



MINUTES

August 6, 2020 [ELECTRONIC]

REGULAR MEETING OF THE CITY COUNCIL

ASSEMBLY ROOM – OPERATIONS CENTER | 305 WILLIAMS ST. 5:45 p.m.

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

Participating Electronically: Mayor Pro Tem Jerry Smith, Council Member Lyndsey Simpson

Staff Present: City Manager John F. Connet, City Attorney Sam Fritschner, Assistant City Manager Brian Pahle, City Clerk Angela Reece, Communications Manager Allison Nock, Developmental Assistance Services Director Susan Frady, Planner Daniel Heyman, Planner Tyler Morrow, and Downtown Economic Development Director Lew Holloway

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 three members in attendance physically and two participating electronically.

2. Invocation and Pledge of Allegiance to the Flag

There was a moment of silence for prayer 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.*

Public comments were submitted by Barbara Hughes of 408 North Main Street commending Susan Frady for her dedication and professionalism to her job and the citizens of the City of Hendersonville, and Ken Fitch of 1046 Patton Street regarding the purpose of the Historic District as being a valuable asset to the City and aid in preserving small town character of the community.

4. Consideration of Agenda

Manager Connet requested to remove 5C, Laurel Park/Hendersonville Service Area Agreement and 9B, Oklawaha Greenway Pollinator Bed - Eagle Scout Project Request as they were not quite ready yet.

Council Member Jeff Miller moved to approve the agenda as amended removing items 5C, and 9B. A unanimous vote of the Council followed. Motion carried.

5. Consent Agenda

A. Adoption of City Council Minutes

- i. July 2, 2020, Regular Session Minutes

B. Tax Releases, Discoveries and Refunds - *Presenter: Jennifer Musselwhite, Revenue Supervisor*

C. Administration Services – Water Treatment Facility Basin Repairs and Coatings Project

D. (18016) Addendum 1 – Additional Construction

E. Infiltration and Inflow Study Sewer Basin 6 -Engineering Amendment - *Presenter: Lee Smith, Utilities Director*

F. Special Event - Stand T.A.L.L. Back the Blue Street Festival - *Presenter: Susan Frady, Development Assistance Director*

G. North Fork Reservoir Dredging Project Environmental Permitting Services and Sediment Release Study - *Presenter: Lee Smith, Utilities Director*

H. Ratification of COVID-19 Positive Test - *Presenter: Jennifer Harrell, Human Resources Director*

I. Ewart Hill Reservoir Lining Construction Document & Support Services Engineering Amendment - Presenter: Lee Smith, Utilities Director

Council Member Jeff Miller moved to approve the items on the consent agenda as presented. A unanimous vote of the Council followed. Motion carried.

6. Presentations

A. Quarterly MVP- Presenter: John F. Connet, City Manager

City Manager John F. Connet presented the following Quarterly MVP's thanking them for their outstanding service to the Citizens of Hendersonville and for the commitment and professionalism they display while conducting their job: Battalion Chief Christian Miller, Police Officer Adalberto Morales, and Water Sewer Employee Jay Heatherly. All the employees go above and beyond exhibiting the "one Team One Goal attitude to assist citizens, customers, and each other.

Resolution Honoring Susan Frady and Sam Fritschner Presenter: Mayor Barbara G. Volk

Mayor Volk and Members of City Council expressed sincere thanks and appreciation to retiring employees Susan Frady and Sam Fritschner extending well wishes for a happy and well-deserved retirement.

Resolution # 20-0566

RESOLUTION OF THE CITY OF HENDERSONVILLE

HONORING SUSAN FRADY, DEVELOPMENT ASSISTANCE DIRECTOR

WHEREAS, Ms. Susan Frady has announced her intention to retire as City of Hendersonville Development Assistance Director effective August 31, 2020, with her final Council meeting being August 6, 2020; and

WHEREAS, Susan, having served under four Mayors, has been instrumental in moving the City of Hendersonville forward in a progressive manner lending advice to twenty-five Council members, four City Managers, and countless Department Heads and City staff; and

WHEREAS, during her thirty-three years of service to the City of Hendersonville, Susan served as an office assistant, Assistant Zoning Administrator, Zoning Administrator, and finally as Development Assistance Director. Susan is known for providing excellent customer service to everyone and has dedicated her career to serving the Citizens of Hendersonville; and

