CITY OF HENDERSONVILLE
CITY COUNCIL SECOND MONTHLY MEETING
Operations Center Assembly Room | 305 Williams St. | Hendersonville, NC 28792
Wednesday, September 23, 2026 – 4:00 PM

AGENDA

1. **CALL TO ORDER**

2. **CONSIDERATION OF AGENDA**

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

   A. Amendment to Chapter 52 – Utilities of the City of Hendersonville Code of Ordinances to Align with the Revised Customer Service Policy & Procedures – *Krystal Powell, Finance Director*

   B. Revisions to the City of Hendersonville Billing Policy & Procedures and Temporary Waiver of Late Fees & Delinquent Fees for October & November bills – *Krystal Powell, Finance Director*

4. **PUBLIC HEARINGS**

   A. Public Hearing to Consider Plan to Apply for the Department of Commerce ReNew NC Grant Program – for Patton Park, Wastewater Treatment Plant Facility Mitigation Project and Whitmire Activity Center Project, *Blake Fulgham, Environmental Services Manager*

5. **PRESENTATIONS**

   A. Farmland Preservation Bond Referendum – *Henderson County Staff*

   B. Update on Patton Pool and Whitmire Center Improvement Projects – *Richard Shook, Assistant City Engineer*

6. **ADJOURN**

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

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: Krystal Powell **MEETING DATE:** 9/23/2026

AGENDA SECTION: CONSENT **DEPARTMENT:** Finance

TITLE OF ITEM: Amendment to Chapter 52 – Utilities of the City of Hendersonville Code of Ordinances to Align with the Revised Customer Service Policy & Procedures – *Krystal Powell, Finance Director*

SUGGESTED MOTION(S):

I move that City Council adopt **AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO ADOPT AMEND CHAPTER 52 OF THE CODE OF ORDINANCES FOR THE CITY OF HENDERSONVILLE** to align Chapter 52 with the revised Customer Service Policy & Procedures, effective October 1, 2026.

SUMMARY:

Staff is requesting City Council approval of amendments to Chapter 52 – Utilities of the City of Hendersonville Code of Ordinances. These amendments are necessary to bring the Code of Ordinances into alignment with the revised Customer Account and Billing Policy, which is being renamed from the "City of Hendersonville Billing Policy & Procedures" and updated to modernize administrative practices and align with current operational practices and applicable North Carolina General Statutes.

Certain provisions within Chapter 52 – Utilities are addressed in the revised Customer Account and Billing Policy. Corresponding amendments to the Code of Ordinances are necessary to eliminate conflicts between the Code and the revised policy and to ensure the City's ordinances remain legally consistent and enforceable. Staff and the City Attorney have identified the specific sections requiring amendment as part of this process; the proposed ordinance amendment is attached for Council's review. If adopted, the ordinance amendments would become effective October 1, 2026, consistent with the effective date of the revised Customer Account and Billing Policy.

BUDGET IMPACT: N/A

ATTACHMENTS:

1. Updated Ordinance Amendments

Ordinance #O-

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO ADOPT AMEND CHAPTER 52 OF THE CODE OF ORDINANCES FOR THE CITY OF HENDERSONVILLE

WHEREAS, City Council and City staff have updated the policies and procedures for the billing and collection of City utility services accounts; and

WHEREAS, it is necessary to update provisions of Chapter 52 of the City Code of Ordinance to implement the revised policies and procedures;

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

SECTION 1. This Ordinance shall be known as "An Ordinance to Update Chapter 52 of the Code of Ordinances for the City of Hendersonville for Billing and Collection of Utility Services Accounts."

SECTION 2. That Chapter 52 of the Code of Ordinances, City of Hendersonville, North Carolina is hereby amended to read as follows:

Chapter 52 UTILITIES

ARTICLE I. IN GENERAL

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Sec. 52-10. Application for service.

Application shall be made for water, sewer, solid waste removal or any other utility service that may be furnished by the city, which shall be required in writing. Such application shall include, but not limited to, the name and address(es) of the applicant, the type of utility service desired, the purposes for which the application is made and such other information as may be required by the city. Once submitted and approved, an application shall constitute a contract for utility service between the applicant and the city, with the terms being the City's standard utility service contract terms and conditions, duly adopted utility service policies, and this Chapter 52 of the Hendersonville Code of Ordinances being incorporated therein. The Finance Director shall have the authority to enter into the utility services agreements with customers on behalf of the city, and to determine the standard terms and conditions of the agreement, provided however that such terms and conditions are consistent with the terms of this Chapter 52, as amended.

With the exception of stormwater services, all properties (and if there is more than one connection on a property, all connections) must be subject to a utility services agreement in order to be eligible to receive utility services. No connection shall be made to any sewer or water lateral except after the utility services agreement has been entered. In addition to any other available remedy, violation of this section is also a misdemeanor as provided in section 1-6

The Utilities Director and Finance Director shall each be authorized to order the disconnection of a property (or a connection on the property) from utility service if neither the property owner nor the non-owner occupant of the property (for non-owner occupied properties) submits an application for service

and enters into the city's standard utility services agreement within five (5) days of being notified on behalf of the city, in writing, that there is no utility services agreement on file with the city for the property (or for one or more connections on the property).

Sec. 52-11. Service to comply with technical regulations and policies.

Any utility service furnished under the provisions of this chapter at any of the rates set forth in article II of this chapter shall be in accordance with and in compliance with all applicable technical provisions of this Code, state law, city ordinances and other applicable rules and regulations. With the approval of the City Manager, the Finance Director shall have the authority to adopt and amend administrative policies and procedures for billing and collection of utility service accounts where in their opinion, such policies are necessary to assist the Finance Department in maintaining the integrity of the billing and collection services provided. Such policies may be combined with and incorporated into City Council approved policies and procedures; however nothing herein shall authorize the Finance Director or City Manager to implement new fees and charges, add new collection remedies, or add new circumstances under which disconnections of utility services may occur without approval of City Council.

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ARTICLE II. RATES AND CHARGES

Sec. 52-46. Deposits required.

Along with the application for utility services, the applicant may be required to pay to the city a deposit as follows:

(a) The following deposits are required for all utility services inside and outside the corporate limits:

(1) Customers of utilities, opening accounts after the effective date of the ordinance from which this section is derived, shall make a deposit in the amount set forth by city council per the currently approved rates and fee schedule.

(2) The deposits heretofore or hereafter made shall be used for the purpose of ensuring the payment of utility bills and to secure the city against any loss that might be incurred in furnishing water, or other utility services, and ~~or~~ servicing such utility service accounts. ~~, and s~~Such deposit shall be refunded after 24 consecutive months of good payment history or upon termination of service, subject to the terms and conditions of this Article and the utility services agreement. The city may, at its option, apply the deposit, or any portion thereof, to the payment of utility service indebtedness which may accrue against the depositor or premises for and on account of which the deposit is made. Where the terms of a utility services agreement permit, a deposit may be applied to any outstanding utility service account balance which is due and payable to the city.

(b) ~~Utility water customers who deposit or portion of deposit is used to apply to account balances will be required to restore the deposit on the account before services will be restored.~~ All applicable charges shall be required to be paid before water service shall again be furnished to the premises in question.

(c) The deposits required by this section to be paid to the city shall be without liability on the part of the city for profit or interest.

(d) The city retains the right to retain deposits indefinitely to assure payment of utility charges.

(e) Every account holder may be required to pay a deposit for each property/account with the city.

(f) ~~Property owners that have a landlord/tenant agreement with the city may be required to maintain a deposit on the account for each property/account.~~

Sec. 52-47. Deposits not to bear interest.

The amount of money deposited with the city as a deposit for utility services shall not bear interest.

Sec. 52-48. Refund of deposit.

Refunds of deposits made for utility services shall be made upon the termination of such utility services only after payment of all indebtedness to the city for such utility services. Application of deposit may be made in partial or total settlement of accounts when supply is cut off for nonpayment of bill, or for any infraction or violation of any ordinance, rule or regulation of the city relative to utility services offered by the city.

Sec. 52-49. Rates, charges and fees to be determined by council.

The rates, charges and fees imposed for the use and enjoyment of any utility service furnished by the city to consumers or users thereof shall be as determined by the city council from time to time~~, and on file in the office of the city clerk.~~. All properties on which one or more water meters has been placed for service shall be subject to a base fee charge for each water meter placed. The property owner shall be liable for payment of such base fee; however a non-owner occupant may assume liability for payment of this base fee by entering into a utility service agreement for the receipt of one or more utility services at the property. In such event, the non-owner occupant and the city shall be jointly and severally liable for payment of the base fee. Stormwater, water and sewer, and sanitation collection rates, fees and charges will be billed together on the same invoice.

