



CITY OF HENDERSONVILLE CITY COUNCIL REGULAR MEETING

Operations Center Assembly Room | 305 Willaims St. | Hendersonville, NC 28792
Thursday, October 02, 2025 – 5:45 PM

AGENDA

1. **CALL TO ORDER**
2. **INVOCATION AND 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.*
4. **CONSIDERATION OF AGENDA**
5. **CONSENT AGENDA** - *Items are considered routine, noncontroversial in nature and are considered approved by a single motion and vote.*

A. Approval of Minutes - *Jill Murray, City Clerk*

September 4, 2025 Regular Meeting

September 24, 2025 Second Monthly Meeting

B. Donations for Brooklyn Community Garden - *Caitlyn Gendusa, Public Works Superintendent-Sustainability*

C. Revision of the Personnel Policy –Amending Article IV. Section 3, *Meredith Troughton, Assistant HR Director*

D. City Operations Building Finish Renovations Change Order 3 – *Richard Shook, Civil Engineer*

E. Request to approve acceptance of the awarded NCDOT IMD Multimodal Bicycle Planning Grant. - *Blake Fulgham, Management Analyst II*

F. Sole Source Purchase of SCADA System Upgrads- *Logan Hickey, Chad Freeman, Adam Steurer, Darren Allman*

G. Resolution to Apply for State Revolving Fund Supplemental Appropriations for Hurricanes Helene and Milton and Hawai'i Wildfires to Support the Wastewater Treatment Facility Flood Mitigation Project – *Devin Owen, Utilities Engineer*

H. Resolution to Apply for State Revolving Fund Supplemental Appropriations for Hurricanes Helene and Milton and Hawai'i Wildfires to Support the Water System Resiliency Looping Project – *Devin Owen, Utilities Engineer*

I. October 2025 Budget Amendments – *Jennifer Floyd, Management Analyst*

- [J.](#) October Project Ordinances and Reimbursement Resolutions – *Adam Murr, Budget & Eval. Director*

6. PRESENTATIONS

- [A.](#) Recognition of Bill and Elizabeth Moss – *John Connet, City Manager*
- [B.](#) Proclamation-Fire Prevention Week - *Nate Young, Fire Marshal*
- [C.](#) NCLM Risk Reduction Review Award - *Blair Myhand, Police Chief*
- [D.](#) Henderson County Behavioral Health Coalition Update – *Melissa Witmeier, Public Health Strategist – Behavioral Health*

7. PUBLIC HEARINGS

- [A.](#) Rezoning: Standard Rezoning – 824 400 Locust St + Small Area Rezoning | 25-58-RZO – *Matthew Manley, AICP | Long-Range Planning Manager*
- [B.](#) Zoning Text Amendment: CMU Lot Size + On-Street Parking (25-55-ZTA) – *Matthew Manley, AICP – Long-Range Planning Manager*
- [C.](#) Rezoning: Conditional Zoning District – Compleat KiDZ (25-60-CZD) – *Sam Hayes, Planner II*

8. NEW BUSINESS

- [A.](#) 2025 General Obligation (GO) Bond Resolution of Intent and Statement of Fact - *Adam Murr, Budget & Evaluation. Director*
- [B.](#) Request for NCDOT to Reduce Church Street and King Street Speed Limit – *Brent Detwiler, Assistant City Manager - Public Services*
- [C.](#) NCDOT Purchase of S Main Street Property and Honor Air Park – *Angela Beeker, City Attorney*
- [D.](#) Approval of Letter to Henderson County Board of Commissioners – *John Connet, City Manager*

9. BOARDS & COMMITTEES

- [A.](#) Consideration of Vacancy Appointment to the Planning Board - *Jill Murray, City Clerk*

10. CITY MANAGER REPORT - John F. Connet, City Manager

- [A.](#) September 2025 Contingency and Adjustment Report – *John Connet, City Manager*

11. CITY COUNCIL COMMENTS

12. CLOSED SESSION

- [A.](#) Closed Session – *John Connet, City Manager*

13. ADJOURN

The City of Hendersonville is committed to providing accessible facilities, programs and services for all people in compliance with the Americans with Disabilities Act (ADA). Should you need assistance or an accommodation for this meeting please contact the City Clerk no later than 24 hours prior to the meeting at 697-3005.



MINUTES

September 4, 2025

REGULAR MEETING OF THE CITY COUNCIL

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

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

Staff Present: City Manager John Connet, Deputy City Manager Brian Pahle, City Attorney Angela Beeker, Budget & Evaluation Director Adam Murr, Communications Director Allison Justus and others

Absent: City Clerk Jill Murray

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.*

In Person:

Lois Van Reese of 131 Creekwalk Ln, Hendersonville, the HOA of Wolf Chase, spoke about an email that she sent on August 28th to city officials, Henderson County engineers, Four Star Construction and the Hendersonville Taxation Department requesting a face-to-face meeting with the residents of Wolf Chase to discuss solutions to the mud and flooding issues that was created by clear cutting Half Moon Heights. Wolf Chase has documented 17 mudslide and flooding episodes since January, 2024. Once Four-Star leaves, who pays for the cleanup of this mud and flooding?

Ken Fitch of 1046 Patton Street, Hendersonville, gave a heartfelt speech about Tyler Morrow leaving the city.

Amy Duernberger of 709 Hebron Road, Hendersonville, spoke about loving living in Hendersonville and values all the work that the employees do. She also spoke about needing clarification on the utility bill that she recently received. She was surprised to see that her garbage collection rate went up 30% and wanted to know why.

City Manager John Connet said he would be happy to schedule a time to go over everything with her and explain it in detail and why we had to do what we did.

4. **CONSIDERATION OF AGENDA**

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

5. **CONSENT AGENDA**

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

A. Adoption of City Council Minutes – Jill Murray, City Clerk

August 7, 2025 Regular Meeting
August 27, 2025 Second Monthly Meeting

B. Intent to Lease City Owned Property at 129 Michelle Drive – Adam Steaurer, Utilities Director

Resolution #R-25-79

RESOLUTION OF INTENT BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO LEASE CITY OWNED REAL PROPERTY AT 129 MITCHELLE DRIVE

WHEREAS, the City of Hendersonville owns property located at 129 Michelle Drive, Hendersonville, NC 28792, described in deed of record in Deed Book 1318, Page 126, Henderson County Registry (“Subject Property”); and

WHEREAS, the City of Hendersonville purchased the Subject Property for the purposes of building a pump station; and

WHEREAS, the Subject Property currently houses, in addition to the pump station, an outdoor advertising sign owned by Lamar OCI South, LLC (“Lamar”) and Lamar wishes to renew this lease for an additional ten (10) year period, and the City does not need and will not need the space occupied by Lamar’s sign during the proposed ten (10) year lease term; and

WHEREAS, North Carolina General Statute § 160A-272 authorizes the City Council to lease City owned real property the City Council determines will not be needed by the City for the term of the lease; and

WHEREAS, North Carolina General Statute § 160A-272 requires public notice at least 30 days before approving the execution of a lease in excess of one year; and

WHEREAS, the City of Hendersonville intends to enter into a nonexclusive lease of the Subject Property to Lamar which will permit them to leave their outdoor advertising sign in place during the Lease term.

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

1. The City intends to authorize a lease renewal for the Subject Property to the advertising .
2. The annual rent shall be \$ 5,250 , paid annually, for the first five (5) years of the Lease term, and \$ 5,512 , paid annually for the second five (5) years of the lease term.;
3. The City Council hereby declares its intent to authorize a lease at the regular meeting of August 7, 2025, upon the terms stated herein.
4. Staff shall advertise this Resolution in a newspaper of general circulation in Henderson County once, at least thirty (30) days prior to the October 2, 2025 regular City Council Meeting.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 4th day of September, 2025.

Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

C. Approval of \$35,000 Arbor Day Foundation Grant – Caitlyn Gendusa, Public Works Superintendent

Resolution #R-25-80

RESOLUTION BY THE CITY OF HENDERSONVILLE

CITY COUNCIL ACCEPTING A GRANT FROM THE ARBOR DAY FOUNDATION AND THE TRUIST CHARITABLE FUND

WHEREAS, the Arbor Day Foundation (the “ADF”), in partnership with the Truist Charitable Fund has established a grant that provides funding to entities for the planting of trees and related projects; and

WHEREAS, the ADF has agreed to award the City \$35,000.00 to be used for planting trees in public spaces and for the licensing of tree canopy management software to assist the City in understanding where canopy has been lost and should be re-established; and

WHEREAS, the City of Hendersonville desires to accept the grant funds and authorize the execution of the grant funding agreement.

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

1. The City hereby accepts the grant from the Abor Day Foundation and to be used for tree planting in public spaces and for the licensing of tree canopy management software; and
2. The Assistant City Manager, Brent Detwiler, is authorized to execute the Grant Agreement, with such changes as he deems appropriate, provided they are consistent with the terms of this Resolution.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 4th day of September, 2025.

Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

D. State Reserve Grant Funding Offer Acceptance to Support the Sewer Collection System AIA Master Plan Update Project – Devin Owen, Utilities Engineer

Resolution #R-25-81

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO ACCEPT A STATE RESERVE GRANT FUNDING OFFER FROM THE NORTH CAROLINA DEPARTMENT OF ENVIRONMENTAL QUALITY TO PERFORM AN ASSET INVENTORY AND ASSESSMENT STUDY TO SUPPORT THE SEWER COLLECTION SYSTEM AIA MASTER PLAN UPDATE PROJECT

- WHEREAS,** the North Carolina General Statutes Chapter 159G has created Asset Inventory and Assessment (AIA) grants to assist eligible units of government with meeting their water infrastructure needs, and
- WHEREAS,** the North Carolina Department of Environmental Quality has offered a State Reserve Grant in the amount of \$150,000 to perform an Asset Inventory and Assessment study detailed in the submitted application, and
- WHEREAS,** the City of Hendersonville intends to perform said project in accordance with the agreed scope of work,

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

1. The City of Hendersonville does hereby accept the State Reserve Grant offer of \$150,000.
2. That the City of Hendersonville does hereby give assurance to the North Carolina Department of Environmental Quality that any Conditions or Assurances contained in the Award Offer will be adhered to.
3. That Adam Steurer, Utilities Director, and successors so titled, are hereby authorized and directed to furnish such information as the appropriate State agency may request in connection with this project; to make the assurances as contained above; and to execute such other documents as may be required by the Division of Water Infrastructure.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 4th day of September, 2025.

Barbara G. Volk, Mayor

Attest: /s/Jill Murray, City Clerk

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

E. Engineering Services to support the Sewer Collection System AIA Master Plan Update Project – Devin Owen, Utilities Engineer

Resolution #R-25-82

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO ENTER INTO A CONTRACT FOR ENGINEERING SERVICES TO SUPPORT THE SEWER COLLECTION SYSTEM AIA MASTER PLAN UPDATE PROJECT

WHEREAS, the City owns and operates a public sewer collection system that serves a population of approximately 33,000 in the City and surrounding area; and

WHEREAS, the City's current Sewer Collection System Master Plan (Master Plan) was prepared in 2019; and

WHEREAS, the Master Plan serves as a roadmap for the City to properly maintain and improve the Sewer system. The Master Plan also identifies and prioritizes capital improvement projects so the collection system can adequately serve current and future sewer demands; and

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

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

1. HDR, Inc. is most qualified to provide professional engineering services for the project, as recommended by Staff.
2. The scope of professional engineering services from HDR, Inc. is approved in the not-to-exceed amount of \$368,500.
3. The City Manager is authorized to execute an agreement with HDR, Inc. consistent with the terms of this Resolution, as approved by the City Attorney.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 4th day of September, 2025.

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

F. French Broad River Intake Project Change Order 6, 7, 8 Summary - Brent Detwiler,
Assistant City Manager

Resolution #R-25-83

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AUTHORIZE THE CITY
MANAGER TO EXECUTE CHANGE ORDERS 6, 7, AND 8 WITH CROWDER CONSTRUCTION
COMPANY AS PART OF THE FRENCH BROAD RIVER INTAKE PROJECT**

WHEREAS, the French Broad River Intake Project (Project No. 16007) is under construction; and

WHEREAS, some additional project components have been identified to allow operational redundancy and efficiency; and

WHEREAS, the prices of said additions have been reviewed by staff, the City's consulting engineer, and the Division of Water Infrastructure, and have been determined to be reasonable and justified.

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

1. The City Manager is authorized to execute Change Orders 6, 7, and 8 with Crowder Construction Company for the French Broad River Intake Project, as presented.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 4th day of September, 2025.

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

G. September Project Ordinances and Reimbursement Resolutions - Jennifer Floyd,
Management Analyst

Resolution #R-25-84

**HENDERSONVILLE, NORTH CAROLINA
DECLARATION OF OFFICIAL INTENT TO REIMBURSE**

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

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

Expenditures to be Incurred. The Issuer anticipates incurring expenditures (the "Expenditures") for EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE SEWER COLLECTION SYSTEM MASTER PLAN PROJECT (#G2601), ORDINANCE #O-25-45 (the "Projects").

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

Maximum Principal Amount of Debt to be Issued. The maximum principal amount of the Borrowing to be incurred by the Issuer to finance the Project is \$150,000.

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

ADOPTED by the City Council of the City of Hendersonville, North Carolina, on this 4th day of September, 2025.

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

Ordinance #O-25-45

**GRANT PROJECT ORDINANCE FOR
THE EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE SEWER
COLLECTION SYSTEM MASTER PLAN, #G2601**

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

Section 1: The project authorized is a City project described as the Sewer Collection System Master Plan, #G2601.

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

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
301	7155	N/A	G2601	NCDEQ Grant Expenditures	\$150,000

Total Project Appropriation	\$150,000
------------------------------------	------------------

Section 3: The following revenues are anticipated to be available via grant proceeds:

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
301	0000	420050	G2601	Grant (NCDEQ 2025)	(\$150,000)

Total Project Appropriation	(\$150,000)
------------------------------------	--------------------

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

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

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

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

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

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

ADOPTED by the City Council of the City of Hendersonville, North Carolina, on this 4th day of September, 2025.

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

Resolution #R-25-85

HENDERSONVILLE, NORTH CAROLINA
DECLARATION OF OFFICIAL INTENT TO REIMBURSE

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

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

Expenditures to be Incurred. The Issuer anticipates incurring expenditures (the "Expenditures") for EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE WATER TREATMENT SLUDGE TRANSFER AND BACKWASH PROJECT (#24009), ORDINANCE #O-25-46 (the "Projects").

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

Maximum Principal Amount of Debt to be Issued. The maximum principal amount of the Borrowing to be incurred by the Issuer to finance the Project is \$3,200,000.

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

ADOPTED by the City Council of the City of Hendersonville, North Carolina, on this 4th day of September, 2025.

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

Ordinance #O-25-46

CAPITAL PROJECT ORDINANCE FOR
THE EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE WATER
TREATMENT SLUDGE TRANSFER AND BACKWASH PROJECT, #24009

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

Section 1: The project authorized is a City project described as the Water Treatment Sludge Transfer and Backwash Project, #24009.

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

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
460	7035	550103	24009	Capital Outlay- CIP	\$3,200,000
Total Project Appropriation					\$3,200,000

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

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
460	0000	470010	24009	Debt Issuance (2027 Revenue Bond)	(\$3,200,000)
Total Project Appropriation					(\$3,200,000)

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

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

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

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

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

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

ADOPTED by the City Council of the City of Hendersonville, North Carolina, on this 4th day of September, 2025.

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

Resolution #R-25-86

HENDERSONVILLE, NORTH CAROLINA
DECLARATION OF OFFICIAL INTENT TO REIMBURSE

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

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

Expenditures to be Incurred. The Issuer anticipates incurring expenditures (the "Expenditures") for EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE OSFM DISASTER RELIEF GRANT PROJECT (#G2602), ORDINANCE #O-25-47 (the "Projects").

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

Maximum Principal Amount of Debt to be Issued. The maximum principal amount of the Borrowing to be incurred by the Issuer to finance the Project is \$50,000.

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

ADOPTED by the City Council of the City of Hendersonville, North Carolina, on this 4th day September, 2025.

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

Ordinance #O-25-47

GRANT PROJECT ORDINANCE FOR
THE EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE OSFM
DISASTER RELIEF GRANT PROJECT, #G2602

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

Section 1: The project authorized is a City project described as the OSFM Disaster Relief Grant Project, #G2602

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

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
301	1400	534000	G2602	Non-Capital Equipment	\$50,000
Total Project Appropriation					\$50,000

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

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
301	0000	420050	G2602	Grant (2025 OSFM)	(\$50,000)

Total Project Appropriation

(\$50,000)

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

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

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

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

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

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

ADOPTED by the City Council of the City of Hendersonville, North Carolina, on this 4th day September, 2025.

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

Resolution #R-25-87

HENDERSONVILLE, NORTH CAROLINA

DECLARATION OF OFFICIAL INTENT TO REIMBURSE

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

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

Expenditures to be Incurred. The Issuer anticipates incurring expenditures (the "Expenditures") for EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE MILLS RIVER INTAKE SCOUR SYSTEM PROJECT (#25014), ORDINANCE #O-25-48 (the "Projects").

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

Maximum Principal Amount of Debt to be Issued. The maximum principal amount of the Borrowing to be incurred by the Issuer to finance the Project is \$540,000.

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

ADOPTED by the City Council of the City of Hendersonville, North Carolina, on this 4th day of September, 2025.

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

Ordinance #O-25-48

THE EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE WTP MILLS

RIVER INTAKE SCOUR SYSTEM PROJECT, #25014

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

Section 1: The project authorized is a City project described as the Mills River Intake Scour System Project, #25014.

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

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
460	7035	550103	25014	Capital Outlay- CIP	\$540,000
Total Project Appropriation					\$540,000

Section 3: The following revenues are anticipated to be available via debt issuance proceeds:

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
460	0000	470010	25014	Debt Issuance (2025 Revenue Bond)	(\$540,000)
Total Project Appropriation					(\$540,000)

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

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

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

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

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

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

ADOPTED by the City Council of the City of Hendersonville, North Carolina, on this 4th day of September, 2025.

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

H. Water & Sewer FY26 CIP Amendment - Brent Detwiler, Assistant City Manager

Resolution #R-25-88

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE WATER AND SEWER FY26 CAPITAL IMPROVEMENT PLAN (CIP)

WHEREAS, the City has been working with various consulting teams and agencies to identify funding sources for the many needs at the Wastewater Treatment Facility; and

WHEREAS, a major flood mitigation project as well as a later expansion project are both being designed; and

WHEREAS, the estimates of said projects have been incorporated into the FY26 CIP as an amendment.

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

- 1. The FY26 Water and Sewer Capital Improvement Plan has been amended, as presented.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 4th day of September, 2025.

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

I. September 2025 Budget Amendments - Jennifer Floyd, Management Analyst

TO MAYOR & COUNCIL
APPROVAL: September 4, 2025

FISCAL YEAR 2025
FORM: 09042025-01

BUDGET AMENDMENT

FUND 060 / 301					
ACCOUNT NUMBER	DESCRIPTION OF ACCOUNT	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
060-0000-470900	Fund Balance Appropriated	2,156,894	220,750		2,377,644
060-0000-598901	Transfer Out (to 301 #G2601)	517,000	220,750		737,750
FUND 060	TOTAL REVENUES	2,156,894	220,750	-	2,377,644
	TOTAL EXPENDITURES	517,000	220,750	-	737,750
301-0000-470100-G2601	Transfer In (From 060)	-	220,750	-	220,750
301-7155-519200-G2601	Contracted Services	150,000	220,750	-	370,750
FUND 301	TOTAL REVENUES	-	220,750	-	220,750
	TOTAL EXPENDITURES	150,000	220,750	-	370,750
A budget amendment increasing the revenues in Project #G2601 to cover the remaining costs associated with the Sewer Collection System Master Plan.					
The City Manager and City Clerk certify budget ordinance amendment 09042025-01 was approved by City Council on September 4, 2025.					

TO MAYOR & COUNCIL
APPROVAL: September 4, 2025

FISCAL YEAR 2025
FORM: 09042025-02

BUDGET AMENDMENT

FUND 199/010					
ACCOUNT NUMBER	DESCRIPTION OF ACCOUNT	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
199-1300-521001	Supplies and Materials	19,500	-	7,500	12,000
199-0000-598901	Transfer Out (to 010)	-	7,500		7,500
FUND 060	TOTAL REVENUES	19,500	-	7,500	12,000
	TOTAL EXPENDITURES	-	7,500	-	7,500
010-0000-470100	Transfer In (From 199)	-	7,500	-	7,500
010-1300-554001	Capital Outlay- Equipment/Other Than Vehicles	60,000	7,500	-	67,500
FUND 301	TOTAL REVENUES	-	7,500	-	7,500
	TOTAL EXPENDITURES	60,000	7,500	-	67,500
A budget amendment increasing Capital Services - Equipment/Other Than Vehicles to cover the cost of a 911 Voice Logger.					
The City Manager and City Clerk certify budget ordinance amendment 09042025-02 was approved by City Council on September 4, 2025.					

TO MAYOR & COUNCIL
APPROVAL: September 04, 2025

FISCAL YEAR 2026
FORM: 09042025-3

BUDGET AMENDMENT

FUND 459 460					
ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
459-0000-470900	Fund Balance Appropriated	300,000	-	-	300,000
459-0000-598901	Transfer Out (to 460, #22013 - WTP Residuals)	300,000	-	-	300,000
FUND 459 W&S Capital Reserve Fund	TOTAL REVENUES	300,000	-	-	300,000
	TOTAL EXPENDITURES	300,000	-	-	300,000
460-0000-470010-HEF02	Debt Proceeds ('25 Revenue Bond)	540,000	-	-	540,000
460-7035-550103-HEF02	Capital Outlay-CIP	540,000	-	-	540,000
FUND 460 (#HEF02) Mills River Scour	TOTAL REVENUES	540,000	-	-	540,000
	TOTAL EXPENDITURES	540,000	-	-	540,000
460-0000-470010-17127	Debt Proceeds ('25 Revenue Bond)	575,000	-	146,117	428,883
460-7055-550103-17127	Capital Outlay-CIP	575,000	-	146,117	428,883
FUND 460 (#17127) NCDOT Highland Lake Rd	TOTAL REVENUES	575,000	-	146,117	428,883
	TOTAL EXPENDITURES	575,000	-	146,117	428,883
460-0000-470010-19207	Debt Proceeds ('25 Revenue Bond)	2,131,500	332,879	-	2,464,379
460-7055-550103-19207	Capital Outlay-CIP	2,131,500	332,879	-	2,464,379
FUND 460 (#19207) WTP15MGD Expansion	TOTAL REVENUES	2,131,500	332,879	-	2,464,379
	TOTAL EXPENDITURES	2,131,500	332,879	-	2,464,379
460-0000-470010-22013	Debt Proceeds ('25 Revenue Bond)	2,342,000	-	-	2,342,000
460-0000-470100-22013	Transfer In (from 459)	300,000	-	-	300,000
460-7035-550103-22013	Capital Outlay-CIP	2,642,000	-	-	2,642,000
FUND 460 (#22013) WTP Residuals	TOTAL REVENUES	2,642,000	-	-	2,642,000
	TOTAL EXPENDITURES	2,642,000	-	-	2,642,000
460-0000-470010-24004	Debt Proceeds ('25 Revenue Bond)	390,000	44,636	-	434,636
460-1014-550103-24004	Capital Outlay-CIP	390,000	44,636	-	434,636
FUND 460 (#24004) CCTV Truck	TOTAL REVENUES	390,000	44,636	-	434,636
	TOTAL EXPENDITURES	390,000	44,636	-	434,636
460-0000-470010-25003	Debt Proceeds ('25 Revenue Bond)	500,000	-	-	500,000
460-1014-550103-25003	Capital Outlay-CIP	500,000	-	-	500,000
FUND 460 (#25003) 110 Williams St. Reno.	TOTAL REVENUES	500,000	-	-	500,000
	TOTAL EXPENDITURES	500,000	-	-	500,000
460-0000-420050-16036	Grant Revenue (FY24 State Appropriation)	14,528,750	-	-	14,528,750
460-0000-470010-16036	Debt Proceeds ('25 Revenue Bond - Project Fund)	3,494,788	5,212	-	3,500,000
460-0000-470010-16036	Debt Proceeds ('25 Revenue Bond - Issuance Cost)	363,535	5,724	-	369,259
460-7135-550103-16036	Capital Outlay-CIP	18,023,538	5,212	-	18,028,750
460-7002-560900-16036	Cost of Issuance	363,535	5,724	-	369,259
FUND 460 (#16036) Biosolids Dryer	TOTAL REVENUES	18,387,073	10,936	-	18,398,009
	TOTAL EXPENDITURES	18,387,073	10,936	-	18,398,009
SubTotal 2025 Revenue Bond Project Fund					10,209,898
SubTotal 2025 Revenue Bond Closing Costs					369,259
TOTAL 2025 Revenue Bond					10,579,157
An amendment to match the cost of issuance and project funds acquired through the 2025 series water and sewer revenue bond issuance. The amendment clarifies a bond proceed revenue of \$10,579,157 with \$10,209,898 for use in projects and \$369,259 for use in closing costs on the bond issuance.					
The City Manager and City Clerk certify budget ordinance amendment 09042025-3 was approved by City Council on September 04, 2025.					

TO MAYOR & COUNCIL
APPROVAL: September 4, 2025

FISCAL YEAR 2025
FORM: 09042025-04

BUDGET AMENDMENT

FUND 460					
ACCOUNT NUMBER	DESCRIPTION OF ACCOUNT	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
460-0000-470100	Transfer In	461,100	-	461,100	-
460-0000-470100-16007	Transfer In (from 460)	-	461,100	-	461,100
460-0000-470010-16007	Proceeds of Debt	23,052,935	276,471	-	23,329,406
460-1014-560900-16007	Cost of Issuance	461,100	-	-	461,100
460-1014-550102-16007	Capital Outlay Services and Fees	3,960,735	-	-	3,960,735
460-1014-550103-16007	Capital Outlay CIP	19,092,200	276,471	-	19,368,671
FUND 060	TOTAL REVENUES	23,514,035	737,571	461,100	23,790,506
	TOTAL EXPENDITURES	23,514,035	276,471	-	23,790,506
A budget amendment increasing the French Broad River Intake Project to cover the costs of change orders 6,7, and 8. This amendment corrects appropriations from the 2/10/22 amendment.					

The City Manager and City Clerk certify budget ordinance amendment 09042025-04 was approved by City Council on September 4, 2025.

J. Supplemental Agreement with NCDOT for the Construction of the Tracey Grove Road Bridge, TIP #: B5929 - Tom Wooten, Public Works Director

Resolution #R-25-89

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL AUTHORIZING THE EXECUTION OF A SUPPLEMENTAL AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR THE REPLACEMENT OF A BRIDGE ON TRACEY GROVE ROAD

WHEREAS, The NC Department of Transportation has programmed funds via the Transportation Improvement Program for the replacement of the Tracey Grove Road Bridge, being the project described in TIP #: B-5929 (the “Project”); and

WHEREAS, the City previously approved and executed an agreement with NCDOT providing that the City would be responsible for all phases of the Project; and

WHEREAS, NCDOT has since agreed to administer the construction phase of the Project; and

WHEREAS, no additional funds are requested from the City for NCDOT to administer the construction phase of the Project; and

WHEREAS, the City Council desired to enter into a supplemental agreement with NCDOT providing that NCDOT will be responsible for the construction phase of the Project using Federal Bridge Programs Funds.

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

1. The Supplemental Agreement, bearing Agreement ID # 13200, for the Tracey Grove Road Bridge replacement project, TIP #: B-5929, is approved; and
2. The City Manager is authorized to execute the Supplemental Agreement, such changes as he deems appropriate, provided they are consistent with the terms of this Resolution.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 4th day of September, 2025.

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

K. Resolution Approving First Amended and Restated Interlocal Agreement to Merge the Hendersonville and Laurel Park ABC Systems – Chuck McGrady and Jeff Nance, Blue Ridge ABC Board

Resolution #R-25-90

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL APRPROVING AN AMENDMENT TO THE INTERLOCAL AGREEMENT WITH THE TOWN OF LAUREL PARK FOR THE MERGER OF THE ABC SYSTEMS

WHEREAS, the City Council for the City of Hendersonville and the Town Council for Laurel Park adopted an Interlocal Agreement to Provide for the Merger of ABC Systems, dated May 8, 2024 (“Interlocal Agreement”); and

WHEREAS, based upon the adoption of the Interlocal Agreement the Laurel Park ABC System and the Hendersonville ABC System were merged, with the merger being effective July 1, 2024, pursuant to the authority of N.C.G.S. § 18B-703 and N.C.G.S. Chapter 160A Article 20, Part 1, the merged system now being known as the Blue Ridge ABC System; and

WHEREAS, pursuant to the Interlocal Agreement, effective July 1, 2024, the City of Hendersonville Board of Alcoholic Beverage Control and the Town of Laurel Park Alcoholic Beverage Control Board were merged into one consolidated board, known as the Blue Ridge Alcoholic Beverage Control Board; and

WHEREAS, the Blue Ridge Alcoholic Beverage Control Board and the merged system have operated successfully for one year, however, it has become apparent that certain amendments to the Interlocal Agreement could increase operational efficiencies; and

WHEREAS, the Blue Ridge Alcoholic Beverage Control Board has requested that the Town and the City amend the Interlocal Agreement to provide for these operational efficiencies, and the Town and City have agreed;

WHEREAS, a draft of the “First Amended and Restated Interlocal Agreement to Provide for the Merger of ABC Systems” has been presented to City Council for approval;

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

- 3. Pursuant to the authority of N.C.G.S. § 18B-703 and N.C.G.S. Chapter 160A Article 20, Part 1, the First Amended and Restated Interlocal Agreement to Provide for the Merger of ABC Systems (the “Agreement”) is approved as presented.
- 4. The Mayor is authorized to execute the Agreement with such changes as she deems appropriate in consultation with the City Attorney, provided that any changes to the Agreement regarding the calculation or distribution of profits from the merged system shall require ratification of City Council.
- 5. 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 signed by the Mayor.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 4th day of September, 2025.

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

6. PRESENTATIONS

A. Half Moon Heights Development Construction Runoff Update – Brent Detwiler,
Assistant City Manager – Public Services

Assistant City Manager Brent Detwiler gave a project update on the development that is currently under construction and for the residents that live downstream, there have been some issues. Last week, City staff met with Henderson County and the developers and gave the following PowerPoint presentation to go over what they are doing and to clear up any misunderstandings particularly as it pertains to stormwater.



NPDES Phase II Regulations



A regulated small MS4 operator must develop, implement, and enforce a stormwater management program designed to reduce the discharge of pollutants from their MS4 to the "maximum extent practicable," to protect water quality, and to satisfy the appropriate water quality requirements of the CWA.



Construction site runoff control is one of the required six (6) minimum control measures



The Henderson County Soil Erosion and Sedimentation Control Local Program is responsible for Soil erosion and sedimentation control for all unincorporated areas of Henderson County, as well as the City of Hendersonville, Village of Flat Rock, Town of Laurel Park and Town of Fletcher



Current Condition of Development

- Active grading and infrastructure installation
- Primary deficiency identified is the lack of vegetation on the construction site
- Heavy rainfall has caused repeated sediment-laden runoff events
- Downstream neighborhood (Wolf Chase) impacted

Current Conditions





Current Condition



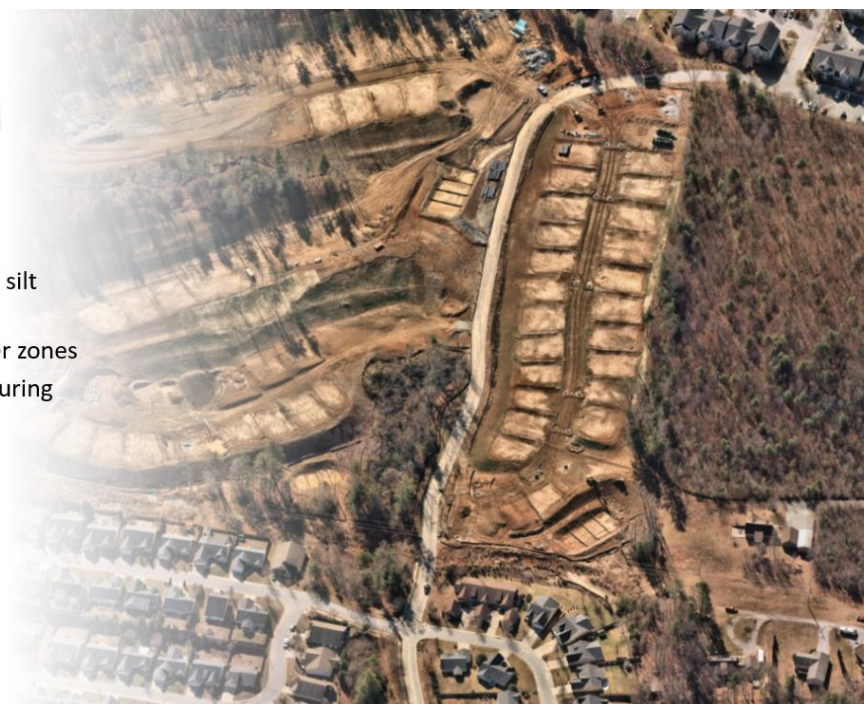
Inspection Findings

Routine inspections note recurring deficiencies:

- July and August inspections coincided with heavy rain events
- Rainfall exceeded 1" on multiple occasions
- Sediment discharges documented after storms

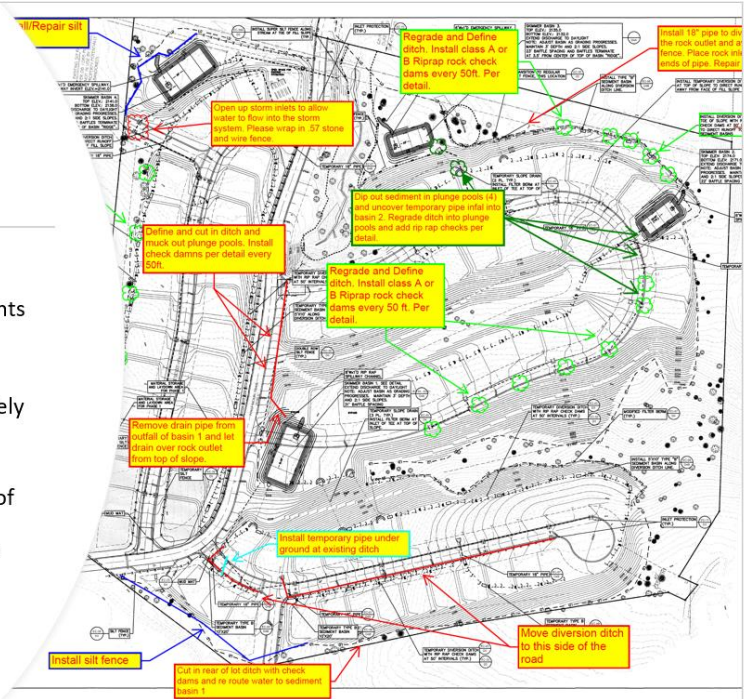
Inspection Findings

- Damaged or overtopped silt fences
- Sediment escaping buffer zones
- Basins full/discharging during rain events
- Slopes with rills/gullies, needing stabilization



Erosion Control Plan Updates

- Developer’s updated plan includes:
- Additional silt fencing at key drainage points
 - Rock check dams every 50 ft in ditches
 - Regrading of diversion ditches
 - Pipe and riprap outlets to divert flows safely
 - Designed to reduce downstream sedimentation
 - Installation of Stormtech system in place of sediment trap to hold additional runoff
 - Developer will need to clean & possibly replace system prior to project close out



Developer’s Proposed Path Forward

- Pond has been mucked and new baffles will be installed by EOB tomorrow
- By the end of the day tomorrow everything on site will be ready for seed. Seeding company is scheduled to be onsite Monday to scarify and then start seeding.
- No land-disturbing activities will resume until the site is fully stabilized
- Half Moon Trail and Road B will be ready to be repaved on 9/8
- Develop recommendations for additional sediment and erosion control measures and repairs (working with specialty firm)
- Update Erosion and Sediment Control Plan to Henderson County for review and approval

City Manager John Connet said that even though the county handles erosion control, he’s hearing that Council would like our construction team to take a regular inspection drive through to monitor and if there are any issues, we can call our colleagues at the county and inquire about it.

Construction Manager Chris Connard added that the inspectors are still on site regularly and part of their workflow is to post pictures to our team’s channel for this project daily. The county is tied into that channel as well and any time that we see something that is of concern, we will “tag” the county personnel in it and draw their attention to the pictures so we are actively trying to help the county and that’s something that we do with every project from the day it starts until my inspectors no longer have a reason to be out there, so we try to be the county’s eyes on site as much as we can.

7. PUBLIC HEARINGS

A. Zoning Text Amendment: 3+4 Family Compliance + FIL Update (25-41-ZTA) – Matthew Manley, AICP, Long-Range Planning Manager

Matt Manley explained that the City of Hendersonville is initiating a zoning text amendment to update language throughout Article V in order to comply with changes to State Law which allow for residential structures with up to 4 dwelling units to be constructed under the Residential Building Code. This was previously an allowance for only single-family and two-family residences. The intent of this change was to make construction of triplexes and quadplexes more cost-effective. Prior to this change, 160D already stated that any dwellings constructed under the Residential Building Code could not be required to meet Building Design Standards. In order to remain in compliance with state law, every statement in the Zoning Ordinance referencing Design Standards not applying to single-family and two-family structures has to be updated to include three-family and four-family structures as well. Additionally, with the updated Fee Schedule adopted with the budget for FY2026, the Fee-in-Lieu of Sidewalk increased from

\$75 per LF to \$130 per LF. Rather than make reference to a dollar amount in the zoning code, staff are proposing to only make reference to the Fee Schedule as it is reviewed annually. The Planning Board unanimously supported the text updates, voting 6-0 at their August meeting.

Compliance for 3- & 4-Family Dwelling

(25-41-ZTA)

Zoning Text Amendment

City of Hendersonville City Council

September 4th, 2025

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



- + **Project Name:**
 - + Compliance for 3- & 4- Family Dwellings
 - + 25-41-ZTA
- + **Applicant/Owner:**
 - + City of Hendersonville
- + **Compliance:**
 - + **State Law -**
 - + General Statute (HB 488)
 - + General Statute 160D-702
 - + General Assembly Session Law 2024-57
 - + **FY2026 Budget - Fee Schedule**
- + **Articles Amended:**
 - + **Zoning Ordinance**

+ Section 5-6	+ Section 5-25
+ Section 5-18	+ Section 5-27
+ Section 5-19	+ Section 6-2
+ Section 5-22	+ Section 6-12
+ Section 5-23	+ Section 7-8
+ Section 5-24	+ Article 18
- + **Zoning Districts Impacted:**
 - + Mixed Use Districts

Project Background





Sec. 5-22. GHMU Greenville Highway Mixed Use Zoning District Classification.

5-22-4 Design standards.

These standards are intended to apply to all development and redevelopment within the Greenville Highway Mixed Use Zoning District Classification. Applicants for authorization to undertake development or redevelopment within such zoning district must demonstrate compliance with these standards or must undergo alternative design review. NOTE: "Building design element" sub-sections noted below are encouraged but not required for one-, and two-, three- & four-family dwellings; property owners/developers may voluntarily consent to these standards per G.S. 160D-702(b).

5-22-4.1.5 Architectural details.

NOTE: ~~Section 5-22-4.1.5 is not required for one- and two-family dwellings~~ This section is not required for one-, two-, three-, & four-family dwellings; property owners/developers may voluntarily consent to these standards per G.S. 160D-702(b). The appearance of all exposed façades (not just the streetside façade) is important and shall be addressed in development design. Architectural elements like openings, sill details, bulkheads, posts, and other architectural features shall be used to establish human scale at the street level. On corner lots, the applicant shall provide distinctive architectural elements at the corner of buildings facing the intersection. Windows, doors, columns, eaves, parapets, and other building components shall be proportional to the overall scale of the building. Windows shall be vertically aligned.

All buildings other than one-, and two-family, three- & four-family dwellings shall provide detailed design along all elevations. Detailed design shall be provided by using at least three of the following architectural features on all elevations. Features may be varied on rear/side/front elevations.

Proposed Amendment: Mixed Use Districts

Relationship to Gen H Comp Plan Character Areas

MULTI-GENERATIONAL LIVING (MGL)
This area is characterized by mixed residential development and a limited amount of small scaled neighborhood-serving commercial. It is comprised of a variety of homes, mixing detached and attached (e.g., townhomes and duplexes) units with a lesser amount of multi-family units. The combination of housing types are intended to create intergenerational neighborhoods.

To highlight this, I have provide an excerpt from the description for Multi-Generational Living. MGL is the least intense Character Area included in the list of permissible Future Land Use designations. As such, it is imperative that the permitted uses in Urban Residential and Urban Village align with this Character Area as the other Character Areas build in intensity

General Rezoning Standards: 2) COMPATIBILITY	EXISTING CONDITIONS	The proposed amendments update the City's Zoning Code to align with changes to the North Carolina General Statute and to eliminate confusion related to changes to the City of Hendersonville Fee Schedule
	RELEVANT GEN H GOALS	Vibrant Neighborhoods: [Consistent] Abundant Housing Choices: [Consistent] Healthy and Accessible Natural Environment: [Consistent] Authentic Community Character: [Consistent] Safe Streets and Trails: [Consistent] Satisfying Work Opportunities: [N/A] Welcoming & Inclusive Community: [N/A]
	GEN H GUIDING PRINCIPLES	Mix of Uses: [Consistent] Compact Development: [Consistent] Sense of Place: [Consistent] Conserved & Integrated Open Spaces: [Consistent] Desirable & Affordable Housing: [Consistent] Connectivity: [Consistent] Efficient & Accessible Infrastructure: [Consistent]

For considering Compatibility, staff reviewed the proposed changes with the Goals and Guiding Principles of the Gen H Comprehensive Plan. We find that the proposed amendment is Compatible. While 3 & 4 Family Uses will no longer be able to be subject to Design Standards, we are ensuring that Townhomes, Duplexes, Tri-plexes, and Quad-plexes are at least complying with site design standards.

General Rezoning Standards: 2) COMPATIBILITY	DESIGN GUIDELINES ASSESSMENT (Chapter V)	Public Realm – [Consistent] Site Design – [Consistent] Building Design – [Inconsistent]

Staff also considered the changes at a high level with the Design Guidelines from the Downtown Master Plan given that the changes impact both C-1 and CMU.

General Rezoning Standards	3) CHANGED CONDITIONS	- Statewide Updates to the Residential Building Code - Update to the CoH Fee Schedule for FY2026
	4) PUBLIC INTEREST	- Easing of construction standards for Tri-plexes and Quad-plexes - Additional revenue for new sidewalks

The 3rd Criteria Considered is Changed Conditions - The text amendment is being prompted by the need for updated language in due to changes to the Residential Building Code which expand their application to 3- & 4- Family Dwellings. These housing types used to fall under the Commercial Building Code.

The 4th Criteria Considered is Public Interest – These change will make it easier to construct Triplexes and Quadplexes. Residents will also benefit from added revenue from increased Sidewalk FIL.

General Rezoning Standards	5) PUBLIC FACILITIES	• N/A
	6) EFFECT ON NATURAL ENVIRONMENT	• N/A

Staff found that the proposed text amendments have no direct impact on Public Facilities nor an Effect on the Natural Environment.

PLANNING BOARD: Comprehensive Plan Consistency Statement

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

The proposed text amendment aligns with the Gen H 2045 Comprehensive Plan Goals & Guiding Principles

Staff proposes the following Comprehensive Plan Consistency Statement

PLANNING BOARD: Reasonableness Statement

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

[Rationale for Approval]

- The proposed changes bring the Zoning Ordinance into alignment with NC General Statute by relieving 3-&4-Family Dwellings from Building Design Standards
- The proposed changes bring the Zoning Ordinance into alignment with NC General Statute by providing site design standards for all uses in Mixed Use Districts
- The proposed changes provide clarity to the provisions for Fee-in-Lieu of Sidewalks

As well as the following Rationale for Approval. You are encouraged to chose those rationale that you most agree with, as well as to provide your own rationale.

DRAFT: Reasonableness Statement

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

[Rationale for Denial]

- The proposed changes will allow for incompatible building designs
- The proposed changes should not require site design standards for single-family & two-family uses
- The clarification of the Fee-in-Lieu of Sidewalk amount is not needed

Similarly, staff has provided the following rationale for denial.

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

The public hearing was opened at 6:45 p.m.

There was no public comment.

The public hearing was closed at 6:45 p.m.

Council Member Lyndsey Simpson moved that the City Council adopt an ordinance amending the official City of Hendersonville Zoning Ordinance Article V. – Zoning District Classifications, Article VI. General Provisions, Article VII. Development Review, & Article XVIII. Mixed Use Zoning to align with NC General Statute and updates to the City’s Fee Schedule based on the following:

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

The proposed amendments align with the Gen H Comprehensive Plan ‘Goals & Guiding Principles’

2. We find this petition, in conjunction with the recommendations presented by staff, to be reasonable and in public interest based on the information from the staff analysis and the public hearing, and because:

- 1. The proposed changes bring the Zoning Ordinance into alignment with NC General Statute by relieving 3-&4-Family Dwellings from Building Design Standards.***
- 2. The proposed changes bring the Zoning Ordinance into alignment with NC General Statute by providing site design standards for all uses in Mixed Use Districts.***
- 3. The proposed changes provide clarity to the provisions for Fee-in-Lieu of Sidewalks.***

A unanimous vote of the Council followed. Motion carried.

B. Annexation: Public Hearing-412 McMurray Road (Gergi Logistics LLC) (25-42-ANX) – Tyler Morrow, Current Planning Manager

First, Tyler Morrow wanted to thank City Council for their support through the years and what you do for staff and advocating for staff, so I want to thank you all for that, it is greatly appreciated. I loved working in Hendersonville and enjoyed my time thoroughly here. I will still live in the ETJ of Hendersonville so I will still be around so I will see you all and keep an eye on what is going on in the city. I also wanted to thank Ken for his very kind words. I have never been choked up at a City Council meeting until tonight so thank you for that. Early on I got to witness Ken’s very elegant farewell addresses, and I hoped one day that my public service and my work would be worthy of one of those speeches so a dream of mine has come true tonight. We have an amazing staff, and Hendersonville is in great hands.

Mr. Morrow explained that you all had this satellite annexation petition before you last month at your meeting and they had asked for a continuation while they continued working with Henderson County on the zoning aspect. They have not gotten the information that they need and the conversations are continuing with the county to figure out that zoning piece, so they have asked for another continuance of the public hearing.

Council Member Lyndsey Simpson moved to continue the public hearing to the October 2, 2025, City Council meeting. A unanimous vote of the Council followed. Motion carried.

C. Annexation: Public Hearing – Mabry Woods (Holbert & Ponder) (25-46-ANX) – Tyler Morrow, Current Planning Manager

Tyler Morrow explained that the City of Hendersonville received a petition from Wanda Ponder, Eugene Holbert, Edgar Holbert, and John Holbert for contiguous annexation of PINs 9578-43-

7077, 9578-53-0013, and 9578-43-9238 and located on Brooklyn Ave that is approximately 6.94 acres. On August 7th, 2025, City Council accepted the City Clerk's Certificate of Sufficiency for the petition submitted and set September 4th, 2025, as the date for the public hearing

Mabry Woods (Holbert & Ponder) (25-46-ANX)

Contiguous Annexation Petition

City of Hendersonville City Council
September 4th, 2025

Community Development | Planning Division
Tyler Morrow | Current Planning Manager



Background

+ Petitioners:

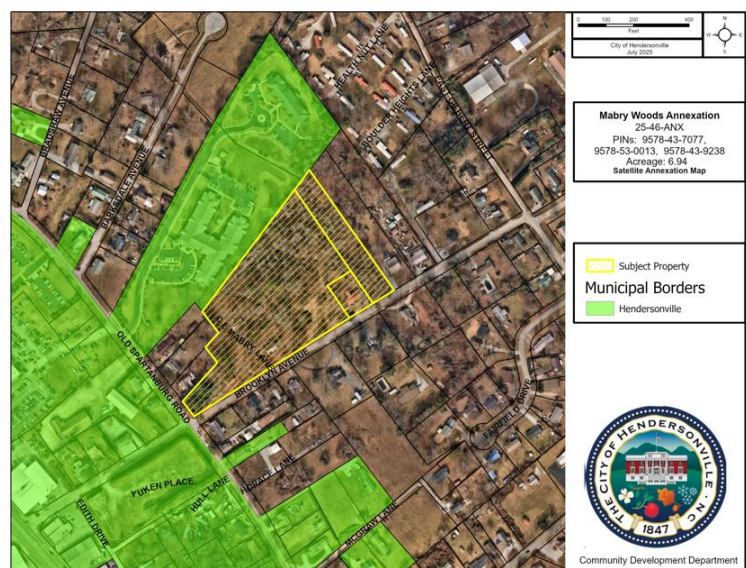
- + Wanda Ponder
- + Eugene Holbert
- + Edgar Holbert
- + John Holbert

+ PIN:

- + 9578-43-7077
- + 9578-53-0013
- + 9578-43-9238

+ Acreage:

- + Approximately 6.94 acres



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

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

Lynne Williams said that what she is hearing that the community is going to lose out on a “pocket park” for a “fee-in-lieu-of” and this forest is important to this part of the community and asked for Council to commit to putting a park there as part of the annexation.

Ken Fitch said this is standard as far as annexations go and we need to be aware of how it affects adjacent properties with a subdivision ordinance.

The public hearing was closed at 6:54 p.m.

Council Member Jennifer Hensley moved 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 Wanda Ponder, Eugene Holbert, Edgar Holbert, and John Holbert, identified as PINs 9578-43-7077, 9578-53-0013, and 9578-43-9238, 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.

8. NEW BUSINESS

A. Only Hope WNC Special Appropriations Revocation – John Connet, City Manager

City Manager John Connet explained that City Council received a letter today from Only Hope WNC saying that they withdrawal their application for any funding from the city and asked for some additional information, and we will meet with them, but we would like for council to take action to vote to revoke that amount and reappropriate it back into the general fund for fiscal year 2026. Also, I am happy to discuss tonight if you like what we knew, what we saw on the application and what we did not ask. Staff has taken that to heart. As we go forward with our special appropriations process, assumption is never good. You know the assumption that a license was there that was not there and even though we were not directly involved, that is a question we will ask in the future. I apologize to council that that was not on the application, and we look forward to making those amends moving forward.

City Council Lyndsey Simpson moved that City Council revoke and reappropriate \$3,000 awarded to Only Hope WNC for Fiscal Year 2026. A unanimous vote of the Council followed. Motion carried.

B. Approval of SB 69 Implementation Schedule – John Connet, City Manager

City Manager John Connet explained that at your workshop meeting last week, staff presented a proposed implementation schedule for moving forward with the items in the agreement with Henderson County and the City of Hendersonville as it relates to Senate Bill 69. It was my impression at the time we had a mutual agreement with 4 of the 5 items as it relates to establishing the Water and Sewer Commission including contracting with the rural fire districts, water and sewer planning as well as rate equalization. I think the city is still prepared to honor those four items with an additional discussion related to land use and annexation. However, I know that Council is aware of the comments made at the County Commission meeting on Tuesday. There appears to be some confusion on what the county was asking and what the city was asking the county to do and some disagreement about whether there is an agreement on four of the five items. Staff is still prepared to move forward with the implementation but I would maybe propose an alternative approach that council direct staff to write a formal letter, address it to all of the county commissioners on behalf of this entire board with signatures from all five of you that would explain our request for them to consider the interlocal agreement that we proposed which would include moving forward with the water and sewer commission, joint planning which this council has supported and believes is the best path forward. Also, move forward with contracting with rural fire departments, water and sewer planning and equalization of rates. Formally put that out there and put our formal expectations. I am open to discussion. This is just a suggestion, and I am open to more ideas. Your interlocal agreement was distributed to the County Manager and County Attorney on August 8th and we have record of that.

Council Member Jennifer Hensley would like to move forward with the implementation schedule. That is what we have committed to doing. I would like them to join and be a part of that implementation schedule. That would be my preference but that is up to you all.

Council Member Jennifer Hensley moved that the City Council approve the proposed SB 69 Implementation Schedule as well as wording a letter to the County Commissioners requesting a formal adoption as well. A unanimous vote of the Council followed. Motion carried.

C. Approval of Grey Mill Promissory Note Termination – John Connet, City Manager

City Manager John Connet said that this is something to celebrate if we move forward with this. The Grey Hosiery Mill is five years past opening and in full occupancy. The original developer has offers to purchase. If you remember there was a promissory note where we loaned them \$500,000 in CDBG funds and they agreed to repay it as well as there was a condition for seven affordable units so they are in the process of selling and would pay back the money they owe us. In order to sell, the new purchaser is not interested in having the AMI requirement and Grey Mill

is willing to pay us a premium to remove that requirement premium of \$50,000. Angie has drafted an agreement for them to pay off the promissory note as well as the \$50,000 premium under the condition that the existing tenants will have one year (12 months) to remain in their units at the same rental rate at the current AMI rate so if they do close on the property the city will receive our money, full payment back plus \$50,000 which we will reinvest in your affordable housing strategies and so we ask you to approve the termination of the promissory note.

City Attorney Angela Beeker added that there is a second promissory note that would be paid off as well for the purchase of the property for \$200,000 so the total that the city would get is just over \$800,000. She also said that the grant would have to be closed out as well.

Council Member Melinda Lowrance moved that the City Council approve the termination of the Grey Mill Promissory Note. A unanimous vote of the Council followed. Motion carried.

9. CITY MANAGER REPORT

City Manger John Connet wanted to let City Council know that there will be a 911 remembrance ceremony next Thursday at 9am in front of the historic courthouse.

Also, we did install downtown cameras right before the apple festival and they have, as we saw with some emails and Facebook posts, benefited us so thank you for allowing us to invest in those cameras up and down Main Street and I know the Police Department appreciates it.

Lastly, and I will send out a mass email, thanking and congratulating stuff for a wonderful weekend during the apple festival. Our team, as always, exceeded all expectations. We had remarkable weather, which I am sure Lew Holloway will take credit for. Our Public Works staff, Police and Fire were down there all weekend. It was a safe event and a clean event. We came back Tuesday morning and you could hardly tell that anything had happened. I think it was a record crowd or definitely record sales. If you talk to any of the local apple growers at 4:00p.m. on Monday had sold out and were ready to go home and said it was one of the best years.

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

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

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

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

FISCAL YEAR 2025 - 2026 (FY26)				Completed	Corrected				
BUDGET AMENDMENTS AND ADJUSTMENTS				Proposed	Denied				
ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET	DESCRIPTION	APPROVED	TYPE	AMENDMENT NUMBER
010-0000-534999	Contingency	72,880	-	22,800	50,080	Fountain Works	yes	Adjustment	7/29/2025
010-1002-519200	Contracted Services	28,000	22,800	-	50,800	Fountain Works	yes	Adjustment	7/29/2025
060-0000-534999	Contingency	100,000	-	12,475	87,525	Fountain Works	yes	Adjustment	7/29/2025
060-1002-519200	Contracted Services	-	12,472	-	12,472	Fountain Works	yes	Adjustment	7/29/2025
010-1002-519200	Contracted Services	50,800	-	4,400	46,400	Council technology	yes	Adjustment	7/29/2025
010-1002-534000	Non-capital equipment	-	4,400	-	4,400	Council technology	yes	Adjustment	7/29/2025
010-1010-519200	Contracted Services	330,517	-	4,100	326,417	Debt Book	yes	Adjustment	8/6/2025
010-1008-519200	Contracted Services	35,500	4,100	-	39,600	Debt Book	yes	Adjustment	8/6/2025
064-7455-521010	R&M Building	5,000	-	1,871	3,129	Parking Kiosk	yes	Adjustment	8/15/2025
064-7455-554001	Capital Outlay- Equipment Other Than	19,079	1,871	-	20,950	Parking Kiosk	yes	Adjustment	8/15/2025
060-7135-555003	CO- Paints, Pump Stations	90,000	-	54,850	35,150	Aeration Basin Tank	yes	Adjustment	8/20/2025
060-1014-534000	Non-Capital Equipment	9,900	54,850	-	64,750	Aeration Basin Tank	yes	Adjustment	8/20/2025
060-1014-534000	Non-Capital Equipment	64,750	-	54,850	9,900	Aeration Basin Tank - correction	yes	Adjustment	8/20/2025
060-7135-534000	Non-Capital Equipment	-	54,850	-	54,850	Aeration Basin Tank - correction	yes	Adjustment	8/20/2025
060-7035-554001	CO Equipment Other Than	30,000	-	22,329	7,671	Chlorine Analyzers -WTP	yes	Adjustment	8/20/2025
060-7035-534000	Non-Capital Equipment	-	22,329	-	22,329	Chlorine Analyzers -WTP	yes	Adjustment	8/20/2025
020-2102-532001	Electricity	52,000	-	2,727	49,273	Cleaning Contract- July City Wide	yes	Adjustment	8/21/2025
020-1523-519200	Non-Capital Equipment	17,235	2,727	-	19,962	Cleaning Contract- July City Wide	yes	Adjustment	8/21/2025

10. CITY COUNCIL COMMENTS

Council Member Jennifer Hensley just wanted to thank Jay Heatherly for getting all the cameras working downtown for the apple festival.

11 . ADJOURN

There being no further business, the meeting adjourned at 7:15 p.m. upon unanimous assent of the Council.

Barbara G. Volk, Mayor

ATTEST: _____
Jill Murray, City Clerk



MINUTES

September 24, 2025

SECOND MONTHLY MEETING OF THE CITY COUNCIL

CITY OPERATIONS CENTER | 305 WILLIAMS ST. | 4:00 p.m.

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

Absent: Mayor Barbara G. Volk

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

1. CALL TO ORDER

Mayor Pro Tem Jennifer Hensley called the meeting to order at 4:01 p.m. and welcomed those in attendance. A quorum was established with all members in attendance.

2. CONSIDERATION OF AGENDA

City Manager John Connet asked if he could add a Resolution for “We Are Hope” as Item A under Presentations. Council Member Gina Baxter moved that City Council approve the agenda as amended. A unanimous vote of the Council followed. Motion carried.

3. CONSENT AGENDA

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

A. Resolution to Approve No Parking On S. Whitted Street from Dale Street to Hebron Road – Brandon Mundy, Public Works Superintendent-Environmental Services, Streets & Traffic

Resolution #R-25-93

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO ADD
NO PARKING SIGNAGE ON BOTH SIDES OF SOUTH WHITTED STREET
FROM DALE STREET TO HEBRON ROAD**

WHEREAS, the City of Hendersonville is committed to ensuring the safety of motorists, pedestrians, and bicyclists traveling on city streets; and

WHEREAS, South Whitted Street between Dale Street and Hebron Road measures approximately twenty-four (24) feet in width; and

WHEREAS, since the opening of Trail Side Brewing, vehicles have frequently parked along both sides of South Whitted Street, leaving as little as eight (8) feet of unobstructed travel lane; and

WHEREAS, the Federal Highway Administration and roadway design standards call for a minimum of two ten-foot (10’) travel lanes for safe traffic movement, leaving no allowable space for parking on either side of this roadway; and

WHEREAS, parked vehicles on this section of South Whitted Street have created unsafe conditions, restricting visibility, obstructing vehicular passage, and increasing risks for pedestrians and other roadway users; and

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

1. Parking shall be prohibited on both sides of South Whitted Street between Dale Street and Hebron Road.

2. The City Public Works Department is hereby directed to install appropriate “No Parking” signage along this roadway segment.

3. Enforcement of this regulation shall begin upon the installation of signage.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 24th day of September, 2025.

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

B. Resolution to Apply for State Revolving Funds to Support the Wastewater Treatment Facility Flood Mitigation Project – Devin Owen, Utilities Engineer

Resolution #R-25-91

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO APPLY FOR STATE REVOLVING FUNDS TO SUPPORT THE WASTEWATER TREATMENT FACILITY FLOOD MITIGATION PROJECT

WHEREAS, the North Carolina Department of Environmental Quality (NCDEQ) Division of Water Infrastructure (DWI) administers a funding program for investment in drinking water, wastewater and stormwater systems, and

WHEREAS, the City of Hendersonville has need for and intends to complete a Wastewater Treatment Facility Flood Mitigation project, and

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

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

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

Adopted by the City Council of the City of Hendersonville, North Carolina on this 24th day of September, 2025.

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

C. Resolution to Apply for State Revolving Funds to Support the Water Treatment Facility Sludge Transfer and Backwash Pump Upgrade Project - Devin Owen, Utilities Engineer

Resolution #R-25-92

RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO APPLY FOR STATE REVOLVING FUNDS TO SUPPORT THE WATER TREATMENT FACILITY SLUDGE TRANSFER AND BACKWASH PUMP UPGRADE PROJECT

WHEREAS, the North Carolina Department of Environmental Quality (NCDEQ) Division of Water Infrastructure (DWI) administers a funding program for investment in drinking water, wastewater and stormwater systems, and

WHEREAS, the City of Hendersonville has need for and intends to complete a Water Treatment Facility Sludge Transfer and Backwash Pump Upgrade project, and

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

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

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

Adopted by the City Council of the City of Hendersonville, North Carolina on this 24th day of September, 2025.

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

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

4. PRESENTATIONS

A. Resolution – We Are Hope – John Connet, City Manager

City Manager John Connet read the resolution aloud and presented it to Shannon Auten, Director of Student Services for Henderson County Public Schools. Several Henderson County school students were there to accept it as well.

Council Member Lyndsey Simpson moved that City Council approve the Resolution for We Are Hope as presented. A unanimous vote of the Council followed. Motion carried.

Resolution #R-25-94

**RESOLUTION HONORINTG THE OBSERVANCE OF “WE ARE HOPE” WEEK IN HENDERSON
COUNTY PUBLIC SCHOOLS, MIDDLE AND HIGH SCHOOLS
SEPTEMBER 22, 2025 – SEPTEMBER 26, 2025**

WHEREAS, substance and alcohol misuse adversely affects the brain, liver, heart, and overall health and can cause adverse behavioral, psychological, social, and fatal consequences; and

WHEREAS, there were more than 83,300 drug overdose deaths in the United States in 2024, and the overall trend since 2018 is marked by a sharp rise, driven largely by synthetic opioids like fentanyl; and

WHEREAS, substance and alcohol abuse continues to occur among children and youth in our society with overall usage among youth declining during the last 10 years due to education and prevention efforts; and

WHEREAS, student leaders in Henderson County Public Schools’ six high schools and four middle schools have joined with the local Henderson County Hope Coalition in educating their peers on alcohol, tobacco, marijuana and prescription drug use and misuse; and

WHEREAS, students at Apple Valley Middle, Flat Rock Middle, Hendersonville Middle, Rugby Middle, East Henderson High, Innovative High School, Henderson County Career Academy, Hendersonville High, North Henderson High, and West Henderson High are pledging to be and remain substance-free.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Hendersonville, that September 22, 2025 – September 26, 2025, be observed in Henderson County Public Schools, middle and high schools, as “We Are Hope” substance abuse prevention week.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 24th day of September, 2025.

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

B. Whitmire Recreation Center and Patton Park Repair Update – *Brian Pahle, Deputy City Manager & Richard Shook, Civil Engineer*

Richard introduced Project Manager Katie Feler, Project Principal Rachel Nilson, Landscape Architect Emily Buehrer-Douglas and Aquatic Designer Bill Weaver who each spoke and shared the following PowerPoint presentation.





Whitmire Center & Toms Park Patton Park & Pool

City Council Presentation

September 24th, 2025





CPL
ARCHITECTURE
ENGINEERING
PLANNING
CPLteam.com

Meet the Team



Rachel Nilson
Project Principal



Katie Feler
Project Manager



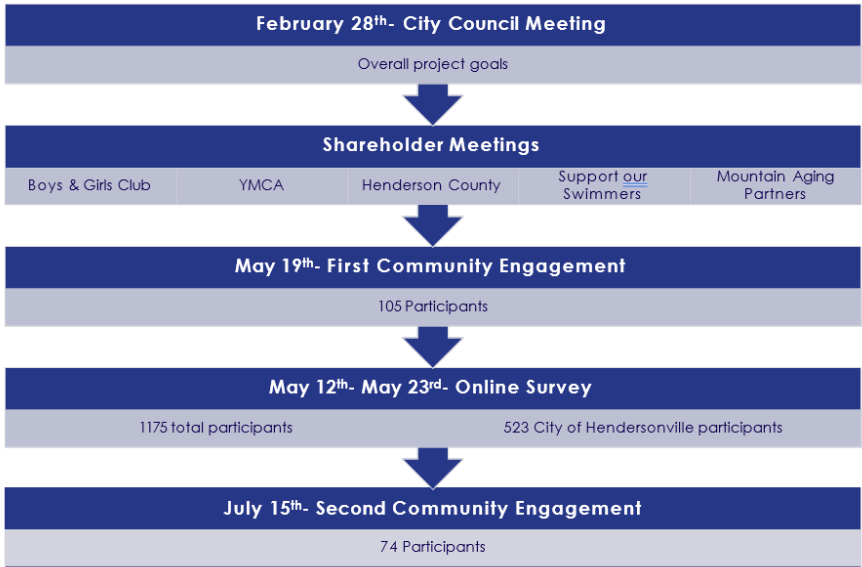
Emily Buehrer-Douglas
Landscape Architect



Bill Weaver
Aquatic Designer



How did we get here?



