

## MINUTES

**STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS  
WEDNESDAY, JUNE 19, 2019**

The Henderson County Board of Commissioners met for a regularly scheduled meeting at 9:00 a.m. in the Commissioners' Meeting Room of the Historic Courthouse on Main Street, Hendersonville.

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

Also present were: Finance Director Samantha Reynolds, Director of Business and Community Development John Mitchell, Engineer Marcus Jones, Planning Director Autumn Radcliff, Budget Manager Megan Powell, Construction Manager David Berry, Planner Matt Champion, Capital Projects Manager Thad Ninnemann, Social Services Director Jerrie McFalls, Wellness Clinic Manager Jamie Gibbs, Emergency Management/Rescue Coordinator Jimmy Brissie, Tax Administrator Darlene Burgess, Parks and Recreation Director Carleen Dixon, Major Steve Carter, Recycling Coordinator Christina Brown, Budget Analyst Sonya Flynn, EMS Director Mike Barnett, Project Engineer Natalie Berry & PIO Kathy Finotti – videotaping, Lieutenant Mike Marstellar and Deputy Audrey Sheffield as security.

### CALL TO ORDER/WELCOME

Chairman Hawkins called the meeting to order and 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 Chairman Hawkins.

### COMMUNITY SERVICES AWARD – International Critical Incident Stress Foundation (ICISF)

Jimmy Brissie stated Henderson County Emergency Services is receiving the International Critical Incident Stress Foundation (ICISF) Community Service Award from the 2019 World Congress. This award recognizes outstanding contributions in critical incident stress management and peer support. Ned Fowler and Rick Baker submitted Henderson County for the award without Emergency Services knowledge.

Ned Fowler (Regional EMS Liaison for Mission Health System and instructor for the ICISF) and Rick Baker (a clinician and owner of Responder Support Services) presented the award to the Board of Commissioners on behalf of Emergency Services. Mr. Fowler and Mr. Baker are both part of the leadership of the WNC Peer Support Network, a group that helped guide Emergency Medical Services along this pathway.

Ned Fowler stated the International Critical Incident Stress Foundation's mission is to provide leadership, education, training, consultation, and support services for comprehensive crisis intervention and disaster behavioral health services to the emergency response professions, other organizations, and communities worldwide. Over the past five years the impacts of Critical Incident Stress and PTSD have impacted responders in Western North Carolina and Henderson County has certainly felt those impacts. In response to increasing needs Henderson County Public Safety Leaders, with the full support of County Government officials, launched a response that resulted in the development of a comprehensive, integrated, multi-component staff support system.

Approved: July 10, 2019

In collaboration with the Board of Commissioners, the County Manager, the County Staff Wellness Program, the Western North Carolina Peer Support Network, the Employee Assistance Network and Dr. Sherry Baldwin; the county developed a multi-pronged staff support program and a revised culture within their Emergency Services and Law Enforcement divisions. As a result of these efforts Henderson County established an active Peer Support team comprised of County Staff and public safety partners from local law enforcement as well as fire & rescue departments. They also created a volunteer Chaplaincy program for the Emergency Services Division. And finally, the Board of Commissioners hired two Full-time embedded Behavioral Health Clinicians within the County Wellness Department. These clinician's primary focus is to provide readily accessible, acceptable and affordable counseling and referral services to County Staff including EM, EMS, 911 Communications Center, Sheriff's Office, DSS and Public Health. While one of the clinicians maintains office hours, the second spends time providing resiliency education programs, riding with EMS and law enforcement personnel, and observing in the 911 Communications Center.

Both of the BH clinicians serve as active volunteer members of the regional CISM team, the WNC Peer Support Network. Henderson County Emergency Services has sponsored several ICISF courses to ensure that their Peer Support Team Peers, Chaplains and Clinicians are thoroughly trained in current Individual and Group crisis intervention techniques.

Through the robust and progressive efforts of The Board of Commissioners, Henderson County Emergency Services, the Henderson County Wellness Clinic and the embedded BH clinicians; the culture within Henderson County Emergency Services has changed from the traditional stigma around reaching out for mental health support to a proactive Peer driven program with full access to clinical and spiritual care and support.

Henderson County also extends these peer support resources to neighboring counties and across North Carolina. Several Henderson County Peers and Chaplains responded to assist emergency responders in coastal North Carolina counties impacted by Hurricanes Florence and Michael in 2018.

Every two years the ICISF recognizes an agency for outstanding contributions to their community for critical incident stress management and peer support. This year the ICISF selected Henderson County as the recipient of this prestigious award which was announced at their World Congress in Baltimore during May.

The Community Service Award was presented to the Board of Commissioners on behalf of the Henderson County Peer Support Team, and will be displayed at the Thomas H. Thompson Emergency Services Headquarters.

#### **INFORMAL PUBLIC COMMENT**

1. Bud Werdelin expressed his appreciation to the paramedics and the responders who saved his life during last year's Apple Festival. Everyone in Hendersonville needs to know how wonderful and dedicated this free vital service is to all who reside here. He and his family are deeply indebted to the entire team.
2. Allison Reid would like to see the soccer fields at Jackson Park upgraded and additional fields be made available.
3. Eric Clonch agreed with the Ms. Reid. He is not sure if the Tap Root Farm property is the right location.
4. John DeGelleke finds that promised improvements in the Highway 191 Safety Project were eliminated in the work done at the schools.
5. Cindy Rice is an attorney for the Asheville Airport Authority. The Authority is against the proposed Tap Root Farm project. They feel the project is incompatible with the land use and would like to see the project rejected.

6. Lew Bleiweis, Asheville Airport Director, stated the Airport Authority is against the proposed Tap Root Farm. They feel the project is not the correct land use next to an airport, and will greatly impact the County.
7. Dennis Justice feels Henderson County needs adequate soccer fields. The Board should look at grants and upgrade the current fields. New recreational fields are needed in Fletcher.

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

*Chairman Hawkins made the motion to approve Consent Agenda pulling the Approval of Rezoning Application #R-2018-09 for brief discussion. 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):

June 3, 2019 - Regularly Scheduled Meeting

Motion:

*I move the Board approves the minutes of June 3, 2019.*

#### **Tax Collector's Report**

Deputy Tax Collector Luke Small had presented the Tax Collector's Report to the commissioners dated June 6, 2019 for information only. No action was necessary.

#### **2019.55 Budget Amendment – Detention Center Fire Alarms**

The Board is requested to approve a Budget Amendment, transferring \$82,915 from Planned Projects to the Capital Project Fund. These monies will be utilized to pay for fire alarms in the Detention Center, originally approved by the BOC in January 2019. Because the project will be completed in FY20, the request to move the funds is being made to span the fiscal year.

Motion:

*I move the Board approves the Budget Amendment as presented, transferring funds from Planned Projects to the Capital Project Fund.*

#### **2019.56 Budget Amendment – Library Roof**

The Board is requested to approve a Budget Amendment, transferring \$216,302 from Planned Projects to the Capital Project Fund. These monies will be utilized to pay for the Main Library Roof Replacement. Because the project will be completed in FY20, the request to move the funds is being made to span the fiscal year.

Motion:

*I move the Board approves the Budget Amendment as presented, transferring funds from Planned Projects to the Capital Project Fund.*

#### **2019.57 Approval of Rezoning Application #R-2018-09 Laughter, Residential One (R1) to Regional Commercial (RC) – pulled for brief discussion**

Rezoning Application #R-2018-09 was initiated on December 27, 2018 and requests that the County rezone approximately 6.06 acres of land from Residential One (R1) to Regional Commercial (RC). The acreage consists of 4 parcels. The property owners include Shane and Kelly Laughter, SE Johnston III, Phillip Gilliam, and Timothy Johnston. Shane Laughter is serving as agent.

On May 6, 2019 the Board of Commissioners held a public hearing on the rezoning application that met the public notice requirements. After taking public comment, the Board closed the hearing and upon discussion of the application, voted to table the application decision until after the Tap Root Farm hearing

on June 3<sup>rd</sup>.

Commissioner Lapsley noted the Board of Commissioners had discussed the Rezoning Application at a previous meeting and further discussion was not necessary.

*Commissioner Lapsley made the motion that the Board approves rezoning application #R-2018-09 to rezone the Subject Area to a Regional Commercial (RC) zoning district based on the recommendations of the Henderson County Comprehensive Plan; and further move that the Board approves the resolution regarding the consistency with the CCP. All voted in favor and the motion carried.*

#### **Board of Elections Lease**

The Henderson County Board of Elections is located in a building leased by the County and owned by Billy Pace LLC. The lease for the property expires at the end of June 2019.

Staff has negotiated a renewal of the current lease for a period of ten years. The property is proposed to be leased for the same amount as the previous agreement, with the addition of an amount equivalent to the total property tax owed during the term of the lease.

The proposed agreement is for \$54,000 per year, plus the amount of ad valorem real property taxes owed the County each year, for 9,367 sq. ft. of commercial space.

Motion:

*I move that the lease with the Billy Pace LLC be approved and direct staff to execute the contract.*

#### **2019.58 Letter of Support / Village of Flat Rock – Highland Lake**

On behalf of the Village of Flat Rock, a letter was received from Mayor Robert Staton requesting support of the County to change the impoundment of water located within the Village of Flat Rock that is historically known as Highland Lake. The lake was identified in 1965 and later editions of U. S. Geological Survey topographic maps as Madonna Lake.

The Village of Flat Rock has applied to the U.S. Board of Geographic Names for a change in the records of the U.S. Geological Survey to reflect the historic and current name of the lake as Highland Lake.

Motion:

*I move that the Board approves the letter of support to the Executive Secretary for Domestic Geographic Names in favor of identifying the impoundment of water as Highland Lake in the U.S. Geological Survey topographic maps.*

#### **2019.59 Resolution of Support – Community Action Opportunities**

The County has received communication from the Governor's Office that Community Action Opportunities has been designated as the eligible entity to provide block grant funding services in Henderson County. The agency previously designated as such was WCCA who relinquished that roll effective June 30, 2019.

The Henderson County Board of Commissioners is requested to adopt the attached Resolution in support of Community Action Opportunities and to approve the filing of a funding application by this organization. This action has no financial impact to Henderson County and no county dollars are used for the block grant program.

Motion:

*I move that the Board adopts the Resolution in support of Community Action Opportunities.*

#### **Public Record Disposal Request – EMS**

Emergency Medical Services wishes to dispose of the July 1<sup>st</sup> 2006 through June 1<sup>st</sup> 2008 Ambulance Call Reports. The eleven year period for retention required by the North Carolina Department of Cultural Resources has expired. Ambulance Call Reports which include minors and/or disabled patients will not be destroyed. EMS also wishes to dispose of the DEA Controlled Medication records created prior to June 1<sup>st</sup> 2017. The two year period for retention required by the US Department of Justice has expired.

Motion:

*I move the Board approves the disposal of the Ambulance Call Reports and the DEA Controlled Medication records.*

#### **2019.60 Budget Amendment – Sheriff's Office Vehicles**

The Board is requested to approve a Budget Amendment, transferring \$327,218 from the Sheriff's Office to the Capital Reserve Fund. These monies will be utilized to pay for vehicles which were ordered in FY19 but have not been received yet due to vendor delays. Once the vehicles are received, staff will bring back a budget amendment for the Board's consideration moving the funds to the Sheriff's budget.

Motion:

*I move the Board approves the Budget Amendment as presented, transferring funds from the Sheriff's Office to the Capital Reserve Fund.*

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

*Chairman Hawkins made the motion to adopt the discussion agenda as presented. All voted in favor and the motion carried.*

#### **NOMINATIONS**

##### **Notification of Vacancies**

1. Asheville Regional Housing Consortium – 1 vac.
2. Child Protection and Fatality Prevention Team – 1 vac.
3. Mountain Valleys Resource Conservation and Development Program – 1 vac.
4. Nursing/Adult Care Home Community Advisory Committee – 1 vac.

##### **Nominations**

Chairman Hawkins recognized the vacancies and opened the floor for nominations.

