

# DRAFT

## MINUTES

STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS  
WEDNESDAY, OCTOBER 16, 2019

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

Those present were: Chairman Grady Hawkins, Vice-Chairman William Lapsley, Commissioner Mike Edney, Commissioner Rebecca McCall, Commissioner Charlie Messer, County Manager Steve Wyatt, Assistant County Manager Amy Brantley, Attorney Russ Burrell and Clerk to the Board Teresa Wilson.

Also present were: Finance Director Samantha Reynolds, Director of Business and Community Development John Mitchell, Engineer Marcus Jones, Planning Director Autumn Radcliff, Budget Manager Megan Powell, Tax Administrator Darlene Burgess, Capital Projects Manager Thad Ninnemann, Elections Director Beverly Cunningham, Code Enforcement Director Toby Linville, Capital Projects Manager David Berry, Sheriff's Department Account Technician Lisa Ward, Emergency Management/Rescue Coordinator Jimmy Brissie Recreation Director Carleen Dixon, IT Director Mark Seelenbacher, DSS Director Jerrie McFalls, Project Engineer Natalie Berry & PIO Kathy Finotti – videotaping, Lieutenant Mike Marsteller as security.

### CALL TO ORDER/WELCOME

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

### INVOCATION

The invocation was provided by County Manager Steve Wyatt.

### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American Flag was led by Chairman Hawkins.

### INFORMAL PUBLIC COMMENT

1. Gayle Kemp spoke against the 287G Program and feels no one is illegal.
2. Howard Bakken is concerned about the NCDOT Highway 191 Project and feels it needs to be redesigned.
3. Dan McCuthen is concerned about the NCDOT Highway 191 Project and feels it needs to be redesigned.
4. Robert Coffey is concerned about the NCDOT Highway 191 Project and feels it needs to be redesigned.
5. Phil Rasmussen is concerned about the NCDOT Highway 191 Project and feels it needs to be redesigned.
6. Richard Freudenberger is concerned about tree loss at a farm where he works on Highway 191 due to the NCDOT project. He doesn't feel 4 lanes are necessary.
7. B.J. Mason is concerned about the NCDOT Highway 191 Project and feels it needs to be redesigned.

Chairman Hawkins explained the five (5) districts for commissioners are for residency purposes, but all commissioners' represent the Henderson County residents.

Chairman Hawkins responded to concerns about the Highway 191 project saying that it is beneficial to look at the State before the depression and taxes paid, afterwards, the State took over roads and the budget. Citizens need to hold dialogue with the State as NCDOT is receptive. The County, somehow, has become the middleman.

### 2019.79 PROCLAMATION – WORLD POLIO DAY

The Henderson County Board of Commissioners are requested to proclaim October 24, 2019, as World Polio Day in Henderson County and encourage all citizens to join the County, Four Seasons Rotary and Rotary International in the fight for a polio-free world.

Approved:

Tiffany Ervin of the 4-Seasons Rotary Club thanked the Board and read the Proclamation aloud.

Thirty years ago, more than 1,000 children were paralyzed by polio every single day around the world. But in 2019, thanks to immunization efforts by Rotary members and their corporate partners around the world, that number is only 88 this entire year. Local Rotarians, however, along with their 1.2 million counterparts around the world, believe that number is still too high, and they are committed to eradicating the disease completely.

The Four Seasons Rotary Club will celebrate World Polio Day on Thursday, October 24, by helping “light up” the historic courthouse on Main Street. Lisa Holland, the club’s chairman of PolioPlus activities, says the courthouse will be washed in red and yellow lights this year (to coordinate with the EPN logo) to highlight the continuing need to “End Polio Now.” Nearly 100 community leaders and citizens attended last year’s inaugural event, where the building was washed in purple lights to represent the dye painted on a child’s pinky finger when they are administered the polio vaccine. The “purple pinky” is a common fundraiser and public awareness initiative for polio eradication efforts.

In addition to the lighting ceremony on World Polio Day, Four Seasons Rotary has partnered with Guidon Brewing Company to host “Pints for Polio” throughout the entire month of October. They will donate \$1 per pint of a specific beer each week to Four Seasons Rotary for the PolioPlus effort.

*Commissioner Lapsley made the motion that the Board adopt a Proclamation designating October 24, 2019, as World Polio Day in Henderson County. All voted in favor and the motion carried.*

#### **Discussion/Adjustment of Consent Agenda**

*Commissioner Lapsley made the motion to approve 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):

October 7, 2019 - Regularly Scheduled Meeting

Motion:

*I move the Board approves the minutes of October 7, 2019.*

#### **Tax Collector’s Report**

Deputy Tax Collector Luke Small had presented the Tax Collector’s Report to the commissioners dated October 4, 2019 for information only. No action was necessary.

#### **Hazard Mitigation Grant Application**

Following a FEMA declared disaster the State is awarded Hazard Mitigation Funding for projects throughout the State. These funds are used to provide grants to property owners as well as State and Local Governments to protect properties from future damage or enhance the resiliency of the community (HMGP Grants). As part of our regional Hazard Mitigation Plan Henderson County maintains a list of action items to improve our ability to respond to and recover from disasters. One such item is increasing the generator capacity at critical infrastructure and support facilities. During the winter of 2019 Henderson County submitted a letter of interest to receive HMGP funding for a standby generator for one of our emergency shelters, the Gymnasium at the Athletic and Activity Center. HMGP grant funding up to \$25,000 was requested for this phase of the project. Recently the County was informed our project was approved by the State and being submitted for federal approval. As part of the formal application process the County must approve a primary and secondary application agent for the project. The application includes the necessary resolution language for the federal application. Local dollars have been budgeted in FY20 budget for the local funding match of this project, if approved by FEMA.

## Motion:

*I move the Board approves the Resolution of the Designation of Applicant's Agent and authorize the Emergency Services Director and County Manager to execute the necessary documents for the grant application.*

**2019.80 NCEM Training Grant**

Since 2006 Henderson County and surrounding Counties have sponsored a training event annually at the DuPont State Forest, the DuPont Rescue Experience. This event draws over 200 rescuers annually from across the southeast. The training is sponsored in part by a grant from NC Emergency Management. The Henderson County Rescue Squad coordinates all the financial aspects of the grant including income and expenses. In previous years the State has provided a partial reimbursement to the Rescue Squad directly for the exercise. Recent changes in training grant management at NCEM now require the funds to be provided to a local government. We request the Board consider a budget amendment to allow the County to receive these training funds and provide them to the Rescue Squad as a partial reimbursement of the costs of hosting the exercise. The Rescue Squad would be required to maintain the necessary reimbursement documentation for the County and State as they have in years past.