WHEREAS, Susan is also an integral advisor in statewide professional organizations in the following capacities: Regional Director of the North Carolina Association of Floodplain Managers 2010-2012, Treasurer of the North Carolina Association of Floodplain Managers 2012 – present; and Regional Director of the North Carolina Association of Housing Code Officials; and

WHEREAS, during her tenure, the number of Hendersonville residents more than doubled from a population of 6,862 to 14,157, while the city boundaries increased to 4,643 acres, much of which is attributable to Susan's work on several major annexations; and

WHEREAS, during a time of unprecedented growth in the city, Susan has been a trusted advisor in the development of updated Subdivision Regulations, Flood Plain Management Regulations and numerous Zoning Ordinance amendments that insures smart growth for residential development and the furtherance of Hendersonville's brand as a charming, affordable small town where citizens enjoy an attractive quality of life; and

WHEREAS, in addition to her service as Development Assistance Director, her service to the Local Government Federal Credit Union Advisory Council, Hendersonville Jaycees and extensive involvement in the community made her the epitome of a public servant.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hendersonville, on behalf of the citizens and employees of Hendersonville, that the Mayor and City Councilmembers extend to Susan Frady their sincere appreciation for all her loyal and dedicated service to the betterment of the City of Hendersonville over the last three decades; and

BE IT FURTHER RESOLVED that the Mayor and Council members extend to Susan their sincere best wishes for a happy, healthy, and well-deserved retirement.

Adopted this 6th day of August 2020

Attest:
Angela L. Reece, City Clerk

Barbara G. Volk, Mayor

Resolution #20-0567**RESOLUTION OF THE CITY OF HENDERSONVILLE
HONORING SAM FRITSCHNER, CITY ATTORNEY**

WHEREAS, Sam Fritschner has announced her intention to retire as City of Hendersonville City Attorney effective September 30, 2020, with her final Council meeting being August 6, 2020; and

WHEREAS, Sam, having served under three Mayors, has been instrumental in moving the City of Hendersonville forward in a progressive manner lending wise counsel and legal advice to eighteen Council members, four City Mangers, and countless Department Heads and City staff; and

WHEREAS, during her twenty-six years as City Attorney, Sam has given unselfishly of her time and abilities as she served the City Council and citizens of Hendersonville; and

WHEREAS, Sam was also an integral advisor in other community revitalization, restoration and construction projects, including Fire Station 1, City Operations Center, Wastewater Treatment Plant, Oklawaha Greenway, Grey Hosiery Mill Redevelopment, Main Street Revitalization, Etowah Water Improvements and new Police Headquarters; and

WHEREAS, during a time of unprecedented growth in the City, Sam has been a trusted advisor to the Hendersonville City Council, Board of Adjustment and Historic Preservation Commission; and

WHEREAS, in addition to her service as City Attorney, Sam has served as the First Vice President of the North Carolina Association of Municipal Attorneys.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Hendersonville, on behalf of the citizens and employees of Hendersonville, that the Mayor and City Councilmembers extend to Sam Fritschner their sincere appreciation for all her loyal and dedicated service to the betterment of the City of Hendersonville over the last three decades; and

BE IT FURTHER RESOLVED that the Mayor and Council members extend to Sam their sincere best wishes for a happy, healthy, and well-deserved retirement.

Adopted this 6th day of August 2020

Attest:

Angela L. Reece, City Clerk

Barbara G. Volk, Mayor

B. Hendersonville Farmer's Market - Presenter: Bryan Gertz, Intern -Appalachian State University

Bryan Gertz thanked City Council and staff for the opportunity to intern with the City of Hendersonville. Mr. Gertz stated the project he has been working on is the Hendersonville Farmers Market located in the Seventh Avenue District. Mr. Gertz stated this district was listed by the USDA as a food desert and said placement of the Market will alleviate some food insecurity in that area as well as reintroduce the public to the area bring more foot traffic in by pairing it with the Seventh Avenue Revitalization Project.

Mr. Gertz stated the Market currently hosts 51 local vendors each week who are providing food that is 60% locally sourced and said they are on track to have a market comparable to the Asheville Farmers Market. Mr. Gertz stated staff has been working with a nonprofit Appalachian Sustainable Agriculture Products (ASAP) to implement a Double SNAP (Supplemental Nutrition Assistance Program) program to assist with food insecurity. Mr. Gertz stated the economic and environment opportunities of eating local are trending upward and suggested partnering with the Friends of Downtown nonprofit who would be beneficial in promoting the Market among local business owners and farmers. The Farmers Market operates from 8 a.m. to 1:00 p.m. each Saturday through the end of October.