#### **1. Asheville Regional Housing Consortium – 1 vac.**

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

#### **2. Blue Ridge Community College Board of Trustees – 2 vac.**

Commissioner Lapsley nominated Nathan Kennedy for position #2 and Kelly Leonard for position #4. *Chairman Hawkins made the motion to accept the reappointments of Nathan Kennedy to position #2 and Kelly Leonard to position #4 by acclamation. All voted in favor and the motion carried.*

#### **3. Cane Creek Water and Sewer District Advisory Committee – 6 vac.**

Commissioner Messer nominated Richmond Meadows for position #2, John Davis for position #3, Jerry David for position #4, Hugh Clark for position #5 and Billy Johnston for position #7. *Chairman Hawkins made the motion to accept the reappointments of Richmond Meadows to position #2, Jeff Young to position #3, Jerry David to position #4, Hugh Clark to position #5 and Billy Johnston to position #7 by acclamation. All voted in favor and the motion carried.*

#### **4. Environmental Advisory Committee – 4 vac.**

Commissioner McCall nominated Graydon Nance for position #6, John Harrison to position #4 and Raymond Savage to position #8. *Chairman Hawkins made the motion to accept the appointments of Graydon Nance to position #6, John Harrison to position #4 and Raymond Savage to position #8 by acclamation. All voted in favor and the motion carried.*

**5. Fire and Rescue Advisory Committee – 2 vac.**

Commissioner Edney nominated John Cudd for position #3 and Justin Blythe for position #4. *Chairman Hawkins made the motion to accept the reappointments of John Cudd to position #3 and Justin Blythe to position #4 by acclamation. All voted in favor and the motion carried.*

**6. Henderson County Board of Health - 3 vac.**

Commissioner Lapsley nominated Dr. George Richards for position #2, Graham Fields for position #9, and Dr. David Ellis for position #11. *Chairman Hawkins made the motion to accept the reappointments of Dr. George Richards to position #2, Graham Fields to position #9, and Dr. David Ellis to position #11 by acclamation. All voted in favor and the motion carried.*

**7. Henderson County Historic Courthouse Corporation dba/Heritage Museum – 4 vac.**

Commissioner Messer nominated Sheila Kelly for position #3, Barbara Lackey for position #8 and James Toms for position #9. *Chairman Hawkins made the motion to accept the reappointments of Sheila Kelly to position #3, Barbara Lackey to position #8, and James Toms to position #9 by acclamation. All voted in favor and the motion carried.*

**8. Henderson Tourism Development Authority – Chair Appointment**

Chairman Hawkins nominated Deborah Smith as Chair for the Henderson Tourism Development Authority. *Chairman Hawkins made the motion to accept the appointment of Deborah Smith as Chair by acclamation. All voted in favor and the motion carried.*

**9. Hendersonville City Zoning Board of Adjustment – 3 vac.**

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

**10. Historic Resources Commission – 3 vac.**

Commissioner Messer nominated Stephen Fosberg for position #2, Bette Carter to position #6 and Ronald Schultz for position #8. *Chairman Hawkins made the motion to accept the reappointments of Stephen Fosberg to position #2, Bette Carter to position #6, and Ronald Schultz to position #8 by acclamation. All voted in favor and the motion carried.*

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

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

**12. Jury Commission – 1 vac.**

Chairman Hawkins nominated Leslie Coker for position #1. *Chairman Hawkins made the motion to accept the reappointment of Leslie Coker to position #1 by acclamation. All voted in favor and the motion carried.*

**13. Juvenile Crime Prevention Council – 11 vac.**

Commissioner McCall nominated Rodney Wesson for position #5, Kevin Marino for position #7, Emily Cowen for position #14, John Avery for position #20, Mary Murray for position #22, Michael Gannon for position #23, and Lee Bradley for position #25. *Chairman Hawkins made the motion to accept the reappointments of Rodney Wesson to position #5, Kevin Marino to position #7, Emily Cowen to position #14, John Avery to position #20, Mary Murray to position #22, Michael Gannon to position #23 and Lee Bradley to position #25 by acclamation. All voted in favor and the motion carried.*

Commissioner McCall nominated Richard Simpson for position #3. *Chairman Hawkins made the motion to accept the appointment of Richard Simpson to position #3 by acclamation. All voted in favor and the motion carried.*

**14. Library Board of Trustees – 3 vac.**

Chairman Hawkins nominated Susan Williams for position #2. *Chairman Hawkins made the motion to accept the reappointment of Susan Williams to position #2 by acclamation. All voted in favor and the motion carried.*

**15. Mountain Area Workforce Development Board – 2 vac.**

Commissioner Messer nominated Graham Fields for position #5. *Chairman Hawkins made the motion to accept the reappointment of Graham Fields to position #5 by acclamation. All voted in favor and the motion carried.*

**16. Nursing/Adult Care Home Community Advisory Committee – 9 vac.**

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

**17. Senior Volunteer Services Advisory Council – 3 vac.**

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

**18. Social Services Board – 1 vac.**

Commissioner Edney nominated Jennifer Hensley for position #1. *Chairman Hawkins made the motion to accept the reappointment of Jennifer Hensley to position #1 by acclamation. All voted in favor and the motion carried.*

**CONTINUED DISCUSSION ON REZONING APPLICATION #R-2019-10C, TAP ROOT FARMS, REGIONAL COMMERCIAL (RC) TO RESIDENTIAL ONE CONDITIONAL DISTRICT (R1-CD)**

Chairman Hawkins was recused from discussion and voting due to a conflict.

Vice-Chairman Lapsley stated the application was submitted to the Planning Board in January. The Board of Commissioners has received many emails, calls, letters and comments. The Public Hearing has been closed and this meeting will include discussion by the Board only.

Rezoning Application #R-2018-10-C was initiated on December 27, 2018 and requests that the County conditionally rezone approximately 286 acres of land from Regional Commercial (RC) to a Residential One Conditional District (R1-CD). The project consists of 3 parcels located off Butler Bridge Road with a total acreage of 319.66 acres. The proposed rezoning does not include approximately 33.66 acres located directly adjacent to Butler Bridge Road. The property owner is Tap Root Farms, LLC. Mr. Ken Jackson is the applicant.

The applicant is proposing a residential development with a total of 1,078 units consisting of single-family homes and townhomes (no apartments are proposed). The development is required to be approved as a conditional rezoning due to the number of units proposed. Conditional rezoning allows for the Board of Commissioners to place conditions on the property to address community concerns and increase the proposed development's compatibility with adjacent uses.

The Board of Commissioners held a public hearing on June 3<sup>rd</sup>, 2019 which met the legal notice requirements. The Board closed the hearing and discussed several potential conditions if approved. After asking several questions of the applicant, the Board tabled the discussion until the June 19<sup>th</sup> meeting. The Board stated that no additional public input would be allowed at the June 19<sup>th</sup> meeting but questions to staff or the applicant may be requested.

County Attorney Russ Burrell and Vice-Chairman Lapsley met with the applicant's attorney to discuss issues, and many changes have been made.

- 1) The townhomes close to I-26 have been removed, reducing units.
- 2) Adequate parking for visitors / several off-street parking lots have been added in the Townhome area adding ½ space per unit.
- 3) Size of Lots on the west side have been enlarged about 10-15% for each lot, reducing density.

**GENERAL CHARACTERISTICS**

The following conditions are in addition to and intended to supplement the approved site plan and the Henderson County Land Development Code (herein "Henderson County LDC"). In case of any conflict between this document, the LDC, and the site plan, the approved site plan will control. To the extent that

any specification or development standard has been omitted from or is not addressed in the site plan or this document, the presumption is that the standard or specification in the LDC shall apply.

1. The Subject Property consists of 297 acres located on Butler Bridge Road in Henderson County (PINs: 9652-03-1362, 9642-82-3681, 9642-84-4544). The Subject Property consists of two tracts, shown as Tract 1 and Tract 2 on the site plan. The subject property is to be purchased in two (2) separate tracts with Tract 1 being first and then Tract 2.
2. The subject property is rezoned from RC to R-1 (CD)
3. Size and Scope of project (numbers are approximate, subject to confirmation when site plan is final):
  - a. Size of project: 297 acres.
  - b. As shown on the site plan: Maximum of 891 total residential units, including 483 single family homes and 408 town homes; Single family lot sizes shall be a minimum of 7,100 SF for at least 366 lots (75%) of the total single family lots on the subject property. All buildings to have a minimum 20 foot separation.
  - c. Overall project density will not exceed 3.0 units per acre, including floodplain, greenway easements, or other open space areas proposed for conveyance to County or third party conservation organization.
4. I-26 and outer boundary of project: All buildings must maintain 50 foot minimum setback from the I-26 right of way; no landscape buffer required along outer project boundary.

#### STREETS, TRAFFIC AND PARKING

5. Sidewalks not less than 5 feet in width shall be installed on at least one side of each roadway within the development, with a planted strip at least 2 feet in width between sidewalk and curb.
  6. Interior roads – build to Henderson County design standards for residential subdivisions; minimum roadway width of 27 feet including 2' valley curb & gutter. The central “spine” road will have a central planted median, with paved surface of 14' minimum paved lanes and 30" curb and gutter, and will be built to NCDOT standards with 60 foot road right of way; no pervious pavement required within the development.
  7. Traffic Impacts on Butler Bridge Road - Adhere to all recommendations of Traffic Impact Analysis approved by NCDOT. All NCDOT- required improvements must be complete not later than the completion of construction of 50 % + 1 of the total units in Tract 1, unless NCDOT directs otherwise. However, entrance improvements for Tract 1 shall be completed before a certificate of occupancy is issued for any structure in Tract 1. Entrance improvements for Tract 2 shall be completed before a certificate of occupancy is issued for any structure in Tract 2.
  8. Off-street parking: each unit shall have sufficient off street parking for at least two automobiles. An additional 204 off-street spaces (.5 space per townhome unit) shall be provided as follows: 131 spaces in the townhome area, and 73 spaces in the clubhouse area, with locations as shown on the site plan.
- On-street Parking. Within the single family area, on-street parking shall be allowed on only one side of the street.

No on-street storage of boats, campers, recreational vehicles, or trailered apparatus.

#### INFRASTRUCTURE

9. Stormwater drainage facilities shall be built to NCDOT design standards for residential subdivisions; No standing water detention facilities allowed, only subsurface.
10. Fire hydrant locations shall be provided per Henderson County fire standards within development and be approved by the Fire Marshall and indicated on the development map.
11. Subsurface utilities are required for the townhome sections.

#### LANDSCAPING, OPEN SPACE and AMENITIES

12. Landscaping---including street trees, buffers, and natural areas---will be provided as required by the Henderson County LDC and noted on Master Plan
13. Greenway:  
A permanent easement will be reserved along the French Broad River for use by the County as a



greenway, in the approximate location shown on the site plan. The easement will be 50 feet in width where not restricted by topography or individual lot ownership, but in no case may the easement be less than 20 feet in width. Lots that adjoin the greenway may be smaller than standard in order to accommodate the greenway. This easement shall not be defeasible. Lots abutting the proposed future public greenway shall execute a disclosure statement.

Other greenways and trails shall be as shown on the site plan.

14. Open Space:

- a. The applicant will set aside approximately 121 acres of the Subject Property as open space. 10% of the total area in the townhome section shall be open space.
- b. Open space areas (approximate size and location) shall be shown on the site plan. These areas shall be designated and (where applicable) dedicated for each phase of the project as plats are recorded. The open space does not have to be owned by the HOA, but can be held by an individual, organization or non-profit or the County, subject to restrictions to prevent development.
- c. Not later than the completion of construction of 50 % + 1 of the total units in Tract 1 of the project, a portion of the floodplain area shall be conveyed to the County for use as athletic fields or for passive recreation, and associated facilities. The approximate location of this area is shown on the site plan. Access to this area shall be via the central spine road. The greenway area provided for in Section 14, above, shall also be conveyed to the County. The exact location & size of these area(s) shall be approved by the County. The developer shall prepare and deliver to the County a properly prepared survey plat. The County will cover all closing costs. The Developer (land owner) shall provide a clear & unencumbered title to the property shown on the plat. A minimum 60 foot wide roadway easement shall be provided to the public across the main access road Tract 1 in the subdivision, and across any open space area necessary to access the property to be transferred to the County.

The combined area shall be at least 75 acres. Following conveyance of these areas, applicant shall have no further responsibility for these areas.

