



# STATE OF NORTH CAROLINA COUNTY OF HENDERSON

BOARD OF COMMISSIONERS MONDAY, AUGUST 8, 2012

The Henderson County Board of Commissioners met for a special called meeting at 1:00 p.m. in the Commissioners' Meeting Room of the Historic Courthouse on Main Street, Hendersonville.

Those present were: Chairman Tommy Thompson, Vice-Chairman Bill O'Connor, Commissioner Larry Young, Commissioner Charlie Messer, Commissioner Michael Edney, County Manager Steve Wyatt, Interim Assistant County Manager David Whitson, County Attorney Russ Burrell and Clerk to the Board Teresa Wilson.

Also present were: Public Information Officer Christy DeStefano, Finance Director J. Carey McLelland, Planning Director Anthony Starr, Engineer Marcus Jones, Research/Budget Analyst Amy Brantley, Fire Marshal Rocky Hyder, Travel and Tourism Director Beth Carden, Animal Services Director Brad Rayfield, Travel and Tourism Computer Support Technician Karen Baker, Deputy John Brezillac, Deputy Allan Corthell, and officer David Pearce as security.

#### CALL TO ORDER/WELCOME

Chairman Thompson called the meeting to order and welcomed all in attendance. He noted the purpose of this special called meeting is a forum regarding the levy of a 1% occupancy tax.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American Flag was led by Commissioner Bill O'Connor.

#### **PUBLIC INPUT**

- 1. Ron Kauffman Mr. Kauffman is the Chairman of the Henderson County Tea Party. He is opposed to the increase of tax during economic conditions. Small businesses are suffering. The Board should not pick and choose. Mr. Kauffman does not feel that giving money to the Playhouse is a benefit or success to the County.
- 2. Steve Carlisle Mr. Carlisle feels the problems with Flat Rock Playhouse began after Mr. Farquhar's death and the addition of venues; first Main Street, then Myrtle Beach, South Carolina. He does not think that not-for profits and for profits should work together. Mr. Carlisle is against giving money to the Flat Rock Playhouse.
- 3. Dennis Justice Mr. Justice does not support the action of the 1% occupancy tax increase. He feels there are other areas where money is needed for arts.
- 4. Joe Pirog Mr. Pirog stated that tax is the people's money and the Board is caretakers of that money. He is against the 1% occupancy tax increase. He feels there will never be enough money no matter how much taxes are.
- 5. Phillip Stanley Mr. Stanley feels Henderson County is a very conservative County and taxes should not be used to help businesses that are struggling. It is not the taxpayer's job to make businesses successful.
- 6. John Gallenberger Mr. Gallenberger owns a business that offers lunch. Their customers find them by using the internet. He feels Buncombe County is already their competition and his business is struggling. Mr. Gallenberger does not think that any of their customers have gone to Flat Rock Playhouse. He asked that the Board not increase the occupancy tax.
- 7. Jane Bilello Ms. Bilello is a part of the Tea Party. Travel and Tourism already helps Flat Rock Playhouse. The new Henderson Tourism Development Authority should be in charge. Do not raise the occupancy tax.
- 8. Glen Englram Mr. Englram is the Blue Ridge Tea Party Patriot's Chairman. He noted the economy is still in bad condition and everyone has to do with less. Entertainment is not a top priority. He asked that the Board not raise occupancy tax.

APPROVED:	

