



MINUTES

June 3, 2021

REGULAR MEETING OF THE CITY COUNCIL

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

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

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

1. CALL TO ORDER

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

2. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG

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

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

Indiân Jackson of 11 Mountain Rd. addressed City Council expressing thanking Council Members for their support and of the issuance of the Juneteenth Proclamation. Ms. Jackson invited everyone to celebrate African American Culture.

Phillip Ellis of 119 Patton St. addressed City Council expressing support of the stormwater utility ordinance and encouraged its passage.

Gray Jernigan of Mountain True, 121 Third Ave. West addressed City Council in support of the stormwater utility ordinance, fee structure and credit policy and encouraged its passage.

Barbara Hughes 408 N. Main St. addressed City Council in support of the Chalk it Up contest and invited everyone to participate on July 17th.

Ken Fitch of 1046 Patton St. addressed City Council electronically via Zoom software expressing concerns of the exchange of certain property and stated the Berkeley Park Ball Field is a historic marker and place of significance. Mr. Fitch requested a provision be added to the contract that the stadium grandstand be preserved within the guidelines and treatment of historic properties.

4. CONSIDERATION OF AGENDA

City Manager John Connet announced two public hearing items will not be heard and were not placed on the Council's agenda. City Manager Connet stated the Conditional Zoning District Amendment for West Ave. Villas and Local Landmark Designation for the Grey Mill Parking Lot & Common Space will be readvertised for a later date.

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

5. CONSENT AGENDA

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

I move that move that City Council adopt the minutes of the April 28, 2021, Second Monthly Meeting, May 6, 2021 Regular Meeting, and May 7, 2021 Special Call Budget Workshop Meeting as presented.

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

I move that City Council approve budget amendments 06032021-01, 06032021-02, 06032021-03, 06032021-04, 06032021-05, and 06032021-06, as presented.

C. Special Event: July Fourth Festival and Fireworks – Lew Holloway, Community Development Director

I move that City Council resolve to approve the special event permit for the July Fourth Celebration.

D. Technology Strategic Plan – Brian Pahle, Assistant City Manager

I move that City Council adopt the Resolution by the City of Hendersonville City Council to Adopt the Hendersonville Technology Strategic Plan as presented.

Resolution #R-21-36

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO
ADOPT THE HENDERSONVILLE TECHNOLOGY STRATEGIC PLAN**

WHEREAS, the City of Hendersonville Technology Committee has completed a strategic planning process;

WHEREAS, this planning process resulted in a strategic plan to guide the City in its future information technology endeavors for the next three (3) to five (5) years; and

WHEREAS, it is a responsible and proactive approach to pursue strategic planning processes to guide future decisions and initiatives; and

WHEREAS, staff and the Technology Committee will work to advance this plan through an annual workplan;

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

1. The City of Hendersonville Technology Strategic Plan is adopted as presented.

Adopted by the City Council of the City of Hendersonville, North Carolina this this 3rd day of June 2021.

/s/Barbara G. Volk, Mayor

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

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

E. Grant Funding for American Rescue Plan – Brian Pahle, Assistant City Manager

I move that City Council adopt a resolution: (1) accepting American Rescue Plan grant funds from the State government of North Carolina, and (2) authorizing the City Manager to execute agreements and expend American Rescue Plan funds on behalf of the City Council.

Resolution #R-21-37

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO
AUTHORIZE THE CITY MANAGER TO EXECUTE AGREEMENTS AND EXPEND AMERICAN
RESCUE PLAN FUNDS ON BEHALF OF THE CITY COUNCIL**

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

WHEREAS, NCGS 160A-17.1 authorizes local governments to make contracts for and to accept grants-in-aid and loans from the federal and State governments and their agencies for constructing, expanding, maintaining, and operating any project or facility, or performing any function, which such city or county may be authorized by general law or local act to provide or perform; and

WHEREAS, the City Council may delegate authority to the City Manager or another employee to execute any necessary agreements on behalf of the City Council; and

WHEREAS, American Rescue Plan funds will remain available through December 31, 2024; and

WHEREAS, the City is carefully considering how to best appropriate the grant funds for maximum benefit to the community; and

WHEREAS, there are certain conditions imposed on the allowable expenditure of grant funds, limiting expenditures to areas including: public health, addressing negative economic impacts, replacing lost revenues, providing premium pay for essential workers, and investing in water, sewer, and broadband infrastructure;

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

1.

The City of Hendersonville accepts the ARP funds granted by the State government of North Carolina and agrees to comply with conditions imposed by the grant, and applicable federal, state and laws in carrying out the grant.
2.

Except where prohibited by ARP grant requirements, or state or federal laws, the City Manager is authorized to make and enter into contracts on behalf of the City to expend the grant funds received for the following:

a.

Projects authorized by City Council through the adoption of a capital project ordinance;

b.

Special appropriations to third party entities carrying out a public purpose in amounts as directed by City Council;

c.

As otherwise directed or authorized by a vote of the City Council.

Adopted by the City Council of the City of Hendersonville, North Carolina this this 3rd day of June 2021.

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

F. Grant Project Ordinance for the American Rescue Plan Project – Adam Murr, Sr. Analyst

I move that City Council adopt a grant project ordinance for the American Rescue Plan Project authorizing \$1,400,000 for City Council Special Appropriations and \$2,741,000 for transfers to projects and initiatives meeting legal requirements for funds.

Grant Project Ordinance #O-21-18

GRANT PROJECT ORDINANCE FOR
THE EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE
AMERICAN RESCUE PLAN PROJECT

BE IT ORDAINED by the Governing Board of the City of Hendersonville, North Carolina that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

Section 1: The project authorized is a City project described as the American Rescue Plan Project.

Section 2: The project will be complete in accordance with the requirements set by the American Rescue Act of 2021 grant requirements and all relevant North Carolina state statutes.

Section 3: The following amounts are appropriated for the project:

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
301	1002	540001	G2101	Council Special Appropriations	\$ 1,400,000
301	1002	598901	G2101	Transfers Out	\$ 2,741,000
Total Project Appropriation					\$4,141,000

Section 4: The following revenues are anticipated to be available via grant proceeds:

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
301	0000	420050	G2101	Grant Revenue	\$4,141,000
Total Project Revenue					\$4,141,000

Section 5: The Finance Director is hereby directed to maintain within the capital project fund sufficient specific detailed accounting records to satisfy the disclosure requirements of all the contractual agreements, if applicable.

Section 6: Funds may be advanced from the General Fund as necessary for the purpose of making payments as due. Reimbursement requests shall be made in an orderly and timely manner.

Section 7: The Finance Director is directed to report, on a quarterly basis, on the financial status of each project element in Section 3 and Section 4.

Section 8: The Finance Director is further instructed to include a detailed analysis of past and future revenues and expenses during each annual budget submission made to the Governing Board.

Section 9: Copies of this capital project shall be furnished to the City Clerk, Finance Director and City Manager for direction in carrying out this project.

Adopted by the City Council of the City of Hendersonville, North Carolina this this 3rd day of June 2021.

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

G. Fleetwood Infrastructure Improvement Project Ordinance – Brian Pahle, Assistant City Manager

I move that the City Council approve the attached resolution authorizing the Public Works Director to execute a rental agreement with the Girls Scouts Carolina Peaks to Piedmont Council for use of a specific area of the Whitmire Center.

Grant Project Ordinance #O-21-19

**CAPITAL PROJECT ORDINANCE FOR
THE EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE
FLEETWOOD INFRASTRUCTURE IMPROVEMENT PROJECT**

BE IT ORDAINED by the Governing Board of the City of Hendersonville, North Carolina that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

Section 1: The project authorized is a City project described as the Fleetwood Infrastructure Improvement Project.

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

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
460	7055	550103	21012	Capital Outlay CIP	\$1,400,000
Total Project Appropriation					\$1,400,000

Section 3: The following revenues are anticipated to be available via grant proceeds:

PROJECT TO BE FUNDED USING \$1,400,000 OF EXISTING RESERVES AND TRANSFERS IN

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

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

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

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

Section 8: Copies of this capital project shall be furnished to the City Clerk, Finance Director and City Manager for direction in carrying out this project.

Adopted by the City Council of the City of Hendersonville, North Carolina this this 3rd day of June 2021.

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

H. Laurel Park Automated Meter Infrastructure Project – Brian Pahle, Assistant City Manager

I move that City Council adopt the Capital Project Ordinance for the Execution, Acquisition, Construction and Installation of the Laurel Park Automated Meter Infrastructure Project.

Ordinance #O-21-20

**CAPITAL PROJECT ORDINANCE FOR
THE EXECUTION, ACQUISITION, CONSTRUCTION AND INSTALLATION OF THE LAUREL
PARK AUTOMATED METER INFRASTRUCTURE PROJECT**

BE IT ORDAINED by the Governing Board of the City of Hendersonville, North Carolina that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

Section 1: The project authorized is a City project described as the Laurel Park Automated Meter Infrastructure Project.

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

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
460	7055	550103	20011	Capital Outlay CIP	\$300,000
460	7055	550102	20011	Capital Outlay Services and Fees	\$100,000
Total Project Appropriation					\$ 400,000

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

PROJECT TO BE FUNDED USING \$400,000 OF EXISTING RESERVES AND TRANSFERS IN

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

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

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

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

Section 8: Copies of this capital project shall be furnished to the City Clerk, Finance Director and City Manager for direction in carrying out this project.

Adopted by the City Council of the City of Hendersonville, North Carolina this this 3rd day of June 2021.

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

I. FS#1 RFQ Construction Manager At Risk Selection – Adam Murr, Sr. Analyst

I move to adopt the Resolution directing the City Manager to negotiate a contract with Edifice General Contractors to provide construction manager at risk services, based on their review as most qualified firm to perform the work, and authorize the City Manager to negotiate with the next most qualified firm, based on the presented rankings, if the initial negotiations fail.

Resolution #R-21-38**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO DIRECT THE CITY MANAGER TO NEGOTIATE A CONTRACT WITH A SELECTED FIRM FOR THE FIRE STATION 1 AND PARK PROJECT**

WHEREAS, the City of Hendersonville advertised a request for qualifications for construction manager at risk services for a Fire Station #1 and Park Project and;

WHEREAS, Edifice General Contractors was determined to have the highest aggregate score and was most frequently ranked as the highest firm by each reviewer; and

WHEREAS, firms Samet Corporation and Bobbitt were the next highest ranking firms, in order; and

WHEREAS, the City has completed appropriate due diligence work by contacting references for each of the top three scoring firms; and

WHEREAS, the City Council may authorize the City Manager to complete contract negotiations on the behalf of City Council for construction manager at risk services; and

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

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

1. The City Manager is authorized to negotiate a contract for construction manager at risk services with Edifice General Contractors on behalf of City Council.
2. If negotiations fail, the City Manager is authorized to negotiate a contract with the next most qualified responsive firms, based on the rankings provided in the attached request for qualifications evaluation sheet.
3. The final negotiated agreement shall be presented to City Council for its approval.

Adopted by the City Council of the City of Hendersonville, North Carolina this 3rd day of June 2021.

/s/Barbara G. Volk, Mayor

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

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

J. Street Closure: A portion of right-of-way lying within the intersection of E. Barnwell Street and S. Grove Street located adjacent to PIN 9568-86-855. Resolution of Intent (P21-32-SCL)
– Matthew Manley, Planning Manager

I move that City Council adopt the Resolution of Intent to close a portion of unimproved right-of-way lying within the intersection of E. Barnwell Street and S. Grove Street located adjacent to property described in that deed recorded in the Henderson County Registry in Deed Book 657 at page 805, having PIN 9568-86-855 as petitioned by Ron & Maryann Merker and setting the public hearing for July 1st 2021.

Resolution #R-21-39**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO CLOSE A PORTION OF AN UNIMPROVED RIGHT-OF-WAY LYING WITHIN THE INTERSECTION OF E. BARNWELL STREET AND S. GROVE STREET LOCATED ADJACENT TO PIN 9568-86-8555**

WHEREAS, NC General Statute (G.S.) 160A-299 authorizes the City Council to close public streets and alleys; and

WHEREAS, Ronald and Maryann Merker, owners, have petitioned the City of Hendersonville City Council to close a portion of unimproved right-of-way lying within the intersection of E. Barnwell Street and S. Grove Street located adjacent to property described in that deed recorded in the Henderson County Registry in Deed Book 657 at page 805, having PIN of 9568-86-855; and

WHEREAS, Ron P. Merker and wife, Maryann Merker granted a Deed for Highway Right-of-Way to the North Carolina Dept. of Transportation (NCDOT) pursuant to that deed recorded in the Henderson County Registry in Deed Book 1362 at page 430; and

WHEREAS, NCDOT has previously abandoned maintenance of the subject portion of the right-of-way requested for closure, but has not yet abandoned the right of way; and

WHEREAS, NC General Statute 160A-299 requires that City Council conduct a public hearing for the purpose of giving consideration to the petition; and

WHEREAS, At the public hearing, any person may be heard on the question of whether or not the closing would be detrimental to the public interest, or the property rights of any individual; and

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

1. City Council herewith calls a public hearing to be held at 5:45 p.m. (or as soon thereafter as it may be heard) on the 1st day of July 2021, in the Assembly Room of the City Operations Building at 305 Williams St to consider closing a portion of unimproved right-of-way lying within the intersection of E. Barnwell Street and S. Grove Street located adjacent to PIN 9568-86-8555. Persons shall be allowed to attend and comment in person or via Zoom at the following address:

<https://zoom.us/j/95746846396?pwd=YmlXdxHcjRFVIM2VElqcEVwT1ZLZz09#success>

Dial-in by phone: (646) 558-8656

Meeting ID: 957 4684 6396

Passcode: 28792

Written comments may be submitted prior to the public hearing on the City's webpage at www.hendersonvillenc.gov/public-comment or directly to the City Clerk, Angela Reece, areece@hvlnc.gov 160 6th Ave East, Hendersonville, NC 28792.

2. The legal description for the portion of the subject right-of-way proposed for closing is as follows:

Beginning on a new iron pin, said iron pin being located S83°40'00" E 24.33 feet and S 28°20'51" E 9.25 feet from a drill hole in concrete shown on SLIDE 9962 and being the North West corner of D.B. 657, PG. 805. From said beginning point along the edge of the existing asphalt parking area the following 10 calls: S71°52'15"E 5.04 feet to a new iron pin, thence S57°29'14"E 22.90 feet to a new iron pin, thence S42°56'51"E 7.90 feet to a new iron pin, thence S36°22'19"E 12.17 feet to a new iron pin, thence S27°16'58"E 14.42 feet to a new iron pin, thence S12°25'57"E 46.11 feet to a new iron pin, thence S18°45'11"E 9.40 feet to a new iron pin, thence S31°06'02"E 7.40 feet to a new iron pin, thence S55°25'17"E 5.81 feet to a new iron pin, thence S22°54'45"E 31.39 feet to an existing 5/8" iron pin. Thence N32°32'37"W 36.24 feet to a point, thence N31°37'17"W 21.09 feet to a point, thence N28°20'51"W 92.22 feet to a point, thence N28°20'51"W 5.79 feet to the point and place of beginning. Containing 0.034 Acres (1462.5 sq. ft) and being a portion of the right of way of the southwest side of the intersection of E Barnwell Street and S Grove Street.

The above-described portion of S. Grove St & E. Barnwell St right-of-way to be closed will also be shown on a plat to be recorded in the Henderson County Registry if approved by City Council.

3. At the close of the public hearing, it is the intent of City Council to close the proposed portion of the subject right-of-way, said closure to be effective upon the consent of the NCDOT to said closure.

4. The City Clerk is hereby directed to publish this Resolution of Intent once a week for four successive weeks.

5. The City Clerk is further directed to transmit by registered or certified mail to each owner of property abutting upon that portion of said street a copy of the Resolution of Intent.

6. The City Clerk is further directed to cause adequate notices of the Resolution of Intent and the scheduled public hearing to be prominently posted in at least two places along the portion of S. Grove St. and E. Barnwell St. proposed for closure as required by NC General Statute 160A-299.

Adopted by the City Council of the City of Hendersonville, North Carolina this 3rd day of June 2021.

/s/Barbara G. Volk, Mayor

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

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

K. Utility Extension Agreement for the Arcadia Views Development – Brent Detwiler, City Engineer

I move that City Council adopt the Resolution to authorize the City Manager to execute the Utility Extension Agreement for the Arcadia Views Development as presented and recommended by staff.

Resolution #R-21-40**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A UTILITY EXTENSION AGREEMENT WITH WXZ RESIDENTIAL GROUP/ARCADIA ONE, LLC FOR THE ARCADIA VIEWS DEVELOPMENT**

WHEREAS, the City of Hendersonville owns, operates and maintains water distribution and sewer collection systems to serve customers throughout Henderson County; and

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

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

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

WHEREAS, WXZ Residential Group/Arcadia One, LLC, the “Developer” and “Owner” will enter into a Utility Extension Agreement with the City to provide water service to the Arcadia Views Development.

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

1. The Utility Extension Agreement with WXZ Residential Group/Arcadia One, LLC, the “Developer” and “Owner” to provide water and sewer service to the Arcadia Views Development (the “Agreement”) is approved as presented.
2. City Manager is authorized to execute the Agreement on behalf of the City of Hendersonville.
3. The City Manager is authorized to approve and execute any amendments to the Agreement as may be requested by the Developer or Owner in the future, provided such amendments do not impose any new financial obligations on the party of the City.

Adopted by the City Council of the City of Hendersonville, North Carolina this 3rd day of June 2021.

/s/Barbara G. Volk, Mayor

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

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

L. Clear Creek Greenway (BL-0008) – NCDOT Grant Agreement -Brent Detwiler, City Engineer

I move that City Council adopt the Resolution to Authorize the City Manager to Enter into An Agreement with the North Carolina Department of Transportation for Clear Creek Greenway (BL-0008) Grant

Resolution #R-21-41**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR CLEAR CREEK GREENWAY (BL-0008) GRANT**

WHEREAS, Fixing America’s Surface Transportation (FAST) Act allows for the allocation of federal funds to be available for certain specified transportation activities; and

WHEREAS, the City of Hendersonville has requested federal funding for Clear Creek Greenway (BL-008), hereinafter referred to as the “Project”, in Henderson County, North Carolina; and

WHEREAS, subject to the availability of federal funds, the City of Hendersonville has been designated as a recipient to receive funds allocated to the North Carolina Department of Transportation, hereinafter referred to as the “Department”, by the Federal Highway Administration (FHWA) up to and not to exceed the maximum award amount of \$1,687,000 for the Project; and

WHEREAS, the City is required to enter into a grant agreement with the Department in order to memorialize the obligations of the Department and the City with regards to the funding, management, and completion of the Project utilizing the grant funds awarded, and City Council has been presented with such an agreement, hereinafter referred to as the “Agreement”; and

WHEREAS, the Department has agreed to administer the disbursement of said funds on behalf of FHWA to the City for the Project in accordance with the Project scope of work and in accordance with the provisions set out in this Agreement; and

WHEREAS, the Department has programmed funding in the approved Transportation Improvement Program for the Project; and

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

1. The City agrees to participate in certain costs and to assume certain responsibilities in the manner and to the extent as hereinafter set out in the Agreement; and
2. The City Manager is authorized to execute the Agreement with the North Carolina Department of Transportation for the Clear Creek Greenway (BL-0008), as presented.
3. The City Manager is authorized to approve amendments to the Agreement, in consultation with the City Attorney, as may be requested by the Department in the future provided such amendments do not create new financial obligations of the City.

