### **MINUTES**

### STATE OF NORTH CAROLINA COUNTY OF HENDERSON

### BOARD OF COMMISSIONERS MONDAY, APRIL 4, 2016

The Henderson County Board of Commissioners met for a regularly scheduled meeting at 5:30 p.m. in the Commissioners' Meeting Room of the Historic Courthouse on Main Street, Hendersonville.

Those present were: Chairman Tommy Thompson, Vice-Chairman Charlie Messer, Commissioner Grady Hawkins, Commissioner Mike Edney, Commissioner William Lapsley, County Manager Steve Wyatt, Assistant County Manager Amy Brantley, Attorney Russ Burrell and Clerk to the Board Teresa Wilson.

Also present were: Management Assistant Megan Powell, Finance Director Carey McLelland, Director of Business and County Development John Mitchell, Senior Planner Autumn Radcliff, Engineer Marcus Jones, Public Health Director Steve Smith, Code Enforcement Director Toby Linville, Sheriff Charles McDonald, Recreation Director Tim Hopkin, Lieutenant Mike Marstellar, Chief Deputy Jason Brown, Environmental Programs Coordinator Rachel Kipar, Assistant Engineer Natalie Berry and PIO Kathy Finotti – videotaping, Deputy Candy Carland and Ken McCraw as security.

### **CALL TO ORDER/WELCOME**

Chairman Thompson called the meeting to order, welcomed all in attendance.

### INVOCATION

The invocation was provided by County Manager Steve Wyatt.

### **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance to the American Flag was led by Chloe Jackson of the Hoofbeats 4-H Club.

### PRESENTATION OF PROTRAIT OF SHERIFF WILL GARREN

Chairman Thompson stated tonight we are presenting a portrait of Sheriff Will Garren to his grandson Mike Garren. Also present with Mike are his brother Tim Garren, and his sister Ann Harvey. Tim and Ann traveled a great distance to be in attendance.

"Will Garren was a genuine mountain man, a descendent of stalwart pioneer stock. He grew strong and straight and held his head erect, and when he talked to you he looked you in the eye. Until his death in July 1954, he carried himself with poise and a quiet dignity under all circumstances. This was the heritage from generations of free men, the blood of his German and Scotch-Irish ancestors blended through the ages to produce such a man as Mr. Garren.

For 49 years he was a law enforcement officer in our town and county, and a good one. He started as Constable of Hendersonville Township in 1897, when the office still had the prestige and importance of the days of Old England. He served at various times during his 84 years of life on the City Policy Force and from 1910 to 1913 was Chief of Police. Will Garren was Sheriff of Henderson County for three terms years and during his 49 years as an officer of the law, he served at various times as a deputy sheriff, a city policy sergeant, and as a special officer."

Sheriff Garren's grandson Mike recounted that "Will and Louise lived on the second floor over the jail and the firemen were on the third floor. The fire pole ran thru his living room and the small kids were not allowed in the living room for fear of them falling through the open hole where the fireman pole ran.

Also, Louise would cook for anyone that happened to be locked up in the jail."

DATE APPROVED: April 20, 2016

April 4, 2016

The Commissioner presented a replica portrait of Sheriff Will Garren to his grandson Mike Garren. The original portrait hangs in the 1995 Courthouse on Grove Street.

### **PUBLIC HEARINGS**

### Land Development Code (LDC) and Noise Ordinance Text Amendments (TX-2015-01)

Commissioner Messer made the motion to go into public hearing in regard to the Land Development Code (LDC) and Noise Ordinance Text Amendments (TX-2015-01). All voted in favor and the motion carried.

Senior Planner Autumn Radcliff stated with the adoption of the Land Development Code (LDC) on September 19, 2007, the Board of Commissioners directed staff to prepare annual updates to the LDC to prevent it from becoming outdated. This annual review is intended to prevent the need for a large overhaul of the entire code in the future. Trends and new issues are regularly emerging that require periodic updates to LDC text.

The proposed text amendments included: sign amendments based on recent court rulings, clarifications to the code for boards and committees, creating uniform setbacks for the OI zoning district, reduce requirements for accessory residential dwellings and accessory structures, clarify the definition of home schools, and amendments identified by the Sherriff's Office which include a new temporary use for special events and related amendments to the noise ordinance.

The Henderson County Planning Board has been discussing the draft text amendments for several meetings and voted to send forward a favorable recommendation on the draft LDC and Noise Ordinance text amendments (TX-2015-01).

The required public notice of this hearing was published in the Hendersonville Tribune on March 24th, 2016 and March 31st, 2016.

State law and the LDC require the Board of Commissioners to hold a public hearing prior to acting on a text amendment and adopt a written statement of consistency with the County Comprehensive Plan.

### Land Development Code Text Amendment A: Sign Regulation Amendments

Issue: In Reed v. Town of Gilbert, the Supreme Court held unanimously that Gilbert's Sign Code, which treats various categories of signs differently based on the information they convey, violates the First Amendment.

Recommendation: Amend the exempt sign standards to the following (this removes any signs regulated by content).

- A. Flags/Insignia.
- B. Off Premise Outdoor Advertising Sign.
  - 1) Maximum Area. Ten (10) square feet per face.
  - 2) Maximum Height. Five (5) feet.
  - 3) Permitted Districts. Permitted in all districts except residential zoning districts.
- C. Temporary Sign.
  - 1) Maximum Area. Thirty-two (32) square feet per face (residential zoning district); 72 square feet per face (nonresidential zoning district).
  - 2) Maximum Height. Ten (10) feet (residential zoning district); 18 feet (nonresidential zoning district).
  - 3) Removal. Such signs shall be temporary in nature, no longer than 30 days per occurrence and only once per calendar year per lot of record.
- D. Vehicle Sale Sign (Private).
  - 1) Maximum Number Permitted. One (1) sign per vehicle and a maximum of two (2) vehicles per property, applying only to noncommercial sales.

- E. On-premise Residential Zoning District Sign
  - 1) Maximum Area (16) square feet per face
  - 2) Maximum height (8) feet
- F. On-premise Commercial, Office Institutional and Industrial Zoning District Sign
  - 1) Maximum Area (36) square feet per face
  - 2) Maximum Height (8) feet

### Land Development Code Text Amendment B: Accessory Structures

Issue: Accessory structures are not permitted in the front yard unless attached to the principal structure.

