



MINUTES

March 7, 2024

REGULAR MEETING OF THE CITY COUNCIL

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

Present: Mayor Barbara G. Volk, Mayor Pro Tem Lyndsey Simpson and Council Members: Dr. Jennifer Hensley, Debbie O'Neal-Roundtree and Jeff Miller

Staff Present: City Manager John F. Connet, Assistant City Manager Brian Pahle, City Clerk Jill Murray, Staff Attorney Daniel Heyman, Communications Manager Allison Justus, Communications Coordinator Brandy Heatherly, Budget Manager Adam Murr, and others

Absent: City Attorney, Angela Beeker

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.*

In Person:

Brenda Raymer of Hendersonville, NC owns the Aquarium & Shark Lab by Team ECCO on Main Street in Hendersonville and just wanted to give an update on Charlotte the pregnant stingray and to thank the community for all of the support and to say that they have drawn people in for so many places such as Brazil, Austria, Poland, New Zealand, France, Spain, the Netherlands, United Emirates, Germany, Australia, Ireland, Canada, the UK, Columbia, Argentina, India and of course the U.S. We have gained 378,000 InstaGram followers, TikTok we have 600,000 followers and 2.3 million likes. On Facebook, we have 41,000 followers and 26,000 likes. It's been phenomenal and I hope its been good for the City. This is the first and only known parthenogenesis of a California Round Ray in captivity.

Micheal McDaniel, the new Regional Director of The Blood Connection and he wanted to thank the city for doing the blood drives. He also said the state of our blood supply is strong. Every 2 seconds, someone in the United States needs blood and 1 in 3 men and 1 in 2 women in the United States will develop cancer in their lifetime and if they are going to fight cancer, they will undoubtedly need blood to do it. He would like to pose a challenge to host a blood drive between police and fire, as that's always fun. We are also adding ten new buses to this region.

4. **CONSIDERATION OF AGENDA**

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

5. **CONSENT AGENDA**

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

- A. Adoption of City Council Minutes – Jill Murray, City Clerk**
February 7, 2024 Regular Meeting
February 28, 2024 Second Monthly Meeting

**B. Annexation: Certificate of Sufficiency-Enclave on W. Park Avenue (C24-11-ANX) –
Tyler Morrow, Planner II**

Resolution #R-24-12

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL FIXING DATE OF PUBLIC
HEARING ON QUESTION OF ANNEXATION PURSUANT TO G.S. 160A-58.2**

WHEREAS, a petition requesting annexation of the satellite area described herein has been received; and

WHEREAS, certification by the City Clerk as to the sufficiency of the petition has been made;

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

Section 1. A public hearing on the question of annexation of the satellite area described herein will be held at City Operations Center located at 305 William St. Hendersonville NC, 28792 at 5:45 p.m. April 4th, 2024, or as soon thereafter as it may be heard.

Section 2. The area proposed for annexation is described as follows:

Being all of that real property consisting of PINs 9577-27-2609, 9577-27-0679, 9577-17-9673, 9577-27-0588, and 9577-27-2529 described in the plat recorded in Book 2024- ____ [to be inserted at recording of the plat] of the Henderson County Registry, said PINs 9577-27-2609, 9577-27-0679, 9577-17-9673, 9577-27-0588, and 9577-27-2529 being described by metes and bounds as follows:

Situated in the City of Hendersonville, Henderson County, North Carolina and being more particularly described as follows:

Enclave of West Park Avenue Annexation Description

All those parcels or tracts of land situated in Henderson County, North Carolina and being known as the “Enclave on West Park Avenue” as recorded as Plat Slide 14993 with the Register of Deeds of Henderson County, North Carolina, being more particularly described as follows:

Beginning at a found iron pin on the west right of way line of Greenville Highway (NC Highway 225), said point being the northeast corner of Lot 1 of the “Enclave on West Park Avenue” Subdivision as recorded at Plat Slide 14993, Henderson County Registry (hereafter known as the Enclave); thence along said west right of way line of Greenville Highway and the East lines of Lots 1 & 5 of the Enclave, running South 11°24’31” East for 204.47 feet to a found iron pin at the southeast corner of Lot 5 of the Enclave; thence leaving the west right of way of Greenville Highway and along the south lines of Lots 5, 4 & 3 of the Enclave, running South 88°57’32” West for 364.69 feet to a found iron pipe at the southwest corner of Lot 3 of the Enclave; thence along the west line of Lot 3 of the Enclave the following three (3) course to wit: (1) North 11°06’56” West for 4.39 feet to a found iron pipe; (2) North 05°50’14” West for 95.40 feet to a found iron pipe; (3) North 06°11’33” West for 97.24 feet to a found iron pipe at the northwest corner of Lot 3 of the Enclave; thence along the north lines of Lots 3, 2, & 1 of the Enclave, running North 88°08’45” East for 345.40 feet to the Point of Beginning.

Re: Petition for Satellite Annexation
Petitioners: Eric Oursler, Nichole Oursler, and Ourco Construction Company LLC
File No. C24-11-ANX

Section 3. Notice of the public hearing shall be published once in The Hendersonville Times-News, a newspaper having general circulation in the City of Hendersonville, at least 10 days prior to the date of the public hearing.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 7th day of March, 2024.

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

C. Budget Amendments Mid-Year FY24 – Jenny Floyd, Budget and Management Analyst

TO MAYOR & COUNCIL
APPROVAL: March 07, 2024

FISCAL YEAR 2024
FORM: 03072024-01

BUDGET AMENDMENT

FUND 410

ACCOUNT NUMBER	DESCRIPTION OF ACCOUNT	EXISTING	INCREASE	DECREASE	REVISED BUDGET
410-0000-470100-19019	Transfer In (from 010)	415,529	-	-	415,529
410-0000-420050-19019	Grant Revenue (Stormwater)	70,000	-	-	70,000
410-0000-470010-19019	Bond Proceeds (2022 IFC)	13,691,943	-	104,337	13,587,606
410-1002-550102-19019	Capital Outlay - Services and Fees	-	-	-	-
410-1002-550103-19019	Capital Outlay - CIP	14,177,472	-	104,337	14,073,135
FUND 410	TOTAL REVENUES	14,177,472	-	-	14,073,135
(Fire Station #1)	TOTAL EXPENDITURES	14,177,472	-	-	14,073,135
410-0000-470010-19019	cli	652,204	-	-	652,204
410-1002-550103-19019	Capital Outlay - CIP	652,204	-	-	652,204
FUND 410	TOTAL REVENUES	652,204	-	-	652,204
(Temp. Fire Station)	TOTAL EXPENDITURES	652,204	-	-	652,204
410-0000-460090-21019	Contribution (Henderson County)	100,000	-	-	100,000
410-0000-460090-21019	Contribution (Other Agencies)	17,500	-	-	17,500
410-0000-470010-21019	Bond Proceeds (2022 IFC)	2,157,853	104,337	-	2,262,190
410-0000-470100-21019	Transfer In (From 010)	75,000	-	-	75,000
410-1002-550103-21019	Capital Outlay - CIP	2,350,353	104,337	-	2,454,690
FUND 410	TOTAL REVENUES	2,350,353	104,337	-	2,454,690
(Edwards Park)	TOTAL EXPENDITURES	2,350,353	104,337	-	2,454,690
410-0000-470010-19021	Bond Proceeds (2022 IFC)	1,500,000	-	-	1,500,000
410-1400-550103-19021	Capital Outlay - CIP	1,500,000	-	-	1,500,000
FUND 410	TOTAL REVENUES	1,500,000	-	-	1,500,000
(Replace HFD Ladder)	TOTAL EXPENDITURES	1,500,000	-	-	1,500,000
410-0000-470010-19020	Bond Proceeds (2022 IFC)	800,000	-	-	800,000
410-1400-550103-19020	Capital Outlay - CIP	800,000	-	-	800,000
FUND 410	TOTAL REVENUES	800,000	-	-	800,000
(Replace HFD Engine)	TOTAL EXPENDITURES	800,000	-	-	800,000

2022 Installment Financing Subtotal	18,802,000
Other Financing Sources Subtotal	713,029
Total Project Revenues (19019, 19020, 19021, and 21019)	19,480,029
Total Project Appropriation (19019, 19020, 19021, and 21019)	19,480,029

A budget amendment to move budget from the Fire Station portion of the 2022 Installment Financing to the Edwards Park portion to cover a general conditions correction by the Construction Manager at Risk.

The City Manager and City Clerk certify budget ordinance amendment 03072024-01 was approved by City Council on March 07, 2024.

TO MAYOR & COUNCIL
APPROVAL: March 07, 2024

FISCAL YEAR 2024
FORM: 03072024-02

BUDGET AMENDMENT

FUND 459 | 460

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
459-0000-470090	Fund Balance Appropriated	386,000	20,000	-	406,000
459-0000-598901	Transfer Out (to 460, #19014)	386,000	20,000	-	406,000
FUND 459	TOTAL REVENUES	386,000	20,000	-	406,000
	TOTAL EXPENDITURES	386,000	20,000	-	406,000
460-0000-470010-19014	Debt Proceeds ('23 Rev. Bond)	636,000	-	-	636,000
460-0000-470100-19014	Transfer In (from 459)	386,000	20,000	-	406,000
460-7055-550103-19014	Capital Outlay CIP	1,022,000	20,000	-	1,042,000
FUND 460	TOTAL REVENUES	1,022,000	20,000	-	1,042,000
	TOTAL EXPENDITURES	1,022,000	20,000	-	1,042,000

A budget amendment to increase the Church St. Sewer Project (#19014) for a total budget of \$1,042,000 using a \$20,000 transfer in from the Water & Sewer Capital Reserve Fund (459).

The City Manager and City Clerk certify budget ordinance amendment 03072024-02 was approved by City Council on March 07, 2024.

TO MAYOR & COUNCIL
APPROVAL: March 07, 2024

FISCAL YEAR 2024
FORM: 03072024-03

BUDGET AMENDMENT

FUND 060

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
060-7002-501001	Salaries- Regular	682,031	-	50,000	632,031
060-7050-501001	Salaries- Regular	438,437	-	13,000	425,437
060-7135-501001	Salaries- Regular	561,193	-	13,000	548,193
060-1523-501010	Salaries- Overtime	(73,000)	76,000	-	3,000
FUND 060	TOTAL REVENUES	-	-	-	-
	TOTAL EXPENDITURES	1,608,661	76,000	76,000	1,608,661

A budget amendment increasing overtime budget in the W&S Fund, reversing a prior amendment made in February 2024.

The City Manager and City Clerk certify budget ordinance amendment 03072024-03 was approved by City Council on March 07, 2024.

6. PRESENTATIONS

A. **Proclamation-We Are Hope Week** – *Barbara Volk, Mayor*

Mayor Volk read the proclamation aloud and presented it to Bella Geiser from Hendersonville High School and Kaityln Auten from West Hendersonville High School.

Proclamation

Honoring the Observance of “We Are Hope” Week in Henderson County Public Schools’ Middle & High Schools March 11 – March 15, 2024

WHEREAS, Substance and alcohol abuse negatively affects many areas of the brain, the liver, the heart, and other body parts and can cause adverse behavior, psychological, and social consequences; and

WHEREAS, there were more than 63,600 drug overdose deaths in the United States in 2016, and the drug overdose death rate has more than tripled from 1999 to 2016; and

WHEREAS, substance and alcohol abuse continues to occur among children and youth in our society: in 2017, 12.1 percent of high school students in North Carolina smoked cigarettes, 44.1 percent used an electronic vape product, 26.5 percent drank alcohol, 36.5 percent used marijuana, 5.3 percent used cocaine, and 15 percent took prescription drugs without a doctor’s prescription, according to the Centers for Disease Control and Prevention’s 2017 Youth Risk Behavior Surveillance; and

WHEREAS, student leaders in Henderson County Public Schools’ six high schools and four middle schools have joined with local Henderson County coalition HopeRx in educating their peers on alcohol, tobacco, marijuana and prescription drug use and abuse; and

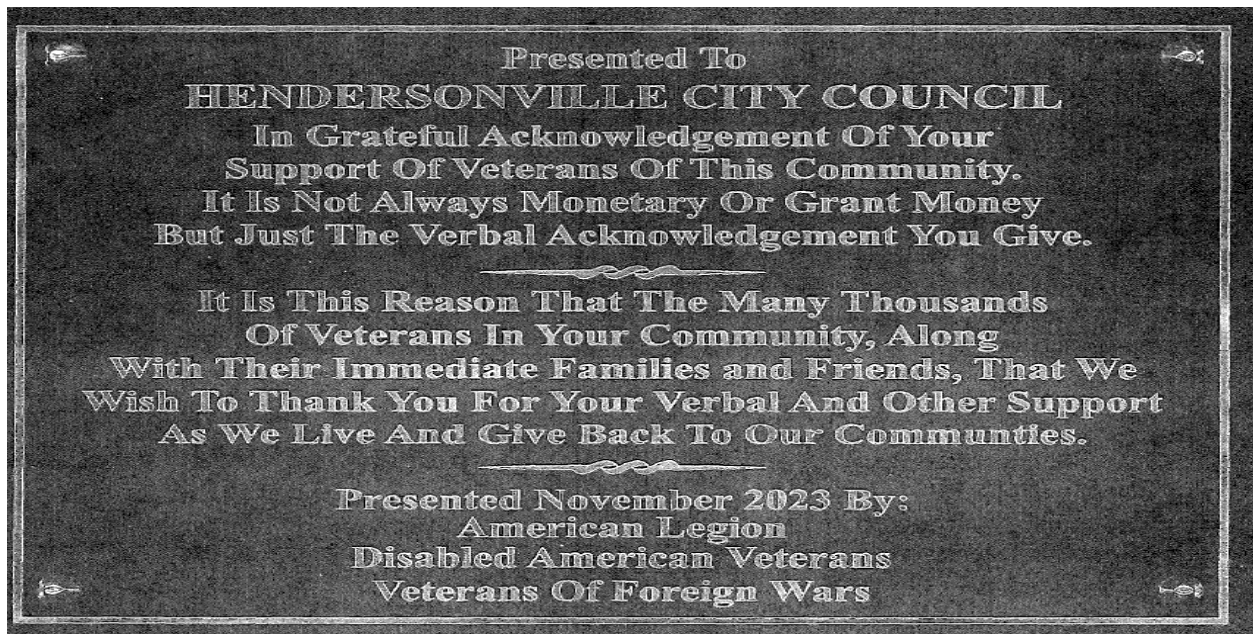
WHEREAS, students at Apple Valley Middle, Flat Rock Middle, Hendersonville Middle, Rugby Middle, East Henderson High, Innovative High School, Henderson County Career Academy, Mountain Community School, Hendersonville High, North Henderson High, and West Henderson High are pledging to be and remain substance-free;

NOW THEREFORE BE IT RESOLVED, by the City of Hendersonville City Council Members, that March 11th, 2024 - March 15th, 2024, be observed in Henderson County Public Schools’ middle and high schools as “We Are Hope” substance abuse awareness week.

Proclaimed on the 7th day March, 2024.

