

## **MINUTES**

**STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS  
WEDNESDAY, FEBRUARY 21, 2018**

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: Management Assistant Megan Powell, Finance Director J. Carey McLelland, Director of Business and Community Development John Mitchell, Engineer Marcus Jones, Recreation Director Carleen Dixon, Emergency Management/Rescue Coordinator Jimmy Brissie, DSS Director Jerrie McFalls, Captain Jim Player, Chief Deputy Jason Brown, Real Property Appraiser Kevin Hensley, Library Director Trina Rushing, Planner Stedman Smith, Sheriff Charlie McDonald, HR Director Jan Prichard, Recreation Program Supervisor Laura Rice, Planning Director Autumn Radcliff, Projects Engineer Natalie Berry, Environmental Programs Coordinator Rachel Kipar and PIO Kathy Finotti – videotaping, and 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.

### **MOMENT OF SILENCE**

Chairman Edney noted the passing of Billy Graham at the age of 99, and requested a moment of silence in memory of Reverend Graham.

### **INVOCATION**

The invocation was provided by County Manager Steve Wyatt.

### **PLEDGE OF ALLEGIANCE**

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

### **RECOGNITION OF EAGLE SCOUT MITCHELL MCKENNEY**

Chairman Edney recognized Mitchell McKenney for acquiring his Eagle Scout Award. Mitchell rebuilt the roof on the informational board at Bullington Gardens.

This is a major accomplishment for a young man and the Board was honored to present Mr. McKenney with a Certificate of Recognition.

### **2018-24 RESOLUTION IN HONOR OF SERGEANT MATTHEW RAXTER**

Sheriff McDonald stated the Henderson County Sheriff's Office requests that the service badge and sidearm of Sergeant Matthew Raxter be given to him in recognition of his retirement from the Henderson County Sheriff's Office.

Sergeant Raxter began employment with the Henderson County Sheriff's Office on November 25, 1996 and held the ranks of Deputy, Corporal, and Sergeant. Sergeant Raxter has served for over 28 years in the Sheriff's Office. He has spent his adult life serving our community and agency. To honor him and show my gratitude, the Sheriff's Department intends to present his service badge and service sidearm to him.

DATE APPROVED: March 21, 2018

Sheriff McDonald makes this request on behalf of the Henderson County Sheriff's Office pursuant to North Carolina General Statute 20-187.2(a).

*Chairman Edney made the motion that the Board allows Sheriff Charles McDonald to present the service badge and sidearm as a token of appreciation to Sergeant Raxter. All voted in favor and the motion carried.*

#### **2018-25 RESOLUTION IN HONOR OF SERGEANT CHARLES ALAN MCCRARY**

Sheriff Charlie McDonald stated the Henderson County Sheriff's Office requests that the service badge and sidearm of Sergeant Charles Alan McCrary be given to him in recognition of his retirement from the Henderson County Sheriff's Office.

Sergeant McCrary began employment with the Henderson County Sheriff's Office on May 9, 1988 and held the ranks of Jailer, Deputy, Corporal, and Sergeant. Sergeant McCrary has served for 30 years in the Sheriff's Office. He has spent his adult life serving our community and agency. To honor him and show my gratitude, the Sheriff's Department intends to present his service badge and service sidearm to him.

Sheriff McDonald makes this request on behalf of the Henderson County Sheriff's Office pursuant to North Carolina General Statute 20-187.2(a).

*Chairman Edney made the motion that the Board allows Sheriff Charles McDonald to present the service badge and sidearm as a token of appreciation to Sergeant McCrary. All voted in favor and the motion carried.*