Park Spaces

- Nature/ Restoration
- Exercise
- Multi-Use
- Education/ Culture



Park Feedback

Stakeholders	Community Engagement	Online Survey
- Walking Trails - Playgrounds - Skate Park - Bathrooms - Pickleball - Bocce - Basketball or Parkour/Ninja Warrior Park - Pump Track	- Interaction with Nature - Restoration/ Sustainability - Constructed Wetlands - Stream Restoration - Walking Trails - Shuffleboard - Basketball	- Playground Areas - Walking & Biking Trails - Community space & Multigenerational areas - Picnic Areas - Pickleball/Tennis - Yard Games - Skate Park - BMX/Pump Track



Aquatic Spaces

- Exercise
- Intergenerational
- Accessible
- Shade



Aquatic Feedback

Stakeholders	Community Engagement	Online Survey
- Teams - Competition - Lessons - Lap swim - Camps - Open swim/creative play - Diving 50 Meter Pool vs. 25 Yard Pool	- Lap Lanes - Splash Pad - Swim Lessons - Zero Depth Entry - Shallow Play Area - Slide - Lazy River/Current Channel - Water Aerobic Area	- Zero Depth Entry - Lazy River/Current Channel - Splash Deck - Swim Lessons - Shallow Depth Play Area - Lap Lanes - Slide - Water Aerobics



Community Spaces

- Meeting Spaces
- Intergenerational Activities
- Flexible Zones



Community Feedback

Stakeholders	Community Engagement	Online Survey
• Intergenerational • Accessibility • Multi-Use Spaces • Event Spaces • Volleyball	• Multi-Purpose Rooms • Flexible Recreation Areas • Intergenerational • Classrooms	• Large meeting spaces • Rentable areas • Natural light • Low cost • Indoor activities • Games • Sports • Educational classes • Community events



Feedback Summary

Park	Aquatic	Community
• Trails • Playground • Sustainability • Biking • Skate Park • Pump Track • Flexible Lawn Space	• Lap Lanes • Competition • Zero Depth Entry/ Splash Pad • Lazy River/ Current Channel • Water Slide • Water Aerobics	• Intergenerational • Accessibility • Flex & Multi-Use Spaces • Event Spaces



Whitmire & Toms Park Existing Conditions

- 2.5 Acres
- 50 parking spots
- 14 Shuffleboard Courts
- 3200 sf large Flex Space
- 8250 sf overall footprint
- Park trails



Estimated Construction
Cost to Repair:
\$4.3 Million

Estimated Construction
Cost to Replace:
\$4.6 Million



Patton Park Existing Conditions

- 18 Acres
- 145 Parking Spots
- 47,000 sf Pool Facilities (~7,000 sf Support Buildings)
- 50-meter 8 Lane Outdoor Pool with Diving Board
- Outdoor Kiddie Pool
- Playground
- 1 Tennis Court
- 4 Pickleball Courts
- Baseball Field
- Skate Park
- Basketball Court
- Open Field Area



Estimated Construction
Cost to Repair: \$8.9 Million

Estimated Construction
Cost to Replace: \$18 Million

Design Options

• 1A- Whitmire Community	12,600 SF	\$7 Million
Community, Trail Restrooms		
• 1B- Whitmire Park Support	1050 SF	\$3.1 Million
Trail Restrooms		
• 2A- 50 Meter Patton Park	60,250 SF	\$49.2 Million
Outdoor Aquatics, 50 Meter Indoor Aquatics with Warm Water Wellness Pool, Trail Restroom Building		
• 2B- 25 Yard Patton Park	40,060 SF	\$37.7 Million
Outdoor Aquatics with Restroom Building, 25 Yard Indoor Aquatics with Warm Water Wellness Pool, Trail Restroom Building		

1A- Whitmire Community

- A (14) SHUFFLEBOARD COURTS
- B PICNIC SHELTER
- C PLAYGROUND
- D COMMUNITY CENTER
- E PARKING LOT (48 SPACES)
- F FLEXIBLE OPEN LAWN
- G SLOUGH
- H BIORETENTION AREA

Increased impervious area and flood risk with this option



Construction Cost Estimate: \$7 Million

1A- Community Layout



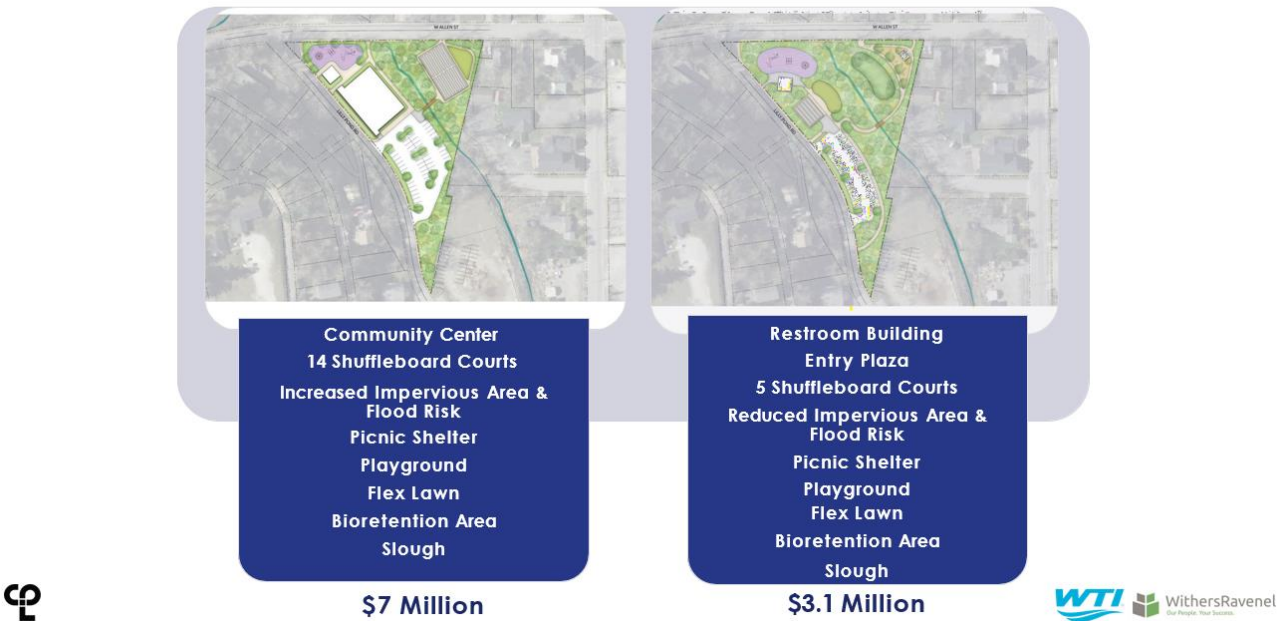
Total Building Square Footage: 12,600 sf

1B- Whitmire Park Support



Construction Cost Estimate: \$3.1 Million

Whitmire Options



2A- Patton Park 50M

- A EXISTING (2) BASKETBALL COURTS
- B RESTROOMS
- C PLAYGROUND
- D EXISTING CONSTRUCTED WETLANDS
- E PROPOSED CONSTRUCTED WETLANDS
- F FLEXIBLE OPEN SPACE
- G SLOUGH
- H SKATE PARK
- I PUMP TRACK
- J INFORMAL STAGE
- K PLAZA
- L PARKING LOT (263 SPACES)
- M PICNIC SHELTER
- N EXISTING SCM
- O INDOOR AQUATICS
- P OUTDOOR AQUATICS
- Q (4) PICKLEBALL COURTS
- R BIORETENTION AREA



Construction Cost Estimate: \$49.2 Million



2A- Aquatic Support Layout



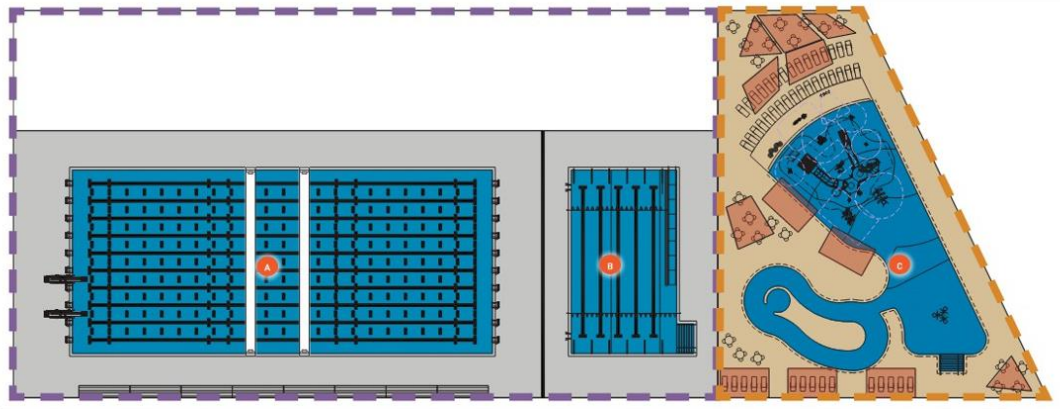
Total Building Square Footage: 60,250 sf



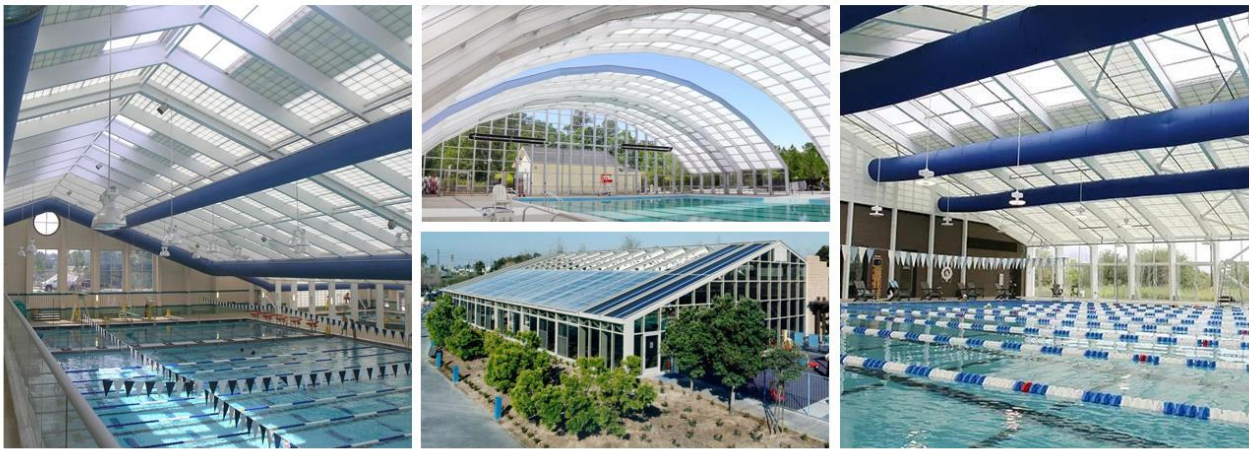
2A- Aquatic Layout

- POOLS**
- A indoor 50 M competition pool | 12,935 SF
 - B indoor warm up lap pool | 3,285 SF
 - C outdoor activity pool | 5,295 SF

- INDOOR FACILITY**
- INDOOR AQUATICS DECK**
- OUTDOOR AQUATIC AREA**



Pre-Engineered Aquatic Examples



Patton Park Options



- Indoor 50 Meter Pool
- Indoor 5 Lane Warm Water Wellness Pool
- Outdoor Aquatics with Zero Entry
- Pump Track/ Skate Park
- Flex Lawn with Informal Stage
- Playground
- Pickleball Courts
- Basketball Courts
- Bioretention Area
- Constructed Wetlands
- Slough
- Trail Restrooms
- Picnic Shelter



- 25 Yard Indoor Pool
- Indoor 3 Lane Warm Water Wellness Pool
- Outdoor Aquatics with Zero Entry & Slide
- Outdoor Pool Restrooms/ Admin
- Skate Park
- Flex Lawn
- Playground
- Tennis Courts
- Basketball Courts
- Bioretention Area
- Constructed Wetlands
- Slough
- Trail Restrooms
- Picnic Shelter



\$49.2 Million

\$37.7 Million



Consensus of Council is to revisit this again at their November meeting after they have had time to digest everything.

C. Presentation Regarding General Obligation Bond for Transportation – Brian Pahle, Deputy City Manager

Deputy City Manager Brian Pahle gave the following brief PowerPoint presentation on the General Obligation Bond for Transportation.



GO BOND - TRANSPORTATION

Today's Agenda – 09/24/2025

- I. Overview of Project
- II. Project Timeline
- III. Budget
- IV. Implementation Strategy
- V. Next Steps

DESIRED OUTCOMES

01

Update City Council and the public on the current schedule and strategy for the proposed 2026 GO Bond for Transportation Improvements.

02

Finalize guidance that Council is ready to move forward with the legal process for advancing the issuance.

PROJECT OVERVIEW

21-Aug-2008 | 14:17 EDT

Hendersonville, NC GO Bond Rating Raised To 'AA-' On Consistent Operating Results

View Analyst Contact Information

Table of Contents

NEW YORK (Standard & Poor's) Aug. 21, 2008--Standard & Poor's Rating has raised its standard long-term rating and underlying rating (SPUR) on Hendersonville, N.C.'s general obligation (GO) bonds to 'AA-' from 'A+', based on the city's long trend of positive operating results supported by very strong reserve levels, good management and conservative budgeting practices and steady tax base appreciation. The outlook is stable.

At the same time, the rating service has assigned its 'AA-' standard long-term rating to the city's \$2.1 million GO sidewalk bonds series 2008.

Hendersonville, North Carolina Pedestrian Plan

Funding Opportunities

The construction of a comprehensive connected pedestrian network and ancillary facilities can occur through incremental adoption of local policies and programs and State programs, as well as through the receipt of private contributions. With this in mind, it will be important for the City of Hendersonville to identify funding sources to implement the recommendations of this plan. While some projects and programs will be funded by the City, alternatives are available to provide financial support for improving the local pedestrian network.

Local Programs

Local funds should be used for projects not on major state routes. Usually these are most successful when a state-funded incidental project — such as a road widening — has already been programmed. Local funding sources tend to be flexible, and include general revenue expenditures as well as proceeds from bond programs. An exception to this policy may include high priority connections along roads unlikely to be developed.

Improvement Program

Several types of potential local pedestrian funding sources are available for the City of Hendersonville. Over the 2004-2005 fiscal year of the Capital Improvement

Programs (CIP), the City has budgeted \$60,000 for sidewalk repairs and construction of new sidewalks. As future CIPs are assembled, there will be an opportunity to reallocate funds in order to promote this type of project.

Powell Bill

Powell Bill funds are collected by the state in the form of a gasoline tax. The amount of these funds distributed to a municipality is based on the number of street miles to be maintained and the City's population.

Transportation Bonds

Transportation bonds have been instrumental in the strategic implementation of local roadways, transit, and non-motorized travel throughout North Carolina. Voters in communities both large and small regularly approve the use of bonds in order to improve their transportation system. Improvements to the pedestrian system in Hendersonville would be a type of project that could be funded using a transportation bond program.

On February 3, 2004, the City of Hendersonville passed a bond referendum for \$2.1 million. This funding is to be used "for construction, reconstructing and improvement of sidewalks in said City, including the acquisition of any necessary land and rights-of-way and the installing of related landscape improvements." The City is awaiting

PROJECT OVERVIEW

Timeline of GO Bond Discussions

- **March 2023** – Council Retreat identifies a transportation bond as a priority; **“fix the damn streets”**
 - **Off Track**
25.Sl.g Improve 375k sq. ft. of Street Conditions Annually Through 2028 to Improve PCI score by 5% ⚠
- **September 2024** – Staff/Consultants present the updated pavement condition index; **scores improved to a 74**
- **February 2025** – Staff present funding strategies for street resurfacing
- **April 2025** – Council Workshop review of funding strategy for transportation bond; considers **PROWAG**, complete streets...
- **June 2025** – Council approves budget with plan for **\$10m bond issuance** in March of 2026

PROJECT OVERVIEW

Table 9. All Asphalt Roads - Scenarios Summary

Year Beginning July 1, 2025	Do Nothing	\$1.402M to Maintain PCI 74	\$1.886M Annual Budget to Achieve PCI 80
2025	70	74	76
2026	67	74	78
2027	63	75	80
2028	59	74	81
2029	56	74	80

- 1,678 assessed
- 98% of curb ramps were non compliant



PROJECT OVERVIEW



Core Values Guiding Our Transportation Bond

1. Prioritizing Pavement Condition for Long-Term Value
2. Strategic and Transparent Use of Funds
3. Timely Delivery with Measurable Impact
4. Equal Access and ADA Compliance
5. Balanced Investment Across the Network
6. Advancing Complete Streets and Walk Hendo Goals

PROJECT TIMELINE

Council Actions

- **Oct. 2** – Notice of Intent to Apply
- **Nov. 6** – Introduce Bond Order/Set Public Hearing
- **Dec. 4** – Hold Public Hearing
- **Mar. 3** – Referendum
- **Apr. 2** – Certify the Results

SCHEDULE FOR GENERAL OBLIGATION BOND REFERENDUM HENDERSONVILLE - MARCH 2026	
10/2/25	City Council adopts (1) Resolution directing publication of notice of intent to apply to the Local Government Commission (the "LGC"); (2) Resolution authorizing the Finance Officer to apply to the LGC and making certain findings of fact.
10/5/25	Publish Notice of Intent in <i>Newspaper of General Circulation</i> [have to wait 10 days after publication of Notice of Intent before applying to the LGC]
10/20/25	File Application with LGC with draft Sworn Statement of Debt [receive notice from LGC confirming receipt of Application which must occur before the Bond Orders are introduced]
11/6/25	City Council (1) Introduces the Bond Order(s); (2) Adopts the Resolution setting a public hearing on the Bond Order(s)
by 11/23/25	(1) Send Statement of Disclosure to LGC, post Statement on the City's Website and file with the City Clerk's Office (day before the notice of Public Hearing is published); (2) Publish Notice(s) of Public Hearing on the Bond Order(s) in <i>Newspaper of General Circulation</i> [at least 6 days before public hearing]; and (3) File Sworn Statement of Debt with the City Clerk and LGC
12/4/25	City Council (1) holds public hearing(s) on Bond Order(s); (2) adopts the Bond Order(s) at the conclusion of the public hearing; and (3) adopts the Resolution setting Bond Referendum
12/5/25	Clerk delivers certified copy of the Resolution setting Bond Referendum to the County Board of Elections
12/7/25	Publish Bond Order(s) as adopted in <i>Newspaper of General Circulation</i>
12/8/25	File Notice with Joint Legislative Commission
by 1/23/26	Publish first Notice of Special Bond Referendum in <i>Newspaper of General Circulation</i> [Not less than fourteen days before last day to register to vote for Bond Referendum]
by 1/30/26	Publish second Notice of Special Bond Referendum in <i>Newspaper of General Circulation</i> [Not less than seven days before last day to register to vote for Bond Referendum]
2/6/26	Last day to register to vote
3/3/26	Referendum
3/13/26	Canvass of Election by the County Board of Elections
4/2/26	City Council adopts Resolution Certifying and Declaring Results of Special Bond Referendum
After 4/2/26	Publish Statement of Results in <i>Newspaper of General Circulation</i>
May 2026	LGC approval of Bond Order(s) [current LGC policy is to approve post-election]

BUDGET

Revenues

	Total	Per Year (for 5 years)
Total Budget	14,500,000	2,900,000
Debt Proceeds	10,000,000	2,000,000
Annual Revenues	4,500,000	900,000

Model Impacts

Revenue Requirements and Sources						Financial Sustainability Scorecard		
						25%		
FY	Tax Rate	Revenue Neutral Rate	Value of a Penny	Natural Growth Rate / Reval	Growth Rate Development	Available FB (Ass. + Unass.)	Available FB as a % of Expenditures	Amount Above (Under) Policy
2020	49.00	41.81	214,263	18.00%	0.00%	5,949,067	36.7%	1,826,836
2021	49.00	49.00	218,956	2.39%	0.00%	3,460,866	20.0%	(718,214)
2022	52.00	52.00	221,658	1.34%	0.00%	5,777,008	30.1%	981,559
2023	52.00	52.00	230,781	4.11%	0.00%	7,353,518	30.7%	1,371,566
2024	49.00	40.43	302,187	23.00%	0.00%	6,159,237	23.8%	(306,981)
2025	52.00	52.00	328,020	7.22%	0.00%	7,336,091	26.7%	463,267
2026	52.00	52.00	337,765	2.97%	0.00%	7,828,221	27.1%	594,211
2027	52.00	52.00	341,143	1.00%	7.61%	7,745,031	25.9%	272,756
2028	50.00	44.24	403,324	16.00%	3.23%	8,025,630	25.3%	100,836
2029	50.00	50.00	429,471	3.25%	4.24%	9,221,111	28.1%	1,026,960
2030	50.00	50.00	460,586	3.00%	1.02%	9,278,267	26.3%	470,874

Debt Service

Series 2027 - G.O. Bond Transportation				8
Principal	Interest	Debt Service	Balance	
10,000,000	4,725,000	14,725,000		
-	-	-	-	
-	-	-	-	
-	-	-	-	
-	-	-	-	
-	-	-	10,000,000	
500,000	450,000	950,000	9,500,000	
500,000	427,500	927,500	9,000,000	
500,000	405,000	905,000	8,500,000	
500,000	382,500	882,500	8,000,000	
500,000	360,000	860,000	7,500,000	
500,000	337,500	837,500	7,000,000	
500,000	315,000	815,000	6,500,000	
500,000	292,500	792,500	6,000,000	
500,000	270,000	770,000	5,500,000	
500,000	247,500	747,500	5,000,000	
500,000	225,000	725,000	4,500,000	
500,000	202,500	702,500	4,000,000	
500,000	180,000	680,000	3,500,000	
500,000	157,500	657,500	3,000,000	
500,000	135,000	635,000	2,500,000	
500,000	112,500	612,500	2,000,000	
500,000	90,000	590,000	1,500,000	
500,000	67,500	567,500	1,000,000	
500,000	45,000	545,000	500,000	
500,000	22,500	522,500	-	

IMPLEMENTATION STRATEGY

How to allocate the funds?

		Prioritization of Transportation Bond Projects													
Projects	Segment	Factors													
		Travel Frequency Weighted Score*	Match Funding Available / Likely	In HIN**	PCI Weighted Score ***	ADA Weighted Score ***	Transportation Disadvantage Census Tract #	On Transit Route	Within 1/2 Mile of Park ##	Within 1/2 Mile of School/ Library ##	Within 1/2 Mile of Greenway ##	Bike Plan Project Overlap	Ped Plan Project Overlap	Connectivity /Greenway Project Overlap	TOTAL SCORE
3rd Ave E	N Main St to King St	3	1	3	5	3	1	1	0.5	1	1	0	1	0	20.5
N Main St	7th Ave E to 5th Ave E	3	1	3	3	2	1	1	1.5	1.5	0	1	1	0	19
N Justice St	6th Ave (US64) to Haywood Rd (191)	3	1	0	5	3	0	1	0.5	0.5	1	1	1	1	18
Ray Ave	N Main St to Ashe St	2	1	1	4	3	1	1	0.5	0.5	1	1	1	0	17
7th Ave E	Ashe St to Mud Creek	3	1	0	3	3	1	1	1	1.5	1	1	0	0	16.5
8th Ave E	N Pine St to Harris St	3	1	0	4	2	1	1	1	0.5	1	0	1	0	15.5
Hebron Rd	Yarborough St to Temon St	3	1	1	5	2	0	0	0.5	0	1	0	1	0	14.5

- Challenge: This approach resulted in six (6) projects, resulting in only ~1.2 miles of paving in year one.

Row Labels	Max of UNIT CODE	Sum of QUANTITY	Sum of AMOUNT
2" Asphalt Milling	SY	16,455	164,550
2" Asphalt Overlay	SY	16,455	411,375
Concrete Curb and Gutter	LF	6,630	430,950
Concrete Driveway Apron 6"	SY	67	10,050
Concrete Sidewalk 4"	SY	3,419	393,185
Concrete Sidewalk Demo	SY	3,419	188,045
Mobilization (3%)	LS	6	19,200
Pavement Marking	LS	6	30,000
Pedestrian Ramp	EA	67	388,600
Traffic Control (5%)	LS	6	32,400
Grand Total			2,068,355

IMPLEMENTATION STRATEGY

How to allocate the funds?

Per Year Allocation					
	Tier 1 - Resurfacing		Tier 2 - ADA Curb Ramps		Tier 3 - Complete Streets
Year 1	\$	1,659,863	\$	490,118	\$ 750,019
Year 2		1,659,863		490,118	750,019
Year 3		1,659,863		490,118	750,019
Year 4		1,659,863		490,118	750,019
Year 5		1,659,863		490,118	750,019
Total	\$	8,299,317	\$	2,450,588	\$ 3,750,095
	Sq. Ft. Resurfaced		# of Curb Ramps		
Year 1		507,918	85	Ex. King Street Construction	
Year 2		507,918	85	Ex. Bike Lanes & New Sidewalk	
Year 3		507,918	85	Ex. Main St. Brick Crosswalks	
Year 4		507,918	85	Ex. Bollards at 6th Ave.	
Year 5		507,918	85	Ex. Traffic Calming Measure	
Total		2,539,591	423	Overall +Network/Safety	

IMPLEMENTATION STRATEGY

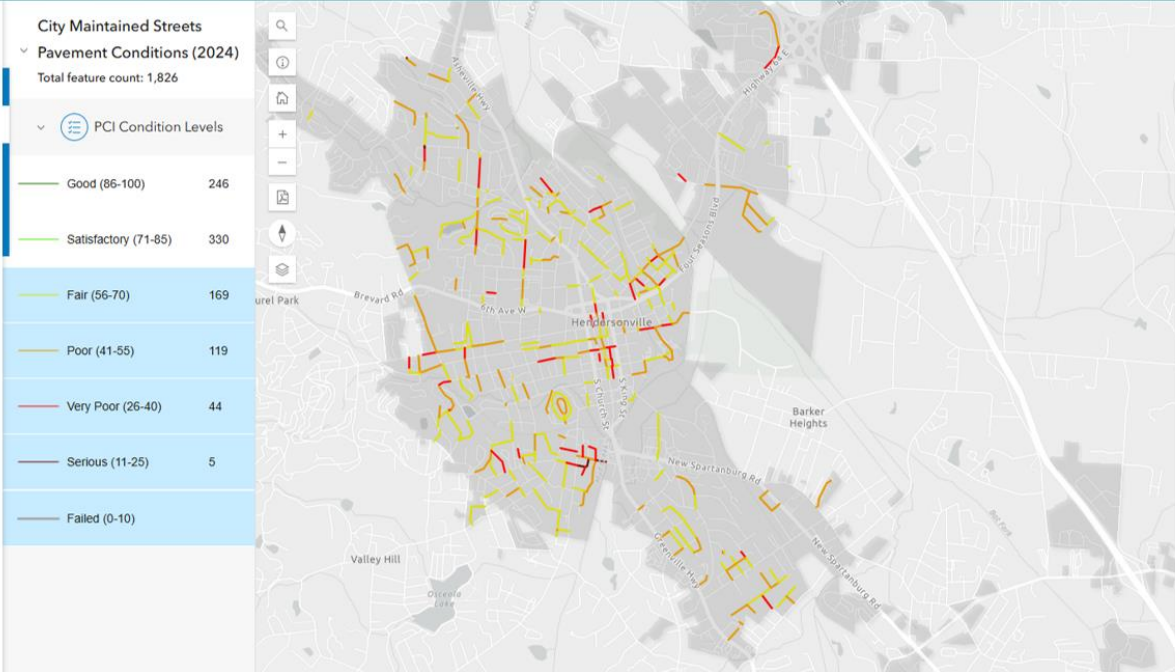
How to allocate the funds?

- **Tier 1**
 - Improves PCI to ~79 in five (5) years
 - Repaves ~2.5m Sq. Ft.
 - All Segments <= Fair
- **Tier 2**
 - Replaces ~25% of Non-compliant Curb Ramps
- **Tier 3**
 - \$750k per Year to Safety & Network Improvements

Per Year Allocation					
	Tier 1 - Resurfacing		Tier 2 - ADA Curb Ramps		Tier 3 - Complete Streets
Year 1	\$	1,659,863	\$	490,118	\$ 750,019
Year 2		1,659,863		490,118	750,019
Year 3		1,659,863		490,118	750,019
Year 4		1,659,863		490,118	750,019
Year 5		1,659,863		490,118	750,019
Total	\$	8,299,317	\$	2,450,588	\$ 3,750,095
	Sq. Ft. Resurfaced		# of Curb Ramps		
Year 1		507,918	85	Ex. King Street Construction	
Year 2		507,918	85	Ex. Bike Lanes & New Sidewalk	
Year 3		507,918	85	Ex. Main St. Brick Crosswalks	
Year 4		507,918	85	Ex. Bollards at 6th Ave.	
Year 5		507,918	85	Ex. Traffic Calming Measure	
Total		2,539,591	423	Overall +Network/Safety	



IMPLEMENTATION STRATEGY



NEXT STEPS

Council Actions

- **Oct. 2** – Notice of Intent to Apply
- Direction on Bond Language

Staff Actions

- Start Implementing Communications Plan

PSA

Municipalities, counties, and other local governments **cannot spend taxpayer money to explicitly endorse a "yes" or "no" vote** on a bond referendum.

Permissible actions for local governments include:

- Hosting public meetings to explain a bond proposal.
- Producing informational packets or videos outlining the proposed projects and the estimated cost.
- Creating a website with frequently asked questions and project details.

City of Hendersonville

GO Bond - Transportation

Questions?



D. Hurricane Helene Update – Brian Pahle, Deputy City Manager

Deputy City Manager Brian Pahle gave an update close to the one-year anniversary of Hurricane Helene and talked about the FEMA assistance process and recovery process.

City Council Workshop

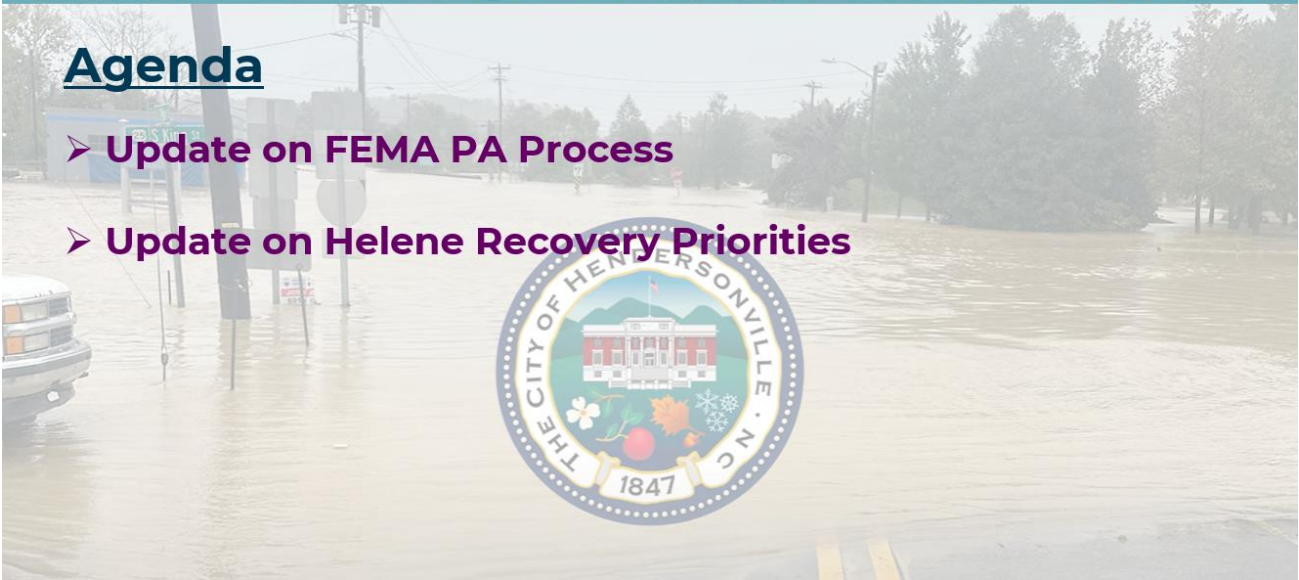
Helene Update
September 24, 2025



HELENE – One Year Later

Agenda

- Update on FEMA PA Process
- Update on Helene Recovery Priorities

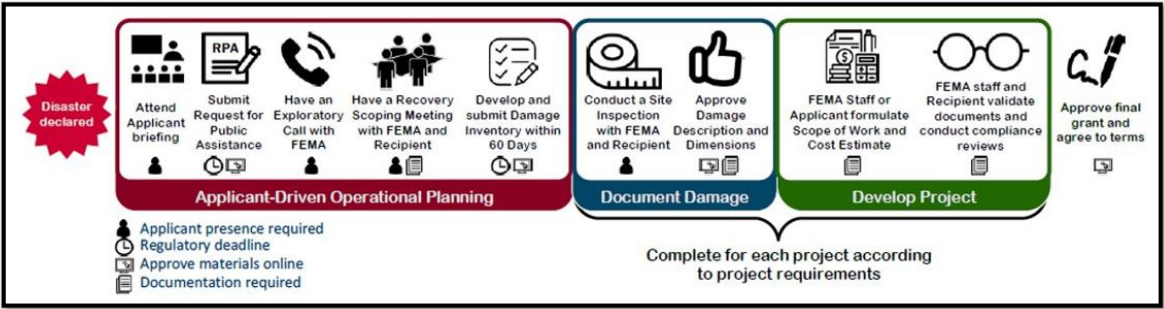


HELENE – FEMA PA

Budget, Obligations, and Revenues

- Current Revised Budget = \$8,823,092 Projected Budget = ~\$160,000,000
- Current Actuals & Obligations = \$8,289,452 Non-Reimb. Actuals = \$288,074
- Current Revenues
 - FEMA = \$924,443 + \$571,402
 - Insurance = \$1,500,000
 - Loans = \$10,639,005

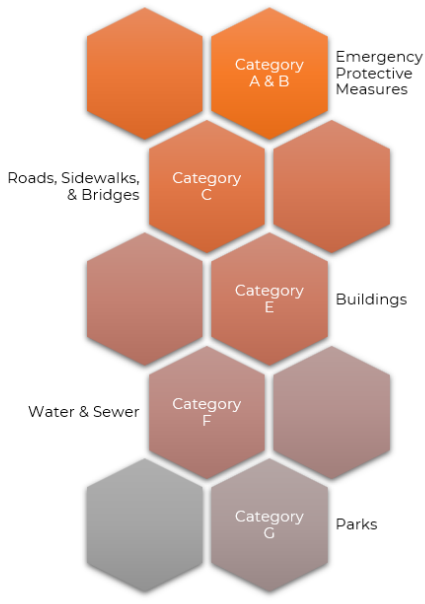
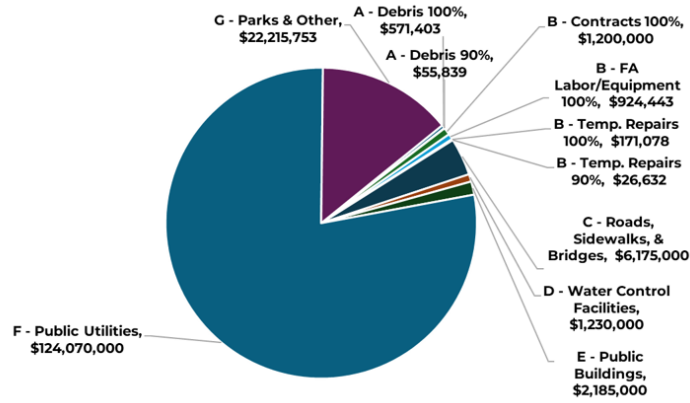
Current Net Surplus/(Deficit) = \$5,057,324



HELENE – FEMA PA

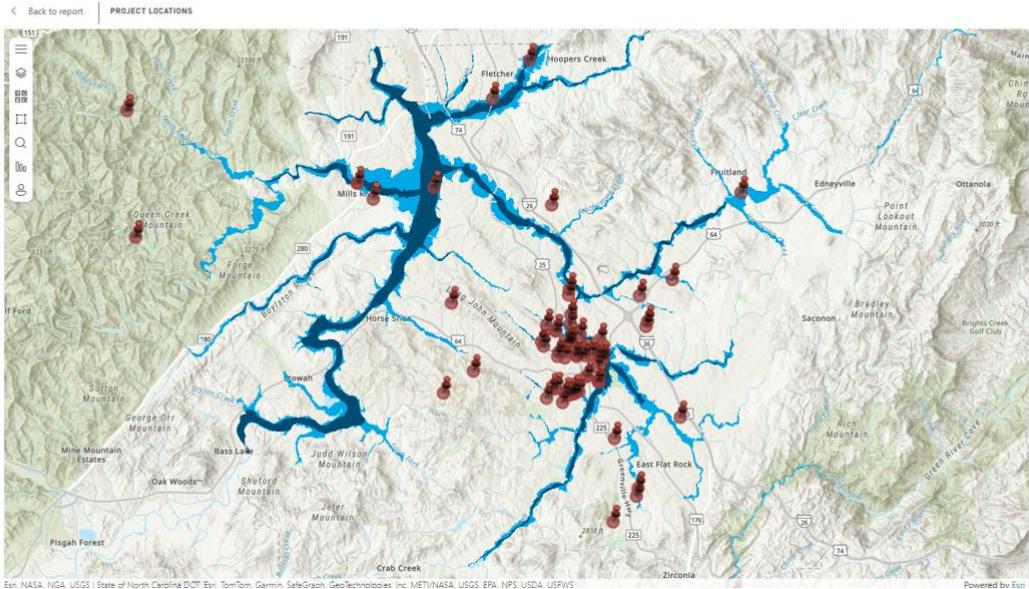
Project Overview

- 87 Projects > 22 Unique FEMA Projects
- > 75% of the Cost is in Water & Sewer
- 2 Large Parks Projects
- ~ \$2.75m in Emergency Response



HELENE – FEMA PA

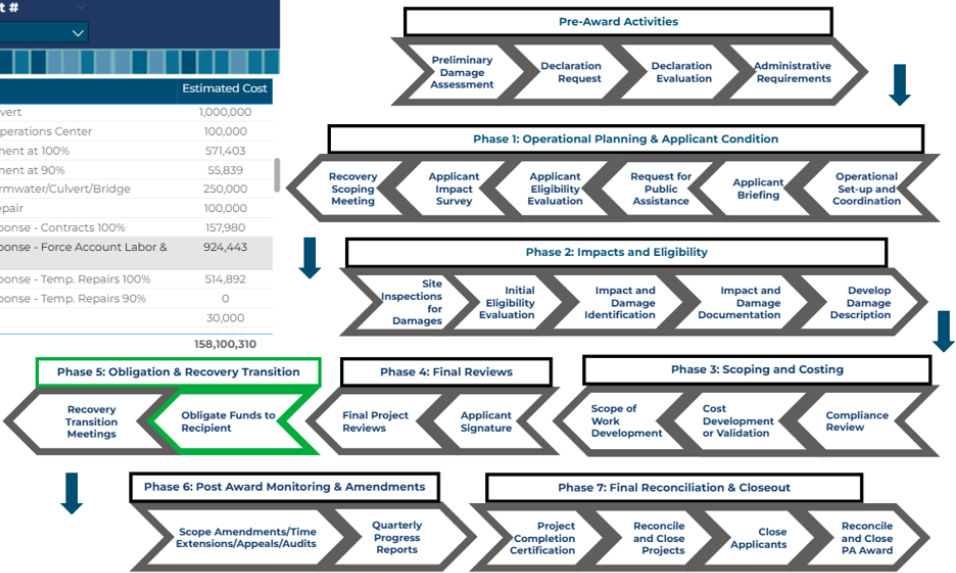
Project Overview



HELENE – FEMA PA

Project Overview

FEMA Project #	
All	
Project Name	Estimated Cost
Comet Drive Culvert	1,000,000
Culvert at City Operations Center	100,000
Debris Management at 100%	571,403
Debris Management at 90%	55,839
Dermid Ave. Stormwater/Culvert/Bridge	250,000
Driveway/Site Repair	100,000
Emergency Response - Contracts 100%	157,980
Emergency Response - Force Account Labor & Equipment	924,443
Emergency Response - Temp. Repairs 100%	514,892
Emergency Response - Temp. Repairs 90%	0
Ewart Reservoir	30,000
Total	158,100,310



HELENE – FEMA PA

Emergency Protective Measures – Categories A & B

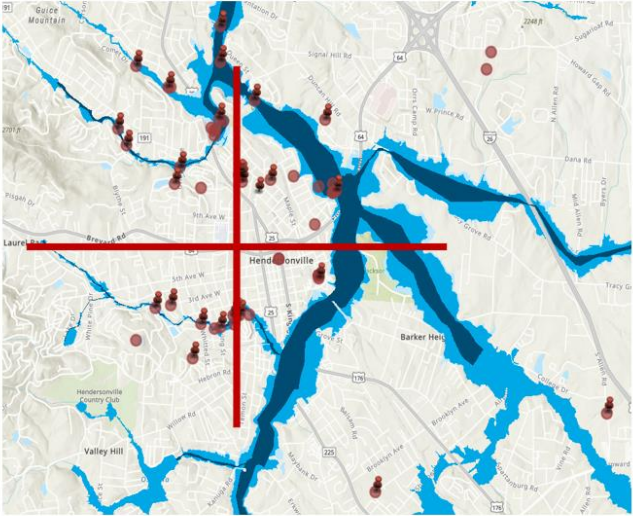
- Category A – Debris
 - 100% = \$571,403 – Obligated
 - 90% = \$55,839 – Pending Award
- Category B – Force Account Labor & Equipment
 - 100% = \$924,443 – Obligated
- Category B – Temp. Repairs
 - 100% = \$171,078 – Pending Application Completion
 - 90% = \$26,632 – Pending EHP Review
- Category B – Contracts
 - 100% = \$1.2m – Pending PDMG Application Review



HELENE – FEMA PA

Roads, Sidewalks, & Bridges – Category C

- Four Quadrants
 - 29 Projects
 - ~\$6.0m
- Site Inspections Completed
 - Waiting on Maintenance Records
 - Waiting on Insurance Determination



HELENE – FEMA PA

Public Buildings – Category E

- City Hall, City Ops, & Sugarloaf
 - 3 Projects
 - ~\$2.1m
 - City Hall Design > Bid
 - Ops Construction Complete
- Site Inspections Completed
 - Waiting on Maintenance Records
 - Waiting on Insurance Determination
- Insurance Proceeds Qualify



HELENE – FEMA PA

Public Utilities – Category F

- Various System Damages + Major Intakes, Reservoirs, and Plants
 - 23 Projects
 - \$123.1m
- Site Inspections Completed
 - Waiting on Maintenance Records
 - Waiting on Insurance Determination
- WWTP Under Design & FEMA Review
- Insurance Proceeds Qualify



HELENE – FEMA PA

Parks – Category G

- Various Park Damages + Patton & Whitmire
 - 14 Projects
 - \$21.7m
- Patton & Whitmire Under Design & FEMA Review
- Majority of Site Inspections Completed
 - Waiting on Maintenance Records
 - Waiting on Insurance Determination



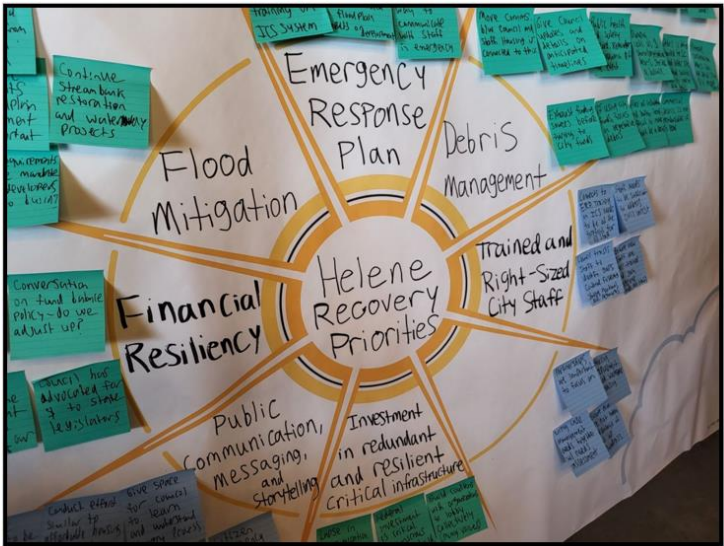
HELENE – One Year Later

Emergency Response Plan: Focus on improving communication, enhancing emergency protocols, and addressing vulnerabilities, particularly in flood-prone areas

Financial Resiliency: Strengthen the City's financial position, explore changes to fund balance policies, and ensure adequate funding for recovery efforts

Public Communication, Messaging, and Storytelling: Improve communication with residents, educate Council on recovery progress, and engage the community in recovery through various outreach efforts

Flood Mitigation: Continue analyzing floodplain redevelopment practices, pursue FEMA buyouts, and establish requirements for developers to mitigate flood risks



HELENE – One Year Later

Investment in Redundant and Resilient Critical Infrastructure: Focus on building resilient infrastructure with federal support, and improve communication systems during storms

Trained and Right-Sized City Staff: Ensure staff are trained in emergency response, civil unrest management, and preparedness for future disasters

Debris Management: Streamline debris removal, manage blight through code enforcement, and improve communication on debris removal timelines and funding sources

Housing: Maximize federal funding opportunities to support investment in housing-related initiatives and evaluate procedures for emergency and temporary housing



HELENE – One Year Later

Emergency Response Plan

Current Work

- Streamlining and enhancing crisis communications plan
- W&S Utility has supplemented its Emergency Response Plan for loss of specific critical assets in the water system and identified optimized response procedures to minimize impacts
- Submitted updated emergency response criteria in the County-wide hazard mitigation plan

Future Work

- Increase recurring Emergency Response trainings
- Purchase an additional boat and motor
- Continue to obtain swift water certifications for staff
- Emergency ops plan for any disaster



HELENE – One Year Later

Financial Resiliency

Current Work

- Budget adoption with capacity to build fund balance
- Created accounting structure for managing all Helene expenditures
- W&S Utility = Aa3 bond rating from Moody's, 4th highest possible rating – noting strong financial management, rate management, and capital planning practices
- W&S Utility has secured \$9.6M+ in an emergency bridge loan to assist with cash flows while completing recovery projects while waiting for federal reimbursement

Future Work

- Amend Fund Balance Policy to Include allocation for emergency operations

- Create an emergency management capital reserve fund to acquire resilience focused assets or add resilience aspects to identified projects



HELENE – One Year Later

Public Communication, Messaging, & Storytelling

Current Work

- Produced a Helene documentary memorializing the City's efforts in this work to be released near the one-year anniversary of Helene
- Helene [Storymap](#)
- WLOS Water System story
- Participation in a Henderson County Joint Information Team and regional Public Information Officer (PIO) meetings
- Completed in-person and virtual Public Information Officer (PIO) courses
- Implemented an after-hours W&S utility call center and response management system. In addition to improving customer service, the call center and response management system

can handle high-call volumes and efficiently manage incidents during future emergency events.

Future Work

- Educational materials for National Preparedness Month and Fire Prevention Month on the City's [AlertHVL](#) emergency notification system
- Registered for upcoming Advanced Public Information Officer (PIO) courses
- Continue to communicate the importance in critical infrastructure investment to W&S utility ratepayers and share progress of critical capital improvement projects that improve resiliency



HELENE – One Year Later

Flood Mitigation

Current Work

- Flood Workshop held in January for entire community
- Complete construction of Phase 1 of the Lower Mud Creek Flood Risk Reduction Project (groundbreaking next week)
- Coordinate with Henderson County and NCEM on final ownership of FEMA Buyout properties (Dana Rd., Clear Creek Landing, Leyland Circle)
- Finalize acquisition of flood prone property on S. Grove St.

Future Work

- Implement projects identified in the Comprehensive Stormwater Master Plan
- Begin Phase 2 of the Lower Mud Creek Flood Risk Reduction Project
- Coordinate with Henderson County on future flood mitigation projects

- Participate in FEMA CRS Program
- Modify floodplain regulations based on Council feedback
- Hold additional Floodplain education workshops for public (annually)



HELENE – One Year Later

Investment in Redundant & Resilient Critical Infrastructure

Current Work

- FEMA Public Assistance
- Economic Development Administration Grant
 - WWTP Expansion
- Dogwood Funds (MPO Partnership)
 - WWTP Expansion
- Hazard Mitigation (State)
 - WWTP Expansion (Flood Mitigation)
- Hazard Mitigation (Advanced Assistance)
 - WWTP Expansion (Design)
 - Water System Resiliency Looping (Design)
 - Pump Station Flood Mitigation (Design)
 - Mills River Intake (Design)
 - Long John Mtn. (Design)
 - Wash Creek Stormwater (Design)

- State Revolving Fund (Helene)
 - WWTP Flood Mitigation
 - Water System Looping (Eastside/Northside)
- US EPA
 - Long John Mtn. Design
- State Small Business Inf. Grant
 - Sidewalks on 7th
 - Utility Line at Cane Creek
- State Grant
 - Swift Water Rescue Gear/Boat/Wildfire Turnout
- Duke Energy Foundation
 - Drone as First Responder HPD/HFD
- Arbor Day Foundation
 - Tree Replacement (\$30k)

Future Work

- CDBG-DR (infrastructure & housing)

HELENE – One Year Later

Trained & Right-Sized City Staff

Current Work

- Staff visited the Town of Boone for their staff retreat to learn from their experience in the Hurricane and what they are doing to build resilience into their community
- Staff attended joint UNC SOG/FEMA procurement training in July 2025
- Staff attended a tabletop exercise
- Staff participation in a two-day local Incident Management Team exercise on May 27-28
- IT and Communications staff attended a WNC Communications Resiliency Workshop hosted by Land of Sky and the Information Technology Resource Center on June 16
- Staff participated in a Henderson County Incident Management Team tabletop exercise

focused on large event emergency response on August 19

- Had staff from Fire Department attend Emergency Management training- Sept. 8-10
- Three members obtained their Division/Group Supervisor Credential
- Hired three firefighters to aid with staffing

Future Work

- Mutual aid for future disasters – training on the job



HELENE – One Year Later

Debris Management

Current Work

- Collected 33,197 Cubic Yards of debris in initial sweep
- Collected 87 loads of debris in April Sweep
- Purchased new grapple buckets for skid steers/front loaders
- Zoning enforcement for blighted commercial properties

Future Work

- New debris site



HELENE – One Year Later

Housing

Current Work

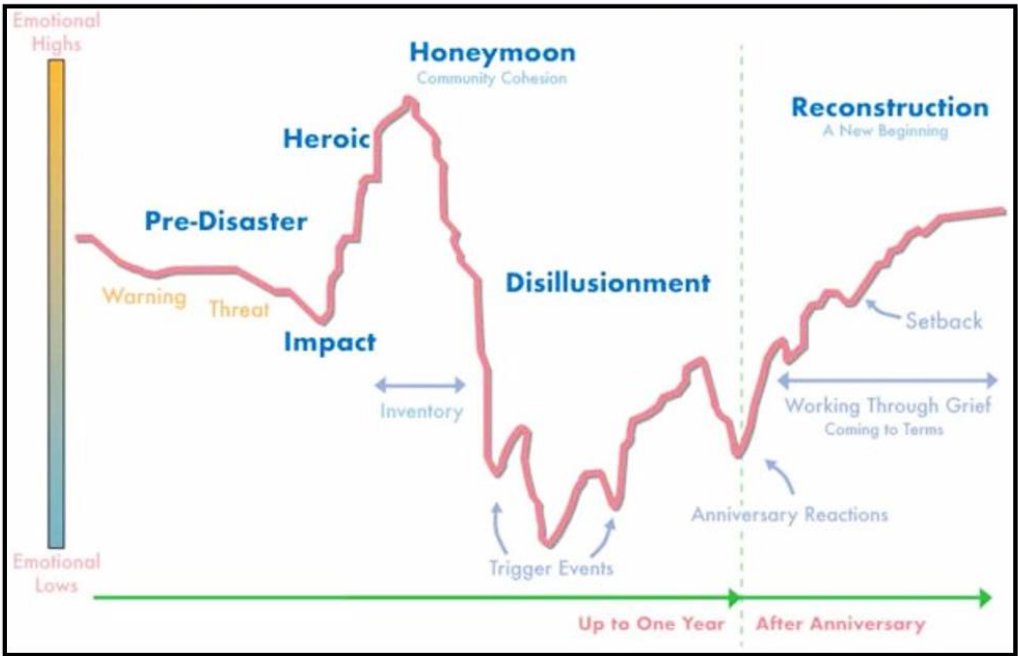
- Worked with homeowners with damaged properties in local historic districts to ease the burden of the COA process
 - One accessory structure was demolished in this process
 - Created in-house GIS repository of damages
 - Provided homeowners information on how to navigate the process
- Modified the zoning ordinance to allow non-conforming residential uses to rebuild if damaged by the storm
- Approved Temp. Use of RVs in SOE for up to 180 Days
- Waived permit fees
- Home Rehab. Grant for homes damaged in the Green Meadows and other neighborhoods

Future Work

- HPC to adopt supplemental design standards for mitigation and resilience of historic structures
- Create resiliency plan for historic structures



HELENE – One Year Later



HELENE – Questions?

The collage features several key elements: a graph showing the disaster recovery cycle with stages like Pre-Disaster, Impact, Heroic, Honeymoon, Disillusionment, and Reconstruction; a FEMA flowchart detailing the process from disaster declaration to final grant approval; a newspaper clipping titled 'HENDERSONVILLE SHINES THROUGH A CIRCLE OF GLOOM'; the official seal of the City of Hendersonville, NC, established in 1847; and a map showing the current water system alert status for the region.

5. NEW BUSINESS

6. ADJOURN

City Manager John Connet reminded everyone that we are having an appreciation lunch to remember Hurricane Helene. It will be held at Fire Station 1 on Friday, September 26th from 12p-2p.

There being no further business, the meeting was adjourned at 6:03 p.m. upon unanimous assent of the Council.

ATTEST:

Jennifer Hensley, Mayor Pro Tem

Jill Murray, City Clerk



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

SUBMITTER: Caitlyn Gendusa, Public Works Superintendent - Sustainability **MEETING DATE:** 10/2/2025

AGENDA SECTION: CONSENT AGENDA **DEPARTMENT:** Public Works

TITLE OF ITEM: Donations for Brooklyn Community Garden

SUGGESTED MOTION(S):

NA

SUMMARY:

Several community members would like to donate \$300 collectively to the Brooklyn Community Garden. If approved, these funds will be recorded to an account specifically for the ongoing maintenance, supplies, and improvements of the Brooklyn Community Garden.

BUDGET IMPACT: + \$300 which must be used within FY26

Is this expenditure approved in the current fiscal year budget? NA

If no, describe how it will be funded. NA

ATTACHMENTS:

None



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

SUBMITTER: Meredith Troughton

MEETING DATE: October 2, 2025

AGENDA SECTION: CONSENT

DEPARTMENT: Human Resources

TITLE OF ITEM: Revision of the Personnel Policy –Amending Article IV. Section 3, *Meredith Troughton, Assistant HR Director*

SUGGESTED MOTION(S):

I move City Council adopt the Personnel Policy Amendment Resolution, as presented.

SUMMARY:

City staff has revised the Personnel Policy to include G.S. 160A-164.2 (b), which will require all applicants for employment working with children in any capacity, be subject to a criminal history record check conducted by the State Bureau of Investigation in accordance with G.S. 143B-1209.26.

Is this expenditure approved in the current fiscal year budget? 0.00

If no, describe how it will be funded.

ATTACHMENTS: Hendersonville Personnel Policy Article IV. Section 3.and G.S 160A-164.2

PART IV. CRIMINAL HISTORY RECORD CHECK REQUIREMENT FOR APPLICANTS OFFERED A POSITION FOR CITY AND COUNTY EMPLOYMENT WORKING WITH CHILDREN

SECTION 4.1. G.S. 153A-94.2 reads as rewritten:

"§ 153A-94.2. Criminal history record checks of employees permitted.

(a) The board of commissioners may adopt or provide for rules and regulations or ordinances concerning a requirement that any applicant for employment be subject to a criminal history record check of State and National Repositories of Criminal Histories conducted by the State Bureau of Investigation in accordance with ~~G.S. 143B-1209.25~~ [G.S. 143B-1209.26]. G.S. 143B-1209.26. The local or regional public employer may consider the results of these criminal history record checks in its hiring decisions.

(b) Notwithstanding the provisions of subsection (a) of this section, if the position being filled requires an applicant for employment to work with children in any capacity, the board of commissioners shall require the applicant, if offered the position, be subject to a criminal history record check conducted by the State Bureau of Investigation in accordance with G.S. 143B-1209.26. The local or regional public employer must extend a conditional offer of the position pending the results of a criminal history record check required by this section."

SECTION 4.2. G.S. 160A-164.2 reads as rewritten:

"§ 160A-164.2. Criminal history record check of employees permitted.

(a) The council may adopt or provide for rules and regulations or ordinances concerning a requirement that any applicant for employment be subject to a criminal history record check of State and National Repositories of Criminal Histories conducted by the State Bureau of Investigation in accordance with ~~G.S. 143B-1209.25~~ [G.S. 143B-1209.26]. G.S. 143B-1209.26. The city may consider the results of these criminal history record checks in its hiring decisions.

(b) Notwithstanding the provisions of subsection (a) of this section, if the position being filled requires an applicant for employment to work with children in any capacity, the council shall require the applicant, if offered the position, be subject to a criminal history record check conducted by the State Bureau of Investigation in accordance with G.S. 143B-1209.26. The city must extend a conditional offer of the position pending the results of a criminal history record check required by this section."

SECTION 4.3. Sections 4.1 and 4.2 of this act become effective October 1, 2025, and apply to offers of employment on or after that date.

PART V. EFFECTIVE DATE

SECTION 5. Except as otherwise provided, this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 19th day of June, 2025.

s/ Rachel Hunt
President of the Senate

s/ Timothy Reeder, MD
Presiding Officer of the House of Representatives

s/ Josh Stein
Governor

Approved 9:01 a.m. this 26th day of June, 2025

ARTICLE IV. RECRUITMENT AND EMPLOYMENT

Section 3

Selection. Department Heads or the department hiring manager with the assistance of the Human Resources department shall make such investigations and conduct such examinations as necessary to assess accurately the knowledge, skills, and experience qualifications required for the position, including criminal history where job-related using the DCI when needed.

In compliance with G.S. 160A-164.2 (b) the City will require applicants for positions that may involve working in any capacity with children must undergo a criminal history record check conducted by the State Bureau of Investigation. This applies to all applicants in sworn and unsworn positions in public safety and job specific personnel as determined by the HR Director.

All selection devices administered by the City shall be valid measures of job performance.

Resolution #__-____

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

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

WHEREAS, the City of Hendersonville wishes to amend Article IV. Section 3 – Selection: by adding G.S. 160A-164.2 (b) which requires an applicant for employment to work with children in any capacity, shall be subject to a criminal history record check conducted by the State Bureau of Investigation, if the applicant is offered the position.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Hendersonville, North Carolina that from and after the effective of October 1st, 2025, Article IV. Section of the Personnel Policy attached to this resolution is hereby adopted.

This policy will become effective as of October 1st. 2025.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 2nd day of October 2025

Attest:

Barbara G. Volk, Mayor, City of Hendersonville

Jill Murray, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney

ATTACHMENTS:

Executed Change Order 1

Executed Change Order 2

Proposed Change Order 3

CHANGE ORDER NO. 1

Owner: City of Hendersonville Owner's Project No.: 24017
 Engineer: City of Hendersonville Engineer's Project No.: 24017
 Contractor: Contractor's Project No.:
 Project: CITY OPERATIONS BUILDING FINISH RENOVATIONS
 Contract Name: CITY OPERATIONS BUILDING FINISH RENOVATIONS
 Date Issued: April 7, 2025 Effective Date of Change Order: 05/23/2025

The Contract is modified as follows upon execution of this Change Order:

Description:

The contract changes include several interior upgrades and layout adjustments. Notable revisions include replacing epoxy flooring with LVT, a fire-rated door is added to meet updated code requirements, and epoxy flooring is extended into the Water/Sewer Supervisor's offices and cubicle areas. Additional changes involve removing and reinstalling cubicles and omitting new paint in areas that are recently painted. These modifications reflect a combination of electrical updates, material improvements, and cost-saving adjustments based on existing conditions.

Attachments:

See the attached itemized registry of changes.

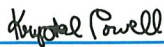
Change in Contract Price	Change in Contract Times
Original Contract Price: \$ 427,182.00	Original Contract Times: Substantial Completion: October 27, 2025 Ready for final payment: December 12, 2025
Increase or Decrease from previously approved Change Orders: \$ 0.00	Increase or Decrease from previously approved Change Orders: Substantial Completion: n/a Ready for final payment: n/a
Contract Price prior to this Change Order: \$ 427,182.00	Contract Times prior to this Change Order: Substantial Completion: October 27, 2025 Ready for final payment: December 12, 2025
Increase for this Change Order: \$ 22,329.38	Increase or Decrease this Change Order: Substantial Completion: none Ready for final payment: none
Contract Price incorporating this Change Order: \$ 449,511.38	Contract Times with all approved Change Orders: Substantial Completion: October 27, 2025 Ready for final payment: December 12, 2025

Recommended by Engineer (if required)	Authorized by Owner
Sign: _____	 _____
Name: _____	John Connet
Title: _____	City Manager
Date: _____	05/23/2025

	Agreed by Contractor	Approved by Funding Agency (if applicable)
Sign:	<u>john guzman</u>	<u></u>
Name:	<u>john guzman</u>	<u></u>
Title:	<u>VP</u>	<u></u>
Date:	<u>05/21/2025</u>	<u></u>

IF CHANGE ORDER RESULTS IN INCREASE IN CONTRACT PRICE:

I hereby certify that this contract has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.


Krystal Powell (May 23, 2025 08:54 EDT)

Finance Director

05/23/2025

Date

Change	Room Name	Room Num.	Cost Change	Description
Chair Rail Demo	ENTRY	100	\$1,235.00	Remove stained chair rail, drywall work, paint.
Metal Corner Guards	ENTRY	100	\$482.50	Additional corner guards from the removal of stained chair rail
Chair Rail Paint	ENTRY	100	-\$287.50	
Wall Heater	ADMIN	101	\$472.50	Remove heater, dispose, terminate elec., patch holes and paint
Reception Cabinet	ADMIN	101	-\$395.00	Cabinet in reception by PBI furniture
Chair Rail Demo	CORRIDOR	102	\$1,235.00	Remove stained chair rail, drywall work, paint.
Metal Corner Guards	CORRIDOR	102	\$482.50	Additional corner guards from the removal of stained chair rail
Chair Rail Paint	CORRIDOR	102	-\$287.50	
AV Cabinet	AV	103	-\$395.00	Cabinet in AV room by PBI furniture
Assembly Room Trim Paint	ASSEMBLY	104	\$1,950.00	Paint trim patch and paint shade holes
Roller Shades	ASSEMBLY	104	-\$926.37	Remove Assembly Room shades from scope, upgrade to PBI shades rooms 107,111,128,129
Assembly Room Wood Paneling	ASSEMBLY	104	-\$5,350.00	No fire wall, existing paneling can stay
Assembly Room Paint	ASSEMBLY	104	-\$6,127.00	Room was just painted, do not paint
Restroom Paint	TLT	113	\$640.00	Remove wallpaper, paint, and clean tile grout.
Restroom Paint	TLT	114	\$640.00	Remove wallpaper, paint, and clean tile grout.
Restroom Paint	TLT	115	\$640.00	Remove wallpaper, paint, and clean tile grout.
Restroom Paint	TLT	116	\$640.00	Remove wallpaper, paint, and clean tile grout.
Chair Rail Demo	CORRIDOR	118	\$1,235.00	Remove painted chair rail, drywall work, paint.
Chair Rail Paint	CORRIDOR	118	-\$287.50	
Electrical outlet change	OFFICE	127	\$475.00	
New fire door for code	W/S DIRECTOR	128	\$3,021.00	Change door to fire door not done last project
Electrical outlet change	W/S DIRECTOR	128	\$475.00	
W&S Supervisor Epoxy	OPEN OFFICE	135	\$2,617.25	Add epoxy floor to CUBICLES 136 AND OFFICE 134
W&S Supervisor Re-install cubicles	OPEN OFFICE	135	\$1,950.00	remove and reinstall CUBICLES 136
W&S Supervisor no paint	OPEN OFFICE	135	-\$2,815.00	This area was just painted, do not paint
W&S Office Change Floor	W/S DEP. OFFICE	143	\$1,320.00	Change floor type from carpet to LVT
Additional Kitchen Scope	BREAK ROOM	152	\$4,214.00	Backsplash, sink, faucet
Cabinet and Countertop Layout	BREAK ROOM	152	\$1,725.00	Changes to cabinet layout
Kitchen Soffit Extension	BREAK ROOM	152	\$1,350.00	
Electrical change and code upgrades	BREAK ROOM	152	\$890.00	Includes electrical outlets on backsplash area
Chair Rail Demo	CORRIDOR	153	\$1,235.00	Remove painted chair rail, drywall work, paint.
Chair Rail Paint	CORRIDOR	153	-\$287.50	
Roller Shades	DAY ROOM	157	\$1,332.50	
LVT floor instead of epoxy	DAY ROOM	158	\$4,258.00	includes removal of old epoxy floor
Ceiling Tile	DAY ROOM	158	\$3,115.00	"Match existing" ceiling tile upgrade
Roller Shades	DAY ROOM	158	\$1,332.50	
Electrical outlet changes	DAY ROOM	158	\$525.00	
Total Cost Change:			\$22,329.38	

20250521_C941_change-order-1

Final Audit Report

2025-05-23

Created:	2025-05-21
By:	Richard Shook (rshook@hvlnc.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAAtcbtnJL5B4_RWOYU4iA_9VgYulTYDrAh

"20250521_C941_change-order-1" History

-  Document created by Richard Shook (rshook@hvlnc.gov)
2025-05-21 - 6:47:43 PM GMT
-  Document emailed to john guzman (jguzmanenterprises@gmail.com) for signature
2025-05-21 - 6:47:49 PM GMT
-  Email viewed by john guzman (jguzmanenterprises@gmail.com)
2025-05-21 - 6:52:35 PM GMT
-  Document e-signed by john guzman (jguzmanenterprises@gmail.com)
Signature Date: 2025-05-21 - 6:54:26 PM GMT - Time Source: server
-  Document emailed to John Connet (jconnet@hvlnc.gov) for signature
2025-05-21 - 6:54:28 PM GMT
-  Email viewed by John Connet (jconnet@hvlnc.gov)
2025-05-23 - 12:21:09 PM GMT
-  Document e-signed by John Connet (jconnet@hvlnc.gov)
Signature Date: 2025-05-23 - 12:22:28 PM GMT - Time Source: server
-  Document emailed to Krystal Powell (kpowell@hvlnc.gov) for signature
2025-05-23 - 12:22:30 PM GMT
-  Email viewed by Krystal Powell (kpowell@hvlnc.gov)
2025-05-23 - 12:54:08 PM GMT
-  Document e-signed by Krystal Powell (kpowell@hvlnc.gov)
Signature Date: 2025-05-23 - 12:54:36 PM GMT - Time Source: server
-  Agreement completed.
2025-05-23 - 12:54:36 PM GMT

CHANGE ORDER NO. 2

Owner: City of Hendersonville Owner's Project No.: 24017
 Engineer: City of Hendersonville Engineer's Project No.: 24017
 Contractor: Contractor's Project No.:
 Project: CITY OPERATIONS BUILDING FINISH RENOVATIONS
 Contract Name: CITY OPERATIONS BUILDING FINISH RENOVATIONS
 Date Issued: August 8, 2025 Effective Date of Change Order: August 8, 2025

The Contract is modified as follows upon execution of this Change Order:

Description:

The contract changes include repairing deficient flashing and drip edge fasteners to seal operations from water intrusion, window sealing removal and replacement, and baseboard changes.

Attachments:

See the attached itemized registry of changes.

Change in Contract Price	Change in Contract Times
Original Contract Price:	Original Contract Times:
\$ \$ 427,182.00	Substantial Completion: <u>October 27, 2025</u>
	Ready for final payment: <u>December 12, 2025</u>
Increase or Decrease from previously approved Change Orders:	Increase or Decrease from previously approved Change Orders:
\$ \$ 22,329.38	Substantial Completion: <u>n/a</u>
	Ready for final payment: <u>n/a</u>
Contract Price prior to this Change Order:	Contract Times prior to this Change Order:
\$ \$ 449,511.38	Substantial Completion: <u>October 27, 2025</u>
	Ready for final payment: <u>December 12, 2025</u>
Increase for this Change Order:	Increase or Decrease this Change Order:
\$ \$ 19,844.84	Substantial Completion: <u>none</u>
	Ready for final payment: <u>none</u>
Contract Price incorporating this Change Order:	Contract Times with all approved Change Orders:
\$ \$ 469,356.22	Substantial Completion: <u>October 27, 2025</u>
	Ready for final payment: <u>December 12, 2025</u>

Recommended by Engineer (if required)	Authorized by Owner
Sign: _____	<u></u>
Name: _____	<u>John Connet</u>
Title: _____	<u>City Manager</u>
Date: _____	<u>08/11/2025</u>

	<u>Agreed by Contractor</u>	<u>Approved by Funding Agency (if applicable)</u>
Sign:	<u>john guzman</u>	<u></u>
Name:	<u>john guzman</u>	<u></u>
Title:	<u>VP</u>	<u></u>
Date:	<u>08/11/2025</u>	<u></u>

IF CHANGE ORDER RESULTS IN INCREASE IN CONTRACT PRICE:

I hereby certify that this contract has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

Krystal Powell
Krystal Powell (Aug 13, 2025 12:00:16 EDT)

Finance Director

08/13/2025

Date

Krystal Powell

Change	Room Name	Room Num.	Cost Change	Description
Flashing and Drip Edge Screw Replacement	EXTERIOR	n/a	\$5,417.56	Approved
Window Sealing	EXTERIOR	n/a	\$13,162.28	Remove caulking from all old windows and reseal
Siding J Channel Inspection	EXTERIOR	n/a	\$750.00	Remove sections of metal sifings and inspect for leaks
Wood Baseboard	DAY ROOM	158	\$515.00	Replace designed plastic baseboards with wood baseboards

Total Cost Change: **\$19,844.84**

20250808_C941_change-order-2

Final Audit Report

2025-08-13

Created:	2025-08-07
By:	Richard Shook (rshook@hvlnc.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAMFxhnCv4lrb61_SJOSWfeRXoG0-884mH

"20250808_C941_change-order-2" History

-  Document created by Richard Shook (rshook@hvlnc.gov)
2025-08-07 - 9:17:12 PM GMT
-  Document emailed to john guzman (jguzmanenterprises@gmail.com) for signature
2025-08-07 - 9:17:17 PM GMT
-  Email viewed by john guzman (jguzmanenterprises@gmail.com)
2025-08-11 - 12:04:30 PM GMT
-  Document e-signed by john guzman (jguzmanenterprises@gmail.com)
Signature Date: 2025-08-11 - 12:06:17 PM GMT - Time Source: server
-  Document emailed to John Connet (jconnet@hvlnc.gov) for signature
2025-08-11 - 12:06:19 PM GMT
-  Email viewed by John Connet (jconnet@hvlnc.gov)
2025-08-11 - 12:20:38 PM GMT
-  Document e-signed by John Connet (jconnet@hvlnc.gov)
Signature Date: 2025-08-11 - 12:20:57 PM GMT - Time Source: server
-  Document emailed to Krystal Powell (kpowell@hvlnc.gov) for signature
2025-08-11 - 12:21:01 PM GMT
-  Email viewed by Krystal Powell (kpowell@hvlnc.gov)
2025-08-13 - 3:59:49 PM GMT
-  Document e-signed by Krystal Powell (kpowell@hvlnc.gov)
Signature Date: 2025-08-13 - 4:00:16 PM GMT - Time Source: server
-  Agreement completed.
2025-08-13 - 4:00:16 PM GMT

Change	Room Name	Room Num.	Cost Change	Description
External Sealing	EXTERIOR	n/a	\$9,798.59	Remove old caulking from metal flashing and stucco transitions and reseal
Replace Roof Boots	EXTERIOR		\$5,308.05	Replace 21 plumbing Vent Boots
Assembly Floor Outlets	ASSEMBLY	104	\$1,030.00	Hourly rate for electrician to troubleshoot
Quarter Round	MULTIPLE	n/a	\$6,376.37	Install and paint quarter round on wood baseboards that are over LVT Floor to eliminate gap
AV Carpet	AV	103	-\$130.50	Carpet installed instead of LVT per design
Entry Quarter Round	ENTRY	100	\$219.95	Quarter round installed and stained to fill gap between tile and wooden baseboards
Reception Wall Gap	ADMIN	101	\$282.00	Fill the wall gap under the payment desk
Acoustic Tile Mount	MULTIPLE	n/a	\$3,143.00	Replace adhesive with 1" wood and screws
Smooth anti-slip epoxy floors	MULTIPLE	n/a	\$8,536.50	Smooth epoxy floors so that they can be cleaned and maintained by staff

Resolution #R-XXXXX

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO
AUTHORIZE THE CITY MANAGER TO APPROVE A CHANGE ORDER FOR THE CITY
OPERATIONS BUILDING FINISH RENOVATIONS PROJECT**

WHEREAS, the City of Hendersonville, North Carolina awarded a contract to Enterprises G, Inc. for the City Operations Building Finish Renovations; and

WHEREAS, the City Council previously authorized the City Manager to approve change orders up to a cumulative total of 10% of the original contract amount of \$427,182.00; and

WHEREAS, The City Manager has previously approved change orders with a cumulative total of 10% of the original contract amount.