15. Resident amenities:

- a. Central amenity area measuring at least 2.5 acres, including: (1) Olympic size swimming pool, with smaller splash pool; (2) clubhouse with restrooms and meeting space with tables, chairs, and restroom facilities; (3) patio/deck area with tables and chairs; (4) playground with equipment; (5) pickleball courts. Other amenities include playgrounds dispersed through the site, and a trail system as shown on the site plan, with benches and viewing platforms. A comprehensive list of resident amenities, with details as to size and function, is attached as Schedule A.
- b. Amenity Areas shall be constructed and open to residents (transferred to HOA or third party organization) not later than the completion of construction of 50 % + 1 of the total units in Tract 1 of the project.

AIRPORT

16. Attached as Exhibit "A-1" is an exemplar airport disclosure statement to be executed in substantially identical form (with correct reference to this subdivision) by each Grantee of property within the subject property.

STANDARD CONDITIONS

17. Street lighting: Lighting will be installed in accordance with the following:
  - Light Level - .5 fc average with 4-6 Avg/Min uniformity (or compliant with current IES/ANSI standards for residential street lighting - reference RP-8-18)
  - Pole Mounting Height - Max 25 ft (spacing dependent on design layout to meet recommended light level)

- Pole Material - Aluminum or Concrete preferred (optional, I included this because paint on steel poles starts to peel and fade over time)
  - B-U-G Rating (Back-Up-Glare) - Not to exceed B2-U0-G2 (B1-U0-G1 preferred) Light Source - LED, 3500K or 4000K Color Temp (not to exceed 4000K)
18. Street Trees—Street trees shall be installed per Henderson County LDC requirements, using County-approved species.
  19. Building Code - Builder/ Developer to adhere to Henderson County LDC whenever it exceeds the NC Building Code requirements.
  20. Except as shown on the site plan, there must be a minimum separation of 20 feet between buildings in the townhome area.
  21. Submit and receive approval of a water utilities plan to the City of Hendersonville and comply with City of Hendersonville regulations.
  22. Submit and receive approval of a sewer utilities plan to the Cane Creek Sewer District and provide proof of MSD allocation.
  23. Apply for and receive a swimming pool permit from the Henderson County Department of Public Health Division of Environmental Health prior to the pool construction.
  24. Submit for prior approval all building plans for all structures to the County Inspections Department.
  25. Apply for a floodplain, stormwater, and soil erosion permit from the County for each phase of development.
  26. Require cluster mailboxes per the standards and requirements of the USPS and identify on the site plan an area with appropriate vehicle access and parking.
  27. Apply for and execute an encroachment agreement with NCDOT for utility work within the right of way of Butler Bridge Road and I-26.
  28. Apply for and receive a NCDOT driveway permit and comply with all required road improvements identified by the TIA and NCDOT.
  29. Pay in full all fees for permits, as each fee is assessed or becomes due.
  30. Per Chapter 42 of the Henderson County Code, the approval authority for each phase of the project is delegated to the Henderson County Planning Board.
  31. The County shall retain the right to suspend construction and the issuance of building permits if the developer is found by the County to be in noncompliance with any one of the conditions imposed on the Tap Root Project by the Board of Commissioners.

#### REQUIREMENT FOR HOME OWNERS ASSOCIATION and RESTRICTIVE COVENANTS

Applicant is responsible for implementing the development plan and maintaining compliance with all of the conditions set out herein, all of the features of the approved site plan, and all applicable provisions of the Henderson County LDC to the extent not waived or modified herein.

Applicant has elected to carry out some of its responsibilities through a home owners association (HOA), and the use of private restrictive covenants, as allowed by the Henderson County Code. The forms of the organizational documents and bylaws for the HOA, as well as the restrictive covenants, and other documents governing the operation of the HOA and the project (herein collectively "HOA documents") are attached hereto as Exhibits B, C and D, and have been reviewed by the County Attorney as to their legal sufficiency to satisfy this limited purpose. To this end, the County reserves the right to review any amendment or revision to the HOA documents prior to its effectiveness to ensure continued compliance with this conditional zoning ordinance, and other applicable County ordinances. County approval is not required.

Failure to comply with any of the provisions of this conditional zoning ordinance or the Henderson County LDC, or other applicable provisions of the County ordinances, shall subject the applicant or its successors to penalties at law or in equity as provided for in the Henderson County LDC, other County

ordinances, or North Carolina law, including repeal or amendment to this conditional zoning ordinance.

Bob Oast, Attorney for the applicant, stated the applicant is in agreement with all but setbacks. He requested the Board table a decision until the next Board meeting in order to allow time for the applicant to access the impact of the setbacks.

Vice-Chairman Lapsley stated tract 1 of the project could be completed with tract 2 of the project not happening. The agreement does not require both tracts. Any changes must come back to the Board of Commissioners for approval.

Commissioner Edney questioned the open space and questioned if the County should construct in the floodway. He is concerned about building soccer fields only to have them flooded. The expense would come with upkeep of the fields.

Staff was directed to review the open space usability.

*Vice-Chairman Lapsley made the motion to table further discussion to a future date to be determined. All voted in favor and the motion carried.*

During break the Board was polled and the July 19<sup>th</sup> meeting would be rescheduled to July 10<sup>th</sup> and include further discussion of Rezoning Application #R-2018-10C.

Community Code: \_\_\_\_\_ Lot # \_\_\_\_\_

Purchaser Last Name: \_\_\_\_\_ / Community Name: \_\_\_\_\_ / Lot # \_\_\_\_\_ / Address: \_\_\_\_\_

Sales Rep: \_\_\_\_\_ / Date: \_\_\_\_\_

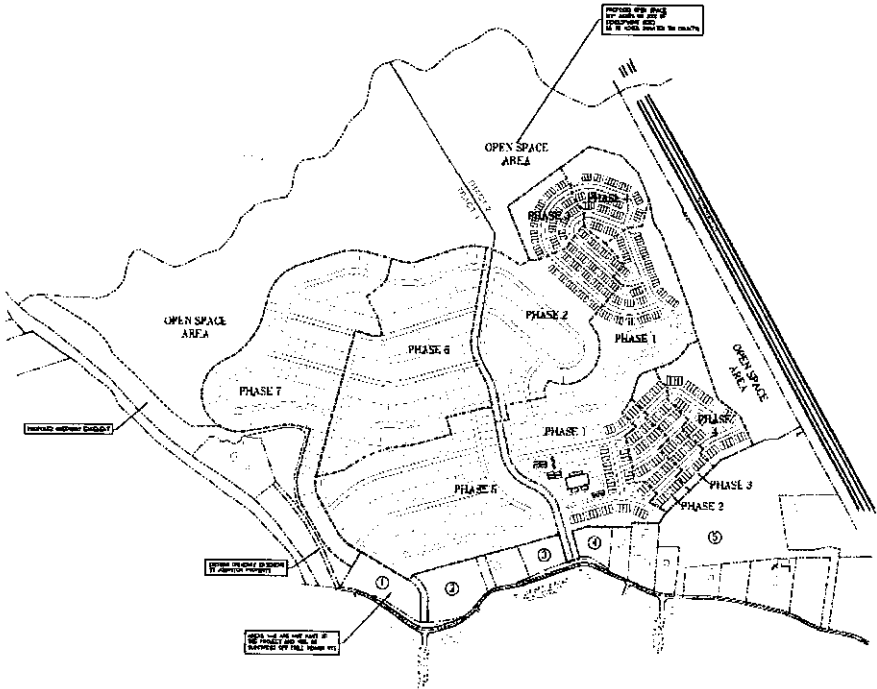
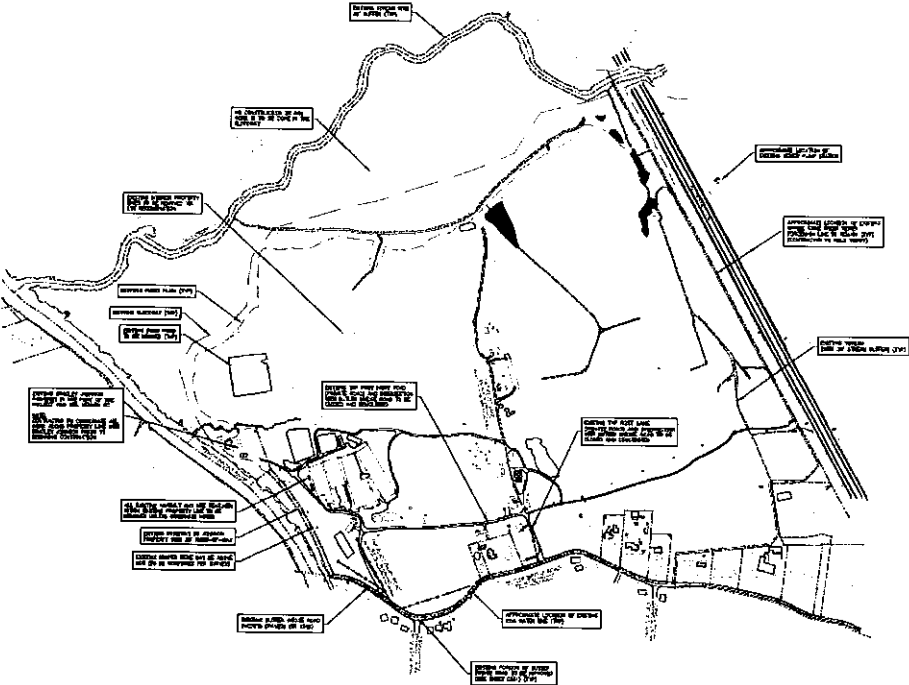
**ADDENDUM  
DISCLOSURE AND ACKNOWLEDGEMENT REGARDING AIRPORT NOISE**

This ADDENDUM is attached to and made a part of that HOME PURCHASE AGREEMENT (the "Agreement") between D. R. Horton, Inc., as "Seller," and \_\_\_\_\_, as "Purchaser," regarding that parcel of real estate located in Wilson County, North Carolina (the "County"), briefly described as Lot \_\_\_\_\_, Jetstream Park (the "Subdivision"), according to plat of survey thereof, and referred to in the Agreement as the "Lot" or "Property". All terms defined in the main text of the Agreement shall have the same meanings when used in this Addendum. Notwithstanding any other provision of the Agreement, Seller and Purchaser agree as follows:

