



MINUTES

June 5, 2025

REGULAR MEETING OF THE CITY COUNCIL

CITY HALL-2ND FLOOR MEETING ROOM | 160 6TH AVE. E. | 5:45 p.m.

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

Staff Present: City Manager John Connet, Assistant City Manager Brian Pahle, City Clerk Jill Murray, City Attorney Angela Beeker, Budget & Evaluation Director Adam Murr, Communications Director Allison Justus, Communications Coordinator Brandy Heatherly and others.

1. CALL TO ORDER

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

2. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG

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

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

There was no public comment.

4. CONSIDERATION OF AGENDA

City Manager John Connet asked to add a Resolution to Permit the Possession and Consumption of Alcoholic Beverages at the 2025 Rhythm & Brews Concert Series to the Consent Agenda. Council Member Gina Baxter moved that City Council approve the agenda as amended. A unanimous vote of the Council followed. Motion carried.

5. CONSENT AGENDA

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

- A. Adoption of City Council Minutes – *Jill Murray, City Clerk*
City Council Regular Monthly Meeting – May 1, 2025
City Council Second Monthly Meeting – May 28, 2025

- B. June 2025 Project Ordinances and Reimbursement Resolutions – *Adam Murr, Budget & Evaluation Director*

Resolution #R-25-39

HENDERSONVILLE, NORTH CAROLINA
DECLARATION OF OFFICIAL INTENT TO REIMBURSE

BE IT RESOLVED by the City Council of the City of Hendersonville, North Carolina, this declaration (the "Declaration") is made pursuant to the requirements of the United States Treasury Regulations Section 1.150-2 and is intended to constitute a Declaration of Official Intent to Reimburse under such Treasury Regulations Section.

The undersigned is authorized to declare the official intent of HENDERSONVILLE, North Carolina (the "Issuer") with respect to the matters contained herein.

Expenditures to be Incurred. The Issuer anticipates incurring expenditures (the "Expenditures") for EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE FIRE ENGINE 9-5 REPLACEMENT PROJECT (#25010), ORDINANCE #O-25-27 (the "Projects").

Plan of Finance. The Issuer intends to finance the costs of the Project(s) with the grant revenue to be issued by the Issuer (the "Borrowing"), the interest on which is to be excluded from gross income for Federal income tax purposes.

Maximum Principal Amount of Debt to be Issued. The maximum principal amount of the Borrowing to be incurred by the Issuer to finance the Project is \$850,000.

Declaration of Official Intent to Reimburse. The Issuer hereby declares its official intent to reimburse itself with the proceeds of the Borrowing for any of the Expenditures incurred by it prior to the issuance of the Borrowing.

ADOPTED by the City Council of the City of Hendersonville, North Carolina, on this 5th day of June, 2025.

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

Resolution #R-25-40

HENDERSONVILLE, NORTH CAROLINA
DECLARATION OF OFFICIAL INTENT TO REIMBURSE

BE IT RESOLVED by the City Council of the City of Hendersonville, North Carolina, this declaration (the "Declaration") is made pursuant to the requirements of the United States Treasury Regulations Section 1.150-2 and is intended to constitute a Declaration of Official Intent to Reimburse under such Treasury Regulations Section.

The undersigned is authorized to declare the official intent of HENDERSONVILLE, North Carolina (the "Issuer") with respect to the matters contained herein.

Expenditures to be Incurred. The Issuer anticipates incurring expenditures (the "Expenditures") for EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE FY26 VEHICLE AND EQUIPMENT PROJECT (#VE026), ORDINANCE #O25-28 (the "Projects").

Plan of Finance. The Issuer intends to finance the costs of the Project(s) with the debt proceeds to be issued by the Issuer (the "Borrowing"), the interest on which is to be excluded from gross income for Federal income tax purposes.

Maximum Principal Amount of Debt to be Issued. The maximum principal amount of the Borrowing to be incurred by the Issuer to finance the Project is \$1,192,000.

Declaration of Official Intent to Reimburse. The Issuer hereby declares its official intent to reimburse itself with the proceeds of the Borrowing for any of the Expenditures incurred by it prior to the issuance of the Borrowing.

ADOPTED by the City Council of the City of Hendersonville, North Carolina, on this 5th day of June, 2025.

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

Ordinance #O-25-27

CAPITAL PROJECT ORDINANCE FOR
THE EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE FIRE ENGINE 9-5
REPLACEMENT PROJECT #25010

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 Fire Engine 9-5 Replacement Project, #25010.

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

Account Codes				Account Name	Total Budget
Fund	Dept	Account	Project		
410	1400	550103	25010	Capital Outlay- CIP	\$850,000
Total Project Appropriation					\$850,000

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

Account Codes				Account Name	Total Budget
Fund	Dept	Account	Project		

410	0000	470010	25010	Debt Proceeds (FY28 IFC)	(\$850,000)
Total Project Appropriation					(\$850,000)

Section 4: The Finance Director is hereby directed to maintain within the General Fund and Governmental Capital Project Fund sufficient specific detailed accounting records to satisfy the disclosure requirements of all the contractual agreements, if applicable.

Section 5: Funds may be advanced from the General Fund and Governmental Capital Project Fund, as necessary for the purpose of making payments as due. Reimbursement requests shall be made in an orderly and timely manner.

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

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

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

Section 9: The City Manager, or designee, is authorized to declare the project completed, close the project ordinance, and distribute remaining project funds to the appropriate operating fund or reserve fund.

ADOPTED by the City Council of the City of Hendersonville, North Carolina, on this 5th day of June, 2025.

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

Ordinance #O-25-28

CAPITAL PROJECT ORDINANCE FOR
THE EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE FY26 VEHICLE
AND EQUIPMENT PROJECT, #VE026

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 FY26 Vehicle and Equipment Project, #VE026.

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

Account Codes				Account Description	Total Budget
Fund	Dept.	Account	Project		
410	1300	554002	VE026	C/O-Vehicles (14-47 Marked SUV)	\$66,750
410	1300	554002	VE026	C/O-Vehicles (14-49 Marked SUV)	\$66,750
410	1300	554002	VE026	C/O-Vehicles (14-53 Marked SUV)	\$66,750
410	1300	554002	VE026	C/O-Vehicles (14-54 Marked SUV)	\$66,750
410	1300	554002	VE026	C/O-Vehicles (14-55 Marked SUV)	\$66,750
410	1300	554002	VE026	C/O-Vehicles (14-62 Marked SUV)	\$66,750
410	1502	554002	VE026	C/O-Vehicles (14-78 PW Director)	\$50,000
410	1521	554002	VE026	C/O-Vehicles (14-14 2500 Truck)	\$55,000
410	1525	554002	VE026	C/O-Vehicles (14-58 Quad Cab Truck)	\$55,000
410	1525	554001	VE026	C/O-Equipment (42-04 Tractor)	\$39,500
410	1555	554001	VE026	C/O-Equipment (22-18 Dump Truck)	\$150,000
410	1555	554001	VE026	C/O-Equipment (Mini-Excavator)	\$100,000
460	7002	554002	VE026	C/O-Vehicles	\$150,000
460	7002	554001	VE026	C/O-Equipment (22-12 Dump Truck)	\$110,000
460	7002	554001	VE026	C/O-Equipment (44-17 Excavator)	\$82,000
Total Project Appropriation					\$1,192,000

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

Account Codes				Account Description	Total Budget
Fund	Dept.	Account	Project		
410	0000	470010	VE026	Debt Proceeds (FY26 V&E Loan)	(\$850,000)
460	0000	470100	VE026	Transfers In (from 060)	(\$342,000)

Total Project Appropriation	(\$1,192,000)
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Section 4: The Finance Director is hereby directed to maintain within the General Fund, Water and Sewer Fund, and Capital Project Funds sufficient specific detailed accounting records to satisfy the disclosure requirements of all the contractual agreements, if applicable.

Section 5: Funds may be advanced from the General Fund and 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, on this 5th day of June, 2025.

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

C. Revision of Personnel Policy Amending Article III, Section 8; Article IV, Section 3, and Article VII Section 8 – Jennifer Harrell, HR Director

Resolution #R-25-41

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL AMENDING THE CITY OF HENDERSONVILLE PERSONNEL POLICY

WHEREAS, the City of Hendersonville maintains a Personnel Policy. The purpose of which is to establish a system of personnel administration for recruiting, selecting, employing, developing, and maintaining an effective and responsible workforce; and

WHEREAS, the City of Hendersonville wishes to amend Article III. Section 8 – Salary Effect of Promotions, Demotions, Transfers, and Reclassifications: Promotions: by clarifying when an employee is promoted that in special circumstances the hiring procedure authorizes the Department Head with concurrence from the Human Resources Director may advance an employee’s salary up to 15%. It also removes the statement that the employee’s annual review will be changed to the date of promotion. Demotions: The statement that the employee’s annual review will be changed to the date of promotion is removed. Reassignments: by clarifying when an employee takes a reassignment, the employee’s salary will be decreased by at least 5% and the salary shall not exceed the maximum of the grade. Reclassifications: The statement that the employee’s annual review will be changed to the date of promotion is removed.

WHEREAS, the City of Hendersonville also wishes to amend Article IV Section 3 Recruitment, Selection and Appointment. Selection: Specifies Department Heads or the department hiring manager with the assistance of the Human Resources department shall make such investigations and conduct such examinations as necessary to assess accurately the knowledge, skills, and experience qualifications required for the position, including criminal history where job-related using the DCI when needed. All selection devices administered by the City shall be valid measures of job performance. Appointment: Specifies before any commitment is made to an applicant either internal or external, recommendations by the hiring team should be made to the Department Head and along with the reasons for selecting the candidate over other candidates.

WHEREAS, the City of Hendersonville also wishes to amend Article IV Section 5. Promotion. It is specified there are two types of promotions – non-competitive and competitive.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Hendersonville, North Carolina that from and after the effective date of this resolution, Article III. Section 8 and Article IV Section 3 of the Personnel Policy attached to this resolution, is hereby adopted.

This policy will become effective as of the date of adoption.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 5th day of June, 2025.

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

D. Approval to Declare and Sell Surplus – Logan Hickey, Procurement & Contract Administrator

Resolution #R-25-42

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO DECLARE THE TRIPLE WIDE ASSET AND TO AUTHORIZE IT TO BE SOLD VIA INTERNET AUCTION

WHEREAS, The City of Hendersonville has determined that the triple wide building (which temporarily housed part of our Fire Department during the construction of our new Fire Station) should be declared surplus; and

WHEREAS, City Administration has considered options for repurposing the building for other capacities, however, there is not currently a need at the city for the facility; and

WHEREAS, In 2024, the City received an informal estimate that the building was worth \$205,000.00; and

WHEREAS, Per the request of City Administration, the Finance Department is requesting that this asset be declared surplus with the intent to sell it via internet auction; and

WHEREAS, This is being submitted for Council approval per N.C.G.S. § 265 as the value of the assets is greater than \$29,999.99; and

WHEREAS, Per the attached Resolution # 11-1051 from October 2011 and per 160A-270(C), internet auction is legally appropriate provided Council approves this Resolution.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Hendersonville, North Carolina that the City’s Public Works Department is authorized to declare the preceding asset as surplus and to proceed with selling this asset via internet auction.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 5th day of June, 2025.

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

E. June 2025 Budget Amendments – Jennifer Floyd

TO MAYOR & COUNCIL

APPROVAL: June 05, 2025

FISCAL YEAR 2025

FORM: 06052025-01

BUDGET AMENDMENT

FUND 010 | 301

ACCOUNT NUMBER	DESCRIPTION OF ACCOUNT	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
010-1502-534000	Non-Capital Equipment	28,805	-	2,750	26,055
010-0000-598901	Transfer Out (to 301, #G2403)	2,243,298	2,750	-	2,246,048
FUND 010	TOTAL REVENUES	-	-	-	-
General Fund	TOTAL EXPENDITURES	2,272,103	2,750	2,750	2,272,103
301-0000-470100-G2403	Transfer In (From 010, FY25)	-	2,750	-	2,750
301-0000-420050-G2505	Grant Revenue	128,928	-	-	128,928
301-1565-550103-G2505	Capital Outlay - Services and Fees	128,928	2,750	-	131,678
FUND 301	TOTAL REVENUES	128,928	2,750	-	131,678
Ops. Energy Efficiency,	TOTAL EXPENDITURES	128,928	2,750	-	131,678

An amendment to the Operations Center Energy Efficiency Project, #G2505 - increasing total appropriations by \$2,750 to a total of \$131,678 using a transfer in from the General Fund. The transfer is needed to offset cost increases which have occurred since the initial grant application.

The City Manager and City Clerk certify budget ordinance amendment 06052025-01 was approved by City Council on June 05, 2025.

TO MAYOR & COUNCIL
APPROVAL: June 05, 2025

FISCAL YEAR 2025
FORM: 06052025-02

BUDGET AMENDMENT					
FUND 199 010					
ACCOUNT NUMBER	DESCRIPTION OF ACCOUNT	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
199-0000-470900-00001	Fund Balance Appropriations	-	2,314	-	2,314
199-0000-598901-00001	Transfer Out (to 010)	-	2,314	-	2,314
FUND 199 #00001	TOTAL REVENUES	-	2,314	-	2,314
Special Revenue Fund	TOTAL EXPENDITURES	-	2,314	-	2,314
199-0000-470900-00002	Fund Balance Appropriations	-	2,656	-	2,656
199-0000-598901-00002	Transfer Out (to 010)	-	2,656	-	2,656
FUND 199 #00002	TOTAL REVENUES	-	2,656	-	2,656
Special Revenue Fund	TOTAL EXPENDITURES	-	2,656	-	2,656
199-0000-470900-00003	Fund Balance Appropriations	-	19,928	-	19,928
199-0000-598901-00003	Transfer Out (to 010)	-	19,928	-	19,928
FUND 199 #00003	TOTAL REVENUES	-	19,928	-	19,928
Special Revenue Fund	TOTAL EXPENDITURES	-	19,928	-	19,928
199-0000-470900-00005	Fund Balance Appropriations	-	2,853	-	2,853
199-0000-598901-00005	Transfer Out (to 010)	-	2,853	-	2,853
FUND 199 #00005	TOTAL REVENUES	-	2,853	-	2,853
Special Revenue Fund	TOTAL EXPENDITURES	-	2,853	-	2,853
199-0000-470900-00011	Fund Balance Appropriations	-	17,459	-	17,459
199-0000-598901-00011	Transfer Out (to 010)	-	17,459	-	17,459
FUND 199 #00011	TOTAL REVENUES	-	17,459	-	17,459
Special Revenue Fund	TOTAL EXPENDITURES	-	17,459	-	17,459
010-0000-470100	Transfer In (From 199, #00001)	-	2,314	-	2,314
010-0000-534999	Contingency	94,664	2,314	-	96,978
FUND 010	TOTAL REVENUES	-	2,314	-	2,314
General Fund	TOTAL EXPENDITURES	94,664	2,314	-	96,978
010-0000-470100	Transfer In (From 199, #00002)	-	2,656	-	2,656
010-0000-534999	Contingency	96,978	2,656	-	99,634
FUND 010	TOTAL REVENUES	-	2,656	-	2,656
General Fund	TOTAL EXPENDITURES	96,978	2,656	-	99,634
010-0000-470100	Transfer In (From 199, #00003)	-	19,928	-	19,928
010-0000-534999	Contingency	99,634	19,928	-	119,562
FUND 010	TOTAL REVENUES	-	19,928	-	19,928
General Fund	TOTAL EXPENDITURES	99,634	19,928	-	119,562
010-0000-470100	Transfer In (From 199, #00005)	-	2,853	-	2,853
010-0000-534999	Contingency	119,562	2,853	-	122,415
FUND 010	TOTAL REVENUES	-	2,853	-	2,853
General Fund	TOTAL EXPENDITURES	119,562	2,853	-	122,415
010-0000-470100	Transfer In (From 199, #00011)	-	17,459	-	17,459
010-0000-534999	Contingency	122,415	17,459	-	139,874
FUND 010	TOTAL REVENUES	-	17,459	-	17,459
General Fund	TOTAL EXPENDITURES	122,415	17,459	-	139,874
An amendment to Funds 199 and 010, transferring remaining fund balance from projects #00001, #00002, #00003, #00005, and #00011 into the General Fund, increasing total appropriations by \$45,210. This amendment closes listed projects in the Special Revenue Fund (199).					
The City Manager and City Clerk certify budget ordinance amendment 06052025-02 was approved by City Council on June 05, 2025.					

TO MAYOR & COUNCIL
APPROVAL: June 05, 2025

FISCAL YEAR 2026
FORM: 06052025-03

BUDGET AMENDMENT					
FUND 410					
ACCOUNT NUMBER	DESCRIPTION OF ACCOUNT	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
410-1010-470100-25001	Transfer In (From 010)	75,000	25,000	-	100,000
410-1010-550103-25001	Capital Outlay CIP	75,000	25,000	-	100,000
FUND 010	TOTAL REVENUES	75,000	25,000	-	100,000
General Fund	TOTAL EXPENDITURES	75,000	25,000	-	100,000
An amendment to the Downtown Camera Project, #25001 increasing the total appropriation by \$25,000 to a total of \$100,000 using a transfer in from the General Fund.					
The City Manager and City Clerk certify budget ordinance amendment 06052025-03 was approved by City Council on June 05, 2025.					

F. Construction Contract Award for the Wastewater Treatment Facility HVAC Systems Replacement Project – Devon Owen, Utilities Engineer

Resolution #R-25-43

RESOLUTION BY THE CITY OF HENDERSONVILLE OF AUTHORIZATION FOR THE CITY MANAGER TO ENTER INTO A CONTRACT FOR THE CONSTRUCTION OF THE WASTEWATER TREATMENT FACILITY HVAC SYSTEMS REPLACEMENT PROJECT

WHEREAS, the City owns and operates a wastewater treatment facility (WWTF) and laboratory that was impacted by Hurricane Helene during the week of September 24, 2024; and

WHEREAS, the City intends to replace its heating, ventilation, and air conditioning (HVAC) systems at the WWTF administration building which were flooded during Hurricane Helene; and

WHEREAS, once completed the project will restore climate control within the WWTF administration building, allowing the laboratory to accurately ensure that treatment processes at the WWTF are operating as intended; and

WHEREAS, on May 15, 2025, formal bids for construction of the project were opened as follows:

Cooper Construction Company, Inc.: \$624,400.00

Hickory Mechanical, Inc.: \$771,676.00

WHEREAS, formal bids were reviewed for completeness and accuracy. Cooper Construction Company, Inc. is the lowest responsive, responsible bidder; and

WHEREAS, the project engineer and utility staff are recommending the award of the WWTF HVAC Systems Replacement Project to Cooper Construction Company, Inc.

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

The City Manager is authorized to award and execute a contract for the construction of the WWTF HVAC Systems Replacement Project to Cooper Construction Company, Inc., the lowest responsive and responsible bidder in the total amount of \$624,400.00.

The City Manager is authorized to approve change orders which cumulatively do not exceed 10% of the approved contract amount of \$624,400.00, provided however that any necessary budget ordinance or project ordinance amendments must be brought back to the City Council for approval.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 5th day of June, 2025.

Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

G. Approval of Memorandum of Understanding for Ecusta Trail Operations and Authorization of City Manager to Execute – Brent Detwiler, Public Services Director

Resolution #R-25-44

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL
TO APPROVE THE MEMORANDUM OF UNDERSTANDING FOR ECUSTA
TRAIL OPERATIONS**

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, Henderson County will soon complete the first phase of the Ecusta Trail from downtown Hendersonville to the Horse Shoe area; and

WHEREAS, staff from the governing jurisdictions in which the trail is contained have drafted a Memorandum of Understanding for operation of the Ecusta Trail in within Henderson County; and

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

1. The City hereby approves the Memorandum of Understanding for Ecusta Trail Operations and authorizes the City Manager or designee to execute said Memorandum.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 5th day of June, 2025.

Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

H. Construction Contract Award and Sole Source Exception for the French Broad River Intake and Pumping Station Permanent Repairs Project – Adam Steurer, Utilities Director

Resolution #R-25-45

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE CONTRACT AWARD AND SOLE-SOURCE EXCEPTION OF THE FRENCH BROAD RIVER INTAKE AND PUMPING STATION PERMANENT REPAIRS DUE TO HURRICANE HELENE

WHEREAS, prior to completion of construction, the French Broad River intake and pumping station was substantially flooded, including but not limited to the electrical room, as a result of Hurricane Helene; and

WHEREAS, the City originally contracted with Crowder Construction Company for the construction of the French Broad River intake and pumping station by way of that contracted dated March 10, 2022 which was procured in accordance with the requirements of NCGS 143-129; and

WHEREAS, Crowder Construction Company has previously assessed the flooding of the French Broad River intake, and then completed immediate measures to dewater and dehumidify the building and facilities and such other actions as were necessary to minimize further damage to the French Broad River intake as a result of the flooding, all of the foregoing being performed under an emergent contract; and

WHEREAS, it is necessary to perform additional, permanent repair services for the French Broad River intake in order to restore it to its pre-storm condition; 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, NCGS 143-129(e)(4) provides that construction or repair work undertaken during the progress of a construction or repair project initially begun pursuant to NCGS 143-129 is exempt from the bidding process; and

WHEREAS, Crowder Construction Company is the sole contractor that can perform the permanent repair services as the intake was currently under construction by Crowder at the time of Helene, and pursuant to the terms of the March 10, 2022 contract, the certificate of substantial completion had not been issued by the City, and the intake was and is still under Crowder's possession and control for purposes of completing the construction of the intake, and allowing a third party contractor to perform the repairs to a work in progress would result in substantial duplication of costs that would not be expected to be recovered through competition; and

WHEREAS, the permanent repair services are to repair work that was originally undertaken pursuant to NCGS 143-129; and

WHEREAS, in order to segregate the permanent repair work that is necessary to restore the intake to the stage of construction existing immediately prior to the Helene from the completion of the construction of the intake project under the March 22, 2022 contract, Crowder Construction Company and the City are entering into this separate permanent repair agreement, rather than amending the March 10, 2022 contract by change order.

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

1. A sole-source exception to the formal bid procedures applies as performance or price competition are not available for the permanent repairs of the French Broad River Intake and Pumping Station.
2. The City Manager is authorized to award and execute a contract for the construction of the French Broad Intake and Pump Station Permanent Repairs Due to Hurricane Helene in the total amount of \$1,871,961.00.
3. The City Manager is authorized to approve change orders which cumulatively do not exceed 10% of the approved contract amount of \$1,871,961.00, provided however that any necessary budget ordinance amendments must be brought back to the City Council for approval.
4. To the extent that compliance with State or Federal Bidding requirements require that an amendment to the March 10, 2022 contract be entered, the contract entered pursuant to the authority of this Resolution for the permanent repair work (and all change orders entered thereto) shall be considered an amendment to the March 10, 2022 contract.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 5th day of June, 2025.

Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

I. Engineering Agreement Amendment for the French Broad River Intake and Pumping Station Permanent Repairs Project – *Adam Steurer, Utilities Director*

Resolution #R-25-46

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE AN AMENDMENT TO AN ENGINEERING SERVICES AGREEMENT TO SUPPORT THE FRENCH BROAD RIVER INTAKE AND PUMPING STATION PERMANENT REPAIRS PROJECT

WHEREAS, prior to completion of construction, the French Broad River intake and pumping station was substantially flooded, including but not limited to the electrical room, as a result of Hurricane Helene; and

WHEREAS, the City originally contracted with Black & Veatch International Company for engineering services for the French Broad River intake and pumping station on July 26, 2017; and

WHEREAS, Black & Veatch International Company has previously assessed the flooding of the French Broad River intake, and then supported the completion of immediate measures to dewater and dehumidify the building and facilities and such other actions as were necessary to minimize further damage to the French Broad River intake as a result of the flooding, all of the foregoing being performed under an emergent contract; and

WHEREAS, it is necessary to perform additional, permanent repairs requiring engineering support for the French Broad River intake in order to restore it to its pre-storm condition; and

WHEREAS, Black & Veatch International Company can efficiently perform the engineering support of the permanent repairs as the engineer of record of the intake construction, and without substantial duplication of costs that would be expected in allowing a third-party engineer to support the permanent repairs; and

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

1. The City Manager is authorized to execute an amendment to the agreement for engineering services to support the French Broad Intake and Pump Station Permanent Repairs Due to Hurricane Helene in the total amount of \$246,000.00.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 5th day of June, 2025.

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

J. Wilson Tract Restoration Declaration for the Lower Mud Creek Restoration Project – *Daniel Heyman, Staff Attorney*

Resolution #R-25-47

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL AUTHORIZING THE EXECUTION AND RECORDING OF DECLARATION OF COVENANTS OF LAND-USE RESTRICTIONS FOR THE LOWER MUD CREEK RESTORATION PROJECT

WHEREAS, the City of Hendersonville has been awarded a grant from the North Carolina Land and Water Fund (the “Fund”), a division of the Department of Natural and Cultural Resources for the lower Mud Creek Restoration Project; and

WHEREAS, the City has entered into a grant agreement with the Fund to govern the City’s use and the Fund’s disbursement of the grant; and

WHEREAS, to receive reimbursement under the grant, the City is required to execute and record a Declaration of Covenants of Land-Use Restrictions, or Restoration Declaration, for each property owned by the City and proposed to be improved with grant funds; and

WHEREAS, the City owns a tract of land, being all of that property described in a deed from Ken Wilson Ford, Inc. to The City of Hendersonville, said deed recorded in Deed Book 1107 at page 172 of the Henderson County Registry, and having PIN 9568-73-9214, (the “Wilson Tract”), that will be improved using grant funds; and

WHEREAS, the City must execute and record a Restoration Declaration for the Wilson Tract in order to receive reimbursement under the grant.

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

1. The Declaration of Covenants of Land-Use Restrictions, (hereinafter the “Restoration Declaration”) for the Wilson Tract, attached hereto as Exhibit A and incorporated herein by reference, is approved.

2. The Mayor is authorized to execute the Restoration Declaration and City staff is authorized to record the same in the Henderson County Registry.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 5th day of June, 2025.

Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

K. Resolution Authorizing the Purchase of Real Property – *Angela S. Beeker, City Attorney*

Resolution #R-25-48

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL APPROVING THE PURCHASE OF REAL PROPERTY

WHEREAS, the City of Hendersonville received a grant from Dogwood Trust to fund affordable housing initiatives as contained in the grant agreement dated November 29, 2021, as amended by that document on January 15, 2025 (“Grant Agreement”); and

WHEREAS, certain property became available for sale by the trustee of that deed of trust recorded in Book 725 at Page 633 of the Henderson County Registry (“Deed of Trust”); and

WHEREAS, the City of Hendersonville wishes to purchase the property secured by that deed of trust (the “Real Property”) with grant funds for the purpose of constructing affordable housing; and

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

2. The City Manager is authorized to act on behalf of the City of Hendersonville to purchase the Real Property secured by the Deed of Trust in accordance with the procedures outlined in North Carolina General Statutes Chapter 45, Article 2A and within budgeted funds available under the Grant Agreement.
3. The City Manager, City Attorney, City Finance Director and City Staff are authorized to take such other actions as may be necessary to carry out the purchase, including but not limited to bidding and closing on the purchase and payment of all closing costs, attorneys fees, and other expenses required to be paid as part of the purchase.
4. All actions of the City Manager, City Attorney, City Finance Director and City Staff taken in furtherance of this property purchase are hereby ratified and approved.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 5th day of June, 2025.

Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

L. Interlocal Agreement for 911 Fund Allocations – *Blair Myhand, Police Chief*

M. Resolution to Permit the Possession and Consumption of Alcoholic Beverages at the 2025 Rhythm & Brews Concert Series – *Angela S. Beeker, City Attorney*

Resolution #R-25-52

**HENDERSONVILLE, NORTH CAROLINA
RESOLUTION TO PERMIT THE POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES AT
THE 2025 RHYTHM & BREWS CONCERT SERIES**

WHEREAS, North Carolina General Statute 18B-300 (c)(3) permits a city or county, by local ordinance, to regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys, or parking lots which are temporarily closed to regular traffic for special events, and;

WHEREAS, Section 6-2 (d) of the City of Hendersonville Code of Ordinances establishes that it “shall not be unlawful for any person to possess or consume any alcoholic beverage on public streets, alleys or parking lots which are temporarily closed to regular traffic for special events, if the city council has adopted a resolution making provisions for the possession and consumption of malt beverages or unfortified wine or both at such special event, to the extent permitted by such resolution.”

NOW THEREFORE BE IT RESOLVED by the city council of the City of Hendersonville, North Carolina, pursuant to the authority granted by general statute and according to the duly adopted local ordinance that,

Elevents, INC (dba The Friends of Downtown Hendersonville) is permitted to host 5 summer concert events on the following dates, June 19th, July 17th, August 21st, September 18th and October 16th, 2025. Furthermore, that the possession of alcohol in the form of malt beverages and unfortified wine, be permitted within the event footprint established by the City Special Events Committee and the associated North Carolina Alcohol Beverage Control Special Event Permit on the dates listed above.

ADOPTED by the City Council of the City of Hendersonville, North Carolina, on this 5th day of June 2025.

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

6. PRESENTATIONS

A. **Introduction of City Liaison Jeff Miller** – *John Connet, City Manager*

City Manager John Connet introduced Jeff Miller as the new City Liaison to help us interact with other local governments in Henderson County, as well as a State official and Federal official and I can think of no better person than Jeff to do that. He is a volunteer, it is not a paid position so Jeff, thank you for the time that you give us. This will be another arm in the city to help us move forward with a strategic vision. So welcome back to our team Jeff.

5. PUBLIC HEARINGS

A. **Fiscal Year 2025-2026 Budget Adoption** – *John Connet, City Manager*

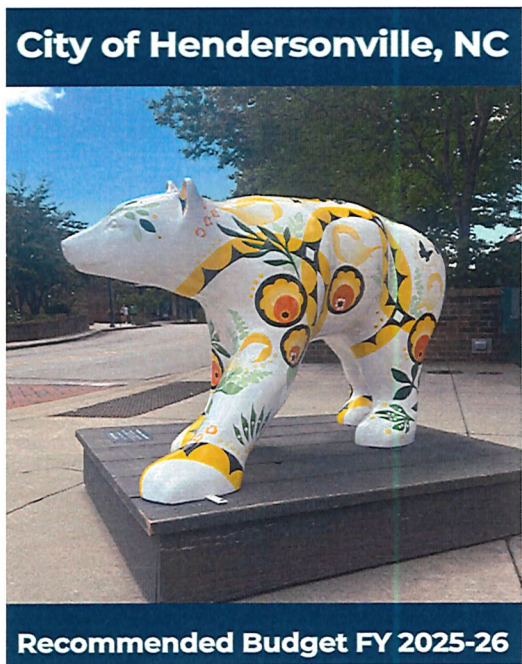
City Manager John Connet presented the recommended 2025-2026 budget and gave the following PowerPoint presentation.



CITY OF HENDERSONVILLE

FY26 BUDGET ADOPTION

June 05, 2025



Our Vision



Hendersonville is a vibrant mountain city where the government and citizens work together for a high quality of life.



Our Mission




The City of Hendersonville is committed to providing quality, efficient services to all citizens, visitors, and businesses through open communication, timely responses, and quality results.


BUDGET AT A GLANCE

CITY OF HENDERSONVILLE


FY26

RECOMMENDED BUDGET AT A GLANCE







GREAT PUBLIC SERVICES




SOUND INFRASTRUCTURE




NUMEROUS AMENITIES



STRONG PARTNERSHIPS



ECONOMIC VITALITY



FINANCIAL SUSTAINABILITY

COUNCIL GOALS

Rank #1 – Public Safety

Rank #2 – Compensation, Benefits, and Staff Development

Rank #3 – Strong Infrastructure

Rank #4 – Strategic Housing Plan

Rank #5 – Growth Management and Community Character

Rank #6 – Invest in Parks

Rank #7 – Enhance Sustainability Citywide

Rank #8 – Transportation Planning

Rank #9 – City Boards and Volunteers

Rank #10 – Support Downtown Businesses

The Fiscal Year 2025-2026 (FY26) budget was developed based upon information presented and discussed during our City Council and Staff Retreat on Feb. 27 and 28, 2025.

We are entering our final year of the 3-year plan and will begin developing a scope for the next 3-year plan during the FY27 budget development process.

Each goal area to the left is tracked in the City’s strategic planning documents, which can be found online at:

www.hvInc.gov/strategicplan

HELENE RECOVERY AND RESILIENCY

City Council and City Staff Developed Eight (8) Priorities for the Resiliency and Recovery Plan:

1. Invest in Redundant & Resilient Critical Infrastructure

2. Housing

3. Communications & Storytelling

4. Emergency Response Plan

5. Financial Resiliency

6. Debris Management

7. Floodplain Mitigation

8. Trained & Right-Sized City Staff

Helene Resiliency and Recovery Plan

Created by: Brian Pabie

Plan Details

Clear

Edit

0 11

Levels include Plan OR Priority

Timeline Controls

#

Level

Name

Start Date

2024-2025

2025

2026

2027

...

Plan

Helene Resiliency and Recovery Plan

07/01/2025

Helene Resiliency and Recovery Plan

...

1

Priority

Investment in Redundant and Resilient Critical Infrastructure

07/01/2025

Investment in Redundant and Resilient Critical Infrastructure

...

2

Priority

Housing

07/01/2025

Housing

...

3

Priority

Communications & Storytelling

07/01/2025

Communications & Storytelling

...

4

Priority

Emergency Response Plan

07/01/2025

Emergency Response Plan

...

5

Priority

Financial Resiliency

07/01/2025

Financial Resiliency

...

6

Priority

Debris Management

07/01/2025

Debris Management

...

7

Priority

Floodplain Mitigation

07/01/2025

Floodplain Mitigation

...

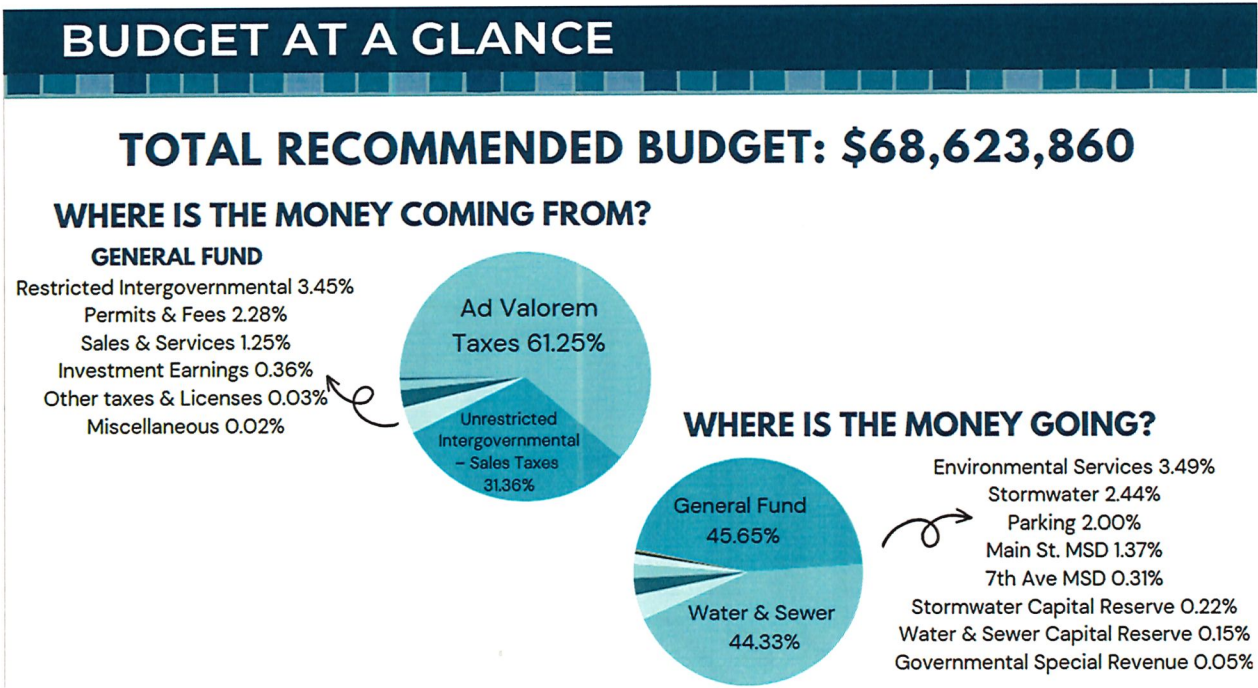
8

Priority

Trained & Right-Sized City Staff

07/01/2025

Trained & Right-Sized City Staff



BUDGET AT A GLANCE

\$0.52
per \$100 of value

City Wide: \$0.52/per \$100
No change from the previous rate
Main St and 7th Ave MSD: \$0.21/per \$100
Main St: No change from the previous rate
7th Ave: No change from the previous rate

WATER & SEWER RATES

Water: 8% increase
Sewer: 9% increase

The rate differential between inside & outside water customer rates has lowered by 5% reflecting City Council's commitment to equalize rates by 2030

RATES & FEES

Stormwater: \$8.00/month
\$1 increase for residential customers
Non-residential Stormwater Fee Cap \$400

Environmental Services:
32-gallon can: \$30; 96-gallon can: \$32
\$7 increase to make fund sustainable & hire 3 workers

Parking: No increase in parking rates

Motor Vehicle Fee:
\$15 increase for Vehicle Registration Renewal
Funding earmarked for maintaining streets/ADA compliant sidewalks in compliance PROWAG unfunded federal mandate

LEARN MORE AT: HVLNC.GOV/BUDGET

BUDGET AT A GLANCE

TOTAL RECOMMENDED BUDGET: \$68,623,860

PERSONNEL BENEFITS

- 4.0% Cost of Living Adjustment
- 3.00% 401k Match
- 2.56% Average Merit Increase

HIGHLIGHTS

Focusing on long-term financial sustainability, the FY26 budget centers on rebuilding from Hurricane Helene and continuing to offer high-quality services to residents

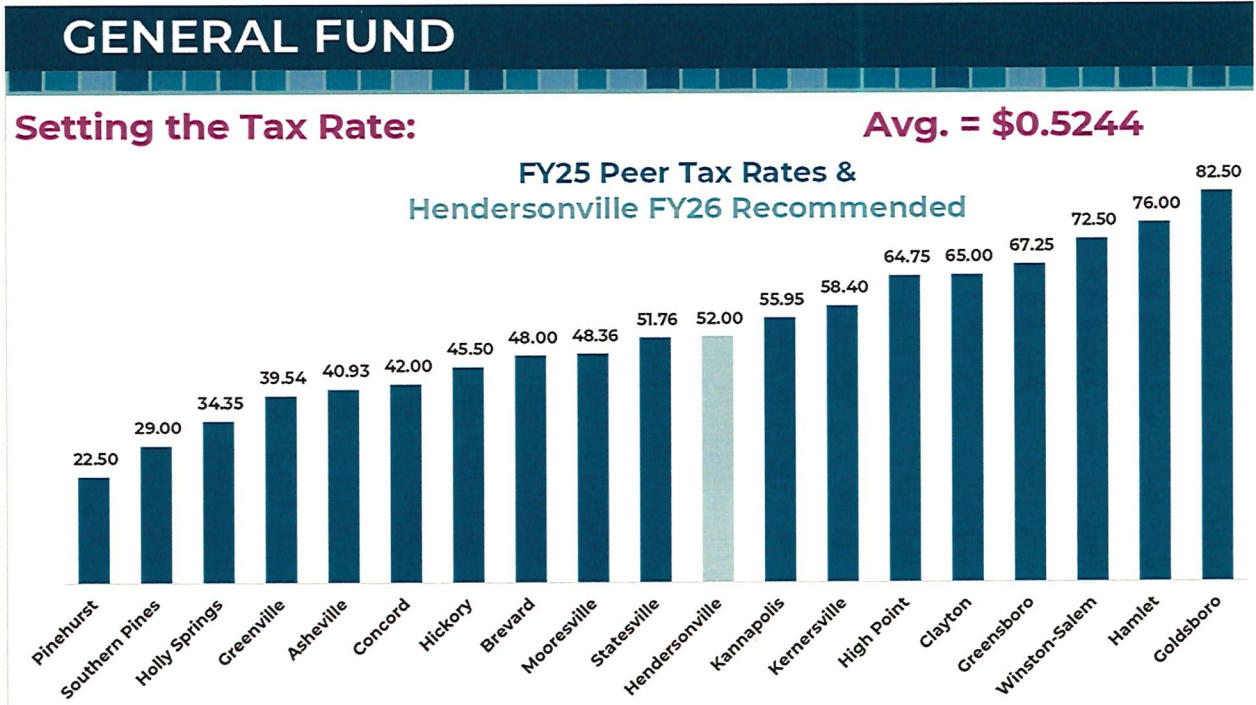
Committing to Compensation/Benefits requires additional funds to recruit & retain personnel, by covering increasing medical insurance & retirement costs

