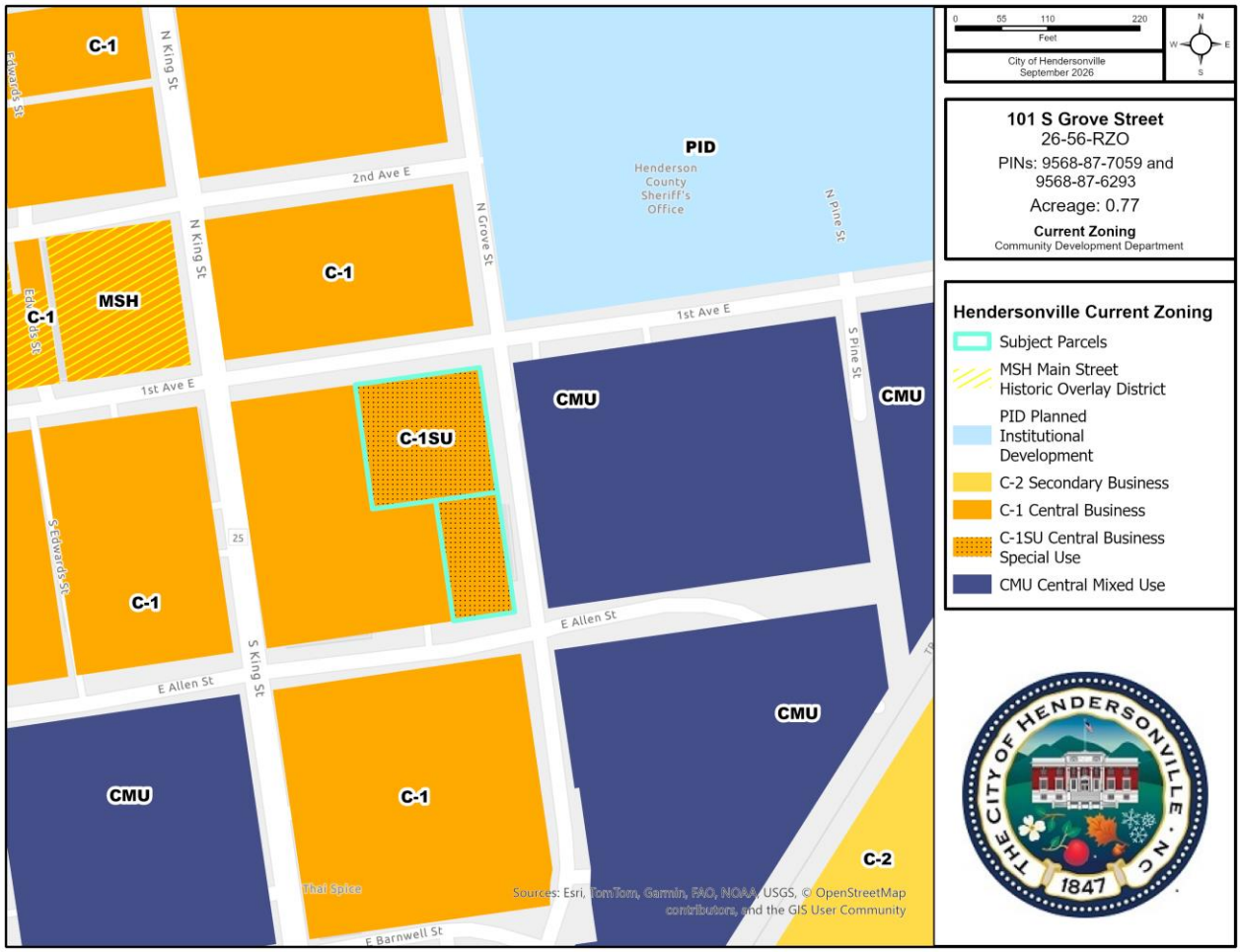


View of existing house from S Grove St.



View existing house from S Grove St.

EXISTING ZONING & LAND USE

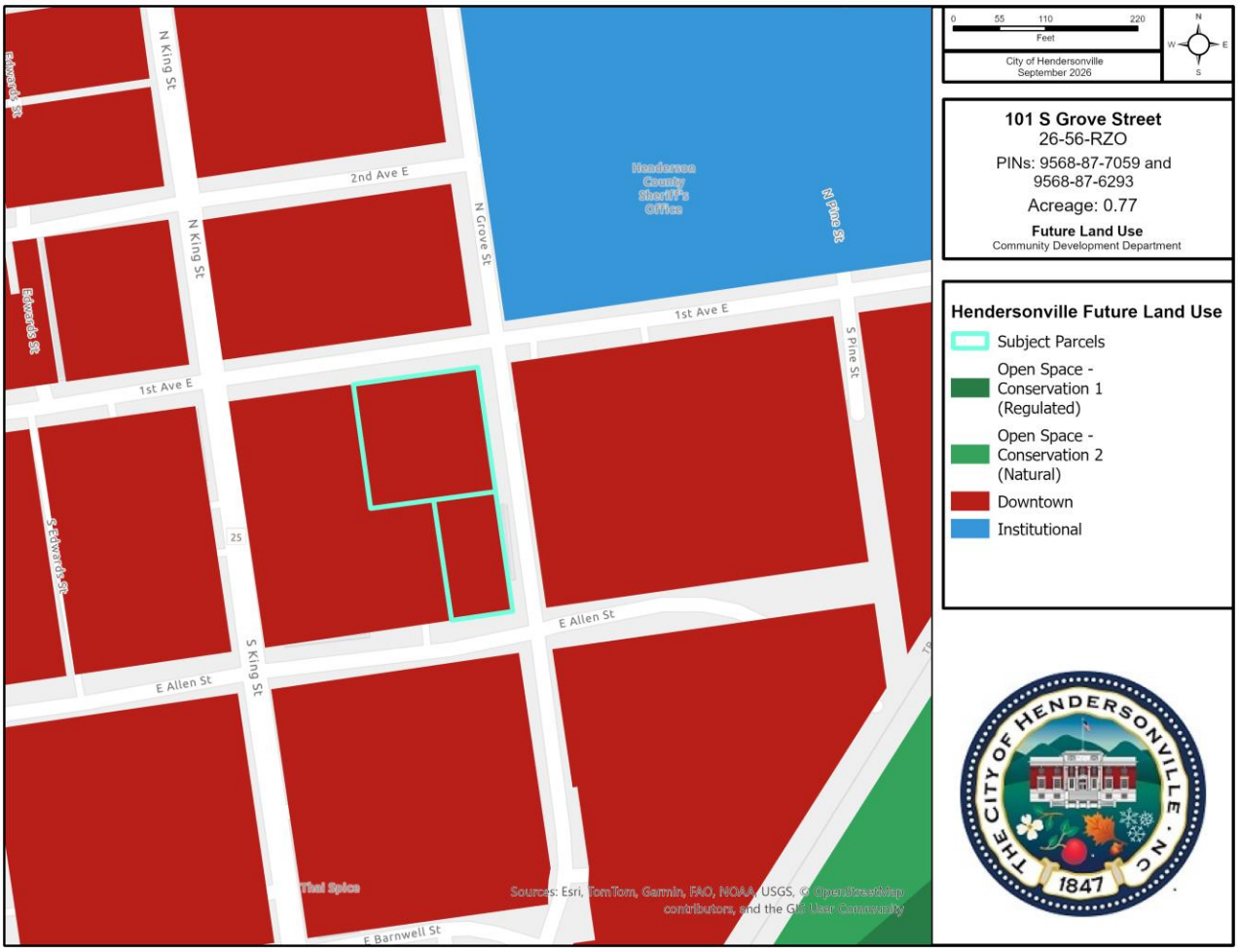


Existing Zoning & Current Land Use Map

The subject property is C-1SU Central Business Special Use. The property includes two lots totaling 0.77 acres that front on S Grove Street. The other parcels within the block are zoned C-1 Central Business. The blocks to the north, north-west, west, and south are zoned C-1, with the north-west block also being a part of the Main Street Historic District. The blocks to the south-west, south-east, and east are zoned CMU Central Mixed-Use. The block to the north-east is zoned Planned Institutional Development, this is the County Sherrif's Office. Jail and other government uses.

The land uses in this area are typical of a commercial area within Downtown, including retail services, administrative businesses, and offices.

FUTURE LAND USE



Future Land Use & Conservation Map

The City's Gen H 2045 Comprehensive Plan designates the subject property as "Downtown" in the Future Land Use & Conservation Map. The adjacent properties all fall within this district except for the north-east block which is designated as "Institutional". The description of the "Downtown" district is:

> *This is the heart of the community and center of civic activities. In addition to governmental uses, it includes a mix of retail, restaurant, service, office, and civic uses. A variety of residential housing types complement the nonresidential uses and ensure a vibrant center with a 24/7 population. The mix of uses can be horizontal or vertical, with changes between floors of the same building. Buildings of two or more stories are common, and streets feature short block lengths and pedestrian facilities. Open spaces include plazas and formal greens.*

REZONING STANDARDS (ARTICLE 11-4)

GENERAL REZONING STANDARDS: COMPREHENSIVE PLAN CONSISTENCY	
1) COMPREHENSIVE PLAN CONSISTENCY	**LAND SUPPLY, SUITABILITY & INTENSITY** The north parcel (PIN 9568-87-6293) is designated ***Underdeveloped*** on the Land Supply Map. It is ranked as next to ***Most Suitable*** for Commercial and Residential uses. It is ***Moderately Suitable*** for Industrial Uses. The southern parcel (PIN 9568-87-7059) is not included in the Land Supply Map or the Land Suitability Map. The subject property is located in an area designated as "***High Intensity***" for Development Intensity. The subject property is immediately south of the Downtown Edge Focus Area. The subject property is located in a Focused Intensity Node. **FUTURE LAND USE & CONSERVATION MAP** **Character Area Designation:** Downtown **Character Area Description:** Consistent **Zoning Crosswalk:** Consistent **Focus Area Map:** Consistent
2) COMPATIBILITY	**Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property** **EXISTING CONDITIONS** The subject property is surrounded by commercial office space to its south and east, restaurants and industrial uses to the west, and governmental office uses to the north and north-east. Other properties in city limits in the immediate vicinity are zoned C-1 and CMU as well as a Planned Institutional Development to the north-east. The southern parcel has a two-story building that houses a law office. The northern parcel has two single-family homes that have been used for commercial businesses which front on Grove St with a parking lot in the rear. **GEN H COMPREHENSIVE PLAN GOALS** (Chapter IV) **Vibrant Neighborhoods**: Consistent **Abundant Housing Choices**: Consistent **Healthy and Accessible Natural Environment**: Consistent **Authentic Community Character**: Consistent **Safe Streets and Trails**: Consistent **Reliable & Accessible Utility Services**: Consistent **Satisfying Work Opportunities**: Consistent **Welcoming & Inclusive Community**: Consistent **Accessible & Available Community Uses and Services**: Consistent **Resilient Community**: N/A **GEN H COMPREHENSIVE PLAN GUIDING PRINCIPLES** (Chapter IV) **Mix of Uses:** Consistent **Compact Development:** Consistent

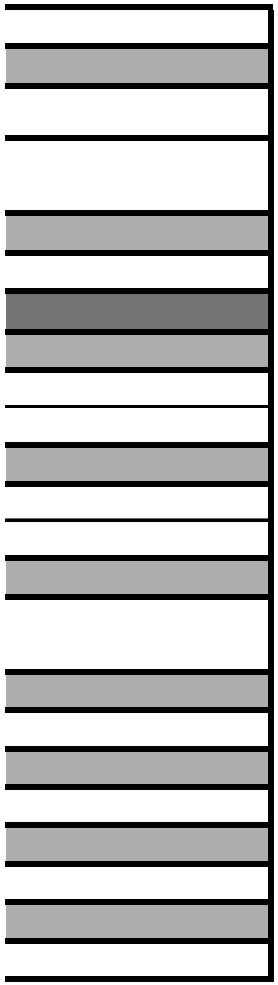
	Sense of Place: Consistent **Conserved & Integrated Open Spaces:** Consistent **Desirable & Affordable Housing**: Consistent **Connectivity**: Consistent **Efficient & Accessible Infrastructure:** Consistent
	DESIGN GUIDELINES ASSESSMENT – N/A
3) Changed Conditions	**Whether and the extent to which there are changed conditions, trends or facts that require an amendment -**
	This area is seeing gradual change over time with continued infill and increased development. The Gen H Comprehensive Plan calls out this area as underdeveloped but designated for high intensity development in the future.
4) Public Interest	**Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern that benefits the surrounding neighborhood, is in the public interest and promotes public health, safety and general welfare -**
	The expansion of C-1 in this area increases the potential use of the property for various commercial and residential uses. The C-1 zoning district is designed to promote convenient pedestrian shopping and the stability of retail development within Downtown.
5) Public Facilities	**Whether and the extent to which adequate public facilities and services such as water supply, wastewater treatment, fire and police protection and transportation are available to support the proposed amendment**
	The subject property is within city limits and is connected to city utilities and can utilize other city services.
6) Effect on Natural Environment	**Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment including but not limited to water, air, noise, storm water management, streams, vegetation, wetlands and wildlife -**
	The project will be required to meet any natural resource protection standards that are triggered through the development of the project.