C. Oklawaha Village Petition - Presenter: Phyllis Bailey HOA

Phyllis Bailey of 110 Strick Garden Lane represented the HOA as a spokesperson addressing concerns of the lack of access to a community center and playground, ongoing heavy construction traffic in the area, and stormwater runoff concerns. Ms. Bailey stated residents of Oklawaha Village signed a petition requesting a meeting with Housing Assistance Cooperation (HAC) who refused to meet in person or virtually to address concerns.

Franco Carrasco of 229 Strick Garden Lane addressed City Council stating he has concerns of increasing crime in his neighborhood due to the lack of street lighting, privacy barriers, and posted speed limit asking the City Council to assist in any way they can.

Sara Grimes, Executive Director of Housing Assistance Corporation addressed City Council stating the majority of construction is complete and paving will ensue on Strick Garden Lane soon. Ms. Grimes stated the original site plan was conducted in 2014 and 2015 with approvals through USDA, HUD, DOT, and the City for traffic patterns and reminded everyone that once the project is complete as proposed the street will be turned over to the City. Mayor Volk confirmed the streets were built to city standards and will become city streets and stated the City may lower the speed limit on the street at a later time. Manager Connet inquired regarding the addition of streetlights and Ms. Grimes confirmed there will be seven streetlights placed along the street soon and additional streetlights will be placed in the multi-family community as well for safety. Council Member Jeff Miller asked Ms. Grimes if there could be a vegetative buffer implemented between the two developments to address privacy issues and Ms. Grimes stated she will have to look at the stormwater and landscaping plans but is willing to look at it. Council Member Dr. Jennifer Hensley clarified that the Strick Garden Lane homes have a restriction in their deed which allows them to form an HOA with proper filing and inquired if the single family has access to the playground located on the multi-family lot and Ms. Grimes stated they may have access but will need to sign an agreement. Council Member Hensley inquired of the process of requesting a meeting and Ms. Grimes stated since not all homeowners signed the petition the Board of Directors decided to respond in writing rather than by meeting due to the HOA not being formally formed. Mayor Volk thanked the residents for coming and stated the City would be happy to assist in establishing a neighborhood watch and looking at reducing the speed limit on the street once the road has been accepted.

7. Public Hearing

A. West Avenue Villas Conditional Rezoning (Riddle Development, LLC application)

Presenter: Daniel Heyman, Senior Planner

Daniel Heyman, Senior Planner advised the City is in receipt of a Conditional Rezoning application from Andrew Riddle, of Riddle Development, LLC for the development of two quadplex units, and two additional units, for a total of 10 residential units on approximately 0.57 acres. He stated the project is located on Parcel #9568-77-1057 and said the applicant is requesting to rezone the subject property from R-6 High Density Residential to CMUCZD, Central Mixed-Use Conditional Zoning District. The result of this annexation will not affect the site plan of this property.

Andrew Riddle, site property owner, addressed City Council stating he solicited design input from the neighboring property owners and said he conceded to keep all of the mature trees and shift the parking to accommodate requests. Mr. Riddle stated the Waldrop family own a historic home and have been there over 130 years. Mr. Riddle stated he is accommodating the Waldrop's wishes to preserve trees located on the east side which were identified in a tree survey as not being subject to removal. Council Member Jerry Smith proposed an amendment to the conditions to preserve the buffer and prohibit tree removal along the east side of any trees greater than 12 inches in diameter within the 11-foot buffer. Mr. Riddle agreed to this condition. Council Member Dr. Jennifer Hensley commended Mr. Riddle for cooperating with the neighbors and providing them a chance for input on the project design.

City Clerk, Angela Reece stated this public hearing has been advertised in accordance with NC General statutes.

The public hearing was opened at 7:03 p.m.

Helen Waldrop-Youngblood addressed City Council seeking clarification on some of the conditions surrounding the buffer and building materials (white hardy plank with black shutters instead of vinyl siding). Mrs. Waldrop-Youngblood stated she would ask the conditions to be set forth to require a 12 foot one-way drive, require compatible height, lighting, and appearance of the property to preserve the character of the neighborhood.

Ken Fitch of 1046 Patton St. addressed City Council commending Mr. Riddle for response to the community for compatibility.

