MINUTES

February 12, 2025

REGULAR MEETING OF THE CITY COUNCIL

CITY HALL-2ND FLOOR MEETING ROOM | 160 6TH AVE. E. | 5:45 p.m.

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

Absent: Mayor Barbara Volk; Communications Director Allison Justus

Staff Present: City Manager John Connet, Assistant City Manager Brian Pahle, City Clerk Jill Murray, City Attorney Angela Beeker, Budget & Evaluation Director Adam Murr, Communications Coordinator Brandy Heatherly and others

1. CALL TO ORDER

Mayor Pro Tem Jennifer Hensley 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.*

In Person:

Virginia Tegal of Hendersonville, read a statement from Abraham Lincoln and on that note, found herself appreciative for the work that the City does. She noted that City Manager John Connet received a Citizenship Award from Duke Energy at the recent Chamber of Commerce meeting for handling things after Hurricane Helene. I am especially thankful for your concern for the people of this city and the environment. I appreciate all that you do and I just found out that if you have a medical condition that keeps you from putting your garbage bins at the curb because you can't physically do it, the city will handle it for you. I think that's incredible.

Ross Buchanan of Edneyville spoke about a parking ticket that he received and said that he will not pay it and will take it all the way to the Supreme Court if he has to.

Jesse Woodruff of Hendersonville, spoke about the zoning amendment on the agenda for tonight. He was representing his father Randy who has been a resident of 60 years and displaced by Hurricane Helene. Despite his desire to rebuild, the current ordinance is making it difficult. We would like to replace a non-conforming structure, his mobile home. He asked that council approve the zoning amendment.

Indian Jackson spoke about DEI and the continuing gentrification of 7th Avenue and asked that council try harder behind closed doors.

4. CONSIDERATION OF AGENDA

City Manager John Connet asked that Item 8D-AARP Sidewalk Study and Item 9A-Board and Committee Appointments be removed from the agenda. Council Member Lyndsey Simpson moved that City Council approve the agenda as amended. A unanimous vote of the Council followed. Motion carried.

5. CONSENT AGENDA

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

A. Adoption of City Council Minutes – *Jill Murray, City Clerk*
January 8, 2025 Regular Meeting
January 22, 2025 Second Monthly Meeting

B. State and Local Cybersecurity Grant Project Ordinance and Reimbursement Resolution – *Adam Murr, Budget and Eval. Director*

Ordinance #O-25-01

GRANT PROJECT ORDINANCE FOR

THE EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE STATE AND LOCAL CYBERSECURITY GRANT PROJECT, #G2502

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 grant project ordinance is hereby adopted:

Section 1: The project authorized is a City project described as the State and Local Cybersecurity Grant Project, #G2502.

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

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
301	1010	N/A	G2502	SLCGP Grant Expenditures	$199,286
				Total Project Appropriation	**$199,286**

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

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
301	0000	420050	G2502	Grant (SLCGP 2025)	($199,286)
				Total Project Appropriation	**($199,286)**

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 grant 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, close the project ordinance, and distribute remaining project funds to the appropriate operating fund or reserve fund.

ADOPTED by the City Council of the City of Hendersonville, North Carolina, on this 12th day of February, 2025.

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

Resolution #R-25-09

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 STATE AND LOCAL CYBERSECURITY GRANT PROJECT (#G2502), ORDINANCE #O-25-01 (the "Projects").

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

Maximum Principal Amount of Debt to be Issued. The maximum principal amount of the Borrowing to be incurred by the Issuer to finance the Project is $199,286.

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

ADOPTED by the City Council of the City of Hendersonville, North Carolina, on this 12th day of February, 2025.

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

C. Amendments to Fee Schedule to Reinstate Late Fees and Disconnection for Delinquent Utility Accounts – *Angela S. Beeker, City Attorney*

Ordinance #O-25-02

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE BUDGET ORDINANCE TO REINSTATE LATE FEES AND DISCONNECTIONS FOR DELINQUENT UTILITY ACCOUNTS

WHEREAS, the City Council of the City of Hendersonville ("City Council") adopted a fee schedules as part of the FY25 budget ordinance; and

WHEREAS, the City of Hendersonville and its residents have suffered devastating impacts due to Hurricane Helene, and will be in a state of recovery for a considerable period of time; and

WHEREAS, the City Council amended the fee schedule to eliminate certain late fees and disconnections fees during the Mayoral declared State of Emergency due to Hurricane Helene to assist in the recovery efforts; and

WHEREAS, City Council wishes to reinstate late fees and utility disconnections;

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

Section I. Amendment to Fee Schedule Adopted Pursuant to Section 8 of the FY25 Budget Ordinance

The official fee schedule adopted pursuant to Section 8 of the FY25 Budget Ordinance is hereby amended as follows:

[Remainder of this page left blank intentionally.]

CITY OF HENDERSONVILLE FIRST AMENDMENT FEE SCHEDULE
ADOPTED BY BUDGET ORDINANCE FOR FISCAL YEAR 2024-2025

Public Hearing required for items denoted with asterisk

DEPARTMENT / DESCRIPTION	COST / CHARGE / FEE
ADMINISTRATION	
General	
Clerk's Certification of Public Records	$3.00 per page (after first page)
Application for Certificate of Public Convenience & Necessity (taxicab)	$60.00
Horse-Drawn Carriage Permit	$60.00
Flash Drives:	
0-8 GB	$5.00 each
16-128 GB	$7.00 each
>/= 128 GB	$20.00 each
Copy Charges (per page)	
Black	$0.15
Color	$0.25
City Council Agenda Subscription	
Meeting Subscription & Printing	$16.00 per agenda packet
Annual Subscription & Printing	$180.00 per fiscal year
Special Event Fees	
Event Application Fee	$25.00 per application
Class A Special Event Closure (High-Impact full Main Street MSD Closure)	$700.00 per day
Class B Special event closure (moderate impact, full Main Street MSD Closure)	$450.00 per day
Class C Special Event Closure (Full Main Street with Avenues Open	$300.00 per day
Class D Special Event Closure (Closure of 2 blocks or less)	$75.00 per block, per day
Class E - Special Event Closure (Closure of parking spaces at Courthouse Plaza)	$50.00 per day
Multi-Day Food Vendors	$55.00 per day
COMMUNITY DEVELOPMENT	
~~FEES -~~ **For so long as the Mayor's Declared State of Emergency is in effect for Hurricane Helene, Community Development Fees marked with a "#" are reduced to "$0.00".**	
General- Zoning Compliance	
Zoning Verification Letter #	$50.00
Non-Conforming Use Alteration Request (BOA Review) #	$100.00
Variance Request (BOA Review) #	$75.00
Certificate of Appropriateness (Minor work) #	$50.00
Certificate of Appropriateness (Major work) #	$75.00
Telecommunications Towers, Antennas and Equipment	
Small Wireless Facilities (first 5 facilities)	$100.00 each
Additional small wireless facilities on the same application	$50.00 each
Administrative Review	No Charge
General -Copy & Scan Charges Per Page	
Black	$0.15
Color	$0.25
~~Conditional Use~~	~~$200~~
Copy Charges (per page)	
Black	$0.15
Color	$0.25
General - Copy & Scan Charges Per Page	
Large Format Copy	$10.00
Large Format Scan	$5.00
Zoning Map	$5.00

Future Land Use Map Copy	$5.00
General - Code Enforcement	
Nuisance Fee (Admin. Cost Doubles for each Offense within a Year)	Cost + $100.00 Admin. Cost
Encroachment Permit	
Outdoor Dining Fee (Annual)	$0.50 per Sq. Ft.
Demolition	
Demolition Admin Fee #	$100.00
Payments in Lieu	
In Lieu - Sidewalks	$75.00 per Linear Ft.
In Lieu - Trees	$1.53 per Sq. Ft
Rezoning Requests	
Zoning Ordinance Map Amendment (Standard Rezoning)	
Commercial or Industrial	$275.00
Residential < 3 acres	$175.00
Residential > 3 acres	$225.00
Zoning Map Amendment (Conditional Rezoning)	
Conditional Rezoning - Legislative Process	$100 per acre, $500 minimum
Final DRC Review	$500.00
Zoning Ordinance Text Amendments	$175.00
Site Plan Reviews & Amendments	
Commercial, Industrial or Institutional	
5,000 - 19,999 square feet in floor area	$300.00
20,000 - 50,000 square feet in floor area	$450.00
Residential Developments	
3 - 10 dwellings	$300.00
11 - 50 dwellings	$450.00
Traffic Impact Analysis Study (Administrative Review)	$1,000.00
Plat Review	
Subdivision Plats	$20.00 per lot
Street Closing Petition ($1,000 deposit)	$1,000.00
Annexation Petition & Plat Review	
Contiguous	$300.00
Satellite	$450.00
PERMITS	
General- Zoning Compliance	
Zoning Compliance Permit #	$50.00
Temporary Use Permit # **(The fee shall be reduced to $0.00 for temporary residential uses only)**	$60.00
Special Use Permit #	$200
Floodplain Development Permit #	$300.00
Telecommunications Towers, Antennas and Equipment	
Basic Permit (C-3, I-1)	$450.00
Special Use Permit1	$2,500.00
Sign Permits	
Sign Compliance Permit #	$75.00
~~Special Use Permit~~	~~$200~~
Note 1: Applicable only to applications required to meet the additional standards contained in Section 16-4-23.4.	
Note 2: Fees for towers proposed for siting in PCD or PID district are included in the fee for conditional use review.	
FIRE DEPARTMENT	
General	
FEES	
Construction Plans Review	
Commercial hood suppression systems	$100.00

Explosives and fireworks	$100.00
Petroleum tanks and appurtenances	$100.00
Sprinkler systems, fire alarm systems and Emergency Responder Radio Coverage Systems	
Minimum up to 1,000 square feet	$50.00
1,001 - 5,000 square feet	$100.00
5,001 - 10,000 square feet	$150.00
10,001 - 25,000 square feet	$200.00
25,001 - 50,000 square feet	$250.00
50,001 - 100,000 square feet	$300.00
100,001 - 200,000 square feet	$350.00
Over 200,000 square feet	$400.00
Work without a permit	$250.00
Fire Inspection Fees - Fire Inspection fees for inspections of facilities damaged by Hurricane Helene shall be $0.00.	
Minimum up to 1,000 square feet	$50.00
1,001 - 5,000 square feet	$100.00
5,001 - 10,000 square feet	$150.00
10,001 - 25,000 square feet	$200.00
25,001 - 50,000 square feet	$250.00
50,001 - 100,000 square feet	$300.00
100,001 - 200,000 square feet	$350.00
Over 200,000 square feet	$400.00
R-2 & S Occupancies (Apartment Complexes, Storage Units, etc.)	
1-20 Units	$50.00
21-50 Units	$100.00
51-100 Units	$150.00
101-150 Units	$200.00
151-200 Units	$250.00
201-250 Units	$300.00
251-300 Units	$350.00
Over 300 Units	$400.00
PENALTIES	
Re-inspection Fee (Follow-up) per re-inspection	$100.00
Annual Non-Compliant Inspection Fee	$250.00
Hazardous Material Response Fees	
Chief Officer - per officer (per hr.)	$75.00
Engine Company Response - per engine (per hr.)	$150.00
Fire Marshal/Deputy Fire Marshal - per person (per hr.)	$50.00
Ladder/Truck Response - per ladder/truck (per hr.)	$200.00
Materials/Supplies Used	Actual replacement cost
Off Duty/Call Back Personnel	Average hourly rate x 1.5
Site Assessment Fee	$50.00
PERMITS	
Operational Permits	
ABC License Fee	$50.00
Amusement Buildings	$50.00
Carnival and Fairs	$50.00
Combustible dust-producing operations	$100.00
Covered and Open Mall Buildings	$50.00
Exhibits and trade shows (per event)	$50.00
Explosives	$100.00
Flammable and Combustible Liquids	$100.00
Fumigation and thermal insecticide fogging	$100.00
Liquid or gas-fueled vehicles or equipment in assembly buildings	$100.00

Private Hydrants	$50.00
Pyrotechnic special effects material	$100.00
Spraying and Dipping	$100.00
Temporary membrane structures, tents, and canopies (excludes special event:	$50.00
Construction Permits	
Automatic fire extinguishing systems	$100.00
Battery systems	$100.00
Compressed gas	$100.00
Cryogenic fluids	$100.00
Emergency responder radio coverage system	$100.00
Fire alarm and detection systems and related equipment	$100.00
Fire pumps and related equipment	$100.00
Flammable and Combustible liquids	$100.00
Gates and barricades across fire apparatus access roads	$100.00
Hazardous Materials	$100.00
Industrial Ovens	$100.00
LP Gas	$100.00
Private fire hydrant	$100.00
Smoke control or smoke exhaust systems	$100.00
Solar photovoltaic power systems	$100.00
Spraying and Dipping	$100.00
Standpipe systems	$100.00
Temporary membrane structures, tents, canopies (per site, excludes special ev	$50.00
PENALTIES	
Illegal Burn Fee	$100.00

FINANCE	
General	
Beer License - On Premises	$15.00
Beer License - Off Premises	$5.00
Carnival Permit	$100/week + $5 per device
Delinquent Account Fee ~~Delinquent Account Fees shall not be assessed against accounts becoming delinquent during the period of time that the Mayoral declared State of Emergency for Hurricane Helene is in effect. Delinquent Account Fees for delinquencies predating the State of Emergency shall continue to be assessed. Delinquencies remaining after the termination of the Mayoral declared state of emergency shall be assessed from and after the date of termination of the state of emergency, but shall not be retroactively applied for the period of the state of emergency.~~	$40.00
Returned item fee	$25.00
Itinerant Merchant/Peddlers Permit	$100.00
Utility Application Fee	$10.00
Motor Vehicle Tag Fee	$15.00
Wholesale Dealers License - Beer Only	$37.50
Wholesale Dealers License - Wine Only	$37.50
Wholesale Dealers License - Beer & Wine	$62.50
Wine License - On Premises	$15.00
Wine License - Off Premises	$10.00
Note: In accordance with G.S. 105-113.77 and G.S. 105-113.79 if a business has multiple locations in one county or city, that business will need to obtain separate ABC licenses for each location. City beer and wine taxes must increase by 10% for each additional license of the same type issued to the same taxpayer for use at a separate location. Furthermore, G.S. 105-236 applies penalties for failure to pay for and obtain local beer and wine license taxes. Operating a business without the required privilege license triggers a monthly penalty of 5 % of the applicable privilege license tax, up to a total of 25 %. Failure to pay the required tax triggers a separate 10% penalty. These violations are also Class 1 misdemeanors.	

POLICE	
FEES	
Fingerprinting	$10.00
Precious Metals Dealer Background Check	$75.00
PENALTIES	
Precious Metals Dealer Permit	$180.00
PARKING	
FEES	
Lost Ticket Fee (Parking Deck)	$20.00
Lost/Replacement/2nd Parking Deck Puck	$25.00
Monthly Parking Space - Deck Permit	$80.00
Monthly Parking Space - Exterior Lot Permit	$25.00
Monthly Parking Space - Interior Lot Permit	$60.00
Special Event Rate	$10.00 per session
Parking Meter - Main St. and Avenues	$0.50 per 15-minutes (5-hour max.)
Parking Meter - Surface Lots and Decks	$0.75 per 30-minutes ($10 max. per session)
PENALTIES	
Illicit Crosswalk Parking	$25.00
Illicit Fire Hydrant Parking	$100.00
Illicit Fire Lane Parking	$100.00
Habitual Parking Offender (3 Tickets or more in 30 days)	$100.00
Illicit Handicapped Parking	$250.00
Illicit Loading Zone Parking	$25.00
Overtime/Expired Meter Parking	$25.00
Penalty after 30 days additional	$50.00
Penalty after 60 days additional	$100.00
Construction parking permit (per day)	$15.00
All Other Parking Violations Chapter 50	$25.00
PUBLIC WORKS	
FEES	
Boyd Park Mini-Golf Admission	
Adults	$3.00
Children	$2.00
Course Rental (half day - with concessions) *At the discretion of the City	$300.00
Course Rental (half day - without concessions) *At the discretion of the City	$200.00
General	
Backhoe (per hour)	$125.00
Building Maintenance Fees (per hour)	$75.00
Bush Hogs/Tractor Mowing (per hour)	$80.00
Electrical Usage - 20 Amps or Less (at parks)	$25.00 per day
Electrical Usage- 21 Amps - 50 Amps (at parks)	$50.00 per day
Electrical Usage - over 50 Amps (at parks)	$100.00 per day
Fleet Maintenance Fees (per hour)	$100.00
Sidearm Mower Rental (per hour)	$125.00
Water/Flusher Truck (per load)	$100.00
Weed Eater/Hedge Trimmer (per hour)	$40.00
Asphalt Curb Installation - per linear foot	$15.00
Oakdale Cemetery	
City Resident (per grave space)	$1,000.00
Out of City Resident (per grave space)	$2,000.00
Mausoleum Space	$5,000.00
Temporary Grave Marker Not Installed - Fine[1]	$100.00
Operation Center Room Rental Rates	
Large Assembly Room (5 p.m. - 10 p.m.)	$100.00
Railroad Depot Room Rental Rate	
Meeting Room (8 a.m. - 5 p.m.)	$100.00
Meeting Room (5 p.m. - 10 p.m.)	$50.00
Park Usage	

Patton Park - Small Pavilion	$25.00 per half day
Patton Park - Large Pavilion (May through September)	$50.00 per half day
Patton Park - Field Usage for Organized Groups (per player per season)	$30.00
Patton Pool	
Daily Admittance Fee (adults)	$5.00
Daily Admittance Fee (children) (3yrs or younger will be free with adult)	$4.00
Lap Swim	$4.00
Paving Cut Repairs	
Mobilization/Base Fee (cuts less than or equal to 25square feet)	$600.00
Repair fee per square foot, greater than 25 square feet	$12.00/sqft
Concrete & Sidewalk Mobilization/Base Fee (cuts less than or equal to 25squ	$600.00
Concrete Curb and Sidewalk Replacement (W&S Cut Repairs per Sq ft over 2	$25.00 / sqft
PERMITS	
Encroachment Permit Fee (asphalt & concrete cuts)	$100.00
Encroachment Permit Fee (temporary sidewalk and road closure)	$50.00
Encroachment Permit Violations - (Per Day) For Unrepaired Encroachment:	$50.00
Note 1: The City requires the installation of a temporary grave marker within 24 hours of a burial. Failure to install a temporary marker identifying the occupant of a grave site results in a $100.00 fine.	
ENVIRONMENTAL SERVICES	
FEES	
General	
Sanitation Service Deposit	$60.00
Small Special Load (collected with pickup truck and city staff)	$50.00
Medium Special Load (more than one pickup truck load and tipping fees adde	$100.00
Large Special Loads (tipping fee added to special fee)	$150.00
Cart Switch Out Fee (large cart to small cart and small cart to large cart)	$30.00
Televisions/computer monitors - per item	$30.00
White Goods (washers, dryers, refrigerators, hot water heaters, etc.) - per item	$25.00
Special Event - Cart Delivery, Pickup, and Material Disposal - per cart fee	$20.00
Commercial Waste and Recycling	
Commercial Recycling (up to four 65gal. bins, collected once/week)	$15.00 per bin
Commercial Recycling (up to four 65gal. bins, collected twice/week)	$30.00 per bin
Commercial Waste (per 96gal. bin)	$30.00 per bin
Commercial Waste and Recycling (96gal. bin)	$30.00 per set of bins
Residential Waste and Recycling	
Residential Waste - 32gal.	$23.00 per bin
Residential Waste, Assisted - 32gal.	$23.00 per bin
Residential Waste and Recycling - 32gal.	$23.00 per set of bins
Residential Waste and Recycling, Assisted - 32gal.	$23.00 per set of bins
Residential Waste - 96gal.	$25.00 per bin
Residential Waste, Assisted - 96gal.	$25.00 per bin
Residential Waste and Recycling - 96gal.	$25.00 per set of bins
Residential Waste and Recycling, Assisted - 96gal.	$25.00 per set of bins
PENALTIES	
Utility Bill Late Fee. ~~Late Fees shall not be assessed against accounts becoming delinquent during the period of time that the Mayoral declared State of Emergency for Hurricane Helene is in effect. Late fees for delinquencies predating the State of Emergency shall continue to be assessed. Delinquencies remaining after the termination of the Mayoral declared state of emergency shall be assessed from and after the date of termination of the state of emergency, but shall not be retroactively applied for the period of the state of emergency.~~	$10.00 or 5% of past due balance, whichever is greater
Stolen/Damaged Cart Replacement Fee	$100.00
Illegal Dumping Fee - Offense 1	Warning
Illegal Dumping Fee - Offense 2	$50.00
Illegal Dumping Fee - Offense 3	$100.00
Illegal Dumping Fee - Offense 4 (+)	$150.00
Note: 1 set of bins includes 1 waste and 1 recycling container.	

STORMWATER	
FEES	
Single-Family Residential Stormwater Fee	$7.00 per month
Multi-Unit Residential Stormwater Fee	$7.00 per unit, per month
Non-Residential Property Stormwater Fee, per ERU[1]	$7.00 per month
Non-Residential Property Stormwater Fee Cap[2]	$350.00 per month
OR	
Non-Residential Property Stormwater 50% Credit (if < $350.00)[2]	50% Credit
Stormwater Service Charge Credit Application Fee	$50.00
Post-Construction Stormwater Management Review Fee	$500.00
Note 1: 1 Equivalent Residential Unit (ERU) = 3,000sqft.	
Note 2: Non-Residential properties are eligible for either a cap or a credit, not both.	

WATER & SEWER	
WATER	
FEE	
Inside City Limits	
Base Charge by Meter Size	
3/4"	$10.76
1"	$13.09
1.5"	$18.91
2"	$25.89
3"	$48.00
4"	$77.09
6"	$164.36
8"	$193.45
Volumetric Charges	
Residential	
0 to 3,000 gallons	$4.06 per 1000 gallons
3,000 to 6,000 gallons	$5.41 per 1000 gallons
6,000 to 14,000 gallons	$6.76 per 1000 gallons
14,000 gallons and greater	$8.12 per 1000 gallons
Commercial/Industrial	
0 to 40,000 gallons	$5.41 per 1000 gallons
40,000 to 200,000 gallons	$5.41 per 1000 gallons
200,000 gallons and greater	$5.41 per 1000 gallons
Irrigation	
0 to 40,000 gallons	$10.82 per 1000 gallons
40,000 gallons and greater	$11.36 per 1000 gallons
Outside City Limits	
Base Charge by Meter Size	
3/4"	$13.45
1"	$16.36
1.5"	$23.63
2"	$32.36
3"	$60.00
4"	$96.36
6"	$205.45
8"	$241.82
Volumetric Charges	
Residential	
0 to 3,000 gallons	$5.07 per 1000 gallons
3,000 to 6,000 gallons	$6.76 per 1000 gallons
6,000 to 14,000 gallons	$8.46 per 1000 gallons
14,000 gallons and greater	$10.15 per 1000 gallons
Commercial/Industrial	
0 to 40,000 gallons	$6.76 per 1000 gallons
40,000 to 200,000 gallons	$6.76 per 1000 gallons
200,000 gallons and greater	$6.76 per 1000 gallons

Irrigation	
0 to 40,000 gallons	$13.53 per 1000 gallons
40,000 gallons and greater	$14.21 per 1000 gallons
Wholesale	
Base Charge by Meter Size	
3/4"	$13.45
1"	$16.36
1.5"	$23.63
2"	$32.36
3"	$60.00
4"	$96.36
6"	$205.45
8"	$241.82
Volumetric Charges	
Wholesale	
All Usage	$5.41 per 1000 gallons
Bulk Water	
All Usage	$10.15 per 1000 gallons
Public Schools	
Base Charge per Account	$10.76
All Usage	$5.41 per 1000 gallons
Water System Development Fees (effective January 1, 2025)	
Residential Single-Family Dwelling (per unit, Heated Sq. Ft.)	
<1000 sq ft	$312.00
1,000 - 1,500 sq ft	$333.00
1,501 - 2,000 sq ft	$340.00
2,001 - 2,500 sq ft	$361.00
2,501 - 3,000 sq ft	$375.00
3,001 - 3,500 sq ft	$403.00
3,501 - 4,000 sq ft	$431.00
4,000+ sq ft	$498.00
Multi-Family Master Meter (per unit)	$224.00
Mobile Home Park (per unit)	$350.00
Non-Residential	
3/4" meter	$624.00
1" meter	$1,039.00
1.5" meter	$2,078.00
2" meter	$3,325.00
3" meter	$7,273.00
4" meter	$13,092.00
6" meter	$27,016.00
8" meter	$58,187.00
10" meter	$87,281.00
Taps & Connections	
Water Main Tap and Service, 3/4" Meter	$1,625.00
Water Main Tap and Service, 1" Meter	$1,700.00
Water Main Tap and Service, 1.5" and 2" Meter	Cost
Water Service - Stub Out, 3/4" (install meter box and meter)	$975.00
Water Service - Stub Out, 1" (install meter box and meter)	$1,050.00
Water Service - Drop Meter, 3/4" (install meter only)	$350.00
Water Service - Drop Meter, 1" (install meter only)	$425.00
Water Service - Drop Meter, >1" (install meter and MXU only)	
1.5" Meter and Set-up	$1,960.00
2" Meter and Set-up	$2,125.00
3" Meter and Set-up	$2,720.00
4" Meter and Set-up	$4,474.00
6" Meter and Set-up	$7,500.00
8" Meter and Set-up	$11,620.00
Irrigation Tee, 3/4" (install meter box and meter)	$975.00
Irrigation Tee, 1" (install meter box and meter)	$1,050.00