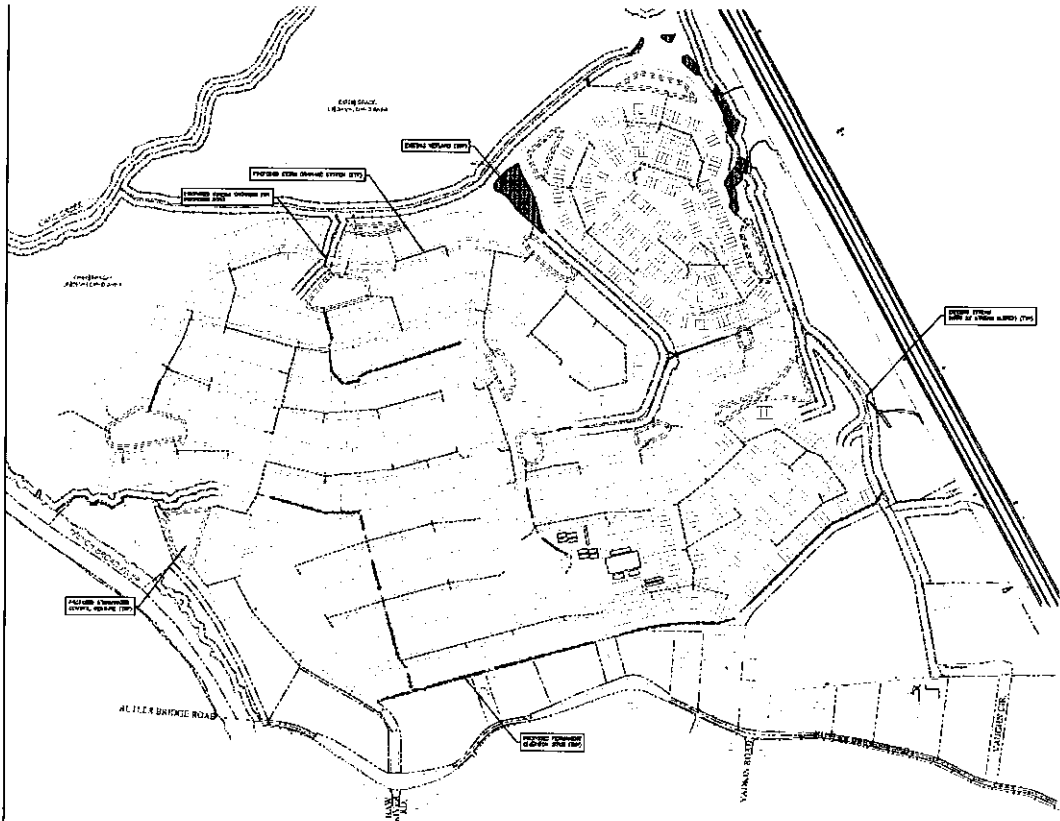
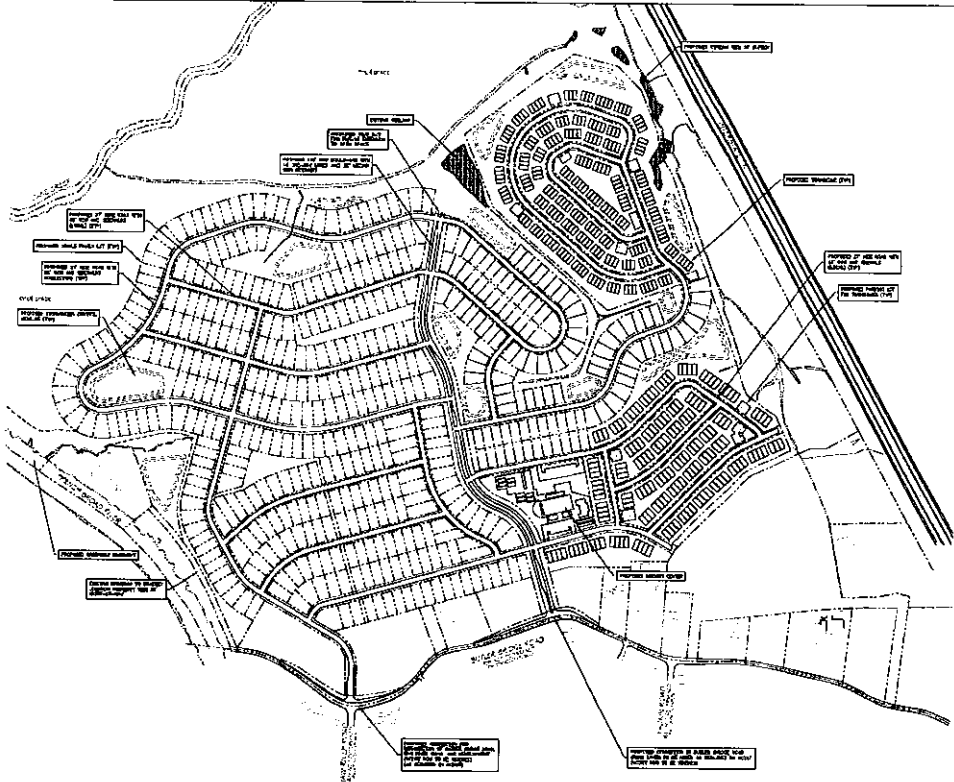
- In the event of a conflict between the terms and provisions of the main text of the Agreement and the terms and provisions of this Addendum, the terms and provisions of this Addendum shall control.
- Seller has disclosed to Purchaser and Purchaser acknowledges the following:
  - The Subdivision and the Property are located near or within the general area surrounding Wilson Industrial Air Center Airport (the "Airport"). Purchaser understands that the Property may be in daytime and nighttime flight paths of aircraft on a regular, recurring basis and within an area that is subject to average aircraft noise levels which exceed typical ground-based, or background, noise. Purchaser should satisfy himself and/or herself as to the exposure to such flight paths and noise and the effect that such flight paths and noise may have on his/her ability to use and enjoy the Property. Purchaser should satisfy himself and/or herself as to any such restrictions that apply to the Property. **THE AIRPORT MAY ADVERSELY AFFECT THE PURCHASER'S USE AND OWNERSHIP OF THE PROPERTY.** Purchaser(s) Initials: \_\_\_\_\_
- Except as stated in this Addendum, Seller, its officers, directors, employees, agents, parents, subsidiaries, affiliates, heirs, personal representatives, successors and assigns (the "Seller Parties"), are not authorized to make, have not made and do not make any warranties, representations, promises or statements of any kind, whether written or oral, express or implied, with regard to the Lot, the Subdivision, the Airport, either within or without the Lot and/or the Subdivision, or existing or potential effects associated with any of the same (the "Disclosed Matters"). In addition, Purchaser acknowledges that Seller has no duty to update, and will not update, this Addendum or the information contained in this Addendum.
- GENERAL RELEASE. PURCHASER AND PURCHASER'S HEIRS, SUCCESSORS, ASSIGNS AND LEGAL REPRESENTATIVES (THE "PURCHASER PARTIES") HEREBY RELEASE SELLER PARTIES FROM ANY CLAIMS, COMPLAINTS, DEMANDS, LOSSES, COSTS, EXPENSES, INJURIES OR DAMAGES THAT THE PURCHASER PARTIES MAY HAVE THAT ARE IN ANY WAY RELATED TO THE DISCLOSED MATTERS OR THEIR EFFECTS, PRESENT OR FUTURE, AND WHICH MAY IMPACT THE LOT, OR ARE IN ANY WAY RELATED TO THE PROXIMITY OF THE LOT TO THE AIRPORT. IT IS THE SPECIFIC INTENT OF THE PURCHASER PARTIES TO FULLY RELEASE AND DISCHARGE THE SELLER PARTIES FROM ANY AND ALL LIABILITY RELATED TO THE AIRPORT'S EFFECT ON THE LOT OR WITHIN THE SUBDIVISION.**
- Seller shall have no duty to update, and will not update, this Addendum or the information in this Addendum, either prior to or after Closing.

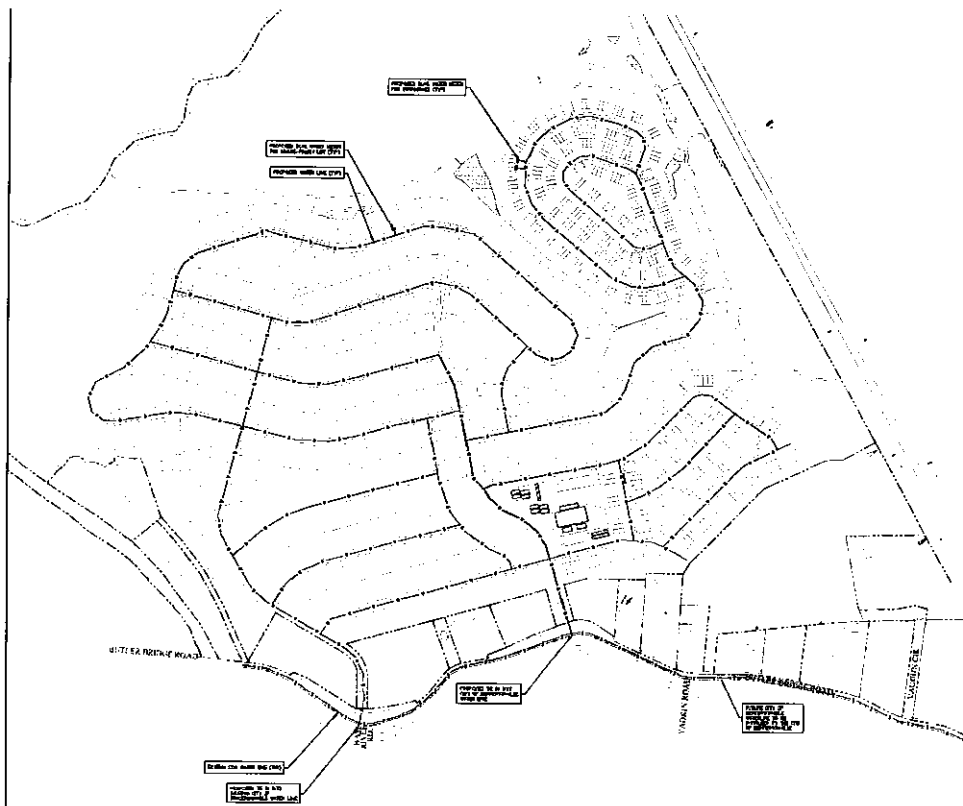
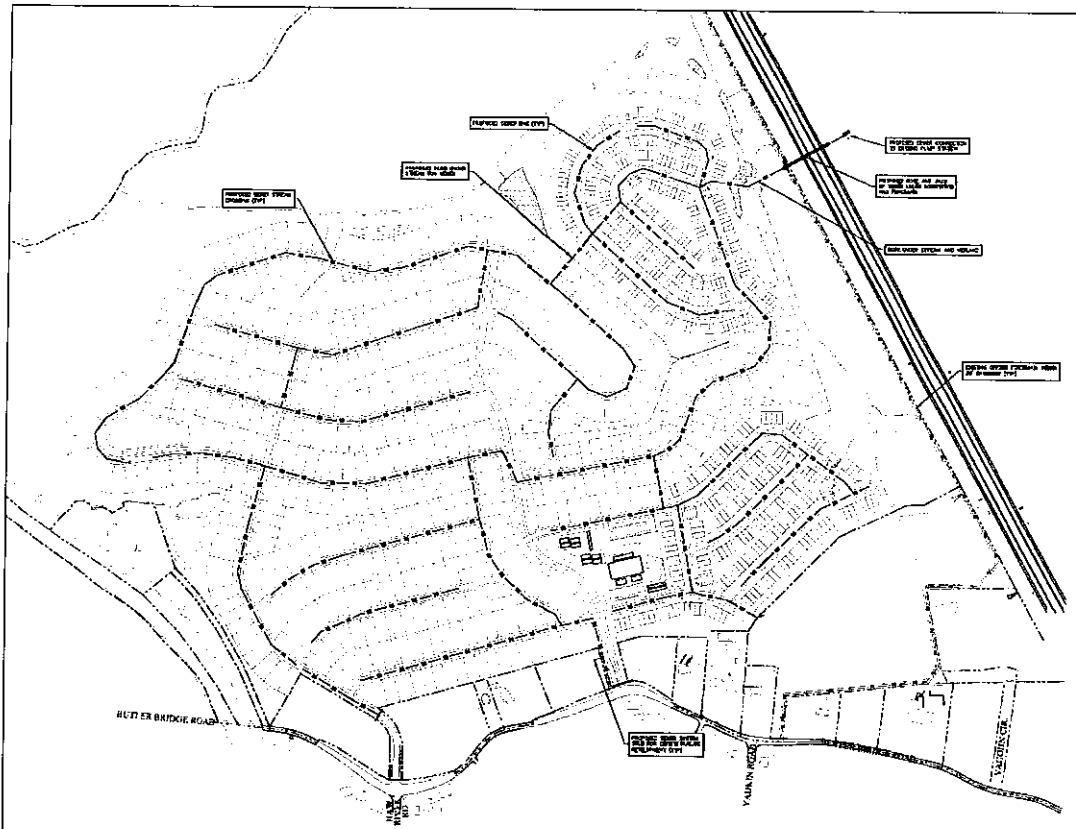
IN WITNESS WHEREOF, THE UNDERSIGNED, HAVING READ AND REVIEWED THIS ADDENDUM, HAVE SIGNED THIS ADDENDUM ON THE DATES SHOWN BELOW.

Purchaser:	Seller:
Purchaser: _____ Date: _____	D. R. Horton, Inc.
Co-Purchaser: _____ Date: _____	By: _____
	Print: _____
	Date: _____



**In the figure above, tract 1 and tract 2 are opposite and marked incorrectly.**





**RECREATION TOURNAMENTS – GATE FEE**

Gate to be charged at Tournaments

Carlene Dixon stated at Jackson Park and Etowah Park we will be hosting tournaments where a gate fee for tournament goers will need to be charged in the amount of \$8.00 per adult, \$6.00 children 6-16 years of age, \$6.00 65 years of age and over, and free for 5 years and under.

Non-tournament users of the park will not be charged.

**June 2018**  
Henderson County Parks & Recreation was able to hold our first Top Gun Softball Tournament at Etowah Park. We want to hold 7 total events throughout the 2018 season.

