

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: September 5, 2017

SUBJECT: Edneyville and Dana Fire Tax District Revisions

PRESENTER: Fire Marshal, Kevin Waldrup

ATTACHMENTS:

- (1) Proposed Resolution
- (2) Affected Properties Map, "Appendix A"
- (3) Affected Properties by PID, "Appendix B"
- (4) Adopted Local Bill

SUMMARY OF REQUEST:

During November 2016 the Board of Commissioners reviewed a request from the Boards of Edneyville Fire & Rescue and Dana Fire & Rescue to exchange fire districts of certain properties. This exchange would enhance services and improve response times to these properties. At the request of the Board County Staff conducted additional due diligence and resubmitted the proposal in January 2017. The Board requested Representative Chuck McGrady to introduce a local bill to allow the transfer of these parcels.

Staff worked with Rep. McGrady's staff and Mr. Burrell to develop and introduce a local bill which would allow the proposed changes. The adopted bill allows the Board, upon request of both Fire Districts, to transfer parcels between districts upon resolution.

The Henderson County Board of Commissioners is requested to adopt the attached Resolution for the Edneyville Fire & Rescue/ Dana Fire & Rescue District Boundary Exchange.

BOARD ACTION REQUESTED:

The Board is requested to adopt the attached Resolution as presented.

SUGGESTED MOTION:

I move that the Board adopt the attached Resolution for the Edneyville Fire & Rescue/ Dana Fire & Rescue District Boundary Swap.

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

J. MICHAEL EDNEY
Chairman
GRADY HAWKINS
Vice-Chairman

THOMAS H. THOMPSON
CHARLES MESSER
WILLIAM LAPSLEY

RESOLUTION OF EDNEYVILLE FIRE RESCUE/ DANA FIRE RESCUE DISTRICT BOUNDARY EXCHANGE

- WHEREAS,** The Edneyville Fire & Rescue Department has provided fire protection for their response area since their charter in 1961;
- WHEREAS,** The Dana Fire & Rescue Department has provided fire protection in their response area since their charter in 1971;
- WHEREAS,** The Boards of Directors and Chiefs of Edneyville Fire & Rescue and Dana Fire & Rescue have mutually agreed to transfer the fire districts of certain parcels to facilitate a more efficient and timely response to those citizens; and
- WHEREAS,** A public meeting was held for citizen's comments on August 2, 2016 at 6:00 p.m. at North Henderson High School, and with no members from the public attending the meeting, it was adjourned at 6:30 p.m.; and
- WHEREAS,** A letter of explanation was also sent to each affected property owner outlining the proposed changes and allowing an opportunity to request additional clarification and provide feedback for the proposed change; and
- WHEREAS,** The Board of Commissioners requested Representative Chuck McGrady to introduce a Local Bill in the North Carolina House of Representatives to approve the transfer of affected parcels; and
- WHEREAS,** Session Law 2017-38, House Bill 491, was ratified by the NC General Assembly on June 21st, allowing the Board of Commissioners to transfer parcels from one fire protection district to another pursuant to the terms of HB 491; and
- WHEREAS,** The Fire Chiefs and respective Board of Directors have requested to transfer these subject parcels as identified in Appendix A & Appendix B of this resolution.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners approve the fire tax district transfers between Edneyville Fire & Rescue and Dana Fire and Rescue as outlined in Appendix A & Appendix B of this resolution, to be effective July 1st, 2018. In witness whereof I have hereunto set my hand and caused the seal of the County of Henderson to be affixed.

Adopted this the 5th day of September 2017.

J. MICHAEL EDNEY, CHAIRMAN
HENDERSON COUNTY BOARD OF COMMISSIONERS









ATTEST:

TERESA L. WILSON, CLERK TO THE BOARD

APPENDIX "A"

Dana Fire and Edneyville Fire District Adjustments

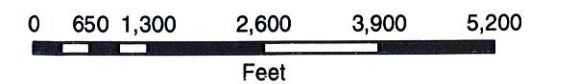
Legend

-  Area From Dana Tax District to Edneyville Tax District
-  Area From Edneyville Tax District to Dana Tax District
- Parcels
- Tax District
 -  BLUE RIDGE FIRE
 -  DANA FIRE
 -  EDNEYVILLE FIRE
 -  HENDERSONVILLE CITY
 -  MOUNTAIN HOME FIRE
-  Streets

We the undersigned have agreed to the changing of our fire districts as shown on included map.

