



# MINUTES

October 6, 2022

## REGULAR MEETING OF THE CITY COUNCIL

CITY OPERATIONS CENTER | 305 WILLIAMS ST. | 5:45 p.m.

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

Staff Present: City Manager John F. Connet, Assistant City Manager Brian Pahle, City Attorney Angela Beeker, Deputy City Clerk, Daniel Heyman, Communications Manager Allison Justus, Budget Manager Adam Murr, 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.

### 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.*

Dennis Justus submitted written digital comments to City Council regarding support of additional pickleball facilities which are ADA compliant in the City of Hendersonville.

### 4. CONSIDERATION OF AGENDA

*Council Member Jerry A. Smith Jr., J.D. moved that City Council approve the agenda as presented. A unanimous vote of the Council followed. Motion carried.*

Council Member Jerry A. Smith Jr., J.D. requested to amend the agenda by moving Item A, Special Event: Christmas Parade from Consent to be Item 6E Presentations.

*Council Member Jerry A. Smith Jr., J.D. moved that City Council approve the agenda as amended. A unanimous vote of the Council followed. Motion carried.*

### 5. CONSENT AGENDA

#### A. REMOVED

#### **B. Purchase of Motorola Car and Body Worn Camera System** – Blair Myhand, Chief of Police

*I move City Council approve the Resolution By The City Of Hendersonville City Council To Authorize The City Manager To Execute Agreement With Motorola Solutions For Purchase Of Car And Body Worn Camera System.*

**Resolution #R-22-123**

### **RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE CITY MANAGER TO EXECUTE AGREEMENT WITH MOTOROLA SOLUTIONS FOR PURCHASE OF CAR AND BODY WORN CAMERA SYSTEM**

**WHEREAS**, The police department is seeking to replace its current outdated car and body worn camera system; and

**WHEREAS**, City Council approved Camera System as part of the 2022 fiscal year budget; and

**WHEREAS**, Hendersonville Police Department has informally solicited proposals in an effort to select a reputable and responsible Vendor to provide the products and services. A total of 5 companies were contacted and quotes were received for each; and

**WHEREAS**, the variable costs were weighed against the options, specifications, and abilities to choose the system that best suited our agency needs. Many hours of work and several meetings were held to choose the final product and vendor. Motorola Solutions submitted the lowest price

proposal. References indicate that they are a responsible vendor and are able to complete the Project within the quoted pricing and within the time frames requested; and

**WHEREAS**, The purchase totals \$568,845.20 divided into a first-year payment of \$115,000.02 and a yearly payment for 4 additional years of \$113,573.42; and

**WHEREAS**, Motorola is on the N.C. Sheriff's association purchasing Contract/bid # 22-01-0303; and

**WHEREAS**, the Hendersonville Police Department is recommending that the Project be awarded to Motorola Solutions and the Agreement be approved; and

**WHEREAS**, the Hendersonville Police Department requested that the City Manager be authorized to negotiate and enter into a contract with Motorola Solutions for a not to exceed amount;

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

1. The Project is awarded to Motorola Solutions in the amount of \$ 568,845.20.
2. The City Manager is authorized to negotiate and enter into an agreement with Motorola Solutions on behalf of the City in such form and with such provisions as he may deem appropriate, after consultation with the City Attorney, provided that the price may not be changed without approval from the City Council.
3. The City Manager, City Attorney, and City Staff are authorized to take such other actions as may be necessary to carry out the terms and provisions of the agreement as entered and signed by the City Manager.

Adopted by the City Council of the City of Hendersonville, North Carolina this 6<sup>th</sup> day of October 2022.

/s/Barbara G. Volk, Mayor

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

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

**C. Governors Highway Safety Grant Award for Overtime - Traffic Enforcement Activities**— *Blair Myhand, Chief of Police*

*I move that City Council approve the Resolution for the reimbursement amount of up to \$25,000.00 for overtime for traffic enforcement related activities conducted by the Hendersonville Police Department.*

**Resolution #R-22-124**

**NORTH CAROLINA GOVERNOR'S HIGHWAY SAFETY PROGRAM LOCAL GOVERNMENTAL RESOLUTION**

WHEREAS, the City of Hendersonville (herein called the "Agency")  
(The Applicant Agency)  
has completed an application contract for traffic safety funding; and that City Council  
(The Governing Body of the Agency)  
(herein called the "Governing Body") has thoroughly considered the problem identified and has reviewed the project as described in the contract;  
THEREFORE, NOW BE IT RESOLVED BY THE City Council IN OPEN  
(Governing Body)  
MEETING ASSEMBLED IN THE CITY OF Hendersonville, NORTH CAROLINA,  
THIS 6 DAY OF October, 20 22, AS FOLLOWS:

1. That the project referenced above is in the best interest of the Governing Body and the general public; and
2. That Kenneth Hipps, Lieutenant is authorized to file, on behalf of the Governing  
(Name and Title of Representative)  
Body, an application contract in the form prescribed by the Governor's Highway Safety Program for federal funding in the amount of \$ up to \$25,000.00 to be made to the Governing Body to assist in defraying  
(Federal Dollar Request)  
the cost of the project described in the contract application; and
3. That the Governing Body has formally appropriated the cash contribution of \$ 0.00 as  
(Local Cash Appropriation)  
required by the project contract; and
4. That the Project Director designated in the application contract shall furnish or make arrangement for other appropriate persons to furnish such information, data, documents and reports as required by the contract, if approved, or as may be required by the Governor's Highway Safety Program; and
5. That certified copies of this resolution be included as part of the contract referenced above; and
6. That this resolution shall take effect immediately upon its adoption.

Adopted by the City Council of the City of Hendersonville, North Carolina this 6<sup>th</sup> day of October 2022.

/s/Barbara G. Volk, Mayor

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

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

**D. Utility Extension Agreement for the Camp Judaea Cabins – *Brendan Shanahan, Civil Engineer IV***

*I move that City Council approve the Resolution authorizing the City Manager to enter into a Utility Extension Agreement with CJ Property, Inc. for the Camp Judaea Cabins Phases 3 and 4 as presented.*

**Resolution #R-22-125**

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO  
AUTHORIZE THE CITY MANAGER TO ENTER INTO A UTILITY EXTENSION  
AGREEMENT WITH CJ PROPERTY, INC FOR THE CAMP JUDAEA CABINS**

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

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

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

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

**WHEREAS**, CJ Property, Inc., the “Developer” and “Owner”, will enter into a Utility Extension Agreement with the City to provide water service to the Camp Judaea Cabins.

