

# Town of Mars Hill

## MAYOR AND BOARD OF ALDERMEN

John L. Chandler  
*Mayor*  
Nicholas A. Honeycutt  
*Vice-Mayor*  
Robert W. Zink  
*Treasurer*  
Stuart L. Jolley  
*Clerk*  
Larry H. Davis  
*Secretary*

### MINUTES REGULAR MEETING Mars Hill Town Hall – Conference Room August 2, 2021 at 6:00 p.m.

The Town of Mars Hill Mayor and Board of Aldermen met in regular session on Monday, August 2, 2021 at 6:00 p.m. in the Mars Hill Town Hall.

**MEMBERS PRESENT:** Mayor John Chandler; Aldermen Larry Davis, Nicholas Honeycutt, Stuart Jolley, and Robert W. (Bob) Zink.

**STAFF PRESENT:** Nathan R. Bennett, Town Manager and Allie Leake for Town Attorney Jamie Stokes

#### Call to Order

The meeting was called to order by Mayor John Chandler. Mayor Chandler welcomed those in attendance.

#### Approval of the Agenda

Mayor Chandler asked the Board to review the proposed agenda for approval. Upon review of the agenda, Mayor Chandler called for a motion. **Alderman Stuart Jolley made a motion the agenda be approved as presented.** Alderman Larry Davis seconded the motion. Upon a call for a vote on the motion by the Mayor, the agenda was approved unanimously. (Attachment A)

#### Approval of Minutes

Mayor Chandler then asked the Board to review the minutes of the regular meeting held on June 7, 2021. There being no modifications to the minutes, **Alderman Bob Zink made a motion that the minutes for June 7, 2021 be approved as presented by management.** Alderman Nicholas Honeycutt seconded the motion. Upon a call for a vote on the motion by the Mayor, the minutes were approved unanimously.

#### Town Manager Report – Nathan Bennett, Town Manager

Mayor Chandler then recognized Mr. Bennett to provide the Town Manager Report.

#### COVID-19 Response

Mr. Bennett provided the Board an update on the continuing Town response to the coronavirus and COVID-19 situation. The Town continues to be under the state and locally designated state of

emergency in response to COVID-19. He advised there have been no issues related to COVID-19 with town operations. He reported that the state-wide mask mandate has expired, and masking is no longer required for entry into Town facilities, however, signage remains in place advising anyone experiencing COVID-19 symptoms to not enter the facility. As reported in national and local media, there has been a spike in COVID-19 cases, particularly the new “Delta” variant. NCDHHS advises that Madison County is one of many NC counties with community spread with a reported 34 news cases last week. On a positive note, DHHS reports that 48% of Madison County residents have had at least one dose of the vaccine, and 46% of residents are fully vaccinated. Mr. Bennett advised he will continue to monitor conditions and recommend any changes as may become necessary.

**American Rescue Plan Act – RESOLUTION – Accepting American Rescue Plan Act Funds**

Mr. Bennett provided the Board an update on funding being made available to the Town, and all local governments, from the American Rescue Plan Act of 2021, the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319. The Town will receive approximately \$617,954. These funds are being granted under conditions placed by the US Treasury Department and NC General Assembly and are to be used in assisting the local governments recovery from the effects of the coronavirus pandemic. Specifically, these funds can be used to further respond to continued coronavirus issues, infrastructure improvements, such as broadband, water, and sewer projects, as well as replacement of vital revenue lost directly due to the coronavirus effects on the economy. Mr. Bennett advised that the proposed resolution before the Board is required in order for the North Carolina Pandemic Recovery Office to release the first disbursement of funds to the Town. Upon completion of discussion of the resolution and the requirements placed on the Town, Mayor Chandler called for a motion. **Alderman Honeycutt made a motion to approve the “RESOLUTION – Acceptance of American Rescue Plan Act Funds” as presented.** Alderman Jolley seconded the motion. Upon a call for a vote by the Mayor, the motion was approved unanimously. (Attachment B)

**Financial Report – 4<sup>th</sup> Quarter**

Mr. Bennett gave an overview of the Financial Report for the 4<sup>th</sup> quarter of the FY 2020-21 fiscal year. On the revenue side in the General Fund, the Town is in excellent shape with property and fire tax collections exceeding the budgeted amount and the inclusion of the federal CARES act funding utilized for COVID-19 response efforts. On the expenditure side in the General Fund, all departments are under budgeted amounts. There are likely outstanding invoices yet to be received and processed for the completed fiscal year, but none that should cause an exceedance of the appropriated budget. In regard to the Water and Sewer Fund, revenues are down in the water and sewer charges line item due directly to lower usage by Mars Hill University and Mars Hill Elementary attributed to COVID closures and reduced operations. Expenditures were controlled to the fullest extent possible to align with revenue projections. When final audit adjustments are made, the Town will likely utilize the appropriated fund balance in the water and sewer fund to balance the budget. Upon completion of discussion, Mayor Chandler called for a motion. **Alderman Zink made a motion to approve the Financial Report as presented.** Alderman Honeycutt seconded the motion. Upon a call for a vote by the Mayor, the motion was approved unanimously. (Attachment C)

