



# MINUTES

April 7, 2022

REGULAR MEETING OF THE CITY COUNCIL [ELECTRONIC]  
CITY OPERATIONS CENTER | 305 WILLIAMS ST. | 5:45 p.m.

Present: Mayor Barbara G. Volk and Council Members: Mayor Pro Tem Lyndsey Simpson, Debbie O'Neal-Roundtree, and Jerry A. Smith Jr., J.D.

Present Remotely: Dr. Jennifer Hensley

Staff Present: City Manager John F. Connet, Assistant City Manager Brian Pahle, City Clerk Angela Reece, City Attorney Angela Beeker, Communications Manager Allison Justus, and others

## 1. CALL TO ORDER

Mayor Volk called the meeting to order at 5:45 p.m. and welcomed those in attendance. A quorum was established with all members in attendance. Council Member Dr. Jennifer Hensley participated in the meeting remotely via Zoom electronic software.

## 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.*

Crystal Cauley of Fifth Ave. W. addressed City Council addressed Council speaking on behalf of the 7<sup>th</sup> Avenue Community Garden located in the Green Meadows Community asking consideration for funding to install ADA height planters and a table. Ms. Cauley announced she organized a cleanup of the garden earlier this month.

Lynne Williams of Chadwick Ave. addressed City Council via zoom electronic software regarding Boyd Park and the Laura E. Corn Mini Golf. Ms. Williams asked Council to enact a moratorium on mixed use developments.

Tracey Gruver of Thrive addressed City Council via zoom electronic software regarding support of affordable housing developments in Hendersonville.

Digital comments were received from Leslie Carrie of Randal Farm Rd. requesting grant funding in support of the Community Garden.

## 4. CONSIDERATION OF AGENDA

*Council Member Dr. Jennifer Hensley moved that City Council approve the agenda as amended by adding paragraph 4 and 5 to Closed Session to consider acquisition of property and economic development as set forth in NCGS § 143-318.11 (a)(1)(4) and (5). A unanimous roll call vote of the Council followed. Motion carried.*

*Council Member Jerry A. Smith Jr., J.D. moved that City Council move Items Q, Resolution in Support of an Application by the City of Brevard for USDOT RAISE Grant Funding to Construct the Ecusta Trail in Transylvania County and T, Special Event: Thanks to Henderson County Teachers Celebration move to New Business for discussion. A unanimous roll call vote of the Council followed. Motion carried.*

## 5. CONSENT AGENDA

### A. Adoption of City Council Minutes – Angela L. Reece, City Clerk

*I move that City Council approve the minutes of February 23, 2022 Second Monthly Meeting, March 3, 2022 Regular Meeting, and March 11, 2022 Special Call Meeting as presented.*

### B. Henderson County Tax Adjustments -Amanda Lofton, Deputy Tax Collector

*I move that City Council resolve to direct and authorize the tax releases submitted by Henderson County Tax Collector as presented and relieve the Henderson County Tax Collector and the Deputy Tax Collectors of the charges owed.*

C. **Revision of the Temporary Employee Leave and School Closure Policy** – *Jennifer Harrell, HR Director*

*I move City Council adopt the Temporary Employee Leave and School Closure Policy as presented.*

D. **Rescind City COVID-19 Relief Policy** – *Jennifer Harrell, HR Director*

*I move City Council rescind the COVID-19 Relief policy approved on January 7,2021 and all subsequent versions of said policy.*

E. **April 2022 Capital Project Ordinance** – *Alex Norwood, Budget Analyst*

*I move City Council adopt the capital project ordinance for the CCTV Replacement Project (#22009).*

**Capital Project Ordinance #O-22-15**

**CAPITAL PROJECT ORDINANCE FOR  
THE EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE  
CCTV TRUCK REPLACEMENT PROJECT**

**BE IT ORDAINED** by the Governing Board of the City of Hendersonville, North Carolina that pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following capital project ordinance is hereby adopted:

**Section 1:** The project authorized is a City project described as the CCTV Truck Replacement Project #22009.

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

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
460	7155	554002	22009	Capital Outlay – Vehicles	\$375,000
Total Project Appropriation					\$375,000

**Section 3:** The following revenues are anticipated to be available via transfers:

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
460	0000	470100	22009	Transfer In (WS Fund 060)	(\$375,000)
Total Project Appropriation					(\$375,000)

**PROJECT TO BE FUNDED USING**

**Section 4:** The Finance Director is hereby directed to maintain within the capital project fund sufficient specific detailed accounting records to satisfy the disclosure requirements of all the contractual agreements, if applicable.

**Section 5:** Funds may be advanced from the Water and Sewer Fund as necessary for the purpose of making payments as due. Reimbursement requests shall be made in an orderly and timely manner.

**Section 6:** The Finance Director is directed to report, on a quarterly basis, on the financial status of each project element in Section 3 and Section 4.

**Section 7:** The Finance Director is further instructed to include a detailed analysis of past and future revenues and expenses during each annual budget submission made to the Governing Board.

**Section 8:** Copies of this capital project shall be furnished to the City Clerk, Finance Director, and City Manager for direction in carrying out this project.

Adopted by the City Council of the City of Hendersonville, North Carolina this 7<sup>th</sup> day of April 2022.

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

**F. April 2022 Budget Amendments – Adam Murr, Budget Manager**

*I move City Council adopt budget amendment(s) 04072022-01, 04072022-02, and 04072022-03 as presented.*

**G. Approval of Leak Adjustment Policy Revision – John Buchanan, Finance Director**

*I move City Council approve the amendment of the Leak Adjustment Policy as presented.*

**H. Approval of Fiscal Year 2022 Annual Audit Contract – John Buchanan, Finance Director**

*I move that Council approve resolution to select Mauldin & Jenkins as auditor for the fiscal year 2022 annual audit.*

**Resolution #R-22-38**

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO SELECT MAULDIN & JENKINS AS AUDITOR FOR FISCAL YEAR 2022**

**WHEREAS**, according to North Carolina General Statute 159-34, each unit of local government and public authority shall have its accounts audited as soon as possible after the close of each fiscal year by a certified public accountant or by an accountant certified by the Local government Commission as qualified to audit local government accounts and;

**WHEREAS**, according to North Carolina General Statute 159-34, the auditor should be selected by and shall report directly to the governing board; and

**WHEREAS**, Staff issued a Request for Proposal from qualified auditors in 2021 and recommended Mauldin & Jenkins be selected as auditor, which was authorized by Council in Resolution 21-27; and

**WHEREAS**, Mauldin & Jenkins satisfactorily completed the fiscal year 2021 annual audit;

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

1. City Council selects Mauldin & Jenkins LLC as auditor for the fiscal year 2022 annual audit
2. City Council directs the Finance Director to submit the completed LGC-205 Contract to Audit Accounts to the Local Government Commission.
3. City Council authorizes the City Manager to sign the Mauldin & Jenkins LLC Engagement Letter.

Adopted by the City Council of the City of Hendersonville, North Carolina this 7<sup>th</sup> day of April 2022.