**Recommendation:** Allow structures in the front yard provided it meets the required front yard setbacks. Amend all applicable sections in the zoning district descriptions as follows.

Accessory Structures shall be located in side and rear yards and shall be setback a minimum of five (5) feet from any property line. Placement in the front yard is allowed provided it meets the applicable front yard or ROW setback.

### Land Development Code Text Amendment C: Amend Zoning Board of Adjustment Procedures

**Issue:** G.S. 160A-388 requires that quasi-judicial proceedings for variances require a four-fifth vote. All other quasi-judicial proceedings conducted by the Zoning Board of Adjustment (ZBA) require a majority vote. As requested by the County Attorney, this provision should be clarified.

**Recommendation:** Clarify the required four-fifths vote for variances and a simple majority vote for all other quasi-judicial proceedings as per the G.S.

### Land Development Code Text Amendment D: Reduce Front Yard Setbacks for OI Zoning District

**Issue:** The front yard setbacks for the Office Institutional (OI) zoning district is more restrictive than the front yard setbacks of other commercial zoning districts. The Board reduced the front setbacks in commercial zoning district with a previous round of amendments, but the OI zoning district was not included.

**Recommendation:** Reduce the current front yard or ROW setback for each road classification in the OI zoning district to the same standards as commercial zoning districts.

	Local	10
_	Collector	10
Front or ROW	Thoroughfare	20
ROW	Boulevard	30
	Expressway	40
	Freeway	45

### Land Development Code Text Amendment E: Add a Temporary Use for Specific Special Events

**Issue:** The LDC does not currently have a temporary use category for special events. These events typically occur over a weekend period and occur once or twice a year depending on the event. Since these events directly impact fire, safety and EMS, particularly if alcohol is served, the Sheriff's office requested that staff consider a specific permitting process that would address these concerns.

**Recommendation**: Add a temporary use type for Special Events based on size with specific supplemental requirements comparable with similar uses in the LDC.

USETYPE								DISTR		nit		
	R1	R2	R2R	R3	R4	OI	MU	LC	CC	RC	I	SR
11. TEMPORARY USES								N. E.				
Special Events between 250 and 499 persons	P	P	P	P	P	P	P	Р	P	Р	P	TBD
Special Events greater than 500 persons	P	P	P	P	P	Р	Р	Р	Р	Р	P	TBD

### LDC Text Amendment: Special Events

### Special Events between 250 and 499 persons

- (1) Application must be submitted to Zoning Administrator (30) days prior to the event
- (2) 50 foot separation from an existing dwelling unit (located in a residential zoning district and not located on the same property as the use).
- (3) Arrangements shall be made for suitable garbage disposal and site clean-up.
- (4) Minor Site Plan required.
- (5) Zoning Administrator shall approve the temporary use permit.
- (6) County staff acting in their official duties <u>may</u> inspect the event for compliance with the temporary use permit 72 hours prior to the start of the event.
- (7) Required permits from local and State governments and agencies including but not limited to food service, sanitation, and water supply shall apply, including the N.C. Alcoholic Beverage Control (ABC) Commission when alcohol is being served or sold.
- (8) All unlawful activities are prohibited.

### Special Events greater than 500 persons

- (1) Application must be submitted to Zoning Administrator (60) days prior to the event.
- (2) 50 foot separation from existing dwelling unit required (located in a residential zoning district and not located on the same property as the use).
- (3) Arrangements shall be made for suitable garbage disposal and site clean-up.
- (4) Minor Site Plan required.
- (5) Emergency Action Plan required. (Applicants may resubmit a previously approved EAP.)
- (6) TRC shall approve the temporary use permit.
- (7) Required permits from local and State governments and agencies including but not limited to food service, sanitation, and water supply shall apply, including the N.C. Alcoholic Beverage Control (ABC) Commission when alcohol is being served or sold.
- (8) County staff acting in their official duties <u>may</u> inspect the event for compliance with the temporary use permit 72 hours prior to the start of the event.
- (9) All unlawful activities are prohibited.

# Land Development Code Text Amendment F: Reduce Requirements for Accessory Residential Dwellings

Issue: The existing regulations for accessory residential dwellings are too restrictive for: large lots that can accommodate accessory units in the side or rear yard, property owners that request to build an apartment over an existing or new garage or barn, principal dwellings with a small footprint, or accessory dwellings with an alternative access from the primary driveway.

**Recommendation:** Amend the supplemental requirements for accessory residential dwellings to remove the size, accessibility and location requirements.

# Land Development Code Text Amendment G: Add Definition for Separation Setbacks

Issue: The supplemental requirements have separation setbacks for specific uses. The LDC has no definition for what is meant by a separation requirement or measurement for these uses. Staff proposes adding a definition to clarify the county's existing policy for interpretation of how the separation requirement is determined.

Recommendation: Add a definition for separation setbacks for clarification.

**Separation.** A separation setback is measured from the boundary area identified on a site specific plan denoting where the permitted use will occur. The separation setback is not measured from the parcel boundary unless the permitted use utilizes the entire parcel. The separation setback shall apply to the *use* and any *structures* associated with the *use* (this shall not include parking areas).

April 4, 2016 5

### Land Development Code Text Amendment H: Clarify Requirements for Home Schools

Issue: Home schools are permitted in all districts and must be qualified in accordance with NCGS§115C, Article 39. Home schools typically occur in residential dwellings, but can occur in multiple locations or structures (churches, community centers, etc.). Home schools are treated as residential dwellings and the LDC needs to clarify this interpretation.

Recommendation: Clarify the definition of home schools.

**School (Home).** A nonpublic school in which one or more children of not more than two (2) families or households receive academic instruction from parents or legal guardians or a member of either household. Such schools must be qualified in accordance with *NCGS* §115C, Article 39, Part 3 (or its successor). For the purpose of this chapter, a home school shall be considered the same as a residential dwelling and shall meet all separation requirements as such.

### **Noise Ordinance Text Amendments**

Issue: The Sheriff's Office has identified needed amendments to the noise ordinance. These amendments consist of clarifications, enforcement requirements and amendments to allow noise associated with events that have a valid permit.

