

MINUTES

**STATE OF NORTH CAROLINA
COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS
WEDNESDAY, NOVEMBER 15, 2017**

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

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

Also present were: Engineer Marcus Jones, Director of Business and Community Development John Mitchell, Internal Auditor Samantha Reynolds, Building Services Director Tom Stauffer, Management Assistant Megan Powell, Deputy Sheriff Bengy Bryant, Purchasing Agent Randall Cox, Real Property Appraiser Kevin Hensley, Planning Director Autumn Radcliff, Code Enforcement Director Toby Linville, Planner Allen McNeill, Finance Director J. Carey McLelland, Projects Engineer Natalie Berry and PIO Kathryn Finotti – videotaping, Deputy Ken McCraw as security.

Absent was: Assistant County Manager Amy Brantley.

CALL TO ORDER/WELCOME

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

INVOCATION

The invocation was provided by John Mason of Main Street Baptist Church.

PLEDGE OF ALLEGIANCE

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

RECOGNITION IN APPRECIATION – Tom Stauffer

The Board of Commissioners recognized Thomas Stauffer, who has served as Henderson County's Building Services Director since August 9, 2004. Mr. Stauffer will be retiring at the end of November, and his last day with Henderson County will be December 1, 2017.

County Manager Steve Wyatt stated Mr. Stauffer has brought tremendous confidence and integrity to the County. He is wonderful at helping citizens resolve issues.

The Board thanked Mr. Stauffer for his service and presented him with a plaque.

PUBLIC HEARING - Rezoning Application #R-2017-05

Commissioner Hawkins made the motion to go into public hearing regarding Rezoning Application #R-2017-05. All voted in favor and the motion carried.

Planner Allen McNeill stated Rezoning Application #R-2017-05, which was initiated on August 28th, 2017, requests the County rezone approximately 1.48 acres of land (thereafter the "Subject Area"). Planning Staff finds no technical restriction to the Subject Area being rezoned from Estate Residential (R-40) zoning district to a Local Commercial (LC) zoning district. The Subject Area is located off Grandview Lane at the intersection of South Rugby Road. The owner of the Subject Area is Mr. Charles Snead & Mrs. Susan Snead.

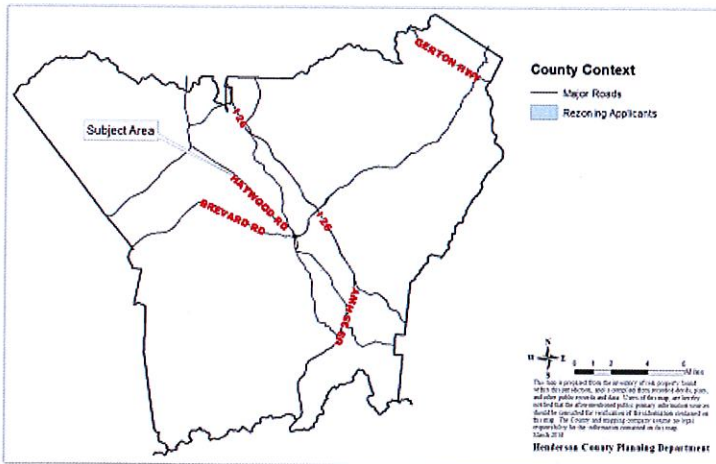
DATE APPROVED: December 4, 2017

The Henderson County Planning Board considered rezoning application #R-2017-05 at its regularly scheduled meetings on October 19, 2017. During this meeting the Planning Board voted unanimously to send forward a favorable recommendation to rezone the Subject Area to a Local Commercial (LC).

Before taking action on the application, the Board of Commissioners must hold a public hearing. In accordance with §42A-303 and §42A-346 (C) of the Henderson County Land Development Code and State Law, notices of the November 15, 2017, public hearing regarding rezoning application #R-2017-05 were published in the Times-News on November 2, 2017 and November 9, 2017. The Planning Department sent notices of the hearing via first class mail to the owners of properties adjacent to the Subject Area on October 26, 2017 and posted signs advertising the hearing on the Subject Area on October 27, 2017.