Sec. 52-50. Payment.

(a) The rates, charges and fees fixed and prescribed by the provisions of this article shall be due and payable on or before the ~~15th~~ 20th day of ~~the month~~ following the date ~~the meters are read~~of billing. The due date shall be clearly and legibly printed on the bill.

(b) All partial payments, or any amounts which do not constitute full satisfaction of the total fees and charges for services rendered by the stormwater department, water department, and sewer department or the ~~streets and sanitation~~environmental services department of the city and levied against any person who, or which, shall be the recipient of such services, shall be allocated and distributed in satisfaction of such fees and charges in the following order of priority:

(1) Fees and Miscellaneous Fees and Charges

(2) Stormwater Fees an Charges

(3) ~~The full amount of such partial payment shall first be credited against any amounts due and payable for~~ Fees and charges incurred for the collection and disposition of residential, commercial or industrial garbage, trash or any other waste or refuse by the city ~~streets and sanitation~~environmental services department.

(4) Sewer Fees and Charges

(5) Water Fees and Charges

~~(2) The balance of such partial payment, to the extent possible, of any amounts due and payable shall be credited to any amounts due for charges incurred for water delivery or any associated service.~~

Sec. 52-51. Disconnection of service for nonpayment or during a state of emergency.

(a) If any consumer of utility services furnished by the city does not pay the rates and charges on or before the due date for such rates and charges, the city shall have the authority to disconnect or terminate or cause to be disconnected or terminated all utility services furnished such consumer. Disconnection for nonpayment should not occur prior to the 28th day following issuance of a bill for utility services.

(b) During any federally, state, or locally declared state of emergency applicable within the City of Hendersonville, the city manager shall have the authority to suspend enforcement of the disconnection of utility services and suspend the imposition of late fees for nonpayment pursuant to this section. Such suspension shall be in effect during the state of emergency and for long thereafter as is determined reasonably necessary by the city manager to provide for the continuity of utility services to customers, taking into account the impact of the emergency upon the local economy, and the reasonable ability of customers to pay.

(c) During any federally, state, or locally declared state of emergency, the city manager or the utilities director shall have the authority to disconnect any customer from service where necessary to protect the public health, safety and welfare, prevent damage to property, or prevent or repair leaks or other damage to the system. Any service disconnected pursuant to the authority of this subparagraph (c) shall be restored as soon as is reasonably practicable after the circumstances giving rise to the disconnection have ended.

Sec. 52-52. Resumption of service; reconnection fee.

Any consumer of the utility services furnished by the city whose utility services have been disconnected or terminated at a propertyfor the nonpayment of the rates and charges therefore may have such utility services resumed by paying all rates and charges due by him or her to the city for that property, and in addition thereto, the currently required reconnection fee and all other fees or charges that may be applied by the city. Additionally, where the applicable utility service agreement allows, the City may require that all outstanding utility service accounts having an outstanding balance be paid in full prior to service being re-established at the property.

Sec. 52-53. Voluntary temporary discontinuance of service.

Consumers wishing to temporarily discontinue the use of any utility service furnished by the city, as for example when they will be out of town of an extended period of time , must give written notice thereof at the water and sewer department. Failure to do so shall render them liable for the payment of all bills until such notice has been given.

Sec. 52-54. Initiation of service.

All water and sewer services shall become active once the water meter (or sewer meter) is set into place including, but not limited to, new construction. Services shall become due and payable during the billing cycle immediately following service activation, ~~ir~~regardless of physical connection.

Sec. 52-55. Correction of errors.

Failure to receive a utility service fee bill is not justification for nonpayment. If it is determined that a customer has been billed incorrectly, a corrective bill will be issued. If the customer has been overbilled,

the city will issue a corrective bill for ~~the entire determinable period~~ a maximum two year period of overbilling. ~~of the overbill.~~ If the customer has been underbilled or not billed, the city will process a corrective bill for up to ~~one~~ two- year of the underbilled/not billed charges.

The City Finance Director shall be authorized to enter into a payment plan with a customer who has been overbilled to allow the customer to pay the outstanding overbilled balance over a period of time not to exceed twenty-four (24) months, except where a customer reasonably demonstrates that longer is needed for payment of the balance, the period of repayment may be for up to thirty-six (36) months. Payment plans shall be evidenced in writing, and such writing must provide that all utility service accounts and the payment plan payments must be kept current for the payment plan to remain effective. The Finance Director shall be authorized to accelerate the balance owed on the payment plan for a customer default.

Sec. 52-56. Inactive service.

All utility services shall become active once the initial connection (tap and meter) to the utility system is set into place. Deactivation of accounts for simple convenience will not be permitted and all improved property will be subject to minimum base charges per the City of Hendersonville Fee Schedule. Both property owners and non-owner occupants having a utility service agreement with the city for the property, shall be liable for payment of all base fees. Services shall become due and payable during the billing cycle immediately following service billing activation and can include corrective billing up to two years. New construction and vacant lots, including demolition or condemnation, will have services activated once the connection (tap and meter) to the utility system has been made. Owners of vacant property, including demolition or condemnation, shall notify the City of Hendersonville of property status and request removal of meter in order to avoid minimum base charges.

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ARTICLE IV. CONNECTION TO WATER AND SEWER LINES

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~~**Sec. 52-127. Applications generally.**~~

~~Every application for a sewer or water connection shall state the name of the owner of the lot; the name of the person or persons applying for service; the name of the street on which such lot is situated; the number of the house, dwelling unit or place of business; if there is one on the lot, or, if not, a description of the location of the lot; the property identification number (PIN); the number of dwelling structures on the lot, the name of the subdivision, the number and kind of connections desired; and the character of the surface of the abutting street. Every such application shall be signed by the person making the application, shall be accompanied by the proper fees for making the connections applied for, and shall be filed with the water and sewer department.~~

~~**Sec. 52-128. Approval of application.**~~

~~No connection shall be made to any sewer or water lateral except after the written application therefor has been approved by the water and sewer department.~~

~~In addition to any other available remedy, violation of this section is also a misdemeanor as provided in section 1-6.~~

SECTION 3. If any provision of this ordinance or its application is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provisions or application, and to this end the provisions of this ordinance are severable.

SECTION 4. It is the intention of the City Council and it is hereby ordained, that the provisions of this ordinance shall become and be made part of the Code of Ordinances, City of Hendersonville, North Carolina, and the sections of this ordinance may be renumbered to accomplish such intention.

SECTION 5. This Ordinance shall be effective upon its adoption.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 1st day of October, 2026.

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

_____
Jill Murray, City Clerk

Approved as to form:

_____
Angela S. Beeker, City Attorney

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: Krystal Powell **MEETING DATE:** 9/23/2026

AGENDA SECTION: CONSENT **DEPARTMENT:** Finance

TITLE OF ITEM: Revisions to the City of Hendersonville Billing Policy & Procedures and Temporary Waiver of Late Fees & Delinquent Fees for October & November bills – *Krystal Powell, Finance Director*

SUGGESTED MOTION(S):

I move that City Council adopt the resolution approving revisions to the City of Hendersonville Billing Policy & Procedures and authorizing the temporary waiver of late fees and delinquent fees associated with September and October bills that are not paid on time per policy and/or before disconnection date based on new policy updates.

SUMMARY:

Staff is requesting City Council approval of revisions to the City of Hendersonville Utility Billing Policy & Procedures, which will be renamed the "Customer Account and Billing Policy." The proposed revisions are intended to modernize the policy, improve clarity and consistency, and align procedures with current operational practices and applicable North Carolina General Statutes. The updates also include administrative and non-substantive clarifications, enhance customer understanding of billing and collection procedures, and strengthen the City's legal protections.

In conjunction with the proposed policy revisions, staff is also requesting City Council authorize a temporary waiver of late fees and delinquent fees for October 2026 and November 2026 bills that are not paid by the due date (late fees) or before the disconnection date (delinquent fees). All other billing requirements and account obligations would remain in effect. This waiver period is intended to give customers additional time to become familiar with the revised billing timelines and policy changes. The revised policy is scheduled to become effective on October 1, 2026.

BUDGET IMPCT: $

The temporary waiver of late fees and delinquent fees associated with October 2026 and November 2026 bills will result in a short-term reduction in utility fee revenue. Staff anticipates the impact to be minimal.

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

If no, describe how it will be funded.