/s/Barbara G. Volk, Mayor

Attest: /s/Angela L. Reece, City Clerk

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

**I. 2021 Local Law Enforcement Block Grant Offer Acceptance & Sole Source Exception Approval – Blair Myhand, Chief of Police**

*I move that City Council adopt the resolution accepting the 2021 Local Law Enforcement Block Grant Program offer of \$24,500.00 and to approve the sole source purchase of VirTra training de-escalating simulator software and equipment as presented.*

**Resolution #R-22-39**

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO ACCEPT THE 2021 LOCAL LAW ENFORCEMENT BLOCK GRANT PROGRAM OFFER OF \$24,500.00 AND TO APPROVE THE SOLE SOURCE PURCHASE OF VIRTRA TRAINING DE-ESCALATING SIMULATOR SOFTWARE AND EQUIPMENT**

**WHEREAS**, law enforcement officers using force incidents and relations have come under intense public scrutiny demonstrating the need for de-escalation initiatives to change the climate; and

**WHEREAS**, having the most technical and evidentiary equipment readily available will bring transparency in use of force incidents to the forefront for transparency, accountability, and citizen review; and

**WHEREAS**, having a use of force/de-escalation training simulator available to Hendersonville PD Officers would enhance decision making in use of force incidents; and

**WHEREAS**, NCGS 143-129(e) lists the authorized exceptions to the formal bid procedures. NCGS 143-129(e)(6) allows for purchases of apparatus, supplies, materials, or equipment to be purchasing using sole-source exception when: (i) performance or price competition for a product are not available; (ii) a needed product is available from only one source of supply; or (iii) standardization or compatibility is the overriding consideration. The governing board of a political subdivision of the State shall approve the purchases listed in the preceding sentence prior to the award of the contract; and

**WHEREAS**, VirTra is the only responsive and responsible source for the above-mentioned de-escalation equipment and capabilities as they relate to incorporation with the VirTra V-300-LE equipment; and

**WHEREAS**, the City accepts the Local Law Enforcement Block Grant Program award offer from the Governor's Crime Commission in the amount of \$24,500.00 for the purchase of VirTra De-escalation training software and equipment; and

**WHEREAS**, the City Manager, John Connet is the authorizing official for this grant; and

**WHEREAS**, the City of Hendersonville intends to act and perform duties in accordance with the award grant.

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

1. That the City of Hendersonville does hereby accept the 2021 Local Law Enforcement Block Grant
2. That the City finds a sole-source purchase of VirTra De-escalation training software and equipment is authorized for the City of Hendersonville Police Department.
3. Such tentative sole-source purchase is contingent upon the approval of the North Carolina Department of Public Safety/ Criminal Justice Systems Improvement Committee and the approval of additional funding request by the North Carolina Governors Crime Commission for the project (Project No. PROJ015117).

Adopted by the City Council of the City of Hendersonville, North Carolina this 7<sup>th</sup> day of April 2022.

/s/Barbara G. Volk, Mayor

Attest: /s/Angela L. Reece, City Clerk

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

**J. Parking Services Ambassador Position Change –Blair Myhand, Chief of Police**

*I move that City Council approve the updated Parking Services Ambassador job position and description as presented.*

**K. Resolution to Apply for Funding for the Water Treatment Facility Master Plan – Adam Steurer, Utilities Engineer**

*I move City Council to adopt the Resolution by the City Council to apply for funding for the Water Treatment Facility Master Plan Study.*

**Resolution #R-22-40**

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL AUTHORIZING THE CITY MANAGER OR DESIGNEE TO APPLY FOR FUNDING FOR THE WATER TREATMENT FACILITY MASTER PLAN**

**WHEREAS**, The Federal Clean Water Act Amendments of 1987 and the North Carolina the Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of wastewater treatment works, wastewater collection system, stream restoration, stormwater treatment, drinking water treatment works, and/or drinking water distribution system or other "green" project; and

**WHEREAS**, The City of Hendersonville has need for and intends to develop asset inventories, condition assessment of critical assets, and other components of a comprehensive asset management program for the water system; and

**WHEREAS,** The City of Hendersonville intends to request state grant assistance for the project.

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

1. That the City of Hendersonville, the Applicant, will arrange financing for all remaining costs of the project, if approved for a State grant award.
2. That the Applicant will provide for efficient completion of the project per program guidelines.
3. That John Connet, City Manager, the Authorized Official, and successors so titled, are hereby authorized to execute and file an application on behalf of the Applicant with the State of North Carolina for a grant to aid in the construction of the project described above.
4. That the Authorized Official, and successors so titled, are hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.
5. That the Applicant has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted by the City Council of the City of Hendersonville, North Carolina this 7<sup>th</sup> day of April 2022.

/s/Barbara G. Volk, Mayor

Attest: /s/Angela L. Reece, City Clerk

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

**L. Utility Extension Agreement for the Oak Preserve Planned Residential Development –  
Brendan Shanahan, Civil Engineer III**

*I move that City Council approve the Resolution authorizing the City Manager to enter into a Utility Extension Agreement with OP Management, LLC for the Oak Preserve Planned Residential Development as presented and recommended by staff.*

**Resolution #R-22-41**

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL AUTHORIZING  
THE CITY MANAGER TO ENTER INTO A UTILITY EXTENSION AGREEMENT WITH  
OP MANAGEMENT, LLC FOR THE OAK PRESERVE PLANNED RESIDENTIAL  
DEVELOPMENT**

**WHEREAS,** The Federal Clean Water Act Amendments of 1987 and the North Carolina the Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction of wastewater treatment works, wastewater collection system, stream restoration, stormwater treatment, drinking water treatment works, and/or drinking water distribution system or other “green” project; and

**WHEREAS,** The City of Hendersonville has need for and intends to develop asset inventories, condition assessment of critical assets, and other components of a comprehensive asset management program for the water system; and

**WHEREAS,** The City of Hendersonville intends to request state grant assistance for the project.

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

1. That the City of Hendersonville, the Applicant, will arrange financing for all remaining costs of the project, if approved for a State grant award.
2. That the Applicant will provide for efficient completion of the project per program guidelines.
3. That John Connet, City Manager, the Authorized Official, and successors so titled, are hereby authorized to execute and file an application on behalf of the Applicant with the State of North Carolina for a grant to aid in the construction of the project described above.
4. That the Authorized Official, and successors so titled, are hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.
5. That the Applicant has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted by the City Council of the City of Hendersonville, North Carolina this 7<sup>th</sup> day of April 2022.

/s/Barbara G. Volk, Mayor

Attest: /s/Angela L. Reece, City Clerk, Approved as to form: /s/Angela S. Beeker, City Attorney

**M. Utility Extension Agreement for the Horseshoe Farm Development – Brendan Shanahan, Civil Engineer III**

*I move that City Council approve the Resolution authorizing the City Manager to enter into a Utility Extension Agreement with Sen-Asheville I LLC for the Horseshoe Farm Development as presented and recommended by staff.*

**Resolution #R-22-42**

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO  
AUTHORIZE THE CITY MANAGER TO ENTER INTO A UTILITY EXTENSION  
AGREEMENT WITH SEN-ASHEVILLE I, LLC FOR THE HORSESHOE FARM  
DEVELOPMENT**

**WHEREAS**, the City of Hendersonville owns, operates and maintains a water distribution system to serve customers throughout Henderson County; and

**WHEREAS**, residential, commercial, and industrial developments often require public water service as a part of their development projects; and

**WHEREAS**, the Developer extends public water lines to their site, which upon completion and acceptance, are provided to the City to own, operate, and maintain; and

**WHEREAS**, the City requires a Utility Extension Agreement to be executed to establish requirements of both the Developer and the City for the water line extension process; and

**WHEREAS**, Sen-Asheville I, LLC., the “Developer” and “Owner”, will enter into a Utility Extension Agreement with the City to provide water service to the Horseshoe Farm Development.

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

1. The Utility Extension Agreement with Sen-Asheville, LLC., the “Developer” and “Owner” to provide water service to the Horseshoe Farm Development is approved, as presented.
2. City Manager is authorized to execute the Utility Extension Agreement, and to approve and execute amendments to the Utility Extension Agreement in the future provided such amendments do not impose a financial obligation upon the City.

