

DRAFT
6/3/14
MINUTES

cc: Boc
Steve
Amy
Russ

**STATE OF NORTH CAROLINA
COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS
MONDAY, JUNE 2, 2014**

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, Assistant County Manager Amy Brantley, Attorney Russ Burrell and Clerk to the Board Teresa Wilson.

Also present were: PIO Kathryn Finotti (video-taping), Finance Director J. Carey McLelland, Planning Director Autumn Radcliff, Sheriff Charlie McDonald, Recreation Director Tim Hopkin, Fire Marshal Rocky Hyder, Engineer Marcus Jones, Budget Analyst Megan Powell, Soil & Water Conservation District Director Jonathan Wallin, Internal Auditor Darlene Burgess, IT Director Becky Snyder, Public Health Director Steve Smith, Registrar of Deeds Nedra Moles, Environmental Health Supervisor Seth Swift, Building Services Director Tom Staufer, Elections Director Beverly Cunningham, Deputy County Attorney Sarah Zambon, DSS Director Eric Bush, Assessor/Tax Collector Stan Duncan, Environmental Programs Coordinator Rachel Hodge, Director of Business and County Development John Mitchell, Animal Services Director Brad Rayfield, Veteran's Affairs Director Mike Murdock, Planner Matt Champion, Assistant Fire Marshal Wally Hollis, Captain Steve Carter, HR Director Jan Prichard, Corporal Brent Hall and Corporal Jeff Banks as security.

CALL TO ORDER/WELCOME

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

INVOCATION

Commissioner Thompson provided the invocation.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American Flag was led by MacKenzie Moore of the Sew N Sews 4-H Club.

Commissioner Hawkins noted a short program would be held on Friday, June 6th at 10:00 a.m. in the Courtyard of the Historic Courthouse in observance of the 70th anniversary of D-Day.

RESOLUTION- Designating July as Month of Acceptance and July 3rd a Day of Acceptance

Mr. Adam Farris had requested that the Board of Commissioners adopt a Resolution designating July as Month of Acceptance and July 3rd a Day of Acceptance. Commissioner Edney read the resolution.

Commissioner Edney made the motion to that the Board adopts the resolution designating July as Month of Acceptance and July 3rd a Day of Acceptance. All voted in favor and the motion carried.

PUBLIC HEARINGS

REZONING APPLICATION #R-2014-04 / Hendersonville ETJ Removal

Chairman Messer made the motion that the Board go into public hearing regarding rezoning application #R-2014-04. All voted in favor and the motion carried.

Planner Matt Champion Rezoning Application #R-2014-04, which was initiated on April 3, 2014, requests the County rezone approximately 40.09 acres (thereafter the "Subject Area") of land. On April 3, 2014 the City of Hendersonville City Council approved a request to remove thirty-four (34) individual parcels of land from the City of Hendersonville's Extra Territorial Jurisdiction through Ordinance #14-0426. Henderson

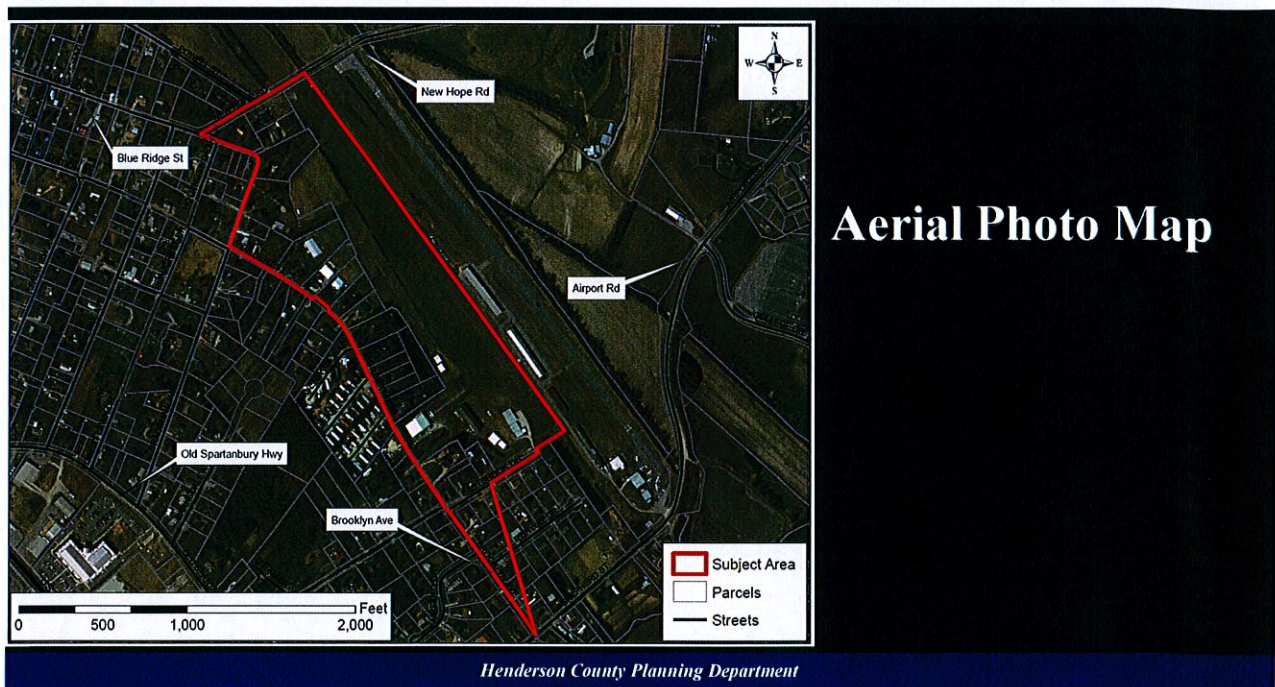
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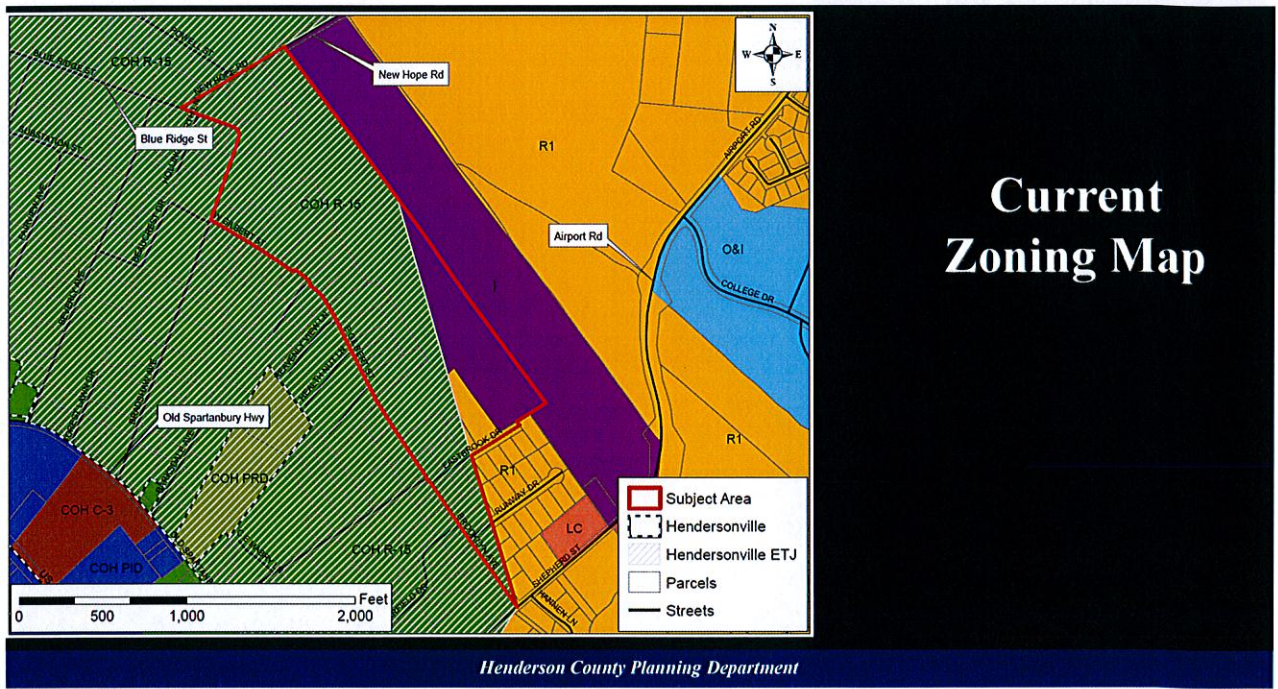
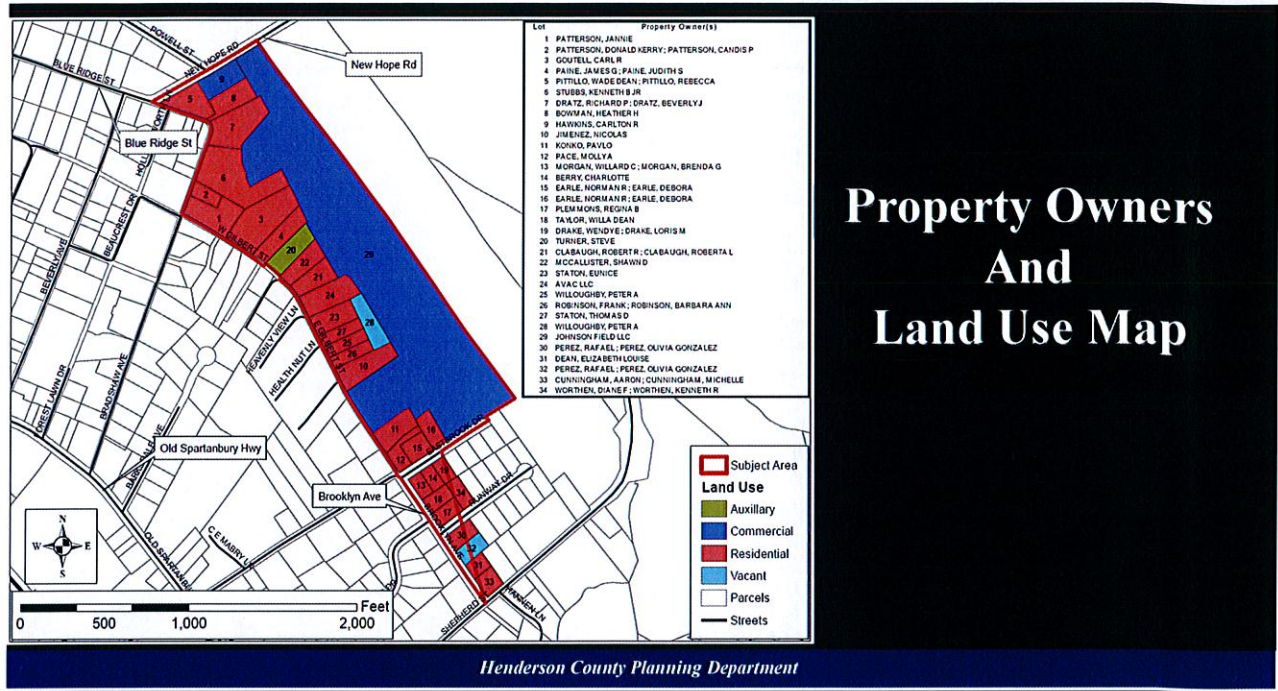
County has 90 days, or until July 2, 2014 to determine and apply a County zoning designation for the subject area. Henderson County Planning Department recommends rezoning the Subject Area from a City of Hendersonville R-15 (COH R-15) zoning district to a Residential One (R1) and Industrial (I) zoning district.