## Motion:

*I move the Board approves the budget amendment authorizing the receipt of funds as partial reimbursement for the DuPont Rescue Experience and provide reimbursement to the Henderson County Rescue Squad as approved by North Carolina Emergency Management.*

**NCEM Homeland Security Grant Project, TERMS Upgrade**

North Carolina Emergency Management (NCEM) manages our Statewide Training, Exercise and Response Management System (TERMS). Last year the State introduced a new component which allows us to manage our database of responders in the system. We are currently using this module to manage some of our specialty teams and the hope is the system's capabilities will grow to allow us to discontinue some of the County's commercial subscription products. Our local EM staff has been included in the development as well as the testing and evaluation of these new State systems.

The State has allocated \$130,440 in Homeland Security Grant Funding for the expansion of this software module and associated system improvements this year, but a County is needed to sponsor the project. Due to our close working relationship in the development of this module it was requested that Henderson County sponsor the project. This would be a State managed "turn-back" project grant. No additional work would be required on our part above our current level of involvement, and no funds would be received or expended by the County. Henderson County has sponsored similar projects in the past in the region and across the State which have a benefit to the County and all similar agencies.

## Motion:

*I move the Board approves the Emergency Management Department to apply for the State Managed Homeland Security Grant for the Terms Upgrade Project and authorize staff to execute the necessary documents for the grant application and Memorandum of Understanding.*

**2019.81 Budget Amendment – Asset Forfeiture Fund Transfer**

The Sheriff's Department is requesting that the Board approve a budget amendment to transfer funds from NC DOR State Drug Excise Tax revenues (114431-451006) for the purchase of ten (10) iPads for the Drug Enforcement Team.

An iPad will aid the Drug Enforcement Team (DET) by providing a more effective tool during undercover operations. Currently cell phones are being used for multiple functions during these operations. An iPad will

free up cell phones critical for communication. The iPad can be mounted in a vehicle to provide a much safer hands-free operation.

Motion:

*I move the Board of Commissioners approves the Budget Amendment to appropriate funds from NC DOR State Drug Excise Tax revenues necessary to purchase this equipment.*

**2019.82 Budget Amendment – Justice Academy and Cane Creek Enterprise Funds**

Staff requests approval of the Line Item Transfers to amend the FY2020 budget for the Justice Academy Wastewater Treatment and Cane Creek Sewer enterprise funds. Both amendments are for compliance studies that developed after the approval of the FY2020 budget.

Motion(s):

*I move the Board approve the line item transfer as submitted for the Justice Academy enterprise fund.*

*And*

*I move the Board go into session as the Cane Creek Board of Directors, approve the line item transfer as submitted for the Cane Creek enterprise fund, and then go out of session as the Cane Creek Board of Directors.*

**Offer to purchase tax-foreclosed property**

Clarence Baldwin and Angela Baldwin have offered to purchase a parcel of real estate which was subjected to a tax foreclosure by the County.

The property is located on Texas Street, and described as lots 4 and 12, Block 20, of Osceola Lake Park subdivision., with real estate identification number 9937439 (PIN 9567397763), with a tax value of \$9,800.00. The offered price is the sum of One Thousand Five Hundred Dollars (\$1,500.00).

This property was originally foreclosed by the County in 1960. No taxes have been received on the property since that time.

The Board gave provisional acceptance to this offer on September, 2019, subject to advertisement for upset bids. The notice of the offer and request for upset bids was published September 25, 2019, in the *Hendersonville Lightning*.

No upset bid was received.

Under your procedures and the General Statutes, once provisional acceptance has occurred, and no upset bids are received after published notice, the matter comes back before this board for a final decision on the sale.

Motion:

*I move that the Board give final acceptance to the offer of Clarence Baldwin and Angela Baldwin to purchase the parcel described in this agenda item.*

**DISCUSSION/ADJUSTMENT OF DISCUSSION AGENDA**

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

**NOMINATIONS**

**Notification of Vacancies**

1. EMS Peer Review Committee – 1 vac.
2. Hendersonville Planning Board – 1 vac.
3. Historic Resources Commission – 1 vac.
4. Nursing/Adult Care Home Community Advisory Committee – 1 vac.

**Nominations**

Chairman Hawkins recognized the vacancies and opened the floor for nominations.

1. Asheville Regional Housing Consortium – 1 vac.

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

2. Cane Creek Water and Sewer District Advisory Committee – 1 vac.

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

3. Cemetery Advisory Committee – 1 vac.

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

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

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

5. Home and Community Care Block Grant Advisory Committee – 1 vac.

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

6. Juvenile Crime Prevention Council – 1 vac.

Commissioner Lapsley nominated Valerie Metzler for position #16. *Chairman Hawkins made the motion to accept the appointment of Valerie Metzler to position #16 by acclamation. All voted in favor and the motion carried.*

7. Land-of-Sky Regional Council – 1 vac.

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

8. Land-of-Sky Regional Council Advisory Council on Aging – 1 vac.

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

9. Library Board of Trustees – 1 vac.

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

10. Mountain Area Workforce Development Board – 2 vac.

Commissioner Messer nominated Lisa Richmond for position #6. *Chairman Hawkins made the motion to accept the appointment of Lisa Richmond to position #6 by acclamation. All voted in favor and the motion carried.*

11. 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.

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

Commissioner McCall nominated Don Streb for position #17. *Chairman Hawkins made the motion to accept the reappointment of Don Streb to position #17 by acclamation. All voted in favor and the motion carried.*

**CONSTRUCTION PROJECTS UPDATE**

David Berry provided the Board of Commissioners with an update on construction projects around Henderson County. The monthly report is a review of the scope and statuses of assigned construction management responsibilities and includes specific updates in regard to County funded construction activities.

A virtual reality presentation was provided for the Hendersonville High School project.

**PARKS AND RECREATION COMMUNITY NEEDS ASSESSMENT**

Carleen Dixon stated the County's 2045 Comprehensive Plan process includes a comprehensive plan for Parks and Recreation. The Parks and Recreation Community Needs Assessment will assist the County in planning for future needs in Recreational Programming and Park Planning.

The first step in the process for developing a Comprehensive Plan for Parks and Recreation is to conduct a Community Needs Assessment.

A Community Needs Assessment will be utilized to gather information from Henderson County Residents.

The assessment will be sent by mail to a diverse sample of residents throughout the County; they would be able to fill out the survey on paper and return it by mail or they could access it through a website and fill it out electronically.

Once the assessment is complete, we would receive a full written report and the contactor conducting the survey would plan to attend a Board of Commissioners meeting to review the results.

**Phase I – Community Outreach**

- ◆ Step 1 – Community Needs Assessment
- ◆ Step 2 – Public Input Sessions

**Phase II – Research & Analysis**

- ◆ Step 1 - ADA Assessment & Transition Plan
- ◆ Step 2 - Regional Context
- ◆ Step 3 - Existing Park, Facilities & Programs
- ◆ Step 4 - Demographics & Trend Analysis

**Phase III – Recommendations**

- ◆ Step 1 - Level of Service Standards
- ◆ Step 2 – Park Classifications
- ◆ Step 3 - Prioritization of Needs
- ◆ Step 4 - Parks, Facilities & Programs

**Phase IV – Implementation Plan**

- ◆ Step 1 - Mission Development
- ◆ Step 2 – Vision Development
  - Focus Area: Parks
  - Focus Area: Facilities
  - Focus Area: Programs
  - Focus Area: Operations

- The survey and letter will be the tool used for the Community Needs Assessment.
- A random sample of residents will be contacted for the survey, this sample will be address-based.
- In addition, to the mailed survey anyone interested in filling out a survey will be able to go to our website.
- These tools have been reviewed and recommended by the Recreation Advisory Board.

