# CITY OF HENDERSONVILLE
# CITY COUNCIL REGULAR MEETING
**Operations Center - Assembly Room | 305 Williams St. | Hendersonville NC 28792**
**Thursday, July 06, 2023 – 5:45 PM**

# AGENDA

1. **CALL TO ORDER**

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

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

4. **CONSIDERATION OF AGENDA**

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

   A. Adoption of City Council Minutes - *Jill Murray, City Clerk*

      *June 1, 2023*

   B. Street Closure: Resolution of Intent- Unnamed 20' alley (between City Hall and N. Edwards Street) (C23-44-SCL) – *Tyler Morrow, Planner II*

   C. Compromise, Adjustment and Settlement of Discovery Bills – *Angela S. Beeker, City Attorney*

   D. Tentative Contract Award WWTF Aeration Basin No. 2 Repairs and Rehabilitation Project– *Adam Steurer, Utilities Engineer*

   E. Contract Award Bearcat Blvd and Church Street Sewer Replacement– *Adam Steurer, Utilities Engineer*

   F. July 2023 Budget Amendments – *Jennifer Floyd, Budget and Management Analyst*

   G. Utility Extension Agreement for the Townes at Martha Kate Subdivision – *Brendan Shanahan, Project Division Manager*

   H. Disc Golf Capital Project Ordinance and Reimbursement Resolution – *Jennifer Floyd, Budget and Management Analyst*

   I. Seventh Avenue Brooklyn Community Garden Expansion & Revitalization - *Caitlyn Gendusa, Sustainability Manager*

   J. Amending and combining the Service Recognition Guidelines and Active Employee Service Awards – *Jennifer Harrell, HR Director*

K. Amendment to the Hendersonville Code of Ordinances to Reduce the Collections Period for Certain Billing Errors – *John Buchanan, Finance Director*

L. Creation of Director of Public Services Position – *John Connet, City Manager*

M. Resolution of Support for Low Income Housing Tax Credits for White Pines Villas Development. – *John Connet, City Manager*

N. Resolution of Support for Low Income Housing Tax Credits for Apple Ridge Housing Development. – *John Connet, City Manager*

## 6. PRESENTATIONS

A. Resolution Honoring the Retirement of Utilities Director Lee Smith – *John Connet, City Manager*

B. Resolution Awarding Retiring Captain Tracey Cox with his Badge & Service Sidearm - *Blair Myhand, Police Chief*

C. NCLTAP Road Scholar Awards - *Tom Wooten, Director of Public Works*

D. SHARP Designation Fire Station # 2 (Recertification) – *Steve Alverson, Risk & Safety Officer*

## 7. PUBLIC HEARINGS

A. Rezoning: Standard Rezoning (Initial Zoning)– Blue Ridge Commerce Center (P23-46-RZO) – *Tyler Morrow, Planner II*

B. Rezoning: Standard Rezoning – 2511 Asheville Hwy (P23-024-RZO) –*Alexandra Hunt, Planner I*

## 8. UNFINISHED BUSINESS

A. Fats Oils and Grease (FOG) Management Policy – *Lee Smith, Utilities Director and Kasey Sudderberg, Environmental Compliance Technician*

B. Amendments to Chapter 10 - Animals – *Daniel Heyman, Staff Attorney*

## 9. NEW BUSINESS

A. Ordinance to Authorize the Demolition of 201 Blue Ridge Street – *Lew Holloway, Community Development Director*

## 10. BOARDS/COMMISSIONS/COMMITTEE APPOINTMENTS

A. Board & Committee Vacant Seat Appointments - *Jill Murray, City Clerk*

*Planning Board & Business Advisory Committee*

## 11. CITY COUNCIL COMMENTS

**12. CLOSED SESSION**

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

**13. CITY MANAGER REPORT** - John F. Connet, City Manager

**14. ADJOURN**

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

# MINUTES

## June 1, 2023

## REGULAR MEETING OF THE CITY COUNCIL

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

Present: Mayor Barbara G. Volk, Mayor Pro Tem Lyndsey Simpson and Council Members: Dr. Jennifer Hensley, Debbie O'Neal-Roundtree, and Jerry A. Smith Jr., J.D.

Staff Present: City Manager John F. Connet, Assistant City Manager Brian Pahle, City Attorney Angela Beeker, City Clerk Jill Murray, Communications Manager Allison Justus, Budget Manager Adam Murr, 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.*

***General Public Comment***

Tom Appleby from Bat Cave, addressed City Council regarding paid parking and is against the kiosks and said that the city didn't go the Historical Preservation Committee so they are illegal.

The following people addressed city council and spoke against DEI and asked that City Council cancel the contract with Ahkirah and disband the DEI Committee:

Lyra Prickett of Hendersonville;

Jeff Groh of Fletcher;

Corrine Mandell of Hendersonville;

Cher Silvius from Hendersonville;

Candler Willis of Zirconia;

Fred Hankinson of Hendersonville;

Kaye Youngblood of Hendersonville wanted to thank council for their support of the Henderson County Walk of Fame and the People's Museum. Thank you for recognizing the importance and for maintaining the history of our citizens and making the museum possible.

Virginia Tegel of Hendersonville thanked council for their dedication and service to the community and for your efforts to protect our natural resources, hiring a sustainability manager and creating a sustainability hero award and for the inaugural Hendo Earth Fest. I also support efforts to include all community members.

Lynne Williams of Hendersonville gave her support of DEI and is concerned about some of the committee appointments being made this evening and the conflicts that may occur.

**CONSIDERATION OF AGENDA**

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

## 4. CONSENT AGENDA

***Council Member Debbie O'Neal-Roundtree moved that City Council approve the consent agenda as presented. A unanimous vote of the Council followed. Motion carried.***

**A. Adoption of City Council Minutes –** *Jill Murray, City Clerk*

May 4, 2023 Regular Meeting
May 5, 2023 Special Called Budget Meeting
May 24, 2023 Second Monthly Meeting

**B. Sole Source Purchase of Bicarbonate –** *Ricky Levi, Water Treatment Facilities Manager*

Resolution #R-23-59

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE SOLE-SOURCE AND STANDARDIZATION PURCHASE OF BICARBONATE FOR THE WATER TREATMENT PLANT**

**WHEREAS,** the City's Water Treatment Plant utilizes Bicarbonate; and,

**WHEREAS,** Bicarbonate is required by the state for providing required alkalinity level; and,

**WHEREAS,** Bicarbonate is a proprietary blend called Alkalinity First and is only available from one source of supply in this area as they are the only authorized area distributor; and,

**WHEREAS,** this is a granular technical grade Bicarbonate, which ensures consistent levels of alkalinity that other products cannot offer. If we utilized other products with lesser alkalinity levels and lesser quality composition, this could clog our feed system and cause numerous maintenance issues. Thus, it is vital that we utilize this product as standardization is important; and,

**WHEREAS,** NCGS 143-129(e) lists the authorized exceptions to the formal bid procedures. NCGS 143-129(e)(6) allows for purchases of apparatus, supplies, materials, or equipment to be purchasing using sole-source exception when: (i) performance or price competition for a product are not available; (ii) a needed product is available from only one source of supply; or (iii) standardization or compatibility is the overriding consideration. The governing board of a political subdivision of the State shall approve the purchases listed in the preceding sentence prior to the award of the contract; and,

**WHEREAS**, staff are requesting to continue to utilize Univar on Bicarbonate City-wide by asking that Council approve this sole source and standardization request; and,

**NOW THEREFORE, BE IT RESOLVED** by the City Council of the City of Hendersonville, North Carolina that city staff is authorized to purchase Bicarbonate from Univar for FY23/24 within budgeted funds available.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 1st day of June, 2023.

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

**C. Sole Source Purchase of Coagulant**– *Ricky Levi, Water Treatment Facilities Manager*

Resolution #R-23-60

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE SOLE-SOURCE PURCHASE OF COAGULANT FOR THE WATER TREATMENT PLANT**

**WHEREAS,** the City's Water Treatment Plant utilizes Coagulant; and,

**WHEREAS,** Coagulant is required by the state for coagulation, flocculation, and sedimentation; and,

**WHEREAS,** Coagulant is a proprietary blend only available from one source of supply; and,

**WHEREAS,** While there are other alternative non-coagulant products, none have this particular blend which required for the efficient operations of our facility. NCDEQ would require us to do further studies and get their approval to change from one blend to another. Another challenge with changing blends is that it could cause problems with our lead copper numbers as well as our water quality parameter numbers. Thus, standardization of this blend is required; and,

**WHEREAS,** NCGS 143-129(e) lists the authorized exceptions to the formal bid procedures. NCGS 143-129(e)(6) allows for purchases of apparatus, supplies, materials, or equipment to be purchasing using sole-source exception when: (i) performance or price competition for a product are not available; (ii) a needed product is available from only one source of supply; or (iii) standardization or compatibility is the overriding consideration. The governing board of a political subdivision of the State shall approve the purchases listed in the preceding sentence prior to the award of the contract; and,

**WHEREAS**, staff are requesting to continue to utilize CedarChem on Coagulant City-wide by asking that Council approve this sole source and standardization request; and,

**NOW THEREFORE, BE IT RESOLVED** by the City Council of the City of Hendersonville, North Carolina that city staff is authorized to purchase Coagulant from CedarChem for FY23/24 within budgeted funds available.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 1st day of June, 2023.

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

**D. Sole Source and Standardization Purchase of Ortho Phosphate** – *Ricky Levi, Water Treatment Facilities Manager*

Resolution #R-23-61

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE SOLE-SOURCE AND STANDARDIZATION PURCHASE OF ORTHO PHOSPHATE FOR THE WATER TREATMENT PLANT**

**WHEREAS,** the City's Water Treatment Plant utilizes Ortho Phosphate; and,

**WHEREAS,** Ortho Phosphate is required by the state for corrosion control; and,

**WHEREAS,** Ortho Phosphate is a proprietary blend called 70/30 Ortho Poly with a total PO4 value of 36 percent; and,

**WHEREAS,** This Ortho Phosphate blend is only available from one source of supply and needs to be standardized for use at the City. While there are alternative products in the market, no other vendors offer this particular blend; and,

**WHEREAS,** the City has used this blend for roughly 15-20 years and utilizing a different blend would create a need to for an entirely new corrosion study with the state and the changeover would take 3-6 months to replace within the distribution system. This would significant budgetary overages, would cause regulatory issues with the state, and would cause issues with corrosion control (i.e.. Lead and copper); and,

**WHEREAS,** NCGS 143-129(e) lists the authorized exceptions to the formal bid procedures. NCGS 143-129(e)(6) allows for purchases of apparatus, supplies, materials, or equipment to be purchasing using sole-source exception when: (i) performance or price competition for a product are not available; (ii) a needed product is available from only one source of supply; or (iii) standardization or compatibility is the overriding consideration. The governing board of a political subdivision of the State shall approve the purchases listed in the preceding sentence prior to the award of the contract; and,

**WHEREAS**, staff are requesting to continue to utilize Worx on Ortho Phosphate City-wide by asking that Council approve this sole source and standardization request; and,

**NOW THEREFORE, BE IT RESOLVED** by the City Council of the City of Hendersonville, North Carolina that city staff is authorized to purchase Ortho Phosphate from Worx for FY23/24 within budgeted funds available.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 1st day of June, 2023.

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

**E. Street Closure: Resolution of Intent – Unnamed 20' alley (between City Hall and N. Edwards Street) (C23-44-SCL)** *– Tyler Morrow, Planner II*

Resolution #R-23-62

**RESOLUTION OF INTENT TO CLOSE AN UNNAMED 20' ALLEY (BETWEEN CITY HALL AND N. EDWARDS STREET)**

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

**WHEREAS,** John Connet of the City of Hendersonville has petitioned the City of Hendersonville City Council to close an unnamed 20' alley (between City Hall and N. Edwards Street), located between PIN 9568-88-0780 and PINs 9568-88-0650 and 9568-88-0670; 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 6th day of July 2023, in the Assembly Room of the City Operations Center to consider closing an unnamed 20' alley (between City Hall and N. Edwards Street) located between PIN 9568-88-0780 and PINs 9568-88-0650 and 9568-88-0670. Persons shall be allowed to attend and comment in person or via Zoom at the following address:

   https://zoom.us/join

   Dial-in by phone: (646) 558-8656
   Meeting ID: 822 0104 2528
   Passcode: 1847

   Digital public hearing 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, Jill Murray, jmurray@hvlnc.gov, 160 6th Avenue East, Hendersonville, NC 28792.

2. The legal description for the unnamed 20' alley proposed for closing is as follows:

   Lying and being in the City of Hendersonville, Henderson County, North Carolina, and consisting of the following:

   Being a portion of a 20' Alley adjacent to the southernmost line of that parcel identified as Parcel B1 on that plat recorded in Plat Book 2023 at page 14832 of the Henderson County registry;

   And being that real property having the following metes and bounds description:

   **BEGINNING** at a point being the northwestern most corner of that parcel shown as Parcel C on that plat recorded in Plat Book 2023 at Page 14832 of the Henderson County registry ("Parcel C"), said beginning point being located N 44° 25' 51" E a grid distance of 894.30' and N 08° 37' 31" W 100.39' and S 81° 42' 21" W 132.35' from that NCGS monument bearing the title "POST OFFICE", having N.C. GRID NAD83 (2011) coordinates of: N:587,993.41', E: 967,676.31' (by static GNSS observation), and proceeding from said beginning point the following courses and distances: S 81° 42' 22" W a distance of 50.45' to a point, said point being in the easternmost margin of Edward Street and being also the northwestern most corner of the Michaelian Home, Inc. property described in Deed Book 1110 at page 193, Henderson County registry, and thence proceeding along with the eastern margin of Edwards Street N 08° 18' 31" W a distance of 20' to the southwestern most corner of that parcel identified as Parcel B1 on that plat recorded in Plat Book 2023 at page 14832 of the Henderson County registry ("Parcel B1"), thence proceeding with the southernmost boundary of Parcel B1 N 81° 42' 21" E a distance of 50.64' to the southeasternmost corner of Parcel B1, thence leaving the boundary of Parcel B1 and proceeding S 07° 45' 55" E a distance of 20' to the point and place of beginning.

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

4. 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.

5. 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 along the unnamed 20' alley proposed for closure as required by G.S. 160A-299.
6. The City Council herewith declares its intent to close the street as described above.

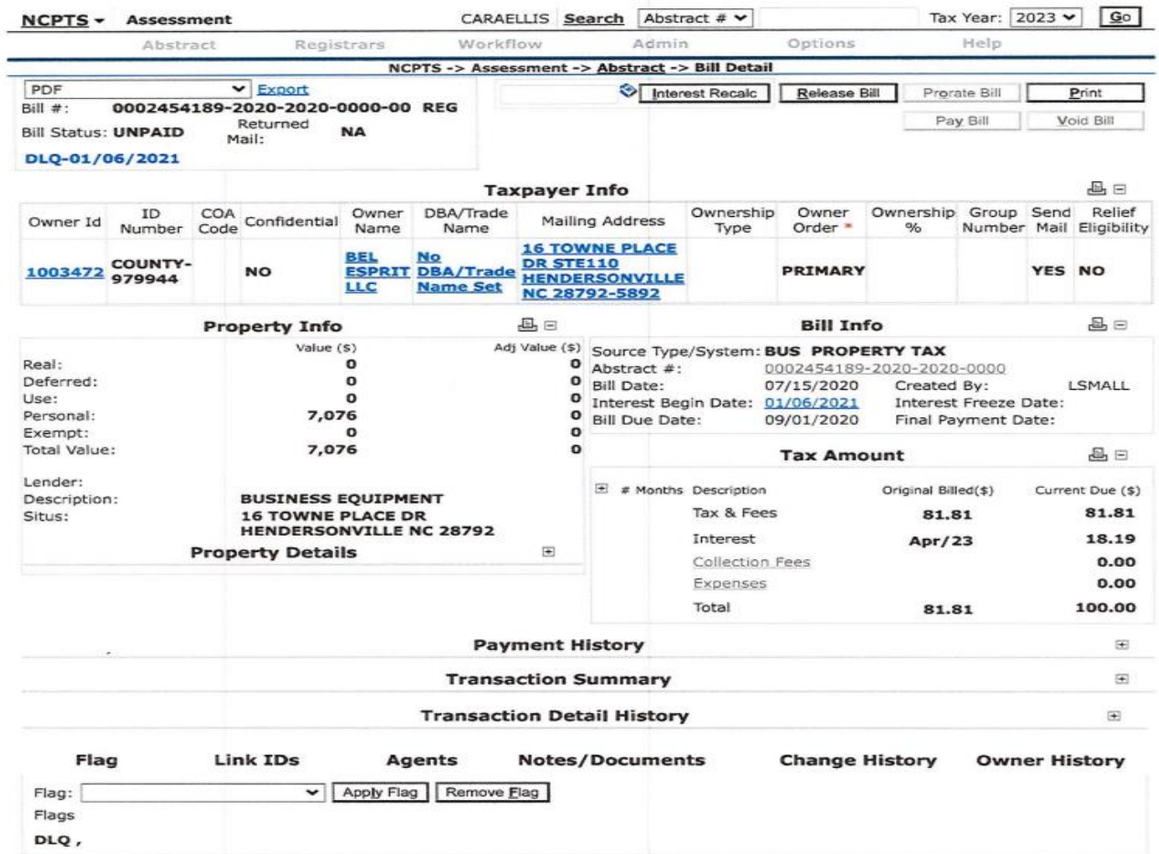
Adopted by the City Council of the City of Hendersonville, North Carolina on this 1st day of June 2023.

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

## F. Henderson County Tax Adjustments – *Amanda Lofton, Deputy Tax Collector*

**NCPTS Pending Release/Refund Report. Tuesday, April 18, 2023***

| TAX DISTRICT | OWNER | ABSTRACT | NOTE | VALUE CHANGE | ADJ. NUMBER | DISTRICT CODE | LEVY TYPE | BILLED | PAID | RELEASE |
|---|---|---|---|---|---|---|---|---|---|---|
| CITY OF HENDERSONVILLE | BEL ESPRIT LLC | 0002454189-2020-2020-0000 | | ($7,076) | 8499 | JURSC10 | TAX | $34.67 | $0.00 | $34.67 |
| | | | | | | | LATE LIST FEE | $3.47 | $0.00 | $3.47 |
| | | | | | | | TOTAL: | | | $38.14 |
| | | | | | | | | | ABSTRACT TOTAL: | $38.14 |
| | | 0002454189-2021-2021-0000 | | ($7,076) | 8500 | JURSC10 | TAX | $36.80 | $0.00 | $36.80 |
| | | | | | | | LATE LIST FEE | $3.68 | $0.00 | $3.68 |
| | | | | | | | TOTAL: | | | $40.48 |
| | | | | | | | | | ABSTRACT TOTAL: | $40.48 |
| | | 0002454189-2022-2022-0000 | | ($7,784) | 8501 | JURSC10 | TAX | $40.48 | $0.00 | $40.48 |
| | | | | | | | LATE LIST FEE | $4.05 | $0.00 | $4.05 |
| | | | | | | | TOTAL: | | | $44.53 |
| | | | | | | | | | ABSTRACT TOTAL: | $44.53 |
| | | OWNER TOTAL: | | $0 | | | | | | $123.15 |
| | DISTRICT TOTAL: | | | ($21,936) | | | | | | $123.15 |




## G. June 2023 Budget Amendments – *Adam Murr, Budget Manager*

**TO MAYOR & COUNCIL**
**APPROVAL: June 01, 2023**

**FISCAL YEAR 2024**
**FORM: 06012023-01**

## BUDGET AMENDMENT

FUND 410 | 460 | 468

| ACCOUNT NUMBER | ACCOUNT DESCRIPTION | EXISTING BUDGET | INCREASE | DECREASE | REVISED BUDGET | |
|---|---|---|---|---|---|---|
| 410-0000-470010-VE024 | Debt Proceeds (Vehicle & Equip. Loan) | - | 403,000 | - | 403,000 | REVENUE |
| 410-1300-554002-VE024 | C/O-Vehicles (14-47, Marked) | - | 60,500 | - | 60,500 | 14-47, Marked |
| 410-1300-554002-VE024 | C/O-Vehicles (14-53, Marked) | - | 60,500 | - | 60,500 | 14-53, Marked |
| 410-1300-554002-VE024 | C/O-Vehicles (14-52, Marked) | - | 60,500 | - | 60,500 | 14-52, Marked |
| 410-1300-554002-VE024 | C/O-Vehicles (14-55, Marked) | - | 60,500 | - | 60,500 | 14-55, Marked |
| 410-1300-554002-VE024 | C/O-Vehicles (14-48, Marked) | - | 60,500 | - | 60,500 | 14-48, Marked |
| 410-1300-554002-VE024 | C/O-Vehicles (14-49, Marked) | - | 60,500 | - | 60,500 | 14-49, Marked |
| 410-1300-554002-VE024 | C/O-Vehicles (14-50, Un-marked) | - | 40,000 | - | 40,000 | 14-50, Un-marked |
| FUND 410 (Police) | TOTAL REVENUES | | 403,000 | - | 403,000 | |
| | TOTAL EXPENDITURES | | 403,000 | - | 403,000 | |
| 410-0000-470010-VE024 | Debt Proceeds (Vehicle & Equip. Loan) | - | 430,000 | - | 430,000 | REVENUE |
| 410-1400-554001-VE024 | C/O-Equipment (SCBAs) | - | 325,000 | - | 325,000 | SCBAs |
| 410-1400-554002-VE024 | C/O-Vehicles (14-61, SUV) | - | 65,000 | - | 65,000 | 14-61, SUV |
| 410-1400-554002-VE024 | C/O-Vehicles (14-84, Truck) | - | 40,000 | - | 40,000 | 14-84, Truck |
| FUND 410 (Fire) | TOTAL REVENUES | | 430,000 | - | 430,000 | |
| | TOTAL EXPENDITURES | | 430,000 | - | 430,000 | |
| 410-0000-470010-VE024 | Debt Proceeds (Vehicle & Equip. Loan) | - | 469,000 | - | 469,000 | REVENUE |
| 410-1502-554002-VE024 | C/O-Vehicles (Sustainability Vehicle) | - | 50,000 | - | 50,000 | Sustainability Vehicle |
| 410-1523-554002-VE024 | C/O-Vehicles (16-03, 2500 Series) | - | 63,000 | - | 63,000 | 16-03, 2500 Series |
| 410-1525-554002-VE024 | C/O-Vehicles (14-30, 2500 Series) | - | 53,000 | - | 53,000 | 14-30, 2500 Series |
| 410-1525-554002-VE024 | C/O-Vehicles (14-58, 2500 Series) | - | 53,000 | - | 53,000 | 14-58, 2500 Series |
| 410-1525-554001-VE024 | C/O-Equipment (43-03 Ventrac) | - | 100,000 | - | 100,000 | 43-03 Ventrac |
| 410-1555-554001-VE024 | C/O-Equipment (20-01 Dump) | - | 150,000 | - | 150,000 | 20-01 Dump |
| FUND 410 (Public Works) | TOTAL REVENUES | | 469,000 | - | 469,000 | |
| | TOTAL EXPENDITURES | | 469,000 | - | 469,000 | |
| 460-0000-470100-VE024 | Transfer In (from 060) | - | 589,000 | - | 589,000 | REVENUE |
| 460-7002-554002-VE024 | C/O-Vehicles (All W&S Vehicles) | - | 205,000 | - | 205,000 | All W&S Vehicles |
| 460-7002-554001-VE024 | C/O-Equipment (42-06, Skid Steer) | - | 100,000 | - | 100,000 | 42-06, Skid Steer |
| 460-7002-554001-VE024 | C/O-Equipment (44-08 Excavator) | - | 82,000 | - | 82,000 | 44-08 Excavator |
| 460-7002-554001-VE024 | C/O-Equipment (LSL Crew Dump) | - | 120,000 | - | 120,000 | LSL Crew Dump |
| 460-7002-554001-VE024 | C/O-Equipment (LSL Crew Excavator) | - | 82,000 | - | 82,000 | LSL Crew Excavator |
| FUND 460 (Water & Sewer) | TOTAL REVENUES | | 589,000 | - | 589,000 | |
| | TOTAL EXPENDITURES | | 589,000 | - | 589,000 | |
| 468-0000-470010-VE024 | Debt Proceeds (Vehicle & Equip. Loan) | - | 500,000 | - | 500,000 | REVENUE |
| 468-7855-554002-VE024 | C/O-Vehicles (14-18, 3500 Series+Refuse Bed) | - | 75,000 | - | 75,000 | 14-18, 3500 Series+Refuse Bed |
| 468-7855-554001-VE024 | C/O-Equipment (61-17 Leaf Machine) | - | 125,000 | - | 125,000 | 61-17 Leaf Machine |
| 468-7855-554001-VE024 | C/O-Equipment (Waste Truck) | - | 300,000 | - | 300,000 | Waste Truck |
| FUND 468 (Env. Services) | TOTAL REVENUES | | 500,000 | - | 500,000 | |
| | TOTAL EXPENDITURES | | 500,000 | - | 500,000 | |

Capital Project Ordinance (CPO) #VE024 for FY24 vehicle and equipment purchases. This CPO is established at the beginning of FY24 to assist in the purchasing process due to anticipated long-lead times on acquisitions. All vehicles and equipment listed above will be funded via the FY24 Vehicle and Equipment Loan. The total General Fund vehicle and equipment loan is $1,302,000. The total Water & Sewer Fund vehicles and equipment will be funded via a transfer in from the Water & Sewer Operating Fund (060). The total Environmental Services vehicle and equipment acquisition will be covered by a $500,000 loan. The total project appropriation is $2,391,000.

The City Manager and City Clerk certify budget ordinance amendment 06012023-01 was approved by City Council on June 01, 2023.

**TO MAYOR & COUNCIL**
**APPROVAL: June 01, 2023**

**FISCAL YEAR 2024**
**FORM: 06012023-02**

## BUDGET AMENDMENT

FUND 410 | 460 | 468

| ACCOUNT NUMBER | ACCOUNT DESCRIPTION | EXISTING BUDGET | INCREASE | DECREASE | REVISED BUDGET |
|---|---|---|---|---|---|
| 301-0000-470100-G2205 | Transfer In (from 010) | - | 75,000 | - | 75,000 |
| 301-1502-550103-G2205 | C/O-CIP (Pickleball Courts) | - | 75,000 | - | 75,000 |
| FUND 301 (Public Works) | TOTAL REVENUES | | 75,000 | - | 75,000 |
| | TOTAL EXPENDITURES | | 75,000 | - | 75,000 |

A budget amendment reflecting a $75,000 transfer in to Fund 301, Project #G2205 from the General Fund in FY24 for the pickleball court project at Patton Park. This amendment brings the total Patton Park improvement appropriation to $325,000.

The City Manager and City Clerk certify budget ordinance amendment 06012023-02 was approved by City Council on June 01, 2023.

**TO MAYOR & COUNCIL**
**APPROVAL: June 01, 2023**

**FISCAL YEAR 2023**
**FORM: 06012023-03**

## BUDGET AMENDMENT

FUND 010 | 410

| ACCOUNT NUMBER | ACCOUNT DESCRIPTION | EXISTING BUDGET | INCREASE | DECREASE | REVISED BUDGET |
|---|---|---|---|---|---|
| 410-0000-460090-22014 | Contributions/Donations | 50,000 | - | 50,000 | - |
| 410-0000-470100-22014 | Transfer In (from 010) | 150,000 | - | 150,000 | - |
| 410-1200-519200-22014 | Contracted Services | 200,000 | - | 200,000 | - |
| FUND 410 (#22014) | TOTAL REVENUES | 200,000 | - | 200,000 | - |
| | TOTAL EXPENDITURES | 200,000 | - | 200,000 | - |
| 010-0000-460090 | Contributions/Donations | 4,847 | 50,000 | - | 54,847 |
| 010-0000-470900 | Fund Balance Appropriated | 1,022,819 | 150,000 | - | 1,172,819 |
| 010-1200-519200 | Contracted Services | 40,000 | 200,000 | - | 240,000 |
| FUND 010 | TOTAL REVENUES | 1,017,972 | 100,000 | - | 1,117,972 |
| | TOTAL EXPENDITURES | 40,000 | 200,000 | - | 240,000 |

A budget amendment deleting the Comprehensive Plan Capital Project Ordinance for the execution of the project from the General Fund for a total appropriation of $200,000.

The City Manager and City Clerk certify budget ordinance amendment 06012023-03 was approved by City Council on June 01, 2023.

**TO MAYOR & COUNCIL**
**APPROVAL: June 01, 2023**

**FISCAL YEAR 2023**
**FORM: 06012023-04**

**BUDGET AMENDMENT**

FUND 010 | 060

| ACCOUNT NUMBER | ACCOUNT DESCRIPTION | EXISTING BUDGET | INCREASE | DECREASE | REVISED BUDGET |
|---|---|---|---|---|---|
| 010-0000-470025 | Lease & Subscription Debt Proceeds | - | 176,054 | - | 176,054 |
| 010-1010-557001 | Capital Outlay - Lease & Subscriptions | - | 67,522 | - | 67,522 |
| 010-1525-557001 | Capital Outlay - Lease & Subscriptions | - | 108,532 | - | 108,532 |
| FUND 010 | TOTAL REVENUES | - | 176,054 | - | 176,054 |
| | TOTAL EXPENDITURES | - | 176,054 | - | 176,054 |
| 060-0000-470025 | Lease & Subscription Debt Proceeds | - | 67,522 | - | 67,522 |
| 060-1010-557001 | Capital Outlay - Lease & Subscriptions | - | 67,522 | - | 67,522 |
| FUND 060 | TOTAL REVENUES | - | 67,522 | - | 67,522 |
| | TOTAL EXPENDITURES | - | 67,522 | - | 67,522 |

A budget amendment reflecting lease proceeds and expenditures related to GASB 87.

The City Manager and City Clerk certify budget ordinance amendment 06012023-04 was approved by City Council on June 01, 2023.

**TO MAYOR & COUNCIL**
**APPROVAL: June 01, 2023**

**FISCAL YEAR 2023**
**FORM: 06012023-05**

**BUDGET AMENDMENT**

FUND 010 | 060

| ACCOUNT NUMBER | ACCOUNT DESCRIPTION | EXISTING BUDGET | INCREASE | DECREASE | REVISED BUDGET |
|---|---|---|---|---|---|
| 010-0000-470900 | Fund Balance Appropriated | 1,172,819 | 13,706 | - | 1,186,525 |
| 010-0900-560010 | Debt Principal (GASB 87 Leases) | - | 12,322 | - | 12,322 |
| 010-0900-560510 | Debt Interest (GASB 87 Leases) | - | 1,384 | - | 1,384 |
| FUND 010 | TOTAL REVENUES | 1,172,819 | 13,706 | - | 1,186,525 |
| | TOTAL EXPENDITURES | - | 13,706 | - | 13,706 |
| 060-0000-470900 | Fund Balance Appropriated | 757,036 | 6,019 | - | 763,055 |
| 060-0900-560010 | Debt Principal (GASB 87 Leases) | - | 5,288 | - | 5,288 |
| 060-0900-560510 | Debt Interest (GASB 87 Leases) | - | 731 | - | 731 |
| FUND 060 | TOTAL REVENUES | 757,036 | 6,019 | - | 763,055 |
| | TOTAL EXPENDITURES | - | 6,019 | - | 6,019 |

A budget amendment increasing fund balance appropriated to pay for higher than anticipated debt service costs in the General Fund and Water and Sewer Fund related to a GASB-87 rule on recording leases.

The City Manager and City Clerk certify budget ordinance amendment 06012023-05 was approved by City Council on June 01, 2023.

**H. Resolution to enter into Downtown Office Lease Agreement** – *Jamie Carpenter, Downtown Manager*

Resolution #R-23-63

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO LEASE CITY OWNED REAL PROPERTY AT 125 5TH AVE WEST**

**WHEREAS,** the City of Hendersonville owns property located at 125 5th Avenue West described in deed of record in Deed Book 3225, Page 388, Henderson County Registry; and

**WHEREAS,** the City of Hendersonville purchased the property at 125 5th Ave West in 2018 for $475,000 for the purposes of building public restrooms on the ground floor and office space on the second floor; and

**WHEREAS,** the City's Downtown Division will be relocated to City Hall and the City does not have another current need for the second-floor offices at 125 5th Ave West; and

**WHEREAS**, North Carolina General Statute § 160A-272 authorizes the City Council to lease City owned real property the City Council determines will not be needed by the City for the term of the lease; and

**WHEREAS,** North Carolina General Statute § 160A-272 requires public notice at least 30 days before approving the execution of a lease in excess of one year; and

**WHEREAS,** the City Council authorized a resolution of intent on March 2, 2023; and

**WHEREAS**, notice of the proposed lease was advertised on April 23, 2023.

**WHEREAS,** the City of Hendersonville intends to lease the individual office spaces for market rate which will pay towards the building's debt service.

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

1. The City hereby authorizes a lease for the second-floor offices and shared use of common spaces

located at 125 5th Ave West.

2. The annual rent shall be $12,000, paid monthly, for an initial three-year term, with an option to renew for two additional one-year terms;

3. The City Manager is authorized to execute a lease agreement, provided they are consistent with the terms of this Resolution;

Adopted by the City Council of the City of Hendersonville, North Carolina on this 1st day of June, 2023.

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

**I. Special Event: Field Day for Boys & Girls Club at Sullivan Park** – *Jamie Carpenter, Downtown Manager*

**J. Special Event: Oklawaha Summer Fest –** *Jamie Carpenter, Downtown Manager*

**K. Engineering Services for the WWTF Biosolids Thermal Dryer Project –** *Adam Steurer Utilities Engineer*

Resolution #R-23-64

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO ENTER INTO A CONTRACT FOR ENGINEERING SERVICES FOR THE WWTF BIOSOLIDS THERMAL DRYER PROJECT**

**WHEREAS,** the City owns and operates a water treatment facility (WWTF) that has a current permitted capacity of 4.8 million gallons per day that produces a solid residual effluent as part of the treatment process; and

**WHEREAS,** as recommended in the recently completed *Solids Management Plan Evaluation,* the City intends to construct biosolids thermal dryer process equipment that will produce a high-quality, thermally dried product that is safe for beneficial reuse through distribution or land application; and

**WHEREAS**, once completed the project will reduce the utility's current solids residuals hauling and disposal costs and reduce the utility's vulnerability on reliance of the volatile private hauling and landfills disposal markets; and

**WHEREAS**, City Staff have performed a qualifications-based selection, determined McKim & Creed, Inc. as most qualified, and have received and negotiated a scope of work and fee from McKim & Creed, Inc. to provide Engineering Services to support the project.

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

1. McKim & Creed, Inc. is most qualified to provide professional engineering services for the project, as recommended by Staff.
2. The scope of professional engineering services from McKim & Creed, Inc. is approved in the amount of $1,0115,164.
3. The City Manager is authorized to execute an agreement with McKim & Creed, Inc. consistent with the terms of this Resolution, as approved by the City Attorney.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 1st day of June, 2023.

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

**L. Amendments to City Code to Remove Play Street Designation –** *Brandon Mundy, Public Works Superintendent, Environmental Services, Streets & Traffic*

Ordinance #O-23-35

**AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO PROVIDE FOR THE SAFETY OF HENDERSONVILLE RESIDENTS BY REMOVING THE PLAY STREET DESIGNATION FROM THE CODE OF ORDINANCES**

WHEREAS, The Code of Ordinances for the City of Hendersonville contains provisions providing for "play streets"; and

WHEREAS, Contemporary safety practices advise against such designation; and

WHEREAS, The National Cooperative Highway Research Program (NCHRP), a national organization that conducts transportation research, advises that "non-uniform signs such as "CAUTION—CHILDREN AT PLAY," "SLOW—

CHILDREN," or similar legends should not be permitted on any roadway at any time," and any such sign should be removed promptly; and

WHEREAS, The North Carolina Department of Transportation has released a transportation engineering policy statement that similarly provides: "Children Playing warning signs are not approved for use on the State Highway System right of way. These signs tend to promote a false sense of security for the children and encourage them to actually play in the roadway, since traffic is warned of their presence"; and

WHEREAS, The City of Hendersonville wishes to conform to contemporary safety practices at the guidance of experts in the area of transportation.

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

**SECTION 2.** Chapter 46 – Streets, Sidewalks, and Other Public Places, Article I – In General of the Code of Ordinances for the City of Hendersonville shall be amended as follows:

**Sec. 46-2. - Playing in streets.**

No person shall play baseball, football or other games of similar nature on any public street in the city.

**SECTION 2.** The following sections of Chapter 50 – Traffic, Article IV – Traffic Control Devices of the Code of Ordinances for the City of Hendersonville shall be amended as follows:

**Sec. 50-196. -[Reserved].**

**Sec. 50-181. - Designation of traffic zones, through streets and other zones or areas; erection and installation of devices.**

(a) The director of public works shall have the power to designate, lay off and indicate, with the approval of the city council, by appropriate signs and markings: Parking spaces and zones, no parking zones, limited parking zones, reserved parking zones, parking meter zones, zones in which vehicles shall be parked at an angle to the curb, loading zones, safety zones, school zones, hospital zones, quiet zones, traffic zones other than the above, crosswalks, truck routes, through streets, stop streets and intersections, yield right-of-way intersections, one-way streets, streets to be laned for traffic, bus stops and taxicab stands. He shall also have the power to designate and indicate, with the approval of the city council, intersections at which traffic shall be controlled by traffic signals, intersections at which left turns and/or right turns and U-turns shall be prohibited, and intersections at which markers, buttons or other indications shall be placed to indicate the course to be traveled by vehicles traversing or turning at such intersections.

(b) Whenever any designation is made in accord with this section, the director of public works shall erect and install such signs, markings, lines, signals and other traffic control devices as may be necessary to clearly indicate such designation and to put drivers of vehicles on notice of the restriction, limitation or prohibition resulting from such designation.

(c) All designations made in accordance with this section shall be clearly shown and indicated on the official traffic control and regulation of parking signs, markings and other devices; schedule is on file in the office of the director of public works.

**SECTION .** If any provision of this ordinance or its application is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provisions or application, and to this end the provisions of this ordinance are severable.

**SECTION .** This Ordinance shall be effective upon its adoption.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 1st day of June, 2023.

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

## M. Utility Extension Agreement for the Mastermind Residential Development –

*Brandon Shanahan, Project Division Manager*

Resolution #R-23-65

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A UTILITY EXTENSION AGREEMENT WITH DHIC-MASTERMIND, LLC, THE HAMMOND FAMILY TRUST, JOHN HAMMOND AND BETTY HAMMOND FOR THE MASTERMIND RESIDENTIAL DEVELOPMENT**

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

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

**WHEREAS,** the Developer extends public water and gravity 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 processes; and

**WHEREAS,** DHIC-Mastermind, LLC, the "Developer" and The Hammond Family Trust, John Hammond and Betty Hammond, the "Owner", will enter into a Utility Extension Agreement with the City to provide water and sewer services to the Mastermind Residential Development.

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

1. The Utility Extension Agreement with DHIC-Mastermind, LLC, the "Developer" and The Hammond Family Trust, John Hammond and Betty Hammond, the "Owner" to provide water service to the Mastermind Residential Development is approved, as presented.
2. City Manager is authorized to execute the Utility Extension Agreement, and to approve and execute amendments to the Utility Extension Agreement in the future provided such amendments do not impose a financial obligation upon the City.
3. City Manager is authorized to acquire easements, rights-of-way, and other interests in real property consistent with the terms of the Utility Extension Agreement, provided that such acquisition does not impose a financial obligation upon the City.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 1st day of June, 2023.

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

## N. Utility Extension Agreement for the Carriage Park Hilltop Subdivision – *Brandon Shanahan, Project Division Manager*

Resolution #R-23-66

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A UTILITY EXTENSION AGREEMENT WITH COOL CREEK, LLC FOR THE CARRIAGE PARK HILLTOP SUBDIVISION**

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

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

**WHEREAS,** the Developer extends public water and gravity 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 processes; and

**WHEREAS,** Cool Creek, LLC, the "Developer" and "Owner", will enter into a Utility Extension Agreement with the City to provide water and sewer services to the Carriage Park Hilltop Subdivision.

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

1. The Utility Extension Agreement with Cool Creek, LLC, the "Developer" and "Owner" to provide water and sewer service to the Carriage Park Hilltop Subdivision is approved, as presented.
2. City Manager is authorized to execute the Utility Extension Agreement, and to approve and execute amendments to the Utility Extension Agreement in the future provided such amendments do not impose a financial obligation upon the City.
3. City Manager is authorized to acquire easements, rights-of-way, and other interests in real property consistent with the terms of the Utility Extension Agreement, provided that such acquisition does not impose a financial obligation upon the City.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 1st day of June, 2023.

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

### O. FY24 Special Appropriations – *Adam Murr, Project Manager*

Special Appropriation Requests - Discretionary Funding

City Manager Appropriation Target $ 130,000

| Organization | FY24 Requests | Notes | Council Appropriation | Council Recommendations: Debbie Roundtree | Do you serve on a board for this non-profit? | Lyndsey Simpson | Do you serve on a board for this non-profit? | Barbara Volk | Do you serve on a board for this non-profit? | Jennifer Hensley | Do you serve on a board for this non-profit? | Jerry Smith | Do you serve on a board for this non-profit? | Category |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **Appropriation Available (25% of Budget)** | **32,500** | | **(2,015)** | - | | **(1,275)** | | - | | **8,500** | | **(15,200)** | | |
| Arts Council of Henderson County, Inc. | 5,000 | Provide arts ed. to 200+ students, in Henderson Co. title1 schools. Renting classroom space, pay art teachers & supplies. | 3,900 | 4,000 | No | 5,000 | No | 2,500 | No | 4,000 | No | 4,000 | No | Education, Arts, Culture, & Recreation |
| Blue Ridge Literacy Council | 7,000 | Funds for making to recruit tutors; Provide tutoring to adults -learning materials: books, workbooks | 4,700 | 5,000 | No | 7,000 | Yes | 3,500 | No | 4,000 | No | 4,000 | No | Education, Arts, Culture, & Recreation |
| Boy's & Girl's Club of Henderson County | 20,000 | To support community service activities, fitness programs, life skills training, and education of at-risk youth. | 6,860 | 15,000 | No | - | No | 10,300 | No | 4,000 | No | 5,000 | No | Education, Arts, Culture, & Recreation |
| BRCC Educational Foundation, Inc. | - | No application submitted for FY24. | - | - | No | - | No | - | No | - | No | - | No | Education, Arts, Culture, & Recreation |
| Carolina Concert Choir | - | No application submitted for FY24. | - | - | No | - | No | - | No | - | No | - | No | Education, Arts, Culture, & Recreation |
| Flat Rock Playhouse (Vagabond School) | 4,992 | Theatre Arts Education Program: supplies, technology, costumes, and equipment. | 800 | - | No | - | No | - | No | - | No | 4,000 | No | Education, Arts, Culture, & Recreation |
| Henderson County Education Foundation | 8,075 | Muddy Sneakers program for 5th graders' experiential outdoors learning opportunity. | 5,065 | 4,250 | No | 8,075 | No | 4,000 | No | 4,000 | No | 5,000 | No | Education, Arts, Culture, & Recreation |
| Henderson County Education Initiative | 1,000 | Funds will be used to digitize historical information about the HC education system. | 300 | - | No | - | No | 500 | No | - | No | 1,000 | No | Education, Arts, Culture, & Recreation |
| Henderson County Heritage Museum | - | Anne Ridings message from 02/24/22 - nonprofit not applying for FY23 funding. | - | - | No | - | No | - | No | - | No | - | No | Education, Arts, Culture, & Recreation |
| Henderson County NAACP - CDL Training | - | Partnership w/ UNCA to provide CDL training/education and job preparation. | - | - | No | - | No | - | No | - | No | - | No | Education, Arts, Culture, & Recreation |
| Henderson County NAACP - Medical Training | 10,200 | Partnership w/ Pardee Foundation and BRCC to provide medical training/education opportunities. | 5,890 | 4,250 | No | 10,200 | No | 5,000 | No | 5,000 | No | 5,000 | No | Education, Arts, Culture, & Recreation |
| Hendersonville Community Theatre | 26,498 | Funding will be used for exterior façade renovations costs. | 1,400 | - | No | - | No | - | No | - | No | 7,000 | No | Education, Arts, Culture, & Recreation |
| Hendersonville Shuffleboard Club | 1,200 | Purchase equipment for recreational opportunities and maintain facilities. | 1,200 | - | No | - | No | 1,200 | No | 1,000 | No | 1,200 | No | Education, Arts, Culture, & Recreation |
| Hendersonville Sister Cities, Inc. (HSC) | - | No application for FY24 | - | - | No | - | No | - | No | - | No | - | No | Education, Arts, Culture, & Recreation |
| Hendersonville Symphony - Second Series | 5,000 | 3rd and 6th grade orchestra education concerts. | 800 | - | No | - | No | 1,000 | No | 500 | No | 2,500 | No | Education, Arts, Culture, & Recreation |
| Hendersonville Symphony - Youth Education | 5,000 | Facility and production costs for orchestra grades 9-12. | 700 | - | No | - | No | 1,000 | No | - | No | 2,500 | No | Education, Arts, Culture, & Recreation |
| Latino Advocacy Coalition | - | Bi-lingual education for Latino members of the community. Summer camp for 25 Latino youth. | - | - | No | - | No | - | No | 500 | No | - | No | Education, Arts, Culture, & Recreation |
| Mineral & Lapidary Museum | 10,000 | Educational materials for school tours of the museum. | 900 | - | No | - | No | 2,000 | No | 500 | No | 2,000 | No | Education, Arts, Culture, & Recreation |
| Team ECCO | 3,500 | Funds the purchase equipment and materials to promote STEM education through shark tracking. | 1,600 | - | No | 3,500 | No | 1,500 | No | 500 | No | 2,500 | No | Education, Arts, Culture, & Recreation |
| The Art & Inspiration Center | - | Jeane Lieden message from 03/10/22 but no application submitted for FY23. | - | - | No | - | No | - | No | - | No | - | No | Education, Arts, Culture, & Recreation |
| Western North Carolina Air Museum | 12,000 | Fund to create exhibits and help refurbish airplanes | 400 | - | No | - | No | - | No | - | No | 2,000 | No | Education, Arts, Culture, & Recreation |
| **Sub-Total** | **119,465** | | **34,515** | 32,500 | | 33,775 | | 32,500 | | 24,000 | | 47,700 | | |
| **Appropriation Available (75% of Budget)** | **97,500** | | **(3,072)** | - | | **(760)** | | - | | - | | **18,500** | | |
| Blue Ridge Community Health Services | 10,000 | Provide H.I homeless individuals with medical services - primary care, behavioral health, pharmacy services. | 10,000 | 20,000 | No | 10,000 | No | 10,000 | No | 10,000 | No | 10,000 | No | Life Quality and Economic Services |
| Blue Ridge Humane | 10,000 | Spay/neuter programing for residents of HVL - assists low income families and mitigates stray animal externalities. | 5,000 | - | No | 2,500 | No | 3,000 | No | 3,000 | No | 3,000 | No | Life Quality and Economic Services |
| Chamber of Commerce | - | No application submitted for FY24. | - | - | No | - | No | - | No | - | No | - | No | Life Quality and Economic Services |
| Children & Family Resource Center | 10,000 | Provide funding for staff performing developmental screenings for children ages 3-5. | 10,000 | 25,000 | No | 10,000 | No | 7,500 | No | 7,500 | No | 10,000 | No | Life Quality and Economic Services |
| Henderson County Council on Aging | 16,860 | Full funding would provide 7 city-residents home-delivered meals for an entire year. $8.50/meal*1,983 meals = $16,860. | 14,544 | 10,860 | No | 16,860 | No | 15,000 | No | 15,000 | No | 15,000 | No | Life Quality and Economic Services |
| Henderson County Young Leaders (Camplify) | 2,500 | Funds will be used for 4 Counselors-in-Training, overnight summer camp, and weekend camp. The amount can fully fund 10 campers. | 2,200 | 3,500 | No | 2,500 | Yes | 1,500 | No | 1,500 | No | 2,000 | No | Life Quality and Economic Services |
| Interfaith Assistance Ministry - Rent Asst. | 145,000 | Crisis Services = food and housing assistance. | 17,000 | 15,000 | No | 10,000 | No | 20,000 | No | 20,000 | No | 5,000 | No | Life Quality and Economic Services |
| Mayor's Advocacy Council | - | No application submitted for FY24. | - | - | No | - | No | - | No | - | No | - | No | Life Quality and Economic Services |
| Medical Loan Closet of Henderson County | 3,000 | Preparation and maintenance on medical equipment offered to in-need members of the community. | 3,000 | - | No | - | No | - | No | - | No | 2,000 | No | Life Quality and Economic Services |
| Only Hope WNC | 10,000 | Support of homeless youth including food, clothing, and school supplies. | 9,700 | 15,000 | No | 7,500 | No | 8,000 | No | 8,000 | No | 10,000 | No | Life Quality and Economic Services |
| Pisgah Legal Services - Domestic Violence | 5,000 | Legal support for victims of domestic violence matched by federal grant from the NC Governor's Crime Commission. | 2,200 | - | No | 5,000 | No | 2,500 | No | 2,500 | No | 1,000 | No | Life Quality and Economic Services |
| Pisgah Legal Services - Homeless Prevention | 5,000 | Legal support for low-income residents matched by federal grant from the NC Governor's Crime Commission. | 2,200 | - | No | 5,000 | No | 2,500 | No | 2,500 | No | 1,000 | No | Life Quality and Economic Services |
| Safelight, Inc. | 20,000 | Job training program for survivors of interpersonal violence for economic empowerment & independence. | 6,828 | 8,140 | No | 5,000 | No | 10,000 | No | 10,000 | No | 1,000 | No | Life Quality and Economic Services |
| St. Gerard House | 6,900 | Event support for special needs children and families, including meals, education, and childcare. | 6,900 | - | No | 6,900 | No | 5,000 | No | 5,000 | No | 6,000 | No | Life Quality and Economic Services |
| The Mediation Center | 2,000 | Funding for Community Mediation Coordinator. | 1,600 | - | No | 2,000 | No | 2,000 | No | 2,000 | No | 2,000 | No | Life Quality and Economic Services |
| Thrive | 10,000 | Funds will support Coordinated Entry staff to aid residents at risk of losing housing. | 7,200 | - | No | 10,000 | No | 8,000 | No | 8,000 | No | 10,000 | No | Life Quality and Economic Services |
| True Ridge | 10,000 | Direct client support for victims of crimes and staff training for legal interpretations services. | 2,200 | - | No | 5,000 | No | 2,500 | No | 2,500 | No | 1,000 | No | Life Quality and Economic Services |
| **Sub-Total** | **266,260** | | 100,572 | 97,500 | | 98,260 | | 97,500 | | 97,500 | | 79,000 | | |
| **Total** | **385,725** | | **135,087** | $ 130,000 | | $ 132,035 | | $ 130,000 | | $ 121,500 | | $ 126,700 | | |

Special Appropriation Requests - Full Funding

| Organization | FY24 Requests | Notes | Council Appropriation | Council Recommendations: Debbie Roundtree | Do you serve on a board for this non-profit? | Lyndsey Simpson | Do you serve on a board for this non-profit? | Barbara Volk | Do you serve on a board for this non-profit? | Jennifer Hensley | Do you serve on a board for this non-profit? | Jerry Smith | Do you serve on a board for this non-profit? | Category |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Agribusiness Henderson County (AgHC) | 5,000 | Promote economic growth in agribusiness through recruitment and retention. | 5,000 | 5,000 | No | 5,000 | No | 5,000 | No | 5,000 | No | 5,000 | No | Full Funding |
| Hand On! - A Child's Gallery | - | No application submitted for FY24 | - | - | No | - | No | - | No | - | No | - | No | Full Funding |
| Henderson County Economic Investment Fund | 50,000 | Economic development support and programming. | 50,000 | 50,000 | No | 50,000 | No | 50,000 | No | 50,000 | No | 50,000 | No | Full Funding |
| Henderson County Partnership for Econ. Dev. | 25,000 | Economic development support and programming. | 25,000 | 25,000 | No | 25,000 | No | 25,000 | No | 25,000 | No | 25,000 | No | Full Funding |
| Henderson County Planning Department | 102,709 | Hendersonville to fund 50% of operational cost for City riders. | 102,709 | 102,709 | No | 102,709 | No | 102,709 | No | 102,709 | No | 102,709 | No | Full Funding |
| Henderson County Rescue Squad | 15,000 | Aid and assist in case of disaster or accident. | 15,000 | 15,000 | No | 15,000 | No | 15,000 | No | 15,000 | No | 15,000 | No | Full Funding |
| Interfaith Assistance Ministry | 15,000 | Water bills and water repairs | 15,000 | 15,000 | No | 15,000 | No | 15,000 | No | 15,000 | No | 15,000 | No | Full Funding |
| Merchant's and Business Association | 2,000 | To provide enhanced quality parades. | 2,000 | 2,000 | No | 2,000 | No | 2,000 | No | 2,000 | No | 2,000 | No | Full Funding |
| Mills River Partnership | 80,000 | Water quality efforts in the Mills River. | 80,000 | 80,000 | No | 80,000 | No | 80,000 | No | 80,000 | No | 80,000 | No | Full Funding |
| **Total** | **294,709** | | **294,709** | $ 294,709 | | $ 294,709 | | $ 294,709 | | $ 294,709 | | $ 294,709 | | |

## 6. PRESENTATIONS

### A. Proclamation – Pollinators - *Mayor Barbara G. Volk*

Mayor Barbara G. Volk presented a proclamation recognizing Pollinator Month in Hendersonville.

**PROCLAMATION**
**POLLINATOR MONTH**
City of Hendersonville, North Carolina

**WHEREAS,** pollinators such as bees and the Monarch butterfly are essential partners in producing much of our food supply and maintaining a healthy, diverse ecosystem with many species critical to the existence of humankind; and

**WHEREAS**, the City of Hendersonville is deeply concerned about the decline of the Monarch butterfly population due to the eastern population having fallen by as much as ninety percent due in part to summer breeding habitat loss; and

**WHEREAS**, the City of Hendersonville and surrounding communities have a critical role to play to help protect, preserve, and save the Monarch butterfly and other pollinators through public and private action and by educating residents about their cultural significance to ensure a sustainable environment; and

**WHEREAS**, pollination plays a vital role for the trees and plants of our community, enhancing our quality of life, and creating recreational and economic development opportunities; and

**WHEREAS**, the City of Hendersonville recognizes the importance of creating Monarch, bee, and other pollinator habitats at parks, gardens and other green spaces, that every member of our community can equally enjoy; and

**WHEREAS**, the City of Hendersonville Core Values and Beliefs states that environmental sustainability is critical to preserving the community for future generations; and

**WHEREAS,** the City of Hendersonville provides recommendations to developers and all residents regarding landscaping to promote wise conservation stewardship, including the protection of pollinators and maintenance of their habitats; and

**WHEREAS**, the City of Hendersonville is aware that when local governments speak up and take action, our communities notice.

**NOW, THEREFORE**, I, Barbara G. Volk, Mayor of the City of Hendersonville, and an affiliate of Bee City USA®, do urge all citizens to recognize the observance of Pollinator Month and commit to help restore habitat for the Monarch butterfly, bees, and other pollinators within the City of Hendersonville and encourage our residents to do the same.

**PROCLAIMED** this 1st day of June, 2023.

### B. Hand's On! A Child's Gallery Funding Request – *Joseph Knight, CEO*

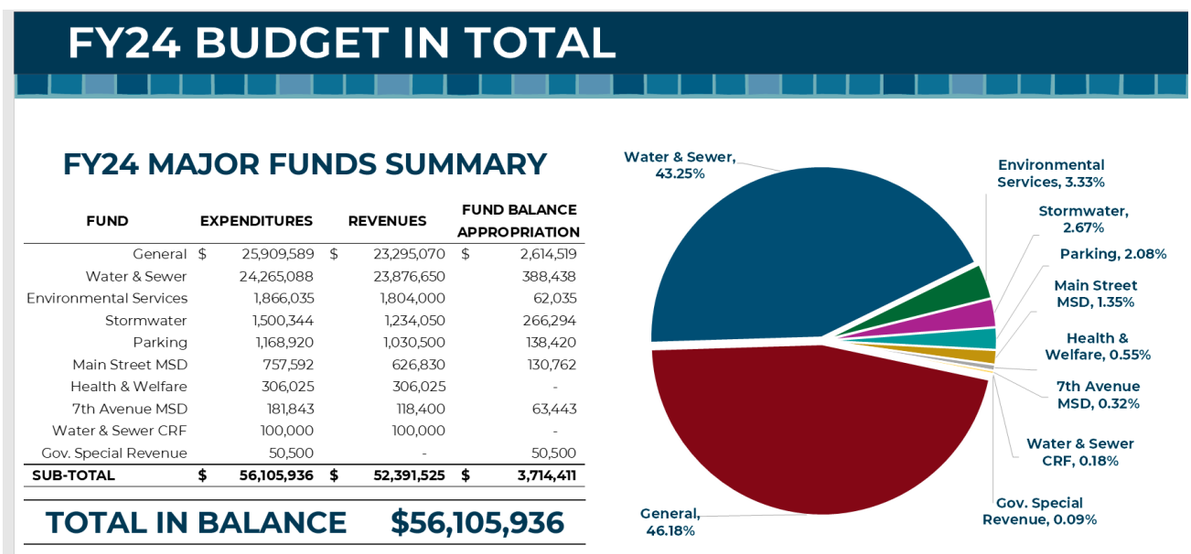
Joseph Knight, Executive Director and CEO of the Hand's On Museum. He shared a brief PowerPoint presentation and said that the museum has had over 55,342 visitors over the past year. They celebrated Dia de los Muertos, Kwanzaa and Black History Month. He requested that the City Council allocate $42,000 to support the Hands On! A Child's Gallery, People's Museum and Walk of Fame.

***Council Member Jennifer Hensley moved that City Council allocate $42,000 to support the Hands On! A Child's Gallery, People's Museum and Walk of Fame. A unanimous vote of the Council followed. Motion carried.***

## 7. PUBLIC HEARINGS

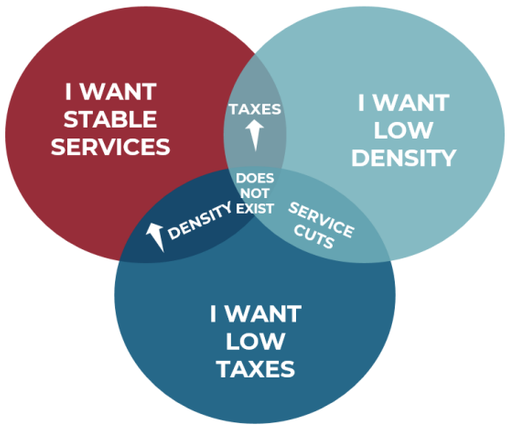
### A. Budget Adoption FY24 – *John Connet, City Manager*

City Manager Connet gave a brief PowerPoint presentation and overview of the FY24 Budget.



