



# MINUTES

July 6, 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 and Debbie O'Neal-Roundtree

Staff Present: City Manager John F. Connet, City Attorney Angela Beeker, City Clerk Jill Murray, Communications Manager Allison Justus, Budget Manager Adam Murr, and others

Late Arrival: Council Member Jerry Smith arrived late at 6:41 p.m.

### 1. CALL TO ORDER

Mayor Volk called the meeting to order at 5:46 p.m. and welcomed those in attendance. A quorum was established, although Jerry Smith was running late to the meeting.

### 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

Lyra Prickett of Hendersonville spoke against DEI;

Tom Appleby from Bat Cave, addressed City Council regarding paid parking and is against the kiosks.

Corrine Mandell of Hendersonville spoke against DEI;

Cher Silvius from Hendersonville spoke against DEI;

Clifford Meeks of Hendersonville spoke about getting passenger transportation in Hendersonville;

Ken Fitch spoke via Zoom electronic software regarding the retirement of Lee Smith. He congratulated Lee and wished him well.

### CONSIDERATION OF AGENDA

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

### 4. CONSENT AGENDA

*Council Member Lindsey Simpson 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**  
June 1, 2023

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

Resolution #R-23-73

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

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

**WHEREAS**, John Connet, City Manager of the City of Hendersonville has petitioned the City of Hendersonville City Council to close an unnamed 20' alley (between City Hall and N. Edwards Street), located between PINs 9568-88-0780, 9568-88-1652, 9568-88-0650 and 9568-88-0670; and

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

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

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

1. City Council herewith calls a public hearing to be held at 5:45 p.m. (or as soon thereafter as it may be heard) on the 9<sup>th</sup> day of August 2023, in the Assembly Room of the City Operations Center to consider closing an unnamed 20' alley (between City Hall and N. Edwards Street) located between PINs 9568-88-0780, 9568-88-1652, 9568-88-0650 and 9568-88-0670. Persons shall be allowed to attend and comment in person or via Zoom at the following address:

<https://zoom.us/join>

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

Digital public hearing comments may be submitted prior to the public hearing on the City's webpage at [www.hendersonvilenc.gov/public-comment](http://www.hendersonvilenc.gov/public-comment) or directly to the City Clerk, Jill Murray, [jmurray@hvlnc.gov](mailto:jmurray@hvlnc.gov), 160 6<sup>th</sup> 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 6<sup>th</sup> day of July, 2023.

/s/Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

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

Resolution #R-23-74

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

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

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

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

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

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

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

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

/s/Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

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

Resolution #R-23-75

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

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

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

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

IPC Structures, LLC: \$1,290,945 with selected bid alternate

Turner Murphy Company, Inc.: \$1,391,464 with selected bid alternate

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

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

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

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

Adopted by the City Council of the City of Hendersonville, North Carolina on this 6<sup>th</sup> day of July,

/s/Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

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

Resolution #R-23-76

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

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

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

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

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

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

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

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

/s/Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

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

TO MAYOR & COUNCIL			FISCAL YEAR 2023		
APPROVAL: July 06, 2023			FORM: 07062023-01		
BUDGET AMENDMENT					
FUND 010					
ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
010-0000-400101	Ad Valorem Taxes	10,668,868	220,000	-	10,888,868
010-0000-400102	Prior Years Ad Valorem Taxes	54,800	55,000	-	109,800
010-0000-400150	Tax Interest	3,540	17,500	-	21,040
010-0000-400502	Beer & Wine License	2,000	1,720	-	3,720
010-0000-410001	Local Sales & Use Tax	5,578,267	85,000	-	5,663,267
010-0000-410200	Court Fees - Police	2,605	2,925	-	5,530
010-0000-410250	Beer & Wine Excise Tax	60,000	12,330	-	72,330
010-0000-420003	SRO Reimbursement	249,920	28,880	-	278,800
010-0000-420050	Grant Revenue	3,860	2,540	-	6,400
010-0000-430001	Miscellaneous Sales	100	-	100	-
010-0000-430003	Rental Income-Non Taxable	32,500	-	32,500	-
010-0000-430006	Boyd Park Golf Revenues	17,500	-	720	16,780
010-0000-430008	Facility Rental Income	15,000	16,375	-	31,375
010-0000-430009	Cemetery Lot Revenue	20,000	4,500	-	24,500
010-0000-430101	Paving Cut Repairs Revenue	-	300,000	-	300,000
010-0000-440001	Vendor Permits	1,000	-	1,000	-
010-0000-440005	Fire Permits & Fees	8,000	1,000	-	9,000
010-0000-440007	Special Permits Precious Metal	250	110	-	360
010-0000-440008	Zoning Permits	10,000	9,410	-	19,410
010-0000-440009	Conditional Use Fees - Zoning	1,000	-	850	150
010-0000-440010	Special Project Fees Planning	15,000	3,895	-	18,895
010-0000-440011	Demo Fees	120	60	-	180
010-0000-440012	Street Sidewlk Encroachment	1,750	1,000	-	2,750
010-0000-440015	Payment In Lieu Of Sidewalk	36,300	21,720	-	58,020
010-0000-450001	Interest Income	175,000	500	-	175,500
010-0000-450002	Powell Bill Interest	2,140	1,950	-	4,090
010-0000-450099	Market Adjustment	53,000	170	-	53,170
010-0000-460001	Miscellaneous Income	5,000	4,750	-	9,750
010-0000-460002	Miscellaneous Income Police	1,000	2,330	-	3,330
010-0000-460003	Misc Income - Public Works	302,000	-	288,245	13,755
010-0000-470030	Insurance Proceeds	32,405	15,290	-	47,695
010-0000-470050	Sale Of Capital Assets	74,650	12,570	-	87,220
010-0000-598901	Transfer Out (to 301 #G2000)	3,399,905	-	126,917	3,272,988
010-0000-598901	Transfer Out (to 410 #10919)	3,272,988	200,000	-	3,472,988
010-0000-598901	Transfer Out (to 410 #21019)	3,472,988	25,000	-	3,497,988
010-1001-519200	Contract Services	7,000	100	-	7,100
010-1002-501010	Salaries - Overtime	5,000	500	-	5,500
010-1002-502005	Group Med & Life Ins	48,551	400	-	48,951
010-1002-521100	Uniforms	500	350	-	850
010-1002-523004	Cellphone Stipend	-	420	-	420
010-1002-531220	Travel	-	1,060	-	1,060
010-1002-534000	Non-Capital Equipment	37,150	118,970	-	156,120
010-1005-502091	Worker's Comp Insurance	92	10	-	102
010-1005-519200	Contract Services	32,500	55,660	-	88,160
010-1005-521010	Office Supplies	1,000	10	-	1,010
010-1005-531215	Dues & Subscriptions	8,000	2,700	-	10,700
010-1008-501010	Salaries - Overtime	1,000	300	-	1,300
010-1008-502091	Worker's Comp Insurance	315	20	-	335
010-1008-519104	Prof Services-Engring	-	50	-	50

010-1008-524030	R & M - Trucks	-	80	-	80
010-1008-531100	Fuel	-	140	-	140
010-1008-531215	Dues & Subscriptions	800	50	-	850
010-1008-531280	Employee Events	280	-	280	-
010-1010-501010	Salaries - Overtime	-	180	-	180
010-1010-502005	Group Med & Life Ins	2,333	200	-	2,533
010-1010-502050	Retirement Expense	2,534	340	-	2,874
010-1014-502091	Worker's Comp Insurance	2,459	100	-	2,559
010-1014-524020	R & M - Equipment	200	-	200	-
010-1014-524030	R & M - Trucks	2,500	50	-	2,550
010-1014-531200	Postage	100	30	-	130
010-1014-531205	Advertising	-	500	-	500
010-1014-531220	Travel	-	250	-	250
010-1200-501010	Salaries - Overtime	1,500	1,700	-	3,200
010-1200-524030	R & M - Trucks	2,850	700	-	3,550
010-1200-531210	Permits, License And Fees	100	20	-	120
010-1200-531220	Travel	6,000	-	3,000	3,000
010-1200-531225	Training	8,500	-	5,000	3,500
010-1300-501001	Salaries - Regular	3,407,034	51,000	-	3,458,034
010-1300-501002	Time/Temp/Aux	90,562	-	22,900	67,662
010-1300-502001	Fica Tax Expense	281,045	4,600	-	285,645
010-1300-502091	Worker's Comp Insurance	64,645	5,000	-	69,645
010-1300-519104	Prof Services-Engring	-	35	-	35
010-1300-521100	Uniforms	92,220	-	1,560	90,660
010-1300-531100	Fuel	123,000	10,000	-	133,000
010-1300-531220	Travel	-	100	-	100
010-1400-501001	Salaries - Regular	2,216,178	33,500	-	2,249,678
010-1400-501002	Salaries - Board/ Part Time/Temp/Aux	42,000	7,200	-	49,200
010-1400-501010	Salaries - Overtime	117,000	30,000	-	147,000
010-1400-502001	Fica Tax Expense	185,370	9,700	-	195,070
010-1400-502005	Group Med & Life Ins	376,065	36,200	-	412,265
010-1400-502050	Retirement Expense	291,471	7,800	-	299,271
010-1400-502091	Worker's Comp Insurance	49,540	3,500	-	53,040
010-1400-519210	Rural Fire Department Contracts	-	11,050	-	11,050
010-1400-531100	Fuel	48,904	19,500	-	68,404
010-1400-531220	Travel	-	110	-	110
010-1400-531225	Training	52,000	-	20,000	32,000
010-1400-532400	Miscellaneous	7,500	220	-	7,720
010-1400-534000	Non-Capital Equipment	25,500	17,500	-	43,000
010-1400-554001	C/O - Equipment/Other Than Vehicles	58,000	500	-	58,500
010-1502-501001	Salaries - Regular	300,923	7,250	-	308,173
010-1502-501010	Salaries - Overtime	1,000	350	-	1,350
010-1502-501011	Salaries - Holiday Pay	-	150	-	150
010-1502-501025	Salaries- Uniform/Taxable	575	70	-	645
010-1502-502005	Group Med & Life Ins	46,700	700	-	47,400
010-1502-519104	Prof Services-Engring	-	32	-	32
010-1502-524010	R & M - Bulidings	-	140	-	140
010-1502-531100	Fuel	6,500	1,000	-	7,500
010-1502-531220	Travel	4,000	-	1,500	2,500
010-1502-531225	Training	4,000	-	1,000	3,000
010-1502-532400	Miscellaneous	2,000	50	-	2,050
010-1521-501001	Salaries - Regular	206,329	-	7,600	198,729
010-1521-501012	Salaries- Standby	-	50	-	50
010-1521-502005	Group Med & Life Ins	34,543	2,600	-	37,143
010-1521-502091	Worker's Comp Insurance	6,585	100	-	6,685

