



# MINUTES

February 4, 2021 and February 8, 2021

REGULAR MEETING OF THE CITY COUNCIL

CITY COUNCIL CHAMBERS – 2<sup>ND</sup> FLOOR, CITY HALL | 160 SIXTH AVE. E. 5:45 p.m.

Present: Mayor Barbara G. Volk, and Council Members: Jeff Miller and Lyndsey Simpson and Dr. Jennifer Hensley

Remote Participants: Mayor Pro Tem Jerry Smith and City Manager John F. Connet

Staff Present: Assistant City Manager Brian Pahle, City Attorney Angela Becker, City Clerk Angela Reece, Communications Manager Allison Justus and others

## **1. CALL TO ORDER**

Mayor Volk called the meeting to order at 5:45 p.m. and welcomed those in attendance. A quorum was established with all members in attendance. Mayor Pro Tem Jerry Smith and City Manager John F. Connet participated in the meeting remotely via Zoom electronic software.

## **2. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG**

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

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

*Kathy Yurista* of 103 Del and Bettys Pl. addressed City Council expressing concerns with Stay-at-Home Orders issued by Governor Cooper and with the CDC's guidance for mask wearing.

*Carolyn Widener* of 1235 Ransier Dr. addressed City Council expressing concerns over fears of COVID and the impacts to children's vaccinations.

*Indián Jackson* of 11 Mountain Rd. addressed City Council expressing concerns of the Seventh Avenue Municipal Service District budget compared with the Main Street Municipal Service District budget.

*Jes Stafford* of 408 Deerhaven Lane addressed City Council expressing support of lifting COVID restrictions.

*Annamarie McConnell* of 1235 Ransier Dr. addressed City Council expressing support of lifting COVID restrictions.

*Bobby Roland* of 88 Little Haven Lane addressed City Council expressing support of lifting COVID restrictions.

*Raphael Morales* of 84 Toms Park Circle Apt. 15 addressed City Council expressing concern of costs of line items on the City Operation Center Improvement Project budget.

*Angela Prodrick* of Chickadee Trl. submitted written comments to City Council electronically expressing concerns of the proposed exchange of Berkeley Park.

## **4. CONSIDERATION OF AGENDA**

City Manager John F. Connet requested to remove Item 9B, Consideration of Property Trade Between the City of Hendersonville and Henderson County Public Schools from consideration at this time.

*Council Member Jeff Miller moved that City Council approve the agenda as amended, removing Item 9B. A unanimous roll call vote of the Council Member followed. Motion carried.*

**5. CONSENT AGENDA****A. Adoption of City Council Minutes – Angela Reece, City Clerk**

## i. January 7, 2021, Regular Session

*I move that City Council adopt the minutes of January 7, 2021 (Regular Session) as presented.*

**B. City Operations Assembly Room Upgrade, Phase II – John Connet, City Manager**

*I move to authorize the City Manager to execute an AIA change order, contract for AV equipment and related services, and contract order for furniture, for the City Operations Assembly Room project, as presented.*

**C. HR Coordinator- Diversity, Equity & Inclusion job description – Jennifer Harrell, HR Director**

*I move that City Council approve the HR Coordinator- Diversity, Equity & Inclusion job position and description as presented.*

**D. NCDOT U-5887 Highland Lake Rd Utility Agreement – Brent Detwiler, City Engineer**

*I move that City Council resolve to approve the NCDOT Utility Agreement for U-5887 Highland Lake Road; and to authorize the City Manager to execute the finalized agreement for said work; as presented and recommended by staff.*

**E. Jump Off Rock Half Marathon & 10K – Lew Holloway, Community Development Director**

*I move that City Council approve the special event permit for the Jump Off Rock Half Marathon and 10K.*

**F. Henderson County Tax Adjustments – Jennifer Musselwhite, Deputy Tax Collector**

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

**G. Resolution of Intent – Closure of a portion of Brown Street– Lew Holloway, Community Development Director**

*I move that City Council adopt the Resolution of Intent for the closing of a portion of an opened and improved ROW for Brown Street located on PIN 9569-50-9133, 9569-50-8164, 9569-50-7165 and 9568-59-9771 petitioned by Henderson County Hospital Corporation.*

**Resolution #R-21-10**

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO DECLARE THE INTENT TO CONSIDER CLOSING A PORTION OF AN OPENED AND IMPROVED ROW**

**WHEREAS**, NC General Statute 160A-299 authorizes the City Council to close public streets and alleys; and

**WHEREAS**, Henderson County Hospital Corporation has petitioned the City of Hendersonville City Council to close a portion of an open and improved ROW for Brown Street located on PIN 9569-50-9133, 9569-50-8164, 9569-50-7165 and 9568-59-9771; and

**WHEREAS**, NC General Statute 160A-299 requires that City Council conduct a public hearing for the purpose of giving consideration to the petition; and

