

## **DRAFT MINUTES**

**STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS  
WEDNESDAY, JULY 15, 2020**

The Henderson County Board of Commissioners met for a regularly scheduled meeting at 9:30 a.m. in the Commissioners' Meeting Room of the Historic Courthouse on Main Street, Hendersonville, NC.

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

Also present were: Director of Business and Community Development John Mitchell, Emergency Management/Rescue Coordinator Jimmy Brissie, Engineer Marcus Jones, DSS Director Jerrie McFalls, Sheriff Lowell Griffin, HCSO Account Technician Lisa Ward, Tax Administrator Darlene Burgess Assistant County Assessor Kevin Hensley, Deputy Tax Collector Luke Small, Construction Manager David Berry, Public Health Director Steve Smith, Finance Director Samantha Reynolds, Budget Manager Megan Powell, Planning Director Autumn Radcliff, Planner Matt Champion, Parks & Recreation Director Carleen Dixon, HR Director Karen Ensley, PIO Kathy Finotti – videotaping, Deputy Mike Marsteller as security.

Absent was: Commissioner Charlie Messer (In loving memory 1954- 2020)

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

Chairman Hawkins called the meeting to order and welcomed all in attendance.

### **MOMENT OF SILENCE**

Chairman Hawkins noted the passing of Commissioner Charlie Messer, who will be missed by all. He asked for a moment of silence in remembrance.

### **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance to the American Flag was led by Commissioner Edney.

### **PUBLIC HEARING**

#### **2020.58 Consideration of an Amendment to Conditional District CD-2019-07 Skylaranna**

*Chairman Hawkins made the motion to go into public hearing. All voted in favor and the motion carried.*

Matt Champion stated Skylaranna was approved as a conditional zoning district on March 2, 2020 (CD-2019-07). The subject area is located on PIN: 9651-07-2408 at 2075 N. Rugby Road (SR1365) about a ½ mile north of Rugby Drive (SR1417). The property owner and applicant are Highway, LLC. Due to regulations with the NC Department of Insurance (NCDOI) and NC Fire Code, the applicant is requesting an amendment to the approved site plan. The amendment includes the following:

1. Proposed yurts (20 total) will be replaced with onsite, stick built cabins (20 total) with a bathroom and kitchen efficiency (includes a coffee pot, refrigerator, microwave, toaster oven and sink). These dwellings will meet the required NCDOI and NC Building Code requirements.
2. The proposed bathhouses will be removed. According to the project engineer, the existing septic system will support the individual bathrooms in the cabins.
3. The existing logging road will be utilized for emergency service access to the cabins, with an additional gated one-way exit onto N. Rugby Road.
4. The applicant has proposed the addition of a gazebo on the property.
5. Due to improvements required for stormwater permits, the applicant has requested to remove all or a portion of the required 2' berm along southern boundary as it is no longer necessary to correct the water runoff issues.

DATE APPROVED:

Since the conditional rezoning is approved with an associated site plan, any changes to the proposed site plan requires the Board of Commissioners to approve the amendment.

A neighbor compatibility meeting was held on Monday, May 18, 2020 electronically on the proposed amendments.

The Technical Review Committee reviewed the proposed amendments on May 19, 2020 electronically and made a motion to forward the application to the Planning Board with conditions as discussed.

The Planning Board reviewed the conditional rezoning request at its May 21, 2020 meeting electronically. The Planning Board voted 7-1 to forward a favorable recommendation.



**PUBLIC NOTICE:**

Before taking action on the application, the Board of Commissioners must hold a public hearing. In accordance with §42-303 and §42-346 (C) of the Henderson County Land Development Code and State Law, notice of the July 15, 2020 public hearing regarding amendments to conditional district CD-2019-07 was published in the Hendersonville Lightning on July 1<sup>st</sup> and July 8<sup>th</sup>. The Planning Department sent notices of the hearing via first class mail to the owners of properties within 400 feet of the Subject Area on June 26, 2020 and posted signs advertising the hearing on June 26, 2020.

- Legal Ad was published in the Hendersonville Lightning on July 1<sup>st</sup> and July 8<sup>th</sup>
- The property was posted on June 26<sup>th</sup>
- Letters were mailed to property owners within 400 feet of the Subject Area on June 26<sup>th</sup>

**Background**

- Conditional Rezoning: CD-2019-07 was approved by the Board of Commissioners on March 2, 2020
- Owner: Highway, LLC (Kevin High)
- Property Location: 2075 N. Rugby Road
- Approximately 50.19 acres

**Conditional Districts**

Conditional rezoning's are:

- Legislative decisions
- Require a site specific plan (only what is on the plan is allowed)
- The BOC may require additional conditions of the development, provided the developer agrees to those conditions
- Process provides protection to adjacent properties

Current CD-2019-07

Skylaranna is currently approved for:

- Existing 16,564 square foot house with basement retrofitted to accommodate 12 hotel rooms and 25-person capacity public restaurant
- New day spa in place of existing patio
- New bakery building to support public restaurant
- New 4,320 square foot barn with taproom open to public
- New pool with hot tub and fireplace
- Existing basketball court retrofitted for tennis court
- 20 yurts 15' in diameter on elevated platforms 2' above BFE
- 4 bathhouses with 6 toilets and 6 showers in each building
- 66 parking spaces provided to accommodate all uses (only 51 parking spaces required by LDC)

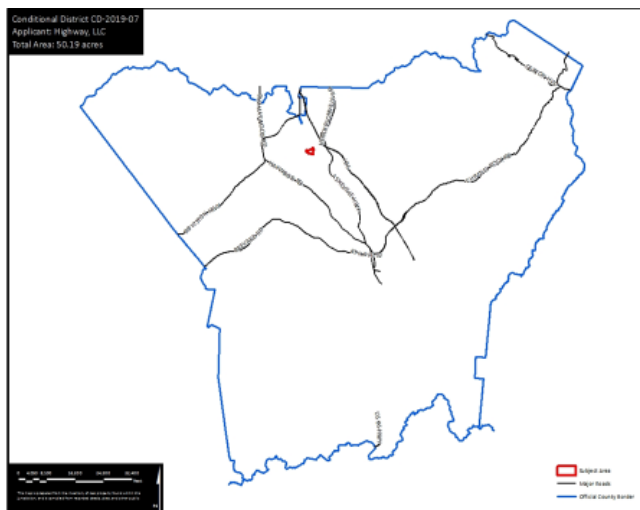
### Proposed Amendments

The owner/applicant has applied for amendments to the approved site plan to comply with NC Department of Insurance (NCDOI) and NC Fire Code Regulations

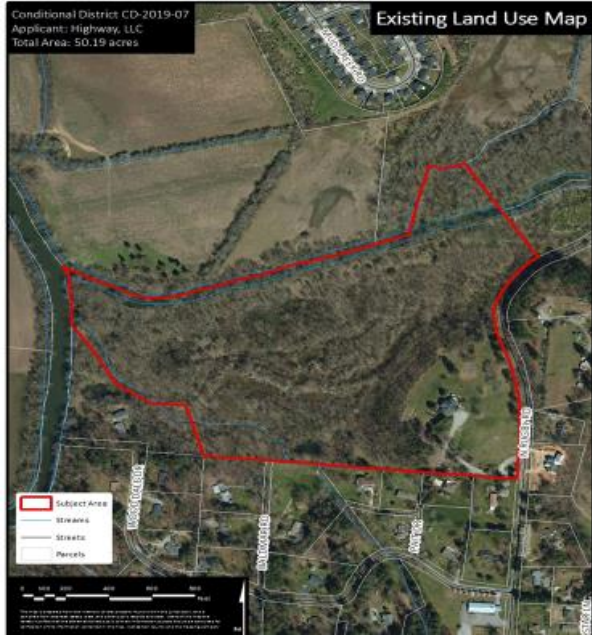
#### Proposed Amendments to Site Plan:

1. Proposed yurts (20 total) will be replaced with onsite, stick built cabins (20 total) with a bathroom and kitchen efficiency which includes a coffee pot, refrigerator, microwave, toaster oven and sink. These dwellings will meet the required NCDOI and NC Building Code requirements.
2. The proposed bathhouses will be removed. According to the project engineer, the existing septic system will support the individual bathrooms in the cabins.
3. The existing logging road will be utilized for emergency service access to the cabins, with an additional gated one-way exit onto N. Rugby Road.
4. The applicant has proposed the addition of a gazebo on the property.
5. Due to improvements required for stormwater permits, the applicant has requested to remove all or a portion of the required 2' berm along southern boundary as it is no longer necessary to correct the water runoff issues.