Prioritizing Strong Infrastructure with key Water & Sewer projects including treatment plant, line, and pump station improvements

Enhancing Public Safety by funding 911 Software, CPR Device, and Swift Water Rescue Equipment

New positions include: 3 Environmental Service Workers, 2 Water & Sewer Line Maintenance Mechanics, 1 Downtown Maintenance Worker & 1 Fleet Maintenance Technician

- Police
- Fire
- Medical
- Water
- Maintenance



GENERAL FUND

TAX RATE	\$0.52/\$100	REVENUES	• Rate = \$0.52/\$100 (no change) • Sales Tax Growth & Development
REVENUES	(28,194,046)	EXPENDITURES	• \$15.8m Personnel & Benefits (+\$2.0m) • COLA, Merit, 401k, LGERS, etc. • Fleet Maint. Position Added
EXPENDITURES	30,969,077	OTHER FINANCING	• \$7.2m Operating (+\$826k) • Powell Bill Expenditures
OTHER FINANCING	357,534	FUND BALANCE	• \$297k Capital (+\$179k) • Critical & life-saving equipment
FUND BALANCE		APPROPRIATED	• \$4.2m Debt Service (+\$118k) • Vehicle & equipment debt payments
APPROPRIATED	(3,132,565)	FUND BALANCE & OTHER FINANCING	• Estimated FY26 Transfer to Parking = \$113,907
FUND BALANCE			• Estimated FY26 Total Fund Balance = \$12,362,795
FY26 START	11,072,165		• Estimated FY26 Unassigned - City Policy = \$7,449,867 25.75%
FUND BALANCE			
FY26 END	7,939,600		

MAIN STREET MSD FUND

TAX RATE	\$0.21/\$100	REVENUES	• Rate = \$0.21/\$100 (no change)
REVENUES	(697,400)	EXPENDITURES	• \$611,320 Personnel & Benefits (+\$146k) • Salaries and benefits increases • DT Worker Added (75%)
EXPENDITURES	940,854		• \$267,204 Operating (-\$85k)
OTHER FINANCING	(88,434)		• \$20,000 Capital (+\$20k)
FUND BALANCE			• \$42,330 Debt Service (-\$1.5k)
APPROPRIATED	(155,020)	FUND BALANCE	• Budgeted Transfer from GF \$88,434 • Est. Transfer from GF \$0
FUND BALANCE			• Est. Fund Bal. Appropriation = \$87,820 • Est. End of Year Fund Bal. = \$67,200
FY26 START	155,020		
FUND BALANCE			
FY26 END	-		

7th AVE MSD FUND

TAX RATE	\$0.21/\$100
REVENUES	(131,750)
EXPENDITURES	212,967
OTHER FINANCING	(16,451)
FUND BALANCE	
APPROPRIATED	(64,766)
FUND BALANCE	
FY26 START	64,766
FUND BALANCE	
FY26 END	-

REVENUES

- Rate = \$0.21/\$100 (no change)

EXPENDITURES

- \$171,757 Personnel & Benefits (+\$43k)
 - Salaries and benefits increases
 - DT Worker Added (25%)
- \$41,210 Operating (-\$625)
- \$0 Capital (no change)
- \$0 Debt Service (no change)

FUND BALANCE

- Budgeted Transfer from GF \$16,451
- Est. Transfer from GF \$0
- Est. Fund Bal. Appropriation = \$64,766
- Est. End of Year Fund Bal. = \$1,616

WATER & SEWER FUND

USER FEES	+ ~8.5%
REVENUES	(28,262,200)
EXPENDITURES	29,904,154
OTHER FINANCING	514,940
FUND BALANCE	
APPROPRIATED	(2,156,894)
FUND BALANCE	
FY26 START	10,757,658
FUND BALANCE	
FY26 END	8,600,764

REVENUES

- Water Sale Rev. +8.0%
- Sewer Charge Rev. +9.0%
- SDFs → 50% Effective Jul 1, 2025
- 120% Inside/Outside Rate Diff. (-5.0%)

EXPENDITURES

- \$14.1m Personnel & Benefits (+\$1.4m)
- \$8.5m Operating (-\$40k)
- \$1.2m Pay-Go Capital (-\$18k)
- \$6.1m Debt Service (+\$774k)
- \$417k Transfer for Vehicles & Equipment
- \$100k Transfer to Capital Reserve Fund

FUND BALANCE/BOND COVENANT

- FY25 Est. Bond Covenant (a)=1.47 (b)=1.09
- FY26 Est. Bond Covenant (a)=1.46 (b)=1.18
- Min (a)=1.00, Min (b)=1.00

PARKING FUND

USER FEES	No Change
REVENUES	(1,118,575)
EXPENDITURES	1,371,224
OTHER FINANCING	(252,649)
FUND BALANCE	
APPROPRIATED	-
FUND BALANCE	
FY26 START	-
FUND BALANCE	
FY26 END	-

REVENUES

- Parking Fee Revenues = No Change

EXPENDITURES

- \$297,784 Personnel & Benefits (+\$18k)
- \$261,490 Operating (+50k)
- \$0 Capital
- \$811,950 Debt Service (+\$4.5k)

FUND BALANCE

- Budgeted Transfer from GF \$252,649
- Est. Transfer from GF \$113,907
- Est. Fund Bal. Appropriation = \$0
- Est. End of Year Fund Bal. = \$0
- No Fund Balance – GF Supported

STORMWATER FUND

USER FEES	\$8.00/mo.
REVENUES	(1,676,050)
EXPENDITURES	1,526,050
OTHER FINANCING	150,000
FUND BALANCE APPROPRIATED	-
FUND BALANCE FY26 START	-
FUND BALANCE FY26 END	-

- REVENUES**
- Rate = **\$8.00/Month/ERU** (+\$1.00)
 - Cap = **\$400.00/Month/ERU** (+\$50.00)
 - +\$225k user fee revenue
- EXPENDITURES**
- **\$1.0M** Personnel & Benefits (+\$129k)
 - **\$370,833** Operating (+\$17k)
 - **\$0** Capital
 - **\$75,885** Debt Service (-\$6.2k)
 - **\$150,000** Transfer to Capital Reserve
- FUND BALANCE**
- No Fund Balance
 - No General Fund Transfer (In)
 - Estimated Increase **\$109,824**

ENVIRONMENTAL SERVICES FUND

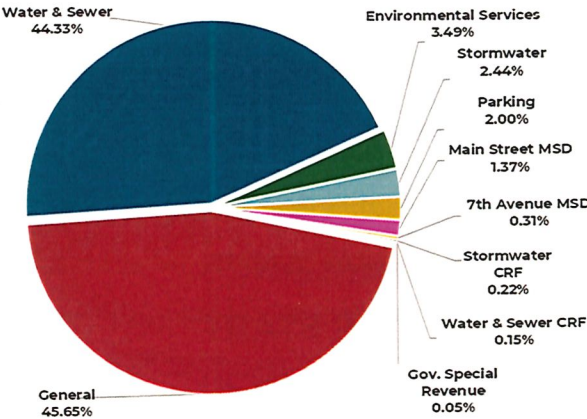
USER FEES	\$32.00/mo.
REVENUES	(2,394,000)
EXPENDITURES	2,394,000
OTHER FINANCING	-
FUND BALANCE APPROPRIATED	-
FUND BALANCE FY26 START	-
FUND BALANCE FY26 END	-

- REVENUES**
- Rate = **+\$7.00/month**
\$30.00/32gal
\$32.00/96gal
- EXPENDITURES**
- **\$1.5M** Personnel & Benefits (+\$279k)
 - +3 Environmental Service Workers
 - **\$683,666** Operating (+\$77k)
 - **\$0** Capital
 - **\$194k** Debt Service (+\$14k)
- FUND BALANCE**
- No Fund Balance
 - No General Fund Transfer (In)
 - Estimated Increase **\$125,685**

BUDGET IN TOTAL

FY26 MAJOR FUNDS SUMMARY

FUND	EXPENDITURES	REVENUES	FUND BALANCE APPROPRIATION
General	\$ 31,326,611	\$ 28,194,046	\$ 3,132,565
Water & Sewer	30,421,154	28,264,260	2,156,894
Environmental Services	2,394,000	2,394,000	-
Stormwater	1,676,050	1,676,050	-
Parking	1,371,224	1,371,224	-
Main Street MSD	940,854	785,834	155,020
7th Avenue MSD	212,967	148,201	64,766
Stormwater CRF	150,000	150,000	-
Water & Sewer CRF	100,000	100,000	-
Gov. Special Revenue	31,000	-	31,000
SUB-TOTAL	\$ 68,623,860	\$ 63,083,615	\$ 5,540,245
TOTAL IN BALANCE	\$68,623,860		



THANK YOU COUNCIL & STAFF

A Shimmy A Day Keeps the Budget At Bay

The City Clerk confirmed this public hearing has been advertised in accordance with North Carolina General Statutes.

The public hearing was opened at 6:16 p.m.

In Person:

Glenn Lange is a member of the Hendersonville Tree Board and is speaking on behalf of himself and the Tree Board. The Tree Board is opposed to the payment in lieu of fee that is included in the budget proposal. We were also opposed to it at the time the Tree Ordinance was being approved by the Council. We are taking this opportunity to explain why this fee should be substantially increased to reflect the true landscape and environmental value of trees in the city. We hope you will allow the Tree Board and City staff to come up with a more realistic payment in lieu fee calculation method that truly reflects the true value of trees.

Via Zoom:

Ken Fitch spoke regarding the budget in general and overall praised staff for a balanced budget,

The public hearing was closed at 6:26 p.m.

Council Member Jennifer Hensley said that she wanted to reiterate that this Council and Councils before us have continued investment in infrastructure and how it paid dividends, not just in our ability to get water and sewer back up to our manufacturing partners and industrial partners, but it really helped keep our local economy afloat because there were people coming into Henderson County to dine and grocery shop and I'm just proud of us for making these investments. We have State partners that helped us with grant projects and amazing staff that continue applying for grants and many of our neighbors are not seeing a no tax increase this time and just by budgeting and being smart with how we have been, and it paid off. I am just proud of us for being able to do that.

City Council Member Lyndsey Simpson moved that City Council adopt an the Fiscal Year 2025-2026 Budget Ordinance, Fiscal Year 2025-2026 Water & Sewer Capital Reserve Fund Ordinance, Fiscal Year 2025-2026 Stormwater Capital Reserve Fund Ordinance, Fiscal Year 2025-2026 Resolution of Intent to Follow the Capital Improvement Plan and Schedule of Rates and Fees, Fiscal Year 2025-2026 Micro-Purchase Threshold Resolution, and Fiscal Year 2025-2026 Pay & Classification Schedule with technical correction as noted by the City Manager, increasing the 50% credit maximum amount to \$400 to match the stormwater cap. A unanimous vote of the Council followed. Motion carried.

Ordinance #O-25-29

BUDGET ORDINANCE

AN ORDINANCE MAKING APPROPRIATIONS FOR CERTAIN EXPENSES,
CAPITAL IMPROVEMENTS AND INDEBTEDNESS OF
THE CITY OF HENDERSONVILLE, NORTH CAROLINA
FOR THE FISCAL YEAR BEGINNING JULY 1, 2025, AND ENDING JUNE 30, 2026

WHEREAS, the City of Hendersonville is approaching the conclusion of its current fiscal year and will enter fiscal year 2025-2026 (FY26) on July 1, 2025; and,

WHEREAS, it is necessary and required that prior to entering a new fiscal year a budget must be passed and adopted for the operation of the city government; and,

WHEREAS, the FY26 budget and budget message were submitted to the Hendersonville City Council by the budget officer, the City Manager, on May 20, 2025, as required by N.C.G.S. § 159-11(b); and,

WHEREAS, a copy of the FY26 budget was filed with the Hendersonville City Clerk on May 20, 2025, as required by N.C.G.S. § 159-12(a); and,

WHEREAS, a duly advertised public hearing and a work session has been held wherein the public has been notified and invited to be present.

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

SECTION 1: That the following amounts are hereby appropriated for the following governmental and proprietary funds for the fiscal year beginning July 1, 2025, and ending June 30, 2026, with the estimated, budgeted revenues and other financing for each fund being as stated:

GOVERNMENTAL FUNDS

General Fund

Budgeted Revenues	(28,194,046)
Ad Valorem Taxes	(17,267,500)
Other Taxes & Licenses	(7,500)
Unrestricted Intergovernmental	(8,842,500)
Restricted Intergovernmental	(973,796)
Sales & Services	(352,600)
Permits & Fees	(642,150)
Investment Earnings	(102,000)
Miscellaneous	(6,000)
Budgeted Expenditures	30,969,077
General Government	5,125,416
Community Development	936,675
Fire	7,071,033
Police	8,065,278
Public Works	5,554,812
Debt Service	4,215,863
Other Financing (Sources)/Uses	(2,775,031)
Proceeds of Debt	-
Sale of Capital Assets	-
Transfers (In)	-
Transfers Out	357,534
Fund Balance Appropriated	(3,132,565)
Sub-Total Revenues & Other Financing	(31,326,611)
Sub-Total Appropriations	31,326,611

SPECIAL REVENUE FUNDS

Main Street MSD Fund

Budgeted Revenues	(697,400)
Ad Valorem Taxes	(316,850)
Other Taxes & Licenses	-
Unrestricted Intergovernmental	(360,000)
Restricted Intergovernmental	-
Permits & Fees	(2,500)
Sales & Services	-
Investment Earnings	(100)
Miscellaneous	(17,950)
Budgeted Expenditures	940,854
Downtown Program	898,524

Debt Service	42,330
Other Financing (Sources)/Uses	(243,454)
Transfers (In)	(88,434)
Fund Balance Appropriated	(155,020)
Sub-Total Revenues & Other Financing	(940,854)
Sub-Total Appropriations	940,854
Seventh Avenue MSD Fund	
Budgeted Revenues	(131,750)
Ad Valorem Taxes	(54,650)
Other Taxes & Licenses	-
Unrestricted Intergovernmental	(72,000)
Restricted Intergovernmental	-
Permits & Fees	-
Sales & Services	(5,000)
Investment Earnings	(100)
Miscellaneous	-
Budgeted Expenditures	212,967
Downtown Program	212,967
Other Financing (Sources)/Uses	(81,217)
Transfers (In)	(16,451)
Fund Balance Appropriated	(64,766)
Sub-Total Revenues & Other Financing	(212,967)
Sub-Total Appropriations	212,967
Governmental Special Revenue Fund	
Budgeted Revenues	-
Miscellaneous	-
Budgeted Expenditures	31,000
Fire	-
Historic Preservation	7,500
Police	19,500
Walk of Fame	4,000
Other Financing (Sources)/Uses	(31,000)
Fund Balance Appropriated	(31,000)
Sub-Total Revenues & Other Financing	(31,000)
Sub-Total Appropriations	31,000
PROPRIETARY FUNDS	
Water & Sewer Fund	
Budgeted Revenues	(28,262,200)
Sales & Services	(26,262,400)
Permits & Fees	(1,484,500)
Water & Sewer Taps	(367,300)
Investment Earnings	(97,000)
Miscellaneous	(51,000)
Budgeted Expenditures	29,904,154
General Business	8,994,373
Water Facilities	1,616,180
Water Treatment	2,797,330
Water Operations	1,103,576
Water Distribution	4,106,345
Wastewater Facilities Maintenance	517,299
Wastewater Treatment	2,157,858
Wastewater Operations Support	381,947
Wastewater Collection	2,084,693
Debt Service	6,144,553
Other Financing (Sources)/Uses	(1,641,954)
Insurance Proceeds	(2,060)
Transfers (In)	-

Transfers Out	517,000
Fund Balance Appropriated	(2,156,894)
Sub-Total Revenues & Other Financing	(30,421,154)
Sub-Total Appropriations	30,421,154
Parking Fund	
Budgeted Revenues	(1,118,575)
Sales & Services	(1,065,000)
Permits & Fees	-
Investment Earnings	(2,500)
Miscellaneous	(51,075)
Budgeted Expenditures	1,371,224
Parking	559,274
Debt Service	811,950
Other Financing (Sources)/Uses	(252,649)
Proceeds of Debt	-
Transfers (In)	(252,649)
Transfers Out	-
Fund Balance Appropriated	-
Sub-Total Revenues & Other Financing	(1,371,224)
Sub-Total Appropriations	1,371,224
Stormwater Fund	
Budgeted Revenues	(1,676,050)
Sales & Services	(1,675,000)
Permits & Fees	(1,000)
Investment Earnings	(50)
Miscellaneous	-
Budgeted Expenditures	1,526,050
Stormwater	1,450,165
Debt Service	75,885
Other Financing (Sources)/Uses	150,000
Proceeds of Debt	-
Transfers (In)	-
Transfers Out	150,000
Fund Balance Appropriated	-
Sub-Total Revenues & Other Financing	(1,676,050)
Sub-Total Appropriations	1,676,050
Environmental Services Fund	
Budgeted Revenues	(2,394,000)
Sales & Services	(2,393,000)
Permits & Fees	-
Investment Earnings	(300)
Miscellaneous	(700)
Budgeted Expenditures	2,394,000
Sanitation	2,199,385
Debt Service	194,615
Other Financing (Sources)/Uses	-
Proceeds of Debt	-
Transfers (In)	-
Transfers Out	-
Fund Balance Appropriated	-
Sub-Total Revenues & Other Financing	(2,394,000)
Sub-Total Appropriations	2,394,000
CAPITAL RESERVE FUNDS	
Water & Sewer Capital Reserve Fund	

Budgeted Revenues	-
Budgeted Expenditures	-
Other Financing (Sources)/Uses	-
Transfers (In)	(100,000)
Transfers Out	100,000
Sub-Total Revenues & Other Financing	(100,000)
Sub-Total Appropriations	100,000

Stormwater Capital Reserve Fund

Budgeted Revenues	-
Budgeted Expenditures	-
Other Financing (Sources)/Uses	-
Transfers (In)	(150,000)
Transfers Out	150,000
Sub-Total Revenues & Other Financing	(150,000)
Sub-Total Appropriations	150,000

Total Revenues & Other Financing	(68,623,860)
Total Appropriations	68,623,860

SECTION 2: That the attached detailed budget document reflects the estimated revenues, revenue contributions, and budget appropriations of the City of Hendersonville, North Carolina, for the period beginning July 1, 2025, and ending June 30, 2026. A copy of the budget document shall be furnished to the City Clerk, City Manager and Finance Officer to be kept on file by them for their direction in the disbursement of funds.

SECTION 3: That the financial plan supporting the Internal Service Fund as required by N.C.G.S. § 159-13.1 is approved. The *Financial Plan* for the Internal Service Fund is incorporated herein by reference and shall be placed on file in the office of the City Clerk.

SECTION 4: That no appropriations for salaries shall be changed unless authorized by the Council. Appropriations between departments, divisions, or projects within one fund, other than salaries, including contingency appropriations, may be transferred therein by the City Manager for the purpose of equalizations, when necessary, if the original total appropriated balance for the fund is not changed. Appropriations within a department, other than salaries, may be transferred by the department head to make equalizations when necessary.

SECTION 5: That there is hereby levied a tax at the rate of fifty-two cents (\$0.52) per one hundred dollars (\$100.00) valuation of property. This rate is based on an estimated total valuation of property for the purpose of taxation of \$3,377,651,661 and estimated collection rate of 98.00%.

SECTION 6: That there is hereby levied a tax at the rate of twenty-one cents (\$0.21) per one hundred dollars (\$100.00) valuation of property, for the Main Street Municipal Service District formed upon a petition of some of the property owners, established for the purpose of infrastructure improvements and special events in the district. This rate is based on an estimated total valuation of property for the purpose of taxation of \$152,785,704 and an estimated collection rate of 98.00%.

SECTION 7: That there is hereby levied a tax at the rate of twenty-one cents (\$0.21) per one hundred dollars (\$100.00) valuation of property, for the Seventh Avenue Municipal Service District formed upon a petition of some of the property owners, established for the purpose of infrastructure improvements and special events in the district. The rate is based on an estimated total valuation of property for the purpose of taxation of \$26,319,766 and an estimated collection rate of 98.00%.

SECTION 8: That there is hereby adopted an official Fee Schedule listing specific fees, licenses, and utility rates charged by the City of Hendersonville for the use of City facilities and equipment for the purposes of making them available to public, specific utility rates the proceeds of which are for the maintenance and expansion of its utility systems, the reproduction of public records and other miscellaneous services to cover the actual cost of producing these documents and information under the provision of NCGS §132-6.2, and other various fees associated with

enhanced direct services provided by the City. The *Fee Schedule* is incorporated herein by reference and shall be placed on file in the office of the City Clerk.

SECTION 9: That the City's Position Allocation to Salary Range which provides all jobs and associated pay bands be adopted as the official Pay and Classification Schedule of the City of Hendersonville. The *Pay and Classification Schedule* is incorporated by reference and shall be placed on file in the office of the City Clerk.

SECTION 10: This ordinance shall become effective on and after July 1, 2025.

SECTION 11: That all ordinances and parts of ordinances in conflict herewith be and the same hereby repealed.

Passed and adopted at the regular meeting of the City Council of the City of Hendersonville, North Carolina, held this 5th day of June, 2025.

Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

B. Rezoning: Conditional Zoning District – Pace Hendersonville (25-11-CZD) – Matthew Manley AICP, Long Range Planning Manager

Matt Manley explained that the City of Hendersonville is in receipt of a Conditional Zoning District application from Jacob Glover of Pace Living, LLC for 201 Sugarloaf Rd (PIN 9579-56-1085) totaling 6.72 Acres located along an access road (SR 1734) at the bend in Sugarloaf Rd. The site also borders Interstate 26. The property is currently split zoned with C-3, Highway Business, and CHMU, Commercial Highway Mixed Use. The subject property is the current site of The Cascades (hotel). The petitioner is requesting that the parcel be rezoned to Urban Residential CZD and the use converted to allow for 120 apartment units. 'Residential, multi-family' is not a permitted use in the C-3 zoning district. While it is permitted under CHMU, that zoning district has a maximum density of 12 units / acre. The proposed 120 units would result in a density of 18 units per acre and Urban Residential Conditional Zoning District has no density cap. The development proposes to convert the two existing buildings on the site to 100 Studio units, 10 one-bedroom units, and 10 two-bedroom units. The existing parking on the site is also proposed to be maintained for the new use. Due to the site having existing buildings and parking lots, the developer is proposing a number of conditions granting relief from the design standards found in the Urban Residential Zoning District. If approved, the project would be limited to the stated uses, design and conditions stated on the site plan. The Planning Board voted unanimously to recommend approval of the Conditional Zoning at their meeting on May 8, 2025.

PACE HENDERSONVILLE (25-11-CZD)

Conditional Rezoning

City of Hendersonville City Council

June 5, 2025

Community Development | Planning Division

Matthew Manley, AICP | Long-Range Planning Manager



Project Background

- + **Location:**
 - + 9579-56-1085
 - + 201 Sugarloaf Rd (bend)
- + **Applicant/Owner:**
 - + Jacob Glover, Pace Living (Applicant)
 - + Hendersonville Hospitality (Owner)
- + **Existing Zoning:** C-3 / CHMU
- + **Proposed Zoning:** Urban Residential
- + **Current Land Use:** Lodging / Hotel
- + **Proposed Use:** Residential, Multi-Family (120 Units)
- + **Acreage:** 6.72 Acres
- + **Density:** 17.8 Units/Acre
- + **Future Land Use Designation:** Mixed Use - Employment



Neighborhood Compatibility Meeting

- + **Dates:** March 7th, 2025
- + **Attendees:**
 - + In-person - 2
 - + Online - 2
 - + City Staff - 2
 - + Developer - 1
- + **Topics Discussed:**
 - + Safety & Security Measures
 - + Improvement to transportation infrastructure / access
 - + Sustainable building practices
 - + Site drainage
 - + Preservation of existing vegetation
 - + Provision of a community garden
 - + Affordable housing
 - + Safe pedestrian access
 - + Amenities, public vs private
 - + Provision of a TIA
 - + Property Management






Site Plan

GENERAL SITE NOTES

SITE LOCATION IS IN THE CITY LIMITS OF HENDERSONVILLE

THE LIGHTING FOR THE SITE WILL BE COMPLIANT WITH THE STANDARDS AND A DETAILED LIGHTING PLAN WILL BE PROVIDED BY THE OWNER.

IV. PROJECT AND ZONING INFORMATION

RED: 10007200
PIN: 9679001085
RECOMBINATION: 6.71 ACRES

ZONING: C-3 HIGHWAY BUSINESS & CHAU
(COMMERCIAL HIGHWAY MIXED USE)

PROPOSED ZONING: UR URBAN RESIDENTIAL CONDITIONAL
ZONING DISTRICT

V. PARKING REQUIREMENTS

TOTAL EXISTING PARKING SPACES = 181

TOTAL REQUIRED PARKING = 108

THE EXISTING RESTAURANT SPACE WILL
SHARED TWENTY SPACE TYPE OF SPACE

TOTAL NUMBER OF APARTMENT UNITS = 120
1 SPACE PER UNIT = 120 REQUIRED PARKING SPACES.

TOTAL REQUIRED = 136

VI. PROJECT SQUARED FOOTAGE /
AREA OF & PERCENTAGE OF TOTAL SITE

VI. PROJECT SQUARED FOOTAGE / ACREAGE & PERCENTAGE OF TOTAL SITE

LOT DESCRIPTION	AREA	
	ACRES	SQUARE FEET
TRACT 1	3.74	162,838.52
TRACT 2	0.00	0.00
TOTAL AREA	3.72	162,748.52

SITE COVERAGE			
AREA DESCRIPTION	AREA	REQ'D %	PROVIDED %
BUILDING FOOTPRINTS	54,713 SF	-	22.7%
TORCHON SPACE	36,000 SF	40.0%	10.3% MIN
OPEN SPACE	118,292 SF	30.0%	35.9%
STREET & PARKING	77,321 SF	-	34.4%
TOTAL PROJECT AREA	246,323 SF	-	100%

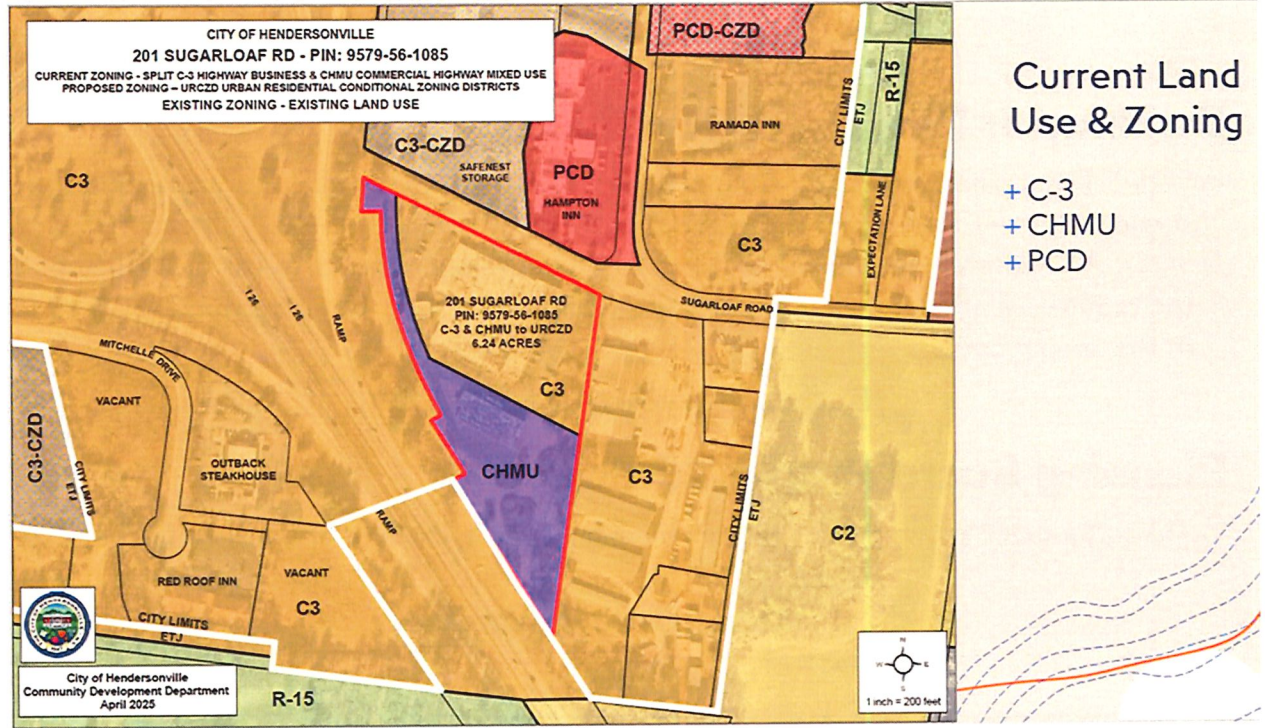
Elevations

Professional Photos



- 1) Comprehensive Plan
Consistency: Future Land Use
+ MU-E
+ Institutional
+ Multi-Generational

General Rezoning Standards: 1) COMPREHENSIVE PLAN CONSISTENCY	LAND SUPPLY, SUITABILITY & INTENSITY	<p>Land Supply Map - The subject property is <u>not</u> located on the Land Supply Map.</p> <p>Land Suitability - The subject property was <u>not</u> evaluated in the Suitability Assessment.</p> <p>Development Intensity - The subject property is <u>located</u> in an area designated as “<u>Moderate</u>” for Development Intensity.</p> <p>Focused Intensity Nodes - The subject property is located between two Focused Intensity Nodes.</p> <p>Focus Area - The subject property is <u>not</u> located in or near one of the 5 Focus Areas.</p>
	FUTURE LAND USE & CONSERVATION MAP	<ul style="list-style-type: none">• Character Area Designation: Mixed Use Employment• Character Area Description: Somewhat Consistent• Zoning Crosswalk: Consistent



General Rezoning Standards: 2) COMPATIBILITY	EXISTING CONDITIONS	<p>The subject property is zoned C-3 and CHMU. The site features two existing buildings that have been The Cascades Mountain Resort. They are proposed to be reused. Adjacent land uses to the north include lodging and self-storage. To the east, land uses include whole, storage and restaurant. The proposed multi-family use is compatible with the surrounding land uses.</p>
	RELEVANT GEN H GOALS	<p>Vibrant Neighborhoods: [Consistent] Abundant Housing Choices: [Consistent] Healthy and Accessible Natural Environment: [Consistent] Authentic Community Character: [Somewhat Consistent] Safe Streets and Trails: [Inconsistent] Reliable & Accessible Utility Services: [Consistent]</p>
	GEN H GUIDING PRINCIPLES	<p>Mix of Uses: [Consistent] Compact Development: [Consistent] Sense of Place: [Inconsistent] Conserved & Integrated Open Spaces: [Consistent] Desirable & Affordable Housing: [Consistent] Connectivity: [Inconsistent] Efficient & Accessible Infrastructure: [Consistent]</p>

General Rezoning Standards: 2) COMPATIBILITY	DESIGN GUIDELINES ASSESSMENT (Chapter V)	
	<u>N/A</u> - Not located in the Downtown Character Area	

General Rezoning Standards	3) CHANGED CONDITIONS	<ul style="list-style-type: none">• The area continues to face a housing shortage. The City's recent Housing Needs Assessment found that 10,000 dwelling units are needed in Henderson County over the next 5 years and that new construction is not keeping pace with household growth (p.20-21).• Additionally, there have been a number of recent code violations at the subject property.
	4) PUBLIC INTEREST	<ul style="list-style-type: none">• The proposed redevelopment would reimagine and reuse an underutilized property. Conversion of this property would provide needed housing and address ongoing code violations.

General Rezoning Standards	5) PUBLIC FACILITIES	<ul style="list-style-type: none">• The subject property will continue to be served by City of Hendersonville services. Sugarloaf Rd is NCDOT-maintained and designated as a Minor Thoroughfare "Needing Improvement". The site is just over ¼ mile (<u>5-6 minute</u> walk) from the intersection of Chimney Rock Rd (US64).
	6) EFFECT ON NATURAL ENVIRONMENT	<ul style="list-style-type: none">• No impact on existing vegetation or pervious surfaces is proposed. The renovation of the existing building will trigger compliance with current landscaping standards.

PLANNING BOARD: Comprehensive Plan Consistency Statement

The petition is found to be consistent with the City of Hendersonville Gen H 2045 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:

The requested rezoning to Urban Residential Conditional Zoning District and the associated proposed redevelopment align with the Gen H 2045 Comprehensive Plan Future Land Use & Conservation Map and the Character Area Description for 'Mixed Use Employment'

PLANNING BOARD: Reasonableness Statement

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:

[Rationale for Approval]

- The proposed redevelopment would reuse and restore an underutilized property located in close proximity to a major commercial corridor.
- The proposed conversion of the subject property would provide needed housing units
- The proposed renovation of the subject property would result in improved landscaping

DRAFT: Reasonableness Statement

We do not 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:

[Rationale for Denial]

- The proposed development would have negative impact on the transportation network
- The proposed development is incompatible with the surrounding land uses

Jacob Glover, the Director of Operations for Pace Living, introduced himself and said that he believes this project fits the mold for the affordable housing that is needed in Henderson County. Although

these units are smaller, you're still going to have a community and a safe place to live. We will take the existing structure and add onto it and make it nice, make it affordable and make it safe. We will have a property management group that will run things and we're able to create a high quality but affordable structure.

The City Clerk confirmed this public hearing has been advertised in accordance with North Carolina General Statutes.

The public hearing was opened at 6:58 p.m.

Via Zoom:

Ken Fitch spoke and said that occupancy is an issue and how do you as a city handle something like this.

The public hearing was closed at 7:00 p.m.

Council Member Hensley spoke and said that she does not like this model and do not think it's compatible in the location that it is and I have very serious concerns that people will fall under a predatory situation where they're trying to cramp a bunch of children or small families into smaller units. I have very serious concerns about condensed living spaces like this along a highway corridor with crime and trafficking so I am not going to support this.

City Council Member Lyndsey Simpson moved City Council deny an ordinance amending the official zoning map of the City of Hendersonville changing the zoning -designation of the subject property (PINs: 9579-56-1085) from C-3 (Highway Business Zoning District) & CHMU (Commercial Highway Mixed Use) to UR-CZD (Urban Residential - Conditional Zoning District based on the following:

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

The requested rezoning to Urban Residential Conditional Zoning District and the associated proposed redevelopment align with the Gen H Comprehensive Plan Future Land Use & Conservation Map and the Character Area Description for 'Mixed Use Employment.'

2. We do not find this petition to be reasonable and in the public interest based on the information from the staff analysis, public hearing and because:

- 1. The proposed redevelopment would have a negative impact on the transportation network. There are safety concerns regarding connectivity infrastructure that make this proposed redevelopment unreasonable for this location. Density of living units in this location is not appropriate given the level of infrastructure in place.*

A unanimous vote of the Council followed. Motion carried.

C. Zoning Text Amendment: Reforms for Missing Middle Housing – PRD (25-01-ZTA) –
Matthew Manley AICP, Long Range Planning Manager

Matt Manley explained that the City of Hendersonville has initiated an amendment to the City's Zoning Ordinance to make changes that would allow for the greater utilization of land for missing middle housing and walkable, interconnected neighborhoods. These proposed changes are part of a series of zoning reforms that aim to address a range of issues that will relax density/dimensional standards to increase housing while increasing site design and transportation standards in order to ensure quality outcomes. These proposed changes include reductions in dimensional standards, improving clarity with new and revised definitions, and incorporation of new permitted uses. Revisions specifically overhauling the Planned Residential Development Conditional Zoning District (PRD) and Minor PRD are designed to tailor the district to new mixed housing type neighborhoods and infill development, allowing duplexes, triplexes and quadplexes in addition to single-family detached homes and townhomes. This type of development is in contrast to large apartment developments that have previously utilized PRD. These changes also translate to greater flexibility for minor PRDs. The use of Minor PRD for infill in existing neighborhoods will be

complimented by the recently adopted provision to allow units that are under 1,200 Sq FT to count as .5 units in density calculations - creating naturally affordable housing options by removing disincentivizes that restrict the construction of smaller sized units. The proposed text amendment was unanimously recommended for approval by the Planning Board at their May 8, 2025, meeting.

REFORMS FOR MISSING MIDDLE HOUSING (25-01-ZTA)

Zoning Text Amendment

City Council Meeting
June 5th, 2025

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



- + **Project Name:**
 - + Reforms for Housing (25-01-ZTA)
- + **Applicant/Owner:**
 - + City of Hendersonville
- + **Articles Amended:**
 - + Zoning Ordinance
 - + Article IV
 - + Article V
 - + Article VI
 - + Article VIII
 - + Article XII
 - + Article XVI
- + **Zoning Districts Impacted:**
 - + R-40/R-20/R-15/R-10/R-6
 - + C-2/C-3/C-4/I-1
 - + MIC
- + **Future Land Use Designations:**
 - + Rural Residential
 - + Family Neighborhood Living
 - + Multi-Generational Living

Project Background



- + **"Housing Affordability"**
 - + 30% of Income or Less
- + **"Attainable Housing" / "Workforce Housing"**
 - + Market Rate / 80%-120% AMI



Dedicated affordable housing are income-restricted units that are created through public assistance or market-based programs.



Naturally occurring affordable housing (NOAH) are units that may rent or sell at affordable levels, but do not have legally binding affordability requirements.

- + **Housing Type Needs:**
 - + "Starter Home"
 - + "Empty-Nester" Home
 - + Missing Middle Housing

"Prospective homebuyers need to make at least \$120,000 to afford the median home for sale in Hendersonville"

~ DFI Analysis

Sec. 5-14. PRD Planned Residential Development Conditional Zoning District Classification.

5-14-4. Density.

The density for a planned residential development shall be established by city council in consideration of the comprehensive plan, surrounding land uses and the existence of adequate private and public facilities, including without limitation, water, wastewater, solid waste, stormwater, roads and parks to serve the development. Unless a planned residential development qualifies for a density bonus as provided in subsection 5-14-6, below, the density authorized for the district shall not exceed ten units per acre.

5-14-5. Density bonus.

A density bonus over and above the maximum density specified in subsection 5-14-4, above, may be approved by city council only upon determining that the proposed planned residential development complies with the general considerations listed in subsection 5-14-5 provisions and standards of this Article as well as the following additional considerations:

a) The property on which the development is proposed to be situated shall be located in close proximity to within 350 feet of a boulevard or thoroughfare designated as such in the comprehensive transportation plan;

b) Vehicular access for such development shall be limited to one or more boulevards or thoroughfares designated as such in the comprehensive transportation plan;

c) The carrying capacity of the roadway shall be adequate to handle increased traffic associated with the development without reducing the level of service grade of such roadway;

d) The development is proposed to be located within reasonable walking distance of places of employment and/or shopping facilities and shall provide pedestrian amenities in order to foster pedestrian access to such facilities;

e) The development shall provide common open space sufficient for the needs of its residents, which shall not be less than the greater of the common open space required by subsection 6-16-2, below, or one percent of the land area of the development for each dwelling unit per acre proposed.

Any density authorized by city council pursuant to this section shall not exceed 18 dwelling units per acre.

Proposed Amendments

Sec. 5-14. PRD Planned Residential Development Conditional Zoning District Classification.

5-14-6. Development standards.

Unless noted otherwise, the following development standards shall apply to all planned residential developments, whether major or minor. In addition, planned residential developments shall meet all applicable standards contained in article VI, below

5-14-6.1. Open space and footprint requirements. Planned residential developments shall have a maximum footprint of 20 40 percent of the site and shall have, as a minimum, 60 40 percent of the site as open space. In addition, planned residential developments shall meet the common open space requirements of section 6-16.

5-14-6.2. Dimensional Standards: Setbacks. All dwellings and their accessory structures shall be set back not less than 40 feet from the nearest right-of-way line for any street or railroad adjoining the site; provided, however, such setback may be reduced to ten feet when parking is situated to the side or rear of the lot and screened from view from public rights-of-way. Furthermore, such buildings and structures shall be set back not less than 30 feet from any exterior property line which is not a right-of-way.

The planning board or City council, as the case may be, shall require reservations of rights-of-way, as well as increased setbacks, for roads identified in the comprehensive transportation plan, including existing roads to be widened as well as corridors of new roads.