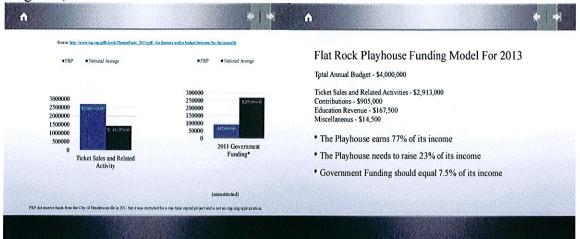
- 9. Jack Grup Mr. Grup is the owner of Highland Lake Inn. He feels the new endeavors by Flat Rock Playhouse should not have been done during these economic conditions. The arts are worth supporting from existing taxes by the Henderson Tourism Development Authority, and not by increasing the occupancy tax.
- 10. John Van Blaricom Mr. Blaricom is the general manager of Mountain Inn & Suites. He supports Flat Rock Playhouse but the occupancy tax should not be increased as it is already one of the highest in the area.
- 11. Gordon McAuliffe Mr. McAuliffe feels that Flat Rock Playhouse should generate income from sales. He does not support an increase in the occupancy tax.
- 12. Karen Orbaugh Ms. Orbaugh owns Cedar Wood Inn. She feels that the occupancy tax rate already defers customers and should not be increased.
- 13. Barbara Lackey Ms. Lackey owns Bee Hive Cottages. Her business has struggled for the last four years. There are plenty of other good uses of tax dollars. She requested that the Board not raise the occupancy tax for one private business.
- 14. Landen Gailey Ms. Gailey owns Green Mountain Lodge. She does not feel that Flat Rock Playhouse should handle booking for other accommodations. Ms. Gailey is against the increase in occupancy tax.
- 15. Bill McKibben Mr. McKibben feels Flat Rock Playhouse provides an increase in tourism which is good for all.
- 16. Michael Winner Mr. Winner owns Barkwells in Mills River. They hear complaints from customers about the occupancy tax rate already. He feels they will lose revenue if the rate increases. Henderson Tourism Development Authority should have the solely responsible. Mr. Winner asked the Board not to increase the occupancy tax just for Flat Rock Playhouse. His guests do not come just for Flat Rock Playhouse.
- 17. Sandra Cloer Ms. Cloer owns Cranmore Cottages and Elijah Mountain Gen Mine. Her guests already question the occupancy tax rate. She feels the guests come primarily for nature activities.
- 18. Doug Llewellyn Mr. Llewellyn is a television professional and lives here because of Flat Rock Playhouse. Other production theaters receive support from the local government. He feels Flat Rock Playhouse is a major regional theater and needs to be supported. Youth Theater is a wonderful addition.
- 19. Shelby Mood Ms. Mood is part of the Libertarian Party and strongly disagrees with Mr. Llewellyn. She feels this tax is egregious and citizens will refuse the raise in occupancy tax. Ms. Mood is against the increase and will vote against the Board.
- 20. George Danz Mr. Danz is a supporter of Flat Rock Playhouse through the purchase of tickets. He is not in favor of the 1% increase. Mr. Danz feels Flat Rock Playhouse must work for their success as this is not Broadway. They should look at increasing their ticket price.

#### **PRESENTATIONS**

Flat Rock Playhouse - Vincent Marini - Producing Artistic Director - The State Theatre of North Carolina Mr. Marini noted that today's Times News says "Attractions such as the Blue Ridge Parkway, Carl Sandburg Home, Flat Rock Playhouse, apple orchards and outdoor recreation helped boost tourism last year in Henderson County, according to the NC Department of Commerce. (19.1 million for Henderson County, saving every taxpayer in the county \$176.97 in local taxes)

In order for the Playhouse to continue to serve 100,000 patrons each year, to provide outreach to 10,000 young people in Henderson County, to bring in almost 60,000 patrons from other counties and states, and for Flat Rock Playhouse to remain one of the most vibrant, unique tourism destinations in Western North Carolina, we need to work together to implement a funding mechanism for this organization that is proportionate to our economic and cultural impact on this community.





For decades, the Playhouse Board has been desperately trying to get someone in local, county or state government to look at the real numbers and benchmark us against other tourism entities in the region. This was finally accomplished on the state level thanks to the work of some legislators. Mr. Marini feels FRPH now has the opportunity to do the same locally if misinformation is put aside and proposals are merited.

FRPH is a public charity. By IRS definition, they are expected to receive most of their funds from the general public or from the government. FRPH is the State Theatre by decree, but no special funding is received from the state to support that designation. As a non-profit, they have a mission, and ultimately that is to provide access to the arts for as many citizens as possible. Any member of this community can see any show for under \$25.00. If they were to charge what their products actually cost to produce, they ticket prices would rise as much as 40%, which would counter their mission. They would become a for-profit theater, like the one on Broadway which cost over \$100 a ticket.

Mr. Marini feels that FRPH is in a unique position among most non-profits in this community because their mission also makes them one of the most visited tourist attractions in the region. The Playhouse brings in more people every year than the Orange Peel or the Asheville Art Museum in Buncombe County and just about any other arts or cultural entity in the region.

