



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 Becker, 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	REL 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:		
		0002454189-2021-2021-0000		8500	JURSC10	TAX	\$36.80	\$0.00	\$36.80				
						LATE LIST FEE	\$3.68	\$0.00	\$3.68				
						TOTAL:			\$40.48				
											ABSTRACT TOTAL:		
		0002454189-2022-2022-0000		8501	JURSC10	TAX	\$40.48	\$0.00	\$40.48				
						LATE LIST FEE	\$4.05	\$0.00	\$4.05				
						TOTAL:			\$44.53				
											ABSTRACT TOTAL:		
OWNER TOTAL:			\$0							\$123.15			
DISTRICT TOTAL:			(\$21,936)							\$123.15			

NCPTS - Assessment		CARAELLIS		Search		Abstract #		Tax Year: 2023		Go	
Abstract		Registrars		Workflow		Admin		Options		Help	

NCPTS -> Assessment -> Abstract -> Bill Detail

PDF	Export	☒ Interest Recalc	☐ Release Bill	☐ Prorate Bill	☐ Print
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Bill #: 0002454189-2020-2020-0000-00 REG

Bill Status: UNPAID Returned: NA Mail: NA

Pay Bill Void Bill

DLQ-01/06/2021

Taxpayer Info

Owner Id	ID Number	COA Code	Confidential	Owner Name	DBA/Trade Name	Mailing Address	Ownership Type	Owner Order *	Ownership %	Group Number	Send Mail	Relief Eligibility
1003472	COUNTY-979944		NO	BEL ESPRIT LLC	No DBA/Trade Name Set	16 TOWNE PLACE DR STE110 HENDERSONVILLE NC 28792-5892					YES	NO
							PRIMARY					

Property Info

	Value (\$)	Adj Value (\$)
Real:	0	0
Deferred:	0	0
Use:	0	0
Personal:	7,076	0
Exempt:	0	0
Total Value:	7,076	0

Bill Info

Source Type/System: BUS PROPERTY TAX	
Abstract #:	0002454189-2020-2020-0000
Bill Date:	07/15/2020
Interest Begin Date:	01/06/2021
Bill Due Date:	09/01/2020
Created By:	LSMALL
Interest Freeze Date:	
Final Payment Date:	

Tax Amount

# Months	Description	Original Billed(\$)	Current Due (\$)
	Tax & Fees	81.81	81.81
	Interest	Apr/23	18.19
	Collection Fees		0.00
	Expenses		0.00
	Total	81.81	100.00

Property Details

Lender:	
Description:	BUSINESS EQUIPMENT
Situs:	16 TOWNE PLACE DR HENDERSONVILLE NC 28792

Payment History

Transaction Summary

Transaction Detail History

Flag	Link IDs	Agents	Notes/Documents	Change History	Owner History
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Flag:

DLQ ,

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
410-1300-554002-VE024	C/O-Vehicles (14-47, Marked)	-	60,500	-	60,500
410-1300-554002-VE024	C/O-Vehicles (14-53, Marked)	-	60,500	-	60,500
410-1300-554002-VE024	C/O-Vehicles (14-52, Marked)	-	60,500	-	60,500
410-1300-554002-VE024	C/O-Vehicles (14-55, Marked)	-	60,500	-	60,500
410-1300-554002-VE024	C/O-Vehicles (14-48, Marked)	-	60,500	-	60,500
410-1300-554002-VE024	C/O-Vehicles (14-49, Marked)	-	60,500	-	60,500
410-1300-554002-VE024	C/O-Vehicles (14-50, Un-marked)	-	40,000	-	40,000
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
410-1400-554001-VE024	C/O-Equipment (SCBAs)	-	325,000	-	325,000
410-1400-554002-VE024	C/O-Vehicles (14-61, SUV)	-	65,000	-	65,000
410-1400-554002-VE024	C/O-Vehicles (14-84, Truck)	-	40,000	-	40,000
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
410-1502-554002-VE024	C/O-Vehicles (Sustainability Vehicle)	-	50,000	-	50,000
410-1523-554002-VE024	C/O-Vehicles (16-03, 2500 Series)	-	63,000	-	63,000
410-1525-554002-VE024	C/O-Vehicles (14-30, 2500 Series)	-	53,000	-	53,000
410-1525-554002-VE024	C/O-Vehicles (14-58, 2500 Series)	-	53,000	-	53,000
410-1525-554001-VE024	C/O-Equipment (43-03 Ventrac)	-	100,000	-	100,000
410-1555-554001-VE024	C/O-Equipment (20-01 Dump)	-	150,000	-	150,000
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
460-7002-554002-VE024	C/O-Vehicles (All W&S Vehicles)	-	205,000	-	205,000
460-7002-554001-VE024	C/O-Equipment (42-06, Skid Steer)	-	100,000	-	100,000
460-7002-554001-VE024	C/O-Equipment (44-08 Excavator)	-	82,000	-	82,000
460-7002-554001-VE024	C/O-Equipment (LSL Crew Dump)	-	120,000	-	120,000
460-7002-554001-VE024	C/O-Equipment (LSL Crew Excavator)	-	82,000	-	82,000
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
468-7855-554002-VE024	C/O-Vehicles (14-18, 3500 Series+Refuse Bed)	-	75,000	-	75,000
468-7855-554001-VE024	C/O-Equipment (61-17 Leaf Machine)	-	125,000	-	125,000
468-7855-554001-VE024	C/O-Equipment (Waste Truck)	-	300,000	-	300,000
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; ~~except when such street has been declared a play street.~~