Recommendation: Amend the following sections.

- §18-3. Loud And Disturbing Noise Prohibited.
- C. (3) The keeping, owning, possessing, harboring or controlling of any animal or bird which barks, bays, yelps, howls, cries, squawks or makes any other unreasonably loud, disturbing noise continuously or incessantly for a period of 10 minutes in the presence of a law enforcement officer, or with a signed witness statement alleging the disturbing noise has been intermittent for thirty minutes or more or intermittently for a period of 30 minutes or more, thereby causing a noise disturbance. See also Henderson County Code Chapter 16, Animals.

### §18-4. Exceptions.

- A. (8) Noise associated with the chimes, or bells, audible phone or paging system of businesses, schools, camps or religious institutions in the daytime hours, provided that they operate for no more than 10 minutes in any hour.
- (11) Noise associated with special events that have a valid permit issued by Henderson County between the hours of 7:00 am -11:00 pm.

### Public Input

1) Larry Rogers - Mr. Rogers is concerned with signs and feels they need to remain the same size.

Commissioner Hawkins made the motion to go out of public hearing. All voted in favor and the motion carried.

Commissioner Lapslev

- Text Amendment D: Reduce Front Yard Setbacks for OI Zoning District
  - 1. Concerned with and front yard setbacks for OI zoning
- Text Amendment E:Add a Temporary Use for Specific Special Events
  - 1. Concerned about staff response time to applicants
  - 2. Would like to add language that the applicant is responsible for the expense of enhanced services

### Vice-Chairman Messer

- Text Amendment E: Add a Temporary Use for Specific Special Events
  - 1. Feels there should be an application fee with and Events greater than 500 persons

### Commissioner Edney

- Text Amendment E: Add a Temporary Use for Specific Special Events
  - 1. Concerned about garbage disposal and site clean up
  - 2. Concerned with Emergency Action Plan

### Chairman Thompson

- Text Amendment A: Sign Regulation Amendments
  - 1. Concerned about signs and the reduction of their size especially for agriculture.

It was the Consensus of the Board to have staff make a few adjustments and bring this item back to the Board at a later date.

### INFORMAL PUBLIC COMMENTS

1. Lee McCall – Mr. McCall spoke in favor of MountainTrue. He feels they are doing a great job with water testing and it is important to keep track of the condition of our water.

### **DISCUSSION/ADJUSTMENT OF CONSENT AGENDA**

Commissioner Messer made the motion to approve the Consent Agenda as presented. All voted in favor and the motion carried.

CONSENT AGENDA consisted of the following:

### Minutes

Draft minutes were presented for board review and approval of the following meeting(s):

March 16, 2016 - Regularly Scheduled Meeting

### Tax Collector's Report

Collections Specialist Luke Small had presented the Tax Collector's Report to the Commissioners dated March 24, 2016 for information only. No action was required.

### **Pending Releases & Refunds**

The pending releases and refunds have been reviewed by the County Assessor and as a result of that review, it is the opinion of the Assessor that these findings are in order. Supporting documentation is on file in the County Assessor's Office.

These pending release and refund requests are submitted for the approval by the Henderson County Board of Commissioners.

<u>Type</u>	<u>Amount</u>
Total Taxes Released from the Charge	\$ 5,324.45
Total Refunds as a Result of the Above Releases	\$ 3,578.19

### Motion:

I move the Board approves the Combined Release/Refund Report as presented.

### Financial Reports - February 2016

The February 2016 County Financial Report and Cash Balance Report were provided for the Board's review and approval. The following are explanations for departments/programs with higher budget to actual percentages for the month of February:

- Facility Services planned maintenance project expenditures incurred through February
- Fire Services payment of annual worker's compensation coverage premium for the fire departments
- EMS the purchase of three new ambulance units approved in the budget
- Rescue Squad 3<sup>rd</sup> quarter approved non-profit contribution payment
- Soil & Water Conservation contracted services payment (\$125,000) on a grant-funded streambank restoration project
- Economic Development economic development incentive payments paid in December
- Agri-Business operational expenditures to be covered by Agri-Business program fees to be transferred in
- Medical Services payments for autopsies conducted through February
- Mental Health 3<sup>rd</sup> quarter MOE payment made to the Smoky Mountain Center in January

The YTD deficit in the Emergency Telephone System Fund is due to the purchase of technology capital outlay that has been budgeted. Fund balance has been appropriated to cover these technology expenditures.

The YTD deficit in the CDBG – Dodd Meadows Project Fund is temporary and due to a timing delay between the expenditure of grant funds on the project and the subsequent reimbursement of expended funds from the Division of Community Assistance.

The YTD deficit in the Public Transit Fund is due to operational expenditures running slightly ahead of revenues through January.

The YTD deficit in the Immigration and Customs Enforcement (ICE) Fund is from the transfer of the remaining funds available to the County's General Fund due to completion of participation in this federal program by the Sheriff's Department. Final ICE Program participation and funding ceased as of December 31, 2014.

The YTD deficit in the Westfeldt Park Project is due to the payment of project expenditures and the subsequent reimbursement of grant funds from the NCDENR – Recreational Trails Grant Program.

The YTD deficit in the Cane Creek Water & Sewer District Fund is due to ongoing expenditures for multiple sewer capital projects. A total of \$2.478 million in fund balance, primarily for these capital projects, was budgeted to balance this Fund and cover these capital expenditures in the current fiscal year.

### Motion:

I move that the Board of Commissioners approves the February 2016 County Financial Report and Cash Balance Report as presented.

### Henderson County Public Schools Financial Report - February 2016

The Henderson County Public Schools February 2016 Local Current Expense Fund / Other Restricted Funds Financial Report was provided for the Board's information.

### Motion:

I move that the Board of Commissioners approves the Henderson County Public Schools February 2016 Financial Report as presented.

### **Energy Management Update**

Rachel Kipar, Environmental Programs Coordinator had provided information to the Board about the County's energy management use in the areas of electricity, natural gas, fuel and water. It compared the Current FY 2<sup>nd</sup> quarter with the previous year to illustrate historical trends in commodity consumption. Supplementary cost analyses represent the monthly cost profile comparing 2014 and 2015 YTD for the highest cost commodity at each facility. Selected fuel consumption information was also provided for the current FY 2<sup>nd</sup> quarter period.