Water Service and Meter Relocation/Reconnection Charge (Residential Only)	Cost, Not to Exceed New Tap Fee
Meters	
Turn On/Off/Set Meter During Business Hours	$47.00
Turn On/Off/Set Meter After Business Hours	$117.50
Test Meter, at customer's request (<1-in.); if meter faulty - No Charge	$45.00
Test Meter, at customer's request (>1-in.); if meter faulty - No Charge	Cost
Miscellaneous Water Fees	
Hydrant Flow/Pressure Test	$175.00
Chemical Analysis of Water	Cost
Drill Water Main for Tap	$650.00
Water System Shutdown for Connection	$600.00
Fire Hydrant Installation	Cost
Small Meter Box Access Training Program Permit Fee (per Company)	$75.00 per training
Small Meter Box Access Key, each	$20.00
Premise Visit	$40.00
Water Conservation Incentives Program Rebates	
Customer-Side Shut-Off Valve - Limit one per account	up to $300.00
Weather-Based Irrigation System Controller - Limit one per account	50% of purchase price or $200, whichever is less
Residential High Efficiency Toilet - Limit 2 per account	$50 per toilet
Commercial High Efficiency Toilet- Limit 4 per account	$50 per toilet
EnergyStar High Efficiency Dishwasher - Limit one per account	$75
EnergyStar High Efficiency Washing Machine - Limit one per account	$100
*Note: Limited numberof rebates offered annually *Toilets must be 1.1 gpf or less*	
PENALTIES	
Utility Bill Late Fee ~~Late Fees shall not be assessed against accounts becoming delinquent during the period of time that the Mayoral declared State of Emergency for Hurricane Helene is in effect. Late fees for delinquencies predating the State of Emergency shall continue to be assessed. Delinquencies remaining after the termination of the Mayoral declared state of emergency shall be assessed from and after the date of termination of the state of emergency, but shall not be retroactively applied for the period of the state of emergency.~~	$10.00 or 5% of past due balance, whichever is greater
SEWER	
FEE	
Inside City Limits	
Base Charge by Meter Size	
3/4"	$12.16
1"	$14.75
1.5"	$21.22
2"	$28.98
3"	$53.56
4"	$86.90
6"	$182.93
8"	$215.27
Volumetric Charges	
All Usage	$7.50 per 1000 gallons
Sewer Only-Flat Rate	$40.66 per month
Outside City Limits	
Base Charge by Meter Size	
3/4"	$18.24
1"	$22.13
1.5"	$31.83
2"	$43.47
3"	$80.34
4"	$128.85
6"	$274.39
8"	$322.91
Volumetric Charges	
All Usage	$11.25 per 1000 gallons
Sewer Only-Flat Rate	$60.99 per month

Wholesale	
Base Charge by Meter Size	
3/4"	$18.24
1"	$22.13
1.5"	$31.83
2"	$43.47
3"	$80.34
4"	$128.85
6"	$274.39
8"	$322.91
Volumetric Charges	
All Usage	$11.25 per 1000 gallons
Public Schools	
Base Charge per Account	$12.16
All Usage	$7.50 per 1000 gallons
MSD Sewer	
Base Charge per Account	See Wholesale Charges
All Usage	$11.25 per 1000 gallons
Sewer System Development Fees (effective January 1, 2025)	
Residential Single-Family Dwelling (per unit, Heated Sq. Ft.)	
<1000 sq ft	$512.00
1,000 - 1,500 sq ft	$547.00
1,501 - 2,000 sq ft	$558.00
2,001 - 2,500 sq ft	$593.00
2,501 - 3,000 sq ft	$616.00
3,001 - 3,500 sq ft	$663.00
3,501 - 4,000 sq ft	$708.00
4,000+ sq ft	$818.00
Multi-Family Master Meter (per unit)	$367.00
Mobile Home Park (per unit)	$575.00
Non-Residential	
3/4" meter	$1,024.00
1" meter	$1,707.00
1.5" meter	$3,414.00
2" meter	$5,463.00
3" meter	$11,950.00
4" meter	$21,509.00
6" meter	$44,384.00
8" meter	$95,596.00
10" meter	$143,394.00
Taps and Connections	
4" Gravity Sewer Service Installation	$1,600.00
6" Gravity Sewer Service Installation	$2,000.00
8" Gravity Sewer Service Installation	$2,400.00
Surcharges	
Biochemical Oxygen Demand (BOD), per lb. in excess of 250-mg/l	$0.31
Total Suspended Solids (TSS), per lb. in excess of 250-mg/l	$0.19
Ammonia Nitrogen, per lb. in excess of 30-mg/l	$1.85
Miscellaneous Fees	
Food Services Sewer Connection Application Fee	$75.00
Septic Tank Waste Disposal, per 1000-gallons	$60.00
Industrial Pretreatment Program	Cost
GENERAL / OTHER	
Residential Water & Sewer Deposit	
Tier 1 - Based on Credit Risk	$0.00
Tier 2 - Based on Credit Risk	$80.00
Tier 3 - Based on Credit Risk	$120.00
Customer unable to perform utility credit check - Residential	$240.00
Residential - Rental Water & Sewer Deposit	
Tier 1 - Based on Credit Risk	$60.00

Tier 2 - Based on Credit Risk	$80.00
Tier 3 - Based on Credit Risk	$120.00
Customer unable to perform utility credit check - Residential Rental	$240.00
Non-Residential Water & Sewer Deposit	
Tier 1 - Based on Credit Risk	$125.00
Tier 2 - Based on Credit Risk	$175.00
Tier 3 - Based on Credit Risk	$250.00
Customer unable to perform utility credit check - Non-Residential	$500.00
Engineering Review Fees	
Availability Approval Fee	$100.00
Extension Project Review Fee (water or sewer)	$400.00
Extension Project Review Fee - Cost per sheet	$15.00 per sheet
Extension Project Re-submittal fee (second re-submittal)	$200.00
Extension Project Re-submittal fee (fourth re-submittal)	$200.00
Extension Project Re-submittal fee (sixth re-submittal)	$200.00
Water Line Inspections ($100 min)	$3.00 per linear foot
Sewer Line Inspections ($100 min)	$6.00 per linear foot
Sewer Line CCTV Re-inspection	$3.00 per linear foot (per re-inspection)
Recording Fees for First UEA, Deed of Dedication, or Easement:	
Up to 15 pages	$30 per instrument
Each additional page	$4.10
Subsequent recording fees for UEA, Deed of Dedication, or Easement	$60 per instrument
Nonstandard document fee	$26 per nonstandard instrument
Equipment Usage (hourly rates)	
Rubber-Tired Backhoe, Small	$49.41
Rubber-Tired Backhoe, Large	$58.73
Excavator, 8,000-lb, <40hp	$48.97
Excavator, 12,000-lb, 40-89hp	$96.16
Excavator, 30,000-lb, 90-143hp	$100.52
Vac Truck	$95.06
Dump Truck (single-axle), Small	$55.98
Dump Truck (single-axle), Large	$74.83
Dump Truck (dual axle)	$94.94
Dump Truck (triaxle)	$96.03
Pick-Up Truck	$16.68
Sewer Jetter/Harben	$32.81
Camera Truck	$104.82
Air Compressor	$20.32
Air Hammer/Pusher	$1.40
Soil Tamp	$43.36
PERMITS	
Non-discharge Permit Fee	$300.00
Septic Tank Waste Disposal Permit	$75.00
PENALTIES	
Utility Bill Late Fee ~~Late Fees shall not be assessed against accounts becoming delinquent during the period of time that the Mayoral declared State of Emergency for Hurricane Helene is in effect. Late fees for delinquencies predating the State of Emergency shall continue to be assessed. Delinquencies remaining after the termination of the Mayoral declared state of emergency shall be assessed from and after the date of termination of the state of emergency, but shall not be retroactively applied for the period of the state of emergency.~~	$10.00 or 5% of past due balance, whichever is greater
Failure to Install Backflow Assembly, 1st Notice	$400.00
Failure to Install Backflow Assembly, 2nd Notice	$500.00
Failure to Test Backflow Assembly Annually	$100.00
Failure to Replace/Repair Backflow Assembly	$500.00
Falsifying Records Regarding the Testing of Backflow Assemblies	$500.00
Illegal Use of Fire Hydrant	$500.00 + Damages
***schedule of costs and rates maintained on file with the Utilities Department**	

This amended fee schedule, adopted by this Ordinance, is hereby incorporated by reference into Section 8 of the FY Budget Ordinance.

Section II. It is the intention of the city council and it is hereby ordained, that the provisions of Section I shall become and be made part of the FY25 Budget Ordinance.

Section V. Effective Date

This Ordinance shall be effective March 1, 2025.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 12th day of February, 2025.

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

D. February 2025 Project Ordinances and Reimbursement Solutions – *Adam Murr, Budget & Eval Director*

Ordinance #O-25-03

GRANT PROJECT ORDINANCE FOR

THE EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE STATE AND LOCAL CYBERSECURITY GRANT PROJECT, #G2502

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 grant project ordinance is hereby adopted:

Section 1: The project authorized is a City project described as the State and Local Cybersecurity Grant Project, #G2502.

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

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
301	1010	N/A	G2502	SLCGP Grant Expenditures	$199,286
				Total Project Appropriation	**$199,286**

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

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
301	0000	420050	G2502	Grant (SLCGP 2025)	($199,286)
				Total Project Appropriation	**($199,286)**

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 grant 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, close the project ordinance, and distribute remaining project funds to the appropriate operating fund or reserve fund.

ADOPTED by the City Council of the City of Hendersonville, North Carolina, on this 12th day of February, 2025.

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

Resolution #R-25-10

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 STATE AND LOCAL CYBERSECURITY GRANT PROJECT (#G2502), ORDINANCE #O-25-03 (the "Projects").

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

Maximum Principal Amount of Debt to be Issued. The maximum principal amount of the Borrowing to be incurred by the Issuer to finance the Project is $199,286.

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

ADOPTED by the City Council of the City of Hendersonville, North Carolina, on this 12th day of February, 2025.

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

Ordinance #O-25-04

GRANT PROJECT ORDINANCE FOR
THE EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE OUR STATE OUR HOMES GRANT PROJECT, #G2504

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 grant project ordinance is hereby adopted:

Section 1: The project authorized is a City project described as the Our State Our Homes Grant Project, #G2504.

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

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
301	1005	N/A	G2504	Project Implementation Services	$10,000
301	1005	N/A	G2504	Travel Support	$7,000
				Total Project Appropriation	**$17,000**

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

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
301	0000	420050	G2503	Grant (UNC-CH / DFI)	($17,000)
				Total Project Appropriation	**($17,000)**

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 grant 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, close the project ordinance, and distribute remaining project funds to the appropriate operating fund or reserve fund.

ADOPTED by the City Council of the City of Hendersonville, North Carolina, on this 12th day of February, 2025.

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

Resolution #R-25-11

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 OUR STATE OUR HOMES GRANT PROJECT (#G2504), ORDINANCE #O-25-04 (the "Projects").

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

Maximum Principal Amount of Debt to be Issued. The maximum principal amount of the Borrowing to be incurred by the Issuer to finance the Project is $17,000.

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

ADOPTED by the City Council of the City of Hendersonville, North Carolina, on this 12th day of February, 2025.

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

Ordinance #O-25-05

CAPITAL PROJECT ORDINANCE FOR
THE EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE PATTON PARK & POOL AND WHITMIRE RENOVATION PROJECT, #24014

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 Patton Park & Pool and Whitmire Renovation Project, #24014.

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

Account Codes				Account Name	Total Budget
Fund	Dept	Account	Project		
301	1014	N/A	24014	Contracted Services	$250,000
				Total Project Appropriation	**$250,000**

Section 3: The following revenues are anticipated to be available:

Account Codes				Account Name	Total Budget
Fund	Dept	Account	Project		
301	N/A	N/A	24014	FEMA Reimbursement	($250,000)

Total Project Appropriation	**($250,000)**

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

Section 5: Funds may be advanced from the General Fund and Governmental Capital Project 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, close the project ordinance, and distribute remaining project funds to the appropriate operating fund or reserve fund.

ADOPTED by the City Council of the City of Hendersonville, North Carolina, on this 12th day of February, 2025.

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

Resolution #R-25-12

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 2024 PATTON PARK & POOL AND WHITMIRE RENOVATION PROJECT (#24014), ORDINANCE #O-25-05 (the "Projects").

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

Maximum Principal Amount of Debt to be Issued. The maximum principal amount of the Borrowing to be incurred by the Issuer to finance the Project is $250,000.

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

ADOPTED by the City Council of the City of Hendersonville, North Carolina, on this 12th day of February, 2025.

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

Ordinance #O-25-06

GRANT PROJECT ORDINANCE FOR
THE EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE 2024 CDBG NEIGHBORHOOD REVITALIZATION GRANT PROJECT, #G2503

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 grant project ordinance is hereby adopted:

Section 1: The project authorized is a City project described as the 2024 CDBG Neighborhood Revitalization Grant Project, #G2503.

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

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
301	1005	N/A	G2503	CDBG Administrative Services	$131,270
301	1005	N/A	G2503	CDBG Rehabilitation Services	$1,181,440
				Total Project Appropriation	**$1,312,710**

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

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
301	0000	420050	G2503	Grant (2024 CDBG)	($1,312,710)
				Total Project Appropriation	**($1,312,710)**

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 grant 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, close the project ordinance, and distribute remaining project funds to the appropriate operating fund or reserve fund.

ADOPTED by the City Council of the City of Hendersonville, North Carolina, on this 12th day of February 2025.

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

Resolution #R-25-13

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 2024 CDBG NEIGHBORHOOD REVITALIZATION GRANT PROJECT (#G2503), ORDINANCE #O-25-06 (the "Projects").

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

Maximum Principal Amount of Debt to be Issued. The maximum principal amount of the Borrowing to be incurred by the Issuer to finance the Project is $1,312,710.

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

ADOPTED by the City Council of the City of Hendersonville, North Carolina, on this 12th day of February, 2025.

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

Ordinance #O-25-07

CAPITAL PROJECT ORDINANCE FOR THE EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE OAKDALE CEMETERY IMPROVEMENTS PROJECT, #25000

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 Oakdale Cemetery Improvements Project, #25000.

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

Account Codes				Account Name	Total Budget
Fund	Dept	Account	Project		
410	1525	N/A	25000	Capital Outlay- CIP	$29,000
				Total Project Appropriation	**$29,000**

Section 3: The following revenues are anticipated to be available:

Account Codes				Account Name	Total Budget
Fund	Dept	Account	Project		
410	0000	N/A	25000	Transfers In	($29,000)
				Total Project Appropriation	**($29,000)**

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

Section 5: Funds may be advanced from the General Fund and Governmental Capital Project 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, close the project ordinance, and distribute remaining project funds to the appropriate operating fund or reserve fund.

ADOPTED by the City Council of the City of Hendersonville, North Carolina, on this 12th day of February, 2025.

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

Resolution #R-25-14

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 OAKDALE CEMETERY IMPROVEMENT PROJECT (#25000), ORDINANCE #O-25-07 (the "Projects").

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

Maximum Principal Amount of Debt to be Issued. The maximum principal amount of the Borrowing to be incurred by the Issuer to finance the Project is $160,000.

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

ADOPTED by the City Council of the City of Hendersonville, North Carolina, on this 12th day of February, 2025.

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

Ordinance #O-25-08

CAPITAL PROJECT ORDINANCE FOR THE EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE DOWNTOWN CAMERA PROJECT, #25001

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 Downtown Camera Project, #25001.

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

Account Codes				Account Name	Total Budget
Fund	Dept	Account	Project		
410	1010		25001	Capital Outlay- CIP	$75,000
				Total Project Appropriation	**$75,000**

Section 3: The following revenues are anticipated to be available:

Account Codes				Account Name	Total Budget
Fund	Dept	Account	Project		
410	0000	470100	25001	Transfers In (from 010)	($75,000)
				Total Project Appropriation	**($75,000)**

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

Section 5: Funds may be advanced from the General Fund and Governmental Capital Project 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, close the project ordinance, and distribute remaining project funds to the appropriate operating fund or reserve fund.

ADOPTED by the City Council of the City of Hendersonville, North Carolina, on this 12th day of February, 2025.

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

Resolution #R-25-15

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 DOWNTOWN CAMERA PROJECT (#25001), ORDINANCE #O-25-08 (the "Projects").

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

Maximum Principal Amount of Debt to be Issued. The maximum principal amount of the Borrowing to be incurred by the Issuer to finance the Project is $150,000.

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

ADOPTED by the City Council of the City of Hendersonville, North Carolina, on this 12th day of February, 2025.

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

E. Resolution to Accept Funding – Community Development Block Grant Neighborhood Revitalization, for the FY24-25 Funding Cycle - *Angela S. Beeker, City Attorney*

Resolution #R-25-16

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL AUTHORIZING THE ACCEPTANCE OF COMMUNITY DEVELOPMENT BLOCK GRANT NEIGHBORHOOD REVITALIZATION FUNDING

WHEREAS, the City of Hendersonville City Council has previous approved the application for 2024 Community Development Block Grant Neighborhood Revitalization Funding (CDBG-NR), having held two public hearings as required; and

WHEREAS, the City has been awarded **$1,312,710.50** in CDBG-NR by the NC Department of Commerce, Rural Economic Development Division, and

WHEREAS, the City has received a Grant Agreement to govern the use of the CDBG-NR funds for neighborhood revitalization purposes;

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

1. The City Council hereby accepts the CDBG-NR funding in the amount of **$1,312,710.50** from the NC Department of Commerce, Rural Economic Development Division, and the Grant Agreement is approved as presented.
2. The Mayor or Mayor Pro Tem is authorized to execute the Grant Agreement on behalf of the City of Hendersonville.
3. The City Manager and City staff are authorized to take such actions as are reasonably necessary to carry out the terms of the Grant Agreement, in consultation with the City Attorney.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 12th day of February, 2025.

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

6. PRESENTATIONS

A. Quarterly MVP Recipients – *John Connet, City Manager*

City Manager read aloud why each person was chosen as MVP and Mayor Pro Tem Jennifer Hensley handed out the certificates Jill Murray, Ross Henderson, Tom Wooten and Allison received hers afterwards as she was not able to attend the meeting.

Quarterly MVPs

October – December 2024

The Service Excellence Design Team voted on the 23 MVPs submitted and the following three received the highest votes.



Jill Murray (Administration) and Ross Henderson (Public Works)

In preparation of the downtown Christmas parade, Jill and Ross stepped up to put the float together using a trailer from the Police Department and a variety of decorations. As this was the first time the City hosted a float, and having a short window of time, they pulled everything together to allow City Council to represent the City well, notably the only elected officials not riding in a car or truck. Ross also handled the generator and drove the float.



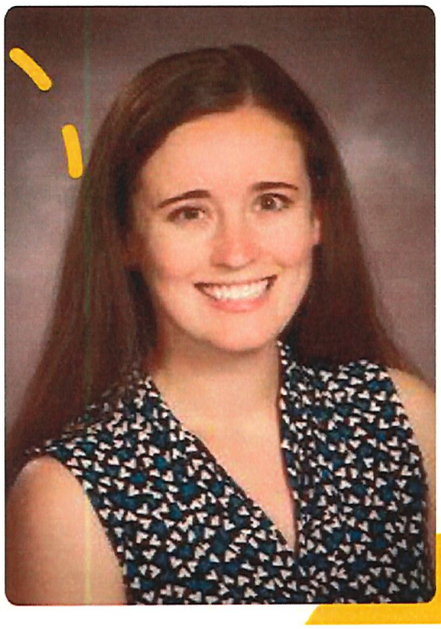


Tom Wooten (Public Works)

During the peak of Hurricane Helene, Tom went above and beyond to assist a woman who came to Fire Station 1 after being displaced from her Airbnb. She had been sent a photo of her new rental in Downtown, but with no address. With the help of Google Maps street view, Tom patiently pinpointed the location, provided written directions, and even drew her a map to ensure she could find it. His calm, professional demeanor was a great example of outstanding service during a chaotic time.

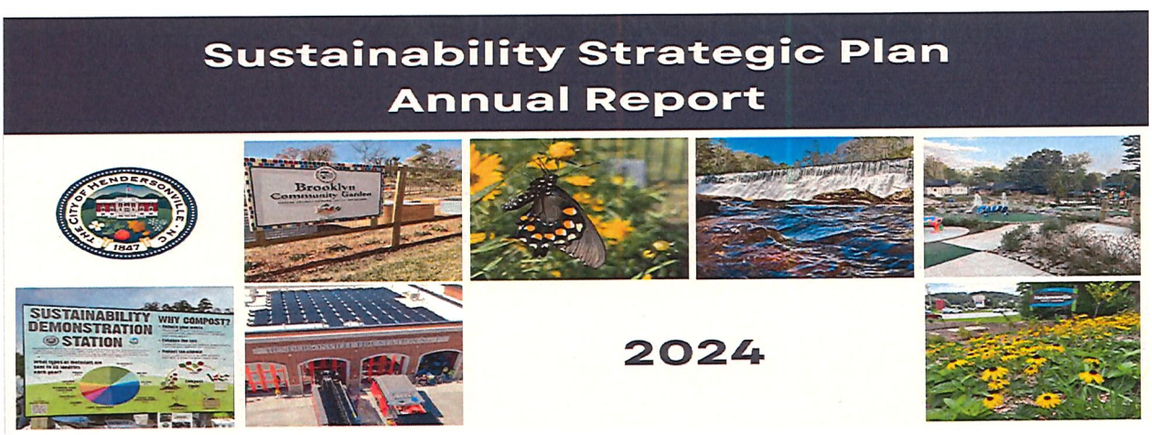
Allison Justus (Communications)

Allison facilitated and led a groundbreaking Spanish-first listening session at Immaculate Conception Catholic Church for the Hispanic community in Hendersonville. She partnered with multiple nonprofits, including True Ridge, El Centro, and MountainTrue's Healthy Communities Program, to translate materials and provide interpreters and handsets for attendees. Allison personally opened the meeting with introductions in both English and Spanish, creating a welcoming atmosphere for everyone. This session achieved the largest community turnout of all the Affordable Housing Listening Sessions, a testament to the impact of her inclusive approach. By advocating for a language-specific session outside the City staff's typical English-language framework, Allison took a bold step to prioritize and celebrate the voices of our Hispanic community. The event was a success, and the community expressed gratitude for her efforts!



B. Presentation of the Sustainability Plan Annual Report – *Caitlyn Gendusa, Public Works Superintendent-Sustainability*

Caitlyn Gendusa gave a brief update on the Sustainability Strategic Plan and showed the following PowerPoint.



Energy **Goal:** Reduce energy demand from municipal buildings & increase the amount of renewable energy utilized

Transportation **Goal:** Transition to electric and low emission vehicles and fuel while ensuring there is a robust and safe walkable and bikeable city.

Waste Management **Goal:** Reduce the amount of solid waste send to the landfill through recycling, composting, and other waste reduction efforts

Land Management **Goal:** Increase and enhance Hendersonville's green spaces while improving tree canopy cover, protecting biodiversity, promoting outdoor recreation, and improving the overall health and character of our City.

Water **Goal:** Ensure a safe and reliable drinking water supply for all citizens while preserving and protecting natural aquatic resources.