WHEREAS, the City Engineer therefore recommends that the City Manager be authorized to approve Change Order 3 for the construction of the City Operations Building Finish Renovations.

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

1. The City Manager is authorized to execute a change order to the contract for the construction of the City Operations Building Finish Renovations to Enterprises G, Inc. in the amount of \$34,563.96 which includes external sealing of the building, additional electrical troubleshooting, and minor adjustments to finishes.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 2nd day of October, 2025.

Attest:

Barbara G. Volk, Mayor, City of Hendersonville

Jill Murray, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney

CHANGE ORDER NO. 3

Owner:	City of Hendersonville	Owner's Project No.:	24017
Engineer:	City of Hendersonville	Engineer's Project No.:	24017
Contractor:		Contractor's Project No.:	
Project:	CITY OPERATIONS BUILDING FINISH RENOVATIONS		
Contract Name:	CITY OPERATIONS BUILDING FINISH RENOVATIONS		
Date Issued:	August xx, 2025	Effective Date of Change Order:	August xx, 2025

The Contract is modified as follows upon execution of this Change Order:

Description:

The contract changes include sealing the exterior of the building, additional electrical troubleshooting, and minor adjustments to finishes.

Attachments:

See the attached itemized registry of changes.

Change in Contract Price	Change in Contract Times
Original Contract Price: \$ \$ 427,182.00	Original Contract Times: Substantial Completion: <u>October 27, 2025</u> Ready for final payment: <u>December 12, 2025</u>
Increase or Decrease from previously approved Change Orders: \$ \$ 42,174.22	Increase or Decrease from previously approved Change Orders: Substantial Completion: <u>n/a</u> Ready for final payment: <u>n/a</u>
Contract Price prior to this Change Order: \$ \$ 469,356.22	Contract Times prior to this Change Order: Substantial Completion: <u>October 27, 2025</u> Ready for final payment: <u>December 12, 2025</u>
Increase for this Change Order: \$ \$ 34,563.96	Increase or Decrease this Change Order: Substantial Completion: <u>none</u> Ready for final payment: <u>none</u>
Contract Price incorporating this Change Order: \$ \$ 503,920.18	Contract Times with all approved Change Orders: Substantial Completion: <u>October 27, 2025</u> Ready for final payment: <u>December 12, 2025</u>

Recommended by Engineer (if required)	Authorized by Owner
Sign: _____	_____
Name: _____	_____
Title: _____	_____
Date: _____	_____

	Agreed by Contractor	Approved by Funding Agency (if applicable)
Sign:		
Name:		
Title:		
Date:		

IF CHANGE ORDER RESULTS IN INCREASE IN CONTRACT PRICE:

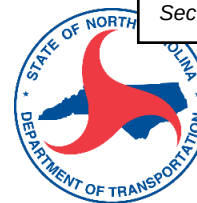
I hereby certify that this contract has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

Finance Director

Date

ACCOUNTS RECEIVABLE AGREEMENTS

REMITTANCE GUIDANCE



_____: I acknowledge that upon execution of this Agreement, we must submit a down payment, if required.

I also acknowledge that we may pre-pay any portion of the estimated cost noted in this Agreement, prior to final billing by the Department.

Please refer to your Agreement's PAYMENT TERMS to correctly remit any payment due to the Department.

<u>PAYMENT TERMS:</u>	<u>PAYMENT TIMING:</u>
PAYMENT UPON AGREEMENT EXECUTION	Please submit the amount of agreed upon payment via one of the below methods, <u>once you have received notice of execution of the Agreement.</u>
PAYMENT PRIOR TO LETTING (OR START OF PHASE)	You will be notified by the Project Manager when payment will be due. Please remit payment within 60 days of notification.
PAYMENT UPON BILLING	The Department will bill at the completion of the Project (or when defined in the Agreement). All payments are due within 60 days of invoicing.

NOTE: You may pre-pay any portion of an estimated cost, prior to Departmental Billing. The Department will adjust final billing to account for any pre-payments made.

LATE PAYMENTS AND INTEREST RATES:

For payments not received within 60 days, the Department must charge a statutory interest rate of prime plus one percent (1%) on all Utility Relocation Agreements. For any other Receivable Agreement, the Department may charge a late fee and/or interest.

PAYMENT METHODS

1. **SEND PAYMENT BY CHECK** OR

MAIL TO:

NCDOT – Accounts Receivable
1514 Mail Service Center
Raleigh, NC 27699-1514

INCLUDE:

- Agreement ID (10000xxxxx)
- WBS Element

2. **SEND PAYMENT VIA ACH (Automated Clearinghouse)**

Initiate ACH through your bank* and send an e-mail to:

- ✓ Shamorah Fountain - sfountain1@ncdot.gov
- ✓ Kay Lee - klee@ncdot.gov

INCLUDE:

- Agreement ID# (10000xxxxx)
- WBS Element
- Amount of Payment

**If you need NCDOT's Account information, contact Kerry Turner at kmtturner@ncdot.gov*

Failure to follow the above steps and remit payment per the terms in the Agreement may result in delays to project delivery. Please contact your Division Project Manager for questions regarding payment terms.

ACCOUNTS RECEIVABLE

**NCDOT ADMINISTERED – BICYCLE/PEDESTRIAN PLAN
(FEDERAL/STATE FUNDS RECEIVABLE)
1000027106**

AGREEMENT OVERVIEW

NORTH CAROLINA
HENDERSON COUNTY

DATE: 9/17/2025

PARTIES TO THE AGREEMENT:

PROJECT NUMBERS:

NORTH CAROLINA DEPARTMENT
OF TRANSPORTATION

TIP #: M-0574F

WBS ELEMENTS: 51759.8.8

AND

CITY OF HENDERSONVILLE

The purpose of this Agreement is to identify the participation in project costs, project delivery and/or maintenance, by the other party to this Agreement, as further defined in this Agreement.

SCOPE OF PROJECT (“Project”): The Project consists of the development of bicycle plan update for the City of Hendersonville, consistent with the content standards set forth by NCDOT-IMD for the Multimodal Planning Grant Program.

COSTS TO THE OTHER PARTY: \$13,000

ESTIMATED COST OF THE PROJECT: \$65,000

PAYMENT TERMS: City of Hendersonville will submit payment upon execution of agreement.

EFFECTIVE DATES OF AGREEMENT:

START: Upon Full Execution of this Agreement

END: Agreement remains in effect for two years, and thereafter, unless terminated

This **Agreement** is made and entered into on the last date executed below, by and between the North Carolina Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the **Department** and the City of Hendersonville, hereinafter referred to as the **Municipality**; and collectively referred to as the **Parties**.

The **Parties** to this Agreement, listed above, intend that this Agreement, together with all attachments, schedules, exhibits, and other documents that both are referenced in this Agreement and refer to this Agreement, represents the entire understanding between the **Parties** with respect to its subject matter and supersedes any previous communication or agreements that may exist.

I. WHEREAS STATEMENTS

WHEREAS, 23 USC 505 allows State Planning and Research (SPR) federal funds to funds to be available for certain specified transportation activities; and

WHEREAS, in accordance with G.S. 136-66.2, the NC General Assembly requires each **Municipality** to develop a comprehensive transportation plan that will serve present and anticipated travel demand; and,

WHEREAS, the **Department's** Integrated Mobility Division (IMD) and the Transportation Planning Division have created a matching grant program to encourage the development of comprehensive municipal bicycle plans and pedestrian plans, which may serve as a component of the comprehensive transportation plan; and,

WHEREAS, the **Department** has allocated state matching funds to augment the federal funds available for these activities; and,

WHEREAS, the **Municipality** has requested funding for the development of a Bicycle and/or Pedestrian Plan, as more fully described in this Agreement and hereinafter referred to as the Project; and,

WHEREAS, the **Municipality** has requested that the **Department** administer the Project in coordination with the **Municipality**; and,

WHEREAS, the **Municipality** has agreed to participate in the cost of the project as hereinafter set out; and,

WHEREAS, this Agreement is made under the authority granted to the **Department** by the North Carolina General Assembly including, but not limited to, the following applicable legislation: General Statutes of North Carolina (NCGS) Section 136-66.2 and Section 136-71.6, to participate in the planning, construction, and/or implementation of the Project approved by the Board of Transportation.

NOW THEREFORE, this Agreement states the promises and undertakings of each party as herein provided, and the **Parties** do hereby covenant and agree, each with the other, as follows:

II. DEVELOPMENT OF PLAN

- i. The **Department**, and or its agent, shall prepare the Project of the development of bicycle plan update for the **Municipality**, following the IMD's Content Standards for NCDOT Bicycle and Pedestrian Plans.
- ii. The **Municipality** shall participate in providing data and logistical support for public meetings and other required public notices.

ACCOUNTS RECEIVABLE
 NCDOT ADMINISTERED – BICYCLE/PEDESTRIAN PLAN
 (FEDERAL/STATE FUNDS RECEIVABLE)
 1000027106

- iii. The **Department** will provide a preliminary draft of the Plan to the **Municipality** for review and comment. The **Municipality** shall provide comments to the **Department** within three (3) months. Upon receipt of comments from the **Municipality**, the **Department** will provide a final draft.

III. COMPLETION AND ADOPTION OF PLAN

- i. The governing body of the **Municipality** shall consider the adoption of the Plan as provided in the Final Draft by the **Department**. If the Council requests significant changes prior to adoption, the Plan will be modified and resubmitted to the **Municipality** for final approval within three (3) months.
- ii. The **Municipality** shall receive digital files and hard copies of the approved Plan. The **Municipality** shall be responsible for the distribution of the final documents to the appropriate local agencies and interested parties.

IV. TIME FRAMES

The **Department** has a required time frame of two years to complete the Project. It is important that the **Municipality** provide necessary support and responses to the **Department** in a timely manner. Any delays on the part of the **Municipality** may affect the ability of the **Department** to provide financial support for the Project.

V. FUNDING

- i. The total estimated cost of the Project is \$65,000. The **Department** shall provide a maximum amount of \$52,000. The **Municipality** shall provide \$13,000 and all costs that exceed the estimated cost of \$65,000.
- ii. Upon full execution of the Agreement, the **Municipality** shall submit payment for \$13,000 to the **Department**, in accordance with the cover memo attached to this Agreement.
- iii. Upon completion of the project, if actual costs exceed the total estimated cost of \$65,000, the **Municipality** shall reimburse the **Department** the underpayment within sixty (60) days of invoicing by the **Department**. The **Department** shall charge a late payment penalty and interest on any unpaid balance due in accordance with G.S. 147-86.23.
- iv. Upon completion of the project, if actual costs are less than the total available funding of \$65,000, the **Department** shall reimburse the **Municipality** any overpayment at the above matching share.

VI. REPORTING REQUIREMENTS

The **Department** is subject to NC Article 2, Chapter 36 (136-41.5), which mandates an annual report on use of bicycle and pedestrian planning grant funds. By entering into this agreement with the **Department**, the **Municipality** acknowledges their participation in annual reviews of the status of implementation of projects identified in the completed plan.

VII. STANDARD PROVISIONS

A. AGREEMENT MODIFICATIONS

Any modification to scope, funding, responsibilities, or time frame will be agreed upon by all **Parties** by means of a written Supplemental Agreement.

B. ASSIGNMENT OF RESPONSIBILITIES

The **Department** must approve any assignment or transfer of the responsibilities of the Local Public Agency set forth in this Agreement to other parties or entities.

C. AGREEMENT FOR IDENTIFIED PARTIES ONLY

This Agreement is solely for the benefit of the identified **Parties** to the Agreement and is not intended to give any rights, claims, or benefits to third parties or to the public at large.

D. OTHER AGREEMENTS

The **Municipality** is solely responsible for all agreements, contracts, and work orders entered into or issued by the **Municipality** to meet the terms of this Agreement. The **Department** is not responsible for any expenses or obligations incurred for the terms of this Agreement except those specifically eligible for the funds and obligations as approved by the **Department** under the terms of this Agreement.

E. TITLE VI

The other party to this Agreement shall comply with Title VI of the Civil Rights Act of 1964 (Title 49 CFR, Subtitle A, Part 21) and related nondiscrimination authorities. Title VI and related authorities prohibit discrimination on the basis of race, color, national origin, disability, gender, and age in all programs or activities of any recipient of Federal assistance.

F. AUTHORIZATION TO EXECUTE

The **Parties** hereby acknowledge that the individual executing this Agreement has read this Agreement, conferred with legal counsel, fully understands its contents, and is authorized to execute this Agreement and to bind the respective **Parties** to the terms contained herein.

G. DEBARMENT POLICY

It is the policy of the **Department** not to enter into any agreement with parties that have been debarred by any government agency (Federal or State). By execution of this agreement, the **Municipality** certifies that neither it nor its agents or contractors are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any Federal or State Agency or Department and that it will not enter into agreements with any entity that is debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction.

H. INDEMNIFICATION

The **Municipality** will indemnify and hold harmless the FHWA (if applicable), the **Department** and the State of North Carolina, their respective officers, directors, principals, employees, agents, successors, and assigns from and against any and all claims for damage and/or liability, including those that may be initiated by third parties, in connection with the Project activities performed pursuant to this Agreement including construction of the Project, except for those claims arising out of the errors, omissions, or negligence of the **Department**, its respective officers, directors, principals, employees, agents, successors, and assigns.

I. AVAILABILITY OF FUNDS

All terms and conditions of this Agreement are dependent upon, and, subject to the allocation of funds for the purpose set forth in the Agreement and the Agreement shall automatically terminate if funds cease to be available.

J. COUNTERPARTS AND ELECTRONIC SIGNATURES

- i. This Agreement, and other documents to be delivered pursuant to this Agreement, may be executed in one or more counterparts, each of which will be deemed to be an original copy and all of which, when taken together, will be deemed to constitute one and the same agreement or document and will be effective when counterparts have been signed by each of the **Parties**. An image of a manual signature on this Agreement, or other documents to be delivered pursuant to this Agreement, will constitute an original signature for all purposes. The delivery of copies of this Agreement or other documents to be delivered pursuant to this Agreement, including executed signature pages where required, by electronic transmission will constitute effective delivery of this Agreement or such other document for all purposes.
- ii. The **Parties** hereto further acknowledge and agree that this Agreement may be signed and/or transmitted by email or a PDF document or using electronic signature technology (e.g. DocuSign, Adobe Sign, or other electronic signature technology), and that such signed record shall be valid and as effective to bind the **Party(ies)** so signing as a paper copy bearing a handwritten signature. By selecting "I Agree", "I Accept", or other similar item, button, or icon via use of a keypad, mouse, or other device, as part of the electronic

Section 5, Item E.

ACCOUNTS RECEIVABLE
NCDOT ADMINISTERED – BICYCLE/PEDESTRIAN PLAN
(FEDERAL/STATE FUNDS RECEIVABLE)
1000027106

signature technology, the **Parties** consent to be legally bound by the terms and conditions of Agreement and that such act constitutes a signature as if actually signed in writing. The **Parties** also agree that no certification authority or other third-party verification is necessary to validate its electronic signature and that the lack of such certification or third-party verification will not in any way affect the enforceability of its electronic signature. The **Parties** acknowledge and agree that delivery of a copy of this Agreement or any other document contemplated hereby through the electronic signature technology, will have the same effect as physical delivery of the paper document bearing an original written signature.

K. GIFT BAN

By Executive Order 24, issued by Governor Perdue, and NCGS 133-32, it is unlawful for any vendor or contractor (i.e. architect, bidder, contractor, construction manager, design professional, engineer, landlord, offeror, seller, subcontractor, supplier, or vendor), to make gifts or to give favors to any State employee of the Governor's Cabinet Agencies (i.e. Administration, Adult Corrections, Commerce, Environmental Quality, Health and Human Services, Information Technology, Military and Veterans Affairs, Natural and Cultural Resources, Public Safety, Revenue, Transportation, and the Office of the Governor).

ACCOUNTS RECEIVABLE

NCDOT ADMINISTERED – BICYCLE/PEDESTRIAN PLAN
(FEDERAL/STATE FUNDS RECEIVABLE)
1000027106

SIGNATURE PAGE

IN WITNESS WHEREOF, this Agreement has been executed the day and year heretofore set out, on the part of the **Department** and the **Municipality** by authority duly given.

(DOCUSIGN ONLY)

CITY OF HENDERSONVILLE

Authorized Signer: _____

Print Name: _____

Title: _____

Date Signed: _____

If applicable, this Agreement has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act:

Fed Tax ID No: _____

Finance Signer: _____

Remittance Address: _____

Print Name: _____

Title: _____

Date Signed: _____

DEPARTMENT OF TRANSPORTATION

By: _____

Print Name: _____

Title: _____

Date: _____

APPROVED BY BOARD OF TRANSPORTATION ITEM O: _____ (DATE)

Section 5, Item E.

ACCOUNTS RECEIVABLE
NCDOT ADMINISTERED – BICYCLE/PEDESTRIAN PLAN
(FEDERAL/STATE FUNDS RECEIVABLE)
1000027106

SIGNATURE PAGE

IN WITNESS WHEREOF, this Agreement has been executed the day and year heretofore set out, on the part of the **Department** and the **Municipality** by authority duly given.

(INK SIGNATURES)

CITY OF HENDERSONVILLE

Attest:

Authorized Signer: _____

By: _____

Print Name: _____

Title: _____

Title: _____

Date Signed: _____

If applicable, this Agreement has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act:

Fed Tax ID No: _____

Finance Signer: _____

Remittance Address:

Print Name: _____

Title: _____

Date Signed: _____

(DOCUSIGN)

DEPARTMENT OF TRANSPORTATION

By: _____

Print Name: _____

Title: _____

Date: _____

APPROVED BY BOARD OF TRANSPORTATION ITEM O: _____ (DATE)

Resolution # __ - ____

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL
TO AUTHORISE THE CITY MANAGER TO ENTER INTO AN
AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF
TRANSPORTATION FOR THE BICYCLE AND PEDESTRIAN
PLANNING GRANT (TIP #-M-0574F, WBS Elements- 51759.8.8)**

WHEREAS, the North Carolina Department of Transportation has established a grant that provides funding to municipalities for the development of Comprehensive Municipal Bicycle and Pedestrian Plans; and

WHEREAS, the City of Hendersonville has a desire to provide its citizens with safe, convenient, and more complete bicycling infrastructure within the community; and

WHEREAS, the City of Hendersonville's last Bicycle Plan was adopted in 2018; and

WHEREAS, the City's financial and technical resources have limited its ability to update its Bicycle Plan; and

WHEREAS, the City of Hendersonville desires a Bicycle Plan update to obtain the following objectives:

1. Provide for multimodal forms of transportation.
2. Provide guidance for modifying infrastructure to safely accommodate cycling in appropriate locations.
3. Ensure that the North Carolina Department of Transportation (NCDOT) funded projects incorporate the City of Hendersonville's objectives.
4. Move towards an effective network for active transportation, recreation, and exercise.
5. Have an approved plan that will support funding from NCDOT for cycling transportation improvements.
6. Ensure land use decisions effectively incorporate multimodal objectives.

WHEREAS, the City of Hendersonville has since been designated as a recipient to receive grant funds to complete the Bicycle Plan Update (TIP #-M-0574F, WBS Elements- 51759.8.8). The City's funding match is 20% of total costs of \$13,000 with NCDOT funding the remaining amount, for a project total of \$65,000.

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

1. The City agrees to participate in certain costs and to assume certain responsibilities in the manner and to the extent as hereinafter set out in the Agreement; and
2. The City Manager is authorized to enter into an Agreement with the North Carolina Department of Transportation for the New Bicycle Plan (TIP #-M-0574F, WBS Elements- 51759.8.8)

Adopted by the City Council of the City of Hendersonville, North Carolina on this 2nd day of October, 2025.

Attest:

 Barbara G. Volk, Mayor, City of Hendersonville

Jill Murray, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER:

Logan Hickey

MEETING DATE:

10/2/2025

AGENDA SECTION:

Consent Agenda

DEPARTMENT:

Finance, Water & Sewer

TITLE OF ITEM:

Sole Source Purchase of SCADA System Upgrads- Logan Hickey, Chad Freeman, Adam Steurer, Darren Allman

SUGGESTED MOTION(S):

I move City Council adopt the *Resolution by the City of Hendersonville City Council to Authorize the continued Sole-Source Purchase of SCADA System upgrades for the City’s water and sewer systems.*

SUMMARY:

The City of Hendersonville’s Finance Department is submitting this request on behalf of the City’s Water & Sewer Departments. The City uses SCADA (Supervisory Control and Data Acquisition) systems for transmitting data and monitoring tanks, flow, generators, and more. Department has communicated that this is a vital system within the City of Hendersonville. Fortech is our service provider for our SCADA controls system wide for years and will be required to be used for these additions to our existing system. Fortech is using compatible equipment and systems to tie in correctly to existing infrastructure. We are very happy with their product and service. It is not advantageous to entertain another vendor for this work, because an outside vendor would only consider pulling all Fortech equipment out and starting over with their own equipment. Per General Statute # 143-129e(6), we are waiving competition where “standardization or compatibility is the overriding consideration”. Attached is a letter from the vendor describing the sole source nature of their product/services. Staff are requesting to continue to utilize Fortech for this SCADA system and services by requesting that Council approve this sole source and standardization request spending up to \$250,000.00 in Fiscal Year 2026.

BUDGET IMPACT: \$250,000.00

Is this expenditure approved in the current fiscal year budget? Yes

ATTACHMENTS:

Resolution
Sole Source Letter

Resolution # _____

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO
AUTHORIZE THE SOLE-SOURCE AND STANDARDIZATION PURCHASE OF SCADA
SYSTEM UPGRADES FOR WATER AND SEWER**

WHEREAS, the City of Hendersonville’s Finance Department is submitting this request on behalf of the City’s Water & Sewer Departments; and,

WHEREAS, the City uses SCADA (Supervisory Control and Data Acquisition) systems for transmitting data and monitoring tanks, flow, generators, and more. Department has communicated that this is the most vital system within the City of Hendersonville; and,

WHEREAS, Fortech is our service provider for our SCADA controls system wide for years and will be required to be used for these additions to our existing system. Fortech is using compatible equipment and systems to tie in correctly to existing infrastructure. We are very happy with their product and service. It is not advantageous to entertain another vendor for this work, because an outside vendor would only consider pulling all Fortech equipment out and starting over with their own equipment; and,

WHEREAS, per General Statute # 143-129e(6), we are waiving competition where “standardization or compatibility is the overriding consideration”; and,

WHEREAS, staff are requesting to continue to utilize Fortech for this SCADA system and services by requesting that Council approve this sole source and standardization request spending up to \$250,000.00 in Fiscal Year 2026; and,

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Hendersonville, North Carolina that city staff is authorized to purchase SCADA system upgrades from SNF Water Science for FY25/26 within budgeted funds available.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 2nd day of October, 2025.

Attest:

Barbara G. Volk, Mayor, City of Hendersonville

Jill Murray, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney



Automation Controls

2124 Wilkinson Blvd. Charlotte, N.C. 28208
(704) 333-0621 www.fortech.us

Section 5, Item F.

August 6, 2025

Sole Source Justification

This letter is to confirm that FORTECH, Inc should be considered a sole source solution provider for the Hendersonville water department SCADA and constant pressure control systems.

The combination solutions we provide includes but not limited to:

- Water & Wastewater plant SCADA controls and computer network communication including the co-ordination with VC3 and the city of Hendersonville SCADA / fiber network.
- The required SCADA interfaces with the design and implementation at the various remote sites.
- VFD panel assembly, testing and startup with the designs being stamped by either a North Carolina registered Controls or Electrical Engineer.
- UL labeled SCADA & VFD panels design and assembly with the completed panels being 100% tested before leaving out facility.
- NC Registered Chapter 89C Engineering firm license D-0234.
- North Carolina unlimited electrical contractor license 26382-U.
- UL listed fabrication facility.
- Rockwell VAR Value Added Reseller
- Our main facility is located in Charlotte, and we have two field service technicians located within 30 miles of Hendersonville.

There are no other companies that can provide this complete system package for Hendersonville.

If you desire any additional information don't hesitate to contact me 704-333-0621 x101 or visit our web site at www.fortech.us.

Thank you for your consideration.

Sincerely,

Jon Forrest

Jon Forrest, P.E.
President



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER:

Devin Owen

MEETING DATE:

October 2, 2025

AGENDA SECTION:

Consent Agenda

DEPARTMENT:

Utilities

TITLE OF ITEM:

Resolution to Apply for State Revolving Fund Supplemental Appropriations for Hurricanes Helene and Milton and Hawai'i Wildfires to Support the Wastewater Treatment Facility Flood Mitigation Project – *Devin Owen, Utilities Engineer*

SUGGESTED MOTION(S):

I move City Council to adopt the Resolution By the City Council to Apply for State Revolving Fund Supplemental Appropriations for Hurricanes Helene and Milton and Hawai'i Wildfires to Support the Wastewater Treatment Facility Flood Mitigation Project.

SUMMARY:

The North Carolina Department of Environmental Quality (NCDEQ) Division of Water Infrastructure (DWI) is accepting State Revolving Fund Supplemental Appropriations for Hurricanes Helene and Milton and Hawai'i Wildfires (SRF SA-HMW) grant and/or zero-interest loan applications on a rolling basis through March 2, 2026 for drinking water facilities and wastewater treatment works impacted by Hurricane Helene and for decentralized wastewater treatment systems in areas affected by Hurricane Helene. Staff is recommending applying for a SRF Helene grant and/or zero-interest loan to fund the Wastewater Treatment Facility (WWTF) Flood Mitigation Project. A resolution by the Utility governing board, Hendersonville City Council, is required for the funding application.

BUDGET IMPACT: N/a

Is this expenditure approved in the current fiscal year budget? Project is allocated within a CPO and within the Utility Capital Improvement Plan.

If no, describe how it will be funded.

ATTACHMENTS:

1. Resolution

Resolution # - ____

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO APPLY
FOR STATE REVOLVING FUND SUPPLEMENTAL APPROPRIATIONS FOR
HURRICANES HELENE AND MILTON AND HAWAII WILDFIRES TO SUPPORT
THE WASTEWATER TREATMENT FACILITY FLOOD MITIGATION PROJECT**

WHEREAS, the North Carolina Department of Environmental Quality (NCDEQ) Division of Water Infrastructure (DWI) administers a funding program for investment in drinking water, wastewater and stormwater systems, and

WHEREAS, the American Relief Act, 2025 (PL 118-158) includes Supplemental Appropriations for the State Revolving Funds (SRF) for drinking water facilities and wastewater treatment works impacted by Hurricane Helene and for decentralized wastewater treatment systems in areas affected by Hurricane Helene (SA-HMW), and

WHEREAS, the City of Hendersonville has need for and intends to complete a Wastewater Treatment Facility Flood Mitigation project, and

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

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

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

such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

7. That the Applicant has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, ordinances, and funding conditions applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted by the City Council of the City of Hendersonville, North Carolina on this _____ day of _____, 20____.

Attest:

Barbara G. Volk, Mayor, City of Hendersonville

Jill Murray, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney

Resolution # - _____

**RESOLUTION BY THE CITY OF HENDERSONVILLE CITY COUNCIL TO APPLY
FOR STATE REVOLVING FUND SUPPLEMENTAL APPROPRIATIONS FOR
HURRICANES HELENE AND MILTON AND HAWAII WILDFIRES TO SUPPORT
THE WATER SYSTEM RESILIENCY LOOPING PROJECT**

WHEREAS, the North Carolina Department of Environmental Quality (NCDEQ) Division of Water Infrastructure (DWI) administers a funding program for investment in drinking water, wastewater and stormwater systems, and

WHEREAS, the American Relief Act, 2025 (PL 118-158) includes Supplemental Appropriations for the State Revolving Funds (SRF) for drinking water facilities and wastewater treatment works impacted by Hurricane Helene and for decentralized wastewater treatment systems in areas affected by Hurricane Helene (SA-HMW), and

WHEREAS, the City of Hendersonville has need for and intends to complete a Water System Resiliency Looping project, and

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

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

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

such application or the project: to make the assurances as contained above; and to execute such other documents as may be required in connection with the application.

7. That the Applicant has substantially complied or will substantially comply with all Federal, State, and local laws, rules, regulations, ordinances, and funding conditions applicable to the project and to Federal and State grants and loans pertaining thereto.

Adopted by the City Council of the City of Hendersonville, North Carolina on this _____ day of _____, 20____.

Attest:

Barbara G. Volk, Mayor, City of Hendersonville

Jill Murray, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney

TO MAYOR & COUNCIL
APPROVAL: October 02, 2025

FISCAL YEAR 2025
FORM: 10022025-01

BUDGET AMENDMENT

FUND 010 060 080					
ACCOUNT NUMBER	DESCRIPTION OF ACCOUNT	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
010-0000-470100	Transfer In (From 080, FY25)	602,670	24,532	-	627,202
010-0000-470900	Fund Balance Appropriated (FY25)	1,499,095	-	24,532	1,474,563
FUND 010	TOTAL REVENUES	602,670	24,532	24,532	627,202
	TOTAL EXPENDITURES	1,499,095	-	-	1,474,563
060-0000-470100	Transfer In (From 080, FY25)	-	16,777	-	16,777
060-0000-470900	Fund Balance Appropriated (FY25)	1,547,882	-	16,777	1,531,105
FUND 060	TOTAL REVENUES	-	16,777	16,777	16,777
	TOTAL EXPENDITURES	1,547,882	-	-	1,531,105
080-0000-470900	Fund Balance Appropriated	-	41,309	-	41,309
080-0000-598901	Transfer Out (to 010, FY25)	-	24,532	-	24,532
080-0000-598901	Transfer Out (to 060, FY25)	-	16,777	-	16,777
FUND 080	TOTAL REVENUES	-	41,309	-	41,309
	TOTAL EXPENDITURES	-	41,309	-	41,309
An amendment transferring the remaining balance of the Health and Welfare Fund (not active) to the General Fund and Water and Sewer Fund.					

The City Manager and City Clerk certify budget ordinance amendment 10022025-01 was approved by City Council on October 02, 2025.

City Manager

Date

City Clerk

Date

TO MAYOR & COUNCIL
APPROVAL: October 02, 2025

FISCAL YEAR 2026
FORM: 10022025-02

BUDGET AMENDMENT

FUND 010					
ACCOUNT NUMBER	DESCRIPTION OF ACCOUNT	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
010-0000-460090	Contributions/Donations (Blue Ridge Bike Club)	-	6,500	-	6,500
010-1200-519200	Contracted Services	50,000	6,500	-	56,500
FUND 010	TOTAL REVENUES	-	6,500	-	6,500
	TOTAL EXPENDITURES	50,000	6,500	-	56,500
An amendment increasing General Fund budget by \$6,500 to reflect a contribution from the Blue Ridge Bike Club. The amendment also increases the Community Development Department's contracted services budget by \$6,500. The City will use these funds to provide NCDOT \$13,000 to complete a bicycle planning project. The estimated total cost of the plan is \$65,000 (\$13,000 City Funds + \$52,000 NCDOT Funds).					

The City Manager and City Clerk certify budget ordinance amendment 10022025-02 was approved by City Council on October 02, 2025.

 City Manager

 Date

 City Clerk

 Date

TO MAYOR & COUNCIL
APPROVAL: October 02, 2025

FISCAL YEAR 2025
FORM: 10022025-03

BUDGET AMENDMENT

FUND 010

ACCOUNT NUMBER	DESCRIPTION OF ACCOUNT	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
010-0900-560500	Debt Interest	1,081,400	41,000	-	1,122,400
010-1002-539991	Disaster Event Non-Reimbursable Expenditures	-	150,980	-	150,980
010-1007-519200	Contract Services	8,150	-	4,000	4,150
010-1007-531205	Advertising	12,500	-	7,500	5,000
010-1007-532260	Service Excellence	5,000	-	4,000	1,000
010-1008-531255	Bank Service Charges	25,000	-	15,000	10,000
010-1014-519104	Prof Services-Engring	32,000	-	5,080	26,920
010-1014-531210	Permits, License And Fees	23,000	-	11,000	12,000
010-1200-519104	Prof Services-Engring	43,008	-	16,000	27,008
010-1200-519200	Contract Services	44,746	-	17,000	27,746
010-1200-531225	Training/Training	7,746	-	1,525	6,221
010-1200-531605	Lease/Rental - Building/Land	10,000	-	5,000	5,000
010-1300-519199	Contracted Services	62,060	-	15,000	47,060
010-1300-531100	Fuel	134,033	-	15,000	119,033
010-1300-531600	Lease/Rental- Equipment	46,840	8,650	-	55,490
010-1300-531215	Dues & Subscriptions	30,035	-	15,000	15,035
010-1400-519103	Prof Services-Medical	43,500	-	9,176	34,324
010-1400-531600	Lease/Rental- Equipment	-	16,651	-	16,651
010-1502-519200	Contracted Services	50,400	-	35,000	15,400

010-1555-521040	Construction & Repair Supplies	111,900	-	20,000	91,900
010-1560-554001	Captial Outlay Equipment/Other Than Vehicles	22,919	-	22,000	919
FUND 010	TOTAL REVENUES	-	-	-	-
	TOTAL EXPENDITURES	1,794,237	217,281	217,281	1,794,237
A budget amendment in the General Fund to cover expenditure accounts where appropriate as the City approaches end-of-year.					
The City Manager and City Clerk certify budget ordinance amendment 10022025-03 was approved by City Council on October 02, 2025.					

City Manager

Date

City Clerk

Date

TO MAYOR & COUNCIL
APPROVAL: October 02, 2025

FISCAL YEAR 2025
FORM: 10022025-04

BUDGET AMENDMENT

FUND 060

ACCOUNT NUMBER	DESCRIPTION OF ACCOUNT	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
060-1002-501920	Salaries - FEMA Non-Reimbursable	-	18,000	-	18,000
060-1002-502050	Retirement Expense	63,629	2,100	-	65,729
060-1002-502901	FEMA Straight-Time - FICA & Benefits Expense	-	1,450	-	1,450
060-1002-519204	FEMA Reimbursable - Contracted Services	-	579,000	-	579,000
060-1002-539005	Health And Welfare Expenditures	-	49,000	-	49,000
060-1002-539990	FEMA Reimbursable Expenditures	-	210,500	-	210,500
060-1008-531255	Bank Service Charges	95,000	-	26,000	69,000
060-1010-519200	Contract Services	245,256	-	15,000	230,256
060-1010-523003	Utilities - Telephone & Internet	65,450	-	35,000	30,450
060-1010-531210	Permits, License And Fees	174,599	-	35,000	139,599
060-1014-519104	Prof Services-Engring	53,400	-	14,000	39,400
060-1502-501901	Salaries - FEMA Regular	-	500	-	500
060-1502-501910	Salaries - FEMA Overtime	-	900	-	900
060-1502-502910	FEMA Overtime - FICA & Benefits Expense	-	160	-	160
060-1521-519200	Contract Services	700	280	-	980
060-1523-501910	Salaries - FEMA Overtime	-	3,000	-	3,000
060-7002-519200	Contract Services	103,500	-	13,000	90,500
060-7002-523001	Utilities - Electricity	1,200,000	-	60,000	1,140,000
060-7032-555003	Capital Outlay - Plants, Pump Stations	204,560	-	90,000	114,560
060-7035-519200	Contract Services	110,000	-	27,000	83,000
060-7035-521050	Laboratory Supplies	65,000	-	22,000	43,000
060-7035-522001	Chemicals	635,000	-	46,000	589,000
060-7035-524010	R & M - Bulidings	45,000	-	25,000	20,000
060-7055-519200	Contract Services	157,407	-	90,000	67,407
060-7055-524070	R & M - Paving Cut Repairs	200,000	-	30,000	170,000
060-7055-531100	Fuel	75,000	-	15,000	60,000
060-7132-555003	Capital Outlay - Plants, Pump Stations	72,000	-	60,000	12,000
060-7135-519205	Sludge Management	615,000	-	75,000	540,000
060-7135-524020	R & M - Equipment	142,800	-	50,000	92,800
060-7135-553000	Capital Outlay - Land Improvements	33,000	-	33,000	-

060-7155-519200	Contract Services	280,000	-	103,890	176,110
FUND 060	TOTAL REVENUES	-	-	-	-
	TOTAL EXPENDITURES	4,636,301	864,890	864,890	4,636,301

A budget amendment in the Water and Sewer Fund to cover expenditure accounts where appropriate as the City approaches end-of-year.

The City Manager and City Clerk certify budget ordinance amendment 10022025-04 was approved by City Council on October 02, 2025.

City Manager

Date

City Clerk

Date

TO MAYOR & COUNCIL
APPROVAL: October 02, 2025

FISCAL YEAR 2025
FORM: 10022025-05

BUDGET AMENDMENT

FUND 067

ACCOUNT NUMBER	DESCRIPTION OF ACCOUNT	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
067-0900-560001	Debt Principal	68,125	800		68,925
067-0900-560500	Debt Interest	13,945	2,000		15,945
067-1005-501901	Salaries - FEMA Regular	-	380		380
067-1007-501920	Salaries - FEMA Non-Reimbursable	-	260		260
067-1014-501901	Salaries - FEMA Regular	-	700		700
067-1502-501901	Salaries - FEMA Regular	-	200		200
067-1525-501910	Salaries - FEMA Overtime	-	13,900		13,900
067-1555-501910	Salaries - FEMA Overtime	-	9,000		9,000
067-7555-501030	Salaries - Incentive Payments	-	3,100		3,100
067-7555-519200	Contract Services	117,500		30,340	87,160
FUND 067	TOTAL REVENUES	-	-	-	-
	TOTAL EXPENDITURES	199,570	30,340	30,340	199,570

A budget amendment in the Stormwater Fund to cover expenditure accounts where appropriate as the City approaches end-of-year.

The City Manager and City Clerk certify budget ordinance amendment 10022025-05 was approved by City Council on October 02, 2025.

City Manager

Date

City Clerk

Date

TO MAYOR & COUNCIL
APPROVAL: October 02, 2025

FISCAL YEAR 2025
FORM: 10022025-06

BUDGET AMENDMENT

FUND 068

ACCOUNT NUMBER	DESCRIPTION OF ACCOUNT	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
068-0900-560001	Debt Principal	157,227	6,000	-	163,227
068-0900-560500	Debt Interest	23,071	1,800	-	24,871
068-1002-501901	Salaries- FEMA Regular	-	510	-	510
068-1007-501001	Salaries - Regular	12,807	760	-	13,567
068-1502-502901	FEMA Straight-Time - FICA & Benefits Expense	-	250	-	250
068-1502-502910	FEMA Overtime - FICA & Benefits Expense	-	250	-	250
068-7855-519200	Contract Services	66,000	-	9,570	56,430
FUND 068	TOTAL REVENUES	-	-	-	-
	TOTAL EXPENDITURES	259,105	9,570	9,570	259,105

A budget amendment in the Environmental Services Fund to cover expenditure accounts where appropriate as the City approaches end-of-year.

The City Manager and City Clerk certify budget ordinance amendment 10022025-06 was approved by City Council on October 02, 2025.

City Manager

Date

City Clerk

Date

TO MAYOR & COUNCIL
APPROVAL: October 02, 2025

FISCAL YEAR 2026
FORM: 10022025-07

BUDGET AMENDMENT

FUND 010					
ACCOUNT NUMBER	DESCRIPTION OF ACCOUNT	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET
010-0000-460090	Contributions/Donations (NCAPC)	6,500	5,116	-	11,616
010-1300-531215	Dues & Subscriptions	25,068	5,116	-	30,184
FUND 010	TOTAL REVENUES	6,500	5,116	-	11,616
	TOTAL EXPENDITURES	25,068	5,116	-	30,184
An amendment increasing General Fund budget by \$5,116 to reflect a contribution from the North Carolina Association of Police Chiefs. The amendment also increases the Police Department's dues & subscriptions budget by \$5,116. The City will use these funds to provide to cover the cost of Essential Personnel, the department's personnel management software.					

The City Manager and City Clerk certify budget ordinance amendment 10022025-07 was approved by City Council on October 02, 2025.

City Manager

Date

City Clerk

Date



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

SUBMITTER: Adam Murr **MEETING DATE:** 10/02/2025

AGENDA SECTION: CONSENT **DEPARTMENT:** Administration

TITLE OF ITEM: October Project Ordinances and Reimbursement Resolutions – *Adam Murr, Budget & Eval. Director*

SUGGESTED MOTION(S):

I move City Council adopt the Grant Project Ordinance for the Wash Creek Stormwater Project #G2603, and the Grant Project Ordinance for the Wash Creek Stormwater Project #G2603 as presented.

SUMMARY:

General Statute 159-13.2 provides North Carolina local governments the power to grant and maintain grant project ordinances.

Wash Creek Stormwater Project, #G2603. A grant project ordinance appropriating \$150,000 for the Wash Creek Stormwater Project, #G2603. Grant funding is expected for the project from FEMA's Hazard Mitigation Grant Program and Advanced Assistance Program.

BUDGET IMPACT: #G2603: \$150,000 increase to fund 301

Is this expenditure approved in the current fiscal year budget? N/A

If no, describe how it will be funded. N/A

ATTACHMENTS:

Project Ordinances: #G2603

Reimbursement Resolutions: #G2603

Resolution # _____

**HENDERSONVILLE, NORTH CAROLINA
DECLARATION OF OFFICIAL INTENT TO REIMBURSE**

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

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

Expenditures to be Incurred. The Issuer anticipates incurring expenditures (the "Expenditures") for EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE WASH CREEK STORMWATER PROJECT (#G2603), ORDINANCE # _____ (the "Projects").

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

Maximum Principal Amount of Debt to be Issued. The maximum principal amount of the Borrowing to be incurred by the Issuer to finance the Project is \$150,000.

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

ADOPTED by the City Council of the City of Hendersonville, North Carolina, on this 2nd day of October 2025.

Attest:

Barbara G. Volk, Mayor, City of Hendersonville

Jill Murray, City Clerk

Approved as to form:

Angela S. Becker, City Attorney

Ordinance # _____

**GRANT PROJECT ORDINANCE FOR
THE EXECUTION, ACQUISITION, CONSTRUCTION, AND INSTALLATION OF THE
WASH CREEK STORMWATER PROJECT #G2603**

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

Section 1: The project authorized is a City project described as the Wash Creek Stormwater Project, #G2603.

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

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
301	7555	550102	G2603	Capital Outlay – Services & Fees	\$150,000
Total Project Appropriation					\$150,000

Section 3: The following revenues are anticipated to be available via grant proceeds:

Account Codes				Account Name	Total Budget
Fund	Dept.	Account	Project		
301	0000	420050	G2603	Grant (HMG/Advanced Asst.)	(\$150,000)
Total Project Appropriation					(\$150,000)

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

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

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

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

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

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

ADOPTED by the City Council of the City of Hendersonville, North Carolina, on this 2nd day of October 2025.

Attest:

Barbara G. Volk, Mayor, City of Hendersonville

Jill Murray, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER:

John Connet, City Manager

MEETING DATE:

10/2/2025

AGENDA SECTION:

PRESENTATION

DEPARTMENT:

Administration

TITLE OF ITEM:

Recognition of Bill and Elizabeth Moss – *John Connet, City Manager*

SUGGESTED MOTION(S):

NA

SUMMARY:

Bill and Elizabeth Moss have served our community for twenty-seven (27) plus years. At the end of the month, they will be leaving Henderson County. The City Council would like to recognize them for their outstanding service to Hendersonville and Henderson County.

BUDGET IMPACT: \$ NA

Is this expenditure approved in the current fiscal year budget? NA

If no, describe how it will be funded. NA

ATTACHMENTS:

None



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

SUBMITTER: Blair Myhand, Police Chief **MEETING DATE:** October 2, 2025

AGENDA SECTION: Presentation **DEPARTMENT:** Police

TITLE OF ITEM: NCLM Risk Reduction Review Award

SUGGESTED MOTION(S):

SUMMARY:

The Hendersonville Police Department has successfully completed the North Carolina League of Municipalities Law Enforcement Risk Management Review, affirming its commitment to operational excellence, public trust, and professional accountability.

By meeting the standards across more than 40 key areas of potential liability, the department has demonstrated leadership in mitigating risk, enhancing officer safety, and strengthening community engagement.

This comprehensive evaluation highlights the department's attention to detail, strategic planning, and dedication to continuous improvement. Notably, the department's integration of CALEA accreditation reinforces a culture of excellence and accountability.

This successful review serves as a testament to the department's strong leadership, ethical foundation, and tireless commitment to risk-conscious, service-oriented policing. The Hendersonville Police Department stands as a model for professional law enforcement in North Carolina.

BUDGET IMPACT: N/A

Is this expenditure approved in the current fiscal year budget? N/A

If no, describe how it will be funded. N/A



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

SUBMITTER: John Connet, City Manager **MEETING DATE:** 10/2/2025
AGENDA SECTION: PRESENTATION **DEPARTMENT:** Administration
TITLE OF ITEM: Henderson County Behavioral Health Coalition Update – *Melissa Witmeier, Public Health Strategist – Behavioral Health*

SUGGESTED MOTION(S):

NA

SUMMARY:

Council Member Baxter suggested City Council should get an update from the Behavioral Health Coalition.

BUDGET IMPACT: \$ NA

Is this expenditure approved in the current fiscal year budget? NA

If not, describe how it will be funded. NA

ATTACHMENTS:

None



CITY OF HENDERSONVILLE
AGENDA ITEM SUMMARY
PLANNING DIVISION

SUBMITTER: Matthew Manley MEETING DATE: October 2, 2025

AGENDA SECTION: Public Hearing DEPARTMENT: Community Development

TITLE OF ITEM: Rezoning: Standard Rezoning – 824 400 Locust St + Small Area Rezoning | 25-58-RZO – Matthew Manley, AICP | Long-Range Planning Manager

SUGGESTED MOTION(S):

For Recommending Approval: I move City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of properties possessing PINS: 9569-80-3332 & 9569-80-4238 & 9569-80-3335 & 9569-80-2395, from I-1, Industrial Zoning District to CMU, Central Mixed Use Zoning District, based on the following: 1. The petition is found to be <u>Consistent</u> with the City of Hendersonville Gen H Comprehensive Plan based on the information from the staff analysis and because: The proposed zoning of CMU aligns with the Gen H 2045 Comprehensive Plan Future Land Use & Conservation Map and the Character Area Description for ‘Downtown’. 2. Furthermore, we find this petition to be reasonable and in the public interest based on the information from the staff analysis, public hearing and because: 1. CMU Zoning is more compatible than I-1 Zoning due to the differences in dimensional standards and permitted uses. 2. CMU Zoning better protects the existing character of the built environment and supports recent reinvestment in the economic vitality of the 7th Ave District 3. CMU Zoning will protect against incompatible Industrial uses. 4. Other neighboring properties zoned I-1 were provided an opportunity to rezone their properties to CMU to avoid any appearance of spot zoning and to create a	For Recommending Denial: I move City Council deny an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of properties possessing PINS: 9569-80-3335 & 9569-80-4238 & 9569-80-3335 9569-80-2395, from I-1, Industrial Zoning District to CMU, Central Mixed Use Zoning District, based on the following: 1. The petition is found to be <u>Consistent</u> with the City of Hendersonville Gen H Comprehensive Plan based on the information from the staff analysis and because: The proposed zoning of CMU aligns with the Gen H 2045 Comprehensive Plan Future Land Use & Conservation Map and the Character Area Description for ‘Downtown’. 2. Furthermore, we do not find this petition to be reasonable and in the public interest based on the information from the staff analysis, public hearing and because: 1. CMU Zoning would reduce the number of permitted uses 2. CMU Zoning would reduce the required dimensional standards (setbacks, min. lot size, etc.) 3. CMU Zoning would further shift the area from its industrial roots [DISCUSS & VOTE]
--	--

cohesive zoning district. However due to new requirements under S.B. 382, property owners must provide their consent for a rezoning of this nature. Though adjacent property owners were provided the information and opportunity to consent to the rezoning only those included in the motion have consented.

[DISCUSS & VOTE]

SUMMARY: *The City of Hendersonville is in receipt of a Zoning Map Amendment application from Daniel Huggins & Hailey Lamoreux (Applicants / Owners) for 824 Locust St Suite 400 (PIN: 9569-80-3332) totaling 0.22 Acres located at the corner of Locust St and Lynn St. The property is currently zoned I-1, Industrial. The petitioner is requesting that the property be rezoned to CMU (Central Mixed Use). Additional properties in the area have consented to the rezoning as well – Dennis Dunlap at 415 8th Ave E (PIN: 9569-80-4238), Kari Moer at 824 Locust St Suite 200 (PIN: 9569-80-2395), and Daniel Mock with AYD Partners at 0 Lynn St (PIN: 9569-80-3335).*

Planning Staff initially identified the need for a rezoning of the I-1 properties in this area over 4 years ago. Though a ‘small area rezoning’ did not take place at that time, with the submittal of this rezoning application, Planning Staff has opened up the opportunity for select properties to join in on the rezoning. Per new state laws, property owners must consent to rezonings of this nature. Property owners have expressed mixed feelings about the proposed changes to their zoning. Properties that participate in the rezoning would benefit in the following ways:

- 1) CMU Zoning would eliminate non-conformities under I-1 and make buildings and lots conforming under CMU;*
- 2) CMU Zoning would allow current land uses to continue unimpacted;*
- 3) CMU Zoning would permit additional desired future land uses that I-1 zoning does not;*
- 4) CMU Zoning would prevent incompatible uses allowed under I-1.*

PROJECT/PETITIONER NUMBER:	25-07-RZO
PETITIONER NAME:	○ Daniel Huggins & Hailey Lamoreux (Applicants / Owners) ○ Dennis Dunlap (Consenting Property Owner) ○ Daniel Mock (Consenting Property Owner) ○ Kari Moers (Consenting Property Owner)
ATTACHMENTS:	1. Staff Report 2. Planning Board Summary 3. Zoning District Comparison 4. Comprehensive Plan Consistency & Criteria Evaluation Worksheet 5. Draft Ordinance 6. Application 7. Consent Forms

STANDARD REZONING:
824 LOCUST ST + SMALL AREA REZONING - I-1 TO CMU
(25-58-RZ0)
CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT
STAFF REPORT

PROJECT SUMMARY 2

SITE IMAGES 3

SITE IMAGES 4

EXISTING ZONING & LAND USE 6

FUTURE LAND USE 9

REZONING STANDARDS (ARTICLE 11-4) 10

REZONING STANDARDS ANALYSIS & CONDITIONS 13

DRAFT COMPREHENSIVE PLAN CONSISTENCY AND REZONING REASONABLENESS
STATEMENT 14



PROJECT SUMMARY

- Project Name & Case #:
 - 824 Locust St + Small Area Rezoning (I-1 to CMU)
 - 25-58-RZO
- Applicant & Property Owner:
 - Daniel Huggins & Hailey Lamoreux (Applicants / Owners)
 - Dennis Dunlap (Consenting Property Owner)
 - Kari Moer (Consenting Property Owner)
 - Daniel Mock (Consenting Property Owner)
- Property Address or PINS:
 - 824 400 Locust St (applicant)
 - 415 8th Ave E (consented)
 - 0 Lynn St / 9569-80-3335 (consented)
 - 824 200 Locust St (consented)
 - 824 100 Locust St
 - 824 300 Locust St
 - 822 Locust St
 - 822 100 Locust St
 - 822 400 Locust St
 - 806 Locust St
 - 0 Lynn St (9569-80-4629)
- Project Acreage:
 - 1.08 Acres (Consenting)
 - 4.32 Acres (Total Area invited)
- Current Parcel Zoning:
 - I-1 Industrial
- Proposed Zoning District:
 - CMU, Central Mixed Use



SITE VICINITY MAP

The City of Hendersonville is in receipt of a Zoning Map Amendment application from Daniel Huggins & Hailey Lamoreux (Applicants / Owners) for 824 Locust St Suite 400 (PIN: 9569-80-3335 located at the corner of Locust St and Lynn St. The property is currently zoned I-1, Industrial. The petitioner is requesting that the property be rezoned to CMU, Central Mixed Use. Additional I-1 properties in the area have consented to the rezoning as well – Dennis Dunlap at 415 8th Ave E, Kari Moer at 824 Locust St Suite 200 and Daniel Mock 0 Lynn St (PIN: 9569-80-3335).

Planning Staff identified the need for a rezoning of the I-1 properties in this area over 4 years ago. Though a 'small area rezoning' did not take place at that time, with the submittal of this rezoning application, Planning Staff has opened up the opportunity for select properties to join in on the rezoning. Per new state laws, property owners must consent to rezonings of this nature. Properties that participate in the rezoning would benefit in the following ways:

- 1) CMU Zoning would make non-conforming buildings conforming;
- 2) CMU Zoning would permit current land uses to continue;
- 3) CMU Zoning would permit additional desired future land uses that I-1 zoning does not;
- 4) CMU Zoning would prevent incompatible uses.

SITE IMAGES



View of subject property in forefront along with remaining block of I-I properties fronting Locust St that have been identified for potential rezoning



View of Side / Rear of Subject Property

SITE IMAGES



View of 415 8th Ave (home of Guidon Brewing) which has consented to city-initiated rezoning



View of block of I-I properties with buildings fronting Locust St that have been identified for potential rezoning

SITE IMAGES



View of rear of vacant parcel on Lynn St potential rezoning candidate



View of cell tower in close vicinity. Property was considered but is NOT included in rezoning request due to non-conformity with CMU uses.

PROPOSED SMALL AREA REZONING BACKGROUND

The evolving nature of urban land uses, particularly within the 7th Ave District, requires that zoning be reevaluated on a recurring basis to determine if it aligns with the needs of today and provides for the visions of tomorrow. In consideration of the public and private investments made in recent years and the future economic opportunities this area presents, all indications are that the current zoning standards (Industrial) need to be updated to better foster a mix of land uses while preserving a walkable, urban neighborhood form. This opportunity has been on Planning Staff's radar for a number of years. However, the submittal for a rezoning application in this block of Locust St has served as a catalyst for initiating a needed "small area rezoning".

Impacts/Rationale: There are three primary reasons why this potential rezoning would have a positive impact to property owners and the city:

1) Bring Existing Structures into Conformity / Secure Character of Area. The setbacks for I-1 are substantial (Front – 30', Sides – 20', Rear – 20'). Any structures that do not currently meet those setbacks are considered "*legal non-conforming structures*", making them subject to certain limitations. All of the structures identified for this rezoning are non-conforming structures. Should any of these non-conforming buildings become substantially damaged for any reason, they would have to be repaired/rebuilt in conformity with the I-1 setbacks. Many of the structures currently have 0' front and side setbacks. If substantially damaged, the buildings would have to be pushed back 30' from the sidewalk and 20' on sides and rear – drastically altering the character of the area. Furthermore, any new additions to these buildings would also be subject to the I-1 setbacks.

Alternatively, the setbacks for CMU are much more relaxed and allow for buildings to utilize the full property with buildings allowed 12' from the curb /generally the edge of the sidewalk and 0' setbacks/common walls on the sides and rear. Rezoning the properties from I-1 to CMU would eliminate the non-conformities and make the existing structures "conforming". This would go a long way towards helping to preserve the special character of the area.

2) Better Alignment of Permitted Uses – While the Industrial zoning allows for 26 more "permitted uses" than CMU, the CMU zoning allows for, amongst other important uses, 'multi-family residential' whereas I-1 zoning does not. Adding multi-family residential to the list of uses that are permitted on these properties creates a significant economic opportunity that better aligns with the emerging trends and desires of the 7th Ave area. In other words, multi-family residential is more likely to be a desired future land use than those currently permitted under I-1. In addition to multi-family, the following uses are allowed in CMU but not in I-1:

I & 2-Family Residential	Cultural Art Buildings
Offices	Dance & Fitness Facilities
Theaters	Music & Art Studios
Coin-operated Laundries	

Additionally, CMU zoning also allows: microbreweries, distilleries, cideries and wineries, food trucks, retail stores, restaurants, dry cleaning, construction trades, small-scale manufacturing, telecommunications antennas, and other uses that are already present in the 7th Ave / Locust St area.

Meanwhile, Industrial zoning permits any of the following uses:

- Freight terminals

Storage Yards

Concrete Plants

Vehicle & Heavy Equipment Storage Areas

And more...
- Drive-thru restaurants

Treatment Plants

Vehicle Repair with Outdoor Storage

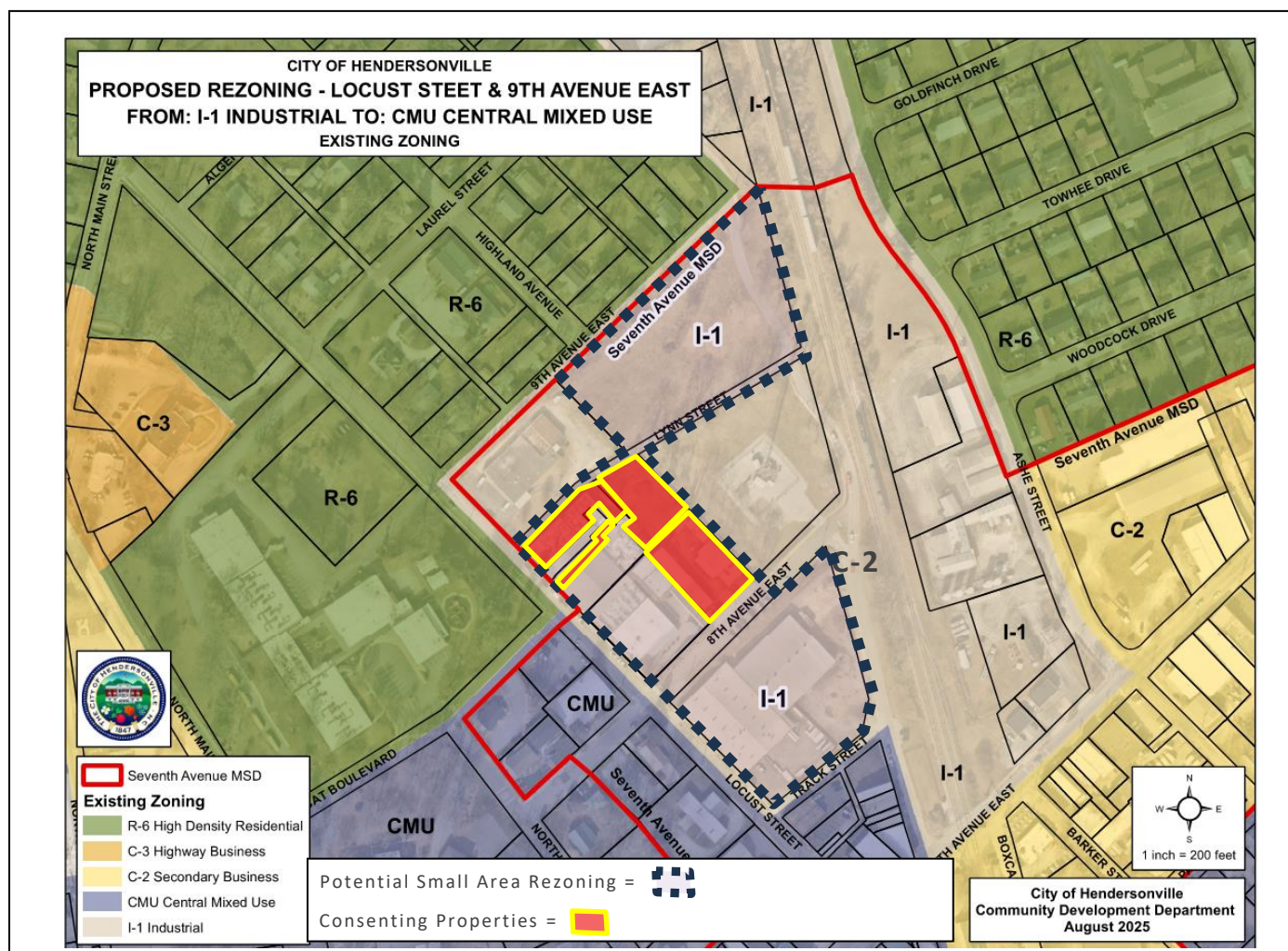
3) Better Alignment with Adopted Vision - CMU better aligns with the shared vision for this area as has been reflected in the recent investments made by both the public and private sectors. The City’s *Gen H Comprehensive Plan* (adopted August 2024) designated this area as “Downtown” in the Future Land Use map. These properties are also located within the boundary of the 7th Ave MSD.

These distinctions point towards needing a zoning district that better aligns with urban growth trends and plans rather than towards industrial growth trends – which in today’s market are more interstate oriented.

Next Steps: Under recent changes to state law, property owner consent is required for rezonings of this nature. Upon receipt of the initial application, City staff immediately collected contact information for each property owner that could potentially benefit from the “small area rezoning”. Staff communicated via numerous emails, letters, phone calls and meetings to help present the rezoning opportunity to property owners and to give them the opportunity to consent to the rezoning.

A very well-attended property owners’ meeting was held on August 26th at Southern Appalachian Brewery where questions were asked and discussions were held. Understandably, property owners were skeptical of any change. Staff has done our best to allay concerns and clearly communicate a balanced explanation of the implications of rezoning vs not rezoning. Staff anticipates that additional property owners will consent to rezoning prior to the City Council hearing. As such, staff has provided two motions for approval to Planning Board.

EXISTING ZONING & LAND USE



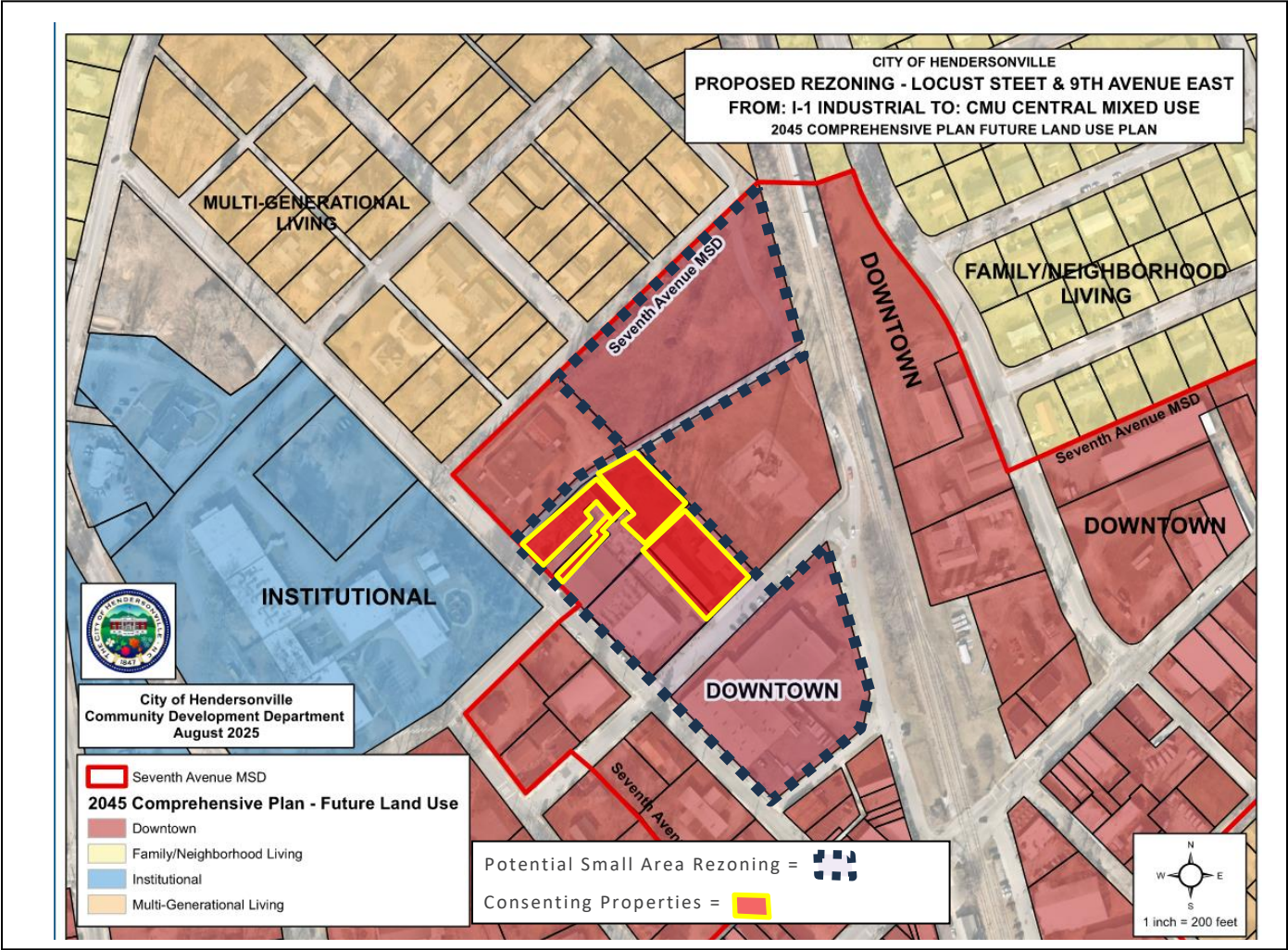
Existing Zoning & Current Land Use Map

The subject properties and proposed properties are all in the corporate limits of the City of Hendersonville and currently zoned I-1, Industrial. Central Mixed Use (CMU) Zoning is located across the street and continues south towards Main St. The properties are located in 7th Ave Municipal Service District (MSD). They are situated in a historic part of town located between the 7th Ave Depot Historic National Register District and the Cold Springs Park National Register Historic District.

The principal property contains a two/three story brick building original constructed in 1926 as a Coca-Cola plant. The property at 415 8th Ave which has also consented to the rezoning is home to a micro-brewery. Other uses in the block of properties that have yet to consent include: microbrewery, retail, and small-scale manufacturing.

