



# MINUTES

December 4, 2025

## REGULAR MEETING OF THE CITY COUNCIL

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

**Present:** Mayor Barbara G. Volk, Mayor Pro Tem Dr. Jennifer Hensley, and Council Members: Lyndsey Simpson, Melinda Lowrance & Gina Baxter

**Staff Present:** City Manager John Connet, Deputy City Manager Brian Pahle, City Clerk Jill Murray, City Attorney Angela Becker, Budget & Evaluation Director Adam Murr, Communications Director Allison Justus and others.

### 1. CALL TO ORDER

Mayor Volk called the meeting to order at 5:45 p.m. and welcomed those in attendance. A quorum was established with all members in attendance.

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

The City Council observed a moment of silence for prayer or reflection followed by the Pledge of Allegiance to the Flag.

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

Ken Fitch spoke about the city's beloved Public Works Department and gave them praise for how hard they work even in the frigid cold weather and how invaluable their service is to all of us. He also wished Communications Director Allison Justus a happy birthday.

Brett Werner works for the State of South Carolina and is on the City's Board of Adjustment and he spoke about several things: He thanked Council for the Boards & Committees dinner last month, congratulated them on the Strategic Housing Plan, he congratulated Matt Capps on his achievement and Matt Manly for receiving the outstanding plan award. He also brought up Whitmire and asked that Council do what they can to keep shuffleboard there. It brings people to our community and revenue to the city. For Patton Park, he added that he hopes it will have both a skate park and a pump track. He mentioned the interlocal agreement with the county and thinks it is a great opportunity for the city to extend an olive branch to get it in place.

### 4. CONSIDERATION OF AGENDA

*City Manager John Connet asked to add another item (an award for Mayor Volk) under Presentations as Item A. 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 Melinda Lowrance 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**  
November 6, 2025 Regular Meeting

**B. Resolution to Accept Portion of East Allen Street into the City Street Maintenance System – Daniel Heyman, Assistant City Attorney**

Resolution #R-117

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL AUTHORIZING  
ACCEPTANCE OF A PORTION OF EAST ALLEN STREET INTO THE CITY STREET SYSTEM**

**WHEREAS**, Plaza in the Mountains Homeowner Association, formerly the 350 East Allen Condominium Association, (hereinafter the “Plaza Association”) is the Declarant of the Plaza in the Mountains Condominium, pursuant to that Declaration recorded in Deed Book 1527 at page 47 of the Henderson County registry and as subsequently amended (hereinafter the “Declaration”); and

**WHEREAS**, the Plaza Association is the owner of that property described in that Deed recorded in Deed Book 1527 at page 43 of the Henderson County registry, having PIN 9568-96-2906 and being located at 350 E Allen Street (hereinafter the “Plaza Property”); and

**WHEREAS**, the Plaza Association has certified that the non-public portion of East Allen Street, being a 50’ right-of-way shown on that Condominium Plat recorded in Condominium Cabinet A at Slide 471A of the Henderson County registry, is owned by the Plaza Association and it is free of any encumbrances or liens; and

**WHEREAS**, The Plaza Association, has dedicated for public use, and requested the City of Hendersonville accept for maintenance, the right-of-way of East Allen Street.

**WHEREAS**, The City has agreed to accept the dedication of East Allen Street as a City street.

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

1. The right-of-way identified as “East Allen Street” shown on the plat recorded in Condominium Cabinet A at Slide 471A (Condominium Book 100 Slide 471A) of the Henderson County registry, shall be accepted into the City of Hendersonville’s street system.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 4<sup>th</sup> day of December, 2025.

Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

**Memorandum of Agreement with NCLM for Disaster Recovery Services – Adam  
Murr, Budget & Evaluation Director**

Resolution# R-25-118

**RESOLUTION TO APPROVE DISASTER RECOVERY MEMORANDUM OF AGREEMENT WITH  
NORTH CAROLINA LEAGUE OF MUNICIPALITIES**

**WITNESSETH:**

**WHEREAS**, the Disaster Recovery Acts of 2024 and 2025 (SL 2024-51; SL 2024-53; SL 2025-26) provided the League with grant funds provided by the State of North Carolina. Pursuant to this legislation, the League received grant funds through agreements (Grant Agreements) with the North Carolina Office of State Budget and Management (OSBM). The State of North Carolina may provide additional grant funds through future legislative acts which may fund services provided under this Agreement.

**WHEREAS**, the Grant Agreements (OSBM Grants) enable the League to provide its municipal members with Disaster Recovery Services, including technical assistance for Hurricane Helene recovery efforts.

**WHEREAS**, the OSBM Grants are the source of funding for services described in the Disaster Recovery Memorandum of Agreement with the League, which is attached hereto as Exhibit A.

**WHEREAS**, municipalities wishing to receive such services are required to execute the Disaster Recovery Memorandum of Agreement.

**NOW, THEREFORE BE IT RESOLVED BY THE BOARD/COUNCIL  
OF THE VILLAGE/TOWN/CITY/TOWN OF HENDERSONVILLE:**

1. That the Disaster Recovery Memorandum of Agreement is hereby approved.
2. That the Manager/Clerk is authorized to execute the attached Memorandum of Agreement (or one substantially equivalent thereto) and such other agreements and actions as necessary in accordance with the League’s Disaster Recovery Services funded by the OSBM Grants defined herein.

Adopted, this the 4<sup>th</sup> day of December, 2025.

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

**D. Adoption of Strategic Housing Plan – Angela Beeker, City Attorney**

**E. Reclassification of the ERP Business Analyst position to Software Developer position – Jennifer Harrell, HR Director**

**F. Resolution to Appoint Designated Agent for a Hazard Mitigation Grant Program Application to Support the Wastewater Treatment Facility Flood Mitigation Project - Devin Owen, Utilities Engineer**

Resolution # R-25-120

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO SUPPORT THE WASTEWATER TREATMENT FACILITY FLOOD MITIGATION PROJECT BY AFFIRMING PROJECT ALIGNMENT WITH THE SOUTH MOUNTAINS REGIONAL HAZARD MITIGATION PLAN**

**WHEREAS**, the City owns and operates a Wastewater Treatment Facility that has a current permitted capacity of 4.8 million gallons per day; and

**WHEREAS**, the City of Hendersonville has need for and intends to complete a Wastewater Treatment Facility Flood Mitigation project; and

**WHEREAS**, Section 322 of the Federal Disaster Mitigation Act of 2000 states that local governments must develop an All-Hazards Mitigation Plan in order to be eligible to receive future Hazard Mitigation Grant Program Funds and other disaster-related assistance funding and that said Plan must be updated and adopted within a five-year cycle; and

**WHEREAS**, the City of Hendersonville intends to apply for the FEMA Hazard Mitigation Grant Program as a sub-applicant to the State of North Carolina; and

**WHEREAS**, the City of Hendersonville is a participating jurisdiction in the South Mountains Regional Hazard Mitigation Plan which was approved by FEMA on May 21<sup>st</sup>, 2025, and adopted by the City of Hendersonville on July 2<sup>nd</sup>, 2025; and

**WHEREAS**, a key principle of the Hazard Mitigation Grant Program is for applying projects to align with the approved Hazard Mitigation Plan; and

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

1. The Wastewater Treatment Facility Flood Mitigation Project is in alignment with the FEMA approved South Mountains Regional Hazard Mitigation Plan.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 4<sup>th</sup> day of December, 2025.

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

**G. Approval of Utility Revenue Manager, Utility Billing Team Leader, and Customer Service Team Leader Positions - Krystal Powell, Finance Director**

**H. Property Tax Pending Releases and Refunds - Tammy Heide, Deputy Tax Collector**

**I. Resolution to Support the Wastewater Treatment Facility Flood Mitigation Project by affirming project alignment with the South Mountains Regional Hazard Mitigation Plan - Devin Owen, Utilities Engineer**

Resolution # R-25-120

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO SUPPORT THE WASTEWATER TREATMENT FACILITY FLOOD MITIGATION PROJECT BY AFFIRMING PROJECT ALIGNMENT WITH THE SOUTH MOUNTAINS REGIONAL HAZARD MITIGATION PLAN**

**WHEREAS**, the City owns and operates a Wastewater Treatment Facility that has a current permitted capacity of 4.8 million gallons per day; and

**WHEREAS**, the City of Hendersonville has need for and intends to complete a Wastewater Treatment Facility Flood Mitigation project; and

**WHEREAS**, Section 322 of the Federal Disaster Mitigation Act of 2000 states that local governments must develop an All-Hazards Mitigation Plan in order to be eligible to receive future Hazard Mitigation Grant Program Funds and other disaster-related assistance funding and that said Plan must be updated and adopted within a five-year cycle; and

**WHEREAS**, the City of Hendersonville intends to apply for the FEMA Hazard Mitigation Grant Program as a sub-applicant to the State of North Carolina; and

**WHEREAS**, the City of Hendersonville is a participating jurisdiction in the South Mountains Regional Hazard Mitigation Plan which was approved by FEMA on May 21<sup>st</sup>, 2025, and adopted by the City of Hendersonville on July 2<sup>nd</sup>, 2025; and

**WHEREAS**, a key principle of the Hazard Mitigation Grant Program is for applying projects to align with the approved Hazard Mitigation Plan; and

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

1. The Wastewater Treatment Facility Flood Mitigation Project is in alignment with the FEMA approved South Mountains Regional Hazard Mitigation Plan.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 4<sup>th</sup> day of December, 2025.

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

**J. FY25 System Development Fee Capital Reserve Fund Ordinance Amendment - Adam Murr, Budget & Evaluation Director**

Ordinance #O-25-58

**ORDINANCE AMENDMENT TO  
 CAPITAL RESERVE FUND ORDINANCE #O-24-28**

**AN ORDINANCE SETTING CAPITAL RESERVE GUIDELINES FOR  
 THE CITY OF HENDERSONVILLE, NORTH CAROLINA  
 FOR THE YEAR BEGINNING JULY 1, 2024, AND ENDING JUNE 30, 2025**

WHEREAS, under North Carolina General Statute (NCGS) §159-18 the City of Hendersonville is authorized to establish and maintain a capital reserve for any purposes for which bonds may be issued; and,

WHEREAS, the capital reserve fund will be used in conjunction with a multi-year capital improvement program to be reviewed annually during the budget process; and,

WHEREAS, North Carolina General Statute §162A Article 8 (d) requires system development fee revenues be accounted for by means of a capital reserve fund; and,

WHEREAS, the City of Hendersonville adopted Capital Reserve Fund Ordinance #O-24-28 on June 6, 2024 to account for capital project funding and system development fee revenues; and,

WHEREAS, the City of Hendersonville is amending Capital Reserve Fund Ordinance #O-24-28 to account for additional system development fee proceeds received during the fiscal year beginning July 1, 2024, and ending June 30, 2025 (FY25) and is appropriating a certain amount to maintain a balanced budget; and,

WHEREAS, the City Council deems it is in the best interest of the citizens of Hendersonville to maintain a water & sewer capital reserve to fund future capital improvements; and,

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

**SECTION 1:** That the following Water & Sewer System Development Fee revenues were collected from July 1, 2024, through June 30, 2025 (FY25) and are to be transferred from the Water & Sewer Operating Fund (060) to the Water & Sewer Capital Reserve Fund (459):

Description	Amount
<b>FY25 Water System Development Fee Revenues</b>	<b>(\$143,269)</b>
<b>FY25 Sewer System Development Fee Revenues</b>	<b>(\$32,211)</b>
<b>FY25 TOTAL System Development Fee Revenues</b>	<b>(\$175,480)</b>

**SECTION 2:** That the City Council of the City of Hendersonville hereby maintains a Capital Reserve Fund (CRF) for the purpose of saving for, and funding future water and sewer infrastructure improvement projects related to system expansion and system rehabilitation:

**RESERVE FOR WATER CAPITAL IMPROVEMENT PROJECTS:** Reserve funds for the purpose of funding water infrastructure-related system expansion and system rehabilitation capital improvement projects that are considered eligible for cost through system development fees. Projects considered eligible in this category are:

- Current and future water line rehabilitation and improvement projects.
- Current and future water treatment facility rehabilitation and improvement projects.
- Current and future water pump facility rehabilitation and improvement projects.
- Annual debt service on water capital projects.
- Funding to support debt service coverage requirements.

**RESERVE FOR SEWER CAPITAL IMPROVEMENT PROJECTS:** Reserve funds for the purpose of funding sewer infrastructure-related system expansion and system rehabilitation capital improvement projects that are considered eligible for cost through system development fees. Projects considered eligible in this category are:

- Current and future sewer line rehabilitation and improvement projects.
- Current and future sewer treatment facility rehabilitation and improvement projects.
- Current and future sewer pump facility rehabilitation and improvement projects.
- Annual debt service on sewer capital projects.
- Funding to support debt service coverage requirements.

Description	Amount
<b>FY25 Water System Development Fee Appropriation</b>	<b>\$0</b>
<b>FY25 Sewer System Development Fee Appropriation</b>	<b>\$0</b>
<b>FY25 TOTAL System Development Fee Appropriation</b>	<b>\$0</b>

<b>FY25 Available System Development Fee Appropriation</b>	<b>\$175,480</b>
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No FY25 system development fee revenues are appropriated to projects at this time; all FY25 revenues shall remain reserved for future eligible capital improvements in accordance with North Carolina General Statutes §159-18 and §162A-209.

**SECTION 3:** That the Capital Reserve Fund (CRF), as amended, shall remain effective until all eligible current and future projects are completed or when no balance remains; and, the CRF may be amended by the City Council of the City of Hendersonville as needed to add, modify, or eliminate projects and appropriations.

**SECTION 4:** That the amended Capital Reserve Fund Ordinance shall become effective and binding upon adoption by the City Council of the City of Hendersonville.

Passed and adopted at the regular meeting of the City Council of the City of Hendersonville, North Carolina, held this 4<sup>th</sup> day of December, 2025.

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

**K. Monthly Property Tax Collector’s Report - Tammy Heide, Deputy Tax Collector**

**L. December Project Ordinances and Reimbursement Resolutions – Jennifer Floyd, Management Analyst**

Resolution #R-25-121

**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 7<sup>TH</sup> AVE SIDEWALK AND STORMWATER DRAINAGE RESTORATION PROJECT (#HEL01), ORDINANCE #O-25-59 (the "Project(s)").

**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 \$946,000.

**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 4<sup>th</sup> day of December, 2025.

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

Ordinance #O-25-59

**GRANT PROJECT ORDINANCE FOR  
 THE EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE 7<sup>TH</sup> AVENUE E  
 SIDEWALK AND STORMWATER DRAINAGE RESTORATION PROJECT, #HEL01**

**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 7<sup>th</sup> Avenue East Sidewalk and Stormwater Drainage Restoration project, #HEL01.

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

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
410	1014	555002	HEL01	Capital Outlay-CIP	\$946,000
<b>Total Project Appropriation</b>					<b>\$946,000</b>

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

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
410	0000	420050	HEL01	Grant Revenue (SmBiz)	(\$946,000)
<b>Total Project Appropriation</b>					<b>(\$946,000)</b>

**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 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 4<sup>th</sup> day of December, 2025.

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

Resolution #R-25-122

**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 CANE CREEK INDUSTRIAL PARK REDUNDANT WATERLINE CONNECTION PROJECT (#25018), ORDINANCE #O-25-60 (the "Project(s)").

**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 \$850,000.

**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 4<sup>th</sup> day of December, 2025.

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

Ordinance #O-25-60

**GRANT PROJECT ORDINANCE FOR  
 THE EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE CANE CREEK  
 INDUSTRIAL PARK REDUNDANT WATERLINE CONNECTION, #25018**

**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 Cane Creek Industrial Park Redundant Waterline Connection, #25018.

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

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
460	7055	555002	25018	Capital Outlay–Lines	\$850,000
<b>Total Project Appropriation</b>					<b>\$850,000</b>

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

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
460	0000	420050	25018	Grant Revenue (SmBiz)	(\$850,000)
<b>Total Project Appropriation</b>					<b>(\$850,000)</b>

**Section 4:** The Finance Director is hereby directed to maintain within the Water & Sewer Fund and Water and Sewer 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 Water and Sewer Fund and Water and Sewer 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 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 4<sup>th</sup> day of December, 2025.

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

**M. December 2025 Budget Amendments – Jennifer Floyd, Management Analyst**

**TO MAYOR & COUNCIL** **FISCAL YEAR 2026**  
**APPROVAL: December 4, 2025** **FORM: 12042025-01**

**BUDGET AMENDMENT**

FUND 301

ACCOUNT NUMBER	DESCRIPTION OF ACCOUNT	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
301-0000-420050-G2404	Grant Revenue	100,000	5,000	-	105,000
301-0000-470010-G2402	Transfers In	16,000	-	-	16,000
301-1200-519200-G2404	Contracted Services	116,000	5,000	-	121,000
FUND 301	TOTAL REVENUES	116,000	5,000	-	121,000
Grant Fund	TOTAL EXPENDITURES	116,000	5,000	-	121,000

An amendment increasing grant revenue budget by \$5,000 in the Fund 301 #G2404 to cover the cost of a promotional video.  
 The City Manager and City Clerk certify budget ordinance amendment 12042025-01 was approved by City Council on December 4, 2025.

**TO MAYOR & COUNCIL** **FISCAL YEAR 2026**  
**APPROVAL: December 4, 2025** **FORM: 12042025-02**

**BUDGET AMENDMENT**

FUND 301

ACCOUNT NUMBER	DESCRIPTION OF ACCOUNT	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
010-1525-552001	Capital Outlay- Buildings	40,000	-	40,000	-
010-0000-598901	Transfer Out (to 25000)	357,534	40,000	-	397,534
FUND 010	TOTAL REVENUES	40,000	-	40,000	-
General Fund	TOTAL EXPENDITURES	357,534	40,000	-	397,534
410-0000-470010-25000	Transfer In	29,000	40,000	-	69,000
410-1525-550103-25000	Capital Outlay- CIP	29,000	40,000	-	69,000
FUND 010	TOTAL REVENUES	29,000	40,000	-	69,000
General Fund	TOTAL EXPENDITURES	29,000	40,000	-	69,000

An amendment transferring \$40,000 into the Oakdale Cemetery Project #25000.  
 The City Manager and City Clerk certify budget ordinance amendment 12042025-02 was approved by City Council on December 4, 2025.

**TO MAYOR & COUNCIL** **FISCAL YEAR 2025**  
**APPROVAL: December 4, 2025** **FORM: 12042025-03**

**BUDGET AMENDMENT**

FUND 060/459

ACCOUNT NUMBER	DESCRIPTION OF ACCOUNT	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
060-0000-444299	Water System Development Fees	175,000	-	143,269	31,731
060-0000-445299	Sewer System Development Fees	170,000	-	32,211	137,789
060-0000-598901	Transfer Out (to #459)	868,057	175,480	-	1,043,537
FUND 060	TOTAL REVENUES	345,000	-	175,480	169,520
W&S Fund	TOTAL EXPENDITURES	868,057	175,480	-	1,043,537
459-0000-470010	Transfer In	-	175,480	-	175,480
459-7055-550103	Capital Outlay- CIP	-	175,480	-	175,480
FUND 459	TOTAL REVENUES	-	175,480	-	175,480
Capital Project Fund	TOTAL EXPENDITURES	-	175,480	-	175,480

An amendment transferring system development fees (\$175,480) into fund 459 to be used on the S. Mills Gap Rd. Water Main Extension Project  
 The City Manager and City Clerk certify budget ordinance amendment 12042025-03 was approved by City Council on December 4, 2025.

**TO MAYOR & COUNCIL**  
**APPROVAL: December 4, 2025**

**FISCAL YEAR 2026**  
**FORM: 12042025-04**

**BUDGET AMENDMENT**

FUND 060/459

ACCOUNT NUMBER	DESCRIPTION OF ACCOUNT	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
010-0000-470900	Fund Balance Appropriated	1,474,563	175,602	-	1,650,165
010-0000-598901	Transfer Out (to #020)	-	155,020	-	155,020
010-0000-598901	Transfer Out (to #021)	-	20,582	-	20,582
<b>FUND 010</b>	<b>TOTAL REVENUES</b>	<b>1,474,563</b>	<b>175,602</b>	<b>-</b>	<b>1,650,165</b>
<b>General Fund</b>	<b>TOTAL EXPENDITURES</b>	<b>-</b>	<b>175,602</b>	<b>-</b>	<b>175,602</b>
020-0000-470100	Transfer In (from 010, FY26)	-	155,020	-	155,020
020-0000-470900	Fund Balance Appropriated	155,020	-	155,020	-
<b>FUND 020</b>	<b>TOTAL REVENUES</b>	<b>-</b>	<b>155,020</b>	<b>-</b>	<b>155,020</b>
<b>Main Street Fund</b>	<b>TOTAL EXPENDITURES</b>	<b>155,020</b>	<b>-</b>	<b>155,020</b>	<b>-</b>
021-0000-470100	Transfer In (from 010, FY26)	-	20,582	-	20,582
020-0000-470900	Fund Balance Appropriated	64,766	-	20,582	44,184
<b>FUND 021</b>	<b>TOTAL REVENUES</b>	<b>-</b>	<b>20,582</b>	<b>-</b>	<b>20,582</b>
<b>7th Ave Fund</b>	<b>TOTAL EXPENDITURES</b>	<b>64,766</b>	<b>-</b>	<b>20,582</b>	<b>44,184</b>

An amendment transferring \$155,020 into 020 and \$20,582 into 021 from the General Fund (010) to decrease the fund balance appropriations in each fund.

The City Manager and City Clerk certify budget ordinance amendment 12042025-04 was approved by City Council on December 4, 2025.

**TO MAYOR & COUNCIL**  
**APPROVAL: December 4, 2025**

**FISCAL YEAR 2025**  
**FORM: 12042025-05**

**BUDGET AMENDMENT**

FUND 459 / 460

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
460-0000-470010-17141	Debt Proceeds ('23 Revenue Bond)	3,134,054	-	-	3,134,054
460-0000-450001-17141	Interest Income ('23 Revenue Bond Interest)	193,542	-	-	193,542
460-7150-550103-17141	Capital Outlay - CIP	3,147,120	-	59,226	3,087,894
460-7055-560900-17141	Cost of Issuance	121,250	-	-	121,250
460-0000-598901-17141	Transfer Out (to 460, #23019)	24,226	-	-	24,226
460-0000-598901-17141	Transfer Out (to 460, #21012)	35,000	-	-	35,000
460-0000-598901-17141	Transfer Out (to 459)	-	59,226	-	59,226
<b>FUND 460</b>	<b>TOTAL REVENUES</b>	<b>3,327,596</b>	<b>-</b>	<b>-</b>	<b>3,327,596</b>
<b>NC DOT I-26, #17141</b>	<b>TOTAL EXPENDITURES</b>	<b>3,327,596</b>	<b>59,226</b>	<b>59,226</b>	<b>3,327,596</b>
460-0000-470900-G2022	Fund Balance Appropriated	560,000	-	-	560,000
460-0000-470100-G2022	Transfer In (from Fund 459)	240,000	-	128,254	111,746
460-1014-550103-G2022	Capital Outlay - CIP	800,000	-	128,254	671,746
<b>FUND 460</b>	<b>TOTAL REVENUES</b>	<b>800,000</b>	<b>-</b>	<b>128,254</b>	<b>671,746</b>
<b>Golden Leaf WS #G2022</b>	<b>TOTAL EXPENDITURES</b>	<b>800,000</b>	<b>-</b>	<b>128,254</b>	<b>671,746</b>
460-0000-470100-22002	Transfer In (From 060)	123,158	-	-	123,158
460-1523-550103-22002	Capital Outlay CIP	103,158	-	24,522	78,637
460-1523-550102-22002	Capital Outlay Services and Fees	20,000	-	-	20,000
460-0000-598901-22002	Transfer Out (to Fund 459)	-	24,522	-	24,522
<b>FUND 460</b>	<b>TOTAL REVENUES</b>	<b>123,158</b>	<b>-</b>	<b>-</b>	<b>123,158</b>
<b>City Hall Exterior Phase 1</b>	<b>TOTAL EXPENDITURES</b>	<b>123,158</b>	<b>24,522</b>	<b>24,522</b>	<b>123,159</b>
460-0000-549999	Miscellaneous Expense	460,000	-	-	460,000
460-7135-551000-19007	Capital Outlay Services and Fees	460,000	-	46,542	413,458
460-0000-598901-19007	Transfer Out (to Fund 459)	-	46,542	-	46,542
<b>FUND 460</b>	<b>TOTAL REVENUES</b>	<b>460,000</b>	<b>-</b>	<b>-</b>	<b>460,000</b>
<b>WWTP Master Plan #19007</b>	<b>TOTAL EXPENDITURES</b>	<b>460,000</b>	<b>46,542</b>	<b>46,542</b>	<b>460,000</b>
460-0000-460090-18004	Contribution/Donation	100,000	-	-	100,000
460-0000-534999-18004	Contingencies	-	-	-	-
460-0000-470100-18004	Transfers In	170,450	-	-	170,450
460-0000-470900-18004	Fund Balance Appropriation	14,845	-	-	14,845

460-1014-550102-18004	Capital Outlay- Services & Fees	14,700	-	-	14,700
460-1014-550103-18004	Capital Outlay-CIP	270,595	-	24,450	246,145
460-0000-598901-18004	Transfer Out (to Fund 459)	-	24,450	-	24,450
<b>FUND 460</b>	<b>TOTAL REVENUES</b>	<b>285,295</b>	<b>-</b>	<b>-</b>	<b>285,295</b>
Ladson Road #18004	<b>TOTAL EXPENDITURES</b>	<b>285,295</b>	<b>24,450</b>	<b>24,450</b>	<b>285,295</b>
460-0000-470100-22009	Transfer In (From WS)	375,000	-	-	375,000
460-7155-554001-22009	Capital Outlay - Equipment Other Than Vehicles	375,000	-	20,895	354,105
460-0000-598901-22009	Transfer Out (To 459)	-	20,895	-	20,895
<b>FUND 460</b>	<b>TOTAL REVENUES</b>	<b>375,000</b>	<b>-</b>	<b>-</b>	<b>375,000</b>
CCTV Truck #22009	<b>TOTAL EXPENDITURES</b>	<b>375,000</b>	<b>20,895</b>	<b>20,895</b>	<b>375,000</b>
460-0000-470010-19140	Debt Proceeds (2023 IFC)	-	-	-	-
460-0000-470100-19140	Transfer In (from 060)	140,545	-	-	140,545
460-0000-470900-19140	Fund Balance Appropriated	50,789	-	-	50,789
460-0000-598901-19140	Transfer Out	63,362	-	-	63,362
460-1002-550102-19140	Capital Outlay - Services and Fees	22,500	-	-	22,500
460-1002-550103-19140	Capital Outlay - CIP	105,472	-	12,573	92,899
460-0000-598901-19140	Transfer Out (To 459)	-	12,573	-	12,573
<b>FUND 460</b>	<b>TOTAL REVENUES</b>	<b>191,334</b>	<b>-</b>	<b>-</b>	<b>191,334</b>
City Hall & Ops Security Improvements #19140	<b>TOTAL EXPENDITURES</b>	<b>191,334</b>	<b>12,573</b>	<b>12,573</b>	<b>191,334</b>
459-0000-470100	Transfer In ( from 460)	-	316,462	-	316,462
459-7002-550103	Capital Outlay - CIP	-	316,462	-	316,462
<b>FUND 459</b>	<b>TOTAL REVENUES</b>	<b>-</b>	<b>316,462</b>	<b>-</b>	<b>316,462</b>
Capital Reserve Fund	<b>TOTAL EXPENDITURES</b>	<b>-</b>	<b>316,462</b>	<b>-</b>	<b>316,462</b>

An amendment changing the transfers for projects #17141, #G2022, #22002, #19007, #18004, #22009, and #19140 to more accurately reflect project closeout need.  
 The City Manager and City Clerk certify budget ordinance amendment 12042025-05 was approved by City Council on December 4, 2025.

**N. Patton Park and Whitmire Design Contracts – Brian Pahle, Deputy City Manager & Richard Shook, PE, Civil Engineer**

**O. Approval to Declare and Sell Surplus – Logan Hickey, Procurement/Contract Administrator**

Resolution #R-25-123

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL RESOLUTION OF PROPOSED ACCEPTANCE OF NEGOTIATED OFFER**

**WHEREAS**, the City of Hendersonville owns certain personal property, being one modular building located at 632 Sugarloaf Rd, Hendersonville, North Carolina, together with: (1) all kitchen appliances located within such modular building as of the Closing Date, and (2) all furniture located within such modular building as of the Closing Date, and expressly excluding any interest in the underlying real property, land, or site improvements, the foregoing modular building hereinafter referred to as the “Personal Property”; and,

**WHEREAS**, City Council previously approved declaring this property surplus and to sell via internet auction via Resolution # 25-42. The City Manager declared the furniture within the unit as surplus and approved including it within this sale as identified in Exhibit C. The unit was made available for internet auction after via GovDeals after it had been advertised in the newspaper 30 days prior. The high bid amount came to \$31,000.00; and,

**WHEREAS**, this amount was not accepted by City Leadership, however, the City has received a NEGOTIATED OFFER RECEIVED PURSUANT TO N.C.G.S. § 160A-269 (“Offer”), a copy of which is attached hereto and incorporated herein by reference; and,

**WHEREAS**, pursuant to the Offer, Modular MastermindZ LLC (“Buyer”), is offering to purchase the Property for the sum of Fifty thousand dollars and no/100 (\$50,000.00), subject to the terms and conditions contained within the Offer; and,

**WHEREAS**, subject to the terms below, the Hendersonville City Council wishes to issue a proposed acceptance of the Offer; and,

**NOW THEREFORE**, the Hendersonville City Council resolves that:

1. The Council authorized the sale of the Personal Property described above and proposes to accept the Offer pursuant to the procedures of 160A-269.
2. The Buyer is required to deposit with the City Clerk a sum equal to 5 % of the offer, or \$2,500.00. The Clerk will cause a notice to be published in a newspaper of record advising that upset bids will be accepted within 10 days of the date of publication, which bid shall increase the proposed sales price by at least an amount equal to 10% of the first \$1,000.00 of the purchase price and 5% of the excess. Such upset bids shall be made to the City Clerk and accompanied by a deposit equal to 5% of the new purchase price, at which time the Clerk shall then publish a new notice advising that further upset bids, increased in the same minimum amount may be accepted within 10 days from the date of publication.
3. Each bidder submitting an upset bid shall be bound by the same terms and conditions as contained in the Offer. Each bidder shall therefore be required to sign an offer in the form of the Offer attached hereto as Exhibit A, with the only differences being (1) a revised purchase price; and (2) modification of the terms of the upset bid procedure described in the Offer to reflect the terms of this Resolution.
4. When there are no further bidders, the high bid shall be reported to the Council by the Clerk.
5. Closing shall occur within 30 days of the issuance of a final acceptance by the Council.