Project Addresss - Rezoning Request | Project Number		
Chapter 4 - The Vision for the Future	**Consistent**	**Inconsistent**
SUPPLY, SUITABILITY, & INTENSITY		
LAND SUPPLY MAP (Pg. 80, Figure 4.4.2)	Consistent	
LAND SUITABILITY MAP (Pg. 83-85, Figure 4.5-4.7)	Consistent	
DEVELOPMENT INTENSITY MAP (Pg. 89, Figure 4.9)	Consistent	
FUTURE LAND USE & CONSERVATION MAP		
Future Land Use and Conservation Map (Note classification here, Pg. 117, Figure 4.12.1)	**Downtown**	
Character Area Description (Pg. 124-131)	Consistent	
Zoning Crosswalk (Pg. 132-133, Figure 4.18)	Consistent	

Chapter 4 - The Vision for the Future	Consistent
GOALS	
Vibrant Neighborhoods (Pg. 93)	
Promote lively neighborhoods that increase local safety.	Consistent
Enable well-maintained homes, streets, and public spaces.	Consistent
Promote diversity of ages (stage of life), income levels, and a range of interests.	Consistent
The design allows people to connect to nearby destinations, amenities, and services.	Consistent
Abundant Housing Choices (Pg. 93)	
Housing provided meets the need of current and future residents.	Consistent
Range of housing types provided to help maintain affordability in Hendersonville.	Consistent
Housing condition/quality exceeds minimum standards citywide	Somewhat Consistent
Healthy and Accessible Natural Environment (Pg. 94)	
Recreational (active and passive) open spaces are incorporated into the development.	Consistent
Water quality is improved with the conservation of natural areas that serve as filters and soil stabilizers.	Consistent
Natural system capacity (floodplains for stormwater; habitats to support flora/fauna; tree canopy for air quality, stormwater management, and microclimate) is maintained.	Consistent
Development is compact (infill/redevelopment) to minimize the ecological footprint.	Consistent
New development respects working landscapes (e.g., orchards, managed forests), minimizing encroachment.	Consistent
Authentic Community Character (Pg. 94)	
Downtown remains the heart of the community and the focal point of civic activity	Consistent
A development near a gateway sets the tone, presenting the image/brand of the community.	Consistent
Historic preservation is utilized to maintain the city's identity.	Consistent
City Centers and neighborhoods are preserved through quality development.	Consistent
Safe Streets and Trails (Pg. 95)	
Interconnectivity is promoted between existing neighborhoods through the building out of street networks, including retrofits and interconnectivity of new developments.	Consistent
Access is increased for all residents through the provision of facilities that promote safe walking, biking, transit, automobile, ride share, and bike share.	Consistent
Design embraces the principles of walkable development.	Consistent
Reliable & Accessible Utility Services (Pg. 95)	
Wastewater treatment (service and capacity) adequately serves existing and future development	Consistent
A compact service area (infill, redevelopment) maximizes the utilization of existing infrastructure and feasible service delivery.	Consistent
Satisfying Work Opportunities (Pg. 96)	
The development promotes quality job options.	Consistent

The lives of residents are enriched with opportunities to learn, build skills, and grow professionally.	Consistent
Welcoming & Inclusive Community (Pg. 96)	
Accessibility exceeds minimum standards of ADA, fostering residents' and visitors' sense of belonging.	Consistent
An inviting public realm (i.e., parks, public buildings) reflects the attitudes of city residents and leaders, and helps residents develop a sense of place and attachment to Hendersonville.	Consistent
Accessible & Available Community Uses and Services (Pg. 97)	
Private development is plentiful, meeting the demands of current and future populations.	Consistent
GUIDING PRINCIPALS (pg. 98)	
Mix of Uses (Pg. 98)	
Revitalization of Outdated Commercial Areas	Consistent
New business and office space promotes creative hubs.	Consistent
Compact Development (Pg. 100)	
Development is consistent with efforts in the area to establish 15-minute neighborhoods.	Consistent
The infill project is context sensitive [Small Infill Site].	Consistent
Sense of Place (Pg. 102)	
The development contributes to Hendersonville's character and the creation of a sense of place through its architecture and landscape elements. [Placekeeping and Placemaking and 3rd Places]	Consistent
Conserved & Integrated Open Spaces (Pg. 106)	
A diverse range of open space elements are incorporated into the development.	Somewhat Consistent
Desirable & Affordable Housing (Pg. 108)	
Missing middle housing concepts are used in the development.	Consistent
Connectivity (Pg. 112)	
The development encourages multimodal design solutions to enhance mobility.	Consistent
Efficient & Accessible Infrastructure (Pg. 114)	
The development utilizes existing infrastructure	Consistent

Inconsistent



PLANNING BOARD RECOMMENDATION
101 S GROVE ST (26-56-RZO)
MEETING DATE: OCTOBER 1ST, 2026

PETITION REQUEST: Standard Rezoning – C1SU to C1

APPLICANT/PETITIONER: Applicant: Jared DeRidder of WGLA Engineering PLLC (Applicant), Henderson County, Representative: Chris Todd (Property Owner)

PLANNING BOARD ACTION SUMMARY:

The Planning Board voted 7-0 to recommend **approval** of this petition and adopted the following motion:

PLANNING BOARD MOTION:

Ms. Gilgis moved the Planning Board recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville, changing the zoning designation of the subject property (PINs 9568-87-7059 and 9568-87-6293) from C-1SU, Central Business Special Use to C-1, Central Business based on the following: 1. The petition is found to be consistent with the City of Hendersonville's Gen H Comprehensive Plan based on the information from the staff analysis, and because the proposed zoning of C-1 aligns with the Gen H 2045 Comprehensive Future Land Use and Conservation Map and the character area description for downtown. 2. Furthermore, we find this petition to be reasonable and in the public interest based on the information from the staff analysis public hearing, and because a return to the previous base zoning of C-1 Central District restores potential development opportunities on this property by permitting the same uses available to other adjacent C-1 properties, and C-1 zoning is designated to promote development in the downtown district which the subject parcels are within. Ms. Waters seconded the motion which passed unanimously.

OVERVIEW OF BOARD ACTION

BOARD ACTION:

The Planning Board convened on this project for **20 minutes**.

Motion:

- Kyle Gilgis

Second:

- Donna Waters

Yeas:

- Jim Robertson, Betsey Zafra, Lauren Rippy, Bob Johnson, Mark Russell

Nays:

- None

Absent: Tamara Peacock, David McKinley, Laura Flores

Recused: None

Ordinance #O-26-__

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR CERTAIN PARCELS (POSSESSING PIN NUMBERS 9568-87-7059 and 9568-87-6293) BY CHANGING THE ZONING DESIGNATION FROM C-1SU, CENTRAL BUSINESS SPECIAL USE, TO C-1, CENTRAL BUSINESS.

IN RE: Parcel Numbers: 9568-87-7059 and 9568-87-6293
101 S Grove St | File # 26-56-RZO

WHEREAS, the Planning Board took up this application at its regular meeting on September 10th, 2026; voting 7-0 to recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville, and

WHEREAS, City Council took up this application at its regular meeting on October 1st, 2026, and

WHEREAS, City Council has found that this zoning map 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 October 1st, 2026,

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

1. Pursuant to Article XI of the Zoning Ordinance of the City of Hendersonville, North Carolina, the Zoning Map is hereby amended by changing the zoning designation of the following: Parcel Numbers: 9568-87-7059 and 9568-87-6293 from C-1SU, Central Business Special Use, to C-1, Central Business.

2. Any development of this parcel shall occur in accordance with the Zoning Ordinance of the City of Hendersonville, North Carolina.

3. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this 1st day of October, 2026.

_____

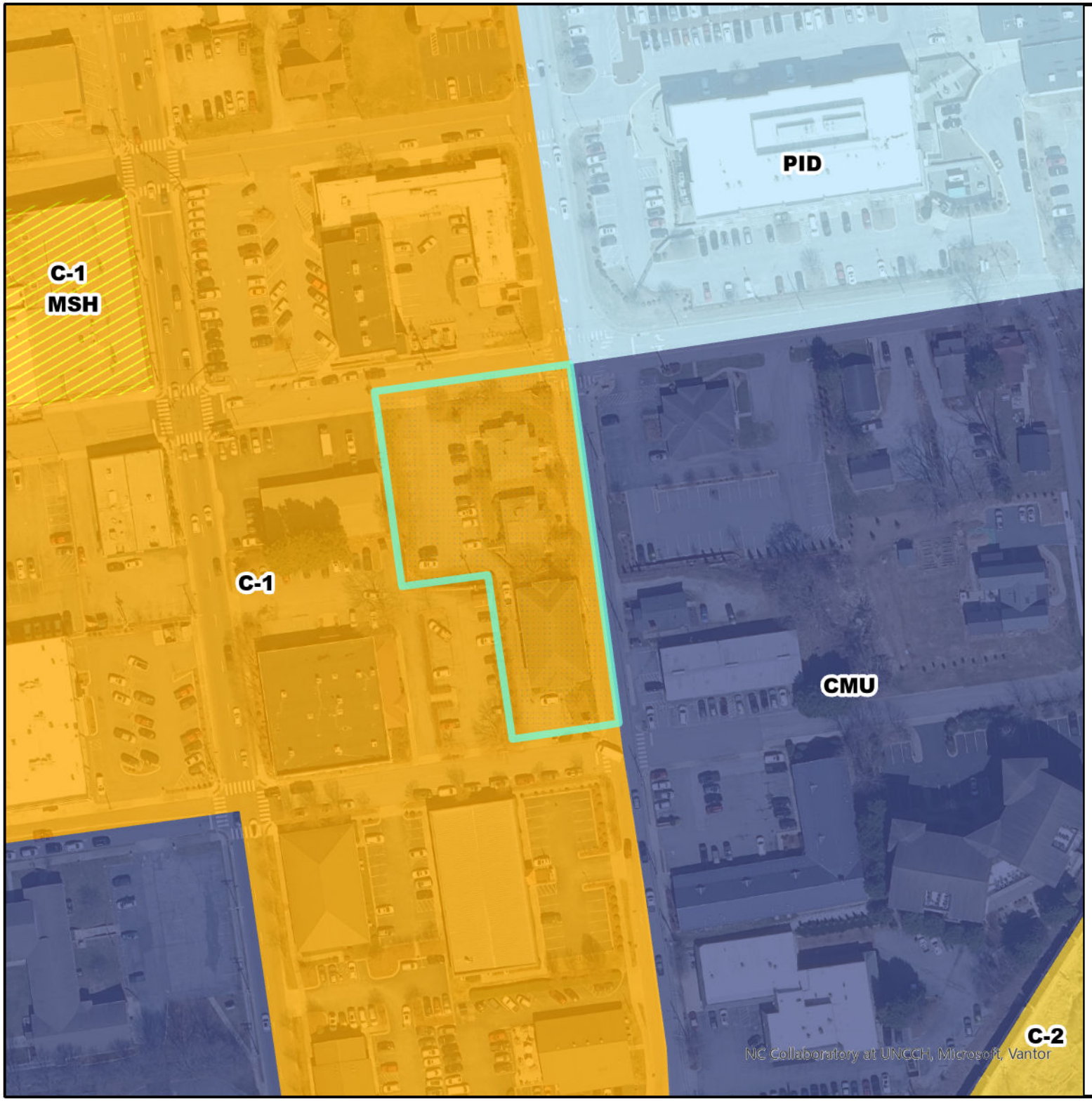
Attest: Barbara G. Volk, Mayor, City of Hendersonville