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

4. The Utility Extension Agreement with CJ Property, Inc., the “Developer” and “Owner” to provide water service to the Camp Judaea Cabins is approved, as presented.
5. 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.
6. 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 this 6<sup>th</sup> day of October 2022.

/s/Barbara G. Volk, Mayor

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

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

**E. Justification for the Sole Source Purchase of UV Disinfection Equipment for the UV Improvements Project – *Adam Steurer, Utilities Engineer***

*I move Council to adopt the Resolution by the City of Hendersonville City Council to Authorize the Sole-Source Purchase of UV Disinfection Equipment for the UV Improvements Project as presented.*

**Resolution #R-22-126**

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO  
AUTHORIZE THE SOLE-SOURCE PURCHASE OF UV DISINFECTION EQUIPMENT  
FOR THE UV IMPROVEMENTS PROJECT**

**WHEREAS**, the City uses ultraviolet (UV) disinfection at its wastewater treatment facility (WWTF) to disinfect treated wastewater before discharging to the receiving Mud Creek. The existing equipment was commissioned in 2001 and is in need of replacement due to unreliable operation, significant wear, lack of redundancy, damage potentially related to lightning strikes, and the

increasing cost of continued maintenance. The existing equipment is a UV4000 system manufactured by Trojan Technologies™; and

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

**WHEREAS**, utility Staff and project engineer, McKim & Creed, Inc. are requesting to standardize on UV equipment by asking that Council approve the sole source purchase of UVSigna disinfection equipment manufactured by Trojan Technologies™. The UVSigna system has a lower 20-year net present value of capital and O&M versus comparable equipment, is compatible with the existing UV4000 system, which will be used as a backup for redundancy after project completion and provides equipment familiarity for operations staff.

Adopted by the City Council of the City of Hendersonville, North Carolina this 6<sup>th</sup> day of October 2022.

/s/Barbara G. Volk, Mayor

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

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

**F. Resolution in Support of a NSFLTP Grant Application by the City of Brevard and Henderson County to Construct the Ecusta Trail in Transylvania and Henderson Counties – Brent Detwiler, City Engineer**

*I move City Council to approve the resolution in support of a NSFLTP Grant Application by the City of Brevard and Henderson County to Construct the Ecusta Trail in Transylvania and Henderson Counties.*

**Resolution #R-22-127**

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL IN SUPPORT OF AN APPLICATION BY THE CITY OF BREVARD AND HENDERSON COUNTY FOR NSFLTP GRANT FUNDING TO CONSTRUCT THE ECUSTA TRAIL IN TRANSYLVANIA AND HENDERSON COUNTIES**

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

**WHEREAS**, the City Council of the City of Hendersonville adopted a resolution on April 5, 2012 supporting a regional recreational greenway along the Ecusta rail corridor to link the City of Hendersonville in Henderson County to the City of Brevard in Transylvania County and the Pisgah National Forest; and

**WHEREAS**, the City is investing in and pursuing further funding to reconnect the 7th Avenue community; an area where connections were previously severed through urban renewal programs and the construction of major highways; through streetscaping and a new greenway connection to the Ecusta Trail; and

**WHEREAS**, the United States Department of Transportation has established the Nationally Significant Federal Lands and Tribal Projects Program (NSFLTP) of The Fixing America's Surface Transportation Act (FAST Act) (Pub. L. 114-94, section 1123), providing funding for the construction, reconstruction, and rehabilitation of nationally-significant projects within, adjacent to, or accessing Federal and tribal lands; and

**WHEREAS**, a collaborative effort between the City of Brevard, the North Carolina Department of Transportation (NCDOT), Henderson County, Transylvania County, Friends of the Ecusta Trail, and other local stakeholders are producing a NSFLTP Grant Application to fund the construction of the Ecusta Trail in Transylvania and Henderson Counties; and

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

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

1. The City hereby fully supports and endorses an application by the City of Brevard and Henderson County for NSFLTP grant funding to construct the Ecusta Trail in Transylvania and Henderson Counties; and
2. The City hopes that Secretary Pete Buttigieg and the US Department of Transportation will recognize the significance of this project and award this funding to enhance access to Pisgah National Forest and other opportunities for historically marginalized communities, create an equitable and healthy transportation system that works for everyone, promote creation of jobs and economic opportunity, and transition to a more environmentally conscience network that prioritizes non-motorized users.

Adopted by the City Council of the City of Hendersonville, North Carolina this 6<sup>th</sup> day of October 2022.

/s/Barbara G. Volk, Mayor

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

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

**G. Resolution for the City of Hendersonville to Pursue a USDOT Reconnecting Communities Planning Grant – Brent Detwiler, City Engineer– Brent Detwiler, City Engineer**

*I move that City Council approve the resolution to submit an application to USDOT for a Reconnecting Communities Pilot Program Planning Grant to further study the Above the Mud project to engage the community, determine potential solutions, and develop cost estimates for project implementation.*

**Resolution #R-22-128**

**RESOLUTION FOR THE CITY OF HENDERSONVILLE TO PURSUE A USDOT RECONNECTING COMMUNITIES PLANNING GRANT**

**WHEREAS**, the USDOT has issued a Notice of Funding Opportunity for the Reconnecting Communities Pilot Program; and

**WHEREAS**, the Reconnecting Communities Pilot Program emphasizes developing transportation connections in areas where connections were previously severed through urban renewal program and the construction of major highways; and

**WHEREAS**, the Reconnecting Communities Pilot Programs offers planning grants to assist with further community engagement, project development, and cost estimations with an 80% federal share; and

**WHEREAS**, the City of Hendersonville’s Comprehensive Plan has noted the need for additional connectivity between 7<sup>th</sup> Avenue and Downtown Hendersonville; and

**WHEREAS**, the area around 7<sup>th</sup> Avenue was disconnected from much of the rest of the City by the construction of US 64; and

**WHEREAS**, City staff has developed a preliminary project, “Above the Mud,” to reconnect the 7<sup>th</sup> Avenue area through streetscaping, a new greenway connection to the Ecusta Trail, and flood mitigation;

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

1. The City shall submit an application to USDOT for a Reconnecting Communities Pilot Program Planning Grant to further study the Above the Mud project to engage the community, determine potential solutions, and develop cost estimates for project implementation; and
2. The City hopes that Secretary Pete Buttigieg and the US Department of Transportation will recognize the significance of this project and award funding to complete the planning effort.