#### **PUBLIC HEARINGS**

##### **2018-26 Public Hearing for Rezoning Application #R-2017-06**

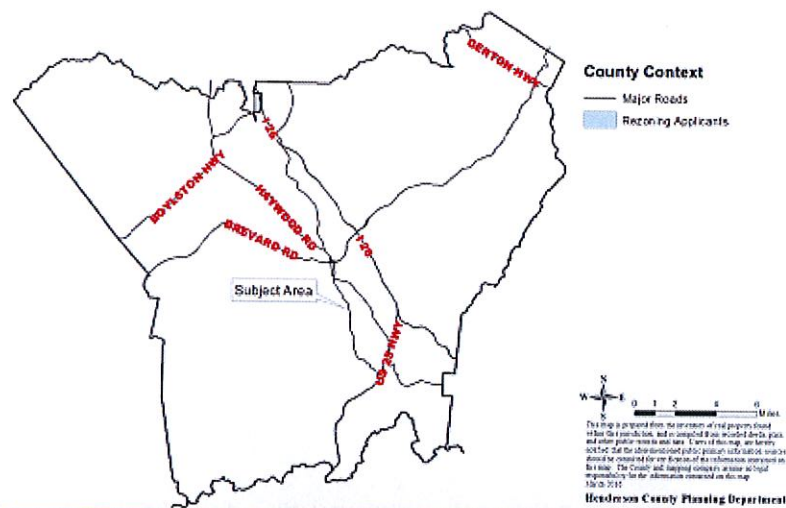
*Commissioner Hawkins made the motion to go into public hearing for Rezoning Application #R-2017-06. All voted in favor and the motion carried.*

Planner Stedman Smith stated Rezoning Application #R-2017-06 which was initiated on November 20, 2017 at the request of applicant and agent, Mr. Dennis Krueger, who requests the County rezone approximately 0.39 acres of land (thereafter the "Subject Area") from Estate Residential (R-40) zoning to Local Commercial (LC) zoning district.

The Henderson County Planning Board considered rezoning application #R-2017-06 at its regularly scheduled meetings on December 21, 2017. During the meeting, the Planning Board voted unanimously to send forward a favorable recommendation to rezone the Subject Area to a Local Commercial (LC) zoning district.

Public Notice: 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 February 21, 2018, public hearing regarding rezoning application #R-2017-06 were published in the Times-News on February 1, 2018 and February 8, 2018. The Planning Department sent notices of the hearing via first class mail to the owners of properties adjacent to the Subject Area on January 29, 2018 and posted signs advertising the hearing on the Subject Area on January 29, 2018.

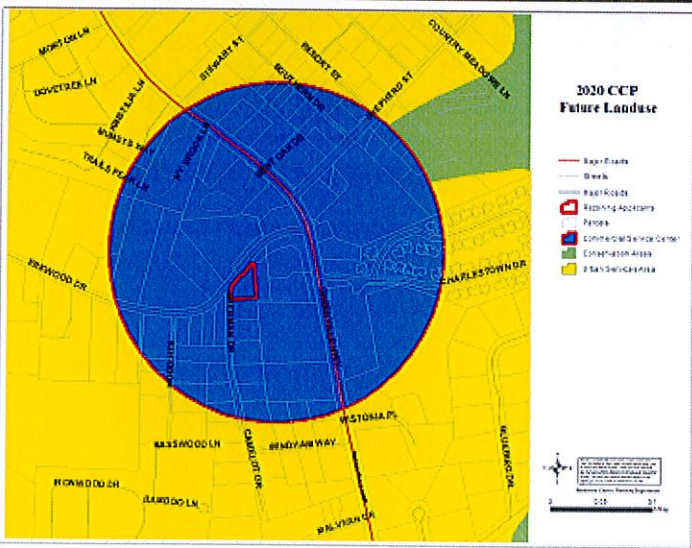
- Application Summary
- Rezoning Request: R-2017-06
- Submitted on November 20<sup>th</sup>, 2017
- Applicant/Owner: Mr. Dennis Krueger
- Rezone from Estate Residential (R-40) Zoning to Local Commercial (LC) Zoning
- 0.39 Acres
- 1 Parcel