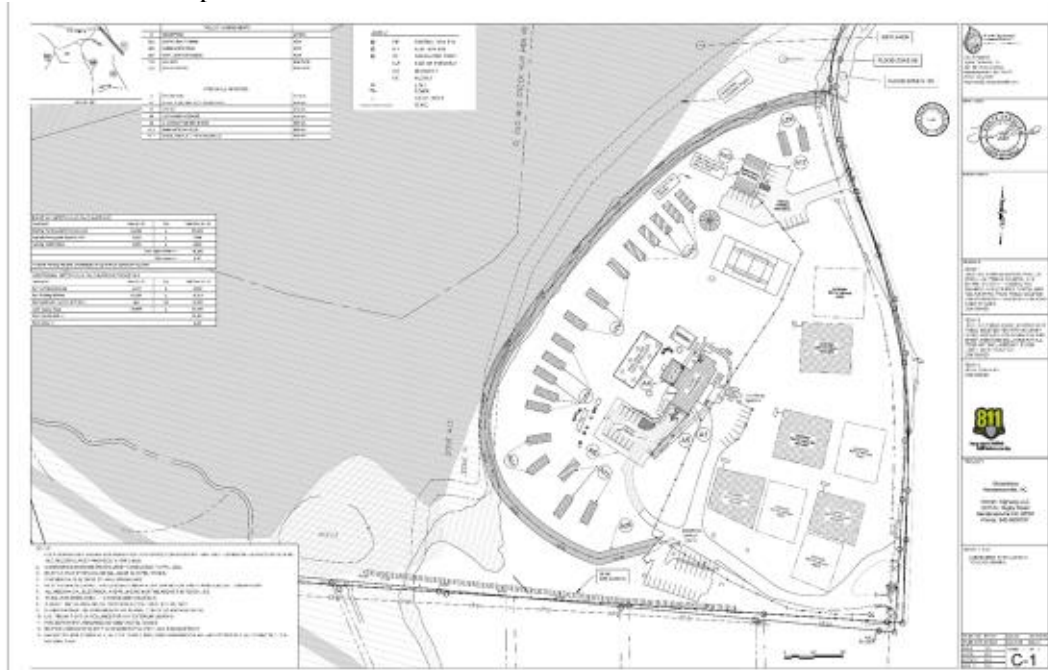
### County Context Map

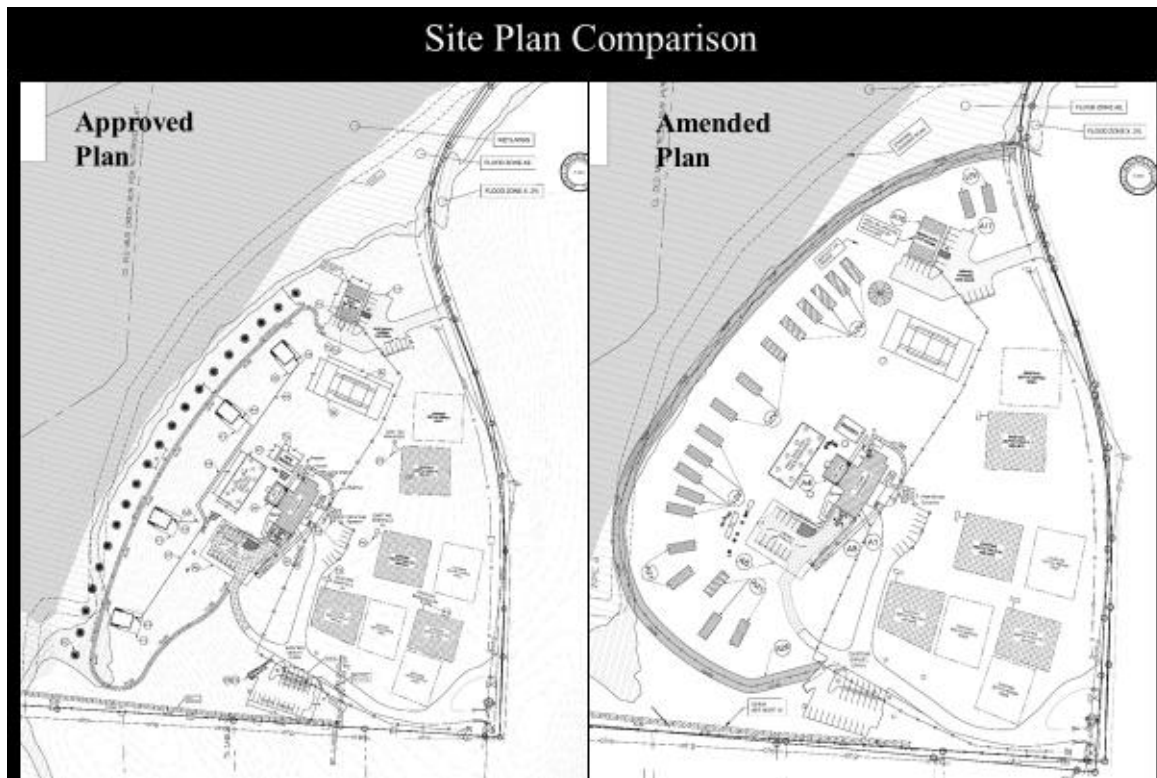


### Aerial Map



Site Plan with Proposed Amendments





#### Summary of Proposed Amendments

- Proposed yurts (20 total) will be replaced with onsite, stick built cabins (20 total) with a bathroom and kitchen efficiency which includes a coffee pot, refrigerator, microwave, toaster oven and sink. These dwellings will meet the required NCDOI and NC Building Code requirements.
- The proposed bathhouses will be removed. According to the project engineer, the existing septic system will support the individual bathrooms in the cabins.
- The existing logging road will be utilized for emergency service access to the cabins, with an additional gated one-way exit onto N. Rugby Road.
- The applicant has proposed the addition of a gazebo on the property.
- Due to improvements required for stormwater permits, the applicant has requested to remove all or a portion of the required 2' berm along southern boundary as it is no longer necessary to correct the water runoff issues.

#### Public Input

1. Applicant Kevin High – Mr. High explained he continues work with his engineer and the County Engineer Natalie Berry on storm water issues. A culvert already exists in the area being discussed, and he feels a berm will make it worse. He recommends instead that the existing system be repaired. He will work with the engineers to make sure the neighbors are satisfied. Mr. High later responded that there is no other place to put the three cabins. He will be installing trees and barrier fencing that will help conceal the cabins.
2. Dennis Hobbie – Mr. Hobbie stated that three cabins will be in his sight, and he is not in favor of them. He feels the cabins should be moved. He requests that the water runoff issues be followed to make sure there are no future erosion issues.
3. (Via Survey Monkey) Deborah Morgan – Why bother asking any of the neighboring households to make comments. The Planning Board already has decided to ok the project as they have done to in the past, regardless of any reasonable objections. I am sure that all that matters to the Planning Board and/or Henderson County officials is the tax revenue generated by this business. Also, I would imagine the

members of the Board are grateful “this is not in their back yard.”