# FY24 BUDGET IN TOTAL

- Property Reappraisal/Revaluation
- Funding Future Capital
- **3.0% COLA**
- **2.0% 401k Match**
- Merit Pay → **1.0%** | **2.25%** | **3.50%**
- Health Insurance → **No increase**
- Retirement → **14.10%** LEO | **12.85%** Non-LEO
- 52 Positions Requested | **15 Recommended**




# FY24 GENERAL FUND

| | |
|---|---|
| **TAX RATE** | **$0.49/$100** |
| **REVENUES** | $ (23,260,070) |
| **EXPENDITURES** | $ 25,834,588 |
| **OTHER FINANCING** | $ 40,000 |
| **FUND BALANCE APPROPRIATED** | $ 2,614,518 |
| **FUND BALANCE FY24 START** | $ 11,012,941 |
| **FUND BALANCE FY24 END** | $ 8,398,423 |

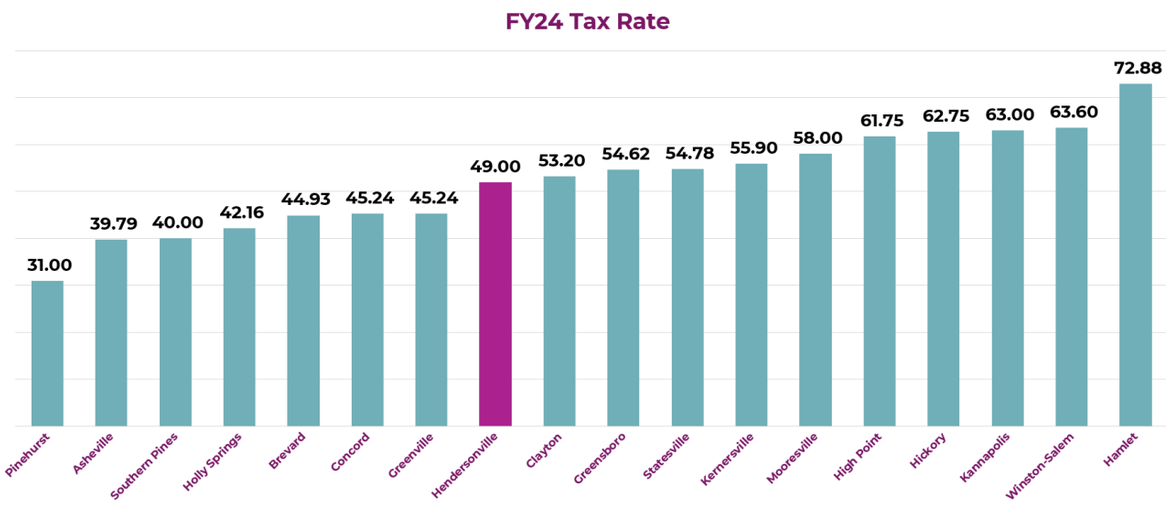
**REVENUES**
- REVAL → FY24 = $2.89 Billion (**+$602M**)
- Rev. Neutral Rate = **$0.4192/$100**
- Rate = **$0.49/$100** (**$0.03/$100 decrease**)

**EXPENDITURES**
- **+$581k** SAFER Grant (12 Firefighters)
- **+6.5 FTE, $285k**
  - FIN 0.5, PW 5, HPD 1
- **+$977k** Operating budget
- **$799k** Pay-Go Capital
- **$1.30M** Vehicle & Equipment Loan
  - 7 HPD | 2 HFD+SCBA | 6 PW
- **+$1.26M** Debt Service
  - City Hall & Ops, FS#1, Edwards Park, Ladder 1 & Engine 1, Vehicle & Equipment Loan

**FUND BALANCE**
- Estimated Appropriation = $650,732
- Estimated Available = $6,375,834 | 26.78%
- Estimated Total = $10,362,208

# FY24 GENERAL FUND

Setting the Right Tax Rate: **Avg. = $0.5210**



# FY24 MAIN STREET MSD FUND

| | | |
|---|---|---|
| **TAX RATE** | | **$0.21/$100** |
| **REVENUES** | $ | (626,830) |
| **EXPENDITURES** | $ | 757,592 |
| **OTHER FINANCING** | $ | - |
| **FUND BALANCE APPROPRIATED** | $ | (130,762) |
| **FUND BALANCE FY24 START** | $ | 185,700 |
| **FUND BALANCE FY24 END** | $ | 54,939 |

**REVENUES**
- REVAL → FY24 = $141.6 Million (**+22.5M**)
- Rev. Neutral Tax Rate = **$0.2032/$100**
- Rate = **$0.21/$100 ($0.03/$100 decrease)**

**EXPENDITURES**
- **$95,742** – Public Works Crew (50% Split)
- **$16,000** – Placer.ai Software
- **$37,500** – Wayfinding Signage (75% Split)
- **$333,191** – Operating Budget

**FUND BALANCE**
- Estimated Appropriation = $9,800
- Estimated Total = $175,900

# FY24 7th AVE MSD FUND

| | | |
|---|---|---|
| **TAX RATE** | | **$0.21/$100** |
| **REVENUES** | $ | (118,400) |
| **EXPENDITURES** | $ | 181,843 |
| **OTHER FINANCING** | $ | - |
| **FUND BALANCE APPROPRIATED** | $ | (63,443) |
| **FUND BALANCE FY24 START** | $ | 141,136 |
| **FUND BALANCE FY24 END** | $ | 77,693 |

**REVENUES**
- REVAL → FY24 = $24.7 Million (**-1.5M**)
- Rev. Neutral Tax Rate = **$0.1967/$100**
- Rate = **$0.21/$100 ($0.04/$100 increase)**

**EXPENDITURES**
- **$31,914** – Public Works Crew (50% Split)
- **$6,000** – Depot Improvements
- **$12,500** – Wayfinding Signage (25% Split)
- **$71,305** – Operating Budget

**FUND BALANCE**
- Estimated Appropriation = $10,057(increase)
- Estimated Total = $151,194

# FY24 WATER & SEWER FUND

| | | |
|---|---|---|
| **USER REVENUES** | | **+ ~11.5%** |
| **REVENUES** | $ | (23,876,650) |
| **EXPENDITURES** | $ | 23,576,088 |
| **OTHER FINANCING** | $ | 689,000 |
| **FUND BALANCE APPROPRIATED** | $ | 388,438 |
| **FUND BALANCE FY24 START** | $ | 10,554,359 |
| **FUND BALANCE FY24 END** | $ | 10,165,921 |

**REVENUES**
- Water Sale Rev. **+11.0%**
- Sewer Charge Rev. **+12.0%**
- **Lifeline tier** (≤ 3,000gal) residential water
- **SDCs** → Mid-Year FY24 implementation
- Funding for **CIP priorities**
- **130%** Inside/Outside Water ( **- 5.0%**)

**EXPENDITURES**
- **+6.5 FTE, $412k**
  - FIN 2.5, ENG 1, Line Maintenance 3
- **$7.6M** Operating budget
- **$795k** Pay-Go Capital
- **$589k** Transfer for Vehicles
- **$100k** Transfer to Capital Reserve Fund
- **+$663k** Debt Service ('23 Rev. Bond)

**FUND BALANCE/BOND COVENANT**
- FY23 Est. Bond Covenant **(a)=1.44 (b)=1.31**
- FY24 Est. Bond Covenant **(a)=1.22 (b)=1.18**
- **Min (a)=1.00, Min (b)=1.00**

# FY24 PARKING FUND

| | | |
|---|---|---|
| **USER FEES** | **No Fee Change** | |
| **REVENUES** | $ | (1,030,500) |
| **EXPENDITURES** | $ | 1,168,920 |
| **OTHER FINANCING** | $ | - |
| **FUND BALANCE APPROPRIATED** | $ | (138,420) |

**REVENUES**
- Parking Fee Revenues = **+81%**

**EXPENDITURES**
- **$5,000** – Parking Lot Striping
- **$10,000** – De-Icer
- **$157,072** – Operating Budget
- **$812,200** – Debt Service

# FY24 STORMWATER FUND

| | | |
|---|---|---|
| **USER FEES** | **$6.00/month** | |
| **REVENUES** | $ | (1,234,050) |
| **EXPENDITURES** | $ | 1,347,344 |
| **OTHER FINANCING** | $ | 153,000 |
| **FUND BALANCE APPROPRIATED** | $ | (266,294) |

**REVENUES**
- Rate = **$6.00/Month/ERU** (+$1.00)
- Cap = **$300.00/Month/ERU** (+$50.00)
- Rate + Cap = **+20.00%**

**EXPENDITURES**
- **$100k** – 7th Ave Streetscape
- **$100k** – General Infrastructure
- **$150k** – Green Infrastructure in ROW
- **$167k** – Operating Budget

# FY24 ENVIRONMENTAL SERVICES FUND

| | | |
|---|---|---|
| **USER FEES** | **$25.00/month** | |
| **REVENUES** | $ | (1,804,000) |
| **EXPENDITURES** | $ | 1,866,035 |
| **OTHER FINANCING** | $ | - |
| **FUND BALANCE APPROPRIATED** | $ | (62,035) |

**REVENUES**
- Rate = **$3.00 increase**
  **$23.00/32gal**
  **$25.00/96gal**

**EXPENDITURES**
- **$27k** – Brush and Leaf Grinding
- **$50k** – Route Study
- **$265k** – Tipping Fees
- **$500k** – Vehicle and Equipment Loan

# FY24 ENVIRONMENTAL SERVICES FUND

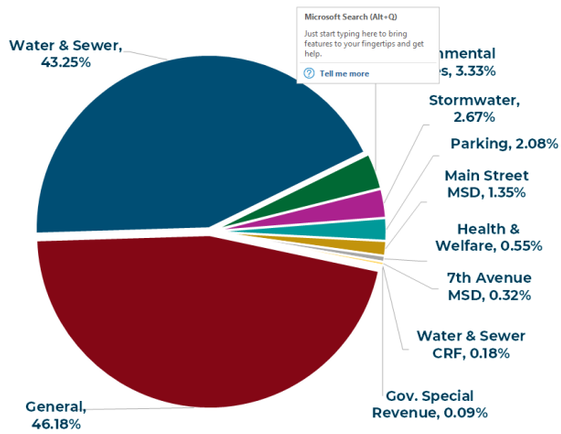
| DESCRIPTION | FY23 Fee | FY24 Corrected Fee |
|---|---|---|
| **Commercial Waste and Recycling** | | |
| Commercial Recycling (up to four 65gal. bins, collected once/week) | $14.00 per bin | $15.00 per bin |
| Commercial Recycling (up to four 65gal. bins, collected twice/week) | $28.00 per bin | $30.00 per bin |
| Commercial Waste (per 96gal. bin) | $28.00 per bin | $30.00 per bin |
| Commercial Waste and Recycling (96gal. bin) | $28.00 per set of bins | $30.00 per set of bins |
| **Residential Waste and Recycling** | | |
| Residential Waste - 32gal. | $20.00 per bin | $23.00 per bin |
| Residential Waste, Assisted - 32gal. | $20.00 per bin | $23.00 per bin |
| Residential Waste and Recycling - 32gal. | $20.00 per set of bins | $23.00 per set of bins |
| Residential Waste and Recycling, Assisted - 32gal. | $20.00 per set of bins | $23.00 per set of bins |
| Residential Waste - 96gal. | $22.00 per bin | $25.00 per bin |
| Residential Waste, Assisted - 96gal. | $22.00 per bin | $25.00 per bin |
| Residential Waste and Recycling - 96gal. | $22.00 per set of bins | $25.00 per set of bins |
| Residential Waste and Recycling, Assisted - 96gal. | $22.00 per set of bins | $25.00 per set of bins |

# FY24 BUDGET IN TOTAL

## FY24 MAJOR FUNDS SUMMARY

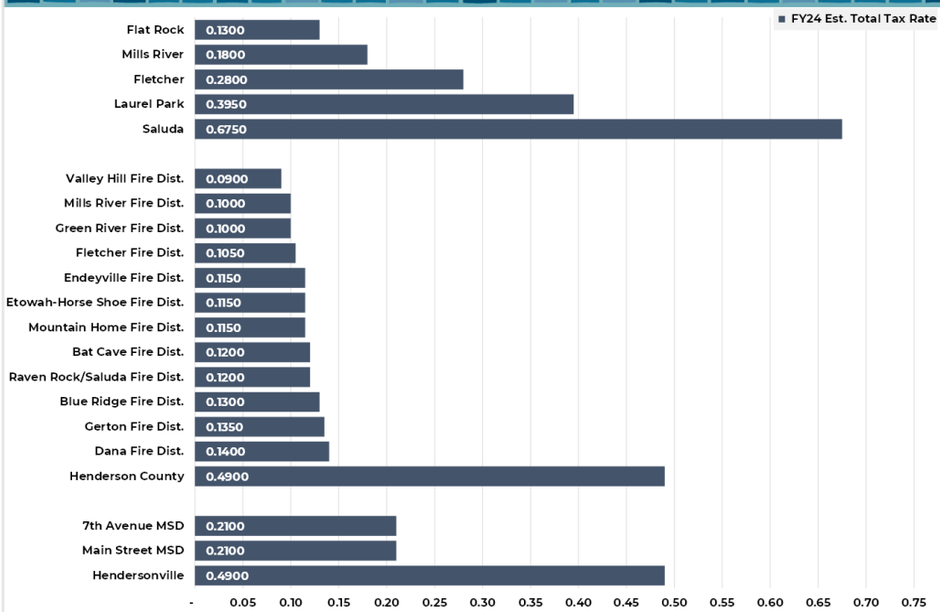
| FUND | EXPENDITURES | REVENUES | FUND BALANCE APPROPRIATION |
|---|---|---|---|
| General | $ 25,909,589 | $ 23,295,070 | $ 2,614,519 |
| Water & Sewer | 24,265,088 | 23,876,650 | 388,438 |
| Environmental Services | 1,866,035 | 1,804,000 | 62,035 |
| Stormwater | 1,500,344 | 1,234,050 | 266,294 |
| Parking | 1,168,920 | 1,030,500 | 138,420 |
| Main Street MSD | 757,592 | 626,830 | 130,762 |
| Health & Welfare | 306,025 | 306,025 | - |
| 7th Avenue MSD | 181,843 | 118,400 | 63,443 |
| Water & Sewer CRF | 100,000 | 100,000 | - |
| Gov. Special Revenue | 50,500 | - | 50,500 |
| **SUB-TOTAL** | **$ 56,105,936** | **$ 52,391,525** | **$ 3,714,411** |

**TOTAL IN BALANCE $56,105,936**

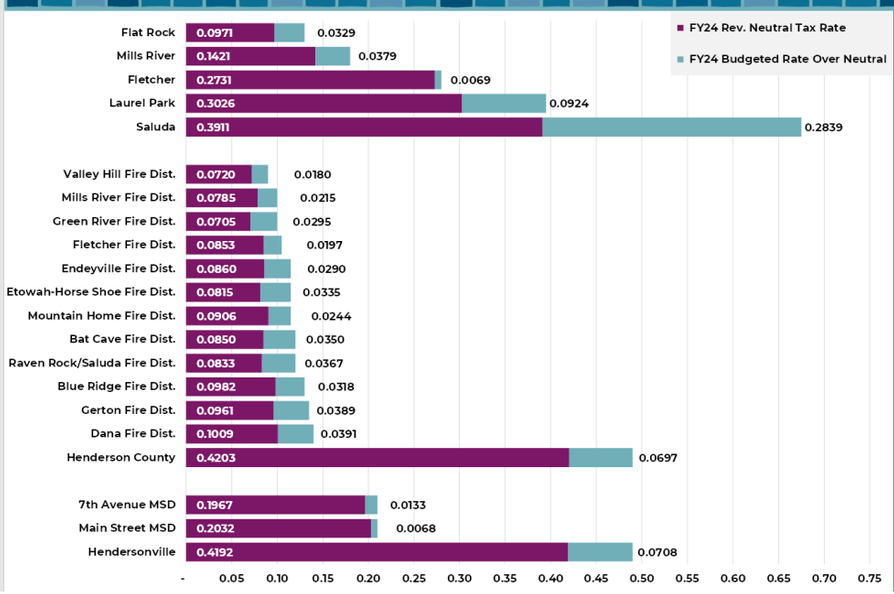



# THANK YOU
# COUNCIL & STAFF

# SALES TAX – FY24 Est. Total Tax Rates



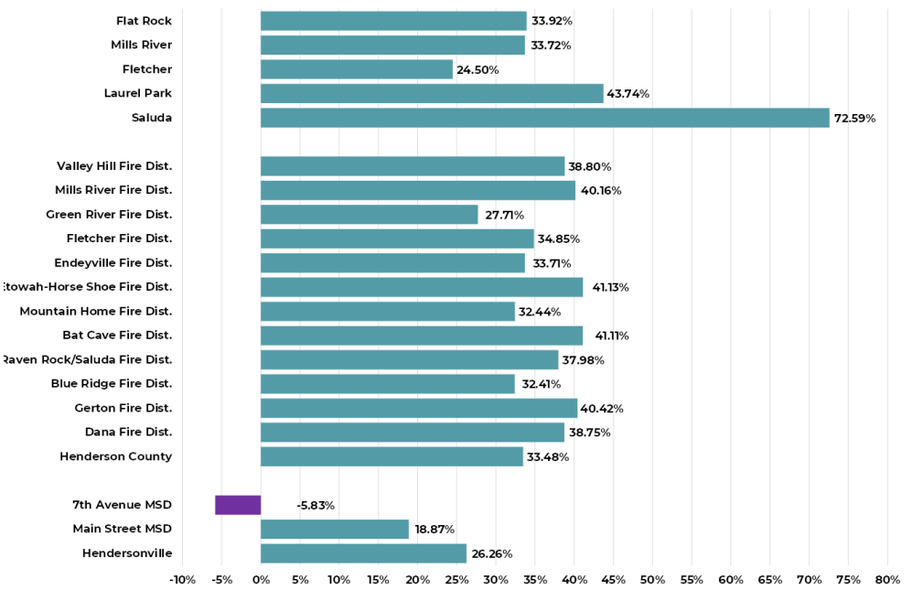
# SALES TAX – FY24 RNTR + Rate Over RNTR




The greater the tax rate and increase in FY24 assessed value, the greater the portion of Sales Tax distributions received by each jurisdiction in FY25.

Note:
Rate * Value = Levy

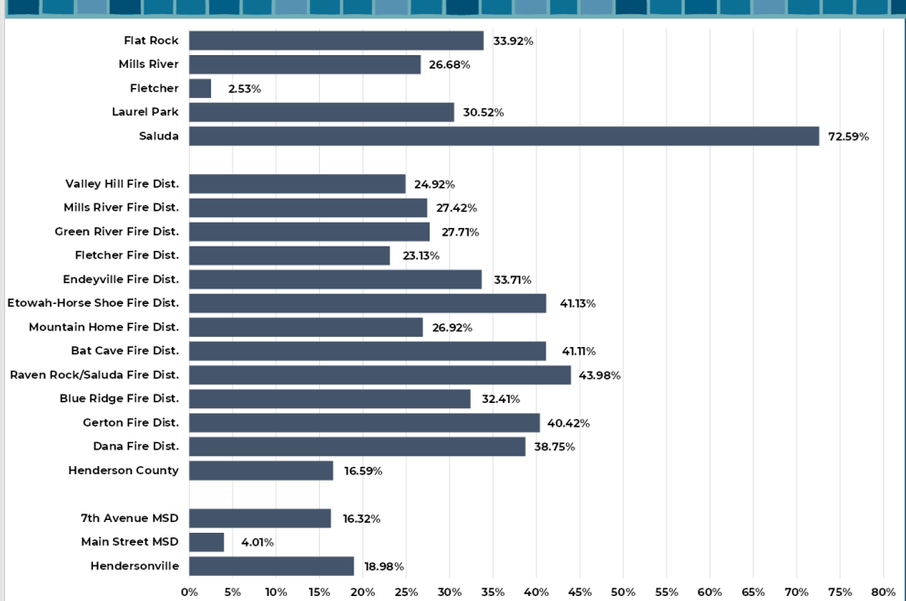
# SALES TAX – FY24 % Change in Assessed Value




The greater the tax rate and increase in FY24 assessed value, the greater the portion of Sales Tax distributions received by each jurisdiction in FY25.

Note:
Rate * Value = Levy

# SALES TAX – FY24 % Change in Levy




The greater the tax rate and increase in FY24 assessed value, the greater the portion of Sales Tax distributions received by each jurisdiction in FY25.

Note:
Rate * Value = Levy

## SALES TAX

### FY22 ACTUAL SALES TAX DISTRIBUTIONS

$45,329,314

### FY23 % SHARE OF SALES TAX DISTRIBUTIONS [CONSTANT]

| | | | | | |
|---|---|---|---|---|---|
| HENDERSON COUNTY | 82.50% | X | $ 45,329,314 | = | $ 37,395,011 |
| CITY OF HENDERSONVILLE | 9.03% | X | $ 45,329,314 | = | $ 4,092,240 |
| OTHER JURISDICTIONS | 8.48% | X | $ 45,329,314 | = | $ 3,842,063 |

### FY25 EST. % SHARE OF SALES TAX DISTRIBUTIONS [CONSTANT]

| | | | | | | |
|---|---|---|---|---|---|---|
| HENDERSON COUNTY | 82.46% | X | $ 45,329,314 | = | $ 37,379,757 | ( -$15,254 , or -0.04% ) |
| CITY OF HENDERSONVILLE | 9.12% | X | $ 45,329,314 | = | $ 4,133,266 | ( $41,026 , or 1.00% ) |
| OTHER JURISDICTIONS | 8.42% | X | $ 45,329,314 | = | $ 3,816,291 | ( -$25,772 , or -0.67% ) |

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

The public hearing was opened at 6:44 p.m.

Lynn Williams addressed City Council and thanked them for not raising the fees and charges for plots at Oakdale Cemetery. I still want to push for wildlife crossings as part of the budget. She asked that the city work with the sustainability manager to work towards sustainable fleet vehicles. She didn't see any funding for Boyd Park and that is still important to her and thank you for not raising taxes for the 7th Avenue District.

Ken Fitch addressed City Council via Zoom electronic software regarding the budget in general and overall praised staff for a balanced budget, although there will likely be a need for increased services which will mean increased staff, which is a concern.

The public hearing was closed at 6:52 p.m.

***Council Member Jerry Smith moved that City Council adopt the Fiscal Year 2023-2024 Budget Ordinance, Capital Reserve Fund Ordinance, Resolution of Intent to Follow the CIP and Rate Schedule as proposed tonight, Resolution Authorizing Increase in Micro-Purchase Threshold, Capital Project Ordinance (CPO) #VE024, and Reimbursement Resolution for CPO #VE024 as presented.***

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

Resolution #R-23-67

**RESOLUTION OF INTENT**

**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 2023 - 2024 THROUGH THE FISCAL YEAR 2033 - 2034**

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 FY24 through FY34 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, contributions, or grant revenues, for any projects identified as such in the CIP table; and,

WHEREAS, the Board intends to follow 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, 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**:

**SECTION 1:** 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 2023-2024 (FY24).

Passed and adopted at the regular meeting of the City Council of the City of Hendersonville, North Carolina, held this 1st day of June, 2023.

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

Resolution #R-23-68

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL AUTHORIZING INCREASE IN MICRO-PURCHASE THRESHOLD**

WHEREAS, from time to time, the City of Hendersonville purchases goods and services using federal funding subject to the procurement standards in 2 C.F.R. Part 200, Subpart D; and,

WHEREAS, the City of Hendersonville's procurement of such goods and services is subject to the purchasing policies of the City, including but not limited to the City of Hendersonville Uniform Guidance Procurement Policy; and,

WHEREAS, the City of Hendersonville is a non-Federal entity under the definition set forth in 2 C.F.R. § 200.1; and,

WHEREAS, pursuant to 2 C.F.R. § 200.320(a)(1)(ii), a non-Federal entity may award micro-purchases without soliciting competitive price or rate quotations if the non-Federal entity considers the price to be reasonable based on research, experience, purchase history or other information and documents that the non-Federal entity files; accordingly; and,

WHEREAS, pursuant to 2 C.F.R. § 200.320(a)(1)(iii), a non-Federal entity is responsible for determining and documenting an appropriate micro-purchase threshold based on internal controls, an evaluation of risk, and its documented procurement procedures; and,

WHEREAS, pursuant to 2 C.F.R. § 200.320(a)(1)(iv), a non-Federal entity may self-certify on an annual basis a micro-purchase threshold not to exceed $50,000 and maintain documentation to be made available to a Federal awarding agency and auditors in accordance with 2 C.F.R. § 200.334; and,

WHEREAS, pursuant to 2 C.F.R. § 200.320(a)(1)(iv), such self-certification must include (1) a justification for the threshold, (2) a clear identification of the threshold, and (3) supporting documentation, which, for public institutions, may be a "higher threshold consistent with State law"; and,

WHEREAS, G.S. 143-129(a) and G.S. 143-131(a) require the City of Hendersonville to conduct a competitive bidding process for the purchase of (1) "apparatus, supplies, materials, or equipment" where the cost of such purchase is equal to or greater than $30,000, and (2) "construction or repair work" where the cost of such purchase is greater than or equal to $30,000; and,

WHEREAS, North Carolina law does not require a unit of local government to competitively bid for purchase of services other than services subject to the qualifications-based selection process set forth in Article 3D of Chapter 143 of the North Carolina General Statutes (the "Mini-Brooks Act"); and,

WHEREAS, G.S. 143-64.32 permits units of local government to exercise, in writing, an exemption to the qualifications-based selection process for services subject to the Mini-Brooks Act for particular projects where the aggregate cost of such services do not exceed $50,000; and,

WHEREAS, pursuant to 2 C.F.R. § 200.320(a)(1)(iv), the City Council for the City of Hendersonville now desires to adopt higher micro-purchase thresholds than those identified in 48 C.F.R. § 2.101 in order to take

advantage of increased efficiencies and cost savings that are available under an increased micro-purchase threshold exemption.

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

**SECTION 1**: That in accordance with 2 C.F.R. § 200.320(a)(1)(iv) and the applicable provisions of North Carolina law, the City of Hendersonville hereby self-certifies the following micro-purchase thresholds, each of which is a "higher threshold consistent with State law" under 2 C.F.R. § 200.320(a)(1)(iv)(C) for the reasons set forth in the recitals to this resolution:

A. $30,000, for the purchase of "apparatus, supplies, materials, or equipment"; and,
B. $30,000, for the purchase of "construction or repair work"; and,
C. $50,000, for the purchase of services not subject to competitive bidding under North Carolina law; and,
D. $50,000, for the purchase of services subject to the qualifications-based selection process in the Mini-Brooks Act; provided that such threshold shall apply to a contract only if the City has exercised an exemption to the Mini-Brooks Act, in writing, for a particular project pursuant to G.S. 143-64.32. If the exemption is not authorized, the micro-purchase threshold shall be $10,000; and,
E. $50,000 for any contract, other than those described in A-D above, that is exempt from competitive procurement requirements under North Carolina State Law.

**SECTION 2**: The self-certification made herein shall be effective as of the date hereof and shall be applicable until the end of the current fiscal year of the City of Hendersonville but shall not be applicable to Federal financial assistance awards issued prior to November 12, 2020, including financial assistance awards issued prior to that date under the Coronavirus Aid, Relief, and Economic Support (CARES) Act of 2020 (Pub. L. 116-136).

**SECTION 3**: In the event that the City of Hendersonville receives funding from a federal grantor agency that adopts a threshold more restrictive than those contained herein, the City shall comply with the more restrictive threshold when expending such funds.

**SECTION 4**: The City of Hendersonville shall maintain documentation to be made available to a Federal awarding agency, any pass-through entity, and auditors in accordance with 2 C.F.R. § 200.334.

**SECTION 5**: The City Manager, Assistant City Manager, Finance Director, and Budget Manager of the City of Hendersonville are hereby authorized, individually and collectively, to revise the purchasing policies of the City, including but not limited to the City of Hendersonville Uniform Guidance Procurement Policy, to reflect the increased micro-purchase thresholds specified herein, and to take all such actions, individually and collectively, to carry into effect the purpose and intent of the foregoing resolution.

Passed and adopted at the regular meeting of the City Council of the City of Hendersonville, North Carolina, held this 1st day of June, 2023.

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

Resolution #R-23-69

**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 EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE FY24 VEHICLE AND EQUIPMENT PROJECT (PROJECT #VE024), ORDINANCE #_____ (the "Projects").

**Plan of Finance.** The Issuer intends to finance the costs of the Project(s) 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 $2,391,000.

**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.

Passed and adopted at the regular meeting of the City Council of the City of Hendersonville, North Carolina, held this 1st day of June, 2023.

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

Ordinance #O-23-36

**BUDGET ORDINANCE**

**AN ORDINANCE MAKING APPROPRIATIONS FOR CERTAIN EXPENSES, CAPITAL IMPROVEMENTS AND INDEBTEDNESS OF THE CITY OF HENDERSONVILLE, NORTH CAROLINA FOR THE FISCAL YEAR BEGINNING JULY 1, 2023, AND ENDING JUNE 30, 2024**

WHEREAS, the City of Hendersonville is approaching the conclusion of its current fiscal year and will enter into a new fiscal year 2023-2024 (FY24) on July 1, 2023; 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 FY24 budget and budget message were submitted to the Hendersonville City Council by the budget officer, the City Manager, on May 12, 2023 as required by N.C.G.S. § 159-11(b); and,

WHEREAS, a copy of the FY24 budget was filed with the Hendersonville City Clerk on May 12, 2023 as required by N.C.G.S. § 159-12(a); and,

WHEREAS, a duly advertised public hearing and a work session has 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, 2023, and ending June 30, 2024, with the estimated, budgeted revenues and other financing for each fund being as stated:

| | |
|---|---|
| **GOVERNMENTAL FUNDS** | |
| **General Fund** | |
| Budgeted Revenues | (23,260,070) |
| Ad Valorem Taxes | (13,942,500) |
| Other Taxes & Licenses | (7,500) |
| Unrestricted Intergovernmental | (7,571,000) |
| Restricted Intergovernmental | (749,920) |
| Sales & Services | (363,600) |
| Permits & Fees | (444,550) |
| Investment Earnings | (175,000) |
| Miscellaneous | (6,000) |
| Budgeted Expenditures | 25,834,589 |
| General Government | 4,153,901 |
| Community Development | 911,063 |
| Fire | 5,354,780 |
| Police | 6,782,286 |
| Public Works | 5,053,846 |
| Debt Service | 3,578,713 |
| Other Financing (Sources)/Uses | (2,574,519) |
| Proceeds of Debt | - |
| Sale of Capital Assets | (35,000) |
| Transfers (In) | - |
| Transfers Out | 75,000 |
| Fund Balance Appropriated | (2,614,519) |
| **Sub-Total Revenues & Other Financing** | **(25,909,589)** |
| **Sub-Total Appropriations** | **25,909,589** |
| **SPECIAL REVENUE FUNDS** | |
| **Main Street MSD Fund** | |
| Budgeted Revenues | (626,830) |
| Ad Valorem Taxes | (292,300) |
| Other Taxes & Licenses | - |

| | |
|---|---|
| Unrestricted Intergovernmental | (314,000) |
| Restricted Intergovernmental | - |
| Permits & Fees | (15,000) |
| Sales & Services | - |
| Investment Earnings | (100) |
| Miscellaneous | (5,430) |
| Budgeted Expenditures | 757,592 |
| Downtown Program | 712,312 |
| Debt Service | 45,280 |
| Other Financing (Sources)/Uses | (130,762) |
| Fund Balance Appropriated | (130,762) |
| **Sub-Total Revenues & Other Financing** | **(757,592)** |
| **Sub-Total Appropriations** | **757,592** |

| **Seventh Avenue MSD Fund** | |
|---|---|
| Budgeted Revenues | (118,400) |
| Ad Valorem Taxes | (51,300) |
| Other Taxes & Licenses | - |
| Unrestricted Intergovernmental | (62,000) |
| Restricted Intergovernmental | - |
| Permits & Fees | - |
| Sales & Services | (5,000) |
| Investment Earnings | (100) |
| Miscellaneous | - |
| Budgeted Expenditures | 181,843 |
| Downtown Program | 181,843 |
| Other Financing (Sources)/Uses | (63,443) |
| Fund Balance Appropriated | (63,443) |
| **Sub-Total Revenues & Other Financing** | **(181,843)** |
| **Sub-Total Appropriations** | **181,843** |

| **Governmental Special Revenue Fund** | |
|---|---|
| Budgeted Revenues | - |
| Miscellaneous | - |
| Budgeted Expenditures | 50,500 |
| Fire | 4,000 |
| Historic Preservation | 7,500 |
| Police | 35,000 |
| Walk of Fame | 4,000 |
| Other Financing (Sources)/Uses | (50,500) |
| Fund Balance Appropriated | (50,500) |
| **Sub-Total Revenues & Other Financing** | **(50,500)** |
| **Sub-Total Appropriations** | **50,500** |

**PROPRIETARY FUNDS**

| **Water & Sewer Fund** | |
|---|---|
| Budgeted Revenues | (23,876,650) |
| Sales & Services | (22,952,000) |
| Permits & Fees | (538,350) |
| Water & Sewer Taps | (367,300) |
| Investment Earnings | (8,000) |
| Miscellaneous | (11,000) |
| Budgeted Expenditures | 23,576,088 |
| General Business | 8,015,354 |
| Water Facilities | 1,604,079 |
| Water Treatment | 2,299,537 |
| Water Operations | 753,701 |
| Water Distribution | 2,761,039 |
| Wastewater Facilities Maintenance | 494,957 |
| Wastewater Treatment | 1,967,276 |
| Wastewater Operations Support | 312,201 |
| Wastewater Collection | 1,487,604 |

| | |
|---|---|
| Debt Service | 3,880,340 |
| Other Financing (Sources)/Uses | 300,562 |
| Transfers (In) | - |
| Transfers Out | 689,000 |
| Fund Balance Appropriated | (388,438) |
| **Sub-Total Revenues & Other Financing** | **(24,265,088)** |
| **Sub-Total Appropriations** | **24,265,088** |

**Parking Fund**

| | |
|---|---|
| Budgeted Revenues | (1,030,500) |
| Sales & Services | (975,000) |
| Permits & Fees | - |
| Investment Earnings | - |
| Miscellaneous | (55,500) |
| Budgeted Expenditures | 1,168,920 |
| Parking | 356,720 |
| Debt Service | 812,200 |
| Other Financing (Sources)/Uses | (138,420) |
| Proceeds of Debt | - |
| Transfers (In) | - |
| Transfers Out | - |
| Fund Balance Appropriated | (138,420) |
| **Sub-Total Revenues & Other Financing** | **(1,168,920)** |
| **Sub-Total Appropriations** | **1,168,920** |

**Stormwater Fund**

| | |
|---|---|
| Budgeted Revenues | (1,234,050) |
| Sales & Services | (1,230,000) |
| Permits & Fees | (1,000) |
| Investment Earnings | (3,050) |
| Miscellaneous | - |
| Budgeted Expenditures | 1,347,344 |
| Stormwater | 1,262,266 |
| Debt Service | 85,078 |
| Other Financing (Sources)/Uses | 153,000 |
| Proceeds of Debt | - |
| Transfers (In) | - |
| Transfers Out | 153,000 |
| Fund Balance Appropriated | (266,294) |
| **Sub-Total Revenues & Other Financing** | **(1,500,344)** |
| **Sub-Total Appropriations** | **1,500,344** |

**Environmental Services Fund**

| | |
|---|---|
| Budgeted Revenues | (1,804,000) |
| Sales & Services | (1,803,000) |
| Permits & Fees | - |
| Investment Earnings | (300) |
| Miscellaneous | (700) |
| Budgeted Expenditures | 1,866,035 |
| Sanitation | 1,710,475 |
| Debt Service | 155,560 |
| Other Financing (Sources)/Uses | - |
| Proceeds of Debt | - |
| Transfers (In) | - |
| Transfers Out | - |
| Fund Balance Appropriated | (62,035) |
| **Sub-Total Revenues & Other Financing** | **(1,866,035)** |
| **Sub-Total Appropriations** | **1,866,035** |

**Water & Sewer Capital Reserve Fund**

| | |
|---|---|
| Budgeted Revenues | - |

| | |
|---|---|
| Budgeted Expenditures | - |
| Other Financing (Sources)/Uses | - |
| Transfers (In) | (100,000) |
| Transfers Out | 100,000 |
| **Sub-Total Revenues & Other Financing** | **(100,000)** |
| **Sub-Total Appropriations** | **100,000** |

| | |
|---|---|
| **INTERNAL SERVICE FUNDS** | |
| **Health & Welfare Fund** | |
| Budgeted Revenues | (306,025) |
| Sales & Services | (293,025) |
| Grant Revenue | - |
| Miscellaneous | (13,000) |
| Budgeted Expenditures | 306,025 |
| Employee Benefits | 306,025 |
| Other Financing (Sources)/Uses | - |
| Fund Balance Appropriated | - |
| **Sub-Total Revenues & Other Financing** | **(306,025)** |
| **Sub-Total Appropriations** | **306,025** |

| | |
|---|---|
| **Total Revenues & Other Financing** | **(56,105,936)** |
| **Total Appropriations** | **56,105,936** |

**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, 2023, and ending June 30, 2024. A copy of the budget 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, divisions, or projects within one fund, other than salaries, including contingency appropriations, may be transferred therein by the City Manager for the purpose of equalizations, when necessary, if 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 forty-nine cents ($0.49) per one hundred dollars ($100.00) valuation of property. This rate is based on an estimated total valuation of property for the purpose of taxation of $2,892,477,570 and estimated collection rate of 98.00%. Per NCGS § 159-11(e), a revenue neutral tax rate was calculated to be forty-one and ninety-two cents ($0.4192) per one hundred dollars ($100.00) valuation of property ($0.4192/$100.00).

**SECTION 6:** That there is hereby levied a tax at the rate of twenty-one cents ($0.21) per one hundred dollars ($100.00) 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 $141,634,951 and an estimated collection rate of 98.00%. Per NCGS § 159-11(e), a revenue neutral tax rate was calculated to be twenty and thirty-two cents ($0.2032) per one hundred dollars ($100.00) valuation of property ($0.2032/$100.00).

**SECTION 7:** That there is hereby levied a tax at the rate of twenty-one cents ($0.21) per one hundred dollars ($100.00) 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 $24,721,567 and an estimated collection rate of 98.00%. Per NCGS § 159-11(e), a revenue neutral tax rate was calculated to be nineteen and sixty-seven ($0.1967) per one hundred dollars ($100.00) valuation of property ($0.1967/$100.00).

**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, 2023.

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

Passed and adopted at the regular meeting of the City Council of the City of Hendersonville, North Carolina, held this 1st day of June, 2023.

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

Ordinance #O-23-37

**CAPITAL RESERVE FUND ORDINANCE**

**AN ORDINANCE SETTING CAPITAL RESERVE GUIDELINES FOR THE CITY OF HENDERSONVILLE, NORTH CAROLINA FOR THE YEAR BEGINNING JULY 1, 2023, AND ENDING JUNE 30, 2024**

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; and,

**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, 2023 and ending June 30, 2024, 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 rehabilitation and expansion projects, (2) provide greater levels of transparency 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 system capital rehabilitation and 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, 2023 to June 30, 2027.

**SECTION 4 AMOUNTS ACCUMULATED:** That this fiscal year (FY24), the City will transfer $100,000.00 from the Water and Sewer Fund (060) to the Capital Reserve Fund (459). The Capital Reserve Fund has an estimated balance to end the fiscal year June 30th, 2023 of $100,000. The City will save $500,000 of revenue in the CRF for future system expansion projects. The City anticipates expending $500,000 on system rehabilitation and expansion projects.

**SECTION 5 REVENUE SOURCES:** That the revenue source planned for the CRF is a transfer from 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.

Passed and adopted at the regular meeting of the City Council of the City of Hendersonville, North Carolina, held this 1st day of June, 2023.

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

Ordinance #O-23-38

**CAPITAL PROJECT ORDINANCE FOR THE EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE FY24 VEHICLE AND EQUIPMENT PROJECT, #VE024**

**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 FY24 Vehicle and Equipment Project, #VE024.

**SECTION 2:** The following amounts are appropriated for the project(s):

| Account Codes | | | | Account Description | Total Budget |
|---|---|---|---|---|---|
| **Fund** | **Dept.** | **Account** | **Project** | | |
| 410 | 1300 | 554002 | VE024 | C/O-Vehicles (14-47, Marked) | $60,500 |
| 410 | 1300 | 554002 | VE024 | C/O-Vehicles (14-53, Marked) | $60,500 |
| 410 | 1300 | 554002 | VE024 | C/O-Vehicles (14-52, Marked) | $60,500 |
| 410 | 1300 | 554002 | VE024 | C/O-Vehicles (14-55, Marked) | $60,500 |
| 410 | 1300 | 554002 | VE024 | C/O-Vehicles (14-48, Marked) | $60,500 |
| 410 | 1300 | 554002 | VE024 | C/O-Vehicles (14-49, Marked) | $60,500 |
| 410 | 1300 | 554002 | VE024 | C/O-Vehicles (14-50, Un-marked) | $40,000 |
| 410 | 1400 | 554001 | VE024 | C/O-Equipment (SCBAs) | $325,000 |
| 410 | 1400 | 554002 | VE024 | C/O-Vehicles (14-61, SUV) | $65,000 |
| 410 | 1400 | 554002 | VE024 | C/O-Vehicles (14-84, Truck) | $40,000 |
| 410 | 1502 | 554002 | VE024 | C/O-Vehicles (Sust. Vehicle) | $50,000 |
| 410 | 1523 | 554002 | VE024 | C/O-Vehicles (16-03, 2500 Series) | $63,000 |
| 410 | 1525 | 554002 | VE024 | C/O-Vehicles (14-30, 2500 Series) | $53,000 |
| 410 | 1525 | 554001 | VE024 | C/O-Vehicles (14-58, 2500 Series) | $53,000 |
| 410 | 1525 | 554001 | VE024 | C/O-Equipment (43-03, Ventrac) | $100,000 |
| 410 | 1555 | 554001 | VE024 | C/O-Equipment (20-01, Dump) | $150,000 |
| 460 | 7002 | 554002 | VE024 | C/O-Vehicles (All W&S Vehicles) | $205,000 |
| 460 | 7002 | 554001 | VE024 | C/O-Equipment (42-06, Skid Steer) | $100,000 |
| 460 | 7002 | 554001 | VE024 | C/O-Equipment (44-08, Excavator) | $82,000 |
| 460 | 7002 | 554001 | VE024 | C/O-Equipment (LSL Crew Dump) | $120,000 |
| 460 | 7002 | 554001 | VE024 | C/O-Equipment (LSL Crew Exc.) | $82,000 |
| 468 | 7855 | 554002 | VE024 | C/O-Vehicles (14-18) | $75,000 |
| 468 | 7855 | 554001 | VE024 | C/O-Equipment (61-17) | $125,000 |
| 468 | 7855 | 554001 | VE024 | C/O-Equipment (Waste Truck) | $300,000 |
| | | | | **Total Project Appropriation** | **$2,391,000** |

**SECTION 3:** The following revenues are anticipated to be available via transfers and debt proceeds:

| Account Codes | | | | Account Description | Total Budget |
|---|---|---|---|---|---|
| **Fund** | **Dept.** | **Account** | **Project** | | |
| 410 | 0000 | 470010 | VE024 | Debt Proceeds (FY24 V&E Loan) | ($1,302,000) |
| 460 | 0000 | 470100 | VE024 | Transfers In (from 060) | ($589,000) |
| 468 | 0000 | 470010 | VE024 | Debt Proceeds (FY24 V&E Loan) | ($500,000) |
| | | | | **Total Project Appropriation** | **($2,391,000)** |

**SECTION 4:** The Finance Director is hereby directed to maintain within the General Fund, Water and Sewer Fund, Environmental Services Fund, and the Capital Project Funds sufficient specific detailed accounting records to satisfy the disclosure requirements of all the contractual agreements, if applicable.

**SECTION 5:** Funds may be advanced from the General Fund, Water and Sewer Fund, and Environmental Services 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.

**SECTION 9:** The City Manager, or designee, is authorized to declare the project completed and close the project ordinance.

Passed and adopted at the regular meeting of the City Council of the City of Hendersonville, North Carolina, held this 1st day of June, 2023.

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

**B. Annexation: Public Hearing – Clear Creek Road (City of Hendersonville) (C23-30-ANX)** – *Tyler Morrow, Planner II*

Tyler Morrow explained that the City of Hendersonville has received a petition from John Connet, City Manager of the City of Hendersonville for contiguous annexation of PIN 9569-89-2546 and 9569-99-1449 located on Clear Creek Road that is approximately 26.76 acres. On May, 4th, 2023, City Council accepted the City Clerk's Certificate of Sufficiency for the petition submitted and set June 1st, 2023, as the date for the public hearing.

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

The public hearing was opened at 6:54 p.m.

Ken Fitch addressed City Council via Zoom electronic software in favor of the annexation.

The public hearing was closed at 6:57 p.m.

***Council Member Lyndsey Simpson moved that City Council adopt an ordinance of the City of Hendersonville to extend the Corporate Limits of the City as a contiguous annexation, to annex that property owned by the City of Hendersonville, identified as PINs 9569-89-2546 and 9569-99-1449, 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-23-39

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

IN RE: Petition for Contiguous Annexation
Parcel Number: 9569-89-2546 and 9569-99-1449.
Clear Creek Road- City of Hendersonville (File# C23-30-ANX)

**WHEREAS**, The City of Hendersonville has been petitioned by John Connet, City Manager of the City of Hendersonville, 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 305 Williams Street (City Operations Center), Hendersonville, NC at 5:45 pm, on the 1st day of June 2023, after due notice by publication as provided by law on May 21st 2023; 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 that:

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 1st day of June 2023.

Being all of that real property consisting of PINs 9569-89-2546 and 9569-99-1449 described in the plat recorded in Book 2023- ____ [to be inserted at recording of the plat] of the Henderson County Registry, said PINs 9569-89-2546 and 9569-99-1449 being described by metes and bounds as follows:

Being all of those certain parcels of land lying and being in the City of Hendersonville ETJ, Henderson County, North Carolina, being the same properties as described in Deed Book 3524, Page 291 and in Deed Book 3520, Page 392 and being more particularly described as follows:

BEGINNING at a 5/8" rebar being the northwesternmost corner of the Windsor Hills, Inc. Subdivision as shown in PC "C", Slide 301, said rebar also being the easternmost corner of BJD Partners, LLC as described in DB 1571, Page 229; said rebar having "NAD 83 (2011)" coordinates of N: 599,463.62 feet and E: 967,637.96 feet and lying a grid bearing and distance of South 72°58'25" East 11833.06 feet from NCGS CORS Station "NCHE" (with coordinates of N: 602,928.48 feet and E: 956,323.55 feet); thence from said POINT OF BEGINNING with the BJD Partners, LLC line North 31°11'53" West (passing a 3/4" crimped top pipe at 164.44 feet) a total distance of 347.12 feet to a 5/8" rebar at the southeastern corner of a property (owner unknown – formerly Asheville Federal Savings and Loan Association) as described in DB 445, Page 85; thence with said property North 04°52'48" West (passing a 5/8" rebar with "EHA" cap at 135.23 feet) a total distance of 196.97 feet to an unmarked point in the center of Mud Creek, said point also being the beginning of existing City of Hendersonville limits; thence leaving the "owner unknown" property with the existing City limits and the center of Mud Creek the following 8 (eight) calls:

1) North 33°05'11" East 32.90 feet to an unmarked point;
2) North 11°02'49" East 63.13 feet to an unmarked point;
3) North 43°36'44" West 31.51 feet to an unmarked point;
4) North 04°35'58" West 39.67 feet to an unmarked point;
5) North 28°16'04" East 94.23 feet to an unmarked point;
6) North 19°37'50" East 127.86 feet to an unmarked point;
7) North 29°42'29" East 113.55 feet to an unmarked point;
8) North 23°14'22" East 35.28 feet to an unmarked point at the intersection of the center of Mud Creek and the center of Clear Creek, said point also being the end of the existing City limits;

Thence leaving the existing City limits with the center of Clear Creek the following 22 (twenty-two) calls:

1) South 31°35'34" East 67.61 feet to an unmarked point;
2) South 37°34'58" East 138.16 feet to an unmarked point;
3) South 42°48'13" East 225.78 feet to an unmarked point;
4) South 27°25'14" East 92.05 feet to an unmarked point;
5) South 43°08'27" East 71.43 feet to an unmarked point;
6) South 73°13'01" East 129.12 feet to an unmarked point;
7) South 44°49'30" East 44.76 feet to an unmarked point;
8) South 22°33'51" East 92.60 feet to an unmarked point;
9) South 50°23'30" East 98.90 feet to an unmarked point;
10) South 73°00'53" East 78.21 feet to an unmarked point;
11) South 79°00'55" East 66.13 feet to an unmarked point;
12) North 88°56'32" East 75.40 feet to an unmarked point;
13) North 77°25'54" East 108.78 feet to an unmarked point;
14) South 80°56'59" East 49.37 feet to an unmarked point;
15) South 62°24'20" East 119.89 feet to an unmarked point;
16) South 74°55'16" East 95.70 feet to an unmarked point;
17) South 69°51'23" East 93.86 feet to an unmarked point;
18) South 86°09'07" East 88.59 feet to an unmarked point;
19) North 88°05'14" East 110.29 feet to an unmarked point;
20) North 80°36'17" East 73.51 feet to an unmarked point;
21) North 69°56'02" East 99.51 feet to an unmarked point;
22) North 66°16'11" East 119.99 feet to an unmarked point on a bridge in the center of Clear Creek Road;

Thence with the center of Clear Creek Road South 14°27'22" East 222.36 feet to an unmarked point at the northeastern corner of the Harrison property as described in DB 3264, Page 676; thence leaving the center of Clear Creek Road with the Harrison property South 78°04'38" West (passing a 5/8" rebar with "EHA" cap at 22.27 feet) a total distance of 216.77 feet to a 3/8" iron rod; thence South 11°53'25" East 38.44 feet to a rebar; thence South 78°07'01" West 115.62 feet to a rebar with "1603" cap; thence continuing with the Harrison line and the Hayes property as described in DB 1610, Page 70 on a bearing of South 14°58'10" West (passing a rebar with "1603" cap at 72.89 feet) a total distance of 187.24 feet to a rebar with "1603" cap; thence with the Brown property as described in DB 1596, Page 163 on a bearing of South 06°23'17" West 96.85 feet to a rebar with "1603" cap; thence North 85°09'22" East (passing a rebar with "1603" cap at 380.53 feet) a total distance of 386.13 feet to a 5/8" rebar with "EHA" cap along the edge of pavement of Clear Creek Road; thence leaving the Brown property with the edge of Clear Creek Road on a bearing of South 14°40'07" West 56.79 feet to 5/8" rebar with "EHA" cap at the northeastern corner of the Limerick Properties, LLC property as described in DB 1569, Page 666; thence leaving the edge of Clear Creek Road with the Limerick Properties, LLC line South 82°10'03" West 356.93 feet to a rebar with "1603" cap; thence with the Jeffrey Holbert line as described in DB 1657, Page 655 on a bearing of North 80°48'10" West 162.45 feet to an unmarked point in a branch at the northeastern corner of the Curtis and Juanita Holbert property as described in DB 1612, Page 441; thence with said Holbert line and the branch the following 6 (six) calls:

1) North 85°27'50" West 15.27 feet to an unmarked point;
2) North 48°47'24" West 37.86 feet to an unmarked point;

3) North 64°09'02" West 83.61 feet to an unmarked point;
4) North 72°24'23" West 29.63 feet to an unmarked point;
5) North 85°19'54" West 24.86 feet to an unmarked point;
6) South 87°00'39" West 21.44 feet to an unmarked point;

Thence leaving the branch and continuing with said Holbert line South 06°44'45" West (passing a 5/8" rebar at 18.83 feet) a total distance of 270.04 feet to a 3/4" open top pipe at the northeastern corner of Section G of Section 1 of the Pinehurst Subdivision as shown if PC "C", Slide 118; thence leaving the Holbert line with the Pinehurst line North 83°03'54" West (passing a 5/8" iron rod at 100.06 feet) a total distance of 136.79 feet to a 3/4" crimped top pipe; thence North 60°41'32" West 172.41 feet to a 3/4" open top pipe at the northeastern most corner of the Windsor Hills, Inc. Subdivision; thence leaving the Pinehurst line with the Windsor Hills, Inc. Line North 45°49'00" West 218.34 feet to a 5/8" rebar with "EHA" cap; thence North 11°53'13" West (passing a 3/4" crimped top pipe at 83.86 feet; and passing another 3/4" crimped top pipe at 230.65 feet) a total distance of 290.00 feet to a 3/4" crimped top pipe; thence North 71°38'18" West (passing a 3/4" crimped top pipe at 89.88 feet) a total distance of 185.04 feet to a 3/4" crimped top pipe; thence South 40°37'17" West 163.91 feet to a 3/4" crimped top pipe; thence North 60°17'50" West 150.79 feet to a 3/4" crimped top pipe; thence North 73°11'39" West 128.96 feet to the POINT AND PLACE OF BEGINNING, containing 26.76 acres, more or less.

2: Upon and after the first day of June 2023, the above-described territory, and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the City of Hendersonville and shall be entitled to the same privileges and benefits as other parts of the City of Hendersonville. Said territory shall be subject to municipal taxes according to NCGS 160A- 58.10, as amended.

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

Adopted by the City Council of the City of Hendersonville, North Carolina on this 1st day of June, 2023.

**C. Annexation: Public Hearing – Blue Ridge Commerce Center (C23-38-ANX)** – *Tyler Morrow, Planner II*

Tyler Morrow explained that the City of Hendersonville has received a petition from Asheville Industrial Owner LLC and Asheville Industrial Owner II LLC for satellite annexation of PINs 9588-31-1844, 9588-22-8495, 9588-23-3192, 9588-13-8975, and 9588-23-9432 located on McAbee Court and McMurray Road that is approximately 65.31 acres. On May 4th, 2023, City Council accepted the City Clerk's Certificate of Sufficiency for this petition and set June 1st, 2023, as the date for the public hearing.

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

The public hearing was opened at 6:59 p.m.

Lynne Williams addressed council and said this project is a huge eyesore and is destroying the environment.

The public hearing was closed at 7:00 p.m.

***Council Member Jerry Smith moved that City Council adopt an ordinance of the City of Hendersonville to annex noncontiguous property owned by Asheville Industrial Owner LLC and Asheville Industrial Owner II LLC, identified as PINs 9588-31-1844, 9588-22-8495, 9588-23-3192, 9588-13-8975, and 9588-23-9432, 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-23-40

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

Re: Petition for Satellite Annexation

Petitioners: Asheville Industrial Owner LLC and Asheville Industrial Owner II LLC
File No. C23-38-ANX

**WHEREAS**, The City of Hendersonville has been petitioned by Asheville Industrial Owner LLC and Asheville Industrial Owner II 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 the City Operations Center at 305 Williams Street, Hendersonville, NC at 5:45 pm, on the 1st day of June 2023, after due notice by publication as provided by law on May 21st 2023; 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 approximately 5,400 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 a subdivision as defined in N.C.G.S. § 160D-802. All portions of the subdivision are included in the petition.
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 first day of June 2023.

Being all of that real property consisting of PINs 9588-31-1844, 9588-22-8495, 9588-23-3192, 9588-13-8975, and 9588-23-9432 described in the plat recorded in Book 2023- ____ [to be inserted at recording of the plat] of the Henderson County Registry, said PINs 9588-31-1844, 9588-22-8495, 9588-23-3192, 9588-13-8975, and 9588-23-9432 being described by metes and bounds as follows:

BEING AN ANNEXATION BOUNDARY OF LOT 1, LOT 2, LOT 3, LOT 4 AND LOT 5 OF ASHEVILLE INDUSTRIAL OWNER LLC PROPERTY SHOWN ON SLIDE 14437 AND FOUND IN BOOK OF RECORD 3925, PAGE 710 AND BOOK OF RECORD 3970, PAGE 091 BOUNDED AS FOLLOWS:

BEGINNING AT AN EXISTING CAPPED REBAR THE COMMON CORNER OF LOT 3 AND DEED BOOK 420, PAGE 099 IN THE SOUTHEASTERN LINE OF DEED BOOK 965, PAGE 651, TRACT 1;

THENCE S 84°30'38" E A DISTANCE OF 413.26' TO AN EXISTING CAPPED REBAR; THENCE

S 03°53'58" W A DISTANCE OF 307.94' TO AN EXISTING CAPPED REBAR; THENCE S

04°00'13" W A DISTANCE OF 158.14' TO AN EXISTING #4 REBAR; THENCE S 03°53'04" W

A DISTANCE OF 150.04' TO AN EXISTING #4 REBAR; THENCE S 86°07'21" E A DISTANCE

OF 569.23' TO AN EXISTING CAPPED REBAR; THENCE S 86°04'07" E A DISTANCE OF

415.15' TO AN EXISTING CAPPED REBAR; THENCE S 86°05'52" E A DISTANCE OF 191.13'

TO AN EXISTING BENT #4 REBAR;

THENCE S 86°05'06" E A DISTANCE OF 170.69' TO AN EXISTING SPINDLE IN THE CENTERLINE OF MCMURRAY ROAD, S.R. 1790. SAID SPINDLE HAVING N.A.D. 83/ 2011 COORDINATES OF NORTHING- 583896.335', EASTING- 983472.227' WITH A COMBINED FACTOR OF 0.99977472;

THENCE WITH THE CENTERLINE OF SAID ROAD THE FOLLOWING 24 COURSES:
THENCE S 04°41'50" W A DISTANCE OF 64.74' TO A POINT; THENCE S

05°38'56" W A DISTANCE OF 146.33' TO A POINT; THENCE S 05°51'59"

W A DISTANCE OF 142.70' TO A POINT; THENCE S 06°25'49" W A

DISTANCE OF 145.04' TO A POINT; THENCE S 05°41'54" W A

DISTANCE OF 94.58' TO A POINT; THENCE S 06°04'54" W A DISTANCE

OF 94.74' TO A POINT; THENCE S 06°02'17" W A DISTANCE OF 48.13'

TO A POINT; THENCE S 05°30'31" W A DISTANCE OF 50.73' TO A

POINT; THENCE S 05°52'55" W A DISTANCE OF 94.40' TO A POINT;

THENCE S 06°19'38" W A DISTANCE OF 95.68' TO A POINT; THENCE S

06°10'50" W A DISTANCE OF 96.09' TO A POINT;

THENCE S 05°52'32" W A DISTANCE OF 287.68' TO A POINT;

THENCE S 06°05'01" W A DISTANCE OF 166.93' TO AN EXISTING SPINDLE;

THENCE S 06°05'01" W A DISTANCE OF 26.54' TO A;

THENCE S 06°09'40" W A DISTANCE OF 97.15' TO A POINT;

THENCE S 05°32'15" W A DISTANCE OF 95.93' TO A POINT;

THENCE S 06°08'45" W A DISTANCE OF 45.70, TO A SPINDLE SET IN THE CENTERLINE OF SAID ROAD;

THENCE CONTINUING WITH SAID CENTERLINE S 06°08'45"W A DISTANCE of 48.96' TO A POINT; THENCE S

06°27'28"W A DISTANCE OF 95.64’ TO A POINT;

THENCE S 05°58'58"W A DISTANCE OF 98.38’ TO A POINT;

THENCE S 05°32'08"W A DISTANCE OF 47.25’ TO A POINT;

THENCE S 05°12'35"W A DISTANCE OF 46.47’ TO A POINT;

THENCE S 04°32'57"W A DISTANCE OF 50.98’ TO A POINT;

THENCE S 03°58'46"W A DISTANCE OF 49.74’ TO A POINT;

THENCE S 01°51'24"W A DISTANCE OF 49.41’ TO A POINT;

THENCE S 01°08'50"E A DISTANCE OF 49.06’ TO AN EXISTING SPINDLE IN THE CENTERLINE OF MCMURRAY ROAD, S.R. 1790, IN THE MARGIN OF THE RIGHT OF WAY FOR INTERSTATE 26. SAID SPINDLE HAVING N.A.D. 83/ 2011 COORDINATES OF NORTHING- 581579.594', EASTING- 983244.193' WITH A COMBINED FACTOR OF 0.99977646;

THENCE WITH THE MARGIN OF THE RIGHT OF WAY FOR INTERSTATE 26 THE FOLLOWING 13 COURSES: N

85°08'49"W A DISTANCE OF 43.25’ TO AN EXISTING #5 REBAR;

THENCE S 02°57'47"W A DISTANCE OF 70.49’ TO AN EXISTING #5 REBAR;

THENCE N 32°46'03" W PASSING A #5 REBAR SET AT 434.94’ A TOTAL DISTANCE OF 591.97' TO AN EXISTING CONCRETE RIGHT OF WAY MONUMENT;

THENCE N 37°42'36" W A DISTANCE OF 291.52' TO AN EXISTING CONCRETE RIGHT OF WAY MONUMENT;

THENCE N 33°13'39" W A DISTANCE OF 201.27' TO AN EXISTING CONCRETE RIGHT OF WAY MONUMENT;

THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 553.46', WITH A RADIUS OF 7788.13', WITH A CHORD BEARING OF N 35°27'12" W, WITH A CHORD LENGTH OF 553.34’, TO AN EXISTING CONCRETE RIGHT OF WAY MONUMENT;

THENCE N 38°12'28" W A DISTANCE OF 200.56' TO AN EXISTING CONCRETE RIGHT OF WAY MONUMENT;

THENCE N 38°19'35" W A DISTANCE OF 840.29' TO AN EXISTING CONCRETE RIGHT OF WAY MONUMENT;

THENCE N 38°11'08" W A DISTANCE OF 108.38' TO A #5 REBAR SET;

THENCE N 81°37'53" W A DISTANCE OF 43.01' TO AN EXISTING CONCRETE RIGHT OF WAY MONUMENT;

THENCE N 36°56'29" W A DISTANCE OF 105.57' TO AN EXISTING CONCRETE RIGHT OF WAY MONUMENT;

THENCE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 361.03', WITH A RADIUS OF 2717.10', WITH A CHORD BEARING OF N 31°56'53" W, WITH A CHORD LENGTH OF 360.77', TO A #5 REBAR SET;

THENCE S 78°49'44" E A DISTANCE OF 38.31' TO AN EXISTING CONCRETE RIGHT OF WAY MONUMENT;

THENCE LEAVING SAID RIGHT OF WAY OF N 79°22'05" E A DISTANCE OF 11.52' TO AN EXISTING CAPPED REBAR;
THENCE N 53°30'01" E A DISTANCE OF 25.01' TO AN EXISTING CAPPED REBAR;

THENCE N 30°18'20" E A DISTANCE OF 25.00' TO AN EXISTING CAPPED REBAR;

THENCE N 13°49'26" E A DISTANCE OF 25.06' TO AN EXISTING CAPPED REBAR;

THENCE S 71°20'36" E A DISTANCE OF 86.02' TO A #5 REBAR SET;

THENCE S 86°04'10" E A DISTANCE OF 278.72' TO A #5 REBAR SET;
THENCE N 03°54'21" E A DISTANCE OF 202.07' TO AN EXISTING CONCRETE MONUMENT WITH CAP;
THENCE N 08°27'41" E A DISTANCE OF 276.11' TO AN EXISTING CAPPED REBAR;
WHICH IS THE POINT OF BEGINNING,

HAVING AN AREA OF 2845116.8 SQUARE FEET, 65.31 ACRES.

2: Upon and after the first day of June 2023, the above-described territory, and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Hendersonville and shall be entitled to the same privileges and benefits as other parts of the City of Hendersonville. Said territory shall be subject to municipal taxes according to NCGS 160A-58.10, as amended.

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

Adopted by the City Council of the City of Hendersonville, North Carolina on this 1st day of June, 2023.

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

**D. Rezoning: Standard Rezoning – 2511 Asheville Hwy (P23-024-RZO)** – *Alexandra Hunt, Planner I*

Lew Holloway requested that this public hearing be opened and then continues until the July 6th City Council meeting as the final plat for a lot line adjustments needs to be recorded.

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

The public hearing was continued until July 6, 2023 at 5:45 p.m.

***Council Member Lyndsey Simpson moved that City Council continue the public hearing on standard rezoning-2511 Asheville Highway (P23-024-RZO) until July 6, 2023 at 5:45 p.m. A unanimous vote of the Council followed. Motion carried.***

## 8. UNFINISHED BUSINESS

There was no unfinished business.

## 9. NEW BUSINESS

A. Utility Billing Policy Discussion – *John Connet, City Manager*

City Manager Connet explained that we had a customer in our utility system that we discovered we had not been billing for sewer for approximately 9 years and we back billed that customer for just over $1,200 which added about $51 to their monthly bill for the next two years to make full payment of the back bill. The customer brought that concern to Council Member Smith and I know

Council Member Hensley had a concern about this previously. Finance Director John Buchanan explained what the current policy is. He said when we locate something that has not been billed or has been underbilled, we go back and determine at what point it started and per our current ordinance, we bill for two years, even if they owe for more than two years. However, if we over bill a utility customer, we refund them the entire amount for whatever period it's for.

Council member Jerry Smith suggested that we back bill for only one year instead of two. City Attorney Beeker said that we are lowering the statute of limitations on when we can collect so we will have to draft an ordinance amendment and bring it back to Council and we do not have a policy in effect for any other enterprise fees so this will apply to all billing fees. Council agreed.

B. Formation of Community Advisory Committee (CAC) for Comprehensive Plan – *Matthew Manley, AICP/Strategic Project Planner*

Lew Holloway stood in on behalf of Matt Manley and he explained that in an effort to provide community-driven feedback over the course of the Comprehensive Planning process, the City's consultant team of Bolton & Menk have requested that the City establish a Community Advisory Committee (CAC). This committee will be made up of a wide range of citizens and leaders within various sectors. He provided a list that provides a framework for identifying potential committee members. The consultants recommend a range of 12-15 appointed members for this type of committee. This is just an introduction of this to you and we will bring back a list of possibilities.

| | Composition of Community Advisory Committee | Potential Organizations | Prospective Member Name | Has Time? | Geographic Reach | Diversity | Community Influence | Expertise |
|---|---|---|---|---|---|---|---|---|
| Sectors | **Government** | | | | | | | |
| | City Leadership | City Council | | | | | | |
| | County Leadership | County Commission | | | | | | |
| | Other Boards / Commissions | Planning Board | | | | | | |
| | School District | Henderson Co Schools | | | | | | |
| | Others | BRCC | | | | | | |
| | **Business Leaders** | | | | | | | |
| | Commercial Property Owners | | | | | | | |
| | Banks/Financial/Insurance | | | | | | | |
| | Economic Development/Industry Rep | The Partnership | | | | | | |
| | Retail Rep (Downtown) | Downtown Merchants | | | | | | |
| | Business Organization | Chamber of Commerce | | | | | | |
| | Developers/ Real Estate | | | | | | | |
| | Health Care / Hospital | Pardee | | | | | | |
| | **Community** | | | | | | | |
| | Religious Institutions | | | | | | | |
| | Neighborhood Leaders (including Historically Disadvantaged Communities, Hispanic Community, LGBTQ+) | Green Meadows/7th Ave | | | | | | |
| | Neighborhood Leaders | | | | | | | |
| | Neighborhood Leaders | | | | | | | |
| | Housing Advocate | HAC | | | | | | |
| | Civic Non-Profits | Hendersonville Connections, Thrive | | | | | | |
| | Arts, Music, Culture | HC Arts Council, TDA | | | | | | |
| | Environmental Stewardship | Mountain True | | | | | | |
| | Bike/Ped Advocate | BR Bicycle Club, Friends of Ecusta/Oklawah | | | | | | |
| | Youth Population (HS/MS Student) | | | | | | | |
| | Aging Population (Seniors) | HC Aging Coalition | | | | | | |

Council Member Simpson said she would either like Caitlyn or someone from Environmental Sustainability to be on the board and Lew explained that staff like Caitlyn would automatically be on the board.

City Attorney Connet said they will be mindful of having equal representation on this committee.

**10. <u>BOARDS/COMMITTEE APPOINTMENTS</u>**

**<u>ABC Board</u>**

***Council Member Dr. Jennifer Hensley moved that City Council reappoint <u>Ken Calhoun</u> to serve another three-year term on the ABC Board, with his term ending June 30, 2026. A unanimous roll-call vote of the Council followed. Motion carried.***

**Animal Services Advisory Committee**

***Council Member Lyndsey Simpson moved to revise the charter to include one position to be a Veterinarian or other animal services professional. A unanimous roll-call vote of the Council followed. Motion carried.***

***Council Member Jerry Smith moved that Council change Angela Prodrick's designation on the committee to be the Veterinarian/Animal Services position and to appoint her to that role for another three-year term. A unanimous roll-call vote of the Council followed. Motion carried.***

***Council Member Lyndsey Simpson moved that City Council reappoint Caroline Gunther to serve another three-year term on the Animal Services Advisory Committee, with her term ending June 30, 2026. A unanimous roll-call vote of the Council followed. Motion carried.***

***Council Member Lyndsey Simpson moved that City Council appoint Marianne Pendleton to serve her first three-year term on the Animal Services Advisory Committee, with her term ending June 30, 2026. A unanimous roll-call vote of the Council followed. Motion carried.***

**Board of Adjustment**

***Council Member Debbie O'Neal-Roundtree moved that City Council reappoint Laura Flores to serve another term on the Board of Adjustment, with her term ending June 30, 2026. A unanimous roll-call vote of the Council followed. Motion carried.***

***Council Member Lyndsey Simpson moved that City Council reappoint Kathy Watkins to serve another three-year term on the Board of Adjustment, with her term ending June 30, 2026, as well as, Lynette Oliver to her first three-year terms on the Board of Adjustment with her term ending June 30, 2026. A unanimous roll-call vote of the Council followed. Motion carried.***

**Business Advisory Committee**

***Council Member Lyndsey Simpson moved that City Council appoint Sarah Cosgrove to serve her first two-year term on the Business Advisory Committee, with her term ending June 30, 2025. A unanimous roll-call vote of the Council followed. Motion carried.***

***Council Member Debbie O'Neal-Roundtree moved that City Council reappoint Ken Gordon to serve another two year term on the Business Advisory Committee, with his term ending June 30, 2026. A unanimous roll-call vote of the Council followed. Motion carried.***

***Council Member Jerry Smith moved that City Council reappoint Fair Waggoner to serve another two year term on the Business Advisory Committee, with her term ending June 30, 2026. A unanimous roll-call vote of the Council followed. Motion carried.***

**Diversity & Inclusion Advisory Committee**

***Council Member Debbie O'Neal-Roundtree moved that City Council reappoint Eric Gash to serve another three- year term on the Diversity & Inclusion Advisory Committee, with his term ending June 30, 2026. A unanimous roll-call vote of the Council followed. Motion carried.***

***Council Member Dr. Jennifer Hensley moved that City Council appoint Richard Reagen to serve his first three-year term on the Diversity & Inclusion Advisory Committee, with his term ending June 30, 2026. A unanimous roll-call vote of the Council followed. Motion carried.***

**Downtown Advisory Committee**

***Council Member Dr. Jennifer Hensley moved that City Council reappoint Joseph Dinan to serve another three-year term as a Main Street Stakeholder on the Downtown Advisory Committee, with his term ending June 30, 2026. A unanimous roll-call vote of the Council followed. Motion carried.***

***Council Member Jerry Smith moved that City Council appoint Samuel Simmons to serve his first three-year term as a Main Street Stakeholder on the Downtown Advisory Committee, with his term ending June 30, 2026. A unanimous roll-call vote of the Council followed. Motion carried.***

***Council Member Dr. Jennifer Hensley moved that City Council reappoint John Ryan to serve another three-year term as a 7th Avenue Stakeholder on the Downtown Advisory Committee, with his term ending June 30, 2026. A unanimous roll-call vote of the Council followed. Motion carried.***

***Council Member Jerry Smith moved that City Council reappoint Chris Cormier to serve another three-year term as a 7th Avenue Stakeholder on the Downtown Advisory Committee, with his term ending June 30, 2026. A unanimous roll-call vote of the Council followed. Motion carried.***

***Council Member Lyndsey Simpson moved that City Council appoint Aaron Adams to serve his first three-year term as a 7th Avenue Stakeholder on the Downtown Advisory Committee, with his term ending June 30, 2026. A unanimous roll-call vote of the Council followed. Motion carried.***

***Council Member Dr. Jennifer Hensley moved that City Council appoint Nancy Neikirk to serve her first three-year term as an At-Large Member on the Downtown Advisory Committee, with her term ending June 30, 2026. A unanimous roll-call vote of the Council followed. Motion carried.***

***Council Member Debbie O'Neal-Roundtree moved that City Council appoint Michele Woodhouse to serve her first three-year term as an At-Large Member on the Downtown Advisory Committee, with her term ending June 30, 2026. A unanimous roll-call vote of the Council followed. Motion carried.***

**Environmental Sustainability Committee**

***Council Member Lyndsey Simpson moved that City Council reappoint Ann Twiggs to serve another three-year term as an At-Large Member on the Environmental Sustainability Committee, with her term ending June 30, 2026, as well as, Francis Stewart to serve his first three-year term ending June 30, 2026. A unanimous roll-call vote of the Council followed. Motion carried.***

***Council Member Jerry Smith moved to change Kelly Pahle's membership from At-Large to City on the Environmental Sustainability Committee. A unanimous roll-call vote of the Council followed. Motion carried.***

***Council Member Lyndsey Simpson moved that City Council appoint Jill Carter to serve her first three-year term as an At-Large Member on the Environmental Sustainability Committee, with her term ending June 30, 2026. A unanimous roll-call vote of the Council followed. Motion carried.***

***A "city resident" spot still needs to be filled.***

**Historic Preservation Committee**

***Council Member Dr. Jennifer Hensley moved that City Council appoint John Falvo to serve as a member and fill the vacancy term ending December 31, 2023 on the Historic Preservation Committee. If reappointed in December, he will serve his first three-year term.. A unanimous roll-call vote of the Council followed. Motion carried.***

**Planning Board**

***Consensus of Council is to table these nominations until the second monthly meeting to clarify nominations.***

**Tree Board**

***Council Member Jerry Smith moved that City Council appoint Will Coffee to serve as a member of the Tree Board and fill the vacancy term ending December 31, 2023. If reappointed in December, he will serve his first three-year term. A unanimous roll-call vote of the Council followed. Motion carried.***

***Council Member Lyndsey Simpson moved that City Council appoint Janet Thew to serve as an At-Large member of the Tree Board and fill the vacancy term ending December 31, 2024. If reappointed in December, she will serve her first three-year term. A unanimous roll-call vote of the Council followed. Motion carried.***

**11. CITY COUNCIL COMMENTS** - None

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

City Manager Connet said there is nothing to report and your cash and investment report is in the agenda packet.