_____

Jill Murray, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney



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Feet E
City of Hendersonville
September 2026 S

101 S Grove Street
26-56-RZO
PINs: 9568-87-7059 and 9568-87-6293
Acreage: 0.77
Proposed Zoning
Community Development Department

Hendersonville Proposed Zoning

- Subject Parcels
- MSH Main Street Historic Overlay District
- PID Planned Institutional Development
- C-2 Secondary Business
- C-1 Central Business
- C-1SU Central Business Special Use
- CMU Central Mixed Use

THE CITY OF HENDERSONVILLE · N.C. · 1847

WORKSPACE INFORMATION

Application number
26-56-RZO

Category
Standard Rezoning

Workspace state
Application complete

Workspace created
08/07/2026, 10:11:51 AM EDT

Application submitted
08/12/2026, 2:56:14 PM EDT

Assignee
Sarah McLaurin

Package generation date
09/02/2026, 3:04:45 PM EDT

LOCATION INFORMATION

Address
101 S GROVE ST, Hendersonville, NC

Property information
9568876293,

PARTIES

NAME AND COMPANY	CONTACT DETAILS	ROLES
Jared DeRidder WGLA Engineering, PLLC	724 5th Avenue W Hendersonville [redacted]	Applicant
Chris Todd Henderson County	100 N. King Street Hendersonville [redacted]	Property owner
Chris Todd Henderson County	100 N King Street Hendersonville [redacted]	Property owner

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Property Information	
Current Zoning C-1SU	Proposed Zoning C-1

Adjacent Parcel Numbers and Uses	
PIN: 9568875244	Use: COMMERCIAL
PIN: 9568875098	Use: COMMERCIAL
PIN: 9568875098	Use: COMMERCIAL
PIN: 9568878278	Use: COMMERCIAL
PIN: 9568879210	Use: COMMERCIAL

Section 11-1 Standards

The advisability of amending the text of this Zoning Ordinance or the Official Zoning Map

is a matter committed to the legislative discretion of the City Council and is not controlled

by any one factor. In determining whether to adopt or disapprove the proposed

amendment to the text of this Ordinance or the Official Zoning Map, the City Council shall

consider the following factors among others:

a) Comprehensive Plan Consistency – Consistency with the Comprehensive Plan and amendments thereto.

THE EXISTING PARCEL IS LOCATED IN THE DOWNTOWN EDGE OVERLAY CHARACTER DISTRICT. THE COMPREHENSIVE PLAN DESIGNATES THIS DISTRICT AS ACCOMIDATING COMMERCIAL AND OFFICE GROWTH.

b) Compatibility with surrounding uses – Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property. (Also, see NCGS 160-601 (d) Down-Zoning

THE PARCEL CONTAINS TWO COMMERCIAL STRUCTURES WITH ASSOCIATED SURFACE PARKING, CONSISTENT WITH THE SURROUNDING USE.

c) Changed Conditions. Whether and the extent to which there are changed conditions, trends or facts that require an amendment. (Also, see NCGS 160D-601 (d) Down-Zoning)

N/A

d) Public Interest. Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern that benefits the surrounding neighborhood, is in the public interest and promotes public heath, safety and general welfare. (Also, see NCGS 160D-601 (d) Down-Zoning)

THE PARCEL CONTAINS TWO EXISTING COMMERICAL BUILDINGS THAT WERE CONSTRUCTED IN 1960 WITH ASSOCIATED PARKING. C-1 ZONING IS A COMPATIBLE SURROUNDING USE.

e) Public Facilities. Whether and the extent to which adequate public facilities and services such as water supply, wastewater treatment, fire and police protection and transportation are available to support the proposed amendment. (Also, see NCGS 160D-601 (d) Down-Zoning)

THE PARCEL IS SERVICED BY CITY OF HENDERSONVILLE UTILITIES AND SERVICES.

f) Effect on Natural Environment. Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment including but not limited to water, air, noise, storm water management, streams, vegetation, wetlands and wildlife

THERE WOULD BE NO ADDITIONAL ENVIRONMENTAL IMPACTS FROM ITS CURRENT USE.

Zoning-Applicant (Developer) Company Information

Applicant (Developer) Company Information

Authorized Representative Name:
Chris Todd

Company Name (if applicable, check corresponding box below)
Henderson County

Company Type:

- ☐ Corporation:
- ☐ Limited Liability Company:
- ☐ Trust:
- ☐ Partnership:
- ☑ Other:

If other:
Government

Authorized Representative Title (if applicable - i.e. Member/Manager, President, etc.)
Assistant County Manager

Zoning-Property Owner Company Information

Property Owner Company Information (if different from Applicant)

Authorized Representative Name:
Chris Todd

Company Name (if applicable, check corresponding box below)
Henderson County

Company Type:

- ☐ Corporation:
- ☐ Limited Liability Company:
- ☐ Trust:
- ☐ Partnership:
- ☑ Other:

If other:
Government

Authorized Representative Title (if applicable - i.e. Member/Manager, President, etc.)
Assistant County Manager

Rezoning Pre-Consultation Form

Project Description			
Project Description Rezoning request for PIN#9568-87-6293			
Total Project Area (acres) 0.52	Total Lots/Units 1	Proposed building square footage: 0.0 sq.ft.	Gen H Future Land Use Designation: Downtown
Current Zoning District C-1SU	Proposed Zoning District C-1	Proposed Meeting Date Option 1 08/10/2026	Proposed Meeting Date Option 2 08/10/2026
Proposed Meeting Time Option 1 10:00 AM			Proposed Meeting Time Option 2 1:00 PM

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: Sam Hayes

MEETING DATE: October 1st, 2026

AGENDA SECTION: Public Hearing

DEPARTMENT: Community Development

TITLE OF ITEM: Annexation: Public Hearing – Jabil Expansion (26-60-ANX) – *Sam Hayes, Planner II*

SUGGESTED MOTION(S):

For Approval:	**For Denial:**
I move City Council adopt an ordinance of the City of Hendersonville to annex noncontiguous property owned by SMBC Leasing and Finance, Inc, identified as PINs 9587-48-3861 and 9587-38-8841, finding that the standards established by North Carolina General Statute 160A-58.1 have been satisfied and that the annexation is in the best interest of the City.	I move that City Council deny the petition received from SMBC Leasing and Finance, Inc, requesting the annexation of that property having PINs 9587-48-3861 and 9587-38-8841.

SUMMARY: *File # 26-60-ANX*

The City of Hendersonville has received a petition from Jeffrey Butt (applicant) and SMBC Leasing and Finance, Inc. (owner) for satellite annexation of PINs 9587-48-3861 and 9587-38-8841 located on Commercial Boulevard that is approximately 7.23 acres. Please refer to the attached maps for additional information.

Attached is the Clerk's Certificate of Sufficiency finding that the petition is valid. The next step in the annexation process is to accept the Clerk's certificate and set a date for the public hearing on the question of adoption of an ordinance of annexation.

PROJECT/PETITIONER NUMBER:	• 26-60-ANX
PETITIONER NAME:	• Jeffrey Butt (Applicant) • SMBC Leasing and Finance, Inc (Owner)

ATTACHMENTS:	1. Ordinance 2. Signed Certificate of Sufficiency 3. Signed Resolution setting public hearing 4. Annexation Plat 5. Typed legal description 6. GIS map 7. Deeds 8. Annexation Applications

Ordinance #___-____

Return to: City of Hendersonville box

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

Re: Petition for Satellite Annexation
Petitioners: SMBC Leasing and Finance, Inc (Owner); Jeffrey Butt (Applicant)
File No. 26-60-ANX

WHEREAS, The City of Hendersonville has been petitioned by Jeffrey Butt (Applicant) and SMBC Leasing and Finance, Inc (Owner) pursuant to North Carolina General Statutes (NCGS) 160A-58.1, as amended, to annex the area described herein below; and,

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

WHEREAS, a public hearing on the question of this annexation was held at City Operations Building at 305 Williams Street, Hendersonville, NC 28792 at 5:45 pm, on the 1st day of October, 2026, after due notice by publication as provided by law on September 21st, 2026; and

WHEREAS, the City Council further finds the areas described therein meets the standards of N.C. G.S. 160A-58.1(b), to wit;

1. The Petition includes a metes and bounds description of the area proposed for annexation and has attached a map showing the proposed satellite area.
2. The nearest point on the proposed satellite corporate limit is approximately 2450' from the primary corporate limits of the City of Hendersonville, which is less than 3 miles.

3. The Petition includes the names and addresses and signatures of all owners of real property lying in the area described therein, except those not required to sign by G.S.160A-58.1 (a).
4. No point on the proposed satellite corporate limits is closer to the primary corporate limits of another city than to the primary corporate limits of Hendersonville (Village of Flat Rock approximately 3400').
5. The area is situated so the City will be able to provide the same services within the proposed corporate limits that is provided within the primary corporate limits.
6. The area proposed for annexation is not subject to subdivision regulation as described N.C.G.S. § 160D-802
7. The total area within the proposed satellite corporate limits, when added to the area within all the other satellite corporate limits of the City, does not exceed ten (10%) of the area within the primary corporate limits of the City.
8. The area for annexation meets all other requirements defined in NC 160A-58.54 regarding the character of the area to be annexed.

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

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

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

1: By virtue of the authority granted by N.C.G.S. 160A-58.2, as amended, the following described noncontiguous area is hereby annexed and made part of the City of Hendersonville as of the first day of October, 2026.

Being all of that real property consisting of PINs 9587-48-3861 and 9587-38-8841 described in the plat recorded in Book 2026- _____ [to be inserted at recording of the plat] of the Henderson County Registry, said PINs 9587-48-3861 and 9587-38-8841 being described by metes and bounds 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.

2: Upon and after the first day of October 2026, the above-described territory, and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Hendersonville and shall be entitled to the same privileges and benefits as other parts of the City of Hendersonville. Said territory shall be subject to municipal taxes according to NCGS 160A-58.10, as amended.

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

Adopted by the City Council of the City of Hendersonville, North Carolina on this _____ day of _____, 20____.

_____
Attest: Barbara G. Volk, Mayor, City of Hendersonville

_____
Jill Murray, City Clerk

Approved as to form:

_____
Angela S. Beeker, City Attorney

STATE OF NORTH CAROLINA, COUNTY OF HENDERSON

I, _____, a Notary Public in Henderson County, State of North Carolina, do hereby certify that Barbara G. Volk in her capacity of Mayor of the City of Hendersonville; Jill Murray, in her capacity of City Clerk personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial seal, this _____ day of _____, 20_____.

My commission expires:

_____

CERTIFICATE OF SUFFICIENCY

Re: Petition for Satellite Annexation
Petitioners: Jeffrey Butt and SMBC Leasing and Finance, Inc
File No. 26-60-ANX

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

1. A petition has been received for satellite annexation of properties consisting of +/- 7.23 acres located off of Commercial Boulevard in Hendersonville, NC, being tax parcel(s) PINs 9587-48-3861 and 9587-38-8841, and being more particularly described on Exhibit A, attached hereto and incorporated by reference, hereinafter "Petition."

