

**DRAFT**

9/19/2013

cc: BoC  
Steve  
David  
Russ  
Amy

MINUTES

STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS  
WEDNESDAY, SEPTEMBER 18, 2013

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

Those present were: Chairman 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: Interim Planning Director Autumn Radcliff, Engineer Marcus Jones, Research/Budget Analyst Amy Brantley, Assessor/Tax Collector Stan Duncan, HR Director Jan Prichard, Planner Matt Champion, Social Work Program Administrator Jerrie McFalls, DSS Director Eric Bush, Planner Matt Cable, IT Director Becky Snyder, Income Maintenance Administrator Sandy Morgan, Sheriff's Department PIO Frank Stout, Central Services Manager David Berry, Environmental Program Coordinator Megan Piner, Director of Communications Lisha Stanley, Director of Business and County Development John Mitchell, Deputy County Attorney Sarah Zambon, Fire Marshal Rocky Hyder, PIO Christine Hallingse, videotaping, and Deputy Jeff Banks as security.

CALL TO ORDER/WELCOME

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

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American Flag was led by Carolyn Justus.

RESOLUTIONS OF APPRECIATION – FIELDING LUCAS AND CAROLYN JUSTUS

Chairman Messer recognized Fielding Lucas and Carolyn Justus. Both have served on various boards and committees. The Commissioners commended both for their public service. In every position they have served, things were much better when they left than when they stated.

Chairman Messer presented both with resolutions.

PUBLIC HEARING

**Public Hearing on Rezoning Application #R-2013-02**

*Commissioner Hawkins made the motion that the Board go into public hearing in regard to Rezoning Application #R-2013-02. All voted in favor and the motion carried.*

Planner Matt Champion stated Rezoning Application #R-2013-02, which was initiated on June 20, 2013, requests the County rezone approximately 74.68 acres of land (thereafter the "subject area"). On June 30, 2013 the Town of Mills River de-annexed twelve (12) individual parcels of land through North Carolina House Bill 671. Henderson County has 90 days, or until September 28, 2013 to determine and apply a County zoning designation to the subject area. The Planning Department recommends rezoning the Subject Area from a Mills River Mixed Use (MR-MU) zoning district to a Residential Two Rural (R2R) zoning district. The Subject Area is accessed off and surrounds Old Pole Bridge Road approximately 0.75 miles from the intersection of Turnpike Road and Old Pole Bridge Road.

The Henderson County Planning Board considered rezoning application #R-2013-02 at its regularly scheduled meeting on August 15, 2013. During that meeting, the Planning Board voted unanimously to send

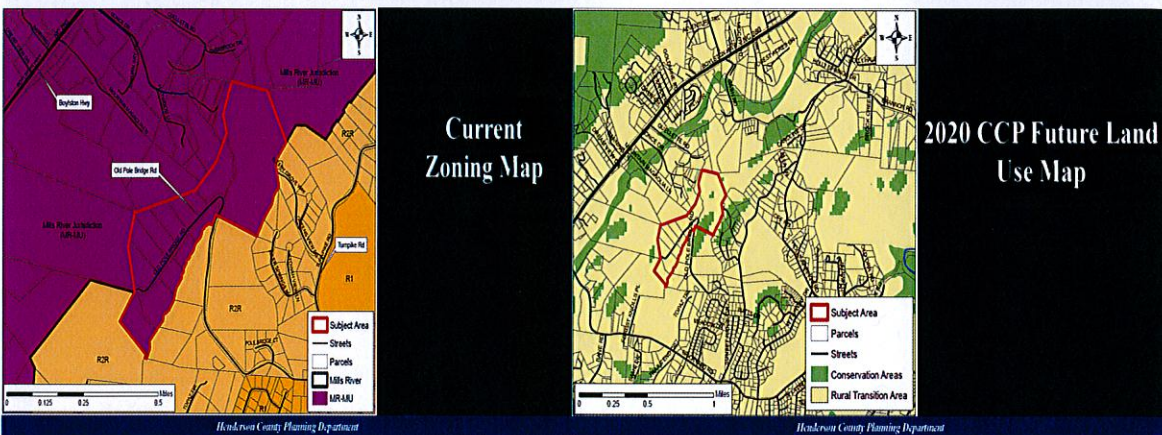
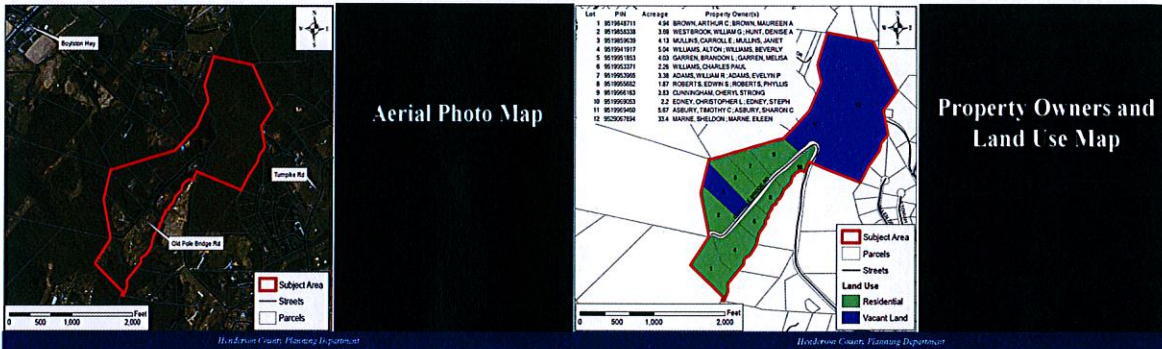
DATE APPROVED:

forward a favorable recommendation on rezoning application #R-2013-02 to rezone the Subject Area to Residential Two Rural (R2R).

Before taking action on the application, the Board of Commissioners must hold a public hearing. In accordance with §200A-314(C) and §200A-337(B) of the Henderson County Land Development Code and State Law, notices of the September 18, 2013, public hearing regarding rezoning application #R-2013-02 were published in the Hendersonville Tribune on September 5, 2013 and September 12, 2013. The Planning Department sent notices of the hearing via first class mail to the owners of properties adjacent to the Subject Area and the Subject Area property owner on September 4, 2013 and posted signs advertising the hearing on the Subject Area on September 4, 2013.

After holding the required hearing, Planning Staff recommends that the Board of Commissioners approve the application to rezone the Subject Area to a Residential Two Rural (R2R) zoning district. State law requires that the Board adopt a written statement of consistency with the County Comprehensive Plan (CCP). A draft resolution is provided.

### Rezoning #R-2013-02 Mills River Rezoning (De-Annexation)





**Public Input**

There was none.

*Commissioner Hawkins made the motion to go out of public hearing. All voted in favor and the motion carried.*

*Commissioner Thompson made the motion that the Board adopts the resolution regarding the consistency with the CCP, and further moved that the Board adopts the proposed map amendment. All voted in favor and the motion carried.*

**INFORMAL PUBLIC COMMENTS**

1. Pam Danz – Ms. Danz is Chair of the Environmental Advisory Committee. The committee has considered the issue of banning plastic bags. They are not prepared to accept a ban on plastic bags imposed by the local government. The committee suggests that Commissioners issue an annual certificate of appreciation to the retail establishment which manage to cut their per capita customer use of plastic bags in Henderson County. The EAC would accept the responsibility of ascertaining the winner and printing up the certificate.

**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):  
September 3, 2013 – regularly scheduled meeting

**Tax Collector's Report**

Collections Specialist Luke Small had presented the Tax Collector's Report to the Commissioners dated September 6, 2013 for information only. No action was required.

**Beaver Management Assistance Program**

Henderson County has participated in the Beaver Management Assistance Program in previous years, though last year we did not participate in the program. This program is a cost share program, and is managed through the North Carolina Wildlife Resources Commission. Citizens who elect to participate in the program are able to take advantage of a much lower cost for dealing with beaver management. Henderson County's share of the program is \$4,000. The program year begins October 1, 2013 and runs through September 30, 2014.

Motion:

*I move the County Engineer sign the Beaver Management Assistant form, electing to participate in the program for the 2013-2014 year.*

**Nominations**

1. Blue Ridge Community College Board of Trustees – 1 vac.

Commissioner Edney nominated Stanley Cooper for position #4. *Commissioner Hawkins made the motion to accept the appointment of Stanley Cooper to position #4 by acclamation. All voted in favor and the motion carried.*

2. Cemetery Advisory Committee – 7 vac.

Commissioner Thompson nominated for reappointment, Carroll Scott for position #1, Jennie Giles for position #2, James Jackson for position #3, Karen Carswell for position #4, John Boyd for position #5, and Leon Pace for position #7. *Chairman Messer made the motion to accept the reappointments by acclamation. All voted in favor and the motion carried.*

3. Juvenile Crime Prevention Council – 7 vac.

Chairman Messer nominated Lee Bradley for position #25. *Chairman Messer made the motion to accept the appointment of Lee Bradley to position #25 by acclamation. The motion passed 4-1 with Commissioner Young voting nay.*

Commissioner Thompson recognized the reasoning for Commissioner Young's nay vote. Lee Bradley does not reside in Henderson County, but works in Henderson County. The JCPC has a large membership, and it is very hard to keep these positions filled. He felt it was necessary to suspend the rules and allow Mr. Bradley's appointment.