4. (Via Survey Monkey) Jennifer Hobbie - My first concern is with the relocation of the cabins on the south side of the parking lot. These are not in the location of the approved yurt locations in the conditional zoning permit that the cabins are to replace. Mr. High had described the yurts as tucked away. These cabins will be in full view from our deck. We moved to this area 41 years ago because of the quiet residential atmosphere. This will definitely be changed with cabins basically in our backyard. We had accepted the location of the yurts as they were further away from the property line. The cabins will change the residential quality of our property. The second concern is that it appears the access road has also been moved closer to the property lines. Is it just for emergency traffic or will it be also used as access to the cabins? This could contribute to noise and potential water run-off. I would ask you to please consider how these changes will impact the property owners who long ago chose this area for its quiet peaceful residential qualities. The cabins in the original placement of the yurts will have less impact; but the cabins that are now projected to be in much closer proximity of the southern border will have an effect on us and our neighbors. Please thoughtfully consider what your decisions in these changes will have on our neighborhood.

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

Chairman Hawkins responded to Deborah Morgan’s comment via Survey Monkey. He stated Henderson County, as far as he knew, has never had discussion of tax revenue during rezoning public hearings.

*Commissioner Edney made the motion that the Board approves with conditions the amendments to conditional district CD-2019-07, based on the Henderson County Comprehensive Plan, with the conditions listed in the staff report, and with the additional conditions listed on the document executed by the developer today attached to the minutes of today’s meeting. He further moved that the Board approves the proposed resolution regarding the consistency of this change with the Comprehensive Plan. All voted in favor and the motion carried.*

**INFORMAL PUBLIC COMMENT**

There was none.

**Discussion/Adjustment of Consent Agenda**

*Chairman Hawkins 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):

June 17, 2020 - Regularly Scheduled Meeting

Motion:

*I move the Board approves the minutes of June 17, 2020.*

**2020.59 Pending Releases and Refunds**

The pending releases and refunds have been reviewed by the Assessor. 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.

Type:

Amount:

Total Taxes Released from the Charge

\$ 3,454.63

Total Refunds as a Result of the Above Releases

\$ 603.72

Motion:

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

**County Financial Report/Cash Balance Report – May 2020**

The May 2020 County Financial and Cash Balance Reports 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 May:

- Rescue Squad – payment of all annual appropriations, expenses to be reimbursed to the County
- Agri-Business – excess operating expenditures to be covered by membership fees
- Mental Health – payment of 4th quarter Board approved maintenance of effort (MOE)
- Juvenile Justice Programs – higher than average juvenile detention fees
- Public Education – payment 10 of 10 of annual appropriation made to the public school system

Year to Date Net Revenues under expenditures for Public Transit Fund is due to the appropriation of fund balance for the purchase of transit buses as well as the timing of receipt of Federal Transit funds.

Year to Date Net Revenues under expenditures for the Cane Creek Water and Sewer District Fund is due to expenditures related to the Mud Creek Interceptor Project.

Motion:

*I move that the Board of Commissioners approves the May 2020 County Financial Report and Cash Balance Report as presented*

**Henderson County Public Schools Financial reports – May 2020**

The Henderson County Public Schools May 2020 Local Current Expense Fund / Other Restricted Funds was provided for the Board’s information.

Motion:

*I move that the Board of Commissioners approves the Henderson County Public Schools May 2020 Financial Reports as presented.*

**2020.60 Repeal of Cane Creek Water and Sewer District Ordinance - Repeal of Advisory Committee**

Given the merger of the Cane Creek Water and Sewer District with the Metropolitan Sewerage District of Buncombe County, the District as defined in Chapter 91 of the County Code is no longer needed. This would repeal that Chapter.

Further, the Cane Creek Water and Sewer District Advisory Committee, as established by Section 3-14 of the County Code, is no longer required. This would repeal Section 3-14.

Motion:

*I move that the Board repeals Chapter 91 and Section 3-14 of the Henderson County Code.*

**Hola Community Arts Lease Renewal**

In October 2019 the Board approved a new lease with Hola Community Arts to utilize office space in the Jackson Park House. This was a new type of partnership for Parks and Recreation and the Board had many questions on how this would work. We are happy to report that the first year has been a great success. Hola has completed all the interior upgrades/renovations to the building that they agreed too, and they have worked closely with us on all of these. The inside looks great and they were extremely easy to work with through the entire process. They have also translated a number of documents for Parks and Recreation as well as placed full page marketing in the Hola Carolina Magazine as a part of our agreement. We also



continue to work on various partnerships for the community through events, some of these have been cancelled or delayed due to current restrictions. We are hopeful to soon be partnering to host these community events.

Hola Community Arts recently reached out to request a lease renewal as instructed per their agreement with Henderson County. The agreement allows the lease to be renewed up to 4 times, each time subject to the Board of Commissioners' approval. The Department of Parks and Recreation supports this request as the first lease term has been a positive experience for all.

Motion:

*I move that the Henderson County Board of Commissioners approves the proposed lease renewal as presented.*

**Set Public Hearing for Conditional Rezoning Application #R-2020-02-C Horseshoe Farm**

Conditional rezoning application #R-2020-02-C was initiated on March 17, 2020 and requests that the County conditionally rezone approximately 79.59 acres of land from Residential Two (R2) zoning district to a Conditional District (CD-2020-02). The acreage consists of 6 parcels. The property owner is SEN-Asheville I, LLC. John Turchin will be serving as agent.

The applicant is proposing a mixed development that contains short term rental cottages, dining facility, clubhouse, spa and yoga studio, equestrian center/riding ring, special events meeting space, horse trailer/RV parking area, and arts/crafts space. The applicant requested the conditional district due to the number of proposed uses and to allow for flexibility in design.

Conditional Districts allows for the Board of Commissioners to place conditions on the property to address community concerns and make the proposed development compatible with adjacent uses.

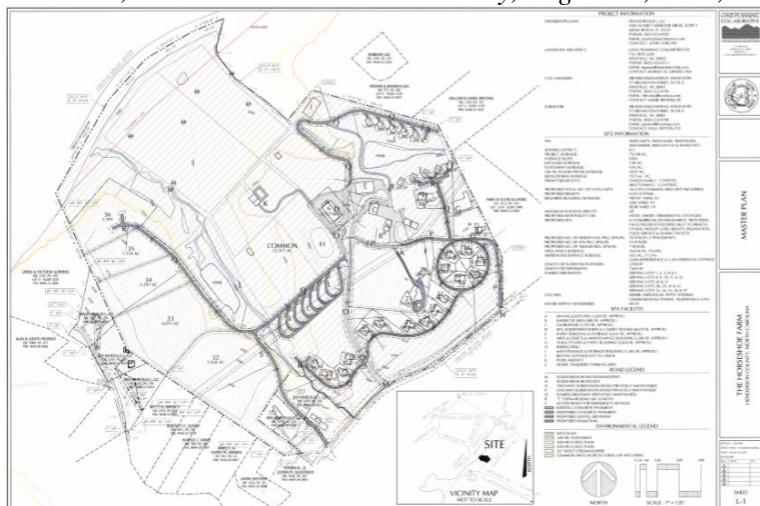
As required by the LDC, a neighbor compatibility meeting was held on Wednesday, May 27, 2020.

The Technical Review Committee (TRC) reviewed the application on June 16, 2020 and made a motion to forward the application to the Planning Board with conditions as discussed.

The Planning Board reviewed the conditional rezoning request at its June 18, 2020 meeting electronically. The Planning Board voted 6 to 1 to forward a favorable recommendation to the Board of Commissioners.