**November 2018**  
Henderson County Parks & Recreation was given our first invitation to bid on 2019 Top Gun Sports Nationals. This was due to the successful Top Gun Softball held at Etowah Park for the first 7 tournaments with Henderson County.

**December 2018**  
We were awarded the Top Gun Tournament of Champions Events:  
• Softball on June 29-30, 2019  
• Baseball on July 27-28, 2019

**REQUIREMENTS FOR HOSTING A NATIONAL**

**WE MUST PROVIDE**

- FIELDS USE AND PREP
- MEETING SPACE
- AWARDS & TROPHIES
- TOP GUN STAFF HOTEL ROOMS
- STAFF MEAL
- UMPIRE COSTS
- FREE BERTH

**OUR COST RECOVERY**

- GATE FEE TO ENTER PARK
- PROPOSE STANDARD FEE CHARGED AT MOST TOP GUN NC

**Estimated Direct Cost \$5-7k**  
Does not include staff costs and rental fees not received. Estimate can vary greatly based on # of teams that attend.

**GATE FEE**  
Top Gun Sports

- \$8.00 Adult
- \$6.00 Children 6-16 years of age
- \$6.00 65 years of age and over
- Free 5 years and under

Gate Fee ONLY charged to the tournament attendees. Henderson County staff will be stationed to collect gate fees. Measures will be in place to ensure proper handling and deposit.

**Partners**

- Top Gun Sports
- Tourism Development Authority
- Henderson County Public Schools
- Cascades Mountain Resort
- Henderson County Youth Softball

Commissioner Messer questioned concessions and was informed that Henderson County Youth Baseball is given the first opportunity for all concessions.

Commissioner McCall questioned if patrons would receive a ticket for re-entry on the same day. She suggested proper attire and signage during the events.

Carlene Dixon stated re-entry tickets for same day events would be issued, and staff would wear proper attire and signage placed.

County Manager Steve Wyatt asked that information be provided to the public with upcoming events.

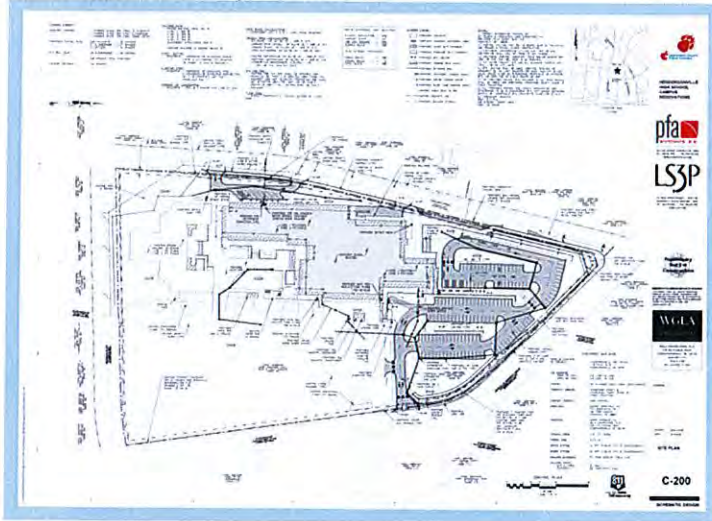
*Commissioner Messer made the motion that the Henderson County Board of Commissioners authorize the Parks and Recreation Staff to charge a gate fee as presented for tournaments, and further moved the Board direct Staff to include the gate fee as presented in the adopted FY20 Fee Schedule. All voted in favor and the motion carried.*

### **CONSTRUCTION PROJECTS UPDATE**

David Berry provided an update to the Board of Commissioners on the status of current construction projects.

3

#### **Hendersonville High School**



David Berry stated at the June 3, 2019 Board meeting, staff brought forward to the Board the GMP #1 for the project. At that time it was approved and staff was given the directive to go to contract with Vannoy Construction. The scope for GMP #1 entails primarily the installs of the necessary sewer and storm water line upgrades, in Oakland Street and Bearcat Boulevard, as well as other utility and minor renovation to the Vocational building. This allows us to get ahead of the curve in regard to the overall construction schedule and also allows us to get the work done while the kids are not in school. We are now under contract, and have had pre-construction meetings with both the contractor (inclusive of staff and HCPS) as well as the separate required pre-construction meeting with the City. Vannoy and their site contractor, Tenoocca Construction, have now mobilized, and all the preliminary safeguards are being installed with actual construction starting next week, and expected to be substantially completed by August 22. Staff is coordinating with the City. During work one lane of Bearcat Boulevard will be closed as needed. Will Buie does not believe the re-routing of water will be an issue.

Steve Wyatt stated use of the Fassifern lot is not in the plan at this time. The School Board has told us it is not needed and the Board will need to consider the future of the lot.

The architects and their mechanical, electrical, and plumbing continue to have ongoing meetings with HCPA, HC staff, and Vannoy Construction in regard to system choices, preferences and affordability within the budget.

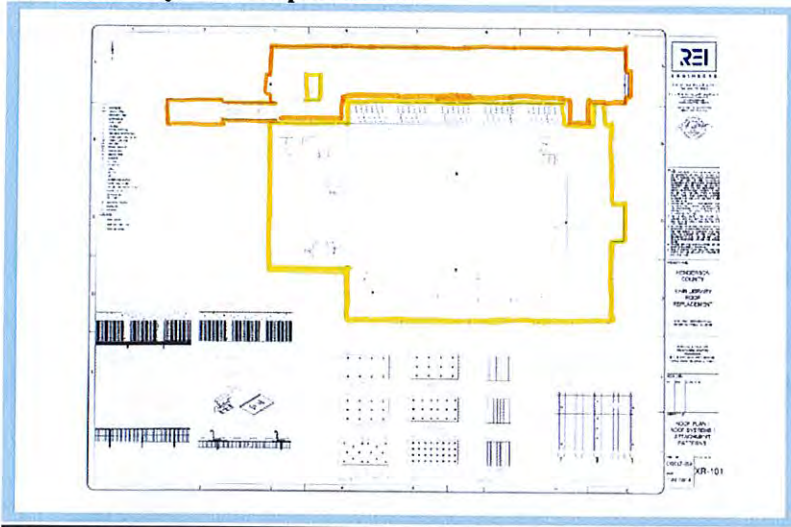
The Neighborhood Compatibility meeting was held on June 11, 2019 whereby the project was reviewed and explained by PFA Architects. The meeting went well with the only concerns generated and being discussed were citizens' concerns during construction. The City Planning Board is scheduled to meet July 8, 2019.



**Flat Rock/Rugby Middle Schools HVAC Replacements, Modifications, and Repairs**

Delta Engineering is currently working on the design for the replacement/repair of the HVAC systems at both facilities. The time table to perform this work is estimated at approximately 13 months total, inclusive of 4-5 months for the design work, which began one month ago. The designs will allow for the work to be performed in phases as to not upset school operations more than necessary. Mr. Berry spoke with Martin Ballard and Joe Capitan yesterday and they will continue to work through various logistics of the designs. It is anticipated that designs will be completed and going to bid for this work in November of this year.

**Main Library Roof Replacement**



The replacement of the roof is a part of the approved capital projects for fiscal year 2018/2019. At the March 4, 2019 Board meeting Phase I of the roof replacement was approved on the consent agenda at a cost of \$628,000 by AAR roofing. The work is currently underway and is scheduled to complete by end of July. The library was shut down this past Friday and Saturday for the replacement of the Kalwall skylights that were a part of the roof replacement scope. Because funding for this project goes beyond June 30, it was approved in the consent agenda to move funding to complete in FY20.

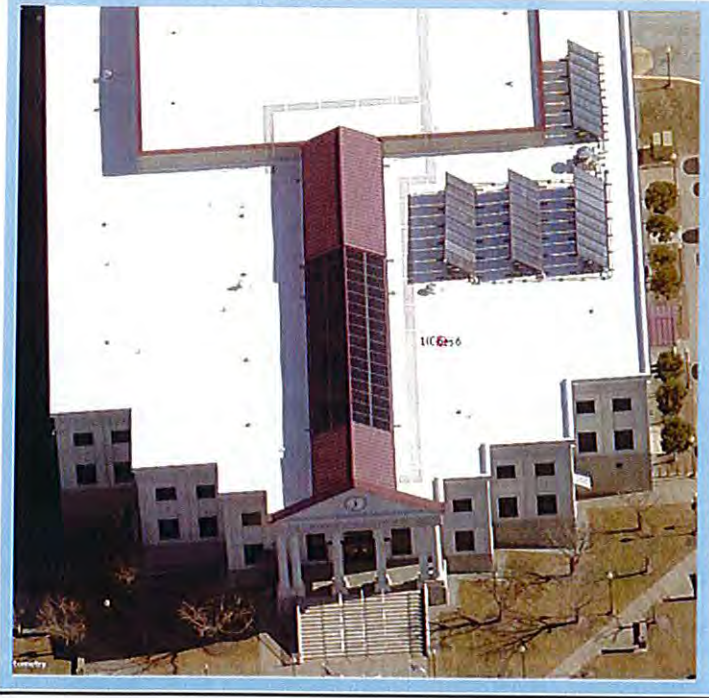
**Aerial View**

CONNECTEXPLORER



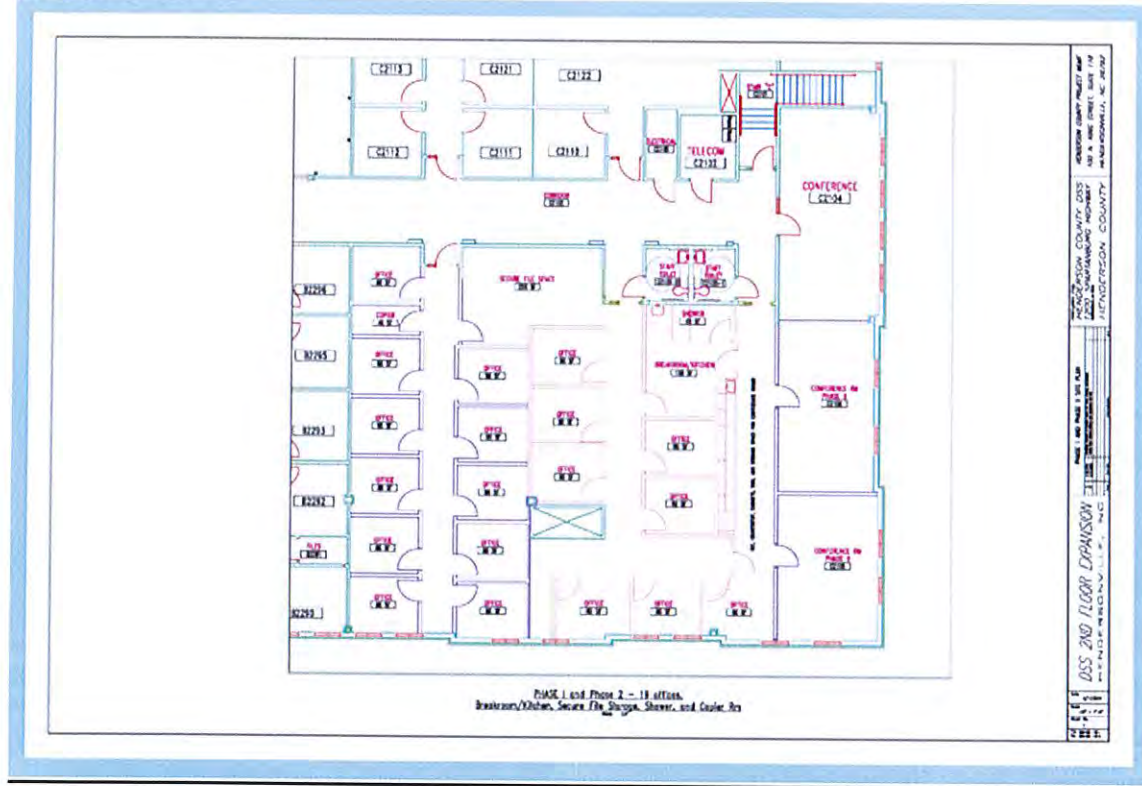
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### 1995 Courthouse Skylights



It was previously reported the skylights, a total of 64 which are banked together in 4 rows, have been and continue to be a source of rain leaks, off and on, for some time. They have been repaired numerous times which has usually involved trying to best guess where the leaks are coming from and then attempting to caulk the suspected problem area. Sometimes this has worked, and sometimes it has not. At best it has only corrected the problem only to show up again later. The skylights are part of the original 1995 building, now 24 years old. Staff has reached out to a vendor, Blue Ridge Glass, in which the County has worked with many times before, and asked for help in determining the source of the problem, looking for a more permanent fix. They have inspected the skylights and believe that the gasket material around the edges of all the skylights has now out reached its life and failed, and will continue to fail. Since our research and theirs could not determine the original manufacturer, we contracted with them to lift the glass from several units, remove some of the gasket material in order to determine the gasket profile and its availability or whether it must be manufactured. The gasket material is no longer available and therefore will have to be manufactured. Blue Ridge Glass was requested to provide pricing to have the gaskets made, remove the skylights, and reinstall with the new gasket. The price received was \$92,000 plus contingencies, and will take a significant amount of time to complete. Due to this cost staff has researched and discussed alternative solutions to the 1995 Courthouse leaking skylights situation. Mr. Berry and Thad Ninneman met with Chad Roberson about 2 weeks ago and unfortunately, in Chad's opinion, the idea of removing the skylight system and replacing them with some sort of roof was not a viable resolve. The design of a new system, the removal of the skylights (and coordination thereof with completely opening up the roof), added to the cost of a replacement roofing and ceiling system, make this approach unacceptable both from a logistics and cost standpoint. One other approach discussed was a Kalwall system inclusive of transparent panels incorporated into a prefabricated framing system that could be installed simultaneously as the old system is being removed. Chad Roberson suggested a vendor from Greenville (the same one that just replaced the same type skylights in the Main Library over the weekend) to determine if this might be a real consideration. Mr. Ninneman met with the vendor and received an estimate of \$65,000-\$70,000 plus demo, and could be completed in as little as a week. Staff continues to investigate this resolve and will be working with management to bring a final cost to the Board for consideration.