Chairman Hawkins noted that Mills River is conducting a similar survey, allowing for possible duplication. He asked that staff look at facilities within the municipalities.

Commissioner McCall would like to see the greenways and Ecusta Trail included.

*It was the consensus of the Board to authorize the Parks and Recreation Staff to proceed with administering the Community Needs Assessment as presented for the first step in developing a Comprehensive Plan for Parks and Recreation.*

**ELECTIONS EQUIPMENT UPDATE**

Beverly Cunningham stated on September 12, 2019, members of the Board of Elections and Henderson County staff attended a demonstration of certified voting systems. Following that demonstration, the Board of Elections adopted a Resolution in support of the ES&S Voting System (Express Vote). Elections Director Beverly Cunningham provided the Board with information on the recommended voting equipment, and the process required to acquire the new equipment moving forward. She introduced Chair of the Board of Elections Charles Medd and Karen Hebb who has worked in the Elections Office for over 25 years, and will be the new director.

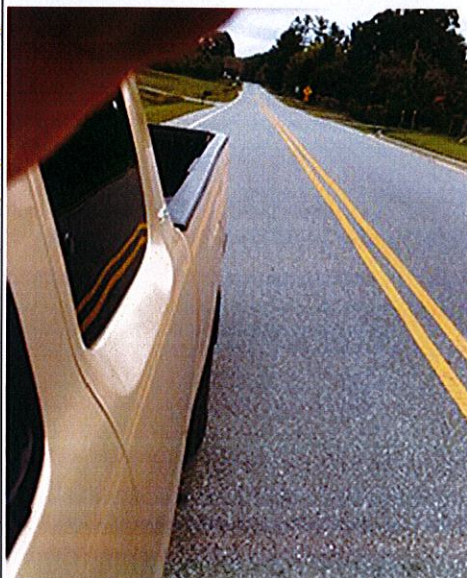
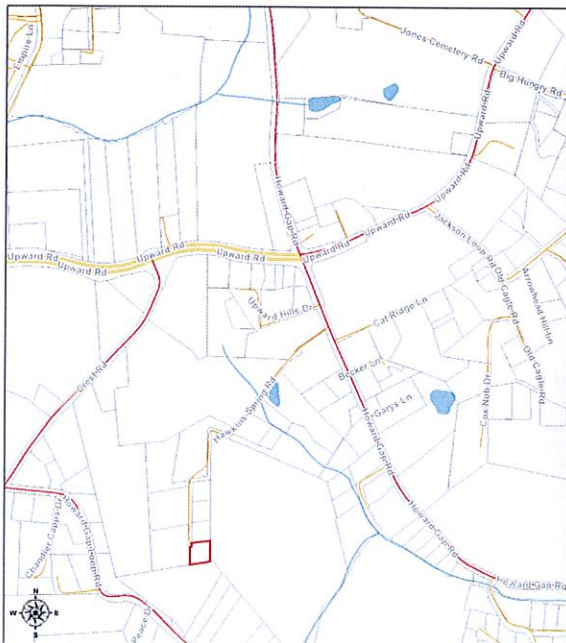
In 2018, forty-five (45) of the DS200 Optical Scanner Tabulators and the DSA50 high speed digital image equipment were purchased. This accounts for half of the equipment that will be needed. These were used for Election Day in 2018 and again in the primary for Fletcher this year. One stop voting began this morning. The IVO's can no longer be used and have been decertified by the NC Legislature. Testing will be conducted on additional new equipment and if everything goes okay they would like to purchase fifty (50) Express vote machines to be used for one-stop and forty-five (45) Express Vote to be used for ADA at one-stop ad Election Day. At least forty (40) booths will need to be purchased to set the machines on, and the ADA kits which extend it out so a wheelchair can be assessable to voting machine. The total cost of the new purchases will be somewhere around \$320,000 which does not include shipping, handling or tax. There are also other incidentals such a thumb-drives, which run about \$100 each. There is also special paper ballot stock.

Steve Wyatt stated the total cost range is approximately \$335,790.00.

Chairman Hawkins thanked Mrs. Cunningham for her years of service and congratulated her on her upcoming retirement.

**HAWKINS SPRINGS ROAD EROSION**

Commissioner McCall requested this item be included on the agenda, to discuss erosion issues being experienced on Hawkins Spring Road, following road improvements by DOT along Upward Road.