Energy

- Energy efficiency projects
  - Building automation system at City Hall
  - Insulation at fleet washbay
  - LED lighting at Whitmire Building
- Adopted Sustainable Facilities Policy
- Completed first rooftop solar project on FS1 and approved another solar installation at W&S Biosolids facility
- City building energy benchmark report completed

Highlights:

$27,600

In Duke Energy rebates for energy efficiency projects

2

Solar projects: 1 installed and 1 approved

23% Reduction in electricity **85%** Reduction in natural gas

from building automation system at City Hall

Transportation

- Completed propane vehicle test pilot
- Bicycle & Pedestrian Infrastructure Staff Committee assembled
- Sidewalk improvements
- Progress towards formalizing a sustainable fleet transition policy and investigating grant opportunities for electric vehicle fast charger

Highlights: **32%** **Average cost savings from switching to propane for City vehicles**

Waste Management

- Grant received for improving waste contamination and recycling rates - delayed due to Hurricane Helene & estimated to begin spring 2025
- Sustainability (compost) Demonstration Station initiated by Environmental Sustainability Board
- Approval of W&S biosolids dryer to reduce biosolid waste

Highlights:

$40,000
Waste reduction grant awarded

1st
Compost demonstration station and pilot drop off location created

Land Management

- Adopted ammended tree canopy ordinance establishing additional requirements for the protection of street trees within the City limits.
- 62 trees planted as part of Tree Board's Neighborwoods Program
- Pollinator planting, wildlife habitat improvements & invasive species removal
- Progress on Brooklyn Community Garden revitalization and expansion project

Highlights:

$50,000
In grant and City funds devoted to the Brooklyn Community Garden

34 Years as a Tree City USA member

10 Years as a Bee City USA member

1 Year as a Caregivers of Mother Earth member

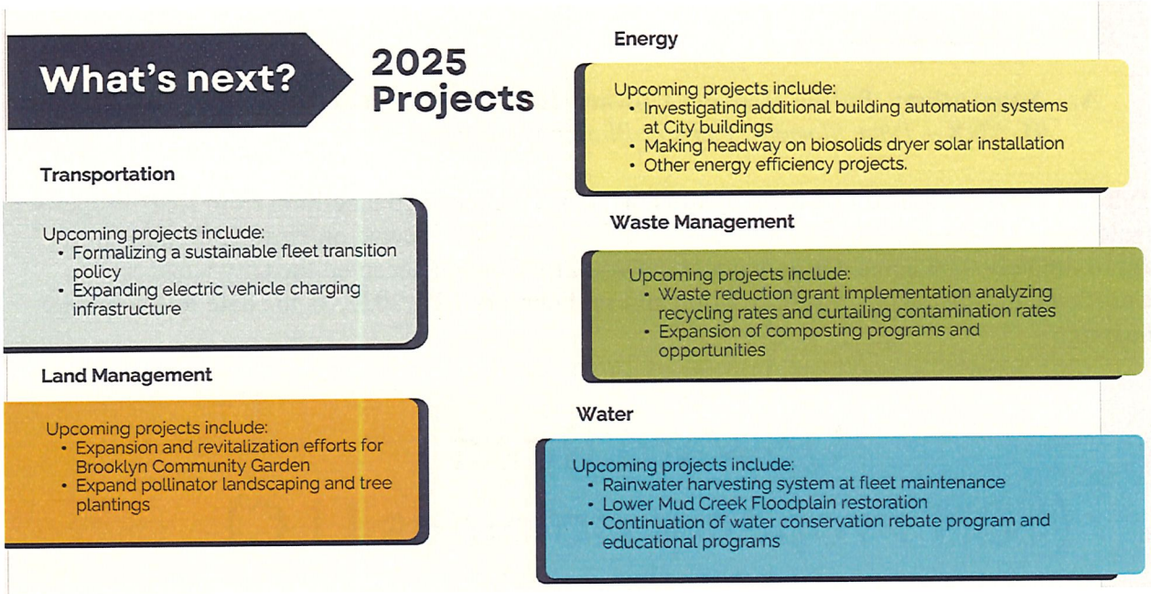
Water

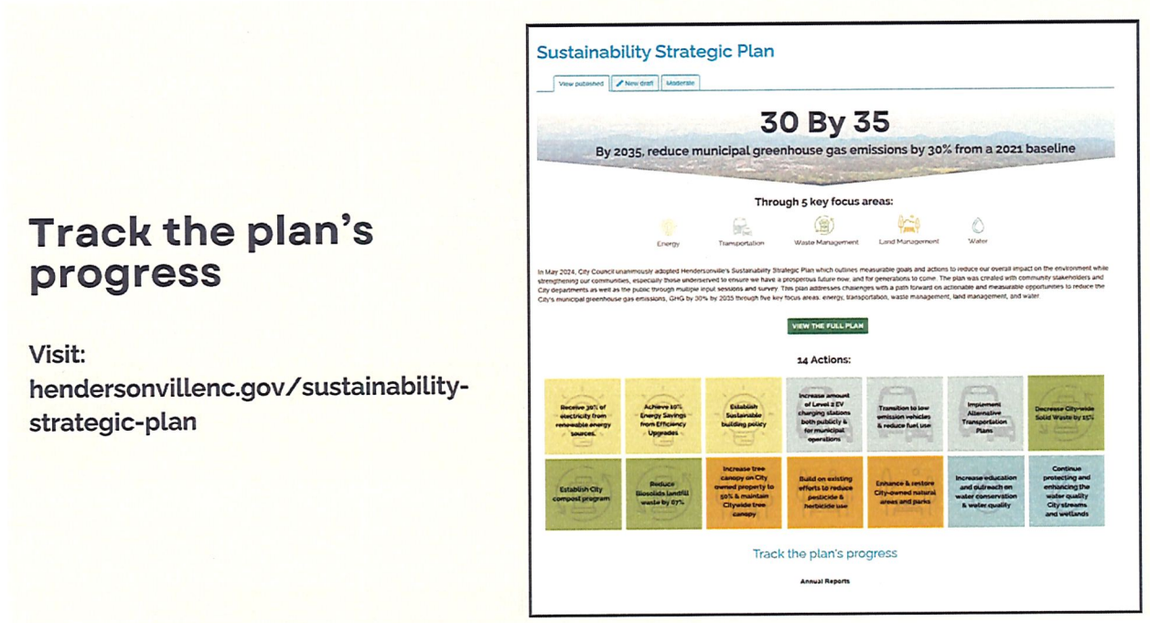
- Reinstated water conservation rebate program
- Green infrastructure on 7th Ave
- Educational efforts
  - 330 students participated in educational programs
  - 8 new educational signs installed throughout the City
  - 30 stream cleanup events
  - 73 staff members trained on stormwater management

Highlights:

18,761
Gallons of water/year saved in water conservation rebates

$1.4 million
In stream restoration grant funds awarded





C. MVP of the Year – *John Connet, City Manager*

City Manager read aloud why the two gentlemen were chosen as MVP's of the Year and Mayor Pro Tem Jennifer Hensley handed out the certificates to Mr. Mendosa and Mr. Hensley.

For Deon Mendosa and Brian Hensley, it was just another day on their Environmental Services route. Earlier, they had stopped at a particular residence, but as they passed by again after completing their rounds, something caught their attention. The resident was lying on the ground, still secured in her tipped-over wheelchair. She told them she had been stuck there for around 20 minutes.

Without hesitation, they made sure she was okay, assisted in getting her wheelchair upright, and stayed by her side until EMTs and the Fire Department arrived. First responders noted that the two remained with her until everything was handled, ensuring she was okay.

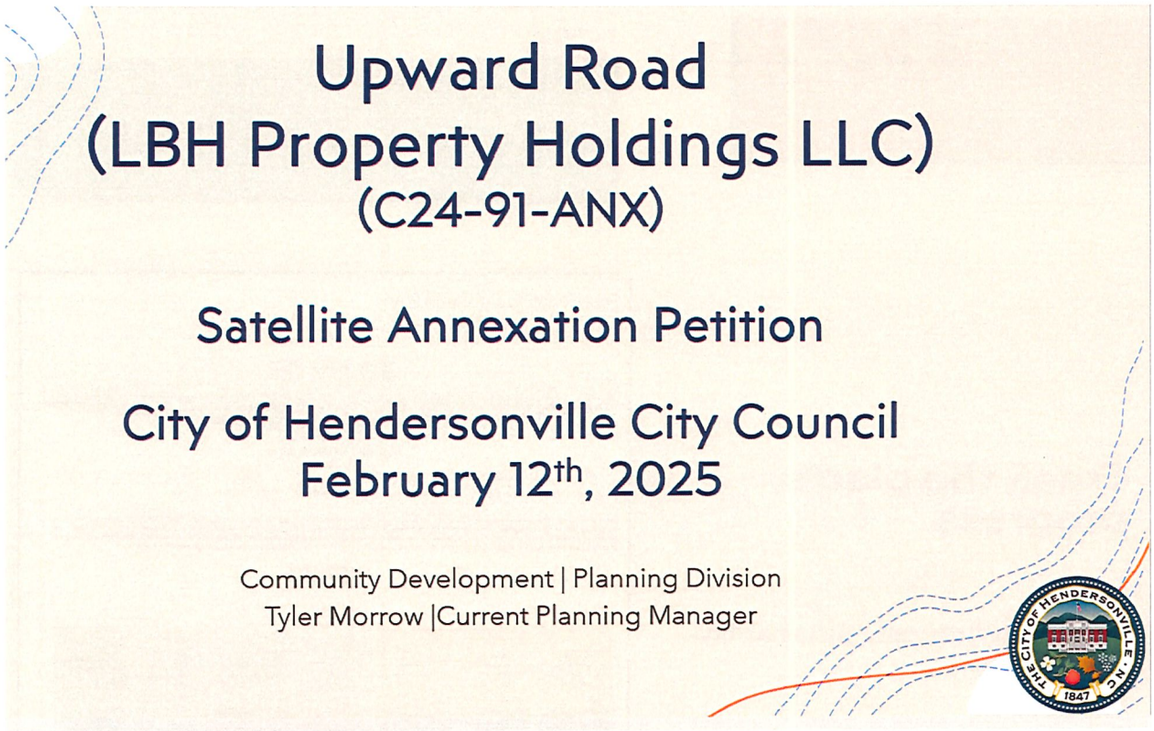
When asked about the incident, they simply said, "At that moment, our job wasn't the priority. It was making sure she was okay." Their quick thinking and compassion exemplify the best of team Hendersonville.



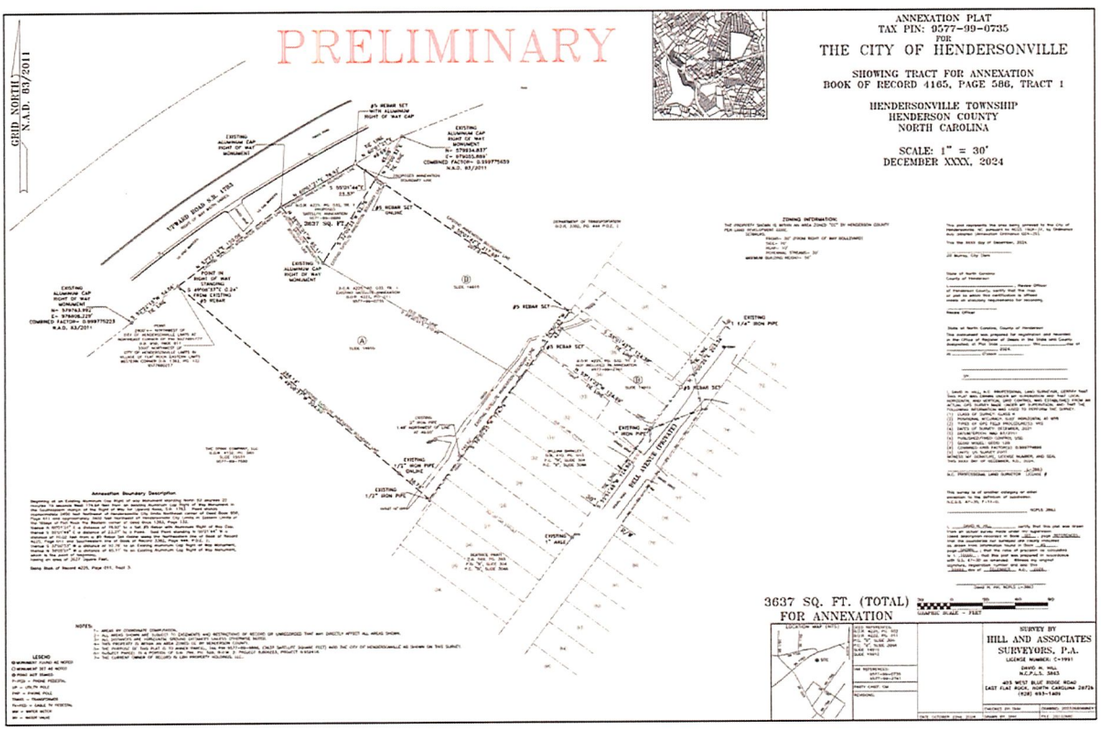
7. PUBLIC HEARINGS

A. Annexation: Public Hearing Upward Road (LBH Property Holdings LLC) (C24-91-ANX – *Tyler Morrow, Current Planning Manager*

Tyler Morrow explained that the City of Hendersonville received a petition from LBH Property Holdings LLC for satellite annexation of PIN 9577-89-9886 located on Upward Road that is approximately 0.08 acres. On January 8th, 2025, City Council accepted the City Clerk's Certificate of Sufficiency for the petition and set February 12th, 2025, as the date for the public hearing.







The public hearing was opened at 6:20 p.m.

There were no public comments.

The public hearing was closed at 6:20 p.m.

Council Member Melinda Lowrance moved City Council adopt an ordinance of the City of Hendersonville to annex noncontiguous property owned by LBH Property Holdings LLC, identified as PIN 9577-89-9886, 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-25-09

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: LBH Property Holdings LLC (Lyndon Hill, Manager)
File No. C24-91-ANX

WHEREAS, The City of Hendersonville has been petitioned by LBH Property Holdings LLC (Lyndon Hill, Manager) pursuant to North Carolina General Statutes (NCGS) 160A-58.1, as amended, to annex the area described herein below; and,

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

WHEREAS, a public hearing on the question of this annexation was held at City Hall at 160 6th Ave. E., Hendersonville, NC at 5:45 pm, on the 12th day of February 2025, after due notice by publication as provided by law on January 26, 2025; and

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

1. The Petition includes a metes and bounds description of the area proposed for annexation and has attached a map showing the proposed satellite area.
2. The nearest point on the proposed satellite corporate limit is approximately 2450' from the primary corporate limits of the City of Hendersonville, which is less than 3 miles.
3. The Petition includes the names and addresses and signatures of all owners of real property lying in the area described therein, except those not required to sign by G.S.160A-58.1 (a).
4. No point on the proposed satellite corporate limits is closer to the primary corporate limits of another city than to the primary corporate limits of Hendersonville (Village of Flat Rock approximately 3400').

5. The area is situated so the City will be able to provide the same services within the proposed corporate limits that is provided within the primary corporate limits.
6. The area proposed for annexation is not subject to subdivision regulation as described N.C.G.S. § 160D-802
7. The total area within the proposed satellite corporate limits, when added to the area within all the other satellite corporate limits of the City, does not exceed ten (10%) of the area within the primary corporate limits of the City.
8. The area for annexation meets all other requirements defined in NC 160A-58.54 regarding the character of the area to be annexed.

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

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

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

1: By virtue of the authority granted by N.C.G.S. 160A-58.2, as amended, the following described noncontiguous area is hereby annexed and made part of the City of Hendersonville as of the twelfth day of February 2025.

Being all of that real property consisting of PIN 9577-89-9886 described in the plat recorded in Book 2025- ____ [to be inserted at recording of the plat] of the Henderson County Registry, said PIN 9577-89-9886 being described by metes and bounds as follows:

Portion of right of way for Upward Road, S.R. 1783, Project Reference No. R-4430, Project 6.806223 and Project 6.952418. Right of Way found in Deed Book 799, Page 509.
Beginning at an Aluminum Cap Right of Way Monument standing 61.65 feet right of Line "L" at station 45+50.42. Thence a New Line North 60 degrees 01 minutes 21 seconds East a distance of 78.92 feet to a #5 Rebar with Aluminum Right of Way Cap set. Standing South 60 degrees 01 minutes 21 seconds West a distance of 49.69 feet from an Aluminum Cap Right of Way Monument standing 58.09 feet right of Line "L" at station 46+85.85. Thence a New Line South 55 degrees 01 minutes 44 seconds East a distance of 23.37 feet to a #5 Rebar with Aluminum Right of Way Cap set. Thence with existing Right of Way South 32 degrees 00 minutes 33 seconds West a distance of 92.76 feet to an Aluminum Cap Right of Way Monument standing 126.55 feet right of Line "L" at station 45+56.09. Thence with existing Right of Way North 36 degrees 05 minutes 01 seconds West a distance of 65.11 feet to the Point and Place of Beginning. Containing 3637 square feet.

2: Upon and after the twelfth day of February 2025, 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 12th day of February, 2025.

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

B. Annexation: Public Hearing Old Sunset Hill Road (Taylor & Albea) (C24-56-ANX
– Tyler Morrow, Current Planning Manager

Tyler Morrow explained that the City of Hendersonville received a petition from Gregory Albea, Julianne Albea, Joseph Taylor, and Laura Taylor for contiguous annexation of PINs 9579-98-0375, 9579-98-3527, 9579-99-4115, and 9579-99-8724 located on Old Sunset Hill Road that is approximately 21.32 acres. On January 8th, 2025, City Council accepted the City Clerk's Certificate of Sufficiency for the petition submitted and set February 12th, 2025, as the date for the public hearing.

Old Sunset Hill Road (Taylor & Albea)
(C24-56-ANX)

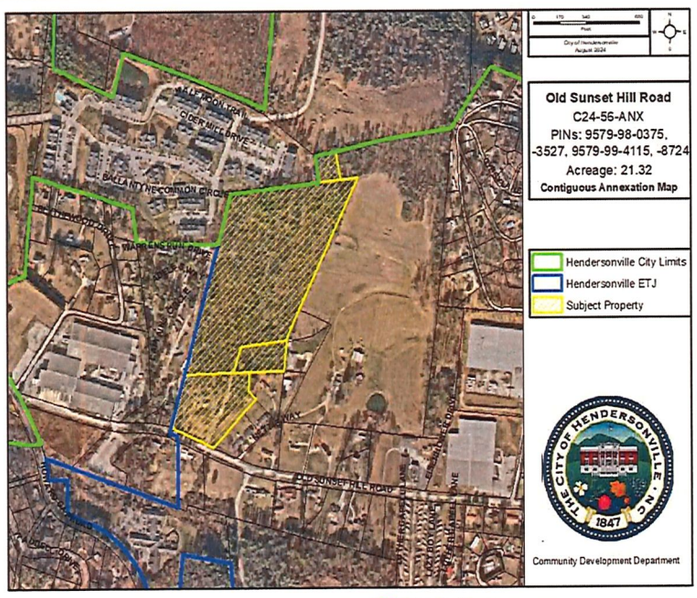
Contiguous Annexation Petition

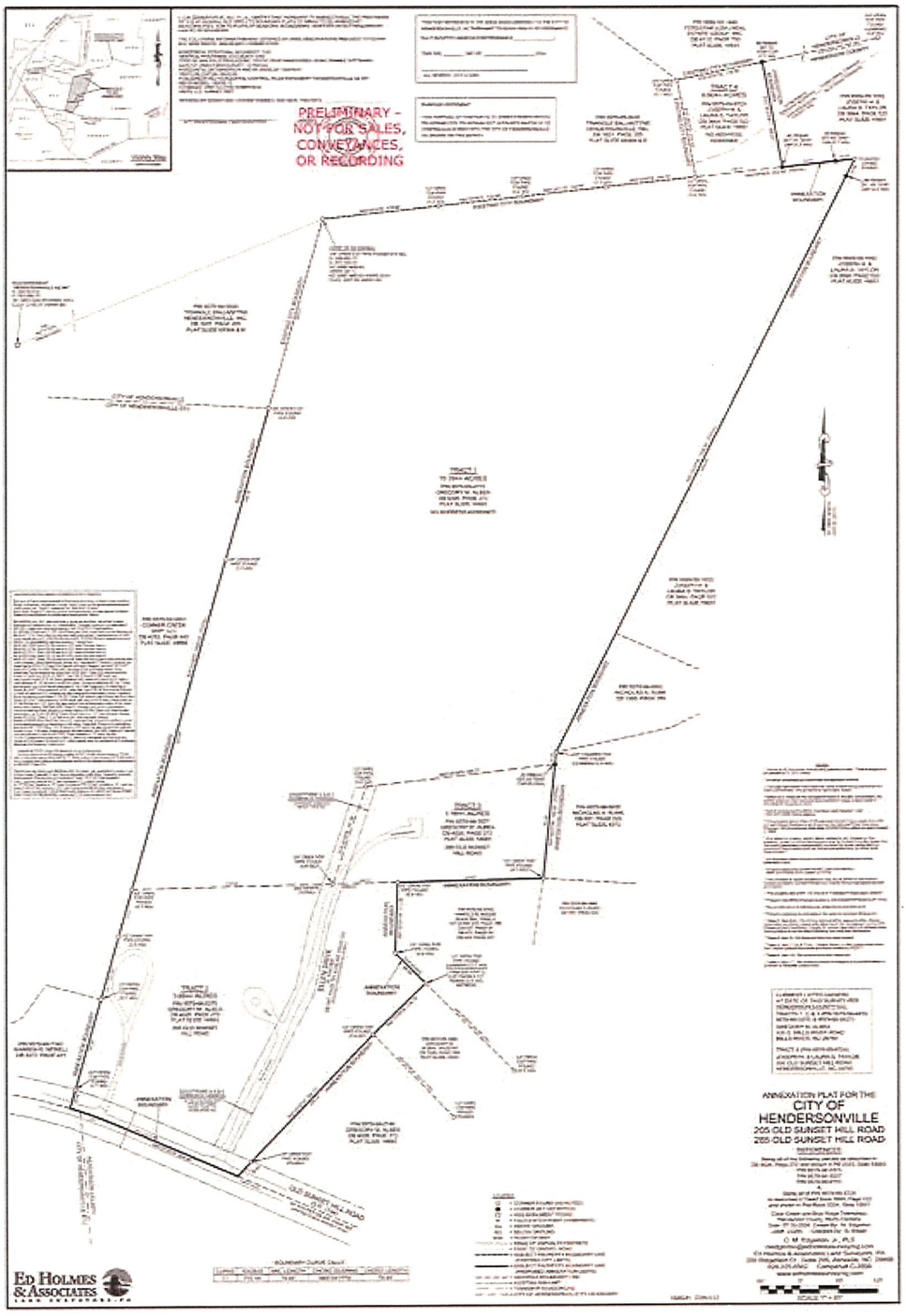
City of Hendersonville City Council
February 12th, 2025

Community Development | Planning Division
Tyler Morrow |Current Planning Manager

Background

+ **Petitioners:**
  - Gregory Albea
  - Julianne Albea
  - Joseph Taylor
  - Laura Taylor
+ **PIN:**
  + 9579-98-0375
  + 9579-98-3527
  + 9579-99-4115
  + 9579-99-8724
+ **Acreage:**
  + Approximately 21.32 acres





The public hearing was opened at 6:22 p.m.

There were no public comments.

The public hearing was closed at 6:22 p.m.

Council Member Lyndsey Simpson moved 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 Gregory Albea, Julianne Albea, Joseph Taylor, and Laura Taylor, identified as PINs 9579-98-0375, 9579-98-3527, 9579-99-4115, and 9579-99-8724, 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-25-10

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
Petitioners: Gregory Albea, Julianne Albea, Joseph Taylor, and Laura Taylor
File No. C24-56-ANX

WHEREAS, The City of Hendersonville has been petitioned by Gregory Albea, Julianne Albea, Joseph Taylor, and Laura Taylor, 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 160 6th Ave E. (City Hall), Hendersonville, NC at 5:45 pm, on the 12th day of February 2025, after due notice by publication as provided by law on January 26th 2025; 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 12th day of February 2025.

Being all of that real property consisting of PINs 9579-98-0375, 9579-98-3527, 9579-99-4115, 9579-99-8724 described in the plat recorded in Book 2025- ____ [to be inserted at recording of the plat] of the Henderson County Registry, said PINs 9579-98-0375, 9579-98-3527, 9579-99-4115, 9579-99-8724 being described by metes and bounds as follows:

Being all of those certain parcels of land lying and being in Clear Creek and Blue Ridge Townships, Henderson County, North Carolina; being the same properties described in the "Tract 2" subsection of "Exhibit A" in Deed Book 4026, Page 272; being a portion of that property as described in DB 3664, Page 522; and being more particularly described as follows:
BEGINNING at a 3/4" open top pipe lying on the southern line of the Triangle Ballantyne Hendersonville, Inc. (hereinafter "Triangle") property as described in DB 1601, Page 205; said pipe also lying on the existing CITY LIMITS of the City of Hendersonville; and said pipe having "NAD 83 (2011)" coordinates of N: 599,590.75 feet and E: 979,199.05 feet and lying a grid bearing and distance of North 67°17'22" East 3954.96 feet from NGS Monument "Hendersonville AZ MK" (with coordinates of N: 598,063.83 feet and E: 975,550.74 feet); thence from said POINT OF BEGINNING with the CITY LIMITS and with the southern Triangle line the following 5 (five) calls:
North 83°25'32" East 179.86 feet to a 1/2" open top pipe;
North 83°27'35" East 132.08 feet to a 1/2" open top pipe;
North 83°26'11" East 128.78 feet to a 1/2" open top pipe;
North 83°44'09" East 140.14 feet to a 1/2" open top pipe;
North 10°38'23" West 155.24 feet to a 3/4" open top pipe lying on the southern line of the Forestar (USA) Real Estate Group, Inc. (hereinafter "Forestar") property as described in DB 4112, Page 700;
Thence continuing with the CITY LIMITS and with said Forestar line North 78°10'47" East 134.76 feet to a 5/8" rebar with cap lying at the northwest corner of the remaining Taylor property as described in DB 3664, Page 522; thence leaving the CITY LIMITS with the western Taylor line South 10°38'23" East 168.07 feet to a 5/8" rebar with cap; thence North 83°37'35" East (passing a 5/8" rebar with cap at 82.41 feet) a total distance of 112.41 feet to a planted stone; thence continuing with the Taylor line and with the Runk line as described in DB 1398, Page 390 on a bearing of South 26°24'47" West (passing a 5/8" rebar with cap at 30.00 feet) a total distance of 1038.40 feet to a 1/2" crimped top pipe lying at the northwest corner of another Runk property as described in DB 991, Page 228; thence with the second Runk line South 05°50'01" West (passing a 5/8" rebar with cap at 19.23 feet) a total distance of 199.69 feet to a 1/2" open top pipe lying at the northeastern corner of the Nolen line as described in Will Book 86E, Page 9, and also lying at the northwestern corner of another Runk property as described in DB 991, Page 228; thence with said Nolen line South 88°34'58" West 225.92 feet to a 1/2" open top pipe; thence South 01°53'55" West 111.35 feet to a 3/4" open top pipe; thence South 44°45'29" East 66.33 feet to a 1/2" open top pipe lying at the northern corner of the Albea property as described in DB 4026, Page 269; thence with said Albea line South 45°17'09" West 114.15 feet to a 1/2" open top pipe lying at the northern corner of the "1.00 acre" Albea property as described in DB 4026, Page 272; thence with said Albea line South 43°20'24" West (passing a 1/2" open top pipe at 276.12 feet) a total distance of 306.17 feet to an unmarked point lying in the center of Old Sunset Hill Road (S.R. 1744); thence with the centerline of Old Sunset Hill Road the following 2 (two) calls:
North 66°27'25" West 200.96 feet to an unmarked point;

On a curve to the left having a radius of 731.14 feet, an arc length of 79.49 feet, a chord bearing of North 69°34'17" West, and a chord distance of 79.45 feet to an unmarked point lying at the southeast corner of the Newell property as described in DB 3372, Page 421;
Thence leaving Old Sunset Hill Road with the Newell line, and with the eastern line of the Conner Creek MHP, LLC line as described in DB 4052, Page 640, and with said southern Triangle line on a bearing of North 15°41'44" East (passing a 3/4" open top pipe at 30.47 feet, passing a 1/2" open top pipe at 177.56 feet, passing a 1/2" open top pipe at 279.12 feet, passing a 1/2" open top pipe at 356.53 feet, passing a 3/4" open top pipe at 894.02 feet, and passing a 3/4" open top pipe at 1140.25 feet) a total distance of 1448.52 feet (the last 308.27 feet running with the CITY LIMITS) to the POINT AND PLACE OF BEGINNING, containing 21.32 acres, more or less.