Robert Waldrop addressed City Council stating the family met with Mr. Riddle and suggested Council consider the points Mrs. Waldrop-Youngblood proposed and said that a formal survey had not been conducted so they are unsure of where the exact property lines were. Mr. Waldrop expressed concerns of losing large trees to the driveway if the lines were smaller than anticipated.

Mr. Riddle stated the only thing he cannot do is increase the buffer to 15 feet and said it has to be 11 feet or the project cannot be built and said there is one tree in question on the south end and said he is prepared to lose a parking space if that tree becomes an issue.

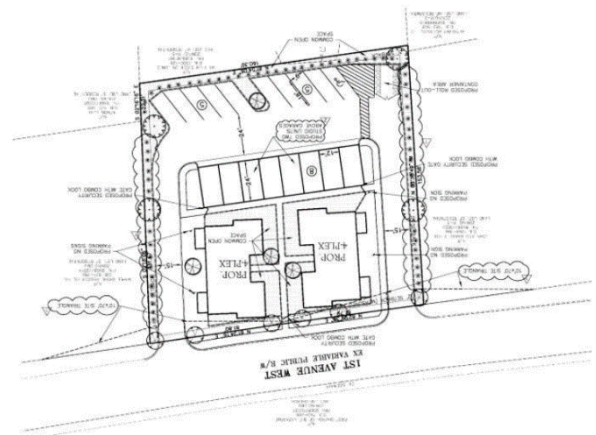
Mrs. Waldrop-Youngblood stated she appreciates Mr. Riddle's considerations and believes the accommodations being proposed are reasonable.

There were no further comments. The public hearing was closed at 7:28 p.m.

Council Member Jerry Smith moved that City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property from R-6 High Density Residential to CMUCZD, Central Mixed Use Conditional Zoning District, based on the revised site plan submitted by the applicant and subject to the limitations and conditions stipulated on the Published List of Uses and Conditions, to also include that the property owner will not cause or permit the destruction of trees where the trunk is at least 12 inches in diameter within the 11 foot buffer and the architectural style that will resemble what is depicted in the rendering submitted by the applicant including the coloring of white with black shutters, finding that the rezoning is consistent with the Comprehensive Plan's Future Land Use map, and that the rezoning is reasonable and in the public interest for the reasons that it meets the need for additional housing in downtown Hendersonville and that it meets the character of the neighborhood. A unanimous vote of the Council followed. Motion Carried.



Image of rendering submitted with application



PIN# 9568-77-1057

Ordinance #20-0563

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP
OF THE CITY OF HENDERSONVILLE**

IN RE: West Avenue Villas
(File # P20-1-CZD)

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 9568-77-1057 from R-6 High Density Residential to CMUCZD Central Mixed-Use Conditional Zoning District.

2. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted by the City of Hendersonville City Council this 6th, day of August 2020.

Barbara G. Volk, Mayor, City of Hendersonville

Attest:

Angela L. Reece, City Clerk

Approved as to form: *Samuel H. Fritschner, City Attorney*

B. Universal at Lakewood Conditional Rezoning (Watauga Partners LLC application)

Presenter: Daniel Heyman, Senior Planner

Daniel Heyman, Senior Planner stated the City is in receipt of a Conditional Rezoning application from Philip Cox of Watauga Partners, LLC. for the development of 291 multi-family residential units consisting of a mix of apartments and townhomes on approximately 29.1 acres. The subject project is located on Lakewood Road, and is a section of parcel number 9579-29-2872. The applicant is requesting to rezone the subject property from I-1, Industrial and PRD, Planned Residential Development to PRD CZD, Planned Residential Development Conditional Zoning District. Mr. Heyman discussed the plan review and traffic impact analysis findings which were adjusted to reflect current traffic situations stating the background traffic growth factor is 2% per year and said JM Teague's traffic trip generation was estimated at 30 in and 102 out during AM peak hours and 96 in and 57 out during PM peak hours. The plan indicates the trip generation passed the City's threshold for requiring a TIA by surpassing 1,000 daily trips and 100 peak hour trips. Mr. Heyman stated a supplemental analysis conducted in July 2020 by Kimberly-Horn further recommended site improvements to include the following: 1. Sugarloaf Road NB Approach (a) Reconfigure the existing laneage to construct dual left turns, a thru lane, and a right-turn lane. 2. Francis Road SB Approach (a) Reconfigure the existing laneage to construct a dedicated left-turn lane and a shared thru/right-turn lane (in conjunction with and NCDOT approval)

Shane Abraham, Property Developer stated he wished to go on record about easements and said it is desirable to have a greenway along the south side of the property and said he would accommodate this request. City Manager John Connet stated staff has applied for a grant through MPO to fund a greenway extension along the south side of this property.

