

# 5:30 P.M. PUBLIC HEARING

Public Hearing for consideration of  
Conditional Rezoning Application #R-2019-02-C, Owen

August 5, 2019

**PLEASE PRINT**

Name:

Address:

1. ~~Robert L. KENNEDY~~ ~~2030 Colgate Ln. H'ville 28134~~
- ✓ 2. CHRIS COVARD 414 OVERHILL DRIVE - H'VILLE NC
- ✓ 3. Frank COX 504 Overhill Dr. H'ville, NC
- ✓ 4. Bill Flerl 124 circle view Dr. H'ville NC
- ✓ 5. Mary Gmyke 530 Whispering Hills Dr #44
- X 6. Cheryl Mills 530 Whispering Hills Dr #1 + #5
- ✓ 7. Arlen Mills 530 Whispering Hills Dr #1 + #5
- APPLICANT 8. ✓ SHANE OWEN
- X 9. GRAHAM FIELDS ON BEHALF OF ADVENTHEALTH
- ✓ 10. Kirk Street 514 Whispering Hills Drive
- X 11. John Miller 114 Richards Dr.
- ✓ 12. Michael Kay 375 Overhill dr
- ✓ 13. Tim Novak 300 whispering hills Dr
- X 14. Linda Crosby 1360 Howard Gap Rd H'ville
- ✓ 15. Pete Crosby 1360 Howard Gap Rd H'ville
16. Skipp McDonald 10 April Ln
17. Carl Hyder 70 April Ln
18. JoAnn Fisher 70 April Ln
19. Mindy Holmes 402 Whispering Hills Dr.
20. Christy Fornasier
21. Judy Swensen
22. William Young
23. Rachel Manson
24. Randy Caudle
- 25.

PH

2019-02-C

5.

Christian Fornasier

PRINTED NAME

SIGNATURE

237 Dundee

Circle Hendersonville 28792

MAILING ADDRESS

Topic

rezoning of Whispering Hills

6.

Judy Swensen

PRINTED NAME

SIGNATURE

107 E Glenwood Ln

Hendersonville NC 28792

MAILING ADDRESS

Topic

Rezoning

7.

William Youngs

PRINTED NAME

SIGNATURE

411 Whispering Hills Dr

Hendersonville NC 28792

MAILING ADDRESS

Topic

rezoning

8.

Rachel Morrison

PRINTED NAME

SIGNATURE

237 Dundee Circle

Hendersonville NC 28792

MAILING ADDRESS

Topic

Whispering Hills.

9.

Landy Caudle

PRINTED NAME

SIGNATURE

P.O. Box 1233

Prva NC

MAILING ADDRESS

Topic

RE-ZONING  
WHISPERING HILLS

10.

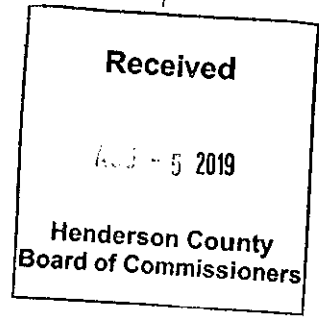
PRINTED NAME

SIGNATURE

MAILING ADDRESS

Topic

cc: BOC  
Arthur



July 31,2019

To: Henderson County Board of Commissioners

Re: Rezoning Application #R-2019-02-C Owen

To whom it may concern.

Recently we received a letter from the Planning Department about the above rezoning application. As a recent owner of land adjacent to the property requesting the rezoning, we would like to request that the amendment not be approved.

In 2018 we purchased our property immediately behind "parcel B" on the map partly because "parcel B" was zoned residential. Our house which is to be built this fall will be facing this "parcel B". If the amendment is accepted, we will lose the woods that provide privacy and absorb sound. Additionally, we will be looking down into a trucking yard. Not only will this decrease our enjoyment, but it will have a negative impact on the value of our land and home especially if we were to try to sell it.

Thank you for considering our opinion and request.

Sincerely.