Application Summary

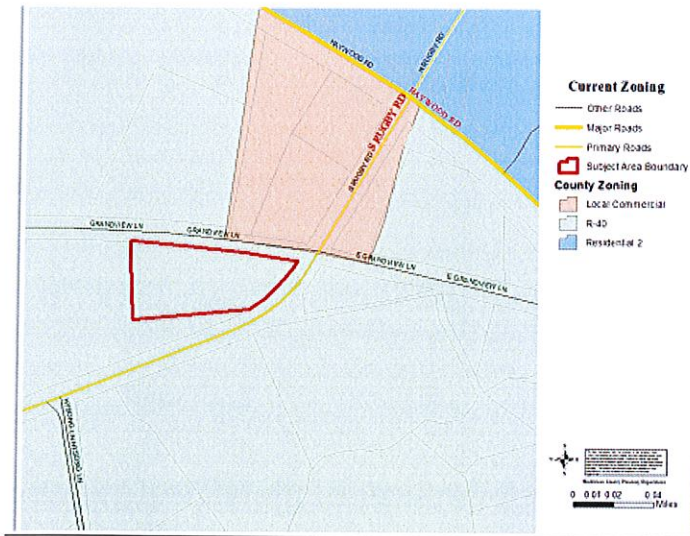
- Rezoning Request: R-2017-05
- Submitted on August 28, 2017
- Applicant/Owner: Susan Snead
- Rezone from an Estate Residential (R-40) zoning district to a Local Commercial (LC) zoning district
- 1.48 acres



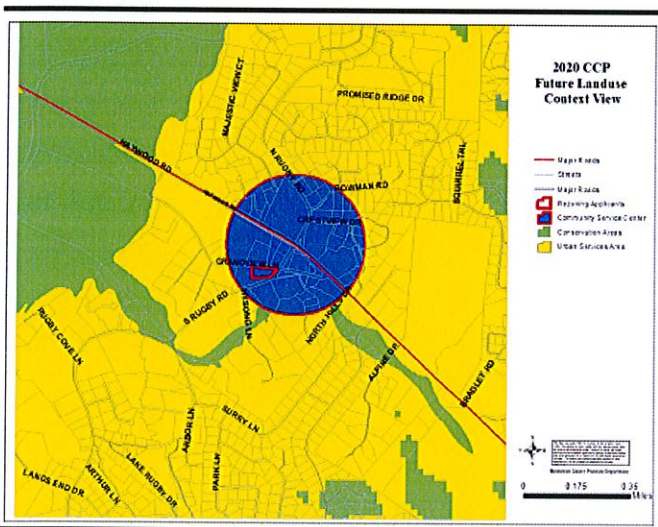
County Context



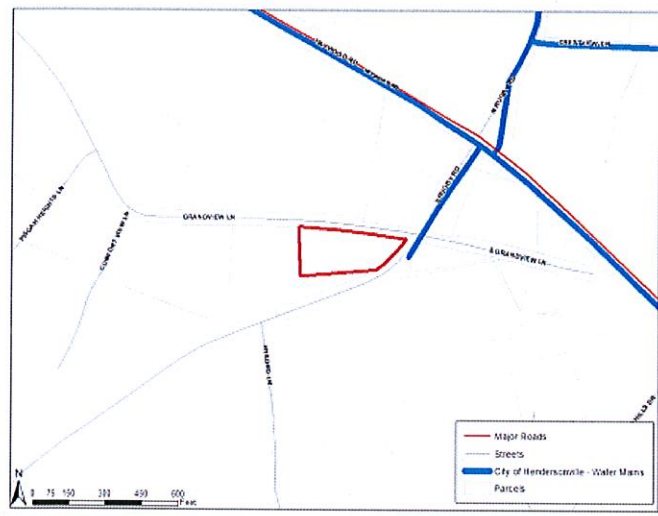
Aerial Photo Map



Current Zoning Map



2020 CCP Future Land Use Map



Public Utilities



Public Input

There was none.

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

Commissioner Hawkins made the motion that the Board adopt the resolution regarding the consistency with the CCP. He further moved that the Board approve rezoning application #R-2017-05 to rezone the Subject Area to a Local Commercial (LC) zoning district based on the recommendations of the Henderson County 2020 Comprehensive Plan and other supporting information. All voted in favor and the motion carried.