010-1521-519200	Contract Services	-	80	-	80
010-1521-531220	Travel	5,000	-	2,000	3,000
010-1521-552001	Capital Outlay - Buildings	7,000	-	7,000	-
010-1521-554001	C/O- Equipment/Other Than Vehicles	82,910	10,400	-	93,310
010-1521-554002	C/O - Vehicles	41,000	12,700	-	53,700
010-1523-502091	Worker's Comp Insurance	4,984	250	-	5,234
010-1523-531210	Permits, License And Fees	200	50	-	250
010-1523-531220	Travel	2,000	-	1,500	500
010-1523-531225	Training	3,000	-	1,500	1,500
010-1523-531700	Liab & Prop Ins & Bonds	3,168	300	-	3,468
010-1525-501001	Salaries - Regular	377,161	-	40,000	337,161
010-1525-501011	Salaries - Holiday Pay	-	930	-	930
010-1525-501025	Salaries- Uniform/Taxable	1,500	900	-	2,400
010-1525-502091	Worker's Comp Insurance	7,658	100	-	7,758
010-1525-521001	Supplies & Materials	33,000	100	-	33,100
010-1525-521100	Uniforms	5,250	500	-	5,750
010-1525-524020	R & M - Equipment	13,000	-	1,000	12,000
010-1525-531100	Fuel	21,750	2,500	-	24,250
010-1525-531220	Travel	2,000	-	1,000	1,000
010-1525-531700	Liab & Prop Ins & Bonds	8,913	100	-	9,013
010-1525-534000	Non-Capital Equipment	-	21,000	-	21,000
010-1525-554001	Capital Outlay - Equipm	43,200	-	7,500	35,700
010-1555-501001	Salaries - Regular	494,510	11,350	-	505,860
010-1555-502001	Fica Tax Expense	36,767	3,000	-	39,767
010-1555-502005	Group Med & Life Ins	90,965	3,000	-	93,965
010-1555-502050	Retirement Expense	58,347	2,000	-	60,347
010-1555-502091	Worker's Comp Insurance	4,396	100	-	4,496
010-1555-519104	Prof Services-Engring	11,820	5,600	-	17,420
010-1555-524020	R & M - Equipment	18,000	3,700	-	21,700
010-1555-531100	Fuel	26,750	1,100	-	27,850
010-1555-531220	Travel	2,000	-	1,500	500
010-1555-531225	Training	4,700	3,700	-	8,400
010-1555-531700	Liab & Prop Ins & Bonds	16,245	5,300	-	21,545
010-1555-554001	C/O- Equipment/Other Than Vehicles	131,100	-	4,900	126,200
010-1560-501011	Salaries- Holiday Pay	-	650	-	650
010-1560-501012	Salaries- Standby	16,000	910	-	16,910
010-1560-531100	Fuel	5,250	250	-	5,500
010-1560-531215	Dues & Subscriptions	2,000	-	1,000	1,000
010-1560-531220	Travel	3,500	-	3,500	-
FUND 010	TOTAL REVENUES	17,427,575	821,525	323,415	17,925,685
	TOTAL EXPENDITURES	20,043,378	760,467	262,357	13,795,512
An end of year FY23 budget amendment to prepare for the annual audit process.					
The City Manager and City Clerk certify budget ordinance amendment 07062023-01 was approved by City Council on July 06, 2023.					

TO MAYOR & COUNCIL  
APPROVAL: July 06, 2023

FISCAL YEAR 2023  
FORM: 07062023-02

BUDGET AMENDMENT

FUND 020					
ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
020-0000-400101	Ad Valorem Taxes	275,040	3,700	-	278,740
020-0000-400102	Prior Years Ad Valorem Taxes	1,000	600	-	1,600
020-0000-440001	Vendor Permits	10,750	2,000	-	12,750
020-0000-450001	Interest Income	100	1,800	-	1,900
020-0000-450099	Market Adjustment	1,040	800	-	1,840
020-0000-460040	Special Events- Nontaxable	5,000	4,000	-	9,000
020-2102-501001	Salaries - Regular	219,441	10,000	-	229,441
020-2102-501002	Time/Temp/Aux	120	220	-	340
020-2102-501012	Salaries - Standby Pay	480	2,600	-	3,080
020-2102-501025	Salaries - Uniform/Taxable	270	80	-	350
FUND 020	TOTAL REVENUES	292,930	12,900	-	305,830
	TOTAL EXPENDITURES	220,411	12,900	-	233,211
An end of year FY23 budget amendment to prepare for the annual audit process.					
The City Manager and City Clerk certify budget ordinance amendment 07062023-02 was approved by City Council on July 06, 2023.					

TO MAYOR & COUNCIL  
APPROVAL: July 06, 2023

FISCAL YEAR 2023  
FORM: 07062023-03

BUDGET AMENDMENT

FUND 021					
ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
021-0000-400101	Ad Valorem Taxes	40,003	1,000	-	41,003
021-0000-400110	Ad Valorem Taxes - DMV	800	2,000	-	2,800
021-0000-450001	Interest Income	123	1,000	-	1,123
021-2102-501001	Salaries- Regular	61,201	3,800	-	65,001
021-2102-501025	Salaries - Uniform/Taxab	270	200	-	470
FUND 021	TOTAL REVENUES	40,926	4,000	-	44,926
	TOTAL EXPENDITURES	61,471	4,000	-	65,471
An end of year FY23 budget amendment to prepare for the annual audit process.					
The City Manager and City Clerk certify budget ordinance amendment 07062023-03 was approved by City Council on July 06, 2023.					

TO MAYOR & COUNCIL			FISCAL YEAR 2023		
APPROVAL: July 06, 2023			FORM: 07062023-04		
BUDGET AMENDMENT					
FUND 060					
ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
060-0000-430001	Miscellaneous Sales	1,200	-	1,200	-
060-0000-430003	Rental Income	-	3,800	-	3,800
060-0000-430501	Water Sales-General	15,060,000	-	53,500	15,006,500
060-0000-430502	Water Sales Miscellaneous	2,400	800	-	3,200
060-0000-430505	Water Sales Uncollectible	-	110	-	110
060-0000-430702	Sewer Septic Tank Disposal	160,000	88,000	-	248,000
060-0000-431001	Lease Revenue	-	28,000	-	28,000
060-0000-444102	W&S Inspection Line Fees	48,200	22,000	-	70,200
060-0000-444201	Water Sewer Late Fees	150,000	41,000	-	191,000
060-0000-444202	Disconnect/Reconnect Admin Fee	70,500	48,000	-	118,500
060-0000-444900	Brightwater Fees	30,300	-	6,300	24,000
060-0000-445001	Sewer Permits & Fees	2,500	7,000	-	9,500
060-0000-445201	Utility Billing Service Charges	66,300	26,000	-	92,300
060-0000-445202	Sewer Surcharges	81,850	54,000	-	135,850
060-0000-445401	Water Tap Fees	315,000	-	10,000	305,000
060-0000-445402	Sewer Tap Fees	67,500	-	12,000	55,500
060-0000-450001	Interest Income	8,500	145,000	-	153,500
060-0000-450099	Market Adjustment	-	60,000	-	60,000
060-0000-460001	Miscellaneous Income	15,000	3,000	-	18,000
060-0000-460110	Reimbursements	-	1,500	-	1,500
060-0000-460120	Refunds	-	8,500	-	8,500
060-0000-460130	Warranty Fees	11,200	5,000	-	16,200
060-0000-470030	Insurance Proceeds	-	6,000	-	6,000
060-1008-501001	Salaries - Regular	797,958	-	90,000	707,958
060-1014-501001	Salaries - Regular	709,611	-	20,000	689,611
060-1521-501001	Salaries - Regular	125,271	-	5,000	120,271
060-1523-501001	Salaries - Regular	99,861	-	12,000	87,861
060-7002-501001	Salaries - Regular	1,230,560	-	12,000	1,218,560
060-7032-501001	Salaries- Regular	406,060	-	12,000	394,060
060-7132-501001	Salaries - Regular	200,000	-	6,000	194,000
060-7055-501001	Salaries - Regular	1,200,865	-	100,000	1,100,865
060-7155-501001	Salaries - Regular	571,115	-	29,000	542,115
060-1008-501002	Aux	60,916	-	15,000	45,916
060-1014-502001	Fica Tax Expense	54,285	-	1,800	52,485
060-7002-502001	Fica Tax Expense	95,344	-	1,800	93,544
060-1008-502050	Retirement Expense	101,384	-	6,750	94,634
060-1010-501001	Salaries - Regular	170,551	20,000	-	190,551
060-7035-501001	Salaries - Regular	639,851	40,000	-	679,851
060-7050-501001	Salaries - Regular	442,493	20,600	-	463,093
060-7135-501001	Salaries - Regular	481,524	45,000	-	526,524
060-7150-501001	Salaries - Regular	142,175	7,500	-	149,675
060-1008-501010	Salaries - Overtime	5,250	2,800	-	8,050
060-1014-501010	Salaries - Overtime	5,000	2,400	-	7,400
060-7002-501010	Salaries - Overtime	7,750	3,500	-	11,250
060-7050-501010	Salaries - Overtime	1,200	4,070	-	5,270
060-7055-501010	Salaries - Overtime	72,000	42,000	-	114,000
060-7132-501010	Salaries - Overtime	8,000	100	-	8,100
060-7135-501010	Salaries - Overtime	4,500	6,100	-	10,600
060-7150-501010	Salaries - Overtime	4,750	2,000	-	6,750