ATTACHMENTS:

1. **Proposed Customer Service Policy & Procedures**
2. **Resolution Approving Revisions to the Customer Service Policy & Procedures and Temporary Late Fee & Delinquent Fee Waiver**

Resolution#__-____

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO APPROVE REVISIONS TO THE CITY OF HENDERSONVILLE BILLING POLICY & PROCEDURES AND AUTHORIZING A TEMPORARY WAIVER OF LATE FEES & DELINQUENT FEES

WHEREAS, the City of Hendersonville provides utility billing and customer service functions for customers within its service area; and

WHEREAS, the City periodically reviews its policies and procedures to ensure consistency with operational practices, customer service standards, and applicable North Carolina laws: and

WHEREAS, City staff has recommended revisions to the existing Utility Billing Policy & Procedures, including renaming the policy to the "Customer Account and Billing Policy," in order to improve clarity, update administrative practices, and align provisions with current operational and statutory requirements; and

WHEREAS, the proposed revisions include updates related to deposits, delinquent processing timelines, late fee application timelines, corrective billing practices, meter tampering provisions, as well as other administrative and non-substantive clarifications; and

WHEREAS, City staff has further recommended a temporary waiver of utility late fees and delinquent fees that would be assessed for October 2026 and November 2026 bills due to provide customers additional time to become familiar with the revised policy changes and billing timelines.

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

1. The revisions to the City of Hendersonville Customer Service Policy & Procedures, attached hereto and incorporated herein by reference, as hereby approved.
2. The revised policy shall become effective on October 1, 2026.
3. Utility lates fees and delinquent fees shall be temporarily waived for all applicable customer accounts for October 2026 and November 2026 Utility Bills.
4. Beginning with December bills, all late fees and delinquent fees shall resume in accordance with the approved Customer Account and Billing Policy and the City's adopted Rate and Fee Schedule.
5. The City Manager and appropriate City staff are authorized to take all necessary administrative actions to implement the provisions of this Resolution.

Adopted by the City Council of the City of Hendersonville, North Carolina on this _____ day of September 2026.

_____

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

_____

Jill Murray, City Clerk

Approved as to form:

_____

Angela S. Beeker, City Attorney

CITY OF HENDERSONVILLE

CUSTOMER ACCOUNT AND BILLING POLICY

OCTOBER 1, 2026

Section 1 – General

1.1 Introduction

The policies and procedures contained in this document are intended to define the relationship between the customer of enterprise services including water, wastewater, stormwater and solid waste collection (collectively one or more sometimes referred to in this policy as "utility service" or "utility services") and the City of Hendersonville with respect to the establishment of utility accounts for each of these services, as applicable, ("Utility Service Account" or "utility service account" or "account") and with respect to billing and collection of all such accounts. With the exception of stormwater services, utility services are provided on a contract basis between the City and the customer. Customers receiving water, sewer or environmental services must have an active utility service account and must enter into the City's standard utility service agreement in order to receive any or all of these three utility services.

1.2 Authority

The City Council shall establish and approve utility service rates, fees, and other matters requiring Council action. The Finance Department is responsible for administering this Policy and maintaining the Policy in accordance with applicable City Council actions, ordinances, resolutions, and changes in applicable law.

1.3 Office and Service Hours

The Finance Department is located at 160 6th Avenue East and is open to the public from 9 a.m. to 5 p.m. Monday through Friday, except for City holidays. Routine customer service and administrative work will be performed from 8 a.m. to 5 p.m. Monday through Friday except for City holidays. Utility field services and other operational services may follow separate schedules established by the responsible department. A 24-hour drop box is available for customer payments in the City Hall 6th Avenue parking lot. Payments made after 8:00 am at the drop box are posted the next business day.

1.4 Privacy and Customer Information

The City is committed to protecting customer information obtained in connection with the establishment and administration of utility accounts. Customer utility billing information is not a public record pursuant to N.C.G.S. § 132-1.1(c) and in most cases will only be disclosed where, in the discretion of the city, it is necessary to assist the city in maintaining the integrity of the services provided, to assist with collection on accounts, to assist law enforcement, public safety, fire protection, and other emergency service providers or judicial officers in the performance of their duties, or for the purposes of securing bond financing for the improvement of utilities infrastructure. Social Security numbers and other personally identifying information collected by the City will be maintained and protected, and will be used or disclosed only as allowed by N.C.G.S. § 132-1.10 and other applicable law. The City will take reasonable measures to safeguard customer information from unauthorized access, use, or disclosure.

Section 2 – Establishing Water or Sewer Service

All connections to the City of Hendersonville water or sewer system must have an active utility services account and an active utility services agreement in place ("Utility Services Agreement" or "USA"). Customers establishing a new account (excluding stormwater service) on or after October 1, 2026, must enter into the City's standard utility services agreement revised effective October 1, 2026 (the "2026 Utility Service Agreement" or "2026 USA"). Existing customers may continue under their existing Utility Services Agreement with the City until one of the following circumstances occurs: (1) a customer voluntarily enters into the 2026 Utility Services

Agreement; or (2) A utility service is requested for a new or different property. All existing USAs and all 2026 USAs entered will be deemed to incorporate and include by reference the terms of Chapter 52 of the City of Hendersonville Code of Ordinances, including all amendments thereto.

Where this Policy requires the submission of a New Application for Service, water service may be disconnected for any property, connection or utility services account if a New Application for Service is not received within 5 consecutive working days of a property owner, tenant or customer being notified in writing by customer service that a New Service Application is required for a property, for a connection (new or existing), or for an account (new or existing). For purposes of this notification, email shall qualify as a notification in writing.

To apply for water or sewer service, a customer must complete the City's standard application for utility service revised effective October 1, 2026 ("New Service Application" or "Application") and must submit all required documentation for review and approval by the City of Hendersonville Customer Service Department. Completion and submission of a New Service Application is the customer's agreement to be bound by the terms and conditions of the City's 2026 Utility Services Agreement which include this Customer Account and Billing Policy ("Policy"), which is specifically incorporated by reference into the 2026 USA, and those standard terms and conditions that are a part of the New Service Application and which may be found at :_____. By submitting a New Service Application, the customer accepts responsibility for payment of all applicable rates, charges, fees, and other amounts associated with the account and agrees to comply with this Policy, applicable City ordinances, regulations, and other City requirements governing utility service. Approval of the New Service Application by the City will complete the legally binding agreement (the USA) between the customer and the City of Hendersonville for the provision of utility services. One or more accounts may be assigned to a single USA as explained in more detail below. Once a utility service account is established in a customer's name, the customer will remain liable for all usage and base charges incurred until 1) the customer completes the appropriate documentation to terminate service, or 2) a New Service Application is received and approved for the property or connection receiving service.

If any connection to the City's water or sewer system has been made without an account being timely established, the person(s) for whose benefit the connection is made will be corrective billed for all utility services received from the date the connection was made through the date the account is established.

2.1 Application

A completed New Service Application must be submitted to and approved by the Customer Service Department before new service is established. Utility service accounts are non-transferable. A New Service Application is required when a property is sold, transferred, leased, or otherwise occupied by a new customer. For the avoidance of doubt, except as stated otherwise in this Policy, a New Service Application and a Utility Service Account is required for each service connection, regardless of prior service at the property, prior customer history, or previous account status. For customers subject to the 2026 USA, establishment of a new utility service connection is subject to the applicant satisfying all previously incurred and legally collectible utility obligations owed to the City; therefore such a customer who has an unpaid balance on any other utility service account with the City must pay the outstanding balance before new service may be established at another address.

A. Valid Government Issued Identification and Social Security Number (All customers)

As part of the application process, an applicant must provide a valid government issued identification document (driver's license, passport, state identification card, military identification card, etc.). The City may request the applicant's Social Security number or federal tax identification number for purposes related to establishing and administering a utility services account, including verification of identity, credit evaluation, fraud prevention, and collection of delinquent utility balances. Social Security numbers shall be collected, maintained, used, and protected in accordance with N.C.G.S. § 132-1.10 and other applicable law.

A customer is not required to provide a Social Security or federal tax identification number (as applicable) as a condition of receiving utility service; however a deposit will be required to obtain water or sewer service if neither is provided (see Subsection 2.3 below). . Additionally, the City may require other information or documentation reasonably necessary to verify the applicant's identity, evaluate applicable account requirements, prevent fraud, and protect the interests of the City and its utility customers. Failure to provide a social security number does not relieve a customer of responsibility for charges incurred for utility services.

