

DRAFT MINUTES

**STATE OF NORTH CAROLINA
COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS
MONDAY, FEBRUARY 1, 2021**

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 William Lapsley, Vice-Chair Rebecca McCall, Commissioner Mike Edney, Commissioner Daniel Andreotta, Commissioner David Hill, 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, Emergency Management/Rescue Coordinator Jimmy Brissie, Recreation Director Carlene Dixon, HR Director Karen Ensley, Budget Manager Megan Powell, Budget Analyst Sonya Flynn, Project Engineer Natalie Berry, PIO Kathy Finotti – videotaping, Deputies Mike Marsteller and Jeffrey Corn as security.

CALL TO ORDER/WELCOME

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

INVOCATION

The invocation was provided by Pastor Marc Reynolds of Little River Baptist Church.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American Flag was led by Emma Willkie from the Young Naturalist 4-H Club.

INFORMAL PUBLIC COMMENTS

There was none.

DISCUSSION/ADJUSTMENT OF CONSENT AGENDA

Commissioner McCall 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):

January 20, 2021 - Regularly Scheduled Meeting

Motion:

I move the Board approves the minutes of January 20, 2021.

Tax Collector's Report

The January 21, 2021 report from the office of the Tax Collector is provided for the Board's information.

In accordance with NCGS 105-369, the tax collector must report to the board the total amount of unpaid taxes for the current fiscal year that are liens on real property. Upon receipt of this report the board is directed by statute to order the advertisement of such liens. As instructed by NCGS 105-369, advertisement of tax liens need only be published one-time March 1 through June 30 in a single newspaper of general circulation.

2020 Annual Tax Billing & Collections Summary as of January 21, 2021

2020 Beginning Charge:	\$86,173,718.04		2019 Beginning Charge:	\$84,274,124.71
Discoveries & Imm. Irreg.:	\$276,709.77		Discoveries & Imm. Irreg.:	\$1,254,883.64
Releases & Refunds:	(\$411,719.78)		Releases & Refunds:	(\$966,955.86)
Net Charge:	\$86,038,708.03		Net Charge:	\$84,562,052.49
Unpaid Taxes:	\$4,118,904.38		Unpaid Taxes:	\$3,966,409.23
Amount Collected:	\$81,919,803.65		Amount Collected:	\$80,595,643.26
Percentage Collected:	95.21%		Percentage Collected:	95.31%
Through:	21-Jan-2021		Through:	21-Jan-2020

It is recommended that tax year 2020 tax liens be advertised once on March 10 or 17, 2021. Final date selection will be based on staff's timely preparation to meet print deadlines in accordance with Henderson County's legal advertising agreement with *The Hendersonville Lightning*.

Each year as part of the annual Order of Collection, the Tax Collector is authorized, empowered, and commanded to collect the annual taxes as well as continue collection efforts on prior-years' unpaid taxes. Henderson County continues to see high collection rates through fair and equitable tax collection.

Fiscal Year 2020-2021 has yielded \$615,317.47 in revenue to date. This revenue reflects 59.45% of the budgeted goal of \$1,035,000 specific to prior-year tax collection efforts. While each enforced collection action initiated is not always successful, our staff tirelessly works through all available remedies to collect delinquent tax.

Since July 1, 2020, the Tax Collections staff has initiated the following enforced collection actions:

Action Type	# Cases Started in FY2020-2021	Potential Collection FY2020-2021	# Cases Started in FY2019-2020	Potential Collection FY2019-2020
Bank Attachments	10	\$ 15,069	88	\$ 90,936
Wage Garnishments	269	\$ 152,646	211	\$ 73,016
Rent Attachments	0	\$ 0	1	\$ 975
Monies Attachment	26	\$ 42,781	46	\$ 30,786
Debt Setoff	155	\$ 45,728	212	\$ 65,291
Payment Arrangements	135	\$ 349,178	165	\$ 342,449
Foreclosure Actions	13	\$ 21,624	233	\$ 255,864
Total	608	\$ 627,026	956	\$ 859,317

Collection enforcement methods continue to contribute to our goal of keeping collections fair and equitable while also providing additional revenue to the County's annual budget. During the past several years, property tax has been collected sooner, leading to a reduction in the amount of delinquent tax outstanding at the beginning of each fiscal year. In addition to our Collections' staff dedication to enforcing the payment of tax, we believe the current method of collecting tax on motor vehicles and increased annual collections have been beneficial in elevating our collection percentage.