Currently the theater sells 88% more tickets than the average theater in their class. That is over a million dollars more in sales every year. Yet, when it comes to government funding, they are only getting 34% of what other theaters are getting, despite a much greater economic impact. It doesn't matter what your position in on government funding of 501(c)3 organizations, or if you are a conservative or liberal. Cities and counties have that have organizations like FRPH must find a way to fund them if they want them to continue to exist in their community. It's a matter of priorities and each community has to weigh for itself what its priorities are. The Commissioners approved a budget with a 5.7 million dollars deficit because there were priorities in this community that needed to be addressed and were worthy of dipping into the reserve. He believes Flat Rock Playhouse is a priority for the business community, the tourism industry, and the citizens of this county. A small increase in the occupancy tax is the way to fund that priority.

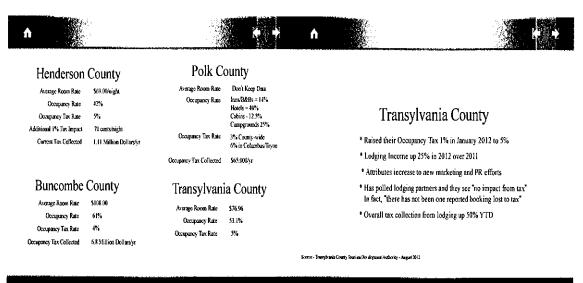
In 2013, the Playhouse is seeking about 7.5% of its total income from government sources. This means that the other 92.5% will come from the other funding sources the Playhouse has woven together over the years, primarily ticket sales and private donations.

Flat Rock Playhouse focused in on the Occupancy Tax as the funding mechanism for many reasons, but three stand out.

1. The theater is one of the most prolific drivers of tourism in the region. They bring 60,000 people here from outside the county every year and 30,000 of those are coming here primarily to attend a play at the Playhouse. This tax does not have any direct effect on any citizens of this county unless that own or operate

a hotel, inn or cabin. They feel that ultimately the additional revenue will allow the Playhouse to help make all of the businesses in Henderson County that rely on tourism more successful.

- 2. Unlike many other kinds of government appropriations, this funding mechanism would actually incentivize the Playhouse to bring in more tourists who opt for overnight stays. It would be only to their benefit to find new and creative ways to not only maintain the current level of Playhouse impact on their lodging partners, but to substantially increase it.
- 3. Currently Henderson County has a 5% room tax. Despite having a tax rate that is more or less average in the state, there is only a 42% occupancy rate. The average room rate here in only \$69. Therefore, on average, what we are discussing here today is 70 cents per room night. One of the first things that we wanted to examine is what will the impact be on our lodging partners? Would people choose to stay in Buncombe, Polk, or Transylvania Counties? Buncombe County's average hotel room costs \$108 a night. Despite being almost \$40 per night higher than Henderson County, their occupancy is right at the state average which is 61%. Yes...their tax rate if 4% compared to 5% in Henderson County, but Mr. Marini believes the occupancy tax is not the decision maker here. Transylvania County's room rate is again higher then Henderson County. They just raised their rate from 4% to 5% in January. Since they made the change, lodging income is up 25% over 2011. They have polled their lodging partners and see no impact from the tax. Overall tax revenues are up 50%. This increase is attributed to the new marketing and PR efforts recently undertaken.



Flat Rock Playhouse does not plan to just take the money and move on. They have a plan modeled after what is being done in places like Ashland, Oregon to lead a new tourism effort with the Playhouse as the focus. The want to develop shared booking systems, that allow patrons to book their hotels, restaurants, recreational events and show tickets all at the same time online or over the phone. They want to develop a ticketing system that allows lodging and restaurant partners to book discounted tickets for guests in real time. They want to lead a national effort to bring Henderson County and Flat Rock Playhouse to the regional and national tourism conventions where decisions are made. The want to partner with Travel and Tourism on a new PR initiative that leverages the theater's already robust regional and national coverage to get more stories, more blogs, and more Facebook posts dedicated to Flat Rock Playhouse and Henderson County.

The hotels and inns should subsidize the Playhouse marketing costs because no individual lodging entity can work to bring in 10,000 or 20,000 new tourists. You should support the entities that drive business.



Examples of <u>Private</u> For-Profit and Non-Profit Entities Receiving Occupancy Funds

> The Orange Peel - \$300,000 FRP selfs 40,000 more tickets annually

The Asheville Art Museum - \$1,000,000 in 2007 62,000 on-sight visitors in 2011-2012

The Henderson County Heritage Museum - \$111,000

The Oregon Shakespeare Festival - 21% of Tourism Funds

The Peace Center received 1.3 million from the lodging tax

The Admiral Theater in Bremerton, Washington receives 2% of the 4% collected of approximately \$160,000 Has half the number of patrons that FRP has.