Motion:

*I move that the Board schedules a public hearing for conditional rezoning application #R-2020-02-C, Horseshoe Farm on Wednesday, August 19, 2020, at 9:30 AM.*



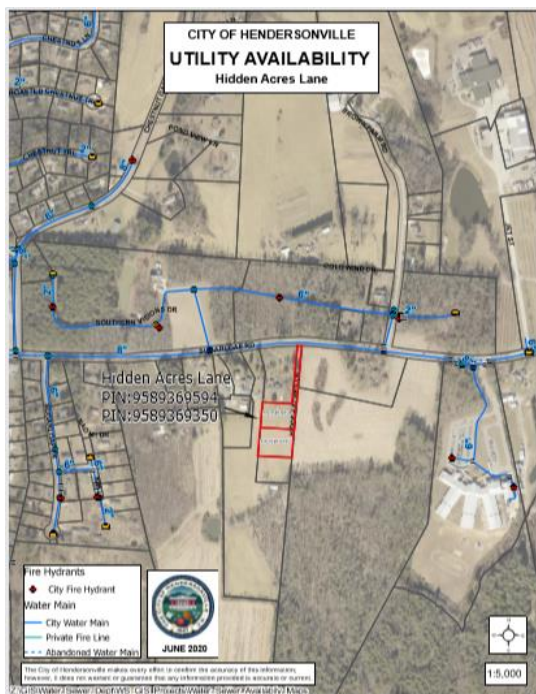




### Water Extension Request

The City of Hendersonville has requested that the County comment on one potential waterline extension:

1. Jeffrey Harvey on behalf of the property owner, Mark Durner has inquired about connection to the City of Hendersonville’s water line for PIN’s: 9589-36-9594 & 9589-36-9350. The City of Hendersonville has an 8” water main along Sugarloaf Road that touches PIN 9589-36-9594 that only requires a tap application. A waterline extension to serve PIN 9589-36-9350 would be required.



Motion:

*I move that the Board approves the waterline extension request for Jeffrey Harvey on behalf of the property owner, Mark Durner. I further move that the Board directs staff to convey the County’s comments to the City of Hendersonville.*

**Non-Profit Performance Agreements**

Subsequent to the approval of the FY 2020-2021 Budget, staff has distributed the funding agreements to the non-profit agencies receiving County allocations.

1. Blue Ridge Humane Society	\$75,000
2. Blue Ridge Literacy Council	\$10,000
3. Boys & Girls Club of Henderson County	\$10,000
4. Children & Family Resource Center	\$17,340
5. Council on Aging for Henderson County	\$36,075
6. Eliada Homes, Inc.	\$10,000
7. Flat Rock Playhouse	\$10,000
8. Henderson County Free Medical Clinic (The Free Clinics)	\$27,645
9. Henderson County Heritage Museum	\$100,000
10. Henderson County Partnership for Economic Development	\$376,750 - \$77,500
11. Henderson County Young Leaders Program (Camplify)	\$5,000
12. Hendersonville Area Chamber of Commerce Foundation	\$5,000
13. Hendersonville Community Theatre	\$5,000
14. Interfaith Assistance Ministry, Inc.	\$5,000
15. Medical Loan Closet of Henderson County	\$4,500
16. Only Hope WNC	\$18,000
17. Safelight, Inc.	\$47,500
18. St. Gerard House	\$50,000
19. The Housing Assistance Corporation	\$11,750
20. The Mediation Center	\$10,500
21. United Way of Henderson County	\$10,000
22. Vocational Solutions of Henderson County, Inc.	\$41,625
23. Western Carolina Community Action, Inc. (Grant Match)	\$38,905
24. Western Carolina Community Action, Inc. (Medical Transport)	\$11,100
25. WNC Communities	\$4,219

Motion:

*I move the Board authorizes the Chairman to execute the funding agreements thereby authorizing the release of the first of the quarterly installments to the named agencies.*

**95 Courthouse Space Needs Assessment – Firm Selection**

At the Board’s January 15, 2020 meeting, the Board directed Staff to request proposals from qualified firms to conduct an assessment of the 95 Courthouse, focusing on capacity issues. Staff subsequently developed and released a Request for Qualifications for the facility, receiving proposals from: CBRE Heery, Cope Architecture, Fentress Inc., Silling Architects and TAB Associates Inc. Those proposals were reviewed by representatives from the Clerk of Court, Public Defender’s Office, District Attorney’s Office, District Court Judges and the County Manager’s Office on Thursday, March 5, 2020. Following that review, the firm of Fentress Incorporated was unanimously selected as the most qualified firm to conduct the assessment. At the Board’s May 20, 2020 meeting, Staff was directed to negotiate an agreement with Fentress Inc. for the 95 Courthouse Space Needs Assessment, to be brought back to the Board for final approval.

The Space Needs Assessment Price Proposal from Fentress Inc., a draft contract for the assessment, and a

budget amendment were provided for the Board’s review.

Motion(s):

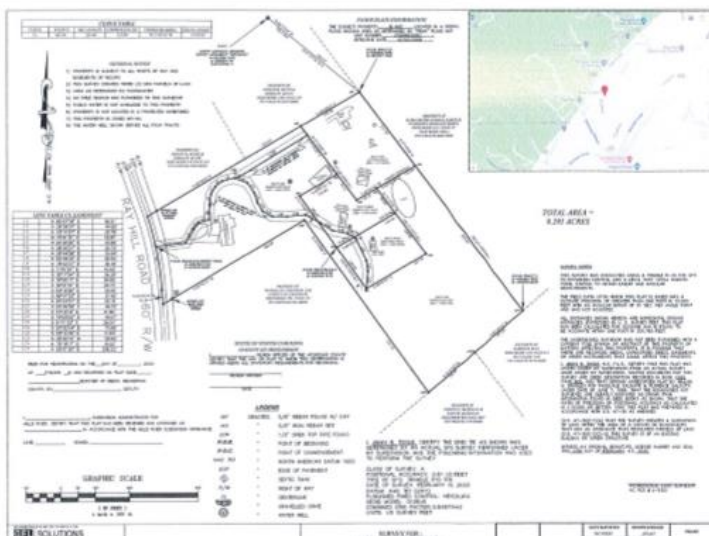
*I move the Board selects Fentress Inc. to conduct the 95 Courthouse Space Needs Assessment, approves the Contract, and Budget Amendment for the study as presented.*

**Set Public Hearing for renaming of a local street from Branch N Berry Trail to Moon Circle**

On July 23<sup>rd</sup>, 2020 Staff received a petition from the applicant to rename “Branch N Berry Trail” to “Moon Circle”. The application was deemed complete and included consent from 100% of the affected property owners meeting our ordinance requirement.

North Carolina General Statute 153A-239.1 requires the Board to hold a public hearing prior to assigning a new road name or re-assigning a road name to an existing street. The road name assignment is required by the Henderson County Property Addressing Ordinance (Chapter 41) and will avoid possible confusion when responding to emergency situations. If the Board approves this request for action, staff post signs in the affected area regarding the public hearing and advertised the public hearing in a local newspaper.

Highlighted Properties Impacted by Branch N Berry Trl Renaming Application



Motion:

*I move the Board schedules a public hearing for the renaming of Branch n Berry Trail for August 3<sup>rd</sup>, 2020 at 9:30AM.*

### **WIC Special Funding Opportunity Approval NCDHHS**

The WIC/Nutrition Program recently submitted a proposal for special funding being provided by the North Carolina Department of Health & Human Services to increase access to WIC services. That proposal was supported, and the Department received a formal approval on June 18, 2020 (Attachment 1). The proposal in part requested funding to purchase a vehicle to assist with additional outreach (reference highlighted areas of WIC proposal – Attachment 2).

The Henderson County Department of Public Health requests approval to accept the special funds and specific permission to proceed with the purchase of a vehicle. Relevant considerations for the acquisition of the vehicle include:

- Expenses associated with insurance, fuel and maintenance
- Vehicle would be utilized by Department for its useful period of operation
- No expectation that vehicle would be replaced in the future with county funding
- Vehicle would need to be returned to federal government (USDA) at the end of its useful period of operation as required for all federal assets

The proposed use of federal funds and purchasing conditions have been reviewed with the Henderson County Finance Director.

Motion:

*I move the Board accepts the WIC Special Funds for the Henderson County Department of Public Health, approve the necessary budgetary actions including the purchase of a vehicle to assist with additional outreach, to implement the initiative subject to funding limitations of the award.*

### **2020.61 Amendment of Nuisance Ordinance**

The Nuisance ordinance, Chapter 52 of the Henderson County Code, is undergoing revision in light of adoption of Chapter 160D of the North Carolina General Statutes, the effective date of which was recently moved forward. While other changes made be forthcoming, the modification requested here – changing the Court to which appeals can be made, is required to conform to North Carolina law. The change is to §52-9.J. of the Code, which now reads as follows:

J. Further appellate rights. Any party aggrieved by a final decision is entitled to judicial review of the decision. A petition for a writ of certiorari by the party must be filed with the General Court of Justice of North Carolina not more than 30 calendar days after the party receives the final decision from the County Zoning Board of Adjustment.

