

**DRAFT**

10-22-12

MINUTES

cc: Boc  
Steve  
David  
Russ  
Christy

**STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS  
WEDNESDAY, OCTOBER 17, 2012**

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

Those present were: Chairman Tommy Thompson, Vice-Chairman Bill O'Connor, Commissioner Michael Edney, Commissioner Larry Young, Commissioner Charlie Messer, 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, Assistant County Engineer Natalie Berry, Environmental Health Supervisor Seth Swift, Central Services Manager David Berry, Deputy County Attorney Sarah Zambon, Assessor/Tax Collector Stan Duncan, Senior Planner Autumn Radcliff, and Recreation Director Tim Hopkin.

**CALL TO ORDER/WELCOME**

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

**PLEDGE OF ALLEGIANCE**

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

**RESOLUTION IN MEMORIAM – CECIL GORDON**

Richard Rhodes of WHKP Radio provided history of the life of Cecil Gordon. The Henderson County Board of Commissioners was requested to adopt a Resolution in Memoriam for Cecil Gordon, who passed away on September 19, 2012. Mr. Gordon built and raced cars from his garage in Mills River. During his lengthy career he had 29 top-5, 111 top-10, and 304 top-20 finishes. He finished a career-high third in the Cup Standings in 1971.

*Commissioner Messer made the motion that the Board adopts the Resolution of Memoriam for Cecil Gordon. All voted in favor and the motion carried.*

**PUBLIC HEARING TO CONSIDER ECONOMIC INCENTIVES FOR "PROJECT NAPOLEON" COMPANY**

*Chairman Thompson made the motion for the Board to go into public hearing to consider economic incentives for "Project Napoleon" Company. All voted in favor and the motion carried.*

Andrew Tate, President and CEO of the Henderson County Partnership for Economic Development stated the company has to date requested to remain anonymous at this time due to competitive pressures.

"Project Napoleon" Company, is an office and research and design operation located inside and outside the United States contemplating a headquarters site for Henderson County.

County Attorney Russ Burrell stated under the project as proposed, the public benefit to be derived from the capital project is a total taxable capital investment by Project Napoleon of at least \$7,000,000.00 in business personal property (equipment). The project would result in the creation of one hundred and six (106) new jobs, at an average wage in excess of the average wage in Henderson County for full-time employment, plus other benefits. The contemplated incentives would last for a period of not more than 10 years. The first year's contemplated incentive, if granted, would be not more than \$35,952.00, based on actual amount of the new investment, the number of new employees, and the Board's incentives guidelines. The maximum

APPROVED: \_\_\_\_\_

amount of incentives to be considered in this grant, if granted for the 10 year maximum, would be \$197,736.00.

Henderson County will consider granting assistance toward actual start-up expenditures incurred in the investment of Project Napoleon.

If approved, the request would be funded through the general property tax revenue.

At the conclusion of the public hearing, the Board may choose to take action, delay action to a subsequent meeting, or take no action.

#### Public Input

1. Dennis Justice – Mr. Justice is against giving incentives to this company. He feels they are moving jobs, not creating jobs and that companies should not receive incentives unless ALL companies receive incentives.
2. Jane Bilello – Ms. Bilello questioned how it helps to award anonymous companies, when it only affects some companies. She did not feel that governments could create jobs.

Andrew Tate and Commissioner O'Connor explained briefly how incentives are offered for all companies (big and small) if guidelines are met.

*Commissioner Messer made the motion that the Board go out of public hearing. All voted in favor and the motion carried.*

*Commissioner O'Connor made the motion that the Board of Commissioners accepts the proposal as presented and offer incentives to the company based on guidelines. Commissioner Messer seconded the motion. All voted in favor and the motion carried.*

#### INFORMAL PUBLIC COMMENT

1. Frances Jones – Ms. Jones feels the \$6m bond money, awarded for Seven Falls, should be used to fix the erosion and sedimentation damage.
2. William Fisk – Mr. Fisk has dealt with flooding at an intersection near his home since 2007, caused by poor erosion control procedures in the development of Seven Falls. He asked the Board to consider fixing problems created by the developer.
3. Leslie Martin – Ms. Martin can see the abandoned golf course and environmental damage from her back deck. She feels Seven Falls, in its current state, is embarrassing, and the present plan is offensive and harmful.
4. Peter Hanley – Mr. Hanley is a real estate broker and feels Seven Falls is not a viable model for the future. He asked the Board to repair the environmental damage.
5. Conway McGee – Mr. McGee feels that the County's responsibility is to the citizens, and not the consumers. He asked the Board to consider doing a RFP for erosion problems at Seven Falls.
6. Virginia Schmidt – Ms. Schmidt is a real estate broker and feels that correction of damage to the land at Seven Falls should be a priority. She feels the consumers knew they were taking a chance.
7. Christopher Berg – Mr. Berg supports protecting the consumers of Seven Falls from failure, and the surrounding property owners from water problems. The roads should be completed and maintained. A large amount of the bond should be used for water quality and stabilization of stream banks.
8. Eva Ritchey – Ms. Richey felt that people who purchased the land, did so by pictures. The land needs to be returned to the same condition as it was when it was purchased.
9. Elizabeth Lyons – Ms. Lyons does not feel that fixing the roads will fix the erosion problems. The erosion needs to be corrected.
10. Tom Cooper – Mr. Cooper owns a lot in Seven Falls. He does not feel that \$6m will bring the development to maximum capacity. Money will run out before it is complete. He requested that the golf course and town house lots be repaired first, and then roads.

11. Dave Sciupider – Mr. Sciupider owns a lot in Seven Falls, and feels the bond money should be used to fix infrastructure and the golf course.
12. Katie Breckheimer – Ms. Breckheimer feels the County was duped by a dishonest developer. Poor real estate and banking practices were used. She asked that the \$6m be used to correct green infrastructure, erosion, and repair environmental damage.
13. Matt Matteson – Mr. Matteson commended the Henderson County staff for pursuing the bond. Seven Falls looked like a good plan at the beginning, but lots were overpriced.
14. David Weintraub – Mr. Weintraub stated that Seven Falls should be returned to its original condition by removing all filler materials.

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

*Commissioner Messer made the motion to adopt the Agenda with the addition of a closed session, and three discussion items: Hendersonville Christian School property, NCACC Agriculture Meeting, and Pardee Hospital Board Retreat. All voted in favor and the motion carried.*

### **CONSENT AGENDA**

*Commissioner Messer made the motion to adopt the Consent Agenda as presented. All voted in favor and the motion carried.*

CONSENT AGENDA consisted of the following:

#### **Minutes**

Draft minutes were presented for board review and approval of the following meeting(s):

October 1, 2012 – Regularly Scheduled Meeting

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

Tax Collector Clerk Kathy Johnson had presented the Tax Collector's Report to the Commissioners dated October 4, 2012 for information only. No action was required.

#### **Quarterly Construction Project Update**

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

#### **Energy Management Update**

A report was provided to the Board with information about the County's energy management use in the areas of electricity, natural gas, fuel and water. It compares the first quarter with previous years to show historical trends.

#### **Proclamation – Homeless Youth Awareness Day November 10, 2012**

November 10, 2012 has been designated as Homeless Youth Awareness Day in Henderson County. Only Hope WNC, INC. requests the proposed proclamation be approved setting aside this day as Homeless Youth Awareness Day in Henderson County.

Motion:

*I move the Board approves the proclamation proclaiming November 10, 2012 as Homeless Youth Awareness Day in Henderson County.*

### **NOMINATIONS**

#### **Notification of Vacancies**

Chairman Thompson informed the Board of vacancies and opened the floor for nominations.

1. Historic Resources Commission – 1 vac.
2. Juvenile Crime Prevention Council – 1 vac.

- 3. Nursing/Adult Care Home Community Advisory Committee – 1 vac.

**Nominations**

- 1. EMS Peer Review Committee – 1 vac.

Chairman Thompson nominated Stuart Scott for position #7. *Chairman Thompson made the motion to accept the appointment of Stuart Scott to position #7 by acclamation. All voted in favor and the motion carried.*

- 2. Hospital Corporation Board of Directors – 4 vac.

Chairman Thompson nominated Rita Conner. Commissioner Messer nominated Peggy Judkins and William Medina. Commissioner Young nominated Hall Waddell and Greg Burnette. The Board was polled with the following results:

<b>Mike Edney</b>	<b>Bill O'Connor</b>	<b>Tommy Thompson</b>	<b>Charlie Messer</b>	<b>Larry Young</b>
1. Rita Conner	1. Rita Conner	1. Rita Conner	1. Rita Conner	1. Greg Burnette
2. William Medina	2. William Medina	2. William Medina	2. William Medina	2. William Medina
3. Peggy Judkins	3. Peggy Judkins	3. Peggy Judkins	3. Peggy Judkins	3. Peggy Judkins
4. Hall Waddell	4. Hall Waddell	4. Hall Waddell	4. Hall Waddell	4. Hall Waddell

*Having the majority of votes, Rita Conner, William Medina, Peggy Judkins, and Hall Waddell were appointed to the Hospital Corporation Board of Directors.*

- 3. Juvenile Crime Prevention Council – 5 vac.