The land uses in this area are typical of an area transitioning from a mid-century railroad-oriented industrial district to a revitalized urban mixed-use node. The evolving character of the area has developed over the last 15 years due to a variety of public and private investments. The future economic opportunities for this area better align with the uses and standards permitted under CMU.

FUTURE LAND USE



Future Land Use & Conservation Map

The City's Gen H 2045 Comprehensive Plan designates the subject property as "Downtown" in the Future Land Use & Conservation Map. The adjacent properties to the south and east are also designated Downtown. To the east, the properties containing Bruce Drysdale, County Veteran Services Building are designated as Institutional. MGL and FNL are in close proximity which makes this location ideal for a walkable, mixed use district. Downtown Character Area Description:

This is the heart of the community and center of civic activities. In addition to governmental uses, it includes a mix of retail, restaurant, service, office, and civic uses. A variety of residential housing types complement the nonresidential uses and ensure a vibrant center with a 24/7 population. The mix of uses can be horizontal or vertical, with changes between floors of the same building. Buildings of two or more stories are common, and streets feature short block lengths and pedestrian facilities. Open spaces include plazas and formal greens.

REZONING STANDARDS (ARTICLE 11-4)

GENERAL REZONING STANDARDS: COMPREHENSIVE PLAN CONSISTENCY	
1) COMPREHENSIVE PLAN CONSISTENCY	<u>LAND SUPPLY, SUITABILITY & INTENSITY</u> <u>Land Supply</u> - The applicant property was <u>not</u> identified as. Other properties in the potential rezoning area (primarily the vacant properties) were identified as <i>Underutilized</i> in the Land Supply Map. <u>Suitability</u> – These underutilized properties were identified as <i>Moderate to Highly Suitable</i> for all three - Residential, Industrial and Commercial uses. <u>Development Intensity</u> - The subject property is located in an area designated as <i>Highest</i>. <u>Focus Area</u> - The subject property is located in the <i>7th Ave Focus Area</i> and adjacent to the <i>Downtown Edge Focus Area</i>. The existing buildings are shown to be preserved. The vacant lot on Lynn St is shown as townhomes. It states that new uses in the area should be “...a mix of residential and commercial uses. New development should be sensitive to the character and form of the surrounding context.” <u>Focused Intensity Node</u> – Downtown is its own Focused Intensity Node. <u>Downtown Master Plan</u> – The properties are located in the Downtown Master Plan and designated in the <i>7th Ave Downtown Character Area</i>. Locust St is designated as a <i>Downtown</i> street type.
	<u>FUTURE LAND USE & CONSERVATION MAP</u> Character Area Designation: Downtown Character Area Description: Consistent with CMU Downtown Character Area Designation: 7th Ave Downtown Character Area Description: Consistent with CMU Zoning Crosswalk: Consistent with CMU
2) COMPATIBILITY	Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property
	[In addition to a general analysis of the existing conditions, staff has utilized the Gen H Comprehensive Plan as a guide for further evaluating issues related to “compatibility”. The analysis below includes an assessment of how the project aligns with the overall Goals and overarching Guiding Principles found in Chapter IV and Downtown Master Plan found in Chapter V of the Gen H Plan] <u>EXISTING CONDITIONS</u> The subject property and each property proposed for the small area rezoning is currently zoned I-I, Industrial. The subject property is part of a row of buildings fronting Locust St extending from Lynn St to 8th Ave. These buildings were constructed in 1926 and served as the Coca-Cola bottling plant. It was conveyed to staff that the buildings had a spur line connection to the railroad which ran under 8th Ave and was used to deliver and receive goods. The spur line is gone and the nearby railroad is currently only used for the storage of freight cars. This row of zero-lot line buildings is divided into separate units, each of which is owned individually or as part of a condominium association. Some units are vacant while the

others are active with the following uses: small-scale manufacturing, office, retail, and microbrewery. Other neighboring properties considered for the rezoning including two vacant lots on Lynn St, the Guidon Brewing property on 8th Ave and the multi-tenant ProSource plumbing and hardware building at 806 Locust St. Each of the known current land uses for these properties are permissible under CMU and I-I. However, each of the existing structures on these properties are considered “legal, non-conforming” structures because they are not compliant with the dimensional standards (setbacks, lot size, and min. lot width) for I-I zoning. This makes these properties subject to the Non-conforming Standards in Chapter 6 of the Zoning Code. Rezoning to CMU would reclassify the structures as conforming and these properties would no longer be subject to Non-conforming Standards. Furthermore, Rezoning to CMU would not create any Non-conforming Uses. The uses that are in place today would be permitted under CMU, including Small-Scale Manufacturing. Furthermore, many uses permitted under I-I would be incompatible with these existing land uses. Meanwhile the uses in CMU that are not permitted in I-I are compatible with the area. Examples of these CMU uses not allowed in I-I include: Multi-Family Residential, Music & Art Studios, Offices (business, professional and public), Theatres, Dance & Fitness Facilities, Cultural Art Buildings, etc. When considering both the differences between I-I and CMU’s dimensional standards and permitted uses, CMU is more compatible with the Locust St / 7th Ave area.

GEN H COMPREHENSIVE PLAN GOALS (Chapter IV)

- Vibrant Neighborhoods:** Consistent
- Abundant Housing Choices:** Consistent
- Healthy and Accessible Natural Environment:** Consistent
- Authentic Community Character:** Consistent
- Safe Streets and Trails:** Consistent
- Reliable & Accessible Utility Services:** Consistent
- Satisfying Work Opportunities:** Consistent
- Welcoming & Inclusive Community:** Consistent
- Accessible & Available Community Uses and Services:** Consistent
- Resilient Community:** Consistent

GEN H COMPREHENSIVE PLAN GUIDING PRINCIPLES (Chapter IV)

- Mix of Uses:** Consistent
- Compact Development:** Consistent
- Sense of Place:** Consistent
- Conserved & Integrated Open Spaces:** Consistent
- Desirable & Affordable Housing:** Consistent
- Connectivity:** Consistent
- Efficient & Accessible Infrastructure:** Consistent

DESIGN GUIDELINES ASSESSMENT – The existing buildings on Locust St from Lynn St to 8th Ave are excellent example of historic

	buildings that reflect the type of traditional design that is prescribed by the Downtown Design Guidelines. Because no new development is proposed, a full assessment of the building and site design was not performed.
3) Changed Conditions	Whether and the extent to which there are changed conditions, trends or facts that require an amendment -
	The 7 th Ave District, including Locust St, has been one of the most rapidly changing areas in Hendersonville over the last 5-10 years. Both public and private investments have stabilized and celebrated the historical integrity of the district while providing new life in the form of public infrastructure and vibrant economic opportunity. The former industrial roots of the buildings along Locust St are evolving to house a mix of uses that serve a variety of urban needs and appetites. Recent updates to the I-I Zoning District Standards requires that areas of the City that are no longer functioning as Industrial Districts update their zoning designation to accommodate appropriate and compatible uses and dimensional standards.
4) Public Interest	Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern that benefits the surrounding neighborhood, is in the public interest and promotes public health, safety and general welfare -
	Adoption of CMU zoning would have a range of positive impacts for the broader community. 1) CMU would make existing non-conforming buildings conforming. This would help to preserve the existing character of the area - allowing these buildings to be expanded in conformity with existing character and to be rebuilt in the case of a disaster, 2) CMU would prevent incompatible Industrial Land Uses such as: <i>adult entertainment, storage yards, body shops, video gambling, animal boarding, fast food, treatment plants</i> , etc. 3) CMU would allow for new uses that are compatible with the emerging character of the area such as the current uses on Locust St & 7 th Ave and additional uses that are complimentary to those uses (see compatibility above). 4) CMU zoning aligns with the community-led, publicly-informed and Council-adopted growth management vision for the City.
5) Public Facilities	Whether and the extent to which adequate public facilities and services such as water supply, wastewater treatment, fire and police protection and transportation are available to support the proposed amendment
	Rezoning to CMU allows new opportunities for reinvestment in the city core and greater utilization of existing infrastructure.
6) Effect on Natural Environment	Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment including but not limited to water, air, noise, storm water management, streams, vegetation, wetlands and wildlife -

There is no immediate development proposed on the subject properties and no predicted impact on the natural environment as a result of this rezoning.

REZONING STANDARDS ANALYSIS & CONDITIONS

Staff Analysis

- 1) Comprehensive Plan Consistency - Staff finds CMU zoning to be clearly Consistent across the board with the *Gen H Comprehensive Plan* and the *Downtown Character Area Description*
- 2) Compatibility –CMU Zoning is found to be more compatible with the surrounding land uses than the current I-I zoning due to differences in dimensional standards and permitted uses.
- 3) Changed Conditions – Changed conditions include the emerging mixed-use, downtown character of this area that has slowly transformed its industrial roots. Changes to Industrial zoning will induce areas of town to adopt modern zoning when they are no longer functioning as industrial districts.
- 4) Public Interest - Staff finds that the proposed rezoning would be in the public interest for the following reasons: 1) protection of character existing built environment, 2) protection from incompatible industrial uses, 3) opportunity for introduction of new complimentary land uses, and 4) supportive of adopted community vision.
- 5) Public Facilities - CMU zoning allows for more efficient use of existing infrastructure
- 6) Effect on Natural Environment - N/A

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

The proposed zoning of CMU aligns with the Gen H 2045 Comprehensive Plan Future Land Use & Conservation Map and the Character Area Description for 'Downtown'.

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

DRAFT [Rationale for Approval]

- *CMU Zoning is more compatible than I-I Zoning due to the differences in dimensional standards and permitted uses.*
- *CMU Zoning would better protect the existing character of the built environment and support recent investments in the emerging economic future of the 7th Ave / Locust St district*
- *CMU would protect against incompatible Industrial uses*
- *Other neighboring properties zoned I-I were provided an opportunity to rezone their properties to CMU to avoid any appearance of spot zoning and to create a cohesive zoning district. However due to new requirements under S.B. 382, property owners must provide their consent for a rezoning of this nature. Though adjacent property owners were provided the information and opportunity to consent to the rezoning only those included in the motion have consented.*

DRAFT [Rational for Denial]

- *CMU Zoning would reduce the number of permitted uses*
- *CMU Zoning would reduce the required dimensional standards (setbacks, min. lot size, etc.)*
- *CMU Zoning would further shift the area from its industrial roots*



PLANNING BOARD RECOMMENDATION

PROJECT#: 25-58-RZO

MEETING DATE: September 11, 2025

PETITION REQUEST: 824 400 Locust St + Area Rezoning

APPLICANT/PETITIONER: Daniel Huggins & Hailey Lamoreux (Applicants / Owners)

City of Hendersonville (Applicant)

Dennis Dunlap (Consenting Property Owner)

Daniel Mock (Consenting Property Owner)

Kari Moers (Consenting Property Owner)

PLANNING BOARD ACTION SUMMARY:

Staff gave an 18-minute presentation on the requested rezoning as well as the area rezoning initiated by staff covering information related to guidance from the Gen H Comprehensive Plan as well as reviewing the criteria for considering a rezoning. The Planning Board asked questions pertaining to engagement with property owners, the future of I-I zoning in the city, and feedback from property owners. In total Planning Board considered this item for 50 minutes.

OWNER PRESENTATION:

The property owner, Daniel Huggins of 824 Locust St Suite 400, was present. He discussed the need for the rezoning, the historic character of the property, and the overall vision for the Locust St / 7th Ave District.

PUBLIC COMMENT:

Kevin & Karlia Rhea of Locust St LLC at 824 Locust St. Suite 100, who had not consented as of the Planning Board meeting, provided information about their interest and reservations as it relates to their potential inclusion in the rezoning. They stated that they just were not ready to consent at that time. They wanted to retain opportunities for heavy industrial options at their location in case a future tenant desired to locate in their building. They also acknowledged that their current Small-Scale Manufacturing tenant was permitted under CMU. They stated that the area was changing and that it should change, but they were unsure if the changes could hurt them financially. They also asked about the impacts of non-conforming standards on their building.

Bonnie Likens of 744 N Grove St spoken in favor of the rezoning and the addition of residential uses. They spoke to the changes in the area and the protection of the existing historic character.

DELIBERATION:

The Planning Board began deliberations by asking staff to follow-up on questions posed during public comments. Additional clarification was provided by staff on the ownership status of the various properties under consideration and the application of non-conforming standards as it relates to the specific properties under I-I zoning vs CMU. The Planning Board asked to clarify which specific properties were up for their consideration at the evening’s meeting. Staff clarified that it was the 4 properties highlighted on the map. Questions were also asked about the differences in buffering requirements between I-I and CMU.

After the public hearing and staff’s follow up answers, the Planning Board deliberated for 4 minutes before making a motion.

MOTION:

Donna Waters moved that the Planning Board recommend approval providing the following:

COMPREHENSIVE PLAN CONSISTENCY STATEMENT:

The proposed zoning of CMU aligns with the Gen H 2045 Comprehensive Plan Future Land Use & Conservation Map and the Character Area Description for ‘Downtown’.

REASONABLENESS STATEMENT:

[Rationale for Approval]

1. CMU Zoning is more compatible than I-I Zoning due to the differences in dimensional standards and permitted uses.
2. CMU Zoning better protects the existing character of the built environment and supports recent reinvestment in the economic vitality of the 7th Ave District
3. CMU Zoning will protect against incompatible Industrial uses.
4. Other neighboring properties zoned I-I were provided an opportunity to rezone their properties to CMU to avoid any appearance of spot zoning and to create a cohesive zoning district. However due to new requirements under S.B. 382, property owners must provide their consent for a rezoning of this nature. Though adjacent property owners were provided the information and opportunity to consent to the rezoning only those included in the motion have consented. 0

BOARD ACTION

- **Motion/Second:** Waters / Russell
- **Yeas:** Waters, Russell, Johnson, McKinley, Peacock (Vice), Robertson (Chair)
- **Nays:** N/A
- **Absent:** Gilgis, Rippy

PERMITTED & SPECIAL USES	
I-1 Industrial (Current) <i>Green = Same in both districts</i> <i>Red = Different from proposed district</i> <i>Orange = Caveat on use</i>	CMU, Central Mixed Use (Proposed) <i>Green = Same in both districts</i> <i>Red = Different from proposed district</i> <i>Orange = Caveat on use</i>
Permitted Uses: Accessory dwelling units subject to SS Accessory uses and structures Agricultural supplies, bulk Animal hospitals and clinics as long as they contain no outdoor kennels Automobile car washes Automobile sales and service Automobile paint and body work Bus stations Business services Cemeteries, mausoleums, columbariums, memorial gardens, and crematoriums Civic centers Concrete plants Congregate care facilities, subject to supplementary standards Construction trades facilities Convenience stores with or without gasoline sales Day care facilities Dry cleaning and laundry Exhibition buildings Exterminators Fairgrounds Farm equipment sales and service Feed and grain storage Freight terminals (SIC Groups 40, 41, 42) Funeral homes Golf courses and related activities Government facilities Health clubs and athletic facilities Heavy equipment, sales, rentals, leases, and service Heavy equipment storage Hospitals Hotels Laboratories with or without outdoor storage or operations Merchandise gaming operations Mini-warehouses	Permitted Uses: Accessory dwelling units Accessory uses & structures Adult care centers registered with DHSS Adult care homes Animal hospitals so long as they are totally enclosed Automobile car washes Banks & other financial institutions Bed & breakfast facilities Bus stations Business services Child care homes Congregate care facilities, subject to supplementary standards Construction trades facilities Convenience stores with or without gasoline sales Cultural art buildings Dance & fitness facilities Dry cleaning & laundry establishments containing less than 2,000 sq ft of floor space Funeral homes Garage apartments Home occupations Hotels & motels Laundries, coin-operated Microbreweries, micro-distilleries, micro-cideries, and micro-wineries, SS Mobile food vendors, subject to supplementary standards Music & art studios Newspapers and printing companies Nursing homes, subject to supplementary standards Offices, business, professional and public Parking lots & parking garages Parks Personal services Planned residential developments (minor), subject to the requirements of article VII, below

Mobile food vendors, subject to supplementary standards
 Motels
 Motor freight terminals
 Nursing homes, subject to supplementary standards
 Parking lots and parking garages
 Parks
 Passenger transportation terminals
 Personal services
 Private clubs
 Progressive care facilities, subject to supplementary standards
 Public and semi-public structures
 Publishing and printing establishments
 Radio and television broadcasting studios
 Recreational facilities, commercial, indoor
 Recreational facilities, commercial, outdoor
 Recycling centers
 Religious institutions
 Repair services, miscellaneous
 Research and development with or without outdoor storage and operations
 Rest homes, subject to supplementary standards contained in section 16-4, below
 Restaurants
 Restaurants, drive-in
 Retail stores
 Service stations
 Signs, subject to the provisions of article XIII
 Storage yards
 Telecommunications antennas, subject to supplementary standards
 Telecommunications towers, subject to supplementary standards
 Travel trailer sales
 Treatment plants, water and sewer
 Vehicle repair shops with or without outdoor operations and storage
 Vehicle storage areas, not to include junk yards and wrecking yards
 Wholesaling establishments
 Bottling plants
 Breweries
 Cideries
 Cideries, hard

Private clubs
 Progressive care facilities, subject to supplementary standards
 Public & semi-public buildings
 Recreational facilities, indoors
 Religious institutions
 Repair services, miscellaneous
 Residential dwellings, single family
 Residential dwellings, multi-family
 Residential dwellings, two-family
 Rest homes, subject to supplementary standards
 Restaurants
 Retail stores
 Schools, post-secondary, business, technical and vocational
 Schools, elementary & secondary
 Signs, subject to the provisions of article XIII, below
 Small scale manufacturing, subject to the supplementary standards
 Telecommunications antennas, subject to supplementary standards
 Theaters, indoors

Special Uses
 Childcare centers
 Civic clubs & fraternal organizations
 Public utility facilities
 Vehicle repair & service, without outdoor operations

Distilleries Food processing establishments, limited to dairy and bakery products, canneries, and beverage products Greenhouses and commercial nurseries Microbreweries, micro-distilleries, micro-cideries, and micro-wineries, subject to supplem. standards Wineries Manufacturing (selected industries) Special Uses Adult establishments Animal boarding facilities Civic clubs & fraternal organizations Electronic gaming operations Public utility facilities	
DIMENSIONAL STANDARDS	
<u>I-1 Industrial (Current)</u> <i>Green = Same in both districts</i> <i>Red = Different from proposed district</i> <i>Orange = Caveat on standard</i>	<u>CMU Commercial Mixed Use (Proposed)</u> <i>Green = Same in both districts</i> <i>Red = Different from proposed district</i> <i>Orange = Caveat on standard</i>
Dimensional Requirements: Minimum Lot Area in Square Feet: 40,000 Minimum Lot Width at Building Line in Feet: 100' Minimum Yard Requirements in Feet: Front: 35' Side: 20' Rear: 20' Maximum Height in Feet: 35' (or no cap with increased side setbacks) Max Density: N/A	Dimensional Requirements: Minimum Lot Area in Square Feet: 0' Minimum Lot Width at Building Line: 0' Minimum Yard Requirements: Front: 12' from curb Side: 0' Rear: 0' Maximum Height in Feet: 36' or 64' (w/ 3 floors residential) Max Density: No Cap

Locust St Rezoning (25-58-RZO) I-1 to CMU		
Chapter 4 - The Vision for the Future	Consistent	Inconsistent
GOALS		
Vibrant Neighborhoods (Pg. 93)		
Promote lively neighborhoods that increase local safety.	Consistent	
Enable well-maintained homes, streets, and public spaces.	Consistent	
Promote diversity of ages (stage of life), income levels, and a range of interests.	Consistent	
The design allows people to connect to nearby destinations, amenities, and services.	Consistent	
Abundant Housing Choices (Pg. 93)		
Housing provided meets the need of current and future residents.	Consistent	
Range of housing types provided to help maintain affordability in Hendersonville.	Consistent	
Housing condition/quality exceeds minimum standards citywide	Consistent	
Healthy and Accessible Natural Environment (Pg. 94)		
Recreational (active and passive) open spaces are incorporated into the development.	Consistent	
Water quality is improved with the conservation of natural areas that serve as filters and soil stabilizers.	Somewhat Consistent	
Natural system capacity (floodplains for stormwater; habitats to support flora/fauna; tree canopy for air quality, stormwater management, and microclimate) is maintained.	Somewhat Consistent	
Development is compact (infill/redevelopment) to minimize the ecological footprint.	Consistent	
New development respects working landscapes (e.g., orchards, managed forests), minimizing encroachment.	Consistent	
Authentic Community Character (Pg. 94)		
Downtown remains the heart of the community and the focal point of civic activity	Consistent	
A development near a gateway sets the tone, presenting the image/brand of the community.	Consistent	
Historic preservation is utilized to maintain the city's identity.	Consistent	
City Centers and neighborhoods are preserved through quality development.	Consistent	
Safe Streets and Trails (Pg. 95)		
Interconnectivity is promoted between existing neighborhoods through the building out of street networks, including retrofits and interconnectivity of new developments.	Consistent	
Access is increased for all residents through the provision of facilities that promote safe walking, biking, transit, automobile, ride share, and bike share.	Consistent	
Design embraces the principles of walkable development.	Consistent	
Reliable & Accessible Utility Services		

Wastewater treatment (service and capacity) adequately serves existing and future development	Consistent	
A compact service area (infill, redevelopment) maximizes the utilization of existing infrastructure and feasible service delivery.	Consistent	
Satisfying Work Opportunities (pg. 96)		
The development promotes quality job options.	Consistent	
The lives of residents are enriched with opportunities to learn, build skills, and grow professionally.	Consistent	
Welcoming & Inclusive Community		
Accessibility exceeds minimum standards of ADA, fostering residents' and visitors' sense of belonging.	N/A	
An inviting public realm (i.e., parks, public buildings) reflects the attitudes of city residents and leaders, and helps residents develop a sense of place and attachment to Hendersonville.	Consistent	
Accessible & Available Community Uses and Services (Pg. 97)		
Private development is plentiful, meeting the demands of current and future populations.	Consistent	N/A
Resilient Community		
N/A		
GUIDING PRINCIPALS (pg. 98)		
Mix of Uses (Pg. 98)		
Revitalization of Outdated Commercial Areas	Consistent	
New business and office space promotes creative hubs.	Consistent	
Compact Development (Pg. 100)		
Development is consistent with efforts in the area to establish 15-minute neighborhoods.	Consistent	
The infill project is context sensitive [Small Infill Site].	Consistent	
Sense of Place (Pg. 102)		
The development contributes to Hendersonville's character and the creation of a sense of place through its architecture and landscape elements. [Placekeeping and Placemaking and 3rd Places]	Consistent	
Conserved & Integrated Open Spaces (Pg. 106)		
A diverse range of open space elements are incorporated into the development.	Consistent	
Desirable & Affordable Housing (Pg. 108)		
Missing middle housing concepts are used in the development.	Consistent	
Connectivity (Pg. 112)		
The development encourages multimodal design solutions to enhance mobility.	Consistent	
Efficient & Accessible Infrastructure (Pg. 114)		
The development utilizes existing infrastructure	Consistent	

Ordinance # ____ - ____

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR CERTAIN PARCELS (POSSESSING PIN NUMBERS: 9569-80-3332 & 9569-80-4238 & 9569-80-3335 & 9569-80-2395) BY CHANGING THE ZONING DESIGNATION FROM I-1 INDUSTRIAL ZONING DISTRICT TO CMU, CENTRAL MIXED USE ZONING DISTRICT

IN RE: Parcel Numbers: 9569-80-3332 & 9569-80-4238 & 9569-80-3335 & 9569-80-2395
824 400 Locust St + Small Area Rezoning | File # 25-58-RZO

WHEREAS, the Planning Board took up this application at its regular meeting on September 11, 2025; voting 7-0 to recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville, and

WHEREAS, City Council took up this application at its regular meeting on October 2, 2025, and

WHEREAS, City Council has found that this zoning map 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 2, 2025,

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: 9569-80-3332 & 9569-80-4238 & 9569-80-3335 & 9569-80-2395 by changing the zoning designation from I-1 Industrial Zoning District to CMU, Central Mixed Use Zoning District
2. Any development of this parcel shall occur in accordance with the Zoning Ordinance of the City of Hendersonville, North Carolina.
3. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this 2nd day of October 2025.

Attest: Barbara G. Volk, Mayor, City of Hendersonville

Jill Murray, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney

**For use by Principal Authority / Para uso de la Autoridad Principal**

Cloudpermit application number / Número de solicitud de Cloudpermit
US-NC30720-P-2025-155

PIN / Número de rollo
6330

Application submitted to / Solicitud presentada a
Hendersonville, NC, North Carolina / Hendersonville, NC, Carolina del Norte

Description of Subject Property

Address / Dirección
824 LOCUST ST

Municipality / Municipio
Hendersonville, NC, North Carolina /
Hendersonville, NC, Carolina del Norte

PIN / Número de rollo
6330

Purpose of Application

Application type / Tipo de solicitud
Standard Rezoning

Applicant

Last name / Apellido
Lamoreux

First name / Nombre de pila
Hailey

Corporation or partnership /
Corporación o sociedad

Street address / Dirección de la calle
824 Locust st

Unit number / Número de unidad
400

Lot / Con.

Municipality / Municipio
Hendersonville

State / Provincia
North Carolina

ZIP code / Código postal
28792

Other phone / Otro teléfono

Mobile phone / Teléfono móvil

Fax

Email / Correo electrónico

Property owner		
Last name / Apellido LAMOREUX, HAILEY;HUGGINS, DANIEL	First name / Nombre de pila	Corporation or partners Corporación o sociedad
Street address / Dirección de la calle 829 FOREST ST HENDERSONVILLE NC 28739 5517	Unit number / Número de unidad	Lot / Con.
Municipality / Municipio	State / Provincia	ZIP code / Código postal
Other phone / Otro teléfono	Mobile phone / Teléfono móvil	
Fax	Email / Correo electrónico	

Section 7, Item A.

Applicant-Company Information		
Applicant Name: Hailey Lamoreux	Company Name:	Authorized Representative Title (if applicable)

Property Owner-Company Information		
Property Owner Name: Hailey Lamoreux	Company Name (if applicable, check corresponding box below)	Authorized Representative Title (if applicable)

Applicant

I, Hailey Lamoreux (The Applicant), do hereby declare that the information contained in this application, the attached schedules and forms, the attached plans and specifications, and other attached documentation is true to the best of my knowledge. If a permit is granted, I agree to comply with Local Ordinances and the conditions of the permit. If the Applicant is a corporation or partnership, I have the authority to bind the corporation or partnership by signing off, I understand that it constitutes a legal signature confirming that I acknowledge and agree to the above declaration.

Signature of the applicant acknowledges that if the property is rezoned, the property involved in this request is bound to the use(s) authorized, the approved site plan and any conditions imposed, unless subsequently changed or amended as provided for in the Zoning Ordinance.

 Digitally signed on 08/01/2025, 3:22:49 PM EDT by Hailey Lamoreux. / Firmado digitalmente el 1/8/25 15:22:49 EDT por Hailey Lamoreux.

Property owner

I, LAMOREUX, HAILEY;HUGGINS, DANIEL (The Property owner), do hereby declare that the information contained in this application, the attached schedules and forms, the attached plans and specifications, and other attached documentation is true to the best of my knowledge. If a permit is granted, I agree to comply with Local Ordinances and the conditions of the permit. If the Property owner is a corporation or partnership, I have the authority to bind the corporation or partnership by signing off, I understand that it constitutes a legal signature confirming that I acknowledge and agree to the above declaration.

Property owner hereby grants permission to the City of Hendersonville personnel to enter the subject property for any purpose required in processing this application. If signed by an agent on behalf of the Owner, this petition MUST be accompanied by a Limited Power of Attorney signed by the property owner (s) and notarized, specifically authorizing the agent to act on the owner (s) behalf in signing this application. Failure of each owner, or their duly authorized agent, to sign, or failure to include the authority of the agent signed by the property owner, will result in an INVALID APPLICATION.

Signature of the property owner acknowledges that if the property is rezoned, the property involved in this request is bound to the use(s) authorized, the approved site plan and any conditions imposed, unless subsequently changed or amended as provided for in the Zoning Ordinance.

 Digitally signed on 08/01/2025, 3:33:58 PM EDT by Hailey Lamoreux with an authorization letter from LAMOREUX, HAILEY;HUGGINS, DANIEL. / Firmado digitalmente el 1/8/25 15:33:58 EDT por Hailey Lamoreux con una carta de autorización de LAMOREUX, HAILEY;HUGGINS, DANIEL.

Property Information	
Current Zoning I-1	Proposed Zoning CMU

Section 7, Item A.

Adjacent Parcel Numbers and Uses	
PIN: 9569802387	Use: Retail/Storage
PIN: 9569802395	Use: Retail
PIN: 9569803332	Use: Retail
PIN: 9569804214	Use: Brewery
PIN: 9569804214	Use: Retail

Section 11-1 Standards
The advisability of amending the text of this Zoning Ordinance or the Official Zoning Map is a matter committed to the legislative discretion of the City Council and is not controlled by any one factor. In determining whether to adopt or disapprove the proposed amendment to the text of this Ordinance or the Official Zoning Map, the City Council shall consider the following factors among others:
a) Comprehensive Plan Consistency – Consistency with the Comprehensive Plan and amendments thereto. The property has a character area designation of downtown, and the GenH Comprehensive Plan. The design standards and permitted uses, in the CMU designation align well with the downtown character area designation.
b) Compatibility with surrounding uses – Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property. (Also, see NCGS 160-601 (d) Down-Zoning) The property is compatible with the surrounding residential and commercial properties in design and usage. Change would better reflect the current trends in the area.
c) Changed Conditions. Whether and the extent to which there are changed conditions, trends or facts that require an amendment. (Also, see NCGS 160D-601 (d) Down-Zoning) Change zoning from I1 to CMU
d) Public Interest. Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern that benefits the surrounding neighborhood, is in the public interest and promotes public health, safety and general welfare. (Also, see NCGS 160D-601 (d) Down-Zoning) The proposed change would better reflect the recent changes to the neighborhood. As well as promote walkability and commerce.
e) Public Facilities. Whether and the extent to which adequate public facilities and services such as water supply, wastewater treatment, fire and police protection and transportation are available to support the proposed amendment. (Also, see NCGS 160D-601 (d) Down-Zoning) All public facilities are currently in place and no need to change.
f) Effect on Natural Environment. Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment including but not limited to water, air, noise, storm water management, streams, vegetation, wetlands and wildlife No changes.

Applicant (Developer) Company Information		
Authorized Representative Name: Hailey Lamoreux	Company Name (if applicable, check corresponding box below)	Section 7, Item A.
Company Type: ☐ Corporation: ☐ Partnership:	☐ Limited Liability Company: ☐ Other: ☐ Trust:	If other:
Authorized Representative Title (if applicable - i.e. Member/Manager, President, etc.)		

Property Owner Company Information (if different from Applicant)		
Authorized Representative Name: Hailey Lamoreux	Company Name (if applicable, check corresponding box below)	
Company Type: ☐ Corporation: ☐ Partnership:	☐ Limited Liability Company: ☐ Other: ☐ Trust:	If other:
Authorized Representative Title (if applicable - i.e. Member/Manager, President, etc.)		

City-Initiated Rezoning Consent Form:

Section 7, Item A.

I, Dennis M Dunlop, formally acknowledge and consent to the rezoning of property located at
 (owner name)
415 8th Ave East (PIN: ~~990~~ 990 4307). The City of Hendersonville may
 (street address)

proceed with the rezoning of this property from I-1, Industrial Zoning District to CMU, Central Mixed Use Zoning

District. I understand that the rezoning of the property is entirely voluntary and that I am not required to agree to the

rezoning. I further understand the impact of the rezoning will be to change the permissible land uses of the property

as well as the dimensional standards and site development standards that are applied to new construction, shifting

from those outlined in Section 5-12 of the City of Hendersonville Zoning Ordinance to those outlined in Section 5-19

Address of property to be rezoned:

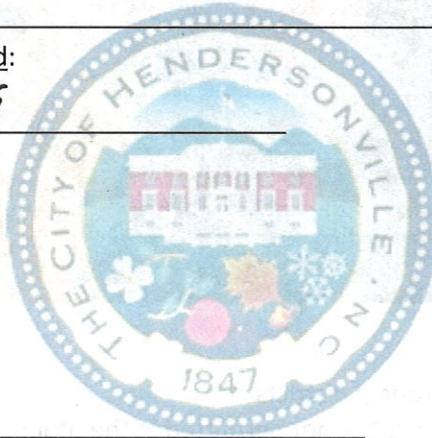
Street: 415 8th Ave E

City: Hendersonville

State: NC

Or:

PIN: 9904307



Property Owner Printed Name:

Dennis M Dunlop

Ownership Type (check appropriate box):

Individual ☒ Corporation ☐ LLC ☐ Trust ☐ Partnership ☐ Other ☐

If not owned by "Individual", provide the printed name and title of person with legal authority to sign on behalf of owner below:

N/A Title: _____

Mailing Address of Property Owner: 720 B Grove St Hendersonville NC 28792

Owner Signature: Dennis Dunlop Date: 8-18-25

Owner Signature: _____ Date: _____

Owner Signature: _____ Date: _____

Owner Signature: _____ Date: _____

City-Initiated Rezoning Consent Form:

I, AYD Partners LLC, formally acknowledge and consent to the rezoning of property located at
(owner name)
0 Lynn St. (PIN: 956-980 3335). The City of Hendersonville may
(street address)
proceed with the rezoning of this property from I-1, Industrial Zoning District to CMU, Central Mixed Use Zoning
District. I understand that the rezoning of the property is entirely voluntary and that I am not required to agree to the
rezoning. I further understand the impact of the rezoning will be to change the permissible land uses of the property
as well as the dimensional standards and site development standards that are applied to new construction, shifting
from those outlined in Section 5-12 of the City of Hendersonville Zoning Ordinance to those outlined in Section 5-19

Address of property to be rezoned:

Street: 0 Lynn St.
City: Hendersonville
State: NC

Or:

PIN: 9569803335

Property Owner Printed Name:

AYD Partners LLC

Ownership Type (check appropriate box):

Individual__ Corporation__ LLC ☒ Trust__ Partnership__ Other__

If not owned by "Individual", provide the printed name and title of person with legal authority to sign
on behalf of owner below:

Dan Mock Title: Member

Mailing Address of Property Owner: 638 Spartanburg Hwy Ste 70-338, Hendersonville,
NC 28792

Owner Signature: _____ Date: 9/11/25

Owner Signature: _____ Date: _____

Owner Signature: _____ Date: _____

Owner Signature: _____ Date: _____

City-Initiated Rezoning Consent Form:

I, Moers Property Services, formally acknowledge and consent to the rezoning of property located at

 (owner name)
824 Locust Street Suite 200 (PIN: 1569-80-2395). The City of Hendersonville may

 (street address)
 proceed with the rezoning of this property from I-1, Industrial Zoning District to CMU, Central Mixed Use Zoning
District. I understand that the rezoning of the property is entirely voluntary and that I am not required to agree to the
 rezoning. I further understand the impact of the rezoning will be to change the permissible land uses of the property
 as well as the dimensional standards and site development standards that are applied to new construction, shifting
 from those outlined in Section 5-12 of the City of Hendersonville Zoning Ordinance to those outlined in Section 5-19

Address of property to be rezoned:

Street: 824 Locust Street Suite 200

City: Hendersonville

State: NC

Or:

PIN: 9569-80-2395

Property Owner Printed Name:

Moers Property Services

Ownership Type (check appropriate box):

Individual ☐ Corporation ☐ LLC ☒ Trust ☐ Partnership ☐ Other _____

If not owned by "Individual", provide the printed name and title of person with legal authority to sign on behalf of owner below:

Kara Kristen Moers Title: Owner

Mailing Address of Property Owner: _____

Owner Signature: Kara Kristen Moers Date: 9-11-25
 Kara Kristen Moers (Sep 11, 2025 11:07:32 EDT)

Owner Signature: Kara Kristen Moers Date: 9-11-25
 Kara Kristen Moers (Sep 11, 2025 11:07:32 EDT)

Owner Signature: Kara Kristen Moers Date: 9-11-25
 Kara Kristen Moers (Sep 11, 2025 11:07:32 EDT)

Owner Signature: Kara Kristen Moers Date: 9-11-25
 Kara Kristen Moers (Sep 11, 2025 11:07:32 EDT)

Rezoning Consent Form

Final Audit Report

2025-09-11

Created:	2025-09-11
By:	Matthew Manley (mmanley@hvlnc.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAAdXJLIuwgY6zCL0oRuenCTTYuOLSGT_2s

"Rezoning Consent Form" History

-  Document created by Matthew Manley (mmanley@hvlnc.gov)
2025-09-11 - 2:43:12 PM GMT
-  Document emailed to kkmoers@gmail.com for signature
2025-09-11 - 2:43:51 PM GMT
-  Email viewed by kkmoers@gmail.com
2025-09-11 - 3:02:42 PM GMT
-  Signer kkmoers@gmail.com entered name at signing as Kara Kristen Moers
2025-09-11 - 3:07:30 PM GMT
-  Document e-signed by Kara Kristen Moers (kkmoers@gmail.com)
Signature Date: 2025-09-11 - 3:07:32 PM GMT - Time Source: server
-  Agreement completed.
2025-09-11 - 3:07:32 PM GMT



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

PLANNING DIVISION

SUBMITTER:	Matthew Manley	MEETING DATE:	October 2, 2025
AGENDA SECTION:	Public Hearing	DEPARTMENT:	Community Development
TITLE OF ITEM:	Zoning Text Amendment: CMU Lot Size + On-Street Parking (25-55-ZTA) – Matthew Manley, AICP – Long-Range Planning Manager		

SUGGESTED MOTION(S):

<u>For Approval:</u> I move City Council <u>adopt</u> an ordinance amending the official City of Hendersonville Zoning Ordinance Article V. – Zoning District Classifications, Article VI. General Provisions, & Article VII. Development Review to eliminate minimum lot size requirements and to allow qualifying on-street parking to count towards minimum parking requirements in the CMU Zoning District based on the following: 1. The petition is found to be <u>consistent</u> with the Gen H Comprehensive Plan based on the information from the staff analysis and the public hearing, and because: The proposed amendments align with the Gen H Comprehensive Plan Future Land Use & Conservation Map and the Character Area Descriptions. 2. 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: 1. The proposed amendment creates an opportunity to accommodate infill development 2. The proposed amendment allows for greater utilization of existing infrastructure 3. The proposed amendment increases opportunities for additional housing in city core [DISCUSS & VOTE]	<u>For Denial:</u> I move City Council <u>deny</u> an ordinance amending the official City of Hendersonville Zoning Ordinance, Article V. – Zoning District Classifications, Article VI. General Provisions, & Article VII. Development Review to eliminate minimum lot size requirements and to allow qualifying on-street parking to count towards minimum parking requirements in the CMU Zoning District based on the following: 1. The petition is found to be <u>consistent</u> with the Gen H Comprehensive Plan based on the information from the staff analysis and the public hearing, and because: The proposed amendments align with the Gen H Comprehensive Plan Future Land Use & Conservation Map and the Character Area Descriptions. 2. We <u>do not find</u> this petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because: 1. The proposed amendment would place too great a burden on existing public parking 2. The proposed amendment would accommodate incompatible housing types [DISCUSS & VOTE]
--	--

SUMMARY: *The City of Hendersonville has received an application from Sarah Schafer with Watermark Landscape Architecture to amend the City’s Zoning Ordinances for the Central Mixed Use Zoning District (CMU) to reduce minimum lot size requirements and allow for on-street parking to count towards minimum parking requirements.*

The proposed changes would allow for housing types such as townhomes (single-family attached) which involve subdivisions of land into small individual lots equivalent to the footprints of the individual attached units. The existing 8,000 Sq Ft min. lot size makes townhome projects infeasible.

Additionally, the proposed changes would better utilize land in the urban core by not requiring as much land be dedicated to surface parking. The proposed changes acknowledge that on-street parking is prevalent in the urban core. There exist an interconnected street network making up many small blocks. This configuration accommodates on-street parking where spaces are occupied and freed up in frequent intervals with peak times during normal business hours. Residential units would utilize on-street primarily during non-peak hours.

The proposed changes are consistent with the Gen H Plan.

The Planning Board unanimously recommended approval of the text amendment and directed staff to pursue requirements for Bicycle Parking in the CMU zoning district.

PROJECT/PETITIONER NUMBER:	25-55-ZTA
PETITIONER NAME:	Sarah Schafer, Watermark Landscape Architects
ATTACHMENTS:	1. Staff Report 2. Planning Board Summary 3. Draft Ordinance Changes 4. Application + Addendum

ZONING TEXT AMENDMENT:
CMU LOT SIZE + ON-STREET PARKING (25-55-ZTA)
CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT
STAFF REPORT

PROJECT SUMMARY 2

AMENDMENT OVERVIEW - AMMENDMENT ANALYSIS 3

COMMITTEE RECOMMENDATION..... 4

PROPOSED TEXT REVISIONS 4

ZONING MAP – CMU ZONING DISTRICT 7

GEN H COMPREHENSIVE PLAN – DOWNTOWN MASTER PLAN MAP 8

AMENDMENT STANDARDS (ARTICLE 11-4) 10

REZONING STANDARDS ANALYSIS & CONDITIONS 12

DRAFT COMPREHENSIVE PLAN CONSISTENCY AND REZONING REASONABLENESS
STATEMENT 13



PROJECT SUMMARY



- Project Name & Case #:
 - CMU Lot Size + On-Street Parking
 - 25-55-ZTA
- Applicant:
 - Sarah Schafer, Watermark Landscape Architecture, PLLC
- Articles Amended:
 - Zoning Ordinance
 - Article V
 - Section 5-19
- Zoning Districts Impacted:
 - Central Mixed Use (CMU)
- Future Land Use Designations:
 - Downtown

Summary

The City of Hendersonville has received an application from Sarah Schafer with Watermark Landscape Architecture to amend the City's Zoning Ordinances for the Central Mixed Use Zoning District (CMU) to reduce minimum lot size requirements and allow for on-street parking to count towards minimum parking requirements.

The proposed changes would allow for housing types such as townhomes (single-family attached) which involve subdivisions of land into small individual lots equivalent to the footprints of the individual attached units. The existing 8,000 Sq Ft min. lot size makes townhome projects infeasible.

Additionally, the proposed changes would better utilize land in the urban core by not requiring as much land be dedicated to surface parking. The proposed changes acknowledge that on-street parking is prevalent in the urban core. There exist an interconnected street network making up many small blocks. This configuration accommodates on-street parking where spaces are occupied and freed up in frequent intervals with peak times during normal business hours. Residential units would utilize on-street primarily during non-peak hours.

The proposed changes are consistent with the Gen H Plan.

AMENDMENT OVERVIEW - AMMENDMENT ANALYSIS

The proposed changes are targeting two distinct requirements in the Central Mixed Use (CMU) Zoning District standards. The two proposals share a common trend of acknowledging and utilizing the highly urbanized character of CMU.

Character of the Central Mixed Use Zoning District - CMU represents the zoning for some of the most historic parts of the City of Hendersonville. New development and redevelopment within this district will have lasting impacts on the city's character. This zoning district could be characterized as a 'downtown support' district as it which surrounds the Central Business District (C-1). C-1 flanks either side of Main St. Meanwhile, CMU zoning governs the land use and designs along portions of a number of prominent streets including Church St, Washington St, King St, Grove St, 6th Ave, & 7th Ave (including the 7th Ave Depot Historic District).

Reduction of Minimum Lot Size – The proposal to eliminate the minimum lot size requirements in CMU would allow for housing types such as townhomes (single-family attached). Currently, the 8,000 Sq Ft min. lot size makes townhome projects infeasible. Townhome developments involve subdivisions of land into small individual lots which are equivalent to the size of the footprints of the individual attached units. The footprint/lot sizes can vary, but for a sense of scale, a 2,000 Sq Ft footprint would be a larger size for a townhome (if it's a two-story townhome, that would be a 4,000 Sq Ft home).

Reduced or eliminated minimum lot sizes are not foreign in Hendersonville. CMU is the only Mixed Use Zoning District that requires a minimum lot size at all. Central Business (C-1), Greenville Highway Mixed Use (GHMU), Highway Mixed Use (HMU), Commercial Highway Mixed Use (CHMU), Urban Residential (UR-CZD), & Urban Village (UV-CZD) have no minimum lot size requirements. Additionally, Medical, Institutional & Cultural (MIC), Secondary Business (C-2) and High Density Residential (R-6) zoning districts have smaller minimum lot size requirements.

Allowance of On-Street Parking - The proposed changes would allow better utilize land in the urban core by not requiring as much land be devoted to surface parking. It is a long-standing principle of urban planning to recognize that over-accommodation of automobiles, through the use of surface parking lots, in walkable downtown environments will result in detracting from the character that makes these desirable locations and vibrant economic engines.

The proposed text amendment acknowledges that on-street parking is already prevalent in the urban core due to the existing interconnected street network which makes up many small blocks. This configuration accommodates on-street parking and presents an opportunity to accommodate dense, infill development. On-street parking spaces in and around downtown are occupied and freed-up in frequent intervals with peak parking usage occurring during normal business hours. Conversely, residential units primarily utilize on-street parking during non-peak hours.

Similar to minimum lot size requirements, allowances for on-street parking are also not new to Hendersonville's zoning regulations. The Urban Residential and Urban Village Districts requires the use of on-street parking and encourage a maximum number of off-street parking spaces rather than a minimum.

Adjustments to the Article VI. provisions for parking have also been adjusted for clarity.

COMMITTEE RECOMMENDATION

The proposed amendment was not reviewed by the Legislative / Long-Range Planning Committee.

PROPOSED TEXT REVISIONS

The following revisions to the zoning code are presented for your consideration. The following language in ~~red~~ will be removed and language in green will be added to the current zoning district language shown in black as illustrated below:

ZONING ORDINANCE

ARTICLE V. ZONING DISTRICT CLASSIFICATIONS

Sec. 5-19. CMU Central Mixed Use Zoning District Classification.

The CMU Central Mixed Use Zoning District Classification is intended to strengthen the Central Business District and the perimeter surrounding that district by encouraging and permitting the coordinated development of dwellings, retail, professional and financial trades, institutional, governmental and other public facilities. This classification is designed to facilitate the coordination of future developments, stressing sensitivity to urban design, pedestrian environment, urban open spaces and streetscapes. It will permit higher density residential developments, provided adequate facilities are, or will be, in place to serve such developments.

5-19-3 Development standards.

5-19-3.1 Parking and loading. For non-residential developments, the requirements of section 6-5, below, shall apply. Residential developments shall be provided with a minimum of one on- or off-street parking space per dwelling unit. ~~As far as practicable, in consideration of site constraints and reasonable development requirements, parking for non-residential and multi-family residential developments shall be situated to the side or rear of principal structures.~~

a) On-street parking.

- i. On-street parking may not exceed 1/3rd of a development's total parking requirement.
- ii. Only eligible on-street parking spaces may be utilized to meet parking requirements. To be eligible, an on-street parking space shall be:
 - a. An existing delineated parking space within the right-of-way directly abutting the frontage of the development or
 - b. A newly-delineated on-street parking space within the right-of-way directly abutting the frontage of the development subject to the following:
 - i. Newly-delineated on-street parking spaces shall meet MUTCD Standards.

- 2. Proposed newly-delineated on-street parking shall be illustrated in a site plan in accordance with Article VII and reviewed and approved by NCDOT (for state-maintained roads) or the City of Hendersonville Public Works Director (for local streets).
- 3. Installation of newly-delineated on-street parking spaces shall be the responsibility of the developer.

b) Off-street parking.

- iii. As far as practicable, in consideration of site constraints and reasonable development requirements, off-street parking for non-residential and residential developments shall be situated to the side or rear of principal structures.
- iv. All off-street parking areas shall be separated from the back of the curb by a planting strip at least five feet in width and screened from view from public streets by principal structures or by shrubs and/or evergreen trees planted at the most appropriate spacing for the species used. The reviewing authority may authorize the use of walls and or fences not exceeding ~~four~~ five feet in height in lieu of a vegetative screen where site constraints or design considerations justify such substitution.

5-19-3.2 Dimensional requirements.

Minimum lot area in square feet:	8,000 <u>0</u>
Minimum lot width:	None
Minimum yard requirements in feet:	12 feet measured from the back of the curb of any street. Rear and side yards are not required if yards do not border a street. However, if yards are provided, they must be a minimum of five feet measured from the property line.
Maximum building height in feet:	36 feet; provided, however, structures containing at least three floors limited to residential uses may be constructed to a height not exceeding 64 feet.

ARTICLE VI. - GENERAL PROVISIONS

Sec. 6-5. - Off-street parking.

6-5-5 - Minimum design requirements.

6-5-5.1 Motor vehicle parking spaces shall measure nine feet by eighteen ~~+8~~ feet (9'x18').

6-5-5.2 All parallel motor vehicle parking spaces shall measure ~~nine~~ eight feet six inches by twenty-two ~~22~~ feet (8.5'x22').

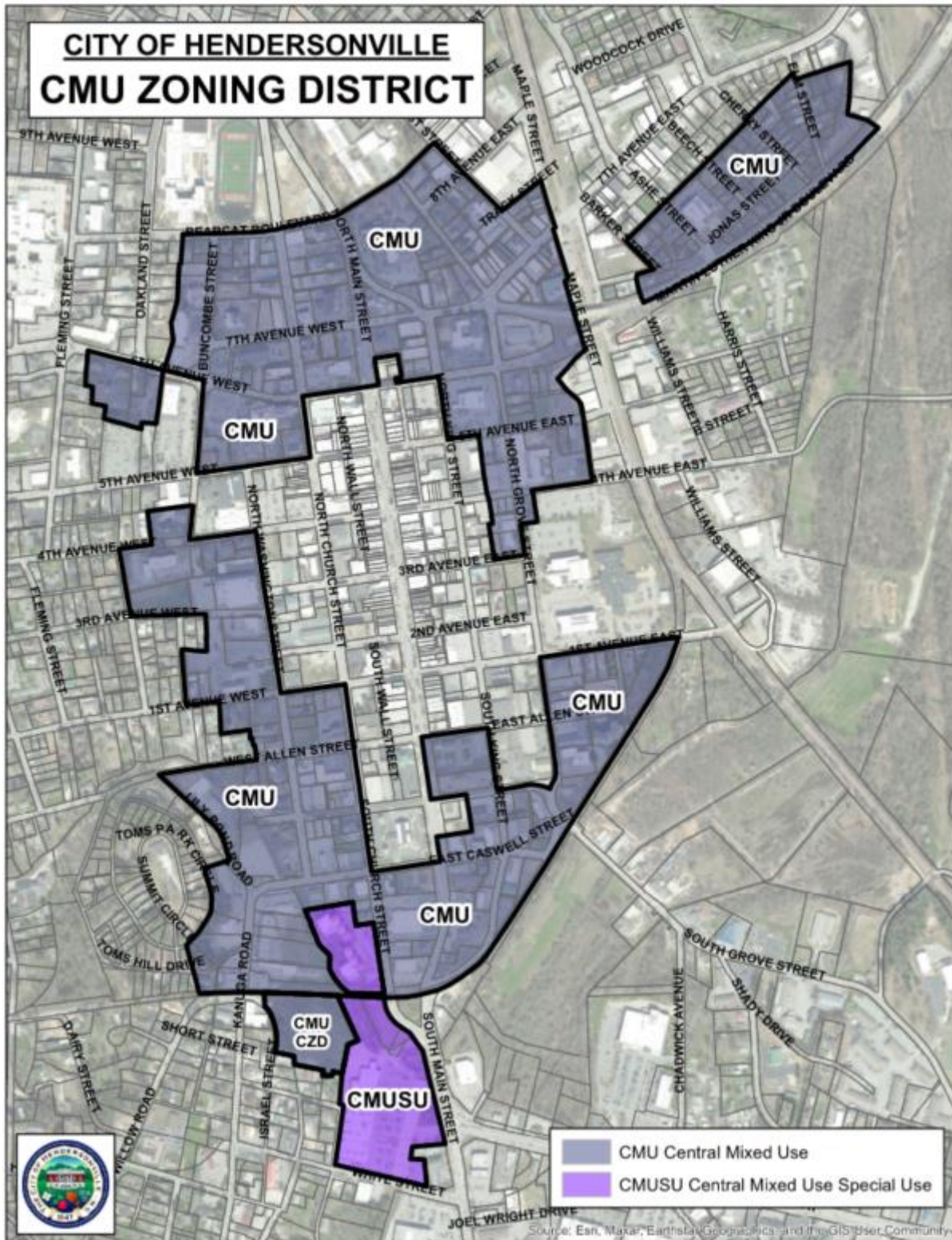
6-5-5.3 Parking spaces shall be designed to prevent a vehicle from protruding or overhanging a sidewalk. Residential driveways shall provide a minimum of twenty-two feet (22') of clearance from the back of existing or planned sidewalks.

ARTICLE VII. – DEVELOPMENT REVIEW

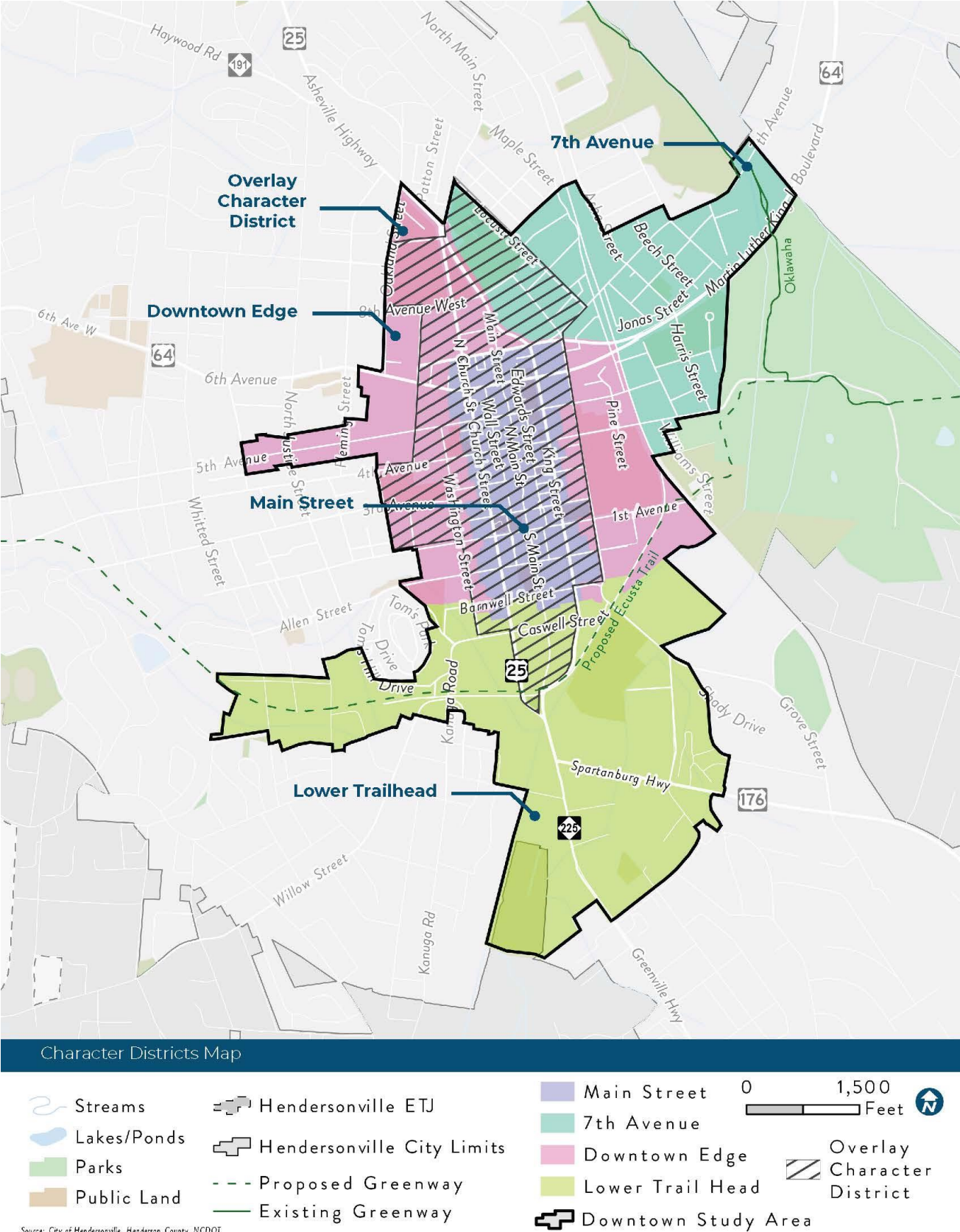
7-3-4 - Review of final site plans.

j) All proposed streets and/or driveways with proposed names, pavement widths and rights-of-way, and showing sight distances and their relationship to all street and driveway intersections within a 200-foot radius of the intersection of such entrances and exits with any public road. All alleys, driveways, curb cuts for public streets and handicap ramps, loading areas and provisions for off-street and on-street parking spaces and sidewalks; calculations indicating the number of parking spaces required and the number provided. All streets shall be clearly identified as public or private; a typical cross-section of public or private streets and/or driveways shall be included;

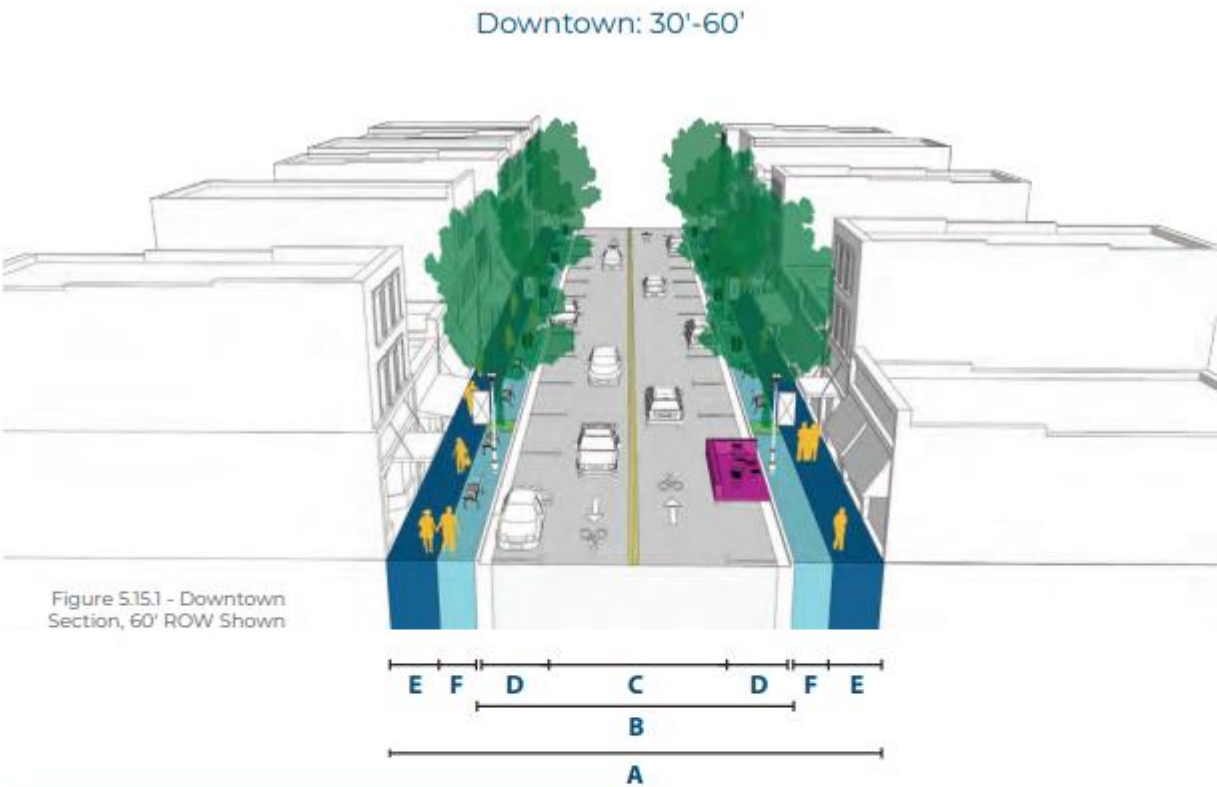
ZONING MAP – CMU ZONING DISTRICT



GEN H COMPREHENSIVE PLAN – DOWNTOWN MASTER PLAN MAP



GEN H DOWNTOWN MASTER PLAN:
STREET TYPOLOGIES FEATURE ON-STREET PARKING



DOWNTOWN	
A. Right-of-Way Width (feet)**	30'-60' (varies)
B. Pavement Width (face of curb to face of curb in feet)	32'-38' (varies)
C. Travel Lanes (width in feet of each lane, total number of lanes)	11', 2
D. On-Street Parking (type, width in feet, 1 or 2 sides of the street)	Parallel, 6', 1-2 (varies)
E. Sidewalk/Multi-Use Path Width (feet)	6'
F. Amenity Zone Width (type, width in feet)*	Tree grates, 4.5'
G. Street Tree Spacing (feet)*	30' on center
H. Pedestrian Lighting*	Pedestrian lights
I. Turning Lane	None
J. Curb (type, width in feet)	Vertical, 2.5' width for curb and gutter pan
K. Bicycle Facilities	Sharrows within Travel Lane

Figure 5.15.2 - Downtown Table

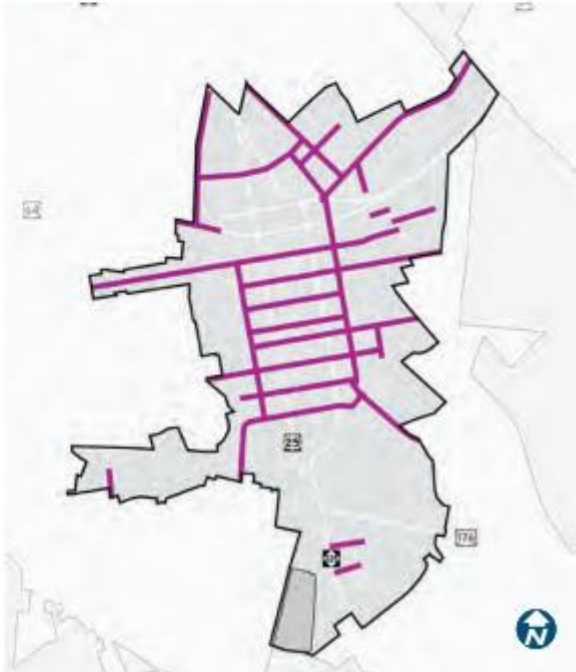


Figure 5.15.3 - Downtown Map

AMENDMENT STANDARDS (ARTICLE 11-4)

GENERAL REZONING STANDARDS: COMPREHENSIVE PLAN CONSISTENCY	
1) COMPREHENSIVE PLAN CONSISTENCY	<u>LAND SUPPLY, SUITABILITY & INTENSITY</u> Supply: N/A Suitability: N/A Intensity: The proposal aligns with the development pattern of Option 2 in Figure 4.9 – Alternative Growth Map
	<u>FUTURE LAND USE & CONSERVATION MAP</u> Character Area Designations: Downtown Character Area Descriptions: Consistent Zoning Crosswalk: Consistent Focus Area: Downtown Edge - Consistent
2) COMPATIBILITY	<i>Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property</i>
	<u>Existing Conditions:</u> Scenario Planning – a typical downtown block is 266’ long from stop bar to stop bar. If you subtract the required spacing (30’) from the street intersections at either end, then a residential project that takes up an entire city block would get a maximum of 9 on-street parking spaces per block face (on-street parking spaces are 8’x22’). In reality, the total number of spaces would be less than 9 because this assumes there are no driveway entries, utilities or fire hydrants preventing parking spaces. We can conclude that for a dense multi-story apartment building, the on-street parking along the frontage of the development would make up a small percentage of the total parking. For a smaller townhome development, the on-street parking may make up as much as half of the spaces in the development. To address this, staff has capped the total percentage of parking that on-street spaces can account for at 33%.
	<u>GEN H COMPREHENSIVE PLAN GOALS</u> (Chapter IV) Vibrant Neighborhoods: Consistent Abundant Housing Choices: Consistent Healthy and Accessible Natural Environment: Consistent Authentic Community Character: Consistent Safe Streets and Trails: Consistent Reliable & Accessible Utility Services: Consistent Satisfying Work Opportunities: N/A Welcoming & Inclusive Community: N/A Accessible & Available Community Uses and Services: N/A Resilient Community: N/A
	<u>GEN H COMPREHENSIVE PLAN GUIDING PRINCIPLES</u> (Chapter IV) Mix of Uses: N/A Compact Development: Consistent

	Sense of Place: Consistent Conserved & Integrated Open Spaces: Consistent Desirable & Affordable Housing: Consistent Connectivity: Consistent Efficient & Accessible Infrastructure: Consistent <u>DOWNTOWN MASTER PLAN:</u> <u>Focus Areas</u> - Proposal aligns with strategies in Downtown Edge & 7th Ave to densify, better utilize surface parking lots and underutilized spaces, create opportunities for walkable, infill development and promote shared parking strategies. <u>Public Realm</u> On-Street parking is promoted in the street typologies that serve CMU. <u>Site Design</u> – PARKING • Surface parking lots shall not be a principal use in any character district. • For commercial and institutional/semi-public uses within the character districts, 5% of the total parking spaces should allow for public use during off-peak business hours. • Shared parking is encouraged. PARKING REQUIREMENTS • Within the Main Street character district, parking requirements are optional with the provision of a fee in lieu. Within the Downtown Edge, 7th Avenue, and Lower Trailhead character districts, minimum parking requirements are per the underlying zoning district. • The following parking maximums apply to properties within each of the character districts regardless of the underlying zoning designation. <table><tr><th>Maximum Vehicle Parking Requirements</th><th>Main Street Character District</th><th>Downtown Edge Character District</th><th>7th Avenue Character District</th><th>Lower Trailhead Character District</th></tr><tr><td>Single-Family Attached & Detached</td><td>No Limit</td><td>No Limit</td><td>No Limit</td><td>No Limit</td></tr><tr><td>Multi-Family</td><td>1 / bedroom</td><td>1 / bedroom</td><td>1 / bedroom</td><td>2 / bedroom</td></tr></table>	Maximum Vehicle Parking Requirements	Main Street Character District	Downtown Edge Character District	7th Avenue Character District	Lower Trailhead Character District	Single-Family Attached & Detached	No Limit	No Limit	No Limit	No Limit	Multi-Family	1 / bedroom	1 / bedroom	1 / bedroom	2 / bedroom
Maximum Vehicle Parking Requirements	Main Street Character District	Downtown Edge Character District	7th Avenue Character District	Lower Trailhead Character District												
Single-Family Attached & Detached	No Limit	No Limit	No Limit	No Limit												
Multi-Family	1 / bedroom	1 / bedroom	1 / bedroom	2 / bedroom												
3) Changed Conditions	Whether and the extent to which there are changed conditions, trends or facts that require an amendment - There is growing interest for infill development around the City’s urban core as some of the few remaining vacant parcels are being pursued for residential development.															
4) Public Interest	Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern that benefits the surrounding neighborhood, is in the public interest and promotes public health, safety and general welfare - The proposed amendment would allow for compatible infill attached single-family development and greater utilization of land for its highest and best use. Additional delineated on-street parking spaces could also result from the proposed language.															

5) Public Facilities	Whether and the extent to which adequate public facilities and services such as water supply, wastewater treatment, fire and police protection and transportation are available to support the proposed amendment
	The proposed text amendment would facilitate infill development in downtown Hendersonville. Infill development allows for greater utilization of existing infrastructure without the need for utility expansion and increased cost of maintenance. Existing on-street parking spaces would have additional users. Some additional public on-street spaces could be created where new development occurs where no on-street spaces are currently delineated.
6) Effect on Natural Environment	Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment including but not limited to water, air, noise, storm water management, streams, vegetation, wetlands and wildlife -
	There are no known environmental impacts and no immediate development proposed.