060-7155-501010	Salaries - Overtime	45,000	11,000	-	56,000
060-1523-501011	Salaries - Holiday Pay	-	400	-	400
060-1521-501012	Salaries - Standby Pay	-	30	-	30
060-1523-501012	Salaries - Standby Pay	-	2,200	-	2,200
060-7032-501012	Salaries - Standby Pay	8,000	5,000	-	13,000
060-7050-501012	Salaries - Standby Pay	7,500	3,200	-	10,700
060-7055-501012	Salaries - Standby Pay	8,000	3,500	-	11,500
060-7132-501012	Salaries - Standby Pay	5,000	1,200	-	6,200
060-7150-501012	Salaries - Standby Pay	3,500	2,000	-	5,500
060-7155-501012	Salaries - Standby Pay	3,750	2,000	-	5,750
060-7002-501014	Salaries - Shift Diff	-	500	-	500
060-7132-501014	Salaries - Shift Diff	-	200	-	200
060-7032-501014	Salaries - Shift Diff	-	350	-	350
060-7035-501025	Salaries - Uniform/Taxab	1,350	1,200	-	2,550
060-7055-501025	Salaries - Uniform/Taxab	4,000	300	-	4,300
060-7002-501050	Salaries - CM Ins Prem	-	4,000	-	4,000
060-1010-502001	Fica Tax Expense	12,701	2,000	-	14,701
060-7035-505001	Fica Tax Expense	51,566	2,000	-	53,566
060-7050-502001	Fica Tax Expense	35,108	1,400	-	36,508
060-7135-502001	Fica Tax Expense	38,790	1,900	-	40,690
060-7150-502001	Fica Tax Expense	11,496	300	-	11,796
060-1010-502005	Group Med & Life Ins	16,282	5,200	-	21,482
060-1521-502005	Group Med & Life Ins	20,244	2,200	-	22,444
060-7002-502005	Group Med & Life Ins	132,096	6,700	-	138,796
060-7035-502005	Group Med & Life Ins	103,221	18,000	-	121,221
060-7135-502005	Group Med & Life Ins	77,370	7,500	-	84,870
060-7155-502005	Group Med & Life Ins	105,580	2,500	-	108,080
060-1010-502050	Retirement Expense	19,330	3,600	-	22,930
060-1521-502050	Retirement Expense	15,208	400	-	15,608
060-7035-502050	Retirement Expense	81,832	4,700	-	86,532
060-7050-502050	Retirement Expense	55,714	3,700	-	59,414
060-7135-502050	Retirement Expense	61,557	2,800	-	64,357
060-7150-502050	Retirement Expense	18,243	1,600	-	19,843
060-7155-502050	Retirement Expense	69,333	2,000	-	71,333
060-7032-502055	Retiree Insurance	16,434	10,000	-	26,434
060-7035-502055	Retiree Insurance	12,264	9,900	-	22,164
060-7050-502055	Retiree Insurance	16,434	5,670	-	22,104
060-7035-502091	Worker's Comp Ins	34,596	1,000	-	35,596
060-7132-502091	Worker's Comp Ins	3,083	150	-	3,233
060-7155-502091	Worker's Comp Ins	1,518	500	-	2,018
060-1008-531245	Cash Short/Over	500	3,200	-	3,700
060-1014-523004	Cellphone Stipend	-	300	-	300
060-7002-519200	Contract Services	251,200	117,790	-	368,990
060-7002-531220	Travel	-	350	-	350
060-7002-531265	Drug Testing	1,500	300	-	1,800
060-7002-534000	Non-Capital Equipment	29,575	142,600	-	172,175
060-7055-524030	R & M - Trucks	45,000	20,000	-	65,000
060-7055-524060	R & M - Lines	320,000	113,000	-	433,000

060-7055-531100	Fuel	71,425	6,000	-	77,425
060-7055-531215	Dues & Subscriptions	9,200	300	-	9,500
060-7055-531700	Liab & Prop Ins & Bonds	55,000	7,500	-	62,500
060-7055-532400	Miscellaneous	400	100	-	500
060-7132-523001	Utilities - Electricity	-	150	-	150
060-7132-524030	R&M Trucks	-	500	-	500
060-7135-519104	Prof Services-Engring	-	300	-	300
060-7135-531220	Travel	-	300	-	300
060-7135-531700	Liab & Prop Ins & Bonds	22,000	200	-	22,200
060-7155-521001	Supplies & Materials	100,000	18,000	-	118,000
060-7155-524060	R & M - Lines	60,000	7,000	-	67,000
060-7155-531100	Fuel	45,675	5,000	-	50,675
060-7155-531210	Permits, License And Fees	4,500	4,000	-	8,500
060-7155-531700	Liab & Prop Ins & Bonds	25,808	300	-	26,108
FUND 060	TOTAL REVENUES	2,759,551	547,710	83,000	3,147,361
	TOTAL EXPENDITURES	8,043,454	776,060	311,350	8,635,164

As per of your FY23 budget amendment to prepare for the annual audit process

TO MAYOR & COUNCIL  
APPROVAL: July 06, 2023

FISCAL YEAR 2023  
FORM: 07062023-05

BUDGET AMENDMENT					
FUND 064					
ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
064-0000-430011	Parking Garage Revenues	-	17,000	-	17,000
064-0000-450011	Interest Income	-	3,500	-	3,500
064-0000-460020	Parking Violations	9,400	65,000	-	74,400
064-1002-523001	Utilities- Electric	-	2,400	-	2,400
064-7455-501010	Salaries- Overtime	-	1,500	-	1,500
064-7455-519200	Contract Services	11,892	53,500	-	65,392
064-7455-531210	Permits, License and Fees	16,100	7,500	-	23,600
064-7455-531260	Credit Card Processing Fees	-	23,000	-	23,000
064-7455-554001	C/O Equipment Other than Vehicles	407,000	-	2,400	404,600
FUND 064	TOTAL REVENUES	9,400	85,500	-	94,900
	TOTAL EXPENDITURES	11,892	87,900	2,400	66,892
An end of year FY23 budget amendment to prepare for the annual audit process.					
The City Manager and City Clerk certify budget ordinance amendment 07062023-05 was approved by City Council on July 06, 2023.					

TO MAYOR & COUNCIL  
APPROVAL: July 06, 2023

FISCAL YEAR 2023  
FORM: 07062023-06

BUDGET AMENDMENT					
FUND 067					
ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
067-0000-430901	Stormwater Fee	1,157,000	-	115,000	1,042,000
067-7555-501001	Salaries - Regular	583,553	-	115,000	468,553
067-7555-502005	Group Med & Life Ins	85,714	-	3,715	81,999
067-7555-501002	Salaries - Board/ Part Time/Temp/Aux	710	1,500	-	2,210
067-7555-501010	Salaries - Overtime	6,160	100	-	6,260
067-7555-501011	Salaries - Holiday Pay	460	50	-	510
067-7555-501012	Salaries - Standby Pay	1,500	1,700	-	3,200
067-7555-501014	Salaries - Shift Diff	-	15	-	15
067-7555-501025	Salaries - Uniform/Taxab	750	350	-	1,100
FUND 067	TOTAL REVENUES	1,157,000	-	115,000	1,042,000
	TOTAL EXPENDITURES	678,847	3,715	118,715	563,847
An end of year FY23 budget amendment to prepare for the annual audit process.					
The City Manager and City Clerk certify budget ordinance amendment 07062023-06 was approved by City Council on July 06, 2023.					