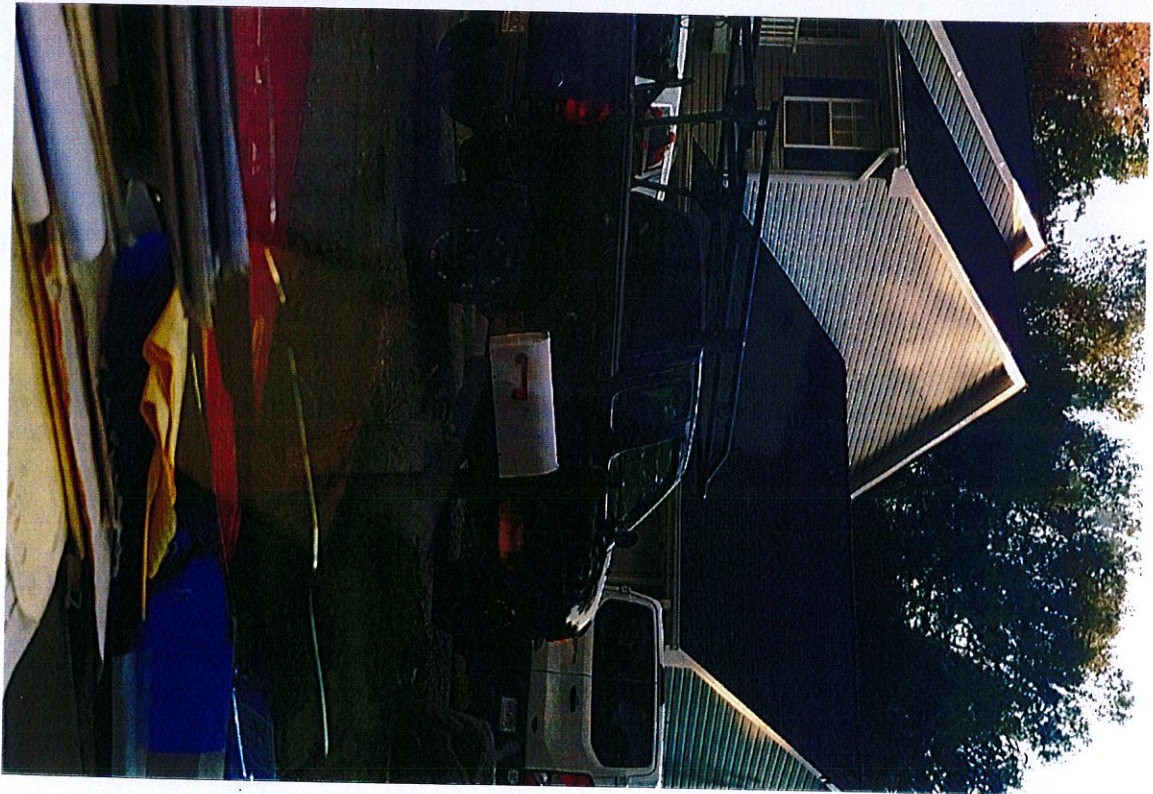
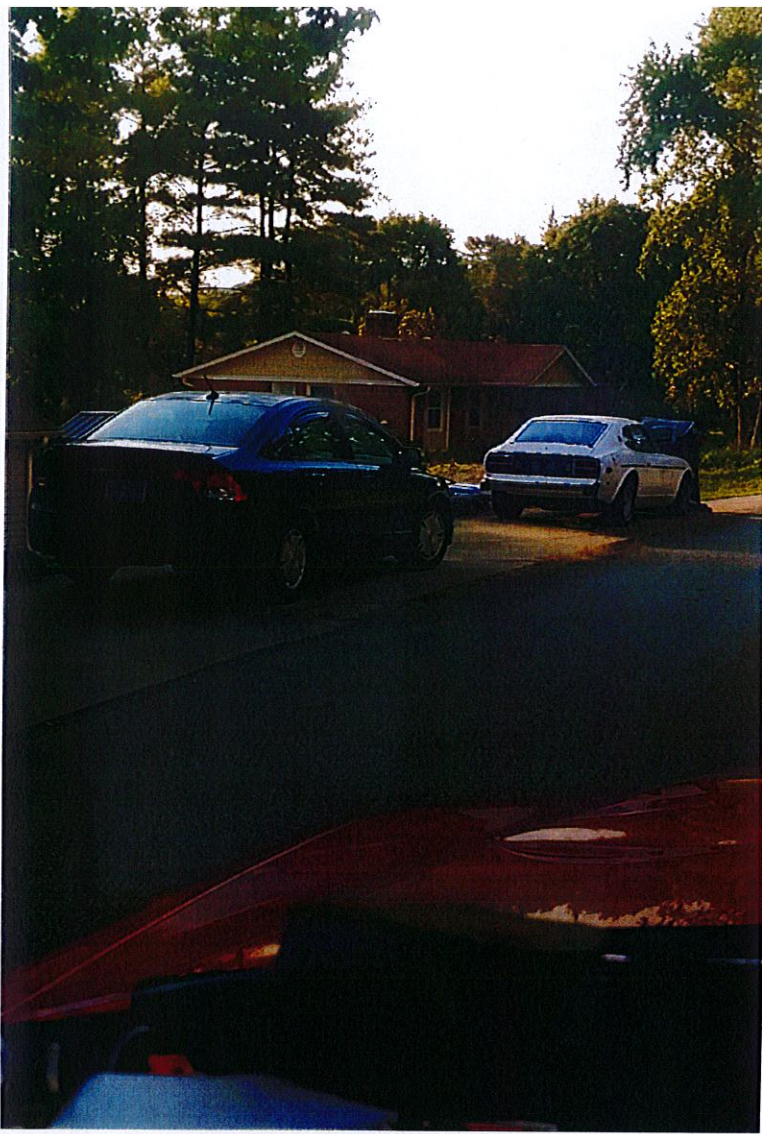
*Richard Lindsey*

*Elaine Lindsey*

Richard and Elaine Lindsey



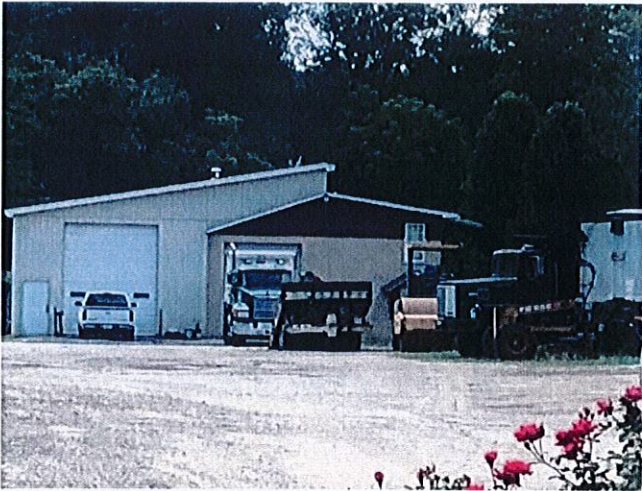




## Our Family Friendly Neighborhood



**Look at What They are Doing?!?**





Look at What They are Doing?!?



Look at What They are Doing?!?



928-808-6852

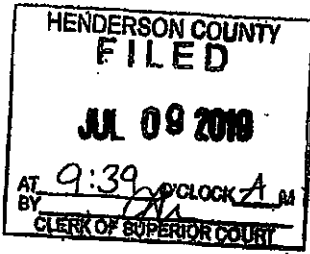
HENDERSONVILLE  
WHISPERING HILLS SUBDIVISION

RE: SIMILAR CASE RELATED TO  
REZONING OF OWNED PROPERTY  
ON AGENDA THIS EVENING.

STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON

(AGAINST REZONING)  
IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
FILE NO. 17 CVS 1988

JACK A. HENDERSON and wife,  
JOAN HENDERSON, JOHN L.  
MILLER and wife, JILL A. MILLER,  
KELLY W. WITHERSPOON,  
SAMUEL J. ELLIOTT and wife  
MARCIA L. ELLIOTT,  
JAMES SCOTT BANE and wife,  
KRISTEL D. BANE, and  
SHEILA NOBLETT McCALL,



CONSENT JUDGMENT

Plaintiffs,  
vs.