6. The City reserves the right to withdraw the property from sale at any time before the issuance of a final acceptance and the right at any time to reject all bids.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 4<sup>th</sup> day of December, 2025.

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

**P. Request for approval to accept the Small Business Infrastructure Grant Program for Cane Creek Industrial Park Redundant Waterline Connection – Blake Fulgham, Management Analyst II**

Resolution #R-25-124

RESOLUTION BY THE CITY OF HENDERSONVILLE TO AUTHORIZE THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF COMMERCE SMALL BUSINESS INFRASTRUCTURE GRANT PROGRAM (SMBIZ) FOR THE CANE CREEK INDUSTRIAL PARK REDUNDANT WATERLINE CONNECTION PROJECT(APP-001131)

WHEREAS, The City of Hendersonville has continued to complete repair and resiliency projects as part of continued Hurricane Helene recovery efforts; and

WHEREAS, the City has proposed the Cane Creek Industrial Park Redundant Waterline Connection Project which will result in increased redundancy and resiliency of clean water access at the Cane Creek Industrial Park and within the Hoopers Creek community; and

WHEREAS, the City was awarded the full grant funding amount for our grant application through the North Carolina Department of Commerce of \$850,000 to be completed within 36-months of grant awardence; and

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

1. The City agrees to participate in certain costs and to assume certain responsibilities in the manner and to the extent as hereinafter set out in the Agreement; and
2. The City's Mayor or their designee shall be considered the City's Authorized Official when executing or providing any funding application or other documents associated with the project; and
3. The City Mayor is authorized to enter into an agreement with the North Carolina Department of Commerce for the Small Business Infrastructure Grant Program for the Cane Creek Industrial Park Redundant Waterline Connection Project (App-001131).

Adopted by the City Council of the City of Hendersonville, North Carolina on this the 4th day of December, 2025.

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

**Q. Request for approval to accept the Small Business Infrastructure Grant Program for the 7<sup>th</sup> Avenue East Sidewalk and Storm Drainage Restoration Project – Blake Fulgham, Management Analyst II**

Resolution #R-25-125

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF COMMERCE FOR THE SMALL BUSINESS INFRASTRUCTURE GRANT PROGRAM(SmBIZ) FOR THE 7<sup>TH</sup> AVENUE E. SIDEWALK AND STORMWATER DRAINAGE PROJECT (APP-001114)**

WHEREAS, City of Hendersonville's has continued to complete repair and resiliency projects as part of continued Hurricane Helene recovery efforts; and

WHEREAS, the City has proposed the 7<sup>th</sup> Ave E Sidewalk Restoration project which will result in the repair and restoration of the pedestrian sidewalk and stormwater infrastructure that will support small businesses between Elm St and 1225 7th Ave E, Hendersonville, NC 28792; and

WHEREAS, the City has been awarded funding in the amount of \$946,000 dollars from the North Carolina Department of Commerce, Small Business Infrastructure Grant Program (SmBIZ) Rural Engagement & Investment Program for this project; and

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

1. The City agrees to participate in certain costs and to assume certain responsibilities in the manner and to the extent as hereinafter set out in the Agreement; and
2. The City's Mayor or their designee shall be considered the City's Authorized Official when executing or providing any funding application or other documents associated with the project; and
3. The City Mayor is authorized to enter into an agreement with the North Carolina Department of Commerce for the Small Business Infrastructure Grant Program for the 7<sup>th</sup> Avenue E. Sidewalk and Stormwater Drainage Restoration Project (App-001114).

Adopted by the City Council of the City of Hendersonville, North Carolina on this the 4<sup>th</sup> day of December, 2025.

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

## **6. PRESENTATIONS**

### **A. Mayor Award – *John Connet, City Manager***

City Manager John Connet congratulated Mayor Barbara Volk on receiving the first Barbara G. Volk Leadership Award at the Land of Sky Annual Luncheon. The award is dedicated in her honor to be presented annually to individuals who outstandingly contribute to the betterment of Western North Carolina and Land of Sky Region and the plaque reads:

Barbara G. Volk for her dedication and leadership on behalf of the City of Hendersonville, Land of Sky Regional Council and Western North Carolina. Mayor Volk has served the City of Hendersonville and the Land of Sky Regional Council with distinction, and she represents the best of public service. Her record of public service has left a positive impact on our region and was presented on December 3, 2025 by the Land of Sky Regional Council.

Mayor Pro Tem Hensley went on to congratulate Mayor Volk and thanked her for all that she does and represents.

### **B. Hendersonville Police Department Honors Lieutenant Matt Capps for FBI National Academy Graduate – *Blair Myhand, Police Chief***

Chief Blair Myhand congratulated Lieutenant Matt Capps for graduating from the FBI National Academy and stated that the Hendersonville Police Department recognizes Police Lieutenant Matt Capps, for his graduation from the FBI National Academy. On September 4, 2025, Lieutenant Capps was among 254 law enforcement officers graduated from the FBI National Academy in Quantico, Virginia. The 295th session of the National Academy consisted of men and women from 49 states and the District of Columbia. The class included 22 members of law enforcement agencies from 20 countries, 10 members of six military organizations, and four members of federal civilian organizations. "I would like to extend my thanks to City Council, City Manager Connet, and Chief Myhand for the incredible opportunity to attend the FBI National Academy. This experience has enhanced my leadership skills and broadened my perspective; I am committed to using what I have learned to lead more effectively and serve Hendersonville with excellence. I look forward to bringing back these lessons to help our department continue to grow and succeed. Internationally known for its academic excellence, the National Academy offers ten weeks of advanced leadership, communication, and fitness training. Participants must have proven records as professionals within their agencies to attend. On average, these officers have 21 years of law enforcement experience and usually return to their agencies to serve in executive-level positions. FBI Director Kash Patel delivered remarks at the ceremony. Class spokesperson Benjamin Adams from the Marion County Sheriff's Office, Ocala, FL, represented the graduating officers. FBI Academy instructors, special agents, and other staff with advanced degrees provide the training; many instructors are recognized internationally in their fields. Since 1972, National Academy students have been able to earn undergraduate and graduate credits from the University of Virginia, which accredits all the National Academy courses offered. A total of 56,434 graduates have completed the FBI National Academy since it began in 1935. The National Academy is held at the FBI Training Academy in Quantico, the same facility where the FBI trains its new special agents and intelligence analysts. Lieutenant Matt Capps continues the legacy of National Academy graduates from the

Hendersonville Police Department, joining the ranks of former Police Chiefs John Nicholson and Donnie Parks, as well as current Chief Blair Myhand.

**C. NC-APA Marvin Collins Outstanding Plan ward for the Gen H Comprehensive Plan**

– *Matthew Manleuy, AICP and Lew Holloway*

Matt Manley explained that the City’s Gen H Comprehensive Plan was recognized by the North Carolina Chapter of the American Planning Association (NC-APA), receiving the 2025 Marvin Collins Outstanding Planning Award for the best comprehensive plan in the small-town category. The Community Development Department would like to acknowledge that this award would not have been possible without the full buy-in from multiple departments and the significant support of City Council. He especially thanked the Communications team of Allison Justus and Brandy Heatherly for going above and beyond to help.



American Planning Association  
**North Carolina Chapter**

August 5, 2025

RE: Gen H Comprehensive Plan

Dear Mr. Manley,

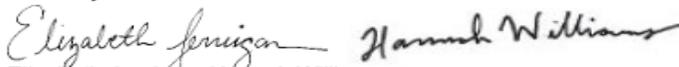
On behalf of the North Carolina Chapter of the American Planning Association (APA-NC) Awards Committee, I am pleased to inform you that the Committee has selected your nomination as the recipient of a 2025 North Carolina Marvin Collins Award in the Comprehensive Plan category. Please read this letter carefully as it contains a lot of important information about the awards ceremony and private luncheon.

This year we will recognize and celebrate APA-NC award winners on the chapter website, via social media, and during the annual state conference to be held October 15-17 in Charlotte. **We would love to include a brief acceptance video OR one presentation slide from you and your team in the awards presentation.** If you would like to participate, please upload a brief acceptance video (no more than 45 seconds) or single slide no later than Friday, September 25<sup>th</sup>. This is a great way to highlight representatives who may not be able to attend the awards ceremony in person. Please upload completed video or presentation slide using the link provided in the attached document.

The Opening Plenary and Awards Session will take place on Wednesday, October 15, from 9:30am – 11:45am at the Charlotte Convention Center in Large Plenary Room - W209. Award winners will need to arrive early and make your way down to the front of the ballroom and look for reserved seating. Award winners will come up to the stage **after** their award is highlighted. Up to three members from each project are also invited to a private awards luncheon following the presentation from 11:45am – 1:00pm with the other winners, APA executive and award committee members. The luncheon will take place in the Charlotte Convention Center and specific details will be provided to attendees closer to the event. You do not have to be registered for the conference to attend either event, however, we do need all participants to RSVP.

Award winners will receive a framed certificate at the plenary and a digital copy will be emailed after the conference. As the nominator, we ask that you alert other individuals or organizations that need to be recognized.

Sincerely,

  
Elizabeth Jernigan, Hannah Williams  
APA-NC Award Co-Chairs

**7. PUBLIC HEARINGS**

**A. 2025 General Obligation (GO) Transportation Bond Order Public Hearing, Adoption of Bond Order and Resolution Setting a Special Bond Referendum and Notification of the Henderson County Board of Elections – Adam Murr, Budget & Evaluation Director**

Budget & Evaluation Director Adam Murr explained that City Council of the City of Hendersonville, North Carolina has ascertained and determined that it is necessary to pay the capital costs of transportation projects with General Obligation (GO) Bond funds. The City has applied to the Local Government Commission for the approval of the GO Bond including a maximum principal amount of \$10,000,000. The recommended motions and agenda item attachments fulfill statutorily required procedural actions. (1) City Council will hold a public hearing on the proposed GO bond order and the advisability for issuing the GO Bond for transportation projects. (2) Following the close of the public hearing, City Council may choose to adopt the recommended **BOND ORDER**. Finally, (3) following the close of public hearing and the

adoption of the **BOND ORDER**, Council may choose to adopt the recommended **RESOLUTION SETTING A SPECIAL BOND REFERENDUM AND DIRECTING THE PUBLICATION OF NOTICE OF A SPECIAL BOND REFERENDUM AND NOTIFICATION OF THE BOARD OF ELECTIONS.**

# City of Hendersonville

## GO Bond - Transportation

City Council Regular Meeting  
Dec. 04, 2025



### PROJECT TIMELINE

#### Council Actions:

- **Oct. 2** – Notice of Intent to Apply to LGC.
- **Nov. 6** – Introduce Bond Order + Set Public Hearing Date + Adopt CPO.
- **Dec. 4** – Hold Public Hearing + Adopt Bond Order.
- **Mar. 3** – Voter Referendum.
- **Apr. 2** – Certify Results.

#### SCHEDULE FOR GENERAL OBLIGATION BOND REFERENDUM HENDERSONVILLE - MARCH 2026

10/2/25	City Council adopts (1) Resolution directing publication of notice of intent to apply to the Local Government Commission (the "LGC"); (2) Resolution authorizing the Finance Officer to apply to the LGC and making certain findings of fact
10/5/25	Publish Notice of Intent in <i>Newspaper of General Circulation</i> (have to wait 10 days after publication of Notice of Intent before applying to the LGC)
10/20/25	File Application with LGC with draft Sworn Statement of Debt [receive notice from LGC confirming receipt of Application which must occur before the Bond Order is introduced]
11/6/25	City Council (1) Introduces the Bond Order(s); (2) Adopts the Resolution setting a public hearing on the Bond Order(s)
by 11/23/25	(1) Send Statement of Disclosure to LGC, post Statement on the City's Website and file with the City Clerk's Office (day before the notice of Public Hearing is published); (2) Publish Notice(s) of Public Hearing on the Bond Order(s) in <i>Newspaper of General Circulation</i> [at least 6 days before public hearing]; and (3) File Sworn Statement of Debt with the City Clerk and LGC
12/4/25	City Council (1) holds public hearing(s) on Bond Order(s); (2) adopts the Bond Order(s) at the conclusion of the public hearing; and (3) adopts the Resolution setting Bond Referendum
12/5/25	Clerk delivers certified copy of the Resolution setting Bond Referendum to the County Board of Elections
12/7/25	Publish Bond Order(s) as adopted in <i>Newspaper of General Circulation</i>
12/8/25	File Notice with Joint Legislative Commission
by 1/23/26	Publish first Notice of Special Bond Referendum in <i>Newspaper of General Circulation</i> [Not less than fourteen days before last day to register to vote for Bond Referendum]
by 1/30/26	Publish second Notice of Special Bond Referendum in <i>Newspaper of General Circulation</i> [Not less than seven days before last day to register to vote for Bond Referendum]
2/6/26	Last day to register to vote
3/3/26	Referendum
3/13/26	Canvass of Election by the County Board of Elections
4/2/26	City Council adopts Resolution Certifying and Declaring Results of Special Bond Referendum
After 4/2/26	Publish Statement of Results in <i>Newspaper of General Circulation</i>
May 2026	LGC approval of Bond Order(s) [current LGC policy is to approve post-election]

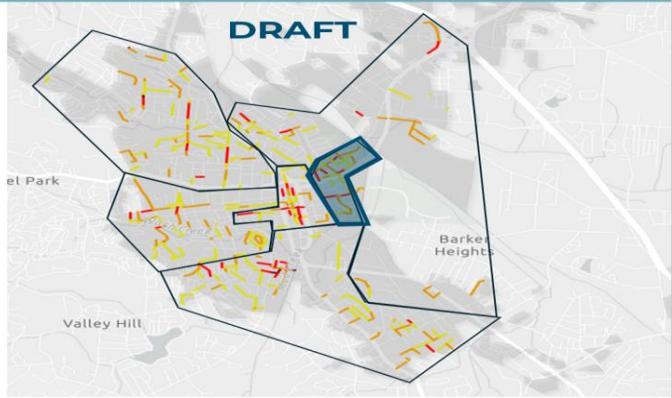
### PROJECT EXAMPLES



# PROJECT EXAMPLES

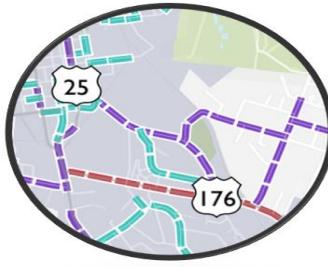
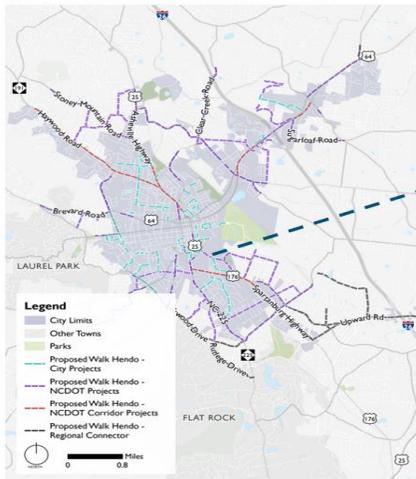
**Resurfacing to be Broken Up into Five Zones (FY27-FY31)**

**Currently FY26 Zone = 7th Avenue Area**



# PROJECT EXAMPLES

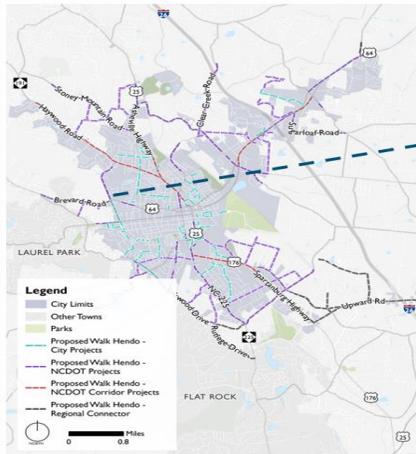
Map 1. Full Proposed Network Map (All Project Recommendations)



**Grove Street Sidewalks**

# PROJECT EXAMPLES

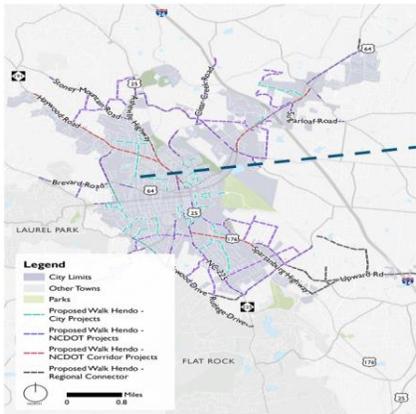
Map 1. Full Proposed Network Map (All Project Recommendations)



**Blythe Street Multi-Use Path**

# PROJECT EXAMPLES

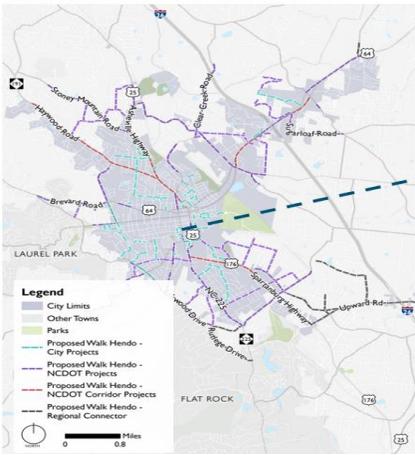
Map 1. Full Proposed Network Map (All Project Recommendations)



**Orleans/9th Avenue School Intersection Improvements**

# PROJECT EXAMPLES

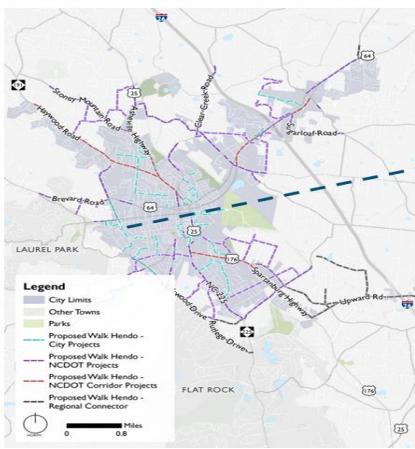
Map 1. Full Proposed Network Map (All Project Recommendations)



### Washington Street Sidewalks

# PROJECT EXAMPLES

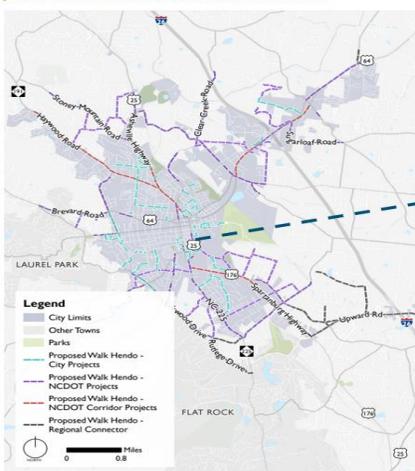
Map 1. Full Proposed Network Map (All Project Recommendations)



### 3<sup>rd</sup> Avenue/West Lake/Ecusta Sidewalks

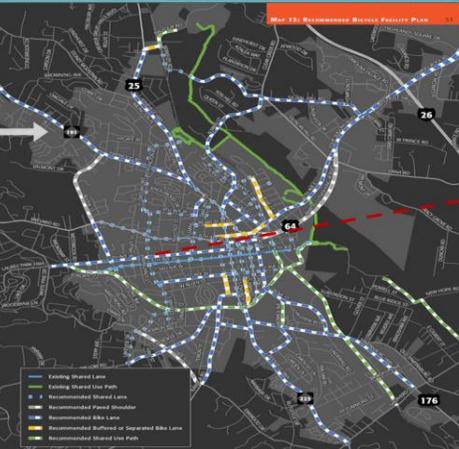
# PROJECT EXAMPLES

Map 1. Full Proposed Network Map (All Project Recommendations)



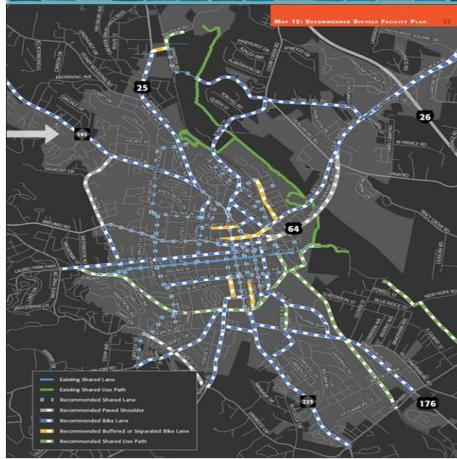
### King Street Sidewalks

# PROJECT EXAMPLES



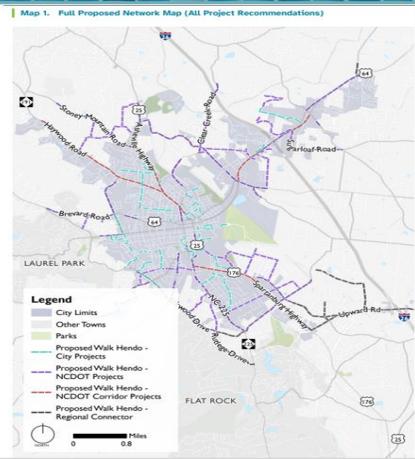
### 5<sup>th</sup> Avenue Bike Improvements

## PROJECT EXAMPLES



### Other Dispersed Projects:

- Ecusta Intersections & Sidewalks
- RRFB (Beacons)
- Mini Traffic Circles
- Bulb Outs
- Bike Lanes
- Sharrows
- Crosswalks
- Connectivity (Ex: Bane St.)



## PROJECT BUDGET

**Section 1:** The project authorized is a City project described as the 2026 Transportation General Obligation (GO) Bond Project, #25013.

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

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
410	1014	550103	25013	Capital Outlay-CIP (Resurfacing)	\$8,200,000
410	1014	550103	25013	Capital Outlay-CIP (ADA Curb Ramp)	2,420,000
410	1014	550103	25013	Capital Outlay-CIP (Safety & Transportation)	3,705,000
410	1002	550102	25013	Capital Outlay-Service & Fees	175,000
<b>Total Project Appropriation</b>					<b>\$14,500,000</b>

**Capital Project Ordinance (CPO)**

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

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
410	0000	470010	25013	Debt Proceeds (2026 GO Bond)	(\$10,000,000)
410	0000	470100	25013	Transfer in (from General Fund-FY27)	(900,000)
410	0000	470100	25013	Transfer in (from General Fund-FY28)	(900,000)
410	0000	470100	25013	Transfer in (from General Fund-FY29)	(900,000)
410	0000	470100	25013	Transfer in (from General Fund-FY30)	(900,000)
410	0000	470100	25013	Transfer in (from General Fund-FY31)	(900,000)
<b>Total Project Appropriation</b>					<b>(\$14,500,000)</b>

**Adopted  
11/06/2025**

## RESOURCES: [CITY WEBSITE](http://www.hvlnc.gov)



# SAFE STREETS. STRONG CONNECTIONS.

[WWW.HVLNC.GOV/GOBOND](http://www.hvlnc.gov/gobond)



Pavement Condition Map



Register to Vote



Statement of Disclosures

**Timeline**

Oct. 2, 2025 – Notice of Intent to Apply

Nov. 6, 2025 – Introduce Bond Order/Set Public Hearing

Dec. 4, 2025 – Hold Public Hearing

**Mar. 3, 2026 – Referendum - Voters Decide**

If approved, transportation projects will begin shortly after with expected completion within five years.

September 24, 2025 - Hendersonville Cl... [Watch later](#) [Share](#)



Watch on  YouTube

- What are General Obligation (GO) bonds?
- What is a bond referendum?
- How does a GO Bond get approved?
- How much will the City borrow in bonds?
- What projects will the bonds pay for?
- How are the projects selected?
- How long will the improvements take?
- What happens if the bond does not pass in March 2026?

## IMPORTANT REMINDER!

On a Bond Referendum, Local Governments **cannot spend taxpayer money to endorse a "yes" or "no" vote**



### Permissible actions by Local Governments :

- Hosting public meetings to explain a bond proposal.
- Producing informational packets or videos outlining the proposed projects and the estimated cost.
- Creating a website with frequently asked questions and project details.

PROJECT TIMELINE	
<p><b>Council Actions:</b></p> <ul style="list-style-type: none"> <li><b>Dec. 4</b> – Hold Public Hearing + Adopt Bond Order.</li> <li><b>Apr. 2</b> – Certify Referendum Results.</li> </ul> <p><b>Staff Actions:</b></p> <ul style="list-style-type: none"> <li><b>Dec.</b> Coordinate w/ Board of Elections. + Publish Notices.</li> <li><b>Apr.</b> Publish referendum results.</li> <li><b>May.</b> LGC approval meeting.</li> </ul>	<p style="text-align: center;"><b>SCHEDULE FOR GENERAL OBLIGATION BOND REFERENDUM</b> HENDERSONVILLE - MARCH 2026</p> <p>10/2/23 City Council adopts (1) Resolution directing publication of notice of intent to apply to the Local Government Commission (the "LGC"); (2) Resolution authorizing the Finance Officer to apply to the LGC and making certain findings of fact</p> <p>10/5/25 Publish Notice of Intent in <i>Newspaper of General Circulation</i> [have to wait 10 days after publication of Notice of Intent before applying to the LGC]</p> <p>10/20/25 File Application with LGC with draft Sworn Statement of Debt [receive notice from LGC confirming receipt of Application which must occur before the Bond Orders are introduced]</p> <p>11/6/25 City Council (1) Introduces the Bond Order(s); (2) Adopts the Resolution setting a public hearing on the Bond Order(s)</p> <p>by 11/23/25 (1) Send Statement of Disclosure to LGC, post Statement on the City's Website and file with the City Clerk's Office (day before the notice of Public Hearing is published); (2) Publish Notice(s) of Public Hearing on the Bond Order(s) in <i>Newspaper of General Circulation</i> [at least 6 days before public hearing]; and (3) File Sworn Statement of Debt with the City Clerk and LGC</p> <p>12/4/25 City Council (1) holds public hearing(s) on Bond Order(s); (2) adopts the Bond Order(s) at the conclusion of the public hearing; and (3) adopts the Resolution setting Bond Referendum</p> <p>12/5/25 Clerk delivers certified copy of the Resolution setting Bond Referendum to the County Board of Elections</p> <p>12/7/25 Publish Bond Order(s) as adopted in <i>Newspaper of General Circulation</i></p> <p>12/8/25 File Notice with Joint Legislative Commission</p> <p>by 1/23/26 Publish first Notice of Special Bond Referendum in <i>Newspaper of General Circulation</i> [Not less than fourteen days before last day to register to vote for Bond Referendum]</p> <p>by 1/30/26 Publish second Notice of Special Bond Referendum in <i>Newspaper of General Circulation</i> [Not less than seven days before last day to register to vote for Bond Referendum]</p> <p>2/6/26 Last day to register to vote</p> <p>3/3/26 Referendum</p> <p>3/13/26 Canvass of Election by the County Board of Elections</p> <p>4/2/26 City Council adopts Resolution Certifying and Declaring Results of Special Bond Referendum</p> <p>After 4/2/26 Publish Statement of Results in <i>Newspaper of General Circulation</i></p> <p>May 2026 LGC approval of Bond Order(s) [current LGC policy is to approve post-election]</p>

The public hearing was opened at 6:18 p.m.

Ken Fitch spoke in favor of the GO Transportation Bond.

Chris Danals is a strong supporter of the GO Transportation Bond.

The public hearing was closed at 6:25 p.m.

***Council Member Lyndsey Simpson moved that City Council adopt the Bond Order Authorizing the Issuance of \$10,000,000 General Obligation (GO) Transportation Bonds of the City of Hendersonville, North Carolina and Adopt the Resolution Settling a Special Bond Referendum and Directing the Publication of Notice of a Special Bond Referendum and Notification of the Board of Elections as presented. A unanimous vote of the Council followed. Motion carried.***

**RESOLUTION #R-25-126**

**RESOLUTION SETTING A SPECIAL BOND REFERENDUM AND DIRECTING THE PUBLICATION OF NOTICE OF A SPECIAL BOND REFERENDUM AND NOTIFICATION OF THE BOARD OF ELECTIONS**

**WHEREAS**, the City Council of the City of Hendersonville, North Carolina has adopted the following bond order and such bond order should be submitted to the voters of the City of Hendersonville, North Carolina for their approval or disapproval in order to comply with the constitution and laws of North Carolina:

**“BOND ORDER AUTHORIZING THE ISSUANCE OF \$10,000,000 GENERAL OBLIGATION TRANSPORTATION BONDS OF THE CITY OF HENDERSONVILLE, NORTH CAROLINA;”**

**NOW, THEREFORE**, be it resolved by the City Council (the “*City Council*”) of the City of Hendersonville, North Carolina, as follows:

(1) For the purpose of determining the question whether the qualified voters of the City of Hendersonville, North Carolina shall approve or disapprove (a) the indebtedness to be incurred by the issuance of the General Obligation Transportation Bonds of the City authorized by said bond order, which indebtedness shall be secured by a pledge of the City’s full faith and credit and (b) the levy of a tax for the payment thereof, said bond order shall be submitted to the qualified voters of said City at a special bond referendum to be held in said City on March 3, 2026.