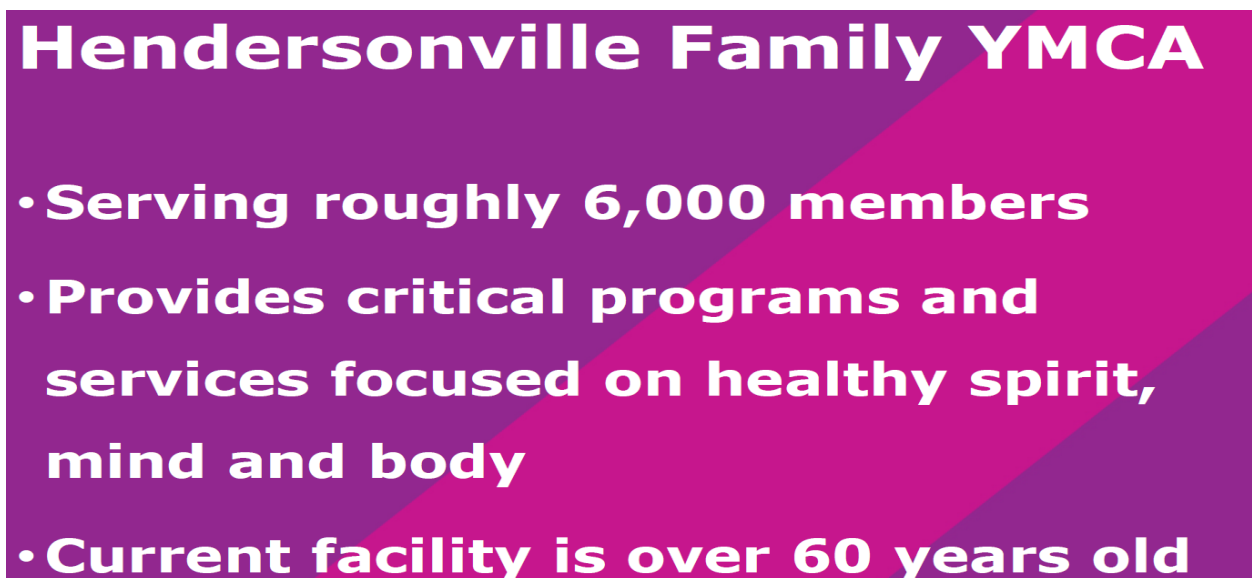
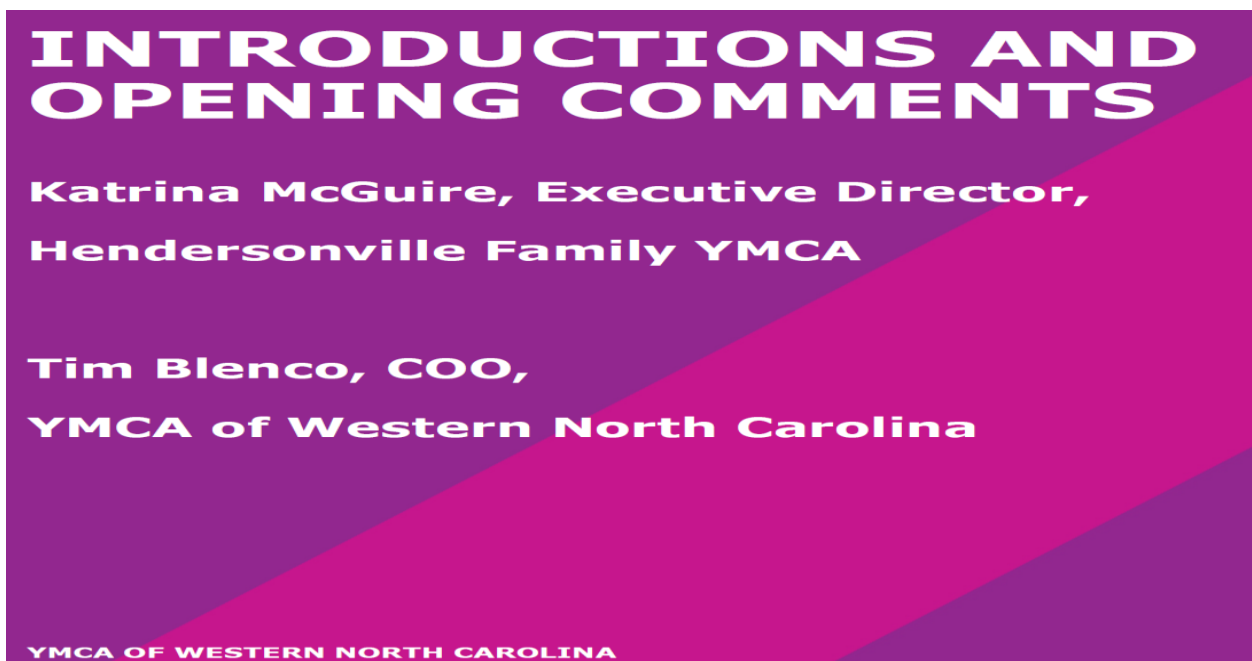
B. **Presentation from Veteran Service Organizations** – *Andrew Clark and Bob Scruggs*

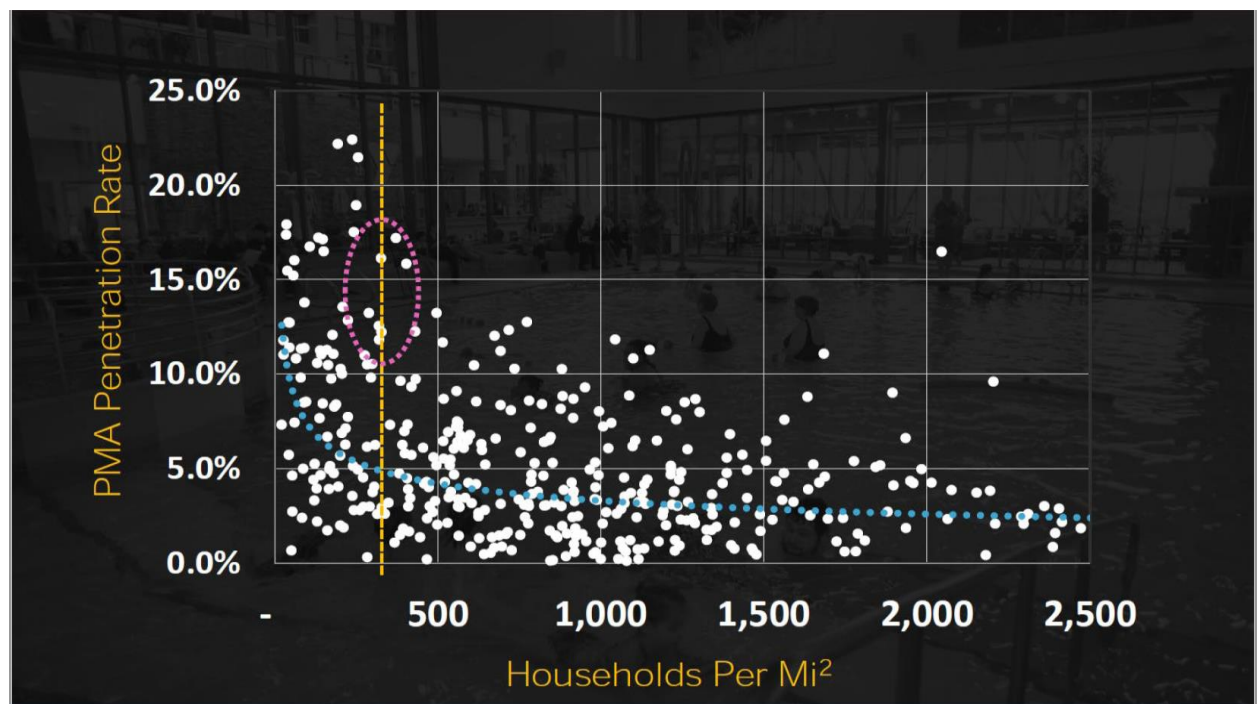
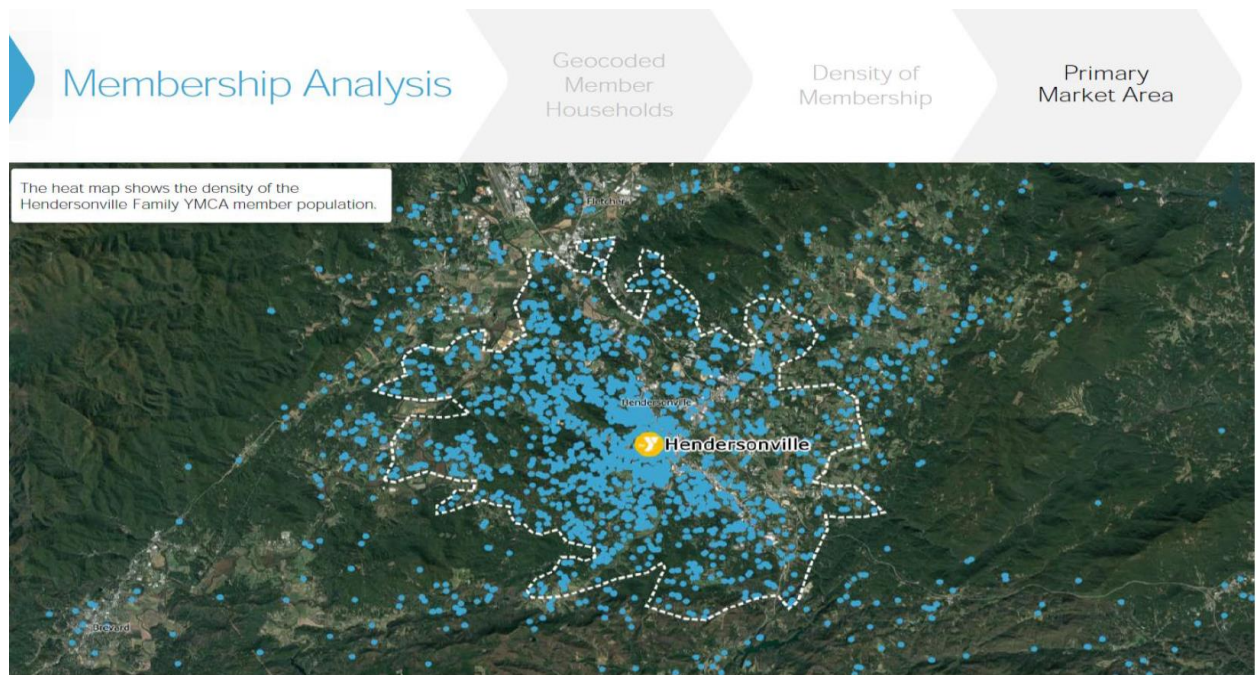
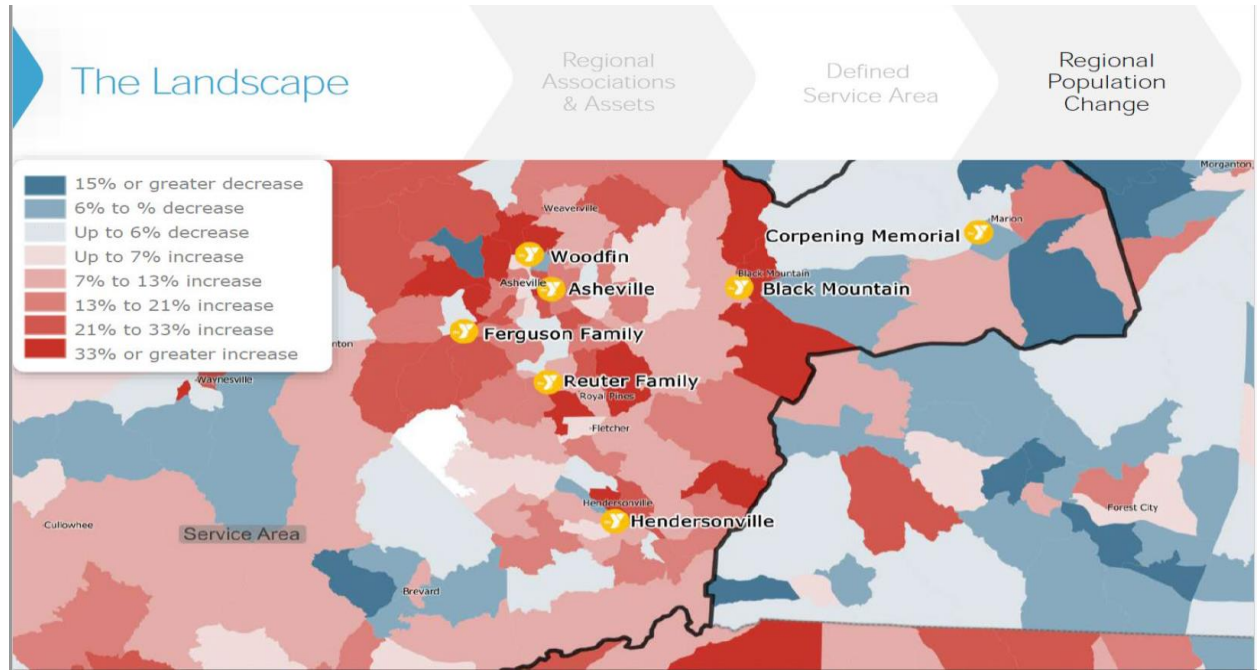
Mr. Andrew Clark and Mr. Bob Scruggs thanked the City Council for their support of Veterans in the community and presented them with a plaque.



C. YMCA Special Appropriation Presentation – *Katrina McGuire, Hendersonville YMCA*

YMCA Executive Director Katrina McGuire presented the YMCA's Special Appropriation Request. The YMCA of WNC is in the process of developing plans to expand the Hendersonville YMCA. The Chief Operating Officer Tim Blenco presented the following PowerPoint presentation and requested the amount of \$7,000 from the City of Hendersonville.





HENDERSONVILLE FAMILY YMCA

Asset Assessment

Market & Performance

- OPPORTUNITY TO SERVE (SUSTAINABLY)**
- Sustainable PMA population w/ above average expected population growth; no YMCAs overlap
 - PMA Data: est. 93 sq. miles containing 62K people and 27KHHs; annual growth rate 7.4%
 - Demographic: median age 48.6; median income \$56K; median home value \$225K
 - 2023: 3100 total units (sustainable). Penetration: approx. 9.2%
 - Total revenue: \$2.05M (\$1.63M membership; \$280K program)
 - Net position: (\$17K) before depreciation; ARPU = \$527

Rating

A-

Location

- STRATEGIC PLACEMENT FOR SERVICE**
- Above average proximity to PMA population concentration
 - Above average contextual proximity to commercial development activity (established and/or new)
 - Above average contextual proximity to residential development activity (established and/or new)
 - Average proximity of national & boutique like-service providers compared w/ expected
 - Average contextual proximity (multiple adjacencies) to schools, parks, government services, health care
 - Above average contextual proximity to vehicular and transportation activity and infrastructure
 - Suitably located vis a vis surround land uses and zoning (compatible)

A

Site & Property

- CAPACITY AND VALUE OF ASSET/PROPERTY**
- Site configuration, visibility & accessibility suited for current use (in context) but must be maximized
 - Ownership: YMCA
 - At 7.3 acres, in context parcel size is sized to accommodate significant additions and/or expansion
 - Current zoning (MIC Medical Institutional Cultural) allows YMCA limited additional density on-site
 - Asset is additive to balance sheet
 - Average contextual anticipated cost of site improvements

A-

Buildings & Venues

- ALIGNMENT OF OFFERING WITH MARKET**
- Accommodating to target HHS: deficient; transformation warranted
 - Threshold ability to expand YMCA improvements, if desired: not accommodating
 - Alterability of existing structure: not accommodating
 - Primary venue quantity: inadequate
 - Facility age & class: dated, institutional recreational, outdated, new
 - Exterior & Interior presentation of offerings: modernity and finishes insufficient

C

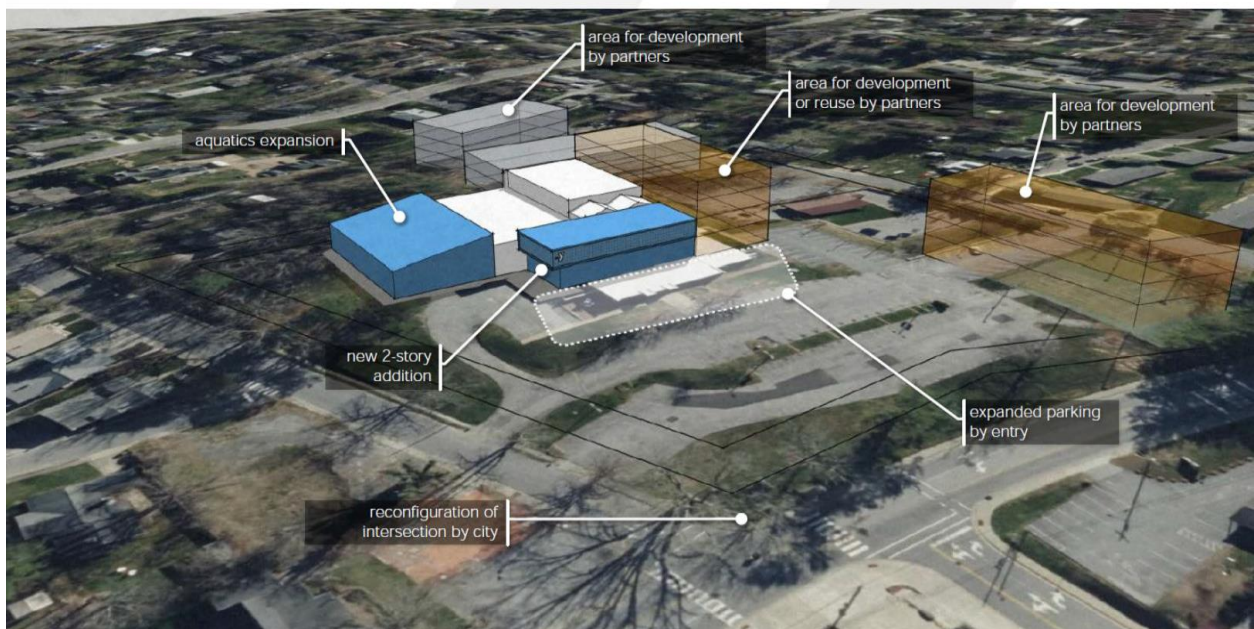
Funding & Goodwill

- AVAILABILITY OF RESOURCES & STANDING AS BENEFICIARY**
- Prospects for contributed capital (fundraising) in the community: above average
 - Standing with public/governmental bodies for receipt of grant funding: above average
 - Qualification for supplemental funding: NMTC (Qualified), QCT
 - Prospects for partnership: above average
 - Potential/latent value of real estate asset: above average
 - Capacity for responsible deployment of debt financing: not advised (net margin)