Adopted by the City Council of the City of Hendersonville, North Carolina this 6<sup>th</sup> day of October 2022.

/s/Barbara G. Volk, Mayor

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

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

**H. Purchase of Pipe, Fittings, Valves, and Materials for the WWTF Ultraviolet Disinfection Improvements Project – Adam Steurer, Utilities Engineer**

*I move City Council to adopt the Resolution By the City of Hendersonville to purchase materials for the WWTF Ultraviolet Improvements Project.*

**Resolution #R-22-129**

**RESOLUTION BY THE CITY OF HENDERSONVILLE TO PURCHASE MATERIALS FOR THE WWTF ULTRAVIOLET DISINFECTION IMPROVEMENTS PROJECT**

**WHEREAS**, the Water and Sewer Department has solicited bids in an effort to hire a reputable and responsible Vendor to provide the necessary pipe, fittings, valves, and materials for the WWTF Ultraviolet Improvements Project ('Project'); and

**WHEREAS**, Ferguson Enterprises, LLC submitted the lowest price proposal, and is a responsible bidder; and

**WHEREAS**, the Water and Sewer Department is recommending purchasing the necessary materials for the Project from Ferguson Enterprises, LLC; and

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

1. The purchase of materials for the Project is awarded to Ferguson Enterprises, LLC in the amount of \$469,265.75 plus applicable sales tax.

Adopted by the City Council of the City of Hendersonville, North Carolina this 6<sup>th</sup> day of October 2022.

/s/Barbara G. Volk, Mayor

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

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

**I. NC Commerce CDBG-NR Grant 7th Ave Revitalization Project 19-C-3128 Updated Plans/Policies – John Connet, City Manager, Mary Roderick, PhD, Regional Planner- Land of Sky**

*I move City Council adopt the Resolution by the City of Hendersonville City Council to Authorize the continued Sole-Source Purchase of Chlorine for the City Water Treatment Plant.*

**Resolution #R-22-130**

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE SOLE-SOURCE PURCHASE OF CHLORINE FOR THE WATER TREATMENT PLANT**

**WHEREAS**, the City's Water Treatment Plant utilizes Chlorine; and,

**WHEREAS**, Chlorine is required by the state for certain levels in the treatment train for certain CT/Contact Times and a certain residual level must be maintained in the distribution system; and,

**WHEREAS**, there are no other suppliers in our region. If we did go outside of our region – product availability, cost, safety, and would be an issue; and,

**WHEREAS**, requesting department has been looking for additional chlorine suppliers each year. When current staff took over position, staff was informed by other staff that there weren't any suppliers/vendors close enough that could provide chlorine in the containers nor amount used by the City. Requesting department has made several attempts to locate additional suppliers and has inquired to everyone in the industry contacts – with no success. Attached are example emails of the latest search efforts. Additionally, requesting department also brought in Brenntag chemical recently to look things over. It was learned that the vendor is unable to supply the amount needed by the City in ton containers and is not equipped to supply currently. This was basically the only lead requesting department had, and this vendor is not located in NC. The others with applicable capabilities were in either Florida or South Georgia. They, however, have to keep their regional customers supplied, so the City would not have a place of priority if that route was selected. The cost would also be higher due to shipping. In addition to increased cost, this distance is not in line with best safety practices; and,

**WHEREAS**, the City's RMP Risk Management Plan (which is filed with the USEPA, NCDEQ) and Emergency Management require certain safety training along with training at City facilities to be

documented. The inspectors are more pleased when you stick with the same vendor as much as possible from a safe handling aspect.; and,

**WHEREAS**, Overall, there are no other viable options other than JCI Jones Chemical (out of Charlotte, NC) who can provide chlorine gas in the ton containers and in the volume the City requires for water treatment disinfection at the City's 12 million per gallon a day rated water treatment facility. The City uses 2000 lb. cylinders, and one ton will last about 10 days. The City's maximum allowed facility storage amount at any one time is 8 tons/16,000 lbs. This is regulated by the State and Federal government. The current bid price is \$2,103 per ton delivered, and this price is good until 12/31/2022. The volatile market is continuing at this time. The City also has much email documentation regarding extensive market volatility and price increases over the past year. Due to the cost escalation in the current market, chlorine costs are now exceeding formal bid thresholds. Costs have nearly quadrupled over the past year. Therefore, we are seeking council approval to continue use of JCI Jones Chemicals – although this does not follow formal bid policy – in order to ensure that we are able to consistently source this chemical safely and to ensure effective operation of our facilities.

**NOW THEREFORE, BE IT RESOLVED** by the City Council of the City of Hendersonville, North Carolina that the City's Water Treatment Plant is authorized to continue to utilize JCI Chemical as the source for Chlorine.

Adopted by the City Council of the City of Hendersonville, North Carolina this 6<sup>th</sup> day of October 2022.

/s/Barbara G. Volk, Mayor

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

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

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

## **6. PRESENTATIONS**

### **A. Proclamation - Fire Prevention Week - Mayor Barbara G. Volk**

Mayor Barbara G. Volk presented a proclamation recognizing Fire Prevention Week.

### **B. Proclamation - American Pharmacists Month - Mayor Barbara G. Volk**

Mayor Barbara G. Volk presented a proclamation recognizing American Pharmacists Month.

### **C. Proclamation - 15th Anniversary Hands On! Children's Museum - Mayor Barbara G. Volk**

Mayor Barbara G. Volk presented a proclamation recognizing the 15<sup>th</sup> anniversary of the Hands On! Children's Museum to the Museum's director and staff.

### **C-1. Proclamation – City Manager of Distinction - Mayor Barbara G. Volk**

Mayor Barbara G. Volk presented a proclamation recognizing the City Manager, John F. Connet for thirty years of distinguished public service. Council Members, staff, and the public thank Manager Connet for his dedicated leadership and excellence in governance throughout the years and congratulate him for becoming a City Manager of Distinction.