CAREN SMITH HUTCHINSON

Defendant

THIS MATTER COMING ON to be heard in the July 8, 2019 term of Superior Court for Henderson County, before the undersigned presiding Judge, and the Court having heard from counsel to the parties that a consent has been reached as to all issues, and the Court having examined that Consent, and further having examined the verified pleadings, makes the following FINDINGS OF FACT:

1. The Plaintiffs, and each of them, own and hold fee simple title, restricted only as set out below, to the following lands within Pleasant Acres Subdivision, Henderson County, as follows:

JOAN HENDERSON (JACK A. HENDERSON having died prior to the trial)	Lot 12	Deed Book 1029, page 215
JOHN L. MILLER and wife, JILL A. MILLER	Lot 7	Deed Book 1265, page 623
KELLY W. WITHERSPOON	Lot 11	Deed Book 1116, page 072

SAMUEL J. ELLIOTT and wife, Lot 9,10 Deed Book 1499, page 071  
MARCIA L. ELLIOTT Deed Book 1387, page 251

JAMES SCOTT BANE and wife, Lot 13 Deed Book 1411, page 229  
KRISTEL D. BANE

SHEILA NOBLETT McCALL Lot 5 Deed Book 796, page 321  
(Wayne C. McCall having passed away (recombined)  
in 2016)

Each named Plaintiff, or designated group of Plaintiffs, took title to the lot or lots attributed to them by those deeds referenced above, which deeds are recorded in the Henderson County Registry.

All Plaintiffs are represented in this action by Attorney William M. Alexander, Jr., of the Law Offices of William M. Alexander, Jr., PLLC.

All Plaintiffs have consented to this judgment and the matters stated and adjudicated herein by their signatures on the attached signature pages.

2. The Defendant, Caren Smith Hutchinson, owns and holds fee simple title, restricted only as set out below, to the following lands within Pleasant Acres Subdivision, Henderson County, as follows:

CAREN SMITH HUTCHINSON ALL OF LOT 3 Deed Book 1683, page 580  
(RECOMBINATION MAJORITY OF LOT 4  
DEED TO SELF) SMALL PORTION OF LOT 5

CAREN SMITH HUTCHINSON Lot 3 Deed Book 1517, page 51  
(PRIOR DEED)

CAREN SMITH HUTCHINSON MAJORITY OF LOT 4 Deed Book 1422, page 213  
(PRIOR DEED) SMALL PORTION OF LOT 5

The Defendant, CAREN SMITH HUTCHINSON, took title to the lot or lots attributed to her by those deeds referenced above, which deeds are recorded in the Henderson County Registry.

Defendant is represented in this action by Attorney Sherri Brewer of the firm of Hogan & Brewer, PLLC.

The Defendant has consented to this judgment and the matters stated and adjudicated herein by her signature on her attached signature page.

3. The parties stipulate, and the Court so finds, that the building constructed by the Defendant, to which the Plaintiffs herein have by their complaint objected, and which Plaintiffs sought removal of by mandatory injunction, is located upon Lot 3 of Pleasant Acres subdivision, as recombined with Lot 4, and that the location of said building upon the consolidated parcel of Defendant is accurately depicted by the aerial photos of GIS as administered for the tax records of Henderson County. The parties further stipulate, and the Court so finds, that said building was built in violation of the Restrictive Covenants of Pleasant Acres Subdivision, and that absent the accord of the parties as incorporated herein the same would be subject to removal pursuant to a mandatory injunction. Notwithstanding this fact, the Court finds and concludes that the agreement of the parties which is intended to provide for reconstruction of said building instead of destruction thereof, if that agreement as herein ordered is diligently and accurately complied with, provides an equitable remedy that is meet and just. If however the plan of reconstruction, and other related matters provided for herein, are not complied with, all parties stipulate that the Court may later by mandatory injunction require the removal or destruction of said building without further findings of fact. To that end the parties, and each of them, stipulate to the Court that a factual basis exists for all matters provided for or adjudicated herein, and that all further requirements for findings of fact are waived by them.

4. The following further facts are stipulated to by the parties and are found in support hereof:

(a) There exists in Henderson County, North Carolina, a subdivision of land known as Pleasant Acres Subdivision. Said subdivision was originally owned and developed by Richard Leon Lamb and wife, Joyce E. Lamb, herein referred to as "Original Grantors".

(b) At the time of formation of Pleasant Acres Subdivision, the Original Grantors subjected all lots contained within said subdivision to restrictive covenants, said restrictive covenants being executed on the 9<sup>th</sup> day of August, 1973 and which appear of record in Deed Book 511 at Page 239 et. seq. of the Office of the Register of Deeds of Henderson County, North Carolina. All lands of the parties to this action, as above described, are within the geographic area which those restrictive covenants purport to affect or govern. Those restrictive covenants have on occasion been previously amended, but not in a fashion affecting the rights of the parties hereto. Those restrictive covenants were again amended after the institution of this action by that instrument recorded in Deed Book 3119 at page 662 of the Henderson County Registry.

(c) The building in issue in this cause is a 30' x 40' metal sided out-building. Defendant did not, prior to construction of the building objected to in this cause, seek or obtain consent or approval from the Original Grantors for the construction of said building, the presence of said building, or the nature and extent of said building. Further, the Defendant did not, prior to construction of the building objected to in this cause, seek or obtain consent or approval from any other property owner within Pleasant Acres Subdivision (or group thereof) for the construction of said building, the presence of said building, or the nature and extent of said building. The building is thus in violation of the covenants.

5. The parties have reached a detailed agreement as to reconstruction of the offending building, which is attached as Exhibit A hereto, and further illustrated on a drawing attached as Exhibit B. Requiring the Defendant to comply with that plan, and all other matters Ordered herein, constitutes an equitable alternative to requiring the destruction or removal of the building.

**Based upon the foregoing Findings of Fact, the Court concludes as a matter of law as follows:**

1. The Court has subject matter jurisdiction and personal jurisdiction over the parties.
2. The remedies set forth hereafter constitute an equitable alternative to the issuance of a mandatory injunction at this time.
3. This judgment is and shall be appurtenant to and binding upon title to the lands of Defendant, and shall inure to the benefit of the named Plaintiffs, and to their successors and assigns to title to their properties herein identified.

**Based upon the foregoing Findings of Fact and Conclusions of Law, it is hereby Ordered, Adjudged, and Decreed, by consent of the parties, as follows:**

1. Within twelve months of the date of this Judgment, the Defendant shall perform those matters of reconstruction or improvement to the building located on Lot 3 of Pleasant Acres Subdivision, as are set out on Exhibit A (and illustrated on Exhibit B) which are designated on that Exhibit as being required for completion within that same twelve months.
2. Within thirty-six (36) of the date of this Judgment, the Defendant shall perform those matters of reconstruction or improvement to the building located on Lot 3 of Pleasant Acres Subdivision, as are set out on Exhibit A (and illustrated on Exhibit B) which are

designated on that Exhibit as being required for completion within that same thirty-six (36) months.