2. An investigation has been completed as required by N.C.G.S. § 160A-58.2 of the Petition for compliance with the requirements of N.C.G.S. § 160A-58.1.

Based upon this investigation, I find that:

1. The Petition includes a metes and bounds description of the area proposed for annexation and has attached a map showing the proposed satellite area.
2. The nearest point on the proposed satellite corporate limit is approximately 8381' from the primary corporate limits of the City of Hendersonville, which is less than 3 miles.
3. The Petition includes the names and addresses and signatures of all owners of real property lying in the area described therein, except those not required to sign by G.S.160A-58.1 (a).
4. 4. Pursuant to N.C. Gen. Stat. § 160A-58.1(b)(2) and (b2), all points on the proposed satellite corporate limits are within the area designated for annexation by the City of Hendersonville under the Annexation Agreement between the City of Hendersonville and the Village of Flat Rock dated August 3, 2018, as amended.
5. The area is situated so the City will be able to provide the same services within the proposed corporate limits that is provided within the primary corporate limits.
6. The area proposed for annexation is a subdivision as defined in N.C.G.S. § 160D-802. All portions of the subdivision are included in the annexation petition.
7. The total area within the proposed satellite corporate limits, when added to the area within all the other satellite corporate limits of the City, does not exceed ten (10%) of the area within the primary corporate limits of the City.
8. The area for annexation meets all other requirements defined in NC 160A-58.54 regarding the character of the area to be annexed.

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

In witness hereof, I have set my hand and the City Seal on this the 3rd day of September, 2026.

(City Seal)

Jill Murray, City Clerk

EXHIBIT A
LEGAL DESCRIPTION

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.

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 Clelk 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 Carollna that:

Section 1. A public hearing on the question of annexation of the satellite area described hHFTllâ 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 alinexatlOn is described as follows:

BEGINNING at a 5/8" rebar with cap stamped "Holmes Geospatlal" set flush with existing grade (hereafter iefeiied to as "Holmes rebar"); said Holmes rebar lying in the eastern boundary of that North Carollna Department of Transportation (referred to as NCDOT hC1'eafter) fee slmple right of way tract as described per deed book 3731 page 303 and being the northwestern most colner of Lot 2 as shown pe1 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 Nortliing: 578918.08' Eastlllg: 983408.15'; thence with the northern boundary of Lot 2 as shown per plat book 2021 page 13013 the following thee calls; 1. S 69°48'33" E 14.73 feet to a calculated point; 2. A cur›*e to the i'ight Isa *ing Rli arc lcngtli of 0.54 feet, a radius of 141,27 feet, a cho1'd bearing of S 69°27'08" E, and a chord leligtli 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 Buslness Parle Propelty Owners AssoCldtion property as described per deed boolc 1031 page 161 of the Henderson County reglstry; 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 boolc 2021 page 13013 S 84°10'04" E 638.44 feet to a 1" axle found 0.7 feet below existlng grade; Shld 1" axle being the soutlieastern most corner of Lot 7a as shown per plat boolc 1995 page 2042 and being the nortlieastern host corner of that propei'ty as described per deed book 3258 page 544 of the Henderson County registiy; thence wlth the eastern boundary of Lot 7a, Lot 7, and Lot 11 of plat boots 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 ñ COlJ4liion corner of Lot 11 per plat book 1995 page 2042; thelice with the coinmoli 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 exlsting grade; said opeli iron pipe lyilig in the western right of way line of Interstate 26 and being a common cornei' of Lot 11 as shown per plat book 1995 page 2042 of the Henderson Coulity Register of Deeds; said open ii on pipe being the northwestern most corner of that 3.7 acre

right of way tiact as described per deed book 421 page 299 of the Henderson County registry; said open iron plpe having NC Grid NAD83(2011) coordlnates Of Northilig 579239.87' Easting: 984307.77'; thence with the western right Of way 11ne 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 exlsting 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 bearlng of S 27°41'47" E, and a chord leligtli of 592.74 feet to a calculated pOint lylng 1n the northern boundary line of the John M. Magnusson Revocable Trust property as described in deed bool‹ 1345 page 308 of the Henderson County Reglster of DeedS; Sald calculated polnt lying N 84° 22' 13" W 0.79 feet from a 3/4" opeli iron pipe found brolien at existing grade; thence with the northern boundary of the John M. Magnusson Revocable Trust Property as described per deed bool‹ 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 belng the northwestern most comer of the John M. Magnusson Revocable Trust property and the nortlieastein 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 1n 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 bearlng of N 33°09'14" W, and a chord length of 127.19 feet to the point and place of BEGINNING containilig 7.23 + Acres.

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

Re: Petition foi Satellite Annexation
Petitioliers: Jeffrey Butt (appllcant) 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 Hendersonvllle Tires-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 HenderSOlJVille, North Carolina on this 3" day of September, 2026.

Barbara G. Volts, Mayor, City of Hendersonville

Attest:

Jill Murray, Clty Clerk

Appi‘oved as to form: Angela S. Beel‹er, City Attorney

NOTES

1. THE PURPOSE OF THIS PLAT IS FOR A PROPOSED ANNEXATION OF HENDERSON COUNTY, NC PINS: 9587483861 & 9587388841 INTO THE HENDERSONVILLE CITY LIMITS. TOTAL AREA OF PROPOSED ANNEXATION IS 7.23 ± ACRES. AREAS TO BE ANNEXED, AS NOTED HEREON, ARE INTENDED TO BE ADDED TO THE GARRISON INDUSTRIAL PARK AND WILL BE SUBJECT TO THAT DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS AS DESCRIBED PER DEED BOOK 3721 PAGE 204. SEE VICINITY MAP HEREON FOR APPROXIMATE LOCATION OF THE NEAREST PRIMARY HENDERSONVILLE CITY LIMITS IN RELATION TO THE SUBJECT PROPERTY. DISTANCES, AS SHOWN ON THE VICINITY MAP HEREON, ARE BASED ON HENDERSON COUNTY GIS PARCEL LINES AND SHOULD BE CONSIDERED APPROXIMATE.
2. THE SUBJECT PROPERTY MAY BE SUBJECT TO RIGHTS-OF-WAY, EASEMENTS, RESERVATIONS AND RESTRICTIONS, WRITTEN AND UNWRITTEN, RECORDED AND UNRECORDED, NOT SHOWN OR DISCOVERED DURING THE COURSE OF THIS SURVEY.
3. AREAS TO BE ANNEXED, AS NOTED HEREON, ARE SUBJECT TO COUNTY ZONING PER THAT INTERLOCAL AGREEMENT, DATED NOVEMBER 18, 2020, AS AMENDED BY THAT FIRST AMENDED AND RESTATED INTERLOCAL AGREEMENT, DATED _____ PER HENDERSON COUNTY ZONING MAP. THE SUBJECT PROPERTY IS SHOWN WITHIN THE INDUSTRIAL (I) DISTRICT. SETBACKS FOR THE INDUSTRIAL (I) DISTRICT PER HENDERSON COUNTY ZONING ORDINANCE ARE AS FOLLOWS:

   INDUSTRIAL (I) DISTRICT

   FRONT OR RIGHT OF WAY: 20' (LOCAL ROAD), 30' (COLLECTOR ROAD), 40' (THOROUGHFARE), 50' (BOULEVARD EXPRESSWAY), 60' (FREEWAY)
   SIDE: 20'
   REAR: 20'

   SETBACKS GRAPHICALLY DEPICTED HEREON, ARE THE SURVEYORS BEST INTERPRETATION OF THE ZONING ORDINANCE AND SHOULD BE VERIFIED WITH THE HENDERSON COUNTY PLANNING DEPARTMENT FOR COMPLIANCE. SEE THE HENDERSON COUNTY ZONING ORDINANCE FOR ADDITIONAL RESTRICTIONS AND ALLOWANCES.
4. PORTIONS OF THE SUBJECT PROPERTY APPEAR TO LIE WITHIN FLOOD HAZARD AREAS (ZONE AE), AND (ZONE X) ACCORDING TO THE NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAP 3700958700J, EFFECTIVE DATE OCTOBER 2nd, 2008. APPROXIMATE LOCATIONS OF FLOOD HAZARD LINES ARE DEPICTED HEREON AND WERE OBTAINED FROM FRIS NC.GOV. THE SUBJECT PROPERTY MAY BE SUBJECT TO STREAM BUFFERS AS REQUIRED BY LOCAL ORDINANCES. STREAM BUFFERS ARE NOT DEPICTED HEREON.
5. FIELD WORK WAS PERFORMED FROM 4/7/2026 THROUGH 6/18/2026, BY GNSS AND TRADITIONAL SURVEY METHODS. MONUMENTS FOUND ARE FLUSH WITH EXISTING GRADE UNLESS NOTED OTHERWISE.
6. NO FIELD INVESTIGATION OF UNDERGROUND UTILITIES, OTHER THAN ABOVE GROUND STRUCTURES, WAS PERFORMED BY THIS FIRM. SEE LINE LEGEND HEREON FOR UNDERGROUND UTILITIES SHOWN BASED ON PAINT MARKINGS FOUND. UNDERGROUND UTILITIES MAY EXIST ON THE SUBJECT PROPERTY, NOT SHOWN, THAT WERE NOT VISIBLE AND APPARENT AND COULD NOT BE DISCOVERED DURING THE SURVEY.
7. ALL DISTANCES SHOWN ARE HORIZONTAL GROUND DISTANCES UNLESS NOTED OTHERWISE. ALL COORDINATES SHOWN ARE NC GRID NAD83(2011) COORDINATES.
8. LANGUAGE PER DEED BOOK 421 PAGE 299 "EASEMENTS, IN PERPETUITY FOR RIGHT OF WAY" DOES NOT APPEAR TO IMPLY FEE SIMPLE CONVEYANCE. HOWEVER, LANGUAGE PER DEED BOOK 1289 PAGE 412 SUGGESTS INTENT TO EXCEPT THE LAND WITHIN THE RIGHT OF WAY AREA AS CONVEYED TO THE STATE HIGHWAY COMMISSION PER DEED BOOK 421 PAGE 299. CONSIDERING THE LANGUAGE OF DEED BOOK 1289 PAGE 412, CALLS L6 THROUGH C2 , AS SHOWN HEREON, ARE INTENDED TO RUN WITH THE WESTERN RIGHT OF WAY LINE OF INTERSTATE 26 AS DESCRIBED PER DEED BOOK 421 PAGE 299 AND AS SHOWN ON STATE HIGHWAY COMMISSION PLANS FOR PROJECT #8.18293. PLANS PER HIGHWAY PROJECT# 8.18293 DEPICT A TOTAL RIGHT OF WAY WIDTH OF 270 FEET ALONG THE SUBJECT PROPERTY (135' FROM CENTERLINE). HIGHWAY PLANS, AS NOTED ABOVE, DEPICT A 135' SPIRAL CURVE OFFSET CORRESPONDING TO THE PORTION OF RIGHT OF WAY SHOWN HEREON BY CALLS L7 & L7a. HOWEVER, DEED BOOK 421 PAGE 299 CALLS FOR A CHORD BEARING AND DISTANCE FOR THIS PORTION OF RIGHT OF WAY. CONSIDERING AMBIGUITY BETWEEN HIGHWAY PLANS AND THE RECORD RIGHT OF WAY CONVEYANCE, THE CHORD BEARING AND DISTANCE AS CALLED FOR, PER DEED BOOK 421 PAGE 299, WAS HELD TO RE ESTABLISH THE RIGHT OF WAY FOR CALLS L7 & L7a SHOWN HEREON.
9. NO DEED WAS FOUND FOR CONVEYANCE OF THAT 20 FOOT PROPOSED SEWER EASEMENT AS DEPICTED PER PLAT BOOK 1994 PAGE 1652, PLAT BOOK 1995 PAGE 1927, AND PLAT BOOK 1995 PAGE 2042. THE APPROXIMATE LOCATION OF SAID EASEMENT IS SHOWN HEREON. IT IS UNCERTAIN IF THIS PROPOSED EASEMENT AS DEPICTED ON PLATS NOTED ABOVE CORRESPONDS TO THAT "20 FOOT SANITARY SEWER EASEMENT TO BE GRANTED TO THE GARRISON'S" AS DEPICTED ON EXHIBIT A OF DEED BOOK 843 PAGE 421. NO DEED OF CONVEYANCE WAS FOUND FOR SAID 20 FOOT SANITARY SEWER EASEMENT TO BE GRANTED TO THE GARRISON'S.
10. NO DEED WAS FOUND REGARDING CONVEYANCE OF RIGHTS TO THE USE OF THAT PORTION OF THE "ABANDONED RIGHT OF WAY" EXTENDING THROUGH THE SUBJECT PROPERTY AS SHOWN PER PLAT BOOK 2021 PAGE 13013, BASED ON HISTORICAL NCDOT AERIAL PHOTOGRAPHY, IT APPEARS SAID PORTION OF THE "ABANDONED RIGHT OF WAY" MAY NEVER HAVE BUILT OR USED FOR ACCESS. SEE DEED BOOK 3721 PAGE 231 FOR LANGUAGE OF ABANDONMENT TO RIGHTS FOR THE PORTION OF "ABANDONED RIGHT OF WAY" EXTENDING THROUGH THE SUBJECT PROPERTY AS SHOWN HEREON.
11. SEE DETAIL 1 FOR LOCATION OF A PORTION OF DEED BOOK 3258 PAGE 352 (ALSO PORTION OF LOT 8 PER PLAT BOOK 1994 PAGE 1652) THAT LIES WITHIN THE BOUNDARIES OF TRACT 1 SHOWN HEREON. SAID PORTION OF DEED BOOK 3258 PAGE 352 APPEARS TO BE INCLUDED IN THE DESCRIPTION OF THE TRACT ONE EXCEPTION AS DESCRIBED PER DEED BOOK 3647 PAGE 640.
12. THIS PLAT HAS BEEN UPDATED TO REFLECT A CHANGE IN OWNERSHIP AS RECORDED IN DEED BOOK 4487 PAGE 272 AND DEED BOOK 4487 PAGE 280. ALL OTHER INFORMATION, AS SHOWN HEREON, IS SHOWN AS OF THE DATE OF SURVEY (6/18/26) AND HAS NOT BEEN UPDATED.