April 4, 2016

### Set Public Hearing on Economic Development Incentives for Project Bavaria

The Board is requested to set a public hearing on the possible award of economic development incentives in regard to economic development matter "Project Bavaria".

As a part of any incentives agreement, the County is requested consider conveying certain real estate (6.5 acres, a part of Book 1458, Page 311, Henderson County Registry, commonly known as a portion of the former "Fairgrounds Property") to the company.

The requested date and time for the public hearing is April 20, 2016, at 9:00 o'clock a.m.

### Motion:

I move that the Board set a public hearing on April 20, 2016, at 9:00 o'clock a.m. regarding Public Hearing on Economic Development Incentives for Project Bavaria.

### **DISCUSSION/ADJUSTMENT OF DISCUSSION AGENDA**

Chairman Thompson made the motion to approve discussion agenda with the addition of the H2B Bill. All voted in favor and the motion carried.

### **Nominations**

Chairman Thompson noted the vacancies and opened the floor for nominations.

Notification of Vacancies

1. Home and Community Care Block Grant Advisory Committee – 1 vac.

### Nominations

1. Equalization and Review, Henderson County Board of -3 vac.

There were no nominations at this time and this item was rolled to the next meeting.

2. Henderson County Planning Board – 3 vac.

Commissioner Messer nominated Eric Goodman for position #1. Chairman Thompson made the motion to accept the appointment of Eric Goodman to position #1 by acclamation. All voted in favor and the motion carried.

3. Home and Community Care Block Grant Advisory Committee – 1 vac.

Commissioner Hawkins nominated Dee Hill for position #3. Chairman Thompson made the motion to appoint Dee Hill to position #3 by acclamation. All voted in favor and the motion carried.

4. Juvenile Crime Prevention Council – 5 vac.

There were no nominations at this time and this item was rolled to the next meeting.

5. Mountain Valleys Resource Conservation and Development Program – 1 vac.

There were no nominations at this time and this item was rolled to the next meeting.

6. Nursing/Adult Care Home Community Advisory Committee – 4 vac.

There were no nominations at this time and this item was rolled to the next meeting.

7. Senior Volunteer Services Advisory Council – 2 vac.

There were no nominations at this time and this item was rolled to the next meeting.

### **MOUNTAIN TRUE VWIN UPDATE**

Joan Walker, MountainTrue, Campaign Director/Southern Regional Office Interim Director, had requested time on this agenda to present information on the Volunteer Water Information Network (VWIN) Program. The program receives funding from Henderson County, in addition to Hendersonville and other municipalities.

Overview: MountainTrue Volunteer Water Information Network Program

- Approximately 40 volunteers sample 35 sites every month.
- They test for nutrients, sediment, conductivity, alkalinity, pH, and heavy metals every month: Ammonianitrogen, nitrate/nitrite-nitrogen, orthophosphate, turbidity, total suspended solids, conductivity, alkalinity, and PH.
- They test for pollutants annually, quarterly, or monthly, depending on the site: copper, zinc, and lead.
- They receive raw data is received monthly within a few weeks of sampling and distributed to interested parties and partners.
- They receive an annual report, usually about one year after the end of the calendar year, which compiles all the data and is distributed to interested parties.
- The VWIN program has created an objective dataset covering nearly two decades, allowing MountainTrue to identify streams facing degradation and obtain financial and political resources to protect streams in Henderson County.
- Examples of historical uses:
  - Their VWIN data showed the Mills River watershed to be degraded due to high inputs of sediment and nutrients. This led to the establishment of the Mills River Partnership in 1998. The Mills River partnership created a strategic plan for working with landowners to install projects reducing nonpoint source pollution.
  - Their VWIN data demonstrated sediment to be a primary and consistent water quality impairment in Henderson County. This provided strong justification for the approval of an Erosion and Sediment Ordinance in Henderson County.
- Examples of current uses:
  - The Mills River Partnership utilizes our data to identify and address issues in the Mills River Watershed. Furthermore, they included our data in their extensive watershed plan they completed in 2015. The Mills River Partnership is instrumental in protecting the water resources (Mills River) that are used for Henderson County and a portion of Buncombe County's drinking water.
  - Henderson County Soil and Water Conservation District recently utilized our data to justify a federal Urban Small Watershed Grant they applied for. If the grant is approved, it will fund a project aimed at increased environmental awareness, improved community relations, and water quality data collection in a diverse and low-income area in Hendersonville.

Evan Parker, Water Quality Administrator, shared the following information:



### What we do

Focus on a core set of issues that have high impact on the environmental health and longterm prosperity of our region:

- · Advocating sensible land use
- · Restoring public forests
- · Improving water quality
- · Promoting clean energy
- · Encouraging civic engagement





### Volunteer Water Information Network (VWIN)

- Volunteer-based water quality monitoring program.
- 40 volunteers test 35 sites in all six Henderson County
- Test for several parameters indicating pH, alkalinity, conductivity, nutrients, and sediment.
- 20 years of objective dataset.
- Allows MountainTrue and partners to identify streams facing degradation.
- Available for free to the public, municipalities.
- 2013-2014 VWIN Report.







mountaintrue

### Mills River: Our Water Source

- Water source for Henderson County and parts of Buncombe
- Very good overall water quality, including the lowest nutrient levels in the County.
- The Mills River Partnership (MRP) utilizes VWIN data to monitor the overall water quality in the watershed
  - The MRP is an organization working with farmers on a voluntary basis to



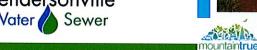


A LESSON



"I am elated to be working with the Mills River Partnership, they have been instrumental in helping me preserve topsoil" -Kirby Johnson, local farmer







- The most pristine stream in Henderson County, with some of the lowest sediment levels in the County.
- Help promote Green River as a major destination for kayakers, tubers, fishers, and other recreationalists.



### Mud Creek

- Largest watershed in Henderson County, is well monitored with 4 sites on Mud Creek and 10 sites on 8 tributaries of Mud Creek.
- The Mud Creek Watershed continues to be one of the most degraded watersheds in Henderson County.
- MountainTrue is currently developing a watershed management plan for Mud Creek that will expand our current monitoring, log jam removals, trash cleanups, tree planting and





STATE OF THE PARTY mountaintrue

Commissioner Hawkins asked if Mills River was contributing to the VWIN program.

