



MINUTES

March 6, 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 Becker, 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.*

In Person:

"Hello! I'm Steve Bradshaw and my address is 170 Cape Martin Circle, Hendersonville, 28791. Good evening, council members and fellow citizens. Today, I'm here to urge you to support a project that will transform Hendersonville for the better: the construction of an indoor 50-meter competition pool with an adjacent smaller recreation pool. I've swum since I was 7 and was lucky enough to receive a scholarship to swim at NC State, and I'd like our youth and seniors to have the same opportunity. I now coach West Henderson High School that has grown to a roster of 40 kids. We train in 3 lanes of the 25 meter pool at the YMCA. This is challenging, and there's no room for 2 of our Henderson County high schools to have a team. Why a competition pool? It's easy for a competition pool to be used for recreation, but impossible for a recreation pool to be used for competition or lap swimming. One more time - a competition pool can be used for many activities, but a recreation pool can't be used for competition. An "Olympic Size Pool" is 50 meters long, and a common width would be 25 yards. This means that the pool can have 8 lanes for 50 meters or 20 lanes for 25 yard widths. It will be used simultaneously for different activities like swim teams, lap swimming, diving, family fun, Boys and Girls Club swim lessons, and water aerobics. A competition pool is an economic win over a rec pool. A 50-meter competition pool isn't just for locals-it's a magnet for regional and even national swim meets that would bring families from far and wide. We'd have the only 50 meter indoor pool west of Charlotte suitable to host age group and masters swim meets. Growing up and in college I got to travel across the country to compete, and as an adult while traveling for work I'd swim with masters teams in whatever city I was visiting. From these experiences I can say that our area is severely "under pooled." This summer our YMCA teams will be traveling to Kingsport, TN or Spartanburg several times a week for practices. Yes, there's an upfront cost-but a competition pool is an investment, not an expense. Other cities have earned millions by hosting meets, and we can too. Imagine the pride of hosting a state championship, the joy of kids splashing year-round, and the vitality of a healthier community. This isn't just a pool-it's a legacy. One of my fellow NC State swimming alumni, Cullen Jones, didn't grow up with money but was able to start swimming with the Boys and Girls Club. Cullen is now the most decorated African American Olympic Swimmer in history. Let's dive in and build a stronger, safer, healthier, & prouder future for our community. Thank you."

Indian Jackson spoke about the Brooklyn Community Garden and first spoke how Crystal Cauley’s name isn’t on our website when we mention the garden and its history, as well as, the Brooklyn Community Book Library and the Brooklyn Community Bird Sanctuary. You still have the chance to make it right.

Ross Buchanan spoke about paid parking and a parking ticket that he received. He has since received another one that he didn’t deserve. He believes that we are doing it wrong.

Digital Comments:

Joan Rosenberg of 35 Winged Elm Court, Hendersonville. This pertains to storm damage. I access Hendersonville proper from the west via highway 64. The amount of debris and brush along the sides of the highway is truly disturbing. Our beautiful town is buried. It is sadly to the point that I prefer to dine and shop in Brevard. I will not take guests to Hendersonville. Many of my neighbors feel the same. While new development projects are exciting, what is the point if no one wants to enter our town from the main routes. What is the timeline for cleanup?

Holly Newton of 309 Wayside Lane, Charlotte, NC. The city police came out to 40 Smokey Ridge Ln Apt C 16 the evening of 2/20/25. A young man with autism had a dangerous mental health break. Police acted with compassion and understanding. One officer who I would like the name of even coached him with calming breathing exercises. Bravo!

4. CONSIDERATION OF AGENDA

Council Member Jennifer Hensley moved that City Council approve the agenda as presented. A unanimous vote of the Council followed. Motion carried.

5. CONSENT AGENDA

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

A. Adoption of City Council Minutes – Jill Murray, City Clerk
February 12, 2025 Regular Meeting

B. Resolution to Accept 2023 Local Water Supply Plan – Gracie Erwin, Utilities Compliance Coordinator

Resolution #R-25-17

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO APPROVE
THE 2023 LOCAL WATER SUPPLY PLAN**

WHEREAS, North Carolina General Statute 143-355 (l) requires that each unit of local government that provides public water service or that plans to provide public water service and each large community water system shall, either individually or together with other units of local government and large community water systems, prepare and submit a Local Water Supply Plan; and

WHEREAS, as required by the statute and in the interests of sound local planning, a Local Water Supply Plan for The City of Hendersonville, has been developed and submitted to the Hendersonville City Council for approval; and

WHEREAS, the City Council finds that the Local Water Supply Plan is in accordance with the provisions of North Carolina General Statute 143-355 (l) and that it will provide appropriate guidance for the future management of water supplies for The City of Hendersonville, as well as useful information to the Department of Environmental Quality for the development of a state water supply plan as required by statute;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hendersonville that the Local Water Supply Plan entitled, 2023 Local Water Supply plan dated December 20th, 2024, is hereby approved and shall be submitted to the Department of Environmental Quality, Division of Water Resources; and

BE IT FURTHER RESOLVED that the City Council intends that this plan shall be revised to reflect changes in relevant data and projections at least once every five years or as otherwise requested by the Department, in accordance with the statute and sound planning practice.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 6th day of March, 2025.

Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

C. Henderson County Tax Adjustments – Amanda Lofton, Deputy Tax Collector

D. Henderson County Tax Adjustments – Amanda Lofton, Deputy Tax Collector

E. Brooklyn Community Garden Resolution – Caitlyn Gendusa, Public Works Superintendent-Sustainability

Resolution #R-25-18

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL

DESIGNATING THE BROOKLYN COMMUNITY GARDEN

WHEREAS, the City of Hendersonville City Council recognizes the importance of supporting community gardens and the benefits they provide such as bringing communities together, healthy eating, environmental sustainability, health benefits, and more;

WHEREAS, the City of Hendersonville City Council has designated property pin number 9569816440 owned by the City of Hendersonville as used for a community garden, now established as the “Brooklyn Community Garden;”

WHEREAS, City Council calls upon City staff to provide basic maintenance of Brooklyn Community Garden which includes but is not limited to mowing outside the garden fence, dropping off mulch and/or compost, and water utility requests. Additional requests may be considered based upon staff availability;

WHEREAS, City Council calls upon City Sustainability Manager to seek grant and other funding opportunities and provide oversight to ensure the Brooklyn Community Garden’s success,

WHEREAS, the City Council calls upon volunteer community members to coordinate day to day use of the garden, recruit new members, seek grant and other funding opportunities, and remain engaged in the overall operations of the Brooklyn Community Garden.

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

The City hereby designates the Brooklyn Community Garden. Adopted by the City Council of the City of Hendersonville, North Carolina on this 6th day of March, 2025.

Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

F. Special Event: 7th Avenue Street Fest – Jamie Carpenter, Downtown Manager

G. Utility Extension Agreement for the Berkeley Mills Park Sports Complex – Adela Gutierrez-Ramirez, Civil Engineer

Resolution #R-25-19

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A UTILITY EXTENSION AGREEMENT WITH THE COUNTY OF HENDERSON FOR THE BERKELEY MILLS PARK SPORTS COMPLEX

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

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

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

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

WHEREAS, the County of Henderson, the “Developer” and “Owner”, will enter into a Utility Extension Agreement with the City to provide sewer services to the Berkeley Mills Parks Sports Complex.

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

1.

The Utility Extension Agreement with the County of Henderson, the “Developer” and “Owner” to provide sewer service to the Berkeley Mills Parks Sports Complex is approved, as presented.
2.

City Manager is authorized to execute the Utility Extension Agreement, and to approve and execute amendments to the Utility Extension Agreement in the future provided such amendments do not impose a financial obligation upon the City.
3.

City Manager is authorized to acquire easements, rights-of-way, and other interests in real property consistent with the terms of the Utility Extension Agreement, provided that such acquisition does not impose a financial obligation upon the City.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 6th day of March, 2025.

Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

H. March 2025 Budget Amendments – Adam Murr, Budget & Evaluation Director

TO MAYOR & COUNCIL

APPROVAL: March 06, 2025

FISCAL YEAR 2025

FORM: 03062025-01

BUDGET AMENDMENT

FUND 060 | 460

ACCOUNT NUMBER	DESCRIPTION OF ACCOUNT	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
060-0000-534999	Contingency	69,173	-	3,817	65,356
060-0000-598901	Transfer Out (to 460, #16019)	821,840	3,817	-	825,657
FUND 060	TOTAL REVENUES	-	-	-	-
W&S Operating Fund	TOTAL EXPENDITURES	891,013	3,817	3,817	891,013
460-0000-470010-16019	Debt issuance	5,372,860	-	169,127	5,203,733
460-0000-470100-16019	Transfer in	615,840	404,725	-	1,020,565
460-0000-470900-16019	Fund Balance Appropriated	40,000	-	2,943	37,057
460-0000-598901-16019	Transfer Out	615,840	102,340	-	718,180
460-1014-550102-16019	C/O - Services and Fees	608,180	-	502,830	105,350
460-1014-550103-16019	C/O - CIP	4,654,680	783,145	-	5,437,825
460-1014-551000-16019	C/O - Land/easement/ROW	150,000	-	150,000	-
FUND 460	TOTAL REVENUES	6,028,700	404,725	172,070	6,261,355
Northside Water, #16019	TOTAL EXPENDITURES	6,028,700	885,485	652,830	6,261,355

An amendment preparing for the closure of the Northside Water Project, #16019. The amendment re-organizes funds, and increases the project via a transfer in from the Water and Sewer Operating Fund (060) in the amount of \$3,817.

The City Manager and City Clerk certify budget ordinance amendment 03062025-01 was approved by City Council on March 06, 2025.

TO MAYOR & COUNCIL

APPROVAL: March 06, 2025

FISCAL YEAR 2025

FORM: 03062025-02

BUDGET AMENDMENT

FUND 010 | 410

ACCOUNT NUMBER	DESCRIPTION OF ACCOUNT	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
010-0000-470900	Fund Balance Approp. (FY15)	150,000	-	-	150,000
010-0000-470900	Fund Balance Approp. (FY16)	58,000	-	-	58,000
010-0000-598901	Transfer Out (to 410, #15929, FY15)	150,000	-	-	150,000
010-0000-598901	Transfer Out (to 410, #15929, FY16)	58,000	-	-	58,000
FUND 010	TOTAL REVENUES	208,000	-	-	208,000
	TOTAL EXPENDITURES	208,000	-	-	208,000
410-0000-470010-15929	Transfer In (from 010, FY15)	150,000	-	-	150,000
410-0000-470010-15929	Transfer In (from 010, FY16)	58,000	-	-	58,000
410-0000-460110-15929	Reimbursements (NCDOT)	832,000	-	-	832,000
410-1014-550103-15929	Capital - CIP	1,040,000	-	-	1,040,000
FUND 410	TOTAL REVENUES	1,040,000	-	-	1,040,000
	TOTAL EXPENDITURES	1,040,000	-	-	1,040,000

Tracey Grove Bridge, #15929

A clarification to the Tracey Grove Bridge Project #15929. The amendment above does not change the project budget, it re-affirms the total Council adopted appropriation.

The City Manager and City Clerk certify budget ordinance amendment 03062025-02 was approved by City Council on March 06, 2025.

TO MAYOR & COUNCIL
APPROVAL: March 06, 2025

FISCAL YEAR 2025
FORM: 03062025-03

BUDGET AMENDMENT

FUND 467					
ACCOUNT NUMBER	DESCRIPTION OF ACCOUNT	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
467-0000-470100-G2306	Transfer In (from 067, FY24)	109,300	-	-	109,300
467-0000-420050-G2306	Grant Revenue (NCLWF)	1,120,929	604,625	-	1,725,554
467-0000-420050-G2306	Grant Revenue (NCDWI)	1,897,236	-	-	1,897,236
467-7555-551000-G2306	Capital Outlay - Land/Easement/ROW	609,000	-	-	609,000
467-7555-550103-G2306	Capital Outlay - CIP	2,518,465	604,625	-	3,123,090
FUND 467 Stormwater: Lower Mud Creek #G2306	TOTAL REVENUES	3,127,465	604,625	-	3,732,090
	TOTAL EXPENDITURES	3,127,465	604,625	-	3,732,090

An amendment increasing the Lower Mud Creek Stormwater Restoration Project. #G2306. The City received an additional \$604,625 from the North Carolina Land and Water Fund. This amendment increases the total appropriation for the project to \$3,732,090.

The City Manager and City Clerk certify budget ordinance amendment 03062025-03 was approved by City Council on March 06, 2025.