CURVE TABLE

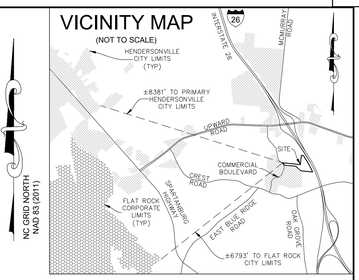
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	141.27'	0.54'	0.54'	S 69°27'08" E	0°13'14"
C2	4448.67'	593.18'	592.74'	S 27°41'47" E	7°38'23"
C3	280.00'	122.22'	121.25'	N 32°31'52" W	25°00'32"
C4	280.00'	6.09'	6.09'	N 45°39'30" W	1°14'45"
C5	4448.67'	691.50'	690.80'	N 19°25'24" W	8°54'22"
C6	280.00'	206.94'	202.26'	N 01°08'47" E	42°20'45"

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 69°48'33" E	14.73'
L2	S 84°10'04" E	112.25'
L3	S 84°10'04" E	638.44'
L4	N 06°38'07" E	211.80'
L5	N 06°38'07" E	64.88'
L6	N 06°38'07" E	77.15'
L7	N 06°38'07" E	17.26'
L8	N 06°38'07" E	20.17'
L9	N 06°38'07" E	22.98'
L10	S 84°56'34" E	91.18'
L11	S 32°35'44" E	44.26'
L12	S 32°21'25" E	117.15'
L13	S 32°21'25" E	79.67'
L14	N 84°22'13" W	515.99'
L15	N 47°18'56" W	75.89'
L16	N 47°18'56" W	228.00'
L17	N 85°01'19" W	400.36'
L18	N 85°01'19" W	64.71'
L19	N 85°01'19" W	34.87'
L20	S 44°18'13" E	373.90'
L21	S 32°45'16" E	479.69'
L22	N 84°22'13" W	0.79'
L23	N 24°06'53" W	39.58'
L24	N 05°40'50" W	695.27'
L25	N 06°38'07" E	224.38'
L26	S 67°40'07" E	60.03'
L27	S 84°10'02" E	10.03'

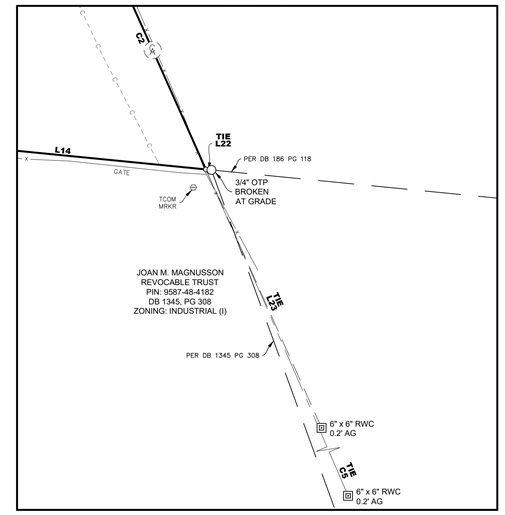
VICINITY MAP

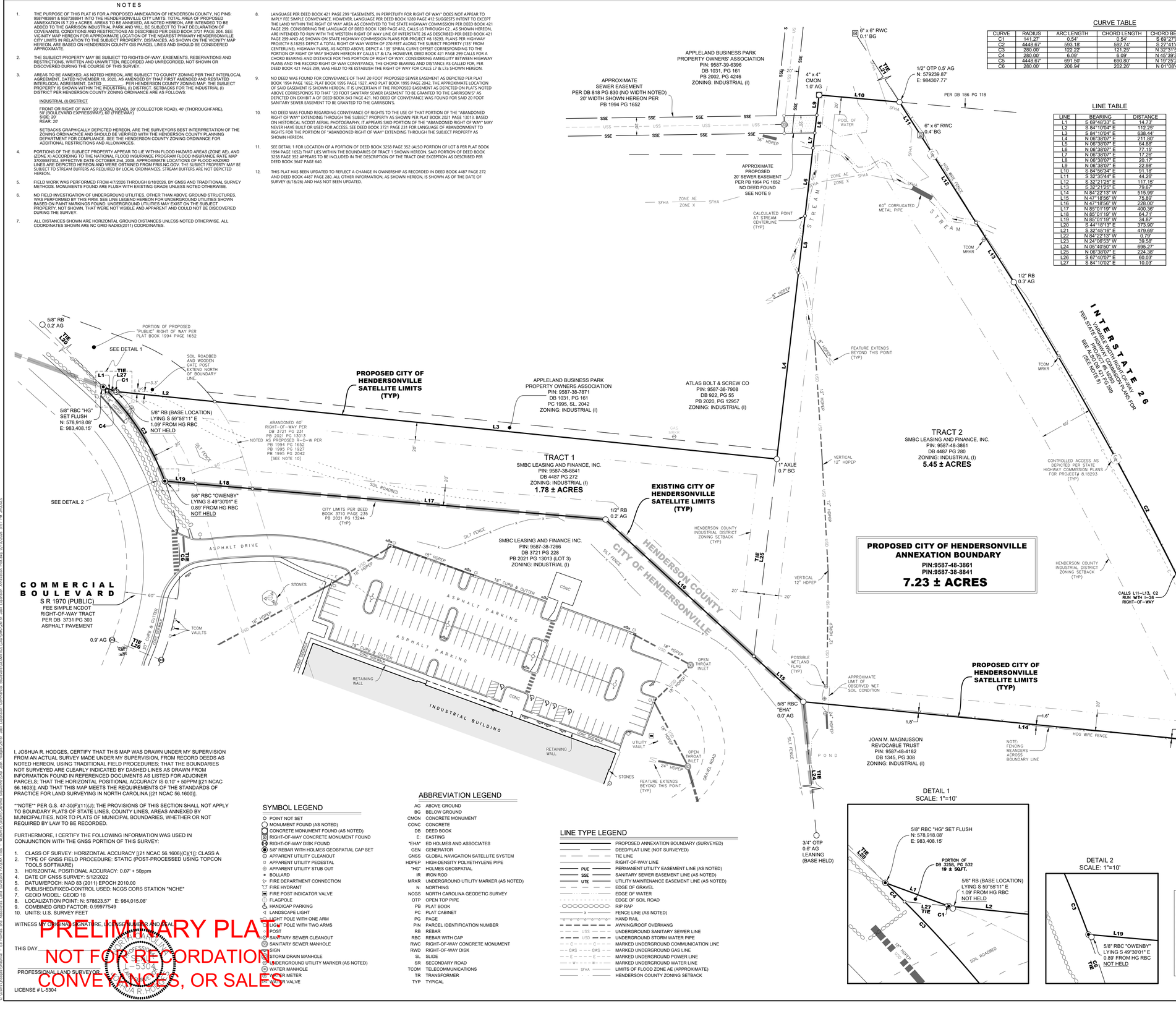
(NOT TO SCALE)



DETAIL 3

SCALE: 1"=10'





DETAIL 1

SCALE: 1"=10'

DETAIL 2

SCALE: 1"=10'

SYMBOL LEGEND

- POINT NOT SET
- MONUMENT FOUND (AS NOTED)
- CONCRETE MONUMENT FOUND (AS NOTED)
- RIGHT-OF-WAY CONCRETE MONUMENT FOUND
- RIGHT-OF-WAY DISK FOUND
- 5/8" REBAR WITH HOLMES GEOSPATIAL CAP SET
- APPARENT UTILITY CLEANOUT
- APPARENT UTILITY PEDESTAL
- APPARENT UTILITY STUB OUT
- BOLLARD
- FIRE DEPARTMENT CONNECTION
- FIRE HYDRANT
- FIRE POST INDICATOR VALVE
- FLAGPOLE
- HANDICAP PARKING
- LANDSCAPE LIGHT
- LIGHT POLE WITH ONE ARM
- LIGHT POLE WITH TWO ARMS
- POST
- SANITARY SEWER CLEANOUT
- SANITARY SEWER MANHOLE
- SIGN
- STORM DRAIN MANHOLE
- UNDERGROUND UTILITY MARKER (AS NOTED)
- WATER MANHOLE
- WATER METER
- WATER VALVE

ABBREVIATION LEGEND

AG	ABOVE GROUND
BG	BELOW GROUND
CMON	CONCRETE MONUMENT
CONC	CONCRETE
DB	DEED BOOK
E:	EASTING
"EHA"	ED HOLMES AND ASSOCIATES
GEN	GENERATOR
GNSS	GLOBAL NAVIGATION SATELLITE SYSTEM
HDPEP	HIGH-DENSITY POLYETHYLENE PIPE
"HG"	HOLMES GEOSPATIAL
IR	IRON ROD
MRKR	UNDERGROUND UTILITY MARKER (AS NOTED)
N	NORTHING
NCGS	NORTH CAROLINA GEODETIC SURVEY
OTP	OPEN TOP PIPE
PB	PLAT BOOK
PC	PLAT CABINET
PG	PAGE
PIN	PARCEL IDENTIFICATION NUMBER
RB	REBAR
RBC	REBAR WITH CAP
RWC	RIGHT-OF-WAY CONCRETE MONUMENT
RWD	RIGHT-OF-WAY DISK
SL	SLIDE
SR	SECONDARY ROAD
TCOM	TELECOMMUNICATIONS
TR	TRANSFORMER
TYP	TYPICAL

LINE TYPE LEGEND

- PROPOSED ANNEXATION BOUNDARY (SURVEYED)
- DEED/PLAT LINE (NOT SURVEYED)
- TIE LINE
- RIGHT-OF-WAY LINE
- PUE — PERMANENT UTILITY EASEMENT LINE (AS NOTED)
- SSE — SANITARY SEWER EASEMENT LINE (AS NOTED)
- UTE — UTILITY MAINTENANCE EASEMENT LINE (AS NOTED)
- EDGE OF GRAVEL
- EDGE OF WATER
- EDGE OF SOIL ROAD
- RIP RAP
- FENCE LINE (AS NOTED)
- HAND RAIL
- AWNING/ROOF OVERHANG
- USS — UNDERGROUND SANITARY SEWER LINE
- USD — UNDERGROUND STORM WATER PIPE
- C — C — MARKED UNDERGROUND COMMUNICATION LINE
- GAS — GAS — MARKED UNDERGROUND GAS LINE
- E — E — MARKED UNDERGROUND POWER LINE
- W — W — MARKED UNDERGROUND WATER LINE
- SFHA — LIMITS OF FLOOD ZONE AE (APPROXIMATE)
- HENDERSON COUNTY ZONING SETBACK

I, JOSHUA R. HODGES, CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION, FROM RECORD DEEDS AS NOTED HEREON, USING TRADITIONAL FIELD PROCEDURES; THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED BY DASHED LINES AS DRAWN FROM INFORMATION FOUND IN REFERENCED DOCUMENTS AS LISTED FOR ADJOINER PARCELS; THAT THE HORIZONTAL POSITIONAL ACCURACY IS 0.10' + 50PPM [(21 NCAC 56.1603)]; AND THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA [(21 NCAC 56.1600)].