Hawkins Spring Road - Storm Water Runoff Impact  
View from Upward Intersection





Culvert at Hawkins Spring Road

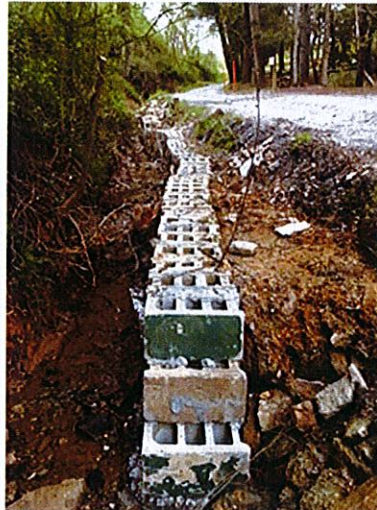


No culverts under drives

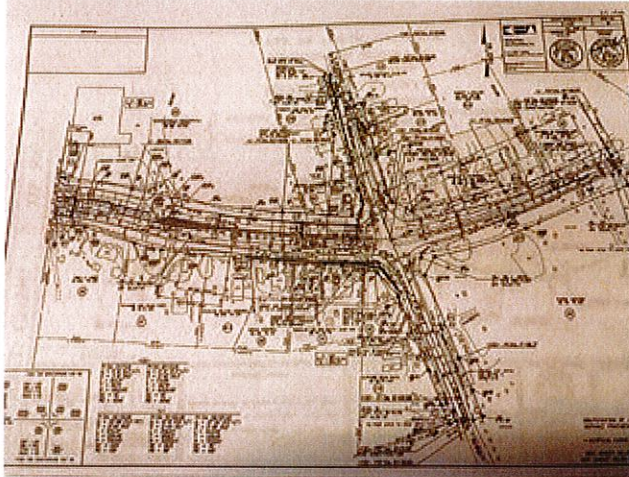




Efforts to control erosion

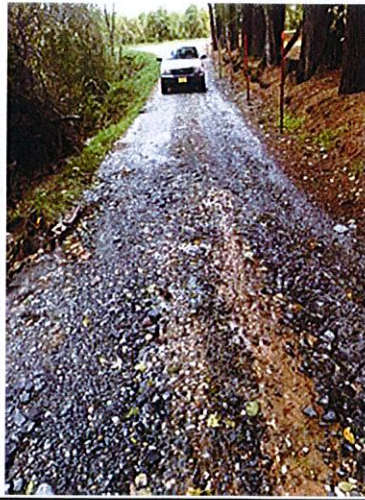


Project Drawing Upward Widening

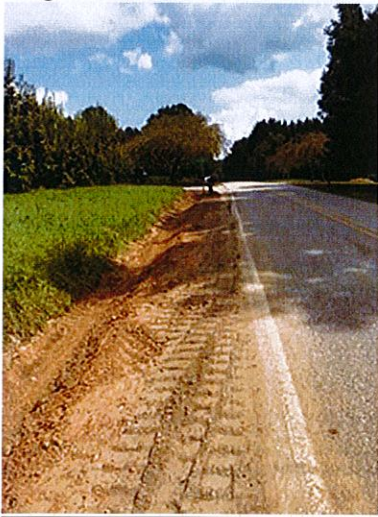


July 8, 2018





August 14, 2018



December 2018



March



Rain effect April 8

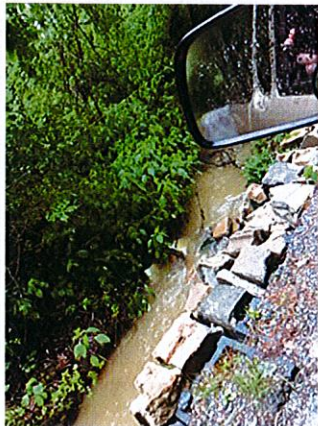
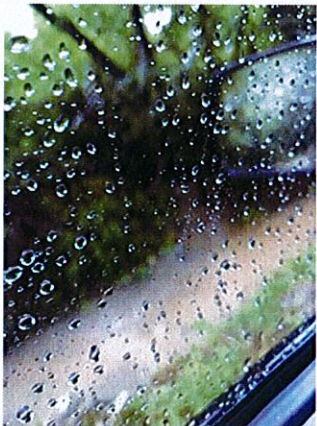




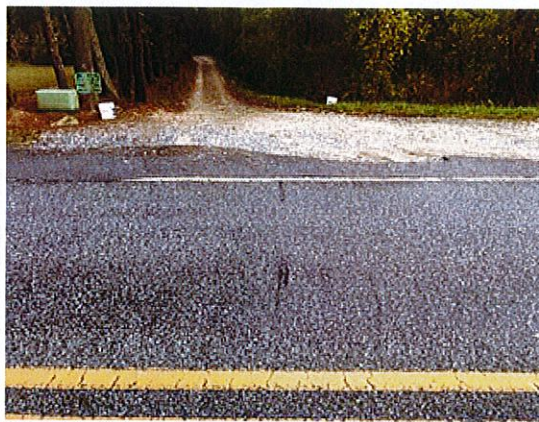
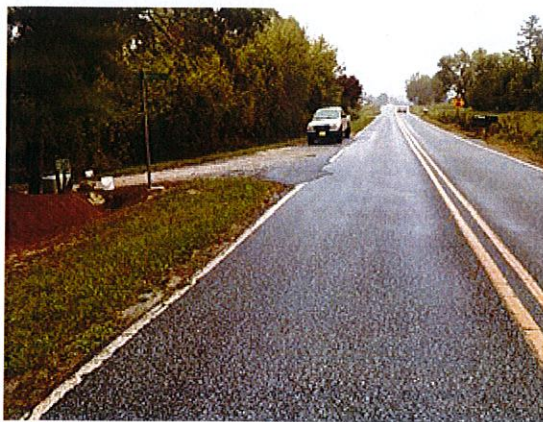
Rain affect April 14



Rain affect June 10



Request Solution



Larry Marshall and Carl McMurray, land owners on Hawkins Spring Road (access to 12 homes) shared information about the erosion and condition of the road since the Upward Road project was completed approximately 12 years ago. Widening of Upward Road has caused much heartache for residents. Mr. Marshall stated since the road was paved in 1979 and a culvert added, the erosion began.

Roger Ayres, NCDOT engineer, stated he has been at the sight 3-4 times in the last 3 years. DOT dealt with the drainage issues by installing a berm. The cross pipe on Howard Gap Road has been there since the 70's.

Rusty Darnell explained NCDOT has no control on Private Drives.

Commissioner Edney would like for NCDOT to conduct an erosion study.

Commissioner Lapsley would like to arrange a meeting between two county commissioners, Raleigh's NCDOT, and the property owners. The Board of Commissioners are once again being the middleman. Marcus Jones will facilitate the meeting.

#### **PINEY RIDGE DRIVE NUISANCE CASE – CHRONIC VIOLATOR**

Russ Burrell stated on August 5, 2019, this Board voted to give notice to the property owner, Amanda Beveridge, that as a result of the condition in which she kept her property located at 583 Piney Ridge Drive (off Asheville Highway), she was a "chronic violator of the public nuisance ordinance", as required by N.C. Gen. Stat. §153A-140.2.

**§ 153A-140.2. Annual notice to chronic violators of public nuisance ordinance.** A county may notify a chronic violator of the county's public nuisance ordinance that, if the violator's property is found to be in violation of the ordinance, the county shall, without further notice in the calendar year in which notice is given, take action to remedy the violation, and the expense of the action shall become a lien upon the property and shall be collected as unpaid taxes. The notice shall be sent by certified mail. A chronic violator is a person who owns property whereupon, in the previous calendar year, the county gave notice of violation at least three times under any provision of the public nuisance ordinance.

Your Code Enforcement has made numerous visits to the site since the notice was delivered to Ms. Beveridge by certified mail (as well as by certified mail). Most recently, Code Enforcement staff again cited the owner for nuisance, for the same problems as before, on August 26, 2019. If the Board finds that insufficient (or no) progress has been made on remedying the nuisance, the Board may choose to "take action to remedy the violation", and take a lien on the property for the costs thereof.

In the event the Board chooses to proceed with cleanup, cost estimates for two scopes of work are included. If

the Board chooses to proceed with cleanup, it should choose the scope of work that it believes is needed to remediate the nuisance.

Once that is done, it is suggested that staff be given discretion to execute a contract for the same, after direction from the Chairman on terms.



Nuisance because no water or power



Excessive garbage accumulation



Building will be demolished because roof is falling



*Commissioner Lapsley made the motion that the Board directs staff contract for the immediate remedying of the nuisance as previously cited, accept bid, and direct and authorize the Chairman and staff to execute contracts for the same. All voted in favor and the motion carried.*

### **NOTIFICATION OF TERMINATION OF AGREEMENT**

Russ Burrell stated over the years, Continental Automotive Systems, Inc., and Continental Teves, Inc., have entered several economic incentives agreements with the County. By January 1, 2019, all had expired (with all investment required by the company made, all employment created, all taxes paid, and all incentives paid by the County) except for one.