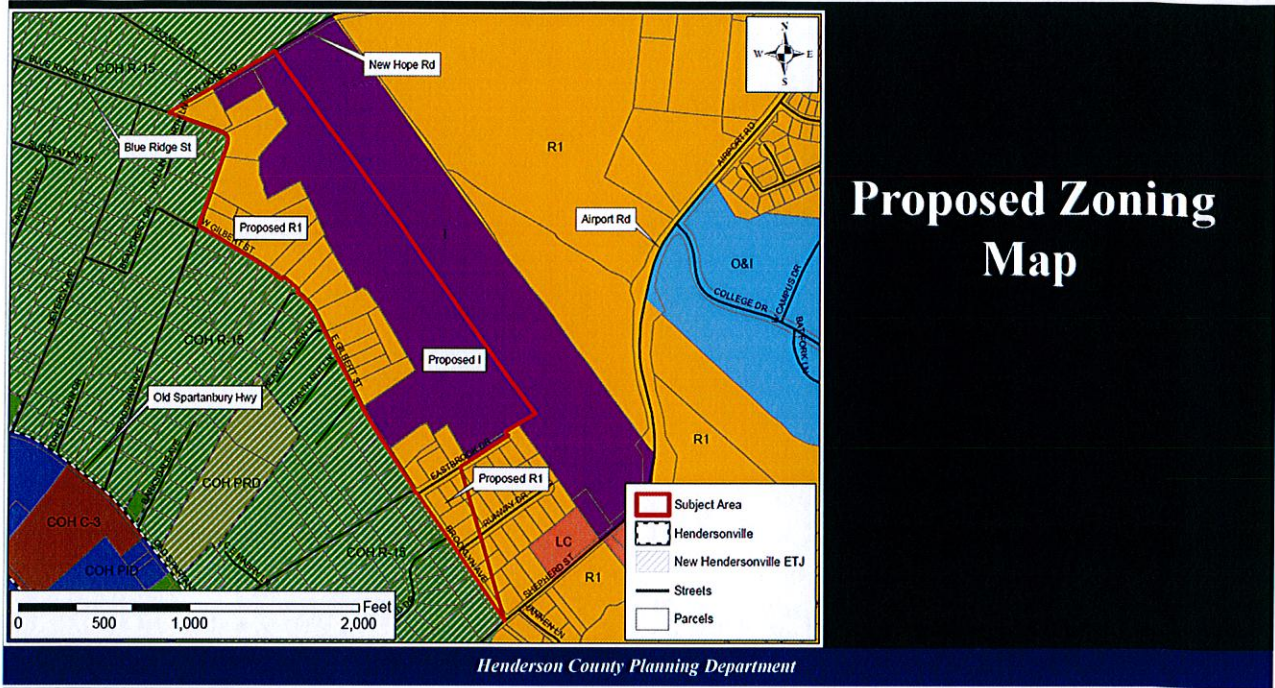
The Henderson County Planning Board considered rezoning application #R-2014-04 at its regularly scheduled meeting on May 15, 2014. During that meeting, the Planning Board voted unanimously to send forward a favorable recommendation on rezoning application #R-2014-04 to rezone the Subject Area to Residential One (R1) and Industrial (I).

Before taking action on the application, the Board of Commissioners must hold a public hearing. In accordance with §42A-314(C) and §42A-337(B) of the Henderson County Land Development Code and State Law, notices of the June 2, 2014, public hearing regarding rezoning application #R-2014-04 were published in the Hendersonville Tribune on May 15, 2014 and May 22, 2014. 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 May 23, 2014 and posted signs advertising the hearing on the Subject Area on May 23, 2014.

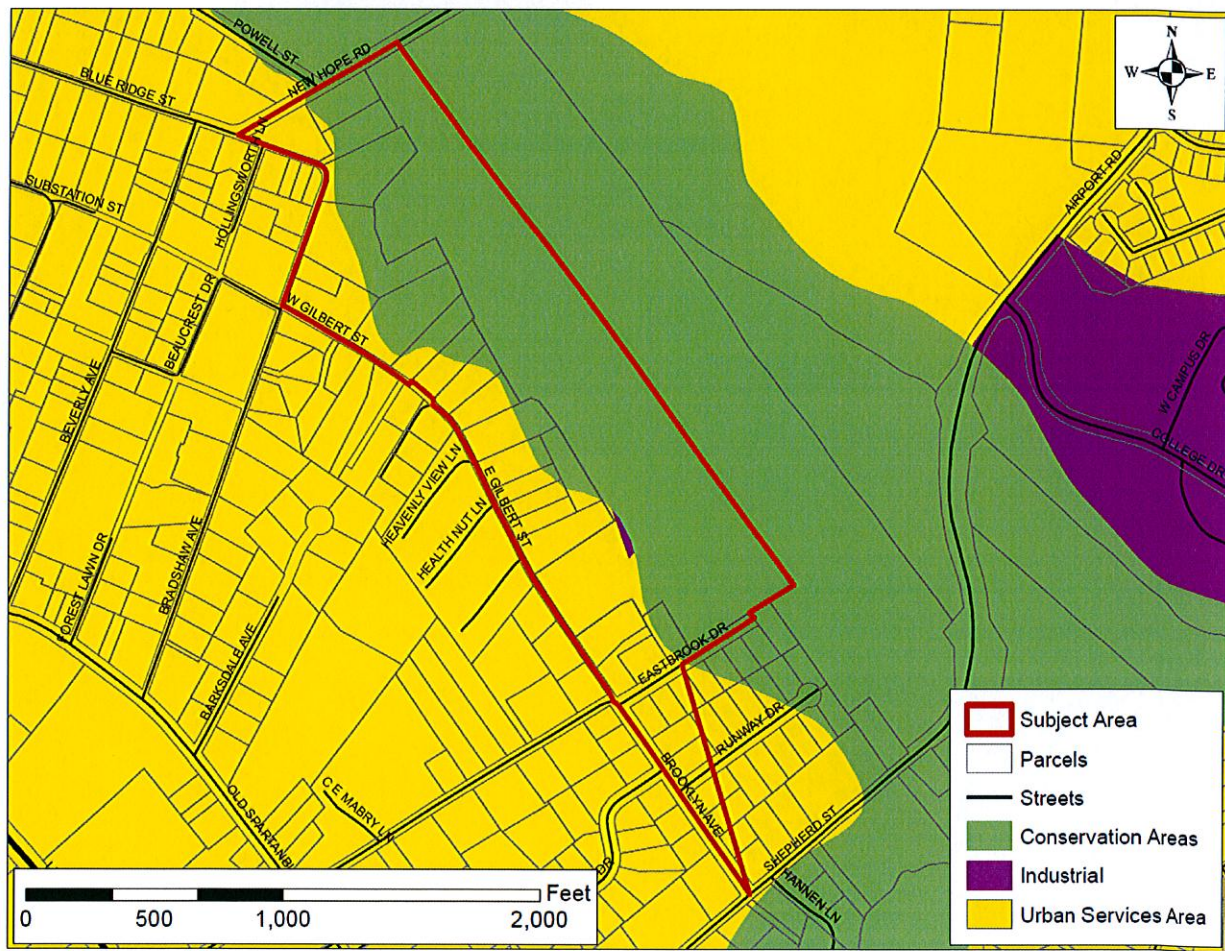
After holding the required hearing, Planning Staff recommends that the Board of Commissioners approve the application to rezone the Subject Area to a Residential One (R1) and Industrial (I) zoning districts. State law requires that the Board adopt a written statement of consistency with the County Comprehensive Plan (CCP). A draft resolution was provided.

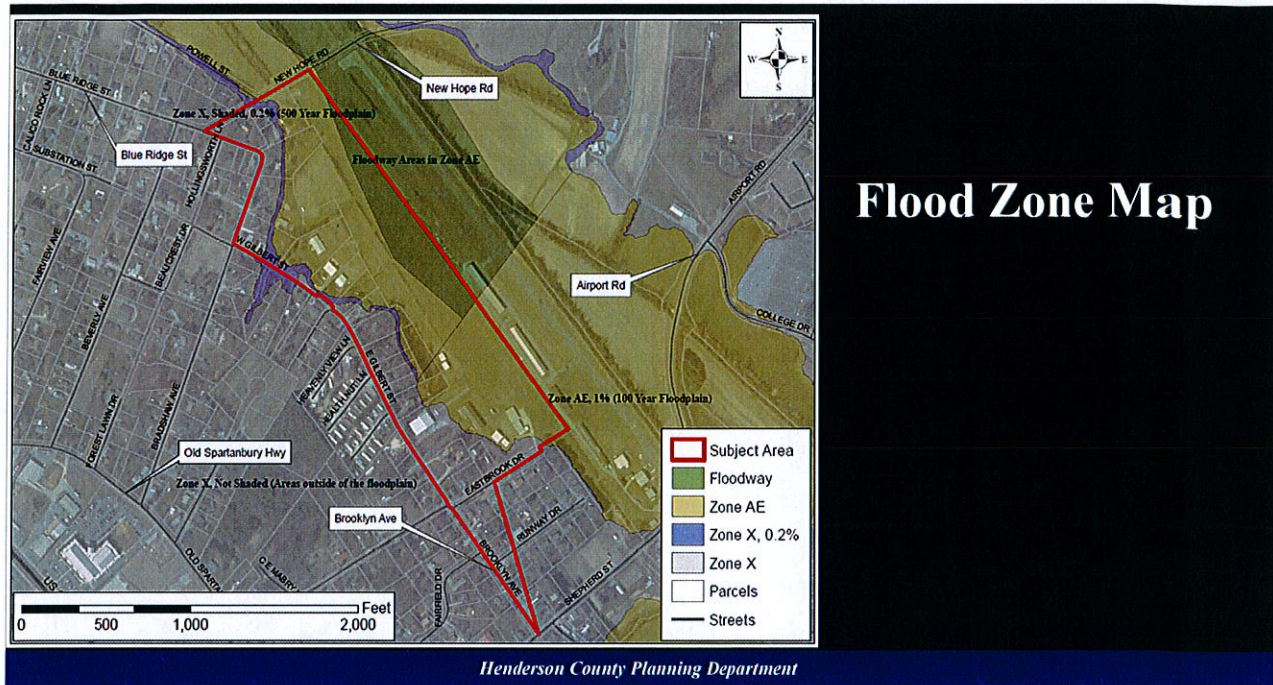






2020 CCP Future land Use Map





Public Input

1. Ken Stubbs – Mr. Stubbs spoke in favor of the zoning change.
2. Carlton Hawkins – Mr. Hawkins requested a special use permit for lot #9. He was informed that this was a separate issue. The Planning Department provided information to Mr. Hawkins.

Chairman Messer made the motion to go out of public hearing. All voted in favor and the motion carried.

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

FY 2014-2015 BUDGET PUBLIC HEARING

The Board of Commissioners is requested to hold the Public Hearing on the FY 2014-2015 Budget.

Chairman Messer made the motion to go into public hearing regarding the 2014-2015 Budget. All voted in favor and the motion carried.

Public Input

1. Hillary Hart – Ms. Hart thanked the Board for continued support of Flat Rock Playhouse. She feels their year-round program teaches life skills, and increases the quality of life for all Henderson County citizens.
2. Robert Danos – Mr. Danos feels Flat Rock Playhouse brings in more overnight tourist than any other entity. He asked for continued support.