NOTE PER G.S. 47-30(F)(11)(J); THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO BOUNDARY PLATS OF STATE LINES, COUNTY LINES, AREAS ANNEXED BY MUNICIPALITIES, NOR TO PLATS OF MUNICIPAL BOUNDARIES, WHETHER OR NOT REQUIRED BY LAW TO BE RECORDED.

FURTHERMORE, I CERTIFY THE FOLLOWING INFORMATION WAS USED IN CONJUNCTION WITH THE GNSS PORTION OF THIS SURVEY:

1. CLASS OF SURVEY: HORIZONTAL ACCURACY [(21 NCAC 56.1606)(C)(1)]: CLASS A
2. TYPE OF GNSS FIELD PROCEDURE: STATIC (POST-PROCESSED USING TOPCON TOOLS SOFTWARE)
3. HORIZONTAL POSITIONAL ACCURACY: 0.07' + 50ppm
4. DATE OF GNSS SURVEY: 5/12/2022
5. DATUM/EPOCH: NAD 83 (2011) EPOCH 2010.00
6. PUBLISHED/FIXED-CONTROL USED: NCGS CORS STATION "NCHE"
7. GEOID MODEL: GEOID 18
8. LOCALIZATION POINT: N: 578623.57' E: 984,015.08'
9. COMBINED GRID FACTOR: 0.99977549
10. UNITS: U.S. SURVEY FEET

WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL

THIS DAY _____

_____
PROFESSIONAL LAND SURVEYOR

LICENSE # L-5304

PRELIMINARY PLAT
NOT FOR RECORDATION, CONVEYANCES, OR SALES

THIS PLAT REPRESENTS THE AREA BEING ANNEXED TO THE CITY OF HENDERSONVILLE, NC PURSUANT TO NCGS 160A-31 BY ORDINANCE DULY ADOPTED (_____).

THIS IS THE _____ DAY OF _____, 2026

_____
JILL MURRAY, CITY CLERK

PURPOSE STATEMENT

THE PURPOSE OF THIS PLAT IS FOR PROPOSED ANNEXATION OF HENDERSON COUNTY, NC PINS: 9587-48-3861 AND 9587-38-8841 INTO THE HENDERSONVILLE CITY LIMITS AS SHOWN HEREON.

ANNEXATION PLAT
FOR
- CITY OF HENDERSONVILLE -

REFERENCES

Owner:
SMBC Leasing and Finance, Inc.
Deed Book: 4487 Page: 272 (PIN:9587-48-8841)
Deed Book: 4487 Page: 280 (PIN:9587-48-3861)
Blue Ridge Township, Henderson County, NC

Date of survey: 6/18/2026
Drawn By: J.S. & J.H. Job # 26151-04
Joshua R. Hodges, PLS jhodges@holmesgeo.com

HOLMES GEOSPATIAL
200 Ridgefield Court, Suite 208 Asheville, NC 28806
Phone: (828) 225-6562 Company Licensure C-2806
www.holmesgeospatial.com

REFERENCES

Deed Book: 3258 Page: 544 (PIN:9587388841)
Deed Book: 3258 Page: 532 (PIN:9587388841)
Deed Book: 1289 Page: 412 (PIN:9587483861)
Plat Book: 1994 Page: 1652
Plat Book: 1995 Page: 1927
Plat Book: 1995 Page: 2042
Plat Book: 2020 Page: 12957
Plat Book: 2021 Page: 13013
Plat Book: 2021 Page: 13244
Plat Book: 2022 Page: 14067

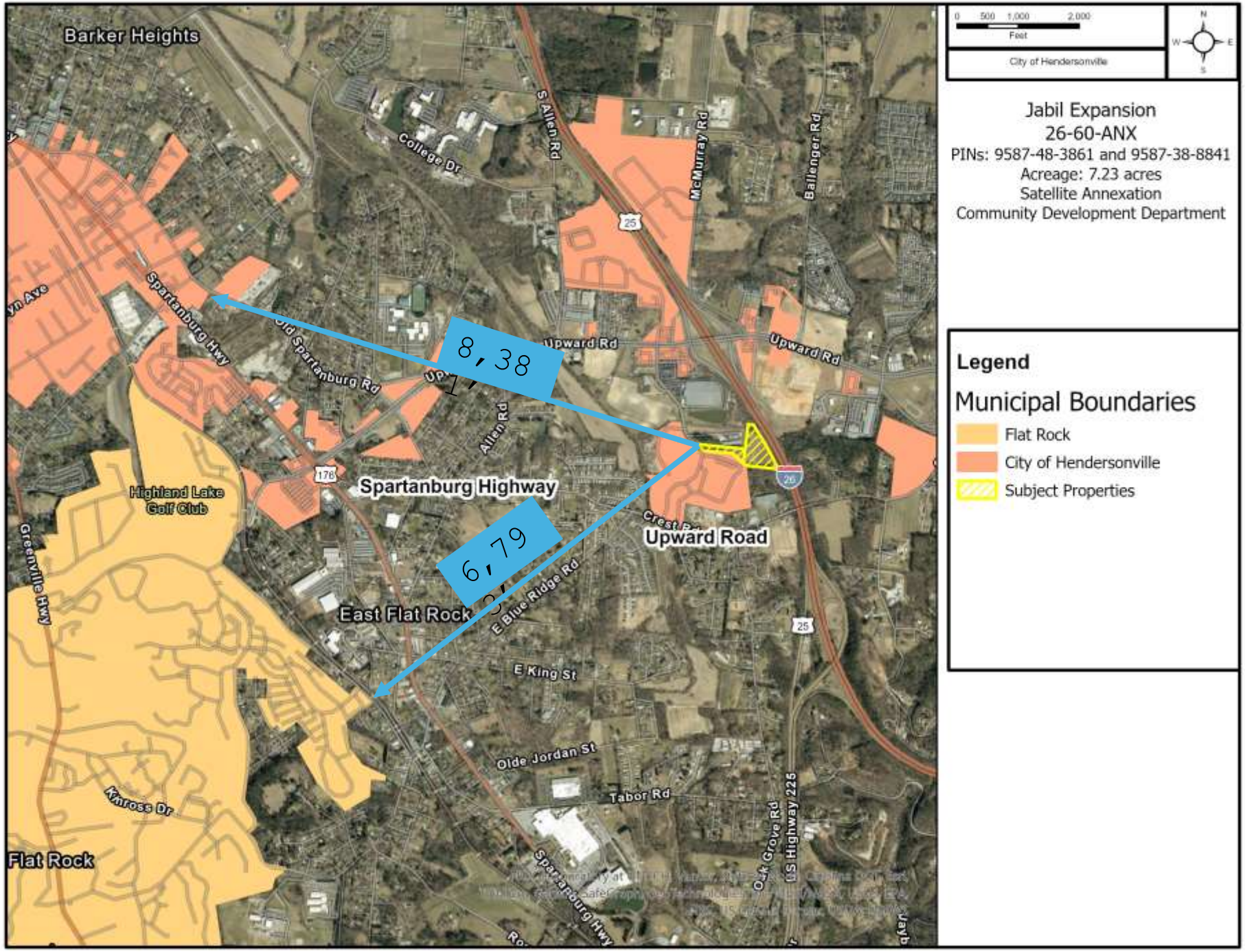
50' 0' 50' 100'
SCALE 1" = 50'

D26-131

C:\Users\JHodges\OneDrive - Ed Holmes and Associates Land Surveyors PA\GIS Files - WORKING\JOBS\Garrison Boulevard\26-04\Dwg\26-04 - Garrison Boulevard.dwg, 3/31/2026 3:51 PM, JHODGES

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.


Barker Heights
College Dr
S Allen Rd
McMurray Rd
Ballenger Rd
25
Spartanburg Hwy
Old Spartanburg Rd
Upward Rd
Upward Rd
8,38
Allen Rd
176
Spartanburg Highway
Highland Lake Golf Club
Greenville Hwy
Upward Road
6,79
East Flat Rock
E Blue Ridge Rd
25
E King St
Olde Jordan St
Tabor Rd
Knross Dr
Flat Rock
Oak Grove Rd
US Highway 225
Spartanburg Hwy
0 500 1,000 2,000
Feet
City of Hendersonville
N
W
E
S
Jabil Expansion
26-60-ANX
PINs: 9587-48-3861 and 9587-38-8841
Acreage: 7.23 acres
Satellite Annexation
Community Development Department
Legend
Municipal Boundaries
Flat Rock
City of Hendersonville
Subject Properties

BK 4487 PG 272 - 276 (5) DOC# 1001055346
This Document eRecorded: 09/08/2026 10:39:44 AM
Fee: $26.00
Henderson County, North Carolina Tax: $525.00
William Lee King, Register of Deeds

NORTH CAROLINA SPECIAL WARRANTY DEED

Excise Tax: $ 525.00

Tax Parcel Information: 9587-38-8841
REID: 10006846

Verified by Henderson County on the ____ day of September, 2026.
By: _____

Mail/Box to: Jeffrey Drew Butt, Jabil Inc., 10800 Roosevelt Blvd. N, St Petersburg, FL 33716

This Instrument was prepared by:
George Hollodick, Esq., Blanco Tackabery. P.O. Drawer 25008, Winston-Salem • NC • 27114-5008, a licensed North Carolina attorney

Delinquent taxes, if any, to be paid by the Closing attorney to the county tax collector upon disbursement of closing proceeds.

Brief Description for the Index: William Lloyd Garrison Living Trust

---

THIS DEED made this 2nd day of September, 2026, by and between

GRANTOR	GRANTEE
Carole Ann Garrison, successor trustee of The William Lloyd Garrison Living Trust under trust dated January 24, 2007, as restated on September 12, 2018 4017 Little River Road Hendersonville, NC 28739	SMBC Leasing and Finance, Inc., a Delaware corporation c/o Jabil Inc. Attn: Real Estate 10800 Roosevelt Blvd N. St. Petersburg, FL USA 33716

87895300;5

Submitted electronically by "McMillan PLLC"
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Henderson County Register of Deeds.

BK 4487 PG 272 - 276 (5) DOC# 1001055346

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in Henderson County, North Carolina and more particularly described as follows:

See EXHIBIT A attached hereto and incorporated herein by reference.