B. Closing Statement or Deed (Property Owners)

Property Owners shall provide a copy of their deed or other information as may be reasonably requested by customer service to verify ownership of the property that will receive water or sewer service. From and after October 1, 2026, property owners will be required to enter into the new 2026 USA under when any of the following occur: 1) they request new service for any property that they own; or 2) a tenant or other occupant at any one of the properties or residential units they own requests a new service. Under the terms of the new 2026 USA, property owners may have accounts and water/sewer service at more than one owned location if all accounts for all properties remain in good standing with the City; however any delinquency on an account at any location may prevent a property owner from establishing new service.

Typically, accounts are established in the name of the tenant or non-owner occupant of a property. Pursuant to the 2026 USA, property owners with rental property (or property otherwise occupied by a third party) are required to have all accounts for utility service automatically revert to them when the non-owner occupant requests services to be discontinued and their account terminated. Property owners may elect to have all of their owned properties served under one USA, and if they elect to do so, they will not have to submit a new application for a property each time a tenant or third party occupant terminates service water or sewer service. For properties acquired after entering the 2026 USA, owners will only have to complete and submit a "Request for Service – Newly Acquired Property" form to customer service, with a copy of their recorded deed for the property attached. Upon receipt of this form, customer service will attach the account established for the newly acquired property to the owner's existing 2026 USA.

Please note: a separate utility services account will be established for each property served, or if more than one connection is present on a property, for each utility service connection at that property.

C. Lease/Rental/Occupancy Agreement (Non-owner Applicants)

Non-Property Owner occupants of a property requesting water or sewer service shall provide the City with a copy of a lease/rental/occupancy agreement along with their New Service Application so the City can verify their right to establish an account for the property. In the event their occupancy is pursuant to a verbal agreement with the property owner, both the occupant and the property owner will be required to sign a notarized "Verification of Right to Occupancy" form and submit it to customer service prior to their being eligible to receive water or sewer service. In the event any tenant or non-owner occupant named in the lease, occupancy agreement, or Verification of the Right to Occupancy form has any outstanding utility debt with the City, that debt must be paid in full prior to their being eligible for water or sewer service. If a lease/rental/occupancy agreement or Verification of Right to Occupancy cannot be provided, a New Service Application may be denied. Non-owner occupants shall not be eligible to have more than one active utility service account in their name at the same time without the approval of the Utility Revenue Manager.

D. Multi-Unit Residencies

Owners of duplex, triplex, quadraplex, or other multi-unit establishments (whether residential or commercial) shall provide the City with documents to allow verification of ownership, listing all units by street address and unit number, if applicable. Owners of the property shall provide the City with a list of authorized agents who act on their behalf (e.g. site managers, real estate agents). A federal identification number or social security number may be requested for access to account information and use in the collection of any delinquencies owed to the City. Multi-unit establishments with individually metered units are required to have all accounts automatically revert to the owner when a tenant requests that services be discontinued in their name pursuant to the terms of the 2026 USA. Also, pursuant to the 2026 USA, multi-unit owners or agents may have utilities connected at more than one location if all owner accounts remain in good standing with the City. Under the terms of the 2026 USA, any owner delinquency for utility services at any service location may prevent an owner from establishing new service. Delinquencies in a tenant or non-owner occupant utility services account will not affect a property owner's ability to receive water or sewer service at any property.

Multi-unit establishments having a master meter require that the account for the establishment be in the name of the property owner.

E. Revert-To-Owner Contract for Continuous Utility Service

The Revert-to-Owner terms of the 2026 USA provide property owners and managers with the ability to maintain continuous utility service at a non-owner occupied unit while the unit is vacant. Pursuant to these terms, property owners may attach more than one owned property to the 2026 USA. The listing of all premises (service addresses) that a property owner wishes to be included in a 2026 USA must be entered and submitted by the Owner(s) or Property Manager(s). In this way, when the unit becomes vacant, the account can automatically be put in the Owner's name until a non-owner occupant establishes new service and disconnection/reconnection fees can be avoided for the property owner. By signing the 2026 USA, the owner(s) or manager(s) agree that the owner will be responsible for payment for all utility services and related costs between the time service to outgoing tenants or non-owner occupants is terminated and service to incoming tenants or occupants is initiated, including both usage fees and all base

charges incurred during that period of time. Upon completion of the 2026 USA, customer service staff shall attach the 2026 USA to the property owner's account, attach all service addresses to a Revert-to-Owner Property Listing for the Owner, set up owner information in the utility billing system, and file accordingly. (The Premise Visit Fee will only be charged to an account if utility service has not been previously established at a premises or service address in the name of the account applicant.) Utility bills for all properties included in the USA may, at the request of the Owner, be sent to the mailing address provided on the USA, which may or may not be the same as one of the properties covered in the USA.

Service under the 2026 USA will automatically revert to a property owner upon notification of customer service by a tenant to discontinue service in their name. Upon reversion, the owner is responsible for all fees and charges incurred from the date service reverts forward; however, the owner is not responsible for any prior uncollected balance on the tenant's or non-owner occupant's account. As stated in the 2026 USA, no separate notification to the owner or manager is required in such a situation.

Notwithstanding the foregoing, if a utility service is discontinued by the City due to non-payment of an account by a tenant or non-owner occupant, or interference with normal service (i.e. meter tampering) occurs, service shall not automatically revert to the owner. Once service has been terminated for non-payment, or meter tampering has occurred, service at the premises will be reinstated only if (1) arrangements are made to pay in full all amounts due on the account in accordance with these policies; or (2) proof is provided to the City of Hendersonville that the non-paying or meter tapering tenant no longer occupies the premises.

2.2 Reasons for Denial of Service

New Service Applications may be denied for any one of the following reasons:

- The applicant is unable to provide a valid lease, rental agreement, occupancy agreement, or other documentation, such as the notarized Right to Occupancy Form, establishing the applicant's legal right to occupy the premises.
- The validity or authenticity of the lease, rental agreement, occupancy agreement, or other documentation is in question and the property owner or authorized representative cannot be reached to verify the applicant's right to occupy the premises.
- The applicant is unable to provide valid, government-issued identification or the identification provided cannot be reasonably verified.
- Under the terms of the 2026 USA , as applicable, there is an outstanding balance due on any current or previous utility services account for the new service applicant or the property owner.

2.3 Customer Deposit

The purpose of a customer deposit is to help ensure payment of utility fees and charges. All new customer accounts may be required to pay a deposit in accordance with the most recently adopted City Rate and Fee Schedule as follows:

- Property owners will not be required to post a deposit for non-owner-occupied properties.
- Tenants or non-owner occupants of a property refusing to provide a social security number or federal tax identification number will be required to post a deposit upon submission of a New Service Application.

- Tenants or non-owner occupants of a property unable to demonstrate satisfactory creditworthiness will be required to post a deposit upon submission of a New Service Application.
- A deposit may also be required when an existing customer establishes an additional account

Deposit amounts may vary based on the type of service requested and the results of any credit evaluation conducted as part of the application process. Deposit amounts shall be established and amended by City Council through the City's Rate and Fee Schedule.

2.4 Application of Deposit

The City may retain customer deposits for the duration of the utility account to help ensure payment of utility fees and charges. No interest shall be paid to the customer for utility service account deposits, and deposits will be intermingled with City funds; however they shall be accounted for separately. Deposits may be applied to an account based on the following conditions:

A. Active Accounts

A deposit held on an active account may be applied to the customer's account after the customer has maintained 24 consecutive months of good payment history. For purposes of this subsection, good payment history means no Utility Bill Late Fee, Returned Payment Fee, or Delinquent Account Fee during the applicable 24-month period.

B. Inactive Accounts

Upon termination of service and closure of the customer's account, the City shall apply the deposit to any outstanding balance owed on the account. Any remaining deposit balance after all outstanding fees and charges have been satisfied may be refunded to the customer in accordance with this Policy.

2.5 Temporary/Voluntary Disconnection of Services

A customer who will be away from a residence for an extended period may request temporary disconnection of water service at the meter. Temporary disconnection does not relieve the customer of applicable utility base fees for water or sewer service, or for stormwater or environmental service fees during this period of temporary disconnection, as provided by City ordinance and the applicable Rate and Fee Schedule. A premise visit fee will apply when City staff are requested to disconnect service at the meter under this section 2.5.

2.6 Permanent or Indefinite Disconnection of Services

A. Water and/or Sewer Services

When a residence or other structure has been demolished, condemned, or ordered abandoned by a court (hereinafter any of the foregoing may be referred to as "unusable structure"), and there are no other structures receiving water service from the meter providing service to the unusable structure, the customer, property owner, or authorized legal representative may request permanent or indefinite disconnection of water service and removal of the water meter. Documentation demonstrating to the reasonable satisfaction of the City that the structure is an unusable structure must be submitted and approved before the meter may be removed. A meter removal fee may be charged in accordance with the most recently adopted City Rate and Fee Schedule.