REZONING STANDARDS ANALYSIS & CONDITIONS

Staff Analysis

1. Comprehensive Plan Consistency - Staff finds the proposed text amendment to be consistent with the *Gen H Comprehensive Plan* Character Area designation and Focus Area elements.
2. Compatibility - The proposed text amendment is compatible with existing development patterns and aligns with Gen H Goals, Guiding Principles and Downtown Master Plan.
3. Changed Conditions - The text amendment is a response to growing desire to maximize the utilization of remaining infill opportunities around Downtown.
4. Public Interest – Accommodates infill and highest and best uses of scare land while potentially increasing the number of delineated on-street parking spaces. There will be increased demand on existing on-street parking spaces as well.
5. Public Facilities - Allows for greater utilization of existing infrastructure. Potentially increases the number of newly-delineated on-street parking spaces while also increasing demand on existing on-street parking spaces.
6. Effect on Natural Environment – None.

DRAFT COMPREHENSIVE PLAN CONSISTENCY AND REZONING REASONABLENESS STATEMENT

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

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

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

DRAFT [Rationale for Approval]

- The proposed amendment creates an opportunity to accommodate infill development*
- The proposed amendment allows for greater utilization of existing infrastructure*
- The proposed amendment increases opportunities for additional housing in city core*

DRAFT [Rational for Denial]

- The proposed amendment would place too great a burden on existing public parking*
- The proposed amendment would accommodate incompatible housing types*

PLANNING BOARD RECOMMENDATIONPROJECT#: 25-55-ZTAMEETING DATE: September 11, 2025

PETITION REQUEST: CMU Lot Size + On-Street Parking (25-55-ZTA)

APPLICANT/PETITIONER: Sarah Schafer, Watermark Landscape Architects (Applicant)

PLANNING BOARD ACTION SUMMARY:

Staff gave an 14-minute presentation on the requested zoning text amendment covering information related to guidance from the Gen H Comprehensive Plan as well as reviewing the criteria for considering a rezoning. The Planning Board asked questions pertaining to the maximum 1/3rd on-street parking provision and potential for inclusion of bicycle parking standards. In total Planning Board considered this item for 31 minutes.

APPLICANT PRESENTATION:

A representative of the applicant, Hunter Marks with Watermark Landscape Architects, was present. He addressed the board as a resident and business owner and stated that the direction the city is moving is correct for accommodating urban growth by reducing requirements for land dedicated to vehicular use and matching similar standards found in other City zoning districts.

PUBLIC COMMENT:

Ken Fitch of 1046 Patton St expressed fears about the impacts of on-street parking and the reduction of required off-street parking.

Bonnie Likens of 744 N Grove St spoken in favor of the text amendment. She illustrated that on her way to the meeting that evening she traversed the block 3 times looking for parking before realizing that she was better off leaving her car at home and walking to the destination. She emphasized that shifting to a pedestrian environment takes a mentality shift in the choices we make and that we have to “get out and walk”.

DELIBERATION:

The Planning Board began deliberations by asking staff about parking related to the new courthouse development. Community Development Director, Lew Holloway, stated that there had been no reduction in parking as part of the CZD approval process for that project.

Staff further clarified that the width of streets / rights-of-way would have to be considered when reviewing proposals for new on-street parking and design standards in mixed use districts.

After the public hearing and staff's follow up answers, the Planning Board concluded its deliberations.

MOTION:

Vice Chair, Tamara Peacock, moved that the Planning Board recommend approval providing the following:

COMPREHENSIVE PLAN CONSISTENCY STATEMENT:

The proposed amendments align with the Gen H Comprehensive Plan Future Land Use & Conservation Map and the Character Area Descriptions.

REASONABLENESS STATEMENT:

[Rationale for Approval]

- 1. The proposed amendment creates an opportunity to accommodate infill development
- 2. The proposed amendment allows for greater utilization of existing infrastructure
- 3. The proposed amendment increases opportunities for additional housing in city core

BOARD ACTION

- **Motion/Second:** Waters / Russell
- **Yeas:** Waters, Russell, Johnson, McKinley, Peacock (Vice), Robertson (Chair)
- **Nays:** N/A
- **Absent:** Gilgis, Rippy

Ordinance #

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE CITY OF HENDERSONVILLE ZONING ORDINANCE, ARTICLE V. ‘ZONING DISTRICT CLASSIFICATIONS’ - SECTION 5-19 ‘CENTRAL MIXED USE ZONING DISTRICT’ AND ARTICLE VI. ‘GENERAL PROVISIONS’ - SECTION 6.5 ‘OFF STREET PARKING’ AND ARTICLE VII. ‘DEVELOPMENT REVIEW’ IN ORDER TO ELIMINATE MINIMUM LOT SIZE REQUIREMENTS AND TO ALLOW QUALIFYING ON-STREET PARKING TO COUNT TOWARDS MINIMUM PARKING REQUIREMENTS IN THE CMU ZONING DISTRICT

WHEREAS, the Planning Board reviewed this petition for a zoning and subdivision text amendment at its regular meeting on September 11, 2025; voting 7-0 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 2, 2025, and

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

WHEREAS, City Council has conducted a public hearing as required by the North Carolina General Statutes on October 2, 2025,

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Hendersonville to amend the City of Hendersonville Zoning Ordinance, Article V ‘Zoning District Classifications’ - Section 5-19 ‘Central Mixed Use Zoning District’ and Article VI. “General Provisions” - Section 6.5 ‘Off Street Parking’ and Article VII. ‘Development Review’ in order to eliminate minimum lot size requirements and to allow qualifying on-street parking to count towards minimum parking requirements in the CMU zoning district.

ZONING ORDINANCE

ARTICLE V – ZONING DISTRICT CLASSIFICATIONS

Sec. 5-19. CMU Central Mixed Use Zoning District Classification.

The CMU Central Mixed Use Zoning District Classification is intended to strengthen the Central Business District and the perimeter surrounding that district by encouraging and permitting the coordinated development of dwellings, retail, professional and financial trades, institutional, governmental and other public facilities. This classification is designed to facilitate the coordination of future developments, stressing sensitivity to urban design, pedestrian environment, urban open spaces and streetscapes. It will permit higher density residential developments, provided adequate facilities are, or will be, in place to serve such developments.

5-19-3 Development standards.

5-19-3.1 Parking and loading. For non-residential developments, the requirements of section 6-5, below, shall apply. Residential developments shall be provided with a minimum of one on- or off-street parking space per dwelling unit. ~~As far as practicable, in consideration of site constraints and reasonable development requirements, parking for non-residential and multi-family residential developments shall be situated to the side or rear of principal structures.~~

a) On-street parking.

- i. On-street parking may not exceed 1/3rd of a development’s total parking requirement.
- ii. Only eligible on-street parking spaces may be utilized to meet parking requirements. To be eligible, an on-street parking space shall be:
 - a. An existing delineated parking space within the right-of-way directly abutting the frontage of the development or
 - b. A newly-delineated on-street parking space within the right-of-way directly abutting the frontage of the development subject to the following:
 - 1. Newly-delineated on-street parking spaces shall meet MUTCD Standards.
 - 2. Proposed newly-delineated on-street parking shall be illustrated in a site plan in accordance with Article VII and reviewed and approved by NCDOT (for state-maintained roads) or the City of Hendersonville Public Works Director (for local streets).
 - 3. Installation of newly-delineated on-street parking spaces shall be the responsibility of the developer.

b) **Off-street parking.**

- i. As far as practicable, in consideration of site constraints and reasonable development requirements, off-street parking for non-residential and residential developments shall be situated to the side or rear of principal structures.
- ii. All off-street parking areas shall be separated from the back of the curb by a planting strip at least five feet in width and screened from view from public streets by principal structures or by shrubs and/or evergreen trees planted at the most appropriate spacing for the species used. The reviewing authority may authorize the use of walls and or fences not exceeding ~~four~~ five feet in height in lieu of a vegetative screen where site constraints or design considerations justify such substitution.

5-19-3.2 Dimensional requirements.

Minimum lot area in square feet:	8,000 <u>0</u>
Minimum lot width:	None
Minimum yard requirements in feet:	12 feet measured from the back of the curb of any street. Rear and side yards are not required if yards do not border a street. However, if yards are provided, they must be a minimum of five feet measured from the property line.
Maximum building height in feet:	36 feet; provided, however, structures containing at least three floors limited to residential uses may be constructed to a height not exceeding 64 feet.

ARTICLE VI. - GENERAL PROVISIONS

Sec. 6-5. - Off-street parking.

6-5-5 - Minimum design requirements.

6-5-5.1 Motor vehicle parking spaces shall measure nine feet by eighteen ~~18~~ feet (9'x18').

6-5-5.2 All parallel motor vehicle parking spaces shall measure ~~nine~~ eight feet six inches by twenty-two ~~22~~ feet (8.5'x22').

6-5-5.3 Parking spaces shall be designed to prevent a vehicle from protruding or overhanging a sidewalk. Residential driveways shall provide a minimum of twenty-two feet (22') of clearance from the back of existing or planned sidewalks.

ARTICLE VII. – DEVELOPMENT REVIEW

7-3-4 - Review of final site plans.

j) All proposed streets and/or driveways with proposed names, pavement widths and rights-of-way, and showing sight distances and their relationship to all street and driveway intersections within a 200-foot radius of the intersection of such entrances and exits with any public road. All alleys, driveways, curb cuts for public streets and handicap ramps, loading areas and provisions for off-street and on-street parking spaces and sidewalks; calculations indicating the number of parking spaces required and the number provided. All streets shall be clearly identified as public or private; a typical cross-section of public or private streets and/or driveways shall be included;

Adopted by the City Council of the City of Hendersonville, North Carolina on this 2nd day of October, 2025.

Attest:

Barbara G. Volk, Mayor, City of Hendersonville

Jill Murray, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney

**For use by Principal Authority / Para uso de la Autoridad Principal**

Cloudpermit application number / Número de solicitud de Cloudpermit

US-NC30720-P-2025-146

PIN / Número de rollo

3821

Application submitted to / Solicitud presentada a

Hendersonville, NC, North Carolina / Hendersonville, NC, Carolina del Norte

Description of Subject Property

Address / Dirección

0 NO ADDRESS ASSIGNED

Municipality / Municipio

Hendersonville, NC, North Carolina /
Hendersonville, NC, Carolina del Norte

PIN / Número de rollo

3821

Purpose of Application

Application type / Tipo de solicitud

Text Amendment — Zoning Text Amendment

Applicant

Last name / Apellido

Schafer

First name / Nombre de pila

Sarah

Corporation or partnership /

Corporación o sociedad

Watermark Landscape Architecture

PLLC

Street address / Dirección de la calle

513 N Justice Street

Unit number / Número de unidad

Suite C

Lot / Con.

Municipality / Municipio

Hendersonville

State / Provincia

North Carolina

ZIP code / Código postal

28739

Other phone / Otro teléfono

Mobile phone / Teléfono móvil

+1 4074034198

Fax

Email / Correo electrónico

[REDACTED]

Property owner		
Last name / Apellido Mellert	First name / Nombre de pila Richard	Corporation or partners Corporación o sociedad Trellem Holdings LLC
Street address / Dirección de la calle 42 Trellem Trail	Unit number / Número de unidad	Lot / Con.
Municipality / Municipio Hendersonville	State / Provincia North Carolina	ZIP code / Código postal 28739
Other phone / Otro teléfono	Mobile phone / Teléfono móvil +1 8284557780	
Fax	Email / Correo electrónico	

Section 7, Item B.

Applicant-Company Information		
Applicant Name: Sarah Schafer	Company Name: Watermark Landscape Architecture	Authorized Representative Title (if applicable) Project Manager

Property Owner-Company Information		
Property Owner Name: Richard Mellert	Company Name (if applicable, check corresponding box below) Trellem Holdings LLC	Authorized Representative Title (if applicable)

Applicant

I, Sarah Schafer (The Applicant), do hereby declare that the information contained in this application, the attached schedules and forms, the attached plans and specifications, and other attached documentation is true to the best of my knowledge. If a permit is granted, I agree to comply with Local Ordinances and the conditions of the permit. If the Applicant is a corporation or partnership, I have the authority to bind the corporation or partnership by signing off, I understand that it constitutes a legal signature confirming that I acknowledge and agree to the above declaration.

Signature of the applicant acknowledges that if the property is rezoned, the property involved in this request is bound to the use(s) authorized, the approved site plan and any conditions imposed, unless subsequently changed or amended as provided for in the Zoning Ordinance.

 Digitally signed on 07/31/2025, 9:16:25 AM EDT by Sarah Schafer. / Firmado digitalmente el 31/7/25 9:16:25 EDT por Sarah Schafer.

Property owner

I, Richard Mellert (The Property owner), do hereby declare that the information contained in this application, the attached schedules and forms, the attached plans and specifications, and other attached documentation is true to the best of my knowledge. If a permit is granted, I agree to comply with Local Ordinances and the conditions of the permit. If the Property owner is a corporation or partnership, I have the authority to bind the corporation or partnership by signing off, I understand that it constitutes a legal signature confirming that I acknowledge and agree to the above declaration.

Property owner hereby grants permission to the City of Hendersonville personnel to enter the subject property for any purpose required in processing this application. If signed by an agent on behalf of the Owner, this petition MUST be accompanied by a Limited Power of Attorney signed by the property owner (s) and notarized, specifically authorizing the agent to act on the owner (s) behalf in signing this application. Failure of each owner, or their duly authorized agent, to sign, or failure to include the authority of the agent signed by the property owner, will result in an INVALID APPLICATION.

Signature of the property owner acknowledges that if the property is rezoned, the property involved in this request is bound to the use(s) authorized, the approved site plan and any conditions imposed, unless subsequently changed or amended as provided for in the Zoning Ordinance.

 Digitally signed on 07/31/2025, 9:17:30 AM EDT by Sarah Schafer with an authorization letter from Richard Mellert. / Firmado digitalmente el 31/7/25 9:17:30 EDT por Sarah Schafer con una carta de autorización de Richard Mellert.

Information			Section 7, Item B.
Applicable Sections of Zoning Code to be changed: CMU	Description of Proposal: We are requesting that the minimum lot size for CMU be reduced to zero, and that on-street parking count toward required parking	Reason for change There is a lack of diverse housing options that are proximal to downtown and the central business district. There are also far too many valuable pieces of land dedicated to parking deserts. There is ample street parking along main street and it's subsequent streets that should be utilized for proposed housing developments.	

Section 11-1 Standards*Section 7, Item B.*

The advisability of amending the text of the Zoning Ordinance is a matter committed to the legislative discretion of and is not controlled by any one factor. In determining whether to adopt or disapprove the proposed amendment to the text of the Ordinance, the City Council shall consider the following factors among others:

a) Comprehensive Plan Consistency – Consistency with the Comprehensive Plan and amendments thereto.

Complete

Minimum lot sizes in the CMU zoning district inhibit density on parcels that are labeled by the comprehensive plan as underdeveloped and most suitable for residential and commercial development (Gen H Hendersonville Comprehensive Plan, 79, 83, 84). A text amendment eliminating the minimum lot size requirement would be consistent with the adopted comprehensive plan's adoption of character districts. Some applicable goals of these districts are, initiate streetscape improvements, fee in lieu of parking requirements, increase density in designated areas, create flexible land uses for diverse needs, increase residential options near downtown and incorporate mixed-use residential (Gen H Hendersonville Comprehensive Plan, 178). This amendment would directly work towards these outlined "Implementation Projects" (Gen H Hendersonville Comprehensive Plan, 284). Current parking requirements in the CMU district support urban sprawl and limit the amount of commercial and residential infill development in downtown. Amending the CMU zoning to allow on-street parking to count toward required parking will help create an overall more unified pedestrian experience, as parking lots shrink building footprints and dedicate valuable land to a valueless function. This amendment would directly work towards these outlined "Implementation Projects" (Gen H Hendersonville Comprehensive Plan, 284).

b) Compatibility with surrounding uses – Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property

Complete

Eliminating the minimum lot size within the CMU zoning district will give private developers more flexibility in creating "quality and marketable developments" that are more likely to retain long term residents and bolster the local economy (Gen H Hendersonville Comprehensive Plan, 94). For example, places that contain diverse housing options, including "missing middle" housing, multi-generational living, mixed-use and common open space, will help make the city more adaptable, resilient, affordable, and appealing. More diverse development opportunities in the CMU zone increase the city's potential to place more people next to the services and amenities they want and need. Such as access to food, education, recreation, and health care. Ultimately leading to a healthier, happier and more resilient community. As an added benefit, new development in the CMU zone will expedite the improvement of the city's streetscape, making it more walkable and safer. Concurrently, allowing on-street parking to count towards development parking requirements will lift a burden off the developer, which further incentivizes development. The CMU zoning district is an ideal place for allowing this amendment as on-street parking already exists and therefore won't require new infrastructure. This amendment would also reduce the need for new impervious surfaces which in return will protect our water quality and allow for more integration of open space within the downtown area.

c) Changed Conditions. Whether and the extent to which there are changed conditions, trends or facts that require an amendment.	Complete Section 7, Item B. Eliminating the minimum lot size within the CMU will give private developers more flexibility in creating “quality and marketable developments” that are more likely to retain long term residents and bolster the local economy (Gen H Hendersonville Comprehensive Plan, 94). For example, places that contain diverse housing options, including “missing middle” housing, multi-generational living, mixed-use and common open space, will help make the city more adaptable, resilient, affordable, and appealing. More diverse development opportunities in the CMU zone increase the city’s potential to place more people next to the services and amenities they want and need. Such as access to food, education, recreation, and health care. Ultimately leading to a healthier, happier and more resilient community. As an added benefit, new development in the CMU zone will expedite the improvement of the city’s streetscape, making it more walkable and safer. Concurrently, allowing on-street parking to count towards development parking requirements will lift a burden off the developer, which further incentivizes development. The CMU zoning district is an ideal place for allowing this amendment as on-street parking already exists and therefore won’t require new infrastructure. This amendment would also reduce the need for new impervious surfaces which in return will protect our water quality and allow for more integration of open space within the downtown area.
d) Public Interest. Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern that benefits the surrounding neighborhood, is in the public interest and promotes public health, safety and general welfare.	Complete Eliminating the minimum lot size within the CMU zoning district will give private developers more flexibility in creating “quality and marketable developments” that are more likely to retain long term residents and bolster the local economy (Gen H Hendersonville Comprehensive Plan, 94). For example, places that contain diverse housing options, including “missing middle” housing, multi-generational living, mixed-use and common open space, will help make the city more adaptable, resilient, affordable, and appealing. More diverse development opportunities in the CMU zone increase the city’s potential to place more people next to the services and amenities they want and need. Such as access to food, education, recreation, and health care. Ultimately leading to a healthier, happier and more resilient community. As an added benefit, new development in the CMU zone will expedite the improvement of the city’s streetscape, making it more walkable and safer. Concurrently, allowing on-street parking to count towards development parking requirements will lift a burden off the developer, which further incentivizes development. The CMU zoning district is an ideal place for allowing this amendment as on-street parking already exists and therefore won’t require new infrastructure. This amendment would also reduce the need for new impervious surfaces which in return will protect our water quality and allow for more integration of open space within the downtown area.

e) Public Facilities. Whether and the extent to which adequate public facilities and services such as water supply, wastewater treatment, fire and police protection and transportation are available to support the proposed amendment.	Complete Eliminating the minimum lot size within the CMU zone will give private developers more flexibility in creating "quality and marketable developments" that are more likely to retain long term residents and bolster the local economy (Gen H Hendersonville Comprehensive Plan, 94). For example, places that contain diverse housing options, including "missing middle" housing, multi-generational living, mixed-use and common open space, will help make the city more adaptable, resilient, affordable, and appealing. More diverse development opportunities in the CMU zone increase the city's potential to place more people next to the services and amenities they want and need. Such as access to food, education, recreation, and health care. Ultimately leading to a healthier, happier and more resilient community. As an added benefit, new development in the CMU zone will expedite the improvement of the city's streetscape, making it more walkable and safer. Concurrently, allowing on-street parking to count towards development parking requirements will lift a burden off the developer, which further incentivizes development. The CMU zoning district is an ideal place for allowing this amendment as on-street parking already exists and therefore won't require new infrastructure. This amendment would also reduce the need for new impervious surfaces which in return will protect our water quality and allow for more integration of open space within the downtown area. Section 7, Item B.
f) Effect on Natural Environment. Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment including but not limited to water, air, noise, storm water management, streams, vegetation, wetlands and wildlife	Complete These two text amendments for the CMU zoning district will incentivize developers to infill areas around Main Street Hendersonville with diverse housing types and mixed-use. This will help reduce the need for development, or desire to develop, in other locations that are more likely to contain critical watersheds, floodways, wildlife, and agriculture. Additionally, enabling developers to count on-street parking towards their parking requirements will reduce impervious area and further protect our water quality and improve our resilience to storms.

Applicant (Developer) Company Information	
Authorized Representative Name: Sarah Schafer Company Type: ☐ Corporation: ☒ Limited Liability Company: ☐ Trust: ☐ Partnership: ☐ Other: Authorized Representative Title (if applicable - i.e. Member/Manager, President, etc.) Project Manager	Company Name (if applicable, check corresponding box below) Watermark Landscape Architecture If other:

Property Owner Company Information (if different from Applicant)

Section 7, Item B.

Authorized Representative Name:

Richard Mellert

Company Name (if applicable, check corresponding box)

Trellem Holdings LLC

Company Type:

If other:

☐ Corporation:

☐ Limited Liability
Company:

☐ Trust:

☐ Partnership:

☐ Other:

Authorized Representative Title (if applicable - i.e. Member/Manager, President, etc.)



Text Amendment Application Draft

Subdivision & Parking Text Amendment

1. Comprehensive Plan Consistency – Consistency with the Comprehensive Plan and amendments thereto.

Minimum lot sizes in the CMU zoning district inhibit density on parcels that are labeled by the comprehensive plan as underdeveloped and most suitable for residential and commercial development (Gen H Hendersonville Comprehensive Plan, 79, 83, 84). A text amendment eliminating the minimum lot size requirement would be consistent with the adopted comprehensive plan's adoption of character districts. Some applicable goals of these districts are, initiate streetscape improvements, fee in lieu of parking requirements, increase density in designated areas, create flexible land uses for diverse needs, increase residential options near downtown and incorporate mixed-use residential (Gen H Hendersonville Comprehensive Plan, 178). This amendment would directly work towards these outlined "Implementation Projects" (Gen H Hendersonville Comprehensive Plan, 284).

- 1.02 (Gen H Hendersonville Comprehensive Plan, 286)
- 2.01 (Gen H Hendersonville Comprehensive Plan, 287)
- 2.02 (Gen H Hendersonville Comprehensive Plan, 287)
- 2.03 (Gen H Hendersonville Comprehensive Plan, 287)
- 2.05 (Gen H Hendersonville Comprehensive Plan, 287)
- 4.01 (Gen H Hendersonville Comprehensive Plan, 290)
- 5.06 (Gen H Hendersonville Comprehensive Plan, 292)
- 7.02 (Gen H Hendersonville Comprehensive Plan, 296)
- 7.04 (Gen H Hendersonville Comprehensive Plan, 297)

Current parking requirements in the CMU district support urban sprawl and limit the amount of commercial and residential infill development in downtown. Amending the CMU zoning to allow on-street parking to count toward required parking will help create an overall more unified pedestrian experience, as parking lots shrink building footprints and dedicate valuable land to a valueless function. This amendment would directly work towards these outlined "Implementation Projects" (Gen H Hendersonville Comprehensive Plan, 284).

- 3.06 (Gen H Hendersonville Comprehensive Plan, 288)
- 4.01 (Gen H Hendersonville Comprehensive Plan, 290)
- 4.04 (Gen H Hendersonville Comprehensive Plan, 290)
- 5.06 (Gen H Hendersonville Comprehensive Plan, 292)
- 7.02 (Gen H Hendersonville Comprehensive Plan, 296)
- Shared parking is encouraged in the character districts (Gen H Hendersonville Comprehensive Plan, 262)

Subdivision & Parking Text Amendment



2. Compatibility with surrounding uses – Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property

These two amendments would help create a more cohesive transition between the R-6, CMU, and Central Business District (CB) transect. Higher density multifamily developments and mixed-use would be more welcomed and mitigate the need for large parking lots that consume valuable land. Most parcels within the CMU district are classified as some of the most suitable land for dense development due to its proximity to the Central Business District, the Ecusta Trail, and 7th Avenue. Below are comparisons of existing minimum lot size and parking requirements between the CBD, R-6, and CMU.

Minimum Lot Size

CMU – 8,000sqft

CB – N/A

R-6 – 6,000sqft

Parking Requirements

CMU – 1 per unit

CB – None Unless Exceeding 5 Residential Units

R-6 – N/A

Subdivision & Parking Text Amendment

3. Changed Conditions. Whether and the extent to which there are changed conditions, trends or facts that require an amendment.

There has been an ongoing housing “crisis” in the greater Henderson County area. With a growth rate of roughly 78%, people are moving to Henderson County from all over the country (<https://datausa.io/profile/geo/henderson-county-nc/>). Dense development with proximity to downtown allows for people to join our community while conserving our lands. By not having a minimum lot size, developers are able to create that density in CMU without encroaching on residential neighborhoods or sprawling throughout the rest of the county. By allowing on-street parking to count toward parking requirements, it also allows for less developable space to be dedicated to parking lots.

Subdivision & Parking Text Amendment

4. Public Interest. Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern that benefits the surrounding neighborhood, is in the public interest and promotes public health, safety and general welfare.

Eliminating the minimum lot size within the CMU zoning district will give private developers more flexibility in creating “quality and marketable developments” that are more likely to retain long term residents and bolster the local economy (Gen H Hendersonville Comprehensive Plan, 94). For example, places that contain diverse housing options, including “missing middle” housing, multi-generational living, mixed-use and common open space, will help make the city more adaptable, resilient, affordable, and appealing.



More diverse development opportunities in the CMU zone increase the city's potential to place more people next to the services and amenities they want and need. Such as access to food, education, recreation, and health care. Ultimately leading to a healthier, happier and more resilient community. As an added benefit, new development in the CMU zone will expedite the improvement of the city's streetscape, making it more walkable and safer.

Concurrently, allowing on-street parking to count towards development parking requirements will lift a burden off the developer, which further incentivizes development. The CMU zoning district is an ideal place for allowing this amendment as on-street parking already exists and therefore won't require new infrastructure. This amendment would also reduce the need for new impervious surfaces which in return will protect our water quality and allow for more integration of open space within the downtown area.

Subdivision & Parking Text Amendment

5. Public Facilities. Whether and the extent to which adequate public facilities and services such as water supply, wastewater treatment, fire and police protection and transportation are available to support the proposed amendment.

Due to the fact that the CMU zoning district surrounds Main Street Hendersonville, there are no foreseen issues with accessing adequate water, sewer, emergency services and multi-modal or public transportation. Both text amendments would encourage more development in this area, therefore increasing access to such services.

Subdivision & Parking Text Amendment

6. Effect on Natural Environment. Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment including but not limited to water, air, noise, storm water management, streams, vegetation, wetlands and wildlife

These two text amendments for the CMU zoning district will incentivize developers to infill areas around Main Street Hendersonville with diverse housing types and mixed-use. This will help reduce the need for development, or desire to develop, in other locations that are more likely to contain critical watersheds, floodways, wildlife, and agriculture. Additionally, enabling developers to count on-street parking towards their parking requirements will reduce impervious area and further protect our water quality and improve our resilience to storms.



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

PLANNING DIVISION

SUBMITTER: Sam Hayes, Planner II

MEETING DATE: October 2nd, 2025

AGENDA SECTION: New Business

DEPARTMENT: Community Development

TITLE OF ITEM: Rezoning: Conditional Zoning District – Compleat KiDZ (25-60-CZD) – *Sam Hayes – Planner II*

SUGGESTED MOTION(S):

For Recommending Approval:

I move City Council **adopt** an ordinance amending the official zoning map of the City of Hendersonville changing the zoning -designation of the subject property (PINs: 9569-40-2580 and 9569-40-3593) from PID-CZD (Planned Institutional Development – Conditional Zoning District) to MIC-CZD (Medical, Institutional, and Cultural – Conditional Zoning District) based on the site plan [dated September 22nd, 2025] and list of conditions submitted by and agreed to by the applicant, and presented at this meeting and subject to the following:

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

- Office, business, professional, and public

*[for amendments to uses or conditions discussed and agreed upon in the meeting (between City & Developer) and not yet represented on the site plan, please use the following language. **Disregard #2 if not needed.**]*

2. Permitted uses and applicable conditions presented on the site plan shall be amended to include:

3(2). The petition is found to be consistent with the City of Hendersonville Gen H 2045 Comprehensive Plan based on the information from the staff analysis and because:

For Recommending Denial:

I move City Council **deny** an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property (PINs: 9569-40-2580 and 9569-40-3593) from PID-CZD (Planned Institutional Development – Conditional Zoning District) to MIC-CZD (Medical, Institutional, and Cultural – Conditional Zoning District) based on the following:

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

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

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

1. The petition will impact traffic in the area, causing safety issues for the neighboring schools and residential.
2. The proposed use is not appropriate for the area.

[DISCUSS & VOTE]

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

4(3). We find this petition to be reasonable and in the public interest based on the information from the staff analysis, public hearing and because:

1. The petition utilizes an existing building and existing infrastructure.
2. The petition is in close proximity to schools, medical facilities, and existing neighborhoods making it an ideal location for the services offered.
3. The petition will improve pedestrian connectivity in the area.

[DISCUSS & VOTE]

SUMMARY: *Here's a revised version of your text:*

The proposed project would rezone the properties located at 913 and 917 9th Avenue West from PID-CZD to MIC-CZD. These two parcels together total approximately 0.95 acres.

In 2023, the properties were rezoned to MIC-CZD for a proposed daycare center. However, because it was a conditional zoning district, the approved use was limited to that specific purpose. The current applicant now seeks to convert the existing building into office space, which requires a new rezoning request. They are proposing to rezone the property to MIC-CZD to align with the intended office use.

The submitted site plan meets the zoning and landscaping requirements for the MIC-CZD district. However, due to existing site constraints—primarily the presence of an existing building—the developer has proposed several conditions as part of the request.

PROJECT/PETITIONER NUMBER:	25-60-CZD
PETITIONER NAME:	Kathryn Thomas [applicant], David Lee [owner]
ATTACHMENTS:	1. Staff Report 2. Planning Board Summary 3. Comprehensive Plan & FLUM Consistency Worksheet 4. Goals & Guiding Principles Evaluation Worksheet 5. Proposed Site Plan 6. Neighborhood Compatibility Summary 7. Draft Ordinance 8. Application / Owner Signature Addendum / LLC Record

REZONING: CONDITIONAL REZONING – Compleat KiDZ (25-60-CZD)
CITY OF HENDERSONVILLE - COMMUNITY DEVELOPMENT STAFF REPORT

PROJECT SUMMARY 2

EXISTING ZONING & LAND USE **Error! Bookmark not defined.**

SITE IMAGES..... 4

SITE IMAGES..... 5

SITE IMAGES..... 6

SITE IMAGES..... 7

FUTURE LAND USE 8

STAFF SITE PLAN REVIEW – SUMMARY COMMENTS 9

OUTSTANDING ISSUES & CITY-PROPOSED CONDITIONS: 9

REZONING STANDARDS (ARTICLE 11-4) 10

DRAFT COMPREHENSIVE PLAN CONSISTENCY AND REZONING REASONABLENESS STATEMENT 11



PROJECT SUMMARY

- Project Name & Case #:
 - Compleat KiDZ
 - 25-60-CZD
- Applicant & Property Owner:
 - Kathryn Thomas (Compleat KiDZ) [Applicant]
 - David Lee, New Leaf Sales LLC [Owner]
- Property Address:
 - 913 & 917 9th Ave. W.
- Project Acreage:
 - 0.95 Acres
- Parcel Identification (PINs):
 - 9569-40-2580
 - 9569-40-3593
- Current Parcel Zoning:
 - PID-CZD, Planned Institutional Development – Conditional Zoning District
- Requested Zoning:
 - MIC-CZD, Medical, Institutional, Cultural Conditional Zoning District
- Requested Uses:
 - Office, business, professional and public
- Future Land Use Designation:
 - Multi-Generational Living
- Neighborhood Compatibility Meeting:
 - July 24th, 2025
- Planning Board Motion: Unanimous Approval



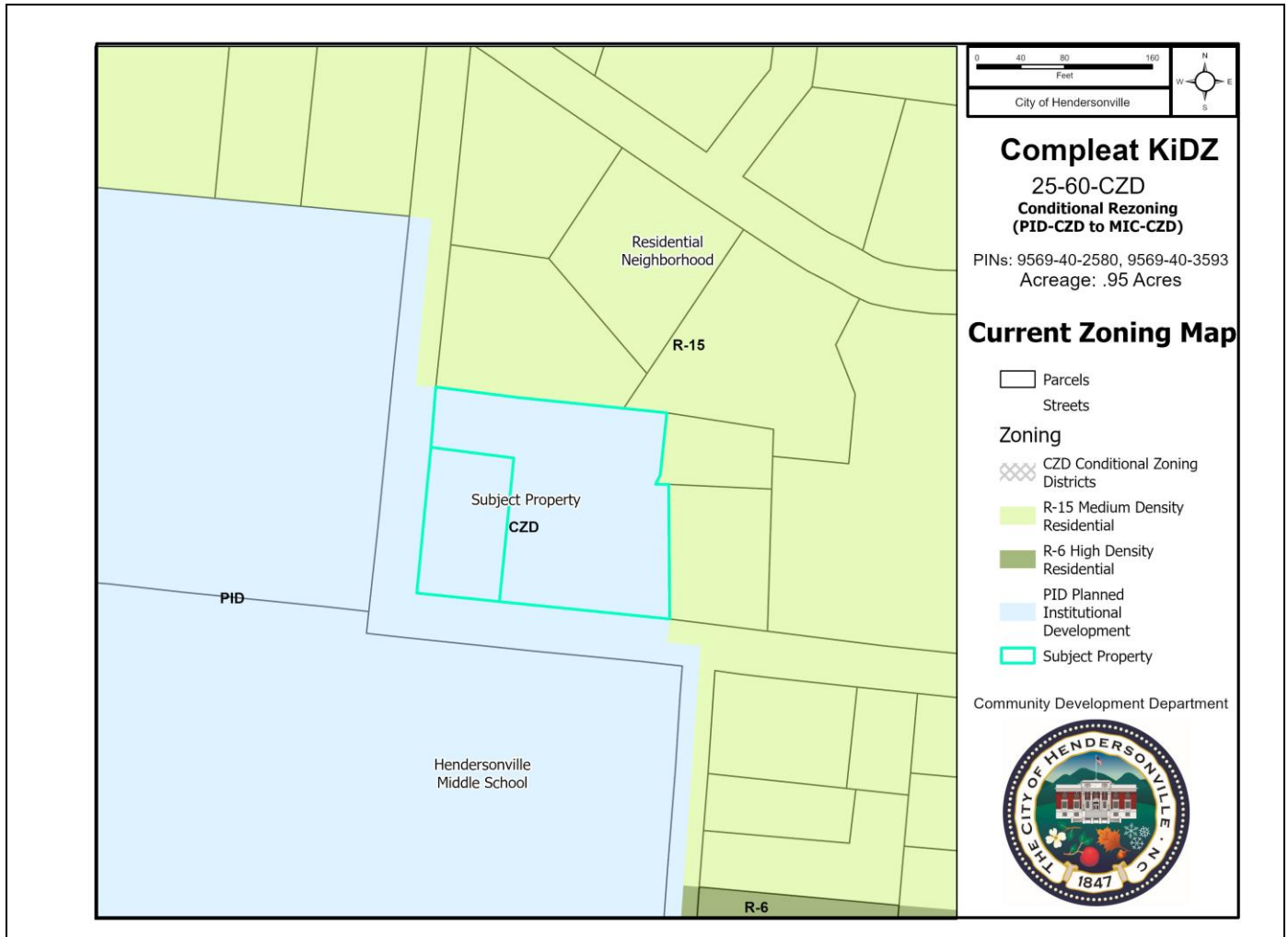
SITE VICINITY MAP

The proposed project would rezone the properties located at 913 and 917 9th Avenue West from PID-CZD to MIC-CZD. These two parcels together total approximately 0.95 acres.

In 2023, the properties were rezoned to MIC-CZD for a proposed daycare center. However, because it was a conditional zoning district, the approved use was limited to that specific purpose. The current applicant now seeks to convert the existing building into office space, which requires a new rezoning request. They are proposing to rezone the property to MIC-CZD to align with the intended office use.

The submitted site plan meets the zoning and landscaping requirements for the MIC-CZD district. However, due to existing site constraints—primarily the presence of an existing building—the developer has proposed several conditions as part of the request.

CITY OF HENDERSONVILLE CURRENT ZONING AND LAND USE MAP



The subject property is currently PID-CZD Planned Institutional Development Conditional Zoning District. Prior to being rezoned, one of the subject parcels operated as a non-conforming retirement home before closing. The other subject property operated as a single-family dwelling. The single-family dwelling has since been demolished, and only the former retirement home building remains.

This area does have an education/campus like feel due to the close proximity to Hendersonville Elementary school and Hendersonville Middle School and associated sport facilities. the areas outside of the educational institution is made up of single-family neighborhoods to the north and southeast. This area has historically served the community's education needs. Currently through the Hendersonville Middle and Elementary schools and historically through the Ninth Ave School and the Sixth Ave. School. Both schools were African American schools which not only served this community, but also the surrounding counties. The sixth Ave. school operated from 1916 to 1951 and the Ninth Ave. School operated from 1951 to 1965.

A legal non-conforming childcare center is currently in operation less than a block from the subject property at the corner of 9th Ave. W. and Tebeau Street. The childcare is operated by WNC Source. In addition, the larger institutional uses of the hospital are within 2 to 3 blocks of the site.

SITE IMAGES



View of existing structure located at 913 9th Ave. W. from the Hendersonville Middle School property to the south.

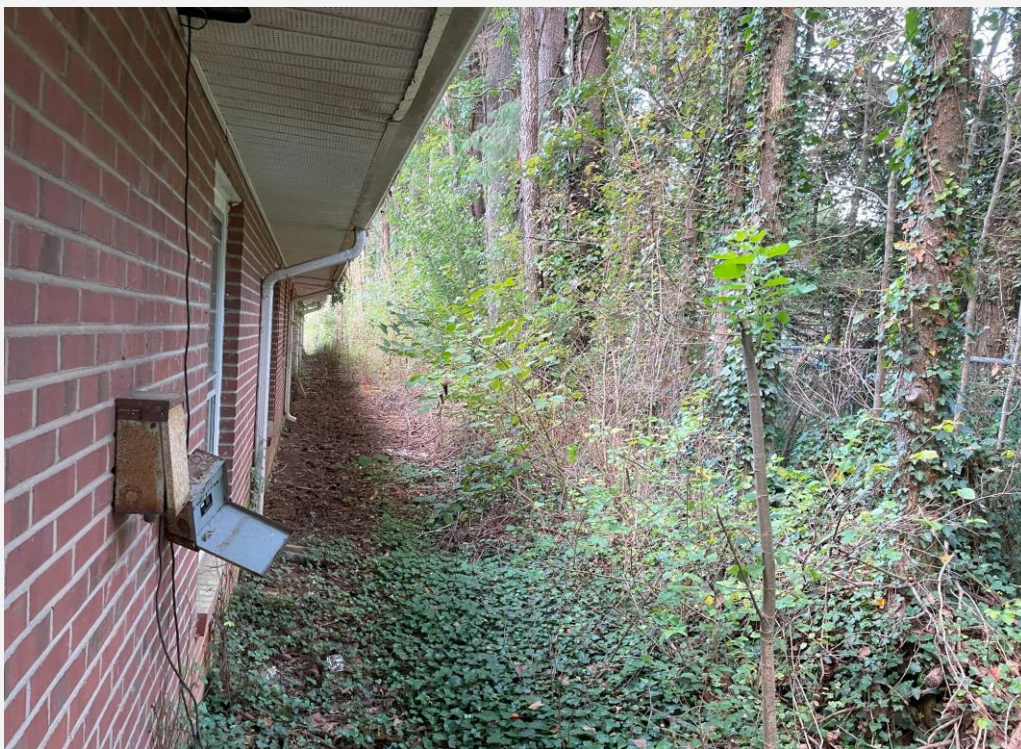


View of existing mature trees shown as preserved on the site plan. 60" Maple and 48" oak.

SITE IMAGES



View of existing drive on the eastern property boundary proposed to remain.



View of existing vegetation/buffer along the rear of the building.

SITE IMAGES



View of the vacant lot where the single-family dwelling at 917 9th Ave. W once set.



View of internal courtyard.

SITE IMAGES

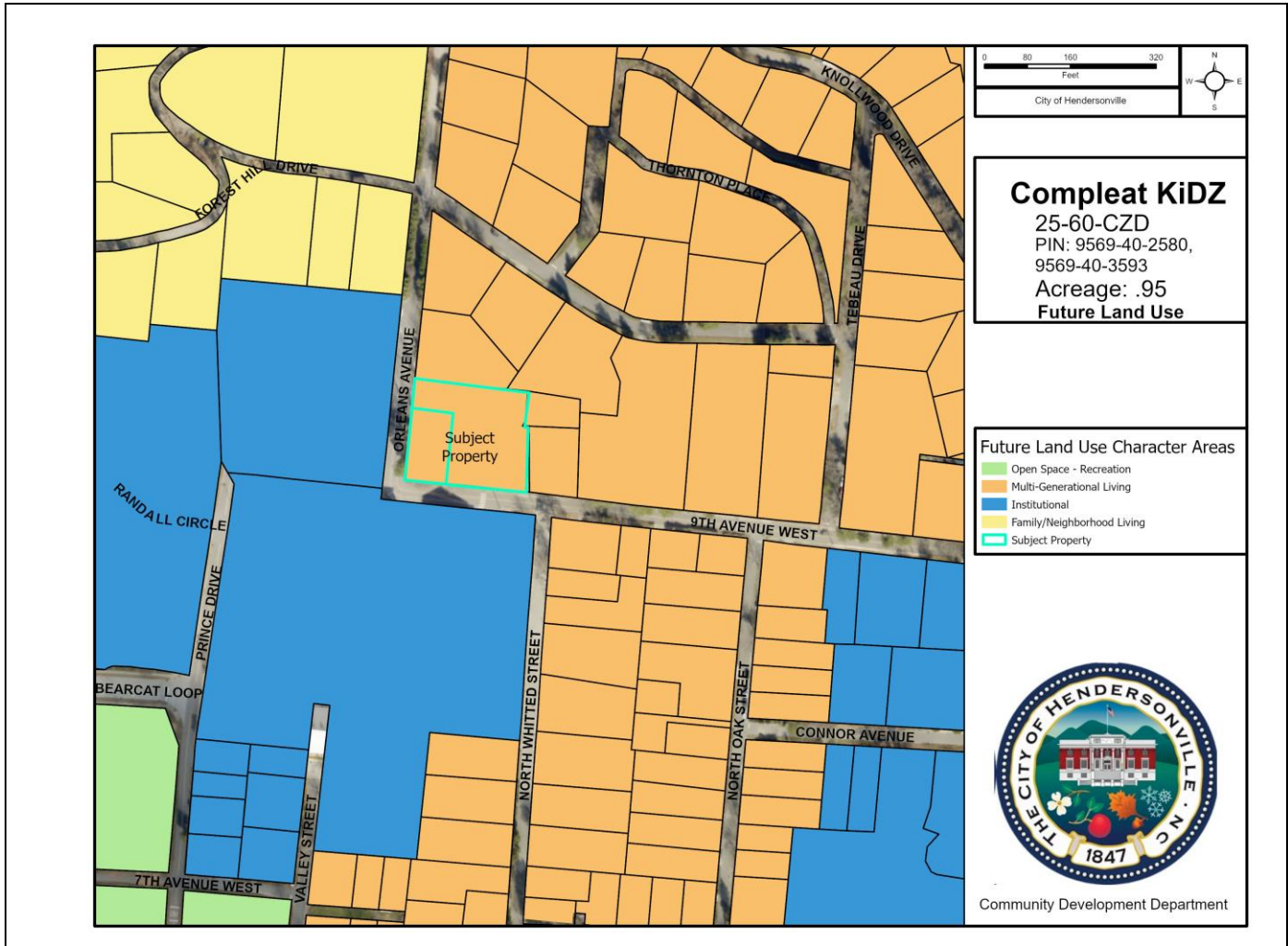


View of existing parking lot proposed to be altered.



View of mature trees and vegetation along the rear property boundary to the north.

FUTURE LAND USE



City of Hendersonville Future Land Use Map

The subject property is designated as Multi-Generational Living on the future land use map. Multi-generational living supports mixed residential development and a limited amount of small scale neighborhood-serving commercial. This classification stretches across 9th avenue into the existing residential. On the opposite side of Orleans Avenue is Institutional for the existing Hendersonville Middle School campus. To the northwest, there is family/neighborhood living.

STAFF SITE PLAN REVIEW – SUMMARY COMMENTS

PROPOSED REQUEST DETAILS

Site Plan Summary:

- Proposed Use: Medical Office
- Site Plan Summary
 - Existing 1 story 11,441 square foot building to be converted into a childcare center.
 - The existing building is approximately 16' tall.
 - Sidewalks will be provided along Orleans Ave and tie into the existing sidewalks on 9th Ave. W.
 - The development will have 30 parking spaces, 29 are required.
 - The development will retain existing access points on Orleans Ave and 9th Ave. W. Existing driveways will be brought up to current City standards.
 - A fence is proposed to buffer the eastern side of the property from the adjacent residential property.

OUTSTANDING ISSUES & CITY-PROPOSED CONDITIONS:

COMMUNITY DEVELOPMENT:

Site Plan Comments:

- The site plan accompanying this petition meets the standards established by the Zoning Ordinance for Urban Residential (5-25) (minus any developer proposed conditions).
 - Comments that will be reviewed/addressed during final site plan review process and do not need to be addressed during the preliminary site plan review process:
 - Landscaping: Alternative compliance will be utilized for the parking lot island plantings and the 10' Type B buffer on the eastern side of the property.

Proposed City-Initiated Conditions:

1. None

DEVELOPMENT REVIEW COMMITTEE COMMENTS:

The Development Review Committee consists of the following Departments/Divisions and Agencies: Engineering, Water/Sewer, Fire Marshal, Stormwater Administration, Floodplain Administration, Public Works, NCDOT, Henderson County Soil & Erosion Control and the City's Traffic Consultant. While all pertinent members of the DRC reviewed this project, staff has provided only the relevant/outstanding comments / conditions below:

Preliminary Site Plan Comments:

- Show type I with sidewalk across driveway (to be reviewed at final site plan)

Proposed City-Initiated Conditions:

1. None

Developer Proposed Conditions

1. This is an existing building. Developer requests to be granted relief from the 25' building setback to provide a 4'-8" setback on the rear property line and a 9'-8" setback on the north side property line; to reduce the setbacks requirements in Section 5-10-3 in the rear NE corner.
2. Developer requests to reduce the buffer plantings requirements in section 15-6 along the eastern side of the property. A 5' height wood panel fence will be installed in all areas that can not meet the size and planting requirements.
3. Developer requests to utilize the peninsula planting areas adjacent to parking as the parking island size requirements in Section 15-9.

REZONING STANDARDS (ARTICLE 11-4)

GENERAL REZONING STANDARDS: COMPREHENSIVE PLAN CONSISTENCY	
1) COMPREHENSIVE PLAN CONSISTENCY	<u>LAND SUPPLY, SUITABILITY & INTENSITY</u> The subject property was excluded from the <u>Land Supply Map</u> analysis. The subject property was excluded from the <u>Suitability Assessment</u> analysis.
	<u>FUTURE LAND USE & CONSERVATION MAP</u> Character Area Designation: Multi-Generational Living Character Area Description: Somewhat Consistent Zoning Crosswalk: Inconsistent Focus Area Map: N/A
2) COMPATIBILITY	<i>Whether and the extent to which the proposed amendment is compatible with existing and proposed uses surrounding the subject property</i>
	The proposed use as a medical office is appropriate for this area given its close proximity to the hospital. It is also extremely close to the middle, elementary, and high schools, where many clients may come from.
	<u>EXISTING CONDITIONS</u> The subject property currently has one structure on it. This structure will be used by the applicant for their offices. No expansion of the structure is proposed. The adjacent property will be incorporated into the plan as part of the parking lot.
	<u>GEN H COMPREHENSIVE PLAN GOALS</u> (Chapter IV) Vibrant Neighborhoods: Consistent Abundant Housing Choices: NA Healthy and Accessible Natural Environment: Consistent Authentic Community Character: Consistent Safe Streets and Trails: Consistent Reliable & Accessible Utility Services: Consistent Satisfying Work Opportunities: Consistent Welcoming & Inclusive Community: Consistent Accessible & Available Community Uses and Services: Consistent

	Resilient Community: N/A GEN H COMPREHENSIVE PLAN GUIDING PRINCIPLES (Chapter IV) Mix of Uses: Consistent Compact Development: Consistent Sense of Place: Consistent Conserved & Integrated Open Spaces: Consistent Desirable & Affordable Housing: Consistent Connectivity: Consistent Efficient & Accessible Infrastructure: Consistent
3) Changed Conditions	Whether and the extent to which there are changed conditions, trends or facts that require an amendment - The subject property was previously zoned to enable a childcare center. This venture never was realized, and therefore, the applicant is proposing a changed use.
4) Public Interest	Whether and the extent to which the proposed amendment would result in a logical and orderly development pattern that benefits the surrounding neighborhood, is in the public interest and promotes public health, safety and general welfare - The applicant activate an unused building, thereby improving the safety of the area from unwanted activity in the building.
5) Public Facilities	Whether and the extent to which adequate public facilities and services such as water supply, wastewater treatment, fire and police protection and transportation are available to support the proposed amendment The subject property will be served by City of Hendersonville services. The subject property is located near one of the city's main entry corridors.
6) Effect on Natural Environment	Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment including but not limited to water, air, noise, storm water management, streams, vegetation, wetlands and wildlife - No major impact will be made to the environment from the development of this project.

DRAFT COMPREHENSIVE PLAN CONSISTENCY AND REZONING REASONABLENESS STATEMENT

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

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

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

DRAFT [Rationale for Approval]

- *The petition utilizes an existing building and existing infrastructure.*
- *The petition is in close proximity to schools, medical facilities, and existing neighborhoods making it an ideal location for the services offered.*
- *The petition will improve pedestrian connectivity in the area.*

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

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

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

DRAFT [Rational for Denial]

- *The petition will impact traffic in the area, causing safety issues for neighboring schools and residential areas.*
- *The proposed use is not appropriate for the area.*



PLANNING BOARD RECOMMENDATION
COMPLEAT KIDZ (25-60-CZD)
MEETING DATE: SEPTEMBER 11TH, 2025

PETITION REQUEST: Rezoning: Medical, Institutional, and Cultural – Conditional Zoning District (MIC-CZD)

APPLICANT/PETITIONER: John Bryant, Vice President, Operations and Support Services for UNC Health Pardee [Applicant] & Bryan Rhodes, Capital Projects Construction Manager for Henderson County Government [Owner]

PLANNING BOARD ACTION SUMMARY:

The Planning Board voted 6-0 to recommend **approval** of this petition and adopted the following motion:

PLANNING BOARD MOTION:

- 3. We find this petition to be reasonable and in the public interest based on the information from the staff analysis, public hearing and because: 1. The petition utilizes an existing building and existing infrastructure. 2. The petition is in close proximity to schools, medical facilities, and existing neighborhoods making it an ideal location for the services offered. 3. The petition will improve pedestrian connectivity in the area. Ms. Waters seconded the motion which passed unanimously.***

Ms. Flores moved the Planning Board recommend City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning -designation of the subject property (PINs: 9569-40-2580 and 9569-40-3593) from PID-CZD (Planned Institutional Development – Conditional Zoning District) to MIC-CZD (Medical, Institutional, and Cultural – Conditional Zoning District) based on the site plan and list of conditions submitted by and agreed to by the applicant, and presented at this meeting and subject to the following:

1. The development shall be consistent with the site plan, including the list of applicable conditions contained therein, and the following permitted uses:
 - a. Office, business, professional, and public
2. The petition is found to be consistent with the City of Hendersonville Gen H 2045 Comprehensive Plan based on the information from the staff analysis and because:
 - a. The petition is consistent with a range of Goals, Guiding Principles, and the Future Land Use Designation as defined in Chapter IV of the Gen H Comprehensive Plan.
3. We find this petition to be reasonable and in the public interest based on the information from the staff analysis, public hearing and because:
 - a. The petition utilizes an existing building and existing infrastructure.
 - b. The petition is in close proximity to schools, medical facilities, and existing neighborhoods making it an ideal location for the services offered.
 - c. The petition will improve pedestrian connectivity in the area.

Ms. Waters seconded the motion which passed unanimously.

OVERVIEW OF BOARD DISCUSSION FROM MEETING MINUTES

The Planning Board convened on this project for **30 minutes**.

Jennifer Lahn stated she was the RVP for Real Estate and Facilities for Kare Partners. She stated the last time they attended a meeting a couple of people had concerns in regard to traffic and parking so she just wanted to make sure and address that a little bit. Within their staffing they will have two full time staff people on the property there for their services. All of their other service providers are fee-for-service basis so they will be coming and going. There will be an ebb and flow throughout the day so the 30 parking spots will accommodate their use. She does not foresee that there will be any issues. They have also been in contact with the schools, spoke with the principal, found out what their carpool schedule is and they can adjust their drop-off times to help ease some of the concerns of the neighborhood. They are excited to come to Hendersonville and they hope to be a really great, viable community partner with the City of Hendersonville.

Chair asked what age group are the children. Ms. Lahn stated two to eight year olds. Chair stated so your services are geared for two to eight year olds. Ms. Lahn stated yes, and the families, it's a drop-off most of the time. They do some parent training also which is when parents would stay but for the most part, parents, it's a carpool, they drop off and then services are provided. The parents come back and pick them up.

Chair asked what type of therapy do they provide. Ms. Lahn stated it is pediatric therapy. It is children with autism. They are going to get some ABA therapy, speech therapy, physical therapy, occupational therapy. Chair stated the one he was concerned about is behavioral therapy. Ms. Lahn stated they don't do behavioral therapy in that sense. They don't have behavioral issues. These are children that are diagnosed with autism, some aspect of it. In fact they will be working with the schools and have referrals from them. It is actually a great partnership.

Chair asked staff if the five foot wooden fence satisfied the buffer requirement or is that being offered as an alternative to satisfying the buffer. Mr. Hayes stated an alternative to satisfy the buffer partially because of the viability of actually planting things into that strip. Chair stated so we don't have an alternative. If you can't plant these plants because of this narrow space, you can put up a fence, but are there any standards for the fence? Where did we come up with five feet and made of wood. Mr. Hayes stated that was proposed by the applicant and not staff driven. Staff thought this would be better added as a condition.

PUBLIC COMMENTS:

Ken Fitch, 1046 Patton Street (zoom) stated the NCM and the discussions after were extensive and detailed regarding this very unique program with its special use that would be located there. The discussions were also about how the building would function and spaces utilized. There was support for the specific program that was presented however, the primary issue raised by the neighbors is the impact on traffic because we all know how that area functions. One question not answered was how the building and its access and egress function in relation to the school. He was concerned about this property getting rezoned for offices or medical offices and this causing problems in the future.

BOARD ACTION:

Motion:

- Laura Flores

Second:

- Donna Waters

Yeas:

- Donna Waters, Jim Robertson (Chair), Bob Johnson, David McKinley, Laura Flores, Mark Russell

Nays:

- None

Absent: Kyle Gilgis, Lauren Rippy, Tamara Peacock (Vice-Chair)

Recused: None

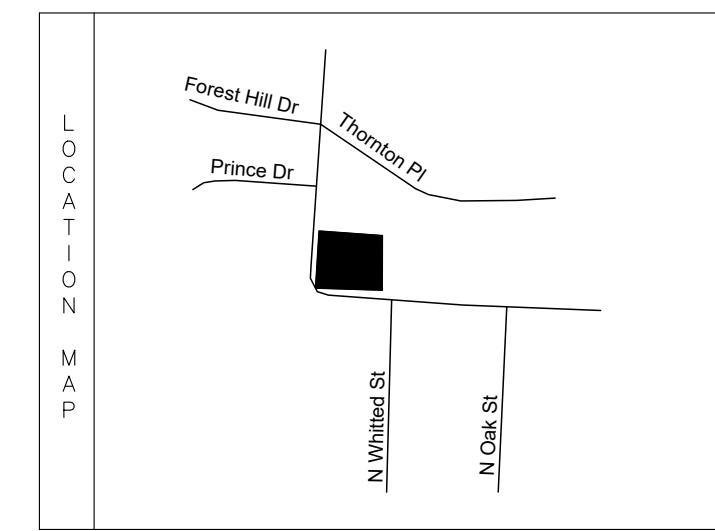
Chapter 4 - The Vision for the Future	Consistent	Inconsistent
SUPPLY, SUITABILITY, & INTENSITY		
LAND SUPPLY MAP (Pg. 81, Figure 4.4)	NA	NA
LAND SUITABILITY MAP (Pg. 84-86, Figure 4.5-4.7)	NA	NA
DEVELOPMENT INTENSITY MAP (Pg. 89, Figure 4.9)	Consistent	
FUTURE LAND USE & CONSERVATION MAP		
Future Land Use and Conservation Map (Note classification here, Pg. 117, Figure 4.12)	Multi-Generational Living	
Character Area Description (Pg. 122-131)	Somewhat Consistent	
Zoning Crosswalk (Pg. 132-133, Figure 4.18)		Inconsistent
Focus Area Map (Pg. 134-159)	NA	NA

Chapter 4 - The Vision for the Future	Consistent
GOALS	
VIBRANT NEIGHBORHOODS (Pg. 93)	
Promote lively neighborhoods that increase local safety.	Consistent
Enable well-maintained homes, streets, and public spaces.	Consistent
Promote diversity of ages (stage of life), income levels, and a range of interests.	NA
The design allows people to connect to nearby destinations, amenities, and services.	Consistent
Abundant Housing Choices (Pg. 93)	
Housing provided meets the need of current and future residents.	NA
Range of housing types provided to help maintain affordability in Hendersonville.	NA
Housing condition/quality exceeds minimum standards citywide	NA
Healthy and Accessible Natural Environment (Pg. 94)	
Recreational (active and passive) open spaces are incorporated into the development.	Consistent
Water quality is improved with the conservation of natural areas that serve as filters and soil stabilizers.	NA
Natural system capacity (floodplains for stormwater; habitats to support flora/fauna; tree canopy for air quality, stormwater management, and microclimate) is maintained.	Consistent
Development is compact (infill/redevelopment) to minimize the ecological footprint.	Consistent
New development respects working landscapes (e.g., orchards, managed forests), minimizing encroachment.	Consistent
Authentic Community Character (Pg. 94)	
Downtown remains the heart of the community and the focal point of civic activity	Consistent
A development near a gateway sets the tone, presenting the image/brand of the community.	NA
Historic preservation is utilized to maintain the city's identity.	NA
A development is considered a quality development that preserves the city center or neighborhood.	Consistent
Safe Streets and Trails (Pg. 95)	
Interconnectivity is promoted between existing neighborhoods through the building out of street networks, including retrofits and interconnectivity of new developments.	Consistent
Access is increased for all residents through the provision of facilities that promote safe walking, biking, transit, automobile, ride share, and bike share.	Consistent
Design embraces the principles of walkable development.	Consistent
Reliable & Accessible Utility Services	
A compact service area (infill, redevelopment) maximizes the utilization of existing infrastructure and feasible service delivery.	Consistent
Satisfying Work Opportunities (pg. 96)	
The development promotes quality job options.	Consistent
Welcoming & Inclusive Community	

Accessibility exceeds minimum standards of ADA, fostering residents' and visitors' sense of belonging.	Consistent
Accessible & Available Community Uses and Services (Pg. 97)	
Private development is plentiful, meeting the demands of current and future populations.	Consistent
Resilient Community	
N/A	
GUIDING PRINCIPALS (pg. 98)	
Mix of Uses (Pg. 98)	
Revitalization of Outdated Commercial Areas	Consistent
New business and office space promotes creative hubs.	NA
Compact Development (Pg. 100)	
Development is consistent with efforts in the area to establish 15-minute neighborhoods.	Consistent
The infill project is context sensitive.	Consistent
Sense of Place (Pg. 102)	
The development contributes to Hendersonville's character and the creation of a sense of place through its architecture and landscape elements.	Consistent
Conserved & Integrated Open Spaces (Pg. 106)	
A diverse range of open space elements are incorporated into the development.	Consistent
Desirable & Affordable Housing (Pg. 108)	
Missing middle housing concepts are used in the development.	NA
Connectivity (Pg. 112)	
The development encourages multimodal design solutions to enhance mobility.	Consistent
Efficient & Accessible Infrastructure (Pg. 114)	
The development utilizes existing infrastructure	Consistent

[illegible]

[illegible]

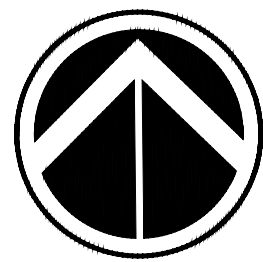


LINE	BEARING	DISTANCE
L1	S27°27'23"W	9.49'
L2	S89°40'55"E	12.07'

Henderson County Board of Public Education
D.B. 824, Pg. 216
PIN: 9569-40-1628
Zoned: PID

.34 acres
Limits of Disturbance
Drainage Strip
River Cobble Mulch
west + south parking perimeter
1,100 s.f.

LEGEND	
IPF	IRON PIN FOUND
IPS	IRON PIN SET
CP	CALCULATED POINT
TBM	TEMPORARY BENCHMARK
(M)	MEASURED
(R)	RECORD
SD	STORM DRAIN MANHOLE
CB	CATCH BASIN
CI	CURB INLET
SM	SEWER MANHOLE
CO	CLEAN OUT
WM	WATER METER
FH	FIRE HYDRANT
WV	WATER VALVE
BFP	BACK FLOW PREVENTER
EM	ELECTRIC MANHOLE
PP	POWER POLE
LP	LIGHT POLE
TR	TRANSFORMER
TM	TELEPHONE MANHOLE
TP	TELEPHONE PEDESTAL
UV	UTILITY VAULT
GV	GAS VALVE
GM	GAS METER
MW	MONITORING WELL
A/C	A/C UNIT
OE	OVERHEAD ELECTRIC
UE	UNDERGROUND ELECTRIC
SL	SANITARY SEWER LINE
WL	WATER LINE
GL	GAS LINE
F	FENCE



North



SCALE : 1" = 20'



	SQUARE FEET	% of TOTAL AREA
i Total Project Area	41,300	100%
ii Proposed Lot Area	41,300	100%
iii Site Coverage - Buildings	11,441	28%
iii Site Coverage - Open Space	15,541	38%
iv Site Coverage - Streets & Parking	13,816	34%
v Site Coverage - Other Facilities	502	1%
vi Site Coverage - Common Open Space	N/A	N/A

Open Space

Total Open Space = 15,541 s.f. = .36 acres
approximately 38% of total .948 acres
is open space

Property Information

Location - 913 and 917 - 9th Avenue West

Owner - New Leaf Sales, LLC

This property is not in a Flood Zone

Proposed Buildings and Parking

Total Office Building Area = 11,441 s.f.

1 Story existing building

Total Parking Spaces Provided = 30 total

1 space provided per - 382 s.f.

1 space required per - 400 s.f. = 29 required

(2) Accessible Parking spaces provided

(2) Accessible Parking spaces required

Conditions

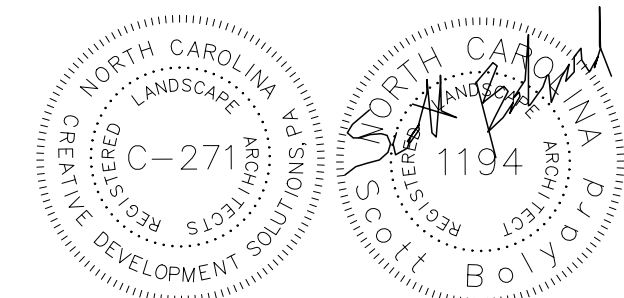
1) This is an existing building. Developer requests to be granted relief from the 25' building setback to provide a 4'-8" setback on the rear property line and a 9'-8" setback on the north side property line; to reduce the setbacks requirements in Section 5-10-3 in the rear NE corner.

2) Developer requests to reduce the buffer planting requirements in section 15-6 along the eastern side of the property. A 5' height wood panel fence will be installed in all areas that can not meet the size and planting requirements.

3) Developer requests to utilize the peninsula planting areas adjacent to the parking as the parking island size requirement in Section 15-9.

Notes

There is no proposed outdoor lighting for the project.



Other Consultants:

Surveyor - Freeland Clinckales

Owner
Kare Partners, Inc.