City Clerk, Angela Reece stated this public hearing has been advertised in accordance with NC General statutes.

The public hearing was opened at 8:03 p.m.

Ralph Hammond-Green of 1232 Hyman Avenue addressed City Council regarding traffic impacts of this project with specific concerns of the entrance being on a blind curve on a hill.

Ken Fitch of 1046 Patton St. expressed concerns of difficult and unsafe traffic conditions expressing concerns of requesting NCDOT to widen the roadway to accommodate additional lanes.

Chris Staton of 113 Dublin Lane expressed concerns regarding traffic and proposed entrances to the proposed development. Mr. Staton stated he is not opposed to single family dwellings that were consistent with the current zoning of the neighborhood but is opposed to a 291 multi-family housing development. Mr. Staton requested City Council consider a condition requiring a deceleration lane to the entrances and requested site considerations for vegetative barriers on the north side of the property.

There were no further comments. The public hearing was closed at 8:20 p.m.

Council Member Lyndsey Simpson expressed concerns with a deceleration lane and planned entrances. She stated she would like to see additional options presented to Council to address traffic safety which include existing uses and structures in the area.

Shane Abraham, Property Developer stated he greatly relies on civil engineers and traffic engineers who conduct the required studies and said traditional traffic counts were not used due to COVID19 situation. Mr. Abraham stated two entrances are necessary for emergency response and clarified he would be open to wider entrance lanes or alternate entrances in the development pending NCDOT approval. Mr. Abraham stated he would be open to accommodating neighbors' requests for placement of evergreens along the fencing of the project and clarified the offset

Council Member Jerry Smith stated he is not comfortable approving the rezoning without additional renderings showing entrances to the property due to safety concerns. He also requested clarification of the setback distances of the buildings from the property lines. Mayor Volk cited the Neighborhood Compatibility meeting notes which indicated the larger buildings would be 40 to 50 feet from the property line and smaller buildings would be 50 to 60 feet from property line. Mr. Abraham and the project Architect (Katie) clarified the distances being 31 to 32 feet for smaller buildings and 40 to 41 feet for the larger buildings. Mr. Abraham acknowledged he cannot build within 30 feet of the property line per City Code.

Council Members Miller and Dr. Hensley stated they were in favor of adding deceleration lanes or tapered entrances where applicable.

Council Member Lyndsey Simpson stated she concurs with Council Member Jerry Smith's comments and expressed additional concerns of previous plans being submitted with significantly fewer units.

Council Member Jeff Miller clarified the entrances will be permitted by NCDOT according their standards. He clarified the developer was agreeing to add a taper and greenery as well as easements for future greenways. Council Member Jerry Smith clarified he is in favor of affordable housing but stated he feels he needs additional information to vote in favor of this project at this time. Council Member Lyndsey Simpson concurred with Council Member Smith but stated although this project will fall under the NCDOT guidelines with entrance approvals she is unable to vote in favor at this time.

Council Member Dr. Jennifer Hensley moved the City Council City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property from I-1, Industrial and PRD, Planned Residential Development to PRD CZD, Planned Residential Development Conditional Zoning District, based on the site plan submitted by the applicant and subject to the limitations and conditions stipulated on the Published List of Uses and Conditions, including the North Entrance taper lane, and oscillating plantings on the North boundary finding that the rezoning is consistent with the Comprehensive Plan's Future Land Use map, and that the rezoning is reasonable and in the public interest for the property at Universal and Lakewood.

Council Members Hensley, Miller, and Volk voted in the affirmative with Council Members Simpson and Smith opposing. Motion Failed 3-2 on the first reading.

Upon unanimous assent of the Council, this public hearing was recessed at 6:33 p.m. and will be reconvened on Friday August 7, 2020 at 4:00 p.m. via Zoom (electronic only).