(2) The City Clerk is hereby authorized and directed to publish a notice of said referendum which shall be entitled “**CITY OF HENDERSONVILLE, NORTH CAROLINA NOTICE OF SPECIAL BOND REFERENDUM.**” Said notice of referendum shall be published at least twice. The first publication shall be not less than 14 days and the second publication shall be not less than 7 days before the last day on which voters may register for the special bond referendum.

(3) The Henderson County Board of Elections is hereby requested to print and distribute the necessary ballots and to provide the equipment for the holding of said referendum and to conduct and to supervise said referendum.

(4) The ballots to be used at said referendum will indicate that it is being held on behalf of the City of Hendersonville, North Carolina and will contain the following words:

“Additional property taxes may be levied on property located in the City of Hendersonville in an amount sufficient to pay the principal of and interest on bonds if approved by the following ballot question. *SHALL* the order authorizing \$10,000,000 of bonds plus interest to provide funds to pay the capital costs of acquiring, constructing, reconstructing, widening, extending, paving, resurfacing, grading and improving streets and sidewalks, including, without limitation, curbs, gutters, drains, bridges, overpasses, crossings, lighting, traffic controls, signals and markers, bicycle lanes, and landscape, streetscape and pedestrian improvements, and the acquisition of land, rights-of-way and easements in land required therefor, and providing that additional taxes may be levied in an amount sufficient to pay the principal of and interest on the bonds be approved, in light of the following:

- (1) The estimated cumulative cost over the life of the bond, using the highest interest rate charged for similar debt over the last 20 years, would be \$15,611,200 (consisting of \$10,000,000 principal amount of the bonds plus \$5,611,200 of interest).
- (2) The estimated amount of property tax liability increase for each one hundred thousand dollars (\$100,000) of property tax value to service the cumulative cost over the life of the bond provided above would be \$20.00 per year.”;

with squares labeled “YES” and “NO” beneath or beside such words in which squares the voter may record his or her choice on the question presented; and

- (5) The City Clerk shall mail or deliver a certified copy of this resolution to the Henderson County Board of Elections within three days after this resolution is adopted.

**BE IT FURTHER RESOLVED** that this Resolution shall become effective on the date of its adoption.

**READ, APPROVED AND ADOPTED** this 4<sup>th</sup> day of December, 2025.

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

EXTRACTS FROM MINUTES OF CITY COUNCIL

\* \* \*

A regular meeting of the City Council of the City of Hendersonville, North Carolina was duly held on December 4, 2025 at 5:45 p.m. at the Operations Center Assembly Room, 305 Williams Street, Hendersonville, North Carolina 28792. Mayor Barbara G. Volk presiding.

\* \* \*

The following members were present: Mayor Barbara G. Volk, Mayor Pro Tem Jennifer Hensley, Council Members Lyndsey Simpson, Melinda Lowrance & Gina Baxter

The following members were absent: None

Also present: City Manager John Connet, Deputy City Manager Brian Pahle, City Clerk Jill Murray, City Attorney Angela Beeker and others

\* \* \* \* \*

The bond order entitled, “**BOND ORDER AUTHORIZING THE ISSUANCE OF \$10,000,000 GENERAL OBLIGATION TRANSPORTATION BONDS OF THE CITY OF HENDERSONVILLE, NORTH CAROLINA**” was introduced at a meeting of the City Council on November 6, 2025 and published on November 23, 2025 and November 30, 2025, with notice that the City Council would hold a public hearing thereon on December 4, 2025 at or about 5:45 p.m. There had been filed in the City Clerk’s office and posted on the City’s website a statement of disclosures related to the proposed bonds complying with provisions of the Local Government Bond Act.

The Mayor announced that the City Council would hear anyone who wished to be heard on the questions of validity of the General Obligation Transportation Bond Order and the advisability of issuing the General Obligation Transportation Bonds. Mayor Barbara Volk moved that the public hearing be opened on the General Obligation Transportation Bond Order and the motion was unanimously adopted.

After the City Council had heard all persons who requested to be heard in connection with the foregoing questions on the General Obligation Transportation Bond Order, Mayor Barbara Volk moved that the public hearing be closed and the motion was unanimously adopted.

Council Member Lyndsey Simpson moved that the City Council adopt, without change or amendment, and direct the City Clerk to publish a notice of adoption, as prescribed by The Local Government Bond Act, of the bond order entitled, “**BOND ORDER AUTHORIZING THE ISSUANCE OF \$10,000,000 GENERAL OBLIGATION TRANSPORTATION BONDS OF THE CITY OF HENDERSONVILLE, NORTH CAROLINA**”, as introduced at the meeting of the City Council held on November 6, 2025. The motion was unanimously adopted.

**BOND ORDER AUTHORIZING THE ISSUANCE OF \$10,000,000 GENERAL OBLIGATION TRANSPORTATION BONDS OF THE CITY OF HENDERSONVILLE, NORTH CAROLINA**

**WHEREAS**, the City Council of the City of Hendersonville, North Carolina has ascertained and hereby determines that it is necessary to pay the capital costs of acquiring, constructing, reconstructing, widening, extending, paving, resurfacing, grading and improving streets and sidewalks, including, without limitation, curbs, gutters, drains, bridges, overpasses, crossings, lighting, traffic controls, signals and markers, bicycle lanes, and landscape, streetscape and pedestrian improvements, and the acquisition of land, rights-of-way and easements in land required therefor; and

**WHEREAS**, an application has been filed with the Deputy Secretary of the Local Government Commission of North Carolina requesting Commission approval of the General Obligation Transportation Bonds hereinafter described as required by the Local Government Bond Act, and the City Clerk has notified the City Council that the application has been accepted for submission to the Local Government Commission.

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

Section 1. In order to raise the money required for the purposes described above, in addition to any funds which may be made available for such purpose from any other source, General Obligation Transportation Bonds of the City are hereby authorized and shall be issued pursuant to the Local Government Finance Act of North Carolina. The maximum aggregate principal amount of such General Obligation Transportation Bonds authorized by this order shall be \$10,000,000.

Section 2. Taxes will be levied in an amount sufficient to pay the principal and interest on the General Obligation Transportation Bonds.

Section 3. A sworn statement of the City's debt has been filed with the City Clerk and is open to public inspection.

Section 4. This bond order will take effect when approved by the voters of the City at a referendum scheduled for March 3, 2026.

**READ, APPROVED AND ADOPTED** this 4th day of December, 2025.

Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

**B. Rezoning: Standard Rezoning – Locust St Small Area Rezoning (25-78-RZO) – Matthew Manley, AICP, Long-Range Planning Manager**

Matt Manley explained that the City of Hendersonville initiated a rezoning for consenting property owners in the Locust St Area to rezone properties from I-1, Industrial to CMU, Central Mixed Use. These owners and properties included multiple condo owners at 822 Locust St (PIN: 9569-80-4214), R Four Holdings at 824 Locust St Ste 300 (PIN: 9569-80-2387) and Scott & Dean Miller at 0 Lynn St (PIN: 9569-80-4629). Previously Daniel Huggins & Hailey Lamoreux (Applicants / Owners) at 824 Locust St Suite 400 (PIN: 9569-80-2471) along with Dennis Dunlap at 415 8th Ave E (PIN: 9569-80-4238), Kari Moer at 824 Locust St Suite 200 (PIN: 9569-80-2395), and Daniel Mock with AYD Partners at 0 Lynn St (PIN: 9569-80-3335) participated in a rezoning to CMU for this area. Additional property owners were given the opportunity to participate as well. The final property to be included in this area rezoning is the 2.32 acre lot to the rear of Miller's Linen Service on Lynn St.

Planning Staff initially identified the need for a rezoning of the I-1 properties in this area over 4 years ago. Though a 'small area rezoning' did not take place at that time, with the submittal of a rezoning application for CMU in August 2025, Planning Staff opened up the opportunity for select properties to join in on the rezoning. Per new state laws, property owners must consent to rezonings of this nature. Properties that participated in the rezoning will benefit in the following ways:

- 1) CMU Zoning would make non-conforming buildings conforming;
- 2) CMU Zoning would permit current land uses to continue;

- 3) CMU Zoning would permit additional desired future land uses that I-1 zoning does not;
- 4) CMU Zoning would prevent incompatible uses.

# LOCUST ST REZONING (I-1 to CMU)

(25-58-RZO)  
Standard Rezoning  
City of Hendersonville City Council  
December 4, 2025

Community Development | Planning Division  
Matthew Manley, AICP | Long-Range Planning Manager



## Project Background



- Location:**
  - 0 Lynn St (9569-80-4629)
- Applicant / Owners:**
  - Scott & Dean Miller - Owners
- Current Zoning:** I-1 Industrial
- Proposed Zoning:** CMU, Central Mixed Use
- Future Land Use Designation:** Downtown



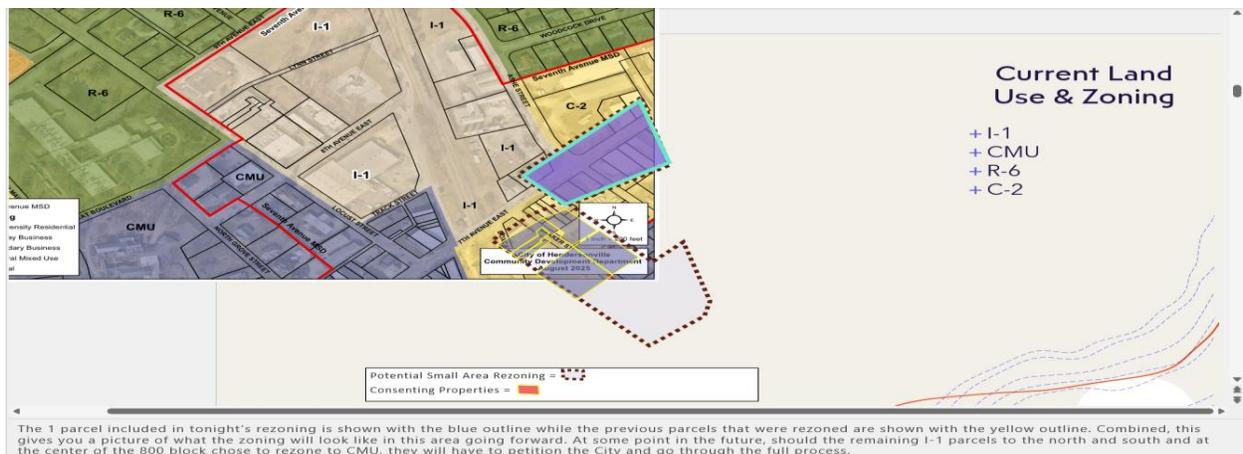
I will not be giving a full presentation on this rezoning. This rezoning is tied to the "small area rezoning" that came before you last month for a group of parcels concentrated along Locust St, 8<sup>th</sup> Ave, Lynn St and Maple St. Last month City Council approved the rezoning of 4 parcels in this area. [Tonight](#) we have 3 additional parcels that have consented to participate in the city-initiated rezoning of this area of town from I-1 to CMU.

## Site Photos



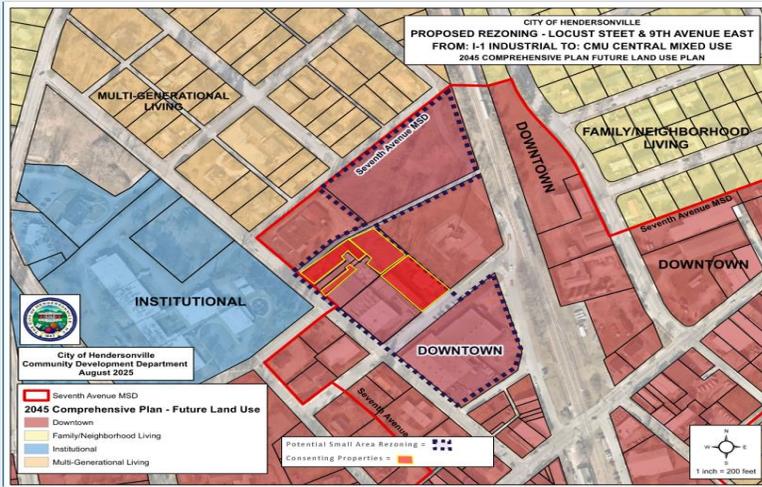
### Current Land Use & Zoning

- + I-1
- + CMU
- + R-6
- + C-2



Potential Small Area Rezoning = [dotted line symbol]  
Consenting Properties = [red outline symbol]

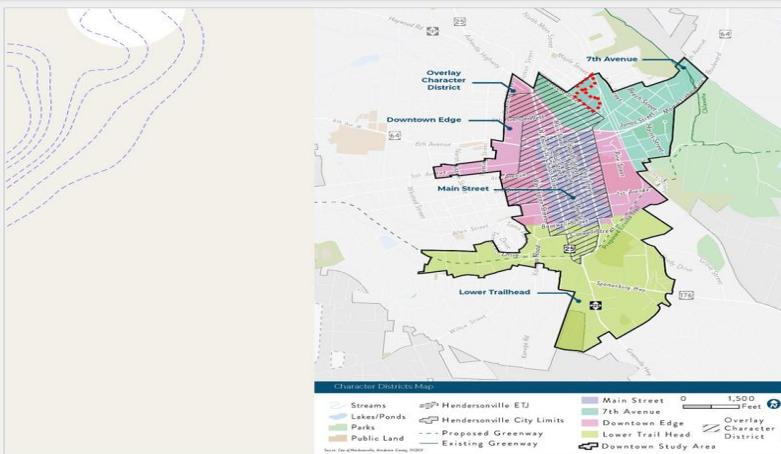
The 1 parcel included in tonight's rezoning is shown with the blue outline while the previous parcels that were rezoned are shown with the yellow outline. Combined, this gives you a picture of what the zoning will look like in this area going forward. At some point in the future, should the remaining I-1 parcels to the north and south and at the center of the 800 block chose to rezone to CMU, they will have to petition the City and go through the full process.



**1) Comprehensive Plan Consistency: Future Land Use**

- + Downtown
- + MGL
- + Institutional
- + FNL

The subject property is designated as Downtown in the Gen H Comprehensive Plan Future Land Use Map. These parcels were included in the Downtown Master Plan and featured in the 7th Ave Focus Area.



**1) Comprehensive Plan Consistency: Downtown Master Plan**

[7th Avenue]

These parcels were included in the Downtown Master Plan in the 7th Ave Character Area



In the Downtown Master Plan, the properties were included in the 7th Ave Focus Area in the Gen H Comp Plan. In this conceptual future growth scenario, all of the buildings in this proposed rezoning area are proposed to be preserved with Townhomes shown on the vacant lot behind Miller's. The townhomes and the preservation of existing form is supported by CMU zoning while the I-1 zoning would not permit townhomes and makes the existing buildings non-conforming.

General Rezoning Standards: <b>1) COMPREHENSIVE PLAN CONSISTENCY</b>	<b>LAND SUPPLY, SUITABILITY &amp; INTENSITY</b>	<p><b>Land Supply</b> - The applicant property was <u>not</u> identified as. Other properties in the potential rezoning area (primarily the vacant properties) were identified as <b>Underutilized</b> in the Land Supply Map.</p> <p><b>Suitability</b> - These underutilized properties were identified as <b>Moderate to Highly Suitable</b> for all three - Residential, Industrial and Commercial uses.</p> <p><b>Development Intensity</b> - The subject property is located in an area designated as <b>Highest</b>.</p> <p><b>Focus Area</b> - The subject property is located in the <b>7th Ave Focus Area</b> and adjacent to the <b>Downtown Edge Focus Area</b>. The existing buildings are shown to be preserved. The vacant lot on Lynn St is shown as townhomes. It states that new uses in the area should be "...a mix of residential and commercial uses. New development should be sensitive to the character and form of the surrounding context."</p> <p><b>Focused Intensity Node</b> - Downtown is its own Focused Intensity Node.</p> <p><b>Downtown Master Plan</b> - The properties are located in the Downtown Master Plan and designated in the <b>7th Ave Downtown Character Area</b>. Locust St is designated as a <b>Downtown</b> street type.</p> <ul style="list-style-type: none"> <li>• <b>Character Area Designation:</b> Downtown</li> <li>• <b>Character Area Description:</b> Consistent with CMU</li> <li>• <b>Downtown Character Area Designation:</b> 7th Ave</li> <li>• <b>Downtown Character Area Description:</b> Consistent with CMU</li> <li>• <b>Zoning Crosswalk:</b> Consistent with CMU</li> </ul>
	<b>FUTURE LAND USE &amp; CONSERVATION MAP</b>	

1) Continuing our review of the **Comprehensive Plan Consistency**, Staff finds the staff proposed zoning to CMU is Consistent with the Character Area Description for Downtown.

General Rezoning Standards: 2) COMPATIBILITY	EXISTING CONDITIONS	<ul style="list-style-type: none"> <li>Current minimum lot size for I-1 = 40,000 Sq Ft                             <ul style="list-style-type: none"> <li>The average lot size along Locust St = 10,890 Sq Ft</li> <li>The average lot size per suite = 6,000 Sq Ft</li> <li>The smallest parcel = 3,000 Sq Ft</li> </ul> </li> <li>Current minimum setbacks for I-1 = 30' front / 20' side + rear                             <ul style="list-style-type: none"> <li>The existing building setbacks = 0'</li> </ul> </li> <li><b>Existing Conditions do not match Current Zoning</b></li> </ul>																						
	GEN H GOALS	<table border="0"> <tr> <td><b>I-1 Compatibility</b></td> <td><b>CMU Compatibility</b></td> </tr> <tr> <td>Vibrant Neighborhoods: Inconsistent</td> <td>Vibrant Neighborhoods: Consistent</td> </tr> <tr> <td>Abundant Housing Choices: Inconsistent</td> <td>Abundant Housing Choices: Consistent</td> </tr> <tr> <td>Healthy &amp; Accessible Natural Environment: Inconsistent</td> <td>Healthy &amp; Accessible Natural Environment: Somewhat Consistent</td> </tr> <tr> <td>Authentic Community Character: Inconsistent</td> <td>Authentic Community Character: Consistent</td> </tr> <tr> <td>Safe Streets and Trails: Inconsistent</td> <td>Safe Streets and Trails: Consistent</td> </tr> <tr> <td>Reliable &amp; Accessible Utility Services: Inconsistent</td> <td>Reliable &amp; Accessible Utility Services: Consistent</td> </tr> <tr> <td>Satisfying Work Opportunities: Consistent</td> <td>Satisfying Work Opportunities: Consistent</td> </tr> <tr> <td>Welcoming &amp; Inclusive Community: Inconsistent</td> <td>Welcoming &amp; Inclusive Community: Consistent</td> </tr> <tr> <td>Accessible / Available Community Services: Consistent</td> <td>Accessible / Available Community Services: Consistent</td> </tr> <tr> <td>Resilient Community: Inconsistent</td> <td>Resilient Community: Inconsistent</td> </tr> </table>	<b>I-1 Compatibility</b>	<b>CMU Compatibility</b>	Vibrant Neighborhoods: Inconsistent	Vibrant Neighborhoods: Consistent	Abundant Housing Choices: Inconsistent	Abundant Housing Choices: Consistent	Healthy & Accessible Natural Environment: Inconsistent	Healthy & Accessible Natural Environment: Somewhat Consistent	Authentic Community Character: Inconsistent	Authentic Community Character: Consistent	Safe Streets and Trails: Inconsistent	Safe Streets and Trails: Consistent	Reliable & Accessible Utility Services: Inconsistent	Reliable & Accessible Utility Services: Consistent	Satisfying Work Opportunities: Consistent	Satisfying Work Opportunities: Consistent	Welcoming & Inclusive Community: Inconsistent	Welcoming & Inclusive Community: Consistent	Accessible / Available Community Services: Consistent	Accessible / Available Community Services: Consistent	Resilient Community: Inconsistent	Resilient Community: Inconsistent
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**EXISTING CONDITIONS**

The subject property and each property proposed for the small area rezoning is currently zoned I-1, Industrial. The subject property is part of a row of buildings fronting Locust St extending from Lynn St to 8th Ave. These buildings were constructed in 1926 and served as the Coca-Cola bottling plant. It was conveyed to staff that the buildings had a spur line connection to the railroad which ran under 8th Ave and was used to deliver and receive goods. The spur line is gone and the nearby railroad is currently only used for the storage of freight cars. This row of zero-lot line buildings is divided into separate units, each of which is owned individually or as part of a condominium association. Some units are vacant while the others are active with the following uses: small-scale manufacturing, office, retail, and microbrewery. Other neighboring properties considered for the rezoning including two vacant lots on Lynn St, the Guidon Brewing property on 8th Ave and the multi-tenant ProSource plumbing and hardware building at 806 Locust St. Each of the known current land uses for these properties are permissible under CMU and I-1.

Current minimum lot size for I-1 is 40,000 Sq Ft. The average lot size along Locust St is 10,890 Sq Ft. The smallest parcel is 3,000 Sq Ft. As you can see, the minimum lot size requirements for I-1 do not align with the existing conditions for lot size. Current minimum setbacks for I-1 are 30' front and 20' on the side + rear. The setbacks of the existing buildings are 0' meaning they are built to the property line on at least one side with several structures having 0' setbacks on all sides. As you can see, the minimum setback requirements for I-1 do not align with the **existing Conditions**. Furthermore, because each of the existing structures on these properties do not meet these dimensional requirements, they are classified as "legal, non-conforming" structures. This makes these properties subject to the Non-conforming Standards in Chapter 6 of the Zoning Code. Rezoning to CMU would reclassify the structures as conforming and these properties would no longer be subject to Non-conforming Standards.

Furthermore, Rezoning to CMU would not create any Non-conforming Uses. The uses that are in place today would be permitted under CMU, including Small-Scale Manufacturing. As stated previously, many of the uses permitted under I-1 would be incompatible with these existing land uses. Meanwhile the uses in CMU that are not permitted in I-1 are compatible with the area. Examples of these CMU uses not allowed in I-1 include: Multi-Family Residential, Music & Art Studios, Offices (business, professional and public), Theatres, Dance & Fitness Facilities, Cultural Art Buildings, etc. In summary, when considering the differences between the existing conditions and the standards of both I-1 and CMU, it is clear that CMU is much more compatible with the Locust St / 7th Ave area.

In addition to evaluating Compatibility as it relates to Existing Conditions, Staff evaluated the proposal against the Goals and Guiding Principles of the Gen H Comprehensive Plan. Staff has highlighted the different aspects of the Goals and Guiding principles where they differed between I-1 and CMU. Staff found that I-1 was Inconsistent with 8 of the 10 Gen H Goals while CMU was Consistent or Somewhat Consistent with all 10 Goals. Similarly, I-1 was Inconsistent with all 7 of the Gen H Guiding Principles. Conversely, CMU was Consistent with all 7 Guiding Principles. The reason that the I-1 zoning is so at odds with the Comp Plan is primarily due the hefty dimensional standards under I-1, the non-conformity of existing buildings, and the lack of design considerations for new development.

General Rezoning Standards: 2) COMPATIBILITY	DESIGN GUIDELINES ASSESSMENT (Chapter V)	<p>The existing buildings on Locust St from Lynn St to 8th Ave are excellent example of historic buildings that reflect the type of traditional design that is promoted by the <i>Downtown Design Guidelines</i>. But because no new development is proposed, a full assessment of the building and site design was not performed.</p>

Since these properties are included in the study area for the Downtown Master Plan, staff considered the implications of the Design Guidelines. However, since no new development is proposed, a full analysis of the Downtown Design Standards was not performed.

General Rezoning Standards	<p><b>3) CHANGED CONDITIONS</b></p> <ul style="list-style-type: none"> <li>• Changes in District Character (new businesses and reinvestments)</li> </ul>
	<p><b>4) PUBLIC INTEREST</b></p> <ol style="list-style-type: none"> <li>1. Preservation of existing character</li> <li>2. Protection from incompatible uses (adult entertainment, video gambling, storage yards, body shops with outdoor storage, etc.)</li> <li>3. New Compatible uses</li> <li>4. Alignment with community-informed plans</li> </ol>

**For the 3<sup>rd</sup> Criteria, Changed Conditions** - Staff finds that the changed conditions related to the fact that The 7<sup>th</sup> Ave District, including Locust St, has been one of the most rapidly changing areas in Hendersonville over the last 5-10 years. Both public and private investments have stabilized and celebrated the historical integrity of the district while providing new life in the form of public infrastructure and vibrant economic opportunity. The former industrial roots of the buildings along Locust St are evolving to house a mix of uses that serve a variety of urban needs and appetites. Recent updates to the I-1 Zoning District Standards requires that areas of the City that are no longer functioning as Industrial Districts update their zoning designation to accommodate appropriate and compatible uses and dimensional standards.

**Public Interest** - Adoption of CMU zoning would have a range of positive impacts for the broader community. 1) CMU would make existing non-conforming buildings conforming. This would help to preserve the existing character of the area - allowing these buildings to be expanded in conformity with existing character and to be rebuilt in the case of a disaster, 2) CMU would prevent incompatible Industrial Land Uses such as: *adult entertainment, storage yards, body shops, video gambling, animal boarding, fast food, treatment plants*, etc. 3) CMU would allow for new uses that are compatible with the emerging character of the area such as the current uses on Locust St & 7<sup>th</sup> Ave and additional uses that are complimentary to those uses (see compatibility above). 4) CMU zoning aligns with the community-led, publicly-informed and Council-adopted growth management vision for the City.

General Rezoning Standards	<p><b>5) PUBLIC FACILITIES</b></p> <ul style="list-style-type: none"> <li>• Rezoning to CMU allows new opportunities for reinvestment in the city core and greater utilization of existing infrastructure.</li> </ul>
	<p><b>6) EFFECT ON NATURAL ENVIRONMENT</b></p> <ul style="list-style-type: none"> <li>• There is no immediate development proposed on the subject properties and no predicted impact on the natural environment as a result of this rezoning.</li> </ul>
	<p><b>COMMITTEE RECOMMENDATION</b></p> <p>The Current Planning Committee reviewed this item prior to today's meeting.</p>

**The 5<sup>th</sup> Criteria is Public Facilities** – The Subject Properties would remain to be served with City Services.  
**For the 6<sup>th</sup> Criteria, Effect on Natural Environment** – No impact to Natural Environment

## DRAFT: Comprehensive Plan Consistency Statement

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

*The proposed zoning of CMU aligns with the Gen H 2045 Comprehensive Plan Future Land Use & Conservation Map and the Character Area Description for 'Downtown'.*

For your consideration, staff has developed the following Comprehensive Plan Consistency Statement.



*Council Member Jennifer Hensley moved City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of properties possessing PIN: 9569-80-4629, from I-1, Industrial Zoning District to CMU, Central Mixed Use Zoning District, based on the following:*

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

*The proposed zoning of CMU aligns with the Gen H 2045 Comprehensive Plan Future Land Use & Conservation Map and the Character Area Description for ‘Downtown’.*

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

- 1. CMU Zoning is more compatible than I-1 Zoning due to the differences in dimensional standards and permitted uses.*
- 2. CMU Zoning better protects the existing character of the built environment and supports recent reinvestment in the economic vitality of the 7th Ave District*
- 3. CMU Zoning will protect against incompatible Industrial uses.*

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

Ordinance #O-25-61

**AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR CERTAIN PARCEL (POSSESSING PIN NUMBER: 9569-80-4629) BY CHANGING THE ZONING DESIGNATION FROM I-1 INDUSTRIAL ZONING DISTRICT TO CMU, CENTRAL MIXED USE ZONING DISTRICT**

IN RE: Parcel Numbers: 9569-80-4629  
Locust St Small Area Rezoning | File # 25-78-RZO

**WHEREAS**, the Planning Board took up this application at its regular meeting on October 9, 2025; voting 9-0 to recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville, and

**WHEREAS**, City Council took up this application at its regular meeting on December 4, 2025, and

**WHEREAS**, City Council has found that this zoning map 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 December 4, 2025,

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

1. Pursuant to Article XI of the Zoning Ordinance of the City of Hendersonville, North Carolina, the Zoning Map is hereby amended by changing the zoning designation of the following: 9569-80-4629, by changing the zoning designation from I-1 Industrial Zoning District to CMU, Central Mixed Use Zoning District
2. Any development of this parcel shall occur in accordance with the Zoning Ordinance of the City of Hendersonville, North Carolina.
3. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this 4<sup>th</sup> day of December, 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: Elimination of Waiting Period (25-80-ZTA) – Matthew Manley, AICP, Long-Range Planning Manager**

Matt Manley explained that the City of Hendersonville is initiating a zoning text amendment to update language in Article IX which addresses procedures for rezonings (zoning map amendments). The updates are based on recent changes to State Law (HB 926) which state the following: “A development regulation or unified development ordinance may not include waiting periods prohibiting a landowner, developer, or applicant from refile a denied or withdrawn application for a zoning map amendment, text amendment, development application, or request for development approval.” Additionally, language is proposed to be stricken as it

relates to "Protest Petitions" which were prohibited by state law in 2015. More information on this is available here: <https://www.sog.unc.edu/resources/legal-summaries/protest-petitions> Planning Board unanimously supported this text amendment at their meeting on November 13, 2025.