In the revision, “General Court of Justice of North Carolina” replaces “Court of Appeals”. Otherwise, the section is unchanged.

Motion:

*I move that the Board adopts the proposed Amendment.*

### **Notification of Vacancies**

The Notification of Vacancies is being provided for the Board’s information. They will appear on the next agenda under “Nominations”.

1. Agriculture Advisory Committee – 1 vac.
2. Environmental Advisory Committee - 1 vac.
3. Equalization & Review, Henderson County Board of – 1 vac.
4. Juvenile Crime Prevention Council – 2 vac.

**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**

Vice-Chairman Lapsley opened the floor for nominations.

1. Asheville Regional Housing Consortium – 1 vac.  
Commissioner Edney nominated Jacob Compher for position #3.

*Chairman Hawkins made the motion to accept the reappointment of Jacob Compher to position #3 by acclamation. All voted in favor and the motion carried.*

2. Fire and Rescue Advisory Committee – 1 vac.  
Chairman Hawkins nominated Matthew Hossley for position #6.

*Chairman Hawkins made the motion to accept the appointment of Matthew Hossley to position #6 by acclamation. All voted in favor and the motion carried.*

3. Henderson County Historic Courthouse Corporation dba/Heritage Museum – 1 vac.  
Commissioner McCall nominated Laura Cline for position #1.

*Chairman Hawkins made the motion to accept the appointment of Laura Cline to position #1 by acclamation. All voted in favor and the motion carried.*

4. Historic Resources Commission – 1 vac.  
There were no nominations at this time and this item was rolled to the next meeting.

5. Juvenile Crime Prevention Council – 3 vac.  
Commissioner McCall nominated Eric Gash for position #10. Chairman Hawkins nominated Lily Jenkins Ferry for position #4 and Garrett Gardin for position #2.

*Chairman Hawkins made the motion to accept the reappointment of Lily Ferry to position #4, and the appointments of Garrett Gardin to position #2 and Eric Gash to position #10 by acclamation. All voted in favor and the motion carried.*

6. Library Board of Trustees – 1 vac.  
There were no nominations at this time and this item was rolled to the next meeting.

7. Metropolitan Sewerage District- MSD – 2 vac.  
Chairman Hawkins nominated Commissioner Lapsley for position #1.

*Chairman Hawkins made the motion to accept the appointment of Commissioner Lapsley to position #1 by acclamation. All voted in favor and the motion carried.*

8. 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.

9. 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.



**REQUEST BY GREATER ASHEVILLE REGIONAL AIRPORT AUTHORITY (“GARAA”) TO ACQUIRE HENDERSON COUNTY LAND**

At the Board June 17, 2020 regularly scheduled meeting, the Board discussed this topic and tabled it to today’s meeting of July 15, 2020.

GARAA seeks permission to acquire the Broadmoor Golf Course -- +/- 193.31 acres from the Warrior Golf Management, LLC (“Warrior”). Warrior declared Chapter 11 Bankruptcy March 4, 2019, in the Southern District of Texas. The land is located as shown.

Chairman Hawkins noted he had received a petition and also received a Resolution from the City of Fletcher asking to keep Broadmoor Golf Course.

Low Bleiweis stated Broadmoor Gold Course has been in bankruptcy for some time now. No one has stepped up to purchase the property. Greater Asheville Regional Airport Authority “GARAA” is looking to purchase the property to protect the property around the airport. They have spoken with Golf Course Management Companies for liabilities. GARAA is looking at ways to development the property for revenue, while trying to keep golf course. They will only lease the property.



GARAA has reached agreement with the owners of the property to acquire this land, subject to your approval and approval (at a bankruptcy court hearing scheduled for June 15, 2020). A copy of the motion seeking bankruptcy court approval is attached. A map of the affected land is also included.

GARAA staff was available to present further information on this matter.

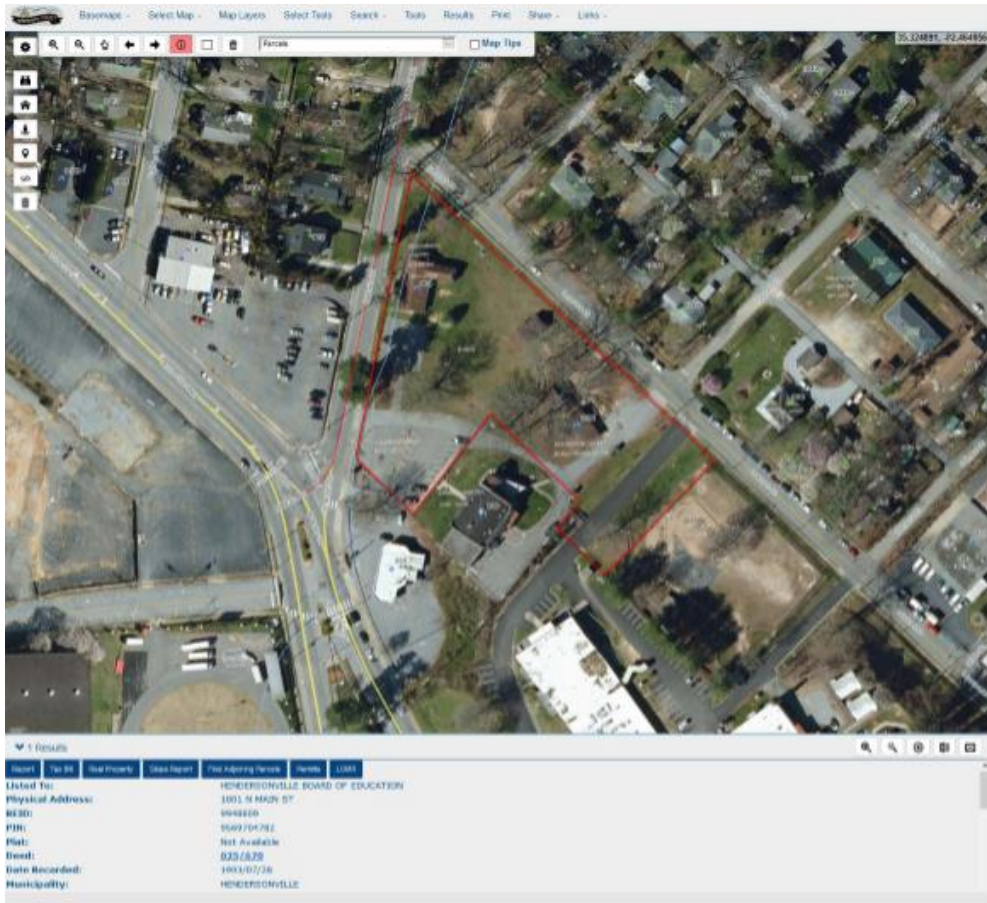
*Vice-Chairman Lapsley made the motion that the Board grants its approval to the acquisition by Greater Asheville Regional Airport Authority of the +/- 193.31 acres “Broadmoor Golf Course”, Warrior Golf Management, LLC. All voted in favor and the motion carried.*



**BOARD OF EDUCATION SURPLUS PROPERTY**

The Henderson County Board of Public Education (“BPE”) proposes a swap of real property with the City of Hendersonville. Under the terms proposed, the BPE would swap the property located at 1001 North Main Street (colloquially, “Edwards Park”) to the City of Hendersonville for the Berkley Mills Park property.

Before the BPE can convey real property, it must, under N.C. Gen. Stat. §115C-518, first declare the property surplus, and “offer the property to the board of commissioners at a fair market price or at a price negotiated between the two boards.”