Ms. Walker reported they were not but she will be following up with Mills River.

### **Documents**

- 2013-2014 Henderson County VWIN Report (electronic and hard copy versions available upon request)
- 2013-2014 Henderson County VWIN Executive Summary
- VWIN Program Overview
- · Hendersonville Times-News "Live Staking" article

### **BELL TRAIL PARTF GRANT**

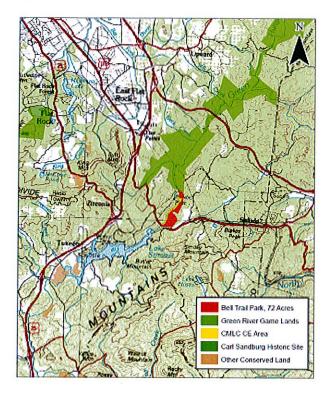
Tim Hopkin, Parks and Recreation Director and Kieran Rowe, Carolina Mountain Land Conservancy shared a presentation.

The Carolina Mountain Land Conservancy (CMLC) approached the Henderson County Parks and Recreation Department with a proposal for a Parks and Recreation Trust Fund (PARTF) grant application. The application would be to purchase a 68 acre parcel of land in southern Henderson County to create a public access point and trails leading from the old High Bridge across the Green River along the top of the gorge leading to Pot Sholas and the Tuxedo Hydro Plant. This trail could then lead into the Green River Game Lands.

The trail access park project would be similar to the one in the Upper Hickory Nut Gorge. This project would not require funds for acquisition or development of the park. The PARTF grant fund request would be matched by the donated value of the land. Staff has toured the property with the land owner and CMLC staff. The project has been presented to the Recreation Advisory Board at two separate meetings. At the March 8th Recreation Advisory Board meeting the project was endorsed by the group.

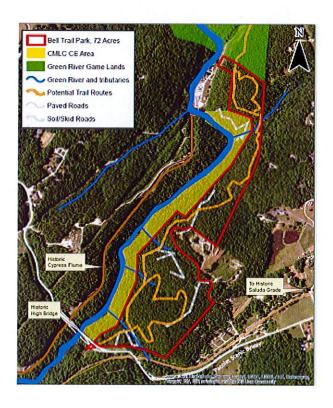
No County funding is requested, or required, for this project.

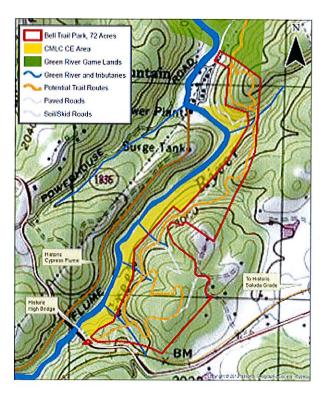


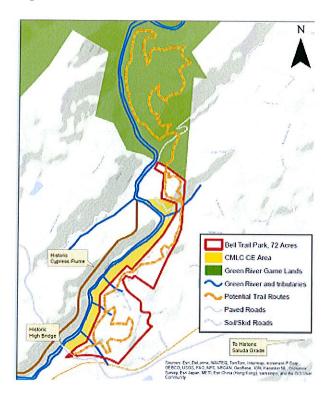


York Pharr is the current land owner. Henderson County, as the applicant, would become the owner and be responsible for maintenance of approximately 2 miles of trails.

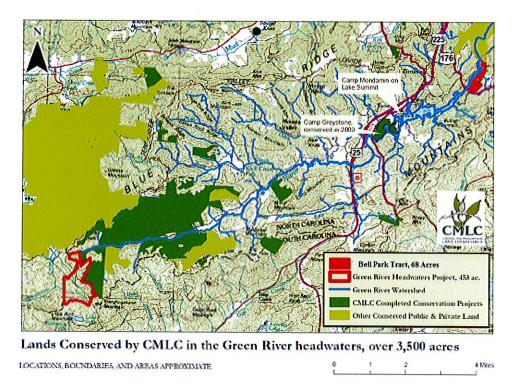
Tim Hawkins feels the cost would be minimal for fuel and staff.



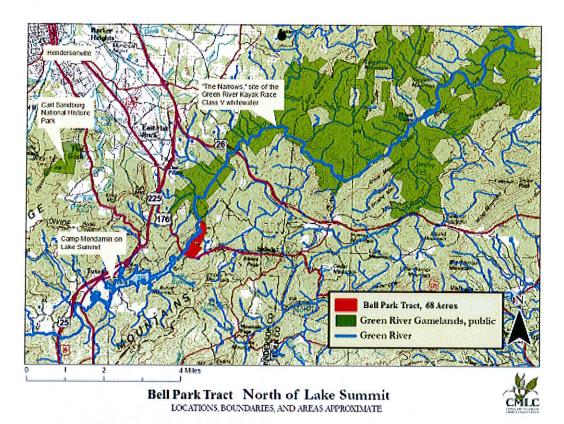


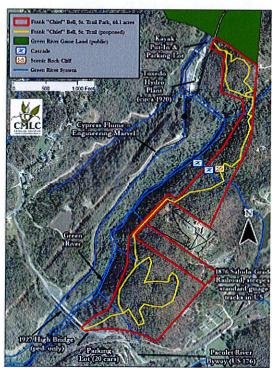


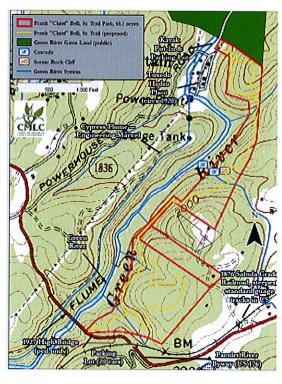
Kieran Roe, of the Carolina Mountain Land Conservancy, stated they would be glad to do a Memorandum of Understanding in regard to maintenance of the trails.



This project has been endorsed by Travel and Tourism and the Environmental Advisory Committee.