Adopted by the City Council of the City of Hendersonville, North Carolina this 3rd day of June 2021.

/s/Barbara G. Volk, Mayor

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

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

M. Northside Water Improvements Engineering Amendment 2 – Brent Detwiler, City Engineer

I move that City Council adopt the Resolution by the City of Hendersonville City Council to Authorize the City Manager to Enter into an Amendment to an Agreement with Mckim & Creed, Inc. as Part of the Northside Water System Improvements Project.

Resolution #R-21-42

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE CITY MANAGER TO ENTER INTO AN AMENDMENT TO AN AGREEMENT WITH MCKIM & CREED, INC. AS PART OF THE NORTHSIDE WATER SYSTEM IMPROVEMENTS PROJECT

WHEREAS, the Northside Water System Improvements Project (Project No. 16019) is under construction; and

WHEREAS, an engineering agreement with McKim & Creed, Inc. was executed in February 2016 to complete the design, permitting, bidding and award work associated with the project; and

WHEREAS, construction of the project has been delayed to due to inclement weather delays and construction progress delays; and

WHEREAS, the schedule delay has resulted in the need to amend the agreement with McKim & Creed, Inc. to cover the extended construction administration, construction observation, and postconstruction services.

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

1. The City Manager is authorized to enter into an Amendment to an Agreement with McKim & Creed, Inc. for the Northside Water System Improvements Project, as presented.

Adopted by the City Council of the City of Hendersonville, North Carolina this 3rd day of June 2021.

/s/Barbara G. Volk, Mayor

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

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

N. Application for a NCDOT Comprehensive Pedestrian Planning Grant – Brent Detwiler, City Engineer

I move that City Council adopt the Resolution by the City of Hendersonville City Council in Support of Application for NCDOT Bicycle and Pedestrian Planning Grant.

Resolution #R-21-43**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO IN SUPPORT OF APPLICATION FOR NCDOT BICYCLE AND PEDESTRIAN PLANNING GRANT**

WHEREAS, the North Carolina Department of Transportation has established a grant that provides funding to municipalities for the development of Comprehensive Municipal Bicycle and Pedestrian Plans; and

WHEREAS, the City of Hendersonville has a desire to provide its citizens with safe, convenient, and more complete pedestrian facilities within the community; and

WHEREAS, the City of Hendersonville's last Pedestrian Plan was adopted in 2007; and

WHEREAS, the City's financial and technical resources have limited its ability to update its Pedestrian Plan; and

WHEREAS, the City of Hendersonville desires a Pedestrian Plan update to obtain the following objectives:

1. Provide for multimodal forms of transportation.
2. Provide guidance for modifying infrastructure to safely accommodate walking in appropriate locations.
3. Ensure that the North Carolina Department of Transportation (NCDOT) funded projects incorporate the City of Hendersonville's objectives.
4. Move towards an effective network for active transportation, recreation, and exercise.
5. Have an approved plan that will support funding from NCDOT for pedestrian improvements.
6. Ensure land use decisions effectively incorporate multimodal objectives.

WHEREAS, the North Carolina Department of Transportation has announced a competitive Planning Grant Initiative to award funding for Comprehensive Pedestrian Plans; and

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

2. The City hereby endorses the application for a Comprehensive Pedestrian Planning Grant and, if the project is selected, agrees to provide matching funding up to 20%, and any staff assistance for the duration of the Project; and
3. The City Manager is authorized to execute said application.

Adopted by the City Council of the City of Hendersonville, North Carolina this 3rd day of June 2021.

/s/Barbara G. Volk, Mayor

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

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

O. Utility Extension Agreement for the Barksdale Avenue Subdivision Development –
Brent Detwiler, City Engineer

I move that City Council adopt the Resolution by the City of Hendersonville City Council to Authorize the City Manager to Enter into a Utility Extension Agreement with Robert D. Crawford and Gloria H. Crawford for the Barksdale Avenue Subdivision Development.

Resolution #R-21-44**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A UTILITY EXTENSION AGREEMENT WITH ROBERT D. CRAWFORD AND GLORIA H. CRAWFORD FOR THE BARKSDALE AVENUE SUBDIVISION DEVELOPMENT**

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

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

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

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

WHEREAS, Robert D. Crawford and Gloria H. Crawford, collectively the “Developer” will enter into a Utility Extension Agreement with the City to provide water service to the Barksdale Avenue Subdivision Development.

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

1. The Utility Extension Agreement with Robert D. Crawford and Gloria H. Crawford, collectively the “Developer” to provide water service to the Barksdale Avenue Subdivision Development (the “Agreement”) is approved as presented.
2. City Manager is authorized to execute the Agreement on behalf of the City of Hendersonville.
3. The City Manager is authorized to approve and execute any amendments to the Agreement as may be requested by the Developer or Owner in the future, provided such amendments do not impose any new financial obligations on the party of the City.

Adopted by the City Council of the City of Hendersonville, North Carolina this 3rd day of June 2021.

/s/Barbara G. Volk, Mayor

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

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

P. Mud Creek Dump – Additional Assessment Activities - Brent Detwiler, City Engineer

I move that City Council resolve to approve a proposal from Hart & Hickman, PC for completion of the Mud Creek Dump – Additional Assessment Activities and to authorize the City Manager to execute a contract for said work; as presented and recommended by staff.

Q. Adoption of an Ordinance Amending Chapter 18 – Cemeteries of the City Code -John Connet, City Manager, Angela S. Beeker, City Attorney, and Tom Wooten, Public Works Director

I move that City Council adopt the Ordinance Of The City Of Hendersonville City Council to amend Chapter 18 of the Code Of Ordinances, Cemeteries.

Ordinance #O-21-21

**AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL
TO AMEND CHAPTER 18 OF THE CODE OF ORDINANCES, CEMETERIES**

WHEREAS, City staff determined Chapter 18 Cemeteries had not been completely reviewed since its original adoption in 1971; and

WHEREAS, City staff identified numerous conflicts between the current ordinance, state law and cemetery best practices; and

WHEREAS, the City Manager, City Attorney and Public Works Director have worked to completely revise Chapter 18 – Cemeteries of the City Code.

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

Section 1. Chapter 18 - Cemeteries of the Code of Ordinances for the City of Hendersonville shall be amended to read as follows (additions are underlined; deletions are shown with strikethroughs):

Chapter 18 _CEMETERIES¹¹

Sec. 18-1. _Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Approved Container shall mean a container that meets the specifications for burial as adopted by the Public Works Director in the Rules Governing Public Cemeteries in the City of Hendersonville. The specifications for burial shall be published on the City’s website.

Approved Vault shall mean a Vault meeting the specifications contained within the Rules Governing Public Cemeteries in the City of Hendersonville.

Applicant shall mean the person(s) or entity(ies) applying for an Interment Permit or for the purchase of a License. Signature by an Applicant for an Interment Permit shall be deemed a representation by the Applicant that they have the legal authority to inter or cause the interment of the human remains or cremains proposed for interment.

Block means a section of a Public Cemetery or ~~city cemetery~~ that contains a specified number of Lots.

City means the ~~cemetery owned~~ City of Hendersonville.

Code means the Code of Ordinances for the City of Hendersonville.

Container shall mean the vessel in which human remains or cremains are placed for burial.

Containers of human remains shall be required to be placed within an approved Vault for interment.

Grave shall mean a single space, having the dimensions specified in the *Rules Governing Public Cemeteries in the City of Hendersonville*, to be used for the purpose of the interment of human remains or cremains, as allowed by this Ordinance and ~~managed by the city~~ the Rules.

License Application shall mean the form developed by the Public Works Director for use by an Applicant in applying to purchase a License for a Grave or for a Lot. The License Application must specify the person or persons permitted to be interred within the Grave or Lot.

License shall mean a personal, revocable and unassignable, but devisable and inheritable, privilege granted for a fee to reserve a Grave or Lot in a Public Cemetery for the interment of human remains or cremains, having a duration of 100 years, without giving rise to any possessory interest in the land to the Licensee. Upon the burial or human remains or cremains within a Grave in accordance with the terms of this Ordinance and the Rules, the License for such Grave shall become irrevocable. A License shall list the person or person(s) permitted to be interred within the Grave or Lot. Licenses shall not be purchased for resale.

Licensee shall mean the lawful owner of a License.

Interment Application shall mean the form developed by the Public Works Director for use by Applicants in applying for an Interment Permit. The Interment Application shall name all Persons in Responsible Charge if different than the Applicant, including ~~any new land added thereto~~ the provisions of this Ordinance for which such named Persons are responsible for compliance. The Application must be signed by the Applicant and all named Persons in Responsible Charge.

Interment Permit shall mean a permit issued by the Public Works Director or his designee authorizing the imminent interment of human remains or cremains within a designated Grave at any time in the future, a Public Cemetery. The Interment Permit shall name all Persons in Responsible Charge and particular provisions of this Ordinance for which they have assumed responsibility for compliance.

~~Marker~~ shall mean the single stone placed to identify a particular individual buried in a plot within a lot.

Lot shall mean a group of a number of contiguous Graves as specified in the *Rules Governing Public Cemeteries in the City of Hendersonville*. Lots may also be identified as a section of a Block.

Monument shall mean the above ground, stone structure located on a ~~grave lot~~ Grave or Lot typically identifying a ~~an individual~~ (if for a Grave) or a group/family or families (if for a Lot). *See also Permanent Marker.*

Ordinance shall mean this Chapter 18 of the Code, as amended or renumbered.

Permanent Marker shall mean a stone or bronze marker, placed to identify the individual(s) buried in a Grave. A monument may also be considered as a Permanent Marker.

Person in Responsible Charge shall mean the person(s) or entity(ies) to whom an Interment Permit is issued. *Person in Responsible Charge* shall also include any persons or entities responsible for complying with this Ordinance in addition to the named Interment Permit holder.

Public Cemetery shall mean a cemetery owned and operated by the City of Hendersonville.

Rules shall mean the *Rules Governing Public Cemeteries in the City of Hendersonville*.

Rules Governing Public Cemeteries in the City of Hendersonville shall mean Rules adopted by the Public Works Director as allowed by this Ordinance to govern the use and operation of Public Cemeteries. All such Rules shall be consistent with the terms of this Ordinance.

Section. See "Lot."

Temporary Marker shall mean a marker used to identify the individual interred within a Grave intended to mark a Grave until a Permanent Marker can be installed. All Temporary Markers must comply with the *Rules Governing Public Cemeteries in the City of Hendersonville*.

Vault shall mean the vessel in which a Container is placed for burial, sealed, and designed to protect the integrity of the burial space. All Vaults must comply with the *Rules Governing Public Cemeteries in the City of Hendersonville*. Vaults are not required for the interment of human cremains, but shall be required for all other interment of human remains.

(Code 1971, § 8-1; Ord. No. 09-0942, § 1, 9-10-09)

Cross reference(s) — Definitions generally, § 1-2 Cross reference(s) — Sec. 18-2. — Application of ~~city~~ City laws.

All provisions of the ~~city~~ Code now in force or hereafter enacted, relating to and defining public offenses in the ~~city~~ City, shall, insofar as such provisions are applicable, be in full force and effect in the ~~city cemetery~~ Public Cemeteries.

(Code 1971, § 8-2)

Sec. 18-3. - Unlawful entry.

It shall be unlawful for any person, other than duly authorized officers, officials or employees of the ~~city~~ City, to enter into or be upon the ~~cemetery~~ grounds of the ~~city~~ Public Cemetery during the time after sunset and before sunrise of any day without first obtaining the permission of the ~~city officer in charge of such cemetery~~ Public Works Director or his designee. It shall further be unlawful at all times for any person to enter or leave the grounds other than by the established and open entrances or gateways.

(Code 1971, § 8-3)

Sec. 18-4. - Trespass and loitering; exceptions.

It shall be unlawful for any person to loiter or trespass upon ~~lots~~ Lots and ~~graves~~ Graves of the ~~city cemetery~~ Public Cemeteries or for the parent or guardian of any child under the age of 16 to permit such child to be within the ~~cemetery~~ Public Cemetery grounds unless accompanied by an adult person; provided, however, that nothing in this section shall be construed to prohibit any person having lawful business in the ~~cemetery~~ Public Cemetery in connection with improvement thereof or in connection with the lawful interment or disinterment of human remains or cremains, or to prevent persons visiting the ~~graves~~ Graves of relatives or friends from being in the cemetery in accordance with the ~~rules~~ Rules and this Ordinance.

(Code 1971, § 8-4)

Sec. 18-5. - Speed of vehicles.

It shall be unlawful for any person to drive any vehicle in the ~~cemetery~~ Public Cemetery faster than five miles per hour.

(Code 1971, § 8-5)

~~Cross reference(s) — Traffic, ch. 50~~ ~~Cross reference(s) —~~ Sec. 18-6. - Operation of vehicles and parking.

No person shall drive or move any vehicle within the ~~cemetery~~ Public Cemetery except over a roadway open for vehicular traffic, ~~or except as permitted by the Rules~~. No person shall obstruct any path or driveway within the ~~cemetery~~ Public Cemetery open to vehicular traffic. No person shall use the ~~cemetery~~ Public Cemetery grounds or any driveway therein as a public thoroughfare or drive any vehicle through such grounds except for purposes of making deliveries in the cemetery, attending a graveside service or burial service, or visiting any gravesite.

(Code 1971, § 8-6)

~~Cross reference(s) — Traffic, ch. 50~~ ~~Cross reference(s) —~~ Sec. 18-7. - Grave decorations (flowers).

The placing of cut flowers or plastic flowers over individual ~~graves~~ Graves shall be permitted; however, the ~~city~~ placing of cut flowers or plastic flowers shall be entirely at the risk of the person placing them, and the City shall bear no risk of loss or damage to any flowers placed. Further the City shall not be responsible for the care of such flowers or the containers that they are placed in. ~~Further, the city shall~~ The City may remove, without notice, all flowers, real or artificial, ~~that without notice to any person or entity; however generally, as a guideline and not a mandate, the City will permit fresh flowers to remain over for a period of fifteen (15) days, and artificial flowers to remain sixty (60) days from placement.~~ No other Grave decorations shall be permitted.

(Code 1971, § 8-7)

Sec. 18-8. - Rubbish; debris.

It shall be unlawful for any person to dispose of any rubbish, trash, waste materials, litter or debris of any kind in the ~~city cemetery~~ Public Cemeteries or to place any permanent materials ~~over on~~ a ~~lot~~ Lot which would prevent the perpetual maintenance, including mowing, of the ~~cemetery~~ Public Cemetery.

(Code 1971, § 8-8; Ord. No. 09-0942, § 1, 9-10-09)

~~Cross reference(s) — Environmental services, ch. 44~~ ~~Cross reference(s) —~~ Sec. 18-9. - Property damage.

No person shall remove, molest, injure, mar, deface, throw down or destroy any headstone, ~~monument~~ Monument, Permanent Marker, survey marker, Temporary Marker, corner marker, tomb, vault or mausoleum, or decoration on any ~~cemetery lot in the city cemetery~~ Lot, or open, disturb or molest any ~~grave~~ Grave or place of burial ~~therein within a Public Cemetery~~. This shall not prohibit acts by ~~cemetery~~ Public

Cemetery officers and employees or public officials in carrying out their duties.

(Code 1971, § 8-9)

Sec. 18-10. - Trees, shrubs and flowers.

It shall be unlawful for any ~~unauthorized~~ person to plant any tree, shrub or other plant in the ~~cemetery~~ Public Cemetery except those ~~permitted~~ planted or caused to be planted by the ~~city official in charge of the cemetery~~ Public Works Director or his designee. It shall be unlawful for any unauthorized person to cut down, injure, break or destroy any tree, shrub or other plant growing in the ~~cemetery~~ Public Cemetery or to pick, pluck or cut any flower or decorative plant, except as authorized by the ~~cemetery rules~~ Rules.

(Code 1971, § 8-10)

Sec. 18-11. - Interment of human remains.

(a) No person shall inter a human corpse or the remains remaining from the cremation of a human corpse at any place or location within the ~~city~~ City limits other than in a recognized and established cemetery or other area regularly dedicated for this purpose. ~~No interment shall occur in the city cemetery unless the city public works director or his designee shall have been notified of the interment at least 48 hours earlier.~~

(b) No person or entity shall inter, or cause to be interred, human remains or cremains within a Public Cemetery without having first secured an Interment Permit from the Public Works Director or his designee, and having paid the permit fee associated with the issuance of such a permit. The issuance of an Interment Permit shall be in accordance with the Rules Governing Public Cemeteries in the City of Hendersonville. Such Interment Permit shall, at a minimum, contain the name, date of birth, date of death of the deceased, the date and time of the proposed interment, the Grave address/designation in which the interment will occur, and the name and address of the Persons in Responsible Charge if different from the Applicant. It shall be unlawful to inter or to cause the interment of human remains or cremains other than the named deceased within the designated Grave. The Persons in Responsible Charge shall be jointly and severally liable and responsible for compliance with all terms of this Ordinance and the Rules Governing Public Cemeteries in the City of Hendersonville related to the interment, the funeral, Gravesite services, placement of the Temporary Marker, and all other Ordinance provisions and Rules related to any of the foregoing.

~~(b)~~ (c) Interment Permits must be secured at least forty-eighty (48) hours in advance, with the following exceptions:

(1) If the interment will occur on a Monday, the Interment Permit must be secured no later than 11:00 a.m. on the preceding City business day.

(2) If the interment will occur on a weekend, the Interment Permit must be secured no later than 11:00 am of the preceding Thursday.

(3) If the interment will occur on a City holiday, the Interment Permit must be secured not later than 11:00 a.m. of the preceding City business day that will provide at least forty-eight (48) hours notice to the City.

~~(e)~~ (d) No person shall cause to be built, installed or created any aboveground curbing, borders or fencing around any ~~plot~~ Lot or ~~grave~~ Grave, or multiple ~~grave~~ Grave sites.

~~(e)~~—(e) Nothing may be placed in, on, or around a Grave or Lot other than flowers, monuments and markers that are specifically allowed by this Ordinance. By way of example, and not limitation, benches, flag poles, solar lights, and any other item not specifically allowed, are prohibited.

~~(f)~~ (e) No headstones, level stones or any other type of ~~grave~~ Grave marker shall be wider than the width of two adjacent ~~grave~~ Grave sites, or spaces.

~~(d)~~—(g) All interment shall be accomplished with the use of an approved container, ~~and there and, for human remains, an approved vault.~~

(h) All Licenses obtained after July 1, 2021, shall be ~~only one~~ limited to the interment on each grave site, provided that more than of (1) one human remains and one cremated remains may be placed in a grave space, or site, upon the granting of permission for such second, or more, interment by human cremains, or (2) two human cremains per Grave. Notwithstanding the city official foregoing, prior commitments documented in charge of City records for limits that exceed those contained in this paragraph shall be honored.

(i) The lids of all vaults used for interments shall have affixed thereto by means of permanent attachment a metal tag, composed of non-corrosive metal, bearing the ~~cemetery is first obtained~~ name, birth date, and date of death of the deceased within the vault.

