



# Town of Mars Hill

## MAYOR AND BOARD OF ALDERMEN

John L. Chandler  
*Mayor*  
Nicholas A. Honeycutt  
*Vice-Mayor*  
Robert W. Zink  
*Treasurer*  
Stuart L. Jolley  
*Clerk*  
Larry H. Davis  
*Secretary*

### MINUTES REGULAR MEETING Mars Hill Town Hall – Conference Room January 8, 2024 at 6:00 p.m.

The Town of Mars Hill Mayor and Board of Aldermen met in regular session on Monday, January 8, 2024, at 6:00 p.m. in the Mars Hill Town Hall pursuant to action taken at the December 4, 2023, regular meeting, and subsequent published notice given as required by NC Gen. Stat. 160A-71 and NC Gen. Stat. 143-318.12(b)(2). (Attachment A)

**MEMBERS PRESENT:** Mayor John Chandler; Aldermen Larry Davis, Nicholas Honeycutt, Stuart Jolley, and Robert W. (Bob) Zink

**STAFF PRESENT:** Nathan R. Bennett, Town Manager; Jamie Stokes, Town Attorney; Police Chief Chad Wilson; and auditor Daniel Mullinix, Principal, Gould Killian CPA Group

**OTHERS PRESENT:** Givens Communities representatives: Kevin Schwab, CEO, Teresa Stephens, VP, Andrew Crosson, Project Development Coordinator, William Sugg, consulting engineer, other Givens representatives; Johnny Casey, Madison News-Record & Sentinel, Chad Nesbitt, Robin Lyles, Michael Garrison, Mitch Cline, Jonathan Casteel, Daniel Joyner, Justin West, Bill Sewell, Susan Sewell, Chris Watson, Crystal Holder, Jim Howard, and other members of the general public

#### Call to Order

The meeting was called to order by Mayor John Chandler. Mayor Chandler welcomed those in attendance.

#### Approval of the Agenda

Mayor Chandler then asked the Board to review the proposed agenda for approval. Upon review of the agenda, Mayor Chandler called for a motion. **Alderman Nicholas Honeycutt made a motion that the agenda be approved as presented.** Alderman Stuart Jolley seconded the motion. Upon a call for a vote on the motion by the Mayor, the agenda was approved unanimously. (Attachment B)

#### Approval of Minutes

Mayor Chandler then asked the Board to review the minutes of the regular meeting held on December 4, 2023, and the special meeting held on December 20, 2023. There being no modifications to the minutes, **Alderman Larry Davis made a motion that the minutes for December 4, 2023, and December 20, 2023, be approved as presented by management.** Alderman Bob Zink seconded the motion. Upon a call for a vote on the motion by the Mayor, the minutes were approved unanimously.

#### Old Business

Mayor Chandler then moved to address old business.

**February 2024 Regular Meeting** – Mayor Chandler addressed the tabled request from the Friends of the Anderson Rosenwald School for the Board to hold their February regular meeting at the Anderson Rosenwald School as it has done the past few years. Town Manager Nathan Bennett stated that he had contacted the Friends and confirmed the February meeting date at the School. Mr. Bennett advised the Board that a motion is necessary to change the meeting location and confirm the time and date. Following a brief discussion by the Board, Mayor Chandler called for a motion to reschedule the February meeting. **Alderman Honeycutt made a motion to change the meeting location for the February 2024 Mayor and Board of Aldermen regular meeting to the Mars Hill Anderson Rosenwald School located at 225 Mount Olive Road, Mars Hill, to be held February 5, 2024, at 6:00 p.m.** Alderman Davis seconded the motion. Upon a call for a vote by the Mayor, the motion was approved unanimously.

### **New Business**

Mayor Chandler then moved to address new business.

### **REZONING REQUEST – 44 Roy Edwards Lane – Maggie Howard, LLC**

Mayor Chandler then recognized Town Manager Nathan Bennett to present information concerning an application to rezone 44 Roy Edwards Lane. Mr. Bennett stated the Town received a rezoning application dated October 10, 2023, from The Givens Estates, Inc., on behalf of the property owner, Maggie Howard, LLC (Attachment C). Mr. Bennett advised the application included a letter of consent from Suzetta Wolfe (who is present at this meeting), the managing member of the LLC, requesting the subject property be rezoned from Highway Business District (C-2) to High Density Residential (R-4), with the noted stipulation that if the Givens project does not materialize, that the property owner wants the designation to remain Highway Business (C-2). Mr. Bennett explained that representatives from Givens are present and will provide the Board with a presentation regarding their rezoning request. Mr. Bennett introduced Givens project manager Andrew Crosson. Mr. Crosson then introduced Givens president and CEO Kevin Schwab who provided the Board a summary of the history of Givens and Givens work in senior affordable apartment housing. Mr. Schwab highlighted Givens 501(c)(3) nonprofit status and efforts they have made to reinvest in their properties and the communities where they are located. Those communities are Highland Farms in Black Mountain, Givens Gerber Park in South Asheville, and Great Laurels in Lake Junaluska. Mr. Schwab also provided an overview of the resources at other Givens communities and described the income mix of residents of their total 1,274 units. Mr. Schwab then recognized his staffer, Mr. Crosson, to provide the project overview specific to the Mars Hill proposal. Mr. Crosson reviewed recent housing studies by Dogwood Health Trust and by Givens themselves. Mr. Crosson explained that the Mars Hill area scores well utilizing US HUD criteria. Mr. Crosson stated that studies for Madison County and Mars Hill show that 161 apartments are needed to fill the rental gap for seniors at or below 60% of area median income. He states that, currently, income limits are as follows: 1 person - \$35,700/year; and 2 people - \$40,800/year. Mr. Crosson states that the current vacancy rate for affordable rental units in Madison County is zero (0%), and that 65% of housing vouchers are returned due to lack of available housing in the county. He stated that some of the programs they use allow for local preference when selecting potential residents, but that HUD must approve any special preference program. Mr. Crosson stated Givens is only asking for a change in zoning district usage to residential at this time. He states that the requested zoning designation will allow for single family, two family, and multifamily housing options and that Givens has not determined a final design. It should be noted, however, that submitted application materials show two buildings with 120 total units.