On June 10, 2013, the County entered an economic development agreement with Continental Automotive Systems, Inc. (the "2013 agreement"). The 2013 agreement called for expansion of the company's Fletcher, North Carolina, plant in multiple phases in a cumulative amount of between \$25 million and \$55 million, and for incentives paid to the company for a period of seven (7) years from each phase, based on the taxes received from each phase of the expansion (up to a maximum cumulative incentive amount of \$1,115,025.88). Under the 2013 agreement, payments on the various phases could extend through 2023.

On September 26, 2019, the County received a notice under the “Worker Adjustment and Retraining Notification Act” (“WARN notice”) from the company. The WARN notice stated that “[o]n September 26, 2019, the Company announced the permanent closing of the Henderson plant. . . . It is anticipated that the plant closure will occur on or around December 2022.” This notice was later modified somewhat, but the effect is the same.

Under the 2013 agreement:

**If the Company shall make a determination to cease operation of the Facility prior to the end of the Term, this Agreement shall be deemed terminated, and Henderson County shall have no further obligations hereunder . . . .**

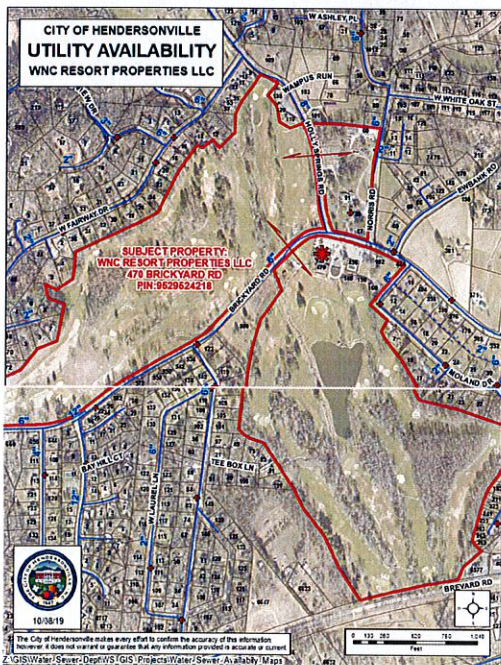
Based on the WARN notice as modified, it appears the company has made “a determination to cease operation” of the Fletcher plant. A proposed letter to that effect, terminating the 2013 agreement, is attached.

*Chairman Hawkins made the motion that the Board authorize the County Attorney to send the proposed letter. All voted in favor and the motion carried.*

**WATERLINE EXTENSION REQUEST – WNC PROPERTIES LLC (ETOWAH TOWNHOMES)**

Autumn Radcliff stated the City of Hendersonville has requested that the County comment on a proposed water line extension to 9 unite townhome development for WNC Properties, LLC in Etowah located off Brickyard Road at the intersection of Norris Road and Holly Springs Road. The proposed water line is 200 linear feet of 6-inch waterline pipe and 1 fire hydrant. The project’s location within the Rural/Urban Services Area and the Residential One (R1) zoning district is consistent with the Henderson County 2020 Comprehensive Plan.

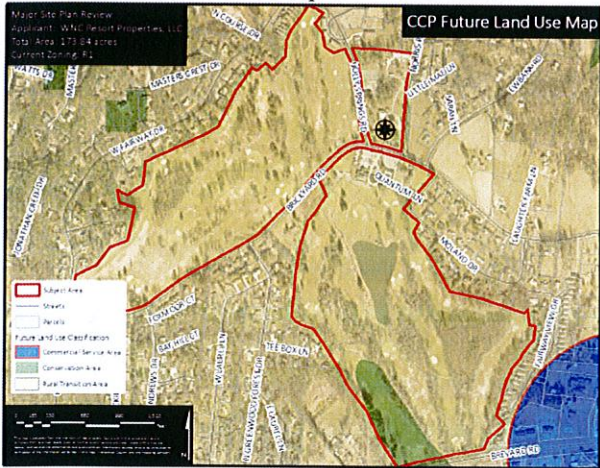
The Zoning Board of Adjustment (ZBA) approved the special use permit and variance application for the 9-unit townhome development on May 29, 2019.