# ELIMINATION OF WAITING PERIOD

## (25-80-ZTA)

### Zoning Text Amendment

#### City of Hendersonville City Council

#### December 4, 2025

Community Development | Planning Division  
Matthew Manley, AICP | Long-Range Planning Manager



- + Project Name:**
  - + Elimination of Waiting Period
  - + 25-80-ZTA
- + Applicant/Owner:**
  - + City of Hendersonville
- + Articles Amended:**
  - + Zoning Ordinance
  - + Article IX - Amendments

## Project Background



This proposed Zoning Text Amendment is very simple and straightforward and is required for compliance with a new State Statute. (HB 926) prohibits Zoning Codes from requiring a Waiting Period after a rezoning request for a specific property has been denied.

**ZONING ORDINANCE**

▲ ARTICLE XI. AMENDMENTS

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**Sec. 11-2. Application.**

- a) An application for any amendment shall contain a description and/or statement of the present and proposed zoning regulation or district boundary to be applied, the names and addresses of the owner or owners of the lot in question, the use of each adjacent property and such other information as shall be requested by the planning director. Such application shall be filed not less than 30 days prior to the planning board's meeting at which the application is to be considered.
- b) ~~No application for any change in the zoning regulations applicable to the same property or any part thereof shall be filed until the expiration of one year from the date of final determination by city council. Provided, however, the one-year waiting period shall not be applicable to the rezoning of all or any part of property previously considered by city council where the new application requests assignment of a different zoning district classification.~~

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## Proposed Amendment:

Currently, the City's Zoning Code requires a 12-month waiting period after a rezoning is denied before an applicant can petition to rezone the same property to the same zoning district that was previously requested. This prohibited an applicant from immediately turning around and refiling a petition to rezone the same property to the same zoning district over and over after City Council had already made a determination on the matter. An example of a project that may be familiar to you where this came up would be the 1<sup>st</sup> Ave Villas... in that case the application to CMU-CZD was denied and the next month the applicant refiled for a rezoning of the same property but the second time they requested Urban Residential CZD. If they had requested CMU-CZD, that request would have been barred from proceeding. Under the new state law, this requirement of a Waiting Period is now prohibited. As such, Staff is proposing that City Council strike this text from our Zoning Ordinance.

**11-5-3 Protest petitions.**

**11-5-3.1 Effect.** In case of a qualified protest against a zoning map amendment, that amendment shall not become effective except by favorable vote of three-fourths of all members of the city council. The foregoing provisions concerning protests shall not be applicable to any amendment which initially zones property added to the territorial coverage of the ordinance as a result of annexation.

To qualify as a protest against a zoning map amendment, the petition must be signed by the owners of either 20 percent or more of the area included in the proposed change or five percent of a 100-foot wide buffer extending along the entire boundary of each discrete or separate area proposed to be rezoned. A street right-of-way shall not be considered in computing the 100-foot buffer area as long as that street right-of-way is 100 feet wide or less. When less than an entire parcel of land is subject to the proposed zoning map amendment, the 100-foot buffer shall be measured from the property line of that parcel. In the absence of evidence to that contrary, the city may rely on the county tax listing to determine the "owners" of potentially qualifying areas.

**11-5-3.2 Petition form and requirements.** No protest against any change in, or amendment to the zoning map shall be valid or effective for the purposes of this section unless it be in the form of a written petition actually bearing the signatures of the requisite number of property owners and stating that the signers do protest the proposed change or amendment, and unless it shall have been received by the city clerk in sufficient time to allow the city at least two normal work days, excluding Saturdays, Sundays and legal holidays, before the date established for a public hearing on the proposed change or amendment to determine the sufficiency and accuracy of the petition. In addition to the proper owner signatures, a protest petition shall identify each property owner signing the petition by address and by parcel-qualifying the property owner to protest. Identification of qualifying parcel shall be by Henderson County Land Records map and parcel identification number. A person who has signed a protest petition may withdraw their name from the petition at any time prior to the vote on the proposed zoning amendment. Only those protest petitions that meet the qualifying standards set forth in this section at the time of the vote on the zoning amendment shall trigger the supermajority voting requirement.

**Proposed Amendment:**

Similarly, back in 2015 changes to State Law removed the process for a "Protest Petition". Another procedure for appealing a rezoning decision is now in place, however the old language was still on the books in Chapter 11 and therefore staff is also proposing that City Council strike this language from the Zoning Ordinance.

General Rezoning Standards: <b>1) COMPREHENSIVE PLAN CONSISTENCY</b>	<b>LAND SUPPLY, SUITABILITY &amp; INTENSITY</b>	<ul style="list-style-type: none"> <li>• <b>Supply:</b> N/A</li> <li>• <b>Suitability:</b> N/A</li> <li>• <b>Intensity:</b> N/A</li> </ul>
	<b>FUTURE LAND USE &amp; CONSERVATION MAP</b>	<b>Character Area Designations:</b> N/A <b>Character Area Descriptions:</b> N/A <b>Zoning Crosswalk:</b> N/A <b>Focus Area:</b> N/A

1) Now that we have reviewed the proposed text amendments, let's take a look at the first Criteria considered for a text amendment which is **Comprehensive Plan Consistency**. Staff finds the proposal to be consistent with the Gen H Comprehensive Plan Character Area Descriptions for the Downtown Character Area

General Rezoning Standards: <b>2) COMPATIBILITY</b>	<b>EXISTING CONDITIONS</b>	Changes to State Law require the elimination of a waiting period after a rezoning petition is denied.
	<b>RELEVANT GEN H GOALS</b>	N/A
	<b>GEN H GUIDING PRINCIPLES</b>	N/A

For considering Compatibility, staff reviewed the proposed changes with Existing Conditions related to the adoption of the new state law.

General Rezoning Standards: <b>2) COMPATIBILITY</b>	<b>DESIGN GUIDELINES ASSESSMENT (Chapter V)</b>	<p><b>Focus Areas</b> - [Consistent with Downtown Edge + 7<sup>th</sup> Ave]</p> <p><b>Public Realm</b> - [Consistent - On-street parking is key feature of proposed street typologies]</p> <p><b>Site Design</b> - [Consistent - Proposes Parking Maximums]</p> <p><b>Building Design</b> - N/A</p>
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Staff also considered the changes at a high level with the Design Guidelines from the Downtown Master Plan finding the proposals to be consistent with the Focus Areas of Downtown Edge & 7<sup>th</sup> Ave, the recommendations for Public Realm and Site Design considerations.

General Rezoning Standards	<b>3) CHANGED CONDITIONS</b>	<ul style="list-style-type: none"> <li>The updates are based on recent changes to State Law (HB 926) which state the following: "A development regulation or unified development ordinance may not include waiting periods prohibiting a landowner, developer, or applicant from refiling a denied or withdrawn application for a zoning map amendment, text amendment, development application, or request for development approval."</li> </ul>
	<b>4) PUBLIC INTEREST</b>	<ul style="list-style-type: none"> <li>Waiting period is eliminated</li> </ul>

The same point is true for The 3<sup>rd</sup> Criteria - Changed Conditions –

For the 4<sup>th</sup> Criteria Considered is Public Interest – In some cases removal of the Waiting Period may not be in the public interest. In other cases it may. In any case, being compliant with State Law is generally considered to be in the Public Interest.

General Rezoning Standards	<b>5) PUBLIC FACILITIES</b>	<ul style="list-style-type: none"> <li>No impact</li> </ul>
	<b>6) EFFECT ON NATURAL ENVIRONMENT</b>	<ul style="list-style-type: none"> <li>No Impact</li> </ul>

Staff found that the proposed text amendments have No Impact on Public Facilities or the Natural Environment.

The public hearing was opened at 6:35 p.m.

Lynne Williams spoke about how traumatic it is to go through these processes back-to-back and choose between coming to all these meetings or our families.

The public hearing was closed at 6:36 p.m.

***Council member Jennifer Hensley moved that City Council adopt an ordinance amending the official City of Hendersonville Zoning Ordinance Article IX. ‘Amendments’ to align with NC General Statute based on the following:***

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

***The proposed amendments align with the Gen H Comprehensive Plan***

***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. The proposed changes bring the Zoning Ordinance into alignment with NC General Statute with the elimination of waiting periods for denied rezoning applications***
- 2. The proposed changes bring the Zoning Ordinance into alignment with NC General Statute by eliminating the provisions for protest petitions***

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

Ordinance #O-25-62

**AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND CITY OF HENDERSONVILLE ZONING ORDINANCE, ARTICLE XI. 'AMENDMENTS' TO COMPLY WITH GENERAL STATUTE**

**WHEREAS**, the Planning Board reviewed this petition for a zoning text amendment at its regular meeting on November 13, 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 December 4, 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**, General Statute (HB 926) now states that a "development regulation or unified development ordinance may not include waiting periods prohibiting a landowner, developer, or applicant from refiling a denied or withdrawn application for a zoning map amendment, text amendment, development application, or request for development approval", and

**WHEREAS**, General Statute abolished "protest petitions" in 2015, and

**WHEREAS**, City Council has conducted a public hearing as required by the North Carolina General Statutes on December 4, 2025,

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

**SECTION 1.** The City of Hendersonville Zoning Ordinance, Article XI. 'Amendments' is hereby amended as follows:

**ZONING ORDINANCE**

**ARTICLE XI. AMENDMENTS**

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**Sec. 11-2. Application.**

- a) An application for any amendment shall contain a description and/or statement of the present and proposed zoning regulation or district boundary to be applied, the names and addresses of the owner or owners of the lot in question, the use of each adjacent property and such other information as shall be requested by the planning director. Such application shall be filed not less than 30 days prior to the planning board's meeting at which the application is to be considered.
- ~~b) No application for any change in the zoning regulations applicable to the same property or any part thereof shall be filed until the expiration of one year from the date of final determination by city council. Provided, however, the one-year waiting period shall not be applicable to the rezoning of all or any part of property previously considered by city council where the new application requests assignment of a different zoning district classification.~~

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**Sec. 11-5. Action by the city council**

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**~~11-5-3 Protest petitions.~~**

~~**11-5-3.1 Effect.** In case of a qualified protest against a zoning map amendment, that amendment shall not become effective except by favorable vote of three-fourths of all members of the city council. The foregoing provisions concerning protests shall not be applicable to any amendment which initially zones property added to the territorial coverage of the ordinance as a result of annexation.~~

~~To qualify as a protest against a zoning map amendment, the petition must be signed by the owners of either 20 percent or more of the area included in the proposed change or five percent of a 100-foot wide buffer extending along the entire boundary of each discrete or separate area proposed to be rezoned. A street right-of-way shall not be considered in computing the 100-foot buffer area as long as that street right-of-way is 100 feet wide or less. When less than an entire parcel of land is subject to the proposed zoning map amendment, the 100-foot buffer shall be measured from the property line of that parcel. In the absence of evidence to that contrary, the city may rely on the county tax listing to determine the "owners" of potentially qualifying areas.~~

~~**11-5-3.2 Petition form and requirements.** No protest against any change in, or amendment to the zoning map shall be valid or effective for the purposes of this section unless it be in the form of a written petition actually bearing the signatures of the requisite number of property owners and stating that the signers do protest the proposed change or amendment, and unless it shall have been received by the city clerk in sufficient time to allow the city at least two normal work days, excluding Saturdays, Sundays and legal holidays, before the date established for a public hearing on the proposed change or amendment to determine the sufficiency and accuracy of the petition. In addition to the proper owner signatures, a protest petition shall~~

~~identify each property owner signing the petition by address and by parcel qualifying the property owner to protest. Identification of qualifying parcel shall be by Henderson County Land Records map and parcel identification number. A person who has signed a protest petition may withdraw their name from the petition at any time prior to the vote on the proposed zoning amendment. Only those protest petitions that meet the qualifying standards set forth in this section at the time of the vote on the zoning amendment shall trigger the supermajority voting requirement.~~

**11-5-43 Property owner consent under certain circumstances.**

Amendments, modifications, supplements, repeal or other changes in zoning regulations and restrictions and zone boundaries shall not be applicable or enforceable without the consent of the owner with regard to lots for which building permits have been issued pursuant to G.S. 160D-403 and G.S. 160D-1110 prior to the enactment of the ordinance making the change or changes so long as the permits remain valid and unexpired pursuant to G.S. 160D-403(c) and G.S. 160D-1111, and unrevoked pursuant to G.S. 160D-403(f) and G.S. 160D-1115.

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**SECTION 2.** If any provision of this ordinance or its application is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provisions or application, and to this end the provisions of this ordinance are severable.

**SECTION 3.** It is the intention of the City Council and it is hereby ordained, that the provisions of this ordinance shall become and be made part of the Code of Ordinances, City of Hendersonville, North Carolina, and the sections of this ordinance may be renumbered to accomplish such intention.

**SECTION 4.** This Ordinance shall be effective upon its adoption.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 4<sup>th</sup> day of December, 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: C-4 Upzoning Update (25-76-ZTA) – Matthew Manley, AICP, Long-Range Planning Manager**

Matt Manley explained that the City of Hendersonville has initiated a zoning text amendment to modify the uses and the dimensional standards of the C-4, Neighborhood Commercial Zoning District. The proposed updates to this zoning district are precipitated by changes to state law, specifically the ‘downzoning’ law which went into effect late last year. This law eliminated the City’s authority to rezone property at its discretion. It requires property owner consent for any rezoning that would be deemed a “downzoning” according to the definition provided in the law. While it may seem logical and intuitive that rezoning from residential to neighborhood commercial would be an ‘upzoning’, it is not according to the State’s definition of ‘downzoning’. Therefore, to ensure that rezoning from residential to neighborhood commercial is an upzoning, all uses allowed under the City’s residential zoning districts must also be allowed in C-4. Similarly, the dimensional standards may not be more restrictive in C-4 than in a residential district in order to avoid a downzoning. Staff is proposing to add 4 new permitted uses and 4 new special uses to C-4 that are currently allowed in the City’s Residential Zoning Districts. Additionally, staff proposes to move 4 currently permitted uses to special uses under C-4 and to add minor setback requirements under the Supplementary Standards for these uses. Dimensional standards are proposed to be reduced to align with R-6, the City’s least restrictive residential zoning district. Planning Board unanimously supported the proposal at their meeting on November 13, 2025. Staff made one adjustment based on legal review. Four uses (Gas/Convenience Store, Coin Laundry, Service Stations, & Car Washes) that the Planning Board proposed to be moved from the list of Permitted Uses to the list of Special Uses have been kept on the list of Permitted Uses but they will have the proposed additional Supplementary Standards addressing side and rear setbacks when adjacent to residential uses – which accomplishes the same goal as intended by the Planning Board recommendation.

# C-4 UPZONING UPDATES

(25-76-ZTA)

Zoning Text Amendment

City of Hendersonville City Council

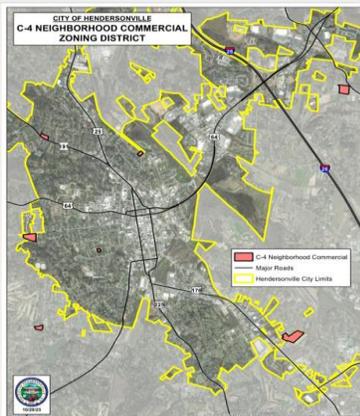
December 4, 2025

Community Development | Planning Division  
Matthew Manley, AICP | Long-Range Planning Manager



## Project Background

- + **Project Name:**
  - + C-4 Upzoning Updates
  - + 25-76-ZTA
- + **Applicant/Owner:**
  - + City of Hendersonville
- + **Articles Amended:**
  - + **Zoning Ordinance**
    - + Article V - Section 5-9 (C-4)
    - + Article XVI - Section 16-4 (Supplementary Standards)
- + **Zoning Districts Impacted:**
  - + C-4



**Neighborhood Commercial Zoning District:**  
C-4

This map illustrates the area that would be impacted by the proposed changes. As you can see, C-4 zoning is not widespread making up less than 1% of the total land area of the City + ETJ. It is generally found at or near intersections along minor thoroughfares

## Background: SB382

### “Downzoning Law” – S.B. 382

- Adopted December 11, 2024 - Counter-active to June 14, 2024
- Eliminates Downzoning authority for municipalities and counties without property-owner consent.
- **State Definition of Downzoning** – a zoning map or text amendment that:
  - 1) Reduces** the **permitted uses** of the land that are specified in a zoning ordinance or land development regulation to fewer uses than were allowed under its previous usage.  
Interpreted to mean: **a)** Total # of Uses & **b)** Removing a use that was previously permitted.
  - 2) Decreases** the development **density** of the land to be less dense than was allowed under its previous usage.
  - 3) Creates** any type of **nonconformity** on land not in a residential zoning district, including a nonconforming use, nonconforming lot, nonconforming structure, nonconforming improvement, or nonconforming site element.

**Considerations for C-4 Updates:**

- **Basic Premise of Proposed ZTA:**  
*Rezoning from any Residential zoning district to a Commercial zoning district should be an "Upzoning".*
- **Proposed ZTA does this in 3 ways:**
  - 1) Takes any/all Permitted Uses & Special Uses currently allowed in City's Residential Zoning Districts (R Districts) + Adds them to list of Permitted Uses & Special Uses allowed under C-4.
  - 2) Reduces Dimensional Standards in C-4 to meet the least restrictive in R Districts.
  - 3) Makes adjustments as necessary to ensure Compatibility

- **Basic Premise:** Rezoning from any residential zoning district to a commercial zoning district should be an "Upzoning".  
- Proposed amendment makes adjustments as necessary to allow for rezoning from residential to neighborhood commercial to be considered an "upzoning".

**District Comparisons: Permitted Uses**

C-4	R-40	R-20	R-15	R-10	R-6
<b>Permitted Uses</b>	<b>Permitted Uses</b>	<b>Permitted Uses</b>	<b>Permitted Uses</b>	<b>Permitted Uses</b>	<b>Permitted Uses</b>
Accessory dwelling units subject to supplementary standards contained in section 16-4, below	Accessory dwelling units, subject to supplementary standards contained in section 16-4, below	Accessory dwelling units, subject to supplementary standards contained in section 16-4, below	Accessory dwelling units, subject to supplementary standards contained in section 16-4, below	Accessory dwelling units, subject to supplementary standards contained in section 16-4, below	Accessory dwelling units subject to supplementary standards contained in section 16-4, below
Accessory uses and structures	Accessory structures	Accessory structures	Accessory structures	Accessory structures	Accessory structures
Dry cleaning and laundry establishment containing less than 1,000 square feet of floor area	Adult care homes, so long as the use is clearly incidental to the residential use of the dwelling and does not change the essential residential character of the dwelling	Adult care homes so long as the use is clearly incidental to the residential use of the dwelling and does not change the essential residential character of the dwelling	Adult care homes so long as the use is clearly incidental to the residential use of the dwelling and does not change the essential residential character of the dwelling	Adult care homes so long as the use is clearly incidental to the residential use of the dwelling and does not change the essential residential character of the dwelling	Adult care homes so long as the use is clearly incidental to the residential use of the dwelling and does not change the essential residential character of the dwelling
Garage apartments	Garage	Garage	Garage	Garage	Garage
Home occupations	Home occupations	Child care homes so long as the use is clearly incidental to the residential use of the dwelling and does not change the essential residential character of the dwelling	Child care homes so long as the use is clearly incidental to the residential use of the dwelling and does not change the essential residential character of the dwelling	Child care homes so long as the use is clearly incidental to the residential use of the dwelling and does not change the essential residential character of the dwelling	Child care homes so long as the use is clearly incidental to the residential use of the dwelling and does not change the essential residential character of the dwelling
Parks	Parks	Child care homes, so long as the use is clearly incidental to the residential use of the dwelling and does not change the essential residential character of the dwelling	Home occupations	Home occupations	Home occupations
Planned residential developments (minor), subject to the requirements of article VII, below	Home occupations	Parks	Parks	Parks	Neighborhood community centers
Residential dwellings, single-family	Parks	Planned residential developments (minor), subject to the requirements of article VII, below	Planned residential developments (minor), subject to the requirements of article VII, below	Planned residential developments (minor), subject to the requirements of article VII, below	Parks
Residential dwellings, two-family	Planned residential developments (minor), subject to the requirements of article VII, below	Religious institutions containing no more than 50,000 square feet of gross floor area	Religious institutions containing no more than 50,000 square feet of gross floor area	Religious institutions containing no more than 50,000 square feet of gross floor area	Planned residential developments (minor), subject to the requirements of article VII, below
Residential dwellings, three-family	Religious institutions containing no more than 50,000 square feet of gross floor area	Residential dwellings, single-family	Residential dwellings, single-family	Residential dwellings, single-family	Religious institutions containing no more than 50,000 square feet of gross floor area
Residential dwellings, four-family	Residential dwelling, single-family	Residential dwelling, two-family	Residential dwelling, two-family	Residential dwelling, two-family	Residential dwelling, single-family

Thinking back to the State Definition for "Downzoning", the first thing staff did was confirm that there are more total Permitted uses in C-4 than in any R District. That let us know that we would not trigger a downzoning based on Part 1. a) of the Downzoning definition. The next step was to compare the permitted uses in C-4 to all of the uses in R Districts to identify if there were any uses allowed in the Residential Districts that would be taken away if rezoned to C-4. I highlighted those uses in red font.

**District Comparisons: Special Uses**

C-4	R-40	R-20	R-15	R-10	R-6
<b>Special Uses</b>	<b>Special Uses</b>	<b>Special Uses</b>	<b>Special Uses</b>	<b>Special Uses</b>	<b>Special Uses</b>
Bed and breakfast facilities	Bed and breakfast facilities	Bed and breakfast facilities	Bed and breakfast facilities	Bed and breakfast facilities	Bed and breakfast facilities
Child care centers	Golf driving ranges	Cemeteries	Cemeteries	Public utility facilities	Public utility facilities
Civic clubs and fraternal organizations	Public utility facilities	Public utility facilities	Public utility facilities	Schools, primary and secondary, containing no more than 50,000 square feet of gross floor area	Residential care facilities
Pets-sitting	Schools, primary and secondary, containing no more than 50,000 square feet of gross floor area	Schools, primary and secondary, containing no more than 50,000 square feet of gross floor area	Schools, primary and secondary, containing no more than 50,000 square feet of gross floor area		Schools, primary and secondary, containing no more than 50,000 square feet of gross floor area
Public utility facilities					
Restaurants					

Staff performed the same analysis for the Special Uses.

**District Comparisons: Dimensional Standards**

C-4	R-40	R-20	R-15	R-10	R-6
<b>Dimensional Standards</b>	<b>Dimensional Standards</b>	<b>Dimensional Standards</b>	<b>Dimensional Standards</b>	<b>Dimensional Standards</b>	<b>Dimensional Standards</b>
Minimum lot area in square feet:					
8,000	40,000	20,000	15,000	10,000	6,000
Lot area per dwelling unit in square feet:					
N/A	40000	N/A	N/A	N/A	N/A
Minimum lot width at building line in feet:					
15	15	20	20	25	45
Minimum yard requirements in feet:					
Front: 10	Front: 20. Any portion of a building envelope featuring a front-facing garage shall set back the garage portion a minimum of 25 feet.	Front: 15. Any portion of a building envelope featuring a front-facing garage shall set back the garage portion a minimum of 25 feet.	Front: 15. Any portion of a building envelope featuring a front-facing garage shall set back the garage portion a minimum of 25 feet.	Front: 10. Any portion of a building envelope featuring a front-facing garage shall set back a minimum of 25 feet.	Front: 8. Any portion of a building envelope featuring a front-facing garage shall set back a minimum of 25 feet.
Side: 15	10	10	8	5	5
Rear: 20	25	20	15	15	10
Maximum height in feet:					
35	35	35	35	35	35

The next step was to ensure that part 2) of the definition was covered where there can be no reduction in density. Since setbacks, lot sizes and height requirements have an impact on the amount of development that can occur on a site, these dimensional standards cannot be more restrictive or else it is a downzoning. Staff identified the least restrictive standards in the R Districts compared to C-4.

As for Part 3 of the downzoning definition related to Non-conformities, C-4 does not have any standards or requirements that would render an existing building non-conforming. All existing C-4 structures, uses and lots that are conforming would remain conforming under these changes. And any non-conforming structures, uses and/or lots that currently exist in C-4 would either be brought into conformity or unimpacted by the proposed changes.

**ZONING ORDINANCE**

**Proposed Amendment:**

**ARTICLE V. ZONING DISTRICT CLASSIFICATIONS**

**Section 5-9 C-4, Neighborhood Commercial Zoning District**

**5-9-1. Permitted uses.**

The following uses are permitted by right in the C-4 Neighborhood Commercial Zoning District Classification, provided they meet all requirements of this Section and all other requirements established in this appendix:

- Accessory dwelling units subject to supplementary standards contained in section 16-4, below
- Accessory uses and structures
  - Agriculture
  - Camps
  - Childcare Homes
- Dry cleaning and laundry establishment containing less than 2,000 square feet of floor area
- Garage apartments

3 of 4 new "Permitted Uses" added from Residential Districts

Taking a look at the proposed language in the ordinance. First, we have the new permitted uses that are proposed. These are the uses that are currently permitted in all or some of the Residential Districts that would need to be maintained in C-4 to avoid a downzoning. These include the addition of Agriculture uses, Camps, Childcare homes and Neighborhood Community Centers.

**Proposed Amendment:**

- Home occupations
- Neighborhood Community Centers
- Parks
- Planned residential developments (minor), subject to the requirements of article VII, below
- Residential dwellings, single-family
- Residential dwellings, two-family
- Residential dwellings, three-family
- Residential dwellings, four-family
- Residential dwellings, small-scale multi-family subject to supplementary standards contained in section 16-4, below
- Signs, subject to the provisions of article XIII
- Telecommunications antennas, subject to supplementary standards contained in section 16-4, below

4 of 4 new "Permitted Uses" added from Residential Districts

5 new "Permitted Uses" added in May 2025

Staff also needs to highlight that 5 permitted uses were added to C-4 this Spring after the SB382 was adopted. So this number should be included when considering the total number of permitted uses resulting from changes to the zoning ordinance after the adoption of SB382.

**Proposed Amendment:**

The following uses are permitted by right in the C-4 Neighborhood Commercial Zoning District Classification, provided they meet all requirements of this Section and all other requirements established in this appendix and have no more than 10,000 gross square feet of floor area, including all proposed phases of development or redevelopment. Expansions of any of the following uses which, when added to the gross floor area of the existing use, bring the total gross square footage of floor area for all existing and planned phases to more than 10,000 square feet are prohibited.

- Adult care centers registered with the NC Department of Health and Human Services (DHSS)
- Automobile car washes so long as no attendants are employed on the premises, subject to supplementary standards contained in section 16-4, below
- Banks and other financial institutions
- Business services
- Convenience stores with or without gasoline sales, subject to supplementary standards contained in section 16-4, below
- Dance and fitness facilities
- Laundries, coin-operated, subject to supplementary standards contained in section 16-4, below
- Music and art studios
- Offices, business, professional and public
- Personal services
- Religious institutions
- Retail stores customarily serving neighborhoods and designed to serve a neighborhood
- Service stations, subject to supplementary standards contained in section 16-4, below

At the Planning Board staff had proposed to shift 4 uses identified by the Legislative & Long-Range Planning Committee to Special Uses making them subject to Supplementary Standards that would require additional setbacks when adjacent to Residential Uses. This was in response to the proposed reduction of side and rear setbacks (which I will touch on shortly). These 4 uses were seen as having the highest potential for unwanted impacts on neighboring residential uses. After further review, it was determined that this could be achieved without requiring these uses by Special Uses and thus subject to review by the Board of Adjustment. Staff is now recommending that the uses remain on the Permitted Uses list but will be subject to additional setback requirements. Those setback requirements will be in line with the setbacks currently required under C-4 and therefore will have no net impact on these uses.

**5-9-2. Special uses.**

The following uses shall be permitted in the C-4 Neighborhood Commercial Zoning District Classification only upon issuance of a Special Use pursuant to article X and shall be subject to special use requirements contained in section 16-4, below:

- Bed and breakfast facilities
- Cemeteries
- Child care centers
- Civic clubs and fraternal organizations
- Golf driving range
- Pet-sitting
- Public utility facilities
- Restaurants
- Residential care facilities
- Schools, primary and secondary, containing no more than 50,000 square feet of gross floor area

**Proposed Amendment:**

Again, the version presented to Planning Board included 4 new Special Uses that are needed to align with those Special Uses permitted in Residential Districts, but it also included the 4 Permitted Uses that were proposed to be shifted to Special Uses from the list of Permitted Uses. Based on the information presented on the previous slide, the current proposal is to only include the 4 new Special Uses that will allow C-4 to align with Residential Districts.

**5-9-3. Dimensional requirements.**

Minimum lot area in square feet:	8,000 6,000
Lot area per dwelling unit in square feet:	N/A
Minimum lot width at building line in feet:	None
Minimum yard requirements in feet:	Front: <del>40</del> 8 Any portion of a building envelope featuring a front-facing garage shall be setback a minimum of 25 feet
	Side: <del>15</del> 5
	Rear: <del>20</del> 10
Accessory structures	Front: Located to side or rear of principal structure.
	Side: 5
	Rear: 5
Maximum Height in feet	35

**Proposed Amendment:**

The proposed changes to the Dimensional Standards will align C-4 with R-6 which is the least restrictive Residential District. This results in a slight reduction in min. lot size and front setback and cuts the side and rear setbacks in half.