Mr. Bennett was then recognized to provide a presentation of the town staff findings. Alderman Zink asked Mr. Bennett if this matter had been before the Planning and Zoning Board. Mr. Bennett confirmed that the planning and zoning board had reviewed the rezoning application, and the planning board recommended the application be denied. Mr. Bennett then gave the Board a general synopsis of the purpose of zoning and a specific history of the

zoning classification for the subject property. Mr. Bennett advised the Board that the Town previously had the property zoned C-2 as part of the Extra-Territorial Jurisdiction (ETJ) of the Town, but when the ETJ was terminated in 2020, the zoning designation reverted to R-1 under the Madison County zoning regulation, as at that time the property was outside the municipal boundary. In October 2023, the property owner requested voluntary annexation and the property was annexed into the municipal jurisdiction, and subsequently rezoned at the owner request back to the original C-2 where it had been for many previous years. Mr. Bennett advised the Board that town staff and engineers have reviewed the rezoning application thoroughly. He stated that town staff and town engineers identified complicated issues concerning the rezoning request to include the existing commercial uses of the surrounding properties, and the adequacy of existing utility service. Mr. Bennett presented the Board with the Final Staff Report of Rezoning Application dated December 5, 2023, which is incorporated by reference to these minutes as an attachment (Attachment D). Mr. Bennett stated that staff found the existing C-2 designation is the appropriate use for this property as it is surrounded by other active C-2 use properties, and that those existing uses would be contrary to the proposed residential use and present a nuisance to residents if this change to residential use were allowed. The current C-2 designation is compatible with the character of the surrounding land and conforms with the land use plan and that the rezoning request to high density residential (R-4) is unreasonable as defined by NCGS 160D-605(b). Furthermore, town staff consulted with the town's professional engineers who have determined substantial improvements to the existing water and sewer system would be required to provide adequate utility service to the property for multi-unit residential purposes. The utility improvements would consist of approximately 2,200 feet of new water line to provide adequate water pressure and volume to meet requirements for the proposed facilities fire suppression systems. Engineers also determined that significant improvements to the Carl Eller wastewater pump station that serves this property would require upgrades to pumps and storage capacity. The designed wastewater flow, in addition to the current flow and previously obligated future flow, would place the Town in a difficult position to provide adequate service to this property and over-extend the current system capacity. Mr. Bennett described the historical town water use and how it has grown by 36% over the last five years due to the other high-density subdivisions. This project would add an additional demand of approximately 9.7 million gallons annually to the Town water production facility. Given those other housing projects have not reached complete build-out utilizing the water and sewer allocations obligated to provide service to those projects, the Town has yet to realize the full impact they will have on the utility system. Pursuant to statutory and town zoning ordinance requirements that adequate infrastructure must be considered, together with the requirement for conformity and compatibility with adopted land use plans and character of the surrounding land uses that are consistent with existing uses, Mr. Bennett recommended that the Board deny the application to rezone 44 Roy Edwards Lane to High Density Residential District (R-4). Mr. Bennett further restated that this matter had been reviewed by the planning and zoning board and fully evaluated by that board over the course of three meetings (July 25, 2023, October 24, 2023, and December 5, 2023). Mr. Bennett provided the Board with the planning and zoning board report dated January 3, 2024, containing the recommendation that the application to rezone be denied. (Attachment E) Mr. Bennett advised the action at this time is for the Board to hold the required public hearing to receive input from the public which has been noticed and published for this meeting. (Attachment F) Alderman Zink stated he concurred with the planning and zoning board assessment and recommendation, and that he is concerned about the water and sewer issues at this time and the total impact the other approved projects will have on the water system.

### **PUBLIC HEARING**

Mayor Chandler opened the public hearing to receive comments on the rezoning application for 44 Roy Edwards Lane. The Mayor recognized Chris Watson, executive director of Community Housing Coalition of Madison County who spoke in favor of the housing project. Mr. Watson stated that there is significant need in the community for housing, particularly for low-income seniors and provided statistical information. He encouraged the Board to approve the zoning change.

Mayor Chandler then recognized Susan Sewell who stated she is a member of the board for the Community Housing Coalition of Madison County, and she spoke in favor of the housing project. She stated she is a Mars Hill resident, and that the community is in desperate need of affordable housing and encouraged the Board to approve the zoning change to allow this project to move forward.

Mayor Chandler then recognized Crystal Holder who stated she is the executive director for the Madison County Housing Authority. She spoke in favor of the project and the request for rezoning to residential to support this project. She stated she has worked closely with Givens to collect data to determine the need for this project locally. She spoke about the current voucher program and that there is a lack of apartments where these housing vouchers can be used. She stated that one of the problems is that a high percentage of the residents with vouchers are using two- and three-bedroom units due to the lack of one-bedroom units. She stated there needs to be a way to have smaller units for elderly and disabled housing that could assist with other housing issues in the county.

Alderman Honeycutt asked Givens representatives for clarification regarding the stated income guidelines to be used for these proposed units. He used an example of a retired public-school teacher making \$39,000 per year. He asked would that person be eligible to live in this senior affordable housing. Mr. Crosson indicated that the person noted in the example would NOT be eligible to live in these apartments due to the HUD income guidelines. Teresa Stephens from Givens added context regarding the funding they are seeking and that the funding sources set those income guidelines, but she wanted to make the point that one can't make too little money to qualify for vouchers and other rental assistance.

There being no other public comments, Mayor Chandler closed the public hearing.

#### **ACTION ON REZONING APPLICATION – 44 Roy Edwards Lane**

Upon completion of the public hearing and analysis and discussion of the applicable statutes concerning the matter by the Board, Mayor Chandler called for a motion. **Alderman Davis made a motion to deny the application to rezone 44 Roy Edwards Lane, Mars Hill, from the current Highway Business District (C-2) to High Density Residential (R-4), finding specifically that the action is not consistent with the Town land-use plan and the recommendation of the Town Planning and Zoning Board to deny the application, and is not reasonable upon consideration of the factors listed in NCGS 160D-605(b) as applicable.** Alderman Zink seconded the motion. Upon a call for a vote by the Mayor, the motion was approved by a vote of 4 in favor and 1 against. YEAS: Chandler, Davis, Jolley, and Zink; NOES: Honeycutt.