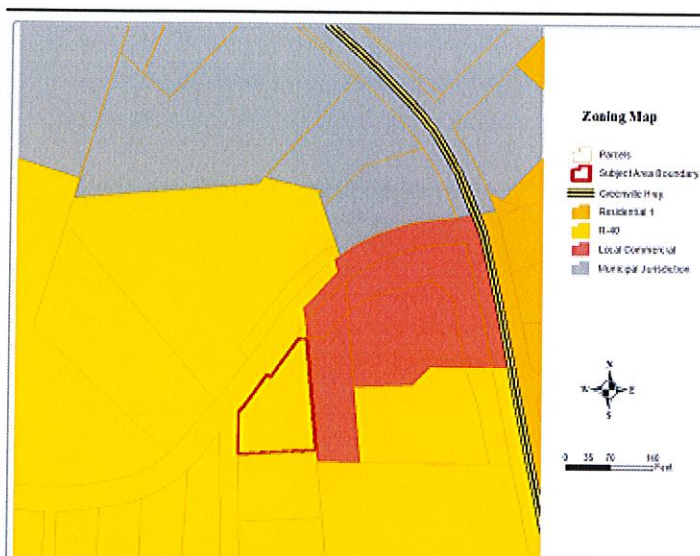
County Context



Aerial Map



2020 CCP Future Land Use Map



Current Zoning 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, and he further moved that the Board approve rezoning application #R-2017-06 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.*

### **2017-27 Public Hearing to Consider Final Approval of the Financing Contract for the Edneyville School Construction Project**

*Commissioner Thompson made the motion to go into public hearing to Consider Final Approval of the Financing Contract for the Edneyville School Construction Project. All voted in favor and the motion carried.*



A public hearing has been scheduled on 21 February 2018 in the above matter.

At the conclusion of the public hearing, the Board may choose to take action, delay action to a subsequent meeting, or take no action.

The Board gave notice that this hearing would be conducted concerning the approval of the execution and delivery of the Financing Contract and the County's the acquisition, construction and equipping of the Project. Under the proposal, the County would pay the capital costs of acquisition, construction and equipping of a new Edneyville Elementary School, located at 2875 Pace Road, and related facilities, including a possibly a sanitary sewer system serving the school and the surrounding area (collectively, the "Project"), pursuant to an installment financing contract (the "Contract"), in a principal amount not to exceed \$29,000,000 under which the County will make certain installment payments in order to make the Project available to the County.

The Finance Director of the County of Henderson, North Carolina (the "County") reported to the Board of Commissioners of the County (the "Board") that notice of a public hearing was published on February 7, 2018, stating that the Board would hold a public hearing at 9:00 a.m. on February 21, 2018 to receive public comments on the proposed execution and delivery by the County of (1) an installment financing contract in a principal amount not to exceed \$29,000,000 (the "Contract"), the proceeds of which would be used to finance the acquisition, construction and equipping of a new Edneyville Elementary School and related facilities, including possibly a sanitary sewer system serving the school and the surrounding area (collectively, the "Project"), and (2) a deed of trust, security agreement and fixture filing (the "Deed of Trust") under which the County would grant a lien on the County's fee simple interest in the real property on which the Project will be located, together with the improvements thereon, as may be required for the benefit of the entity providing the funds to the County under the Contract.

The Chairman of the Board then announced that the Board would hear anyone who wished to be heard on the questions of the proposed Contract, the Deed of Trust and the Project to be financed thereby.

#### Public Input

1. Judith Peyton asked the Board to look closely at the sewer plan for the school.

*Commissioner Hawkins moved that the public hearing be closed. The motion was unanimously adopted.*

After the closing of the public hearing, *Commissioner Thompson moved that the following resolution, copies of which having been made available to the Board of Commissioners, be adopted, by reading the title thereof (further reading waived without objection):*

#### **RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF HENDERSON, NORTH CAROLINA, APPROVING AN INSTALLMENT FINANCING CONTRACT AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS**

*WHEREAS*, the County of Henderson, North Carolina (the "County") is a political subdivision validly existing under the Constitution, statutes and laws of the State of North Carolina (the "State");

*WHEREAS*, the County has the power, pursuant to the General Statutes of North Carolina, to (1) purchase real and personal property, (2) enter into installment purchase contracts to finance the purchase or improvement of real and personal property used, or to be used, for public purposes, and (3) grant a security interest in some or all of the property purchased or improved to secure repayment of the purchase price;

*WHEREAS*, the Board of Commissioners of the County (the "Board") has previously determined that it is in the best interest of the County to enter into an Installment Financing Contract dated as of June