B+

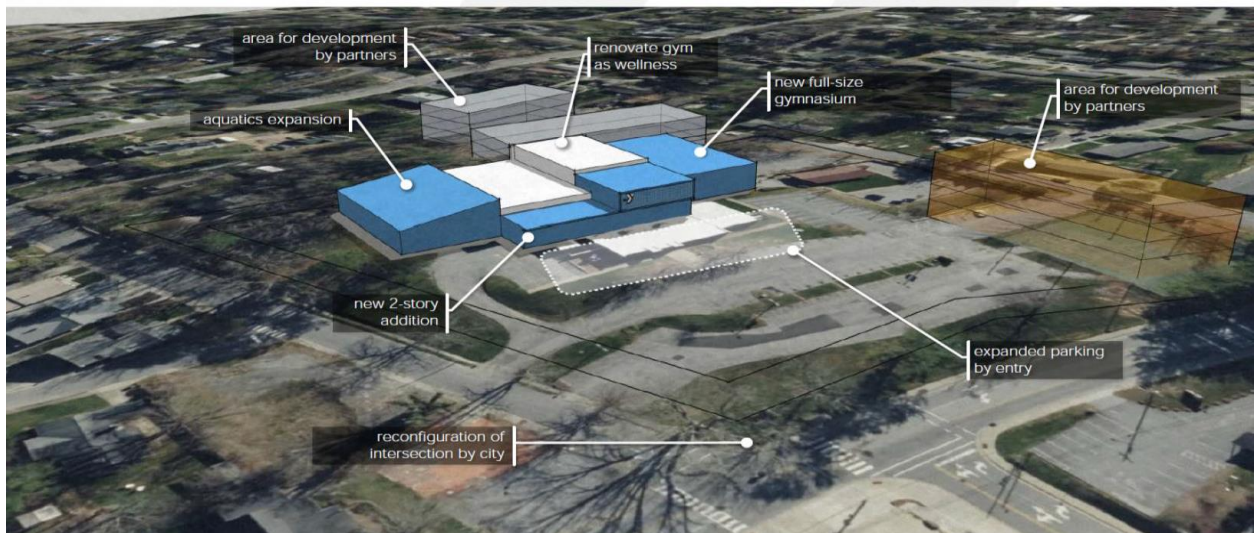
HENDERSONVILLE FAMILY YMCA

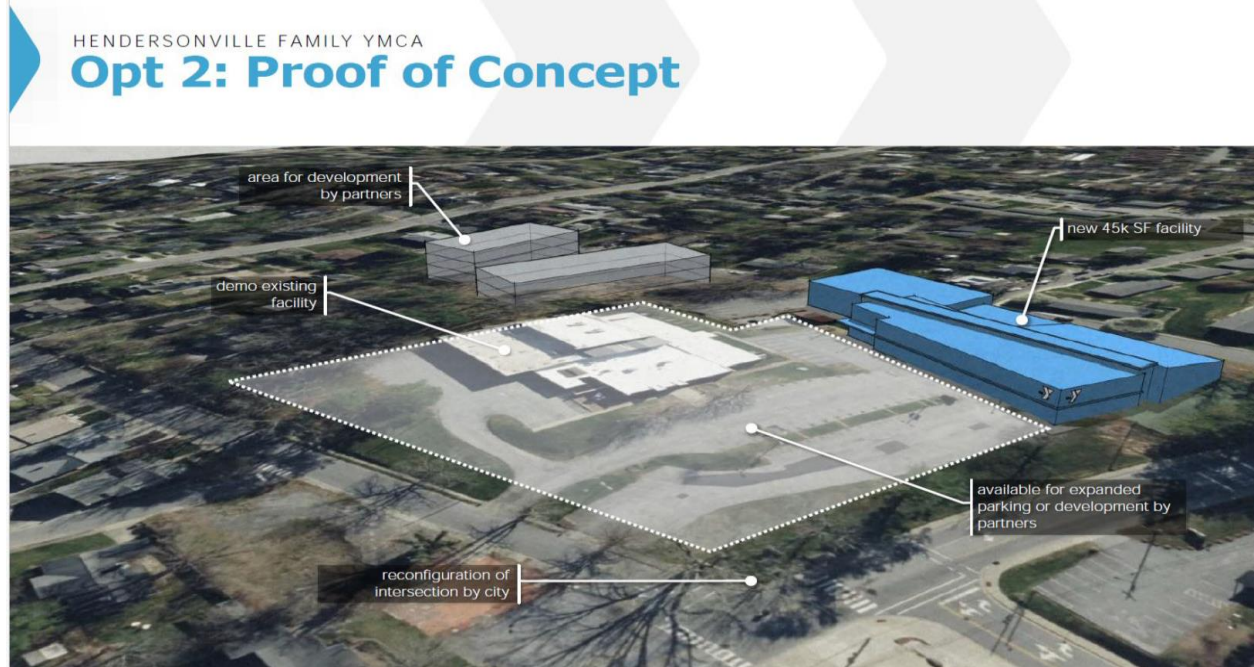
Opt 1a: Proof of Concept



HENDERSONVILLE FAMILY YMCA

Opt 1b: Proof of Concept





HENDERSONVILLE FAMILY YMCA

Capital Investment Summary

Jan 26, 2024	OPTION 1a: New Aquatics	OPTION 1b: New Aquatics & Gym	OPTION 2: New Facility On Site	REMARKS
DESCRIPTION	<ul style="list-style-type: none"> 15K SF new constr. 6K SF reno 11K SF demo TBD deferred maint. \$200k façade enhancement 50 surface parking spaces \$500k site allowance 	<ul style="list-style-type: none"> 24k SF new constr. 8K SF reno 11K SF demo TBD deferred maint. 50 surface parking spaces \$500k site allowance 	<ul style="list-style-type: none"> 45K SF new constr. 32k SF demo New 45K SF Full Facility YMCA on existing site 100 new parking spaces \$2.0M site allowance 	
PROJ. BUDGET	\$ 10.6M total	\$ 14.4M total	\$ 25.3M total	
Δ MEM UNITS	+ 1,025 units	+ 1,559 units	+ 2,093 units	Current P-rate: 9.2% Attain: 12% to 16%
Δ MEM REV	\$543,000	\$857,000	\$1,203,000	Current ARPU: \$527 Attain ARPU: \$530-575
COST / NEW UNIT (GROSS)	\$10,340/ unit	\$9,236 / unit	\$12,088 / unit	Gross costs; to be reduced by Supplemental Funding Sources (Public Grants, NMTC, Partner Contribution, Real Estate Asset Reallocation) as available
NOTES	<ul style="list-style-type: none"> notable service disruption maintains undersized gym 	<ul style="list-style-type: none"> notable service disruption introduces full-size gym 	<ul style="list-style-type: none"> limited program disruption longer life-cycle for investment 	

D. Recognition of Deanna Van Wyk, Payroll & Benefits Officer for obtaining the International Public Management Association – Jennifer Harrell, HR Director

Human Resources Director Jennifer Harrell explained that Deanna Van Wyk recently passed the examination obtaining the International Public Management Association- Human Resources Certified Professional Certification (IPMA-HR- CP). IPMA-HR strives to encourage excellence in public sector human resources and promote continuous learning. To become IPMA-HR CP certified, one must demonstrate not only an understanding of contemporary theoretical knowledge, but also the ability to translate this knowledge into proper action in the workplace. She added that Deanna has been a great asset to the Human Resources department and the City.

E. 2024 City Academy – LuAnn Welter, HR Coordinator

Human Resources Coordinator LuAnn Welter said we held sixth session of the City of Hendersonville Academy (COHA). The goal of this program is to provide interested employees with a greater comprehension of City operations, services, programs, and monies to enhance their job performance and worth. We had twelve employees attend the six Monday night sessions on the following topics.

January 22 – State & Local government/ City organization – John Connet

January 29 – Departments – Multiple speakers

February 5 – Budget – Brian Pahle

February 12 - Human Resources Night - Angie Beeker, Jennifer Harrell, Deanna Van Wyk, LuAnn Welter

February 19 – Local Growth / Development – Brittany Brady & Tyler Morrow

February 26 – Leadership / Recap / participants choice (Brian Pahle & John Connet)

PARTICIPANTS

Ally Ceckowski	Finance/Customer Service
Savannah Tankersley	Finance/Customer Service
Lisa Brown	Finance/Customer Service
Brittany Watson	Finance/Customer Service
Terrye Jacobs	Community Development/Downtown
Lucas Stewart	Water/Sewer
Jody Martin	Public Works Facilities Maintenance
Ben Allamong	Engineering
Travis Penland	Engineering
Richard Shook	Engineering
Sylina Holbrook	Police
David Corey	Fire

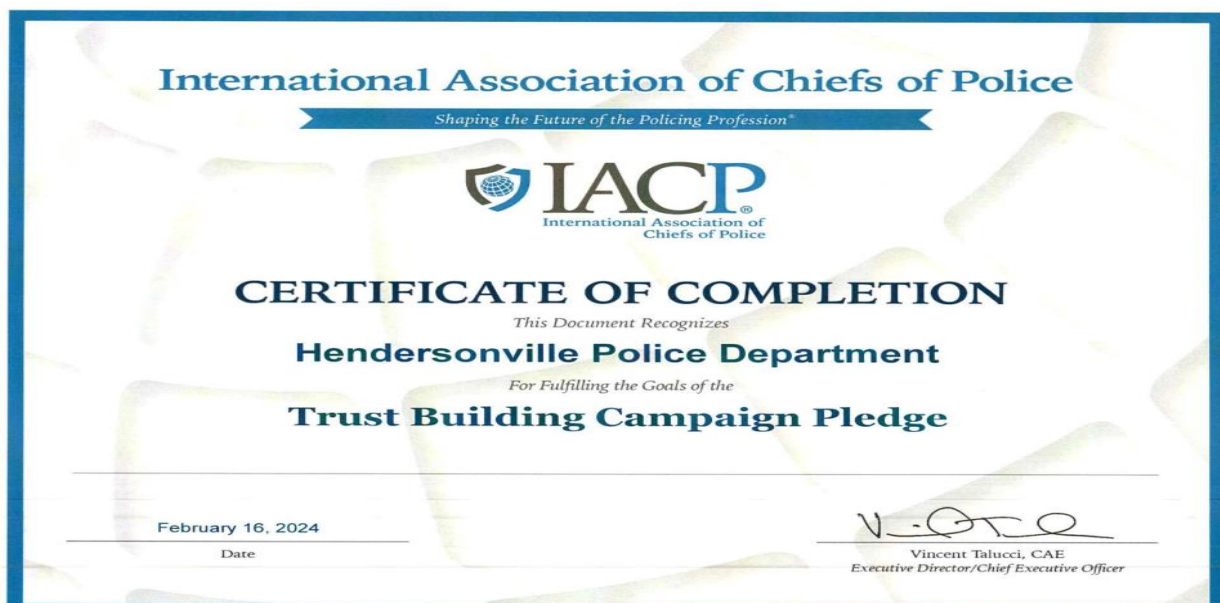
F. Certificate of Completion of International Association of Chiefs of Police Trust Building Campaign Pledge – Blair Myhand, Police Chief

Police Chief Blair Myhand explained that the IACP Trust Building Campaign seeks to enhance trust between police agencies and the communities they serve by ensuring positive community-police partnerships that promote safe, effective interactions; create strategies to prevent and reduce crime; and improve the well-being and quality of life for all.

To join the campaign, police agencies must pledge to implement the outlined key policies and promising practices. These policies and practices represent six key focus areas that are essential to enhancing trust and collaboration between communities and police.

- Bias-Free Policing
- Use of Force
- Leadership and Culture
- Recruitment, Hiring, and Retention
- Victim Services
- Community Relations

Agencies and organizations demonstrating a serious commitment to implementing the key action items in all six areas will become publicly recognized members of the Trust Building Campaign. Chief Myhand presented the Certificate of Completion for his department.



7. PUBLIC HEARINGS

A. **Annexation: Public Hearing – 1019 Berkeley Rd – Fakhoury (C23-3-ANX) – Matthew Manley AICP Strategic Projects Manager**

Matt Manley explained that the City of Hendersonville received a petition from Kevin & Alexandra Fakhoury for contiguous annexation of PIN 9569-48-5695 located at 1019 Berkeley Rd near the intersection of Asheville Hwy. The property to be annexed is approximately 1.28 acres. Please refer to the attached maps for additional information. On February 7, 2024, City Council accepted the City Clerk's Certificate of Sufficiency for the petition submitted by Kevin & Alexandra Fakhoury and set March 7th, 2024, as the date for the public hearing.

The public hearing was opened at 6:28 p.m.

There were no public comments.

The public hearing was closed at 6:28 p.m.

Council Member Jennifer Hensley moved that City Council adopt an ordinance of the City of Hendersonville to extend the Corporate Limits of the City as a contiguous annexation, to annex that property owned by Kevin & Alexandra Fakhoury, identified as PIN 9569-48-5695, finding that the standards established by North Carolina General Statute 160A-31 have been satisfied and that the annexation is in the best interest of the City. A unanimous vote of the Council followed. Motion carried.

Ordinance #O-24-04

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO EXTEND THE CORPORATE LIMITS OF THE CITY AS A CONTIGUOUS ANNEXATION

IN RE: Petition for Contiguous Annexation
Parcel Number: 9569-48-5695
Fakhoury Annexation (File# C24-03-ANX)

WHEREAS, The City of Hendersonville has been petitioned by Kevin & Alexandra Fakhoury, pursuant to North Carolina General Statutes (NCGS) 160A-31, as amended, to annex the area described herein below; and

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

WHEREAS, a public hearing on the question of this annexation was held at 305 Williams Street (City Operations Center), Hendersonville, NC at 5:45 pm, on the 7th day of March 2024, after due notice by publication as provided by law on Sunday, February 18th and Sunday, February 25th; and

WHEREAS, the City Council further finds the areas described therein meets the standards of N.C. G.S. 160A-31.

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

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

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

1: By virtue of the authority granted by N.C.G.S. 160A-31, as amended, the following described contiguous area is hereby annexed and made part of the City of Hendersonville as of the 7th day of March, 2024.