TO MAYOR & COUNCIL  
APPROVAL: July 06, 2023

FISCAL YEAR 2023  
FORM: 07062023-07

BUDGET AMENDMENT					
FUND 068					
ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
068-0000-430801	Waste Disposal Fees-Residential	1,358,000	-	8,900	1,349,100
068-0000-430802	Waste Disposal Fees-Commercial	201,700	20,000	-	221,700
068-0000-430803	Solid Waste Disposal Tax	3,010	6,500	-	9,510
068-0000-450099	Market Adjustment	-	650	-	650
068-0000-460001	Miscellaneous Income	1,800	-	1,800	-
068-7855-501011	Salaries - Holiday Pay	24,945	-	6,240	18,705
068-1521-501010	Salaries - Overtime	-	2,600	-	2,600
068-1521-501011	Salaries - Holiday Pay	-	30	-	30
068-1521-501012	Salaries - Standby Pay	-	10	-	10
068-1521-501025	Salaries - Uniform/Taxab	-	100	-	100
068-1521-502005	Group Med & Life Ins	5,954	400	-	
068-1521-502091	Worker's Comp Ins	1,030	500	-	1,530
068-7855-501001	Salaries - Regular	656,403	16,000	-	672,403
068-7855-501025	Salaries - Uniform/Taxab	2,600	350	-	2,950
068-7855-505001	Fica Tax Expense	50,364	1,100	-	51,464
068-7855-502091	Worker's Comp Ins	24,691	1,600	-	26,291
FUND 068	TOTAL REVENUES	1,564,510	27,150	10,700	1,580,960
	TOTAL EXPENDITURES	765,986	22,690	6,240	776,081
An end of year FY23 budget amendment to prepare for the annual audit process.					
The City Manager and City Clerk certify budget ordinance amendment 07062023-07 was approved by City Council on July 06, 2023.					

TO MAYOR & COUNCIL  
APPROVAL: July 06, 2023

FISCAL YEAR 2023  
FORM: 07062023-08

BUDGET AMENDMENT

FUND 310					
ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
301-0000-420050	Grant Revenue	226,442	-	90,036	136,406
301-0000-470100	Transfer In	627,547	-	126,917	500,630
301-1400-501001	Salaries - Regular	581,211	-	189,818	391,393
301-1400-501002	Salaries - Board/ Part Time/Temp/Aux	-	383	-	383
301-1400-501010	Salaries - Overtime	-	39,138	-	39,138
301-1400-501011	Salaries - Holiday Pay	28,808	-	10,185	18,623
301-1400-501013	Salaries - Halftime	-	17,824	-	17,824
301-1400-502001	Fica Tax Expense	46,666	-	11,572	35,094
301-1400-502005	Group Med & Life Ins	106,671	-	28,166	78,505
301-1400-502050	Retirement Expense	74,056	-	17,980	56,076
301-1400-502091	Worker's Comp	16,577	-	16,577	-
FUND 310	TOTAL REVENUES	853,989	-	216,953	637,036
	TOTAL EXPENDITURES	853,989	57,345	274,298	637,036
An end of year FY23 budget amendment to prepare for the annual audit process.					
The City Manager and City Clerk certify budget ordinance amendment 07062023-08 was approved by City Council on July 06, 2023.					

TO MAYOR & COUNCIL  
APPROVAL: July 06, 2023

FISCAL YEAR 2023  
FORM: 07062023-09

BUDGET AMENDMENT

FUND 410					
ACCOUNT NUMBER	DESCRIPTION OF ACCOUNT	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
410-0000-470100-19019	Transfer In (from 010)	265,529	200,000	-	465,529
410-0000-420050-19019	Grant Revenue (Stormwater)	70,000	-	-	70,000
410-0000-470010-19019	Bond Proceeds (2022 IFC)	13,691,943	-	-	13,691,943
410-1002-550102-19019	Capital Outlay - Services and Fees	-	-	-	-
410-1002-550103-19019	Capital Outlay - CIP	14,027,472	200,000	-	14,227,472
FUND 410 (Fire Station #1)	TOTAL REVENUES	14,027,472	200,000	-	14,227,472
	TOTAL EXPENDITURES	14,027,472	200,000	-	14,227,472
410-0000-470010-19019	Bond Proceeds (2022 IFC)	652,204	-	-	652,204
410-1002-550103-19019	Capital Outlay - CIP	652,204	-	-	652,204
FUND 410 (Temp. Fire Station)	TOTAL REVENUES	652,204	-	-	652,204
	TOTAL EXPENDITURES	652,204	-	-	652,204
410-0000-460090-21019	Contribution (Henderson County)	100,000	-	-	100,000
410-0000-460090-21019	Contribution (Other Agencies)	17,500	-	-	17,500
410-0000-470010-21019	Bond Proceeds (2022 IFC)	2,157,853	-	-	2,157,853
410-0000-470100-21019	Transfer In (From 010)	-	25,000	-	25,000
410-1002-550103-21019	Capital Outlay - CIP	2,275,353	25,000	-	2,300,353
FUND 410 (Edwards Park)	TOTAL REVENUES	2,275,353	25,000	-	2,300,353
	TOTAL EXPENDITURES	2,275,353	25,000	-	2,300,353
410-0000-470010-19021	Bond Proceeds (2022 IFC)	1,500,000	-	-	1,500,000
410-1400-550103-19021	Capital Outlay - CIP	1,500,000	-	-	1,500,000
FUND 410 (Replace HFD Ladder)	TOTAL REVENUES	1,500,000	-	-	1,500,000
	TOTAL EXPENDITURES	1,500,000	-	-	1,500,000
410-0000-470010-19020	Bond Proceeds (2022 IFC)	800,000	-	-	800,000
410-1400-550103-19020	Capital Outlay - CIP	800,000	-	-	800,000
FUND 410 (Replace HFD Engine)	TOTAL REVENUES	800,000	-	-	800,000
	TOTAL EXPENDITURES	800,000	-	-	800,000
2022 Installment Financing Subtotal					18,802,000
Other Financing Sources Subtotal					678,029
Total Project Revenues (19019, 19020, 19021, and 21019)					19,480,029
Total Project Appropriation (19019, 19020, 19021, and 21019)					19,480,029
An end of year FY23 budget amendment to prepare for the annual audit process.					
The City Manager and City Clerk certify budget ordinance amendment 07062023-09 was approved by City Council on July 06, 2023.					

TO MAYOR & COUNCIL  
APPROVAL: July 06, 2023

FISCAL YEAR 2023  
FORM: 07062023-10

BUDGET AMENDMENT					
FUND 010   468					
ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
010-1502-519200	Contracted Services	30,000	-	18,065	11,935
010-1523-531600	Lease/Rental Equipment	6,000	-	6,000	-
010-1523-524010	R&M Buildings	43,950	-	18,000	25,950
010-1523-524020	R&M Equipment	15,000	-	5,000	11,000
010-1523-554001	C/O - Equipment	25,000	-	2,000	23,000
010-0000-598901	Transfer Out (to 468, #VE024)	3,497,988	49,065	-	3,547,053
FUND 010	TOTAL REVENUES	-	-	-	-
	TOTAL EXPENDITURES	-	49,065	49,065	-
468-0000-470010-VE024	Debt Proceeds (Vehicle & Equip. Loan)	500,000	-	-	500,000
468-0000-470100-VE024	Transfer In (from 010)	-	49,065	-	49,065
468-7855-554002-VE024	C/O-Vehicles (14-18, 3500 Series)	75,000	-	-	75,000
468-7855-554001-VE024	C/O-Equipment (61-17 Leaf Machine)	125,000	49,065	-	174,065
468-7855-554001-VE024	C/O-Equipment (Waste Truck)	300,000	-	-	300,000
FUND 468 (Env. Services, Leaf Machine)	TOTAL REVENUES	500,000	49,065	-	549,065
	TOTAL EXPENDITURES	500,000	49,065	-	549,065
A amendment transferring \$49,065 of FY23 budget to the Environmental Services Capital Project Fund (468, FY24 Vehicle and Equipment Project, #VE024) for the acquisition of a leaf machine replacement (safety priority) with a higher than anticipated cost to purchase. The new leaf machine acquisition budget is \$174,065.					
The City Manager and City Clerk certify budget ordinance amendment 07062023-10 was approved by City Council on July 06, 2023.					

TO MAYOR & COUNCIL  
APPROVAL: July 06, 2023

FISCAL YEAR 2023  
FORM: 07062023-11

BUDGET AMENDMENT					
FUND 410					
ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
410-0000-470010-21017	Debt Proceeds (2023 IFC)	3,000,000	3,425,000	-	6,425,000
410-1002-550103-21017	Debt Proceeds (Vehicle & Equip. Loan)	3,000,000	3,425,000	-	6,425,000
FUND 410 (City Hall & Ops Reno.)	TOTAL REVENUES	-	3,425,000	-	6,425,000
	TOTAL EXPENDITURES	-	3,425,000	-	6,425,000
An amendment increasing the budget for the City Hall and Operations Renovation Project (#21017) to reflect the debt proceeds from the 2023 installment financing contract and corresponding expenditure budget of \$6,425,000.					
The City Manager and City Clerk certify budget ordinance amendment 07062023-11 was approved by City Council on July 06, 2023.					

TO MAYOR & COUNCIL  
APPROVAL: July 06, 2023

FISCAL YEAR 2024  
FORM: 07062023-12

BUDGET AMENDMENT					
FUND 010					
ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
010-0000-470900	Fund Balance Appropriated	2,614,519	42,000	-	2,656,519
010-1001-540001	Special Appropriations	264,709	42,000	-	306,709
FUND 010	TOTAL REVENUES	-	42,000	-	2,656,519
	TOTAL EXPENDITURES	-	42,000	-	306,709
A budget amendment appropriating \$42,000 of General Fund (010) fund balance for an appropriation to HandsOn as allowable by the City's existing contract (special appropriations, year 3) following receipt of an annual report and discussion by HandsOn.					
The City Manager and City Clerk certify budget ordinance amendment 07062023-12 was approved by City Council on July 06, 2023.					