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

- 4. Mountain Valleys Resource Conservation and Development Program – 1 vac.

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

- 5. Nursing/Adult Care Home Community Advisory Committee – 3 vac.

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

- 6. Senior Volunteer Services Advisory Council – 2 vac.

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

- 7. Smartstart – 1 vac.

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

- 8. Western Highlands Local Management Entity – 1 vac.

Commissioner Edney nominated Steve Wyatt for position #1. *Chairman Thompson made the motion to accept the appointment of Steve Wyatt to position #1 by acclamation. All voted in favor and the motion carried.*

- 9. WCCA Board of Directors (Western Carolina Community Action) – 1 vac.

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

**DSS INFORMATIONAL UPDATE – PULLED FROM AGENDA**

**UPDATE: COMMUNITY PLAN FOR GREEN RIVER, TUXEDO & ZIRCONIA – PULLED FROM AGENDA**

**PERFORMANCE CONTRACTING – PULLED FROM AGENDA**



*Chairman Thompson made the motion that the Board remove DSS Information Update, Update: Community Plan for Green River, Tuxedo & Zirconia, and Performance Contracting from this agenda and move them to the November 5, 2012 agenda. All voted in favor and the motion carried.*

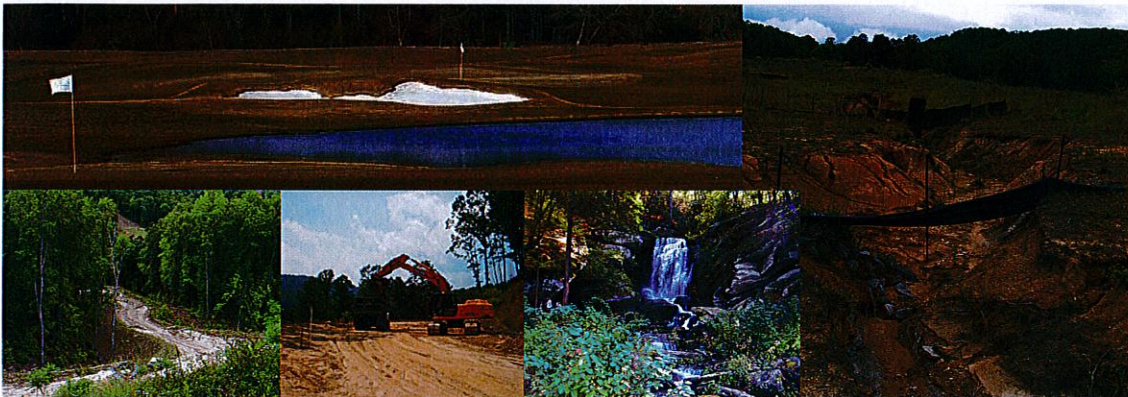
### **SEVEN FALLS ACTION PLAN**

Anthony Starr stated the Board of Commissioners recently approved a settlement offer from the Lexon Insurance Company and the County received the \$6,000,000 bond for the Seven Falls Development (Phase 1 & 2). The county staff is ready to immediately begin work to complete the bonded infrastructure which includes roads, water & sewer service.

The Planning Department will lead the project to complete the infrastructure with a team including the county manager, Engineering Department, county attorney, and a private engineering firm. Staff requests the Board's guidance on the action plan and several issues including:

- Engineering Services
- Soil Erosion On-Site
- Method of Wastewater Treatment (Sewer)
- Segmentation of Bidding
- Budget

## **Seven Falls Action Plan**



Henderson County Board of Commissioners  
Wednesday, October 17th, 2012

Presentation by: Anthony Starr, AICP, Planning Director

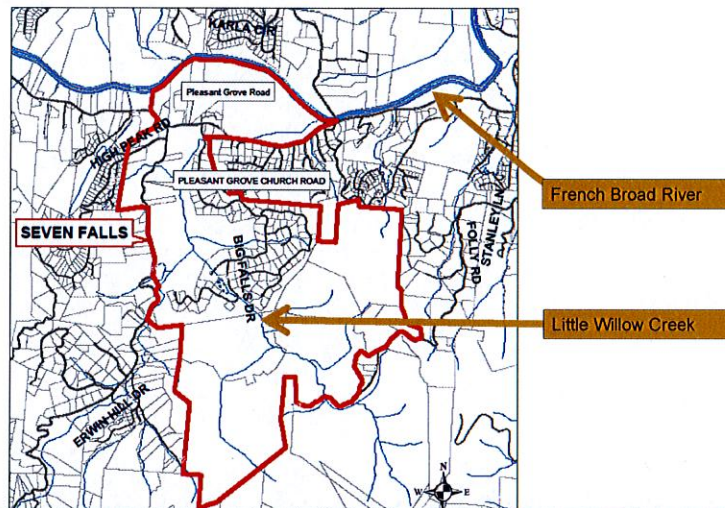
*Henderson County Planning Department*

### Seven Falls History

- Subdivision master plan approved April 19, 2007
- Includes: 900 homes & golf course on 1,398 acres
- County approved improvement guarantee agreement (IGA) and performance bond on July 2, 2007 and developer promised to complete work by June 1, 2008
- 205 lots were platted and recorded with about 135 sold
- IGA & bond extended by 1 year to June 1, 2009 and then extended again to June 1, 2010
- Bonded infrastructure includes roads, water, & sewer with an estimated cost of \$4.8M and a \$6M bond is required (125% of engineer's estimate)
- Seven Falls declares bankruptcy October 26, 2009
- Infrastructure not completed by June 1, 2010 per IGA deadline
- County declares default by the developer and calls the bond requiring payment on June 2, 2010

- Litigation with the bond company (Lexon) begins
- Superior court grants summary judgment in favor of Henderson County on August 19, 2010
- Lexon appeals to NC Court of Appeals and that court rules in favor of Henderson County on August 7, 2012
- Lexon & County settle litigation - \$6M paid to County