TOGETHER with all of all of Grantor's right, title and interest in and to: (a) any strips and gores of land adjoining or abutting such parcel(s) owned by the Grantor; (b) any real property owned by the Grantor lying in the bed of any street, road, avenue or alley, opened or proposed, in front of, running through such parcel(s); (c) any easement or right-of-way over, contiguous to or adjoining such real property, and all other easements, riparian or littoral rights, if any, inuring to the benefit of the Grantor; (d) all timber, trees, wood and/or forest products thereon; (e) the privileges, appurtenances and hereditaments primarily belonging to or appurtenant to such parcel(s), including any development, air, water, gas, oil or mineral rights in, on, under or with respect to such parcel(s) and (f) all buildings, structures, paving, landscaping, lighting or other improvements situated on such parcel(s), if any.

The property hereinabove described is the property acquired by Grantor by instrument recorded in Book 3258, Page 544, Henderson County, North Carolina Register of Deeds.

A map showing the above describer property is recorded in Plat Book 2022, Page 14542, Henderson County, North Carolina Register of Deeds.

TO HAVE AND TO HOLD the same unto said Grantee and Grantee's successors and assigns, forever.

None of the property conveyed hereby constitutes the principal residence or homestead of the Grantor.

And Grantor covenants with Grantee that Grantor has done nothing to impair such title as Grantor received, and Grantor will warrant and defend against the lawful claims of all persons claiming by, under and through Grantor, other than the following exceptions:

1. the lien of all ad valorem real estate taxes and assessments for the current year and subsequent years which are not yet due and payable;

2. local, state and federal laws, ordinances or governmental regulations, including but not limited to, building and zoning laws, ordinances and regulations, now or hereafter in effect relating to the property;

BK 4487 PG 272 - 276 (5) DOC# 1001055346

3. Building restriction lines, easements, and any other matters shown on map or plat recorded in Plat Book 2020, Slide 12957; Plat Book 2021, Slide 13013; and Plat Book 2022, Slide 14542, Henderson County, North Carolina Register of Deeds.

[remainder of page intentionally left blank]
[signatures follow on next page]

BK 4487 PG 272 - 276 (5) DOC# 1001055346

IN WITNESS WHEREOF, GRANTOR has duly executed the foregoing as of the day and year first above written.

GRANTOR:

Carole Ann Garrison, ~~successor~~ trustee of The William Lloyd Garrison Living Trust under trust dated January 24, 2007, as restated on September 12, 2018

STATE OF NORTH CAROLINA)
) ss.
COUNTY OF HENDERSON)

I, Dawn D. Maniscalco, Notary Public, certify that Carole Ann Garrison personally appeared before me this day and acknowledged the due execution of this document.

Witness my hand and official seal this day, 27th August, 2026.

(Official Seal)

DAWN D MANISCALCO
NOTARY PUBLIC
HENDERSON COUNTY, NC
My Commission Expires 4-17-2027

PRINT NAME: Dawn D. Maniscalco, Notary Public

My commission expires: April 17, ~~2026~~ 2027

87895300;5

BK 4487 PG 272 - 276 (5) DOC# 1001055346

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

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 NCDOT 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; said Holmes rebar having NC Grid NAD83(2011) coordinates of Northing: 578918.08' Easting: 983408.15'; thence with the northern boundary of Lot 2 as excepted from tract 1 of deed book 3647 page 640 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 750.69 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; thence with the eastern boundary of that property as described per deed book 3258 page 544 S 06°38'07" W 224.38 feet to a calculated point lying in the northern boundary of Lot 3 as shown per plat book 2021 page 13013; thence with the northern boundary of Lot 3 per plat book 2021 page 13013 the following two calls; 1. N 47°18'56" W 228.00 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 1.78 ± Acres.

NOTE FOR INFORMATION ONLY:

Address: Commercial Blvd, Flat Rock, NC

87895300;5

BK 4487 PG 280 - 284 (5) DOC# 1001055348
This Document eRecorded: 09/08/2026 10:39:45 AM
Fee: $26.00
Henderson County, North Carolina Tax: $1,575.00
William Lee King, Register of Deeds

NORTH CAROLINA SPECIAL WARRANTY DEED

Excise Tax: $ 1,575.00

Tax Parcel Information: 9587-48-3861
REID: 10006845

Verified by Henderson County on the ____ day of September, 2026.
By: _____

Mail/Box to: Jeffrey Drew Butt, Jabil Inc., 10800 Roosevelt Blvd. N, St Petersburg, FL 33716

This Instrument was prepared by:
George Hollodick, Esq., Blanco Tackabery. P.O. Drawer 25008, Winston-Salem • NC • 27114-5008, a licensed North Carolina attorney

Delinquent taxes, if any, to be paid by the Closing attorney to the county tax collector upon disbursement of closing proceeds.

Brief Description for the Index: William L. Garrison Sr. and Barbara H. Garrison Charitable Remainder Trust

---

THIS DEED made this 2nd day of September, 2026, by and between

GRANTOR	GRANTEE
Lee C. Mulligan, Special Trustee of the William L. Garrison Sr. and Barbara H. Garrison Charitable Remainder Trust under trust dated September 15, 2006 104 North Washington Street Hendersonville, NC 28739	SMBC Leasing and Finance, Inc., a Delaware corporation c/o Jabil Inc. Attn: Real Estate 10800 Roosevelt Blvd N. St. Petersburg, FL USA 33716

88263904;2

Submitted electronically by "McMillan PLLC"
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Henderson County Register of Deeds.

BK 4487 PG 280 - 284 (5) DOC# 1001055348

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in Henderson County, North Carolina and more particularly described as follows:

See EXHIBIT A attached hereto and incorporated herein by reference.

TOGETHER with all of all of Grantor's right, title and interest in and to: (a) any strips and gores of land adjoining or abutting such parcel(s) owned by the Grantor; (b) any real property owned by the Grantor lying in the bed of any street, road, avenue or alley, opened or proposed, in front of, running through such parcel(s); (c) any easement or right-of-way over, contiguous to or adjoining such real property, and all other easements, riparian or littoral rights, if any, inuring to the benefit of the Grantor; (d) all timber, trees, wood and/or forest products thereon; (e) the privileges, appurtenances and hereditaments primarily belonging to or appurtenant to such parcel(s), including any development, air, water, gas, oil or mineral rights in, on, under or with respect to such parcel(s) and (f) all buildings, structures, paving, landscaping, lighting or other improvements situated on such parcel(s), if any.

The property hereinabove described is the property acquired by Grantor by instrument recorded in Book 1289, Page 412, Henderson County, North Carolina Register of Deeds.

A map showing the above describer property is recorded in Plat Book 2022, Page 14542, Henderson County, North Carolina Register of Deeds.

TO HAVE AND TO HOLD the same unto said Grantee and Grantee's successors and assigns, forever.

None of the property conveyed hereby constitutes the principal residence or homestead of the Grantor.

And Grantor covenants with Grantee that Grantor has done nothing to impair such title as Grantor received, and Grantor will warrant and defend against the lawful claims of all persons claiming by, under and through Grantor, other than the following exceptions:

1. the lien of all ad valorem real estate taxes and assessments for the current year and subsequent years which are not yet due and payable;

2. local, state and federal laws, ordinances or governmental regulations, including but not limited to, building and zoning laws, ordinances and regulations, now or hereafter in effect relating to the property;

3. Building restriction lines, easements, and any other matters shown on map or plat recorded in Plat Book 2020, Slide 12957; Plat Book 2021, Slide 13013; and Plat Book 2022, Slide 14542, Henderson County, North Carolina Register of Deeds.

[remainder of page intentionally left blank]
[signatures follow on next page]

BK 4487 PG 280 - 284 (5) DOC# 1001055348

IN WITNESS WHEREOF, GRANTOR has duly executed the foregoing as of the day and year first above written.

GRANTOR:

Lee C. Mulligan, Special Trustee of the William L. Garrison Sr. and Barbara H. Garrison Charitable Remainder Trust under trust dated September 15, 2006

STATE OF NORTH CAROLINA)
) ss.
COUNTY OF HENDERSON)

I, Dawn D. Maniscalco, Notary Public, certify that Lee C. Mulligan personally appeared before me this day and acknowledged the due execution of this document.

Witness my hand and official seal this day, 27th August, 2026.

(Official Seal)

DAWN D MANISCALCO
NOTARY PUBLIC
HENDERSON COUNTY, NC
My Commission Expires 4-17-2027

PRINT NAME: Dawn D. Maniscalco, Notary Public

My commission expires: April 17, 2027

BK 4487 PG 280 - 284 (5) DOC# 1001055348

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

BEGINNING at 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 1994 page 1652 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 said 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; thence with the northern boundary of Lot 3 per plat book 2021 page 13013 N 47°18'56" W 75.89 feet to a calculated point; said calculated point lying in the eastern boundary of that ± 17.8 acre tract as described per deed book 3258 page 544; thence with the eastern boundary of that property as described per deed book 3258 page 544 N 06°38'07" E 224.38 feet to a 1" axle found 0.7 feet below existing grade; said 1" axle being the northeastern most corner of that property as described per deed book 3258 page 544 and also being the southeastern most corner of Lot 7A as shown per plat book 1995 page 2042; 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 deed book 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 the point and place of BEGINNING containing 5.45 ± Acres.

NOTE FOR INFORMATION ONLY:

Address: Commercial Blvd, Flat Rock, NC

88263904;2

WORKSPACE INFORMATION

Application number
26-60-ANX

Category
Annexation

Workspace state
Waiting for payment

Workspace created
07/27/2026, 5:33:55 PM EDT

Application submitted
08/31/2026, 11:59:16 AM EDT

Assignee

Package generation date
09/02/2026, 10:02:01 AM EDT

LOCATION INFORMATION

Address
0 NO ADDRESS ASSIGNED, Hendersonville, NC

Property information
9587-48-3861, 9587-38-8841, BEGINNING at 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 1994 page 1652 of the Henderson County North Carolina Register of Deeds (Registry); 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 said 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 Registry; 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; thence with the northern boundary of Lot 3 per plat book 2021 page 13013, N 47°18'56" W 75.89 feet to a calculated point; said calculated point lying in the eastern boundary of that ± 17.8 acre tract as described per deed book 3258 page 544 of the

Registry; thence with the eastern boundary of that property as described per deed book 3258 page 544, N 06°38'07" E 224.38 feet to a 1" axle found 0.7 feet below existing grade; said 1" axle being the northeastern most corner of that property as described per deed book 3258 page 544 and also being the southeastern most corner of Lot 7A as shown per plat book 1995 page 2042 of the 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 deed book 1289 page 412; said concrete monument also being a common corner of Lot 11 per plat book 1995 page 2042 of the Registry; 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 the point and place of BEGINNING containing 5.45 ± Acres.

PARTIES

NAME AND COMPANY	CONTACT DETAILS	ROLES
[redacted]	[redacted]	Applicant, Property owner

TABLE OF CONTENTS

Cover page	1-2
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Annexation Petition	4
Zoning-Applicant (Developer) Company Information	5
Zoning-Property Owner Company Information	6
Attachments	7
Messages	8

Annexation Petition

Property Information		
Property Address 0 unassigned address	Parcel Identification Number (PIN) 9587-48-3861	
Does this property currently adjoin the present corporate City limits (not satellite limits)? ☐ Yes ☑ No	Is the property within the City's Extra Territorial Jurisdiction? ☐ Yes ☑ No	Are you declaring any site-specific vested right with respect to the properties subject to this petition as established under G.S. 160D-108.1? ☐ Yes ☑ No
Reason for Annexation: There is an existing facility at 265 Commercial Blvd. that is within the City limits and that facility is being expanded. This property is being bought and added to that facility campus and it makes sense to have one set of building codes governing the entire campus.		

Zoning-Applicant (Developer) Company Information

Applicant (Developer) Company Information	
Authorized Representative Name: John Matzke	Company Name (if applicable, check corresponding box below) Jabil Inc.