**WHEREAS**, At the public hearing, any person may be heard on the question of whether or not the closing would be detrimental to the public interest, or the property rights of any individual.;

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

1. City Council herewith calls a public hearing to be held at 5:45 pm on the fourth day of March 2021, in the Council Chambers of City Hall to consider closing a portion of an opened and improved ROW for Brown Street. Persons shall be allowed to attend and comment in person or via Zoom at the following address:

<https://zoom.us/j/95746846396?pwd=YmIXdXdHcjRFVIM2VElqcEVwT1ZLZz09#success>

Dial-in by phone: (646) 558-8656  
Meeting ID: 957 4684 6396  
Passcode: 28792

The public will be permitted to submit written comments for a period of twenty-four (24) hours following the close of the public hearing. Written comments may be submitted on the City's webpage at [www.hendersonvilenc.gov/public-comment](http://www.hendersonvilenc.gov/public-comment) or directly to the City Clerk, Angela Reece, [areece@hvlnc.gov](mailto:areece@hvlnc.gov), 160 6<sup>th</sup> Avenue East, Hendersonville, NC 28792.

2. The legal description for the portion of Brown Street proposed for closing is as follows:

**BEGINNING at an iron pin set, being the southwest corner of Tract 2 as described in deed book 1580 page 534; thence from said beginning point N 06°16'35" E 1.18' to a calculated and unmarked point, said point being the intersection of the east margin of the right-of-way for North Justice Street and the north margin of the right-of-way for Brown Street; thence with the north margin of the right-of-way of Brown Street S 85°10'57" E 82.28' to a calculated and unmarked point; thence S 84°21'40" E 152.77' to a calculated and unmarked point; thence S 85°12'17" E 45.79' to a calculated and unmarked point, said point being the intersection of the north margin of the right-of-way for Brown Street and the east line of that property as described in deed book 1026 page 394; thence crossing Brown Street and with the east line of said property S 05°00'21" W 20.00' to a calculated and unmarked point, said point being the intersection of the south margin of the right-of-way for Brown Street and the east line of said property; thence with the southern margin of the right-of-way of Brown Street N 85°12'17" W 45.86' to a calculated and unmarked point; thence still with the southern margin of the right-of-way N 84°21'40" W 234.92' to a calculated and unmarked point, said point lying N 04°49'03" E 0.18' from a chiseled "X" in the sidewalk, the northwest corner of the Pardee Hospital tract; thence N 04°49'03" E 18.82' to the point and place of BEGINNING. Having an area of 5,567 square feet, or 0.128 acres as shown on plat by Ownbey Land Surveying, PLLC entitled Exhibit Map Illustrating Proposed Partial Closure of Brown Street for Henderson County dated January 7, 2021.**

3. The City Clerk is hereby directed to publish this Resolution of Intent once a week for four successive weeks.
4. The City Clerk further directed to transmit by registered or certified mail to each owner of property abutting upon that portion of said street a copy of the Resolution of Intent.
5. The City Clerk is further directed to cause adequate notices of the Resolution of Intent and the scheduled public hearing to be prominently posted in at least two along the portion of Brown Street proposed for closure as required by G.S. 160A-299.

Adopted by the City Council of the City of Hendersonville, North Carolina this 4<sup>th</sup> day of February 2021.

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

**H. Budget Amendments: Mid-Year FY20-21 – Adam Murr, Senior Analyst**  
*I move that City Council the budget amendments as presented.*

**I. Operations Support Coordinator -Revised Job Description – Jennifer Harrell, HR Director**  
*I move that City Council approve the revised Operations Support Coordinator job description and pay grade as presented.*

**J. Clear Creek Greenway Water Resources Development Grant - Presenter: Brent Detwiler, Utilities Engineer**  
*I move that City Council resolve to approve the NC Department of Environmental Quality's Water Resources Development Grant Agreement for the Clear Creek Greenway Project and to authorize the City Manager to execute said agreement.*

**Council Member Jeff Miller moved that City Council approve the consent agenda as presented. A unanimous roll call vote of the Council Member followed. Motion carried.**

## **6. PRESENTATIONS**

**A. Quarterly MVP Recipients – John Connet, City Manager**

City Manager John Connet presented the Quarterly MVPs recognizing Scott Chovan, Wastewater Treatment Plant, Tammy Ledford, Public Works, Brendan Shanahan, Engineering, and Travis Penland

Engineering for going above and beyond their normal job duties to assist citizens by exemplifying excellent customer service. Mayor Volk also expressed thanks and appreciation to these employees.

**B. MVP of the Year – *John Connet, City Manager***

City Manager John Connet presented the MVP of the Year Award to Police Officer Joreeca Dinnall, recognizing her for assisting a juvenile in crisis while she was off duty to resolve the incident. Manager Connet and Mayor Volk congratulated Officer Dinnall and thanked her for going beyond her normal job duties to assist a family in need.