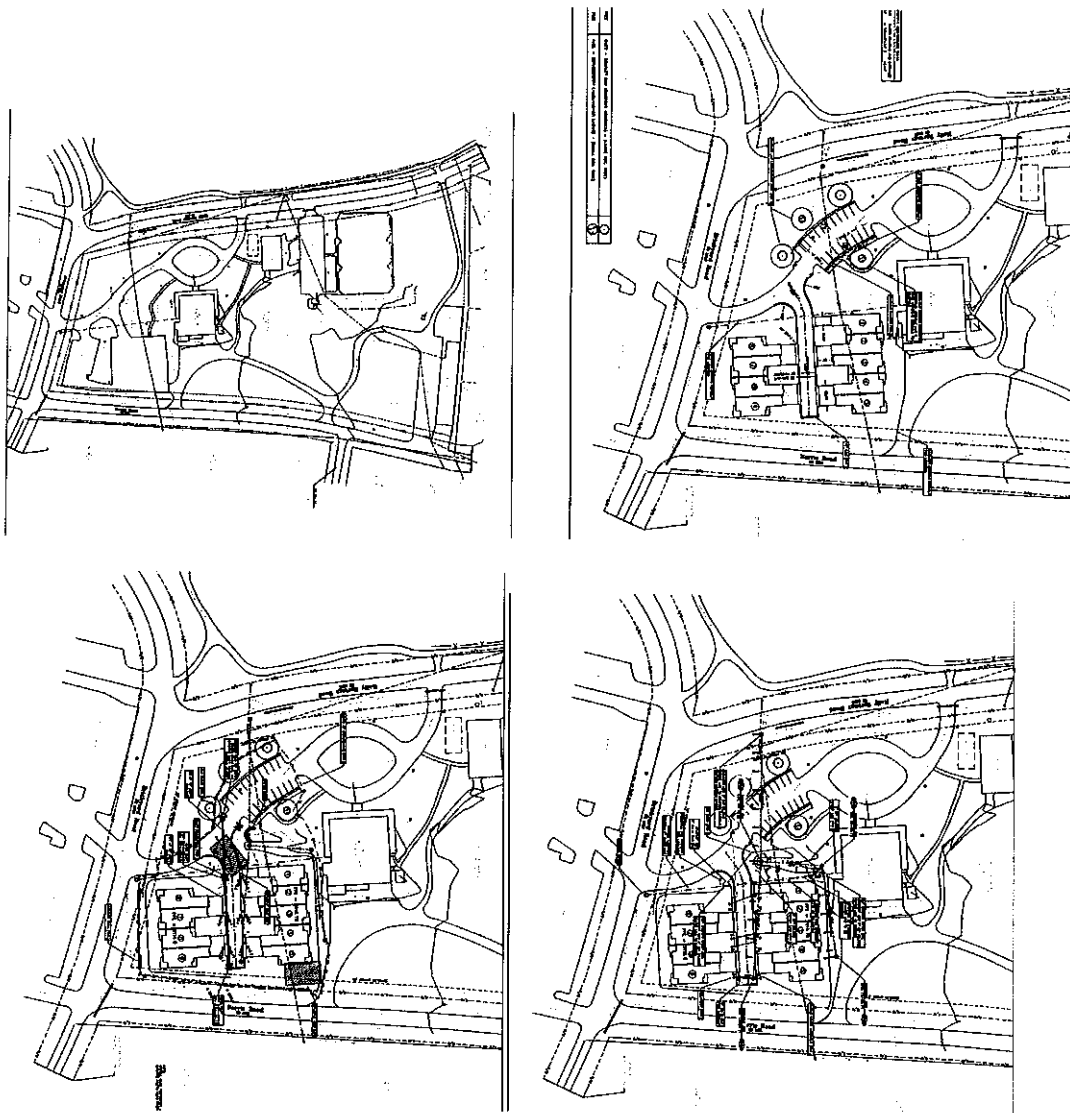
### Existing Land Use



### CCP Future Land Use Map







Chairman Hawkins is concerned about Etowah Sewer taking on 3,000 more gallons per day.

Steve Wyatt explained in 1997 an agreement was made “honor system” that the City would notify the County for all waterline extensions, and as far as he knows, we are.

*Commissioner Messer made the motion that the Board approves the waterline extension request for WNC Properties, LLC and direct staff to convey the County’s comments to the City of Hendersonville. The motion passed 4-1 with Commissioner Edney noting nay.*

### **COUNTY MANAGER’S REPORT**

County Manager Steve Wyatt shared with the Board the plan to hold a ribbon cutting for Edneyville Elementary sometime in December.

Mr. Wyatt made the Board aware of ‘No Loitering, Vaping or Smoking’ signs placed around the courthouse due to increased issues with vandalism of the building. He would like for the grounds to be enjoyed but not with the destruction of property. The signs will allow law enforcement to enforce. This is the first effort to help deal with the situation. There may be potential future measures should the problem continue.

**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:

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. To consult with an attorney employed or retained by the public body in order to consider and give instructions to the attorney with respect to a claim.

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) 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, and (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. All voted in favor and the motion carried.*

**ADJOURN**

*Chairman Hawkins made the motion to adjourn at 12:25 p.m. All voted in favor and the motion carried.*

Attest:

\_\_\_\_\_  
Teresa L. Wilson, Clerk to the Board

\_\_\_\_\_  
Grady Hawkins, Chairman

# 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](http://www.hendersoncountync.org)

GRADY HAWKINS  
Chairman  
WILLIAM LAPSLEY  
Vice-Chairman

CHARLIE MESSER  
J. MICHAEL EDNEY  
REBECCA MCCALL

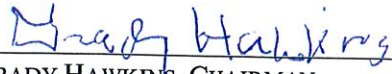
## PROCLAMATION WORLD POLIO DAY

October 24, 2019

- WHEREAS,** Rotary is a global network of 1.2 million neighbors, friends, leaders, and problem-solvers who unite and take action to create lasting change in communities across the globe; and
- WHEREAS,** the Rotary motto, "Service Above Self", inspires members to provide humanitarian service, encourage high ethical standards and promote good will and peace in the world; and
- WHEREAS,** Rotary in 1985, launched PolioPlus and in 1988 helped establish the Global Polio Eradication Initiative, which today includes the World Health Organization, U.S. Centers for Disease Control and Prevention, UNICEF and the Bill & Melinda Gates Foundation to immunize the children of the world against polio; and
- WHEREAS,** polio cases have dropped by 99.9 percent since 1988, and the world stands on the threshold of eradicating the disease; and
- WHEREAS,** to date, Rotary has contributed more than US\$1.9 billion and countless volunteer hours to the protection of more than two and a half billion children in 122 countries; and
- WHEREAS,** Rotary is currently working to raise an additional \$50 million per year which would be further leveraged for maximum impact by an additional \$100 million annually from the Bill & Melinda Gates Foundation; and
- WHEREAS,** these efforts are providing much needed operational support, medical personnel, laboratory equipment and educational materials for health workers and parents; and
- WHEREAS,** in addition, Rotary has played a major role in decisions by donor governments to contribute more than \$8 billion to the effort; and
- WHEREAS,** there are over 2,300 Rotary members in more than 60 clubs throughout Western North Carolina that sponsor service projects to address such critical issues as poverty, disease, hunger, illiteracy, and the environment in their local communities and abroad;

**NOW, THEREFORE, BE IT PROCLAIMED,** that we, the Henderson County Board of Commissioners, do hereby designate October 24, 2019, as World Polio Day in Henderson County and encourage all citizens to join the County, Four Seasons' Rotary and Rotary International in the fight for a polio-free world.

Adopted this the 16<sup>th</sup> day of October, 2019.

  
\_\_\_\_\_  
GRADY HAWKINS, CHAIRMAN  
HENDERSON COUNTY BOARD OF COMMISSIONERS

ATTEST:

  
\_\_\_\_\_  
TERESA L. WILSON, CLERK TO THE BOARD

# Henderson County Tax Collector

200 NORTH GROVE STREET, SUITE 66

HENDERSONVILLE, NC 28792

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

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

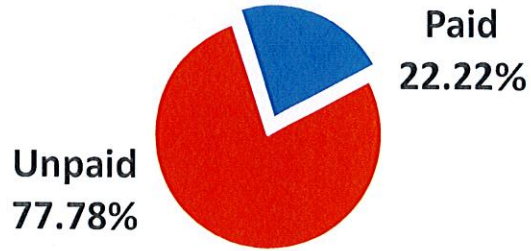
Friday, October 4, 2019

Re: Tax Collector's Report to Commissioners - Meeting Date October 16, 2019

Please find outlined below collections information through October 3, 2019 for 2019 real and personal property bills mailed on August 1, 2019. Vehicles taxes are billed monthly by NC DMV.