#### **AUDIT REPORT – FISCAL YEAR 2022-2023**

Mayor Chandler then recognized Mr. Daniel Mullinix, the principal auditor with Gould Killian CPA Group to present the audit report for Fiscal Year 2022-2023 for the Town of Mars Hill. Mr. Mullinix stated that the audit process went very well and complimented the hard work and efforts of the Board and town staff to maintain efficient government operations and improve the financial position of the Town. Mr. Mullinix stated that the audit received an unmodified (clean) opinion stating there were no negative issues. In particular, Mr. Mullinix explained that for many previous years there had been a minor finding regarding the segregation of duties. Segregation of duties is a difficult burden to overcome with a very small finance staff such as that of Mars Hill. Mr. Mullinix stated that this year town staff had taken sufficient measures to remove the finding from the audit, which is a significant accomplishment. He stated that the Town Manager had worked with auditors and the town's consultant CPA to develop and implement procedures that resolved the issue. Mr. Mullinix provided additional information regarding the increased tax base, the good tax collection rate by the Town, and noted the increased investment income, and other positive revenue growth. Mr. Mullinix stated that the audit report has been timely filed and received by the N.C. Local Government Commission as required by state law. The Board

thanked Mr. Mullinix for his presentation. Alderman Honeycutt commented on the good audit report and thanked the Town Manager and town office staff for their hard work and the efforts to resolve the segregation of duties issue. Upon completion of discussion, Mayor Chandler called for a motion to approve the audit. **Alderman Jolley made a motion to approve the Audit Report for Fiscal Year 2022-2023 as presented.** Alderman Davis seconded the motion. Upon a call for a vote on the motion by the Mayor, the motion was approved unanimously. The complete audit report is incorporated as a part of these minutes by reference and is available to review either in the office or on the Town website: [www.townofmarshall.org](http://www.townofmarshall.org).

**INTERLOCAL AGREEMENT – NC 213 Water Project – Short-term Emergency Water Supply Interconnection between Town of Mars Hill, Town of Marshall, and Madison County**

Mayor Chandler then recognized Town Manager Nathan Bennett to present information concerning the proposed interlocal agreement between the Town of Mars Hill, Town of Marshall, and Madison County for the NC 213 Water Project for the water system interconnection for short-term emergency water system improvements between the two towns. Mr. Bennett advised that he had worked with Marshall and Madison County staff to produce the proposed draft agreement for the Board’s consideration. He advised the agreement has been reviewed by the Town Attorney Jamie Stokes and County Attorney Donny Laws. Town Attorney Stokes advised that she has reviewed this new agreement and found it satisfactory and fair to both Towns. Mr. Bennett advised that the agreement was approved by the Town of Marshall Town Board earlier this date and is scheduled to be considered by the Madison County Commissioners on January 9<sup>th</sup>. The agreement will be effective upon ratification by all the parties. Alderman Jolley asked Mr. Bennett if the towns engineer, McGill Associates, would be involved in this project on the Towns behalf. Mr. Bennett confirmed that McGill Associates is the consulting engineer on this project and both the engineer and town staff will be heavily involved in the project. Furthermore, the agreement requires the town to approve all aspects of the project. Upon completing discussion of the matter by the Board, Mayor Chandler called for a motion. **Alderman Jolley made a motion to approve the “INTERGOVERNMENTAL AGREEMENT for Installation, Operation, and Maintenance of the Highway 213 Water Improvement Project (Hereinafter “The Project”), a Water System Interconnection Along NC 213 Between The Town of Marshall and the Town of Mars Hill” as presented.** Alderman Honeycutt seconded the motion. Upon a call for a vote by the Mayor, the motion was approved unanimously.

**Tax Release – On Appeal – William Alshaer and Savannah Alshaer**

Mayor Chandler then recognized Mr. Bennett to present information concerning a tax appeal from William and Savannah Alshaer. Mr. Bennett provided the Board a memorandum from Town Tax Collector Stephanie Payne providing a complete summary to support the request for release and refund of the late listing and associated interest for the taxpayers. Mr. Bennett stated that the town uses Madison County tax data for billing the municipal tax. He stated the taxpayers were only paying tax for the land and not including the newly constructed home. Mr. Bennett stated the taxpayers allege they brought this discrepancy to the Madison County Tax Office in 2019 and 2020 and were assured that the value was correct by county officials. In November 2023, Madison County issued a formal “discovery” of the home and assessed the taxpayer a late listing penalty and applied interest for all prior years. The Town was notified of the discovery action and as required, issued new tax bills pursuant to the county action. The taxpayer appealed the late listing penalty and interest to the Madison County Board of Commissioners on November 20, 2023. On December 12, 2023, the Madison County Board of Commissioners heard the appeal request and unanimously granted the request to remove the county late listing penalty and interest. The Town was subsequently notified by the county tax office of this action. Mr. Bennett stated he advised the taxpayer to file a formal appeal with the Town for relief of the penalty and interest due to the county tax department error. Mr. Bennett stated that town staff request and recommend the Board take action to remove the late listing penalty and associated interest due to the County tax assessing error and authorize a refund as appropriate. Upon completion of discussion, Mayor Chandler called for a motion. **Alderman Jolley made a**

**motion to approve the application to grant tax relief for William and Savannah Alshaer as presented by management and authorize the refund as determined by the town tax collector.** Alderman Davis seconded the motion. Upon a call for a vote on the motion by the Mayor, the motion was approved unanimously.

**Town Manager Report – Nathan Bennett, Town Manager**

Mayor Chandler then recognized Mr. Bennett to provide the Town Manager Report.