### Bell Trail Park Project Goals/Purposes

- Scenic Protection
- · Historic/Cultural Interpretation
- · Recreational Walking/Hiking
- Wildlife Habitat Corridor
- · Water Quality Protection
- Promote Outdoor Recreation Tourism
- · Honor Regional Camp Heritage
- · Stepping Stone to Future Projects

Saluda City Council Meeting December 30, 2014 Kieran Roe, Executive Director Carolina Mountain Land Conservancy

### Carolina Mountain Land Conservancy Local Parks Partnerships

- Town of Tryon (Vaughn Creek Greenway)
- · Town of Fletcher (Cane Creek Greenway)
- Town of Lake Lure (Buffalo Creek Park)
- . Village of Flat Rock (The Park at Flat Rock)
- Town of Laurel Park (Rhododendron Park)
- · Henderson County (H.N. Gorge Trailhead)
- · Polk County (Alexander's Ford)
- Transylvania County (Connestee Falls Park)

Saluda City Council Meeting December 30, 2014

Kieran Roe, Executive Director Carolina Mountain Land Conservancy

# Bell Trail Park Project Prospective Partners

- · City of Saluda
- Carolina Mountain Land Conservancy
- Henderson County
- · Saluda Community Land Trust
- · Saluda Business Association
- · Summer Camps and Alumni
- · Private Donors and Volunteers

Saluda City Council Meeting December 30, 2014

Kieran Roe, Executive Director Carolina Mountain Land Conservancy

# Upper Hickory Nut Gorge Trailhead







### Bell Trail Park Project Budget

Saluda, NC

### PROJECT PHASE ONE -- PROPERTY ACQUISITION

Expense

Property Purchase Value 640,000
Transaction Costs -- Survey, title, appraisal, etc. 25,000
Property Management Cost 70tal 665,000

Income

 Felburn Foundation
 75,000
 Awarded

 NC PARTF/City of Saluda
 250,000

 NC Clean Water Mgmt Trust Fund
 150,000
 To Be Requested -- 2/2/15

 Landowner Donated Land Value
 190,000
 Committed

 Total
 665,000

### PROJECT PHASE TWO -- TRAIL PARK DEVELOPMENT

Expense

 Park/Trail Development Cost
 200,000

 Trail Park Master Planning
 30,000

 Educational/Interpretive Signage
 5,000

 Sub-Total
 235,000

Income

 ome
 Status

 Duke Energy Foundation
 100,000
 Requested 11/15/14

 Private Donors
 135,000
 To Be Requested

 235,000
 235,000

Status

April 4, 2016

Commissioner Hawkins feels the plan is nice but is concerned with maintenance and liabilities. There are many trails already there and he does not see justification for taking on another park.

Commissioner Lapsley is in support of the plan with commitment and follow through of others.

Commissioner Messer supports the plan.

Chairman Thompson is in support of the plan but feels more disscussion is needed.

Commissioner Edney made the motion that the Henderson County Board of Commissioners approve the submission of a PARTF application for the Bell Trail Park and that the Board set a public hearing for Wednesday, April 20<sup>th</sup> at 5:30pm to receive public input. The motion passed 4-1 with Commissioner Hawkins voting nay.

### **HOUSE BILL 2**

At the request of Commissioner Hawkins, County Attorney Russ Burrell gave a brief overview of the provisions of House Bill 2 from the recent special legislative session.

### **COUNTY MANAGER'S REPORT**

Steve Wyatt reminded the Board of the Employee Service Awards Luncheon to be held on Wednesday, April 6<sup>th</sup> in the Activity Center at noon.

### **CLOSED SESSION**

The Board is requested to go into closed session pursuant to N.C. Gen. Stat. §143-318.11(a), for the following reason(s):

Pursuant to N.C. Gen. Stat. §143-318.11(a)(4), to discuss matters relating to the location or expansion of industries or other businesses in Henderson County, including agreement on a tentative list of economic development incentives that may be offered by the Board in negotiations.

Commissioner Edney made the motion that the Board go into closed session pursuant to N.C. Gen. Stat. §143-318.11(a) (4)for the reasons set out in the Request for Board Action in the Board's agenda packet. All voted in favor and the motion carried.

### **ADJOURN**

Commissioner Messer made the motion to go out of closed session and adjourn at 7:55 p.m. All voted in favor and the motion carried.

Attest:	
Teresa L. Wilson, Clerk to the Board	Thomas H. Thompson, Chairman

### Office of the Henderson County Tax Collector

### 200 North Grove Street, Suite 66 • Hendersonville, NC 28792-5027

Phone: (828)697-5595 | Fax: (828)698-6153 | www.hendersoncountync.org/ca

Henderson County Board of Commissioners

1 Historic Courthouse Square Hendersonville, NC 28792

24 March 2016

RE:

Tax Collector's Report to Commissioners: 04 April 2016 Meeting

Please find outlined below collections information through 23 March 2016 for the 2015 real and personal property bills mailed out on 31 July 2015. As a point of reference, we also have included collections information as of the same date last year. Registered Motor Vehicles reported as billed and collected by the Department of Motor Vehicles through 23 March 2016.

### Henderson County Annual Bills G01 Only:

2015 Beginning Charge: \$62,793,885.53 2014 Beginning Charge: \$59,733,471.88 Discoveries & Imm. Irreg.: \$214,595.95 Discoveries & Imm. Irreg.: \$168,011.67 Releases & Refunds: (\$369,395,91) Releases & Refunds: (\$341.056.14) Net Charge: \$62,639,085.57 Net Charge: \$59,560,427.41 Unpaid Taxes: \$1,611,006.98 Unpaid Taxes: \$1,651,989.88 Amount Collected: \$61,028,078.59 Amount Collected: \$57,908,437.53 **Percentage Collected:** 97.43% Percentage Collected: 97.23%