TO MAYOR & COUNCIL  
APPROVAL: July 06, 2023

FISCAL YEAR 2024  
FORM: 07062023-13

BUDGET AMENDMENT					
FUND 010					
ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
010-0000-460090	Contribution/Donation	-	25,000	-	25,000
010-1502-553000	C/O - Land Improvements	-	25,000	-	25,000
FUND 010	TOTAL REVENUES	-	25,000	-	25,000
	TOTAL EXPENDITURES	-	25,000	-	25,000
A budget amendment increasing grant revenues in the General Fund related to a community garden project. The City has received \$25,000 of contribution from the Healthy Babies Bright Future non-profit organization. The \$25,000 will be used to fund the construction of new garden beds, soil, landscaping, fencing, and hardscape for an ADA compliant community garden. The City will partner with other volunteer agencies to complete the project.					
The City Manager and City Clerk certify budget ordinance amendment 07062023-13 was approved by City Council on July 06, 2023.					

TO MAYOR & COUNCIL  
APPROVAL: July 06, 2023

FISCAL YEAR 2024  
FORM: 07062023-14

BUDGET AMENDMENT					
FUND 010					
ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
010-0000-470900	Fund Balance Appropriated	2,656,519	50,000	-	2,716,519
010-1002-551000	C/O - Land/Easement/ROW	-	50,000	-	50,000
FUND 010	TOTAL REVENUES	-	60,000	-	2,716,519
	TOTAL EXPENDITURES	-	60,000	-	60,000
A budget amendment for the acquisition of city property using \$60,000 of FY24 Fund Balance.					
The City Manager and City Clerk certify budget ordinance amendment 07062023-14 was approved by City Council on July 06, 2023.					

TO MAYOR & COUNCIL  
APPROVAL: July 06, 2023

FISCAL YEAR 2024  
FORM: 07062023-15

BUDGET AMENDMENT

FUND 010					
ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
010-0000-460090	Contribution/Donation	25,000	20,000	-	45,000
010-1525-553000	C/O - Land Improvements	55,000	20,000	-	75,000
FUND 010	TOTAL REVENUES	-	20,000	-	45,000
	TOTAL EXPENDITURES	-	20,000	-	75,000
A budget amendment increasing General Fund Contributions/Donations revenue by \$20,000 to reflect the receipt of a contribution. The contribution increases the disc golf budget to \$45,000.					

The City Manager and City Clerk certify budget ordinance amendment 07062023-15 was approved by City Council on July 06, 2023.

TO MAYOR & COUNCIL  
APPROVAL: July 06, 2023

FISCAL YEAR 2024  
FORM: 07062023-16

BUDGET AMENDMENT

FUND 459   460					
ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
459-0000-470900	Fund Balance Appropriated	-	133,780	-	133,780
459-0000-598901	Transfer Out (to 460, #21045)	-	133,780	-	133,780
FUND 459	TOTAL REVENUES	-	133,780	-	133,780
	TOTAL EXPENDITURES	-	133,780	-	133,780
460-0000-470100-21045	Transfer in (from 459)	-	133,780	-	133,780
460-0000-470100-21045	Transfer in (from #G2204)	1,450,000	39,712	-	1,489,712
460-1014-550103-21045	Capital Outlay CIP	1,450,000	173,492	-	1,623,492
FUND 460	TOTAL REVENUES	1,450,000	173,492	-	1,623,492
	TOTAL EXPENDITURES	1,450,000	173,492	-	1,623,492
460-0000-470100-16023	Transfer in (from '22 NCDEQ, #G2204)	3,550,000	-	39,712	3,510,288
460-0000-470100-16023	Transfer in (from 459)	400,000	-	-	400,000
460-1014-550103-16023	Capital Outlay CIP	3,550,000	-	39,712	3,510,288
460-1014-550102-16023	Capital Outlay Services and Fees	400,000	-	-	400,000
FUND 460	TOTAL REVENUES	3,950,000	-	39,712	3,910,288
	TOTAL EXPENDITURES	3,950,000	-	39,712	3,910,288
A budget amendment transferring \$133,780 from the Capital Reserve Fund (459) to the Water & Sewer Capital Project Fund (460) for the Wastewater Treatment Aeration Basin Repair Project (21045). This amendment also reallocates \$39,712 of ARPA grant funds from the Wastewater Treatment UV Project (16023) to the Aeration Basin Repair Project (21045). The adjustment of the grant revenue is allowable via the grant contract.					

The City Manager and City Clerk certify budget ordinance amendment 07062023-16 was approved by City Council on July 06, 2023.

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

Resolution #R-23-77

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A UTILITY EXTENSION AGREEMENT WITH TOWNES AT MARTHA KATE, LLC FOR THE TOWNES AT MARTHA KATE SUBDIVISION

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

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

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

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

WHEREAS, Townes At Martha Kate, LLC, the “Developer” and “Owner”, will enter into a Utility Extension Agreement with the City to provide water and sewer services to the Townes At Martha Kate Subdivision.

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

1.

The Utility Extension Agreement with Townes At Martha Kate, LLC, the “Developer” and “Owner” to provide water service to the Townes At Martha Kate Subdivision is approved, as presented.
2.

City Manager is authorized to execute the Utility Extension Agreement, and to approve and execute amendments to the Utility Extension Agreement in the future provided such amendments do not impose a financial obligation upon the City.
3.

City Manager is authorized to acquire easements, rights-of-way, and other interests in real property consistent with the terms of the Utility Extension Agreement, provided that such acquisition does not impose a financial obligation upon the City.
4.

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

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

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

Ordinance #O-23-42

**CAPITAL PROJECT ORDINANCE FOR  
THE EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF  
THE DISC GOLF PROJECT, #24001**

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

**Section 1:** The project authorized is a City project described as the Disc Golf Project, #24001.

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

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
410	1502	550103	24001	Capital Outlay - CIP	\$45,000
Total Project Appropriation					\$45,000

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

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
410	0000	470100	24001	Transfer In (From 010)	\$25,000
410	0000	460090	24001	Contribution/Donation	\$20,000
Total Project Appropriation					\$45,000

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

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

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

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

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

**ADOPTED** by the City Council of the City of Hendersonville, North Carolina, on this 6<sup>th</sup> day of July, 2023.

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

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

Resolution #R-23-79

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL  
ACCEPTING A GRANT FROM THE HEALTHY BABIES BRIGHT FUTURES  
FOR THE EXPANSION AND REVITALIZATION OF THE SEVENTH AVENUE BROOKLYN  
COMMUNITY GARDEN**

**WHEREAS**, Healthy Babies Bright Futures has established a grant that provides funding to municipalities for implementing projects that increase primarily organic food access to communities; and

**WHEREAS**, the City of Hendersonville has the Seventh Avenue Brooklyn Community Garden which serves a historically underserved yet vibrant and engaged community located adjacent to Sullivan Park; and

**WHEREAS**, the City of Hendersonville, in particular its Public Works Department, Sustainability Division applied for a grant from the Healthy Babies Bright Futures to expand and revitalize the Brooklyn Community Garden to increase access of fresh, local foods for an increased quality of life for all Hendersonville residents, especially mothers and infants who reap significant benefits of a diet rich in fresh, organic fruits and vegetables; and

**WHEREAS**, the City has been awarded \$25,000.00 by Healthy Babies Bright Futures to be used for the Allowable Purposes; and

**WHEREAS**, the City of Hendersonville desires to accept the grant funds, and authorize the execution of the grant funding agreement;

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

1. The City hereby accepts the grant from Healthy Babies Bright Futures to be used for the Allowable Purposes; and
2. The City Manager is authorized to execute the Grant Agreement, with such changes as he deems appropriate, provide they are consistent with the terms of this Resolution;
3. City Staff are authorized and directed to proceed with the expansion and revitalization of the Brooklyn Community Garden for the Allowable Purposes.

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

/s/Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

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

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

Ordinance #O-23-43

**AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND SECTIONS 44-51, 52-55 AND 24-253 OF THE CODE OF ORDINANCES TO SHORTEN THE PERIOD OF COLLECTION FOR CERTAIN BILLING ERRORS**

**WHEREAS**, the City of Hendersonville operates a water and sewer utility, providing collection and treatment services for a specified fee; and

**WHEREAS**, the City also provides certain solid waste collection services for a fee; and

**WHEREAS**, from time to time, utility accounts and solid waste collection accounts are underbilled, incorrectly billed, or not billed through no fault of the account customer ; and

**WHEREAS**, City Council wishes to shorten the time frame for backbilling of customers who were either underbilled, incorrectly billed, or not billed through no fault of their own.

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

1. Chapter 52, Utilities, Article II, Rates and Charges, Section 52-55 of the Code of Ordinances for the City of Hendersonville, Correction or Errors, shall be amended as follows:

**Sec. 52-55. Correction of errors.**

Failure to receive a utility service fee bill is not justification for nonpayment. If it is determined that a customer has been billed incorrectly, a corrective bill will be issued. If the customer has been overbilled, the City will issue a corrective bill for the entire determinable period of the overbill. If the customer has been underbilled or not billed, the City will process a corrective bill for up to one year of the underbilled/ not billed charges.