2: Upon and after the twelfth day of February 2025, 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.

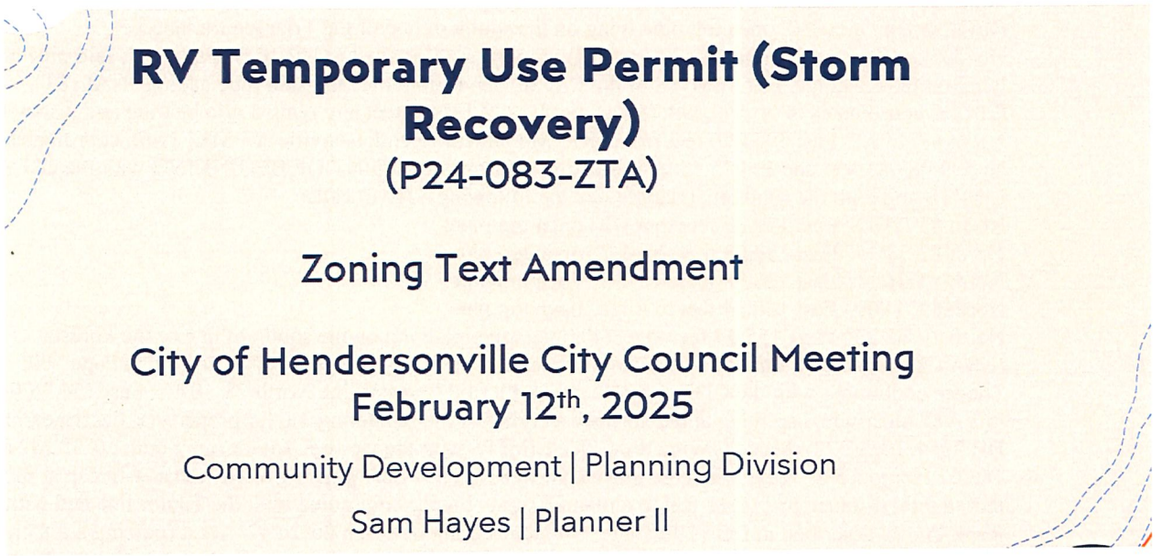
3. The Mayor of the City of Hendersonville shall cause to be recorded in the office of the Register of Deeds of Henderson County and at the Office of the Secretary of State in Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1, above, together with a duly certified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

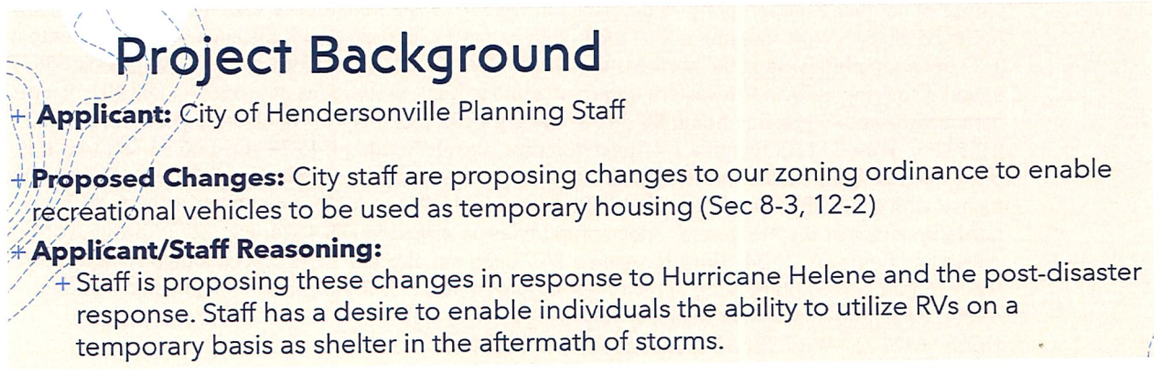
Adopted by the City Council of the City of Hendersonville, North Carolina on this 12th day of February, 2025.

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

C. Zoning Text Amendment: RV Temporary use Permit (P24-083-ZTA) – *Sam Hayes, Planner II*

Sam Hayes explained that City staff is proposing revisions to the City's zoning ordinance to support post-disaster recovery. The key changes focus on permitting the temporary use of recreational vehicles (RVs) for shelter. Staff believes these changes will not only assist individuals still recovering from the aftermath of Hurricane Helene but will also provide support in the future if and when new storms impact the City. The planning board recommended the ZTA for approval.





Recreational Vehicle (RV) Temporary Use Permit

Staff Recommended Code Revision

Sec. 34-4. Parking and storage of recreation vehicles.

(a) Parking of the recreation vehicles shall be prohibited, except in driveways, within the required front yard area, and subject to the requirements of this chapter. The side yard areas may be used for parking of such vehicles in accordance with the provisions of this chapter.

(b) Recreation vehicles may be used and maintained as a temporary shelter or office located on a construction site during the actual period of construction on such site; provided, however, that the vehicles shall be removed therefrom within 72 hours next following completion of the construction processes.

(c) One unoccupied recreation vehicle may be parked or otherwise located in any accessory private garage building, or in a rear or side yard of an occupied dwelling; provided, however, that no living or sleeping quarters shall be maintained, or any business located in, or carried on, or otherwise fostered in the ~~trailer~~ recreational vehicle while it is so parked, located or stored.

(d) A recreation vehicle with self-contained facilities may be temporarily parked or located, occupied or unoccupied, within the boundaries of districts zoned and designated under the zoning ordinance of the city as residential areas, neighborhood trading areas, or industrial districts, or MIC for a period not exceeding 72 hours; provided, however, that a permit is obtained from and issued by the code enforcement officer prior to the parking or location of the recreation vehicle; provided, further, that if the code enforcement officer shall fail to issue such permit after prompt and appropriate application therefor, the applicant shall have the right to appeal the decision of the code enforcement officer to the ~~entire city council~~ zoning board of adjustment.

(e) Recreation vehicles may be used and maintained as a temporary shelter or office for the sale of agricultural products such as crops, fruits, vegetables, ornamental and flowering plants or trees and all other forms of agricultural products, provided that there are no living or sleeping quarters maintained in such recreation vehicle during such temporary use. A temporary use permit shall be obtained from the code enforcement officer for such use for a specified period of time not exceeding 90 days. One such permit may be issued within a 12-month period.

(f) The use and occupancy limitations contained in this Section 34-4 shall not apply to the use or occupancy of a recreational vehicle where such use or occupancy is permitted by the City of Hendersonville Zoning Ordinance.

(Code 1971, § 17-4)

Staff Recommended Code Revision

Sec. 8-3. Temporary use permits for manufactured/mobile homes and recreational vehicles

a) Manufactured/Mobile homes

No more than one manufactured/mobile home may be permitted in the rear yard of a residential dwelling on a platted lot as an accessory structure, provided, the manufactured/mobile home shall meet the principal structure setback requirements for the district in which it is located. Such use shall be temporary and shall be based on a finding by board of adjustment that a personal hardship situation exists (such as the need to care for elderly parents or other dependents) which justifies a special exception of this nature. Temporary use permit shall be issued in such cases for one year, and may be renewed by the zoning administrator so long as the approved hardship continues to exist.

All such manufactured/mobile homes situated in rear yards must have access to city water and sewer service or individual systems approved in writing by the county health officer and such manufactured/mobile homes must be maintained in such a way as to create no nuisance conditions. Furthermore, if any such manufactured/mobile home must be situated closer to the side or rear yard line than the required setback for the district involved, a variance must be obtained from the board of adjustment.

Recreational Vehicle

(1) The zoning administrator may issue a temporary use permit for recreation vehicles to be used and maintained as a temporary shelter or office located on a construction site during the actual period of construction on such site; provided, however, that the vehicles shall be removed therefrom within 72 hours next following completion of the construction processes. The recreational vehicle must be maintained in such a way as to not create a nuisance. The temporary use permit shall specify the placement of the recreational vehicle on the property on which it is located with regards to front, rear, or side yard, and setbacks.

(2) During a mayoral declared state of emergency for the City of Hendersonville, the zoning administrator may issue a temporary use permit for a particular tract of land to allow the placement of a recreational vehicle in any zoning district for up to 180 days. Extensions for hardship may be granted by the zoning board of adjustment. The recreational vehicle must be maintained in such a way as to not create a nuisance. The temporary use permit shall specify the placement of the recreational vehicle on the property on which it is located with regards to front, rear, or side yard, and setbacks.

Staff Recommended Code Revision

12-2. Definition of commonly used terms and words

Recreational vehicle: a motor vehicle or trailer that includes living quarters designed for accommodation, including but not limited to motorhomes, campervans, fifth-wheel trailers, and popup campers. Such vehicles must be:

a) Built on a single chassis;

b) 400 square feet or less when measured at the largest horizontal projection;

c) Designed to be self-propelled or permanently towable by a light duty truck;

d) Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use; and

e) Fully licensed and ready for highway use.

1) COMPREHENSIVE PLAN CONSISTENCY		
		EXISTING CONDITIONS The revisions allowing for temporary RV use will have minimal impact on existing conditions.
	2) Compatibility	**GEN H COMPREHENSIVE PLAN GOALS** (Chapter IV) **Vibrant Neighborhoods:** Consistent **Abundant Housing Choices:** Consistent **Healthy and Accessible Natural Environment:** N/A **Authentic Community Character:** N/A **Safe Streets and Trails:** N/A **Reliable & Accessible Utility Services:** Consistent **Satisfying Work Opportunities:** N/A **Welcoming & Inclusive Community:** N/A **Accessible & Available Community Uses and Services:** N/A **Resilient Community:** Consistent
		GEN H COMPREHENSIVE PLAN GUIDING PRINCIPLES (Chapter IV) **Mix of Uses:** N/A **Compact Development:** N/A **Sense of Place:** N/A **Conserved & Integrated Open Spaces:** N/A **Desirable & Affordable Housing:** N/A **Connectivity:** N/A **Efficient & Accessible Infrastructure:** N/A

1) COMPREHENSIVE PLAN CONSISTENCY		
	3) Changed Conditions	**Whether and the extent to which there are changed conditions, trends or facts that require an amendment -**
		The City staff believe that it is important to ensure that people can regain access to housing as quickly as possible after a storm. In light of Hurricane Helene which has shown that the City of Hendersonville is not immune from damage and destruction from natural hazards, it is important to update our ordinance to ensure that people can recover as quickly as possible.
	4) Public Interest	**Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern that benefits the surrounding neighborhood, is in the public interest and promotes public health, safety and general welfare -**
		Staff has attempted to craft this ordinance so that there will be minimal impact to neighbors.
	5) Public Facilities	**Whether and the extent to which adequate public facilities and services such as water supply, wastewater treatment, fire and police protection and transportation are available to support the proposed amendment**
		This amendment will have minimal to no impact on public facilities.
	6) Effect on Natural Environment	**Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment including but not limited to water, air, noise, storm water management, streams, vegetation, wetlands and wildlife -**
		There is minimal impacts on the natural environment.

Planning Board - Legislative Committee

+ December 17, 2024
+ 4 Member in attendance + Staff
  + Supported the RV amendment with modifications to clarify language certain language.

Planning Board

+ January 9th, 2025
+ Unanimously voted to recommend for approval.

Draft Consistency Statement

The petition is found to be [consistent] with the City of Hendersonville Gen H 2045 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:

The petition aligns with the City's adopted plan's policy guidance to establish more resilient communities through recovery from adverse events such as extreme weather or natural hazards.

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

There were no public comments.

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

Council Member Gina Baxter moved City Council adopt an ordinance amending the official City of Hendersonville Zoning Ordinance, Section 8-3 Temporary use permits for manufactured/mobile homes, and Section 12-2. Definitions of commonly used terms and words. AND an amendment to the City Code of Ordinances, Section 34-4. Parking and Storage of Recreational Vehicles.

1. The petition is found to be <u>consistent</u> with the City of Hendersonville Gen H 2045 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:

> ***The petition aligns with the City's adopted plan's policy guidance to establish more resilient communities through recovery from adverse events such as extreme weather or natural hazards.***

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

1. ***Hurricane Helene has shown that there is a pressing need for the City to create flexibility in its zoning code to support post-disaster recovery.***
2. ***The use of recreational vehicles will be temporarily permitted in all zoning districts to provide adequate housing for individuals following disasters.***

A unanimous vote of the Council followed. Motion carried.

Ordinance #O-25-11

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND CITY OF HENDERSONVILLE CODE OF ORDINANCES, SECTION 34-4. PARKING AND STORAGE OF RECREATIONAL VEHICLES, AND ZONING ORDINANCE, SECTION 8-3. TEMPORARY USE PERMITS FOR MANUFACTURED/MOBILE HOMES, AND SECTION 12-2. DEFINITIONS OF COMMONLY USED TERMS AND WORDS.

WHEREAS, the Planning Board reviewed this petition for a zoning text amendment at its regular meeting on January 9th, 2025; voting 7-0 to recommend City Council adopt an ordinance amending the City of Hendersonville Zoning Ordinance, and

WHEREAS, City Council took up this application at its regular meeting on February 12th, 2025, and

WHEREAS, City Council has found that this zoning text amendment is consistent with the City's comprehensive plan, and that it is reasonable and in the public interest for the reasons stated, and

WHEREAS, City Council has conducted a public hearing as required by the North Carolina General Statutes on February 12th, 2025,

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Hendersonville to amend City of Hendersonville Code of Ordinances, Section 34-4. Parking and Storage of Recreational Vehicles and the City of Hendersonville Zoning Ordinance, Section 8-3. Temporary use permits for manufactured/mobile homes., and Section 2-2. Definitions of commonly used terms and words.

ZONING ORDINANCE

Sec. 34-4. Parking and storage of recreation vehicles.

(a) Parking of the recreation vehicles shall be prohibited, except in driveways, within the required front yard area, and subject to the requirements of this chapter. The side yard areas may be used for parking of such vehicles in accordance with the provisions of this chapter.

(b) Recreation vehicles may be used and maintained as a temporary shelter or office located on a construction site during the actual period of construction on such site; provided, however, that the vehicles shall be removed therefrom within 72 hours next following completion of the construction processes.

(c) One unoccupied recreation vehicle may be parked or otherwise located in any accessory private garage building, or in a rear or side yard of an occupied dwelling; provided, however, that no living or sleeping quarters shall be maintained, or any business located in, or carried on, or otherwise fostered in the ~~trailer~~ recreational vehicle while it is so parked, located or stored.

(d) A recreation vehicle with self-contained facilities may be temporarily parked or located, occupied or unoccupied, within the boundaries of districts zoned and designated under the zoning ordinance of the city as residential areas, neighborhood trading areas, or industrial districts, or MIC for a period not exceeding 72 hours; provided, however, that a permit is obtained from and issued by the code enforcement officer prior to the parking or location of the recreation vehicle; provided, further, that if the code enforcement officer shall fail to issue such permit after prompt and appropriate application therefor, the applicant shall have the right to appeal the decision of the code enforcement officer to the ~~entire city council~~ zoning board of adjustment.

(e) Recreation vehicles may be used and maintained as a temporary shelter or office for the sale of agricultural products such as crops, fruits, vegetables, ornamental and flowering plants or trees and all other forms of agricultural products, provided that there are no living or sleeping quarters maintained in such recreation vehicle during such temporary use. A temporary use permit shall be obtained from the code enforcement officer for such use for a specified period of time not exceeding 90 days. One such permit may be issued within a 12-month period.

(f) The use and occupancy limitations contained in this Section 34-4 shall not apply to the use or occupancy of a recreational vehicle where such use or occupancy is permitted by the City of Hendersonville Zoning Ordinance.

(Code 1971, § 17-4)

Sec. 8-3. Temporary use permits for manufactured/mobile homes and recreational vehicles

a) Manufactured/Mobile homes

No more than one manufactured/mobile home may be permitted in the rear yard of a residential dwelling on a platted lot as an accessory structure, provided, the manufactured/mobile home shall meet the principal structure setback requirements for the district in which it is located. Such use shall be temporary and shall be based on a finding by board of adjustment that a personal hardship situation exists (such as the need to care for elderly parents or other dependents) which justifies a special exception of this nature. Temporary use permit shall be issued in such cases for one year, and may be renewed by the zoning administrator so long as the approved hardship continues to exist.

All such manufactured/mobile homes situated in rear yards must have access to city water and sewer service or individual systems approved in writing by the county health officer and such manufactured/mobile homes must be maintained in such a way as to create no nuisance conditions. Furthermore, if any such manufactured/mobile home must be situated closer to the side or rear yard line than the required setback for the district involved, a variance must be obtained from the board of adjustment.

b) Recreational Vehicle

(1) The zoning administrator may issue a temporary use permit for recreation vehicles to be used and maintained as a temporary shelter or office located on a construction site during the actual period of construction on such site; provided, however, that the vehicles shall be removed therefrom within 72 hours next following completion of the construction processes. The recreational vehicle must be maintained in such a way as to not create a nuisance. The temporary use permit shall specify the placement of the recreational vehicle on the property on which it is located with regards to front, rear, or side yard, and setbacks.

(2) During a mayoral declared state of emergency for the City of Hendersonville, the zoning administrator may issue a temporary use permit for a particular tract of land to allow the placement of a recreational vehicle in any zoning district for up to 180 days. Extensions for hardship may be granted by the zoning board of adjustment. The recreational vehicle must be maintained in such a way as to not create a nuisance. The temporary use permit shall specify the placement of the recreational vehicle on the property on which it is located with regards to front, rear, or side yard, and setbacks.

12-2. Definition of commonly used terms and words

Recreational vehicle: a motor vehicle or trailer that includes living quarters designed for accommodation, including but not limited to motorhomes, campervans, fifth-wheel trailers, and popup campers. Such vehicles must be:

a) Built on a single chassis;

b) 400 square feet or less when measured at the largest horizontal projection;

c) Designed to be self-propelled or permanently towable by a light duty truck;

d) Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use; and

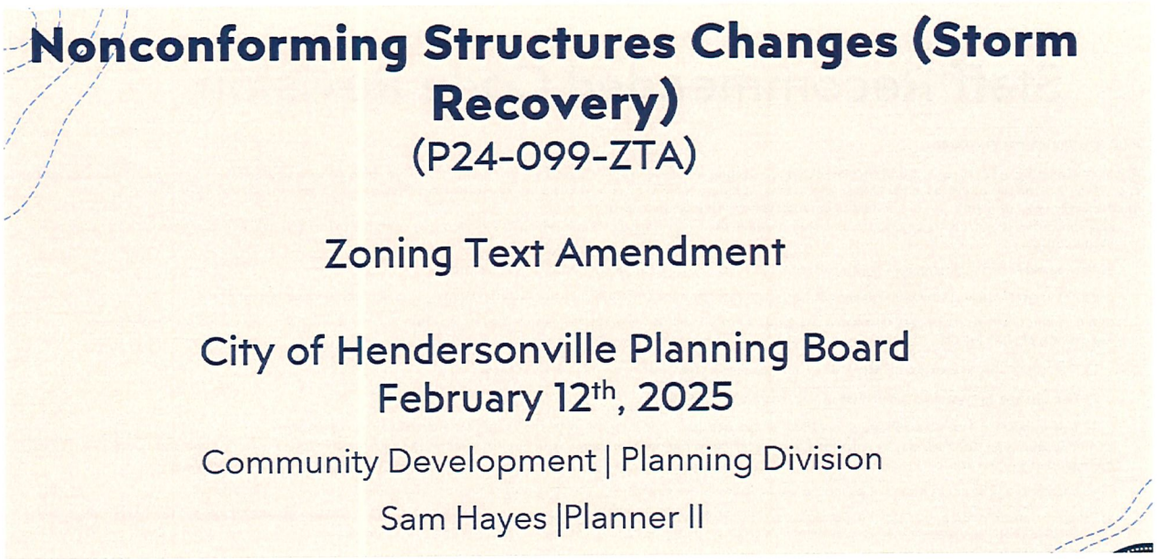
e) Fully licensed and ready for highway use.

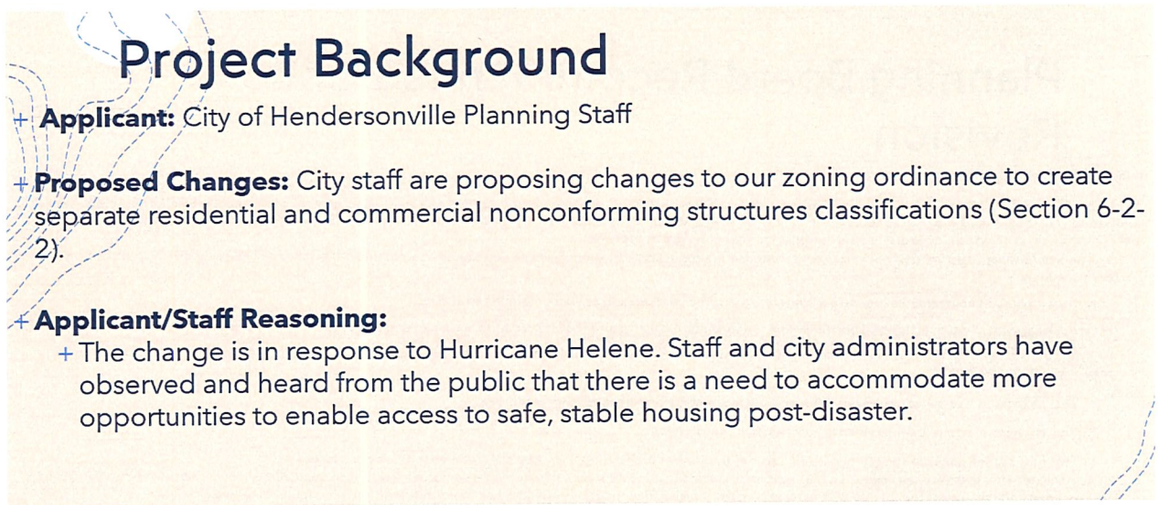
Adopted by the City Council of the City of Hendersonville, North Carolina on this 12th day of February, 2025.

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

D. Zoning Text Amendment: Nonconforming Structures Changes (P24-099-ZTA) – *Sam Hayes, Planner II*

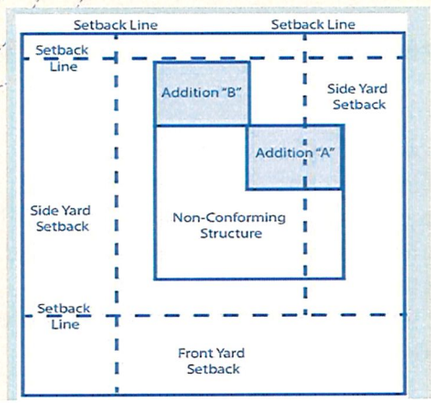
Sam Hayes explained that City staff is proposing revisions to the City's zoning ordinance to support post-disaster recovery. The key changes focus on allowing nonconforming residential structures to be rebuilt, regardless of the extent of the damage. Staff believes these changes will not only assist individuals still recovering from the aftermath of Hurricane Helene but will also provide support in the future if and when new storms impact the City. The planning board recommended the ZTA for approval but recommended that nonconforming residential structures should only be allowed to rebuild during a mayoral declared disaster.





Nonconforming Residential Structures

Examples of Nonconforming Structures





Manufactured/Mobile Homes

Staff Recommended Code Revision

6-2-2 Nonconforming structures.