## Seven Falls Development Site

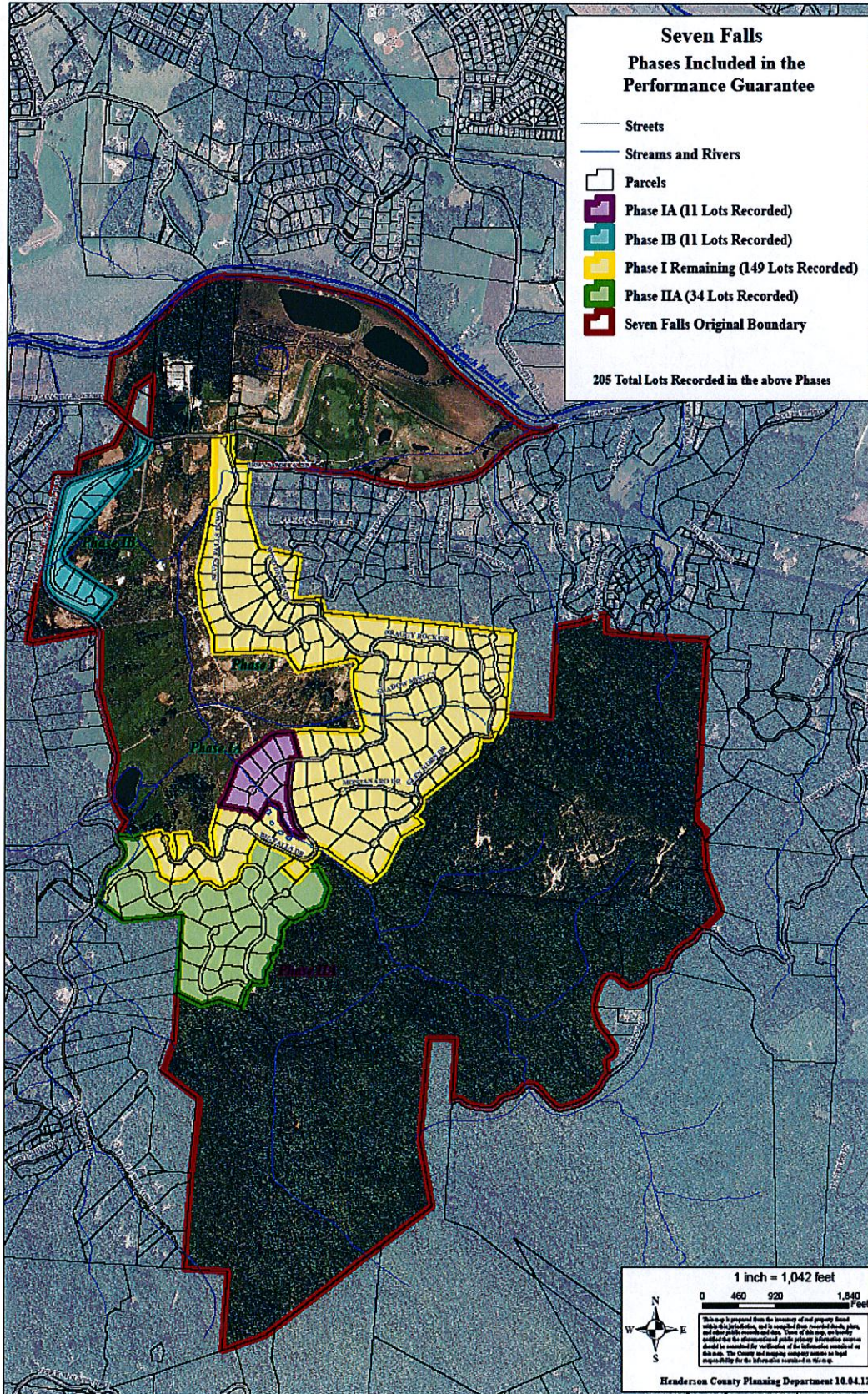


Henderson County Planning Department

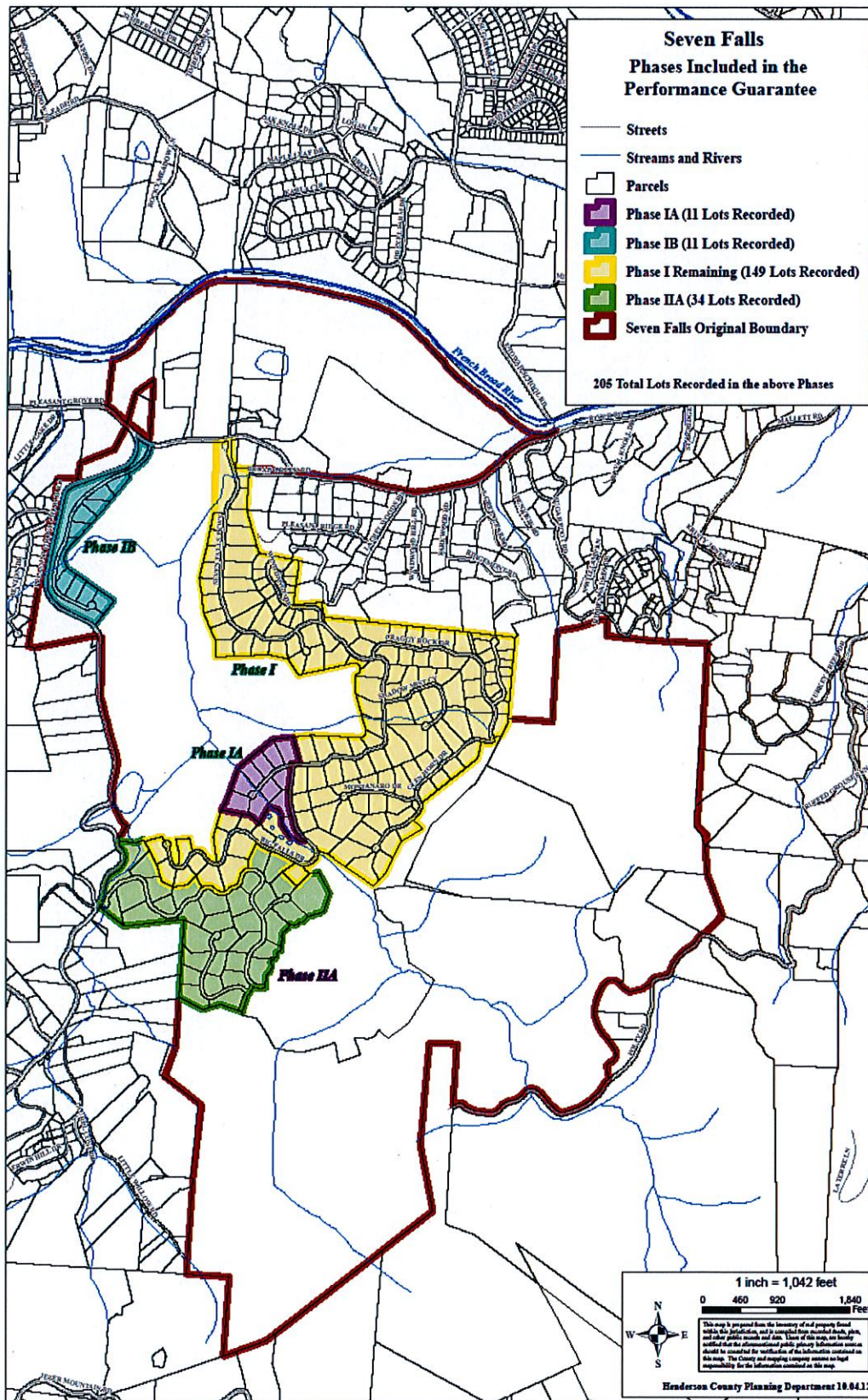
### Seven Falls Project

- Planning Department will lead the project with a team effort including the county manager, Engineering Dept., county attorney, and private engineering firm
- Most of the engineering design has been completed by William G. Lapsley & Associates
- Some permits have not been secured or have expired
- Assuming that permits are obtained, project could be released for bid in Spring or Summer of 2013
- Staff requests the board's direction & guidance on several issues:
  - Engineering Services
  - Soil Erosion On-Site
  - Method of Wastewater Treatment
  - Segmentation of Bidding
  - Budget











Seven Falls Engineering

- Lapsley & Associates (L&A) completed most of the design and has been the project engineer since the beginning
- Far more cost effective to use L&A for the remaining engineering services and construction management
- Using L&A saves 2-3 months by avoiding typical RFQ process
- L&A is very familiar with the project and could get the project ready for bidding much sooner
- New engineer would take several months to design the work and get up to speed
- Draft agreement proposes a total cost of \$146,000 (2.4% of project cost)
- A new engineer would cost \$480,000 to \$600,000 (8-10%)
- Board action is required to select the engineer and authorize an agreement
- Board can waive the normal selection process under G.S. 143-64.32

*Commissioner Messer made the motion that the Board waives the RFQ process and select Lapsley & Associates for the engineering services & construction management due to the time sensitive nature of the project and the cost savings of using their services. He further moved that the board authorizes the Planning Director to execute an agreement with Lapsley & Associates. Commissioner O'Connor seconded the motion. All voted in favor and the motion carried.*

Seven Falls Soil Erosion

- Soil erosion on site continues and needs immediate attention to stop from incurring additional construction costs
- County has fined the developer
- State and federal violations related to water quality remain
- Completing the bonded infrastructure will eliminate much of the soil erosion
- Bond is limited to infrastructure and associated soil erosion measures to build that infrastructure (water, roads, sewer)
- Bond cannot be used for the golf course or environmental cleanup
- Much of the soil erosion comes from the areas where roads were started

## Seven Falls Soil Erosion



Photo date: 10.4.2012

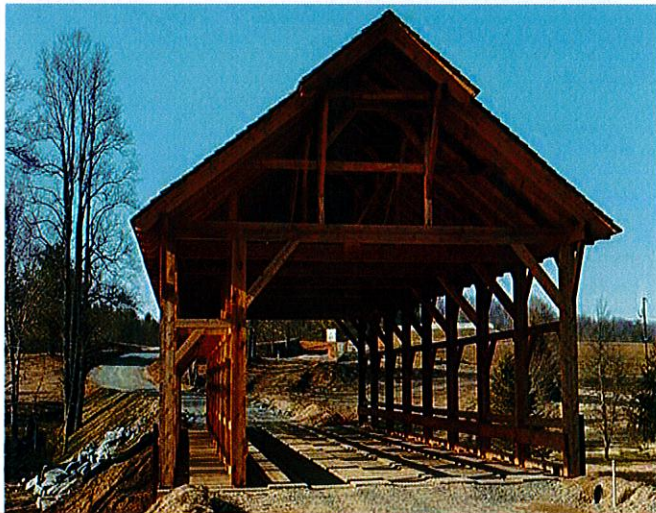


# Seven Falls Soil Erosion



*Henderson County Planning Department*

# Seven Falls Soil Erosion



*Henderson County Planning Department*



# Seven Falls Soil Erosion

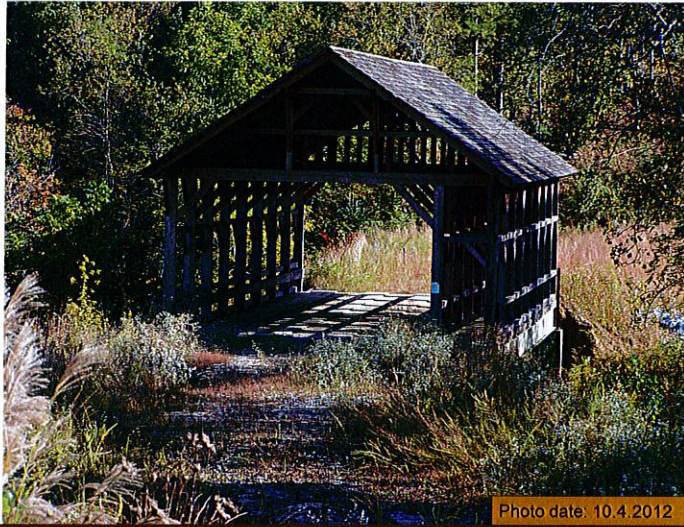
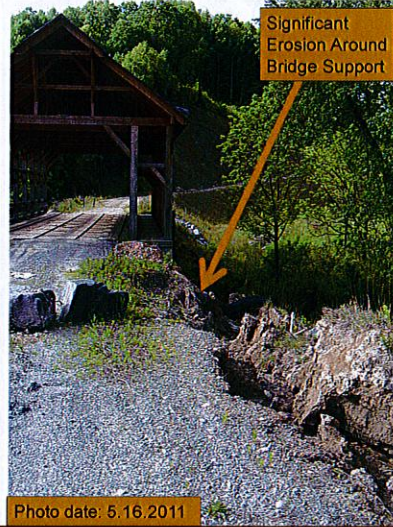