All dwellings and their accessory structures shall be located at least ten feet from the edge of the paving for any street or drive and at least five feet from the edge of the paving for any area devoted principally to parking. Carports shall be situated at least ten feet from the edge of the paving for any street or drive and may be physically connected to the principal structure which they serve. In addition, dwellings and accessory structures abutting a street intended to serve more than 32 dwelling units or intended to be dedicated as a public street must be set back a minimum of 35 feet from the center line of such street. The approved setback lines shall be shown on the plan of development and on any recorded subdivision plat.

In addition to the foregoing setback requirements, minimum spacing between buildings shall be provided as per the NC State Building Code Volume V Fire Prevention.

Proposed Amendments

Sec. 5-14. PRD Planned Residential Development Conditional Zoning District Classification.

Proposed Amendments

Minimum lot area in square feet:	0
Minimum lot width at building line in feet:	None
Minimum yard requirements for Principal Structures in feet:	<div>Front: 40, reduced to 0 when parking is situated to the side or rear of the lot and screened from view from public right of way, provided, however, that front-facing garages shall be setback a minimum of 45 feet.</div> <div>Side: 0. If provided, setbacks shall be a minimum of 5 with exception of corner lots where setback shall be 7.5 from side street right-of-way</div> <div>Rear: 20</div>
Maximum height in feet:	35
Minimum yard requirements for Accessory Structure in feet:	<div>Front: Located to side or rear of principal structure</div> <div>Side: 0 with exception of corner lots where setback shall be 7.5 from side street right-of-way</div> <div>Rear: 0</div>

Sec. 5-14. PRD Planned Residential Development Conditional Zoning District Classification.

Proposed Amendments

~~5-14-6.3 Subdivision of planned residential developments. Planned residential development projects may be subdivided provided that arrangements for such subdivision are made at the time of the planned residential development application.~~

~~Zero lot lines may be permitted on one or more lot lines of each lot in accordance with these standards:~~

- ~~a) Any wall constructed on the lot line shall be a solid, windowless wall. If there is an offset of the wall from the lot line, the offset must be at least six feet.~~
- ~~b) A five-foot maintenance easement and a maximum eave encroachment of 32 inches within the maintenance easement shall be established in the deed restrictions and covenants of the adjoining lot. This will provide ready access to the lot line wall at reasonable periods of the day for normal maintenance.~~

Sec. 5-14. PRD Planned Residential Development Conditional Zoning District Classification.

Proposed Amendments

~~5-14-6.4. Circulation and access. Internal streets, drives and parking areas shall provide safe and convenient access to dwelling units and recreation facilities, and for service and emergency vehicles~~

~~Streets shall not be designed to encourage outside traffic to traverse the planned residential development on local streets.~~

~~Sidewalks shall be required along streets adjacent to the planned residential development. Sidewalks shall form a logical, safe, and convenient system for pedestrian access to all dwelling units and appropriate project facilities and shall be required along such streets, drives and parking areas within the planned residential development as is necessary to accomplish this. Pedestrian/bicycle pathways may be substituted for sidewalks, if appropriate.~~

~~Streets intended to serve more than 32 dwelling units as well as those intended to be dedicated as public streets shall meet the design and construction standards of the NCDOT. All other streets and drives need not comply with NCDOT's pavement width and road right-of-way standards, but they shall comply with its pavement structure requirements. All dead-end streets and drives shall terminate in a cul-de-sac or other adequate means of reversing vehicular direction. It shall be the responsibility of the developer to submit to the director of public works core samples taken by a licensed testing firm demonstrating that completed streets or drives meet such pavement structure requirements.~~

~~Internal streets with minimum setbacks measuring less than 35 feet from center line shall be private streets and are not acceptable for dedication to, or maintenance by, the city. Developments containing such private internal streets with setbacks measuring less than 35 feet from center line shall have the following disclaimer in large type placed in a prominent position on the following applicable documents for the development including the site plan, the plat, the restrictive covenants, the condominium documents, and any contracts used in the sale of properties:~~

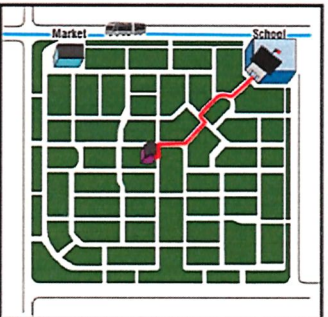
~~"Some or all of the streets and/or drives in this development do not meet minimum right-of-way requirements for the City of Hendersonville. You are notified that these are proposed as private streets and that the City of Hendersonville will not accept them for maintenance."~~

5-14-6.4. Circulation and access. Internal streets, drives and parking areas shall provide safe and convenient access to dwelling units and recreation facilities, and for service and emergency vehicles. Connectivity is a goal of the internal street system and external connections to areas outside and adjacent to the Planned Residential Development Conditional Zoning development shall be constructed.

- i. The site shall be traversed by a network of internal streets built according to city standards. Internal streets should seek to avoid cul-de-sacs and dead-end roads and other features that hamper connectivity. However, roads may terminate at a monumental structure or green space. In such cases a sidewalk or other connection shall be provided to ensure the goals of connectivity.
- ii. Internal streets shall have sidewalks and street trees.
- iii. If a bus line serves, or is expected to serve, the district, a bus shelter is required. Larger projects may require more shelters as determined by a traffic impact analysis.
- iv. Alleys providing access to the rear of lots are encouraged. Public alleys shall meet the specifications of relevant City standards. Where individual lots have frontage on another city street, private drives may be used as alleys, in which case they may be constructed within a common space at the rear of lots or, in conjunction with the use of cross-access easements, they may be constructed within a series of rear setbacks. One-way alleys shall be a minimum of 8' wide. Two-directional alleys shall be a minimum of 16' wide.
- v. All new development with fewer than 10 dwelling units are required to provide stub-outs to adjacent property to extend and connect streets and drives with future streets and drives where feasible and practical.
- vi. All new development with more than 10 but fewer than 100 dwelling units are required to provide at least one stub-out to extend and connect streets and drives with future streets and drives on adjacent property. In the event that adjacent land is already developed with stub-outs present, the developer shall connect to the existing stub-out(s). In the event that the proposed development is able to provide three or more points of access to the existing street network, this provision may be waived.
- vii. Residential developments containing 100 or more dwelling units shall provide required street connections and stub-outs at a ratio of one stub-out per 100 dwelling units to extend and connect streets and drives with future streets and drives on adjacent property. In the event adjacent land is already developed with stub-outs present, the developer shall connect to the existing stub-out(s).



Driving-only transportation pattern



Walkable connected transportation network

Proposed Amendments

~~5-14-6.5 Building height. A building may exceed 35 feet in height only upon the granting of a height limitation exemption by the city council. Upon application, the council may grant a height limitation exemption upon finding that:~~

- ~~a) Such building will not block sunlight from adjacent property between the hours of 10:00 a.m. and 2:00 p.m. from the months of October 1st to May 1st.~~
- ~~b) Such building is adequately designed and served from the standpoint of safety, and the city fire chief certifies that the fire safety equipment to be installed is adequately designed and that the building is reasonably well located in relation to the fire stations and equipment so as to offer adequate protection to life and property. In no case shall the building exceed 50 feet in height.~~
- ~~c) The side and rear yards for any structure in excess of 35 feet in height shall be increased by one foot for each one foot in height in excess of 35 feet.~~

~~5-14-6.6 Buffering, screening and landscaping. The applicant shall propose and plant, construct and make satisfactory arrangements for the preservation of a buffer and/or setbacks adequate to protect adjoining properties from the impacts of the proposed development. Parking and service areas and dumpsters shall be screened from view by adjacent single-family residences. Existing vegetation shall be preserved whenever possible. In addition, the developer shall provide an appropriate landscaping plan within the project.~~

~~5-14-6.7 Off-street parking. Off-street parking requirements for planned residential developments shall be as follows: A minimum of one space per residential unit containing one or two bedrooms. A minimum of one and one-half spaces per residential unit containing three or more bedrooms. Enclosed garages and carports count towards meeting the parking requirement. All parking spaces shall be located within 75 feet of the residential unit they serve.~~

Proposed Amendments

~~5-14-6.4.85. Maintenance of common facilities.~~ The developer, project owner, or a properly established homeowners association shall provide for the continuing maintenance of common open space, recreational facilities, sidewalks, parking, private streets and other privately owned but common facilities serving the project.

5-14-4.6. Site Design.

- i. It is preferred that primary façades face the adjacent street or common space. A main entrance shall face a connecting walkway with a direct, safe, pedestrian connection to the street. Where the main entrance does not face the adjacent street, buildings should nonetheless be designed to provide an attractive streetside façade.
- ii. Buildings shall be situated with regard to pedestrian and vehicular connectivity. It is preferred that they be located close to the pedestrian street with off-street parking behind and/or beside the building. Important mountain vistas and/or views of significant historic sites shall be protected and accentuated to the extent practicable.
- iii. Front-facing garages should be recessed from the front façade of the house and visually designed to form a secondary building volume. Developers are encouraged to turn garages and carports so the openings or doors are not visible from the street.

Proposed Amendments

~~5-14-7.5. Minor planned residential developments.~~

An applicant may elect to have a development processed as a minor planned residential development so long as the proposed development, including all phases, is greater than 2 dwelling units but does not exceed 50 dwelling units. Minor planned residential developments may consist of any residential uses permitted under Sec. 5-14-2, regardless of the underlying zoning district, and so long as no accessory ~~No commercial development may be part of a minor planned residential development, is requested for the project.~~ A minor planned residential development may be located in one or more of the following zoning district classifications: R-40, R-20, R-15, R-10, R-6, MIC, RCT, C-2, C-3, ~~C-4~~ I-4.

~~5-14-7.5.1 Density.~~

The maximum number of dwelling units which may be constructed in a minor planned residential development shall be 50 or a number computed on the basis of ~~on the basis of~~ the following table, whichever is less.

Use District	Dwelling Units Per Acre
R-40	1.0 <u>2.0</u>
R-20	2.5 <u>3.0</u>
R-15	3.75 <u>4.0</u>
R-10	5.5
R-6	8.5
MIC	5.5 <u>8.5</u>
RCT	5.5 <u>8.5</u>
C-4	<u>8.5</u>
C-2	8.5 <u>10.0</u>
C-3	8.5 <u>10.0</u>
I-4	<u>8.5</u>

~~5-14-7.5.2 Development standards for minor planned residential developments.~~ Except as otherwise noted herein, minor planned residential developments shall be governed by the development standards for planned residential developments contained in subsection 5-14-6.4, above.

~~5-14-7.5.3 Procedures for reviewing.~~ Unlike other planned developments which undergo rezoning to a conditional zoning district, minor planned residential developments undergo site plan review pursuant to section 7-3.

Proposed
Amendments:

PCD | 5-15-2. - Permissible uses.

Residential dwellings, Multi Family

5-15-4.6. Density. The density for a residential development planned as part of a PCD Planned Commercial Development Conditional Zoning district shall be established by city council in consideration of the comprehensive plan, surrounding land uses and the existence of adequate private and public facilities, including, without limitation, water, wastewater, solid waste, stormwater, roads and parks, to serve the development. A planned commercial development may qualify for a density bonus in the manner specified in subsection 5-14-5, above. Otherwise, the density authorized for the district shall not exceed ten units per acre.

PID | 5-21-2 - Permissible uses.

Residential dwellings, multi-family

Sec. 4-5. Classification of uses

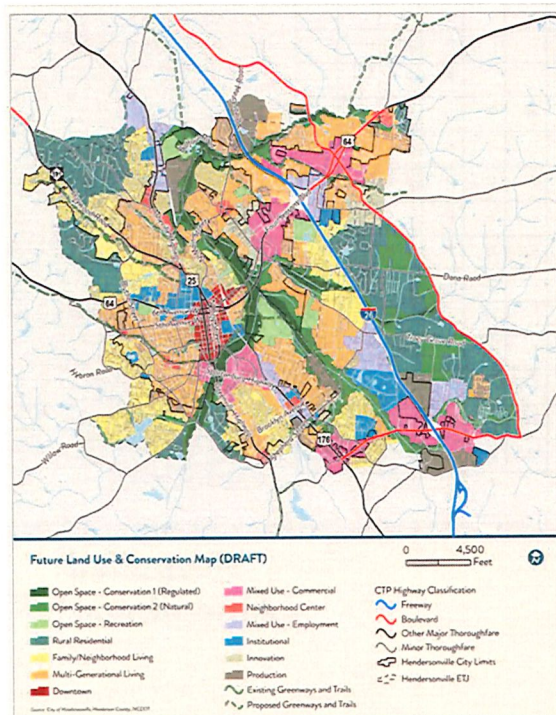
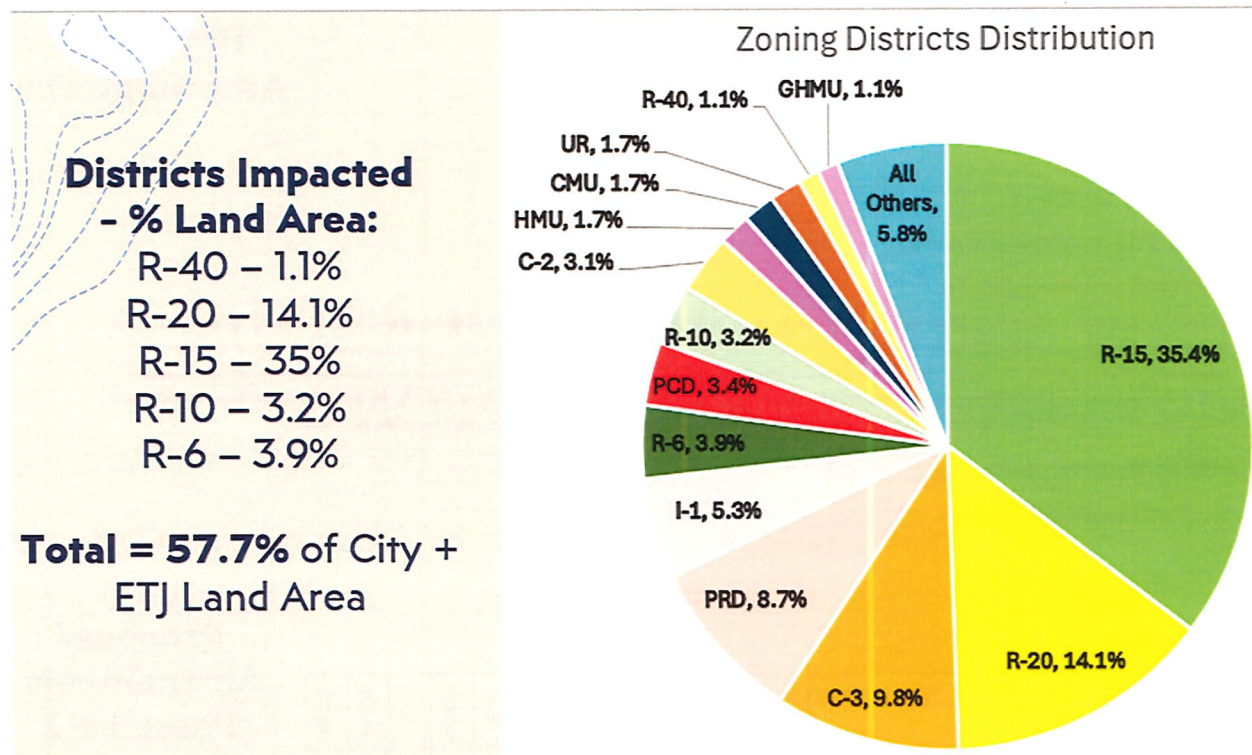
USE	R-40	R-20	R-15	R-10	R-6	PRDCZD	MIC	C-4	PCDCZD	I-1	PIDCZD	URCZD
Accessory dwelling units	SS	SS	SS	SS	SS	<u>SS</u>	SS	SS	-	SS	-	-
Adaptive reuse	-	-	-	-	-	-	-	-	-	<u>P</u>	-	-
Golf courses	-	-	-	-	-	<u>P</u>	-	-	P	P	-	-
Golf driving ranges, par 3 golf	SU	-	-	-	-	<u>P</u>	-	-	P	P	-	-
Planned residential development (minor)	SS	SS	SS	SS	SS	-	SS	<u>P</u>	-	<u>SS</u>	-	-
Planned residential development (major)	-	-	-	-	-	<u>P</u>	-	-	-	-	-	-
Residential dwellings, single-family	P	P	P	P	P	P	P	P	P	<u>P</u>	P	<u>L</u>
Residential dwellings, multi-family	-	-	-	-	-	<u>P</u>	-	<u>P</u>	<u>P</u>	-	<u>P</u>	P
Residential dwellings, two-family	-	P	P	P	P	P	P	<u>P</u>	P	-	P	-
<u>Residential dwellings, three-family</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>P</u>	<u>=</u>	<u>P</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>
<u>Residential dwellings, four-family</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>P</u>	<u>=</u>	<u>P</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>
<u>Residential dwellings, small-scale multi-family</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>P</u>	<u>P</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>
Personal services	-	-	-	-	-	<u>L</u>	SS	P	P	P	-	L
Retail stores	-	-	-	-	-	<u>L</u>	SS	SS	P	P	-	L
Restaurants	-	-	-	-	-	<u>L</u>	SU	SU	P	P	-	L

Proposed
Amendments:
Phase 1 + 2

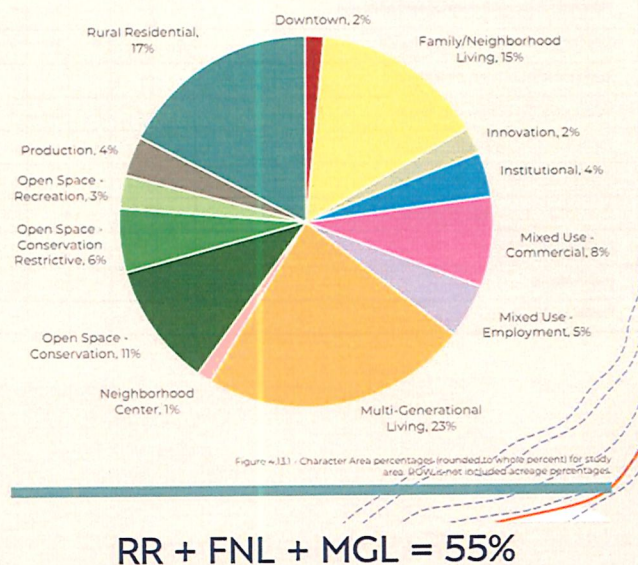
Proposed
Amendments:

SUBDIVISION ORDINANCE

Section 4.03. B. 2. a. ii. ii. Private streets shall not be constructed as part of development within the city's corporate limits with the exception of private alleys. Private alleys shall be considered drives and not subject to public street standards.



Relationship to Gen H Comp Plan



Comp Plan Character Areas

RURAL RESIDENTIAL LIVING (RR)

Characterized by low-density residential development, this area is comprised of single-family detached homes on a lot size of one acre or greater. Conservation design, which includes more open space in exchange for smaller minimum lot sizes, may be a preferred approach to residential development, especially if higher gross densities can be achieved. Golf course communities can also be found in these areas.

FAMILY/NEIGHBORHOOD LIVING (FNL)

This area is characterized by moderate-density residential development. It is comprised of single-family detached homes on lots typically ranging from 1/3 acre to 1/8 acre. Improved open spaces in the form of pocket and neighborhood parks are interspersed, and greenway trails within are located to connect such parks as well as provide links to trails and walkways in neighboring development. Conservation design, which includes more open space in exchange for smaller minimum lot sizes, may be a preferred approach to residential development, especially if higher gross densities can be

MULTI-GENERATIONAL LIVING (MGL)

This area is characterized by mixed residential development and a limited amount of small scaled neighborhood-serving commercial. It is comprised of a variety of homes, mixing detached and attached (e.g., townhomes and duplexes) units with a lesser amount of multi-family units. The combination of housing types are intended to create intergenerational neighborhoods. Improved open spaces in the form of greens, pocket parks, and neighborhood parks are interspersed. Lot sizes are similar to those in FNL, but with increased densities.

General Rezoning Standards: 1) COMPREHENSIVE PLAN CONSISTENCY	LAND SUPPLY, SUITABILITY & INTENSITY	Supply: The Land Supply Map shows an abundance of “Underdeveloped” land in the City’s zoning jurisdiction. Suitability: Land Suitability Maps show that a majority of the land supply is ‘most suitable’ for Residential development. Intensity: The proposal aligns with the development pattern of Option 2 in Figure 4.9 – Alternative Growth Map
	FUTURE LAND USE & CONSERVATION MAP	<ul style="list-style-type: none">• Designation: Rural Residential, Family Neighborhood Living, Multi-Generational Living• Character Area Description: Somewhat Consistent• Zoning Crosswalk: Consistent• Focus Area Map: N/A
	COMMITTEE RECOMMENDATION	The Planning Board reviewed this item on multiple occasions and provided a recommendation for approval 5.8.2025

General Rezoning Standards: 2) COMPATIBILITY	EXISTING CONDITIONS	The proposed text amendment is not incompatible with the existing development pattern in the city. The proposal allows for “gentle density” and some allowances for small-scale multi-family housing alongside traditional single-family homes.
	RELEVANT GEN H GOALS	Vibrant Neighborhoods: [Consistent] Abundant Housing Choices: [Consistent] Healthy and Accessible Natural Environment: [Consistent] Authentic Community Character: [Consistent] Safe Streets and Trails: [Consistent] Satisfying Work Opportunities: [Consistent] Welcoming & Inclusive Community: [Consistent] Accessible & Available Community Services: N/A Resilient Community: [Consistent]
	GEN H GUIDING PRINCIPLES	Mix of Uses: [Consistent] Compact Development: [Consistent] Sense of Place: [Consistent] Conserved & Integrated Open Spaces: [Consistent] Desirable & Affordable Housing: [Consistent] Connectivity: [Consistent] Efficient & Accessible Infrastructure: [Consistent]

Relationship to Gen H Comp Plan “Guiding Principles”

COMPACT DEVELOPMENT

Along with the mix of land uses, the intensity of development in a community can have a significant impact on its ability to provide affordable housing options, reduce traffic congestion, make efficient use of infrastructure, deliver services, and generally create livable communities. Building up with taller buildings in the appropriate places is one way to accommodate more uses in fewer locations

MISSING MIDDLE HOUSING

“Missing middle” housing refers to small- to medium-sized homes that are available at various price points and are compatible in scale and character with the surrounding neighborhood. These homes can be built as part of infill development projects or used to transition between land uses and densities in a new activity center. Examples of missing middle housing include: **duplexes, triplexes, quadplexes, courtyard apartments, live-work units, cottage courtyards, townhomes, and small-scale apartments.**

DESIRABLE AND AFFORDABLE HOUSING

The preferences for different types of housing vary depending on the locality within the community, and are influenced by factors such as income, age, household size, and available financing. Single-family homes on large lots are simply one of many products demanded in today’s market. Housing diversity can address housing prices and differences in lifestyles. It is accomplished first by recognizing the varying needs and preferences of the existing and future population, and finding ways to facilitate the expansion of the housing supply (types and quantity) to satisfy current and anticipated demand.

General Rezoning Standards: 2) COMPATIBILITY	DESIGN GUIDELINES ASSESSMENT (Chapter V)		<u>Public Realm - [Consistent]</u>
			<u>Site Design - [Consistent]</u>
			<u>Building Design - [Consistent]</u>
General Rezoning Standards	3) CHANGED CONDITIONS	<ul style="list-style-type: none">The primary changed condition relates to the persistent lack of housing availability in Hendersonville and throughout the region. In particular, “starter homes” / “attainable housing” / “naturally-occurring affordable housing” supply are lacking and needed to accommodate the city’s workforce and next generation of city residents.	
	4) PUBLIC INTEREST	<ul style="list-style-type: none">The proposed amendment would allow for a compatible infill development with a mix of housing types and increased “gentle density” of market-rate naturally-occurring affordable housing. Some provisions for interconnectivity and parking placed to the rear encourages a development patterns that lends itself to creating more walkable neighborhoods across the City.	
General Rezoning Standards	5) PUBLIC FACILITIES	<ul style="list-style-type: none">The proposed text amendment would allow for greater utilization of existing infrastructure without the need for utility expansion and increased cost of maintenance.	
	6) EFFECT ON NATURAL ENVIRONMENT	<ul style="list-style-type: none">There is no immediate development proposed. However, there is the potential for some loss of trees where new units are placed on existing undeveloped land. However, due to the small footprint of the structures and reduced setbacks, there will be flexibility in where structures are located – lending itself to more options in placement to avoid mature canopy trees.	

PLANNING BOARD: Reasonableness Statement

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:

[Rationale for Approval]

- The proposed amendment creates an opportunity to address the need for additional missing middle housing.
- The proposed amendment establishes standards to encourage walkable neighborhoods.
- The proposed amendment compliments existing provisions to incentive the construction of smaller, more affordable dwellings ("starter homes").

RECAP

+ **Category 1-**

- + **Dimensional Standards** - Increased flexibility
- + **Permitted Uses** - Clarifications and Mixing of Uses
- + **Definitions** - Clarifications and addition of 3 & 4 - Family Uses

+ **Category 2**

- + **ADUs** - Scaling size for Principal Structures under 1,200 Sq Ft, Max Size of 1,200 Sq Ft for Principal Structures over 1,200 Sq Ft.
- + **Density** - Units that are 1,200 Sq Ft or less count as .5 unit
- + **PRD** - Elimination of Multi-Family and associated standards (making UR & MU Districts the only Multi-Family by-right districts), clarification and adjustments to dimensional standards, and
- + **Minor PRD** - Introduction of 3 & 4 - Family Uses in 1 & 2 - Family Zoning Districts, adjustments to Densities for Minor PRD

The City Clerk confirmed this public hearing has been advertised in accordance with North Carolina General Statutes.

The public hearing was opened at 7:24 p.m.

Via Zoom:

Ken Fitch spoke in favor of the zoning text amendment.

The public hearing was closed at 7:27 p.m.

Council Member Jennifer Hensley said that Matt Manley and staff did a great job on this and you're doing exactly what we asked you to do and streamlining the processes and helping to create infill development which are all goals of the city and thank you for all of your hard work because I know, there are a lot of words.

City Council Member Jennifer Hensley moved that City Council adopt an ordinance amending the official City of Hendersonville Zoning Ordinance, Article IV. Establishment of Districts & Article V. – Zoning

District Classifications and to mend the City of Hendersonville Subdivision Ordinance, Section 4.03. Streets, as presented by staff, based on the following:

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

The proposed text amendment aligns with the Gen H 2045 Comprehensive Plan Future Land Use & Conservation Map and the Character Area Descriptions.

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 proposed amendment creates an opportunity to address the need for additional gentle density missing middle housing.*
- 2. The proposed amendment establishes standards to encourage walkable neighborhoods.*
- 3. The proposed amendment compliments existing provisions to incentivize the construction of smaller, more affordable dwellings (“starter homes”).*

A unanimous vote of the Council followed. Motion carried.

Ordinance #O-25-33

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE CITY OF HENDERSONVILLE ZONING ORDINANCE, ARTICLE IV. ESTABLISHMENT OF DISTRICTS & ARTICLE V. – ZONING DISTRICT CLASSIFICATIONS AND TO AMEND THE CITY OF HENDERSONVILLE SUBDIVISION ORDINANCE, SECTION 4.03. STREETS

WHEREAS, the Planning Board reviewed this petition for a zoning text amendment at its regular meeting on May 8, 2025; voting 8-0 to recommend City Council adopt an ordinance amending the City of Hendersonville Zoning Ordinance, and

WHEREAS, City Council took up this application at its regular meeting on June 5, 2025, and

WHEREAS, City Council has found that this zoning text amendment is consistent with the City’s comprehensive plan, and that it is reasonable and in the public interest for the reasons stated, and

WHEREAS, City Council finds that this zoning text amendment will support the provision of workforce and missing middle housing in the City by providing opportunities for a mix of housing types such as duplexes, triplexes and quadplexes as well as single-family homes, and

WHEREAS, City Council has conducted a public hearing as required by the North Carolina General Statutes on June 5, 2025,

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Hendersonville to amend the City of Hendersonville Zoning Ordinance, Article IV. Establishment of Districts & Article V. – Zoning District Classifications and to amend the City of Hendersonville Subdivision Ordinance, Section 4.03. Streets

ZONING ORDINANCE

Sec. 5-9. - C-4 Neighborhood Commercial Zoning District Classification

5-9-1. Permitted uses.

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

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

Sec. 5-14. PRD Planned Residential Development Conditional Zoning District Classification.

This zoning district classification is designed to accommodate planned residential developments with a rezoning to a Planned Residential Development Conditional Zoning District in accordance with article VII herein. Such rezoning to a Planned Residential Conditional Zoning District is required as a prerequisite to any use or development in the PRD Zoning District Classification, and no use shall be permitted except pursuant to such permit. The rezoning shall insure that the proposed use or development is consistent with the requirements of this section and may further specify the timing of development, the location and extent of rights-of-way and other areas to be dedicated for public use, and other such matters as the applicant may propose as conditions upon the request. In granting the rezoning for a planned residential district, city council may impose such additional reasonable and appropriate safeguards upon such approval as

it may deem necessary in order that the purpose and intent of this chapter are served, public welfare secured and substantial justice done.

5-14-1. Application.

The reclassification of property to PRD Planned Residential Development Conditional Zoning District shall constitute an amendment of the official zoning map which may be initiated only by all of the owner(s) of a legal interest in the affected property. Such amendment shall be initiated by means of an application for rezoning to a PRD Planned Residential Development Conditional Zoning District. No permit shall be issued for any development within a PRD Planned Residential Development Conditional Zoning District except in accordance with an approved rezoning.

5-14-2. Permissible uses subject to rezoning to a Planned Residential Development Conditional Zoning District.

A building or land shall be used only for those purposes specified in the rezoning for the project which may include one or more of the following:

Accessory structures

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

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

Adult care homes

Camps

Child care centers subject to supplementary standards contained in section 16-4, below

Child care homes

Congregate care facilities, subject to supplementary standards contained in section 16-4, below

Customary accessory uses

~~Golf courses~~

~~Golf driving ranges and par three golf courses~~

Home occupations

Neighborhood-oriented Personal services consistent with the purposes of this classification, such as barber and beauty shops, medical and dental labs and clinics, opticians and optical services and prosthetics & orthopedics where the gross floor area of any individual unit does not exceed 2,000 square feet. In combination, neighborhood-oriented nonresidential uses may not exceed a footprint of 8,000 square feet per building.

Neighborhood-oriented Retail stores consistent with the purposes of this classification, such as gift shops, florist shops and pharmacies where the gross floor area of any individual unit does not exceed 2,000 square feet. In combination, neighborhood-oriented nonresidential uses may not exceed a footprint of 8,000 square feet per building.

Nursing homes, subject to supplementary standards contained in section 16-4, below

Neighborhood-oriented Offices located, designed, and proposed to be operated so as to be compatible with the particular neighborhood in which they are to be located

Parks

~~Planned residential developments (major)~~

Progressive care facilities, subject to supplementary standards contained in section 16-4, below

Public utility facilities, subject to supplementary standards contained in section 16-4, below

Religious institutions

~~Residential dwellings, multi-family~~

Residential dwellings, single-family

Residential dwellings, two-family

Residential dwellings, three-family

Residential dwellings, four-family

Neighborhood-oriented Restaurants, consistent with the purposes of this classification (no drive-thrus) where the gross floor area of any individual unit does not exceed 2,000 square feet. In combination, neighborhood-oriented nonresidential uses may not exceed a footprint of 8,000 square feet per building.

Rest homes, subject to supplementary standards contained in section 16-4, below

Schools, primary, elementary, and secondary

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

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

5-14-3. Site requirements.

Planned residential development conditional zoning districts shall have the following site and density requirements:

- a) ~~The total land area of the district shall be at least three acres; and~~ Sites should be located in one of the following Future Land Use designations as illustrated in the City's most recently adopted Comprehensive Plan: Rural Residential, Family Neighborhood Living, Multi-Generational Living.

- b) ~~Access to the planned residential development shall be by means of a boulevard or thoroughfare (major or minor) designated as such in the comprehensive transportation plan. Alternatively, access may be provided by means of streets other than major or minor thoroughfares when it is clearly demonstrated that the planned residential development will not result in a significant increase in traffic on any such street. Density authorized for a Planned residential development conditional zoning district shall not exceed 10 units per acre. The following recommended maximum densities are based on the Future Land Use designation of the site:~~

~~i. Rural Residential = 2 units per acre~~

~~ii. Family Neighborhood Living = 6 units per acre~~

~~iii. Multi-Generational Living = 10 units per acre~~

5-14-4. Density.

~~The density for a planned residential development shall be established by city council in consideration of the comprehensive plan, surrounding land uses and the existence of adequate private and public facilities, including without limitation, water, wastewater, solid waste, stormwater, roads and parks to serve the development. Unless a planned residential development qualifies for a density bonus as provided in subsection 5-14-6, below, the density authorized for the district shall not exceed ten units per acre.~~

5-14-5. Density bonus.

~~A density bonus over and above the maximum density specified in subsection 5-14-4, above, may be approved by city council only upon determining that the proposed planned residential development complies with the general considerations listed in subsection 5-14-5 provisions and standards of this Article as well as the following additional considerations:~~

- ~~a) The property on which the development is proposed to be situated shall be located in close proximity to within 350 feet of a boulevard or thoroughfare designated as such in the comprehensive transportation plan;~~
- ~~b) Vehicular access for such development shall be limited to one or more boulevards or thoroughfares designated as such in the comprehensive transportation plan;~~
- ~~c) The carrying capacity of the roadway shall be adequate to handle increased traffic associated with the development without reducing the level of service grade of such roadway;~~
- ~~d) The development is proposed to be located within reasonable walking distance of places of employment and/or shopping facilities and shall provide pedestrian amenities in order to foster pedestrian access to such facilities;~~
- ~~e) The development shall provide common open space sufficient for the needs of its residents, which shall not be less than the greater of the common open space required by subsection 6-16-2, below, or one percent of the land area of the development for each dwelling unit per acre proposed.~~

~~Any density authorized by city council pursuant to this section shall not exceed 18 dwelling units per acre.~~

5-14-6. Development standards.

Unless noted otherwise, the following development standards shall apply to all planned residential developments, whether major or minor. In addition, planned residential developments shall meet all applicable standards contained in article VI, below

5-14-6.1. Open space and footprint requirements. Planned residential developments shall have a maximum footprint of ~~20~~ 40 percent of the site and shall have, as a minimum, ~~60~~ 40 percent of the site as open space. In addition, planned residential developments shall meet the common open space requirements of section 6-16.

5-14-6.2. Dimensional Standards Setbacks. All dwellings and their accessory structures shall be set back not less than 40 feet from the nearest right-of-way line for any street or railroad adjoining the site; provided, however, such setback may be reduced to ten feet when parking is situated to the side or rear of the lot and screened from view from public rights-of-way. Furthermore, such buildings and structures shall be set back not less than 30 feet from any exterior property line which is not a right-of-way.

~~The planning board or c~~ City council, ~~as the case may be,~~ shall require reservations of rights-of-way, as well as increased setbacks, for roads identified in the comprehensive transportation plan, including existing roads to be widened as well as corridors of new roads.

~~All dwellings and their accessory structures shall be located at least ten feet from the edge of the paving for any street or drive and at least five feet from the edge of the paving for any area devoted principally to parking. Carports shall be situated at least ten feet from the edge of the paving for any street or drive and may be physically connected to the principal structure which they serve. In addition, dwellings and accessory structures abutting a street intended to serve more than 32 dwelling units or intended to be dedicated as a public street must be set back a minimum of 35 feet from the center line of such street. The approved setback lines shall be shown on the plan of development and on any recorded subdivision plat.~~

In addition to the foregoing setback requirements, minimum spacing between buildings shall be provided as per the NC State Building Code Volume V Fire Prevention.

<u>Minimum lot area in square feet:</u>	<u>0</u>
<u>Minimum lot width at building line in feet:</u>	<u>None</u>
<u>Minimum yard requirements for Principal Structures in feet:</u>	<u>Front: 40, reduced to 0 when parking is situated to the side or rear of the lot and screened from view from public right of way, provided, however, that front-facing garages shall be setback a minimum of 45 feet.</u>
	<u>Side: 0. If provided, setbacks shall be a minimum of 5 with exception of corner lots where setback shall be 7.5 from side street right-of-way</u>
	<u>Rear: 20</u>
<u>Maximum height in feet:</u>	<u>35</u>
<u>Minimum yard requirements for Accessory Structure in feet:</u>	<u>Front: Located to side or rear of principal structure</u>
	<u>Side: 0 with exception of corner lots where setback shall be 7.5 from side street right-of-way</u>
	<u>Rear: 0</u>

5-14-~~64~~.3 Subdivision of planned residential developments. Planned residential development projects may be subdivided provided that arrangements for such subdivision are made at the time of the planned residential development application.

~~Zero lot lines may be permitted on one or more lot lines of each lot in accordance with these standards:~~

- a) ~~Any wall constructed on the lot line shall be a solid, windowless wall. If there is an offset of the wall from the lot line, the offset must be at least six feet.~~
- b) ~~A five foot maintenance easement and a maximum eave encroachment of 32 inches within the maintenance easement shall be established in the deed restrictions and covenants of the adjoining lot. This will provide ready access to the lot line wall at reasonable periods of the day for normal maintenance.~~

5-14-~~64~~.4. Circulation and access. Internal streets, drives and parking areas shall provide safe and convenient access to dwelling units and recreation facilities, and for service and emergency vehicles. Connectivity is a goal of the internal street system and external connections to areas outside and adjacent to the Planned Residential Development Conditional Zoning development shall be constructed.

- i. The site shall be traversed by a network of internal streets built according to city standards. Internal streets should seek to avoid cul-de-sacs and dead-end roads and other features that hamper connectivity. However, roads may terminate at a monumental structure or green space. In such cases a sidewalk or other connection shall be provided to ensure the goals of connectivity.
- ii. Internal streets shall have sidewalks and street trees.
- iii. If a bus line serves, or is expected to serve, the district, a bus shelter is required. Larger projects may require more shelters as determined by a traffic impact analysis.
- iv. Alleys providing access to the rear of lots are encouraged. Public alleys shall meet the specifications of relevant City standards. Where individual lots have frontage on another city street, private drives may be used as alleys, in which case they may be constructed within common space at the rear of lots or, in conjunction with the use of cross-access easements, they may be constructed within a series of rear setbacks. One-way alleys shall be a minimum of 8’ wide. Two-directional alleys shall be a minimum of 16’ wide.
- v. All new development with fewer than 10 dwelling units are required to provide stub-outs to adjacent property to extend and connect streets and drives with future streets and drives where feasible and practical.
- vi. All new development with more than 10 but fewer than 100 dwelling units are required to provide at least one stub-out to extend and connect streets and drives with future streets and drives on adjacent property. In the event that adjacent land is already developed with stub-outs present, the developer shall connect to the existing stub-out(s). In the event that the proposed development is able to provide three or more points of access to the existing street network, this provision may be waived.
- vii. Residential developments containing 100 or more dwelling units shall provide required street connections and stub-outs at a ratio of one stub-out per 100 dwelling units to extend and connect streets and drives with future streets and drives on adjacent property. In the event adjacent land is already developed with stub-outs present, the developer shall connect to the existing stub-out(s).

~~Streets shall not be designed to encourage outside traffic to traverse the planned residential development on local streets.~~

Sidewalks shall be required along streets adjacent to the planned residential development. Sidewalks shall form a logical, safe, and convenient system for pedestrian access to all dwelling units and appropriate project facilities and shall be required along such streets, drives and parking areas within the planned residential development as is necessary to accomplish this. Pedestrian/bicycle pathways may be substituted for sidewalks, if appropriate.

Streets intended to serve more than 32 dwelling units as well as those intended to be dedicated as public streets shall meet the design and construction standards of the NCDOT. All other streets and drives need not comply with NCDOT's pavement width and road right-of-way standards, but they shall comply with its pavement structure requirements. All dead-end streets and drives shall terminate in a cul-de-sac or other adequate means of reversing vehicular direction. It shall be the responsibility of the developer to submit to the director of public works core samples taken by a licensed testing firm demonstrating that completed streets or drives meet such pavement structure requirements.

Internal streets with minimum setbacks measuring less than 35 feet from center line shall be private streets and are not acceptable for dedication to, or maintenance by, the city. Developments containing such private internal streets with setbacks measuring less than 35 feet from center line shall have the following disclaimer in large type placed in a prominent position on the following applicable documents for the development including the site plan, the plat, the restrictive covenants, the condominium documents, and any contracts used in the sale of properties:

"Some or all of the streets and/or drives in this development do not meet minimum right-of-way requirements for the City of Hendersonville. You are notified that these are proposed as private streets and that the City of Hendersonville will not accept them for maintenance."