Being all of that real property consisting of PIN 9569-48-5695 as described in the plat recorded in Plat Book 2024 Slide ____ [to be inserted at recording of the plat] of the Henderson County Registry, said PIN 9569-48-5695 being more particularly described by metes and bounds as follows:

BEGINNING AT A SET IRON PIN ON THE SOUTHERN RIGHT OF WAY LINE OF BERKELEY ROAD (SR 1511) AND THE LIMITS OF THE CITY OF HENDERSONVILLE, SAID IRON PIN BEING THE NORTHEAST CORNER OF THAT CERTAIN 2.076 ACRE TRACT AS RECORDED IN PLAT SLIDE 12078, HENDERSON COUNTY REGISTRY; THENCE LEAVING THE SOUTHERN RIGHT OF WAY LINE OF BERKELEY ROAD (SR 1511) AND THE LIMITS OF THE CITY OF HENDERSONVILLE AND RUNNING WITH THE EAST LINE OF SAID 2.076 ACRE TRACT SOUTH 14°41'27" EAST FOR 338.92 FEET TO A FOUND IRON PIN ON THE LIMITS OF THE CITY OF HENDERSONVILLE, BEING THE SOUTHEAST CORNER OF SAID 2.076 ACRE TRACT; THENCE ALONG THE SOUTH LINE OF SAID 2.076 ACRE TRACT AND THE LIMITS OF

THE CITY OF HENDERSONVILLE RUNNING SOUTH 86°17'36" WEST FOR 222.87 FEET TO A POINT; THENCE LEAVING THE SOUTH LINE OF SAID 2.076 ACRE TRACT AND RUNNING WITH THE LIMITS OF THE CITY OF HENDERSONVILLE THE FOLLOWING TWO (2) COURSES TO WIT: (1) NORTH 03°52'32" EAST FOR 176.62 FEET TO A POINT; (2) NORTH 04°26'58" WEST FOR 126.40 FEET TO A POINT ON THE SOUTHERN RIGHT OF WAY LINE OF BERKELEY ROAD (SR 1511) AND THE LIMITS OF THE CITY OF HENDERSONVILLE; THENCE ALONG THE ON THE SOUTHERN RIGHT OF WAY LINE OF BERKELEY ROAD (SR 1511) AND THE LIMITS OF THE CITY OF HENDERSONVILLE RUNNING NORTH 73°24'37" EAST FOR 140.16 FEET TO THE POINT OF BEGINNING. CONTAINING 1.28 ACRES, MORE OR LESS.

- 2: Upon and after the seventh day of March 2024, the above-described territory, and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the City of Hendersonville and shall be entitled to the same privileges and benefits as other parts of the City of Hendersonville. Said territory shall be subject to municipal taxes according to NCGS 160A- 58.10, as amended.
3. The Mayor of the City of Hendersonville shall cause to be recorded in the office of the Register of Deeds of Henderson County and at the Office of the Secretary of State in Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1, above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Henderson County Board of Elections, as required by G. S. 163-288.1.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 7th day of March, 2024.

/s/Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

B. Annexation: Public Hearing – Upward Road & Old Spartanburg Road (The Spinx Company, LLC, ([Formerly Jones]) (C23-97-ANX) – Tyler Morrow, Planner II

Tyler Morrow explained that the City of Hendersonville received a petition from The Spinx Company LLC for satellite annexation of PINs 9577-89-7580, 9577-89-6416, 9577-89-5289, 9577-89-6236, 9577-89-6187, located on Upward Road and Old Spartanburg Road that is approximately 4.441 acres. On February 7th, 2024, City Council accepted the City Clerk's Certificate of Sufficiency for the petition submitted by Spevines Rex Jones Jr., Deitra Blythe Jones, Michael C. Jones, and Cecilia Jones and set March 7th, 2024, as the date for the public hearing. The Spinx Company LLC closed on the parcels on February 8th, 2024. The certificate of sufficiency petition also included a signed application by the Spinx Company LLC with the understanding that they along with the then property owners all agreed to the annexation request.

The Spinx Company LLC also removed one parcel from the original annexation request. They removed PIN 9577-89-8138 from the annexation petition. This parcel fronts on Bell Avenue and is a residentially zoned parcel by Henderson County. This property is no longer attached to this request and is to remain in Henderson County and under Henderson County zoning.

The public hearing was opened at 6:31 p.m.

Public comments:

Via Zoom: Lynne Williams concerned with how the City will maintain historic character along this corridor.

The public hearing was closed at 6:33 p.m.

Council Member Lyndsey Simpson moved that City Council adopt an ordinance of the City of Hendersonville to annex noncontiguous property owned by The Spinx Company LLC, identified as PINs 9577-89-7580, 9577-89-6416, 9577-89-5289, 9577-89-6236, 9577-89-6187, finding that the standards established by North Carolina General Statute 160A-58.1 have been satisfied and that the annexation is in the best interest of the City. A unanimous vote of the Council followed. Motion carried.

Ordinance #O-24-05

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO EXTEND THE CORPORATE LIMITS OF THE CITY AS A SATELLITE ANNEXATION

Re: Petition for Satellite Annexation

Petitioners: The Spinx Company, LLC (Greg Minton, EVP of Real Estate)

File No. C23-97-ANX

WHEREAS, The City of Hendersonville has been petitioned by the Spinx Company LLC. pursuant to North Carolina General Statutes (NCGS) 160A-58.1, as amended, to annex the area described herein below; and,

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

WHEREAS, a public hearing on the question of this annexation was held at the City Operations Center at 305 Williams Street, Hendersonville, NC at 5:45 pm, on the 7th day of March 2024, after due notice by publication as provided by law on February 18th 2024; and

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

1. All The Petition includes a metes and bounds description of the area proposed for annexation and has attached a map showing the proposed satellite area.
2. The nearest point on the proposed satellite corporate limit is approximately 2,043' from the primary corporate limits of the City of Hendersonville, which is less than 3 miles.
3. The Petition includes the names and addresses and signatures of all owners of real property lying in the area described therein, except those not required to sign by G.S.160A-58.1 (a).
4. No point on the propose satellite corporate limits is closer to the primary corporate limits of another city than to the primary corporate limits of Hendersonville.
5. The area is situated so the City will be able to provide the same services within the proposed corporate limits that is provided within the primary corporate limits.
6. The area proposed for annexation is not subject to subdivision regulation as described N.C.G.S. § 160D-802.
7. The total area within the proposed satellite corporate limits, when added to the area within all the other satellite corporate limits of the City, does not exceed ten (10%) of the area within the primary corporate limits of the City.
8. The area for annexation meets all other requirements defined in NC 160A-58.54 regarding the character of the area to be annexed.

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

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

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

- 1: By virtue of the authority granted by N.C.G.S. 160A-58.2, as amended, the following described noncontiguous area is hereby annexed and made part of the City of Hendersonville as of the seventh day of March 2024.

Being all of that real property consisting of PINs 9577-89-7580, 9577-89-6416, 9577-89-5289, 9577-89-6236, and 9577-89-6187 described in the plat recorded in Book 2024- ____ [to be inserted at recording of the plat] of the Henderson County Registry, said PINs 9577-89-7580, 9577-89-6416, 9577-89-5289, 9577-89-6236, and 9577-89-6187 being described by metes and bounds as follows:

ALL THAT CERTAIN PIECE, PARCEL OR TRACT OF LAND SITUATE, LYING AND BEING IN HENDERSON COUNTY, NORTH CAROLINA, CONTAINING 4.441 ACRES AND HAVING THE FOLLOWING METES AND BOUNDS TO WIT:

BEGINNING AT AN IRON PIN SET 1/2" REBAR LOCATED ON THE NORTHEASTERN RIGHT OF WAY OF OLD SPARTANBURG ROAD (SR 1828), N02-25-32W 5135.86 FEET FROM USGS MONUMENT FB0333, THENCE RUNNING ALONG SAID RIGHT OF WAY, N22-13-06W 65.25 FEET TO AN IRON PIN SET 1/2" REBAR, THENCE N14-54-41W 98.59 FEET TO AN OLD NCDOT CAP, THENCE N27-19-02W 103.39 FEET TO AN IRON PIN SET 1/2" REBAR, THENCE WITH A CURVE TO THE LEFT HAVING A LENGTH OF 169.66 FEET, A RADIUS OF 1655.00 FEET AND A CHORD BEARING AND DISTANCE OF N34-48-52W 169.59 FEET TO AN IRON PIN OLD 5/8" REBAR LOCATED ON THE SOUTHERN END OF A SITE TRIANGLE AT THE INTERSECTION OF THE NORTHEASTERN RIGHT OF WAY OF OLD SPARTANBURG ROAD (SR 1828) AND THE SOUTHEASTERN RIGHT OF WAY OF UPWARD ROAD (SR 1783), THENCE RUNNING ALONG SAID SITE TRIANGLE, N05-29-01E 61.29 FEET TO AN OLD NCDOT CAP LOCATED ON THE NORTHERN END OF SAID SITE TRIANGLE LOCATED ON THE SOUTHEASTERN RIGHT OF WAY OF UPWARD ROAD (SR 1783), THENCE RUNNING ALONG SAID RIGHT OF WAY, N50-23-14E 72.56 FEET TO AN IRON PIN OLD 5/8" REBAR, THENCE N50-37-23E 288.31 FEET TO AN OLD NCDOT CAP, THENCE N52-10-34E 54.50 FEET TO AN IRON PIN OLD 5/8" REBAR, THENCE LEAVING THE SOUTHEASTERN RIGHT OF WAY UPWARD ROAD (SR 1783) S49-04-21E 304.99 FEET TO AN IRON PIN OLD 3/4" OPEN TOP PASSING AN IRON PIN OLD 3/4" OPEN TOP @ 268.28 FEET, THENCE S35-14-50W 351.18 FEET TO AN IRON PIN OLD 3/4" OPEN TOP, S35-16-06W 99.99

FEET TO AN IRON PIN OLD 1/2" REBAR, THENCE S36-01-53W 175.75 FEET TO THE POINT OF BEGINNING.

2: Upon and after the seventh day of March 2024, the above-described territory, and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Hendersonville and shall be entitled to the same privileges and benefits as other parts of the City of Hendersonville. Said territory shall be subject to municipal taxes according to NCGS 160A-58.10, as amended.

3. The Mayor of the City of Hendersonville shall cause to be recorded in the office of the Register of Deeds of Henderson County and at the Office of the Secretary of State in Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1, above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Henderson County Board of Elections, as required by G. S. 163-288.1.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 7th day of March, 2024.

/s/Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

C. Rezoning: Standard Rezoning – Upward Rd-Spinx (P24-07-RZO) – Matthew Manley
AICP Strategic Projects Manager

Matthew Manley explained that the City of Hendersonville received an Annexation application from the Spinx Company, LLC (anticipated owners) for 5 parcels totaling 4.58 Acres located along Upward Road at the southeast corner of the intersection with Old Spartanburg Rd (across from Dairi-O). The applicant has not requested zoning, therefore the City is initiating zoning for these parcels from County CC, Community Commercial to CHMU, Commercial Highway Mixed. The subject property is outside of the corporate city limits on the southeastern edge of Hendersonville. The subject property sits outside of the City's ETJ but within the Upward Road Planning District. CHMU permits a range of intense commercial uses and residential uses (up to 12 units/acre) and includes design standards for all uses other than single-family and two-family (per State Statute). As a standard rezoning, all uses would be permitted if approved, including "convenience stores with or without gasoline sales". CZD would be triggered by projects exceeding 50 units or exceeding a cumulative square footage of 50,000 Sq Ft. Planning Board voted unanimously in recommending approval of the zoning.

The public hearing was opened at 6:43 p.m.

Public comments

Greg Minton of Greer, SC who is with the Spinx Company, LLC first applauded City Council for all of the positive energy at their meeting. Secondly, asked that they consider approving the rezoning request.

Via Zoom: Lynne Williams spoke about being thoughtful about the Upward Rd corridor and preserve the character and open spaces of it.

The public hearing was closed at 6:48 p.m.

Council Member Jeff Miller moved that City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property, PINs: 9577-89-7580; 9577-89-6187; 9577-89-6236; 9577-89-5289; 9577-89-6416, from Henderson County CC, Community Commercial to City of Hendersonville CHMU (Commercial Highway Mixed Use) based on the following:

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

The Goals & Strategies of LU-7 "High-Intensity Neighborhood" calls for primary and secondary recommended land uses, locations, and development guidelines which align with the proposed CHMU zoning.

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. *Commercial Highway Mixed Use is the zoning district established for the Upward Rd Planning Area*
2. *The Commercial Highway Mixed Use zoning district is well suited to achieve the goals of the Comprehensive Plan for this area*
3. *The property is located in an area designated as a “Priority Infill Area” according to the City’s Comprehensive Plan*

A unanimous vote of the Council followed. Motion carried

Ordinance #O-24-06

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR CERTAIN PARCELS (POSSESSING PIN NUMBERS 9577-89-7580; 9577-89-6187; 9577-89-6236; 9577-89-5289; AND 9577-89-6416) BY CHANGING THE ZONING DESIGNATION FROM HENDERSON COUNTY CC (COMMUNITY COMMERCIAL) ZONING DISTRICT TO CITY OF HENDERSONVILLE CHMU (COMMERCIAL HIGHWAY MIXED USE) ZONING DISTRICT

IN RE: Parcel Numbers: 9577-89-7580; 9577-89-6187; 9577-89-6236; 9577-89-5289; 9577-89-6416
Upward Rd - Spinx (File # P24-07-RZO)

WHEREAS, the Planning Board took up this application at its regular meeting on February 8th, 2024; voting 7-0 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 March 7th, 2024, 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 March 7th, 2024,

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

1. Pursuant to Article XI of the Zoning Ordinance of the City of Hendersonville, North Carolina, the Zoning Map is hereby amended by changing the zoning designation of the following: Parcel Numbers: 9577-89-7580; 9577-89-6187; 9577-89-6236; 9577-89-5289; 9577-89-6416 from Henderson County CC (Community Commercial) Zoning District to City of Hendersonville CHMU (Commercial Highway 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 7th day of March, 2024.

/s/Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

D. Water and Sewer System Development Fees – Adam Steurer, Utilities Director

Hendersonville City Council directed Staff to further pursue information on water and sewer System Development Fees (SDFs). SDFs are a one-time fee paid by new development requiring water and/or sewer services to recover a portion or all of the cost of constructing water and/or sewer system capacity. The fees can also be assessed to existing development requiring increased system capacity. In general, SDFs are based upon the costs of current and/or future utility infrastructure including, but not limited to, water supply facilities, treatment facilities, effluent disposal facilities, and transmission mains. SDFs serve as the mechanism by which growth can “pay its own way” and minimize the extent to which existing customers must bear the cost of facilities that will be used to serve new customers. Currently, the City does not assess SDFs and therefore does not recover the cost of providing water and sewer capacity from new development connecting to the utility systems. Staff have worked with the qualified financial professional consulting firm, Stantec, to explore various SDF scenarios and impacts. Stantec has prepared a SDF Fee Analysis Report, which has been posted on the City’s website for public comment. No public comments were received.



CITY OF HENDERSONVILLE

Water and Sewer
System Development Fees



System Development Fees (SDFs)

- Fees assessed to new development requiring new connection(s) or existing connections requiring additional capacity.
- SDFs recover costs necessary for system expansion and additional capacity - "Growth pays for Growth"
- Lack of SDFs places the full cost of infrastructure capacity on existing ratepayers
- SDFs should be viewed as a mechanism to ensure the equitable distribution of cost responsibilities between existing and future utility customers
- Legislated in G.S. 162A, Article 8 (SDF Act). Written analysis required.

