

MINUTES

**STATE OF NORTH CAROLINA
COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS
THURSDAY, SEPTEMBER 19, 2024**

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.

Those present were Chairman Rebecca McCall, Vice-Chair J. Michael Edney, Commissioner William Lapsley, Commissioner Daniel Andreotta, Commissioner David Hill, County Manager John Mitchell, Assistant County Manager Chris Todd, Financial Services Director Samantha Reynolds, Public Safety Director Jimmy Brissie, Attorney Russ Burrell, and Clerk to the Board Denisa Lauffer.

Budget Manager/Internal Auditor Sonya Flynn, Budget Analyst Jennifer Miranda, County Engineer Marcus Jones, A/V Technician Oscar Guerrero, Director of Facility Services Andrew Griffin, Project Superintendent Brian Cotton, Senior Planner Janna Bianculli, Tax Assessor Harry Rising, Cooperative Extension Director Dr. Terry Kelley, Tax Relief Administrator Nicole Brown, Planning Director Autumn Radcliff, Planning Intern Nora Sjue, Administrative Officer III Melissa Novak, DSS Director Lorie Horne, Strategic Behavioral Health Director Jodi Grabowski, IT Director Mark Seelenbacher, Human Resources Director Karen Ensley, Parks and Recreation Director Bruce Gilliam, Deputy DSS Director Debbie Dunn, Betsy Gerwig, Recreation Supervisor Jason Kilgore, Finance Director Randal Cox, Captain Scott Galloway, Lt. Stephanie Cantwell, Deputy Shawn Metcalf, Major Jake McMurray, Chief Deputy David Mahoney, and Cpl. Brad Reece. Lt. Kenneth Gaddy provided security.

CALL TO ORDER/WELCOME

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

INVOCATION

Dr. Darrell Ellis with Anointed Word Church provided the invocation.

PLEDGE OF ALLEGIANCE

Chairman McCall led the Pledge of Allegiance to the American Flag.

RESOLUTIONS AND RECOGNITIONS

Recognition – School Resource Officer Shawn Metcalf

The Board of Commissioners was requested to recognize Henderson County Public School Resource Officer Shawn Metcalf for receiving the North Carolina Association of School Resource Officers CC McGee Officer of the Year award.

Officer Metcalf was recognized for his outstanding contributions to his school, law enforcement agency, and community. He has served at Edneyville Elementary School and North Henderson High School.

Chairman McCall invited Officer Metcalf to shake hands with each Board member.

Chairman McCall noted that the second item included in Resolutions and Recognitions -

Approved:

Recognition Brent Coston was moved to a later meeting.

INFORMAL PUBLIC COMMENT

1. Janice Parker spoke about the importance of Land Use Planning in relation to government control.
2. Chris Walters spoke in support of Farmland Preservation.

DISCUSSION/ADJUSTMENT OF AGENDA

Chairman McCall removed consent agenda item P – Annual Volunteer Banquet due to a scheduling conflict.

Commissioner Andreotta noted a typographical error in the agenda as published for consent item J—Etowah Sewer Advisory Committee—Charter and Bylaws. Number 8, item B, as published, stated that the initial terms for positions 2 and 4 would expire June 30, 2028, but it has been corrected to state that the initial terms for those positions would expire June 30, 2026.

Commissioner Lapsley moved to approve the consent agenda as amended. All voted in favor, and the motion carried.

CONSENT AGENDA

Approval of Minutes

Draft minutes were presented for Board review and approval for the following meeting: September 3, 2024 – Regularly Scheduled Meeting

Motion:

I move the Board approve the minutes of September 3, 2024.

Tax Collector’s Report

The report from the Tax Collector was provided for the Board’s information.

Please find outlined below collections information through August 21, 2024 for 2024 real and personal property bills mailed on July 31, 2024. Vehicles taxes are billed monthly by NC DMV.

Henderson County Annual Bills (Real and Personal Property):

2024 Beginning Charge:	\$99,720,567.28
Discoveries & Imm.	\$70,571.55
Releases & Refunds:	(\$36,194.47)
<u>Net Charge:</u>	<u>\$99,754,944.36</u>
Unpaid Taxes:	\$81,790,538.73
Amount Collected:	\$17,964,405.63

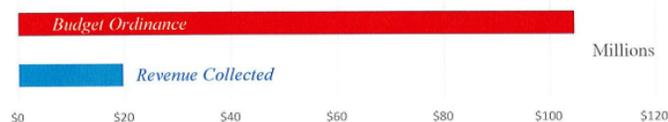


Henderson County Registered Motor Vehicles (As Collected by NC DMV):

Net Charge:	\$1,398,751.54	
Unpaid Taxes:	\$3,204.36	99.77%
Amount Collected:	\$1,395,547.18	

Henderson County FY25 Budget Analysis:

<u>Budget Ordinance</u>		<u>Revenue Collected</u>	
Ad Valorem:	\$103,559,409.00	Ad Valorem:	\$19,359,952.81
Prior Years:	\$1,041,250.00	Prior Years:	\$244,744.25
Budget Total:	\$104,600,659.00	YTD Revenue:	\$19,604,697.06



Motion:

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

Not-for-Profit Funding Agreement

Subsequent to the approval of the FY 2024-2025 Budget, staff distributed the funding agreements to the not-for-profit agencies receiving County allocations.

Motion:

I move the Board authorize the Chairman to execute the funding agreement thereby authorizing the release of the initial payment to the named agency.

Upgrade of Remotec Bomb Robot

The Board was requested to approve the proposal and authorize staff to proceed with the purchase of upgrades to the Remotec bomb robot via the sole source exception to bidding as allowed under N.C.G.S 143-129 (e)(6).

The sole quote was received from Remotec for a total price of \$202,710.00. The Bomb Squad requested their Remotec F6A robotic platform be upgraded to conform to modern standards. The current robotic platform is approximately 20 years old, and the entire electronic system is antiquated. The fact that the robot is still operational is a testament to the quality of the product. The outdated technology takes additional time to compensate for during operations, which can create safety issues. Remotec informed staff that if the current robotic platform failed, the electronics and other replacement parts would no longer be manufactured, making the platform inoperable.

The FBI, in conjunction with the National Bomb Squad Commanders Advisory Board (NBSCAB), provides mandatory guidelines for maintaining our status as an accredited Bomb Squad. An operational robotic platform is mandatory. Without accreditation, the Sheriff's Office cannot operate a Bomb Squad.

The quote provided was for a robotic platform overhaul that would replace the majority of components in the system (almost every part is replaced except for the metal frame). Remotec was acquired by a national defense contractor, Peraton, and they are the only company authorized to upgrade our current robotic system. The cost of \$202,710 is a substantial cost for a system upgrade but a new robotic platforms from Peraton is nearly \$400,000. The closest competitor costs approximately \$375,000.

The purchase of these upgrades would be grant-funded through State Budget Allocation.

Motion:

I move the Henderson County Board of Commissioners award the purchase contract for the upgrades to the bomb robot to Remotec, for \$202,710 and authorize staff to proceed with the purchase using the sole source exception to bidding as allowed under N.C.G.S 143-129 (e)(6).

2024.084 Juvenile Crime Prevention Council – County Funding Plan Revision #2

The Juvenile Crime Prevention Council (JCPC), as part of its annual funding allocations, provides funding for local juvenile crime prevention programs. The JCPC requested funding plan revision to reallocate funding sources for certain providers. The overall allocation of JCPC

funding from the North Carolina Department of Public Safety has not changed. The revisions requested relate to local funding for Kids at Work!, Blue Ridge Literacy Council – At Risk Youth Literacy & Life Skills Program, Aspire Vocational Directions, and Hope Rising – Teen Court Program.

Motion:

I move the Board approve the updated County Funding Plan

2024.116 Soil and Water Conservation District – StRAP Funds

The Henderson Soil and Water Conservation District requested the Board approve a grant from the North Carolina Department of Agriculture and Consumer Services. This grant is funded by State appropriations provided through Session Law 2023-134, House Bill 259 Section-5.6(d). The purpose of this grant is to remove any stream vegetative debris blockages (including any leaning threats) to the waterways. The primary focus will be Mud Creek. The amount awarded to the department for the project is in the table below:

Project Site	Grant Funder	Award Amount
Mud Creek	NC Department of Agriculture and Consumer Services	\$91,837

Motion:

I move the Board of Commissioners approve the StRAP grant, and the associated Budget Amendment for the stream vegetative debris removal in Mud Creek and the immediate area.

Department of Justice Byrne Discretionary Community Project Grant

The Sheriff’s Office requested the Board approve the Department of Justice Byrne Discretionary Community Project Grant, awarded to the department in the amount of \$234,000. This project will fund enhanced safety and forensic equipment for the Henderson County Bomb Squad and Arson Task Force.