~~The owner of each parcel of land shall be obligated to pay such fee. If a customer is under-billed or if no bill is sent, the city may process a corrective bill to the owner up to two years. Adjustments shall be made to correct clerical and/or computer errors. If a customer is incorrectly billed, or not billed, or a bill is sent to the wrong party, the city may corrective bill the customer for the lesser of the actual period up to a two-years for utility charges. Similarly, in the event customers are charged for services due to city error, a credit adjustment will be allowed only for amounts paid by the customer for charges incurred within the prior two years for utility charges.~~

2. Chapter 44, Environmental Services, Article II, Collection and Disposal, Section 44-51 of the Code of Ordinances for the City of Hendersonville, Rate Schedule, shall be amended as follows:

**Sec. 44-51. Rate schedule.**

Charges for collection of solid waste shall be set from time to time, and a schedule of such charges is on file and available in the city clerk's office. All solid waste accounts must be processed through a water bill account or like collection program. Section 52-55 of the Code of Ordinances shall apply to the collection of solid waste charges and fees.

3. Chapter 24, Floods, Article IV, Stormwater Utility, Division 2, Establishment of Stormwater Service Charges and Credits, Section 24-253 of the Code of Ordinances for the City of Hendersonville, Billing Method, responsible parties, shall be amended as follows:

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

Bills for stormwater service shall be sent at regular, periodic intervals, which may range from monthly to yearly. Where a property owner is also receiving water and/or sewer services from the city, stormwater service charges may be billed on a combined utility bill that also contains charges for water and/or sewer service. Section 52-55 of the Code of Ordinances shall apply to the collection of stormwater charges and fees.

4. This Ordinance shall be effective, retroactive to June 1, 2023.

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

/s/Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

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

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

Resolution #R-23-80

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO SUPPORT THE FEDERAL TAX CREDIT APPLICATION FOR WHITE PINE VILLAS**

**WHEREAS**, WDT Development, LLC has submitted a federal tax credit application to the North Carolina Housing Finance Agency for White Pine Villas, Application #APP23-0037; and

**WHEREAS**, White Pine Villas consists of seventy-eight (78) multi-family housing units on Chimney Rock Road (U.S. 64 East); and

**WHEREAS**, the Bowen Research Report indicates that Henderson County has 99.8% occupancy rate for multi-family projects, 453 families on rental housing wait lists and 42.8% of renters are cost burdened; and

**WHEREAS**, the City Council has a core belief that it must pursue and provide opportunity for responsible growth in order to generate affordable housing options and reduce the impacts of high cost of living within our community.

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

1. The City Council supports WDT Corporation's application for federal tax credits and requests that the North Carolina Housing Finance Agency give the application serious consideration for approval.

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

/s/Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

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

Resolution #R-23-81

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO SUPPORT THE FEDERAL TAX CREDIT APPLICATION FOR APPLE RIDGE DEVELOPMENT**

**WHEREAS**, Housing Assistance Corporation has submitted a federal tax credit application to the North Carolina Housing Finance Agency for Apple Ridge Apartments and Subdivision, Application #APP23-0134; and

**WHEREAS**, Apple Ridge consists of sixty (60) multi-family housing units and twenty (20) single family units on Sugarloaf Road; and

**WHEREAS**, the Bowen Research Report indicates that Henderson County has 99.8% occupancy rate for multi-family projects, 453 families on rental housing wait lists and 42.8% of renters are cost burdened; and

**WHEREAS**, the City Council has a core belief that it must pursue and provide opportunity for responsible growth in order to generate affordable housing options and reduce the impacts of high cost of living within our community.

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

1. The City Council supports Housing Assistance Corporation’s application for federal tax credits and requests that the North Carolina Housing Finance Agency give the application serious consideration for approval.

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

/s/Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

**6. PRESENTATIONS**

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

Mayor Volk read the resolution aloud and presented Lee with a rocking chair for his retirement. Everyone wished him well.

Resolution #R-23-72

**RESOLUTION OF THE CITY OF HENDERSONVILLE  
HONORING LEE SMITH, UTILITIES DIRECTOR**

**WHEREAS**, Lee Smith has announced his intention to retire as City of Hendersonville as the Director of the City’s Water and Sewer Department, effective July 31, 2023; and

**WHEREAS**, Lee Smith will depart leaving behind an impressive legacy of public service to Hendersonville and surrounding Henderson County, organizing, directing, and managing the day-to-day operations of the utility; and

**WHEREAS**, Lee Smith has had several noteworthy accomplishments during his tenure as City of Hendersonville Utilities Director and oversaw the growth and expansion of the utility from 2005 to the present; and

**WHEREAS**, the number of businesses and homes connected to the water system increased from approximately 22,000 to over 31,000 and the water system grew from approximately 500 miles of pipe to over 680 miles of pipe; and

**WHEREAS**, the number of businesses and homes connected to the sewer system increased from approximately 6,800 to over 10,000 and the sewer system grew from approximately 135 miles of pipe to over 180 miles of pipe; and

**WHEREAS**, full-time personnel supporting the utility grew from 66 employees to 96 employees and the annual operating budget increased from \$14.2 million to \$24.2 million; and

**WHEREAS**, Lee Smith ensured the provision of a high-level of water and sewer service to the community in an operationally and financially efficient manner; and

**WHEREAS**, Lee Smith led the utility through several notable improvement projects including but not limited to: water treatment facility renovation, advanced metering infrastructure implementation, French Broad River water intake, Etowah and Fletcher area water improvements, sewer treatment facility equipment replacements/upgrades, Jackson Park sewer interceptor; and

**WHEREAS**, Lee Smith developed and oversaw the implementation of utility policies, long-range plans, procedures and standards and prepared and administered many years of annual utility operating budgets.

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council off the City of Hendersonville, on behalf of the citizens and employees of Hendersonville, that the Mayor and City Council extend to Lee Smith, their sincere appreciation for all of his loyal and dedicated service to the betterment of the City of Hendersonville for the past 18 years.

**ADOPTED** this 6<sup>th</sup> day of July, 2023.

/s/Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

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

Mayor Volk read the resolution aloud and, along with Chief Myhand, presented Captain Tracey Cox with his badge and sidearm.

Resolution #R-23-82

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

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

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

**WHEREAS**, the City of Hendersonville hereby recognizes **30 years** of distinguished service by **Captain Tracey Duane Cox** for the City of Hendersonville and its residents; and

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

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Hendersonville that the City of Hendersonville hereby awards to **Captain Tracey Duane Cox his service side arm, Glock model 19, 9 mm, serial number WSZ969**, for a cost of \$1.00 as determined in the Policy for the Granting of Badges and Service Side Arms for Sworn Law Enforcement Officers, as a token of appreciation for his many years of service and dedication to the City of Hendersonville and its residents.

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

/s/Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

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

Tom Wooten introduced Frank Tankersley and Stacy Redden successfully completed the NC LTAP Road Scholar Program. The Road Scholar Program is a professional development opportunity offered by the North Carolina Local Technical Assistance Program at ITRE. The purpose of the program is to recognize local government personnel who have significantly increased their knowledge of road maintenance procedures and improve their technical and managerial skills. By successfully completing 7 Road Scholar courses offered through the center, they have earned this professional distinction for themselves and for the City of Hendersonville.

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

Steve Alverson explained that on June 3<sup>rd</sup> 2021 the City of Hendersonville's Fire Department Station #2 was awarded the SHARP designation. This achievement must be maintained and reevaluated every 2 years by OSHA's consultative services. On May 4<sup>th</sup>, 2023 consultative services revisited Station#2 and completed a safety inspection, reviewed related injuries /accidents, and evaluated our safety programs and procedures. The purpose of these reevaluation periods are to insure we are continually improving our safety initiatives and reducing the number of injuries to our employees. On May 24<sup>th</sup> we were notified that we had successfully passed the recertification process and would retain the SHARP designation for 2 more years. N.C. Department of Labor's SHARP Recognition Program (Safety and Health Achievement and

Recognition Programs) is administered through its Consultative Services Bureau of the Occupational Safety and Health Division. The SHARP Program is designed for small and mid-size employers that have established, implemented and maintained exceptional workplace safety standards. SHARP (Public Sector) is a program that recognizes certain categories of public sector employers who have developed and maintained effective safety and health programs. Current categories include: school maintenance, public works, sheriff and police, public utilities, fire, EMS, and parks and recreation. Currently, there are only 155 SHARP-designated entities in North Carolina including Construction, Private and Public Sectors, and only fifteen of these entities are fire stations included in the Public Sector Recognition Program.

## **7. PUBLIC HEARINGS**

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

The City Council annexed the subject property at their June 1<sup>st</sup>, 2023 meeting. The County zoning can remain in effect on the subject property for 60 days after the annexation. The City Planning Department is proposing that the initial City zoning of this property should be City of Hendersonville I-1. The property is currently zoned Henderson County Industrial. The City of Hendersonville Zoning Ordinance states that, during a standard rezoning process, an applicant is prohibited from discussing the specific manner in which they intend to develop or use a site. However, the developer of this property does have previously vested rights through approvals obtained through Henderson County Planning, Building Inspections for two of the parcels. If rezoned, all permitted uses within the I-1 district would be allowed on the site. Duke Energy selected the subject property as one of 9 properties included in the 2021 Duke Energy Site Readiness Program. <https://news.duke-energy.com/releases/duke-energy-helps-communities-across-north-carolina-prepare-sites-to-bring-local-investment-jobs>

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

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

Brittany Brady spoke in favor of this rezoning.