(ej) After interment is completed, the top of any concrete box or vault used in such interment shall not be less than 24 inches below the ground level, and ~~such the Grave and~~ concrete box or vault shall be completely filled and covered with 24 inches of compacted soil.

~~(f)~~ (k) Prices, fees, charges and assessments ~~representing the purchase price of burial rights in any cemetery lot or grave site for a License, Interment Permit, the opening and closing of graves, interment~~

~~fees~~Graves, and any other services rendered by the ~~city~~City incidental to, or relative to, the use of the ~~cemetery~~a Public Cemetery shall be determined by resolution of the ~~city~~City council, and a fee schedule listing the amount and nature of such fees shall be filed in the office of the ~~city~~City clerk.

(g) ~~(1) Within 24 hours after interment in a cemetery operated by the city the funeral director or other person arranging the interment~~Person in Responsible Charge shall place, or cause to be placed, at an appropriate place on the interment site a temporary marker~~Temporary Marker designating at least the identity of the person interred. The marker shall~~Temporary Marker must remain for six months or (and be replaced if removed) until the placement of a permanent identifying monument or other identifier, whichever is earlier. The temporary marker may be removed at the discretion~~Permanent Marker or Permanent Monument. A Permanent Marker must be placed within six (6) months of the public works department not earlier than six months~~date of interment, and no later.

(m) Within 48 hours after interment, the burial the Person in Responsible Charge shall provide the City with a certification that internment was completed in the designated Grave and the required Temporary Marker has been placed.

(Code 1971, § 8-11; Ord. No. 09-0942, § 1, 9-10-09; Ord. No. 17-0101, § 1, 1-5-17)

~~Cross reference(s) — Health and sanitation, ch. 26~~Cross reference(s) — Sec. 18-12. — Care and cemetery maintenance.

The ~~city~~City shall provide perpetual care in and for all ~~cemeteries owned and maintained by the city~~Public Cemeteries. The term "perpetual care" shall be deemed to include the maintenance and care of all grounds, roadways, entrances, gates and fences constructed by the ~~city~~City, but shall not include the maintenance, care, refurbishing, repair or replacement of any tomb, crypt, mausoleum, ~~monument~~Monument, vault, headstone, ~~marker~~Permanent Marker, Temporary Marker, or any other structure of a like nature used in the interment of human remains or the disposition of the ashes resulting from cremation. Notwithstanding the foregoing, the City may elect to repair or maintain select Monuments or Permanent Markers within a Public Cemetery as allowed by law, but such repair or maintenance shall not be deemed an assumption of responsibility for perpetual maintenance and repair of such Monuments or Permanent Markers.

(Code 1971, § 8-12)

Sec. 18-13. — Monuments in the city cemetery.~~Public Cemeteries.~~

(a) All ~~monuments~~Graves shall have a Permanent Marker.

(b) All ~~Monuments~~ and ~~markers~~Permanent Markers within the city cemeteryPublic Cemeteries shall be erected in accordance with the specifications set by the ~~department of public works and shall be subject to the approval of the director thereof or his designee contained in the Rules.~~ Only one group/family ~~monument~~Monument shall be permitted on any ~~lot~~Lot, with individual ~~markers~~Permanent Markers set flush with the ground for individual ~~graves~~Graves.

(b) ~~————— The requirements as to monuments in the city cemetery shall be as follows:~~

(1) ~~————— The foundations for all monuments shall be of solid masonry concrete and columns of sufficient number to sustain the weight of the monument. All foundations for monuments must be laid not less than 24 inches below the grade of the lot. The area at the top of such foundations must be a 1-2-4 mix. Foundation shall be constructed by the monument company under the specifications set out above at the expense of the owner/company.~~

(2) ~~————— The owner of monument and other memorial structures shall keep them in good repair, and any structure found to be unsightly and in dilapidated condition may be removed by the city.~~

(3) ~~————— A vase may be attached as part of the monument, as long as the dimensions of the vase shall not be included in the overall dimensions of the monument.~~

(c) ~~————— The requirements as to markers in the city cemetery shall be as follows:~~

(1) ~~————— No more than one marker may be placed on any grave, and in turn, no more than one grave may be embraced by any one marker within the city cemetery.~~

(2) ~~————— All markers which shall be placed on any grave within the city cemetery shall be 12 inches wide and 24 inches in length, and six inches in thickness. Any standard markers furnished to the family of any deceased veteran by the government of the United States, and which may not be within the specifications and may be placed on the grave of any deceased veteran.~~

(3) ~~————— All markers shall be installed so the face is flush to the ground.~~

(4) ~~————— Bronze markers shall be of a size 12 inches wide and 24 inches long. Bronze markers shall be installed in a concrete base so as to lie flush with the ground.~~

(Ord. No. 09-0942, § 1, 9-10-09)

Sec. 18-14. Unused Graves and Lots

(a) Licenses for individual Graves or for Graves within a Lot which are not used within 100 years shall expire.

(b) Individual Graves and Graves within a Lot which were purchased prior to July 1, 2021 which have not been used within 100 years, shall be deemed abandoned and shall revert to the City if the purchaser shall have died, and there are no known devisees or heirs at law of the purchaser. In such case, the City shall publish a notice once a week for four weeks in a newspaper published in the City, and if no devisee nor heir at law of the purchaser appears within 30 days from the last day of publication, then the individual Grave or Graves that were part of a Lot or part of Lot thereof, as the case may be, shall revert to the City.

Sec. 18-15 Procedures and fees for disinterment

(a) Except as may be otherwise authorized by City Council, no human remains shall be disinterred from a Public Cemetery without the prior delivery to the City Manager of a disinterment permit lawfully issued by the Henderson County Director of Public Health or by other lawful authority, or by a valid court order. Upon receipt, the City Manager may conduct such investigation as deemed necessary to verify the disinterment permit or court order, and shall forward a copy to the Public Works Director. The Public Works Director or his designee shall update the Public Cemetery records to indicate the date of disinterment and the name, and new location of the burial of the deceased.

(b) The disinterment permit holder shall coordinate the disinterment with the Public Works Director or his designee.

(c) An administrative fee set by the City council will be charged to review and coordinate each disinterment request received by the City, and payment is due at the time of request for disinterment.

18-16 Violations of this Ordinance

(a) The City may debar any funeral home from being eligible to apply for an Interment Permit, or to otherwise inter or cause the interment of human remains or human cremains within any Public Cemetery for repeated violations of this Ordinance.

(b) In addition to Sec. 18-16(a) above, Section 1-6 of the Code shall apply to violations of this Ordinance.

Section 2. This Ordinance shall be effective at midnight, July 1, 2021.

Section 3. If any word, phrase, section, paragraph, sentence or other portion of this Ordinance should be declared void, unenforceable, unconstitutional or otherwise of no force and effect by a court of competent jurisdiction, such word, phrase, section, paragraph, sentence or other portion of this Ordinance shall be deemed severable from the remainder of this Ordinance, and such remainder shall remain valid.

Adopted by the City Council of the City of Hendersonville, North Carolina this this 3rd day of June 2021.

/s/Barbara G. Volk, Mayor

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

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

R. Adoption of an Ordinance to Amend Chapter 52 of the Code of Ordinances for the City of Hendersonville to Add a New Section 52-96, Special Assessments -Drew Finley, Lead for NC Fellow

I move that City Council adopt the Ordinance to Amend Chapter 52 of the Code of Ordinances for the City of Hendersonville to Add a New Section 52-96, Special Assessments.

Ordinance #O-21-22

AN ORDINANCE TO AMEND CHAPTER 52 OF THE CODE OF ORDINANCES FOR THE CITY OF HENDERSONVILLE TO ADD A NEW SECTION 52-96, SPECIAL ASSESSMENTS

WHEREAS, The City desires to provide an organized and coordinated process by which existing area residents may petition the City to receive public sewer and/or water service through an extension of the City's water or sewer system and pay for these extensions through special assessments and

WHEREAS, through its sewer master planning efforts, the City identified various areas adjacent to the existing sewer service area that have the potential to convert from septic systems to public sewer and

WHEREAS, the City also conducted water master planning efforts that identified areas that have the potential to be served through extensions of the City's water system and

WHEREAS, North Carolina General Statutes Chapter 160A Article 10 ("Special Assessments") authorizes any City to make special assessments for constructing, reconstructing, extending, and otherwise building or improving water systems and sewage collection and disposal systems,

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

Section 1. A new Section 52-96, Special Assessments, to be added to Chapter 52 of the Code of Ordinances for the City of Hendersonville, is hereby adopted as follows:

Sec. 52-96. – Special Assessments.

In addition to the methods for requesting a utility extension provided in this Article III, property owners may petition the City for a utility extension to be financed through the special assessment process in accordance with the City's Utility Assessment Policy and Procedure, adopted by the City Council as authorized by North Carolina General Statutes Chapter 160A, Article 10, Special Assessments.

Section 2. This Ordinance shall be effective upon its adoption.

Adopted by the City Council of the City of Hendersonville, North Carolina this this 3rd day of June 2021.

/s/Barbara G. Volk, Mayor

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

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

S. Resolution Adopting Utility Assessment Policy & Procedure – Drew Finley, Lead for NC Fellow

I move that City Council adopt the Resolution adopting the Utility Assessment Policy & Procedure as presented.

Resolution #R-21-45

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO ADOPT A UTILITY ASSESSMENT POLICY & PROCEDURE

WHEREAS, the City of Hendersonville desires to provide a fiscally responsible method for area residents to connect to the City's public sewer and water systems; and

WHEREAS, through its sewer master planning efforts, the City identified various areas adjacent to the existing sewer service area that have the potential to convert from septic systems to public sewer; and

WHEREAS, the City has also conducted water master planning efforts that identified areas that have the potential to be served through extensions of the City's water system; and

WHEREAS, this process resulted in the development of a Utility Assessment Policy & Procedure for Sewer and Water Improvements which outlines the process by which existing area residents may petition the City to receive public sewer and/or water service through an extension of the City's water or sewer system and pay for these extensions through special assessments; and

WHEREAS, this policy outlines the procedure for the City's consideration and approval of utility infrastructure improvements to be funded in whole or in part by special assessments.

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

1. The City of Hendersonville policy is adopted by the City Council of the City of Hendersonville in accordance with the authority granted by North Carolina General Statutes Chapter 160A Article 10 ("Special Assessments") and Sec. 52-89 et seq of the City of Hendersonville Code of Ordinances.
2. Nothing herein shall be deemed to limit or restrict any other available options to proceed with utility infrastructure improvements as are now or may be prescribed by the general laws of the State.

Adopted by the City Council of the City of Hendersonville, North Carolina this 3rd day of June 2021.

/s/Barbara G. Volk, Mayor

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

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

T. Settlement of Delinquent Taxes & Arrangements for Collection – Drew Finley, Lead for NC Fellow

I move that City Council approve the resolution accepting settlement of the delinquent taxes charged to the Deputy Tax Collector and approving temporary arrangements for the collection of taxes.

Resolution #R-21-46

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO ACCEPT SETTLEMENT OF DELINQUENT TAXES CHARGED TO DEPUTY TAX COLLECTOR

WHEREAS, General Statute 105-373 requires the tax collector to provide settlement of all taxes charged to the collector to the governing board upon their last day in office and;

WHEREAS, In default of such a settlement, or in case of a vacancy occurring during a term for any reason, it shall be the duty of the chief accounting officer or, in the discretion of the governing body, of some other qualified person appointed by it immediately to prepare and submit to the governing body a report in the nature of a settlement made on behalf of the former tax collector.; and

WHEREAS, Whenever a settlement must be made in behalf of a former tax collector, as provided in this subsection (d), the governing body may deliver the tax receipts, tax records, and tax sale certificates to a successor collector immediately upon the occurrence of the vacancy, or it may make whatever temporary arrangements for the collection of taxes as may be expedient.

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

1. The settlement of taxes charged to Deputy Tax Collector Jennifer Musselwhite, prepared and submitted by Finance Director John Buchanan is satisfactory and approved.
2. Pending appointment of a new Deputy Tax Collector, Jesse Ivens, Senior Accountant is charged with the total amount of delinquent taxes, fees, and interest as approved in the Tax Settlement. He shall be responsible to make settlement upon appointment of the new Deputy Tax Collector.

Adopted by the City Council of the City of Hendersonville, North Carolina this 3rd day of June 2021.

/s/Barbara G. Volk, Mayor

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

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

U. Resolution Approving Title VI Plan – Angela Reece, City Clerk

I move that City Council approve the Resolution adopting a Title VI Plan to prohibit discrimination in programs and services and in activities receiving Federal financial assistance.

Resolution #R-21-47

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL ADOPTING A TITLE VI PLAN TO PROHIBIT DISCRIMINATION IN PROGRAMS AND SERVICES AND IN ACTIVITIES RECEIVING FEDERAL FINANCIAL ASSISTANCE

WHEREAS, in 1964, Congress enacted the Civil Rights Act of 1964, which included that section labeled Title VI which prohibits discrimination in any activity which is financed by federal funds or receives federal financial assistance; and

WHEREAS, since the adoption of Title VI, additional federal regulations and court decisions have further refined the definition of "federal financial assistance" and what entities are affected and controlled by Title VI; and

WHEREAS, the City of Hendersonville has no formal policy in place for defining and preventing discrimination in the activities and for the entities Title VI affects; and

WHEREAS, the interpretation and application are not intuitive or readily understood, requiring an understanding of what "federal financial assistance" might be in any particular situation and what persons or entities must comply with Title VI; and

WHEREAS, a policy and procedure for reporting violations will provide guidelines for the City, City Departments and private persons and companies doing business with the City and receiving federal financial assistance.

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

1. The attached "Title VI Policy" is hereby adopted as the official policy of the City of Hendersonville for applying, reporting, and enforcing Title VI of the Civil Rights Act of 1964
2. That the City Manager shall have authority to amend this policy as necessary to comply with Title VI of the Civil Rights Act of 1964, including but not limited to the addition of a grievance procedure.

Adopted by the City Council of the City of Hendersonville, North Carolina this 3rd day of June 2021.

/s/Barbara G. Volk, Mayor

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

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

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

6. PRESENTATIONS

A. Juneteenth Proclamation – Barbara G. Volk, Mayor

Mayor Barbara G. Volk presented the following proclamation to Crystal Cauley in recognition of Juneteenth Day 2021.

Proclamation Juneteenth Day 2021

WHEREAS, on September 22, 1862, President Abraham Lincoln issued the Emancipation Proclamation, declaring that as of January 1, 1863, all slaves in the rebellious states would be thenceforward and forever free; and

WHEREAS, it took almost three more years of conflict and loss to bring about the end of the Civil War, and in December 1865, the Thirteenth Amendment to the United States Constitution was nationally ratified, ending the sanctioned institution of slavery; and

WHEREAS, the news of freedom disseminated gradually throughout the nation; on June 19, 1865, Union Soldiers, led by General Gordon Granger, arrived in Galveston, Texas, and issued General Order No. 3 announcing freedom to some of the last slaves in America; and

WHEREAS, June 19, or Juneteenth, became nationally recognized as National Freedom Day, commemorating the abolition of sanctioned slavery in the United States; and

WHEREAS, on this anniversary each year, organizations and individuals throughout the City of Hendersonville and our nation celebrate African American heritage, history, freedom, and culture with events and ceremonies that reflect the power of community, family, art, and tradition in the face of oppression.

NOW, THEREFORE, I, Barbara Volk, Mayor of the City of Hendersonville, and City Council Members, do hereby proclaim June 19, 2021 as

“Juneteenth Day”

in the City of Hendersonville and encourages people to observe Juneteenth as an opportunity to reflect, rejoice, and plan for a brighter future as we continue to address racial injustices in our society today.

PROCLAIMED this 3rd day of June 2021.

/s/Barbara G. Volk, Mayor

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

B. Resolution to Recognize Distinguished Service to the City of Hendersonville and Awarding of Service Side Arm and Badge – Blair Myhand, Chief of Police

Mayor Barbara G. Volk presented the Resolution recognizing the distinguished service of Lieutenant Michael Gerard Vesley.

Council Member Dr. Jennifer Hensley moved that City Council adopt the resolution to award Lieutenant Michael Gerard Vesely with his badge and service side arm for a cost of \$1.00. A unanimous vote of the Council followed. Motion carried.

Resolution #R-21-48

RESOLUTION TO RECOGNIZE DISTINGUISHED SERVICE TO THE CITY OF HENDERSONVILLE AND AWARDING OF SERVICE SIDE ARM

WHEREAS, North Carolina General Statutes 20-187.2 provides that retiring members of law enforcement agencies may receive, at the time of their retirement, the badge worn or carried by them during their service; and

WHEREAS, NCGS 20-187.2 further provides that the governing body of the governing law enforcement agency may, at its discretion, award to a retiring member their service side arm, at a price determined by such governing body, upon determining that the person receiving the weapon is not ineligible to own, possess, or receive a firearm under the provisions of State or federal law; and

WHEREAS, the City of Hendersonville hereby recognizes **25 years** of distinguished service as a law enforcement officer by **Michael Gerard Vesely** for the City of Hendersonville and its residents; and

WHEREAS, the City of Hendersonville wishes to recognize **Lieutenant Mike Vesely's** service in a manner that is customary for persons retiring from distinguished law enforcement service; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hendersonville that the City of Hendersonville hereby awards to **Lieutenant Michael Gerard Vesely** his service side arm, **Glock model 45, 9 mm, serial number BLPU705**, for a cost of \$1.00 as determined in the Policy for the Granting of Badges and Service Side Arms for Sworn Law Enforcement Officers, as a token of appreciation for his many years of service and dedication to the City of Hendersonville and its residents.

Adopted by the City Council of the City of Hendersonville, North Carolina this 3rd day of June 2021.

/s/Barbara G. Volk, Mayor

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

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

7. PUBLIC HEARINGS

A. Budget Adoption FY21-22 – John F. Connet, City Manager

City Manager John F. Connet presented the FY21-22 Budget to City Council and provided the following:

Total Budget for FY21-22 \$45.2M

Based off of six priority areas:

- Economic Vitality
- Strong Partnerships
- Sound Infrastructure
- Numerous Amenities
- Great Public Service
- Financial Sustainability



General Fund

\$20.5 Million

- The General Fund includes general government, public safety & public works.

Ad Valorem Tax Rate

\$0.52 per \$100 of property valuation

- The FY21-22 Budget includes a **\$0.03 tax increase**. The average comparable rate for comparable NC cities is \$0.55 per \$100.
- Factors considered for the tax increase were:
 1. The need to improve salaries and benefits to retain and attract dedicated full-time employees and to fund the expansive list of critical capital projects.
 2. The need to fund critical equipment across departments.
 3. The need to fund debt service for current and future capital projects.

Personnel

- 10% Cost of Living Adjustment & Merit Pay
- Employee Dependent Coverage from 50% to 75%
- Short-term Disability Coverage
- Paid Family Leave Policy
- Funds to cover increased local government retirement costs.
- SAFER grant firefighter salaries

New positions

- 2 Police Officers
- Diversity/HR Coordinator
- Property Maintenance Worker
- Risk Manager
- Purchasing Administrator
- Part-time Fire Department Admin Assistant

City Manager Connet stated the \$0.03 tax increase is necessary to retain and attract high quality employees and said it is becoming more difficult to compete against local competitors such as Buncombe County, the City of Asheville, and Henderson County for quality employees and said the city has lost well-trained high-quality employees to these other jurisdictions. Manager Connet stated the increase in salaries and benefits are bringing the city to par with the other jurisdictions.