TO MAYOR & COUNCIL
APPROVAL: March 06, 2025

FISCAL YEAR 2024
FORM: 03062025-04

BUDGET AMENDMENT

FUND 301 460					
ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
301-0000-420050-G2204	Grant Revenue (NCDEQ 2022)	-	-	-	-
301-1002-598901-G2204	Transfer Out (to 460, #16023)	-	-	-	-
301-1002-598901-G2204	Transfer Out (to 460, #21045)	-	-	-	-
FUND 301, #G2204 2022 NCDEQ Grant	TOTAL REVENUES	-	-	-	-
	TOTAL EXPENDITURES	-	-	-	-
460-0000-420050-21045	Grant Revenue (NCDEQ 2022)	1,378,216	-	-	1,378,216
460-1014-550103-21045	Capital Outlay CIP	1,378,216	-	-	1,378,216
FUND 460 WWTP Aeration, #21045	TOTAL REVENUES	1,378,216	-	-	1,378,216
	TOTAL EXPENDITURES	1,378,216	-	-	1,378,216
460-0000-420050-16023	Grant Revenue (NCDEQ 2022)	3,621,784	-	-	3,621,784
460-0000-470100-16023	Transfer In (from '22 NCDEQ, #G2204)	-	-	-	-
460-0000-470100-16023	Transfer In (from 459)	-	400,000	-	400,000
460-1014-550103-16023	Capital Outlay CIP	3,621,784	-	-	3,621,784
460-1014-550102-16023	Capital Outlay Services and Fees	-	400,000	-	400,000
FUND 460 WWTP UV Project, #16023	TOTAL REVENUES	3,621,784	400,000	-	4,021,784
	TOTAL EXPENDITURES	3,621,784	400,000	-	4,021,784

An amendment correcting a clerical item in the WWTP UV Project. #16023 for tracking purposes.

The City Manager and City Clerk certify budget ordinance amendment 03062025-04 was approved by City Council on March 06, 2025.

I. Resolution Authorizing Sale of Stock – Krystal Powell, Finance Director

Resolution Authorizing Sale of Stock – Krystal Powell, Finance Director

Resolution #R-25-20

RESOLUTION AUTHORIZING THE SALE OF STOCK

WHEREAS, The City currently holds 95.18 shares of Duke Power stock bequeathed to the City of Hendersonville Police Department; and

WHEREAS, the City currently holds 95.18 additional shares of Duke Power stock bequeathed to the City of Hendersonville Police Department – Police K9 Unit; and

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

1. The Finance Director, Krystal Powell is authorized to sell all shares of Duke Power stock held in the name of City of Hendersonville Police Department and City of Hendersonville – Police K9 Unit.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 6th day of March, 2025.

Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

J. March 2025 Project Ordinances and Reimbursement Solutions – Adam Murr, Budget & Evaluation Director

Resolution #R-25-21

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 WWTP BELT FILTER PRESS #1 PROJECT (#25002), ORDINANCE #O-25-14 (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 \$307,000.

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 6th day of March, 2025.

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

Ordinance #O-25-14

**CAPITAL PROJECT ORDINANCE FOR
THE EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE WWTP BELT
FILTER PRESS #1 PROJECT, #25002**

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 WWTP Belt Filter Press #1 Project, #25002.

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

Account Codes				Account Name	Total Budget
Fund	Dept	Account	Project		
460	7135		25002	Capital Outlay- CIP	\$307,000
Total Project Appropriation					\$307,000

Section 3: The following revenues are anticipated to be available:

Account Codes				Account Name	Total Budget
Fund	Dept	Account	Project		
460	0000	470100	25002	Transfer In (from 060, FY25)	(\$96,000)
460	0000	470100	25002	Transfer In (from 460 #16023)	(\$211,000)
Total Project Appropriation					(\$307,000)

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

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

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

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

Section 8: Copies of this 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 6th day of March, 2025.

Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

K. Resolution Agreeing to Memorandum of Understanding with the French Broad River MPO
– *Matthew Manley, AICP – Long Range Planning Manager*

Resolution #25-22

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL
TO APPROVE A MEMORANDUM OF UNDERSTANDING WITH THE FRENCH BROAD RIVER
METROPOLITAN PLANNING ORGANIZATION (MPO) FOR CONTINUING, COOPERATIVE AND
COMPREHENSIVE TRANSPORTATION PLANNING**

WHEREAS, it is recognized that a proper transportation system to support movement within and through the French Broad River MPO planning area is highly desirable element of a comprehensive plan for the orderly growth and development of the area, and;

WHEREAS, there are a number of governmental jurisdictions within the French Broad River MPO planning area which have been authorized with implementation and regulatory responsibilities for transportation by North Carolina General Statutes, and;

WHEREAS, it is desirable that coordinated, comprehensive and cooperative transportation planning processes be maintained in the French Broad River MPO planning area to ensure that the transportation system is maintained on an efficient and economical basis commensurate with the public health, safety and welfare, and;

WHEREAS, a Memorandum of Understanding between the City/Town/Village/County of Asheville, Biltmore Forest, Black Mountain, Buncombe, Canton, Clyde, Flat Rock, Fletcher, Haywood, Henderson, Hendersonville, Laurel Park, Madison, Maggie Valley, Mars Hill, Mills River, Montreat, Waynesville, Weaverville, Woodfin, and the North Carolina Department of Transportation has been entered into that sets forth the responsibilities and working arrangements for maintaining a continuing, comprehensive and cooperative transportation planning process, and;

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

That the Memorandum of Understanding between the City/Town/Village/County of Asheville, Biltmore Forest, Black Mountain, Buncombe, Canton, Clyde, Flat Rock, Fletcher, Haywood, Henderson, Hendersonville, Laurel Park, Madison, Maggie Valley, Mars Hill, Mills River, Montreat, Waynesville, Weaverville, Woodfin, and the North Carolina Department of Transportation be approved and that the Mayor and City Clerk are hereby directed to enter into and execute the Memorandum of Understanding.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 6th day of March, 2025.

Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

L. Assistant Human Resources Director – Jennifer Harrell – HR Director

M. Approval of United Financial, a Division of HomeTrust Bank to Provide Installment Financing for a Pothole Patcher Purchased in Fiscal Year 2025 – Krystal Powell, Finance Director

Resolution #R-25-23

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO APPROVE FINANCING
TERMS FOR THE PURCHASE OF A POTHOLE PATCHER**

WHEREAS, The City of Hendersonville has previously determined to undertake a project for the financing of vehicles and equipment, and

WHEREAS, United Financial has provided a proposal with an acceptable interest rate and terms to meet the City’s needs; and

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

1. The City of Hendersonville hereby determines to finance the purchase of a Pothole Patcher through United Financial, in accordance with the proposal dated January 8, 2025. The amount financed shall not exceed \$254,700 with an annual interest rate of 4.44% for a term of 7 years.
2. All financing contracts and all related documents for the closing of the financing shall be consistent with the foregoing terms. City staff are hereby authorized to and directed to execute and deliver any financing documents, and to take all such action as they may consider necessary to carry out the financing as contemplated by the proposal and this resolution.
3. All actions taken by staff to facilitate the purchase and financing of the Pothole Patcher are hereby ratified.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 6th day of March, 2025.

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

6. PRESENTATIONS

A. **Brooklyn Community Garden Grand Opening** – *Caitlyn Gendusa, Public Works Superintendent-Sustainability Manager, Jane Grossman and Tae Brown*

Caitlyn Gendusa gave an update on the Brooklyn Community Garden in the Green Meadows Community and she introduced Jane Grossman who has been acting as project manager. She is a master gardener and she has contributed over 1100 hours of volunteer time specifically to this project and she has been the one taking community feedback and putting a vision together of what this garden could be. Tae Brown is a board member with United Way and Caregiver’s of Mother Earth and he has been acting as the community voice throughout the project and we didn’t keep track of his hours but I know that each week he is answering emails, getting volunteer work days together and looking into ways this garden can run as sustainably as possible and make sure it’s inclusive for everyone. Jane and Tae discussed the garden and gave the following PowerPoint Presentation.



Expansion & Revitalization Efforts



Fundraising & Building Community Relationships

In total, the project secured more than **\$55,000** in funding from various non-profits and City of Hendersonville funds. Key community members were also integral in making this project a success.

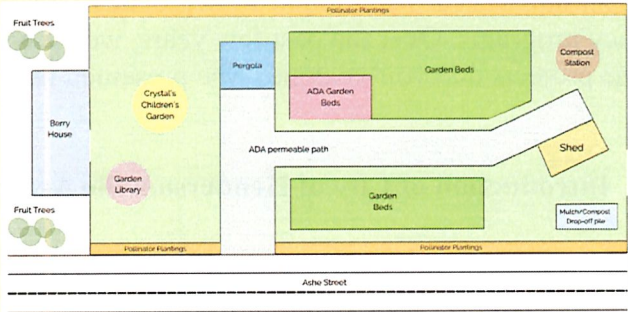


Awarded Funds

- City of Hendersonville awarded Healthy Babies Bright Futures Grant - \$25,000
- Community Foundation of Henderson County Grant - \$25,000
- City of Hendersonville Environmental Sustainability Board: \$2,500
- City of Hendersonville Sustainability Division funds: \$3,000
- City of Hendersonville Bee City USA program - \$5,000
- The Seed Money Challenge & N.C. Community Garden Partners - \$2,550
- Master Gardeners of Henderson County - \$500

Garden Features

- Perimeter fence for safety and reduce animal intrusions
- ADA and children's beds to ensure the garden is accessible to everyone
- ADA compliant permeable pathway
- Pollinator plants & fruit trees
- Community pergola
- Blueberry house
- Compost station



Also included is the Crystal's Children's Garden in remembrance of environmental and community activist Crystal Cauley

Get Involved!

Volunteer

- The garden will be maintained by volunteers. To ensure success, volunteers are crucial!

Adopt a garden bed

- First year maintained as a communal garden with volunteers overseeing beds and produce redistributed amongst members and community.
 - Parameters may change in the future based on community feedback.
- Priority of garden beds is given to members that live within the Green Meadows Community.

To get involved, please email cgendusa@hvlnc.gov



GRAND OPENING

Thursday, March 20th, 2025
4:00p.m.-5:30p.m.

To attend, please RSVP to Sustainability Manager,
Caitlyn Gendusa at cgendusa@hvlnc.gov

B. Duke Energy Business Energy Excellence Award Recognition – John Connet, City Manager

Alicia Reardon of Duke Energy presented the City of Hendersonville's Sustainability Division and Water & Sewer Department with the 2025 Business Energy Excellence (BEE) Award in recognition of their commitment to energy efficiency. This award celebrates a customer's significant impacts earned through strategic measures within Duke Energy's business energy efficiency programs. Over the past few years, we've written checks to you totaling \$144,000 for all of the projects that you've done. She presented the award to Caitlyn Gendusa and Devin Owen.

C. Introduction of City of Hendersonville Academy Graduates – LuAnn Welter

LuAnn Welter explained what COHA is and honored the graduates of the seventh class. Jacob Thompson and Brendan Shanahan were there in person to accept their certificates.

CITY OF HENDERSONVILLE ACADEMY (COHA)

This year, we held seventh session of the City of Hendersonville Academy (COHA). The goal of this program is to provide interested employees with a greater comprehension of City operations, services, programs, and monies to enhance their job performance and worth.

The topics were:

January 27 – State & Local government / City organization – John Connet

February 3 – Departments – Multiple speakers

February 10 – Legal/Human Resources Night - Angie Beeker, HR Staff

February 17 - Local Growth / Development – Brittany Brady & Tyler Morrow

February 27 – Budget – Brian Pahle

March 3 – History / Leadership / Recap / participants choice - Lu Ann Welter, Brian Pahle & John Connet

Seven employees participated.

Community Development Downtown – Dakota Parker

Finance – Callie DeHaven & Hannah Stansel

Fire – John Gillespie, Jacob Thompson & Jon Ward

Engineering – Brendan Shanahan

7. PUBLIC HEARINGS

A. Rezoning: Conditional Zoning District – 715 Greenville Highway Multi-Family (P24-39-CZD) – Tyler Morrow, Current Planning Manager

Tyler Morrow explained that the City of Hendersonville received an application for a Conditional Rezoning from Travis Fowler of First Victory Inc., applicant and Richard Herman of South Market LLC., property owner. The applicant is requesting to rezone the subject property, PINs 9568-83-4302, 9568-83-2474 and, 9568-83-2082 and located off Greenville Highway, from PCD, Planned Commercial Development to UR-CZD, Urban Residential Conditional Zoning District for the construction of 185 multi-family units on approximately 9.01 acres. This equates to a density of 20.5 units per acre. The proposal includes the construction of 1 multi-family structure with a footprint of 58,367 square feet and a gross floor area of 231,037 square feet. Tyler gave the following PowerPoint presentation.