Tim Brent, Executive Vice President of Oppidan Investment Company gave an overview of where they're at with the property.

Lynne Williams spoke against the rezoning.

Ken Fitch via Zoom electronic software spoke for the rezoning.

The public hearing was closed at 6:42 p.m.

***Council Member Lyndsey Simpson moved that City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property (PINs: 9588-31-1844, 9588-22-8495, 9588-23-9432, 9588-23-3192, 9588-13-8975) from Henderson County Industrial to City of Hendersonville I-1 (Industrial) Zoning District based on the following:***

***1. The petition is found to be consistent with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:***

***The Regional Activity Center and Business Center designations' Recommended Primary and Secondary Land Uses generally align with uses permitted in the I-1 zoning district and the property is located in an area designated as a priority growth area.***

***2. We [find] this petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:***

- 1. The proposed I-1 zoning district is compatible with the current Henderson County Zoning and Future Land Use Designations.***
- 2. The proposed I-1 zoning allows for a wide range of uses that align with similar types of developments in this area.***

3. *The proposed I-1 zoning provides the City with industrial zoning fronting the I-26 corridor.*

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

Ordinance #O-23-44

**AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR 337 MCMURRAY ROAD, 117 MCABEE COURT, 118 MCABEE COURT, 405 MCABEE COURT, and 542 MCABEE COURT (PARCEL NUMBERS: 9588-31-1844, 9588-22-8495, 9588-23-3192, 9588-13-8975, 9588-23-9432) BY CHANGING THE ZONING DESIGNATION FROM HENDERSON COUNTY INDUSTRIAL TO CITY OF HENDERSONVILLE I-1 (INDUSTRIAL)**

IN RE: Parcel Numbers: 9588-31-1844, 9588-22-8495, 9588-23-3192, 9588-13-8975, 9588-23-9432  
Blue Ridge Commerce Center  
(File # P23-46-RZO)

**WHEREAS**, the City is assigning initial zoning to newly satellite annexed properties, and

**WHEREAS**, the Planning Board took up this application at its regular meeting on June 8<sup>th</sup>, 2023; split voting 3-3 to recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville by zoning these properties I-1 Industrial (dissenting votes recommended CHMU), and

**WHEREAS**, City Council took up this application at its regular meeting on July 6<sup>th</sup>, 2023, and

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

1. Pursuant to Article XI of the Zoning Ordinance of the City of Hendersonville, North Carolina, the Zoning Map is hereby amended by changing the zoning designation of the following: Parcel Numbers 9588-31-1844, 9588-22-8495, 9588-23-3192, 9588-13-8975, 9588-23-9432 from Henderson County Industrial to City of Hendersonville I-1 (Industrial)
2. Any development of the parcels shall occur in accordance with the Zoning Ordinance of the City of Hendersonville, North Carolina.
3. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this 6<sup>th</sup> day of July 2023.

/s/Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

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

Alex Hunt explained that the City of Hendersonville is in receipt of an application for a Standard Rezoning from Shane Laughter [Applicant] and Ronnie Gray [Owner]. The applicant is requesting to rezone the proposed property as shown in Exhibit A (PINs: 9569-39-8890 and a portion of 9569-49-0448) totaling approximately 4.54 acres located at 2511 Asheville Highway, from C-3 Highway Business and R-15 Medium Density Residential, to C-3 Highway Business. The City of Hendersonville Zoning Ordinance states that, during a standard rezoning process, an applicant is prohibited from discussing the specific manner in which they intend to develop or use a site. If rezoned, there will not be a binding site plan, list of uses nor any conditions placed on the site. All permitted uses within the C-3 district would be allowed on the site.

The public hearing was reopened at 6:55 p.m.

Lynne Williams spoke against the rezoning.

The public hearing was closed at 6:56 p.m.

***Council Member Jerry Smith moved that City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the proposed property boundary as shown in Exhibit A (PINs: 9569-39-8890 and a portion of 9569-49-0448 from R-15 (Medium Density Residential) and C-3 (Highway Business) to C-3 (Highway Business) based on the following:***

*1. The petition is found to be consistent with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:*

*1. The High Intensity Neighborhood designation calls for single-family attached as a primary land use; and public uses, offices and retail along thoroughfares as a secondary land uses and the proposed zoning district permits single-family residential uses as well as offices, business, professional and public and retail uses.*

*2. We [find] this petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:*

*1. The proposed zoning district is compatible with the surrounding area because the proposed area to be rezoned permits the same land uses as parcels that front Asheville Hwy.*

*2. The petition eliminates an existing legal non-conforming use.*

*3. The topography of the site is oriented to a major commercial artery.*

*4. The petition creates the opportunity for commercial infill development.*

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

## **8. UNFINISHED BUSINESS**

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

Lee Smith explained that the discharge of fats, oils, and grease (FOG) into the City's sanitary sewer system negatively interferes with the collection system, impairs wastewater treatment, and largely contributes to sanitary sewer overflows. The proposed FOG policy establishes requirements for users who discharge significant amounts of FOG into the City sewer in order to protect the system and keep maintenance manageable.

*Council Member Jennifer Hensley moved that City Council adopt An Ordinance to Provide Policies and Procedures for the Management of Fats, Oils, and Grease as presented. I further move City Council adopt the City of Hendersonville Policy and Procedures for the Management of Fats, Oils and Grease as presented. A unanimous vote of Council followed.*

Ordinance #O-23-46

## **AN ORDINANCE TO AMEND CHAPTER 52 OF THE CODE OF ORDINANCES OF THE CITY OF HENDERSONVILLE REGARDING THE POLICY AND PROCEDURES FOR THE MANAGEMENT OF FATS, OILS AND GREASE**

**WHEREAS** North Carolina General Statutes Chapter 160A Article 16 ("Public Enterprises") stipulates that the rules for any public enterprise system that the City operates shall be adopted by ordinance and

**WHEREAS**, the City's official policy for the management of fats, oils and grease (referred to collectively as FOG) is an on-going concern for the protection of the City's sewer collection system and associated appurtenances; and

**WHEREAS** City staff have made a concerted effort over the past three months to review, update and compile various regulations applicable to the proper management of FOG; and

**WHEREAS** the policy to be included in this new section represents the culmination of those efforts; and

**WHEREAS**, City staff presented this to the Water and Sewer Advisory Council at their April 24, 2023 meeting and have updated it to reflect the feedback provided.

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

**SECTION 1.** This Ordinance shall be known as "An Ordinance to Provide Policies and Procedures for the Management of Fats, Oils, and Grease."

**SECTION 2.** Chapter 52 – Utilities, Article V – Wastewater Use, Collection, and Treatment, Division 1 – Generally is hereby amended to add the following definition:

### **Sec. 52-167 – Definitions.**

Mobile Food Unit means any self-contained mobile kitchen that is equipped to prepare and/or sell

consumable food or drink items; a food establishment designed to be readily moved and vend food.

**SECTION 3.** Chapter 52 – Utilities, Article V – Wastewater Use, Collection, and Treatment, Division 4 – General Use Requirements is hereby amended to add the following strength limitation:

**Sec. 52-249 – General discharge limitations (local limits).**

\*\*\*

<u>100</u>	<u>mg/l grease</u>
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**SECTION 4.** The following sections to be added to Chapter 52 – Utilities, Article V – Wastewater Use, Collection, and Treatment, Division 4 – General Use Requirements are hereby adopted:

**Sec. 52-258. – Policy and Procedures for the Management of Fats, Oils and Grease**

- (a) The POTW Director shall develop and keep current the Policy and Procedures for the Management of Fats, Oils and Grease (“FOG Policy”).
- (b) All Food Service Establishments and Mobile Food Units connected to, whether permanent or temporary, the City’s sewer collection system shall comply with the FOG Policy.

**Sec. 52-259. – Right of Entry, Inspection**

- (a) The POTW Director, or their designee, shall have the right to enter upon the property of and FSE subject to this Article and the FOG Policy for the purpose of inspection, determination, and compliance with this Ordinance and the FOG Policy. The POTW Director, or their designee, shall be provided ready access to all parts of the premises for the purpose of inspection, monitoring, records examination, and the performance of any other duties necessary to determine compliance with this Ordinance and the FOG Policy.
- (b) All Grease Interceptors and Grease Traps shall be easily accessible and shall not be obstructed by landscaping, parked vehicles, or other obstructions. Any temporary or permanent obstruction to access to areas necessary for determining compliance with this Ordinance and the FOG Policy shall be promptly removed at the request of the POTW Director, and the failure to remove such obstruction shall be a violation of this Section.

**Sec. 52-260. – FOG Policy Remedies and Enforcement**

- (a) Any user who violates the FOG Policy shall be subject to the remedies and penalties contained in Division 8 of this Article.
- (b) The POTW Director, or their designee, shall have the authority to enforce the City’s FOG policy.

**SECTION 5.** Chapter 52 – Utilities, Article V – Wastewater Use, Collection, and Treatment, Division 8 – Enforcement is hereby amended to add the following:

**Sec. 52-377. – Civil penalties**

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- (d) Any user who violates Sections 52-257 through 52-259 of this Chapter may be assessed a civil penalty in accordance with this subsection (d). Each day that any violation continues shall constitute a separate offense. For the purposes of this subsection, repeat violations occur where the City has issued a civil penalty for any violation of Sections 52-257 through 52-259 within a 12-month period. The following penalties are hereby established:
  - (1) First violation: \$250.00
  - (2) Second violation: \$500.00
  - (3) Third and any additional violation: \$1,000.00

**SECTION 6.** If any provision of this ordinance or its application is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provisions or application, and to this end the provisions of this ordinance are severable.

