

CITY OF HENDERSONVILLE
Historic Preservation Commission

Minutes of the Regular Meeting of July 15, 2026

Commissioners Present: Ralph Hammond-Green, Stan Smith, Jim Welter, (Vice-Chair), Jim Brewer, Jim Boyd, Cheryl Jones, (Chair), Edward Sine

Commissioners Absent: John Falvo, Lauren Matoian

Staff Present: Sam Hayes, Planner II, Daniel Heyman, Assistant City Attorney, Lew Holloway, Community Development Director

- I **Call to Order.** Chair called the regular meeting of the Hendersonville Historic Preservation Commission to order at 5:02 pm.
- II **Public Comment.** None
- III **Agenda.** On motion of Commissioner Hammond-Green and seconded by Commissioner Brewer the agenda was approved.
- IV **Minutes.** On motion of Commissioner Brewer and seconded by Commissioner Welter the minutes of the regular meeting of June 17, 2026 were approved.
- V **New Business**
- V(A) **Certificate of Appropriateness** – David McKinley – 128 3rd Avenue East (File No. 26-42-COA).

Chair stated tonight we have one public hearing to consider, an application for a Certificate of Appropriateness permit in the Main Street Historic District. Any persons desiring to testify in this hearing must first be sworn as a witnesses and will be subject to cross-examination by parties or persons whose position may be contrary to yours. A copy of the procedures and rules for a quasi-judicial hearing is provided on the back table next to the agenda. Since this is a quasi-judicial hearing, it is very important that we have an accurate record of the hearing. Therefore, we ask that you refrain from speaking until recognized by the Chair and, when recognized, that you come forward to the podium and begin by stating your name and address. Anyone present who has knowledge of anything of value that has been given or promised in exchange for a position to be taken on these applications should disclose it now. Anyone who wishes to speak during the public hearings should come forward to be sworn in. Chair swore in David McKinley, Sam Hayes.

Chair opened the public hearing.

Mr. Hayes stated this is a major work application for facade rehabilitation. The applicant is David McKinley. He's the owner and applicant. The project acreage is .04 acres, and this is located in our C-1 Central Business District, as well as our Main Street Historic District overlay.

A map of the Main Street Historic District was shown with the subject property shown. This is included in the staff report and presentation.

An aerial view of the property was shown and is included in the staff report and presentation.

A history of the subject property was discussed and is included in the staff report and presentation.

Site photos were shown and discussed and are included in the staff report and presentation. Mr. Hayes stated the windows are non-original. The recessed entryway does contain wood siding but likely not original either.

A brief overview of the COA description was discussed and is included in the staff report and presentation.

The Design Standards that apply were included in the staff report and presentation. A staff analysis was provided in your packet. Staff did not propose any conditions for this application.

The suggested motions for approval and denial were included in the staff report and presentation.

Chair asked if there were any questions for staff.

Commissioner Hammond-Green stated the drawings that are provided does not give any dimensional depth for the entrance. In other words, how far in it was and I'm presuming that is the original footprint, in the entrance. Mr. Hayes stated yeah, so, unsure if that's the original footprint, it's what's currently there. I will say, when staff did the analysis, and in talking to the applicant, because there is no original elements to that provided, this was seen as a rehabilitation, not a reconstruction or anything like that. I can let the applicant speak to how deep it is. It is staff's understanding that it's not going to be increased. It's going to remain what it currently is.

Commissioner Smith stated there are no awnings now. Mr. Hayes stated that is correct, there are no awnings. Mr. Hayes stated awnings are a gray area. Staff often approves awnings as a minor work. Commissioner Smith stated application drawings will require a structural change to the facade. Mr. Hayes stated I do not believe so. I think the applicant can speak to that. The applicant is a builder, and will be doing the work as well.

Chair asked if there were any questions for staff. There were no further questions for staff.

Chair asked if the applicant would like to address the Commission.

David McKinley, 126 3rd Avenue East stated his name for the record. Commissioner Hamond-Green stated the door is, when it's fully open, it's still within in the building print. Mr. McKinley stated yes, it's not into the sidewalk. We're not changing the dimension of that. We're basically using that same thing.

Mr. McKinley stated concerning the awnings, there won't be a structure. It was not a structural issue. I have a unlimited general contractors license for North Carolina for 30 some years.