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

Commissioner Hawkins requested a copy of the report by the Tourism Development Authority.

INFORMAL PUBLIC COMMENTS

1. Kevan Hansel – Mr. Hansel supports connected greenways as they increase access to exercise. It's a great way to see the country.

DISCUSSION/ADJUSTMENT OF AGENDA

Commissioner Young 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):

- May 12, 2014 – regularly scheduled meeting
- May 22, 2014 – special called meeting

Tax Collector's Report

Collections Specialist Luke Small had presented the Tax Collector's Report to the Commissioners dated May 22, 2014 for information only. No action was required.

Financial Report/Cash Balance Report – April 2014

The April 2014 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 April:

- Dues/Non-Profit Contributions – payment of 4th quarter non-profit contributions to agencies
- Rescue Squad – purchase of new ambulance approved in the FY2014 budget and additional funding
- Garage – fuel costs for April to be allocated out to departments in May approved and appropriated by the Board
- Soil & Water Conservation – purchase grant funded equipment (\$21,976) in January
- Economic Development – payment of scheduled economic development incentive payments
- Mental Health – final MOE funding payment made to the Smoky Mountain Center for FY2014

The YTD deficit in the CDBG – Scattered Site Housing Fund is due to the timing difference between the expenditure of grant funds and subsequent reimbursement from the state. This Fund will be balanced at the end of the fiscal year.

The YTD deficit in the Emergency Telephone System (911) Fund is due to the final debt service payment on the financing to expand the current Emergency 911 Communications Center and the payment of annual technology maintenance and support contracts for the 911 communications system. The April 911 PSAP surcharge payment from the state will not be received and posted until May 2014.

The YTD deficit in the Immigration and Customs Enforcement (ICE) Fund is due to lower reimbursements being realized compared to previous years as well as the timing delay/lag in receiving payments – Federal ICE revenues for April will not be received and posted until June 2014.

The YTD deficit in the Solid Waste Landfill Fund is due to the one-time purchase of capital outlay (\$130,000) and real property purchased (\$160,000) around the landfill perimeter in the first half of the fiscal year. Budgeted debt service of \$190,000 was paid in November on the Landfill Improvements Project.

Hauling costs are running approximately \$450,000 ahead of budget through April. A total of \$335,000 of retained earnings is appropriated in the Solid Waste Landfill Fund to balance the FY2014 budget.

The YTD deficit in the Cane Creek Water & Sewer District Fund is due to a scheduled debt service payment made on the Series 2010B Refunding Bonds in December. A total of \$1.5 million of retained earnings was appropriated in the Cane Creek Water & Sewer District Fund to pay for capital expenditures on sewer projects approved by the Board and to also balance the FY2014 budget.

Motion:

I move that the Board of Commissioners approves the April 2014 County Financial Report and Cash Balance Report as presented.

Henderson County Public Schools Financial Reports – April 2014

The Henderson County Public Schools April 2014 Financial Reports were provided for the Board's information.

Motion:

I move that the Board of Commissioners approves the Henderson County Public Schools April 2014 Financial Reports as presented.

Public Records Disposal Request

The Department of Social Services Staff requested approval from the Board of Commissioners to:

- A. To destroy all client & related records listed in the attached Public Records Disposal Request & Destruction Log in accordance with the County's Records Retention Policy and the NC Department of Cultural Records Retention & Disposition Schedule, as the period of retention of these records has expired.
- B. To conduct future destruction of these types of client records in strict accordance with the County's Records Retention Policy and the NC Department of Cultural Records Retention & Disposition Schedule, as the period of retention of such records expires. These records do not meet the criteria standards of records which might be scheduled for permanent preservation by the North Carolina Department of Cultural Resources. Instead, these records are confidential client application, medical & program records which are no longer subject to retention or audit.

The Henderson County Department of Social Services requests that the Board of Commissioners approve the current Public Records Disposal Request & Destruction Log, and approve future destruction of these client records, per the County's Records Retention Policy & the NC Department of Cultural Records Retention & Disposition Schedule.

Motion:

I move that the Board of Commissioners approves the Public Records Disposal Request & Destruction Log submitted by the Department of Social Services, and approves future destruction of client records per the County's Records Retention Policy & the NC Department of Cultural Records Retention & Disposition Schedule.

Juvenile Justice and Delinquency Prevention Grants

Juvenile Crime Prevention Council County Plan FY 2013-2016

The Henderson County Juvenile Crime Prevention Council (J.C.P.C.) has approved funding for local juvenile crime preventions programs. These funds for Fiscal Year 2014-2015 in the amount of \$193,745 are available for the following purposes through the State of North Carolina. Each Program is required to provide a 30%

match.

The programs approved by the J.C.P.C. are as follows:

1. J.C.P.C. Administrative Expenses	\$ 5,100
2. Aspire Family and Youth, Inc	\$ 35,000
3. Hendersonville Boys & Girls Club	\$ 24,059
4. Hendersonville Police Department/Psych Assessment	\$ 4,000
5. Hendersonville Police Department/Temp Shelter	\$ 5,000
6. Mediation Center	\$ 47,580
7. Project Challenge	<u>\$ 73,006</u>
Total	\$ 193,745

These Grant applications have been recommended for approval to the Board of Commissioners by the Henderson County J.C.P.C.

The Henderson County Juvenile Crime Prevention Council (J.C.P.C.) has approved the 2013-2016 County Plan for Henderson County. This County Plan has been recommended for approval to the Board of Commissioners by the J.C.P.C.

The Board is requested to approve the JCPC recommendations for both the FY 13-16 Annual Plan, and the FY 2015 Grant recommendations.

Motion:

I move that the Board approves the JCPC recommendations for both the FY 13-16 Annual Plan, and the distribution of the FY 2015 Juvenile Crime Prevention Program funds.

Edneyville Volunteer Fire and Rescue Department, Inc. Building Refinance Request

At the May 8, 2014 Fire and Rescue Advisory Committee meeting, Edneyville Fire and Rescue presented a proposal to refinance their existing building mortgage. The total amount financed will be \$1,013,000.00 at a fixed interest rate of 2.99% with monthly payments of \$7,153.53 for 15 years. The refinancing was to lower the rate on the mortgage from 3.5%. No tax rate increase will be necessary for this transaction.

The Fire & Rescue Advisory Committee unanimously approved the proposal.

Edneyville Volunteer Fire and Rescue Department, Inc. respectfully requests the Board approve this refinancing, and authorize the Chairman sign the provided letter to Macon Bank.

The Board is requested to approve the refinancing, and authorize the Chairman to sign the provided letter to Macon Bank.

Motion:

I move the Board approves the refinancing, and authorize the Chairman to sign the letter to Macon Bank on behalf of Edneyville Volunteer Fire and Rescue Department.

HOME & COMMUNITY CARE BLOCK GRANT: FY2015 County Funding Plan

Each year, the Board of Commissioners is required to adopt a Funding Plan for the Home & Community Care Block Grant for Older Adults and identify the lead office or agency responsible for coordinating the County Funding Plan. The Home & Community Care Block Grant is a State/Federal program administered at the local level. The proposed Funding Plan supports the service priorities identified for the current planning cycle.

At this time, the HCCBG funding for FY2015 is estimated to be \$741,880.

Staff recommends designation of the County Manager's office as the Lead Agency or office and approval of the proposed FY2015 Funding Plan.

Motion:

I move that the Board appoints the County Manager's office as the Lead Agency and approves the proposed FY2015 Funding Plan.

Petition for addition to State Road system

Staff received a petition to add Ferndale Street 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.

N.C. Gen. Stat. §136-62 provides that citizens may petition the State, through the Board of Commissioners, concerning additions to the State's road system, and concerning improvements to that system. "The board of county commissioners shall receive such petitions, forwarding them on to the Board of Transportation with their recommendations."

Staff reviewed the petition and it appears that all affected property owners or developers have signed the required petition. Staff recommends approval of the petition. If approved, staff will forward the petition to NCDOT.

Motion:

I move that the Board approve the petition and direct staff to forward them to NCDOT.

Notification of Vacancies

Chairman Messer noted the following vacancies and opened the floor to nominations.

1. Asheville Regional Airport Authority Board – 1 vac.

Commissioner Thompson nominated Bill Moyer for the Asheville Regional Airport Authority Board. Commissioner Hawkins nominated Henry Johnson for the Asheville Regional Airport Authority Board. This item was rolled to the next meeting.

2. Environmental Advisory Committee – 3 vac.

3. Fire and Rescue Advisory Committee - 2 vac.

4. Henderson County Board of Health – 4 vac.

5. Henderson County Historic Courthouse Corporation dba/Heritage Museum – 3 vac.

6. Historic Resources Commission – 2 vac.

7. Juvenile Crime Prevention Council – 4 vac.

8. Library Board of Trustees – 2 vac.

9. Mountain Area Workforce Development Board – 4 vac.

10. Nursing/Adult Care Home Community Advisory Committee – 2 vac.

11. Social Services Board – 2 vac.

Nominations

1. Child Protection and Fatality Prevention Team – 2 vac.

Commissioner Thompson nominated Dr. Linda Goodwin for position #6. *Chairman Messer made the motion to accept the appointment of Dr. Linda Goodwin to position #6 by acclamation. All voted in favor and the motion carried.*

2. EMS Peer Review Committee – 4 vac.

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

3. Hendersonville City Zoning Board of Adjustment – 1 vac.

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

4. Juvenile Crime Prevention Council – 6 vac.

Commissioner Thompson nominated Michael Gannon for position #23. *Chairman Messer made the motion to accept the appointment of Michael Gannon to position #23 by acclamation. All voted in favor and the motion carried.*

5. Mountain Valleys Resource Conservation and Development Program – 1 vac.

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

6. Nursing/Adult Care Home Community Advisory Committee – 2 vac.

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

7. Senior Volunteer Services Advisory Council – 2 vac.

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

8. Smoky Mountain Commissioner's Advisory Council – 1 vac.

Commissioner Hawkins nominated Chairman Messer for the Smoky Mountain Commissioner's Advisory Council. *Chairman Messer made the motion to accept his appointment by acclamation. All voted in favor and the motion carried.*

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

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

FY 2015 BUDGET ORDINANCE

The Board continued discussions with regard to the FY2014-2015 Budget. Should the Board wish to adopt the budget following the discussion and public hearing, Staff will be prepared to present the FY2015 Budget Ordinance.

Steve Wyatt explained that the Board had fulfilled its statutory obligation to hold a public hearing with regard to the budget. The mileage rate has been set. The Budget Ordinance must be adopted by July 1, 2014. The one really big change is Senates decision to give an 11% salary increase to teachers who are willing to eliminate their tenure. The School Board has asked for an additional \$389,000. Mr. Wyatt reminded the Board that once the budget has been adopted, the only thing that cannot be amended is the mileage rate.

Commissioner Hawkins made the motion that the Board adopts the FY2014-2015 Budget as proposed by the County Manager of \$117,076,752.00 including the items below, and further moved that the Chairman be authorized to execute the Budget Ordinance to be effective July 1, 2014. All voted in favor and the motion carried.