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. -~~Driving on play streets~~Reserved.

~~Whenever authorized signs are placed designating any street, or part thereof, as a play street pursuant to section 50-181, no person shall drive a vehicle upon any such designated street, except persons who have business or who reside within the designated area and all such persons shall exercise the greatest care when driving upon any play street.~~

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, ~~play streets~~, 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

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

[illegible]

A. Proclamation – Pollinators - Mayor Barbara G. Volk

PROCLAMATION
POLLINATOR MONTH
City of Hendersonville, North Carolina

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

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

Water & Sewer, 43.25%

General, 46.18%

Environmental Services, 3.33%

Stormwater, 2.67%

Parking, 2.08%

Main Street MSD, 1.35%

Health & Welfare, 0.55%

7th Avenue MSD, 0.32%

Water & Sewer CRF, 0.18%

Gov. Special Revenue, 0.09%

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

I WANT STABLE SERVICES

I WANT LOW DENSITY

I WANT LOW TAXES

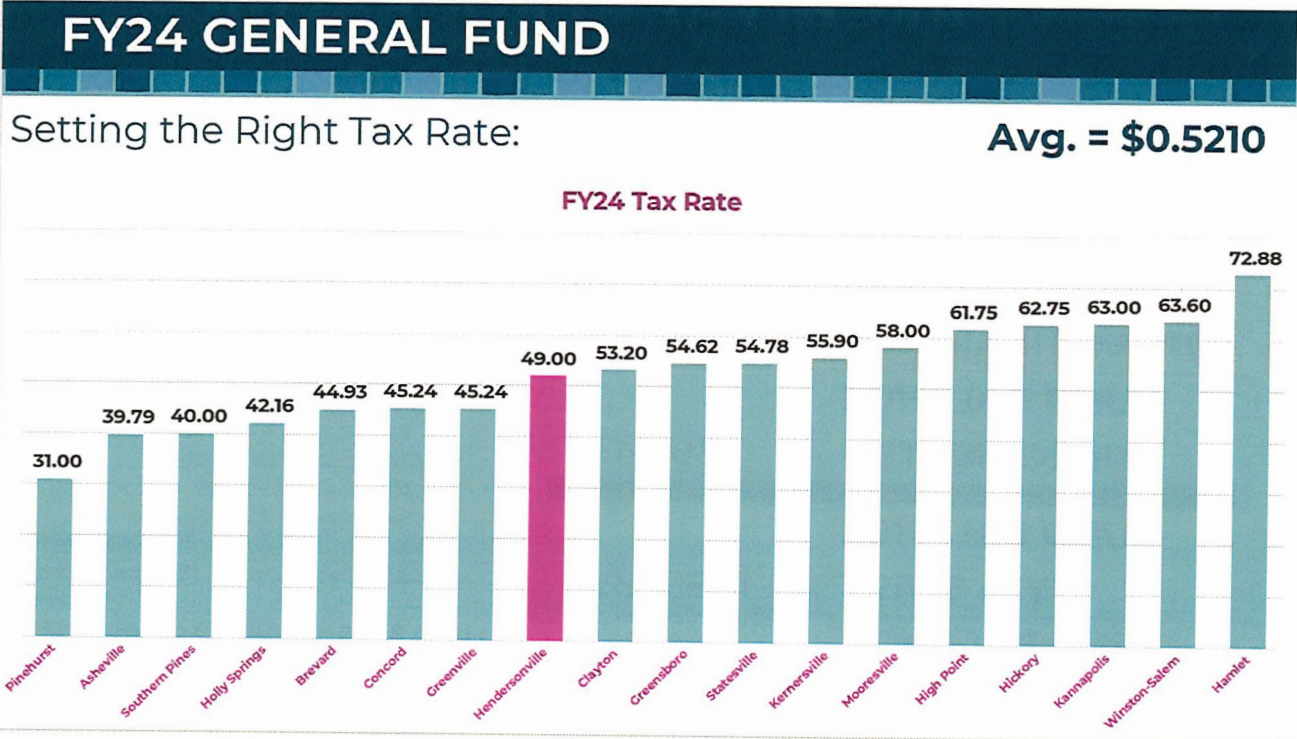
TAXES↑

DENSITY↑

DOES NOT EXIST

SERVICE CUTS

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 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
REVENUES	\$ (1,234,050)	• Rate = \$6.00/Month/ERU (+\$1.00)
EXPENDITURES	\$ 1,347,344	• Cap = \$300.00/Month/ERU (+\$50.00)
OTHER FINANCING	\$ 153,000	• Rate + Cap = +20.00%
FUND BALANCE		EXPENDITURES
APPROPRIATED	\$ (266,294)	• \$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
REVENUES	\$ (1,804,000)	• Rate = \$3.00 increase
EXPENDITURES	\$ 1,866,035	\$23.00/32gal
OTHER FINANCING	\$ -	\$25.00/96gal
FUND BALANCE		EXPENDITURES
APPROPRIATED	\$ (62,035)	• \$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
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Parking	1,168,920	1,030,500	138,420
Main Street MSD	757,592	626,830	130,762
Health & Welfare	306,025	306,025	-
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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		