City Manager Connet recalled receiving the SAFER grant several years ago which funded salaries for firefighters and reminded everyone that this grant has expired, and the city will be responsible for 100% of the salaries. Manager Connet recalled prior conversations with current and former City Council Members and stated original discussions proposed a \$0.06 tax increase to fund these salaries and other capital projects but said due to growth in the community and some projects slowing down, staff has proposed a \$0.03 tax increase.

Critical Equipment

- Replacing Police, Fire & Public Works Vehicles
- Replacing Fleet Service Equipment
- Extrication & Thermal Imaging Equipment replacement for Fire Department
- Bridge replacement in Patton Park
- Resurfacing Operations Parking Area

Debt Service

- Fire Engine #3
- Police Headquarters
- 7th Avenue Streetscape
- City Hall/Operations Renovations
- Additional Fire Apparatus Replacement
- Edwards/Dogwood Park Development
- And Others

City Manager Connet discussed the need for equipment replacement to provide optimal customer service and safety and discussed debt service needs for current and upcoming capital projects.

Water & Sewer Fund

\$20.4 Million

- The Water & Sewer Fund is primarily funded through user charges.
- City Council is on track with their resolution to equalize rates between inside-City & outside-City water customers by the year 2030. The below rate differentials are calculated based on the comparison between charges for the same items or services for an inside city customer versus an outside city customer. The rate differential for an outside city customer proposed for FY21-22 is 5% lower than previous fiscal years and will continue to be equalized in coming years.
 - FY20-21 Differential = 145%
 - FY21-22 Differential = 140%
- Capital projects are the primary driver of water and sewer rates.
- The city has a list of future year capital projects (through FY26) that total \$110.8 Million which include French Broad River intake and many other water and sewer line replacements.

City Manager Connet discussed rate comparisons with similar municipalities and of others within the state and said the City of Hendersonville is slightly higher on outside city rates but is lower than utilities within fifty miles and utilities within the state for inside city rates. Manager Connet stated the city is very competitive in the region and across the state as it relates to water and sewer. Manager Connet reminded everyone that City Council has directed staff to ensure all of the water and sewer capital projects are funded through utility rates and said the city does not charge system development fees.

Main Street Fund

\$522,366

- The FY21-22 Budget includes a **\$0.02 tax decrease**.
- The FY21-22 rate is \$0.24 per \$100 of property valuation.

7th Avenue Fund

\$100,982

- There is no change in the FY21-22 Budget.
- The FY21-22 rate is \$0.17 per \$100 of property valuation.

Stormwater Fund

\$1.3 Million

- There is no change in residential fees (\$5.00 per month) in the FY21-22 Budget.
- Fees are proposed for non-residential structures based on impervious surface.

City Manager Connet stated staff are proposing significant increases to revenues in this fund to make improvements to infrastructure and reminded everyone the city's Stormwater Program is an un-funded, state, and federal mandated program aimed at maintaining stormwater infrastructure and improving water quality. Manager Connet also reminded everyone the city conducted a rate study and gathered community input over a two-year period to develop an equitable and sustainable utility structure and discussed feedback from the Partnership as well as the local business community and reminded everyone that City Council adjusted the proposed fees based on input from the business community. Manager Connet also announced the state stormwater auditor has completed the audit and has said it was an exemplary audit and the best he had seen in WNC. Manager Connet stated staff are optimistic that the city will be one of four stormwater utilities in the state who may receive a compliance letter. Manager Connet praised city staff, Mike Huffman, and Brent Detwiler for their work to improve the program.

Manager Connet finished by reading the City's mission statement:

The City of Hendersonville is committed to providing quality, efficient services to all citizens, visitors, and businesses through open communication, timely responses, and quality results.

There were no questions by City Council.

The City Clerk confirmed this hearing has been advertised in accordance with NC General Statutes. The Public hearing opened at 6:28 p.m.

Ken Fitch of 1046 Patton St. addressed City Council virtually by Zoom stating it is important to acknowledge and support the knowledge and contributions by city employees and said it is their

service and dedication that convey high quality services as set out in the mission statement. Mr. Fitch acknowledged the tax increase will be a burden but said it will come with an expectation the City Council will uphold their core values and beliefs in light of the challenges in the immediate future and beyond.

There were no other public comments.

City Council Members extended thanks and appreciation to City Manager John Connet, Assistant City Manager Brian Pahle and Budget Manager Adam Murr.

The public hearing was closed at 6:30 p.m.

Council Member Jeff Miller moved that City Council adopt the fiscal year 2021-22 Budget Ordinance, FY22 Capital Reserve Fund Ordinance, Capital Improvement Plan Resolution of Intent, Capital Project Ordinances (CPO) #21017, #21018, #21019, and #21020, and Reimbursement Resolutions for CPO #21017, #21018, #21019, as presented. A unanimous vote of the Council followed. Motion carried.

FY21-22 Budget Ordinance #O-21-23

**AN ORDINANCE TO MAKING APPROPRIATIONS FOR CERTAIN EXPENSES,
CAPITAL IMPROVEMENTS AND INDEBTEDNESS OF
THE CITY OF HENDERSONVILLE, NORTH CAROLINA
FOR THE FISCAL YEAR BEGINNING JULY 1, 2021, AND ENDING JUNE 30, 2022**

WHEREAS, the City of Hendersonville is coming to the conclusion of its fiscal year and will enter into a new fiscal year on July 1, 2021; and

WHEREAS, it is necessary and required that prior to entering into a new fiscal year a budget must be passed and adopted for the operation of the city government; and

WHEREAS, the FY 21-22 budget and budget message were submitted to the Hendersonville City Council by the budget officer, the City Manager on May 19, 2021 as required by N.C.G.S. § 159-11(b); and

WHEREAS, a copy of the FY 21-22 budget was filed with the Hendersonville City Clerk on May 19, 2021 as required by N.C.G.S. § 159-12(a); and

WHEREAS, a duly advertised public hearing and a work session have been held wherein the public has been notified and invited to be present.

**THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
HENDERSONVILLE, NORTH CAROLINA:**

SECTION 1: That the following amounts are hereby appropriated for the following governmental and proprietary funds for the fiscal year beginning July 1, 2021, and ending June 30, 2022, with the estimated, budgeted revenues and other finance sources for each fund being as stated:

GOVERNMENTAL FUNDS

General Fund

General Fund

Budgeted Revenues	\$(18,468,599)
Ad Valorem Taxes	(11,215,690)
Other Taxes & Licenses	(9,500)
Unrestricted Intergovernmental	(5,868,846)
Restricted Intergovernmental	(526,163)
Permits & Fees	(444,350)
Sales & Services	(276,050)
Investment Earnings	(100,000)
Miscellaneous	(29,000)
Budgeted Expenditures	20,538,343
General Government	2,898,179
Community Development	832,240
Fire	4,406,771
Police	6,251,780
Public Works	4,591,807
Debt Service	1,557,566
Other Finance (Sources)/Uses	(2,069,744)
Proceeds of Debt	(798,000)
Sale of Capital Assets	(10,000)

Transfers (In)	(-)
Transfers Out	-
Fund Balance Appropriated	(1,261,744)
Sub-Total Estimated Revenues & Other Finance Sources	\$(20,538,343)
Sub-Total Appropriations	\$20,538,343

Special Revenue Funds**Governmental Special Revenue Fund**

Budgeted Revenues	\$(16,000)
Miscellaneous	(16,000)
Budgeted Expenditures	65,500
Fire	4,000
Historic Preservation	7,500
Police	50,000
Walk of Fame	4,000
Other Finance (Sources)/Uses	(49,500)
Fund Balance Appropriated	(49,500)
Sub-Total Estimated Revenues & Other Finance Sources	\$(65,500)
Sub-Total Appropriations	\$65,500

Main Street MSD Fund

Budgeted Revenues	\$(503,000)
Ad Valorem Taxes	(276,750)
Other Taxes & Licenses	(-)
Unrestricted Intergovernmental	(225,000)
Restricted Intergovernmental	(-)
Permits & Fees	(250)
Sales & Services	(-)
Investment Earnings	(1,000)
Miscellaneous	(-)
Budgeted Expenditures	522,366
Downtown Program	475,364
Debt Service	47,002
Other Finance (Sources)/Uses	(19,366)
Fund Balance Appropriated	(19,366)
Sub-Total Estimated Revenues & Other Finance Sources	\$(522,366)
Sub-Total Appropriations	\$522,366

Seventh Avenue MSD Fund

Budgeted Revenues	\$(84,375)
Ad Valorem Taxes	(34,875)
Other Taxes & Licenses	(-)
Unrestricted Intergovernmental	(43,500)
Restricted Intergovernmental	(-)
Permits & Fees	(-)
Sales & Services	(-)
Investment Earnings	(1,000)
Miscellaneous	(5,000)
Budgeted Expenditures	100,982
Downtown Program	100,982
Other Finance (Sources)/Uses	(16,607)
Fund Balance Appropriated	(16,607)
Sub-Total Estimated Revenues & Other Finance Sources	\$(100,982)
Sub-Total Appropriations	\$100,982

PROPRIETARY FUNDS**Enterprise Funds****Environmental Services Fund**

Budgeted Revenues	\$(1,492,100)
Charges for Services	(1,490,000)
Other Taxes & Licenses	(-)
Unrestricted Intergovernmental	(-)
Restricted Intergovernmental	(-)
Permits & Fees	(-)
Sales & Services	(-)
Investment Earnings	(300)
Miscellaneous	(1,800)
Budgeted Expenditures	1,892,981
Sanitation	1,818,838

Debt Service	74,143
Other Finance (Sources)/Uses	(400,881)
Proceeds of Debt	(380,000)
Fund Balance Appropriated	(20,881)
Sub-Total Estimated Revenues & Other Finance Sources	\$(1,892,981)
Sub-Total Appropriations	\$1,892,981
Stormwater Fund	
Budgeted Revenues	\$(1,271,090)
Charges for Services	(1,270,000)
Other Taxes & Licenses	(-)
Unrestricted Intergovernmental	(-)
Restricted Intergovernmental	(-)
Permits & Fees	(1,040)
Sales & Services	(-)
Investment Earnings	(50)
Miscellaneous	(-)
Budgeted Expenditures	1,336,642
Stormwater	1,296,329
Debt Service	40,313
Other Finance (Sources)/Uses	(65,552)
Proceeds of Debt	(40,000)
Fund Balance Appropriated	(25,552)
Sub-Total Estimated Revenues & Other Finance Sources	\$(1,336,642)
Sub-Total Appropriations	\$1,336,642
Enterprise Funds (Continued)	
Water & Sewer Capital Reserve Fund	
Budgeted Revenues	\$(-)
Miscellaneous	(-)
Budgeted Expenditures	100,000
General Administration	100,000
Other Finance (Sources)/Uses	(100,000)
Fund Balance Appropriated	(-)
Transfers (In)	(100,000)
Transfers Out	-
Sub-Total Estimated Revenues & Other Finance Sources	\$(100,000)
Sub-Total Appropriations	\$100,000
Water & Sewer Fund	
Budgeted Revenues	\$(20,008,725)
Charges for Services	(19,228,200)
Other Taxes & Licenses	(-)
Unrestricted Intergovernmental	(-)
Restricted Intergovernmental	(-)
Permits & Fees	(751,325)
Sales & Services	(-)
Investment Earnings	(8,000)
Miscellaneous	(21,200)
Budgeted Expenditures	20,294,676
General Business	5,607,913
Water Distribution	2,523,305
Water Facilities Maintenance	1,450,700
Water Operations Support	656,382
Water Treatment Plant	2,311,287
Wastewater Collection	1,938,394
Wastewater Facilities Maintenance	473,091
Wastewater Operations Support	180,200
Wastewater Treatment Plant	1,744,085
Debt Service	3,212,170
Other Finance (Sources)/Uses	(285,951)
Transfers (In)	(-)
Transfers Out	100,000
Fund Balance Appropriated	(385,951)
Sub-Total Estimated Revenues & Other Finance Sources	\$(20,394,676)
Sub-Total Appropriations	\$20,394,676
Internal Service Funds	
Health & Welfare Fund	
Budgeted Revenues	\$(294,459)
Charges for Services	(282,459)
Grant Revenue	(-)

Miscellaneous	(12,000)
Budgeted Expenditures	295,209
Employee Benefits	295,209
Other Finance (Sources)/Uses	(750)
Fund Balance Appropriated	(750)
Sub-Total Estimated Revenues & Other Finance Sources	\$(295,209)
Sub-Total Appropriations	\$295,209

Total Estimated Revenues & Other Finance Sources	\$(45,246,699)
Total Appropriations	\$45,246,699

SECTION 2: That the attached detailed budget document reflects the estimated revenues, revenue contributions, and budget appropriations of the City of Hendersonville, North Carolina, for the period beginning July 1, 2021, and ending June 30, 2022. A copy of said document shall be furnished to the City Clerk, City Manager and Finance Officer to be kept on file by them for their direction in the disbursement of funds.

SECTION 3: That the financial plan supporting the Internal Service Fund as required by N.C.G.S. § 159-13.1 is approved.

The *Financial Plan* for the Internal Service Fund is incorporated herein by reference and shall be placed on file in the office of the City Clerk.

SECTION 4: That no appropriations for salaries shall be changed unless authorized by the Council. Appropriations between departments or divisions within one fund, other than salaries, including contingency appropriations, may be transferred therein by the City Manager for the purpose of equalizations when necessary, as long as the original total appropriated balance for the fund is not changed. Appropriations within a department, other than salaries, may be transferred by the department head to make equalizations when necessary.

SECTION 5: That there is hereby levied a tax at the rate of fifty-two cents (\$0.52) per one hundred dollars (\$100) valuation of property. This rate is based on an estimated total valuation of property for the purpose of taxation of \$2,061,784,659 and estimated collection rate of 98.00%.

SECTION 6: That there is hereby levied a tax at the rate of twenty-four cents (\$0.24) per one hundred dollars (\$100) valuation of property, for the Main Street Municipal Service District formed upon a petition of some of the property owners, established for the purpose of infrastructure improvements and special events in the district. This rate is based on an estimated total valuation of property for the purpose of taxation of \$115,977,088 and an estimated collection rate of 98.00%.

SECTION 7: That there is hereby levied a tax at the rate of seventeen cents (\$0.17) per one hundred dollars (\$100) valuation of property, for the Seventh Avenue Municipal Service District formed upon a petition of some of the property owners, established for the purpose of infrastructure improvements and special events in the district. The rate is based on an estimated total valuation of property for the purpose of taxation of \$19,454,754 and an estimated collection rate of 98.00%.

SECTION 8 That there is hereby adopted an official Fee Schedule listing specific fees, licenses, and utility rates charged by the City of Hendersonville for the use of City facilities and equipment for the purposes of making them available to public, specific utility rates the proceeds of which are for the maintenance and expansion of its utility systems, the reproduction of public records and other miscellaneous services to cover the actual cost of producing these documents and information under the provision of NCGS §132-6.2, and other various fees associated with enhanced direct services provided by the City.

The *Fee Schedule* is incorporated herein by reference and shall be placed on file in the office of the City Clerk.

SECTION 9: That the City's Position Allocation to Salary Range which provides all jobs and associated pay bands be adopted as the official Pay and Classification Schedule of the City of Hendersonville.

The *Pay and Classification Schedule* is incorporated by reference and shall be placed on file in the office of the City Clerk.

SECTION 10: This ordinance shall become effective on and after July 1, 2021.

SECTION 11: That all ordinances and parts of ordinances in conflict herewith be and the same hereby repealed.

Adopted by the City Council of the City of Hendersonville, North Carolina this 3rd day of June 2021.

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

Capital Reserve Fund Ordinance #O-21-24

**AN ORDINANCE SETTING CAPITAL RESERVE GUIDELINES FOR
THE CITY OF HENDERSONVILLE, NORTH CAROLINA
FOR THE YEAR BEGINNING JULY 1, 2021, AND ENDING JUNE 30, 2022**

WHEREAS, under North Carolina General Statute 159-18 the City of Hendersonville is authorized to establish and maintain a capital reserve for any purposes for which bonds may be issued; and

WHEREAS, the City Council deems it is in the best interest of the citizens of Hendersonville to establish a capital reserve to fund future capital improvements; and

WHEREAS, the capital reserve fund will be used in conjunction with a multi-year capital improvement program to be reviewed annually during the budget process;

**THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HENDERSONVILLE,
NORTH CAROLINA:**

SECTION 1 BUDGET: That the following Capital Reserve Fund (CRF) budget, purpose, anticipated revenues, and project appropriations are hereby adopted for the operation of the City of Hendersonville and its activities for the fiscal year beginning July 1, 2021, and ending June 30, 2022, in the amount of \$100,000.

SECTION 2 PURPOSE: That the purpose of the City of Hendersonville CRF will be to (1) raise funds for water and sewer system expansion projects, (2) provide greater levels of transparency and flexibility in raising and expending funds on capital projects, (3) delineate the timeframe for which revenues will be raised for and expended on capital projects, (4) display the amounts of revenues and expenditures for capital projects funded through the CRF, and (5) detail revenue sources of the fund.

This Capital Reserve Fund Ordinance will, more specifically, be established alongside the City's Budget Ordinance to provide for Water and Sewer Fund system expansion. The City has recognized the need to fund future system expansion projects and desires to fund such projects through a CRF to enhance transparency and accountability.

SECTION 3 TIMEFRAME: That revenues for Water and Sewer Fund related capital projects will be raised over a period of five (5) fiscal years- from July 1, 2022, to June 30, 2026.

SECTION 4 AMOUNTS ACCUMULATED: That this fiscal year, the City will transfer \$100,000 from the Water and Sewer Fund (Fund 60) to the Capital Reserve Fund. The Capital Reserve Fund has an estimated balance to end the fiscal year June 30th, 2021, of \$0. The City will save \$500,000 of revenue in the CRF for future system expansion projects. The City anticipates expending \$500,000 on system expansion projects.

SECTION 5 REVENUE SOURCES: That the revenue source planned for the CRF is the Water and Sewer Fund. Each year delineated, the City will transfer \$100,000 from the Water and Sewer Fund to the CRF until \$500,000 is accumulated.

Adopted by the City Council of the City of Hendersonville, North Carolina this 3rd day of June 2021.