**Police Chief Vacancy – Recruitment Update**

Mr. Bennett advised the Board that the Town has completed the search for a police chief. Interviews were completed on December 13 and 14, 2023. The interview committee reviewed approximately 56 applicants for the vacant police chief position and interviewed 13 applicants. Mr. Bennett stated the committee recommends the Board ratify the appointment of Phillip Chad Wilson to the position of Chief of Police and the appointment of David Mitchell Cline to the position of Deputy Chief of Police. Mr. Wilson is currently a captain with the department and has served as a police officer with the Town of Mars Hill since 2005. Mr. Wilson has progressed through the department ranks serving as patrol officer, corporal, lieutenant, and captain during his nearly 19 years of service. Mr. Wilson has been actively involved in all areas of the police department operations including the following: supervision of patrol, tasked with developing work schedules and other administrative functions, coordination of secondary event assignments and schedules, maintains training records, responsible for vehicle and equipment procurement and maintenance, and coordination of special events. Mr. Cline is currently an investigator/corporal with the department and has served as a police officer with the Town of Mars Hill since 2016. He recently obtained a bachelor's degree in cybersecurity received from Montreat College in 2023. Mr. Bennett stated the appointments to the positions were effective January 1, 2024. **Mayor Chandler made a motion to ratify the appointment of Phillip Chad Wilson to the position of Chief of Police and the appointment of David Mitchell Cline to the position of Deputy Chief of Police retroactively effective as of January 1, 2024.** Alderman Jolley seconded the motion. Upon a call for a vote on the motion by the Mayor, the motion was approved unanimously. Mayor Chandler recognized Chief of Police Chad Wilson to provide comments. Chief Wilson thanked the Board for this opportunity and the confidence the Board has placed in him to direct the operations of the police department. Chief Wilson stated that he was ready to get to work and has already been securing an assessment of equipment needs, including new Taser devices, and uniforms and badges. The Mayor and Board members thanked Chief Wilson for his service and dedication to the Town of Mars Hill.

**Bailey Street Bridge Replacement Update**

Mr. Bennett advised the Board that he met with representatives from NCDOT, Madison County, Mars Hill University, and Spark Robotic (former Honeywell/Microswitch) building owner Frank Johnson, on December 7, 2023, regarding the replacement of the bridge on Bailey Street near Chambers Gym. Mr. Bennett explained there was concern from Mr. Johnson regarding access to his facility by tractor-trailer for shipping purposes during the construction of the new bridge and the subsequent proposal from NCDOT to close the street and provide a detour to Bailey Street by way of Bruce Road. Mr. Bennett stated NCDOT had reviewed detour and closure options and presented alternatives to the group which were discussed. The group consensus was to select the option where the bridge would be replaced in phases, allowing one lane accessibility throughout the construction project. The crossing of the single-lane bridge would be controlled by temporary traffic signals. Mr. Bennett advised pedestrian traffic would be re-routed around the construction area along the existing walkway adjacent to Chambers Gym with the addition of an ADA accessible ramp, to which MHU has agreed, and back to Bailey Street from the Chambers parking lot and entrance area. Mr. Bennett advised NCDOT presented the current time schedule as right-of-way acquisition beginning in March 2024 and the construction let date in September 2025. The construction period is expected to be about 12 months. Mr. Bennett stated he will update the Board as the project is further developed.

General Update

Community Mural Project

Mr. Bennett provided the Board with information concerning a community mural project for the building located at 10 North Main Street. He stated that Dr. Kelly Spencer, a psychology and art therapy professor at MHU, is developing a project that involves a research study to explore ways art can help communities thrive with the intention to continue building the strong relationships between the Town and MHU. The study would culminate in the installation of a community mural on Main Street. The owner of 10 North Main Street has offered his building to serve as the mural location. Mr. Bennett stated that Dr. Spencer is currently completing a public survey, and will take that input, together with input from the town and university officials to collaboratively develop a design that will be appropriate and approved by those stakeholders. Mr. Bennett stated Dr. Spencer has secured funding from Mars Hill University, the Appalachian Colleges Association, and the building owner. She is seeking financial support from the Town and the Madison County Tourism Development Authority for the mural installation. Mr. Bennett stated all financial stakeholders will be able to approve the rendering before the mural is installed. Mr. Bennett recommended that the Board consider an allocation of \$10,000 in support of this project as part of the Town’s downtown development initiative. Upon completion of discussion, Mayor Chandler called for a motion. **Alderman Honeycutt made a motion to approve an allocation of \$10,000 for the community mural project subject to approval of the final design by the Mayor and Board of Aldermen, as presented by management.** Alderman Davis seconded the motion. Upon a call for a vote on the motion by the Mayor, the motion was approved unanimously.

Mr. Bennett updated the Board on other items of interest to the Board.

Public Comment

Mayor Chandler then moved to public comment. The Mayor recognized Mr. Daniel Joyner. Mr. Joyner expressed his displeasure with the Board’s selection and appointment of the chief of police. Mr. Joyner listed a number of personal grievances he has with the selection. The Mayor and Board members thanked Mr. Joyner for his comments.

There being no additional public comments, Mayor Chandler closed the public comment period.

Closed Session (Pursuant to N.C.G.S. 143-318.11)


There was no closed session.

Adjourn

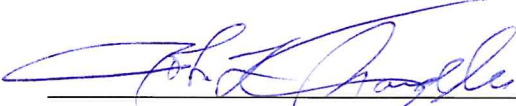
There being no further business before the Board, Mayor Chandler called for a motion to adjourn. **Alderman Zink made a motion to adjourn.** Alderman Jolley seconded the motion. Upon a call for a vote on the motion by the Mayor, the motion to adjourn was unanimously approved.

Approved and authenticated this the 5<sup>th</sup> day of February, 2024.

ATTEST:

  
Nathan R. Bennett,  
Town Manager



  
John L. Chandler, Mayor

ATTACHMENT A



Notice of Special Meeting of the  
Town of Mars Hill  
Mayor and Board of Aldermen  
Scheduled for 8 January 2024

PLEASE TAKE NOTICE that the Mars Hill Mayor and Board of Aldermen shall, pursuant to NC Gen. Stat. 160A-71 and NC Gen. Stat. 143-318.12(b)(2), hold a special meeting at the following designated place and time:

Date of Meeting: Monday, 8 January 2024

Time of Meeting: 6:00 p.m.