**ARTICLE XVI. SUPPLEMENTARY STANDARDS FOR CERTAIN USES**

**Sec. 16-4. Standards.**

**16-4-5 Automobile car washes**  
 a) If located adjacent to a single-family or two-family residential use, setbacks along adjacent side and/or rear property lines will be increased by an additional 10'.  
 b) No attendants shall be employed on the premises.

**16-4-12 Convenience stores with or without gasoline sales**  
 c) If located adjacent to a single-family or two-family residential use, setbacks along adjacent side and/or rear property lines will be increased by an additional 10'.

**16-4-17 Laundries, coin-operated**  
 d) If located adjacent to a single-family or two-family residential use, setbacks along adjacent side and/or rear property lines will be increased by an additional 10'.

**16-4-31 Service Stations**  
 e) If located adjacent to a single-family or two-family residential use, setbacks along adjacent side and/or rear property lines will be increased by an additional 10'.

**Proposed Amendment:**

**Rear Setbacks**  
 Current Rear = 20'  
 Proposed Rear = 10'  
 Adjacent to Residential = 10' + 10' = 20'

No net gain/loss

**Side Setbacks**  
 Current = 15'  
 Proposed = 5'  
 Adjacent to Residential = 5' + 10' = 15'

The proposed changes to Article 16 relate to the introduction of Supplementary Standards for the 4 uses that were identified by the Legislative Committee and the Planning Board as having potential negative impacts on neighboring residential uses. In this case, the Supplemental Standards for these 4 uses would be that they would have to comply with the same setbacks that are currently required in C-4 if they are located adjacent to a single-family or two-family Residential uses. This results in no net increase in the Dimensional requirements for these uses compared to what is required under today's standards. I have broken this down further on the right side of the slide and I'm happy to answer any questions about this.

**Future Land Use Map:**

- Neighborhood Center
- Focused Intensity nodes

As we shift into looking at Comprehensive Plan Consistency, I wanted to highlight the locations where Neighborhood Center is identified on the Future Land Use Map or Character Area Map. Neighborhood Center most closely aligns with the C-4 Zoning District. You can see the red locations on the map are dispersed in various locations across the City. They are primarily concentrated around key intersections with the exception of Asheville Hwy. I will quickly note, this area along Asheville Hwy in particular is already zoned to a more intense commercial district, but it was shown as Neighborhood Center on the Future Land Use Map to reflect a vision for redevelopment along this corridor. Most of these parcels are not deep and due to their shallow nature they are not conducive to large commercial operations. Additionally, these commercial areas are flanked by residential making them ideal of Neighborhood Scale businesses. The close proximity of residential uses is also a contributing factor in limiting the viability of large scale commercial operations along this corridor. I will also note the distinction between the locations of Neighborhood Center and the "Focused Intensity Nodes." Focused Intensity Nodes are these loosely defined areas concentrated around higher traffic intersections where Major Arterials meet and where more intense land uses are already located and should be located going forward. Similarly, you can think about the Neighborhood Center in the same way in the sense that it is concentrated around a node at an intersection but at a smaller-scale and at the intersections of minor thoroughfares instead of major thoroughfares.

General Rezoning Standards: 1) COMPREHENSIVE PLAN CONSISTENCY	<p><b>LAND SUPPLY, SUITABILITY &amp; INTENSITY</b></p> <ul style="list-style-type: none"> <li>• <b>Supply:</b> N/A</li> <li>• <b>Suitability:</b> N/A</li> <li>• <b>Intensity:</b> N/A</li> </ul>
	<p><b>FUTURE LAND USE &amp; CONSERVATION MAP</b></p> <p><b>Character Area Designations:</b> Neighborhood Center  <b>Character Area Descriptions:</b> Consistent NEIGHBORHOOD CENTER (NC) Neighborhood Center encompasses small centers (typically up to 100,000 sf of nonresidential space) where local-serving uses may be located within walking distance of and complement surrounding residential uses. Typical uses include grocery and drug stores, coffee shops, dry cleaners, branch banks, restaurants, and a limited amount of residential.  <b>Zoning Crosswalk:</b> Consistent  <b>Focus Area:</b> N/A</p>

1) Continuing on with our review of Comprehensive Plan Consistency, Staff finds the proposed changes to the uses and dimensional standards in C-4 to be consistent with the Gen H Comprehensive Plan Character Area Descriptions for Neighborhood Center.

General Rezoning Standards: 2) COMPATIBILITY	<b>EXISTING CONDITIONS</b>	According to definition in the state statute, rezoning from any of the City's residential zoning districts to a neighborhood commercial zoning district would technically be classified as a 'downzoning'.
	<b>RELEVANT GEN H GOALS</b>	<b>Vibrant Neighborhoods:</b> [Consistent] <b>Abundant Housing Choices:</b> [Consistent] <b>Healthy and Accessible Natural Environment:</b> [Somewhat Consistent] <b>Authentic Community Character:</b> [Consistent] <b>Safe Streets and Trails:</b> [Consistent] <b>Satisfying Work Opportunities:</b> [Consistent] <b>Welcoming &amp; Inclusive Community:</b> [Consistent] <b>Accessible &amp; Available Community Uses &amp; Services:</b> N/A <b>Resilient Community:</b> [Consistent]
	<b>GEN H GUIDING PRINCIPLES</b>	<b>Mix of Uses:</b> [Consistent] <b>Compact Development:</b> [Consistent] <b>Sense of Place:</b> [Consistent] <b>Conserved &amp; Integrated Open Spaces:</b> [Inconsistent] <b>Desirable &amp; Affordable Housing:</b> [Consistent] <b>Connectivity:</b> [Consistent] <b>Efficient &amp; Accessible Infrastructure:</b> [Consistent]

For considering Compatibility, staff reviewed the proposed changes with Existing Conditions and the Goals and Guiding Principles of the Gen H Comprehensive Plan. We find that the proposed amendment is Compatible given the nature of the proposed uses as it relates to the existing uses permitted under C-4. Typically we would not see Agriculture uses, for instance, being added to a Neighborhood Commercial District. Those two things don't intuitively make a lot of sense together. But in terms of creating a pyramid of permitted uses or a "Russian doll" of permitted uses, where all of the uses from a less intense zoning district fit neatly within the permitted uses of a more intense zoning district, then it is necessary in this case to add these uses due to state law. The proposed changes were also found to be consistent with the Goals & Guiding Principles of the Gen H Plan.

General Rezoning Standards: 2) COMPATIBILITY	<b>DESIGN GUIDELINES ASSESSMENT (Chapter V)</b>	<p><b>Focus Areas</b> - [Consistent with Downtown Edge + 7<sup>th</sup> Ave]</p> <p><b>Public Realm</b> - [Consistent - On-street parking is key feature of proposed street typologies]</p> <p><b>Site Design</b> - [Consistent - Proposes Parking Maximums]</p> <p><b>Building Design</b> - N/A</p>
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Staff also considered the changes at a high level with the Design Guidelines from the Downtown Master Plan finding the proposals to be consistent with the Focus Areas of Downtown Edge & 7<sup>th</sup> Ave, the recommendations for Public Realm and Site Design considerations.

General Rezoning Standards	<b>3) CHANGED CONDITIONS</b>	<ul style="list-style-type: none"> <li>SB382 was adopted into law with an override of the Governor's Veto in December 2024. This law revoked the City's authority to 'downzone' property without property owner consent. The law also broadly defined 'downzoning'.</li> </ul>
	<b>4) PUBLIC INTEREST</b>	<ul style="list-style-type: none"> <li>The proposed amendment would allow for the City to pursue implementation of the City's Gen H Plan when necessary to rezone properties to fulfill the vision for the Neighborhood Center Character Area. This Character Area aligns with the C-4 Zoning District. The C-4 Zoning District will be applied in small, constrained areas concentrated around crossroads on the periphery of residential areas. As such, the districts present important opportunities for establishing neighborhood commercial nodes, mixing uses, reducing commute times and creating new opportunities for the local economy. Because it is applied in small, concentrated areas, perceptions of spot zoning are closely tied to the introduction of C-4 in areas where it is not currently in place. Ensuring that rezoning from residential to C-4 is an upzoning can help to combat perceptions of spot zoning by allowing the City to consider a complete district rather than a single parcel rezoning request by an individual applicant.</li> </ul>

The 3<sup>rd</sup> Criteria Considered is Changed Conditions – As mentioned previously, the text amendment is in response to changes in state law

The 4<sup>th</sup> Criteria Considered is Public Interest – Allows for implementation of the City's Gen H Plan – specifically as it relates to application of the Neighborhood Center Character Area. This Character Area is generally specific to small constrained areas concentrated around key secondary intersections.

General Rezoning Standards	<b>5) PUBLIC FACILITIES</b>	<ul style="list-style-type: none"> <li>The proposed text amendment would facilitate a mild intensification of commercial development in and around neighborhood edges in key locations around Hendersonville. Infill commercial development allows for greater utilization of existing infrastructure without the need for utility expansion and increased cost of maintenance.</li> </ul>
	<b>6) EFFECT ON NATURAL ENVIRONMENT</b>	<ul style="list-style-type: none"> <li>There are no known environmental impacts and no immediate development proposed.</li> </ul>

For **Public Facilities**, Staff found that the proposed text amendments have the potential to allow for greater utilization of existing Public Facilities by creating opportunities for infill development. For **Natural Environment**, There are no specific environmental impacts associated with this text amendment.

**PLANNING BOARD: Comprehensive Plan Consistency Statement**

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

*The proposed text amendment aligns with the Gen H Comprehensive Plan Future Land Use Map and Guiding Principles*

Staff proposes the following Comprehensive Plan Consistency Statement



The public hearing was opened at 6:51 p.m.

Lynne Williams spoke about concerns about the C4 coming through and traffic and buffers and uses that come to these areas and you should take a more considered look at everything individually instead of blanket changes.

The public hearing was closed at 6:53 p.m.

***Council Member Lyndsey Simpson moved that City Council adopt an ordinance amending the official City of Hendersonville Zoning Ordinance Article V. – ‘Zoning District Classifications’ and Article XVI. ‘Supplementary Standards’ to update the C-4, Neighborhood Commercial Zoning District based on the following:***

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

***The proposed amendments align with the Gen H Comprehensive Plan Future Land Use Map & Guiding Principles***

***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. The proposed amendment creates an opportunity to accommodate neighborhood commercial infill development.***
- 2. The proposed amendment allows for greater utilization of existing infrastructure.***
- 3. The proposed amendment increases opportunities for additional housing in key locations in the city.***

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

Ordinance #O-25-63

**AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND CITY OF HENDERSONVILLE ZONING ORDINANCE, ‘ARTICLE V. – ZONING DISTRICT CLASSIFICATIONS’ AND ‘ARTICLE XVI. SUPPLEMENTARY STANDARDS FOR CERTAIN USES’ TO UPDATE C-4, NEIGHBORHOOD COMMERCIAL ZONING DISTRICT**

**WHEREAS**, the Planning Board reviewed this petition for a zoning text amendment at its regular meeting on November 13, 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 December 4, 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**, General Statute now requires property owner consent for ‘downzoning’ properties, and

**WHEREAS**, the City of Hendersonville believes rezoning property from ‘residential’ to ‘commercial’ should be considered an ‘upzoning’, and

**WHEREAS**, to account for the definition of ‘downzoning’ found in General Statute, additional uses and adjustments to dimensional standards in the C-4 Zoning District are required to ensure rezoning property from residential to neighborhood commercial is considered an ‘upzoning’, and

**WHEREAS**, City Council has conducted a public hearing as required by the North Carolina General Statutes on December 4, 2025,

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Hendersonville to amend City of Hendersonville Zoning Ordinance, ‘Article V. – Zoning District Classifications’ And ‘Article XVI. Supplementary Standards For Certain Uses’ to update C-4, Neighborhood Commercial Zoning District.

#### **ARTICLE V. ZONING DISTRICT CLASSIFICATIONS**

**Section 5-9 C-4, Neighborhood Commercial Zoning District****5-9-1. Permitted uses.**

The following uses are permitted by right in the C-4 Neighborhood Commercial Zoning District Classification, provided they meet all requirements of this Section and all other requirements established in this appendix:

Accessory dwelling units subject to supplementary standards contained in section 16-4, below

Accessory uses and structures

[Agriculture](#)

[Camps](#)

[Childcare Homes](#)

Dry cleaning and laundry establishment containing less than 2,000 square feet of floor area

Garage apartments

Home occupations

[Neighborhood Community Centers](#)

Parks

Planned residential developments (minor), subject to the requirements of article VII, below

Residential dwellings, single-family

Residential dwellings, two-family

Residential dwellings, three-family

Residential dwellings, four-family

Residential dwellings, small-scale multi-family subject to supplementary standards contained in section 16-4, below

Signs, subject to the provisions of article XIII

Telecommunications antennas, subject to supplementary standards contained in section 16-4, below

The following uses are permitted by right in the C-4 Neighborhood Commercial Zoning District Classification, provided they meet all requirements of this Section and all other requirements established in this appendix and have no more than 10,000 gross square feet of floor area, including all proposed phases of development or redevelopment. Expansions of any of the following uses which, when added to the gross floor area of the existing use, bring the total gross square footage of floor area for all existing and planned phases to more than 10,000 square feet are prohibited.

Adult care centers registered with the NC Department of Health and Human Services (DHSS)

Automobile car washes so long as no attendants are employed on the premises, [subject to supplementary standards contained in section 16-4, below](#)

Banks and other financial institutions

Business services

Convenience stores with or without gasoline sales, [subject to supplementary standards contained in section 16-4, below](#)

Dance and fitness facilities

Laundries, coin-operated, [subject to supplementary standards contained in section 16-4, below](#)

Music and art studios

Offices, business, professional and public

Personal services

Religious institutions

Retail stores customarily serving neighborhoods and designed to serve a neighborhood

Service stations, [subject to supplementary standards contained in section 16-4, below](#)

**5-9-2. Special uses.**

The following uses shall be permitted in the C-4 Neighborhood Commercial Zoning District Classification only upon issuance of a Special Use pursuant to article X and shall be subject to special use requirements contained in section 16-4, below:

Bed and breakfast facilities

Cemeteries

Child care centers

Civic clubs and fraternal organizations

Golf driving range

Pet-sitting

Public utility facilities

Restaurants

Residential care facilities

Schools, primary and secondary, containing no more than 50,000 square feet of gross floor area

**5-9-3. Dimensional requirements.**

Minimum lot area in square feet:	<del>8,000</del> 6,000
Lot area per dwelling unit in square feet:	N/A
Minimum lot width at building line in feet:	None
Minimum yard requirements in feet:	Front: <del>40</del> 8 <u>Any portion of a building envelope featuring a front-facing garage shall be setback a minimum of 25 feet</u>
	Side: <del>15</del> 5
	Rear: <del>20</del> 10
Accessory structures	Front: Located to side or rear of principal structure.
	Side: 5
	Rear: 5
Maximum Height in feet	35

**ARTICLE XVI. SUPPLEMENTARY STANDARDS FOR CERTAIN USES**

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**Sec. 16-4. Standards.**

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**16-4-5 Automobile car washes**

- a) If located adjacent to a single-family or two-family residential use, setbacks along adjacent side and/or rear property lines will be increased by an additional 10'
- b) No attendants shall be employed on the premises

**16-4-56 Bed and breakfast facilities.**

- a) The facility shall be located in a structure originally constructed as a single-family dwelling or as an inn.
- b) The facility shall be limited in the number of guest rooms it contains. Bed and breakfast facilities in residential districts shall contain no more than six guest rooms. Bed and breakfast facilities in other zoning districts shall contain no more than eight guest rooms.
- c) The owner of the bed and breakfast or a resident manager shall live on the premises.
- d) There shall be no exterior advertising except a sign not to exceed four square feet in area in a residential district. Bed and breakfasts in other districts shall conform with the sign requirements for the district in which they are located.
- e) The facility shall meet all building and fire codes, as well as all applicable requirements, including any regulations adopted under authority of the G.S.
- f) There shall be a buffer strip meeting the specifications of article XV of the zoning ordinance along any property adjoining a residential use or district.
- g) No cooking facilities shall be allowed in the lodging units.
- h) Off-street parking meeting the requirements of section 6-5, above, shall be provided. Parking area(s) in or adjacent to residential use districts shall be screened by vegetation, fencing or walls so that vehicles are not visible from the street or from adjacent properties. The applicant shall submit a site plan which shall indicate where the parking is to be located and the manner in which it is to be screened.

**16-4-67 Bus stations.**

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**16-4-78 Cemeteries.**

- a) Tombstones, crypts, monuments, mausoleums, and other structures associated with cemeteries must be located at least 25 feet from any side or rear lot line which adjoins lots in a residential district and at least ten feet from any side or rear lot line which adjoins lots in nonresidential districts. In any case, they must be at least 40 feet from any street right-of-way.
- b) Buildings for the maintenance, management, rent and/or sale of cemetery lots must be located at least 100 feet from any lot lines which adjoin lots in any residential district. Otherwise any such buildings must conform to the requirements for principal uses in the district where they are located.
- c) Crematory services may be provided for human corpses as an accessory use within cemeteries situated on a site containing at least 30 acres, subject to the following special requirements:
  - 1) All applicable local, state, and federal laws and regulations shall be complied with.
  - 2) The crematory shall be enclosed within a building meeting Building and Fire Code requirements.
  - 3) The placement of crematory facilities within property in any residential district shall be 100 feet or more from any exterior property line.

**16-4-89 Child care centers.**

- a) Play space must be provided in accordance with the regulations of the NC Department of Health and Human Services (DHSS). Any required outdoor play space must be fenced or otherwise enclosed on all sides and may not include driveways, parking areas or land otherwise unsuited for children's play space and may not be in the required setback.
- b) Setback, yard and height requirements will be the minimum required for the district in which it is located.
- c) Parking shall be provided as specified in section 6-5.
- d) No outdoor play shall be permitted after sundown.

**16-4-910 Civic clubs and fraternal organizations.**

- a) All buildings, off-street parking and service areas will be separated by a buffer meeting the requirements of article XV from any abutting residential use or residential district.
- b) The use will be located on a lot that fronts a minor or major thoroughfare and primary vehicular access will be provided by means of such minor or major thoroughfare.

**16-4-1011 Congregate care facilities.**

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**16-4-12 Convenience stores with or without gasoline sales**

- a) If located adjacent to a single-family or two-family residential use, setbacks along adjacent side and/or rear property lines will be increased by an additional 10'

**16-4-1113 Cultural arts buildings.**

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**16-4-1214 Day center.**

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**16-4-1315 Food pantries.**

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**16-4-1416 Golf driving ranges.**

- a) Lighting, if any, shall be designed and installed so that it is directed away from the roadway and adjacent residentially-zoned or used properties and does not interfere with the safe use of public rights-of-way.
- b) Adequate assurance shall be provided, by means of separation, fencing or other means, that the operation of such facility shall not constitute a danger to person or property.
- c) Total signage on the property shall not exceed 32 square feet. One freestanding sign may be installed provided it does not exceed eight feet in height. Signs shall not be illuminated except by means of one light bulb per sign face not exceeding 150 watts.

**16-4-17 Laundries, coin-operated**

- a) If located adjacent to a single-family or two-family residential use, setbacks along adjacent side and/or rear property lines will be increased by an additional 10'

**16-4-~~15~~18 Microbreweries, micro-distilleries, micro-cideries, and micro-wineries.**

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**16-4-~~16~~19 Mini-warehouses.**

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**16-4-~~17~~20 Mobile food vendor.**

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**16-4-~~18~~21 Nursing homes.**

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**16-4-~~19~~22 Pet-sitting.**

- a) No person other than members of the family residing on the premises shall be engaged in pet-sitting.
- b) There shall be no change in the outside appearance of the building or premises, or other visible evidence of pet-sitting other than one sign, not exceeding four square feet in area, non-illuminated.
- c) At no time are animals permitted to be outdoors unsupervised.
- d) No more than six animals total may be boarded for a fee at one time.
- e) All animals must be over the age of six months.
- f) No outdoor storage of materials or equipment or outdoor facilities, accessory structures, outdoor kennels, or similar devices are permitted in connection with pet-sitting.
- g) Animals boarded are restricted to domestic dogs and/or cats.
- h) Facilities shall be kept clean, sanitary, and free from accumulations of animal waste.
- i) Pet-sitting facilities are subject to all applicable city ordinances including, but not limited to, the noise control ordinance.
- j) Facilities shall be operated in compliance with regulation adopted pursuant to the Animal Welfare Act, G.S. 19A-20, et seq., as it may be amended from time to time.
- k) No pet-sitting facility shall be operated without all necessary licensure, certification or other form of permission from the state and any other governmental agency with jurisdiction over its operation. Loss of such permission shall be grounds for revocation of any conditional use or zoning compliance permit authorizing pet-sitting.

**~~16-4-20 Reserved.~~****16-4-~~21~~23 Progressive care facilities.**

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**16-4-~~22~~24 Public utility facilities.**

- a) Lots must conform to minimum setback and yard requirements of the district in which they are located. Unstaffed utility structures with internal floor space of less than 600 square feet are exempted from the minimum lot size requirement.
- b) Electric and gas substations and sewage treatment plants will be separated by a ten-foot B type buffer meeting the specifications of article XV from the street and any abutting residential use or any property located in a residential zoning district.
- c) Control houses, pump and lift stations, and other similar uses shall be screened from the street and any abutting residential use or any property located in a residential zoning district.
- d) A fence not easily climbable or comparable safety devices must be installed and maintained in order to deter access to the facility.
- e) The design of buildings, structures and facilities on a site should conform as closely as possible to the character of the area or neighborhood.
- f) The facility's lighting shall be shielded to prevent light and glare spill-over on to any adjacent residential properties, if such exist.
- g) The board of adjustment may give relief from these requirements so long as public safety and neighborhood compatibility are protected, if strict adherence would constitute a hardship or is unnecessary.

**16-4-~~23~~25 Residential care facilities.**

- a) The facility shall be situated in an existing residential structure. This structure may be expanded or altered so long as the facility remains residential in scale and appearance.
- b) One off-street parking space shall be provided for each six beds in the facility. Such off-street parking shall be screened so that it is not readily visible from the street or from adjoining residential uses.
- c) The facility may have one sign not exceeding four square feet in area. Such sign shall not be illuminated.
- d) The facility shall not exceed two stories in height.
- e) The facility shall propose, install and maintain landscaping which will assist in giving it a residential appearance.
- f) The facility shall propose, develop and maintain common open space for the use of its residents, which shall amount to not less than 15 percent of the site.
- g) Lighting for the facility shall be designed and installed so that it is directed away from the roadway and any adjacent properties.
- h) Density for residential care facilities shall not exceed 26 persons per acre.
- i) No traffic shall be generated by such facility in greater volumes than would normally be expected in a residential neighborhood.

**16-4-~~24~~26 Residential dwellings, multi-family.**

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**16-4-27 Residential dwellings, small-scale multi-family.**

a) For the purposes of these standards, small-scale multi-family shall include all developments not subject to the N.C. Residential Code for One- and Two-Family Dwellings including triplexes, quadplexes, and other small apartment buildings. Any of the architectural design standards below may be implemented voluntarily for single-family attached (townhomes) and multiple detached units on a single parcel (detached multi-family) constructed subject to N.C. Residential Code for One- and Two-Family Dwellings.

b) Maximum height for any structure shall be 42 feet.

c) Maximum footprint for any principal structure shall be 4,000 square feet.

d) All street-facing sides of a corner lot are considered fronts.

e) Building placement.

a. Buildings shall be situated as close to the minimum front setback as practicable.

b. Buildings shall be situated to provide off-street parking to the rear and/or side of the building(s).

c. Buildings shall be situated to protect and accentuate important mountain vistas and views of significant historic sites.

d. Buildings shall be situated to provide well-defined, street-facing entrance(s) with a connecting walkway with a direct, safe, pedestrian connection to the street.

i. For buildings on corner lots, an entrance may be placed at the corner, thereby eliminating the need for side entrances.

e. Buildings shall offset front-loading garages and carports, if provided, behind the front façade by a minimum of 10 feet.

i. Front-loading garages and carports shall be visually designed to form a secondary building volume.

ii. The width of an attached garage shall not exceed 50 percent of the total building façade.

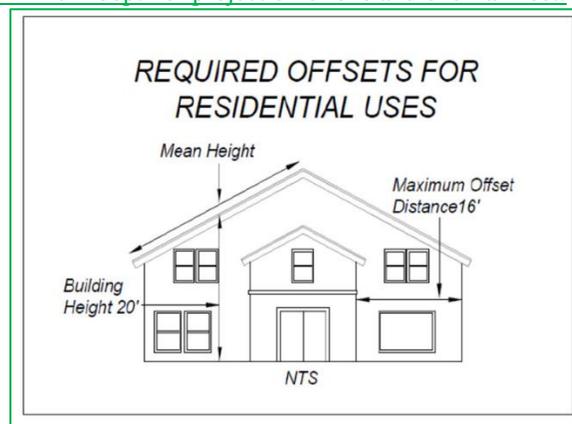
f. Canopies, awnings, cornices, balconies, front-facing covered porches and stoops and similar architectural accents are permitted to extend from the building up to five feet into a required minimum setback and/or required common open space.

f) Architectural design standards.

a. The following standards apply to all façades (front, rear and side) of buildings:

i. No wall shall exceed 16 feet in length without an offset. A building façade which is less than 16 feet in length shall not require an offset.

ii. Offsets shall have a minimum depth or projection of one and one-half feet.



iii. Each façade shall use fenestration and do so in a manner which is proportional to the overall scale of the building.

iv. All building façades shall contain at least two building materials which shall contrast in color and texture.

v. When multiple wall materials are combined on one façade, the designer is encouraged to place the heavier material(s) below.

vi. Building materials shall be used consistently on the exterior of the building. The following building materials are prohibited for exterior façade application:

1) Plain concrete block (with or without paint);

2) Reflective glass;

3) More than 50 percent glass on any façade;

4) Vinyl siding; and

5) Any other materials not customarily used in conventional construction.

vii. Exposed foundations shall consist of stone, stucco, brick or decorative block. If crawlspaces of porches are enclosed, they shall be enclosed with similar materials or lattice or any combination thereof.

viii. Windows. Windows shall either be (1) recessed a minimum of three inches from the façade, or (2) trimmed. If trim is used, it shall be a minimum of four inches (nominal) in width and shall project beyond the façade.

b. The following standards apply to all street-facing façades (fronts) of buildings:

i. Detailed design shall be provided by using at least two of the following architectural features on all elevations.

i. Dormers.

ii. Gables.

iii. Recessed entries.

iv. Cupolas or towers.

v. Pillars, columns or posts.

vi. Corbels.

vii. Bay windows.

viii. Balconies.

ix. Decorative patterns on exterior finish (e.g., scales/shingles, wainscoting, ornamentation).

x. Parapets/Decorative cornices and roof lines (required for buildings with flat roofs).

xi. Wood siding with two and one-half inch to four and one-half inch reveal.

c. Pitched roofs on residential buildings shall have a pitch between 5:12 and 12:12. Eaves (with a minimum

12-inch projection) shall be provided with a pitched roof.

d. Useable porches and/or stoops, at least eight feet in width and six feet in depth, shall be located on the front and/or side of the home. Porches and stoops may encroach into front setback up to five feet.

e. Accessory buildings with a floor area greater than 150 square feet shall be clad in materials similar in appearance to the principal structure and with similar roof pitch.

f. Walls and fences located in the front yard shall be no more than four feet above grade. The use of chain link fencing is prohibited in front yards. For corner lots, both street-facing sides shall be considered fronts. Rear yard and side yard fences are not subject to these standards.

g) On-street parking. On-street parking is encouraged for all local streets and thoroughfares.

a. On-street parking abutting the development parcel shall count toward meeting the off-street parking requirements for the district.

b. On-street parking may take the form of parallel or angle parking and shall be built according to city or state standards as applicable in order to count towards minimum parking requirements.

h) Off-street parking.

a. All off-street parking lots shall be provided at the side or rear of buildings or the interior of a block of buildings and not closer to the street than the edge profile of the structures.

b. Off-street parking shall not be adjacent to street intersections.

**16-4-~~25~~<sup>28</sup> Rest homes.**

\*\*\*

**16-4-~~26~~<sup>29</sup> Restaurants.**

a) The use must be located on, and have primary access from, a major or minor thoroughfare.

b) All outside storage areas including dumpsters must be:

1) Sited to the rear of the building;

2) In compliance with the setback requirements for the zoning district classification within which it is located;

and

3) Made unnoticeable from both residential adjacent properties and public rights-of-way through installation of screening meeting the specifications of article XV.

c) The use shall be limited to no more than 40 seats.

d) Permissible hours of operation shall be limited to the hours between 7:00 a.m. and 11:00 p.m.

**16-4-~~27~~30 Schools, primary and secondary.**

- a) The following standards shall be used to govern the establishment or development of new public and private schools:
- 1) No structure or parking shall be placed within 50 feet of a property line.
  - 2) Off-street parking meeting the requirements of section 6-5 shall be provided.
  - 3) The use will be on a lot which may be accessed by means of a collector, minor thoroughfare or major thoroughfare for elementary schools and junior high schools, and by means of a minor thoroughfare or major thoroughfare for senior high schools; provided, however, the board of adjustment may waive this requirement to accommodate a public need so long as traffic shall not be increased on residential streets to an unacceptable level.
- b) The foregoing standards shall serve as guidelines for the expansion or redevelopment of existing schools; however, the board of adjustment shall waive any such guidelines when their application would constitute a hardship.