715 Greenville Highway Multi-Family
(P24-39-CZD)

Conditional Rezoning

City of Hendersonville City Council
March 6th, 2025

Community Development | Planning Division
Tyler Morrow | Current Planning Manager





Neighborhood Compatibility Meeting

- + **Dates:** July 19th, 2024
- + **Attendees:**
 - + In-person - 9 residents
 - + Online - 2 residents
- + **Topics Discussed:**
 - + Consideration of impacts from increased traffic.
 - + Flooding impacts.
 - + No other 4 story buildings in the area.
 - + Accident data on the nearby roads.
 - + Affordability.
 - + Stormwater concerns.
 - + Stream buffers and their protection.
 - + Density.
 - + The size of the building footprint.

NEIGHBORHOOD COMPATIBILITY MEETING

OFFICIAL NOTIFICATION
by The City of Hendersonville
for:

CONDITIONAL REZONING

For Additional Information Call:
(828) 697-3010 or Visit
www.hendersonville.gov/public-notice-hearings





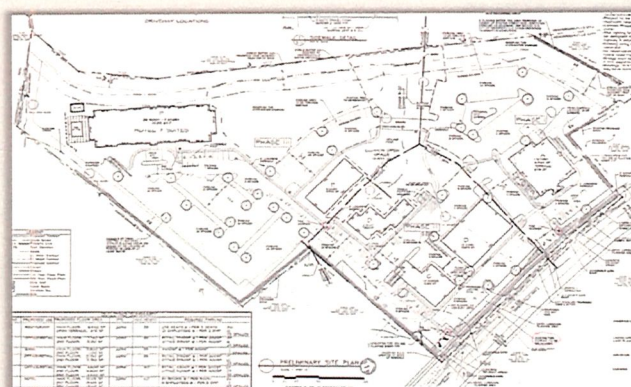
A photograph of a parking lot. In the foreground, a dark blue SUV is parked on the right side, partially visible. A large, dark shadow is cast across the asphalt in the lower-left foreground. In the background, several other vehicles are parked, including a white SUV and a dark car. A grassy area and trees are visible behind the parking lot. A utility pole with wires is also present.

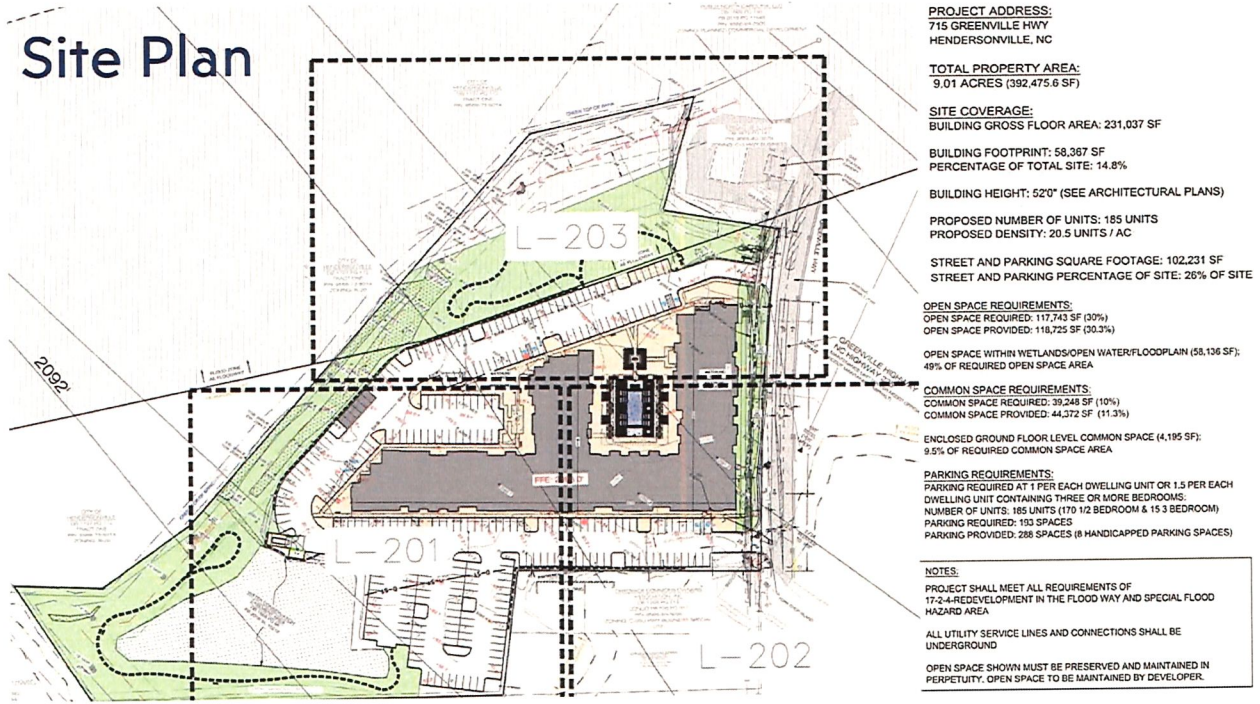
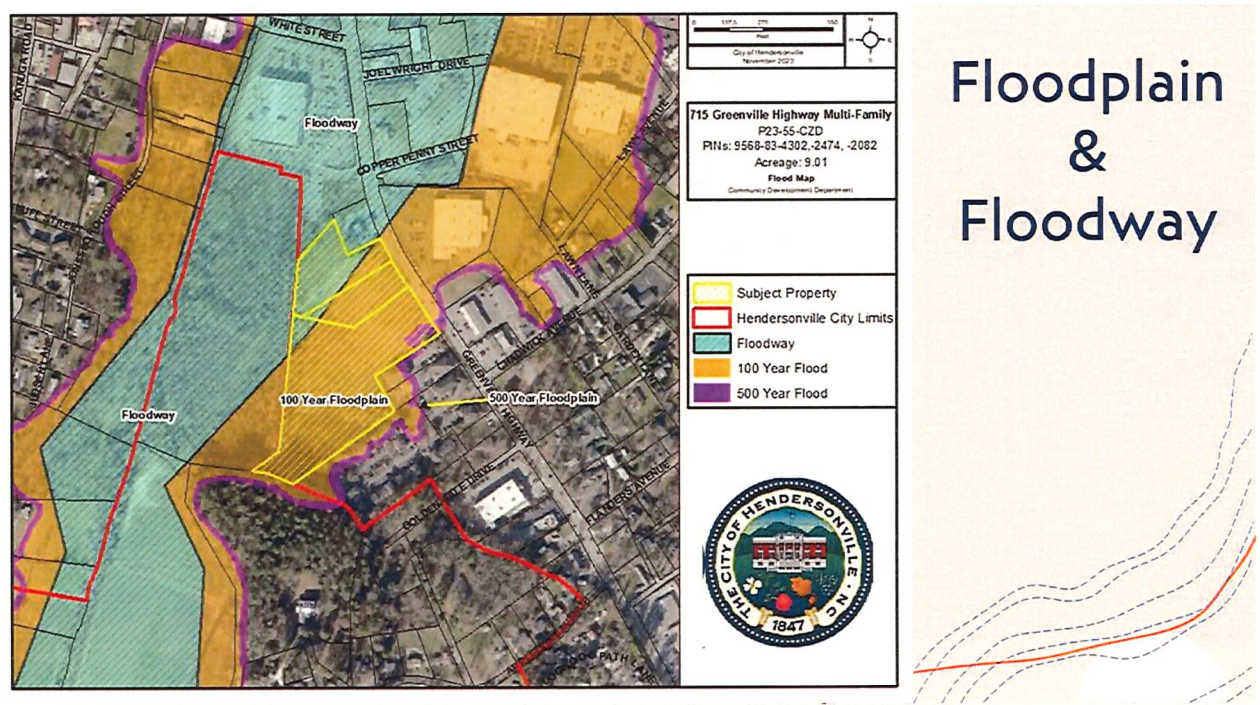
Post Storm 10-25-2024



Rezoning History

- + **Previous Zoning:** R-20 and C-3
- + **Approved Zoning:** PCD-SU
- + **Date:** June 5, 2008 (expired June 5th, 2013)
- + **Uses:** Restaurant, Office/Retail, Bank, Hotel
- + **Total Building Square Footage:** 89,200 Square Feet
- + **Project Details:**
 - + 6 Buildings
 - + 4 Buildings with a 35' Max Height
 - + 2 Buildings with a 40' Max Height
 - + 316 proposed parking spaces







TRAFFIC IMPACT ANALYSIS

715 Greenville Highway
Hendersonville, North Carolina

Prepared For:
First Victory, Inc.
542 South Caldwell Street
Brevard, NC 28712

Prepared by:



MERCER DESIGN GROUP, PC
PO BOX 1516 WEAVERVILLE, NC
P. 828.674.0229 F. 828.645.7714
NC LICENSE NO. C-2383
SC CERTIFICATE OF AUTHORITY NO. 7387

Trip Generation

Traffic volumes that can be expected to result from a new development are a function of land use and density. MDG conducted a trip generation exercise in accordance with nationally accepted industry standard practices as contained in the Institute of Transportation Engineers reference entitled *Trip Generation Manual 11th Edition*¹. MDG also followed NCDOT and City of Hendersonville guidelines and recommended practices. The trip generation estimates are shown in Table 1.

Table 1 - ITE Trip Generation Results												
LUC	Description	Density	Variable	PK HR	METHOD	Daily	AM			PM		
							In	Out	Total	In	Out	Total
221	Multifamily Mid-Rise	185	Units	Adj.	Est.	836	16	16	32	44	28	72
	Facility Adjustment AM (7%) PM (7%)						16	16	32	44	28	72
	Land Use Adjusted New Trips						16	16	32	44	28	72
	Total Unadjusted Trips					836	16	16	32	44	28	72
	Passive Trips					0	0	0	0	0	0	0
	Total New Trips					836	16	16	32	44	28	72

Proposed Conditions (Developer Agreed)

Developer Proposed Conditions :

1. PARKING SPACES

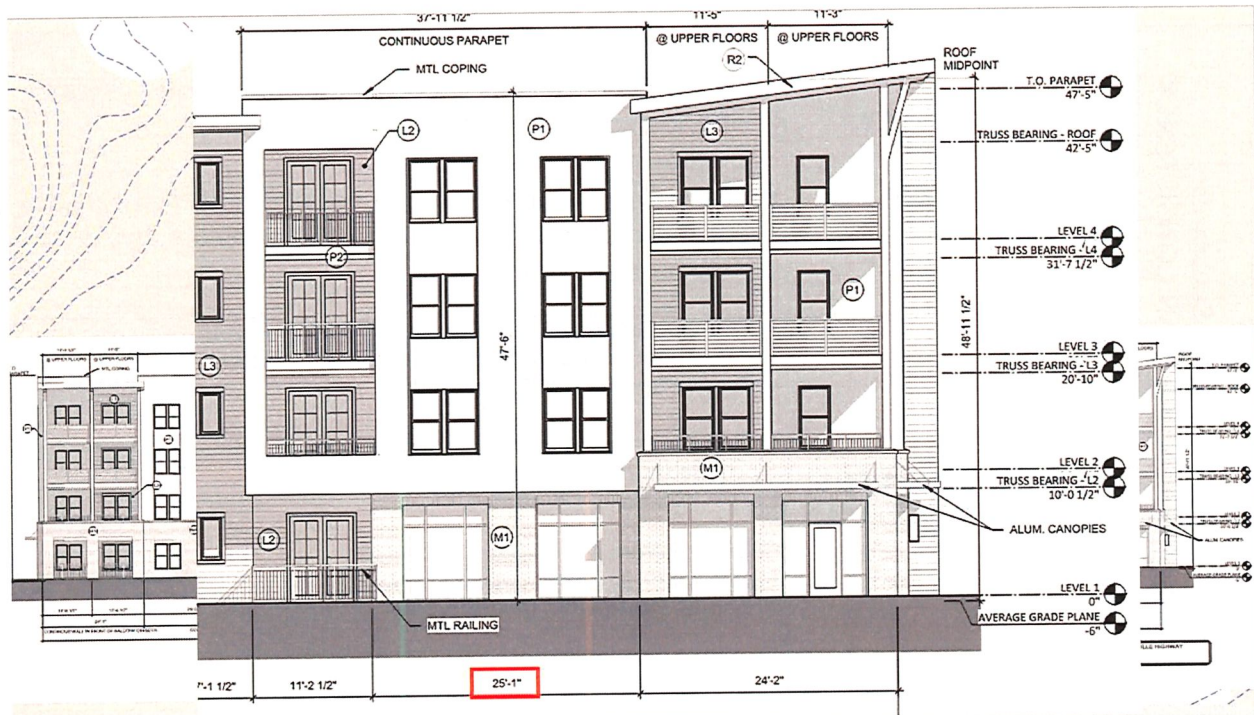
- The number of permitted parking spaces shall be 288 (approx. 1.56 spaces per unit), as shown on the Site Plan. See Sec. 6-5 (providing a minimum requirement of 1 to 1.5 spaces per unit); Sec. 5-25-5.16 (providing that the applicant must demonstrate that parking is "adequate," while also providing that the number of parking spaces "should not exceed the minimum requirements" found in Sec. 6-5).