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.

**SMOKY MOUNTAIN CENTER LME UPDATE**

Brian Ingraham, Chief Executive Officer with the Smoky Mountain Center LME, provided the Board with an update on the consolidation of Smoky Mountain Center and Western Highlands. He noted that it was a State decision to discontinue the contract with Western Highlands, and a merger was planned with Smoky Mountain. A Management Agreement has been successfully completed. Beginning October 1, 2013, Western Highlands will exist only by contract through Smoky Mountain for approximately one (1) year until the final consolidation and merger are complete. The new board will determine the name. Legislative House Bill 191 now requires compliance of legislation and regulations beginning October 1, 2013.

County Manager Steve Wyatt explained that the Board is made up of 21 members and does not equally represent the twenty-three (23) counties in the region. Mr. Wyatt suggested requesting that legislation look at member representation for each county in the near future. He reminded the Board of hours spent during the budget process to determine the expenditure of MOE (maintenance of effort) funds. He would like to see a greater accountability of how funds are spent.

Mr. Ingraham stated the MOE funds would be managed to the greatest extent to consumers with as much leverage as possible. The primary needs are access to care, outpatient care for substance abuse, psychiatry, and treatment.

**DSS INFORMATIONAL UPDATE – DIRECTOR INTRODUCTION**

The September DSS Informational Update is dedicated to the introduction of Eric Bush, the new Henderson County DSS Director. Mr. Bush’s first day with Henderson County was September 16, 2013.

Steve Wyatt introduced the new DSS Director Eric Bush, previously from Dublin County. Mr. Bush shared personal information in regard to previous jobs and his family. The Commissioners welcomed him aboard.

**HENDERSON COUNTY EDUCATION HISTORY INITIATIVE UPDATE**

Rick Wood, with the Henderson County Education History Initiative, provided the Board with an update on recent activities. Their goal is to methodically seek, collect and organize all know information about education in Henderson County, so that an accurate history can be documented, preserved and made available in accessible forms for present and future generations.

Recent and upcoming events include:

Rosa Edwards Celebration	March 15, 2012
Ninth Avenue – Sixth Avenue Marker Rededication	June 20, 2012
Edneyville Marker Celebration	May 5, 2013
Flat Rock Marker Celebration	October 5, 2013
Tuxedo, Valley Hill, and East Flat Rock Marker Celebrations	Fall of 2013
Dana, Etowah, Balfour, Fletcher, Mills River Marker Celebrations	Coming Soon

Meetings are held on the 4<sup>th</sup> Wednesday of each month.

**BOARD APPROVAL OF NC 911 BOARD GRANT – PUBLIC SAFETY ANSWERING POINT (PSAP OR 911 CENTER) RELOCATION PROJECT**

Marcus Jones stated following the February 4, 2013 Board Meeting, the project team for the relocation of the County PSAP (911 Center) began the programming and preliminary design for the new Center. The next step was development and submission of the grant application to the North Carolina 911 Board on April 17, 2013. Taking advantage of all possible grant eligible criteria for a completely new and state of the art PSAP, the grant application estimate was \$5,700,000. In addition, the grant eligibility for 2013 changed to allow

not only equipment but facility construction as well. On July 2, 2013, the NC 911 Board sent the attached letter to Lisha Corn Stanley, Communications Director, announcing the award of a reduced grant for \$3,600,000. The project team subsequently reviewed the project scope to meet the awarded budget.

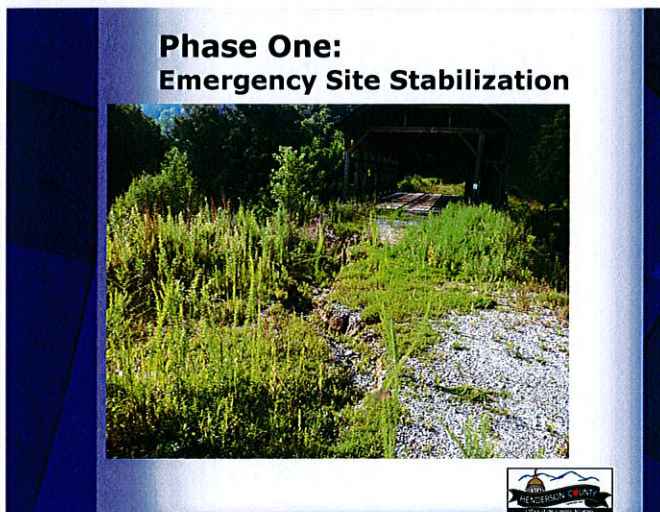
The Grant Contract from the 911 Board was provided for approval.