**16-4-31 Service Stations**

- a) If located adjacent to a single-family or two-family residential use, setbacks along adjacent side and/or rear property lines will be increased by an additional 10'

**16-4-~~28~~32 Shelter facilities.****16-4-33 Small-scale manufacturing.**

- a) The front of the building at street level shall remain open and visible from the sidewalk with a view of the activities inside; and
- b) A showroom, display area, or sales area shall be provided.
- c) Outdoor storage of goods and materials shall not be permitted in zoning district classifications C-1, CMU, GHMU, HMU and CHMU.
- d) Outdoor storage of goods and materials shall not exceed 25 percent of the total footprint of all buildings on the property in zoning district classifications C-2 and C-3.
- e) Newly constructed shipping and receiving facilities shall be designed such that they are internal to the site, in service alleys or at the back of the building.
- f) Shipping and receiving needs shall not exceed the equivalent of one FHWA Class 8 truck per week.
- g) Reuse of an existing building shall not exceed 20,000 square feet of building floor space.
- h) New construction shall not exceed 10,000 square feet of building floor space.

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**16-4-~~29~~33 Telecommunications towers and antennas.**

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**16-4-~~29~~33.1 Application requirements**

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**16-4-~~29~~33.2 Standards for siting telecommunications antennas and wireless facilities**

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**16-4-~~29~~33.3 Basic standards for siting telecommunications tower**

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**16-4-~~29~~33.4 Additional standards for siting telecommunications towers pursuant to conditional zoning districts.**

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**16-4-~~29~~33.5 Annual report.**

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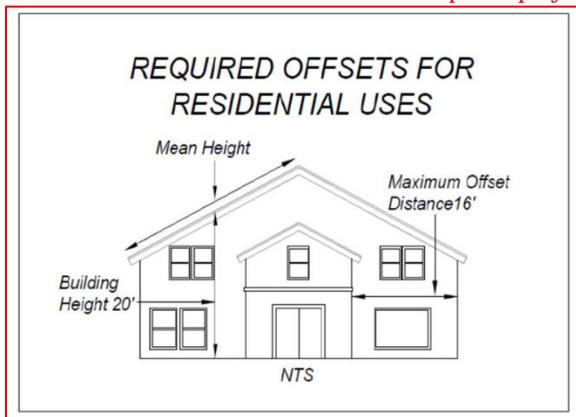
**16-4-~~29~~33.6 Violations.****~~16-4-30 Small-scale manufacturing.~~**

- a) ~~The front of the building at street level shall remain open and visible from the sidewalk with a view of the activities inside; and~~
- b) ~~A showroom, display area, or sales area shall be provided.~~
- c) ~~Outdoor storage of goods and materials shall not be permitted in zoning district classifications C-1, CMU, GHMU, HMU and CHMU.~~
- d) ~~Outdoor storage of goods and materials shall not exceed 25 percent of the total footprint of all buildings on the property in zoning district classifications C-2 and C-3.~~
- e) ~~Newly constructed shipping and receiving facilities shall be designed such that they are internal to the site, in service alleys or at the back of the building.~~
- f) ~~Shipping and receiving needs shall not exceed the equivalent of one FHWA Class 8 truck per week.~~
- g) ~~Reuse of an existing building shall not exceed 20,000 square feet of building floor space.~~
- h) ~~New construction shall not exceed 10,000 square feet of building floor space.~~

**16-4-31 Residential dwellings, small-scale multi-family.**

- a) ~~For the purposes of these standards, small-scale multi-family shall include all developments not subject to the N.C. Residential Code for One and Two Family Dwellings including triplexes, quadplexes, and other small apartment buildings. Any of the architectural design standards below may be implemented voluntarily for single-family attached (townhomes) and multiple detached units on a single parcel (detached multi-family) constructed subject to N.C. Residential Code for One and Two Family Dwellings.~~
- b) ~~Maximum height for any structure shall be 42 feet.~~
- c) ~~Maximum footprint for any principal structure shall be 4,000 square feet.~~
- d) ~~All street-facing sides of a corner lot are considered fronts.~~
- e) ~~Building placement.~~
- a. ~~Buildings shall be situated as close to the minimum front setback as practicable.~~

- b. ~~Buildings shall be situated to provide off-street parking to the rear and/or side of the building(s).~~
- c. ~~Buildings shall be situated to protect and accentuate important mountain vistas and views of significant historic sites.~~
- d. ~~Buildings shall be situated to provide well-defined, street-facing entrance(s) with a connecting walkway with a direct, safe, pedestrian connection to the street.~~
- i. ~~For buildings on corner lots, an entrance may be placed at the corner, thereby eliminating the need for side entrances.~~
- e. ~~Buildings shall offset front-loading garages and carports, if provided, behind the front façade by a minimum of 10 feet.~~
- i. ~~Front-loading garages and carports shall be visually designed to form a secondary building volume.~~
- ii. ~~The width of an attached garage shall not exceed 50 percent of the total building façade.~~
- f. ~~Canopies, awnings, cornices, balconies, front-facing covered porches and stoops and similar architectural accents are permitted to extend from the building up to five feet into a required minimum setback and/or required common open space.~~
- f) ~~Architectural design standards:~~
- a. ~~The following standards apply to all façades (front, rear and side) of buildings:~~
- i. ~~No wall shall exceed 16 feet in length without an offset. A building façade which is less than 16 feet in length shall not require an offset.~~
- ii. ~~Offsets shall have a minimum depth or projection of one and one-half feet.~~



- iii. ~~Each façade shall use fenestration and do so in a manner which is proportional to the overall scale of the building.~~
- iv. ~~All building façades shall contain at least two building materials which shall contrast in color and texture.~~
- v. ~~When multiple wall materials are combined on one façade, the designer is encouraged to place the heavier material(s) below.~~
- vi. ~~Building materials shall be used consistently on the exterior of the building. The following building materials are prohibited for exterior façade application:~~
- 1) ~~Plain concrete block (with or without paint);~~
  - 2) ~~Reflective glass;~~
  - 3) ~~More than 50 percent glass on any façade;~~
  - 4) ~~Vinyl siding; and~~
  - 5) ~~Any other materials not customarily used in conventional construction.~~
- vii. ~~Exposed foundations shall consist of stone, stucco, brick or decorative block. If crawlspaces of porches are enclosed, they shall be enclosed with similar materials or lattice or any combination thereof.~~
- viii. ~~Windows. Windows shall either be (1) recessed a minimum of three inches from the façade, or (2) trimmed. If trim is used, it shall be a minimum of four inches (nominal) in width and shall project beyond the façade.~~
- b. ~~The following standards apply to all street-facing façades (fronts) of buildings:~~
- i. ~~Detailed design shall be provided by using at least two of the following architectural features on all elevations:~~
- i. ~~Dormers.~~
  - ii. ~~Gables.~~
  - iii. ~~Recessed entries.~~
  - iv. ~~Cupolas or towers.~~
  - v. ~~Pillars, columns or posts.~~
  - vi. ~~Corbels.~~
  - vii. ~~Bay windows.~~
  - viii. ~~Balconies.~~
  - ix. ~~Decorative patterns on exterior finish (e.g., scales/shingles, wainscoting, ornamentation).~~
  - x. ~~Parapets/Decorative cornices and roof lines (required for buildings with flat roofs).~~
  - xi. ~~Wood siding with two and one-half inch to four and one-half inch reveal.~~
- e. ~~Pitched roofs on residential buildings shall have a pitch between 5:12 and 12:12. Eaves (with a minimum 12-inch projection) shall be provided with a pitched roof.~~
- d. ~~Useable porches and/or stoops, at least eight feet in width and six feet in depth, shall be located on the front and/or side of the home. Porches and stoops may encroach into front setback up to five feet.~~
- e. ~~Accessory buildings with a floor area greater than 150 square feet shall be clad in materials similar in appearance to the principal structure and with similar roof pitch.~~
- f. ~~Walls and fences located in the front yard shall be no more than four feet above grade. The use of chain link fencing is prohibited in front yards. For corner lots, both street-facing sides shall be considered fronts. Rear yard and side yard fences are not subject to these standards.~~
- g) ~~On-street parking. On-street parking is encouraged for all local streets and thoroughfares.~~
- a. ~~On-street parking abutting the development parcel shall count toward meeting the off-street parking~~

~~requirements for the district.~~

~~b. On street parking may take the form of parallel or angle parking and shall be built according to city or state standards as applicable in order to count towards minimum parking requirements.~~

~~h) Off street parking.~~

~~a. All off street parking lots shall be provided at the side or rear of buildings or the interior of a block of buildings and not closer to the street than the edge profile of the structures.~~

~~b. Off street parking shall not be adjacent to street intersections.~~

Adopted by the City Council of the City of Hendersonville, North Carolina on this 4<sup>th</sup> day of December, 2025.

Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

## **E. Landmark Nomination–Ewbank-Whitmire House (25-03-LL) – Sam Hayes, Planner II**

Planner Sam Hayes gave a brief overview of the property.

### **The Ewbank-Whitmire House (201 Ewbank Drive)**

The subject property is a well-preserved 1924–25 Craftsman-style bungalow notable for its architectural integrity and original features, including roofline, windows, doors, porch columns, interior millwork, arched doorways, and built-in cabinetry. It was originally associated with the locally prominent Ewbank family and later became the home of Mayor Boyce Whitmire, who lived there from 1967 to 1989 and led significant city improvements, including the Main Street serpentine design and Spartanburg Highway construction. The property sits at the corner of Ewbank Drive and Higate Road in the Druid Hills neighborhood, maintaining a historic setting with native plantings and locally quarried stone despite surrounding mid- to late-20th-century development. Its combination of historic associations and intact architectural character makes it a Local Landmark worthy of preservation.

### **Criteria for Landmarking:**

The Historic Preservation Commission Landmark Program seeks to honor properties with historic significance in the City of Hendersonville. Identifying these properties and ensuring that they meet at least one criteria below is an important way to showcase the historic significance of the subject property.

- A. Associated with events that have made a significant contribution to the broad patterns of our history; or
- B. That are associated with the lives of persons significant in our past; or
  - a. The Whitmire House is associated with Mayor Boyce Whitmire, who lived in the home during his tenure and oversaw significant city improvements, including the construction of Spartanburg Highway and the introduction of the serpentine design on Main Street.
- C. That embody the distinctive characteristic of a type, period, or method of construction, or that represent the works of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
  - a. The Whitmire House is an outstanding example of Craftsman-style architecture, a style that gained popularity in the early 20th century. The home retains many of its original Craftsman features, including a low-pitched roof, exposed rafter tails, and six-over-one windows.
- D. That have yielded, or may be likely to yield, information important in prehistory or history; or
  - a. Not Applicable
- E. Has significance to a particular community or communities in the City of Hendersonville.
  - a. Not Applicable

### **HPC Decision**

At its November 19th, 2025 meeting, the HPC voted (7-1) recommended for approval the landmark designation of the Ewbank-Whitmire House.

Conditions:

- The Name be changed to the Ewbank-Whitmire House.

# Landmark Nomination – Whitmire House

(25-03-LL)

City of Hendersonville City Council  
December 4<sup>th</sup>, 2025

## LEGISLATIVE HEARING

Community Development | Planning Division

Sam Hayes | Planner II



A owner initiated designation.

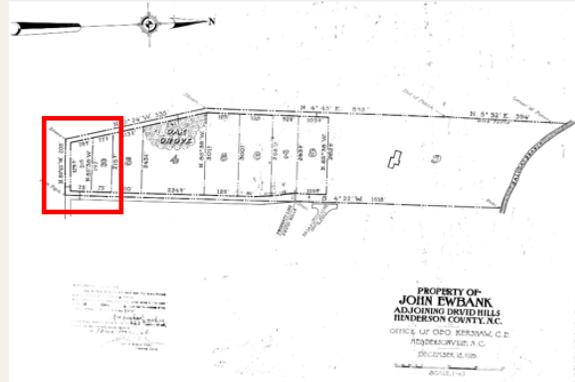


Period of significance?



# History of Subject Property

- +Platted in 1925
- +Various owners - most notably, Mayor Boyce Whitmire from 1969-1989



# Site Plan



# Architectural Significance of the Property



Pointing out some of the architectural details:

- low-pitched hipped roof
- Brick façade was likely a later alteration
- Box brick piers support tapered wood columns with decorative moldings

# Architectural Significance of Property



# Architectural Significance of the Property



# Architectural Significance of the Property



A cut stone wall running along the front boundary of the property.

## Proximity to Pre-WWII Historic Structures



## Significance Analysis

- + Associated with events that have made a significant contribution to the broad patterns of our history; or
- + That are associated with the lives of persons significant in our past; or
  - + The Whitmire House is associated with Mayor Boyce Whitmire, who lived in the home during his tenure and oversaw significant city improvements, including the construction of Spartanburg Highway and the introduction of the serpentine design on Main Street.
- + That embody the distinctive characteristic of a type, period, or method of construction, or that represent the works of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
  - + The Whitmire House is an outstanding example of Craftsman-style architecture, a style that gained popularity in the early 20th century. The home retains many of its original Craftsman features, including a low-pitched roof, exposed rafter tails, and six-over-one windows.
- + That have yielded, or may be likely to yield, information important in prehistory or history; or
  - + Not Applicable
- + Has significance to a particular community or communities in the City of Hendersonville.
  - + Not Applicable

The public hearing was opened at 7:01 p.m.

Matt Manley said he recognizes the unique position I'm in as an applicant and appreciate how all of this has been handled and am here for any questions.

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

***Council Member Lyndsey Simpson moved that City Council approve the adoption of an ordinance designating the Ewbank-Whitmire House (PIN 9569-24-7137) as a local historic landmark. A unanimous vote of the Council followed. Motion carried.***

**Ordinance #O-25-64**

### **AN ORDINANCE DESIGNATING PROPERTY KNOWN AS THE EWANK WHITMIRE HOUSE (PIN 9569-24-7137) AS A LOCAL HISTORIC LANDMARK**

Re: Local Historic Landmark Designation  
Property Owners: Matthew and Molly Manley  
File No: 25-03-LL

WHEREAS, pursuant to N.C. General Statutes Sections. 160D-942 and Chapter 28 of the Code of Ordinances of the City of Hendersonville, the City has the authority for designation of a local historic landmark; and

WHEREAS, Henderson County Tax Records for Parcels # 9569-24-7137, located at 201 Ewbank Drive and known as the Ewbank-Whitmire House, lists Matthew and Molly Manley as the property owners; and

WHEREAS, The property owners have caused to be made an investigation and report on the historic, architectural, and cultural significance of the buildings and property proposed for designation located at 201 Ewbank Drive; and

WHEREAS, the North Carolina Department of Cultural Resources has reviewed and commented on the proposed designation; and

WHEREAS, a public hearing on the designation of the Ewbank-Whitmire House was held by the Hendersonville Historic Preservation Commission on November 19<sup>th</sup>, 2025 and the following findings were made:

- a. The home was constructed between 1924-1925.
- b. The home is architecturally significant due to its craftsman style elements.
- c. The home is locally significant because it was the home of Mayor Boyce C. Whitmire during his tenure as Mayor.

WHEREAS, a public hearing on the designation of the Ewbank-Whitmire House as a local historic landmark was held by the City of Hendersonville City Council on December 4<sup>th</sup>, 2025 and approved an ordinance designating the 0.66 acre site of the Ewbank-Whitmire House, being a portion of PIN 9569-24-7137, as a Local Landmark.

WHEREAS, the Hendersonville City Council has taken into full consideration all statements and information presented at its public hearing on December 4<sup>th</sup>, 2025, and considered the recommendation of the Hendersonville Historic Preservation Commission after its public hearing held on November 19<sup>th</sup>, 2025, on the question of designating the property known as the Ewbank-Whitmire House, being a portion of PIN 9569-24-7137, as a local historic landmark.

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

Section 1. The findings set out above are hereby amending the adoption, and the property known as the Ewbank-Whitmire House, located at 201 Ewbank Drive, and more particularly described in Exhibit A, attached hereto and incorporated herein by this reference, is hereby designated as a local historic landmark pursuant to Part 942 Chapter 160D of the North Carolina General Statutes and Section 28 of the Code of Ordinances of the City of Hendersonville, and is subject to the conditions and restrictions set forth therein and below:

- a. The main structure and associated outbuilding, and all of the below described acreage described in Exhibit A, shall not be demolished, materially altered, restored, or removed, nor any new structure built upon the lot without a Certificate of Appropriateness issued by the Hendersonville Historic Preservation Commission.
- b. The Certificate of Appropriateness shall reference the Historic Preservation Commission Residential Design Guidelines.
- c. Any application for demolition of the home or the outbuilding shall require the waiting period set forth in Part 942 of Chapter 160D of the North Carolina General Statutes.

Section 2. If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 3. All ordinances and clauses of ordinances in conflict herewith be and are hereby repealed, to the extent of such conflict.

Section 4. This ordinance shall be in full force and effect on the date of adoption.

Section 5. Violation of this ordinance shall be subject to the remedies set forth in Section 1-6 of the City Code, in addition to other remedies provided by law.

Adopted by the City Council at a meeting held on the 4<sup>th</sup> day of December, 2025.

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

## **F. Landmark Nomination–The Waverly (25-04-LL) – Sam Hayes, Planner II**

Planner Sam Hayes gave a brief overview of the property.

### **The Waverly (783 N Main Street)**

The Waverly (HN0053) is proposed for designation as a Historic Landmark due to its architectural significance as a prime example of the Victorian, Queen Anne, and Eastlake style and its significance as

part of Hendersonville's early tourism industry. The Waverly retains many of its original features, including its double hung one over one windows, original siding, porch detailing, and front door. The Inn was constructed in 1889 to capitalize on the tourism industry in Hendersonville brought on by the railroad which came to Hendersonville ten years earlier in 1879. The Inn suffered a fire in 1910 and was partially reconstructed, adding a third floor to what once was an attic space – the floorplan which remains to this day. The Inn is the longest continuously operating Inn in the City of Hendersonville.

### Criteria for Landmarking:

The Historic Preservation Commission Landmark Program seeks to honor properties with historic significance in the City of Hendersonville. Identifying these properties and ensuring that they meet at least one criteria below is an important way to showcase the historic significance of the subject property.

- F. Associated with events that have made a significant contribution to the broad patterns of our history; or
  - a. The Waverly is an exemplary early inn constructed to accommodate tourists traveling to Hendersonville. Tourism has long served as one of the city's foundational and continuing economic industries, and The Waverly played a significant role in supporting that development.
- G. That are associated with the lives of persons significant in our past; or
  - a. Not Applicable
- H. That embody the distinctive characteristic of a type, period, or method of construction, or that represent the works of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
  - a. The Waverly is a notable example of Victorian-era architecture displaying Queen Anne and Eastlake stylistic influences. It retains numerous original architectural features and materials with minimal alteration, contributing strongly to its architectural integrity.
- I. That have yielded, or may be likely to yield, information important in prehistory or history; or
  - a. Not Applicable
- J. Has significance to a particular community or communities in the City of Hendersonville.
  - a. The Waverly has served continuously as an inn for more than a century and remains a familiar landmark within the community, contributing to the identity and heritage of Hendersonville.

### HPC Recommendation:

At its November 19th, 2025, meeting, the HPC voted 8-0 to recommend for approval the landmark designation of the Waverly.

Conditions:

- Designate the interior stairs
- Include more information about the landscaping

# Landmark Nomination – The Waverly

(25-04-LL)

City of Hendersonville Historic City Council  
December 4<sup>th</sup>, 2025

## LEGISLATIVE HEARING

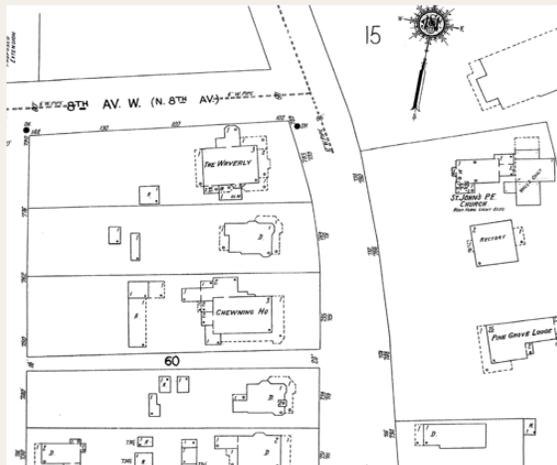
Community Development | Planning Division  
Sam Hayes | Planner II





## Historical Overview

- + Constructed in 1898
- + Full 3<sup>rd</sup> floor added after 1910 fire
- + Capitalized on the railroad coming to Hendersonville in 1879
- + The Inn is the longest continuously operating Inn in the City of Hendersonville



### Architectural Significance of the Property



5

Victorian era

- Queen Anne and Eastlake Style
- As mentioned before, the third story was added to the building after the 1910 fire
- Much of the detailing is original. Small alterations were made through the enclosing of the wraparound porch on either side to create more interior space

### Architectural Significance of the Property



6

Original entry door, door surround.

Stairs, which are included as the only interior feature in the designation, can be seen in the photo on the right.

### Architectural Significance of the Property



7

Here you can see the north elevation. The dining room stretches off the side of the building and there is a widow's walk (flat roof)

## Architectural Significance of the Property



Here you can see the southern elevation of the building. The first floor portion of the building is a ca. 1940 addition.

## Architectural Significance of the Property



Here you can see a rear garage on the building. According to Sanborn maps, this appears to date from the 1920s.

## Significance Analysis

- + Associated with events that have made a significant contribution to the broad patterns of our history; or
  - + The Waverly is an exemplary early inn constructed to accommodate tourists traveling to Hendersonville. Tourism has long served as one of the city's foundational and continuing economic industries, and The Waverly played a significant role in supporting that development.
- + That are associated with the lives of persons significant in our past; or
  - + Not Applicable
- + That embody the distinctive characteristic of a type, period, or method of construction, or that represent the works of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
  - + The Waverly is a notable example of Victorian-era architecture displaying Queen Anne and Eastlake stylistic influences. It retains numerous original architectural features and materials with minimal alteration, contributing strongly to its architectural integrity.
- + That have yielded, or may be likely to yield, information important in prehistory or history; or
  - + Not Applicable
- + Has significance to a particular community or communities in the City of Hendersonville.
  - + The Waverly has served continuously as an inn for more than a century and remains a familiar landmark within the community, contributing to the identity and heritage of Hendersonville.

The historic preservation commission had a public hearing to recommend approval on November 19<sup>th</sup>, 2025. They recommend approval unanimously.

The public hearing was opened at 7:08 p.m.

Ken Fitch spoke in favor of the landmark nomination.

The public hearing was closed at 7:12 p.m.

***Council Member Gina Baxter moved that City Council approve the adoption of an ordinance designating the Waverly (PIN 9568-79-5760) as a local historic landmark. A unanimous vote of the Council followed. Motion carried.***

**Ordinance #O-25-65**

**AN ORDINANCE DESIGNATING PROPERTY KNOWN AS THE WAVERLY  
(PIN 9568-79-5760) AS A LOCAL HISTORIC LANDMARK**

Re: Local Historic Landmark Designation  
Property Owner: 1898 Waverly, Inc.  
File No: 25-04-LL

WHEREAS, pursuant to N.C. General Statutes Sections. 160D-942 and Chapter 28 of the Code of Ordinances of the City of Hendersonville, the City has the authority for designation of a local historic landmark; and

WHEREAS, Henderson County Tax Records for Parcels # 9568-79-5760, located at 783 N Main Street and known as The Waverly, lists 1898 Waverly, Inc., a North Carolina corporation, as the property owner; and

WHEREAS, The property owner has caused to be made an investigation and report on the historic, architectural, and cultural significance of the buildings and property proposed for designation located at 783 N Main Street; and

WHEREAS, the North Carolina Department of Cultural Resources has reviewed and commented on the proposed designation; and

WHEREAS, a public hearing on the designation of The Waverly as a local historic landmark was held by the Hendersonville Historic Preservation Commission on November 19<sup>th</sup>, 2025 and the following findings were made:

- a. The building was constructed in 1898 and rebuilt after a 1910 fire.
- b. The Waverly is listed to the National Register of Historic Places as a historic landmark.
- c. The Waverly is architecturally significant as a well preserved example of Queen Anne and East Lake style architecture.

WHEREAS, a public hearing on the designation of The Waverly as a local historic landmark was held by the City of Hendersonville City Council on December 4<sup>th</sup>, 2025 and approved an ordinance designating the .34 Acre site of The Waverly as a Local Landmark; and

WHEREAS, the Hendersonville City Council has taken into full consideration all statements and information presented at its public hearing on December 4<sup>th</sup>, 2025, and considered the recommendation of the Hendersonville Historic Preservation Commission after its public hearing held on November 19<sup>th</sup>, 2025, on the question of designating the property known as The Waverly (PIN 9568-79-5760) as a local historic landmark.

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

Section 1. The findings set out above are hereby amending the adoption, and all of the property known as The Waverly and located at and adjacent to 783 N Main Street, and further described in Exhibit A, attached hereto and incorporated herein by this reference, is hereby designated as a local historic landmark pursuant to Part 942 Chapter 160D of the North Carolina General Statutes and Section 28 of the Code of Ordinances of the City of Hendersonville, and is subject to the conditions and restrictions set forth therein and below:

- a. The main structure and associated outbuilding, and all of the historic acreage currently associated with the parcel (.34 acres), shall not be demolished, materially altered, restored, or removed, nor any new structure built upon the lot without a Certificate of Appropriateness issued by the Hendersonville Historic Preservation Commission.
- b. The Certificate of Appropriateness shall reference the Historic Preservation Commission Main Street Design Standards.
- c. Any application for demolition of the home or the outbuilding shall require the waiting period set forth in Part 942 of Chapter 160D of the North Carolina General Statutes.

Section 2. If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 3. All ordinances and clauses of ordinances in conflict herewith be and are hereby repealed, to the extent of such conflict.

Section 4. This ordinance shall be in full force and effect on the date of adoption.

Section 5. Violation of this ordinance shall be subject to the remedies set forth in Section 1-6 of the City Code, in addition to other remedies provided by law.

Adopted by the City Council at a meeting held on the 4<sup>th</sup> day of December, 2025.

Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

### **G. Landmark Nomination–McKeithan-Rogers House (25-05-LL) – Sam Hayes, Planner II**

Planner Sam Hayes gave a brief overview of the property.

## **McKeithan-Rogers House (Roberts House) (908 5<sup>th</sup> Avenue W)**

This two-story Colonial Revival home, constructed in 1909 for South Carolina State Senator D.T. McKeithan as a summer residence, is an excellent example of the style at the height of its popularity. The house retains many original architectural features, including German siding, one-over-one windows, and its original entry door with transom, while tasteful alterations—such as replacing paired porch columns with singles—remain compatible with the structure’s historic character. Its prominent location along 5th Avenue reflects Hendersonville’s early 20th-century development and the broader trend of southern visitors seeking refuge in North Carolina’s mountain communities.

### **Criteria for Landmarking:**

The Historic Preservation Commission Landmark Program seeks to honor properties with historic significance in the City of Hendersonville. Identifying these properties and ensuring that they meet at least one criteria below is an important way to showcase the historic significance of the subject property.

- A. Associated with events that have made a significant contribution to the broad patterns of our history; or
  - a. The McKeithan-Rogers House is associated with the early 20th-century trend of wealthy individuals constructing summer residences in Hendersonville. Many of these homes were built along 5th Avenue and expanded westward into Laurel Park.
- B. That are associated with the lives of persons significant in our past; or
  - a. The McKeithan-Rogers House is associated with prominent mill owner Charles E. Rogers, proprietor of the Rogers Hosiery Mill. While Hendersonville was not as heavily industrialized as some neighboring communities, textile mills played a vital role in the local economy throughout the 20th century, and Rogers was a notable contributor to that economic landscape.
- C. That embody the distinctive characteristic of a type, period, or method of construction, or that represent the works of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
  - a. The McKeithan-Rogers House is an excellent example of the Colonial Revival style, which was highly popular in the early 20th century as a means of celebrating and referencing America’s architectural past. Although the house has undergone minor alterations, it retains the majority of its original architectural detailing and historic character.
- D. That have yielded, or may be likely to yield, information important in prehistory or history; or
  - a. Not Applicable
- E. Has significance to a particular community or communities in the City of Hendersonville.
  - a. Not Applicable

### HPC Decision:

At its November 19<sup>th</sup>, 2025, meeting, the HPC voted 8-0 to recommend for approval the landmark designation of the McKeithan-Rogers House.

Conditions:

- Request that staff see if the applicant is willing to designate the servant stairs in addition to the main stairs.

**Landmark Nomination – The  
McKeithan-Rogers House (Roberts  
House)**  
(25-05-LL)

City of Hendersonville City Council  
December 4<sup>th</sup>, 2025

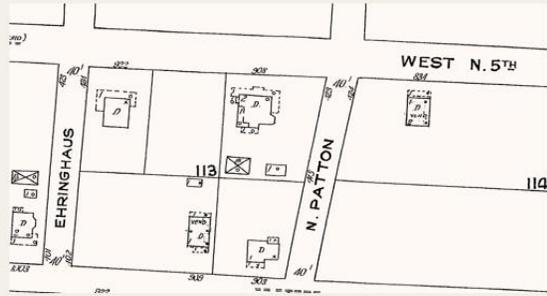
**LEGISLATIVE HEARING**

Community Development | Planning Division  
Sam Hayes | Planner II




# Historical Overview

- +Constructed in 1909
- +D.T. McKeithan used as a summer residence
- +Later sold to several prominent Hendersonville residents
- +Sold to Charles E. Rogers, owner of the Rogers Hosiery Mill



**GRANTED CHARTER**  
**RALEIGH, Sept. 10. (AP)**—Certificates of incorporation filed today in the office of Secretary of State Thad Eure included: Rogers Hosiery Mill, Incorporated, Hendersonville. To manufacture hosiery. Authorized capital stock \$50,000, subscribed stock \$1,200 by Harry L. Rogers, Verona Rogers and Charles E. Rogers, all of Hendersonville.