A nonconforming structure is a building or other structure which lawfully existed prior to the effective date of this ordinance, or an amendment thereto, and which no longer could be built under the terms of this ordinance, as amended, by reason of restrictions on area, footprint, open space, building height, setbacks, lot width, or other requirements concerning the structure.

a) A nonconforming structure devoted to a use permitted in the zoning classification in which it is located may continue to be used only in accordance with the provisions of this section.

b) Normal repair and maintenance may be performed to allow the continuation of nonconforming structures.

c) Except as provided in subsections (d) and (e) below, a nonconforming structure shall not undergo a change of use, renovation or expansion.

d) A nonconforming structure may undergo a change of use or renovation without having to bring the structure into conformity with the requirements of these regulations, provided that:

1) The change in use or renovation does not increase the floor area of the structure.

2) The change in use is to a permitted use within the district.

3) The number of parking spaces provided for the use is in conformity with the requirements of these regulations.

e) A nonconforming structure may be expanded, without bringing the nonconforming structure into conformity with these regulations, only if the part of the structure to be expanded and the area of the lot into which the expansion is taking place are both brought into conformity with the requirements of this ordinance.

f) A nonconforming structure shall not be moved unless it thereafter conforms to the standards of the zoning classification in which it is located.

g) Where a nonconforming residential structure is damaged by fire, flood, wind, or other act of God, ~~and such damage does not exceed 50 percent of the current assessed taxable value of the structure,~~ it may be restored to its original dimensions and conditions as long as a building permit for the restoration is issued within 12 months of the date of the damage.

h) Where a nonconforming commercial structure is damaged by fire, flood, wind, or other act of God, and such damage does not exceed 50 percent of the current assessed taxable value of the structure, it may be restored to its original dimensions and conditions as long as a building permit for the restoration is issued within 12 months of the date of the damage.

Planning Board Recommended Code Revision

6-2-2 Nonconforming structures.

A nonconforming structure is a building or other structure which lawfully existed prior to the effective date of this ordinance, or an amendment thereto, and which no longer could be built under the terms of this ordinance, as amended, by reason of restrictions on area, footprint, open space, building height, setbacks, lot width, or other requirements concerning the structure.

a) A nonconforming structure devoted to a use permitted in the zoning classification in which it is located may continue to be used only in accordance with the provisions of this section.

b) Normal repair and maintenance may be performed to allow the continuation of nonconforming structures.

c) Except as provided in subsections (d) and (e) below, a nonconforming structure shall not undergo a change of use, renovation or expansion.

d) A nonconforming structure may undergo a change of use or renovation without having to bring the structure into conformity with the requirements of these regulations, provided that:

1) The change in use or renovation does not increase the floor area of the structure.

2) The change in use is to a permitted use within the district.

3) The number of parking spaces provided for the use is in conformity with the requirements of these regulations.

e) A nonconforming structure may be expanded, without bringing the nonconforming structure into conformity with these regulations, only if the part of the structure to be expanded and the area of the lot into which the expansion is taking place are both brought into conformity with the requirements of this ordinance.

f) A nonconforming structure shall not be moved unless it thereafter conforms to the standards of the zoning classification in which it is located.

g) Where a nonconforming structure is damaged by fire, flood, wind, or other act of God, and such damage does not exceed 50 percent of the current assessed taxable value of the structure, it may be restored to its original dimensions and conditions as long as a building permit for the restoration is issued within 12 months of the date of the damage.

h) Where a nonconforming residential structure is damaged or destroyed during a mayoral declared state of emergency in the City of Hendersonville, ~~and such damage does not exceed 50 percent of the current assessed taxable value of the structure,~~ it may be restored to its original dimensions and conditions as long as a building permit for the restoration is issued within 12 months of the date of the damage.

1) COMPREHENSIVE PLAN CONSISTENCY		
	2) Compatibility	**EXISTING CONDITIONS** The revision of the zoning text amendment will make it easier for homeowners to rebuild their homes regardless of whether they are no longer deemed to conform with the current zoning standards.
		GEN H COMPREHENSIVE PLAN GOALS (Chapter IV) **Vibrant Neighborhoods:** Consistent **Abundant Housing Choices:** Consistent **Healthy and Accessible Natural Environment:** N/A **Authentic Community Character:** Consistent **Safe Streets and Trails:** N/A **Reliable & Accessible Utility Services:** Consistent **Satisfying Work Opportunities:** N/A **Welcoming & Inclusive Community:** N/A **Accessible & Available Community Uses and Services:** N/A **Resilient Community:** Consistent
		GEN H COMPREHENSIVE PLAN GUIDING PRINCIPLES (Chapter IV) **Mix of Uses:** N/A **Compact Development:** N/A **Sense of Place:** N/A **Conserved & Integrated Open Spaces:** N/A **Desirable & Affordable Housing:** N/A **Connectivity:** N/A **Efficient & Accessible Infrastructure:** Consistent

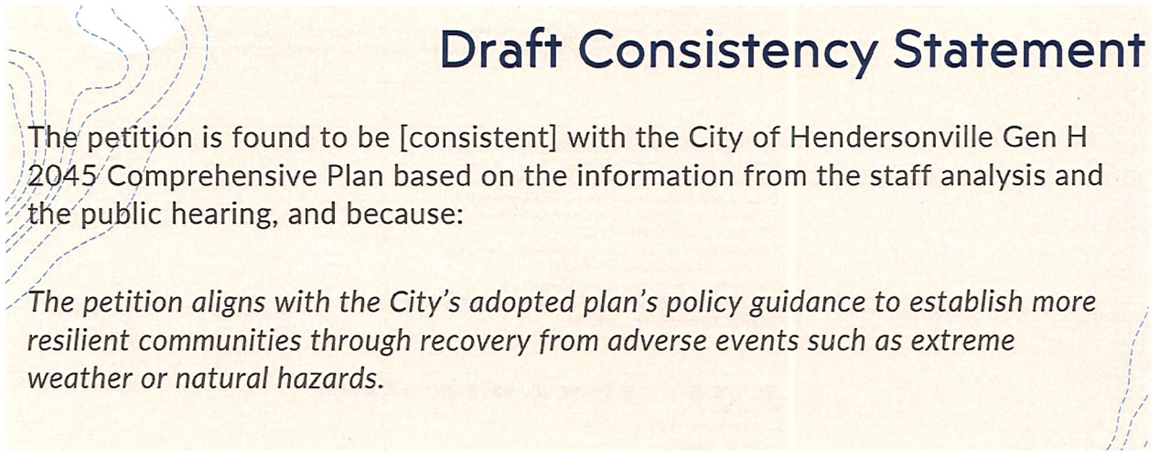
1) COMPREHENSIVE PLAN CONSISTENCY		
	3) Changed Conditions	**Whether and the extent to which there are changed conditions, trends or facts that require an amendment -**
		The City staff believe that it is important to ensure that people can regain access to housing as quickly as possible after a storm. In light of Hurricane Helene which has shown that the City of Hendersonville is not immune from damage and destruction from natural hazards, it is important to update our ordinance to ensure that people can recover as quickly as possible.
	4) Public Interest	**Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern that benefits the surrounding neighborhood, is in the public interest and promotes public health, safety and general welfare -**
		Staff has attempted to craft this ordinance so that there will be minimal impact to neighbors. Staff has also placed heavy value on keeping residents in their existing homes and existing communities. These ordinance revisions attempt to help allow people to remain in their neighborhoods.
	5) Public Facilities	**Whether and the extent to which adequate public facilities and services such as water supply, wastewater treatment, fire and police protection and transportation are available to support the proposed amendment**
		This amendment will have minimal to no impact on public facilities.
	6) Effect on Natural Environment	**Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment including but not limited to water, air, noise, storm water management, streams, vegetation, wetlands and wildlife -**
		There is minimal impacts on the natural environment.

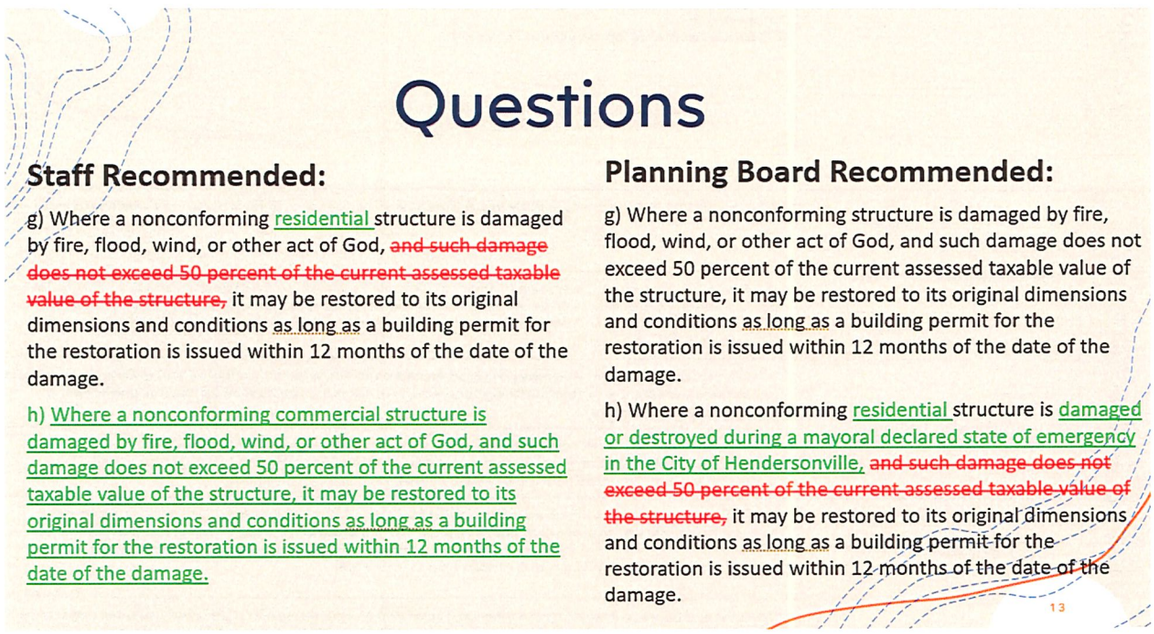
Planning Board - Legislative Committee

+ December 17, 2024
+ 4 Member in attendance + Staff
  + There was a discussion about manufactured/mobile homes when it comes to nonconforming structures. The committee did not support the ordinance in its proposed form. Staff made changes to the ordinance to better accommodate the recommendations of the committee.

Planning Board

+ January 9th, 2025
+ Unanimously voted to recommend for approval with one recommended change.





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

Although he did not speak during public comment, City Attorney Angela Beeker ask that his comment from General Public Comment go here as well.

Jesse Woodruff of Hendersonville, spoke about the zoning amendment on the agenda for tonight. He was representing his father Randy who has been a resident of 60 years and displaced by Hurricane Helene. Despite his desire to rebuild, the current ordinance is making it difficult. We would like to replace a non-conforming structure, his mobile home. He asked that council approve the zoning amendment.

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

Council Member Lyndsey Simpson moved City Council adopt an ordinance amending the official City of Hendersonville Zoning Ordinance, Section 6-2-2 Nonconforming structures.

1. The petition is found to be consistent with the City of Hendersonville Gen H 2045 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:

> ***The petition aligns with the City's adopted plan's policy guidance to establish more resilient communities through recovery from adverse events such as extreme weather or natural hazards.***

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

1. ***Hurricane Helene has shown that there is a pressing need for the City to create flexibility in its zoning code to support post-disaster recovery.***
2. ***The proposed text amendment will allow for the rebuilding of nonconforming structures only after a natural disaster or other act of God, thereby aiding in quick recovery for city residents.***

A unanimous vote of the Council followed. Motion carried.

Ordinance #O-25-12

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND CITY OF HENDERSONVILLE ZONING ORDINANCE, SECTION 6-2-2 NONCONFORMING STRUCTURES.

WHEREAS, the Planning Board reviewed this petition for a zoning text amendment at its regular meeting on January 9th, 2025; voting 7-0 to recommend City Council adopt an ordinance amending the City of Hendersonville Zoning Ordinance, and

WHEREAS, City Council took up this application at its regular meeting on February 12th, 2025, and

WHEREAS, City Council has found that this zoning text amendment is consistent with the City's comprehensive plan, and that it is reasonable and in the public interest for the reasons stated, and

WHEREAS, City Council has conducted a public hearing as required by the North Carolina General Statutes on February 12th, 2025,

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Hendersonville to amend City of Hendersonville Zoning Ordinance, Section 6-2-2 Nonconforming structure.

ZONING ORDINANCE

6-2-2 Nonconforming structures.

A nonconforming structure is a building or other structure which lawfully existed prior to the effective date of this ordinance, or an amendment thereto, and which no longer could be built under the terms of this ordinance, as amended, by reason of restrictions on area, footprint, open space, building height, setbacks, lot width, or other requirements concerning the structure.

a) A nonconforming structure devoted to a use permitted in the zoning classification in which it is located may continue to be used only in accordance with the provisions of this section.

b) Normal repair and maintenance may be performed to allow the continuation of nonconforming structures.

c) Except as provided in subsections (d) and (e) below, a nonconforming structure shall not undergo a change of use, renovation or expansion.

d) A nonconforming structure may undergo a change of use or renovation without having to bring the structure into conformity with the requirements of these regulations, provided that:

   1) The change in use or renovation does not increase the floor area of the structure.

   2) The change in use is to a permitted use within the district.

   3) The number of parking spaces provided for the use is in conformity with the requirements of these regulations.

e) A nonconforming structure may be expanded, without bringing the nonconforming structure into conformity with these regulations, only if the part of the structure to be expanded and the area of the lot into which the expansion is taking place are both brought into conformity with the requirements of this ordinance.

f) A nonconforming structure shall not be moved unless it thereafter conforms to the standards of the zoning classification in which it is located.

g) Where a nonconforming residential structure is damaged by fire, flood, wind, or other act of God, ~~and such damage does not exceed 50 percent of the current assessed taxable value of the structure,~~ it may be restored to its original dimensions and conditions as long as a building permit for the restoration is issued within 12 months of the date of the damage.

h) Where a nonconforming commercial structure is damaged by fire, flood, wind, or other act of God, and such damage does not exceed 50 percent of the current assessed taxable value of the structure, it may be restored to its original dimensions and conditions as long as a building permit for the restoration is issued within 12 months of the date of the damage.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 12th day of February, 2025.

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

E. Rezoning: Conditional Zoning District – Half Moon Heights Phase II (P24-41-CZD) – *Tyler Morrow, Current Planning Manager*

Tyler Morrow explained that the City of Hendersonville received an application for a Conditional Rezoning from Tricia Chassen of Forestar USA Real Estate Group, INC., applicant and Gregory Albea, Julianne Albea, Jospeh Taylor, and Laura Taylor property owners. The applicant is requesting to rezone the subject property, PINs 9579-98-0375, 9579-98-3527, 9579-99-4115, 9579-99-8724 and located off Old Sunset Hill Road, from Henderson County Residential Two Rural to PRD-CZD, Planned Residential Development Conditional Zoning District for the construction of 59 single-family units on approximately 20.66 acres. This equates to a density of 2.86 units per acre. The proposed lots within the development range from 0.13 acres to 0.40 acres. The development is proposing to have an access off of Old Sunset Hill Road and a connection to a street stub provided by Phase 1 of the Half Moon Heights development to the north. All proposed streets will be built to public street standards.





Neighborhood Compatibility Meeting



+ **Dates:** September 18th, 2024
+ **Attendees:**
  + In-person - 4 residents
  + Online – 2 residents
+ **Topics Discussed:**
  + Streams and stream buffer requirements.
  + Wetlands and whether any of the homes would impact them. Accident data on the nearby roads.
  + Tree preservation requirements being met.
  + The idea that the wetlands should be included in the common areas and maintained by the HOA was discussed.
  + Buffer requirements were discussed.



Halfmoon Heights Phase I

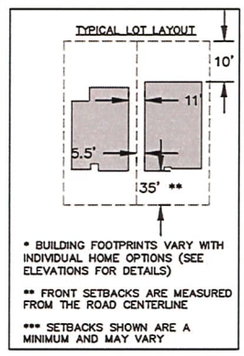
+ ***Entitled by a different developer***
  + **Previous Developer**
    + **Joseph Schlotterbeck**
    + **Vice President- Bald Headed Builders, Inc.**
  + **Current Developer**
    + **Forestar USA Real Estate Group Inc**
  + **90 Single Family Homes**
  + **33.61 acres**
    + **2.6 units per acre.**



Site Plan



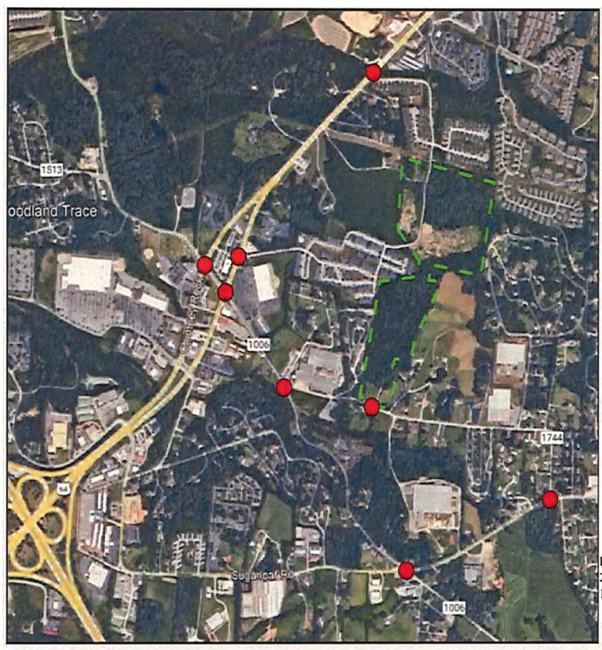
NOTES:
1.) ALL PORTIONS OF THIS PROJECT ARE PROPOSED TO BE LOCATED TOTALLY WITHIN CITY LIMITS.
2.) SITE LIGHTING TO BE DESIGNED BY DUKE ENERGY AND SHALL BE AIMED, DIRECTED, SHIELDED OR ARRANGED SO THE LIGHT SOURCES FOR SUCH FACILITIES DO NOT CAUSE UNDUE GLARE ON NEIGHBORING PROPERTIES OR INTERFERE WITH THE SAFE USE OF PUBLIC RIGHTS-OF-WAY AND SHALL MEET ALL CITY OF HENDERSONVILLE LIGHTING STANDARDS
3.) ALL OPEN SPACE AND COMMON OPEN SPACE WITHIN THE PROPOSED SUBDIVISION WILL BE OWNED AND MAINTAINED BY THE HOME OWNERS ASSOCIATION.
4.) ALL PROPOSED SIGNAGE SIZE, HEIGHT, ORIENTATION, AND APPEARANCE TO BE IN ACCORDANCE WITH CITY ZONING ORDINANCE ARTICLE XIII. COORDINATE WITH LANDSCAPE ARCHITECTS PLANS FOR DETAILS.
5.) NO PORTION OF THIS PROJECT IS LOCATED WITHIN THE 100YR FLOOD HAZARD AREA PER NORTH CAROLINA FLOOD PLAIN MAPPING
6.) ALL STREETS ARE TO BE CONVEYED TO CITY OF HENDERSONVILLE OWNERSHIP AND MAINTENANCE AT COMPLETION OF PROJECT.
7.) PROJECT TO BE COMPLETED IN A SINGLE PHASE.



* BUILDING FOOTPRINTS VARY WITH INDIVIDUAL HOME OPTIONS (SEE ELEVATIONS FOR DETAILS)

** FRONT SETBACKS ARE MEASURED FROM THE ROAD CENTERLINE

*** SETBACKS SHOWN ARE A MINIMUM AND MAY VARY



TRAFFIC IMPACT ANALYSIS

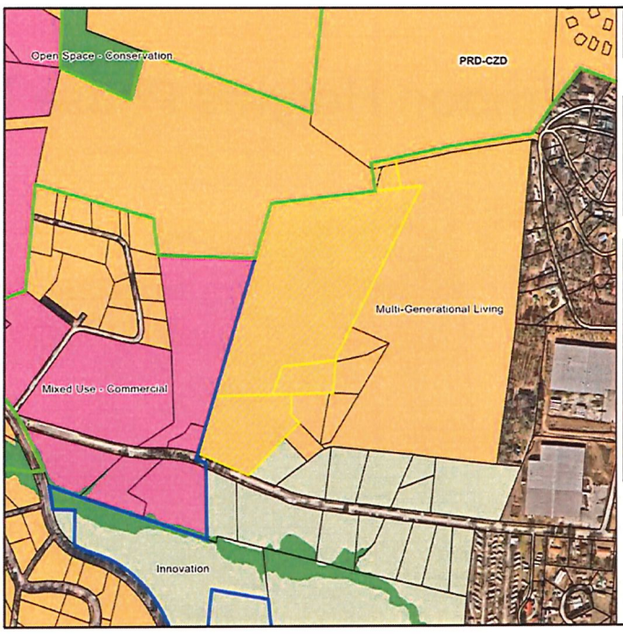
Old Sunset Hill Road Residential
Hendersonville, North Carolina

SEPTEMBER 13, 2024
IMPACT DESIGNS, INC.
Prepared by: Nicholas Bolick, PE

Table 2 – Trip Generation

ITE Land Use (Code)	Density	Independent Variable	Daily Traffic	AM Peak		PM Peak	
				Enter	Exit	Enter	Exit
Single Family Detached Housing (ITE Code 210)	155	Dwelling Units	1,510	28	83	95	55

It is estimated that the proposed development could generate a total of 1,510 trips (in and out) during a typical 24-hour weekday period with 111 trips (28 entering and 83 exiting) generated during the AM peak hour and 150 trips (95 entering and 55 exiting) generated during the PM peak hour at full build-out in 2028.



City of Hendersonville
January 2025

Half Moon Heights Phase II
P24-41-CZD
PINs: 9579-98-0375, -3527, 9579-99-4115, -8724
Acreage: 20.66
Future Land Use Map

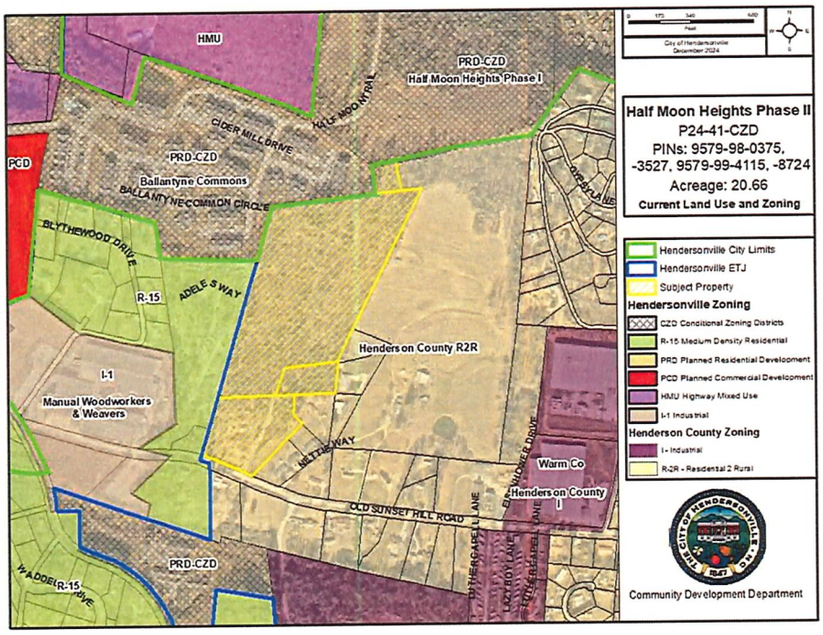
Hendersonville City Limits
Hendersonville ETJ
Subject Property
Parcels
Future Land Use Classifications
Open Space - Conservation 1 (Regulated)
Open Space - Conservation 2 (Natural)
Open Space - Recreation
Rural Residential
Family/Neighborhood Living
Multi-Generational Living
Neighborhood Center
Downtown
Mixed Use - Commercial
Mixed Use - Employment
Institutional
Innovation
Production

Community Development Department

Future Land Use

+ Multi-Generational Living
+ Mixed Use Commercial
+ Innovation
+ Open Space-Conservation

General Rezoning Standards: 1) COMPREHENSIVE PLAN CONSISTENCY		
	LAND SUPPLY, SUITABILITY & INTENSITY	• The subject property is outside the scope of the land suitability and supply maps and was not evaluated. • The subject property is in a Focused Intensity Node centered at the intersection of Howard Gap Road and Chimney Rock Road.
	FUTURE LAND USE & CONSERVATION MAP	• **Designation:** Multi-Generational Living • **Character Area Description:** Consistent • **Zoning Crosswalk:** Inconsistent



Current Land Use & Zoning

+ Henderson County R2R

+ Henderson County I
+ PRD-CZD
+ R-15
+ I-1
+ HMU
+ PCD-CZD

General Rezoning Standards		
	2) Compatibility	**Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property.**
		• The subject property is located near four other Planned Residential Developments, including three single-family developments and one multi-family development. Additionally, it is in close proximity to Chestnut Ridge, a subdivision under Henderson County's jurisdiction that was platted in 1988 and consists of approximately 118 lots on 62 acres. The US 64 corridor continues to experience growth, driven by the presence of large undeveloped and underdeveloped parcels in the surrounding area.
	3) Changed Conditions	**Whether and the extent to which there are changed conditions, trends or facts that require an amendment.**
		• The subject property is requesting to be annexed into the City. If annexed, the City must apply zoning to the parcels. The owners and developers are requesting that the initial zoning be for the Planned Residential Development that has been presented.

General Rezoning Standards

4)
Public Interest

Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern that benefits the surrounding neighborhood, is in the public interest and promotes public health, safety and general welfare.