Once the meter has been removed and water service has been permanently disconnected from the unusable structure, the applicable water service base fees and sewer fees will no longer be assessed for the unusable structure. Provided there are no other separately metered structures on the property, environmental service fees will no longer be assessed per subsection 2.6(B) below.

If the meter remains in place and water service is not permanently disconnected, the City retains the right to bill for all utility services provided to the property. If service is subsequently resumed the City may bill for previously unbilled utility services for a period not to exceed two years, subject to applicable law. If unauthorized water usage occurs, the City will proceed in accordance with Section 2.9 below to collect all fees and penalties owed, and to pursue collection for any damages caused by such unauthorized use.

The City may require additional site visits to verify continued eligibility for discontinuation. A premise visit fee may be charged for each additional visit in accordance with the most recently adopted City Rate and Fee Schedule.

B. Environmental Services Discontinuance

A customer, property owner, or authorized legal representative may request discontinuation of environmental services and removal of sanitation containers for an unusable structure. Documentation demonstrating to the reasonable satisfaction of the City that the structure is an unusuable structure must be submitted to and approved by the Customer Service Division before environmental services may be discontinued or containers removed. A container removal fee may be charged in accordance with the most recently adopted City Rate and Fee Schedule.

Environmental Services fees will be discontinued effective the date the required documentation is received and approved by the Customer Service Division. All fees and charges shall remain applicable until the discontinuation is approved. If environmental services are not discontinued and the customer subsequently resumes use of the service, the City retains the right to bill for previously unbilled environmental services for a period not to exceed two years, subject to applicable law. The City may require additional site visits to verify continued eligibility for discontinuation. A premise visit fee may be charged for each additional visit in accordance with the most recently adopted City Rate and Fee Schedule.

C. Stormwater Fees Discontinuation

A customer, property owner, or authorized legal representative may request discontinuation of stormwater fees for an unusable structure if all impervious surfaces have been removed from the property. Documentation demonstrating to the reasonable satisfaction of the City that the structure is an unusuable structure, and that all impervious surfaces have been removed, must be submitted to and approved before stormwater fees may be discontinued. The Stormwater Division or its authorized designee shall review and approve all requests for discontinuation of stormwater fees. The City may require a site visit to verify that all applicable requirements have been satisfied.

Stormwater fees will be discontinued effective the date the required documentation is received and approved by the Customer Service Division. All fees and charges shall remain applicable until the discontinuation is approved.

If the requirements for discontinuation are not satisfied, the City retains the right to continue billing stormwater fees and to bill for previously unbilled fees and charges for a period not to exceed two years, subject to applicable law.

The City may require additional site visits to verify continued eligibility for discontinuation. A premise visit fee may be charged for each additional visit in accordance with the most recently adopted City Rate and Fee Schedule.

2.7-2.8 Reserved

2.9 Meter Tampering

No unauthorized person shall open a meter box or interfere with, alter, tamper with, or bypass a meter installed for the purpose of measuring water use, or knowingly use water passing through any such tampered meter or bypassing a meter provided by the City. See City of Hendersonville Ordinance § 52.13. Any person who violates these provisions may be liable to the City for all losses and shall receive a notification of violation and a cost recovery invoice for losses and damages sustained. If the cost recovery invoice is not paid, the City may pursue remedies available under North Carolina General Statute § 14-151.

A. Water Turned on After Disconnection by the City

If water is turned on without authorization from the City after disconnection by the City for any reason, the City may remove the water meter and assess additional charges in accordance with the fee schedule. Reestablishing service will require payment of all outstanding fees and charges on the account, applicable deposits, fines, and any other fees before reconnection.

Section 3 – Utility Billing Procedures

The City of Hendersonville Finance Department bills for all utility services (Water, Sewer, Environmental and Stormwater services) for an account on a single invoice. Please visit the City of Hendersonville website to view the most current billing calendar schedule and related information.

3.1 Billing

A. Billing Cycle

Bills shall be prepared monthly for each billing cycle. Billing cycle dates shall be established based on service area and shall be as close to 30 days as practicable.

B. Bill Due Date

Bills shall be due 20 calendar days from the billing date. Payment may be made by check, credit card, money order, ACH, cash at the Customer Service office, through the City's online payment portal (See _____) or using other payment methods authorized by the City.

C. Late Fees

A late fee shall be assessed on the first day following due date on any bill that remains unpaid. The late fee shall be $10.00 or 5% of the unpaid balance, whichever is greater.

D. Delinquent Fees and Disconnection

Bills not paid within 28 consecutive calendar days of the billing date shall be subject to disconnection (the "Pay to Avoid Disconnection Date"). If payment is not received by 5:00 p.m. on the Pay By To Avoid Disconnection Date, a Delinquent Account Fee, in accordance with the most recently adopted City Rate and Fee Schedule, will be assessed and the account shall be subject to disconnection. The Pay to Avoid Disconnection Date shall be printed on the customer's bill for transparency. (Please Note: the Delinquent Account Fee is a separate fee from the late fee, and is intended to partially defray the City's costs in making the disconnection.)

To restore service following disconnection for nonpayment, the customer shall be required to pay the entire past-due balance, including applicable fees and charges.

E. Returned Bills

If a bill is returned to the City as undeliverable, the Customer Service Department shall make reasonable efforts to obtain a forwarding address or otherwise update the customer's billing information. If the account becomes delinquent, fees and charges will be assessed in accordance with this Section 3 and the Finance Department shall follow the collection procedures established in Subsection 3.3, Collection of Past Due Utility Fees and Charges. Customers are responsible for all fees and charges incurred on their accounts regardless of whether a monthly bill is received.

F. Payment Application Sequence

Payments received by the City shall be applied to amounts due on the customer's account in the order established by City of Hendersonville Code of Ordinance in Chapter 52. The order of application of payment is stated below:

1. Fees and Miscellaneous Fees and Charges
2. Stormwater Fees and Charges
3. Environmental Fees and Charges
4. Sewer Fees and Charges
5. Water Fees and Charges

The payment application sequence does not constitute a waiver or satisfaction of any remaining balance owed to the City. Any fees, charges, penalties, or other amounts remaining outstanding after application of payments shall remain due and may be collected through the collection remedies and procedures established by this Policy, City ordinance, and applicable law.

G. Environmental Services Fees

Accounts located within the City limits will be assessed a monthly Environmental Services Fee in accordance with the most recently adopted City Rate and Fee Schedule.

Multi-unit residential, commercial, and industrial accounts meeting the criteria established by City ordinance may contract for private collection services upon approval by the City. The Environmental Services Fee may be waived upon receipt and approval of required documentation.

H. Stormwater Fees

Accounts for improved properties (properties having any impervious surface) located within the City limits will be assessed a monthly Stormwater Fee in accordance with the most recently adopted City Rate and Fee Schedule.

Applicable non-residential credits or caps shall be applied in accordance with City ordinances and the most recently adopted City Rate and Fee Schedule.

I. Customer's Responsibility Regarding Billing Address and Updates

The property owner, account holder, or authorized designee is responsible for providing the City with accurate billing and contact information for both the property owner and the customer, if different, and for notifying the City of any changes to such information.

Only the account holder or an authorized representative may request changes to billing information or account status on an account, subject to the City's verification requirements.

J. Corrective Billing

If the City determines that a customer has been overcharged or undercharged for utility service, the City will correct the billing error in accordance with this Policy and applicable law.

1. Overcharged Customer

If the City determines that a customer has been overcharged for utility service, the City will credit the customer's account for the excess amount, without interest, for the period of overcharge, not to exceed two (2) years. The City shall notify the customer of the billing correction. A customer may request a refund of an account credit that exceeds three (3) months of the customer's normal billed activity, in accordance with the City's refund procedures.

2. Undercharged Customer

If the City determines that a customer has been undercharged for utility service, the City will bill the customer for the additional amount due for the underbilled period not to exceed two (2) years. The City may offer a payment plan for amounts due as a result of underbilling in accordance with this Policy. If a customer receives notice of an undercharge and does not contact the City to request an authorized payment plan by the subsequent due date, the account may be subject to disconnection for nonpayment in accordance with this Policy.

If an undercharge results from meter tampering, meter bypass, fraud, or other intentional or willfully misleading action by the customer, the City will require payment of the entire undercharged amount and pursue any other rights or remedies available under applicable law, and Subsection 2.9.