Motion:

I Board accept the grant award and approve the budget amendment for grant funding from the Department of Justice Bureau of Justice Assistance for enhancements to equipment for the Henderson County Bomb Squad and Arson Task Force.

Reappraisal of Real Property--- Reduction of Assessed Valuation

The DOT bought Rights of Way along White Street in Hendersonville to expand the road. The owner of the subject parcel, AKITA PROPERTIES, chose to sell only the portion of the parcel that consists of the right of way and retain ownership of the remainder, which constitutes approximately 0.18 acres and has a structure that was built as a home but was since converted to a business office. The DOT chose to purchase the structure without the land underneath it to demolish it so it would not interfere with the Right of Way. The new deed reflects the land purchase, but the structure was not mentioned.

As of the assessment date of 1 January 2024, the structure was present and intact on property owned by AKITA PROPERTIES and was taxed according to NCGS §105-274. After receiving their tax bill in August, AKITA PROPERTIES notified this office that the structure on the tax bill was sold to the DOT as part of the right-of-way purchase, even though it is not physically

on that purchased land except for a small edge. Contact with the DOT resulted in them producing documents proving their purchase of the structure. Except for the deed, which only addresses the land, none of the other documents were recorded by the Register of Deeds and hence are not known to the Assessor. IAW NCGS §105-325(a)(6), The Assessor must request any change of property assessments to the Board of Commissioners once the Board of Equalization and Review has adjourned. Therefore, the Assessor requests the Board of Commissioners to approve the assessment of the structure on the subject property and to adjust it from \$61,400 to \$0.

Motion:

I move the Board adopt the proposed resolution adjusting the value of the structure on the property, which is the subject of this agenda item, to \$-0-.

Chronic Nuisance Property

The Code Enforcement and Zoning Department has cited a particular parcel of property three times within the past year for violating the county's nuisance ordinance, Chapter 52 of the Henderson County Code. The property is shown on the county's geographical information system as PIN 9660-05-5615, with the owner shown as "Cathy Butler Sheehan."

Under N.C.G.S. §153A-140.2,

A county may notify a chronic violator of the county's public nuisance ordinance that, if the violator's property is found to be in violation of the ordinance, the county shall, without further notice in the calendar year in which notice is given, take action to remedy the violation, and the expense of the action shall become a lien upon the property and shall be collected as unpaid taxes. The notice shall be sent by certified mail. A chronic violator is a person who owns property whereupon, in the previous calendar year, the county gave notice of violation at least three times under any provision of the public nuisance ordinance.

In the worst case, this matter would come back before the Board before a contractor was hired to clear up the property under the authority noted above.

Motion:

I move that the Board give the owner(s) of the property which is the subject of this agenda item the notice provided for under N.C.G.S. §153A-140.2.

Asset Inventory and Assessment (AIA) Grant

The NCDEQ Division of Water Infrastructure requires a resolution for their AIA grant application, which is due in October. Staff will use the funding provided by the grant to map, assess, develop a capital improvement plan, and perform a rate analysis for the Etowah Sewer System. The award could be as much as \$150,000 and be made in February.

Motion:

I move that the Board approve the resolution required for an AIA grant application for the County's Etowah sewer system.

2024.118 Etowah Sewer Advisory Committee – Charter and Bylaws

This item amends the former Cane Creek Water and Sewer District Advisory Committee ordinance to create the Etowah Sewer Advisory Committee. A charter and bylaws for the committee were also proposed.

**Charter and Bylaws for the
Etowah Sewer Advisory Committee**

Following is the Charter for the Etowah Sewer Advisory Committee (the “Committee”):

1. The Committee shall consist of five members selected by the Board of Commissioners.
2. The purpose of the Committee is to advise the Board of Commissioners on matters related to the operation of the Etowah Community Sewer system (the “Sewer”).
3. The Committee is charged with:
 - A. Reviewing, assisting in the development of, and commenting on plans for the repair, upgrade, and operation of the Sewer.
 - B. Reviewing and commenting on the budget for the Sewer, and the rates to be charged for the same.
 - C. Acting as a liaison between the County, the Sewer, and the community which it serves.
 - D. Advising the Board of Commissioners on the matters with which it is charged, including an annual written report.
4. The Committee will report to the Board of Commissioners.
5. The Committee will be chaired by a Commissioner selected by the Board of Commissioners. The chair will not have a vote on any issues before the Committee.
6. The Committee’s roles may be expanded by the Board of Commissioners.
7. The Committee must at all times comply with all laws of North Carolina and Henderson County, including their open meetings and public records requirements.
8. Terms of members of the Committee shall be as follows:
 - A. For seats 1, 3, and 5, an initial term ending June 30, 2028.
 - B. For seats 2 and 4, an initial term ending June 30, 2026.
 - C. All successors appointed to terms beginning after the end of the initial terms above shall be for a period of four years, always ending June 30.

Motion:

I move that the Board adopt the amendment to Section 3-14 of the County Code, as well as the charter and bylaws for the Etowah Community Sewer Advisory Committee.

Transportation Advisory Committee – Safe Routes to Schools Program

The Transportation Advisory Committee (TAC) met on Wednesday, August 21, 2024, and discussed the new Safe Routes to Schools program the French Broad River MPO is

implementing in the region. During the discussion, the committee members also spoke on the ban implemented at Bruce Drysdale Elementary School concerning walking to and from school. The TAC expressed concern for students and parents who are transportation insecure and rely on walking as their primary mode of transportation. They also discussed the rising shortage of bus drivers and the ability to minimize the need by allowing some children to walk to and from school.

The TAC unanimously voted to make a formal recommendation to the Board of Commissioners to investigate this situation and understand why Henderson County Public Schools decided to ban walking at this school location.

Motion:

I move to direct staff to meet with HCPS to discuss the pedestrian ban and report back to the TAC.

Apple Country Public Transit Fare Fee Schedule Amendment

Apple Country Public Transit offers free fares to all Blue Ridge Community College (BRCC) students and staff. However, Henderson County Public Schools (HCPS) students who physically attend BRCC are not eligible for this fare rate. To eliminate this issue and offer this benefit to a broader range of students, the Planning Department proposes amending the fee schedule to include HCPS students in the free fare category.

The amendment will have minimum impacts on the system's bottom line, but it will make a difference in the lives of individuals who are transportation insecure. Children under thirteen currently ride for free when accompanied by a paying adult. This change in fare structure would allow more students to utilize Apple Country Public Transit without incurring a cost burden.

Motion:

I move to approve the proposed fee schedule as presented.

2024.119 Budget Amendment – Fund Balance Appropriation for FY2024 PO Rollover

Staff requested that the Board approve the proposed budget amendment, which appropriates the fund balance for purchases that will not be fulfilled until FY25. The purchases were approved, budgeted for, and encumbered in FY24 but were not delivered or fulfilled by the end of the fiscal year because of supply chain disruptions or other delays.

Motion:

I move the board approve the budget amendment to appropriate fund balance.

Solid Waste – Project Position

Henderson County Solid Waste Department is experiencing operational pressures from the construction office of the Third Transfer Station Bay project. Additionally, a current employee is on extended leave. A project position was requested to support an acceptable workload on current staff, estimated to expire on December 31, 2024.

Motion:

I move the Board approve a project position for the Solid Waste Department.

Donation of Surplus Equipment – Information Technology

Henderson County Information Technology was recently contacted by Rutherford County Tax and IT department members to find out what model check scanners we were using. The models they had purchased do not work with their billing and collections system (Farragut). The purchased scanners could not be returned, so they must wait until FY26 to order replacements.

The Henderson County IT Department recently replaced all their check scanners for the Tax Department with newer models as they were no longer under warranty. The replaced check scanners are currently listed as surplus equipment, identified as Digital Check model Teller Scan TS240, fixed asset tags 15679, 15727, 15728, 15729, 17329, and 20986. The check scanners are still in fair condition and are compatible with the collections system in Rutherford County. The scanners would otherwise be disposed of.

Motion:

I move the Board approve the donation of six check scanners from Henderson County Information Technology to Rutherford County as allowed by N.C.G.S 160A-280.

HCPS Needs-Based Public School Capital Fund Grant Application

Henderson County Public Schools requested Henderson County partner in applying for a Needs- Based Public School Capital Fund Grant. Henderson County Public Schools plans to upgrade East Henderson High School's current 4-pipe HVAC system to a variable refrigerant flow (VRF) system. In January 2025, the project will initiate an RFQ to select an engineer who will design an appropriate system. In July 2025, an RFP will be issued for the procurement and installation of the new system. The proposed system will be zone-designed with dedicated equipment for each space, empowering staff to regulate classroom temperatures for optimal comfort. The Media Center and other significant areas will be upgraded to natural gas heating and compressor cooling. The system will feature an enhanced control system offering humidity control and detailed unit information for prompt maintenance. The upgrade includes the removal of existing equipment. The MRTS fund can be used as the 15% match if the grant is secured.