INFORMAL PUBLIC COMMENTS

1. Cindy Ward is a native and lives on Kanuga Road. It is a beautiful area. She feels the NCDOT should continue the rumble strips and not put in a round-about, use synchronized lighting and lower the speed limit to 35 mph, which will not disturb the environment. The neighborhood has seen an increase in patrolling of the area. Ms. Ward provided a petition with 1174 signatures to the Board, and requested a copy of the letter that will be sent to the NCDOT.
2. Bonnie Sherrill is a Kanuga Road resident. She asked the Board to help preserve the historic and beautiful areas of Henderson County. NCDOT is targeting the Kanuga Road area and will ruin its beauty.
3. Dennis Justice is concerned with the safety of children using the artificial turf without the use of shock pads. He feels brain damage from blunt force to the helmet on turf without shock pads is evident. He asked the Board to please make sure Hendersonville High School's turf has shock pads.

Commissioner Hawkins suggested that citizens in the Kanuga Road area look at their deeds to see if NCDOT has a right-of-way to their property.

Commissioner Lapsley stated many citizens had attended the Transportation Advisory Committee meetings. He, John Dockendorf and Steve Carriker have spoken with NCDOT engineers with concerns and have another meeting set up. NCDOT has heard the concerns and hopefully may consider modifying the proposed changes to Kanuga Road.

Chairman Edney explained if the deeds did not show clear right-of-ways, condemnation procedures would be necessary, which is much more expensive.

DISCUSSION/ADJUSTMENT OF CONSENT AGENDA

Commissioner Hawkins made the motion to approve the Consent Agenda minus "Bid Award for purchase of Sheriff Patrol Vehicles" pulled for discussion. All voted in favor and the motion carried.

CONSENT AGENDA consisted of the following:

Minutes

November 6, 2017 - Regularly Scheduled Meeting

Motion:

I move the Board approve the minutes of November 6 2017.

Tax Collector's Report

Deputy Tax Collector Luke Small had presented the Tax Collector's Report to the commissioners dated November 3, 2017 for information only. No action was necessary.

Vaya Health – Quarterly Fiscal Monitoring Report for the period ended September 30, 2017

N.C.G.S. 122C-117(c) requires the staff of the local area mental health authority to provide the County Finance Officer with the quarterly Fiscal Monitoring Report (FMR) within 30 days of the end of the quarter. The County Finance Officer is then required to provide the FMR to the Board of Commissioners at the next regularly scheduled meeting of the board. The FMR for Vaya Health was received by the County Finance Director on October 31, 2017.

Motion:

I move that the Board of Commissioners approves the Vaya Health Fiscal Monitoring Report for the quarter ended September 30, 2017.

Set Public Hearing Regarding Close Out for Habitat for Humanity Dodd Meadows CDBG 2012 N.C. Catalyst Grant (12-C-2469)

Henderson County was 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 supported development for moderate and low-income persons in the County. Up to \$250,000 of the grant funds was used on road improvements; including paving, curbing, and storm water drainage improvements, as well as, public water and sewer extension for a portion of phase two of the Dodd Meadows project. Up to \$250,000 was used to fund the construction of a community center within the Dodd Meadows development that serves the Dodd Meadows neighborhood as well as the broader community.

No local match (County funds) was required for this grant. Henderson County Habitat for Humanity had to provide a match of \$790,440 per the grant application, and have provided over 1 million in matching funds for this section of Dodd Meadows.

The NC Department of Commerce requires public hearings as part of its CDBG programs. To complete the grant program, Henderson County is required to hold a close out public hearing to receive public comments concerning the grant prior to completion.

Motion:

I move the Board set a public hearing to close out the CDBG 2012 N.C. Catalyst Grant for Dodd Meadows for Monday, December 4, 2017 at 5:30 P.M.

Budget Amendment – Asset Forfeiture Fund Transfer

The Sheriff's Department is requesting that the Board approve the BA to transfer additional funds from the US Treasury (114431-451004) account for the purchase of Ford Interceptor vehicles to be assigned to our VIP Unit.

At the BOC meeting held on October 18, 2017, Commissioners expressed concern that our agency budget amendment recommended Nissan Rogue vehicles for purchase and use in our Volunteer Unit. Commissioners requested our agency look into American made models as an alternative. That resulted in subsequent discussion within our agency leading us to recommend purchase of two Ford Interceptor vehicles instead. The vehicles will be assigned to the VIP Unit as originally requested, however, if the need arises during an emergency or other unforeseen situations we could transfer the police rated vehicles to a sworn officer for emergency operation.

