

My name is Kirk Hall. My wife Konnie and I own and live on property in the Fork Creek Community in Saluda that adjoins First Contact Addiction Ministries men's drug rehabilitation facility. We also own and operate Orchard Lake Campground. We appealed to Superior Court Henderson County's decision to issue an SUP for an unlicensed, unsecured men's drug rehabilitation facility in our community.

Over the last few months we have presented information, asked questions, given you information some of which was included in the court record and also some which was not. Why have we come to you, the commissioners? We come to you because you are the leaders of our county. We do not want anyone to be able to say later that they did not know what was going on. This is a public problem and needs to be addressed publicly at this point.

I am holding a key to symbolize the fact that you hold the key to turn our situation around. There are no winners at this point, only the ability for Henderson County to make the best of a bad situation stemming from the SUP Henderson County issued in January 2023.

What will you do with the key you hold? Will you let our community suffer through another year and a half or two of injustice or will you find a solution? Will you let other communities suffer through similar situations?

The Fork Creek Community and First Contact have been wronged. I believe First Contact was led to believe that placing a drug rehab facility in a residential neighborhood was no big deal. Well, it is a big deal and should never have happened.

I have emailed you and am now giving you a copy of questions that deserve to be answered for the sake of both the Fork Creek Community and First Contact. We deserve answers.

I am also giving you a copy of Superior Court Judge Warren's final order. This order reiterates the fact that this facility should have applied as a mental health facility. I understand this to mean that under Henderson County zoning laws the facility would have to be licensed. It also states that key expert witnesses were denied, and that the key appraiser for First Contact erred in her testimony. Most importantly it includes the fact that the permit should be revoked.

It also includes a stay of the order pending First Contact's appeal to NC Appellate Court. However, I believe that Henderson County can act now, change current zoning laws and make sure that this never happens again in Henderson County. Nor does it preclude Henderson County from agreeing with the order. Nor does it preclude moving this facility to a more appropriate location during the appeal process.

At this point, Henderson County has demonstrated a resolve that First Contact should have an unlicensed facility in Henderson County. So, why don't you provide an appropriate facility in an appropriate location? Do you have the money available to do so? If so, what are you waiting for?

I urge you for the sake of honor and rightness to do the right thing and find a solution sooner rather than later to the mess we are all in.

Thank you for your time.

May 6, 2024

Henderson County Commissioners' and Other Henderson County Officials (Rebecca McCall, Michael Edney, Daniel Andreotta, David Hill, William Lapsley, John Mitchell, Christopher Todd, Matt Champion, Russ Burrell)

As a citizen of Henderson County, please note the following questions I have. I would appreciate honest, candid, timely and written answers to each of these questions.

-First of all, I would like to propose that Henderson County Zoning law be changed and that the Commissioners recommend such a change to the Planning Committee or whatever the appropriate means is to make such a change. I propose a new category in the use table be added for drug rehabilitation facilities. I propose that licensed and unlicensed facilities NOT be a permitted use in residential areas including but not limited to an R2R zoned area. I also ask that no new SUP's for such facilities be permitted during this process.

-Does HC plan to acknowledge errors to both the Fork Creek Community and to First Contact in this process and do their best to correct these errors?

-Does HC plan to ensure that future public notices are thoroughly described so as not to be confusing or misleading?

-Does HC plan to take steps to ensure that this SUP and Appeal situation never happens again? What steps does this include? Please see the recommendation above to create a new category above.

-First Contact appealed the ruling by Judge Warren to NC Appellate Court. Henderson County is not listed on the appeal. Does that mean that Henderson County has not and will not join in the appeal?

-Judge Warren ruled that the SUP should have been applied for as a mental health facility. Does HC agree with this ruling? If so, why and if not, why not?

-Judge Warren also ruled that other errors were made in the SUP process. Does HC agree with this ruling? If so, why and if not, why not?

-My interpretation of the Henderson County LDO is that for zoning purposes for FCM to reapply for an SUP as a mental health facility that FCM would have to be licensed. Is this correct?

-However, it is my understanding that there are zoning areas in HC which would not require FCM to be licensed in order for them to operate. Is this correct?

-Harmony is one of the necessary requirements for an SUP. However the ZBA rejected the written definition presented into evidence as suggested by Matt Champion but could not provide a clear definition themselves. What is Henderson County's definition of harmony and is it a requirement that must be met by an applicant in obtaining an SUP?

-Is it true that harmony, one of the SUP requirements is presumed to be there and accordingly is not discussed by the ZBA as part of the SUP requirements?

-The appeals process can take 18 months or longer. Is Henderson County actively trying to find a solution agreeable to all parties during this appeal process?

-Judge Warren states at the end of his ruling that the order may be lifted by consent of all parties. What is HC actively doing to work toward that consent?

-Does HC have funds which could be used to provide an appropriate facility in an appropriate location? Will they pursue this avenue?

-Why did HC allow misdemeanor and felony requirements in the SUP? Aren't these requirements meaningless due to the fact that they would not be monitored by HC?

-Will HC require any of the previous ZBA board members to recuse themselves from future hearings concerning this case?

-Henderson County advised First Contact to not increase the number of participants during this process. Does this advice still stand? For how long? How many participants does this involve? Has First Contact heeded this advice and does HC plan to monitor this advice? If so, how?

-Are steps being taken to prevent future conflicts of interest among elected and appointed HC officials in the future?

-At least \$2M in taxpayer funds was used to purchase, renovate and operate this facility. Given the current state of this case, is this an effective use of these monies?

-I have provided Fork Creek Questionnaires and Orchard Lake Campground Questionnaires to many of you. How do you suggest I deal with the concerns raised by these taxpayers and citizens? The appraiser for FCM suggested that we do not disclose to campers that a men's drug rehab facility adjoins our facility. She backtracked her statement when challenged on it.

-I would like to invite you to visit Orchard Lake on Saturday, May 25 at 2:00 pm to give you a tour of our facilities and for you to personally see the children who roam our property. Please let me know if you would like to attend. If you are unavailable, I can arrange to meet you at your convenience.

All parties involved deserve answers to these questions sooner rather than later. Thanks in advance for your time and efforts in answering these most important questions.

Regards,

Kirk Hall
Orchard Lake Campground
Saluda, NC
828 273-8316