**13. CLOSED SESSION – None**

**14. ADJOURN**

There being no further business, the meeting was adjourned at 7:49 p.m. upon unanimous assent of the Council.

_____
Barbara G. Volk, Mayor

ATTEST: _____
Jill Murray, City Clerk

**CITY OF HENDERSONVILLE**

# AGENDA ITEM SUMMARY

**SUBMITTER:** Tyler Morrow

**MEETING DATE:** July 6th 2023

**AGENDA SECTION:** CONSENT

**DEPARTMENT:** Community Development

**TITLE OF ITEM:** Street Closure: Resolution of Intent- Unnamed 20' alley (between City Hall and N. Edwards Street) (C23-44-SCL) – *Tyler Morrow, Planner II*

**SUGGESTED MOTION(S):**

I move that City Council accept the Resolution of Intent to close an unnamed 20' alley (between City Hall and N. Edwards Street) between PINs 9568-88-0780, 9568-88-1652, 9568-88-0650 and 9568-88-0670 petitioned by John Connet, City Manager of the City of Hendersonville and set the public hearing for August 9th, 2023.

**SUMMARY:** *File # C23-44-SCL*

*The City has received an application from John Connet, City Manager of the City of Hendersonville to close an unnamed 20' alley (between City Hall and N. Edwards Street) between PINs 9568-88-0780, 9568-88-1652, 9568-88-0650 and 9568-88-0670. Being a portion of a 20' Alley adjacent to the southernmost line of that parcel identified as Parcel B1 on that plat recorded in Plat Book 2023 at page 14832 of the Henderson County registry. A plat showing the 20' alley to be closed is included in your packet.*

*General Statue 160A-299 outline procedures and provides the City with authority for permanently closing streets and alleys. Whenever there is a proposal to permanently close any street or public alley, the City Council shall first adopt a resolution declaring its intent to close the street or alley and shall set a date for a public hearing. At this public hearing, any person may be heard on the question of whether the closing would be detrimental to the public interest or the property rights of any individual.*

*The public hearing shall be set for August 9th, 2023.*

| | |
|---|---|
| **PROJECT/PETITIONER NUMBER:** | • C23-44-SCL |
| **PETITIONER NAME:** | • John Connet, City of Hendersonville- Owner of PINs: 9568-88-0780 and 9568-88-1652 |

| | |
|---|---|
| **ATTACHMENTS:** | 1. Resolution of Intent<br>2. Plat showing the area to be closed<br>3. GIS Map<br>4. Application<br>5. Legal Description<br>6. City of Hendersonville Deeds |

14832

SLIDE

## N O T E

* THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF ABSTRACT TITLE.

* THIS PROPERTY MAY BE SUBJECT TO OTHER RIGHTS-OF-WAY, EASEMENTS, RESERVATIONS AND RESTRICTIONS, WRITTEN AND UNWRITTEN, RECORDED AND UNRECORDED, NOT SHOWN HEREON.

* THE CERTIFICATION SHOWN HEREON IS NOT A CERTIFICATION OF TITLE, ZONING OR FREEDOM FROM ENCUMBRANCES.

* SUBJECT PROPERTIES ARE ZONED C-1 - CENTRAL BUSINESS
PARCEL C, PARCEL IDENTIFICATION NUMBER 9568881652, IS ALSO ZONED MAIN STREET HISTORIC
C-1 - CENTRAL BUSINESS:
FRONT SETBACK: NONE, SIDE SETBACK: NONE, REAR SETBACK: NONE

FOR FURTHER ZONING INFORMATION, CONTACT CITY OF HENDERSONVILLE PLANNING DEPARTMENT.

* THIS PROPERTY LIES IN ZONE X (AREAS DETERMINED TO BE OUTSIDE THE 1% ANNUAL CHANCE FLOODPLAIN) AS SHOWN ON THE NATIONAL FLOOD INSURANCE PROGRAM, FLOOD INSURANCE RATE MAP 3700956800J, EFFECTIVE DATE OCTOBER 2, 2008.

* ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED. ALL COORDINATES ARE N.C. GRID NAD83 (2011) COORDINATES.

* ALL BOUNDARY MONUMENTS ARE FLUSH WITH ADJACENT GRADE UNLESS OTHERWISE NOTED.

* ALL UNDERGROUND UTILITIES SHOWN HEREON ARE BASED ON ABOVE GROUND EVIDENCE AND SHOULD BE CONSIDERED APPROXIMATE. CALL 811 BEFORE DIGGING.

* THERE IS A POSSIBLE 2,763± SQ. FT. DEED GAP BETWEEN THE "WHAT YOU SEE, LLC" PARCEL DESCRIBED IN D.B. 1365, P. 724 AND THE "CITY OF HENDERSONVILLE" PARCEL DESCRIBED IN D.B. 174, P. 174.

* PARCEL (B) IS SHOWN AS TWO TRACTS, (B1) AND (B2). THE INTENT OF THIS PLAT IS TO SHOW THE PROPOSED RECOMBINATION OF (B2) TOGETHER WITH PARCEL (A) TO FORM NEW TRACT I, HAVING A TOTAL AREA OF 23,524± SQ.FT. OR 0.54± ACRE. (B1) WILL FORM A PROPOSED NEW TRACT OF LAND SHOWN HEREON AS TRACT II, WHICH WILL HAVE AN AREA OF 2,227± SQ. FT. OR 0.051± ACRE.

* ALLEYS SHOWN HEREON AS "(TBC) - TO BE CLOSED" ARE PLANNED TO BE CLOSED AND SHALL INCLUDE THE RESERVATION OF EASEMENTS FOR EXISTING UTILITIES WITHIN THOSE SPECIFIED ALLEYWAYS.

| PARCEL | PIN | OWNER | REFERENCE | AREA |
|---|---|---|---|---|
| A | 9568881739 | CITY OF HENDERSONVILLE | D.B. 213, P. 202 | 20,269± SQ. FT. OR 0.465± ACRE |
| B | 9568880780 | CITY OF HENDERSONVILLE | D.B. 399, P. 565 | 5,482± SQ. FT.± OR 0.126±ACRE |
| C | 9568881652 | CITY OF HENDERSONVILLE | D.B. 174, P. 174 | 13,304± SQ. FT. OR 0.305± ACRE |

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

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

Matt Champion — 05/09/2023
Review Officer — Date

I, Robert J. Earley, certify that this plat was drawn under my supervision from an actual survey made under my supervision (using deed descriptions recorded in deed books and pages as noted); that the boundaries not surveyed are clearly indicated as drawn from information found in deed books and pages as noted; that the ratio of precision or positional accuracy as calculated is 1:10,000; and that this map meets the requirements of The Standard of Practice for Land Surveying in North Carolina (21 NCAC 56.1600), and that the survey was completed on May 3rd, 2023, and that this map was prepared in accordance with G.S. 47-30 as amended and is of the following category as described in G.S.47-30(f)(11)

(d) That the survey is of another category, such as the recombination of existing parcels, a court-ordered survey, or other exception to the definition of subdivision;

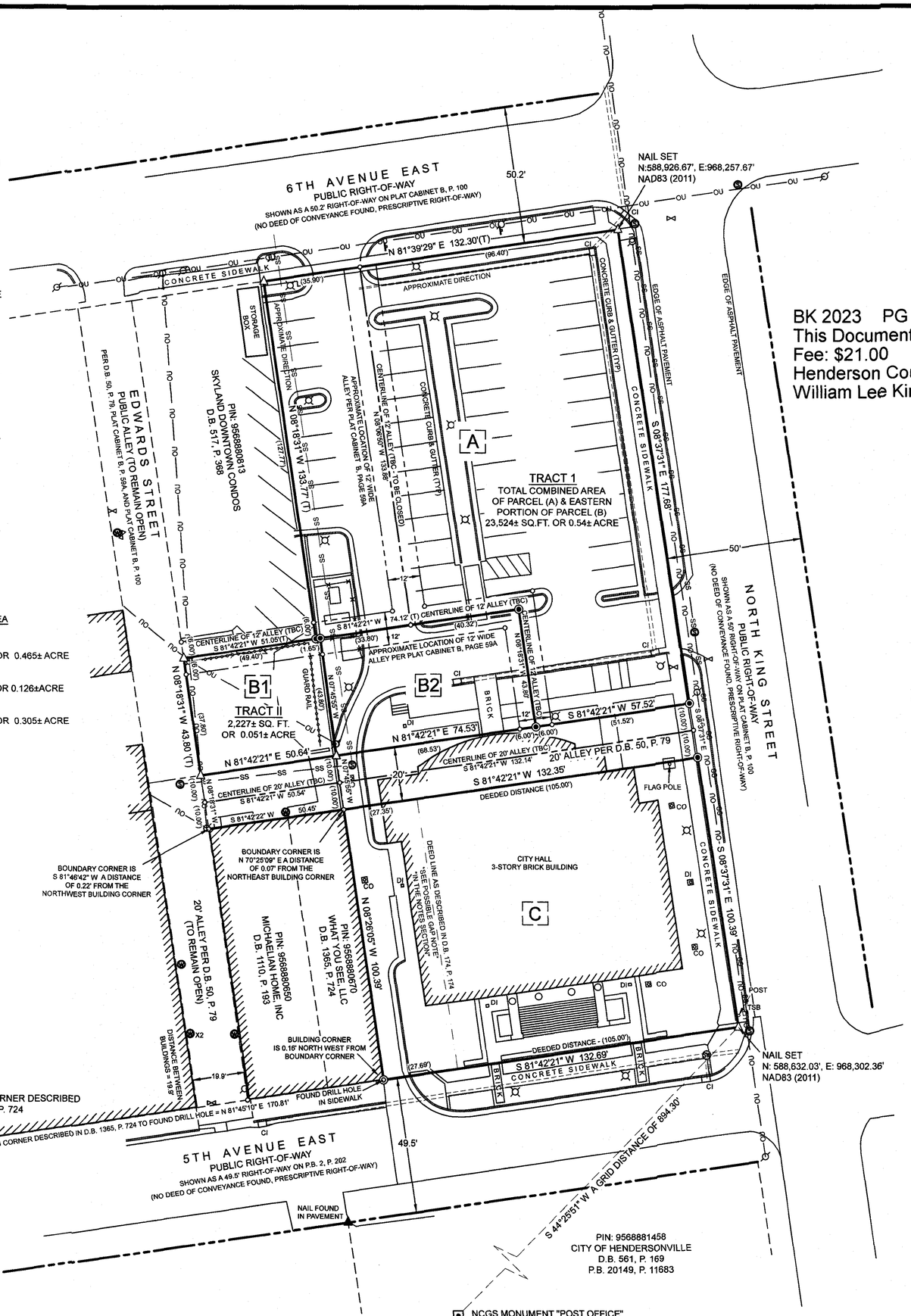
Furthermore, State Plane Coordinates for this survey were obtained by Global Navigation Satellite System (GNSS) Survey, and the following information was used to perform the GNSS survey:

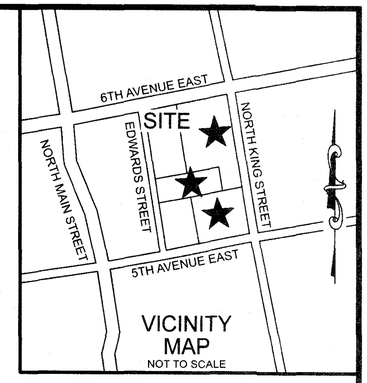
Horizontal positional accuracy: 0.01m
Vertical positional accuracy: 0.02m
Type of GNSS field procedure: static (post-processed using Topcon Tools Software and verified using OPUS-RS)
Date of GNSS Survey: April 3rd, 2023
Datum: horizontal = NAD83 (2011)
Geoid model: GEOID18
Localization point: N: 588,969.24', E: 968,076.12'
Combined scale factor: 0.99977553
Units: U.S. Survey Feet

Witness my original signature, license number, and seal this date: 05/09/2023

NORTH CAROLINA PROFESSIONAL SEAL L-5435 LAND SURVEYOR ROBERT J. EARLEY

Robert J. Earley
Robert J. Earley, PLS
N.C. Professional Land Surveyor L-5435




BK 2023 PG 14832 - 14832 (1) DOC# 1000997479
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Fee: $21.00
Henderson County, North Carolina
William Lee King, Register of Deeds

## L E G E N D

- UNMARKED POINT
- CORNER FOUND (AS DESCRIBED)
- 5/8" REBAR SET WITH EHA CAP
- NAIL SET
- NAIL FOUND
- NCGS MONUMENT
- PROPERTY LINE (SURVEYED)
- PROPERTY LINE (NOT SURVEYED)
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WATER METER
WATER VALVE

[A] - REPRESENTS THE ORIGINAL PARCEL OF LAND

N.C. GRID NAD83(2011)

**Submitted electronically by Ed Holmes and Associates Land Surveyors, PA in compliance with North Carolina statutes governing recordable documents and the terms of the submitter agreement with the Henderson County Register of Deeds.**

PROPOSED RECOMBINATION SURVEY OF:

# 160 - 6th Avenue East

OWNER: CITY OF HENDERSONVILLE
PIN: 9568881739, 9568880780, 9568881652
D.B. 213, P. 202, D.B. 399, P. 565, D.B. 174, P. 174
HENDERSONVILLE TOWNSHIP
HENDERSON COUNTY, NORTH CAROLINA
SCALE: 1" = 30' 05/03/2023
ROBERT J. EARLEY, PLS
JOB# 23071
DRAWN BY: RJE CHECKED BY: RCB
COMPANY LICENSURE # C-2806


ED HOLMES & ASSOCIATES
LAND SURVEYORS PA
200 RIDGEFIELD CT., STE. 208, 28806
P.O. BOX 17335, ASHEVILLE, NC 28816
PHONE: (828) 225-6562


30' 15' 0' 30' 60' 90' 120'

N:\JOBS\23071 Hendersonville City Hall\DWG\23071HendersonvilleCityHall-Recomb.dwg

C23-029

DocVerify ID: E3D6C9C5-6CC2-4347-8C71-1B675299224E

Resolution #__-___

**RESOLUTION OF INTENT TO CLOSE AN UNNAMED 20' ALLEY (BETWEEN CITY HALL AND N. EDWARDS STREET)**

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

**WHEREAS,** John Connet, City Manager of the City of Hendersonville has petitioned the City of Hendersonville City Council to close an unnamed 20' alley (between City Hall and N. Edwards Street), located between PINs 9568-88-0780, 9568-88-1652, 9568-88-0650 and 9568-88-0670; 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 9th day of August 2023, in the Assembly Room of the City Operations Center to consider closing an unnamed 20' alley (between City Hall and N. Edwards Street) located between PINs 9568-88-0780, 9568-88-1652, 9568-88-0650 and 9568-88-0670. Persons shall be allowed to attend and comment in person or via Zoom at the following address:

   https://zoom.us/join

   Dial-in by phone: (646) 558-8656
   Meeting ID: 822 0104 2528
   Passcode: 1847

   Digital public hearing 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, Jill Murray, jmurray@hvlnc.gov, 160 6th Avenue East, Hendersonville, NC 28792.

2. The legal description for the unnamed 20' alley proposed for closing is as follows:

   Lying and being in the City of Hendersonville, Henderson County, North Carolina, and consisting of the following:

   Being a portion of a 20' Alley adjacent to the southernmost line of that parcel identified as Parcel B1 on that plat recorded in Plat Book 2023 at page 14832 of the Henderson County registry;

And being that real property having the following metes and bounds description:

**BEGINNING** at a point being the northwestern most corner of that parcel shown as Parcel C on that plat recorded in Plat Book 2023 at Page 14832 of the Henderson County registry ("Parcel C"), said beginning point being located N 44° 25' 51" E a grid distance of 894.30' and N 08° 37' 31" W 100.39' and S 81° 42' 21" W 132.35' from that NCGS monument bearing the title "POST OFFICE", having N.C. GRID NAD83 (2011) coordinates of: N:587,993.41', E: 967,676.31' (by static GNSS observation), and proceeding from said beginning point the following courses and distances: S 81° 42' 22" W a distance of 50.45' to a point, said point being in the easternmost margin of Edward Street and being also the northwestern most corner of the Michaelian Home, Inc. property described in Deed Book 1110 at page 193, Henderson County registry, and thence proceeding along with the eastern margin of Edwards Street N 08° 18' 31" W a distance of 20' to the southwestern most corner of that parcel identified as Parcel B1 on that plat recorded in Plat Book 2023 at page 14832 of the Henderson County registry ("Parcel B1"), thence proceeding with the southernmost boundary of Parcel B1 N 81° 42' 21" E a distance of 50.64' to the southeasternmost corner of Parcel B1, thence leaving the boundary of Parcel B1 and proceeding S 07° 45' 55" E a distance of 20' to the point and place of beginning.

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

4. 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.

5. 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 along the unnamed 20' alley proposed for closure as required by G.S. 160A-299.
6. The City Council herewith declares its intent to close the street as described above.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 6th day of July 2023.

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

_____
Jill Murray, City Clerk

Approved as to form:

_____
Angela S. Beeker, City Attorney

14832

SLIDE

# N O T E

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COUNTY OF HENDERSON

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Matt Champion — 05/09/2023
Review Officer — Date

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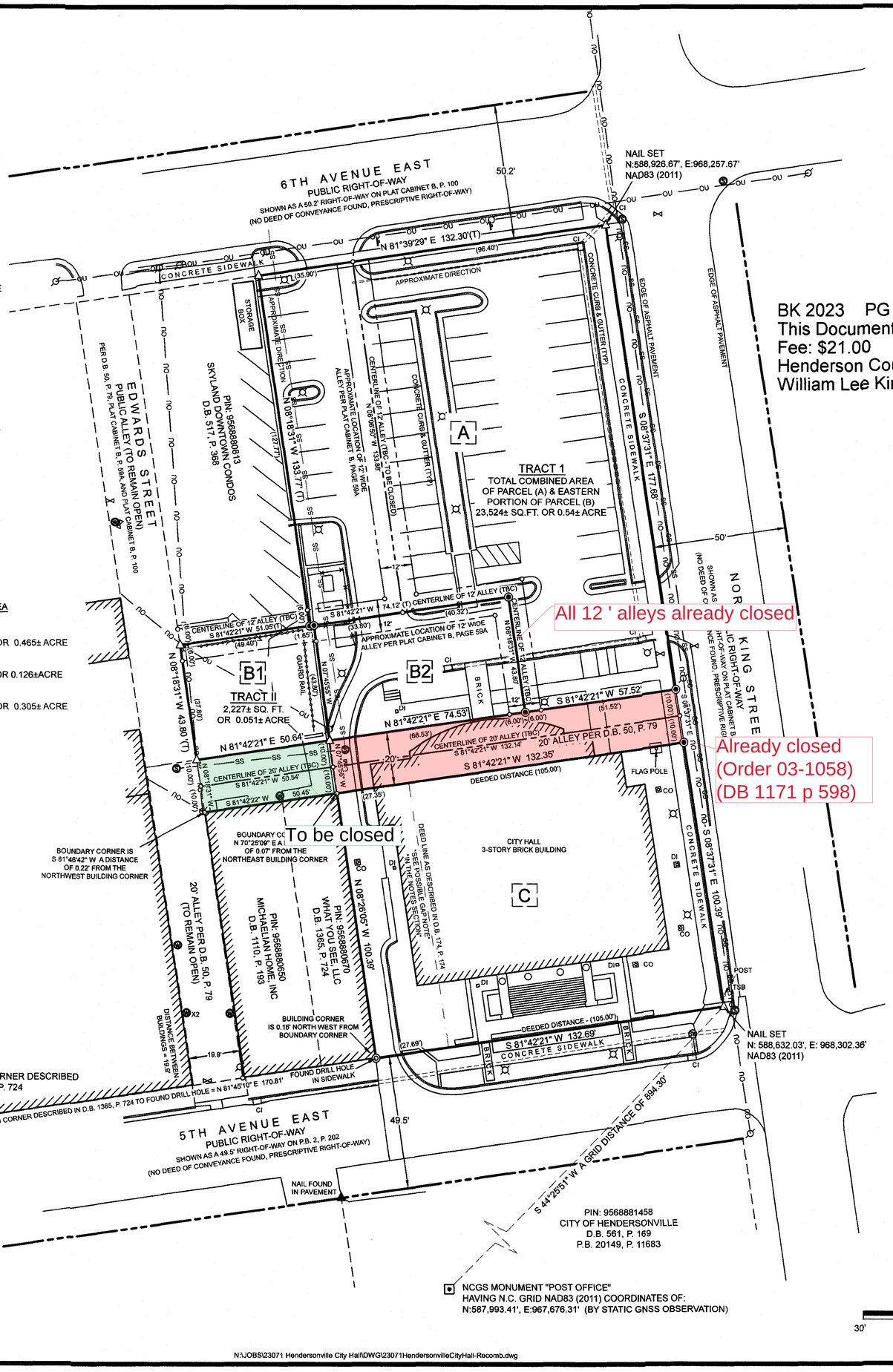
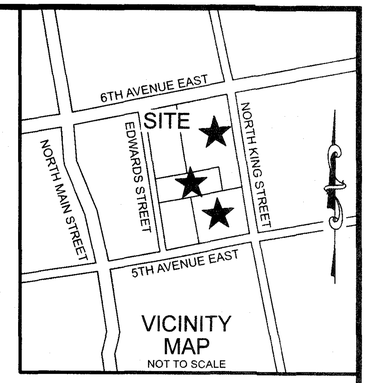
Combined scale factor: 0.99977553
Units: U.S. Survey Feet

Witness my original signature, license number, and seal this date: 05/09/2023

NORTH CAROLINA PROFESSIONAL SEAL L-5435 LAND SURVEYOR ROBERT J. EARLEY

Robert J. Earley
Robert J. Earley, PLS
N.C. Professional Land Surveyor L-5435

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PIN: 9568881739, 9568880780, 9568881652
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HENDERSONVILLE TOWNSHIP
HENDERSON COUNTY, NORTH CAROLINA
SCALE: 1" = 30' 05/03/2023
ROBERT J. EARLEY, PLS
JOB# 23071
DRAWN BY: RJE CHECKED BY: RCB
COMPANY LICENSURE # C-2806

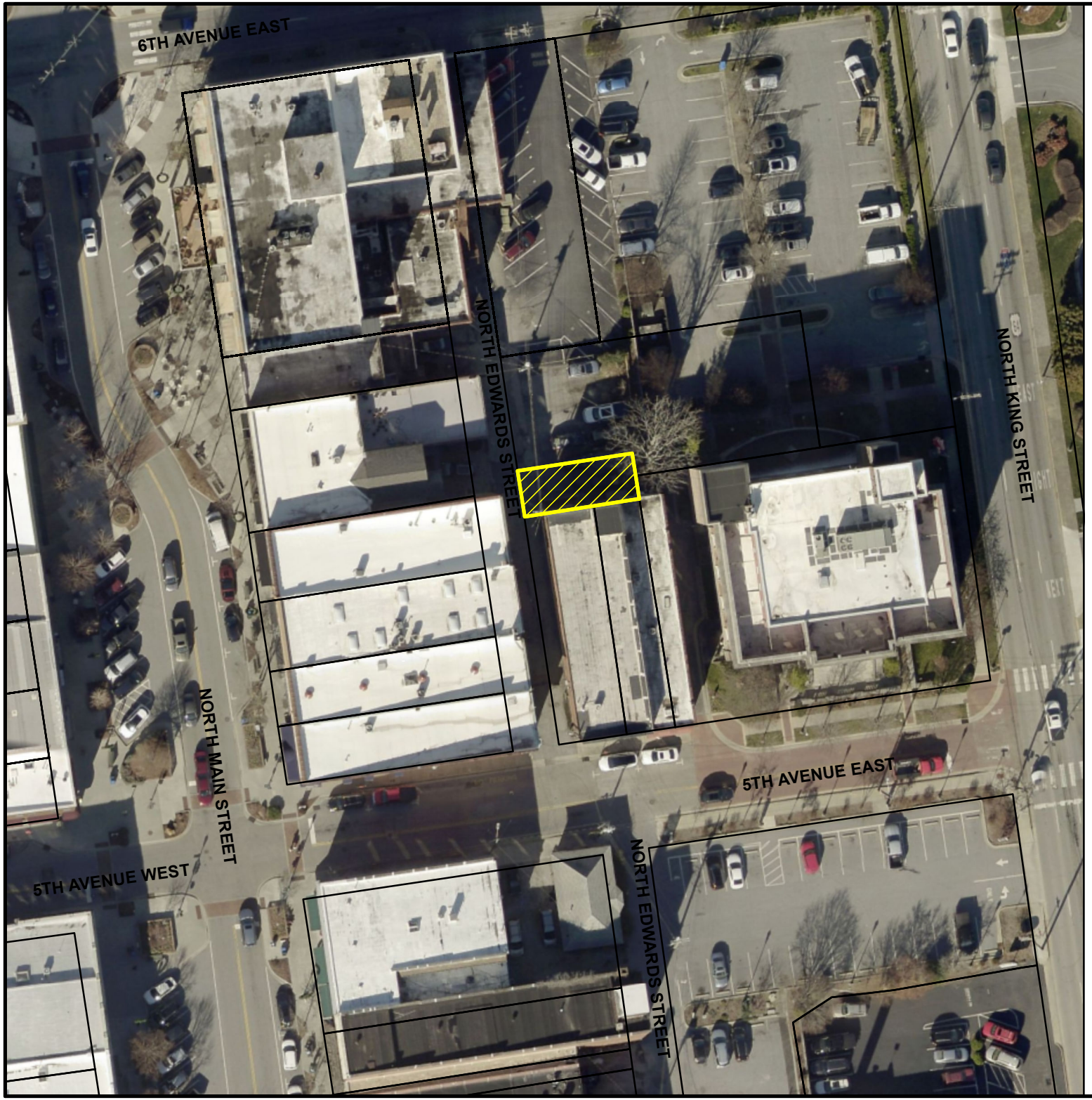

ED HOLMES & ASSOCIATES
LAND SURVEYORS PA
200 RIDGEFIELD CT., STE. 208, 28806
P.O. BOX 17335, ASHEVILLE, NC 28816
PHONE: (828) 225-6562


30' 15' 0' 30' 60' 90' 120'

N:\JOBS\23071 Hendersonville City Hall\DWG\23071HendersonvilleCityHall-Recomb.dwg

C23-029

DocVerify ID: E3D6C9C5-6CC2-4347-8C71-1B675299224E




0 20 40 80
Feet

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S

City of Hendersonville
May 2023

**Unnamed 20' Alley**

C23-44-SCL

PIN: 9568-88-0780

Area: Approximately 1,012 Square Feet

**Street Closure Map**

Community Development Department

Area to be closed

THE CITY OF HENDERSONVILLE · N.C. · 1847

**CITY OF HENDERSONVILLE**
**COMMUNITY DEVELOPMENT DEPARTMENT**
**100 N. King Street, Hendersonville, NC 28792**
**Phone (828) 697-3010|Fax (828) 698-6185**
**www.hendersonvillenc.gov**

# Petition Requesting to Permanently Close a Street/Alley

The following are the **required** submittals for a complete application to permanently close a street/alley. Staff will not review applications until each item has been submitted and determined complete. By placing a check mark by each of the following items, you are certifying that you have performed that task.

- [x] 1. Completed Application Form
- [ ] 2. Appropriate Fee
- [x] 3. A copy of the deed indicating ownership of the property.
- [x] 4. A Survey Plat of the property prepared by a registered surveyor licensed to practice in the state of North Carolina.
- [x] 5. A typed boundary description of the area to be closed, in digital format if possible.

## A. Property Information

**PIN(s):** 9568880780, 9568881652, 9568880670, 9568880650

**Name of Alley/Street:** Unnamed 20' Alley (between City Hall and Edwards St)

**Are you proposing to close a street or alley?** ☐ Street ☒ Alley

**Are you closing all or a portion of the street/ alley?** ☒ Portion ☒ All

## B. Property Owner Contact Information

John Connet
* Printed Applicant Name

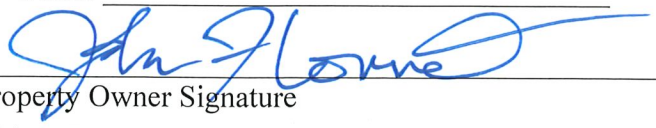
Date

City of Hendersonville
Printed Company Name (if applicable)

Office Use:
**Date Received:** _____ **By:** _____

☒ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership

☐ Other: _____



Property Owner Signature

City Manager

Property Owner Title (if applicable)

160 6th Ave E

Address of Property Owner

Hendersonville, NC 28792

City, State, and Zip Code

828-697-3000

Telephone

Email

**C. Additional Property Owner Contact Information (if needed)**

* Printed Applicant Name

Date

Printed Company Name (if applicable)

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership

☐ Other: _____

Property Owner Signature

Property Owner Title (if applicable)

Address of Property Owner

**EXHIBIT A**

**LEGAL DESCRIPTION**

Lying and being in the City of Hendersonville, Henderson County, North Carolina, and consisting of the following:

Being a portion of a 20’ Alley adjacent to the southernmost line of that parcel identified as Parcel B1 on that plat recorded in Plat Book 2023 at page 14832 of the Henderson County registry;

And being that real property having the following metes and bounds description:

> **BEGINNING** at a point being the northwestern most corner of that parcel shown as Parcel C on that plat recorded in Plat Book 2023 at Page 14832 of the Henderson County registry (“Parcel C”), said beginning point being located N 44° 25’ 51” E a grid distance of 894.30’ and N 08° 37’ 31” W 100.39’ and S 81° 42’ 21” W 132.35’ from that NCGS monument bearing the title “POST OFFICE”, having N.C. GRID NAD83 (2011) coordinates of: N:587,993.41’, E: 967,676.31’ (by static GNSS observation), and proceeding from said beginning point the following courses and distances: S 81° 42’ 22” W a distance of 50.45’ to a point, said point being in the easternmost margin of Edward Street and being also the northwestern most corner of the Michaelian Home, Inc. property described in Deed Book 1110 at page 193, Henderson County registry, and thence proceeding along with the eastern margin of Edwards Street N 08° 18’ 31” W a distance of 20’ to the southwestern most corner of that parcel identified as Parcel B1 on that plat recorded in Plat Book 2023 at page 14832 of the Henderson County registry (“Parcel B1”), thence proceeding with the southernmost boundary of Parcel B1 N 81° 42’ 21” E a distance of 50.64’ to the southeasternmost corner of Parcel B1, thence leaving the boundary of Parcel B1 and proceeding S 07° 45’ 55” E a distance of 20’ to the point and place of beginning.

STATE OF NORTH CAROLINA
HENDERSON COUNTY

THIS INDENTURE, Made this 14th day of December, in the year of our Lord one thousand nine hundred and twentysix, between J.M. Stepp, Widower, and , of the County of Henderson and State of North Carolina, of the first part, and City of Hendersonville, a Municipal corporation and , of the County of Henderson and State of North Carolina, of the second part, WITNESSETH:

WITNESSETH, That the said party of the first part, for and in consideration of the sum of Ten dollars and other valuable considerations //DOLLARS, in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has bargained and sold, conveyed and confirmed, and by these presents do bargain, sell, convey, and confirm unto the said party of the second part, its successors heirs and assigns forever, all the following described piece or parcel of land, lying and being in the Township of Hendersonville County of Henderson, and State of North Carolina, and known and designated as follows, viz.:

Beginning at a stake at the intersection of the North margin of Fifth Avenue East with the West margin of King Street, and runs thence with the North margin of Fifth Avenue East, in a Western direction 105 feet to the South East corner of a lot conveyed by the party of the first part to Chester R. Glenn; thence a Northern direction with Glenn's line and parallel with North main Street, 100 feet to a stake in the South margin of a 20 foot alley; thence with thesouth margin of said alley, an Eastern direction and parallel with Fifth Avenue East 105 feet to a stake in the West margin of King Street; thence with the West margin of King Street, in a Southern direction 100 feet to the beginning, together with the right to the use of an alley way extending along the North side of said lot 20 feet in width as fully described and set forth in deed to T.L. Durham from the said J.M. Stepp, dated October 31, 1924, and recorded in Book #132, at page #62, of the Records of Deeds for Henderson County.

** Except taxes, city and county, for the year 1926, which the party of the second part assumes and agrees to pay as part of the consideration for this conveyance.

TO HAVE AND TO HOLD THE SAME, together with all the hereditaments and appurtenances thereto in anywise appertaining, unto the said party of the second part. its successors and assigns forever

And the said J.M. Stepp part y of the first part, do es covenant with the said party of the second part, its successors heirs and assigns, as follows:

FIRST, That the is the owner and lawfully seized of said premises. SECOND, that he has a good right to convey the same. except as hereinafter stated. THIRD, that the same are free from all encumbrances whatever. And, FOURTH, that the party of the second part, its successors heirs and assigns, shall quietly enjoy and possess the same, and that he will warrant and defend the title to the same against all lawful claims. **

IN TESTIMONY WHEREOF, the said party of the first part has hereunto set his hand and seal, the day and year first written above.

Signed, sealed, and delivered in the presence of

J.M. Stepp. (SEAL)
(SEAL)
(SEAL)
(SEAL)

THE STATE OF NORTH CAROLINA )
COUNTY )

I, , Clerk of the Superior Court in and for the above County and State, do hereby certify that and , his wife, personally appeared before me this day and acknowledged the due execution by them of the annexed deed; and the said being by me privately examined, separate and apart from her said husband, touching her voluntary execution of the same, doth state that she signed the same freely and voluntarily, without fear or compulsion of her said husband or any other person, and that she doth still voluntarily assent thereto. Let the same, with this certificate, be registered.

Witness my hand and seal, this day of , A. D. 192

Clerk Superior Court.

---

THE STATE OF NORTH CAROLINA )
Henderson COUNTY ) ss

I, Lula Kate Stepp ~~, Justice of the Peace~~ (Notary Public) in and for the above County and State, do hereby certify that J.M. Stepp, widower and ~~his wife~~, personallly appeared before me this day and acknowledged the due execution by ~~them~~ him of the annexed deed of conveyance; and ~~the said~~ being by ~~me~~ privately examined, separate and apart from ~~her said husband~~, touching ~~her~~ voluntary execution of the same, ~~doth state that she signed the same freely and voluntarily, without fear or compulsion of her said husband or any other person, and that she doth still~~ voluntarily assent thereto.

Witness my hand and notarial seal, this 14th day of December, A. D. 1926

Lula Kate Stepp (SEAL)
Notary Public

My commission expires Nov. 14th 1927. (SEAL)

~~Justice of the Peace.~~

---

THE STATE OF NORTH CAROLINA )
Henderson COUNTY )

The foregoing certificate of Lula Kate Stepp , a ~~Justice of the Peace~~ (Notary Public) of Henderson County and State of North Carolina. , is adjudged to be correct, in due form, and according to law. Therefore, let the foregoing deed , with these certificates, be registered.

This, the 6th day of January , 1927

Natalie Jones, Deputy.
Clerk Superior Court.

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OFFICE OF REGISTER OF DEEDS—HENDERSON COUNTY, N. C.

Filed for registration on the 6 of Jan. , 1927, at 9:15 o'clock A M., and registered in the office of the Register of Deeds for Henderson County, N. C., this 10 day of Jan , A. D. 1927, at 10:30 o'clock A M., in Book 174 , page 174

W. J. Drake
Register of Deeds.

OK:
BR.

**STATE OF NORTH CAROLINA**
**COUNTY OF HENDERSON**

565

**This Deed,** Made this 11th day of July, in the year of our Lord, one thousand nine hundred and sixty-one, between

BOARD OF WATER COMMISSIONERS OF THE CITY OF HENDERSONVILLE

of the County of Henderson, and State of North Carolina, of the first part, and

CITY OF HENDERSONVILLE, A MUNICIPAL CORPORATION

of the County of Henderson, and State of North Carolina, of the second part,

WITNESSETH:

WITNESSETH, That the said party of the first part, for and in consideration of the sum of ($ 10.00) Ten Dollars and other valuable consideration ~~DOLLARS~~, in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has Bargained and Sold, Conveyed and Confirmed, and by these presents does Bargain and Sell and Convey and Confirm, unto the said party of the second part, its/successors ~~heirs~~ and assigns forever, all the following described piece or parcel of land lying and being in the Township of Hendersonville, County of Henderson, and State of North Carolina, and known and designated as follows, viz:

BEGINNING at an iron stake located North 80° East 20 feet from the second and northeast corner of a lot conveyed by M. T. Justus to Columbus Few and Vernon Few, September 14, 1909, running thence South 10° East along the east margin of an alley way parallel with and 20 feet East of the second line of said lot, 42 feet to a stake on the north margin of an alley way North of J. M. Stepp's lot running parallel with Broad Street (now 5th Avenue East); thence, along the North margin of said alley way, North 80° East 123.5 feet to a stake; thence, North 10° West 42 feet to a stake; thence, South 80° West 123.5 feet to the place of BEGINNING, EXCEPTING 12 feet on the east end of said lot as an alley way.

The foregoing is the identical property conveyed by Henderson County to the Board of Water Commissioners of the City of Hendersonville, by deed dated April 22, 1937, duly recorded in Deed Book 220, at page 14, of Henderson County Registry.

TO HAVE AND TO HOLD THE SAME, Together with all hereditaments and appurtenances thereunto in any wise appertaining, unto the said party of the second part, its/successors and assigns forever.

And the said party of the first part does covenant with the said party of the second part, its/successors and assigns, as follows: FIRST, that the said party of the first part is the owner and lawfully seized of said land and premises. SECOND, That it has good right and full power to convey the same. THIRD, That the same are free from all incumbrances whatsoever. And, FOURTH, That the said party of the second part, its/successors and assigns, shall quietly enjoy and possess the same, and that the said party of the first part, its/successors executors and administrators, will forever warrant and defend the title to the same against all lawful claims.

IN WITNESS WHEREOF, the said party of the first part has caused these presents to be signed by the Chairman of its Board of Commissioners and attested by its Secretary, and its official seal heretc affixed, all by order of its BOARD of Commissioners duly given.

BOARD OF WATER COMMISSIONERS OF THE CITY OF HENDERSONVILLE (SEAL)

By E. F. Latt (SEAL)
E. F. Latt, Chairman (SEAL)
(SEAL)

ATTEST: Edith Steele
Secretary

NORTH CAROLINA, COUNTY OF HENDERSON

This the 12th day of July 1961, personally came before me, Margaret Stokes, a Notary Public in and for the aforesaid County and State, E. F. LATT, who, being by me duly sworn says that he is Chairman of the Board of Water Commissioners of the City of Hendersonville. and that the seal affixed to the foregoing instrument in writing is the corporate seal of said Board and that said writing was signed and sealed by him in behalf of said Board by its authority duly given And the said E. F. Latt acknowledged the said writing to be the act and deed of said Board

WITNESS my hand and Notarial Seal, this the 12th day of July 1961

Margaret Stokes
Notary Public.

My commission expires My Commission Expires November 30, 1961

STATE OF NORTH CAROLINA, COUNTY OF HENDERSON

The foregoing certificate of Margaret Stokes, a Notary Public, of Henderson County, and State of North Carolina, is adjudged to be correct. Therefore, let the foregoing Deed, with the certificates, be registered.

This the 23 day of Jan., 1962

Edith B. Hesterly Asst.
Clerk Superior Court, Henderson County

WARRANTY
# DEED

BOARD OF WATER COMMISSIONERS OF THE CITY OF HENDERSONVILLE

TO

CITY OF HENDERSONVILLE, A MUNICIPAL CORPORATION

By 1330
N. Pd. C. G.
Consideration $

Date , 19

FILED FOR RECORD in the office of the Register of Deeds for Henderson County, North Carolina, on this 22 day of Jan., 1962 at 11:20 o'clock, A.M., and Recorded and Verified on the 24 day of Jan., 1962 at 1:30 o'clock, P.M., in Book 399 at Page 565

Register of Deeds, Henderson County

PREPARED BY:

PREPARED BY ARTHUR B. SHEPHERD
Attorney at Law, Hendersonville, N. C.

Printed and For Sale By
FLANAGAN PRINTING COMPANY
Hendersonville, N. C.

**CITY OF HENDERSONVILLE**

# AGENDA ITEM SUMMARY

**SUBMITTER:** Angela Beeker, City Attorney **MEETING DATE:** June 28, 2023

**AGENDA SECTION:** CONSENT **DEPARTMENT:** Legal Department

**TITLE OF ITEM:** Compromise, Adjustment and Settlement of Discovery Bills – *Angela S. Beeker, City Attorney*

**SUGGESTED MOTION(S):**

I move City Council adopt a Resolution to Approve the Adjustment of Discovered Taxes and Penalties on parcel 10010707 as presented.

**SUMMARY:**

The City of Hendersonville, on behalf of Warren Shepherd and the heirs of Arthur B. Shepherd, have petitioned the City Council for the "compromise, settlement and adjustment" of discovered taxes pursuant to N.C. Gen. Stat. §105-312(k and l). The City acquired the title to the subject property in a series of transactions in 2001. A partial (1/4) interest of the heirs of Arthur Shepherd was omitted from those transactions; however the City has occupied 100% of the subject property for the public benefit, to the exclusion of the heirs of Arthur Shepherd since 2001. The 100% occupancy by the City resulted in the incorrect listing of the property, and a series of discovery bills (tax and penalty) has been generated by your Assessor for the years 2018-2023. This matter is before you on the request that these bills be compromised, settled and adjusted to a $-0- balance, based on the unawareness of the Shepherd heirs of their continued interest in the property, and the 100% occupancy of the City of the subject property for the benefit of the public, to the exclusion of the Shepherd heirs, since 2001. This interest is now being acquired by the City and will be fully tax exempt moving forward.

City Council is requested to adopt the attached Resolution for the purposes stated.

**ATTACHMENTS:**

1. Resolution
2. Discovery Bills

Resolution #__-____

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO COMPROMISE CERTAIN PROPERTY TAX DISCOVERY BILLS**

**WHEREAS,** in 2001, the City of Hendersonville acquired a 75% ownership interest in and to that property described in Deed Book 1053 at page 97 of the Henderson County Registry, having a parcel number of 10010707, (the "Property") with a 25% interest remaining owned by the Kathryn and Arthur B. Shepherd, unbeknownst to the heirs; and;

**WHEREAS,** based on the City's occupation and use for the public benefit of the Property since 2001 to the exclusion of the Shepherd heirs, the property was incorrectly listed as exempt and no tax bills were generated after that date ; and

**WHEREAS,** the County has generated discovery bills for the property for the allowable period of 2018-2023; and

**WHEREAS** the Shepherd heirs have requested that the discovery bills be compromised, settled and adjusted to $0.00 based on the fact that they were unaware of the inherited 25% interest, and that 100% of the use of the property has been by the City of Hendersonville for the public benefit;

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

1. The Whereas statements are incorporated herein as findings of City Council.
2. The discovery tax bills for the Property for the years 2018-2023 are hereby compromised, settled and adjusted to a balance of $0.00 as allowed by NCGS § 105-312.

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

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

**Jill Murray, City Clerk**

**Approved as to Form:**

**Angela S. Beeker, City Attorney**

Henderson County Tax Collector
200 N Grove St Suite 66
Hendersonville NC 28792-5027
*http://www.hendersoncountync.gov/tax*
*Phone: (828) 697-5595*

# 2023 Property Tax Bill

00031118892023201800000

## Bill Information

Bill Number - **0003111889-2023-2018-0000-00**

**Bill Type:REI**

**HENDERSONVILLE CITY OF**
**SHEPHERD, WARREN R**
**160 SIXTH AVENUE EAST**
**HENDERSONVLLE NC 28792**

| Bill Date | Due Date | Interest Begins * |
|---|---|---|
| **5/26/2023** | **9/1/2023** | **1/6/2024** |

* Pay before this date to avoid interest

## Property Description and Value

| | |
|---|---|
| Property Description | **CITY OPERATIONS CENT** |
| Physical Address | **0 NO ADDRESS ASSIGNED HENDERSONVILLE NC 28792** |
| Acreage | **0.92** |
| Parcel Number | **10010707** |
| Tax Year | **2023** |
| Year For | **2018** |

| | |
|---|---|
| Real Property Value | **$72,000** |
| Deferred Value | **$0** |
| Excluded Value | **$0** |
| Exempted Value | **54,000** |
| Personal Property Value | **$0** |
| Total Taxable Value | **$18,000** |

### Need To Contact Us?

| | |
|---|---|
| Visit our website: | www.hendersoncountync.gov/tax |
| Email us: | taxdept@hendersoncountync.gov |
| Questions about Payment: | (828) 697-5595 |
| Questions about Real Property (buildings and land): | (828) 697-4667 |
| Questions about Personal Property: | (828) 697-4870 |
| Mailing Address Changes: | (828) 697-5559 |

### Payment Options

Convenience Fee charged for all Credit/Debit/ECK by phone, online, or in-office transaction. See reverse for info.
**Phone**: Toll Free (877) 313 3678
**Online:** http://www.hendersoncountync.gov/paytax
**Check**: Payable to Henderson County Tax Collector
**In Person**: 8:30 AM - 5:00 PM Monday - Friday 200 N Grove St Suite 66.

### Bill Line Items

| Jurisdiction | Rates/Fees | Amount Due($) |
|---|---|---|
| HENDERSON COUNTY TAX | 0.5650 | $101.70 |
| HENDERSON COUNTY LATE LIST PENALTY | 60% | $61.02 |
| **TOTAL** | | **$162.72** |

## Payment Stub

Please detach and return this stub with your payment. Do not send cash. Use **Bill Number** for all payment references.
Bill Number - **0003111889-2023-2018-0000-00**

| Parcel# | Bill Date | Due Date | Correct if Paid By | Total due |
|---|---|---|---|---|
| **10010707** | **5/26/2023** | **9/1/2023** | **1/5/2024** | **$162.72** |

00031118892023201800000

Remit Payment To:
Henderson County Tax Collector
200 N Grove St Suite 66
Hendersonville NC 28792-5027

HENDERSONVILLE CITY OF
SHEPHERD, WARREN R
160 SIXTH AVENUE EAST
HENDERSONVLLE NC 28792



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Henderson County Tax Collector
200 N Grove St Suite 66
Hendersonville NC 28792-5027
*http://www.hendersoncountync.gov/tax*
*Phone: (828) 697-5595*

# 2023 Property Tax Bill

00031118892023201900000O

## Bill Information

Bill Number - **0003111889-2023-2019-0000-00**

**Bill Type:REI**

**HENDERSONVILLE CITY OF**
**SHEPHERD, WARREN R**
**160 SIXTH AVENUE EAST**
**HENDERSONVLLE NC 28792**

| Bill Date | Due Date | Interest Begins * |
|---|---|---|
| **5/26/2023** | **9/1/2023** | **1/6/2024** |

* Pay before this date to avoid interest

## Property Description and Value

| | |
|---|---|
| Property Description | **CITY OPERATIONS CENT** |
| Physical Address | **0 NO ADDRESS ASSIGNED HENDERSONVILLE NC 28792** |
| Acreage | **0.92** |
| Parcel Number | **10010707** |
| Tax Year | **2023** |
| Year For | **2019** |

| | |
|---|---|
| Real Property Value | **$131,400** |
| Deferred Value | **$0** |
| Excluded Value | **$0** |
| Exempted Value | **98,550** |
| Personal Property Value | **$0** |
| Total Taxable Value | **$32,850** |

### Need To Contact Us?

| | |
|---|---|
| Visit our website: | www.hendersoncountync.gov/tax |
| Email us: | taxdept@hendersoncountync.gov |
| Questions about Payment: | (828) 697-5595 |
| Questions about Real Property (buildings and land): | (828) 697-4667 |
| Questions about Personal Property: | (828) 697-4870 |
| Mailing Address Changes: | (828) 697-5559 |

### Payment Options

Convenience Fee charged for all Credit/Debit/ECK by phone, online, or in-office transaction. See reverse for info.
**Phone**: Toll Free (877) 313 3678
**Online:** http://www.hendersoncountync.gov/paytax
**Check**: Payable to Henderson County Tax Collector
**In Person**: 8:30 AM - 5:00 PM Monday - Friday 200 N Grove St Suite 66.

### Bill Line Items

| Jurisdiction | Rates/Fees | Amount Due($) |
|---|---|---|
| HENDERSON COUNTY TAX | 0.5610 | $184.29 |
| HENDERSON COUNTY LATE LIST PENALTY | 50% | $92.14 |
| HENDERSONVILLE TAX | 0.4900 | $160.97 |
| HENDERSONVILLE LATE LIST PENALTY | 50% | $80.48 |
| **TOTAL** | | **$517.88** |

## Payment Stub

Please detach and return this stub with your payment. Do not send cash. Use **Bill Number** for all payment references.
Bill Number - **0003111889-2023-2019-0000-00**

| Parcel# | Bill Date | Due Date | Correct if Paid By | Total due |
|---|---|---|---|---|
| **10010707** | **5/26/2023** | **9/1/2023** | **1/5/2024** | **$517.88** |

00031118892023201900000O

Remit Payment To:
Henderson County Tax Collector
200 N Grove St Suite 66
Hendersonville NC 28792-5027

HENDERSONVILLE CITY OF
SHEPHERD, WARREN R
160 SIXTH AVENUE EAST
HENDERSONVLLE NC 28792



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Henderson County Tax Collector
200 N Grove St Suite 66
Hendersonville NC 28792-5027
*http://www.hendersoncountync.gov/tax*
*Phone: (828) 697-5595*

# 2023 Property Tax Bill

00031118892023202000000O

## Bill Information

Bill Number - **0003111889-2023-2020-0000-00**

**Bill Type:REI**

HENDERSONVILLE CITY OF
SHEPHERD, WARREN R
160 SIXTH AVENUE EAST
HENDERSONVLLE NC 28792

| Bill Date | Due Date | Interest Begins * |
|---|---|---|
| 5/26/2023 | 9/1/2023 | 1/6/2024 |

* Pay before this date to avoid interest

## Property Description and Value

| | |
|---|---|
| Property Description | CITY OPERATIONS CENT |
| Physical Address | 0 NO ADDRESS ASSIGNED HENDERSONVILLE NC 28792 |
| Acreage | 0.92 |
| Parcel Number | 10010707 |
| Tax Year | 2023 |
| Year For | 2020 |

| | |
|---|---|
| Real Property Value | $131,400 |
| Deferred Value | $0 |
| Excluded Value | $0 |
| Exempted Value | 98,550 |
| Personal Property Value | $0 |
| Total Taxable Value | **$32,850** |

## Need To Contact Us?

| | |
|---|---|
| Visit our website: | www.hendersoncountync.gov/tax |
| Email us: | taxdept@hendersoncountync.gov |
| Questions about Payment: | (828) 697-5595 |
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| Mailing Address Changes: | (828) 697-5559 |

## Payment Options

Convenience Fee charged for all Credit/Debit/ECK by phone, online, or in-office transaction. See reverse for info.
**Phone**: Toll Free (877) 313 3678
**Online:** http://www.hendersoncountync.gov/paytax
**Check**: Payable to Henderson County Tax Collector
**In Person**: 8:30 AM - 5:00 PM Monday - Friday 200 N Grove St Suite 66.

## Bill Line Items

| Jurisdiction | Rates/Fees | Amount Due($) |
|---|---|---|
| HENDERSON COUNTY TAX | 0.5610 | $184.29 |
| HENDERSON COUNTY LATE LIST PENALTY | 40% | $73.72 |
| HENDERSONVILLE TAX | 0.4900 | $160.97 |
| HENDERSONVILLE LATE LIST PENALTY | 40% | $64.39 |
| TOTAL | | $483.37 |

## Payment Stub

Please detach and return this stub with your payment. Do not send cash. Use **Bill Number** for all payment references.
Bill Number - **0003111889-2023-2020-0000-00**

| Parcel# | Bill Date | Due Date | Correct if Paid By | Total due |
|---|---|---|---|---|
| 10010707 | 5/26/2023 | 9/1/2023 | 1/5/2024 | $483.37 |

00031118892023202000000O

Remit Payment To:
Henderson County Tax Collector
200 N Grove St Suite 66
Hendersonville NC 28792-5027

HENDERSONVILLE CITY OF
SHEPHERD, WARREN R
160 SIXTH AVENUE EAST
HENDERSONVLLE NC 28792



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Henderson County Tax Collector
200 N Grove St Suite 66
Hendersonville NC 28792-5027
*http://www.hendersoncountync.gov/tax*
*Phone: (828) 697-5595*

# 2023 Property Tax Bill

00031118892023202100000 0

## Bill Information

Bill Number - **0003111889-2023-2021-0000-00**

**Bill Type:REI**

**HENDERSONVILLE CITY OF**
**SHEPHERD, WARREN R**
**160 SIXTH AVENUE EAST**
**HENDERSONVLLE NC 28792**

| Bill Date | Due Date | Interest Begins * |
|---|---|---|
| **5/26/2023** | **9/1/2023** | **1/6/2024** |

* Pay before this date to avoid interest

## Property Description and Value

| | |
|---|---|
| Property Description | **CITY OPERATIONS CENT** |
| Physical Address | **0 NO ADDRESS ASSIGNED HENDERSONVILLE NC 28792** |
| Acreage | **0.92** |
| Parcel Number | **10010707** |
| Tax Year | **2023** |
| Year For | **2021** |

| | |
|---|---|
| Real Property Value | **$131,400** |
| Deferred Value | **$0** |
| Excluded Value | **$0** |
| Exempted Value | **98,550** |
| Personal Property Value | **$0** |
| Total Taxable Value | **$32,850** |

## Need To Contact Us?

| | |
|---|---|
| Visit our website: | www.hendersoncountync.gov/tax |
| Email us: | taxdept@hendersoncountync.gov |
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**Check**: Payable to Henderson County Tax Collector
**In Person**: 8:30 AM - 5:00 PM Monday - Friday 200 N Grove St Suite 66.

## Bill Line Items

| Jurisdiction | Rates/Fees | Amount Due($) |
|---|---|---|
| HENDERSON COUNTY TAX | 0.5610 | $184.29 |
| HENDERSON COUNTY LATE LIST PENALTY | 30% | $55.29 |
| HENDERSONVILLE TAX | 0.5200 | $170.82 |
| HENDERSONVILLE LATE LIST PENALTY | 30% | $51.25 |
| **TOTAL** | | **$461.65** |

## Payment Stub

Please detach and return this stub with your payment. Do not send cash. Use **Bill Number** for all payment references.
Bill Number - **0003111889-2023-2021-0000-00**

| Parcel# | Bill Date | Due Date | Correct if Paid By | Total due |
|---|---|---|---|---|
| **10010707** | **5/26/2023** | **9/1/2023** | **1/5/2024** | **$461.65** |

00031118892023202100000 0

Remit Payment To:
Henderson County Tax Collector
200 N Grove St Suite 66
Hendersonville NC 28792-5027

**HENDERSONVILLE CITY OF**
**SHEPHERD, WARREN R**
**160 SIXTH AVENUE EAST**
**HENDERSONVLLE NC 28792**



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Henderson County Tax Collector
200 N Grove St Suite 66
Hendersonville NC 28792-5027
*http://www.hendersoncountync.gov/tax*
*Phone: (828) 697-5595*

# 2023 Property Tax Bill

00031111889202320220000000

## Bill Information

Bill Number - **0003111889-2023-2022-0000-00**

**Bill Type:REI**

**HENDERSONVILLE CITY OF**
**SHEPHERD, WARREN R**
**160 SIXTH AVENUE EAST**
**HENDERSONVLLE NC 28792**

| Bill Date | Due Date | Interest Begins * |
|---|---|---|
| **5/26/2023** | **9/1/2023** | **1/6/2024** |

* Pay before this date to avoid interest

## Property Description and Value

| | |
|---|---|
| Property Description | **CITY OPERATIONS CENT** |
| Physical Address | **0 NO ADDRESS ASSIGNED HENDERSONVILLE NC 28792** |
| Acreage | **0.92** |
| Parcel Number | **10010707** |
| Tax Year | **2023** |
| Year For | **2022** |

| | |
|---|---|
| Real Property Value | **$131,400** |
| Deferred Value | **$0** |
| Excluded Value | **$0** |
| Exempted Value | **98,550** |
| Personal Property Value | **$0** |
| Total Taxable Value | **$32,850** |

## Need To Contact Us?

| | |
|---|---|
| Visit our website: | www.hendersoncountync.gov/tax |
| Email us: | taxdept@hendersoncountync.gov |
| Questions about Payment: | (828) 697-5595 |
| Questions about Real Property (buildings and land): | (828) 697-4667 |
| Questions about Personal Property: | (828) 697-4870 |
| Mailing Address Changes: | (828) 697-5559 |

## Payment Options

Convenience Fee charged for all Credit/Debit/ECK by phone, online, or in-office transaction. See reverse for info.
**Phone**: Toll Free (877) 313 3678
**Online:** http://www.hendersoncountync.gov/paytax
**Check**: Payable to Henderson County Tax Collector
**In Person**: 8:30 AM - 5:00 PM Monday - Friday 200 N Grove St Suite 66.

## Bill Line Items

| Jurisdiction | Rates/Fees | Amount Due($) |
|---|---|---|
| HENDERSON COUNTY TAX | 0.5610 | $184.29 |
| HENDERSON COUNTY LATE LIST PENALTY | 20% | $36.86 |
| HENDERSONVILLE TAX | 0.5200 | $170.82 |
| HENDERSONVILLE LATE LIST PENALTY | 20% | $34.16 |
| **TOTAL** | | **$426.13** |

## Payment Stub

Please detach and return this stub with your payment. Do not send cash. Use **Bill Number** for all payment references.
Bill Number - **0003111889-2023-2022-0000-00**

| Parcel# | Bill Date | Due Date | Correct if Paid By | Total due |
|---|---|---|---|---|
| **10010707** | **5/26/2023** | **9/1/2023** | **1/5/2024** | **$426.13** |

00031111889202320220000000

Remit Payment To:
Henderson County Tax Collector
200 N Grove St Suite 66
Hendersonville NC 28792-5027

HENDERSONVILLE CITY OF
SHEPHERD, WARREN R
160 SIXTH AVENUE EAST
HENDERSONVLLE NC 28792



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Henderson County Tax Collector
200 N Grove St Suite 66
Hendersonville NC 28792-5027
*http://www.hendersoncountync.gov/tax*
*Phone: (828) 697-5595*

00031118892023202300000O

# 2023 Property Tax Bill

## ESTIMATED PRELIMINARY BILL

### Bill Information

Bill Number - **0003111889-2023-2023-0000-00**

**Bill Type:REI**

THE CITY OF HENDERSONVILLE
SHEPHERD, WARREN
160 SIXTH AVENUE E
HENDERSONVILLE NC 28792-3775

| Bill Date | Due Date | Interest Begins * |
|---|---|---|
| 5/30/2023 | 9/1/2023 | |

* Pay before this date to avoid interest

### Property Description and Value

| | |
|---|---|
| Property Description | CITY OPERATIONS CENT |
| Physical Address | 0 NO ADDRESS ASSIGNED HENDERSONVILLE NC 28792 |
| Acreage | 0.92 |
| Parcel Number | 10010707 |
| Tax Year | 2023 |
| Year For | 2023 |

| | |
|---|---|
| Real Property Value | $133,100 |
| Deferred Value | $0 |
| Excluded Value | $0 |
| Exempted Value | 99,825 |
| Personal Property Value | $0 |
| Total Taxable Value | $33,275 |

### Need To Contact Us?

| | |
|---|---|
| Visit our website: | www.hendersoncountync.gov/tax |
| Email us: | taxdept@hendersoncountync.gov |
| Questions about Payment: | (828) 697-5595 |
| Questions about Real Property (buildings and land): | (828) 697-4667 |
| Questions about Personal Property: | (828) 697-4870 |
| Mailing Address Changes: | (828) 697-5559 |

### Payment Options

Convenience Fee charged for all Credit/Debit/ECK by phone, online, or in-office transaction. See reverse for info.
**Phone**: Toll Free (877) 313 3678
**Online:** http://www.hendersoncountync.gov/paytax
**Check**: Payable to Henderson County Tax Collector
**In Person**: 8:30 AM - 5:00 PM Monday - Friday 200 N Grove St Suite 66.

### Bill Line Items

| Jurisdiction | Rates/Fees | Amount Due($) |
|---|---|---|
| HENDERSON COUNTY TAX | 0.4600 | $153.07 |
| HENDERSONVILLE TAX | 0.5200 | $173.03 |
| **TOTAL** | | **$326.10** |

### Payment Stub

Please detach and return this stub with your payment. Do not send cash. Use **Bill Number** for all payment references.
Bill Number - **0003111889-2023-2023-0000-00**

| Parcel# | Bill Date | Due Date | Correct if Paid By | Total due |
|---|---|---|---|---|
| 10010707 | 5/30/2023 | 9/1/2023 | | $326.10 |

00031118892023202300000O

Remit Payment To:
Henderson County Tax Collector
200 N Grove St Suite 66
Hendersonville NC 28792-5027

THE CITY OF HENDERSONVILLE
SHEPHERD, WARREN
160 SIXTH AVENUE E
HENDERSONVILLE NC 28792-3775



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CITY OF HENDERSONVILLE

# AGENDA ITEM SUMMARY

**SUBMITTER:** Adam Steurer **MEETING DATE:** July 6, 2023

**AGENDA SECTION:** Consent Agenda **DEPARTMENT:** Utilities

**TITLE OF ITEM:** Tentative Contract Award WWTF Aeration Basin No. 2 Repairs and Rehabilitation Project– *Adam Steurer, Utilities Engineer*

**SUGGESTED MOTION(S):**

I move City Council to adopt the Resolution By the City of Hendersonville of tentative award and authorization for the City Manager to enter into a contract with IPC Structures, LLC for the construction of the WWTF Aeration Basin No. 2 Repairs and Rehabilitation Project

**SUMMARY:**

At the City's WWTF, the north wall of aeration basin No. 2 is bowing outwards and showing signs of stress fractures. The recently completed WWTF Master Plan found repair and rehabilitation of the aeration basin to be the second highest priority major project behind UV Improvements, in which construction is underway. Generally, the project will provide structural support against further deflection/bowing, repair existing concrete cracking and failing pipe penetrations, and coating system within the basin.