1, 2018 (the "*Contract*") with the Henderson County Governmental Financing Corporation (the "*Corporation*") in order to (1) finance the acquisition, construction and equipping of a new Edneyville Elementary School and related facilities, including a sanitary sewer system serving the school and the surrounding area (collectively, the "*Project*"), and (2) pay certain costs incurred in connection with the execution and delivery of the Project;

*WHEREAS*, to secure its obligations under the Contract, the County will execute and deliver a Deed of Trust, Security Agreement and Fixture Filing dated as of June 1, 2018 (the "*Deed of Trust*"), granting a lien on the County's fee simple interest in the real property on which the Project will be located, together with the improvements thereon;

*WHEREAS*, the Corporation will execute and deliver an aggregate principal amount not to exceed \$29,000,000 of its Limited Obligation Bonds (collectively, the "*Bonds*"), each evidencing proportionate undivided interests in rights to receive certain Revenues (as defined in the Contract) pursuant to the Contract;

*WHEREAS*, in connection with the sale of the Bonds to PNC Capital Markets LLC (the "*Underwriter*"), the Corporation will enter into a Contract of Purchase to be dated on or about May 24, 2018 (the "*Purchase Contract*") between the Corporation and the Underwriter relating to the Bonds, and the County will execute a Letter of Representation to the Underwriter (the "*Letter of Representation*");

*WHEREAS*, there have been described to the Board the forms of the following documents (collectively, the "*Instruments*"), copies of which have been made available to the Board, which the Board proposes to approve, enter into and deliver, as applicable, to effectuate the proposed installment financing:

(1) the Contract;

(2) the Deed of Trust;

(3) an Indenture of Trust dated as of June 1, 2018 (the "*Indenture*") between the Corporation and U.S. Bank National Association, as trustee; and

(3) the Purchase Contract and the Letter of Representation.

*WHEREAS*, to make an offering and sale of the Bonds, there will be prepared a Preliminary Official Statement with respect to the Bonds (the "*Preliminary Official Statement*"), a draft thereof having been presented to the Board, and a final Official Statement relating to the Preliminary Official Statement (together with the Preliminary Official Statement, the "*Official Statement*"), which Official Statement will contain certain information regarding the County;

*WHEREAS*, it appears that each of the Instruments and the Preliminary Official Statement is in an appropriate form and is an appropriate instrument for the purposes intended;

*WHEREAS*, the Board has conducted a public hearing on this date to receive public comment on the proposed Contract and the transactions contemplated thereby; and

*WHEREAS*, the County has filed an application to the LGC for approval of the Contract;

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF HENDERSON, NORTH CAROLINA, AS FOLLOWS:**

Section 1. *Ratification of Instruments.* All actions of the County, the Chairman of the Board (the "*Chairman*"), the Clerk to the Board (the "*Clerk*"), the County Manager, the Finance Director, the County Attorney and their respective designees, whether previously or hereinafter taken, in effectuating

the proposed financing are hereby approved, ratified and authorized pursuant to and in accordance with the transactions contemplated by the Instruments.

Section 2. ***Authorization of the Official Statement.*** The form, terms and content of the Preliminary Official Statement are in all respects authorized, approved and confirmed, and the use of the Preliminary Official Statement and of the final Official Statement by the Underwriter in connection with the sale of the Bonds is hereby in all respects authorized, approved and confirmed. The Chairman, the County Manager and the Finance Director are each hereby authorized and directed, individually and collectively, to deliver, on behalf of the County, the Official Statement in substantially such form, with such changes, insertions and omissions as each may approve.

Section 3. ***Authorization to Execute the Contract.*** The County approves the financing of the Project in accordance with the terms of the Contract, which will be a valid, legal and binding obligation of the County in accordance with its terms. The form and content of the Contract are hereby in all respects authorized, approved and confirmed, and the Chairman, the Clerk, the County Manager and the Finance Director and their respective designees are hereby authorized, empowered and directed, individually and collectively, to execute and deliver the Contract, including necessary counterparts, in substantially the form and content presented to the Board, but with such changes, modifications, additions or deletions therein as they may deem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of the County's approval of any and all changes, modifications, additions or deletions therein from the form and content of the Contract presented to the Board. From and after the execution and delivery of the Contract, the Chairman, the Clerk, the County Manager and the Finance Director are hereby authorized, empowered and directed, individually and collectively, to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Contract as executed.