**7. PUBLIC HEARINGS**

**A. The Cedars - 227 7th Avenue West: Conditional Zoning District, P20-09-CZD – *Lew Holloway, Community Development Director***

Community Development Director Lew Holloway stated the City is in receipt of a Conditional Rezoning application from Tom Shipman for the rehabilitation of one 4-story historic inn which totals 15,310 square feet and the development of two new 6 story plus basement garage buildings. He stated the Historic Inn is located along the Buncombe St. edge of the property and the other structure is located along the Church St. edge of the property. Director Holloway stated the buildings combined consist of approximately 100,000 square feet of conditioned space and said the Church Street building includes two levels of parking garage at approximately 37,500 square feet while the Buncombe Street building includes one level of parking (garage) of approximately 18,750 square feet. Director Holloway stated an atrium which is approximately 6,250 square feet connects the facilities and said the total project consists of nearly 235,000 square feet of conditioned space. Director Holloway discussed entrances to the property stating the applicant will be pursuing a NCDOT driveway permit.

The following conditions are proposed:

**I. Stipulated Uses:**

**Only the following uses are authorized for the referenced development:**

- Condominiums
- Hotels and motels
- Conference Facilities
- Restaurants
- Parking lots and parking garages

**II. Conditions:**

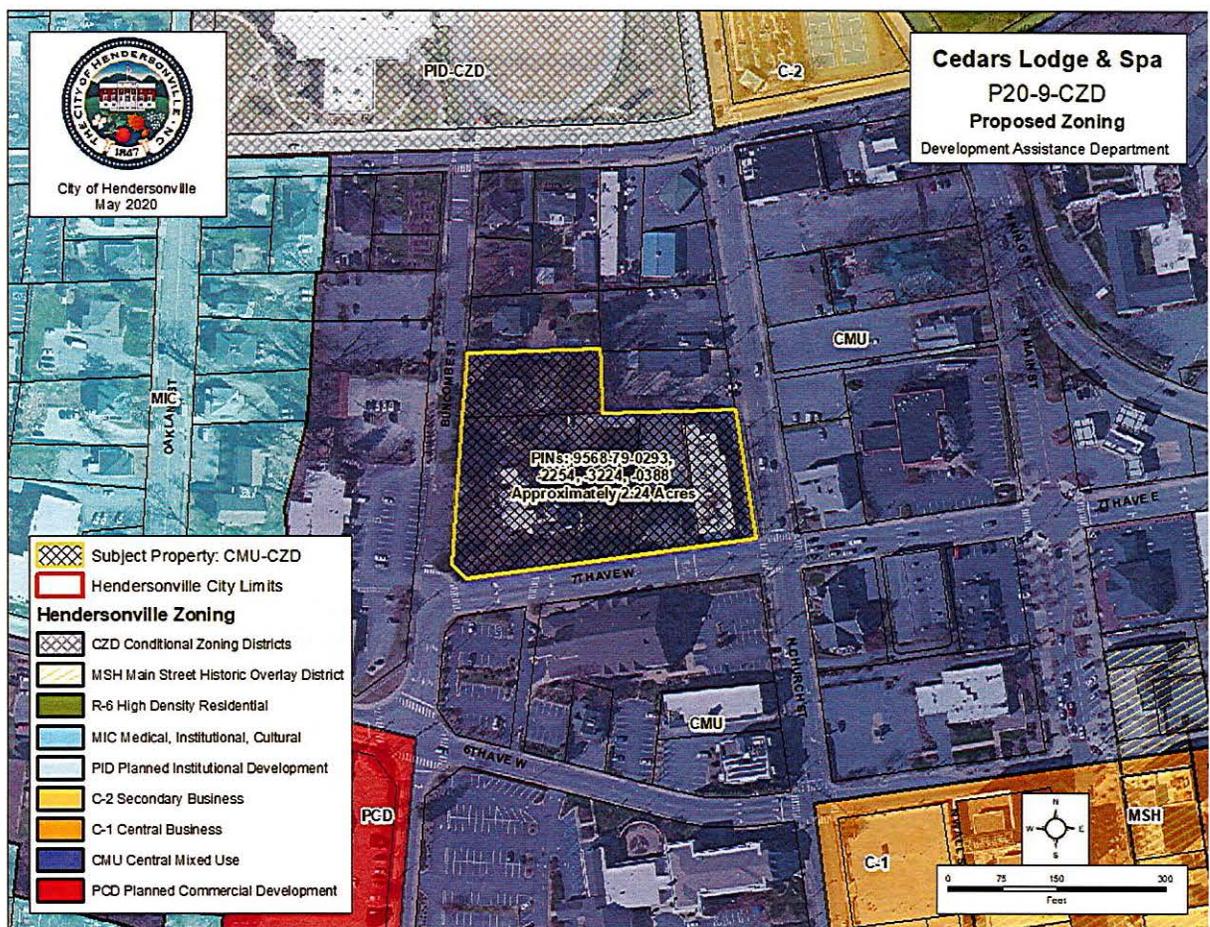
**(1) Shall Be Attached to the Conditional Rezoning and Satisfied Prior to Issuance of Final Site Plan Approval:**