On June 20, 2023, formal bids for construction of the project were due, however three sealed bids were not received so the project was re-advertised, and bids opened on June 28, 2023 summarized in the attached bid tabulation. IPC Structures, LLC of Hendersonville NC is the lowest responsive and responsible bidder.

This project is funded by an American Rescue Plan (ARP) grant appropriated though S.L. 2021-180 and administered by the North Carolina Department of Environmental Quality. The final award is tentative and is contingent on approval from the North Carolina Department of Environmental Quality, which is administering the grant funding for the project.

**BUDGET IMPACT:** $1,290,945

**Is this expenditure approved in the current fiscal year budget?** Construction of the project is funded in a CPO through an ARP grant allocation.

**If no, describe how it will be funded.** Additional funding of $133,780 will be transferred from cash reserve to supplement the grant allocation.

**ATTACHMENTS:**

1. Resolution

2. Bid Tabulation and Recommendation of Award

Resolution #__-____

**RESOLUTION BY THE CITY OF HENDERSONVILLE OF TENTAIVE AWARD AND AUTHORIZATION FOR THE CITY MANAGER TO ENTER INTO A CONTRACT FOR THE CONSTRUCTION OF THE WWTF AERATION BASIN NO. 2 REPAIR AND REHABILITATION PROJECT**

**WHEREAS,** the north wall of aeration basin No. 2 at the City's wastewater treatment facility (WWTF) is bowing outwards and showing signs of stress fractures; and

**WHEREAS,** the project generally provide structural support against further deflection/bowing, repair existing concrete cracking and failing pipe penetrations, and coating system within the basin; and

**WHEREAS, o**n June 20, 2023, formal bids for construction of the project were due, however three sealed bids were not received so the project was re-advertised, and bids opened on June 28, 2023 as follows:

IPC Structures, LLC: $1,290,945 with selected bid alternate
Turner Murphy Company, Inc.: $1,391,464 with selected bid alternate

**WHEREAS,** formal bids were reviewed for completeness and accuracy. IPC Structures, LLC is the lowest responsive, responsible bidder; and

**WHEREAS**, the final contract award is tentative and is contingent on approval from the North Carolina Department of Environmental Quality, which is administering the grant funding for the project.

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

1. The City Manager is authorized to award and execute a contract for the construction of the WWTF Aeration Basin No. 2 Repairs and Rehabilitation Project upon approval from the North Carolina Department of Environmental Quality to IPC Structures, LLC, the lowest responsive and responsible bidder in the total amount of $1,290,945.
2. The City Manager is authorized to approve change orders which cumulatively do not exceed 5% of the approved contract amount of $1,290,945, provided however that any necessary budget ordinance or project ordinance amendments must be brought back to the City Council for approval.

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

_____

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

_____
Jill Murray, City Clerk

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

McKIM&CREED

ENGINEERS

SURVEYORS

PLANNERS

June 29, 2023 06496-0013

Mr. Adam Steurer, PE
Utilities Engineer
City of Hendersonville
305 Williams Street
Hendersonville, NC 28792

RE: Bid Tabulation and Recommendation of Award
City of Hendersonville WWTF Aeration Basin No. 2 Repairs and Rehabilitation
NCDEQ DWI Project No.: SRP-W-ARP-0031

Mr. Steurer:

On June 20, 2023 at 11:00 a.m. local time, two (2) bids were received for the City of Hendersonville WWTF Aeration Basin No. 2 Repairs and Rehabilitation project. Since three bids were not received on June 20, 2023, the bids were returned to the bidders unopened, and the project was readvertised. On June 28, 2023 at 11:00 a.m. local time, two (2) bids were received and opened for the City of Hendersonville WWTF Aeration Basin No. 2 Repairs and Rehabilitation project. The low bid was submitted by IPC Structures LLC, of Hendersonville, NC. McKim & Creed has completed a detailed analysis of each bid submitted and has determined that all bids received were responsive. A certified bid tabulation is attached.

McKim & Creed has evaluated the qualifications information submitted by IPC Structures, LLC and has determined that IPC Structures, LLC was the lowest responsive, responsible bidder. Per McKim & Creed's discussions with the City following the bid opening, the City has determined that the alternate bid item for phased construction of the concrete buttress assemblies best accomplishes the needs of the City to complete the project with the least possible disturbance to the continued operation of the WWTF. As a result, the City has exercised their right to apply the alternate bid amount towards the total bid amount. We therefore recommend that the City of Hendersonville award the construction contract for the WWTF Aeration Basin No. 2 Repairs and Rehabilitation project to IPC Structures LLC, for the total bid amount of $1,290,945.00. The total bid amount includes the base bid amount of $1,259,445.00, plus the alternate bid amount of $31,500.00.

8020 Tower Point Drive

Charlotte, NC 28227

704.841.2588

Fax 704.841.2567

www.mckimcreed.com

We appreciate this opportunity to serve the City of Hendersonville and look forward to the successful completion of this project. Please contact our office (704-841-2588) with any questions or concerns.

Respectfully submitted,
McKIM & CREED, Inc.

Zachary Trammel, PE
Project Manager

Attachments:

1. Certified Bid Tabulation

| City of Hendersonville WWTF Aeration Basin No. 2 Repairs and Rehabilitation<br><br>BID TABULATION<br>City Project No. 21405<br>NCDEQ DWI Project No. SRP-W-ARP-0031<br>Bid Opening: June 28th, 2023 at 11:00 AM EST | | | | IPC Structures, LLC<br>Hendersonville, NC<br>NC License # 83948 | | Turner Murphy Company, Inc.<br>Rock Hill, SC<br>NC License # 9072 | | |
|---|---|---|---|---|---|---|---|---|
| | Description | | | | | | | |
| 1 | NC Contractor's License | | | Y | | Y | | |
| 2 | Bid Security Submitted? | | | Y | | Y | | |
| 3 | Addendum No. 1 Acknowledged? | | | Y | | Y | | |
| 4 | Addendum No. 2 Acknowledged? | | | Y | | Y | | |
| 5 | Addendum No. 3 Acknowledged? | | | Y | | Y | | |
| 6 | Addendum No. 4 Acknowledged? | | | Y | | Y | | |
| 7 | Basis of Bid | | | | | | | |
| | | Unit | Estimated Quantity | Bid Unit Price | Contractor Written Bid Price | Bid Unit Price | Contractor Written Bid Price | Corrected Bid Price |
| A. | Base Bid: | | | | | | | |
| | 1. Mobilization/Demobilization | LS | 1 | $97,900.00 | $97,900.00 | $75,000.00 | $75,000.00 | |
| | 2. Sludge Removal | EA | 2 | $25,000.00 | $50,000.00 | $35,000.00 | $70,000.00 | |
| | 3. Basin Cleaning | SF | 7600 | $5.00 | $38,000.00 | $2.00 | $17,100.00 | $15,200.00 |
| | 4. Level II Concrete Repairs | LF | 425 | $145.00 | $61,625.00 | $145.00 | $61,625.00 | |
| | 5. Level III Concrete Repairs | LF | 650 | $170.00 | $110,500.00 | $95.00 | $61,750.00 | |
| | 6. Sitework/General | LS | 1 | $73,000.00 | $73,000.00 | $182,689.00 | $182,689.00 | |
| | 7. Timber Piles | VF | 1620 | $96.00 | $155,520.00 | $165.00 | $267,300.00 | |
| | 8. Cast-in-Place Reinforced Concrete Butress Assemblies | EA | 9 | $33,000.00 | $297,000.00 | $35,000.00 | $315,000.00 | |
| | 9. Surface Protection Coating System | SF | 9100 | $34.00 | $309,400.00 | $35.00 | $318,500.00 | |
| | 10. Silt Fence | LF | 1200 | $12.00 | $14,400.00 | $5.00 | $6,000.00 | |
| | 11. Silt Fence with Stone Outlet | EA | 3 | $750.00 | $2,250.00 | $350.00 | $1,050.00 | |
| | 12. Silt Sack Inlet Protection | EA | 9 | $550.00 | $4,950.00 | $250.00 | $2,250.00 | |

| | Description | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | 13. Maintenance of Erosion & Sedimentation Control Measures | LS | 1 | $10,000.00 | $10,000.00 | $15,000.00 | $15,000.00 | |
| | 14. Adjustment Unit Prices | | | | | | | |
| | 14.A Additional Vertical Feet of Timber Piles | VF | 360 | $90.00 | $32,400.00 | $60.00 | $21,600.00 | |
| | 14.B Additional Stone Backfill | CY | 20 | $125.00 | $2,500.00 | $50.00 | $1,000.00 | |
| | **SUBTOTAL, SECTION A - BASE BID** | | | | **$1,259,445.00** | | **$1,415,864.00** | **$1,413,964.00** |
| B. | Alternate Bid Items: | | | | | | | |
| | 15. Net (Increase/Decrease) Per Buttress Assembly for Phased Construction of Buttress Assemblies | EA | 9 | $3,500.00 | $31,500.00 | -$2,500.00 | -$22,500.00 | |
| | **SUBTOTAL, SECTION B - ALTERNATE BID ITEMS** | | | | $31,500.00 | | -$22,500.00 | |
| | **TOTAL BID PRICE - BASE BID PLUS ALTERNATE BID ITEMS (SECTION A+B)** | | | | **$1,290,945.00** | | **$1,393,364.00** | **$1,391,464.00** |
| 8 | Bid Form Executed? | | | Y | | Y | | |
| 9 | Agreement Form? | | | Y | | Y | | |
| 10 | Certificate of Insurance? | | | Y | | Y | | |
| 11 | List of Subcontractors (NC Division of Water Infrastructure MBE/WBE (DBE) Compliance Supplement Table B)? | | | Y | | Y | | |
| 12 | NC Division of Water Infrastructure MBE/WBE (DBE) Compliance Supplement Table A, Prime Contractor and List of Selected Subcontractors Included? | | | Y | | Y | | |
| 13 | NC DWI MBE/WBE Good Faith Efforts Form completed w/ >50 points? | | | Y | | Y | | |
| 14 | MBE/WBE (10% GOAL) | | | 30.6% | | 27% | | |

I HEREBY CERTIFY THAT THE ABOVE TABULATION IS A CORRECT TABULATION OF THE BIDS RECEIVED ON JUNE 28, 2023, FOR THE HENDERSONVILLE WWTF AERATION BASIN NO. 2 REPAIRS AND REHABILITATION.

Zachary Trammel, PE

NORTH CAROLINA PROFESSIONAL SEAL 046291 ENGINEER ZACHARY M. TRAMMEL

6/29/2023

CITY OF HENDERSONVILLE

# AGENDA ITEM SUMMARY

**SUBMITTER:** Adam Steurer **MEETING DATE:** July 6, 2023

**AGENDA SECTION:** Consent Agenda **DEPARTMENT:** Utilities

**TITLE OF ITEM:** Contract Award Bearcat Blvd and Church Street Sewer Replacement– *Adam Steurer, Utilities Engineer*

**SUGGESTED MOTION(S):**

I move City Council to adopt the Resolution By the City of Hendersonville of tentative award and authorization for the City Manager to enter into a contract for the construction of the Bearcat Blvd and Church Street Sewer Replacement Project

**SUMMARY:**

The project generally consists of approximately 1,200 liner feet of sewer main replacement along Church Street and new sewer on Bearcat Blvd, which will allow for abandonment of an existing sewer main under the Hendersonville High School football field and track.

On March 30, 2023, formal bids for construction of the project were due, however three sealed bids were not received so the project was re-advertised, and bids opened on June 21, 2023.

T.P. Howard's Plumbing Company, Inc. was the low responsive, responsible bidder and has been recommended for the project award by the Engineer.

**BUDGET IMPACT:** $ 575,000

**Is this expenditure approved in the current fiscal year budget?** Yes, construction is funded through a CPO.

**If no, describe how it will be funded.**

**ATTACHMENTS:**

1. Resolution
2. Bid Tabulation and Recommendation of Award

Resolution #__-____

**RESOLUTION BY THE CITY OF HENDERSONVILLE OF AWARD AND AUTHORIZATION FOR THE CITY MANAGER TO ENTER INTO A CONTRACT FOR THE CONSTRUCTION OF THE BEARCAT BLVD AND CHURCH STREET SEWER REPLACEMENT PROJECT**

**WHEREAS,** the project generally consists of approximately 1,200 liner feet of sewer main replacement along Church Street and new sewer on Bearcat Blvd, which will allow for abandonment of an existing sewer main under the Hendersonville High School football field and track; and

**WHEREAS, o**n March 30, 2023, formal bids for construction of the project were due, however three sealed bids were not received so the project was re-advertised, and bids opened on June 21, 20233 as follows:

T.P. Howard's Plumbing Company, Inc.: $575,000

**WHEREAS,** formal bids were reviewed for completeness and accuracy. T.P. Howard's Plumbing Company, Inc. is the lowest responsive, responsible bidder.

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

1. The City Manager is authorized to award and execute a contract for the construction of the Bearcat Blvd and Church Street Sewer Replacement Project to T.P. Howard's Plumbing Company, Inc., the lowest responsive and responsible bidder in the total amount of $575,000.
2. The City Manager is authorized to approve change orders which cumulatively do not exceed 10% of the approved contract amount of $575,000, provided however that any necessary budget ordinance or project ordinance amendments must be brought back to the City Council for approval.

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

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

_____
Jill Murray, City Clerk

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

WithersRavenel
Our People. Your Success.

June 23, 2023

Mr. Adam Steurer, Utilities Engineer
City of Hendersonville
160, 6th Avenue East
Hendersonville, NC 28792

RE: Bid Evaluation and Recommendation of Award
Bearcat Boulevard & Church Street Sewer Improvements
WR Project No. 08190726.00

Dear Mr. Steurer:

On Wednesday, June 21st, at 2:00 pm, bids were received for the referenced project. The intent of this letter is to present our evaluation of the bids and make a recommendation for award.

## EVALUATION OF BIDS

One (1) bid package was received. As this was a re-advertisement of this project, any bids received may be opened and considered. The bid was all hand delivered to Town Hall immediately before the scheduled bid opening. Bids received are as follows:

| Bidder | Base Bid | Alternate Bid |
|---|---|---|
| T.P. Howard's Plumbing Co. Inc. | $590,000 | $575,000 |

T.P. Howard's Plumbing Co. Inc, of Fairview, North Carolina was the low bidder with a bid of $575.000 for the Alternate Bid. The Alternate Bid utilized trenchless sewer rehabilitation to provide all desired project benefits and reduces impacts to the traffic flow in the project area.

Individual unit price bid amounts are provided in the attached Certified Bid Tabulation. A review of the bid submittal package for T.P. Howard's Plumbing Co. Inc. revealed that the bid was complete, and the required supporting documentation was provided.

## RECOMMENDATION

Based on our review of the bids, WithersRavenel recommends that the City of Hendersonville award the contract to T.P. Howard's Plumbing Co. Inc in the amount of $575,000. If you have any questions or need additional information, please call (828) 255-0313 and I will be glad to assist you.

Sincerely,

WithersRavenel

Dana J. Bolden, P.E.
Senior Project Manager
Attachments: Certified Bid Tabulation

DocuSign Envelope ID: A5A12572-8D6B-43BB-BB01-296A18709643



**Project Bid Tabulation** June 23, 2023
**Bearcat Boulevard & Church Street Sewer Improvements**
**City of Hendersonville**
WithersRavenel Project No. 02060232.06

TP Howard

| Item No. | Item Description | Unit | Est. Quan. | Unit Price | Extended Total Price |
|---|---|---|---|---|---|
| | **Base Bid** | | | | |
| 1 | Mobilization (not to exceed 5%) | LS | 1 | $ 25,250.00 | $ 25,250.00 |
| 2 | 12" SDR 35 PVC Gravity Sewer (Open Cut) | LF | 1,050 | $ 185.00 | $ 194,250.00 |
| **3** | **DIP Gravity Sewer (Open Cut)** | | | | |
| a | 12" Class 350 DIP Gravity Sewer (8'-10' Depth) (Open Cut) | LF | 120 | 250 | $ 30,000.00 |
| **4** | **Gravity Sewer (Rehabilitation)** | | | | |
| ~~a~~ | ~~Rehabilitate Existing 8-Inch Sewers By Furnishing And Installing 12-Inch Fusible HDPE Pipe via Pipe Bursting~~ | ~~LF~~ | ~~0~~ | | |
| **5** | **Furnish and Install 4' Diameter Manhole** | | | | |
| a | 4' Diameter Pre-Cast Manhole (6' - 8' Depth) | EA | 1 | $ 10,000.00 | $ 10,000.00 |
| b | 4' Diameter Pre-Cast Manhole (8' - 10' Depth) | EA | 7 | $ 11,000.00 | $ 77,000.00 |
| c | 4' Diameter Pre-Cast Manhole (10' - 12' Depth) | EA | 1 | $ 13,000.00 | $ 13,000.00 |
| ~~6~~ | ~~Furnish and Install Cementitious Manhole Surface Liner (4 Foot Diameter)~~ | ~~VF~~ | ~~0~~ | | |
| 7 | Connect to existing Manhole Core-Drill and Boot | EA | 1 | $ 7,500.00 | $ 7,500.00 |
| **8** | **Replace Sewer Service in Right-of-Way with Cleanout** | | | | |
| a | Replace Sewer Service (Short Side) | EA | 1 | $ 2,500.00 | $ 2,500.00 |
| b | Replace Sewer Service (Long Side) | EA | 2 | $ 2,750.00 | $ 5,500.00 |
| 9 | Install New Bi-directional Cleanout on Existing 8-in Sewer Line | EA | 1 | $ 3,000.00 | $ 3,000.00 |
| 10 | Plug Existing Sewer | EA | 6 | $ 1,000.00 | $ 6,000.00 |
| 11 | Abandon Existing Manhole | EA | 3 | $ 1,750.00 | $ 5,250.00 |
| **12** | **Pavement Restoration** | | | | |
| a | NCDOT Roadway Pavement Restoration | SY | 490 | $ 220.00 | $ 107,800.00 |
| b | Non-NCDOT Roadway Pavement Restoration | SY | 190 | $ 140.00 | $ 26,600.00 |
| 13 | Concrete Curb Replacement | LF | 70 | $ 110.00 | $ 7,700.00 |
| 14 | Concrete Sidewalk Repair | SY | 15 | $ 450.00 | $ 6,750.00 |
| 15 | Miscellaneous Concrete Repair | SY | 10 | $ 450.00 | $ 4,500.00 |
| **16** | **Erosion control Measures** | | | | |
| ~~a~~ | ~~Tree Removal~~ | ~~EA~~ | ~~0~~ | | $ - |
| ~~b~~ | ~~Tree Protection Fence~~ | ~~LF~~ | ~~0~~ | | $ - |
| c | Pipe Inlet Protection | EA | 6 | $ 400.00 | $ 2,400.00 |
| 17 | Remove & Replace Unsuitable Material with #67 Stone | TN | 150 | $ 60.00 | $ 9,000.00 |
| 18 | Rock Excavation | CY | 20 | $ 300.00 | $ 6,000.00 |
| 19 | Site Restoration | LS | 1 | $ 40,000.00 | $ 40,000.00 |
| | **Total Base Bid** | | | $ | 590,000.00 |

NORTH CAROLINA PROFESSIONAL SEAL 28945 ENGINEER DANA J. BOLDEN

By: DocuSigned by: Dana J. Bolden A4C043C8DFF447E...

Date: 6/26/2023

Corrections made to Bid

DocuSign Envelope ID: A5A12572-8D6B-43BB-BB01-296A18709643



**Project Bid Tabulation** June 23, 2023
**Bearcat Boulevard & Church Street Sewer Improvements**
**City of Hendersonville**
WithersRavenel Project No. 02060232.06

TP Howard

| Item No. | Item Description | Unit | Est. Quan. | Unit Price | Extended Total Price |
|---|---|---|---|---|---|
| | **Alternate Bid** | | | | |
| 1 | Mobilization (not to exceed 5%) | LS | 1 | $ 22,300.00 | $ 22,300.00 |
| 2 | 12" SDR 35 PVC Gravity Sewer (Open Cut) | LF | 480 | $ 185.00 | $ 88,800.00 |
| **3** | **DIP Gravity Sewer (Open Cut)** | | | | |
| a | ~~12" Class 350 DIP Gravity Sewer (8'-10' Depth) (Open Cut)~~ | ~~LF~~ | ~~0~~ | | |
| **4** | **Gravity Sewer (Rehabilitation)** | | | | |
| ~~a~~ | Rehabilitate Existing 8-Inch Sewers By Furnishing And Installing 12-Inch Fusible HDPE Pipe via Pipe Bursting | LF | 700 | $ 310.00 | $ 217,000.00 |
| **5** | **Furnish and Install 4' Diameter Manhole** | | | | |
| a | 4' Diameter Pre-Cast Manhole (6' - 8' Depth) | EA | 1 | $ 10,000.00 | $ 10,000.00 |
| b | 4' Diameter Pre-Cast Manhole (8' - 10' Depth) | EA | 6 | $ 11,000.00 | $ 66,000.00 |
| c | ~~4' Diameter Pre-Cast Manhole (10' - 12' Depth)~~ | ~~EA~~ | ~~0~~ | | |
| ~~6~~ | Furnish and Install Cementitious Manhole Surface Liner (4-Foot Diameter) | VF | 20 | $ 750.00 | $ 15,000.00 |
| 7 | Connect to existing Manhole Core-Drill and Boot | EA | 1 | $ 7,500.00 | $ 7,500.00 |
| **8** | **Replace Sewer Service in Right-of-Way with Cleanout** | | | | |
| ~~a~~ | ~~Replace Sewer Service (Short Side)~~ | ~~EA~~ | ~~0~~ | | |
| b | Replace Sewer Service (Long Side) | EA | 2 | $ 2,750.00 | $ 5,500.00 |
| 9 | Install New Bi-directional Cleanout on Existing 8-in Sewer Line | EA | 1 | $ 3,000.00 | $ 3,000.00 |
| 10 | Plug Existing Sewer | EA | 2 | $ 1,000.00 | $ 2,000.00 |
| 11 | Abandon Existing Manhole | EA | 1 | $ 1,750.00 | $ 1,750.00 |
| **12** | **Pavement Restoration** | | | | |
| a | NCDOT Roadway Pavement Restoration | SY | 110 | $ 220.00 | $ 24,200.00 |
| b | Non-NCDOT Roadway Pavement Restoration | SY | 190 | $ 140.00 | $ 26,600.00 |
| 13 | Concrete Curb Replacement | LF | 70 | $ 110.00 | $ 7,700.00 |
| 14 | Concrete Sidewalk Repair | SY | 90 | $ 250.00 | $ 22,500.00 |
| 15 | Miscellaneous Concrete Repair | SY | 10 | $ 450.00 | $ 4,500.00 |
| **16** | **Erosion control Measures** | | | | |
| a | Tree Removal | EA | 1 | $ 7,500.00 | $ 7,500.00 |
| b | Tree Protection Fence | LF | 30 | $ 25.00 | $ 750.00 |
| c | Pipe Inlet Protection | EA | 6 | $ 400.00 | $ 2,400.00 |
| 17 | Remove & Replace Unsuitable Material with #67 Stone | TN | 150 | $ 60.00 | $ 9,000.00 |
| 18 | Rock Excavation | CY | 20 | $ 300.00 | $ 6,000.00 |
| 19 | Site Restoration | LS | 1 | $ 2,500.00 | $ 25,000.00 |
| | **Total Alternate Bid** | | | $ | 575,000.00 |

NORTH CAROLINA PROFESSIONAL SEAL 28945 ENGINEER DANA J. BOLDEN

By: DocuSigned by: Dana J. Bolden A4C043C8DFF447E...

Date: 6/26/2023

Corrections made to Bid

**CITY OF HENDERSONVILLE**

# AGENDA ITEM SUMMARY

**SUBMITTER:** Jennifer Floyd **MEETING DATE:** 07/06/2023

**AGENDA SECTION:** CONSENT **DEPARTMENT:** Administration

**TITLE OF ITEM:** July 2023 Budget Amendments – *Jennifer Floyd, Budget and Management Analyst*

## SUGGESTED MOTION(S):

I move City Council adopt the budget amendments 07062023-01, 07062023-02, 07062023-03, 07062023-04, 07062023-05, 07062023-06, 07062023-07, 07062023-08, 07062023-09, 07062023-10, 07062023-11, 07062023-12, 07062023-13, 07062023-14, 07062023-15 and 07062023-16 as presented.

**SUMMARY:**

- **07062023-01 through 07062023-09**: End-of-year amendments to prepare for the annual audit process.
- **07062023-10**: An FY23 amendment transferring $49,065 from the General Fund for a leaf machine replacement to be purchased in the Governmental Capital Project Fund (410).
- **07062023-11**: An amendment increasing the budget for the City Hall and Operations Center Renovation Project to reflect the loan amount received through the 2023 Installment Financing.
- **07062023-12**: An amendment increasing FY24 fund balance appropriated by $42,000 to fund an agreement with HandsOn as directed by Council at the 06/01/2023 regular meeting.
- **07062023-13**: A $25,000 amendment increasing grant revenues in the General Fund to complete a community garden project in the 7th Avenue area.
- **07062023-14**: An amendment for the acquisition of city property estimated at $60,000.
- **07062023-15**: An amendment increasing the General Fund by $20,000 to reflect receipt of a contribution for a disc golf course construction project.
- **07062023-16**: An amendment increasing the WWTP Aeration Basin Project (21045) by $173,492 using $133,780 of Capital Reserve Fund budget and $39,712 of grant revenue currently recorded in the WWTP UV Project (16023).

**BUDGET IMPACT:** Detailed above.

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

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

**ATTACHMENTS:**

1. Budget Amendments 07062023-01 through 0706023-16 for FY23 and FY24.

**TO MAYOR & COUNCIL** **FISCAL YEAR 2023**
**APPROVAL: July 06, 2023** **FORM: 07062023-01**

# BUDGET AMENDMENT

FUND 010

| ACCOUNT NUMBER | ACCOUNT DESCRIPTION | EXISTING BUDGET | INCREASE | DECREASE | REVISED BUDGET |
|---|---|---|---|---|---|
| 010-0000-400101 | Ad Valorem Taxes | 10,668,868 | 220,000 | - | 10,888,868 |
| 010-0000-400102 | Prior Years Ad Valorem Taxes | 54,800 | 55,000 | - | 109,800 |
| 010-0000-400150 | Tax Interest | 3,540 | 17,500 | - | 21,040 |
| 010-0000-400502 | Beer & Wine License | 2,000 | 1,720 | - | 3,720 |
| 010-0000-410001 | Local Sales & Use Tax | 5,578,267 | 85,000 | - | 5,663,267 |
| 010-0000-410200 | Court Fees - Police | 2,605 | 2,925 | - | 5,530 |
| 010-0000-410250 | Beer & Wine Excise Tax | 60,000 | 12,330 | - | 72,330 |
| 010-0000-420003 | SRO Reimbursement | 249,920 | 28,880 | - | 278,800 |
| 010-0000-420050 | Grant Revenue | 3,860 | 2,540 | - | 6,400 |
| 010-0000-430001 | Miscellaneous Sales | 100 | - | 100 | - |
| 010-0000-430003 | Rental Income-Non Taxable | 32,500 | - | 32,500 | - |
| 010-0000-430006 | Boyd Park Golf Revenues | 17,500 | - | 720 | 16,780 |
| 010-0000-430008 | Facility Rental Income | 15,000 | 16,375 | - | 31,375 |
| 010-0000-430009 | Cemetery Lot Revenue | 20,000 | 4,500 | - | 24,500 |
| 010-0000-430101 | Paving Cut Repairs Revenue | - | 300,000 | - | 300,000 |
| 010-0000-440001 | Vendor Permits | 1,000 | - | 1,000 | - |
| 010-0000-440005 | Fire Permits & Fees | 8,000 | 1,000 | - | 9,000 |
| 010-0000-440007 | Special Permits Precious Metal | 250 | 110 | - | 360 |
| 010-0000-440008 | Zoning Permits | 10,000 | 9,410 | - | 19,410 |
| 010-0000-440009 | Conditional Use Fees - Zoning | 1,000 | - | 850 | 150 |
| 010-0000-440010 | Special Project Fees Planning | 15,000 | 3,895 | - | 18,895 |
| 010-0000-440011 | Demo Fees | 120 | 60 | - | 180 |
| 010-0000-440012 | Street Sidewlk Encroachment | 1,750 | 1,000 | - | 2,750 |
| 010-0000-440015 | Payment In Lieu Of Sidewalk | 36,300 | 21,720 | - | 58,020 |
| 010-0000-450001 | Interest Income | 175,000 | 500 | - | 175,500 |
| 010-0000-450002 | Powell Bill Interest | 2,140 | 1,950 | - | 4,090 |
| 010-0000-450099 | Market Adjustment | 53,000 | 170 | - | 53,170 |
| 010-0000-460001 | Miscellaneous Income | 5,000 | 4,750 | - | 9,750 |
| 010-0000-460002 | Miscellaneous Income Police | 1,000 | 2,330 | - | 3,330 |
| 010-0000-460003 | Misc Income - Public Works | 302,000 | - | 288,245 | 13,755 |
| 010-0000-470030 | Insurance Proceeds | 32,405 | 15,290 | - | 47,695 |
| 010-0000-470050 | Sale Of Capital Assets | 74,650 | 12,570 | - | 87,220 |
| 010-0000-598901 | Transfer Out (to 301 #G2000) | 3,399,905 | - | 126,917 | 3,272,988 |
| 010-0000-598901 | Transfer Out (to 410 #10919) | 3,272,988 | 200,000 | - | 3,472,988 |
| 010-0000-598901 | Transfer Out (to 410 #21019) | 3,472,988 | 25,000 | - | 3,497,988 |
| 010-1001-519200 | Contract Services | 7,000 | 100 | - | 7,100 |
| 010-1002-501010 | Salaries - Overtime | 5,000 | 500 | - | 5,500 |
| 010-1002-502005 | Group Med & Life Ins | 48,551 | 400 | - | 48,951 |
| 010-1002-521100 | Uniforms | 500 | 350 | - | 850 |
| 010-1002-523004 | Cellphone Stipend | - | 420 | - | 420 |
| 010-1002-531220 | Travel | - | 1,060 | - | 1,060 |
| 010-1002-534000 | Non-Capital Equipment | 37,150 | 118,970 | - | 156,120 |
| 010-1005-502091 | Worker's Comp Insurance | 92 | 10 | - | 102 |
| 010-1005-519200 | Contract Services | 32,500 | 55,660 | - | 88,160 |
| 010-1005-521010 | Office Supplies | 1,000 | 10 | - | 1,010 |
| 010-1005-531215 | Dues & Subscriptions | 8,000 | 2,700 | - | 10,700 |
| 010-1008-501010 | Salaries - Overtime | 1,000 | 300 | - | 1,300 |
| 010-1008-502091 | Worker's Comp Insurance | 315 | 20 | - | 335 |
| 010-1008-519104 | Prof Services-Engring | - | 50 | - | 50 |
| 010-1008-524030 | R & M - Trucks | - | 80 | - | 80 |
| 010-1008-531100 | Fuel | - | 140 | - | 140 |
| 010-1008-531215 | Dues & Subscriptions | 800 | 50 | - | 850 |
| 010-1008-531280 | Employee Events | 280 | - | 280 | - |
| 010-1010-501010 | Salaries - Overtime | - | 180 | - | 180 |
| 010-1010-502005 | Group Med & Life Ins | 2,333 | 200 | - | 2,533 |
| 010-1010-502050 | Retirement Expense | 2,534 | 340 | - | 2,874 |
| 010-1014-502091 | Worker's Comp Insurance | 2,459 | 100 | - | 2,559 |
| 010-1014-524020 | R & M - Equipment | 200 | - | 200 | - |
| 010-1014-524030 | R & M - Trucks | 2,500 | 50 | - | 2,550 |
| 010-1014-531200 | Postage | 100 | 30 | - | 130 |
| 010-1014-531205 | Advertising | - | 500 | - | 500 |
| 010-1014-531220 | Travel | - | 250 | - | 250 |
| 010-1200-501010 | Salaries - Overtime | 1,500 | 1,700 | - | 3,200 |
| 010-1200-524030 | R & M - Trucks | 2,850 | 700 | - | 3,550 |
| 010-1200-531210 | Permits, License And Fees | 100 | 20 | - | 120 |
| 010-1200-531220 | Travel | 6,000 | - | 3,000 | 3,000 |
| 010-1200-531225 | Training | 8,500 | - | 5,000 | 3,500 |
| 010-1300-501001 | Salaries - Regular | 3,407,034 | 51,000 | - | 3,458,034 |
| 010-1300-501002 | Salaries - Board/ Part Time/Temp/Aux | 90,562 | - | 22,900 | 67,662 |
| 010-1300-502001 | Fica Tax Expense | 281,045 | 4,600 | - | 285,645 |

| | | | | | |
|---|---|---|---|---|---|
| 010-1300-502091 | Worker's Comp Insurance | 64,645 | 5,000 | - | 69,645 |
| 010-1300-519104 | Prof Services-Engring | - | 35 | - | 35 |
| 010-1300-521100 | Uniforms | 92,220 | - | 1,560 | 90,660 |
| 010-1300-531100 | Fuel | 123,000 | 10,000 | - | 133,000 |
| 010-1300-531220 | Travel | - | 100 | - | 100 |
| 010-1400-501001 | Salaries - Regular | 2,216,178 | 33,500 | - | 2,249,678 |
| 010-1400-501002 | Salaries - Board/ Part Time/Temp/Aux | 42,000 | 7,200 | - | 49,200 |
| 010-1400-501010 | Salaries - Overtime | 117,000 | 30,000 | - | 147,000 |
| 010-1400-502001 | Fica Tax Expense | 185,370 | 9,700 | - | 195,070 |
| 010-1400-502005 | Group Med & Life Ins | 376,065 | 36,200 | - | 412,265 |
| 010-1400-502050 | Retirement Expense | 291,471 | 7,800 | - | 299,271 |
| 010-1400-502091 | Worker's Comp Insurance | 49,540 | 3,500 | - | 53,040 |
| 010-1400-519210 | Rural Fire Department Contracts | - | 11,050 | - | 11,050 |
| 010-1400-531100 | Fuel | 48,904 | 19,500 | - | 68,404 |
| 010-1400-531220 | Travel | - | 110 | - | 110 |
| 010-1400-531225 | Training | 52,000 | - | 20,000 | 32,000 |
| 010-1400-532400 | Miscellaneous | 7,500 | 220 | - | 7,720 |
| 010-1400-534000 | Non-Capital Equipment | 25,500 | 17,500 | - | 43,000 |
| 010-1400-554001 | C/O - Equipment/Other Than Vehicles | 58,000 | 500 | - | 58,500 |
| 010-1502-501001 | Salaries - Regular | 300,923 | 7,250 | - | 308,173 |
| 010-1502-501010 | Salaries - Overtime | 1,000 | 350 | - | 1,350 |
| 010-1502-501011 | Salaries - Holiday Pay | - | 150 | - | 150 |
| 010-1502-501025 | Salaries- Uniform/Taxable | 575 | 70 | - | 645 |
| 010-1502-502005 | Group Med & Life Ins | 46,700 | 700 | - | 47,400 |
| 010-1502-519104 | Prof Services-Engring | - | 32 | - | 32 |
| 010-1502-524010 | R & M - Bulidings | - | 140 | - | 140 |
| 010-1502-531100 | Fuel | 6,500 | 1,000 | - | 7,500 |
| 010-1502-531220 | Travel | 4,000 | - | 1,500 | 2,500 |
| 010-1502-531225 | Training | 4,000 | - | 1,000 | 3,000 |
| 010-1502-532400 | Miscellaneous | 2,000 | 50 | - | 2,050 |
| 010-1521-501001 | Salaries - Regular | 206,329 | - | 7,600 | 198,729 |
| 010-1521-501012 | Salaries- Standby | - | 50 | - | 50 |
| 010-1521-502005 | Group Med & Life Ins | 34,543 | 2,600 | - | 37,143 |
| 010-1521-502091 | Worker's Comp Insurance | 6,585 | 100 | - | 6,685 |
| 010-1521-519200 | Contract Services | - | 80 | - | 80 |
| 010-1521-531220 | Travel | 5,000 | - | 2,000 | 3,000 |
| 010-1521-552001 | Capital Outlay - Buildings | 7,000 | - | 7,000 | - |
| 010-1521-554001 | C/O- Equipment/Other Than Vehicles | 82,910 | 10,400 | - | 93,310 |
| 010-1521-554002 | C/O - Vehicles | 41,000 | 12,700 | - | 53,700 |
| 010-1523-502091 | Worker's Comp Insurance | 4,984 | 250 | - | 5,234 |
| 010-1523-531210 | Permits, License And Fees | 200 | 50 | - | 250 |
| 010-1523-531220 | Travel | 2,000 | - | 1,500 | 500 |
| 010-1523-531225 | Training | 3,000 | - | 1,500 | 1,500 |
| 010-1523-531700 | Liab & Prop Ins & Bonds | 3,168 | 300 | - | 3,468 |
| 010-1525-501001 | Salaries - Regular | 377,161 | - | 40,000 | 337,161 |
| 010-1525-501011 | Salaries - Holiday Pay | - | 930 | - | 930 |
| 010-1525-501025 | Salaries- Uniform/Taxable | 1,500 | 900 | - | 2,400 |
| 010-1525-502091 | Worker's Comp Insurance | 7,658 | 100 | - | 7,758 |
| 010-1525-521001 | Supplies & Materials | 33,000 | 100 | - | 33,100 |
| 010-1525-521100 | Uniforms | 5,250 | 500 | - | 5,750 |
| 010-1525-524020 | R & M - Equipment | 13,000 | - | 1,000 | 12,000 |
| 010-1525-531100 | Fuel | 21,750 | 2,500 | - | 24,250 |
| 010-1525-531220 | Travel | 2,000 | - | 1,000 | 1,000 |
| 010-1525-531700 | Liab & Prop Ins & Bonds | 8,913 | 100 | - | 9,013 |
| 010-1525-534000 | Non-Capital Equipment | - | 21,000 | - | 21,000 |
| 010-1525-554001 | Capital Outlay - Equipm | 43,200 | - | 7,500 | 35,700 |
| 010-1555-501001 | Salaries - Regular | 494,510 | 11,350 | - | 505,860 |
| 010-1555-502001 | Fica Tax Expense | 36,767 | 3,000 | - | 39,767 |
| 010-1555-502005 | Group Med & Life Ins | 90,965 | 3,000 | - | 93,965 |
| 010-1555-502050 | Retirement Expense | 58,347 | 2,000 | - | 60,347 |
| 010-1555-502091 | Worker's Comp Insurance | 4,396 | 100 | - | 4,496 |
| 010-1555-519104 | Prof Services-Engring | 11,820 | 5,600 | - | 17,420 |
| 010-1555-524020 | R & M - Equipment | 18,000 | 3,700 | - | 21,700 |
| 010-1555-531100 | Fuel | 26,750 | 1,100 | - | 27,850 |
| 010-1555-531220 | Travel | 2,000 | - | 1,500 | 500 |
| 010-1555-531225 | Training | 4,700 | 3,700 | - | 8,400 |
| 010-1555-531700 | Liab & Prop Ins & Bonds | 16,245 | 5,300 | - | 21,545 |
| 010-1555-554001 | C/O- Equipment/Other Than Vehicles | 131,100 | - | 4,900 | 126,200 |
| 010-1560-501011 | Salaries- Holiday Pay | - | 650 | - | 650 |
| 010-1560-501012 | Salaries- Standby | 16,000 | 910 | - | 16,910 |
| 010-1560-531100 | Fuel | 5,250 | 250 | - | 5,500 |
| 010-1560-531215 | Dues & Subscriptions | 2,000 | - | 1,000 | 1,000 |
| 010-1560-531220 | Travel | 3,500 | - | 3,500 | - |
| FUND 010 | TOTAL REVENUES | 17,427,575 | 821,525 | 323,415 | 17,925,685 |
| | TOTAL EXPENDITURES | 20,043,378 | 760,467 | 262,357 | 13,795,512 |
| An end of year FY23 budget amendment to prepare for the annual audit process. | | | | | |

The City Manager and City Clerk certify budget ordinance amendment 07062023-01 was approved by City Council on July 06, 2023.

City Manager

Date

City Clerk

Date

**TO MAYOR & COUNCIL** **FISCAL YEAR 2023**

**APPROVAL: July 06, 2023** **FORM: 07062023-02**

# BUDGET AMENDMENT

FUND 020

| ACCOUNT NUMBER | ACCOUNT DESCRIPTION | EXISTING BUDGET | INCREASE | DECREASE | REVISED BUDGET |
|---|---|---|---|---|---|
| 020-0000-400101 | Ad Valorem Taxes | 275,040 | 3,700 | - | 278,740 |
| 020-0000-400102 | Prior Years Ad Valorem Taxes | 1,000 | 600 | - | 1,600 |
| 020-0000-440001 | Vendor Permits | 10,750 | 2,000 | - | 12,750 |
| 020-0000-450001 | Interest Income | 100 | 1,800 | - | 1,900 |
| 020-0000-450099 | Market Adjustment | 1,040 | 800 | - | 1,840 |
| 020-0000-460040 | Special Events- Nontaxable | 5,000 | 4,000 | - | 9,000 |
| 020-2102-501001 | Salaries - Regular | 219,441 | 10,000 | - | 229,441 |
| 020-2102-501002 | Salaries - Board/ Part Time/Temp/Aux | 120 | 220 | - | 340 |
| 020-2102-501012 | Salaries - Standby Pay | 480 | 2,600 | - | 3,080 |
| 020-2102-501025 | Salaries - Uniform/Taxable | 270 | 80 | - | 350 |
| FUND 020 | TOTAL REVENUES | 292,930 | 12,900 | - | 305,830 |
| | TOTAL EXPENDITURES | 220,311 | 12,900 | - | 233,211 |

An end of year FY23 budget amendment to prepare for the annual audit process.

The City Manager and City Clerk certify budget ordinance amendment 07062023-02 was approved by City Council on July 06, 2023.

City Manager Date

City Clerk Date

**TO MAYOR & COUNCIL** **FISCAL YEAR 2023**

**APPROVAL: July 06, 2023** **FORM: 07062023-03**

# BUDGET AMENDMENT

FUND 021

| ACCOUNT NUMBER | ACCOUNT DESCRIPTION | EXISTING BUDGET | INCREASE | DECREASE | REVISED BUDGET |
|---|---|---|---|---|---|
| 021-0000-400101 | Ad Valorem Taxes | 40,003 | 1,000 | - | 41,003 |
| 021-0000-400110 | Ad Valorem Taxes - DMV | 800 | 2,000 | - | 2,800 |
| 021-0000-450001 | Interest Income | 123 | 1,000 | - | 1,123 |
| 021-2102-501001 | Salaries- Regular | 61,201 | 3,800 | - | 65,001 |
| 021-2102-501025 | Salaries - Uniform/Taxab | 270 | 200 | - | 470 |
| FUND 021 | TOTAL REVENUES | 40,926 | 4,000 | - | 44,926 |
| | TOTAL EXPENDITURES | 61,471 | 4,000 | - | 65,471 |
| An end of year FY23 budget amendment to prepare for the annual audit process. | | | | | |

The City Manager and City Clerk certify budget ordinance amendment 07062023-03 was approved by City Council on July 06, 2023.

City Manager Date

City Clerk Date

**TO MAYOR & COUNCIL** **FISCAL YEAR 2023**
**APPROVAL: July 06, 2023** **FORM: 07062023-04**

# BUDGET AMENDMENT

FUND 060

| ACCOUNT NUMBER | ACCOUNT DESCRIPTION | EXISTING BUDGET | INCREASE | DECREASE | REVISED BUDGET |
|---|---|---|---|---|---|
| 060-0000-430001 | Miscellaneous Sales | 1,200 | - | 1,200 | - |
| 060-0000-430003 | Rental Income | - | 3,800 | - | 3,800 |
| 060-0000-430501 | Water Sales-General | 15,060,000 | - | 53,500 | 15,006,500 |
| 060-0000-430502 | Water Sales Miscellaneous | 2,400 | 800 | - | 3,200 |
| 060-0000-430505 | Water Sales Uncollectible | - | 110 | - | 110 |
| 060-0000-430702 | Sewer Septic Tank Disposal | 160,000 | 88,000 | - | 248,000 |
| 060-0000-431001 | Lease Revenue | - | 28,000 | - | 28,000 |
| 060-0000-444102 | W&S Inspection Line Fees | 48,200 | 22,000 | - | 70,200 |
| 060-0000-444201 | Water Sewer Late Fees | 150,000 | 41,000 | - | 191,000 |
| 060-0000-444202 | Disconnect/Reconnect Admin Fee | 70,500 | 48,000 | - | 118,500 |
| 060-0000-444900 | Brightwater Fees | 30,300 | - | 6,300 | 24,000 |
| 060-0000-445001 | Sewer Permits & Fees | 2,500 | 7,000 | - | 9,500 |
| 060-0000-445201 | Utility Billing Service Charges | 66,300 | 26,000 | - | 92,300 |
| 060-0000-445202 | Sewer Surcharges | 81,850 | 54,000 | - | 135,850 |
| 060-0000-445401 | Water Tap Fees | 315,000 | - | 10,000 | 305,000 |
| 060-0000-445402 | Sewer Tap Fees | 67,500 | - | 12,000 | 55,500 |
| 060-0000-450001 | Interest Income | 8,500 | 145,000 | - | 153,500 |
| 060-0000-450099 | Market Adjustment | - | 60,000 | - | 60,000 |
| 060-0000-460001 | Miscellaneous Income | 15,000 | 3,000 | - | 18,000 |
| 060-0000-460110 | Reimbursements | - | 1,500 | - | 1,500 |
| 060-0000-460120 | Refunds | - | 8,500 | - | 8,500 |
| 060-0000-460130 | Warranty Fees | 11,200 | 5,000 | - | 16,200 |
| 060-0000-470030 | Insurance Proceeds | - | 6,000 | - | 6,000 |
| 060-1008-501001 | Salaries - Regular | 797,958 | - | 90,000 | 707,958 |
| 060-1014-501001 | Salaries - Regular | 709,611 | - | 20,000 | 689,611 |
| 060-1521-501001 | Salaries - Regular | 125,271 | - | 5,000 | 120,271 |
| 060-1523-501001 | Salaries - Regular | 99,861 | - | 12,000 | 87,861 |
| 060-7002-501001 | Salaries - Regular | 1,230,560 | - | 12,000 | 1,218,560 |
| 060-7032-501001 | Salaries- Regular | 406,060 | - | 12,000 | 394,060 |
| 060-7132-501001 | Salaries - Regular | 200,000 | - | 6,000 | 194,000 |
| 060-7055-501001 | Salaries - Regular | 1,200,865 | - | 100,000 | 1,100,865 |
| 060-7155-501001 | Salaries - Regular | 571,115 | - | 29,000 | 542,115 |
| 060-1008-501002 | Salaries- Board/ Part Time/ Temp/ Aux | 60,916 | - | 15,000 | 45,916 |
| 060-1014-502001 | Fica Tax Expense | 54,285 | - | 1,800 | 52,485 |
| 060-7002-502001 | Fica Tax Expense | 95,344 | - | 1,800 | 93,544 |
| 060-1008-502050 | Retirement Expense | 101,384 | - | 6,750 | 94,634 |
| 060-1010-501001 | Salaries - Regular | 170,551 | 20,000 | - | 190,551 |
| 060-7035-501001 | Salaries - Regular | 639,851 | 40,000 | - | 679,851 |
| 060-7050-501001 | Salaries - Regular | 442,493 | 20,600 | - | 463,093 |
| 060-7135-501001 | Salaries - Regular | 481,524 | 45,000 | - | 526,524 |
| 060-7150-501001 | Salaries - Regular | 142,175 | 7,500 | - | 149,675 |
| 060-1008-501010 | Salaries - Overtime | 5,250 | 2,800 | - | 8,050 |
| 060-1014-501010 | Salaries - Overtime | 5,000 | 2,400 | - | 7,400 |
| 060-7002-501010 | Salaries - Overtime | 7,750 | 3,500 | - | 11,250 |
| 060-7050-501010 | Salaries - Overtime | 1,200 | 4,070 | - | 5,270 |
| 060-7055-501010 | Salaries - Overtime | 72,000 | 42,000 | - | 114,000 |
| 060-7132-501010 | Salaries - Overtime | 8,000 | 100 | - | 8,100 |
| 060-7135-501010 | Salaries - Overtime | 4,500 | 6,100 | - | 10,600 |
| 060-7150-501010 | Salaries - Overtime | 4,750 | 2,000 | - | 6,750 |
| 060-7155-501010 | Salaries - Overtime | 45,000 | 11,000 | - | 56,000 |
| 060-1523-501011 | Salaries - Holiday Pay | - | 400 | - | 400 |
| 060-1521-501012 | Salaries - Standby Pay | - | 30 | - | 30 |
| 060-1523-501012 | Salaries - Standby Pay | - | 2,200 | - | 2,200 |
| 060-7032-501012 | Salaries - Standby Pay | 8,000 | 5,000 | - | 13,000 |
| 060-7050-501012 | Salaries - Standby Pay | 7,500 | 3,200 | - | 10,700 |
| 060-7055-501012 | Salaries - Standby Pay | 8,000 | 3,500 | - | 11,500 |
| 060-7132-501012 | Salaries - Standby Pay | 5,000 | 1,200 | - | 6,200 |
| 060-7150-501012 | Salaries - Standby Pay | 3,500 | 2,000 | - | 5,500 |
| 060-7155-501012 | Salaries - Standby Pay | 3,750 | 2,000 | - | 5,750 |
| 060-7002-501014 | Salaries - Shift Diff | - | 500 | - | 500 |
| 060-7132-501014 | Salaries - Shift Diff | - | 200 | - | 200 |
| 060-7032-501014 | Salaries - Shift Diff | - | 350 | - | 350 |
| 060-7035-501025 | Salaries - Uniform/Taxab | 1,350 | 1,200 | - | 2,550 |
| 060-7055-501025 | Salaries - Uniform/Taxab | 4,000 | 300 | - | 4,300 |
| 060-7002-501050 | Salaries - CM Ins Prem | - | 4,000 | - | 4,000 |
| 060-1010-502001 | Fica Tax Expense | 12,701 | 2,000 | - | 14,701 |
| 060-7035-505001 | Fica Tax Expense | 51,566 | 2,000 | - | 53,566 |
| 060-7050-502001 | Fica Tax Expense | 35,108 | 1,400 | - | 36,508 |
| 060-7135-502001 | Fica Tax Expense | 38,790 | 1,900 | - | 40,690 |
| 060-7150-502001 | Fica Tax Expense | 11,496 | 300 | - | 11,796 |

| | | | | | |
|---|---|---|---|---|---|
| 060-1010-502005 | Group Med & Life Ins | 16,282 | 5,200 | - | 21,482 |
| 060-1521-502005 | Group Med & Life Ins | 20,244 | 2,200 | - | 22,444 |
| 060-7002-502005 | Group Med & Life Ins | 132,096 | 6,700 | - | 138,796 |
| 060-7035-502005 | Group Med & Life Ins | 103,221 | 18,000 | - | 121,221 |
| 060-7135-502005 | Group Med & Life Ins | 77,370 | 7,500 | - | 84,870 |
| 060-7155-502005 | Group Med & Life Ins | 105,580 | 2,500 | - | 108,080 |
| 060-1010-502050 | Retirement Expense | 19,330 | 3,600 | - | 22,930 |
| 060-1521-502050 | Retirement Expense | 15,208 | 400 | - | 15,608 |
| 060-7035-502050 | Retirement Expense | 81,832 | 4,700 | - | 86,532 |
| 060-7050-502050 | Retirement Expense | 55,714 | 3,700 | - | 59,414 |
| 060-7135-502050 | Retirement Expense | 61,557 | 2,800 | - | 64,357 |
| 060-7150-502050 | Retirement Expense | 18,243 | 1,600 | - | 19,843 |
| 060-7155-502050 | Retirement Expense | 69,333 | 2,000 | - | 71,333 |
| 060-7032-502055 | Retiree Insurance | 16,434 | 10,000 | - | 26,434 |
| 060-7035-502055 | Retiree Insurance | 12,264 | 9,900 | - | 22,164 |
| 060-7050-502055 | Retiree Insurance | 16,434 | 5,670 | - | 22,104 |
| 060-7035-502091 | Worker's Comp Ins | 34,596 | 1,000 | - | 35,596 |
| 060-7132-502091 | Worker's Comp Ins | 3,083 | 150 | - | 3,233 |
| 060-7155-502091 | Worker's Comp Ins | 1,518 | 500 | - | 2,018 |
| 060-1008-531245 | Cash Short/Over | 500 | 3,200 | - | 3,700 |
| 060-1014-523004 | Cellphone Stipend | - | 300 | - | 300 |
| 060-7002-519200 | Contract Services | 251,200 | 117,790 | - | 368,990 |
| 060-7002-531220 | Travel | - | 350 | - | 350 |
| 060-7002-531265 | Drug Testing | 1,500 | 300 | - | 1,800 |
| 060-7002-534000 | Non-Capital Equipment | 29,575 | 142,600 | - | 172,175 |
| 060-7055-524030 | R & M - Trucks | 45,000 | 20,000 | - | 65,000 |
| 060-7055-524060 | R & M - Lines | 320,000 | 113,000 | - | 433,000 |
| 060-7055-531100 | Fuel | 71,425 | 6,000 | - | 77,425 |
| 060-7055-531215 | Dues & Subscriptions | 9,200 | 300 | - | 9,500 |
| 060-7055-531700 | Liab & Prop Ins & Bonds | 55,000 | 7,500 | - | 62,500 |
| 060-7055-532400 | Miscellaneous | 400 | 100 | - | 500 |
| 060-7132-523001 | Utilities - Electricity | - | 150 | - | 150 |
| 060-7132-524030 | R&M Trucks | - | 500 | - | 500 |
| 060-7135-519104 | Prof Services-Engring | - | 300 | - | 300 |
| 060-7135-531220 | Travel | - | 300 | - | 300 |
| 060-7135-531700 | Liab & Prop Ins & Bonds | 22,000 | 200 | - | 22,200 |
| 060-7155-521001 | Supplies & Materials | 100,000 | 18,000 | - | 118,000 |
| 060-7155-524060 | R & M - Lines | 60,000 | 7,000 | - | 67,000 |
| 060-7155-531100 | Fuel | 45,675 | 5,000 | - | 50,675 |
| 060-7155-531210 | Permits, License And Fees | 4,500 | 4,000 | - | 8,500 |
| 060-7155-531700 | Liab & Prop Ins & Bonds | 25,808 | 300 | - | 26,108 |
| FUND 060 | TOTAL REVENUES | 2,759,551 | 547,710 | 83,000 | 3,147,361 |
| | TOTAL EXPENDITURES | 8,043,454 | 776,060 | 311,350 | 8,635,164 |
| An end of year FY23 budget amendment to prepare for the annual audit process. | | | | | |

The City Manager and City Clerk certify budget ordinance amendment 07062023-04 was approved by City Council on July 06, 2023.

City Manager

Date

City Clerk

Date

**TO MAYOR & COUNCIL** **FISCAL YEAR 2023**

**APPROVAL: July 06, 2023** **FORM: 07062023-05**

# BUDGET AMENDMENT

FUND 064

| ACCOUNT NUMBER | ACCOUNT DESCRIPTION | EXISTING BUDGET | INCREASE | DECREASE | REVISED BUDGET |
|---|---|---|---|---|---|
| 064-0000-430011 | Parking Garage Revenues | - | 17,000 | - | 17,000 |
| 064-0000-450011 | Interest Income | - | 3,500 | - | 3,500 |
| 064-0000-460020 | Parking Violations | 9,400 | 65,000 | - | 74,400 |
| 064-1002-523001 | Utilities- Electric | - | 2,400 | - | 2,400 |
| 064-7455-501010 | Salaries- Overtime | - | 1,500 | - | 1,500 |
| 064-7455-519200 | Contract Services | 11,892 | 53,500 | - | 65,392 |
| 064-7455-531210 | Permits, License and Fees | 16,100 | 7,500 | - | 23,600 |
| 064-7455-531260 | Credit Card Processing Fees | - | 23,000 | - | 23,000 |
| 064-7455-554001 | C/O Equipment Other than Vehicles | 407,000 | - | 2,400 | 404,600 |
| FUND 064 | TOTAL REVENUES | 9,400 | 85,500 | - | 94,900 |
| | TOTAL EXPENDITURES | 11,892 | 87,900 | 2,400 | 66,892 |
| An end of year FY23 budget amendment to prepare for the annual audit process. | | | | | |

The City Manager and City Clerk certify budget ordinance amendment 07062023-05 was approved by City Council on July 06, 2023.

City Manager Date

City Clerk Date

**TO MAYOR & COUNCIL** **FISCAL YEAR 2023**

**APPROVAL: July 06, 2023** **FORM: 07062023-06**

# BUDGET AMENDMENT

FUND 067

| ACCOUNT NUMBER | ACCOUNT DESCRIPTION | EXISTING BUDGET | INCREASE | DECREASE | REVISED BUDGET |
|---|---|---|---|---|---|
| 067-0000-430901 | Stormwater Fee | 1,157,000 | - | 115,000 | 1,042,000 |
| 067-7555-501001 | Salaries - Regular | 583,553 | - | 115,000 | 468,553 |
| 067-7555-502005 | Group Med & Life Ins | 85,714 | - | 3,715 | 81,999 |
| 067-7555-501002 | Salaries - Board/ Part Time/Temp/Aux | 710 | 1,500 | - | 2,210 |
| 067-7555-501010 | Salaries - Overtime | 6,160 | 100 | - | 6,260 |
| 067-7555-501011 | Salaries - Holiday Pay | 460 | 50 | - | 510 |
| 067-7555-501012 | Salaries - Standby Pay | 1,500 | 1,700 | - | 3,200 |
| 067-7555-501014 | Salaries - Shift Diff | - | 15 | - | 15 |
| 067-7555-501025 | Salaries - Uniform/Taxab | 750 | 350 | - | 1,100 |
| FUND 067 | TOTAL REVENUES | 1,157,000 | - | 115,000 | 1,042,000 |
| | TOTAL EXPENDITURES | 678,847 | 3,715 | 118,715 | 563,847 |
| An end of year FY23 budget amendment to prepare for the annual audit process. | | | | | |

The City Manager and City Clerk certify budget ordinance amendment 07062023-06 was approved by City Council on July 06, 2023.

City Manager Date

City Clerk Date

**TO MAYOR & COUNCIL** **FISCAL YEAR 2023**

**APPROVAL: July 06, 2023** **FORM: 07062023-07**

# BUDGET AMENDMENT

FUND 068

| ACCOUNT NUMBER | ACCOUNT DESCRIPTION | EXISTING BUDGET | INCREASE | DECREASE | REVISED BUDGET |
|---|---|---|---|---|---|
| 068-0000-430801 | Waste Disposal Fees-Residental | 1,358,000 | - | 8,900 | 1,349,100 |
| 068-0000-430802 | Waste Disposal Fees-Commercial | 201,700 | 20,000 | - | 221,700 |
| 068-0000-430803 | Solid Waste Disposal Tax | 3,010 | 6,500 | - | 9,510 |
| 068-0000-450099 | Market Adjustment | - | 650 | - | 650 |
| 068-0000-460001 | Miscellaneous Income | 1,800 | - | 1,800 | - |
| 068-7855-501011 | Salaries - Holiday Pay | 24,945 | - | 6,240 | 18,705 |
| 068-1521-501010 | Salaries - Overtime | - | 2,600 | - | 2,600 |
| 068-1521-501011 | Salaries - Holiday Pay | - | 30 | - | 30 |
| 068-1521-501012 | Salaries - Standby Pay | - | 10 | - | 10 |
| 068-1521-501025 | Salaries - Uniform/Taxab | - | 100 | - | 100 |
| 068-1521-502005 | Group Med & Life Ins | 5,954 | 400 | - | |
| 068-1521-502091 | Worker's Comp Ins | 1,030 | 500 | - | 1,530 |
| 068-7855-501001 | Salaries - Regular | 656,403 | 16,000 | - | 672,403 |
| 068-7855-501025 | Salaries - Uniform/Taxab | 2,600 | 350 | - | 2,950 |
| 068-7855-505001 | Fica Tax Expense | 50,364 | 1,100 | - | 51,464 |
| 068-7855-502091 | Worker's Comp Ins | 24,691 | 1,600 | - | 26,291 |
| FUND 068 | TOTAL REVENUES | 1,564,510 | 27,150 | 10,700 | 1,580,960 |
| | TOTAL EXPENDITURES | 765,986 | 22,690 | 6,240 | 776,081 |

An end of year FY23 budget amendment to prepare for the annual audit process.

The City Manager and City Clerk certify budget ordinance amendment 07062023-07 was approved by City Council on July 06, 2023.

City Manager Date

City Clerk Date

**TO MAYOR & COUNCIL** **FISCAL YEAR 2023**

**APPROVAL: July 06, 2023** **FORM: 07062023-08**

# BUDGET AMENDMENT

FUND 310

| ACCOUNT NUMBER | ACCOUNT DESCRIPTION | EXISTING BUDGET | INCREASE | DECREASE | REVISED BUDGET |
|---|---|---|---|---|---|
| 301-0000-420050 | Grant Revenue | 226,442 | - | 90,036 | 136,406 |
| 301-0000-470100 | Transfer In | 627,547 | - | 126,917 | 500,630 |
| 301-1400-501001 | Salaries - Regular | 581,211 | - | 189,818 | 391,393 |
| 301-1400-501002 | Salaries - Board/ Part Time/Temp/Aux | - | 383 | - | 383 |
| 301-1400-501010 | Salaries - Overtime | - | 39,138 | - | 39,138 |
| 301-1400-501011 | Salaries - Holiday Pay | 28,808 | - | 10,185 | 18,623 |
| 301-1400-501013 | Salaries - Halftime | - | 17,824 | - | 17,824 |
| 301-1400-502001 | Fica Tax Expense | 46,666 | - | 11,572 | 35,094 |
| 301-1400-502005 | Group Med & Life Ins | 106,671 | - | 28,166 | 78,505 |
| 301-1400-502050 | Retirement Expense | 74,056 | - | 17,980 | 56,076 |
| 301-1400-502091 | Worker's Comp | 16,577 | - | 16,577 | - |
| FUND 310 | TOTAL REVENUES | 853,989 | - | 216,953 | 637,036 |
| | TOTAL EXPENDITURES | 853,989 | 57,345 | 274,298 | 637,036 |
| An end of year FY23 budget amendment to prepare for the annual audit process. | | | | | |

The City Manager and City Clerk certify budget ordinance amendment 07062023-08 was approved by City Council on July 06, 2023.

City Manager Date

City Clerk Date

**TO MAYOR & COUNCIL** **FISCAL YEAR 2023**
**APPROVAL: July 06, 2023** **FORM: 07062023-09**

# BUDGET AMENDMENT

FUND 410

| ACCOUNT NUMBER | DESCRIPTION OF ACCOUNT | EXISTING BUDGET | INCREASE | DECREASE | REVISED BUDGET |
|---|---|---|---|---|---|
| 410-0000-470100-19019 | Transfer In (from 010) | 265,529 | 200,000 | - | 465,529 |
| 410-0000-420050-19019 | Grant Revenue (Stormwater) | 70,000 | - | - | 70,000 |
| 410-0000-470010-19019 | Bond Proceeds (2022 IFC) | 13,691,943 | - | - | 13,691,943 |
| 410-1002-550102-19019 | Capital Outlay - Services and Fees | - | - | - | - |
| 410-1002-550103-19019 | Capital Outlay - CIP | 14,027,472 | 200,000 | - | 14,227,472 |
| FUND 410 | TOTAL REVENUES | 14,027,472 | 200,000 | - | 14,227,472 |
| (Fire Station #1) | TOTAL EXPENDITURES | 14,027,472 | 200,000 | - | 14,227,472 |
| 410-0000-470010-19019 | Bond Proceeds (2022 IFC) | 652,204 | - | - | 652,204 |
| 410-1002-550103-19019 | Capital Outlay - CIP | 652,204 | - | - | 652,204 |
| FUND 410 | TOTAL REVENUES | 652,204 | - | - | 652,204 |
| (Temp. Fire Station) | TOTAL EXPENDITURES | 652,204 | - | - | 652,204 |
| 410-0000-460090-21019 | Contribution (Henderson County) | 100,000 | - | - | 100,000 |
| 410-0000-460090-21019 | Contribution (Other Agencies) | 17,500 | - | - | 17,500 |
| 410-0000-470010-21019 | Bond Proceeds (2022 IFC) | 2,157,853 | - | - | 2,157,853 |
| 410-0000-470100-21019 | Transfer In (From 010) | - | 25,000 | - | 25,000 |
| 410-1002-550103-21019 | Capital Outlay - CIP | 2,275,353 | 25,000 | - | 2,300,353 |
| FUND 410 | TOTAL REVENUES | 2,275,353 | 25,000 | - | 2,300,353 |
| (Edwards Park) | TOTAL EXPENDITURES | 2,275,353 | 25,000 | - | 2,300,353 |
| 410-0000-470010-19021 | Bond Proceeds (2022 IFC) | 1,500,000 | - | - | 1,500,000 |
| 410-1400-550103-19021 | Capital Outlay - CIP | 1,500,000 | - | - | 1,500,000 |
| FUND 410 | TOTAL REVENUES | 1,500,000 | - | - | 1,500,000 |
| (Replace HFD Ladder) | TOTAL EXPENDITURES | 1,500,000 | - | - | 1,500,000 |
| 410-0000-470010-19020 | Bond Proceeds (2022 IFC) | 800,000 | - | - | 800,000 |
| 410-1400-550103-19020 | Capital Outlay - CIP | 800,000 | - | - | 800,000 |
| FUND 410 | TOTAL REVENUES | 800,000 | - | - | 800,000 |
| (Replace HFD Engine) | TOTAL EXPENDITURES | 800,000 | - | - | 800,000 |
| 2022 Installment Financing Subtotal | | | | | 18,802,000 |
| Other Financing Sources Subtotal | | | | | 678,029 |
| | | | | | |
| **Total Project Revenues (19019, 19020, 19021, and 21019)** | | | | | **19,480,029** |
| **Total Project Appropriation (19019, 19020, 19021, and 21019)** | | | | | **19,480,029** |

An end of year FY23 budget amendment to prepare for the annual audit process.