2. TREE PLANTINGS

- The number, size, and type of tree plantings required by Section 5-25-5.20 shall be planted. However, due to planting limitations within the floodway and conservation easement areas on the Project site, some of the 3" caliper trees required by Section 5-25-5.20 shall be planted in areas that also qualify for Vehicular Use Area plantings, as shown on the Landscape Plan.

3. BUILDING FACADE

- Facade offsets along the East Elevation may exceed the 16 ft. offset requirement provided in Section 5-25-12(b) as shown on the Site Plan and Elevations. No wall shall exceed 26 feet in length without an offset. Offsets may be provided either in exterior walls or at balconies.



Proposed Conditions (Developer Agreed)

Developer Proposed Conditions :

4. BUS SHELTER

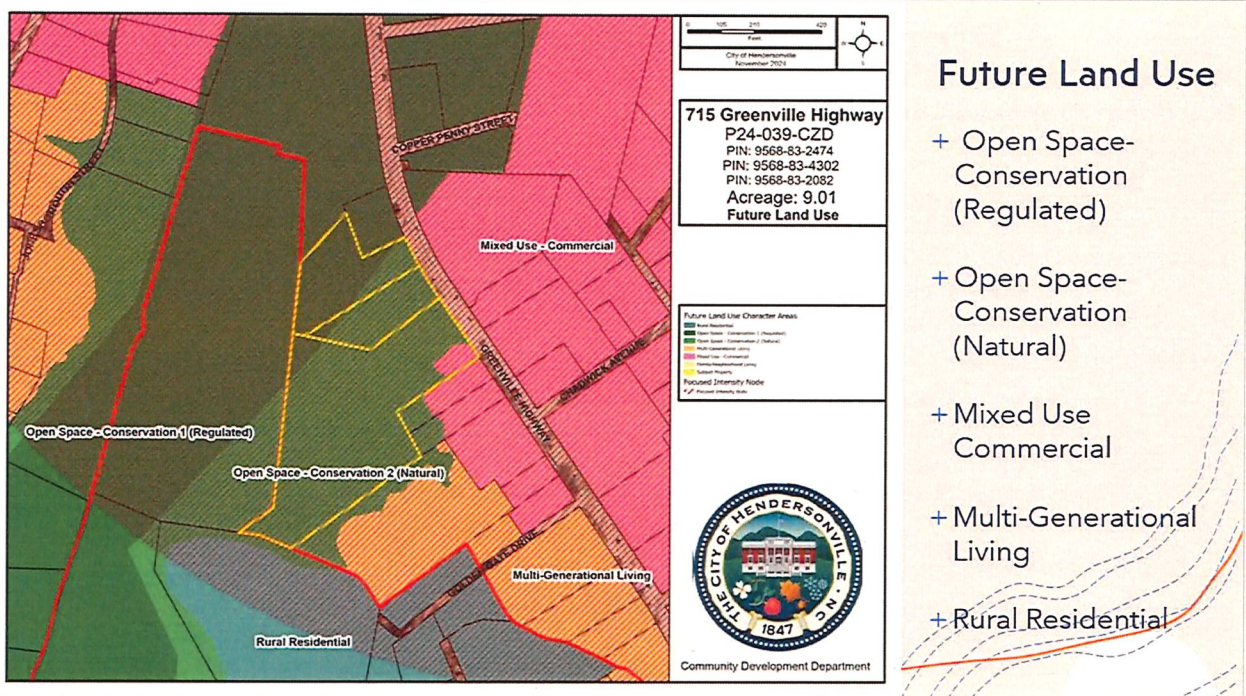
- A bus shelter (Sec. 5-25-5.13) shall not be required due to the proximity of an existing bus shelter on a neighboring property (Henderson County PIN #9568-82-7951) to the south of the Project site.

5. LOADING ZONES

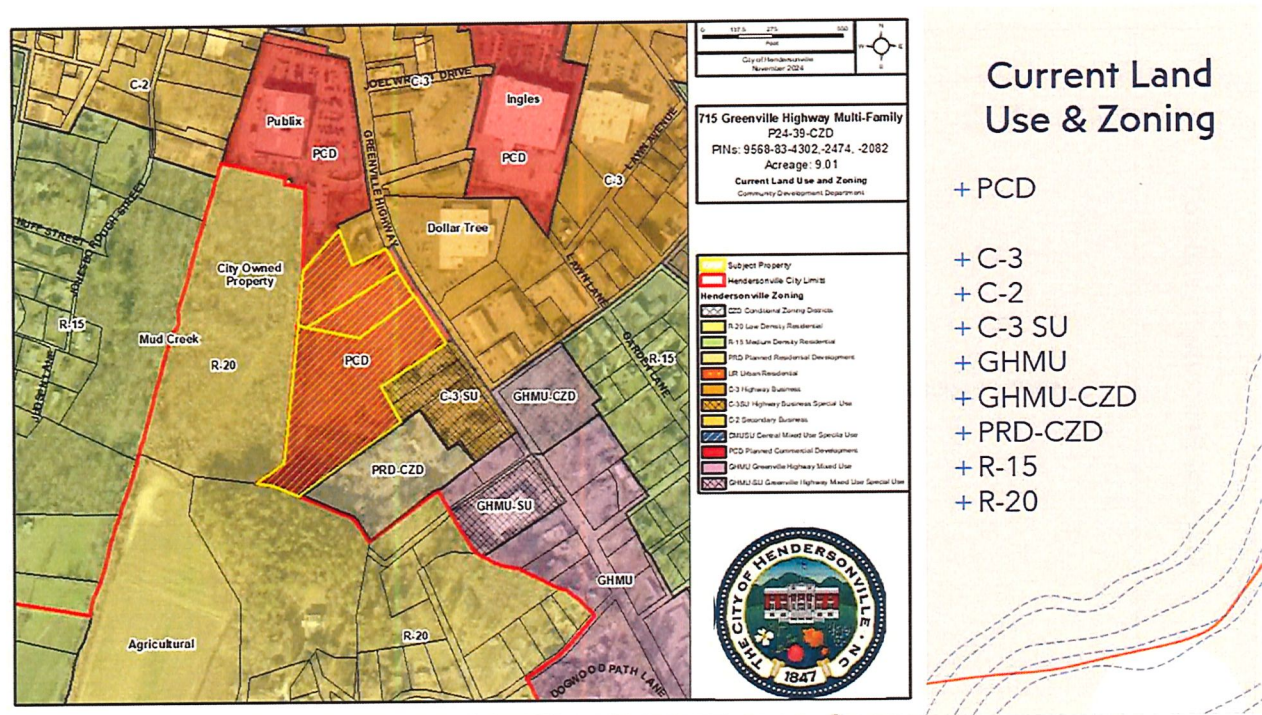
- In lieu of the required 12'x40' loading zone, the developer proposes to provide three parking spaces that are designated as loading zones. See Sec. 6-6.

6. FLOODWAY PLANTINGS / MAINTENANCE

- To the extent practicable within the limitations of the Floodplain Development Permit required by the attached site plan and grading plan, Developer shall implement a vegetative planting and management plan that will create and enhance the existing wetland and wildlife habitat of the open space areas outside the footprint of the developed area, stream buffer(s) and the Wetland Conservation Area. The plan should include diverse and appropriate species of native upland and/or wetland shrubs, appropriate trees and perennial herbaceous plants (including warm season grasses, sedges, and plants important to pollinators), and all planted species shall be selected from the City's Recommended Landscape Species List for Street Trees and Land Development Projects. No turf grasses may be used. The plan shall be developed by a qualified landscape architect (with wildlife habitat management expertise) and shall incorporate an appropriate long-term invasive species management and control plan.



General Rezoning Standards: 1) COMPREHENSIVE PLAN CONSISTENCY	LAND SUPPLY, SUITABILITY & INTENSITY	<ul style="list-style-type: none">The subject property is not listed on the land suitability or supply maps due to the large amount of floodway and floodplain that make up the property.The subject property is in a Focused Intensity Node centered at the intersection of Greenville Hwy & Spartanburg Hwy.
	FUTURE LAND USE & CONSERVATION MAP	<ul style="list-style-type: none">Designation: Open Space-Conservation (Natural)Character Area Description: Somewhat ConsistentZoning Crosswalk: ConsistentDesignation: Open Space-Conservation (Regulated)Character Area Description: ConsistentZoning Crosswalk: ConsistentDesignation: Mixed Use CommercialCharacter Area Description: InconsistentZoning Crosswalk: Inconsistent



General Rezoning Standards	2) Compatibility	<p>Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property.</p> <ul style="list-style-type: none">The subject property is currently a vacant and previously developed site. The proposed development site is located in a commercial corridor near the US and State route intersection of Spartanburg Highway (US 176) and Greenville Highway (NC225). In the vicinity of the proposed development are the apartment complexes of Residences at Chadwick (68 units), The Lofts at Chadwick (60 units, entitled but not built) and Southgate apartments (70 units, entitled but not built).
	3) Changed Conditions	<p>Whether and the extent to which there are changed conditions, trends or facts that require an amendment.</p> <ul style="list-style-type: none">The subject property is currently tied to an expired Special Use Permit. A rezoning would be required for any development to occur on the site.
General Rezoning Standards	4) Public Interest	<p>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.</p> <ul style="list-style-type: none">Based on the 2021 Bowen Housing Needs Assessment for Western North Carolina, Henderson County has an estimated rental housing gap of 1,650 to 2,008 Units for incomes between <50%-120% AMI. This represents one of the largest gaps in the WNC region. Over the last 3 years, the City of Hendersonville has approved 1,901 rental units. If this project is approved, Hendersonville's recently-approved rental units would total 2,086. It should also be noted that the Housing Needs Assessment Study does not account for the housing gap for incomes above 120% AMI. An additional gap, beyond that reflected in the "1,650 to 2,008-unit gap", exist for those income levels greater than 120% 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 by City water and sewer service. Greenville Highway (NC 225) is designated as a Major Thoroughfare (needing improvement) in the Comprehensive Transportation Plan and is maintained by NCDOT. The subject property is already serviced by the City Fire and Police departments. The proposed development is located within 800' of STIP project U-5886 (the realignment and roadway extension between Willow Road SR1171 and Spartanburg Highway US176). The proposed project is showing the dedication of 40' of R/W measured from the centerline of Greenville Highway for their entire frontage

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, all portions of this property except for a +-1536 SF section at the southeastern corner are within the floodplain. The subject property has floodway, 100 year floodplain and 500 year floodplain present on it. There is a blueline stream that runs along the property's boundary that triggers the City's stream buffer protection measures. The site has an existing water conservation easement area that was established in 2016. The plans show saving 48,464 square feet of tree canopy with this project. This equates to 78.5% of the existing tree canopy. The property was previously developed and appears to have been largely graded and filled in places. The proposed plans show that 73.5 % of the 100 year floodplain is proposed to be filled. The floodplain and blueline stream are the most prevalent natural features present on this site. The site flooded during Hurricane Helene and the portion of Greenville Highway in front of the subject property is known to flood during larger rain events.