Bo Caldwell announced he would be retiring effective December 1, 2020 after 36 years of service. Purchase of this property by the school system would provide Hendersonville High School with a park. Lights, a softball complex, and tennis courts can be added. The long-range plan is an Athletic Complex. There are no cost calculations at this time, as this is the first step being discussed today. A memorandum of understanding will be signed for the greenway, and public access will be looked at also.

BPE proposes that your board opt to not acquire this property. If you so decide, BPE will be free to make disposition of the property in accord with the laws of North Carolina, which allow for the type swap proposed.

*Commissioner Edney made the motion that the Board table this item to the next meeting. All voted in favor and the motion carried.*

County Manager Steve Wyatt will talk with City of Hendersonville Manager John Connet and report back to the Board at their August 3, 2020 meeting.

**2020.62 FY2019-2020 TAX COLLECTOR’S SETTLEMENT; APPROVAL FOR BOND AMOUNTS FOR TAX COLLECTOR/DEPUTY; FY2020-2021 TAX ORDER FOR COLLECTION**

Darlene Burgess stated it is time for delivery of the tax receipts to the Henderson County Tax Collector; however, before they can be delivered, the following must occur (pursuant to N.C.G.S. 105-352):

- (a) **PREPAYMENTS.** The Tax Collector must deliver any duplicate bills printed for prepayments received by the Tax Collector to the Finance Director and demonstrate to the Finance Director’s satisfaction that all prepayments received have been deposited.
- (b) **SETTLEMENT.** The Tax Collector must make settlement with the Board of Commissioners for all taxes placed in his hands for collection for the past year.
- (c) **BOND.** The Board of Commissioners must approve the bond to be issued for the Tax Collector and Deputy Tax Collector for Delinquent Taxes.
- (d) **ORDER OF COLLECTION.** An Order of Collection must be adopted at today’s meeting, which will charge the Tax Collector with the collection of FY 2020-2021 taxes, plus all outstanding delinquent taxes.

**STATUTORY REQUIREMENTS FOR TAX COLLECTOR’S SETTLEMENT (NCGS 105-373)**

**The Tax Collector’s Settlement must:**

1. Occur after July 1 and before the Board charges the Collector with the FY2021 Levy
2. Include two lists:
  - Persons owning real property whose taxes remain unpaid; and
  - Persons not owning real property whose taxes remain unpaid (the “Insolvents List”)
3. Include an accounting of all amounts charged to the Collector and the amounts allowed as credits to the Collector
4. Include a statement from the Collector stating he/she has made diligent efforts to collect the tax
5. The Settlement for prior-year taxes shall be made in whatever form is satisfactory to the County’s Chief Accounting Officer and the Governing Body

**FY2020 ANNUAL LEVY**

*Includes Real Property, Personal Property, Business Personal Property, and Public Service Property billed and collected by the County*

<b>LEVY ADDITIONS</b>				
All amounts charged to the Tax Collector				
	COUNTY	FIRE DISTRICTS	MUNICIPAL DISTRICTS	TOTAL
Tax	\$ 85,314,320.44	\$ 10,433,704.66	\$ 12,062,946.83	\$ 107,810,971.93
Penalty	\$ 217,524.29	\$ 21,396.75	\$ 27,794.50	\$ 266,715.54
Interest	\$ 134,957.77	\$ 19,614.79	\$ 13,940.04	\$ 168,512.60
<b>TOTAL</b>	<b>\$ 85,666,802.50</b>	<b>\$ 10,474,716.20</b>	<b>\$ 12,104,681.37</b>	<b>\$ 108,246,200.07</b>

<b>LEVY CREDITS</b>				
All sums allowed as credits to the Tax Collector				
	COUNTY	FIRE DISTRICTS	MUNICIPAL DISTRICTS	TOTAL
Deposits	\$ 83,471,647.30	\$ 10,268,301.62	\$ 11,821,680.27	\$ 105,561,629.19
Adjustments	\$ 981,019.04	\$ 30,382.57	\$ 115,429.19	\$ 1,126,830.80
Releases	\$ 29,181.92	\$ 3,629.81	\$ 227.74	\$ 33,039.47
Interest	\$ 134,957.77	\$ 19,614.79	\$ 13,940.04	\$ 168,512.60
Unpaid Tax: Real & Personal Property	\$ 1,049,996.47	\$ 152,787.41	\$ 153,404.13	\$ 1,356,188.01
Unpaid Tax: Registered Motor Vehicles	\$ -	\$ -	\$ -	\$ -
<b>TOTAL</b>	<b>\$ 85,666,802.50</b>	<b>\$ 10,474,716.20</b>	<b>\$ 12,104,681.37</b>	<b>\$ 108,246,200.07</b>

**REGISTERED MOTOR VEHICLE (RMV) LEVY**

*Includes Registered (tagged) Motor Vehicle Tax Bills that are billed and collected on behalf of the County by NC's Tax & Tag Together Program  
RMV tax is not part of the Collector's charge, however it is part of the Tax Levy.*

LEVY ADDITIONS				
	COUNTY	FIRE DISTRICTS	MUNICIPAL DISTRICTS	TOTAL
Tax	\$ 6,533,850.91	\$ 885,960.19	\$ 1,312,711.37	\$ 8,732,522.47
Vehicle Fee	\$ -	\$ -	\$ 200,695.00	\$ 200,695.00
Interest	\$ 37,815.41	\$ 5,038.73	\$ 8,161.48	\$ 51,015.62
<b>TOTAL</b>	<b>\$ 6,571,666.32</b>	<b>\$ 890,998.92</b>	<b>\$ 1,521,567.85</b>	<b>\$ 8,984,233.09</b>

LEVY CREDITS				
	COUNTY	FIRE DISTRICTS	MUNICIPAL DISTRICTS	TOTAL
Levy Collected	\$ 6,502,510.74	\$ 881,938.62	\$ 1,503,795.06	\$ 8,888,244.42
Unpaid Levy	\$ 31,340.17	\$ 4,021.57	\$ 9,611.31	\$ 44,973.05
Interest Collected	\$ 37,815.41	\$ 5,038.73	\$ 8,161.48	\$ 51,015.62
<b>TOTAL</b>	<b>\$ 6,571,666.32</b>	<b>\$ 890,998.92</b>	<b>\$ 1,521,567.85</b>	<b>\$ 8,984,233.09</b>

**COMBINED ANNUAL & RMV LEVY**

*Includes (1) Real Property, Personal Property, Business Personal Property and Public Service Property billed and collected by the County; and (2) RMV tax billed and collected on behalf of the County under NC's Tax & Tag Program*

LEVY ADDITIONS				
	COUNTY	FIRE DISTRICTS	MUNICIPAL DISTRICTS	TOTAL
Tax & Vehicle Fee	\$ 91,848,171.35	\$ 11,319,664.85	\$ 13,576,353.20	\$ 116,744,189.40
Penalty	\$ 217,524.29	\$ 21,396.75	\$ 27,794.50	\$ 266,715.54
Interest	\$ 172,773.18	\$ 24,653.52	\$ 22,101.52	\$ 219,528.22
<b>TOTAL</b>	<b>\$ 92,238,468.82</b>	<b>\$ 11,365,715.12</b>	<b>\$ 13,626,249.22</b>	<b>\$ 117,230,433.16</b>

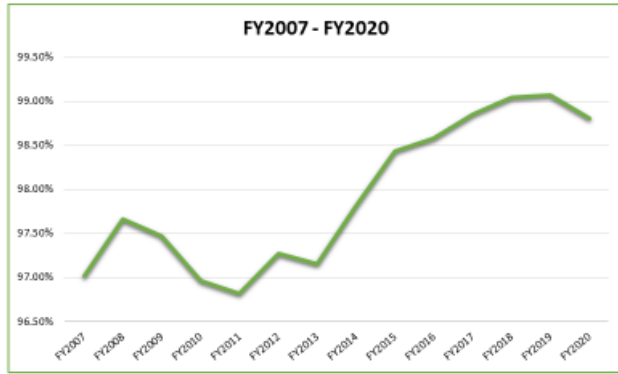
LEVY CREDITS				
	COUNTY	FIRE DISTRICTS	MUNICIPAL DISTRICTS	TOTAL
Deposits	\$ 89,974,158.04	\$ 11,150,240.24	\$ 13,325,475.33	\$ 114,449,873.61
Adjustments	\$ 981,019.04	\$ 30,382.57	\$ 115,429.19	\$ 1,126,830.80
Releases	\$ 29,181.92	\$ 3,629.81	\$ 227.74	\$ 33,039.47
Interest	\$ 172,773.18	\$ 24,653.52	\$ 22,101.52	\$ 219,528.22
Unpaid Levy: Real & Personal Property	\$ 1,049,996.47	\$ 152,787.41	\$ 153,404.13	\$ 1,356,188.01
Unpaid Levy: Registered Motor Vehicles	\$ 31,340.17	\$ 4,021.57	\$ 9,611.31	\$ 44,973.05
<b>TOTAL</b>	<b>\$ 92,238,468.82</b>	<b>\$ 11,365,715.12</b>	<b>\$ 13,626,249.22</b>	<b>\$ 117,230,433.16</b>

The following focuses only on the County Levy for Annual Bills and do not include Fire Districts and/or Municipal Districts.