Considerations

- Hendersonville charged SDFs until Fall 2016
- SDFs are very common in North Carolina
 - 81 NC utilities charged SDFs (2018/2019)
 - Hendersonville is the only utility in the top 25 largest in NC that does not currently charge SDFs
- Reduction in future rate increases for all customers realized assuming collection of SDFs
- SDFs provide revenue to cash-fund more projects instead of issuing debt

SDFs Fund Capital Projects

- French Broad River Intake: \$23.5-million
- WTF 15-mgd Expansion: \$2.1-million
- NC 191 Water Transmission Main: \$12.7-million
- Mud Creek Interceptor: \$8.8-million
- WWTF 6-mgd Expansion: \$34-million
- ..and many, many more



Process and Engagement

Group	Action	Date
Staff	SDF written analysis begins	9/7/2022
Water & Sewer Advisory Committee	SDF 101 presentation	10/24/2022
City Council	SDF 101 presentation	10/26/2022
City Council	Initial results presentation	4/26/2023
Business Advisory Committee	Presentation	7/10/2023
Water & Sewer Advisory Committee	Presentation	7/24/2023
City Council	Presentation	8/23/2023
Business Advisory Committee	Final Presentation & board recommendations	10/9/2023
Water & Sewer Advisory Committee	Final Presentation & board recommendations	10/23/2023
City Council	Final Presentation & council recommendations	10/25/2023
Public	Written analysis available for public comment	11/1/2023 - 12/18/2023
Chamber of Commerce-Public Policy Committee	Presentation	12/14/2023
City Council	Public Hearing	3/7/2024

Residential Calculated SDFs

Dwelling Heated Sq Ft	Calculated Water SDF	Calculated Wastewater SDF	Combined SDF
<1000	\$1,247	\$2,048	\$3,295
1,000 - 1,500	\$1,332	\$2,188	\$3,519
1,501 - 2,000	\$1,359	\$2,233	\$3,592
2,001 - 2,500	\$1,443	\$2,370	\$3,813
2,501 - 3,000	\$1,500	\$2,465	\$3,965
3,001 - 3,500	\$1,613	\$2,650	\$4,263
3,501 - 4,000	\$1,724	\$2,833	\$4,558
4,000+	\$1,992	\$3,273	\$5,265
Multi-Family (per unit)	\$894	\$1,469	\$2,364
Mobile Home Park (per unit)	\$1,399	\$2,299	\$3,699

Non-Residential Calculated SDFs

Meter Size	Calculated Water SDF	Calculated Wastewater SDF	Combined SDF
3/4"	\$2,494	\$4,097	\$6,591
1"	\$4,156	\$6,828	\$10,984
1 1/2"	\$8,312	\$13,657	\$21,969
2"	\$13,300	\$21,850	\$35,150
3"	\$29,093	\$47,798	\$76,891
4"	\$52,368	\$86,036	\$138,405
6"	\$108,062	\$177,535	\$285,597
8"	\$232,748	\$382,383	\$615,131
10"	\$349,122	\$573,575	\$922,697

New Development Defined

G.S 162A-201 (6). New Development - Any of the following occurring after the date the written analysis process begins, no more than one year prior to the adoption of a system development fee, which increases the capacity necessary to serve that development:

- 1) subdivision of land;
- 2) construction, reconstruction, redevelopment, conversion, structural alteration, relocation, or enlargement of any structure which increases the number of service units
- 3) any use or extension of land which increases the number of service units

Common New Development Examples

1. Single-Family Subdivision: Construction of each dwelling unit on a heated square footage basis.
2. Multi-Family Residential: Construction of each residential dwelling unit on a per dwelling unit basis.
3. Non-Residential: Construction of buildings, structures, uses of land per connection on a meter size basis.

Implementation

- Timing of collection is legislated in N.C.G.S. 162A, Article 8
- Subdivision of Land – **Later** of the following:
 - 1) Time of application of building permit
 - 2) When service is committed
- All other New Development – **Earlier** of the following:
 - 1) Time of application for connection of individual unit
 - 2) When service is committed

Implementation

- Commitment of Utility Service - Current
 - 1) Service already established and meter in place
 - OR
 - 2) A complete service application submitted, payment of tap/meter fee, AND building permit issued.
- Commitment of Utility Service – After SDF Adoption
 - 1) Payment of SDF and issuance of Letter of Commitment

Implementation Options

Many projects across the service area are in various stages of the development process...

Implementation Options:

1. Adopt with an effective date of March 7, 2024.
2. Adopt with a delayed effective date to allow for new development projects nearing completion reasonable time to apply for utility service, pay meter/tap fee, AND apply for building permit(s).
3. Implement SDFs in phased increments over time.

The public hearing was opened at 7:14 p.m.

Public Comments:

Randy Hunter of Hendersonville, NC spoke on behalf of the Chamber of Commerce in opposition of System Development Fees.

Ken Gordon of Hendersonville, NC spoke in opposition to the System Development Fees.

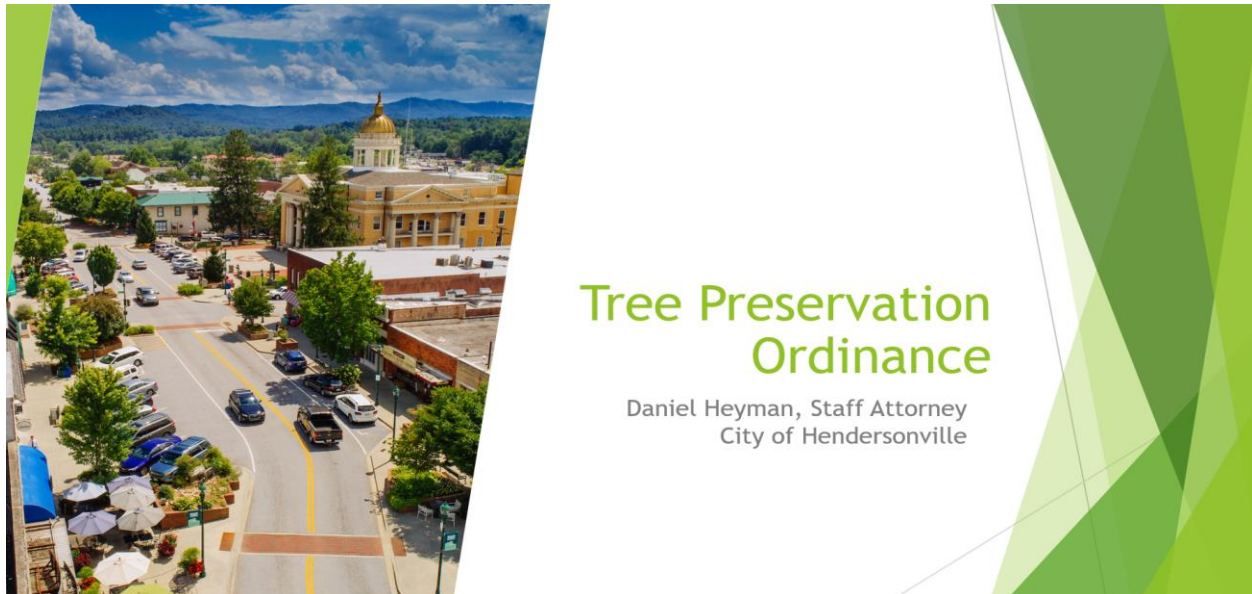
The public hearing was closed at 7:18 p.m.

Council Member Jeff Miller moved that City Council direct staff to take the next month to consider the concerns raised tonight and bring back options to Council at their April 4th meeting. A unanimous vote of the Council followed. Motion carried.

E. Zoning Text Amendment: Tree Canopy Preservation & Enhancement (P24-08-ZTA)
– Lew Holloway, Community Development Director

The City of Hendersonville is initiating a zoning text amendment to establish a standard for tree canopy preservation and to increase efforts to enhance canopy established by new development. The ordinance amendment was initiated at the request of the City of Hendersonville Tree Board and guided to this point by an Ad Hoc Tree Ordinance Committee. That committee has been meeting since late spring/early summer of 2023 to review the tree board request and develop the ordinance which is presented here. In May 2023, the Tree Ordinance Committee began the first of nine meetings to review recommendations from the tree board for amendments to the City's Zoning Ordinance. Primary recommendations found in the ordinance being presented for adoption are as follows; 1) the establishment of a canopy preservation standard. This standard would be applicable to lots which exceed 2 acres and establishes a baseline requirement to preserve 20% of the canopy with a requirement that an additional 10% (for a total of 30%) be preserved, allowing for alternative compliance approaches for the final 10%. 2) The establishment of additional canopy enhancement standards for new development. These can be broadly categorized by a) increased planting requirements for Vehicular Use Areas, b) the introduction of planting requirements to all "Open Space and Common Open Space" currently required by the code and c) the introduction of Street Tree requirements throughout the City's Zoning Districts.

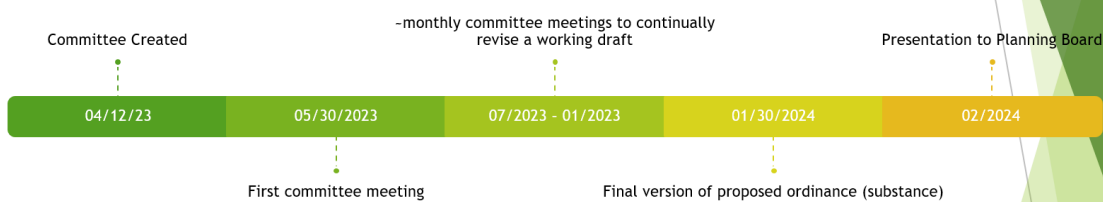
Staff Attorney Daniel Heyman gave the following PowerPoint presentation to Council on behalf of the Tree Ordinance Revision Committee:



- ▶ Tree Ordinance Study Committee purpose: “to study and recommend ordinance provisions related to the preservation of the tree canopy within the City of Hendersonville.”

- ▶ Members:
 - Glenn Lange (Tree Board)
 - Mary Davis (Tree Board)
 - Mark Steirwalt (Staff - PW)
 - Lyndsey Simpson (City Council)
 - Virginia Tegel (ESB)
 - Neil Brown (Planning Board)
 - Lew Holloway (Staff - Community Dev.)
 - Daniel Heyman (Staff - Legal)
 - Steve Dozier (formerly Business Advisory)
 - Susan Frady (At-large)
 - Caitlyn Gendusa (Staff - Sustainability)
 - Ken Gordon (Business Advisory)

Rough timeline:



Ordinance addresses:

- ▶ Preservation of existing trees
- ▶ Some expanded planting requirements (street trees, common open space)

Ordinance does not address:

- ▶ Other environmental issues (steep slopes, stream buffers)
- ▶ Overall developed canopy percentage/planting requirements

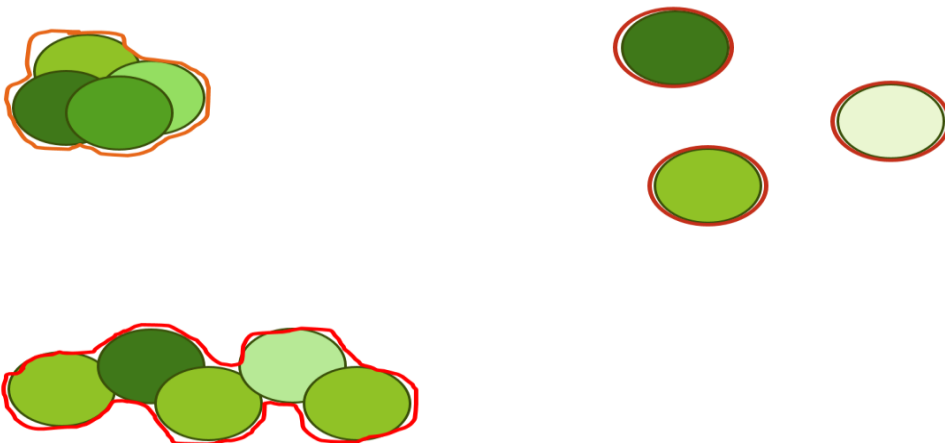
Benefits of preservation:

- ▶ Improved air quality
- ▶ Prevent stormwater runoff and erosion
- ▶ Control urban “heat-islands”
- ▶ Conserve energy (e.g., reduced AC use)
- ▶ Documented economic and health benefits

Some considerations:

- ▶ Tree canopy preservation
- ▶ Private property rights
- ▶ Affect on affordable housing
- ▶ Development constraints on small sites
- ▶ Development flexibility

Measuring Canopy



Tree Canopy Cover Assessment

- ▶ Measures the amount of the City covered by Tree Canopy (35%)
- ▶ City limits and ETJ only
- ▶ Looks at things like possible planting area, impervious area, and unsuitable planting area (biologically possible but inappropriate e.g., baseball field)
- ▶ Uses imagery from the USDA’s National Agriculture Imagery Program (NAIP) - “leaf on” conditions.

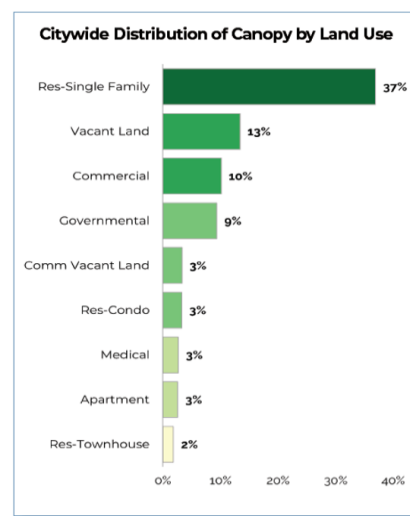


Figure 15. Distribution of citywide tree canopy by land use.

Tree Canopy Cover Assessment

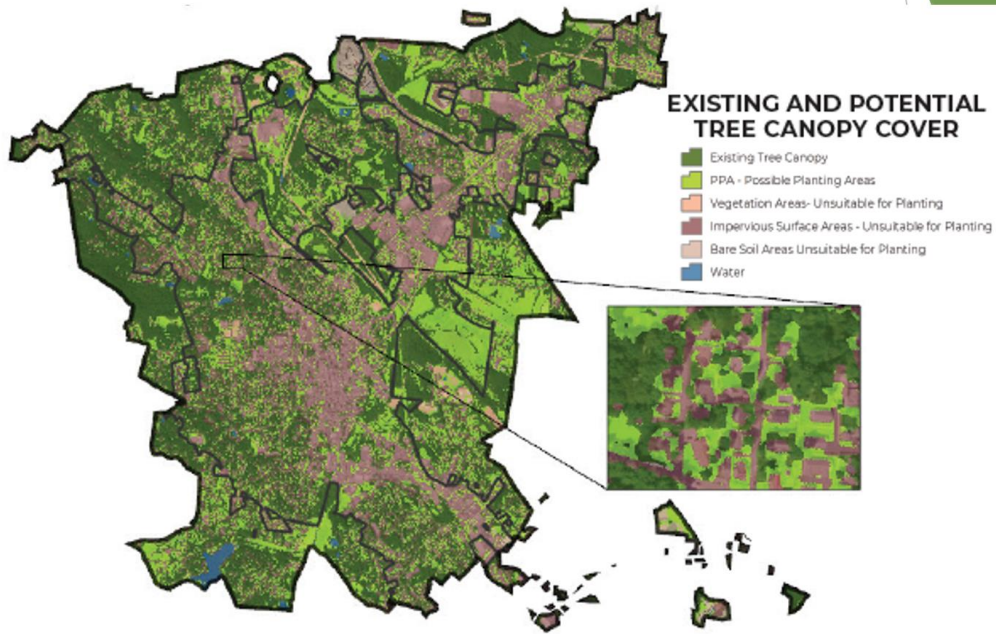
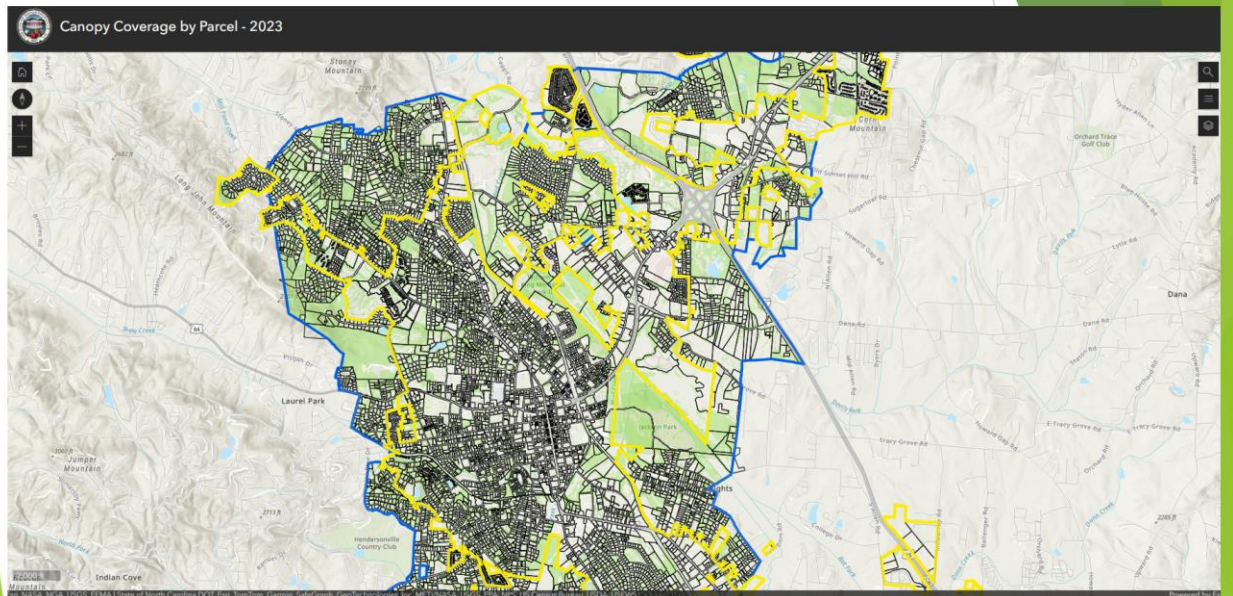


Figure 9. Distribution of existing and potential tree canopy cover throughout the combined study area.