Section 4. ***Authorization to Execute the Deed of Trust.*** The County approves the form and content of the Deed of Trust, and the Deed of Trust is in all respects authorized, approved and confirmed. The Chairman, the Clerk, the County Manager, the Finance Director and their respective designees are hereby authorized, empowered and directed, individually and collectively, to execute and deliver the Deed of Trust, including necessary counterparts, in substantially the form and content of the Deed of Trust presented to the Board, but with such changes, modifications, additions or deletions therein as they may deem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of the County's approval of any and all changes, modifications, additions or deletions therein from the form and content of the Deed of Trust presented to the Board. From and after the execution and delivery of the Deed of Trust, the Chairman, the Clerk, the County Manager and the Finance Director are hereby authorized, empowered and directed, individually and collectively, to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Deed of Trust as executed.

Section 5. ***Purchase Contract and Letter of Representation.*** The form and content of the Purchase Contract are hereby approved in all respects, and the County Manager or the Finance Director is authorized to execute the Letter of Representation for the purposes stated therein. The County Manager and the Finance Director and their respective designees are hereby authorized, empowered and directed, individually and collectively, to execute and deliver the Letter of Representation, including necessary counterparts, in substantially the form and content of the Letter of Representation presented to the Board, but with such changes, modifications, additions or deletions therein as they may deem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of the County's approval of any and all changes, modifications, additions or deletions therein from the form and content of the Letter of Representation presented to the Board. From and after the execution and delivery of the Letter of Representation, the County Manager and the Finance Director are hereby authorized, empowered and directed, individually and collectively, to do all such acts and things and to execute all

such documents as may be necessary to carry out and comply with the provisions of the Letter of Representation as executed.

**Section 6. *County Representative.*** The Chairman, the County Manager and the Finance Director are hereby designated as the County's Representative to act on behalf of the County in connection with the transactions contemplated by the Instruments and the Preliminary Official Statement, and the Chairman, the County Manager and the Finance Director are authorized, individually and collectively, to proceed with the transactions contemplated by the Contract in accordance with the Instruments and to seek opinions as a matter of law from the County Attorney, which the County Attorney is authorized to furnish on behalf of the County, and opinions of law from such other attorneys for all documents contemplated by this Resolution as required by law. The County's representatives or designees are in all respects authorized on behalf of the County to supply all information pertaining to the County for use in the Official Statement and the transactions contemplated by the Instruments or the Preliminary Official Statement. The County's representatives or their respective designees are hereby authorized, empowered and directed, individually and collectively, to do any and all other acts and to execute any and all other documents which they, in their discretion, deem necessary or appropriate to consummate the transactions contemplated by the Instruments or the Preliminary Official Statement or as they deem necessary or appropriate to implement and carry out the intent and purposes of this Resolution. Without limiting the foregoing, the Finance Director is hereby authorized and directed to select one or more financial institutions to serve as an additional Underwriter for the Bonds if the Finance Director determines, in his discretion, that such an appointment is necessary or appropriate to implement and carry out the intent and purposes of this Resolution.

**Section 7. *Severability.*** If any section, phrase or provision of this Resolution is for any reason declared to be invalid, such declaration shall not affect the validity of the remainder of the sections, phrases or provisions of this Resolution.