Photo date: 10.4.2012



Significant Erosion Around Bridge Support

Photo date: 5.16.2011

Henderson County Planning Department

# Seven Falls Soil Erosion



Photo date: 5.16.2011



Photo date: 5.16.2011

Henderson County Planning Department



## Seven Falls Soil Erosion



Seven Falls Parkway Once Was Nearly Ready for Paving

Photo date: 10.4.2012

Henderson County Planning Department

### Seven Falls Soil Erosion/Rough Grading

- Ongoing soil erosion increases the cost of completing bonded infrastructure & furthers environmental damage
- County is not responsible for the soil erosion and violations but we can help mitigate further erosion by completing the bonded infrastructure
- County could immediately bid out work to re-establish proper soil erosion measures and rough grading for the bonded project area

*Commissioner O'Connor made the motion that the Board authorizes the Planning Director to secure bids & execute an agreement for re-establishing soil erosion measures and completing rough grading in the bonded project area. All voted in favor and the motion carried.*

### Seven Falls Wastewater

- Original plans by the developer included construction of a new wastewater treatment plant (WWTP) discharging to the French Broad
- Developer failed to obtain the state permit (NPDES)
- Permit process for a new WWTP is at least 15 months
- Could instead construct a lift station and pump waste to Etowah Sewer
- Cost would be similar but much quicker
- Permit for a lift station and connections is a few weeks vs. 15+ months and a public hearing by NC DENR
- A lift station would provide the same level of wastewater service to the homes
- If authorized, staff could negotiate terms with Etowah Sewer for connection and return for Board approval
- Many lots do not perk for sewer, some do however. It is possible to discharge to a sand filter
- Possibility that Etowah Sewer Company could expand. State would prefer that existing sources be utilized
- Another option is Mills River Sewer Company

*Commissioner O'Connor made the motion that the Board directs staff and Lapsley & Associates to investigate all feasible options of wastewater for Seven Falls and bring back to the Board as soon as possible to determine the next steps. All voted in favor and the motion carried.*



Seven Falls Bidding

- With the substantial soil erosion on site, new fees imposed by Duke Power (\$400k+), the \$6M may not be enough to complete all of the roads, water and sewer infrastructure.
- It is possible scale back some of the improvements and staff recommends that the County structure the bids into various segments
- Segmenting the bids would provide the flexibility to adjust the work if the \$6M is insufficient

William Lapsley of Lapsley Associates stated the original plan is available. He feels it is necessary to reassess the property noting the problem areas.

*It was the consensus of Board to direct staff and Lapsley & Associates to return to the Seven Falls property and complete an updated plan to be brought back to the Board in 30 days.*

Seven Falls Budget

- The bond funds were not included in the FY12 budget because litigation was pending at the time of budget adoption
- A budget amendment is necessary to provide for receipt of the funds and authorize expenditures relating to the construction

*Commissioner Edney made the motion that the Board adopts the budget amendment as presented. All voted in favor and the motion carried.*

## Seven Falls Potential Schedule

Action	Target Date / Timeframe
Re-establish soil erosion measures & rough grading	November-January 2012
Negotiate possible connection to Etowah Sewer	November-February 2012
Complete design work & obtain permits	Spring/Summer 2013
Release request for bids	Spring/Summer 2013
Begin construction	Summer 2013
Complete bonded infrastructure	February 2015 to August 2015 (about 18-24 months)

Please note that this schedule is very tentative and is subject to considerable change.

*Henderson County Planning Department*

Seven Falls Project County Website

- Planning Department created a webpage specifically for Seven Falls
- Can be accessed by County’s home page or Planning Department home page
- Sent letter to all Seven Falls property owners about the website with instructions to check the webpage for updates
- Website includes a detailed history of events

**HENDERSONVILLE CHRISTIAN SCHOOL PROPERTY**

County Manager Steve Wyatt shared the following information in order to determine the interest of the Board. The seller has made a counter offer of \$910,000.00.




**Potential Uses**

- Parks and Recreation
  - Athletic and Activity Center – year-round
  - Enhances opportunities for citizens
  - Adds capacity
- Other Potential County Uses
  - Relocation of the Board of Elections
  - Relocation of EMS HQ from Pardee
  - Cooperative Extension programming
  - Training Center – Classrooms, gym and field
  - Community Meetings (Civic clubs, non-profit groups, etc.)
  - Youth and Senior Activities (Potential partnerships with other organizations)

**Property Acquisition**

Property Specifications

- 708 S. Grove Street, Hendersonville
- 9.45 +/- Acres (subject to survey)
- 3 buildings (Classrooms, gymnasium)
- Athletic Field
- Playground
- Kitchen Facilities (non-equipped)
- Water, Sewer, Gas
- 79 Parking Spaces
- R-15 City Zoning
- Asking Price \$1,200,000
- Appraised Value - \$2,660,000

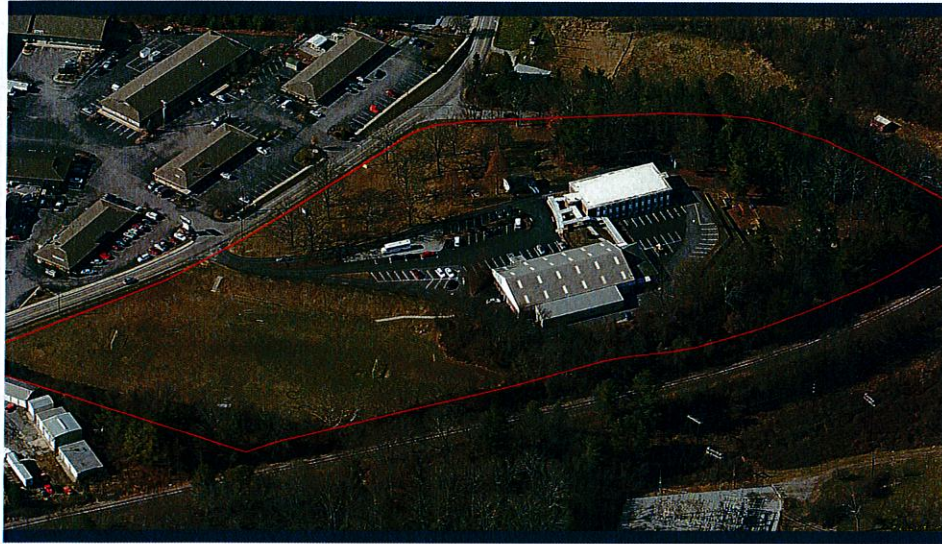


**Property Acquisition**

2008 Renovations

- \$400,000 in Major Renovations
- New Roof on Classroom Building
- New Windows and Trim
- New HVAC Systems
- New Gates and Fencing
- New Oak Floor in Gymnasium
- Pavement Repair- Striping and Resurfacing









**Potential Recreation Uses**

- Gymnasium
  - The existing gymnasium is approximately 15,720 square feet
  - Potential identified uses include, but are not limited to:

<u>MAIN GYMNASIUM</u>	<u>ANNEX ROOMS</u>
Basketball- full court (1) – cross court Volleyball – full court (1) – cross court (2) Indoor Soccer Paddle Tennis Badminton Table Tennis Floor Hockey Dance Indoor Rock Climbing Wall Large Social Functions Training	Martial Arts Self Defense Aerobics Yoga Dance Classes (square dance, ballet, ball room etc.) Stretching/Fitness classes Drama Training Catering

**2007 Parks and Recreation Facility Needs Assessment**

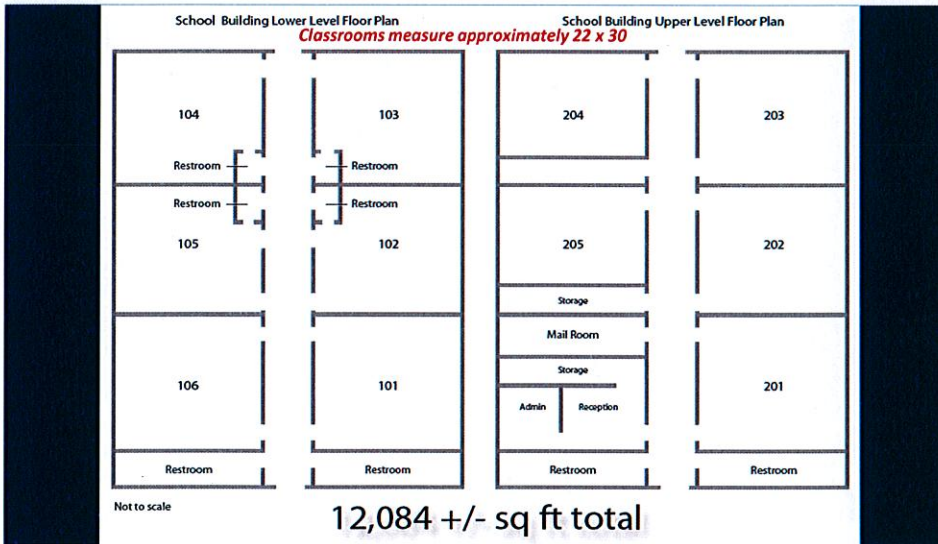
- In 2007, the County conducted a Facility Needs Assessment in response to the growth of recreation programs and the steady increase in the county’s population, which had created a demand for more parks and recreation facilities and open green spaces.
- That Assessment involved:
  - Significant Opportunity for Public Input
    - 5 Public Input Sessions
    - Mail and Email Input
  - 2 Follow Up Sessions with Advisory Board and Staff
  - Written Report with Recommendations
- Based on the information gathered during the public input sessions, the following seven needs were identified as the most needed by the public:
  1. Soccer Complex
  2. Recreation Center
  3. Greenways
  4. Additional Parks
  5. Maintenance
  6. Handicap & Special Needs Accommodations