- Based on the 2021 Bowen Housing Needs Assessment for Western North Carolina, Henderson County has an estimated rental housing gap of 1,650 to 2,008 Units for incomes between <50%-120% AMI. This represents one of the largest gaps in the WNC region. Over the last 3 years, the City of Hendersonville has approved 634 detached single family homes. If this project is approved, Hendersonville's recently-approved detached single family homes would total 693. It should also be noted that the Housing Needs Assessment Study does not account for the housing gap for incomes above 120% AMI. An additional gap, beyond that reflected in the "1,650 to 2,008-unit gap", exist for those income levels greater than 120% AMI

General Rezoning Standards

5)
Public Facilities

Whether and the extent to which adequate public facilities and services such as water supply, wastewater treatment, fire and police protection and transportation are available to support the proposed amendment.

- Howard Gap Road is a NCDOT maintained road, identified in the Comprehensive Transportation Plan as a boulevard in need of improvements. If approved, the site would be served by City of Hendersonville water and sewer services. Water infrastructure is already available on Old Sunset Hill Road, while sewer service will be extended from the Connor Creek Mobile Home Park to the west.

General Rezoning Standards

6)
Effect on Natural Environment

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

- According to the site plan, approximately 19.50 acres of the 20.66-acre property are currently covered by an existing tree canopy. Of this canopy, the developers propose to retain 3.9 acres, meeting the minimum tree preservation requirement of 20% for projects of this type.
- The site includes blue-line streams identified by Clearwater Environmental and confirmed by the Army Corps of Engineers. These streams will be protected in compliance with the natural resource provisions of the zoning ordinance. Additionally, wetlands were identified on the site; however, unlike streams, the zoning ordinance does not extend specific protections to wetlands. As a result, the wetlands are not being preserved under local regulations. Any disturbance to the wetlands will require compliance with federal and state permitting and review processes.
- Mike Huffman, the City's Floodplain Administrator and Stormwater Division Manager, proposed a city-initiated condition to enhance protections for the wetlands. However, this condition was not accepted by the developers.

Planning Board Recommendation

The City of Hendersonville Planning Board made a motion recommending ***approval***, finding the petition to be consistent with the comprehensive plan and finding it to be reasonable and in the public interest based on the information from the staff analysis and the public comments presented at their meeting on January 9th, 2025.

The motion carried 6 to 1.

Proposed Conditions (Developer Agreed)

Developer Proposed Conditions :

1. Any proposed wetland impact will be properly permitted within the respective agency and comply with any and all federal, state and local laws.
2. The developer proposes a 30' wetland buffer in areas shown on sheet C-201. No construction, grading, or vegetation removal may occur within these identified wetland buffers except for restoration or approved mitigation activities.
3. The Developer proposes a lot side setback of 5.5'
4. The developer intends to achieve canopy installation requirements by using required street trees, common open space trees, and open space trees. In the event that this is not achievable, the developer will achieve the requirements of the remining tier two canopy by paying a fee in lieu of.

Planning Board Proposed Conditions (Developer Agreed)

City Proposed Conditions :

1. Proposed left turn lane on Howard Gap Road (SR-1006) onto Old Sunset Hill Road (SR-1744) will be constructed per the City's request if feasible within the existing right of way and if found necessary and/or acceptable by NCDOT. If the existing right of way is inadequate to accommodate the left hand turn lane, additional right of way acquisition will not be required and a fee in lieu of the turn lane shall be paid. The fee in lieu will reflect the actual cost of construction of the turn lane. The construction cost estimate shall be submitted by the developer's engineer and reviewed by the City of Hendersonville and NCDOT.
2. Discharge stormwater at a rate equal to or less than the pre development discharge rate for both the two-year, 24 hour storm, and the 10 year, 24 hour storm with the ability to pass the 25-year, 24 hour storm.
3. All driveways shall be a minimum of 20' from the back of curb and/or sidewalk.

City Proposed Conditions (Developer Agreed)

City Proposed Conditions (Mike Huffman, Stormwater/Natural Resource) :

- Monitoring and Reporting:
  - The applicant shall establish a monitoring program to assess the health of the wetland and buffer areas during and after development activities for a period of no less than [2 years]. Annual reports documenting compliance with the wetland protection measures shall be submitted to The City of Hendersonville.

- Environmental Education and Site Signage:
  - The applicant must install appropriate signage to identify wetland areas and educate site users about their importance. Signage must be maintained in perpetuity.

City Staff Proposed Condition (Developer Not Agreed)

City Proposed Conditions:

- Developer shall install a left-turn movement from Howard Gap Road onto Old Sunset Hill Road. The design of the turn lane and the necessary storage length for the turn lane should be coordinated with the North Carolina Department of Transportation to determine the most optimal configuration for the turn lane. Consideration should be given to a partial symmetrical with a proportional offset to the outside (western side) of Howard Gap Road to minimize impacts to existing utilities, maximize visibility, and to utilize available right of way present to the existing pavement.



City Proposed Conditions (Developer Not Agreed)

City Proposed Conditions (Mike Huffman, Stormwater/Natural Resource) :

- Wetland Delineation and Buffer Establishment.
  - Prior to any land disturbance, a professional wetland delineation study shall be conducted to define the exact boundaries of all wetlands on the site.
  - A buffer zone of no less than 30 feet shall be established around all delineated wetlands, where no construction, grading, or vegetation removal may occur, except for restoration or approved mitigation activities.

- Mitigation for Unavoidable Impacts:
  - If any impact to wetlands is deemed unavoidable, the applicant must obtain the necessary permits from the U.S. Army Corps of Engineers or other relevant agencies and provide appropriate mitigation. This mitigation must include wetland creation, enhancement, or preservation at a ratio compliant with applicable federal, state, and local requirements.

Planning Board: Comprehensive Plan Consistency Statement

The petition is found to be **consistent** with the City of Hendersonville Gen H 2045 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:

The petition is consistent with the Future Land Use and Conservation Map Designations of Multi-Generational Living and is located in a focused intensity node within chapter 4 of the Gen H Comprehensive Plan.

Planning Board: Reasonableness Statement

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:

[Rationale for Approval]

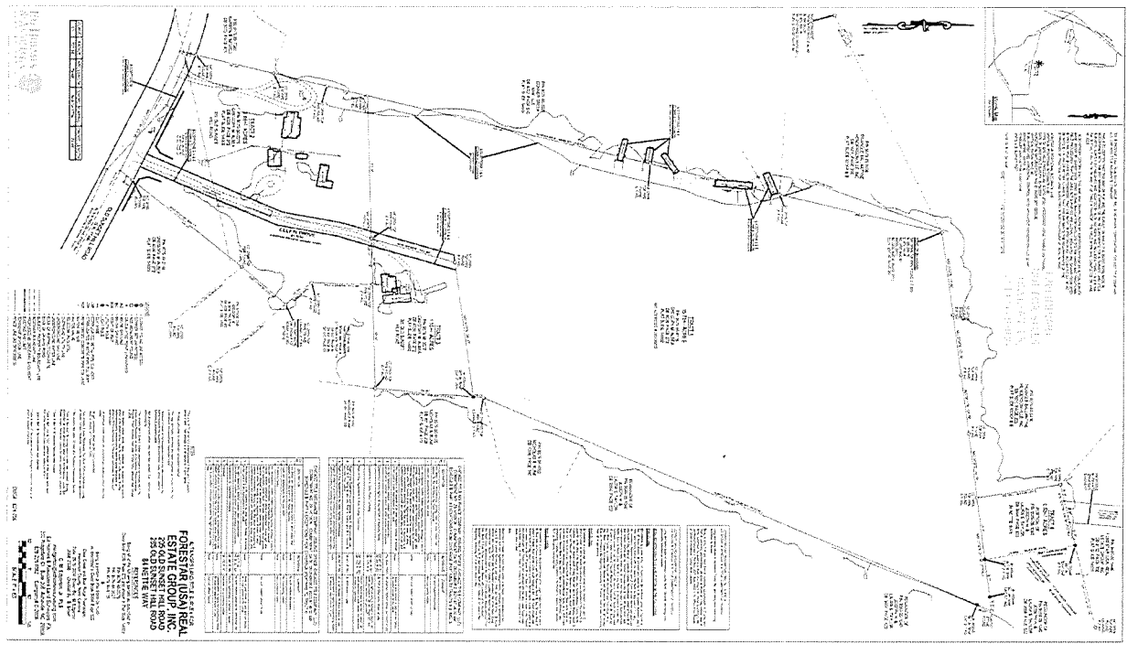
1. The petition proposes to provide additional housing to offset local demand.
2. The proposed development establishes a valuable new roadway connection between US 64 and Old Sunset Hill Road/Howard Gap Road. This type of street interconnectivity aligns with the goals outlined in the Gen H Comprehensive Plan.
3. The proposed density is consistent with other nearby developments

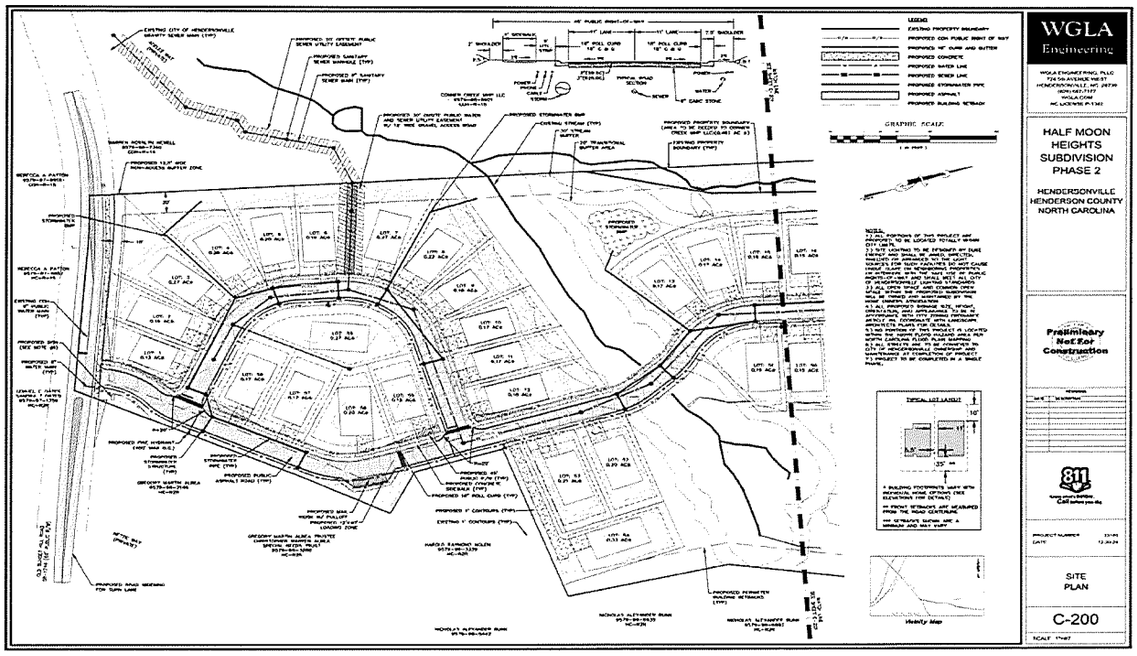
DRAFT: Reasonableness Statement

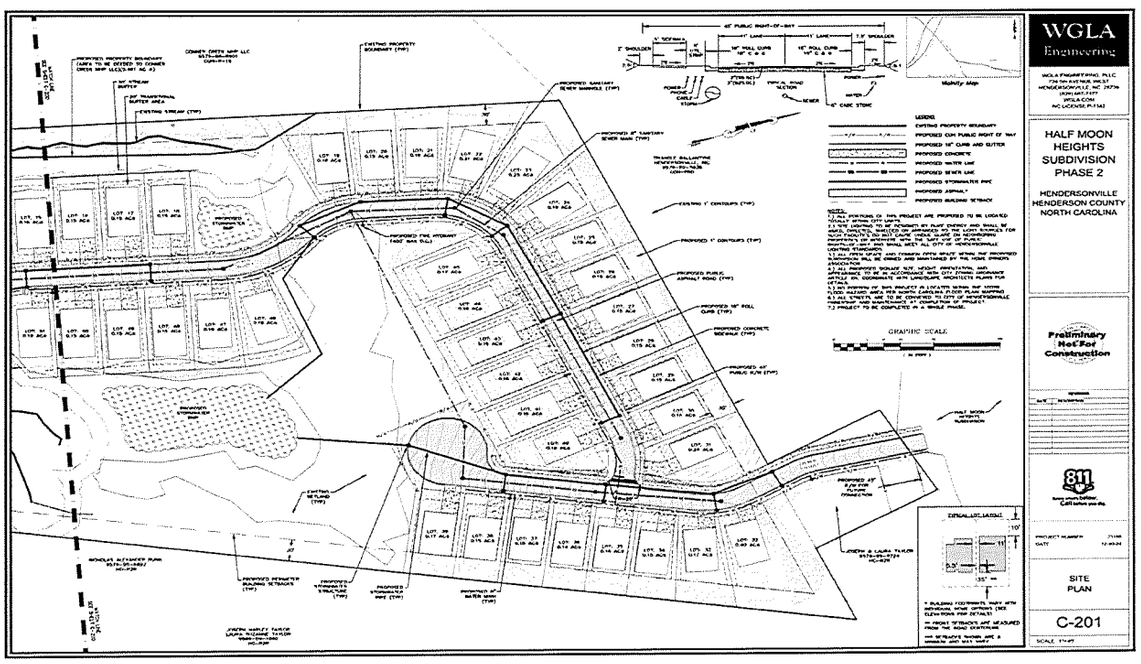
We do **not** find this petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

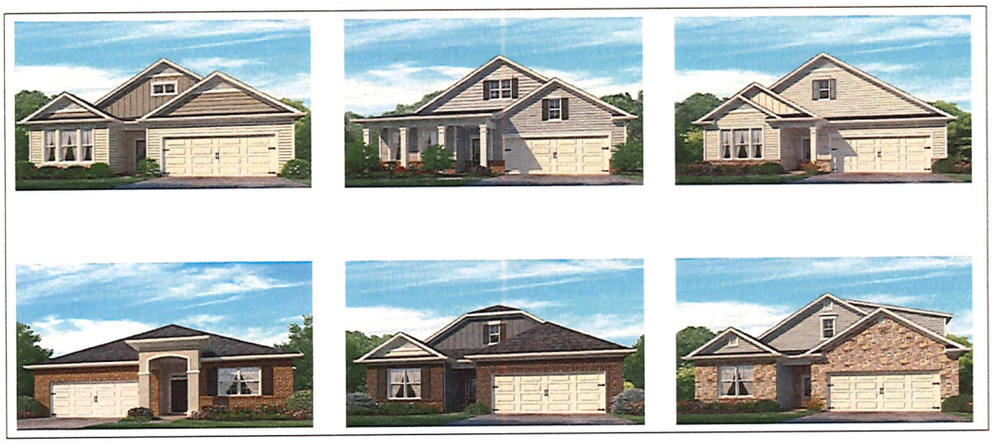
[Rationale for Denial]

1. The proposed development does not sufficiently mitigate its impacts on the delineated wetlands present on the site.
2. The proposed development does not adequately address its anticipated traffic impacts on the surrounding area by guaranteeing the installation of a left-turn lane from Howard Gap Road onto Old Sunset Hill Road.




WGLA
Engineering
HALF MOON
HEIGHTS
SUBDIVISION
PHASE 2
HENDERSONVILLE
HENDERSON COUNTY
NORTH CAROLINA
Preliminary
Not For
Construction
SITE
PLAN
C-200


WGLA
Engineering
HALF MOON
HEIGHTS
SUBDIVISION
PHASE 2
HENDERSONVILLE
HENDERSON COUNTY
NORTH CAROLINA
Preliminary
Not For
Construction
SITE
PLAN
C-201



WGLA Engineering

WGLA ENGINEERING, PLLC
724 5th AVENUE WEST
HENDERSONVILLE, NC 28739
(828) 687-7177
WGLA.COM
NC LICENSE P-1342

HALF MOON HEIGHTS SUBDIVISON PHASE 2

HENDERSONVILLE
HENDERSON COUNTY
NORTH CAROLINA

Preliminary Not For Construction

REVISIONS	
DATE	DESCRIPTION

811 Know what's below. Call before you dig.

PROJECT NUMBER: 23196
DATE: 12-30-24

SINGLE FAMILY ELEVATIONS

G-100

SCALE: AS NOTED



WGLA Engineering

WGLA ENGINEERING, PLLC
724 5th AVENUE WEST
HENDERSONVILLE, NC 28739
(828) 687-7177
WGLA.COM
NC LICENSE P-1342

HALF MOON HEIGHTS SUBDIVISON PHASE 2

HENDERSONVILLE
HENDERSON COUNTY
NORTH CAROLINA

Preliminary Not For Construction

REVISIONS	
DATE	DESCRIPTION

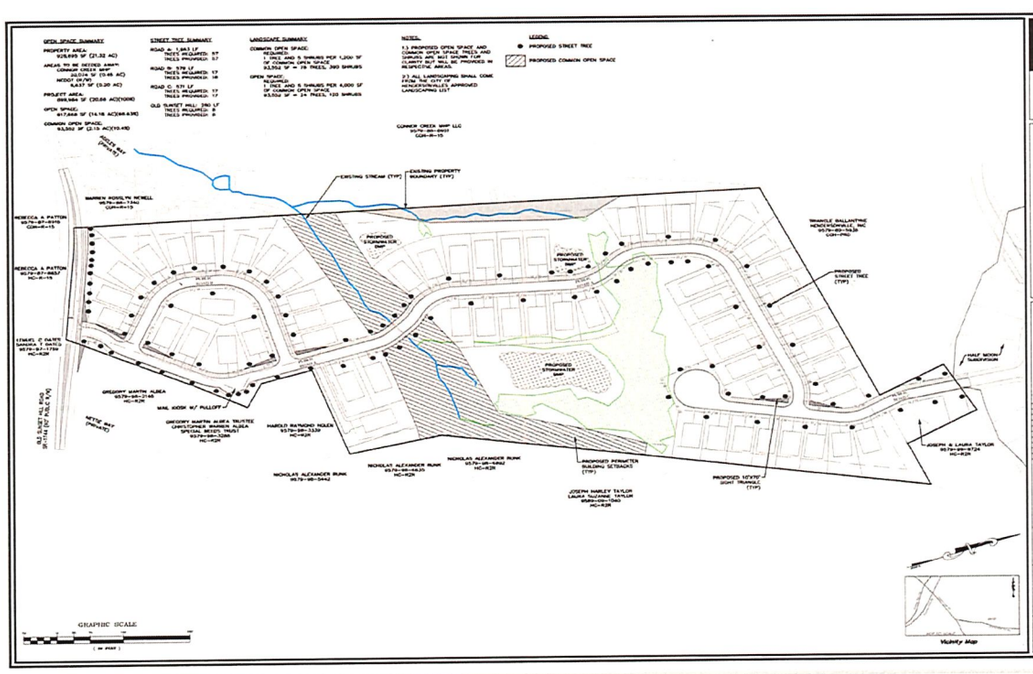
811 Know what's below. Call before you dig.

PROJECT NUMBER: 23196
DATE: 12-30-24

SINGLE FAMILY ELEVATIONS

G-101

SCALE: AS NOTED



WGLA Engineering

WGLA ENGINEERING, PLLC
724 5th AVENUE WEST
HENDERSONVILLE, NC 28739
(828) 687-7177
WGLA.COM
NC LICENSE P-1342

HALF MOON HEIGHTS SUBDIVISION PHASE 2

HENDERSONVILLE
HENDERSON COUNTY
NORTH CAROLINA

Preliminary Not For Construction

REVISIONS	
DATE	DESCRIPTION

811 Know what's below. Call before you dig.

PROJECT NUMBER: 23196
DATE: 12-30-24

LANDSCAPE PLAN

L-100

SCALE: 1"=70'

The public hearing was opened at 7:11 p.m.

In Person:

Glenn Lange is a member of the Tree Board and speaking on behalf of them. He proposed that the City adopt the proposed wetland protection buffer as written. Wetland areas are being eliminated and/or being degraded throughout North Carolina particularly in rapidly developing areas. In addition to being filled in and drained, wetland areas statewide are also being negatively impacted by sedimentation and pollution from toxic chemicals. There are a number of lots in this situation that will back up directly to the wetland areas. The management of these lawn areas will be utilizing significant amounts of fertilizers, pesticides and herbicides which will pollute the wetland areas with stormwater runoff. The City already requires buffers along their streams and we see no reason not to protect wetlands by creating a buffer for stormwater runoff. The health of this wetland could certainly be improved if this buffer could be managed properly by removing any existing invasive plants and planting trees, shrubs and other native plants in this buffer. I believe this would be a welcome amenity to the residents and would improve the wildlife habitat. I urge you to adopt the city's proposed development condition as written.

Brett Werner of 706 Goldfinch Drive. I echo what this man just said. I am speaking in opposition of this especially regarding the 14.2 acres of trees being removed from the property. Additionally, regarding the fee in lieu of trees. It concerns me that their tree counts on their blueprints, they provide the minimum required of trees with one exception. So I'm concerned that they would just write a check instead of planting trees. If people want to come into our communities and develop properties, we're not going to solve the housing problem by doing single family homes. This is a multi-generational zoning, have them build multi-generation like a four-plex or six plex. Lastly, I support that the conditions for the wetlands must be accepted as part of this rule.

Via Zoom:

Lynne Williams spoke mostly against the proposed rezoning and expressed that she did not like the fee in lieu of, the removal of trees, they want to build a road through our wetlands. Also, the developers have two notice of violations issued by the county and one continuing notice of violation for stormwater permits which in turn is a violation of the Clean Water Act and I do not believe they have satisfied the notices of violations to the county's satisfaction. She noted many other issues.

Wick Harlan, President of Wolf Chase Homeowner's Association and we have been dealing with the construction of Phase One of the Half Moon Heights for quite a while and I'm not sure that you all have looked into the potential of runoff during construction development. We have been dealing with stormwater runoff for quite a while now. As Lynne said the county has issued two notices of violation for problems with runoff and they've also had a continuing notice of violation and we actually had one homeowners whose house was flooded out because of their stormwater runoff. We have flooding. We have a stormwater retention pond that we have to maintain according to city ordinances and it's constantly filling up with runoff from their stormwater. They've actually had to come in and dredge out the sediments and it's still not up to par yet. The county is still not satisfied that they met the requirement of the notices of violation. The idea of a buffer around a stream is very important. We have an unnamed _____ that goes down off of Half Moon Heights and goes into Wolf Pen Creek and right now it's full of sediment because there's no buffer around it. I think it's very important that you put in the 30 foot buffer and before you make any decision, keep in mind what potential stormwater runoff you have.

Ken Fitch gave an overview of the situation and said the goal should be sustainability. There are issues here. The trees, the traffic, the Wolf Chase situation. There are many things to address including what the living situation will be like in the future long after the builders are gone.

Jare DeRidder, Professional Engineer with WGLA Engineering, in Hendersonville said he would like to provide a little clarity. All of the wetlands shown on the plan have been verified by the Army Corp of Engineers and consists of four separate wetlands. Of those four wetlands, we're talking about impacting one of them. The total acreage of those four wetlands is 1.66 acres and our anticipated impact is 0.15 acres so if you do the math on that, it's 9.2% of the entire wetlands on this property that are going to be impacted . Also, there is a stream on this site plan and the city does have a stream buffer ordinance and that ordinance has been adhered to. There is a 30 foot

vegetative buffer and an additional 20 feet where you can't have impervious and our site plan adheres to that and has minimal impacts on the stream. On the map you will see that without this wetland impact there is no way to get from one side of the property to the other so I believe this is a very reasonable impact to have the housing that we're proposing (shown on map). Again, we're talking 9.2%. There is no City of Hendersonville wetland buffer requirement in your ordinance, only a stream buffer. As an engineer, I like to do my due diligence and I reached out to our environmental consultants and I asked them if they have ever heard of a wetland buffer and none of the professionals had. A wetland buffer is not a national, state or local ordinance. It was a comment that was made at the TRC level after we submitted the site plan. So these wetlands are considered waters of the US and you can impact basically a tenth of an acre through a nationwide permit and then you can impact a half of an acre with mitigation by paying fees so technically we could go up to half an acre, which is about 30%. We're not talking about doing that. We are talking about 9%. So the Planning Board had a favorable 6-1 recommendation for this project and this project is consistent with the Gen H Plan and Future Land Use Map, that it is compatible with surrounding uses and densities. There are several neighboring communities that were at 2.67 units per acre and our density is at 2.8. That's literally the same density. Also public utilities are available and can be extended on site and that we have limited impacts to natural resources where practical. After Hurricane Helene, it is practical to say that this property is well away from the 100 year floodplain. In terms of trees and their preservations, there's an ordinance for a reason and every detail on our site plan, complies with the city's ordinance. I would respectfully ask that council consider all of that in their decision.

Mr. Lange added that if we're going to throw around qualifications, I am a certified wildlife biologist. I had a 42 year career with the Indiana Department of Natural Resources and the Indiana Department of Environmental Management so I have some expertise when it comes to talking about pollution of wetlands. Nothing you've heard from the developer, protects this wetland from water runoff from the backyards of those houses. Now some of it will drain to the regular stormwater system. The backyards of these do not and so the 30 foot buffer that Mike is talking about is to prevent pollution of this wetland. We're not opposing the development, we're simply saying, protect the wetland as requested. Thirty feet is not a huge amount of land that couldn't be carved out and most of this area around the wetland.