Tree Canopy Coverage Map



Tree Canopy Coverage Map



Existing landscaping requirements (not an exhaustive list):

- ▶ Submit a tree survey showing all trees 12” diameter +
- ▶ Parking lot landscaping
- ▶ Buffer based on proposed and adjacent uses
- ▶ Credits toward landscaping requirements for preserving existing trees (incentive only, no requirement)
- ▶ Street trees in some areas (entry corridor, certain zoning districts)
- ▶ Open space landscaping in mixed-use districts
- ▶ No requirement to preserve existing trees

Proposed changes (according to the current draft):

- ▶ Tree preservation standards established
- ▶ Eliminate Tree Board review of conditional rezonings
- ▶ No tree survey required, only a plan showing the tree line
- ▶ Reduce the credits for preservation of existing trees
- ▶ No credit for invasive species
- ▶ Trees used to meet landscaping new landscaping requirements must be 75 percent native species (not the preservation requirement)
- ▶ Multi-family residential to buffer lower density residential with an 8-foot type A buffer
- ▶ Common open space landscaping (1 tree/5 shrubs per 1,200 sq. ft.)
- ▶ Open space landscaping (1 tree/5 shrubs per 4,000 sq. ft.)
- ▶ Street trees along all streets (unless exempt from landscaping ordinance)

Proposed Tree Canopy Preservation Requirement:

- ▶ Does not apply to development sites with ≤ 30,000 sq. ft. existing tree canopy (staff recommendation)
- ▶ Existing canopy = canopy according to the most recent Tree Canopy Cover Assessment conducted by the City of Hendersonville
 - If no canopy data - developer submits a plan showing the drip-line of existing canopy
 - If developer disagrees - developer may submit a sealed plan showing existing canopy as of the date of the Cover Assessment
- ▶ Tier One - MUST preserve 20 percent of existing canopy. No fee-in-lieu (unless granted a variance)
- ▶ Tier Two - Preserve additional canopy according to the following schedule (or request a fee-in-lieu):

Select One:	Existing Canopy Preserved (in addition to Tier One):	New Canopy Installation Required:	Total Tier Two Canopy Required:
Option 1	10%	0%	10%
Option 2	5%	7%	12%
Option 3	0%	15%	15%

Proposed Tree Canopy Preservation Requirement (continued):

- ▶ Trees preserved eligible for credits toward other landscaping requirements as long as they meet criteria (e.g. VUA landscaping must be w/in 20 ft. of VUA)
- ▶ Fee-in-lieu for Tier Two Canopy
- ▶ Delay of development approval for three years if all or substantially all trees are removed in violation (and other remedies)
- ▶ Example below assuming: 5-acre site with 2 acres, or 87,120 sq. ft. of existing tree canopy:

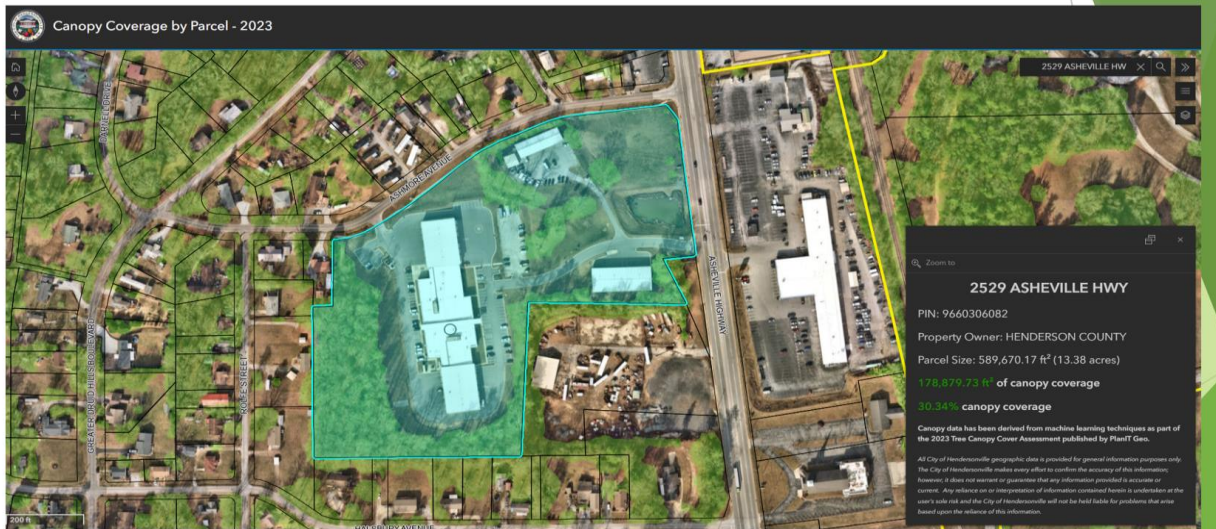
Example of Tree Canopy Preservation Requirement				
Select One:	Tier One Existing Canopy Preservation Requirement	Tier Two Tree Existing Canopy Preserved (in addition to Tier One):	New Canopy Installation Required:	Total Tree Canopy Requirement:
Option 1	17,424 sq. ft. (20%)	8,712 sq. ft. (10%)	0 sq. ft. (0%)	26,136 sq. ft. (30%)
Option 2	17,424 sq. ft. (20%)	4,356 (5%)	6,098 (7%)	27,878 sq. ft. (32%)
Option 3	17,424 sq. ft. (20%)	0 sq. ft. (0%)	13,068 sq. ft. (15%)	30,492 sq. ft. (35%)

Ex: Henderson County EMS



2015 Aerial - source: Henderson County GoMaps

Ex: Henderson County EMS



Ex: Henderson County EMS

GRASS DRAINAGE SWALE

SEED ALL FULL SUN DISTURBED SLOPES WITH ROUNDSTONE SEED CO. REGION 3 SOUTHERN NATIVE GRASS MIX #187 FOR ROADWAY AND CURBLINE (SEE LANDSCAPE NOTES SHEET L-102.)

SEED ALL SHADED OR PART SHADED DISTURBED SLOPES WITH ROUNDSTONE SEED CO. REGION 3 SOUTHERN NATIVE GRASS MIX #188 FOR ROADWAY AND CONSTRUCTION COVER (SEE LANDSCAPE NOTE SHEET L-102.)

(PLUTE LID (8))
 (PLUGGY GLOBE)
 FES BLE (1.750 W)
 HYP CAL (29)
 (PLUMB SCOUT)
 (PLU LID SWC (1))
 FES BLE (138 W)
 (PRO OTB (2))
 (RILE BL (34))
 (SPOT MAUL (4))

EXISTING TREE CANOPY PRESENT AND TO REMAIN

LARRY R. HOLBERT & RONNIE P. GRAY
 108 S.W. 15th Street
 ZONING: R-15 / C-3

► Developer would add:

- Existing tree canopy to remain acreage or sq. ft.
- Total existing tree canopy (including to be removed) and acreage or sq. ft.
- New canopy installation

2017 Henderson County EMS Landscaping Plan

New Canopy Credit Calculation:

MEDIUM MATURING TREES 25' - 50' TALL

Common Name	Botanical/Scientific Name
Norwegian Sunset Maple ^x	<i>Acer truncatum</i> x <i>A. platanoides</i> 'Keithsform'
Upright European Hornbeam ^x	<i>Carpinus betulus</i> 'Fastigiata'
American Hornbeam	<i>Carpinus caroliniana</i>
American Yellowwood	<i>Cladrastis kentukea</i>
Franklinia	<i>Franklinia alatamaha</i>
Carolina Silverbell	<i>Halesia carolina</i>
Savannah Holly	<i>Ilex x attenuata</i> 'Savannah'
American Holly ^k	<i>Ilex opaca</i>
Eastern Red Cedar ^k	<i>Juniperus virginiana</i>
Goldenrain Tree ^x	<i>Koelreuteria paniculata</i>
Galaxy Saucer Magnolia ^x	<i>Magnolia liliiflora</i> 'Nigra' x <i>Magnolia sprengeri</i> 'Diva'
Saucer Magnolia ^x	<i>Magnolia x soulangeana</i>
Sweetbay Magnolia	<i>Magnolia virginiana</i>
Black Gum ^k	<i>Nyssa sylvatica</i>
Sourwood ^k	<i>Oxydendrum arboreum</i>
Norway Spruce ^x	<i>Picea abies</i>
Japanese Black Pine ^x	<i>Pinus thunbergii</i>
Chinese Pistache ^x	<i>Pistacia chinensis</i>
Okame Cherry ^x	<i>Prunus okame</i>
Japanese Stewartia ^x	<i>Stewartia pseudocamellia</i>
Nigra American Arborvitae ^x	<i>Thuja occidentalis</i> 'Nigra'
Littleleaf Linden ^x	<i>Tilia cordata</i>
Greenspire Little Leaf Linden ^x	<i>Tilia cordata</i> 'Greenspire'

Source: Recommended Species List

New Canopy Credit Calculation:

NC STATE EXTENSION

North Carolina Extension Gardener Plant Toolbox

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Plant Detail

Acer truncatum is often confused with:

- Acer platanoides*
- Acer x 'IFS-KW202' Crimson Sunset®*

Native alternative(s) for *Acer truncatum*:

- Amelanchier canadensis*
- Cercis canadensis*
- Crataegus phaenopyrum*
- Halesia diptera*

Acer truncatum

Common Name(s): Purple Blow Maple; Shangtung Maple

Phonetic Spelling: AY-ser trunk-AH-tum

Description: Shangtung maple is a deciduous tree in the Sapindaceae (soapberry) family native to China that grows to 20-25 feet tall. The genus *Acer* means maple in Latin. It is heat and drought tolerant once established and grows in average well-drained soils in full sun to partial shade. The flowers occur in spring and are not ornamentally significant. Leaves are 5-lobed and have excellent fall colors in yellow, orange and red. The size of this tree makes it a good shade tree for smaller yards or as a street tree under utility lines. Use it as a specimen in an Asian themed garden. It attracts moth larvae making it an excellent addition to a pollinator or nighttime garden.

Insects, Diseases, and Other Plant Problems: No serious problems. See potential insect and disease problem fact sheets to the left.

The Clemson Cooperative Extension Home and Garden Information Center has a factsheet on common maple diseases and insect pests.

Whole plant: Derek Ramsey CC-BY-SA 2.0

Fall color: CC BY 2.0 JC Baulston Arboretum

Dimensions:
 Height: 20 ft. 0 in. - 25 ft. 0 in.
 Width: 15 ft. 0 in. - 20 ft. 0 in.

Source: N.C. Cooperative Extension - www.ces.ncsu.edu

New Canopy Credit Calculation:

Ex: Medium Maturing Trees

	A	B
1	Common Name	Average Canopy
2	Norwegian Sunset Maplex	177
3	Upright European Hornbeam x	481
4	American Hornbeam	297
5	American Yellowwood	709
6	Franklinia	43.5
7	Carolina Silverbell	531
8	Savannah Holly	78
9	American Holly k	88.5
10	Eastern Red Cedar k	132.75
11	Goldenrain Treex	962
12	Galaxy Saucer Magnoliax	123
13	Saucer Magnoliax	235.5
14	Sweetbay Magnolia	397
15	Black Gum k	445.5
16	Sourwood k	61.5
17	Norway Sprucex	594
18	Japanese Black Pine x	150.75
19	Chinese Pistachex	368.25
20	Okame Cherryx	368.25
21	Japanese Stewartiax	107
22	Nigra American Arborvitae x	61.5
23	Littleleaf Lindenx	709
24	Greenspire Little Leaf Lindenx	1063.5
25	Trident Maplex	368.25
26	Red Buckeye k	132.75
27	American Smoke Tree	245.5
28	Dwarf Loblolly Pine	61.5

New Tree Canopy Installation	
Size of Tree*:	Tree Canopy
Large Maturing	872 sq. ft.
Medium Maturing	350 sq. ft.
Small Maturing	144 sq. ft.

*As designated in the Recommended Species list

Fee-in-Lieu:

- ▶ Based on the cost to for the City to plant new canopy to replace the existing canopy removed.
- ▶ Weighted average of the following:

New Tree Canopy Installation			
Size of Tree:	Tree Canopy	Trees per Acre	Weight
Large Maturing	872 sq. ft.	49.943	0.105
Medium Maturing	350 sq. ft.	124.305	0.261
Small Maturing	144 sq. ft.	301.507	0.634

- ▶ Assigned weight based on the number of trees to reach a certain amount of canopy.
- ▶ Weighted average is 228.84 sq. ft.
- ▶ City’s average cost to plant and establish a tree is ~\$350.
- ▶ With an average replacement canopy of 228.84 sq. ft. per tree planted:
 - ▶ $350 / 228.84 = \text{\$1.53 per sq. ft. of tree canopy.}$

Fee-in-Lieu example:

- ▶ For a development with 2 acres, or 87,120 sq. ft. of existing canopy:
 - ▶ Tier Two Canopy Preservation Requirement, Option 1 = 8,712 sq. ft.
 - ▶ $8,712 * \$1.53 = \$13,329.36$ fee-in-lieu of the entire Tier Two requirement.
 - ▶ Tier Two Canopy Preservation Requirement, Option 2 = 4,356 sq. ft.
 - ▶ $4,356 * \$1.53 = \$6,664.68$ fee-in-lieu of preservation requirement
 - ▶ (Developer installs 7 percent new canopy)

Business Advisory Committee Review and Recommendations:

Exemption Standard

- ▶ Recommend that the standard for compliance be development sites that exceed 2 acres in size AND exceed 30,000 sq. ft. of existing tree canopy.

Tree Board Plan Review

- ▶ Eliminate Tree Board review of conditional rezonings

Credits for Preservation

- ▶ Increase the credits for preservation of existing vegetation [see next slide]

Business Advisory Committee Review and Recommendations:

- b) Credits and other incentives to preserve vegetation.** Preserved trees may be credited at the following rate:

~~2—6 inch caliper tree = 1 tree~~

~~7—12 inch caliper-DBH (diameter at breast height) tree = 21 trees~~

~~13—18 inch caliper-DBH tree = 32 trees~~

~~19—24 inch caliper-DBH tree = 43 trees~~

~~25+ inch caliper-DBH tree = 54 trees~~

Lew Holloway then presented the following PowerPoint presentation on behalf of the Planning Board:

TREE CANOPY PRESERVATION & ENHANCEMENT

(P24-08-ZTA)

Zoning Text Amendment

City of Hendersonville City Council

March 7th, 2024

Community Development | Planning Division
Lew Holloway | Community Development Director

Project Background

Applicant: City of Hendersonville

Zoning Districts Impacted: Applies to Various Zoning Districts dependent on type and scale of development.

Proposed Changes:

- + Establishes Tree Canopy Preservation standards for new residential and commercial development.
- + Establishes new planting requirements for Common Open Space and Open Space.
- + Establishes Street Tree requirements applicable to new development and certain redevelopment projects.
- + Establishes requirements for planting Native Species.
- + Makes changes to vehicular use area planting requirements, increasing total plantings required while also enhancing flexibility around planting locations.
- + Makes various changes to submittal requirements and administrative duties to accommodate the enforcement of the new ordinance requirements.