## Henderson County Annual Bills (Real and Personal Property):

<b>2019 Beginning Charge:</b>	<b>\$84,164,292.50</b>
Discoveries & Imm. Irreg.:	\$953,380.08
Releases & Refunds:	(\$706,222.00)
<u>Net Charge:</u>	<u>\$84,411,450.58</u>
Unpaid Taxes:	\$65,653,879.77
<b>Amount Collected:</b>	<b>\$18,757,570.81</b>



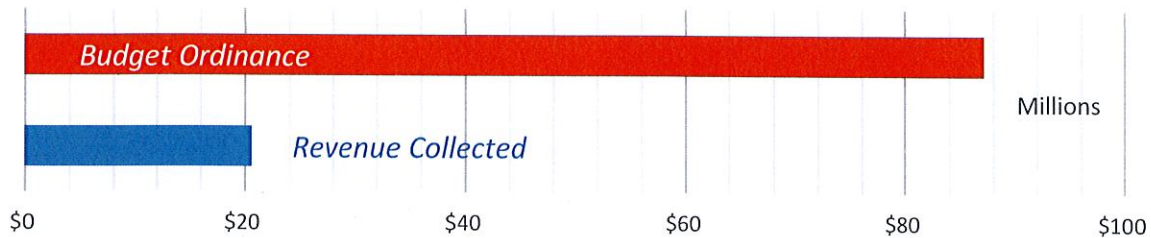
## Henderson County Registered Motor Vehicles (As Collected by NC DMV):

Net Charge:	\$1,502,773.15
Unpaid Taxes:	\$3,659.40
<b>Amount Collected:</b>	<b>\$1,499,113.75</b>

**99.76%**

## Henderson County FY20 Budget Analysis:

	<u>Budget Ordinance</u>	<u>Revenue Collected</u>
Ad Valorem:	\$86,093,532.00	\$20,256,684.56
Prior Years:	\$1,035,000.00	\$357,062.38
<b>Budget Total:</b>	<b>\$87,128,532.00</b>	<b>YTD Revenue: \$20,613,746.94</b>



Respectfully Submitted,

Luke Small  
 Deputy Tax Collector

Darlene Burgess  
 Tax Administrator

**RESOLUTION**  
**DESIGNATION OF APPLICANT'S AGENT**  
 North Carolina Division of Emergency Management

Organization Name (hereafter named Organization) Disaster Number:  
 Henderson County, NC DR-4393

Applicant's State Cognizant Agency for Single Audit purposes (If Cognizant Agency is not assigned, please indicate):  
 North Carolina Department of Public Safety

Applicant's Fiscal Year (FY) Start  
 Month: July Day: 1st

Applicant's Federal Employer's Identification Number  
 56 - 6000307

Applicant's Federal Information Processing Standards (FIPS) Number  
 089 - 99089 - 00

PRIMARY AGENT		SECONDARY AGENT	
Agent's Name	Jimmy Brissie	Agent's Name	Doug Guffey
Organization	Henderson County Emergency Mgt	Organization	Henderson County Finance Dept
Official Position	Emergency Services Director	Official Position	Purchasing Agent
Mailing Address	2529 Asheville Highway	Mailing Address	113 North Main Street
City, State, Zip	Hendersonville, NC 28791	City, State, Zip	Hendersonville, NC 29792
Daytime Telephone	(828) 697-4728	Daytime Telephone	(828) 697-4821
Facsimile Number	(828) 698-6164	Facsimile Number	(828) 697-4569
Pager or Cellular Number	(828) 674-4464	Pager or Cellular Number	(704) 242-1959

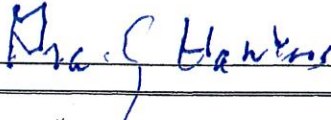
BE IT RESOLVED BY the governing body of the Organization (a public entity duly organized under the laws of the State of North Carolina) that the above-named Primary and Secondary Agents are hereby authorized to execute and file applications for federal and/or state assistance on behalf of the Organization for the purpose of obtaining certain state and federal financial assistance under the Robert T. Stafford Disaster Relief & Emergency Assistance Act, (Public Law 93-288 as amended) or as otherwise available. BE IT FURTHER RESOLVED that the above-named agents are authorized to represent and act for the Organization in all dealings with the State of North Carolina and the Federal Emergency Management Agency for all matters pertaining to such disaster assistance required by the grant agreements and the assurances printed on the reverse side hereof. BE IT FINALLY RESOLVED THAT the above-named agents are authorized to act severally. PASSED AND APPROVED this 16th day of October, 2019.

GOVERNING BODY		CERTIFYING OFFICIAL	
Name and Title	Grady Hawkins, Chairman	Name	Terry Wilson
Name and Title	William Lapsley, Vice-Chairman	Official Position	Clerk to the Board
Name and Title	J. Michael Edney, Charles Messer, Rebecca McCall; Commissioners	Daytime Telephone	(828) 697-4808

**CERTIFICATION**

I, Grady Hawkins, (Name) duly appointed and Chairman (Title) of the Governing Body, do hereby certify that the above is a true and correct copy of a resolution passed and approved by the Governing Body of Henderson County (Organization) on the 16th day of October, 2019.

Date: 10.16.19

Signature: 

## APPLICANT ASSURANCES

The applicant hereby assures and certifies that it will comply with the FEMA regulations, policies, guidelines and requirements including OMB's Circulars No. A-95 and A-102, and FMC 74-4, as they relate to the application, acceptance and use of Federal funds for this Federally assisted project. Also, the Applicant gives assurance and certifies with respect to and as a condition for the grant that:

1. It possesses legal authority to apply for the grant, and to finance and construct the proposed facilities; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.
2. It will comply with the provisions of Executive Order 11988, relating to Floodplain Management and Executive Order 11990, relating to Protection of Wetlands.
3. It will have sufficient funds available to meet the non-Federal share of the cost for construction projects. Sufficient funds will be available when construction is completed to assure effective operation and maintenance of the facility for the purpose constructed.
4. It will not enter into a construction contract(s) for the project or undertake other activities until the conditions of the grant program(s) have been met.
5. It will provide and maintain competent and adequate architectural engineering supervision and inspection at the construction site to insure that the completed work conforms with the approved plans and specifications; that it will furnish progress reports and such other information as the Federal grantor agency may need.
6. It will operate and maintain the facility in accordance with the minimum standards as may be required or prescribed by the applicable Federal, State and local agencies for the maintenance and operation of such facilities.
7. It will give the grantor agency and the Comptroller General, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the grant.
8. It will require the facility to be designed to comply with the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by the Physically Handicapped," Number A117.1-1961, as modified (41 CFR 101-17-7031). The applicant will be responsible for conducting inspections to insure compliance with these specifications by the contractor.
9. It will cause work on the project to be commenced within a reasonable time after receipt of notification from the approving Federal agency that funds have been approved and will see that work on the project will be prosecuted to completion with reasonable diligence.
10. It will not dispose of or encumber its title or other interests in the site and facilities during the period of Federal interest or while the Government holds bonds, whichever is the longer.
11. It agrees to comply with Section 311, P.L. 93-288 and with Title VI of the Civil Rights Act of 1964 (P.L. 83-352) and in accordance with Title VI of the Act, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal financial assistance and will immediately take any measures necessary to effectuate this agreement. If any real property or structure is provided or improved with the aid of Federal financial assistance extended to the Applicant, this assurance shall obligate the Applicant, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits.
12. It will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.
13. It will comply with the requirements of Title II and Title III of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced as a result of Federal and Federally assisted programs.
14. It will comply with all requirements imposed by the Federal grantor agency concerning special requirements of law, program requirements, and other administrative requirements approved in accordance with OMB Circular A-102, P.L. 93-288 as amended, and applicable Federal Regulations.
15. It will comply with the provisions of the Hatch Act which limit the political activity of employees.
16. It will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act, as they apply to hospital and educational institution employees of State and local governments.
17. (To the best of his/her knowledge and belief) the disaster relief work described on each Federal Emergency Management Agency (FEMA) Project Application for which Federal Financial assistance is requested is eligible in accordance with the criteria contained in 44 Code of Federal Regulations, Part 206, and applicable FEMA Handbooks.
18. The emergency or disaster relief work therein described for which Federal Assistance is requested hereunder does not or will not duplicate benefits received for the same loss from another source.
19. It will (1) provide without cost to the United States all lands, easements and rights-of-way necessary for accomplishments of the approved work; (2) hold and save the United States free from damages due to the approved work or Federal funding.
20. This assurance is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, reimbursements, advances, contracts, property, discounts of other Federal financial assistance extended after the date hereof to the Applicant by FEMA, that such Federal Financial assistance will be extended in reliance on the representations and agreements made in this assurance and that the United States shall have the right to seek judicial enforcement of this assurance. This assurance is binding on the applicant, its successors, transferees, and assignees, and the person or persons whose signatures appear on the reverse as authorized to sign this assurance on behalf of the applicant.
21. It will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973, Public Law 93-234, 87 Stat. 975, approved December 31, 1973. Section 102(a) requires, on and after March 2, 1975, the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any Federal financial assistance for construction or acquisition purposes for use in any area that has been identified by the Director, Federal Emergency Management Agency as an area having special flood hazards. The phrase "Federal financial assistance" includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal assistance.
22. It will comply with the insurance requirements of Section 314, PL 93-288, to obtain and maintain any other insurance as may be reasonable, adequate, and necessary to protect against further loss to any property which was replaced, restored, repaired, or constructed with this assistance.
23. It will defer funding of any projects involving flexible funding until FEMA makes a favorable environmental clearance, if this is required.
24. It will assist the Federal grantor agency in its compliance with Section 106 of the National Historic Preservation Act of 1966, as amended, (16 U.S.C. 470), Executive Order 11593, and the Archeological and Historic Preservation Act of 1966 (16 U.S.C. 469a-1 et seq.) by (a) consulting with the State Historic Preservation Officer on the conduct of investigations, as necessary, to identify properties listed in or eligible for inclusion in the National Register of Historic places that are subject to adverse effects (see 36 CFR Part 800.8) by the activity, and notifying the Federal grantor agency of the existence of any such properties, and by (b) complying with all requirements established by the Federal grantor agency to avoid or mitigate adverse effects upon such properties.
25. It will, for any repairs or construction financed herewith, comply with applicable standards of safety, decency and sanitation and in conformity with applicable codes, specifications and standards; and, will evaluate the natural hazards in areas in which the proceeds of the grant or loan are to be used and take appropriate action to mitigate such hazards, including safe land use and construction practices.

## STATE ASSURANCES

The State agrees to take any necessary action within State capabilities to require compliance with these assurances and agreements by the applicant or to assume responsibility to the Federal government for any deficiencies not resolved to the satisfaction of the Regional Director.

**LINE-ITEM TRANSFER REQUEST  
HENDERSON COUNTY**



Department: Emergency Management

Please make the following line-item transfers:

What expense line-item is to be increased?

Account	Line-Item Description	Amount
<u>115433-569900</u>	<u>Payments to other Agencies</u>	<u>\$10,000</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

What expense line-item is to be decreased? Or what additional revenue is now expected?

Account	Line-Item Description	Amount
<u>114433-492002</u>	<u>EM other - Miscellaneous</u>	<u>\$10,000</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Justification: *Please provide a brief justification for this line-item transfer request.*

Above NCEM Grant funds will allow the County to receive training funds for the DuPont Rescue Experience and provide funds to the Henderson County Rescue Squad as a partial reimbursement of the costs of hosting the exercise during November of 2019.

  
Authorized by Department Head

10/2/2019  
Date

\_\_\_\_\_  
Authorized by Budget Office

\_\_\_\_\_  
Date

\_\_\_\_\_  
Authorized by County Manager

\_\_\_\_\_  
Date

*For Budget Use Only*

Batch #: \_\_\_\_\_

BA#: \_\_\_\_\_

Batch Date: \_\_\_\_\_

**LINE-ITEM TRANSFER REQUEST  
HENDERSON COUNTY**



Department: Sheriff

Please make the following line-item transfers:

What expense line-item is to be increased?

Account	Line-Item Description	Amount
<u>115431-526020</u>	<u>DEPT SUPPLIES NON EXP</u>	<u>\$11,390.00</u>
<b>Total</b>		

What expense line-item is to be decreased? Or what additional revenue is now expected?

Account	Line-Item Description	Amount
<u>114431-451006</u>	<u>NC STATE EXCISE TAX</u>	<u>\$11,390.00</u>
<b>Total</b>		

**Justification:** Please provide a brief justification for this line-item transfer request.

IPads will aid the Drug Enforcement (DET) by providing a more effective communication tool during undercover operations. An Ipad will free up cell phones that are critical for communication during these operations.

*Lt. Andrew Anderson*

Authorized by Department Head

10/4/2019

Date

Authorized by Budget Office

Date

Authorized by County Manager

Date

**For Budget Use Only**

Batch # \_\_\_\_\_

BA # \_\_\_\_\_

Batch Date \_\_\_\_\_









Charles Russell Burrell  
County Attorney

Office of the County Attorney  
Henderson County, North Carolina

September 26, 2019

Continental Automotive Systems, Inc.  
One Quality Way  
Fletcher, North Carolina 28732

RE: June 10, 2013, agreement with Henderson County

Gentlemen:

Henderson County is in receipt Rick J. Holcomb's letter, dated today, giving notice under the Worker Adjustment and Retraining Notification Act, 29 U.S.C. §§ 2101 *et seq.*

Under the Paragraph 5.d. of the June 10, 2013, agreement between Continental Automotive Systems, Inc., and Henderson County,

**If the Company shall make a determination to cease operation of the Facility prior to the end of the Term, this Agreement shall be deemed terminated, and Henderson County shall have no further obligations hereunder . . . .**

The "Term" specified in that agreement is through December 31, 2021.

Based on Mr. Holcomb's letter as I understand it, the June 10, 2013, agreement is terminated.

Sincerely,

Charles Russell Burrell

1 Historic Courthouse Square, Suite 5  
Hendersonville, North Carolina 28792  
Telephone (828) 697-4719 — Facsimile (828) 697-4536

Cc: Continental Automotive Systems, Inc.  
21440 West Lake Cook Road, 7<sup>th</sup> Floor  
Deer Park, IL 60010  
Attn: Legal Department

Mr. Rick J. Holcomb  
Deputy General Counsel  
1830 MacMillan Park Drive  
Fort Mill, SC 29707

Mr. John Hunter  
Womble Bond Dickinson (US) LLP  
One Wells Fargo Center, Suite 3500  
301 South College Street  
Charlotte, NC 28202-6037

1 Historic Courthouse Square, Suite 5  
Hendersonville, North Carolina 28792  
Telephone (828) 697-4719 — Facsimile (828) 697-4536