- a. That the Schematic Site Plan be updated to reflect the required spot elevations and associated calculations to determine the “Average Grade.”
  - i. Average Grade” to be established by identifying at least three spot elevations, measured at equal distances from each other and spaced no more than 50’ apart, along each façade of a building. The resultant spot elevations shall be added together and divided by the total number of spot elevations identified to determine the building’s “average grade.”
  - ii. Spot elevations shall be measured within 2’ of the building foundation and reflect the proposed finished grade for the project.
  - iii. Spot elevations shall not be taken from berms or another fill which would artificially impact the site elevation.
- b. That the “Elevations” provided as a component of the CZD application be amended to the height measured from the roof deck line on the mansard roofs.
- c. With the “Average Grade” established as described above and the point of measurement for the height of the mansard roof adjusted, the building(s) then be shown to meet the 64’ height limitation.
- d. That Ramey Kemp submit a technical memo or addendum to the TIA as a response to the comments which satisfies the concerns raised by the City’s Traffic Consultant.

- e. That NCDOT driveway permits be obtained prior to Final Site Plan Approval.
- f. That the proposed off-site parking lot be included in the schematic site plan and improved per the requirements of the Conditional Zoning District zoning and comprehensive plan standards and guidance.
- g. That a combination of planters with elevations changes and a sidewalk widened to 8' be used to enhance the pedestrian experience along the Church Street edge of the project.
- h. That the "Ballroom Patio" be better connected visually and via physical access to the sidewalk itself and that the area for pedestrian respite be integrated into this design solution.
- i. Note those trees which will be preserved during the renovation and construction process on the schematic site plan. Include a note that preservation efforts will comply with the standards set forth in Section 15-4 of the Zoning Ordinance.
- j. That all site lighting be dark sky compliant.
- k. For purposes of this conditional zoning permit, the following shall apply:
  1. A floor of a building shall be considered in residential use if at least 75% of the floor's square footage is dedicated to residential use;
  2. The 75% threshold shall be measured according to the percentage of a floor's square footage dedicated to residential use;
  3. Residential use shall mean multi-family dwelling units which (although located in the same building or on the same floor as hotel units) are not hotel units; and
  4. Classification of multi-family dwelling units as residential use versus hotel use shall be done on a calendar year basis; and
  5. Hotel units shall mean those multi-family dwelling units used or available for use as short-term rentals for more than 250 days during a calendar year; and
  6. The offering of multi-family dwelling units for short term rentals shall not disqualify such units from being considered "residential"; and
  7. Short term rentals are defined as rental stays which do not exceed 30 consecutive calendar days; and
  8. If the standards for height in the CMU district become less restrictive via a text amendment to the City of Hendersonville Zoning Ordinance, then the less restrictive standards would apply to this project from the date of the adoption of the ordinance amendment.

**(2) Shall Be Attached to the Conditional Rezoning:**

Final plans for the project shall comply with approved plans, the conditions agreed to on the record of this proceeding and applicable provisions of the Hendersonville Zoning Ordinance and Code of Ordinances.



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

*Ken Fitch* of 1046 Patton St. addressed City Council electronically via Zoom expressing concerns regarding traffic impact and tree canopy.

*Lynn Williams* of 309 Chadwick Ave. addressed City Council electronically via Zoom expressing concerns regarding tree canopy and stated having a review by the Tree Board was important.

*Melanie Ricardson* of 11 Tisha Lane submitted written comments to City Council electronically stating she was in favor of the proposed rezoning

Project Developer Tamara Peacock addressed City Council regarding the project design acknowledging concerns regarding the trees stating they are planting 21 mature red maples along all sides of the project and are preserving trees along the gazebo area. Ms. Peacock stated they are interested in preserving the green space. Ms. Peacock addressed traffic circulation inquiries stating one entrance would be dedicated only for residential use and confirmed there would be a valet and said the REMAX lot will be utilized as backup for additional parking for the hotel portion.

There were no other comments at this time. The public hearing was closed at 6:39 p.m.

Mayor Volk advised due to Members of City Council participating remotely, the public will be given an additional 24 hours to comment on this hearing and said this hearing will be continued to Monday, February 8, 2021 at 5:15 p.m. , electronically using the same log in and physical location information as advertised for this meeting.