Marcus Jones noted that a back-up system is not required and has been removed from the contract. No additional funds are being used.

*Commissioner Hawkins made the motion that the Board authorizes the County Engineer to execute the required documents for the 911 Board Grant Contract. All voted in favor and the motion carried.*

### **SEVEN FALLS SITE STABILIZATION UPDATE**

County Attorney Russ Burrell provided a brief update on the emergency site stabilization project at Seven Falls subdivision.

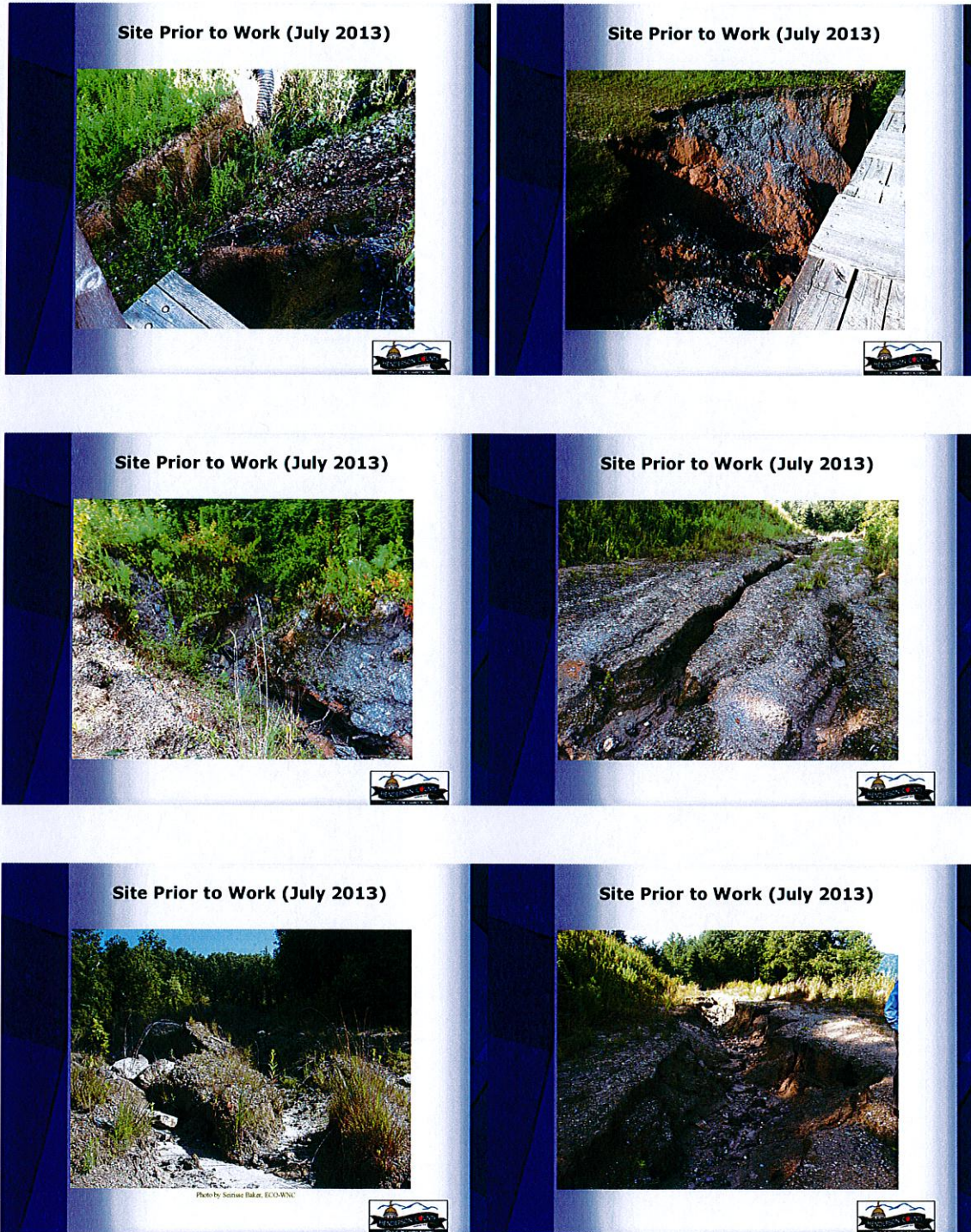


#### Status Summary

- Work is well underway on the emergency site stabilization phase of subdivision infrastructure construction.
- Purpose was two-fold:
  - Stop environmental degradation.
  - Lowering eventual cost of infrastructure construction