The City Manager and City Clerk certify budget ordinance amendment 07062023-09 was approved by City Council on July 06, 2023.

City Manager Date

City Clerk Date

**TO MAYOR & COUNCIL** **FISCAL YEAR 2023**
**APPROVAL: July 06, 2023** **FORM: 07062023-10**

# BUDGET AMENDMENT

FUND 010 | 468

| ACCOUNT NUMBER | ACCOUNT DESCRIPTION | EXISTING BUDGET | INCREASE | DECREASE | REVISED BUDGET |
|---|---|---|---|---|---|
| 010-1502-519200 | Contracted Services | 30,000 | - | 18,065 | 11,935 |
| 010-1523-531600 | Lease/Rental Equipment | 6,000 | - | 6,000 | - |
| 010-1523-524010 | R&M Buildings | 43,950 | - | 18,000 | 25,950 |
| 010-1523-524020 | R&M Equipment | 16,000 | - | 5,000 | 11,000 |
| 010-1523-554001 | C/O - Equipment | 25,000 | - | 2,000 | 23,000 |
| 010-0000-598901 | Transfer Out (to 468, #VE024) | 3,497,988 | 49,065 | - | 3,547,053 |
| FUND 010 | TOTAL REVENUES | - | - | - | - |
| | TOTAL EXPENDITURES | - | 49,065 | 49,065 | - |
| 468-0000-470010-VE024 | Debt Proceeds (Vehicle & Equip. Loan) | 500,000 | - | - | 500,000 |
| 468-0000-470100-VE024 | Transfer In (from 010) | - | 49,065 | - | 49,065 |
| 468-7855-554002-VE024 | C/O-Vehicles (14-18, 3500 Series) | 75,000 | - | - | 75,000 |
| 468-7855-554001-VE024 | C/O-Equipment (61-17 Leaf Machine) | 125,000 | 49,065 | - | 174,065 |
| 468-7855-554001-VE024 | C/O-Equipment (Waste Truck) | 300,000 | - | - | 300,000 |
| FUND 468 | TOTAL REVENUES | 500,000 | 49,065 | - | 549,065 |
| (Env. Services, Leaf Machine) | TOTAL EXPENDITURES | 500,000 | 49,065 | - | 549,065 |

A amendment transfering $49,065 of FY23 budget to the Environmental Services Capital Project Fund (468, FY24 Vehicle and Equipment Project, #VE024) for the acquisition of a leaf machine replacement (safety priority) with a higher than anticipated cost to purchase. The new leaf machine acquisition budget is $174,065.

The City Manager and City Clerk certify budget ordinance amendment 07062023-10 was approved by City Council on July 06, 2023.

City Manager Date

City Clerk Date

**TO MAYOR & COUNCIL** **FISCAL YEAR 2023**

**APPROVAL: July 06, 2023** **FORM: 07062023-11**

# BUDGET AMENDMENT

FUND 410

| ACCOUNT NUMBER | ACCOUNT DESCRIPTION | EXISTING BUDGET | INCREASE | DECREASE | REVISED BUDGET |
|---|---|---|---|---|---|
| 410-0000-470010-21017 | Debt Proceeds (2023 IFC) | 3,000,000 | 3,425,000 | - | 6,425,000 |
| 410-1002-550103-21017 | Debt Proceeds (Vehicle & Equip. Loan) | 3,000,000 | 3,425,000 | - | 6,425,000 |
| FUND 410 | TOTAL REVENUES | - | 3,425,000 | - | 6,425,000 |
| (City Hall & Ops Reno.) | TOTAL EXPENDITURES | - | 3,425,000 | - | 6,425,000 |

An amendment increasing the budget for the City Hall and Operations Renovation Project (#21017) to reflect the debt proceeds from the 2023 installment financing contract and corresponding expenditure budget of $6,425,000.

The City Manager and City Clerk certify budget ordinance amendment 07062023-11 was approved by City Council on July 06, 2023.

City Manager Date

City Clerk Date

**TO MAYOR & COUNCIL**
**APPROVAL: July 06, 2023**

**FISCAL YEAR 2024**
**FORM: 07062023-12**

# BUDGET AMENDMENT

FUND 010

| ACCOUNT NUMBER | ACCOUNT DESCRIPTION | EXISTING BUDGET | INCREASE | DECREASE | REVISED BUDGET |
|---|---|---|---|---|---|
| 010-0000-470900 | Fund Balance Appropriated | 2,614,519 | 42,000 | - | 2,656,519 |
| 010-1001-540001 | Special Appropriations | 264,709 | 42,000 | - | 306,709 |
| FUND 010 | TOTAL REVENUES | - | 42,000 | - | 2,656,519 |
| | TOTAL EXPENDITURES | - | 42,000 | - | 306,709 |

A budget amendment appropriating $42,000 of General Fund (010) fund balance for an appropriation to HandsOn as allowable by the City's existing contract (special appropriations, year 3) following receipt of an annual report and discussion by HandsOn.

The City Manager and City Clerk certify budget ordinance amendment 07062023-12 was approved by City Council on July 06, 2023.

City Manager

Date

City Clerk

Date

**TO MAYOR & COUNCIL** **FISCAL YEAR 2024**

**APPROVAL: July 06, 2023** **FORM: 07062023-13**

# BUDGET AMENDMENT

FUND 010

| ACCOUNT NUMBER | ACCOUNT DESCRIPTION | EXISTING BUDGET | INCREASE | DECREASE | REVISED BUDGET |
|---|---|---|---|---|---|
| 010-0000-460090 | Contribution/Donation | - | 25,000 | - | 25,000 |
| 010-1502-553000 | C/O - Land Improvements | - | 25,000 | - | 25,000 |
| FUND 010 | TOTAL REVENUES | - | 25,000 | - | 25,000 |
| | TOTAL EXPENDITURES | - | 25,000 | - | 25,000 |

A budget amendment increasing grant revenues in the General Fund related to a community garden project. The City has received $25,000 of contribution from the Healthy Babies Bright Future non-profit organization. The $25,000 will be used to fund the construction of new garden beds, soil, landscaping, fencing, and hardscape for an ADA compliant community garden. The City will partner with other volunteer agencies to complete the project.

The City Manager and City Clerk certify budget ordinance amendment 07062023-13 was approved by City Council on July 06, 2023.

City Manager Date

City Clerk Date

**TO MAYOR & COUNCIL**
**APPROVAL: July 06, 2023**

**FISCAL YEAR 2024**
**FORM: 07062023-14**

# BUDGET AMENDMENT

FUND 010

| ACCOUNT NUMBER | ACCOUNT DESCRIPTION | EXISTING BUDGET | INCREASE | DECREASE | REVISED BUDGET |
|---|---|---|---|---|---|
| 010-0000-470900 | Fund Balance Appropriated | 2,656,519 | 60,000 | - | 2,716,519 |
| 010-1002-551000 | C/O - Land/Easement/ROW | - | 60,000 | - | 60,000 |
| FUND 010 | TOTAL REVENUES | - | 60,000 | - | 2,716,519 |
| | TOTAL EXPENDITURES | - | 60,000 | - | 60,000 |

A budget amendment for the acquisition of city property using $60,000 of FY24 Fund Balance.

The City Manager and City Clerk certify budget ordinance amendment 07062023-14 was approved by City Council on July 06, 2023.

City Manager — Date

City Clerk — Date

**TO MAYOR & COUNCIL** **FISCAL YEAR 2024**

**APPROVAL: July 06, 2023** **FORM: 07062023-15**

# BUDGET AMENDMENT

FUND 010

| ACCOUNT NUMBER | ACCOUNT DESCRIPTION | EXISTING BUDGET | INCREASE | DECREASE | REVISED BUDGET |
|---|---|---|---|---|---|
| 010-0000-460090 | Contribution/Donation | 25,000 | 20,000 | - | 45,000 |
| 010-1525-553000 | C/O - Land Improvements | 55,000 | 20,000 | - | 75,000 |
| FUND 010 | TOTAL REVENUES | - | 20,000 | - | 45,000 |
| | TOTAL EXPENDITURES | - | 20,000 | - | 75,000 |

A budget amendment increasing General Fund Contributions/Donations revenue by $20,000 to reflect the receipt of a contribution. The contribution increases the disc golf budget to $45,000.

The City Manager and City Clerk certify budget ordinance amendment 07062023-15 was approved by City Council on July 06, 2023.

City Manager Date

City Clerk Date

**TO MAYOR & COUNCIL** **FISCAL YEAR 2024**
**APPROVAL: July 06, 2023** **FORM: 07062023-16**

# BUDGET AMENDMENT

FUND 459 | 460

| ACCOUNT NUMBER | ACCOUNT DESCRIPTION | EXISTING BUDGET | INCREASE | DECREASE | REVISED BUDGET |
|---|---|---|---|---|---|
| 459-0000-470900 | Fund Balance Appropriated | - | 133,780 | - | 133,780 |
| 459-0000-598901 | Transfer Out (to 460, #21045) | - | 133,780 | - | 133,780 |
| FUND 459 | TOTAL REVENUES | - | 133,780 | - | 133,780 |
| | TOTAL EXPENDITURES | - | 133,780 | - | 133,780 |
| 460-0000-470100-21045 | Transfer In (from 459) | - | 133,780 | - | 133,780 |
| 460-0000-470100-21045 | Transfer In (from #G2204) | 1,450,000 | 39,712 | - | 1,489,712 |
| 460-1014-550103-21045 | Capital Outlay CIP | 1,450,000 | 173,492 | - | 1,623,492 |
| FUND 460 | TOTAL REVENUES | 1,450,000 | 173,492 | - | 1,623,492 |
| | TOTAL EXPENDITURES | 1,450,000 | 173,492 | - | 1,623,492 |
| 460-0000-470100-16023 | Transfer In (from'22 NCDEQ, #G2204) | 3,550,000 | - | 39,712 | 3,510,288 |
| 460-0000-470100-16023 | Transfer In (from 459) | 400,000 | - | - | 400,000 |
| 460-1014-550103-16023 | Capital Outlay CIP | 3,550,000 | - | 39,712 | 3,510,288 |
| 460-1014-550102-16023 | Capital Outlay Services and Fees | 400,000 | - | - | 400,000 |
| FUND 460 | TOTAL REVENUES | 3,950,000 | - | 39,712 | 3,910,288 |
| | TOTAL EXPENDITURES | 3,950,000 | - | 39,712 | 3,910,288 |

A budget amendment transfering $133,780 from the Capital Reserve Fund (459) to the Water & Sewer Capital Project Fund (460) for the Wastewater Treatment Aeration Basin Repair Project (21045). This amendment also reallocates $39,712 of ARPA grant funds from the Wastewater Treatment UV Project (16023) to the Aeration Basin Repair Project (21045). The adjustment of the grant revenue is allowable via the grant contract.

The City Manager and City Clerk certify budget ordinance amendment 07062023-16 was approved by City Council on July 06, 2023.

City Manager Date

City Clerk Date

**CITY OF HENDERSONVILLE**

# AGENDA ITEM SUMMARY

**SUBMITTER:** Brendan Shanahan, Project Division Manager

**MEETING DATE:** June 22, 2023

**AGENDA SECTION:** CONSENT

**DEPARTMENT:** Engineering

**TITLE OF ITEM:** Utility Extension Agreement for the Townes at Martha Kate Subdivision – *Brendan Shanahan, Project Division Manager*

**SUGGESTED MOTION(S):** I move that City Council approves the Resolution authorizing the City Manager to enter into a Utility Extension Agreement with Townes at Martha Kate, LLC, for the Townes at Martha Kate Subdivision as presented and recommended by staff.

**SUMMARY:**

The Townes at Martha Kate Subdivision located off Queen Street in Hendersonville proposes to extend the City's water and sewer systems to serve said expansion. The attached Utility Extension Agreement (UEA) outlines the water and sewer utility line extension processes and assigns responsibilities to the Developer and City. We welcome any questions that you may have.

**BUDGET IMPACT:** $0

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

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

**PROJECT NUMBER:** 22114

**PETITION NUMBER:** N/A

**ADDITIONAL PETITION NUMBER:** N/A

**PETITIONER NAME:** N/A

**ATTACHMENTS:**

Utility Extension Agreement – Townes at Martha Kate Subdivision

Map showing Townes At Martha Kate Subdivision parcel

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON
Prepared by and return to: Daniel Heyman, Staff Attorney, City of Hendersonville, in the City Box

UTILITY EXTENSION AGREEMENT

THIS AGREEMENT, Made and entered into this ____ day of _____, 20____, by and between the **CITY OF HENDERSONVILLE**, a North Carolina municipal corporation, situate in Henderson County, herein referred to as the "City", and **TOWNES AT MARTHA KATE, LLC**, a North Carolina limited liability company, herein referred to as "Developer,"

**WITNESSETH:**

THAT WHEREAS, Developer is the owner of, and is desirous of developing and improving, a tract of land situated in Henderson County, State of North Carolina, described as follows:

> Consisting of +/- 14.2 acres, and being all of that real property described in that deed recorded in Deed Book 4026 at page 408 , Henderson County registry, having a REID of 107823, and being all of the property identified as Tract 1 and Tract 2 on that plat recorded in Plat Book 2022 at page 14126, hereinafter referred to as the "Property"; and

WHEREAS, the Developer has submitted an application for the development of a project known as the Townes at Martha Kate (project number 22114); and

WHEREAS, in the process of such development and improvement, Developer is desirous of constructing water infrastructure and/or sanitary sewer infrastructure to and on said tract(s) of land, for which the City requires that the Developer enter into a utility extension agreement with the City, said water and/or sewer infrastructure to consist of the following:

> Being and consisting of: 1) Water Service Extension consisting of +/- 105 lineal feet of 2" PEX-A, +/- 1,224 lineal feet of 6" water line (DIP/CL 350), together with two hydrants and all other valves and appurtenances, connecting to an existing 8" ductile water main; and 2) a Sanitary Service Extension consisting of +/- 1,506 lineal feet of 8" sewer line (PVC/SDR 35), and all other appurtenances, connecting to existing manhole #5334 off North Main Street, and being more particularly shown and described on those construction plans and specifications, dated April 7, 2023, prepared by Blue Ridge Engineering, PLLC

a Civil Engineering firm, said plans being incorporated herein by reference. 1) and 2) collectively are hereinafter referred to as the "New Infrastructure". It is understood and agreed that the New Infrastructure may be modified or amended from and after the date of this Agreement as may be required to meet the standards of the City of Hendersonville. As used herein, "New Infrastructure" shall be deemed to include any and all of any such modifications and amendments.; and

WHEREAS, the Developer has received zoning approval from the designated governing body for such development and improvement on the Property; and

WHEREAS, the Property is not located within the City's municipal boundaries but is located within the unincorporated area of Henderson County; and

WHEREAS, the City is not obligated to offer water or sanitary sewer service to property outside its corporate limits; and

WHEREAS, Developer desires to have the completed New Infrastructure connected to the City's municipal water system and/or sanitary sewer system and made an integral portion thereof; and

WHEREAS, the City will permit said system(s) to be connected to the municipal system(s) under the terms and conditions heretofore established and agreed upon between the parties and specifically in conformance with the requirements of the most recent extension policy, most recent water and sewer standard construction specifications and details, and the City's Code of Ordinances currently in force.

NOW, THEREFORE, in consideration of the mutual benefits which will result to the parties in carrying out the terms of this Agreement, it is agreed as follows:

1. Developer shall, at Developer's own expense, employ a North Carolina registered and licensed professional engineer ("Engineer") to complete design and permitting of the proposed New Infrastructure in conformance with NCAC Title 15A Subchapter 18C (water) and NCAC Title 15A Subchapter 02T(sanitary sewer), the City's water and sewer standard construction specifications and details, and the City water and/or sewer Master Plan(s).

2. Developer shall require the Engineer to submit plans, reports, technical specifications, fees, permit applications, and any other items as required and approvable by the City ("Required Documents"). The Engineer shall disclose all proposed changes in the approved construction plans to the City in writing. If proposed changes are deemed by the City to be "significant" in nature, the City may require the Engineer to resubmit plans for re-permitting. The determination of whether a change is deemed to be significant shall be in the sole and absolute discretion of the City, and the Developer agrees to be bound thereby. This will require written approval by the City prior to re-submitting to the permitting agency or before proceeding with changes, even if permitting agency re-submittal is not required. City approval of a utility extension is subject to expiration should construction not be completed after a period of two years from the date of approval. Once the Required Documents have been approved by the City, they shall be deemed to be incorporated herein by reference as an amendment to this Agreement to indicate the Developers construction obligations under this Agreement.

3. The City will perform construction inspection during installation of the New Infrastructure and upon project completion submit written certification that the project was completed in accordance with the approved plans

and specifications as required by NCAC Title 15A Subchapter 18C (water) and NCAC Title 15A Subchapter 02T (sanitary sewer). Water and Sewer inspection fees shall be in accordance with the adopted City Fee Schedule as of the date of this agreement. Fees will be paid by the Developer upon certification and acceptance of the New Infrastructure, with amounts due being based on length of lines inspected, certified and accepted.

4. The Developer shall, at his or her own expense, furnish and transfer to the City all on-site and off-site easements, rights-of-way, and real property required for access to and perpetual maintenance and operation of the New Infrastructure and its appurtenances in accordance with the terms of this Agreement as provided herein below.

   Developer will be required to enter into the City's standard Deed of Dedication and Conveyance With Associated Easements for conveyance of the New Infrastructure and on-site easements, as amended. Further Developer will be required to use the City's standard Utility Infrastructure Easement Agreement when securing the necessary off-site right of way for the operation and maintenance of the New Infrastructure. For the avoidance of doubt, both standard forms permit use of the easements for the future installation of water, sewer and stormwater lines, and their associated appurtenances and accessories, in addition to the New Infrastructure, by or on behalf of the City. The City shall provide a copy of these standard forms upon request by the Developer.

5. Developer shall convey to the City all of the New Infrastructure and easements, on-site and off-site, prior to selling any of the lots in the lots in the development. If the Developer sells a lot within the development to a third-party prior to the conveyance of the New Infrastructure and easements, Developer shall be responsible for all costs associated with obtaining title to the New Infrastructure and easements.

6. Developer shall, at his or her own cost and expense, furnish all materials and all equipment and perform all the work necessary to complete the construction of the New Infrastructure described in the plans and specifications as approved by the City's authorized representative and permitting agency.

7. The installation and construction of the New Infrastructure shall be performed by a reputable and responsible Contractor possessing a valid North Carolina Public Utility Contractor's License directly related to the installation of the New Infrastructure issued by the North Carolina Licensing Board for General Contractors. As used herein, a "responsible Contractor" shall mean one possessing the requisite knowledge, experience, and financial resources to complete the construction of the New Infrastructure in accordance with the plans and specifications within the time allotted.

8. The Engineer shall contact the City prior to the start of construction in order to schedule a preconstruction conference between the Developer, Contractor, Engineer, and City staff. This request should be made at least seven (7) days in advance of the anticipated starting date. Developer or Engineer shall receive a written notice to proceed (NTP) from the City before commencing with construction. If construction is anticipated to be greater than sixty (60) days, a monthly progress meeting shall be scheduled once every thirty (30) days. The date and time of the monthly progress meeting shall be established during the preconstruction conference.

9. Developer shall submit the name, address and the Public Utility Contractor's License Identification Number of the proposed Contractor to the City prior to the preconstruction meeting. The City may investigate the validity

of the Contractor's license and the Contractor’s status as a responsible Contractor by methods including but not limited to contacting the owners of past projects for which the Contractor furnished work in order to obtain reference information

10. City staff will be assigned for the express purpose of periodic construction observation and inspection. The City's construction inspector(s) shall have the authority to report all discrepancies identified in all phases of construction to the Engineer regarding conformance with the approved construction drawings and specifications. This report shall in no way relieve the Developer of his or her obligation to engage a professional engineer to perform construction inspection and coordinate construction.

11. During construction, no deviations from the approved plans and specifications shall be allowed without the prior express written approval of the City and permitting agency if deemed necessary by the City.

12. The City Engineer, or authorized representative, shall be authorized to resolve disagreements between Developer's Contractor(s), and the City's construction inspector(s) regarding conformance with approved plans and/or specifications.

13. Upon completion of construction, the Developer shall cause the Engineer to arrange for a final inspection to be performed jointly by the Engineer, the contractor, and the City's construction inspector to determine if the project is acceptable to the City. At this time, a draft as-built shall be submitted to the City. If the project is not immediately acceptable, any deficiencies shall be noted in a written report (punch list) prepared by the City. This report shall be transmitted to the responsible parties. It shall be the responsibility of the Developer to correct any such deficiencies and arrange for a re-inspection of the system.

14. As part of the final inspection process for sewer collection systems, Developer shall satisfactorily complete the following as described in the most recent water and sewer standard construction specifications and details: air test, manhole vacuum tests, and mandrel deflection test. Video of the new sanitary sewer collection system by means of closed-circuit television (CCTV) will be performed by the City. All testing shall be certified and all certifications, along with the related data and any video of the sewer system, shall be submitted to the City before final acceptance of the project is granted by the City.

15. As part of the final inspection process for water distribution systems, Developer shall satisfactorily complete the following: pressure test lines, bacteriological sampling performed by a certified laboratory. The City’s certified laboratory may be utilized. All testing shall be certified and all certifications, along with related data, shall be submitted to the City before final acceptance of the project is granted by the City.

16. Once all deficiencies are corrected and the project is deemed acceptable to the City, the Developer shall cause the Engineer to submit as-builts in formats acceptable to the City. The Engineer shall also submit any easements required for the New Infrastructure and any deeds necessary to convey ownership to the City. The Developer shall be responsible for acquiring easements from any third parties owning property over which any portion of the New Infrastructure is constructed, said easements to be titled in the name of the City, using forms to be provided by the City.

17. Prior to the activation of services on the newly constructed New Infrastructure, Developer shall convey unencumbered title and ownership to the City, of the New Infrastructure and its appurtenances, and shall assign and transfer all associated permits, licenses and permissions to the City. If a water extension was permitted for the same or similar project, the City shall receive final approval from the permitting agency. In certain circumstances as approved by the City, activation of services on portion(s) of the New Infrastructure may be permitted after partial certification(s) completion and approval(s).

18. The conveyance, assignment or transfer of (1) all permits, licenses or other permissions, and (2) all property and assets to the City, including but not limited to real or personal property, the New Infrastructure and its appurtenances, easements, rights of way or encroachments, (1) and (2) collectively hereinafter referred to as "Required Conveyances," shall be in form as approved by the City's legal counsel, and unless specifically excepted by the City Attorney, shall be in form proper for recording in the appropriate public registry. The conveyance of real property shall be in the form of a fee simple deed and without encumbrance as approved by the City's legal counsel. The Developer shall cause all affiliates or other third parties or entities having an ownership interest in the New Infrastructure or the Property to join the Required Conveyances, as reasonably determined by the City to be necessary to convey full title to the New Infrastructure and Required Conveyances to the City. With the execution hereof, Developer and City specifically agree that the New Infrastructure shall remain personal property, and shall not become a part of the real property, regardless of whether or not the New Infrastructure is permanently affixed to the real property comprising the Property.

19. The Developer shall provide a written release of the City's interest in the Required Conveyances (in form approved by the City Attorney) from any and all liens or other legal interests held by lenders, vendors or other third parties. The release(s) must be delivered in form for recording in the appropriate public registry, and must be received by the City in conjunction with the City's receipt of the Required Conveyances.

20. To the fullest extent allowed by law, and regardless of the approval(s) of any document(s) by the City's legal counsel, the Developer shall indemnify and hold the City harmless from all actions, causes and claims whatsoever against the City by any persons, firms, and corporations whatsoever relating in any manner to this Agreement (including but not limited to damages to persons or property related to construction and/or installation of the New Infrastructure) or the Required Conveyances. Without limiting the Developer's obligations under this paragraph in any manner, the Developer shall defend any and all claims, causes or actions whatsoever regarding the City's title or ownership in any of the Required Conveyances.

21. Developer shall guarantee the accepted and dedicated New Infrastructure to be free of defects in materials and workmanship and to be properly functioning in all respects for a period of one calendar year from the date of final acceptance by the City. During this year of guarantee, Developer shall correct, or have corrected, any defects that may develop in material, equipment, or workmanship. Should Developer fail to correct defects within a reasonable period of time after being notified, as determined in good faith by the City Engineer or designee, the City may proceed to correct defects and Developer shall be liable for the City's expense in doing so. It shall be the Developer's responsibility to attend, or to provide an authorized representative to attend, a warranty inspection with the City prior to the expiration of said warranty period. For purposes of this paragraph 21, final acceptance shall be the date the Letter of Acceptance is issued by the City as described in paragraph 23 hereinbelow.

22. Before the issuance of final acceptance, the Developer or Engineer shall schedule a project closeout meeting with the City. The Developer or Engineer shall submit to the City, not later than the start of the project closeout meeting, all required closeout documents, including but not limited to recorded easement plats, warranty deeds, affidavits of lien waiver, as-built drawings with georeferenced infrastructure data, final walk-through inspection punch list and evidence of completion of said punch list, utility extension agreements, fixed asset evaluation form and infrastructure testing results. The City shall be under no obligation to [and in the absence of extraordinary circumstances will not] activate any services before receipt of all required documentation. Partial receipt shall be treated as an incomplete project closeout and no services shall be activated. A project closeout form shall be completed and executed by the Developer or by an authorized representative of the Developer and the City for each project. If the project described in this utility extension agreement is divided into phases, a project closeout form shall be executed for each phase prior to issuance of final acceptance. For purposes of this paragraph, and notwithstanding any other provision of this agreement, every required document shall be considered material, and "substantial compliance" shall not apply.

23. Once all items required by the Developer under this Agreement are complete, the City shall issue a formal "Letter of Acceptance" to the Developer for the project. The City shall incorporate the accepted system as an integral part of its utility system and shall furnish service therefrom in accordance with the rules, regulations, rates, and policies established for its customers. For the avoidance of doubt, "final acceptance" as used in this Agreement shall refer only to the date the Letter of Acceptance as described in this paragraph is issued by the City.

24. There shall be no intended nor incidental third-party beneficiaries of this Agreement.

25. This Agreement may not be assigned by the Developer without the express written consent of the City. Any assignment without the express written consent of the City shall be void. Any assignment approved by the City shall be in form approved by the City's legal counsel. Such consent by the City and approval by the City's legal counsel shall be for the sole and exclusive benefit and reliance of the City, and shall not be relied upon by the Developer nor any third party as to the validity or legal effect of an assignment.

26. All inspections of the New Infrastructure performed by the City shall be for the sole and exclusive benefit and reliance of the City. The inspection, approval and acceptance of the New Infrastructure shall not be deemed a warranty or guarantee upon which any person or entity can rely that the construction of the extension was done in a workmanlike manner, or was completed in accordance with the construction contract documents, with standards of the profession in and around Hendersonville, North Carolina, or in accordance with the applicable federal, State, or local laws, rules or regulations.

27. Developer is put on notice, and Developer agrees that, in the event that the meter boxes or cleanouts which are part of the New Infrastructure are installed, set, damaged, moved, or altered in any manner that requires the City to make repairs or adjustments to the meter boxes or cleanouts for their proper operation, or if the City has to perform any work, including but not limited to grading or removal of obstructions, to provide access to the City, Developer shall reimburse the City's full cost and expense incurred.

28. This agreement is executed in the State of North Carolina, and shall be construed in accordance with the laws of the State of North Carolina. Both parties submit their persons to the jurisdiction of the Courts for North

Carolina. Exclusive venue for any action brought in connection with this agreement, its interpretation and breach shall be in the courts for Henderson County, North Carolina.

29. Failure of either party to enforce any terms of this Agreement shall not be deemed a waiver, in whole or in part, to enforcing any of its terms against the other party, unless such waiver is delivered to the other party in writing. Failure of either party to exercise the rights under this Agreement shall not be deemed a waiver or abandonment of such rights unless such waiver or abandonment be delivered in writing to the other party.

30. This Agreement may be recorded in the Henderson County Register of Deeds Office at the option of the City.

PLEASE BE ADVISED: The City shall not allow the activation of any water or sewer services until the City receives partial certification approval or final approval from the permitting agency and shall not allow the issuance of any certificates of occupancy until the City deems the project complete.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals, the day and year first above written.

**DEVELOPER: TOWNES AT MARTHA KATE, LLC, A North Carolina Limited Liability Company**

**BY:_____ (SEAL)**
Rick Moore, Managing Member

**THE CITY OF HENDERSONVILLE**

**BY:_____ (SEAL)**
John F. Connet, City Manager

STATE OF _____ COUNTY OF _____

I, _____, (printed name of notary) a Notary Public of said County and State, do hereby certify that Rick Moore, personally appeared before me this day, and being duly sworn, stated that they are the Managing Member for Townes at Martha Kate, LLC, and that they executed and acknowledged the foregoing instrument on behalf of Townes at Martha Kate, LLC pursuant the due authorization by Townes at Martha Kate, LLC and that the instrument is the act and deed of Townes at Martha Kate, LLC.

WITNESS my hand and official seal, this _____ day of _____, 20____

My commission expires _____

_____
Notary Public Signature (OFFICIAL SEAL)

STATE OF NORTH CAROLINA, COUNTY OF HENDERSON

I, _____, (printed name of notary) a Notary Public in and for the State and County aforesaid, do hereby certify that John F. Connet, personally appeared before me and, being duly sworn, stated that he is City Manager of the City of Hendersonville, North Carolina, and that he executed and acknowledged the foregoing instrument on behalf of the City of Hendersonville pursuant to order of the City Council of said City and that the instrument is the act and deed of the City of Hendersonville.

WITNESS my hand and official seal, this _____ day of _____, 20____

My commission expires _____

_____

Notary Public Signature (OFFICIAL SEAL)

Resolution # __-____

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A UTILITY EXTENSION AGREEMENT WITH TOWNES AT MARTHA KATE, LLC FOR THE TOWNES AT MARTHA KATE SUBDIVISION**

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

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

**WHEREAS,** the Developer extends public water and gravity 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 processes; and

**WHEREAS,** Townes At Martha Kate, LLC, the "Developer" and "Owner", will enter into a Utility Extension Agreement with the City to provide water and sewer services to the Townes At Martha Kate Subdivision.

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

1. The Utility Extension Agreement with Townes At Martha Kate, LLC, the "Developer" and "Owner" to provide water service to the Townes At Martha Kate Subdivision is approved, as presented.
2. City Manager is authorized to execute the Utility Extension Agreement, and to approve and execute amendments to the Utility Extension Agreement in the future provided such amendments do not impose a financial obligation upon the City.
3. City Manager is authorized to acquire easements, rights-of-way, and other interests in real property consistent with the terms of the Utility Extension Agreement, provided that such acquisition does not impose a financial obligation upon the City.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 6th day of July 2023.

_____

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

_____

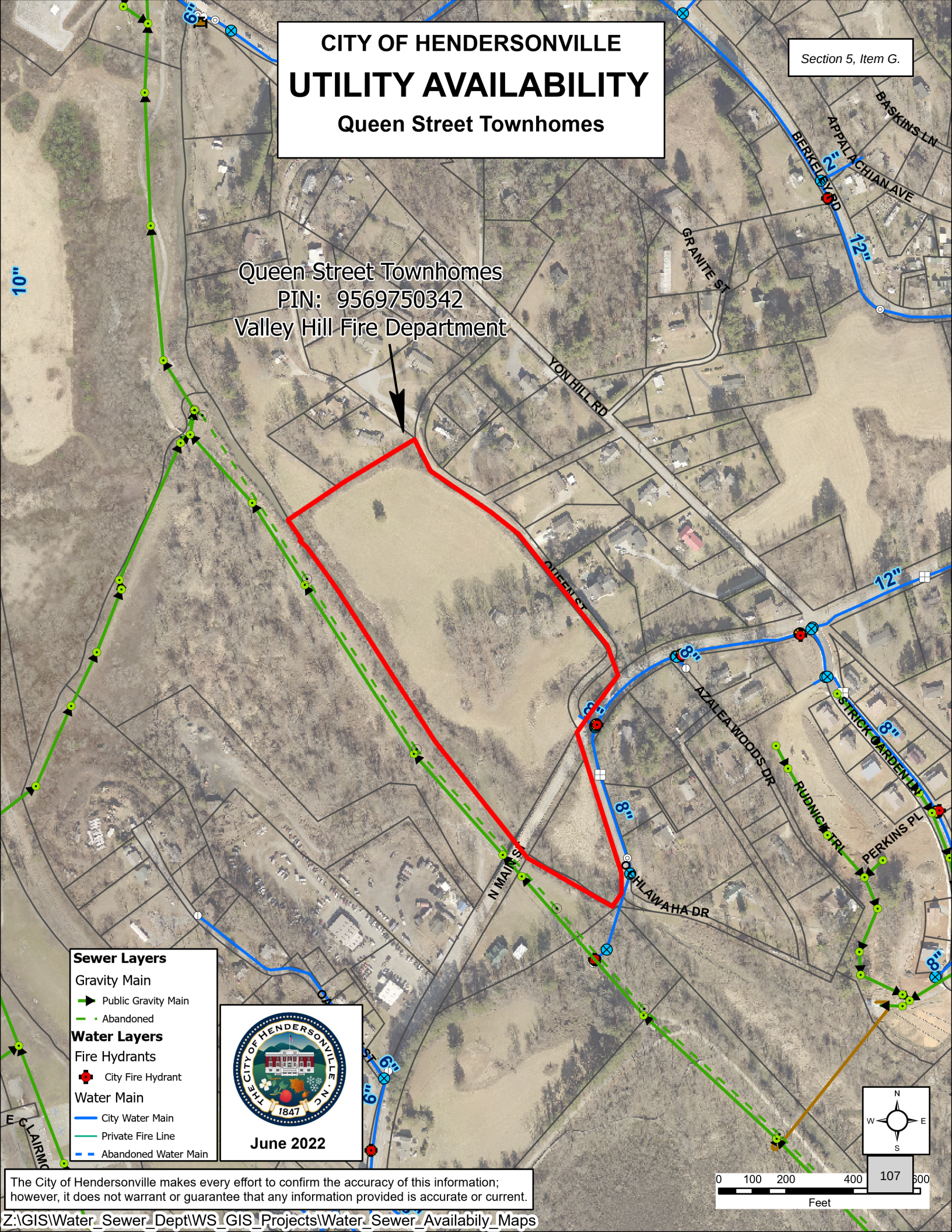
Jill Murray, City Clerk

Approved as to form:

_____

Angela S. Beeker, City Attorney

# CITY OF HENDERSONVILLE
# UTILITY AVAILABILITY
## Queen Street Townhomes




**Sewer Layers**
Gravity Main
- Public Gravity Main
- Abandoned

**Water Layers**
Fire Hydrants
- City Fire Hydrant

Water Main
- City Water Main
- Private Fire Line
- Abandoned Water Main

June 2022

N W E S

0 100 200 400 600
Feet

107

The City of Hendersonville makes every effort to confirm the accuracy of this information; however, it does not warrant or guarantee that any information provided is accurate or current.

Z:\GIS\Water_Sewer_Dept\WS_GIS_Projects\Water_Sewer_Availabily_Maps

**CITY OF HENDERSONVILLE**

# AGENDA ITEM SUMMARY

**SUBMITTER:** Jennifer Floyd **MEETING DATE:** 07/06/2023

**AGENDA SECTION:** CONSENT **DEPARTMENT:** Administration

**TITLE OF ITEM:** Disc Golf Capital Project Ordinance and Reimbursement Resolution – *Jennifer Floyd, Budget and Management Analyst*

**SUGGESTED MOTION(S):**

I move City Council adopt the Capital Project Ordinance and Reimbursement Resolution for the Disc Golf Project (#24001) as presented.

**SUMMARY:**

General Statute 159-13.2 provides North Carolina local governments the power to grant and maintain capital and grant project ordinances (CPOs and GPOs).

- **Disc Golf Project, #24001.** A Capital Project Ordinance allowing for the design and construction of the Disc Golf Project on City-owned property. Total project appropriation = $45,000.
- **Reimbursement Resolution #24001.** A Reimbursement Resolution for the Disc Golf Project #24001 for the amount of $45,000.

**BUDGET IMPACT:** Attached CPO and Reimbursement Resolution.

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

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

**ATTACHMENTS:**

1. Capital Project Ordinance #24001.
2. Reimbursement Resolution #24001

Resolution #_____

**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 EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE DISC GOLF PROJECT (#24001), ORDINANCE #_____ (the "Projects").

**Plan of Finance.** The Issuer intends to finance the costs of the Project(s) with the grant revenue 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 $45,000.

**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, on this 6th day of July 2023.

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

_____
Jill Murray, City Clerk

Approved as to form:

_____
Angela S. Beeker, City Attorney

Ordinance #_____

# CAPITAL PROJECT ORDINANCE FOR THE EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE DISC GOLF PROJECT, #24001

**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 Disc Golf Project, #24001.

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

| Account Codes | | | | Account Name | Total Budget |
|---|---|---|---|---|---|
| **Fund** | **Dept.** | **Account** | **Project** | | |
| 410 | 1502 | 550103 | 24001 | Capital Outlay - CIP | $45,000 |
| | | | | **Total Project Appropriation** | **$45,000** |

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

| Account Codes | | | | Account Name | Total Budget |
|---|---|---|---|---|---|
| **Fund** | **Dept.** | **Account** | **Project** | | |
| 410 | 0000 | 470100 | 24001 | Transfer In (From 010) | $25,000 |
| 410 | 0000 | 460090 | 24001 | Contribution/Donation | $20,000 |
| | | | | **Total Project Appropriation** | **$45,000** |

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

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

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

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

**Section 8:** Copies of this project ordinance 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, on this 6th day of June 2023.

Attest:

_____
Barbara G. Volk, Mayor, City of Hendersonville

_____
Jill Murray, City Clerk

Approved as to form:

_____
Angela S. Beeker, City Attorney

CITY OF HENDERSONVILLE

# AGENDA ITEM SUMMARY

**SUBMITTER:** Caitlyn Gendusa

**MEETING DATE:**

**AGENDA SECTION:** CONSENT

**DEPARTMENT:** Public Works

**TITLE OF ITEM:** Seventh Avenue Brooklyn Community Garden Expansion & Revitalization

**SUGGESTED MOTION(S):** I move City County adopt the resolution by the City of Hendersonville City Council accepting a grant from the Healthy Babies Bright Futures for the expansion and revitalization of the Seventh Avenue Brooklyn Community Garden as presented.

**SUMMARY:**

Located adjacent to Sullivan Park in the historic 7th Avenue district, the Brooklyn Community Garden was started in 2011 with a partnership between the City of Hendersonville and a few dedicated community members to use City land for a community garden in the Green Meadows community. Granted from the Healthy Babies Bright Future non-profit organization, $25,000 was awarded for the expansion and revitalization of the community garden with a focus on maternal and infant health and wellness through classes that will be taught at the garden through volunteer community partners which include The Boys and Girls Club, A Place To Go, Henderson County NC State Extension agents, and The Beacon Child Development Center. Grant funds will be used for new garden beds, soil, landscaping, fencing, and hardscape for ADA- compliant beds, among other items. With the approval to utilize grant funds, this community garden will be a shining example of collaborative community efforts to bring local foods, community gardens, and wellness education to the residents of the City of Hendersonville.

**ATTACHMENTS:**

- Awarded Grant Application

Resolution #__-____

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL ACCEPTING A GRANT FROM THE HEALTHY BABIES BRIGHT FUTURES FOR THE EXPANSION AND REVITALIZATION OF THE SEVENTH AVENUE BROOKLYN COMMUNITY GARDEN**

**WHEREAS,** Healthy Babies Bright Futures has established a grant that provides funding to municipalities for implementing projects that increase primarily organic food access to communities; and

**WHEREAS,** the City of Hendersonville has the Seventh Avenue Brooklyn Community Garden which serves a historically underserved yet vibrant and engaged community located adjacent to Sullivan Park; and

**WHEREAS,** the City of Hendersonville, in particular its Public Works Department, Sustainability Division applied for a grant from the Healthy Babies Bright Futures to expand and revitalize the Brooklyn Community Garden to increase access of fresh, local foods for an increased quality of life for all Hendersonville residents, especially mothers and infants who reap significant benefits of a diet rich in fresh, organic fruits and vegetables; and

**WHEREAS,** the City has been awarded $25,000.00 by Healthy Babies Bright Futures to be used for the Allowable Purposes; and

**WHEREAS,** the City of Hendersonville desires to accept the grant funds, and authorize the execution of the grant funding agreement;

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

1. The City hereby accepts the grant from Healthy Babies Bright Futures to be used for the Allowable Purposes; and
2. The City Manager is authorized to execute the Grant Agreement, with such changes as he deems appropriate, provide they are consistent with the terms of this Resolution;
3. City Staff are authorized and directed to proceed with the expansion and revitalization of the Brooklyn Community Garden for the Allowable Purposes.

Adopted by the City Council of the City of Hendersonville, North Carolina on this ___day of _____ 20___.

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

_____
Angela L. Reece, City Clerk

Approved as to form:

_____
Angela S. Beeker, City Attorney

June 8, 2023

**Caitlyn Gendusa,** Public Works Superintendent, Sustainability
Hendersonville, NC
email | cgendusa@hvlnc.gov
phone | (828) 712-4464

Dear Caitlyn:

I am pleased to inform you that Healthy Babies Bright Futures (HBBF), via our fiscal sponsor Virginia Organizing, has awarded a grant of $25,000 to the City of Hendersonville, NC, for the period of June 8, 2023, to June 30, 2024. This grant is designed solely for the purpose of the proposal and budget submitted (Attachment A). Your HBBF contact for the work performed under this grant is Kyra Naumoff Shields.

Grantee shall use the Grant Funds only for charitable and education activities within meaning of Code section 501(c)(3). No grant funds may be used for lobbying purposes. All of Grantee's action with respect to this grant must be consistent with all federal, state, and local laws and regulations to which Grantee and HBBF's fiscal sponsor, Virginia Organizing, are subject.

Grantee shall not directly or indirectly use any portion of the Grant Funds to:

1. participate in, or intervene in (including the publishing or distributing of any statement), any political campaign on behalf of (or in opposition to) any candidate for public office within the meaning of Code section 501(c)(3);
2. carry any voter registration drive described in Code section 4945(d)(2); 3. make grants to individuals for travel, study, research, or similar purposes, as described in Code section 4945(d)(3); or
3. make grants to organizations (unless U.S. public charities described in Code sections 501(c)(3) and 509(a)(1), (2), (3)(B)(1) or (3)(b)(ii)) unless grantee requires the sub grantee to execute an agreement materially identical to this Agreement before receiving any funds.

Grantee shall repay to HBBF any portion of the Grant Funds not expended for the purposes of the Project or irrevocably committed to be paid to third parties, in good faith, for the purposes of the Project.

**We require that the Grantee provide HBBF two short written reports detailing how these funds are spent (see below) and that your communications office send out a press release about the grant award announcement and about the completion of your project—preferably including a quote of support from your mayor or other city leader.** We are happy to assist with press communications as needed.

- Interim written report due by December 31, 2023, including a short discussion about whether or not you integrated values from this project and/or health more explicitly into your sustainability planning.
- **Final written report due by June 30, 2024**, including (1) qualitative and quantitative metrics of evaluation as described in your proposal, (2) photographs of events, (3) quote(s) from participants, and (4) a short description of what worked well and what could be improved. We will use information from your final report to create a sharable case study.

In addition, Grantee agrees to keep written records of receipts and expenditures under the grant adequate to enable the use of Grant funds to be checked readily, as well as copies of the report submitted to HBBF, for at least four years after the completion of the Grant funds. The records must be made available to HBBF for inspection, if necessary, within a reasonable amount of time. No provisions of this Agreement may be changed or modified except by written agreement of the parties.

Please indicate your agreement to these terms by having the head of your organization sign and return the signed copy. Upon receipt of this signed award letter and all required documents, we will forward your payment.

Sincerely,

Kyra S. Naumoff Shields

Kyra Naumoff Shields, PhD
Bright Cities Program Director, Healthy Babies Bright Futures

ACCEPTANCE: On behalf of the City of Hendersonville, I hereby accept and agree to the terms of the grant as set forth herein.

Signature: _____

Name: _____

Title: _____

EIN: _____

Attachment A:

## Application for #4—Increased—mostly organic—Food Access City-supported 7th Avenue Community Garden

## City of Hendersonville, NC, Department of Public Works

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1. **Short description of your city's challenge to children's health, including exposures like lead, air pollution, and others that harm brain development. Include any relevant social, environmental, or economic background that will help us understand more details about your community**

As of 2020, 15.7% of children in Henderson County face food insecurity.[1] Moreover, 3.8% of Henderson County residents are unemployed, higher than the state average.[2] This results in a disproportionate number of residents with income and transportation barriers who are unable to access or afford fresh, local fruits and vegetables. A diet rich in fruits and vegetables has been shown to protect against toxic substances like neurotoxins much of which, disrupt brain development in babies.[3]

Within the City of Hendersonville lies the 7th Avenue Community. Historically called the Brooklyn Community, this area was established in the late 1800s by emancipated slaves. Around the 1960's, families were pushed out with meager stipends to make way for affordable housing development. Since these homes were built before 1978 when lead was removed from residential paint, the risk of lead poisoning is unfortunately a reality for many residents and babies. This area has become an active low to middle-income community whose residents have had barriers to many opportunities. There is limited access to locally grown fresh produce since government-supported housing does not allow gardens and the area renters are hesitant to start one due to the lack of ownership. In addition, this community has primarily black residents which in the United States, babies born to non-Hispanic African American women are more than twice as likely to die in their first year of life as compared with babies born to non-Hispanic white women.[4]

Even through these obstacles and lack of opportunities, the 7th Avenue community maneuvers through these barriers and thrives with a bright outlook. One opportunity to combat these health risks and pave the way for a more healthy and prosperous community is through the 7th Avenue Community Garden revitalization. Located adjacent to Sullivan Park in the historic 7th Avenue district, this community garden was started in 2011 with a partnership between the City of Hendersonville and a few dedicated community members to use City land for a community garden in the Green Meadows community. Due to lack of funds and issues with groundhogs, the garden has become dilapidated. With renewed community support and champions willing to revitalize the garden, a new master plan has been created to make the garden more accessible for people of all ages while expanding the footprint to allow for increased fresh foods to communities in need, especially families with young children and infants. This community has become a vibrant area with the Boys and Girls Club located adjacent to the garden, and recently "A Place To Go" (which is in the process of transitioning into a non-profit) whose mission is Healing & Connecting the Community. It provides a space for men's and women's groups to attend health classes on food choices, healthy cooking, nutrition, and exercise. This organization is open for everyone but especially for communities that may be marginalized by barriers.

**2. Reference to alliance with city values, initiatives, and/or plans (for example, strategic plans, comprehensive plans, sustainability plans, racial equity plans, etc.)**

At the City of Hendersonville, our roots in African American and minority communities are paramount. Unfortunately, much of this history has resulted in disparate and marginalized communities with many members challenged with low income and health complications among babies and children. To combat these inequalities, Hendersonville recently created a Diversity, Equity, and Inclusion Strategic Plan in partnership with Ahkirah Legal & Diversity Consultants. The plan provides recommendations to build community trust in Hendersonville's local government, ensure all community members and staff members are treated with respect, and improve access to local government services. The 7th Avenue Community Garden is ideally located on City-owned property and is an expansion of Hendersonville's Sullivan Park. In addition, the City recently hired its first Sustainability Manager in March 2023. A focus for this new position is to create the first Sustainability Strategic Plan for the City. The plan will include a focus on land management and community engagement that prioritizes minority and low income communities as key areas for community gardens for improved health and wellness, biking and walking access, as well

[1]Feeding America
[2] Henderson County's 2022 Profile of Statistical Information
[3]The Role of Nutrition in Brain Development; National Library of Medicine
[4] Office of Minority Health; Infant Mortality and African Americans

as other important services. Moreover, the City's most recent Comprehensive Plan specifies the need for a more healthy, sustainable community and a goal to promote more locally grown food. The 7th Avenue Community Garden is well aligned with the Sustainability Strategic Plan and Diversity, Equity, and Inclusion Strategic Plan.

**3. Project Goals including short- and long-term goals**

The 7th Avenue Community Garden revitalization will bring multiple short-term opportunities to this community. These include learning about growing food with organic methods and making fresh in-season produce accessible to all ages while promoting healthier lifestyles. The use of freshly harvested produce in healthy recipes will take place in cooking classes offered through the "Garden to Table" program at the Boys and Girls Club across the street from the garden as well as the neighborhood community center, "A Place To Go" who will also offer this produce to low income families with an emphasis on new mothers and infants. Food preservation classes will be conducted at the local community center by Henderson County NC State Extension agents. The Beacon Child Development Center, open since 2004, serves the youngest community members who are most impacted by the lack of available fresh fruits and the increased risk from exposure to toxic substances. Classes will be marketed to the Center to increase access to fresh local food for the infants and children the organization serves, free of cost. Enjoying meals and camaraderie while breaking bread together in the garden with the fruits of the harvest and in-garden classes are planned once the garden is completed in fall 2023-spring 2024.

These short-term goals will lead to long-term programs for this community and more. The 7th Avenue Community Garden revitalization has the potential to reach beyond the Green Meadows community. The expectation is for this successful blueprint with its educational elements and collaborative spirit of multiple stakeholders, including the city, community center, non-profits, and local volunteers, become the model for future community gardens in Hendersonville and surrounding areas.

**4. Project impact**

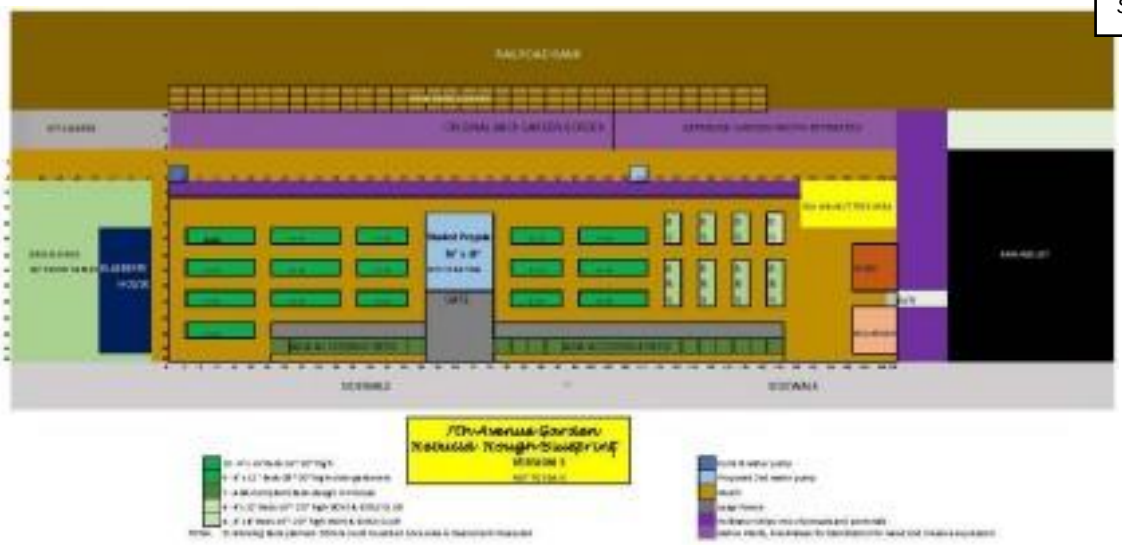
The 7th Avenue Garden serves multigenerational Black, Latino, and Mixed-Race area residents who will be impacted even more with the interest of developers to purchase property in the area. In 2019, the median income for this group was $38,678. Food insecurity rates for children are expected to increase due to inflation and the reduction of SNAP benefits. Despite these barriers, tremendous positive impacts will transcend across the entire community through the 7th Avenue Community Garden. A minimum of six healthy eating classes utilizing fresh fruits and vegetables grown from the garden will be completed each year once the revamp is completed.

The Boys & Girls Club, across the street, currently serves a diverse group of children and youth with 92% qualifying for free/reduced lunch and 47% living in single-parent households. A key initiative is their "Garden to Table" workforce development program which provides employment skills and teaches healthy living habits. Currently, an average of 24 classes are completed each year. This partnership with the 7th Avenue Community Garden will result in even more children able to learn the benefits of healthy eating and taking ownership by growing their own food. Already, children have shown a reduction in anxiety and depression from their interaction with nature and gardening. Based on this success and with the expansion of the garden, programs will be developed and available for all age groups.

A revitalized and expanded community garden in this neighborhood will promote increased socialization and build community while providing access to space for growing fresh healthy food resulting in health benefits to children of all ages. Gardening will provide the multigenerational residents an opportunity for outdoor activity; supporting mental and physical health. The project footprint will build out as the garden continues to grow with expected increased demand from the community members and area residents.

**5. Project timeline, including any key milestones**

With increased community need, the garden is being expanded by 58% to .34 of an acre. This garden rebuild will use a permaculture approach integrating the land, people, and nature. The timeline begins in late spring with clearing knotweed, vines, and diseased trees with a solarization project to prevent weed regrowth. Next, we will begin leveling the garden with fill dirt, laying cardboard and wood chips over the total acreage. A perimeter fence to keep out the groundhogs out and children safe from the street will be built. Below is a general outline of the planned revamp which also includes ADA accessible garden beds for the disabled.



Once the garden is in full operation, harvesting 3 growing seasons, new raised beds with 1085 sq. feet of growing space are projected to produce a minimum of 2,100 pounds of food annually using organic methods. We aim to have growing beds installed to plant cool season crops starting in September for a November harvest where we will all give thanks.

## 6. Project budget and justification, including any matching funding

| **7th Ave. Community Garden Project Top-line Expenses** | |
|---|---|
| **Description** | **$ Expense** |
| Garden Beds | $8,172.00 |
| Soil | $3,835.00 |
| Hardscape for ADA-Compliant Beds | $3,004.00 |
| Shed estimate | $1,200.00 |
| Garden Needs-Assorted | $806.00 |
| Lot Preparation-additional | $439.00 |
| Permaculture Design | $2,000.00 |
| Landscaping | $4,000.00 |
| Signage | $600.00 |
| Fencing-estimated supplies only | $3,750.00 |
| Pergola | $2,907.00 |
| Benches/Picnic Tables | 8,000.00 |
| Contingency Fund | $5,000.00 |
| **Estimated Total** | **$38,713.00** |

Matching funds: $2,050
- *The Seed Money Challenge* - $1050
- *North Carolina Community Garden Partners* - $1,000

Awaiting and Applying for Additional Grants:
- *AARP* micro-grant - $2,500
- In-process of applying for local and regional community grants
- Requesting community donations

**CITY OF HENDERSONVILLE**

# AGENDA ITEM SUMMARY

**SUBMITTER:** Jennifer Harrell **MEETING DATE:** July 6,2023

**AGENDA SECTION:** CONSENT **DEPARTMENT:** Human Resources

**TITLE OF ITEM:** Amending and combining the Service Recognition Guidelines and Active Employee Service Awards – *Jennifer Harrell, HR Director*

**SUGGESTED MOTION(S):**

I move City Council adopt the revision of the City of Hendersonville's Service Recognition Guidelines as presented.

**SUMMARY:**

Staff is amending the service recognition guidelines for an elected official, employee or volunteer upon retirement, resignation or end of term. Staff wants to differentiate between department heads and Supervisors and add only the City Manager mayauthorize exceptions to the guidelines. Note: the service awards are in addition to applicable employee longevity defined in the City of Hendersonville Personnel Policy Article III. Section 17.

**BUDGET IMPACT:** $0.00

**Is this expenditure approved in the current fiscal year budget?**

**If no, describe how it will be funded.**

**ATTACHMENTS:** City of Hendersonville Service Recognition Guidelines.

| | | | |
|---|---|---|---|
| | **CITY OF HENDERSONVILLE** | | |
| Policy Name: | City of Hendersonville Service Recognition Guidelines | Date Adopted by Council : | July 6 ,2023 |

## I. PURPOSE

The City of Hendersonville wishes to appropriately recognize and acknowledge the faithful service of elected officials, employees, and volunteers for their service to the City and has adopted the following guidelines to accomplish that just prior to retirement, resignation or end of term.

The City of Hendersonville also acknowledges the faithful service of active employees through the Service Awards Program. Awards are given after the completion of five years of service and in multiples of five years thereafter. The program is designed to provide positive recognition and reinforcement and show appreciation to employees for their years of service. Service awards are in addition to applicable longevity the City offers.

## II. Recognition Guidelines for retirement, resignation or end of term

### A. Personalized rocking chair or gift of the same value

- **Elected officials with at least 8 years of service**
- **Department Heads with at least 10 years of service**
- ~~**Managers**~~ **Supervisors s with at least 20 years of service**
- **Non-management employees with at least 30 years of service**
- **Board and commission members with at least 12 years of service**

### B. Engraved Plaque

- **Elected officials with at least 4 years of service**
- **Department Heads with at least 5 years of service**
- ~~**Managers**~~ **Supervisors with at least 10 years of service**
- **Non-management employees with at least 20 years of service**
- **Board and commission members with at least 6 years of service**

### C. Framed certificate of appreciation

- **Elected officials with less than 4 years of service**
- **Department Heads with at least 2 years of service**
- ~~**Managers**~~ **Supervisors with less than ~~10~~ 5 years of service**
- **Non-management employees with at least 10 years of service**
- **Boards and commission members with less than 6 years of service**

| | | | |
|---|---|---|---|
| | **CITY OF HENDERSONVILLE** | | |
| Policy Name: | City of Hendersonville Service Recognition Guidelines | Date Adopted by Council : | July 6 ,2023 |

**D. Occasionally, an individual, employee or volunteer who does not fit in one of the above categories is worthy of special recognition. That person should be appropriately recognized on a case by case basis. Only the City Manager may authorize exceptions to the guidelines.**

## III. ACTIVE EMPLOYEE SERVICE AWARDS GUIDELINES

**Five year employee**
$50.00 deposited into employees banking account

**Ten year employee**
$75.00 deposited into employees banking account

**Fifteen year employee**
$100.00 deposited into employees banking account

**Twenty year employee**
$150.00 deposited into employees banking account

**Twenty five year employee**
$175.00 deposited into employees banking account

**Thirty year employee**
$200.00 deposited into employees banking account

**Thirty five year employee**
$250.00 deposited into employees banking account

**Forty year employee**
$300.00 deposited into employees banking account

**Forty five plus year employee**
**$350.00** deposited into employees banking account

**CITY OF HENDERSONVILLE**

# AGENDA ITEM SUMMARY

**SUBMITTER:** John Buchanan, Finance Director **MEETING DATE:** July 6, 2023

**AGENDA SECTION:** CONSENT **DEPARTMENT:** Finance Department

**TITLE OF ITEM:** Amendment to the Hendersonville Code of Ordinances to Reduce the Collections Period for Certain Billing Errors – *John Buchanan, Finance Director*

**SUGGESTED MOTION(S):**

I move City Council to adopt *An Ordinance of the City of Hendersonville City Council to Amend Sections 44-51, 52-55 and 24-253 of the Code of Ordinances to Shorten the Period of Collection for Certain Billing Errors*, as presented.

**SUMMARY:**

As requested by City Council, attached for City Council's consideration is the proposed *An Ordinance of the City of Hendersonville City Council to Amend Sections 44-51, 52-55 and 24-253of the Code of Ordinances to Shorten the Period of Collection for Certain Billing Errors*

City Council is requested to adopt this ordinance as presented.

**ATTACHMENTS:**

*An Ordinance of the City of Hendersonville City Council to Amend Sections 44-51, 52-55 and 24-253 of the Code of Ordinances to Shorten the Period of Collection for Certain Billing Errors*

Ordinance #O-23-_____

**AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND SECTIONS 44-51, 52-55 AND 24-253 OF THE CODE OF ORDINANCES TO SHORTEN THE PERIOD OF COLLECTION FOR CERTAIN BILLING ERRORS**

**WHEREAS**, the City of Hendersonville operates a water and sewer utility, providing collection and treatment services for a specified fee; and

**WHEREAS**, the City also provides certain solid waste collection services for a fee; and

**WHEREAS**, from time to time, utility accounts and solid waste collection accounts are underbilled, incorrectly billed, or not billed through no fault of the account customer ; and

**WHEREAS,** City Council wishes to shorten the time frame for backbilling of customers who were either underbilled, incorrectly billed, or not billed through no fault of their own.

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

1. Chapter 52, Utilities, Article II, Rates and Charges, Section 52-55 of the Code of Ordinances for the City of Hendersonville, Correction or Errors, shall be amended as follows:

   **Sec. 52-55. Correction of errors.**

   Failure to receive a utility service fee bill is not justification for nonpayment. If it is determined that a customer has been billed incorrectly, a corrective bill will be issued. If the customer has been overbilled, the City will issue a corrective bill for the entire determinable period of the overbill. If the customer has been underbilled or not billed, the City will process a corrective bill for up to one year of the underbilled/ not billed charges.

   ~~The owner of each parcel of land shall be obligated to pay such fee. If a customer is under-billed or if no bill is sent, the city may process a corrective bill to the owner up to two years. Adjustments shall be made to correct clerical and/or computer errors. If a customer is incorrectly billed, or not billed, or a bill is sent to the wrong party, the city may corrective bill the customer for the lesser of the actual period up to a two-years for utility charges. Similarly, in the event customers are charged for services due to city error, a credit adjustment will be allowed only for amounts paid by the customer for charges incurred within the prior two years for utility charges.~~

2. Chapter 44, Environmental Services, Article II, Collection and Disposal, Section 44-51 of the Code of Ordinances for the City of Hendersonville, Rate Schedule, shall be amended as follows:

   **Sec. 44-51. Rate schedule.**

   Charges for collection of solid waste shall be set from time to time, and a schedule of such charges is on file and available in the city clerk's office. All solid waste accounts must be

processed through a water bill account or like collection program. Section 52-55 of the Code of Ordinances shall apply to the collection of solid waste charges and fees.

3. Chapter 24, Floods, Article IV, Stormwater Utility, Division 2, Establishment of Stormwater Service Charges and Credits, Section 24-253 of the Code of Ordinances for the City of Hendersonville, Billing Method, responsible parties, shall be amended as follows:

   **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. Section 52-55 of the Code of Ordinances shall apply to the collection of stormwater charges and fees.

4. This Ordinance shall be effective, retroactive to June 1, 2023.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 6th day of July 2023.

Attest:

_____
Barbara G. Volk, Mayor, City of Hendersonville

_____
Jill Murray, City Clerk

Approved as to form:

_____
Angela S. Beeker, City Attorney

CITY OF HENDERSONVILLE

# AGENDA ITEM SUMMARY

**SUBMITTER:** John Connet **MEETING DATE:** 7/6/2023

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

**TITLE OF ITEM:** Creation of Director of Public Services Position – *John Connet, City Manager*

**SUGGESTED MOTION(S):**

I move that City Council approve the creation of the Public Services Director Position, assign it to pay grade 31 and reclassify the Assistant City Manager position to pay grade 32

**SUMMARY:**

Upon the retirement of Lee Smith, I would like to create a Director of Public Services position to supervise all activities associated with Public Works, Utilities and Engineering. This position will help provide greater efficiency among our public services departments. The position will report directly to the City Manager. Due to the creation of this new position, I would like to reclassify the Assistant City Manager position to pay grade 32.

**BUDGET IMPACT:** $ NA

**Is this expenditure approved in the current fiscal year budget? NA**

**If no, describe how it will be funded. NA**

**ATTACHMENTS:**

**Proposed Job Description**

# City of Hendersonville, NC

## JOB DESCRIPTION

*To perform this job successfully, an individual must be able to perform the essential job functions satisfactorily. Reasonable accommodation may be made to enable individuals with disabilities to perform the primary job functions herein described. Since every duty associated with this position may not be described herein, employees may be required to perform duties not specifically spelled out in the job description, but which may be reasonably considered to be incidental in the performing of their duties just as though they were written out in this job description.*

# Director of Public Services

**Department:** **Public Services**

**Pay Grade:** **31**

**FLSA Status:** **Exempt**

DRAFT

**JOB SUMMARY**

Responsible for the management and operation of the Water & Sewer, Public Works, and Engineering Departments. An employee in this class provides program, project and technical management and leadership for several City divisions including, but not limited to, water, sewer, stormwater, streets, parks & public properties, sidewalks, traffic, sanitation, recycling, sustainability, and capital projects. Duties include coordination and planning of Water & Sewer, Public Works, and Engineering Department budgets and capital projects; organization and development of key performance indicators to track and improve services; implementation of standards to ensure quality management; and guidance in the execution of the City's mission to provide cost effective and readily available public services to its residents, property and business owners, customers, and visitors. Work is performed under the general supervision of the City Manager and is evaluated on the basis of attainment of individual and departmental performance objectives, feedback from the public served, and observation.