Adopted by the City Council of the City of Hendersonville, North Carolina this 7<sup>th</sup> day of April 2022.

/s/Barbara G. Volk, Mayor

Attest: /s/Angela L. Reece, City Clerk

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

**N. Utility Extension Agreement for the Cottages at Roper Farm Subdivision – Brendan Shanahan, Civil Engineer III**

*I move that City Council approve the Resolution authorizing the City Manager to enter into a Utility Extension Agreement with Vine Ripe Properties, LLC for the Cottages at Roper Farm as presented and recommended by staff.*

**Resolution #R-22-43**

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO  
AUTHORIZE THE CITY MANAGER TO ENTER INTO A UTILITY EXTENSION  
AGREEMENT WITH VINE RIPE PROPERTIES, LLC FOR THE COTTAGES AT ROPER  
FARM SUBDIVISION**

**WHEREAS**, the City of Hendersonville owns, operates and maintains a water distribution system to serve customers throughout Henderson County; and

**WHEREAS**, residential, commercial, and industrial developments often require public water service as a part of their development projects; and

**WHEREAS**, the Developer extends public water lines to their site, which upon completion and acceptance, are provided to the City to own, operate, and maintain; and

**WHEREAS**, the City requires a Utility Extension Agreement to be executed to establish requirements of both the Developer and the City for the water line extension process; and

**WHEREAS**, Vine Ripe Properties, LLC., the “Developer” and “Owner”, will enter into a Utility Extension Agreement with the City to provide water service to the Cottages at Roper Farm Subdivision.

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

1. The Utility Extension Agreement with Vine Ripe Properties, LLC., the “Developer” and “Owner” to provide water service to the Cottages at Roper Farm Subdivision is approved, as presented.
2. City Manager is authorized to execute the Utility Extension Agreement, and to approve and execute amendments to the Utility Extension Agreement in the future provided such amendments do not impose a financial obligation upon the City.

Adopted by the City Council of the City of Hendersonville, North Carolina this 7<sup>th</sup> day of April 2022.

/s/Barbara G. Volk, Mayor

Attest: /s/Angela L. Reece, City Clerk

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

**O. Utility Extension Agreement for the O'Reilly Auto Parts – Brendan Shanahan, Civil Engineer III**

*I move that City Council approve the Resolution authorizing the City Manager to enter into a Utility Extension Agreement with Boyd L. Hyder for the O'Reilly Auto Parts as presented and recommended by staff.*

**Resolution #R-22-44**

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO  
AUTHORIZE THE CITY MANAGER TO ENTER INTO A UTILITY EXTENSION  
AGREEMENT WITH BOYD L. HYDER FOR THE O'REILLY AUTO PARTS STORE**

**WHEREAS**, the City of Hendersonville owns, operates and maintains a sewer collection system to serve customers throughout Henderson County; and

**WHEREAS**, residential, commercial, and industrial developments often require public sewer service as a part of their development projects; and

**WHEREAS**, the Developer extends public sewer lines to their site, which upon completion and acceptance, are provided to the City to own, operate, and maintain; and

**WHEREAS**, the City requires a Utility Extension Agreement to be executed to establish requirements of both the Developer and the City for the sewer line extension process; and

**WHEREAS**, Boyd L. Hyder, the “Developer” and “Owner”, will enter into a Utility Extension Agreement with the City to provide water service to the O'Reilly Auto Parts Store.

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

1. The Utility Extension Agreement with Boyd L. Hyder, the “Developer” and “Owner” to provide sewer service to the O'Reilly Auto Parts Store is approved, as presented.
2. City Manager is authorized to execute the Utility Extension Agreement, and to approve and execute amendments to the Utility Extension Agreement in the future provided such amendments do not impose a financial obligation upon the City.

Adopted by the City Council of the City of Hendersonville, North Carolina this 7<sup>th</sup> day of April 2022.

/s/Barbara G. Volk, Mayor

Attest: /s/Angela L. Reece, City Clerk

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



**P. French Broad River Raw-Intake Project Amended Loan Offer Acceptance – Brent Detwiler, City Engineer**

*I move that City Council approve the Resolution Accepting the North Carolina Drinking Water State Revolving Fund Loan Offer of \$23,514,035 from the North Carolina Department of Environmental Quality for the French Broad River Raw-Water Intake Project and authorize the City Manager to execute the funding offer and other required documents for the same project; as presented and recommended by staff.*

**Resolution #R-22-45**

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL ACCEPTING THE DRINKING WATER STATE REVOLVING FUND LOAN OFFER**

**WHEREAS**, the Safe Drinking Water Act Amendments of 1996 and the North Carolina Water Infrastructure Fund have authorized the making of loans and/or grants, as applicable, to aid eligible drinking water system owners in financing the cost of construction for eligible drinking water infrastructure; and

**WHEREAS**, the North Carolina Department of Environmental Quality has offered a Drinking Water State Revolving Fund Loan in the amount of \$23,514,035.00 for the construction of the French Broad River Raw-Water Intake Project, hereafter referred to as the “Project”; and

**WHEREAS**, the City of Hendersonville intends to construct said Project in accordance with the engineering plans and specifications that have been approved by the North Carolina Public Water Supply Section.

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

1. That City of Hendersonville does hereby accept the Drinking Water State Revolving Fund Loan offer in the amount of \$23,514,035.00; and
2. That the City of Hendersonville does hereby give assurance to the North Carolina Department of Environmental Quality that they will adhere to all applicable items specified in the standard “Conditions” and “Assurances” of the Department’s funding offer, awarded in the form of a Drinking Water State Revolving Fund Loan; and
3. That John Connet, City Manager, and successors so titled, is hereby authorized and directed to furnish such information, as the appropriate State agency may request, in connection with such application or the Project; to make the assurances as contained above; and to execute such other documents as may be required in connection with the application; and
4. That the City of Hendersonville has complied substantially or will comply substantially with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the Project, and to Federal and State grants and loans pertaining thereto.

Adopted by the City Council of the City of Hendersonville, North Carolina this 7<sup>th</sup> day of April 2022.

/s/Barbara G. Volk, Mayor

Attest: /s/Angela L. Reece, City Clerk

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

**R. Annexation: Certificate of Sufficiency- 1448 and 1450 Old Spartanburg Road (C22-21-ANX) – Tyler Morrow, Planner II**

*I move Council to accept the City Clerk's Certificate of Sufficiency for the petition submitted by Samuel R. Henderson of Appalachian Dew, LLC and set May 5<sup>th</sup>, 2022 as the date for public hearing.*

**Resolution #R-22-47**

**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 contiguous 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 contiguous area described herein will be held at City Operations Center located at 305 William St. Hendersonville NC, 28792 at 5:45 p.m. May 5<sup>th</sup>, 2022, 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 9578-52-1337 and 9578-52-0340, described in the plat recorded in Book 2022 - \_\_\_\_ [to be inserted at recording of the plat] of the Henderson County Registry, said PINs 9578-52-1337 and 9578-52-0340 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:

Commencing at an existing iron pin on the eastern margin of Old Spartanburg Road and being the northwest corner of Lot 1 as shown on Plat Slide 10786 as recorded in the Register of Deeds for Henderson County, North Carolina and running with the northern line of Lot 1 N58-03-07E for a distance of 191.68 feet to the Point of Beginning being the northwest corner of Lot 4 as shown on Plat Slide 10786, thence running N58-03-07E for a distance of 210.85 feet to an existing bedrail; thence running S36-45-28E for a distance of 168.69 feet to a point; thence running S36-16-28E for a distance of 47.89 feet to an existing iron pin; thence running with an unnamed private gravel road S50-41-48W for a distance of 245.62 feet to an existing iron pin; thence running N28-28-41W for a distance of 247.75 feet with the boundary of the City of Hendersonville to an existing iron pin being the Point of Beginning. Said property contains 1.21 Acres more or Less

Re: Petition for Contiguous Annexation  
Petitioners: Appalachian Dew, LLC (Samuel R. Henderson, Vice President)  
File No. C22-21-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 this 7<sup>th</sup> day of April 2022.