Accommodation Businesses - Kaye Caldwell, Chair of the Henderson County Accommodations Association Ms. Caldwell stated they are glad to see Flat Rock Playhouse back on their feet. They also want to see a healthy Flat Rock Playhouse. Many guests are encouraged to see a play at the Playhouse. There are links to the Flat Rock Playhouse on their websites. HCAA feels that the Flat Rock Playhouse is a strong asset to the community. The very strong consensus of the many accommodations businesses that responded to the query is that they are opposed to the tax increase. With today's tougher economy they are struggling to keep their accommodations rented with the current combined tax rate of 11.75%. The occupancy tax rate is already above surrounding counties. A further increase will make them even less competitive. They do not need any additional hindrance to their businesses caused by an increase in the tax rates that the guests must pay. At a recent Travel and Tourism Committee meeting there was discussion of other ways to better help the Flat Rock Playhouse through the HTDA existing collected funds rather than collecting new funds, accommodations guests in our county have already felt two previous occupancy tax increases totally 67% in the past five years. Our businesses have the biggest risks from these increases but they have seen no benefit resulting from these increases. They asked what problems are being solved by imposing the risks of decreases business on their accommodations businesses. They believe their hospitality businesses have a definite and consistent positive impact on the local economy as 100% of their customers are overnight tourists. They eat in the restaurants, shop in local produce markets, attend local entertainment venues, and they shop in shops. HCAA believes that increasing the occupancy tax may hurt their accommodations occupancy rate which in turns directly affects other tourism businesses in the county. If any tax increase were to be considered, despite their opposition, they would be opposed to it being delivered to the Flat Rock Playhouse rather than administered by the Henderson Tourism Development Authority. It makes little since to have millions of dollars of occupancy tax funds managed through the HTDA each year while also having another \$200,000 managed in their interest via the Flat Rock Playhouse. Establishing a tax which benefits any one individual business with no accountability and no guarantee of success is a risky proposition, especially when the Flat Rock Playhouse will be duplicating efforts planned by the HDTA. Our County Travel and Tourism Committee is just now being restructured and the new Tourism Development Authority is being formed. HCAA applauds the naming of Beth Carden as the executive director. HCAA is enthused about the revitalization of the HCTA. With the leadership of Mrs. Carden, Transylvania County doubled accommodations occupancy while working successfully within the bounds of their previous 4% occupancy tax.

The strong consensus among accommodations businesses is that the HTDA should be the driver of significantly improving use of the internet and leveraging building cenergy among all of the tourism businesses. Initiatives such as those proposed by the Flat Rock Playhouse may be part of that effort. For any activity funded by the accommodations tax, they believe direction funding and control should come from the HTDA. They do welcome Flat Rock Playhouse's participation and input in such initiatives. They also believe that input from accommodations business is vital to the success of these efforts. However, they don't

want to duplicate efforts and work with both the HTDA and the Flat Rock Playhouse. Such duplications would be wasteful not only of funding but of time. Accommodations Businesses are strongly opposed to the tax increase.

## City of Hendersonville – Mayor Barbara Volk

Mayor Barbara Volk stated over two years ago representatives of the Flat Rock Playhouse approached the City with the request for funding to remodel a building on South Main Street for a second venue. The City of Hendersonville was shown the funding needed for this work and how city taxpayer funds would be used specifically for physical work on the Downtown Playhouse. This was identified as a facility that would draw more people to our historic downtown and the city council agreed to fund the renovations with \$100,000 per year for three years. This was viewed as an economic development investment in downtown and they believe it has drawn more people there benefiting other Main Street businesses.

The City of Hendersonville wants to see the Playhouse continue to thrive both in Flat Rock and downtown. However, at their meeting last week, the Hendersonville City Council chose not to take an official position on the 1% occupancy tax. They believe this should be the decision of the County Commissioners.