## DSS Renovation



By utilizing the previously prepared floor plan and inputs from local contractors, staff completed estimates from the build-outs of the “future space” in the DSS building. These are estimates and NOT bids. In order to provide exact numbers complete plans and specs would have to be developed. For estimating purposes staff assumed a design/build approach thereby putting the responsibility of the complete design and specifications on the General Contractor. This is allowed by general statutes provided we select the contractor via the RFQ process. Contractually wise we believe this approach would save time and be less expensive than a firm bid that would require an architect for plans and specifications prior to hard bidding the project.

For Budgeting Purposes Only as per the floor plans:

Phase I – 1394 sq. ft. \$185,000

Phase II = 1834 sq. ft. \$120,000

Phase I, Phase II performed as one project \$300,000

Amy Brantley noted this was prompted by the Juvenile Justice Raise the Age and the need for office space in the Court Services building. By moving Child Support back to the DSS building, space will be available for Juvenile Justice. It will be much easier to offer management support with Child Support located in DSS.

*It was consensus of the Board to direct staff to move forward with RFQ's, use Capital Projects Funding, and bring back to the Board.*

## Etowah Park Restrooms Addition

Plans and pricing for the additional restrooms being added onto the rear of the existing concession/restroom facility were bid. The apparent low bidder was Dunlap Construction at a price of \$87,500. We are currently

awaiting approval to proceed pending Grant approval and a directive to go to contract. Separately we did not proceed via RFQ and subsequent PO for design modifications of the existing septic system to allow for the added restrooms to function as needed and as required by the Health Department. Brooks Engineering at a cost of \$7,280 is currently completing that design work. The install of the newly designed system will have to be added to the cost of the previously bid restroom construction. It is estimated to cost approximately \$27,500. The total cost for the restrooms is therefore expected to be approximately \$122,630.

To date the County has not received the second mobile restroom facility. Staff has considered canceling the order as FEMA has superseded our order.

### **BRCC – Construction and Renovations**

Clark Nexsen Architecture was contracted to provide the services for the Advanced Planning for the new construction and renovation work on Blue Ridge Community College Campus. That work scope has been completed including approved recommendations to BRCC and the Board of commissioners. Currently the construction budget for the new facility and the renovation to the Patton Building is \$20,110,400 with a total project cost of \$23,000,000. Additional, the POPAT building would be constructed concurrently with the new facility and renovations to Patton. The construction budget for this project is \$867,000 with a total project cost of \$1,000,000. Clark Nexsen will be submitting an amendment to their contract for services with Henderson County accordingly which staff will be negotiating.

### **Detention Center Fire Alarm Upgrades and Replacements**

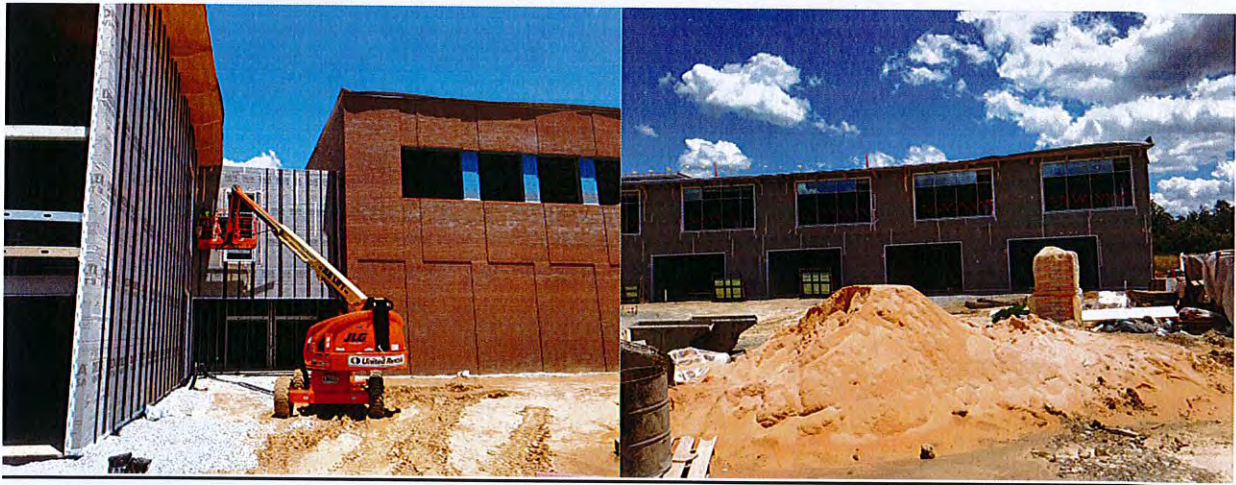
This project is a part of the approved capital projects for fiscal year 2018/2019. The project started Monday, June 17, 2019. It was bid as a Design Build project by RFQ statutes and was awarded to Johnson Controls at a cost of \$223,000. The estimated completion is 14 weeks or mid-September. Because this project was an approved 2018/2019 and invoicing will continue after June 30, 2019, the funding has been adjusted as approved in your consent agenda.

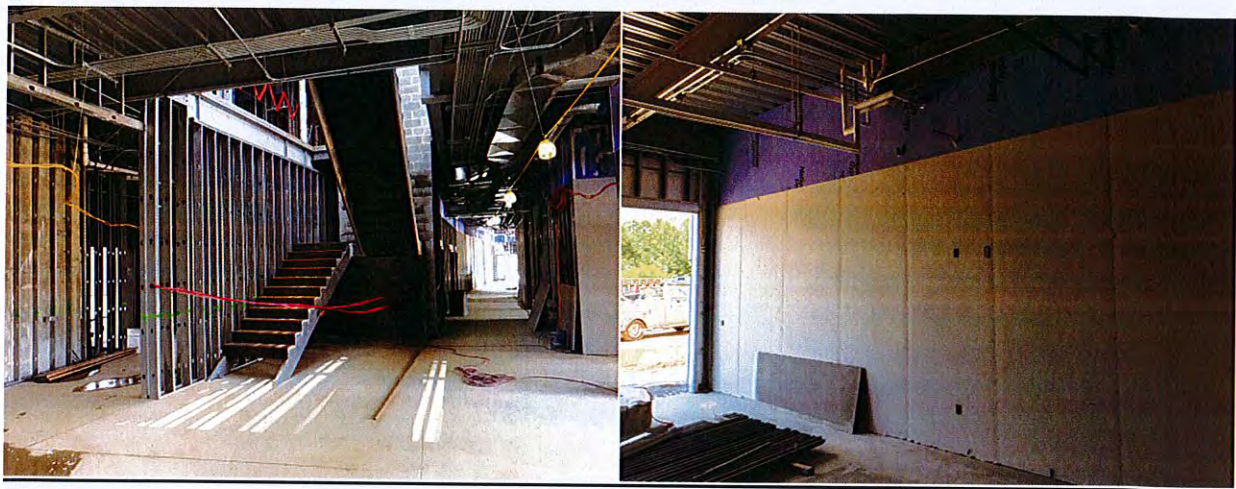
### **Edneyville Elementary**

This project is on schedule and on budget. Our construction forces, Beverly Grant/Barnhill, along with the assistance of Architecture Firm Clark Nexson, the HCPS Staff, and HC Staff continues to make good progress.

It is time to schedule a site tour.











Commissioner Edney reminded the Board that now is the time to look at a sewer system.

**SOCCER FIELDS**

John Mitchell stated at the June 3, 2019 meeting, the Board directed staff to provide a costs to rehabilitate the Jackson Park Recreational Soccer Fields.

Based upon a 2018 contractor provided estimate:

\$50,000	Laser Grade Soccer Fields
\$100,000	Irrigation and Sprigging







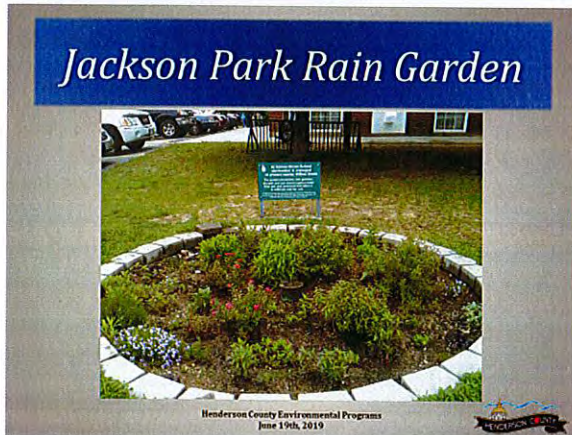


John Mitchell stated the County negotiated a deal with Henderson County Public Schools, and use of their fields may be utilized by going through their website and making reservations. Use of the fields is encouraged.

*Commissioner Messer made the motion that David Berry and John Mitchell be directed to get estimates to renovate the soccer fields at Jackson Park. All voted in favor and the motion carried.*



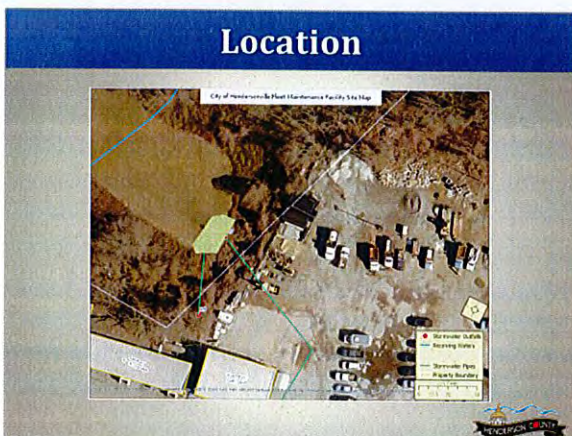
**JACKSON PARK RAIN GARDEN**

Christina Brown stated the City of Hendersonville Stormwater Division is requesting approval from Henderson County to construct a rain garden in Jackson Park by the city’s Fleet Maintenance Facility on Williams Street and 4<sup>th</sup> Ave E.




**Overview**

- The City of Hendersonville’s Stormwater Division is requesting approval from Henderson County to construct a rain garden in Jackson Park late June 2019.
- Capture runoff from the City’s Fleet Maintenance Facility on 4<sup>th</sup> Ave E and Williams St.


**Benefits**

- Reduce pollutants entering Mud Creek.
- Provide additional pollinator habitat with native wildflowers.
- Water quality and stormwater educational opportunity for the community.



### Logistics

- City of Hendersonville's Stormwater Division will:
  - Purchase all materials.
  - Responsible for ongoing maintenance.
  - Partner with local non-profits Conserving Carolina and El Centro on the installation.
  