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

Resolution #R-21-49

**A RESOLUTION TO CONSIDER AND ADOPT THE RECOMMENDED CAPITAL
IMPROVEMENT PLAN (CIP) AND FOLLOW THE RATE SCHEDULE FOR
THE CITY OF HENDERSONVILLE, NORTH CAROLINA
FOR THE FISCAL YEAR 2021-22 THROUGH THE FISCAL YEAR 2030-31**

WHEREAS, the City of Hendersonville recognizes that a Capital Improvement Plan (CIP) enables staff and the Board to plan for a vibrant community; and

WHEREAS, the CIP is a 10-year planning tool designed to help the City plan for the repair, replacement, and acquisition of capital items; to assist in financial planning; to ensure better coordination and evaluation of projects; to provide necessary lead time for project planning, and to maintain or improve the City's credit rating and fiscal health; and

WHEREAS, the recommended FY21-22 through FY30-31 CIP updates preceding budgets and CIPs of prior fiscal years; and

WHEREAS, this plan is updated annually for Board review; and

WHEREAS, this flexibility in the planning and implementation of capital needs makes the City's CIP responsive to the changing needs of its community; and

WHEREAS, the City intends to reimburse itself for funds expended with debt proceeds for any projects identified as such in the CIP table; and

WHEREAS, the Board intends to follow the recommendations of the water and sewer rate recommendations as to provide adequate funding for the projects identified in the CIP while maintaining a strong financially sustainable fiscal position; and

WHEREAS, the Board intends to equalize outside and inside water rates by FY29-30, providing a rate differential of 140% for FY21-22; and

WHEREAS, the Board intends to follow the proposed stormwater rate schedule with a maximum monthly charge of \$250 for FY21-22 and FY22-23 to fund stormwater projects; and

WHEREAS, the Board intends to generate revenues through targeted tax increases and the County-wide real property revaluation, effective FY23-24, to provide funding for the debt service payments on General Fund projects; and

WHEREAS, this CIP will provide a vibrant future for our community and is intended to further the vision and mission of the City.

THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HENDERSONVILLE, NORTH CAROLINA that the City of Hendersonville City Council has received and adopts the recommended Capital Improvement Plan (CIP) in conjunction with the annual City Budget for Fiscal Year 2021-2022.

Adopted by the City Council of the City of Hendersonville, North Carolina this 3rd day of June 2021.

/s/Barbara G. Volk, Mayor

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

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

Capital Reserve Fund Ordinance #O-21-25

**CAPITAL PROJECT ORDINANCE FOR
THE ACQUISITION, CONSTRUCTION AND INSTALLATION
OF THE CITY HALL AND OPS SPACE STUDY RENOVATIONS PROJECT**

BE IT ORDAINED by the Governing Board of the City of Hendersonville, North Carolina that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

Section 1: The project authorized is a City facilities infrastructure project described as the City Hall and Ops Space Study Renovations Project.

Section 2: The project will include interior and exterior renovations of City Hall and the City Operations Center in accordance with plans drafted by professional engineers and architects.

Section 3: The following amounts are appropriated for the project:

Account Number				Account Name	Total Budget
Fund	Dept.	Acct.	Project		
410	1002	550103	21017	Capital Outlay - CIP	\$ 3,000,000
Total Project Appropriation					\$ 3,000,000

Section 4: The following revenues are anticipated to be available via debt proceeds and transfers from the General Fund and Water/Sewer Fund for project expenses:

Account Codes				Account Name	Total Budget
Fund	Dept.	Acct.	Proj.		
410	0000	470010	21017	Debt Proceeds	\$ 3,000,000

Total Project Revenue	\$ 3,000,000
-----------------------	--------------

Section 5: The Finance Director is hereby directed to maintain within the capital project fund sufficient specific detailed accounting records to satisfy the disclosure requirements of all the contractual agreements, if applicable.

Section 6: Funds may be advanced from the General Fund and Water/Sewer Fund as necessary for the purpose of making payments as due. Reimbursement requests shall be made in an orderly and timely manner.

Section 7: The Finance Director is directed to report, on a quarterly basis, on the financial status of each project element in Section 3 and Section 4.

Section 8: The Finance Director is further instructed to include a detailed analysis of past and future revenues and expenses during each annual budget submission made to the Governing Board.

Section 9: Copies of this capital project shall be furnished to the City Clerk, Finance Director and City Manager for direction in carrying out this project.

Adopted by the City Council of the City of Hendersonville, North Carolina this 3rd day of June 2021.

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

Reimbursement Resolution #R-21-50

HENDERSONVILLE, NORTH CAROLINA
DECLARATION OF OFFICIAL INTENT TO REIMBURSE

BE IT RESOLVED by the City Council of the City of Hendersonville, North Carolina, this declaration (the "Declaration") is made pursuant to the requirements of the United States Treasury Regulations Section 1.150-2 and is intended to constitute a Declaration of Official Intent to Reimburse under such Treasury Regulations Section.

The undersigned is authorized to declare the official intent of HENDERSONVILLE, North Carolina (the "Issuer") with respect to the matters contained herein.

Expenditures to be Incurred. The Issuer anticipates incurring expenditures (the "Expenditures") for THE ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE CITY HALL AND OPS SPACE STUDY RENOVATIONS PROJECT, ORDINANCE #O-21-25 (the "Projects").

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

Maximum Principal Amount of Debt to be Issued. The maximum principal amount of the Borrowing to be incurred by the Issuer to finance the Project is **\$3,000,000**.

Declaration of Official Intent to Reimburse. The Issuer hereby declares its official intent to reimburse itself with the proceeds of the Borrowing for any of the Expenditures incurred by it prior to the issuance of the Borrowing.

Adopted by the City Council of the City of Hendersonville, North Carolina this 3rd day of June 2021.

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

Capital Project Ordinance #O-21-26

CAPITAL PROJECT ORDINANCE FOR THE ACQUISITION, CONSTRUCTION AND
INSTALLATION OF THE DOGWOOD PARK DEVLEOPMENT PROJECT

BE IT ORDAINED by the Governing Board of the City of Hendersonville, North Carolina that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

Section 1: The project authorized is a City parks infrastructure project described as the Dogwood Park Development Project.

Section 2: The project will include land and utility improvements of the City’s Dogwood Parking Lot, to convert it into green space and downtown park, in accordance with plans drafted by professional engineers and architects.

Section 3: The following amounts are appropriated for the project:

Account Number				Account Name	Total Budget
Fund	Dept.	Acct.	Project		
410	1002	550103	21018	Capital Outlay - CIP	\$ 750,000
Total Project Appropriation					\$ 750,000

Section 4: The following revenues are anticipated to be available via debt proceeds and transfers from the General Fund for project expenses:

Account Codes				Account Name	Total Budget
Fund	Dept.	Acct.	Proj.		
410	0000	470010	21018	Debt Proceeds	\$ 750,000
Total Project Revenue					\$ 750,000

Section 5: The Finance Director is hereby directed to maintain within the capital project fund sufficient specific detailed accounting records to satisfy the disclosure requirements of all the contractual agreements, if applicable.

Section 6: Funds may be advanced from the General Fund as necessary for the purpose of making payments as due. Reimbursement requests shall be made in an orderly and timely manner.

Section 7: The Finance Director is directed to report, on a quarterly basis, on the financial status of each project element in Section 3 and Section 4.

Section 8: The Finance Director is further instructed to include a detailed analysis of past and future revenues and expenses during each annual budget submission made to the Governing Board.

Section 9: Copies of this capital project shall be furnished to the City Clerk, Finance Director and City Manager for direction in carrying out this project.

Adopted by the City Council of the City of Hendersonville, North Carolina this 3rd day of June 2021.

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

Reimbursement Resolution #R-21-51

**HENDERSONVILLE, NORTH CAROLINA
DECLARATION OF OFFICIAL INTENT TO REIMBURSE**

BE IT RESOLVED by the City Council of the City of Hendersonville, North Carolina, this declaration (the "Declaration") is made pursuant to the requirements of the United States Treasury Regulations Section 1.150-2 and is intended to constitute a Declaration of Official Intent to Reimburse under such Treasury Regulations Section.

The undersigned is authorized to declare the official intent of HENDERSONVILLE, North Carolina (the "Issuer") with respect to the matters contained herein.

Expenditures to be Incurred. The Issuer anticipates incurring expenditures (the "Expenditures") for THE ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE DOGWOOD PARK DEVELOPMENT PROJECT, ORDINANCE #O-21-26 (the "Projects").

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

Maximum Principal Amount of Debt to be Issued. The maximum principal amount of the Borrowing to be incurred by the Issuer to finance the Project is **\$750,000**.

Declaration of Official Intent to Reimburse. The Issuer hereby declares its official intent to reimburse itself with the proceeds of the Borrowing for any of the Expenditures incurred by it prior to the issuance of the Borrowing.

Adopted by the City Council of the City of Hendersonville, North Carolina this 3rd day of June 2021.

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

Capital Project Ordinance #O-21-27

**CAPITAL PROJECT ORDINANCE FOR
THE ACQUISITION, CONSTRUCTION AND INSTALLATION
OF THE EDWARDS PARK DEVLEOPMENT PROJECT**

BE IT ORDAINED by the Governing Board of the City of Hendersonville, North Carolina that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

Section 1: The project authorized is a City parks infrastructure project described as the Edwards Park Development Project.

Section 2: The project will include land and utility improvements of the City’s land at Edwards Park, to convert it into green space and park amenities, in accordance with plans drafted by professional engineers and architects.

Section 3: The following amounts are appropriated for the project:

Account Number				Account Name	Total Budget
Fund	Dept.	Acct.	Project		
410	1002	550103	21019	Capital Outlay - CIP	\$ 750,000
Total Project Appropriation					\$ 750,000

Section 4: The following revenues are anticipated to be available via debt proceeds and transfers from the General Fund for project expenses:

Account Codes				Account Name	Total Budget
Fund	Dept.	Acct.	Proj.		
410	0000	470010	21019	Debt Proceeds	\$ 750,000
Total Project Revenue					\$ 750,000

Section 5: The Finance Director is hereby directed to maintain within the capital project fund sufficient specific detailed accounting records to satisfy the disclosure requirements of all the contractual agreements, if applicable.

Section 6: Funds may be advanced from the General Fund as necessary for the purpose of making payments as due. Reimbursement requests shall be made in an orderly and timely manner.

Section 7: The Finance Director is directed to report, on a quarterly basis, on the financial status of each project element in Section 3 and Section 4.

Section 8: The Finance Director is further instructed to include a detailed analysis of past and future revenues and expenses during each annual budget submission made to the Governing Board.

Section 9: Copies of this capital project shall be furnished to the City Clerk, Finance Director and City Manager for direction in carrying out this project.

Adopted by the City Council of the City of Hendersonville, North Carolina this 3rd day of June 2021.

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

Reimbursement Resolution #R-21-52

HENDERSONVILLE, NORTH CAROLINA
DECLARATION OF OFFICIAL INTENT TO REIMBURSE

BE IT RESOLVED by the City Council of the City of Hendersonville, North Carolina, this declaration (the "Declaration") is made pursuant to the requirements of the United States Treasury Regulations Section 1.150-2 and is intended to constitute a Declaration of Official Intent to Reimburse under such Treasury Regulations Section.

The undersigned is authorized to declare the official intent of HENDERSONVILLE, North Carolina (the "Issuer") with respect to the matters contained herein.

Expenditures to be Incurred. The Issuer anticipates incurring expenditures (the "Expenditures") for THE ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE EDWARDS PARK DEVELOPMENT PROJECT, ORDINANCE #O-21-27 (the "Projects").

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

Maximum Principal Amount of Debt to be Issued. The maximum principal amount of the Borrowing to be incurred by the Issuer to finance the Project is **\$750,000**.

Declaration of Official Intent to Reimburse. The Issuer hereby declares its official intent to reimburse itself with the proceeds of the Borrowing for any of the Expenditures incurred by it prior to the issuance of the Borrowing.

Adopted by the City Council of the City of Hendersonville, North Carolina this 3rd day of June 2021.

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

Capital Project Ordinance #O-21-28

CAPITAL PROJECT ORDINANCE FOR
THE ACQUISITION, CONSTRUCTION AND INSTALLATION
OF THE WATER TREATMENT PLANT MASTER PLAN PROJECT

BE IT ORDAINED by the Governing Board of the City of Hendersonville, North Carolina that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

Section 1: The project authorized is a City parks infrastructure project described as the Water Treatment Plant Master Plan Project.

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

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
460	7035	550102	21020	Capital Outlay - Fees and Services	\$ 300,000
Total Project Revenue					\$ 300,000

Section 3: The following revenues are anticipated to be available via water and sewer fund reserves:

PROJECT TO BE FUNDED USING \$300,000 OF EXISTING RESERVES.

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

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

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

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

Section 8: Copies of this capital project shall be furnished to the City Clerk, Finance Director and City Manager for direction in carrying out this project.

Adopted by the City Council of the City of Hendersonville, North Carolina this 3rd day of June 2021.

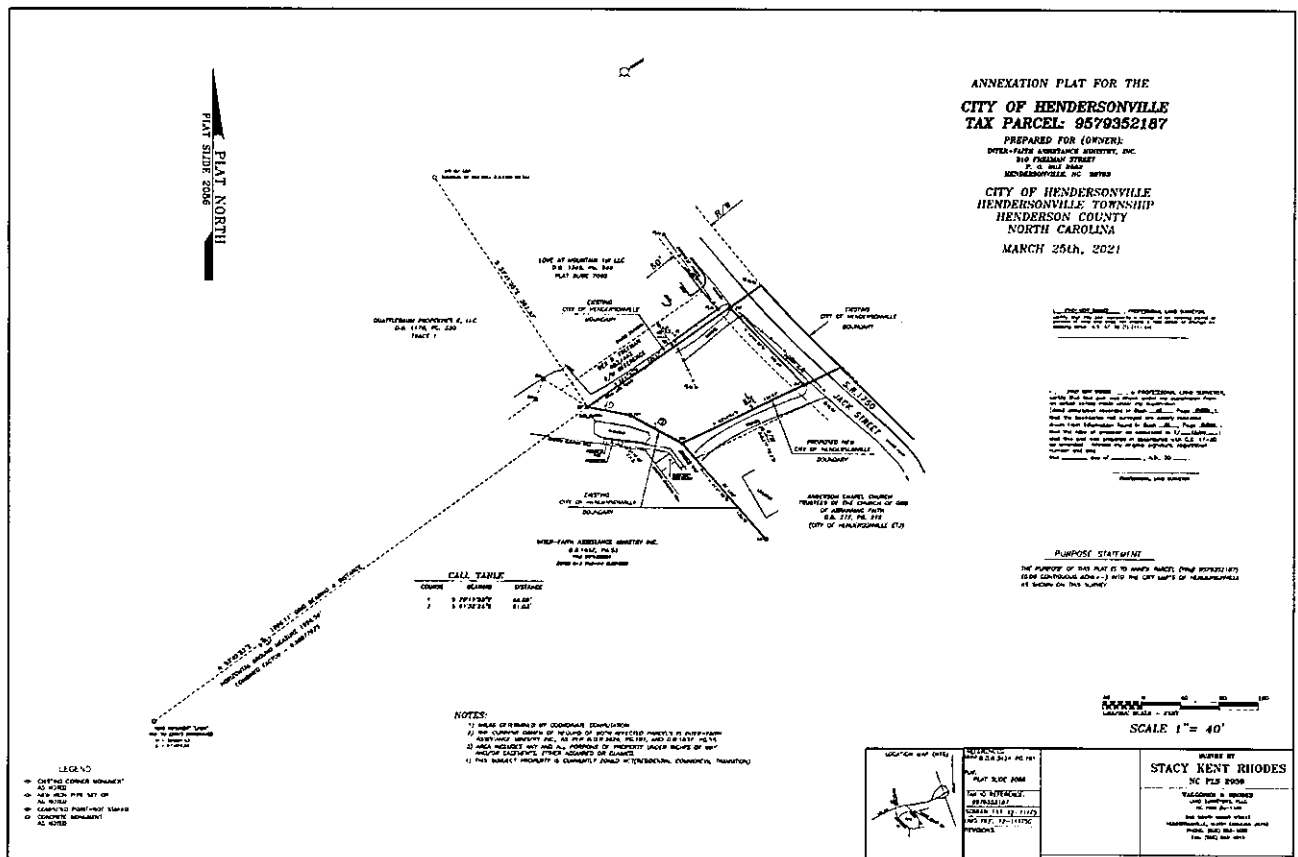
/s/Barbara G. Volk, Mayor

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

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

B. Annexation Public Hearing: Interfaith Assistance Ministry (P21-26-ANX) – *Lew Holloway, Community Development Director*

Community Development Director Lew Holloway stated the city has received a petition from Interfaith Assistance Ministry for contiguous annexation of PIN 9579-35-2187 located on Jack Street that is approximately 0.333 acres.



This image is only an illustrative reference. The full-size plat is recorded at the Henderson County Register of Deeds.

There were no questions by City Council.

The City Clerk confirmed this hearing has been advertised in accordance with NC General Statutes. The Public hearing opened at 6:31 p.m.

There were no public comments.

The public hearing was closed at 6:32 p.m.

Council Member Jerry Smith moved that City Council adopt an Ordinance of the City of Hendersonville City Council to extend the corporate limits of the city as a contiguous annexation, to annex that property owned by Interfaith Assistance Ministries, identified as PIN 9579-35-2187, finding that the standards established by North Carolina General Statute 160A-31 have been satisfied and that the annexation is in the best interest of the City. A unanimous vote of the Council followed. Motion carried.

Ordinance #O-21-29**AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO EXTEND THE CORPORATE LIMITS OF THE CITY AS A CONTIGUOUS ANNEXATION**

WHEREAS, The City of Hendersonville has been petitioned by Interfaith Assistance Ministry pursuant to North Carolina General Statutes (NCGS) 160A-31, 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 Hall, Hendersonville, NC at 5:45 pm, or as soon thereafter as it could be heard, on the 3rd day of June, 2021, after due notice by publication as provided by law on May 23rd and May 30th, 2021; and,

WHEREAS, the City Council further finds the areas described therein meets the standards of N.C. G.S. 160A-31.

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-31, as amended, the following described contiguous area is hereby annexed and made part of the City of Hendersonville as of the third day of June 2021.

Being all of that real property as described in Deed Book 3424; page 191, being also that property shown on that plat recorded in Book _____ at Page _____ of the Henderson County Registry [to be inserted at recording], and being described by metes and bounds as follows:

Beginning at an existing iron pipe in the existing City of Hendersonville boundary, said existing iron pipe is situated N 53°45'53"E with a grid distance of 1996.11' and a ground distance of 1996.56' from N.C.G.S. Monument "LINDA" with (NAD 83-2007) coordinates of a Northing of 594021.43' and an Easting of 971614.94' and runs thence with the existing City of Hendersonville boundary S 79°19'50" E for a distance of 44.69' to an existing iron pipe;

Thence continuing with the existing City of Hendersonville boundary S 61°32'24" E for a distance of 61.03' to an existing iron stake; Thence leaving the existing City of Hendersonville boundary and running with the proposed New City of Hendersonville boundary N 63°40'04" E for a distance of 138.53' to an existing iron pipe within the 50' right of way for Jack Street (S.R. 1750) and runs Thence N 44°04'57" W for a distance of 109.46' to an existing iron stake within the right of way of Jack Street and in the existing City of Hendersonville boundary;

Thence, and with the existing City of Hendersonville boundary S 54°47'43" W for a distance of 178.17' to the Point and Place of Beginning, said parcel containing 0.333 acre, more or less.

2: Upon and after the third day of June 2021, 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 this 3rd day of June 2021.