7. Dog Park

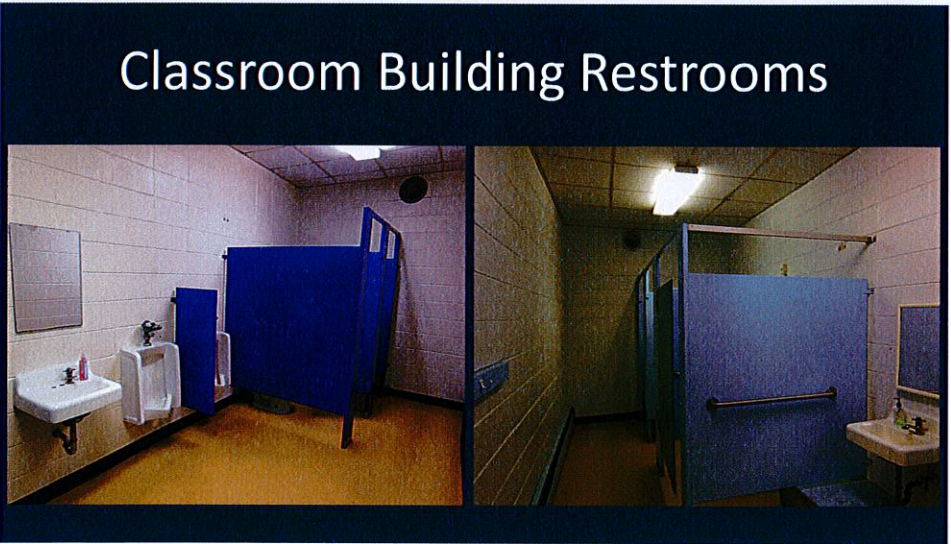
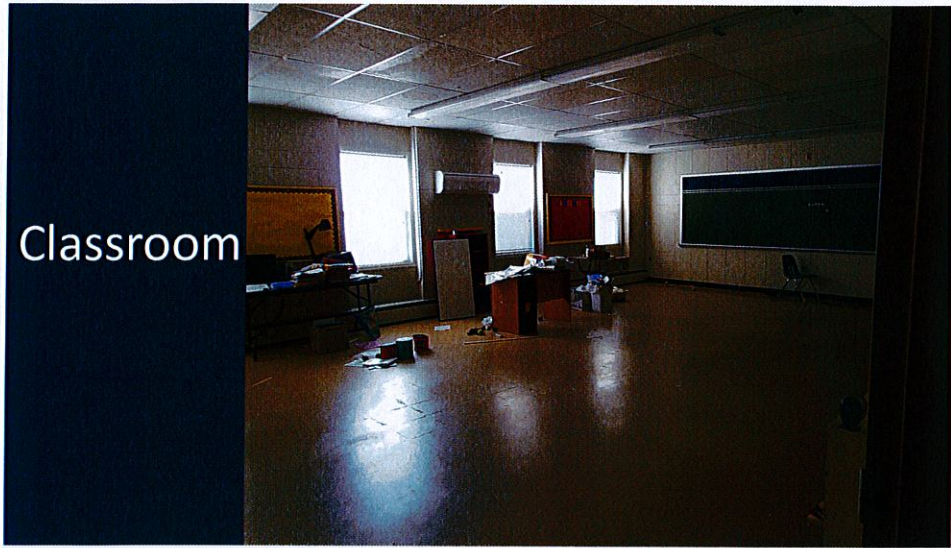
- Existing facilities at the proposed property could address, *either in whole or in part*, Priorities #1 and #2 of the identified needs.
- Existing facilities include:
  - Classroom Buildings
  - Gymnasium
  - Athletic Field

**Classroom Building**

- The existing classroom building is approximately 12,084 square feet
- Potential identified uses include, but are not limited to:
  - Administrative offices
  - Relocation of existing activities currently being held at the Stoney Mountain Activity Center
    - Renovation costs for continued use of the Stoney Mountain Center are estimated at \$84,000
  - A variety of new recreational offerings, such as educational, artistic and social type activities. Examples of such opportunities include:
    - Educational
      - Music lessons
      - Group meetings
    - Artistic
      - Art classes
    - Social Activities

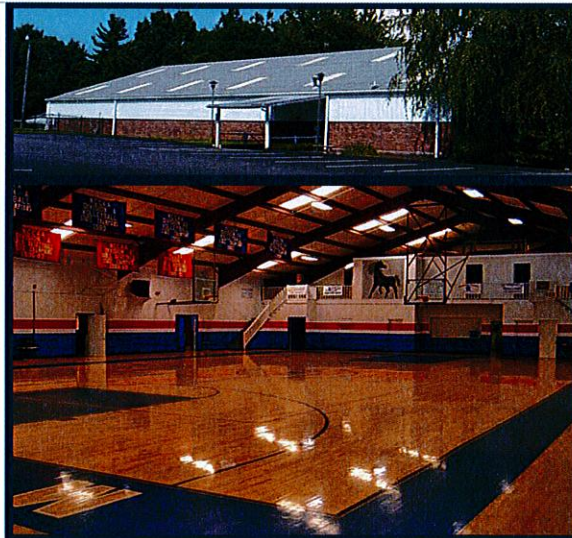
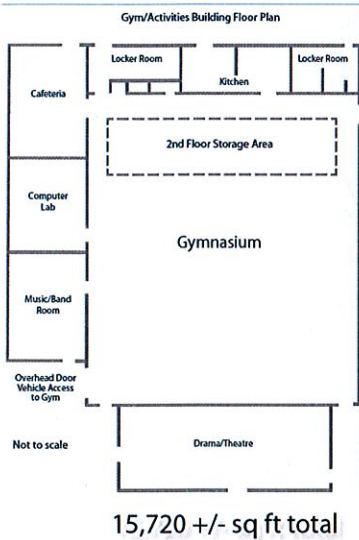




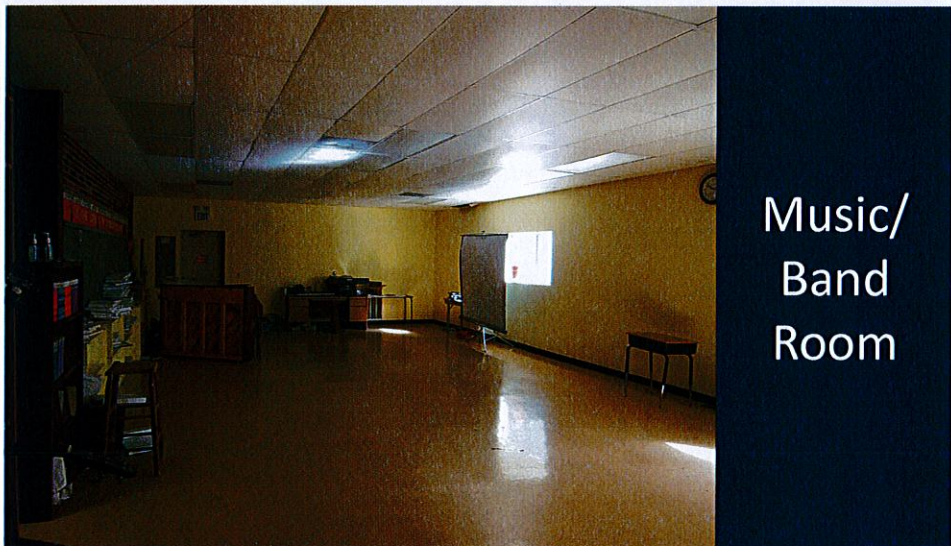
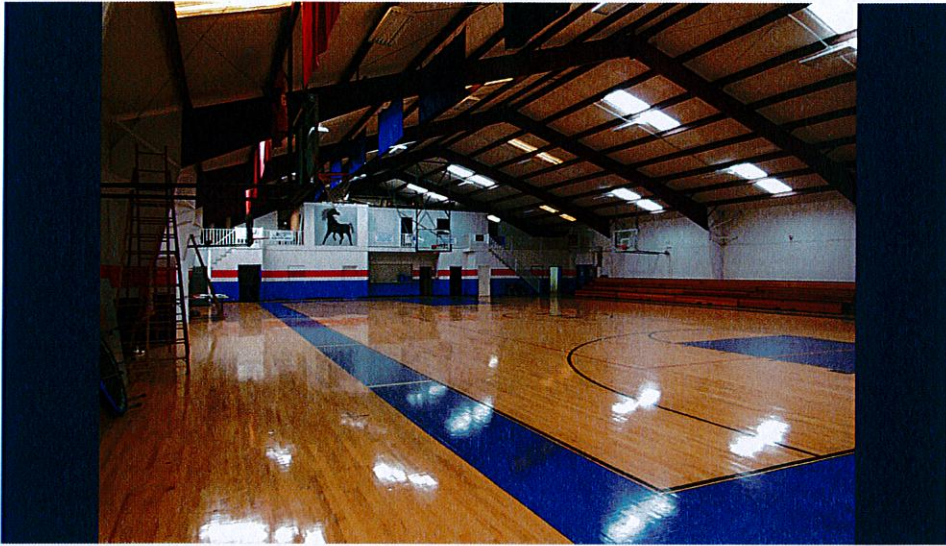