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:

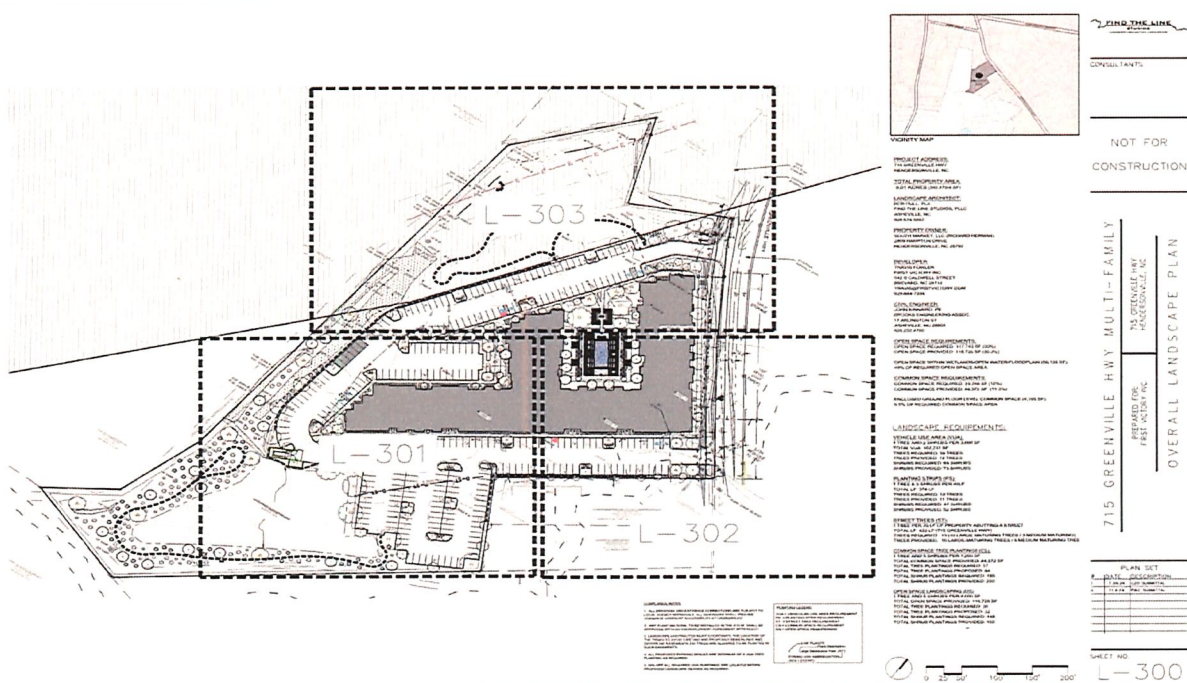
The petition is consistent with the Future Land Use and Conservation Map Designations of Open Space-Conservation (Regulated) and Open Space-Conservation (Natural) and is located in a focused intensity node within chapter 4 of the Gen H Comprehensive Plan.

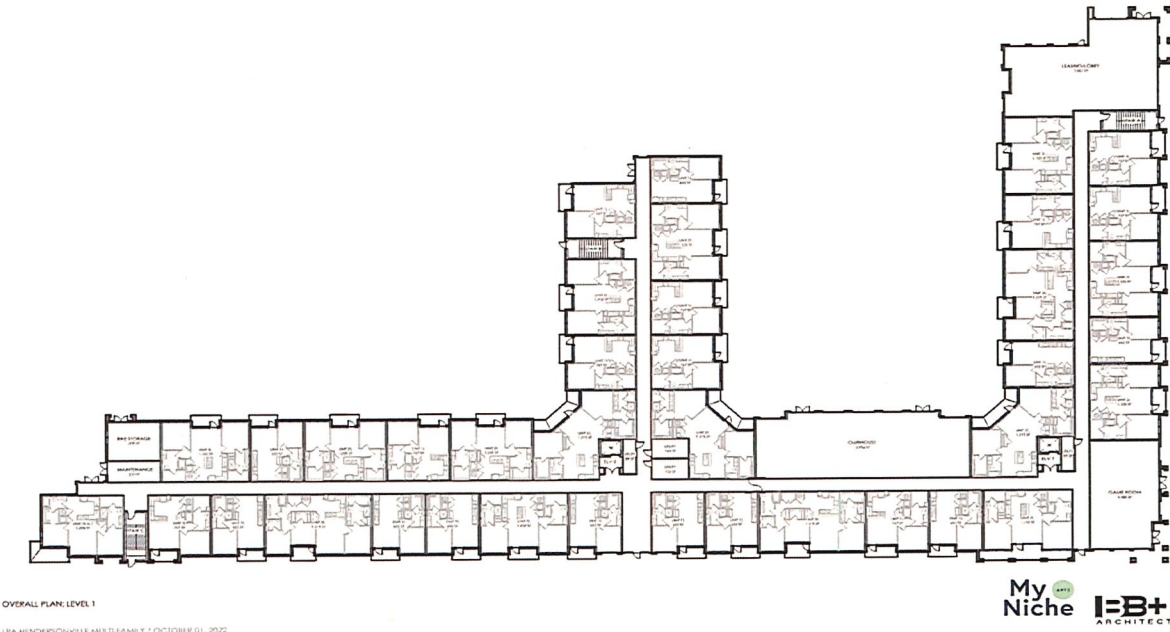
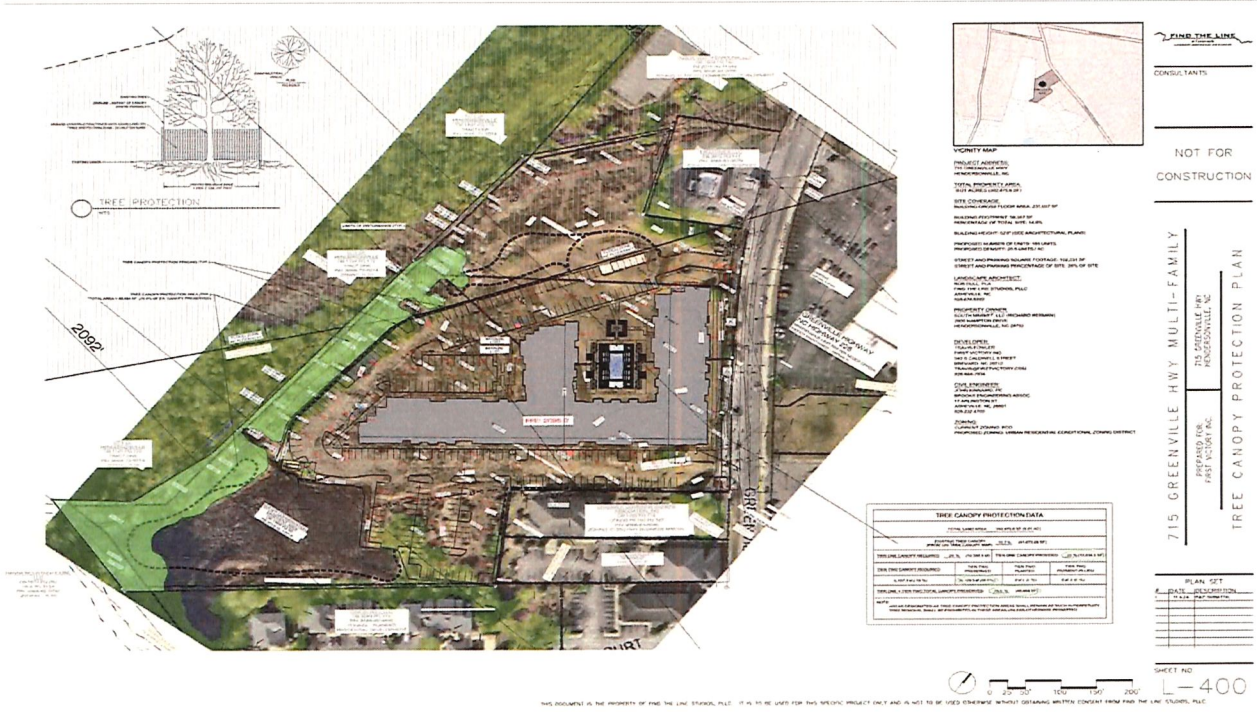
We find this petition to be **reasonable** and in the public interest based on the information from the staff analysis and the public hearing, and because:

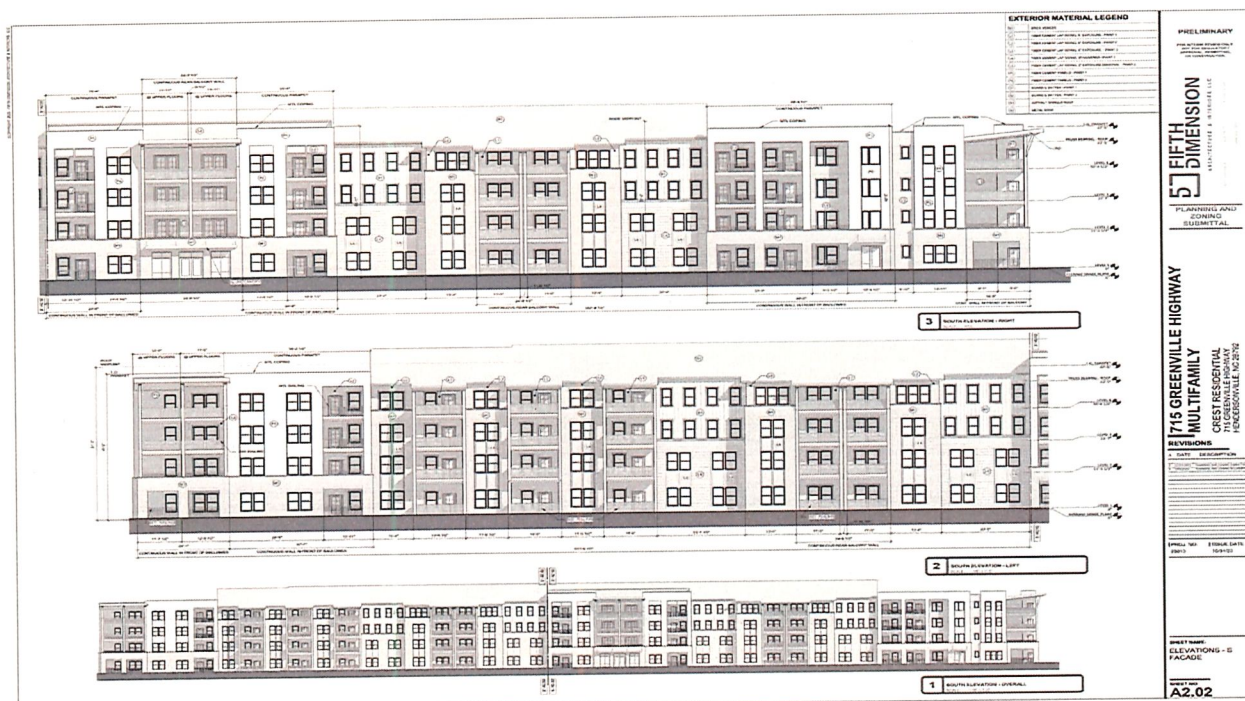
1. The petition proposes to provide additional housing to offset local rental demand.
2. The petition proposes to provide housing on a long vacant, previously developed and underutilized piece of property near commercial corridors and is within walking distance to downtown and the Ecusta Trail.
3. The site plan clusters development impacts out of the floodway portions of the site.

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:

1. The proposed development adds impervious surfaces to a subject property that is entirely within the floodplain while only sparingly offsetting their impacts with a small amount of pervious materials (6 parking spaces).
2. The height and scale of the proposed development is incompatible with the surrounding area and character.
3. The proposed development is in an area that is prone to flooding and the development does not provide additional mitigation that would benefit future residents (i.e. first floor garages or first floor commercial uses.) First floor commercial is supported by the Gen H comprehensive plan.







MAIN LEASING CORNER AND ENTRY

LPA HENDERSONVILLE MULTI-FAMILY / OCTOBER 01, 2022



REAR ENTRIES

LPA HENDERSONVILLE MULTI-FAMILY / OCTOBER 01, 2022





STREET VIEW

LPA HENDERSONVILLE MULTI-FAMILY / OCTOBER 01, 2022

My Niche
I=B+M
ARCHITECTURE

SOUTH ENTRANCE

LPA HENDERSONVILLE MULTI-FAMILY / OCTOBER 01, 2022

My Niche
I=B+M
ARCHITECTURE

POOL COURTYARD

LPA HENDERSONVILLE MULTI-FAMILY / OCTOBER 01, 2022

My Niche
I=B+M
ARCHITECTURE



REAR SIDE
LPA HENDERSONVILLE MULTI-FAMILY / OCTOBER 01, 2022

My Niche I=B+M ARCHITECTURE



MAIN LEASING CORNER AND ENTRY
LPA HENDERSONVILLE MULTI-FAMILY / OCTOBER 01, 2022

My Niche I=B+M ARCHITECTURE

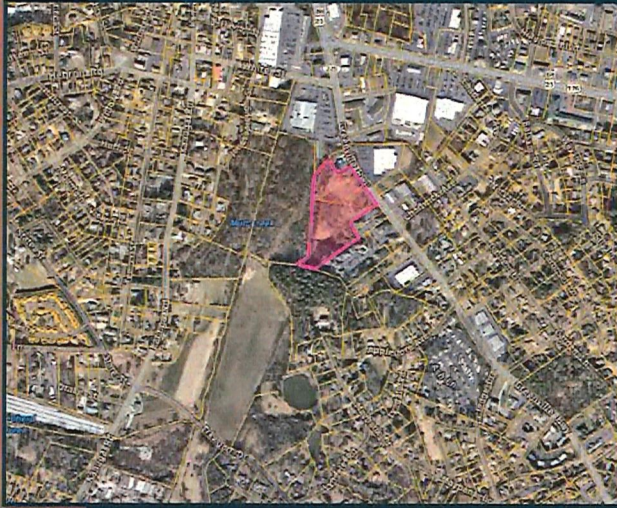
Derek J. Allen who is an attorney at Allen Stahl & Kilbourne introduced Travis Fowler of First Victory, Inc, the Developer; Jeff Moore who did the Traffic Impact Analysis; Andrew Bick from Headwaters Engineering who can talk about the flood modeling; John Kinnaird Civil Engineer and Rob Dull Landscape Architect and gave the following PowerPoint presentation.

allen
stahl+
kilbourne

Derek J. Allen
Partner
20 Town Mountain Rd, Suite 100
Asheville, NC 28801
828-254-4778
www.asklawnc.com

715 Greenville Highway Conditional Zoning

March 6, 2025 | City of Hendersonville | City Council



ask

Project Overview

Property Address:

715 Greenville Highway

Acreage:

9.01 Acres

Parcel Identification Numbers (PINs):

9568-83-4302

9568-83-2474

9568-83-2082

Current Parcel Zoning:

PCD- Planned Commercial

Requested Zoning:

UR-CZD-Urban Residential, a Conditional Zoning District.