2021.05 Pending Releases and Refunds

The pending releases and refunds have been reviewed by the Assessor. As a result of that review, it is the opinion of the Assessor that these findings are in order. Supporting documentation is on file in the County Assessor's Office.

These pending release and refund requests are submitted for the approval by the Henderson County Board of Commissioners.

Type:	Amount:
Total Taxes Released from the Charge	\$ 3,222.70
Total Refunds as a Result of the Above Releases	\$ 1,793.87

Motion:

I move the Board approves the Combined Release/Refund Report as presented.

Notification of Vacancies

The Notification of Vacancies is being provided for the Board's information. They will appear on the next agenda under "Nominations".

1. Agriculture Advisory Board – 2 vac.
Positions #2 & 4
2. Animal Services Committee – 4 vac.
Positions #1, 4, 7 & 8
3. Nursing\Adult Care Home Community Advisory Committee – 1 vac.
Position #20
4. Recreation Advisory Board – 2 vac.
Positions #2 & 9

Updated FY21 Solid Waste Fee Schedule

With support from recent grants from the NC Department of Environmental Quality and the United States Department of Agriculture, Henderson County Environmental Programs is interested in starting a residential backyard compost bin program. The County will subsidize backyard compost bins to sell at \$25 per bin, helping to increase backyard composting among residents. This new program will require the FY21 Solid Waste Fee Schedule to be updated to reflect the fee for the compost bins.

Motion:

I move the Board approves the updated FY21 Solid Waste Fee Schedule for the backyard compost bin program.

Van Winkle Law Firm request for refund of deed excise tax

Attorney Michael M. Thompson has requested, on behalf of The Van Winkle Law Firm, the refund of the sum of Four Hundred Twenty-Nine Dollars (\$429.00) in real property conveyance excise tax ("deed stamps"). The instrument in question was recorded with an incorrect amount of excise tax stamps fee paid. The instrument can be found at Henderson County Book 3602, Page 411, *et al.* These details have been verified by Lee King, Register of Deeds.

Pursuant to N.C. Gen. Stat. §105-228.37, a request for refund of overpayment of real property conveyance excise tax must be made within six months of the date of payment. The payment was made on or about November 5, 2020. A letter to the Board of Commissioners requesting refund is attached, as is an email waiving further notice of your determination in this matter.

If the Board determines that a refund is in order, the refund will be of the amount of the excise tax paid.

Motion:

I move that the Board grants the refund requested insofar as it conforms to the requirements of N.C. Gen. Stat. §105-228.37(b).

Fletcher Fire and Rescue Department, Inc.

Fletcher Fire and Rescue is considering a truck loan for \$1,033,970. They presented their budget to the Fire and Rescue Advisory Committee on May 12, 2020, discussing purchase of (2) 2020 E-One Custom Typhoon Pumpers. The Loan Amount is \$1,033,970 at an interest rate of 2.75% for 10 years, annual payment of \$116,025.

Fletcher Fire and Rescue will hold a public hearing to discuss the loan agreement on February 2, 2021 at 6:00 pm at their department.

As part of the budget process the Fire & Rescue Advisory Committee has unanimously approved the truck loan.

Fletcher Fire and Rescue respectfully requests the Board of Commissioners to sign the enclosed letter for financing with REV Financial Services & ITS (assigned).

Motion:

I move the Board approves the letter to REV Financial Services & ITS (assigned) on behalf of Fletcher Fire & Rescue.

2020.06 Tax Collector's Report – Order Advertising Taxes

The February Tax Collector's report (required by N.C. Gen. Stat. §105-369(a)) is presented for the Board's information. Among the data presented is the amount of delinquencies for the 2020 tax year.

N.C. Gen. Stat. §105-369(a) requires the Board to order each February the publication of the tax lien notification to delinquent taxpayers for previous tax year.