5-14-6.5 Building height. A building may exceed 35 feet in height only upon the granting of a height limitation exemption by the city council. Upon application, the council may grant a height limitation exemption upon finding that:

- a) Such building will not block sunlight from adjacent property between the hours of 10:00 a.m. and 2:00 p.m. from the months of October 1st to May 1st.
- b) Such building is adequately designed and served from the standpoint of safety, and the city fire chief certifies that the fire safety equipment to be installed is adequately designed and that the building is reasonably well located in relation to the fire stations and equipment so as to offer adequate protection to life and property. In no case shall the building exceed 50 feet in height.
- c) The side and rear yards for any structure in excess of 35 feet in height shall be increased by one foot for each one foot in height in excess of 35 feet.

5-14-6.6 Buffering, screening and landscaping. The applicant shall propose and plant, construct and make satisfactory arrangements for the preservation of a buffer and/or setbacks adequate to protect adjoining properties from the impacts of the proposed development. Parking and service areas and dumpsters shall be screened from view by adjacent single-family residences. Existing vegetation shall be preserved whenever possible. In addition, the developer shall provide an appropriate landscaping plan within the project.

5-14-6.7 Off-street parking. Off-street parking requirements for planned residential developments shall be as follows:

A minimum of one space per residential unit containing one or two bedrooms. A minimum of one and one-half spaces per residential unit containing three or more bedrooms. Enclosed garages and carports count towards meeting the parking requirement. All parking spaces shall be located within 75 feet of the residential unit they serve.

5-14-6.8.5. Maintenance of common facilities. The developer, project owner, or a properly established homeowners association shall provide for the continuing maintenance of common open space, recreational facilities, sidewalks, parking, private streets and other privately owned but common facilities serving the project.

5-14-4.6. Site Design.

- i. It is preferred that primary façades face the adjacent street or common space. A main entrance shall face a connecting walkway with a direct, safe, pedestrian connection to the street. Where the main entrance does not face the adjacent street, buildings should nonetheless be designed to provide an attractive streetside façade.
- ii. Buildings shall be situated with regard to pedestrian and vehicular connectivity. It is preferred that they be located close to the pedestrian street with off-street parking behind and/or beside the building. Important mountain vistas and/or views of significant historic sites shall be protected and accentuated to the extent practicable.
- iii. Front-facing garages should be recessed from the front façade of the house and visually designed to form a secondary building volume. Developers are encouraged to turn garages and carports so the openings or doors are not visible from the street.

5-14-7.5. Minor planned residential developments.

An applicant may elect to have a development processed as a minor planned residential development so long as the proposed development, including all phases, is greater than 2 dwelling units but does not exceed 50 dwelling units. Minor planned residential developments may consist of any residential uses permitted under Sec. 5-14-2, regardless of the underlying

zoning district. ~~and so long as no accessory~~ No commercial development may be part of a minor planned residential development. ~~is requested for the project.~~ A minor planned residential development may be located in one or more of the following zoning district classifications: R-40, R-20, R-15, R-10, R-6, MIC, RCT, C-2, C-3, C-4 ~~I-1.~~

5-14-~~75~~.1 Density.

The maximum number of dwelling units which may be constructed in a minor planned residential development shall be 50 or a number computed on the basis of the following table, whichever is less.

Use District	Dwelling Units Per Acre
R-40	1.0 <u>2.0</u>
R-20	2.5 <u>3.0</u>
R-15	3.75 <u>4.0</u>
R-10	5.5
R-6	8.5
MIC	5.5 <u>8.5</u>
RCT	5.5 <u>8.5</u>
<u>C-4</u>	<u>8.5</u>
C-2	8.5 <u>10.0</u>
C-3	8.5 <u>10.0</u>
I-1	8.5

5-14-~~75~~.2 Development standards for minor planned residential developments. Except as otherwise noted herein, minor planned residential developments shall be governed by the development standards for planned residential developments contained in subsection 5-14-~~64~~, above.

5-14-~~75~~.3 Procedures for reviewing. Unlike other planned developments which undergo rezoning to a conditional zoning district, minor planned residential developments undergo site plan review pursuant to section 7-3.

Section 5-15 Planned Commercial Development Conditional Zoning District

5-15-2. - Permissible uses, subject to rezoning to a Planned Commercial Development Conditional Zoning District.

~~Residential dwellings, Multi-Family~~

5-15-4. - Development standards

~~5-15-4.6. Density. The density for a residential development planned as part of a PCD Planned Commercial Development Conditional Zoning district shall be established by city council in consideration of the comprehensive plan, surrounding land uses and the existence of adequate private and public facilities, including, without limitation, water, wastewater, solid waste, stormwater, roads and parks, to serve the development. A planned commercial development may qualify for a density bonus in the manner specified in subsection 5-14-5, above. Otherwise, the density authorized for the district shall not exceed ten units per acre.~~

Section 5-21. - PID Planned Institutional Development Conditional Zoning District Classification

5-21-2 - Permissible uses.

~~Residential dwellings, multi-family~~

Sec. 4-5. Classification of uses

USE	R-40	R-20	R-15	R-10	R-6	PRDCZD	MIC	C-4	PCDCZD	I-1	PIDCZD	URCZD
Accessory dwelling units	S S	S S	S S	S S	S S	<u>S</u> <u>S</u>	S S	S S	-	S S	-	-
Adaptive reuse	-	-	-	-	-	-	-	-	-	<u>P</u>	-	-
Golf courses	-	-	-	-	-	<u>P</u>	-	-	P	P	-	-
Golf driving ranges, par 3 golf	S U	-	-	-	-	<u>P</u>	-	-	P	P	-	-
Planned residential development (minor)	S S	S S	S S	S S	S S	-	S S	<u>P</u>	-	<u>S</u> <u>S</u>	-	-
Planned residential development (major)	-	-	-	-	-	<u>P</u>	-	-	-	-	-	-
Residential dwellings, single-family	P	P	P	P	P	P	P	P	P	<u>P</u>	P	<u>L</u>
Residential dwellings, multi-family	-	-	-	-	-	<u>P</u>	-	<u>P</u>	<u>P</u>	-	<u>P</u>	P
Residential dwellings, two-family	-	P	P	P	P	P	P	<u>P</u>	P	-	P	-
<u>Residential dwellings, three-family</u>	=	=	=	=	=	<u>P</u>	=	<u>P</u>	=	=	=	=
<u>Residential dwellings, four-family</u>	=	=	=	=	=	<u>P</u>	=	<u>P</u>	=	=	=	=
<u>Residential dwellings, small-scale multi-family</u>	=	=	=	=	=	=	<u>P</u>	<u>P</u>	=	=	=	=
Personal services	-	-	-	-	-	<u>L</u>	S S	P	P	P	-	L
Retail stores	-	-	-	-	-	<u>L</u>	S S	S S	P	P	-	L
Restaurants	-	-	-	-	-	<u>L</u>	S U	S U	P	P	-	L

UBDIVISION ORDINANCE

Section 4.03. B. 2. a. ii. ii. Private streets shall not be constructed as part of development within the city's corporate limits with the exception of private alleys. Private alleys shall be considered drives and not subject to public street standards.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 5th day of June, 2025.

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

D. Annexation: Public Hearing-Upward Road (Quattlebaum Properties F, LLC) (25-22-ANX) – Tyler Morrow, Current Planning Manager

Tyler Morrow explained that the City of Hendersonville received a petition from Robert H. Quattlebaum, manager of Quattlebaum Properties F, LLC for satellite annexation of PIN 9588-40-7325 located on Upward Road that is approximately 2.65 acres. On May 1st, 2025, City Council accepted the City Clerk’s Certificate of Sufficiency for the petition and set June 5th, 2025, as the date for the public hearing.

Upward Road (Quattlebaum Properties F LLC)

(25-22-ANX)

Satellite Annexation Petition

City of Hendersonville City Council

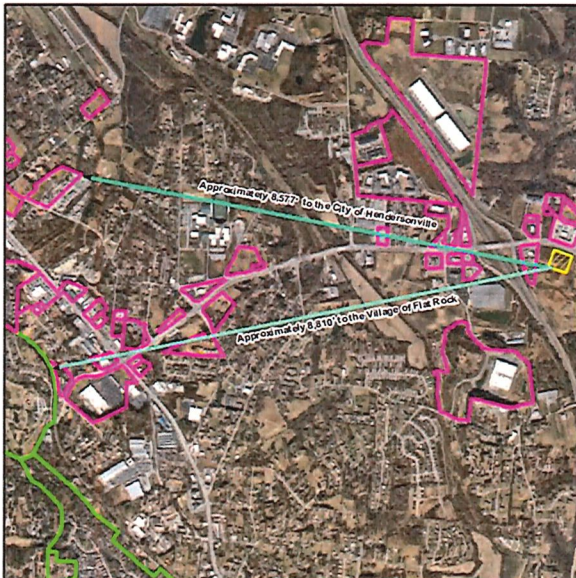
June 5th, 2025


Community Development | Planning Division
Tyler Morrow | Current Planning Manager



Background

- + Petitioner:**
 - + Robert H. Quattlebaum, manager of Quattlebaum Properties F, LLC
- + PIN:**
 - + 9588-40-7325
- + Acreage:**
 - + Approximately 2.65 acres





Community Development Department

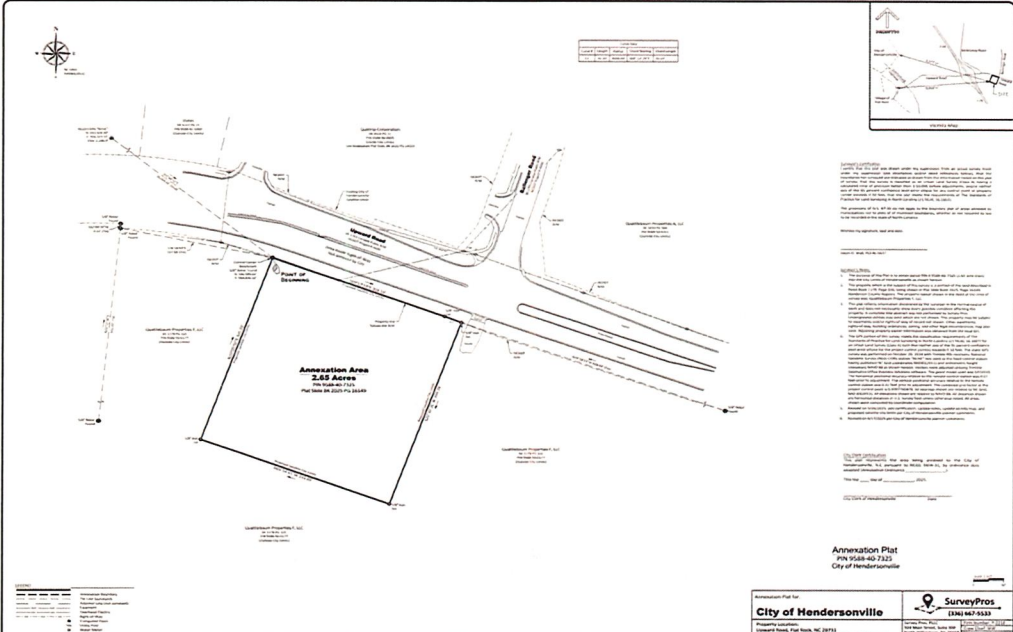
Quattlebaum Properties F LLC
25-22-ANX
PIN: 9588-40-7325
Acreage: 2.65
Satellite Annexation Map

Subject Property


Municipal Borders

Flat Rock


Hendersonville



Annexation Plat



Annexation Plat for:
City of Hendersonville
Property Location:
Black Ridge Elementary, Henderson County, North Carolina



SurveyPro
(833) 667-5533

Wes Hall, Entitlements Project Manager and Sean Poole, Senior Real Estate Site Selector and Devin Stanley, Civil Engineer with Blue Ridge Engineering were all introduced. Wes and Sean gave the following PowerPoint presentation.



SHEETZ TEAM

Madeline J. Trilling
Scarborough, Scarborough & Trilling, PLLC
Land-Use Attorney

Devin Staley, P.E. – Blue Ridge Engineering
Civil Engineer

Wes Hall, P.E. – Sheetz, Inc.
Entitlements Project Manager

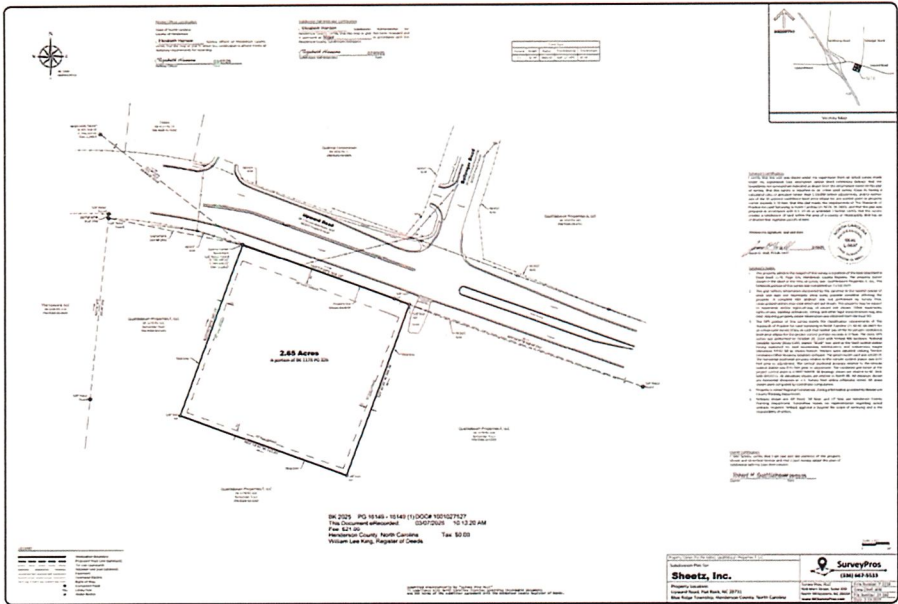
Sean Poole – Sheetz, Inc.
Senior Real Estate Site Selector



FLAT ROCK SHEETZ SITE

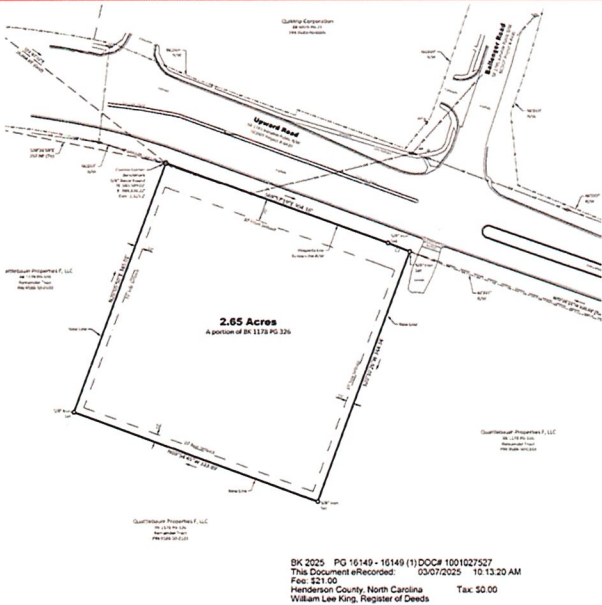


FLAT ROCK SHEETZ SITE



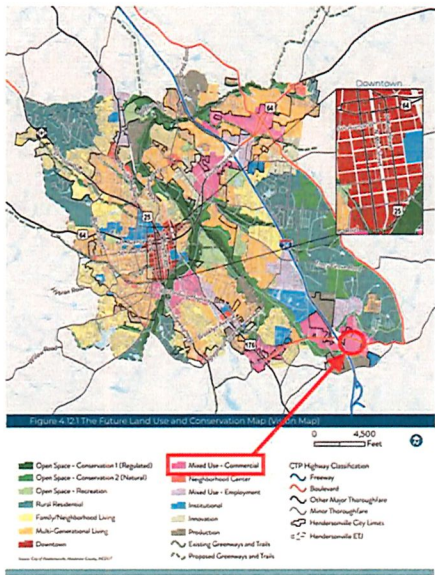
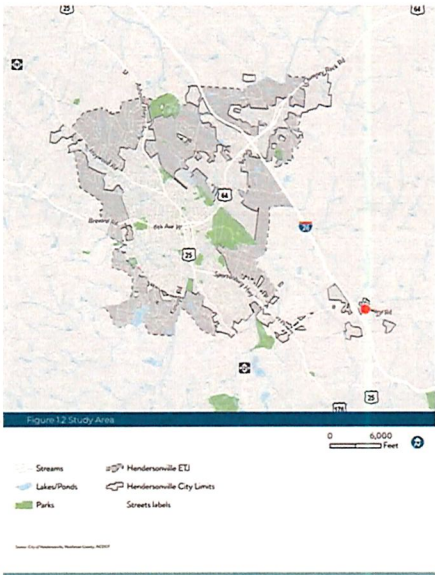
SHEETZ

FLAT ROCK SHEETZ SITE



SHEETZ

CITY OF HENDERSONVILLE COMPLIANCE



GEN H

HENDERSONVILLE COMPREHENSIVE PLAN

Adopted August 1, 2024

WHAT IS IN THE GEN H PLAN?

The Gen H Plan provides guidance and recommendations for the following topics:

- Land Use and Growth
- Public Infrastructure
- Community Character, Cultural and Historic Resources
- Natural Resources, Sustainability, and Resiliency
- Parks, Recreation, and Public Spaces
- Downtown and other community-identified focus areas
- Community and Economic Development

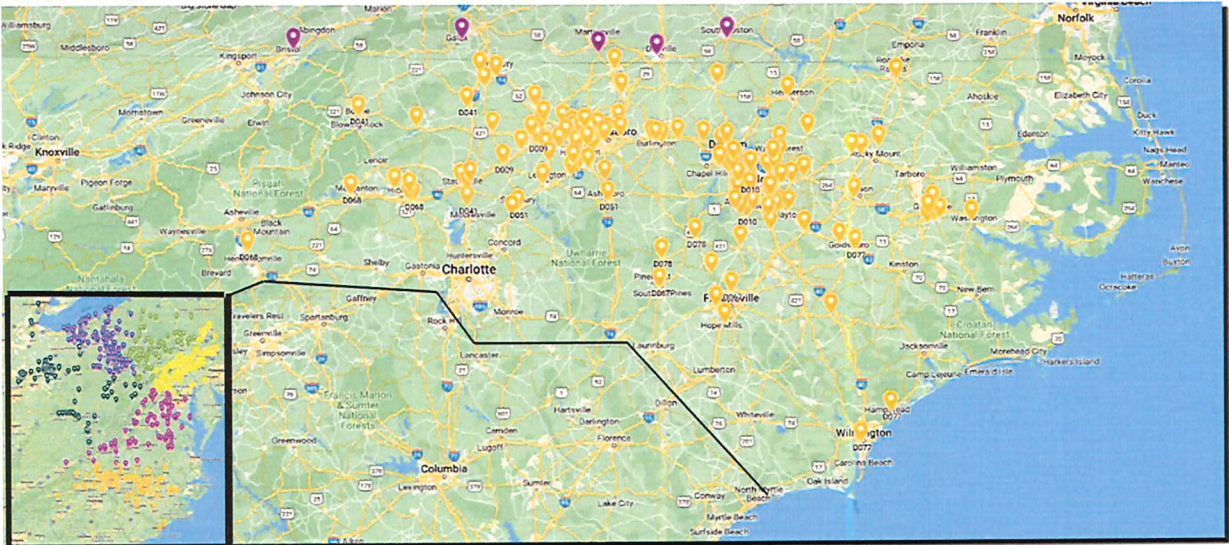
SHEETZ

FAMILY OWNED SINCE 1952!

SHEETZ FAMILY TREE

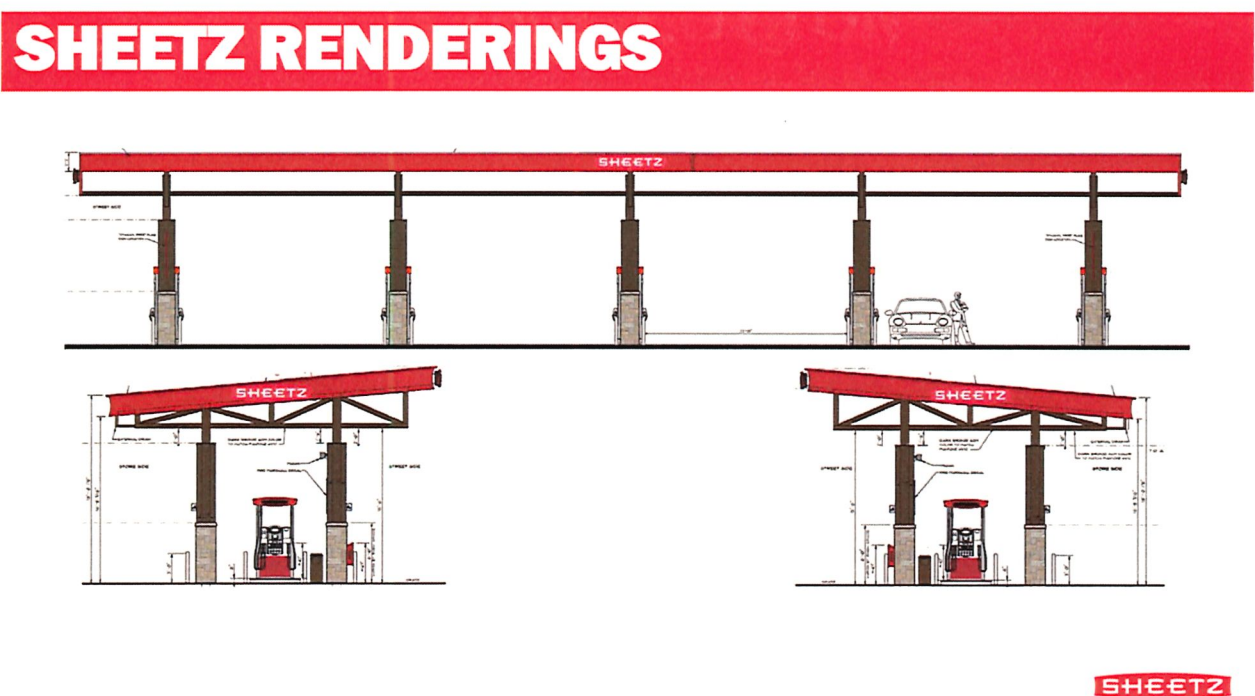
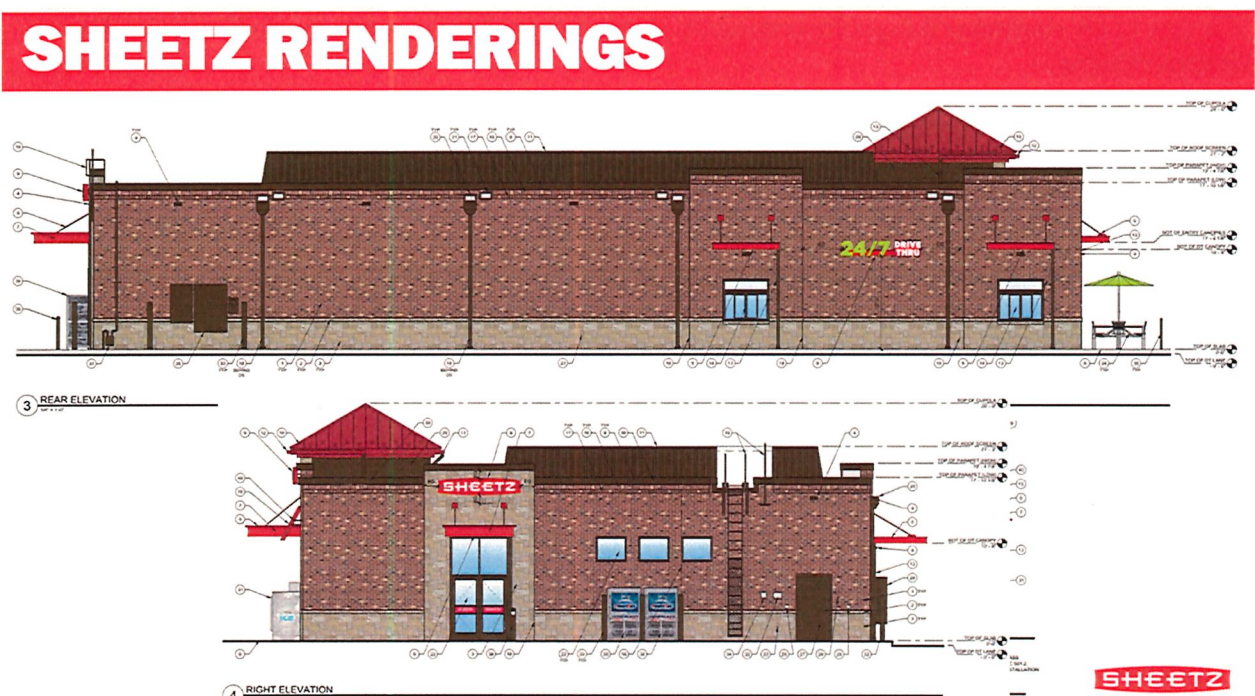


CURRENT STORE LOCATIONS



SHEETZ RENDERINGS





ACCOLADES & COMMUNITY SUPPORT



The City Clerk confirmed this public hearing has been advertised in accordance with North Carolina General Statutes.

The public hearing was opened at 7:38 p.m.

There were no public comments.

The public hearing was closed at 7:38 p.m.

City Council member Jennifer Hensley moved that City Council adopt an ordinance of the City of Hendersonville to annex noncontiguous property owned by Robert H. Quattlebaum, manager of Quattlebaum Properties F, LLC, identified as PIN 9588-40-7325, finding that the standards established by North Carolina General Statute 160A-58.1 have been satisfied and that the annexation is in the best interest of the City. A unanimous vote of the Council.

Ordinance #O-25-34

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

Re: Petition for Satellite Annexation
Petitioners: Robert H. Quattlebaum, manager of Quattlebaum Properties F, LLC
File No. 25-22-ANX

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

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

WHEREAS, a public hearing on the question of this annexation was held at City Hall at 160 6th Ave East, Hendersonville, NC at 5:45 pm, on the 5th day of June 2025, after due notice by publication as provided by law on May 18th, 2025; and

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

1. The Petition includes a metes and bounds description of the area proposed for annexation and has attached a map showing the proposed satellite area.
2. The nearest point on the proposed satellite corporate limit is approximately 8,577' from the primary corporate limits of the City of Hendersonville, which is less than 3 miles.
3. The Petition includes the names and addresses and signatures of all owners of real property lying in the area described therein, except those not required to sign by G.S.160A-58.1 (a).
4. No point on the proposed satellite corporate limits is closer to the primary corporate limits of another city than to the primary corporate limits of Hendersonville (Village of Flat Rock approximately 8,810').

5. The area is situated so the City will be able to provide the same services within the proposed corporate limits that is provided within the primary corporate limits.
6. The area proposed for annexation is not subject to subdivision regulation as described N.C.G.S. § 160D-802.
7. The total area within the proposed satellite corporate limits, when added to the area within all the other satellite corporate limits of the City, does not exceed ten (10%) of the area within the primary corporate limits of the City.
8. The area for annexation meets all other requirements defined in NC 160A-58.54 regarding the character of the area to be annexed.

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

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

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

- 1: By virtue of the authority granted by N.C.G.S. 160A-58.2, as amended, the following described noncontiguous area is hereby annexed and made part of the City of Hendersonville as of the 5th day of June 2025.

Being all of that real property consisting of PIN 9588-40-7325 described in the plat recorded in Book 2025- _____ [to be inserted at recording of the plat] of the Henderson County Registry, said PIN 9588-40-7325 being described by metes and bounds as follows:

Being a tract of land containing 2.65 acres, shown in Plat Slide Book 2025, Page 16149, Tax Parcel PIN 9588-40-7325, located on Upward Road, S.R. 1783, in Blue Ridge Township, Henderson County, North Carolina, surveyed by Jason Wall, PLS of Survey Pros PLLC, Project #24-160, January 17, 2025, with bearings relative to NC Grid, NAD 83. A metes and bounds description of the area to be annexed taken from said survey is as follows:

BEGINNING at a 5/8" rebar found in the southern margin of right of way for Upward Road, at the northwestern corner of a 2.65 acre tract shown in Plat Slide Book 2025, Page 16149, having NC Grid coordinates of N: 580,589.02' E: 984,636.22', and said 5/8" rebar being located, South 78°26'59" East, a distance of 257.98 feet from a 5/8" rebar found, the northwestern corner of Deed Book 1178, Page 326; thence from the POINT OF BEGINNING, with the southern margin of right-of-way, and with a new city limits line, the following two courses: (1) South 69°57'19" East, 304.16 feet to a 5/8" iron set; (2) with a curve to the right, a chord bearing and distance of, South 68°12'29" East, 30.20 feet to a 5/8" iron set in the southern margin of right-of-way of Upward Road; thence continuing with a new city limits line, and with the 2.65 acre tract shown in Plat Slide Book 2025, Page 16149, the following 3 courses: (1) South 20°10'26" West, 344.34 feet to a 5/8" iron set; (2) North 69°54'45" West, 333.89 feet to a 5/8" iron set; (3) North 20°05'50" East, 345.01 feet to a 5/8" rebar found, the POINT OF BEGINNING, containing an annexation area of 2.65 acres, more or less.

- 2: Upon and after the 5th day of June 2025, the above-described territory, and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the City of Hendersonville and shall be entitled to the same privileges and benefits as other parts of the City of Hendersonville. Said territory shall be subject to municipal taxes according to NCGS 160A-58.10, as amended.

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

Adopted by the City Council of the City of Hendersonville, North Carolina on this 5th day of June 2025.

Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

~Mayor Volk asked for a brief recess at 7:40 p.m. and returned to session at 7:46 p.m.~

E. Rezoning: Conditional Zoning District-Ronan at Hendersonville (P24-33-CZD) –
Tyler Morrow, Current Planning Manager

Tyler Morrow explained that the City of Hendersonville is in receipt of an application for a Conditional Rezoning from Paul Aiesi, manager of Graycliff Capital Development, LLC, applicants and Robert O. Camenzind, Peggy C. Cabe, John T Fleming, Enno F. Camenzind,

Paula Camenzind Carter, property owners. The applicant is requesting to rezone the subject property, PIN 9588-22-1126 and located on S. Allen Road, from CHMU, Commercial Highway Mixed Use to CHMU-CZD, Commercial Highway Mixed Use Conditional Zoning District for the construction of a 192-unit multi-family development and associated accessory structures and amenities. The site plan depicts eight multi-family buildings, each comprising of 24 units. These buildings are proposed to be three stories tall, slightly, exceeding 39 feet. Additionally, the plan includes five garages, a cabana, a clubhouse with a pool, and various amenities such as a fire pit, community garden, dog park, and playground.

Ronan at Hendersonville (Waterleaf at Flat Rock Phase II) (P24-33-CZD)

Conditional Rezoning

City of Hendersonville City Council
June 5th, 2025

Community Development | Planning Division
Tyler Morrow | Current Planning Manager



Neighborhood Compatibility Meeting

+ **Dates:** June 19th, 2024

+ **Attendees:**

- + In-person - 2 residents
- + Online - 2 residents

+ **Topics Discussed:**

- + The need to conserve as many trees as feasible.
- + Whether the stormwater detention location would affect tree preservation.
- + The absence of Phase 2 being discussed during the Phase I of the Waterleaf Development review
- + The affordability of the housing units.
- + The recommendation for conducting a wildlife study.
- + Concerns regarding the loss of agricultural land.

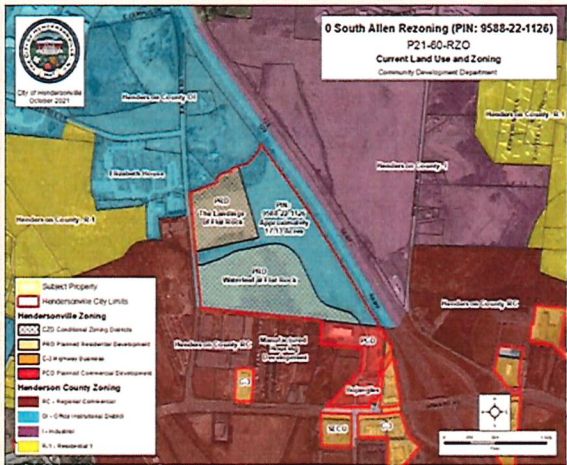




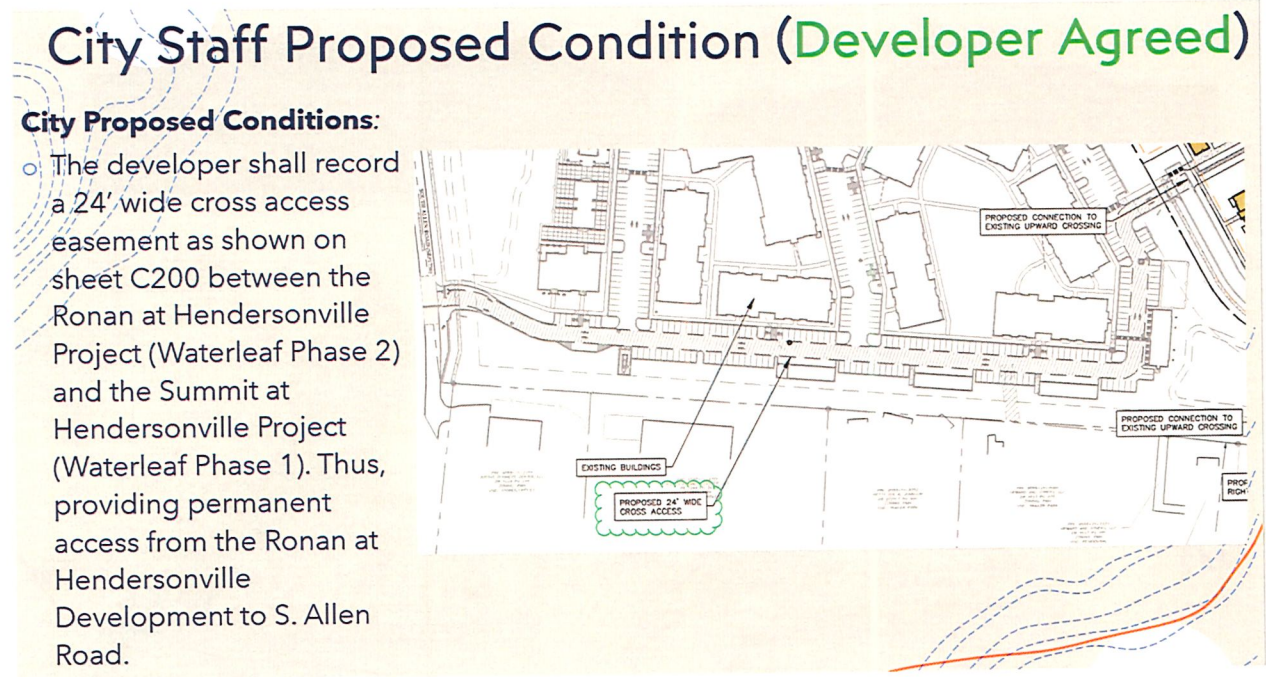
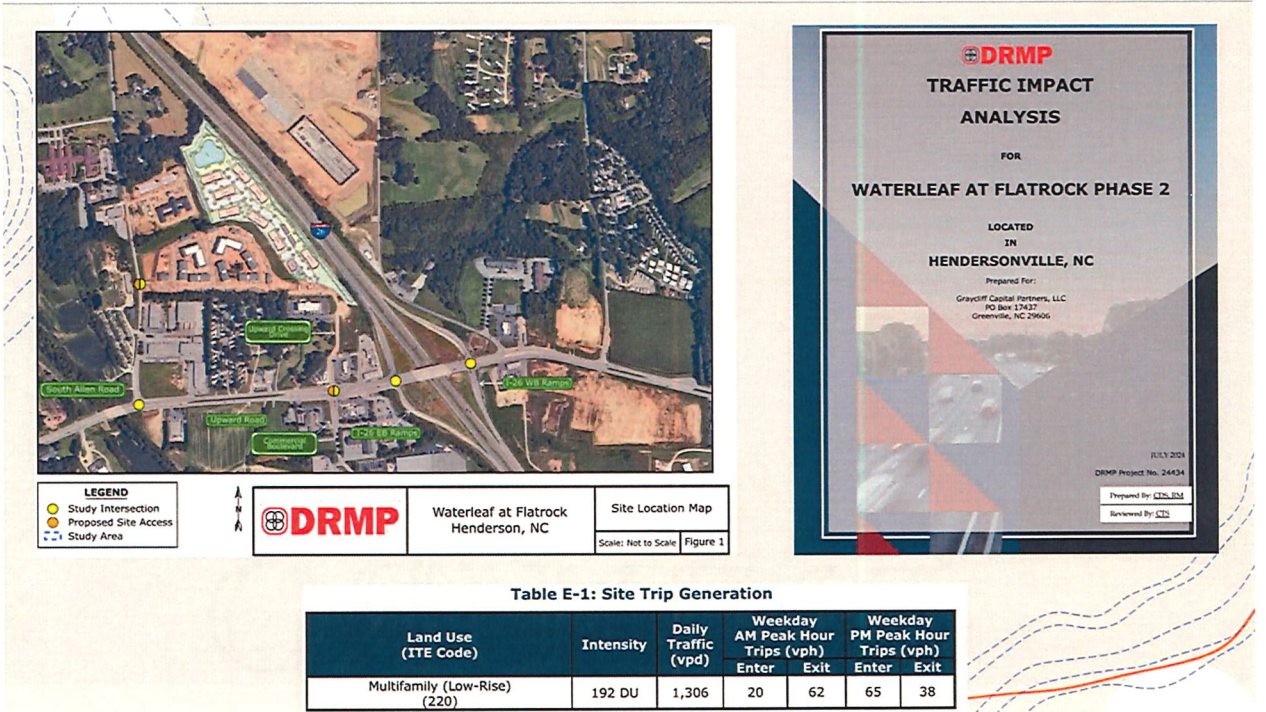
+ **September 2nd, 2021:** City Council annexed this parcel and the Waterleaf at Flat Rock Phase I parcel. At the time of annexation, they were both combined into a 32.66-acre parcel.

+ **January 6th, 2022:** City Council zoned the subject property CHMU. The applicant/owners of the property originally petition that the parcel be zoned C-3 due to it's I-26 frontage and their desire to have a commercial tenant (commercial uses are also permitted in CHMU), however, they became agreeable to CHMU after Planning Board recommended denial of the C-3 petition and recommend approval of the property being zoned CHMU.

Rezoning History







Proposed Conditions (Developer Agreed)

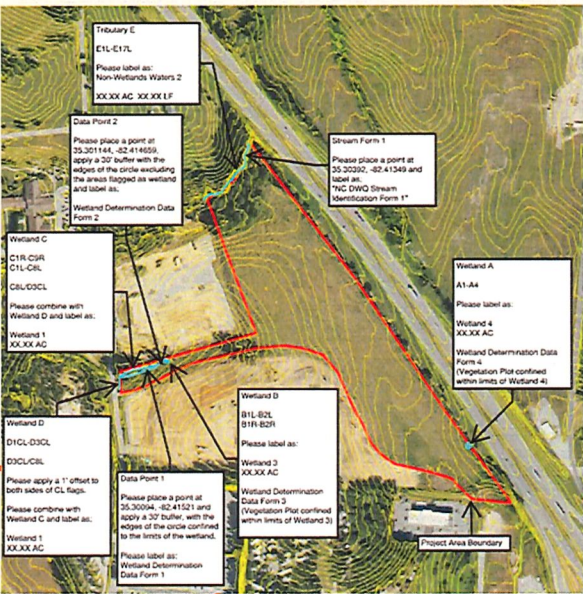
Developer Proposed Conditions :

1.

Request condition to remove the requirement of street connectivity & stub-outs per section 5-27-5-2-4 as the proposed project area is surrounded by new development that likewise do not have reciprocated stub outs.
2.

An updated boundary survey will be provided for final design.
3.

Jurisdictional letter confirmed by Army Corps of Engineers will be provided for final design.