Water & Sewer, 43.25%

General, 46.18%

Environmental, 3.33%

Stormwater, 2.67%

Parking, 2.08%

Main Street MSD, 1.35%

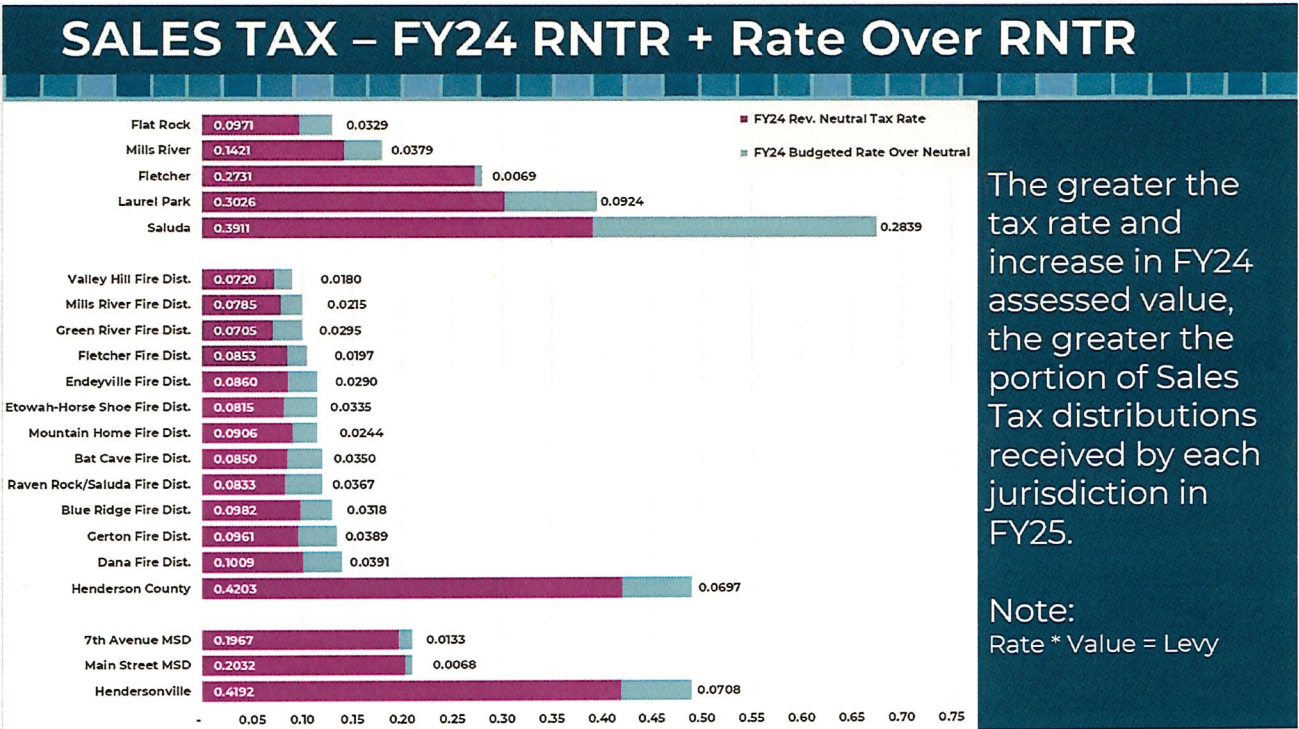
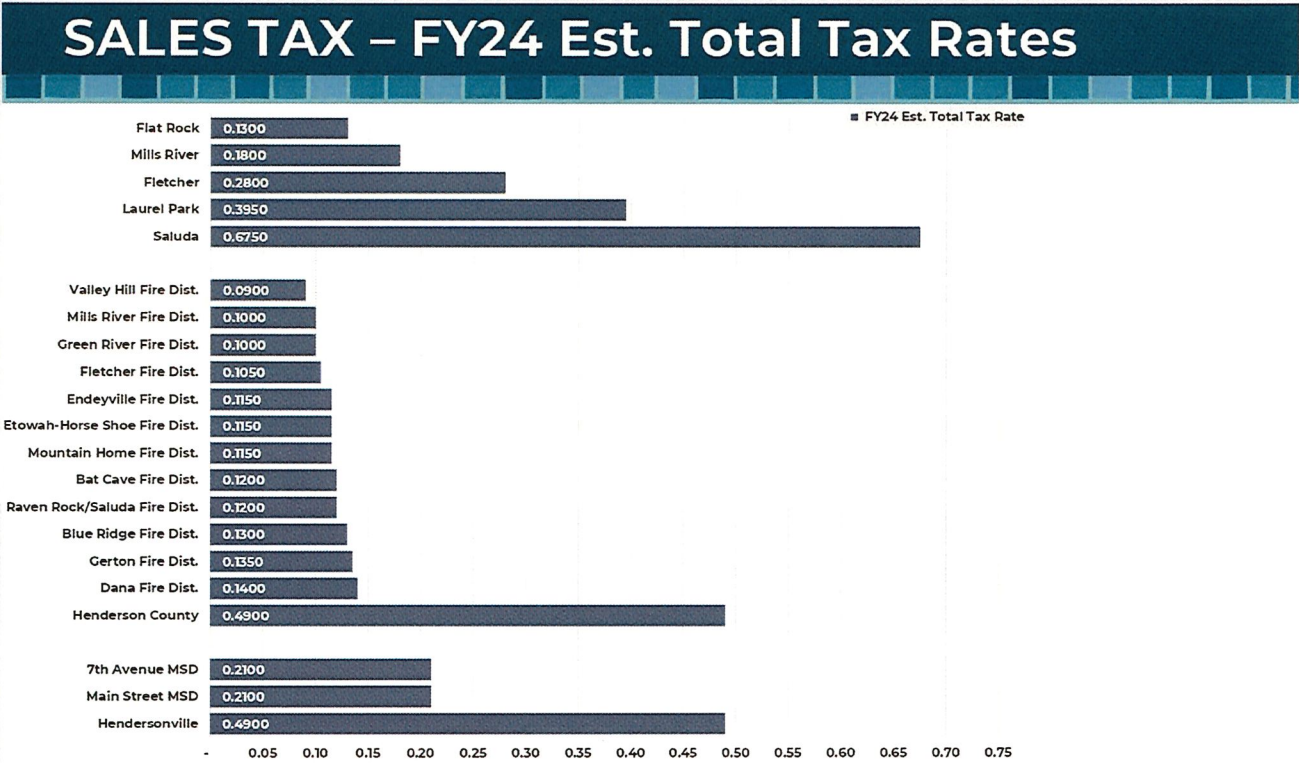
Health & Welfare, 0.55%