Through: 23-Mar-2016 Through: 23-Mar-2015

### **Henderson County Only Registered Motor Vehicles**

Regstr. Month	# Veh. Regstrd.		Gross Value Upon Reg.	Regstr. Month	# Veh. Regstrd.	Gross Value		Gross Levy	Net Levy Collection	Percent Collected
July '15	9888	\$	86,255,648	July '15	10352	\$ 88,701,901	\$	457,199.72	\$ 455,383.93	99.60%
Aug <b>'1</b> 5	9784	\$	82,397,348	Aug '15	10139	\$ 91,229,089	\$	469,609.15	\$ 468,629.50	99.79%
Sept '15	9559	Ş	81,357,984	Sept '15	9404	\$ 79,908,385	\$	412,338.61	\$ 410,717.92	99.61%
Oct '15	9312	\$	77,527,270	Oct '15	10478	\$ 91,780,730	\$	472,752.69	\$ 469,823.23	99.38%
Nov 115	7855	\$	68,074,597	Nov '15	6934	\$ 61,077,629	\$	315,688.16	\$ 314,019.44	99.47%
Dec '15	8169	\$	71,274,565	Dec '15	7867	\$ 71,447,348	\$	368,323.28	\$ 365,624.34	99.27%
Jan '16	7843	\$	71,771,241	Jan '16	7163	\$ 68,220,336	\$	351,434.02	\$ 350,378.02	99.70%
Feb <b>'16</b>	7118	\$	61,857,243	Feb '16	8821	\$ 80,914,211	\$	416,482.99	\$ 414,980.17	99.64%
Mar <b>'1</b> 6	10852	\$	89,862,021	Mar '16	7379	\$ 62,092,878	\$	320,535.67	\$ 318,513.22	99.37%
Apr '16	10182	\$	84,564,218	Apr '16			-			
May '16	10377	\$	85,526,118	May '16						
June '16	9599	\$	81,998,908	June '16						
TOTALS:	110538	\$	942,467,161	TOTALS:	78537	\$ 695,372,507	\$	3,584,364.29	\$ 3,568,069.77	99.55%

Note: Final results for the 2015-16FY will not be confirmed until mid-July 2016.

Note: Projections rendered for budgetary purposes prior to adoption of the 2015-16FY Budget.

### Fire Districts' Annual Bills Only:

2015 Beginning Charge: \$8,048,205.37 2014 Beginning Charge: \$6,647,689.05 Discoveries & Imm. Irreg.: \$18,633.44 Discoveries & Imm. Irreg.: \$15,458.62 Releases & Refunds: (\$69,245.82)Releases & Refunds: (\$46.132.71) Net Charge: \$7,997,592.99 Net Charge: \$6,617,014.96 Unpaid Taxes: \$253,999.02 Unpaid Taxes: \$214,208,58 Amount Collected: \$7,743,593.97 Amount Collected: \$6,402,806.38 Percentage Collected: Percentage Collected: 96.82% 96.76% Through: 23-Mar-2016

Through: 23-Mar-2015

Respectfully Submitted,

Luke Small Deputy Tax Collector

Darlene Burgess Interim Tax Collector

## HENDERSON COUNTY BOARD OF COMMISSIONERS

I Historic Courthouse Square, Suite 1 Hendersonville, North Carolina 28792 Phone: 828-697-4808 ● Fax: 828-692-9855 www.hendersoncountync.org

THOMAS H. THOMPSON Chairman CHARLES D. MESSER Vice-Chairman

J. MICHAEL EDNEY GRADY H. HAWKINS WILLIAM G. LAPSLEY

April 4, 2016

Darlene Burgess, Interim Assessor HENDERSON COUNTY ASSESSOR'S OFFICE 200 N. Grove Street, Suite 102 Hendersonville, N. C. 28792

Dear Mrs. Burgess:

Attached please find tax release requests in the amount of \$5,324.45 and tax refund requests in the amount of \$3,578.19 reviewed at the Henderson County Board of Commissioners' Meeting on Monday, April 4, 2016. All releases and refunds were approved.

Sincerely,

Thomas H. Thompson, Chairman

Henderson County Board of Commissioners

THT/tlw

enclosures

### REQUEST FOR BOARD ACTION

### HENDERSON COUNTY BOARD OF COMMISSIONERS

**MEETING DATE:** 

**April 4, 2016** 

SUBJECT:

Pending Releases & Refunds

PRESENTER:

Assessor

ATTACHMENT:

Pending Release/Refund Combined Report

SUMMARY OF REQUEST:

The attached pending releases and refunds have been reviewed by the Interim Assessor and as a result of that review, it is the opinion of the Interim Assessor that these findings are in order. Supporting documentation is on file in the County Assessor's Office.

These pending release and refund requests are submitted for the approval by the Henderson County Board of Commissioners.

Type:

Amount:

Total Taxes Released from the Charge

\$ 5,324.45

Total Refunds as a Result of the Above Releases

\$ 3,578.19

Faithfully Submitted,

Darlene Burgess

Dareine

Interim Assessor

BOARD ACTION REQUEST: Consent Approval Requested

Suggested Motion: "I move the Board approve the Combined Release/Refund Report

as presented."

STTUS ADDRESS 305 THOMPSON ST UNINCORPORATED
PINE LAKE
ETOWAH NC 28729
0 NO ADDRESS
ASSIGNED HENDERSONVILLE NO
28792
406 LAMP POST DR
ZIRCONIA NC 28790
Out of the contract of the con
O NO ADDRESS ASSIGNED
HENDERSON COUNTY