Project:
Kare Partners, Inc.
913 & 917 9th Avenue West

Sheet:
Landscape Plan

Designed By:

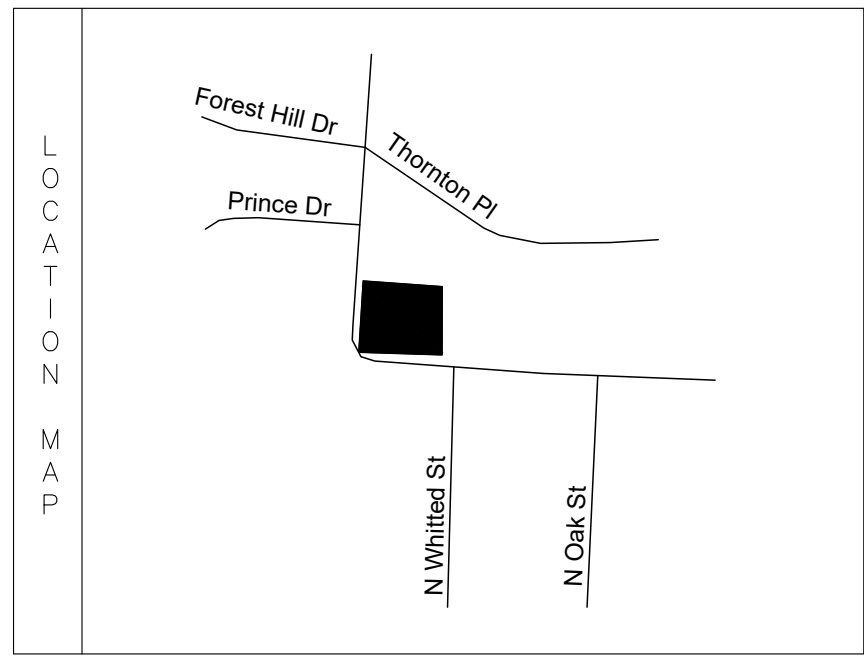
cds Creative Development Solutions
landscape architecture | land planning | community and resort design
1003 4th avenue west, hendersonville, north carolina 28739
p 828 696 9992 | f 828 696 9954

ISSUE DATE: August 13, 2025
REVISIONS: 9-3-2025-city comments
9-9-2025-conditions
9-22-2025-conditions

DESIGNED BY: DB
DRAWN BY: SB
APPROVED BY: DSB

Project Number:

SHEET NUMBER:
L2



LINE	BEARING	DISTANCE
L1	S77°27'23"W	9.40'
L2	S89°40'55"E	12.07'

Street trees - Orleans Ave. 172 I.f.
required - 1 tree per 25' = 7 trees
provided - 7 trees from planting strip requirements

Henderson County Board of Public Education
D.B. 824, Pg. 216
PIN: 9569-40-1628
Zoned: PID

.34 acres
Limits of Disturbance

5' width Plant Strip
West property line = 142 I.f.
required - 1 trees, 5 shrubs per 40 I.f.
provided - 4 trees, 18 shrubs

Vehicular/ Parking Landscape
parking area = 10,893 s.f.
required - 1 trees, 2 shrubs per 3,000 s.f.
provided - 4 trees, 8 shrubs

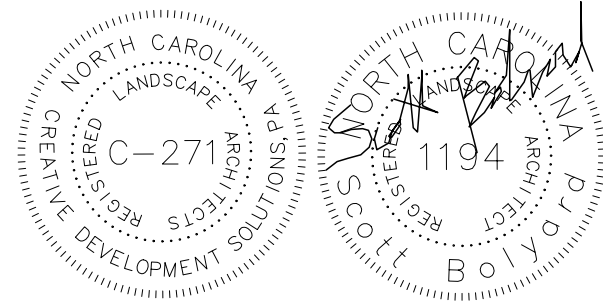
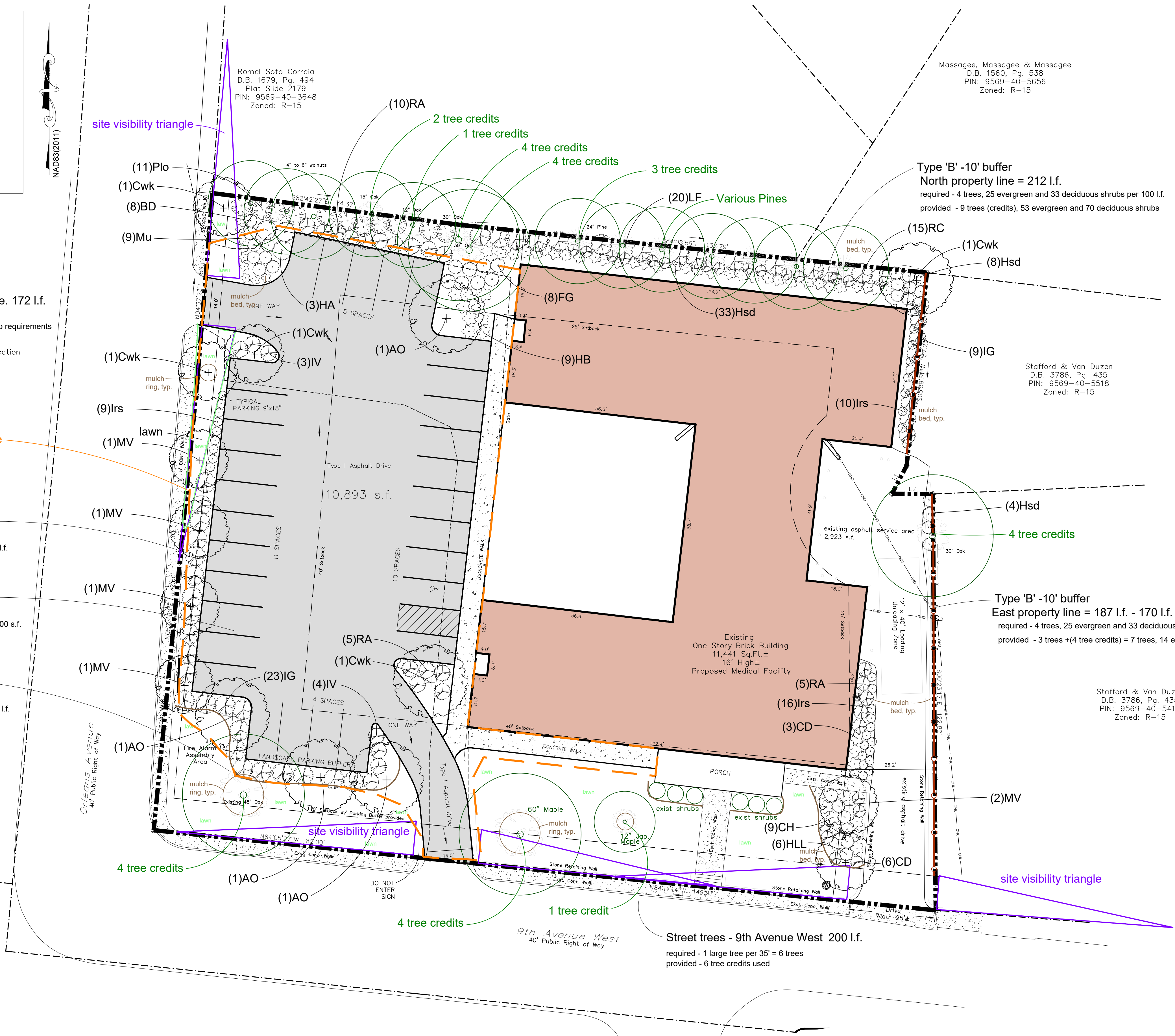
5' width Plant Strip
South property line = 90 I.f.
required - 1 trees, 5 shrubs per 40 I.f.
provided - 3 trees, 12 shrubs

LEGEND

IPF	IRON PIN FOUND
IPS	IRON PIN SET
CP	CALCULATED POINT
TBM	TEMPORARY BENCHMARK
(M)	MEASURED
(R)	RECORD
SD	STORM DRAIN MANHOLE
CB	CATCH BASIN
CI	CURB INLET
SM	SEWER MANHOLE
CO	CLEAN OUT
WM	WATER METER
FH	FIRE HYDRANT
WV	WATER VALVE
BFP	BACK FLOW PREVENTER
EM	ELECTRIC MANHOLE
PP	POWER POLE
LP	LIGHT POLE
TR	TRANSFORMER
TM	TELEPHONE MANHOLE
TP	TELEPHONE PEDESTAL
UV	UTILITY VAULT
GV	GAS VALVE
GM	GAS METER
MW	MONITORING WELL
A/C	A/C UNIT
OE	OVERHEAD ELECTRIC
UE	UNDERGROUND ELECTRIC
SL	SANITARY SEWER LINE
WL	WATER LINE
GL	GAS LINE
FE	FENCE

0' 16' 32' 64' 96'
SCALE : 1" = 16'

Henderson County Board of Public Schools
D.B. 1096, Pg. 52
PIN: 9569-40-1087
Zoned: PID



Other Consultants:

Survivor - Freeland Clinckales

Owner
Kare Partners, Inc.

Project:
Kare Partners, Inc.
913 & 917 9th Avenue West

Sheet:
Landscape Plan

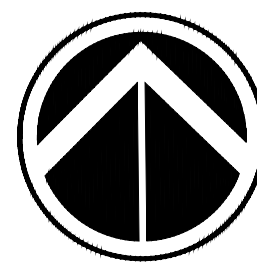
Designed By:
cds Creative Development Solutions
landscape architecture | land planning | community and resort design
1003 4th avenue west, hendersonville, north carolina 28739
p 828 696 9992 | f 828 696 9954

ISSUE DATE: August 13, 2025
REVISIONS: 9-3-2025-city comments

DESIGNED BY: DB
DRAWN BY: SB
APPROVED BY: DSB

Project Number:

SHEET NUMBER:
L4



North

Project Plant List

Large Trees - 15 Total

Key	Qty	Botonical Name	Common Name	Size	Remarks	All Plants to Meet Ansi Z60.1 Stnds.
AO	4	Acer 'October Glory'	October Glory Maple	2" Caliper, 10' Height	B&B, Single Straight Leader	
Cwk	5	Crategus viridis'Winter King'	Winter King Hawthorn	2" Caliper, 10' Height	B&B, Single Straight Leader	
MV	6	Magnolia 'Australis'	Australis Magnolia	2" Caliper, 10' Height	Multi-stem, 3 branches min.	

Evergreen Shrubs - 98 Total

Key	Qty	Botonical Name	Common Name	Size	Remarks	All Plants to Meet Ansi Z60.1 Stnds.
IG	32	Ilex glabra 'Shamrock'	Shamrock Inkberry Holly	3 gallon, 18" Height	Full Plant	
LF	20	Leucothoe 'Margie Jenkins'	Leucothoe 'Margie Jenkins'	3 gallon, 18" Height	Full Plant	
Plo	11	Prunus laurecarasus 'Otto Luyken'	Otto Luyken Cherry Laurel	3 gallon, 18" Height	Full Plant	
RC	15	Rhododendron catawb. 'English Roseum'	English Roseum Rhododendron	3 gallon, 18" Height	Full Plant	
RA	20	Rhododendron 'Autumn Amethyst'	Autumn Amethyst Azalea	3 gallon,18" Height	Full Plant	

DeciduousShrubs - 144 Total

Key	Qty	Botonical Name	Common Name	Size	Remarks	All Plants to Meet Ansi Z60.1 Stnds.
BD	8	Buddleia 'Miss Molly'	Miss Molly Butterfly Bush	3 gallon, 18" Height	Full Plant	
CD	9	Calicarpa dichtoma	Purple Beautyberry	3 gallon, 18" Height	Full Plant	
CH	9	Clethra alnifolia 'Hummingbird'	Hummingbird Clethra	3 gallon, 18" Height	Full Plant	
HLL	6	Hydrangea 'Little Lime'	Little Lime Hydrangea	3 gallon, 18" Height	Full Plant	
Hsd	41	Hydrangea 'Sikes Dwarf'	Sikes Dwarf Hydrangea	3 gallon, 18" Height	Full Plant	
HA	3	Hydrangea 'Amma Belle'	Anna Belle Hydrangea	3 gallon, 18" Height	Full Plant	
HB	9	Hydrangea paniculata 'Bobo'	Bobo Hydrangea	3 gallon, 18" Height	Full Plant	
Irs	35	Ilex nana 'Red Sprite'	Dwarf Red Sprite Holly	3 gallon, 12" Height	Full Plant	
MU	9	Muhlenbergia reverchonii 'Undaunted'	Undaunted Muhly Grass	3 gallon, 12" Height	Full Plant	
IV	7	Itea virginiana 'Henrys Garnet'	Henrys Garnet Itea	3 gallon, 12" Height	Full Plant	
FG	8	Fothergilla gardenii 'Mt. Airy'	Mt Airy Fothergilla	3 gallon, 12" Height	Full Plant	



AO - October Glory Maple



Cwk - Winter King Hawthorn



MV-Australis Magnolia



MD - Undaunted Muhly Grass



PLO - Otto Luyken Cherry Laurel



IGS - Shamrock Inkberry Holly



LF - Margie Jenkins Leucothoe



RC - English Roseum Rhodo



RA - Autumn Amethyst Azalea



BD - Miss Molly Butterfly Bush



CD-Purple Beautyberry



IV - Henrys Garnet Itea



FG - Mt Airy Fothergilla



Irs - Nana Dwarf Red Sprite Holly



HB - Bobo Hydrangea



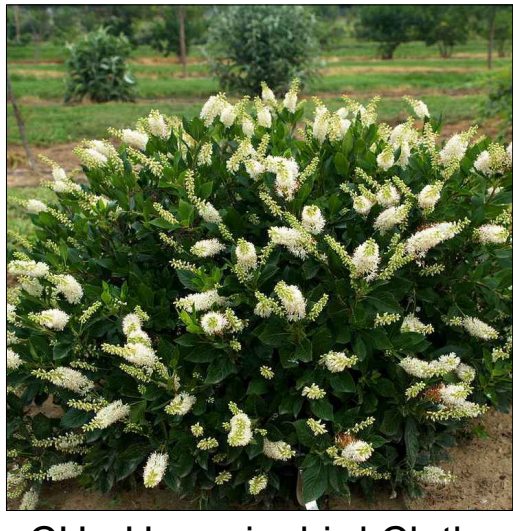
HA - Anna Belle Hydrangea



Hsd - Sikes Dwarf Hydrangea



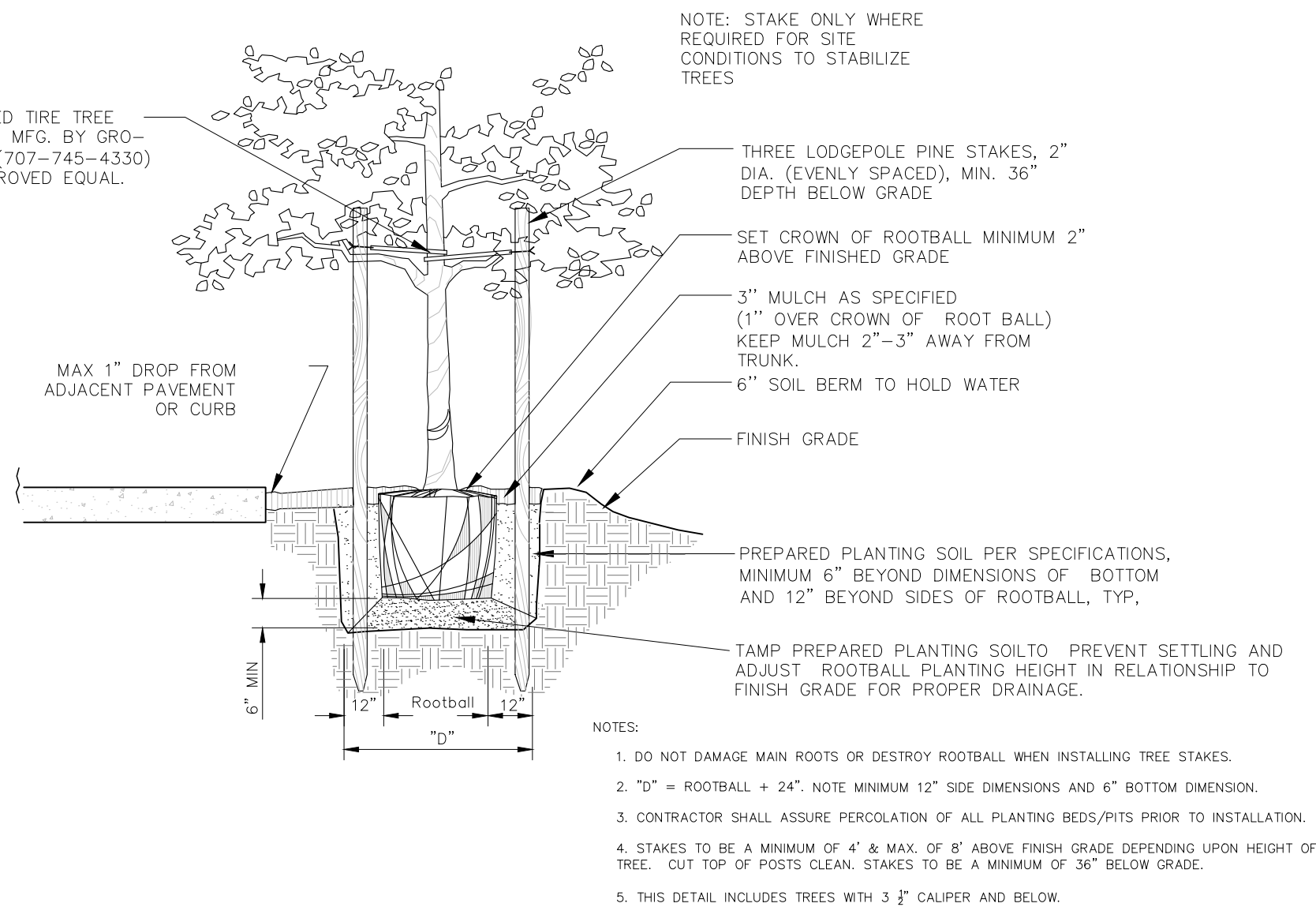
HLL - Little Lime Hydrangea



CH - Hummingbird Clethra

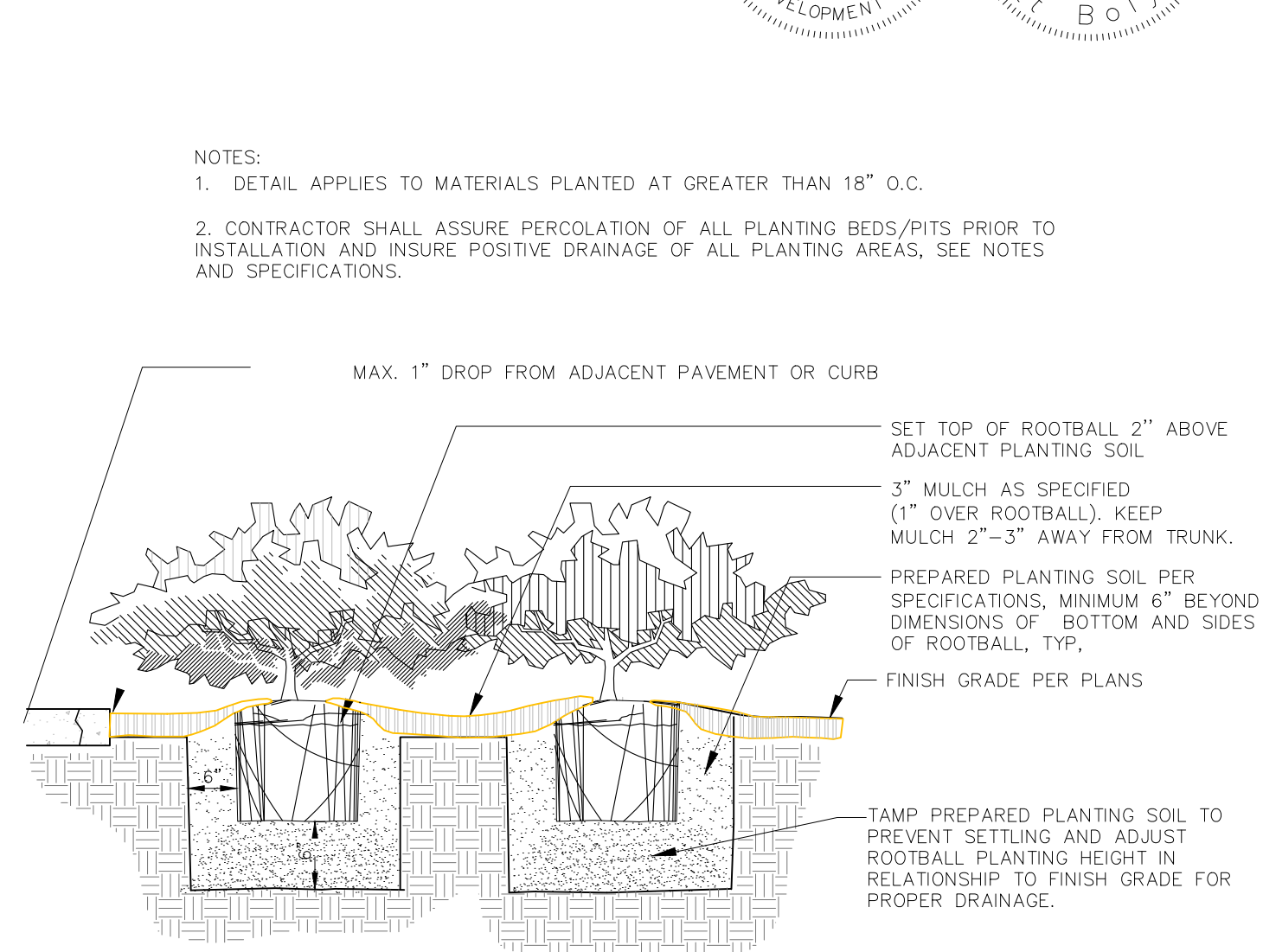
Landscape Notes

1. ALL AREAS SHOWN AS LARGE TREES, SMALL FLOWERING TREES, AND SHRUB AND PERENNIAL LANDSCAPING ON THE LANDSCAPE PLAN IS TO BE MULCHED AND SHALL RECEIVE A 3" DEPTH OF SHREDDED PINE BARK MULCH. NOTE AREAS FOR RIVER COBBLE MULCH AROUND PARKING PERIMETER.
2. CONTRACTOR SHALL VERIFY QUANTITIES ON THE PLAN AND IS RESPONSIBLE FOR ALL PLANTS AS SHOWN ON THE PLANT LIST. REPORT ANY DISCREPANCIES TO LANDSCAPE ARCHITECT. PROVIDE UNIT PRICES FOR ALL PLANT AND TREE MATERIALS.
3. CONTRACTOR SHALL GUARANTEE ALL PLANTINGS FOR ONE YEAR FROM COMPLETION OF WORK. REPLACEMENT PLANTS AND LABOR SHALL BE PROVIDED AT CONTRACTORS' EXPENSE.
4. PRUNE ONLY AS DIRECTED BY LANDSCAPE ARCHITECT. DO NOT REMOVE THE CENTRAL LEADER OF ANY TREE OR PLANT. PLANTS SHALL NOT HAVE A SHEARED APPEARANCE AND MUST MEET MINIMUM SIZES AS INDICATED ON THE PLANT LIST.
5. ALL PLANT MATERIAL IS TO CONFORM TO THE LATEST EDITION OF AMERICAN STANDARDS FOR NURSERY STOCK. SEE PLANT LIST FOR SPECIFICATIONS AND SIZES. (NOTE: SIZE TO BE 'DBH' MEASURED 6" ABOVE GROUND)
6. LANDSCAPE ARCHITECT AND/OR OWNER RESERVES THE RIGHT TO REJECT ANY PLANT MATERIAL, ESPECIALLY DUE TO UNDERSIZED OR DAMAGED MATERIALS.
7. CONTRACTOR IS RESPONSIBLE FOR THE LOCATION AND IDENTIFICATION OF ALL UTILITIES. ANY UTILITIES DAMAGED BY THE CONTRACTOR SHALL BE REPAIRED AT THE CONTRACTOR'S COST.
8. ALL DEMOLISHED MATERIALS AND TRASH ARE TO BE REMOVED FROM THE SITE AND DISPOSED OF PROPERLY.
9. ALL PLANTINGS HOLES AND BEDS ARE TO BE CLEANED OF ROCKS AND DEBRIS >1", EACH PLANT OR TREE IS TO BE HOLE AMENDED AND THE EXISTING NATIVE SOIL IS TO BE AMENDED WITH 25% OF NATURES HELPER AND 25% OF ORGANIC COMPOST (OR APPROVED EQUAL), THEN THOROUGHLY MIXED TOGETHER TO CREATE A PLANTING SOIL MIX.
10. ALL EXISTING AND PROPOSED TREES NOT CONTAINED WITHIN A MULCHED BED ARE TO RECEIVE A 3" DEPTH OF A 4' DIAMETER CIRCLE OF ABOVE SPECIFIED MULCH AROUND EACH TREE. EXCEPT WHERE TREES OCCUR IN SWALES, DITCHES, OR DRAINAGE PATTERNS, THEN ONLY USE 1' DIAMETER CIRCLES.
11. REPORT ANY POORLY DRAINED SOILS OR ANY DRAINAGE PROBLEMS TO LANDSCAPE ARCHITECT IMMEDIATELY. FAILURE TO REPORT SUCH CONDITIONS WILL RESULT IN THE CONTRACTOR BEING RESPONSIBLE FOR CORRECTING THE PROBLEM AND REPLACING DAMAGED OR LOST PLANTS. PROPER PLANT DRAINAGE IS DEFINED BY FLOODING PLANTING HOLE TO SURROUNDING SOIL LEVEL WITH WATER AND COMPLETE PERCOLATION OF THE WATER WITHIN THE HOLE IN A 24 HOUR PERIOD.
12. LANDSCAPE ARCHITECT OR OWNER TO FIELD APPROVE THE PLACEMENT OF ALL PLANT MATERIALS.
13. FINE GRADE ALL PLANTING AREAS TO INSURE PROPER DRAINAGE. AREAS TO BE SEEDED ARE TO BE FREE OF DEBRIS AND ROCKS >1" PRIOR TO LAYING SOD OR APPLYING SEED.
14. PRIOR TO INSTALLATION, CONTRACTOR SHALL REVIEW PLANT AND LIGHT LOCATIONS WITH LANDSCAPE ARCHITECT OR OWNER TO ELIMINATE CONFLICTS.
15. PROVIDE LABOR, EQUIPMENT, MATERIALS, AND SERVICE NECESSARY TO COMPLETE THE LANDSCAPE WORK.
16. INSTALL ALL PLANT MATERIALS IN ACCORDANCE WITH LOCAL CODES AND ORDINANCES.
17. MAINTAIN ALL PLANT MATERIALS UNTIL FINAL ACCEPTANCE OR SUBSTANTIAL COMPLETION OF WORK. MAINTENANCE TO INCLUDE: WATERING, MULCHING, WEEDING, SPRAYING, MOWING, STRAIGHTENING, FERTILIZING, CLEANUP, ECT.



2 Tree Planting Detail

Scale: NTS



1 Shrub Planting Detail

Scale: NTS

Other Consultants:

Survivor - Freeland Clinckales

Owner

Kare Partners, Inc.

Project:

Kare Partners, Inc.
913 & 917 9th Avenue West

Sheet:

Landscape Specs

Designed By:

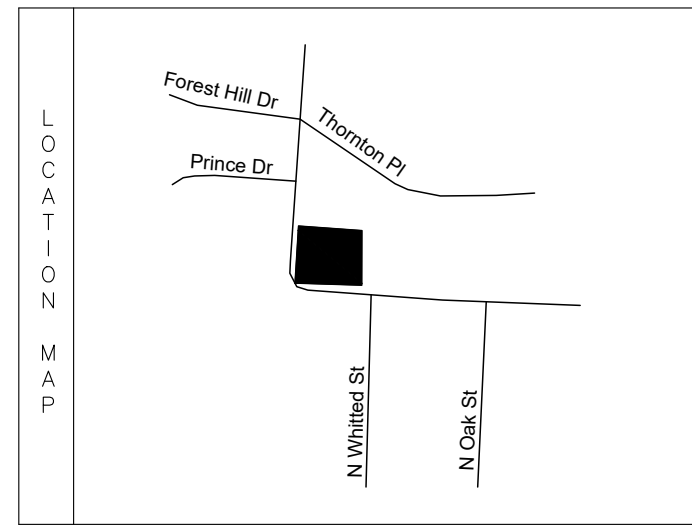
cds Creative Development solutions
landscape architecture | land planning | community and resort design
1003 4th avenue west, hendersonville, north carolina 28739
p 828 696 9992 | f 828 696 9954

ISSUE DATE: August 13, 2025
REVISIONS: 9-3-2025 city comments

DESIGNED BY: DB
DRAWN BY: SB
APPROVED BY: DSB

Project Number:

SHEET NUMBER :
L5



LINE	BEARING	DISTANCE
L1	S27°27'23"W	9.40'
L2	S89°40'55"E	12.07'

Henderson County Board of Public Education
D.B. 824, Pg. 216
PIN: 9569-40-1628
Zoned: PID

.34 acres
Limits of Disturbance

LEGEND	
	IPF IRON PIN FOUND
	IPS IRON PIN SET
	CP CALCULATED POINT
	TBM TEMPORARY BENCHMARK
	(M) MEASURED
	(R) RECORD
	SDM STORM DRAIN MANHOLE
	CB CATCH BASIN
	CI CURB INLET
	SM SEWER MANHOLE
	CO CLEAN OUT
	WM WATER METER
	FH FIRE HYDRANT
	WV WATER VALVE
	BFP BACK FLOW PREVENTER
	EM ELECTRIC MANHOLE
	PP POWER POLE
	LP LIGHT POLE
	TR TRANSFORMER
	TM TELEPHONE MANHOLE
	TP TELEPHONE PEDESTAL
	UV UTILITY VAULT
	GV GAS VALVE
	GM GAS METER
	MW MONITORING WELL
	A/C UNIT
	OE OVERHEAD ELECTRIC
	UE UNDERGROUND ELECTRIC
	SSL SANITARY SEWER LINE
	WL WATER LINE
	GL GAS LINE
	F FENCE



SCALE : 1" = 20'

Existing
Curb Cut

Existing parking/ driveway
to remove

Existing Building to Remain

Existing Service Area to Remain

Existing
Curb Cut

Existing
Curb Cut

FREELAND - CLINKSCALES & ASSOCIATES, INC. of NC Engineers & Land Surveyors 201 2nd AVE. EAST HENDERSONVILLE, N.C. 28792 (828) 697-4195 info@fcaofnc.com Firm No. C-1562	REF. PLAT SLIDE	14890
	REF. DEED BOOK	4036/593 & 4036/638
	TAX MAP	9569-40-2580 & 40-3593
	PARTY CHIEF	BLB
	DRAWN	TEC
DATE	June 5, 2023	
	DWG.NO.	H43113

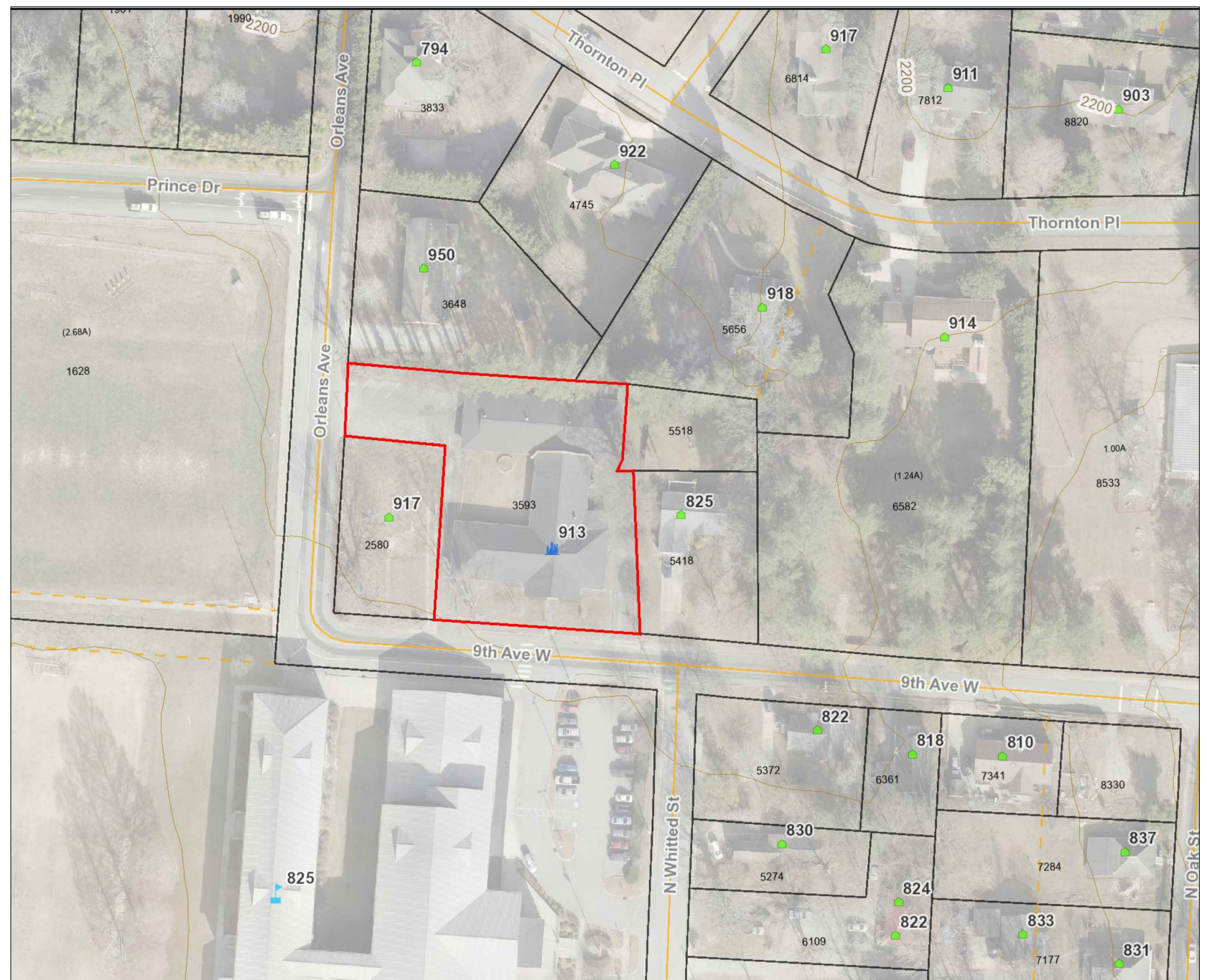
SLOPE COLORS

- White = 0 to 16% -
- Blue = 16% to 20% -
- Yellow = 25% to 60% -
- Red = 60%+ -

THE AVERAGE SLOPE OF THIS
PROPERTY WITHIN LIMITS OF
DISTURBANCE IS 2%



Aerial Map



Topo Map



Slope Map

Other Consultants:

Surveyor - Freeland Clinkscapes

Owner

Kare Partners, Inc.

Project:

Kare Partners, Inc.

913 & 917 9th Avenue West

Sheet:

Landscape Plan

Designed By:

cds | Creative Development Solutions
landscape architecture | and planning | community and resort design
1003 4th avenue west, hendersonville, north carolina 28739
p 828 696 9992 | f 828 696 9954

ISSUE DATE:

August 13, 2025

REVISIONS:

9-3-2025-city comments

DESIGNED BY:

DB

DRAWN BY:

SB

APPROVED BY:

DSB

Project Number:

SHEET NUMBER:
L1

Ordinance # ____ - ____

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HENDERSONVILLE FOR PARCELS POSSESSING PIN NUMBER: 9569-40-2580 and 9569-40-3593 BY CHANGING THE ZONING DESIGNATION PID-CZD (PLANNED INSTITUTIONAL DEVELOPMENT – CONDITIONAL ZONING DISTRICT) TO MIC-CZD (MEDICAL, INSTITUTIONAL, AND CULTURAL - CONDITIONAL ZONING DISTRICT)

IN RE: Parcel Numbers: 9569-40-2580, 9569-40-3593
 Addresses: 913 & 917 9th Avenue W.
 1st Ave Villas: (File # 25-60-CZD)

WHEREAS, the City is in receipt of a Conditional Rezoning application from applicant and property owner, Kathryn Thomas of Compleat KiDZ, for the redevelopment of an existing building into office space; and

WHEREAS, the Planning Board took up this application at a meeting on September 11th, 2025; voting 6-0 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 2nd, 2025, and

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

1. Pursuant to Article XI of the Zoning Ordinance of the City of Hendersonville, North Carolina, the Zoning Map is hereby amended by changing the zoning designation of the following: Parcel Number: 9569-40-2580, 9569-40-3593, changing the zoning designation from PID-CZD (Planned Institutional Development – Conditional Zoning District) to MIC-CZD (Medical, Institutional, and Cultural - 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 22nd, 2025, including the conditions listed therein, [and/or as modified and presented to City Council][and/or including modifications approved by City Council which shall be added to the site plan. The updated site shall be submitted to the City at or before the applicant’s execution of this Ordinance].
 - b. Permitted uses shall include:
 - i. Office, business, professional and public
 - c. Additional conditions that shall be satisfied prior to final site plan approval include:
 - i.
3. Except where modified by the terms of this Ordinance, development of the parcel(s) shall occur in accordance with the final site plan requirements of Article VII of the Zoning Ordinance of the City of Hendersonville, North Carolina.
4. Except where explicit relief is granted by the terms of this Ordinance, the development of the parcel(s) shall occur in accordance with all applicable standards within local ordinances and policies.

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

Attest:

Barbara G. Volk, Mayor, City of Hendersonville

Jill Murray, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney

With their signatures below, the undersigned applicant(s) and property owner(s) consent to and agree to all conditions imposed pursuant to the terms of this Ordinance.

IN RE: Parcel Numbers: 9569-40-2580, 9569-40-3593
 Addresses: 913 & 917 9th Avenue W
 1st Ave Villas: (File # P24-26-CZD)

Property Owner: David Lee, New Leaf Sales LLC

Signature:_____

Printed Name:_____

Title:_____

Date:_____

CITY COUNCIL:
BARBARA G. VOLK
Mayor
LYNDESEY SIMPSON
Mayor Pro Tem
DR. JENNIFER HENSLEY
MELINDA LOWRANCE
JEFFERY L. MILLER



Section 7, Item C.

OFFICERS:
JOHN F. CONNET
City Manager
ANGELA S. BEEKER
City Attorney
JILL MURRAY
City Clerk

25-60-CZD package

WORKSPACE INFORMATION

Application number 25-60-CZD	Category Conditional Rezoning	Workspace state Submitted
Workspace created 06/30/2025, 12:14:30 PM EDT	Application submitted 08/06/2025, 2:11:04 PM EDT	
Assignee Sam Hayes	Package generation date 09/04/2025, 2:37:07 PM EDT	

LOCATION INFORMATION

Address 913 9TH AVE W, Hendersonville, NC	Property information 10967,
---	---------------------------------------

PARTIES

NAME AND COMPANY	CONTACT DETAILS	ROLES
Kathryn Thomas Compleat KiDZ	913 9the Ave W Hendersonville +1 7049156193	Applicant
Jennifer Lahn Kare Partners	54 Myrtle Street Belmont +1 7046509522	Applicant
David Lee NEW LEAF SALES LLC	2207 KANUGA RD HENDERSONVILLE NC 28739 Hendersonville +1 8286994505	Property owner
Srinivasan Manjula Compleat KiDZ	913 9th Avenue W Hendersonville +1 7049156196	Applicant

**APPLICANT GUIDELINES**

The Community Development Department accepts applications for conditional rezoning monthly on the 1st Friday of the month. Because of the multi-step application process for a conditional rezoning, a Pre-Application Conference is required for all applications. In advance of a Pre-Application Conference, applicants should prepare a concept plan containing property boundaries, building footprints, parking, driveways/streets, access points, and other such information. All pre-application conferences must be requested via the City of Hendersonville permitting software Cloudpermit. Conditional Rezoning requests can be found under the "Planning Module" in Cloudpermit. A concept plan is required to be uploaded with all pre-application conference requests.

CZD – APPLICATION COMPONENTS

Conditional Zoning District Applications consist of four required meetings and one primary application deadline. The application components are described below and include the;

- 1) Neighborhood Compatibility Meeting (NCM) – Held prior to the Preliminary Site Plan application deadline, this meeting is hosted by the applicant and involves the presentation of a "Concept Plan" in a public meeting by the applicant. The Planning Division moderates the meeting and records public feedback. Due to noticing requirements a deadline for requesting an NCM is included in the timeline on page 2 to assure that the meeting can be hosted prior to the preliminary site plan application deadline. "Concept Plan" requirements are not as strenuous as those associated with Preliminary Site Plan submissions; they are outlined on page two of this document.
- 2) Preliminary Site Plan Application Deadline – The NCM and all preliminary site plan application requirements including a TIA, if required, must be completed and submitted by this deadline. A complete application with accurate signatures and the application fee is required at this stage. Incomplete applications will not be considered for inclusion on the Planning Board agenda. Partial submissions which have not met the standards established by the City's Zoning Ordinance as outlined on page 4 of this document, will not be accepted for review until complete.
- 3) Planning Board – Held approximately 4-5 weeks after the submission of a complete Preliminary Site Plan Application. The Planning Board meets on the second Thursday of each month at 4pm. The meeting includes a Planning Division staff report and presentation on the application. There will also be an opportunity for the applicant to speak/present. It is incumbent upon the applicant to advocate for their project. Applicants are encouraged to be present and prepare a presentation for each of the required meetings. The Planning Board makes a recommendation for approval or denial of the application to City Council.
- 4) City Council – Held 3 weeks after the Planning Board meeting. The meeting includes a Planning Division staff report and presentation. There will also be an opportunity for the applicant to speak/present. It is incumbent upon the applicant to advocate for their project. Applicants are encouraged to be present and prepare a presentation for each of the required meetings. The City Council takes final action on approving or denying the Conditional Zoning District at this meeting.
- 5) Final Site Plan Review – A Final Site Plan based on the approved preliminary site plan and drafted in accordance with Chapter 7 of the Zoning Code is required after a conditional rezoning is approved and before any site disturbance or construction can begin.

CZD - APPLICATION TIMELINE

Section 7, Item C.

Deadline for NCM request 4:00 pm	Preliminary Site Plan Deadline 4:00 pm	Planning Board 4:00 pm	City Council
November 22nd ,2024	December 6th, 2024	January 9th, 2025	February 12th ,2025
December 20th, 2024	January 3rd, 2025	February 13th, 2025	March 6th, 2025
January 24th, 2025	February 7th, 2025	March 13th, 2025	April 3rd, 2025
February 21st, 2025	March 7th, 2025	April 10th, 2025	May 1st, 2025
March 21st, 2025	April 4th, 2025	May 8th, 2025	June 5th, 2025
April 18th, 2025	May 2nd, 2025	June 12th, 2025	July 2nd, 2025
May 23rd, 2025	June 6th, 2025	July 10th, 2025	August 7th, 2025
June 20th, 2025	July 4th, 2025	August 14th, 2025	September 4th, 2025
July 18th, 2025	August 1st, 2025	September 11th, 2025	October 2nd, 2025
August 22nd, 2025	September 5th, 2025	October 9th, 2025	November 6th, 2025
September 19th, 2025	October 3rd, 2025	November 13th, 2025	December 4th, 2025
October 24th, 2025	November 7th, 2025	December 11th, 2025	January 2nd, 2026
November 21st, 2025	December 5th, 2025	January 8th, 2026	February 5th, 2026

CZD – NCM CONCEPT PLAN REQUIREMENTS

A Neighborhood Compatibility Meeting can be held at any time prior to the submission of a Preliminary Site Plan. However, due to noticing requirements, the applicant must request an NCM no later than the deadline listed above for the meeting record to be completed by the Preliminary Site Plan deadline which follows on the chart above. The following components of a Concept Plan must be submitted in order to host a Neighborhood Compatibility Meeting.

1) A Concept Plan showing

- a. Location and boundaries of the property.
- b. How individual buildings are to be situated on the site, including distances from these buildings to property lines.
- c. Proposed drives & parking.
- d. Location of signs and outdoor lighting.
- e. Proposed restrictive covenants, if available, shall be presented.
- f. The plan need not be exactly to scale; although, all distances and dimensions shall be shown.

- 1) A completed application with developer/applicant and property owner signatures.
- 2) Application Fee: \$100 per acre with a \$500 minimum
- 3) Site Survey: Shall be submitted as a single to scale sheet measuring at least 24" by 36" and shall include the following site-specific information:
 - a. Site Topography: 2' Contours:
 - b. Adjacent Property Information:
 - c. North Arrow, Scale, and Landmarks Sufficient to Identify Location:
 - d. Inset Vicinity Map
- 4) Preliminary Site Plan: Intended to be the primary schematic site plan, the preliminary site plan should be developed on a single to scale sheet measuring at least 24" by 36" and shall include the following project specific information.
 - a. Basic Project Information – Please include this information in chart form:
 - i. Date with month, day, and year:
 - ii. Title of Project:
 - iii. Name of Project Designer, Developer, and Property Owner:
 - iv. Project Zoning: per City of Hendersonville Zoning Map
 - v. Parking Requirements
 1. Calculation of parking spaces required per ordinance.
 2. Notation of parking spaces provided.
 - vi. Project Square Footage/Acreage & Percentage of Total Site
 1. Total Project Area
 2. Site Coverage – Buildings
 3. Site Coverage – Open Space
 4. Site Coverage – Streets & Parking
 5. Site Coverage – Other Facilities
 6. Site Coverage – Common Open Space
 - b. North Arrow, Scale, and Landmarks Sufficient to Identify Location:
 - c. Inset Vicinity Map:
 - d. City Limits – If in City please note accordingly, if outside of City and proposed for annexation, please note nearest location of City boundary by distance in feet:
 - e. Adjacent Properties - Zoning Designations & Owner Names:
 - f. Building Layout & Pedestrian and Vehicular Infrastructure:
 - i. Building Dimensions
 - ii. Sign Data

iii. Density (residential)

iv. Building Height as measured from Average Finished Grade

v. Sidewalks

vi. Off-Street Parking

vii. Off-Street Loading and Unloading

g. Preliminary Access Layout:

i. Proposed Streets, Alleys, Driveways, etc.

ii. Entrance and Exit Locations:

h. Proposed Project Phasing: (if applicable)

Section 7, Item C.

Preliminary Landscape & Resource Layout Plan (Zoning Ordinance Article 15 & 17; Stormwater Mngt - City Code of Ordinances Chapter 24 Article III):

This plan may be included as a separate sheet if submitting agent is concerned for the readability of the plan.

a. Property Buffers

b. Planting strips/beds/etc.

c. Street Trees, Perimeter & Interior Plantings

d. A plan showing tree line before site preparation, identifying existing tree canopy, tree canopy proposed to be preserved, and new canopy installation areas, identifying the acreage of each, as well as areas to be screened, fenced, walled and/or landscaped

e. If Tree Credits are proposed to be utilized, the tree diameter (dbh) and species of tree shall be provided for individual trees that are proposed for preservation.

f. Proposed limits of land disturbing activity

g. Acreage of disturbed area

h. Screening

i. Floodplain

j. Stream Buffers

k. Site Lighting

l. Common open space

m. Open space maintenance arrangements

Preliminary Utility Layout Plan:

This plan shall be included as a separate plan.

a. Stormwater Plan:

i. Please include a proposed area of site disturbance.

ii. If area of disturbance exceeds an acre, then demonstrated compliance with stormwater ordinance required.

b. Water & Sewer

i. Please include utility layout and proposed connections.

Building Elevations (if applicable)	
Some districts and Mixed Use projects require submittal of building elevations per district design standards and Zoning Code.	Section 7, Item C.

Traffic Impact Analysis:
Applicants shall include a TIA for conditional zoning applications which, when development is completed, are expected to generate 100 or more peak-hour trips (am or pm) or 1,000 or more daily trips or when required by the Community Development Director or by Zoning District. Trip generation predictions are to be defined by the latest edition of the manual Trip Generation published by the Institute of Transportation Engineers

Statement on Comprehensive Plan Compliance:
Zoning Ordinance Article 14

Signature of Understanding and Completion	
By signing this document, you are confirming that all required documents have been submitted in accordance with the requirements of this document.  Signed by / Firmado por Kathryn Thomas 07/02/2025, 2:37:03 PM EDT / 2/7/25 14:37:03 EDT	Date 07/02/2025



Required Information		
Scheduled Neighborhood Compatibility Meeting - NCM Date 07/24/2025		NCM Time 2:00 PM
Transportation Impact Analysis - (if applicable) Required for complete application but not due until 24 calendar days prior to Planning Board Meeting		
Information		
Type of Development: Commercial	Current Zoning Planned Institutional Development Conditional Zoning District (PID-CZD)	
Proposed Zoning: Medical, Institutional, and Cultural Conditional Zoning District (MIC-CZD)		Total Acreage 0.95
Proposed Building Square Footage: 11680.0 sq.ft.	Number of Dwelling Units: 0	List of Requested Uses: Office



Applicant (Developer) Company Information	
Authorized Representative Name: Ethan Young	Company Name (if applicable, check corresponding box below) Ryse Construction
Company Type: ☐ Corporation: ☒ Limited Liability Company: ☐ Partnership: ☐ Trust: ☐ Other:	If other:
Authorized Representative Title (if applicable - i.e. Member/Manager, President, etc.) President	



Zoning-Property Owner Company Information

Section 7, Item C.

Property Owner Company Information (if different from Applicant)

Authorized Representative Name:

David Lee

Company Name (if applicable, check corresponding box below)

New Leaf Sales, LLC

Company Type:

If other:

☐

Corporation:

☒

Limited Liability
Company:

☐

Trust:

☐

Partnership:

☐

Other:

Authorized Representative Title (if applicable - i.e. Member/Manager, President, etc.)

PRE-CONSULTATION

Application id
US-NC30720-P-2025-129

Category
Conditional Rezoning

Workspace status
Submitted

Requested date and time
07/01/2025, 10:34:18 AM EDT

Zoning
-

Pre-consultation status
Completed

PARTIES

NAME AND COMPANY	CONTACT DETAILS	ROLES
Kathryn Thomas Compleat KiDZ	913 9the Ave W Hendersonville +1 7049156193	Applicant
Jennifer Lahn Kare Partners	54 Myrtle Street Belmont +1 7046509522	Applicant
David Lee NEW LEAF SALES LLC	2207 KANUGA RD HENDERSONVILLE NC 28739 Hendersonville +1 8286994505	Property owner



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

SUBMITTER: Adam Murr

MEETING DATE: 10/02/2025

AGENDA SECTION: Consent

DEPARTMENT: Administration

TITLE OF ITEM: 2025 General Obligation (GO) Bond Resolution of Intent and Statement of Fact
- Adam Murr, Budget & Evaluation. Director

SUGGESTED MOTION(S):

I move City Council adopt (1) the **Resolution Directing the Publication of the Notice of Intent to Apply to the Local Government Commission** and (2) the **Resolution Making Certain Statements of Fact** as presented.

SUMMARY:

In alignment with City Council's strategic goals, the City of Hendersonville is considering the issuance of up to \$10,000,000 in revenue bonds. Bond proceeds would support a wide range of transportation projects, including the acquisition, construction, reconstruction, widening, paving, and resurfacing of streets and sidewalks. Eligible projects may also include curbs, gutters, drainage systems, bridges, overpasses, crossings, lighting, traffic controls, bicycle lanes, landscaping, streetscaping, pedestrian enhancements, and the acquisition of land, rights-of-way, and easements.

This agenda item authorizes City staff to publish a Notice of Intent to Apply to the Local Government Commission (LGC) for Approval of Bonds and to make the required statements of fact related to the proposed issuance.

Next Steps:

- October 7, 2025: Staff will advertise the Notice of Intent.
- October 20, 2025: Staff will file the application with the LGC.
- November 6, 2025: Introduction of the bond order resolution setting a public hearing date.
- December 4, 2025: Public hearing on the bond order.

BUDGET IMPACT: \$10,000,000.00

Is this expenditure approved in the current fiscal year budget? N/A

If no, describe how it will be funded. N/A

ATTACHMENTS:

Resolution Directing the Publication of the Notice of Intent to Apply to the LGC
Resolution Making Certain Statements of Fact

#R-25-_____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HENDERSONVILLE, NORTH CAROLINA DIRECTING THE PUBLICATION OF NOTICE OF INTENTION TO APPLY TO THE LOCAL GOVERNMENT COMMISSION FOR APPROVAL OF BONDS

WHEREAS, the City Council (the “*City Council*”) of the City of Hendersonville, North Carolina (the “*City*”) is considering the issuance of general obligation bonds of the City which shall be for the following purposes and in the following maximum amount:

\$10,000,000 of bonds to provide funds to pay the capital costs of acquiring, constructing, reconstructing, widening, extending, paving, resurfacing, grading and improving streets and sidewalks, including, without limitation, curbs, gutters, drains, bridges, overpasses, crossings, lighting, traffic controls, signals and markers, bicycle lanes, and landscape, streetscape and pedestrian improvements, and the acquisition of land, rights-of-way and easements in land required therefor.

NOW, THEREFORE, BE IT RESOLVED by the City Council that the City Clerk is hereby directed to cause a copy of the “NOTICE OF INTENTION TO APPLY TO THE LOCAL GOVERNMENT COMMISSION FOR APPROVAL OF BONDS” to be published in a newspaper of general circulation in the City.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 2nd day of October, 2025.

Attest:

Barbara G. Volk, Mayor, City of Hendersonville

Jill Murray, City Clerk

Approved as to form:

Angela S. Becker, City Attorney

STATE OF NORTH CAROLINA)
)
CITY OF HENDERSONVILLE) SS:

I, *Jill Murray*, City Clerk of the City of Hendersonville, North Carolina, *DO HEREBY CERTIFY* the attached to be a true and correct copy of a resolution entitled, **“RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HENDERSONVILLE, NORTH CAROLINA DIRECTING THE PUBLICATION OF NOTICE OF INTENTION TO APPLY TO THE LOCAL GOVERNMENT COMMISSION FOR APPROVAL OF BONDS”** adopted by the City Council of the City of Hendersonville, North Carolina in a regular meeting convened on the 2nd day of October, 2025, as recorded in the minutes of the City Council of the City of Hendersonville, North Carolina.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said City, this the ____ day of _____, 2025.

(SEAL)

City Clerk
City of Hendersonville, North Carolina

#R-25-_____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HENDERSONVILLE, NORTH CAROLINA MAKING CERTAIN STATEMENTS OF FACT CONCERNING PROPOSED BOND ISSUE AND AUTHORIZING THE APPLICATION TO THE LOCAL GOVERNMENT COMMISSION

WHEREAS, the City Council (the “*City Council*”) of the City of Hendersonville, North Carolina (the “*City*”) is considering the issuance of general obligation bonds of the City which shall be for the following purposes and in the following maximum amounts:

\$10,000,000 of bonds to provide funds to pay the capital costs of acquiring, constructing, reconstructing, widening, extending, paving, resurfacing, grading and improving streets and sidewalks, including, without limitation, curbs, gutters, drains, bridges, overpasses, crossings, lighting, traffic controls, signals and markers, bicycle lanes, and landscape, streetscape and pedestrian improvements, and the acquisition of land, rights-of-way and easements in land required therefor.

WHEREAS, certain findings of fact by the City Council must be presented to enable the Local Government Commission of the State of North Carolina (the “*Commission*”) to make certain determinations as set forth in Section 159-52 of the North Carolina General Statutes, as amended.

NOW, THEREFORE, BE IT RESOLVED that the City Council, meeting in open session on the 2nd day of October, 2025, has made the following factual findings in regard to this matter:

A. ***Facts Regarding Necessity of Proposed Financing.*** The proposed bonds are necessary or expedient to pay the capital costs of acquiring, constructing, reconstructing, widening, extending, paving, resurfacing, grading and improving streets and sidewalks as set forth above.

B. ***Facts Supporting the Amount of Bonds Proposed.*** The sums estimated for these bonds are adequate and not excessive for the proposed purposes. Estimates for the proposed projects have been carefully analyzed and determined by persons knowledgeable about the projects.

C. ***Past Debt Management Procedures and Policies.*** The City’s debt management procedures and policies are good and have been carried out in compliance with law. The City employs a Finance Director to oversee compliance with applicable laws relating to debt management. The City Council requires annual audits of City finances. In connection with these audits, compliance with laws is reviewed. The City is not in default in any of its debt service obligations. The City Attorney reviews all debt-related documents for compliance with laws.

D. ***Past Budgetary and Fiscal Management Policies.*** The City’s budgetary and fiscal management policies have been carried out in compliance with laws. Annual budgets are closely reviewed by the City Council before final approval of budget ordinances. Budget amendments changing a function total or between functions are presented to the City Council at regular City Council meetings. The Finance Director presents financial information to the City Council which shows budget to actual comparisons annually and otherwise as the City Manager deems necessary or as a member of the City Council may request.

E. ***Increase in Taxes.*** The increase in taxes, if any, necessary to service the proposed debt will not be excessive. The schedule for issuance anticipates issuing all of the bonds in one or more series during the seven years following the approval of the bond order.

F. ***Marketing of Bonds.*** The proposed bonds can be marketed at reasonable rates of interest.

G. ***Estimated Interest.*** The assumptions to be used by the City’s Finance Director in preparing the statement of disclosure to be filed with the City Clerk pursuant to Section 159-55.1(a) of the General Statutes of North Carolina are reasonable.

BE IT FURTHER RESOLVED that the City Council hereby authorizes and directs the Finance Director of the City to file with the Commission an application for its approval of General Obligation Transportation Bonds hereinbefore described, on a form prescribed by said Commission, and (1) to request in such application that said Commission approve the City’s use of Parker Poe Adams & Bernstein LLP, as bond counsel for the City and (2) to state in such application such facts and to attach thereto such exhibits in regard to such General Obligation Transportation Bonds and the City’s financial condition, as may be required by said Commission.

BE IT FURTHER RESOLVED that this Resolution shall become effective on the date of its adoption.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 2nd day of October, 2025.

Attest:

Barbara G. Volk, Mayor, City of Hendersonville

Jill Murray, City Clerk

Approved as to form:

Angela S. Becker, City Attorney

STATE OF NORTH CAROLINA)
)
CITY OF HENDERSONVILLE) SS:

I, *Jill Murray*, City Clerk of the City of Hendersonville, North Carolina, *DO HEREBY CERTIFY* the attached to be a true and correct copy of a resolution entitled, **“RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HENDERSONVILLE, NORTH CAROLINA MAKING CERTAIN STATEMENTS OF FACT CONCERNING PROPOSED BOND ISSUE AND AUTHORIZING THE APPLICATION TO THE LOCAL GOVERNMENT COMMISSION”** adopted by the City Council of the City of Hendersonville, North Carolina in a regular meeting convened on the 2nd day of October, 2025, as recorded in the minutes of the City Council of the City of Hendersonville, North Carolina.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said City, this the ____ day of _____, 2025.

(SEAL)

City Clerk
City of Hendersonville, North Carolina

Resolution #__-____

**REQUEST TO THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION TO
REDUCE THE SPEED LIMIT ON CHURCH STREET AND KING STREET IN
DOWNTOWN HENDERSONVILLE**

WHEREAS, there are several sections of Church Street and King Street in downtown Hendersonville that are listed as 35 miles per hour (mph) with the remainder of the road sections posted at 20 mph speed limit; and

WHEREAS, there are many pedestrians that utilize these corridors, and the City would like to encourage and provide the safest possible environment for drivers and pedestrians to reduce the likelihood of accidents; and

WHEREAS, these sections of streets are state-owned rights-of-way, City Council wishes to reduce the 35 mph speed limit to 20 mph making the speed limit consistent throughout the entire lengths of Church Street and King Street.

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

1. It requests the North Carolina Department of Transportation reduce the speed limit from 35 mph to 20 mph on Church Street and King Street; replace signs as necessary to reflect the 20 mph speed limit; and update records, maps, and data accordingly.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 2nd day of October 2025.

Attest:

Barbara G. Volk, Mayor, City of Hendersonville

Jill Murray, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney

Details

Basemap

Share

Print

About

Content

Legend

Legend

NCDOT Speed Limits

Speed Limit - State Maintained

- 10
- 15
- 20
- 25
- 30
- 35
- 40
- 45
- 50
- 55
- 60
- 65
- 70

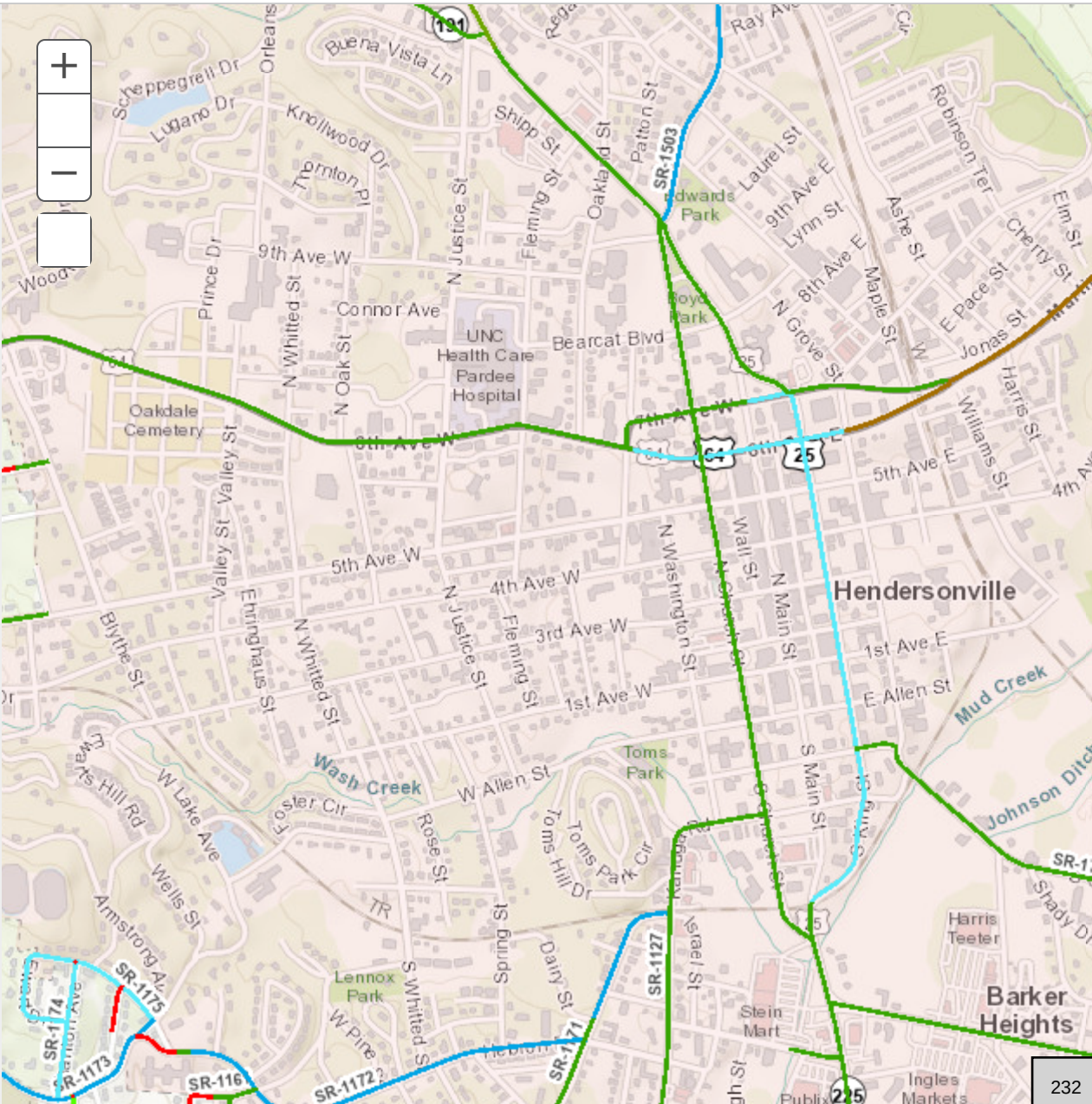
NCDOT City Boundaries

Municipal Boundary



NCDOT County Boundaries

County Boundary





CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

SUBMITTER: Angela Beeker

MEETING DATE: October 2, 2025

AGENDA SECTION: NEW BUSINESS

DEPARTMENT: Legal

TITLE OF ITEM: NCDOT Purchase of S Main Street Property and Honor Air Park – *Angela Beeker, City Attorney*

SUGGESTED MOTION(S):

I move City Council adopt the Resolution by the City of Hendersonville to Accept the Contingent Offer of Just Compensation from the North Carolina Department of Transportation for the South Main Street Widening Project.

SUMMARY:

NCDOT has made an offer to purchase the City-owned parcel on South Main Street that is the current home to Honor Air Park. The acquisition is needed for the construction of the U-5886 S Main/White Street Road Improvement project. As part of the acquisition, NCDOT has agreed to deed two parcel remnants along S King Street to the City of Hendersonville, which could be used for a future Above the Mud greenway project. NCDOT has also agreed to work with the City on other parcel remnants along White Street.

BUDGET IMPACT: TBD

Is this expenditure approved in the current fiscal year budget?

If no, describe how it will be funded.

ATTACHMENTS:

Resolution
Contingent Offer to Purchase Real Property
Negotiated/Auction Sale of Residue
Appraisal

Resolution #R-25-

**RESOLUTION BY THE CITY OF HENDERSONVILLE TO ACCEPT THE
CONTINGENT OFFER OF JUST COMPENSATION FROM THE NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION FOR THE SOUTH MAIN STREET
WIDENING PROJECT**

WHEREAS, the North Carolina Department of Transportation (“NCDOT”) is conducting a project to widen the Bridge over Mud Creek (Bridge 143) to five lanes along N.C. 225 from South King Street to U.S. 176; and

WHEREAS, NCDOT must acquire right of way from the City as part of this project, said right of way being all of that real property described in Deed Book 1357 at page 559, Henderson County Registry (the “City Property”); and

WHEREAS, NCDOT has conducted an appraisal and has determined the fair market value for the City Property required for the road widening project; and

WHEREAS, NCDOT has also acquired right of way from private property owners resulting in remnants of property adjacent to real property owned by the City; and

WHEREAS, as additional consideration for the City Property, NCDOT has offered to convey to the City the remnants of that Parcel described in Deed Book 4235 at page 151, Henderson County Registry (“Parcel 46”) and that Parcel described in Deed Book 4235 at page 143, Henderson County Registry, (“Parcel 47”); and

WHEREAS, NCDOT has submitted a Contingent Offer to Purchase Real Property for the City Property in the amount of \$443,250.00, together with a Negotiated/Auction Sale of Residue for the remnants of Parcels 46 and 47; and

WHEREAS, City staff have determined that this offer is reasonable and recommend City Council approve the offer as presented.

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

1. The Contingent Offer to Purchase Real Property for the U-6049 project is accepted and approved.
2. The City Manager is authorized to execute the Negotiated/Auction Sale of Residue for the remnants of Parcels 46 and 47.
3. The City Manager, City Attorney, and City Clerk are authorized to take all actions necessary to execute the Offer and complete the sale of the real property described hereinabove.

Adopted by the City Council of the City of Hendersonville, North Carolina on this 2nd day of October, 2025.

Attest:

Barbara G. Volk, Mayor, City of Hendersonville

Jill Murray, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney

SUMMARY STATEMENT/CONTINGENT OFFER TO PURCHASE REAL PROPERTY
DUE TO THE ACQUISITION OF RIGHT OF WAY AND DAMAGES

Section 8, Item C.

TO: City of Hendersonville
160 6th Avenue East
Hendersonville, NC 28792

DATE: 11/15/2024
TO: Lessee, if Applicable
N/A

TIP/PARCEL NO.: U-6049 044
COUNTY Henderson
DESCRIPTION: NC 225 (South Main St) South King St to US 176

WBS ELEMENT: 46995.2.1

Dear Property Owner:

The following contingent offer of just compensation is based on the fair market value of the property and is not less than the approved appraised value for the appropriate legal compensable interest or interests. The approved value disregards any increase or decrease in the fair market value of the property acquired due to influence caused by public knowledge of this project. The contingent offer of just compensation is based on an analysis of market data, comparable land sales, and, if applicable, building costs in the area of your property. **Please retain this form as it contains pertinent income tax information.**

Value of Right of Way to be Acquired	\$ 382,950.00
Value of Permanent Easements to be Acquired	\$ -0-
Value of Temporary Easement (Rental of Land) to be Acquired	\$ -0-
Value of Improvements to be Acquired	\$ 60,300.00
Damages, if any, to Remainder	\$ -0-
Benefits, if any, to Remainder	minus \$ -0-
TOTAL CONTINGENT OFFER	\$ 443,250.00

The total contingent offer includes all interests other than leases involving Federal Agencies and Tenant owned improvements.

(A) Description of the land and effects of the acquisition

Subject property described in Deed Book 1357, page 559, Henderson County Registry, contains approximately 0.333 acres of which approximately 0.333 acres is being acquired as right of way, leaving -0- acres remaining.

(B) The TOTAL CONTINGENT OFFER includes payment for the improvements and appurtenances described below:
Monument sign, wood sign, concrete paving, ground lights, flag poles, landscaping

Provided there is sufficient time remaining in the project schedule, you may repurchase these improvements for a retention value, with the stipulation that you remove them from the acquisition area at no expense to the Department.

(C) Should you desire to sell the Department the portion of your property considered to be an uneconomic remnant or buildable lot, as explained to you by the Right of Way Agent, the total contingent offer would be: \$ N/A .
Please note that any contingent offer to purchase a remnant/buildable lot is conditioned upon the remnant/buildable lot being environmentally clean prior to the conveyance to the Department. You may be required to provide the Department with a release from the appropriate environmental agency stating that all contaminants have been remediated and/or removed to their standards.

The original of this form was handed/mailed, if out of state owner, to Angela Beeker, city attorney for the City of Hendersonville on November 15th, 20 24 . Owner was furnished a copy of the Right of Way Brochure/Owner's Letter.

I will be available at your convenience to discuss this matter further with you. My telephone number is 919-375-4619

Please be advised that the agent signing this form is only authorized to recommend settlement to the North Carolina Department of Transportation, and any recommended settlement is not a binding contract unless and until accepted by the North Carolina Department of Transportation by its formal execution of documents for conveyance of Right of Way, Easements, and/or other interests.

(Signed)



Tyler Barabasz - Right of Way Agent

NEGOTIATED/AUCTION SALE OF RESIDUE

COUNTY OF	<u>HENDERSON</u>	WBS	<u>46995.2.1</u>	DATE:	
CLAIM OF	<u>MIKE M HODGES (046)</u>	TIP/PARCEL	<u>U-6049 046</u>	ASSET #:	<u>263172 &</u>
	<u>THE HODGES CO, LLC</u>		<u>& 047</u>		<u>263178</u>
	<u>(047</u>				

I, the undersigned, agree to pay to the Department of Transportation the sum of \$ 0.00*
for the portion of the lands formerly owned by MIKE M HODGES & HODGES CO LLC

(The bidder's attention is directed to the fact that the State of North Carolina does not warrant title to lands. It will be the responsibility of the buyer to satisfy himself as to the title to the property involved. The buyer should also examine the property carefully inasmuch as it is his responsibility, through survey or otherwise, to satisfy himself on the area of land being offered for sale. The purchaser also agrees to accept title to the property subject to any outstanding liens, taxes, or other assessments.)

No submission of funds is required to accompany this sealed bid. In the event of being the highest bidder at the end of the rolling 10-business day upset period (N.C.G.S. 136-19.7), as a guarantee that I will comply with my bid; I acknowledge that if the bid amount is less than \$1,000.00, the full bid amount in the form of a personal check is due within 5 business days. It is also recognized that if the bid amount is greater than \$1,000.00 a certified or cashier's check in the amount of \$1,000.00 or 10% of the bid amount, whichever is larger, is required as a deposit within 5-business days.