3. If the Defendant shall fail to complete those elements of reconstruction, or improvements, set forth in paragraph 1 above (as outlined on Exhibits A and B), within the twelve (12) month period provided, Defendant shall be deemed in default of her obligations hereunder, and Plaintiff(s), or any of them, may by motion seek and receive that default relief provided for below.

4. If the Defendant shall fail to complete those elements of reconstruction, or improvements, set forth in paragraph 2 above (as outlined on Exhibits A and B) within the thirty-six (36) month period provided, Defendant shall be deemed in default of her obligations hereunder, and Plaintiff(s), or any of them, may by motion seek and receive that default relief provided for below.

5. The Defendant shall pay to the Plaintiffs the sum of \$3,600.00 as partial reimbursement for attorney fees and court costs incurred by them in the prosecution of this action. This shall be paid by delivery in good funds of the sum of \$100.00 per month, commencing on the 1<sup>st</sup> day of August, 2019, to the office of Attorney William M. Alexander, Jr., payable as he may hereafter direct, and at that address set out below (or such future address as he may specify). While not in default, this shall constitute a monetary judgment against the Defendant, but upon default, upon motion of said attorney, the Court shall reduce the same to a monetary judgment. If default occurs, and if that default remains uncured for a period of more than ten (10) days, the Plaintiff(s), or any of them, may by motion seek and receive that default relief provided for below.

6. By her signature hereon, subject only to the matters provided for herein, the Defendant ratifies those Amended Restrictive Covenants recorded in Deed Book 3119 at page 662 of the Office of the Register of Deeds of Henderson County, N.C., and the Court declares that the same shall be hereafter binding upon the lands of Defendant (both Lots 3 and 4, together with a small triangle of Lot 5), and the same shall be appurtenant to title of those lands of the Defendant, shall run with title to those lands, and shall be binding upon her heirs, successors, and assigns. The permissive presence of the building referenced herein shall be deemed allowed by those covenants, but shall also constitute the only outbuilding allowed upon the lands of Defendant now or in the future (as outbuildings are provided for in those covenants). In addition, but not by way of limitation, it is adjudged that:

(a) No commercial activity or business shall be conducted in or with the use of the building at issue in this cause, and no such activity shall occur on the lands of Defendant, and

(b) The building at issue in this cause shall not hereafter be rented, or leased to any person or entity, and the use thereof shall only be incidental to the residential occupation of the residential structure located on Lot 4, (but which may include hobby use and personal storage) and

(c) No further buildings shall be constructed on Lot 3 or Lot 4 (except replacement thereof necessitated by casualty, which replacement shall be to the same size and standards of the building replaced), and

(d) No trash or unsightly debris, or any unsightly condition, shall be allowed to remain visible on or exist on the lands of the Defendant, and

(e) Access to the building at issue shall be from the existing driveway by a path or sidewalk.

7. In the event of a default by Defendant in her obligations hereunder, the following shall occur:

(a) The Court shall issue a mandatory injunction upon application of any party by motion in this cause requiring the removal of the building at issue at the cost of the Defendant. If, in that instance, the Defendant does not remove the building within the time specified by the Court, the Court may authorize either the Plaintiffs or a third party to remove the same. In that event, the material elements of the building may be applied to or traded for all or a portion of the said costs, and the Defendant shall be responsible for any deficiency in the payment of those costs, and

(b) In addition, but not in limitation of other remedies stated, the Court may enforce any portion of this judgment by Civil Contempt proceedings, conducted in accord with law, and

(c) Reasonable attorney fees and court costs incurred by any party seeking to enforce this Judgment, or in obtaining a mandatory injunction or contempt adjudication, may be taxed to the party in default or contempt by the Court.

8. The Plaintiffs, and the Court, shall have a continuing lien upon the lands of the Defendant to secure compliance with this Judgment, which lien shall be released upon faithful compliance of the Defendant herewith. Time is of the essence in all matters stated herein. The terms of Exhibit A, and that depiction set forth on Exhibit B to the degree it relates to Exhibit A, are incorporated herein as if fully set forth.



*O.W. Prior Page and AB*  
(b) In addition, but not in limitation of other remedies stated, the Court may enforce any portion of this judgment by Civil Contempt proceedings, conducted in accord with law, and

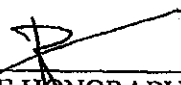
(c) Reasonable attorney fees and court costs incurred by any party seeking to enforce this Judgment, or in obtaining a mandatory injunction or contempt adjudication, may be taxed to the party in default or contempt by the Court. (P)

8. The Plaintiffs, and the Court, shall have a continuing lien upon the lands of the Defendant to secure compliance with this Judgment, which lien shall be released upon faithful compliance of the Defendant herewith. Time is of the essence in all matters stated herein. The terms of Exhibit A, and that depiction set forth on Exhibit B to the degree it relates to Exhibit A, are incorporated herein as if fully set forth.

9. The Clerk of Court shall docket this Judgment, as the same affects title to lands.

10. Upon completion and satisfaction of Defendants responsibilities hereunder, Plaintiff's counsel shall file with the Clerk a certificate of satisfaction and completion sufficient to give notice to the public that those portions of this Judgment have been satisfied. If Plaintiff's counsel is no longer available, the Court upon motion shall address this issue.

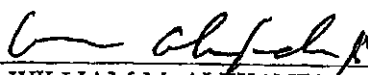
THIS JUDGMENT entered by consent of the parties this the 9th day of July, 2019, to be effective upon final signatures of the parties and signature of the undersigned Judge.