In February of each year, the tax collector must report to the governing body the total amount of unpaid taxes for the current fiscal year that are liens on real property. A county tax collector's report is due the first Monday in February, and a municipal tax collector's report is due the second Monday in February. Upon receipt of the report, the governing body must order the tax collector to advertise the tax liens.

Motion:

I move the Board enter the proposed Order directing the Tax Collector to advertise the delinquent real property tax liens for 2020, and further moved to direct the Tax Collector to publish such advertisement pursuant to the General Statutes.

DISCUSSION/ADJUSTMENT OF DISCUSSION AGENDA

Commissioner Edney made the motion to adopt the discussion agenda moving closed session after the consent agenda. All voted in favor and the motion carried.

CLOSED SESSION

The Board is requested to go into Closed Session for the following reason:

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

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

DISCUSSION – OLD BUSINESS

MAINTENANCE, REPAIR, TECHNOLOGY AND SECURITY PROJECTS

Amy Brantley stated at the Board’s January 20, 2021 meeting, the Henderson County Public Schools and Blue Ridge Community College presented proposals for their Maintenance, Repair, Technology and Security Projects for the remainder of FY21. Those requests are as follows:

Henderson County Public Schools

Upward Elementary School - Main Entrance/Cafeteria Renovation	\$702,000
Rugby Middle School - Main Entrance Renovation	\$500,000
Project Empower Chromebooks (FY20)	\$300,000
Project Empower Chromebooks (FY21)	\$300,000
* Contingency \$200,000 – Not Recommended for Approval	\$0
TOTAL HCPS MRTS	\$1,802,000

Blue Ridge Community College

Henderson Building – Welding Booth, Ventilation System, Recoat Roof	\$161,340
Killian Building – Replace Chiller	\$125,000
Sink Building – Replace Piping on Air Handling Units	\$ 30,000
Flat Rock Building – Restroom Renovation	\$ 35,555
TOTAL BRCC MRTS	\$351,895

Commissioner McCall made the motion that the Board approves the Budget Amendments, appropriating available MRTS Fund Balance and additional sales tax revenues for FY21. All voted in favor and the motion carried.

2045 COUNTY COMPREHENSIVE PLAN (CCP) CONTINUED DISCUSSION

John Mitchell stated in May 2019, the Board of Commissioners adopted a resolution to extend the County Comprehensive Plan (CCP) through 2023. In October of 2019, the overall process was identified including the need for a consultant to assist staff with the development of the 2045 CCP. The adopted FY21 budget provided half of the necessary funding to hire a consultant with the remaining funding to be approved in FY22.

In October of 2020, the BOC was provided with an update on the CCP process and the release of the RFP for a consultant. The RFP deadline was October 22, 2020 and a total of 7 proposals were received. The selection committee reviewed the proposals and the top 3 firms (Housel Lavigne, Stewart and Clarion) were interviewed and references were verified.

In December, the Board received an update on the consultant selection process, including a copy of the top three proposals. The Board requested staff provide a cost overview of the CCP process options at its February 1st, 2021 meeting.

Autumn Radcliff stated staff has worked on a cost comparison for completing the CCP in-house versus hiring a consultant. In 2004 the Planning Department had 9 employees and 6 planners. The approximate cost then was \$204,000. Currently the Planning Department has 5 employees and 4 planners, and many additional projects. Even if the CCP is done in-house, it would be necessary to contract portions of the project out to consultants. The total cost now is estimated at \$245,000.

John Mitchell stated the County has high quality staff within the Planning Department. He feels current staff can accomplish the CCP with possible small overtime costs only. Seventy-Five Thousand Dollars has been budgeted over the last two years budgeting \$150,000 for this project. He feels however utilizing an outside consultant firm would be faster and less expensive.

Steve Wyatt stated there are pros and cons to hiring an outside firm. The Board will receive monthly updates, however, the Board must guide the plan. If the Board is not prepared to make a decision tonight, this item could be placed on the March 17th agenda, allowing the Board more time to evaluate the three firms.

Commissioner Andreotta feels the Board could make a decision tonight choosing one of the three firms.