**SECTION 7.** It is the intention of the city council and it is hereby ordained, that the provisions of this ordinance shall become and be made part of the Code of Ordinances, City of Hendersonville, North Carolina, and the sections of this ordinance may be renumbered to accomplish such intention.

**SECTION 8.** This Ordinance shall be effective upon its adoption.

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

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

Daniel Heyman explained that the ASAC and Police Department staff have spent significant time since then reviewing Chapter 10 of the Code of Ordinances and have proposed a reorganized Chapter relating to animals. At the June 28, 2023 meeting, the City Council heard a

presentation on the proposed Ordinance. The Ordinance is now being presented to the City Council for a first vote. Because the proposed ordinance includes criminal penalties, it will require two votes to become effective.

Council Member Lyndsey Simpson asked to change the word “him” to “them” in Section 10-33(a) and anyplace else that it says “him”, and to change the word “enclosed” to “fenced” in Section 10-65(1).

***Council Member Lyndsey Simpson moved that the City Council adopt An Ordinance of the City of Hendersonville City Council to Readopt and Amend Chapter 10 of the Code of Ordinances for the City of Hendersonville with Respect to the Welfare of Animals as amended for its first reading.***

## **9. NEW BUSINESS**

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

Lew Holloway explained that the structure at 201 Blue Ridge Street has been significantly damaged by fire. The Code Enforcement Officer for the City of Hendersonville has declared the structure unsafe and has attempted to notify the property owner and ordered the structure to be demolished, however, no remedial action has been taken. The structure is especially dangerous and prejudicial to the public health and public safety, because of the property’s liability to fire, the bad condition of its walls, and the collapsed roof. The structure being unoccupied in its damaged condition is likely to contribute to blight, vagrancy, and a danger to children. The damage to the roof and exterior walls of the structure leaves a significant portion of the interior of the structure exposed to elements which will cause a more rapid decay of the portions of the structure that are still standing. The Community Development Department at this time is requesting the City Council adopt an Ordinance ordering the Code Enforcement Officer to have the structure at 201 Blue Ridge Street demolished.

***Council Member Debbie O’Neal Roundtree moved that the City Council adopt An Ordinance of the City Of Hendersonville City Council to Order the City Code Enforcement Officer to Demolish 201 Blue Ridge Street, Hendersonville, NC as presented. A unanimous vote of the Council followed. Motion carried.***

Ordinance #O-23-48

### **AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO ORDER THE CITY CODE ENFORCEMENT OFFICER TO DEMOLISH 201 BLUE RIDGE STREET, HENDERSONVILLE, NC**

IN RE: Patrick N. Robinson  
201 Blue Ridge Street  
PIN: 9578-35-2617

**WHEREAS**, Patrick N. Robinson (hereinafter the “Owner”) is the owner of that real property located at 201 Blue Ridge Street, and being more particularly described in that deed recorded in Deed Book 3415 at page 485, Henderson County registry (hereinafter the “Property”); and

**WHEREAS**, On June 6, 2022, pursuant to Chapter 12; Article II; Sections 12-31 through 12-38 of the Code of Ordinances of the City of Hendersonville (hereinafter called the “Code”), and G.S. 160D-1119, the Code Enforcement Officer of the City of Hendersonville (hereinafter called the “Code Enforcement Officer”) declared the structure located on the Property unsafe due to excessive fire damage and affixed a notice to the structure declaring the same; and

**WHEREAS**, after the Owner, failed to take prompt corrective action, the Code Enforcement Officer issued a Complaint and Notice of Hearing on the issue of condemnation; and

**WHEREAS**, the Code Enforcement Officer attempted to give the Owner notice by certified mail, and caused the Complaint and Notice of Hearing to be posted on the outside of the structure at least 10 days prior to the administrative hearing, and notice to be published in the Hendersonville Times-News at least one week prior to the administrative hearing; and

**WHEREAS**, on March 9, 2023, the Code Enforcement Officer held an administrative hearing at which neither the Owner nor anyone purporting to be his representative appeared; and

**WHEREAS**, following the administrative hearing, the Code Enforcement Officer issued an order finding that the condition of the structure located on the Property constitutes a safety hazard and renders it dangerous to life, health, or other property due to the damaged condition of the roof and walls and ordering the Owner to demolish the structure within 60 days; and

**WHEREAS**, the Owner, after having been given a reasonable opportunity to do so, has failed to comply with the lawful order of the Code Enforcement Officer to demolish the structure located on the premises within the time therein prescribed; and

**WHEREAS**, pursuant to G.S. 160A-193, the City of Hendersonville has the authority to summarily abate any condition that is dangerous or prejudicial to the public health or public safety and to assess the cost of such abatement to the Owner as a lien against the Property; and

**WHEREAS**, the Code Enforcement Officer has requested the City Council of the City of Hendersonville to adopt an Ordinance ordering the Code Enforcement Officer to demolish the residential structure located on the Property.

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

1. Pursuant to G.S. 160A-193, G.S. 160D-1125, and Chapter 12, Article II of the Code of Ordinances for the City of Hendersonville, The City Council hereby finds that the premises are especially dangerous and prejudicial to the public health and public safety, because of the property's liability to fire, the bad condition of its walls, and the collapsed roof.
2. The structure being unoccupied in its damaged condition is likely to contribute to blight, vagrancy, and a danger to children.
3. The damage to the roof and exterior walls of the structure leaves a significant portion of the interior of the structure exposed to elements which will cause a more rapid decay of the portions of the structure that are still standing.
4. The Code Enforcement Officer shall cause the structure on the Property, commonly known as 201 Blue Ridge St. Hendersonville, North Carolina, to be vacated, closed, and demolished 30 days from the date of this Ordinance.
5. The cost of the removal or demolition shall be a lien on the Property, and on any other real property owned by the Owner located within the City's planning and development regulation jurisdiction, pursuant to G.S. 160A-193, G.S. 160D-1125, and Sec. 12-37 of the Code of Ordinances for the City of Hendersonville.

Adopted this 6<sup>th</sup> day of July, 2023.

/s/Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

## **10. BOARDS/COMMITTEE APPOINTMENTS**

### **Planning Board**

*Council Member Jerry Smith moved that City Council appoint Donna Waters to serve on the Planning Board, with her term ending December, 2024. A unanimous roll-call vote of the Council followed. Motion carried.*

*Council Member Jennifer Hensley moved that City Council appoint Beth Robertson to serve on the Planning Board, with her term ending December, 2025. A unanimous roll-call vote of the Council followed. Motion carried.*

*Council Member Jennifer Hensley moved that City Council appoint Laura Flores to serve on the Planning Board, with her term ending December, 2023. Council Member Smith questioned the nomination because she also serves on the Board of Adjustment. Council asked the City Clerk to check with Ms. Flores and see if she serves on any other Boards throughout the City and County. They will make the last nomination at their August 9, 2023 meeting.*

### **Business Advisory Committee**

*Council Member Jerry Smith moved to appoint Adam Justus to serve on the Business Advisory Committee, with his term ending June, 2025. A unanimous roll-call vote of the Council followed. Motion carried.*

**11. CITY COUNCIL COMMENTS –**

Debbie O’Neal-Roundtree announced that the Back-to-School Fest event will be August 26<sup>th</sup> at Sullivan Park from 11:00 a.m. to 3:00 p.m.

Lyndsey Simpson said that Caitlyn (Sustainability Manager) has been working on the sustainability plan and in about a week or so, she will be reaching out to each of you to see what goals you would like to see achieved in the different buckets that we have which are Energy, Transportation, Waste Management, Land Management and Water. There will also be some public input meetings on Monday, July 17<sup>th</sup> here in the Operations Center. There will be two sessions, one from 10a-12p and one from 5:30p-7:30p, so if you all would like to stop by, we’ll have one table for each bucket so that you can learn a little more about each thing. At some point, there will also be a survey sent out to people as well, but I encourage folks to come out if you have any ideas on how you want the City to become more sustainable and have more sustainable practices.

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

City Manager Connet said over the next 6-7 months, there will be lots of opportunities for public input with Community Connections, Council Conversations and the Comprehensive Plan, so I encourage the public to participate. The first opportunity will be on Monday, July 17<sup>th</sup>, the Community Connection workshop is being held in the 2<sup>nd</sup> Floor Meeting Room at City Hall.


**13. CLOSED SESSION**

*At 7:25 p.m., Council Member Jerry Smith moved that City Council enter closed session pursuant to NCGS § 143-318.11 (a) (1) and (3) to prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes and to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body and to discuss the case of Hendersonville Holdings, LLC v. City of Hendersonville, Henderson County Superior Court File 23-CVS 600.*

*At 10:31 p.m. Council Member Lyndsey Simpson moved that City Council return to open session. A unanimous vote of the Council followed. Motion carried.*

**14. ADJOURN**

There being no further business, the meeting was adjourned at 10:31 p.m. upon unanimous assent of the Council.

  
Barbara G. Volk, Mayor

ATTEST:

  
Jill Murray, City Clerk