- Rain Garden will have no impact on current uses or infrastructure of Jackson Park.



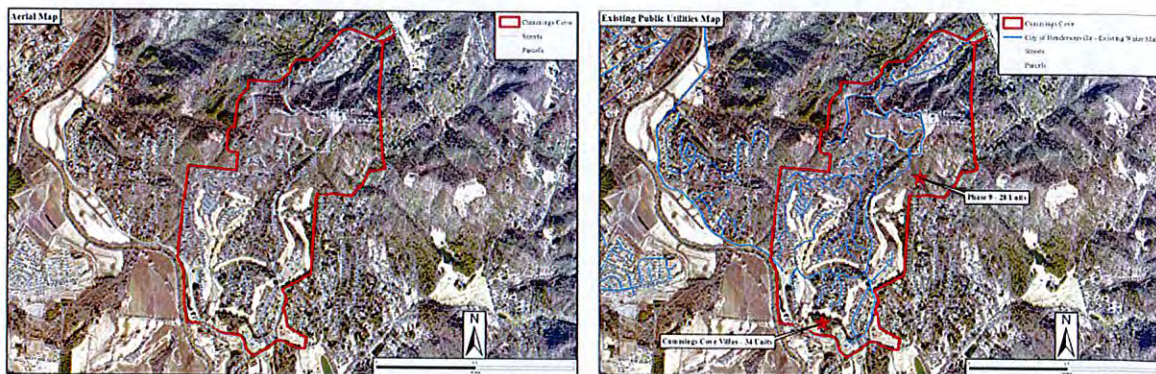
County Manager Steve Wyatt requested the County attorney work up an agreement for maintenance between the City and County with the Chairman authorizing the document.

*Commissioner Edney made the motion that the Board approves the City of Hendersonville's rain garden project at Jackson Park, subject to the County's Attorney document thereof. All voted in favor and the motion carried.*

**WATERLINE EXTENSION REQUEST – CUMMINGS COVE SUBDIVISION**

Matt Champion stated the City of Hendersonville has requested that the County comment on two proposed water line extensions in Cummings Cove Subdivision. The project would serve 34 lots in Cummings Cove Villas and 28 lots in Phase 9. Cummings Cove Villas is proposed to be served by a 6" water line with a length of 1,750 linear feet. Phase 9 is proposed to be served by a 6" water line with a length of 1,192 linear feet. The existing subdivision's residential structures and amenities are already served by the City of Hendersonville water. The project's location within the Rural/Urban Transition Area is consistent with the Henderson County Comprehensive Plan.

The Planning Board approved the revised master and development plan on June 22, 2018.



9.8 miles of existing water lines – Private inside waste water system.



**Cummings Cove Master Plan Overview**

- Began in late 70’s prior to subdivision or land use controls
- Original Master Plan approved in 1997
  - Mix of single-family, multi-family, & amenities
- Revised Master Plan approved by Planning Board on June 21, 2018
  - 760 total units
  - 345 existing units as of now
- Served by public water (City of Hendersonville) & onsite private sewer treatment facility

**Cummings Cove Phases**

- Mountain Top Phase 1 – 36 single family units
- Mountain Top Phase 2 – 26 single family units
- Mountain Top Phase 3 – 38 single family units
- Mountain Top Phase 4 – 7 single family units & 85 multi-family units
- Mountain Top Phase 5 – 21 single family units
- Valley View – 29 single family units
- Sports Villas – 18 single family units & 8 multi-family
- Phase 6 – 15 single family units
- Phase 7 – 11 single family units
- Phase 8 – 80 single family units
- Phase 9 – 28 multi-family units
- Lake Ledge Court – 36 multi-family units
- Amenities – Sports Complex (Fitness Center, Pool, Tennis Courts)



*Commissioner Messer made the motion that the Board approves the waterline extension request for Cummings Cove Subdivision per the approved master plan phases and direct staff to convey the County's comments to the City of Hendersonville. The motion passed 4-1 with Commissioner Edney voting nay.*

*(Commissioner Edney voted nay because he feels rates charged by the City are unfair to residents outside of the City limits).*

**COUNTY MANAGER'S REPORT**

Steve Wyatt informed the Board of the July 4<sup>th</sup> Independence Day Celebration. Staff is working with the TDA and the City of Hendersonville, with the challenge being fireworks. There will be fireworks from a different location.

*Chairman Hawkins made the motion to reschedule the July 19 2019 Board meeting to July 10, 2019 at 9:00 a.m. All voted in favor and the motion carried.*

**CLOSED SESSION**

The Board is requested to go into closed session pursuant to N.C. Gen. Stat. §143-318.11

1. (a)(1), to prevent the disclosure of information which is confidential pursuant to the laws of North Carolina, in order to review and approve general accounts of previous closed sessions, and
2. (a)(4), to discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body.

*Commissioner Edney made the motion that the Board go into closed session pursuant to N.C. Gen. Stat. §143-318.11(a)(1), to prevent the disclosure of information which is confidential pursuant to the laws of North Carolina, in order to review and approve general accounts of previous closed sessions, and (a)(4), to discuss matters regarding location or expansion of an industry or business. All voted in favor and the motion carried.*

**ADJOURN**

*Chairman Hawkins made the motion to go out of closed session and adjourn at 1:05 p.m. All voted in favor and the motion carried.*

Attest:

\_\_\_\_\_  
Teresa L. Wilson, Clerk to the Board

\_\_\_\_\_  
Grady Hawkins, Chairman

**DURING THE JUNE 19, 2019 MEETING, THE BOARD ENACTED THE FOLLOWING**

**2019.55** Budget Amendment – Detention Center Fire Alarms

**2019.56** Budget Amendment – Library Roof

**2019.57** Approval of Rezoning Application R-2018-09 Laughter, Residential One (R1) to Regional Commercial (RC)

**2019.58** Letter of Support / Village of Flat Rock – Highland Lake

**2019.59** Resolution of Support – Community Action Opportunities

**2019.60** Budget Amendment – Sheriff's Office Vehicles

# Office of the Henderson County Tax Collector

200 NORTH GROVE STREET, SUITE 66

HENDERSONVILLE, NC 28792

PHONE: (828) 697-5595 | FAX: (828) 698-6153

Henderson County Board of Commissioners  
 1 Historic Courthouse Square, Suite 1  
 Hendersonville, NC 28792

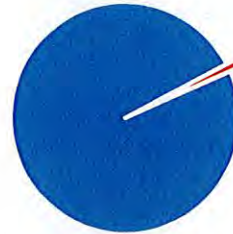
Thursday, June 6, 2019

Re: Tax Collector's Report to Commissioners - Meeting Date June 19, 2019

Please find outlined below collections information through June 5, 2019 for the 2018 real and personal property bills mailed on August 1, 2018. Vehicles taxes are billed monthly by NC DMV.

## Henderson County Annual Bills (Real and Personal Property):

<b>2018 Beginning Charge:</b>	<b>\$73,220,943.57</b>
Discoveries & Imm. Irreg.:	\$809,260.44
Releases & Refunds:	<b>(\$570,854.23)</b>
<u>Net Charge:</u>	<u>\$73,459,349.78</u>
Unpaid Taxes:	\$854,812.54
<b>Amount Collected:</b>	<b>\$72,604,537.24</b>



**Unpaid  
1.16%**

**Paid  
98.84%**

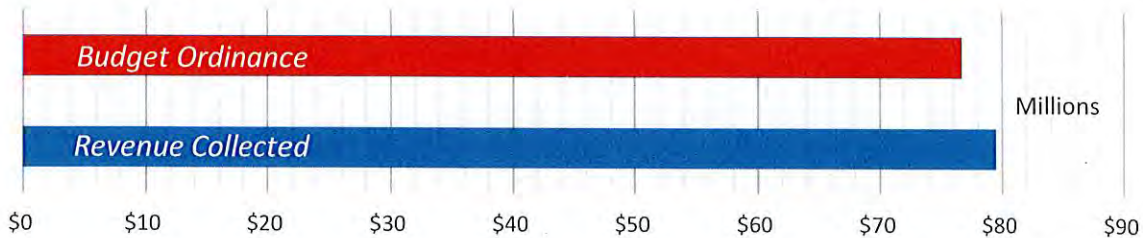
## Henderson County Registered Motor Vehicles (As Collected by NC DMV):

Net Charge:	\$5,963,906.10
Unpaid Taxes:	\$16,436.95
<b>Amount Collected:</b>	<b>\$5,947,469.15</b>

**99.72%**

## Henderson County FY19 Budget Analysis:

	<u>Budget Ordinance</u>	<u>Revenue Collected</u>
Ad Valorem:	\$75,697,389.00	\$78,552,006.39
Prior Years:	\$1,025,000.00	\$972,329.30
<b>Budget Total:</b>	<b>\$76,722,389.00</b>	<b>YTD Revenue: \$79,524,335.69</b>



Respectfully Submitted,

Luke Small  
 Deputy Tax Collector

Darlene Burgess  
 Tax Administrator

**LINE-ITEM TRANSFER REQUEST  
HENDERSON COUNTY**



Department: Facility Services

Please make the following line-item transfers:

What expense line-item is to be increased?

Account	Line-Item Description	Amount
<u>115980-598040</u>	<u>Transfer to Capital Projects Fund</u>	<u>82,915</u>
<u>405400-551000-1906</u>	<u>Capital Outlay-Equipment</u>	<u>82,915</u>

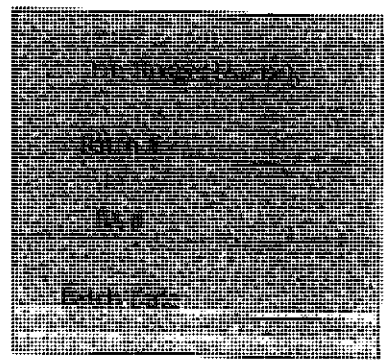
What expense line-item is to be decreased? Or what additional revenue is now expected?

Account	Line-Item Description	Amount
<u>115419-535103</u>	<u>Planned Projects</u>	<u>82,915</u>
<u>404400-403500-1906</u>	<u>Transfer from General Fund</u>	<u>82,915</u>

**Justification:** *Please provide a brief justification for this line-item transfer request.*  
 Transfers funds from Planned Projects to the Capital Project Fund. Approved by the BOC 6.19.19.

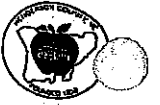
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<u>BUDGET OFFICE</u>	<u>06-19-19</u>
Authorized by Department Head	Date
Authorized by Budget Office	Date
Authorized by County Manager	Date





**LINE-ITEM TRANSFER REQUEST  
HENDERSON COUNTY**



Department: Facility Services

Please make the following line-item transfers:

What expense line-item is to be increased?

Account	Line-Item Description	Amount
<u>115980-598040</u>	<u>Transfer to Capital Projects Fund</u>	<u>216,302</u>
<u>405400-538100-1907</u>	<u>Professional Services</u>	<u>4,600</u>
<u>405400-555000-1907</u>	<u>Capital Outlay-Bldgs &amp; Improvement</u>	<u>211,702</u>

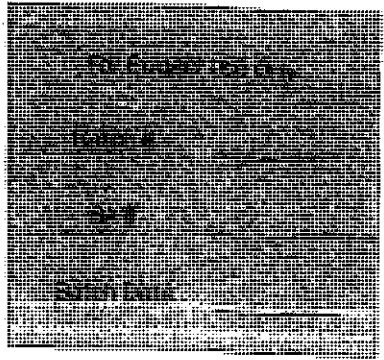
What expense line-item is to be decreased? Or what additional revenue is now expected?

Account	Line-Item Description	Amount
<u>115419-535103</u>	<u>Planned Projects</u>	<u>216,302</u>
<u>404400-403500-1907</u>	<u>Transfer from General Fund</u>	<u>216,302</u>

**Justification:** Please provide a brief justification for this line-item transfer request.  
Transfers funds from Planned Projects to the Capital Project Fund. Approved by the BOC 6.19.19.