**B. Conditional Rezoning: Fleming Street Medical Office Building, P20-41-CZD – Tyler Morrow, Planner**

Planner Tyler Morrow stated the City is in receipt of a Conditional Rezoning application from Carleton Collins of Carleton Collins Architecture and CCP Fleming LLC for the development of a 3 story 13,536 square foot medical office on approximately 0.86 acres. He stated the subject property is currently vacant and is identified as parcel numbers 9569-60-1341 and 9569-60-1454 is currently vacant and said the applicant is requesting to rezone the subject property from MIC Medical, Institutional, Cultural and MIC-SU Medical, Institutional, Cultural, Special Use to MIC-CZD Medical, Institutional, Cultural Conditional Zoning District. Mr. Morrow stated the Planning Board has recommended the following conditions for this conditional rezoning application.

The following conditions were proposed:

**I. Stipulated Uses:**

**Only the following uses are authorized for the referenced development:**

- Offices, business, professional and public
- Personal services consistent with the purposes of this classification, such as medical & dental labs and clinics, opticians & optical services and prosthetics & orthopedics

**II. Conditions:**

**(1) Shall Be Attached to the Conditional Rezoning and Satisfied Prior to Issuance of Final Site Plan Approval:**

1. That the building be relocated on the site plan to sit on the front setback line and that the parking located at the front of the property be relocated to the side and rear of the site plan to conform to the Comprehensive Plan's guidance to use a "minimal front setback" and limit parking to the "rear and side only."
2. That a stormwater management plan be submitted by the applicant demonstrating compliance with Chapter 24 Article 3: Stormwater Ordinance in the City Code of Ordinances.

**(2) Shall Be Attached to the Conditional Rezoning:**

3. Final plans for the project shall comply with approved plans, the conditions agreed to on the record of this proceeding and applicable provisions of the Hendersonville Zoning Ordinance and Code of Ordinances.
4. That the existing type B buffer along the western property line of parcel number 9569601454 and the existing buffer along the western property line of parcel number 9569601341 be preserved during the redevelopment of the site in accordance with Section 15-4 Existing Vegetation of the City's zoning ordinance.
5. That site lighting be dark sky compliant

Council Member Jeff Miller expressed concerns of preserving the existing vegetation buffer and Mr. Morrow stated staff is asking for direction from City Council as to whether or not to leave the current buffer and supplement it or to install a new one in accordance with the ordinance. Council Member Dr. Jennifer Hensley expressed concerns of the facility having adequate parking available. Council Member Jerry Smith expressed concerns regarding square footage in relation to required parking spaces and size of the proposed facility.

Project Developer Carleton Collins addressed City Council asking for consideration of approval to address the need for high quality office space needs in the area. Mr. Collins stated the sketch presented to Council was not a final design and clarified the position of the building will require modifications to setbacks on the lot to provide maximum space and to determine final building size and parking requirements. Mr. Collins stated there was nothing formal in place at this time.

The City Clerk confirmed the public hearing has been advertised in accordance with General Statutes. The public hearing was opened at 7:18 p.m.

*Lynn Williams* addressed the City Council by Zoom of 309 Chadwick Ave. expressed support for condition 2, preserving existing buffers and include Tree Board feedback.

*Ken Fitch* of 1046 Patton St. addressed City Council by Zoom expressing concerns of neighborhood compatibility and proposed size of the project.

*Zach Forrest* of 520 Fassifern Court submitted written comments electronically and addressed City Council via Zoom expressing concerns of the project regarding landscaping and tree removal, size of building, retaining walls, and drainage as well as lighting at night asking City Council not to allow the project to move forward until an official site plan was reviewed and approved.

*Council Member Lyndsey Simpson moved that City Council continue the public hearing for Conditional Zoning District – Carleton Collins Architecture, PLLC - Application for a conditional rezoning of the subject property, PIN 9569-60-1341 and 9569-60-1454, located at 903 & 919 Fleming Street, from MIC, Medical, Institutional and Cultural District to MIC CZD, Medical, Institutional and Cultural Conditional Zoning District to their next regularly scheduled meeting on Thursday March 4, 2021 at 5:45 p.m. or as soon thereafter as possible. A unanimous roll call vote of the Council Member followed. Motion carried.*

8. **UNFINISHED BUSINESS** There was no unfinished business.

Mayor Barbara G. Volk briefly recessed the meeting for a short break at 7:37 p.m. and reconvened at 7:44 p.m. All members continuously remained in attendance.

9. **NEW BUSINESS**

A. **Billing Policy Update -Leak Adjustments - Jennifer Musselwhite, Revenue Supervisor**

Finance Director John Buchanan presented a billing policy amendment for utility customers applying for a leak adjustment and said the change would approve the adjustment process for leak requests that are submitted to the Finance Department. Director Buchanan stated the proposed revision would eliminate the requirement for customers to provide proof of repair documents which are receipts or itemized plumbers' invoices. He stated the proposed revision would allow residential customers to have a flat amount adjustment based on the meter size of the customer account. Director Buchanan stated staff have updated policy definitions and said these changes are to simplify customer requirements and streamline the leak adjustment policy procedure.