**Gymnasium**

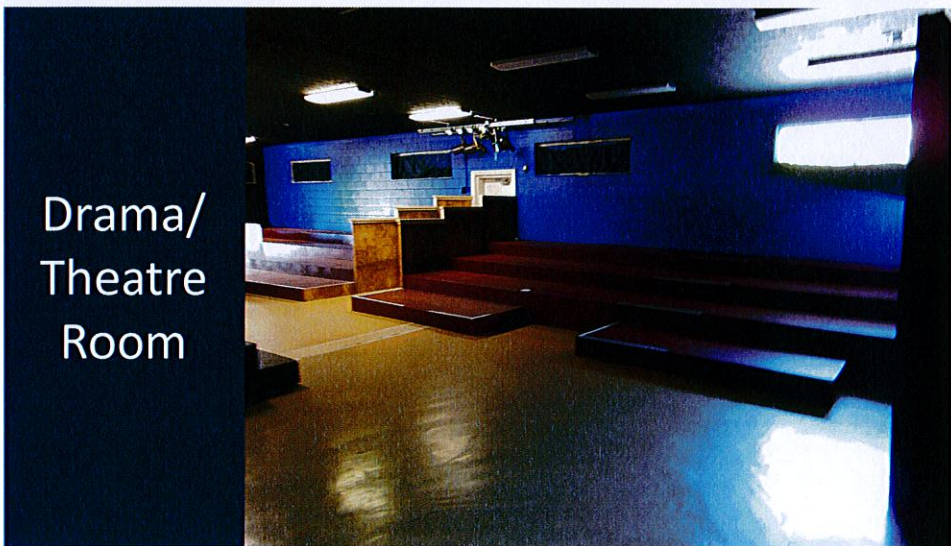
- The existing gymnasium is approximately 15,720 square feet
- Potential identified uses include, but are not limited to:
  - Main Gymnasium (Year Round availability)
    - Basketball - full court (1) - cross court (2)
    - Volleyball - full court (1) - cross court (2)
    - Indoor Soccer
    - Paddle Tennis
    - Badminton
    - Table Tennis
    - Floor Hockey
    - Dance
    - Indoor Rock Climbing Wall
    - Large Social Functions
    - Training
- The existing gymnasium is approximately 15,720 square feet
- Potential identified uses include, but are not limited to:
  - Gymnasium Annex Rooms
    - Martial Arts
    - Self Defense
    - Aerobics
    - Yoga
    - Dance Classes (square dance, ballet, ball room etc.)
    - Stretching/Fitness classes
    - Drama
    - Training
    - Catering







Music/  
Band  
Room



Drama/  
Theatre  
Room

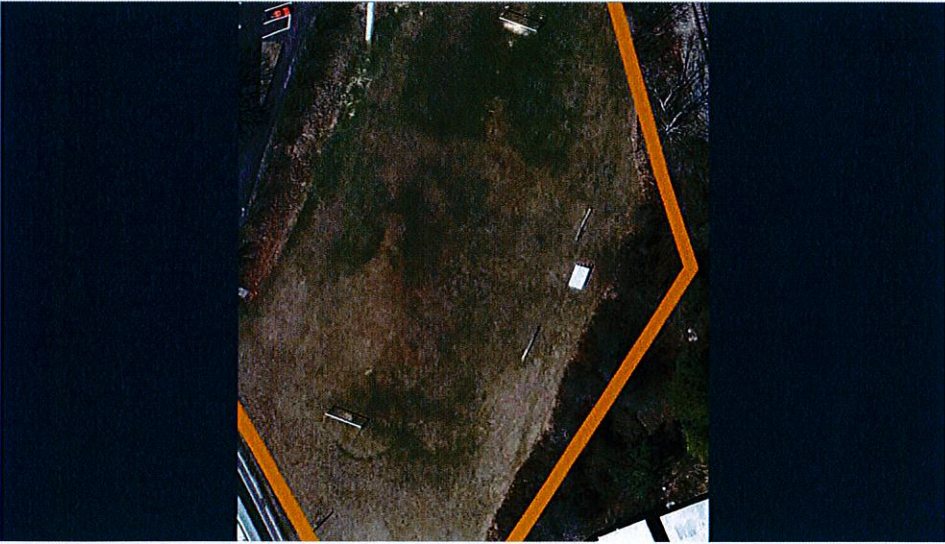
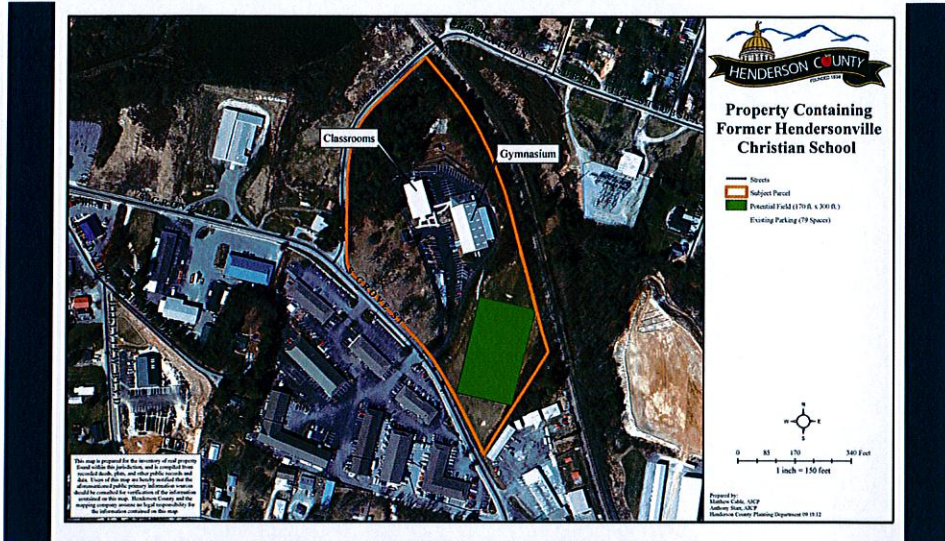




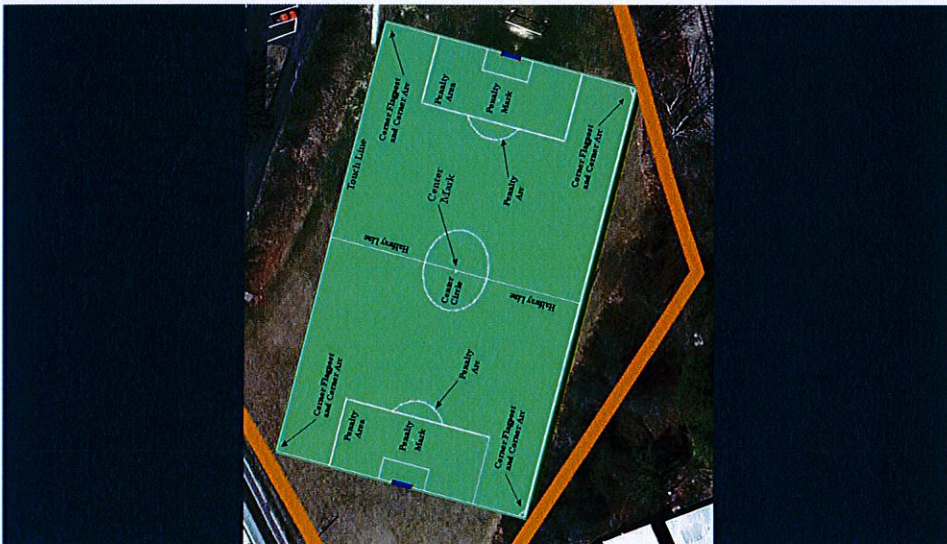
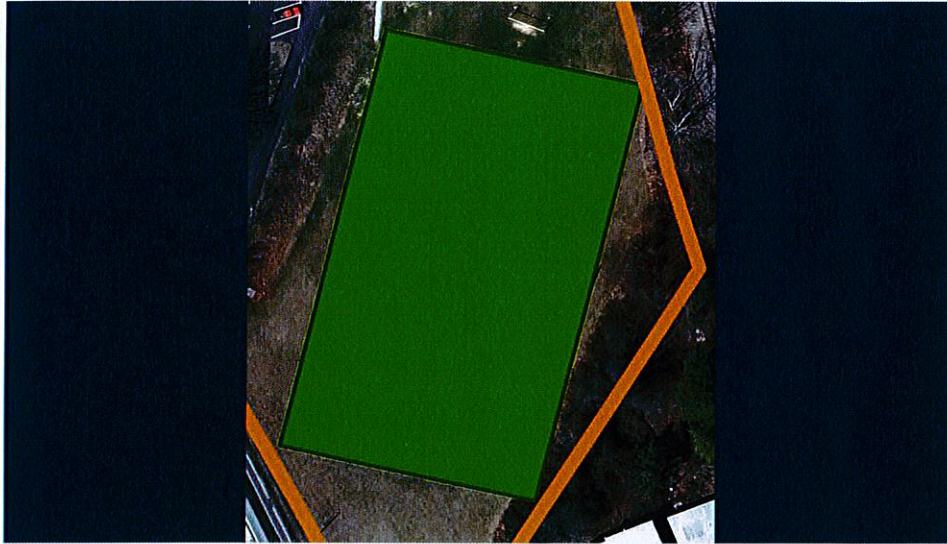
### Athletic Field