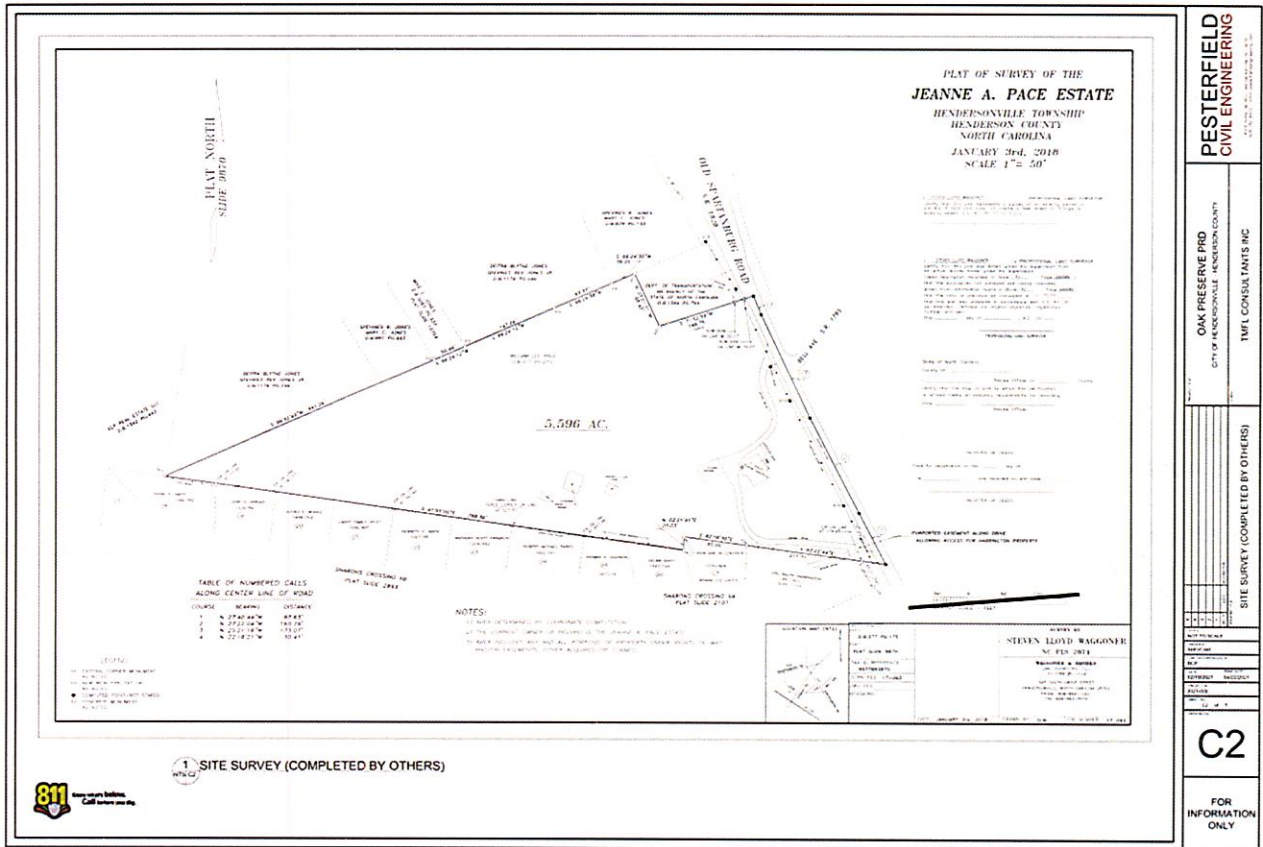
/s/Barbara G. Volk, Mayor

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

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

C. Annexation Public Hearing: Oak Preserve (P21-12-ANX) – Lew Holloway, Community Development Director

Community Development Director Lew Holloway stated the city has received a petition from Troy Lee, Managing Member – OP Management, LLC for noncontiguous annexation of PIN 9577883870. Director Holloway stated the total property acreage is approximately 5.6 acres and is located at 2201 Old Spartanburg Road.



This image is only an illustrative reference. The full-size survey is recorded at the Henderson County Register of Deeds.

There were no questions by City Council.

The City Clerk confirmed this hearing has been advertised in accordance with NC General Statutes. The Public hearing opened at 6:39 p.m.

There were no public comments.

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

Council Member Lyndsey Simpson moved that City Council adopt An Ordinance of the City of Hendersonville City Council to Extend the Corporate Limits of the City as a Satellite Annexation, annexing the noncontiguous parcel identified as PIN 9577883870, 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. A unanimous vote of the Council followed. Motion carried.

Ordinance #O-21-30

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

WHEREAS, The City of Hendersonville has been petitioned by Troy Lee, Managing Member of OP Management, LLC 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 Hall, Hendersonville, NC at 5:45 pm, on the 3rd day of June 2021, after due notice by publication as provided by law on May 23rd and May 30th, 2021; 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;

- a. All of the proposed satellite corporate limits are less than three miles from the primary corporate limits of Hendersonville. The map distance is 313.74 feet.
- b. No point on the proposed satellite corporate limit is closer to the primary corporate limits of another city than to the primary corporate limits of Hendersonville.
- c. The area described is so situated that the City of Hendersonville will be able to provide the same services within the proposed satellite corporate limits that it provides within its primary corporate limits.
- d. The area proposed for annexation is not a subdivision as defined in NCGS 160A-376.
- e. The area within the proposed satellite corporate limits, when added to the areas within all other satellite corporate limits does not exceed 10 percent (10%) of the area within the primary corporate limits of the City of Hendersonville.

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 third day of June 2021.

Being all of that real property shown on that plat recorded in Book _____ at Page _____ of the Henderson County Registry [to be inserted at recording], being also that property described in Book of Record 3693 at Page 10 in the Henderson County Registry, and being described by metes and bounds as follows:

BEGINNING at a point in the approximate centerline of Old Spartanburg Road (S.R. 1828), a paved road, said point being the southeasternmost corner of Deed Book 3693 at Page 10 of the Henderson County Registry, and moving thence from said beginning point along and with the approximate centerline of the paved road, North 29 deg. 17 min. 30 sec. West 100.13 feet to a point; thence North 29 deg. 15 min. 36 sec. West 64.36 feet to a point; thence North 28 deg. 38 min. 48 sec. West 54.95 feet to a point; thence North 28 deg. 33 min. 26 sec. West 59.36 feet to a point; thence North 27 deg. 27 min. 01 sec. West 71.07 feet to a point; thence North 25 deg. 36 min. 51 sec. West 62.93 feet to a point; thence North 26 deg. 22 min. 0 sec. West 39.34 feet to a point; thence turning and leaving the center of Old Spartanburg Road and traveling South 70 deg. 27 min. 23 sec. West 13.91 feet to a point; thence South 70 deg. 27 min. 23 sec. West 13.04 feet to a point; thence South 70 deg. 27 min. 23 sec. West 115.72 feet to a new iron pipe; thence turning North 28 deg. 33 min. 50 sec. West 88.48 feet to a new iron pipe; thence turning South 64 deg. 51 min. 41 sec. West 38.05 feet to an existing steel pin; thence South 64 deg. 51 min. 41 sec. West 93.37 feet to an existing steel pin; thence South 64 deg. 51 min. 41 sec. West 147.04 feet to an existing steel pin; thence South 64 deg. 51 min. 41 sec. West 50.46 feet to an existing steel pin; thence South 64 deg. 51 min. 41 sec. West 85.19 feet to an existing steel pin; thence South 64 deg. 51 min. 41 sec. West 356.62 feet to a new iron pipe; thence turning South 83 deg. 33 min. 20 sec. East 77.46 feet to an existing iron pipe; thence South 83 deg. 33 min. 20 sec. East 90.08 feet to an existing iron pipe; thence South 83 deg. 33 min. 20 sec. East 90.16 feet to an existing iron pipe; thence South 83 deg. 33 min. 20 sec. East 89.90 feet to an existing iron pipe; thence South 83 deg. 33 min. 20 sec. East 290.04 feet to an existing steel pin; thence South 83 deg. 33 min. 20 sec. East 151.22 feet to a new iron pipe; thence turning North 0 deg. 26 min. 25 sec. East 20.04 feet to an iron bar in concrete; thence turning South 83 deg. 57 min. 12 sec. East 94.80 feet to an existing iron pipe; thence South 83 deg. 57 min. 12 sec. East 175.06 feet to an existing iron pipe; thence South 83 deg. 57 min. 12 sec. East 36.80 feet to a point in the center of Old Spartanburg Road, the point and place of BEGINNING, and containing 5.60 acres, more or less, according to a "Revised Annexation Plat for OP Management, LLC" by Robert Paul Patterson, NC PLS 4406, under date of April 21, 2021, and being job number 21-01-22-D.

2: Upon and after the third day of June 2021, 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.

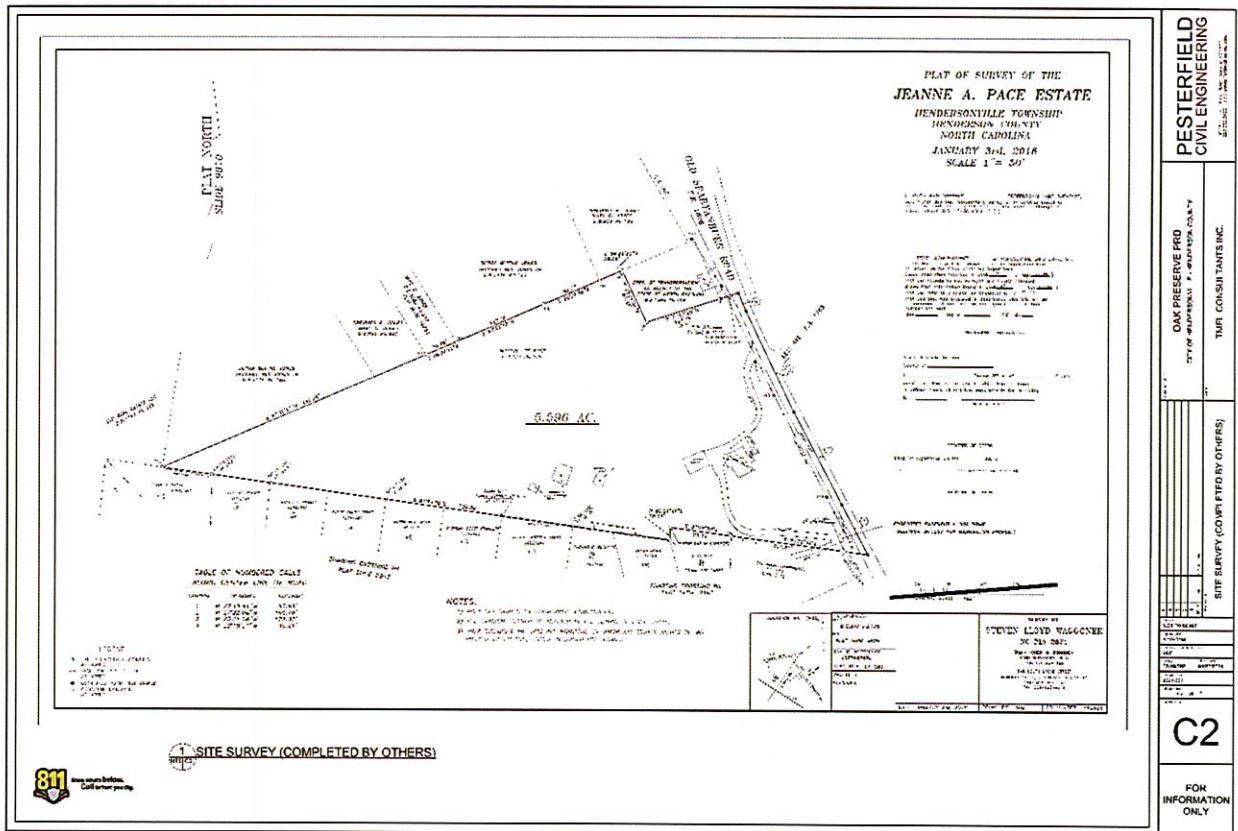
3. The Mayor of the City of Hendersonville shall cause to be recorded in the office of the Register of Deeds of Henderson County and at the Office of the Secretary of State in Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1, above, together with a duly certified 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 this 3rd day of June 2021.

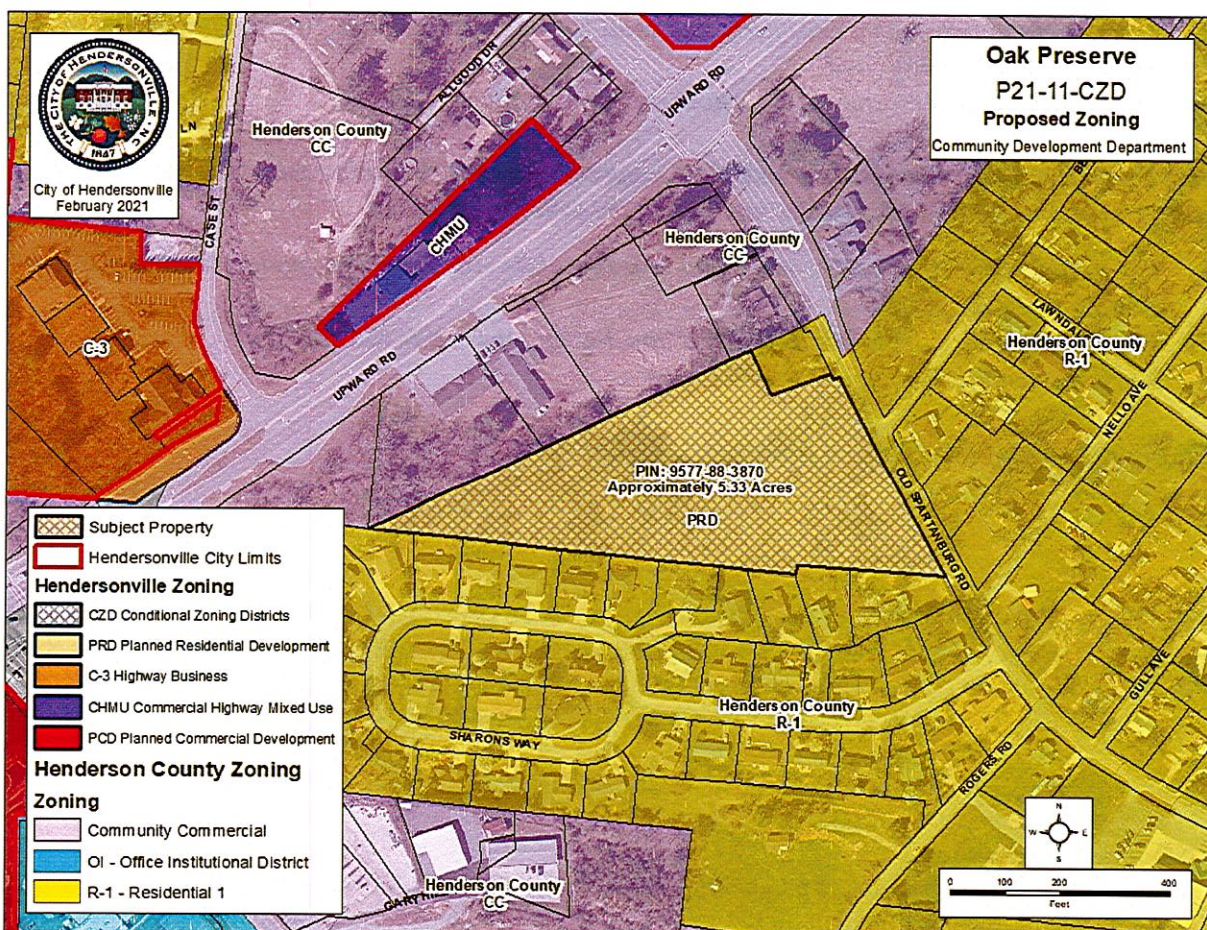
/s/Barbara G. Volk, Mayor
Attest: /s/Angela L. Reece, City Clerk
Approved as to form: /s/Angela S. Beeker, City Attorney

D. Conditional Zoning District – Oak Preserve (P21-11-CZD) – *Matthew Manley, AICP – Planning Manager*

Planning Manager Matt Manley stated the city is in receipt of a conditional rezoning application from Troy Lee of TMFL Consultants, INC. for the development of 30 units (15 duplexes) on a 5.6-acre tract. Mr. Manley stated the property is currently vacant and said the applicant is requesting to rezone the subject property to PRD (Planned Residential Development) Conditional Zoning District. Mr. Manley stated this project required a conditional rezoning due to the PRD Conditional Zoning District requirements.



This image is only an illustrative reference. The full-size survey is recorded at the Henderson County Register of Deeds.



This image is only an illustrative reference.

Mr. Manley discussed parking and the extension of driveways stating some additional trees may need to be removed. City Council Member Jerry Smith inquired if considerations were made to locate parking between the proposed units.

Austin Greenhalge, Senior Project Manager, Pesterfield Civil Engineering City Council regarding proposed conditions and said the goal is to preserve as many trees as possible while maintaining functionality of units and said he agrees with the conditions as written.

Council Member Dr. Jennifer Hensley inquired regarding square footage of the units and parking spaces and Mr. Greenhalge confirmed the square footage would be approximately 1,900 square feet and driveways would be approximately 36 feet deep to accommodate four cars without parking on the sidewalk or street and said garages may be incorporated into the design where applicable. Council Member Jerry Smith expressed concerns regarding on street parking and Mr. Greenhalge confirmed the site was not designed to allow this for safety as the proposed street is 20 feet wide. Mr. Manley confirmed this street will be a private street.

There were no other questions by City Council.

The City Clerk confirmed this hearing has been advertised in accordance with NC General Statutes. The Public hearing opened at 7:02 p.m.

Ken Fitch of 1046 Patton St. addressed City Council virtually by Zoom expressing concerns for proximity and density and stated mature trees should be protected.

The public hearing was closed at 7:04 p.m.

Council Member Jerry Smith moved that City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property from County R-1 zoning to PRD-CZD (Planned Residential Development – Conditional Zoning District) based on the site plan submitted by the applicant and subject to the following:

Permitted uses shall include:

- 1) Residential Dwellings, Two-Family*

Conditions that shall be satisfied prior to final site plan approval include:

- 1) Trees slated for preservation as shown on the site plan must be protected in accordance with Section 15-4 (c) of the Zoning Code prior to construction; and*
- 2) The developer shall work with staff to extend the driveways to increase parking for each unit, and*
- 3) Barriers along the southern property line shall be supplemented with fencing, berms and/or additional landscaping; and*
- 4) Visitor parking and cluster mailbox parking shall be added.*

Finding that the rezoning is consistent with the Comprehensive Plan's Future Land Use map and that the rezoning is reasonable and in the public interest for the following reasons:

- 1) The development will provide additional housing while clustering development and preserving existing tree canopy; and*
- 2) The development will provide additional housing options within the city; and*
- 3) The proposed use is compatible with the area.*

A unanimous vote of the Council followed. Motion carried.