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

**S. Consider Negotiated Offer to Purchase Lot 15, Overlook Subdivision, Plat Cabinet B, Slide 375A - Angela S. Beeker, City Attorney**

*I move City Council to adopt the Resolution By The City of Hendersonville City Council of Proposed Acceptance of Negotiated Offer as presented.*

**Resolution #R-22-48**

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

**WHEREAS**, the City of Hendersonville owns certain property described as 328 N Overlook Terrace, Hendersonville, NC 28739, being all of lot 15 of the Overlook Subdivision as shown on the plat thereof recorded in Plat Cabinet B, at Slide 375A, in the Office of the Register of Deeds for Henderson County, having a tax parcel ID of 9568057733, and having been acquired by the City of Hendersonville in Deed Book 773 at Page 879 of the Henderson County Register of Deeds Office ("Property"); and

**WHEREAS**, North Carolina General Statute Section 160A-269 permits the City to sell property by upset bid after receiving and offer to purchase; and

**WHEREAS**, the City has received a NEGOTIATED OFFER RECEIVED PURSUANT TO N.C.G.S. § 160A-269 ("Offer"), a copy of which is attached hereto and incorporated herein by reference; and

**WHEREAS**, pursuant to the Offer, Keith M. Maxwell and Cynthia E. Maxwell, Trustees of the Keith M. Maxwell Living Trust; and Keith M. Maxwell and Cynthia E. Maxwell, Trustees of the Cynthia E. Maxwell Living Trust, (“Buyers”), are offering to purchase the Property for the sum of \$10,000, subject to the terms and conditions contained within the Offer; and

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

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

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

Adopted by the City Council of the City of Hendersonville, North Carolina this 7<sup>th</sup> day of April 2022.

/s/Barbara G. Volk, Mayor

Attest: /s/Angela L. Reece, City Clerk

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

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

## **6. PRESENTATIONS**

### **A. Proclamation - Child Abuse Prevention Month - Week of the Young Child - Mayor Barbara G. Volk**

Mayor Barbara G. Volk issued a proclamation declaring the month of April, 2022 to be Child Abuse Prevention Month and Week of the Young Child in the City of Hendersonville and call upon all citizens, community agencies, faith groups, medical facilities, elected leaders, and businesses to increase their participation in our efforts to support families, thereby supporting early childhood programs and preventing child abuse and strengthening the communities in which we live.

### **B. Proclamation – Earth Week - Mayor Barbara G. Volk**

Mayor Barbara G. Volk issued a proclamation declaring the week of April 19 through April 24, 2022 to be Earth Week in the City of Hendersonville and encouraged all citizens and businesses to combat climate change and environmental degradation, support green economy initiatives, and to encourage others to undertake similar actions.

### **C. Monarch Butterfly Pledge - Mayor Barbara G. Volk**

Mayor Barbara G. Volk issued a pledge committing to help restore habitat for the Monarch butterfly within the City of Hendersonville and encourage our residents to do the same, so that these magnificent butterflies will once again flourish across the continent.

**D. Environmental Sustainability Board Annual Presentation- *Mary Ellen Kustin, Chair***

Chairperson Mary Ellen Kustin presented an Environmental Sustainability Board update to Council including topics surrounding Earth Week, Sustainability Plan, Plastic Free Initiative, and Pollinators. Chairperson Kustin thanked Council for their commitment to sustainability and recommended hiring a sustainability manager to assist with initiatives. Chairperson Kustin reported on the Plastic Free Initiative stating there have been 12 local businesses who have taken the pledge to become plastic free. Chairperson Kustin discussed the recent partnership between Bullington Gardens and Bee City USA stating their focus will be more on coordination of pollinator events and education. Council Member Lyndsey Simpson extended thanks and appreciation for the dedication and hard work of the ESB board.

**E. Barbara Hughes Recognition as Main Street Champion – *Lew Holloway, Community Development Director***

Downtown Manager Jammie Carpenter recognized Barbara Hughes, owner of Narnia Studios as Hendersonville's Main Street Champion and presented her with a plaque and medal of appreciation. City Council Members extended their thanks and appreciation to Barbara for her dedication to Downtown Hendersonville as a merchant and event organizer. Jordan Barnes, on behalf of Representative Tom Tillis presented a letter to Ms. Hughes recognizing her outstanding achievement and thanking her for her hard work and dedication to the community

**F. Recognition for Completion of the UNCC Fire and Rescue Management Institute – *John Connet, City Manager***

City Manager John Connet and Mayor Barbara G. Volk recognized Fire Chief James Miller, Deputy Fire Chief Justin Ward, and Battalion Fire Chief Christian Miller for completing the University of North Carolina at Charlotte's Fire and Rescue Management Institute, a professional development certificate program designed for company officers, chief officers, and future leaders within the fire service. Manager Connet stated Fire and Rescue professionals in managerial and supervisory roles are expected to be team leaders and must possess the ability to guide their staff in the achievement of department, division, or unit goals. Manager Connet extended congratulations and thanks for their pursuit of continued education.

**G. Recognition of Brandon Mundy for Completing Road Scholar Program - *John Connet, City Manager***

City Manager John Connet, Public Works Director Tom Wooten, and Mayor Barbara G. Volk recognized Public Work's Superintendent Brandon Mundy for completing the North Carolina Local Technical Assistance Program's Road Scholar Certification Program. This program requires individuals to attend 7 different training sessions regarding road maintenance and safety. Manager Connet stated he believed that Brandon is the first City of Hendersonville team member to complete this program.

**7. PUBLIC HEARINGS****A. Closeout of the 2018 CDBG-NR Project (Grey Mill Apartments), Grant 16-D-2979 – *John Connet, City Manager, Mary Roderick, PhD, Regional Planner- Land of Sky***

City Manager John Connet recalled receiving a grant for the rehabilitation of the Grey Hosiery Mill. Project was successful. Manager Connet reminded everyone the City received \$500,000 in CDBG (Community Development Block Grant) funding from the NC Department of Commerce for the rehabilitation of the Grey Hosiery Mill into 35 apartments, including 7 units designated for moderate income households (earning 80% or less of the HUD Median Family Income). He said the building has been completed and occupied since 2020 and a final public hearing is required by NC Department of Commerce to accept comments. The contents of the notice were discussed.

The City Clerk confirmed this public hearing has been advertised in accordance with North Carolina General Statutes. The public hearing was opened at 6:27 p.m.

Lynne Williams of Chadwick Avenue addressed Council remotely via Zoom electronic software in support of the project and previous Council Member Steve Caraker's efforts.

No further action was necessary. There were no further comments. The public hearing was closed at 6:28 p.m.