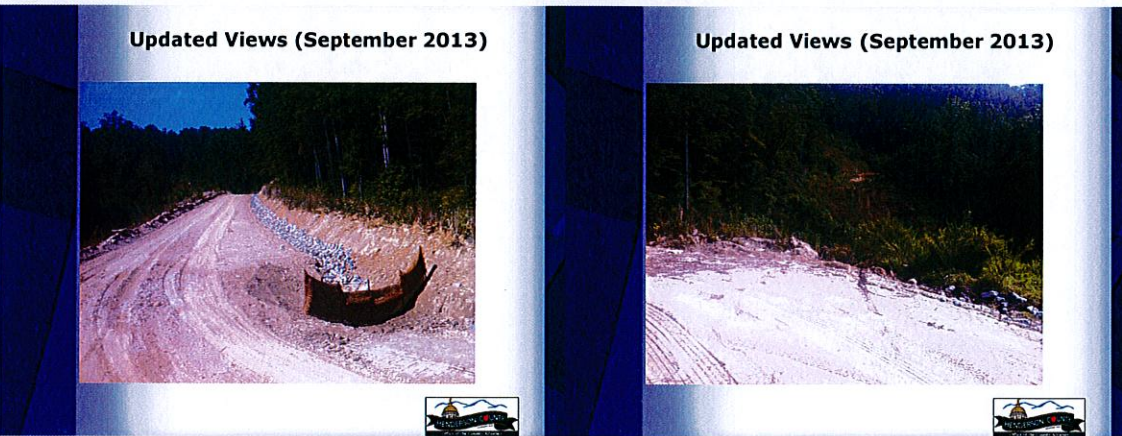
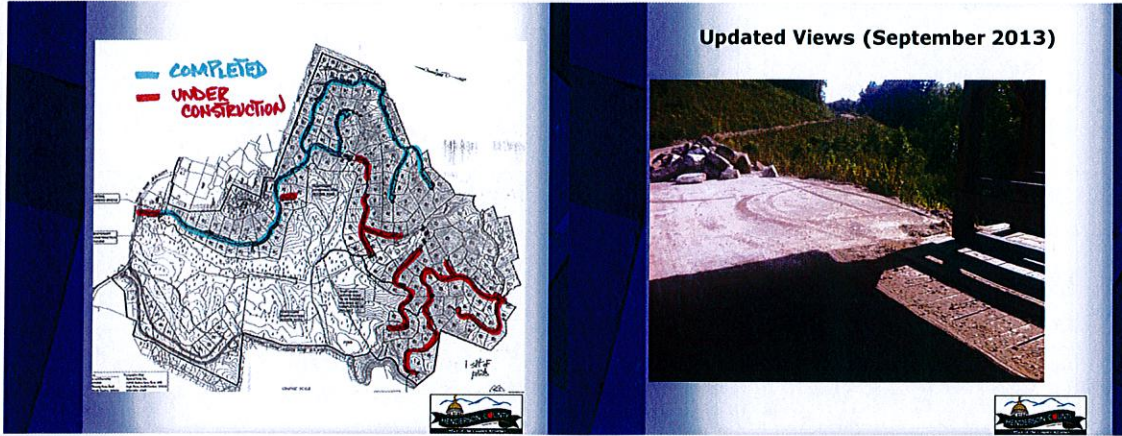
#### Progress

- Contract was awarded to Thunder Disaster Service, Inc., after Court and Board of Commissioners approval.
- Work on site began in early August.
- The weather has not been wholly cooperative, but work has progressed.