  
\_\_\_\_\_  
THE HONORABLE PETER KNIGHT  
SUPERIOR COURT JUDGE PRESIDING

We consent:

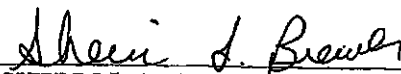
Date: 7-9-2019

LAW OFFICES OF WILLIAM M. ALEXANDER, JR.,  
PLLC

BY:   
\_\_\_\_\_  
WILLIAM M. ALEXANDER, JR.  
N.C. State Bar No. 008151  
Attorney to Plaintiffs

Date: 7-9-19

HOGAN & BREWER, PLLC

BY:   
\_\_\_\_\_  
SHERRI L. BREWER  
N.C. State Bar No. 25292  
Attorney for Defendant

**EXHIBIT A TO CONSENT JUDGMENT  
HENDERSON COUNTY FILE # 17 CVS 1988**

All references herein to the "building" are construed as meaning the building constructed on Lot 3 of the Defendant, as identified in the Judgment.

**REQUIREMENTS FOR RECONSTRUCTION AND IMPROVEMENT:**

**Within twelve (12) months of the date of Judgment, the Defendant shall:**

- (A) Stucco the foundation thereof in a grey tone, and
- (B) Replace the entry door with a residential entry door of fiberglass or wood (to be painted white), which door shall have glass in at least 1/2 of the top (1/2) section
- (C) Improve the entrance slab with either steps, a ramp, or soil of adequate height to allow ready entry, and construct a railing around the sides thereof, to the end that the same resembles a residential entry or porch
- (D) Plant leyland cypress trees at least 4 ft. in height at planting, on no more than six foot centers, in a line parallel to the road side of the building, in such a fashion as will begin the creation of a "screen" of the building. They shall be maintained in a fashion designed to permit survival, and any dying shall be replaced. Further to place additional such plants, or similar large bushes, along the left side of the entry driveway sufficient to create a screen of the side of the building facing lot 4 (as viewed from the street). Existing evergreen trees may be incorporated into this line of vegetation.
- (E) Plant "butterfly" bushes or bushes of similar character along street side foundation of sufficient projected height to partially screen bottom 2 feet of siding and foundation.
- (E) Seed and plant grass on all previously cleared or excavated areas that are not in the footprint of the building or the path leading thereto. Use of other landscaped beds and plantings shall not be presumed to be a violation thereof. Maintain and cut the same in a fashion to encourage growth and survival, and repair or replace areas that die.

**Within thirty-six (36) months of the date of Judgment, the Defendant shall:**

- (F) Replace the existing siding with horizontal lap vinyl siding of "moderate" or better quality. Definition of "moderate", if not agreed upon by counsel to the parties, shall be submitted for resolution of a disputed issue as set out below. This shall not apply to the eaves, which are dealt with separately below.

Exhibit A - cont.

(G) Trim out all windows and doors, and building corners, with wood simulated material (probably solid vinyl), minimum width 3 inches, painted or colored white or other agreed upon color.

(H) Install 6" minimum width band board (solid vinyl or similar wood simulating) on building at eave/soffit height all the way around building, as illustrated on Exhibit B, and trim eaves with same material to the ridge of eave/roof. (Painted white or other agreed upon color)

(I) Install simulated "shake" or "shingle" siding in both eaves as illustrated on Exhibit B, same color as siding.

(J) Install real or simulated attic vents in eave areas- same color as trim

(K) Install rain gutters on both long sides, color similar to trim or siding

(L) Take off, frame in, and side areas of existing garage doors (same as other siding or trim, or use replacement residential entry doors)

**Dispute resolution: Any dispute over materials, installation, or other construction issues shall be submitted for decision to Architect Tiffany Prudhomme, whose decision shall be binding on the parties.**