- The athletic field can accommodate one field of 300 ft x 170 ft
- Potential identified uses include, but are not limited to:
  - Soccer (possible field configurations)
    - 1 - Adult regulation (11vs11) size field
    - 1 - U12 (8vs8) size field
    - 1 - U10 (6vs6) size field plus 2 – U6 (3vs3) size fields
    - 1 - U10 (6vs6) size field plus 1 – U8 (4vs4) size field
    - 3 - U8 (4vs4) size fields
    - 2 - U8 (4vs4) size fields plus 2 – U6 (3vs3) size fields
    - 6 - U6 (3vs3) size fields
- The athletic field can accommodate one field of 300 ft x 170 ft
- An adult soccer field to be a regulation size field must fall between the following length and width dimensions.
  - Length – maximum 390ft and minimum 300ft
  - Width – maximum 300ft and minimum 150ft
  - A soccer field may not be square. The length must exceed the width.
- It is preferable to have the largest field possible for adult play. A field 300ft x 170ft is a regulation size field. It is however on the small end on field sizes.
- The athletic field can accommodate one field of 300 ft x 170 ft
- Potential identified uses include, but are not limited to:
  - Other field sports
    - Football
    - Lacrosse
    - Rugby
    - Field Hockey
    - Ultimate Flag Football
    - Any other sport played on a flat, rectangular field



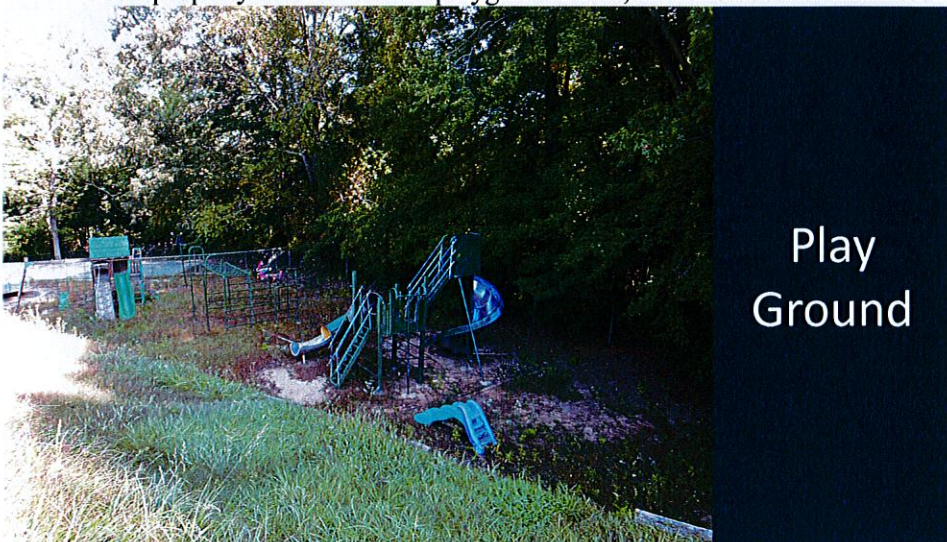




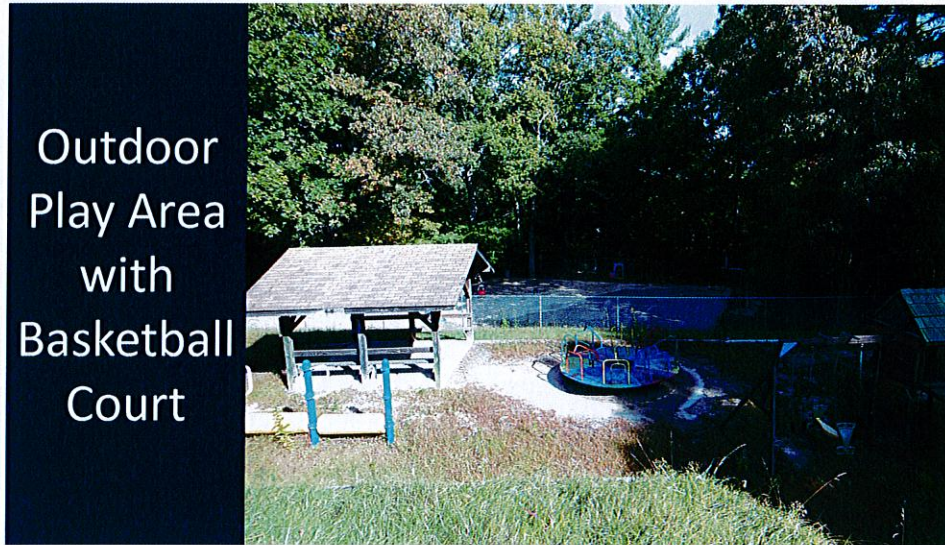


**Other Property Amenities**

- The property also contains a playground area, and one outdoor basketball court.







**Associated costs**

Improvements for Zoning Permit

- Parking
  - 65 additional spaces required
  - \$130,000

**Start up Costs**

- 2 Story Classroom Building
  - Includes ADA modifications, door replacements, lighting, etc.
  - \$77,150
  - Gymnasium
  - HVAC units, roof, lighting, etc.
  - \$42,700
  - Grounds and Pavement
  - Signage, equipment, clean-up, existing sidewalks, etc.
  - \$77,000
- Athletic Field
  - Artificial Turf - \$505,170
  - Lighting - \$130,000
  - City of Hendersonville Requirements
  - Parking spaces - \$130,000
  - Contingency
  - \$40,000
  - Professional Services
  - \$15,000

For the property to be used for recreation purposes, the total estimated preparation costs would be \$1,017,020.

**Funding Source**

- Parks and Recreation Trust Fund
  - Grants are available up to \$500,000
  - There is a 50/50 County match required
  - Only recreation costs are eligible
  - There is potential to apply the grant to acquisition costs
  - There is also potential to apply the grant to upfront costs
  - To maximize the grant, it could be applied to the total project costs including both acquisition and upfront costs



**Operating Costs**

- Personnel
  - 2 Full Time Equivalents (Salary and Benefits)
    - Custodial/Maintenance Technician - \$41,700
    - Recreation Program Supervisor - \$52,000
- Operations
  - Utilities - \$36,000
  - Fire/Security Monitoring - \$2,500
  - Insurance - \$ 1,500
  - Other operational expenses including equipment - \$52,500
  -

Total estimated annual operating costs = \$ 186,200

**Funding Source**

- Included in the FY2013 Budget was a \$200,000 Transfer to the Capital Project Fund for future recreation projects
- Those funds could continue to be included in the annual budget, but programmed as ongoing operational costs.

**Partnership Opportunities**

- The county has been approached by members in the community to partner on programming, should the county acquire the property, which would create additional opportunities for usage and revenues. Such partnership possibilities could offset operating costs.

**Summary**

- The 2007 Parks and Recreation Facility Needs Assessment highlighted the fact that growth of recreation programs and the steady increase in the county’s population has created a demand for more parks and recreation facilities and open green spaces.
- Obtaining and adequately preparing this property for recreation needs would address, *either in whole or in part*, the top two priorities identified in the Needs Assessment.
- The Needs Assessment also identified a need for a recreation center to be centrally located within the County, preferably close to the intersection of I-26 and US 64. It is not practical to plan for this type of facility to be duplicated throughout the County and a centralized location near large transportation corridors will provide the best access situation.
- The property is in close proximity to Jackson Park, creating additional opportunities for addressing additional Needs Assessment priorities, such as Priority #3 - Greenways.
- The gymnasium would allow for year-round capacity and recreational opportunities. With artificial turf and lights on the athletic field, additional capacity at the site is maximized.
- Concerns
  - Parking

Staff will gather further information and bring back to the Board.