Chairman Lapsley is acceptable with doing the project in-house or hiring a consultant. If we hire a consultant firm, the Board should choose one of the three firms already presented in order to avoid more advertising.

Commissioner McCall feels more value is achieved by hiring a consultant.

Commissioner Andreotta made the motion that the Board move forward with choosing one of the three firms (Housel Lavigne, Steward or Clarion) as presented. All voted in favor and the motion carried.

Steve Wyatt requested staff have representatives of each firm attend the February 17th meeting. Staff will provide names and numbers of each firm to the Board to allow the Board to reach out to them for questions.

Chairman Lapsley made the motion to table this item to February 17th with the intent to make a decision at that time. All voted in favor and the motion carried.

DETERMINATION OF WHETHER TO PURCHASE VFW BUILDING

The Board's due diligence period under its contract with Hedrick-Rhodes Post 5206 Incorporated expires February 12, 2021. The Board is requested to decide whether to move forward with the purchase, or terminate the contract.

Architect Chad Roberson shared information with the Board regarding the four phases of the project. The total cost if done over four years would be \$4.4m. If the project is completed all at once, there would be a \$300,000 savings.

Chairman Lapsley feels other public groups will be wanting to use the facility. He questioned adequate parking. The only parking area available at this time is owned by the Schools, and is in discussion with the City.

Commissioner Edney noted at the August 19, 2020 Board meeting, the School Board came forward with a resolution declaring the Edwards Park property no longer needed for their purposes and at that point and time under the statutes they asked us if we wanted to purchase the property. We made a motion at that time, not knowing anything about the VFW, to decline the opportunity to purchase that property. We now have a substantial change of circumstances that necessitate us moving to rescind that motion, and to go forward with, under the statute, negotiations and discussions with the school board about the county acquiring that property.

Commissioner Edney made the motion that the Board of Commissioners rescind their motion of August 19, 2020, where the Board declined to acquire the Edward Park property, and that we advise the school board that the Board of Commissioners now have an interest in acquiring the property and enter into discussions

with them under the statutes as to the clear market value and/or the negotiated price, for some or all of that property. All voted in favor and the motion carried.

Commissioner Edney made the motion that the Board of Commissioners amend their contract with the VFW extending the expiration to March 2, 2021. All voted in favor and the motion carried.

This item will be included on the March 1st agenda for discussion.

DISCUSSION – NEW BUSINESS

ANNUAL AUDIT CONTRACT

Finance Director Samantha Reynolds stated staff is requesting that the Board approve the annual audit contract as required by N.C. General Statute 159-34(a) with Martin Starnes & Associates, CPAs, P.A. for the current fiscal year 2021. Martin Starnes has audited the County's accounts for several years. They have the qualifications, experience and manpower to conduct an audit of our County's size. Their fee to conduct the audit is \$71,450 which is included in the annual budget.

Samantha Reynolds stated no contract has been signed. This is the third year of a three-year agreement. The company has not changed, however the teams used by this company have changed over the years. Changing companies at this point is possible but would slow the process down.

Steve Wyatt suggested continuing this year with Martin Starnes & Associates, P.A., and start the process for a new firm in November 2021.

Chairman Lapsley feels after 14 years, it is time to change auditors.

Commissioner Edney made the motion that the Board approves the annual audit contract as required by N.C. G. S. 159-34(a) with Martin Starnes & Associates, CPAs. P.A. for the fiscal year ending June 30, 2021, and further moved to start a new process for next year in November. All voted in favor and the motion carried.

NOMINATIONS

Chairman Lapsley 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. Cemetery Advisory Committee – 2 vac.

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

3. Henderson County Transportation Advisory Committee – 1 vac.

Chairman Lapsley nominated Jay Egolf for position #2.

Chairman Lapsley made the motion to accept the appointment of Jay Egolf to position #2 by acclamation. All voted in favor and the motion carried.

4. Henderson County Zoning Board of Adjustment – position swap

A request was received to switch positions of Hillard Staton and Robert Pierce. Both members have agreed to the switch of positions.

Chairman Lapsley made the motion to switch positions #1 & #6, placing Hillard Staton in position #6, an alternate position, and placing Robert Pierce in position #1, a regular position. All voted in favor and the motion carried.