Ordinance #O-21-31

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR PARCEL NUMBER 9577-88-3870 BY CHANGING THE ZONING DESIGNATION FROM COUNTY R1 TO PRD-CZD PLANNED RESIDENTIAL DEVELOPMENT - CONDITIONAL ZONING DISTRICT

IN RE: Parcel Number: 9577-88-3870 – 2201 Old Spartanburg Rd. (Oak Preserve)
(File # P21-11-CZD)

WHEREAS, the City is in receipt of a Conditional Rezoning application from applicant OP Management / Troy Lee (owner) for the development of 30 Residential Units / 15 Duplexes on approximately 5.6 acres; and

WHEREAS, the Planning Board took up this application at its regular meeting on May 10th, 2021; voting 5-0 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 June 3rd, 2021, and

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

1. Pursuant to Article XI of the Zoning Ordinance of the City of Hendersonville, North Carolina, the Zoning Map is hereby amended by changing the zoning designation of the following: Parcel number 9577-88-3870 from County R1 to PRD-CZD (Planned Residential Development - Conditional Zoning District)
2. Development of the parcel shall occur in accordance with the final site plan requirements of Article VII of the Zoning Ordinance of the City of Hendersonville, North Carolina, and shall be based on the site plan submitted by the applicant and subject to the following.
 - a. Permitted uses shall include:
 - i. Residential Dwellings, Two-Family.
 - b. Conditions that shall be satisfied prior to final site plan approval include:
 - i. Trees slated for preservation as shown on the site plan must be protected in accordance with Section 15-4 © of the Zoning Code prior to construction; and
 - ii. The developer shall work with staff to extend the driveways to increase parking for each unit; and
 - iii. Barriers along the southern property line shall be supplemented with fencing, berms and/or additional landscaping; and
 - iv. Visitor parking and cluster mailbox parking shall be added.
3. This ordinance shall not be effective until the stipulated list of use(s) and conditions, established herein, is consented to in writing by the applicant and all owners of the subject property. Upon such written consent, this ordinance shall be effective retroactive to the date of its adoption.

Adopted by the City Council of the City of Hendersonville, North Carolina this 3rd day of June 2021.

/s/Barbara G. Volk, Mayor

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

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

8. UNFINISHED BUSINESS - NONE

9. NEW BUSINESS

A. Resolution Approving the City of Hendersonville Core Values and Beliefs – John Connet, City Manager

City Manager Connet discussed the Core Values and Beliefs City Council has identified and reminded everyone this will be evaluated annually at City Council retreats. Council Member Jerry Smith extended thanks and appreciation to fellow Council Members and to staff.

Council Member Jeff Miller moved that City Council adopt the resolution to approve the City of Hendersonville Core Values and Beliefs as presented. A unanimous vote of the Council followed. Motion carried.

Resolution #R-21-53

RESOLUTION TO BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO ADOPT CITY OF HENDERSONVILLE CORE VALUES AND BELIEFS

WHEREAS, the City Council held their annual budget retreat on February 25th and 26th , 2021; and

WHEREAS, during this retreat the City Council drafted a set of core values and beliefs for the City of Hendersonville; and

WHEREAS, these core values and beliefs shall serve, in conjunction with the existing mission and vision statements, as guiding principles for the City Council; and

WHEREAS, the core values and beliefs may be amended in the future to ensure they reflect the values and beliefs of the City Council;

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

1. The City of Hendersonville Core Values and Beliefs are hereby adopted as presented.
2. The core value and beliefs, as well as the mission and vision statements, shall be reviewed on an annual basis to ensure they reflect the goals and objectives of the current City Council.

Adopted by the City Council of the City of Hendersonville, North Carolina this 3rd day of June 2021.

/s/Barbara G. Volk, Mayor

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

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

City of Hendersonville Core Values and Beliefs

The City of Hendersonville believes municipal government should be non-partisan.

- Political affiliations are not productive to solving problems of local communities.
- City leaders and staff must lead by example and meet regularly with people who have different points of view.
- City leaders and staff must maintain an awareness of local, state and national political trends but must lead the City in a manner that serves all community members.

The City of Hendersonville values open, transparent communication and trust with the community and each other.

- The City will openly communicate with the public and each other to ensure information about services, policies and programs are available to all.
- The City will build trust through ethical and transparent leadership.
- The City will share information and solicit feedback prior to the implementation of new programs and policies.
- The City will be open to concerns and comments from all stakeholders and will ensure the community can easily speak to leaders without fear of retribution/embarrassment.

The City of Hendersonville believes community members expect services to be delivered at a high level.

- The City will deliver services at a high level to make people feel their taxes and fees are being used effectively and to encourage others to live in our community.
- The City will deliver services in a manner that ensures the safety of the community.
- The City will deliver services in a manner that limits the disruption of our community members' daily lives to the greatest extent possible.

The City of Hendersonville values all community members through promoting diversity, equity, and inclusion.

- The City must evaluate all laws, policies, and rules to ensure that they can be implemented and enforced in a fair and equitable manner.
- The City must evaluate all current and future programs, projects, or initiatives to ensure they build a culture where differences are valued.
- The City must ensure that leaders and staff consistently work to build trust and positive relationships throughout our entire community.

The City of Hendersonville values its employees and must support them to ensure the provision of high-quality services to its residents.

- The City must provide growth opportunities to employees and educational tools to allow them to grow in their roles and responsibilities.
- The City must respect and pay employees fairly and competitively.

- The City must support employees by providing a safe and hazard free workplace.

The City of Hendersonville believes that it must pursue and provide opportunity for responsible growth.

- The City will establish and maintain policies and programs that encourage economic opportunity and help grow small business and entrepreneurship.
- The City will work with our community to provide educational opportunities about growth and its impact on economic vitality and quality of life .
- The City will encourage responsible growth that provides opportunities for success to all segments of our community.
- The City will make efforts to generate affordable housing options and reduce the impacts of the high cost of living within our community.
- The City will prioritize the protection of existing residential neighborhoods when making growth decisions.

The City of Hendersonville values the lives of all community members and must protect them through collective action.

- Our goal is to make the lives of all residents better through collective action.
- The City recognizes the sanctity of each person's life.
- The City must be open to change priorities and policies as circumstances change in the world around us.

The City of Hendersonville believes environmental sustainability is critical to preserving the community for future generations.

- The City will evaluate the environmental sustainability of all projects and programs while maintaining a solid relationship with residential and business development.
- The City believes that it is our responsibility to protect all our natural resources and the environment through the implementation of sustainable and responsible projects.
- The City must lead by example by evaluating all city operations to ensure they protect or repair the natural environment and are environmentally sustainable.
- The City will prioritize the protection of existing tree canopy and the development of greenspaces and parks.

B. Resolution Approving Diversity & Inclusion Committee Bylaws – John Connet, City Manager

City Manager Connet presented a draft Charter for the Diversity & Inclusion Committee and discussed preferences of size and of the role of City Council Members within the Committee. After much discussion Council agreed to have seven voting members and for the Mayor to serve as liaison and the Mayor Pro-tempore to serve as an alternate, non-voting members of the Committee.

Council Member Jeff Miller moved that City Council adopt the resolution approving the Diversity and Inclusion Committee Charter and Rules of Procedure as amended with the following amendments: the Mayor serving as liaison, and Mayor Pro-tempore as alternate. A unanimous vote of the Council followed. Motion carried.

Resolution #R-21-54

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO APPROVE THE CHARTER AND RULES OF PROCEDURE FOR DIVERSITY AND INCLUSION COMMITTEE

WHEREAS, following the death of George Floyd on May 25, 2020, and subsequent protests, members of the City Council began having regular meetings throughout the community to improve communication and understanding among all residents; and

WHEREAS, the City Council values all community members through promoting diversity, equity and inclusion; and

WHEREAS, the City Council wishes to create an Diversity and Inclusion Committee to advise them on matters of equity and inclusion; and

WHEREAS, The Committee shall provide input and guidance for the City Council's strategic objective to prioritize equity and inclusion and create a culture of belonging, address past inequities, and treat everyone with respect and dignity.

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

1. The Charter and Rules of Procedure are hereby approved.
2. The City Manager is charged with organizing the committee and facilitating their initial meetings.

Adopted by the City Council of the City of Hendersonville, North Carolina this 3rd day of June 2021.

/s/Barbara G. Volk, Mayor

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

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

C. Joint Resolution by the Hendersonville City Council and Henderson County Board of Education to Enter into an Agreement Exchanging Certain Properties – *John Connet, City Manager*

City Manager John Connet recalled the City Council and Board of Education working together for the last several months on a property exchange for Edwards Park. Manager Connet stated city staff has drafted the attached resolution establishing the framework for the exchange and said staff is recommending the adoption of the resolution authorizing the City Manager, City Attorney, School Superintendent and School Board Attorney to draft an exchange agreement to bring back to City Council and the Board of Education for approval in order to move this project forward.

Council Member Lyndsey Simpson asked for consideration regarding historical preservation of the ball field. Council Member Jerry Smith stated the Superintendent and School Board will need to be made aware of any requirements the national registry would require and said he did not feel it was necessary to add to the resolution but would address it in the contract. Council Member Simpson agreed.

Council Member Jerry Smith moved that the City Council adopt the joint resolution authorizing the City Manager, City Attorney, School Superintendent and School Board Attorney to negotiate and develop an exchange agreement between the City of Hendersonville and Henderson County Board of Education subject to the amendment that a minimum width of 30 feet with regard to the parameter of the 25 acres be held for an easement to build a public greenway. A unanimous vote of the Council followed. Motion carried.

Resolution # R-21-55

JOINT RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL HENDERSON COUNTY BOARD OF PUBLIC EDUCATION TO ENTER INTO AN AGREEMENT EXCHANGING CERTAIN PROPERTIES

WHEREAS, §160A-274 authorizes the City of Hendersonville and Henderson County Board of Public Education to exchange property upon such terms and conditions as it deems wise, with and without consideration, exchange with, lease to, lease from, sell to, or purchase from any other governmental unit any interest in real or personal property; and

WHEREAS, the City of Hendersonville currently owns Berkeley Park which consists of approximately sixty (60) acres and a historic baseball field; and

WHEREAS, The Henderson County Board of Public Education, which operates the Henderson County Public Schools (the "Board"), wishes to obtain approximately twenty-five (25) acres of property at Berkeley Park, including the historic baseball field, for athletic facilities for Hendersonville High School; and

WHEREAS, the Board currently owns Edwards Park and a former athletic field located behind HCPS administrative offices ("Athletic Field"); and

WHEREAS, the City of Hendersonville wishes to obtain (1) Edwards Park, excluding the parking lot located adjacent to the former VFW building which will be conveyed to Henderson County by the Board, subject to an easement to the City of Hendersonville for use by patrons of Edwards Park; and (2) the Athletic Field for the development of park facilities and green space.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Hendersonville, North Carolina and Henderson County Board of Public Education that:

1. The City Manager, City Attorney, Superintendent and School Board Attorney are authorized to negotiate and develop an exchange agreement between the City of Hendersonville and the Board consistent with the terms of this Resolution.
2. The exchange agreement shall provide that the City of Hendersonville will convey approximately twenty-five (25) acres of Berkeley Park, including the historic baseball field, to the Board in exchange for (1) the conveyance by the Board to the City of (a) Edwards Park (excluding the parking lot to be conveyed to Henderson County) and (b) the Athletic Field; and (2) the payment of \$100,000 to the City as additional consideration for the 25 acres of Berkeley Park property.
3. The exchange agreement shall include the following stipulations by the City of Hendersonville and the Board, in addition to such other stipulations as may be necessary to carry out the intent of this Resolution:
 - a. The City of Hendersonville shall retain an easement, reserving the right to the City to construct a public greenway or walking track, a minimum of thirty (30) feet in width, around the perimeter of the 25 acres of the Berkeley Park property that the City of Hendersonville will convey to the Board.
 - b. Except for the historic baseball field and any future athletic fields built, the public shall have access to the 25 acres at Berkeley Park after its conveyance to the Board, including the proposed lighted tennis courts, at no cost to the public. The exchange agreement shall contain terms and conditions upon which the other facilities within the 25 acres at Berkeley Park (including athletic fields and facilities) will be made available for use by the public, including but not limited to use and reservation for a fee.
 - c. The Board will make a good faith effort to preserve all trees currently present within the 25 acres of Berkeley Park, and in any event, the Board and City will negotiate the replacement of any trees that are removed during the construction of the future softball field, any other athletic fields constructed, and the future tennis courts.
 - d. The Board will grant to the City a written right-of-first-refusal to the 25 acres of the Berkeley Park property in the event that the property is disposed of by sale or exchange, subject to the rights granted to Henderson County by N.C.G.S. § 115C-518. Such right of first refusal must be provided in recordable form, and must be recorded as part of the closing on the exchange contemplated by this Resolution.
 - e. The Board will convey Edwards Park to the City, excluding the parking lot which is adjacent to the prior VFW building that will be conveyed to Henderson County.
 - f. The conveyance of the parking lot (which is adjacent to the VFW building, and which is currently a part of Edwards Park (the "Servient Tract")), to Henderson County by the Board and will support the acquisition of an parking easement between the City and County benefitting the portion of Edwards Park that will be conveyed to the City (the "Dominant Tract"), and such easement shall provide parking for the patrons of the Edwards Park Dominant Tract upon such terms as are acceptable to the City and the County.
 - g. The Board will convey the Athletic Field to the City with the stipulation that it remain as a park or green space available for public use between the hours of dawn and dusk only. However, the City of Hendersonville shall be authorized to hold supervised events after-dark upon notification to the Superintendent.
 - h. The City will grant to the Board of Education a written right-of-first-refusal to both the Edwards Park Dominant Tract and the Athletic Field property in the event that one or both parcels are disposed of by the City by sale or exchange. Such right of first refusal must be provided in recordable form, and must be recorded as part of the closing on the exchange contemplated by this Resolution.
 - i. All memorial plaques in the baseball stadium are to remain in their current locations unless a building is torn down. If that occurs, the memorial plaques will be placed on the back of the home dugout.
4. The City Manager, City Attorney, Superintendent and School Board Attorney shall cause such surveys to be conducted as necessary to formalize the exchange agreement contemplated by this Resolution.
5. The terms of this Resolution do not constitute a contract, but are intended to be used for the purpose of the negotiation and preparation of an exchange agreement, consistent with the terms of this Resolution, to be brought back to the City Council and the Board for approval.

Adopted by the City Council of the City of Hendersonville, North Carolina this 3rd day of June 2021.

/s/Barbara G. Volk, Mayor

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

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

D. Stormwater Utility Ordinance & Credit Policy– Michael Huffman, Stormwater Administrator

Stormwater Administrator Mike Huffman recalled the presentation given at the April 28, 2021, Council Meeting on the new Stormwater Utility Ordinance and Service Charge Credit Policy and stated feedback provided by City Council on the proposed ordinance and policy have been included in the revised draft ordinance and credit policy for Council consideration.

Mr. Huffman stated changes included crediting the \$50.00 application fee to the next month's stormwater service charge if the application is accepted by city. Mr. Huffman stated the utility ordinance definitions were updated to include impervious area and additional language clarifying uses of the enterprise fund as well as language setting forth regulations and guidelines for off-right of way easements for stormwater and drainage. Mr. Huffman stated the policy outlines steps necessary for a person seeking credit under the policy.

Council Member Dr. Jennifer Hensley moved that City Council adopt the Ordinance to add new Article IV, Stormwater Utility, to Chapter 24 of the Code of Ordinances and further move to adopt the Resolution to Approve the Stormwater Service Charge Credit Policy as presented. A unanimous vote of the Council followed. Motion carried.

Ordinance #O-21-32

**AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY
COUNCIL TO ADD A NEW ARTICLE IV, STORMWATER UTILITY,
TO CHAPTER 24 OF THE CODE OF ORDINANCES**

WHEREAS, the Federal Water Pollution Control Act of 1972 ("Clean Water Act") and federal phase II Storm Water rules promulgated under it, as well as the rules of the North Carolina Environmental Management Commission promulgated in response to federal Phase II requirements required the City as the holder of a Phase II NPDES Permit for stormwater to adopt minimum stormwater controls such as those included in Chapter 24, Article III, Stormwater Ordinance contained within the Hendersonville City Code of Ordinances; and

WHEREAS, the City of Hendersonville wishes to create a stormwater utility as authorized by N.C.G.S. Chapter 160A, Article 16, to provide a fee-based mechanism to fund the City's ownership, operation and management of a stormwater program within the City, including the administration of the Stormwater Ordinance and the ownership, maintenance and operation of certain stormwater infrastructure;

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

Section 1. Chapter 24 of the Code of Ordinances for the City of Hendersonville is amended to add a new Article IV, entitled Stormwater Utility, to read as follows:

CHAPTER 24, ARTICLE IV. - STORMWATER UTILITY

DIVISION 1. - GENERALLY

Sec. 24-200. - Findings.

(a) Stormwater poses a threat to the public health, safety, and welfare because it floods properties, erodes watercourses and channels, and pollutes streams and rivers.

(b) By mapping, planning, constructing, operating, cleaning, regulating and maintaining natural and constructed stormwater management facilities, the city reduces the adverse effects of stormwater and improves the quality of groundwater, streams, rivers, and lakes in and around the city.

(c) Stormwater management programs, including both stormwater conveyance and drainage systems, educational and other programs, protect water quality by helping to control the level of pollutants in, and the quantity and flow of, stormwater and structural and natural stormwater and drainage systems of all types.

(c) Providing a stable source of funding for the programs and activities heretofore described can best be accomplished through the creation of a stormwater utility. Such a utility will benefit owners and occupants of developed land in the city and other citizens.

(d) The area of impervious surface on a property, the type of use (residential, nonresidential, and other residential including but not limited to multi-family residential), the size of property, and other factors affect the peak rate of runoff, the total volume discharged, and pollutant loadings of stormwater that flows from property. It is equitable to fund a stormwater utility through a system based upon these factors.

Sec. 24-201. - Definitions applicable to article.

All definitions found elsewhere in this chapter apply in this article, in addition to the ones below, unless the context of the article language clearly indicates otherwise. The stormwater administrator is authorized to interpret and to apply these definitions. If a property could be interpreted to fall into more than one category the stormwater administrator shall determine the applicable category.

Customer or consumer means the person or entity to which a bill for stormwater service charges is sent. This may include the owner, occupant, or tenant of property, a homeowners' association with responsibility for property or for common areas associated with property, or a person or entity who has requested in writing to be billed for stormwater service charges for a property.

Developed land means property that contains impervious surface, and includes improved land without structures and land on which improvements are under construction, with the exception of city streets.

Equivalent Residential Unit (ERU) is 3000 square feet of impervious surface, which is the average amount of impervious surface on a single-family property in the city.

Impervious surface means a surface which, because of its composition or compacted nature, impedes or prevents natural infiltration of water into the soil, including, but not limited to, roofs, solid decks, driveways, patios, sidewalks, parking areas, tennis courts, concrete or asphalt streets, or compacted gravel surfaces. Wooden slatted decks and the water area of swimming pools are considered pervious.

Other residential uses mean any developed land not fitting the definition of a residential unit but being used for residential purposes. It includes, but is not limited to, land upon which there are residential structures that contain two or more units such as duplexes, triplexes, townhouses, condominiums, apartments, boardinghouses; and includes associated land containing improvements under construction or impervious surfaces that are not structures such as parking lots, private streets, and driveways.

Nonresidential land means any developed land not fitting the definition of a residential unit or other residential uses, including but not limited to churches; institutional buildings, whether public or private; commercial, office, and industrial buildings, including associated land containing improvements under construction or impervious surfaces that are not structures such as parking lots, private streets and driveways.

Property owner or owner means the owner of a parcel of land as shown on the county tax records.