FY2014-2015 Budget Tally

	Total Budget	Fund Balance Appropriation
FY 2014-2015 Manager Proposed Budget as Presented May 12, 2014	\$ 114,619,200	\$ 6,337,000

Budget Revisions based on 5.22.14 Discussion		Reductions	Additions	\$ 114,619,200	\$ 6,337,000
1	Ad Valorem Taxes Current Year - additional revenue anticipated. <u>Changes the Fund Balance needed, but not the Total Budget.</u>	\$ 99,638		\$ 114,619,200	\$ 6,237,361
2	Tax Assessor - add funding for NCVTS Collection Fees		\$ 230,000	\$ 114,849,200	\$ 6,467,361
3	Hendersonville Little Theatre		\$ 20,000	\$ 114,869,200	\$ 6,487,361
4	Pisgah Legal		\$ 18,167	\$ 114,887,367	\$ 6,505,528
5	Environmental Health-Travel		\$ 3,000	\$ 114,890,367	\$ 6,508,528
6	Human Resources Remodel		\$ 40,000	\$ 114,930,367	\$ 6,548,528
7	Recreation-BB Goals		\$ 24,000	\$ 114,954,367	\$ 6,572,528
8	Etowah Park		\$ 25,000	\$ 114,979,367	\$ 6,597,528
9	Tuxedo Park		\$ 200,000	\$ 115,179,367	\$ 6,797,528
10	Dana Park		\$ 200,000	\$ 115,379,367	\$ 6,997,528
11	Cooperative Extension-WNC Communities		\$ 1,500	\$ 115,380,867	\$ 6,999,028
12	Henderson County Public Schools		1,053,601	\$ 116,434,468	\$ 8,052,629
13	HC Public School Funding - Pending State Salary Increases		\$ 561,706	\$ 116,996,174	\$ 8,614,335
14	Flat Rock Playhouse		\$ 30,000	\$ 117,026,174	\$ 8,644,335
15	Librarian 1		\$ 51,655	\$ 117,077,829	\$ 8,695,990
16	Part time Library Assistant		\$ 13,075	\$ 117,090,904	\$ 8,709,065
17	Rescue Squad 2% Increase to PT emp. (Cost Estimate)		\$ 10,000	\$ 117,100,904	\$ 8,719,065
TOTALS Following May 22, 2014		\$ 99,638	2,481,704	\$ 117,100,904	\$ 8,719,065

June 2, 2014 Budget Meeting Discussions			Total Budget as of May 22, 2014	Fund Balance as of May 22, 2014
18	Agri-Business Expenditures reduced per contract, those costs will be paid from their Agency Account. <u>Changes the Total Budget, but not the Fund Balance needed.</u>	\$ 34,152	\$ 117,100,904	\$ 8,719,065
19	New Conditional HC Public Schools Funding-Pending State Salary Increase, per Senate Plan		\$ 117,066,752	\$ 8,719,065
20	Henderson County Heritage Museum		\$ 117,076,752	\$ 8,729,065
TOTALS Following June 2, 2014		\$ 133,790	2,491,704	\$ 117,076,752

HABITAT FOR HUMANITY DODD MEADOWS PROJECT ENGINEERING SELECTION

Marcus Jones 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.

The project requires engineering services to design the infrastructure improvements (water, sewer and street) and a neighborhood community center facility. As part of the procurement requirements associated with the grant and state law, the Planning Department released and advertised a Request for Qualifications (RFQ) for Engineering Services. After review of the engineering proposals (by a team of staff), it was determined that the proposal submitted by William Lapsley and Associates meets the project requirements and the firm is well-qualified for the proposed work. The submitted proposals are available in the Planning Department for inspection.

William Lapsley and Associates possesses substantial experience with CDBG standards in NC, is based in Henderson County, and has performed well for the County with previous projects. The firm provided a detailed proposal with a scope of work that includes design, permitting, bidding, construction and administrative services. The Board previously reviewed this project and approved the grant application. No County matching funds are associated with the grant.

Staff requests that the Board authorize the selection of William Lapsley and Associates as the most qualified responding firm to conduct engineering services for the Habitat for Humanity Dodd Meadows project. Staff requests the Board authorize staff to begin contract negotiations with the firm and to execute the necessary documents to proceed with the project.

Submitting Engineering Firms -- Habitat for Humanity Dodd Meadows CDBG Project
Mattern & Craig Consulting Engineers
Randy Beckner, P.E.
12 Broad Street
Asheville, NC 28801

McGill Associates
Contact: Keith Webb, P.E.; Principal/Vice President
55 Broad Steet
Asheville, NC 28801

William G. Lapsley & Associates, P.A.
Contact: Will Buie, P.E.; Vice President
214 North King Street
Hendersonville, NC 28792

Chairman Messer made the motion that the Board selects William Lapsley and Associates firm for the engineering services for the Habitat for Humanity Dodd Meadows project and authorizes staff to execute the necessary documents. The motion passed 4-1 with Commissioner Young voting nay.

COMMISSIONER REPRESENTATION ON BOARDS AND COMMITTEES

Commissioner Hawkins requested the inclusion of this agenda item, for Board discussion of Commissioner representation on Boards and Committees. In particular, discussion is requested with respect to a liaison/non-voting and ex-officio/non-voting positions on Boards and Committees, where that representation is not mandated by statute.

A list of Boards and Committees with Commissioner representation, and the type of representation, was provided for informational purposes only.

Commissioner representative or liaison only – (Not actual member, nor required to attend meetings)

Environmental Advisory Committee	VACANT
Fire and Rescue Advisory Committee	Grady Hawkins
Henderson County Planning Board	Grady Hawkins
Nursing/Adult Care Home Community Advisory Committee	Tommy Thompson

Member - Ex-officio/Non-Voting

Agriculture Advisory Board (GS106-739)	Tommy Thompson
HC Historic Courthouse Corporation (Bylaws)	Mike Edney
Library Board of Trustees (GS153A-265)	Larry Young
Recreation Advisory Board (Bylaws)	Charlie Messer

Commissioner Hawkins made the motion that a Board of Commissioner not be required to be a member of ex-officio/not voting board/committee, and attend meetings only as desired. All voted in favor and the motion carried.

COUNTY MANAGER’S REPORT

County Manager Steve Wyatt reminded everyone about the commemoration of D-Day on Friday, June 6th at 10:00 a.m.

IMPORTANT DATES

Set Public Hearing for Rezoning Application #R-2014-02 Clear Creek Road

Rezoning Application #R-2014-02, which was initiated on March 20, 2014 at the request of several property owners, requests the County rezone approximately nine parcels or 24.89 acres of land (thereafter the “Subject Area”) (Please see attached property owners map). Henderson County Planning Staff recommends rezoning the Subject Area from an Industrial (I) zoning district to a Residential Two Rural (R2R) zoning district to address property owners concerns.

The Henderson County Planning Board considered the rezoning application #R-2014-02 at its regularly scheduled meeting on May 15, 2014 and voted unanimously to send forward a favorable recommendation. Before taking action on the rezoning request, the Board of Commissioners must hold a public hearing. Staff suggests scheduling the public hearing for July 16, 2014, at 9:00 A.M., or schedule a special called meeting on or after that date.

Before taking action on the rezoning request, the Board of Commissioners must hold a public hearing.

Planning Staff recommends that the Board of Commissioners schedule the public hearing for Wednesday, July 16, 2014, at 9:00 A.M.

Commissioner Hawkins made the motion that the Board schedules a public hearing for rezoning application #R-2014-02 for Wednesday, July 16, 2014, at 9:00 A.M. All voted in favor and the motion carried.

Reschedule June 18th Meeting

The Board was requested to reschedule the June 18, 2014 meeting for Wednesday, June 25, 2014 at 9:00 a.m., or a date at their discretion.

Commissioner Hawkins made the motion that the Board reschedules the June 18, 2014 meeting for Monday,

June 2, 2014

14

June 30, 2014 at 5:30 p.m. All voted in favor and the motion carried.

ADJOURN

Commissioner Hawkins made the motion to adjourn at 7:10 p.m. All voted in favor and the motion carried.

Attest:

Teresa L. Wilson, Clerk to the Board

Charles D. Messer, Chairman

HENDERSON COUNTY BOARD OF COMMISSIONERS

1 Historic Courthouse Square, Suite 1
Hendersonville, North Carolina 28792
Phone: 828-697-4808 • Fax: 828-692-9855
www.hendersoncountync.org

CHARLIE MESSER
Chairman
THOMAS H. THOMPSON
Vice-Chairman

J. MICHAEL EDNEY
GRADY HAWKINS
LARRY YOUNG

RESOLUTION

DESIGNATING JULY AS MONTH OF ACCEPTANCE AND JULY 3rd AS DAY OF ACCEPTANCE

WHEREAS, Henderson County recognizes the importance of increasing public awareness and acceptance for people with disabilities, and recognizing their contributions to their communities; and

WHEREAS, the Americans with Disabilities Act of 1990 was founded on four principles: inclusion, full-participation, economic self-sufficiency and equality of opportunity for all people with disabilities; and

WHEREAS, Month of Acceptance and Day of Acceptance are intended to focus on those four principles, bringing awareness to the abilities, not the disabilities, of each person; and

WHEREAS, by celebrating the abilities and contributions of all our citizens, we enrich the community; and

NOW, THEREFORE, BE IT RESOLVED, that we, the Henderson County Board of Commissioners, do hereby designate July as Month of Acceptance and July 3rd as Day of Acceptance in Henderson County.

This the 2nd day of June, 2014.

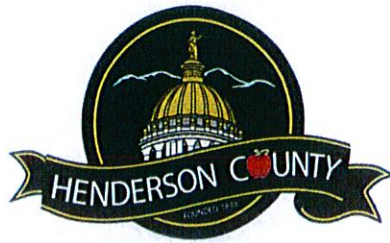


Charles D. Messer, Chairman
Henderson County Board of Commissioners

Attest:



Teresa L. Wilson, Clerk to the Board



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-2014-04; 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 June 2, 2014; 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-2014-04 – (Hendersonville ETJ Removal) 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 2nd day of June, 2014.