5. Henderson Tourism Development Authority – position verification

Chairman Lapsley informed the Board that position #9 on the Henderson Tourism Development Authority was filled months ago by the Chamber of Commerce with David Adams. This position requires someone who actively promotes tourism in Henderson County. The Authority is unsure if Mr. Adams qualifies for the position.

Chairman Lapsley made the motion that the Board suspends the appointment until further notice to verify if David Adams qualifies for the position. All voted in favor and the motion carried.

6. Hendersonville Business Advisory Committee – 1 vac.

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

7. Hendersonville City Zoning Board of Adjustment – 2 vac.

Commissioner McCall nominated Candi Guffey for position #2.

Chairman Lapsley made the motion to accept the appointment of Candi Guffey to position #2 by acclamation. All voted in favor and the motion carried.

8. Hendersonville Planning Board – 2 vac.

Commissioner McCall nominated Candi Guffey for position #1.

Chairman Lapsley made the motion to accept the appointment of Candi Guffey to position #1 by acclamation. All voted in favor and the motion carried.

9. Hendersonville Water & Sewer Advisory Committee – 1 vac.

Commissioner Andreotta nominated Andrew Riddle for position #10.

Chairman Lapsley made the motion to accept the appointment of Andrew Riddle to position #10 by acclamation. All voted in favor and the motion carried.

10. Juvenile Crime Prevention Council – 2 vac.

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

11. Laurel Park Planning Board – 1 vac.

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

12. 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.

13. Nursing/Adult Care Home Community Advisory Committee – 13 vac.

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

14. 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.

COMMISSIONER UPDATES

Commissioner updates include current and ongoing items of interest in the County and allow commissioners an opportunity to bring the full Board up to date on issues that occur between meetings. Commissioners may also use this opportunity to report on related committee work and assignments.

Topics for this meeting are as follows:

1) Etowah Walking Trail – Budget Amendment - Vice-Chair McCall – 2020.07

At the Board's January 20, 2021 meeting, there was discussion of the walking trail at Etowah Park. It was the consensus of the Board to address the trail condition once the weather allows. The Budget Amendment

provided appropriate funding from the Capital Reserve Fund to be used for the walking trail repairs.

Commissioner McCall made the motion that the Board approves a Budget Amendment, transferring \$80,000 from the Capital Reserve Fund to repair the walking trail. All voted in favor and the motion carried.

2) 24-Hour Ambulance at Fletcher Fire Department - Commissioner Andreotta

Currently the Fletcher Fire Department does not have housing capacity for a crew of both male and female members, and therefore provides only 12-Hour Ambulance Service. Commissioner Andreotta requests the Board direct staff to hire an architect to work on plans and pricing to add an addition to Fletcher Fire Department in order to house both a female and male staff person with the intention of providing 24-Hour Ambulance service.

Commissioner Andreotta made the motion that the Board direct staff hire an architect to submit plans and pricing to add on the required addition to Fletcher Fire Department necessary to house both male and female personnel. All voted in favor and the motion carried.

Steve Wyatt stated staff will contact our Architect of Record tomorrow and have them reach out to the Fletcher Fire Department. Staff will also negotiate a contract of some time to offset the cost with the Fletcher Fire Department.

GENERAL ASSEMBLY UPDATES

General Assembly updates include current and ongoing items of interest to the County related to the North Carolina General Assembly. Steve Wyatt stated nothing specific to local government is going on right now that he has seen. The Legislative Goals list has been completed and more information will come soon.

COUNTY MANAGER'S REPORT

The County Manager provided the Board of Commissioners with a brief update concerning any issues that should be brought to the attention of the Board.

Steve Wyatt shared 12,559 vaccines have been given at the four sites in Henderson County. Staff is working with the state for more certainty of upcoming vaccines. The number of vaccines we will receive has gone down to possibly 300. All of North Carolina is in the same situation.

ADJOURN

Commissioner Andreotta made the motion to adjourn at 7:15 p.m. All voted in favor and the motion carried.

Attest:

Teresa L. Wilson, Clerk to the Board

William Lapsley, Chairman