*Council Member Lyndsey Simpson moved that City Council approve the Billing Policy Leak Adjustments changes as presented. A unanimous roll call vote of the Council Member followed. Motion carried.*

**B. REMOVED: Consideration of Property Trade Between the City of Hendersonville and Henderson County Public Schools** — *John Connet, City Manager and City Attorney Angie Beeker*

**C. Contract Award – Hebron Pressure Zone Water Improvements** – *Adam Steurer, Utilities Engineer*

City Manager John Connet recalled receiving bids for the construction of the proposed Hebron Pressure Zone Water Improvements for installation of approximately 2,075 linear feet of 6-inch and 8-inch diameter ductile iron water main and appurtenances; two master meter vaults; and abandonment of an existing water pumping station. Manager Connet stated the project's intent is to boost insufficient water pressures and available fire flows for existing City water customers in the project area.

which is located off of White Pine in the Town of Laurel Park. Utilities Engineer Adam Steurer stated the City received 8 bids and said the lowest responsive bid came from Huntley Construction in the amount of \$380,467.

*Council Member Jeff Miller moved City Council resolve to authorize the City Manager to award and execute a contract for the construction of the Hebron Pressure Zone Water Improvements in the amount of \$380,467 with Huntley Construction Company, the lowest responsive and responsible bidder and authorize the City Manager to approve change orders up to 10% of the contract amount, not to exceed budgeted funds available in the capital project ordinance; as presented and recommended by Staff. A unanimous roll call vote of the Council Member followed. Motion carried.*

## **10. CITY COUNCIL COMMENTS**

Council Member Lyndsey Simpson requested City Council formally consider forming a Diversity & Inclusion Committee.

Mayor Barbara G. Volk expressed thanks and appreciation to the City's Public Works staff for being courteous to pedestrians while tending to the greenway.

Council Member Jerry Smith asked City Manager Connet to clarify on the Main Street and Seventh Avenue Municipal Service District Budgets. Manager Connet reminded everyone the City is required to have a balanced budget and said that the Municipal Service Districts (MSD) were set up at different times in order to provide improvements to each of the districts and said the funding comes from additional property taxes that property owners in each district must pay in order to receive additional services in that district. Manager Connet clarified that the rates for each district are different and said the Main Street MSD pays \$0.27 per \$100.00 of valuation and Seventh Ave. MSD pays \$0.17 per \$100.00 of valuation thereby each district generates a different amount of revenue. Manager Connet stated there are more property owners in the Main Street MSD paying higher tax which is generating a higher amount of revenue and said this is why their budget is larger and reminded everyone that revenues must match expenditures for each district. Manager Connet reminded everyone of the Seventh Avenue Streetscape project and said the City will be investing \$1M into the Seventh Avenue area later this year.

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

City Manager Connet inquired of City Council's preference for participation in the Cities Initiative. Council Member Jerry Smith stated he believes this is a great network for the City Manager to be involved in and is in favor of the project. City Council Members agreed to move forward with participation in the project. Manager Connet also discussed signage in the Green Meadows Community and stated there were several ideas for signage and asked direction from City Council to proceed with engaging a signage firm to coordinate this project and to place a temporary sign. City Council Members agreed to move forward with the signage with considerations of obtaining easements for placement of the signage. Manager Connet also announced the implementation of the new Citizen Reporting App which will replace the "report a problem" application on the City's website. Manager Connet stated this application was developed in house by staff and will allow

citizens to select a location on a map and attach a photo of the issue. The application will go live on the City's website soon.

## **12. BOARDS/COMMISSIONS/COMMITTEE APPOINTMENTS**

### **A. Downtown Advisory Board Merger – *Jamie Carpenter, Downtown Manager***

Downtown Manager, Jamie Carpenter presented a Resolution to merge the Downtown (Main Street) Advisory Committee and Seventh Avenue Advisory Committee to form one Downtown Advisory Board composed of equal representation from both districts with a total membership of 14 voting members and 2 non-voting members. Ms. Carpenter stated the merger is being recommended by vote of both the Downtown Main Street Advisory Committee and the Seventh Avenue Advisory Committee and said staff recommends the merger in order to follow the pillars of the Main Street Four Point Approach™ being design, promotion, economic vitality and organization.

*Council Member Lyndsey Simpson moved that City Council adopt the resolution to merge the Downtown Main Street Advisory Committee and Seventh Avenue Advisory Committee to form the Downtown Advisory Board and to adopt the Charter & Rules of Procedure as presented. A unanimous roll call vote of the Council Member followed. Motion carried.*

**Resolution #R-21-11**

### **RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO MERGE THE DOWNTOWN ADVISORY COMMITTEE AND 7<sup>TH</sup> AVENUE ADVISORY COMMITTEE TO CREATE A DOWNTOWN ADVISORY BOARD**

**WHEREAS**, the Downtown Main Street Advisory Committee was established June 2, 2011 to advise and recommend updates to Hendersonville City Council regarding the Downtown Municipal Service District; and;