Motion:

I move to approve the HCPS Needs-Based Public School Capital Fund 2024-2025 Grant Application.

Commissioner Lapsley made the motion that the Board approve the consent agenda as amended. All voted in favor, and the motion carried.

DISCUSSION

Construction Projects Update

Brian Cotton, Chris Todd, and Andrew Griffin updated the Board on construction projects around Henderson County.

This monthly report reviews the scope and statuses of assigned construction management responsibilities and includes specific updates regarding county-funded construction activities.

MRTS

MRTS OVERVIEW BRCC

Fiscal Year	Board Approved Allocation	Expenditures*
2020	3,113,840.00	1,395,501.00
2021	800,000.00	1,013,466.00
2022	3,289,616.00	3,174,131.00
2023	3,421,616.00	3,262,894.00
2024	2,301,750.00	1,819,148.61
2025	2,301,750.00	-
Total	15,228,572.00	10,665,140.61

* - Includes amount transferred for debt service for Patton Building financing.

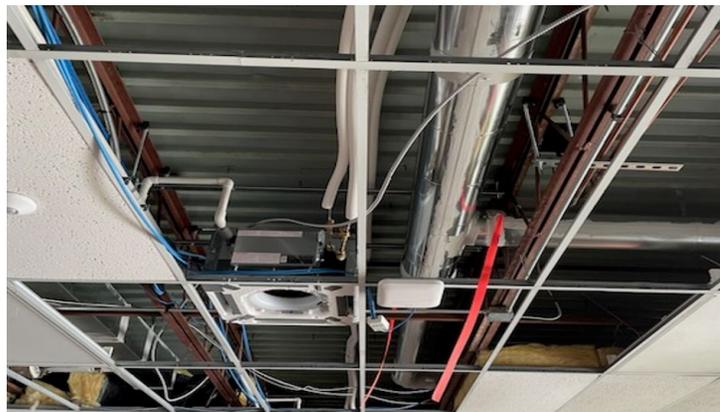
MRTS OVERVIEW HCPS

Fiscal Year	Board Approved Allocation	Expenditures
2020	4,670,760.00	3,609,665.62
2021	1,632,050.00	1,123,474.47
2022	4,934,424.00	1,786,027.93
2023	5,132,424.00	1,365,631.68
2024	4,603,500.00	5,923,707.00
2025	3,603,500.00	591,667.04
Total	24,576,658.00	14,400,173.74

West Henderson High Renovation and Addition



Atkinson Elementary HVAC Replacement Project (phase 1)



West High Air Handler Replacement has arrived, and the project was complete.

Henderson County Capital Projects

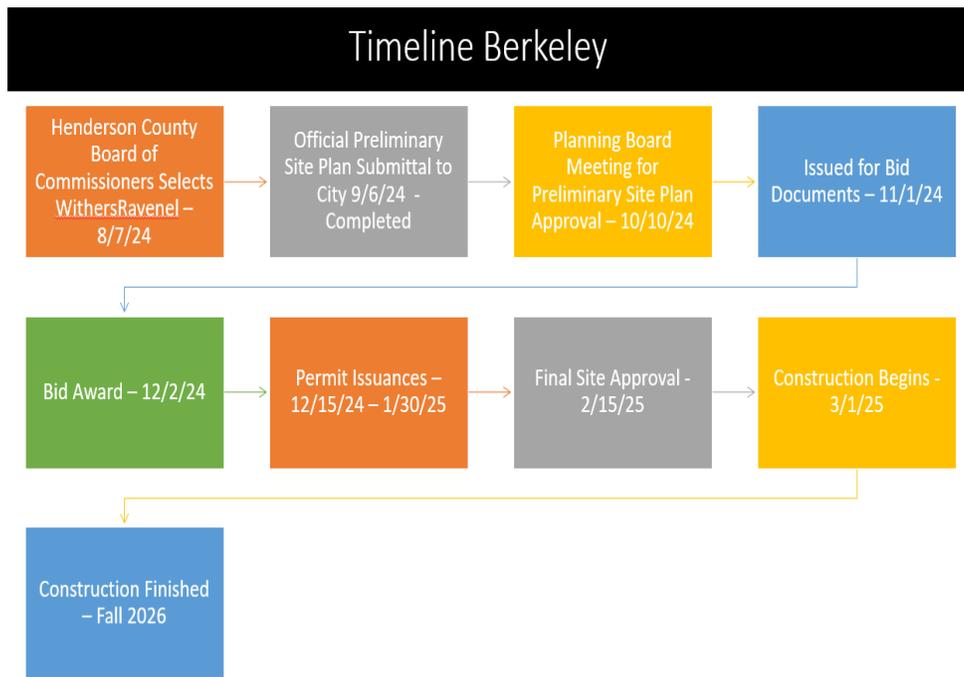
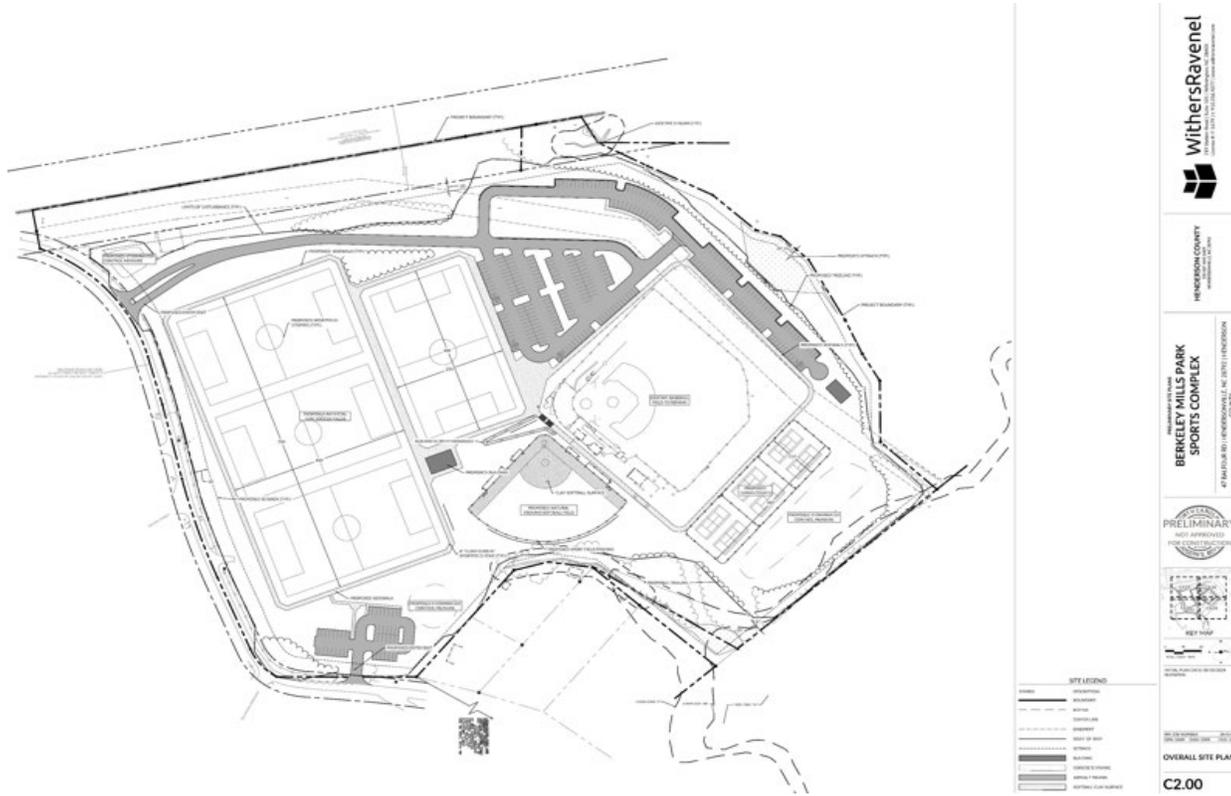
Henderson County Ag Services Building – The Board selected McMillian, Pazdan, and Smith Architects. Negotiations have begun to establish a contract.

Henderson County Health & Human Services Shell Space Upfit - The Board selected McMillian, Pazdan, and Smith Architects. Negotiations have begun to establish a contract.

September 19, 2024

Additional updates included completing the Dana Community Building Camera project and the Etowah Library Outdoor Venue, which had been stained and was now complete.