K. Disputed Bill

A customer who disputes a bill , fee or charge may submit a written request for review to the Customer Service Department. The request must identify the bill or charge being disputed, explain the reason for the dispute, and include any supporting documentation or other evidence the customer believes is relevant to the request.

The Utility Revenue Manager, or designee, shall review the disputed bill and supporting information and may conduct additional research or request additional information as necessary to determine whether an adjustment or other action is warranted. Following the review, the Utility Revenue Manager, or designee, will contact the customer regarding the outcome of the request and any applicable adjustment or other action.

Submission of a disputed bill request does not automatically suspend applicable payment deadlines, late fees, delinquency procedures, or disconnection procedures unless otherwise authorized by this Policy, or City ordinance.

The Utility Revenue Manager, or designee, shall complete the review and provide a response to the customer within thirty (30) calendar days of receiving the dispute request, or within a reasonable time if additional information is required.

3.2 Returned Payments

A. Returned Payment Fee

Payments returned due to insufficient funds, closed accounts, or other reasons not attributable to a City error will be assessed a fee in accordance with the most recently adopted City Rate and Fee Schedule. If a payment is returned due to a City error, the returned payment fee will be waived.

B. Payment Method Restriction

If a customer's payment by check is returned due to insufficient funds, a closed account, or another reason not attributable to a City error, the City may restrict the customer's use of payment by check for a period of two (2) years if the customer has two (2) such returned payments within a twelve (12)-month period.

C. Returned Payment is Nonpayment

A returned payment that is not resolved, including payment of any applicable returned payment fee, will be treated as nonpayment. The customer's account may be subject to applicable late fees, collection procedures, and disconnection of utility service in accordance with this policy.

D. Customer Notification

The Finance Department will notify the customer in writing of the returned payment and any resulting fees, restrictions, or account requirements and will request replacement funds. Emailed correspondence shall be considered a notification in writing.

E. Outstanding Return Fees

Returned payment fees will be added to the customer's account and must be paid, along with all other applicable past due charges, in order to maintain or restore utility service, as applicable.

F. Disconnection for Returned Payment

A returned payment submitted to satisfy an amount due in order to avoid disconnection may result in immediate disconnection of utility service. Before utility service is reconnected, all past due charges, applicable fees, the returned payment amount, and any Delinquent Account Fee must be paid in full, unless otherwise authorized under this policy.

3.3 Collection of Past Due Utility Fees and Charges

A. Accounts 28 Days Past Due

The City may provide customers with account and delinquency notifications by telephone, text message, and email using the contact information associated with the customer's account. Customers may opt out of text message notifications. Customers with an email address on file may also receive notifications when a bill is generated and, if a balance remains unpaid, before and after the payment due date.

If payment is not received by 5:00 p.m. on the Pay By to Avoid Disconnection Date, a Delinquent Account Fee, as established in the most recently adopted City Rate and Fee Schedule, will be added to the customer's account, and water service will be disconnected for nonpayment in accordance with this Policy.

B. Accounts With Unpaid Balances

The City may use one or more of the following collection methods, as appropriate to collect amounts past due on any utility service account:

1. **Collection Agency or Debt Setoff**
   The City may refer delinquent accounts to a collection agency, attorney, or other authorized collection service, or submit eligible debts to the North Carolina Debt Setoff Program, in accordance with applicable law and City procedures.

2. **Credit Reporting**
   The City may report delinquent utility accounts to consumer reporting agencies in accordance with applicable Federal and State laws and any applicable reporting requirements.

3. **Disconnection or Denial of Utility Service**
   The City may disconnect water services for nonpayment of a balance owed on an account within 28 consecutive calendar days of the due date as provided in this Policy. Once water service has been disconnected, a person who is responsible for a delinquent utility account will be required to satisfy the delinquent account, including all past-due fees and charges and all other applicable fees before the City establishes or restores service on that account.

Additionally, for customers subject to the 2026 USA, new service applications will be denied if the customer has outstanding amounts past due on any other utility services account in the customer's name or in the property owner's name, if different.

4. **Legal Action**
   The City may refer delinquent utility accounts to the City Attorney or other authorized legal counsel for collection and may pursue any legal remedies available under applicable law.
   If the City obtains a judgment for delinquent utility charges, fees, costs, or other amounts owed, the judgment will accrue interest as provided by North Carolina law. The City may also pursue recovery of any court costs, attorney fees, and other fees, costs or charges authorized by applicable law.

5. **Constructive Eviction.** The City will not terminate service to any property occupied by a tenant or other non-owner occupant upon the request of the property owner where (1) the utility account is in the tenant's or non-owner occupant's name; or (2) the property is occupied by a tenant or non-owner occupant but the account is in the property owner's name, unless termination of service is also requested by the tenant or third party occupant, or the tenant or third party occupant submits a New Service Application for the property and enters into a USA for the property, resulting in the account being placed in the tenant or third party occupant's name. (Nothing herein shall preclude the City from pursuing its normal collection remedies, including disconnection of utility service where the non-owner occupant is also the account holder and is delinquent for nonpayment.)

   Where the account for utility services for a non-owner-occupied property is in the property owner's name, and the account becomes delinquent, the non-owner occupant may apply to have an account for the property established in their own name to avoid disconnection for non-payment by the owner. In such event, the non-owner occupant shall not be liable for the period of nonpayment by the property owner, nor for the delinquent account fee or late fees or other penalties accrued due to the property owner's nonpayment.

3.4 Payment Plans

Payment plans are available only for past-due balances resulting from a qualifying leak adjustment or corrective billing for previously unbilled utility usage. Past-due balances resulting from regular monthly billing are not eligible for a payment plan.

A. Eligibility and Approval

All customers that are (1) eligible for a leak adjustment or (2) are subject to corrective billing resulting in account balances owed are eligible for a payment plan.

B. Payment Plan Requirements

All customers entering a payment plan will be required to sign the City's standard Utility Service Payment Plan and Promissory Note form. The duration of a payment plan shall be determined based on a customer's

stated ability to pay, but shall not exceed twenty-four (24) months in length without the approval of the Finance Director. Payment plans shall not subject the customer to interest accrual during the payment plan period. An initial payment equal to one month's payment of the payment plan, as determined by the Finance Department, shall be required before the payment plan is effective.

C. Default

Customers enrolled in a payment plan must remain current on all ongoing monthly utility fees and charges in addition to making the scheduled payments of the payment plan. Any returned payment, missed scheduled payment, or failure to comply with the terms of the payment plan may result in termination of the payment plan. Upon termination or default of the payment plan, the entire remaining balance shall become immediately due and may be subject to the City's standard collection and disconnection procedures.

D. Payment Plan Reinstatement

A customer may apply for reinstatement one time during the term of the payment plan. The Finance Department shall review the request for reinstatement. If reinstatement is granted, all missed payments including any fees must be paid to reinstate the payment plan.

3.5 Deceased Account Holder/Estate Accounts

When an account holder is deceased, if the account will be held by the person's estate, a Utility Billing Change Form must be completed in order to transfer an account into the name of the executor or administrator of the estate within 45 days. The City may request legal documentation including, but not limited to, death certificates, wills, or other legal documents to process the utility billing change request. If the City of Hendersonville receives notice or determines that an account holder is deceased, notification of account closure may be mailed to the address on record. The letter may set forth a date on which a Utility Billing Change Form must be received to continue services at the location of the deceased account holder.

It is the responsibility of the executor or other person administrating the estate to notify the City of any changes in account status. The City of Hendersonville may allow an account to remain in the name of an estate for a period of up to 12 months from the date of account transfer into the estate. If the executor or administrator has not terminated service, or if a new owner, tenant or third person legally entitled to occupy the property has not entered into a USA to establish a utility services account for the property within this 12-month period, the City may disconnect utility service at the property.

Normal base charges and usage charges will continue to apply for all utility services received at the property.

3.6 Premise Visit Fee

The City may charge a Premise Visit Fee, as established in the most recently adopted City Rate and Fee Schedule, when City personnel are required to visit a customer's premises to temporarily turn water service on or off at the customer's request for the customer's convenience. A written request must be submitted to the Customer Service Department and must include the service location and requested date for the meter to be turned on or off. The applicable Premise Visit Fee shall be assessed in accordance with the most recently adopted City Rate and Fee Schedule.

Section 4 – Consideration of Adjustments, Credits and Refunds

4.1 Adjustments

A. Sewer Adjustments for Swimming Pools

The City may provide a sewer billing adjustment for water used to fill a swimming pool, spa, or decorative water feature when the water is not discharged into the City's sanitary sewer system. The customer must submit a written request to Customer Service and meet all eligibility and documentation requirements established by this Policy.