C. Contiguous Annexation 1601 Old Spartanburg Highway (Jeff Justus petition)

Presenter: Tyler Morrow, Planner

File# P20-25-ANX

Tyler Morrow, Planner stated the City of Hendersonville has received a petition from Jeff Justus for contiguous annexation of PIN 9578-51-0342 that is approximately 4.17 acres and located at 1601 Old Spartanburg Road. Mr. Morrow reminded City Council during their meeting of July 2, 2020, they accepted the Clerk's Certificate of Sufficiency and recommended a public hearing for the August 6, 2020 City Council meeting. Mr. Morrow stated at this public hearing, any person residing in or owning property in the area proposed for annexation and any resident of the City of Hendersonville may appear and be heard on the questions of the sufficiency of the petition and the desirability of the annexation and said if City Council then finds and determines that the area described in the petition meets all of the standards set out in G.S. 160A-31, Council may adopt an ordinance annexing the area described in the petition.

City Clerk, Angela Reece stated this public hearing has been advertised in accordance with NC General statutes.

The public hearing was opened at 9:15 p.m. There were no public comments. The public hearing was closed at 9:16 p.m.

Council Member Jeff Miller moved the City Council City Council adopt an ordinance annexing the property included in the petition submitted by Jeff Justus as described in Henderson County Registry Deed Book 1263 Page 67 as presented. A unanimous vote of the Council followed. Motion Carried.

PIN# 9578-51-0342

Ordinance #20-0565

**AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF
THE CITY OF HENDERSONVILLE, NORTH CAROLINA AS A CONTIGUOUS ANNEXATION**

WHEREAS, the City Council of the City of Hendersonville, North Carolina, has been petitioned under G.S. 160A-31 to annex the area described below; and

WHEREAS, the City Council has by resolution directed the City Clerk to investigate the sufficiency of the petition; and

WHEREAS, the City Clerk has certified the sufficiency of the petition and a public hearing on the question of this annexation was held at Hendersonville, NC, at 5:45 p.m. on August 6, 2020, after due notice by publication on July 19, 2020 and July 26, 2020; and

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

Section 1. By virtue of the authority granted by G.S. 160A-31, the following described contiguous territory is hereby annexed and made part of City of Hendersonville as of August 6, 2020:

METES AND BOUNDS DESCRIPTION

3460/367

Bradley/Gordon /Justus Description

BEGINNING at a new iron stake in the northern boundary of the right-of-way of U.S. Highway 176 (Spartanburg Highway) with said new iron stake being the southernmost corner of that property described in deed found in Deed Book 1263 at Page 67 in the office of the Registry for Henderson County, North Carolina, and said new iron stake is also the westernmost corner of the Gosnell tract found in Deed Book 754 at Page 445 of the records of the Henderson County Registry and moving thence from said beginning point along and with the approximate northern boundary of Highway 176, North 41 deg. 31 min. 13 sec. West 277.27 feet to a new iron stake near the intersection of Highway 176 with Shepherd Street (S.R. 1779); thence with the southern boundary of Shepherd Street, North 04 deg. deg. 12 min. 29 sec. East 70.32 feet to an existing right-of-way corner monument; thence along and with the approximate southern boundary of the right-of-way of Shepherd Street, North 49 deg. 28 min. 17 sec. East 298.48 feet to an existing right-of-way monument; thence 18 courses as follows:

North 36 deg. 26 min. 34 sec. West 3.91 feet; North 54 deg. 03 min. 42 sec. East 100.27 feet; thence on an arc to the right in a northeasterly direction with the arc having a radius of 32.00 feet, an arc length of 39.15 feet , chord bearing and distance are North 88 deg. 55 min. 51 sec. East 36.75 feet; thence South 56 deg. 01 min. 10 sec. East 8.98 feet; South 47 deg. 32 min. 50 sec. East 52.49 feet; South 47 deg. 59 min. 59 sec. East 31.64 feet; South 48 deg. 39 min. 22 sec. East 28.15 feet; South 50 deg. 48 min. 40 sec. East 35.95 feet; South 52 deg. 48 min. 24 sec. East 45.25 feet; South 56 deg. 49 min. 07 sec. East 38.84 feet; South 59 deg. 10 min. 51 sec. East 43.08 feet; South 60 deg. 48 min. 07 sec. East 29.70 feet; South 61 deg. 49 min. 50 sec. East 18.24 feet; thence North 59 deg. 47 min. 59 sec. West 10.87 feet; North 53 deg. 58 min. 02 sec. West 49.64 feet; North 50 deg. 23 min. 49 sec. West 93.94 feet; thence South 48 deg. 28 min. 47 sec. West 3.88 feet and South 48 deg. 28 min. 47 sec. West 178.26 feet to the point and place of BEGINNING, and containing 4.366 acres more or less according to a survey for Jeff Justus by Stacy Kent Rhodes dated January 2, 2020 and being Job Number 19-095.