Motion:

I move the Board of Commissioners approve the Budget Amendment to appropriate funding necessary to purchase this equipment.

CANE CREEK WATER AND SEWER DISTRICT – CONSENT AGENDA

Chairman Edney made the motion that the Board convene as Cane Creek Water & Sewer District Board. All voted in favor and the motion carried.

Please see separate minutes for Cane Creek Water and Sewer District.

Chairman Edney made the motion to adjourn as the Cane Creek Water & Sewer District Board and reconvene as the Henderson County Board of Commissioners. All voted in favor and the motion carried.

DISCUSSION/ADJUSTMENT OF DISCUSSION AGENDA

Commissioner Thompson made the motion to adopt the discussion agenda minus “416 Jackson Road Nuisance Case – Chronic Violater”, to be added to a future agenda. All voted in favor and the motion carried.

Bid Award for Purchase of Sheriff Patrol Vehicles – pulled for discussion

The Board is requested to approve the low bid and authorize the Sheriff to proceed with purchasing seventeen (17) 2018 Ford Utility Police Interceptor Vehicles. Bidding was conducted between October 23 and October 30, 2017. The bidder with the lowest overall cost was Asheville Ford for a total price of \$482,000.76.

All seventeen (17) vehicles were approved as part of the Sheriff's Fiscal Year 2018 budget and meet the Henderson County Vehicle Replacement Plan criteria. The Board is requested to accept the low bid from Asheville Ford and authorize the Sheriff to proceed with the purchase.

Chairman Edney explained that the bid awards were not in Henderson County, but were local. The bids came in below budget.

Commissioner Thompson noted that efforts were made to purchase American made vehicles.

Chairman Edney made the motion that the Henderson County Board of Commissioners to accept the low bid from Asheville Ford for seventeen 2018 Ford Vehicles and authorize the Sheriff to proceed with the purchase. All voted in favor and the motion carried

NOMINATIONS

Notification of Vacancies

Chairman Edney noted the vacancies which appear on the next agenda under “Nominations”.

1. Henderson County Zoning Board of Adjustment – 4 vac.
2. Hendersonville Planning Board - 1 vac.
3. Home and Community Care Block Grant Advisory Committee – 1 vac.
4. Laurel Park Zoning Board of Adjustment – 1 vac.

Nominations

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

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

2. Cemetery Advisory Committee – 1 vac.

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

3. Greater Asheville Regional Airport Authority Board – 1 vac.

Commissioner Hawkins nominated Brittany Brady for position #1. Commissioner Messer nominated George Erwin Jr. for position #1.

The Board was polled with the following results:

Commissioner Thompson	Commissioner Messer	Chairman Edney	Vice-Chairman Hawkins	Commissioner Lapsley
1. Brady	1. Erwin	1. Erwin	1. Brady	1. Erwin

Mr. George Erwin, Jr. was appointed to position #1 with the majority of votes.

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

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

5. Hendersonville Water and Sewer Advisory Committee – 1 vac.

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

6. Historic Resources Commission – 1 vac.

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

7. Juvenile Crime Prevention Council – 4 vac.

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

8. Nursing/Adult Care Home Community Advisory Committee – 7 vac.

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

9. Senior Volunteer Services Advisory Council – 2 vac.

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

HENDERSON COUNTY AUDIT RESULTS FOR THE FISCAL YEAR ENDED JUNE 30, 2017

Mr. Joe Haney, CPA, Audit Manager with our external audit firm, Martin Starnes and Associates, CPAs, P.A. provided a brief executive summary presentation on the fiscal year ended June 30, 2017 audit results. Mr. Haney and Carey McLelland, Finance Director were available to answer any questions the Board of Commissioners and Management had regarding the results of the audit.

Carey McLelland stated the Comprehensive Annual Financial Report (CAFR) and Compliance Letters have not received final approval from the Local Government Commission (LGC) as required and have not been finalized for print prior to the agenda deadline for this meeting. Staff does not expect any substantive changes to the report. However, our external auditors and staff will report back to the Board and Management should any substantive changes occur after the LGC has reviewed the County’s report. Final bound copies of the report will be provided to the Board and Management as soon as they have been printed and received.

The final report will also be placed on the County’s website for the public to view and placed in the main branch of the public library.

The audit results for the fiscal year ended June 30, 2017 was presented as information to the Board of Commissioners and Management. No Board action is being requested or required.