1. Adjustment Frequency

A sewer customer is eligible for no more than one (1) sewer adjustment per twelve (12)-month period for each utility service connection.

2. Submission Deadline

A request for a sewer adjustment must be submitted within sixty (60) days of the date the water was used to fill the swimming pool, spa, or decorative water feature. Requests submitted after the sixty (60)-day deadline are not eligible for an adjustment.

3. Submission Requirements

The customer's written request must provide sufficient information for the City to determine the amount of water used, including, as applicable:

- The type of water feature;
- The dimensions and capacity of the swimming pool, spa, or decorative water feature;
- The estimated number of gallons used; and
- The date or approximate date the water was used to fill the feature.

The City may request additional information or documentation reasonably necessary to verify the request.

4. Minimum Usage Amount

Water usage of less than 5,000 gallons for filling a swimming pool, spa, or decorative water feature is not eligible for a sewer billing adjustment.

5. Active Account Requirement

The utility service account must be active at the time the adjustment request is submitted. Once a request to discontinue service has been processed and the utility account has been closed, the account is no longer eligible for a sewer adjustment.

6. Amount of Adjustment

The sewer adjustment shall be based on the City's determination of the estimated amount of water used to fill the swimming pool, spa, or decorative water feature and shall be applied in

accordance with the City's current rates and billing procedures. The City may establish reasonable procedures for calculating the eligible sewer adjustment and may require verification of the estimated water usage.

B. Leak Adjustments

Customers are responsible for the water service lines on the customer side of the meter. This is defined as that point at which the customer's plumbing connects to the meter box. This includes a customer's shut off valve connected directly to the meter box. The City does not maintain or repair leaks on the customer's side of the water meter. The customer is responsible for all metered usage, including usage caused by leaks. The City of Hendersonville may allow an adjustment for utility fees and charges resulting from leaks on the customer's side of the meter. All the following apply:

1. Adjustment Frequency

An adjustment may be extended to the customer's meter only once every 24 calendar months upon approval.

2. Active Account Requirement

All leak adjustment requests must be submitted while the utility account is active. Once a request to discontinue service has been processed and the account is closed, the account is no longer eligible for a leak adjustment.

3. Eligible Non-Preventable Leaks

Only non-preventable leaks will be considered for billing adjustment this includes:

- Underground service line leaks occurring between the meter and the structure
- Hidden plumbing or fixture failures within walls, slabs, or foundations, including running toilets
- Sudden pipe bursts not caused by customer misuse or neglect
- Service line failures not attributable to customer action
- Internal plumbing leaks that are not visible or reasonably discoverable during normal use.

3. Ineligible Preventable Leaks. The following leaks are ineligible for a leak adjustment:

- Fixtures or plumbing left running (e.g., faucets, hoses, or spigots left open)
- Irrigation systems or hoses left operating unattended
- Improperly closed valves, spigots, or customer-controlled shutoffs
- Any condition where water is actively flowing due to customer oversight, misuse, or lack of maintenance

5. Adjustment Period and Usage Review

If a leak exceeds a two-month period, the leak adjustment will be applied to the 2 highest usage billing cycles per account during the period of leaking (see number 6 below). The two highest billing cycles will be determined by City staff after staff determines the end of the abnormal usage caused by the leak through review of meter data. If staff are unable to determine that the abnormal

usage has ended, the adjustment may be denied. The customer is responsible for all fees and charges related to abnormal usage that occurs for greater than the two highest billing cycles.

6. Adjustment Calculation

Leak adjustments shall be calculated using the customer's normal water usage rate. Normal usage shall be determined based on the customer's average consumption over the previous twelve (12) months of billed usage. If previous consumption data is less than twelve (12) months, the City may require up to an additional three (3) months of billed usage before an adjustment is processed. Once the normal monthy water usage rate has been determined, the usage(s) for each of the 2 highest billing cycles during the period of leaking (see number 5 above) will be adjusted down to 1.5 times the normal monthly usage rate.

7. Maximum Adjustment Amount

The Maximum leak adjustment that may be made for a leak is $3,000 for water and sewer combined. The customer is responsible for the billed amount that exceeds the maximum adjustment amount. Sewer fee or charge adjustments for leaks not returned to sewer shall not count toward the $3,000 cap.

8. Leaks Returned to Sewer

If the cause of the excessive usage is a defective plumbing fixture (such as a leaking toilet or faucet) and the water is returned to the sanitary sewer system, the adjustment shall include both water and sewer fees and charges.

9. Leaks Not Returned to Sewer

If the cause of the excessive usage is a burst pipe or an underground leak or other scenario and the leaked water is not returned to the sanitary sewer system, the adjustment shall include a full removal of sanitary sewer fees and charges incurred due to the water leak, and an adjustment of water fees and charges. The sewer adjustment amount will not go towards the maximum adjustment amount.

10. Submission Deadline

The customer must submit a Leak Adjustment Request Form for approval to receive an adjustment. The Leak Adjustment Request Form must be submitted within 90 days after the leak is corrected as determined by City staff. Staff will review meter usage data to determine the correction of the leak.

11. Licensed Plumber Documentation

Customers must provide the City with an invoice from a licensed plumber for repairing the leak(s). This must be accompanied by a statement confirming that the leak (or multiple leaks) has been repaired, and a description of where the leak occurred.

12. Customer Repair Documentation

A customer may make their own repairs. If a customer makes their own repairs, all receipts for parts and pictures of the leak site prior to repair and after completion are required to be sent to the City for approval.

13. Payment and Account Standing

Customers are responsible for paying the entire amount due within the normal payment period or enter into payment arrangements for the billed amount to remain in good standing on all current billings for the leak-affiliated utility service account. If payment is not received on time, the customer is subject to all current and applicable collection processes and procedures, including but not limited to disconnection of water service.

14. Minimum Adjustment Amount

No leak adjustment of less than $20.00 may be given unless the cause for the credit or adjustment is an error by the City of Hendersonville.

15. Credits and Refunds

Leak adjustments will apply to the customer's account as a credit. Payments made prior to the adjustment that do not exceed more than 3 months normal billed activity will remain as a credit on the account unless the account is no longer active. Amounts paid greater than 3 months normal billed activity may be requested to be refunded by the Customer. Any credits or payments received may be applied to outstanding Customer balances.

16. Review

A customer who disputes a decision regarding a leak adjustment may request a review of the decision by the Billing Department. The review request must identify the leak adjustment requested, explain the reason for the disagreement, and include any supporting documentation or other evidence the customer believes is relevant to the review.

The Finance Director, or designee, shall review the request and supporting information and may conduct additional research or request additional information as necessary to determine whether the leak adjustment decision was correct per policy.

Following the review, the Finance Director, or designee, will contact the customer regarding the final decision and any applicable adjustment or other action. The decision of the Finance Director, or designee, shall constitute the City's final determination regarding the leak adjustment.

Submission of a request for review of a leak adjustment decision does not automatically suspend applicable payment deadlines, late fees, delinquency procedures, or disconnection procedures unless otherwise authorized by this Policy, City ordinance, or the Finance Director.

4.2 Credits

Any credit balance remaining on an inactive account may, at the City's discretion, be transferred to another active account belonging to the same customer. If the customer has an outstanding balance on another

account with the City of Hendersonville, the available credit will be applied or transferred to the account with the outstanding balance before any refund is issued. The City may require verification of the customer's identity or account ownership before transferring credits or issuing a refund.

4.3 Refunds

Refunds for inactive accounts will be processed 30 calendar days after the date of the customer's last transaction, provided the account has no outstanding balance or other unresolved charges. Refunds will be issued only after all applicable City account balances have been satisfied. The City may require verification of the customer's identity or account ownership before transferring credits or issuing a refund. Refunds will be issued by check and mailed to the customer's address of record.

5.0 Policy Amendments

With the approval of the City Manager, the Finance Director shall have the authority to amend this policy to implement or modify administrative provisions and procedures where in their opinion, such changes clarify policy terms and conditions, correct obvious errors in the policy, or are necessary to assist the Finance Department in maintaining the integrity of the services provided. Any such amendments and their effective date shall be clearly noted, and the updated policy shall be posted promptly on the City's website after such amendments are made. Nothing herein shall authorize the Finance Director or City Manager to implement new fees and charges, add new collection remedies, or add new circumstances under which disconnections may occur.