### **D. Special Event Policy & Fee Update - Jamie Carpenter, Downtown Manager**

Downtown Manager, Jamie Carpenter stated the special event committee has spent the past year reviewing and discussing necessary changes to the special event policy and fee schedule. Ms. Carpenter stated the proposed amendments reflect the financial cost incurred by the city to provide services required to make events safe for the public to enjoy, as well as updates to the policy regarding public safety and logistics. City Manager John F. Connet reminded everyone that there are additional event fees for public safety which are not included in this presentation. Council Member Jerry A. Smith Jr., J.D. requested staff to provide monetary comparisons for events which were not traditionally charged a fee compared to proposed rates before a vote is taken. City Manager Connet reminded everyone there are production costs to the City for all events.

**E. Special Event: Christmas Parade – Change to evening parade –** *Lew Holloway, Community Development Director*

Downtown Manager, Jamie Carpenter stated the Hendersonville Merchants Association requested consideration of moving the annual parade time to an evening parade beginning at 6:00 p.m. and street closure beginning at 4:00 p.m. Ms. Carpenter advised the special event committee and Downtown Advisory Board unanimously supported the change.

*Council Member Jerry A. Smith Jr., J.D. moved that City Council approve the special event permit for the Hendersonville Christmas Parade. A unanimous vote of the Council followed. Motion carried.*

**7. PUBLIC HEARINGS**

**A. Annexation: Public Hearing-2509, 2511, 2513 Haywood Road (Cantrell, Clubb, Riley) (C22-78-ANX) –** *Tyler Morrow, Planner II*

Planner Tyler Morrow advised the City of Hendersonville has received a petition from Elizabeth Cantrell, Timothy & Lisa Clubb, and Robin Kay Riley for contiguous annexation of PINs 9559-96-0225, 9559-86-9361, and 9559-86-9317 located on Haywood Road that is approximately 0.843 acres.

The City Attorney confirmed this public hearing has been advertised in accordance with North Carolina General Statutes. The public hearing was opened at 6:46 p.m.

There were no comments.

The public hearing was closed at 6:47 p.m.

*Council Member Lyndsey Simpson. moved that City Council adopt an ordinance of the City of Hendersonville to extend the Corporate Limits of the City as a contiguous annexation, to annex that property owned by Elizabeth Cantrell, Timothy & Lisa Clubb, and Robin Kay Riley, identified as PINs 9559-96-0225, 9559-86-9361, and 9559-86-9317, finding that the standards established by North Carolina General Statute 160A-31 have been satisfied and that the annexation is in the best interest of the City. A unanimous vote of the Council followed. Motion carried.*

**Ordinance #O-22-54**

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

IN RE: Petition for Contiguous Annexation  
Parcel Numbers: 9559-96-0225, 9559-86-9361, and 9559-86-9317  
2509, 2511, & 2513 Haywood Road (File# C22-78-ANX)

**WHEREAS**, The City of Hendersonville has been petitioned by Elizabeth Cantrell, Timothy & Lisa Clubb, and Robin Kay Riley (formerly known as Robin R. Chandler, pursuant to North Carolina General Statutes (NCGS) 160A-31, as amended, to annex the area described herein below; and

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

**WHEREAS**, a public hearing on the question of this annexation was held at 305 Williams Street (City Operations Center), Hendersonville, NC at 5:45 pm, on the 6<sup>th</sup> day of October 2022, after due notice by publication as provided by law on September 25, 2022 and October 2<sup>nd</sup>, 2022; and

**WHEREAS**, the City Council further finds the areas described therein meets the standards of N.C. G.S. 160A-31.

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

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



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

- 1: By virtue of the authority granted by N.C.G.S. 160A-31, as amended, the following described contiguous area is hereby annexed and made part of the City of Hendersonville as of the 6<sup>th</sup> day of October 2022.

Being all of that real property shown on that annexation plat recorded on Book 2022 at Page \_\_\_\_\_ of the Henderson County Registry [to be inserted at recording], and being also all of that real property described in deed of record in Deed Book 1659; pages 490 (4), Deed Book 1688; pages 548 (5), and Deed Book 1036; pages 541 (4) of the Henderson County Registry, and being described by metes and bounds as follows:

PARCEL A - PIN 9559-86-9317

BEING ALL OF LOTS 12, 13, & 14 OF WANTESKA VALLEY SUBDIVISION AS SHOWN ON PLAT THEREOF RECORDED IN PLAT CABINET B SLIDE 270A (ALSO KNOWN AS PLAT BOOK 5 PAGE 12), AND BEING MORE PARTICULARY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 14 OF PLAT CABINET B SLIDE 370, COMMON CORNER OF LOT 15 OF SAID PLAT AT THE SOUTHERN RIGHT OF WAY OF HAYWOOD ROAD (NC 191), AND BEING AT THE BOUNDARY OF THE CITY OF HENDERSONVILLE; THENCE WITH THE SOUTHERN RIGHT OF WAY OF HAYWOOD ROAD AND WITH THE BOUNDARY OF THE CITY OF HENDERSONVILLE THE FOLLOWING TWO CALLS: S37°44'33"E 50.31' TO A POINT; THENCE S39°05'37"E 25.06' TO THE NORTHEAST CORNER OF LOT 12 AND COMMON CORNER OF LOT 11; THENCE LEAVING THE RIGHT OF WAY OF HAYWOOD ROAD AND BOUNDARY OF THE CITY OF HENDERSONVILLE WITH THE COMMON LINE OF LOTS 11 & 12 S42°15'00"W 161.60' TO THE SOUTHEAST CORNER OF LOT 12, COMMON CORNER OF LOTS 11, 12, 37, & 38, AND BEING AT THE BOUNDARY OF THE CITY OF HENDERSONVILLE; THENCE WITH THE COMMON LINES OF LOTS 12-14 & 35-37 AND WITH THE BOUNDARY OF THE CITY OF HENDERSONVILLE N40°00'00"W 75.00' TO THE SOUTHWEST CORNER OF LOT 14, COMMON CORNER OF LOTS 14, 15, 34, & 35; THENCE LEAVING THE BOUNDARY OF THE CITY OF HENDERSONVILLE AND WITH THE COMMON LINE OF LOTS 14 & 15 N42°15'00"E 164.00' TO THE POINT OF BEGINNING BEING ALL OF THE PROPERTY DESCRIBED IN DEED BOOK 1036 PAGE 541 TO ROBIN R. CHANDLER (ROBIN R. CHANDLER NOW KNOWN AS ROBIN KAY RILEY PER CLERK OF SUPERIOR COURT OF HENDERSON COUNTY, NC: FILE #2021 R 210, DATED 4/19/21)