Requested Conditional Uses:

Residential, Multi-Family

Future Land Use Designation:

Mixed Use Commercial

Open Space-Conservation (Natural)

Open Space-Conservation (Regulated)

Neighborhood Compatibility Meeting:

July 19, 2024

GEN H

HENDERSONVILLE COMPREHENSIVE PLAN

Adopted August 1, 2024



ask

OPPORTUNITY: Missing Middle Housing

Dynamic neighborhoods are those that offer a high quality of life, diverse and affordable housing options, and easy access to amenities such as parks, schools, shopping, entertainment, and employment opportunities. In many communities throughout the country, local initiatives are focused on creating or supporting "missing middle" housing options for residents.

"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.

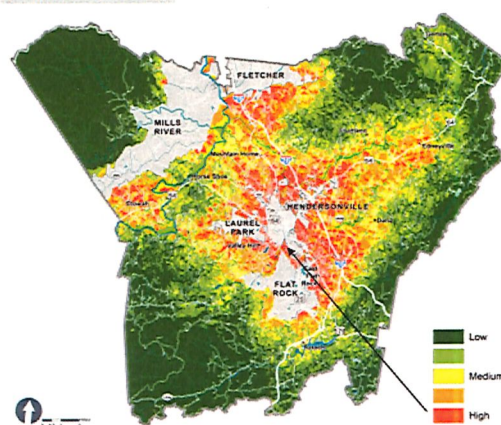
Having more missing middle housing in Hendersonville would provide more diverse housing options for both renters and owners and help to foster socioeconomic diversity in the community. It would be a welcome change compared to the large-scale, standalone garden apartment complexes that have been built in Hendersonville over the last decade.

In order to accommodate unique conditions or circumstances in different neighborhoods, exceptions or alternative design treatments and standards for infill development opportunities in existing neighborhoods may be necessary in the future.

To promote missing middle housing in existing neighborhoods, some general considerations include ensuring that new home building architecture is compatible with existing adjacent homes, addressing potential flooding issues, and providing adequate parking provisions.

128 | Hendersonville Comprehensive Plan

Residential Suitability

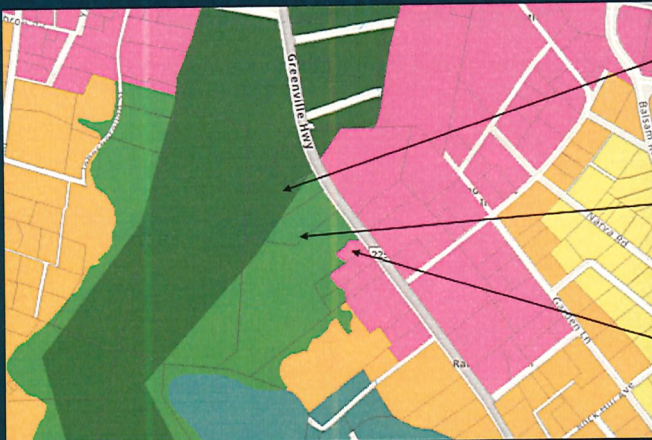


Residential Suitability Inputs

- Proximity to concentrations of existing single-family development
- Proximity to retail and services
- Proximity to schools and parks
- Distance from industrial uses
- Suitable slopes
- Away from environmental constraints
- Lands on large parcels
- Suitable soils
- Away from water supply watershed regulations
- Proximity to sewer
- Proximity to municipal boundaries

ask

Consistency with Future Land Use Plan

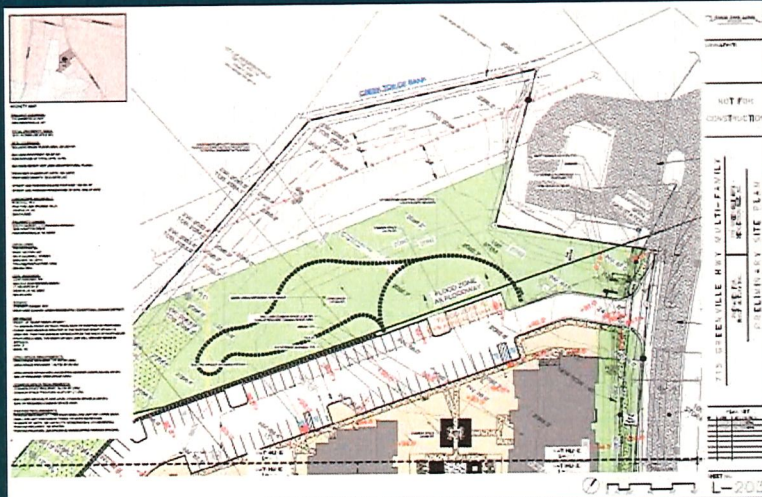


- Open Space-Conservation (Regulated)
- Open Space-Conservation (Natural)
- Mixed Use Commercial

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sk

Consistency with Future Land Use Plan

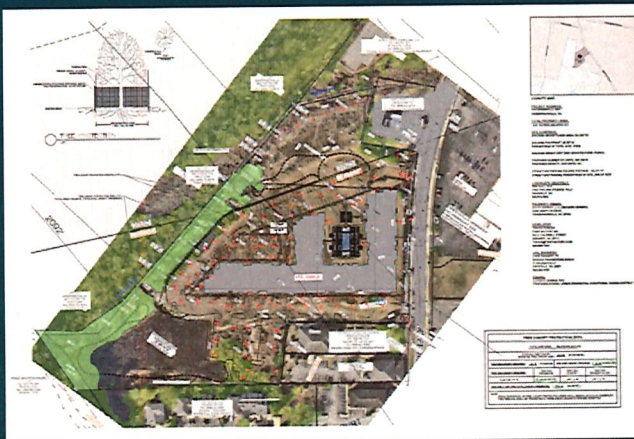
- Open Space-Conservation (Regulated):
 - "Maintaining environmental integrity is a major consideration in land-disturbing activities"



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Consistency with Future Land Use Plan

- Open Space-Conservation (Natural)
 - "some development can be supported in these areas, including redevelopment when floodplain function is maintained or improved and new development with limited impacts which improve use of site"

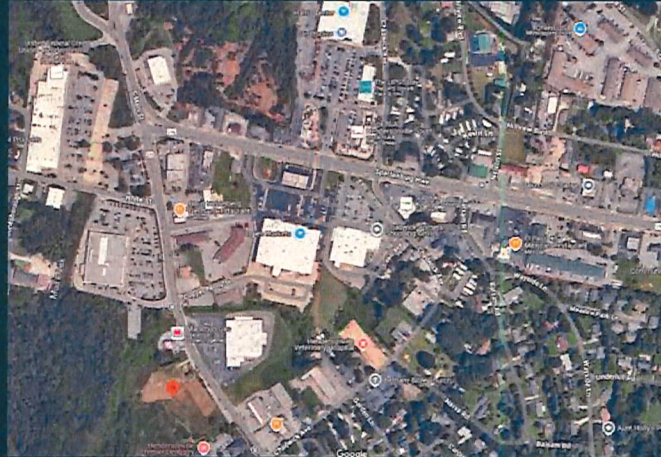


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Consistency with Future Land Use Plan

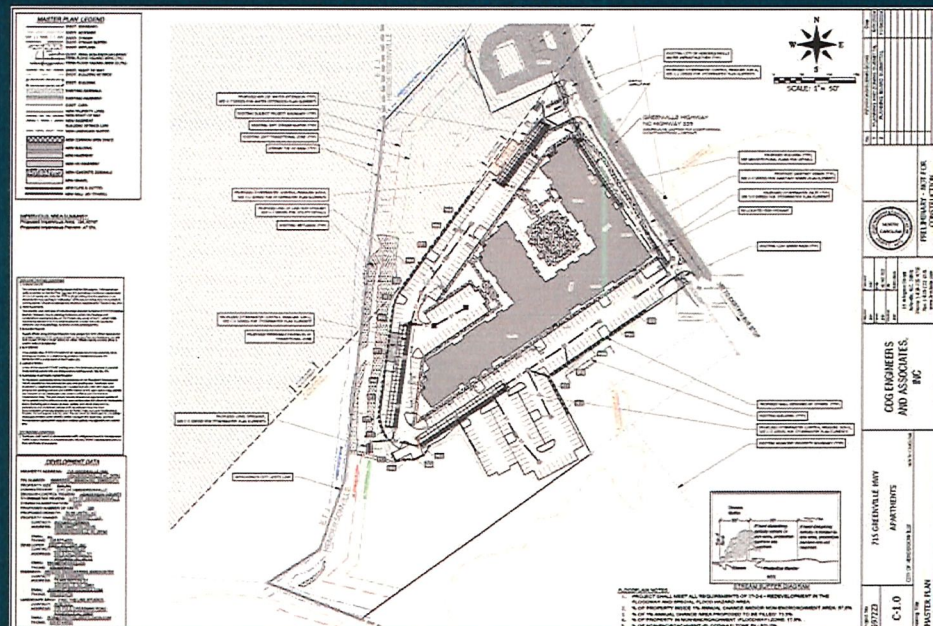
- Mixed Use Commercial

- "These areas are centers of activity with a mix of retail, restaurant, service, office, and civic uses, as well as various residential housing types ... This activity center is intended to be the City's most intense district outside of the Downtown character area."



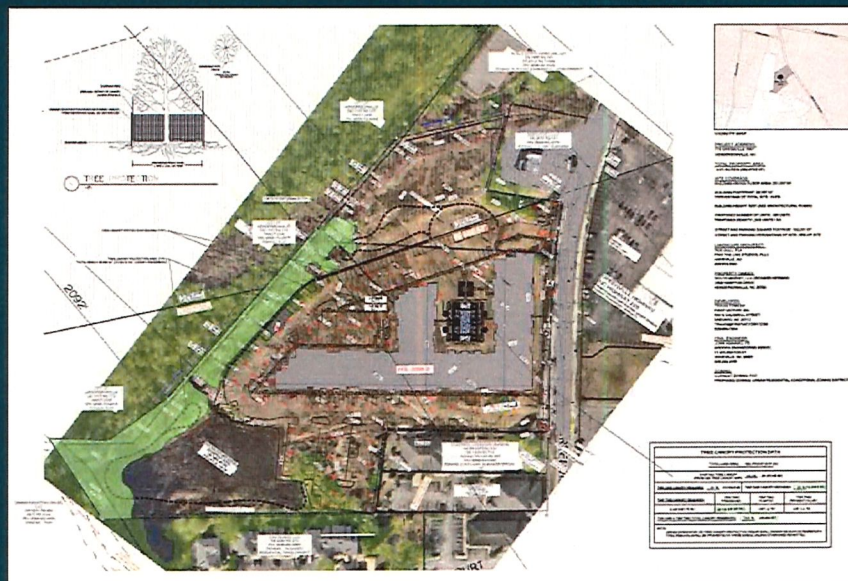
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Site Plan Discussion