**FISCAL YEAR-END COLLECTION RATES**

	FY2020	FY2019
Annual Levy	98.76%	99.01%
RMV Levy	99.52%	99.73%
Combined Levy	98.81%	99.07%

**COMBINED LEVY COLLECTION RATE TREND:**



**LEVY COLLECTED  
COMPARED TO  
FY2020 BUDGETED PROPERTY TAX REVENUE**

	LEVY BUDGETED	LEVY COLLECTED (\$ DEPOSITED)	\$ COLLECTED OVER (UNDER) BUDGET
FY2020	\$ 87,128,532.00	\$ 90,966,806.18	\$ 3,838,274.18
FY2019	\$ 76,722,389.00	\$ 80,239,454.85	\$ 3,517,065.85
FY2018	\$ 74,231,301.00	\$ 78,183,956.57	\$ 3,952,655.57
FY2017	\$ 73,075,676.00	\$ 76,381,248.10	\$ 3,305,572.10
FY2016	\$ 65,998,066.00	\$ 68,524,823.14	\$ 2,526,757.14

\*Includes RMV Levy

**COLLECTOR'S EFFORTS TO COLLECT UNPAID TAX**

TYPE OF ACTION	ENFORCED COLLECTION ACTIVITY			
	FY2020 ACTIVITY		FY2019 ACTIVITY	
	# OF NEW ACTIONS	\$ VALUE *	# OF NEW ACTIONS	\$ VALUE*
Payment Arrangements	317	\$ 666,231	261	\$ 495,789
Bank Account Attachments	385	\$ 743,007	425	\$ 535,780
Wage Garnishments	399	\$ 218,170	757	\$ 400,023
Rent Attachments	1	\$ 975	6	\$ 32,116
Garnishments of Escheated Funds	105	\$ 107,415	165	\$ 114,451
NC Debt Setoff (State Income Tax Garnishment)	4,765	\$ 1,362,781	2,947	\$ 1,160,452

\* \$ Value includes the total value of each action when it was created. It should not be confused with collection activity resultant from the action. Total value includes levy, interest, penalties and any collection costs associated with the action.

Darlene Burgess noted that enforced collection activity is down because it was ceased in March due to Covid 19. They are making more than usual payment arrangements. They plan to resume on a case by case basis, while trying to avoid a snowball effect with several years of back taxes.

*Chairman Hawkins made the motion that the Board approves the tax collector's settlement for Fiscal Year 2019-2020 taxes, and further moved to approve the bonds, the order of collection and charge for collection to the tax collector for Fiscal Year 2020-2021 taxes. All voted in favor and the motion carried.*

**CONSTRUCTION PROJECT UPDATE**

David Berry provided the Board of Commissioners with an update on the following construction projects around Henderson County. This monthly report is a review of the scope and statuses of assigned construction management responsibilities and includes specific updates in regard to County funded construction activities.

**Hendersonville High School**

Masonry walls have been poured along with on grade, elevated slabs, and concrete block. They are in the process of removing the bad mortar within the Stillwell building and will begin replacing some mortar soon.

**Edneyville Elementary**

The final punch list and close out documents are being completed. Staff has met with Finance to begin the wrap up of cost in regard to accounting for all or any outstanding costs. The state is monitoring the sewer system with the understanding that the Board of Commissioners are looking for other options. Staff will share the final numbers at a later date, but the project is ahead of schedule.

**DSS**

The completion is planned for Friday, July 17, 2020, with a walk-thru and punch out happening today. Occupancy is scheduled Monday, July 20, 2020.

**95 Courthouse Skylights**

The skylights were completed last week with debris, old glass, etc. being removed on Monday. It is apparent, as folks who work in the building have commented, that the new skylights have brightened up the area by letting in more light or it is possible that the old lights had become less transparent over time. Now that the skylight work is complete, it will allow Facilities Services to make any necessary ceiling drywall repairs. Once complete, the dumpster will be removed.

**Courtroom renovation**

Work is being done by Facilities Services in the Superior Courtroom to provide for Social Distancing during court proceedings as a safety measure. This is being done due to Covid 19 and the cost will be reimbursed out of the Cares Act funding.

**95 Courthouse Holding Cell**

The Architectural plans have now been completed, but staff is waiting on direction to proceed in regard to bidding work before the project can begin.

**Flat Rock & Rugby HVAC**

The project is on schedule to have all classrooms ready to go by school start date. Some of the ceiling work in hallways is still lacking but will not interrupt school. The system swap over to the new roof top chillers is being coordinated with HCPS.

**CORONAVIRUS RELIEF FUNDS ALLOCATION FROM THE STATE OF NORTH CAROLINA AND COVID-19 UPDATE**

Henderson County has been informed that we will be awarded additional funds from the State of North Carolina for Coronavirus Relief. The additional allocation requires that the County disburse 25% of the total funding to the county's municipalities. Staff will update the Board on the additional allocation and plan to work with the municipalities on Coronavirus Relief Funds.

Megan Powell stated an additional \$150m has been provided Federally to the States for Covid 19 costs, for a total of \$300m to the Counties. Twenty five percent of the total is available for the municipalities. Costs

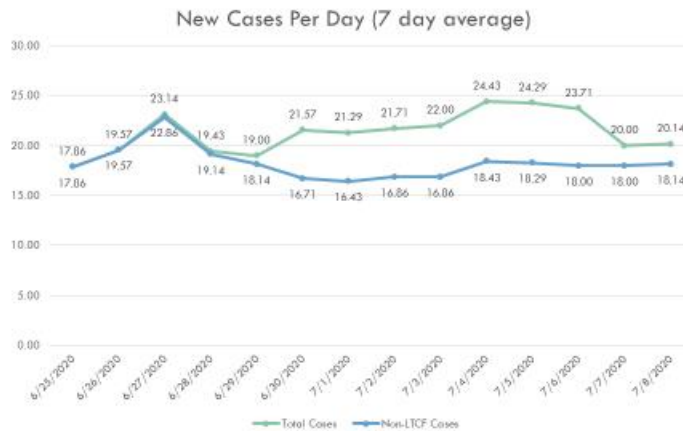
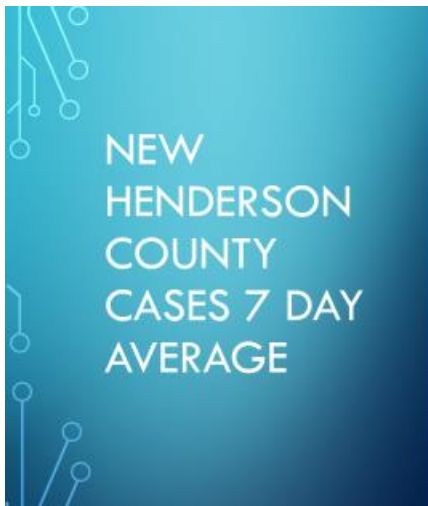
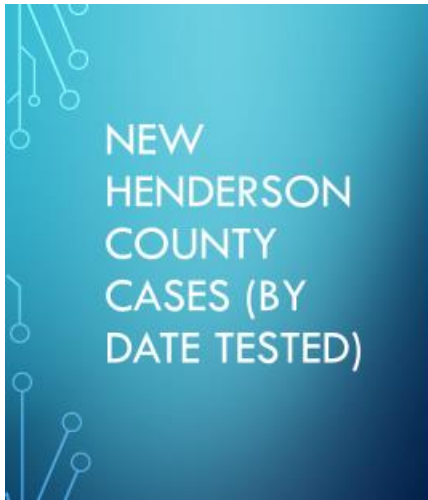


will be reimbursed for eligible expenses only, and any funding not used by the municipalities will be utilized by the County. All reimbursement requests are due by December 30, 2020.