Henderson County - 2017 Audited Financial Statements

Mr. Joe Haney stated the Audit was clean and unmodified. The departments did a great job managing their budgets and cutting expenditures and were very cooperative.

Audit Process

- Planning and Risk Assessment
- Interim Procedures
- Final Procedures
- Year Around Process

General Fund Expenditures / July 1, 2016 – June 30, 2017

Budgeted expenditures:	\$ 127,433,098
Actual expenditures:	<u>\$ 121,664,836</u>
Net expenditures under budget:	\$ 5,768,262

Expenditures are under budget by \$5.7 million

General Fund Revenues / July 1, 2016 – June 30, 2017

Budgeted revenues	\$ 123,953,297
Actual revenues	<u>\$ 131,827,337</u>
Net revenues over budget	\$ 7,874,040

Actual Revenues exceeded budgeted revenues by \$7.9 million in FY 2017. The main reason for the overage is due to Ad valorem taxes (2.2 million over budget) and local option sales tax (4.7 million over budget) for a total of 6.9 million of the 7.9 million over budget.

General Fund Summary Report

	<u>Actual</u>
Total Revenues	\$ 131,827,337
Total Expenditures	121,664,836
Revenues over expenditures	10,162,501
Other financing sources	
Transfers in	37,000
Transfers out	(4,789,926)
Total other financing sources	<u>(4,752,926)</u>
Net change in fund balance	<u>\$ 5,409,575</u>

Fund Balance Position - General Fund

	2017
Unassigned Fund Balance	\$ 27,921,460
BOC Policy Level (12%)	<u>\$ 15,174,571</u>
Amount Over BOC Policy	\$ 12,746,889

There is approximately \$12.7 million dollars in unassigned Fund Balance above the Board's 12% Policy level.

NOTE: The BOC Policy of 12% is calculated by taking actual expenditures plus actual transfers out and multiplying by 12%, whereas unassigned Fund Balance is total Fund Balance less non-spendable, restricted, committed, and assigned (including assigned for subsequent years expenditures).

Commissioner Lapsley would like to see a report in order to study the numbers. The Fund Balance will increase by \$5,409,575. A great portion is unassigned. We need to consider giving the tax payers some relief.

Mr. Haney stated the Audit Report is in the final stages to the LGC and they should have it in the next couple of weeks.

416 JACKSON ROAD NUISANCE CASE – CHRONIC VIOLATOR – PULLED FROM AGENDA

COUNTY MANGER'S REPORT

County Manager Steve Wyatt requested the Board look at the schedule for the first meeting in January, and determine if they would like to reschedule the meeting or cancel the meeting and add the agenda to the January 17th meeting. The Vice-Chairman will be out of the state.

The County Manager had received a letter from the City of Hendersonville regarding the Sanitary Sewer Master Plan. He requested this item be included on the December 4, 2017 agenda.

It was the consensus of the Board to discuss the 2018 proposed meeting schedule and the Hendersonville Sanitary Sewer Master Plan at their December 4, 2017 meeting.

CLOSED SESSION

The Board is requested to go into closed session pursuant to N.C. Gen. Stat. §143-318.11(a)(4)&(9), to discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, and to discuss and take action regarding plans to protect public safety, and to receive briefings by staff members, legal counsel, or law enforcement concerning actions taken.

Chairman Edney made the motion that the Board go into closed session pursuant to N.C. Gen. Stat. §143-318.11(a)(4)& (9). All voted in favor and the motion carried.

ADJOURN

Commissioner Thompson made the motion to go out of closed session and adjourn at 10:30 a.m. All voted in favor and the motion carried.

Attest:

Teresa L. Wilson, Clerk to the Board

J. Michael Edney, Chairman



RESOLUTION OF CONSISTENCY WITH THE COUNTY COMPREHENSIVE PLAN

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

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

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

WHEREAS, the Planning Director and Planning Board provided recommendations regarding the proposed zoning map amendment with case #R-2017-05; 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 November 15, 2017; and

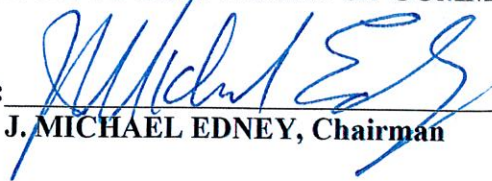
WHEREAS, N.C. General Statute §153-341 requires the Board to adopt a statement of consistency with the County Comprehensive Plan (CCP); and

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

1. That the Board reviewed the proposed map amendment (#R-2017-05) and finds that it is 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.