a/sk

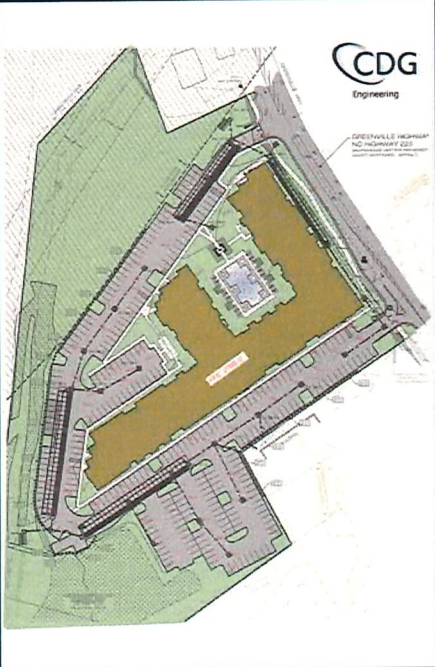
Exceeding Tree and Canopy Requirements



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Flood Models:
Site plan



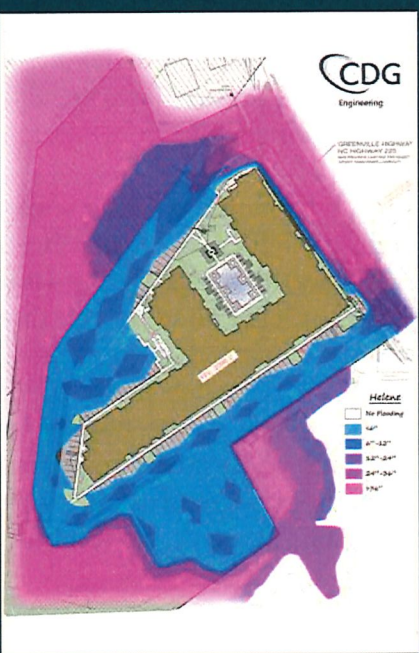
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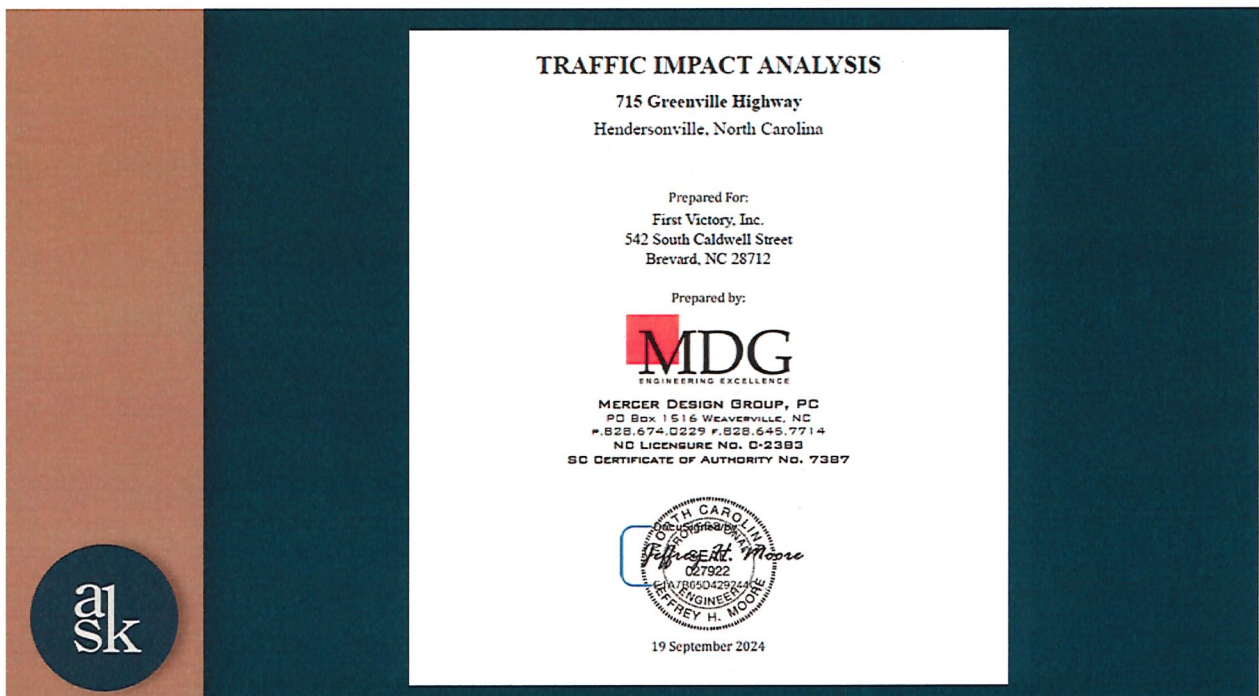
Flood Models:
100 Year Flood



al
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Flood Models:
Helene





~Mayor Volk asked for a brief break at 7:01 p.m. and returned to session at 7:09 p.m.~

The public hearing was opened at 7:09 p.m.

Via Zoom:

Lynne Williams spoke against the rezoning mostly due to it being in a flood prone area.

Ken Fitch spoke against the rezoning due to it being in a flood prone area especially after Hurricane Helene.

Brett Werner spoke against the rezoning and said it sets a bad precedent for future developers and a bad message to first responders.

Digital Comments:

Lisa Aguilar of 7 Shady Branch Trail wrote "I am in favor of AFFORDABLE apartments being built to meet the needs of retail/restaurant/ first responder/teacher/ and healthcare citizens. \$1800 a month is NOT affordable for these industries. I am in favor of a developer who has a plan to reduce flooding and redirecting water to an area that can contain and handle it during heavy rains. I am in favor of greenspace worked into their master plan. I am in favor of taking run down, decrepit areas and building them back to something that looks nice for our area. I am in favor of the build fitting into the surrounding not sticking out like a sore thumb. SO if that can happen, I am in favor of this project. NO Luxury Apartments, No eyesores like the Cedar/Fairmont Project. If it is not affordable housing then NO."

Melodye Campbell of 117 Brooklyn Avenue wrote "It's well known that 715 Greenville Hwy is located in the floodplain of south Hendersonville, situated between the Marathon station, which was flooded with several feet of water during Helene, and the Residences at Chadwick Square which also experienced significant flooding. It is directly across the street from the Storage Locker, which experienced two feet of water damage. During floods, this area becomes completely isolated from emergency services, making the construction of an apartment complex on this property unadvisable. Continued building on the floodplain will exacerbate flooding in this area and is irresponsible. One of my still photos is from January of 2024 when the area only got about 5-6" of rain. The second photo is from September 26, 2024 - a day before Helene blew through. Building an apartment complex on this property, even if raised up like Publix, is irresponsible."

The public hearing was closed at 7:29 p.m.

Council Member Lyndsey Simpson said that she would like to hear from Mike Huffman and Justin Ward with regards to this project. Stormwater Director Mike Huffman said that he did not have any concerns as far as the performance or function of the stormwater control measures go. It is a redevelopment and the site has been filled previously. It's not a requirement of our ordinance for

projects that do not impact the floodway to be modeled and if you recall back to a presentation about floodplain development, the floodplain is modeled to include an additional twelve inches basically to account for development in the floodplain. So when they produce that model they say ok the area that is the floodplain its to provide some reasonable protection because there is the assumption that a development will come in and fill up parts of the floodplain. So the models that Mr. Vick showed, the site would not have water on it but a 2000 year event, who knows, it's a model. There's nothing that I've seen thus far that would keep me from issuing a floodplain development permit for. Deputy Fire Chief Justin Ward spoke about flood issues and public safety. He said there has been flooding issues in the past where they have had to close down Greenville Highway. I could see that it we have another Hurricane Helene, we would have issues where we would have to rescue people but we would take measures to make sure that we could get to everyone in that area.

City Council Member Jennifer Hensley moved City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property (PINs: 9568-83-4302, 9568-83-2474 and, 9568-83-2082) from PCD, Planned Commercial Development to UR-CZD, Urban Residential Conditional Zoning District, for the construction of 185 multi-family units based on the master site plan and list of conditions submitted by and agreed to by the applicant, [dated 11-4-24] 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. *Permitted uses and applicable conditions presented on the site plan shall be amended to include:*

- i. *Developer agrees to provide the City of Hendersonville with an easement intended to benefit the City's The Lower Mud Creek Floodplain Restoration project, which focuses on reducing flooding and restoring natural floodplain functions along Mud Creek in the southside of Hendersonville, substantially in the form as set out in the attached Exhibit A.*
- ii. *Developer Agrees to make 10 units available to accept housing vouchers for otherwise qualifying applicants. If no voucher holders have applied for an eligible unit for a 30-day period, the designated unit may be rented to an applicant not holding a housing voucher. The next available unit would be held for a housing voucher under these same terms.*

3. *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 the Future Land Use and Conservation Map Designations of Open Space-Conservation (Regulated) and Open Space-Conservation (Natural) and is located in a Focused Intensity Node within Chapter 4 of the Gen H Comprehensive Plan.

4. *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 petition proposes to provide additional housing to offset local rental demand.*
2. *The petition proposes to provide housing on a long vacant, previously developed and underutilized piece of property near commercial corridors and is within walking distance to downtown and the Ecusta Trail.*

3. The site plan clusters development impacts outside of the floodway portions of the site.

A unanimous vote of the Council followed. Motion carried.

Ordinance #O-25-15

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR PARCELS POSSESSING PIN NUMBERS: 9568-83-4302, 9568-83-2474 AND, 9568-83-2082 BY CHANGING THE ZONING DESIGNATION FROM PCD, PLANNED COMMERCIAL DEVELOPMENT TO UR-CZD, URBAN RESIDENTIAL CONDITIONAL ZONING DISTRICT

IN RE: Parcel Numbers: 9568-83-4302, 9568-83-2474 and, 9568-83-2082
Address: 715 Greenville Highway
715 Greenville Highway Multi-Family: (File # P24-39-CZD)

WHEREAS, the City is in receipt of a Conditional Rezoning application from applicant, Travis Fowler, First Victory Inc., and property owner, Richard Herman (Manager)–South Market LLC, for the construction of a 185 unit multi-family development on approximately 9.01 acres, and

WHEREAS, the Planning Board took up this application at its regular meeting on November 14, 2024 and did not make a recommendation to City Council regarding the application;, and

WHEREAS, no written report was received from the Planning Board within a period of 30 days following referral of the application to that board, and

WHEREAS, City Council took up this application at its regular meeting on March 6th, 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 Numbers: 9568-83-4302, 9568-83-2474 and, 9568-83-2082, changing the zoning designation from PCD, Planned Commercial Development to UR-CZD, Urban Residential 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 November 4th, 2024, 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, Multi-Family
 - c. Additional conditions that shall be satisfied prior to final site plan approval include:
 - iii. Developer agrees to provide the City of Hendersonville with an easement intended to benefit the City's The Lower Mud Creek Floodplain Restoration project, which focuses on reducing flooding and restoring natural floodplain functions along Mud Creek in the southside of Hendersonville, substantially in the form as set out in the attached Exhibit A.
 - iv. Developer Agrees to make 10 units available to accept housing vouchers for otherwise qualifying applicants. If no voucher holders have applied for an eligible unit for a 30-day period, the designated unit may be rented to an applicant not holding a housing voucher. The next available unit would be held for a housing voucher under these same terms.
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 6th day of March, 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. NC Treasurer’s Office Loan – Brian Pahle, Assistant City Manager

Assistant City Manager Brian Pahle explained that NC Treasurers Loan Program is a short-term loan program for Hurricane Helene recovery. The State allocated one hundred million dollars available for Helene recovery in Western North Carolina for disaster affected communities and they directed the Treasurer’s office to distribute those loans. We did submit our damage inventory to receive a portion of the loan funding. This is the first tranche, the second tranche will be available later in April and we will be making sure we’re on that list as well. The amount of the loan is for \$1,172,005.34. Tonight we are asking for approval of the resolution accepting the terms and allowing the City Manager to execute the promissory note with the Treasurer’s Office.

Council Member Melinda Lowrance moved the City Council to approve the North Carolina Cashflow Loan Agreement, Promissory Note, and Associated Agreements. A unanimous vote of the Council followed. Motion carried.

Resolution #R-25-24

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO APPROVE NORTH CAROLINA CASHFLOW LOAN AGREEMENT, PROMISSORY NOTE, AND ASSOCIATED AGREEMENTS

WHEREAS, in connection with the State of North Carolina cashflow loan program (Loan Program) authorized by the Disaster Recovery Act of 2024, Session Law 2024-53 (as amended by Session Law 2024-57), the North Carolina Department of State Treasurer has been working with the North Carolina Department of Public Safety-Division of Emergency Management (NCEM), the North Carolina Association of County Commissioners (NCACC), and the North Carolina League of Municipalities (NCLM) to formulate a working plan for the disbursement of cashflow loans aimed at assisting local governments affected by Hurricane Helene; and

WHEREAS, local governments wishing to participate in the Loan Program are required to execute a Cashflow Loan Agreement and Promissory Note with the State of North Carolina, by and through the North Carolina Department of the State Treasurer; and

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

1. That the Cashflow Loan Agreement and Promissory Note provided by the North Carolina Department of the State Treasurer are hereby approved.
2. That the Manager, Clerk, or Authorized Representative of the City is authorized to execute the attached agreements (or those substantially equivalent thereto) and such other agreements and actions as necessary to receive disaster recovery loan funding from the State of North Carolina.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 6th day of March, 2025.