HENDERSON COUNTY BOARD OF COMMISSIONERS

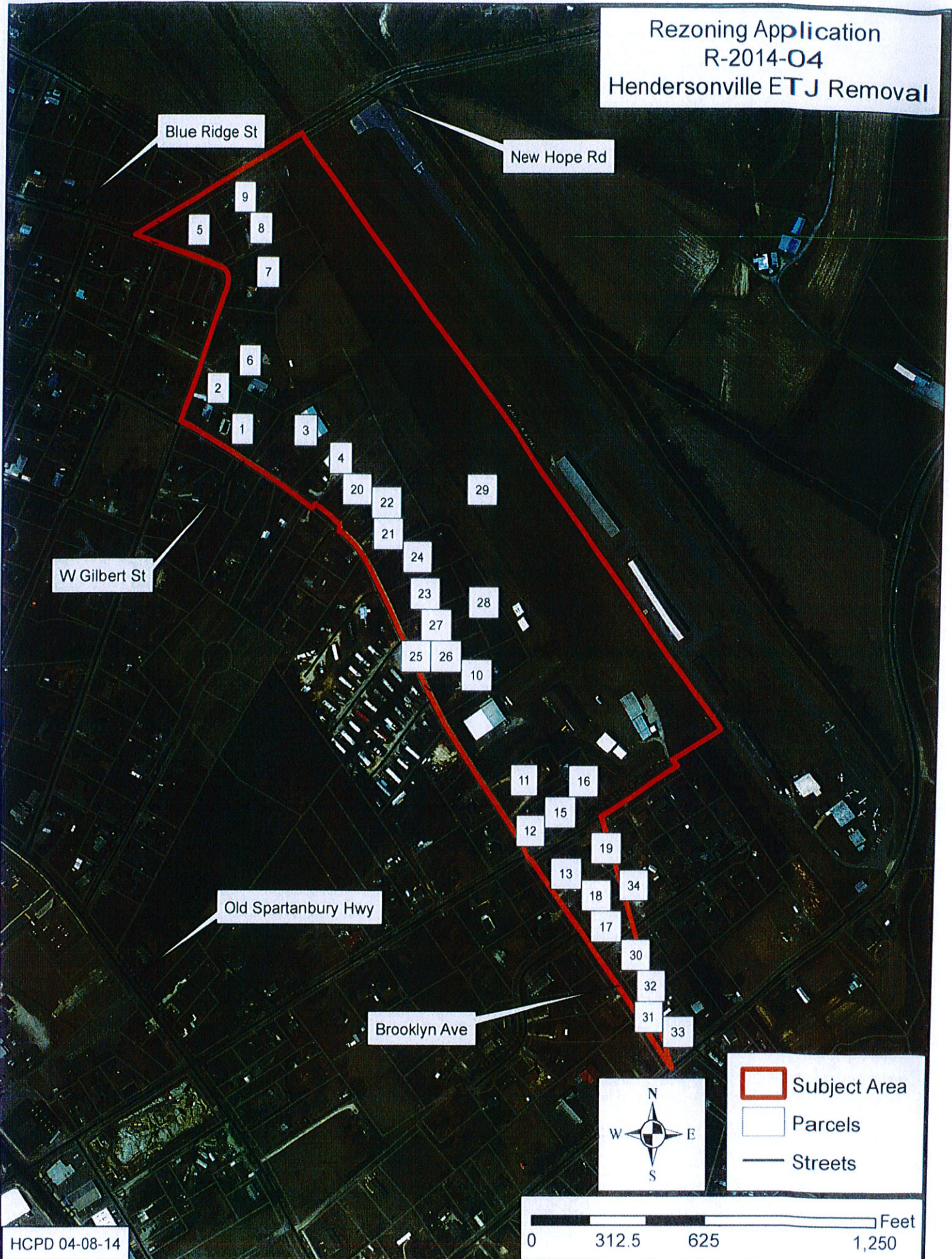
BY: 
CHARLIE MESSER, Chairman

ATTEST:


Terry Wilson, Clerk to the Board

[COUNTY SEAL]

Rezoning Application
R-2014-04
Hendersonville ETJ Removal



Lot	PIN	Acreage	Property Owner(s)	Street	City	State	Zip Code
1	9578445779	1.11	PATTERSON, JANNIE	401 BRADSHAW AVE	HENDERSONVILLE	NC	28792
2	9578445913	0.35	PATTERSON, DONALD KERRY ; PATTERSON, CANDIS P	409 BRADSHAW AVE	HENDERSONVILLE	NC	28792
3	9578448759	1.89	GOUTELL, CARL R	1371 JANE LACY LN	NEW SMYRNA	FL	32168
4	9578449679	0.84	PAINE, JAMES G ; PAINE, JUDITH S	1220 W GILBERT ST	HENDERSONVILLE	NC	28792
5	9578454445	0.72	PITTILLO, WADE DEAN ; PITTILLO, REBECCA	412 BLUE RIDGE ST	HENDERSONVILLE	NC	28792
6	9578456053	2.39	STUBBS, KENNETH B JR	419 BRADSHAW AVE	HENDERSONVILLE	NC	28792
7	9578456382	1.48	DRATZ, RICHARD P ; DRATZ, BEVERLY J	495 BRADSHAW AVE	HENDERSONVILLE	NC	28792
8	9578456590	0.78	BOWMAN, HEATHER H	4782 VIOLET AVE	MEMPHIS	TN	38122
9	9578456610	0.78	HAWKINS, CARLTON R	PO BOX 126	ARDEN	NC	28704
10	9578534994	1.02	JIMENEZ, NICOLAS	1338 E GILBERT ST	HENDERSONVILLE	NC	28792
11	9578536556	0.76	KONKO, PAVLO	1017 BROOKLYN AVE	HENDERSONVILLE	NC	28792
12	9578537473	0.45	PACE, MOLLY A	1032 BROOKLYN AVE	HENDERSONVILLE	NC	28792
13	9578538203	0.29	MORGAN, WILLARD C ; MORGAN, BRENDA G	1142 BROOKLYN AVE	HENDERSONVILLE	NC	28792
14	9578538278	0.28	BERRY, CHARLOTTE	1182 EASTBROOK DR	HENDERSONVILLE	NC	28792
15	9578538550	0.46	EARLE, NORMAN R ; EARLE, DEBORA	8701 HASTINGS BLVD	HASTINGS	FL	32145
16	9578538566	0.49	EARLE, NORMAN R ; EARLE, DEBORA	8701 HASTINGS BLVD	HASTINGS	FL	32145
17	9578539079	0.39	PLEMMONS, REGINA B	1171 RUNWAY DR	HENDERSONVILLE	NC	28792
18	9578539116	0.4	TAYLOR, WILLA DEAN	1144 BROOKLYN AVE	HENDERSONVILLE	NC	28792
19	9578539352	0.29	DRAKE, WENDY E ; DRAKE, LORIS M	1184 EASTBROOK DR	HENDERSONVILLE	NC	28792
20	9578540696	0.72	TURNER, STEVE	1230 WEST GILBERT ST	HENDERSONVILLE	NC	28792
21	9578541475	0.64	CLABAUGH, ROBERT R ; CLABAUGH, ROBERTA L	1310 E GILBERT ST	HENDERSONVILLE	NC	28792
22	9578541578	0.65	MCCALLISTER, SHAWN D	1230 W GILBERT ST	HENDERSONVILLE	NC	28792
23	9578542292	0.71	STATON, EUNICE	1810 WINDSOR DR	HENDERSONVILLE	NC	28791
24	9578542344	1.03	AVAC LLC	1312 E GILBERT ST	HENDERSONVILLE	NC	28792
25	9578543067	0.41	WILLOUGHBY, PETER A	PO BOX 1234	FLETCHER	NC	28732
26	9578543091	0.41	ROBINSON, FRANK ; ROBINSON, BARBARA ANN	1326 E GILBERT ST	HENDERSONVILLE	NC	28792
27	9578543133	0.41	STATON, THOMAS D	2125 ARLINGTON PL	HENDERSONVILLE	NC	28791
28	9578544290	0.71	WILLOUGHBY, PETER A	PO BOX 1234	FLETCHER	NC	28732
29	9578544654	25.18	JOHNSON FIELD LLC	PO BOX 613	HENDERSONVILLE	NC	28793
30	9578620965	0.41	PEREZ, RAFAEL ; PEREZ, OLIVIA GONZALEZ	PO BOX 617	FLAT ROCK	NC	28731
31	9578621757	0.28	DEAN, ELIZABETH LOUISE	326 BROWNING AVE	HENDERSONVILLE	NC	28791
32	9578621827	0.4	PEREZ, RAFAEL ; PEREZ, OLIVIA GONZALEZ	PO BOX 617	FLAT ROCK	NC	28731
33	9578622627	0.36	CUNNINGHAM, AARON ; CUNNINGHAM, MICHELLE	1106 SHEPHERD ST	HENDERSONVILLE	NC	28792
34	9578630149	0.36	WORTHEN, DIANE F ; WORTHEN, KENNETH R	1173 RUNWAY DR	HENDERSONVILLE	NC	28792

Ordinance #14-0426

**AN ORDINANCE AMENDING THE ORDINANCE ESTABLISHING
EXTRATERRITORIAL JURISDICTION BOUNDARIES
FOR THE CITY OF HENDERSONVILLE**
(Request of Ken Stubbs)

IN RE: FILE NO. P14-2-M

WHEREAS, the General Assembly of the State of North Carolina has granted authority to municipalities to adopt, administer and enforce zoning and subdivision regulation ordinances, building codes, and minimum housing standards and other related measures; and

WHEREAS, G.S. 160A-360 provides that the delegated municipal powers conferred by Article 19 of Chapter 160A may be exercised within the extraterritorial jurisdiction surrounding a municipality; and

WHEREAS, G.S. 160A-360 further provides that any municipality wishing to exercise extraterritorial jurisdiction of powers conferred under Article 19, Chapter 160A, shall adopt, and may amend from time to time, an ordinance specifying the boundaries of those areas within which the City will exercise its extraterritorial jurisdiction; and

WHEREAS, G.S. 160A-360 further requires that the boundaries specified in the ordinance shall at all times be drawn on a map, set forth in a written description, or shown by a combination of these techniques, and maintained in the same manner as required by G.S. 160A-22 for the delineation of the corporate limits; and

WHEREAS, the City has adopted an Ordinance Establishing Extraterritorial Jurisdiction and has amended said Ordinance from time to time, most recently by means of an Ordinance dated September 10, 2010, which said Ordinance clarified the geographical boundary of the extraterritorial jurisdiction; and

WHEREAS, the City has received a request from Ken Stubbs seeking to have certain properties that are subject to the extraterritorial jurisdiction ordinance be excluded from the jurisdiction of the City of Hendersonville; and

WHEREAS, North Carolina General Statutes 160A-360(b) and (f1) provide for the amendment of an extraterritorial jurisdiction ordinance and the relinquishing of jurisdiction to a county.

NOW, THEREFORE, be it ordained by the City Council of the City of Hendersonville:

Section 1. The written boundaries of the area of extraterritorial jurisdiction of the City of Hendersonville, as amended by Ordinance dated September 10, 2010, is hereby amended by this ordinance which is adopted by reference. Said area of extraterritorial jurisdiction is described as follows;

[ADDITIONS TO TEXT ARE UNDERLINED; DELETIONS ARE ~~STRUCK THROUGH~~]