7th Avenue MSD, 0.32%

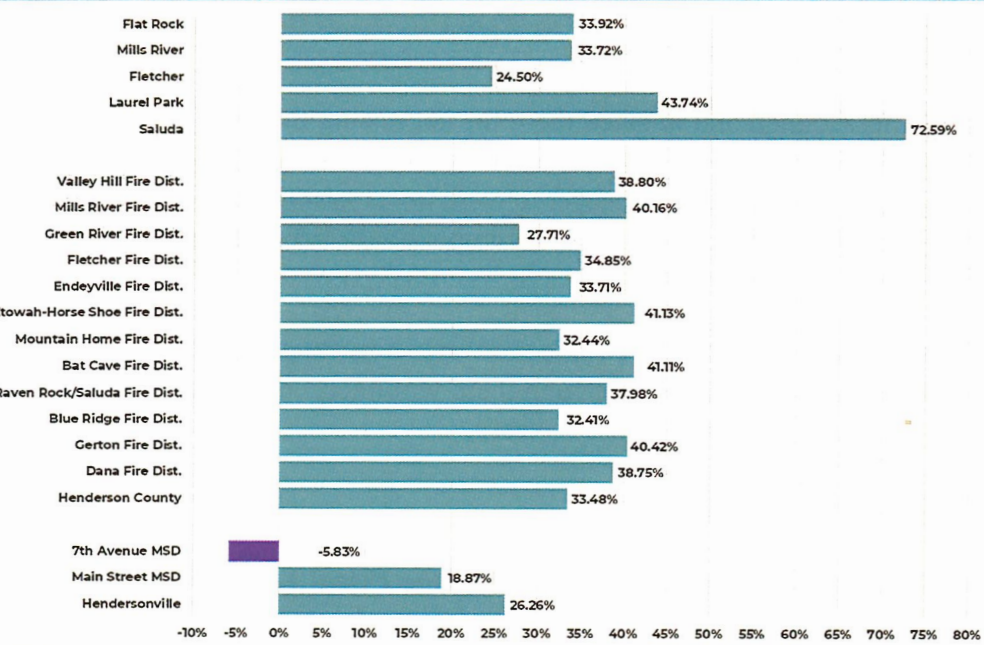
Water & Sewer CRF, 0.18%

Gov. Special Revenue, 0.09%

THANK YOU COUNCIL & STAFF



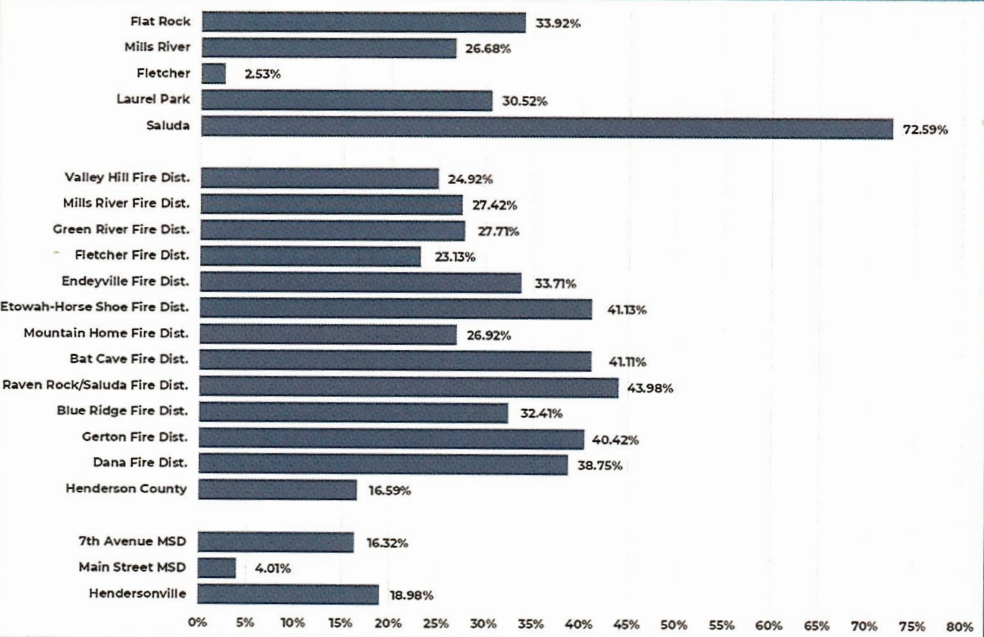
SALES TAX – FY24 % Change in Assessed Value



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)
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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 cents (\$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	Hold Corona, 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 Manager Connet said we will be mindful of having equal representation on this committee.

10. BOARDS/COMMITTEE APPOINTMENTS

ABC Board

Council Member Dr. Jennifer Hensley moved that City Council reappoint Ken Calhoun 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