Mr. McKinley was asked if the recess in the middle is that footprint is staying the same? Mr. Mckinley

answered yes.

Chair discussed adding the awnings and stated the guidelines say minimal damage. Mr. McKinley stated it would just be about four holes at the top.

Chair stated just for clarification, the transom, the way it's drawn, you're not going to take out the brick above the existing opening. It's going to be fluted regular brick. Mr. McKinley stated it basically is just the whole entire thing. The only thing probably on the drawing that would be different above the door, there will actually be a divider on that center section. They don't have it and he will make it match.

Discussion was made on how high the fluted section is. Mr. McKinley stated the door is seven feet. You have windows, the fluted section, and then the brick soldier course.

Chair stated the Birch plywood is just a facade. Right? Mr. McKinley stated yes. Chair asked are you going to leave it natural or painted? Mr. McKinley stated it'll be painted black to match.

Chair stated so are you adding the lights, or are these just decorative? Mr. McKinley stated we'll be adding lights.

Discussion was made on the lights. The Commission does not approve the lights but they can approve the material. It was stated they will be metal. Mr. Hayes stated the lights and being dark sky complaint would go through a separate approval process. Chair stated so, if you want to amend the application to add the proposal that the four lights that are shown in the rendering be approved as part of this, we can do that too at the same time. So, just to confirm, flat metal, I'm guessing aluminum to match. Mr. McKinley stated yes. Chair asked how will they be affixed to the brick? Will there be a hole? Mr. McKinley stated no, because I would use a pancake box, so it would be very minimal. It'll only be the hole going through for the wire.

Discussion was made on the metal running across. Mr. McKinley stated it is existing and he only plans to paint it black.

Chair asked if the Commission had any questions for the applicant. There were no further questions for the applicant.

Chair asked if anyone would like to speak in favor of the application. No one spoke. Chair asked if anyone would like to speak against the application. No one spoke.

Chair closed the public hearing.

The Commission discussed it looks to be an improvement over what's there now. Certainly in keeping with and improving the neighborhood. Minimal damage and historic materials are accurate. Discussion was also made on the lighting and being dark sky compliant.

Chair stated they can approve it but let's just add the tile approval to be safe, and then the lights, the four fixtures as presented.

Mr. McKinley stated so when I pick the design for the tile, I have to come back here to get the approval?

Chair reopened the public hearing.

Chair stated so we'll approve you doing it, and then Sam will approve the final design.

Chair closed the public hearing.

Commissioner Welter moved that the Commission find as fact that the proposed application for a Certificate of Appropriateness, as identified in file number 26-42-COA and located within the Main Street Historic District, if added, according to the information reviewed at this hearing, and with any representations made by the applicant on record of this hearing, is not incongruous with the character of the Hendersonville Historic Preservation Commission Design Standards (Commercial) for the following reasons: 1. The application does not propose altering the openings on the facade, and the new windows and door units will fit the entire facade opening. (Section 3.4.2.4). 2. The current windows and doors are not original, and the proposed units are compatible with the original opening and historic character of the building. (Section 3.7.7). 3. The proposed metal awnings are appropriate because they are compatible with the historic character of the building. (Section 2.1.8). And the fourth condition was the tile removal and replacement in the door entrance and we're approving the outside lighting fixtures in the location as specified on the drawing. Commissioner Smith seconded the motion which passed unanimously.

VI Old Business.

Daniel Heyman, Assistant City Attorney stated he just wanted to address this, the approval of these findings of fact as Council for Staff, at the last meeting, it was procedurally just a little complicated every once in a while, as things happen, we have some time to ruminate on the procedure of said thing that happened, and, I just want to make sure that everything is buttoned up, staff wants to present a good draft decision, that will protect the decision of the Commission. So, if you've reviewed the decision that was on your table when you walked in, you may know what I'm about to say. So, I don't rescind the advice that staff gave last time. Well, first let me address, I know some of you weren't here. You may know your rules of procedure provide that even if you weren't present during the deliberation of a matter, you can still vote on it, as long as you had the materials available. In particular, it says, in the event of an absence from previous deliberations no member of the Commission shall vote on any matter unless that member shall have attended or have had access to the minutes and record of the previous deliberations on such application. In the event of an absence, the member shall declare for the record that the member has reviewed the minutes and record and is familiar with the previous deliberations. I also want to let you know that an unexcused recusal may be counted as a yes vote.