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<u>BUDGET OFFICE</u>	<u>06-19-19</u>
Authorized by Department Head	Date
Authorized by Budget Office	Date
Authorized by County Manager	Date





## **RESOLUTION OF CONSISTENCY WITH THE COUNTY COMPREHENSIVE PLAN**

**WHEREAS**, pursuant to N.C. General Statute §153, Article 18, the Henderson County Board of Commissioners exercises regulations relating to development within the County's jurisdiction; and

**WHEREAS**, the Henderson County Board of Commissioners (Board) adopted the Land Development Code (LDC) on September 19, 2007 and has amended the LDC to address new and changing issues;

**WHEREAS**, the Board desires to update and revise the regulations of the LDC; and

**WHEREAS**, the Planning Director and Planning Board provided recommendations regarding the proposed zoning map amendment with case #R-2018-09; and

**WHEREAS**, pursuant to N.C. General Statute §153-323, the Planning Director provided the prescribed public notice and the Board held the required public hearing on May 6, 2019; and

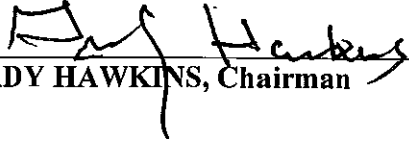
**WHEREAS**, N.C. General Statute §153-341 requires the Board to adopt a statement of consistency with the County Comprehensive Plan (CCP); and

**NOW THEREFORE, BE IT RESOLVED** by the Henderson County Board of Commissioners as follows:

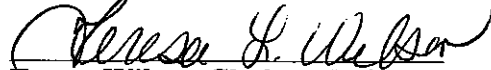
1. That the Board reviewed the proposed map amendment (#R-2018-09 Laughter) on May 6, 2019 and finds that it is reasonable, in the public interest and it is consistent with the CCP and the Growth Management Strategy located therein; and
2. That the Board determines that the proposed map amendment provides for the sound administration of the LDC while balancing property rights and promoting reasonable growth within the County; and
3. That this Resolution shall be retained in the Office of the Clerk to the Board of Commissioners.

THIS the June 19<sup>th</sup>, 2019.

HENDERSON COUNTY BOARD OF COMMISSIONERS

BY:   
GRADY HAWKINS, Chairman

ATTEST:

  
Feresa Wilson, Clerk to the Board

[COUNTY SEAL]



# HENDERSON COUNTY BOARD OF COMMISSIONERS

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

GRADY H. HAWKINS  
Chairman  
WILLIAM G. LAPSLEY  
Vice-Chairman

J. MICHAEL EDNEY  
CHARLES D. MESSER  
REBECCA K. MCCALL

June 19, 2019

Executive Secretary for Domestic Geographic Names  
U.S. Geological Survey  
12001 Sunrise Valley Drive  
Reston, VA 20191-0523

Dear Sir or Madam;

At the June 19, 2019 regularly scheduled meeting of the Henderson County Board of Commissioners, the Board voted unanimously to support the request of the Village of Flat Rock to change the identification of the impoundment of water located within the Village of Flat Rock to the historically known name of Highland Lake, previously identified in 1965 and later editions of U.S. Geological Survey topographic maps as Madonna Lake.

Sincerely,

  
Grady Hawkins, Chairman

cc: Mayor Robert Staton, Village of Flat Rock  
Matt O'Donnell, Contractor in support of U.S. Board on Geographic Names

# HENDERSON COUNTY BOARD OF COMMISSIONERS

1 Historic Courthouse Square, Suite #1  
Hendersonville, NC 28792  
Phone (828) 697-4808 • Fax (828) 698-4443  
[www.hendersoncountync.gov](http://www.hendersoncountync.gov)

GRADY HAWKINS  
Chairman  
WILLIAM G. LAPSLEY  
Vice-Chairman

CHARLES MESSER  
J. MICHAEL EDNEY  
REBECCA MCCALL

## RESOLUTION

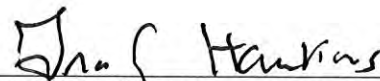
### Approving the Submission of Application for Grant Funds for Community Services Block Grant to NC Office of Economic Opportunity

- WHEREAS,** the Federal Government has provided Community Services Block Grant funding to the state of North Carolina; and
- WHEREAS,** the NC Office of Economic Opportunity has been delegated the responsibility for the administration of this grant program, establishing necessary procedures; and
- WHEREAS,** Henderson County is eligible to receive an allotment of funds to support the low-income citizens of this county; and
- WHEREAS,** Community Action Opportunities will enter into an agreement with the NC Office of Economic Opportunity to carry out the program.

**NOW, THEREFORE, BE IT RESOLVED,** that the Henderson County Board of Commissioners

1. Certifies that the County Commissioners will support Community Action Opportunities through representation on the agency's Board of Directors.
2. Approves the filing of a funding application by Community Action Opportunities.

Approved and adopted this 19<sup>th</sup> day of June 2019.



GRADY HAWKINS, CHAIRMAN  
HENDERSON COUNTY BOARD OF COMMISSIONERS

ATTEST:



TERESA L. WILSON, CLERK TO THE BOARD

# HENDERSON COUNTY

## PUBLIC RECORDS DISPOSAL REQUEST AND DESTRUCTION LOG (Revised March 13, 2002)

DEPARTMENT: EMS

RECORD TITLE & DESCRIPTION, INCLUSIVE DATES, & QUANTITY	RECORDS WILL BE		RECORDS RETENTION SECTION	IF APPROVED, DATE DESTROYED
	DESTROYED	•DUPLICATED		
Ambulance Call Reports July 1 <sup>st</sup> 2006 - June 1 <sup>st</sup> 2008			Emergency SVC Standard 6	
EMS Controlled Medication documents created prior to June 1 <sup>st</sup> 2017.			US Dept Of Justice Diversion Control 21 CFR-1304.04	

\*If duplicate is required, indicate method.

Approval is requested for the records listed above to be destroyed in accordance with the provisions of G.S. 121 and 132. The period for retention of these records, as prescribed by the North Carolina Department of Cultural Resources, has expired; **OR** where the period for retention has not expired, the original records have been duplicated on microfilm, microfiche, data processing or word processing equipment, with the understanding that said duplication shall be maintained for the specified period of retention. **NONE** of the original records listed above have been scheduled for permanent preservation by the North Carolina Department of Cultural Resources.

Mike Barrett  
Department Head

June 7<sup>th</sup>, 2019  
Date

Submitted to the Henderson County Board of Commissioners. The Board:

APPROVED   
DISAPPROVED

the destruction/duplication of the above records and such approval/disapproval has been entered into the official minutes of the Board of Commissioners meeting held on the 19<sup>th</sup> day of June, 2019

Ceresa L. Wilson  
S clerk to the Board

**LINE-ITEM TRANSFER REQUEST  
HENDERSON COUNTY**



Department: Sheriff's Office

Please make the following line-item transfers:

What expense line-item is to be increased?

Account	Line-Item Description	Amount
<u>115980-598021</u>	<u>Transfer to Capital Reserve Fund</u>	<u>327,218</u>
<u>215400-553000</u>	<u>Capital Outlay-Vehicles</u>	<u>327,218</u>

What expense line-item is to be decreased? Or what additional revenue is now expected?

Account	Line-Item Description	Amount
<u>115431-553000</u>	<u>Capital Outlay-Vehicles</u>	<u>327,218</u>
<u>214400-403500</u>	<u>Transfer from General Fund</u>	<u>327,218</u>

**Justification:** *Please provide a brief justification for this line-item transfer request.*  
 Transfers funds from the Sheriff's Office to the Capital Reserve Fund. Approved by the BOC 6.19.19.

<u>BUDGET OFFICE</u>	<u>06-19-19</u>
Authorized by Department Head	Date
Authorized by Budget Office	Date
Authorized by County Manager	Date

**For Budget Use Only**

Batch # \_\_\_\_\_

BA # \_\_\_\_\_

Batch Date \_\_\_\_\_

STATE OF NORTH CAROLINA

**LEASE AGREEMENT**

COUNTY OF HENDERSON

THIS LEASE, made and entered into as of the 1st day of July 2019, by and between William A. Pace, Jr., LLC, of 619 S. Grove St., Hendersonville, North Carolina (hereinafter referred to as "Lessor") and Henderson County, North Carolina with offices located at 1 Historic Courthouse Square, Suite 5, Hendersonville, NC, 28792 (hereinafter referred to as "Lessee").

**WITNESSETH:**

WHEREAS, Lessor is the owner of certain real property located at 75 East Central Street within the City of Hendersonville, North Carolina ("the Premises"), which it has previously leased to the Lessee; and

WHEREAS, Lessor wishes to lease the Premises to Lessee and Lessee wishes to continue to lease the Premises from Lessor for the use of Henderson County, North Carolina;

NOW THEREFORE, for and in consideration of the mutual promises, terms and conditions as hereinafter set forth, Lessor, for himself, his heirs and assigns, does hereby lease to Lessee and Lessee does hereby lease from Lessor all of the Premises, and the improvements thereon, subject to the following terms and conditions:

**TERMS AND CONDITIONS**

1. This Lease shall begin on the 1st day of July 2019, and shall continue until June 30, 2029. The lease fee shall be the sum of \$54,000.00 plus the amount of *ad valorem* real property taxes owed the County each year, said amount payable in equal monthly installments.

2. During the period of this Lease, the Lessee shall be responsible for all insurance Lessee desires on the said Premises, including insurance covering the building located on the said Premises and for all utilities, including water and electricity. No coverage obtained by the Lessee shall be for the benefit of the Lessor. Lessor shall be responsible for any insurance Lessor desires on the Premises.

3. The Lessee shall be allowed to make any modifications to said Premises, at its own expense, as Lessee deems necessary, so long as a sketch is presented to the Lessor for review prior to such modifications being made. Lessee agrees that any modifications to the building that would be considered unmarketable or unreasonable will be removed by Lessee, at its own expense, at the expiration of the term of the Lease or any extension thereof. It is expressly understood and agreed that modifications to the bathrooms required by applicable law are marketable and reasonable modifications to the Premises.



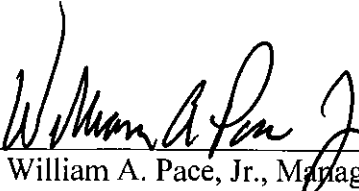
4. Lessee agrees to generally maintain the Premises, plumbing, lighting, heating and air conditioning system and grounds, including any repairs involving parts which are \$200.00 or less. Lessor agrees to make repairs involving labor and parts which cost in excess of \$200.00 within a reasonable time after Lessor has notice.

5. No security deposit shall be required of Lessee.

THIS the day and year first above written.

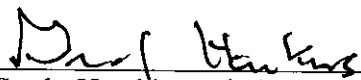
LESSOR:

WILLIAM A. PACE, JR., LLC

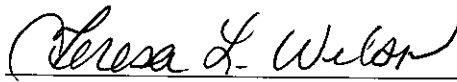
By:  (SEAL)  
William A. Pace, Jr., Manager

LESSEE:

HENDERSON COUNTY, NC

BY:   
Grady Hawkins, Chairman,  
Henderson County Board of  
Commissioners

ATTESTED BY:

  
Teresa Wilson, Clerk to the Board

STATE OF NORTH CAROLINA

COUNTY OF HENDERSON

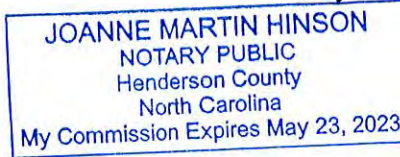
I, JoAnne Martin Hinson, Notary Public for said County and State, certify that Teresa Wilson personally came before me this day and acknowledged that she is Clerk to the Board of Commissioners of Henderson County, a municipal corporation and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its Chairman of the Board of Commissioner, sealed with its corporate seal, and attested by herself as its Clerk.

Witness my hand and official seal, this the 19th day of June, 2019.

JoAnne Martin Hinson  
Notary Public

JoAnne Martin Hinson  
Notary Public Name (Printed)

My commission expires:  
May 23, 2023



STATE OF NORTH CAROLINA

COUNTY OF HENDERSON

I, CREEK A WORSHAM JR, Notary Public for said County and State, certify that William A. Pace, Jr., Manager of William A. Pace, Jr., LLC, personally appeared before me and acknowledged the due execution of the foregoing instrument on behalf of the Company in his role as Manager.

WITNESS my hand and official seal, this the 28 day of JUNE, 2019.

Creek A Worsham Jr  
Notary Public

CREEK A WORSHAM JR  
Notary Public Name (Printed)

My commission expires: 11/25/22