Sports Complex



Pardee Medical Office Buildings

Medical Office Buildings

- LS3P – Architect
- Vannoy Construction – CMAR
- Designing 2 of 4 proposed Medical Office Buildings



Timeline



JCAR

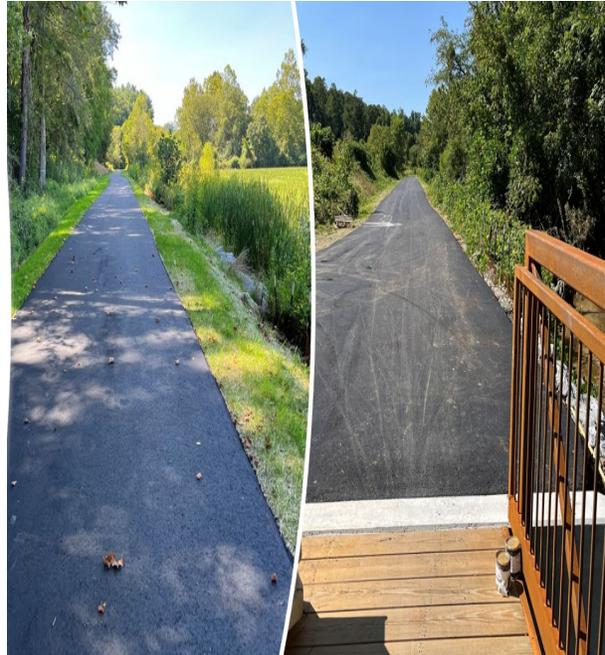
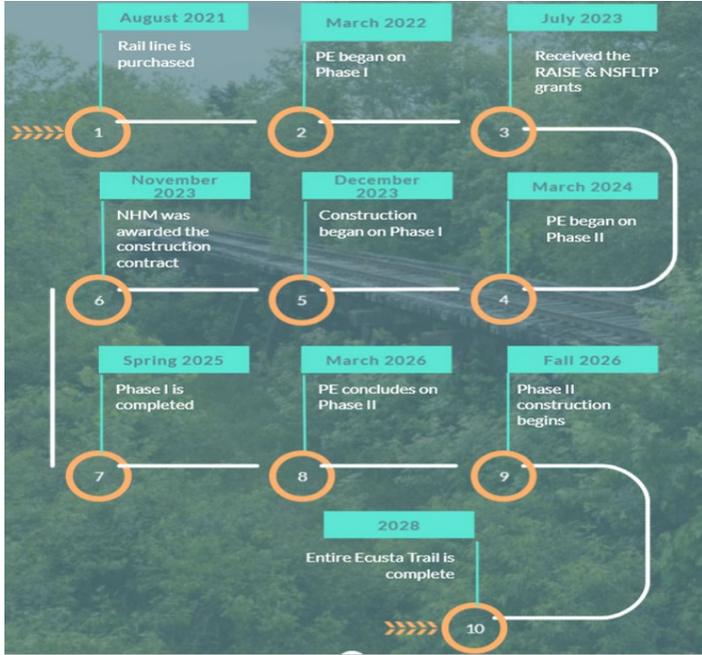


Henderson County JCAR Project



Ecusta Trail

There were 2.5 miles of the trail had been paved, and the final grading was underway.



Facilities Services Projects

Andrew Griffin shared that the forming, site work, concrete, and shed one floor had been completed at the Solid Waste 3rd Transfer Bay project.

Farmland Preservation Update

Planning Direct Autumn Radcliff provided an update on the Farmland Preservation Task Force.



Farmland Preservation Taskforce Henderson County

Board of Commissioners
September 19, 2024

Taskforce Background

- Established April 1, 2024, by Board of Commissioners
- Taskforce has held 8 meetings so far
- Taskforce has heard from a variety of guest speakers on varying agricultural topics



Taskforce Recommendations

Adopt Amendments to the Henderson County Code of Ordinances Chapter 45 - Farmland Preservation.

- Agricultural Conservation Easements
- Agricultural Advisory Board Expansion
- Support the creation of a County Farmland Preservation Coordinator Staff Position to be housed in the Henderson County Soil and Water Conservation District Office

Time Frame
Fall 2024 - Winter 2024

Involved Groups
Board of Commissioners
Agricultural Advisory Board
Planning Department
Soil & Water Conservation District
NC Cooperative Extension
Farmland Preservation Taskforce

Taskforce Recommendations

Update the County's 2010 Agricultural Preservation Plan.

- Apply for Agricultural Preservation Plan Grant through Soil and Water Conservation District

Time Frame
Winter 2024 - Fall 2025

Involved Groups
Board of Commissioners
Agricultural Advisory Board
Planning Department
Soil & Water Conservation District
NC Cooperative Extension
Additional County Departments

Apply for Federal and State Grant Funding for Agricultural Conservation Easements and other County agriculture projects.

- NC Agricultural Development and Farmland Preservation Trust Fund
- NC Agricultural Growth Zones
- NC Natural Resources Conservation Service Agricultural Land Easements

Time Frame
Fall 2024 - Ongoing

Involved Groups
Board of Commissioners
Agricultural Advisory Board
Planning Department
Soil & Water Conservation District
NC Cooperative Extension

Increase enrollment in Voluntary Agricultural Districts (VAD) and Enhanced Voluntary Agricultural Districts (EVAD).

Time Frame
Ongoing

Involved Groups
Agricultural Advisory Board
Soil & Water Conservation District
NC Cooperative Extension

Support the creation of a County Farmland Preservation Fund.

- Allocate Present Use Value Program Rollback Funds towards the Farmland Preservation Program.
- Alternative funding sources.

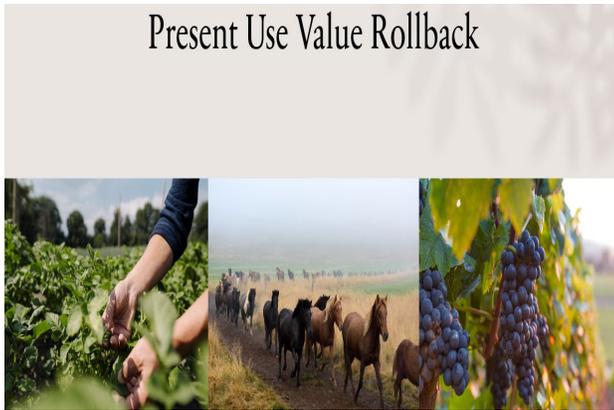
Time Frame
Ongoing

Involved Groups
Board of Commissioners
Soil & Water Conservation District
County Tax Office
County Finance Department

Explore additional Farmland Preservation tools:

- Estate and Succession Planning
- Zoning
- Conservation Subdivisions
- Legislation to allow for Transfer of Development Rights
- Education

Tax Relief Administrator Nicole Brown explained the County's Present Use Value program, which is the value of land in current use: agriculture, horticulture, or forest land. She noted it was a tax deferral program, which means it is the difference between the market value of the land and the land in use. Land must meet specific requirements, such as ownership, size, income, and time management.



Present Use Value Program (PUV)

PUV is the value of the land in its **current use** as agricultural land, horticultural land, or forestland. The land meeting the eligibility requirements is taxed on the present-use value **instead of market value** of the land. Land must meet requirements of NC § 105-277.

As of September 2024:

1,614 parcels enrolled in PUV

Rollbacks billed for 2024 (including interest):

\$64,393.39

Loss of PUV Status

If at any time, a tract or part of a tract of land **becomes ineligible** for present use value assessment under the requirements of General Statutes 105-277, the **deferred taxes including interest** on that tract become due for the **current year** and the **past three (3) years**. When **changes in eligibility** are not reported by the owner, a **ten percent (10%) penalty** for each year the ineligibility is unreported is required by General Statutes 105-277.5.

When is PUV land audited?

The assessor must **annually review** at least **one eighth of the parcels in the county** classified for taxation at present-use value to verify that these parcels qualify for the classification. By this method, the assessor must review the eligibility of **all parcels** classified for taxation at present-use value in an **eight-year period**.

The assessor may require the owner of exempt or excluded property to make available for inspection **any information** reasonably needed by the assessor to verify that the property continues to qualify for the exemption or exclusion. The owner has **60 days** from the date a written request for the information is made to submit the information to the assessor.

Commissioner Andreotta comments were as follows: “I have lived in Henderson County my whole life and spent half my years growing up in the Edneyville community. It is not the only part of the county that has farming and agriculture, but it is one of the biggest. I have seen more farmlands disappear than most people in the county. I am excited to see our farms thrive and be preserved and protected. As this moves forward, as I want it to, this will take much time and be in place for a long time, so there will be a lot of future boards involved. In talking about Farmland preservation, a lot of the general public, without realizing it, says to save farmland preservation and protect the landscape they love. Farmers have to be grown to have farming. Blue Ridge Community College has started (or will start) an apprentice program to help with this. So, it is not only about protecting the landscape; if the industry or the individual business of farming doesn’t thrive or survive, the land becomes secondary. That is evident when driving by a closed, dilapidated building that used to produce goods. The facility alone does not make the industry survive. We need to find ways to promote and help the industry thrive. A developer would not pry the land away from the farmer if the industry thrives. I support bolstering the local food supply, and I would like to see if county taxpayer dollars are invested in the return of the local food supply. Do those crops stay local? Are they going to our schools? I want to see our farmers do well as a business at the end of the day.”