**B. Rezoning: Standard Rezoning (Zoning Map Amendment) – Brooklyn Ave (P22-14-RZO) – Matthew Manley, AICP – Planning Manager**

Planning Manager Matthew Manley stated the City is in receipt of a zoning map amendment application from Mark B. Pace and said the applicant is requesting to rezone a portion of the subject property (+/- 1.60 acres) from R-15 (Medium Density Residential) to C-3 Highway Business to match the current zoning on the remainder of the property (.66 acres). Mr. Manley stated the subject parcel (PIN 9578-42-2392) is located at the intersection of Brooklyn Ave and Old Spartanburg Rd and is approximately 2.26 acres in total and said the site is bordered on the west by Edith Dr. Mr. Manley stated if Council approved rezoning, there would not be a binding site plan or list of uses or conditions placed on the site and said all permitted uses within the C-3 district would be allowed on the site.

Staff presented and discussed with City Council an analysis of the consistency with the relevant portions of the Comprehensive Land Use Plan and the Planning Board's recommendation. Both were considered by the City Council in addition to supporting maps and documents provided in the agenda packet.

The owner of the property, Mark Pace of Terrace Drive Laurel Park addressed City Council in support of rezoning this property and stated this parcel has sat vacant for many years.

The City Clerk confirmed this public hearing has been advertised in accordance with North Carolina General Statutes. The public hearing was opened at 6:38 p.m.

There were no comments.

The public hearing was closed at 6:38p.m.

*Council Member Jerry A. Smith Jr., J.D. 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 (PIN: 9578-42-2392) from R-15 (Medium Density Residential) and C-3 (Highway Business) to C-3 (Highway Business) 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 the public hearing, and because the Neighborhood Activity Center designation calls for neighborhood retail sales and services as a primary recommended land use; and office, multi-family and other similar uses as secondary recommended land uses at locations which align with those listed under LU 8.1. 2. 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 petition would be an extension of the existing C-3 zoning district and eliminate the split-zoning of the subject parcel. 2. The petition allows for increased intensity of uses at the intersection of two minor thoroughfares. 3. The petition would align with the parcels proximate to the subject property which are zoned C-3 and located between Old Spartanburg Rd and Spartanburg Hwy. and 4. The petition creates the opportunity for infill development at a greater density / intensity. A unanimous roll call vote of the Council followed. Motion carried.*

**REZONING Ordinance #O-22-16**

**AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO  
AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR  
A PORTION OF PARCEL NUMBER 9578-42-2392 BY CHANGING THE ZONING  
DESIGNATION FROM R-15 MEDIUM DENSITY RESIDENTIAL TO C-3 HIGHWAY  
BUSINESS**

IN RE: Parcel Number: 9578-42-2392 Brooklyn Ave Rezoning  
(File # P22-14-RZO)

**WHEREAS**, the City is in receipt of a Conventional Rezoning application from Mark B. Pace (applicant & property owners).

**WHEREAS**, the Planning Board took up this application at its regular meeting on March 14<sup>th</sup>, 2022; voting 5-1 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 April 7<sup>th</sup>, 2022, and

**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: A portion of parcel number 9578-42-2392 from R-15 Medium Density Residential to C-3 Highway Business.
2. Any development of the parcels 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 by the City Council of the City of Hendersonville, North Carolina this 7<sup>th</sup> day of April 2022.

/s/Barbara G. Volk, Mayor

Attest: /s/Angela L. Reece, City Clerk

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

**C. Rezoning: Conditional Zoning District – Schroader Honda Expansion (P21-70-CZD) –**  
*Tyler Morrow, Planner II*

Planner Tyler Morrow stated the City is in receipt of an application for a conditional zoning district from Casey Schroader of Schroader's Honda and said the applicant is requesting to rezone the subject property, PIN 9579-45-0902, located at 220 Mitchelle Drive. Mr. Morrow stated the subject property was previously two separate parcels PINs 9579-35-8920 and 9579-45-0833 and said since receiving the rezoning application, the property owners have combined the two parcels into one parcel to create PIN 9579-45-0902. Mr. Morrow stated the site plan shows a two story 32,985 square foot expansion on the current Schroader Honda site which includes space for sales and office area. Mr. Morrow stated the one story 10,400 square foot building that Schroader Honda currently uses would remain as a warehouse and service area, as well as an existing one story 9,689 square foot metal warehouse building on the rear of the property. Mr. Morrow said the proposed development would be approximately 53,074 square feet and said due to the project involving more than 50,000 square feet of development and redevelopment, this project was required to undergo a conditional rezoning. Mr. Morrow stated the access to this site is off of an NCDOT roadway and would be reviewed by NCDOT for any driveway permitting and site distance issues.

Council Member Debbie O'Neal-Roundtree asked staff to provide a definition of regional activity center and Mr. Morrow advised it is defined as highly commercial, intense use property and said examples include retail and restaurants.

Staff presented and discussed with City Council an analysis of the consistency with the relevant portions of the Comprehensive Land Use Plan and the Planning Board's recommendation. Both were considered by the City Council in addition to supporting maps and documents provided in the agenda packet.

The City Clerk confirmed this public hearing has been advertised in accordance with North Carolina General Statutes. The public hearing was opened at 6:54 p.m.

Ken Fitch of Patton St. addressed City Council via Zoom electronic software expressing support rezoning to allow expansion and upgrade of business but asked for alternate driveway entrance be considered on the western side of the property.

The public hearing was closed at 6:55p.m.

Council Member Jerry A. Smith Jr., J.D. clarified that NCDOT will review the driveway permitting process and can require a one-way entrance if safety is a factor.

***Council Member Dr. Jennifer Hensley moved that City Council adopt of an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property [PIN 9579-45-0902] from C-3 Highway Business to C-3 CZD Highway Business Conditional Zoning District based on the site plan submitted by the applicant, [dated 3-8-2022,] and presented at this meeting and subject to the following: The development shall be consistent with the site plan, including the list of permitted uses and applicable conditions as presented on the site plan.***

*Permitted uses and applicable conditions presented on the site plan shall be amended to include: all the conditions from the Planning Board and Tree Board except for the entrance condition. 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 Regional Activity Center designation calls for community and regional retail sales and services as a primary recommended land use and offices as a secondary recommended land use under Strategy LU-9.2 and 9.3. 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 the development is an expansion of an existing use/business in this area, the subject property is classified as a priority infill area on Map 8.3a, and a portion of the property is identified as a development opportunity on Map 8.2b. A unanimous roll call vote of the Council*

*followed.*

*Motion*

*carried.*

**CONDITIONAL REZONING Ordinance #O-22-17**

**AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR PARCEL POSSESSING PARCEL IDENTIFICATION NUMBER 9579-45-0902 BY CHANGING THE ZONING DESIGNATION FROM C-3 HIGHWAY BUSINESS TO C-3 CZD HIGHWAY BUSINESS– CONDITIONAL ZONING DISTRICT)**

IN RE: Parcel Number: 9579-45-0902– 220 Mitchell Drive (Schroader Honda Expansion) - (File # P21-70-CZD)

**WHEREAS**, the City is in receipt of a Conditional Rezoning application from Casey Schroader (Applicant) and Leonard and Catherine Schroader (Owner) for the development of a two story 32,985 square foot expansion of the Schroader Honda business while retaining 20,089 square feet of existing buildings on 4.007 acres, and

**WHEREAS**, the Planning Board took up this application at its regular meeting on March 14<sup>th</sup>, 2022; voting 6-0 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 April 7<sup>th</sup>, 2022, and

**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 Number: 9579-45-0902 by changing the Zoning designation from C-3 Highway Business to C-3 CZD Highway Business– Conditional Zoning District)
2. Development of the parcel shall occur in accordance with the final site plan requirements of Article VII of the Zoning Ordinance of the City of Hendersonville, North Carolina, and shall be based on the site plan submitted by the applicant and subject to the following.
  - a. Permitted uses shall include:
    - i. Automobile sales & service establishments
    - ii. Offices, business, professional and public
    - iii. Retail stores
  - b. Conditions that shall be satisfied prior to final site plan approval include:
    - i. Require natural vegetation be retained on slope outside the disturbance and appropriate native grasses and herbaceous plants be planted beyond the impermeable parking surface, and down to and around the retaining pond.
    - ii. Require replanting of trees, shrubs, grasses, and herbaceous plants in the slope area, to be disturbed, just north of retaining pond. This will provide a buffer and filter as well as decrease erosion and water runoff. It can provide a transition to abutting property as well as additional future cover. No turf grasses to be used.
    - iii. Reduce the required off street parking from 118 parking spaces to 30 parking spaces.