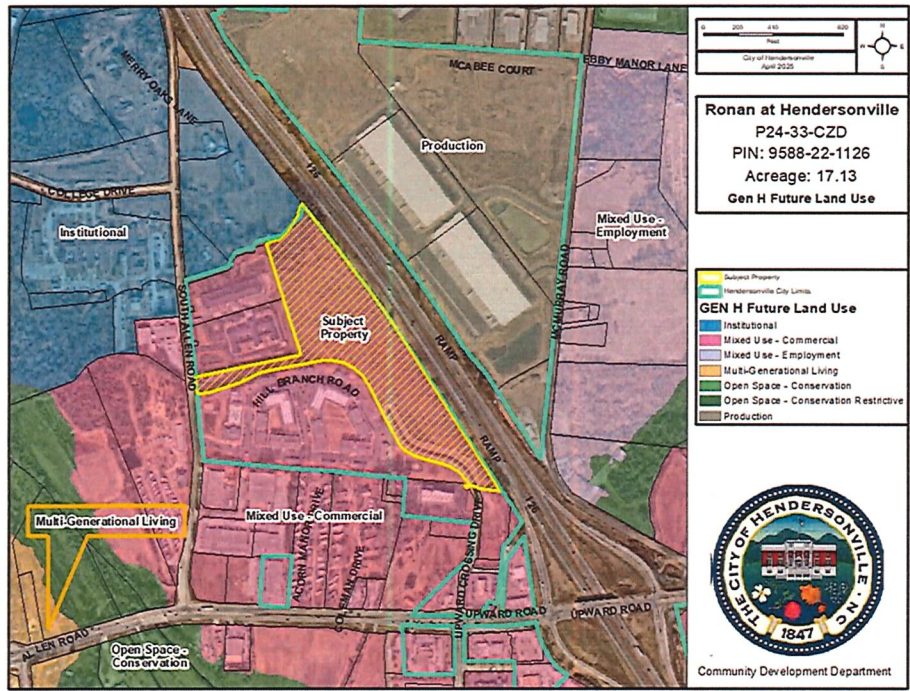
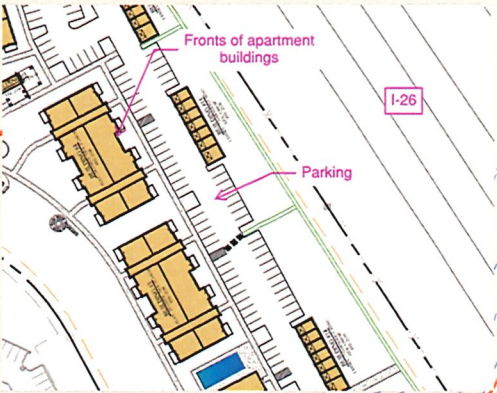


Proposed Conditions (Developer Agreed)

Developer Proposed Conditions :

4.

Acknowledge that the CHMU requires off street parking to be located to the side or rear, but due to traffic and noise levels associated with the interstate, requiring parking be located adjacent to the interstate as shown in the current design to allow residents to be further from interstate.



Future Land Use

- + Mixed Use Commercial
- + Mixed Use Employment
- + Production
- + Institutional
- + Open Space-Conservation
- + Multi-Generational Living

General Rezoning Standards: 1) COMPREHENSIVE PLAN CONSISTENCY	LAND SUPPLY, SUITABILITY & INTENSITY	<ul style="list-style-type: none">• The subject property was not listed on the land suitability or supply maps.• The subject property is within the focused intensity node of the I-26 Interchange.
	FUTURE LAND USE & CONSERVATION MAP	<ul style="list-style-type: none">• Designation: Mixed Use Commercial• Character Area Description: Somewhat Consistent• Zoning Crosswalk: Consistent

Ronan at Hendersonville
P24-33-CZD
PIN: 9588-22-1126
Acreage: 17.13
Current Land Use and Zoning

Hendersonville Zoning
CZD-Conditional Zoning Districts
CZD-Planned Residential Development Conditional Zoning District
C-3 Highway Business
C-3 Highway Commercial Highway Mixed Use
C-3 Planned Commercial Development
C-3 Industrial
Henderson County Zoning
PC-Regional Commercial
C-3 Highway Commercial
C-3 Industrial
C-3 Highway Business

Community Development Department

Current Land Use & Zoning

- + CHMU
- + Hendersonville
 - + CHMU
 - + CHMU-CZD
 - + PCD
 - + C-3
 - + PRD-CZD
 - + I-1
- + Henderson County
 - + RC
 - + I
 - + O&I
 - + R-1

General Rezoning Standards	2) Compatibility	Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property.
		<ul style="list-style-type: none">• The proposed development follows a design similar to that of the adjacent developments (Summit at Hendersonville (Waterleaf Phase I) and Stonecroft (Landings at Flat Rock). If approved and constructed, this development would complete the buildout of the overall parent parcel for these three developments. The development places residents within walking distance of dining, retail, and banking amenities.
	3) Changed Conditions	Whether and the extent to which there are changed conditions, trends or facts that require an amendment.
		<ul style="list-style-type: none">• The subject property is currently annexed and zoned Commercial Highway Mixed Use. The proposed project aligns with the underlying zoning and design requirements for this district. It is required to be reviewed as a conditional zoning district due to the number of dwelling units proposed.

General Rezoning Standards	4) Public Interest	Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern that benefits the surrounding neighborhood, is in the public interest and promotes public health, safety and general welfare.
		<ul style="list-style-type: none">• According to the 2024 Housing Needs Assessment, Henderson County requires an estimated 10,000 new housing units over the next five years. Of these, at least 2,000 units are needed in Hendersonville for low-to-moderate income households. Over the past five years, the City of Hendersonville has approved 1,938 multi-family units. If this project is approved, the total number of recently approved multi-family units in Hendersonville would rise to 2,130. However, of the 1,938 units approved, only 1,825 are currently active. Additionally, only 163 of the approved active units are affordable for citizens earning between 30% and 80% of the Area Median Income (AMI).

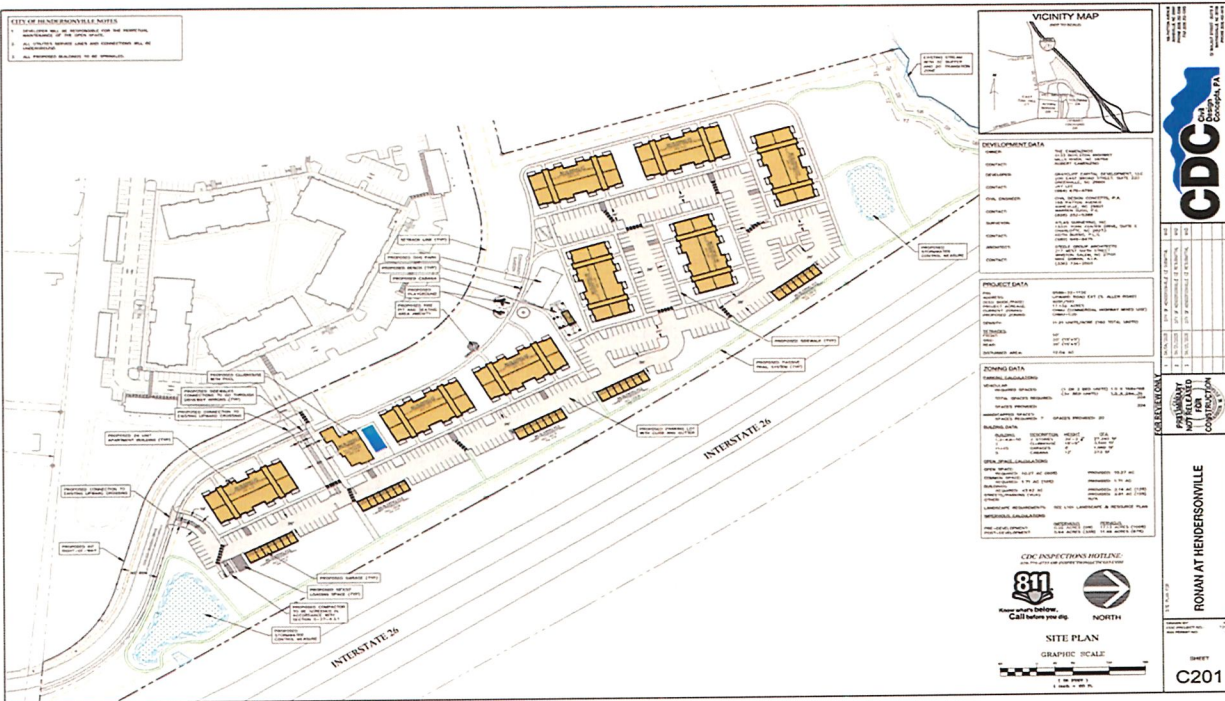
General Rezoning Standards	5) Public Facilities	Whether and the extent to which adequate public facilities and services such as water supply, wastewater treatment, fire and police protection and transportation are available to support the proposed amendment.
		<ul style="list-style-type: none">• The site will be served with City water and sewer. The whole property was annexed as part of the Waterleaf Phase I development.

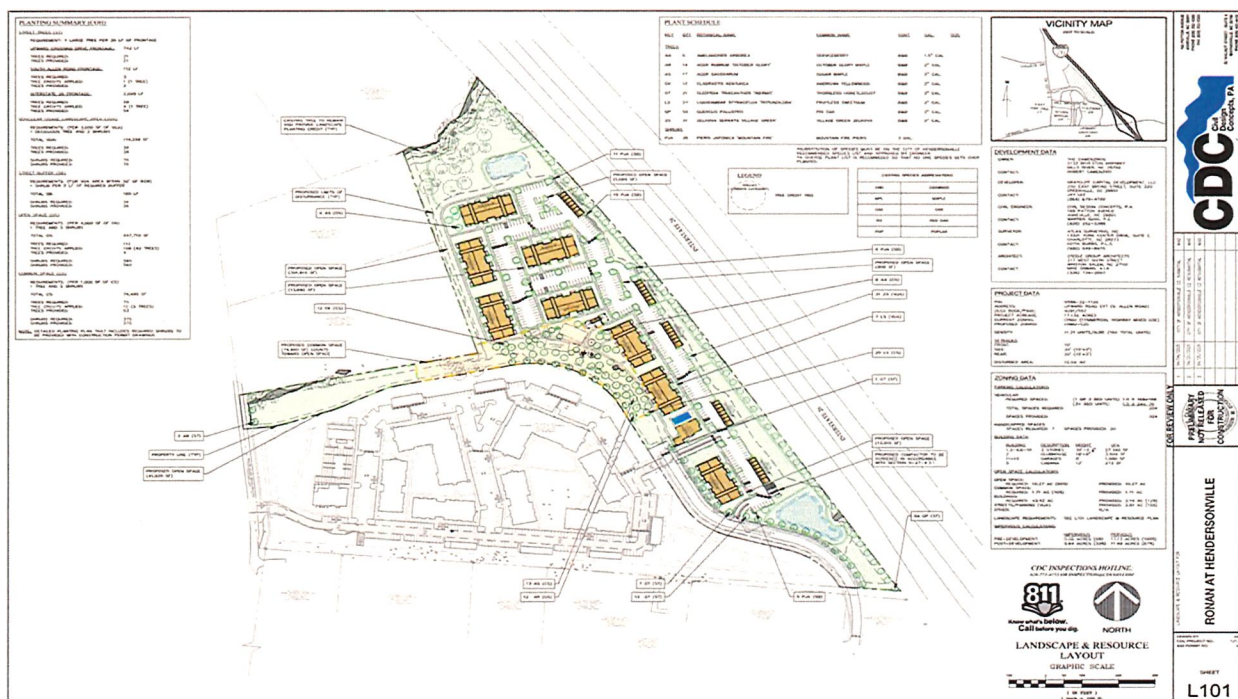
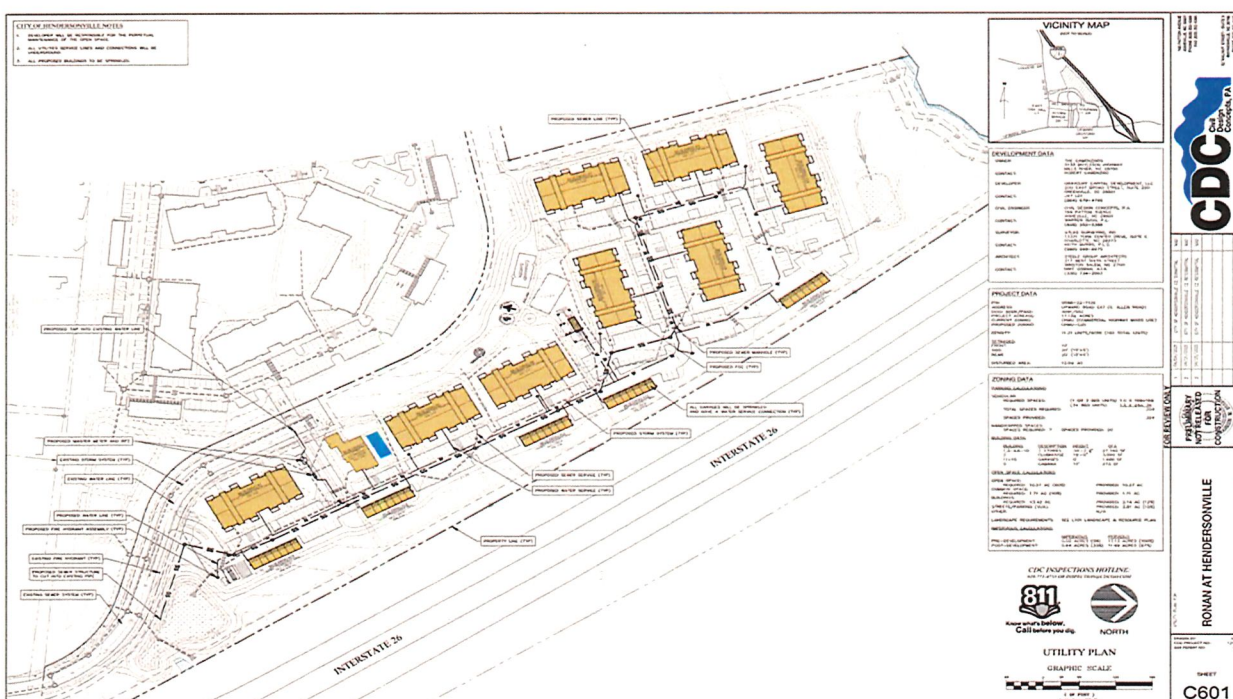
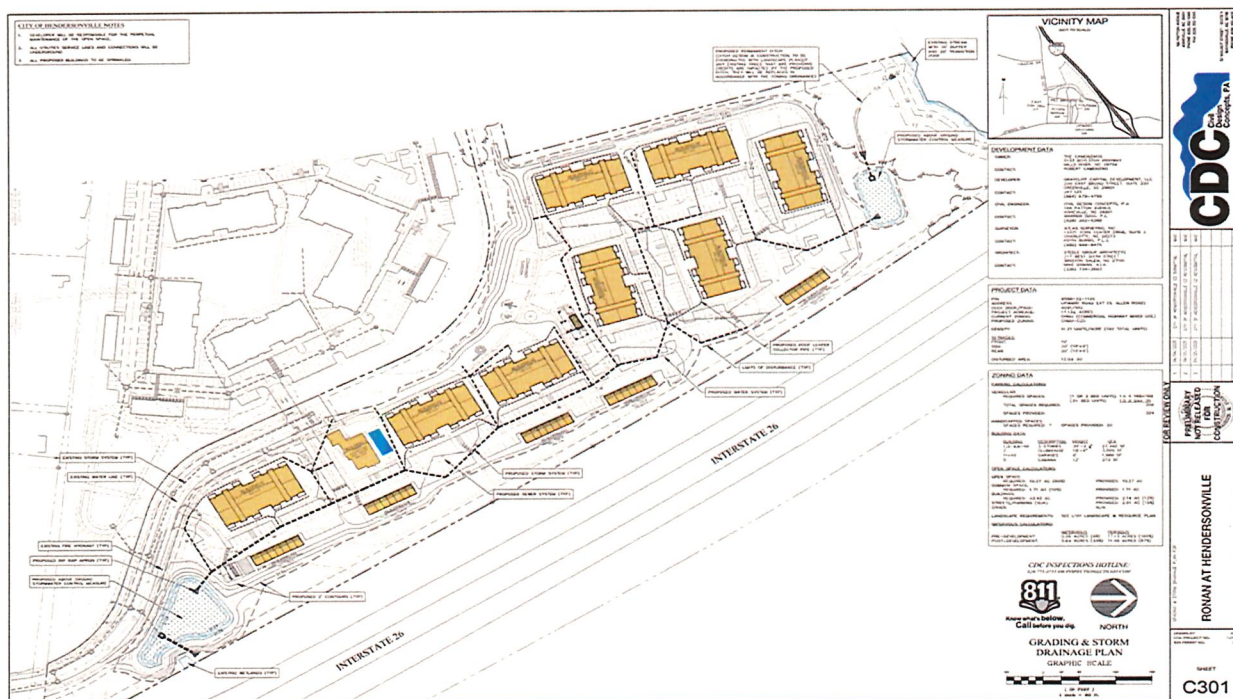
General Rezoning Standards	6) Effect on Natural Environment	Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment including but not limited to water, air, noise, storm water management, streams, vegetation, wetlands and wildlife.
		<ul style="list-style-type: none">• According to the 2008 floodplain maps, no part of this property is located within the floodplain or floodway. However, the most recent USGS topographic maps, along with a wetland and stream delineation conducted by Blueline Environmental, show a blueline stream along the northwestern property boundary and wetlands along the eastern and western boundaries. The delineation by Blueline Environmental does not identify the blueline stream on the southwestern property boundary, which is depicted on the USGS maps. As indicated in the site plans, the development currently includes 114,631 square feet of tree canopy, covering 15.28% of the site. The proposed development will retain 34,389 square feet, or 30%, of the existing tree canopy.

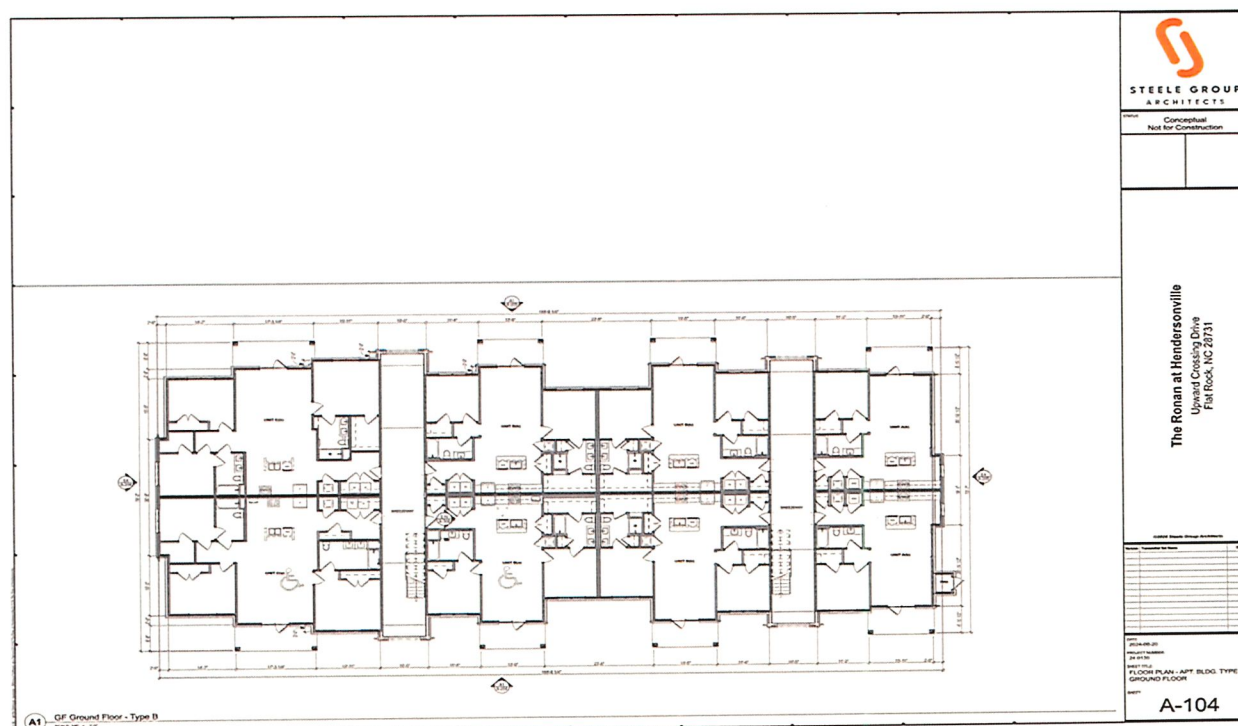
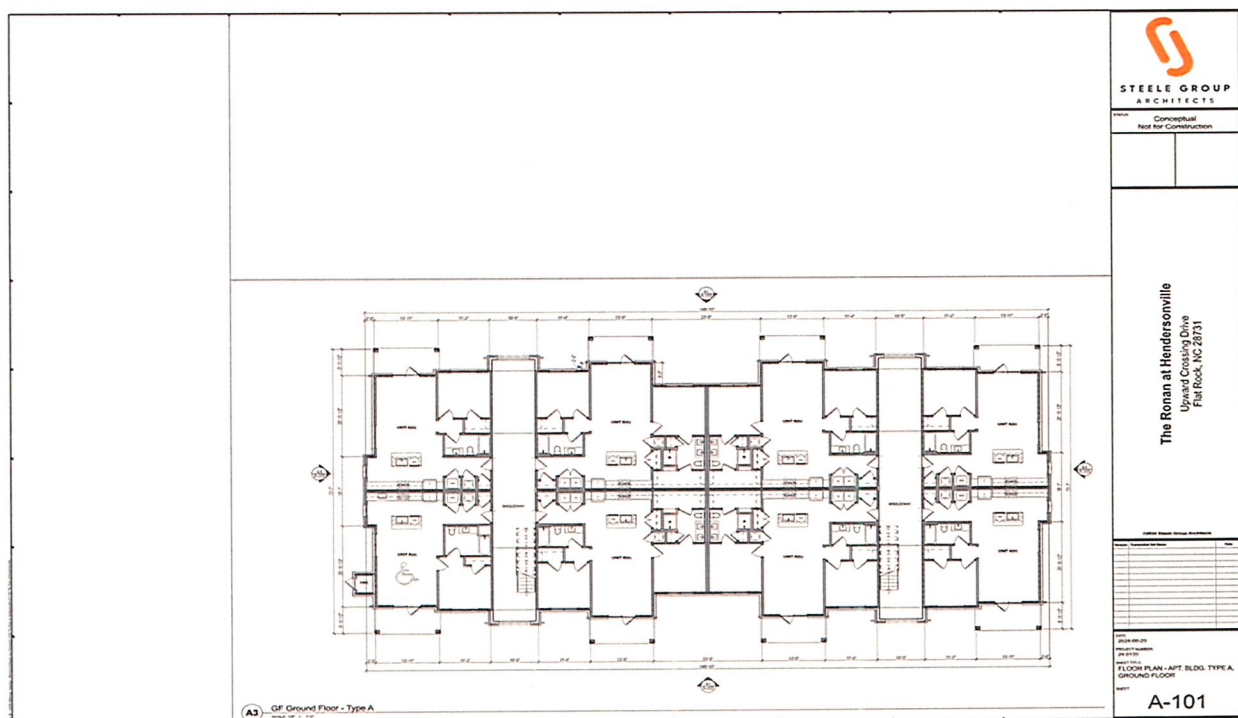
Planning Board Recommendation

The City of Hendersonville Planning Board made a motion recommending **approval**, finding the petition to be consistent with the comprehensive plan and finding it to be reasonable and in the public interest based on the information from the staff analysis and the public comments presented at their meeting on May 8th, 2025.
The Planning Board recommended removing developer proposed condition 4 (Removal of S. Allen frontage sidewalk) and condition 6 (Installing 1.5" caliper trees instead of 3" caliper trees for common space). **Both of these conditions have been removed by the developer post Planning Board meeting.**

The motion carried 7 to 1.









The figure contains architectural drawings for 'The Roman at Hendersonville Clubhouse'. It includes four exterior elevation drawings and a material schedule.

- D1 CLUBHOUSE - LEFT ELEVATION**: Shows the left side of the clubhouse with a long, low profile and a central entrance. Dimensions include a total height of 23'-0" and a section cut at 2'-0".
- D5 CLUBHOUSE - REAR ELEVATION**: Shows the rear of the clubhouse, featuring a large gabled section with a central entrance. Dimensions include a total height of 23'-0" and a section cut at 2'-0".
- A1 CLUBHOUSE - RIGHT ELEVATION**: Shows the right side of the clubhouse, similar to the left elevation but with different window and door placements. Dimensions include a total height of 23'-0" and a section cut at 2'-0".
- A5 CLUBHOUSE - FRONT ELEVATION**: Shows the front of the clubhouse, featuring a large gabled section with a central entrance. Dimensions include a total height of 23'-0" and a section cut at 2'-0".

Material Schedule:

NO.	DESCRIPTION
1	CLUBHOUSE ROOF: 12" ON 12" GABLE ROOF
2	CLUBHOUSE ROOF: 12" ON 12" GABLE ROOF
3	CLUBHOUSE ROOF: 12" ON 12" GABLE ROOF
4	CLUBHOUSE ROOF: 12" ON 12" GABLE ROOF
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93	CLUBHOUSE ROOF: 12" ON 12" GABLE ROOF

Jay Lee (representing the development team from Graycliff Capital Partners in Greenville, South Carolina. He gave a summary of what their plan was to bring to the community.

The City Clerk confirmed this public hearing has been advertised in accordance with North Carolina General Statutes.

The public hearing was opened at 8:02 p.m.

In Person:

Ken Fitch spoke in favor of the rezoning.

The public hearing was closed at 8:05 p.m.

City Council member Melinda Lowrance 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: 9588-22-1126) from CHMU, Commercial Highway Mixed Use to CHMU-CZD, Commercial Highway Mixed Use Conditional Zoning District, for the construction of a 192 unit multi-family development based on the master site plan and list of conditions submitted by and agreed to by the applicant, [dated 5-16-25] and presented at this meeting and subject to the following:

1. The development shall be consistent with the site plan, including the list of applicable conditions contained therein, and the following permitted uses:

Permitted Uses:

- 1. Residential dwellings, multi-family*
- 2. Accessory uses & structures*

2. The petition is found to be consistent with the City of Hendersonville Gen H 2045 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because:

The petition is consistent with a range of Goals, Guiding Principles, and the Future Land Use Designation of Chapter IV of the Gen H Comprehensive Plan.

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

- 1. The proposed development further supports the growth of this area as a multi-family node along the I-26 corridor, placing residents in close proximity to I-26, Blue Ridge Community College, a bank, and other commercial amenities.*
- 2. The proposed development adds needed housing to help address local demand.*

A unanimous vote of the Council followed. Motion carried.

Ordinance #O-25-35

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR A PARCEL POSSESSING PIN NUMBER: 9588-22-1126 BY CHANGING THE ZONING DESIGNATION FROM CHMU, COMMERCIAL HIGHWAY MIXED USE TO CHMU-CZD, COMMERCIAL HIGHWAY MIXED USE CONDITIONAL ZONING DISTRICT

IN RE: Parcel Number: 9588-22-1126
Address: 0 South Allen Road
Ronan at Hendersonville: (File # P24-33-CZD)

WHEREAS, the City is in receipt of a Conditional Rezoning application from applicant, Paul Aiesi, Manager of Graycliff Capital Development, LLC, and property owners, Robert O. Camenzind, Peggy C. Cabe, John T Fleming, Enno F. Camenzind, Paula Camenzind Carter, for the construction of a 192-unit multi-family development on approximately 17.13 acres, and

WHEREAS, the Planning Board took up this application at its regular meeting on May 8th, 2025; voting 7-1 to recommend City Council approve 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 June 5th, 2025, 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: 9588-22-1126, changing the zoning designation from CHMU, Commercial Highway Mixed Use to CHMU-CZD, Commercial Highway Mixed Use

Conditional Zoning District.

2. Development of the parcel pursuant to this Ordinance is subject to the following.
 - a. Development shall comply with the master site plan submitted by the applicant dated May 16th, 2025, including the conditions listed therein, [and/or as modified and presented to City Council][and/or including modifications approved by City Council which shall be added to the site plan. The updated site shall be submitted to the City at or before the applicant's execution of this Ordinance].
 - b. Permitted uses shall include:
 - i. Residential dwellings, multi-family
 - ii. Accessory uses & structures
 - c. Additional conditions that shall be satisfied prior to final site plan approval include:
 - i.
3. Except where modified by the terms of this Ordinance, development of the parcel(s) shall occur in accordance with the final site plan requirements of Article VII of the Zoning Ordinance of the City of Hendersonville, North Carolina.
4. Except where explicit relief is granted by the terms of this Ordinance, the development of the parcel(s) shall occur in accordance with all applicable standards within local ordinances and policies.

This ordinance shall be not be effective until the 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 this 5th day of June, 2025.

Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

F. Notice of Condemnation Order – Lew Holloway, Community Development Director

Lew Holloway explained that 201 Sugarloaf Road, known as the Cascades Mountain Resort, was issued a Notice of Violation complaint on December 13th, 2024 wherein a series of violations, observed on a December 4th, 2024 site visit, of Section 12-40 of the City's Code of Ordinances were presented to the property owners. The Notice established an administrative hearing date of January 8th, 2025 for the Code Enforcement Officer to determine the validity of the complaint. The Administrative Hearing was continued from January 8th to February 13th to allow time to begin remediating the violations. No discernable progress being made when the meeting was reconvened, a Findings of Fact and an associated Order to Repair were issued on February 28th. The Order established the documented violations of the code and provided that those violations must be remediated by March 28th. Upon an inspection conducted on March 28th it was observed that all major violations persisted. At this time the Fire Marshall, under the authority granted that position by state statute, closed the facility because of the life-safety concerns around the Fire Suppression system. The attached ordinance layers the authority of the City's Code Enforcement officer onto the Fire Marshall, affirming the condemnation of the building until all of the violations of the City's Code of Ordinance, including but not limited to Fire Code violations, must be remediated to reopen the building. Copies of the code, inspection photos, HVAC audit, inspection reports and scope of work are on file in the Planning/Code Enforcement office.

CASCADES MOUNTAIN RESORT Hendersonville Hospitality LLC

201 Sugarloaf Rd, Hendersonville NC 28792
PIN 9579561085
Nonresidential Property Maintenance and Repair



Nonresidential Property Maintenance Code

Non-Residential Code Review

Chapter 12 requires...

- Authorized under NCGS 160D-1129
 - Allowed to address "conditions that are dangerous and injurious to public health, safety, and welfare and identify circumstances under which a public necessity exists for the repair, closing, or demolition of such buildings or structures."
 - Investigation
 - Complaint and Hearing
 - Order to Repair – "safety or health of occupants or members of the general public is jeopardized."
 - Repair or vacate and close
 - Adoption and Recordation of an Ordinance if repairs not made
 - Ordinance orders enforcement officer to make repairs (file lien) or cause building to be vacated and closed.
 - Ordinance recorded, property posted with condemnation notice.
 - After 2 years, can adopt ordinance to repair or demolish within 90 days (if < 50%) or demolish (if >50%), and can demolish if not repaired in the 90 days.



Nonresidential Property Maintenance Code

- Chapter 12 Article III of Hendersonville Code of Ordinances

Section 12-40: "All nonresidential buildings and structures, including their premises, shall be maintained in a state of good repair that prevents further decay from wind, rain and external weather and secures the building from any unauthorized admittance from humans, animals or birds. All nonresidential buildings and structures and their premises shall be free of nuisances and shall be free of any hazards to the safety of occupants, customers or other persons utilizing the buildings and structures included the premises or to pedestrians and/or vehicles passing thereby. The nonresidential building and structure and the premises shall be kept in a condition that is not dangerous and injurious to the public health, safety and welfare."



Nonresidential Property Maintenance Code

- Chapter 12 Article III of Hendersonville Code of Ordinances
 - **Dilapidation, decay, unsanitary conditions or disrepair, which is dangerous to the health, safety and welfare of the occupants or other people in the city;**
 - **Inadequate facilities for egress** to such an extent that there does not exist at a minimum, sufficient operable doors that the building can be entered safely and exited in the same manner in case of fire or panic;
 - Defects significantly **increasing the hazards of fire, accident or other calamities;**
 - **Lack of adequate ventilation, light, heating or sanitary facilities** to such an extent as to endanger the health, safety or general welfare of the occupants or other residents of the city;
 - **Lack of proper electrical, heating or plumbing facilities** which constitutes a health or a definite safety hazard.
 - Any **violation of the city fire prevention code** which constitutes a condition which is unsafe and especially dangerous to life;



Fire Prevention Code

- Section 110 – Unsafe Buildings

[A] 110.2 Evacuation.

The *fire code official* or the fire department official in charge of an incident shall be authorized to order the immediate evacuation of any occupied building deemed unsafe where such building has hazardous conditions that present imminent danger to building occupants. Persons so notified shall immediately leave the structure or premises and shall not enter or re-enter until authorized to do so by the *fire code official* or the fire department official in charge of the incident.



Enforcement Timeline

Cascades' Initial Inspection

- February 14, 2024
 - Date of Initial Inspection
 - CEO – K Bragg and Fire Marshal N Young inspected the property
 - Inspection prompted by a notice from Water Department that all water was to be cut off to the building
 - Inspection attended by Debi Smith – General Manager @ time of inspection
 - Inspection report was provided to the property manager via e-mail on 3/14/24

Enforcement Timeline

Cascades Re - Inspection

- December 4th, 2024
 - Following repeated failed efforts to achieve compliance via a request to remedy approach a second inspection was conducted
 - CEO – K Bragg and Fire Marshal J. Gillespie inspected the property
 - Inspection attended by Vicky Navlani – General Manager @ time of inspection
 - Inspection identified various violations of City & Fire Code including but not limited too;
 - Unpermitted work
 - Blocked Exits
 - Broken Windows
 - Non-functioning HVAC



Enforcement Timeline

Cascades Complaint

- December 13, 2024
 - A formal complaint was issued by Lew Holloway, in his capacity as Chief Code Enforcement Officer
 - The complaint compiled the conditions observed during the Dec. 4th inspection and established that these were deemed a violation of Section 12-40 of the City Code, including but not limited too;
 - Dilapidation and Decay
 - Lack of adequate ventilation
 - Inadequate egress
 - Fire Code violations
 - Broken glass
 - Inadequate electrical wiring; improperly installed
 - An administrative hearing was scheduled for January 3rd, 2025 to determine the validity of these violations.

Enforcement Timeline

Cascades Hearing

- January 8th, 2025
 - Administrative Hearing held
 - A continuance to address the violations was requested by the owners
 - Jasmine Budhwani – Company Official for Hendersonville Hospitality LLC requested a comprehensive site inspection with COH Fire Marshal and Code Enforcement Officer – this was set for 1/16/2025
 - The continuance was granted with the understanding that all repairs would be made within 30 days

Enforcement Timeline

1/16/2025 Inspection

- A 5 hour comprehensive site inspection was performed by AFM John Gillespie and CEO Kathy Bragg with Jasmine Budhwani

Enforcement Timeline

Continued Administrative Hearing

- February 13th, 2025
- No presentation of repair work completed by owners
- Parties present:
 - Daniel Heyman, Staff Attorney
 - Lew Holloway – Community Development Director
 - Kathy Bragg – Code Enforcement Officer
 - Nathan Young – Fire Marshal
 - John Gillespie – Assistant Fire Marshal
 - Andreu Philips – Counsel for Hendersonville Hospitality LLC
 - Jasmine Budhwani was not present



Enforcement Timeline

Order to Repair

- February 28th, 2025
 - Order issued requiring all corrections made by 3/28/2025. Items which needed to be addressed and presented serious life safety concerns included but not limited to;
 - Exits chained and/or barricaded; egress eliminated
 - Fire alarm system inoperable
 - Sprinkler System inoperable
 - Fire Department Connection (FDC) blocked
 - Smoke Detectors inoperable
 - Electrical code violations (exposed and spliced wiring; including spliced appliance cords)
 - The Order to Repair was not appealed and therefore establishes the conditions as of February 28th, 2025



Enforcement Timeline

Re-Inspection

- 3/28/2025
 - Site Inspection to review for full compliance was made by AFM – John Gillespie and CEO – Kathy
 - None of the serious life safety concerns noted in the Order to Repair had been addressed

Enforcement Timeline

Fire Closure

- April 11th, 2025
 - City Fire Marshall issues an Order to Evacuate
 - "The following violations constitute hazardous conditions that present imminent danger to building occupants...."
 - Notice was given to the Health Department and Building Inspections Department
 - Health Department Inspected Site at this time

Enforcement Timeline

County Building Inspection

Enforcement Timeline

Re-Inspection

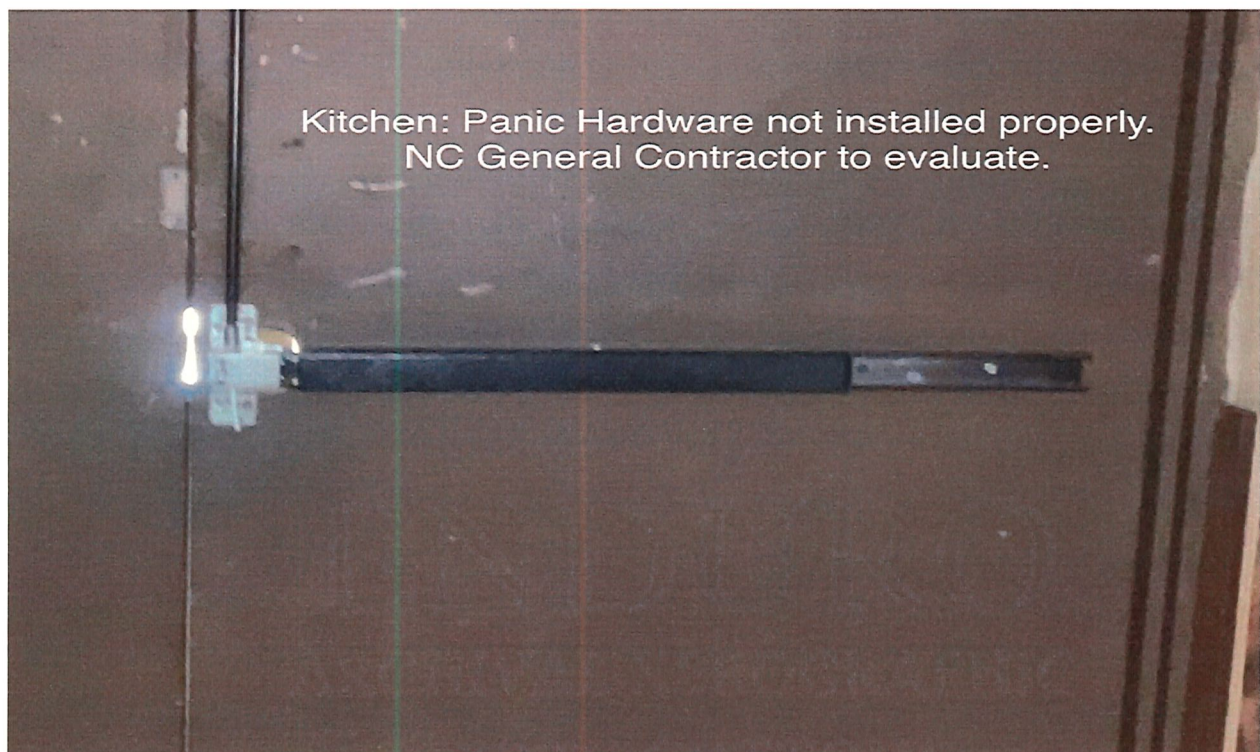
- April 14th, 2025
 - Inspection of common areas conducted by Henderson County Building Inspection Department.
 - Carbon Monoxide monitors missing
 - Some building permits have been pulled; dates...
 - Applicants e-mailed scope of work to Building Inspector provided on