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: Blake Fulgham, Environmental Services Manager

MEETING DATE: September 23, 2026

AGENDA SECTION: PUBLIC HEARINGS

DEPARTMENT: Public Services

TITLE OF ITEM: Public Hearing to Consider Plan to Apply for the Department of Commerce ReNew NC Grant Program – for Patton Park, Wastewater Treatment Plant Facility Mitigation Project and Whitmire Activity Center Project, *Blake Fulgham, Environmental Services Manager*

SUGGESTED MOTION(S):

n/a

SUMMARY:

The purpose of this public hearing is to consider the potential to apply for CDBG-DR funds for three projects: the Patton Park project, the Wastewater Treatment Plan Facility Mitigation Project, and the Whitmire Activity Center Project.

The United States Department of Housing and Urban Development announced that North Carolina will receive $1.4 billion dollars in funding to support long-term recovery efforts following Hurricane Helene. The Community Development Block Grant Disaster Recover (CDBG-DR) funding program is designed to address needs that remain after all other assistance has been exhausted. We plan to submit a grant application for

(1) The Waste Water Treatment Facility Mitigation Project to complete necessary repairs and reconstruction activities to restore the damaged Waste Water Treatment Facility infrastructure back pre-disaster standards;

(2) Patton Park & Pool Restoration Project to complete necessary repairs and reconstruction activities to restore the damaged Patton Park & Pool infrastructure back to the necessary codes and standards to be reopened to the public; and

(3) Whitmire Activity Center Project to complete necessary repairs and reconstruction activities to restore the damaged Whitmire Activity Center infrastructure back to the necessary codes and standards to be reopened to the public.

No action is required.

ATTACHMENTS:

USA TODAY CO.

LocaliQ

Order Confirmation

Not an Invoice

Account Number:	488558
Customer Name:	City Of Hendersonville
Customer Address:	City of Hendersonville 160 6Th AVE E Hendersonville NC 28792-3775
Contact Name:	City Of Hendersonville
Contact Phone:	
Contact Email:	
PO Number:	

Date:	09/10/2026
Order Number:	12627628
Prepayment Amount:	$ 0.00

Column Count:	2.0000
Line Count:	123.0000
Height in Inches:	12.6600

Print

Product	#Insertions	Start - End	Category
HEN Times-News	1	09/13/2026 - 09/13/2026	Govt Public Notices
HEN blueridgenow.com	1	09/13/2026 - 09/13/2026	Govt Public Notices

As an incentive for customers, we provide a discount off the total order cost equal to the 3.99% service fee if you pay with Cash/Check/ACH. Pay by Cash/Check/ACH and save!

Total Cash Order Confirmation Amount Due	$34.28
Tax Amount	$0.00
Service Fee 3.99%	$1.37
Cash/Check/ACH Discount	-$1.37
Payment Amount by Cash/Check/ACH	$34.28
Payment Amount by Credit Card	$35.65

Order Confirmation Amount	**$34.28**

Ad Preview

CITY COUNCIL
CITY OF HENDERSONVILLE
NOTICE OF PUBLIC HEARING

The City of Hendersonville City Council will hold a public hearing during its regular meeting on **Wednesday, September 23, 2026, at 4:00 p.m**., or as soon thereafter as it may be heard, in the first-floor meeting room of the City Operations Center, 305 Williams St., Hendersonville, NC 28792.

The purpose of the public hearing is to consider the submission of three Community Development Block Grant – Disaster Recovery (CDBG-DR) Applications. The Grant, a Community Development Block Grant – Disaster Recovery is offered through the North Carolina Department of Commerce, Renew NC Community Infrastructure Program, is a competitive grant program that provides funding for infrastructure projects, linked to Hurricane Helene's impacts or mitigation set-asides, that will help impacted communities in western North Carolina become more resilient to current and future natural hazards. The applications are being submitted for three projects directly impacted and damaged by Hurricane Helene, for damage or vulnerability, or for mitigation to improve resilience and reduce long-term risks to life, property, and hardship, as follows:

1. **City of Hendersonville Waste-Water Treatment Flood Mitigation Project.** Relocate, elevate, and flood proof various unit processes at the wastewater treatment plant to mitigate future flooding and increase resiliency to provide stability in the provision of wastewater treatments services to the citizens of the City of Hendersonville. Another purpose of the project is maintaining environmental stream quality during flooding events. The wastewater treatment plant is located at 99 Balfour Road, Hendersonville, NC. In addition to water and sewer system revenues, funding sources applied for include Helene State Revolving Fund, Clean Water State Revolving Fund, FEMA Public Assistance Grant Program, and FEMA Hazard Mitigation Grant Program, and applied for CDBG-DR funds which involves a combination of grant and loan funding, together with insurance proceeds which may have been received, if any. Total engineer's project estimate for the flood mitigation project is estimated to be in excess of $111.0 Million. CDBG-DR funds applied for will be $15.0 Million.

2. **Whitmire Activity Center Restoration Project (Whitmire Project)**. The Whitmire Project involves the demolition and reconstruction of the Whitmire Activity Center (damaged by Helene), located at 310 Lily Pond Road, Hendersonville, NC, to include the restoration and increase resiliency for future weather events for a new activity center which will include a large flexible recreations space, including a warming kitchen, multi-purpose rooms, and for a facility parking lot, and restoration of the shuffle board courts, as well as stream restoration and stormwater management activities. In addition to local tax dollars, anticipated funding sources include only applied for CDBG-DR funds, if awarded. The total project estimate is $4.6 Million. CDBG-DR funds will be applied for in the amount $4.6 Million.

3. **Patton Park Restoration Project (Patton Project)**. The Patton Park Restoration Project involves the demolition and replacement of existing park facilities, damaged by Hurricane Helene, including the Patton Park pool, playground, skate park, pickleball courts, concession stand and restrooms, as well as the reconstruction of parking lots, picnic shelters, basketball courts, and other park facilities, and construction of stream restoration projects, development of a new constructed wetlands and other infrastructure for stormwater management. In addition to local tax dollars, anticipated funding sources include applied for CDBG-DR funds, as well as insurance proceeds. CDBG-DR funds will be applied for in the amount of $15.0 Million.

The application will be submitted by the City of Hendersonville. The public is invited to the September 23, 2026 public hearing to comment on the proposed grant application. After this public hearing, and if the City Council votes to proceed with the grant
application, the City will finalize the application for submission.

Digital/written public hearing comments must be received twenty-four hours prior to the meeting to be considered by the City Council and **must** comply with security criteria in the Council's Public Comment Policy, available on the City's website.

Public hearing comments will also be accepted during the meeting from those attending in person and from those participating live via ZOOM at the designated time at this meeting. For security reasons, screen sharing will not be allowed. Anyone wishing to submit written/digital public hearing comments for these public hearings prior to the meeting may visit https://www.hendersonvillenc.gov/comment to submit their comment. It is not necessary to submit digital comments if you are planning to address City Council during the meeting.
The meeting instructions to join by Zoom will be available on the City's website calendar by visiting https://www.hendersonvillenc.gov/events-calendar and as follows:
Zoom information for the meeting is: https://zoom.us/join
Dial-in by phone: (646) 558-8656
Meeting ID: 822 0104 2528
Passcode: 1847

The City of Hendersonville is committed to providing accessible facilities, programs, and services for all people in compliance with the Americans with Disabilities Act (ADA). Should you need assistance or a particular accommodation for this meeting please contact the City Clerk no later than 24 hours in advance of the meeting (828) 697-3005.

9/13/26 12627628

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: John Connet, City Manager **MEETING DATE:** 08/26/2026

AGENDA SECTION: PRESENTATION **DEPARTMENT:** Administration

TITLE OF ITEM: Farmland Preservation Bond Referendum – *Henderson County Staff*

SUGGESTED MOTION(S):

No motion (No public funds can be expended to advocate for or against public referendums.)

SUMMARY:

The Henderson County Board of Commissioners have called for referendum on the issue of selling general obligation bonds to acquire farmland conservation easements. Council Member Baxter asked for a presentation on the referendum.

BUDGET IMPACT: $ NA

Is this expenditure approved in the current fiscal year budget? NA

If no, describe how it will be funded. NA

ATTACHMENTS:

None

CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER: John Connet, City Manager **MEETING DATE:** 9/23/2026

AGENDA SECTION: PRESENTATION **DEPARTMENT:** Administration

TITLE OF ITEM: Update on Patton Pool and Whitmire Center Improvement Projects – *Richard Shook, Assistant City Engineer*

SUGGESTED MOTION(S):

NA

SUMMARY:

Assistant City Engineer Richard Shook will provide the City Council and public with an update on the Patton Park and Whitmire Improvement Projects.

BUDGET IMPACT: $

Is this expenditure approved in the current fiscal year budget? NA

If no, describe how it will be funded. NA

ATTACHMENTS:

None