3. This ordinance shall not be effective until the stipulated list of use(s) and conditions, established herein, is consented to in writing by the applicant and all owners of the subject property. Upon such written consent, this ordinance shall be effective retroactive to the date of its adoption.

Adopted by the City Council of the City of Hendersonville, North Carolina this 7<sup>th</sup> day of April 2022.

/s/Barbara G. Volk, Mayor

Attest: /s/Angela L. Reece, City Clerk

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

**D. Rezoning: Conditional Zoning District – Apple Ridge (P22-08-CZD) – Tyler Morrow, Planner II**

Planner Tyler Morrow stated the City is in receipt of an application for a conditional zoning district from The Housing Assistance Corporation and Thomas H. and Sherry S. Thompson, property owners and said the applicants are requesting to rezone the subject property, PIN 9579-74-0966 located at 524 E. Prince Road, from R-15, Medium Density Residential to PRD CZD, Planned Residential Development Conditional Zoning District for the construction of a multi-family development consisting of 60 apartment units and 20 single-family dwellings on approximately 16.90 acres. Mr. Morrow stated the proposed dwelling density is 4.73 units per acre and said no other uses are proposed to be permitted by the rezoning. Mr. Morrow stated the site plan shows three multi-family structures and a club house and includes thirty 3-bedroom units and thirty 1–2-bedroom units as well as twenty single family lots ranging in size from 0.16 acres to 0.31 acres.

Staff presented and discussed with City Council an analysis of the consistency with the relevant portions of the Comprehensive Land Use Plan and the Planning Board's recommendation. Both were considered by the City Council in addition to supporting maps and documents provided in the agenda packet.

Housing Assistance Corporation Executive Director Ashlyn McCoy addressed City Council in support for the project stating the need for affordable and workforce housing is critical and said the multi-family portion of this project has been submitted for a tax credit through the North Carolina Housing Finance Agency. Director McCoy asked Council to remove a condition proposed by the Planning Board condition requiring a minimum of 50% of the housing of each phase to meet the need of 80% or less AIM (area median income) stating she wanted to be fair to the applicant in the event the application was not approved.

Will Buie of WGLA Engineering addressed City Council in support for the project and discussed the site plan and preservation of buffers and stream corridors. Mr. Buie discussed Tree Board recommended conditions and confirmed he did not agree to additional plantings along stream corridors and removal of invasive plant species due to the significant cost that would be incurred. Mr. Buie stated removal of invasive plants already established on the site could go into the hundreds of thousands of dollars. Mr. Buie confirmed agreement to preserve stream corridors and open space as well as existing trees and vegetation along stream corridors and at property buffers.

The City Clerk confirmed this public hearing has been advertised in accordance with North Carolina General Statutes. The public hearing was opened at 7:22 p.m.

Annette Banks of East Prince Road addressed Council regarding the pump house being moved 100 ft from the property line. Ms. Banks expressed concerns regarding grading and runoff and asked if areas would be mass graded. Mr. Buie stated the home sites, and lots would not be graded but apartment lots would.

Ken Fitch of Patton St. addressed Council via Zoom electronic software stating the project was designed to be compatible with environment and has addressed neighbor concerns of the site plan. Mr. Fitch expressed support for approval of the project.

Lynne Williams of Chadwick Ave. addressed Council via Zoom electronic software stating there is a wildlife corridor through the property and asked for consideration to protect it. Ms. Williams asked for support of Tree Board recommendations and program funding.

The public hearing was closed at 7:31p.m.



Council Member Jerry A. Smith Jr., J.D. discussed remove the condition of the Planning Board requiring a minimum of 50% of the housing of each phase to meet the need of 80% or less AMI (Area Median Income) as Housing Assistance Corporation asked. Council agreed to remove this.

Council Member Dr. Jennifer Hensley asked Council to send a letter of support to the North Carolina Housing Finance Agency in support of this project. Council agreed.

Council Member Debbie O'Neal-Roundtree advised the Tree Board will be participating with the Neighborwoods Project.

*Council Member Jerry A. Smith Jr., J.D. 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 (PIN: 9579-74-0966) from R-15 (Medium Density Residential) to PRD-CZD (Planned Residential Development – Conditional Zoning District) based on the site plan submitted by the applicant, [dated 3-25-22,] and presented at this meeting and subject to the following: 1. The development shall be consistent with the site plan, including the list of permitted uses and applicable conditions as presented on the site plan. Permitted uses and applicable conditions presented on the site plan shall be amended to exclude the condition of the Planning Board requiring a minimum of 50% of the housing of each phase to meet the need of 80% or less AMI (Area Median Income). 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 Business Center designation calls for multi-family as a secondary recommended land use and the proposed site plan aligns with some of the development guidelines under strategy LU 13.4. 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 the development addresses the need for affordable housing with two different housing types (PH-2.2), the addition of multi-family and single-family residential addresses an ongoing supply need and is in keeping with the surrounding land uses, and the topography, the presence of a blue line stream and the adjacent single-family neighborhood makes the rear of the subject property more conducive for single-family development. A unanimous roll call vote of the Council followed. Motion carried.*

#### **CONDITIONAL REZONING Ordinance #O-22-18**

#### **AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR PARCEL POSSESSING PARCEL IDENTIFICATION NUMBER 9579-74-0966 BY CHANGING THE ZONING DESIGNATION FROM R-15 MEDIUM DENSITY RESIDENTIAL TO PRD-CZD (PLANNED RESIDENTIAL DEVELOPMENT– CONDITIONAL ZONING DISTRICT)**

IN RE: Parcel Number: 9579-74-0966 – 524 E. Prince Road (Apple Ridge)  
(File # P22-08-CZD)

**WHEREAS**, the City is in receipt of a Conditional Rezoning application from Ashlynn McCoy of The Housing Assistance Corporation (applicant) and Thomas and Sherry Thompson (property owners) for the development of 60 apartments and 20 single family homes on approximately 16.90 acres, and

**WHEREAS**, the Planning Board took up this application at its regular meeting on March 14<sup>th</sup>, 2022; voting 6-0 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 April 7<sup>th</sup>, 2022, and

**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 Number: 9579-74-0966 from R-15 Medium Density Residential to PRD-CZD (Planned Residential Development– Conditional Zoning District)

2. Development of the parcel shall occur in accordance with the final site plan requirements of Article VII of the Zoning Ordinance of the City of Hendersonville, North Carolina, and shall be based on the site plan submitted by the applicant and subject to the following.
  - a. Permitted uses shall include:
    - i. Residential Dwellings, Multi-Family
    - ii. Residential Dwellings, Single Family
  - b. Conditions that shall be satisfied prior to final site plan approval include:
    - i. Preserve as many 12" or larger canopy trees as possible.
    - ii. All preserved trees must be protected from construction activities as prescribed in the zoning code 15-4c regardless of use for a tree credit.
    - iii. Make one stormwater control measures a stormwater wetland if the soil conditions allow a stormwater wetland. This would have to be determined during the detailed design process.
3. This ordinance shall not be effective until the stipulated list of use(s) and conditions, established herein, is consented to in writing by the applicant and all owners of the subject property. Upon such written consent, this ordinance shall be effective retroactive to the date of its adoption.