BEGINNING at a point located in the center of Willow Road, said center also being the Laurel Park corporate limit line, and said point being approximately 135 feet east of the intersection of the center of Willow Road and the center of Country Club Road (SR 1220); thence running from said point with the center of Willow Road (SR 1171) in a southwesterly direction approximately 2,780 feet to a point in the centerline of Willow Road where said road is intersected by an unnamed tributary of Finley Creek; thence southeasterly along the center of said unnamed tributary and Finley Creek to a point in the center of Lakeside Drive where said drive is intersected by Finley Creek; thence easterly along the centerline of Lakeside Drive to a point where said drive is intersected by Texas Street; thence southeasterly, a straight line distance of approximately 1,430 feet to a point in the centerline of Kanuga Road, said point being approximately 1,400 feet northeast of the intersection of Bonner Street with Kanuga Road; thence easterly, a straight line distance of approximately 6,030 feet to a point in the centerline of Rutledge Drive, where said drive is intersected by Kings Lane; thence northeasterly, a straight line distance of approximately 1,880 feet to a point in the centerline of U.S. Highway 25 where said highway is intersected by a private drive said point being approximately 550 feet north of the intersection of Stewart Street with U.S. Highway 25; thence northeasterly, a straight line distance of approximately 3,280 feet to a point in the centerline of Southern Railway's line where said line is intersected by Brooklyn Avenue; thence in a southerly direction along the centerline of the Southern Railway line to a point in the center of King Creek where said creek is intersected by said railroad line; thence in a northeasterly direction along the center of King Creek to a point in the centerline of U.S. Highway 176 where said highway is intersected by King Creek; thence northeasterly, a straight line distance of approximately 660 feet to the centerline of Old Spartanburg Highway; thence northwesterly approximately 70 feet the centerline of Old Spartanburg Highway to a property line projected; thence northeasterly along a property line projected and a property line approximately 291 feet to a property corner; said property line being the western property line of lot 9559, block 51 as shown on Henderson County property map 9578.19; thence northwesterly along a property line 64.51 feet to a property corner; thence northeasterly approximately 259 feet to a point on the City's boundary of extraterritorial jurisdiction; thence northeasterly approximately 900 feet to a point in the centerline of Airport Road thence ~~northwesterly, a straight line distance of approximately 2,725 feet to a point located on the southwestern property line of lot 2305, block 64 as shown on Henderson County Property Map Number 9578.15;~~ thence northwesterly along the southwestern property line of said lot approximately 850 feet to a point on the centerline of New Hope Road; thence northeasterly 391.80 feet along the centerline of New Hope Road ~~thence in a northwesterly direction along the centerline of East Gilbert Street to its western terminus adjoining the lot identified as Henderson County PIN 9578449355, and continuing with the centerline of the unopened or unpaved right of way to the centerline of West Gilbert Street, and following the centerline of West Gilbert Street to the point of intersection of the centerline of Bradshaw Avenue, thence in a northeasterly direction with the centerline of Bradshaw Avenue (following the centerline of Bradshaw Avenue through the curve to the northwest) and thence continuing with the centerline of Blue Ridge Street to the point of the intersection of Blue Ridge Street and New Hope Road, thence northeasterly along the centerline of New Hope Road to a point~~ located at the intersection of the centerline of New Hope Road and the centerline of Bat Fork Creek [Ordinance # 99-0974]; thence northerly, a straight line distance of approximately 3,580 feet to a point in the centerline of Tracy Grove Road, said point being approximately 200 feet west of the intersection of Duncan Road (State Road 1754) with Tracy Grove Road; thence northerly approximately 893 feet to a property corner located at Devils Fork Creek; thence easterly approximately 2,300 feet following property lines and Devils Fork Creek to property corner located on the western right-of-way line of Interstate 26; thence easterly approximately 180

feet along a property line projected to a point on the centerline of Interstate 26; thence northerly approximately 5,230 feet to a point located at the intersection of the centerline of Interstate 26 and a property line projected, said property line being the western property line of parcel 8609 as shown on Henderson County Property Map 9579.15, block 54; thence northerly approximately 93 feet along the western property line of said parcel to a property corner; thence easterly approximately 490 feet along the northern property line of said point to a property corner; thence northerly approximately 520 feet along a property line to a property corner; thence easterly approximately 360 feet along the southern property line of parcel 3762 as shown on Henderson County Property Map 9579.02, block 65 to a property corner; thence easterly and southerly approximately 350 feet along property lines to a property corner [Ordinance #99-0212-0]; thence southerly approximately 470 feet along the western property line of lot 6536, block 64, as shown on Henderson County Property Map 9579.15, to a property corner on the eastern right-of-way line of Prince Road [Ordinance #00-0944]; thence with the eastern right-of-way line of Prince Road approximately 333 feet to a property corner; thence easterly along the southern property line of lot 6536 369.83 feet the southernmost property corner of lot 6536; thence northeasterly approximately 580 feet along the southeastern property line of lot 6536 to a property corner; thence easterly approximately 585 feet along the southern property lines of lots 2125 and 8324, block 75 as shown on Henderson County Property Map 9579.02, to a property corner; thence northerly approximately 355 feet along the eastern property line of lot 8324 to a property corner; thence easterly approximately 300 feet along a property line to a property corner, said property corner being the southeastern property corner of parcel 8324 as shown on Henderson County Property Map 9579.02, block 75; thence approximately 1,100 feet along the eastern property line of said parcel to a property corner located on the southern right-of-way line of Sugarloaf Road; thence northerly 30 feet to a point located on the centerline of Sugarloaf Road; thence easterly approximately 570 feet along the centerline of Sugarloaf Road to a point located at the intersection of the centerline of Sugarloaf Road and a property line projected, said property line being the eastern property line of parcel 4387 as shown on Henderson County Property Map 9579.02, block 86; thence northerly approximately 550 feet along said property line projected to a point located at the intersection of said property line projected and the centerline of Howard Gap Road; thence northeasterly approximately 1,230 feet along the eastern property line of parcel 9255 as shown on Henderson County Property Map 9579.02, block 87; thence westerly 142 feet along the northern property line of said parcel to a property corner; thence northerly approximately 326 feet along the eastern property line of parcel 8857 as shown on Henderson County Property Map 9579.02, block 87, to a property corner located on the southern right-of-way line of Sunset Road; thence northeasterly diagonally across Sunset Road approximately 265 feet to a property corner located on the northern right-of-way line of Sunset Road [Ordinance #99-0975]; thence northerly approximately 1,100 feet along the eastern property line of parcel 7740 as shown on Henderson County Property Map 9579.02, block 88, to a property corner; thence westerly approximately 520 feet along the northern property line of said parcel to a property corner; thence northerly 263 feet along the eastern right-of-way line of parcel 4338, as shown on Henderson County Property Map 9579.02, block 89, to a property corner; thence westerly approximately 670 feet along property lines to a property corner, said property corner being the northwestern property corner of parcel 9505 as shown on Henderson County Property Map 9579.02, block 79; thence northerly approximately 675 feet to a property corner, said property corner being the northeastern property corner of parcel 6101 as shown on Henderson County Property Map 9670, block 70; thence southeast 431 feet along a property line to a property corner, said property corner being the southeast property corner of parcel 0422 as shown on Henderson County Property Map 9670, block 80; thence northerly 271 feet along the eastern property line of said parcel to a property corner; thence easterly approximately 1,030 feet to a property corner, said property corner being the southeastern property corner of parcel 7870 as shown on Henderson County Property Map 9670, block 80; thence northerly approximately 1,400 feet along property lines to a property corner, said property corner being the southwestern property corner of parcel 6504 as shown on Henderson County Property Map 9670, block 91; thence easterly 300 feet along the southern property line of said parcel to the southwestern property corner of said parcel; thence northerly along property lines and a property line projected approximately 880 feet to a point located within the right-of-way of


Highway U.S. 64 East, said point being located at the intersection of the eastern property line projected of parcel 7577 as shown on Henderson County Property map 9670, block 92. and the southern property line projected of parcel 1167, as shown on Henderson County Property Map 9670, block 93 (North Henderson High School); thence westerly along said property line projected and said property line approximately 1,800 feet to a property corner; thence northwesterly approximately 464 feet to a property corner located at Clear Creek; thence westerly approximately 5,600 feet along Clear Creek, across Howard Gap Road and along Clear Creek to the intersection with a cross country electric power transmission line owned by Duke Power Company [Ordinance #99-0974]; thence running with the center of said power line in a westerly direction a distance of 4,250 feet to a wooden "H" frame tower near the eastern right-of-way of Interstate Highway 26 as shown on Henderson County Property Map 9660.04; thence leaving said power right-of-way and running in a southwesterly direction 1,620 feet in a straight line to a property corner in the western boundary of Parcel 2124; thence running from said property corner in a southerly direction 615 feet with said western boundary to a property corner in the northeastern right-of-way of Capps Road (S.R. 1508); thence running in a southerly direction 399 feet with the northeastern right-of-way to the southwest property corner of Parcel 3781; thence continuing across Capps Road (S.R. 1508) 60 feet to the northeast property corner of Parcel 8443; thence running from said property corner in a westerly direction 500 feet with the northern boundary line of said Parcel 8443 to a property corner on the eastern bank of Mud Creek; thence continuing from the property corner with the same course 25 feet to a point in the center of Mud Creek; thence running with the center of Mud Creek in a southerly direction 300 feet upstream to a point in the center of Mud Creek where said creek intersects Clear Creek; thence northwesterly, a straight line distance of approximately 3,700 feet to a point in the centerline of U.S. Highway 25 where said highway is intersected by a private road, said point being approximately 1,080 feet north of the intersection of State Road 1392 with U.S. Highway 25; thence south $76^{\circ} 30'$ west 2,150 feet to a point on the eastern property line of that property designated as Henderson County PID 01-14540; thence south with the eastern property line of that parcel and thence continuing southerly with the eastern property line of the Baldwin property designated as Henderson County PID 01-14879 to the southeasternmost corner of that parcel, thence west southwesterly with the southern line of that parcel 383 feet to the southeasternmost corner of that parcel; thence north 90 feet to a property corner on the southeastern property line of property designated as Henderson County PID 01-13928; thence southwest 375 feet with the southeastern line of that parcel to a property corner; thence south 15 feet to the southernmost property corner of that property; thence west northwest along the southern line of the Thomas L. Tatham Farm, Inc. property designated as Henderson County PID 01-13928 478 feet to a southwest corner of that parcel where the same borders the eastern margin of the right of way of Lyndhurst Drive; thence northerly 26 feet along the eastern margin of that right of way to its intersection with the McCoy property designated as Henderson County PID 01-10218; thence easterly, thence northerly, thence westerly all with the common boundary of the said McCoy parcel and the Tatham Farm property to the northwest margin of the said McCoy parcel; thence continuing with the western line of the Tatham Farm property 570 feet; thence south $76^{\circ} 30'$ west a distance of 2350 feet to a point in the centerline of Stoney Mountain Road where said road is intersected by a private drive situated between Henderson County PID 01-14999 on the west and Henderson County PID 99-70298 on the east, said point being approximately 1,740 feet northwest of the intersection of State Road 1453 with Stoney Mountain Road; thence southwesterly, a straight line distance of approximately 2,020 feet to a point in the centerline of N.C. Highway 191 where said highway is intersected by Holly Hill Drive, said point being approximately 1,710 feet northwest of the intersection of two private roads with N.C. Highway 191; thence southeasterly approximately 6,350 feet to the ridge line of Long John Mountain; thence southeasterly approximately 2,050 with the ridge line of Long John Mountain to a northern property corner in the northern property line of parcel 1620, said parcel also being known as Laurel Park Place and being shown on Henderson County Property Map 9559.20; thence running from said northern property corner with said northern property line in a southeastern direction approximately 880 feet to a property corner of said parcel 1620; thence running from said property corner with the southern property line of parcel 1620 in a southwestern direction approximately 560 feet to a southeastern property corner of parcel

1620; thence running from said southeastern property corner with a property line of said parcel 1620 in a northwestern direction 159.97 feet to a corner on the Laurel Park corporate limit line; thence running with the Laurel Park corporate limit line in a southern direction to a corner in the center of U.S. Highway 64W; thence leaving said Laurel Park corporate limit line and running from said corner with the center of U.S. Highway 64W in a southeastern direction approximately 860 feet to the center of the intersection of U.S. Highway 64W and Glasgow Lane as shown on Henderson County Property Map 9568.05; thence running from said intersection with the center of Glasgow Lane in a southwestern direction approximately 1,370 feet to a point in the centerline of the Norfolk and Southern Railroad, said centerline also being the Laurel Park corporate limit line; thence continuing with the Laurel Park corporate limit line in a southern direction to a point in the center of Willow Road; thence west along the center of Willow Road approximately 310 feet to the point of BEGINNING.

Subject, however to the territorial jurisdiction of the City as established by subsequent ordinances.