4

# Architectural Significance of the Property



5

Colonial revival style. This style was popular at the turn of the century and was seen as a way to keep the past alive during a period of rapid change in the United States. The home retains its original windows, siding, and general form.

There have been some changes. The original design had paired columns along the front porch. These were changed in 2001 to single columns, however, they fit with the colonial revival style.

# Architectural Significance of the Property



6

Original entry door, door surround. Stairs, which are included as the only interior feature in the designation, can be seen in the photo on the right.

## Architectural Significance of the Property



A rear one story garage from Ca. 1950 had a second floor added by the new owners.

## Architectural Significance of the Property



Another significant change was the turning of the sun room into a bedroom. Here you can see where vinyl windows were used. You can also see a slight alteration to the windows on this back area.

## Significance Analysis

- + Associated with events that have made a significant contribution to the broad patterns of our history; or
  - + The McKeithan-Rogers House is associated with the early 20th-century trend of wealthy individuals constructing summer residences in Hendersonville. Many of these homes were built along 5th Avenue and expanded westward into Laurel Park.
- + That are associated with the lives of persons significant in our past; or
  - + The McKeithan-Rogers House is associated with prominent mill owner Charles E. Rogers, proprietor of the Rogers Hosiery Mill. While Hendersonville was not as heavily industrialized as some neighboring communities, textile mills played a vital role in the local economy throughout the 20th century, and Rogers was a notable contributor to that economic landscape.
- + That embody the distinctive characteristic of a type, period, or method of construction, or that represent the works of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
  - + The McKeithan-Rogers House is an excellent example of the Colonial Revival style, which was highly popular in the early 20th century as a means of celebrating and referencing America's architectural past. Although the house has undergone minor alterations, it retains the majority of its original architectural detailing and historic character.
- + That have yielded, or may be likely to yield, information important in prehistory or history; or
  - + Not Applicable
- + Has significance to a particular community or communities in the City of Hendersonville.
  - + Not Applicable

The public hearing was opened at 7:17 p.m.

Ken Fitch spoke in favor of the landmark nomination.

The public hearing was closed at 7:21 p.m.

***Council Member Jennifer Hensley moved that City Council approve the adoption of an ordinance designating the McKeithan-Rogers House (PIN 9568-47-3913) as a local historic landmark. A unanimous vote of the Council followed. Motion carried.***

**Ordinance #O-25-66**

**AN ORDINANCE DESIGNATING PROPERTY KNOWN AS THE MCKEITHAN-ROGERS HOUSE (PIN 9568-47-3913) AS A LOCAL HISTORIC LANDMARK**

Re: Local Historic Landmark Designation  
Property Owners: Elizabeth Leigh Inn, LLC  
File No: 25-05-LL

WHEREAS, pursuant to N.C. General Statutes Sections. 160D-942 and Chapter 28 of the Code of Ordinances of the City of Hendersonville, the City has the authority for designation of a local historic landmark; and

WHEREAS, Henderson County Tax Records for Parcels # 9568-47-3913, located at 908 5<sup>TH</sup> Avenue W, and known as the McKeithan-Rogers House, lists Elizabeth Leigh Inn, LLC, a North Carolina limited liability company, as the property owners; and

WHEREAS, The property owners have caused to be made an investigation and report on the historic, architectural, and cultural significance of the buildings and property proposed for designation located at 908 5<sup>th</sup> Avenue W; and

WHEREAS, the North Carolina Department of Cultural Resources has reviewed and commented on the proposed designation; and

WHEREAS, a public hearing on the designation of the McKeithan-Rogers House as a local historic landmark was held by the Hendersonville Historic Preservation Commission on November 19<sup>th</sup>, 2025 and the following findings were made:

- a. The home was constructed in 1909.
- b. The McKeithan-Rogers House is a contributing structure in the West Side National Register of Historic Places historic district.
- c. The McKeithan-Rogers House is an excellent example of Colonial Revival architecture.

WHEREAS, a public hearing on the designation of the McKeithan-Rogers House as a local historic landmark was held by the City of Hendersonville City Council on December 4<sup>th</sup>, 2025 and approved an ordinance designating the .74 Acre site of the McKeithan-Rogers House as a Local Landmark.

WHEREAS, the Hendersonville City Council has taken into full consideration all statements and information presented at its public hearing on December 4<sup>th</sup>, 2025, and considered the recommendation of the Hendersonville Historic Preservation Commission after its public hearing held on November 19<sup>th</sup>, 2025, on the question of designating the property known as the McKeithan-Rogers House (PIN 9568-47-3913) as a local historic landmark.

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

Section 1. The findings set out above are hereby amending the adoption, and all of the property known as the McKeithan-Rogers House and located at and adjacent to 908 5<sup>th</sup> Avenue W, and further described in Exhibit A, attached hereto and incorporated herein by this reference, is hereby designated as a local historic landmark pursuant to Part 942 Chapter 160D of the North Carolina General Statutes and Section 28 of the Code of Ordinances of the City of Hendersonville, and is subject to the conditions and restrictions set forth therein and below:

- a. The main structure and associated outbuilding, and all of the historic acreage currently associated with the parcel (.74 acres), shall not be demolished, materially altered, restored, or removed, nor any new structure built upon the lot without a Certificate of Appropriateness issued by the Hendersonville Historic Preservation Commission.
- b. The Certificate of Appropriateness shall reference the Historic Preservation Commission Residential Design Standards.

c. Any application for demolition of the home or the outbuilding shall require the waiting period set forth in Part 942 of Chapter 160D of the North Carolina General Statutes.

Section 2. If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 3. All ordinances and clauses of ordinances in conflict herewith be and are hereby repealed, to the extent of such conflict.

Section 4. This ordinance shall be in full force and effect on the date of adoption.

Section 5. Violation of this ordinance shall be subject to the remedies set forth in Section 1-6 of the City Code, in addition to other remedies provided by law.

Adopted by the City Council at a meeting held on the 4<sup>th</sup> day of December, 2025.

Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

## **8. NEW BUSINESS**

### **A. Request by City Manager to Convert Diversity and Inclusion Committee to Citizens Advisory Committee – *John Connet, City Manager***

City Manager John Connet explained that the Diversity and Inclusion Committee has not met over the last twelve months. Staff have been exploring opportunities to modify the role of this committee and honor the original goal of the committee, which was open and transparent government for all citizens. Staff is proposing that the Diversity and Inclusion Committee be converted into a Citizens Advisory Committee that assists the City Council with customer service initiatives, public engagement, citizen complaint resolution and process improvements. If City Council agrees to this proposal, staff will begin development of a new charter and bylaws for the Citizens Advisory Committee.

Council Member Jennifer Hensley asked if staff could contact the current members and ask if they wish to be on this committee.

*Council Member Lyndsey Simpson moved that the City Council direct staff to begin the development of a Citizen Advisory Committee. A unanimous vote of the Council followed. Motion carried.*

### **B. Comprehensive Stormwater Master Plan Update – *Michael Huffman, Stormwater Director***

Stormwater Director Michael Huffman gave an update on the Comprehensive Stormwater Master Plan projects and funding strategies and presented the following PowerPoint presentation.



## Comprehensive Master Planning



Consistently evaluate watersheds across City to support stormwater programs goals

- Focus on infrastructure issues including lack of capacity and condition
- Reduce risk of localized flooding
- Enhance data to support future asset management and operations and maintenance



Develop processes that can be applied city wide



Prioritized capital improvement plan with cost estimates

## Project Identification and Prioritization

+ Projects were scored using a criticality-based system that considered both:

+ **Likelihood of Failure**

- + Asset age and condition
- + Known flooding and maintenance issues

+ **Consequence of Failure:**

- + Public safety risk
- + Impacts to public roads, utilities, and critical facilities
- + Private property flooding

+ This framework helps ensure the City invests where **benefits and risk-reduction are greatest**

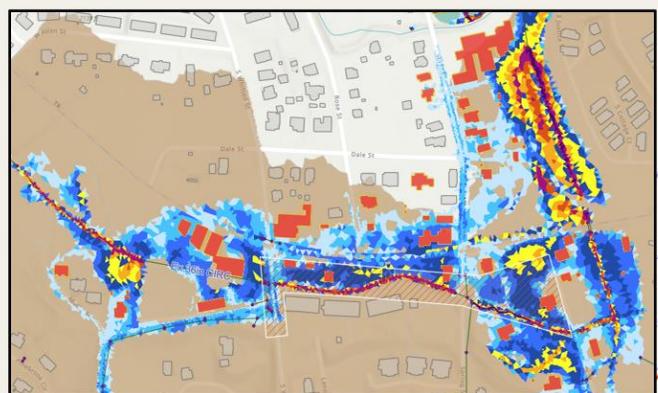
## System Modeling & Risk Analysis

+ Detailed hydraulic and hydrologic modeling to understand where the system is undersized or failing

- + Rainfall events modeled: 2-year to 100-year storms
- + 3.97" to 8.22" over 24 hours

+ Evaluated flood risk by calculating the

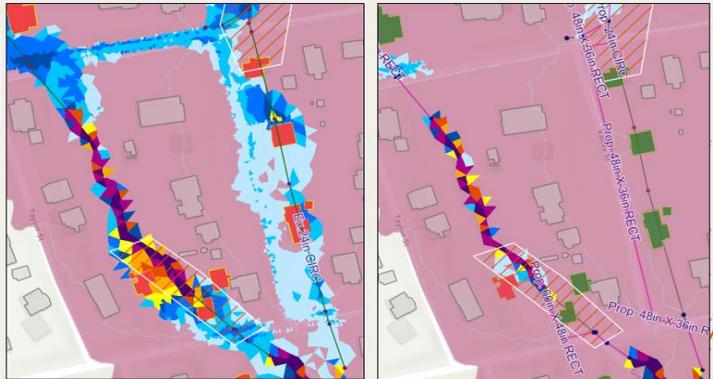
- + **Depth**
- + **Duration**
- + **Frequency**



## Capital Project Goals

Across all recommended projects, the consistent goals are

- Repair failing or undersized infrastructure.
- Reduce flood risk for public and private assets.
- Increase system Level of Service (10-year or better).
- Relocate failing private stormwater structures into the public right-of-way



# Capital Projects Viewer

## Identified Capital Projects

**Chronic localized flooding locations (not 100-yr floodplain)**

**Undersized culverts and pipes**

**Failing assets**

**Stream crossings requiring replacement or upsizing**

Project ID	Major Streets	Construction Cost Estimate	Total Project Cost
Wash-06-01	4th & 3rd Ave W and Valley St	\$2,356,000	\$3,453,000
Mud-01-02	Ashe St.	\$1,338,000	\$1,987,000
Wash-06-02	5th Ave W and Oak Hill Ct	\$788,000	\$1,195,000
Wash-02-01	1st Ave W	\$516,000	\$868,000
Wash-03-00	Lenox Park Dr and W Pine St	\$1,904,000	\$2,802,000
Wash-05-00	5th, 4th, and 3rd Ave W	\$1,901,000	\$2,797,000
Wash-01-00	W Barnwell St	\$281,000	\$465,000
Wash-02-02	Buncombe St, 4th Ave W, 3rd Ave W	\$3,442,000	\$5,016,000
Wash-04-00	4th Ave W and 5th Ave W	\$200,000	\$348,000
Mud-01-03	Lynn St, Maple St, 8th Ave, Patton St	\$876,000	\$1,322,000
Mud-04-00	Spartanburg Hwy	\$676,000	\$1,034,000
Mud-01-01	N Church St, Bearcat Blvd, and N King St	\$2,421,000	\$3,546,000
Mud-03-00	2nd Ave E, 1st Ave E, and N Grove St	\$1,174,000	\$1,751,000
Mud-02-00	N Grove St, 5th Ave E, 4th Ave E	\$2,697,000	\$3,944,000
Wash-07-00	4th Ave W	\$556,000	\$861,000
<b>Total Estimated Budget</b>			<b>\$31,389,000</b>

## Debt Funding Evaluation

+ Discussion with First Tryon (FTA) financial advisors.

+ **Pay-go (cash):**

+ Not feasible at this scale without significant rate shocks.

+ **Installment Financing:**

+ Less available debt capacity.

+ Pledges **assets** as security, less favorable interest rates.



+ **Revenue Bond:**

+ More available debt capacity (\$10m+).

+ Pledges **rates** as security, more favorable interest rates.



+ **Special Obligation Bond**

We are focused on the most financially stable and predictable path, given the size of the identified \$31.4 million need.

# Debt Funding Evaluation

**UNC SOG: Bond Covenants**

- **Rate covenant**
  - Times coverage ratio of 1.2 to 1.5 percent of annual net income to annual debt service
- **Debt service reserve**
  - Either maximum annual debt service or average annual debt service
  - Typically held by trustee

+ Revenue Bond:

+ General Trust Indenture.

- + Creation of **"covenants"**, legal requirements for financial metrics.
- + Need to continually **build fund balance/manage rates** to meet covenants.
- + Potentially add stormwater to W&S General Trust Indenture - **researching**.

+ Earliest possible borrowing = **May / June 2027 (FY27)**.

+ Projected borrowing capacity **~\$7 million**.

+ We've **prepared** by raising rates **\$1 / year**.

# Debt Funding Evaluation

+ Coincidentally, the **4 highest priority projects cost ~\$7.5m** (estimate).

Phase 01 Wash Creek Stormwater - W06				Phase 02 Mud Creek Stormwater - M01				Phase 02 Wash Creek Stormwater - W06				Wash Creek Stormwater - W02-01			
Principal	Interest	Debt Svc	Balance	Principal	Interest	Debt Svc	Balance	Principal	Interest	Debt Svc	Balance	Principal	Interest	Debt Svc	Balance
3,453,000	2,254,190	5,707,190	-	1,987,000	1,297,155	3,284,155	-	1,195,000	780,121	1,975,121	-	868,000	566,648	1,434,648	-
-	-	-	3,453,000	-	-	-	1,987,000	-	-	-	1,195,000	-	-	-	868,000
100,624	184,736	285,359	3,352,376	57,903	106,305	164,208	1,929,097	34,824	63,933	98,756	1,160,176	25,294	46,438	71,732	842,706
106,007	179,352	285,359	3,246,369	61,001	103,207	164,208	1,868,096	36,687	62,069	98,756	1,123,490	26,648	45,085	71,732	816,058
111,679	173,681	285,359	3,134,690	64,265	99,943	164,208	1,803,831	38,649	60,107	98,756	1,084,841	28,073	43,659	71,732	787,985
117,654	167,706	285,359	3,017,036	67,703	96,505	164,208	1,736,128	40,717	58,039	98,756	1,044,123	29,575	42,157	71,732	758,409
123,948	161,411	285,359	2,893,088	71,325	92,883	164,208	1,664,803	42,895	55,861	98,756	1,001,228	31,158	40,575	71,732	727,252
130,579	154,780	285,359	2,762,509	75,141	89,067	164,208	1,589,663	45,190	53,566	98,756	956,038	32,824	38,908	71,732	694,427
137,565	147,794	285,359	2,624,944	79,161	85,047	164,208	1,510,502	47,608	51,148	98,756	908,430	34,581	37,152	71,732	659,847
144,925	140,434	285,359	2,480,019	83,396	80,812	164,208	1,427,106	50,155	48,601	98,756	858,275	36,431	35,302	71,732	623,416
152,678	132,681	285,359	2,327,340	87,858	76,350	164,208	1,339,249	52,838	45,918	98,756	805,436	38,380	33,353	71,732	585,037
160,847	124,513	285,359	2,166,493	92,558	71,650	164,208	1,246,691	55,665	43,091	98,756	749,771	40,433	31,299	71,732	544,604
169,452	115,907	285,359	1,997,041	97,510	66,698	164,208	1,149,181	58,643	40,113	98,756	691,128	42,596	29,136	71,732	502,008
178,518	106,842	285,359	1,818,524	102,727	61,481	164,208	1,046,454	61,781	36,975	98,756	629,347	44,875	26,857	71,732	457,132
188,068	97,291	285,359	1,630,455	108,222	55,985	164,208	938,232	65,086	33,670	98,756	564,261	47,276	24,457	71,732	409,857
198,130	87,229	285,359	1,432,325	114,012	50,195	164,208	824,219	68,568	30,188	98,756	495,693	49,805	21,927	71,732	360,052
208,730	76,629	285,359	1,223,595	120,112	44,096	164,208	704,107	72,236	26,520	98,756	423,457	52,470	19,263	71,732	307,582
219,897	65,462	285,359	1,003,698	126,538	37,670	164,208	577,569	76,101	22,655	98,756	347,356	55,277	16,456	71,732	252,305
231,662	53,698	285,359	772,036	133,308	30,900	164,208	444,262	80,173	18,584	98,756	267,183	58,234	13,498	71,732	194,071
244,056	41,304	285,359	527,981	140,440	23,768	164,208	303,822	84,462	14,294	98,756	182,721	61,350	10,383	71,732	132,721
257,113	28,247	285,359	270,868	147,953	16,254	164,208	155,869	88,980	9,776	98,756	93,741	64,632	7,101	71,732	68,090
270,868	14,491	285,359	-	155,869	8,339	164,208	-	93,741	5,015	98,756	-	68,090	3,643	71,732	-

# Debt Funding Evaluation

+ Funding the **top 4** projects with **FY27 debt issuance** results in annual debt service payments of **~\$620k**.

+ Debt service payments **start in FY28, ending in FY47**.

+ Assumed Borrowing Criteria:

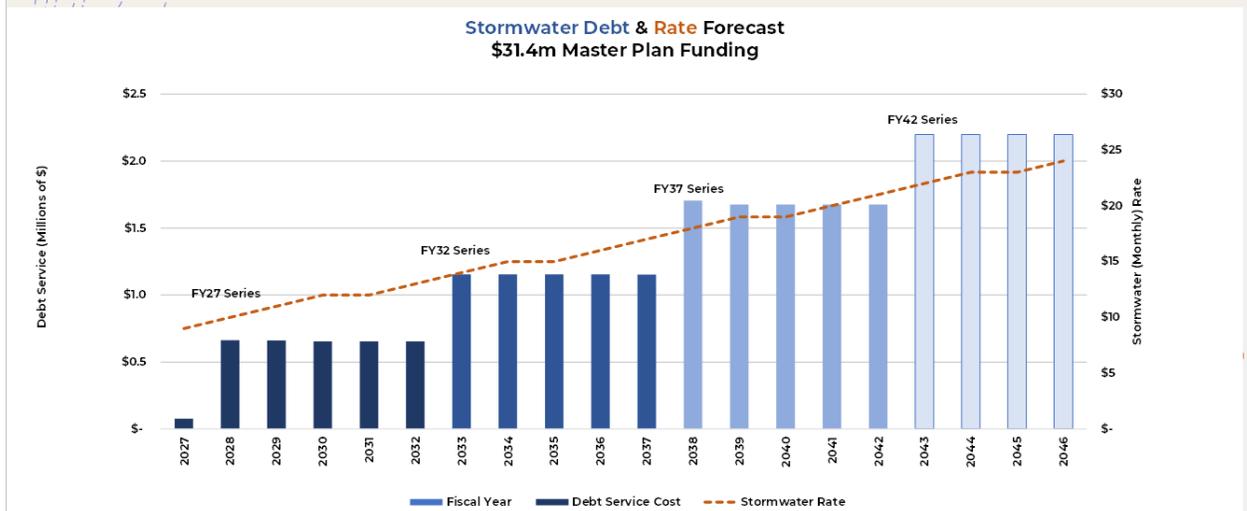
- + **Term** = 20-years.
- + **Rate** = 5.35% (LGC's "Safe Harbor" rate).
- + **Structure** = Level Debt Service.

Total Proposed Debt Service			
Principal	Interest	Debt Service	Balance
7,503,000	4,898,113	12,401,113	-
-	-	-	7,503,000
218,645	401,411	620,056	7,284,355
230,343	389,713	620,056	7,054,012
242,666	377,390	620,056	6,811,346
255,649	364,407	620,056	6,555,697
269,326	350,730	620,056	6,286,372
283,735	336,321	620,056	6,002,637
298,915	321,141	620,056	5,703,722
314,907	305,149	620,056	5,388,816
331,754	288,302	620,056	5,057,062
349,503	270,553	620,056	4,707,559
368,201	251,854	620,056	4,339,358
387,900	232,156	620,056	3,951,458
408,653	211,403	620,056	3,542,805
430,516	189,540	620,056	3,112,289
453,548	166,507	620,056	2,658,741
477,813	142,243	620,056	2,180,928
503,376	116,680	620,056	1,677,552
530,307	89,749	620,056	1,147,245
558,678	61,378	620,056	588,567
588,567	31,488	620,056	-

## Debt Funding Evaluation

- + Staff evaluated capacity for debt issuances (**every 5 years**) to fully fund remaining projects; this approach **is not** recommended.
- + Issuing debt every 5 years for master plan projects places considerable **rate pressure on customers** and **limits capacity** to adjust for future personnel, operating, and small project needs.
- + For the lion's share of identified projects, we recommend pursuing **grant opportunities** and **Federal + State funding**.

## Debt Funding Evaluation



## Implementation Approach

A phased, piecemeal approach over the next five years is recommended, allowing the City to:

- o Address the most critical assets first
- o Maximize grant opportunities
- o Reduce direct burden on stormwater ratepayers
- o Match project timing with external funding cycles
- o Leverage staff and consultant capacity efficiently

# Recommended Funding Strategy

## Stormwater Utility Revenue

- Use available annual capital funds for design, permitting, and small-scale improvements
- Support local match requirements for grants.

## Leverage External Funding (Grants & State/Federal Programs)

- Hazard Mitigation Grant Program (HMGP)
- NC Emergency Management: Disaster Mitigation Fund (DMF)
- NC Flood Resiliency Blueprint

# Current External Funding Options

## Hazard Mitigation Grant Program

- Submitted Wash 06 Phases 1 & 2 and Wash 02 Phases 1 & 2 (~\$10M in projects)
- Directed to apply for Phased Project
- Currently working on preliminary design

## NCEM Disaster Mitigation Fund

- \$2M requested for SW Infrastructure Improvements

## NC Flood Blueprint

- Expected 2026-2027 funding cycle

### C. Helene Recovery Update – Brian Pahle, Deputy City Manager

Deputy City Manager Brian Pahle gave an update to the City Council on Helene recovery items.

## City of Hendersonville Helene Update

City Council Regular Meeting  
December 04, 2025



# HELENE

## Agenda

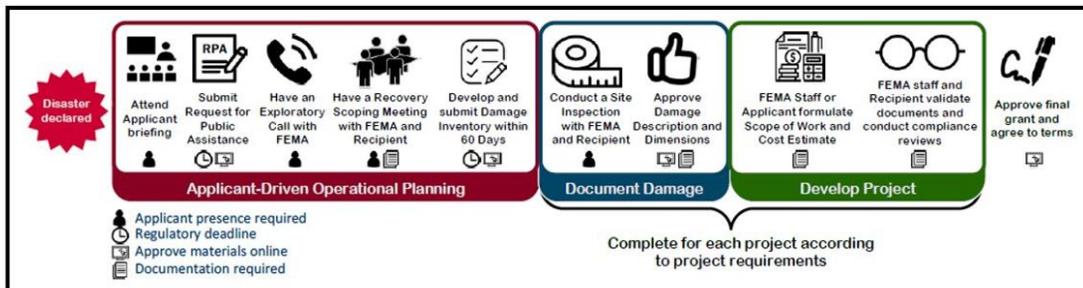
- **Financial Position Update**
- **FEMA PA Process Update**



## HELENE – FEMA PA

### Budget, Obligations, and Revenues

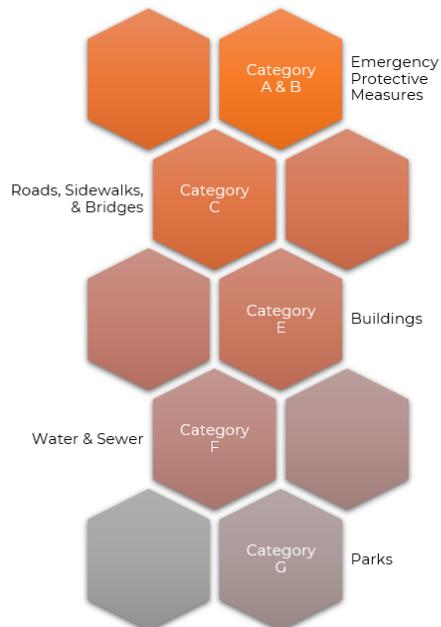
- Current Revised Budget = \$10,031,350      Projected Budget = ~\$160,000,000
- Current Actuals & Obligations = **\$9,187,927**      Non-Reimb. Actuals = \$288,074
- Current Revenues      **Current Net Surplus/(Deficit) = \$6,401,959**
  - FEMA = **\$1,578,317**
  - Insurance = **\$3,372,564**
  - Loans = \$10,639,005



## HELENE – FEMA PA

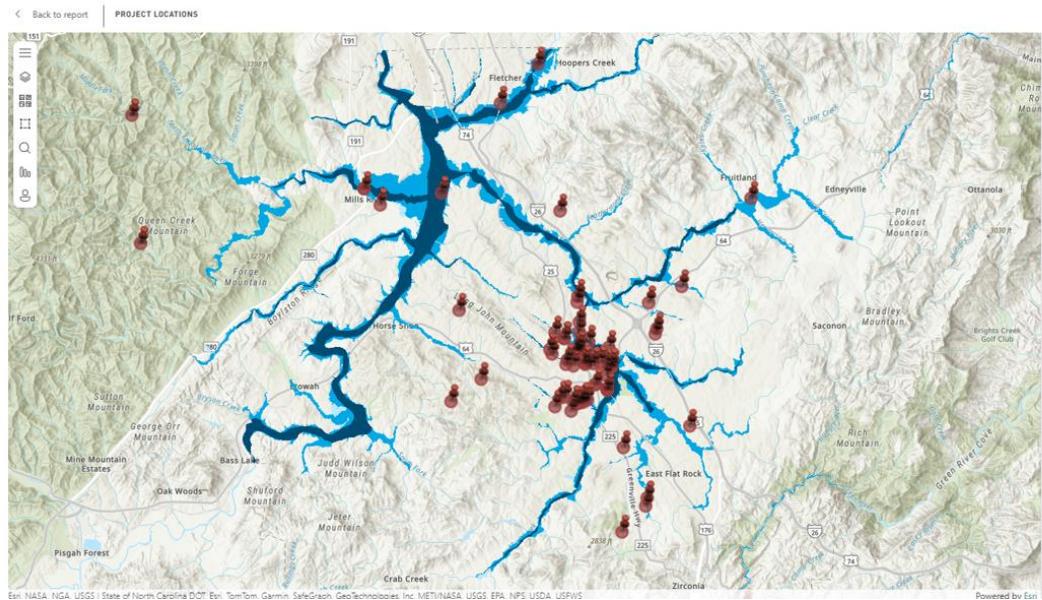
### Project Overview

- 89 Projects > 22 Unique FEMA Projects
  - **4 Obligated**
  - **1 Pending Obligation/Submission**
  - **10 FEMA Review**
  - **54 In Development**
  - **20 Withdrawn**
- > 75% of the Cost is in Water & Sewer
- 2 Large Parks Projects
- ~\$2.75m in Emergency Response



# HELENE – FEMA PA

## Project Overview



# HELENE – FEMA PA

## Emergency Protective Measures – Categories A & B

- Category A – Debris
  - 100% = \$571,403 – Obligated
  - 90% = \$55,839 – Obligated
- Category B – Force Account Labor & Equipment
  - 100% = \$924,443 – Obligated
- Category B – Temp. Repairs
  - 100% = \$170,165 – Pending Applicant Review
  - 90% = \$26,632 – Obligated
- Category B – Contracts
  - 100% = \$1,282,546 – Pending Application Completion



# HELENE – FEMA PA

## Fixed Cost Offers

Public Assistance Program and Policy Guide (PAPPG): A Fixed Cost Offer is an estimated and fixed amount of federal funding that an eligible applicant can accept for a project, rather than waiting for reimbursement based on final, actual eligible costs.

- **Wastewater Treatment Plant**
  - Expedited Design Underway; Letter of Intent Submitted; Justification and Cost Estimates Ready for Submission
- **Patton Park & Pool**
  - Concept Design Complete; Letter of Intent Submitted; Justification and Cost Estimates in Development
- **Whitmire Activity Center**
  - Concept Design Complete; Letter of Intent Submitted; Justification and Cost Estimates in Development

# HELENE – FEMA PA

## Small Projects

Public Assistance Program and Policy Guide (PAPPG): The PA program allows for simplified procedures on small projects to reduce the administrative burden on applicants and expedite the delivery of recovery funding. This means applicants may provide summary documentation and self-certify project eligibility.