Chairman McCall said a grant called the growth zone was coming up in October. The grant's parameters are unknown but will open between October and December. The concern was that this is a matching grant. Last year, the grant provided up to two million dollars per grant, but counties must be able to match the amount they seek. Mrs. McCall believed the county needed to pursue this grant as it would set up county funding for farmland preservation with money that the state could provide. She directed staff to find funds, not direct property tax funds, which could be used as matching funds for any grant amount the county may receive.

September 19, 2024

John Michell was hopeful the information regarding the grant would become available before the Board's first meeting in October. If so, staff would present information on the details of the grant, what that means, and what it would take to accomplish. He would offer a "menu" of options. He felt certain this grant could be accomplished if the details of the grant were published soon.

Commissioner Lapsley noted there was a recommendation by the task force to proceed with creating a county farmland preservation coordinator staff position housed in the Soil and Water and asked if there was any action that could expedite the creation of the position. He believed this would help move forward and aid in preparing the grant application. Chairman McCall noted that this would be a unique position requiring background and expertise and would not be found easily. She believed that starting the process soon would be helpful to have someone in the position by January. Mr. Lapsley said if staff could identify the qualifications for the position and the funding required, a path forward could be determined by October or November. The board supported staff working to create the position.

Land Development Code – Table of Permitted Uses

Commissioner David Hill discussed Henderson County's Land Development Code and the Table of Permitted Uses. He said that with the adoption of the Comprehensive Plan, a significant update to the Land Development Code would be forthcoming. One basis of that is the Table of Permitted and Special Uses. He believed this should be called the Table of Uses. He said he wants to share thoughts about our country's foundation and rights.

Commissioner Hill read the following aloud and wanted it included in the minutes in its entirety:

Cato Institute Roger Pilon

America's Founders understood clearly that private property is the foundation not only of prosperity but of freedom itself. Thus, through the common law, state law, and the Constitution, they protected property rights — the rights of people to acquire, use, and dispose of property freely. However, with the growth of modern government, those rights have been seriously compromised.

Property: The Foundation of All Rights

It is no accident that a nation conceived in liberty and dedicated to justice for all protects property rights. Property is the foundation of every right we have, including the right to be free. Every right claim, after all, is a claim to some thing — either a defensive claim to keep what one is holding or an offensive claim to something someone else is holding. John Locke, the philosophical father of the American Revolution and the inspiration for Thomas Jefferson when he drafted the Declaration of Independence, stated the issue simply: "Lives, Liberties, and Estates, which I call by the general Name, *Property*." And James Madison, the principal author of the Constitution, echoed those thoughts when he wrote, "as a man is said to have a right to his property, he may be equally said to have a property in his rights."

Much moral and legal confusion would be avoided if we understood that all of our rights — all of the things to which we are "entitled" — can be reduced to property. That would enable us to separate genuine rights — things to which we hold title — from specious "rights" — things to which other people hold title, which we may want for ourselves. It was the genius of the old common law, grounded in reason and custom, that it grasped that point. And the common law judges understood a pair of corollaries as well: property, broadly conceived, separates one individual from another; and individuals are independent or free to the extent that they have sole or exclusive dominion over what they hold. Indeed, Americans go to work every day to acquire

September 19, 2024

property just so they can be independent.

We own our property and all the legitimate uses that go with it, not the value in our property, which is a function of many ever-changing factors.

The justification of public law begins, then, with our rights, as the Declaration makes clear. Government then follows, not to give us rights through positive law but to recognize and secure the rights we already have through natural law. Thus, to be morally legitimate, the powers of government must be derived from and consistent with those rights.

Mr. Hill said, “Those freedoms are based on the ability to own and use that property; that makes us different as a country.” He went on to quote the following from James Madison:

James Madison

“There are more instances of the abridgment of the freedom of the people by gradual and silent encroachments of those in power than by violent and sudden usurpations.”

“The rights of persons, and the rights of property, are the objects, for the protection of which Government was instituted.”

**Hillsdale College
Property Rights in American History**

James W. Ely, Jr., Vanderbilt University

Significance of Private Property

Why should anyone care about property rights? Before embarking upon an investigation of property rights over the course of American history we should briefly explore the role of private property in the establishment of representative self-government. I submit that property serves two vital and overlapping functions in a free society. The economic utility of property dovetails with libertarian political considerations to undergird a free society.

First, stable property rights are a powerful inducement for the creation of wealth and prosperity, prerequisites for successful self-government. Conversely, as the English politician and author Edmund Burke declared: “A law against property is a law against industry.” John Marshall agreed that protection of property and contractual rights was crucial for economic growth. Speaking at the Virginia ratifying convention, he insisted that weak government under the Articles of Confederation “takes away the incitements to industry, by rendering property insecure and unprotected.” In short, as a leading scholar had stressed, “Marshall was convinced that strong protection for property and investment capital would promote national prosperity.” The resulting market economy would increase national wealth and benefit all citizens with increased goods.

Second, property rights have long been linked with individual liberty. “Property must be secured,” John Adams succinctly observed in 1790, “or liberty cannot exist.” An economic system grounded on respect for private ownership tends to diffuse power and to strengthen individual autonomy from government. Property was therefore traditionally seen as a safeguard of liberty because it set limits on the reach of legitimate government. By helping to preserve the economic independence of individuals, secure private property encourages participation in the political process and willingness to challenge governmental policy. Viewed in this light, the ownership of property represents personal empowerment. As one prominent historian described American society as it

neared the break with England, “Men were equal in that no one of them should be dependent on the will of another, and property made this independence possible. Americans in 1776 therefore concluded that they were naturally fit for republicanism precisely because they were ‘a people of property; almost every man is a freeholder’.”

In contrast, there are few examples of free societies that do not respect the rights of property owners. One could persuasively maintain that without guarantee of property rights the enjoyment of other individual liberties, such as freedom of speech, would be meaningless. Put simply, the absence of a system of private property renders self-government unlikely. As Justice Joseph Story explained in 1829: “That government can scarcely be called free, where the rights of property are left solely dependent upon the will of a legislative body. The fundamental maximums of a free government seem to require, that the rights of personal liberty and private property should be held sacred.”

Institute for Justice

The Zoning Justice Project

For more than a century, the freedom to use property has been eroded through abusive zoning practices that disregard individual liberty and emphasize top-down planning over property rights. Those property rights have been further denigrated by the courts, where property owners have found little comfort from all but the most abusive zoning practices.

It was not always this way. Indeed, modern zoning has strayed far—even from its questionable origins. And that departure has led to innumerable social and economic consequences. Zoning, for example, acts as a massive barrier to new housing development. And that housing shortage has led directly to America’s current affordability crisis: rents are skyrocketing, and home ownership is increasingly unattainable for most average earners. Likewise, small-business owners must deal with zoning restrictions of their own, making it harder for entrepreneurs to start businesses in their homes, near competitors, or start a venture—even a non-profit—that does not fit neatly into an existing zoning category. The result is that it has grown needlessly difficult to open a business or operate a charity.

Altogether, zoning has made America less free and less prosperous. It has driven up the cost of housing, made it harder to start a business (at home or anywhere else), and been leveraged to prevent good Samaritans from performing basic acts of charity and kindness.

How Zoning Dictates Where You Live, Work, and Play

Zoning is a government-created system of arbitrary boundaries that determines where and how individuals may use their property. And it invisibly governs, in granular detail, virtually every aspect of our day-to-day lives. But long before there was zoning, America was founded on a basic idea—that all people have an inalienable natural right to “life, liberty, and property.” Where did we go wrong.