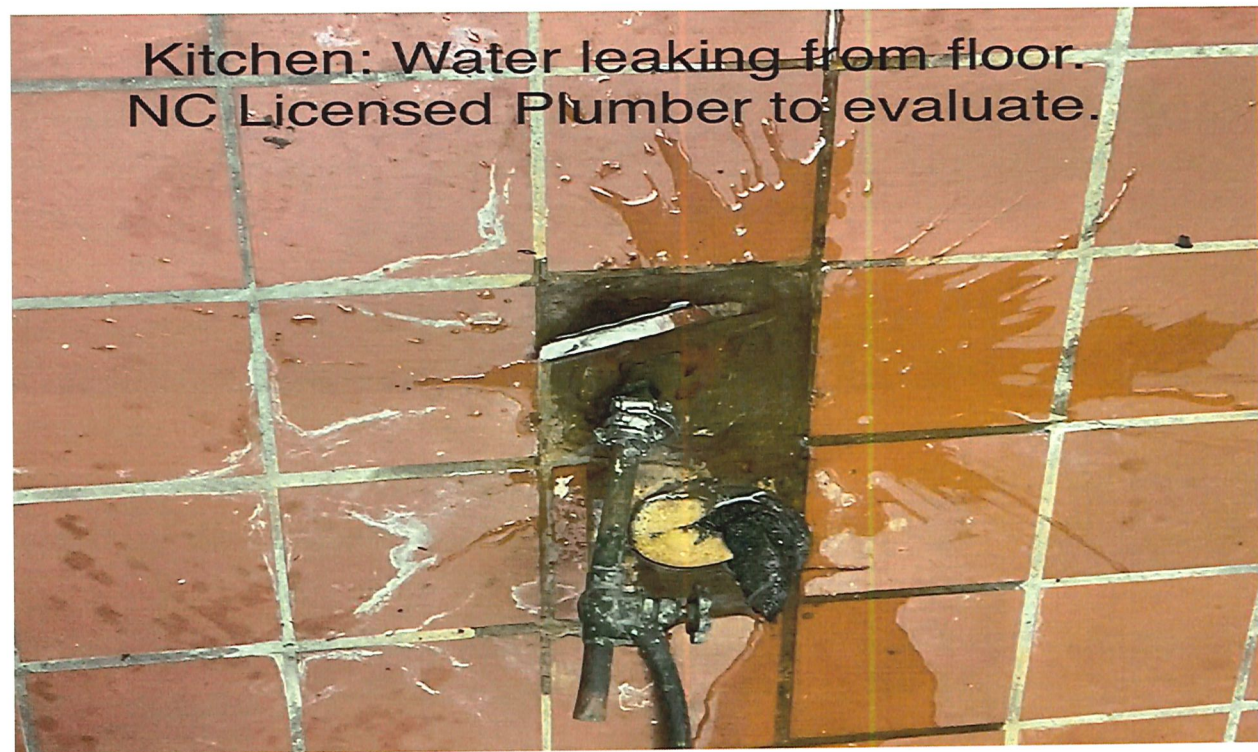
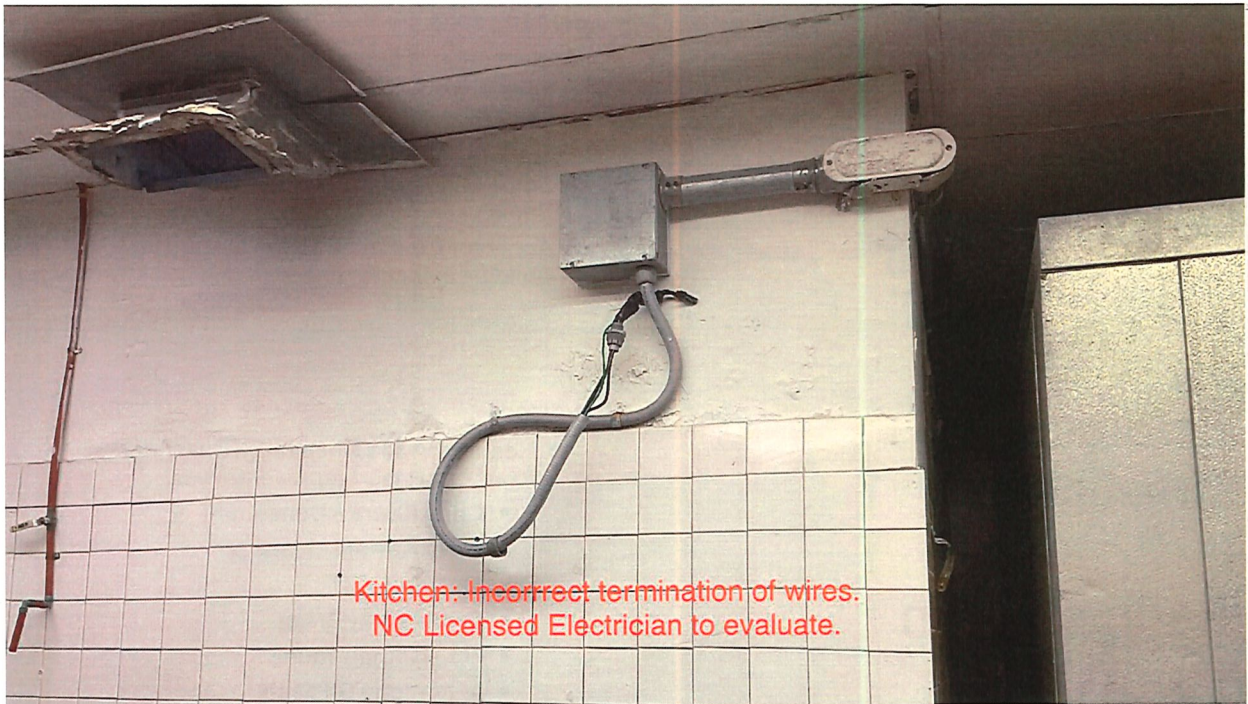
- 6/2/2025
 - Hendersonville Hospitality/Cascades Mountain Resort representatives
 - Chris Rivera – Consultant
 - Vicky Navlani - Manager
 - City Staff present:
 - CEO – Kathy Bragg
 - FM – Nathan Young
 - AFM – John Gillespie

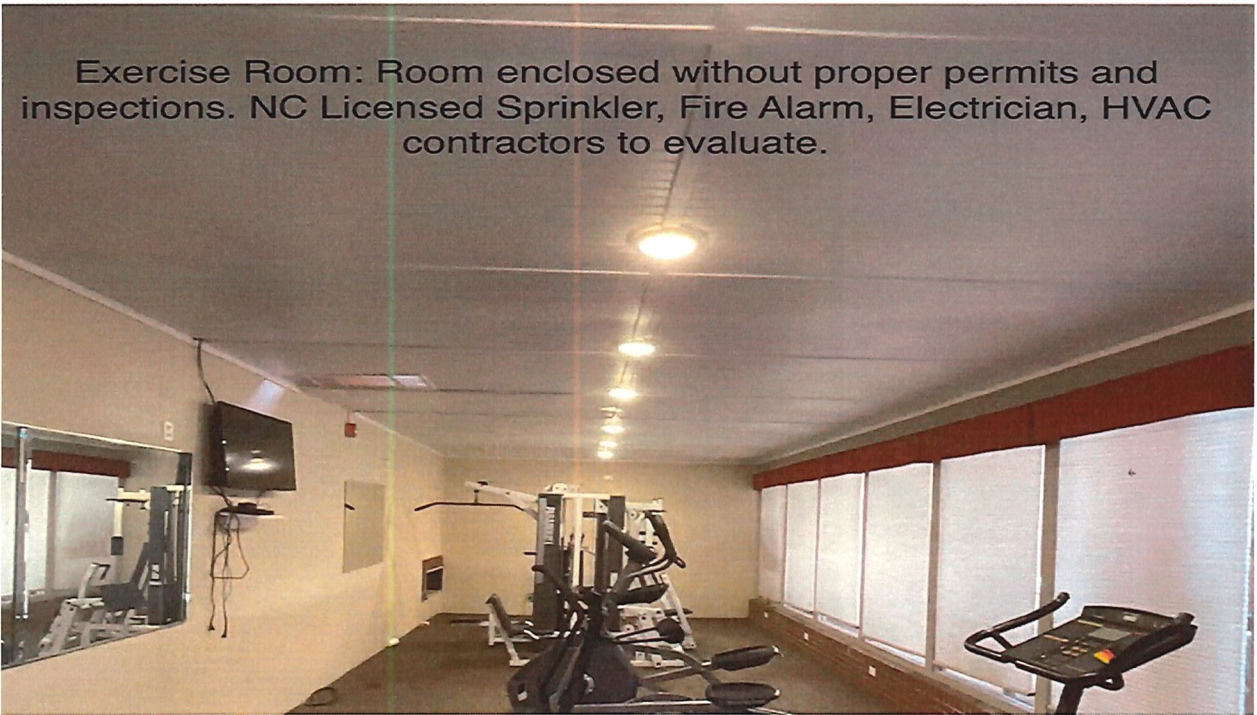
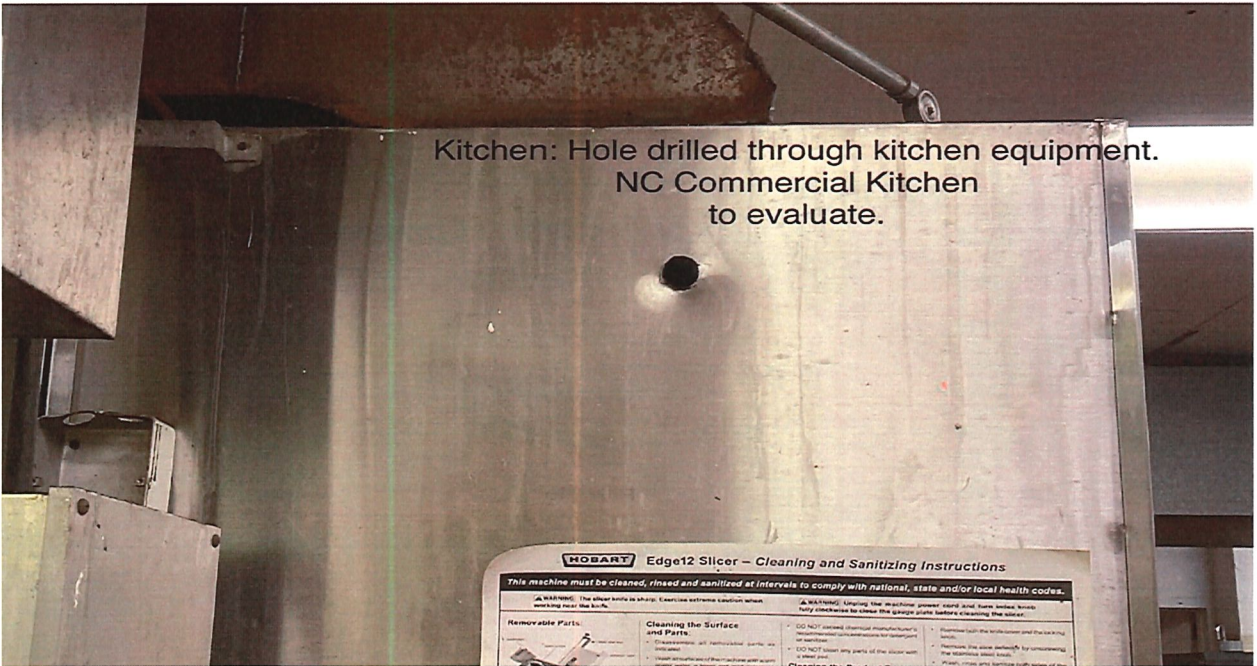
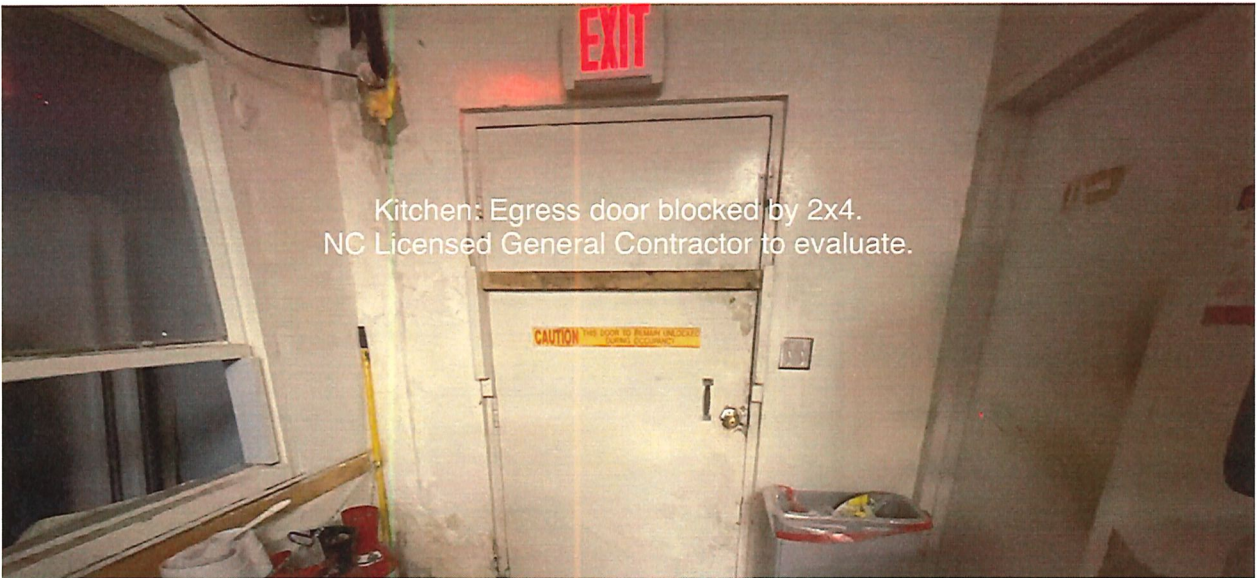
Inspection lasted 3.5 hours – inspected common areas, guest rooms and roof

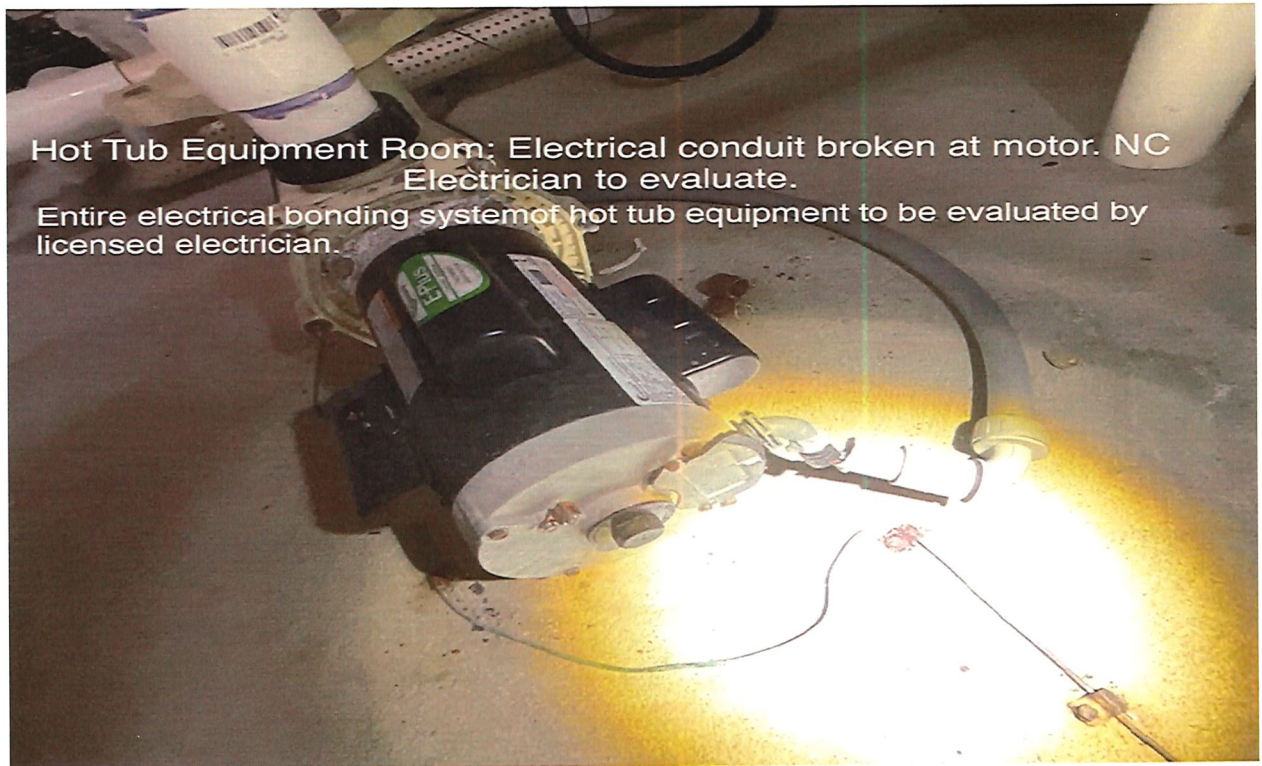
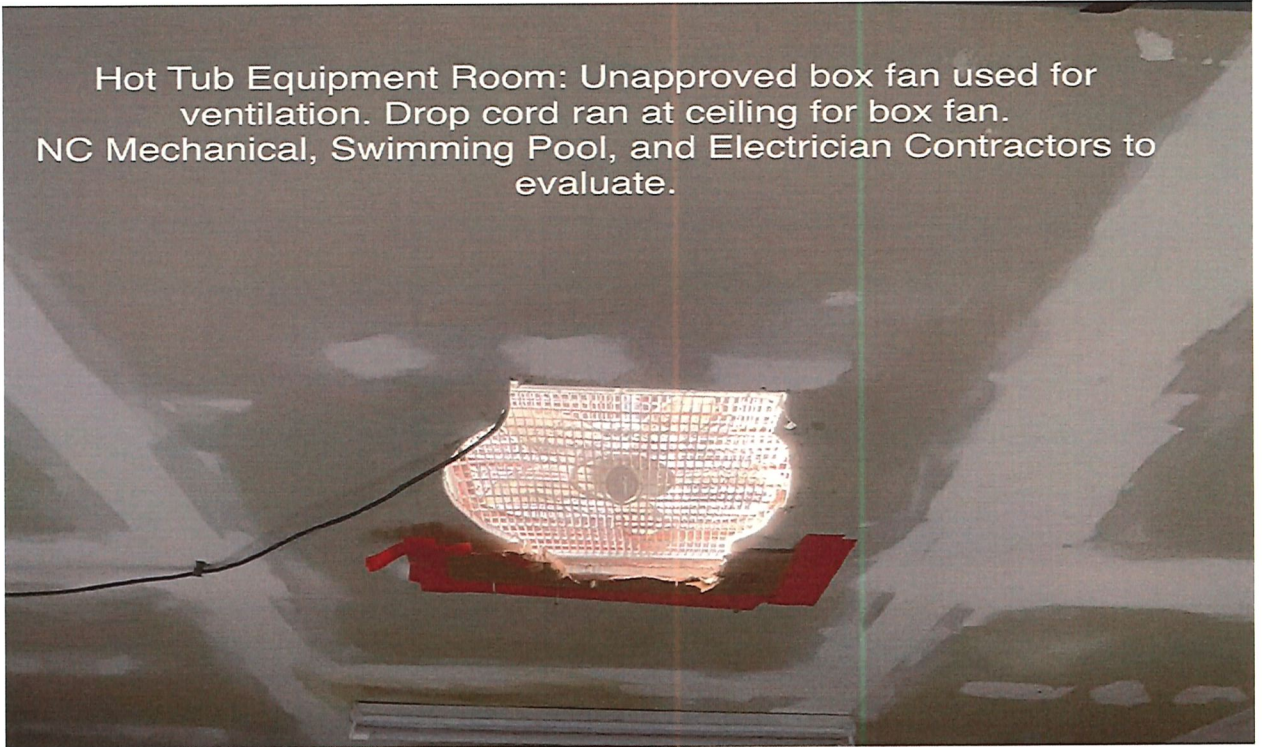
A site inspection was conducted by the County's Chief Building Inspector, the City's Code Enforcement Officer, the City's Fire Marshal and Assistant Fire Marshal.

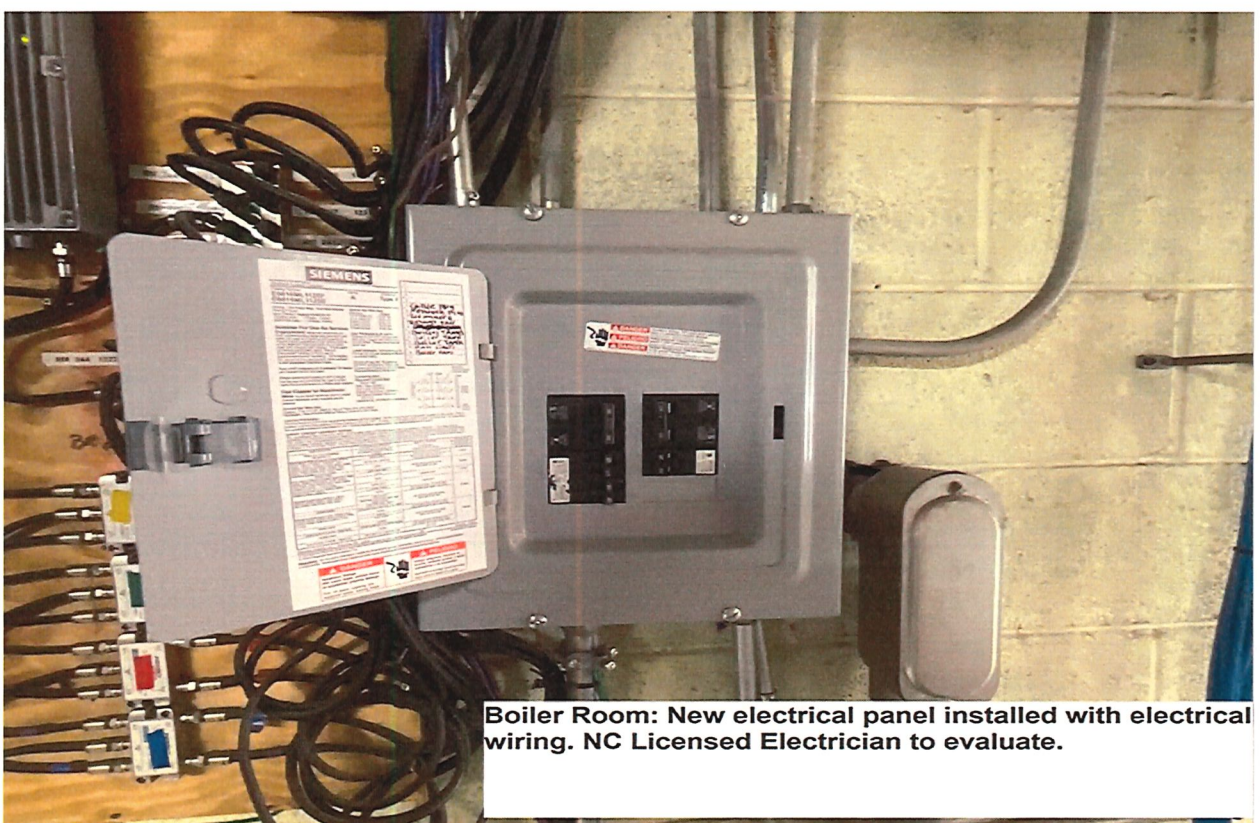
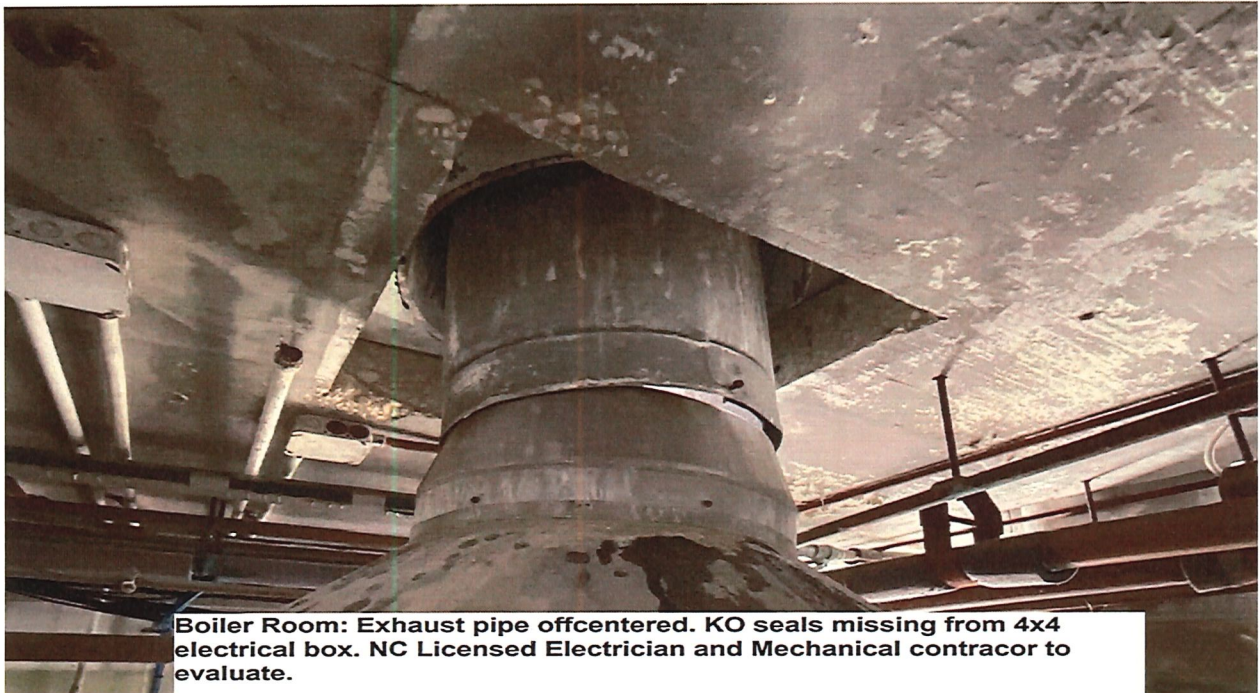
Chief Building Inspector Crystal Lyda conducted an inspection of the property on the common areas only for over three hours. She showed many issues that give a general overview of the inspection. There needs to be an additional inspection needed to cover all the rooms and to date, we have not received a request for an inspection.





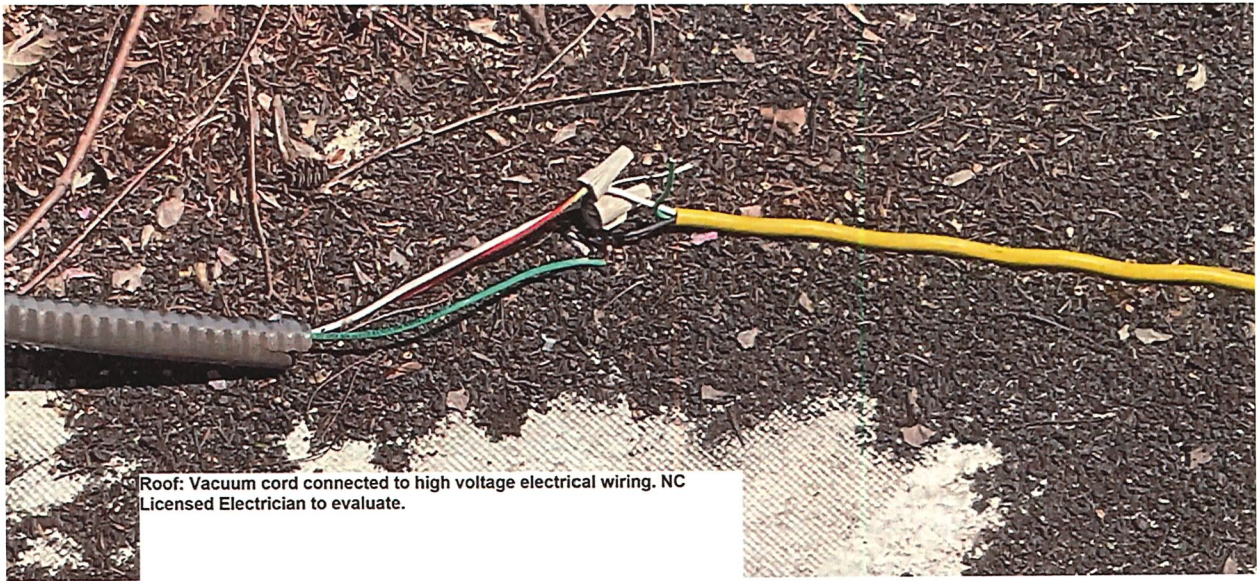




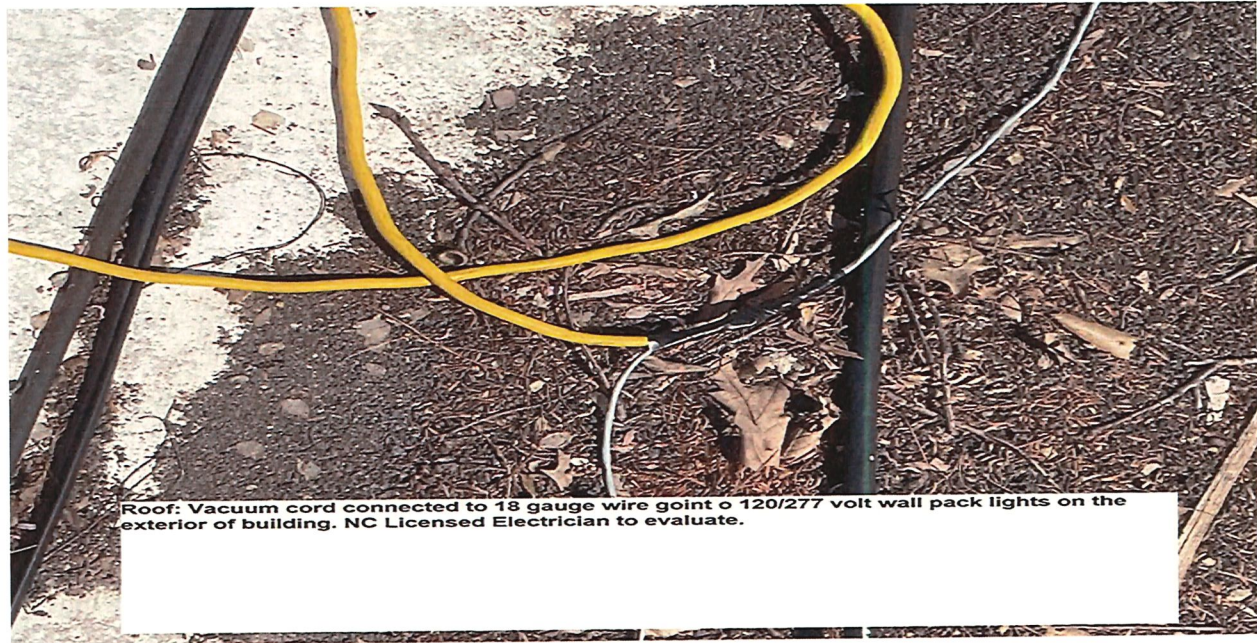




Roof above boiler: NC Mechanical Contractor to evaluate piping for corrosion.



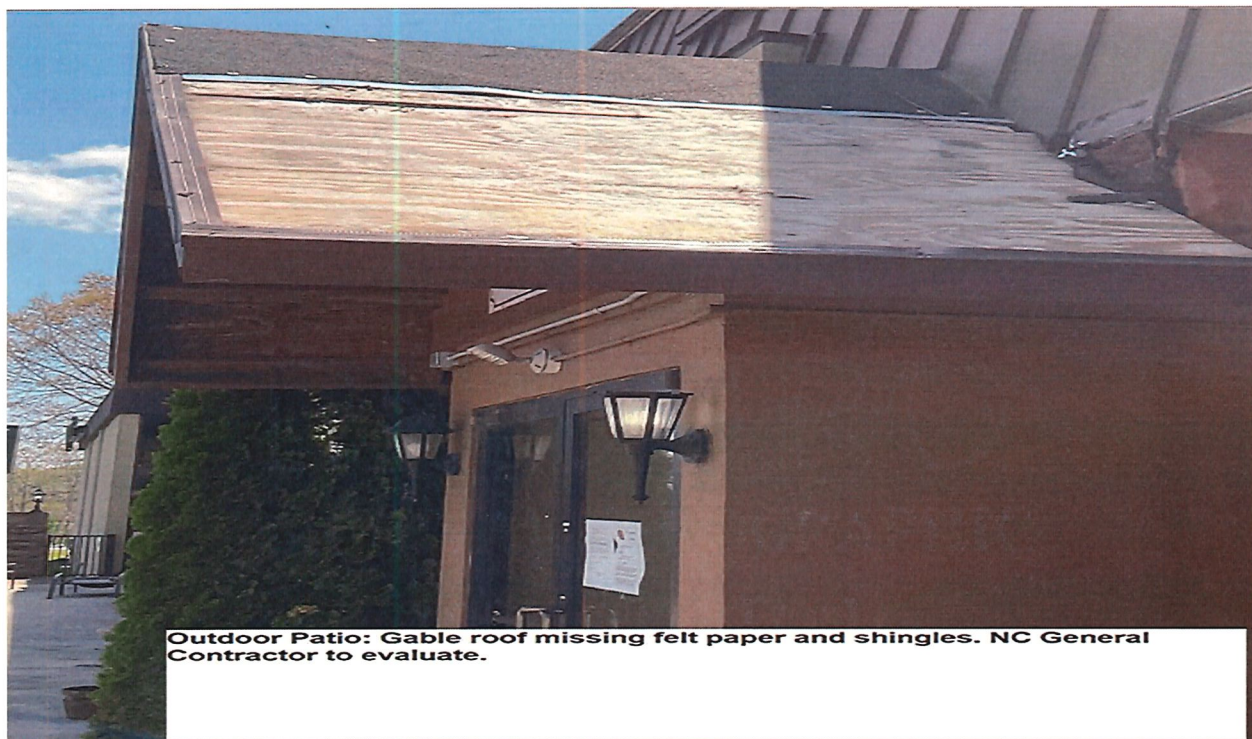
Roof: Vacuum cord connected to high voltage electrical wiring. NC Licensed Electrician to evaluate.



Roof: Vacuum cord connected to 18 gauge wire point o 120/277 volt wall pack lights on the exterior of building. NC Licensed Electrician to evaluate.



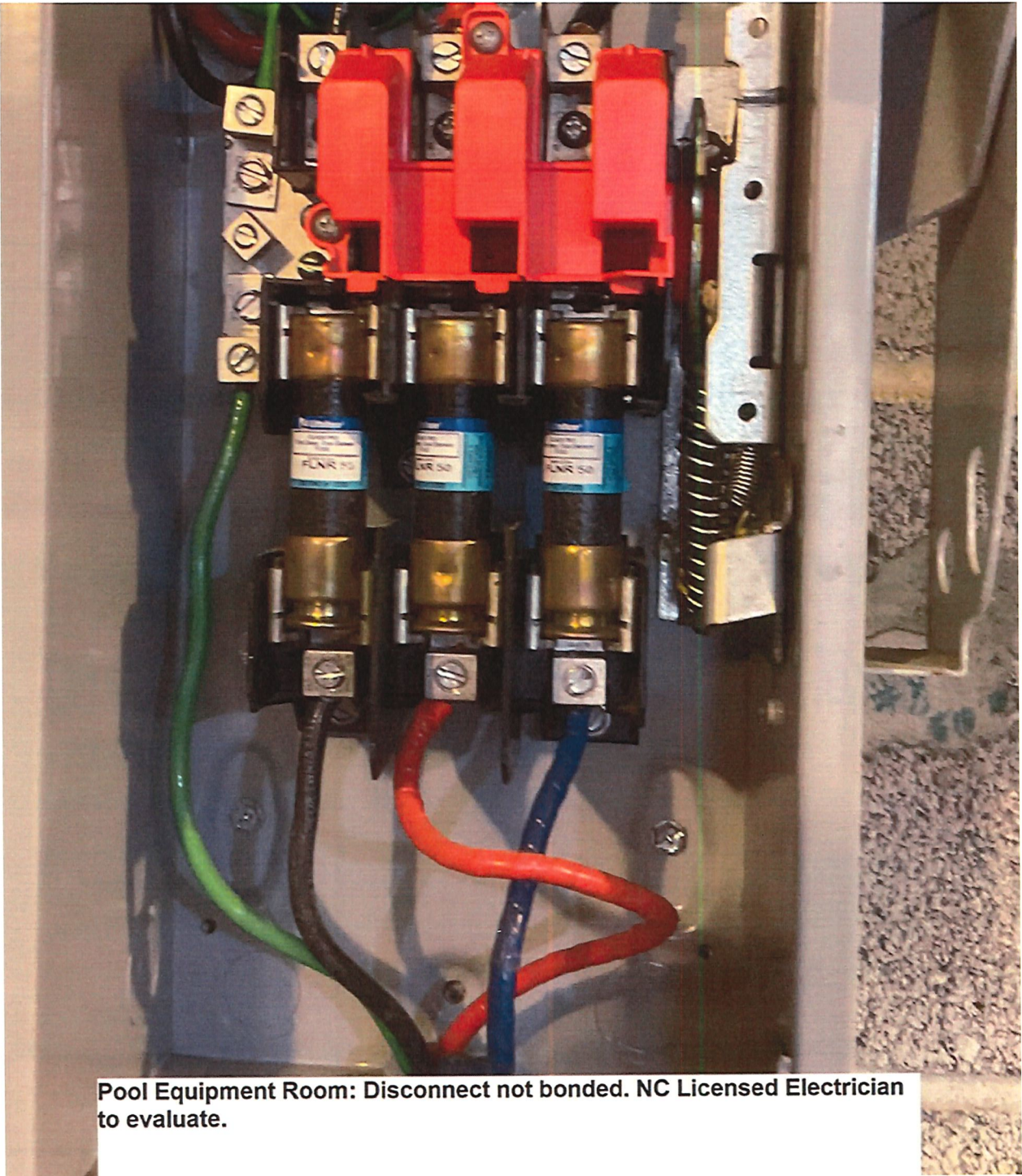
Maintenance Room: Extension cord and shop light to surge protector. NC Licensed Electrician to evaluate.



Outdoor Patio: Gable roof missing felt paper and shingles. NC General Contractor to evaluate.



Pool Equipment Room: Pump not bonded. NC Licensed Electrician to evaluate.



Pool Equipment Room: Disconnect not bonded. NC Licensed Electrician to evaluate.

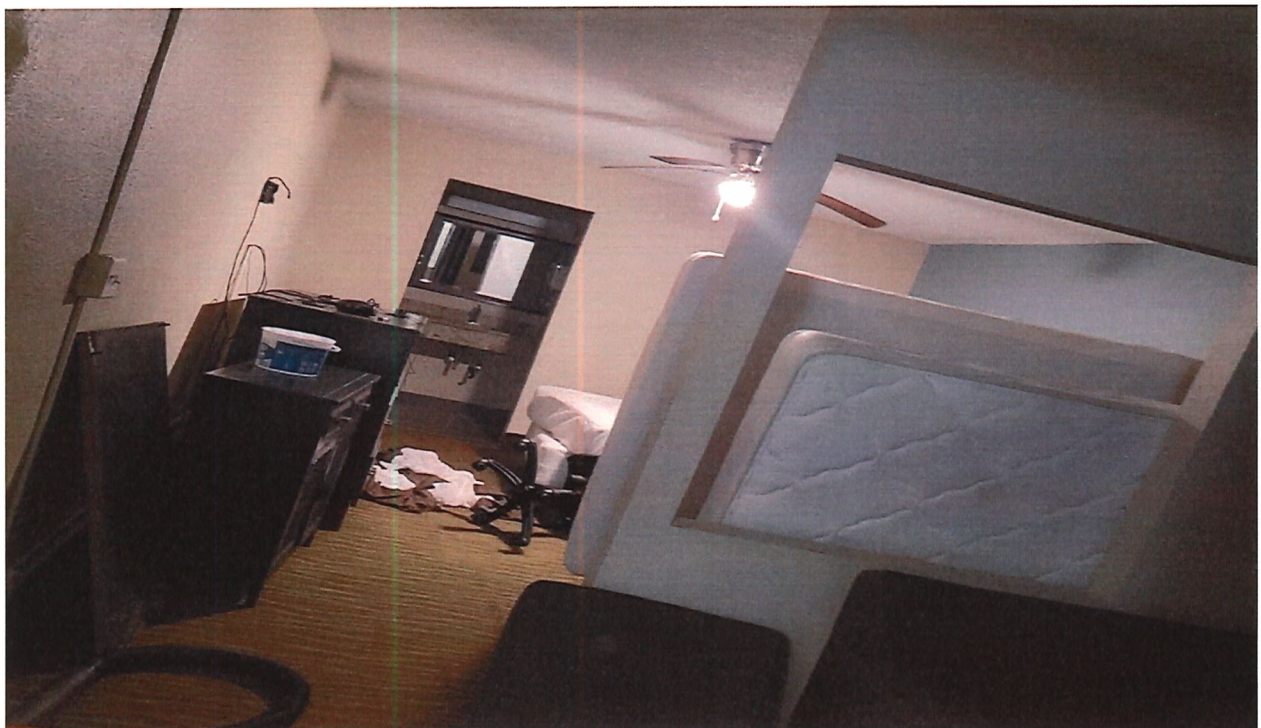
Seth Swift with the Environmental Health Department gave the perspective from their view and some background. The city called us, and we did a quick review of everything. On the 11th we did suspend the permits. There were only three. Lodging, the pool/spa and the restaurant. The restaurant had not been open since 2023. They closed it, we did not. We suspended the permits immediately. Theoretically, if they get everything back together again, we could lift the suspension, but we would do new inspections. We do not do electrical or plumbing, we are strictly sanitation.