PARCEL B - PIN 9559-86-9361

BEING ALL OF LOTS 9, 10, & 11 OF WANTESKA VALLEY SUBDIVISION AS SHOWN ON PLAT THEREOF RECORDED IN PLAT CABINET B SLIDE 270A (ALSO KNOWN AS PLAT BOOK 5 PAGE 12), AND BEING MORE PARTICULARY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 11 OF PLAT CABINET B SLIDE 370, COMMON CORNER OF LOT 12 OF SAID PLAT AT THE SOUTHERN RIGHT OF WAY OF HAYWOOD ROAD (NC 191), AND BEING AT THE BOUNDARY OF THE CITY OF HENDERSONVILLE; THENCE WITH THE SOUTHERN RIGHT OF WAY OF HAYWOOD ROAD AND WITH THE BOUNDARY OF THE CITY OF HENDERSONVILLE THE FOLLOWING THREE CALLS: S39°19'12"E 25.04' TO A POINT; THENCE S38°52'04"E 30.09' TO A POINT; THENCE S38°25'00"E 25.10' TO THE NORTHEAST CORNER OF LOT 9 AND COMMON CORNER OF LOT 8; THENCE LEAVING THE RIGHT OF WAY OF HAYWOOD ROAD AND BOUNDARY OF THE CITY OF HENDERSONVILLE WITH THE COMMON LINE OF LOTS 8 & 9 S42°15'00"W 160.00' TO THE SOUTHEAST CORNER OF LOT 9, COMMON CORNER OF LOTS 8, 9, 40, & 41, AND BEING AT THE BOUNDARY OF THE CITY OF HENDERSONVILLE; THENCE WITH THE COMMON LINES OF LOTS 9-11 & 38-40 AND WITH THE BOUNDARY OF THE CITY OF HENDERSONVILLE N40°00'00"W 80.00' TO THE SOUTHWEST CORNER OF LOT 11, COMMON CORNER OF LOTS 11, 12, 37, & 38; THENCE LEAVING THE BOUNDARY OF THE CITY OF HENDERSONVILLE AND WITH THE COMMON LINE OF LOTS 11 & 12 N42°15'00"E 161.60' TO THE POINT OF BEGINNING.

BEING ALL OF THE PROPERTY DESCRIBED IN DEED BOOK 1688 PAGE 548 TO TIMOTHY MAX CLUBB & LISA BALLARD CLUBB.

PARCEL C - PIN 9559-96-0225

BEING ALL OF LOTS 6, 7, & 8 OF WANTESKA VALLEY SUBDIVISION AS SHOWN ON PLAT THEREOF RECORDED IN PLAT CABINET B SLIDE 270A (ALSO KNOWN AS PLAT BOOK 5 PAGE 12), AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 8 OF PLAT CABINET B SLIDE 370, COMMON CORNER OF LOT 9 OF SAID PLAT AT THE SOUTHERN RIGHT OF WAY OF HAYWOOD ROAD (NC 191), AND BEING AT THE BOUNDARY OF THE CITY OF HENDERSONVILLE; THENCE WITH THE SOUTHERN RIGHT OF WAY OF HAYWOOD ROAD AND WITH THE BOUNDARY OF THE CITY OF HENDERSONVILLE THE FOLLOWING TWO CALLS: S40°00'00"E 50.00' TO A POINT; THENCE S41°08'18"E 24.94' TO THE NORTHEAST CORNER OF LOT 6 AND COMMON CORNER OF LOT 5; THENCE LEAVING THE RIGHT OF WAY OF HAYWOOD ROAD AND BOUNDARY OF THE CITY OF HENDERSONVILLE WITH THE COMMON LINE OF LOTS 5 & 6 S42°15'00"W 160.50' TO THE SOUTHEAST CORNER OF LOT 6, COMMON CORNER OF LOTS 5, 6, 43, & 44, AND BEING AT THE BOUNDARY OF THE CITY OF HENDERSONVILLE; THENCE WITH THE COMMON LINES OF LOTS 6-8 & 41-43 AND WITH THE BOUNDARY OF THE CITY OF HENDERSONVILLE N40°00'00"W 75.00' TO THE SOUTHWEST CORNER OF LOT 8, COMMON CORNER OF LOTS 8, 9, 40, & 41; THENCE LEAVING THE BOUNDARY OF THE CITY OF HENDERSONVILLE AND WITH THE COMMON LINE OF LOTS 8 & 9 N42°15'00"E 160.00' TO THE POINT OF BEGINNING.

BEING ALL OF THE PROPERTY DESCRIBED IN DEED BOOK 1659 PAGE 490 TO ELIZABETH A. CANTRELL.

- 2: Upon and after the sixth day of October 2022, the above-described territory, and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the City of Hendersonville and shall be entitled to the same privileges and benefits as other parts of the City of Hendersonville. Said territory shall be subject to municipal taxes according to NCGS 160A-58.10, as amended.
3. The Mayor of the City of Hendersonville shall cause to be recorded in the office of the Register of Deeds of Henderson County and at the Office of the Secretary of State in Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1, above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Henderson County Board of Elections, as required by G. S. 163-288.1.

Adopted by the City Council of the City of Hendersonville, North Carolina this 6<sup>th</sup> day of October 2022.

/s/Barbara G. Volk, Mayor

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

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

**B. Annexation: Public Hearing- Duncan Terrace (Lee Ray Bergman LLC.) (C22-73-ANX) – Tyler Morrow, Planner II**

Community Development Planner Tyler Morrow stated the City of Hendersonville has received a petition from Lee Ray Bergman LLC for contiguous annexation of PINs 9569-95-7758, 9569-95-5941, and 9569-96-4013 located on Duncan Hill Road and Signal Hill Road that is approximately 8.67 acres. Please refer to the attached maps for additional information.

The City Attorney confirmed this public hearing has been advertised in accordance with North Carolina General Statutes. The public hearing was opened at 6:48 p.m.

Ken Fitch addressed City Council via Zoom electronic software expressing concerns regarding final site plans and sewer connections.

The public hearing was closed at 6:50 p.m.