Commissioner Hill’s comments were as follows: “As this Board moves forward with the review and revision, and the future boards, of the LDC, we should be mindful that the basis of liberty and freedom is property ownership and the rights to it. This is what this Country was founded upon, and government at all levels should keep this as the basis of the decision and law-making process. A free society is a prosperous society, which should be the end result we all seek. This leads to a limited government footprint, which we currently do not have at the federal, state, and local levels. We need to be sure while reviewing this that we keep it limited, and it is imperative that we do this. This would lead to a smaller government that needs less money, fewer taxes, and keeps more

September 19, 2024

money in people's pockets, which leads to economic prosperity. The National Association of Home Builders did some research in 2022, which showed that approximately 40.6% of apartment development costs are due to regulation. Their 2021 research shows that approximately 23.8% of the final cost of a new home can be attributed to regulation. We need to remember this when looking at this along with the Planning Board. Commissioner Lapsley represents this Board on the Planning Board, and he said this was on their radar. There has been a lot of talk about special use permits, so we need to look at them, eliminate them, and turn them into permitted uses. We have the Supplemental Requirements Table, which, if it is something that is of special use right now, then if there are any additional requirements that a future Board or the Planning Board sees that can be handled there. That would eliminate many of the concertations out there and the people that have to spend a lot of time and effort fighting each other. That is where I am coming from with this – number one, this is a freedom issue. As I stated earlier, I think we need to change this name from the Table of Permit Special Uses, eliminate the special use, and have the Table of Uses. Because, as I said in the last meeting, the government has no property. It is all the people's property. It's the same thing we say about the taxpayer's dollar; it's not our money, it's their money. I wanted to bring that out and say we need to, as we move forward, be very mindful of that."

Commissioner Lapsley agreed with Mr. Hill and said the Planning Board would look at the zoning categories over the next several months to be consistent with our comprehensive plan. He expected the categories would change and be adequately defined. The Planning Board would then go through each category and make those categories a permitted use or not permitted. He sees that table changing dramatically in the future. He was confident that the Planning Board would hear Mr. Hill's concerns about updating the table. Lapsley agreed that he would like to see the Special Use Permits eliminated. Mr. Hill said the Planning Board needed direction from the Board of Commissioners when updating the table. He said those "rights don't come from us; these are natural laws from God. Our basic rights are the ability to own and use property."

Commissioner Andreotta's comments were as follows: "A couple of facts, and we mentioned this before, going back through the Comprehensive Land Use process. For several reasons, that document (the comp plan) is visionary, not regulatory. No Board can bind a future Board as we don't know what opportunities may be coming for economic development, housing, or whatever. Maybe farms would expand. Wouldn't it be something if we saw houses disappear and farms reappear? It's the reverse of what we have had in recent years. According to the information I have read in North Carolina, lawsuits are on the rise based on comprehensive land use plans. Someone, a county, or a municipality passes one and then lets a project come in that is a carve-out or special use. People are now taking that land use plan document and going to court and saying, I'm suing because you're doing this, and your document says it's different. They are trying to turn visionary into regulatory. Outcomes of lawsuits create precedence, and sometimes, judges make decisions based on precedence. This is gaining ground subtly and quietly, and we must be careful. The balance here must be heavily toward the landowner and their rights and options. Yes, you have to consider community, and I know it has become a popular buzzword that neighbors have rights to. Of course, they do, but your neighbor does not own your land; you do. This county was founded in the early 1800s, and it thrived and prospered until the early 2000s when it was time to start writing land development codes, zoning, and all of these other things. I said before that I am not anti-all zoning but most certainly anti-over-zoning. A good example of how this can cut and harm was a recent zoning request that this Board just voted on for a piece of property in Hoopers Creek, maybe at our last meeting or a couple of meetings ago. We made it very clear, and I do not

September 19, 2024

want to put words in my fellow commissioners' mouths, but we made it very clear that the rejection of that request was somewhat a victim of how our current land development codes are written. We did not reject a development project, there was not one presented. There was a zoning request change presented that, as currently written, would allow for what, in most of our views, would have been over-development in that area. It was unsafe for the roads, the schools would have been overburdened, etc. It did not resemble potentially the two developments on the subject property. So, if we simplify this, I think that would help cases like that. Let me say that we can have the greatest balance, the most freedom, etc, in our land development code, and it can go away with one word. And that word is annexation. Because if a municipality annexes county land, all the governess now falls under whatever their codes are written. Their zoning codes, their land use codes, etc. A good example is South Allen Road, the Hutchins property, which used to be farmland. I know the interstate came through, but it also used to be county, but now it is not. Now, there are hundreds of apartments going there. So, in favor of the property owner, yes, if there is a big or dense major development, there will be bigger factors to consider. I think that traffic, schools, and things like that are credible. Those would be my cautions, and I heartily echo and agree with everything Commissioner Hill shared.”

Vice-Chair Edney said the worst part of government is how long it takes to make anything happen. He said it would take some time for the Planning Board to get through the Table of Uses and believed that the Board's adoption of the Comprehensive Plan provided direction to some extent. He agreed that the Planning Board may need more specific direction in some areas and perhaps request certain things be addressed before others, such as manufactured homes. He said residential homes should be allowed in every district regardless.

Chairman McCall said she agreed with some of what Commissioner Hill had read aloud, but developers had come into the picture since those pieces were written many years ago. Because of the world that we now live in, there are things that we have to look at closer to maintain the integrity of who we are. She was not opposed to looking at every single item on the Table of Uses but was totally against doing away with it altogether. Because there are neighbor's rights, there are the rights of the entire community, and we must look at things from practicality because some people want to line their pockets and move on without caring what is left behind. She agreed that some special use permits needed to be changed to permitted. She said this would need to be handled strategically.

Commissioner Hill acknowledged that those who wrote our Constitution and the Declaration of Independence over two hundred years ago were not living and breathing. These documents were to be interpreted, and property rights, regardless of the age we live in, were the basis of those documents. He said local government was the front line against the encroachment of the rights we hold dear and is a big part of that. In closing, he said the Land Use Plan needs to be reviewed in the light of what he read earlier. Under the light of freedom. Freedom is the basis of everything.

Commissioner Lapsley said the Planning Board would first review the zoning categories and provide definitions for each category based on the comprehensive plan. Then, go through the Rable of Uses and decide if each type of use would be allowed in each district. He expects there will be a lot of debate amongst the Planning Board. He said the Planning Board needed clear direction regarding what the Board of Commissioners desired. If the Commissioners want the Planning Board to remove the S' (Special Use Permit designation) from the table and that each use would be permitted or not permitted. Essentially removing the Special Use Permit category; they

need to know that. If the Commissioners want to see the Special Use Permit category still there but with reduced uses, they need to know. The Planning Board is advisory to the Board of Commissioners, so much time could be saved if clear direction is provided.

Autumn Radcliff said one of the goals from the beginning of going through the comp plan was to look hard at the Special Use Permits. She briefly explained why the table contained so many S'. When the Land Development Code (LDC) was adopted in 2007, the county went from open-use zoning to traditional zoning, and the Board at the time had concerns with restricting uses in certain districts. However, there were some uses for which they were uncomfortable permitting. So, at that time, their direction was that everything should become an S or Special Use Permit. The SUP process is cumbersome and complicated for the average citizen to understand. It is much like a court, where evidence must be provided. Essentially, the use is allowed unless it can be proven that it does not meet the requirements. Staff does not like the process, so the goal was to identify and make those, where appropriate, permitted. The goal is to find balance and a compromise between those who do not like zoning and those who prefer extensive and restrictive zoning. The general goals of the Board of Commissioners align with the Planning Board when looking at the use table and deciding where to permit things by right with the standards that will make it appropriate for the neighbors.

Subpart D. Table of Permitted and Special Uses
§42-61. Table of Permitted and Special Uses

USE TYPE	GENERAL USE DISTRICT										
	R1	R2	R2R	R3	R4	OI	LC	CC	RC	I	SR
1. RESIDENTIAL USES											
<i>Assisted Living Residence</i>	S	S	S	S	S	P	P	P	P		1.1
<i>Bed and Breakfast Inn</i>	P	P	P	P	P	P	P				1.2
<i>Continuing Care Retirement Community</i>	S	S	S	S	S	P	P	P	P		1.3
<i>Dwelling, Manufactured Home (multi-section)</i>	P	P	P	P	P		P				1.4
<i>Dwelling, Manufactured Home (singlewide)</i>			P	P	P						1.4
<i>Dwelling, Mobile Home</i>			P	P	P						1.4
<i>Dwelling, Multifamily</i>	S	S	S			S	S	S			1.5
<i>Dwelling, Single Family Detached</i>	P	P	P	P	P		P				1.6
<i>Dwelling, Two Family Attached</i>	P	P	P	P	P	P	P				1.7
<i>Family Care Home</i>	P	P	P	P	P	P	P				1.8
<i>Fraternity and/or Sorority House</i>	P					P					1.9
<i>Hospice Residential Care Facility</i>	S	S	S	S	S	P	P	P			1.10
<i>Manufactured Home Park</i>			S	S	S						1.11
<i>Nursing Home</i>	S	S	S	S	S	P	P	P	P		1.12
<i>Personal Storage Structures</i>	P	P	P	P	P	P	P	P	P	P	1.13
<i>Rooming and Boardinghouse</i>	S	S	S	S	S		P	P			1.14
2. ACCESSORY USES											
<i>Childcare Facility (as an accessory for a principal business)</i>			S	S	S	P	P	P	P	P	2.1
<i>Drive-Thru Window</i>				S	S	P	P	P	P		2.2
<i>Dumpster(s)</i>	P	P	P	P	P	P	P	P	P	P	2.3
<i>Dwelling, Single-Family (as an accessory for a principal business)</i>			P	P	P	P	P	P			2.4
<i>Fuel Pumps</i>			S	S	S		P	P	P	P	2.5
<i>Home Occupation, Adult Day Care</i>	P	P	P	P	P		P				2.6
<i>Home Occupation, Childcare Facility</i>	P	P	P	P	P		P				2.7
<i>Home Occupation, General</i>	P	P	P	P	P	P	P				2.8
<i>Home School</i>	P	P	P	P	P	P	P	P	P	P	-
<i>Outdoor Storage <5000 sq ft</i>			S	S	P		S	P	P	P	2.9
<i>Outdoor Storage >5000 sq ft</i>			S	S	S			S	P	P	2.10
<i>Rural Family Occupation</i>			P	P	P						2.11
<i>Solar Panels</i>	P	P	P	P	P	P	P	P	P	P	2.12
3. ACCESSORY STRUCTURES											
<i>Airport (Private Accessory)</i>				S	S					S	3.1
<i>Automatic Teller Machine</i>						P	P	P	P	P	3.2
<i>Boathouse, Private</i>	P	P	P	P	P						3.3
<i>Bulkhead</i>	P	P	P	P	P						3.4
<i>Carport</i>	P	P	P	P	P	P	P				-
<i>Dock/Pier</i>	P	P	P	P	P	P					3.5