Mr. Heyman stated at the last hearing, the Commission bifurcated the application, voted unanimously to approve the replacement wood door, so that's settled, and then voted 4-2 on a motion to deny the replacement vinyl windows, and staff advise that's effectively a denial. Let me back up another minute and remind you, it's all very complicated, the voting statute says that a majority of the board has to vote one way or another for it to be effective. The board, meaning all of the seats on the board, you would only count vacancies, so being that we have a fully staffed board, but only 6 people were here, you need 5 votes and the affirmative of a motion for that motion to be effective. Staff doesn't think that you can, by implication, get something granted, and that's consistent with the advice from the School of Government and other attorneys that I've talked to about this issue. So, the motion was to deny, and

that failed, not to approve and that having been failed. So, in order to make the record entirely clear as to what the Commission decided, staff recommends that somebody, maybe somebody who voted, it doesn't have to be, you don't have to vote yes on a motion that you make, but recommends that the Commission make a motion to approve, to find them not incongruous, the replacement vinyl windows not incongruous stands to reason that would probably fail. That motion would probably fail. But then, on the record being that if a motion to deny failed, and a motion to approve failed, that is definitely an effective denial, and there's no question as to what the Commission decided, because of the lack of some voting majority.

Commissioner Welter stated you are asking us to make another motion. Mr. Heyman stated yes. He is asking the Commission to make another motion to approve. Not to hear any evidence but just to make a motion. And they do not have to make another motion. Mr. Heyman stated staff is just advising the Commission to make the record clear, because, I can pull up the statute, and we can get a little more into that if you need some clarity on there, but the long and short is, five members of the Commission have to vote on a motion for that motion to be effective. That's the simplest way of putting it. And so only four voted to deny. We call that an effective denial. I still support that. However, there is some question of, generally, the motion is to approve, and that would fail. So, being that there wasn't a motion to approve that failed, there's potentially a question of whether or not the Commission actually denied the application, and we're trying to forestall any of that before the decision's adopted.

Chair clarified what the Commission needed to do and the vote. Discussion was also made on the decision. The motion was also discussed.

Chair stated okay, so I will say I, Cheryl Jones, was absent from the June meeting, but I have reviewed the minutes and the information provided, and I feel comfortable voting. Commissioner Sine did not review the minutes. Mr. Heyman stated just make that clear on the record that Commissioner Sine is saying that he did not review the minutes from the record and is asking to be excused from voting.

Commissioner Sine made a motion to recuse himself from the voting due to not reviewing the minutes and being absent from the June meeting. Commissioner Hammond-Green seconded the motion which passed unanimously.

Commissioner Welter made a motion to approve the windows that were replaced in the after the fact COA as being not incongruous with the character of the historic district in file number 26-32-COA that was brought before the Commission at the June meeting. Commissioner Brewer seconded the motion. The vote was zero approved and six for denial. Motion denied.

VI(A) **Findings of Fact – 1507 Druid Hills Avenue (26-32-COA)**

On motion of Commissioner Welter and seconded by Commissioner Boyd the revised Findings of Fact for File No. 26-32-COA were approved.

VII **Other Business.**

- VII(A) **Staff Report.** Mr. Hayes stated staff is working with Duke Energy and he will update the Commission and the Tree Board in early August. Discussion was made on requiring a COA for the tree trimming and whether they can do this or not.

Mr. Hayes discussed the COA process and showed a flow chart to the Commission. Discussion was made on minor work and major work. Enforcement was also discussed. No action was taken.

VII(B) **Committee Reports**

Mr. Hayes stated he wanted to mention about the Neighborhood History Project Action Committee. On Monday, there is an oral history listening session at St. Paul's Tabernacle and the Zion Church out on 6th Avenue. And then have a live, interview with Melinda Lowrance to talk about the West End. Mr. Hayes also discussed the Preservation Training Series. Mr. Hayes stated he just submitted a grant to produce an exhibit on the civil rights movement in Henderson County to the National Park Service. He also discussed doing tabling events in the districts.

VIII ***Adjournment.* The Chair adjourned the meeting at 6:47 p.m.**

Chair