Place of Meeting: Mars Hill Town Hall  
Large Conference Room  
280 North Main Street  
Mars Hill, North Carolina

Purpose of Meeting: Conduct the regular business meeting agenda for the month of January 2024, to include a public hearing and action concerning a petition to rezone real property located at 44 Roy Edwards Lane, Mars Hill; and conduct other items of business as appropriate. The January regular meeting date coincides with the observance of the official New Years Day holiday requiring this rescheduled meeting pursuant to official action taken by the Board at their regular meeting on December 4, 2023.

This the 13<sup>th</sup> day of December 2023.

\_\_\_\_\_  
/s/  
John L. Chandler, Mayor

Posted as required by NC Gen. Stat. 160A-71 and NC Gen. Stat. 143-318.12(b)(2) on this 13<sup>th</sup> day of December, 2023 at 12:00 o'clock p.m.

  
\_\_\_\_\_  
Nathan R. Bennett, Town Manager





# Town of Mars Hill

MAYOR AND BOARD OF ALDERMEN

**John L. Chandler**

*Mayor*

**Nicholas A. Honeycutt**

*Vice-Mayor*

**Robert W. Zink**

*Treasurer*

**Stuart L. Jolley**

*Clerk*

**Larry H. Davis**

*Secretary*

## AGENDA

### REGULAR MEETING

*Mars Hill Town Hall Conference Room*

*January 8, 2024 at 6:00 p.m.*

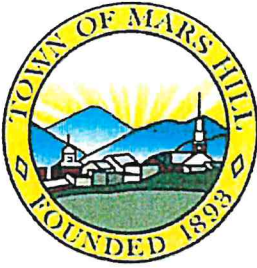
1. Call to Order – Mayor John L. Chandler
2. Approval of Agenda
3. Approval of Minutes: December 4, 2023 Regular Meeting and December 20, 2023 Special Meeting
4. Old Business
  - a. February 2024 Regular Meeting – Proposed Location Mars Hill Anderson Rosenwald School
5. New Business
  - a. **REZONING REQUEST** – 44 Roy Edwards Lane – Maggie Howard, LLC – Suzetta Wolfe
    - i. **PUBLIC HEARING**
    - ii. **ACTION ITEM** – Rezone Request from C-2 to R-4
  - b. **AUDIT REPORT – FISCAL YEAR 2022-2023** – Daniel Mullinix, Gould Killian CPA Group
  - c. **INTERLOCAL AGREEMENT** – NC 213 Water Project – Short-term Emergency Water Supply Interconnection Between the Town of Mars Hill, Town of Marshall, and Madison County
  - d. Tax Release – *On Appeal*: William Daniel Omar Alshaer and Savannah Lynn Fox Alshaer  
Address: 159 Pine Ridge Road / PIN: 9757-16-5727
6. Town Manager Report – Nathan Bennett, Town Manager
  - a. Police Chief Vacancy Update
    - i. **ACTION ITEM** – Ratify Offer of Employment
  - b. Bailey Street Bridge Replacement Update
  - c. General Update
7. Public Comment  
[Policy: Each speaker shall be limited to a maximum of three (3) minutes. The public comment period is not intended to require the Board of Aldermen or staff to answer any impromptu questions. The Board will not take action on an item presented during the public comment period. The Board may refer inquiries made during the public comment period to the Town Manager to address as appropriate. If necessary, the item may be placed on the agenda of a future meeting.]
8. Closed Session (*Pursuant to N.C.G.S. 143-318.11 – if needed*)
9. Adjourn

**Mars Hill Town Hall**

280 North Main Street • P.O. Box 368

Mars Hill, North Carolina 28754

Phone: (828) 689-2301 • Fax: (828) 689-3333



**TOWN OF MARS HILL**  
 ADMINISTRATION OFFICE  
 280 N. MAIN STREET • PO BOX 368  
 MARS HILL, NC 28754  
 PHONE: (828) 689-2301 • FAX: (828) 689-3333

**APPLICATION TO AMEND  
 ZONING ORDINANCE**

**GENERAL INFORMATION**

Please print or type

Applicant Name: The Givens Estates, Inc.		Date: 10/10/2023	
Address: 2360 Sweeten Creek Rd.		City: Asheville	State: NC
Phone: 828-771-2204	Fax: 828-623-9440	E-mail address: tstephens@givenscommunities.org	
ZIP: 28803			

**LOCATION OF DEVELOPMENT / PROJECT**

Project Name: Givens Azalea Ridge

Project Street Address: 44 Roy Edwards Ln., Mars Hill, NC 28754

Property Identification Number (PIN): 9757122807/9757029970 Current Zoning District: C

Current Owner of Property (if different from Applicant): Maggie Howard, LLC

Current Owner Address: 2113 Churchill Dr. Greensboro, NC 27410 Phone: 336-324-3381

Legal Relationship of Applicant to Owner: Purchasing property Vacant Site:  YES  NO

**REQUESTED DEVELOPMENT**

I (WE) HEREBY FILE THIS APPLICATION TO THE TOWN OF MARS HILL MAYOR AND BOARD OF ALDERMEN FOR THE REZONING OF THE PROPERTY DESCRIBED HEREIN.

Description of Property:

The property is located within the town of Mars Hill, is 6.15 acres, and described in Deed Book 747, page 118.

**GENERAL REQUIREMENTS**

Fronting 50 feet on the south side of Roy Edwards Ln.  
 Beginning 260 feet east from the intersecting corner of NC 213  
 Depth 400 feet.

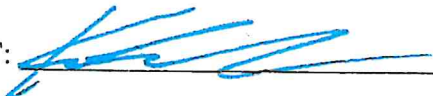
Request the REZONING of said property to R4.