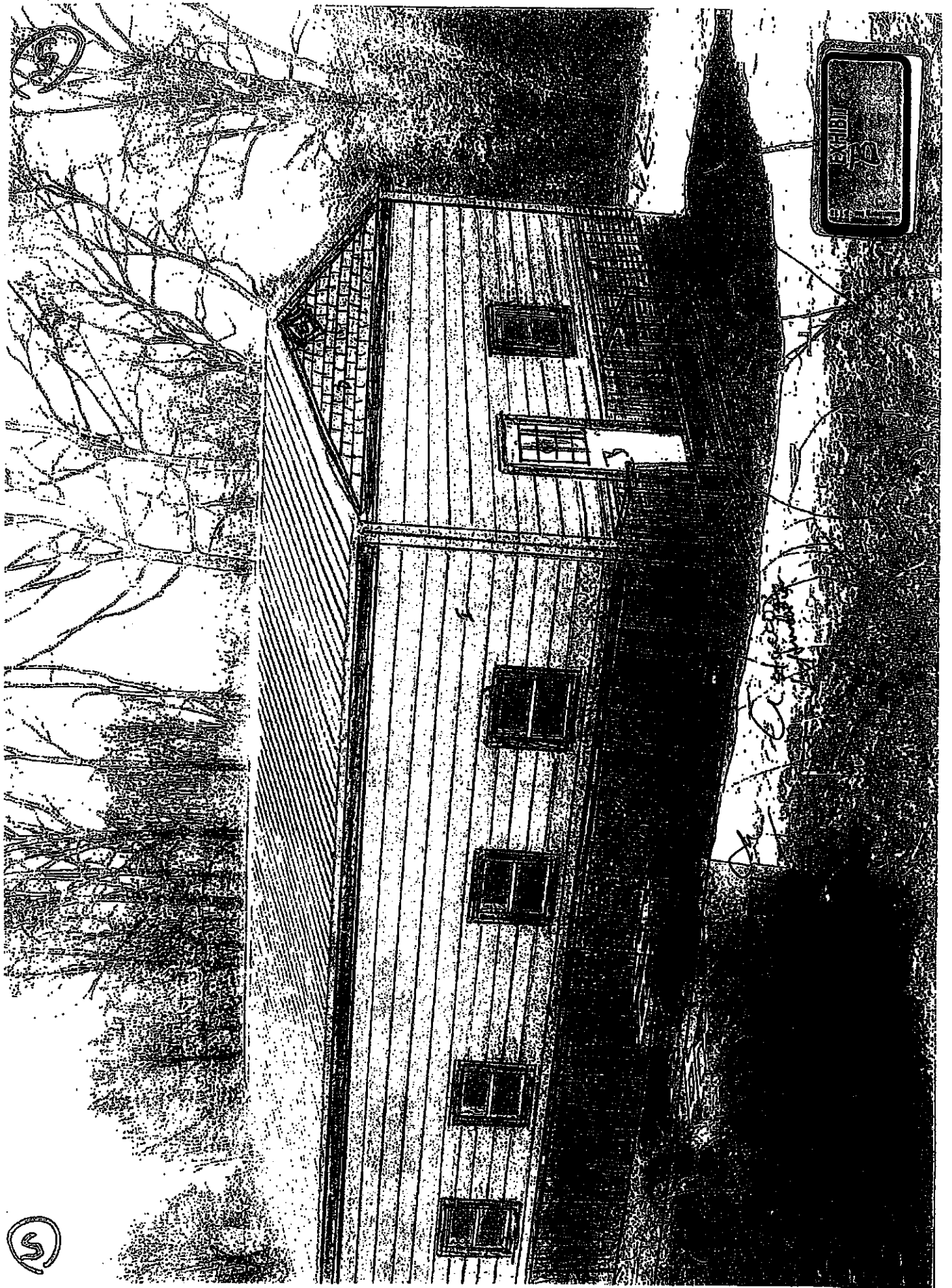


EXHIBIT  
10  
10-11

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**SIGNATURE PAGE TO CONSENT JUDGMENT**

I, CAREN SMITH HUTCHINSON, by my signature hereon, and with the advise of counsel, do hereby consent to the entry of the Consent Judgment to which this page is attached in Henderson County File # 17 CVS 1988, and agree to be bound thereby.

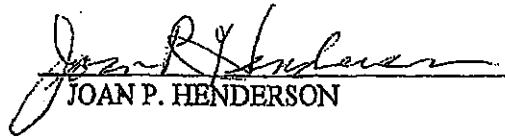
This the 9<sup>th</sup> day of July, 2019.

  
CAREN SMITH HUTCHINSON

**SIGNATURE PAGE TO CONSENT JUDGMENT**

I, JOAN P. HENDERSON, by my signature hereon, and with the advise of counsel, do hereby consent to the entry of the Consent Judgment to which this page is attached in Henderson County File # 17 CVS 1988, and agree to be bound thereby.

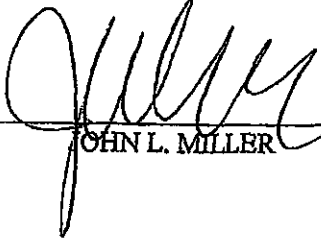
This the 9<sup>th</sup> day of July, 2019.

  
JOAN P. HENDERSON

**SIGNATURE PAGE TO CONSENT JUDGMENT**

I, JOHN L. MILLER, by my signature hereon, and with the advise of counsel, do hereby consent to the entry of the Consent Judgment to which this page is attached in Henderson County File # 17 CVS 1988, and agree to be bound thereby.

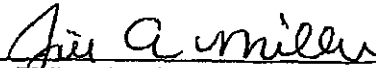
This the 9<sup>th</sup> day of July, 2019.

  
\_\_\_\_\_  
JOHN L. MILLER

**SIGNATURE PAGE TO CONSENT JUDGMENT**

I, JILL A. MILLER, by my signature hereon, and with the advise of counsel, do hereby consent to the entry of the Consent Judgment to which this page is attached in Henderson County File # 17 CVS 1988, and agree to be bound thereby.

This the 9<sup>th</sup> day of July, 2019.

  
\_\_\_\_\_  
JILL A. MILLER

**SIGNATURE PAGE TO CONSENT JUDGMENT**

I, SAMUEL J. ELLIOTT, by my signature hereon, and with the advise of counsel, do hereby consent to the entry of the Consent Judgment to which this page is attached in Henderson County File # 17 CVS 1988, and agree to be bound thereby.

This the 9<sup>th</sup> day of July, 2019.

  
\_\_\_\_\_  
SAMUEL J. ELLIOTT

**SIGNATURE PAGE TO CONSENT JUDGMENT**

I, MARCIA L. ELLIOTT, by my signature hereon, and with the advise of counsel, do hereby consent to the entry of the Consent Judgment to which this page is attached in Henderson County File # 17 CVS 1988, and agree to be bound thereby.

This the 9<sup>th</sup> day of July, 2019.

  
\_\_\_\_\_  
MARCIA L. ELLIOTT



**SIGNATURE PAGE TO CONSENT JUDGMENT**

I, JAMES SCOTT BANE, by my signature hereon, and with the advise of counsel, do hereby consent to the entry of the Consent Judgment to which this page is attached in Henderson County File # 17 CVS 1988, and agree to be bound thereby.

This the 9<sup>th</sup> day of July, 2019.

  
\_\_\_\_\_  
JAMES SCOTT BANE

**SIGNATURE PAGE TO CONSENT JUDGMENT**

I, KRISTEL D. BANE, by my signature hereon, and with the advise of counsel, do hereby consent to the entry of the Consent Judgment to which this page is attached in Henderson County File # 17 CVS 1988, and agree to be bound thereby.

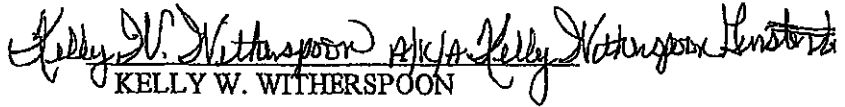
This the 9<sup>th</sup> day of July, 2019.

  
\_\_\_\_\_  
KRISTEL D. BANE

**SIGNATURE PAGE TO CONSENT JUDGMENT**

I, KELLY W. WITHERSPOON, by my signature hereon, and with the advise of counsel, do hereby consent to the entry of the Consent Judgment to which this page is attached in Henderson County File # 17 CVS 1988, and agree to be bound thereby.

This the 9<sup>th</sup> day of July, 2019.

  
KELLY W. WITHERSPOON

**SIGNATURE PAGE TO CONSENT JUDGMENT**

I, SHEILA NOBLETT McCALL, by my signature hereon, and with the advise of counsel, do hereby consent to the entry of the Consent Judgment to which this page is attached in Henderson County File # 17 CVS 1988, and agree to be bound thereby.

This the 9<sup>th</sup> day of July, 2019.