Adopted by the City Council of the City of Hendersonville, North Carolina this 7<sup>th</sup> day of April 2022.

/s/Barbara G. Volk, Mayor

Attest: /s/Angela L. Reece, City Clerk

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

## **8. UNFINISHED BUSINESS**

There was no unfinished business.

## **9. NEW BUSINESS**

### **A. Resolution of Support for Construction of Ecusta Trail Section Between Kanuga and S. Main Street t – John Connet, City Manager**

City Manager John Connet stated the preliminary plans for construction of the Ecusta Trail indicate that construction will begin at Kanuga Road and proceed through Laurel Park to the Henderson County boundary and said staff believes that the appropriate starting point for the trail is at South Main Street. Manager Connet also recalled a recent public input meeting where citizens also preferred this connection and said staff is asking the City Council to adopt a resolution asking the Rails to Trails Advisory Committee to support the construction of the S. Main Street to Kanuga Road section during Phase I of the project.

*Council Member Debbie O'Neal Roundtree moved that City Council adopt a Resolution Supporting the Construction of the Ecusta Trail section between Kanuga Road and S. Main Street as part of Phase I Construction as presented. A unanimous roll call vote followed. Motion carried.*

**Resolution #R-22-49**

### **RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL REQUESTING THAT THE KANUGA TO SOUTH MAIN STREET SECTION OF THE ECUSTA TRAIL BE CONSTRUCTED AS PART OF THE FIRST PHASE**

**WHEREAS**, the City of Hendersonville has been a strong supporter of the Ecusta Trail since its inception; and

**WHEREAS**, the first phase of the Ecusta Trail is currently planned to begin at Kanuga Road and move west to the French Broad River crossing; and

**WHEREAS**, there is limited access to public parking and restrooms at Kanuga Road and the City of Hendersonville is working with NCDOT to integrate critical bicycle and pedestrian infrastructure into the S. Main Street/White Street Improvement Projects; and

**WHEREAS**, the City of Hendersonville believes that the City's S. Main Street property should serve as a primary trailhead for the Ecusta Trail as a part of the first phase development in order to provide public amenities and access to the trail from downtown and developing areas south and east of Hendersonville;

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

1. The City of Hendersonville formally requests the Henderson County Rails to Trails Advisory Committee request that Henderson County commit to constructing the Kanuga to South Main Street section of the Ecusta Trail as part of first phase.
2. The City of Hendersonville commit up to \$46,000 for the engineering, permitting and design of this section of the Ecusta Trail.

Adopted by the City Council of the City of Hendersonville, North Carolina this 7<sup>th</sup> day of April 2022.

/s/Barbara G. Volk, Mayor

Attest: /s/Angela L. Reece, City Clerk

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

**B. Hendersonville Water and Sewer Strategic Plan – Lee Smith, Utilities Director**

Utilities Director Lee Smith addressed Council recalling the Water and Sewer department's recent engagement with Fountainworks, a consultancy with extensive experience advising public sector organizations, to develop a Strategic Plan for the City's Water & Sewer department. Director Smith stated this plan provides a comprehensive roadmap for the utility and took shape through various strategy sessions with both internal and external stakeholders including the Water & Sewer Advisory Council. Director Smith stated the Strategic Plan articulates the department's identity, strengthens its purpose, and identifies eight high-level strategic focus areas for the utility. Director Smith recalled presenting the plan to the Water Sewer Advisory Council in May 2021 and subsequently incorporating their concerns into the current draft plan. The plan may be viewed on the City's website.

Council Member Jerry A. Smith Jr., J.D. inquired regarding the need for additional staff and Director Smith clarified he is working with the City Manager to determine personnel needs and confirmed some positions requiring more skills are highly competitive with other utilities.

***Council Member Lyndsey Simpson moved that City Council approve the Hendersonville Water & Sewer Strategic Plan as presented. A unanimous roll call vote followed. Motion carried.***

**C. Resolution to Apply for Funding for the WWTF Biosolids Dryer Project – Adam Steurer, Utilities Engineer**

Utilities Engineer Adam Steurer addressed Council stating the North Carolina Department of Environmental Quality Division of Water Infrastructure is accepting State Revolving Fund (SRF) low-interest loan applications for water and wastewater projects and said staff is recommending applying for a SRF low-interest loan to fund the Wastewater Treatment Facility (WWTF) Biosolids Thermal Dryer Project. Mr. Steurer described the function of the dryer and provided a history of production of biosolids and processes. Mr. Steurer discussed increased landfill disposal fees and advised these fees are projected to increase over three percent annually in addition to increased fuel costs to transport waste to locations near Charlotte. Mr. Steurer stated the dryer would provide an eighty-two percent reduction by removing the liquid from the waste and said the byproduct could be used in agriculture. Mr. Steurer stated the project would greatly reduce the amount of waste being transported which will result in a cost savings on tipping fees.

***Council Member Lyndsey Simpson moved that City Council to adopt the Resolution by the City Council to apply for funding for the Wastewater Treatment Facilities Biosolids Thermal Dryer Project as presented. A unanimous roll call vote followed. Motion carried.***

**Resolution #R-22-50****RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO APPLY FOR FUNDING FOR THE WWTF BIOSOLIDS THERMAL DRYER PROJECT**

**WHEREAS,** The Federal Clean Water Act Amendments of 1987 and the North Carolina the Water Infrastructure Act of 2005 (NCGS 159G) have authorized the making of loans and grants to aid eligible units of government in financing the cost of construction and studies of wastewater treatment works, and;

**WHEREAS,** The City of Hendersonville has need for and intends to construct a wastewater treatment works project described as WWTF Biosolids Thermal Dryer and related equipment, and;

**WHEREAS,** The City of Hendersonville intends to request State loan and/or grant assistance for the project.

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

1. That City of Hendersonville, the Applicant, will arrange financing for all remaining costs of the project, if approved for a State loan and/or grant award.
2. That the Applicant will adopt and place into effect on or before completion of the project a schedule of fees and charges and other available funds which will provide adequate funds for proper operation, maintenance, and administration of the system and the repayment of all principal and interest on the debt.
3. That the governing body of the Applicant agrees to include in the loan agreement a provision authorizing the State Treasurer, upon failure of the City of Hendersonville to make scheduled repayment of the loan, to withhold from the City of Hendersonville any State funds that would otherwise be distributed to the local government unit in an amount sufficient to pay all sums then due and payable to the State as a repayment of the loan.
4. That the Applicant will provide for efficient operation and maintenance of the project on completion of construction thereof.
5. That John Connet, City Manager, the Authorized Official, and successors so titled, is hereby authorized to execute and file an application on behalf of the Applicant with the State of North Carolina for a loan and/or grant to aid in the study of or construction of the project described above.
6. That the Authorized Official, and successors so titled, is hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.
7. That the Applicant has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, and ordinances applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted by the City Council of the City of Hendersonville, North Carolina this 7<sup>th</sup> day of April 2022.