Residential unit means a detached single-family house or other detached single family dwelling unit, including but not limited to a manufactured home or mobile home located on an individual lot or parcel of land rather than in a manufactured home park.

Stormwater means the runoff from precipitation that travels over natural or developed surfaces to the nearest stream, other conduit, or impoundment and appears in lakes, rivers, ponds, or other bodies of water.

Stormwater services means the city program for protection of stormwater quality and for the partial control and conveyance of stormwater. It includes, without limitation, public education; monitoring, removing, and regulating stormwater pollutants; other activities described in the state-issued NPDES permit; mapping; planning; regulating, reviewing and inspecting private stormwater infrastructure; and operating, cleaning, and maintaining the city's stormwater system. The existence of stormwater services does not extend the city's ownership or responsibility to portions of the stormwater system that are privately owned, nor does it allow the city to control the conveyance of stormwater so as to prevent property damage from flooding.

Stormwater system or drainage system means the system of natural and constructed conveyances for collecting and transporting stormwater, whether publicly or privately owned. It includes lakes, ponds, rivers, perennial and intermittent streams, connected wetlands, open ditches, catch basins and other inlets, pipes, sewers, drains, culverts, and, in addition, created stormwater management facilities that provide partial treatment by passive means such as wet detention ponds, detention basins, and stormwater wetlands.

Stormwater utility funds mean the stormwater service charges and the interest generated by those charges.

Secs. 24-202—24-250. - Reserved.

DIVISION 2. - ESTABLISHMENT OF STORMWATER SERVICE CHARGES AND CREDITS

Sec. 24-251. - Creation of stormwater account; activities of the stormwater services division.

Stormwater service charges and interest generated by such charges shall be placed in a separate city account and shall be used by the city solely for the operational costs, indirect costs, debt principal and debt service, and establishment of a reserve fund for stormwater services.

Sec. 24-252. - Stormwater service charges.

All developed land in the city, whether public or private, shall be subject to a stormwater service charge set by the city council. Exemptions shall not be allowed based on age, tax exemption, or other status of an individual or organization. Service charges may be subject to a credit system as further provided in this article. The stormwater service charges shall be adopted (and amended) by City Council after notice and a public hearing as required by N.C.G.S. § 160A-314. As set out in N.C.G.S. § 160A-314, the hearing may be held concurrently with the public hearing on the City's proposed budget.

Sec. 24-253. - Billing method, responsible parties.

Bills for stormwater service shall be sent at regular, periodic intervals, which may range from monthly to yearly. Where a property owner is also receiving water and/or sewer services from the City, stormwater service charges may be billed on a combined utility bill that also contains charges for water and/or sewer service.

Sec. 24-254. - Payment provisions, utility termination.

Where stormwater service charges appear on a combined utility bill, and a customer does not pay the service charges for all the utilities on the bill, the partial payment will be applied to the respective service charges in the following order: late fees for the utility bill; delinquent stormwater charges; delinquent sanitation charges; delinquent sewer charges; delinquent water charges; current stormwater charges; current sanitation charges; current sewer charges; and current water charges. As used hereinabove, "charges" includes all fees, charges, and penalties in the fee schedule adopted by City Council related to water, sewer, sanitation, stormwater, and any other enterprise systems authorized by N.C.G.S. § 160A-314.

Billing and collection shall be in accordance with the City of Hendersonville Billing Policy & Procedures, as amended and approved by the City Council.

Sec. 24-255. – Credits and Exemptions.

(a) The city may provide a system of credits against stormwater service charges for properties on which stormwater facility construction or maintenance substantially mitigates the peak discharge or runoff pollution flowing from such properties or substantially decreases the city's cost of maintaining the public stormwater system. The engineering department will develop written policies to implement the credit system. Applicable credits shall be those approved in a stormwater service charge fee schedule, adopted by City Council in accordance with Sec. 24-252. Credits may be adopted, amended, or eliminated as the discretion of the City Council as part of the adoption or amendment of the stormwater service charge fee schedule.

(b) Exemption: The following properties are exempt from the payment of stormwater services charges:

(1) Improved public roads, sidewalks, and greenways, not including internal roads within public facilities, which have been conveyed to and accepted for maintenance by the North Carolina Department of Transportation or the City and which are used by the public for motor vehicle or pedestrian transportation; and

(2) Railroad corridors and tracks. This exemption shall not be construed to apply to railroad stations, maintenance buildings, or other developed land used for railroad purposes.

(3) Undeveloped land, open space delineated on a recorded plat with less than 600 square feet of impervious surface, or land parcels with less than 600 sq feet of impervious surfaces.

(4) Private streets within a subdivision or planned residential development.

(5) Parcels maintained by homeowner associations as open space or with engineered stormwater control measures.

(6) Other parcels against which the stormwater utility service charge fee schedule adopted by City Council pursuant to Sec. 24-252 does not assess a stormwater fee.

(c) Any credits shall be contingent upon the property's stormwater SCMs complying with the standards of the City's stormwater control ordinance.

Secs. 24-256—24-283. - Reserved.

DIVISION 3. - USE OF STORMWATER UTILITY FUNDS FOR CONSTRUCTION, IMPROVEMENTS, AND MAINTENANCE

Sec. 24-284. - Purpose and definitions.

(a) Purpose. This division establishes the conditions under which funds from the stormwater utility will be used for work on drainage system components located outside the city-owned drainage system or within city-owned rights-of-way and dedicated easements. Drainage system components located within city-owned rights-of-way play an essential function in carrying stormwater and the public impact when such components malfunction is generally greater than when such components are located outside the rights-of-way. Therefore, the first priority use of stormwater utility funds is for maintenance of and improvements to drainage system components within city-owned rights-of-way. Stormwater utility funds may also be used to fund drainage system construction, improvement, repair, or maintenance on property outside of city rights-of-way. The city has an interest in helping to assure that components of the drainage system that have an impact on the overall system are maintained and/or improved, whether located inside or outside city rights-of-way. Such components are generally those that carry in whole or in part runoff from publicly maintained streets.

The intent of this section is not to transfer responsibility or liability to the city for drainage system components on property not owned by the city that carry such runoff. Rather, it is to establish criteria and priorities to be used when making available stormwater utility funds for work on drainage system components located outside of city-owned rights-of-way. No action or inaction of the city pursuant to this section shall impose upon the city, its agents, officers, or employees, any responsibility or liability of any kind, past or future, relating to any person or property. No action by the city, including but not limited to funding of work on drainage system components not owned by the city, shall be considered as a taking or appropriation of, or assumption of responsibility for any stream, drain, ditch or other drainage system feature that is outside city-owned property or right-of-way.

City participation in work on drainage system components outside of the right-of-way is limited to the extent to which funds are available for such purpose and no entitlement to receive funds for such work arises from this division.

(b) Definitions. In addition to definitions previously appearing in division 1 of this article, the definitions below also apply to this division. Interpretation and application of this division shall be by the director of public works, whose decisions are final and not subject to appeal.

Director means the city's director of the department of Engineering or any successor department in which primary responsibility for administering the stormwater services resides, and includes any individual to whom the director delegates responsibilities under this article.

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters and/or, the rapid accumulation of runoff of surface waters from any source.

Public street means an area for vehicular traffic that is maintained by the city or North Carolina Department of Transportation and is within publicly owned right-of-way.

Routine maintenance means activities that allow the drainage system to function properly by keeping it clean and free of blockage. It does not include construction or major repair. Examples include but are not limited to, cleaning grates and inlets, flushing pipes, removing blockages in pipes, removing litter and debris from channels and ditches, minor clearing of overgrown vegetation and minor repair of erosion control measures.

Sec. 24-285. - Criteria for use of stormwater utility funds for drainage assistance projects located outside of city-owned rights-of-way.

(a) Work on drainage projects may be funded with stormwater utility funds provided that all of the following eligibility criteria are met:

- (1) The drainage system carries, in whole or in part, runoff from public streets.
- (2) The property on which the drainage system is located has not received any credit under section 24-255 for stormwater service utility charges within the preceding five years.
- (3) The drainage system is not part of a water quality treatment facility or water quantity control device that was required to be constructed and maintained as part of an approved development.
- (4) The drainage system is not located on property which is undergoing development or redevelopment unless the development/redevelopment project is funded in part by other city funds.
- (5) The condition of the drainage system must impact or threaten an existing inhabited or occupied building or a public street, sidewalk, or other public pedestrian walkway.

Conditions that do not qualify include but are not limited to:

- Moisture or ponding not attributable to flooding;

- Groundwater seepage;
- Landscaping;
- Minor erosion;
- Minor ponding or standing water;
- Routine maintenance activities;
- Drainage conditions involving lot to lot drainage of private properties;
- Roof drains and downspouts.

(6) The drainage problem is not caused by flooding due to the periodic temporary inundation of stream flow on lands adjacent to open channels or within mapped floodplains or wetlands.

(7) A formal request for assistance complying with city requirements is submitted to the stormwater services division by the current property owner(s).

The application of the above factors and the determination as to eligibility for stormwater utility funding shall be made by the director and this decision is not subject to appeal. However, the director may bring any request for assistance to City Council for approval.

All authorized work referred to herein shall be performed by the city, its agents and/or contractors. The city will direct all necessary activities including but not limited to design, engineering, contracting, and construction.

(b) In addition, eligible projects must meet the following criteria:

(1) The property owner, if the owner is not the city, must dedicate a stormwater drainage easement of a width, length, and type as specified by the director. The dedication of such easement will be at no cost to the city and shall not relieve the property owner of responsibility or liability for drainage system maintenance;

(2) The property owner shall not owe delinquent fees, charges, assessments, or taxes to the city.

(3) The project shall be the most cost effective, reasonable and practical alternative to correct the existing problem, as determined by the director. Any excess costs shall be borne entirely by the property owner. Design criteria shall meet, but are not limited to, the following criteria:

- The proposed project shall meet current city stormwater design standards to the maximum extent practical;
- Existing open channels shall not be piped unless engineering reasons require such work or significant cost savings would be realized;
- Streams and their associated buffers shall be protected to the maximum extent practical.

(4) The owner must pay the applicable owner's share of the cost of the work as specified in section 24-287.

(5) The owner must execute an agreement with the city that meets city requirements prior to the city's proceeding with the project.

Sec. 24-286. - Priority categories for eligible requests for drainage assistance.

Prioritization of eligible requests shall be based on the severity of the problem, the cost, and the number of properties affected and shall be assessed using written criteria approved by the director. The determination as to the priority a drainage project located outside of city-owned rights-of-way receives shall be made by the director and this decision is not subject to appeal. The following priority categories shall be used, with priority A the highest priority:

(1) Priority A. The condition of the drainage system affects the ability of the system to function under normal design conditions and causes structural impacts to an existing inhabited or occupied building or a public street, sidewalk, or other public pedestrian walkway. Examples include but are not limited to failed systems that cause:

- Sustained street flooding;
- Living space flooding of residential structures; or

- Flooding of an occupied building constructed on a permanent foundation connected to utility services (electric, gas, water, sewer).

(2) Priority B. The condition of the drainage system poses an imminent threat of constituting a priority A project. Examples include but are not limited to failed systems that cause:

- Crawlspace flooding that has not affected the structure's integrity;
- Flooding of attached garages to residential structures.

Sec. 24-287. - Amount of funding from stormwater utility funds.

The amount of funding from stormwater utility funds for projects meeting criteria in section 24-285 shall be limited as set forth below. City funding shall be based on the cost estimate prepared for the most cost-effective alternative as determined by the Director, and this decision is not subject to appeal. Estimated costs shall include, but are not limited to, expenditures for services performed by any agents and/or contractors of the city for survey, design, contracting, construction, and other professional services needed to complete the project. The following funding criteria and formulas apply:

(1) Single-family residential properties. The city will pay for 80 percent of the estimated project cost not to exceed \$25,000.00 per property per project. The owner shall pay the remaining cost.

(2) All other properties. The city will pay for 24 percent of the estimated project cost not to exceed \$35,000.00 per property per project. The owner shall pay the remaining cost.

(3) Stormwater utility funding for drainage assistance requests shall not exceed \$35,000.00 per property owner in a ten-year period.

Sec. 24-288. - Installment payments.

(a) The property owner share of the stormwater drainage repair or improvement project cost, as determined in sections 24-287 and 24-286, may be paid in installments.

(b) The property owner shall submit a request in writing and a completed application for payment of the cost in installments prior to scheduling the stormwater repair or improvement.

(c) The property owner share of the cost shall be payable in eight equal annual installments. The first installment is due and payable 50 days from the date the city manager approves payment of the cost in installments. Subsequent installments, with accrued interest, shall be due and payable on the same date in each successive year thereafter until the property owner share of the stormwater drainage project cost and interest thereon is paid in full. Installment payments shall bear interest at a rate fixed by the city council in the fee schedule.

(d) From and after the date that the city manager or designee approves payment of the cost in installments, the unpaid portion of the owner's cost shall be a lien on the property as provided in section 35 of the Charter of the city and any other applicable law.

(e) The monies collected shall be used by the stormwater services division solely for stormwater services.

Sec. 24-289. - Other projects not prohibited.

This division does not prohibit or otherwise limit the use of stormwater funds on private property to alleviate or remedy a public nuisance, or to comply with permitting, regulatory, or statutory requirements.

Sec. 24-290. - Severability.

If any section, subsection, paragraph, or clause of this article is held to be invalid or unenforceable, all other sections, subsections, paragraphs, and clauses shall nevertheless continue in full force and remain in effect. In addition, if the city's use of funds for any portion of its stormwater program is held invalid, all other funded portions of the program shall continue in full force and remain in effect.

Section 2. This Ordinance shall be effective upon adoption.

Section 3. If any section, subsection, paragraph, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed severable and such holding shall not affect the validity of the remaining portions hereof.

Adopted by the City Council of the City of Hendersonville, North Carolina this 3rd day of June 2021.

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

Resolution R-21-56**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO APPROVE THE
STORMWATER SERVICE CHARGE CREDIT POLICY**

WHEREAS, the Federal Water Pollution Control Act of 1972 ("Clean Water Act") and federal phase II Storm Water rules promulgated under it, as well as the rules of the North Carolina Environmental Management Commission promulgated in response to federal Phase II requirements required the City as the holder of a Phase II NPDES Permit for stormwater to adopt minimum stormwater controls such as those included in Chapter 24, Article III, Stormwater Ordinance contained within the Hendersonville City Code of Ordinances; and

WHEREAS, the City of Hendersonville is creating a stormwater utility as authorized by N.C.G.S. Chapter 160A, Article 16, to provide a fee-based mechanism to fund the City's ownership, operation and management of a stormwater program within the City, including the administration of the Stormwater Ordinance and the ownership, maintenance and operation of certain stormwater infrastructure; and

WHEREAS, in order to create the stormwater utility, the City Council is adopting an Ordinance of the City of Hendersonville City Council to Add a New Article IV, Stormwater Utility, to Chapter 24 of the Code of Ordinances (the "Ordinance"); and

WHEREAS, the City Council wishes to adopt a policy allowing for a credit against certain portions of the stormwater fees and charges imposed through the adoption of the Ordinance and its associated fee schedule as an incentive for the installation of appropriate stormwater control measures;

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Hendersonville, North Carolina that the Stormwater Service Charge Credit Policy, attached hereto, is approved.

Adopted by the City Council of the City of Hendersonville, North Carolina this 3rd day of June 2021.

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

E. Resolution of the City of Hendersonville City Council to Establish

Police Chief Blair Myhand stated several residents have contacted the police department expressing concerns for fire and ambulance services not being able to access their homes in the event of emergencies due to on-street parking issues. Chief Myhand stated residents are requesting the addition of a no parking zone on the south side of Woodcock Avenue to address this concern.

There were no questions.

Council Member Jeff Miller moved that City Council adopt the Resolution of the City of Hendersonville City Council to Establish a No Parking Zone on the South Side of Woodcock Avenue. A unanimous vote of the Council followed. Motion carried.

Resolution #R-21-57**RESOLUTION OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO ESTABLISH
A NO PARKING ZONE ON THE SOUTH SIDE OF WOODCOCK AVENUE**

WHEREAS, Woodcock Avenue currently has a pavement width of approximately thirty (30) feet and allows parking on both sides of the street; and

WHEREAS, fire apparatus, ambulances and solid waste vehicles are unable drive down the street when vehicles are parked on both sides of Woodcock Avenue; and

WHEREAS, resident of Woodcock Avenue have notified the City Council that their quality of life is being impacted by individuals that park on both sides of the street to conduct illegal activity; and

WHEREAS, the Chief of Police, Fire Chief and Public Works Director support the establishment of a no parking zone on Woodcock Avenue to facilitate the provision of city services to these residences.

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

1. A no parking zone shall be established on the south side of Woodcock Avenue between Ashe Street and Robinson Terrace.
2. The Public Works Director shall designate the no parking zone as directed by Section 50-81 of the Code of Ordinances for the City of Hendersonville.

Adopted by the City Council of the City of Hendersonville, North Carolina this 3rd day of June 2021.

/s/Barbara G. Volk, Mayor

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

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

10. CITY COUNCIL COMMENTS

Council Member Jerry Smith suggested a list of board, commission, committee applicant names be made public for others to view. The City Council concurred and directed the City Clerk to provide the names of applicants for public view within the agenda packet.

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

City Manager John Connet reminded City Council the cash and investment report was submitted within the agenda packet and also reminded everyone there would be no second monthly meeting on June 23, 2021.

12. BOARDS/COMMISSIONS/COMMITTEE APPOINTMENTS

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

Council Members Dr. Jennifer Hensley, Jeff Miller, and Lyndsey Simpson nominated and moved that City Council appoint James Lyon, Robin Grainger, and Katie Weibel each to fill a 3-year term on the Animal Services Advisory Committee ending on June 30, 2024. A unanimous vote of the Council followed. Motion carried.

Council Members Lyndsey Simpson, and Dr. Jennifer Hensley moved that City Council appoint Randy Hunter and Cam Boyd each to fill a 3-year term on the Business Advisory Council ending on June 30, 2024. A unanimous vote of the Council followed. Motion carried.

Council Members Jeff Miller and Lyndsey Simpson moved that City Council appoint Gerald Fitzgerald and Julie Buckman each to fill a 1-year, At-Large term on the Downtown Advisory Board ending on June 30, 2022. A unanimous vote of the Council followed. Motion carried.

Council Member Dr. Jennifer Hensley moved that City Council appoint Jamie Carpenter as staff appointment to the TDA Board. A unanimous vote of the Council followed. Motion carried.

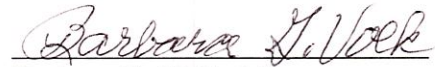
13. CLOSED SESSION

At 7:54 p.m. City Council Member Lyndsey Simpson moved that City Council enter into closed session pursuant to NCGS § 143-318.11(a)(1)(3) and (6) to prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes, to consult with an attorney employed by the public body in order to preserve the attorney-client privilege between the attorney and the public body, and to consider the qualifications, competence, performance, character and fitness of a public officer.

Council Member Jeff Miller moved that City Council return to Open Session at 9:25 p.m. A unanimous vote of the Council followed. Motion carried.

14. ADJOURN

There being no further business, the meeting was adjourned at 9:25 p.m. upon unanimous assent of the Council.


Barbara G. Volk, Mayor

ATTEST:


Angela L. Reece, City Clerk