Section 2. This ordinance shall be in full force and effect 90 days after the date of its adoption; July 2, 2014.

Adopted this third day of April 2014.


Barbara G. Volk, Mayor

ATTEST:


Tammie K. Drake, MMC, City Clerk

Approved as to form:



Samuel H. Fritschner, City Attorney

G:\Clerk\Ordinances\Ord 14\140426 ETJ Amendment Stubbs request.docx

STATE OF NORTH CAROLINA, COUNTY OF HENDERSON

I, Angela J. Swain, a Notary Public in Henderson County, State of North Carolina, do hereby certify that Barbara G. Volk, in her capacity as Mayor of the City of Hendersonville, and Tammie K. Drake, in her capacity as City Clerk, and Samuel H. Fritschner, in his capacity as City Attorney, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and notarial seal, this sixteenth day of April, 2014.


Angela J. Swain

My commission expires:

(SEAL)

2/21/2015



Office of the 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

Thursday, May 22, 2014

Re: Tax Collector's Report to Commissioners - Meeting Date 02 June 2014

Please find outlined below collections information through 21 May 2014 for the 2013 real and personal property bills mailed out on 08 August 2013, as well as registered motor vehicles billed and collected by our office. 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: \$58,589,100.53
Discoveries & Imm. Irreg.: \$284,041.60
Releases & Refunds: (\$219,420.32)
Net Charge: \$58,653,721.81
Unpaid Taxes: \$1,387,554.18
Amount Collected: \$57,266,167.63
Percentage Collected: 97.63%
Through: 21-May-2014

2012 Beginning Charge: \$57,948,385.02
Discoveries & Imm. Irreg.: \$309,852.07
Releases & Refunds: (\$121,163.52)
Net Charge: \$58,137,073.57
Unpaid Taxes: \$1,406,631.99
Amount Collected: \$56,730,441.58
Percentage Collected: 97.58%
Through: 21-May-2013

Motor Vehicle Bills G01 Only:

2013 Beginning Charge: \$2,675,010.72
Discoveries & Imm. Irreg.: \$1,815.92
Releases & Refunds: (\$57,755.85)
Net Charge: \$2,619,070.79
Unpaid Taxes: \$228,758.29
Amount Collected: \$2,390,312.50
Percentage Collected: 91.27%
Through: 21-May-2014

2012 Beginning Charge: \$4,459,821.87
Discoveries & Imm. Irreg.: \$3,492.44
Releases & Refunds: (\$88,254.61)
Net Charge: \$4,375,059.70
Unpaid Taxes: \$779,442.54
Amount Collected: \$3,595,617.16
Percentage Collected: 82.18%
Through: 21-May-2013

Fire Districts All Bills:

2013 Beginning Charge: \$6,878,771.58
Discoveries & Imm. Irreg.: \$45,334.18
Releases & Refunds: (\$34,438.88)
Net Charge: \$6,889,666.88
Unpaid Taxes: \$215,297.91
Amount Collected: \$6,674,368.97
Percentage Collected: 96.88%
Through: 21-May-2014

2012 Beginning Charge: \$6,943,749.92
Discoveries & Imm. Irreg.: \$47,057.09
Releases & Refunds: (\$28,563.40)
Net Charge: \$6,962,243.61
Unpaid Taxes: \$273,519.70
Amount Collected: \$6,688,723.91
Percentage Collected: 96.07%
Through: 21-May-2013

Respectfully submitted,



Luke Small

Collections Specialist

Stan C. Duncan

Tax Collector

**HENDERSON COUNTY
RECORDS RETENTION AND DISPOSITION PROCEDURE**

PUBLIC RECORDS DISPOSAL REQUEST AND DESTRUCTION LOG
(Revised March 13, 2002)

DEPARTMENT: DEPARTMENT OF SOCIAL SERVICES

RECORD TITLE & DESCRIPTION, INCLUSIVE DATES, & QUANTITY	RECORDS WILL BE		RECORDS RETENTION SECTION	IF APPROVED, DATE DESTROYED
	DESTROYED	*DUPLICATED		
CPS FILES	✓			
INCOME MAINT	✓			
ADULT SVCS	✓			

*If duplication is required, indicate method.

Approval is requested for the records listed above to be destroyed in accordance with the provisions of G.S. 121 and 132. The period for retention of these records, as prescribed by the North Carolina Department of Cultural Resources, has expired; **OR** where the period for retention has not expired, the original records have been duplicated on microfilm, microfiche, data processing or word processing equipment, with the understanding that said duplication shall be maintained for the specified period of retention. **NONE** of the original records listed above have been scheduled for permanent preservation by the North Carolina Department of Cultural Resources.

F. S. Bank Director
Department Head

5/8/14
Date

Submitted to the Henderson County Board of Commissioners. The Board:

APPROVED
DISAPPROVED

the destruction/duplication of the above records and such approval/disapproval has been entered into the official minutes of the Board of Commissioners meeting held on the 2nd day of JUNE, 2014.

Cleresa L. Wilson
Clerk to the Board

HENDERSON COUNTY BOARD OF COMMISSIONERS

1 Historic Courthouse Square, Suite #1
Hendersonville, NC 28792
Phone (828) 697-4808 • Fax (828) 692-9855
www.hendersoncountync.org

CHARLIE MESSER
Chairman
THOMAS THOMPSON
Vice-Chairman

LARRY YOUNG
J. MICHAEL EDNEY
GRADY HAWKINS

June 2, 2014

Macon Bank
P.O. Box 885
Hendersonville, NC 28792-0885

Re: Refinance Agreement between Macon Bank and Edneyville Volunteer Fire and Rescue Department, Inc.

Dear Ladies and Gentlemen:

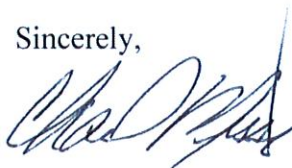
I am Chairman of the County Commissioners of Henderson County. This letter is to advise you that Edneyville Volunteer Fire and Rescue Department, Inc. is a qualified Volunteer Fire Department assigned to protect a specific Fire District within this County.

In addition, a special ad valorem (fire tax) is assessed on the real property owners of this district. Said tax is to be used exclusively to provide equipment, facilities, and training as is necessary to provide fire protection for said district. Said funds may also be used to upgrade equipment and facilities as the need arises. This tax is collected by the County and disbursed by the Finance Office to the Fire Department on a regular basis by the County Finance Officer. The Fire Department is operated and managed by the Board of Directors of the Fire Department and the Officers of said Department. The Department is currently meeting the requirements of their fire service contract.

The Fire Department has made us aware of their intention to refinance their mortgage.

Please be advised that the County has no objection to this transaction.

Sincerely,



Charlie Messer, Chairman
Henderson County Board of Commissioners

cc: Fire Marshal
Fire and Rescue Advisory Committee
Edneyville Volunteer Fire and Rescue Department, Inc.



Henderson County, North Carolina Budget Ordinance Fiscal Year July 1, 2014 - June 30, 2015

Preamble

The County Manager's proposed budget for the Fiscal Year beginning July 1, 2014, and ending June 30, 2015 ("FY2015") was presented to the Henderson County Board of Commissioners on May 12, 2014, pursuant to the North Carolina Local Government Fiscal Control and Budget Act, Article 3 of Chapter 159 of the General Statutes. The Board of Commissioners considered the proposal, deliberated concerning it, and then held a public hearing on the budget pursuant to N.C. Gen. Stat. §159-12 on June 2, 2014.

The following Ordinance was offered by Commissioner Hawkins, on June 2, 2014, who moved its adoption. The motion passed unanimously.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF HENDERSON COUNTY, NORTH CAROLINA, THIS 2nd DAY OF JUNE, 2014:

Section 1 - General Fund

A. Appropriations

The following General Fund amounts are hereby appropriated to the County Manager for the operation of the Henderson County Government and its departments and agencies for FY2015. Other fund amounts as set forth in this Ordinance are also appropriated as presented in this section. Appropriations for land and new buildings included in this Ordinance may be expended only after release by the Board of Commissioners.

The County Manager or the Manager's designee is hereby authorized to execute the necessary agreements within funds included in the Budget Ordinance in departments subject to his control for the following purposes, and on the following terms and conditions:

- A) Grant agreements with public and non-profit agencies;
- B) Leases of normal and routine business equipment;
- C) Consultant, professional, or maintenance service agreements with a up to an anticipated contract amount of \$50,000;
- D) Purchase of supplies and materials when formal bids are not required by law, pursuant to the Manager's purchasing policy;
- E) Agreements for acceptance of State and Federal grant funds;
- F) Construction or repair work where formal bids are not required by law; and
- G) County departments shall not enter into contracts requiring formal bid procedures without having met with and received written approval from the County Manager.
- H) The Finance Director is hereby directed to release board-approved non-profit grants in quarterly installments upon the execution of and compliance with the funding agreement required by the County.
- I) The Finance Director may advance funds with the permission of the County Manager to the Sheriff's Department for their use as drug flash money, provided that these funds are returned to the Finance Director as soon as possible.
- J) The County Manager may authorize pilot programs for the County's departments, and evaluate such programs for effectiveness and efficiency.
- K) The Finance Director may temporarily transfer from the County's General Fund in the appropriation for Agribusiness Henderson County, Inc., up to one-third of the initial appropriation for that Corporation to that Corporation's agency account to be used to pay necessary expenses of that Corporation. Any such temporary transfer shall be reimbursed during FY2015 to the General Fund by the Corporation from its agency account.

Should at any point during FY2015 both (1) the remaining amount unspent in the General Fund be less than one-half (1/2) the appropriation herein and (2) the remaining amount unspent in the General Fund be less than the remaining expenses budgeted herein for FY2015, then this matter shall immediately be placed upon this Board's agenda for further action.

- L) As to the sums listed on the General Fund Budget Schedule as "Public School System – Conditional Appropriation": the County Manager shall expend such sums only if and after North Carolina enacts for the 2014-2015 fiscal year the educator pay increase appropriation requested by Governor McCrory in his "Recommended Budget Adjustments for the State of North Carolina for 2014-2015". If North Carolina does not so enact any educator pay increase appropriation, such General Fund appropriation shall lapse. Further, should North Carolina enact a lesser educator pay appropriation than requested by the Governor, then such General Fund appropriation shall be reduced by the same proportion as the proportionate reduction in the Governor's request, and the remainder of the General Fund appropriation shall lapse.

The County Manager or the Manager's designee is hereby authorized to execute necessary agreements with regard to ongoing construction projects undertaken by the County, without the requirement of consultation with the Board of Commissioners, in the following circumstances:

- A) The Manager may approve any and all non-emergency change orders which do not increase the construction budget for the project by more than 25% of the then-unallocated budgeted amount for "contingencies" in the particular project budget.
- B) Any change order approved by the County Manager involving a change of more than \$10,000.00 to the construction budget shall be reported to the Board of Commissioners, as an information-only item within the County Manager's monthly report.
- C) In emergencies, change orders greater than those authorized above may be approved by the County Manager after consultation with and with the approval of the Chairman of the Board of Commissioners. In any such case, a report of the same shall be made to the Board of Commissioners at their next regularly-scheduled meeting.
- D) The Sheriff may execute contracts that have no monetary impact on the county government budget (for example, no county match in personnel or funding). Contracts or agreements that require any type of County match outside of the Sheriff's approved budget must be approved by the Board of Commissioners.