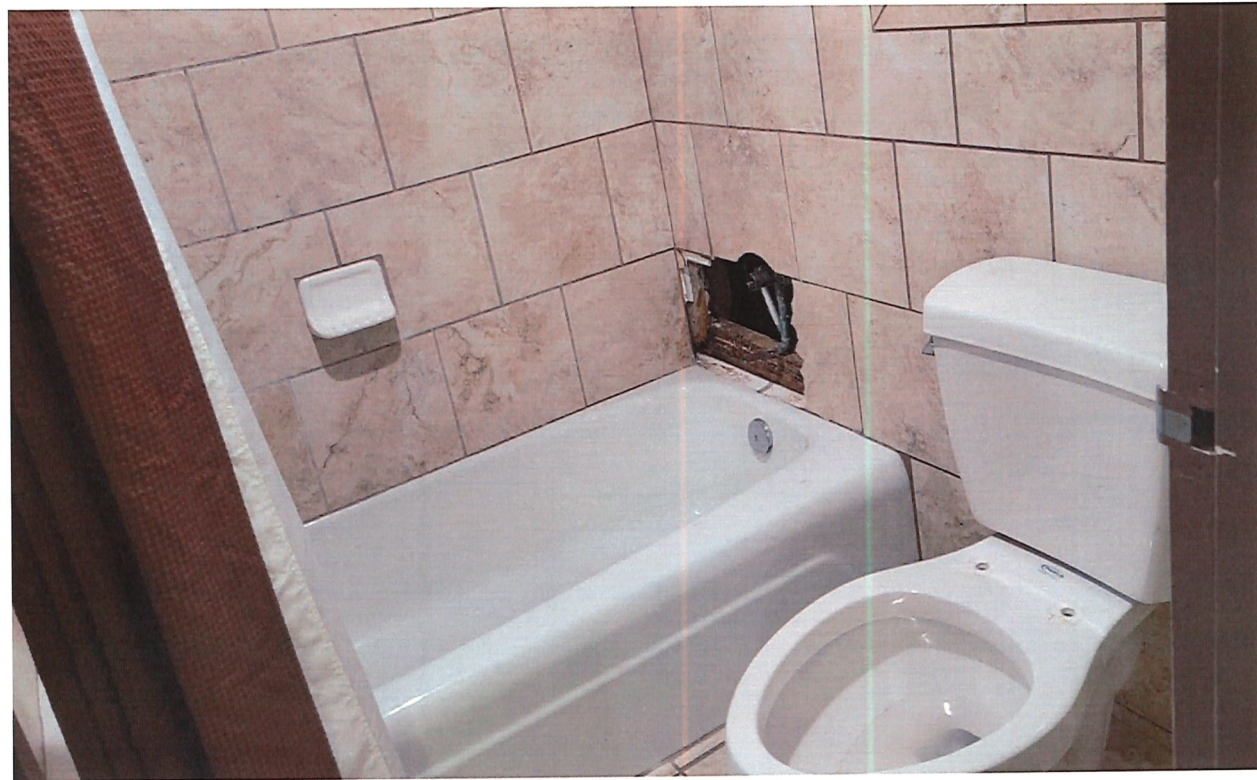
Lew Holloway explained that after those two inspections, our own staff, Code Enforcement Officer Kathy Bragg and Fire Marshal Nate Young and Assistant Fire Marshal John Gillespie inspected the property.

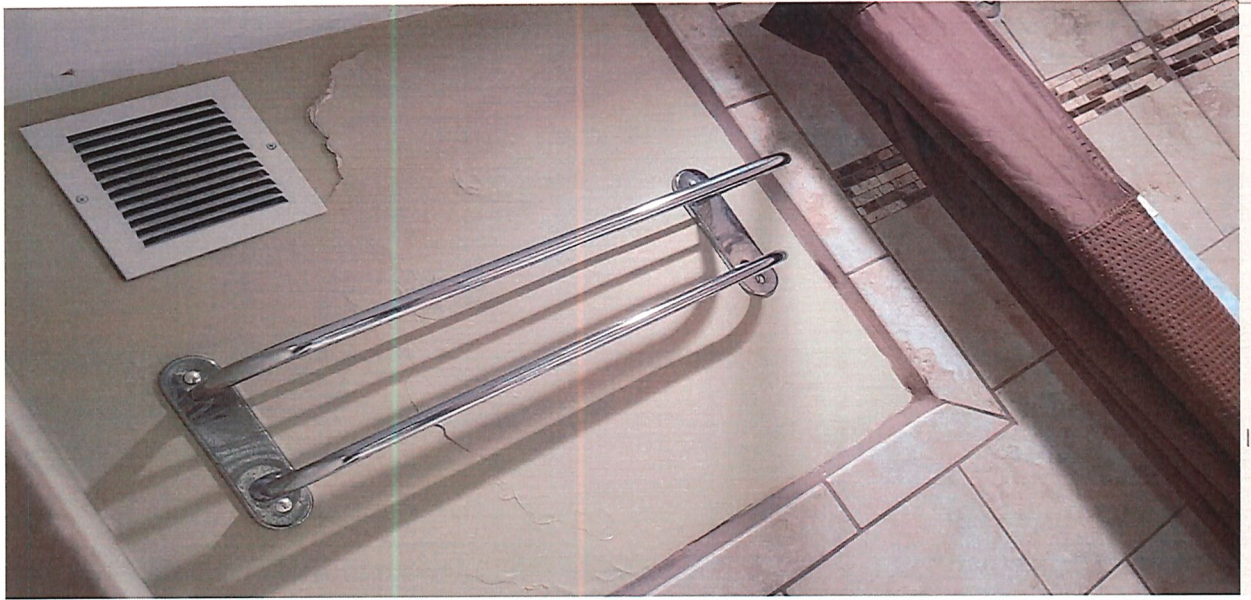
Code Enforcement Officer Kathy Bragg showed photos of what she found.

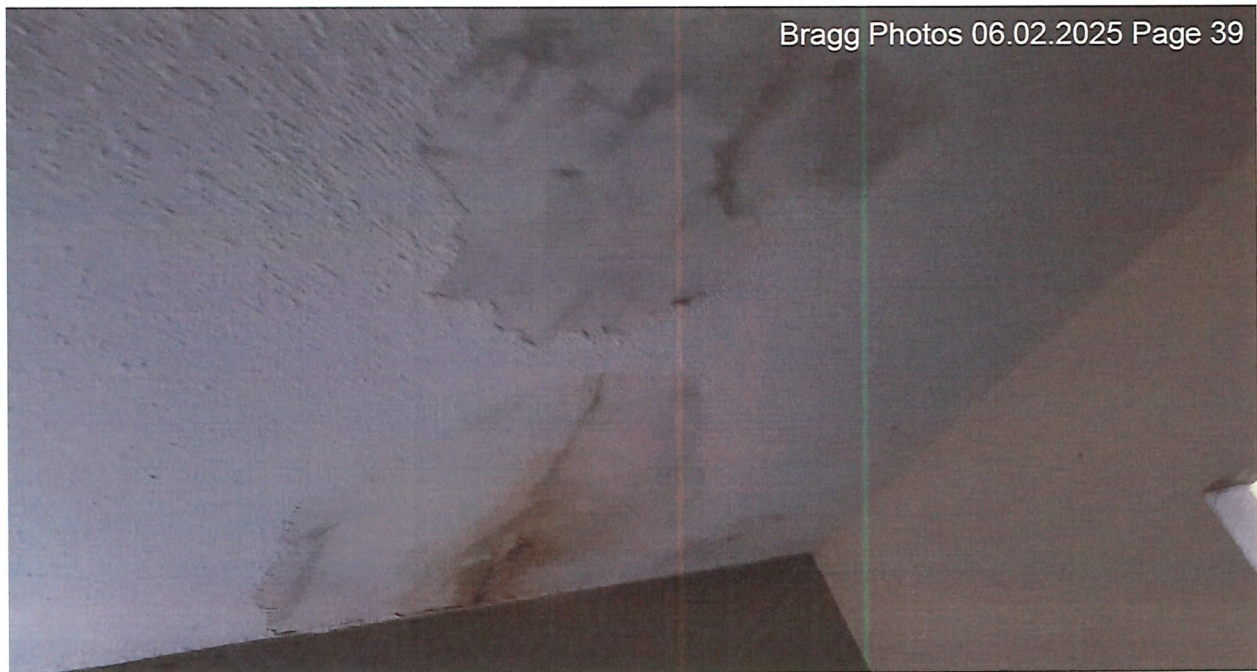




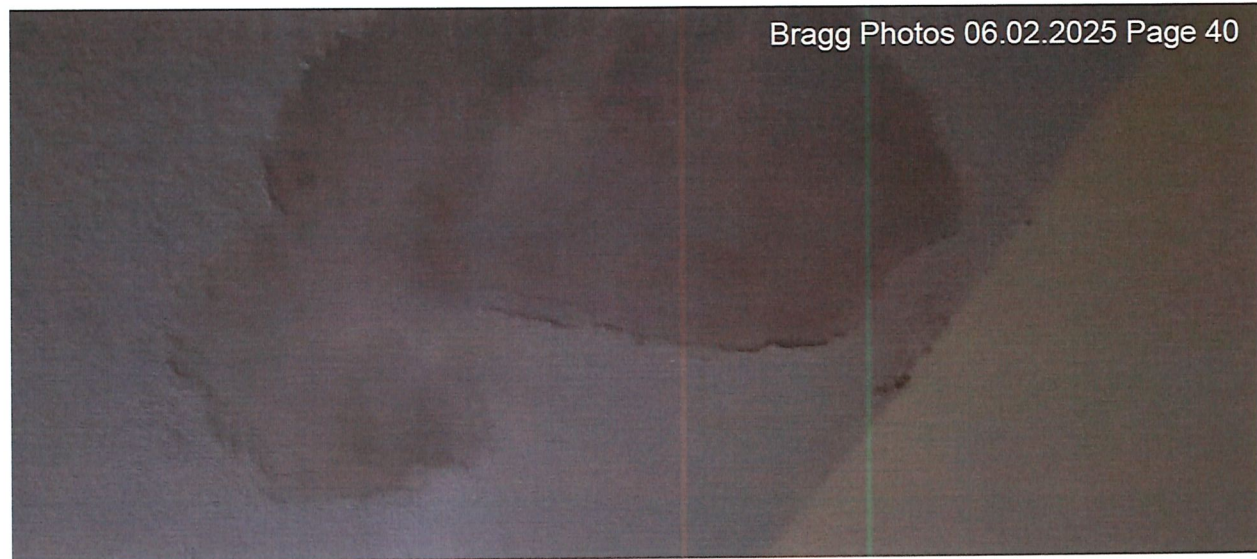




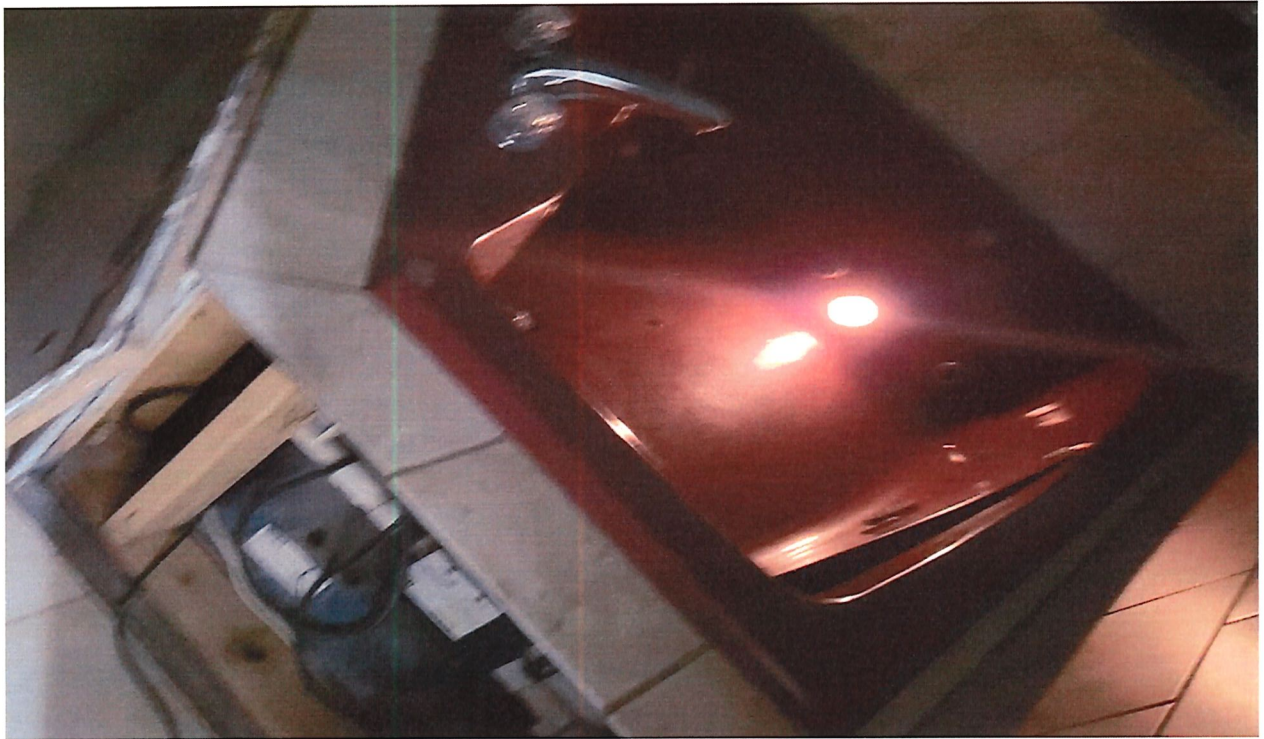




Bragg Photos 06.02.2025 Page 39



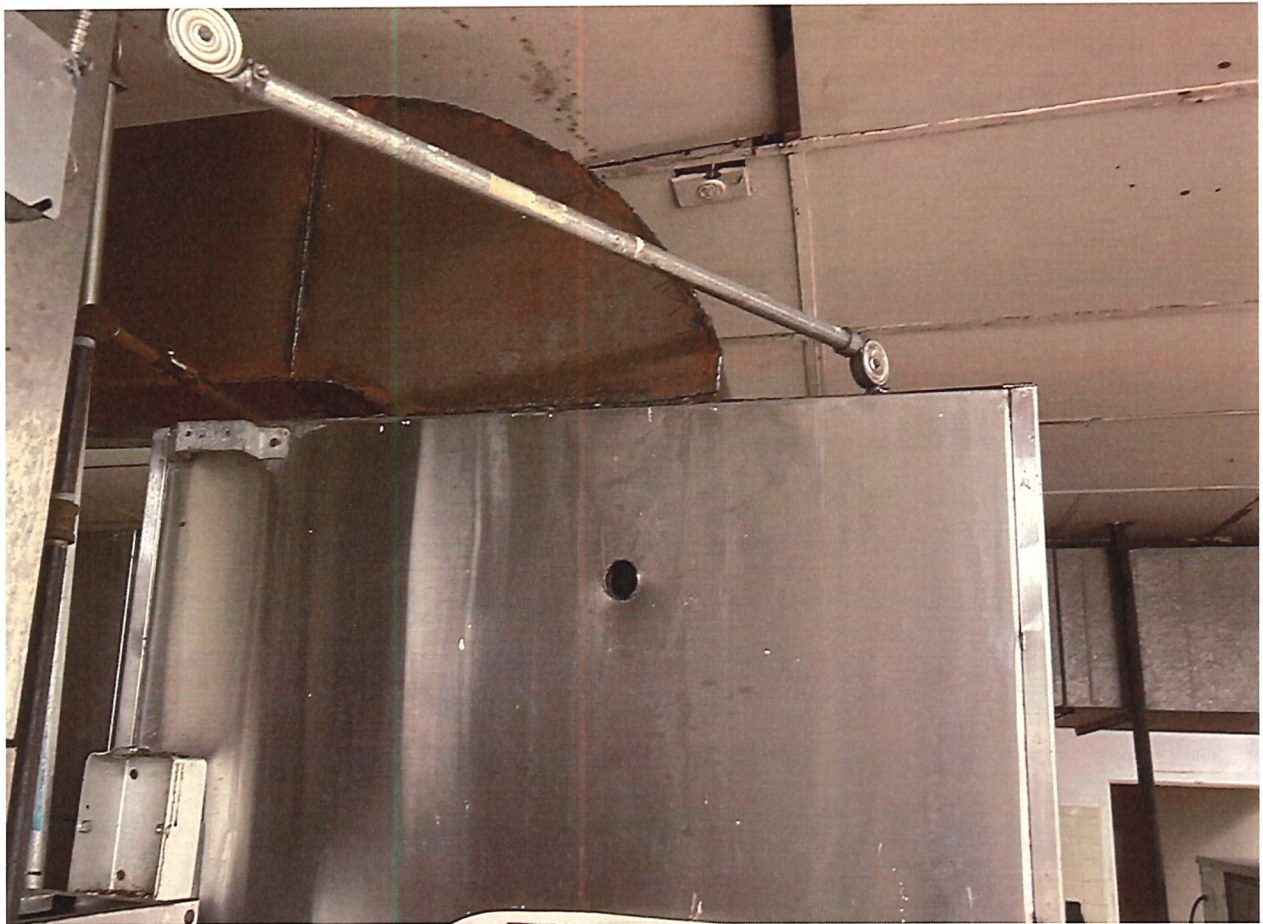
Bragg Photos 06.02.2025 Page 40



Fire Marshal Nate Young said back in November of 2023, I did an annual inspection on the building for which we wrote them up for numerous violations. We tried to work with the manager at the time, Debbie. She continued to go down the same path of "yes we will take care of this" and nothing ever happened. We did reinspections throughout 2024. On June 3, 2024, I issued a non-compliant to them for their sprinkler system being nonfunctional. The sprinkler system had water on it but there were so many deficiencies in it that it needed to be corrected. Three days later, I got a work order from Debbie signed saying that Pye Barker was going to start doing the repairs. I then spoke to Pye Barker who said they had never gotten such a document. So, she forged the document and sent it to me to get me off their trail. From that point we did seventeen visits between June of last year and June of this year trying to get them back into compliance. I worked with the previous manager, the new manager and the new maintenance gentleman so going back to April 11th, we issued a Notice to Evacuate the building. Some of the pictures I am showing you are from earlier this week, and they will rebut some of the things that Ms. Lyda took pictures of two months ago so you will see the condition that it's in now.



This is the backside of the deep fryer hood.



This is a sprinkler head and Johson Controls has been in the building replacing sprinkler heads. They are about 90% done correcting sprinkler issues. The problem they ran into with these is that they caulked them and painted them, which rendered them useless. This situation exists today after the corrections in about 95% of the rooms.



This is their electrical room. Electrical rooms are not used for storage, especially with combustibles. They have a plethora of things inside the electrical room that need to be removed. One of which is the charcoal lighter fluid that is sitting on top of the cabinet.



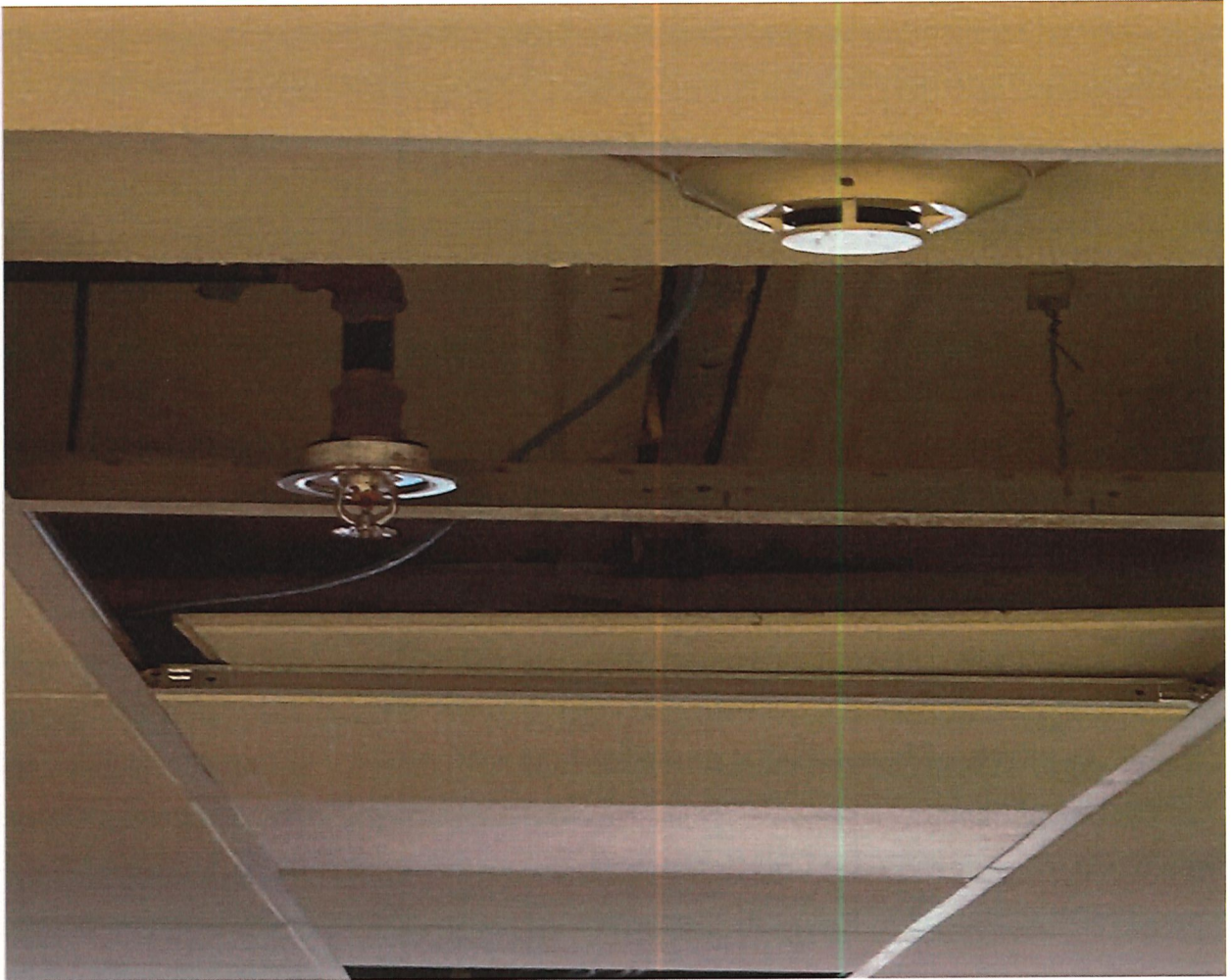
This condition is throughout the building. The smoke detectors have either been removed or have been replaced and they do not have any power so as you walk into the building, all you hear is the beep of a smoke detector. Some that have been replaced are saying "low battery," so this condition exists in pretty much every room.



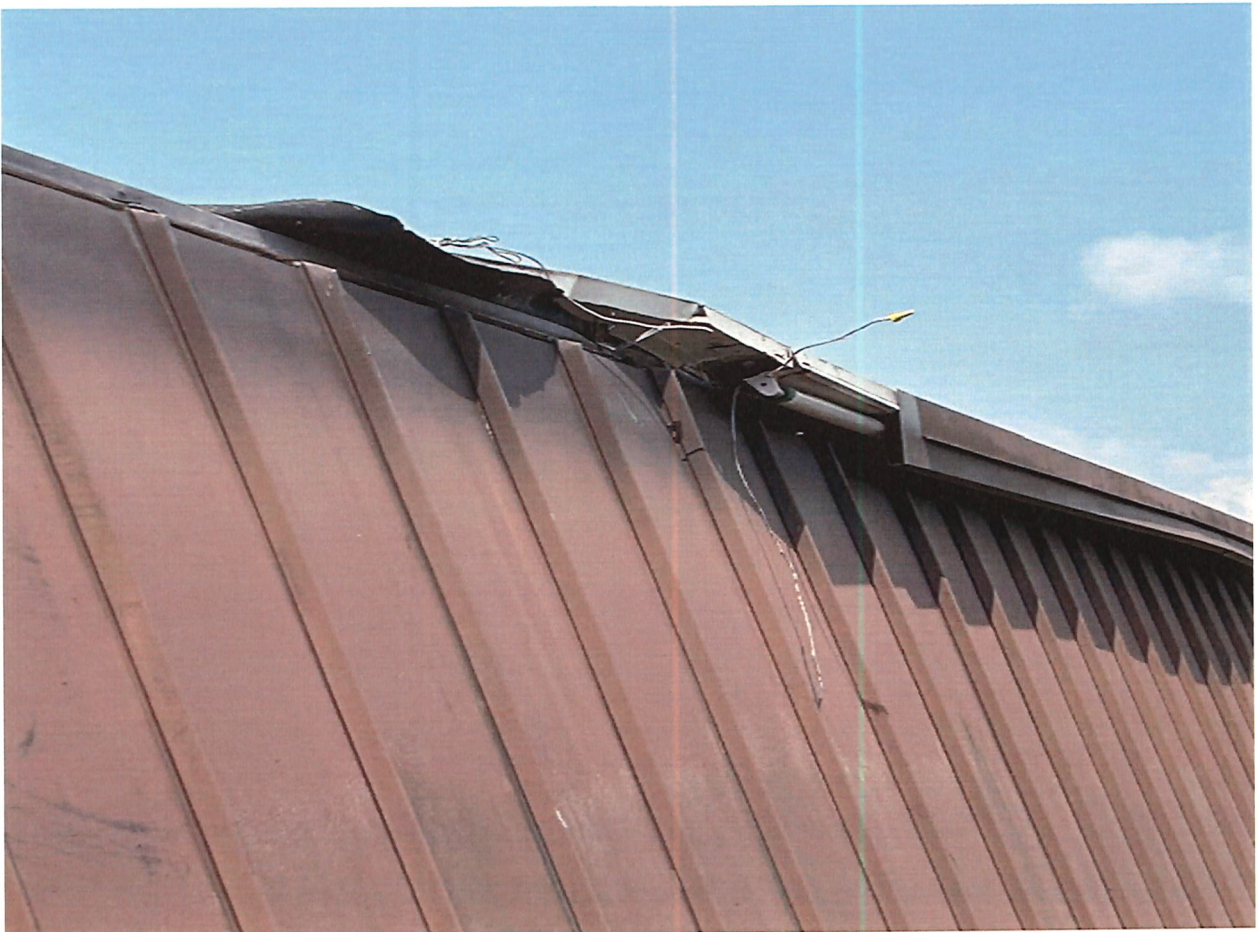
This sprinkler has been replaced and there are gaps and holes around it that need to be fixed, and we also found about half a dozen heads that are brand new that are leaking.



This is in the hallway outside of the boiler room where they have taken the ceiling tiles out to do some work and have not put anything back. Again, if a fire gets in there, it can run up the ceiling and through the entire building.



This is outside of the building. These are open wires that are randomly strawn out into the air. On the other side, the rest of the light fixture is laid up over the other side of the roof with all the wires exposed to the open air.



This egress path, both doors are supposed to have panic hardware on them. On the door that is open, there is panic hardware, but it is not functioning. The other door has throw bolts, so in the event of an emergency, likely only one door will open.



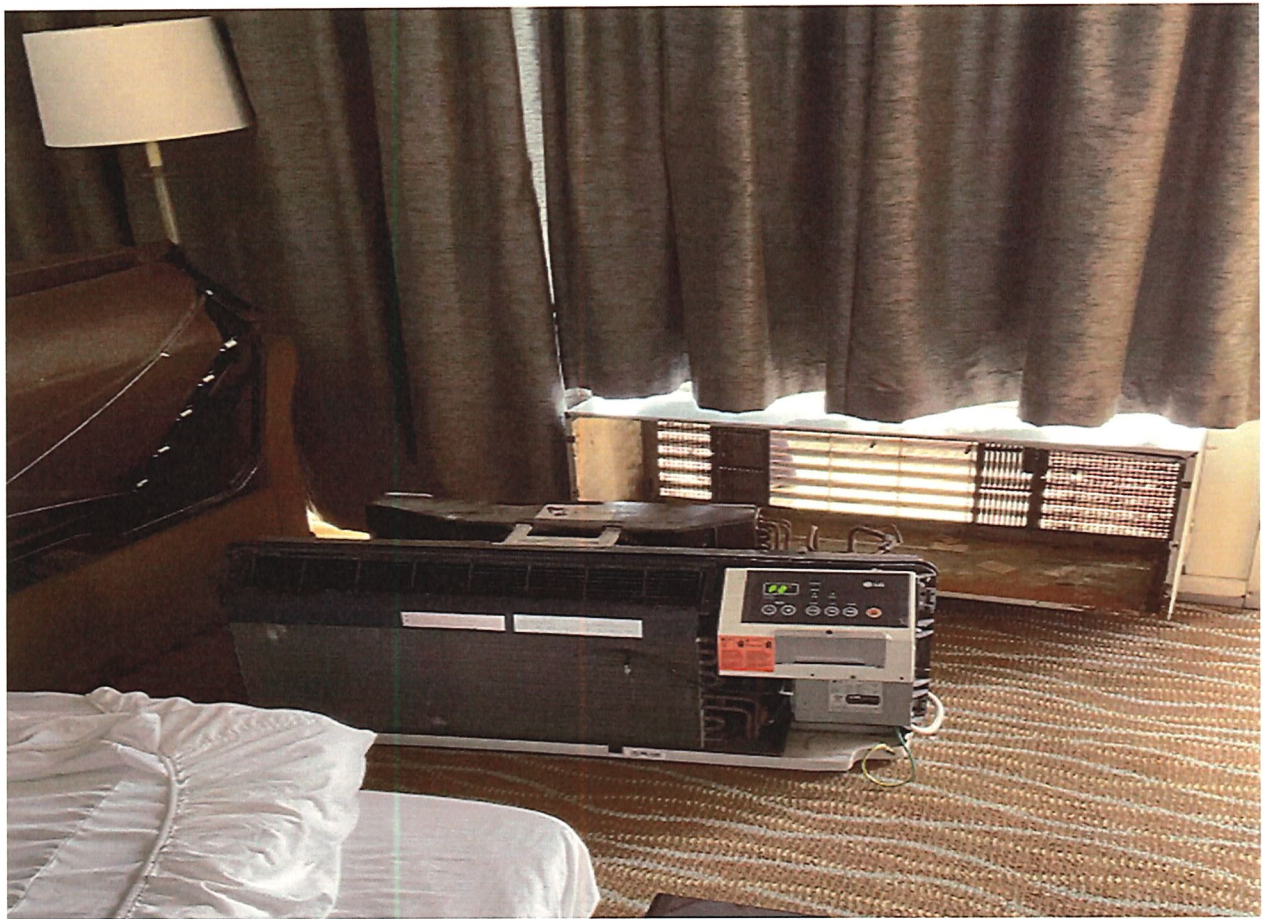
This is in the hot tub room. The spot on the right is water damage and mold. The spot on the left is where they have gone in and put a sprinkler head in that room and completely destroyed the drywall.



This is where the box fan used to be. They removed the box fan and now we have a gaping hole and that hole opens into the lobby so any exhaust that is happening in that room is drifting into the lobby. Again, it has been almost two months and none of these conditions have been resolved.



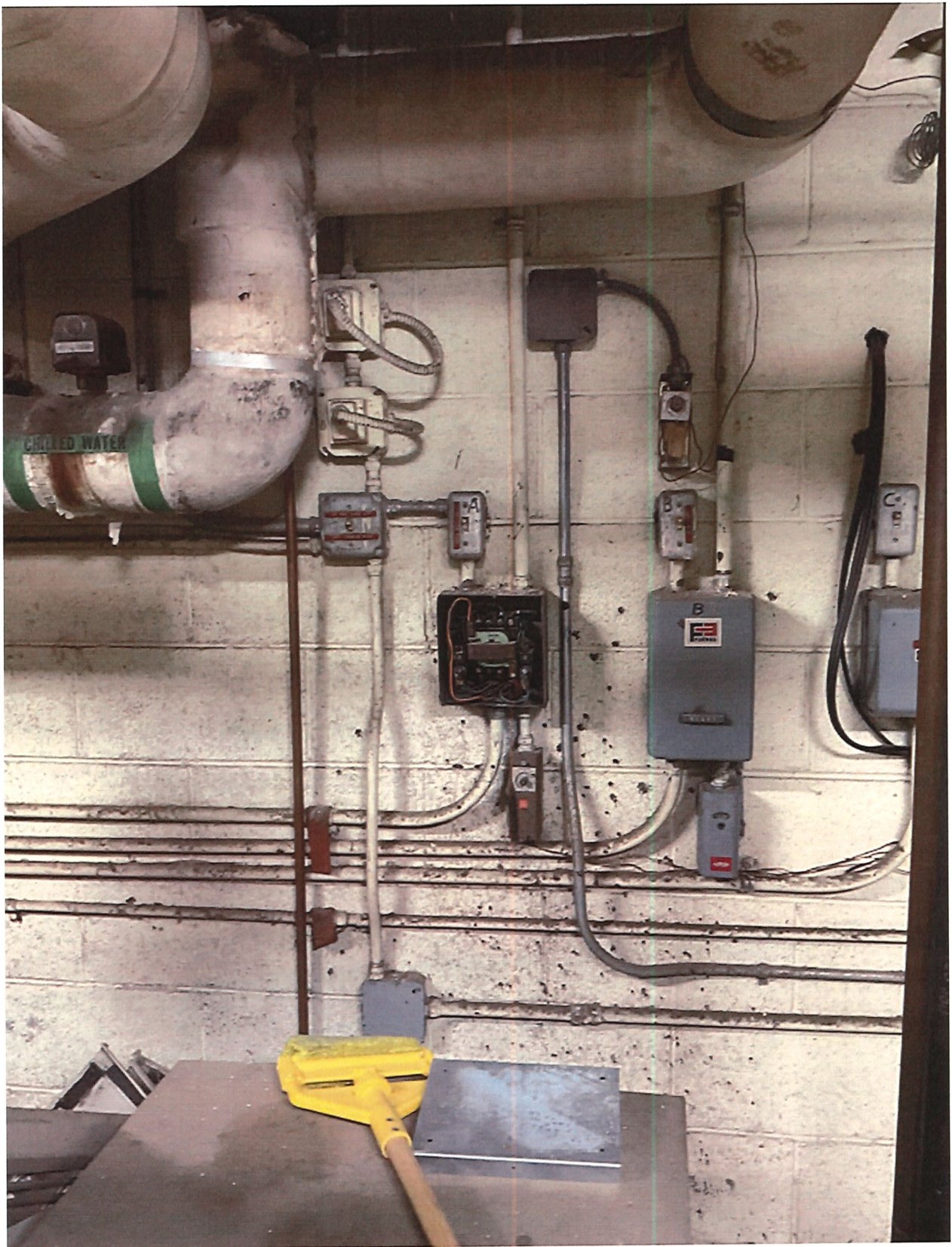
This is an air conditioner that is functioning sitting on the floor inside the room, running and condensating all over the floor so the carpet is completely saturated.



This is in a guest bathroom, exposed wires in the ceiling with no wire nuts on them. I don't know if it has electricity to it or not and this is happening in about a dozen other rooms on the second floor.



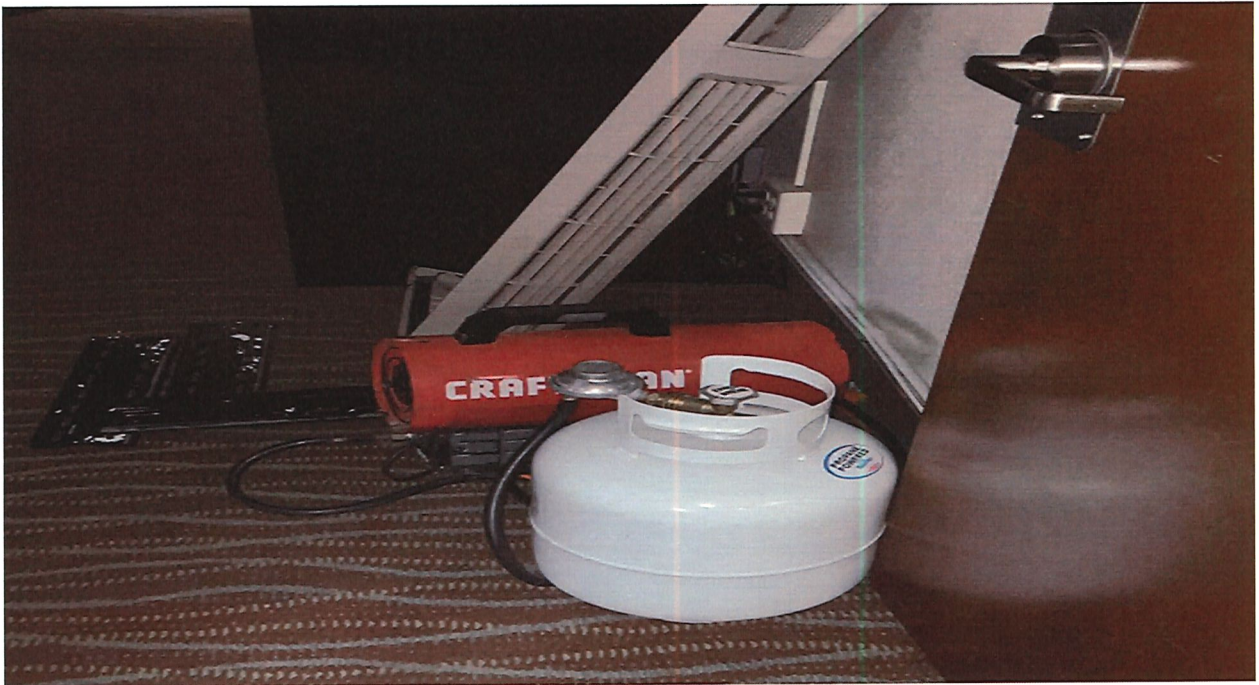
This is in the boiler room. This is open electrical. The cover has been removed and never been replaced.



Ms. Lyda showed you this photo from back in April. This still exists and they are actively running the boilers so this is just exhausting into the boiler room.



This is in a guest room. This is a propane tank that is hooked up to a heater. I am not sure why this condition exists, but the propane tank and heater need to be removed immediately. I asked the manager three times to remove it while we were standing there and when we left, it was still in there.



This is a fire alarm panel and it is actively in trouble. It does not dial out. It does not report. Half of the devices in the building that are there are not in this panel so I don't know where they go to. We pulled the "pull station" and it did absolutely nothing. So, as of today, I have still not issued a permit for the fire alarm. We received plans that were insufficient. The scope of work that was provided to me by Johnson Controls said on the scope of work that it did not meet the code so we returned the plans to them and advised them that they would need to give us a full set of engineered plans that would meet code. It has been over a month and a half and I have not received anything.



This is in the electrical room back inside the manager's office. Again we have a rat's nest of wires just hanging out of an open ceiling where if a fire were to break out, anything could happen. It would run through the ceiling and go through the building.



This is another electrical room with an open ceiling.



We received a sprinkler inspection report from Johnson Controls. We did not solicit the report. Johnson Controls went out there to do an inspection and to get a baseline for where they were at. They provided us with that report which is in your packet. That report notes about 16 different deficiencies ranging from minor to major. One of the major things is because they have enhanced

and changed things over the years with the sprinkler system. It needs a new hydraulic calc plate which has to be part of this inspection for it to pass. As of yesterday, Johnson Controls has not been back and has not been asked to sign any work orders. The inspection that we did, we noted multiple things such as the manager of the building was living at the building at the time we went, on Monday. He was actively cooking in the kitchen and he has been advised that he will get trespassed if we catch him living in the building from this point forward. This has been an issue since the day we gave the notice of evacuation. We've been back a hand full of times trying to get people removed from the building. One other thing is the building in the back which they consider to be the annex is unsecured. We and the police department have run the unhoused out of there quite frequently. The day we issued the evacuation order, they secured the building and then we were there on Monday and the back door was wide open and anyone can walk in. There is power and water in the building. That building has never had a certificate of occupancy. The building was permitted and it went through rough-in inspections and that was where it laid. So historically, that building should never be occupied. Chris Rivera has talked to myself and Lew and has mentioned boarding up the building and we have said "please do" and that was well over a month ago and it still hasn't been done yet. The building needs to be secured and power and utilities removed to the point where nobody can get in there and live inside the building.