The public hearing was closed at 7:43 p.m.

Council further discussed and decided to take a brief recess at 7:44 p.m. because Zoom software quit working. Council resumed their session at 7:51 p.m.

Council had several questions for the developers and staff. When asked about whether they had been sited by Henderson County and if they were in compliance now, Allie Seabon of Four Star said that they have received two notices of violation. The first was lifted and the second one was reinstated. We have been cleared to start development again but we have conditions that we have to comply with once the weather allows and the ground is not frozen. Wolf Chase was impacted during Hurricane Helene and we worked with Wick, who was on the call earlier, to help figure out how we can restore that neighborhood particularly their walking trails that were damaged due to storage facilities and trailers, backing up the creek which then flooded their walking trail. Then one homeowner that was affected during Hurricane Helene and we worked with him to get his home fixed and he's back home and living there. The violation came the day before the hurricane which was really difficult because more impacts happened. Obviously, that compounded it and then heavy rain came after that. The violation was for the runoff that was going into the four way intersection at Half Moon Trail and Wolf Chase. The failure was that underground detentions were proposed and that cant be done until 80% of the homes are built and the site is stabilized so there are temporary ponds put in place in order to manage the stormwater until the final detention and they are not made to hold as much water as the underground detention and with all of the rain it caused an overflow into the community. She added that we are planning to sell these lots for $125,000 per lot and if we lose 8 homes, that's a million dollars of revenue we lose which means we would have to spread that over the 51 lots instead of 59 lots which increases the price of the lot and increase the price of the home by $75,000 which is going to price out the demographics that you're essentially trying to help.

At approximately 8:25 p.m., after a lot of discussion, City Manager Connet suggested that Council continue this public hearing to the March meeting so as to gather more information to make a better informed decision. He suggested that himself, City Attorney, Public Services

Director and the Stormwater Director, get together and come back with proposed language for City Council so that we're not doing this on the fly and the developer will get to see the language and we can make a decision to see if we're in agreement about providing housing but also protecting the wetlands.

8. NEW BUSINESS

A. Patton & Whitmire RFQ Architect Selection – *Brian Pahle, Assistant City Manager*

Assistant City Manager Brian Pahle said that after Hurricane Helene came through we had damage to our park facilities including Patton Pool, Whitmire Activity Center and Toms Park and so we quickly realized that the extent of the damage was severe and we would need to begin searching for an engineer and architect to assist in a design and construction project so we sent out a request for qualifications and received 6 or 7 qualifications back. Our staff reviewed and ranked them and ultimately our recommendation is CPL Architecture and Engineering Planning Services. Our ask of you tonight is your approval of the city manager to negotiate a contract with CPL architects as identified as the most qualified firm based on the City's RFQ process. He showed some of the projects that were similar to what we will be looking for at Patton and Whitmire and we have their response to the RFQ as well. If we agree on this, they will start discussion with you all at your council retreat for a visioning session and then start immediately engaging the community and conceptual planning efforts.







Council Member Melinda Lowrance moved the City Council to direct the City Manager to negotiate a design contract with CPL architects, based on their review as most qualified firm to perform the work, and authorize the City Manager to negotiate with the next most qualified firm, based on the presented rankings, if the initial negotiations fail. A unanimous vote of the Council followed. Motion carried.

B. Budget Amendments Mid-Year FY25 – *Jennifer Floyd, Management Analyst*

010

Budget and Evaluation Director Adam Murr gave an overview of the mid-year analysis and amendments.

TO MAYOR & COUNCIL **FISCAL YEAR 2025**
APPROVAL: February 12, 2025 **FORM: 02122025-01**

BUDGET AMENDMENT

FUND 010

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
010-0000-400101	Ad Valorem Taxes	15,500,000	82,810	-	15,582,810
010-0000-400102	Prior Years Ad Valorem Taxes	50,000	78,025	-	128,025
010-0000-400110	Ad Valorem DMV Taxes	935,000	94,400	-	1,029,400
010-0000-400103	Prior Year Ad Valorem Taxes - Collected by COH	-	14,335	-	14,335
010-0000-400150	Tax - Interest	2,500	6,000	-	8,500
010-0000-410001	Local Sales & Use Tax	6,017,500	100,000	-	6,117,500
010-0000-420010	Powell Bill Allocation	560,000	13,797	-	573,797
010-0000-430006	Boyd Park Golf Revenues	17,500	10,500	-	28,000
010-0000-430007	Boyd Park Concessions	1,000	1,200	-	2,200
010-0000-440005	Fire Permits & Fees	8,000	3,150	-	11,150
010-0000-440008	Zoning Permits	10,000	7,035	-	17,035
010-0000-440012	Street Sidewlk Encroachment	250	600	-	850
010-0000-450002	Powell Bill Interest	-	2,750	-	2,750
010-0000-450099	Market Adjustment	-	16,000	-	16,000
010-0000-460001	Miscellaneous Income	5,000	39,700	-	44,700
010-0000-460002	Miscellaneous Income - Police	1,000	3,150	-	4,150
010-0000-460021	Zoning Violations	-	1,350	-	1,350
010-0000-460091	Police Contribution/Donation	-	19,750	-	19,750
010-0000-460092	Fire Contribution/Donation	-	50	-	50
010-0000-460120	Refunds/Rebates	26,175	780	-	26,955
010-0000-470030	Insurance Proceeds	-	1,551,750	-	1,551,750
010-0000-470050	Sale Of Capital Assets	135,000	443,250	-	578,250
010-0000-470900	Fund Balance Appropriated	2,725,552	-	2,056,046	669,506
010-0000-598901	Transfer Out	1,348,430	335,746	-	1,684,176
010-1001-501002	Salaries - Board/ Part Time/Temp/Aux	21,100	825	-	21,925
010-1002-502055	Retiree Insurance	12,300	-	4,000	8,300
010-1002-501030	Salaries - Incentive Payments	-	4,000	-	4,000
010-1002-519200	Contract Services	67,040	-	1,118	65,922
010-1002-521010	Office Supplies	5,000	750	-	5,750
010-1002-531205	Advertising	10,000	-	2,400	7,600
010-1002-532260	Service Excellence	-	300	-	300

010-1002-551000	Capital Outlay - Land,Easements,Row	125,000	-	125,000	-
010-1005-501001	Salaries - Regular	132,638	17,150	-	149,788
010-1005-501030	Salaries - Incentive Payments	-	940	-	940
010-1005-502005	Group Med & Life Ins	8,311	3,300	-	11,611
010-1005-502050	Retirement Expense	18,039	2,400	-	20,439
010-1005-519102	Prof Services-Legal	3,500	5,200	-	8,700
010-1007-501030	Salaries - Incentive Payments	-	2,350	-	2,350
010-1008-501030	Salaries - Incentive Payments	-	3,555	-	3,555
010-1008-502091	Worker's Comp Ins	207	1,800	-	2,007
010-1008-519104	Prof Services-Engring	-	55	-	55
010-1008-531205	Advertising	-	250	-	250
010-1010-501001	Salaries - Regular	42,443	4,900	-	47,343
010-1010-501010	Salaries - Overtime	-	15	-	15
010-1010-501030	Salaries - Incentive Payments	-	470	-	470
010-1010-502001	Fica Tax Expense	3,247	450	-	3,697
010-1010-519200	Contract Services	453,531	13,000	-	466,531
010-1010-523003	Utilities - Telephone & Internet	61,000	42,000	-	103,000
010-1010-534000	Non-Capital Equipment	94,601	-	43,000	51,601
010-1014-501001	Salaries - Regular	310,268	12,000	-	322,268
010-1014-501030	Salaries - Incentive Payments	-	3,650	-	3,650
010-1014-502001	Fica Tax Expense	23,736	1,060	-	24,796
010-1014-502005	Group Med & Life Ins	41,509	2,500	-	44,009
010-1014-502050	Retirement Expense	42,196	1,880	-	44,076
010-1014-521100	Uniforms	-	560	-	560
010-1200-501001	Salaries - Regular	453,429	40,479	-	493,908
010-1200-501010	Salaries - Overtime	1,000	2,700	-	3,700
010-1200-501030	Salaries - Incentive Payments	-	6,100	-	6,100
010-1200-502001	Fica Tax Expense	34,687	3,516	-	38,203
010-1200-502005	Group Med & Life Ins	64,944	2,417	-	67,361
010-1200-502050	Retirement Expense	61,666	6,454	-	68,120
010-1200-502055	Retiree Insurance	-	9,500	-	9,500
010-1200-502091	Worker's Comp Ins	3,345	267	-	3,612
010-1300-501001	Salaries - Regular	3,923,549	-	25,350	3,898,199
010-1300-501030	Salaries - Incentive Payments	-	59,000	-	59,000
010-1400-501030	Salaries - Incentive Payments	-	48,000	-	48,000
010-1400-519103	Prof Services-Medical	49,500	-	5,000	44,500
010-1400-531100	Fuel	96,000	-	5,000	91,000
010-1502-501030	Salaries - Incentive Payments	-	4,050	-	4,050
010-1502-519104	Prof Services-Engring	10,000	-	160	9,840
010-1502-534000	Non-Capital Equipment	38,805	-	10,000	28,805
010-1521-501001	Salaries - Regular	218,950	13,000	-	231,950
010-1521-501030	Salaries - Incentive Payments	-	2,800	-	2,800
010-1521-502001	Fica Tax Expense	16,750	2,700	-	19,450
010-1521-502005	Group Med & Life Ins	38,823	-	7,300	31,523
010-1521-502050	Retirement Expense	29,777	3,150	-	32,927
010-1521-502091	Worker's Comp Ins	2,257	320	-	2,577
010-1521-519200	Contract Services	33,380	-	10,000	23,380
010-1521-521001	Supplies & Materials	35,000	-	5,000	30,000
010-1521-524030	R & M - Trucks	50,000	-	10,000	40,000
010-1523-501001	Salaries - Regular	97,532	11,100	-	108,632
010-1523-501030	Salaries - Incentive Payments	-	1,900	-	1,900
010-1523-502001	Fica Tax Expense	7,461	3,070	-	10,531
010-1523-502050	Retirement Expense	13,264	2,000	-	15,264
010-1523-521001	Supplies & Materials	21,000	-	5,000	16,000
010-1523-521100	Uniforms	-	1,025	-	1,025
010-1523-524020	R & M - Equipment	18,000	-	10,000	8,000
010-1523-524030	R & M - Trucks	12,000	-	5,000	7,000
010-1523-531600	Lease/Rental - Equipment	5,000	-	3,000	2,000
010-1525-501001	Salaries - Regular	441,514	50,000	-	491,514
010-1525-501030	Salaries - Incentive Payments	-	9,100	-	9,100
010-1525-502001	Fica Tax Expense	34,776	5,000	-	39,776
010-1525-524030	R & M - Trucks	18,000	-	3,000	15,000
010-1525-532272	Tree Board	27,750	-	3,000	24,750
010-1525-553000	Capital Outlay - Land Improvements	40,000	-	29,000	11,000
010-1555-501001	Salaries - Regular	518,625	-	10,000	508,625
010-1555-501030	Salaries - Incentive Payments	-	8,750	-	8,750

010-1555-502005	Group Med & Life Ins	101,941	-	10,000	91,941
010-1555-521001	Supplies & Materials	40,000	-	5,000	35,000
010-1555-524030	R & M - Trucks	40,000	-	5,000	35,000
010-1555-531100	Fuel	30,000	-	5,000	25,000
010-1555-531225	Training/Training	17,000	-	4,500	12,500
010-1560-501001	Salaries - Regular	175,760	25,000	-	200,760
010-1560-501030	Salaries - Incentive Payments	-	3,200	-	3,200
010-1560-502001	Fica Tax Expense	13,446	3,500	-	16,946
010-1560-502005	Group Med & Life Ins	45,168	280	-	45,448
010-1560-502050	Retirement Expense	23,903	6,800	-	30,703
010-1560-502056	COH Match Retirement Expense	1,837	1,580	-	3,417
010-1560-521001	Supplies & Materials	50,000	-	5,000	45,000
010-1560-521040	Construction & Repair Supplies	12,500	-	5,000	7,500
010-1560-524020	R & M - Equipment	15,000	-	5,000	10,000
010-7855-501001	Salaries - Regular	26,093	1,780	-	27,873
010-7855-501030	Salaries - Incentive Payments	-	520	-	520
FUND 010	TOTAL REVENUES	25,994,477	2,490,382	2,056,046	26,428,813
General Fund	TOTAL EXPENDITURES	9,833,530	800,164	365,828	10,267,866

A budget amendment in the General Fund to increase revenues and expenditure accounts where appropriate as the City approaches mid-year. Increased funds will be used for priortiy items within the General Fund Fund including salaries, benefits, and health & welfare expenditures. The amendment includes transfers out to Fund 068 to cover salary & benefit increases ($42,155), Fund 301 to cover Helene related expenditures ($189,591), and Fund 410 for Oakdale Cemetery Improvements ($29,000) and a Downtown Camera System ($75,000)

The City Manager and City Clerk certify budget ordinance amendment 02122025-01 was approved by City Council on February 12, 2025.

060

TO MAYOR & COUNCIL
APPROVAL: February 12, 2025

FISCAL YEAR 2025
FORM: 02122025-02

BUDGET AMENDMENT

FUND 060					
ACCOUNT NUMBER	**ACCOUNT DESCRIPTION**	**EXISTING BUDGET**	**INCREASE**	**DECREASE**	**REVISED BUDGET**
060-0000-420051	Local/Private Grant Revenue	-	25,000	-	25,000
060-0000-430003	Rental Income-Non Taxable	4,300	3,460	-	7,760
060-0000-430502	Water Sales - Miscellaneous	2,000	5,120	-	7,120
060-0000-431001	Lease Revenue	10,400	4,600	-	15,000
060-0000-445202	Sewer Surcharges	90,000	49,000	-	139,000
060-0000-450001	Interest Income	72,000	106,000	-	178,000
060-0000-470030	Insurance Proceeds	2,060	74,000	-	76,060
060-1001-501002	Salaries - Board/ Part Time/Temp/Aux	20,035	2,900	-	22,935
060-1001-502005	Group Med & Life Ins	15,040	100	-	15,140
060-1002-501001	Salaries - Regular	465,223	11,400	-	476,623
060-1002-501030	Salaries - Incentive Payments	-	4,300	-	4,300
060-1002-519200	Contract Services	30,056	-	4,800	25,256
060-1005-501001	Salaries - Regular	124,172	16,500	-	140,672
060-1005-501030	Salaries - Incentive Payments	-	1,000	-	1,000
060-1005-502005	Group Med & Life Ins	7,780	3,000	-	10,780
060-1005-502050	Retirement Expense	16,887	2,500	-	19,387
060-1005-502056	COH Match Retirement Expense	2,180	580	-	2,760
060-1007-501001	Salaries - Regular	187,831	-	1,000	186,831
060-1007-502005	Group Med & Life Ins	21,083	-	1,500	19,583
060-1007-501030	Salaries - Incentive Payments	-	2,200	-	2,200
060-1008-501001	Salaries - Regular	921,267	-	20,000	901,267
060-1008-502005	Group Med & Life Ins	209,466	-	10,000	199,466
060-1008-501030	Salaries - Incentive Payments	-	14,190	-	14,190
060-1010-501030	Salaries - Incentive Payments	-	2,500	-	2,500
060-1010-502001	Fica Tax Expense	15,113	1,500	-	16,613
060-1010-502005	Group Med & Life Ins	21,221	1,300	-	22,521
060-1010-502050	Retirement Expense	26,868	1,600	-	28,468
060-1010-502056	COH Match Retirement Expense	2,462	700	-	3,162
060-1010-519104	Prof Services-Engring	5,000	-	5,000	-
060-1010-531225	Training/Training	8,000	-	4,000	4,000
060-1014-501001	Salaries - Regular	705,277	32,500	-	737,777

060-1014-501030	Salaries - Incentive Payments	-	8,900	-	8,900
060-1014-502001	Fica Tax Expense	53,954	2,300	-	56,254
060-1014-502005	Group Med & Life Ins	108,725	5,400	-	114,125
060-1014-502056	COH Match Retirement Expense	7,243	650	-	7,893
060-1502-501030	Salaries - Incentive Payments	-	350	-	350
060-1521-501001	Salaries - Regular	132,934	8,000	-	140,934
060-1521-501030	Salaries - Incentive Payments	-	1,700	-	1,700
060-1523-501001	Salaries - Regular	97,532	9,000	-	106,532
060-1523-501010	Salaries - Overtime	-	3,200	-	3,200
060-1523-501030	Salaries - Incentive Payments	-	1,900	-	1,900
060-1523-502001	Fica Tax Expense	7,461	1,300	-	8,761
060-1523-502050	Retirement Expense	13,264	2,000	-	15,264
060-1523-502056	COH Match Retirement Expense	1,527	350	-	1,877
060-1523-519200	Contract Services	-	2,000	-	2,000
060-7002-501001	Salaries - Regular	559,436	30,000	-	589,436
060-7002-501030	Salaries - Incentive Payments	-	7,000	-	7,000
060-7002-502001	Fica Tax Expense	42,797	2,000	-	44,797
060-7002-502005	Group Med & Life Ins	76,746	3,500	-	80,246
060-7002-502050	Retirement Expense	76,083	4,300	-	80,383
060-7002-502056	COH Match Retirement Expense	9,214	500	-	9,714
060-7032-501001	Salaries - Regular	438,327	-	6,800	431,527
060-7032-501030	Salaries - Incentive Payments	-	6,800	-	6,800
060-7035-501001	Salaries - Regular	808,596	-	1,000	807,596
060-7035-501011	Salaries - Holiday Pay	28,946	-	7,000	21,946
060-7035-502005	Group Med & Life Ins	156,603	-	5,000	151,603
060-7035-501030	Salaries - Incentive Payments	-	13,000	-	13,000
060-7050-501001	Salaries - Regular	449,420	15,300	-	464,720
060-7050-501030	Salaries - Incentive Payments	-	7,200	-	7,200
060-7050-502001	Fica Tax Expense	34,381	3,000	-	37,381
060-7055-501001	Salaries - Regular	1,464,765	43,000	-	1,507,765
060-7055-501030	Salaries - Incentive Payments	-	28,000	-	28,000
060-7132-501001	Salaries - Regular	264,869	-	3,300	261,569
060-7132-501030	Salaries - Incentive Payments	-	3,300	-	3,300
060-7132-555003	Capital Outlay - Plants, Pump Stations	107,000	-	10,000	97,000
060-7135-501030	Salaries - Incentive Payments	-	9,000	-	9,000
060-7135-502005	Group Med & Life Ins	108,723	-	9,000	99,723
060-7135-524020	R & M - Equipment	205,000	-	15,000	190,000
060-7150-501001	Salaries - Regular	235,395	9,000	-	244,395
060-7150-501030	Salaries - Incentive Payments	-	3,800	-	3,800
060-7155-501001	Salaries - Regular	720,064	22,500	-	742,564
060-7155-501030	Salaries - Incentive Payments	-	13,560	-	13,560
FUND 060	TOTAL REVENUES	180,760	267,180	-	447,940
Water & Sewer	TOTAL EXPENDITURES	9,013,965	370,580	103,400	9,281,145

A budget amendment in the Water & Sewer Fund to increase revenues and expenditure accounts where appropriate as the City approaches mid-year. Increased funds will be used for priortiy items within the Water & Sewer Fund including salaries, benefits. The amendment includes $267,180 increase in revenues.

The City Manager and City Clerk certify budget ordinance amendment 02122025-02 was approved by City Council on February 12, 2025.

020

TO MAYOR & COUNCIL
APPROVAL: February 12, 2025

FISCAL YEAR 2025
FORM: 02122025-03

BUDGET AMENDMENT

FUND 020

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
020-0000-400101	Ad Valorem Property Taxes	301,000	10,790	-	311,790
020-0000-400102	Prior Years Ad Valorem Taxes	1,000	975	-	1,975
020-0000-450001	Interest Income	100	1,280	-	1,380
020-0000-450099	Market Adjustment	-	290	-	290
020-0000-460001	Miscellaneous Income	-	2,370	-	2,370
020-0000-460120	Refunds/Rebates	430	380	-	810
020-1002-501001	Salaries - Regular	7,823	60	-	7,883
020-1002-501030	Salaries - Incentive Payments	-	70	-	70
020-1002-519200	Contract Services	9,068	-	9,000	68
020-1005-501001	Salaries - Regular	2,822	250		3,072
020-1005-501030	Salaries - Incentive Payments	-	20	-	20
020-1005-502005	Group Med & Life Ins	177	60	-	237
020-1005-502050	Retirement Expense	384	35	-	419
020-1005-502056	COH Match Retirement Expense	47	15	-	62
020-1007-523004	Cellphone Stipend	-	5	-	5
020-1008-501030	Salaries - Incentive Payments	-	40	-	40
020-1008-502005	Group Med & Life Ins	478	100	-	578
020-1010-501030	Salaries - Incentive Payments	-	10	-	10
020-1010-523004	Cellphone Stipend	-	10	-	10
020-1502-501001	Salaries - Regular	11,192	320	-	11,512
020-1502-501030	Salaries - Incentive Payments	-	140	-	140
020-1502-502001	Fica Tax Expense	856	30	-	886
020-1502-502005	Group Med & Life Ins	1,682	20	-	1,702
020-1502-502050	Retirement Expense	1,522	50	-	1,572
020-1502-502056	COH Match Retirement Expense	57	20	-	77
020-1523-501001	Salaries - Regular	8,213	750	-	8,963
020-1523-501010	Salaries - Overtime	80	470	-	550
020-1523-501030	Salaries - Incentive Payments	-	160	-	160
020-1523-502001	Fica Tax Expense	628	110	-	738
020-1523-502005	Group Med & Life Ins	1,392	110	-	1,502
020-1523-502050	Retirement Expense	1,117	170	-	1,287

020-1523-502056	COH Match Retirement Expense	103	60	-	163
020-1560-501001	Salaries - Regular	8,788	1,250	-	10,038
020-1560-501010	Salaries - Overtime	250	250	-	500
020-1560-501030	Salaries - Incentive Payments	-	160	-	160
020-1560-502001	Fica Tax Expense	672	180	-	852
020-1560-502050	Retirement Expense	1,195	340	-	1,535
020-1560-502056	COH Match Retirement Expense	54	120	-	174
020-2102-501001	Salaries - Regular	140,502	8,600	-	149,102
020-2102-501010	Salaries - Overtime	1,000	1,400	-	2,400
020-2102-501030	Salaries - Incentive Payments	-	2,200	-	2,200
020-2102-502001	Fica Tax Expense	10,748	1,000	-	11,748
020-2102-502005	Group Med & Life Ins	19,166	2,700	-	21,866
020-2102-502050	Retirement Expense	19,108	1,300	-	20,408
020-2102-502056	COH Match Retirement Expense	1,785	550	-	2,335
020-2102-519101	Prof Services-Audit	1,000	-	1,000	-
020-7855-501001	Salaries - Regular	32,616	2,300		34,916
020-7855-501030	Salaries - Incentive Payments	-	650	-	650
FUND 020	TOTAL REVENUES	302,530	16,085	-	318,615
Main St MSD Fund	TOTAL EXPENDITURES	284,527	26,085	10,000	300,612

A budget amendment in the Main St. Fund to increase revenues and expenditure accounts where appropriate as the City approaches mid-year. Increased funds will be used for priortiy items within the Main St. Fund including salaries & benefits. The amendment includes a $16,085 increase in revenues.

The City Manager and City Clerk certify budget ordinance amendment 02122025-03 was approved by City Council on February 12, 2025.

021

TO MAYOR & COUNCIL
APPROVAL: February 12, 2025

FISCAL YEAR 2025
FORM: 02122025-04

BUDGET AMENDMENT

FUND 021

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
021-0000-400101	Ad Valorem Taxes	49,000	1,300	-	50,300
021-0000-450001	Interest Income	100	730	-	830
021-0000-450099	Market Adjustment	-	160	-	160
021-0000-470900	Fund Balance Appropriated	47,843	-	1,300	46,543
021-1502-501001	Salaries - Regular	845	20	-	865
021-1523-501001	Salaries - Regular	2,053	200	-	2,253
021-1523-501030	Salaries - Incentive Payments	-	40	-	40
021-1523-502001	Fica Tax Expense	157	30	-	187
021-1523-502050	Retirement Expense	279	40	-	319
021-1523-502056	COH Match Retirement Expense	25	15	-	40
021-1560-501001	Salaries - Regular	2,197	310	-	2,507
021-1560-501010	Salaries - Overtime	-	60	-	60
021-1560-501030	Salaries - Incentive Payments	-	40	-	40
021-1560-502001	Fica Tax Expense	168	45	-	213
021-1560-502050	Retirement Expense	299	85	-	384
021-1560-502056	COH Match Retirement Expense	13	30	-	43
021-2202-501001	Salaries - Regular	45,633	3,600	-	49,233
021-2202-501010	Salaries - Overtime	400	400	-	800
021-2202-501025	Salaries - Uniform/Taxab	10	75	-	85
021-2202-501030	Salaries - Incentive Payments	-	710	-	710
021-2202-502001	Fica Tax Expense	3,491	400	-	3,891
021-2202-502005	Group Med & Life Ins	6,214	1,075	-	7,289
021-2202-502050	Retirement Expense	6,206	560	-	6,766
021-2202-502056	COH Match Retirement Expense	557	210	-	767
021-2202-521001	Supplies & Materials	14,568	-	7,630	6,938
021-7855-501001	Salaries - Regular	6,523	445	-	6,968
021-7855-501030	Salaries - Incentive Payments	-	130	-	130
FUND 021	TOTAL REVENUES	96,943	2,190	1,300	97,833
7th Ave MSD Fund	TOTAL EXPENDITURES	89,638	8,520	7,630	90,528

A budget amendment in the 7th Ave Fund to increase revenues and expenditure accounts where appropriate as the City approaches mid-year. Increased funds will be used for priortiy items within the 7th Ave. Fund including salaries & benefits. The amendment includes a $1,300 reduction in Fund Balance Appropropriation.