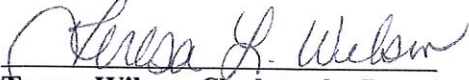
THIS the 15th day of November, 2017.

HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: 

J. MICHAEL EDNEY, Chairman

ATTEST:



Teresa Wilson, Clerk to the Board

[COUNTY SEAL]



Office of the 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

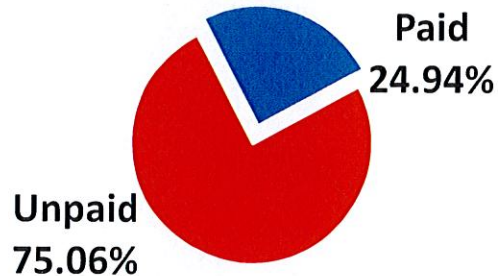
Friday, November 03, 2017

Re: Tax Collector's Report to Commissioners - Meeting Date November 15, 2017

Please find outlined below collections information through November 2, 2017 for the 2017 real and personal property bills mailed on August 4, 2017. Vehicles taxes are billed monthly by NC DMV.

Henderson County Annual Bills (Real and Personal Property):

2017 Beginning Charge:	\$71,430,338.89
Discoveries & Imm. Irreg.:	\$532,753.53
Releases & Refunds:	(\$521,982.80)
<u>Net Charge:</u>	<u>\$71,441,109.62</u>
Unpaid Taxes:	\$53,624,509.59
Amount Collected:	\$17,816,600.03



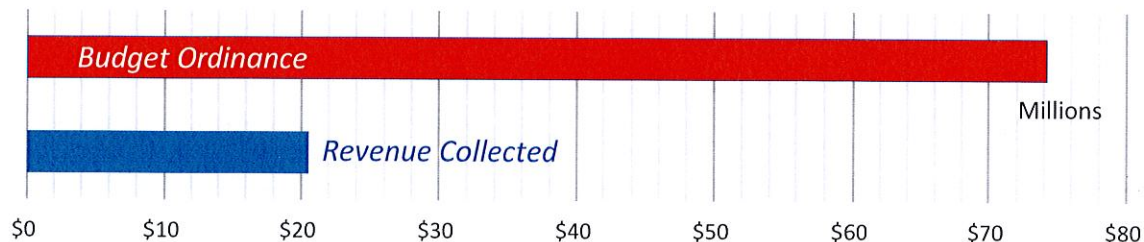
Henderson County Registered Motor Vehicles (As Collected by NC DMV):

Net Charge:	\$2,044,597.53
Unpaid Taxes:	\$10,118.60
Amount Collected:	\$2,034,478.93

99.51%

Henderson County FY18 Budget Analysis:

	<u>Budget Ordinance</u>	<u>Revenue Collected</u>
Ad Valorem:	\$72,826,301.00	\$19,851,078.96
Prior Years:	\$1,405,000.00	\$699,092.91
Budget Total:	\$74,231,301.00	YTD Revenue: \$20,550,171.87



Respectfully Submitted,

Luke Small
Deputy Tax Collector

Darlene Burgess
Tax Administrator

**LINE-ITEM TRANSFER REQUEST
HENDERSON COUNTY**



Department: Sheriff/Detention

Please make the following line-item transfers:

What expense line-item is to be increased?

Account	Line-Item Description	Amount
<u>115431-553000</u>	<u>Capital Outlay Vehicles</u>	<u>\$14,220.00</u>
<u>Total</u>		<u>\$14,220.00</u>

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

Account	Line-Item Description	Amount
<u>114431-451004</u>	<u>Federal Forfeitures - US Treasury</u>	<u>\$14,220.00</u>
<u>Total</u>		<u>\$14,220.00</u>

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

Additional funds needed to purchase Ford Interceptor police package vehicles in place of the Nissan Rogue vehicles requested in the BOC meeting on October 18, 2017

Charles M. [Signature] 11/2/2017
 Authorized by Department Head Date

 Authorized by Budget Office Date

 Authorized by County Manager Date

For Budget Use Only	
Batch #	_____
BA #	_____
Batch Date	_____