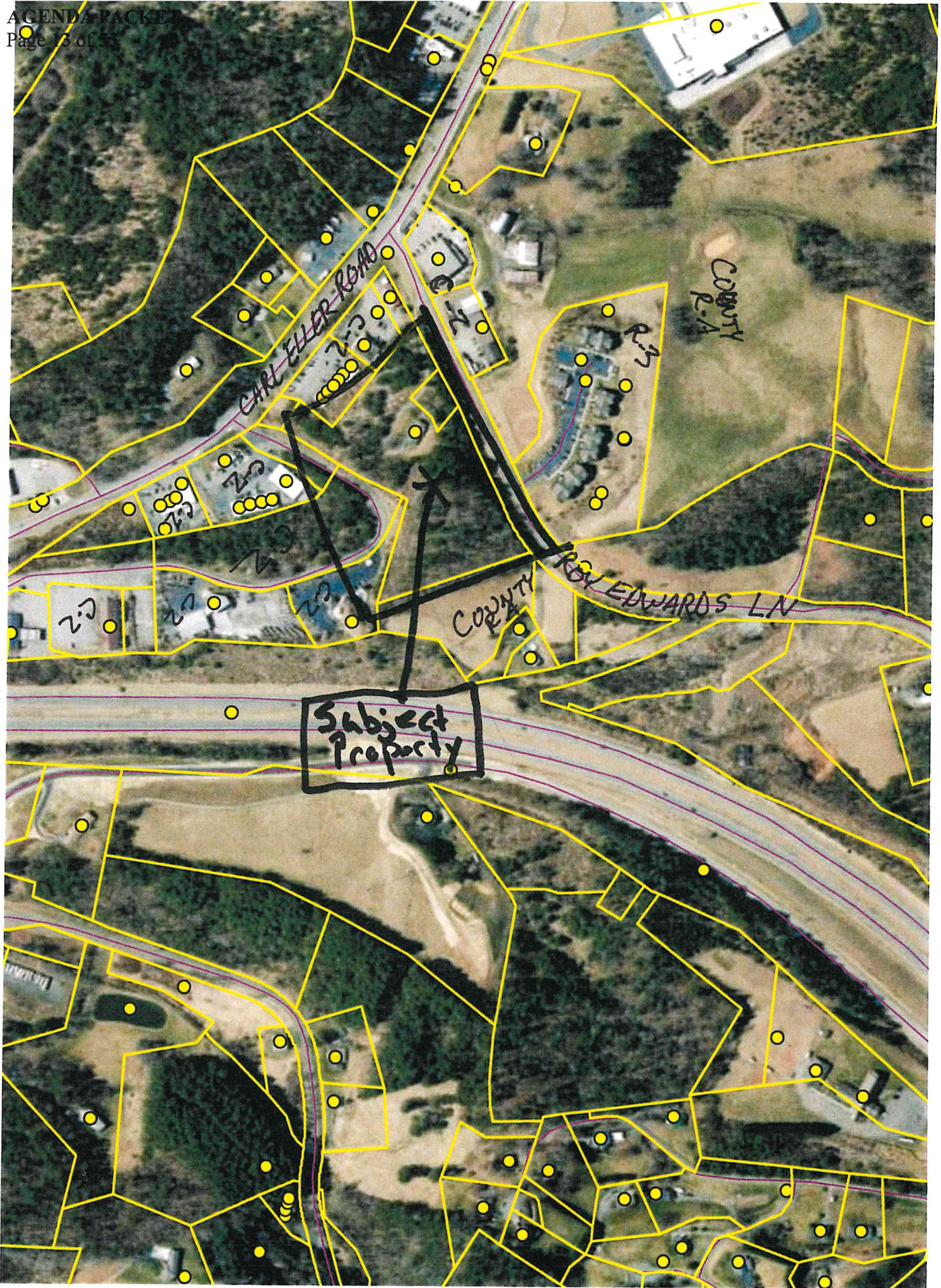
**STATE REASON FOR REZONING**

Planning to construct and operate 120 total affordable senior apartments between two buildings.

**CERTIFICATION**

*We depose and say that all above statements and submitted materials are true to the best of my knowledge and belief.*

SIGNATURE OF APPLICANT:  DATE: 10/10/2023





Public Works Director  
Town of Mars Hill  
280 N. Main Street  
Mars Hill, NC 28754

Please consider this letter our request for the Town of Mars Hill to provide water and sewer service to a property located at Roy Edwards Lane, that is outside of town limits and will be in town limits upon annexation approval from the Town. The proposed property is +/- 5.85 acres and we anticipate a future development that would consist of approximately 120 multi-family apartments. We are writing to request the Town Public Works department to confirm water and sewer capacity and willingness to serve the parcel irrespective of final annexation decision. All future water and sewer infrastructure would be designed and installed to Town standards.

If you should have any further questions or need any additional information, please feel free to call our office and we look forward to hearing from you.

Warren Sugg, P.E.



## SEWER ALLOCATION CALCULATIONS

Project Scope: This project will consist of a 6" sewer service connections serving a 120 unit multi-family development

### ESTIMATED DISCHARGE

Establishment Type	Daily Design Flow	No. of Beds	Total Flow	Notes
1 Bed/1 Bath Units	120 gal / bed	93	11,160 gpd	
2 Bed/2 Bath Units	120 gal / bed	27	3,240 gpd	
			-	
			-	
			-	
Average Daily Flow			14,400 gpd	

Notes:

Establishment types and daily design flows from 15A NCAC 02T .0114



## WATER DEMAND CALCULATIONS

Project Scope: This project will consist of 93 - 1 Bed / 1 Bath and 27 - 2 Bed / 2 Bath Residential Apartments

### AVERAGE DAILY DEMAND

Establishment Type	Daily Design Flow	No. of Units	Total Flow	Notes
1 Bed/1 Bath Units	200 gal Unit	93	18,600 gpd	
2 Bed/2 Bath Units	300 gal / Unit	27	8,100 gpd	
Average Daily Demand			26,700 gpd	

Are fixture counts available: Yes

### PEAK WATER DEMAND

Fixture Type	Demand Weight of Fixtures	No. of Fixtures	Fixture Units
Bathroom Group	3.6 fixture units / Fixture Group	147	529
Shower	1.4 fixture units / Shower Head	147	206
Kitchen Sink	1.4 fixture units / Faucet	120	168
Washing Machine	1.4 fixture units / Unit	120	168
Dishwasher	1.4 fixture units / Unit	120	168
Total Fixture Units			1,239
Total Peak Water Demand			239 gpm

### FIRE PROTECTION

Unit demand = 1,000 GPM

Notes:

1. Establishment types and daily design flows from Average Daily Water Demand Chart.
2. Fixture types and demand weight from COA Design & Construction Manual figure W02-b.
3. Peak design flows are from Instantaneous Water Demands Chart.
4. Calculated domestic water demand above is based upon anticipated fixture counts for the project. Final calculations shall be done by the Plumbing Engineer during construction document preparation.