- ~21 Small Projects Identified, Reviewed, and Submitted
  - Hung up on technical issue with grants portal

**OPINION OF PROBABLE COST**  
 PROJECT: 1110 3rd Ave W Culvert failure and sidewalk replacement.  
 PREPARED BY: Richard Shook, PE  
 REVIEWED BY:

ITEM	DESCRIPTION	EST. QUAN	UNIT	UNIT PRICE	TOTAL
1	Mobilization (3% Max)	1	LS	\$3,217.80	\$3,217.80
2	Traffic Control	1	LS	\$1,500.00	\$1,500.00
3	Construction Surveying	1	LS	\$5,000.00	\$5,000.00
4	Demolition - Debris Removal	150	CY	\$30.00	\$4,500.00
5	Demolition - Concrete Sidewalk & Curb	30	SY	\$20.00	\$600.00
6	Grading	1	LS	\$10,000.00	\$10,000.00
7	Stormwater - 48" CMP Culvert	20	LF	\$600.00	\$12,000.00
8	Stormwater - Concrete Headwall	1	EA	\$25,000.00	\$25,000.00
9	Stormwater - Compacted ABC Stone	10	TON	\$85.00	\$850.00
10	Roadway - Compacted Structural Fill	115	CY	\$110.00	\$12,650.00
11	Roadway - 4" Concrete Sidewalk	30	SY	\$75.00	\$2,250.00
12	Roadway - Curb and Gutter	50	LF	\$25.00	\$1,250.00
13	Roadway - 6" Concrete Drive Apron	6	SY	\$90.00	\$540.00
14	Roadway - Gravel Road Repair (6" ABC)	8	TN	\$65.00	\$520.00
15	Stabilization - Geotextile Fabric	200	SY	\$8.00	\$1,600.00
16	Stabilization - Compacted Structural Fill	100	CY	\$110.00	\$11,000.00
17	Stabilization - Stone Toe NCDOT Class B Riprap	60	CY	\$200.00	\$12,000.00
18	Stabilization - Riparian Seed, Straw, Live Stake	200	SY	\$30.00	\$6,000.00

**Construction Subtotal** \$110,477.80  
**Construction Contingencies (30%)** \$33,143.34  
**Design Costs (Engineering, Survey, Geotech, Permitting - Assume 15%)** \$21,543.17  
**Administration Costs (Legal, Acquisition - Assume 5%)** \$7,181.06  
**Total Estimated Project Cost (Rounded)** \$172,000.00

# HELENE – FEMA PA

**City of Hendersonville**  
 Engineering Department  
 305 Williams Street  
 Hendersonville, NC 28792

**OPINION OF PROBABLE COST**  
 PROJECT: 1110 3rd Ave W Culvert failure and sidewalk replacement.  
 PREPARED BY: Richard Shook, PE  
 REVIEWED BY:

Estimate For:  
 Preliminary Costs:  
 Design Costs:  
 Construction Costs:  
 Date: 1/16/2025

ITEM	DESCRIPTION	EST. QUAN	UNIT	UNIT PRICE	TOTAL
1	Mobilization (3% Max)	1	LS	\$3,217.80	\$3,217.80
2	Traffic Control	1	LS	\$1,500.00	\$1,500.00
3	Construction Surveying	1	LS	\$5,000.00	\$5,000.00
4	Demolition - Debris Removal	150	CY	\$30.00	\$4,500.00
5	Demolition - Concrete Sidewalk & Curb	30	SY	\$20.00	\$600.00
6	Grading	1	LS	\$10,000.00	\$10,000.00
7	Stormwater - 48" CMP Culvert	20	LF	\$600.00	\$12,000.00
8	Stormwater - Concrete Headwall	1	EA	\$25,000.00	\$25,000.00
9	Stormwater - Compacted ABC Stone	10	TON	\$85.00	\$850.00
10	Roadway - Compacted Structural Fill	115	CY	\$110.00	\$12,650.00
11	Roadway - 4" Concrete Sidewalk	30	SY	\$75.00	\$2,250.00
12	Roadway - Curb and Gutter	50	LF	\$25.00	\$1,250.00
13	Roadway - 6" Concrete Drive Apron	6	SY	\$90.00	\$540.00
14	Roadway - Gravel Road Repair (6" ABC)	8	TN	\$65.00	\$520.00
15	Stabilization - Geotextile Fabric	200	SY	\$8.00	\$1,600.00
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**Construction Subtotal** \$110,477.80  
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**Design Costs (Engineering, Survey, Geotech, Permitting - Assume 15%)** \$21,543.17  
**Administration Costs (Legal, Acquisition - Assume 5%)** \$7,181.06  
**Total Estimated Project Cost (Rounded)** \$172,000.00

Description:  
 A project to replace 50 LF of undermined sidewalk, replace a 48" cmp culvert and headwall that failed into the stream, repair 150 LF of streambank, and 100 LF of gravel road.

Annotations on map:  
 - Rebuild concrete driveway apron  
 - Repair concrete curb and gutter  
 - Remove and replace sidewalk, fill void with compacted structural fill  
 - Repair gravel rd  
 - Replace 20 LF of 48" CMP Culvert with concrete headwall  
 - Stabilize banks with natural methods, 3:1 slope with large stone toe, straw, riparian seed, willow live stakes

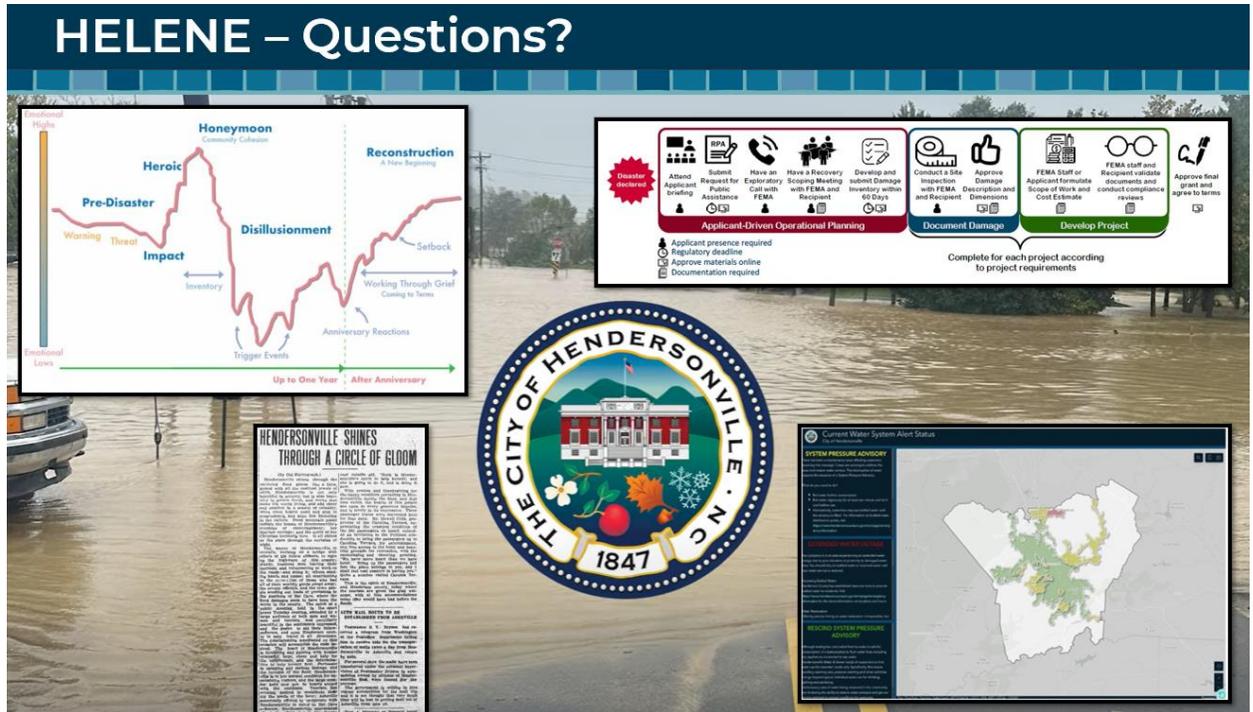
Basis for Quantities:  
 - 50 LF of sidewalk 4.5 ft wide  
 - 150 LF of gravel road  
 - 20 LF of failed 48" culvert

# HELENE – FEMA PA

## Other Projects

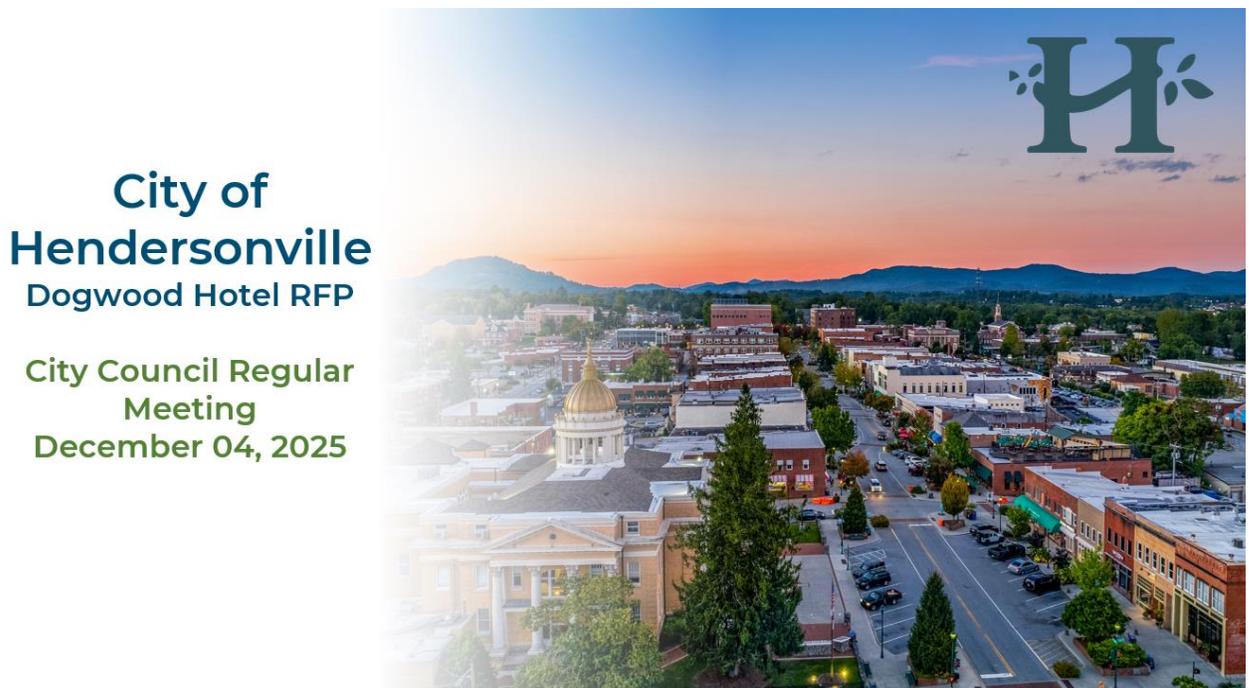
- **City Hall**
  - Roof and Water Damage
  - Insurance Proceeds for Some of the Damage
  - Project Close to Bid
- **City Ops**
  - Flood Damage
  - Insurance Proceeds for Some of the Damage
  - Project Complete > Submission of Final Costs to FEMA
- **Reservoirs & Intakes (French Broad, Mills River, North Fork, and Bradley)**
  - Flood Damage
  - Insurance Proceeds for Some of the Damage
  - Projects in Various Stages of Development





**D. Dogwood Hotel RFP – Brian Pahle, Deputy City Manager**

Deputy City Manager Brian Pahle gave an update to the City Council on a proposed RFP release for a public-private partnership to pursue a hotel on the Dogwood Parking Lot site. He presented the following PowerPoint presentation.



**DOGWOOD HOTEL RFP**

**Today's Agenda – 12/04/2025**

- I. Project Timeline
- II. Overview of Project
- III. RFP Timeline

## PROJECT TIMELINE

### Timeline of Dogwood Hotel Discussions

- **Spring 2016** – City Issues RFP for Downtown Hotel on Dogwood or Grey Mill Sites
- **2017** – City engages with Belmont Sayre for the redevelopment of the Grey Hosiery Mill into apartments
- **2019** – City releases new RFP for Downtown Hotel on Dogwood Site
- **2019** – City acquire land at 5<sup>th</sup> and Church to build a parking deck
- **2020** – New Grey Mill Apartments Open
- **2020** – City engages with Blue Star Hospitality for a Springhill Suites on the Dogwood Site
- **COVID** – City and Blue Star Hospitality unwind agreement

## PROJECT TIMELINE

### Timeline of Dogwood Hotel Discussions

- **COVID** – City and Blue Star Hospitality unwind agreement
- **2021** – City Approves Plans for Courthouse Inn and Cedars/Fairmont
- **2023** – City opens new Downtown Parking Deck
- **2025** – City receives multiple private developer inquiries about a Downtown Hotel amenity

## PROJECT OVERVIEW

### G.S. 160D-1315 – Downtown Development Projects (P3s)

- **Guides the process for the disposition of downtown public property in exchange for a public-private development project**
  - “As used in this section, "downtown development project" or "joint development project" means a capital project, in a central business district, as that district is defined by the governing board, comprising one or more buildings and including both public and private facilities. By way of illustration but not limitation, such a project might include a single building comprising a publicly owned parking structure and publicly owned convention center and a privately owned hotel or office building.”
  - **Specifically, we would be looking at conveyance of real property utilizing this statute's authorization for sale in accord with a community development plan**
  - **The community development plan to be used for this guidance shall be the City's recently adopted Gen H Downtown Master Plan**

# PROJECT OVERVIEW

## G.S. 160D-1315 – Downtown Development Projects (P3s)

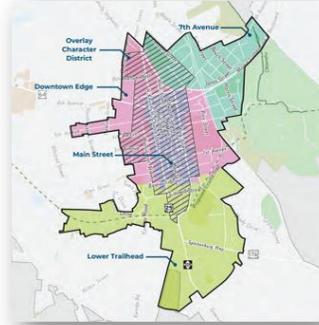
- **Downtown Master Plan Guidance**
  - Property identified as “most suitable” for commercial development (also identified as underdeveloped) – Identified as Mixed Use/Infill on Downtown Edge Concept
  - Loss of Historic Hotels
  - Expansion of MSD

**1950s-1990s**

The city witnessed significant urban redevelopment, with the demolition of downtown hotels and threats to historic neighborhoods due to rapid development.

**DOWNTOWN EDGE**

This district is centrally located in the downtown study area but focuses outside of the core. This district has the opportunity to accommodate commercial, office, and residential growth in downtown.



# PROJECT OVERVIEW

## G.S. 160D-1315 – Downtown Development Projects (P3s)

- **RFP Draft**
  - Property Appraisal - \$4,335,000 (as of Dec. 2025)
  - MSD Expansion – Downtown Edge Hospitality District
  - Infrastructure Improvements – Streetscapes, water, sewer, etc...



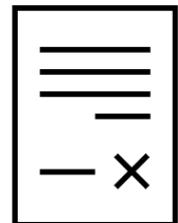
# PROJECT TIMELINE

## G.S. 160D-1315 – Downtown Development Projects (P3s)

- **RFP Draft**
  - Release Date **December 15, 2025**
  - Submittal Deadline **February 15, 2026**
  - Staff Review **February 16, 2026**
  - City Council Review/Approval **March 5, 2026, or Future Date**

---

- **Development Agreement** **TBD**



**E. FY27-FY29 Strategic Plan Update – Brian Pahle, Deputy City Manager**

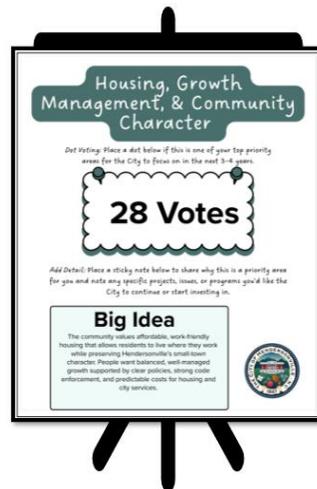
Deputy City Manager Brian Pahle gave an update to the City Council on the current strategic plan update process and he presented the following PowerPoint presentation.



### COUNCIL CONVERSATIONS

#### 5 Meetings Across City

- Open Conversation
- Voting of Top Priorities
- Ideation



# FOCUS GROUP

## 4 Meeting Sprint/Gap Analysis

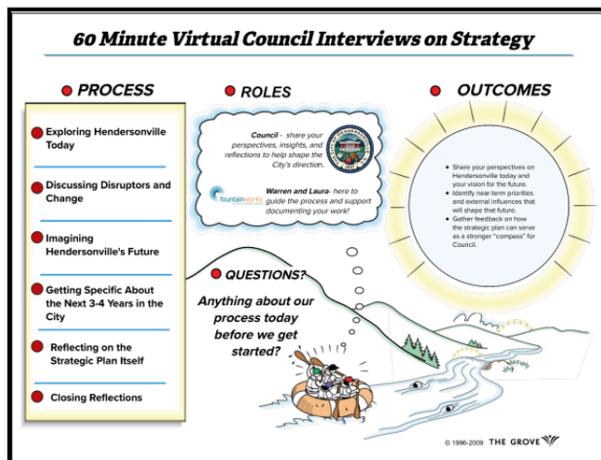
- Generated 3Ps (Projects, Programs, Policies)
- Identified Desired Future State for City
- Interviewed Staff
- Finalized 3P Recommendations



# CITY COUNCIL INTERVIEWS

## 1 Hour Direct Interviews with Council & City Manager

- Identified Desired Future State for City



*“Keeping the hometown feel while accommodating growth”*

*“Hendersonville hospitality is matched by service excellence and mutual respect in civic life”*

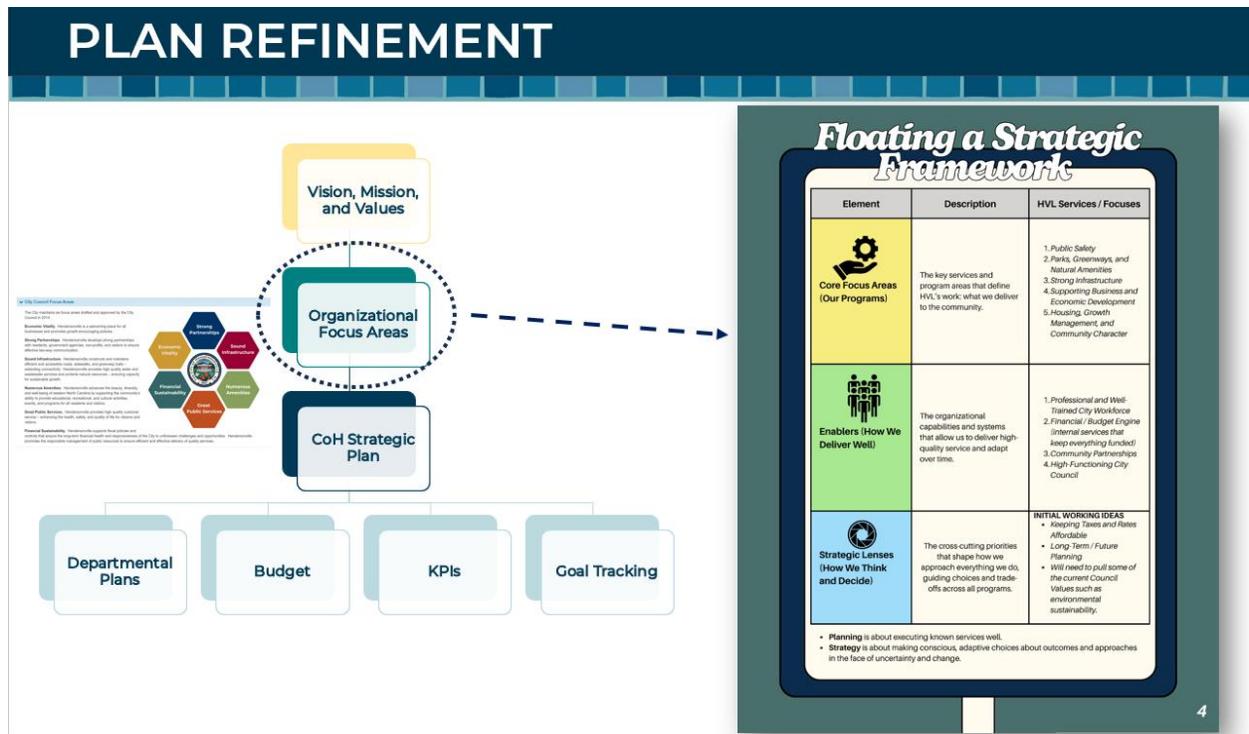
*“...grounded, respectful, service-oriented, and committed to continuous improvement”*

# STAFF INPUT SESSION

## All Day Meeting

- Discussed Disruptors, SWOT, and Vision
- Reviewed Community Input Meeting Summaries
- Identified What “Winning” Looks Like





**F. Approval of the 2026 Annual Schedule of Meetings for City Council – Jill Murray, City Clerk**

City Manager John Connet asked Council to approve their 2026 Annual Schedule of Meetings.

**Council Member Jennifer Hensley moved that the City Council approve the 2026 Meeting Schedule as presented. A unanimous vote of the Council followed. Motion carried.**

# NOTICE

City of Hendersonville City Council  
Operations Center Assembly Room | 305 Williams St., Hendersonville, NC 28792

## **NOTICE OF CITY COUNCIL REGULAR MEETINGS 2026**

**The Regular Meetings** of the City of Hendersonville City Council will be held on the **first Thursday** of each month beginning at **5:45 p.m.** in the Operations Center Assembly Room located at 305 Williams Street, Hendersonville, NC.

January 7, 2026 (Wed)	July 2, 2026 (Closed 7/3 4 <sup>th</sup> of July)
February 5, 2026	August 6, 2026
March 5, 2026	September 3, 2026
April 2, 2026 (Closed 4/3 Easter)	October 1, 2026
May 13, 2026 (Wed) (NCLM City Vision)	November 5, 2026
June 4, 2026	December 3, 2026

**\*\*Council/Staff Retreat – February 26-27, 2026 – Location TBD**

**\*\*City Council Budget Workshop – May 1, 2026**

**The Second Monthly Meetings** will be held on the **fourth Wednesday** of each month beginning at **4:00 p.m.** in the Operations Center Assembly Room located at 305 Williams Street, Hendersonville, NC.

<del>January 28, 2026 Canceled</del>	July 22, 2026
February 25, 2026	August 26, 2026
March 25, 2026	September 23, 2026
April 22, 2026	October 28, 2026
May 27, 2026	<del>November 25, 2026 Canceled</del>
June 24, 2026	<del>December 23, 2026 Canceled</del>

Jill Murray  
City Clerk

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 prior to the meeting at 697-3005.

Posted 12/05/2025

Published in Times-News 12/15/2025

<https://www.hendersonvillenc.gov>

## **9. BOARDS/COMMISSIONS/COMMITTEE APPLIVATIONS**

### **A. Term Renewals and Vacancies**

#### **Environmental Sustainability Board**

*City Council Member Gina Baxter moved that the City Council appoint Richard Harris to the Environmental Sustainability Board filling the unexpired term of Joan Zaki until June, 2027. After that, he can apply for his first full three-year term expiring in June, 2030. A unanimous vote of the Council followed. Motion carried.*

*City Council Member Gina Baxter moved that the City Council appoint Kimberly Blackwell to the Environmental Sustainability Board filling the unexpired term of Jane Edgar until June, 2027. After that, she can apply for her first full three-year term expiring in June, 2030. A unanimous vote of the Council followed. Motion carried.*

#### **Historic Preservation Committee**

*City Council Member Jennifer Hensley moved that the City Council to reappoint Stan Smith to the Historic Preservation Commission for his first three-year term expiring in December, 2028. A unanimous vote of the Council followed. Motion carried.*

*City Council Member Jennifer Hensley moved that the City Council reappoint Ralph Hammond-Green to the Historic Preservation Commission for his second three-year term expiring in December, 2028. A unanimous vote of the Council followed. Motion carried.*

*City Council Member Jennifer Hensley moved that the City Council reappoint Lauren Matoian to the Historic Preservation Commission for her first three-year term expiring in December, 2028. A unanimous vote of the Council followed. Motion carried.*

*City Council Member Lyndsey Simpson moved that the City Council appoint James Brewer to the Historic Preservation Commission for his first three-year term expiring in December, 2028, filling the vacancy left by Jane Branigan. A unanimous vote of the Council followed. Motion carried.*

### **Planning Board**

*City Council Member Lyndsey Simpson moved that the City Council reappoint Robert Johnson to the Planning Board for his first three-year term expiring in December, 2028. A unanimous vote of the Council followed. Motion carried.*

*City Council Member Lyndsey Simpson moved that the City Council reappoint Betsey Zafra to the Planning Board for her first three-year term expiring in December, 2028. A unanimous vote of the Council followed. Motion carried.*

*City Council Member Lyndsey Simpson moved the City Council reappoint Kyle Gilgis to the Planning Board for her first three-year term expiring in December, 2028. A unanimous vote of the Council followed. Motion carried.*

*City Council Member Lyndsey Simpson moved that the City Council reappoint David McKinley to the Planning Board for his first three-year term expiring in December, 2028. A unanimous vote of the Council followed. Motion carried.*

### **Tree Board**

*City Council Member Lyndsey Simpson moved that the City Council appoint Bill Leatherwood to the Tree Board for his first three-year term expiring in December, 2028 filling the vacancy of Rebecca Doll. A unanimous vote of the Council followed. Motion carried.*

#### **B. IMD Multimodal Planning Program New Bicycle Plan Grant – Blake Fulgham, Management Analyst II-Strategy & Performance**

Assistant City Manager Brent Detwiler explained that NCDOT's consultant, John R McAdams Company Inc., has begun the grant funded Bicycle Plan. An integral part of the plan development is having a steering committee consisting of area stakeholders to review plan drafts, provide feedback, and help deliver the final product. The consultants and staff have used NCDOT's guidance, which has been provided, to put together a list of people that would be interested in serving as steering committee members. Staff are requesting City Council's feedback on the list of potential members of the Bicycle Steering Committee and ultimately to appoint the members to the committee. Moving forward, city staff will be engaging potential members of the Bicycle Steering Committee, requesting input & feedback, and plans to present a list for a Bicycle Steering Committee at the January City Council Meeting.

*Council Member Melinda Lowrance moved that City Council approve city staff's plan to pursue and create a Bicycle Steering Committee. A unanimous vote of the Council followed. Motion carried.*

## **10. CITY MANAGER REPORT**

City Manager John Connet said that we are approaching the holidays, and we have mentioned to Council that it has become somewhat of a tradition to provide Christmas bonuses to our team members. We have looked at our revenue and finances, and we are in really good shape, so the management team proposes establishing a \$1,000 bonus for full-time employees and \$500 for part-time employees, including our crossing guards. So, we ask that Council approve that and we will begin implementation so that the checks can be delivered before Christmas.

**City Council Member Jennifer Hensley moved the City Council to authorize the City Manager to provide a one-time appreciation bounus in the amount of \$1,000 for all full-time employees and \$500 for all permanent part-time employees, to include crossing guards. I further move City Council to adopt a budget amendment providing funds for the bonuses as presented.**

City Manager John Connet then said when the City Manager has eight hours driving back and forth to Raleigh, he comes up with crazy ideas. We are within one year of the Mayor’s retirement so I came up with this crazy idea called “Mayor’s Memories” and I went and pulled out the minutes from December 7, 1989. That was the meeting where Mayor Barbara Volk was sworn in for the first time into City Council with Sam Mills, Guy Patrick Whitmire and Joel Wright. I think that is a good start for my “Mayor’s Memories” and stay tuned for more during Manager’s Comments.

**A. November 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 with a summary of all amendments and adjustments occurring thus far in the fiscal year.

FISCAL YEAR 2025 - 2026 (FY26) BUDGET AMENDMENTS AND ADJUSTMENTS						Completed Proposed	Corrected Denied			
ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET	DESCRIPTION	APPROVED	TYPE	AMENDMENT NUMBER	
060-1014-519104	Prof Services- ENG	53,000	-	1,000	52,000	WS Missed Payment	yes	adjustment	10/28/2025	
060-7002-519104	Prof Services- ENG	20,000	1,000	-	21,000	WS Missed Payment	yes	adjustment	10/28/2025	
010-1525-531225	Training	8,000		1,250	6,750	New Mower Lease	yes	Adjustment	11/17/2025	
010-1525-534000	Non-Capita Equipment	14,716	1,250	-	15,966	New Mower Lease	yes	Adjustment	11/17/2025	
020-1525-521001	Supplies and Materials	25,000		25,000	-	Moving 1525 budget to 2102	yes	Adjustment	11/17/2025	
020-2102-521001	Supplies and Materials	6,000	25,000	-	31,000	Moving 1525 budget to 2102	yes	Adjustment	11/17/2025	
021-1525-521001	Supplies and Materials	2,000		2,000	-	Moving 1525 budget to 2202	yes	Adjustment	11/17/2025	
021-2202-521001	Supplies and Materials	5,000	2,000	-	7,000	Moving 1525 budget to 2202	yes	Adjustment	11/17/2025	
010-1300-519102	Prof Services Legal	31,395		14,242	17,153	Background Checks	yes	Adjustment	11/19/2025	
010-1300-519200	Contract Services	63,457	14,242	-	77,699	Background Checks	yes	Adjustment	11/19/2025	
060-7155-519200	Contracted Services	430,750		370,750	60,000	Sewer Colleciton System Master Plan Grant Accou	yes	Adjustment	11/21/2025	
060-7155-532100	Grant Expense	-	370,750	-	370,750	Sewer Colleciton System Master Plan Grant Accou	yes	Adjustment	11/21/2025	

**11. CITY COUNCIL COMMENTS**

Mayor Pro Tem Jennifer Hensley said she would like to wish everyone a Merry Christmas and Happy Holidays and say thank you to all of our staff who make our lives much easier.

**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 the case of Public Service Company of North Carolina d/b/a Enbridge Gas vs. Moore & Son Site Contractors Inc.....City of Hendersonville Et Al - 25-CV002532-440 and the case of**

***Peter Freer v. City of Hendersonville - 24CVS001022-440 and to consider the qualifications, competence, performance, character, fitness of an individual public officer or employee. A unanimous vote of the Council followed. Motion carried.***

**13 . ADJOURN**

City Council went into closed session at 8:46p.m.

There being no further business, the meeting adjourned at 9:01p.m. upon unanimous assent of the Council in open session. No further action was taken.

ATTEST:

\_\_\_\_\_  
Jill Murray, City Clerk

\_\_\_\_\_  
Barbara G. Volk, Mayor