Jimmy Womack 5-9-16
 Jimmy Womack, Fire Chief, Dana Fire and Rescue

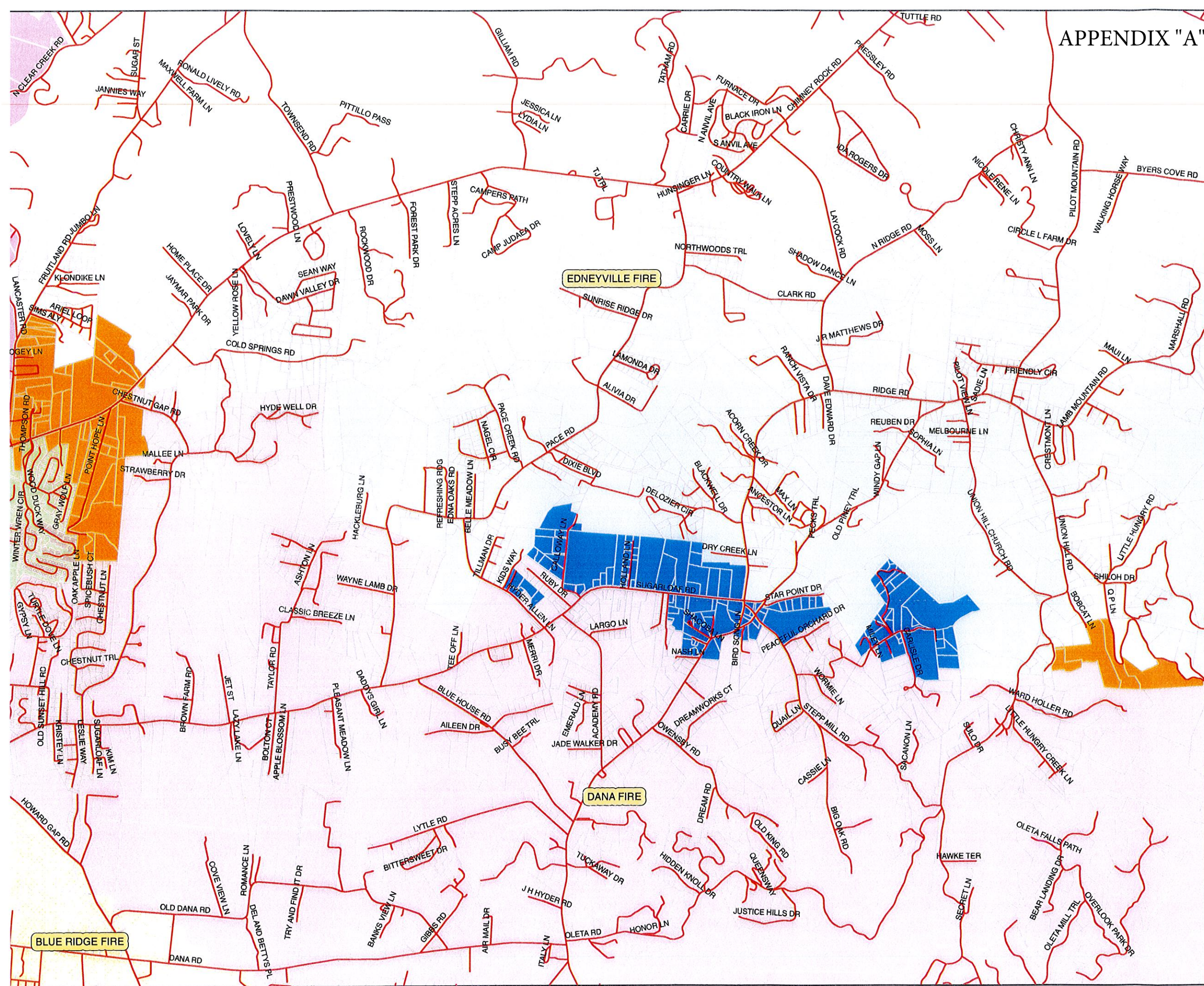
Robert Griffin 5-9-16
 Robert Griffin, Fire Chief, Edneyville Volunteer Fire and Rescue



1 inch = 2,100 feet



Map created by Curtis Griffin
 Henderson County
 Planning Department
 Property Addressing Division
 05/06/2016



**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017**

**SESSION LAW 2017-38
HOUSE BILL 491**

AN ACT TO ALLOW HENDERSON COUNTY TO CHANGE THE BOUNDARY OF CERTAIN FIRE TAX DISTRICTS BY RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS.

The General Assembly of North Carolina enacts:

SECTION 1. Section 1 of S.L. 2000-4, as amended by S.L. 2011-50, reads as rewritten:

"Section 1. (a) Notwithstanding G.S. 69-25.11, the boundaries of any fire protection district in Henderson County established under Article 3A of Chapter 69 of the General Statutes may be changed by resolution of the Board of Commissioners of Henderson County to follow the boundaries shown on the map in Attachment A to a resolution adopted by that board on March 17, 1999.

(b) Notwithstanding G.S. 69-25.11, the boundaries of any fire protection district in Henderson County established under Article 3A of Chapter 69 of the General Statutes may be changed by resolution of the Board of Commissioners of Henderson County as follows:

(1) ~~to~~To include any unincorporated area of the county not already in such a fire protection district if (i) in that resolution all of such unincorporated areas, other than those owned by the United States, are placed in some fire protection district and (ii) no fire district contains any new noncontiguous territory other than a noncontiguity caused by exclusion of property owned by the United States.

(2) To transfer areas from one protection district to another, when (i) the transfer is jointly requested by the fire departments serving those areas before and after the proposed transfer and (ii) a description or map of the areas to be transferred is included as an appendix to the resolution.

Any resolution adopted under this subsection becomes effective the first day of the next fiscal year."

SECTION 2. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 21st day of June, 2017.

s/ Daniel J. Forest
President of the Senate

s/ Tim Moore
Speaker of the House of Representatives