***Council Member Debbie O'Neal-Roundtree moved that City Council adopt an ordinance of the City of Hendersonville to extend the Corporate Limits of the City as a contiguous annexation, to annex that property owned by Lee Ray Bergman LLC, identified as PINs 9569-95-7758, 9569-95-5941, and 9569-96-4013, finding that the standards established by North Carolina General Statute***

*160A-31 have been satisfied and that the annexation is in the best interest of the City. A unanimous vote of the Council followed. Motion carried.*

**Ordinance #O-22-55**

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

IN RE: Petition for Contiguous Annexation  
Parcel Numbers: 9569-95-7758, 9569-95-5941, and 9569-96-4013.  
Duncan Terrace (File# C22-73-ANX)

**WHEREAS**, The City of Hendersonville has been petitioned by Leah Bergman of Lee Ray Bergman LLC. pursuant to North Carolina General Statutes (NCGS) 160A-31, as amended, to annex the area described herein below; and

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

**WHEREAS**, a public hearing on the question of this annexation was held at 305 Williams Street (City Operations Center), Hendersonville, NC at 5:45 pm, on the 6<sup>th</sup> day of October 2022, after due notice by publication as provided by law on September 25, 2022 and October 2<sup>nd</sup>, 2022; and

**WHEREAS**, the City Council further finds the areas described therein meets the standards of N.C. G.S. 160A-31.

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

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

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

- 1: By virtue of the authority granted by N.C.G.S. 160A-31, as amended, the following described contiguous area is hereby annexed and made part of the City of Hendersonville as of the 6<sup>th</sup> day of October 2022.

Being all of that real property shown on that annexation plat recorded on Book 2022 at Page \_\_\_\_\_ of the Henderson County Registry [to be inserted at recording], and being all of that real property described in deed of record in Deed Book 3841; pages 517 (3), Deed Book 3841; pages 514 (3), of the Henderson County Registry, and being described by metes and bounds as follows:

Beginning on a 5/8" rebar, said rebar having North Carolina Grid Coordinates of Northing – 595484.50 and Easting – 969625.25 and being located in the Existing City of Hendersonville Boundary Line, thence from said beginning point thus established and running with the Existing City of Hendersonville Boundary Line, S 51°24'22" W 15.40' to a point, said point being located in the northern margin of Duncan Hill Road, North Carolina State Road 1525, and thence leaving the Existing City of Hendersonville Boundary Line and continuing with the margin of Duncan Hill Road, N 37°42'37" W 309.38' to a point, thence N 37°42'37" W 156.03' to a point, thence N 38°03'44" W 274.32' to a point, thence leaving the margin of Duncan Hill Road N 52°25'00" E 17.09' to a 5/8" rebar, thence N 37°17'49" W 65.17' to a 5/8" rebar, thence on a curve to the right, said curve having a radius of 287.15' and an arc length of 56.76' (chord bearing and distance, N 31°31'20" W, 56.67') to a point, thence on a curve to the right, said curve having a radius of 32.03' and an arc length of 71.49' (chord bearing and distance, N 38°05'05" E, 57.55') to a point located in the right of way of Signal Hill Road, North Carolina State Road 1508, thence continuing with the right of way of Signal Hill Road on a curve to the left, said curve having a radius of 2255.54' and an arc length of 377.58' (chord bearing and distance, S 81°40'18" E 377.14') to a point, thence S 86°28'03" E 198.13' to a 1/2" iron pipe set, thence S 86°28'03" E 125.33' to a 5/8" rebar, thence leaving the right of way of Signal Hill Road, S 39°04'23" E 72.92' to a 1/2"

iron pipe, thence S 39°04'23" 308.67' to a 5/8" rebar located in the Existing City of Hendersonville Boundary Line , thence running with the Existing City of Hendersonville Boundary Line S 51°24'22" W 576.53' to the point and place of beginning. Containing 8.67 Acres and being all of that property as described in Tracts I and II of Deed Book 3841, Page 517 and all of that property as described in Deed Book 3841, Page 514 as shown on survey by Associated Land Surveyors & Planners, PC dated July 11, 2022 and bearing job number S- 21-900.

- 2: Upon and after the sixth day of October 2022, the above-described territory, and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the City of Hendersonville and shall be entitled to the same privileges and benefits as other parts of the City of Hendersonville. Said territory shall be subject to municipal taxes according to NCGS 160A-58.10, as amended.
3. The Mayor of the City of Hendersonville shall cause to be recorded in the office of the Register of Deeds of Henderson County and at the Office of the Secretary of State in Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1, above, together with a duly certified copy of this ordinance. Such a map shall also be delivered to the Henderson County Board of Elections, as required by G. S. 163-288.1.

Adopted by the City Council of the City of Hendersonville, North Carolina this 6<sup>th</sup> day of October 2022.

/s/Barbara G. Volk, Mayor

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

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

**C. Rezoning: Conditional Zoning District – Hendersonville Connections (P22-66-CZD) –**

*Matthew Manley, AICP – Planning Manager*

Community Development Planning Manager Matt Manley stated the City of Hendersonville is in receipt of an application for a Conditional Zoning District from Moe Marks of Tamara Peacock Architects and Charles Morris of Grace Blue Ridge Presbyterian Church. Mr. Manley stated the applicant is requesting to amend the C-2 Secondary Business CZD for the subject property at 109 Florence St ( PINs 9578-21-4699, 9578-21-4924, 9578-21-5614 and 9578-21-5868) located off of Brooklyn Ave for the establishment of a ‘day center’ on a portion of a 2.46-acre parcel. Mr. Manley stated the proposal includes the conversion of a 9,975 Sq Ft portion of an existing church structure into a day center which will serve those in need through the provision of a variety of services. He said the proposal also includes improvements to the existing parking areas and significant landscaping in order to address the buffers required for day centers that are located adjacent to residential uses. Mr. Manley clarified this is known as alternative compliance as allowed in City ordinance. Mr. Manley stated other than the existing religious institution and the proposed day center, there are no other uses being proposed to be permitted by the rezoning.

Rachael Ingram of the Connections Center addressed City Council in support of the rezoning.

The City Attorney confirmed this public hearing has been advertised in accordance with North Carolina General Statutes. The public hearing was opened at 7:03 p.m.

There were no comments.

The public hearing was closed at 7:04 p.m.