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## WARDER FOUNDALL FALLS   W.C. 2019   W.C			REINSTATE TAX EXEMPTION FOR				ASSIGNED ZIRCONIA		LATE LIST FEE	\$0.00	\$0.00	\$0.00	\$0.00
### VAMEN NOMES ACCUTION.  **PACE SHOULD WARE SECTION.**  **PA			PARCEL #1017611, PINNACLE FALLS				NC 28790					\$479.70	\$0.00
## PROPERTY OF WINNER ASSOCIATION, AND RECENTING TAX EXCEPTION.  A			A LABGER DARCEL TITLED TO THE					GREEN RIVER		\$74.72	\$0.00	\$74.72	\$0.00
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THIS PERSONAL PROPERTY   TAX			2015 BILL ON MANUFACTURED				ETOWAH NC 28729		LATE LIST FEE	\$0.00	\$0.00	\$0.00	\$0.00
COLLECTION RESERVCH, RELEASE   S1,2000    S1333   CLOMBARDO   HENDERSON COUNTY   TAX   S12.4   S10.00   S10.00   S10.00   S10.00   S13.3   CLOMBARDO   HENDERSON COUNTY   TAX   S12.4   S10.00   S10.00   S10.00   S10.00   S13.3   CLOMBARDO   HENDERSON COUNTY   TAX   S12.4   S10.00			THIS PERSONAL PROPERTY					ETOWAH-	TAX	\$75.60	\$0.00	\$75.60	\$0.00
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ABSTRACT			HOME HAS BEEN GONE AND WAS						TOTAL	67.04	00.04	\$7.09	\$0.00
COLLECTION RESEARCH. RELEASE         (\$1,900)         3335         CLOMBARDO         HENDERSON COUNTY         TAX         \$8.78         \$1.00           BILLS ON PERSONAL PROPERTY         NC         LATE LIST FEE         \$0.08         \$0.00           1972 12 X 56 MANUFACTURED         NC         TOTAL:         \$0.00           HOME FOR YEARS 2008-2015. PER         POWE TITLE         \$0.00           HOME FOR PERJAL MAPS MANUFACTURED         HOME FIRE         \$0.00           HOME HAS BEEN GONE AND WAS         LATE LIST FEE         \$0.01           JUNKED.         TOTAL:         ABSTRACT			JUNKED.								ABSTRACT	\$12.25	\$0.00
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NC	2446161-2010-2	2010-0000	COLLECTION RESEARCH. RELEASE	(\$1,900)	3335	CLOMBARDO	HENDERSON COUNTY	COUNTY	1	\$8.78	\$0.00	\$8.78	\$0.00
MOUNTAIN TAX \$1.81 \$0.00 HOME FIRE LIST FEE \$0.18 \$0.00 TOTAL: ABSTRACT \$			BILLS ON PERSONAL PROPERTY				2		-	\$0.00	00.04	\$0.00	\$0.00
HOME FIRE 10.18 \$0.00 TOTAL: ABSTRACT S			HOME FOR YEARS 2008-2015. PER					MOUNTAIN	TAX	\$1.81	\$0.00	\$1.81	\$0.00
TOTAL: ABSTRACT S			2007 AERIAL MAPS MANUFACTURED					HOME FIRE		9		0,01	4
ABSTRACT			HOME HAS BEEN GONE AND WAS						LATE LIST FEE	\$0.18	\$0.00	\$0.18	\$0.00
			JONNED.								ABSTRACT	\$11.65	\$0.00

# NCPTS Pending Release/Refund Report. Wednesday, March 23, 2016\*

	REFUND	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	00 00	00.04	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	20.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	53,578,19
	RELEASE	\$9.24	\$0.92	\$10.16	\$1.89	\$0.19	\$2.08	\$12.24	40 24	40 00	\$10.16	\$1.89	\$0.19	\$2.08	\$12.24	\$8.73	\$0.87	29.60	\$1.79	\$0.18	\$1.97	\$11.57	¢8 73	\$0.87	\$9.60	\$1.79	\$0.18	\$1.97	\$11.57		\$8.73	\$0.87	\$9.60	\$2.04	\$0.20	\$2.24	\$11.84	\$95.61	\$5,324,45
	PAID	\$0.00	\$0.00		\$0.00	\$0.00		ABSTRACT	TOTAL:	\$0.00	2	\$0.00	\$0.00		ABSTRACT TOTAL:	\$0.00	\$0.00		\$0.00	\$0.00		ABSTRACT	\$0.04F.	\$0.00		\$0.00	\$0.00		ABSTRACT	TOTAL:	\$0.00	\$0.00		\$0.00	\$0.00		ABSTRACT	- OTAE:	
	BILLED	\$9.24	\$0.92		\$1.89	\$0.19			49 24	\$0 97	70.04	\$1.89	\$0.19			\$8.73	\$0.87		\$1.79	\$0.18			\$8 73	\$0.87		\$1.79	\$0.18				\$8.73	\$0.87		\$2.04	\$0.20				
	LEVY TYPE	TAX	LATE LIST FEE	TOTAL:	TAX	LATE LIST FEE	OTAL:		X	LATE LIST FFF	TOTAL:	TAX	LATE LIST FEE	OTAL:		TAX	LATE LIST FEE	IOIAL:	TAX	LATE LIST FEE	)TAL:		×	LATE LIST FEE	TOTAL:	TAX	LATE LIST FEE	TOTAL:			TAX	TE LIST FEE	TOTAL:	TAX	LATE LIST FEE	TOTAL:			
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wednesday, March 23, 2016*	2222	(\$1,800)							(\$1,800)							(\$1,700)							(\$1.700)								(\$1,700)							(\$14,600)	(\$810,840)
200		COLLECTION RESEARCH. RELEASE	BILLS ON PERSONAL PROPERTY	1972 12 X 56 MANUFACTURED	HOME FOR YEARS 2008-2015, PER 2007 AERIAL MAPS MANUFACTURED	HOME HAS BEEN GONE AND WAS	JUNKED.		COLLECTION RESEARCH. RELEASE	BILLS ON PERSONAL PROPERTY	1972 12 X 56 MANUFACTURED	HOME FOR YEARS 2008-2015. PER 2007 AERIAL MAPS MANUFACTURED	HOME HAS BEEN GONE AND WAS	JUNKED.		COLLECTION RESEARCH. RELEASE	BILLS ON PERSONAL PROPERTY	19/2 12 A 30 MANUFACTORED	HOME FOR YEARS 2008-2015. PER 2007 AERIAL MAPS MANUFACTURED	HOME HAS BEEN GONE AND WAS	JUNKED.		COLLECTION RESEARCH, RELEASE	BILLS ON PERSONAL PROPERTY	1972 12 X 56 MANUFACTURED	HOME FOR YEARS 2008-2015. PER	HOME HAS BEEN GONE AND WAS	JUNKED.			COLLECTION RESEARCH. RELEASE	BILLS ON PERSONAL PROPERTY	1972 12 X 56 MANUFACTURED	HOME FOR YEARS 2008-2015. PER 2007 AERIAL MAPS MANUFACTURED	HOME HAS BEEN GONE AND WAS	JUNKED.			
Nor is religing Release/ Rejuild Report.	ABSTRACT 0002446161-2011-2011-0000						0002446161-2012-2012-0000														0002446161-2014-2014-0000 C B B H H H H H H H H H H H H H H H H H												OWNER TOTAL:						
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