The County Manager is hereby authorized to transfer appropriations within a fund as contained herein under the following conditions:

- A) The Manager may transfer amounts between objects of expenditure within a department without limitation and without a report being required.
- B) The Manager may transfer amounts up to \$50,000 between departments within the same fund with an official report on such transfers provided to the Board of Commissioners.
- C) The Manager may transfer amounts up to \$50,000 from any appropriation within the general fund to a separate fund with an official report on such transfers provided to the Board of Commissioners.
- D) The Manager may modify the budget for pass-through monies, additional funding, or any Federal or State program prior approved by the Board, without a report being required.
- E) The total of all amounts encumbered for outstanding purchase orders and contracts at June 30, 2014 shall be carried forward in fund balance as the amount Reserved for Encumbrances and the corresponding appropriations for these encumbrances shall not lapse in order to properly account for the payment in the fiscal year paid.

GENERAL FUND BUDGET SCHEDULE

Governing Body	\$ 382,999
Dues & Non-Profit Contributions	596,076
County Manager	331,155
Administrative Services	428,467
Human Resources	606,280
Elections	799,964
Finance	794,131
Assessor	1,769,516

Tax Collections	448,259
Legal	680,490
Register of Deeds	395,210
Engineering & Facility Services – Central Services Division	2,668,530
Engineering & Facility Services – Garage Division	337,159
Court Facilities	190,000
Information Technology	2,359,611
Sheriff	13,835,236
Detention Facility	3,931,029
Emergency Services – Emergency Management Division	319,063
Emergency Services – Fire Marshal Division	497,754
Building Services	860,485
Wellness Clinic	497,809
Emergency Services – Emergency Medical Services Division	4,532,054
Animal Services	589,396
Rescue Squad	281,360
Forestry Services	52,979
Soil & Water Conservation District	308,382
Planning	583,250
Code Enforcement	266,367
Cooperative Extension	316,205
Economic Development	919,367
AgriBusiness Henderson County	127,848
Public Health	6,186,333
Public Health – Environmental Health Division	989,168
Home & Community Care Block Grant (H&CCBG)	741,880
Medical Services - Autopsies	46,250
Mental Health -- Maintenance of Effort Funding	528,612
Rural Operating Assistance Program (ROAP)	211,092
Social Services	12,768,710
Social Services – Smart Start Program	553,544
Social Services – Federal & State Programs	7,221,933
Social Services – General Assistance Division	61,500
Juvenile Justice Grant	193,745
Veterans Services	47,650
Public Library	2,924,370
Recreation	1,576,494
Public School System	23,124,447
Public School System – Conditional Appropriation	561,706
Blue Ridge Community College	3,157,836
Public Schools Debt Service	8,335,988
Community College Debt Service	1,477,771
General Debt Service	3,756,267
Non-Departmental	259,600
Transfers to Other Funds	1,645,425

TOTAL GENERAL FUND APPROPRIATIONS:

\$ 117,076,752

B. Revenues

For the operation of the Henderson County's government and its subdivisions for FY2015, it is estimated that the revenues and fund balances of the General Fund, as listed below, will be available to meet the appropriations as set forth herein. All fees, commissions, and sums paid to or collected in any fund by any County official, officer, or agent for any service performed for such official, officer, or agent in his official capacity shall accrue solely to the benefit of the County and become County funds.

Ad Valorem Taxes

\$ 62,688,780

Current year general levy	\$ 60,768,780
Prior year taxes, interest and penalties	\$ 1,920,000
County share of (local option only) sales taxes	\$ 18,541,346
Other taxes and licenses	\$ 834,500
Unrestricted intergovernmental revenue	\$ 53,000
Restricted intergovernmental revenue	\$ 18,274,724
Permits and fees	\$ 1,250,800
Sales and services	\$ 5,354,954
Investment earnings	\$ 500,000
Other revenues	\$ 523,665
Transfers from other funds	\$ 325,918
Fund balance appropriated	\$ 8,729,065
TOTAL GENERAL FUND REVENUE	\$ 117,076,752

1. Ad Valorem Tax Levy

That there is hereby levied for FY2015 a property tax rate of fifty-one and thirty-six/hundredth cents (\$.5136) on each one hundred dollars (\$100) of assessed valuation of taxable property, as listed for taxes as of January 1, 2014, for the purpose of raising the revenue for current year's taxes as set forth in the foregoing estimates of revenues, and in order to finance the foregoing appropriations, pursuant to and in accordance with the North Carolina Machinery Act (codified within Chapter 105 of the North Carolina General Statutes) and other applicable laws. This rate is based on an estimated total valuation of \$12,355,000,000 of taxable property and a collection rate of ninety-seven percent (97%). The Budget Ordinance also names ad valorem property taxes as the specific revenue source to fund the Tax Revaluation Reserve Fund, budgeted in Fiscal Year 2015 at \$782,842.

2. Fees, Licenses and Other Taxes

There is hereby levied all County Privilege License Taxes as authorized by North Carolina General Statutes, and such other taxes and fees, as provided in the ordinances, resolutions, and fee schedules duly adopted by the Board of Commissioners. Fee schedules used in the development of this budget and adopted by the Board of Commissioners are set forth and a copy of such is maintained in the Office of the County Manager.

C. Based on the Annual Budget

The appropriations, schedules of expected revenues, and taxes levied, as stated herein, are based on the annual Budget as hereby approved, a summary of which Budget is attached as Schedule No. 1, and the terms of which Budget are hereby specifically incorporated by reference.

Section 2 – Capital Reserve Fund

The following is hereby appropriated and revenues estimated to be available in the Capital Reserve Fund for FY2015:

Revenues	\$ 1,398,463
Appropriations	\$ 1,398,463

Section 3 – Fire Districts Fund

The following is hereby appropriated and revenues estimated to be available in the Fire Districts Fund for FY2015 for payment to the appropriate corporation providing fire protection within each district:

Revenues	\$ 7,061,065
Appropriations	\$ 7,061,065

Fire District Tax Rate for these special tax districts listed are as follows (at cents per \$100 value):

District	Rate
Bat Cave	.100
Blue Ridge	.095
Dana	.110
Edneyville	.095
Etowah-Horse Shoe	.095
Fletcher	.100
Gerton	.125
Green River	.070
Mills River	.075
Mountain Home	.105
Raven Rock	.085
Valley Hill	.085
Valley Hill II	.085

Section 4 – Other Funds

A. Revaluation Reserve Fund

The following is hereby appropriated and revenues estimated to be available in the Revaluation Reserve Fund for FY2015:

Revenues	\$ 782,842
Appropriations	\$ 782,842

B. Community Development Block Grants

(1) Scattered Site Housing Program Fund

The following is hereby appropriated and revenues estimated to be available in the Community Block Development Grant: Scattered Site Housing Program Fund for FY2015:

Revenues	\$ 400,000
Appropriations	\$ 400,000

(2) Dodd Meadows

The following is hereby appropriated and revenues estimated to be available in the Community Block Development Grant: Dodd Meadows Fund for FY2015:

Revenues	\$ 454,960
Appropriations	\$ 454,960

C. Emergency Telephone System Fund

The following is hereby appropriated and revenues estimated to be available in the Emergency Telephone System (“E-911”) Fund for FY2015 the following (revenues for this fund are based on a \$0.70 surcharge per phone line):

Revenues	\$ 595,910
Appropriations	\$ 595,910

D. Public Transit Fund

The following is hereby appropriated and revenues estimated to be available in the Public Transit Program Fund for FY2015:

Revenues	\$ 900,088
Appropriations	\$ 900,088

E. Immigration and Customs Enforcement Fund

The following is hereby appropriated and revenues estimated to be available in the Immigration and Customs Enforcement Fund for FY2015:

Revenues	\$ 469,151
Appropriations	\$ 469,151

F. Solid Waste Enterprise Fund

The following is hereby appropriated and revenues estimated to be available in the Solid Waste Enterprise Fund for FY2015:

Revenues	\$ 5,690,038
Appropriations	\$ 5,690,038

G. Cane Creek Sewer Enterprise Fund

The following is hereby appropriated and revenues estimated to be available in the Cane Creek Sewer Enterprise Fund for FY2015:

Revenues	\$ 3,801,802
Appropriations	\$ 3,801,802

H. Justice Academy Sewer Fund

The following is hereby appropriated and revenues estimated to be available in the Justice Academy Sewer Fund for FY2015:

Revenues	\$ 134,375
Appropriations	\$ 134,375

Section 5 – Public Schools

The Henderson County Finance Director is hereby directed to remit the appropriation to the Henderson County Public Schools in monthly installments equivalent to one-twelfth (1/12) of the total county appropriation. The County Finance Director shall remit payment by the thirtieth (30th) of each month.

The provisions of this section are subject to the provisions contained in this Ordinance concerning the "Public Schools – Conditional Appropriation". Should (1) any date of payment of monthly installments to the Public Schools of the appropriation represented as "Public Schools – Conditional Appropriation" pass, with (2) North Carolina not having enacted the educator pay increase referred to in this appropriation, and (3) the time limit for such enactment (by virtue of the adjournment *sine die* of the General Assembly and the passing of the veto date for any unsigned legislation) not having been reached, then the monthly installment to the Public Schools of this conditional appropriation shall be held by the Finance Director in a suspense account. Such funds will be so held until the first to occur of the enactment of the educator pay increase by North Carolina, or until such time as the adjournment *sine die* of the North Carolina General Assembly without adoption of such educator pay increase. If such pay increase is enacted by North Carolina, then any funds so held in suspense shall be released to the Public Schools, with future monthly payments hereunder in accord with the general provisions of this Section 5. If such pay increase is not enacted by North Carolina as of such adjournment, then any funds so held in suspense shall revert to the County's fund balance.

Section 6 – Elected Officials

A. Henderson County Board of Public Education

The Chairman of the Board shall be compensated at an annual rate of \$3,500. Members of the Board, other than the Chair, shall be compensated at \$2,800 annually.

B. Henderson County Board of Commissioners

(1) Salary

The Chairman of the Board of Commissioners shall be compensated at an annual rate of \$18,092 paid on the same basis as other county employees. Members of the Board, other than the Chair, shall be compensated at an annual rate of \$11,233 paid on the same basis as other county employees.

(2) Expenses and Special Meetings

The Chairman and Members shall also receive an additional \$75 per special-called meeting and \$3,650 annually for in-county travel expenses.

C. Sheriff

The Sheriff shall be compensated at an annual rate of \$ 100,425. Notwithstanding, the Board reserves the right to adjust this salary pursuant to North Carolina law.

D. Register of Deeds

The Register of Deeds shall be compensated at an annual rate of \$ 69,102. Notwithstanding, the Board reserves the right to adjust this salary pursuant to North Carolina law.

Section 7 – Use of Budget

This Ordinance and the budget shall be the basis for the financial plan for the County of Henderson, North Carolina, during FY2015. The County Manager shall administer the budget and insure that operation officials are provided guidance and information in sufficient detail to implement their portions of the budget.

The Finance Director shall establish records, which are in consonance with the budget, this Ordinance and regulating statutes of the State of North Carolina.

Section 8 - Effective Date

This Ordinance shall be effective by its terms for FY2015 upon adoption.

VOTING:

AYES: All

NAYS: None

Adopted this the 2nd day of June, 2014.

HENDERSON COUNTY BOARD OF COMMISSIONERS



By: Charles Messer
CHARLES MESSER, Chairman

Attest:

Teresa L. Wilson
TERESA L. WILSON, Clerk to the Board