Planning Staff Review & Recommendations

Recommended Planting List

- 1) We suggest that this list be titled "Approved Planting List." This just clarifies language around this being a requirement of the zoning code, rather than a recommendation. [Definition Clarification]
- 2) We would request that the Tree Board establish a way of annually obtaining feedback on the list from site engineers and landscape architects or other professionals who may be developing planting plans within the community. [Administrative Clarification]

Tree Board Review

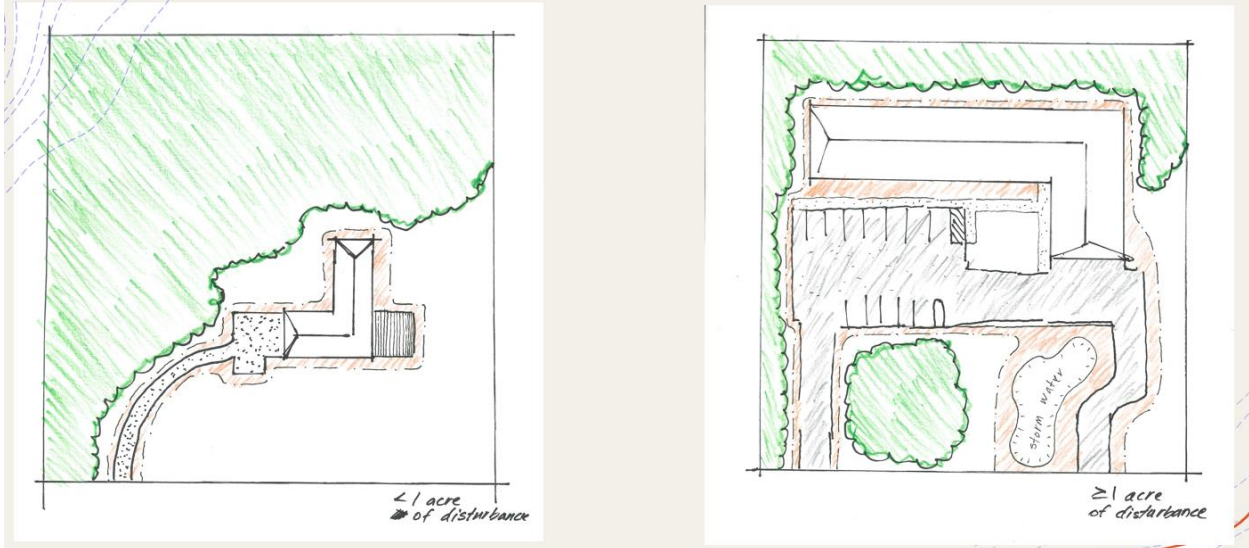
- 1) Conditional Zoning District (CZD) review currently includes a Tree Board review of planting plans associated with site plans going through the Conditional Zoning District approval process. As discussed in the Tree Ordinance Review Committee meetings, we recommend that with the adoption of these new canopy preservation and enhancement standards that the Tree Board review process be removed from the CZD process as the new ordinance establishes standards sought by the Tree Board in this process. [Administrative Clarification]

Planning Staff Review & Recommendations

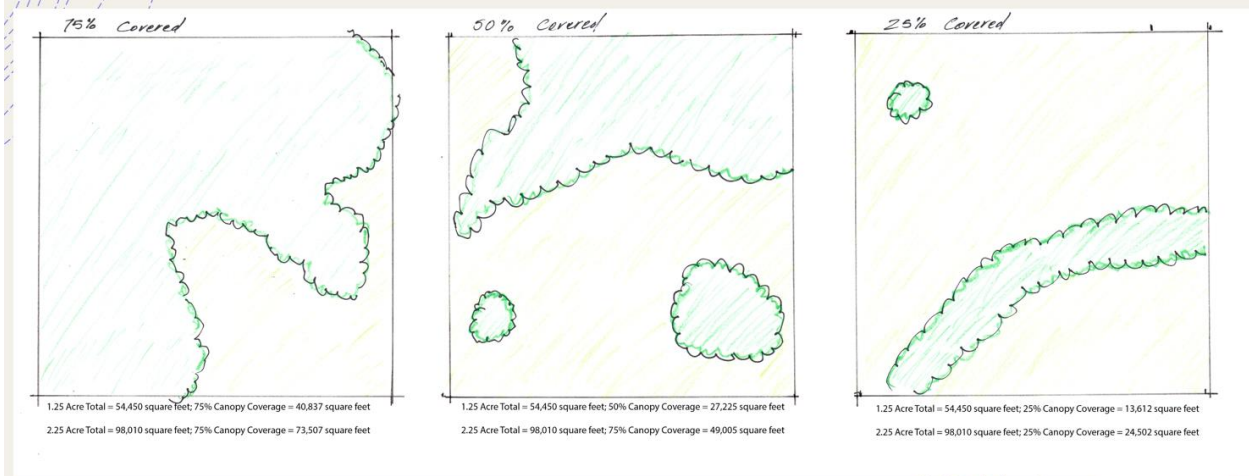
Exemption Standard Alignment

- 1) The Tree Canopy Preservation standard as proposed establishes an exemption for lots that are 2 acres or less in size. Staff would suggest al [Definition Clarification]
- 2) We would request that this exemption be aligned with the exemption standards for stormwater and erosion and sediment control standards. We propose that the exception standard would read as follows:
Tree Canopy Preservation. All developments required to comply with this Article pursuant to Sec. 15-2 herein, with the exception of development tracts whose area of disturbance is no greater than two acres less than an acre or whose total tree canopy does not exceed 30,000 square feet, shall preserve existing trees in compliance with this Section.
- 3) This recommendation is to simplify the review process while also limiting the potential design challenges and administrative burden to sites with limited canopy coverage that the preservation standard might otherwise create. [Policy Recommendation]

Area of Disturbance Illustration



Canopy Coverage Illustration



Canopy Coverage Exemption Scenarios

	75% Canopy	50% Canopy	25% Canopy
2.25 Acre Site & greater than or equal to 1 acre of disturbance	73,507 square feet; 30% saved = 22,052 sq ft (exempted by - none)	49,005 square feet; 30% saved = 14,701 sq ft (exempted by - none)	24,502 square feet; 30% saved = 7,350 sq ft (exempted by - +)
2.25 Acre Site & less than 1 acre of disturbance	73,507 square feet; 30% saved = 22,052 sq ft (exempted by - *)	49,005 square feet; 30% saved = 14,701 sq ft (exempted by - *)	24,502 square feet; 30% saved = 7,350 sq ft (exempted by - *, +)
1.25 Acre Site & greater than or equal to 1 acre of disturbance	40,837 square feet; 30% saved = 12,251 sq ft (exempted by - #)	27,225 square feet; 30% saved = 8,167 sq ft (exempted by - #, +)	13,612 square feet; 30% saved = 4,083 sq ft (exempted by - #, +)
1.25 Acre Site & less than 1 acre of disturbance	40,837 square feet; 30% saved = 12,251 sq ft (exempted by - #)	27,225 square feet; 30% saved = 8,167 sq ft (exempted by - #, *, +)	13,612 square feet; 30% saved = 4,083 sq ft (exempted by - #, *, +)

Exemptions Defined

(+) - Exemption is tied to relief granted to site with 30,000 square feet of canopy or less.

(*) - Exemption is tied to relief granted to a site with less than an acre of disturbance.

(#) - Exemption is tied to relief granted to a site that is less than 2 acres overall.

Legislative Committee

- + January 16th, 2024
- + 3 Members in attendance (+) 1 Staff Member
- + Meeting takeaways
 - + Committee was broadly supportive and asked a series of questions regarding clarification of terminology, impacts of violating the ordinance, street trees etc.
 - + Many of the issues raised were addressed through the on-going revision process with the Tree Ordinance Committee and were discussed by the Planning Board at their February public hearing for the ordinance.

1) COMPREHENSIVE PLAN CONSISTENCY	Land Use & Development	The Land Use and Development element analyzes existing development patterns and recommends land uses and development standards for future growth and redevelopment in all areas of the City and Extra-Territorial Jurisdiction (ETJ). This element also recommends areas for future expansion of the ETJ. <u>The framework for land use policies and decision making in this element reflects the vision statements, principles and strategies of all elements of the 2030 Comprehensive Plan.</u>
	Population & Housing	The Population & Housing element of the 2030 Comprehensive Plan identifies and analyzes existing and forecasted housing needs in Hendersonville. This chapter of the plan is concerned with identifying standards and programs for the elimination of substandard dwelling conditions, the improvement of housing quality, variety and affordability, and with the provision of adequate sites for housing.
	Natural & Environmental Resources	The Natural and Environmental Resources element of the 2030 Comprehensive Plan creates a framework for the preservation of sensitive natural areas, working lands and ecological systems in concert with future development. Preserving these features will help to sustain air and water resources and contribute to the health and quality of life of Hendersonville residents. Additionally, the concepts presented in the chapter are intended to facilitate the preservation of the natural character that defines Hendersonville's identity.

1) COMPREHENSIVE PLAN CONSISTENCY	Cultural & Historic Resources	The Cultural and Historic Resources element of the 2030 Comprehensive Plan provides an inventory of Hendersonville's existing cultural and historic resources and opportunities and recommends strategies to preserve and supplement these resources. Historic districts and landmarks connect residents to Hendersonville's past and contribute to the community's uniqueness. Maintaining and building upon these resources as the community grows will help to create an enduring identity and sense of place in Hendersonville.
	Community Facilities	The Community Facilities element of the 2030 Comprehensive Plan provides and analysis of Hendersonville's existing public facilities and services such as schools, parks and public safety, and identifies community needs in each area. This element provides a vision to efficiently use public facilities, meet long term public safety needs and provide residents with ample park and recreation amenities and opportunities.
	Water Resources	The Water Resources element of the 2030 Comprehensive Plan provides policies to maintain and improve the quality of water, stormwater and wastewater facilities in a sustainable, efficient manner as the community grows.
	Transportation & Circulation	The Transportation and Circulation element of the 2030 Comprehensive Plan classifies and analyzes performance of existing roadways, bicycle routes and other modes of transportation, while providing direction for future improvements in all modes of travel. Analysis and recommendations reflect coordination the Land Use and Development element of the 2030 Comprehensive Plan, ensuring that transportation and land use decisions are not made in isolation.

GENERAL AMENDMENT STANDARDS	
2) Compatibility	Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property -
	The proposed text amendment seeks to promote compatibility between new development on sites with surrounding existing development, by reducing the removal of existing site vegetation and tree canopy and enhancing the integration of new plantings in required open space.
3) Changed Conditions	Whether and the extent to which there are changed conditions, trends or facts that require an amendment -
	There has been increased pressure to develop Greenfield sites throughout the city. Previously unimpacted by large scale development these site within the City and ETJ contribute to the character of the surrounding neighborhoods. The large scale clearing and grading often associated with new development has generated considerable concerns regarding conservation and preservation of natural resources and quality of life for residents within the City.

4) Public Interest	Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern that benefits the surrounding neighborhood, is in the public interest and promotes public health, safety and general welfare -
	The proposed text amendment aligns with the public interest in that it seeks to offset some of the impacts of <u>large scale</u> development on adjacent properties and on existing natural resources.
5) Public Facilities	Whether and the extent to which adequate public facilities and services such as water supply, wastewater treatment, fire and police protection and transportation are available to support the proposed amendment -
	The proposed text amendment does not have a large impact on public facilities.
6) Effect on Natural Environment	Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment including but not limited to water, air, noise, storm water management, streams, vegetation, wetlands and wildlife -
	The proposed text amendment will offset a portion of the ongoing impacts of new development on the natural environment within the City.

Planning Board

- +February 8th, 2024
- +7 Members in attendance (+) 3 Staff Members
- + Meeting takeaways
- + Overall there was a desire amongst the Planning Board to support the adoption of a new Tree Ordinance.
- +The Board supported the two staff recommendations for the renaming of the "Recommended Planting List" to "Approved Planting List" and to align the exemption standard for canopy preservation with Stormwater and Erosion and Sediment Control Plans at less then an acre of disturbance or 30,000 square feet or less total on-site canopy.
- +The motion to recommend City Council adopt the new ordinance carried unanimously.

PB Recommended Consistency Statement

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

The petition aligns with the Comprehensive Plan's Strategies; NR-2.3. Promote preservation of woodlands. Mature trees and wooded areas are significant community-defining natural features that contribute to Hendersonville's identity, LU-3.5. Minimize negative impacts from growth and land use changes on existing land uses and LU-3.6. Update the Zoning Code to ensure conformance with the Comprehensive Plan

We [find] this proposed zoning text amendment petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because:

PB Recommended Rationale for Approval

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

1. The proposed text amendment seeks to promote compatibility between new development on sites with surrounding existing development, by reducing the removal of existing site vegetation and tree canopy and enhancing the integration of new plantings in required open space.
2. The proposed text amendment aligns with the public interest in that it seeks to offset some of the impacts of large scale development on adjacent properties and on existing natural resources.
3. The proposed text amendment will offset a portion of the ongoing impacts of new development on the natural environment within the City.

The public hearing was opened at 8:10 p.m.

Public Comments:

Ginny Faust of Hendersonville, NC spoke in favor of the revisions to the tree ordinance and said I worked as the City Planner for Hendersonville from 1985 until 1991. I would like to make the following comments in support of the revisions to the Zoning Ordinance for tree canopy preservation as proposed by the Tree Board. I would also like to provide a little background regarding how the first regulations in the Zoning Ordinance for tree protection and landscaping came about. These regulations also established the Tree Board. Around 1988 or 1989, all the parcels fronting on Four Seasons Boulevard had not yet been developed. An announcement was made that a Taco Bell restaurant was planned for one of the remaining lots, but a giant oak tree on the property that had been a community focal point for probably 200 years would have to be cut down to make room for the building. Many people were upset about this loss. Discussions started about possibly revising the Zoning Ordinance to consider requirements for tree protection and landscaping when commercial properties were developed. I spoke with Mayor Don Michalove about forming a committee composed of people who were in favor of these regulations, and those who had strong concerns about this approach. We started out with a group of 10 or so people with different opinions, but the first couple of meetings with this committee were not very productive and people quickly became frustrated with the process. Instead, we came up with the idea that a smaller subcommittee made up of four people – two business

owners who had strong beliefs in property rights, and two people who were committed environmentalists – would meet and hopefully work out the issues. These four people were Dan Waddell, Marilyn Gordon, David Malpass, and Steven Black. The subcommittee met regularly for months to explore options; I no longer remember how long it was. The four members came to the conclusion that they would only work on the consensus principle – that everyone had to agree on a proposal for it to move forward. Over time, the give and take of opinions and ideas led to the members having a better understanding of everyone’s underlying reasons for their particular beliefs. In addition, trust among the members also developed. Eventually, this led to compromises that had previously been unacceptable, if not unthinkable. When the subcommittee developed the final wording, everyone in the community believed that because those who agreed with “their” position had said it was acceptable, no one objected to the ordinance language and the amendments were passed. To this day, when I think back on my career as a planner, this process and the trust that unfolded in our group remains one of my happiest and most satisfying memories. The members of the Tree Board have worked very hard through the years to find a balance between development and the protection of our environment. Now that development is taking place at a much faster pace, their work is even more important. I would ask that the Council support their revisions to the existing language. It is important that our tree canopy remains viable, native trees and landscaping are encouraged, and the underlying web of birds, insects and plants that this canopy supports continues so the City we all love can thrive in the future. Thank you.

Glenn Lange of Hendersonville, NC, a member of the Tree Board, spoke in favor of the revisions to the tree ordinance, however, he the tree ordinance committee has some concerns:

- The Fee in Lieu provision that substantially undervalues mature trees that a developer can remove in the preservation requirement.
- The size of developments that are proposed to be exempted from this ordinance.
- The proposed elimination of the Tree Board from the Community Development Review process for proposed projects.

Mary Davis of Hendersonville, NC, a member of the Tree Board, spoke in favor of the revisions to the tree ordinance with two exceptions:

- Giving possible exemptions to lots between 1 and 2 acres. A lot of the land in the city that can be developed or redeveloped, are 1 to 2 acres.
- I would like to see the City work on a fee in lieu schedule that takes into consideration, the environmental value of our mature trees.

Nancy Diaz of Hendersonville, NC, Mountain True Southern Regional Director, spoke in support of the ordinance revisions. We support the Tree Board’s position to not include the fee in lieu provision suggested by City staff. It would be wise for the valuation of trees removed be determined by an urban arborist and that will vary by project. For matters requiring subject matter expertise, we recommend that City Council work with City staff to determine a valuation process that balances an accurate accounting of the loss of mature trees with the need to build new affordable housing. We also support the Tree Board remain a part of the review process for new developments.