I further acknowledge that if my bid is not accepted by the Board of Transportation or by the Council of State my deposit will be returned to me.

It is my understanding, in placing the bid on this property, that the sale of the subject land must be approved by the Council of State of the State of North Carolina, and that there could be a delay of several months in confirming the sale and delivering the deed. It is my further understanding that upon notification that the deed has been executed and delivered to the Division Right of Way office, I will have a maximum of thirty (30) days to submit via certified or cashier's check for the outstanding balance of the bid amount to the Department and take possession of the deed. If the transaction is not completed within the thirty (30) days, it is no longer valid, and all monies paid to the Department of Transportation as a part of this agreement will be forfeited.

Convey property to: _____

RECOMMEND ACCEPTANCE

SIGNATURE OF BIDDER

MANAGER OF RIGHT OF WAY

Typed Name:

Address:

Email _____

Telephone #:

***FOR CONSIDERATION OF SETTLEMENT OF HIGHWAY RIGHT OF WAY CLAIM PARCEL 044**

North Carolina Department of Transportation-Right of Way Unit

REVIEW CERTIFICATION

TIP/Parcel No.: U-6049/044 WBS Element: 46995.2.1 County: Henderson
 Owner(s): City of Hendersonville FedAid Project: N/A

I HEREBY CERTIFY THAT, to the best of my knowledge and belief the facts and data reported by me and used in the review process are true and correct.

I understand that this estimate of value is to be used in connection with a highway project and/or NCDOT Real Estate transaction.

The analyses, opinions, and conclusions in the **Review Report** are limited only by the critical assumptions and limiting conditions stated in the **Review Report** and are my personal, unbiased professional analyses, opinions, and conclusions.

I have no direct or indirect, present or prospective interest in the subject property or in any benefit from the acquisition of the subject property and I have no personal interests or bias with respect to the parties involved.

I have ☐, have not ☒, performed an appraisal and / or any other services as an appraiser or any other capacity, regarding the property that is the subject of this appraisal within the three year period immediately preceding acceptance of the assignment.

My compensation is not contingent on an action or event resulting from the analyses, opinions, or conclusions in, or the use of, the **Review Report**.

My estimate of the value of all items which are Compensable under State law but not eligible for Federal Aid reimbursement is \$ N/A

I personally inspected the subject parcel. I did ☒ did not ☐ personally inspect all sales/rentals considered to be comparable to the subject parcel.

My analyses, opinions, and conclusions were developed and the **Review Report** was prepared in compliance with **NCDOT Real Estate Appraisal Standards and Legal Principles** and the **Uniform Standards of Professional Appraisal Practice**. The appraisals in this assignment are to be made in accordance with all of the requirements set out in the **NCDOT Real Estate Appraisal Standards and Legal Principles** and the **Uniform Standards of Professional Appraisal Practice** and shall also comply with all applicable **Local, State, and Federal** laws, ordinances, regulations, restrictions and/or requirements; and any additions, revisions and/or supplements thereto. No one provided me with significant professional assistance with the **Review Report**.

The value opinion stated in the appraisal report is adequately supported as the estimate of just compensation. The difference indicated, if any, in the "**Market Value**" of the entire tract **Before the Acquisition** and the "**Market Value**" of the remaining property immediately **After the Acquisition** is \$443,250, as allocated:

Allocation

Right of Way	\$382,950
Permanent Easements	\$0
Temporary Easements	\$0

Total Value of Land Acquired	\$382,950
Value of Improvements Acquired	\$60,300
Damage to Remainder	\$0
Benefits to Remainder	\$0
DIFFERENCE	\$443,250



October 9, 2024
DATE OF CERTIFICATION

Laura A. Gourlay
REVIEW APPRAISER

Un-Economic Remnant to the Owner is a Factor ☐ Yes ☒ No
 Area 0.000 Amount \$0

Administrative Approval

Laura A. Gourlay
APPROVED BY:

October 9, 2024
DATE:

**North Carolina Department of Transportation
Right of Way Branch - Appraisal Summary Sheet**

Section 8, Item C.

1. TIP/Parcel No. U-6049/044 WBS Element: 46995.2.1 County: Henderson

2. Owner(s): City of Hendersonville Fed Aid Project: N/A

3. Plan Sheet No.: 7 Survey Stations: SS 11+60.00 to SS 13+10.00 SL Rt of Y7

4. Land Areas:	AREA LT.OF R/W	AREA IN R/W	AREA RT.OF R/W	TOTAL
	0.000 ac	0.333 ac	0.000 ac	0.333 ac
5. Add: Land Area in Existing R/W:	0.000 ac	0.000 ac	0.000 ac	0.000 ac
6. Appraise Net Areas	0.000 ac	0.333 ac	0.000 ac	0.333 ac

7. Easements: TCE: _____ AUE: _____ PDE: _____
TDE: _____ PUE: _____ PCE: _____
TUE: _____ DUE: _____ Other: _____

8. Improvements Lt. of R/W	Improvements to be Acquired	Improvements Rt. of R/W
None	Monument sign, wood sign, concrete paving, ground lights, flag poles, landscaping,	None

9. Rights and Interests to be Appraised: **Unencumbered Fee Simple Interest**
(Subject to Existing Easements and Restrictions as Affected by Highway Acquisition.)

10. Estimated "MARKET VALUE" of Property Immediately Before:

Land \$	<u>382,950</u>	
Improvements \$	<u>60,300</u>	
TOTAL \$		<u>443,250</u>

11. Estimated "MARKET VALUE" of Property Immediately After:

Land \$	<u>0</u>	
Improvements \$	<u>0</u>	
TOTAL \$		<u>0</u>

12. "DIFFERENCE" Between Before and After Value (If Benefited, Type "BENEFITS") \$ 443,250

Ella M Vrolyk

September 17, 2024

Signed _____ Date of Appraisal _____

Name: Ella M. Vrolyk, MAI Phone: (828) 301 0051

Address: 4 Maltese Lane

Weaverville, NC 28787

E-Mail Address: EllaVrolyk@gmail.com



TABLE OF CONTENTS

NCDOT Right of Way Branch Appraisal Summary Sheet	1
Table of Contents	2
Certification	3
Objective of Appraisal and Purpose of Report	4
Appraiser Certification	4
Statement of Competency	4
Inspection of the Property	4
Three Year Reporting Period	4
Date of Value Estimate(s) / Date of Report	4
Scope of Work	4
Client / Intended User / Intended Use of Report	6
Property Identification	6
Property Interest to Be Appraised – Fee Simple Estate	7
Definition of Market Value	7
Personal Property, Trade Fixtures or Intangible Items	7
Site Size	7
Hypothetical Conditions	8
Extraordinary Assumptions / Limiting Conditions	8
Regional Area Analysis	10
Neighborhood Description	17
Site Description	19
Subject Improvements	22
Property Taxes and Assessments	23
Public and Private Restrictions	24
Exposure Time and Marketing Time	24
History of the Property	24
Highest and Best Use	25
Appraisal Process – Valuation Methodology	27
Valuation of Property Before the Taking	28
Cost Approach	28
Reconciliation and Final “Before” Value Estimate	39
Description of the Acquisition	39
Valuation of Property After the Taking	39
Difference in the Before and After Values	39
Allocation of Difference	40
Addenda	41

CERTIFICATION

I certify that, to the best of my knowledge and belief:

The statements of fact contained in this report are true and correct.

The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, impartial, and unbiased professional analyses, opinions, conclusions and recommendations.

I have no present or prospective interest in the property that is the subject of this report, and I have no personal interest with respect to the parties involved.

I have no bias with respect to any property that is the subject of this report or to the parties involved with this assignment.

My engagement in this assignment was not contingent upon developing or reporting predetermined results.

My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.

The reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the requirements of the Code of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute, which include the Uniform Standards of Professional Appraisal Practice.

I completed an inspection of the property on September 17, 2024.

I inspected the comparable site sales from the right-of-way.

I have not provided appraisal services or any other services related to the subject property in the last three years.

No one provided significant real property appraisal assistance in the preparation of this appraisal.

This report was not based on a requested minimum valuation, a specific valuation, or the approval of a loan.

As of the date of this report I have completed the continuing education program of the Appraisal Institute.

I certify that the use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.




Ella Vrolyk, MAI

September 26, 2024

OBJECTIVE OF APPRAISAL AND PURPOSE OF REPORT

The objective of this appraisal is to estimate the market value of the subject property. The purpose of this report is to present data and analyses which support the opinion of market value. This appraisal report is prepared for the North Carolina Department of Transportation under the guidelines of the NCDOT Right-of-Way Manual, Uniform Standards of Professional Appraisal Practice 2024 Edition, and General Legal Principles for Highway Right-of-Way Acquisitions. This report is to be reviewed and utilized by the North Carolina Department of Transportation as the basis for payment of just compensation under the laws of eminent domain.

APPRAISER CERTIFICATION

This appraisal report has been made in conformity with, and is subject to, the requirements of the Uniform Standards of Professional Appraisal Practice as set forth by the Appraisal Foundation and the Code of Professional Ethics and Standards of Professional Practice of the Appraisal Institute. The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.

STATEMENT OF COMPETENCY

The signing appraiser is competent to perform the requested assignment. The appraiser has completed appraisals of similar properties, is familiar with, and knowledgeable of, the geographical market as well as the nuances of the subject's competitive market.

INSPECTION OF THE PROPERTY

The appraiser inspected the subject property on September 17, 2024, accompanied by the property owner's representatives, Angela Beeker and Brent Detwiler.

THREE YEAR REPORTING PERIOD

The signing appraiser has not performed services as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding the acceptance of this assignment.

DATE OF VALUE ESTIMATE(S)/DATE OF REPORT

Date of Inspection:	September 17, 2024
Date of Valuation:	September 17, 2024
Appraisal Report Date:	September 26, 2024

SCOPE OF WORK

The Scope of Work is "the amount and type of information researched and the analysis applied in an assignment"¹.

Per the **Scope of Work Rule**, "An appraiser must properly identify the problem to be solved in order to determine the appropriate scope of work. The appraiser must be prepared to demonstrate that the scope of work is sufficient to produce credible assignment results."²

Scope of work includes, but is not limited to, the following:

1. the extent to which the property is identified;
2. the extent to which tangible property is inspected;
3. the type and extent of data researched;
4. the type and extent of analysis applied to arrive at opinions or conclusions"³.

¹ Uniform Standards of Professional Appraisal Practice 2024, p. 6
² Scope of Work Rule; Uniform Standards of Professional Appraisal Practice 2024, p. 15
³ Scope of Work Rule; Uniform Standards of Professional Appraisal Practice 2024, p. 15

Appraisers have broad flexibility and significant responsibility in determining the appropriate scope of work for an appraisal assignment. Credible assignment results require support by relevant evidence and logic. The credibility of assignment results is always measured in the context of *intended use*.

In making a determination of an appropriate scope of work the appraiser must: Identify the problem to be solved; Determine and perform the scope of work necessary to develop credible assignment results; and Disclose the scope of work in the report.

In addition to the property inspection, the remainder of the neighborhood was also inspected and additional photographs were taken of the surrounding area. An analysis of the market area and neighborhood was performed with focus on the four forces which affect property value: social, economic, governmental, and environmental. The analysis led to an opinion of highest and best use both as vacant and as improved. The highest and best use conclusions dictated the type of data gathered and used in the development of the appraisal.

Inspection Challenges:	None	
Unusual Market Externalities:	None	
Data Sources Considered:	Public records, MLS, Costar, local brokers and appraisers, and data retained in the appraiser's files for this property type.	
Data Time Frame:	One to Three Years	
Valuation Approaches:	Applicable?	Completed?
Cost Approach:	Yes	Yes
Sales Comparison Approach	No	No
Income Capitalization Approach	No	No
Applicability of Approaches:	The subject property includes a 0.333-acre tract of land with site improvements only. The site improvements include a monument sign, landscaping, and other site improvements. As such, the cost approach is the only applicable method of valuation and is therefore the only method of analysis used to value the subject property.	
Scope of Sales Researched:	Henderson County, North Carolina as well as surrounding counties.	
Highest and Best Use Analysis Completed?:	Yes, when applicable, the work included a Highest and Best Use Analysis for the property both <i>before</i> and <i>after</i> the proposed roadway project.	
Extraordinary Assumptions?:	Yes, see Extraordinary Assumptions/Limiting Conditions section	
Hypothetical Conditions?:	Yes, see Hypothetical Conditions section	
Comparable Sales Inspected?:	Site Sales – Yes	
Market Analysis:	Inferred	

Report/Format Type: The data, analysis, and conclusions are presented in this appraisal report, in a narrative format.

The level of analysis was determined to meet the needs of the client and was consistent with the level of work and analysis performed by knowledgeable appraisal professionals given the level of risk associated with the subject property type, the current and anticipated market conditions, and the intended use of the conclusions.

Lastly, the appraisal report is written in compliance with, and according to, the North Carolina Department of Transportation Division of Highways – Right of Way Branch: NCDOT Real Estate Appraisal Standards and Legal Principles, Uniform Standards of Professional Appraisal Practice (2024 Edition), and the NCDOT Right of Way Manual.

CLIENT/INTENDED USER/INTENDED USER OF REPORT	
Client:	North Carolina Department of Transportation
Intended User:	The intended users are the North Carolina Department of Transportation and their agents and assigns which include but are not limited to: Carolina Land Acquisitions, project consultants; agents and negotiators; the Attorney General's office; the courts including the judge and jury; and any other parties deemed appropriate by the client.
Intended Use:	The intended use of this appraisal is for the estimation of the market values, both <i>before</i> and <i>after</i> , of the subject property and for the estimation of just compensation in conjunction with the acquisition of a portion or all of the subject property's property rights through the process of eminent domain; as prepared under the guidelines set out in the <u>North Carolina Department of Transportation's Right-of-Way Manual</u> and the <u>Uniform Standards of Professional Appraisal Practice</u> .

PROPERTY IDENTIFICATION	
Owner:	City of Hendersonville
Deed Book/Page:	1357/559 (Henderson County)
Parcel Identification Number (PIN):	9568-85-0368
Address:	Intersection of S. Church St. and S. Main St., Hendersonville, NC 28729; (The subject has not been assigned a physical address.)

PROPERTY INTEREST TO BE APPRAISED – FEE SIMPLE ESTATE

The property rights appraised include the fee simple estate. These rights are the legal and economic properties of the separate entities which may rightfully be exchanged for money or equivalent goods. Fee simple interest, as defined by the 15th Edition of The Appraisal of Real Estate, is:

“Absolute ownership unencumbered by any other interest or estate, subject only to the limitations imposed by the governmental powers of taxation, eminent domain, police power, and escheat.”⁴

Fee simple interest typically means no encumbrances whatsoever, however, for the purpose of this report the definition of fee simple is intended to include a reference to typical financing arrangements available in today's market. The nature of real estate investments in the current market is such that some financing is typically in place, and not considering any leverage precludes a market value estimate.

DEFINITION OF MARKET VALUE

As defined in The Appraisal of Real Estate, 15th Edition, “Market Value is the most probable price, as of a specified date, in cash or in terms equivalent to cash, or in other precisely revealed terms, for which the specified property rights should sell after reasonable exposure in a competitive market under all conditions requisite to a fair sale, with the buyer and seller each acting prudently, knowledgeably, and for self-interest, and assuming that neither is under undue duress.”⁵

PERSONAL PROPERTY, TRADE FIXTURES, OR INTANGIBLE ITEMS

The opinion(s) of market value include real estate only. There are no items of personal property included in the value estimate(s). Note that all fixtures and equipment have been excluded from the analysis.

SITE SIZE

The reported property size prior to the taking is based on information provided by the North Carolina Department of Transportation. The subject site encompasses 0.333 acres.

Size(s) of any areas within existing R/W, proposed R/W, easements, and remainders is taken from information provided by the North Carolina Department of Transportation.

When possible, I have verified the reported size(s). However, I am not qualified as a surveyor and I reserve the right to alter the opinions and estimates of value should more accurate tract size data be made available. Further, in instances in which significant portions of tracts are unusable, and in the absence of surveys identifying net usable areas, reliance was placed on my best estimates.

⁴ The Appraisal of Real Estate, 15th ed. (Chicago: Appraisal Institute, 2020) p.60.

⁵ The Appraisal of Real Estate, 15th ed. (Chicago: Appraisal Institute, 2020) p.49.

HYPOTHETICAL CONDITIONS

In compliance with *Uniform Standards of Professional Appraisal Practice* this section identifies a hypothetical condition(s) required for the completion of the appraisal assignment.

A **hypothetical condition** is defined as “a condition, directly related to a specific assignment, which is contrary to what is known by the appraiser to exist on the effective date of the assignment results, but is used for the purpose of analysis.”⁵ Hypothetical conditions assume conditions contrary to known facts about physical, legal, or economic characteristics of the subject property; or about conditions external to the property, such as market conditions or trends; or about the integrity of data used in an analysis. A hypothetical condition may be used in an assignment only if: Use of the hypothetical condition is clearly required for legal purposes, for purposes of reasonable analysis, or for purposes of comparison;

1. Use of the hypothetical condition results in a credible analysis; and
2. The appraiser complies with the disclosure requirements set forth in USPAP for hypothetical conditions.

The appraisal involves estimating the value of a property before and after the proposed project and additional right-of-way is established with additional consideration for damages, benefits, or both. The property is appraised “as is”, before consideration of the proposed taking and impact of the project. Next, the property is appraised under the *hypothetical condition*⁶ that the proposed project is complete as of the appraisal date. Consideration is given to the impact on value for the use of the easement area(s) and any benefits or damages resulting from the project.

The hypothetical condition is used in this instance to properly develop credible opinions and conclusions for purposes of reasonable analysis, and the use of the hypothetical condition results in a credible analysis consistent with the intended use of the appraisal report. The hypothetical condition is prominently displayed and explained in accordance with the requirements set forth in USPAP for hypothetical conditions.

EXTRAORDINARY ASSUMPTIONS/LIMITING CONDITIONS

An **extraordinary assumption condition** is defined as “an assignment-specific assumption as of the effective date regarding uncertain information used in an analysis, which if found to be false, could alter the appraiser’s opinions or conclusions.”⁷

1. This appraisal report is written in compliance with, and according to, the *North Carolina Department of Transportation Division of Highways – Right of Way Branch: NCDOT Real Estate Appraisal Standards and Legal Principles (2021)*. Please note that in accordance with the referenced document, property characteristics specifically identified as *non-compensable damages* (pgs. 44 - 47) have not been considered as damages.

These include:

- Decrease in traffic volume in front of the premises which might be caused by moving the main travel lanes away from a business or by rerouting or diversion of traffic or by one-way streets.
- Circuitry of travel to achieve access to main traveled lanes or roads.
- One-way street; median strips which prevent turning; fences; and trees and shrubbery

⁶ *Uniform Standards of Professional Appraisal Practice 2024*, p. 4

⁷ Per the *Uniform Standards of Appraisal Practice, 2024*, Standards Rule 1-2, all hypothetical conditions and extraordinary assumptions are identified and explained.

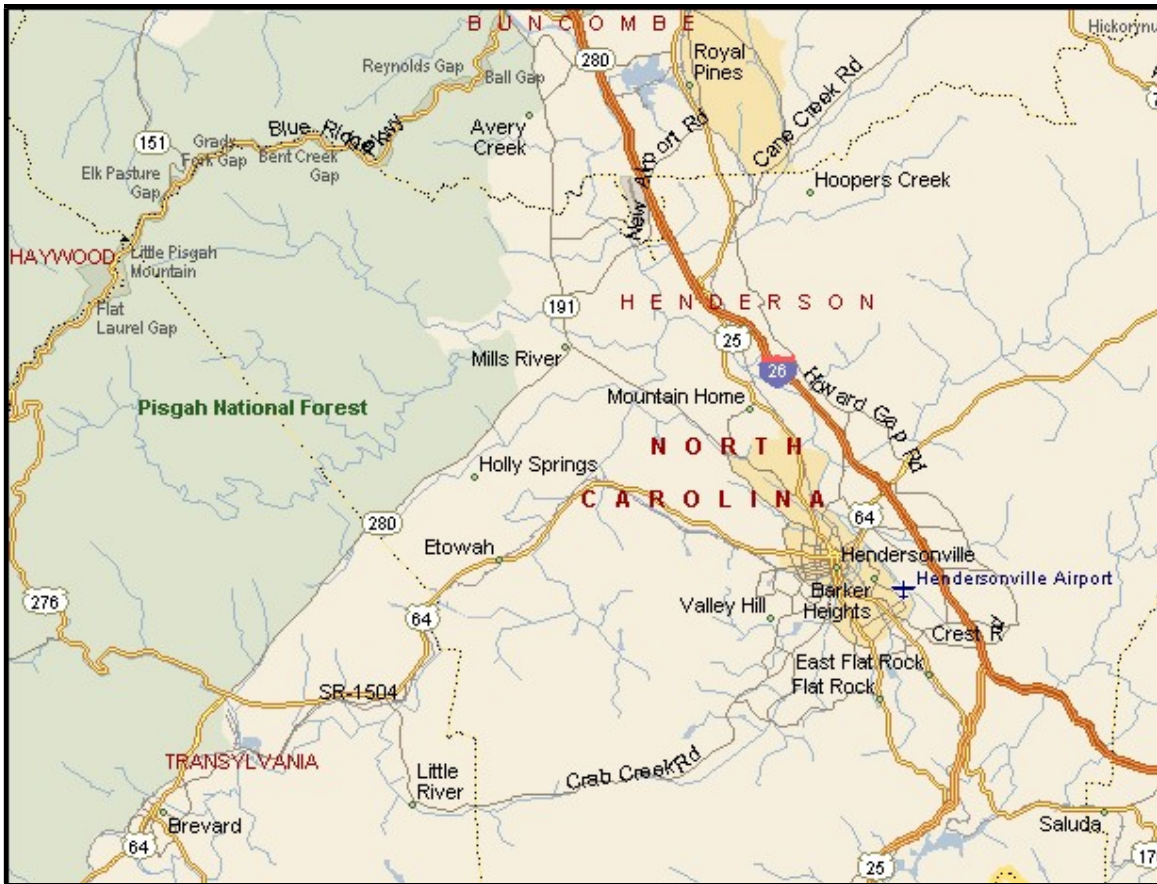
⁸ *Uniform Standards of Professional Appraisal Practice 2024*, p. 4

- erected or planted on the right of way by the Department of Transportation.
 - Lowering or raising the grade of an existing street or highway within the old right of way where access is not controlled.
 - Cul-de-sac which results when an existing rural highway is dead-ended.
 - Loss of use and occupation of the property caused by the construction of the project.
 - Personal annoyance due to interference with peaceful living conditions caused by traffic noise, fumes, and vibrations; however, the appraiser may consider the use to which the condemnor will put any portion of the subject property, but not other property obtained by the condemnor, in arriving at a market value of the subject premises after the taking, in so far as concerns damage to the subject property.
 - Moving expenses including the expense of removal of or relocation of personal property and trade fixtures; breakage or other injury to such property caused by removal.
 - Loss of business, good will, or other interruption of business.
 - Anticipated loss from intended uses or purposes, which the owner has in mind, and all other speculative losses.
2. Unless otherwise stated in this report, the existence of hazardous material and/or contamination which may or may not be present on the property was not observed by the appraiser. The appraiser has no knowledge of the existence of such materials on or in the property. The appraiser, however, is not qualified to detect such substances. The presence of substances such as asbestos, urea-formaldehyde foam insulation or other potentially hazardous materials may affect the value of the property. The value estimate is predicated on the assumption that there is no such material on or in the property that would cause a loss in value. No responsibility is assumed for any such conditions, or for any expertise or engineering knowledge required to discover them. The client/property owner is urged to retain an expert in this field, if desired. That is, the subject property is appraised **"as clean"**.
 3. The appraiser has not made a specific compliance survey and analysis of the subject parcel to determine whether or not it is in conformity with the various detailed requirements of the **American with Disabilities Act ("ADA")**. It is possible that a compliance survey of the property together with a detailed analysis of the requirements of the **ADA** could reveal that the subject parcel is not in compliance with one or more of the requirements of the Act. If so, this fact could have a negative effect upon the value of the property. Since the appraiser has no direct evidence relating to this issue, the appraiser did not consider possible non-compliance with the requirements of **ADA** in estimating the value of the subject.
 4. For the purposes of this analysis, it is assumed that the road project will be completed according to the plans provided. If this is not the case, the value estimate(s) herein could change.

If any of the noted assumptions prove to be false, I reserve the right to amend the value estimate(s) and the results of this report are null and void. There are no additional extraordinary assumptions or limiting conditions in this appraisal assignment that would have an effect on the opinion(s) of the market value(s) for the subject property.

The use of hypothetical conditions and/or extraordinary assumptions may affect the assignment results.

REGIONAL AREA ANALYSIS



The appraisal process begins with a description and analysis of the area in which the subject property is located. This analysis considers the four forces that affect property value. These are: social, economic, governmental, and environmental. The forces are interactive and each affects the general economic climate of the area, and more particularly the behavior patterns of typical buyers and sellers in the subject's market.

The subject property is located in Henderson County, North Carolina, one of the seventeen counties comprising what is commonly referred to as Western North Carolina. Henderson County is located along the North Carolina/South Carolina state line in the south-central portion of the Appalachian Mountain chain. Henderson County is bordered by Transylvania County to the west, Buncombe County to the North, Rutherford and Polk Counties to the east and South Carolina to the south. Interstate 26 comes up from the South Carolina coast and runs through Henderson County in a North/South direction. The Blue Ridge Parkway runs along the northwestern border of the county for approximately 15 miles. Henderson County covers 374 square miles, and the City of Hendersonville is the county seat.

Henderson County is a growth area which maintains a diverse economic structure based on tourism, services, and industry. Each provides the strongest influences on property development trends and real estate values.

Properties within Henderson County have demonstrated that they are similarly influenced by the four primary forces (social, economic, governmental, and environmental). As such, the area for analysis is delineated as being all of Henderson County, North Carolina. The remainder of this section examines

each of these forces, describing each as they pertain to Henderson County and their interaction which affects real estate trends and value.

SOCIAL FORCES

Social forces such as population growth or decline patterns, education levels, and overall living standards directly affect the need for real estate by influencing requirements for housing and businesses which provide goods and services. The Henderson County area population is in a growth pattern. The overall education levels in the area are higher than those of the remainder of the state and the nation. Furthermore, overall wages and per capita income levels are above average, resulting in higher standards of living.

The following chart compares some of the social trends of the county with those of the state.

Social Forces	Henderson County	North Carolina
Population change (April 2020 to July 2023)	2.5%	3.8%
High School graduate or higher (age 25+)	91.6%	89.4%
Bachelor's degree or higher (age 25+)	34.0%	33.9%
Homeownership Rate (2022)	74.4%	66.2%

Source: U.S. Census Bureau

Population

Henderson County’s population has seen stable growth in recent years and projections include a continuation of this trend moving forward.

According to US Census data, Henderson County’s population grew approximately 2.5% between April 2020 and July 2023. The population growth rate for the county was below the state growth rate of 3.8% for the same time period. Henderson County has consistently been one of the fastest growing of North Carolina’s twenty western-most counties, but the rate reflected was likely negatively impacted by the Covid pandemic.

The area is heavily populated by retirees. The most recent data (2022) reported that 27.1% of the population of Henderson County is composed of residents 65 years of age and older. As the “baby boomers” continue to reach retirement age, the increases in the elderly population are anticipated to continue. The availability of good quality medical services, housing, services geared to retirees, and a favorable climate continues to draw older residents to the area.

Overall Henderson County projects as a growth area relative to other counties in Western North Carolina.

Education

The population of Henderson County consists of people with average education levels compared to the rest of the state. As indicated above, the county indicates a high school graduation rate of 91.6%, compared to the state average of 89.4%. The post-high school education rate is similar in the county as compared to the state average.

ECONOMIC FORCES

These forces typically include economic base factors which influence property development types, and consequently property values. Factors considered are the characteristics of the area workforce, trends in employment opportunities, and the influence each has on property. The following section considers these factors.

Economic Forces	Henderson County	North Carolina
Per Capita Income (2022)	\$37,457	\$37,641
Median Household Income (2022)	\$65,508	\$66,186
Unemployment Rate (July 2024)	3.5%	4.3%
Persons below the Poverty Level (2022)	12.3%	12.8%
Retail Sales per Capita (2022)	\$13,723	\$13,735

Source: U.S. Census Bureau, Bureau of Labor Statistics

Income

Employment and education levels directly influence per capita personal incomes. In 2022, the per capita income and the median household income of Henderson County were very similar to the state averages.

Work Force & Employment Levels

North Carolina Department of Commerce statistics indicate the Henderson County labor force is distributed in four major employment sectors. The manufacturing, services, retail and government sectors comprise 23.9%, 23.8%, 18.9%, and 13.5% respectively of the labor force in Henderson County for a combined total of 80.1%. The manufacturing and services sectors alone account for 47.7% of the job market.

Unemployment in Henderson County has consistently been lower than the state and national average and tends to mirror overall trends. The following table shows the available unemployment rates since 2012 Henderson County (blue line) and the state (red line).



The largest employers in Henderson County include the Henderson County Board of Education, Margaret Pardee Memorial Hospital, Ingles Markets, Inc., and Park Ridge Health.

Growth of the population, available workforce, and employment opportunities affect all major property types. The following section includes a broad description of each of the area's major property types, describing the locations of major sections of each, the status of the available supply and demand, recent changes and projected trends.

Industrial:

Henderson County is well-suited for some forms of industrial development. The county is centrally located within the southeast United States, and has close proximity to the I-40/I-26 intersection. Additionally, public utility service is extended to a large portion of the county with adequate capacity to support this development type. Heavy industrial development is restricted to small sections along both NC 176 and Upward Road east to I-26, and there have been few new construction projects which require the heavy industrial district in recent years. Local zoning and land use regulations enacted in recent years have significantly limited the amount of land available for heavy industrial uses.

Light industrial/manufacturing development is found sporadically throughout the county. Developments include the Mountain Home Industrial Park in the north, Cane Creek Industrial Park off Asheville Highway, Fletcher Commerce Park, Brickton Industrial Park, Appleland Business Park, and Broad Pointe Industrial Park. These developments include international, national, regional, and local businesses. New construction is found in heavy concentrations in these sections of the county with new buildings, or current construction projects, in each of the noted parks. Each of these developments has good access to Interstate 26, a major shipping route, and the Asheville/Buncombe Regional Airport.

In addition to the larger industrial parks, numerous smaller facilities can be found throughout Henderson County along NC 191 in the northern part of the county, US 176 in the south, and along Fletcher Road (US25) running north/south through the county. Similar to the larger parks, these properties benefit from close proximity to the interstate highway and airport.

Conversations with leasing agents active in the industrial rental market indicate overall solid demand for light industrial space, but add that there is generally a balance of supply and demand in this market, with new development being relatively uncommon in the current market. Indications are that this will continue into the foreseeable future.

Commercial/Retail:

Growth of commercial/retail development in the Henderson County area has been sporadic in recent years but is in line with the economy as a whole. The growth is in direct response to the increases in population and demand for goods and services. The primary commercial/retail corridors include Hendersonville Road (US 25) and Four Seasons Boulevard (US 64), as well as Spartanburg Highway. Additionally the central business district has experienced a solid revitalization.

One of the most active commercial/retail corridors in the northern portion of the county is Asheville Highway (US 25). The NC Department of Transportation widened a section of this roadway north of Hendersonville from two lanes to four lanes with a turning lane several years ago. Growth is expected to continue as a result of this improvement. On the southern end of the county, the Upward Road corridor is also witnessing growth as a result of a relatively recent road-widening project.

The Four Seasons Boulevard (US64) commercial/retail corridor has experienced significant growth in recent years. Many of the older residential buildings have been renovated and converted to commercial uses or removed to make way for newer commercial/retail developments. Much of the vacant land within the area has been developed for commercial uses.

The Highland Square Shopping Center northeast of Exit 49b off I-26 along the US 64 corridor is one of the most significant retail projects in recent years. This complex boasts thousands of square feet of commercial space covering approximately 50 acres of land. Many national brand name stores and restaurants have located in this complex including Wal-Mart, Staples, Pier 1 Imports, Chick-Fil-A and Jack in the Box.

The Spartanburg Highway district on the south side of Hendersonville boasts some of the most recent retail development, as a new Harris Teeter grocery store was recently developed within a complex known

as Southside Square. The Harris Teeter anchors an adjoining retail strip center that includes a Rite-Aid pharmacy as an outlot tenant. Across from the new development, a large new Ingle's grocery store has been developed, and new nearby big-box retail tenants include PetSmart and a new gym facility.

Lastly, Hendersonville's central business district has been revitalized and is once again a healthy retail and office sector. A public utility project, coupled with parking and traffic re-design along Main Street caused a stagnant market for several years, but now that construction is complete the downtown district is once again thriving. Many downtown row buildings have been gutted and rebuilt to include retail on the ground levels and professional office or residential suites on the upper levels. Most of the retail establishments in the central business district are locally owned.

As the primary commercial corridors continue to expand within Henderson County they exert pressure on more outlying areas. Overall, commercial and retail activity is solid in the Henderson County area, which generally mirrors national trends. This pattern of moderate growth is expected to continue into the foreseeable future.

Hotel/Motel:

Henderson County is a major tourist area with a rapidly growing hostelry industry. This market segment is driven by the growing tourism industry in Henderson County. Attractions such as the Blue Ridge Parkway, the Carl Sandburg Home National Historic Site, Flat Rock Playhouse, apple orchards and the wonderful outdoor recreation generate increasing tourist numbers and increasing demand for tourist services. According to data compiled by the Hendersonville Area Chamber of Commerce – Visitors Center, attendance to each of the noted attractions remains consistently high.

Domestic tourism generated \$313.37 million in economic activity in Henderson County in 2018 (most recent data available). These revenues have grown annually since 2010 at annual rates ranging from 3.1% to 6.8%. State and local tax revenues from travel amounted to \$27.7 million, representing a tax savings of \$232.04 for each county resident. Henderson County ranks 14th in travel impact among the state's 100 counties.

A survey of local managers and hotel owners report overall competitive average daily rates with occupancy levels with near full occupancies in the fall leaf season and spring flower season. Typically, vacancies increase in the late winter months. Conversations with managers and owners reveal strong optimistic outlooks for the future as the area tourism trade is expected to continue the pattern of growth.

Residential:

The single-family residential market in Henderson County continues to gain momentum, a trend that began shortly after the recession in the mid 2000's. The 2023 home sales volume was over 60% higher than the previous year, spurred largely by reduced mortgage interest rates. Overall, residential indicators show a strong market, with the median sale price increasing from the prior year, and shorter marketing periods as compared to the prior year.

GOVERNMENT FORCES

Governmental forces include zoning, public services, and taxation. Each affects real estate values in that they reflect the land use plans and patterns for the area. In general, the area can be characterized as being pro-development. This is evident in the recent restructuring of the zoning ordinance, favorable taxation system, and continued willingness on the part of the area government and residents to expand public services.

Zoning

Area zoning policies are set by Henderson County and each of the county's municipalities. Each zoning body reports that their goal is to provide for a wider range of business development and for different levels of business development within the area while maintaining the integrity of residential

neighborhoods. This is accomplished through planned land use patterns in which commercial and other non-residential development is centralized in various neighborhoods, and residential land is allocated for the needs of a growing population. The idea is to preserve a balance between the growth of these two primary development types. The area population is notably sensitive to community needs for housing and recreational areas.

In September 2007 Henderson County adopted the new Land Development Code. The introduction of this code eliminated the “Open Use” districts within the county making Henderson County now fully zoned.

Taxation

Real property tax rates are levied based on the Henderson County assessment. The last complete assessment became effective on January 1, 2023 and is scheduled again for 2025. Individual parcels are also commonly re-assessed upon transfer or significant development. Taxes are levied based on 100 percent of the assessed value. The following table provides a summary of the most recently announced major tax rates for the county.

Henderson County Tax Rates - 2024

District	Tax Code & Name	2024	2023	2022	2021	2020	2019	2018	2017	2016	2015	2014	2013
	County												
N/A	G01 GENERAL COUNTY	.431	.431	.561	.561	.561	.561	.565	.565	.565	.5136	.5136	.5136
	Municipalities												
10	C10 HENDERSONVILLE, City of	.520	.490	.520	.520	.490	.490	.490	.470	.460	.460	.440	.410
20	C20 LAUREL PARK, Town of	.395	.395	.435	.435	.435	.435	.430	.430	.430	.430	.390	.360
30	C30 SALUDA, Town of	.561	.690	.680	.675	.665	.665	.645	.605	.605	.605	.6050	.6050
40	C40 FLETCHER Town of,	.280	.280	.340	.340	.340	.340	.340	.340	.340	.340	.325	.325
50	C50 FLAT ROCK, Village of	.119	.119	.130	.130	.130	.130	.110	.110	.110	.110	.084	.084
60	C60 MILLS RIVER, Town of	.170	.170	.190	.190	.190	.190	.180	.180	.180	.1124	.0974	.0974

Tax rates in other areas of the county often include alternative school rates, and fire district rates. Tax incentives are typically granted to industries considering expansion, or companies considering relocation to the area. In the interest of growth and development and increased employment opportunities for the growing population, the tax breaks diminish relocation costs and increase appeal. These include tax deferment, or exemption during a start-up period.

Services

Governmental services include law enforcement, fire protection, public schools and transportation.

Area law enforcement is provided by the City of Hendersonville Police Department and the Henderson County Sheriff's Department. Townships within the county also have their own police forces. Each continues to grow, mirroring the area's overall population growth. Both the city and county provide fire protection through several strategically located fire stations.

Public education is provided either through the city or county systems. Henderson County has 22 public schools. Higher learning can be found at Blue Ridge Community College in Flat Rock. In nearby Buncombe county students may attend Asheville-Buncombe Technical Community College, Warren Wilson College or the University of North Carolina, Asheville.

There are two hospitals in Henderson County. Pardee Memorial Hospital is near downtown Hendersonville with 222 beds, and Park Ridge Hospital is in the northern area of the county south of Fletcher area with 275 beds. A wide array of ancillary medical services are available throughout the area, with well-trained medical specialists in most areas of medicine.

Apple Country Transportation provides subscription and dial-a-ride transportation services for residents of Henderson County. Hours of operation are 6:45 a.m. to 6 p.m., Monday through Friday.

In summary, each aspect of the governmental forces facilitate the continued growth pattern of the area. Recently rewritten zoning plans provide for increased development opportunities while maintaining the integrity of existing residential neighborhoods and allocating land for future residential development. Taxation levels have shown moderate increases, but are not prohibitive to continued economic development. Further, tax incentives are used to attract business to the area. The development of governmental services such as law enforcement, public education, and transportation have been made, and continue to adjust, in response to population needs.

ENVIRONMENTAL FORCES

Infrastructure

The area infrastructure affects property value. Availability of utilities and roadways dictate development direction.

Area utilities are provided as follows: electricity by Progress Energy Carolinas and Duke Power Company; natural gas by Public Service Company of North Carolina, water and sewer/waste management by the Fletcher Water and Sewer Department and the City of Hendersonville.

Utility costs are typical for the state and are regulated to maintain affordability. Further, each of the suppliers noted have usage programs for both residential and business users. These programs provide billing allocation throughout the year for residential customers to prevent atypically large expenses during heavy usage months, and cost breaks for larger business users based on consumption. These programs are considered to facilitate growth, preventing utility costs or availability from being a hindrance.

Area roadways are predominantly asphalt or concrete paved and are either city or state maintained. The North Carolina Department of Transportation – Division of Highways has widened several local commercial corridors to allow for increasing growth, with several additional projects on the way.

CONCLUSION

Henderson County is a growth area within western North Carolina. The local economy continues to grow and outpace most areas in the region. The population generally consists of people with average or above education levels and above average earnings and has particular appeal to retirees, which represent the fastest growing segment of the population. A direct result of this growth has been the increased need for residential dwellings, commercial development, medical services, and retail services, which has fueled demand for most property types. Additionally, city and county government continue to facilitate the growth with moderate taxes and tax incentives for new business. Lastly, the area’s infrastructure is growing to meet traffic flow and utility service demands.

In conclusion, the trends noted above are anticipated to continue into the foreseeable future. The area’s diverse economic base decreases the likelihood of negative influence from any single factor.

NEIGHBORHOOD DESCRIPTION

A neighborhood is defined in the Dictionary of Real Estate Appraisal, 5th Edition, as “a group of complementary land uses; a congruous grouping of inhabitants, buildings, or business enterprises”.

Neighborhood analysis is defined as “the objective analysis of observable and/or quantifiable data indicating discernible patterns of urban growth, structure, and change that may detract from or enhance property values; focuses on four sets of considerations that influence value: social, economic, governmental, and environmental factors.

Boundaries: The neighborhood is roughly bounded by Interstate 26 to the north and east, North Rugby Road to the west, and Spartanburg Highway and Kanuga Road to the south.

Land Use Characteristics: The subject neighborhood is stable, with some development activity noted. The subject neighborhood is approximately 75% developed with 25% remaining in vacant land. Commercial development is concentrated along Kanuga Road, Greenville Highway and Spartanburg Highway as well as within the central business district. However, commercial development is also scattered throughout other areas of the town. Residential development is primarily single-family detached homes with limited multi-family developments, mostly along secondary roadways. Improvements in the subject neighborhood typically reflect average quality construction and represent a wide range of ages and types of construction.

Land Use Change: The subject neighborhood has seen light commercial development and modest residential growth in recent years. Some residential development was noted in the neighborhood during the inspection process.

Access: Access to the subject neighborhood is considered good. Interstate 26 runs in a northwest/southeast manner along the eastern edge of the neighborhood. Asheville Highway and Highway 64 bisect the central portion of the neighborhood. The subject neighborhood is considered to have average access to area employment, shopping, schools, etc.

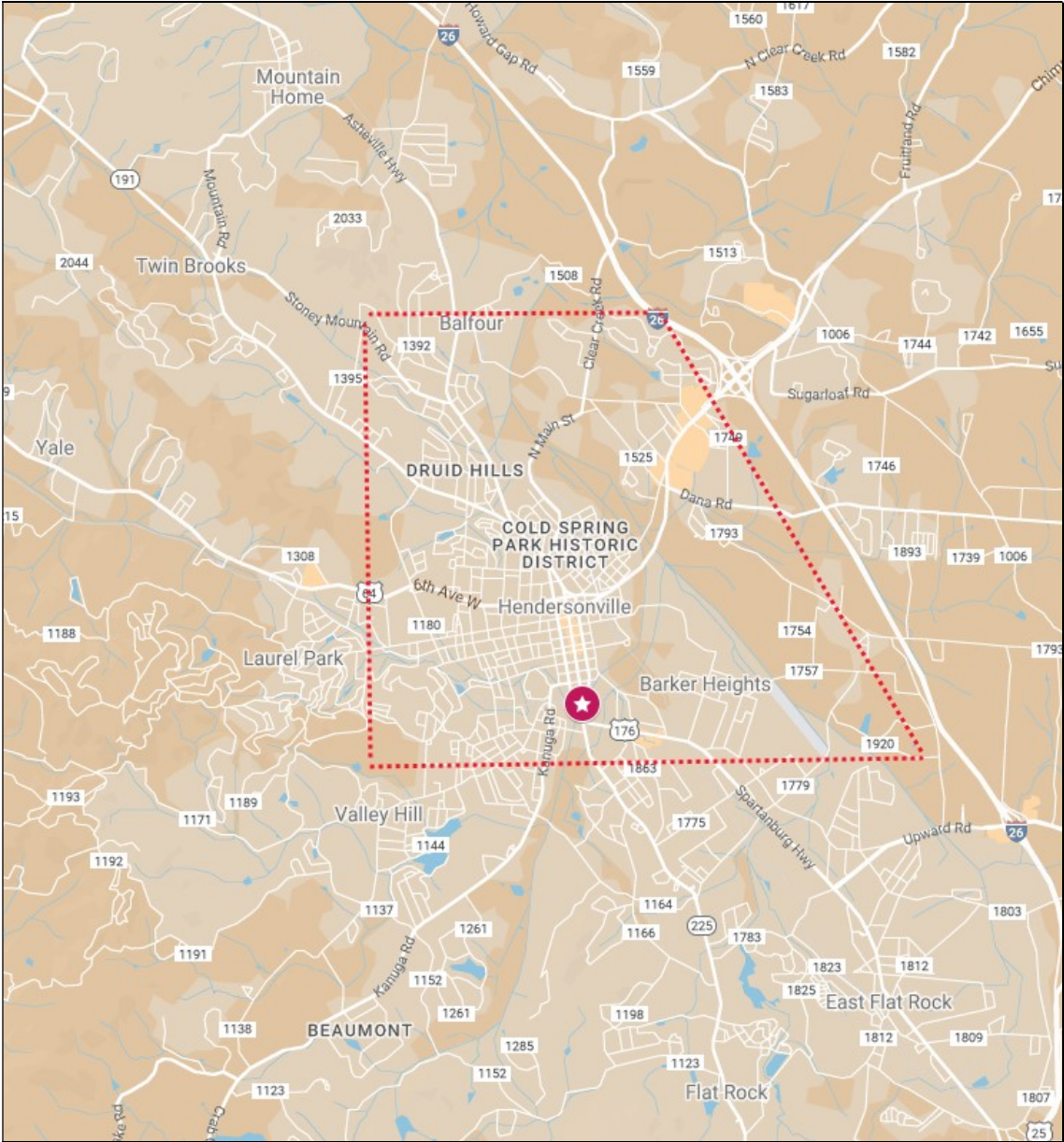
Road Improvements: Most roads in the area are two-way, asphalt-paved, state-maintained rights-of-way with open ditch drainage.

Utilities Available:	
Electricity:	Yes, widely available
Telephone:	Yes, various providers
Water/Sewer:	Yes, city of Hendersonville
Natural Gas:	In limited areas

Nuisances & External Obsolescence: Neighborhood properties have adequate levels of maintenance. No adverse or unfavorable factors were observed.

Neighborhood Life Cycle: Stability: The neighborhood is stable, and growing modestly. The forecast for the neighborhood is for continued stability and moderate growth.

NEIGHBORHOOD MAP



Subject identified with a star. Neighborhood roughly outlined with red dashed line.

SITE DESCRIPTION

An analysis of the subject site is particularly important in estimating the highest and best use and for separate valuation of the improvements (when applicable).

Location: The subject is located at the northern intersection of S. Church St. and S. Main St in Hendersonville, North Carolina. As vacant land, it does not have a physical address assigned.

Size: Approximately 0.333 acres (per NCDOT).

Shape: The subject site is irregular in shape, but considered conducive to development.

Frontage/Access: The subject has approximately 170 linear feet of frontage along the west side of S. Main Street and approximately 200 feet of frontage along the east side of S. Church Street. As a pedestrian park, the property did not have any developed points of vehicular access from either roadway. At the subject site, both roadways are two-way asphalt-paved primary public roadways.

Topography: The subject site’s topography is considered generally level and sits at or above the grade of the roadway. The topography is considered conducive to development. (Note that a small portion of the southern end of the site was elevated with fill dirt to allow for better visibility of the stone monument.)

Soil Conditions: No soil tests were available to the appraiser; however, the soil appears to be loamy clay suitable for most construction purposes and typical for the area. There were no apparent environmental, soil or sub-soil conditions which would hinder development, as evidenced by the existing and nearby improvements.

Zoning/Restrictions: The subject site is located within the C-2, Secondary Business Zoning District, as identified by the City of Hendersonville. According to the city’s zoning ordinance, *“This zoning district classification is designed primarily to accommodate a) existing developments of mixed commercial and light industrial uses, and b) certain commercial and light industrial uses compatible with one another but inappropriate in certain other zoning district classifications.”*

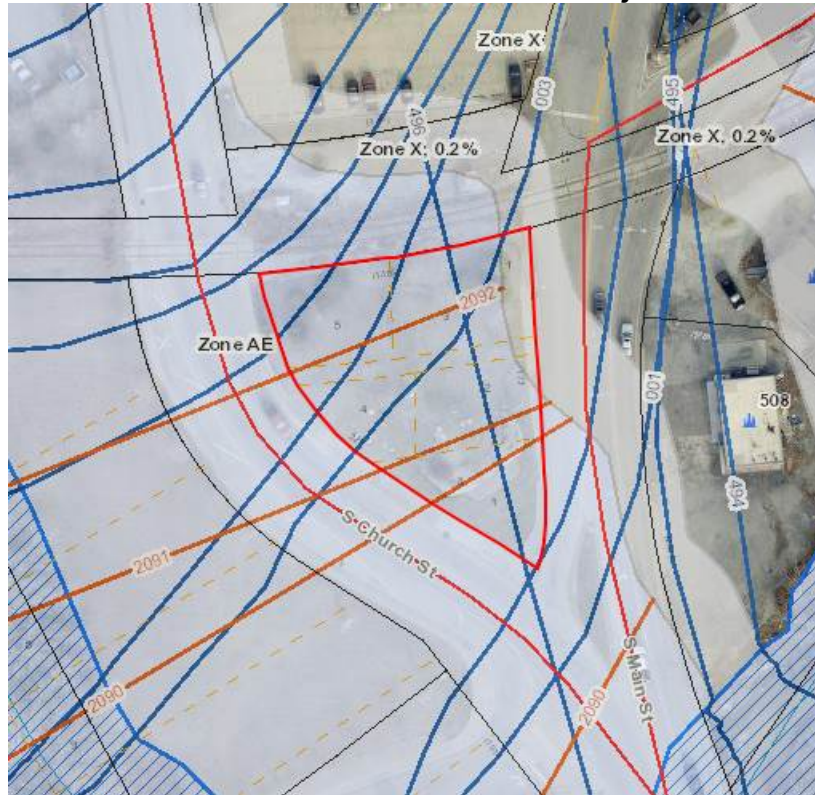
Permitted developments in this zoning district include, but are not limited to, accessory dwelling units and structures, adult care homes, animal hospitals and clinics, automobile car washes, automobile sales and service, banks and financial institutions, bed and breakfast facilities, business services, construction trades, convenience stores, dry cleaning facilities, funeral homes, hotels and motels, offices, personal services, recreational facilities, religious facilities, repair services, single-family dwellings, two-family dwellings, multi-family dwellings, restaurants, retail stores, service stations, theaters, and wholesale businesses.

Development standards within the C-2 district include the following:

Minimum lot size:	8,000 sf (6,000 sf for residential uses)
Minimum lot width:	None
Minimum setbacks:	Front – 15 ft
	Side – 5 ft
	Rear – None
Maximum height:	48 ft

Flood Zone: According to flood map 3700956800J, dated October 2, 2008, nearly all of the subject site is located within flood hazard zone AE, with only a small portion of the northeastern corner of the site located within Zone X, 0.2%. Below is a visual representation from the Henderson County GIS with a flood zone overlay. A flood map is located in the addenda.

GIS Aerial with Flood Zone Overlay



Easements: Typical utility easements are present at the site, but there are no adverse easements noted.

Environmental: Environmental aspects of the subject property are beyond my expertise. Based on the property inspection, I am unaware of any potential environmental hazards; however, they could exist, and I recommend consulting a professional in environmental proficiency.

Utilities: Electricity and telephone are available to the subject site and presumed to be adequate for any likely development. Municipal water and sewer services are available to the site from the city of Hendersonville.

Analysis and Conclusions: The overall physical characteristics for the subject site are considered typical for the area and conducive to development. The subject is similar and consistent with many other parcels in the area.

The following is an aerial tax map of the subject property taken from the Henderson County GIS.

HENDERSON COUNTY LAND RECORDS – AERIAL MAP



The subject site is outlined in red.

SUBJECT IMPROVEMENTS

The subject site is owned by the city of Hendersonville and is improved with a pedestrian park. According to the property representatives, the park was established in 2013, and subsequently named “HonorAir Park”. As a park, it is improved with site improvements only, which are itemized below.

Site Improvements

Site Improvements include the following:

- Stone monument sign – approximately 20 feet in length by approximately 3 ½ feet tall, with metal lettering
- Wood/metal sign – approximately 5 ½ feet wide by 7 feet tall; metal posts; engraved “HonorAir Park”
- Concrete paving – sidewalk – around the perimeter (excluding the north side) – approx. 1,750 sf
- Ground lights – 3 small
- Flag Poles – 3 – each approximately 25 feet tall
- Landscaping – includes various decorative boulders placed throughout the park, approx. 35 mature bushes of different varieties, 24 medium-sized trees of different varieties, and approximately 12,000 sf of grass/mulch/seasonal flowers.

Subject Overview (additional photos are located in the addenda)



PROPERTY TAXES AND ASSESSMENTS

The following chart summarizes the current ad valorem tax information for the subject property.

Parcel Identification Number:	9568-85-0368		
Assessing Authority:	Henderson County		
Assessment Basis:	Market Value		
Assessed Values and Sizes (per tax records)			
	<u>Size</u>	<u>Assessed Value</u>	
Site	0.350 Acres	\$171,500	
Improvements	N/A SF	\$0	
Total		\$171,500	
Taxing Jurisdictions			
	<u>Tax Rate</u>	<u>Tax Amount</u>	
Henderson County	0.4310	\$739.17	
Hendersonville	0.5200	\$891.80	
Total	0.9510	Total \$1,630.97	EXEMPT
Rates applied to:	100% of assessed value (tax rate per \$100 of value)		
Last Revaluation:	2023		
Next Scheduled Revaluation:	2025		
Year of Reported Tax Rates:	2024		
Delinquent Taxes?:	No		
Is property competitively assessed:	Yes		

The state of North Carolina mandates that revaluations be performed at a minimum of every eight years. The most recent revaluation occurred for the 2023 tax year, with values and tax rates indicated as of 2024. Note that as a government-owned property, the subject is exempt from taxes under the current ownership.

As compared to the total estimate of market value as reconciled herein, the tax assessed value is significantly below the estimated market value. This could be due to the fact that the mass valuation techniques utilized in assessment do not take into account the specific characteristics of the property. The subject property appears to be competitively assessed however, and includes a tax assessment that is comparable to other similar properties in the area.

Significant increases or decreases in the tax rate are infrequent, and there are no changes anticipated that would significantly impact the subject's market value. As of the date of valuation, the subject property was not encumbered by any delinquent taxes.

PUBLIC AND PRIVATE RESTRICTIONS

The additional known private and public restrictions affecting the use of the subject property are typical sanitation regulations imposed on the installation of sewage disposal systems, well systems and typical building code restrictions, which are applicable to all properties. The subject must adhere to typical roadway rights-of-way as well as utility easements. There are no other known private or public restrictions affecting the subject.

EXPOSURE TIME AND MARKETING TIME

Exposure time is defined as follows:

The estimated length of time the property interest being appraised would have been offered on the market prior to the hypothetical consummation of a sale at market value on the effective date of the appraisal.⁸

Exposure time is a retrospective opinion based on analysis of past events assuming a competitive and open market.

In this instance, the estimated exposure time is six to twelve months, with a point estimate of nine months. The primary basis of the estimate is the average days on the market of sales as reported by the marketing times of similar properties, and conversations with brokers and owners of similar properties.

Marketing time is defined as follows:

An opinion of the amount of time it might take to sell a real or personal property interest at the concluded market value level during the period immediately after the effective date of an appraisal.⁹

The definition of market value implies a “reasonable exposure in a competitive market” and buyers and sellers acting in their own self-interest assuming that neither are under “undue stimulus.”

The local market has not shown any discernible trend in marketing times in recent months, either upward or downward. Therefore, in this instance, the marketing time is estimated to be consistent with the exposure time, or within the range of six to twelve months.

HISTORY OF THE PROPERTY

According to the NCDOT and Henderson County public records, the subject was acquired by the current owner in April 2008, as identified and described in the county registry in deed book 1357, beginning on page 559. Due to the age of the transaction, it was not considered relevant to the current analysis. As of the date of valuation, the site included site improvements only (no structural improvements).

To the best of my knowledge, there have been no transfers involving the subject property in the last five years and the subject property has not been listed for sale.

⁸ Standards of Professional Appraisal Practice of the Appraisal Institute 2024, Statement on Appraisal Standards No. 6.

⁹ Standards of Professional Appraisal Practice of the Appraisal Institute 2024, Statement on Appraisal Standards No. 6.

HIGHEST AND BEST USE

According to The Appraisal of Real Estate, 15th Edition, copyright 2020, page 305, as published by the Appraisal Institute, highest and best use may be defined as:

“The reasonably probable use of property that results in the highest value.”

Implied in these definitions is that the determination of highest and best use takes into account the contribution of a specific use to the community and community development goals as well as the benefits of that use to individual property owners. Hence, in certain situations, the highest and best use of land may be for parks, green belts, preservation, conservation, wildlife habitats and the like.

The procedure used in this report to estimate the highest and best use of the subject site was to consider, in sequence, the site’s legally permitted uses, the physically possible uses, the feasible uses, and finally the optimum, or highest and best use. Under the highest and best use premise, the property must be considered as if the site were vacant and as it is currently improved.

Highest and Best Use as if Vacant

Legally Permissible

Private (deed) restrictions and covenants, zoning regulations, building codes, historic district controls, environmental regulations, and in some cases the existence of a lease may preclude many potential property uses.

The subject site is located within the C-2, Secondary Business Zoning District, as designated by the city of Hendersonville. This zoning district allows for a wide variety of commercial and residential development types. The minimum lot size for development is 8,000 square feet (or 6,000 sf for residential development), and the subject site exceeds that size.

There are no apparent deed restrictions associated with the subject property that would adversely affect its highest and best use. In addition, there are no known environmental regulations, historic district controls, or burdensome building codes, which would adversely affect the development of the subject property. Deed restrictions are a legal matter and only a title examination by an attorney would normally uncover such restrictive covenants. Thus, an examination by a title attorney is recommended on the subject property if any questions regarding such restrictions arise.

Physically Possible

The subject site contains 0.333 acres, which is considered somewhat smaller in size as compared to other tracts in the immediate vicinity, but an adequate size to accommodate most uses typical for the neighborhood. Uses in the vicinity include primarily commercial development, with a limited amount of residential development.

The shape of the subject site is irregular but considered conducive to development. The topography of the site is characterized as level and at the grade of the roadway, which is typical for the area. Frontage and access to the subject property are considered good, with open access from S. Main Street and S. Church Street.

The site has access to electricity and telephone service, as well as municipal water and sewer services from the city of Hendersonville. No soil report for the subject property was available, however, based on the field inspection, it is assumed that the soil has sufficient load bearing capacity to accommodate typical development.

The site is almost fully located within flood hazard areas (Zone AE primarily) as previously described.

However, development within the flood zones is feasible, as evidenced by the surrounding developed sites also within the flood zone.

Economically Feasible

In order to be economically feasible, improvements generally should be compatible and complementary to surrounding land use areas. This procedure is expanded to include a minimum, acceptable return on equity capital. Implied in this analysis is the consideration of surrounding land uses, public opinion, supply and demand characteristics, and occupancy, income, and expense levels for various property types in the neighborhood market, or other competing markets.

The subject is located at the intersection of S. Main Street and S. Church Street. The immediate vicinity of the subject site includes primarily commercial development.

Based on the legally permissible, physically possible and economically feasible options for the site, the highest and best use of the site as if vacant is considered to be commercial development.

Highest and Best Use - As If Vacant

Considering all appropriate factors, the Highest and Best Use for the subject site, as if vacant, is for commercial development.

Most probable physical use:	Commercial development
Most probable buyer:	Developer or Owner-User
Most probable user:	Owner-occupant or Investor
Timing of use:	Less than 12 months for development

Highest and Best Use – As Improved

The subject site includes site improvements only. As indicated, the site is owned by the city of Hendersonville, and the site is improved with a large monument sign and other site improvements as a pedestrian park for the city. The site improvements are considered to contribute value to the site. Therefore, the highest and best use of the property as improved is for continued use of the existing improvements. Note however, that a change in ownership would likely result in the demolition of the site improvements for commercial development. Demolition costs are considered nominal.

APPRAISAL PROCESS – VALUATION METHODOLOGY

The appraisal process begins by determining data needed to complete the assignment and includes the processes and methods of collecting and analyzing the data and developing a meaningful conclusion.

Traditionally, three approaches to value are considered to include the Cost, Sales Comparison, and Income Capitalization Approaches. The valuation process using these three approaches leads to a supportable conclusion of value.

The **Cost Approach** estimates the value of the real property. When developing the Cost Approach the reproduction/replacement costs of any improvements are estimated, and then, if the improvements are not new, accrued depreciation is estimated. The depreciation is deducted from the cost new, and the resulting depreciated improvement value is added to the land value for a market value estimated by this approach.

The **Sales Comparison Approach** is a readily recognized valuation technique based on the principle of substitution which states that a knowledgeable purchaser will not pay more for a given property than for an equally desirable substitute property. This approach involves a direct comparison between the subject and recently sold similar properties when adequate sales data is available.

The **Income Capitalization Approach** is based on the principle of anticipation and derives value through the analysis of income and expenses attributable to the property and is generally the best measure of value for an income producing, investment property since it more accurately simulates the perception and desires of investors in the market. A value estimate may be derived by discounting the present value of a net income stream and reversions (estimated resale price) over a typical ownership period. Another method for value estimation via this approach is direct capitalization which capitalizes a stabilized year net operating income by an overall capitalization rate derived from market sales of similar properties.

As indicated, the subject includes site improvements only. As such, the cost approach is considered the only applicable method of valuation. The sales comparison approach (as applied to improved properties) and the income capitalization approach were not considered applicable and were not utilized.

The Reconciliation and Final Value Estimate section of this report analyzes the relative significance, applicability, and defensibility of each of the approaches. A final estimate of value is based on the appropriateness, accuracy, and quantity of evidence in the entire appraisal.

The following data details the information obtained, analysis, and the value estimate for the subject property.

VALUATION OF PROPERTY BEFORE THE TAKING

As previously discussed, the valuation of the subject property before the acquisition assumes no knowledge of the planned project.

COST APPROACH

The Cost Approach is based on the assumption that the value of the property tends to reflect the value of the site, plus the current cost to produce the improvements, less any existing depreciation. It is based on the principle of substitution stating that an informed and prudent buyer would pay no more for a property than the cost to acquire a similar site and construct improvements of equivalent desirability and utility without undue delay. The steps taken are as follows:

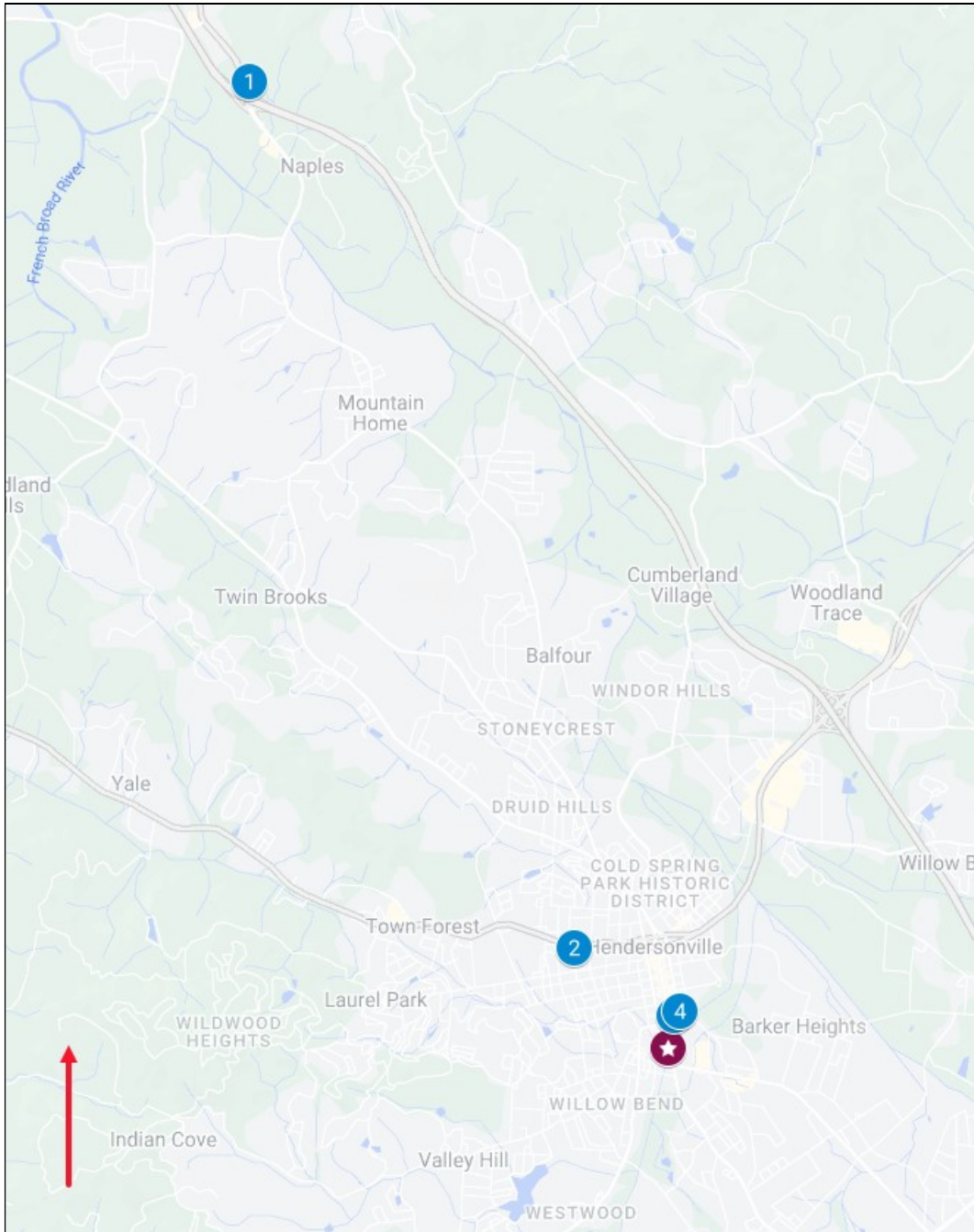
1. Estimate the value of the site (land) as if vacant and available for its highest and best use.
2. Estimate the reproduction/replacement cost new of all of the improvements.
3. Estimate accrued depreciation from all causes physical deterioration, functional obsolescence and economic obsolescence.
4. Deduct accrued depreciation from the cost new of the improvements to arrive at a depreciated improvement value.
5. Add the site value to the depreciated improvement value for a final value estimate.

Within the Cost Approach, the Sales Comparison Approach is utilized in order to estimate the value of the site. In estimating the value of the site as if vacant and available for development to its highest and best use, extensive research was conducted for recent sales of similar land tracts in the market area. These sales are then analyzed, focusing on the differences between the subject and the comparable sales using all appropriate elements of comparison. This approach is based on the principles of supply and demand, balance, externalities, and substitution; or, the premise that a buyer would not pay more for a specific property than the cost of obtaining a property with the same quality, utility and perceived benefits of ownership.

The process of developing the sales comparison approach consists of the following analysis: (1) researching and verifying transactional data, (2) selecting relevant units of comparison, (3) analyzing and adjusting the comparable sales for differences in various elements of comparison, and (4) reconciling the adjusted sales into a value indication for the subject site.

The comparable site sales used in the analysis are summarized on the following pages.