**WHEREAS**, the 7<sup>th</sup> Avenue Advisory Committee was established March 9, 2015 to advise and recommend updates to Hendersonville City Council regarding the 7<sup>th</sup> Avenue Municipal Service District; and

**WHEREAS**, the Downtown Main Street Advisory Committee and 7<sup>th</sup> Avenue Advisory Committee share a common vision for the overall economic vibrancy of Downtown Hendersonville; and

**WHEREAS**, Historic Downtown Hendersonville was designated a North Carolina Main Street Program in 1986 and has been recognized as a nationally accredited Main Street Program; and

**WHEREAS**, best practices of nationally Accredited Main Street Programs include one advisory board with three teams to follow the pillars of the Main Street Four Point Approach™ being design, promotion, economic vitality and organization; and

**WHEREAS**, in a joint meeting of the Downtown Main Street Advisory committee and 7<sup>th</sup> Avenue Advisory Committee held December 8, 2020 members of both committees approved a recommendation to merge to form a Downtown Advisory Board; and

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

1. The Downtown Main Street Advisory Committee and 7<sup>th</sup> Avenue Advisory Committee are hereby merged and to form the **Downtown Advisory Board**.
2. The Downtown Main Street Advisory Committee and 7<sup>th</sup> Avenue Advisory Committee and their subcommittees are hereby disbanded; and
3. The merged Downtown Advisory Board is hereby established, and the Charter & Rules of Procedure are hereby approved as presented.
4. The Downtown Advisory Board shall consist of sixteen (16) members, including (14) voting members and (2) non-voting members. Membership shall be composed from the following membership categories:
  - (5) Stakeholders representing Seventh Avenue Municipal Service District (all voting members)
  - (5) Stakeholders representing Main Street Municipal Service District (all voting members)
  - (4) At-large members (all voting members)
  - (1) City Council liaison member (non-voting member)
  - (1) Representative from the Hendersonville Rescue Mission (non-voting member)

Adopted by the City Council of the City of Hendersonville, North Carolina this 4<sup>th</sup> day of February 2021.

/s/Barbara G. Volk, Mayor

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

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

**B. Appointment to Downtown Advisory Board – Angela Reece, City Clerk**

***Council Member Jerry Smith moved to suspend the rules to allow City Council to vote on all appointments with one motion. A unanimous roll call vote of the Council Member followed. Motion carried.***

***Council Member Jerry Smith nominated Becky Ayers, and Matthew Hickman each to fill a 3-year & 5-month term as a Stakeholder of the Seventh Avenue MSD on the Downtown Advisory Board ending June 30, 2024.***

***Council Member Jeff Miller nominated Caroline Gunther and Carol Sitzer each to fill a 3-year & 5-month term as a Stakeholder of the Main Street MSD on the Downtown Advisory Board ending June 30, 2024.***

***Council Member Lyndsey Simpson nominated John Ryan, and Chris Cormier each to fill a 2-year & 5-month term as a Stakeholder of the Seventh Avenue MSD on the Downtown Advisory Board ending June 30, 2023.***

***Council Member Dr. Jennifer Hensley nominated Matt Johnes, and Jared Bellmund each to fill a 2-year & 5-month term as a Stakeholder of the Main Street MSD on the Downtown Advisory Board ending June 30, 2023.***

***Council Member Jerry Smith nominated Mark Pavao to fill a 1-year & 5-month term as a Stakeholder of the Main Street MSD on the Downtown Advisory Board ending June 30, 2022.***

***Council Member Jeff Miller nominated City Council Member Lyndsey Simpson to fill a 1-year & 5-month term as a liaison (non-voting) on the Downtown Advisory Board ending June 30, 2022.***

***Council Member Lyndsey Simpson nominated the Director or Designee from Hendersonville Rescue Mission to fill a 1-year & 5-month term representing the Hendersonville Rescue Mission as a liaison (non-voting) on the Downtown Advisory Board ending June 30, 2022.***

***Council Member Jeff Miller nominated Walt Slagel, and Patsy Dupre each to fill a 2-year & 5-month term as an At Large Member on the Downtown Advisory Board ending June 30, 2023.***

***Council Members unanimously moved that City Council approve the nominations as presented. A unanimous roll call vote of the Council followed. Motion carried.***

**C. Animal Services Advisory Committee Charter Amendment – Angela Reece, City Clerk, Angela Becker, City Attorney**

City Attorney Angela S. Becker stated staff have worked in conjunction with the Animal Services Advisory Committee to clarify and restate elements of their Charter & Rules of Procedure. Attorney Becker stated she has clarified and added sections pertaining to quasi-judicial proceedings and said staff met with the Animal Services Advisory Committee at their meeting whereupon these amendments were approved by vote of the Committee. Attorney Becker advised City Council that she has conducted trainings on quasi-judicial training with the Animal Services Advisory Committee.