Randy Hunter of Hendersonville, NC spoke on behalf of the Chamber of Commerce in opposition of the tree canopy ordinance. While we acknowledge the environmental goals, we recommend exemptions on acres two or less to ensure a balanced approach considering the diverse scales and we suggest removing the tree board from the approval process and leave the decision making to the Planning Board and City Council. We encourage trade-offs between landscaping regulations and tree canopy requirements. We also express concern about affordable housing and urge thoughtful consideration of potential economic implications.

Ken Gordon of Hendersonville, NC has served on the Tree Board and thinks the 2 acre exemption that the Business Advisory Committee suggested is reasonable to allow those sites to be developed properly.

Susan Frady of Hendersonville, NC representing the Henderson County Partners for Economic Progress and we are in favor of the tree ordinance presented with the recommended changes of the Business Advisory Committee.

Via Zoom:

Lynne Williams spoke mostly in favor of the tree ordinance and to keep the tree survey and the Tree Board, however, had a long list of suggestions moving forward.

Ken Fitch of Hendersonville, NC spoke in support of the tree ordinance and asks that you keep the Tree Board.

Digital Comments:

Annie Bussinger said we are living in a difficult time. The sound of a chainsaw is happening more and more and putting us on a path of no return. Trees play a key role in the health of the planet and the air we all breath. Not in my lifetime but, one day the almighty dollar will NOT have top billing. Let's open our eyes to the extreme importance and benefits of our beautiful majestic trees.

The public hearing was closed at 8:45 p.m.

Council Member Jennifer Hensley moved that City Council direct staff to take the next month to consider the concerns raised tonight and bring back options to Council at their April 4th meeting. A unanimous vote of the Council followed. Motion carried.

9. NEW BUSINESS

A. Resolution Approving Interlocal Agreement to Merge the Hendersonville and Laurel Park ABC Systems – Chuck McGrady and Jeff Nance, Hendersonville ABC Board

City Manager John Connet explained that Hendersonville and Laurel Park ABC Boards have been working on a merger agreement for over twelve months. The two ABC boards have tentatively reached agreement on the attached document. City staff recommend the that the City Council approve the proposed resolution authorizing the Mayor and City Attorney to execute the merger agreement.

Council Member Jeff Miller moved that the City Council approve the Resolution by the City of Hendersonville City Council Approving an Interlocal Agreement with the Town of Laurel Park for the Merger of the ABC Systems as presented. A unanimous vote of the Council followed. Motion carried

Resolution #R-24-11

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL APRPROVING
AN INTERLOCAL AGREEMENT WITH THE TOWN OF LAUREL PARK
FOR THE MERGER OF THE ABC SYSTEMS**

THAT WHEREAS, the City Council for the City of Hendersonville is the appointing authority for the Hendersonville ABC Board, duly established by election, pursuant to the authority of chapter 954 of the 1955 North Carolina Session Laws; and

WHEREAS, the Town Council for the Town of Laurel Park is the appointing authority for the Laurel Park ABC Board, duly established by election, pursuant to the authority of chapter 163 of the 1981 North Carolina Session Laws; and

WHEREAS, the City of Hendersonville Board of Alcoholic Beverage Control currently operates an ABC system consisting of three stores and a warehouse, plus inventory and equipment, said stores being located at 205 Church Street, Hendersonville, NC (“Church Street Store”), 275 Thompson Street, Hendersonville, NC (“Thompson Street Store”), and 32 McMurray Road, Hendersonville, NC (“McMurray Road Store”), the warehouse being located at the Church Street store (“Hendersonville Warehouse”), the Hendersonville System being collectively hereinafter referred to as the “Hendersonville System”; and

WHEREAS, the Town of Laurel Park Alcoholic Beverage Control Board currently operates an ABC system consisting of one store plus inventory and equipment, said store being located at 1709 Brevard Highway,

Laurel Park, NC (“Laurel Park Store”), the Laurel Park System being collectively hereinafter referred to as the “Laurel Park System”; and

WHEREAS, the stores operated by the Hendersonville ABC System and the Laurel Park ABC System are operated in the same general area, and are in close proximity to one another;

WHEREAS, the Hendersonville City Council and the Laurel Park Town Council wish to merge the ABC systems, currently operated independently by the City of Hendersonville Board of Alcoholic Beverage Control and the Town of Laurel Park Alcoholic Beverage Control Board pursuant to the authority of N.C.G.S. § 18B-703 and N.C.G.S. Chapter 160A Article 20, Part 1; and

WHEREAS, a draft of the “Interlocal Agreement to Provide for the Merger of ABC Systems” has been presented to City Council for approval to effectuate the merger of the ABC Systems;

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

1. Pursuant to the authority of N.C.G.S. § 18B-703 and N.C.G.S. Chapter 160A Article 20, Part 1, the Interlocal Agreement to Provide for the Merger of ABC Systems (the “Agreement”) is approved as presented.
2. The Mayor is authorized to execute the Agreement with such changes as she deems appropriate in consultation with the City Attorney, provided that any changes to the Agreement regarding the calculation or distribution of profits from the merged system (paragraph 12), or the location of ABC stores (paragraph 13) shall require ratification of City Council.
3. The City Manager, City Attorney, and City Staff are authorized to take such other actions as may be necessary to carry out the terms and provisions of the Agreement as signed by the Mayor.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 7th day of March, 2024.

B. S. Main Street Improvements – Brent Detwiler, PE, Public Services Director

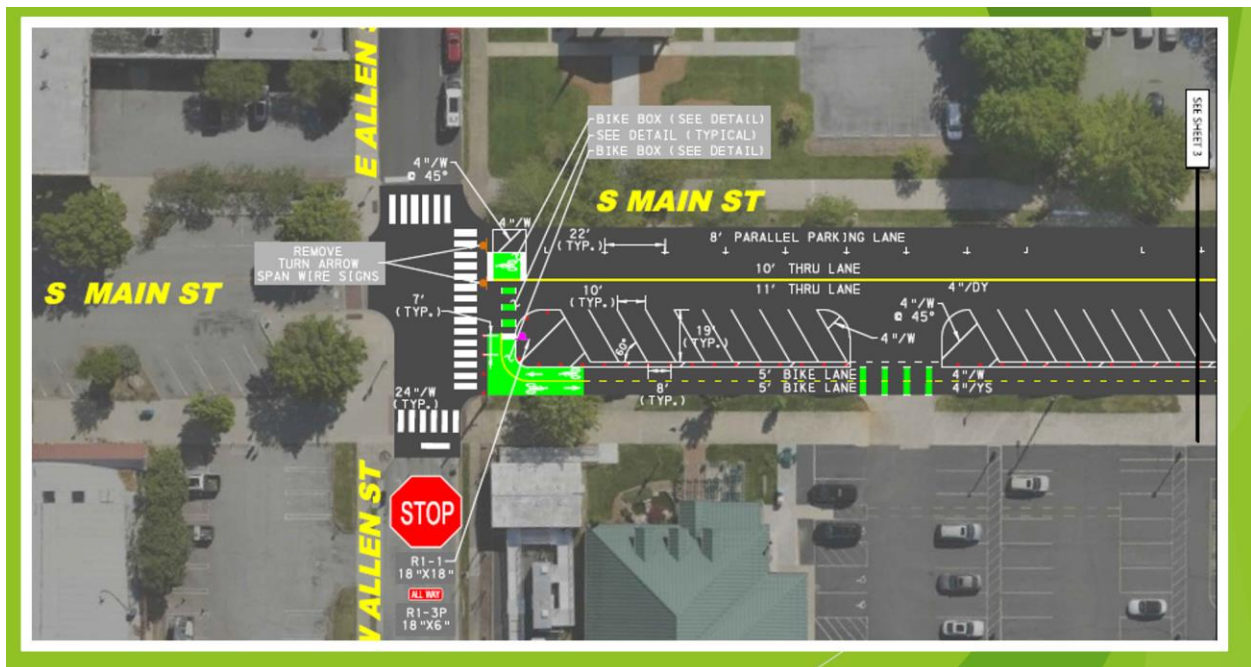
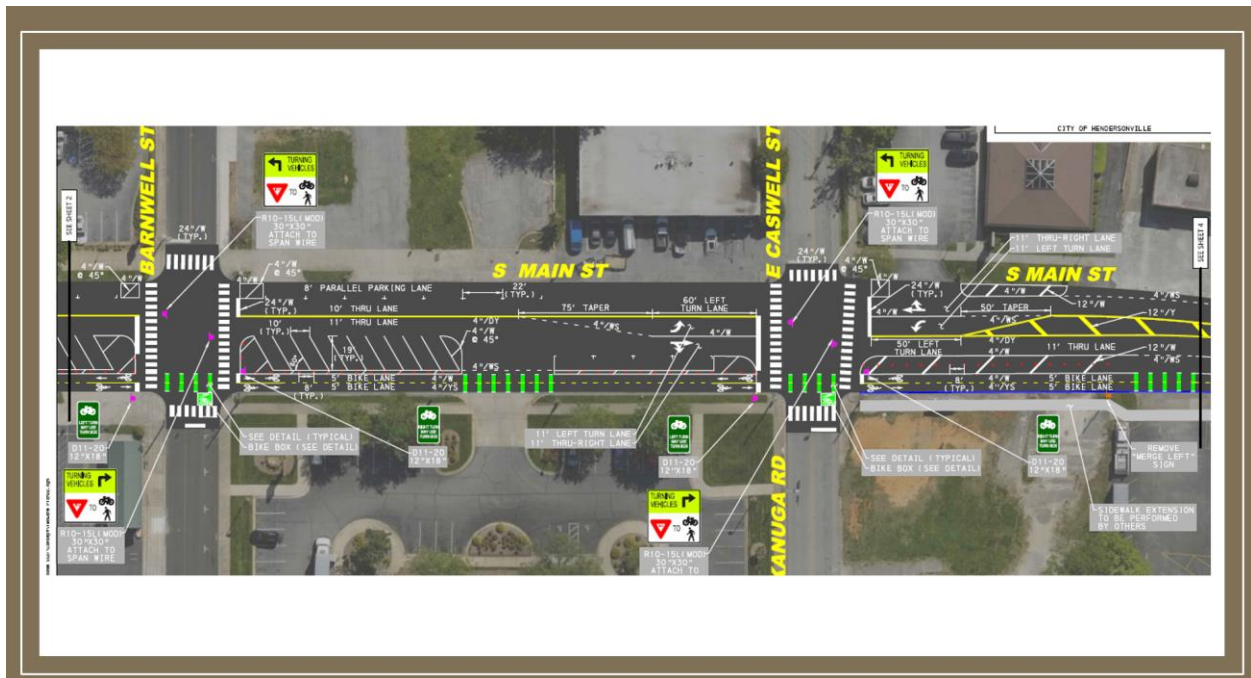
Brent Detwiler explained that City staff has been working with Traffic Planning and Design, Inc. (TPD) to complete a bicycle and pedestrian improvement project along S. Main Street. The project will be completed in conjunction with paving improvements to provide a safer experience for Ecusta Trail users to access downtown and the Henderson County Visitor Center. Attached is a draft plan by TPD which is currently being reviewed by staff from multiple departments ahead of the final construction plan. We are providing this draft plan for Council’s feedback and welcome any questions you may have. Total paving and striping is estimated to cost approximately \$600,000. Paving work is currently being advertised for bidding. Striping work will be informally bid in coming weeks. Brent showed a PowerPoint presentation showing what’s to come.

Jennifer Hensley asked if there will be audible signals and Brent said we can look into it and see what the cost would be.

Lyndsey Simpson mentioned bike racks up and down Main Street and Brent said they are definitely working on that as well.

S Main Street Bicycle Facility and Pedestrian Improvements

March 7, 2024



10. CITY MANAGER REPORT

A. February Surpluse Item Report – John Connet, City Manager

APPROVED
By John Connet at 1:39 pm, Feb 08, 2024

MEMO

TO: John Connet, City Manager
FROM: Jennifer Case, Public Works
DATE: 02/08/2024
RE: A Request for Declaration of Surplus Items

The following items are no longer in use by the city, and we are requesting that these items be declared surplus with the intent to sell them by internet auction:

1. 15-17 2009 Chevrolet Tahoe Approximate Value: \$5000
2. 15-09 2008 Jeep Grand Cherokee Laredo AV: \$5000
3. 14-06 2001 Ford F150 AV: \$1800
4. 26-05 2004 Sterling L7500 Heavy Duty Truck AV\$14000
5. 20-01 2002 Chevrolet C6500 Heavy Duty Truck AV: \$8000
6. 14-42 2009 Jeep Grand Cherokee AV: \$3500
7. 14-52 2014 Ford Explorer AV: \$10000
8. 14-48 2014 Ford Explorer AV: \$10000
9. 15-22 2013 Chevrolet Tahoe AV: \$8000

B. February 2024 Contingency and Adjustment Report – John Connet, City Manager

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

NCGS 159-15 permits the Budget Officer (City Manager), to transfer budget from one appropriation to another within the same fund, provided any such transfers are reported to the Governing Board. The City of Hendersonville refers to transfers of budget from one appropriation to another within the same fund as a “budget adjustment”. City Council authorizes budget adjustments each year with the adoption of the annual budget ordinance (SECTION 4). This agenda item serves to fulfill the reporting requirements of both NCGS 159-13(b) and 159-15 by providing City Council a summary of all amendments and adjustments occurring thus far in the fiscal year.

FISCAL YEAR 2023 - 2024 (FY24)		Completed	Corrected						
BUDGET AMENDMENTS		Proposed	Denied						
ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET	DESCRIPTION	APPROVED	TYPE	AMENDMENT NUMBER
010-1400-554001	CO- Equipment Other Than	39,000	-	7,867	31,133	Tablets	yes	adjustment	1/31/2024
010-1400-534000	Non-Capital Equipment	97,500	7,867	-	105,367	Tablets	yes	adjustment	1/31/2024
068-7855-524020	R&M Equipment	9,100	-	3,700	5,400	Street Sweeper Part	yes	adjustment	1/31/2024
068-7855-524030	R&M Trucks	53,850	3,700	-	57,550	Street Sweeper Part	yes	adjustment	1/31/2024
068-7855-521110	Protective Clothing	5,000	-	1,360	3,640	Street Sweeper Part	yes	adjustment	2/1/2024
068-7855-521030	Medical	1,500	-	1,360	140	Street Sweeper Part	yes	adjustment	2/1/2024
068-7855-531100	Fuel	70,000	-	2,653	67,347	Street Sweeper Part	yes	adjustment	2/1/2024
068-7855-532250	Outreach Program	2,000	-	1,293	707	Street Sweeper Part	yes	adjustment	2/1/2024
068-7855-524030	R&M Trucks	57,550	6,666	-	64,216	Street Sweeper Part	yes	adjustment	2/1/2024
010-1002-519200	Contracted Services	133,000	-	27,000	106,000	PD Zoom Upgrade	yes	adjustment	2/9/2024
010-1300-519200	Contracted Services	34,650	3,800	-	38,450	PD Zoom Upgrade	yes	adjustment	2/9/2024
010-1300-534000	Non-Capital	74,000	23,200	-	97,200	PD Zoom Upgrade	yes	adjustment	2/9/2024
010-0000-534999	Contingency	48,963	-	4,000	44,963	Insurance Claims	yes	adjustment	2/9/2024
010-1002-531700	Liability & Property Insur. And Bonds	25,912	2,000	-	27,912	Insurance Claims	yes	adjustment	2/9/2024
010-1300-519200	Contracted Services	34,650	2,000	-	36,650	Insurance Claims	yes	adjustment	2/9/2024
010-1525-553000	Capital Outlay- Land Improvemnts	57,700	-	5,556	52,144	Mark- Disc Golf Mulcher	yes	adjustment	2/14/2024
010-1525-531600	Lease/Rental Equipment	-	5,556	-	5,556	Mark- Disc Golf Mulcher	yes	adjustment	2/14/2024
010-1400-519104	Prof Servies- Engineering	22,000	-	8,000	14,000	FD Equipment	yes	adjustment	2/23/2024
010-1400-524020	R&M Equipment	32,300	8,000	-	40,300	FD Equipment	yes	adjustment	2/23/2024

11. CITY COUNCIL COMMENTS - None

12. ADJOURN

There being no further business, the meeting was adjourned at 9:07 p.m. upon unanimous assent of the Council.

Barbara G. Volk, Mayor

ATTEST: _____
Jill Murray, City Clerk