This conveyance is made and accepted subject to the rights-of-way of U. S. Highway 176 Shepherd Street and Old Spartanburg Highway as they extend to their full legal widths.

For legal reference see deed found in Deed Book 1263 at Page 67 of the Henderson County registry.

This conveyance is further subject to such other easements, restrictions, and rights-of-way of record, if any.

Recorded in the Henderson County, NC Register of Deeds

Section 2. Upon and after August 6, 2020, the above described territory and it citizens and property shall be subject of all debts, laws, ordinances and regulations in force in City of Hendersonville, North Carolina. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

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

Adopted by the City of Hendersonville City Council this 6th, day of August 2020.

Barbara G. Volk, Mayor, City of Hendersonville

Attest:

Angela L. Reece, City Clerk

Approved as to form: *Samuel H. Fritschner, City Attorney*

8. Unfinished Business

A. Parking Enforcement Software (ParkMobile LLC) - Presenter: Amber Glisson, Lead Telecommunicator

Amber Glisson, HPD Telecommunicator provided an update regarding the convenience fee for the ParkMobile software stating staff has conducted diligent research of parking enforcement companies and through consultation with city staff it has been determined that adding a parking meter on-line pay app,

ParkMobile, is the best option. Ms. Glisson stated ParkMobile charges the parking customer \$.35 cents per transaction to use the app, and the app is integrated into the Iparq system. She said the City of Hendersonville may absorb that convenience fee and said ParkMobile will simply subtract the fee prior to sending the parking fees to the City. Ms. Glisson clarified for Passport Parking App there is a \$.30 convenience fee charged to the customer and a monthly fee of \$2,500 charged to the city regardless of how many transactions took place. Ms. Glisson stated she reached out again today to Passport Parking and was informed there has been another representative assigned to the quote. City Manager Connet also stated he attempted to contact Passport Parking today and was unable to make contact. Manager Connet advised the implementation fees initially quoted were also greater than ParkMobile and said staff stands by the ParkMobile recommendation.

Council Member Lyndsey Simpson moved that City Council approve the Park Mobile Parking Services Agreement as submitted. A unanimous vote of the Council followed. Motion Carried.

9. New Business

A. Discussion of Main Street Local Historic District Boundary Expansion - *Presenter: Daniel Heyman, Planner II*

Daniel Heyman, Senior Planner stated the Main Street Local Historic District is established pursuant to NCGS§ 160D-944 (relocated from 160A-400.4) and said local historic districts are established by the local government's zoning power and confirmed that designation or expansion of a district is ultimately a decision of the City Council. Mr. Heyman stated the criteria for historic districts established pursuant to NCGS shall consist of areas that are deemed to be of special significance in terms of their history, prehistory, architecture, and/or culture, and to possess integrity of design, setting, materials, feeling, and association. Mr. Heyman stated the City code contains the same language and said Municipal Code §28-111 and NC General statutes contain no further guidance on what might be considered to have special significance. He said the period of significance for the Main Street district, according to the designation report is 1847 to 1955. Mr. Heyman stated he contacted the State Historic Preservation Office to discuss expansion and said they cautioned that adding non-contributing properties may degrade the district as a whole. Mr. Heyman discussed the process for expansion referring to the expansion report that was adopted by City Council on July 9, 2009. Mr. Heyman stated the Main Street Local Historic District was adopted by the City of Hendersonville in 2007 and said the current Main Street Local Historic District includes some properties that are included in the Main Street National Historic District as well as other properties of local historical significance. He stated the purpose of this expansion is to incorporate all remaining National Historic District properties that are not included in the current Main Street Local Historic District as part of the Local District.

Council Member Jeff Miller stated he preferred not to take action on this matter at this time citing potential effects of implementing additional regulations on property owners in that district during the COVID-19 situation. Council Member Lyndsey Simpson expressed interest in other options to preserve the small-town charm of the City citing concerns of continued expansion in the district. Council Member Dr. Jennifer Hensley stated she was not in favor of additional regulations and taxes on property owners in that district to control the appearance of structures when that could be accomplished in other ways.

C. Family and Medical Leave Proposal - *Presenter: Council Member Lyndsey Simpson*

This item was moved to the Second Monthly Meeting of City Council on August 26, 2020 at the request of Council Member Simpson.