**ESSENTIAL JOB FUNCTIONS**

- Organizes, directs and manages the completion of various complex, concurrent infrastructure and capital improvement projects, including water, sewer, stormwater, streets, parks & public properties, greenways, sidewalks, traffic, sanitation, recycling, and sustainability.
- Leads, inspires, coordinates and establishes goals for the Public Services staff ensuring that high quality service is provided to internal and external clients.
- Prepares, coordinates, and manages Public Service's annual budget, capital improvement plan (CIP), master planning activities, and strategic planning efforts.
- Manages the application of various grant and/or low interest loans for capital projects from State and Federal sources.

- Arranges and coordinates the implementation of various reports, studies and planning documents in order to ensure that the most cost effective and efficient services can be provided.
- Prepares City Council agenda items and presents various technical topics to City Council while answering questions and providing sound advice; provides regular input and updates to the City Manager, Assistant City Manager, City Council and others.
- Oversees technical design and construction standards and policies for infrastructure elements with the City to be used as part of public and private projects.
- Responds to and resolves difficult and sensitive inquiries and complaints relating to Public Services.
- Monitors and evaluates the efficiency and effectiveness of Public Service delivery methods and procedures; assesses and monitors workload, administrative and support systems, and internal reporting relationships within the department; identifies opportunities for improvement; and manages the implementation of necessary changes.
- Represents the Public Services Department to other city departments, elected officials and outside agencies; explains and justifies department programs, policies and activities; and negotiates and resolves sensitive, significant and controversial issues.
- Performs other related job duties as assigned.

## QUALIFICATIONS

**Education and Experience:**

Bachelor's degree in Civil Engineering or Environmental Engineering from an ABET EAC accredited program; and fifteen (15) years of experience in utility, public works, and engineering work including ten (10) or more years in a supervisory capacity.

**Special Qualifications:**

- Possession of a valid driver's license to operate a motor vehicle. Requirement exists at the time of hire and as a condition of continued employment.
- Master of Public Administration or North Carolina Licensed Professional Engineer.

**Knowledge, Skills and Abilities:**

- Knowledge of the principles, practices, regulations, and techniques of engineering, public works, and utilities including environmental, construction, transportation, water and wastewater, stormwater, etc.
- Knowledge of computer technology.
- Knowledge of research methods and the ability to compile and analyze data.
- Knowledge of engineering design and construction standards and calculations
- Knowledge of project management, estimating processes, contract administration, computer aided design and Federal, State and Local Codes
- Skills in negotiations by providing required data and information
- Skills in problem solving, critical and innovative thinking, risk management, strong written and verbal communication, visualization, leadership and management
- Ability to perform complex calculations and processes
- Ability to interpret complex technical and legal documents, maps, drawings and plans

DRAFT

- Ability to analyze and systematically compile technical and statistical information and to prepare technical reports
- Ability to present ideas effectively in written and oral form.
- Ability to apply principles of logic and scientific reasoning and evaluate alternative courses of action to determine appropriate solutions
- Ability to interpret various rules and regulations
- Ability to prepare and present technical information to management, elected officials, customers, and the public in a clear and concise manner without ambiguity
- Ability to exercise good judgement and discretion
- Ability to conduct detailed analysis and assessment of program information
- Ability to plan, organize, and manage multiple tasks and deadlines
- Ability to adjust workload changes and work under stress to meet deadlines
- Ability to understand and consider varying opinions and perspectives in decision making
- Ability to establish and maintain effective working relationships with associates, the general public, customers, other agencies, contractors, consultants and public officials

**PHYSICAL DEMANDS**

Work in this classification is defined as light work requiring the physical exertion of up to 20 pounds of force occasionally and/or up 10 pounds of force constantly to move objects. Physical demands require climbing, crouching, crawling, standing, walking and lifting. Vocal communication is required for responding to inquiries, expressing or exchanging ideas by means of the spoken word; hearing is required to perceive information at normal spoken word levels. Visual acuity is required for extensive reading, to prepare and analyze written or computer data, determine the accuracy and thoroughness of work, and observe general surroundings and activities.

**WORK ENVIRONMENT**

Work is performed primarily in an environmentally controlled office environment but requires exposure to outside environmental conditions including extreme heat, cold and noise requiring employee to shout in order to be heard above the ambient noise level.

*The City of Hendersonville has the right to revise this job description at any time. This description does not represent in any way a contract of employment.*

DRAFT

# City of Hendersonville, NC

## JOB DESCRIPTION

*To perform this job successfully, an individual must be able to perform the essential job functions satisfactorily. Reasonable accommodations may be made to enable individuals with disabilities to perform the primary job functions herein described. Since every duty associated with this position may not be described herein, employees may be required to perform duties not specifically spelled out in the job description, but which may be reasonably considered to be incidental in the performing of their duties just as though they were actually written out in this job description.*

# Assistant City Manager

**Department:** **Administration**

**Pay Grade:** **32**

**FLSA Status:** **Exempt**

**JOB SUMMARY**

Responsible for serving as the Assistant Chief Executive Officer of the City of Hendersonville.

An employee in this class serves as the Assistant Chief Executive Officer for the City of Hendersonville. Emphasis of the work is on applying professional expertise and administering the day-to-day management of assigned departments and projects. The employee is expected to exercise a considerable degree of independence, initiative, and judgment as the City's assistant chief executive officer with overall responsibility for assigned municipal departments. The Assistant City Manager provides guidance and direction with visionary and innovative leadership, supervision and management of employees to coordinate their efforts toward achieving their departmental objectives. Major responsibilities include directing assigned departments and assisting with special projects and research with a strong focus on organization and performance management. Work is performed under the guidance of the City Manager and is evaluated on the basis of attainment of specific performance objectives, personal observation, feedback from department managers, employees and citizens.

**ESSENTIAL JOB FUNCTIONS**

- Assists City Manager with management and intra/inter-governmental relations issues, special projects, research, problem solving and interactions with the public.
- Assists City Manager in the overall day to day management of the City of Hendersonville.
- Monitors, facilitates, and executes a shared vision for the continuous improvement and culture of the organization, which requires strategic communication between community resources including the elected and appointed officials, staff, and residents.
- Oversees the development of annual operating budget and Capital Improvement Programs.
- Coordinates and prepares special research reports on special projects and issues.
- Researches and drafts policies for consideration and implementation.
- Serves as Acting City Manager in the absence of the City Manager; facilitates City Council meetings in the absence of the City Manager.

- Prepares and assists City Council with day-to-day policy and community discussions and initiatives.
- Attends Council meetings and presents information and recommendations deemed necessary or as requested by members of the Board.
- Communicates orally, and in writing, with customers, the press, the public, civic groups, and the elected officials to resolve concerns and problems, and answer questions.
- Represents the City at regional and state meetings and conferences as well as community and civic organization functions.
- Assists City departments on business practices and special projects and assumes supervisory responsibility in the absence of Department Directors.
- Works with various developers on economic development projects; works with City employees and City Council to vision City needs for economic development projects and seeks out resources.
- Works with the Human Resources Department regarding the hiring and disciplinary process.
- Remains informed about issues discussed by boards and commissions.
- Attends and participates in professional groups and committees.
- Provides organizational leadership and promotes the organizational values.
- Performs other related job duties as assigned.

## QUALIFICATIONS

**Education and Experience:**

Bachelor's Degree in Public or Business Administration; a Master's Degree in a related field is highly desired; and seven (7) years of experience in managing a municipal government as an Assistant City Manager, Department Head or Senior Executive; or an equivalent combination of education and experience.

**Special Qualifications:**

- Possession of a valid driver's license to operate a motor vehicle. Requirement exists at the time of hire and as a condition of continued employment.
- Professional certification from the International City Management Association (ICMA) or other leading professional certification bodies is desired.
- Completion of the Municipal/County Administration Course from the School of Government, UNC Chapel Hill, is desired

**Knowledge, Skills and Abilities:**

- Knowledge of the principles and practices of public, municipal and budgetary administration.
- Knowledge of the organization, function and methods of operation of the City, City Council, staff and operational departments.
- Knowledge of the laws, rules and regulations applicable to the policies and practices in the municipal sector.
- Knowledge of the trends, legislation, policies and regulations required of municipal government.
- Knowledge of complex public policy issues, intergovernmental relations, federal, state, regional and local jurisdictional partnerships.

- Ability to listen, facilitate and synthesize multiple points of view.
- Ability to establish and maintain effective working relationships.
- Ability to function as a member of executive team, partnering, collaborating and cooperating across the City.
- Ability to analyze complex political and administrative problems, facts, programs, trends and costs.
- Ability to communicate effectively, orally and in writing with governmental officials, staff and public.
- Ability to maintain confidentiality of activities and information.
- Ability to facilitate and sustain a positive and productive workplace.
- Ability to manage, organize and direct the work of others and provide organizational leadership.

**PHYSICAL DEMANDS**

Work in this class is defined as sedentary requiring the employee to exert up to 10 pounds of force occasionally and/or a negligible amount of force frequently or constantly to lift, carry, push, pull or otherwise move objects. Must be able to physically perform the basic life operational functions of fingering, grasping, talking, hearing and repetitive motions. Must have visual acuity to perform tasks requiring color, depth perception, and field of vision sufficient to perform tasks associated with the preparation and analysis of figures and data, operation of a computer, and extensive reading and writing, and operation of a motor vehicle.

**WORK ENVIRONMENT**

Work is primarily performed in an office with a controlled environment without exposure to harmful conditions. Position is subject to meetings outside the normal 8-hour day environment and may include travel to facilities, working after hours and on weekends without additional compensation.

*The City of Hendersonville has the right to revise this job description at any time. This description does not represent in any way a contract of employment.*

CITY OF HENDERSONVILLE

# AGENDA ITEM SUMMARY

**SUBMITTER:** John Connet **MEETING DATE:** 7/6/2023

**AGENDA SECTION:** CONSENT **DEPARTMENT:** Administration

**TITLE OF ITEM:** Resolution of Support for Low Income Housing Tax Credits for White Pines Villas Development. – *John Connet, City Manager*

**SUGGESTED MOTION(S):**

I move that the City Council approve the Resolution of Support for White Pine Villas Housing Development.

**SUMMARY:**

A low income housing developer has applied for Low Income Housing Tax Credits with the North Carolina Housing Finance Agency. Affordable Housing is a City Council priority and staff is asking for a resolution of support for this project.

**BUDGET IMPACT:** $NA

**Is this expenditure approved in the current fiscal year budget? NA**

**If no, describe how it will be funded. NA**

**ATTACHMENTS:**

**Letter from NC Housing Finance Agency**

**Proposed Resolution of Support**

NORTH CAROLINA
HOUSING
FINANCE
AGENCY

June 8, 2023

A self-supporting
public agency

Scott Farmer
Executive Director

PO Box 28066
Raleigh, NC
27611-8066

3508 Bush Street
Raleigh, NC
27609-7509

TEL. 919-877-5700
FAX. 919-877-5701
www.nchfa.com

The Honorable Barbara Volk
160 Sixth Ave. E.
Hendersonville, NC 28792-4328

RE: White Pine Villas
Application # APP23-0037

Dear Mayor Volk,

The North Carolina Housing Finance Agency, as administrative agent for the North Carolina Federal Tax Reform Allocation Committee, has received an application for federal tax credits on the above development proposed for your jurisdiction. If you have any comments on this proposal mail them to:

North Carolina Federal Tax Reform Allocation Committee
c/o North Carolina Housing Finance Agency
PO Box 28066
Raleigh, NC 27611-8066

Please contact me at (919) 877-5635 or tshall@nchfa.com for any additional information.

Sincerely,

Tara Hall
Manager of Rental Development

Resolution #__-____

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO SUPPORT THE FEDERAL TAX CREDIT APPLICATION FOR WHITE PINE VILLAS**

**WHEREAS,** WDT Development, LLC has submitted a federal tax credit application to the North Carolina Housing Finance Agency for White Pine Villas, Application #APP23-0037; and

**WHEREAS,** White Pine Villas consists of seventy-eight (78) multi-family housing units on Chimney Rock Road (U.S. 64 East); and

**WHEREAS,** the Bowen Research Report indicates that Henderson County has 99.8% occupancy rate for multi-family projects, 453 families on rental housing wait lists and 42.8% of renters are cost burdened; and

**WHEREAS**, the City Council has a core belief that it must pursue and provide opportunity for responsible growth in order to generate affordable housing options and reduce the impacts of high cost of living within our community.

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

1. The City Council supports WDT Corporation's application for federal tax credits and requests that the North Carolina Housing Finance Agency give the application serious consideration for approval.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 6th day of July 2023.

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

_____
Jill Murray, City Clerk

Approved as to form:

_____
Angela S. Beeker, City Attorney

CITY OF HENDERSONVILLE

# AGENDA ITEM SUMMARY

**SUBMITTER:** John Connet **MEETING DATE:** 7/6/2023

**AGENDA SECTION:** CONSENT **DEPARTMENT:** Administration

**TITLE OF ITEM:** Resolution of Support for Low Income Housing Tax Credits for Apple Ridge Housing Development. – *John Connet, City Manager*

**SUGGESTED MOTION(S):**

I move that the City Council approve the Resolution of Support for Apple Ridge Housing Development.

**SUMMARY:**

Housing Assistance Corporation has applied for Low Income Housing Tax Credits with the North Carolina Housing Finance Agency. Affordable Housing is a City Council priority and staff is asking for a resolution of support for this project.

**BUDGET IMPACT:** $NA

**Is this expenditure approved in the current fiscal year budget? NA**

**If no, describe how it will be funded. NA**

**ATTACHMENTS:**

**Letter from NC Housing Finance Agency**

**Proposed Resolution of Support**

NORTH CAROLINA
HOUSING
FINANCE
AGENCY

June 8, 2023

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Scott Farmer
Executive Director

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3508 Bush Street
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27609-7509

TEL. 919-877-5700
FAX. 919-877-5701
www.nchfa.com

The Honorable Barbara Volk
145 Fifth Avenue East
Hendersonville, NC 28792

RE: Apple Ridge
Application # APP23-0134

Dear Mayor Volk,

The North Carolina Housing Finance Agency, as administrative agent for the North Carolina Federal Tax Reform Allocation Committee, has received an application for federal tax credits on the above development proposed for your jurisdiction. If you have any comments on this proposal mail them to:

North Carolina Federal Tax Reform Allocation Committee
c/o North Carolina Housing Finance Agency
PO Box 28066
Raleigh, NC 27611-8066

Please contact me at (919) 877-5635 or tshall@nchfa.com for any additional information.

Sincerely,

Tara Hall
Manager of Rental Development

Resolution #__-____

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO SUPPORT THE FEDERAL TAX CREDIT APPLICATION FOR APPLE RIDGE DEVELOPMENT**

**WHEREAS,** Housing Assistance Corporation has submitted a federal tax credit application to the North Carolina Housing Finance Agency for Apple Ridge Apartments and Subdivision, Application #APP23-0134; and

**WHEREAS,** Apple Ridge consists of sixty (60) multi-family housing units and twenty (20) single family units on Sugarloaf Road; and

**WHEREAS,** the Bowen Research Report indicates that Henderson County has 99.8% occupancy rate for multi-family projects, 453 families on rental housing wait lists and 42.8% of renters are cost burdened; and

**WHEREAS**, the City Council has a core belief that it must pursue and provide opportunity for responsible growth in order to generate affordable housing options and reduce the impacts of high cost of living within our community.

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

1. The City Council supports Housing Assistance Corporation's application for federal tax credits and requests that the North Carolina Housing Finance Agency give the application serious consideration for approval.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 6th day of July 2023

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

_____
Jill Murray, City Clerk

Approved as to form:

_____
Angela S. Beeker, City Attorney

**CITY OF HENDERSONVILLE**

# AGENDA ITEM SUMMARY

**SUBMITTER:** John Connet **MEETING DATE:** 7/6/2023

**AGENDA SECTION:** PRESENTATION **DEPARTMENT:** Administration

**TITLE OF ITEM:** Resolution Honoring the Retirement of Utilities Director Lee Smith – *John Connet, City Manager*

**SUGGESTED MOTION(S):**

I move that City Council adopt the resolution recognizing Lee Smith for eighteen years of service to the City of Hendersonville.

**SUMMARY:**

We would like to recognize Lee for his eighteen years of service as Utility Director.

**BUDGET IMPACT:** $ NA

**Is this expenditure approved in the current fiscal year budget? NA**

**If no, describe how it will be funded. NA**

**ATTACHMENTS:**

Draft Resolution

Resolution #R-23-72

**RESOLUTION OF THE CITY OF HENDERSONVILLE**
**HONORING LEE SMITH, UTILITIES DIRECTOR**

**WHEREAS,** Lee Smith has announced his intention to retire as City of Hendersonville as the Director of the City's Water and Sewer Department, effective July 31, 2023; and

**WHEREAS,** Lee Smith will depart leaving behind an impressive legacy of public service to Hendersonville and surrounding Henderson County, organizing, directing, and managing the day-to-day operations of the utility; and

**WHEREAS,** Lee Smith has had several noteworthy accomplishments during his tenure as City of Hendersonville Utilities Director and oversaw the growth and expansion of the utility from 2005 to the present; and

**WHEREAS,** the number of businesses and homes connected to the water system increased from approximately 22,000 to over 31,000 and the water system grew from approximately 500 miles of pipe to over 680 miles of pipe; and

**WHEREAS,** the number of businesses and homes connected to the sewer system increased from approximately 6,800 to over 10,000 and the sewer system grew from approximately 135 miles of pipe to over 180 miles of pipe; and

**WHEREAS,** full-time personnel supporting the utility grew from 66 employees to 96 employees and the annual operating budget increased from $14.2 million to $24.2 million; and

**WHEREAS,** Lee Smith ensured the provision of a high-level of water and sewer service to the community in an operationally and financially efficient manner; and

**WHEREAS,** Lee Smith led the utility through several notable improvement projects including but not limited to: water treatment facility renovation, advanced metering infrastructure implementation, French Broad River water intake, Etowah and Fletcher area water improvements, sewer treatment facility equipment replacements/upgrades, Jackson Park sewer interceptor; and

**WHEREAS,** Lee Smith developed and oversaw the implementation of utility policies, long-range plans, procedures and standards and prepared and administered many years of annual utility operating budgets.

**NOW, THEREFORE, BE IT RESOLVED,** by the City Council off the City of Hendersonville, on behalf of the citizens and employees of Hendersonville, that the Mayor and City Council extend to Lee Smith, their sincere appreciation for all of his loyal and dedicated service to the betterment of the City of Hendersonville for the past 18 years.

**ADOPTED** this 6th day of July, 2023.

_____
Barbara G. Volk, Mayor
City of Hendersonville

Attest: _____
Jill Murray, City Clerk

CITY OF HENDERSONVILLE

# AGENDA ITEM SUMMARY

**SUBMITTER:** Blair Myhand, Police Department **MEETING DATE:** July 6, 2023

**AGENDA SECTION:** Presentation **DEPARTMENT:** Police

**TITLE OF ITEM:** Resolution awarding retiring Captain Tracey Cox with his badge and service side arm

**SUGGESTED MOTION(S):**

Motion to approve the resolution to award retiring Captain Tracey Cox with his badge and service side arm for a cost of $1.00.

**SUMMARY:**

The City of Hendersonville recognizes and appreciates the service provided to the citizens of our community by the commitment of sworn law enforcement officers of the Hendersonville Police Department.

North Carolina General Statute 20-187.2 and City of Hendersonville Policy Granting of Badges and Service Side Arms for Sworn Law Enforcement Officers enables the City Council to award a retiring member or surviving relatives, the badge and service side arm of law enforcement officers.

The attached resolution will allow the Hendersonville Police Department to award retiring Captain Tracey Cox with his badge and service side arm for a cost of $1.00.

**BUDGET IMPACT: N/A**

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

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

**ATTACHMENTS:**

**Resolution #**

Resolution #

**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 **30 years** of distinguished service by **Captain Tracey Duane Cox** for the City of Hendersonville and its residents; and

**WHEREAS,** the City of Hendersonville wishes to recognize **Captain Tracey Cox'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 **Captain Tracey Duane Cox his service side arm**, **Glock model 19, 9 mm, serial number WSZ969**, 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 on this 6th day of July 2023.

Attest:

_____
Barbara G. Volk, Mayor, City of Hendersonville

_____
Jill Murray, City Clerk

Approved as to form:

_____
Angela S. Beeker, City Attorney

CITY OF HENDERSONVILLE

# AGENDA ITEM SUMMARY

**SUBMITTER:** Tom Wooten, Director of Public Works

**MEETING DATE:** July 6, 2023

**AGENDA SECTION:** Award Presentation

**DEPARTMENT:** Public Works

**TITLE OF ITEM:** *NCLTAP Road Scholar Awards*

**SUGGESTED MOTION(S):**

N/A

**SUMMARY:**

Frank Tankersley and Stacy Redden successfully completed the NC LTAP Road Scholar Program.

The Road Scholar Program is a professional development opportunity offered by the North Carolina Local Technical Assistance Program at ITRE. The purpose of the program is to recognize local government personnel who have significantly increased their knowledge of road maintenance procedures and improve their technical and managerial skills. By successfully completing 7 Road Scholar courses offered through the center, they have earned this professional distinction for themselves and for the City of Hendersonville.

**ATTACHMENTS:**
N/A

Frank Tankersley and Stacy Redden successfully completed the NC LTAP Road Scholar Program.

The Road Scholar Program is a professional development opportunity offered by the North Carolina Local Technical Assistance Program at ITRE. The purpose of the program is to recognize local government personnel who have significantly increased their knowledge of road maintenance procedures and improve their technical and managerial skills. By successfully completing 7 Road Scholar courses offered through the center, they have earned this professional distinction for themselves and for the City of Hendersonville.

CITY OF HENDERSONVILLE

# AGENDA ITEM SUMMARY
# PLANNING DIVISION

**SUBMITTER:** Tyler Morrow

**MEETING DATE:** July 6th 2023

**AGENDA SECTION:** Public Hearing

**DEPARTMENT:** Community Development

**TITLE OF ITEM:** Rezoning: Standard Rezoning (Initial Zoning)– Blue Ridge Commerce Center (P23-46-RZO) –*Tyler Morrow, Planner II*

**SUGGESTED MOTION(S):**

| **For Approval:** | **For Denial:** |
|---|---|
| I move City Council **adopt** an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property (PINs: 9588-31-1844, 9588-22-8495, 9588-23-9432, 9588-23-3192, 9588-13-8975) from Henderson County Industrial to City of Hendersonville I-1 (Industrial) Zoning District based on the following: | I move City Council **deny** an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property (PIN: 9588-31-1844, 9588-22-8495, 9588-23-9432, 9588-23-3192, 9588-13-8975) from Henderson County Industrial to City of Hendersonville I-1 (Industrial) Zoning District based on the following: |
| **1. The petition is found to be consistent with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because**: | **1. The petition is found to be consistent with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:** |
| *The Regional Activity Center and Business Center designations' Recommended Primary and Secondary Land Uses generally align with uses permitted in the I-1 zoning district and the property is located in an area designated as a priority growth area.* | *The Regional Activity Center and Business Center designations' Recommended Primary and Secondary Land Uses generally align with uses permitted in the I-1 zoning district and the property is located in an area designated as a priority growth area.* |
| **2. We [find] this petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:**<br>1. The proposed I-1 zoning district is compatible with the current Henderson County Zoning and Future Land Use Designations.<br>2. The proposed I-1 zoning allows for a wide range of uses that align with similar types of developments in this area. | **2. We [do not find] this petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because**:<br>1. The proposed I-1 zoning is not a suitable zoning district for the subject property for the following reasons….<br>2. And due to these reasons, the site should be initially zoned ____ zoning district.<br><br>**[DISCUSS & VOTE]** |

| | |
|---|---|
| 3. The proposed I-1 zoning provides the City with industrial zoning fronting the I-26 corridor.<br><br>**[DISCUSS & VOTE]** | |

**SUMMARY:** *The City Council annexed the subject property at their June 1st, 2023 meeting. The County zoning can remain in effect on the subject property for 60 days after the annexation. The City Planning Department is proposing that the initial City zoning of this property should be City of Hendersonville I-1. The property is currently zoned Henderson County Industrial.*

*The City of Hendersonville Zoning Ordinance states that, during a standard rezoning process, an applicant is prohibited from discussing the specific manner in which they intend to develop or use a site. However, the developer of this property does have previously vested rights through approvals obtained through Henderson County Planning, Building Inspections for two of the parcels.*

*If rezoned, all permitted uses within the I-1 district would be allowed on the site.*

*Duke Energy selected the subject property as one of 9 properties included in the 2021Duke Energy Site Readiness Program. https://news.duke-energy.com/releases/duke-energy-helps-communities-across-north-carolina-prepare-sites-to-bring-local-investment-jobs*

| | |
|---|---|
| **PROJECT/PETITIONER NUMBER:** | P23-46-RZO |
| **PETITIONER NAME:** | 1. City of Hendersonville |
| **ATTACHMENTS:** | 1. Staff Report<br>2. Planning Board Summary<br>3. Henderson County Industrial and City of Hendersonville I-1 Permitted Use Overview<br>4. Draft Ordinance<br>5. Proposed Zoning Map<br>6. Henderson County 2020 Future Land Use Map |

# STANDARD REZONING: BLUE RIDGE COMMERCE CENTER INITIAL ZONING (P23-46-RZO)

# CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

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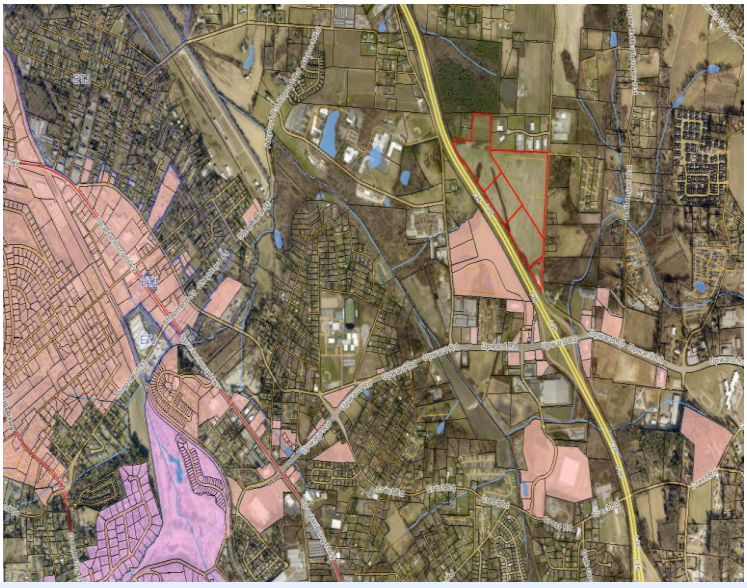
DRAFT COMPREHENSIVE PLAN CONSISTENCY AND REZONING REASONABLENESS STATEMENT ..... 11

- Project Name & Case #:
  - Blue Ridge Commerce Center
  - P23-46-RZO
- Applicant & Property Owner:
  - City of Hendersonville [Applicant]
  - Asheville Industrial Owner LLC & Asheville Industrial Owner II LLC [Owners]
- Property Address:
  - 337 McMurray Road
  - 117 McAbee Court
  - 542 McAbee Court
  - 118 McAbee Court
  - 405 McAbee Court
- Parcel Identification (PINs):
  - 9588-31-1844
  - 9588-22-8495
  - 9588-23-9432
  - 9588-23-3192
  - 9588-13-8975
- Project Acreage:
  - 65.31 Acres
- Current Parcel Zoning:
  - Henderson County Industrial
- Requested Zoning:
  - City of Hendersonville I-1
- Future Land Use Designation:
  - Business Center
  - Regional Activity Center



SITE VICINITY MAP

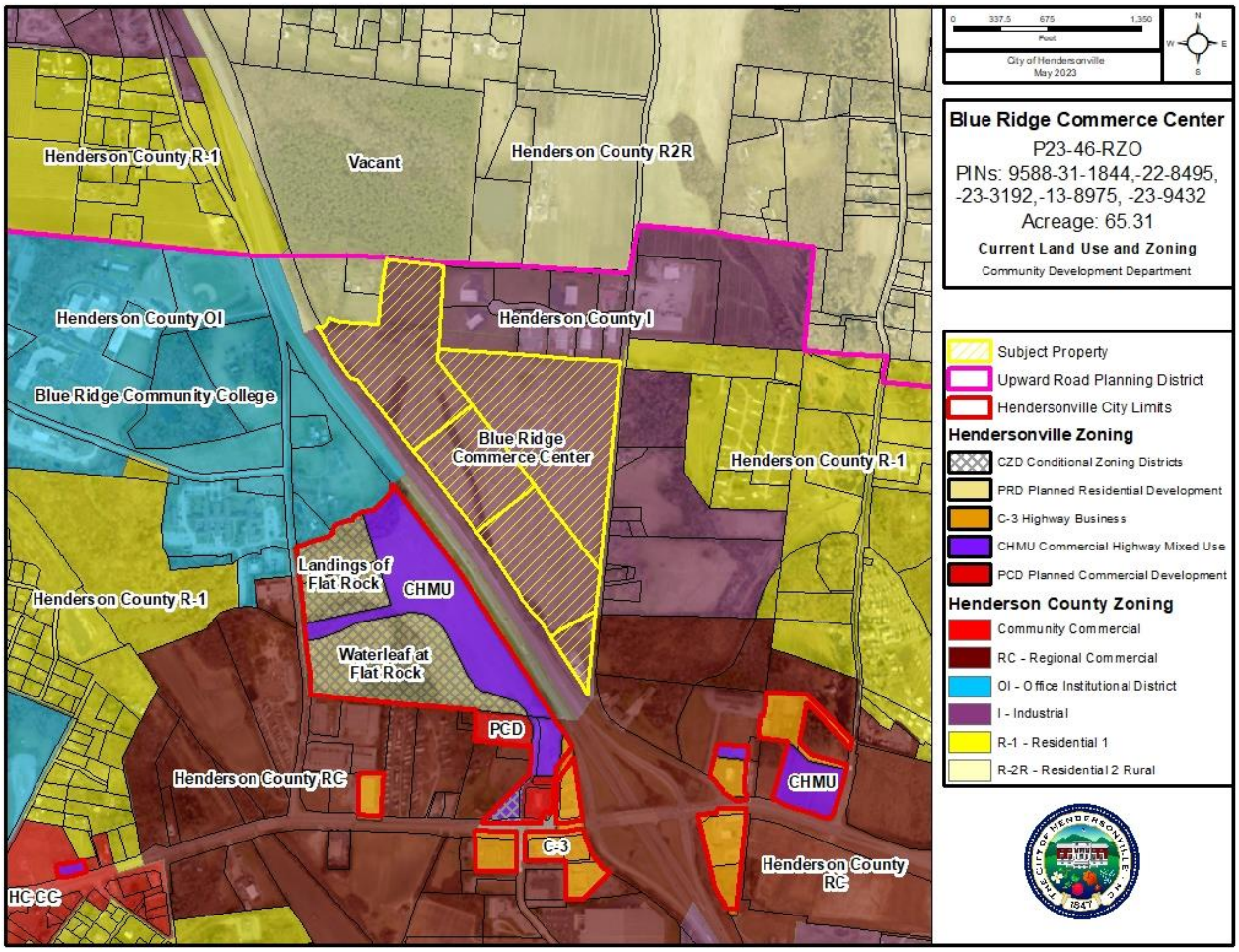
*City Council annexed the subject property at their June 1st, 2023 meeting. The County zoning can remain in effect on the subject property for 60 days after the annexation. The City Planning Department is proposing that the initial City zoning of this property should be City of Hendersonville I-1. The property is currently zoned Henderson County Industrial.*

*The City of Hendersonville Zoning Ordinance states that, during a standard rezoning process, an applicant is prohibited from discussing the specific manner in which they intend to develop or use a site. However, the developer of this property does have previously vested rights through approvals obtained through Henderson County Planning, Building Inspections for two of the parcels.*

*If rezoned, all permitted uses within the I-1 district would be allowed on the site.*

*Duke Energy selected the subject property as one of 9 properties included in the 2021 Duke Energy Site Readiness Program. https://news.duke-energy.com/releases/duke-energy-helps-communities-across-north-carolina-prepare-sites-to-bring-local-investment-jobs*

EXISTING ZONING & LAND USE




City of Hendersonville Current Zoning & Land Use Map

*The subject property is located off of McMurray Road. This area is predominately under the zoning and planning jurisdiction of Henderson County with some satellite annexed properties along the Upward Road corridor.*

*The subject property is currently zoned Henderson County Industrial. Properties to the north are zoned Henderson County Industrial and Residential to Rural and contains a small industrial park along Reeds Way. Properties to the east are zoned Henderson County Industrial and R-1and contain single family residential, a mobile home park, commercial uses and large vacant tracts of land. The I-26 Exit 53 interchange is to the south of the subject property, this area contains commercial uses in alignment with this type of interchange and contain multiple City zoning districts as well as Henderson County Regional Commercial. Parcels across I-26 to the west contain City of Hendersonville PRD-CZD and CHMU zoning and contain the Landings at Flat Rock Development as well as the Waterleaf at Flat Rock Apartments. Henderson County Office Institution zoning is also located in this area and contain the Blue Ridge Community College campus.*

*The subject property is also located within the "Upward Road Planning District" as depicted in the map above.*

SITE IMAGES

*View from McMurray Road towards the west showing the existing site work.*

*View from the subject property looking northwest towards I-26*

SITE IMAGES

*View of PIN 9588-31-1844 looking southwest.*

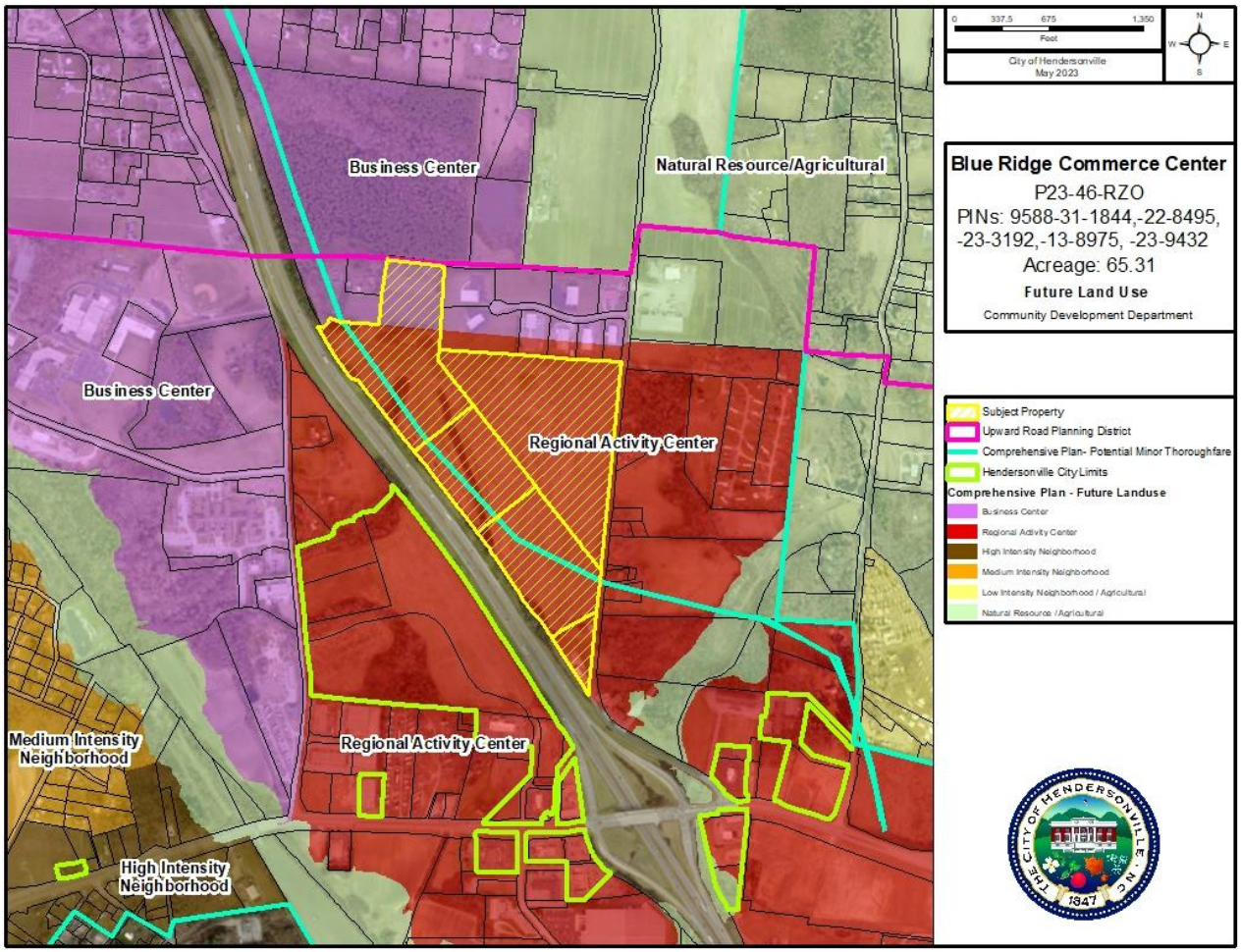
*View from the subject property looking north to south.*

SITE IMAGES

*Additional photos showing site work on the subject property.*

*Additional photos showing site work on the subject property.*

FUTURE LAND USE




City of Hendersonville Future Land Use Map

*The City of Hendersonville's 2030 Comprehensive Plan Future Land Use Map designates the majority of the property as Regional Activity Center. The remaining northern portion of the property is designated as Business Center. The 2030 Comprehensive Plan depicted a "potential minor thoroughfare" cutting through several portions of the subject property.*

*The Henderson County's 2020 comprehensive plan designates the subject property as Industrial (map attached in packet). The Henderson County 2045 comprehensive plan that is currently going through the review/approval process has designated this area as "Employment and Industry". The 2045 plan states "Employment and Industry areas offer job-generation, site-ready parks, accessible road networks, and utilities. Industries come in many different forms including manufacturing, agriculture, distribution, office, research, and development (R&D), etc. The design of development sites in these areas should be tailored to be compatible with other nearby uses."*

REZONING ANALYSIS – COMPREHENSIVE PLAN CONSISTENCY (ARTICLE 11-4)

| COMPREHENSIVE PLAN CONSISTENCY | |
|---|---|
| Future Land Use | **MAJORITY OF THE SITE:**<br>***Goal LU-9 - Regional Activity Center****: Meet the large-scale retail needs of Hendersonville residents while encouraging mixed-use, walkable design through redevelopment and infill projects.* |
| | *Strategy LU-9.2 Primary Land Uses:*<br>• *Community and regional retail sales and services [CONSISTENT]*<br>• *Restaurants [CONSISTENT]* |
| | *Strategy LU-9.3 Secondary Land Uses:*<br>• *Multi-family residential [CONSISTENT]*<br>• *Offices [CONSISTENT]*<br>• *Public and institutional uses [CONSISTENT]*<br>• *Pedestrian amenities [CONSISTENT]* |
| | *Strategy LU-9.4 Development Guidelines:*<br>• *Mitigation of bulk of large buildings through façade detailing and window coverage [INCONSISTENT]*<br>• *Hiding of large parking lots (more than one double-row deep) from thoroughfares with outlot structures [INCONSISTENT]*<br>• *Provision of pedestrian connections to parking and other buildings and properties [CONSISTENT]* |
| | **NORTHERN PORTION OF THE SITE:**<br>***Goal LU-13. Business Center****: Create an employment corridor along I-26 that supports the growth of Hendersonville as a business destination. Create a campus-like, mixed-use environment that includes office, research and low-impact industrial uses, as well as supportive retail amenities.* |
| | *Strategy LU-13.2. Primary recommended land uses:*<br>• *Offices [CONSISTENT]*<br>• *Research facilities [CONSISTENT]*<br>• *Educational centers [LIMITED]* |
| | *Strategy LU-13.3. Secondary recommended land uses:*<br>• *Supportive neighborhood retail and services along major thoroughfares [INCONSISTENT] McMurray Road is a local road.*<br>• *Restaurants [CONSISTENT]*<br>• *Light manufacturing, fabrication and distribution if designed to be compatible with office uses. [CONSISTENT]*<br>• *Multi-family residential [CONSISTENT]*<br>• *Redevelopment and adaptive reuse of older industrial structures near Downtown into uses that complement adjacent land use categories [INCONSISTENT]* |
| | *Strategy LU-13.4. Development guidelines:*<br>• *Moderate front setbacks and appropriate landscaping [CONSISTENT]*<br>• *Encouragement of pedestrian connections to multi-use pathways and* |

| | |
|---|---|
| | *between uses [LIMITED]*<br>• *At least 30% open space in new developments greater than five acres [INCONSISTENT]*<br>• *Requirement of façade articulation and window coverage to break up large facades. [INCONSISTENT]*<br>• *Mitigation or avoidance of negative visual and environmental impacts on residential areas. [CONSISTENT]* |
| **Land Use & Development** | *Growth Management (Map 8.3a): Designated as "Priority Growth Area". Areas that are considered a high priority for expansion of the ETJ, annexation, and extension of infrastructure and services.* |
| | *Strategy LU-1.1. Encourage infill development and redevelopment in areas planned for high-intensity development, as indicated by the "Priority Infill Areas" on Map 8.3a.* |
| | *Strategy LU-3.4 Promote fiscal responsibility for the City with the expansion of infrastructure and services.* |
| **Population & Housing** | *No Goals, Strategies, or Actions are directly applicable to this project.* |
| **Natural & Environmental Resources** | *Strategy NR-1.2. Protect land adjacent to streams in order to protect water quality, reduce erosion, and protect wildlife habitat.* |
| | *Strategy NR-4.4. Discourage leapfrog development patterns that fragment agricultural land.* |
| | *The property is located in a Voluntary Agricultural District "The Voluntary Agricultural District program, established by Henderson County, encourages farmers to preserve and identify their properties as farmland. The program maps and posts signs that identify participating properties as active farms."* |
| **Cultural & Historic Resources** | *No Goals, Strategies, or Actions are directly applicable to this project.* |
| **Community Facilities** | *No Goals, Strategies, or Actions are directly applicable to this project.* |
| **Water Resources** | *Strategy WR-2.2. Prevent development of floodplains and stream corridors in order to preserve natural drainage patterns and improve the quality of stormwater runoff* |
| **Transportation & Circulation** | *No Goals, Strategies, or Actions are directly applicable to this project.* |

REZONING ANALYSIS – GENERAL REZONING STANDARDS (ARTICLE 11-4)

| GENERAL REZONING STANDARDS | |
|---|---|
| **Compatibility** | **Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property –** |
| | The subject property is currently zoned Industrial by Henderson County. I-1 is the City's comparable zoning district to Henderson County Industrial. Henderson County's 2020 and 2045 Comprehensive plans both designate this area as industrial uses. The proposed initial zoning to I-1 would be in alignment with the current and future land use goals that Henderson County has placed on this property and surrounding areas. The subject property was selected for the Duke Energy Site Readiness program which prepares sites for future industrial development. It was one of 9 sites selected for the program in 2021. |
| **Changed Conditions** | **Whether and the extent to which there are changed conditions, trends or facts that require an amendment -** |
| | The property was previously reviewed and approved under the Henderson County's Planning process. They are voluntarily annexing into the City in order to receive sewer service. Due to this annexation requirement, the City must zone the subject property under its zoning jurisdiction. I-1 zoning is the most comparable zoning district that aligns with previous approvals and future site development plans.<br><br>Two of the proposed buildings for site are already vested under NC General Statutes due to their obtainment of building permits. These approvals were obtained through a review by Henderson County. The City shall honor these site plan approvals even after the property is annexed. |
| **Public Interest** | **Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern that benefits the surrounding neighborhood, is in the public interest and promotes public health, safety and general welfare -** |
| | The subject property as proposed will provide additional industry to the City. This could potentially allow for additional jobs for City residents as well as the extension of public utilities into areas not previously served. |
| **Public Facilities** | **Whether and the extent to which adequate public facilities and services such as water supply, wastewater treatment, fire and police protection and transportation are available to support the proposed amendment** |
| | Water / Sewer plans have been submitted to the City's Water and Sewer Department and will be under review if annexed.<br>The site will be served by an NCDOT maintained road, which is classified as a "local street" in the comprehensive plan. There are currently no sidewalks on McMurray Road.<br>Sanitation, Police and Fire service will be provided to the parcel upon voluntary annexation approval. |

| | |
|---|---|
| **Effect on Natural Environment** | **Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment including but not limited to water, air, noise, storm water management, streams, vegetation, wetlands and wildlife -** |
| | The site was previously mass graded prior to discussions with the City of Hendersonville concerning annexation. The development proposed on the site did go through all the required Henderson County site plan review procedures. This includes but is not limited to Planning review and Soil and Erosion Control review. There is an existing tree line that abuts I-26 still in place to act as a buffer between this development and I-26.<br><br>There does appear to be a couple of blueline streams depicted on the most recent USGS seven-and-one-half minute quadrangle topographic maps covering the City of Hendersonville. Since this property was not reviewed under the City's zoning prior to the land disturbing activity, the City's requirements for stream buffers did not apply. The streams on site may have been piped which would exempt them from these standards, but that has not been confirmed with the developer. |

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

*The Regional Activity Center and Business Center designations' Recommended Primary and Secondary Land Uses generally align with uses permitted in the I-1 zoning district and the property is located in an area designated as a priority growth area.*

*DRAFT [Rationale for Approval]*

- *The proposed I-1 zoning district is compatible with the current Henderson County Zoning and Future Land Use Designations.*
- *The proposed I-1 zoning allows for a wide range of uses that align with similar types of developments in this area.*
- *The proposed I-1 zoning provides the City with industrial zoning fronting the I-26 corridor.*

*DRAFT [Rational for Denial]*

- *The proposed I-1 zoning is not a suitable zoning district for the subject property for these reasons….*
- *And due to these reasons, the site should be initially zoned ____ zoning district.*

# PLANNING BOARD RECOMMENDATION

## PROJECT #: P23-46-RZO

## MEETING DATE: June 8th, 2023

PETITION REQUEST: Blue Ridge Commerce Center- Initial Zoning (HC Industrial to COH I-1 Industrial

APPLICANT/PETITIONER: City of Hendersonville [Applicant]

### PLANNING BOARD ACTION SUMMARY:

Staff gave a 12-minute presentation on the request - reviewing the guidance from the Comprehensive Plan as well as the criteria for considering a rezoning. The Planning Board asked questions related to the application and the potential implications of eventual development of the subject property. Questions revolved around what is allowed under the current Henderson County zoning, what could be done under City I-1 Industrial zoning and if the Planning Board should recommend CHMU zoning for this site since this property is located within the Upward Road Planning District. In total Planning Board considered this item for 43 minutes.

### PUBLIC COMMENT:

The following members of the public spoke:

Lynne Williams, 309 Chadwick Avenue had concerns about the buildings not being built yet and that they could switch up the use if allowed in zoning. You can't reference the County's 2045 Comp Plan because it is not completed. It has not had community input. The R2R zoning and R1 zoning has historic county farms such as the Lyda Farm. They do not get to comment on this because they are not in the city but the county. That's not fair and that is not transparent. As citizens of the county the only right they had to comment on was the annexation and by that point it was too late. This is going to get shoved down our throats without any input. The site is horrendous. She talked about open space. She stated there was toxic pond on the property. She talked about protecting the streams and the animals and how that is gone now. The property has been destroyed. Buffers to the woods is needed on all sides. She discussed tree requirements and parking. She talked about zoning it to CHMU. This is a huge loss for our residents.

Ken Fitch, 1046 Patton Street stated there is mention of Blueline Streams on the property and going forward it would be important to know their location as it may affect activity on the site and impacts on adjacent properties. It is important to understand the county approvals in place as Mr. Morrow described. He stated concerns about the property located in a voluntary agricultural district and that the property would no longer have this agricultural district once the rezoning is approved. He stated we are just approving something that was already approved.

DELIBERATION:

Discussions centered around the differences between CHMU Zoning and I-1 Industrial Zoning including but not limited to open space requirements, uses, landscaping and building design standards. Mr. Hanley stated some industrial had already been approved on the site and that you can't go back and do anything about that if the property gets zoned CHMU. Chair stated only a portion has been permitted for this type of industrial use by the county, and there is still more development that will take place on the 65 acres in the future. He further stated that if the city zones it CHMU, those two parcels that have already been permitted by the county, they have to allow that, but the rest of the development would have to follow CHMU instead of I-1 which has different uses and design standards. Chair asked if the city considered CHMU because it was designed for the Upward Road corridor. Mr. Morrow stated city staff looked at the current zoning of the property. Mr. Morrow stated that the Planning Board had made it an emphasis in the past that staff do not recommend something that is out of character with the current county zoning and comprehensive plan. Staff thought I-1 reflected what the county had currently zoned that property and also aligned it with their current Comprehensive Plan and future Comprehensive Plan. The Chair stated personally he could go either way, but CHMU is what they set aside for the Upward Road corridor for when we annexed properties.

MOTION:

Peter Hanley moved that the Planning Board recommend approval providing the following:

COMPREHENSIVE PLAN CONSISTENCY STATEMENT:

*The Regional Activity Center and Business Center designations' Recommended Primary and Secondary Land Uses generally align with uses permitted in the I-1 zoning district and the property is located in an area designated as a priority growth area.*

REASONABLENESS STATEMENT:

**[Rationale for Approval]**

1. The proposed I-1 zoning district is compatible with the current Henderson County Zoning and Future Land Use Designations.
2. The proposed I-1 zoning allows for a wide range of uses that align with similar types of developments in this area.
3. The proposed I-1 zoning provides the City with industrial zoning fronting the I-26 corridor.

BOARD ACTION

- **Motion/Second**: Hanley / Cromar
- **Yeas**: Hanley, Cromar, Martin
- **Nays**: Brown, Robertson, Robinson (recommended CHMU)
- **Absent**: Peacock
- **Recused**: N/A

# Henderson County Industrial

| Table 2.10. I Density and Dimensional Requirements | | | |
|---|---|---|---|
| *Maximum Impervious Surface* (%) | | | 80 |
| Maximum *Floor Area* (sq ft) | | | Unlimited |
| *Yard Setbacks (feet)* | *Front or ROW* | *Local* | 20 |
| | | *Collector* | 30 |
| | | *Thoroughfare* | 40 |
| | | *Boulevard* | 50 |
| | | *Expressway* | 50 |
| | | *Freeway* | 60 |
| | *Side* | | 20 |
| | *Rear* | | 20 |
| Maximum Height (feet) | | | 72 |

A. Purpose. The purpose of the Industrial District (I) is to foster orderly growth where the principal use of land is a mixture of industrial and heavy commercial. The intent of this district is to allow for industrial and heavy commercial development consistent with the recommendations of the Comprehensive Plan. In accordance with the Comprehensive Plan, the district will allow for and provide industrial and heavy commercial development that: (1) is compatible with adjacent development and the surrounding community; (2) will minimize conflict between land uses; and (3) is sensitive to its impact on surrounding land uses and the environment (natural and man-made).

B. Density and Dimensional Requirements. Each use allowed in this district shall at a minimum conform to the following requirements. In some cases a specific use may be required to meet the Supplemental Requirements as set forth in §42-62 (Supplemental Requirements).

1. Accessory structures may be located in the side, rear or front yards and may be setback a minimum of five (5) feet from the side or rear property lines and ten (10) feet from the front or Right of Way (ROW).

Uses:

- **RESIDENTIAL USES**
  - Personal Storage Structure
- **ACCESSORY USES**
  - *Childcare Facility* (as an accessory for a principal business)
  - Dumpster(s)
  - Fuel Pumps
  - Home School
  - *Outdoor Storage* <5000 sq ft
  - *Outdoor Storage* >5000 sq ft
  - Solar Panels
- **ACCESSORY STRUCTURES**
  - Airport (Private Accessory) (S)
  - Automatic Teller Machine
  - *Gate and/or Guardhouse*
  - *Greenhouse*
  - *Heliport (Private Accessory)*
  - Loading Bay
  - Parking Garage
  - *Planned Seasonal Agricultural Worker Development*
  - *Produce Stand*, Accessory
  - Satellite Dish
  - Storage Shed
  - *Wastewater Treatment Plant, Small Accessory*
  - Wind Mill/Turbine, Accessory < 40 ft height (S)
  - Wind Mill/Turbine, Accessory > 40 ft height (S)
- **RECREATIONAL USES**
  - *Amusement Park (S)*
  - *Motor Sports Facility, Major (S)*
  - *Motor Sports Facility, Minor (S)*
  - *Motor Sports Facility, Recreational(S)*
  - *Park (S)*
  - *Recreational Facilities (Indoor/Outdoor) (S)*
  - *Commercial Shooting Ranges*, Indoor
  - *Commercial Shooting Ranges*, Outdoor

- **EDUCATIONAL AND INSTITUTIONAL USES**
  - *Ambulance Services*
  - Cemetery/Mausoleum/Columbarium (excluding crematoriums) (S)
  - *Childcare* Facility (S)
  - *Club/Lodge (S)*
  - Correctional Facilities (S)
  - *Fire and Rescue Station (S)*

- Government Offices (S)
- *Place of Assembly*, Large (S)
- *Place of Assembly*, Small (S)
- *Police Station*
- *Religious Institution (S)*
- *Automobile and Equipment Service (S)*
- Automotive Towing (S)
- *Broadcasting and Communications Facilities (S)*
- Exterminating and Pest Control Services (S)
- *School (Technical, Trade and Business) (S)*

- **RETAIL TRADE**
  - *Adult Book and Retail Merchandise Store (S)*
  - *Adult Theatre and Live Entertainment (S)*
  - Convenience Store (S)
  - *Fuel Oil Distribution and Sales (S)*
  - *Landscaping Materials Sales and Storage (S)*
  - Manufactured/Mobile Home Sales (S)
  - Parking Garage or Lot (requiring payment) (S)
  - Truck Stop (S)
- **WHOLESALE TRADE**
  - *Wholesale Trade (S)*
- **TRANSPORTATION, WAREHOUSING AND UTILITIES**
  - *Airport (Private) (S)*
  - *Airport (Public) (S)*
  - *Communication Facilities, Category 1*
  - *Communication Facilities, Category 2*
  - *Communication Facilities, Category 3 (S)*
  - Hazardous Waste Disposal Facilities (S)
  - *Land Clearing Debris and Inert Debris Storage or Disposal (S)*
  - *Rail Transportation Facilities and Support Activities*
  - Septic Tank and Related Services (S)
  - *Solar Energy Generation Facility* < 30 acres
  - *Solar Energy Generation Facility* > 30 acres (S)
  - Solid Waste Combustors and Incinerators (S)
  - *Solid Waste Facility, County Owned/Operated*
  - *Transit and Ground Passenger Transportation (S)*
  - *Truck Terminals*
  - *Utility Substation*
  - *Warehousing and Storage* (Excluding Warehousing of Hazardous Substances)
  - *Waste Collection and Transfer Facility (Hazardous) (S)*
  - *Waste Collection and Transfer Facility (Non-hazardous) (S)*
  - *Wastewater Treatment Plant*
  - Water Treatment Plant

- **MANUFACTURING & INDUSTRIAL USES**
  - *Asphalt Plant (S)*
  - Battery Manufacturing Facility (S)
  - *Chip Mill (S)*
  - Concrete Batch Plant (S)
  - *Junkyard (S)*
  - *Landfill*, Public or Private (S)
  - *Machining and Assembly Operations* <10,000 sq ft (of *gross floor area*)
  - *Machining and Assembly Operations* >10,000 sq ft (of *gross floor area*)
  - *Manufacturing and Production Operations* <10,000 sq ft (of *gross floor area*)
  - *Manufacturing and Production Operations* >10,000 sq ft (of *gross floor area*)
  - *Materials Recovery Facilities (Recycling)*
  - *Mining and Extraction Operations (S)*
  - *Packaging and Labeling Services*
  - Pesticide, Fertilizer and Other Agricultural Chemical Manufacturing (S)
  - *Product Processing and Storage Facilities*
  - *Recycling Centers, Drop-Off Facilities*
  - *Research and Development Operations (Hazardous or Biological Materials)*
  - *Research and Development Operations (Non-hazardous)*
  - *Sawmill*
  - Slaughterhouse
  - Truck Wash
- **TEMPORARY USES**
  - Circuses, Carnivals, Fairs, Religious Services (or similar types of events)
  - Movie Production
  - Special Events between 250 and 499 persons
  - Special Events greater than 500 persons
- **TEMPORARY STRUCTURES**
  - *Portable Storage Container*
  - *Produce Stand*, Temporary
  - Temporary Construction Project Buildings
  - Tent Sale
- **AGRICULTURAL USES**
  - *Agriculture*
  - Food Manufacturing
  - *Forestry*
  - *Forestry Support Services*
  - Veterinary Services (livestock)

# City of Hendersonville Industrial (I-1)

**5-12-1. - Permitted uses.**

5-12-1(a) Permitted uses: The following uses are permitted by right in the I-1 Industrial Zoning District Classification and are not exempted from the size limitations contained in section 4-5(e)(2) of this ordinance, provided that they meet all requirements of this section and all other requirements established in this ordinance. SIC references are to the 1987 edition of the Standard Industrial Classification Manual published by the Office of Management and Budget.

- Accessory dwelling units subject to supplementary standards contained in section 16-4, below
- Accessory uses and structures
- Agricultural supplies, bulk
- Animal hospitals and clinics as long as they contain no outdoor kennels
- Automobile car washes
- Automobile sales and service
- Automobile paint and body work
- Bus stations
- Business services
- Cemeteries, mausoleums, columbariums, memorial gardens, and crematoriums
- Civic centers
- Concrete plants
- Congregate care facilities, subject to supplementary standards contained in section 16-4, below
- Construction trades facilities
- Convenience stores with or without gasoline sales
- Day care facilities
- Dry cleaning and laundry
- Exhibition buildings
- Exterminators
- Fairgrounds
- Farm equipment sales and service
- Feed and grain storage
- Freight terminals (SIC Groups 40, 41, 42)
- Funeral homes
- Golf courses and related activities
- Government facilities
- Health clubs and athletic facilities
- Heavy equipment, sales, rentals, leases, and service
- Heavy equipment storage

- Hospitals
- Hotels
- Laboratories with or without outdoor storage or operations
- Merchandise gaming operations
- Mini-warehouses
- Mobile food vendors, subject to supplementary standards contained in section 16-4, below
- Motels
- Motor freight terminals
- Nursing homes, subject to supplementary standards contained in section 16-4, below
- Parking lots and parking garages
- Parks
- Passenger transportation terminals
- Personal services
- Planned residential developments (minor), subject to the requirements of article VII, below
- Private clubs
- Progressive care facilities, subject to supplementary standards contained in section 16-4, below
- Public and semi-public structures
- Publishing and printing establishments
- Radio and television broadcasting studios
- Recreational facilities, commercial, indoor
- Recreational facilities, commercial, outdoor
- Recycling centers
- Religious institutions
- Repair services, miscellaneous
- Research and development with or without outdoor storage and operations
- Residential dwellings
- Rest homes, subject to supplementary standards contained in section 16-4, below
- Restaurants
- Restaurants, drive-in
- Retail stores
- Service stations
- Signs, subject to the provisions of article XIII
- Storage yards
- Telecommunications antennas, subject to supplementary standards contained in section 16-4, below
- Telecommunications towers, subject to supplementary standards contained in section 16-4, below
- Travel trailer sales
- Treatment plants, water and sewer

- Vehicle repair shops with or without outdoor operations and storage
- Vehicle storage areas, not to include junk yards and wrecking yards as defined by G.S. 136-143, warehouses
- Wholesaling establishments

5-12-1(b) Permitted uses: The following uses are permitted by right in the I-1 Industrial Zoning District Classification and are exempt from the size limitations contained in section 4-5(e)(2) of this ordinance, provided that they meet all requirements of this section and all other requirements established in this ordinance. SIC references are to the 1987 edition of the Standard Industrial Classification Manual published by the Office of Management and Budget:

Accessory uses & structures, when accessory to another permitted use that is also exempt from section 4-5(e)(2) of the Zoning Ordinance

- Bottling plants
- Breweries
- Cideries
- Cideries, hard
- Distilleries
- Food processing establishments, limited to dairy products, bakery products, canneries, and beverage products (SIC codes 202, 203, 205 and 208), not to include slaughtering plants
- Greenhouses and commercial nurseries
- Microbreweries, micro-distilleries, micro-cideries, and micro-wineries, subject to supplementary standards contained in section 16-4, below
- Wineries

Manufacturing (selected industries) - Those manufacturing industries defined by the following SIC Codes are permitted:

| **Standard Industrial Classification** | **Industries Excluded** | **Short Title** |
|---|---|---|
| 202 | | Food processing: dairy products |
| 203 | | Food processing: canned, frozen & preserved fruits, vegetable & food specialties |
| 2043 | | Food processing: cereal breakfast foods |

| Standard Industrial Classification | Industries Excluded | Short Title |
|---|---|---|
| 2045 | | Food processing: prepared flour mixes & doughs |
| 205 | | Food processing; bakery products |
| 206 | | Food processing: sugar & confectionery products |
| 207 | 2077 | Food processing: fats & oils |
| 208 | | Food processing: beverages |
| 2095 | | Roasted coffee |
| 2096 | | Potato chips, corn ships & similar snacks |
| 2097 | | Manufactured ice |
| 2098 | | Macaroni, spaghetti, vermicelli & noodles |
| 2099 | | Food preparations, not elsewhere classified |
| 22 | 226 | Textile mill products |
| 23 | | Apparel and other textile products |
| 24 | 241, 242, 2435, 2436, 2491, 2492 | Lumber and wood products |
| 25 | | Furniture and fixtures |
| 265 | | Paperboard containers & boxes |
| 267 | | Converted paper and paperboard products, except containers and boxes |
| 27 | | Printing, publishing & allied industries |

| Standard Industrial Classification | Industries Excluded | Short Title |
|---|---|---|
| 283 | | Drugs |
| 2844 | | Perfumes, cosmetics & other toilet preparations |
| 30 | 301 | Rubber & plastic products |
| 323 | | Glass products, made of purchased glass |
| 326 | | Pottery & related products |
| 3271 | | Concrete block & brick |
| 3272 | | Concrete products, except block & brick |
| 3273 | | Ready-mixed concrete |
| 3297 | | Non-clay refractories |
| 34 | 3443, 3449, 345, 346, 347, 348 | Fabricated metal products |
| 35 | | Industrial equipment |
| 36 | | Electronic & electric equipment |
| 3714 | | Motor vehicle parts & accessories |
| 3715 | | Truck trailers |
| 3732 | | Boat building & repairing |
| 38 | | Instruments & related products |
| 39 | | Miscellaneous manufacturing |

**5-12-2. - Special uses.**

The following uses shall be permitted in the I-1 Industrial Zoning District classification only upon issuance of a special use permit pursuant to article X and shall be subject to special use requirements contained in section 16-4, below:

- Adult establishments
- Animal boarding facilities
- Civic clubs & fraternal organizations
- Electronic gaming operations
- Public utility facilities

**5-12-3. - Dimensional requirements.**

| | |
|---|---|
| Minimum lot area in square feet: | 40,000 |
| Lot area per dwelling unit in square feet: | N/A |
| Minimum lot width at building line in feet: | 100 |
| Minimum yard requirements in feet: | Front: 35 |
| | Side: 20 |
| | Rear: 20 |
| Maximum height in feet: | 35<br>No building shall exceed 35 feet in height unless the depth of the front and total width of the side yards required herein shall be increased one foot for each two feet or fraction thereof of building in excess of 35 feet. |

Ordinance #

**AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR 337 MCMURRAY ROAD, 117 MCABEE COURT, 118 MCABEE COURT, 405 MCABEE COURT, and 542 MCABEE COURT (PARCEL NUMBERS: 9588-31-1844, 9588-22-8495, 9588-23-3192, 9588-13-8975, 9588-23-9432) BY CHANGING THE ZONING DESIGNATION FROM HENDERSON COUNTY INDUSTRIAL TO CITY OF HENDERSONVILLE I-1 (INDUSTRIAL)**

IN RE: Parcel Numbers: 9588-31-1844, 9588-22-8495, 9588-23-3192, 9588-13-8975, 9588-23-9432
Blue Ridge Commerce Center
(File # P23-46-RZO)

**WHEREAS**, the City is assigning initial zoning to newly satellite annexed properties, and

**WHEREAS,** the Planning Board took up this application at its regular meeting on June 8th, 2023; split voting 3-3 to recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville by zoning these properties I-1 Industrial (dissenting votes recommended CHMU), and

**WHEREAS**, City Council took up this application at its regular meeting on July 6th, 2023, and

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

1. Pursuant to Article XI of the Zoning Ordinance of the City of Hendersonville, North Carolina, the Zoning Map is hereby amended by changing the zoning designation of the following: Parcel Numbers 9588-31-1844, 9588-22-8495, 9588-23-3192, 9588-13-8975, 9588-23-9432 from Henderson County Industrial to City of Hendersonville I-1 (Industrial)

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

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

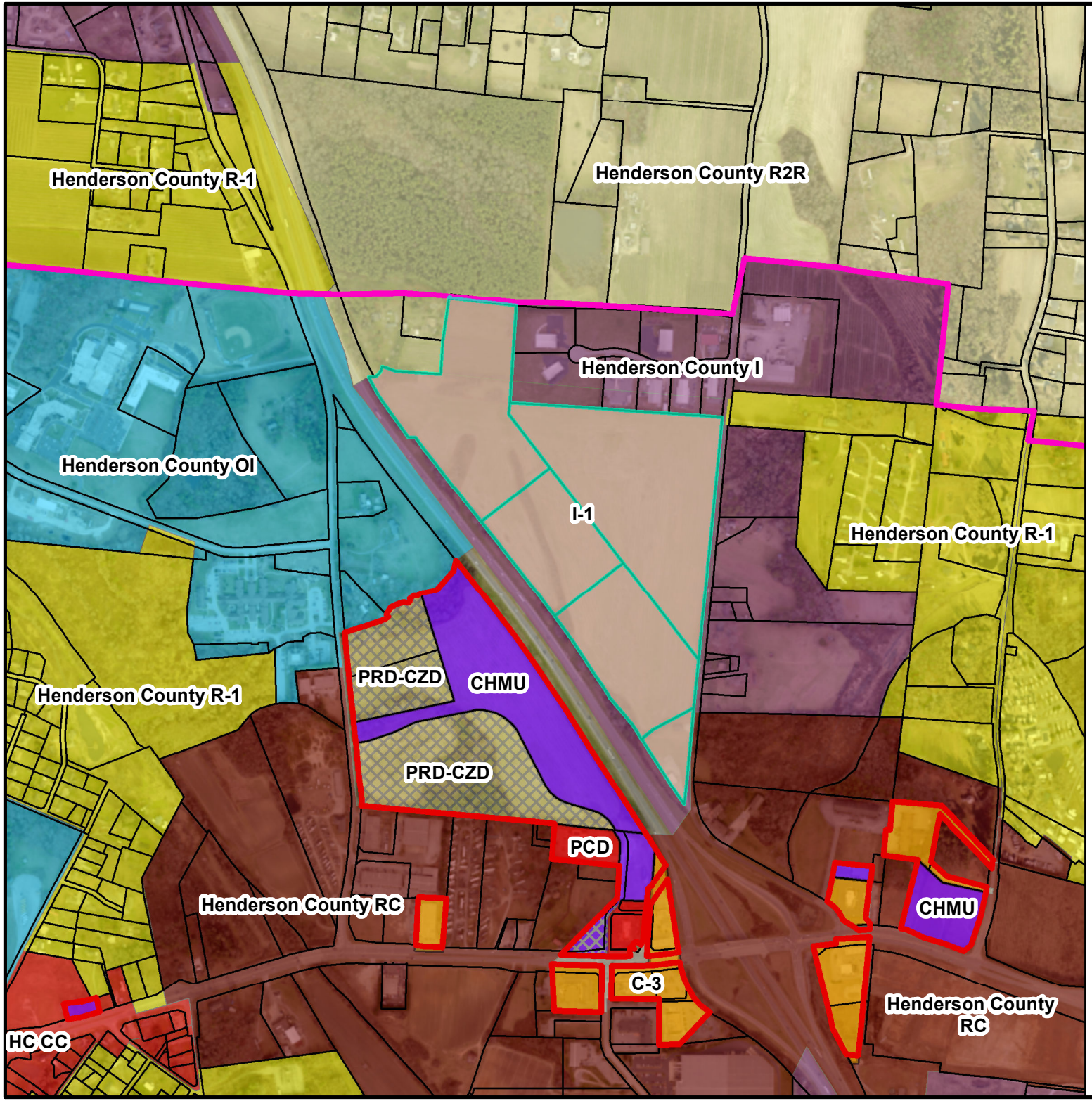
Adopted this 6th day of July 2023.