  
SHEILA NOBLETT McCALL

# 5:30 P.M. PUBLIC HEARING

Public Hearing for consideration of Economic Development Incentives for  
"Project Brighter Day"

August 5, 2019

**PLEASE PRINT**

Name:

Address:

- | Name:                        | Address:                                 |
|------------------------------|--|
| 1. <del>John Smith</del>     | <del>530 Whispering Hills Dr. #105</del> |
| 2. <del>Cheryl Mills</del>   | <del>530 Whispering Hills Dr #105</del>  |
| 3. <del>Mary Jo Miller</del> | <del>530 Whispering Hills Dr #104</del>  |
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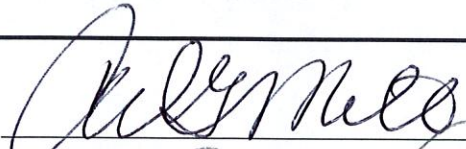
# PUBLIC COMMENT SIGNUP SHEET

## AUGUST 5, 2019

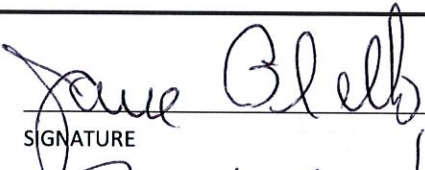
Pursuant to N.C. Gen. Stat. §153A-52.1, the Henderson County welcomes public comment at its meetings. Please note that each speaker is limited to three (3) minutes, unless a different time limit is announced. Also, the Board may adopt rules limiting the number of persons speaking taking the same position on a given issue, and other rules regarding the maintenance of good order.

Each speaker should be aware and by their signatures hereto they agree that their comments may be recorded (by audio-visual recordings, photography or other means), and may be (but are not required to be) broadcast by the County as a part of the broadcast of this meeting, or as a part of the County's programming on its local video channel(s). By their signature they further agree that Henderson County is and will be the sole owner of all rights in and to such programming. The undersigned hereby indemnifies Henderson County, its employees and agents, against any and all claims, damages, liabilities, costs and expenses arising out of the use of the undersigned's images and words in connection therewith.


1. Arlen Mills  
**PRINTED NAME**  
530 Whispering Hills Dr.  
Hendersonville, NC - 28792  
**MAILING ADDRESS**

  
**SIGNATURE**  
Reasoning Whispering Hill  
**Topic**

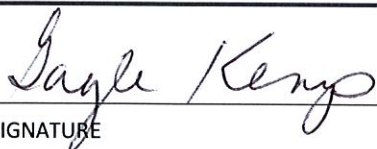
2. Jane Bilello  
**PRINTED NAME**  
218 Viney + PL. HVL 28739  
**MAILING ADDRESS**

  
**SIGNATURE**  
Thank you! your support for 287g.  
**Topic**

3. RICHARD L. KRANKER  
**PRINTED NAME**  
2030 GULFSIDE LN  
HVILLE NC 28739  
**MAILING ADDRESS**

  
**SIGNATURE**  
287g  
**Topic**

4. Gayle Kemp  
**PRINTED NAME**  
27 South Chase  
Fletcher, NC 28732  
**MAILING ADDRESS**

  
**SIGNATURE**  
287g  
**Topic**

Henderson County Commissioners  
1 Historic Courthouse Sq. Suite 1  
Hendersonville, NC 28792  
August 5, 2019

Jane Bilello  
218 Vincent Place  
Hendersonville, NC 28739  
209 986 3845

Dear Commissioners Grady Hawkins, Mike Edney , Charlie Messer, William Lapsley, and Rebecca McCall:

Thank you for doing your best to support efforts to keep our community safe from illegal alien criminals. Programs like like 287g are vital to our safety. One example: In 2017- 2018, roughly 235,000 illegal immigrants were arrested on various criminal charges or convictions within the interior of the United States including 100,000 for assault, 30,000 for sex crimes, and 4,000 homicides. (<https://heritageaction.com/toolkit/immigration-toolkit>). North Carolina is not immune to this crime. In NC the number of illegal aliens arrested for child rapes is tragic and unacceptable. In North Carolina from January to June 2019, there have been 115 illegal aliens arrested for 429 child rapes. (<http://www.ncfire.info/>) With the exception of 2 of the 115 illegals, the others came from counties who did not renew 276g or who are openly defying ICE.

You need to commended for doing your best to support efforts of the sheriff's dept to keep our community - Henderson County - safe from illegal alien criminals.

Also, please consider having only Henderson County residents comment during public comment period at these meetings. Thank you again for doing he right thing for us.

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#### Information

- |                             |  |
|-----------------------------|--|
| 6) June 2019 charges in NC  | <b>20</b> illegal aliens arrested for <b>56</b> child rape/child sexual assault <a href="#">here</a> |
| 5) May 2019 charges in NC   | <b>29</b> illegal aliens arrested for <b>43</b> child rape/child sexual assault <a href="#">here</a> |
| 4) April 2019 charges in NC | <b>26</b> illegal aliens arrested for <b>95</b> child rape/child sexual assault <a href="#">here</a> |
| 3) March 2019 charges in NC | <b>14</b> illegal aliens arrested for <b>45</b> child rape/child sexual assault <a href="#">here</a> |

2) February 2019  
charges in NC

**9** illegal aliens arrested for **19** child rape/child sexual assault  
here

1) January 2019  
charges in NC

**17** illegal aliens arrested for **171** child rape/child sexual assault

<http://www.ncfire.info/>

The economic toll

1. \$14 billion to \$22 billion dollars are spent each year on welfare to illegal aliens (that's Billion with a 'B')
2. 22 billion dollars a year are spent on food assistance programs such as food stamps, WIC, and free school lunches for illegal aliens
3. \$7.5 billion dollars are spent each year on Medicaid for illegal aliens.
4. \$12 billion dollars are spent each year on primary and secondary school education for children here illegally and they still cannot speak a word of English
5. \$27 billion dollars are spent each year for education for the American-born children of illegal aliens, known as anchor babies.
6. \$3 Million Dollars 'PER DAY' is spent to incarcerate illegal aliens. That's \$1.2 Billion a year.
7. 28% percent of all federal prison inmates are illegal aliens.
8. \$190 billion dollars are spent each year on illegal aliens for welfare & social services by the American taxpayers.
9. \$200 billion dollars per year in suppressed American wages are caused by the illegal aliens.
10. The illegal aliens in the United States have a crime rate that's two and a half times that of white non-illegal aliens. In particular, their children, are going to make a huge additional crime problem in the US.
11. During the year 2005, there were 8 to 10 MILLION illegal aliens that crossed our southern border with as many as 19,500 illegal aliens from other terrorist countries. Over 10,000 of

those were middle-eastern terrorists. Millions of pounds of drugs, cocaine, meth, heroin, crack, guns, and marijuana crossed into the U.S. from the southern border.