Company Type:

- [x] Corporation:
- [ ] Limited Liability Company:
- [ ] Trust:
- [ ] Partnership:
- [ ] Other:

If other:

Authorized Representative Title (if applicable - i.e. Member/Manager, President, etc.)
Vice President

Zoning-Property Owner Company Information

Property Owner Company Information (if different from Applicant)

Authorized Representative Name:
Jeffrey Butt

Company Name (if applicable, check corresponding box below)
Jabil Inc.

Company Type:

- [x] Corporation:
- [ ] Limited Liability Company:
- [ ] Trust:
- [ ] Partnership:
- [ ] Other:

If other:

Authorized Representative Title (if applicable - i.e. Member/Manager, President, etc.)
Authorized Agent

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: Brian Pahle, Deputy City Manager

MEETING DATE: October 1st, 2026

AGENDA SECTION: New Business

DEPARTMENT: Administration

TITLE OF ITEM: Helene Update 2-Year Anniversary – *Brian Pahle, Deputy City Manager*

SUGGESTED MOTION(S):

N/A

SUMMARY:

An agenda item to update the Council on Helene Recovery initiatives as we pass the 2-year anniversary of the storm.

BUDGET IMPACT: $0

Is this expenditure approved in the current fiscal year budget? N/A

If no, describe how it will be funded. N/A

ATTACHMENTS:

N/A

Resolution #__-____

RESOLUTION OF INTENT TO COLLABORATE WITH THE CITY OF SALUDA REGARDING ITS WATER SYSTEM

WHEREAS, the City of Saluda owns and operates a water system within the City of Saluda, and in North and South Lake Summit; and

WHEREAS, there currently exists a Water Usage Agreement between the City of Hendersonville and the City of Saluda dated July 1, 2018 outlining the terms and conditions of Saluda's purchase of treated drinking water from Hendersonville to provide drinking water to Saluda's customers of its water system; and

WHEREAS, the City of Hendersonville issued a letter in support of the City of Saluda receiving a grant to perform a Merger and Regionalization Feasibility Study ("MRF") in June of 2025 regarding a potential merger of the Saluda water system into the City's water system, but specifically withheld any commitment for a merger at that time; and

WHEREAS, the North Carolina Department of Environmental Quality awarded a study grant for this purpose ; and

WHEREAS, in September of 2025, a MRF was completed by High Country Engineering, PC; and

WHEREAS based on the finding in the MRF, the City Council wishes to proceed with discussions with the City of Saluda regarding the extent to which the City of Hendersonville and the City of Saluda might collaborate on the ownership and operation of the Saluda water system.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HENDERSONVILLE, NORTH CAROLINA that City Council wishes to publicly state its intent to enter into formal discussions with the City of Saluda regarding the potential for a collaborative arrangement between the City of Saluda and the City of Hendersonville, up to and including a merger of Saluda's water system into the City of Hendersonville's water system. Staff are specifically directed to enter into formal discussions with the staff for the City of Saluda and bring back a recommendation to City Council regarding this collaboration.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 1st day of October, 2026.

Attest: Barbara G. Volk, Mayor, City of Hendersonville

Jill Murray, City Clerk

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

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: John Connet, City Manager **MEETING DATE:** 10/1/2026

AGENDA SECTION: NEW BUSINESS **DEPARTMENT:** EnterTextHere

TITLE OF ITEM: City Code Amendment Establishing that Certain Utilities Must Obtain a Franchise to Operate in the City Limits – *Angie Beeker, City Attorney*

SUGGESTED MOTION(S):

I move that the City Council adopt **AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND CHAPTER 46 OF THE CODE OF ORDINANCES FOR THE CITY OF HENDERSONVILLE TO REQUIRE A FRANCHISE TO OPERATE CERTAIN ENTERPRISES IN THE CITY O HENDERSONVILLE** as presented.

.

SUMMARY:

City Attorney Angie Beeker and others have been working with Enbridge and Duke Energy on updated franchise and easement agreements. She has determined that the General Statutes permit municipalities to require franchise agreement for a utility to operate within the city limits. We are recommending that we amend the City Code to establish that requirement.

BUDGET IMPACT: $ NA

Is this expenditure approved in the current fiscal year budget? NA

If no, describe how it will be funded. NA

ATTACHMENTS:

Proposed Ordinance

Ordinance #O-

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND CHAPTER 46 OF THE CODE OF ORDINANCES FOR THE CITY OF HENDERSONVILLE TO REQUIRE A FRANCHISE TO OPERATE CERTAIN ENTERPRISES IN THE CITY O HENDERSONVILLE

WHEREAS, the City of Hendersonville is authorized by N.C.G.S. § 160A-319 to require that certain enterprises listed in N.C.G.S. § 160A-311 (with the exception of cable television) obtain a franchise before operating within the City limits for the City of Hendersonville if the City has granted any such franchises; and

WHEREAS, the City of Hendersonville has granted franchises to operate those enterprises within the City of Hendersonville, with the most recently adopted franchise being that franchise granted by ordinance to Public Service Company of North Carolina dba Dominion Energy; and

WHEREAS, City Council for the City of Hendersonville wish to require that such enterprises obtain a franchise prior to operating within the City of Hendersonville;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HENDERSONVILLE, NORTH CAROLINA THAT:

SECTION 1. This Ordinance shall be known as "An Ordinance to Require N.C.G.S. § 160A-319 Enterprises to Obtain a Franchise Before Operating Within City Limits."

SECTION 2. That there shall be added a new Article VII of Chapter 46 of the Code of Ordinances, City of Hendersonville, North Carolina, to read as follows:

CHAPTER 46 STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

ARTICLE VII. – Franchise Required to Operate Certain Enterprises

Sec. 46-187. Franchise Required

It shall be unlawful to operate any of the following enterprises within the City limits for the City of Hendersonville without having first been granted a franchise by ordinance of the City Council for the City of Hendersonville pursuant to N.C.G.S. § 160A-319:

(1) Electric power generation, transmission, and distribution systems.

(2) Gas production, storage, transmission, and distribution systems, where systems shall also include the purchase or lease of natural gas fields and natural gas reserves, the purchase of natural gas supplies, and the surveying, drilling and any other activities related to the exploration for natural gas.

SECTION 3. If any provision of this ordinance or its application is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provisions or application, and to this end the provisions of this ordinance are severable.

SECTION 4. It is the intention of the City Council and it is hereby ordained, that the provisions of this ordinance shall become and be made part of the Code of Ordinances, City of Hendersonville, North Carolina, and the sections of this ordinance may be renumbered to accomplish such intention.

SECTION 5. This Ordinance shall be effective upon its adoption.

Adopted by the City Council of the City of Hendersonville, North Carolina on this ___ day of _____, 2026.

Attest: _____
Barbara G. Volk, Mayor, City of Hendersonville

_____
Jill Murray, City Clerk

Approved as to form:

_____
Angela S. Beeker, City Attorney

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: Jennifer Floyd **MEETING DATE:** 10/01/2026

AGENDA SECTION: City Manager Report **DEPARTMENT:** Administration

TITLE OF ITEM: September 2026 Contingency and Adjustment Report – *John Connet, City Manager*

SUGGESTED MOTION(S):

N/A – Presentation Only.

SUMMARY:
In accordance with North Carolina General Statute (NCGS) 159-13(b) it is required that all expenditures resulting from a contingency appropriation budget be reported to the governing board at its next regular meeting and recorded in the minutes.

NCGS 159-15 permits the Budget Officer (City Manager), to transfer budget from one appropriation to another within the same fund, provided any such transfers are reported to the Governing Board. The City of Hendersonville refers to transfers of budget from one appropriation to another within the same fund as a "budget adjustment". City Council authorizes budget adjustments each year with the adoption of the annual budget ordinance (SECTION 4).

This agenda item serves to fulfill the reporting requirements of both NCGS 159-13(b) and 159-15 by providing City Council a summary of all amendments and adjustments occurring thus far in the fiscal year.

BUDGET IMPACT: Detailed Above

Is this expenditure approved in the current fiscal year budget? N/A

If no, describe how it will be funded. N/A

ATTACHMENTS:
Contingency and Adjustment Report

FISCAL YEAR 2025 - 2026 (FY26)
BUDGET AMENDMENTS AND ADJUSTMENTS

Completed | Corrected
Proposed | Denied

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET	DESCRIPTION	TYPE	AMENDMENT NUMBER
020-1010-523003	Utilities Telephone & Internet	2,350	-	951	1,399	AchieveIT	adjustment	8/27/2026
020-1010-531210	Permits, Licenses, and Fee	2,080	951	-	3,031	AchieveIT	adjustment	8/27/2026
064-1010-523003	Utilities Telephone & Internet	2,110	-	500	1,610	AchieveIT	adjustment	8/27/2026
064-7455-531260	Credit Card Processing Fees	40,000	-	1,745	38,255	AchieveIT	adjustment	8/27/2026
064-1010-531210	Permits, Licenses, and Fees	4,200	2,245	-	6,445	AchieveIT	adjustment	8/27/2026
067-1010-523003	Utilities Telephone & Internet	5,993	-	1,631	4,362	AchieveIT	adjustment	8/27/2026
067-1010-531210	Permits, Licenses, and Fees	6,300	1,631	-	7,931	AchieveIT	adjustment	8/27/2026
068-1010-523003	Utilities Telephone & Internet	2,318	-	600	1,718	AchieveIT	adjustment	8/27/2026
068-1010-519200	Contract Services	21,000		1,035	19,965	AchieveIT	adjustment	8/27/2026
068-1010-531211	Permits, Licenses, and Fees	6,300	1,635	-	7,935	AchieveIT	adjustment	8/27/2026
060-0000-534999	Contingency	91,740	-	8,250	83,490	Washer & Dryer Replacement at WWTP	adjustment	9/3/2026
060-7135-534000	Non-Capital Equipment	-	3,000	-	3,000	Washer & Dryer Replacement at WWTP	adjustment	9/3/2026
060-7135-554001	Capitlal Outlay Equipment Other Than	115,000	5,250	-	120,250	Washer & Dryer Replacement at WWTP	adjustment	9/3/2026
020-1010-531210	Permits, Licenses, and Fees	3,031	155	-	3,186	Adobe	adjustment	9/9/2026
020-2102-519101	Professional Services - Audit	1,000	-	155	845	Adobe	adjustment	9/9/2026
064-1010-531210	Permits, Licenses, and Fees	6,445	305	-	6,750	Adobe	adjustment	9/9/2026
064-7455-519200	Contract Services	48,000	-	305	47,695	Adobe	adjustment	9/9/2026
067-1010-531210	Permits, Licenses, and Fees	7,931	460	-	8,391	Adobe	adjustment	9/9/2026
067-7555-519200	Contract Services	282,469	-	460	282,009	Adobe	adjustment	9/9/2026
068-1010-531211	Permits, Licenses, and Fees	7,935	460	-	8,395	Adobe	adjustment	9/9/2026
068-7855-521001	Supplies & Materials	76,500	-	460	76,040	Adobe	adjustment	9/9/2026

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: John Connet **MEETING DATE:** 10/1/2026

AGENDA SECTION: CLOSED SESSION **DEPARTMENT:** Administration

TITLE OF ITEM: Closed Session – *John Connet, City Manager*

SUGGESTED MOTION(S):

I move that City Council enter closed session pursuant to NCGS § 143-318.11 (a) (1) and (6) to prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States or not considered a public record within the meaning of Chapter 132 of the General Statutes and to consider the qualifications, competence, performance, character, fitness of an individual public officer or employee.

SUMMARY:

City staff is requesting a closed session to prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States or not considered a public record within the meaning of Chapter 132 of the General Statutes and to consider the qualifications, competence, performance, character, fitness of an individual public officer or employee.

BUDGET IMPACT: $ TBD

Is this expenditure approved in the current fiscal year budget? NA

If no, describe how it will be funded. NA

ATTACHMENTS:

None