Lew Holloway said based on the information presented and the continued existence of a variety of violations of our commercial maintenance code, you have a draft ordinance which we feel all of the violations contained therein still exist and we are asking city council to adopt an ordinance that recognizes that. In totality, the circumstances that have been shown represent a building that is unsafe and unfit for human habitation and the conditions therein jeopardize the health and safety of occupants or members of the general public if permitted to enter. The ordinance establishes that the building is ordered "closed, vacated and condemned" and that the enforcement officer shall cause the note to be posted and remain closed until violations are corrected and abated or alternatively calls for repairs to be made so the ordinance does authorize the code enforcement officer of the city to make repairs after a period of time. Repairs made must comply with applicable codes and inspected by those with jurisdiction. Final inspection by the code enforcement official. All inspectors must be permitted to enter all parts of the building as needed.

Conclusion - Draft Ordinance

- As of the date of the Ordinance, repairs haven't been made
- Totality of the Circumstances,
 - Building is unsafe and unfit for human habitation, and the conditions therein jeopardize the health and safety of any occupants or members of the general public if permitted to enter
- Building is ordered closed, vacated and condemned.
 - Enforcement officer shall cause building to be closed, posted, and remain closed until violations are corrected and abated, or alternatively cause repairs to be made.
- Repairs must comply with applicable codes and be inspected by those with jurisdiction
- Final inspection by code enforcement official
- All inspectors must be permitted to enter all parts of the building
- Building can only be occupied in whole or in part after City Council adopts ordinance to allow occupancy in whole or in part.
- Costs are a lien.
- Overlaps Fire Marshall's evacuation order.



Mr. Edney spoke on behalf of the property owners saying that the owners live in Georgia and that is part of the problem, but they committed between \$250,000-\$300,000 out of their pocket now and then another \$60,000 will have to be paid, but at least they're willing to do that. I ask that you postpone your decision until your July 2nd meeting to see how much they can get done in that amount of time. It is going to be shut down until it is safe to go in there, but we need to get it open as soon as we can, so they have some income coming back in. They are still making the mortgage payment. If you find the manager still living there, arrest him because he has no business being there. Water and electricity should be turned off.

City Council explained that they have had plenty of time to get things done and they are still not.

The City Clerk confirmed this public hearing has been advertised in accordance with North Carolina General Statutes.

The public hearing was opened at 9:16 p.m.

There were no public comments.

The public hearing was closed at 9:16 p.m.

Council Member Jennifer Hensley moved that City Council adopt an Ordinance to Order the Structure at 201 Sugarloaf Road be Vacated and Closed to Comply with the Standards of Chapter 12 Article III of the City Code and to allow the Order of Conditions from February 28, 2025, apply to this order. A unanimous vote of the Council followed. Motion carried.

Ordinance #0-25-36

**AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO ORDER THE
STRUCTURE AT 201 SUGARLOAF ROAD BE VACATED AND CLOSED TO COMPLY
WITH THE STANDARDS OF CHAPTER 12 ARTICLE III OF THE CITY CODE**

INRE: Hendersonville
Hospitality, LLC 201 Sugarloaf Road
Hendersonville, NC 28792
PIN: 9579-56-1085

WHEREAS, Hendersonville Hospitality, LLC (hereinafter the "Owner") is the owner of that real property located at 201 Sugarloaf Road, and being more particularly described in that deed recorded in Deed Book 3708 at page 653, Henderson County registry (hereinafter the "Property"); and

WHEREAS, The Property is developed as a hotel/resort and includes two commercial structures. The structure with the property address 201 Sugarloaf Rd has 62,977 square feet, such structure hereinafter referred to as the "Subject Structure". There is a second structure located on the parcel that is currently vacant and includes 16,129 square feet, hereinafter "Subordinate Structure."

WHEREAS, On or about December 4, 2024, January 17, 2025, January 24, 2025, and February 12, 2025, the Code Enforcement Officer of the City of Hendersonville (hereinafter called the "Code Enforcement Officer") pursuant to Chapter 12; Article III; Sections 12-41 of the Code of Ordinances of the City of Hendersonville (hereinafter called the "Code"), and G.S. 160D-1129, conducted a preliminary investigation of the Subject Structure and documented evidence of violations of the minimum standards contained in Sec. 12-40 of the Code; and

WHEREAS, The Code Enforcement Officer caused a complaint to be served upon the Owner and parties in interest stating the charges and giving notice of an administrative hearing; and

WHEREAS, The Code Enforcement Officer held an administrative hearing on January 8, 2025 and February 13, 2025 and based on the evidence submitted determined that violations of the minimum standards contained in Sec. 12-40 of the Code exist and issued a written order, dated February 28, 2025, stating findings of fact in support of the determination of the violations, hereinafter "Enforcement Order"; and

WHEREAS, The Enforcement Order further found that the violations of Sec. 12-40 of the Code will jeopardize the safety or health of the occupants of the Subject Structure or the general public, and required the owner to repair the Subject Structure and the premises or otherwise vacate and close the Subject Structure no later than March 28, 2025; and

WHEREAS, No appeal from the Enforcement Order was made pursuant to G.S. 160D-1208; and

WHEREAS, The Owner, after having been given a reasonable opportunity to do so, has failed to complete the remedial actions stated in the Enforcement Order, and therefore the Owner has failed to take prompt corrective action; and

WHEREAS, On April 11, 2025, the Hendersonville Fire Marshall ordered the Subject Structure to be immediately evacuated due to the presence of imminently dangerous conditions, hereinafter "Evacuation Order"; and

WHEREAS, subsequent to the issuance of the Evacuation Order, six people were found to be occupying the Subject Structure and had to be ordered to leave by the Hendersonville Fire Marshall; and

WHEREAS, the Owner was served with a notice for a public hearing before the City Council; and

WHEREAS, the City Council held a public hearing concerning this matter on June 5, 2025; and

WHEREAS, the Code Enforcement Officer has requested the City Council of the City of Hendersonville to adopt an Ordinance ordering the Code Enforcement Officer to: (1) Cause the Subject Structure to be repaired, or otherwise may order the building to be vacated and closed, and (2) Cause to be posted on the main entrance of the Subject Structure, a placard entitled, "Notice of condemnation" with the following words: "Notice is hereby given that this building is unfit for any use; the use or occupation of this building for any purpose is prohibited and unlawful. Such building has been condemned under the building laws of the State of North Carolina and the City of Hendersonville."; and

WHEREAS, the North Carolina General Statutes and the City of Hendersonville Code of Ordinances authorize City Council to take the legislative action to adopt such an Ordinance.

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

1. The City Council finds that: As of the date of this Ordinance, the Owner has not caused repairs to be made to the Subject Structure to comply with the Enforcement Order. In particular, the following conditions exist as of the date of this Ordinance:
 - a. Dilapidation, decay, unsanitary conditions or disrepair throughout the property inside and outside the structure.
 - b. Visible trash, soiled linens, soiled carpet, resulting in a foul smell emanating into the common hallway in one or more guest rooms, including room 1249,
 - c. Evidence of bed bugs in one or more guest rooms,
 - d. Broken windows on guest rooms exposing passersby in the common hallways to broken glass,
 - e. Visible organic growth in the second-floor common hallways which appears to be mold or mildew,
 - f. Emergency exit doors being blocked by furniture and debris, doors secured with metal bar, doors barricaded with wood, in particular in the ballroom and the kitchen,
 - g. Lack of adequate heat throughout the commons area of the Subject Structure,
 - h. Exposed wiring throughout the Subject Structure, in particular in the kitchen, FDC room, and second floor maintenance room,
 - i. Evidence of improper wire splicing throughout the Subject Structure, including appliance cords spliced onto lamps and secured with electrical tape,
 - J. Numerous violations of the city fire prevention code which constitute a condition which is unsafe and especially dangerous to life.
 - i. Improper use of extension cords, and extension cords run through walls as permanent wiring,
11. Burned outlets,
111. Inoperable sprinkler system,
 - iv. Sprinkler heads obstructed with drop ceilings,
 - v. No heat in sprinklered areas of the Subject Property, including the ballroom and kitchen, posing a freeze risk to the sprinkler heads and system,
- v1. FDC physically blocked with a locked gate,
 - vii. Improperly wired power to FDC,
 - viii. Inoperable exit signage,
 - ix. Improperly wired exit signage leading to burned out wiring,
 - x. Inoperable emergency lighting,
 - xi. Open junction boxes,
 - xii. Inoperable fire alarm system,
- xm. Inoperable smoke detectors in rooms,
 - xiv. Inoperable fire alarm manual pull stations,
 - xv. Missing fire extinguishers and mounts,
- k. Garbage and solid waste located around the property not contained in approved waste receptacles.
2. Based on the totality of the circumstances, the City Council finds that the Subject Structure is unsafe and unfit for human habitation, and the conditions therein jeopardize the health and safety of any occupants or members of the general public if permitted to enter, and therefore orders the Subject Structure be closed, vacated, and condemned.
3. Pursuant to G.S. 160D-1129, and Section 12-44 of the Code of Ordinances for the City of Hendersonville, the City Council hereby

orders the Code Enforcement Officer to:

- a. Cause the Subject Structure to be vacated and close or alternatively cause repairs to be made; and
 - b. Cause a Notice of Condemnation to be placed on the Subject Structure, to read as follows: "Notice is hereby given that this building is unfit for any use; the use or occupation of this building for any purpose is prohibited and unlawful. Such building has been condemned under the building laws of the State of North Carolina and the City of Hendersonville."
4. The Subject Structure shall remain closed in its entirety and ineligible for occupation until all violations of Chapter 12, Article III of the Code are corrected and abated.
5. No repair shall be deemed complete until such time as such repair has been duly inspected by the appropriate City or County official having jurisdiction over such repair. For the avoidance of doubt, repairs governed by the NC State Building Code must be inspected and approved by the Henderson County Building Inspections Department; repairs governed by the North Carolina Fire Prevention Code must be inspected and approved by the Hendersonville Fire Marshall; and repairs governed by North Carolina public health statutes and accompanying administrative code provisions must be inspected and receive a passing grade by the Henderson County Department of Public Health, Environmental Health Division; and all other violations cited in the Enforcement Order must be inspected and approved by the Hendersonville Code Enforcement Officer.
6. After all repairs have been made, the Owner shall contact the Hendersonville Code Enforcement Officer and other City and County enforcement officials to request inspection for compliance with this Ordinance. The Owner shall permit access to all parts of the Subject Structure, including, without limitation, all rooms and common areas to: the Code Enforcement Officer and staff, Hendersonville Fire Marshall and staff, Henderson County Building Services Director and staff, and Henderson County Environmental Health Director and staff, or their respective designees.
7. The Subject Structure may only be occupied in whole or in part pursuant to an ordinance

adopted by the City of Hendersonville City Council lifting or amending the restrictions contained herein.

8. If any occupant fails to vacate the Subject Structure, the Code Enforcement Officer may file a civil action in the name of the City to remove the occupant in accordance with the terms and requirements contained in G.S. 160D-1129G).
9. Pursuant to Sec. 12-44(e) of the Code and G.S. 160D-1129(i), the amount of the cost vacating and closing the Subject Structure, and/or making the repairs, shall be a lien against the Property upon which the Subject Structure is situated. Such lien shall be filed, have the same priority and be collected as the lien for special assessment provided in G.S. 160A, Art. 10. The amount of the foregoing costs shall also be a lien on any other real property of the Owner located within the city limits except for the Owner's primary residence. This additional lien is inferior to all prior liens and shall be collected as a money judgment.

Adopted this 5th day of June 2025.

Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

8. NEW BUSINESS

A. Annexation: Analysis and Advisement – Upward Road (4JS Produce and Apples LLC) (Flat Rock Cidery) (00-00-ANX) – Sam Hayes, Planner II

Sam Hayes explained that the City of Hendersonville has conducted an annexation analysis for a satellite annexation of PIN 9588-70-5815 and 9588-71-3183 located on Upward Road that is approximately 9.3 acres.


4 JS Produce and Apples LLC (Flat Rock Cidery) (00-00-ANX)

Annexation Analysis and Advisement

City of Hendersonville City Council

June 5th, 2025

Community Development | Planning Division
Sam Hayes | Planner II



Background

PINs:

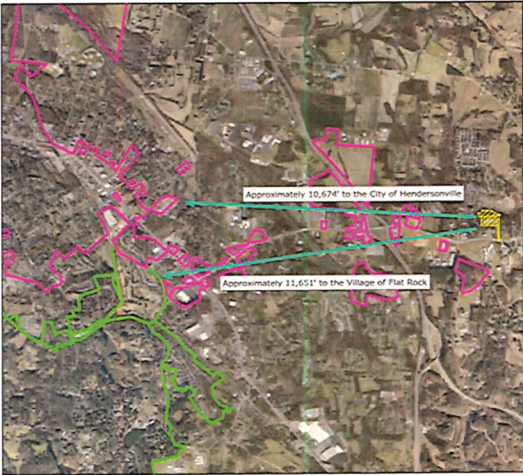
- 9588-70-5815
- 9588-71-3183

Acreage:

- 9.3 acres

Request:


- Cidery and Tap Room



4 JS Produce and Apples LLC 00-00-ANX


PIN: 9588-70-5815 and 9588-71-3183
Acreage: 9.3 acres
Satellite Annexation Map

Legend:
Hendersonville
Flat Rock
Subject Property




Community Development Department


Comprehensive Plan Analysis




Employment and Industry




Encourages industries such as manufacturing, agriculture, distribution, offices, and research and development.




Located along highways and areas with utility access with large available parcels.




Majority of these areas will be served by utilities.




Rural Residential



Encourages low-density residential development, comprised of single-family detached homes on lots one acre or greater.



Located in the eastern and western parts of the city and ETJ.



Conservation design, which includes more open space in exchange for smaller minimum lot sizes may be a preferred approach.

Commercial/Mixed Use Examples



Zoning Analysis



Residential District One (R1)

- + Allowable Uses: No retail other than produce stand and open air market. Current production facility and tap room is classified as agricultural production with an accessory use
- + Residential density: 4 units per acre for single family. 12 units per acre for multifamily
- + Conditional rezoning when 10 or more multifamily dwellings are proposed



Commercial Highway Mixed Use (CHMU)

- + Many uses including light manufacturing with accessory uses.
- + Caps number of residential units per acre depending on the required open space. 12 units per acre maximum with 60% open space provided
- + Other properties are Business C-3 and CHMU
- + Adjacent uses include gas station/convenience store, fast food restaurants, ABC Store, hotels


Staff Analysis


Proposed use in better alignment with Henderson County's 2045 Comprehensive Plan.

Proposed use is allowed by right given the agriculture use in the county zoning.

Proposed use is allowed by right in the city limits given the light manufacturing use.

Annexation Options





Annexation Required and Sewer Provided

a. Project proceeds as presented under CHMU zoning district.

No Annexation Required but City Sewer Provided:

+ Project proceeds as presented and is allowed as an agricultural use in the R1 zoning district.

No Annexation with No City Sewer Provided:

+ Project proceeds as presented and is allowed as an agricultural use in the R1 zoning district.

Council Member Jennifer Hensley moved Council not to move forward in reviewing the annexation petition located at 925 Upward Road and owned by 4 JS Produce Apples LLC (Flat Rock Cidery). The subject property will remain under Henderson County zoning jurisdiction. Additionally, city sewer can be extended to the subject property and if the applicant wishes to be annexed, he can do so by petitioning the city for annexation, but it is not a requirement. A unanimous vote of the Council followed. Motion carried.

B. Letter of Support for the City of Saluda Water System Merger Integration Assistance Grant – Adam Steurer, Utilities Director

Adam Steurer explained that the North Carolina Department of Environmental Quality (NCDEQ) was previously awarded a Merger/Regionalization Feasibility (MRF) study grant to the City of Saluda. The study investigated the challenges, benefits, and implications for the Saluda water system to merge, in part or in whole, to regionalize, or some combination thereof with the partnering utility - Hendersonville. The MRF study identified several needs/projects necessary for a merger of the Saluda water system into the Hendersonville water system. The identified needs/projects will also improve the resilience of the Saluda water system regardless of its ownership. Additional funding administered by NCDEQ is available for local governments for advancing regionalization efforts that improve utility system resiliency. The City of Saluda intends to request funding in an attempt to implement some of the needs/projects identified in the MRF study. A Letter of Support from the partnering utility, Hendersonville, is required for the funding application. The Letter of Support does not commit Hendersonville to act on a merger, in part or in whole, regionalization, or some combination thereof.

Council Member Melinda Lowrance moved City Council to adopt the Resolution by the City Council of Support for the City of Saluda Merger Integration Grant. A unanimous vote of the Council followed. Motion carried.

Resolution #R-25-49

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO SUPPORT THE CITY OF SALUDA MERGER INTEGRATION ASSISTANCE GRANT

WHEREAS, the City of Saluda is a current municipal wholesale Hendersonville water customer; and

WHEREAS, the North Carolina Department of Environmental Quality (NCDEQ) previously awarded a Merger/Regionalization Feasibility (MRF) study grant to the City of Saluda. The study investigated the challenges, benefits, and implications for the Saluda water system to merge, in part or in whole, to regionalize, or some combination thereof with the partnering utility - Hendersonville; and

WHEREAS, the MRF study identified several needs/projects necessary for a merger of the Saluda water system into the Hendersonville water system. The identified needs/projects will also improve the resilience of the Saluda water system regardless of its ownership; and

WHEREAS, additional funding administered by NCDEQ is available for local governments for advancing regionalization efforts that improve utility system resiliency. The City of Saluda intends to request funding in an attempt to implement some of the needs/projects identified in the MRF study; and

WHEREAS, A Letter of Support from the partnering utility, Hendersonville, is required for the funding application. The Letter of Support does not commit Hendersonville to act on a merger, in part or in whole, regionalization, or some combination thereof.

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

1. Authorize the City Manager, John Connet, to execute and submit a Letter of Support for the City of Saluda Merger Integration Grant.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 5th day of June, 2025.

Barbara G. Volk, Mayor

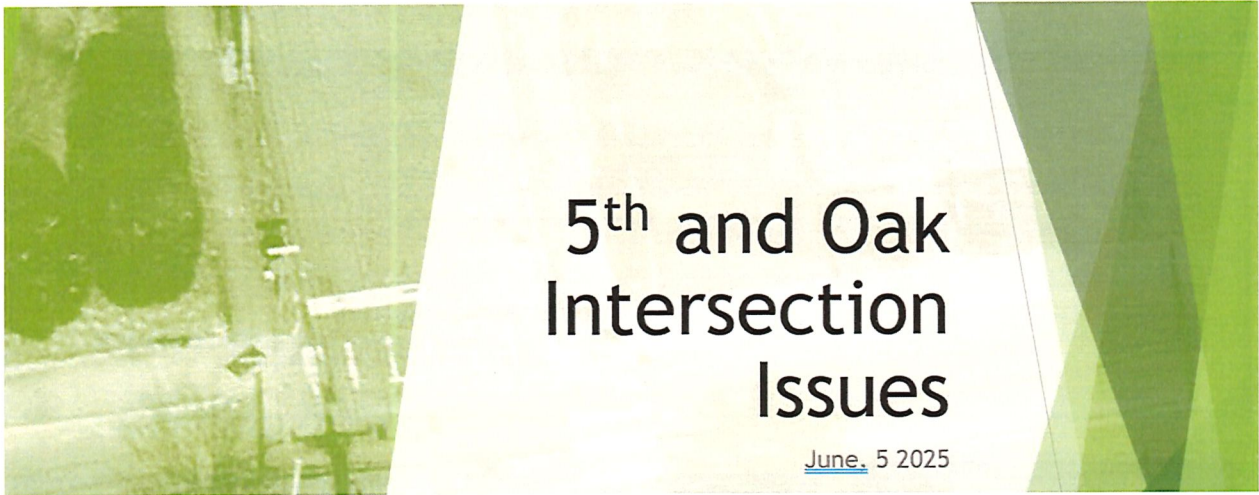
Attest: /s/Jill Murray, City Clerk

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

C. Discussion Regarding N. Oak Street and 5th Avenue Intersection – Jennifer Hensley, Mayor Pro Tem

City Manager John Connet explained that Mayor Pro Tem Hensley requested a discussion regarding the installation of a traffic signal at 5th Avenue and N. Oak Street due to recent accidents.

Public Services Director Brent Detwiler gave the following PowerPoint presentation.



CRASH DATA

Date	Injury/Damage	Cause	Direction Traveling	Comments
7/23/2021	Property Damage	Failure to Yield from Oak	North	Vehicle stopped but couldn't see cross traffic
11/17/2021	Property Damage	Failure to Yield from Oak	South	Vehicle stopped but couldn't see cross traffic
11/20/2021	Property Damage	Failure to Yield from Oak	North	Vehicle stopped but didn't yield to cross traffic
1/19/2022	Property Damage	Failure to Yield from Oak	South	Vehicle did not stop at sign
10/13/2022	Property Damage	Failure to Yield from Oak	North	Vehicle did not stop at sign
2/15/2023	Property Damage	Failure to Yield from Oak	North	Vehicle stopped but didn't yield to cross traffic
6/22/2023	Property Damage	Failure to Yield from Oak	North	Vehicle stopped but didn't realize cross traffic didn't stop
7/22/2024	Minor Injury	Failure to Yield from Oak	South	Vehicle stopped but couldn't see cross traffic
12/24/2024	Minor Injury	Failure to Yield from Oak	North	Vehicle stopped but didn't yield to cross traffic
4/8/2025	Property Damage	Failure to Yield from Oak	North	Vehicle did not stop at sign
5/28/2025	Property Damage	Failure to Yield from Oak	North	Vehicle did not stop at sign



The French Broad River Metropolitan Planning Organization (FBRMPO) and Land of Sky Rural Planning Organization (LSRPO) are developing a comprehensive safety action plan, referred to as Safe Streets for WNC plan. This study will identify roadway issues through a multi-disciplinary lens, lay a foundation of strategies for implementation, and provide guidance on improving roadway transportation safety in the 5-county region. The counties in this region include Buncombe, Haywood, Henderson, Madison, and Transylvania counties.



Madison
Haywood
Buncombe
Henderson
Transylvania





STEPS FOR DEVELOPING A SAFETY PLAN

- 1 PROJECT INITIATION
- 2 IDENTIFY TRANSPORTATION SAFETY CONCERNS AND HIGH-RISK AREAS
- 3 CORRELATE SAFETY, CRASH, AND ROAD USE DATA ANALYSIS
- 4 COMMUNITY OUTREACH AND ASSEMBLE PUBLIC AND LOCAL ORGANIZATIONS
- 5 ASSESS OPPORTUNITIES FOR POLICY AND PLAN INCORPORATION
- 6 PARTNER DEVELOP AND IMPLEMENT SAFETY PROJECTS AND PROGRAMS

For More Information: visit the FBRMPO website (<https://frenchbroadrivermpo.org>) to stay up-to-date on plan updates, community survey opportunities, and public outreach events!


Reach out to Hannah Bagli, Land of Sky Regional Council at hbagli@landofsky.org with inquiries.





SAFETY
COUNTERMEASURE
LIBRARY

CRASH TYPE: INTERSECTION



COUNTERMEASURE TYPE

SIGNAGE / MARKINGS / FLASHERS

Warning signage and enhanced pavement marking alert drivers to changing roadway conditions, such as STOP controlled or signalized intersections. While these low-cost treatments alone do not typically control traffic, they do increase visibility of the hazard or roadway future.

KEY SELECTION FACTORS

Visibility or conspicuity enhancements on the approach to a controlled intersection alert the driver to slow down and prepare to stop. Additional features, such as blank out signs, tell the driver when conditions are changing for a permitted turning movement, such as restricting left or right turns during a pedestrian phase when actuated.

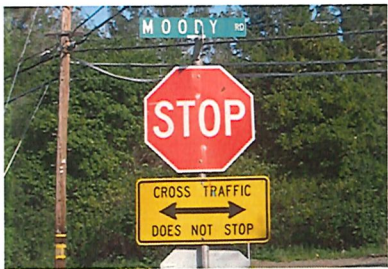
Specific Countermeasures	Urban or Rural	CRF %	Severity	Cost
Provide "Stop Ahead" Pavement Markings at 3-Leg Intersection	Rural	67	All	\$\$\$
Provide "Stop Ahead" Pavement Markings at 4-Leg Intersection	Rural	64	All	\$\$\$
Actuated "Prepare to Stop" Signs in Advance of Unsignalized Intersection with Sight Distance Issues	All	32	All	\$\$\$
Introduce Stop Ahead pavement Markings for All Way Stop Controlled Intersection	Rural	42	K, A, B, C	\$\$\$
Introduce Stop Ahead Pavement Markings for Minor Road Stop Controlled Intersection	Rural	8	K, A, B, C	\$\$
Install Left Turn Yield Blank Out Sign	Urban	15	All	\$
Provide "Stop Ahead" Pavement Markings	Rural	74	All	\$\$\$
Replace Standard Stop Sign with Flashing LED Stop Sign	All	41	All	\$\$\$
Install Activated Advance Warning Flashers for Signal	All	30	All	\$\$\$

NCDOT GUIDANCE

N/A

SUPPLEMENTAL GUIDANCE

FHWA, Proven Safety Countermeasures: Systemic Application of Low-Cost Countermeasures at Stop-Controlled Intersections (2021)



Proposed Treatments

Consensus of Council is to place “stop ahead” markings on the road and using signs that say, “5th Avenue Traffic Does Not Stop” and then doing a traffic study using MUTCD Manual on Uniform Traffic Control Devices to evaluate whether a traffic signal is necessary. Brent Dedtwiler suggested that we look at other intersections as well to make sure everywhere is safe.

D. Appointment to the Fireman’s Relief Fund – John Connet, City Manager

Council Member Jennifer Hensley nominated Council Member Gina Baxter to the Fireman’s Relief Fund. A unanimous vote of the Council followed. Motion carried.

E. FY26 Special Appropriations – Jenny Floyd, Management Analyst

Council Member Lyndsey Simpson said I want to disclose that I am currently engaged in performing work for the Boys and Girls Club of Henderson County. I have clarified with them that no funds from the City can be used to pay for the work that I am doing for them. I would also like to disclose that I have not participated in the special appropriations process for this non-profit; however, in order to avoid a possible conflict of interest, I request that the City Council permit me to recuse myself from voting on the special appropriations for this non-profit.

Council Member Melinda Lowrance moved that the City Council excuse Council Member Simpson from voting on the special appropriations for the Boys and Girls Club of Henderson County.

Council Member Jennifer Hensley moved that the City Council approves the special appropriations for the Boys and Girls Club of Henderson County.

Council Member Melinda Lowrance said I would like to disclose that I have a role in the Henderson County Education Foundation. I have not participated in the special appropriations process for this non-profit and request that the City Council permit me to recuse myself from voting on the special appropriations for the Henderson County Education Foundation.

Council Member Gina Baxter moved that the City Council excuse Council Member Lowrance from voting on the special appropriations for the Henderson County Education Foundation.

Council Member Lyndsey Simpson moved that the City Council approves the special appropriation for the Henderson County Education Foundation.

Council Member Gina Baxter said I would like to disclose that I have a role in the Children & Family Resource Center. I have not participated in the special appropriations process for this non-profit and request that the City Council permit me to recuse myself from voting on the special appropriations for the Children & Family Resource Center.

Council Member Lyndsey Simpson moved that the City Council excuse Council Member Baxter from voting on the special appropriations for the Children & Family Resource Center.

Council Member Lyndsey Simpson moved that the City Council approve the special appropriation for the Children & Family Resource Center.

Council Member Lyndsey Simpson moved that the City Council approve the remaining special appropriation allocations as presented.

Special Appropriation Requests - Discretionary Funding		
City Manager Appropriation Target		\$ 155,000
Organization	FY26 Request	Council Appropriation
Appropriation Available (25% of Budget)		38,750 (1,250)
Arts Council of Henderson County, Inc.	14,135	2,600
Blue Ridge Literacy Council- Literacy	10,000	10,000
Boy's & Girl's Club of Henderson County	7,000	4,400
Flat Rock Playhouse (Yagabond School)	2,050	1,210
Henderson County Education Foundation	4,000	3,200
Hendersonville Community Theatre	3,500	2,850
Hendersonville Shuffleboard Club	1,250	1,250
Hendersonville Symphony	6,000	3,100
Team ECCO	2,000	1,600
The Hope Center of Hendersonville	5,000	4,540
YMCA of Western North Carolina	5,250	5,250
Sub-Total	60,185	40,000
Appropriation Available (75% of Budget)		116,250 (1,870)
Agribusiness Henderson County (AgHC)	5,000	1,800
Blue Ridge Community Health Services	10,000	7,200
Blue Ridge Humane	5,000	2,900
Children & Family Resource Center	10,000	4,400
Henderson County Council on Aging	21,000	9,100
Henderson County Habitat for Humanity	107,000	44,400
Interfaith Assistance Ministry - Rent Asst.	75,000	20,420
Medical Loan Closet of Henderson County	2,800	2,800
Only Hope WNC	10,000	3,000
Safelight, Inc.	35,000	8,550
St. Gerard House	3,000	1,750
The Mediation Center	1,500	700
Thrive	10,000	6,400
True Ridge	10,000	4,700
Sub-Total	305,300	118,120
Total	365,485	158,120

Special Appropriation Requests - Full Funding		
Organization	FY26 Requests	Council Appropriation
Henderson County Economic Investment Fund	50,000	-
Henderson County Partnership for Econ. Dev.	25,000	-
Henderson County Rescue Squad	15,000	-
Merchant's and Business Association	2,500	-
Mills River Partnership	80,000	-
Total	172,500	-

9. BOARDS & COMMITTEES

A. Appointment to Various Boards – *Jill Murray, City Clerk*

Animal Services Advisory Committee

City Council Member Jennifer Hensley moved that the City Council reappoint Melissa Vazquez to the Animal Services Advisory Board to a three-year term ending June, 2028. A unanimous vote of the Council followed. Motion carried.

City Council Member Jennifer Hensley moved that the City Council reappoint Jean Greeson to the Animal Services Advisory Board to a three-year term ending June, 2028. A unanimous vote of the Council followed. Motion carried.

City Council Member Jennifer Hensley moved that the City Council appoint Joy Edwards to the Animal Services Advisory Board to a three-year term ending June, 2028. A unanimous vote of the Council followed. Motion carried.

Blue Ridge ABC Board

City Council Member Melinda Lowrance moved that the City Council reappoint Marcia Kane to the Blue Ridge ABC Board to a three-year term ending June, 2028. A unanimous vote of the Council followed. Motion carried.

City Council Member Melinda Lowrance moved that the City Council reappoint Paul Bakke to the Blue Ridge ABC Board to a three-year term ending June, 2028. A unanimous vote of the Council followed. Motion carried.

Board of Adjustment

City Council Member Lyndsey Simpson moved that the City Council reappoint Rhona Reagen to the Board of Adjustment to a three-year term ending June, 2028. A unanimous vote of the Council followed. Motion carried.

City Council Member Lyndsey Simpson moved that the City Council reappoint Libby Collina to the Board of Adjustment to a three-year term ending June, 2028. A unanimous vote of the Council followed. Motion carried.

Business Advisory Committee

City Council Member Jennifer Hensley moved that the City Council reappoint Andrea Martin to the Business Advisory Committee to a three-year term ending June, 2028. A unanimous vote of the Council followed. Motion carried.

City Council Member Jennifer Hensley moved that the City Council reappoint Tiffany Lucey to the Business Advisory Committee to a three-year term ending June, 2028. A unanimous vote of the Council followed. Motion carried.

City Council Member Jennifer Hensley moved that the City Council reappoint Sarah Cosgrove to the Business Advisory Committee to a three-year term ending June, 2028. A unanimous vote of the Council followed. Motion carried.

City Council Member Jennifer Hensley moved that the City Council reappoint Adam Justus to the Business Advisory Committee to a three-year term ending June, 2028. A unanimous vote of the Council followed. Motion carried.

Downtown Mainstreet Advisory Committee

City Council Member Lyndsey Simpson moved that the City Council reappoint Mark Paveo (Main Street) to the Downtown Mainstreet Advisory Committee to a three-year term ending June, 2028. A unanimous vote of the Council followed. Motion carried.

City Council Member Lyndsey Simpson moved that the City Council reappoint Phil Wilmot (7th Avenue) to the Downtown Mainstreet Advisory Committee to a three-year term ending June, 2028. A unanimous vote of the Council followed. Motion carried.

City Council Member Lyndsey Simpson moved that the City Council appoint Sheryl Solomon (Main Street) to the Downtown Mainstreet Advisory Committee to a three-year term ending June, 2028. A unanimous vote of the Council followed. Motion carried.

City Council Member Lyndsey Simpson moved that the City Council appoint Jenny Breedlove (Main Street) to the Downtown Mainstreet Advisory Committee to a three-year term ending June, 2028. A unanimous vote of the Council followed. Motion carried.

City Council Member Lyndsey Simpson moved that the City Council appoint Herman Holt (At-Large) to the Downtown Mainstreet Advisory Committee to a three-year term ending June, 2028. A unanimous vote of the Council followed. Motion carried.

Tree Board

City Council Member Lyndsey Simpson moved that the City Council appoint Ariel Williams to the Tree Board to fill an unexpired term which will expire in June, 2027. A unanimous vote of the Council followed. Motion carried.

City Council Member Lyndsey Simpson moved that the City Council appoint Clarence Oakman to the Tree Board to fill an unexpired term which will expire in June, 2027. A unanimous vote of the Council followed. Motion carried.

9. CITY MANAGER REPORT

City Manager Connet said that we will be cancelling the June 28th meeting due to some vacations, and everyone will need coffee in the morning so go by Dunkin Donuts between 7:30 a.m. & 9:30 a.m. Tomorrow is National Donut Day and HPD will be there passing out donuts.

A. May 2025 Contingency and Adjustment Report – John Connet, City Manager

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

NCGS 159-15 permits the Budget Officer (City Manager) to transfer budget from one appropriation to another within the same fund, provided any such transfers are reported to the Governing Board. The City of Hendersonville refers to transfers of budget from one appropriation to another within the same fund as a “budget adjustment.” City Council authorizes budget adjustments each year with the adoption of the annual budget ordinance (SECTION 4).

This agenda item serves to fulfill the reporting requirements of both NCGS 159-13(b) and 159-15 by providing City Council a summary of all amendments and adjustments occurring thus far in the fiscal year.

FISCAL YEAR 2024 - 2025 (FY25)						Completed	Corrected				
BUDGET AMENDMENTS AND ADJUSTMENTS						Proposed	Denied				
ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET			DESCRIPTION	APPROVED	TYPE	AMENDMENT NUMBER
010-1300-521001	Supplies and Materials	131,045	-	31,400	99,645			FLOCK cameras	yes	Adjustment	4/30/2025
010-1300-534000	Non-Capital Equipment	6,500	31,400	-	37,900			FLOCK cameras	yes	Adjustment	4/30/2025
010-1502-534000	Non-Capital Equipment	28,805	-	8,000	20,805			Waste Reduction Grant Project #G2403	yes	Amendment	5/1/2025
010-0000-598901	Transfer Out (to 301, #G2403)	2,243,298	8,000	-	2,251,298			Waste Reduction Grant Project #G2403	yes	Amendment	5/1/2025
301-0000-470100-G2403	Transfer In (from 010, FY25)	-	8,000	-	8,000			Waste Reduction Grant Project #G2403	yes	Amendment	5/1/2025
301-0000-420050-G2403	Grant Revenue	40,000	-	-	40,000			Waste Reduction Grant Project #G2403	yes	Amendment	5/1/2025
301-7855-550102-G2403	Capital Outlay- Services and Fees	40,000	8,000	-	48,000			Waste Reduction Grant Project #G2403	yes	Amendment	5/1/2025
010-0000-470900	Fund Balance Approp. (FY15)	150,000	-	-	150,000			Tracey Grove Bridge Project #15929	yes	Amendment	5/1/2025
010-0000-470900	Fund Balance Approp. (FY16)	58,000	-	-	58,000			Tracey Grove Bridge Project #15929	yes	Amendment	5/1/2025
010-0000-410001	Local Sales & Use Tax (Sales Tax, FY25)	6,117,500	124,835	-	6,242,335			Tracey Grove Bridge Project #15929	yes	Amendment	5/1/2025
010-0000-598901	Transfer Out (to 410, #15929, FY15)	150,000	-	-	150,000			Tracey Grove Bridge Project #15929	yes	Amendment	5/1/2025
010-0000-598901	Transfer Out (to 410, #15929, FY16)	58,000	-	-	58,000			Tracey Grove Bridge Project #15929	yes	Amendment	5/1/2025
010-0000-598901	Transfer Out (to 410, #15929, FY25)	-	124,835	-	124,835			Tracey Grove Bridge Project #15929	yes	Amendment	5/1/2025
410-0000-470010-15929	Transfer In (from 010, FY15)	150,000	-	-	150,000			Tracey Grove Bridge Project #15929	yes	Amendment	5/1/2025
410-0000-470010-15929	Transfer In (from 010, FY16)	58,000	124,835	-	182,835			Tracey Grove Bridge Project #15929	yes	Amendment	5/1/2025
410-0000-470010-15929	Transfer In (from 010, FY25)	-	-	-	-			Tracey Grove Bridge Project #15929	yes	Amendment	5/1/2025
410-0000-420050-15929	Reimbursements	832,000	-	832,000	-			Tracey Grove Bridge Project #15929	yes	Amendment	5/1/2025
410-0000-420050-15929	Grant Revenue (NCDOT)	-	260,154	-	260,154			Tracey Grove Bridge Project #15929	yes	Amendment	5/1/2025
410-1014-550103-15929	Capital - CIP	1,040,000	384,989	832,000	592,989			Tracey Grove Bridge Project #15929	yes	Amendment	5/1/2025
410-0000-460090-18026	Contributions/Donations - Carolina Village	250,000	-	-	250,000			Clear Creek Greenway Project #18026	yes	Amendment	5/1/2025
410-0000-460090-18026	Contributions/Donations - Blue Ridge Bicycle Club	10,000	-	-	10,000			Clear Creek Greenway Project #18026	yes	Amendment	5/1/2025
410-0000-460090-18026	Contributions/Donations-WRDG	150,000	-	150,000	-			Clear Creek Greenway Project #18026	yes	Amendment	5/1/2025
410-0000-460090-18026	Contributions/Donations- PARTF 2020	376,000	-	-	376,000			Clear Creek Greenway Project #18026	yes	Amendment	5/1/2025
410-0000-460090-18026	Contributions/Donations-5TBG-DA	1,686,020	-	-	1,686,020			Clear Creek Greenway Project #18026	yes	Amendment	5/1/2025
410-1014-550102-18026	Capital Outlay- Fees and Services	306,620	-	-	306,620			Clear Creek Greenway Project #18026	yes	Amendment	5/1/2025
410-1014-551000-18026	Capital Outlay- Land,Easement,ROW	77,820	-	-	77,820			Clear Creek Greenway Project #18026	yes	Amendment	5/1/2025
410-1014-550103-18026	Capital Outlay- CIP	2,087,580	-	150,000	1,937,580			Clear Creek Greenway Project #18026	yes	Amendment	5/1/2025
010-0000-534999	Contingency	94,664	-	8,150	86,514			P&C - Admin Assistants	yes	Adjustment	5/13/2025
010-1007-519200	Contracted Services	-	8,150	-	8,150			P&C - Admin Assistants	yes	Adjustment	5/13/2025
010-1014-534999	Professional Services- ENG	35,000	-	1,000	34,000			Shanahan Request	yes	Adjustment	5/19/2025
010-1014-519200	Training	7,000	1,000	-	8,000			Shanahan Request	yes	Adjustment	5/19/2025
010-1525-524020	R&M Equipment	15,000	1,763	-	16,763			CAT repairs	yes	Adjustment	5/21/2025
010-1525-524030	R&M Trucks	15,000	-	1,763	13,237			CAT repairs	yes	Adjustment	5/21/2025

11. CITY COUNCIL COMMENTS

12. CLOSED SESSION

City staff is requesting a closed session 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 consider the qualifications, competence, performance, character, fitness of an individual public officer or employee.


At 10:00p.m. Council Member Lyndsey Simpson moved that City Council enter closed session pursuant to NCGS § 143-318.11 (a) (1) and (6) to prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes and to consider the qualifications, competence, performance, character, fitness of an individual public officer or employee. A unanimous vote of the Council followed. Motion carried.


13. ADJOURN

There being no further business, closed session adjourned at 10:18 p.m.

There being no further business, the meeting adjourned at 10:18 p.m. upon unanimous assent of the Council.

ATTEST:


Jill Murray, City Clerk


Barbara G. Volk, Mayor