USE TYPE	GENERAL USE DISTRICT											SR
	R1	R2	R2R	R3	R4	OI	LC	CC	RC	I	SR	
Dwelling, Accessory Residential	P	P	P	P	P	P	P					3.6
Garage, Residential	P	P	P	P	P	P	P					-
Gate and/or Guardhouse	P	P	P	P	P	P	P	P	P	P		3.7
Greenhouse	P	P	P	P	P	P	P	P	P	P		3.8
Heliport (Private Accessory)		S	S	S	S	P			P	P		3.9
Loading Bay				S	S	P	P	P	P	P		-
Outdoor Sale Display Areas							P	P	P	P		3.10
Parking Garage						P		P	P	P		3.11
Planned Seasonal Agricultural Worker Development	P	P	P	P	P	P	P	P	P	P		3.12
Produce Stand, Accessory	P	P	P	P	P	P	P	P	P	P		3.13
Satellite Dish	P	P	P	P	P	P	P	P	P	P		-
Storage Shed	P	P	P	P	P	P	P	P	P	P		3.14
Swimming Pool, Spa, Hot Tub, Residential	P	P	P	P	P	P	P					-
Wastewater Treatment Plant, Small Accessory	P	P	P	S	S	P	P	P	P	P		3.15
Wind Mill/Turbine, Accessory ≤ 40 ft height	S	S	S	S	S	S	S	S	S	S		3.16
Wind Mill/Turbine, Accessory > 40 ft height		S	S	S	S	S	S	S	S	S		3.17
4. RECREATIONAL USES												
Amusement Park											S	4.1
Camp	P	P	P	P	P	P	P	P	P	P		4.2
Campground	S	S	S	S	S							4.3
Camping, Low Impact	P	P	P	P	P	P	P	P	P	P		4.4
Coin Operated Amusements							P	P	P			4.5
Common Area Recreation and Service Facilities	P	P	P	P	P	P	P					4.6
Golf Course and/or Country Club	P	P	P	P	P	P	P	P	P			4.7
Governmental Recreational Facilities	P	P	P	P	P	P	P	P	P			4.8
Marina		S	S	S	S		P	P				4.9
Miniature Golf Course or Driving Tees/Ranges (operated for commercial purposes)	S	S	S	S	S	S	P	P	P			4.10
Motor Sports Facility, Major										S		4.11
Motor Sports Facility, Minor										S		4.12
Motor Sports Facility, Recreational								S	S	S		4.13
Park	P	P	P	P	P	P	P	P	P	P	S	4.14
Recreational Facilities (Indoor/Outdoor)	S	S	S	S	S	S	S	P	P	S		4.15
Recreational Vehicle Park	S	S	S	S	S		P	P				4.16
Riding Stables	P	P	P	P	P		P	P				4.17
Commercial Shooting Ranges, Indoor			P	P	P	P	P	P	P	P		4.18
Commercial Shooting Ranges, Outdoor			P	P	P	P	P	P	P	P		4.19
5. EDUCATIONAL AND INSTITUTIONAL USES												
Adult Day Care Facility	P	P	P	P	P	P	P	P				5.1
GENERAL USE DISTRICT												
USE TYPE	P=Permitted; S=Special Use Permit											SR
	R1	R2	R2R	R3	R4	OI	LC	CC	RC	I	SR	
Ambulance Services	P	P	P	P	P	P	P	P	P	P		5.2
Cemetery, Family	P	P	P	P	P							5.3
Cemetery/Mausoleum/Columbarium (excluding crematoriums)	P	P	P	P	P	P	P	P	P	S		5.4
Childcare Facility	P	P	P	P	P	P	P	P	P	S		5.5
Club/Lodge	P	P	P	P	P	P	P	P	P	S		5.6
College or University						P	P	P	P			5.7
Community Club	P	P	P	P	P	P	P	P	P			5.8
Correctional Facilities										S		5.9
Fire and Rescue Station	P	P	P	P	P	P	P	P	P	P		5.10
Funeral Home or Crematorium						P	P	P	P			5.11
Government Offices						P	P	P	P	S		5.12
Homeless Shelter						P		S	P			5.13
Hospital						P		P	P			5.14
Museum/Library/Archive	S	S	S	S	S	P	P	P	P			5.15
Place of Assembly, Large						S	P	P	P	S		5.16
Place of Assembly, Small	S	S	S	S	S	P	P	P	P	S		5.17
Police Station	S	S	S	S	S	P	P	P	P	P		5.18
Religious Institution	P	P	P	P	P	P	P	P	P	S		5.19
School (Home)	P	P	P	P	P	P	P	P				-
School (Public/Private/Charter)	P	P	P	P	P	P	P	P	P			5.20
Youth Center	S	S	S	S	S	P	P	P	P			5.21
6. BUSINESS, PROFESSIONAL, AND PERSONAL SERVICES												
Animal Shelter							S	S	P			6.1
Automobile and Equipment Service			S	S	S		P	P	P	S		6.2
Automotive Towing									P	S		6.3
Broadcasting and Communications Facilities						P	P	P	P	S		6.4
Car Wash							P	P	P			6.5
Exterminating and Pest Control Services				S	S		P	P	P	S		6.6
Kennel		S	S	S	S		S	S	P			6.7
Motel/Hotel							S	P	P			6.8
Office: Business, Professional and Public			S	P	P	P	P	P	P			6.9
School (Technical, Trade and Business)						P	P	P	P	S		6.10
Theater, Drive-In									P	P		6.11
Urgent Care Clinic	S	S	S	S	S	P	P	P	P			6.12
7. RETAIL TRADE												
Adult Book and Retail Merchandise Store										S		7.1
Adult Theatre and Live Entertainment										S		7.2
Cinema Complex								P	P			7.3
Convenience Store						P	P	P	P	S		7.4
Entertainment Complex									P			7.5
Flea Market									P			7.6
Fuel Oil Distribution and Sales										S		7.7