*Chairman Thompson made the motion to set a Special Called Meeting for Wednesday, October 24, 2012 at 6:00 p.m. for discussion of possible acquisition of Hendersonville Christian School property and Capital Improvements at Jackson Park with public comment allowed. All voted in favor and the motion carried.*

**BOARD APPOINTMENTS AND VOLUNTEER BACKGROUND CHECKS**

The Board of Commissioners was requested to discuss the possibility of performing background checks on applicants for County Appointed Boards and Committees, as well as for volunteers for other County functions. The Board is requested to direct Staff accordingly, should background checks be something the Board would wish to pursue.



Currently there are no policies to do background checks for Board appointments or volunteers. In some counties, felons and registered sex offenders have taken advantage of government laxness.

*It was the consensus of the Board to consider what is necessary for board appointments and volunteer background checks and put on the November 5, 2012 agenda for further discussion.*

**NCACC AGRICULTURE REVIEW BOARD**

Commissioner Messer stated a meeting was held in Raleigh the prior week on goals sent to the North Carolina Association of County Commissioners. Much discussion was held regarding two of the agriculture goals sent by Henderson County. The goals will be going before a subcommittee mid November, then on to legislature for consideration.

**PARDEE HOSPITAL BOARD RETREAT (SCOPE PLAN)**

Commissioner Messer noted that the Hospital had recently held a three day retreat, and the Board of Commissioners need to look at holding a joint meeting with the Hospital Board to discuss recent Federal and State changes.

**CANE CREEK WATER AND SEWER DISTRICT**

*Chairman Thompson made the motion for the Board to convene as Cane Creek Water & Sewer District Board. All voted in favor and the motion carried.*

Please see separate Cane Creek minutes for action.

*Chairman Thompson made the motion to go out of session as the Cane Creek Water & Sewer District Board. All voted in favor and the motion carried.*

**CLOSED SESSION**

The Board is requested to go into closed session pursuant to N.C. Gen. Stat. §143-318.11(a), for the following reason(s):

1. (a)(4) to discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body.

*Chairman Thompson made the motion that the Board go into closed session pursuant to N.C. Gen. Stat. §143-318.11(a)(4). All voted in favor and the motion carried.*

**ADJOURN**

*Chairman Thompson made the motion that the Board go out of closed session and adjourn at 1:20 p.m. All voted in favor and the motion carried.*

Attest:

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Teresa L. Wilson, Clerk to the Board

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Thomas H. Thompson, Chairman

# HENDERSON COUNTY BOARD OF COMMISSIONERS

1 Historic Courthouse Square, Suite #1  
Hendersonville, NC 28792  
Phone (828) 697-4808 • Fax (828) 698-4443  
TDD: (828) 697-4580  
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THOMAS THOMPSON  
Chairman  
BILL O'CONNOR  
Vice-Chairman

CHARLIE MESSER  
LARRY YOUNG  
J. MICHAEL EDNEY

## RESOLUTION OF MEMORIAM

### CECIL GORDON

JUNE 21, 1941 – SEPTEMBER 19, 2012

**WHEREAS,** Cecil Gordon was one of Nascar's racing pioneers; and

**WHEREAS,** Cecil Gordon built and raced cars from his garage in Mills River; and

**WHEREAS,** in his lengthy career as a driver, Cecil Gordon ran 450 races as a driver, most of them with his own independent team, and drive a total of 112,907 total laps; and

**WHEREAS,** in those races Cecil Gordon had 29 top-5, 111 top-10, and 304 top-20 finishes; and

**WHEREAS,** Cecil Gordon finished a career-high third in the Cup standings in 1971; and

**WHEREAS,** the Board salutes the homegrown efforts of Cecil Gordon, and his legacy of racing from a garage in Mills River;


**NOW, THEREFORE, BE IT RESOLVED** that Cecil Gordon's career as the first Gordon to race the #24 car will long be remembered by citizens in Henderson County and Western North Carolina.

In witness whereof I have hereunto set my hand and caused the seal of the County of Henderson to be affixed.

Adopted this the 17th day of October, 2012.

  
THOMAS H. THOMPSON, CHAIRMAN  
HENDERSON COUNTY BOARD OF COMMISSIONERS

ATTEST:

  
TERESA L. WILSON, CLERK TO THE BOARD



# HENDERSON COUNTY TAX COLLECTOR

200 NORTH GROVE STREET, SUITE 66

HENDERSONVILLE, NC 28792

PH: (828) 697-5595

FAX: (828) 698-6153

4 October 2012

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

## Re: Tax Collector's Report to Commissioners – 17 October 2012 Meeting

Please find outlined below collections information through August 23rd for the 2012 bills mailed out on 14 August 2012, as well as registered motor vehicle bills. As a point of reference, we also have included collections information as of the same date last year.

### Annual Bills G01 Only:

2012 Total Charge: \$58,074,148.86  
Payments & Releases: 10,360,917.20  
Unpaid Taxes: 47,713,231.66  
**Percentage collected: 17.80%**  
(through 10/04/2012.)

2011 Total Charge: \$57,565,971.56  
Payments & Releases: 9,155,526.24  
Unpaid Taxes: 48,410,445.32  
**Percentage collected: 15.83%**  
(through 10/04/2011)

### Motor Vehicle Bills G01 Only:

2012 Total Charge: \$1,966,041.63  
Payments & Releases: 1,123,232.61  
Unpaid Taxes: 842,809.02  
**Percentage collected: 56.40%**  
(through 10/04/2012)

2011 Total Charge: \$1,757,398.82  
Payments & Releases: 1,011,415.75  
Unpaid Taxes: 745,983.07  
**Percentage collected: 56.80%**  
(through 10/04/2011)

### Fire Districts All Bills

2012 Total Charge: \$6,649,101.59  
Payments & Releases: 1,289,993.30  
Unpaid Taxes: 5,359,108.29  
**Percentage Collected: 19.30%**  
(through 10/04/2012)

2011 Total Charge: \$6,545,751.94  
Payments & Releases: 1,184,540.58  
Unpaid Taxes: 5,361,211.36  
**Percentage Collected: 18.00%**  
(through 10/04/2011)

Respectfully submitted,



Kathy Johnson  
Tax Collections Clerk

Stan C. Duncan  
Tax Collector

# HENDERSON COUNTY BOARD OF COMMISSIONERS

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Hendersonville, North Carolina 28792  
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THOMAS H. THOMPSON  
Chairman  
WILLIAM O'CONNOR  
Vice-Chairman

CHARLIE MESSER  
LARRY YOUNG  
J. MICHAEL EDNEY

## PROCLAMATION

### Homeless Youth Awareness Day in Henderson County

November 10, 2012

**WHEREAS**, Only Hope WNC, INC., is a local non-profit whose mission is to promote the value of education, honor individuality and diversity, nurture respect for self and others, and provide hope for young people in need in the community; and

**WHEREAS**, Only Hope WNC, INC., will be hosting a sleep out on November 9 – November 10 at Rubin Vision Center on the corner of Spartanburg Highway and South Main Street in an effort to draw attention and support for youth homelessness; and

**WHEREAS**, this will lead into a week-long collection from November 12 – November 20, to support both Only Hope and the HELP Program through Henderson County Public Schools; and


**WHEREAS**, an effort is being made by the board members of Only Hope WNC, Inc., to raise community wide awareness of homeless youth in Henderson County.

**NOW THEREFORE BE IT PROCLAIMED** that the Henderson County Board of Commissioners applauds the efforts of those who serve and help fight youth homelessness in Henderson County and does hereby proclaim Saturday, November 10, 2012 as **Homeless Youth Awareness Day in Henderson County**.

Adopted this 17<sup>th</sup> Day of October, 2012.

  
  
Thomas H. Thompson, Chairman  
Henderson County Board of Commissioners

Attest:

  
Teresa L. Wilson, Clerk to the Board



LINE-ITEM TRANSFER REQUEST  
HENDERSON COUNTY



Department: GENERAL CAPITAL PROJECTS FUND (40) - SEVEN FALLS PROJECT

Please make the following line-item transfers:

What expense line-item is to be increased?

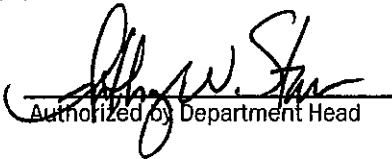
Account	Line-Item Description	Amount
405400-538100-1012	PROFESSIONAL SERVICES	\$ 175,000
405400-554000-1012	CAPITAL OUTLAY-LAND & IMPROVEMENTS	<u>\$ 5,825,000</u>
		\$ 6,000,000

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

Account	Line-Item Description	Amount
404400-492007-11012	BOND/INSURANCE SETTLEMENT PROCEEDS	<u>\$ 6,000,000</u>
		\$ 6,000,000

Justification: *Please provide a brief justification for this line-item transfer request.*

BUDGET AMENDMENT TO SET UP SEVEN FALLS SUBDIVISION CAPITAL PROJECT BUDGET FOR INFRASTRUCTURE CONSTRUCTION TO BE FUNDED FROM BOND/INSURANCE SETTLEMENT PROCEEDS.

  
\_\_\_\_\_  
Authorized by Department Head

10/17/2012  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Authorized by Budget Office

\_\_\_\_\_  
Date

\_\_\_\_\_  
Authorized by County Manager

\_\_\_\_\_  
Date

**For Budget Use Only**

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

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