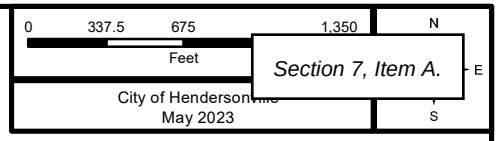
_____
Attest: Barbara G. Volk, Mayor, City of Hendersonville

_____
Jill Murray, City Clerk

Approved as to form:

_____
Angela S. Beeker, City Attorney




# Blue Ridge Commerce Center

P23-46-RZO

PINs: 9588-31-1844,-22-8495, -23-3192,-13-8975, -23-9432

Acreage: 65.31

**Proposed Zoning**

Community Development Department

Subject Property

Upward Road Planning District

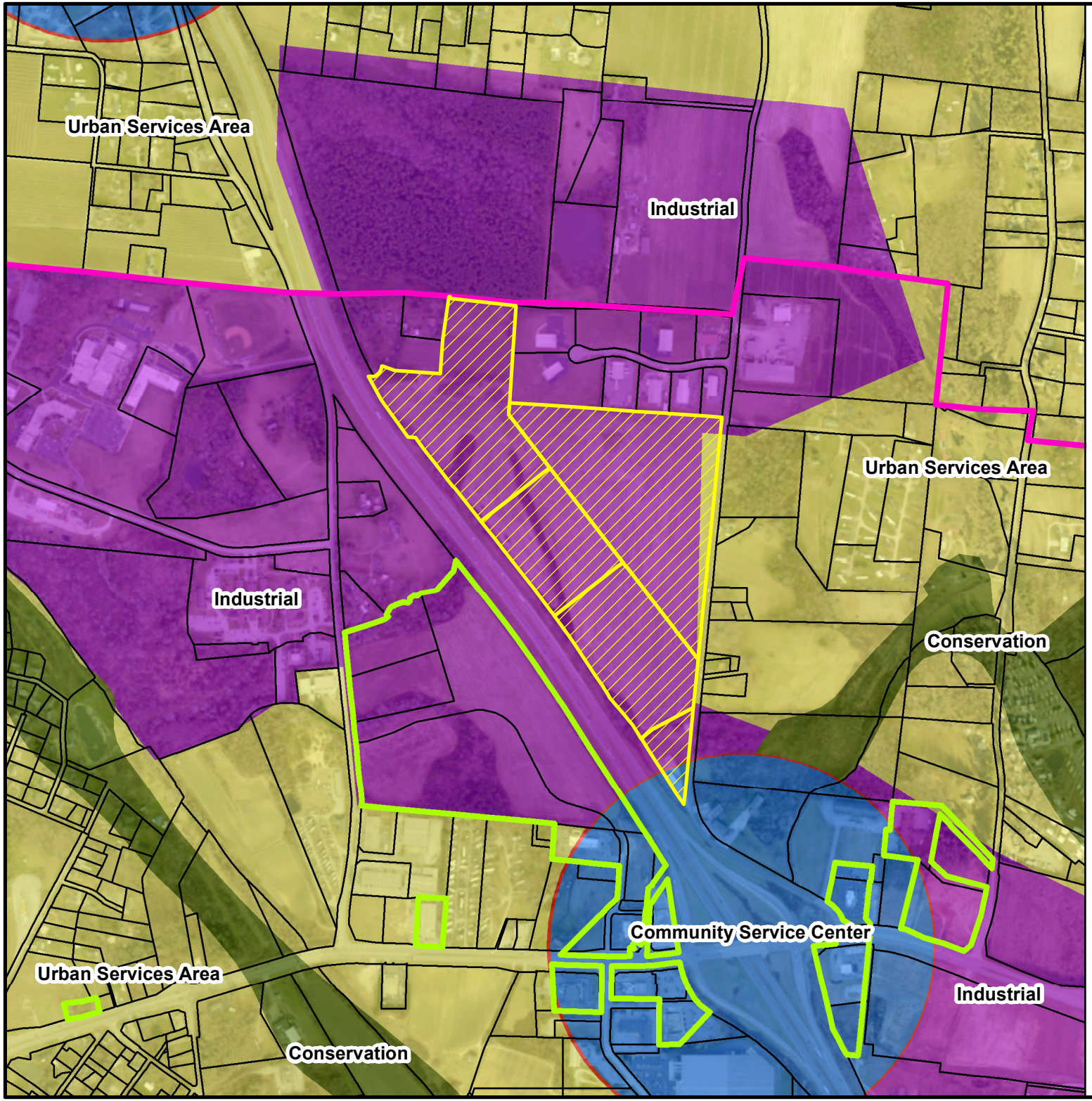
Hendersonville City Limits

**Hendersonville Zoning**

- CZD Conditional Zoning Districts
- PRD Planned Residential Development
- C-3 Highway Business
- CHMU Commercial Highway Mixed Use
- PCD Planned Commercial Development

**Henderson County Zoning**

- Community Commercial
- RC - Regional Commercial
- OI - Office Institutional District
- I - Industrial
- R-1 - Residential 1
- R-2R - Residential 2 Rural

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City of Hendersonville
May 2023

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# Blue Ridge Commerce Center

P23-46-RZO

PINs: 9588-31-1844,-22-8495, -23-3192,-13-8975, -23-9432

Acreage: 65.31

**Henderson County Future Land Use**

Community Development Department

- Subject Property
- Upward Road Planning District
- Hendersonville City Limits

**Henderson County Future Land Use Map**

- COMMUNITY SERVICE CENTER
- Conservation
- Industrial
- Urban Services Area

THE CITY OF HENDERSONVILLE · N.C. · 1847

# For informational purposes only:
# Site Plan Approved by Henderson County Planning Department

**LEGEND:**

- LIGHT DUTY ASPHALT PAVING
- HEAVY DUTY ASPHALT PAVING
- CONCRETE WALKS AND PLAZA
- HEAVY DUTY CONCRETE PAVING

**PROPOSED PROJECT / DEVELOPER**

OPPIDAN
2000 REGENCY PARKWAY, SUITE 435
CARY, NC 27518

TIM BRENT
TIM.BRENT@OPPIDAN.COM
(919) 818-6998

**PROJECT INFORMATION**

**1. GROSS ACREAGE**

TRACT: 65.31 AC

**2. DEVELOPMENT TYPE**

INDUSTRIAL/COMMERCIAL: 4 TOTAL SPECULATIVE WAREHOUSE FACILITIES

**3. SITE INFORMATION**

ZONING: ZONE I (INDUSTRIAL)
COUNTY: HENDERSON COUNTY
TOWNSHIP: BLUE RIDGE
TAX DISTRICT: BLUE RIDGE FIRE
FLOOD ZONE: PROPERTY IS OUTSIDE OF THE FLOOD PLAIN
WATER AND SEWER: HENDERSONVILLE WATER AND SEWER

**4. BUILDING INFORMATION**

4 BUILDING UNITS TOTAL
3 BUILDINGS - 143,192 SF/UNIT
1 BUILDING - 224,640 SF/UNIT
4 TOTAL - 654,216 SF

BUILDING HEIGHT = 43' (AT MAX)

**5. BUFFERS/SETBACKS**

FRONT 40' SETBACK (BUILDING AND PARKING)
SIDE 20' SETBACK (BUILDING AND PARKING)
BACK 20' SETBACK (BUILDING AND PARKING)

**6. INTERNAL ROAD SYSTEM / ACCESS POINTS**

PROPOSE THREE DRIVEWAY CONNECTIONS TO MCMURRAY ROAD
(SEE EXHIBIT FOR LOCATIONS)

**7. PARKING SUMMARY (PASSENGER VEHICLES)**

BUILDING 1 = 127 SPACES
BUILDING 2 = 125 SPACES
BUILDING 3 = 125 SPACES
BUILDING 4 = 165 SPACES
TOTAL = 542 SPACES

**8. DEVELOPMENT PHASING**

BUILDINGS 1 & 2 CONSTRUCTED IN PHASE 1, BUILDINGS 3 & 4 IN FUTURE PHASE 2

**9. OPEN SPACE PROVIDED**

| | |
|---|---|
| TOTAL AREA | 65.31 AC |
| GRASSED AREA | ± 30.17 AC |
| IMPERVIOUS AREA | ± 35.14 AC |
| % IMPERVIOUS | ± 53.8 % |

**10. PARCEL NUMBERS**

PARCEL NUMBERS 1010683, 200696, 9939472

**11. SITE LIGHTING**

SITE LIGHTING WILL BE PROVIDED DURING SITE PERMITTING PHASE

Buildings 3 and 4 are not vested under NC General Statutes. No building permits for these buildings have been issued.

Building 2-Vested by State Statutes:
Building Permit-CB-22-00027
Issued 9/27/2022- Expires- 3/26/2024

Building 1-Vested by State Statutes:
Building Permit-CB-22-00034
Issued 9/27/2022- Expires- 9/27/2023

GRAPHIC SCALE: 1 INCH = 100 FEET

| NO. | REVISIONS | BY | DATE |
|---|---|---|---|

THOMAS & HUTTON
501 River Street • Suite 200
Greenville, SC 29601 • 864.412.2222
www.thomasandhutton.com

**OPPIDAN**
HENDERSON COUNTY, NC
BLUE RIDGE COMMERCE CENTER
**SITE PLAN**

| | |
|---|---|
| JOB NO: | J-29675.0000 |
| DATE: | 1/10/2022 |
| DRAWN: | JM |
| DESIGNED: | RWP |
| REVIEWED: | CE |
| APPROVED: | RWP |
| SCALE: | 1" = 100' |

**C1.0**

CITY OF HENDERSONVILLE

# AGENDA ITEM SUMMARY
# PLANNING DIVISION

**SUBMITTER:** Alexandra Hunt

**MEETING DATE:** July 6, 2023

**AGENDA SECTION:** New Business

**DEPARTMENT:** Community Development

**TITLE OF ITEM:** Rezoning: Standard Rezoning – 2511 Asheville Hwy (P23-024-RZO) – *Alexandra Hunt, Planner I*

**SUGGESTED MOTION(S):**

| **For Recommending Approval:** | **For Recommending Denial:** |
|---|---|
| I move City Council **adopt** an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the proposed property boundary as shown in Exhibit A (PINs: 9569-39-8890 and a portion of 9569-49-0448 from R-15 (Medium Density Residential) and C-3 (Highway Business) to C-3 (Highway Business) based on the following:<br><br>**1. The petition is found to be consistent with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because**:<br><br>1. The High Intensity Neighborhood designation calls for single-family attached as a primary land use; and public uses, offices and retail along thoroughfares as a secondary land uses and the proposed zoning district permits single-family residential uses as well as offices, business, professional and public and retail uses.<br><br>**2. We [find] this petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:**<br>1. The proposed zoning district is compatible with the surrounding area because the proposed area to be rezoned permits the same land uses as parcels that front Asheville Hwy.<br>2. The petition eliminates an existing legal non-conforming use.<br>3. The topography of the site is oriented to a major commercial artery. | I move City Council **deny** an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the proposed property boundary as shown in Exhibit A (PINs:9569-39-8890 and a portion of 9569-49-0448) from R-15 (Medium Density Residential) and C-3 (Highway Business) to C-3 (Highway Business) based on the following:<br><br>**1. The petition is found to be consistent with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:**<br><br>1. The High Intensity Neighborhood designation calls for single-family attached as a primary land use; and public uses, offices and retail along thoroughfares as a secondary land uses and the proposed zoning district permits single-family residential uses as well as offices, business, professional and public and retail uses.<br><br>**2. We [do not find] this petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because**:<br>1. The proposed zoning district is incompatible with the surrounding area because it permits a range of high intensity commercial businesses.<br>2. The petition to reduce the minimum lot size for residential uses is out of character with the surrounding land uses.<br><br>**[DISCUSS & VOTE]** |

| | |
|---|---|
| 4. The petition creates the opportunity for commercial infill development.<br>**[DISCUSS & VOTE]** | |

**SUMMARY:** *The City of Hendersonville is in receipt of an application for a Standard Rezoning from Shane Laughter [Applicant] and Ronnie Gray [Owner]. The applicant is requesting to rezone the proposed property as shown in Exhibit A (PINs:9569-39-8890 and a portion of 9569-49-0448) totaling approximately 4.54 acres located at 2511 Asheville Highway, from C-3Highway Business and R-15 Medium Density Residential, to C-3 Highway Business.*

*The City of Hendersonville Zoning Ordinance states that, during a standard rezoning process, an applicant is prohibited from discussing the specific manner in which they intend to develop or use a site.*

*If rezoned, there will not be a binding site plan, list of uses nor any conditions placed on the site. All permitted uses within the C-3 district would be allowed on the site.*

| | |
|---|---|
| **PROJECT/PETITIONER NUMBER:** | P23-024-RZO |
| **PETITIONER NAME:** | 1. Shane Laughter [Applicant]<br>2. Ronnie Gray [Owner] |
| **ATTACHMENTS:** | 1. Staff Report<br>2. Draft Ordinance<br>3. Proposed Zoning Map<br>4. Application<br>5. Exhibit A – Recorded Plat<br>6. Planning Board Summary |

# STANDARD REZONING: 2511 Asheville Hwy (P23-024-RZO)
# CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

PROJECT SUMMARY ..... 2
EXISTING ZONING & LAND USE ..... 3
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SITE IMAGES ..... 5
REZONING ANALYSIS – COMPREHENSIVE PLAN CONSISTENCY (ARTICLE 11-4) ..... 8
REZONING ANALYSIS – GENERAL REZONING STANDARDS (ARTICLE 11-4) ..... 10
DRAFT COMPREHENSIVE PLAN CONSISTENCY AND REZONING REASONABLENESS STATEMENT ..... 11

- Project Name & Case #:
  - 2511 Asheville Hwy Rezoning
  - P23-024-RZO
- Applicant & Property Owner:
  - Shane Laughter [Applicant]
  - Ronnie Gray and Larry Holbert [Owners]
- Property Address:
  - 2511 Asheville Hwy and 106 Halsbury Ave
- Parcel Identification (PINs) for Existing Parcel:
  - 9569-39-8890
- Acreage for Existing Parcel:
  - 3.74 Acres
- Acreage for Proposed Property Boundary:
  - ~ 4.54 Acres
- Existing Parcel Zoning:
  - C-3 Highway Business & R-15 Medium Density Residential
- Requested Zoning:
  - C-3 Highway Business
- Future Land Use Designation:
  - High Intensity Neighborhood

FIGURE A - SITE VICINITY MAP

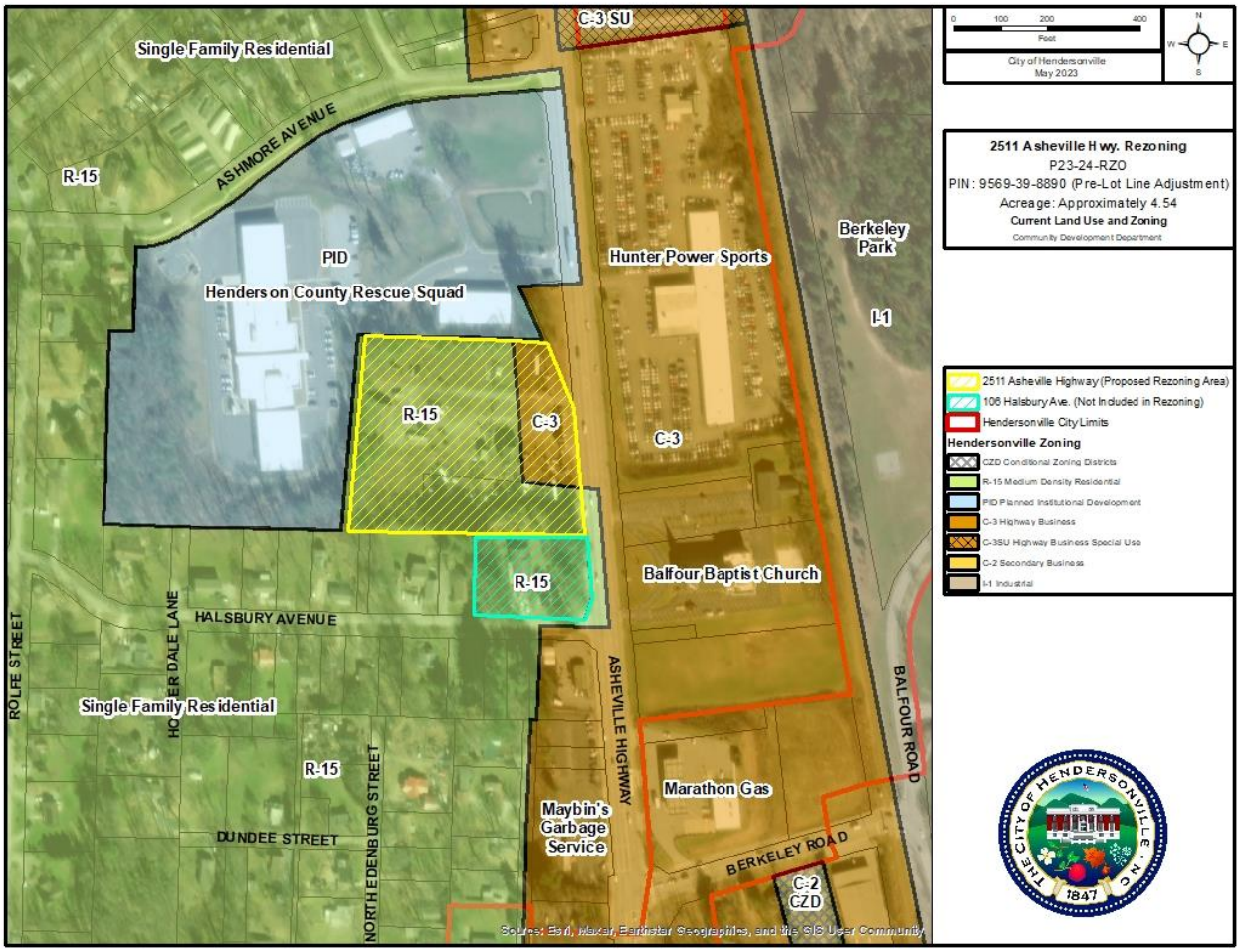
*The City of Hendersonville is in receipt of an application for a Standard Rezoning from Shane Laughter [Applicant] and Ronnie P. Gray [Owner]. This application was continued from the June 1, 2023, City Council meeting.*

*The applicant requested the continuance to have the existing parcel (PIN:9569-39-8890) totaling 3.74 acres located at 2511 Asheville Highway surveyed for a lot line adjustment. The applicant is still requesting to rezone the proposed property boundary as shown in Figure A (above) and attached as Exhibit A, from C-3 Highway Business and R-15 Medium Density Residential, to C-3 Highway Business.*

*The City of Hendersonville Zoning Ordinance states that, during a standard rezoning process, an applicant is prohibited from discussing the specific manner in which they intend to develop or use a site.*

*If rezoned, there will not be a binding site plan, list of uses nor any conditions placed on the site. All permitted uses within the C-3 district would be allowed on the site.*

EXISTING ZONING & LAND USE




City of Hendersonville Current Zoning & Land Use Map

*The area around the existing parcel contains primarily residential and commercial uses including the Henderson County Rescue Services complex that is zoned planned institution development. The existing parcel is split-zoned both C-3 Highway Business and R-15 Medium Density Residential, with C-3 fronting Asheville Hwy and R-15 in the rear.*

*The area to the west of the existing parcel and the proposed parcel boundary is zoned R-15 and contains mostly single-family residential uses. The area to the east of the subject property is zoned C-3 and contains mostly commercial uses such as Hunter Power Sports dealership and service center.*

SITE IMAGES

*View along Asheville Hwy facing south*

*View along Asheville Hwy facing north*

SITE IMAGES

*View of existing conditions of the existing parcel*

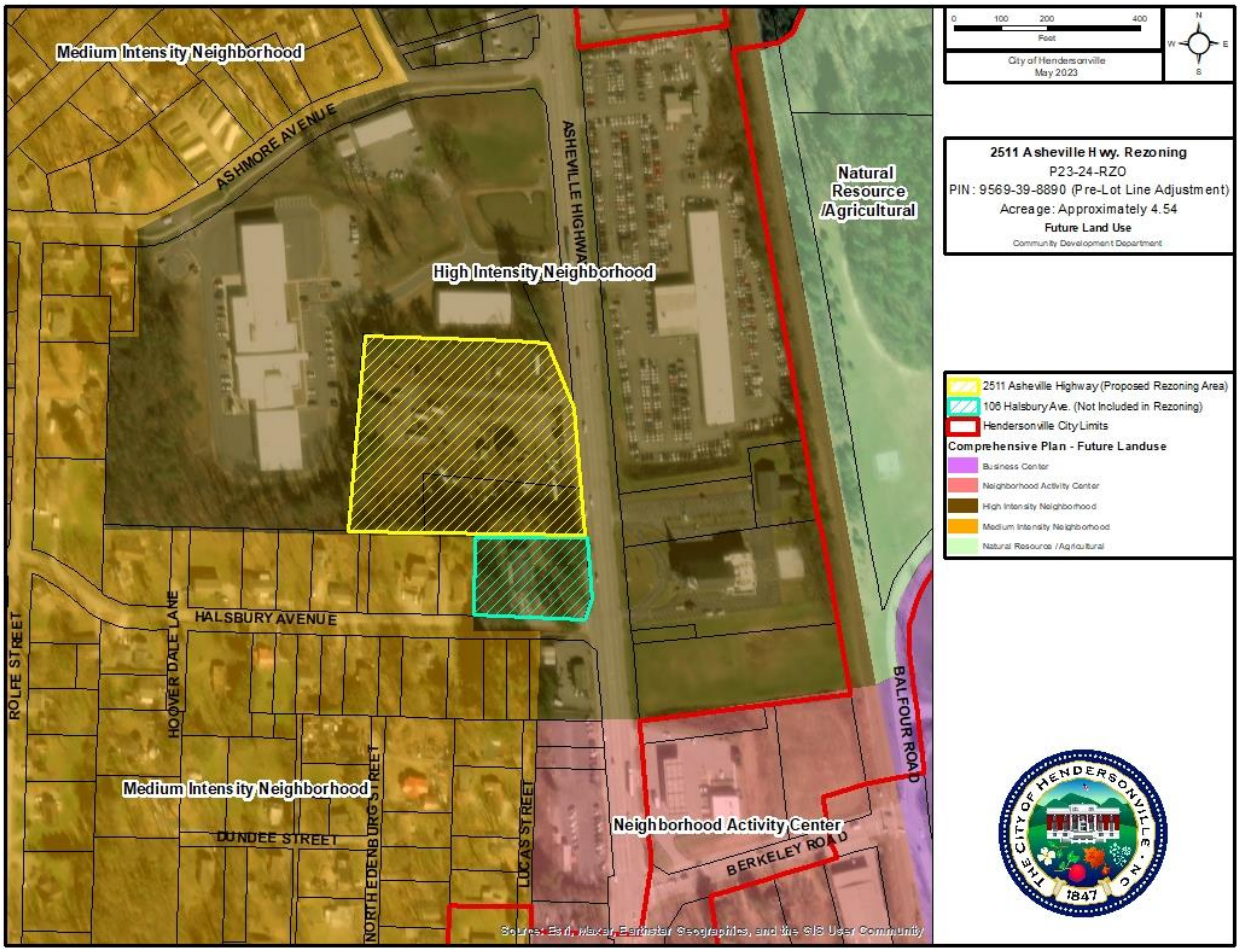
*View of existing conditions of the subject property*

SITE IMAGES

*View of existing conditions of the subject property*

*View of existing conditions of the subject property*

## FUTURE LAND USE




City of Hendersonville Future Land Use Map

*The 2030 Comprehensive Plan's Future Land Use Map designates the existing parcel and the proposed parcel boundary as High Intensity Neighborhood. This designation is prevalent for most of the parcels directly across from the subject property that front Asheville Highway.*

*The parcels to the west of the existing parcel and proposed parcel boundary are designated Medium Intensity Neighborhood. Parcels located south of the existing parcel and the proposed parcel boundary that front Asheville Highway are designated as Neighborhood Activity Center.*

*Properties further east of the subject property and across Asheville Highway are designated as Natural Resource and Agriculture.*

| COMPREHENSIVE PLAN CONSISTENCY | |
|---|---|
| Future Land Use | ***Goal LU-7 - High Intensity Neighborhood:*** *Encourage low-maintenance, high density housing that supports Neighborhood and Regional Activity Centers and downtown and provides a transition between commercial and single-family development. Promote walkable neighborhood design that creates attractive and functional roadway corridors and multi-family residential neighborhoods* |
| | *Strategy LU-7.1. Locations:*<br>*• Existing or planned high-density housing neighborhoods (greater than eight units per acre)*<br>*• Priority infill development areas where high-density development is desirable and/or expected, including:*<br>• *Boulevard and Major Thoroughfare corridors near Neighborhood Activity Centers* |
| | *Strategy LU-7.2. Primary recommended land uses:*<br>• *Single-family attached [CONSISTENT] and Multi-family residential [INCONSISTENT]*<br>• *Planned Residential Developments [CONSISTENT]*<br>*Strategy LU-7.3 Secondary recommended uses:*<br>• *Public and institutional uses [CONSISTENT]*<br>• *Offices and retail along thoroughfares [CONSISTENT]* |
| | *Strategy LU-7.4. Development guidelines:*<br>*• Eight or more units per gross acre [INCONSISTENT ~ R-15 = 3 units per acre]*<br>*• Placement of higher-intensity uses (e.g. office or higher-density residential) close to Boulevards and Major Thoroughfares, and/or adjacent to Neighborhood and Regional Activity Centers [CONSISTENT]*<br>*• At least 60% open space in new residential developments greater than three acres [INCONSISTENT]*<br>*• Architectural guidelines to encourage compatibility between different land uses (e.g. similarities in building height, massing, roof pitch, and rhythm of windows and façade detailing) [INCONSISTENT]*<br>• *Encouragement of walkable neighborhood design [INCONSISTENT]* |

| | |
|---|---|
| **Land Use & Development** | *Growth Management (Map 8.3a): Designated as a "Priority Infill Area"*<br>*Priority Infill Area - Areas that are considered a high priority for the City to encourage infill development on remaining vacant lots and redevelopment of underutilized or underdeveloped properties [CONSISTENT]* |
| | *Goal LU-1. Encourage infill development that utilizes existing infrastructure in order to maximize public investment and revitalize existing neighborhoods. [CONSISTENT]* |
| **Population & Housing** | *Strategy PH-1.1 – Promote Compatible infill development.* |
| | *Goal PH-2 – Encourage a wide range of housing types and price points in order to meet the diverse and evolving needs of current and future residents, match the housing supply with the local workforce, and promote diverse neighborhoods.*<br>*Strategy 2.3- Allow housing arrangements in existing and new neighborhoods that provide affordable and/or multigenerational housing alternatives in single-family neighborhoods* |
| | *Goal PH-3 – Promote safe and walkable neighborhoods.*<br>*Strategy PH-3.2 - Encourage mixed land use patterns that place residents within walking distance of services.* |
| **Natural & Environmental Resources** | *Goal NR-1 - Preserve environmentally sensitive areas in order to protect life and property from natural hazards, protect water resources, and preserve natural habitat.*<br>*Strategy NR 1.2- Protect land adjacent to streams in order to protect water quality, reduce erosion, and protect wildlife habitat*<br>*Strategy NR 1.3- Encourage restoration of natural habitat and drainage patterns in developed areas.* |
| | *Strategy NR-2.1. Encourage clustered development that preserves open space while allowing a return on investment.* |
| **Cultural & Historic Resources** | *No Goals, Strategies, or Actions are directly applicable to this project.* |
| **Community Facilities** | *No Goals, Strategies, or Actions are directly applicable to this project.* |
| **Water Resources** | *Strategy 2.2-Prevent development of floodplains and stream corridors in order to preserve natural drainage patterns and improve the quality of stormwater runoff.* |
| **Transportation & Circulation** | *A "Proposed Gateway" is designated on Map 7.3a at the intersection of Halsbury Ave and Asheville Hwy.*<br>*Goal TC-5 – Enhance key gateways to the community in order to present a positive first impression and increase civic pride.* |

REZONING ANALYSIS – GENERAL REZONING STANDARDS (ARTICLE 11-4)

| GENERAL REZONING STANDARDS | |
|---|---|
| **Compatibility** | **Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property –** |
| | The area around the existing parcel contains both residential and commercial uses. The subject property (9569-39-8890) is split-zoned both C-3 and R-15 with C-3 zoning fronting Asheville Hwy. The existing parcel abuts PID zoning on the northern and western borders of the parcel and R-15 on the southern border. The topography of the proposed rezoning area is oriented towards Asheville Hwy with access to the proposed rezoning area provided from Asheville Hwy. |
| **Changed Conditions** | **Whether and the extent to which there are changed conditions, trends or facts that require an amendment -** |
| | Parcels that front Asheville Highway are either zoned C-3 Highway Business or PCD Planned Commercial Development. |
| **Public Interest** | **Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern that benefits the surrounding neighborhood, is in the public interest and promotes public health, safety and general welfare -** |
| | The rezoning would eliminate any non-commercial zoning for parcels that front Asheville Hwy. |
| **Public Facilities** | **Whether and the extent to which adequate public facilities and services such as water supply, wastewater treatment, fire and police protection and transportation are available to support the proposed amendment** |
| | A Water / Sewer Availability Request has not been received for this project. The site will be served by a NCDOT maintained road which is classified as a "major thoroughfare" in the comprehensive plan. |
| **Effect on Natural Environment** | **Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment including but not limited to water, air, noise, storm water management, streams, vegetation, wetlands and wildlife -** |
| | The existing parcel is a developed parcel that is comprised of mostly impervious surfaces with some trees and vegetation bordering the property boundary lines on the north, west, and south. Additionally, a blue line stream exists at the northwestern corner of the parcel. |

DRAFT COMPREHENSIVE PLAN CONSISTENCY AND REZONING REASONABLENESS STATEMENT

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

*The High Intensity Neighborhood designation calls for single-family attached as a primary land use, and public uses, offices and retail along thoroughfares as a secondary land use and the proposed zoning district permits single-family residential uses as well as offices, business, professional and public and retail uses.*

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

*DRAFT [Rationale for Approval]*

- *The proposed zoning district is compatible with the surrounding area because the proposed area to be rezoned permits the same land uses as parcels that front Asheville Hwy.*
- *The petition eliminates an existing legal non-conforming use.*
- *The topography of the site is oriented to a major commercial artery.*
- *The petition creates the opportunity for commercial infill development.*

*DRAFT [Rational for Denial]*

- *The proposed zoning district does not permit multi-family residential.*
- *The proposed zoning district does not contain architectural guidelines and does not encourage pedestrian access.*
- *The proposed zoning district does not require a minimum 60% open space.*

Ordinance #

**AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR PARCEL DESCRIBED IN THE PLAT RECORDED IN BOOK 2023, PAGE 14865 BY CHANGING THE ZONING DESIGNATION FROM R-15 (MEDIUM DENSITY RESIDENTIAL) AND C-3 (HIGHWAY BUSINESS) TO C-3 (HIGHWAY BUSINESS)**

IN RE: Parcel described in the plat recorded in Book 2023, Page 14865
(File # P23-024-RZO)

**WHEREAS**, the City is in receipt of a Zoning Map Amendment application from Shane Laughter [Applicant] and Ronnie Gray [Owner].

**WHEREAS,** the Planning Board took up this application at its regular meeting on May 11th, 2023; voting _____ to recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville, and

**WHEREAS**, City Council took up this application at its regular meeting on July 6, 2023, and

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

1. Pursuant to Article XI of the Zoning Ordinance of the City of Hendersonville, North Carolina, the Zoning Map is hereby amended by changing the zoning designation of the following: Being all of that real property described in the plat recorded in Book 2023, Page 14865 of the Henderson County Registry (previously Parcel Number 9569-39-8890 and a portion of 9569-49-0448) from R-15 Medium Density Residential and C-3 Highway Business to C-3 Highway Business.

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

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

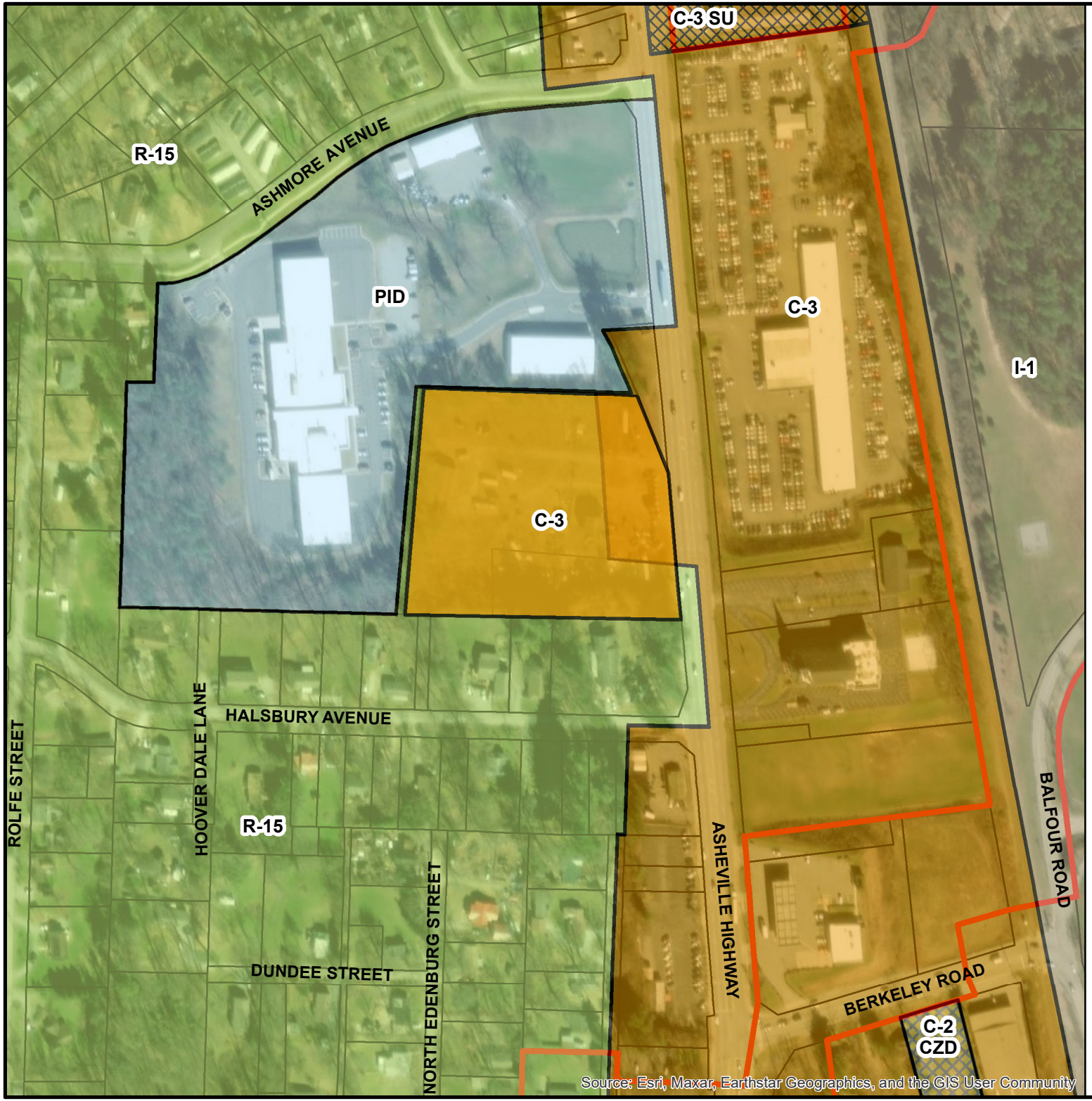
Adopted this _____ day of _____ 2023.

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

_____
Jill Murray, City Clerk

Approved as to form:

_____
Angela S. Beeker, City Attorney

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City of Hendersonville
May 2023

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**2511 Asheville Hwy. Rezoning**
P23-24-RZO
PIN: 9569-39-8890 (Pre-Lot Line Adjustment)
Acreage: Approximately 4.54
**Proposed Zoning**
Community Development Department

- 2511 Asheville Highway (Proposed Rezoning Area)
- Hendersonville City Limits

**Hendersonville Zoning**

- CZD Conditional Zoning Districts
- R-15 Medium Density Residential
- PID Planned Institutional Development
- C-3 Highway Business
- C-3SU Highway Business Special Use
- C-2 Secondary Business
- I-1 Industrial

THE CITY OF HENDERSONVILLE · N.C. · 1847

DocuSign Envelope ID: 6C36018A-B281-4837-98CD-130E9A656335

SLIDE 14865

NOTES:
* ALL AREAS CALCULATED BY COORDINATE COMPUTATION METHOD.

* THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF ABSTRACT TITLE AND MATTERS OF TITLE SHOULD BE REFERRED TO AN ATTORNEY-AT-LAW.

* THIS SURVEY MAY BE SUBJECT TO ALL RIGHTS-OF-WAYS, EASEMENTS, RESERVATIONS, AND RESTRICTIONS WRITTEN AND UNWRITTEN, RECORDED AND UNRECORDED.

* ADJOINING PROPERTY OWNER INFORMATION TAKEN FROM THE HENDERSON COUNTY GIS WEBSITE.

* NO UNDERGROUND UTILITIES WERE LOCATED. CALL 1-800-632-4949 BEFORE DIGGING.

* BASED ON GRAPHICAL DETERMINATION, A PORTION OF THE SUBJECT PROPERTY LIES IN FEMA/FIRM SPECIAL FLOOD HAZARD AREA ZONE X, AREAS OF 0.2% ANNUAL CHANCE FLOOD AS PER THE NATIONAL FLOOD INSURANCE PROGRAM, FLOOD INSURANCE RATE MAP 3700956900J, WITH EFFECTIVE DATE OF OCTOBER 2, 2008.

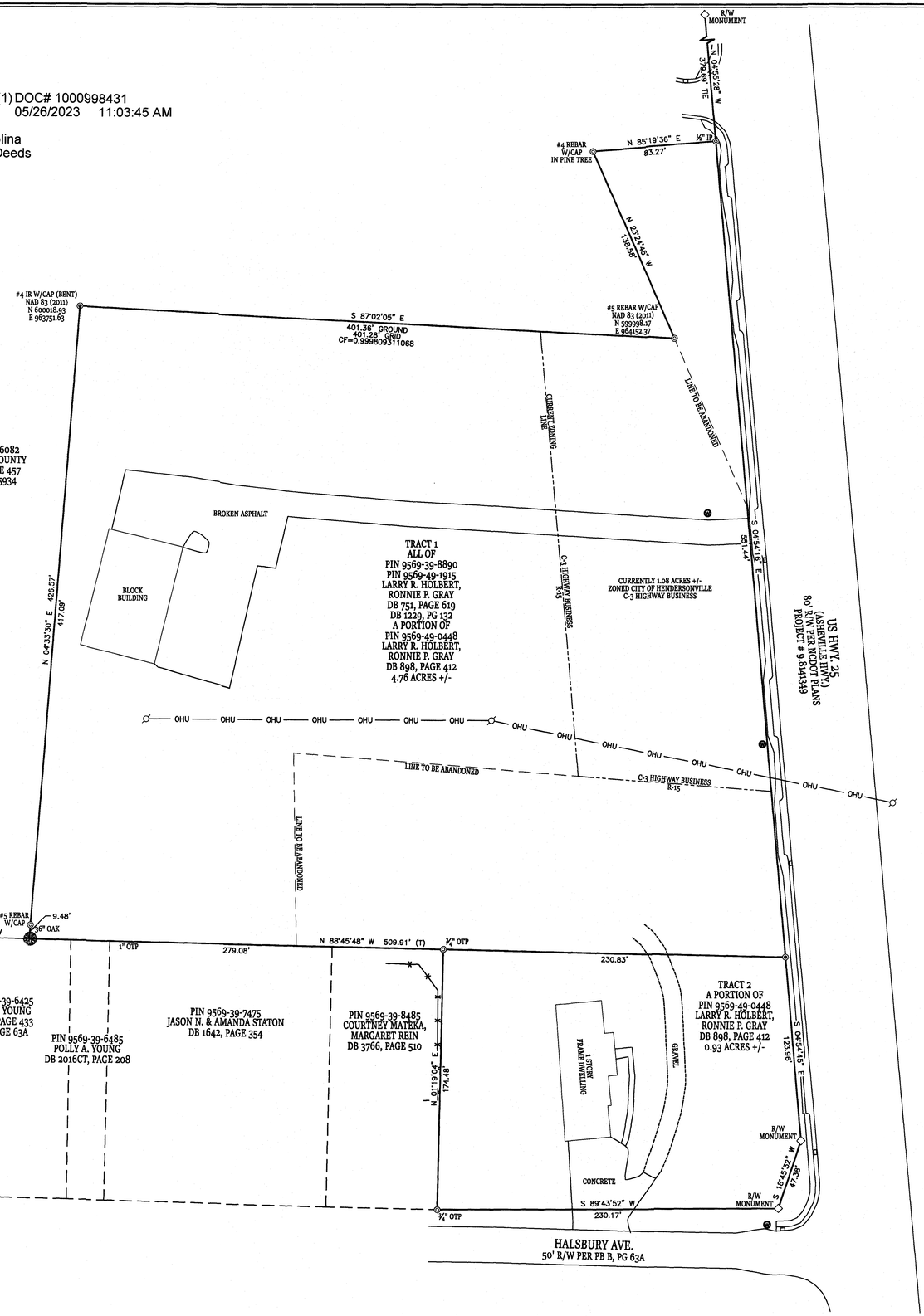
* ANY RIVERS, STREAMS, CREEKS, PONDS, LAKES, WETLANDS, ETC...LOCATED ON THIS PROPERTY, SHOWN OR NOT SHOWN HEREON, MAY BE SUBJECT TO BUFFER AREAS. IT IS THE OWNER/DEVELOPER'S RESPONSIBILITY TO HAVE THE AREAS DESIGNATED BY PERSON(S)/FIRM(S) AUTHORIZED, BY THE PROPER AUTHORITIES,TO MAKE SUCH DETERMINATION.

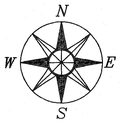
* ALL DISTANCES SHOWN HEREON ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED.

* SUBJECT PROPERTIES ARE ZONED CITY OF HENDERSONVILLE C-3 HIGHWAY BUSINESS, & R-15

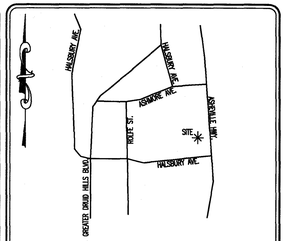
OWNER INFORMATION:
PIN 9569-39-8890
PIN 9569-49-1915
PIN 9569-49-0448
LARRY R. HOLBERT,
RONNIE P. GRAY
DB 751, PAGE 619
DB 1229, PG 132
DB 898, PAGE 412

BK 2023 PG 14865 - 14865 (1) DOC# 1000998431
This Document eRecorded: 05/26/2023 11:03:45 AM
Fee: $21.00
Henderson County, North Carolina
William Lee King, Register of Deeds



GRID NORTH
NAD 83 (2011)



VICINITY MAP NOT TO SCALE

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

I, Matt Champion, REVIEW OFFICER OF HENDERSON COUNTY, CERTIFY THAT THIS MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

DocuSigned by: Matt Champion 5/26/2023
REVIEW OFFICER DATE

ELK SURVEYING, PLLC
FIRM LICENSE NO. P-1920
210 PATTY'S CHAPEL RD.
FLETCHER, NC 28732
PH. (828) 778-2245

REFERENCES
PIN 9569-39-8890
PIN 9569-49-0448
DB 751, PG 619
DB 898, PG 412
TOTAL AREA = 5.69 ACRES +/-

RECOMBINATION SURVEY FOR:
RONNIE P. GRAY
HENDERSONVILLE TOWNSHIP
HENDERSON COUNTY, N.C.

I, JACOB M. LAUGHTER, N.C. PROFESSIONAL LAND SURVEYOR, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION AND THAT LOCAL HORIZONTAL AND VERTICAL GRID CONTROL WAS ESTABLISHED FROM AN ACTUAL GPS SURVEY MADE UNDER MY SUPERVISION, AND THAT THE FOLLOWING INFORMATION WAS USED TO PERFORM THE SURVEY:

| | | |
|---|---|---|
| (1) | CLASS OF SURVEY: | CLASS A |
| (2) | POSITIONAL ACCURACY: | HORIZONTAL: 0.020' |
| | | VERTICAL: 0.031' |
| (3) | TYPES OF GPS FIELD PROCEDURE(S): | VRS |
| (4) | DATES OF SURVEY: | 05/10/2023 |
| (5) | DATUM/EPOCH: | NAD 83 2011 |
| (6) | PUBLISHED/FIXED CONTROL USE: | NCGS RTN NETWORK |
| (7) | GEIOD MODEL: | GEOID 12B |
| (8) | COMBINED GRID FACTOR(S): | 0.999809311068 |
| (9) | UNITS: | US FEET |

WITNESS MY SIGNATURE, LICENSE NUMBER, AND SEAL THIS 24th DAY OF MAY, A.D., 2023.

DocuSigned by: Jacob M. Laughter
3E804AF2F74C4E2...
N.C. PROFESSIONAL LAND SURVEYOR — L-5018 LICENSE #

NORTH CAROLINA PROFESSIONAL SEAL L-5018 LAND SURVEYOR JACOB M LAUGHTER

I, JACOB M. LAUGHTER, N.C. PROFESSIONAL LAND SURVEYOR, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (PROPERTY DESCRIPTION RECORDED IN DEED BOOK (AS), PAGE (SHOWN); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED BY DASHED LINES AS DRAWN FROM INFORMATION FOUND IN DEED BOOKS AS SHOWN; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000 OR GREATER; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.

I ALSO HEREBY CERTIFY THAT THIS SURVEY IS OF THE FOLLOWING CATEGORY AS DESCRIBED IN G.S. 47-30(f)(11):
(d.) THAT THE SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY, OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION;

WITNESS MY SIGNATURE, LICENSE NUMBER, AND SEAL THIS 24th DAY OF MAY, A.D., 2023.

DocuSigned by: Jacob M. Laughter
3E804AF2F74C4E2...
N.C. PROFESSIONAL LAND SURVEYOR — L-5018 LICENSE #

Submitted electronically by "ELK Surveying, PLLC"
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Henderson County Register of Deeds.

LEGEND:
- • = CALCULATED & UNMARKED POINT
- ◎ = PROPERTY CORNER FOUND (AS NOTED)
- ◉ = #5 REBAR SET UNLESS OTHERWISE NOTED
- OTP = OPEN TOP PIPE
- PT = PINCH TOP PIPE
- RRS = RAILROAD SPIKE
- CMF = CONCRETE MONUMENT FOUND
- R/W = RIGHT OF WAY
- PB = PLAT BOOK
- DB = DEED BOOK
- PG = PAGE
- SB = STORAGE BUILDING
- (T) = TOTAL
- CMP = CORRUGATED METAL PIPE
- CPP = CORRUGATED PLASTIC PIPE
- RCP = REINFORCED CONCRETE PIPE
- ----= ADJOINER LINE (NOT SURVEYED)
- OHU= OVERHEAD UTILITY LINE
- -x-= FENCE
- = UTILITY POLE
- = WATER METER
- = SANITARY SEWER MANHOLE
- = STORM SEWER MANHOLE

0 40 80 120
SCALE 1" = 40'

| DATE: | 05/08/2023 |
|---|---|
| DRAWN BY: | J.M. LAUGHTER |
| JOB #: | 23-038 |

| NO. | DATE | REVISIONS | BY |
|---|---|---|---|
| | | | |

**CITY OF HENDERSONVILLE**
**COMMUNITY DEVELOPMENT DEPARTMENT**
**100 N. King Street, Hendersonville, NC 28792**
**Phone (828) 697-3010|Fax (828) 698-6185**
**www.hendersonvillenc.gov**

# Zoning Ordinance Map Amendment

**Section 11-1 of the City Zoning Ordinance**

The following are the **required** submittals for a complete application for a Zoning Map Amendment. Staff will not review applications until each item has been submitted and determined complete. By placing a check mark by each of the following items, you are certifying that you have performed that task.

- ☐ 1. Completed Application Form
- ☐ 2. Completed Signature Page (completed Owner's Affidavit if different from applicant)
- ☐ 3. Application Fee

## A. Property Information

**Date:** 2/21/2023

**PIN(s):** 9569398890, 9569490448, 9569491915

**Address(es) / Location of Property:** 2511 Asheville Hwy & 106 Halsbury Ave

**Current Zoning:** C-3 & R-15

**Proposed Zoning:** C-3

## B. Adjacent Parcel Numbers and Uses

| | | | |
|---|---|---|---|
| **PIN:** | 9660306082 | **Use:** | Henderson County EMS |
| **PIN:** | 9569398485 | **Use:** | Residential |
| **PIN:** | | **Use:** | |
| **PIN:** | | **Use:** | |
| **PIN:** | | **Use:** | |

Office Use:
**Date Received:** _____ **By:** _____ **Fee Received? Y/N**

**C. Applicant Contact Information**

Shane Laughter

* Printed Applicant Name

Printed Company Name (if applicable)

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership

☐ Other: _____

Applicant Signature

Applicant Title (if applicable)

191 Twin Springs Rd

Address of Applicant

Hendersonville, NC 28792

City, State, and Zip Code

828-606-5035

Telephone

shane@fletchergrading.com

Email

* Signature of the property owner acknowledges that if the property is rezoned, the property involved in this request is bound to the use(s) authorized, the approved site plan and any conditions imposed, unless subsequently changed or amended as provided for in the Zoning Ordinance.

**D. Property Owner Contact Information (If different from Applicant)**

Ronnie P Gray

* Printed Property Owner Name

Printed Company Name (if applicable)

☐ Corporation ☐ Limited Liability Company ☐ Trust ☐ Partnership

☐ Other: _____

X Ronnie Gray

Property Owner Signature

Property Owner Title (if applicable)

PO Box 1275

Address of Property Owner

Mountain Home, NC 28758

City, State, and Zip Code

828 606 8002

Telephone

conniepeteb1@gmail.com

Email

Signature of the property owner acknowledges that if the property is rezoned, the property involved in this request is bound to the use(s) authorized, the approved site plan and any conditions imposed, unless subsequently changed or amended as provided for in the Zoning Ordinance.

## D. Section 11-1 Standards

**The advisability of amending the text of this Zoning Ordinance or the Official Zoning Map is a matter committed to the legislative discretion of the City Council and is not controlled by any one factor. In determining whether to adopt or disapprove the proposed amendment to the text of this Ordinance or the Official Zoning Map, the City Council shall consider the following factors among others:**

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

Property located on Hwy 25 and is a commercial corridor.

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

Property is adjacent to Henderson County EMS building and across from Hunter Automotive.

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

No changed conditions, just logical to be zoned C-3 since it is on Hwy 25

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

zoning property to C-3 would not have an adverse effect on surrounding properties.

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

Utilities are nearby and should not be an issue.

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

There should be no negative impact to neigbors on any environmental issue.

# PLANNING BOARD RECOMMENDATION

## PROJECT #: P23-024-RZO

## MEETING DATE: May 11, 2023

PETITION REQUEST: 2511 Asheville Hwy Rezoning - Standard Rezoning (R-15 & C-3 to C-3)

APPLICANT/PETITIONER: Shan Laughter [Applicant] and Ronnie P. Gray [Owner]

### PLANNING BOARD ACTION SUMMARY:

Staff gave a 12-minute presentation on the request - reviewing the guidance from the Comprehensive Plan as well as the criteria for considering a rezoning. The Planning Board asked questions related to application and the blue line stream at the northwest corner of the subject property and the direction the stream ran. In total Planning Board considered this item for 3 minutes.

### PUBLIC COMMENT:

The Aplicant did not provide public comment in regard to his petition.

There were no Public Comments.

### DELIBERATION:

Some discussion occurred regarding the existing legal non-conforming use and this rezoning application would eliminate the non-conforming use. There was also a comment made about the parcel being split-zoned and that C-3 zoning is already present on the subject property.

MOTION:

Tamara Peacock moved that the Planning Board recommend approval providing the following:

COMPREHENSIVE PLAN CONSISTENCY STATEMENT:

*The High Intensity Neighborhood designation calls for single-family attached as a primary land use, and public uses, offices and retail along thoroughfares as a secondary land use and the proposed zoning district permits single-family residential uses as well as offices, business, professional and public and retail uses.*

REASONABLENESS STATEMENT:

**[Rationale for Approval]**

1. The proposed zoning district is compatible with the surrounding area because the proposed area to be rezoned permits the same land uses as parcels that front Asheville Hwy.
2. The petition eliminates an existing legal non-conforming use.
3. The topography of the site is oriented to a major commercial artery.
4. The petition creates the opportunity for commercial infill development.

BOARD ACTION

- **Motion/Second**: Peacock / Cromar
- **Yeas**: Robertson, Robinson, Peacock, Cromar
- **Nays**: N/A
- **Absent**: Brown, Hanley, Martin
- **Recused**: N/A

**CITY OF HENDERSONVILLE**

# AGENDA ITEM SUMMARY

**SUBMITTER:** Lee Smith, Utilities Director **MEETING DATE:** July 6, 2023

**AGENDA SECTION:** PRESENTATIONS **DEPARTMENT:** Water/Sewer

**TITLE OF ITEM:** Fats Oils and Grease (FOG) Management Policy – *Lee Smith, Utilities Director*

**SUGGESTED MOTION(S):**

I move City Council adopt An Ordinance to Provide Policies and Procedures for the Management of Fats, Oils, and Grease as presented. I further move City Council adopt the City of Hendersonville Policy and Procedures for the Management of Fats, Oils and Grease as presented.

**SUMMARY:** The discharge of fats, oils, and grease (FOG) into the City's sanitary sewer system negatively interferes with the collection system, impairs wastewater treatment, and largely contributes to sanitary sewer overflows.

The proposed FOG policy establishes requirements for users who discharge significant amounts of FOG into the City sewer in order to protect the system and keep maintenance manageable.

**ATTACHMENTS:**

PROPOSED ORDINANCE
PROPOSED FOG POLICY

Ordinance #

**AN ORDINANCE TO AMEND CHAPTER 52 OF THE CODE OF ORDINANCES OF THE CITY OF HENDERSONVILLE REGARDING THE POLICY AND PROCEDURES FOR THE MANAGEMENT OF FATS, OILS AND GREASE**

**WHEREAS** North Carolina General Statutes Chapter 160A Article 16 ("Public Enterprises") stipulates that the rules for any public enterprise system that the City operates shall be adopted by ordinance and

**WHEREAS**, the City's official policy for the management of fats, oils and grease (referred to collectively as FOG) is an on-going concern for the protection of the City's sewer collection system and associated appurtenances; and

**WHEREAS** City staff have made a concerted effort over the past three months to review, update and compile various regulations applicable to the proper management of FOG; and

**WHEREAS** the policy to be included in this new section represents the culmination of those efforts; and

**WHEREAS**, City staff presented this to the Water and Sewer Advisory Council at their April 24, 2023 meeting and have updated it to reflect the feedback provided.

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

**SECTION 1.** This Ordinance shall be known as "An Ordinance to Provide Policies and Procedures for the Management of Fats, Oils, and Grease."

**SECTION 2.** Chapter 52 – Utilities, Article V – Wastewater Use, Collection, and Treatment, Division 1 – Generally is hereby amended to add the following definition:

**Sec. 52-167 – Definitions.**

*Mobile Food Unit* means any self-contained mobile kitchen that is equipped to prepare and/or sell consumable food or drink items; a food establishment designed to be readily moved and vend food.

**SECTION 3.** Chapter 52 – Utilities, Article V – Wastewater Use, Collection, and Treatment, Division 4 – General Use Requirements is hereby amended to add the following strength limitation:

**Sec. 52-249 – General discharge limitations (local limits).**

***

| | |
|---|---|
| 100 | mg/l grease |

***

**SECTION 4.** The following sections to be added to Chapter 52 – Utilities, Article V – Wastewater Use, Collection, and Treatment, Division 4 – General Use Requirements are hereby adopted:

**Sec. 52-258. – Policy and Procedures for the Management of Fats, Oils and Grease**

(a) The POTW Director shall develop and keep current the Policy and Procedures for the

Management of Fats, Oils and Grease ("FOG Policy").

(b) All Food Service Establishments and Mobile Food Units connected to, whether permanent or temporary, the City's sewer collection system shall comply with the FOG Policy.

**Sec. 52-259. – Right of Entry, Inspection**

(a) The POTW Director, or their designee, shall have the right to enter upon the property of and FSE subject to this Article and the FOG Policy for the purpose of inspection, determination, and compliance with this Ordinance and the FOG Policy. The POTW Director, or their designee, shall be provided ready access to all parts of the premises for the purpose of inspection, monitoring, records examination, and the performance of any other duties necessary to determine compliance with this Ordinance and the FOG Policy.

(b) All Grease Interceptors and Grease Traps shall be easily accessible and shall not be obstructed by landscaping, parked vehicles, or other obstructions. Any temporary or permanent obstruction to access to areas necessary for determining compliance with this Ordinance and the FOG Policy shall be promptly removed at the request of the POTW Director, and the failure to remove such obstruction shall be a violation of this Section.

**Sec. 52-260. – FOG Policy Remedies and Enforcement**

(a) Any user who violates the FOG Policy shall be subject to the remedies and penalties contained in Division 8 of this Article.

(b) The POTW Director, or their designee, shall have the authority to enforce the City's FOG policy.

**SECTION 5.** Chapter 52 – Utilities, Article V – Wastewater Use, Collection, and Treatment, Division 8 – Enforcement is hereby amended to add the following:

**Sec. 52-377. – Civil penalties**

***

(d) Any user who violates Sections 52-257 through 52-259 of this Chapter may be assessed a civil penalty in accordance with this subsection (d). Each day that any violation continues shall constitute a separate offense. For the purposes of this subsection, repeat violations occur where the City has issued a civil penalty for any violation of Sections 52-257 through 52-259 within a 12-month period. The following penalties are hereby established:

(1) First violation: $250.00

(2) Second violation: $500.00

(3) Third and any additional violation: $1,000.00

**SECTION 6.** If any provision of this ordinance or its application is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provisions or application, and to this end the provisions of this ordinance are severable.

**SECTION 7.** It is the intention of the city council and it is hereby ordained, that the provisions of this ordinance shall become and be made part of the Code of Ordinances, City of Hendersonville, North Carolina, and the sections of this ordinance may be renumbered to accomplish such intention.

**SECTION 8.** This Ordinance shall be effective upon its adoption.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 6th day of July 2023.

_____

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

_____

Jill Murray, City Clerk

Approved as to form:

_____

Angela S. Beeker, City Attorney

# Policy and Procedures

Hendersonville Water Sewer

## *Management of Fats, Oils and Grease (FOG)*

*Last Updated June 21, 2023*

**CITY OF HENDERSONVILLE**
**HENDERSON COUNTY**
**NORTH CAROLINA**

*POLICY AND PROCEDURES FOR THE MANAGEMENT OF FATS, OILS, AND GREASE (FOG)*

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## 1. PURPOSE

This Policy and Procedures for the Management of Fats, Oils, and Grease, together with all appendices hereto, is hereinafter referred to as this "Policy."

The purpose of this Policy is to ensure fats, oils, and grease (FOG) discharge compliance with the City of Hendersonville's (referred to throughout this document as 'The City') Sewer Use Ordinance. This Policy is designed to prevent the introduction of excess FOG into the City's sanitary sewer system and wastewater treatment plant. FOG negatively interferes with the collection system, impairs wastewater treatment, and largely contributes to SSOs (sanitary sewer overflows). The following standards specify the maintenance required for all grease management devices connected to the City's sanitary sewer system.

## 2. SCOPE AND AUTHORITY

a. This Policy is established pursuant to the authority found in Chapter 52, Article V, Division 4 of the City Code of Ordinances ("City Code").

b. Sec. 52-246 - General discharge prohibitions. No user shall contribute or cause to be contributed into the POTW (publicly-owned treatment works – wastewater treatment plant), directly or indirectly, *any pollutant or wastewater which causes interference* or pass through. This general prohibition applies to all users of the POTW whether or not the user is subject to any national, state, or local pretreatment standards or requirements.

c. Sec. 52-247 – Specific discharge prohibitions (a)(2). Solid or viscous substances in amounts which will cause obstruction of flow or interference in the POTW and Sec. 52-247(a)(14). Fats, oils, or greases of animal or vegetable origin in amounts which in the discretion of the POTW director (wastewater treatment facility manager), may cause interference, pass through, or obstruction to the POTW collection system.

d. Sec. 52-251 – Right of revision. The city reserves the right to establish limitations and requirements which are more stringent than those required by either state or federal regulation if deemed necessary to comply with the objectives presented in division 1 of this article or the general and specific prohibitions in division 4 of this article, as is allowed by 40 CFR 403.4 State or local law.