# Town of Fletcher - Town Manager Mark Biberdorf, Mayor Bill Moore

Manager Mark Biberdorf stated council has recently discussed the issue briefly. It was the consensus of council to oppose the occupancy tax being directed to any specific entity or organization. If the tax is increased it should go toward other eligible activities directed by Travel and Tourism. The council is also concerned that with the increase, Henderson County would be at a statutory cap of 6% and if the funding is designated to one entity, it closes opportunities for other eligible Travel & Tourism related expenses.

## Village of Flat Rock – Mayor Robert Staton

Mayor Robert Staton was not speaking on behalf of the Council of Flat Rock. They were not able to meet prior to this special called meeting, therefore this is not official. This subject is not only important to Flat Rock, but to Henderson County as a whole. During an agenda meeting discussion was started, however one member was absent, one left early, and the others were not certain and needed more information.

The Flat Rock Council has supported the Flat Rock Playhouse. In 2006 – 2007 timeframe, the Council contributed to the capital campaign for the construction of the Youth Theatre facility on the Playhouse campus. The Youth Theatre, dedicated to the late artistic director Robin Farquhar, is now a state of the art theater or education center as the pride of the Playhouse Board and staff and the envy of regional theaters everywhere. It is currently enjoying record enrollment.

In the past two fiscal years, our council appropriated funds to the Playhouse for the general operations. Flat Rock council has included an amount in their current year's budget for the council consideration of an additional contribution next January which Mayor Staton will recommend. In addition to that financial support from the Village Council, some of them are seasonal subscribers while others regularly attend individual performances. A number of the council participate in fundraisers to the Playhouse and contribute in other ways.

Mayor Staton has served on the Playhouse Board of Trustees for the last year and a half and he is currently a member of the finance committee. Mr. & Mrs. Staton have been supporters and patrons of the Playhouse for years. When it opened its door sixty years ago, Mr. Staton had just finished his sophomore year at Hendersonville High School. In the summer of 1956, following his sophomore year in college, and during the theaters fifth season, Mr. Staton was privileged to work for Robin Farquhar, the Playhouse's founder as promotion director of the theater. Although He never appeared on stage in those days, He personally considers himself a vagabond to this day.

We support Flat Rock Playhouse because it is important to this community, not just to Flat Rock, but to the greater Henderson County community and the State of North Carolina. It is a great asset to the community.

We consider it to be one of the jewels of Flat Rock. It is also an economic engine for Henderson County. It is a tourism driver. The Playhouse currently serves close to 100,000 patrons annually, almost 60,000 of whom are visitors from outside the county. Many of those visitors come here for more than a show at the Playhouse. They also spend one or more nights in local accommodations, dine in our restaurants, and shop locally. With the tourism revenues it generates, and its annual payroll for full and part time employees, the Playhouse has a \$10 million annual economic impact on Henderson County. That is something that we wish not only to preserve, but also to build on and use it to the advantage of future tourism development in the County, not just in Playhouse ticket sales, but also in the promotion of the county's tourism attractions and other assets.

The Flat Rock Playhouse has come a long way since the humble beginning sixty years ago under the visionary direction of its founder, and under a rented big top. It is no longer a summer stock theater producing ten shows in ten weeks, after which its doors were closed until the next summer season. Today it is a vibrant, almost year-round theater with a staff of twenty-eight full time employees. It is a fourteen acre campus with fourteen buildings; an educational, charitable outreach program for the community. The Playhouse programming for 2012 includes some twenty-eight main stage, downtown, Youth Theatre, and Music on the Rock shows at reasonable prices. Subscription sales, Music on the Rock sales, educational enrollment and development income have been at record levels. However, revenues generated by those activities alone are insufficient to support the continued improvement of the theater going experience, the upgrading of the facilities, and consistency of the product begun by the Playhouse Board and staff in 2009. Ticket sales at affordable prices alone cannot sustain the Playhouse. If tickets were priced at a sustaining level, it would turn off patrons that feel they cannot afford them and be like committing economic suicide.

The Vagabond School of the Drama, Inc., operating the Flat Rock Playhouse, is a non-profit charitable organization that relies on the generosity of its patrons as well as corporate foundations and government funding sources. The Board and staff continue to pursue all such sources to meet its mission of producing the highest quality professional theater while teaching theater arts through its multi-faceted educational program. Although designated a state theater of North Carolina in 1961, the Playhouse is not a state agency and receives no funding from the state.