### General Update

Mr. Bennett advised the Board that NCDOT has notified the Town that they have awarded a contract to resurface NC 213 from the I-26 interchange to Gabriel's Creek Road. The paving portion of the project will occur in summer 2022. However, preliminary work to replace sidewalk and crosswalk ramps will begin this week or next and continue well into the winter months. There are a number of these ramps and they will be replaced during the daytime hours until the University reconvenes for the fall semester and then that work will transition to a nighttime work schedule. Mr. Bennett advised he has notified MHU President Tony Floyd, the campus security director and all town department heads of this pending work. Mr. Bennett then advised the Board that the downtown public wi-fi project is moving to the next phase. He advised that Land of Sky Regional Council staff assisted the Town with completing an RFP process to select a vendor to perform this work. This process was advertised widely with two vendors submitting proposals in response, Charter Spectrum and Sky Runner Wireless. Mr. Bennett advised that upon reviewing the proposals, the team recommends the Town request Sky Runner Wireless to prepare an agreement to perform the scope of work consistent with their proposal. Mayor Chandler sought consensus of the Board and directed Mr. Bennett to proceed as recommended. Mr. Bennett advised the Board that the Town has taken delivery of our new garbage truck that was secured with a grant from the N.C. Department of Environmental Quality through the Volkswagen Settlement Program. This program was established with funding from the national lawsuit settlement between the U.S. Department of Justice and the Volkswagen automaker. This new 2022 Freightliner truck replaces the current truck that is more than 15 years old and well beyond its useful service life. Mr. Bennett advised that the Town has gone live with an online payment system utilizing a third-party vendor to support utility payments through an internet-based portal. This program allows options for one-time or recurring payments, paperless billing and other options to those customers desiring this service utilizing a convenience fee. Mr. Bennett further advised the Board that a 60 by 90 feet parking lot with a new access driveway at the Smith Farm/Bailey Mountain Preserve Park has been completed by the contractor utilizing a grant from the Madison County Tourism Development Authority. Mr. Bennett updated the Board on other items of interest to the Board.

### Old Business

Mayor Chandler then moved to address old business.

### **Request for Voluntary Annexation – Zeta Partners, LLC – Cascade Street, Mars Hill**

Mr. Bennett reminded the Board of the petition requesting voluntary annexation of real property located on Cascade Street, between the October Road parcel and Beth-Hanan subdivision, from the property owner, Jonathan Corbin representing the development company Zeta Partners, LLC. Mr. Bennett advised that the clerk investigation is complete and that a public hearing was set for this meeting but due to a miscommunication with the newspaper the legal advertisement was not published as required so the hearing cannot be held at this time. Mr. Bennett advised he notified the property owner who indicated the delay was not a problem for his schedule. Mr. Bennett advised the Board that a new resolution setting a new date for the public hearing has been submitted to the Board for consideration. Upon completion of discussion of the resolution setting a new public hearing date, Mayor Chandler called for a motion. **Alderman Zink made a motion to approve the resolution titled “RESOLUTION – Fixing Date of Public Hearing on Questions of Annexation” for August 30, 2021, at 6:00 p.m.**

Alderman Jolley seconded the motion. Upon a call for a vote by the Mayor, the motion was approved unanimously. (Attachment D)

**Request for Rezoning – Mars Hill Crossroads, LLC – 685 Crossroads Parkway, Mars Hill**

Mr. Bennett informed the Board of an application from Mars Hill Crossroads, LLC, and their representative Jesse Gardner, requesting their property located at 685 Crossroads Parkway to be rezoned from Highway Business (C-2) to High Density Residential (R-4). This matter was before the Planning and Zoning Board on July 22, 2021, where it received a favorable report and recommended approval to the Mayor and Board of Aldermen. The next step in this process is for this Board to hold a public hearing on the matter to receive comments from the public on this proposed policy change. Mr. Bennett recommended the Board set a public hearing date for the August 30, 2021 meeting. Upon discussion of this request, Mayor Chandler called for a motion. **Alderman Jolley made a motion to set a public hearing date for August 30, 2021, at 6:00 p.m. to receive public comments on the application to re-zone 685 Crossroads Parkway from Highway Business (C-2) to High Density Residential (R-4).** Alderman Davis seconded the motion. Upon a call for a vote by the Mayor, the motion was approved unanimously.

**New Business**

Mayor Chandler then moved to address new business.

**Appointment of Members to the Town of Mars Hill Planning and Zoning Board**

Mayor Chandler recognized Mr. Bennett to review the resolution before the Board to appoint members to the Planning and Zoning Board. Mr. Bennett advised the Board that with enactment of the new Town Zoning Ordinance in June, that ordinance reorganized the Planning and Zoning Board to consist of five (5) members who are all Town residents since the Town no longer has the extraterritorial jurisdiction. Mr. Bennett explained that this matter was discussed at the last Planning and Zoning Board meeting and all current Town members desire to be reappointed. The proposed resolution provides the necessary provisions to dissolve the existing planning and zoning board and reorganize the board consistent with the provisions of the new ordinance and appoints members to board with a phased implementation to accomplish the staggered term provisions. The recommended members with a full two-year term are as follows: Bernard Briggs, Augusta Jenkins-Gladding, and Bruce Murray. The terms for those member seats will expire on June 30, 2023. The recommended members with an initial one-year term are as follows: Jeanne Hoffman and Tommy Justus. The terms for those member seats will expire on June 30, 2022, and will be subject to a two-year term upon entering a full-term appointment at that time. Upon completion of discussion of the resolution to appoint these Planning and Zoning Board members pursuant to the new Zoning Ordinance, Mayor Chandler called for a motion. **Alderman Zink made a motion to approve the resolution titled “RESOLUTION – Appointing Members of the Planning and Zoning Board for the Town of Mars Hill.”** Alderman Jolley seconded the motion. Upon a call for a vote by the Mayor, the motion was approved unanimously. (Attachment E)

**September Meeting Date (Labor Day Holiday)**

Mr. Bennett advised the Board that the Labor Day holiday falls on the Board’s regular meeting date in September. He advised there were at least two public hearings necessary in the near future and

recommends the Board reschedule the September regular meeting for August 30, 2021, at 6:00 p.m. Upon completion of discussion to reschedule the September meeting, Mayor Chandler called for a motion. **Alderman Jolley made a motion to reschedule the September regular meeting for Monday, August 30, 2021, at 6:00 p.m.** Alderman Davis seconded the motion. Upon a call for a vote by the Mayor, the motion was approved unanimously.

**Public Comment**

The Mayor then moved to public comment. James Heinel asked Alderman Honeycutt if the Board had announced the decision of the Board of Adjustment (BOA) for his zoning permit appeal. Alderman Honeycutt, who serves as chairman of the Board of Adjustment, advised Mr. Heinel the BOA met earlier this evening and voted to deny his permit request for a tattoo parlor in the C-1 Central Business District. Alderman Honeycutt provided Mr. Heinel with a copy of the BOA order with the details of the decision. Mr. Heinel thanked the Board for consideration of his request.

There were no additional public comments.

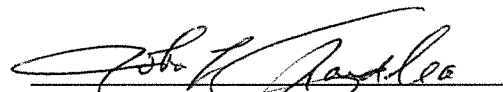
**Closed Session (Pursuant to N.C.G.S. 143-318.11)**

There was no closed session.

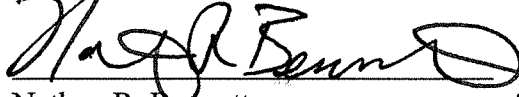
**Adjourn**

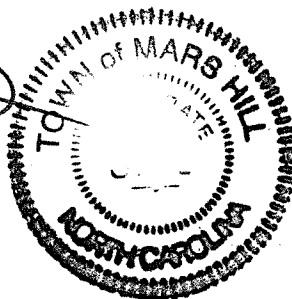
There being no further business before the Board, Mayor Chandler called for a motion to adjourn. **Alderman Zink made a motion to adjourn.** Alderman Jolley seconded the motion. Upon a call for a vote on the motion by the Mayor, the motion to adjourn was unanimously approved.

Approved and authenticated this the 30<sup>th</sup> day of August, 2021.

  
John L. Chandler, Mayor

ATTEST:

  
Nathan R. Bennett,  
Town Manager





# Town of Mars Hill

MAYOR AND BOARD OF ALDERMEN

**John L. Chandler**

*Mayor*

**Nicholas A. Honeycutt**

*Vice-Mayor*

**Robert W. Zink**

*Treasurer*

**Stuart L. Jolley**

*Clerk*

**Larry H. Davis**

*Secretary*

## AGENDA

### **REGULAR MEETING**

*Mars Hill Town Hall Conference Room*

*August 2, 2021 at 6:00 p.m.*

1. Call to Order – *Mayor John L. Chandler*
2. Approval of Agenda
3. Approval of Minutes: June 7, 2021
4. Town Manager Report – *Nathan Bennett, Town Manager*
  - a. COVID-19 Response Update
  - b. American Rescue Plan Act
    - i. **RESOLUTION** – Accepting American Rescue Plan Act Funds
  - c. Financial Report – 4<sup>th</sup> Quarter
  - d. General Update
5. Old Business
  - a. Request for Voluntary Annexation – Zeta Partners, LLC – Jonathan Corbin  
Cascade Street, Mars Hill
    - i. **RESOLUTION** – Fixing Date of Public Hearing on Questions of Annexation
6. New Business
  - a. **RESOLUTION** – Appointment of Planning and Zoning Board Members
  - b. September Meeting Date (Labor Day Holiday)
7. Public Comment  
[Policy: Each speaker shall be limited to a maximum of three (3) minutes. The public comment period is not intended to require the Board of Aldermen or staff to answer any impromptu questions. The Board will not take action on an item presented during the public comment period. The Board may refer inquiries made during the public comment period to the Town Manager to address as appropriate. If necessary, the item may be placed on the agenda of a future meeting.]
8. Closed Session (*Pursuant to N.C.G.S. 143-318.11 – if needed*)
9. Adjourn

## Mars Hill Town Hall

280 North Main Street • P.O. Box 368

Mars Hill, North Carolina 28754

Phone: (828) 689-2301 • Fax: (828) 689-3333



**Town of Mars Hill  
Mayor and Board of Aldermen**

**RESOLUTION  
ACCEPTANCE OF AMERICAN RESCUE PLAN ACT FUNDS**

**WHEREAS**, the Town of Mars Hill is eligible for funding from the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (CSLRF); and

**WHEREAS**, the North Carolina General Assembly will provide for the distribution of funds to eligible North Carolina municipalities; and

**WHEREAS**, before receiving a payment, the Mayor and Board of Aldermen is required to formally accept the CSLRF funds; and

**WHEREAS**, revenue received under the CSLRF must only be spent for purposes authorized by the CSLRF, and applicable regulations, and by state law; and

**WHEREAS**, revenue received under the CSLRF must be accounted for in a separate fund and not co-mingled with other revenue for accounting purposes; and

**WHEREAS**, the Town of Mars Hill must comply with all applicable budgeting, accounting, contracting, reporting, and other compliance requirements for CSLRF funds.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Board of Aldermen for the Town of Mars Hill, North Carolina as follows:

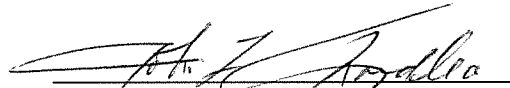
- Section 1. The Town of Mars Hill hereby accepts and requests CSLRF funding to be distributed by the State of North Carolina to the Town as allowed by law.
- Section 2. The Town of Mars Hill affirms that the CSLRF revenue will only be used for the purposes prescribed in the CSLRF, and in US Treasury guidance in 31 CFR, Part 35, and any applicable regulations, and in accordance with state law.
- Section 3. The Town of Mars Hill will comply with procedures created by the North Carolina General Assembly and the US Treasury Department to receive funds under the act.

Section 4. The Town of Mars Hill will account for CSLRF in a separate fund and not co-mingle it with other revenues for accounting purposes and will comply with all applicable federal and state budgeting, accounting, contracting, reporting, and other compliance requirements for CSLRF funds.

Section 5. The Mayor and Board of Aldermen for the Town of Mars Hill designates, authorizes, and directs the Town Manager, and all other Town officers and officials as appropriate, to execute all required documents and take all other actions necessary to receive the CSLRF funds.

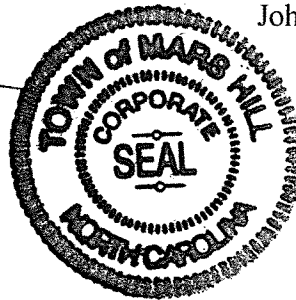
Section 6. This resolution shall be effective immediately upon adoption.

**ADOPTED** this 2<sup>nd</sup> day of August 2021, by the Mayor and Board of Aldermen for the Town of Mars Hill, North Carolina.

  
John L. Chandler, Mayor

Attest:

  
Stuart L. Jolley, Clerk





Town of Mars Hill			
Mars Hill, North Carolina			
FINANCIAL STATEMENT			
30-Jun-21			
SECTION I: General & Powell Bill Funds		Budget	Actual
<b>A. REVENUES ANTICIPATED</b>			
Property Tax (Current Year/\$.47 per \$100)	\$	593,659.00	\$ 651,420.00
Property Tax (Prior Years)	\$	5,500.00	\$ 9,056.00
Payment in Lieu of Taxes	\$	8,000.00	\$ 11,586.00
Tax Penalties and Interest	\$	2,000.00	\$ 2,438.00
Ad Valorem Vehicle Tax	\$	40,000.00	\$ 60,295.00
Municipal Parking Fee	\$	5,000.00	\$ 8,785.00
Interest Earned/Investments	\$	10,000.00	\$ 696.00
Rents and Concessions	\$	3,000.00	\$ -
Utilities Revenue	\$	2,500.00	\$ 765.00
Miscellaneous Revenue	\$	5,000.00	\$ 19,661.00
Utilities Franchise Tax	\$	125,000.00	\$ 91,716.00
Excise Tax - Beer & Wine	\$	8,000.00	\$ 8,635.00
Powell Bill Street Allocation	\$	56,000.00	\$ 53,122.00
Local Option Sales Tax	\$	518,500.00	\$ 660,818.00
State Gov. Grants - COVID Funds	\$	-	\$ 148,309.00
Court Costs, Fees, Etc.	\$	100.00	\$ 113.00
Parking Violation Penalties	\$	3,000.00	\$ 1,210.00
Zoning Permits	\$	100.00	\$ 660.00
Inspection/Fire Codes Fee/Fines	\$	-	\$ 850.00
Street Department Revenue	\$	-	\$ 96.00
Police Department Revenue/Donation	\$	100.00	\$ 2,457.00
Recreation Department Revenues	\$	20,000.00	\$ 41,470.00
Fire Department Revenues	\$	3,000.00	\$ 6,320.00
Fire Dept. Relief Funds	\$	4,000.00	\$ -
Tax Refunds	\$	10,000.00	\$ 20,592.00
Special Fire District Tax	\$	575,000.00	\$ 721,896.00
Appropriated Fund Balance, General	\$	35,000.00	\$ -
Appropriated Fund Balance, Powell Bill	\$	90,000.00	\$ -
Other Fin. Sources/Uses-Transfer In	\$	-	
<b>TOTAL ANTICIPATED REVENUES</b>	<b>\$</b>	<b>2,122,459.00</b>	<b>\$ 2,522,966.00</b>
<b>B. EXPENDITURES AUTHORIZED</b>			
1. Governing Body	\$	94,300.00	\$ 74,923.00
2. Administration	\$	293,800.00	\$ 250,559.00
3. Elections	\$	-	\$ -
4. Tax Collections	\$	3,500.00	\$ 2,853.00
5. Public Buildings	\$	32,000.00	\$ 26,127.00
<b>(Continued to Page 2)</b>			



**SECTION III: WW Treatment Improvement Project****A. Revenues Anticipated**

Federal Government Grants/EDA	\$	390,120.00	\$	390,120.00
State Government Grants/Golden Leaf	\$	487,650.00	\$	487,650.00
Local Government Funds	\$	97,530.00	\$	209,322.00
Due to/From Other Funds (Enterprise Loan)	\$	-	\$	-
<b>TOTAL REVENUES ANTICIPATED</b>	<b>\$</b>	<b>975,300.00</b>	<b>\$</b>	<b>1,087,092.00</b>

**B. Expenditures Authorized**

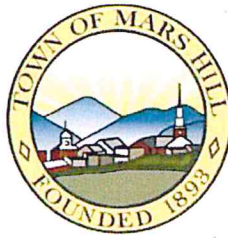
Con. Serv./Mobilization	\$	19,500.00	\$	19,500.00
Sludge Pump Station	\$	162,900.00	\$	162,900.00
D.O. Control System/Blower	\$	132,500.00	\$	132,500.00
Concrete Tank Restoration	\$	145,000.00	\$	145,000.00
Exit 11/1000 LF Sewer Line	\$	95,000.00	\$	95,000.00
Exit 11/Sewer Line Pump Station	\$	151,000.00	\$	151,000.00
Exit 11/SPS Sewer Force Main	\$	42,800.00	\$	42,800.00
Contingency	\$	74,900.00	\$	-
Design & Permitting	\$	74,900.00	\$	74,900.00
Bidding/Award	\$	8,400.00	\$	8,400.00
Construction Administration	\$	37,400.00	\$	37,400.00
Grant Administration	\$	24,500.00	\$	24,500.00
Legal	\$	6,500.00	\$	6,500.00
Additional Project Work			\$	186,692.00
<b>TOTAL EXPENDITURES AUTHORIZED</b>	<b>\$</b>	<b>975,300.00</b>	<b>\$</b>	<b>1,087,092.00</b>

**SECTION IV: Bailey Mountain Project****A. Revenues Anticipated**

Fed/Land & Water Conservation Fund	\$	250,000.00	\$	250,000.00
St./Clean Water Mgmt. Trust Fund	\$	352,326.00	\$	352,326.00
Local Funds	\$	106,074.00	\$	80,000.00
Enterprise Fund (Loan) Due/to From	\$	-	\$	-
<b>TOTAL REVENUES ANTICIPATED</b>	<b>\$</b>	<b>708,400.00</b>	<b>\$</b>	<b>682,326.00</b>

**B. Expenditures Authorized**

Capital Outlay/Land Purchase	\$	675,000.00	\$	675,000.00
Legal/Adm/Professional Costs	\$	33,400.00	\$	5,752.00
<b>TOTAL EXPENDITURES AUTHORIZED</b>	<b>\$</b>	<b>708,400.00</b>	<b>\$</b>	<b>680,752.00</b>



Town of Mars Hill  
Mayor and Board of Aldermen

RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTIONS OF ANNEXATION  
PURSUANT TO N.C.G.S. 160A-58.2 AS AMENDED

WHEREAS, a petition requesting annexation of the non-contiguous area described herein has been received on May 12, 2021 by the Town of Mars Hill Board of Aldermen; and

WHEREAS, the Board of Aldermen has by Resolution directed the Town Clerk to investigate the sufficiency of said petition; and

WHEREAS, the certification by the Town Clerk as to the sufficiency of said petition has been made.


NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Mars Hill, North Carolina:

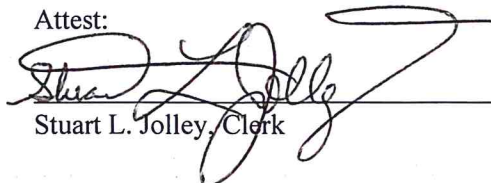
Section 1. That a Public Hearing on the question of annexation of the contiguous area described herein will be held at the Mars Hill Town Hall, 6:00 o'clock P.M. on the 30<sup>th</sup> day of August, 2021.

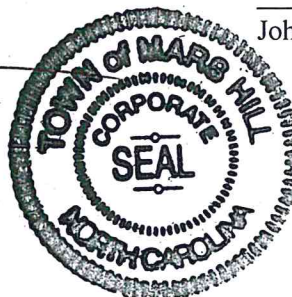
Section 2. The area proposed for annexation is described as follows:  
  
(Insert metes and bounds description) - See Attached "Exhibit 1"

Sections 3. Notice of said Public Hearing shall be published in The News Record-Sentinel, a newspaper having general circulation in the Town of Mars Hill, at least ten (10) days prior to the date of said Public Hearing.

ADOPTED this 2<sup>nd</sup> day of August 2021, by the Mayor and Board of Aldermen for the Town of Mars Hill, North Carolina.

  
John L. Chandler, Mayor

Attest:  
  
Stuart L. Jolley, Clerk



# Exhibit 1

# Town of Mars Hill



## PETITION REQUESTING A CONTIGUOUS ANNEXATION

DATE: 05/12/2021

TO: Board of Aldermen, Town of Mars Hill

1. We, the undersigned owners of real property, respectfully request that the area described in Paragraph 2 below be annexed to the Town of Mars Hill.
2. The area to be annexed is contiguous to the Town of Mars Hill and the boundaries of such territory are as follows:  
  
(Insert Legal Metes and Bounds Description of Boundaries or attach Deed)
3. A map, and/or survey plat is attached showing the area proposed for annexation in relation to the primary corporate limits of the Town.

PRINTED NAME

SIGNATURE

ADDRESS

1. Zeta Partners, Jonathan Corbin

*Jonathan Perrin Corbin*

dotloop verified  
05/11/21 7:31 AM EDT  
B1WG-GCMR-G4W5-8JO

138 Twin Courts Drive  
Weaverville, NC 28787

- 2.
- 3.
- 4.
- 5.



This certifies that there are no delinquent ad valorem taxes, or other taxes which the Madison County Tax Collector is charged with collecting, that are a lien on:

Parcel Identification Number 9747-54-0192

This is not a certification that this Madison County Parcel Identification Number matches this deed description.

James M. Ledford  
T. Collection Staff Signature

05-12-21  
Date

Filed: Madison County, NC

05/12/2021 04:12:10 PM

Mary Jane Wallin, Register of Deeds

**Excise Tax: \$300.00**

SPECIAL WARRANTY DEED

Excise Tax: \$ 300.00

Tax ID#: 9747-54-0192

Property Address: 10.91 Acres Cascade Street, Mars Hill, NC 28754

Mail to: John J. Miller III

Drawn by: Lancaster, Trotter & Poe, PLLC  
4430 Park Road  
Charlotte, NC 28209  
(704) 525-1702

STATE OF NORTH CAROLINA  
COUNTY OF MADISON

THIS INDENTURE Made this 11 day of MAY, 2021, between TD BANK, N.A., hereafter GRANTOR, and ZETA PARTNERS, LLC, hereafter GRANTEE. The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in MADISON County, North Carolina and more particularly described as follows:

See Exhibit "A" attached hereto and incorporated herein by reference.

Deed Reference: Book 714 Page 98

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to Grantee in fee simple.

And the Grantor covenants with the Grantee, the Grantor has done nothing to impair such title as Grantor received, and Grantor will

warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor.

IN WITNESS WHEREOF, the Grantor has hereunto set his hand, or if corporate, has caused this instrument to be signed in its corporate name by its duly authorized officers by authority of its Board of Directors, the day and year first above written.

TD BANK, N.A.

By: [Signature]  
Vice President

STATE OF South Carolina  
COUNTY OF GREENVILLE

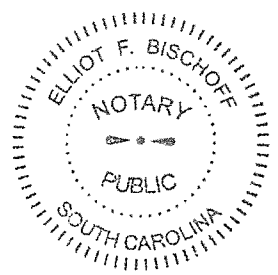
I, Elliot Bischoff a, Notary Public of the said County and State certify that Carol Farnsworth, personally came before me this day and acknowledged that (s)he is Vice -President of TD BANK, N.A., and that as Vice -President being authorized to do so, (s)he executed the foregoing on behalf of the corporation.

Witness my hand and official seal this 11 day of May, 2024.

[Signature]  
Notary Public

My Commission expires: 17 SEPTEMBER, 2024

(Notary Seal)



## Exhibit A

LYING AND BEING in No. 3 Township, Madison County, North Carolina adjoining the right of way of Highway 213 and being more particularly described as follows:

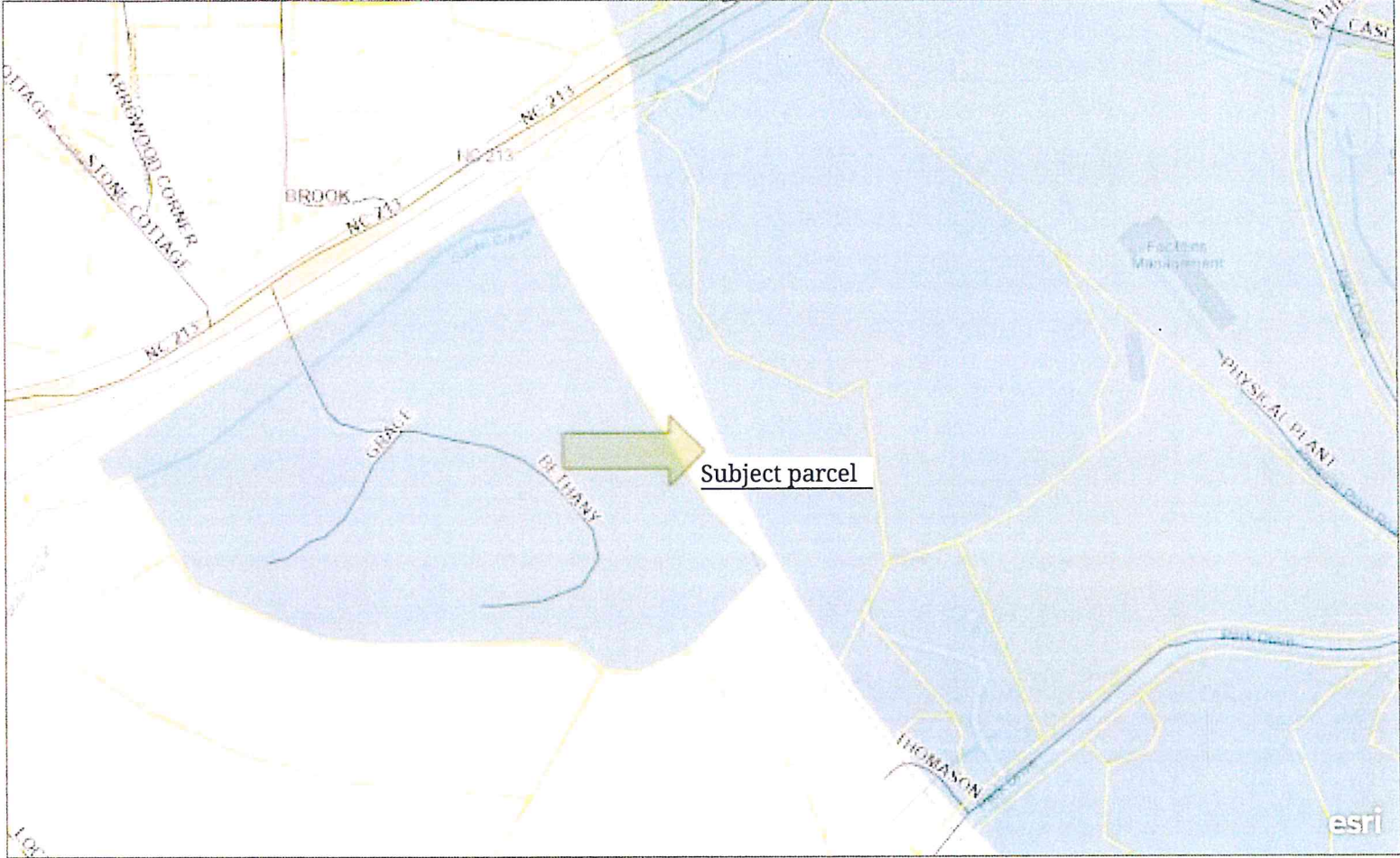
BEGINNING on an iron pipe set (no. 5 rebar) in the southeastern edge of the right of way of Highway 213 and in a common corner of property now or formerly owned by John O. Tilson as described in a deed recorded in the Madison County, North Carolina Registry in Deed Book 119, Page 435, said iron pipe is located N 58 07 59 E. 4.75 feet from a State Right of Way Monument, and run thence from the beginning point herein established and with the southeastern edge of the right of way of Highway 213, N 58 07 59 E 308.92 feet to an iron pipe set in the southeastern edge of said right of way of Highway 213 and in a common corner of property now or formerly owned by Simon E. Lipsky and wife, Carol K. Lipsky, as described in a deed recorded in the Madison County, North Carolina Registry in Deed Book 172, Page 725, which said iron pipe is located S 58 07 59 W 248.29 feet from a State Right of Way Monument; thence leaving the right of way of said Highway 213 and running with the line of said property now or formerly owned by Lipsky, S 28 53 56 E 21.86 feet to a point in the center of small branch; thence leaving said branch and continuing with the line of said property now or formerly owned by Lipsky as follows: S 50 15 00 E 21.83 feet to an existing 3/4 inch iron pipe with pinched top; S 50 15 00 E 81.45 feet to an existing 1/2 inch iron pipe with pinched top; S 26 03 00 E 96.07 feet to an existing 1/2 inch iron pipe with pinched top; S 02 50 00 W 92.83 feet to an existing 1/2 inch iron pipe with pinched top; S 03 02 00 E 141.96 feet to an existing 1/2 inch iron pipe with pinched top; S 35 30 00 E 120.79 feet to an existing 1/2 inch iron pipe with pinched top; S 69 48 00 E 255.60 feet to an existing 3/4 inch iron pipe with pinched top at dry spring; N 59 28 00 E 68.04 feet to an existing 3/4 inch iron pipe with pinched top 4 poles above said spring; thence continuing with the line of said property now or formerly owned by Lipsky, S 09 20 00 E 393.33 feet to an existing 3/4 inch iron pipe with pinched top in a common corner of property now or formerly owned by Arthur Thomason as described in a deed recorded in the Madison County, North Carolina Registry in Deed Book 93, Page 1, which said iron pipe is located S 69 43 09 W 159.87 feet from an existing 3/4 inch iron pipe with pinched top; thence running with the line of said property now or formerly owned by Thomason and with a fence, S 24 06 04 W 483.28 feet to an existing 3/4 inch iron water pipe in a common corner of property now or formerly owned by Harry H. Ledford as described in deed recorded in the Madison County, North Carolina Registry in Deed Book 124, Page 682, said iron water pipe being located at the terminus of the 4<sup>th</sup> call described in said deed recorded in said Registry in Deed Book 124, Page 682; thence running with the line of said property now or formerly owned by Ledford and with a fence, N 42 57 38 W 326.50 feet to an iron pipe set (No. 5 Rebar) in common corner of property now or formerly owned by John O. Tilson as described in said deed recorded in the Madison County, North Carolina Registry in Deed Book 119, Page 435; thence running with the line of said property now or formerly owned by Tilson and with a fence as follows: N 18 37 38 W 755.92 feet to a 36-inch dead white oak; N 32 04 49 W 317.37 feet crossing said small branch to the point of BEGINNING, containing 10.917 acres, more or less.

Save and except any releases, deeds of release or prior conveyances of record.

Said property is commonly known as 10.91 Acres Cascade Street Off Highway 213, Mars Hill, NC 28754.



# Madison County, NC Parcel Map



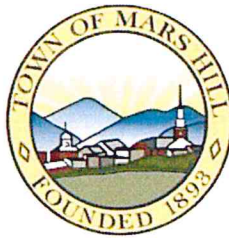
Shows parcels of Madison County, NC

300ft

Map data © OpenStreetMap contributors, Map layer by Esri

# ArcGIS Web Map





# Town of Mars Hill Mayor and Board of Aldermen

## RESOLUTION APPOINTING MEMBERS OF THE PLANNING AND ZONING BOARD FOR THE TOWN OF MARS HILL

**WHEREAS**, the Town of Mars Hill Mayor and Board of Aldermen adopted a new Zoning Ordinance for the Town of Mars Hill on June 7, 2021, as required by new statewide planning and zoning legislation, that being N.C.G.S. 160D, enacted by the North Carolina General Assembly; and

**WHEREAS**, that Zoning Ordinance revised and reconstituted the Planning and Zoning Board to be consistent with the provisions of N.C.G.S. 160D and the needs of the Town; and

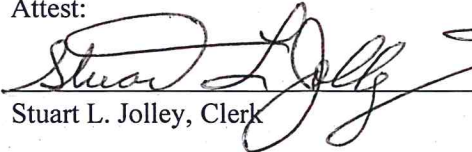
**WHEREAS**, the Planning and Zoning Board shall consist of five (5) members who reside within the Town and shall be appointed by the Mayor and Board of Aldermen to staggered two (2) year terms as defined in the Zoning Ordinance.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Board of Aldermen of the Town of Mars Hill, North Carolina:

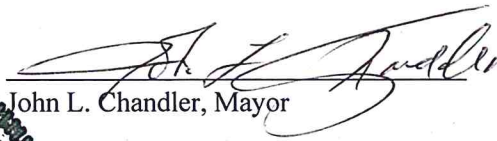
- Section 1. The existing Planning and Zoning Board membership is hereby dissolved and shall be reorganized consistent with N.C.G.S. 160D and the Zoning Ordinance for the Town of Mars Hill adopted on June 7, 2021.
- Section 2. The following individuals are appointed as members of the Planning and Zoning Board, consistent with the provisions of the Zoning Ordinance, for a full two (2) year term effective immediately and shall end on June 30, 2023: Bernard Briggs, Augusta Jenkins-Gladding, and Bruce Murray.
- Section 3. The following individuals are appointed as members of the Planning and Zoning Board, consistent with the provisions of the Zoning Ordinance, for an initial one (1) one year term effective immediately and shall end on June 30, 2022, and then upon expiration this initial term, these seats will become two (2) year appointment terms: Jeanne Hoffman and Tommy Justus.
- Section 4. This resolution shall be effective immediately upon adoption.

**ADOPTED** this 2<sup>nd</sup> day of August 2021, by the Mayor and Board of Aldermen for the Town of Mars Hill.

Attest:

  
Stuart L. Jolley, Clerk



  
John L. Chandler, Mayor