***Council Member Jerry A. Smith Jr., J.D. moved that City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property (PINS: 9578-21-4699, 9578-21-4924, 9578-21-5614, 9578-21-5868) from C-2-CZD (Secondary Business – Conditional Zoning District) to C-2-CZD (Secondary Business – Conditional Zoning District) based on the site plan and list of conditions submitted by and agreed to by the applicant, [dated September 13, 2022,] and presented at this meeting and subject to the following: The development shall be consistent with the site plan, including the list of applicable conditions contained therein, and the following permitted uses:***

- 1. Day Center***
- 2. Religious Institution***

***The petition is found to be consistent with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and because the High Intensity Neighborhood***

*Future Land Use designation recommends public and institutional uses as a secondary recommended land use. Compatibility is achieved through the implementation of landscape buffers per Strategy PH 1.1. 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 the proposed use will provide a need to the underserved in the community, and the proposed use will be made compatible through the implementation of landscaped buffers. A unanimous vote of the Council followed. Motion carried.*

**Ordinance #O-22-56**

**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: 9578-21-4699, 9578-21-4924, 9578-21-5614, 9578-21-5868 BY CHANGING THE ZONING DESIGNATION FROM C-2-CZD (SECONDARY BUSINESS – CONDITIONAL ZONING DISTRICT) TO C-2-CZD (SECONDARY BUSINESS – CONDITIONAL ZONING DISTRICT)**

IN RE: Parcel Numbers: 9578-21-4699, 9578-21-4924, 9578-21-5614, 9578-21-5868  
Addresses: 109 Florence Street  
Hendersonville Connections: (File # P22-66-CZD)

**WHEREAS**, the City is in receipt of a Conditional Rezoning application from applicant, Moe Marks / Tamara Peacock Architects, and property owner, Charles Morris / Grace Blue Ridge PCA, Inc., for the use of a Day Center within an existing structure at 109 Florence St, and

**WHEREAS**, the Planning Board took up this application at its regular meeting on September 12, 2022; voting 5-1 to recommend City Council approve an ordinance amending the official zoning map of the City of Hendersonville, and

**WHEREAS**, City Council took up this application at its regular meeting on October 6, 2022, and

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

1. Pursuant to Article XI of the Zoning Ordinance of the City of Hendersonville, North Carolina, the Zoning Map is hereby amended by changing the zoning designation of the following: Parcel Numbers: 9578-21-4699, 9578-21-4924, 9578-21-5614, 9578-21-5868, changing the zoning designation from C-2-CZD (Secondary Business – Conditional Zoning District) To C-2-CZD (Secondary Business – Conditional Zoning District)
2. Development of the parcel pursuant to this Ordinance is subject to the following.
  - a. Development shall comply with the site plan submitted by the applicant dated September 13, 2022, 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. Religious Institution
    - ii. Day Center
  - c. Additional conditions that shall be satisfied prior to final site plan approval include:
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 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 by the City Council of the City of Hendersonville, North Carolina this 6<sup>th</sup> day of October 2022.

/s/Barbara G. Volk, Mayor

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

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

**D. Zoning Text Amendment: Parking Standards in C-1 (P22-72-ZTA) – Matthew Manley, AICP – Planning Manager**

Community Development Planning Manager Matt Manley stated that the City of Hendersonville is in receipt of an application for a Zoning Text Amendment from Moe Marks of Tamara Peacock Architects for an amendment to eliminate parking minimums within C-1. He reminded everyone that currently there is no parking minimum for commercial uses or residential uses under 5 dwelling units and said residential developments with 5 or more dwelling units requires 1.5 parking spaces per dwelling unit in the C-1 district. Mr. Manley stated the 7th Ave Municipal Service District has no parking minimums due to an exemption established in the zoning ordinance. Mr. Manley stated Hendersonville's downtown provides a significant amount of public on-street parking, public and private surface lots and structured public parking will be available soon. He reminded everyone that parking in downtown is in high demand from a variety of users including downtown dwellers, local residents and visitors. Mr. Manley stated in consideration of the applicant's request, staff is recommending the reduction of parking minimums to 1 per dwelling unit to align with standards across our zoning ordinance and is proposing to align standards in the PRD as well and make clarifications to the per unit parking requirements in the general parking standards to ensure consistency.

Council Member Jerry A. Smith Jr., J.D. discussed on-street parking and overflow of residents parking in the street which will soon be metered and market conditions.

The Deputy City Clerk confirmed this public hearing has been advertised in accordance with North Carolina General Statutes. The public hearing was opened at 7:21 p.m.

Ken Fitch addressed City Council via Zoom electronic software expressing concerns regarding parking and future parking fees, walkability, and access.

Council Member Dr. Jennifer Hensley agreed with Council Member Smith citing market conditions and parking needs.

Mayor Barbara G. Volk agreed with Council Members stating the market will determine the need for parking and the burden will be placed on the developers to supply adequate parking.

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

***Council Member Dr. Jennifer Hensley moved that City Council adopt an ordinance amending the official City of Hendersonville Zoning Ordinance, Article V. – Zoning District Classifications, Section 5-6-3.1. and Section 5-14-6.7; and Article VI. – General Provisions, Section 6.5. “Off-street Parking Standards” based on the recommended modifications to the petition as presented by staff and based on the following: The petition is found to be consistent with the City of Hendersonville 2030 Comprehensive Plan based on the information from the staff analysis and the public hearing, and because the petition aligns with Goal LU-10 of the Land Use and Development Chapter which calls for maintaining a highly urban, pedestrian-focused environment through building and streetscape design. We find this petition, in conjunction with the recommendations presented by staff, to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because the amendments align the minimum parking requirements for the C-1 and PRD Zoning Districts with other residential and mixed-use parking standards, the amendments reduce costs associated with, and restrictions for, residential development in downtown and along thoroughfares. Residential development and utilization of underutilized properties within these areas is desired, the amount of parking needed for a development is market-driven, a significant amount of public and private parking spaces are available with the C-1 Zoning District, reduction of minimum parking space requirements reduces the need for individually-owned surface parking lots, and centrally-located, consolidated parking locations are preferred over individually-owned surface parking lots as a means of protecting and advancing walkability and***

*better utilizing land within the downtown core. A unanimous vote of the Council followed. Motion carried.*

**Ordinance #O-22-57**

**AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND ARTICLE V. – ZONING DISTRICT CLASSIFICATIONS, SECTION 5-6-3.1. AND SECTION 5-14-6.7; AND ARTICLE VI. – GENERAL PROVISIONS, SECTION 6.5. “OFF-STREET PARKING STANDARDS” OF THE CITY OF HENDERSONVILLE ZONING ORDINANCE TO ADDRESS STANDARDS FOR PARKING REQUIREMENTS**

**WHEREAS**, the Planning Board reviewed this petition for a zoning text amendment at its regular meeting on September 12, 2022; voting 6-0 to recommend City Council adopt an ordinance amending the City of Hendersonville Zoning Ordinance, and

**WHEREAS**, City Council took up this application at its regular meeting on October 6, 2022, and

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

**WHEREAS**, City Council has conducted a public hearing as required by the North Carolina General Statutes on October 6, 2022,

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Hendersonville to amend Article V. – Zoning District Classifications, Section 5-6-3.1. and Section 5-14-6.7; and Article VI. – General Provisions, Section 6.5. “Off-street Parking Standards” be amended as follows to reduce minimum parking requirements in the C-1 and PRD Zoning Districts and to make additional clarifications and corrections.