/s/Barbara G. Volk, Mayor

Attest: /s/Angela L. Reece, City Clerk

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

**Q. Resolution in Support of an Application by the City of Brevard for USDOT RAISE Grant Funding to Construct the Ecusta Trail in Transylvania County – Brent Detwiler, City Engineer**

City Engineer Brent Detwiler addressed Council stating the City of Brevard is applying for the United States Department of Transportation's Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grant. Mr. Detwiler recalled ongoing support of the Ecusta Trail by Council and said the City of Brevard is applying for funding for design and construction of the portion of the trail in Transylvania County. Council Member Jerry A. Smith Jr., J.D. encouraged citizens to reach out to their elected officials to keep the momentum moving forward on trail construction.

***Council Member Jerry A. Smith Jr., J.D. moved that City Council approve the resolution in support of an application by the City of Brevard for USDOT RAISE grant funding to construct the Ecusta Trail in Transylvania County. A unanimous roll call vote followed. Motion carried.***

## Resolution #R-22-46

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL  
IN SUPPORT OF AN APPLICATION BY CITY OF BREVARD FOR  
USDOT RAISE GRANT FUNDING TO CONSTRUCT THE ECUSTA TRAIL IN  
TRANSYLVANIA COUNTY**

**WHEREAS**, the City Council of the City of Hendersonville considers bicycle and pedestrian transportation to be of utmost importance to the region by providing Western North Carolina with recreation and transportation opportunities as well as the possibilities of economic and community development; and

**WHEREAS**, the City Council of the City of Hendersonville adopted a resolution on April 5, 2012 supporting a regional recreational greenway along the Ecusta rail corridor linking Henderson and Transylvania counties; and

**WHEREAS**, the United States Department of Transportation has established a Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grant Program that provides funding for surface transportation infrastructure projects that will have a significant local or regional impact; and

**WHEREAS**, the City of Brevard will be applying for a RAISE Grant to fund the design and construction of the Ecusta Trail in Transylvania County; and

**WHEREAS**, the City Council of the City of Hendersonville feels that it is in the best interest of the citizens of Hendersonville to support and endorse said grant application; and

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

1. The City hereby fully supports and endorses an application by City of Brevard for USDOT RAISE grant funding to construct the Ecusta Trail in Transylvania County; and
2. The City hopes that Secretary Pete Buttigieg and the US Department of Transportation will recognize the significance of this project and award funding to enhance the safety and connectivity for residents and visitors to the region.

Adopted by the City Council of the City of Hendersonville, North Carolina this 7<sup>th</sup> day of April 2022.

/s/Barbara G. Volk, Mayor

Attest: /s/Angela L. Reece, City Clerk

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

**T. Special Event: Thanks to Henderson County Teachers Celebration - Lew Holloway,**  
*Community Development Director*

Community Development Director Lew Holloway addressed Council stating the Thanks to Henderson County Teachers Celebration is organized by Joey Moore and sponsored by Skip Sawyer, a State Farm Insurance Agent. Director Holloway stated the event is brand-new and is proposed to take place on the evening Thursday, June 2, 2022, in the 100 block of Main Street with most of the event activities will taking place in the courtyard of the Historic Courthouse. Director Holloway stated the application includes a request for the 100 block of Main Street to be closed to traffic and said the purpose of this event is to be an opportunity for the community to show appreciation for Henderson County Teachers, particularly in light of the pandemic.

*Council Member Jerry A. Smith Jr., J.D. moved that City Council approve the special event permit for the Thanks to Henderson County Teachers Celebration on June 2, 2022. A unanimous roll call vote followed. Motion carried.*

**10. BOARDS/COMMISSIONS/COMMITTEE APPOINTMENTS**

**A. Asheville Regional Housing Consortium Vacant Seat Appointment – Angela L. Reece, City Clerk**

*Council Member Lyndsey Simpson moved that City Council appoint City Manager John Connet to serve as the City of Hendersonville representative as a member of the Asheville Regional Housing Consortium. A unanimous roll call vote followed. Motion carried.*

**B. Pedestrian Plan Steering Committee Approval – Brent Detwiler, City Engineer**

City Engineer Brent Detwiler recalled receiving a \$65,000 grant from NCDOT who has hired a consultant, Traffic Planning and Design Inc., which is forming an ad-hoc steering committee to review transportation projects in the area. Mr. Detwiler presented a list of recommended stakeholders which includes staff members and various community group liaisons for consideration. He clarified the committee will be active for 12 months.

*Council Member Jerry Smith moved that City Council approve the Pedestrian Plan Steering Committee and membership as presented along with Council member Dr. Jennifer Hensley as liaison. A unanimous roll call vote followed. Motion carried.*

Members are as follows:

David White	WNCSource & Apple Transit
Kat Nevel	Sammy Williams Center
Joe Sanders	Blue Ridge Bike Club, AARP, Resident, Friends of Ecusta
Suzanne Hale	Friends of the Oklawaha Greenway
Rebekah Robinson	Conserving Carolina
Diana Lewis	Avid walker and resident; Duncraggen community rep; active volunteer at Sammy Williams
Richard Reagen	Visually impaired pedestrian - 847-612-9095
LoriKay Paden	YMCA
NCDOT Division 14	Steve Williams
Dawn Barr	Avid walker and resident; BRBC president; veterans advocate
Bob Johnson	Planning Board Rep
Adriana Chavela	Hola Carolina
Philip Ellis, MS, PE	Interested citizen, Robinson Design Engineers
Janna Bianculli	County planning board
Dr. Jennifer Hensley	City of Hendersonville Council representative
Carl Taylor	Henderson County Public Schools
Brent Detwiler	City of Hendersonville
Matt Manley	City of Hendersonville
Tom Wooten	City of Hendersonville
Lew Holloway	City of Hendersonville
Brendan Shanahan	City of Hendersonville
Alexius Farris	NCDOT IMD
Rachael Bronson	Traffic Planning & Design
Kristy Carter	Traffic Planning & Design
Christy Staudt	Traffic Planning & Design

**11. CITY COUNCIL COMMENTS**

Council Member Jerry A. Smith Jr., J.D. announced the City will be celebrating its 175<sup>th</sup> birthday on May 22, 2022 from 2:00 p.m. to 4:00 p.m. at the Historic Courthouse and invited everyone to attend. There will be additional announcements and press releases.

Council Member Smith asked for and update from staff regarding the Greenville Highway Mixed Use ordinance and Community Development Director Lew Holloway stated staff is continuing to work on this and said different zoning districts have differing height limitations which complicates matters. Council Member Smith stated he would be in favor of changing the height limitation in this district back to 32 feet. Council Member Dr. Jennifer Hensley stated she would like the comprehensive plan process to take course before making any zoning changes. The consensus of Council was to direct staff to prepare a height chart.

Council Member Dr. Jennifer Hensley also expressed gratitude in serving the City and extended thanks and appreciation to fellow Council Members for allowing remote participation.

**12. CITY MANAGER REPORT – John F. Connet, City Manager**

**A. Cash and Investment Report – John Buchanan, Finance Director**

City Manager John Connet presented the cash and investment report to Council for consideration.

**13. CLOSED SESSION****A. Closed Session – John Connet, City Manager**

*At 8:24 p.m. Council Member Jerry A. Smith Jr., J.D. moved that City Council enter into closed session pursuant to NCGS § 143-318.11 (a)(1)(4) and (5) to prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes, and to discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations, and to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease. A unanimous roll call vote of the Council followed. Motion carried.*

*At 9:29 p.m. Council Member Lyndsey Simpson moved that City Council return to open session. A unanimous roll call vote of the Council followed. Motion carried.*

**13. ADJOURN**

There being no further business, the meeting was adjourned at 9:30 p.m. upon unanimous assent of the Council.

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Barbara G. Volk, Mayor

ATTEST:

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Angela L. Reece, City Clerk