10. City Manager Report

A. Developmental Assistance Department Update

City Manager John Connet stated with Mrs. Frady's retirement an opportunity arose to implement efficiency and said under the guidance of the City Council he has combined the Developmental Assistance Department with the Downtown Economic Development Department. Manager Connet

stated Lew Holloway will serve as Director with Daniel Hayman as supervision of Development Assistance Division and Jamie Carpenter supervising the Downtown Division.

B. Surplus Items

Manager John Connet provided a list of items to City Council indicating they are surplus a will be disposed of by government auction.

11. Appointments to Boards/Commissions & Committees

A. TDA

Council Member Dr. Jennifer Hensley nominated Brittany Brady to serve a three-year term as a member of the Tourism Development Authority. A unanimous vote of the Council followed. Motion Carried.

12. Closed Session as Permitted under NCGS §143-318.11(a)(5)(6)

At 9:43 p.m. Council Member Jeff Miller moved that City Council enter into closed session to establish or to instruct the public body's staff concerning the position to be taken by or on behalf of the public body in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange or lease NCGS §143-318.11(a)(5) and (6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee. General personnel policy issues may not be considered in a closed session. A public body may not consider the qualifications, competence, performance, character, fitness, appointment, or removal of a member of the public body or another body and may not consider or fill a vacancy among its own membership except in an open meeting. Final action making an appointment or discharge or removal by a public body having final authority for the appointment or discharge or removal shall be taken in an open meeting. A unanimous vote of the Council followed. Motion Carried.

Council Member Jeff Miller moved that City Council return to open session at 10:11 p.m. A unanimous vote of the Council followed. Motion Carried.

There was no further business.

13. Recess

The regular meeting of the City Council recessed at 10:12 p.m. and will be reconvened on Friday August 7, 2020 at 4:00 p.m. via Zoom (electronic only) upon unanimous assent of the Council.

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August 7, 2020 [ELECTRONIC] RECONVENED REGULAR MEETING OF THE CITY COUNCIL

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

Staff Participating Electronically: City Manager John F. Connet, City Attorney Sam Fritschner, Assistant City Manager Brian Pahle, City Clerk Angela Reece, Communications Manager Allison Nock, Developmental Assistance Services Director Susan Frady

1. Call to Order

Mayor Barbara G. Volk reconvened the public hearing at 4:00 p.m. and welcomed those in attendance. A quorum was established with all members in attendance participating electronically via Zoom.

Continued: 7B-Universal at Lakewood Conditional Rezoning (Watauga Partners LLC application)

Council Member Jerry Smith provided contact information and encouraged the public to contact NCDOT staff Lonnie Watkins at lrwatkins@ncdot.gov to discuss concerns of entrances to the proposed development.

Council Member Dr. Jennifer Hensley moved the City Council City Council adopt an ordinance amending the official zoning map of the City of Hendersonville changing the zoning designation of the subject property from I-1, Industrial and PRD, Planned Residential Development to PRD CZD, Planned Residential Development Conditional Zoning District, based on the site plan submitted by the applicant and subject to the limitations and conditions stipulated on the Published List of Uses and Conditions, including the North Entrance taper lane, and oscillating plantings on the North boundary finding that the rezoning is consistent with the Comprehensive Plan's Future Land Use map, and that the rezoning is reasonable and in the public interest for the property at Universal and Lakewood.

Council Members Hensley, Miller, and Volk voted in the affirmative with Council Members Simpson and Smith opposing. Motion Carried 3-2 on second reading.

Pin# 9579-29-2872

Ordinance #20-0564

**AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP
OF THE CITY OF HENDERSONVILLE**

IN RE: Universal at Lakewood
(File # P20-12-CZD)

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:

A portion of parcel 9579-29-2872 from I-1, Industrial and PRD, Planned Residential Development to PRD CZD, Planned Residential Development Conditional Zoning District.

2. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted by the City of Hendersonville City Council this 7th, day of August 2020.

Barbara G. Volk, Mayor, City of Hendersonville

Attest:

Angela L. Reece, City Clerk

Approved as to form:

Samuel H. Fritschner, City Attorney

2. Adjourn

The meeting was adjourned at 4:05 p.m. on Friday August 7, 2020 upon unanimous assent of the Council.

Barbara G. Volk, Mayor

ATTEST:

Angela L. Reece, City Clerk