**Section 5-6-3. Development standards.**

The following standards shall apply to development within the C-1 Central Business Zoning District Classification and Central Business Conditional Zoning District Classification in addition to all other applicable standards contained in this appendix.

**5-6-3.1. Parking and Loading.** For non-residential developments and residential developments containing fewer than five dwelling units, no off-street parking is required. For residential developments containing five or more dwelling units, off-street parking of one ~~and one-half~~ spaces per dwelling unit shall be provided.

As far as practicable, off-street parking, when provided, shall be accessed by means of east-west streets or alley ways and shall be designed so that it is screened, as far as practicable, to minimize motor vehicles and parking areas from view from Main, Church and King Streets. This provision is not intended to require that buildings be screened from view.

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

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

**Section 6.5. Off-street Parking Standards**

Residential dwellings	1 per each dwelling unit or 1.5 per each dwelling unit <u>containing</u> <del>exceeding</del> three <del>-or more</del> bedrooms
Planned residential development	<del>1.5</del> per <u>each dwelling</u> unit <del>w/1 or 2 bedrooms and</del> <u>or 2</u> <del>1.5</del> per <u>each dwelling</u> unit <u>containing</u> <del>w/3</del> <u>three or more</u> + bedrooms

E. **Zoning Text Amendment: Multi-Family in the 7<sup>th</sup> Ave MSD (P22-75-ZTA)** – *Matthew Manley, AICP – Planning Manager*

Community Development Planning Manager Matt Manley stated that the petitioner has requested to postpone this hearing until the November meeting.

The public hearing was opened at 7:34 p.m.

*Council Member Jerry A. Smith Jr., J.D. moved that City Council continue this public hearing until the November 3, 2022 regular meeting at 5:45 p.m. or as soon thereafter as possible. A unanimous vote of the Council followed. Motion carried.*

Mayor Barbara G. Volk briefly recessed the meeting for a short break at 7:35 p.m. and reconvened at 7:40 p.m.

8. **UNFINISHED BUSINESS**

There was no unfinished business.

9. **NEW BUSINESS**

A. **American Rescue Plan Appropriation** – *Adam Murr, Budget Manager*

City Manager John F. Connet recalled the last presentation on the American Rescue Plan (ARP) funding at the September 28, 2022 City Council second monthly meeting and said staff has provided a summary of each funding application as well as the City Manager’s recommended allocations as outlined below to begin the allocation discussion.

Joseph’s Outreach Ministry	\$800,000
Housing Assistance Corporation	\$360,000
Pisgah Legal Services	\$320,000
Safelight	\$20,000
City Staffed Crisis Advocate Position	\$500,000
<b>TOTAL</b>	<b>\$2,000,000</b>

Council Members discussed preferences for allocations. Council Member Jerry A. Smith Jr., J.D. posed ideas to reallocate funding and reserve a portion to fund a new crisis response advocate position in the city for public safety. Council Member Dr. Jennifer Hensley expressed fairness concerns about reallocation of funding and inquired if there were other programs that are better suited for their needs. Mayor Barbara G. Volk expressed her preferences and reminded the Council they agreed to allocate funds to nonprofits in the community. After much discussion Council Members agreed that they support the crisis response advocate position but asked staff to prepare a spreadsheet with alternate allocations and bring back at the November meeting.

B. **Request to Review Knollwood and Orleans Intersection** – *John Connet, City Manager*

Public Works Director, Tom Wooten addressed City Council regarding a request from Ms. Barbara Glassman regarding the stop sign at the intersection of Knollwood Avenue and Orleans Avenue. City Council Members discussed steps to evaluate or modify the intersection of Orleans Avenue and Knollwood Avenue.

The consensus of City Council was to instruct staff to take action to evaluate or modify the intersection of Orleans Avenue and Knollwood Avenue.

10. **CITY COUNCIL COMMENTS**

Council Member Lyndsey Simpson updated Council on ESB activities. Council Member Debbie O’Neal-Roundtree expressed thanks and appreciation to Hendersonville Police Department for hosting National Night Out. Council Member O’Neal-Roundtree also reminded everyone that the month of October is breast cancer awareness month.



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

City Manager John F. Connet discussed requests for modification of the Council policy regarding remote meetings for advisory boards and commissions recalling phone calls he and Council has received asking for approval. Council Member Dr. Jennifer Hensley discussed the benefits of remote meetings to advisory boards to be respectful of volunteer time and expense in attending meetings. City Attorney Angela S. Beeker stated she could prepare a resolution to remind advisory boards of the requirements and open meetings and bring back to Council for approval. Council Members agreed.

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

*At 8:07 p.m. Council Member Jerry A. Smith Jr., J.D. moved that City Council enter closed session pursuant to NCGS § 143-318.11 (a) (1), (3), (4) 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 discuss matters relating to the location or expansion of industries and businesses in the area served by the public body and to consider the qualifications, competence, performance and character, fitness conditions of an individual public officer, to consult with an attorney retained or employed by the City Council to preserve the attorney client privilege, and to discuss a claim or pending claim or potential litigation. A unanimous vote of the Council followed. Motion carried.*

*At 8:51 p.m. Council Member Debbie O’Neal-Roundtree moved that City Council return to open session. A unanimous vote of the Council followed. Motion carried.*

**13. ADJOURN**

There being no further business, the meeting was adjourned at 8:51 p.m. upon unanimous assent of the Council.

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Barbara G. Volk, Mayor

ATTEST:

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Angela L. Reece, City Clerk