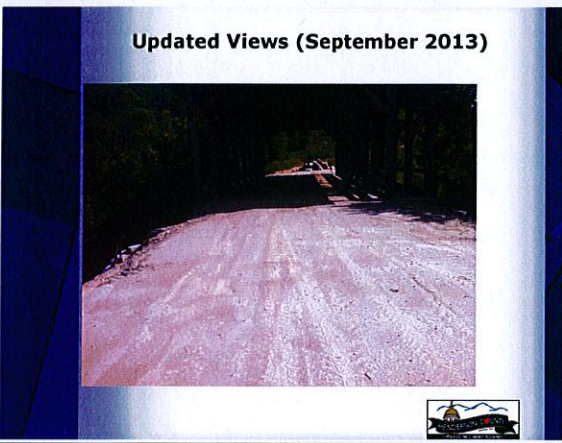


**Progress**

- PROJECT 50% COMPLETE, PER ENGINEER'S ESTIMATE.
- PLEASED WITH THE "DILIGENT" WORK OF THE CONTRACTOR, EVEN WITH THE RAINS OCCURRING DURING THE TIME THE CONTRACTOR HAS BEEN ON THE JOB.
- WEATHER PERMITTING, THE PROJECT WILL CONTINUE TO MOVE FORWARD WITH NO SIGNIFICANT COST CHANGES.








For the Future

- Next review for the Board should show the work in this phase as completed.
- Currently allowing time for property-owners, lenders, and anyone with a property interest in the subdivision to create their own plans for installing the subdivision infrastructure within the funds remaining. Any plans must be proposed to and approved by the Court after hearing.
- If no plans are forthcoming or approved, the County will propose a plan for completing as much of the subdivision infrastructure, and serving as many of the lots, as possible within the remaining money from the bond proceeds. The County will seek a hearing, and Court approval, of such a plan. All those with a property interest in the subdivision will have the right to be heard at the Court hearing.

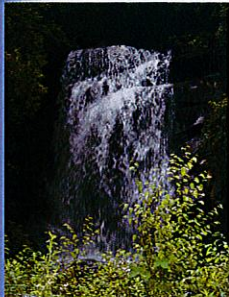
**Conclusion**



The project as envisioned — as sold to purchasers and lenders — won't happen.

Not the fault of the County; completely correcting any wrongs is not the County's responsibility.

**Conclusion**



**But** the County **is** going to do as much as we can to complete the subdivision without wasting tax dollars.

Mr. Tom Cooper, a property owner, noted that several property owners have allowed their property to go back to the bank. He asked that the Board consider allowing the remaining property owners to provide qualified input at a later meeting.

**COUNTY MANAGER'S REPORT**

Steve Wyatt introduced Craig DeBrew, the new Blue Ridge area District Manager for Duke Energy. He explained that Craig was the new "Sandy Tallent" of Duke Energy.

Mr. Wyatt informed the Board that ABC Board Chair Beau Waddell is to address the Board in October in regard to their decision to disband the ABC Board in August. Mr. Waddell would also provide an account of their expenditures.

Commissioner Young noted the retirement scheduled for December of Public Health Director Tom Bridges. He informed the Board that the Board of Health is in the process of finding an interim director to serve while continuing the hiring process for a new director.

**IMPORTANT DATES**

The Board is requested to set a public hearing for the FY 2014 Rural Operating Assistance Program (ROAP) Application to the NCDOT for Monday, October 7, 2013 at 5:30 p.m.

*Chairman Messer made the motion that the Board set a public hearing regarding the FY 2014 Rural Operating Assistance Program grant application for Monday, October 7, 2013 at 5:30 p.m. All voted in favor and the motion carried.*

Commissioner Hawkins noted a meeting of the Joint School Facilities Committee to be held Tuesday, September 24, 2013 at 10:00 a.m. in the Commissioners Meeting Room.

**CLOSED SESSION**

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

1. Pursuant to N.C. Gen. Stat. §143-318.11(a)(3), To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged.
2. Pursuant to N.C. Gen. Stat. §143-318.11(a)(6), to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee, or to hear or investigate a complaint, charge or grievance against an individual public officer or employee.

*Commissioner Edney made the motion that the Board go into closed session pursuant to N.C. Gen. Stat. §143-318.11(a)(3)&(6) for the reasons set out in the Request for Board Action in the Board's agenda packet. All voted in favor and the motion carried.*

**ADJOURN**

*Commissioner Hawkins made the motion to go out of closed session and adjourn at 11:55 a.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



## **RESOLUTION OF CONSISTENCY WITH THE COUNTY COMPREHENSIVE PLAN**

**WHEREAS**, pursuant to N.C. General Statute §153, Article 18, the Henderson County Board of Commissioners exercises regulations relating to development within the County's jurisdiction; and

**WHEREAS**, the Henderson County Board of Commissioners (Board) adopted the Land Development Code (LDC) on September 19, 2007 and has amended the LDC to address new and changing issues;