## 3. DEFINITIONS

Terms not otherwise defined in this Policy shall have the meanings assigned pursuant to City Code Sec. 52-167.

a. Best Management Practices (BMPs) are the methods that have been determined to be the most effective and practical means of preventing or reducing FOG from entering the City's sanitary sewer system.

b. Food Service Establishment (FSE) means any food service facility (except for private residences) discharging kitchen or food preparation wastewater such as restaurants, motels, hotels, cafeterias, coffee shops, delicatessens, meat cutting-preparation, bakeries, catering establishments, hospitals, schools, bars, food courts, food manufacturers, food trucks, grocery stores, lounges, nursing homes, churches, bed and breakfast homes and inns, etc. and any other facility that, in the opinion of the utilities director or his or her authorized representative(s), would require a grease trap installation by virtue of its operation. This definition includes, but is not limited to, any establishment required to have a state department of health food service license.

c. Grease means a material either liquid or solid, composed primarily of fat, oil and grease from animal or vegetable sources. The terms "fats, oil, and grease (FOG)", "oil and grease" or "oil and grease substances" shall all be included within this definition.

d. Grease Interceptor means devices located underground, outside of the food service establishment designed to collect, contain, or remove food wastes and grease from the wastestream being discharged from the FSE while allowing the balance of the liquid waste to discharge to the City's wastewater collection system. Grease interceptors shall have a means of regular inspection, cleaning, and maintenance.

e. Grease Trap means devices located under sinks or fixtures of the food service establishment designed to collect, contain, or remove food wastes and grease from the wastestream while allowing the balance of the liquid waste to discharge to the City's wastewater collection system. Grease traps shall have a means of regular inspection, cleaning, and maintenance. Grease traps are normally sized for under-the-counter use and located inside the establishment under sinks and fixtures.

f. Hauler is one who transfers waste from the site of a food service establishment to an approved site for disposal or treatment. The hauler is responsible for assuring that all federal, state, and local regulations are followed regarding waste

transport, treatment, and disposal.

g. Mobile Food Unit (MFU) is any self-contained mobile kitchen that is equipped to prepare and/or sell consumable food or drink items; a food establishment designed to be readily moved and vend food.

h. New Source as defined in 40 CFR 403.3(m)(1), including any subsequent amendments and additions.

i. Any building, structure, facility, or installation from which there may be a discharge of pollutants, the construction of which commenced after the publication of proposed categorical pretreatment standards under section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with section 307(c), provided that:

1. The building, structure, facility, or installation is constructed at a site at which no other source is located;

2. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

3. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

ii. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of subsections (1)a or b of this definition but otherwise alters, replaces, or adds to existing process or production equipment.

iii. For purposes of this definition, construction of a new source has commenced if the owner or operator has:
1. Begun, or caused to begin, as part of a continuous on-site construction program:

a. Any placement, assembly, or installation of facilities or equipment;

b. Significant site preparation work including clearing, excavation or removal of existing buildings, structures or facilities which is necessary for the placement, assembly or installation of new source facilities or equipment; or

2. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time.

Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility engineering, and design studies do not constitute a contractual obligation under this definition.

i. Publicly Owned Treatment Works (POTW) means a treatment works as defined by section 212 of the Act, (33 USC 1292) which is owned in this instance by the City. This definition includes any devices or systems used in the collection, storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if they convey wastewater to the POTW treatment plant. For the purposes of this article, the term "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the City who are, by contract or agreement with the City, or in any other way, users of the City's POTW.

j. Sanitary Sewer Overflow (SSO) is when a sanitary sewer releases raw sewage.

k. Sewer Use Ordinance (SUO) refers to the City of Hendersonville's Code of Ordinances Part II Chapter 52 Article V.

## 4. MAINTENANCE REQUIREMENTS

a. Requirements for Grease Interceptors:
   i. All grease interceptors must comply with the requirements of City Code Sec. 52-256 et. seq.
   ii. All grease interceptors shall be cleaned by a permitted grease hauler no less than once every 90 days, but more frequently if conditions require.
   iii. Grease interceptors should have all solids removed each cleaning.
   iv. Records of grease pumping should be retained for a minimum of 3 years and should include date of cleaning and signature of hauler. Proof of these records will be required during inspections by the City.

b. Requirements for Grease Traps:
   ii. All grease traps must comply with the requirements of City Code Sec. 52-256 et. seq.
   ii. All indoor grease traps shall be cleaned no less than once weekly, or more frequently if conditions require.
   iii. All solids should be removed from the floating grease layer in each compartment, baffle walls, and bottom of trap each cleaning.
   iv. Records of grease trap cleaning should be kept on site for a minimum of one year. Records should contain name and signature of employee performing the cleaning, time, and date the cleaning was performed, and how the solids were disposed. Proof of these records will be required during inspections.

## 5. BEST MANAGEMENT PRACTICES (BMPs)

a. Requirements for all FSEs:
   i. Comply with the requirements of City Code Sec. 52-257 et. seq.
   ii. Train kitchen staff and other employees on required BMPs. Retain records on site for all employee BMP training and said records shall be made available for review during inspections by the City.
   iii. Kitchen staff should scrape or wipe off all FOG and food waste using "dry" methods such as a disposable paper towel before rinsing, washing, or sanitizing any cooking or eating utensil.
   iv. Dispose of all waste food into the garbage.
   v. Clean up any spills and work areas using disposable paper towels or reusable cloth towels.
   vi. Pour all liquid grease into a metal waste container and allow to cool before disposing into the garbage or into an approved receptacle to be removed by an authorized FOG removal vendor or contractor.
   vii. Use screens over all drains to capture food waste materials.
   viii. No collected grease shall be introduced into drainage piping or a public or private sewer system or public or private storm water system.

b. Requirements for FSEs with indoor grease traps:
   i. All requirements from section 5.(a) shall be followed.
   ii. Keep a maintenance log on site of all trap cleanings. The log should include the date and time of the cleaning, name and signature of person completing the cleaning, and how solids were disposed.
   iii. If grease traps are more than 50% full when cleaned, the cleaning frequency shall be increased.
   iv. All baffles shall be in place inside the grease trap.

v. If an automated dishwasher is present, it is to be used for sanitizing purposes only. The discharge from the dishwasher shall bypass the grease trap and flow directly into the sanitary sewer system.
vi. Upon completion of mopping, allow the used mop water bucket to remain still allowing adequate time to then skim off any fats, oils, and grease into the trash prior to disposing of the liquid in a sink.

c. Requirements for FSEs with outdoor grease interceptors:
   i. All requirements from section 5.(a) shall be followed.
   ii. Cleanings shall be performed by a permitted liquid waste hauler.
   iii. To ensure the pumping contractor properly cleans and pumps the grease interceptor, all cleaning and maintenance activities should be witnessed by an employee of the FSE. The FSE is responsible for ensuring the proper cleaning of all grease interceptors.
   iv. If cleaning is found to be inadequate, including if there is visible grease escaping from the interceptor, the City may require the FSE to have the pumping repeated. The FSE is responsible for ensuring the cleaning is completed according to the City's standards (Section 4.a and 5.c.v).
   v. The grease interceptor shall be left empty upon completion of cleaning. No liquids can be reintroduced back into the grease interceptor by the pumping contractor.
   vi. Keep a maintenance log on site of grease interceptor cleanings. The log should include who cleaned the interceptor, signature of the hauler, the date of cleaning, and how the solids were disposed.
   vii. Lids, covers and access portals to the interceptor shall not be covered with asphalt, concrete, landscaping, grass, bulky or stacked equipment or other materials. Additionally, the lid, cover or access portal shall be ~~considered~~ easily accessible in order to provide access to the interceptor for maintenance and inspection. The removal of any of the aforementioned materials to allow routine cleaning or inspection grease interceptors shall constitute a violation of accessibility.

d. Requirements for MFUs:
   i. All requirements from section 5.(b) shall be followed by all MFUs.
   ii. All MFUs must have a base of operations, such as a restaurant or commissary, and must report to said base daily for supplies, cleaning, and servicing unless exempted by the health department.
   iii. No waste, grease, or wastewater shall be released into the city's sanitary sewer or stormwater collection systems, ditches, tree wells, or other public space.
   iv. All MFUs operating within the City's sewer collection system ~~Use~~

boundaries shall have an approved grease trap permanently installed on the MFU and shall be maintained in proper working order at all times.

v. No MFU shall have a permanent connection to the City's sanitary sewer system.

vi. MFUs may be allowed to connect to the City's water and sewer system using an approved "quick connect" (temporary) system upon the City's receipt of approval for such connections from the Henderson County Health Department.

vii. All water and sewer use by MFUs shall be metered by the City.

viii. MFU's with commissary kitchen(s) located outside of North Carolina shall not be permitted to operate within the city limits.

## 6. REQUIREMENTS FOR NEW SOURCES

a. General Requirements:

i. All FSEs shall submit to the City:

1. Contact information for the person responsible for the interceptor or trap and the licensed plumber installing the interceptor or trap.
2. Address of the facility.
3. Drawings showing the location of the building, kitchen, interceptor, and traffic ways.
4. The manufacturer's model number and specifications for the interceptor or trap.
5. List of all plumbing fixtures plumbed to the interceptor or trap.
6. Copy of the kitchen mechanical or plumbing plan showing all fixtures connected to the interceptor or trap.

ii. All interceptors shall be certified by the Plumbing and Drainage Institute.

iii. The design and location of grease traps shall be approved by the City prior to installation. If installed prior to City approval, the City may require the device to be reinstalled in a more appropriate location. The cost for this relocation is the sole responsibility of the FSE owner.

iv. "Grandfathering" of any existing FSEs from this policy and its requirements shall not be allowed.

b. Design requirements:

i. Grease interceptors and traps shall be adequately sized based on the calculation contained in Appendix A – Interceptor and Trap Sizing Form. Notwithstanding the foregoing, no outdoor interceptor shall be less than 1,000 gallons total capacity.

ii. Retention time in all interceptors shall be no less than 30 minutes.

iii. All interceptors, whether singular or two tanks in series, shall have each

chamber directly accessible from the surface to provide means for servicing and maintaining the interceptors in working order and operating condition.

iv. All interceptors shall be designed and installed to allow for complete access for inspection and maintenance of the inner chamber(s) and viewing and sampling of the effluent discharged to the sewer system. These chambers shall not be visually obscured with soil, mulch, floorings, or pavement of any substance.

v. Where automatic dishwashers are installed, the discharge from those units will discharge directly into the building drainage system without passing through a grease interceptor or grease trap. If plumbed to the grease trap or grease interceptor, the City may require that the dishwasher wastestream plumbing be relocated to bypass the grease trap or grease interceptor. The cost for this relocation is the sole responsibility of the FSE owner.

vi. Grease interceptors are not to be installed within a drive through pick up area or underneath menu boards or in the vicinity of menu boards.

vii. The inlet chamber of interceptors will incorporate an open sanitary tee, which extends 16 inches below the operating water level of the vessel. The outlet chamber of the interceptor will incorporate an open sanitary tee that extends to within 12 inches of the bottom of the vessel. The sanitary tees (both inlet and outlet) will not be capped but open for visual inspection of the wastestream.

viii. Stainless steel support hangers shall be required if either the inlet or outlet piping of tee assembly extends greater than 12 inches from the interceptor's interior wall.

ix. A baffle or diverter is necessary to increase the retention time to 30 minutes and avoid short-circuiting.

x. Grease traps and interceptors shall be designed by an appropriately licensed professional and shall at a minimum be designed to permit the discharge of no more than 100 mg/l of FOG.

## 7. VIOLATIONS

Pursuant to City Code Sec. 52-260, violations of this Policy are subject to the penalties and remedies contained in City Code Sec. 52-376 et. seq. including but not limited to: (i) revocation of the user's discharge permit, (2) civil penalties, (3) criminal penalties, (4) injunctive relief, and (5) revocation of the user's water service.

## 8. CONFLICT

In the event of a conflict between the City Code and this Policy, the provisions of the City

Code shall prevail.

## 9. SEVERABILITY

If any provision, paragraph, word, section, or chapter of this Policy is invalidated, the remaining provisions, paragraphs, words, and sections, shall not be affected and shall continue in full force and effect.

# APPENDIX A – INTERCEPTOR AND TRAP SIZING FORM

To get values for any given FSE, refer to 2021 UPC or most current version of this publication.

| **Variables** | **Value** | **Units** |
|---|---|---|
| Number of Meals per Peak Hour | | Meals per hour |
| Waste Flow Rate | | gal |
| Retention Time | | hours |
| Storage Factor | | Category |
| Multiply above values to get result: | | gal |

***Minimum allowed capacity is 1,000 gallons.***

*This form is subject to change at any time without advance notice by the City.*

## APPENDIX B – PERMIT TO CONSTRUCT OUTDOOR GREASE INTERCEPTOR

### Grease Interceptor Form

**Owners Name** *

First | Last

**Owners Email** * | **Owners Phone** *

**Owners Address**

Address Line 1

Address Line 2

City | State | Zip Code

**Plumber Name** *

First | Last

**Plumbers License #** * | **Plumbers Phone** *

**Plumbers Email** * | **Address of Interceptor** *

Address Line 1

Address Line 2

City

State | Zip Code

**Interceptor Model #** *

**Plumbing Fixtures Connected to the Interceptor** *

- [ ] Dish Pre-rinse Sink
- [ ] Wash Section of Triple Sink
- [ ] Sanitize Section of Triple Sink
- [ ] Meat Prep Sink
- [ ] Hand Wash Sinks
- [ ] Mop Sink
- [ ] Floor Drain
- [ ] Other

*This form is subject to change at any time without notice by the City.*

## APPENDIX C - AMENDMENTS (REVISION TABLE)

This policy and any portions, parts, sections, or subsections of it may be modified, amended, supplemented, or deleted at any time by the POTW Director. All modifications, amendments, and additions shall carry the same force and effect as these policies. All such revisions shall appear in the table below and shall have the same force and application as all other sections of this policy once adopted.

| ORD # | TITLE | DESCRIPTION | AFFECTED SECTIONS | DATE ADOPTED |
|---|---|---|---|---|
| | | | | |
| | | | | |

## REFERENCES

- City of Hendersonville Code of Ordinances (Chapter 52 – Utilities)
- 33 U.S. Code § 1292 Section 212 of the Act "Publicly-Owned Treatment Works"
- 40 CFR 403.4 "State or local law"
- 40 CFR 403.3(m)(1) "New source"

**CITY OF HENDERSONVILLE**

# AGENDA ITEM SUMMARY

**SUBMITTER:** Daniel Heyman, Staff Attorney **MEETING DATE:** July 6 2023

**AGENDA SECTION:** UNFINISHED BUSINESS **DEPARTMENT:** Legal

**TITLE OF ITEM:** Amendments to Chapter 10 - Animals – *Daniel Heyman, Staff Attorney*

**SUGGESTED MOTION(S):**

I move the City Council adopt An Ordinance of the City of Hendersonville City Council to Readopt and Amend Chapter 10 of the Code of Ordinances for the City of Hendersonville with Respect to the Welfare of Animals as presented for its first reading.

**SUMMARY:** ASAC and Police Department staff have spent significant time since then reviewing Chapter 10 of the Code of Ordinances and have proposed a reorganized Chapter relating to animals.

At the June 28, 2023 meeting, the City Council heard a presentation on the proposed Ordinance. The Ordinance is now being presented to the City Council for a first vote. Because the proposed ordinance includes criminal penalties, it will require two votes to become effective.

**ATTACHMENTS:**

PROPOSED ORDINANCE
CROSSOVER CHART

# AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO READOPT AND AMEND CHAPTER 10 OF THE CODE OF ORDINANCES FOR THE CITY OF HENDERSONVILLE WITH RESPECT TO THE WELFARE OF ANIMALS

WHEREAS, The Hendersonville City Council established the Animal Services Advisory Committee to provide input on the operations and policies of the Hendersonville Police Department regarding the enforcement of the Animal Ordinance; and

WHEREAS, The last significant amendment to Chapter 10 of the Code of Ordinances included the establishment of the Animal Services Advisory Committee and local enforcement of animal services; and

WHEREAS, The Animal Services Advisory Committee has spent significant time auditing and revising Chapter 10 of the Code of Ordinances to better reflect some of the unique needs of Hendersonville; and

WHEREAS, It is the intent of the City of Hendersonville to align its animal related regulations with applicable state laws in order to ensure the effective enforcement thereof.

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

**SECTION 1.** Chapter 10 – ANIMALS of the Code of Ordinances of the City of Hendersonville is hereby readopted and amended to read as follows:

## ARTICLE I. - GENERAL PROVISIONS

### Sec. 10-1. Animal Control Ordinance Purpose

(a) Pursuant to authority granted by the general assembly, this chapter is enacted to:
(b) Regulate, restrict or prohibit, if necessary, animals;

(c) Protect the public from unvaccinated, diseased, stray, roaming, dangerous, wild or exotic animals;

(d) Make unlawful the acts of animals that interfere with the enjoyment of property or the peace and safety of the community;

(e) Protect animals from abuse or conditions harmful to their well-being;

(f) Carry out any other lawful duties authorized by state laws and applicable ordinances;

(g) Provide peace and dignity of residents; and

(h) The city council hereby finds that animals kept or allowed to be in violation of any of the sections of this chapter are detrimental to the health, safety, and welfare of the citizens of the city and jeopardize the peace and dignity of the town.

### Sec. 10-2 Definitions

For the purposes of this chapter, the following words and phrases shall have the meaning respectively ascribed to them by this section:

*Adequate food* means the provision of and access to food that is sufficient in quantity, prepared and provided so that the animal can consume it, and provided in a manner that is sanitary for the animal.

*Adequate shelter* means shelter which meets all the following requirements:

(a) Is constructed of solid wood or weather resistant material, with solid walls on all sides, that is wind and moisture proof, with a dry floor, a solid, water-proof roof sloped away from the entrance to protect from weather and extreme cold, and a covered entrance by flexible windproof material or a self-closing swinging door;

(b) Has suitable bedding (hay, straw, cedar shavings, blankets, or the equivalent that is routinely changed to avoid the growth of bacteria) for insulation and protection against cold and damp sufficient for an animal to burrow to promote retention of body heat,

(c) Is out of the direct path of wind;

(d) Is free of waste or debris and is otherwise clean and sanitary;

(e) Gives the animal the ability to walk, stand, turn, and lie down comfortably; and

(f) Provides drainage to eliminate excess water and moisture, protection from rain, sleet, snow, hail, sun, and the adverse effects of heat and cold.

(g) The following shall not constitute adequate shelter:

(1) Inside of vehicles; or

(2) Underneath vehicles; or

(3) Inside metal or plastic barrels or cardboard boxes; or

(4) Rooms, sheds or other buildings without windows or proper ventilation.

*Adequate water* means constant access to clean, fresh water provided in a sanitary manner and so that the animal can consume it. During extreme cold weather, the water must be changed frequently to prevent freezing. During extreme hot weather, the water must be changed frequently and served in a no-tipping, non-metal container to prevent heat-related injuries or death.

*Animal* means every non-human, animate being that is endowed with the power of voluntary motion, including, but not limited to, dogs, cats, livestock and other mammals, birds, reptiles, amphibians, and fish.

*Animal Services Center* means any holding place or other facility designated by the City of Hendersonville for the detention of animals.

*Animal Services Officer* means any person properly appointed either by the City of Hendersonville, or any officer authorized to act within the City's jurisdiction due to an inter-local agreement, to enforce all sections of this chapter and applicable state laws and who are responsible for discharging such other duties and functions as may be prescribed by the City Council as set forward by this chapter or any other applicable ordinance or state law or pursuant to inter-local agreements.

*Animal at large* means any animal off the premises of its owner and not under sufficient physical restraint such as a leash, cage, bridle, or similarly effective device allowing the animal to be controlled. For purposes of this article, voice command is not recognized as sufficient physical restraint. This definition does not apply to any areas in the City that have been delineated by the City Council, such as dog parks.

*Animal under restraint* means any animal confined within a vehicle, confined within the real property limits of its owner, or secured by leash or lead.

*Cat* means a domestic feline of either sex.

*Dangerous dog* means any dog that:

(a) Without provocation has killed or inflicted serious injury on a person; or

(b) Is determined by the Chief of Police, their designee, or the Animal Services Advisory Committee to have engaged in one or more of the following behaviors:

(1) inflicted a bite on a person that resulted in broken bones or disfiguring lacerations or required cosmetic surgery or hospitalization, or

(2) has killed or inflicted severe injury upon a domestic animal when not on the owner's real property, or

(3) has approached a person when not on the owner's property in a vicious or terrorizing manner in an apparent attitude of attack; or

(c) Is owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting.

This definition shall not apply to: (1) a dog that has been subject to provocation, (2) any dog responding to a trespass upon the animal owner's premises, if the victim is the trespasser, or (3) dogs used by law enforcement agencies to carry out official law enforcement duties. Provocation must be clearly established.

*Dog* means a domestic canine of either sex.

*Domesticated* means those species of animals that normally and customarily share human habitat and are normally dependent on humans for food and shelter, such as, but not limited to, dogs, cats, cattle, horses, swine, fowl, sheep, goats, reptiles, amphibians, rabbits, and fish.

*Harboring* an animal means feeding or sheltering and animal for 14 days or more unless the animal is being boarded for a fee.

*Holding facility* means any pet shop, kennel, cattery, boarding facility, veterinary office, animal shelter, or combination thereof.

*Owner* means any person owning, keeping, harboring, possessing, or acting as custodian, however temporarily, of an animal; provided, however, that a person having temporary custody or possession of an animal for the sole purpose of turning over such animal to a member of the animal services division or other peace officer shall not be deemed the owner of the animal.

*Pet* means a domesticated animal kept for pleasure rather than utility. Pets include, but are not limited to, birds, cats, dogs, fish, hamsters, mice, reptiles, domesticated wild animals and other animals associated with man's environment.

*Pet shop* means a commercial establishment, which offers for sale two (2) or more species of live animals with the intent that they be kept as pets.

*Provocation* means conduct or actions on the part of any person or animal that is likely to arouse a violent or aggressive response by an animal. This term does not include any action on the part of an individual or animal that pertains to reasonable efforts of self-defense.

*Public nuisance animal* means any animal or group of animals which:

(a) Is found at large three or more times in a 12-month rolling period; or

(b) Damages the property of anyone other than its owner; or

(c) Is a Vicious Animal; or

(d) Causes unsanitary condition of enclosures or surroundings; or

(e) By virtue of number or type is offensive or dangerous to the public health, safety, or welfare; or

(f) Is diseased and dangerous to the public health.

*Serious injury* means a physical injury resulting in broken bones, disfiguring lacerations, or requires cosmetic surgery or hospitalization.

*Tether* means tying out or fastening a dog outdoors on a rope, chain, or other line for restraining a dog. The term does not mean the restraint of a dog on an attended leash.

*Vicious animal* means any animal which constitutes a physical threat to human beings or other animals by virtue of attacks of such number and severity as to cause property damage or physical injury.

**Secs. 10-3—10-30. – Reserved.**

**ARTICLE II. – ANIMAL SERVICES**

**Sec. 10-31 General Duties of Animal Services Officer.**

The animal services officer shall be charged with the responsibility of:

(a) Taking up and delivering any animal at large in violation of this chapter to the animal shelter.

(b) Issuing appropriate permits, civil penalties, and notices required for the enforcement of this chapter.

(c) Declaring an animal as a potentially dangerous animal, as defined in this chapter, if they determine such. Upon determining that an animal is a potentially dangerous animal, the Chief of Police shall notify the owner of the animal in writing, giving the reasons for the determination. The owner may appeal the determination by filing written objections with the Animal Services Advisory Committee established in this chapter.

(d) Canvassing the city, including homes and businesses utilizing security animals as necessary to ascertain that all animals are currently vaccinated against rabies; to organize and carry out any such canvas, having sole and exclusive authority, control, and responsibility for such actions; and to ensure that the provisions of this chapter and state law related to animal control are adhered to.

(e) Investigating complaints regarding animals.

(f) Protecting animals from neglect or abuse and assist animal cruelty investigators as needed in enforcing state laws regarding cruelty.

(g) Enforcing the laws regarding remedies for an owner's failure to obtain proper vaccination of animals against rabies.

(h) Investigating all reported animal bites or other human physical contact with suspected rabid animals and submit bite reports and reports of human contacts to the county health director.

Except as may be otherwise provided by statute or local law or ordinance, no officer, agent, or employee of the city charged with the duty of enforcing the provisions of this chapter or other applicable law shall be personally liable for any damage that may accrue to persons or property because of any act required or permitted in the discharge of such duties.

**Sec. 10-32. Animal Enforcement Authority**

The animal services officer is hereby authorized to enforce the provisions of this chapter and any other regulation adopted in accordance with the provisions of this chapter.

**Sec. 10-33. Inspection, interference, or concealment.**

(a) Inspections: Whenever necessary, inspections will be used to enforce the provisions of this chapter, or whenever the animal services officer has reasonable cause to believe that there exists in any household or upon any premises any violation of this chapter, the animal services officer is hereby empowered to enter and inspect such property at any reasonable time and perform any duty imposed upon him by this chapter as follows:

(1) If such property is unoccupied, the animal services officer shall first make a reasonable effort to locate the owner or other person having control of the property;

(2) If such property is occupied, the animal services officer shall first present proper credentials to the occupant and request entry, explaining the reasons therefore; and

(3) If such entry is refused or cannot be obtained because the owner or other person having control or charge of the property cannot be located after due diligence, the animal services officer may seek an administrative search warrant.

(b) Interference: It shall be unlawful for any person to interfere with, hinder, assault, molest, resist, or obstruct the animal services officer while the animal services officer is carrying out any duty created under this chapter.

(c) Concealment of animal: It shall be unlawful for any person to conceal, for the purpose of evading the rabies inoculation requirement of state law, any uninoculated animal from the animal services officer, or to evade any other provision of this chapter.

(d) In addition to any other remedy available, violation of this section shall constitute a misdemeanor as provided in Section 1-6.

**Sec. 10-34. Animal Services Advisory Committee**

The Animal Services Advisory Committee shall make recommendations to the City Council regarding animal-related ordinances, policies, and procedures. The Animal Services Advisory Committee may undertake the study of areas under their authority to advise City of Hendersonville staff and City Council.

The Animal Service Advisory Committee, or a duly appointed subcommittee thereof, shall act as the Animal Services Appellate Board and hear all appeals under this chapter when permitted by State law, including appeals of dangerous dog determinations.

The composition, rules of procedure, and all other matters shall be governed by the Animal Services Advisory Committee Charter and Rules of Procedure, as amended.

**Secs. 10-34—10-60. – Reserved.**

**ARTICLE III – KEEPING ANIMALS**

**Sec. 10-61. – Keeping of certain animals prohibited**

It shall be unlawful for any person to keep or maintain any oxen, bison, roosters, or wolf hybrids within the City.

**Sec. 10-62. – Swine**

It shall be unlawful for any person to keep any hogs or other swine within the city with the exception of miniature pigs weighing not more than 100 pounds kept as household pets. Only one such miniature pig shall be kept in any household. Such pigs shall be kept in a restrained area and shall not be permitted to run at large. Such pigs shall also be kept in accordance with Article V of this Chapter. Any outside area occupied by a miniature pig shall be regularly sanitized and kept free from waste. No such area shall be allowed to become muddy or unsanitary.

**Sec. 10-63. – Keeping of other farm animals**

Other farm animals may be kept within the City subject to applicable health statutes and regulations, and provided that: (1) none of the foregoing animals may not be kept or maintained within 150 of any building occupied or designated as a residence, except the residence of such animals owner; and (2) the forgoing animals shall be kept in accordance with Article V of this Chapter.

**Sec. 10-64. – Keeping of poultry**

(a) It shall be unlawful to maintain a poultry flock of greater than 20 birds.
(b) In accordance with Sec. 10-61 above, the keeping of roosters is prohibited.
(c) The keeping of poultry shall be subject to all applicable health statutes and regulations.

**Sec. 10-65. – Requirements for construction and maintenance of poultry enclosures.**

In addition to the requirements of Article V of this Chapter, each person keeping poultry within the city shall comply with the following rules and regulations:

(1) The poultry house and run must be enclosed, and the birds shall kept within it at all times.
(2) The poultry house must be used for poultry only and it must be well ventilated, with at least one square foot of window to 15 square feet of floor space.
(3) The run must be well drained so there will be no accumulation of moisture.

**Sec. 10-66. – Disposal of dead chickens and other poultry.**

It shall be unlawful for any person to allow any dead chicken or poultry to remain on the premises, and disposal of any dead chicken or fowl may not be contrary to any methods approved by the county health department.

**Secs. 10-67—10-90. – Reserved.**

**ARTICLE IV – OFFENSES AND MISCELLANEOUS**

**Sec. 10-91. – Animals at large**

(a) It shall be unlawful for the owner of any domesticated animal to allow or permit such animal to be at large within the corporate limits of the city at any time upon any property not his own without the written permission of the owner of such property.

(b) In addition to any other remedy available, permitting a dog that has been deemed dangerous to run at large is a misdemeanor as provided by Section 1-6.

**Sec. 10-92. – Protection of Birds**

(a) The area embraced within the corporate limits of Hendersonville and all land owned or leased by the Hendersonville outside the corporate limits is hereby designated as a bird sanctuary.

(b) It shall be unlawful intentionally to trap, hunt, kill, or otherwise take, within the sanctuary hereby established, any native wild bird except pursuant to a valid permit issued by the North Carolina

Wildlife Resources Commission; provided, however, that this section shall not be deemed to protect any birds classed as a pest under Article 22A of Chapter 113 of the North Carolina General Statutes and the Structural Pest Control Act of North Carolina of 1955 or the North Carolina Pesticide Law of 1971.

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

**Sec. 10-93. – Protections of Squirrels**

(a) The entire area embraced within the corporate limits of the city is hereby designated as a sanctuary for all species of squirrel (family Sciuridae), especially the Brevard White Squirrel.

It shall be unlawful for any person to hunt, kill, trap, or otherwise take any protected squirrels within the city limits except pursuant to a valid permit issued by the North Carolina Wildlife Resources Commission. This section shall not be deemed to protect any squirrels classified as a pest by the North Carolina General Statutes, except that the Brevard White Squirrel shall always be protected by this section.

**Sec. 10-94. – Fouling public grounds.**

It shallbe unlawful for any owner, keeper, or walker of any animal to permit the discharge such animal's excreta upon any public or private property, other than the property of the owner within the city, if such owner, keeper, or walker does not immediately thereafter remove and clean up such animal's excreta from the public or private property.

**Sec. 10-95. – Restraint of animals.**

(a) Physical restraint: It shall be unlawful for any Owner of any animal, excluding cats, to keep such animal on their own premises or off the premises, unless such animal is under sufficient physical restraint, such as a leash, cage, bridle or similar effective device which restrains and controls the animal, or within a vehicle or adequately contained by a fence on the premises or other secure enclosure. If the physical restraint used is a leash, bridle, or other device requiring a person to control the animal, the person using such restraint must be of sufficient age and physical size or ability to reasonably restrain the animal. If the secure enclosure is an invisible fence system, then all components of the system must be in working order and in proper place. Additionally, there must be a visible, permanent sign on the premises stating that there is an invisible fence.

(b) Tethering: Dogs may not be tethered to a stationary object unless a competent adult is in the immediate presence of the dog and the following conditions are met:

(1) A tether shall be equipped with a swivel on both ends.

(2) A tether shall be a minimum of ten feet in length and shall be made of either metal chain or coated steel cable.

(3) Tethers shall be attached to a buckle type collar or harness and under no circumstances shall the tether itself be placed directly around a dog's neck. Tethers shall not be used in conjunction with training collars such as choke or pinch-style collars.

(4) The weight of the tether shall not exceed ten percent of the total body weight of the dog but shall be of sufficient strength to prevent breakage.

(5) The tether by design and placement shall allow the dog a reasonable and unobstructed range of motion without the possibility of entanglement, strangulation, or other injury. The tether shall allow the dog access to adequate food, water, and shelter.

(6) A dog must be four months of age or older to be tethered.

(7) Only one dog shall be attached to a single tether.

(8) Pulley systems, running lines and trolley systems may be used in conjunction with a tether.

(9) Pulley systems, running lines or trolley systems shall be at least ten feet in length. and no more than seven feet above the ground.

(10) The line of the pulley system, running line or trolley system to which, the tether is attached shall be made of coated steel cable.

(11) No tether shall be affixed to a stationary object which would allow a dog to come within five feet of any property line.

**Sec. 10-96. – Giveaways in Public Spaces.**

It shall be unlawful to display any animal in a public place for the purpose of selling, trading, or giving the animal away or used as a prize or inducement. For this section, public place shall be defined as any place open to the public including but not limited to malls, supermarkets, parking lots, flea markets, farmers markets, road rights-of-way, and parks. This section does not apply to state regulated pet shops, commercial kennels, licensed animal shelters, veterinarian offices, licensed stockyards, or livestock auctions or 501(c)(3) non-profits who adopt out animals with proof of rabies vaccination and alteration

**Sec. 10-97. – Excessive noises.**

It shall be unlawful for any Owner to allow any Animal to excessively bark, howl, or make other loud noises continuously or intermittently for more than 30 minutes.

The Animal Services Officer shall only be required to investigate an alleged violation of this section upon the receipt of a complaint from two individuals.

**Secs. 10-98—10-120. – Reserved.**

**ARTICLE V. – ANIMAL CRUELTY**

**Sec. 10-121. – Unlawful treatment.**

It shall be unlawful for any Owner to fail to provide an animal with adequate food, water, shelter, necessary medical attention, and humane care and treatment.

Nothing in this section shall be construed to require a standard of care otherwise prohibited by G.S. 160A-203.1.

In addition to all other remedies available, violation of this Section is a misdemeanor as provided in Section 1-6.

**Sec. 10-122. – Abandonment.**

No owner of an animal shall abandon such animal except to relinquish the animal to the animal shelter during normal business hours. If the Animal Services Officer finds that an animal has been abandoned, the animal may be impounded. If an animal has been abandoned in a house or within a fenced area, the

Animal Services Officer must make a reasonable effort to locate the owner or manager of the property. If the property owner or manager is not the animal owner, then the Animal Services Officer shall secure permission to remove the animal. If the property owner is also the animal owner and this individual cannot be located, the Animal Services Officer shall secure an appropriate warrant to seize the animal. An animal seized pursuant to this section shall be impounded for a period of ten days. If the animal is unclaimed by its owner after being held ten days, the animal shall be disposed of by adoption or humane euthanasia, or transferred to an Animal Services Center or other appropriate facility.

In addition to all other remedies available, violation of this Section is a misdemeanor as provided in Section 1-6.

**Sec. 10-123. – Transport of Animals.**

Animals transported in open truck beds on public roads shall be secured by cross tethering suitable and acceptable for the size of animal in such a manner that such animal cannot fall or jump over the side or contained in a properly secured and ventilated cage. This provision shall not be applicable to:

(1) Law enforcement dogs, while being used for investigation, tracking and similar duties under the supervision of a certified law officer;

(2) Search and rescue dogs, while being used for their intended purpose and under the control of a trained handler;

(3) Hunting dogs, while being used in a legal hunt on private property, private roads or public secondary roads;

(4) Farm dogs, while being used for agricultural purposes on private property or private roads; or

(5) Farm dogs, while being used for agricultural purposes on secondary roads within one mile of property owned, leased, or otherwise used for farm purposes.

In addition to all other remedies available, violation of this Section is a misdemeanor as provided in Section 1-6.

**Sec. 10-124. – Confinement of Animals in Motor Vehicles.**

It shall be unlawful for any person to place or confine an animal or allow an animal to be placed or confined in a vehicle, building, car, boat, or vessel of any kind under such conditions or for such a period as to endanger the health or well-being of such animal due to temperature, lack of food or drink, or such other conditions as may reasonably be expected to cause suffering, disability, or death.

(1) When an animal is confined in violation this section, after making a reasonable effort to find the driver of a vehicle in which an animal is confined, the animal services officer, in the presence of a law enforcement officer, may use the least intrusive means to enter the vehicle if necessary to remove the animal, where reasonable cause exists to believe the animal may die if not immediately removed.

(2) The animal services officer removing the animal shall then impound the animal and leave in a prominent place on the motor vehicle a written notice of the animal's impoundment, a brief description of the animal, and where and when the animal may be reclaimed.

In addition to all other remedies available, violation of this Section is a misdemeanor as provided in Section 1-6.

**Sec. 10-125. – Animals used in entertainment, shows, and for exhibition.**

It shall be unlawful for any person to sponsor, promote, or train a wild or domestic animal to participate in any unnatural behavior in which the animal is wrestled, fought, harassed, or displayed in such a way that the animal is abused or stressed. This prohibition applies to events and activities taking place in either public or private facilities or property in the town and applies regardless of the purpose of the event or activities and whether a fee is charged to spectators.

In addition to all other remedies available, violation of this Section is a misdemeanor as provided in Section 1-6.

**Secs. 10-126—10-150. – Reserved.**

**ARTICLE VI. – RABIES CONTROL**

**Sec. 10-151. – Vaccination of dogs and cats required.**

It shall be unlawful for an Owner of any dog or cat four months of age or older to fail to provide current vaccination against rabies for such dog or cat.

**Sec. 10-152. – Vaccination tag and certification.**

1) Dogs are required to wear a rabies vaccination tag at all times.
2) Cats are not required to wear rabies vaccination tag, but the owner of a cat shall maintain the tag, or the rabies vaccination certificates as written evidence to prove the cat has a current rabies vaccination.
3) It shall be unlawful for any person to use for any animal a rabies vaccination tag issued for an animal other than the one using the tag.
4) Enforcement: If an animal is found without a rabies tag, the owner shall have 5 calendar days to obtain proper proof of vaccination and present to the Animal Services Officer.
    a. If after 5 days, there is still no proof of rabies vaccination, the Animal Services Officer may take any of the enforcement actions provided in this Chapter.
    b. If an animal is found without a rabies tag off the owner's property, the animal shall be impounded for 72 hours for owner reclaim. Prior to release, the animal's vaccination history shall be verified, and rabies vaccine voucher shall be purchased if required.

**Sec. 10-153. – Bite Notification**

(a) Reporting requirement: It shall be unlawful for: (1) any person bitten by a dog or cat, (2) their parent or guardian if such person is a minor, and (3) the person owning such animal or having such animal in his possession or under his control to fail to report, within 24 hours of a bite, to the Animal Services Officer that such animal has bitten a person. It shall be unlawful for any person to fail to inform the Animal Services Officer where an animal is located if the owner has given the animal away or caused in any way the animal to be taken from the owner's premises.

(b) Confinement: All dogs or cats that bite human beings shall be immediately confined for ten days in a place designated by the Henderson County Health Director. If the Owner refuses to confine the animal as required by this section, the Animal Services Officer or the Henderson County Health Director may order the seizure of the animal and its confinement for ten days at the expense of the owner. Following such ten-day confinement, the dog or cat may be released with the written permission of the Animal Services Officer or the Henderson County Health Director.

As provided in N.G.C.S. 130A-196(b), failure to comply with confinement requirements is a Class 2 misdemeanor.

**Secs. 10-154—10-180. – Reserved.**

## ARTICLE VII. – PUBLIC NUISANCE AND DANGEROUS DOGS

### Sec. 10-181. – Public Nuisance.

(a) The keeping of a Public Nuisance Animal, as defined in this Chapter, is hereby prohibited.

(b) Complaint and notice: Upon receipt of a complaint being made to the Police Department by any resident or residents that any person is keeping a Public Nuisance Animal as defined in this chapter, the Chief of Police shall cause the owner of the animal or animals in question to be notified that a complaint has been received and shall cause the situation complained of to be investigated and a report and findings thereon to be reduced to writing by the investigating Animal Services Officer.

(c) Abatement. If the written findings of the investigating officer indicate that the complaint is justified, then the Chief of Police shall cause the Owner of the animal or animals in question to be so notified in writing, by registered mail, return receipt requested, or by personal delivery, ordered to abate such nuisance within five days after notification, and issued a citation for the violation. In the event the Owner of the animal or animals is unknown and cannot be ascertained, the notice and order, along with a general description of the animal or animals shall be published within a local newspaper. In addition, any animal determined to be a nuisance under this section must be micro chipped at the owner's expense within ten days of the Public Nuisance Animal determination or appeal determination. Failure to comply within this time frame shall constitute a separate offense for each day thereafter.

(d) Impoundment upon failure to abate. If any person receiving notice in the manner hereinabove described shall fail or refuse to abate the nuisance upon order of the Chief of Police within the specified time, the Chief of Police may cause the animal or animals in question to be apprehended and impounded.

(e) Civil penalties. Additionally, if any person receiving notice in the manner hereinabove described shall fail or refuse to abate the nuisance upon order of the Chief of Police within the specified time, the Chief of Police may assess a civil penalty as provided in Section 1-6.

(e) Right of appeal. Within seven days from receipt of their notification, the owner of the nuisance animal may appeal the findings of the Chief of Police by giving written notice of appeal to the Chief of Police. An appeal shall stay the abatement of the Public Nuisance Animal determination until a final determination by the Animal Services Advisory Committee.

(f) Inspection. The Animal Services Officer is hereby permitted to make periodic inspections of animals deemed to be Public Nuisance Animals to ensure compliance with this Chapter.

### Sec. 10-182. – Declaration of dangerous dogs.

The Chief of Police shall have the authority to declare a dog to be a dangerous dog. Any determination that a dog is a dangerous dog shall be made in writing, summarizing the available evidence. The letter shall be served by personal delivery or by certified or registered mail to the Owner. The written determination shall order compliance with the appropriate provisions of this chapter and may impose reasonable conditions to maintain the public health and safety.

### Sec. 10-183. – Dangerous dogs restricted.

It shall be unlawful for any person to own or in any way maintain or harbor a dog that has been deemed dangerous, except as provided in this chapter. Notwithstanding any enumerated exception in listed in Sec. 10-2, any dog which has killed a person shall be immediately euthanized.

**Sec. 10-183. – Appeal.**

Any person who owns a dog that has been declared a dangerous dog shall have the right to appeal the declaration to the Animal Services Advisory Committee as provided herein:

(a) Manner of appeal. The Owner of a dangerous dog may request an appeal of the determination in writing. The written appeal must be submitted to the Chief of Police, must state the Owner's address, and must be received or postmarked within seven calendar days of the receipt by the Owner of notice of the declaration.

(b) Pending the appeal, the Owner of a dangerous dog shall comply with the provisions of Section 10-184 herein.

(c) Hearing procedures. Once properly appealed, the Animal Services Advisory Committee shall conduct a quasi-judicial hearing to determine whether the declaration of the dog as a dangerous dog should be upheld.

(d) Outcome. If the dog is affirmed by the animal services advisory board as being a dangerous dog, then the Owner shall comply with the provisions of this Chapter. Any person who owns a dog upheld as a dangerous dog by the Animal Services Advisory Committee has the right to appeal this determination to the Henderson County Superior Court.

**Sec. 10 –184. – Enclosures and control measures.**

(a) If a dog has been determined to be a dangerous dog, as specified in this section, the dog may be retained upon the Owner satisfying the following conditions:

(1) The Owner must always ensure that the dog on and off the Owner's property remains securely enclosed as per the ordinance or controlled and muzzled as described below.

a. Confine the dog within the owner's residence; or

b. Erect and confine the dog (except when muzzled and controlled as required below), within 30 days in a securely enclosed and padlocked pen with a concrete bottom and secure top. The structure must be at least 10x10 feet and be secured by a tamper-proof lock. Pending construction of such pen, the dog must be confined within the owner's residence; or

c. The animal must be muzzled and under restraint by a competent person who, by means of a leash, always has such animal firmly under physical restraint when not in a secure building or enclosure. The muzzle must be a basket muzzle.

d. Any dog deemed dangerous shall not be permitted in public recreation areas, including dog parks, parks, or greenways.

(2) The owner must post one or more warning signs provided by the city, which are to be visible to any adjoining property from each exposure of the residence or the structure in which the dangerous dog is confined. The city may charge a fee for each sign provided.

(3) The owner of a dangerous dog must maintain in full force and effect a liability insurance policy of at least $100,000 for personal injury or death of any person resulting from an

attack by such dangerous dog. The owner shall provide the Animal Services Officer with a certificate of insurance which shall require 30 days written notice by the insurer or owner in the event of cancellation, reduction or other modifications of coverage. In addition to the notice requirement above, owner shall provide the Animal Control Officer with immediate written notice of cancellation, reduction, or other modification of coverage of insurance.

(4) Within ten days of the determination or appeal determination, the owner of a dangerous dog must demonstrate to the Animal Services Officer that such dog had a microchip implanted.

(5) The Animal Services Officer may periodically inspect the premises where a dangerous dog is kept verifying compliance with the provisions of this chapter. The Owner must permit these inspections at any reasonable time without notice to the Owner from the Animal Enforcement Officer.

(6) All dogs deemed dangerous must be altered within 30 days of the determination.

(7) Control measures.

a. All control measures required by this section must be met immediately upon the determination that the dog is dangerous except for the construction of the enclosure discussed in the subsection of this provision. The owner has 30 days to construct the enclosure during which time the animal must be confined indoors and may only be permitted outside under the control of a competent person by leash and the animal must be muzzled.

b. If the owner has no place to keep the animal while the structure is being constructed, the animal may be kept at the Henderson County Animal Services Center or at a private establishment approved by the Animal Services Officer and Henderson County Animal Services at the owner's expense.

(b) Notification within 24 Hours:

(1) Change of address or ownership of a dangerous dog, the owner shall provide written notification of the change of address or ownership to the Chief of Police, stating the full name if there's a new owner, address, and location of the new owner of the dog.

(2) Of the death of a dangerous dog, the owner shall provide written notification of the dog's death to the Chief of Police.

(c) Notification Prior to Transfer. Prior to any transfer to a new Owner (with or without consideration) of a dangerous dog, the owner must provide to the Chief of Police a written statement, signed before a notary by the transferee, indicating the transferee's understanding of the transferee's obligations hereunder as an owner of a dangerous dog. If the dangerous or dog is being transferred out of the City of Hendersonville, or out of North Carolina, the owner of the animal must notify the Chief of Police of the new jurisdiction to which the animal is being moved that this dog has been deemed a dangerous dog. The Chief of Police also shall notify the new jurisdiction that the animal has been deemed dangerous and the circumstances surrounding the case. The Owner must comply with any local regulations regarding dangerous dogs in the new location. No dog deemed dangerous may be adopted pending the outcome of quasi-judicial hearing.

(d) In addition to all other remedies available, violation of this Section is a misdemeanor as provided in Section 1-6.

**Sec. 10-185. – Impoundment Authorized.**

(a) Immediate impoundment: Any dangerous dog may be immediately impounded if the animal is kept in violation of this section. Civil penalties may be imposed.

(b) Cost of impoundment: Costs of impoundment shall be paid by the owner for the animal at a daily rate as determined by the impoundment facility. In instances where the animal must be impounded at a private facility or kennel, the person liable for the animal will pay the rate established by those facilities.

(c) Release from impoundment:

(1) Dog deemed dangerous/potentially dangerous may only be released to owner if the following requirements have been satisfied

a. Proof of compliance submitted to Chief of Police, or

b. Approval of proof by the Chief of Police is submitted in writing to the impoundment facility.

(2) If criminal charges have been brought against the Owner for failure to comply with this Chapter, for interference with the operations of the Animal Services Officer, or criminal charges under N.C.G.S. Chapter 67 Article 1A, no dog deemed dangerous/potentially dangerous shall be released from the impoundment until determined by a court of competent jurisdiction. During this time while the dog is impounded, costs of impoundment shall continue to be charged to the Owner.

**Sec. 10-186 – Destruction of animals that cannot be seized or confined by reasonable means.**

(a) Notwithstanding any other provision of this Chapter, an animal that cannot be seized by reasonable and normal means, trapped in a humane, live-capture animal trap, or tranquilized, alternative resources being exhausted, may be humanely destroyed in the field by animal services or other law enforcement officers.

(b) Vicious, dangerous animals so designated, or wild animals, or an animal attacking a human being, domestic animal, livestock, or fowl another pet, or livestock may be immediately destroyed in the field, if such destruction is necessary for the protection of the public health and safety or that of city staff.

**Secs. 10-187—10-210. – Reserved.**

**ARTICLE VIII. – ENFORCEMENT**

**Sec. 10-211. – Violations and penalties.**

The following penalties shall pertain to violations of this chapter:

(a) This chapter may be enforced by criminal penalty where specifically provided.

(b) Enforcement may include any appropriate equitable remedy, injunction or order of abatement issued by a court of competent jurisdiction pursuant to N.C.G.S. §160A-175(d) and (e).

(c) Civil penalties. In addition to and independent of any criminal penalties and other sanctions provided in this article, violations of this article may also subject the offender to the civil penalties hereinafter set forth.

(d) A combination of the forgoing and/or any other remedy available by law.

**Sec. 10-212. – Civil Penalties**

(a) Generally: Any person who violates any provision of this chapter shall be subject to a civil penalty for each level of violation in accordance with subsection (d) of this section and the corresponding civil penalty in the Civil Penalty Schedule, Section 10-213. If the violation is continued, each day's violation shall constitute a separate offense. For the purposes of this chapter, repeat violations occur where the City has issued a civil penalty for the same offense within a 12-month period. Nothing in this section shall prevent the City from issuing warning violations.

(b) Issuance of a citation: Issuance of a citation for violation of this chapter is directed toward and against the known owner. The purpose of the issuance of a citation is to affect the conduct of the owner by seeking to have the owner ensure compliance with this chapter. The issuance of a citation hereunder shall not affect the prosecution of a violation hereof as a misdemeanor as provided above. A citation shall:

(1) Give notice of the violation(s) alleged of the owner;

(2) State the civil penalties for such violation(s);

(3) State the date by which any penalties for such violation(s) must be paid; and

(4) State that the city may initiate after such date a civil action to collect the civil penalties which are and may become due.

(c) If the owner of an animal or other alleged violator does not respond to the above-described citation, or the applicable civil penalty is not paid within the time period prescribed, a civil action may be commenced to recover the penalty and costs associated with collection of the penalty. The city manager or his designee are expressly authorized to initiate and prosecute small claims actions in district court to collect civil penalties and fees due to the city under this Chapter.

(d) Penalty severity: The severity of violations of the provisions of this chapter shall be as follows:

(1) Violation of the following shall constitute a level I violation:

a. Section 10-61. – Keeping of certain animals prohibited.

b. Section 10-62. – Swine.

c. Section 10-63. – Keeping of other farm animals.

d. Sec. 10-64. – Keeping of poultry.

e. Sec. 10-65. – Requirements for construction and maintenance of poultry enclosures.

f. Sec. 10-91. – Running at large.

g. Sec. 10-94. – Fouling public grounds.

h. Sec. 10-95. – Restraint of animals.

i. Sec. 10-97. – Excessive noises.

j. Sec. 10-123. – Transport of animals.

k. Sec. 10-151. – Vaccination of dogs and cats required.

l. Sec. 10-152. – Vaccination tag and certification.

m. Violation of any provision of this Chapter not otherwise provided for in this subsection (d).

(2) Violation of the following shall constitute a level II violation:

a. Section 10-66. – Disposal of dead chickens and other poultry.

b. Sec. 10-92. – Protection of birds.

c. Sec. 10-93. – Protection of squirrels.

d. Sec. 10-96. – Giveaways in public spaces.

e. Sec. 10-122. – Abandonment.

f. Sec. 10-153. – Bite notification.

g. Sec. 10-181. – Public nuisance.

(3) Violation of the following shall constitute a level III violation:

a. Sec. 10-33. – Inspection, interference, or concealment.

b. Sec. 10-121. – Unlawful treatment.

c. Sec. 10-124. – Confinement of animals in motor vehicles.

d. Sec. 10-125. – Animals used in entertainment, shows, and for exhibition.

e. Sec. 10-184. – Enclosures and control measures.

**Sec 10-213. – Civil penalty schedule**

| Civil Penalty Schedule | | | | |
|---|---|---|---|---|
| | First Violation | Second Violation | Third Violation | Additional Violations |
| Level I | Warning | $50 | $100 | $200 |
| Level II | $100 | $150 | $200 | $400 |
| Level III | $200 | $300 | $500 | $500 |

**SECTION 2.** If any provision of this ordinance or its application is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provisions or application, and to this end the provisions of this ordinance are severable.

**SECTION 3.** It is the intention of the city council and it is hereby ordained, that the provisions of this ordinance shall become and be made part of the Code of Ordinances, City of Hendersonville, North Carolina, and the sections of this ordinance may be renumbered to accomplish such intention.

**SECTION 4.** This Ordinance shall be effective upon its adoption.

Adopted by the City Council of the City of Hendersonville, North Carolina on this ___ day of _____, 2023.

_____

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

_____

Jill Murray, City Clerk

Approved as to form:

_____

Angela S. Beeker, City Attorney

| **New Chapter 10** | **Old Section Reference** | **Notes** |
|---|---|---|
| Sec. 10-1. Animal Control Ordinance Purpose | - | |
| Sec. 10-2 Definitions | Sec. 10-106, Sec. 10-151 | Adds many definitions |
| Secs. 10-3—10-30. – Reserved. | - | |
| Sec. 10-31 General Duties of Animal Services Officer. | Sec. 10-106 | Sets out duties in greater detail |
| Sec. 10-32. Animal Enforcement Authority | - | |
| Sec. 10-33. Inspection, interference, or concealment. | - | Interference w/ ASO is a misdemeanor |
| Sec. 10-34. Animal Services Advisory Committee | - | |
| Secs. 10-34—10-60. – Reserved. | - | |
| Sec. 10-61. – Keeping of certain animals prohibited | Sec. 10-41 | Preempted from regulating shelter for certain farm animals. Much clearer prohibitions including roosters. |
| Sec. 10-62. – Swine | Sec. 10-42 | |
| Sec. 10-63. – Keeping of other farm animals | Sec. 10-43 | Adds “other farm animals” (150 ft from a residence) |
| Sec. 10-64. – Keeping of poultry | Sec. 10-66 | Max of 20 birds, no roosters. |
| Sec. 10-65. – Requirements for construction and maintenance of poultry enclosures. | Sec. 10-70 | |
| Sec. 10-66. – Disposal of dead chickens and other poultry. | Sec. 10-71 | |
| Secs. 10-67—10-90. – Reserved. | - | |

| | | |
|---|---|---|
| Sec. 10-91. – Running at large | Sec. 10-107 | Dangerous dog running at large is a misdemeanor |
| Sec. 10-92. – Protection of Birds | Sec. 10-1, Sec. 10-2 | |
| Sec. 10-93. – Protections of Squirrels | Sec. 10-3 | |
| Sec. 10-94. – Fouling public grounds. | Sec. 10-6 | |
| Sec. 10-95. – Restraint of animals. | Sec. 10-152 | Same requirements as existing tether |
| Sec. 10-96. – Giveaways in Public Spaces. | - | new |
| Sec. 10-97. – Excessive noises. | - | Previously in the noise ordinance. |
| Secs. 10-98—10-120. – Reserved. | - | |
| Sec. 10-121. – Unlawful treatment. | Sec. 10-152 | Added specifics on adequate shelter and adequate water |
| Sec. 10-122. – Abandonment. | - | |
| Sec. 10-123. – Transport of Animals. | - | |
| Sec. 10-124. – Confinement of Animals in Motor Vehicles. | Sec. 10-152 | Clear procedures on animals left in vehicle |
| Sec. 10-125. – Animals used in entertainment, shows, and for exhibition. | - | |
| Secs. 10-126—10-150. – Reserved. | - | |
| Sec. 10-151. – Vaccination of dogs and cats required. | Sec. 10-113 | Rabies is broadly enforced under state law |

| | | |
|---|---|---|
| Sec. 10-152. – Vaccination tag and certification. | Sec. 10-114 | |
| Sec. 10-153. – Bite Notification | - | |
| Secs. 10-154—10-180. – Reserved. | - | |
| Sec. 10-181. – Public Nuisance. | Sec. 10-109 | Take the place of mischievous dogs |
| Sec. 10-182. – Declaration of dangerous/potentially dangerous dog. | Sec. 10-110 | Removes "potentially dangerous dog" to add clarity to process. Same requirements. Allows personal service of PD orders. |
| Sec. 10-183. – Appeal. | Sec. 10-110 | |
| Sec. 10 –184. – Enclosures and control measures. | Sec. 10-110 | Add req to have liability insurance covering the dog |
| Sec. 10-185. – Impoundment Authorized. | Sec. 10-115 | |
| Sec. 10-186 – Destruction of animals that cannot be seized or confined by reasonable means. | Sec. 10-111 | |
| Secs. 10-187—10-210. – Reserved. | - | |
| Sec. 10-211. – Violations and penalties. | Sec. 10-153 | |
| Sec. 10-212. – Civil Penalties | Sec. 10-153 | |
| Sec 10-213. – Civil penalty schedule | Sec. 10-155 | New schedule based on severity and how many repeat offenses |

**CITY OF HENDERSONVILLE**

# AGENDA ITEM SUMMARY

**SUBMITTER:** Lew Holloway, Community Development Director

**MEETING DATE:** July 6, 2023

**AGENDA SECTION:** NEW BUSINESS

**DEPARTMENT:** Community Development

**TITLE OF ITEM:** Ordinance to Authorize the Demolition of 201 Blue Ridge Street – *Lew Holloway, Community Development Director*

**SUGGESTED MOTION(S):**

I move City Council adopt An Ordinance of the City Of Hendersonville City Council to Order the City Code Enforcement Officer to Demolish 201 Blue Ridge Street, Hendersonville, NC as presented.

**SUMMARY:** The structure at 201 Blue Ridge Street has been significantly damaged by fire. The Code Enforcement Officer for the City of Hendersonville has declared the structure unsafe and has attempted to notify the property owner and ordered the structure to be demolished, however, no remedial action has been taken.

The structure is especially dangerous and prejudicial to the public health and public safety, because of the property's liability to fire, the bad condition of its walls, and the collapsed roof. The structure being unoccupied in its damaged condition is likely to contribute to blight, vagrancy, and a danger to children.

The damage to the roof and exterior walls of the structure leaves a significant portion of the interior of the structure exposed to elements which will cause a more rapid decay of the portions of the structure that are still standing.

The Community Development Department at this time is requesting the City Council adopt an Ordinance ordering the Code Enforcement Officer to have the structure at 201 Blue Ridge Street demolished.

**ATTACHMENTS:**

PROPOSED ORDINANCE

Ordinance #

**AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO ORDER THE CITY CODE ENFORCEMENT OFFICER TO DEMOLISH 201 BLUE RIDGE STREET, HENDERSONVILLE, NC**

IN RE: Patrick N. Robinson
201 Blue Ridge Street
PIN: 9578-35-2617

**WHEREAS,** Patrick N. Robinson (hereinafter the "Owner") is the owner of that real property located at 201 Blue Ridge Street, and being more particularly described in that deed recorded in Deed Book 3415 at page 485, Henderson County registry (hereinafter the "Property"); and

**WHEREAS,** On June 6, 2022, pursuant to Chapter 12; Article II; Sections 12-31 through 12-38 of the Code of Ordinances of the City of Hendersonville (hereinafter called the "Code"), and G.S. 160D-1119, the Code Enforcement Officer of the City of Hendersonville (hereinafter called the "Code Enforcement Officer") declared the structure located on the Property unsafe due to excessive fire damage and affixed a notice to the structure declaring the same; and

**WHEREAS**, after the Owner, failed to take prompt corrective action, the Code Enforcement Officer issued a Complaint and Notice of Hearing on the issue of condemnation; and

**WHEREAS**, the Code Enforcement Officer attempted to give the Owner notice by certified mail, and caused the Complaint and Notice of Hearing to be posted on the outside of the structure at least 10 days prior to the administrative hearing, and notice to be published in the Hendersonville Times-News at least one week prior to the administrative hearing; and

**WHEREAS**, on March 9, 2023, the Code Enforcement Officer held an administrative hearing at which neither the Owner nor anyone purporting to be his representative appeared; and

**WHEREAS**, following the administrative hearing, the Code Enforcement Officer issued an order finding that the condition of the structure located on the Property constitutes a safety hazard and renders it dangerous to life, health, or other property due to the damaged condition of the roof and walls and ordering the Owner to demolish the structure within 60 days; and

**WHEREAS,** the Owner, after having been given a reasonable opportunity to do so, has failed to comply with the lawful order of the Code Enforcement Officer to demolish the structure located on the premises within the time therein prescribed; and

**WHEREAS**, pursuant to G.S. 160A-193, the City of Hendersonville has the authority to summarily abate any condition that is dangerous or prejudicial to the public health or public safety and to assess the cost of such abatement to the Owner as a lien against the Property; and

**WHEREAS**, the Code Enforcement Officer has requested the City Council of the City of Hendersonville to adopt an Ordinance ordering the Code Enforcement Officer to demolish the residential structure located on the Property.

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

1. Pursuant to G.S. 160A-193, G.S. 160D-1125, and Chapter 12, Article II of the Code of Ordinances for the City of Hendersonville, The City Council hereby finds that the premises are especially dangerous and prejudicial to the public health and public safety, because of the property's liability to fire, the bad condition of its walls, and the collapsed roof.
2. The structure being unoccupied in its damaged condition is likely to contribute to blight, vagrancy, and a danger to children.
3. The damage to the roof and exterior walls of the structure leaves a significant portion of the interior of the structure exposed to elements which will cause a more rapid decay of the portions of the structure that are still standing.
4. The Code Enforcement Officer shall cause the structure on the Property, commonly known as 201 Blue Ridge St. Hendersonville, North Carolina, to be vacated, closed, and demolished 30 days from the date of this Ordinance.
5. The cost of the removal or demolition shall be a lien on the Property, and on any other real property owned by the Owner located within the City's planning and development regulation jurisdiction, pursuant to G.S. 160A-193, G.S. 160D-1125, and Sec. 12-37 of the Code of Ordinances for the City of Hendersonville.

Adopted this 6th day of July 2023.

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

_____
Jill Murray, City Clerk

Approved as to form:

_____
Angela S. Beeker, City Attorney

CITY COUNCIL:
BARBARA G. VOLK
Mayor
LYNDSEY SIMPSON
Mayor Pro Tem
DR. JENNIFER HENSLEY
DEBBIE O'NEAL-ROUNDTREE
JERRY A. SMITH JR., J.D.

# CITY OF HENDERSONVILLE

*The City of Four Seasons*

JOHN F. CONNET
City Manager
ANGELA S. BEEKER
City Attorney
JILL MURRAY
City Clerk

To: Honorable Mayor and Members of the City Council
From: Jill Murray, City Clerk
Subject: Board and Committee Vacancies for Consideration of Appointment on July 6, 2023
Date: June 30, 2023

Honorable Mayor and Members of City Council:

I wanted to give you an update on the Boards and Committees since your last meeting on June 1st.

The following Boards still have vacancies:

Board of Adjustment – 3 city vacancies – need to advertise
Business Advisory - 1 city vacancy – you will be appointing July 6
ESB – 1 city vacancy – need to advertise
Planning Board – 3 vacancies - you will be appointing on July 6

Under separate cover, I have attached information and applications regarding the vacancies for the **Planning Board** and the **Business Advisory Committee**. On June 1, 2023, City Council tabled the appointments of the Planning Board so that I could gather more information.

TERMS: The Planning Board shall consist of ten members, seven of whom shall be citizens and residents of the City of Hendersonville and be appointed by City Council. The other three shall be citizens and residents of the City's ETJ and shall be appointed by the Henderson County Board of Commissioners.

These members do not expire until ***December***, however, we have three vacancies that need to be filled so after reviewing everything and recreating an up-to-date roster (which I have attached), below is the information you need to make your decision.

## A. Planning Board

(We have 3 city resident vacancies ending in December. One in 2023, one in 2024 and one in 2025)

We received 4 applications as follows:

1. Margina Baxter - City
2. Beth Robertson - City
3. Donna Waters – City
4. Laura Flores – City (just got appointed to the BOA)

TERMS: The Business Advisory Committee shall consist of nine members appointed to staggered two-year terms. All members shall be individuals, principals or other significant representatives of businesses. Six (6) members shall be appointed by City Council; One (1) member shall be appointed by the Henderson County Board of Commissioners; One (1) member shall be appointed by the Henderson County Chamber of Commerce or its successor; One (1) member shall be appointed by the Henderson County Partnership for Economic Development.

**B. Business Advisory Board**

You recently reappointed Ken Gordon and Fair Waggoner and appointed Sarah Cosgrove to the Board. We still have one vacancy expiring June, 2023 that is filling the expired term of Judy Stroud.

We received 4 applications as follows:

1. Adam Justus – Owns Blue Ridge Beer Garden & HVL Pedal & Brews
2. Sara Whitley – Owns Complete Peace PLLC; Ikigio
3. Tom Makowski – Owns Eagle Var & Grill, Blue Ridge Rentals, The Main Event & Western Carolina Steakhouse
4. Richard Reagen - Appointed to the DEI Committee on June 1. Owned a logistics company for 35 years.

CITY OF HENDERSONVILLE

# AGENDA ITEM SUMMARY

**SUBMITTER:** John Connet **MEETING DATE:** 07/6/2023

**AGENDA SECTION:** CLOSED SESSION **DEPARTMENT:** Administration

**TITLE OF ITEM:** Closed Session – *John Connet, City Manager*

**SUGGESTED MOTION(S):**

I move that City Council enter closed session pursuant to NCGS § 143-318.11 (a) (1) and (3) to prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes and to consult with an attorney employed or retrained by the public body in order to preserve the attorney-client privilege between the attorney and the public body and to discuss the case of Hendersonville Holdings, LLC v. City of Hendersonville, Henderson County Superior Court File 23-CVS 600.

**SUMMARY:**

City staff is requesting a closed session to prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes and to consult with an attorney employed or retrained by the public body in order to preserve the attorney-client privilege between the attorney and the public body and to discuss the case of Hendersonville Holdings, LLC v. City of Hendersonville, Henderson County Superior Court File 23-CVS 600.

**BUDGET IMPACT:** $ TBD

**Is this expenditure approved in the current fiscal year budget? NA**

**If no, describe how it will be funded. NA**

**ATTACHMENTS:**

**None**