# Town of Mars Hill

## PLANNING AND ZONING BOARD

## BOARD MEMBERS

*Bernard Briggs**Kelly Evans**Augusta Jenkins-Gladding**Tommy Justus**Bruce Murray*

December 5, 2023

### STAFF REPORT OF REZONING APPLICATION (FINAL)

**REZONING PROPERTY ADDRESS** – 44 Roy Edwards Lane, Mars Hill, NC

**PROPERTY OWNER:** Maggie Howard, LLC – Suzetta Wolfe

**APPLICANT:** The Givens Estates, Inc.

**CURRENT DESIGNATION:** Highway Business District (C-2)

**REQUEST:** Rezone to High Density Residential (R-4)

**Applicable Statutes: NCGS 160D-604(b)(c)(d) and 160D-605**

(b) Zoning Amendments. - Subsequent to initial adoption of a zoning regulation, all proposed amendments to the zoning regulation or zoning map shall be submitted to the planning board for review and comment. If no written report is received from the planning board within 30 days of referral of the amendment to that board, the governing board may act on the amendment without the planning board report. The governing board is not bound by the recommendations, if any, of the planning board.

(c) Review of Other Ordinances and Actions. - Any development regulation other than a zoning regulation that is proposed to be adopted pursuant to this Chapter may be referred to the planning board for review and comment. Any development regulation other than a zoning regulation may provide that future proposed amendments of that ordinance be submitted to the planning board for review and comment. Any other action proposed to be taken pursuant to this Chapter may be referred to the planning board for review and comment.

(d) Plan Consistency. - When conducting a review of proposed zoning text or map amendments pursuant to this section, the planning board shall advise and comment on whether the proposed action is consistent with any comprehensive or land-use plan that has been adopted and any other officially adopted plan that is applicable. The planning board shall provide a written recommendation to the governing board that addresses plan consistency and other matters as deemed appropriate by the planning board, but a comment by the planning board that a proposed amendment is inconsistent with the comprehensive or land-use plan shall not preclude consideration or approval of the proposed amendment by the governing board. If a zoning map amendment qualifies as a "large-scale rezoning" under G.S. 160D-602(b), the planning board statement describing plan consistency may address the overall rezoning and describe how the analysis and policies in the relevant adopted plans were considered in the recommendation made.

**160D-605. Governing board statement.**

(a) Plan Consistency. - When adopting or rejecting any zoning text or map amendment, the governing board shall approve a brief statement describing whether its action is consistent or inconsistent with an adopted comprehensive or land-use plan. The requirement for a plan consistency statement may also be met by a clear indication in the minutes of the governing board that at the time of action on the amendment the governing board was aware of and considered the planning board's recommendations and any relevant portions of an adopted comprehensive or land-use plan. If a zoning map amendment is adopted and the action was deemed inconsistent with the adopted plan, the zoning amendment has the effect of also amending any future land-use map in the approved plan, and no additional request or application for a plan amendment is required. A plan amendment and a zoning amendment may be considered concurrently. The plan consistency statement is not subject to judicial review. If a zoning map amendment qualifies as a "large-scale rezoning" under G.S. 160D-602(b), the governing board

### Mars Hill Town Hall

280 North Main Street • P.O. Box 368

Mars Hill, North Carolina 28754

Phone: (828) 689-2301 • Fax: (828) 689-3333

**STAFF REPORT OF  
REZONING APPLICATION**

44 Roy Edwards Lane

December 5, 2023

Page 2 of 2

statement describing plan consistency may address the overall rezoning and describe how the analysis and policies in the relevant adopted plans were considered in the action taken.

(b) Additional Reasonableness Statement for Rezoning. - When adopting or rejecting any petition for a zoning map amendment, a statement analyzing the reasonableness of the proposed rezoning shall be approved by the governing board. This statement of reasonableness may consider, among other factors, (i) the size, physical conditions, and other attributes of the area proposed to be rezoned, (ii) the benefits and detriments to the landowners, the neighbors, and the surrounding community, (iii) the relationship between the current actual and permissible development on the tract and adjoining areas and the development that would be permissible under the proposed amendment; (iv) why the action taken is in the public interest; and (v) any changed conditions warranting the amendment. If a zoning map amendment qualifies as a "large-scale rezoning" under G.S. 160D-602(b), the governing board statement on reasonableness may address the overall rezoning.

(c) Single Statement Permissible. - The statement of reasonableness and the plan consistency statement required by this section may be approved as a single statement. (2019-111, s. 2.4; 2020-3, s. 4.33(a); 2020-25, s. 51(a), (b), (d); 2021-88, s. 1(d).)

**Applicable Town Ordinance: Town of Mars Hill Zoning Ordinance**

803. In considering any amendment to the Zoning Ordinance, the Planning Board shall take into account the following criteria:

- (1) Conformity with the Town of Mars Hill Land Use Plan;
- (2) Compatibility with the existing character of the surrounding land uses;
- (3) Consideration of adequate infrastructure (i.e., roads, utilities, etc.); and
- (4) Other relevant criteria that the Planning Board may deem pertinent to the proposed amendment.

Following action by the Planning Board, the application shall be transmitted to the Board of Aldermen for final action.

The Planning Board shall include with its recommendation a written statement addressing comprehensive or land use plan consistency, a statement of reasonableness, and any other matters as deemed appropriate with regard to Town plans and policies, in conformance with N.C.G.S. 160D-604 and 160D-605.