**WHEREAS**, the Board desires to update and revise the regulations of the LDC; and

**WHEREAS**, the Planning Director and Planning Board provided recommendations regarding the proposed zoning map amendment with case #R -2013-02; and

**WHEREAS**, pursuant to N.C. General Statute §153-323, the Planning Director provided the prescribed public notice and the Board held the required public hearing on September 18, 2013; and

**WHEREAS**, N.C. General Statute §153-341 requires the Board to adopt a statement of consistency with the County Comprehensive Plan (CCP); and

**NOW THEREFORE, BE IT RESOLVED** by the Henderson County Board of Commissioners as follows:

1. That the Board reviewed the proposed map amendment (#R -2013-02 Mills River Rezoning) and finds that it reasonable, in the public interest and it is consistent with the CCP and the Growth Management Strategy located therein; and
2. That the Board determines that the proposed map amendment provides for the sound administration of the LDC while balancing property rights and promoting reasonable growth within the County; and
3. That this Resolution shall be retained in the Office of the Clerk to the Board of Commissioners.

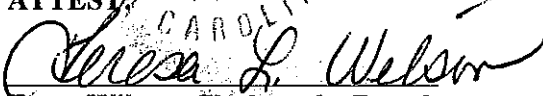
THIS the 18<sup>th</sup> day of September, 2013.

HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: 

CHARLIE MESSER, Chairman

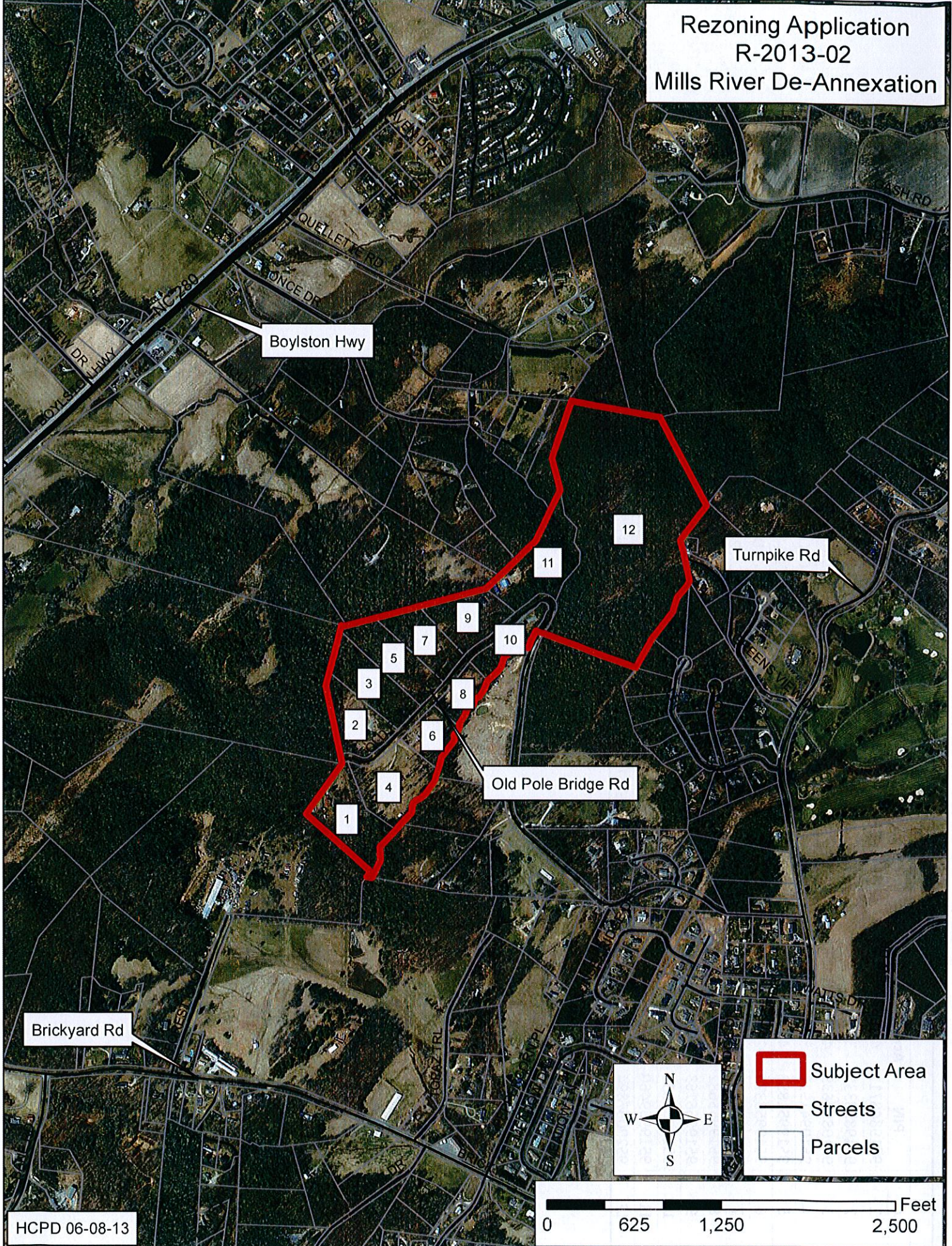
ATTEST:



Terry Wilson, Clerk to the Board

[COUNTY SEAL]

Rezoning Application  
R-2013-02  
Mills River De-Annexation



Boylston Hwy

Turnpike Rd

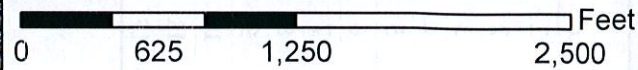
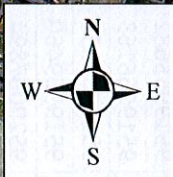
Old Pole Bridge Rd

Brickyard Rd

Subject Area

Streets

Parcels



# HENDERSON COUNTY TAX COLLECTOR

200 NORTH GROVE STREET, SUITE 66

HENDERSONVILLE, NC 28792

PH: (828) 697-5595 | FAX: (828) 698-6153

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

Friday, September 06, 2013

## Re: Tax Collector's Report to Commissioners – 18 September 2013 Meeting

Please find outlined below collections information through 05 September 2013 for the 2013 bills mailed out on 08 August 2013, as well as registered motor vehicle bills. As a point of reference, we also have included collections information as of the same date last year.

### Annual Bills G01 Only:

**2013 Beginning Charge:** \$57,418,375.81  
Discoveries & Imm. Irreg.: \$218,938.68  
Releases & Refunds: (\$147,828.52)  
**Net Charge:** \$57,489,485.97  
Unpaid Taxes: \$49,910,991.38  
Amount Collected: \$7,578,494.59  
**Percentage Collected:** 13.18%  
Through: 5-Sep-2013

**2012 Beginning Charge:** \$57,762,879.15  
*Discoveries & Imm. Irreg.:* \$104,033.22  
*Releases & Refunds:* (\$21,263.56)  
**Net Charge:** \$57,845,648.81  
Unpaid Taxes: \$53,018,748.08  
*Amount Collected:* \$4,826,900.73  
**Percentage Collected:** 8.34%  
Through: 5-Sep-2012

### Motor Vehicle Bills G01 Only:

**2013 Beginning Charge:** \$1,640,335.55  
Discoveries & Imm. Irreg.: \$918.96  
Releases & Refunds: (\$25,971.97)  
**Net Charge:** \$1,615,282.54  
Unpaid Taxes: \$809,406.58  
Amount Collected: \$805,875.96  
**Percentage Collected:** 49.89%  
Through: 5-Sep-2013


**2012 Beginning Charge:** \$1,548,692.82  
*Discoveries & Imm. Irreg.:* \$1,300.59  
*Releases & Refunds:* (\$25,024.66)  
**Net Charge:** \$1,524,968.75  
Unpaid Taxes: \$777,393.43  
*Amount Collected:* \$747,575.32  
**Percentage Collected:** 49.02%  
Through: 5-Sep-2012

### Fire Districts All Bills:

**2013 Beginning Charge:** \$6,578,373.59  
Discoveries & Imm. Irreg.: \$35,487.72  
Releases & Refunds: (\$26,714.93)  
**Net Charge:** \$6,587,146.38  
Unpaid Taxes: \$5,657,583.68  
Amount Collected: \$929,562.70  
**Percentage Collected:** 14.11%  
Through: 5-Sep-2013

**2012 Beginning Charge:** \$6,561,668.37  
*Discoveries & Imm. Irreg.:* \$11,340.34  
*Releases & Refunds:* (\$6,596.54)  
**Net Charge:** \$6,566,412.17  
Unpaid Taxes: \$5,943,484.33  
*Amount Collected:* \$622,927.84  
**Percentage Collected:** 9.49%  
Through: 5-Sep-2012

Respectfully submitted,



Luke Small  
Collections Specialist

Stan C. Duncan  
Tax Collector