Map of Comparable Sales



NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

RIGHT OF WAY BRANCH COMPARABLE NO: 1 LAND SALE

Date:	10/27/2023	Deed Book:	4100	Page:	489	Stamps:	\$1,760	County:	Henderson
Grantor:	Stuart I. Rubin Revocable Trust dated February 11, 2003								
Grantee:	Enigma Corporation, LLC								
Location:	6000 block of Asheville Highway., Hendersonville, NC 28792 (NE intersection of Asheville Highway and Maxwell Drive)								
Sale Price:	\$880,000		Confirmed by (Name): Seller - Stuart Rubin; Public Record						
Financing:	Cash								
Condition of Sale and Reason Bought/Sold:	Arms' length transaction; Commercial Development								
Present Use:	Vacant					Zoning: RC - Regional Commercial - Henderson Co.			
Highest and Best Use:	Commercial Development								
Size:	0.680	AC	Shape:	Sl. Irregular		Topography: Generally Level			
Existing R/W Area:	N/A AC		Area Cleared/Wooded: Cleared						
Soil Type:	Typical for area		Drainage: Appears Adequate			Available Utilities: All Public			
Access:	Asheville Highway					Frontage: 210 FF Asheville Hwy 135 FF Maxwell Dr.			
Improvements:	None at sale								
Lessor:	N/A			Lessee: N/A					
Rentable Area:	N/A	Rent:	N/A	V & C:	N/A	Expenses:	N/A	Term: N/A	
Unit Price:	\$1,294,118		per ac	Tax ID: 9651-49-6716					
Other Pertinent Information:	This site is located along the east side of Asheville Highway at Maxwell Drive, just north of I-26. It was reportedly purchased for the development of a gas station/convenience store. The buyer purchased adjoining land for assemblage with this tract. The sales were negotiated separately. ADT count of 36,500 cars per day (2022).								



site outlined in red



Taken by: EMV
Date Inspected: 9/11/2024

FRM5-G
Revised: 3/08

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

RIGHT OF WAY BRANCH COMPARABLE NO: 2 LAND SALE

Date:	5/25/2023	Deed Book:	4047	Page:	157	Stamps:	\$1,030	County:	Henderson
Grantor:	Castles & Cottages, LLC								
Grantee:	Hawkins Pointe Limited Partnership								
Location:	746 6th Ave. and 745 Florida Ave., Hendersonville, NC 28792 (SE corner of 6th Ave. and N. Oak St., extending to the north side of Florida Ave.)								
Sale Price:	\$515,000	Confirmed by (Name):		Public Record					
Financing:	Cash								
Condition of Sale and Reason Bought/Sold: Arms' length transaction; Commercial Development									
Present Use:	Vacant			Zoning: UR (Urban Residential)					
Highest and Best Use:	Commercial Development								
Size:	0.400	AC	Shape:	Sl. Irregular			Topography: Generally Level		
Existing R/W Area:	N/A AC		Area Cleared/Wooded: Cleared						
Soil Type:	Typical for area		Drainage:		Appears Adequate		Available Utilities: All Public		
Access:	6th Ave. Florida Ave. N. Oak St.		Frontage:		55 FF 6th Ave. 220 FF N. Oak St. 72 FF Florida Ave.				
Improvements:	None at sale								
Lessor:	N/A		Lessee:		N/A				
Rentable Area:	N/A	Rent:	N/A	V & C:	N/A	Expenses:	N/A	Term: N/A	
Unit Price:	\$1,287,500	per ac		Tax ID: see notes					
Other Pertinent Information:	This represents the sale of 2 tracts in one transaction. The tracts were subsequently combined with adjacent properties to total 1.68 acres that have a current single PIN of 9568-58-2912. The zoning was also changed from MIC (Medical, Institutional and Cultural) to UR (Urban Residential). The developers have been approved to build a 3-story, 43-unit affordable senior apartment complex.								



site outlined and shaded in teal



Taken by: EMV
Date Inspected: 2/15/2024

FRM5-G
Revised: 3/08

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

RIGHT OF WAY BRANCH COMPARABLE NO: 3 LAND SALE

Date:	6/1/2022	Deed Book:	3921	Page:	275	Stamps:	\$1,700	County:	Henderson
Grantor:	Piccolo Development, LLC								
Grantee:	Cabin Dream Homes, Inc.								
Location:	310 S Main St., Hendersonville, NC 28792 (SE corner of S. Main St. and E. Barnwell St.)								
Sale Price:	\$850,000	Confirmed by (Name):	Public Record						
Financing:	Cash								
Condition of Sale and Reason Bought/Sold:	Arms' length transaction; Commercial Development								
Present Use:	Cleared, Vacant				Zoning:	C1 - Commercial			
Highest and Best Use:	Commercial Development								
Size:	0.620	AC	Shape:	Rectangular		Topography:	Generally Level		
Existing R/W Area:	N/A AC		Area Cleared/Wooded:	Cleared					
Soil Type:	Typical for area		Drainage:	Appears Adequate		Available Utilities:	All Public		
Access:	S. Main St.		Frontage:	150 FF S King St.					
	E. Barnwell St.			180 FF E. Barnwell St.					
Improvements:	None								
Lessor:	N/A		Lessee:	N/A					
Rentable Area:	N/A	Rent:	N/A	V & C:	N/A	Expenses:	N/A	Term:	N/A
Unit Price:	\$1,370,968	per ac		Tax ID:	9568-86-4520 and 9568-86-2580				
Other Pertinent Information:	This site is on the southeastern edge of the Hendersonville CBD with a commercial zoning that allows for a wide range of uses. The site includes 2 tax parcels with frontage along 2 corridors and has a generally level topography. The broker did not disclose the buyer's development plans. 2021 traffic count - 12,500 AADT								



Taken by: EMV
Date Inspected: 2/15/2024

FRM5-G
Revised: 3/08



NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

RIGHT OF WAY BRANCH

COMPARABLE NO: 4 LAND SALE

Date: 6/1/2022 Deed Book: 3921 Page: 278 Stamps: \$710 County: Henderson

Grantor: Barker Construction, Inc.

Grantee: Cabin Dream Homes

Location: SE corner of S. King St. and E. Barnwell St., Hendersonville, NC 28792

Sale Price: \$355,000 Confirmed by (Name): Broker - Philip Green; Public Record

Financing: Cash

Condition of Sale and Reason Bought/Sold: Arms' length transaction; Commercial Development

Present Use: Cleared, Vacant Zoning: CMU - Central Mixed Use

Highest and Best Use: Commercial Development

Size: 0.480 AC Shape: Sl. Irregular Topography: Generally Level

Existing R/W Area: N/A AC Area Cleared/Wooded: Cleared

Soil Type: Typical for area Drainage: Appears Adequate Available Utilities: All Public

Access: S. King St. and E. Barnwell St. Frontage: 150 FF S King St.
138 FF E. Barnwell St.

Improvements: None

Lessor: N/A Lessee: N/A

Rentable Area: N/A Rent: N/A V & C: N/A Expenses: N/A Term: N/A

Unit Price: \$739,583 per ac Tax ID: 9568-86-5592 and 9568-86-6563

Other Pertinent Information: This site is on the southeastern edge of the Hendersonville CBD with a commercial zoning that allows for a wide range of uses. The site includes 2 tax parcels with frontage along 2 corridors and has a generally level topography. The broker indicated that the site was purchased for the construction of a multi-family condo building that may have ground level retail space. 2021 traffic count - 12,500 AADT



Taken by: EMV
 Date Inspected: 7/17/2023

FRM5-G
 Revised: 3/08



Land Sales Summary and Adjustment Chart					
Sale No.	Subject	1	2	3	4
	S. Main St. and S. Church St.	6000 block Asheville Hwy	746 6th Ave.	310 S Main St.	S. King St./ E. Barnwell St.
Location					
County	Henderson	Henderson	Henderson	Henderson	Henderson
Neighborhood	Hendersonville	Hendersonville	Hendersonville	Hendersonville	Hendersonville
Sale Price		\$880,000	\$515,000	\$850,000	\$355,000
Sale Price per Acre		\$1,294,118	\$1,287,500	\$1,370,968	\$739,583
Date of Sale		10/27/23	05/25/23	06/01/22	06/01/22
Property Rights		Fee simple	Fee simple	Fee simple	Fee simple
Financing		Cash to seller	Cash to seller	Cash to seller	Cash to seller
Conditions of Sale		Mkt. trans.	Mkt. trans.	Mkt. trans.	Mkt. trans.
Location/Access/Visib.	Good	Good	V. Good	Good	Fair - Avg
Size (in Acres)	0.333	0.680	0.400	0.620	0.480
Topography	Level	Comparable	Comparable	Comparable	Comparable
Shape	Irregular	Comparable	Comparable	Comparable	Comparable
Easements/Encroach.	Typical	Comparable	Comparable	Comparable	Comparable
Zoning	C-2	RC	MIC	C-1	CMU
Functional Utility	Average	Comparable	Comparable	Comparable	Comparable
Flood Zone	Full	None	None	None	None
Utilities	All	All	All	All	All
Property Rights		\$0	\$0	\$0	\$0
Adjusted Price/Ac		\$1,294,118	\$1,287,500	\$1,370,968	\$739,583
Financing Terms		\$0	\$0	\$0	\$0
Adjusted Price/Ac		\$1,294,118	\$1,287,500	\$1,370,968	\$739,583
Conditions of Sale		0%	0%	0%	0%
Adjusted Price/Ac		\$1,294,118	\$1,287,500	\$1,370,968	\$739,583
Expenditures after Sale		\$0	\$0	\$0	\$0
Adjusted Price/Ac		\$1,294,118	\$1,287,500	\$1,370,968	\$739,583
Market Conditions	4.0%	3.6%	5.3%	9.2%	9.2%
Adjusted Price/Ac		\$1,340,706	\$1,355,738	\$1,497,097	\$807,625
Location/Access/Visib.		0%	-10%	0%	20%
Size		0%	0%	0%	0%
Topography		0%	0%	0%	0%
Shape		0%	0%	0%	0%
Easements/Encroachments		0%	0%	0%	0%
Zoning		0%	0%	0%	0%
Functional Utility		0%	0%	0%	0%
Flood Zone		-10%	-10%	-10%	-10%
Utilities		0%	0%	0%	0%
Gross Adjustment		10%	20%	10%	30%
Net Adjustment		-10%	-20%	-10%	10%
Indicated Unit Value - per Ac		\$1,206,635	\$1,084,590	\$1,347,387	\$888,388
Adjusted Sales Analysis (closed sales only):					
Low:		\$888,388			
High:		\$1,347,387			
Mean:		\$1,131,750			
Median:		\$1,145,613			

Unit of Comparison:

When comparing the comparables to the subject property, the unit of comparison given the most consideration is the sale price per acre. This method of analysis is considered to provide a reasonable method of comparison between the subject and comparable properties.

Explanation of Adjustments:

The preceding sales are taken from the local market and represent the most current and best data available as of the date of valuation. Each of the comparables was compared to the subject tract and adjusted, as necessary, for differences reflected in the sale price. Those properties

with characteristics considered superior to the subject received minus, or downward adjustments, reducing the indicated value of the subject property

Conversely, those properties with inferior characteristics received plus, or upward adjustments, thus increasing the indicated subject value. In most instances, adjustments are made in percentage of unit price increments. The following is a discussion of the comparisons used in the analysis.

In this instance, adjustments are generally made based on a percentage of the sale price.

Property Rights: All of the comparables represent the transfer of fee simple rights, similar to the subject. Therefore, no adjustments for differences in property rights were necessary.

Financing Terms: All of the transactions indicated typical market financing, so no adjustments for differences in financing terms were necessary.

Conditions of Sale: Adjustments for conditions of sale usually reflect the motivations of the buyer and the seller. This adjustment considers unusual features of the transaction, such as financing, or whether or not the sale took place under open market conditions. All of the sales were typical arms’ length transactions and did not require adjustments.

Expenditures After Sale: A knowledgeable buyer considers expenditures that will have to be made upon purchase of a property because these costs affect the price the buyer agrees to pay. Such expenditures may include costs to cure deferred maintenance, costs to demolish and remove any portion of the improvements, costs to petition for a zoning change, costs to remediate environmental contamination, etc...

These costs are often quantified in price negotiations and can be discovered through verification of transaction data. The relevant figure is not the actual cost that was incurred but the cost that was anticipated by the buyer.

No adjustments for expenditures after sale were necessary.

Market Conditions/Time: The sales presented occurred between June 2022 and October 2023. Market data indicates an upward trend in sale prices for commercial properties, both vacant and improved, for the region over this time period and through the date of valuation. Market data indicates an overall average of approximately 4% for the period from transaction dates to the date of valuation. Therefore, the comparables have been adjusted upward to reflect changing market conditions by approximately 4% annually, based on market data.

Location/Access/Visibility:	Sales 1 and 3 are considered similar to the subject in terms of location/access/visibility characteristics and were not adjusted. Sale 2, located in an area of denser development along a more heavily-traveled roadway was adjusted downward for its superior location/access/visibility characteristics as compared to the subject. Sale 4 was adjusted upward for its inferior location along a less heavily-traveled roadway.
Size:	The comparable sales are all considered generally similar in size to the subject, with no adjustments necessary.
Topography:	The subject has a generally level topography. The sales are considered similar in terms of topography and were not adjusted.
Shape:	The subject and sales have shapes that are considered conducive to development. No adjustments were required.
Easements/Encroachments:	The subject property and all of the comparables have typical easements, so no adjustments were required.
Zoning:	The subject site and sales have varying commercial district zoning designations, and all of the sites include a similar highest and best use. Therefore, no adjustments for zoning were considered necessary.
Functional Utility:	The subject is considered to have average functional utility characteristics. Each of the comparables was similar with respect to functional utility characteristics when compared to the subject and no adjustments were required.
Flood Zone:	As previously discussed, the subject site is located within a flood hazard area. Although development at the site is feasible, as evidenced by the developed sites nearby also located within flood hazard and floodway zones, higher development costs as well as the potential for ongoing costs of flood insurance, could influence the sale price. All of the sales are located outside of flood hazard areas and were therefore adjusted downward for this superior feature as compared to the subject.
Utilities:	The subject has access to all public utilities, similar to the sales. No adjustments were necessary. The subject and comparables were all considered similar with respect to all other measurable factors and no further adjustments were required.
Summary, after Adjustments:	
Range:	\$888,388 to \$1,347,387 per acre
Average:	\$1,131,750 per acre

Median:	\$1,145,613 per acre
Correlation/Reconciliation:	In reconciliation, all of the comparables are considered good indicators of value, and required typical levels of adjustments. Sales 1, 2 and 3 indicate a fairly narrow range of adjusted unit prices. Sale 4 indicates a unit price somewhat lower than the other sales, which could mean this sale represents an outlier in terms of pricing. Therefore, Sales 1, 2 and 3 were given primary consideration, while Sale 4 was given secondary consideration in reconciliation.
Reconciled Unit Value:	Considering all of the data presented and the specific characteristics of the subject site, an appropriate value for the subject site is estimated to range from \$1,100,000 to \$1,200,000 per acre, with a value at the mid-point of the range considered most appropriate. The subject site value is estimated below.
Conclusion of Site Value:	\$1,150,000 per acre x 0.333 ac = \$382,950

Site Improvements

The subject includes site improvements only. Value estimates for the site improvements are included based on their estimated depreciated contributory values. Reproduction costs for the site improvements are based upon the actual price quotes provided by those active in the local market, local contractors, the Marshall and Swift Cost Estimator guide, and cost information maintained in the appraiser’s office. Additionally, the property owner representatives provided actual cost quotes for the improvements which were also relied upon.

Below is a summary of the cost estimates provided by local builders and contractors with respect to site improvements.

- For the monument stone sign and the smaller wood and metal sign, cost estimates for similar signs were provided by Sign Systems International and Fast Signs of Asheville. Additionally, the original cost of construction for the monument sign was also reviewed. These estimates generally correlated with cost estimates indicated by the cost guide. Based on the information received, a reconciled cost of \$22,500 was utilized for the monument sign, and a reconciled cost of \$750 was utilized for the smaller wood and metal sign.
- For the concrete paving, Mr. Leroy Sawyer with APAC Carolina and James Parker with Parker Paving of NC provided cost estimates for areas similar to the subject’s. Both contractors indicated similar ranges which generally correlated with the ranges indicated by the cost guide. A reconciled cost of \$6.75 per square foot for the concrete paving is utilized.
- Cost estimates for the ground lights and flag poles were obtained from Liberty Flagpoles, US Flag Supply, and Sunco Lighting. These estimates generally correlated with those indicated by the cost guide.
- As a pedestrian park, the subject site is extensively landscaped. Greenstate Landscaping and Reems Creek Nursery were consulted for general cost estimates for the landscaping. There

are various large boulders at the site, for which the original cost provided by the property owner's representative was relied upon.

After consideration of all of the data available, costs for each site improvement item have been estimated as well as the level of depreciation for each item. The depreciation is estimated based on the condition of each improvement. The following table summarizes the estimates, and the indicated contributory value of the site improvements.

Site Improvements						
Description	Quantity	Unit	Unit Cost New	Cost New	Less Depreciation	Contributory Value
Stone Sign	1	Ea	\$22,500	\$22,500	20%	\$18,000
Small Wood/Metal Sign	1	Ea	\$750	\$750	20%	\$600
Concrete paving (sidewalk)	1,750	SF	\$6.75	\$11,813	30%	\$8,269
Ground Lights	3	Ea	\$250	\$750	20%	\$600
Flag Poles	3	Ea	\$1,750	\$5,250	20%	\$4,200
Landscaping						
Boulders	Various	Ea	\$2,000	\$2,000	NA	\$2,000
Mature Bushes (various types)	35	Ea	\$75	\$2,625	NA	\$2,625
Med-sized trees (various types)	24	Ea	\$750	\$18,000	NA	\$18,000
Grass/Flowers/Mulch	12,000	SF	\$0.50	\$6,000	NA	\$6,000
Total Contributory Value of all Site Improvements (rounded):						\$60,300

Summary of Estimate of Value via the Cost Approach

The estimate of market value of the subject property via the cost approach is summarized below:

Cost Approach Summary - BEFORE	
Land - Value Estimate	\$382,950
Plus: Contributory Value of Site Improvements	\$60,300
Total Value Indication via Cost Approach:	\$443,250

RECONCILIATION AND FINAL "BEFORE" VALUE ESTIMATE

Final reconciliation is defined as the process of evaluating alternative conclusions and selecting a final estimate of value from the approaches utilized. The appraiser weighs the relative significance, applicability, and defensibility of the indication of value estimated by each approach and places most credence on the one that, in his professional judgment, best approximates the value being sought in the appraisal.

As the sole method of valuation, the value indication via the cost approach is the final indication of value for the subject property, and is allocated as follows:

Value Estimate BEFORE	
Land - Value Estimate	\$382,950
Improvements - Value Estimate	\$60,300
Total Value Indication	\$443,250

DESCRIPTION OF THE ACQUISITION

The NCDOT project indicates that the subject will be acquired in its entirety. Therefore, the acquisition includes the entire site and all improvements, with no remainder parcel.

VALUATION OF PROPERTY AFTER THE TAKING

The subject property will be acquired in its entirety, so there is no remainder or "after" value.

DIFFERENCE IN THE BEFORE AND THE AFTER VALUES

The indicated difference between the before and after values is summarized below.

Comparison of Before and After Value Indications		
Before - Estimated Value		
Land	\$382,950	
Improvements	\$60,300	
Total (Rounded)		\$443,250
After - Estimated Value		
Land	\$0	
Improvements	\$0	
Total (Rounded)		\$0
Difference		\$443,250

ALLOCATION

The allocation of the difference between the value of the subject property in the “before”, and the value of the remainder parcel in the “after” is summarized in the following chart.

Breakdown of Allocation				
Value of Land Acquired*				<i>rounded</i>
Right of Way	0.333 ac @	\$1,150,000 per ac @	100% =	\$382,950
				\$382,950
Value of Improvements Acquired				
Site Improvements				\$60,300
Damages to Remainder				
Land				
N/A				\$0
Improvements				
N/A				\$0
Benefits to the Remainder				
N/A				\$0
			Total Allocation	\$443,250
<i>*each component rounded</i>				

ADDENDA

Photographs of Subject/Photo Location Map
Subject Deed
Flood Map
NCDOT Plan Sheet
Appraiser Qualifications
Assumption/Limiting Conditions
Certificate(s) of Appraiser

TIP/Parcel	U-6049/044	Taken By	Ella Vrolyk
County	Henderson	Date Taken	September 17, 2024
WBS Element	46995.2.1	Owner	The City of Hendersonville
Photo No.	1	Direction	NW



Overview of Subject Property

Photo No.	2	Direction	N
-----------	---	-----------	---



Closer view of stone monument sign

TIP/Parcel	U-6049/044	Taken By	Ella Vrolyk
County	Henderson	Date Taken	September 17, 2024
WBS Element	46995.2.1	Owner	The City of Hendersonville
Photo No.	3	Direction	SW



Looking SW at subject from adjoining site

Photo No.	4	Direction	SE
-----------	---	-----------	----



Looking SE at subject property

TIP/Parcel	U-6049/044	Taken By	Ella Vrolyk	Section 8, Item C.
County	Henderson	Date Taken	September 17, 2024	
WBS Element	46995.2.1	Owner	The City of Hendersonville	
Photo No.	5	Direction	E	



Looking E at subject property

Photo No.	6	Direction	N
------------------	----------	------------------	----------



Looking N at subject property, including small wood/metal sign

TIP/Parcel	U-6049/044	Taken By	Ella Vrolyk
County	Henderson	Date Taken	September 17, 2024
WBS Element	46995.2.1	Owner	The City of Hendersonville
Photo No.	7	Direction	NW



Looking NW at subject property

Photo No.	8	Direction	N
-----------	---	-----------	---



Looking N along subject's frontage along S Church St.

TIP/Parcel	U-6049/044	Taken By	Ella Vrolyk
County	Henderson	Date Taken	September 17, 2024
WBS Element	46995.2.1	Owner	The City of Hendersonville
Photo No.	9	Direction	S



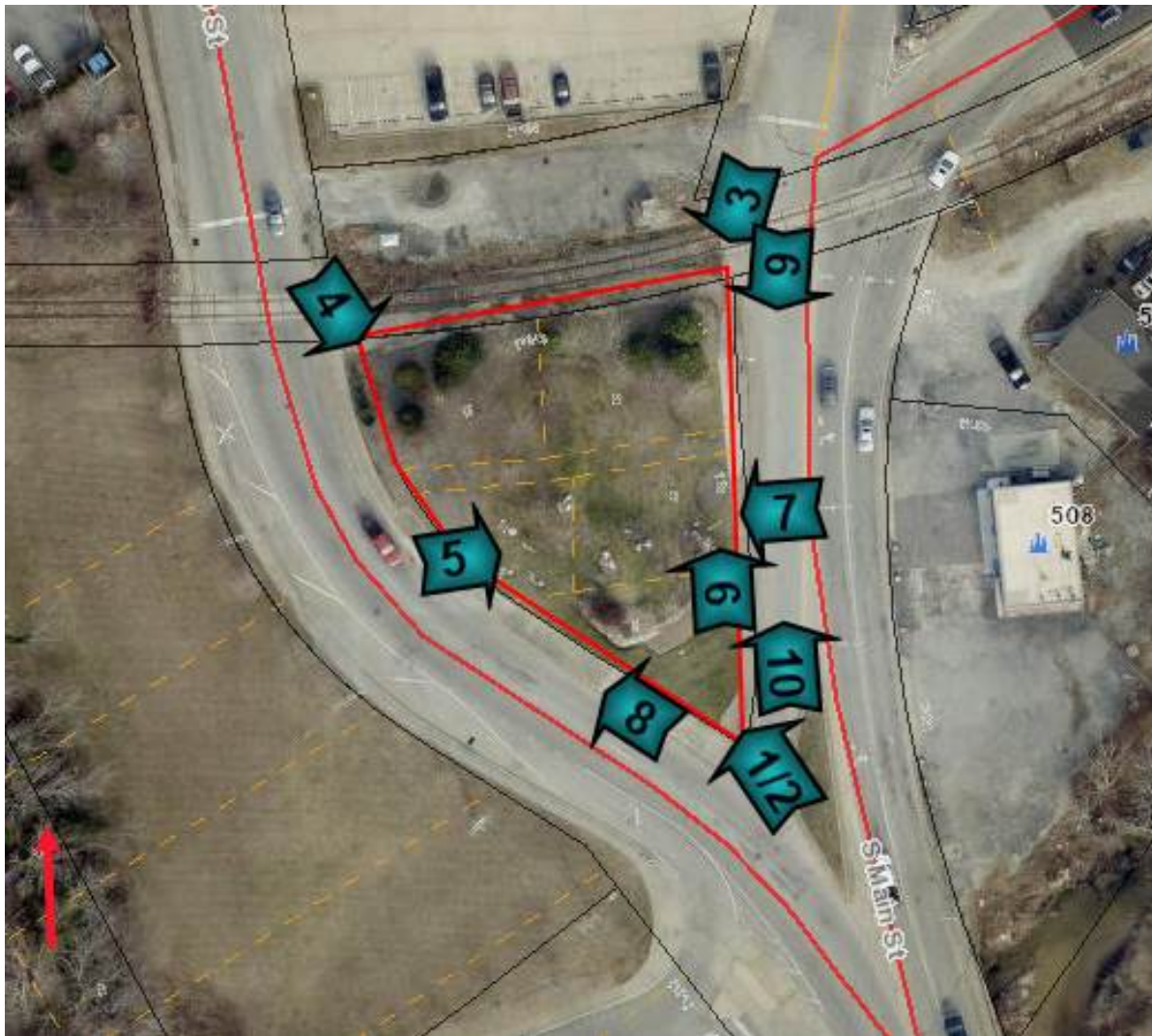
Looking S along subject's frontage along S Main St.

Photo No.	10	Direction	N
-----------	----	-----------	---



Looking N along subject's frontage along S Main St.

Subject Photograph Location Map



Subject Deed

Section 8, Item C.

1357 P.559

FILED IN HENDERSON COUNTY REGISTER OF DEEDS
OFFICE, NEDRA W. MOLES, REGISTER
DATE: 4-18-08 TIME: 11:57am
EXCISE TAX STAMP: \$950.
BOOK: 1357 PAGE: 559

~~\$455.00~~

Excise Tax 950.00

Recording Information

Parcel Identifier Number: 0116914

PREPARED by: Peter Knight, Attorney, seller representation limited to
deed preparation only

RETURN to:  City of Hendersonville, P.O. Box 1670, Hendersonville, NC 28793
Attn: Samuel H. Fritschner

BRIEF DESCRIPTION for the Index: tract, South Main Street and Church Street

NORTH CAROLINA GENERAL WARRANTY DEED

THIS DEED made this 11th day of April, 2008, by and between

GRANTOR

GRANTEE

MIKE M. HODGES, unmarried

CITY OF HENDERSONVILLE
a municipality located within
the State of North Carolina

P.O. Box 1670
Hendersonville, NC 28793

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all of that certain lot or parcel of land situated in Henderson County, North Carolina, and more particularly described as follows:

See attached Exhibit A for description

81357 P560

Warranty Deed
Mike M. Hodges, unmarried, to
City of Hendersonville
April 11, 2008
Page Two

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated. Title to the property hereinabove described is subject to the following exceptions:

Henderson County and City of Hendersonville ad valorem real property taxes for 2008; easements and restrictions of record; governmental ordinances.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal, the day and year first above written.

Mike M. Hodges (Seal)
MIKE M. HODGES, unmarried

SEAL - STAMP



NORTH CAROLINA, HENDERSON COUNTY

I, J. Michael Edney a Notary Public of the County and State aforesaid, certify that, MIKE M. HODGES, unmarried, Grantor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 12 day of April, 2008.

My commission expires:

6/11/2010

J. Michael Edney
Notary Public

B 1357 P 561

Warranty Deed
 Mike M. Hodges, unmarried, to
 City of Hendersonville
 April 11, 2008

Exhibit A

BEGINNING at an iron pin in the west margin of South Main Street at its intersection with the northeast margin of Church Street as projected and laid out by the City Engineer of the City of Hendersonville and adopted by the Commissioners of said City and running thence with the said margin of South Main Street on a curve, the bearing of the chord of which is North 7 deg. 1 min. West 73 feet to an iron pin; thence with the eastern line of Lot 2 as shown on a plat of the subdivision of W.A. Smith and J.L. Pace, hereinafter referred to, North 4 deg. 28 min. West a distance of 50 feet to an iron pipe; thence with the eastern line of Lot 3 North 1 deg. 03 min. West a distance of 50 feet to an iron pipe, corner to right of way of Hendersonville and Brevard Railway; thence North 80 deg. 4 min. West a distance of 70 feet to an iron pipe, corner of Lot 5; thence North 84 deg. 42 min. West a distance of 63 feet to an iron pipe on the eastern right of way line of Church Street; thence with the eastern margin of Church Street, on a radius of 116.61 feet, a distance of 109.8 feet to an iron pipe in the eastern margin of said Church Street; thence with said margin of Church Street South 56 deg. 29 min. East 112 feet to the beginning and being the properties acquired by two deeds:

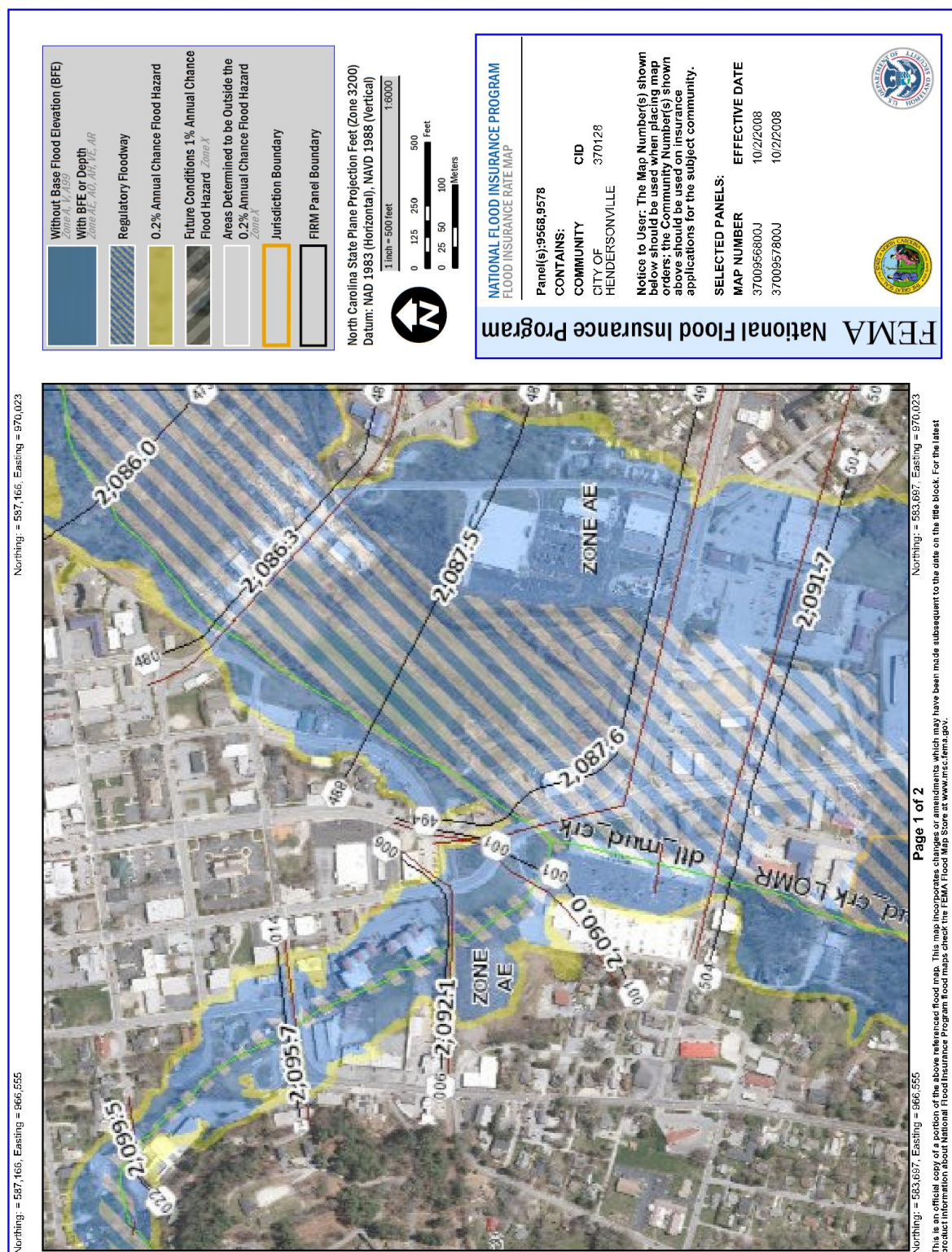
Deed from R.G. Grady and wife Bessie G. Grady by deed dated June 17, 1937 as recorded in Deed Book 219, Page 45 of the Henderson County Registry and deed from W.A. Smith and Sada W. Smith, his wife, to Gulf Refining Company dated March 20, 1926 and recorded in Deed Book 163, Page 26, Henderson County Registry.

LESS AND EXCEPTING from the above description: all of that interest in property conveyed to the North Carolina Highway Commission by Deed of Easement dated May 20, 1970, recorded in Deed Book 475, at Page 499 of the Henderson County Registry, and described as follows:

Beginning at the present northeasterly corner of the intersection of South Main Street and Church Street in the City of Hendersonville, North Carolina, and running thence with the present westerly right of way line of South Main Street, North 7 deg. 46 min. West 58.28 feet to a point; thence along the arc of a curve, concave to the northwest, on a radius of 150 feet, for an arc distance of 49.75 feet (chord bearing and distance South 5 deg. 32 min. West 49.52 feet) to a point in the northerly right of way line of Church Street; thence with the said line of Church Street South 56 deg. 16 min. East 15.21 feet to the point of beginning.

This conveyance consists of all of that property conveyed to Mike M. Hodges by deed dated January 4, 2000, which is recorded in Deed Book 1012, at Page 41 of the Henderson County Registry.

Flood Map



Section 8, Item C.



Appraiser Qualifications***Ella Vrolyk, MAI***

Cell: 828.301.0051

Email: ellavrolyk@gmail.com

Professional Experience

Ella Vrolyk has over 25 years of experience in real estate valuation and consulting. She started her real estate career as a staff appraiser in 1997 with Arthur Andersen in Houston Texas, later working as a senior appraiser with National Appraisal Partners. In 2009, Ms. Vrolyk moved to North Carolina to work as an independent real estate appraiser and consultant. Ms. Vrolyk has performed real estate valuations of fee simple, easement, leased fee and leasehold interests of existing and proposed properties including land, retail, industrial, office, hotels, residential subdivisions, single-family residences, RV parks, automotive dealerships, churches, conservation easements, agricultural ranches, and specialty properties. Consulting assignments performed by Ms. Vrolyk have included market rent analyses, feasibility studies, and various easement impact studies.

For the last 13 years, Ms. Vrolyk has specialized in eminent domain valuation, working primarily with the North Carolina Department of Transportation in providing estimates and valuations for proposed roadway projects in multiple counties across the state.

Professional Affiliations

- Appraisal Institute, Designated Member (MAI)
- NC State-Certified General Appraiser #A7339
- SC State-Certified General Appraiser #7559
- TN State-Certified General Appraiser #6420
- IRWA – Member, Candidate for SR/WA
- North Carolina Licensed Real Estate Broker (#324252)

Education

Bachelor of Business Administration, Cum Laude, 1993
Ohio University; Athens, Ohio

Assumptions and Limiting Conditions

The certification of the Appraiser appearing in this appraisal report is subject to the following conditions and to such other limiting condition as are set forth by the Appraiser in this report:

1. The Appraiser assumes no responsibility for matters of a legal nature affecting the property appraised or the title thereto, nor does the Appraiser render any opinion as to the title, which is assumed to be good and marketable. All existing liens and encumbrances securing payment of money have been disregarded and the property is appraised as though under responsible ownership and competent management.
2. Any sketch in the report may show approximate dimensions and is included only to assist the reader in visualizing the property. The Appraiser has made no survey of the property and the reliability of the information contained on any such map or drawing cannot be guaranteed to be correct.
3. Information provided by informed sources, such as government agencies, financial institutions, realtors, buyers, sellers, property owners, accountants, attorneys, and others is assumed to be true, correct and reliable. No responsibility is assumed for errors or omissions nor for information not disclosed which might otherwise affect the value estimate.
4. Any distribution of the valuation in the report between land and improvements applies only under the existing program of utilization. The separate valuation of land and improvements must not be used in conjunction with any other appraisal and are invalid if so used.
5. The Appraiser assumes all applicable zoning and use regulation and restrictions have been complied with, unless a non-conformity has been stated, defined and considered in the appraisal report.
6. The Appraiser assumes the utilization of the land and improvements is within the boundaries of the property lines of the property described and that there are no encroachments unless noted in the report.
7. This appraisal is not a detailed report on the physical items that are a part of the property. Although the appraisal report contains information about the physical items being appraised, this information is only to be used as a general guide to property valuation. The Appraiser is not a construction, engineering, or legal expert and any opinion of observed condition comments should be considered preliminary in nature and no guarantee that a problem does not exist. No guarantee is made as to the adequacy or condition of floors, heating and air-conditioning systems, plumbing systems, electrical systems, or other mechanical or building components. The structure(s) were not checked for building code violations, and it is assumed that all structure(s) meet applicable building codes unless otherwise stated in the report.
8. The condition of items which are hidden from view, such as behind walls, above ceilings, under floors, or underground or not exposed to casual view were not inspected and are assumed to be adequate and functional unless otherwise stated in the report.
9. Engineering analyses of the subject property were neither provided for use nor made a part of this appraisal contract or assignment. No test borings or analysis of subsoils were made or caused to be made by the Appraiser. The Appraiser assumes no responsibility for the presence of any adverse conditions, or for any engineering which might be required to discover such conditions. Subsurface mineral rights were not considered in making this appraisal. No soils report was furnished to the Appraiser and the Appraiser assumes soil and subsoil conditions are satisfactory for real estate development. If this assumption is invalid, the Appraiser reserves the right to revise the appraisal report accordingly.
10. Any proposed improvements, as well as any alterations or repairs to existing improvements, are assumed to be completed in a workmanlike manner according to standard practices.

11. It is assumed that there are no hazardous materials present at the subject property. I am not qualified to detect such substances. The presence of substances such as asbestos, urea formaldehyde foam insulation, contaminated groundwater, mold, or other potentially hazardous materials may affect the value of the property.
12. This report contains professional opinions and is expressly not intended to serve as any warranty, assurance, or guarantee of any particular value of the subject property, either in the "before" or "after" situation. Other appraisers may reach different conclusions as to the value(s) of the subject property. Furthermore, market value is highly related to exposure time, promotion effort, terms, motivation, and conclusions surrounding the offering of the subject property. This report is for the sole purpose of providing the intended user with my independent professional opinion of the value(s) of the subject property as of the date of valuation.
13. No opinion is expressed on matters which may require legal expertise or specialized investigation or knowledge beyond that customarily employed by real estate appraisers. I advise the user to retain experts in areas that fall outside the scope of the real estate appraisal profession.
14. It is assumed that the subject property is managed and operated in a prudent and competent manner.
15. I certify that to the best of my knowledge and belief, that reported analysis, opinions and conclusions were developed and this report has been prepared in conformity with the requirements of the Code of Professional Ethics and the Standards of Professional Appraisal Practice of the Appraisal Foundation.
16. It is my intent that this report meets the requirements of an Appraisal Report as defined by the Uniform Standards of Professional Appraisal Practice.
17. The term "Opinion" is synonymous with "Estimate", when the term "Estimate" is used for "Opinion".

North Carolina Department of Transportation - Right of Way Unit
Certificate of Appraiser

Section 8, Item C.

TIP/Parcel No.: U-6049/044 **WBS Element:** 46995.2.1 **County:** Henderson

Description Improvement of NC 225 (South Main St.) from South King Street to US 176

Property Owner's Name: City of Hendersonville **Fed Aid** N/A

I HEREBY CERTIFY THAT:

I have ☐, have not ☒, performed an appraisal or other specified services as an appraiser or any other capacity, regarding the property that is the subject of this appraisal within the three year period immediately preceding acceptance of this assignment. If "Have" box is marked, please see Scope of Appraisal Section for details.

I have personally inspected the property herein appraised and that I have also made a personal field inspection of the comparable site sales relied upon in making said appraisal. The improved sales utilized in the sales comparison approach were not inspected due to the regional nature of the sales utilized and their distance from the subject property. The subject and the comparables relied upon in making said appraisal were as represented by the photographs contained in said appraisal.

I have given the owner or his designated representative the opportunity to accompany me during my inspection of the subject property.

Any decrease or increase in the "**Market Value**" of real property prior to the date of valuation caused by the public improvement for which such property is acquired or by the likelihood that the property would be acquired for such improvement, other than that due to physical deterioration within the reasonable control of the owner, is disregarded in determining the compensation for the property.

The statements of fact contained in this appraisal report are true and correct, and the reported analyses, opinions and conclusions, subject to the critical assumptions and limiting conditions herein set forth, are my personal, unbiased, professional analyses, opinions and conclusions.

I understand such appraisal may be used in connection with the acquisition of or disposal of right-of-way for a highway to be constructed by the **State of North Carolina**, and that such appraisal has been made in conformity with appropriate State laws, regulations, and policies and procedures applicable to appraisal of right-of-way for such purposes, and that to the best of my knowledge, no portion of the value assigned to such property consists of items which are "**Non-Compensable**" under established laws of the **State of North Carolina**.

My analyses, opinions, and conclusions were developed, and this report has been prepared, in compliance with **NCDOT Real Estate Appraisal Standards and Legal Principles** and the **Uniform Standards of Professional Appraisal Practice**. The appraisals in this assignment are to be made in accordance with all of the requirements set out in the **NCDOT Real Estate Appraisal Standards and Legal Principles** and the **Uniform Standards of Professional Appraisal Practice** and shall also comply with all applicable **Local, State, and Federal** laws, ordinances, regulations, restrictions and/or requirements; and any additions, revisions and/or supplements thereto.

Neither my employment nor my compensation for making this appraisal is in any way contingent on the values reported herein.

I have no direct or indirect, present or prospective interest in neither the subject property nor any benefit from the acquisition of this property nor any bias with respect to the parties involved.

In addition to the undersigned, those persons duly noted in this report and under my direct supervision and responsibility, in so far as this particular appraisal is concerned, have contributed to the production of this appraisal. The analyses, conclusions or value estimates set forth in this appraisal are those of the undersigned.

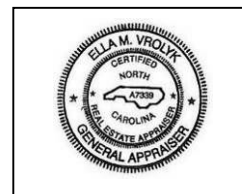
I will not reveal the findings and results of such appraisal to anyone other than the proper officials of the **State of North Carolina** or officials of the **Federal Highway Administration** until authorized by State officials to do so, or until I am required to do so by **due process of law**, or until I am released from this obligation by having publicly testified as to such findings or to a duly authorized professional peer review committee.

My independent opinion of the difference in Market Value as of the 17th **day of**
September, 20 24, is \$ 443,250 **based upon my independent appraisal and**
the exercise of my professional judgment.

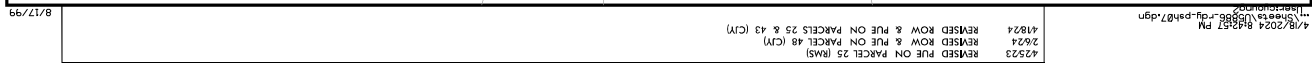
Ellen M. Vrolyk

Specified Appraiser

September 26, 2024
Date



4/18/2024 8:58:37 PM C:\Users\jph7\Documents\jph7.dgn	4/23/23 REVISD PUE ON PARCEL 25 (RM5) 2/6/24 REVISD ROW & PUE ON PARCEL 48 (CIV) 4/18/24 REVISD ROW & PUE ON PARCELS 25 & 43 (CIV)	8/17/99
--	---	---------





CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

SUBMITTER: John Connet, City Manager **MEETING DATE:** 10/2/2025
AGENDA SECTION: NEW BUSINESS **DEPARTMENT:** Administration
TITLE OF ITEM: Approval of Letter to Henderson County Board of Commissioners – *John Connet, City Manager*

SUGGESTED MOTION(S):

I move that City Council approve the proposed letter as written.

SUMMARY:

City Council directed staff to draft a letter to Henderson County Board of Commissioners. The proposed letter is attached for your review.

BUDGET IMPACT: \$ NA

Is this expenditure approved in the current fiscal year budget? NA

If no, describe how it will be funded. NA

ATTACHMENTS:

Proposed letter with attachments

CITY COUNCIL:

BARBARA G. VOLK
Mayor
Dr. Jennifer Hensley
Mayor Pro Tem
LYNDSEY SIMPSON
MELINDA P. LOWRANCE
GINA BAXTER

CITY OF HENDERSONVILLE
The City of Four Seasons



Section 8, Item D.

JOHN F. CONNET
City Manager
ANGELA S. BEEKER
City Attorney
JILL MURRAY
City Clerk

October 2, 2025

William G. Lapsley, Chairman
Henderson County Board of Commissioners
1 Historic Courthouse Square, Suite 1
Hendersonville, NC 28792

RE: Interlocal Agreement

Dear Chairman Lapsley,

The Hendersonville City Council recognizes that circumstances in the North Carolina General Assembly will likely make it difficult for any local legislation to be enacted before the 2026 “Short” Session. The City Council also believes that any disagreements between the City of Hendersonville and Henderson County can and should be resolved by our local governing boards within their existing authority, without the need for legislative intervention.

With this in mind, the City Council proposes that the two governing boards move forward by amending the existing City/County Interlocal Agreement to address the following priorities:

1. Creation of a Joint Water and Sewer Commission
2. Development of contracts, including performance standards, with the rural fire departments directly adjacent to the City of Hendersonville
3. Implementation of utility rate equalization
4. Joint water and sewer planning to ensure adequate, efficient and responsible utility service throughout Henderson County

The City Council understands that the Henderson County Board of Commissioners does not wish to formalize a Joint Planning Area (JPA) boundary. Nevertheless, it is the City’s intent to restrict annexation to the area depicted on the attached Joint Planning Area Map. This map is substantially identical to earlier versions, with the exception of adjustments along Kanuga and Willow Roads, where the planning boundary has been drawn closer to the existing city limits. The City also proposes that both local governments collaborate to establish mutually beneficial land use maps to guide future development within the JPA.

The City Council has attached our latest Supplemental Interlocal Agreement, Joint Planning Area Map and Implementation Schedule for your review and consideration. These items are intended solely as a framework to help guide future discussions on an amended interlocal agreement between our local governments.

Thank you for your consideration in this matter. The City Council looks forward to receiving a formal written response from the Henderson County Board of Commissioners.

Sincerely,

Barbara Volk, Mayor

Jennifer Hensley, Mayor Pro Tem

Gina Baxter, Council Member

Melinda Lowrance, Council Member

Lyndsey Simpson, Council Member

Cc: Henderson County Board of Commissioners
Senator Tim Moffitt
Representative Jennifer Balkcom
Representative Jake Johnson

STATE OF NORTH CAROLINA

COUNTY OF HENDERSON

SUPPLEMENTAL INTERLOCAL AGREEMENT

This Agreement is made and entered into this the ____ day of _____, 2025, by and between the **CITY OF HENDERSONVILLE**, a North Carolina municipal corporation (the *City*), and the **COUNTY OF HENDERSON**, a body corporate and politic of the State of North Carolina (the *County*).

Circumstances

A. The *City* and the *County* entered into an Interlocal Agreement (the *Interlocal Agreement*) on or about the 16th day of June, 2025, covering and resolving certain outstanding issues involving them.

B. As part of the Interlocal Agreement, the *City* and the *County* agreed to advocate for a proposed local bill, a copy of which was attached to the Interlocal Agreement (the *Local Bill*).

C. As of the date of this Agreement, the Local Bill has not be enacted into law, and the parties wish to enter into this Supplemental Interlocal Agreement. (the *Supplemental Agreement*).

D. The *Supplemental Agreement* is entered under the provisions of Article 20 of Chapter 160A of the North Carolina General Statutes.

Agreement

NOW, THEREFORE, in consideration of the mutual promises and covenants made to one another, the parties agree as follows:

Water and Sewer

1. **Joint Water and Sewer Commission.** The parties hereby create the Joint Water and Sewer Commission (the *Commission*), to fulfill the purposes of the Joint Water and Sewer Commission in the *Interlocal Agreement*.

a. The *Commission* shall be composed as follows:

(1) The *Commission* shall consist of eight (8) members and a chair-person, for a total of nine (9) members.

- (2) Four (4) members of the **Commission** shall be appointed by the **City**, and four (4) members shall be appointed by the **County**.
 - (3) Terms of the members shall be staggered; therefore two of the appointees appointed by the **City** and the **County** shall be appointed for an initial three (3) year term, and two shall be appointed by each for a five (5) year term. Thereafter, all members appointed by the **City** or **County** shall serve a five (5) year term. Members appointed to fill a vacancy shall serve for the remainder of the unexpired term of the seat vacated.
 - (4) The chair-person of the **Commission** shall be appointed jointly by the chair-person of the County Commission and the mayor of the **City**. The chair-person shall serve a two (2) year term.
 - (5) Members shall serve at the pleasure of the appointing authority, and may be removed by the appointing authority with or without cause.
 - (6) No elected official, and no employees of the **City** or **County** may serve as a voting member of the **Commission**, however, at their election, the mayor and chair-person of the County Commission may serve as ex officio non-voting members of the **Commission**; however neither shall count towards the establishment of a quorum.
 - (7) A quorum shall consist of five (5) members plus the chair-person or vice-chair-person.
 - (8) The **Commission**, once appointed, shall adopt bylaws.
 - (9) The **Commission** shall be managed as an advisory board of the **City**.
- b. The **Commission** shall have the following duties:
- (1) To receive public comment and hold public hearings.
 - (2) To adopt policies to govern the day-to-day operation and maintenance of the water or sewer system operated by the **City** and the water or sewer system operated by the **County**, including service connections.
 - (3) To recommend plans and policies for adoption by the **City** to govern capital improvements and extensions of the **City's** water or sewer system.
 - (4) To recommend plans and policies for adoption by the **County** to govern capital improvements and extensions of the **County's** water or sewer system.
 - (5) To approve extensions of the water or sewer system in accordance with the policies adopted by the **City** for the **City's** systems, and the policies adopted by the **County** for the **County's** systems.

- (6) To conduct studies concerning the construction, operation, maintenance and expansion of the *City's* systems or the *County's* systems, in accordance with funds budgeted by the *City* or *County* for their respective systems.
 - (7) To recommend fees, charges, and rates to the *City* and the *County* for their respective systems according to classes of service and areas of service, in order to generate sufficient revenue to meet all costs of operating and maintaining the systems, all debt service costs, all operating capital, a reasonable reserve for improvements and enlargements, and all other costs or expenses necessary or desirable for carrying out of the governmental authority and responsibility relating to the provision of water and sewerage services by their respective systems. The *City* and the *County*, and not the *Commission*, shall be responsible for adopting the fees, charges and rates for their respective systems.
 - (8) To provide quarterly reports to both the *City* and the *County* regarding the performance of all water systems and sewer systems in the *County* operated by the *City* or the *County*.
 - (9) To study and advise the *City* and the *County* as to the future ownership of the *County's* water and sewer systems.
 - (10) To study and advise the *City* and the *County* as to the future equalization of sewer rates between customers located inside and outside of the *City* limits.
 - (11) Such other duties as may be agreed upon by the *City* and *County* by resolution.
- c. The *Commission* shall not have the authority to enter into contracts, nor to issue bonds, or incur any debt. The contracting, and the funding and timing of all capital improvements and the incurrence of debt shall be by the *City* for the *City's* systems, and by the *County* for the *County's* systems.
- d. The *City* and *County* shall each remain fully financially responsible for their respective water or sewer systems, including incurring debt, and for all costs and expenses for their systems' operation, maintenance and expansion. The monies in the enterprise fund and any interest accrued from investments of these monies will be budgeted, expended and managed by the *City* or *County* as to their respective systems, taking into account, but not being bound by, the recommendations of the *Commission*.
- e. Staffing for the *Commission* shall be by the *City* staff which shall remain employees of the *City*, subject to the direction and control of the *City* manager. All such staffing services and routine clerical service as well as necessary office space and supplies for the operation of the *Commission* will be furnished by the *City* and paid for from water and sewer revenues of the *City*.

f. Staffing for the maintenance and operation of the *City's* systems shall be *City* employees. Staffing for the maintenance and operation of the *County's* systems shall be *County* employees.

g. The *City* and the *County* shall each amend their ordinances to provide consistency with the terms of this section. The *City* shall retain ordinance making and enforcement authority over the entirety of its water and sewer systems, and the *County* shall retain ordinance making and enforcement authority over the entirety of its water and sewer systems. To the extent the policies of the *Commission* conflict with the ordinances of the *City* or *County*, the ordinances shall govern.

2. The *City* shall reduce the differential between water and sewer rates for water and sewer customers served by the *City's* water and/or sewer system outside of the *City* but within the *County* at the rate of 5% per year until water and sewer rates for customers inside and outside of the *City* within the *County* have been equalized. Notwithstanding the foregoing, the terms of this paragraph shall not preclude the *City* or *County* from imposing special assessments and/or surcharges on a subclass of customers in the *City* or the *County* to recoup the capital costs associated with the acquisition, improvement or expansion of water or sewer infrastructure primarily serving the subclass of customers.

3. To the extent allowed by applicable law, the *City* or the *County* shall have the authority to waive or discount water or sewer fees for their respective systems, including but not limited to, system development charges or fees and connection fees, to any housing development providing housing to persons at or below 80% of the area median income. If implemented, the *City* or *County* shall, by ordinance, establish the criteria and standards to govern the application and implementation of any discounted or waived fees.

4. To the extent allowed by applicable law, the *City* or the *County* shall have the authority to waive or discount water or sewer fees, including but not limited to, system development charges or fees and connection fees, for economic development which would qualify for economic development incentives pursuant to G.S. 158-7.1. If implemented, the *City* or *County* shall, by ordinance or resolution, establish the criteria and standards to govern the application and implementation of any discounted or waived fees.

Joint Planning Area

5. ***Joint Planning Area.*** There is hereby established a *Joint Planning Area*, said area being as shown on Exhibit A, attached hereto and incorporated herein by reference (the *Joint Planning Area*). The *Joint Planning Area* includes the *City's* ETJ together with areas in which the *City* could reasonably expect to grow by 2045.

6. ***Joint Planning Commission*** (the *JPC*). There is hereby created a Joint Planning Commission to fulfill the function of a Planning Board for the *Joint Planning Area* in accordance with the terms of this Agreement and applicable law. The *JPC* shall be a joint agency pursuant to the authority of GS 160A-462. Members shall be appointed to the *JPC*

within sixty (60) days of the adoption of this agreement in accordance with the terms of paragraph 9 below.

7. The **JPC** shall serve as, and shall perform all of the functions of, the Planning Board under the authority of N.C.G.S. § 160D-301 for the entity (**City** or **County**) exercising its planning and zoning jurisdiction for a particular property located in the **Joint Planning Area**. Both parties agree to amend their development ordinances to recognize the **JPC** as the Planning Board under N.C.G.S. § 160D-301 for all purposes under all of their respective ordinances, currently performed by the entity's Planning Board, for properties located within the **Joint Planning Area**.

8. **Land Use Map.** The first duty of the **JPC** shall be to study and to recommend to both the **City** and the **County** a land use map for the **Joint Planning Area**. Such recommendation shall be completed and conveyed to both the City Council and the County Commission within ninety (90) days of the first meeting of the **JPC**. The City Council and the County Commission shall have sixty (60) days to review the recommended land use plan and either approve or deny the plan as presented by the **JPC**. In the event the **JPC** recommended land use plan is denied by either the **City** or the **County**, the Mayor and County Chair person shall work together to arrive at a land use plan that both are willing to recommend back to their respective boards. Notwithstanding paragraph 7 above, the **JPC** shall not undertake nor shall they have the authority granted under paragraph 7 above for any purpose, other than recommending a land use map for the **Joint Planning Area**, until an agreed upon land use plan has been approved by both the County Commission and the City Council. If an agreed upon land use plan is not approved by both the County Commission and the City Council by December 31, 2026, then this agreement shall become null and void in its entirety.

9. The **JPC** shall be composed as follows:
- a. The **JPC** shall consist of six (6) members and a chair person for a total of 7 members.
 - b. The **JPC** shall consist of 3 members of the **City's** Planning Board appointed to the **JPC** by the City Council, and three (3) members of the **County's** Planning Board appointed to the **JPC** by the Board of Commissioners for the **County**. Member terms shall run commensurate with their terms on their respective planning boards.
 - c. Vacancies shall be filled by the governing body that appointed the vacating member from among the planning board members of the jurisdiction governed by the appointing governing body.
 - d. The chair-person of the **JPC** shall be appointed jointly by the chair-person of the County Commission and the mayor of the **City**. The **JPC** chair person shall reside within the **Joint Planning Area**, and does not have to be a sitting member of the **City** Planning Board or the **County** planning board. The **JPC**

chair-person shall serve a two (2) year term. Each *JPC* chair person may serve no more than two (2) consecutive terms.

- e. Members shall serve at the pleasure of the appointing governing body, and may be removed by the appointing governing body with or without cause.
- f. No elected official, and no employees of the *City* or *County* may serve as a voting member of the *JPC*.
- g. A quorum shall consist of four (4) members plus the chair-person or vice-chair-person.
- h. The *JPC*, once appointed, shall adopt bylaws.

10. Staffing for the *JPC* shall be by the *City* staff which shall remain employees of the *City*, subject to the direction and control of the *City* manager. All such staffing services and routine clerical service as well as necessary office space and supplies for the operation of the *JPC* will be furnished by the *City*.

11. The *City* and the *County* shall each amend their ordinances to provide consistency with the terms of this Agreement.

Annexation

12. The *City* shall not require annexation under this section for any property located wholly outside of the *Joint Planning Area* as a condition of receiving sewer service for such property, but may require annexation as a condition of receiving water or sewer service for parcels located in whole or in part within the *Joint Planning Area* upon which is proposed new development, or any redevelopment of the parcel which is intended to increase the assessed tax value of the parcel by at least fifty percent (50%).

Fire Districts

13. When a property is annexed into the *City's* corporate limits, and the property was a part of the taxing district where fire coverage is contracted for by a volunteer fire department prior to the annexation, the *City* shall contract with such volunteer fire department to provide fire protection services to the property for a minimum of 5 years. The contract shall establish a level of service to be provided by the volunteer fire department consistent with the requirements and standards of the Office of the State Fire Marshal for like departments. Nothing herein shall prevent the *City* from terminating any such contract entered for failing to provide the established level of service. The *City* shall compensate the volunteer fire department based on the following formula:

- a. The contract shall apply to all properties annexed by the *City* from and after January 1, 2015, and during the term of the agreement with the volunteer fire department, including all renewals.

b. The annual fee paid by the **City** to such volunteer fire department shall be the amount which is one-half of the ad valorem tax which would have been owed and paid on such year's assessed value of the annexed real property or real properties at that year's adopted fire district tax rate that would have applied to the real property but for the annexation.

c. Fees shall not be paid retroactively.

Agreement Term

14. This Agreement shall be effective until December 31, 2045 unless extended by the mutual agreement of both parties.

Executed after majority vote of both the Hendersonville City Council and the Board of Commissioners of Henderson *County*, the dates shown below.

CITY OF HENDERSONVILLE

COUNTY OF HENDERSON

By: _____
BARBARA VOLK, Mayor

By: _____
WILLIAM LAPSLEY, Chairman
Board of Commissioners

Date: _____

Date: _____

Attest:

City Clerk

Clerk to the Board of Commissioners

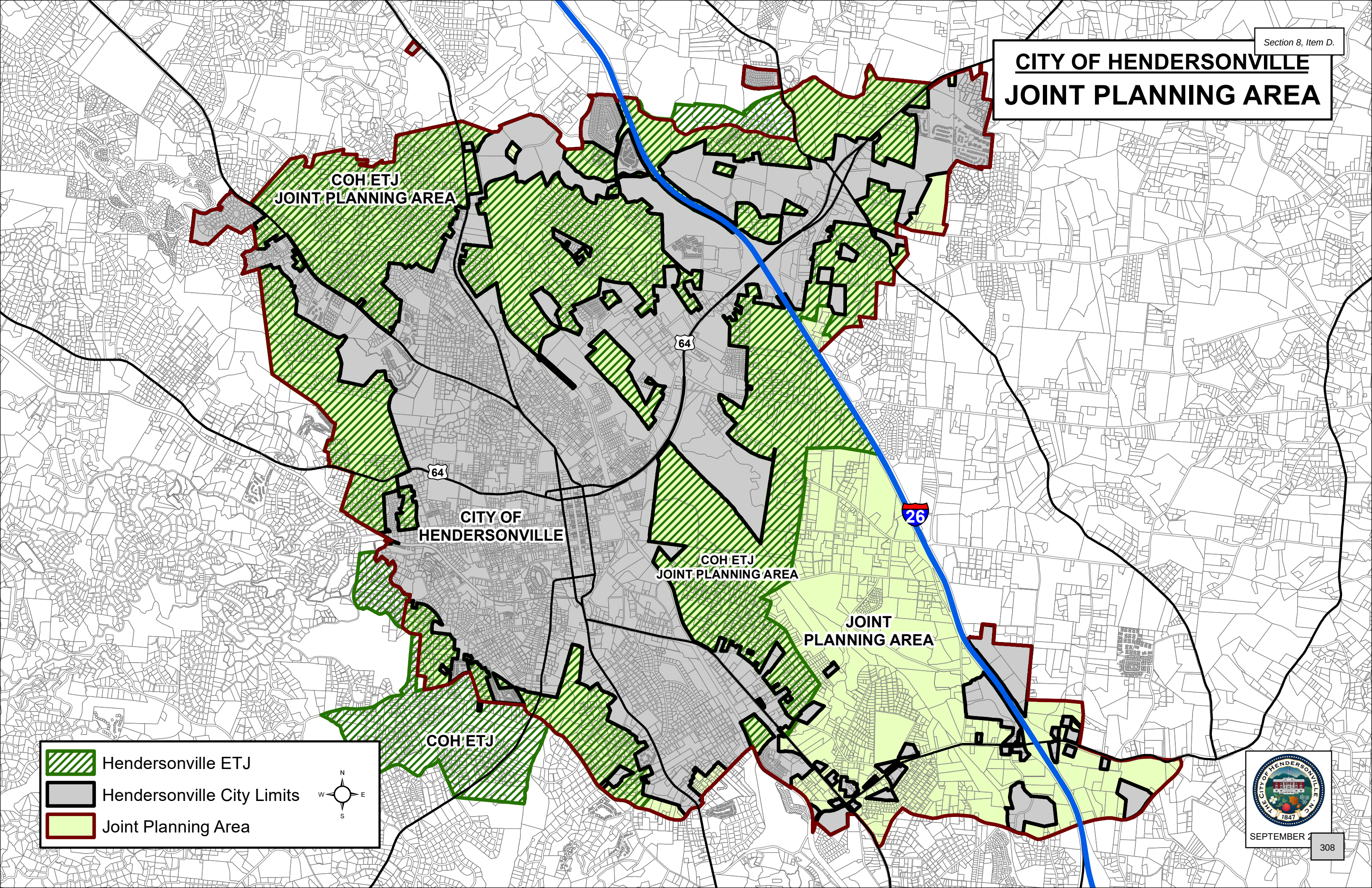
Approved as to form:

Approved as to form:

City Attorney

County Attorney

CITY OF HENDERSONVILLE JOINT PLANNING AREA



Hendersonville ETJ

Hendersonville City Limits

Joint Planning Area

N

W

E

S

Senate Bill 69 – Implementation Proposal

On Monday, June 16, 2025, the Hendersonville City Council and Henderson County Board of Commissioners unanimously approved proposed substitute language for Senate Bill 69. Unfortunately, this proposed substitute language has not yet moved forward in the North Carolina House of Representatives, and no specific timeline for its passage has been established. In addition, members of the state legislature and local stakeholders have expressed concerns regarding some provisions in the proposed substitute language for Senate Bill 69 and subsequent interlocal agreements. These include annexation standards, inclusion of joint planning areas, and land use regulations. The state legislator and local stakeholder concerns were addressed as part of a recent City Council approved draft agreement that was forwarded to Henderson County on Friday August 8, 2025. Until these items are resolved and an interlocal agreement is approved and executed by all parties, we feel that most of the unquestioned items that had previously been approved by the City Council and Board of Commissioners can be implemented within established authority. The Hendersonville City Council proposes that the City and County proceed with implementation of the unquestioned components of the unanimously approved substitute language until a mutually agreed upon amended interlocal agreement and/or local bill is adopted. The following draft implementation plan has been developed for consideration:

1. **Water and Sewer Commission** – The City of Hendersonville has drafted proposed charter for the water and sewer commission. The charter is based on the language in the unanimously approved proposed substitute language for Senate Bill 69. The City of Hendersonville proposes the following schedule for establishment of the Henderson County Water and Sewer Commission.
 - a. **Key Dates:**
 - i. Approval of charter by governing boards – November 2025
 - ii. Recruitment of commission members – October 1, 2025 – November 30, 2025
 - iii. Appointment of members and chairperson – December 2025
 - iv. First meeting of Water and Sewer Commission – January 2026
2. **Annexation Standards and Land Use Regulation** – These two items are unresolved and being discussed by the City Council, County Commissioners and our local legislative delegation. It is our recommendation that representatives of all parties meet to discuss the best path forward on these topics.
3. **Rural Fire Department Contracts** – The City of Hendersonville with the assistance of the Henderson County Emergency Management Department will develop a fire service contract with individual non-profit fire departments
 - a. **Key Dates:**
 - i. Contract Execution – January 1, 2026
 - ii. Effective Date – July 1, 2026
4. **Water and Sewer Planning** - It is the desire of Hendersonville Water and Sewer to actively engage Henderson County, municipalities within Henderson County, and other

stakeholders in water and sewer planning. The joint Water and Sewer Commission will incorporate stakeholder involvement into the water and sewer master plan update processes.

5. **Utility Rate Equalization** - Hendersonville water and sewer rate differentials will be equalized on the following schedule (based on 5% adjustment per year):
 - a. **Schedule**
 - i. Water Rates – Fiscal Year 2030
 - ii. Sewer Rates – Fiscal Year 2036



CITY OF HENDERSONVILLE AGENDA ITEM SUMMARY

SUBMITTER: Jill Murray, City Clerk **MEETING DATE:** 10/02/2025

AGENDA SECTION: BOARDS/COMMITTEES **DEPARTMENT:** Administration

TITLE OF ITEM: Consideration of Vacancy Appointment to the Planning Board

SUGGESTED MOTION(S):

I move to appoint _____ to the Planning Board effective immediately. Since he/she is filling a vacancy, his/her term will expire in December, 2025, after which he/she can apply to his/her first full three-year term.

SUMMARY:

Council will need to make a “city” appointment to the Planning Board to fill their final remaining vacancy since the passing of Peter Hanley.

Betsey Zafra is not currently on any city boards and confirmed that she would like to be on this board.

Steven Collins is not currently on any Boards and has not confirmed with me yet that he still wishes to serve but I will keep you updated.

Andrea Martin IS currently on the Business Advisory Committee and does wish to serve on this board.

BUDGET IMPACT: N/A

Is this expenditure approved in the current fiscal year budget? N/A

If no, describe how it will be funded. N/A

ATTACHMENTS:

Applications



CITY OF HENDERSONVILLE
AGENDA ITEM SUMMARY

SUBMITTER: Jennifer Floyd **MEETING DATE:** 10/02/2025

AGENDA SECTION: City Manager Report **DEPARTMENT:** Administration

TITLE OF ITEM: September 2025 Contingency and Adjustment Report – *John Connet, City Manager*

SUGGESTED MOTION(S):

N/A – Presentation Only.

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

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

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

BUDGET IMPACT: Detailed Above

Is this expenditure approved in the current fiscal year budget? N/A

If no, describe how it will be funded. N/A

ATTACHMENTS:
Contingency and Adjustment Report

FISCAL YEAR 2025 - 2026 (FY26) BUDGET AMENDMENTS AND ADJUSTMENTS				Completed	Corrected				
				Proposed	Denied				
ACCOUNT NUMBER	ACCOUNT DESCRIPTION	EXISTING BUDGET	INCREASE	DECREASE	REVISED BUDGET	DESCRIPTION	APPROVED	TYPE	AMENDMENT NUMBER



CITY OF HENDERSONVILLE

AGENDA ITEM SUMMARY

SUBMITTER:

John Connet

MEETING DATE:

10/02/2025

AGENDA SECTION:

CLOSED SESSION

DEPARTMENT:

Administration

TITLE OF ITEM:

Closed Session – John Connet, City Manager

SUGGESTED MOTION(S):

I move that City Council enter closed session pursuant to NCGS § 143-318.11 (a) (1) and (6) to prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes and to consider the qualifications, competence, performance, character, fitness of an individual public officer or employee.

SUMMARY:

City staff is requesting a closed session to prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes and to consider the qualifications, competence, performance, character, fitness of an individual public officer or employee.

BUDGET IMPACT: \$ TBD

Is this expenditure approved in the current fiscal year budget? NA

If no, describe how it will be funded. NA

ATTACHMENTS:

None