This past June, Mr. Staton wrote the Board of Commissioners thanking them for the grant included the current county budget and for the resolution of support for the additional 1% room occupancy tax to be earmarked for the Playhouse. As a member of the Playhouse Board and its finance committee, I know the importance of both to our budget. That resolution of support was relied upon by our general assembly delegation in Raleigh in the enactment of legislation to authorize the County to levy the additional tax. If the County levy's the additional tax, the Flat Rock Playhouse will be the recipient of the additional revenues through June 30, 2014. Those revenues will augment the Playhouses marketing budget now used to market Playhouse shows. The additional funds will enable the Playhouse to partner with other tourism interests and marketing, not just shows in the Playhouse stages, but also the entire Henderson County experience.

The Playhouse has presented its plan and plan goal. Its sale call center, reservation capacity, sales infrastructure, active website, and marketing capabilities are major assets that would be available to other tourism partners with whom the Flat Rock Playhouse would be working. The Playhouse has a tremendous public relations reach, has recognition throughout the United States as an outstanding professional theater, and has a powerful web presence on tourism related sites. It also has an existing relationship with Travel and Tourism that will only improve with a much closer integrated approach to tourism development with the involvement of Tourism Development Authority and others in the tourism business.

The Flat Rock Playhouse brings many assets to the table and is willing to share those assets with its tourism partners for the benefit of all involved in one of Henderson County's major industries. The occupancy tax is a fair way to fund the leading tourism driver in the county at no cost to the county's property taxpayers. There is a misconception among many county residents that the tax being discussed, if implemented, would be a tax on them which many cannot afford. The tax would be on those visitors who choose to spend nights

in our local accommodations. A number of those in the hospitality industry object to the additional tax and that's understandable. Some because they were not consulted before any effort was made to get the additional tax while others fear that the additional tax would cause visitors to go to another county where the occupancy tax is lower or there is no occupancy tax. On a \$100 per night hotel room, the additional tax would be one dollar. Mr. Staton cannot see a one dollar additional tax, on an overnight stay, driving perspective tourists away or the tourism dollars away from the county. In Mr. Staton's travels over the years, he does not remember one time considering what the occupancy tax would be, it never entered his mind. The room occupancy tax in Henderson County is presently at 5%.

Before the Board at this time, is a 1% increase in that tax with the proceeds to go to the Playhouse for almost two years. Mr. Marini has asked for the additional levy and is prepared to continue discussions with any and all interested parties in an effort to work out something that is acceptable to all or most. The Flat Rock Village Council does support the Flat Rock Playhouse and wants it to succeed. If its survival and success were dependent upon this additional occupancy tax levy, he feels the council would support it. He also feels the council would support any compromise acceptable to the parties in interest that would help to avoid the additional tax levy. The arts are worth supporting and contrary to his conservative beliefs that the government that governs best is the government that governs least, and that government funding should be limited, he feels that the arts should be supported and funded at all levels of government, national, state, and local.

#### Chamber of Commerce – Bob Williford

Bob Williford stated that the Chamber is a huge supporter of the Flat Rock Playhouse. As Chamber of Commerce we have a large constituency in the accommodations industry and their membership. The Chamber of Commerce Board has yet to fully discuss and take a position on this issue as they continue to gather information as to how it will affect these businesses. Many phone calls have been made collecting input on the tax increase issue. There have been varying degrees of support and opposition of the tax increase, but full support of the Playhouse.

### **BOARD DISCUSSION**

Chairman Thompson explained the makeup of the new Henderson Tourism Development Authority. It includes:

Three (3) members appointed by Henderson County

Three (3) members appointed by the City of Hendersonville

One (1) member appointed by the Village of Flat Rock

One (1) member appointed by the Town of Fletcher

One (1) member nominated by the Chamber of Commerce and appointed by Henderson County

The members will be sworn in on September 1, 2012.

Chairman Thompson noted that all correspondence and handouts will be located on the Henderson County website under handouts. Citizens are welcome to request copies for a nominal charge.

This forum was held in order for the Board of Commissioners to gather information necessary to make a final decision regarding the matter of a 1% occupancy tax.

Commissioner Young made the motion that the Board not levy the sixth percent of tourism development tax in Henderson County for a period of at least six months, and that the Board requests that the authority report its position regarding this sixth percent at least quarterly. All voted in favor and the motion carried.

#### ADJOURN

There being no further business to conduct, the Chairman adjourned the meeting at 4:15 p.m.

Attest: