

**DRAFT**

9/6/13

**MINUTES**

CC: BOC  
Steve  
David  
Russ  
Amy

**STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS  
TUESDAY, SEPTEMBER 3, 2013**

The Henderson County Board of Commissioners met for a regularly scheduled meeting at 5:30 p.m. in the Commissioners' Meeting Room of the Historic Courthouse on Main Street, Hendersonville.

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

Also present were: Finance Director J. Carey McLelland, Interim Planning Director Autumn Radcliff, Engineer Marcus Jones, Research/Budget Analyst Amy Brantley, Director of Business and County Development John Mitchell, Assessor/Tax Collector Stan Duncan, Planner Matt Cable, Travel & Tourism Director Beth Cardin, PIO Christina Hallingse - videotaping, Deputy Jeff Banks and Sergeant John Ashe as security.

**CALL TO ORDER/WELCOME**

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

**RECOGNITION – BETTE CARTER**

The Board presented Bette Carter with a plaque in recognition of her retirement and service to the Henderson County Heritage Museum.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance to the American Flag was led by the Dana Wildcats 4-H Club and their leader.

**INFORMAL PUBLIC COMMENTS**

1. Dick Shaughnessy – Mr. Shaughnessy spoke in regard to an upcoming event, 911 Benghazi Memorial Ride, honoring fallen heroes who died on September 11, 2012 in Benghazi, Libya. The event will kick-off at the Veteran's Park in Columbus, NC at 11:00 a.m. with a program to follow at the Historic Courthouse in Hendersonville, NC.
2. Jane Bilello – Ms. Bilello spoke in regard to an upcoming event hosted by the Asheville Tea Party, "We Read the Constitution." To be held on Saturday, September 14, 2013 from 1:00 p.m. until 4:00 p.m. at Lake Julian, Pavilion #1, Arden, NC.
3. Peter Tintle – Mr. Tintle spoke in regard to the Oklawaha-Ecusta Trail. Mr. Tintle was so impressed with Downtown Hendersonville when visiting, that he has now relocated here. He is very interested in the Ecusta Trail which he feels is becoming closer to being a reality. Mr. Tintle would love to see a bike way to get to the trail.
4. Matt Matteson – Mr. Matteson requested to speak during the Regulation Review Advisory Committee presentation.
5. Mark Williams – Mr. Williams spoke on behalf of the Agriculture Advisory Committee Chair Theron Maybin. This has been a challenging year for agriculture in Henderson County. The total estimated loss is estimated at \$42,778,650 as a result of rainfall. Mr. Williams requested a resolution from the Board of Commissioners recommending aid from the Governor. Some farmers are in danger of losing their farms.
6. Marvin Owings – Mr. Owings provided additional information by handout to the Board in regard to the loss of crop and apple trees.

DATE APPROVED:

*Commissioner Thompson made the motion that the Board sends a Resolution to the Governor detailing the loss in Henderson County by farmers due to rainfall, requesting assistance. He further moved that a request be sent to other counties asking that they do the same. All voted in favor and the motion carried.*

**DISCUSSION/ADJUSTMENT OF AGENDA**

*Commissioner Hawkins made the motion to adopt the agenda as presented. All voted in favor and the motion carried.*

**CONSENT AGENDA**

*Commissioner Young 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):

August 28, 2013 – regularly scheduled meeting

**Tax Collector's Report**

Collections Specialist Luke Small had presented the Tax Collector's Report to the Commissioners dated August 23, 2013 for information only. No action was required.

**Financial Report/Cash Balance Report – July 2013**

The July 2013 County Financial Report/Cash Balance Report was provided for the Board's review and approval.

The following are explanations for departments/programs with higher budget to actual percentages for the month of July:

- Dues/Non-Profits – release of 1<sup>st</sup> quarter non-profit contribution payments to agencies
- Register of Deeds – encumbrance of \$81,883 in July for expenditures to be paid from the Register of
- Deeds Fund Balance Reserved for Automation Enhancement
- Information Technology – payments made in July for various technology maintenance and support contracts for departments approved in the FY2014 budget
- Fire Services – payment of annual fire districts worker's compensation premium
- EMS – purchase order encumbered for new ambulance approved in the FY2014 budget
- Rescue Squad – purchase order encumbered for new ambulance approved in the FY2014 budget
- Economic Development – release of 1<sup>st</sup> quarter payment to the Partnership for Economic Development
- Mental Health – payment of 50 percent maintenance of effort funding budgeted for FY2014
- Recreation – purchase of youth team soccer uniforms for the fall season

The YTD deficit in the Revaluation Reserve Fund is due to a \$23,921 annual payment made in July for enhancements to NCPTS, the County's ad valorem property tax system.

The YTD deficit in the Emergency Telephone System (911) Fund is due to the final debt service payment (\$107,037.04) being made in July on the 2008 bank loan secured to expand the current Emergency 911 Communications Center.

The YTD deficit in the CDBG – Scattered Site Housing Fund and the Upper Hickory Nut George PARTF Grant Project Fund is due to the timing difference between the expenditure of grant funds and subsequent reimbursement from the state.

The YTD deficit in the Immigration and Customs Enforcement (ICE) Fund is due to a timing delay in receiving payments – federal ICE revenues for July will not be received and posted until September 2013.

Motion:

*I move that the Board of Commissioners approve the July 2013 County Financial Report and Cash Balance Report as presented.*

**Henderson County Public Schools Financial Reports – July 2013**

The Henderson County Public Schools July 2013 Financial Reports were provided for the Board’s information.

Motion:

*I move that the Board of Commissioners approves the Henderson County Public Schools July 2013 Financial Reports as presented.*

**Review of proposed gift to county of lot and house in Mills River**

The County Attorney’s Office received the deed included in the agenda packet. It is an attempted gift to the County of a lot and manufactured home located in the Town of Mills River.

Under North Carolina law, the presumption of the acceptance of a gift can be overcome where there is “a dissent or renunciation by the grantee”. If the Board’s inclination is to decline this gift, notification of the same would be given to the attempted donor’s, and renunciation of the gift would be recorded in the Henderson County Registry.

The County Manager and his staff have reviewed this site, and are unaware of any plans for County use of this property. The Assessor and Collector’s Office have determined that the property is subject to one or more existing Deeds of Trust, and was the subject of a bankruptcy last decade.

*Ad valorem* real property taxes have been paid on the property through and including those due in 2012.

Motion:

*I move that the Board refuse the offered gift from Steve Morris and wife, Shawn Morris and Tammy Marsh and husband, Scott Marsh.*

**Pending Releases & Refunds**

The Pending releases and refunds had been reviewed by the County Assessor, and as a result of that review, it is the opinion of the Assessor that these findings are in order. Supporting documentation is on file in the County Assessor’s Office.

The following release and refund requests were submitted for approval by the Henderson County Board of Commissioners.

TYPE	REVENUE AMOUNT
Releases	\$8,235.78
Refunds	\$ 296.57

Motion:

*I move the Board approves the release report as presented.*

**Henderson County Transit Contract Amendment**

The Board of Commissioners previously authorized staff to enter into a contract for public transit services

with Western Carolina Community Action (WCCA) on May 17, 2011. The contract established service hour caps, payment caps, and hourly rates for the provision of transit and paratransit services. Modifications to the contract are needed for FY 2012 and FY 2013.

In FY 2012 WCCA provided an additional 246 hours of paratransit services beyond the original contract cap. Due to a higher than anticipated reimbursement rate from FTA, the local cost for the additional service provision was covered within the existing FY 2012 budget. The County's recent WCCA audit recommends the contract be amended to reflect the additional hours of paratransit service provided by WCCA and already paid for by the County.

In FY 2013 staff requested WCCA provide additional transit service to prevent service interruptions to Blue Ridge Community College created by NCDOT construction at the intersection of Upward Road and South Allen Road. Over the two week construction period in August 2012, additional hours of transit service were provided to continue service to Blue Ridge Community College. At the end of FY 2013 a total of 33.25 additional transit service hours accumulated beyond the original contract cap. The additional cost of service provision is covered within the existing FY 2013 budget as a result of a higher than anticipated reimbursement rate from FTA.

Motion:

*I move the Board authorizes the transit contract amendment.*

#### **Non-Profit Performance Agreements**

Subsequent to the approval of the FY 2013-2013 Budget, staff has distributed the funding agreements to the non-profit agencies receiving County allocations.

Staff requests the Board authorize the Chairman to execute the funding agreements and, in doing so, authorize the release of the first of the aforementioned agencies' quarterly allotments.

1. Community Development Council	\$ 1,000
2. Hendersonville Symphony Orchestra	\$10,000
3. Mainstay	\$ 9,900

Motion:

*I move the Board authorize the Chairman to execute the funding agreements and, in doing so, authorize the release of the first of the aforementioned agencies' quarterly allotments.*

#### **Petition for addition to State Road system**

Staff received a petition to add roads in Phase 1B and 1D of the Riverstone Subdivision (W. Swift Creek Road, Mud Creek Road, Alligator Drive, Tar River Road) to the state road system. It has been the practice of this Board to accept road petitions and forward them to NC Department of Transportation for their review. It has also been the practice of the Board not to ask NCDOT to change the priority for roads on the paving priority list.

Staff reviewed the petition and it appears that all affected property owners or developers have signed the required petition.

Motion:

*I move that the Board approves the petition and direct staff to forward it to NCDOT.*

#### **Surplus Vehicles**

Provided for the Board's consideration is a resolution declaring the list of Vehicles provided by the Sheriff

Department no longer used by the County as surplus property. The resolution also authorizes the Purchasing Agent to advertise the surplus property for sale by electronic public auction at [www.govdeals.com](http://www.govdeals.com) after the required advertisement of the sale.

Exhibit B – List of Vehicles declared surplus property

<u>Year</u>	<u>Make</u>	<u>Model</u>	<u>HC#</u>	<u>VIN#</u>	<u>Asset#</u>	<u>Mileage</u>	<u>Surplus Info</u>
2008	Dodge	Charger	SH212	2B3KA43H38H206064	13526	95,762	Left side damage
2007	Dodge	Charger	SH264	2B3KA43G87H736701	12480	123,243	Fair shape
2007	Dodge	Charger	SH277	2B3KA43GX7H709158	12472	98,787	Fair shape
2007	Dodge	Charger	SH286	2B3KA43G17H736703	12484	109,927	Fair shape
2008	Ford	F-150	SH307	1FTRW14W28FA42351	13957	89,749	Wrecked
2006	Chevrolet	Impala	SH519	2G1WS551769297729	12075	100,971	Fair shape
1999	Ford	Crown Vic	SH601	2FAFP71W3XX139218	10967	109,618	Fair shape

Motion:

*I move that the Board approves the resolution declaring the list of Vehicles presented as surplus and authorizes the Purchasing Agent to sell the surplus property via electronic public auction using GovDeals auction services.*

**2014 Holiday Schedule**

The proposed 2014 Holiday Schedule for Henderson County Local Government agencies is show below.

HENDERSON COUNTY  
2014 HOLIDAY SCHEDULE

<b>HOLIDAY</b>	<b>DATE(S)</b>	<b>WEEKDAY(S)</b>
New Year's Day	January 1, 2014	Wednesday
ML King, Jr.'s Birthday	January 20, 2014	Monday
Good Friday	April 18, 2014	Friday
Memorial Day	May 26, 2014	Monday
Independence Day	July 4, 2014	Friday
Labor Day	September 1, 2014	Monday
Veteran's Day	November 11, 2014	Tuesday
Thanksgiving	November 27 & 28, 2014	Thursday & Friday
Christmas	December 24, 25 & 26, 2014	Wednesday, Thursday & Friday

Motion:

*I move that the Board approves the 2014 Holiday Schedule as presented.*

**2013 Fall Litter Sweep Resolution**

The 2013 Fall LITTER SWEEP roadside cleanup, organized by the NC Department of Transportation, will be taking place September 21 through October 5, 2013. Henderson County encourages citizens in Henderson County to take an active role in making our community cleaner through participating in local litter sweep activities.

Motion:

*I move that the Board adopts the Resolution designating September 21 - October 5, 2013 as LITTER SWEEP time in Henderson County.*

**Notification of Vacancies**

Chairman Messer reminded the Board of the following vacancies and opened the floor to nominations:

1. Blue Ridge Community College Board of Trustees – 1 vac.
2. Cemetery Advisory Committee 7 vac.

**Nominations**

1. Hendersonville City Zoning Board of Adjustment - 1 vac.

Commissioner Hawkins nominated Ben Benton for position #4. *Chairman Messer made the motion to accept the appointment of Ben Benton to position #4 by acclamation. All voted in favor and the motion carried.*

2. Hospital Corporation Board of Directors – 8 vac.

Commissioner Edney noted that Carolyn Justus and Fielding Lucas had both chosen not to be reappointed. Mr. Fielding was present and was recognized by the Board for his service to the Hospital Corporation Board of Directors.

Commissioner Edney provided names of designated individuals for positions #12, #14, and #15.

Position #12 President of UNCH – Gary Park

Position #14 Chief Executive Officer of HCHC – Jay Kirby

Position #15 Chief of Medical Staff of HCHC– Ed Lilly

*Chairman Messer made the motion to accept the appointments of Ed Lilly to position #15, Jay Kirby to position #14, and Gary Park to position #12 by acclamation. All voted in favor and the motion carried.*

Commissioner Edney provided names of individuals nominated by UNCHCS.

Position #1 John Bell

Position #5 Joseph (Bill) Smith

Position #8 Bill Moyer

*Chairman Messer made the motion to accept the appointments of John Bell to position #1, Bill Smith to position #5, and Bill Moyer to position #8 by acclamation. All voted in favor and the motion carried.*

Commissioner Edney provided names of individuals nominated by HCHC.

Position #3 Rita Connor

Position #4 Peter Goodfield

Position #7 Peggy Judkins

Position #10 Hall Waddell

Position #11 Dr. Bill Medina

*Chairman Messer made the motion to accept the appointments of Rita Connor to position #3, Peter Goodfield to position #4, Peggy Judkins to position #7, Hall Waddell to position #10, and Dr. Bill Medina to position #11 by acclamation. All voted in favor and the motion carried.*

3. Juvenile Crime Prevention Council – 7 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. Senior Volunteer Services Advisory Council – 3 vac.  
There were no nominations at this time so this item was rolled to the next meeting.

6. Smartstart – 1 vac.  
There were no nominations at this time so this item was rolled to the next meeting.

**TOURISM DEVELOPMENT AUTHORITY AGREEMENT**

The Board is requested to discuss the current status of the County’s contract with the Tourism Development Authority.

County Manager Steve Wyatt noted that the Agreement approved by the Board of Commissioners in June had been signed and accepted by the Tourism Development Authority. He expressed his appreciation to Travel & Tourism Director Beth Cardin for focusing on important issues.

**FINAL RECOMMENDATIONS FROM THE REGULATION REVIEW ADVISORY COMMITTEE**

John Mitchell stated the Regulation Review Advisory Committee was formed by the Board of Commissioners to review the County’s Code of Ordinances, other regulations, and policies with an eye toward insuring that they are as conducive to economic growth as possible while meeting the broader public needs and expectations that led to their adoption. The committee was charged to report its findings within six months of its formation.

The Henderson County Regulation Review Advisory Committee (RRAC) was formed by the Henderson County Board of Commissioners to advise it on how County regulations could be modified to make the County more business-friendly, with an eye toward employment growth. The Committee held meetings on a bi-weekly basis, beginning in April 2013.

According to its charter, the committee presented its final report.

Chair Bert Lemkes stated the committee sought input from a number of sources. First, business and community groups that have an interest in the County Code were invited to address the RRAC, with specific issues. Groups that addressed the committee were: Henderson County AbriBusiness, The Henderson County Chamber of Commerce, the Hendersonville Homebuilders Association, the Henderson County Partnership for Economic Development, the Partnership for Economic Progress, and ECO. Second, a community survey was conducted using the County’s website, and email lists from partnering organizations. Finally, County staff reported on the use and functionality of the current code.

These recommendations were prepared using the meeting summaries, and feedback from members of the committee and after a lively discussion accepted by a majority vote to present to the Board of Commissioners in a future meeting. They are intended as recommendations for the Board of Commissioners to direct staff in addressing, as the Board sees fit. The recommendations are as follows:

**General**

- No central source for the Henderson County Code exists, that is easily accessible.

Recommendation: the code should be placed online, indexed and searchable.

**Text Amendments**

- Alcohol consumption and sale is not permitted on county owned property.

Recommendation: review the Facility Use Policy

- Retail business signage regulations, particularly those relating to direct sales of local agricultural products, in the Land Development Code are burdensome to agriculture.

Recommendation: review the on and off premises signs portion of the Land Development Code

- Some setbacks from right of ways are burdensome to commercial development.

Recommendation: review roadway setbacks in the Land Development Code

- The Minimum Housing Code restricts workforce housing options for agricultural businesses.

Recommendation: review agricultural workforce housing in the Minimum Housing Code

Recommendation: coordinate with relevant organizations to promote affordable workforce housing

### **Regulatory Review Process**

- The regulatory review process is too lengthy and cumbersome for some business development projects.

Recommendation: review the permitting process for potential development projects

Recommendation: develop an on request, expedited development process, which may include compressed scheduling of required public hearings

Recommendation: review the possible expansion of permitted uses in the zoning districts

### **Business and Community Development**

- The process for appealing permitting decisions is not clear.

Recommendation: develop a communications plan to make the appeal process more Accessible and easily understood

### **Permitting**

- Permitting fees for commercial development projects are higher than those of other counties in the region.

Recommendation: review the fee structure for commercial permits

- Environmental health is not part of the “one-stop shop” for county permitting.

Recommendation: review the location of environmental health permitting, and consolidate into the “one-stop shop” for county permitting

Committee member Matt Matteson felt the committee had done a great job and ask that the Board look at how Major Subdivisions are defined, and address bonding issues.

Commissioner Hawkins also felt that issues concerning the environment such as with Seven Falls, need to be addressed.

## **RESOLUTIONS FOR HENDERSON COUNTY'S CDBG 2012 N.C. CATALYSE PROGRAM FOR DODD MEADOWS**

John Mitchell stated Henderson County was recently awarded the 2012 N.C. Catalyst grant in the amount of \$454,960 on behalf of Henderson County Habitat for Humanity's Dodd Meadows neighborhood located off Crest Road. The Community Development Block Grant (CDBG) funds will be used to support Henderson County Habitat for Humanity's Dodd Meadows residential development for moderate and low income persons in the County. Up to \$250,000 of the grant would be used for road and utility improvements to serve new residential homes. The grant will fund road improvements; including paving, curbing, and storm water drainage improvements, as well as, public water and sewer extension for a portion of phase two of the Dodd Meadows project. Up to an additional \$250,000 would be used to fund the construction of a community center within the Dodd Meadows development that would serve the Dodd Meadows neighborhood as well as



the broader community.



#### Project History

- Summer 2012 – Henderson County Habitat for Humanity requests the County apply for CDBG funds on their behalf.
- Summer 2012 - On Behalf of Henderson County, Land of Sky Regional Council prepares grant application.
- November 2012 – Project application approved by Henderson County and sent to N.C. Department of Commerce.
- April 2013 - Notice of grant project award received by Henderson County.

#### Project Overview

- Henderson County was awarded the 2012 N.C. Catalyst grant in the amount of \$454,960 on behalf of Henderson County Habitat for Humanity's Dodd Meadows neighborhood.
- Up to \$250,000 of funds will provide road improvements; including paving, curbing, and storm water drainage improvements, as well as, public water and sewer extension for a portion of phase two of the Dodd Meadows project. Improvements are for moderate and low income persons in the County.
- The Dodd Meadows neighborhood will consist of 2, 3, and 4 bedroom homes, and will be open to

senior citizens and those with disabilities as well as families.

- Up to an additional \$250,000 would be used to fund the construction of a community center within the Dodd Meadows development that would serve the Dodd Meadows neighborhood as well as the broader community. (Staff does not anticipate to expend this full \$250,000 amount) The community center will be open to all Henderson County residents and the Homeowners Association will be responsible for upkeep and maintenance.

**Grant Agreement & Funding Approval**

- Two primary documents that must be signed and returned immediately for acceptance of the grant.
  - Funding Approval- Notifies County of the grant award amount and the necessary steps required by the N.C. Department of Commerce to complete the project
  - Grant Agreement- is the contract between the County and State that states that the County will comply with all applicable State and Federal regulations (same agreement used with current and past County grants)

**Next Steps**

- Board approves grant agreement and funding approval
  - County has until November 3, 2013 to complete the funding conditions before the release of funds is authorized
- Board denies grant agreement and funding approval and funds are redistributed to another grant application

*Commissioner Thompson made the motion that the Board approves and adopts the Resolution accepting the 2012 N.C. Catalyst Program for Dodd Meadows Grant Agreement and Funding Approval; and that the Board approves and adopts the Resolution Authorizing the Business and Community Development Director to sign N. C. Commerce Department Reports and Documents; and that the Board approves and adopts the project budget amendment for the 2012 N.C. Catalyst Grant for Dodd Meadows. All voted in favor and the motion carried.*

Commissioner Edney requested that follow-up be done by the Planning Department.

**COUNTY MANAGER'S REPORT**

*Commissioner Hawkins made the motion that the Board approves and endorses the 911 Benghazi Memorial Ride, supporting the event on September 11, 2013. All voted in favor and the motion carried.*

**IMPORTANT DATES**

Set Public Hearing for Rezoning Application #R-2013-02

*Chairman Messer made the motion that the Board schedules a public hearing for rezoning application #R-2013-02 for Wednesday, September 18, 2013 at 9:00 a.m. All voted in favor and the motion carried.*

**ADJOURN**

*Commissioner Thompson made the motion to adjourn at 7:05 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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Charles D. Messer, Chairman