Chairman Hawkins will share this information at the LGCCA meeting on July 21, 2020 with the municipalities.

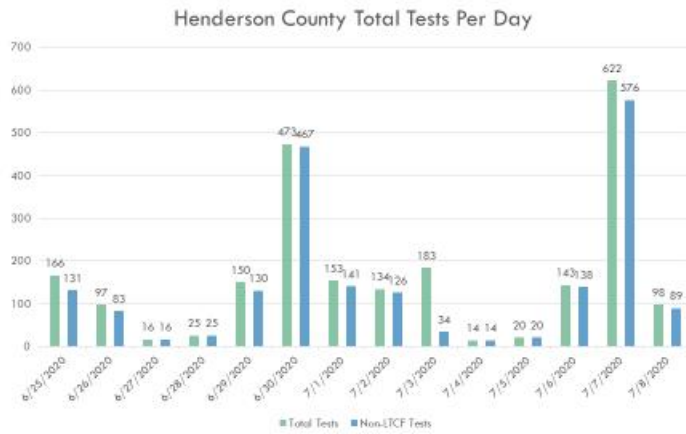
Jimmy Brissie provided the Board with the most current information pertaining to COVID-19 in Henderson County.

All data based on date tested as of 530 PM 7.12.2020

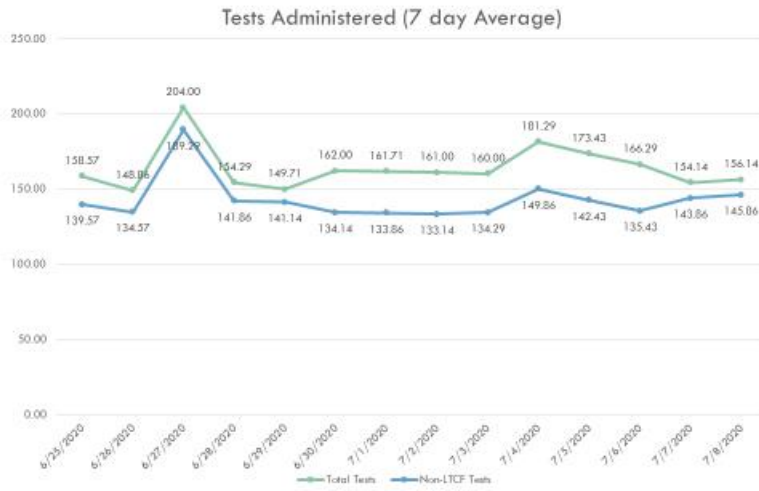




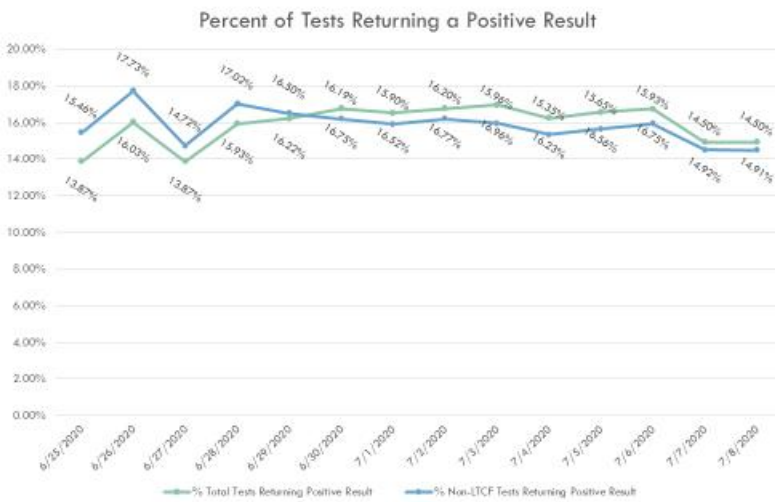
# HENDERSON COUNTY TESTS



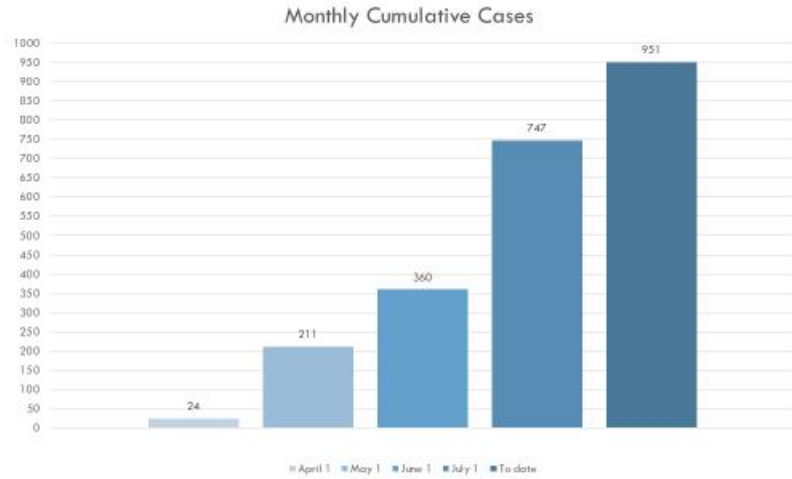
# TESTS REPORTED TO HCDPH 7 DAY AVERAGE



# PERCENTAGE OF TESTS RETURNING A POSITIVE RESULT



# CUMULATIVE CASE COUNTS APRIL – JUNE 29



# CUMULATIVE CASE COUNTS APRIL – JUNE 29



## SUMMARY TO DATE

Tests: 12152  
Cases: 951  
Deaths: 51  
Recoveries: 421

Affiliated with LTCF: 294  
Cases in LTCF Residents: 221  
Cases in LTCF Staff: 73 (includes out of county staff)

**DESIGNATION OF VOTING DELEGATE TO NCACC ANNUAL CONFERENCE**

The North Carolina Association of County Commissioners (NCACC) has requested that the Board of Commissioners designate a Voting Delegate and an alternate Voting Delegate for Henderson County for the 113<sup>th</sup> Annual Conference of the North Carolina Association of County Commissioners to be held during the **virtual\*** Annual Business Session on August 6, 2020, at 11 a.m.

*Chairman Hawkins made the motion that the Board designate Rebecca McCall as Henderson County’s voting delegate to the NCACC 113<sup>th</sup> Annual Conference. All voted in favor and the motion carried.*

**IMPORTANT DATES**

The Board was reminded of the Public Hearing for consideration of Conditional Rezoning Application #R-2020-01-C, Tap Root Farms on Thursday, July 16, 2020 at 6:00 p.m. in the auditorium of West Henderson High School, 3600 Haywood Road, Hendersonville, NC 28791.

**CLOSED SESSION**

The Board is requested to go into closed session pursuant to N.C. Gen. Stat. §143-318.11(a)(6), To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee.

*Commissioner Edney made the motion that the Board go into closed session pursuant to N.C. Gen. Stat. §143-318.11(a)(6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee. All voted in favor and the motion carried.*

**ADJOURN**

*Commissioner Lapsley made the motion to go out of closed session and adjourn at 12:02 p.m. All voted in favor and the motion carried.*

Attest:

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

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