The City Manager and City Clerk certify budget ordinance amendment 02122025-04 was approved by City Council on February 12, 2025.

064

TO MAYOR & COUNCIL
APPROVAL: February 12, 2025

FISCAL YEAR 2025
FORM: 02122025-05

BUDGET AMENDMENT

FUND 064

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
064-0000-460001	Miscellaneous Income	75	130	-	205
064-0000-460020	Parking Violations	20,000	8,700	-	28,700
064-1005-501001	Salaries - Regular	5,644	500	-	6,144
064-1005-501030	Salaries - Incentive Payments	-	40	-	40
064-1005-502005	Group Med & Life Ins	354	110	-	464
064-1005-502050	Retirement Expense	768	70	-	838
064-1008-501030	Salaries - Incentive Payments	-	80	-	80
064-7455-531260	Credit Card Processing Fees	57,012	-	130	56,882
064-1010-501030	Salaries - Incentive Payments	-	20	-	20
064-1502-501030	Salaries - Incentive Payments	-	100	-	100
064-1560-501001	Salaries - Regular	32,955	4,650	-	37,605
064-1560-501010	Salaries - Overtime	1,250	500	-	1,750
064-1560-501012	Salaries - Standby Pay	3,000	170	-	3,170
064-1560-501030	Salaries - Incentive Payments	-	600	-	600
064-1560-502001	Fica Tax Expense	2,521	650	-	3,171
064-1560-502050	Retirement Expense	4,482	1,300	-	5,782
064-1560-502056	COH Match Retirement Expense	462	170	-	632
FUND 064	TOTAL REVENUES	20,075	8,830	-	28,905
Parking Fund	TOTAL EXPENDITURES	108,447	8,960	130	117,277

A budget amendment in the Parking Fund to increase revenues and expenditure accounts where appropriate as the City approaches mid-year. Increased funds will be used for priortiy items within the Parking Fund including salaries & benefits. The amendment includes a $8,830 increase in revenues.

The City Manager and City Clerk certify budget ordinance amendment 02122025-05 was approved by City Council on February 12, 2025.

068

TO MAYOR & COUNCIL
APPROVAL: February 12, 2025

FISCAL YEAR 2025
FORM: 02122025-06

BUDGET AMENDMENT

FUND 068					
ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
068-0000-430803	Solid Waste Disposal Tax	3,000	370	-	3,370
068-0000-440014	Environmental Services Fee	-	420	-	420
068-0000-460120	Refunds/Rebates	200	690	-	890
068-0000-470050	Sale Of Capital Assets	-	85,000	-	85,000
068-0000-470100	Transfers In	90,100	42,155	-	132,255
068-1002-501030	Salaries - Incentive Payments	-	210	-	210
068-1005-501001	Salaries - Regular	8,466	750	-	9,216
068-1005-501030	Salaries - Incentive Payments	-	60	-	60
068-1005-502005	Group Med & Life Ins	530	170	-	700
068-1007-501030	Salaries - Incentive Payments	-	150	-	150
068-1007-523004	Cellphone Stipend	-	45	-	45
068-1008-501030	Salaries - Incentive Payments	-	120	-	120
068-1010-501030	Salaries - Incentive Payments	-	50	-	50
068-1010-523004	Cellphone Stipend	-	30	-	30
068-1502-501001	Salaries - Regular	63,691	300	-	63,991
068-1502-501030	Salaries - Incentive Payments	-	1,100	-	1,100
068-1502-502005	Group Med & Life Ins	11,753	400	-	12,153
068-1521-501001	Salaries - Regular	39,098	2,400	-	41,498
068-1521-501025	Salaries - Uniform/Taxab	750	100	-	850
068-1521-501030	Salaries - Incentive Payments	-	500	-	500
068-7855-501001	Salaries - Regular	577,588	97,000	-	674,588
068-7855-501030	Salaries - Incentive Payments	-	12,700	-	12,700
068-7855-502001	Fica Tax Expense	45,122	9,000	-	54,122
068-7855-519200	Contract Services	53,500	2,500	-	56,000
068-7855-531700	Liab & Prop Ins & Bonds	40,918	1,050	-	41,968
FUND 068	TOTAL REVENUES	93,300	128,635	-	221,935
Env. Service Fund	TOTAL EXPENDITURES	841,416	128,635	-	970,051

A budget amendment in the Environmental Services Fund to revenue and expenditure accounts where appropriate as the City approaches mid-year. Amended funds will be used for priortiy items within the ESF Fund including salaries & benefits. The amendment includes a $128,635 increase in revenues.

The City Manager and City Clerk certify budget ordinance amendment 02122025-06 was approved by City Council on February 12, 2025.

301

TO MAYOR & COUNCIL
APPROVAL: February 12, 2025

FISCAL YEAR 2025
FORM: 02122025-07

BUDGET AMENDMENT

FUND 301					
ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
301-0000-420050-H2024	Grant (FEMA - Helene 2024)	5,000,000	-	-	5,000,000
301-0000-470100-H2024	Transfer In (From 010)	-	189,591	-	189,591
301-H2024	FEMA Reimb. Exp. (Helene 2024)	5,000,000	-	-	5,000,000
301-H2024	Non-Reimb.e Exp. (Helene 2024)	-	189,591	-	189,591
FUND 301	TOTAL REVENUES	5,000,000	-	-	5,000,000
Helene Project, #H2024	TOTAL EXPENDITURES	-	189,591	-	189,591

A transfer in from the General Fund to cover non-reimbursable FEMA expenditures. The General Fund transfer out is covered by 02122025-01. This increases the total Helene project appropriation to $5,189,591.

The City Manager and City Clerk certify budget ordinance amendment 02122025-07 was approved by City Council on February 12, 2025.

410

TO MAYOR & COUNCIL
APPROVAL: February 12, 2025

FISCAL YEAR 2025
FORM: 02122025-08

BUDGET AMENDMENT

FUND 410					
ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
410-0000-470100-25000	Transfer In (From 010)	-	29,000	-	29,000
410-1525-550102-25000	Capital Outlay CIP	-	29,000	-	29,000
FUND 410	TOTAL REVENUES	-	29,000	-	29,000
Oakdale Cemetery, #25000	TOTAL EXPENDITURES	-	29,000	-	29,000
410-0000-470100-25001	Transfer In (From 010)	-	75,000	-	75,000
410-1010-550102-25001	Capital Outlay CIP	-	75,000	-	75,000
FUND 410	TOTAL REVENUES	-	75,000	-	75,000
DT Cameras, #25001	TOTAL EXPENDITURES	-	75,000	-	75,000

An amendment reflecting the adoption of 2 General Government Capital Projects to be funded via transfer in from the General Fund due to lapse in fiscal year expectations. Project #25000 ($29,000) is a multi-year capital project for improvements at Oakdale Cemetery. Project #25001 ($75,000) is for installation of Downtown Camera Systems.

The City Manager and City Clerk certify budget ordinance amendment 02122025-08 was approved by City Council on February 12, 2025.

VEO25

TO MAYOR & COUNCIL
APPROVAL: February 12, 2025

FISCAL YEAR 2025
FORM: 02122025-09

BUDGET AMENDMENT

FUND 301 | 410 | 360 | 460

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
060-0000-470900	Fund Bal. Appropriation	2,034,497	-	-	2,034,497
060-0000-598901	Transfer Out (to 460, #VE025)	821,840	-	106,840	715,000
060-0000-598901	Transfer Out (to 360, #H2024)	-	106,840	-	106,840
FUND 060	TOTAL REVENUES	2,034,497	-	-	2,034,497
W&S Operating Fund	TOTAL EXPENDITURES	821,840	106,840	106,840	821,840
410-0000-470010-VE025	Debt Proceeds (Vehicle & Equip. Loan)	675,120	-	-	675,120
410-0000-470030-VE025	Insurance Proceeds	34,300	-	34,300	-
410-1300-554002-VE025	Capital Outlay - Vehicles	709,420	-	34,300	675,120
FUND 410	TOTAL REVENUES	709,420	-	34,300	675,120
V&E Loan, #VE025	TOTAL EXPENDITURES	709,420	-	34,300	675,120
460-0000-470030-VE025	Insurance Proceeds	400,000	-	400,000	-
460-0000-470100-VE025	Transfer In (from 060)	636,840	-	106,840	530,000
460-7002-554001-VE025	Capital Outlay-Equipment	191,412	-	-	191,412
460-7002-554002-VE025	Capital Outlay - Vehicles	845,428	-	640,428	205,000
460-0000-598901-VE025	Transfer Out(to 360, #H2024)	-	133,588	-	133,588
FUND 460	TOTAL REVENUES	1,036,840	-	506,840	530,000
V&E Loan, #VE025	TOTAL EXPENDITURES	1,036,840	133,588	640,428	530,000
301-0000-420050-H2024	Grant (FEMA - Helene 2024)	5,000,000	-	-	5,000,000
301-0000-470030-H2404	Insurance Proceeds	-	34,300	-	34,300
301-H2024	FEMA Reimb. Exp. (Helene 2024)	5,000,000	-	-	5,000,000
301-1002-554002-H2404	Capital Outlay - Vehicles	-	34,300	-	34,300
FUND 301	TOTAL REVENUES	5,000,000	34,300	-	5,034,300
Vehicle Repl.,#H2404	TOTAL EXPENDITURES	5,000,000	34,300	-	5,034,300
360-0000-470030-H2404	Insurance Proceeds	-	400,000	-	400,000
360-0000-470100-H2404	Transfer In (from 060)	-	106,840		106,840
360-0000-470100-H2404	Transfer In (from 460, #VE025)	-	133,588		133,588
360-7002-554002-H2404	Capital Outlay - Vehicles	-	640,428	-	640,428
Vehicle	TOTAL REVENUES	-	640,428	-	640,428
Replacement,#H2404	TOTAL EXPENDITURES	-	640,428	-	640,428

An amendment moving insurance proceeds revenues from Fund 410 and Fund 460 (capital project funds) to Fund 301 and Fund 306 (grant project funds). Vehicles damaged by Helene are recorded in Funds 301 and 360, project #H2024. Vehicles purchased under the 2025 vehicle and equipment loan are recorded in Funds 410 and 460, project #VE025.

The City Manager and City Clerk certify budget ordinance amendment 02122025-09 was approved by City Council on February 12, 2025.

Ashe CDBG #G2201

TO MAYOR & COUNCIL
APPROVAL: February 12, 2025

FISCAL YEAR 2025
FORM: 02122025-10

BUDGET AMENDMENT

FUND 010 | 301 | 410

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
010-0000-470900	Fund Balance Appropriated (ARP)	130,000	-	-	130,000
010-0000-598901	Transfer out (to 410, #G2201)	130,000	-	-	130,000
010-0000-598901	Transfer out (to 410, #G2404)	-	13,400	-	13,400
010-1002-519200	Contracted Services	67,040	-	13,400	53,640
FUND 010	TOTAL REVENUES	-	-	13,400	-
General Fund	TOTAL EXPENDITURES	-	13,400	-	-
301-0000-470100-18007	Transfer in (from 010)	514,272	-	-	514,272
301-0000-470100-18007	Transfer in (from 032)	50,915	-	-	50,915
301-0000-_____-18007	Note Receivable	729,594	-	-	729,594
301-0000-420050-18007	Grant (NC Commerce, no Interest)	500,000	-	-	500,000
301-0000-460110-18007	Reimbursements	40,000	-	-	40,000
301-0000-550103-18007	Capital Outlay CIP	799,166	-	-	799,166
301-0000-598600-18007	Loan to Outside Org (Developer)	500,000	-	-	500,000
301-0000-598901-18007	Transfer out (to 010)	460,590	-	130,975	329,615
301-0000-598901-18007	Transfer out (to 301, #18007)	75,025	130,975	-	206,000
FUND 301	TOTAL REVENUES	1,834,781	-	-	1,834,781
Grey Mill Project #18007	TOTAL EXPENDITURES	1,834,781	130,975	130,975	1,834,781
301-0000-420050-G2404	Grant Revenue (Dogwood HR, 2024)	100,000	-	-	100,000
301-0000-470010-G2404	Transfer In (from 010 - Legal)	2,600	-	-	2,600
301-0000-420050-G2201	Transfer in (from 010 - Admin)	-	13,400	-	13,400
301-1200-519200-G2404	Contracted Services	102,600	13,400	-	116,000
FUND 301	TOTAL REVENUES	102,600	13,400	-	116,000
Affordable Housing, #G2404	TOTAL EXPENDITURES	102,600	13,400	-	116,000
410-0000-420050-G2201	Grant Revenue	750,000	-	-	750,000
410-0000-420050-G2201	Transfer in (from 010, ARP Funds)	130,000	-	-	130,000
410-0000-420050-G2201	Transfer in (from 301, #18007)	75,025	130,975	-	206,000
410-1014-550102-G2201	Capital Outlay- Fees and Services	955,025	130,975	-	1,086,000
FUND 410	TOTAL REVENUES	955,025	130,975	-	1,086,000
Ashe St. CDBG, #G2201	TOTAL EXPENDITURES	955,025	130,975	-	1,086,000

An amendment transferring $130,975 from the Grey Mill Project (18007) to the Ashe St. CDBG 2020 Project (#G2201). The amendment also transfers $13,400 from the General Fund to the Affordable Housing Project (#G2404).

Council Member Lyndsey Simpson moved City Council adopt the budget amendments 02122025-01, 02122025-02, 02122025-03, 02122025-04, and 02122025-05, 02122025-06, 02122025-07, 02122025-08, 02122025-09, 02122025-10 (mid-year budget amendments) as presented. A unanimous vote of the Council followed. Motion carried.

C. Fund Balance Restoration Plan and City Management Response to Local Government Commission – *John Connet, City Manager*

Assistant City Manager Brian Pahle explained that in accordance with the City's Fund Balance Policy, if the City's unrestricted fund balance drops below 25% of expenditures the City Manager must provide a financial plan to increase fund balance above the 25% threshold. The City's fund dropped to 23.8% at the end of FY 2023-24. Therefore, I will provide a financial plan to bring our fund balance above the 25% threshold. This plan will be also be provided to the North Carolina Local Government Commission.

CITY OF HENDERSONVILLE

Available Fund Balance
City Manager's Plan

EXISTING POLICY

Available Fund Balance Policy

- Follows LGC Guidance to maintain an adequate available fund balance
- Based on peer results, the LGC recommends 25% for our budget size (group)
- The City Policy matches this guidance

- Recent Audit Reported 23.8% Available

So what?

- Per Policy – CM must present a plan to restore AFB withing 36 months
- Submit Report to LGC

- In practicality this signifies cashflow concerns and a lessened ability to respond to disasters or opportunities

AFB – In General

Historical Avg.

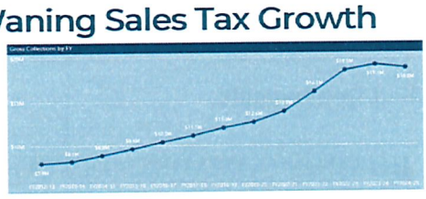
- ARPA Impacts
  - 3-Year Avg. Pre-ARPA = $9.3m
  - 3-Year Avg. Post-ARPA = $11.1m
  - This money will be spent down

Maintaining AFB

- The City must produce an operating ratio of 1.25 to maintain AFB levels
  - For every $1.00 increase in the budget
  - Revenues must increase $1.25
  - Increasing spending without appropriate revenue growth will lower AFB even if total Fund Balance increases

AFB – The Drop

6 Key Factors

1. ARPA Impacts
   - $4.5m Allocated
   - $2.5m for Rev. Replacement
   - $2.0m for Comm. Projects
   - This money will be spent down
2. Rising P/B Costs
   - 2015-21 Avg. % Change = 3.26%
   - 2022-25 Avg. % Change = 15.45%
     - SAFER, Pay/Class, Benefits, etc...
3. Increasing D/S
   - D/S + $3m Since 2015
     - (Fire Apparatus [3], FS#1, City Hall/Ops Reno., HPD, PW Maint., Edwards Park, & 7th Ave.)
4. Waning Sales Tax Growth
   - 
5. Slow Prop. Tax Growth
6. Neg. Operating Ratio
   -

FY	Op. Rev. to Exp.
Total	
2020	5.0%
2021	9.7%
2022	2.3%
2023	-9.8%
2024	-2.4%
2025	-0.2%
2026	1.6%
2027	2.1%

AFB – The Plan

5 Strategies

1. Lean CIP
   - Historical $900k
   - FY24 $250k
   - FY25 & FY26 $225k
   - FY27 $750k
2. No New Major Debt Projects
   - Patton/Whitmire already in model
   - Caveat w/o new revenue sources
3. Limited Position Additions
   - No New Positions
   - Caveat w/o new revenue sources
4. Focusing on P/B
   - Available funds to be used for City Council 2nd ranked priority
5. Revenue Forecasting
   - Closely monitoring revenue growth and projections



Cantrell Hills
- $289k in Rev.
- $459k Avg. Value

1	2	3	4
On/Off	Description	Amount	Start Date
On	Townes at Stonecrest (Clear Creek Project)	92,300	2025
On	Cantrell Hills (Clear Creek Project)	199,680	2025

AFB – End Result

Revenue Requirements and Sources

FY	Tax Rate	Revenue Neutral Rate	Value of a Penny	Collection Percentage	Natural Growth Rate / Reval	Growth Rate Development
Total						
2020	49.00	41.81	214,263	98.64%	18.00%	0.00%
2021	49.00	49.00	218,956	98.89%	2.39%	0.00%
2022	52.00	52.00	221,658	99.12%	1.34%	0.00%
2023	52.00	52.00	230,781	98.00%	4.11%	0.00%
2024	49.00	40.43	302,187	98.00%	23.00%	0.00%
2025	52.00	52.00	324,005	98.00%	7.22%	0.00%
2026	52.00	52.00	327,245	98.00%	1.00%	7.79%
2027	52.00	52.00	356,024	98.00%	1.00%	5.36%
2028	50.00	44.88	417,288	98.00%	15.00%	1.66%
2029	50.00	50.00	428,383	98.00%	1.00%	0.00%
2030	50.00	50.00	432,667	98.00%	1.00%	0.00%

Financial Sustainability Scorecard

		25%		0%	3%	15%	3%
FY	Available FB (Ass. + Unass.)	Available FB as a % of Expenditures	Amount Above (Under) Policy	Op. Rev. to Exp.	Cap. Ratio	D/S to Exp. Ratio	Assessed Value Ratio
2020	5,949,067	36.7%	1,826,836	5.0%	4.9%	6.2%	21.3%
2021	3,460,866	20.0%	(718,214)	9.7%	5.6%	7.9%	2.2%
2022	5,777,008	30.1%	981,559	2.3%	4.3%	6.5%	1.2%
2023	7,353,518	30.7%	1,371,566	-9.8%	4.5%	8.8%	4.1%
2024	6,159,237	23.8%	(306,981)	-2.4%	7.4%	15.1%	31.6%
2025	5,847,550	21.7%	(902,460)	-0.2%	1.0%	14.6%	4.5%
2026	6,450,107	23.4%	(445,086)	1.6%	0.8%	14.0%	8.9%
2027	7,503,518	26.0%	276,071	2.1%	0.8%	13.1%	6.3%
2028	9,184,205	30.6%	1,690,162	5.2%	3.3%	13.0%	13.1%
2029	10,929,460	35.3%	3,181,802	5.2%	3.2%	12.7%	3.2%
2030	12,765,132	40.0%	4,777,414	5.3%	3.1%	12.1%	3.0%

- By FY27 Policy is Restored
- Operating Ratio Good in FY26
- Capital Ratio will Result in Deferred Maint.
- Tax Rate at $0.50 by Next Reval.

Does not Include Helene Impacts

Council Member Gina Baxter moved that City Council approve the Fund Balance Restoration Plan and City Management Response to Local Government Commission. A unanimous vote of the Council followed. Motion carried.

D. AARP Sidewalk Study – *Lyndsey Simpson, Council Member*

Pulled from agenda.

9. BOARDS/COMMISSIONS/COMMITTEE APPOINTMENTS

Pulled from agenda.

10. CITY MANAGER REPORT

A. January 2025 Contingency and Adjustment Report – *John Connet, City Manager*

In accordance with North Carolina General Statute (NCGS) 159-13(b) it is required that all expenditures resulting from a contingency appropriation budget be reported to the governing board at its next regular meeting and recorded in the minutes.

NCGS 159-15 permits the Budget Officer (City Manager), to transfer budget from one appropriation to another within the same fund, provided any such transfers are reported to the Governing Board. The City of Hendersonville refers to transfers of budget from one appropriation to another within the same fund as a "budget adjustment". City Council authorizes budget adjustments each year with the adoption of the annual budget ordinance (SECTION 4).

This agenda item serves to fulfill the reporting requirements of both NCGS 159-13(b) and 159-15 by providing City Council a summary of all amendments and adjustments occurring thus far in the fiscal year.

FISCAL YEAR 2024 - 2025 (FY25)
BUDGET AMENDMENTS AND ADJUSTMENTS

Completed / Proposed / Corrected / Denied

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
010-1002-539005	Health & Welfare Expenditures	82,139	-	82,139	-
010-0000-534999	Contingency	137,525	-	42,861	94,664
010-1002-551000	Capital Outlay- Land,Easements,ROW	-	125,000	-	125,000
060-1002-539005	Health & Welfare Expenditures	115,723	-	115,723	-
060-0000-534999	Contingency	97,250	-	9,277	87,973
060-1002-551000	Capital Outlay-Land,Easements,ROW	-	125,000	-	125,000
060-0000-534999	Contingency	87,973	-	18,800	69,173
060-7002-519200	Contracted Services	85,600	18,800	-	104,400
060-7032-555003	Capital Outlay- Plants, Pump Stations	252,000	-	20,000	232,000
060-7032-524030	R&M Trucks	25,000	20,000	-	45,000
060-0000-534999	Contingency	69,173	-	500	68,673
060-7050-519200	Contracted Services	400	500	-	900
060-7132-555003	Capital Outlay- Plants, Pump Stations	107,000	-	25,000	82,000
060-7132-519200	Contracted Services	-	25,000	-	25,000
010-1400-554001	Capital Outlay- Equipment	88,632	-	35,000	53,632
010-1400-534000	Non-Capital	72,900	35,000	-	107,900
060-7135-524020	R&M Equipment	205,000	-	14,200	190,800
060-7135-554001	Capital Outlay- Equipment Other Than	12,500	14,200	-	26,700

DESCRIPTION	APPROVED	TYPE	AMENDMENT NUMBER
Caporoma Earnest Money	yes	Adjustment	12/10/2024
Caporoma Earnest Money	yes	Adjustment	12/10/2024
Caporoma Earnest Money	yes	Adjustment	12/10/2024
Caporoma Earnest Money	yes	Adjustment	12/10/2024
Caporoma Earnest Money	yes	Adjustment	12/10/2024
Caporoma Earnest Money	yes	Adjustment	12/10/2024
Call Center	yes	Adjustment	12/11/2024
Call Center	yes	Adjustment	12/11/2024
Engine Replacement	yes	Adjustment	12/23/2024
Engine Replacement	yes	Adjustment	12/23/2024
HR Budget- hiring processes	yes	Adjustment	1/7/2025
HR Budget- hiring processes	yes	Adjustment	1/7/2025
Highland Lake Gulf Pump Station	yes	Adjustment	1/17/2025
Highland Lake Gulf Pump Station	yes	Adjustment	1/17/2025
Zoll Medical RQ25-511	yes	Adjustment	1/23/2025
Zoll Medical RQ25-511	yes	Adjustment	1/23/2025
WWTP Gate Improvements	yes	Adjustment	1/23/2025
WWTP Gate Improvements	yes	Adjustment	1/23/2025

11. CITY COUNCIL COMMENTS – None

Mayor Pro Tem Hensley said that Senator Budd and Senator Tillis have both written a letter of resolution in support of us to receive the RAISE Grant so that's good news.

12. CLOSED SESSION

Council Member Lyndsey Simpson moved that City Council enter closed session pursuant to NCGS § 143-318.11 (a) (1) (3) and (6) to prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes, to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body and to consider Griffin vs. City of Hendersonville Board of Adjustment Case # 25CV000051-440 and to consider the qualifications, competence, performance, character, fitness of an individual public officer or employee.

13. ADJOURN

Council came out of closed session at 9:55 p.m.

There being no further business, the meeting adjourned at 9:55 p.m. upon unanimous assent of the Council.

Jennifer Hensley, Mayor Pro Tem

ATTEST:

Jill Murray, City Clerk