***Council Member Jeff Miller moved that City Council adopt the amended Charter & Rules of Procedure for the Animal Services Advisory Committee as presented. A unanimous roll call vote of the Council followed. Motion carried.***

**13. CLOSED SESSION**

***At 9:12 p.m. City Council Member Jerry Smith moved that City Council enter into closed session pursuant to NCGS § 143-318.11(a)(1) and (3) to prevent the disclosure of information that is privileged or confidential; to consult with an attorney employed by the***

*public body in order to preserve the attorney-client privilege between the attorney and the public body and to discuss and give instructions regarding the following matters: Hansley vs. City of Hendersonville, 20 CVS 1049, Henderson County Superior Court, and City of Hendersonville v. Eisenhauer, 20 CVS 1163, Henderson County Superior Court. A unanimous roll call vote of the Council followed. Motion carried.*

*Council Member Lyndsey Simpson moved that City Council return to Open Session at 9:56 p.m. A unanimous roll call vote of the Council followed. Motion carried.*

The meeting was recessed at 9:56 p.m. on February 4, 2021 upon unanimous assent of the Council and scheduled to reconvene on Monday, February 8, 2021 by electronic Zoom software using the same access information as advertised for this meeting.

**February 8, 2020      [ELECTRONIC]  
RECONVENED REGULAR MEETING OF THE CITY COUNCIL**

Participating Electronically: Mayor Barbara G. Volk, Mayor Pro Tem Jerry Smith, and Council Members: Jeff Miller, Dr. Jennifer Hensley, and Lyndsey Simpson

Staff Participating Electronically: City Manager John F. Connet, City Attorney Angela S. Becker, Assistant City Manager Brian Pahlc, City Clerk Angela Reece, Communications Manager Allison Justus and others.

**1. CALL TO ORDER**

Mayor Barbara G. Volk reconvened the meeting at 5:15 p.m. and welcomed those in attendance. A quorum was established with all members in attendance participating remotely via Zoom.

**PUBLIC HEARING CONTINUED: The Cedars - 227 7th Avenue West: Conditional Zoning District, P20-09-CZD**

*Lynn Williams* of 309 Chadwick Ave. submitted written comments electronically expressing ongoing concerns of tree canopy preservation and urging City Council to solicit feedback from the Tree Board.

There were no further comments.

*Council Member Lyndsey Simpson 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 from CMU, Central Mixed Use to CMU CZD, Central Mixed Use Conditional Zoning District, based on the site plan submitted by the applicant and subject to the limitations and conditions stipulated on the List of Uses and Conditions, finding that the rezoning is consistent with the Comprehensive Plan's Future Land Use map, and that the rezoning is reasonable and in the public interest in that it is a beneficial project for the local economy and area. A unanimous roll call vote of the Council followed. Motion carried.*

**Ordinance #O-21-02**

**AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR 227 7<sup>th</sup> AVENUE WEST – THE CEDARS BY CHANGING THE ZONING DESIGNATION FROM CMU: CENTRAL MIXED-USE DISTRICT TO CMU CZD: CENTRAL MIXED-USE CONDITIONAL ZONING DISTRICT**

IN RE:            227 7<sup>th</sup> Avenue West – The Cedars  
                      (File # P20-09-CZD)  
                      PIN # 9568-79-3224, 9568-79-2254, 9568-79-0293 and 9568-79-0388

**WHEREAS**, the City is in receipt of a Conditional Rezoning application from Tom Shipman for the rehabilitation of one 4-story historic inn and the development of two, 6 story plus basement garage, condominium towers.

**WHEREAS**, the Planning Board took up this application at its regular meeting on December 14<sup>th</sup>, 2020; voting to recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville, and

**WHEREAS**, City Council took up this application at its regular meeting on January 7<sup>th</sup>, 2021, 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:  
  
Parcels 9568-79-3224, 9568-79-2254, 9568-79-0293 and 9568-79-0388 from CMU Central Mixed-Use District to CMU-CZD Central Mixed-Use Conditional Zoning District.
2. Development of the parcels shall occur in accordance with the final site plan requirements of Article VII of the Zoning Ordinance of the City of Hendersonville, North Carolina, and shall be subject to the site limitations and conditions stipulated on the published List of Uses and Conditions.
3. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted by the City Council of the City of Hendersonville, North Carolina this 8<sup>th</sup> day of February 2021.

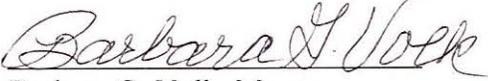
/s/Barbara G. Volk, Mayor

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

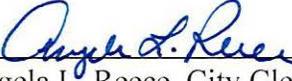
Approved as to form: /s/Angela S. Becker, City Attorney

#### **14. ADJOURN**

There being no further business, the meeting was adjourned at 5:19 p.m. on February 8, 2021 upon unanimous assent of the Council.

  
Barbara G. Volk, Mayor

ATTEST:

  
Angela L. Reece, City Clerk