USE TYPE	GENERAL USE DISTRICT										
	R1	R2	R2R	R3	R4	OI	LC	CC	RC	I	SR
<i>Landscaping Materials Sales and Storage</i>			S	S	S		S	P	P	S	7.8
<i>Manufactured/Mobile Home Sales</i>									P	S	7.9
<i>Motor Vehicle Sales or Leasing</i>							S	S	P		7.10
<i>Open Air Market</i>	S	S	S	S	S		S	S	P		7.11
<i>Parking Garage or Lot (requiring payment)</i>									P	S	7.12
<i>Produce Stand</i>	P	P	P	P	P	P	P	P	P		7.13
<i>Retail Sales and Services ≤50,000 sq ft (of gross floor area)</i>						P	P	P	P		7.14
<i>Retail Sales and Services >50,000 ≤100,000 sq ft (of gross floor area)</i>								P	P		7.15
<i>Retail Sales and Services >100,000 ≤150,000 sq ft (of gross floor area)</i>									P		7.16
<i>Retail Sales and Services >150,000 sq ft (of gross floor area)</i>									S		7.17
<i>Shopping Mall</i>									S		7.18
<i>Truck Stop</i>									S	S	7.19
8. WHOLESALE TRADE											
<i>Wholesale Trade</i>								P	P	S	8.1
9. TRANSPORTATION, WAREHOUSING AND UTILITIES											
<i>Airport (Private)</i>										S	9.1
<i>Airport (Public)</i>										S	9.2
<i>Communication Facilities, Category 1</i>	P	P	P	P	P	P	P	P	P	P	9.3
<i>Communication Facilities, Category 2</i>	P	P	P	P	P	P	P	P	P	P	9.3
<i>Communication Facilities, Category 3</i>										S	9.3
<i>Hazardous Waste Disposal Facilities</i>										S	9.4
<i>Land Clearing Debris and Inert Debris Storage or Disposal</i>			S	S	S					S	9.5
<i>Rail Transportation Facilities and Support Activities</i>										P	9.6
<i>Self-Storage Warehousing</i>			S	S	S	S	S	P	P		9.7
<i>Septic Tank and Related Services</i>				S	S					S	9.8
<i>Solar Energy Generation Facility < 30 acres</i>	S	S	P	P	P	P	P	P	P	P	9.9
<i>Solar Energy Generation Facility > 30 acres</i>			S	S	S	S	S	S	S	S	9.9
<i>Solid Waste Combustors and Incinerators</i>										S	9.10
<i>Solid Waste Facility, County Owned/Operated</i>	P	P	P	P	P	P	P	P	P	P	9.11
<i>Transit and Ground Passenger Transportation</i>								S	S	S	9.12
<i>Truck Terminals</i>										P	9.13
<i>Utility Substation</i>	P	P	P	P	P	P	P	P	P	P	9.14
<i>Warehousing and Storage (Excluding Warehousing of Hazardous Substances)</i>								P	P	P	9.15
<i>Waste Collection and Transfer Facility (Hazardous)</i>										S	9.16

USE TYPE	GENERAL USE DISTRICT										
	R1	R2	R2R	R3	R4	OI	LC	CC	RC	I	SR
<i>Waste Collection and Transfer Facility (Non-hazardous)</i>	S	S	S	S	S	S	S	S	S	S	9.17
<i>Wastewater Treatment Plant</i>	S	S	S	S	S	S	S	S	S	P	9.18
<i>Water Treatment Plant</i>	S	S	S	S	S	S	S	S	S	P	9.19
10. MANUFACTURING & INDUSTRIAL USES											
<i>Asphalt Plant</i>										S	10.1
<i>Battery Manufacturing Facility</i>										S	10.2
<i>Chip Mill</i>										S	10.3
<i>Concrete Batch Plant</i>										S	10.4
<i>Cryptocurrency Mining Operation(s)</i>										S	10.5
<i>Junkyard</i>										S	10.6
<i>Landfill, Public or Private</i>										S	10.7
<i>Machining and Assembly Operations <10,000 sq ft (of gross floor area)</i>			S	S	S		P	P	P	P	10.8
<i>Machining and Assembly Operations >10,000 sq ft (of gross floor area)</i>										P	10.8
<i>Manufacturing and Production Operations <10,000 sq ft (of gross floor area)</i>			S	S	S		P	P	P	P	10.9
<i>Manufacturing and Production Operations >10,000 sq ft (of gross floor area)</i>										P	10.9
<i>Materials Recovery Facilities (Recycling)</i>										P	10.10
<i>Mining and Extraction Operations, Existing (Prior to 2007)</i>	P	P	P	P	P	P	P	P	P	P	10.11
<i>Mining and Extraction Operations, New (After 2007)</i>										S	10.11
<i>Packaging and Labeling Services</i>										P	10.12
<i>Pesticide, Fertilizer and Other Agricultural Chemical Manufacturing</i>										S	10.13
<i>Product Processing and Storage Facilities</i>										P	10.14
<i>Recycling Centers, Drop-Off Facilities</i>	P	P	P	P	P	P	P	P	P	P	10.15
<i>Research and Development Operations (Hazardous or Biological Materials)</i>										P	10.16
<i>Research and Development Operations (Non-hazardous)</i>							P	P	P	P	10.17
<i>Sawmill</i>				P	P					P	10.18
<i>Slaughterhouse</i>										P	10.19
<i>Truck Wash</i>									P	P	10.20
11. TEMPORARY USES											
<i>Christmas Tree Lot Sales</i>	P	P	P	P	P	P	P	P	P		11.1
<i>Circuses, Carnivals, Fairs, Religious Services (or similar types of events)</i>			S	S	S		P	P	P	P	11.2
<i>Model Home Sales Office, Temporary</i>	P	P	P	P	P	P	P	P	P		11.3
<i>Movie Production</i>	P	P	P	P	P	P	P	P	P		-
<i>Portable Sawmill</i>			P	P	P						11.4

USE TYPE	GENERAL USE DISTRICT										
	P=Permitted; S=Special Use Permit										
	R1	R2	R2R	R3	R4	OI	LC	CC	RC	I	SR
Special Events between 250 and 499 persons	P	P	P	P	P	P	P	P	P	P	11.5
Special Events greater than 500 persons	P	P	P	P	P	P	P	P	P	P	11.6
Yard Sale	P	P	P	P	P	P	P	P			11.7
12. TEMPORARY STRUCTURES											
Portable Storage Container	P	P	P	P	P	P	P	P	P	P	12.1
Produce Stand, Temporary	P	P	P	P	P	P	P	P	P	P	12.2
Temporary Construction Project Buildings	P	P	P	P	P	P	P	P	P	P	12.3
Tent Sale							P	P	P	P	12.4
13. AGRICULTURAL USES											
Agriculture	P	P	P	P	P	P	P	P	P	P	-
Food Manufacturing	P	P	P	P	P	P	P	P	P	P	-
Forestry	P	P	P	P	P	P	P	P	P	P	-
Forestry Support Services	P	P	P	P	P	P	P	P	P	P	-
Veterinary Services (livestock)	P	P	P	P	P	P	P	P	P	P	-

NOMINATIONS AND APPOINTMENTS

1. Cemetery Advisory Committee – 2 vacs.

Chairman McCall moved to nominate Charles “Sandy” Rex for re-appointment to position #7. All voted in favor, and the motion carried.

2. Henderson County Board of Equalization and Review – 2 vacs.

There were no nominations, and this was rolled to the next meeting.

3. Historic Resources Commission – 1 vac.

There were no nominations, and this was rolled to the next meeting.

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

There were no nominations, and this was rolled to the next meeting.

5. Industrial Facilities and Pollution Control Financing Authority – 2 vacs.

There were no nominations, and this was rolled to the next meeting.

6. Juvenile Crime Prevention Council – 3 Vacs.

Chairman McCall moved to nominate Ryah J. McDonald for appointment to position #12. All voted in favor, and the motion carried.

7. Laurel Park Zoning Board of Adjustment – 1 vac.

There were no nominations, and this was rolled to the next meeting.

8. Nursing/Adult Care Home Community Advisory Committee – 11 vacs.

Chairman McCall moved to nominate Sandra Rodriguez for reappointment to position #2 and Johanna Dokter for reappointment to position #9. All voted in favor, and the motion carried.

COMMISSIONER UPDATES

Commissioner Andreotta shared that the third-grade class from Glenn C. Marlow Elementary School had visited the historic courthouse the previous week. The students were very engaged in learning about the role of the County Commissioners and asked great questions during the question-and-answer period.

September 19, 2024

Mr. Andreotta also mentioned IT Appreciation Day and thanked the County’s Information Technology Department staff for keeping its information safe and sound.

Vice-Chair Edney shared that Charman McCall’s team had finished first in the “Megan’s Heart” charity gold tournament the day before.

Commissioner Lapsley and Hill had no updates to share.

Chairman McCall shared that she had visited Washington, DC, the week before with a group from the Hendersonville Chamber of Commerce and was fortunate to meet NC Congresswoman Dr. Virginia Fox. She said Dr. Fox was 81 years old, and Mrs. McCall had to run to keep up with her as she walked from chambers to the Capital. Dr. Fox took a small group to watch the voting in the House of Representatives Chamber.

GENERAL ASSEMBLY UPDATE

John Mitchell said the Federal government had set an ending date for Federal Funding next week. A vote late yesterday failed. He said the “mini-budget ” returned, and they are trying to find a compromise to move forward. He has had some discussions with members who were there representing the county.

COUNTY MANAGER’S REPORT

Mr. Mitchell said that tomorrow, the City of Hendersonville will hold the grand opening of its new fire department on N Main Street. He was pleased to say that the Etowah Sewer System was running smoothly after the county took ownership. In closing, Mr. Mitchell said he had the opportunity to participate in the Veteran’s Collaborative earlier in the week.

Vice-Chair Edney made the motion to go into Closed Session pursuant to N.C. Gen. Stat. § 143-318.11(a)(9). All voted in favor, and the motion carried.

ADJOURN

Denisa Lauffer, Clerk to the Board

Rebecca McCall, Chairman