**FINDINGS:**

1. Rezoning Application for 44 Roy Edwards Lane, dated 10/10/2023 and site plan dated 10/13/2023, received from applicant on 10/13/2023.
2. This same property was rezoned at the owner request from Residential TO Commercial Highway Business on **November 7, 2022**.
3. Property had been zoned C-2 for many years previously as part of the Town ETJ and was only reclassified to residential when the town dissolved the ETJ and the property was outside town boundary. The property was annexed at owner request in 2022, and an immediate request to rezone to C-2 was made by the owner and subsequently approved.
4. Staff finds that C-2 is the appropriate zoning designation as it is fronted on all but one side by other C-2 properties and is accessible by two separate public roadways.
5. Staff finds that the current C-2 designation is compatible with the character of surrounding land uses.
6. Staff finds that the current C-2 designation conforms with the land use plan as required by ordinance and rezone request to R-4 is unreasonable.
7. Staff consulted with the town's professional engineers who have determined that substantial improvements to the existing water and sewer system would be required to provide adequate utility service to the property for multi-unit residential purposes.
8. **Staff recommends the rezoning request be denied and provide a recommendation to the Mayor and Board of Aldermen consistent with the findings named above in item 4, 5, 6, and 7.**





ATTACHMENT E

# Town of Mars Hill

John L. Chandler  
*Mayor*  
Nicholas A. Honeycutt  
*Vice-Mayor*  
Robert W. Zink  
*Treasurer*  
Stuart L. Jolley  
*Clerk*  
Larry H. Davis  
*Secretary*

## MEMORANDUM

**TO:** Mayor and Board of Aldermen

**FROM:** Nathan R. Bennett, *Nathan R. Bennett*  
Town Manager/Zoning Administrator

**RE:** **PLANNING AND ZONING BOARD REPORT**  
**Rezoning Application – 44 Roy Edwards Lane, Mars Hill**

**DATE:** January 3, 2024

This report is submitted on behalf of the Mars Hill Planning and Zoning Board. Please be advised that on December 5, 2023, the Town of Mars Hill Planning and Zoning Board reviewed an application submitted by The Givens Estates, Inc., on behalf of Ms. Suzetta Wolfe, the managing member of Maggie Howard, LLC, regarding the rezoning of properties owned by the applicant, Maggie Howard, LLC. The property is located at 44 Roy Edwards Lane, Mars Hill, NC. The applicant requests the zoning district be rezoned from the current Highway Business District (C-2) to the requested High Density Residential District (R-4). The properties subject to this rezoning request are identified by Madison County Property Identification Numbers as follows: 9757-02-9970 and 9757-12-2807. The applicant is the owner of all subject properties and agrees with the requested change in zoning designation of their properties. Please note that the owner has stipulated that should the project agreement with Givens Estate not proceed for any reason that they do not want the property to be rezoned and left at C-2 Highway Business.

The Planning and Zoning Board found that the requested change in zoning district would NOT be consistent with the Town of Mars Hill Land Use Plan and would NOT be compatible with the existing character of the surrounding land uses. The Planning Board found that the existing infrastructure is not adequate to meet the needs of the proposed planned development of 120 residential units between two buildings on the subject property. Further, the Board found that the change in zoning district would not be in compliance with the criteria noted in the Mars Hill Zoning Ordinance and governing state statutes. The Planning and Zoning Board approved a motion to provide this written report recommending the Mayor and Board of Aldermen **DENY** the rezoning application for the requested zoning district change to High Density Residential (R-4).

If you have any questions, please advise.



PO Box 631697 Cincinnati, OH 45263-1697

**PROOF OF PUBLICATION**

Nathan R. Bennett  
Attn Nathan Bennett  
Town Of Mars Hill  
Po Box 368  
Mars Hill NC 28754-0368

STATE OF WISCONSIN, COUNTY OF BROWN

Before the undersigned, a Notary Public, duly commissioned, qualified and authorized by law to administer oaths, personally appeared said legal clerk, who, being first duly sworn, deposes and says: that he/she is the legal clerk of The Asheville Citizen-Times, engaged in publication of a newspaper known as The News-Record & Sentinel, published and issued in the Town of Marshall and entered as periodical mail in the town of Mars Hill, in Madison County, North Carolina; that he/she is authorized to make this affidavit and sworn statement; that the notice or other legal advertisement, a true copy of which is attached here to, was published in said newspaper in the issues dated:

12/27/2023, 01/03/2024

That said newspaper in which said notice, paper, document or legal advertisement was published was, at the time of each and every publication, a newspaper meeting all the requirements and qualifications of Section 1-597 of the General Statutes of North Carolina and was a qualified newspaper within the meaning of Section 1-597 of the General Statutes of North Carolina.

Sworn to and subscribed before on 01/03/2024

\_\_\_\_\_  
Legal Clerk *[Signature]*

\_\_\_\_\_  
Notary, State of WI, County of Brown *[Signature]*  
9/19/25

My commission expires

Publication Cost: \$101.54  
Order No: 9647806 # of Copies:  
Customer No: 948771 1  
PO #:

The public will take notice that the Mayor & Board of Aldermen for the Town of Mars Hill, North Carolina, will hold a Public Hearing on Monday, January 8, 2024, at 6:00 p.m., at the Mars Hill Town Hall. The purpose of the public hearing is to consider an application from property owners of Maggie Howard, LLC, to rezone their property located in the vicinity of 44 Roy Edwards Lane, Mars Hill, NC 28754, from the current Highway Business District (C-2) to the requested High Density Residential District (R-4). The parcels subject to this rezoning request are identified by Madison County PIN: 9757-02-9970 (Lot 1 containing 0.302 acres) AND 9757-12-2807 (Lot 2 containing 5.852 acres) of record in the Madison County Register of Deeds Office in Deed Book 747 at Page 118 and a map recorded in Plat Book 9 at Page 738. All interested persons are encouraged to attend. John Chandler, Mayor Town of Mars Hill Dec 27, 2023, Jan 3, 2024 9647806

THIS IS NOT AN INVOICE!

VICKY FELTY  
Notary Public  
State of Wisconsin