12. The National Policy Institute, estimates that the total cost of mass deportation would be between \$206 and \$230 billion, or an average cost of between \$41 and \$46 billion annually over a five year period.

13. In 2006, illegal aliens sent home \$65 BILLION in remittances back to their countries of origin, to their families and friends.

14. The dark side of illegal immigration: Over one million sex crimes have been committed by illegal immigrants in the United States!

<https://ashevillteaparty.org/287g-fact-sheet/>

Thank you for your time and your service to our community.

Jane Bilello



## FACT SHEET: Illegal Immigration Impact on the U.S.

- In 2017-2018, roughly 235,000 illegal immigrants were arrested on various criminal charges or convictions within the interior of the United States—including roughly 100,000 for assault, 30,000 for sex crimes, and 4,000 for homicides. <https://heritageaction.com/toolkit/immigration-toolkit>
- Monthly Child Rape Charges by Illegal Aliens in NC: for complete list of all years <http://www.ncfire.info/>

January 2019 in NC: 17 illegal aliens arrested for 171 child rape/child sexual assault charges in NC <http://www.ncfire.info/january2019.pdf>

December 2018 in NC: 20 illegal aliens arrested for 52 child rape/child sexual assault charges in NC <http://www.ncfire.info/december2018.pdf>

November 2018 in NC: 21 illegal aliens arrested for 91 child rape/child sexual assault charges in NC <http://www.ncfire.info/november2018.pdf>

October 2018 in NC: 22 illegal aliens arrested for 81+ child rape/child sexual assault charges in NC <http://www.ncfire.info/october2018.pdf>

- **Report: 3,160** Hispanic absconders from N.C. justice: <http://ncfire.info/2017absconders.pdf>

- **Cost of Illegal Immigration**

### **63% of Non-Citizen Households Access Welfare Programs**

#### **Compared to 35% of native households**

[https://www.cis.org/Report/63-NonCitizen-Households-Access-Welfare-Programs?utm\\_source=facebook&utm\\_medium=social-media&utm\\_campaign=addtoany&fbclid=IwAR3WKKKOrFBV1of3vG7NRtQ-Up3KBSS7oY4y2yFTNf5eFRiwIYmlfZu5oe8](https://www.cis.org/Report/63-NonCitizen-Households-Access-Welfare-Programs?utm_source=facebook&utm_medium=social-media&utm_campaign=addtoany&fbclid=IwAR3WKKKOrFBV1of3vG7NRtQ-Up3KBSS7oY4y2yFTNf5eFRiwIYmlfZu5oe8)

- **Mapping Immigration's Impact on Public Schools**

The number of children from immigrant households in schools is now so high in some areas that it raises profound questions about assimilation. What's more, immigration has added enormously to the number of public school students who are in poverty and the number who speak a foreign language. This cannot help but to create significant challenges for schools, often in areas already struggling to educate students who come from disadvantaged backgrounds. <https://cis.org/Report/Mapping-Impact-Immigration-Public-Schools>

- **The Fiscal Burden of Illegal Immigration on United States Taxpayers**

At the federal, state, and local levels, taxpayers shell out approximately \$134.9 billion to cover the costs incurred by the presence of more than 12.5 million illegal aliens, and about 4.2 million citizen children of illegal aliens. That amounts to a tax burden of approximately \$8,075 per illegal alien family member and a total of \$115,894,597,664. The total cost of illegal immigration to U.S. taxpayers is both staggering and crippling. In 2013, FAIR estimated the total cost to be approximately \$113 billion. So, in under four years, the cost has risen nearly \$3 billion. This is a disturbing and unsustainable trend.

<https://fairus.org/issue/publications-resources/fiscal-burden-illegal-immigration-united-states-taxpayers>

## 287g FACT SHEET:

The following is from Bryan D. Cox, Southern ICE Director regarding the facts on the 287g program and its relationship with Immigration and Customs Enforcement (ICE)

- The Henderson County 287g program remains in operation as of 2.25.19.
- All persons encountered through 287g programs have a "criminal background" as the program exists only within the confines of detention centers to screen persons who've already been arrested and booked into jail on local criminal charges.
- No person is encountered via 287g unless they've already been criminally arrested by local law enforcement for a violation of North Carolina criminal law.
- The 287g program grants absolutely zero additional arrest authority and does not empower local law enforcement to arrest a person based upon their immigration status. It's solely a screening tool that takes place pursuant to a criminal arrest already made.
- The only persons encountered via 287g are persons who have been criminally arrested. If a 287g program is rescinded, and ICE is forced to conduct more at-large arrest operations, that is likely to result in more unlawfully present persons being encountered by ICE, not less.
- Stats for Henderson County: FY18 the Henderson County 287g program encountered and screened 44 foreign nationals pursuant to their arrest in Henderson County. Of those 44 foreign nationals, 24 had prior criminal convictions before their most-recent arrest that resulted in their screening through the 287g program. The program screens all foreign nationals who come through the jail, and Henderson County screened persons of Cuban, European and Middle Eastern nationalities in addition to Mexico and Central America.
- Here are the total number of encounters and removals for Henderson County for the past three years
  - FY18 287g: Henderson County: 44 encounters (24 with prior criminal convictions before most-recent arrest), 39 removals (32 with criminal convictions)
  - FY17 287g: Henderson County: 82 encounters (75 with prior criminal convictions before most-recent arrest), 30 removals (26 with criminal convictions)
  - FY16 287g: Henderson County: 58 encounters, 5 removals
- Per the U.S. Census Bureau, 7.5 percent of the residents of Henderson County are foreign born: <https://www.census.gov/quickfacts/hendersoncountynorthcarolina>. Compare the total number of arrests made in Henderson County during FY18 and then compare those numbers, claims of racial profiling simply are not supported by those stats.
- Should any county choose to withdraw from 287g it is important for persons to understand that does not mean immigration enforcement will decrease in that location; in fact, it's likely such an area would see a greater ICE presence in the community, as in jurisdictions that do not cooperate with ICE the agency has no choice but to target specific persons on the streets that it otherwise would've taken into custody at the detention center.

OVER