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

B. Our State, Our Homes Grant – Angela S. Beeker, City Attorney

City Manager John Connet explained that Ms. Beeker applied for a grant through the UNC School of Government through the NC Impact Initiative and we received it. It’s a \$17,000 grant that will provide stipends and travel costs to Chapel Hill where we will receive free training and expertise from the staff at the School of Government and other experts. We will use that training to hopefully set up a Community Land Trust. This grant is through Carolina Across 100 and is part of their Our State, Our Homes program that provides funds and technical and educational assistance for a project in communities interested in working across sectors to improve access to and availability of affordable housing options. Our representatives attending are myself, Ms. Beeker, Jamie Justus with the Partnership for

Economic Development, Robert Hooper from WNC Source and Tracy Thompson from Self Help. So, we ask Council to approve the acceptance of the grant.

Council Member Melinda Lowrance moved City Council accept the Our State, Our Homes, grant being offered by UNC-Chapel Hill, through their Carolina Across 100 Program and authorize staff to proceed with its implementation. A unanimous vote of the Council followed. Motion carried.



Carolinaacross100.unc.edu
Carolinaacross100@sog.unc.edu
#CarolinaAcross100



February 15, 2025

Ms. Angela Beeker
Mr. John Connet
City of Hendersonville
160 6th Avenue East
Hendersonville, NC 28792

Dear Angela & John,

Congratulations! On behalf of Carolina Across 100, I am pleased to inform you that your team from the City of Hendersonville has been selected to participate in the Our State, Our Homes program, an 18-month collaborative learning model focused on improving access to and availability of affordable housing in North Carolina. The program dates are January 1, 2025 to June 30, 2026.

Carolina Across 100 has committed the following to the Jackson County team as part of its selection to Our State, Our Wellbeing:

- Invitation to participate in four in-person forums in Chapel Hill in February, May, September, and December 2025 and March 2026;
- Funding of up to \$17,000 to be distributed as follows, subject to timely receipt of required payment documentation:
 - Travel reimbursements of up to \$7,000 to cover costs for up to four team members to attend each of the forums, including transportation and lodging, to be paid as expenses are incurred;
 - \$5,000 to provide a stipend for a part-time project manager, to be paid by March 31, 2025;
 - Up to \$5,000 for pilot project implementation expenses, to be paid at the midpoint of the program following submission of a brief project proposal; and
- In-kind support through technical assistance, coaching, and evidence-based resources.

In exchange, the City of Hendersonville team has committed to the following:

- Contributing a committed team representing multiple agencies, jurisdictions, and/or organizations to devote time and effort to this work;
- Developing a cogent strategy to leverage existing assets and activities; increase the availability, quality, and alignment of community resources for affordable housing; and address barriers to meeting community housing needs, especially for higher-risk subpopulations;
- Ensuring that at least four team members, including a project manager, attend each of the five forums; and
- Meeting at least monthly in the community to complete activities related to the program.



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Carolinaacross100@sog.unc.edu
#CarolinaAcross100



Funds provided to the City of Hendersonville team from Our State, Our Homes will be paid to City of Hendersonville through the UNC School of Government. Teams may be eligible in the future to receive additional awards for travel or project implementation, subject to need and the availability of additional funds.

Thank you again for your application and commitment to Our State, Our Homes and for all your efforts to address housing needs in your community.

Best,

Michael Welker
Director of Policy and Research Partnerships, ncIMPACT

C. Engineering Services to Support the WWTF 6 MGD Expansion and Improvements Project – Adam Steurer, Utilities Director

Public Services Director Brent Detwiler explained that the Wastewater Treatment Facility (WWTF) 6 million gallons per day (mgd) Expansion and Improvements Project expands the permitted capacity from 4.8 mgd to 6.0 mgd, replaces critical components to improve resiliency, reduces sanitary sewer overflows (SSOs) with flow equalization, provides additional redundancy, and improves treatment process efficiency. Staff completed a qualifications-based selection process for Professional Engineering Services and have selected engineering firm McKim & Creed, Inc. as most qualified to provide the services and negotiated a scope of work and fee from McKim & Creed, Inc. to provide engineering services to support the project.

Council Member Lyndsey Simpson moved City Council to adopt the Resolution By the City Council to select McKim & Creed, Inc. as most qualified to provide engineering services and authorize the City Manager To Enter Into a Contract for Engineering Services to support the WWTF 6 MGD Expansion and Improvements Project. A unanimous vote of the Council followed. Motion carried.

Resolution #R-25-25

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO ENTER INTO A CONTRACT FOR ENGINEERING SERVICES TO SUPPORT THE WWTF 6 MGD EXPANSION AND IMPROVEMENTS PROJECT

WHEREAS, the City owns and operates a water treatment facility (WWTF) that has a current permitted capacity of 4.8 million gallons per day; and

WHEREAS, the WWTF has need for capacity expansion and various process improvements; and

WHEREAS, the project expands and replaces critical components to improve resiliency, reduce sanitary sewer overflows, provide capacity for future community growth, and provide redundancy; and

WHEREAS, City Staff have performed a qualifications-based selection, determined McKim & Creed, Inc. as most qualified, and have received and negotiated a scope of work and fee from McKim & Creed, Inc. to provide Engineering Services to support the project.

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

1. McKim & Creed, Inc. is most qualified to provide professional engineering services for the project, as recommended by Staff.
2. The scope of professional engineering services from McKim & Creed, Inc. is approved in the not-to-exceed amount of \$2,366,104.
3. The City Manager is authorized to execute an agreement with McKim & Creed, Inc. consistent with the terms of this Resolution, as approved by the City Attorney.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 6th day of March, 2025.

Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

9. BOARDS/COMMISSIONS/COMMITTEE APPOINTMENTS

A. Appointments to Various Boards – Jill Murray, City Clerk

Board of Adjustment

Council Member Lyndsey Simpson moved that City Council appoint Brett Werner to the Board of Adjustment. He will be filling the unexpired vacancy of Steve Saalfeld and his term will expire on June 30, 2026. After that, he will be eligible for his first full three-year term. A unanimous vote of the Council followed. Motion carried.

Council Member Lyndsey Simpson moved that City Council appoint Steven Collins to the Board of Adjustment. He will be filling the unexpired vacancy of Kathy Watkins and his term will expire on June 30, 2026. After that, he will be eligible for his first full three-year term. A unanimous vote of the Council followed. Motion carried.

Council Member Lyndsey Simpson moved that City Council appoint Kyle Gilgis to the Board of Adjustment. She will be filling the alternate position on the Board and her term will expire on June 30, 2026. A unanimous vote of the Council followed. Motion carried.

Business Advisory Committee

Council Member Jennifer Hensley moved that City Council appoint Andrea Martin to the Business Advisory Committee. She will be filling the unexpired vacancy of Cam Boyd and her term will expire on June 30, 2025. After that, she will be eligible for her first full three-year term. A unanimous vote of the Council followed. Motion carried.

Council Member Lyndsey Simpson moved that City Council appoint Tiffany Lucey to the Business Advisory Committee. She will be filling the unexpired vacancy of Jay Egolf and her term will expire on June 30, 2025. After that, she will be eligible for her first full three-year term. A unanimous vote of the Council followed. Motion carried.

Council Member Jennifer Hensley moved that City Council appoint Michael Gilligan to the Business Advisory Committee. He will be filling the unexpired vacancy of John Stevens and his term will expire on June 30, 2027. After that, he will be eligible for his first full three-year term. A unanimous vote of the Council followed. Motion carried.

Environmental Sustainability Committee

Council Member Gina Baxter moved that City Council appoint Jesse Bailey to the Environmental Sustainability Committee. He will be filling the vacancy of Scott Harmon and his term will expire on June 30, 2027. After that, he will be eligible for his first full three-year term. A unanimous vote of the Council followed. Motion carried.

Council Member Gina Baxter moved that City Council appoint Judith Moolten to the Environmental Sustainability Committee. She will be filling the vacancy of Tanya Guzman and her term will expire on June 30, 2027. After that, she will be eligible for her first full three-year term. A unanimous vote of the Council followed. Motion carried.

Council Member Lyndsey Simpson moved that City Council appoint Alicia Stump to the Environmental Sustainability Committee. She will be filling an unexpired vacancy and her term will expire on June 30, 2026. After that, she will be eligible for her first full three-year term. A unanimous vote of the Council followed. Motion carried.

Council Member Lyndsey Simpson moved that City Council appoint Fiona McColley to the Environmental Sustainability Committee. She will be filling an unexpired vacancy of Frank Stewart and her term will expire on June 30, 2026. After that, she will be eligible for her first full three-year term. A unanimous vote of the Council followed. Motion carried.

Council Member Gina Baxter moved that City Council appoint Kyla Christensen to the Environmental Sustainability Committee to fill the student member seat. The term is for one year and two months expiring on June 30, 2026. A unanimous vote of the Council followed. Motion carried.

Historic Preservation Committee

Council Member Lyndsey Simpson moved that City Council Stan Smith to the Historic Preservation Committee. He will be filling an unexpired vacancy of Crystal Cauley and his term will expire on December 31, 2025. After that, he will be eligible for his first full three-year term. A unanimous vote of the Council followed. Motion carried.

Council Member Gina Baxter moved that City Council Lauren Matoian to the Historic Preservation Committee. She will be filling an unexpired vacancy of Xana Peltola and her term

will expire on December 31, 2026. After that, she will be eligible for her first full three-year term. A unanimous vote of the Council followed. Motion carried.

Tree Board

Council Member Lyndsey Simpson moved that City Council appoint Ed Skvarch to the Tree Board. He will be filling an unexpired vacancy of Mark Madsen and his term will expire on December 31, 2027. After that, he will be eligible for his first full three-year term. A unanimous vote of the Council followed. Motion carried.

Animal Services Advisory Committee

City Manager John Connet stated that the Animal Services Advisory Committee is requesting a Council Member Liaison and I believe Council Member Simpson has volunteered to do it. Council Member Jennifer Hensley moved to appoint Council Member Lyndsey Simpson as the Council Member Liaison to the Animal Services Advisory Committee. A unanimous vote of the Council followed. Motion carried.

10. CITY COUNCIL COMMENTS

Council Member Hensley said that she noticed that Senator Moffit has recently filed the same Bill that he filed last year in regards to water and sewer and I would just like to point out that the City of Hendersonville manages a fantastic enterprise. We introduced a board several years ago to build transparency and to show how we ran the fund. We survived Hurrican Helene and I believe 99% of our customers had water within 10 days. So, we run a very solid system and we would like to partner with the County and have discussions with them and we have been, and contrinue to be, open to discussions with them and invite them to come and talk to us. We do not believe that things in our community should be handled at a State level and its much better to be handled locally. We would really like to have better communication with Henderson County on these issues and would love for them to speak to us about these issues.

11. CITY MANAGER REPORT

A. February 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		
060-7032-524010	R&M Buildings	50,000	-	4,000	46,000						
060-7032-521100	Uniforms	3,000	4,000	-	7,000	Chad request	yes	Adjustment	2/5/2025		
						Chad request	yes	Adjustment	2/5/2025		
010-1400-534000	Non-Capital Equipment	107,900	-	10,000	97,900	FD Laptops	yes	Adjustment	2/6/2025		
010-1010-534000	Non-Capital Equipment	94,601	10,000	-	104,601	FD Laptops	yes	Adjustment	2/6/2025		
010-1555-521040	Construction Repair and Supplies	125,000	-	13,100	111,900	Guardrails	yes	Adjustment	2/6/2025		
010-1555-519200	Contracted Services	19,000	13,100	-	32,100	Guardrails	yes	Adjustment	2/6/2025		

12. CLOSED SESSION

Council Member Lyndsey Simpson moved that City Council enter closed session pursuant to NCGS § 143-318.11 (a) (1) (3) and (6) to prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes, to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body and to consider Lake vs. City of Hendersonville, Hendersonville Superior Court Case 24 CVS 562 and to consider the qualifications, competence, performance, character, fitness of an individual public officer or employee.

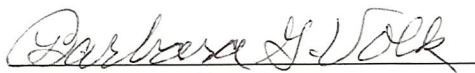
13. ADJOURN

Council came out of closed session at 9:55 p.m.

There being no further business, the meeting adjourned at 9:55 p.m. upon unanimous assent of the Council.

ATTEST:


Jill Murray, City Clerk


Barbara G. Volk, Mayor