**Section 8. *Repealer.*** All motions, orders, resolutions and parts thereof, in conflict herewith are hereby repealed.

**Section 9. *Effective Date.*** This Resolution is effective on the date of its adoption.

#### **INFORMAL PUBLIC COMMENT**

1. Gary Griffin spoke in regard to sewer lines to the Edneyville community. He feels there is a lack of sewer line connections along Highway 64 East. The Barnwell option is the best and least expensive option and should extend to the Justice Academy. It will be great for Ag-tourism.
2. Cindy Ward spoke in regard to Kanuga Road. She had provided a petition of over 1000 signatures that do not want the round-abouts. It will hurt businesses. NCDOT needs to find a more feasible way.
3. Ken Gordon provided a petition with over 900 signatures against a round-about on White St.
4. Deb Lyda is in favor of a sewer line to the Edneyville community. Sewer access is necessary and the Barnwell option is the best option and will serve now and for future development. Clear Creek is often not clear and the package plants along the streams do not help.
5. Kyra Moore provided the Board with a Resolution for Single Payer Healthcare for All. There would be no cost to the County and it would put pressure on legislatures.
6. Judith Peyton would like for sewer lines to be provided to the Edneyville community. People who move to this area do so for the pristine waterways and environment. She supports the Barnwell option which manages growth and protects farmlands.
7. Kenny Barnwell thanked the Board for the upcoming new Edneyville Elementary School. The Board should follow the 2020 Plan and provide sewer to the Edneyville community. The Barnwell plan will work for all proposed to the Justice Academy and protect the area they are blessed with.



**DISCUSSION/ADJUSTMENT OF CONSENT AGENDA**

*Commissioner Hawkins 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):

February 5, 2018 - Regularly Scheduled Meeting

Motion:

*I move the Board approve the minutes of February 5, 2018 as presented.*

**Tax Collector's Report**

Deputy Tax Collector Luke Small had presented the Tax Collector's Report to the commissioners dated February 14, 2018 for information only. No action was necessary.

**2018-28 Clarification and Revision of Article II of Chapter 95 of County Code (Solid Waste)**

A proposed clarification and revision of Article II of Chapter 95 of the Code regarding licensure of solid waste collection was provided.

**Amendment to Solid Waste Ordinance, Chapter 95 of the Henderson County Code, Article II.** This amendment clarifies and emphasizes that the operations of permitted haulers of solid waste and recyclable materials under Article II of Chapter 95 are covered by the permit issued by the County, to the extent that such operations directly affect the ability of the County's citizens to comply with the Ordinance's requirements of waste collection and recycling.

ENACTMENT 2018-\_\_\_\_\_

An ordinance to amend Article II of Chapter 95 of the Henderson County Code.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF HENDERSON COUNTY, THAT:

**Section 1. Amendment to Section 95-30.** As amended, Section 95-30 of the Henderson County Code shall hereafter read as follows:

**§95-30. Equipment and Operations Standards.**

All trucks and other equipment used by the collector must meet minimum standards prescribed by the Henderson County Solid Waste Management Department. These standards shall require, at a minimum, that truck beds be covered. Vehicles shall be leak proof, durable and easily cleaned to prevent insect breeding, odor or other nuisance and shall be maintained in good repair as determined by the Solid Waste Director. Each collector shall provide the Solid Waste Director with a plan for the regular and sufficient collection of solid waste and recyclable materials of its customers, and shall operate in regular compliance with such plan.

**Section 2. Amendment to Section 95-35.** As amended, Section 95-35 of the Henderson County Code shall hereafter read as follows:

**§95-35. Revocation of Permit; Appeals**

A. Whenever, upon inspection of the facilities, equipment or operating methods of

any person collecting, transporting or disposing of solid waste or recyclable materials, the Solid Waste Director finds that conditions or practices exist which are in violation of the provisions of this article, the Solid Waste Director shall give notice in writing to such person that unless such conditions or practices are corrected within 30 days the operating permit of such person shall be revoked. Haulers will be allowed to collect, transport and dispose of solid waste or recyclable materials during this thirty-day period. Immediately upon the receipt of the notice of the Solid Waste Director as provided above in this section, the permit-holder shall provide to the Solid Waste Director a list of the permit-holder's customers within Henderson County. Such list of customers shall not be a public record so long as the permit-holder complies with N.C. Gen. Stat. §132-1.2, and shall be used by the Solid Waste Director only to notify customers of the permit-holder of the revocation of the permit-holder's permit, and for no other purpose. In the event a revoked permit is reinstated by either the Solid Waste Director or by the Board of Commissioners pursuant to this section, the list of customers shall be destroyed.

No such permit shall be reinstated by the Solid Waste Director until he finds, upon reinspection and other proof satisfactory to the Solid Waste Director of operations in compliance with this Chapter, that all provisions of these regulations have been complied with, except that following a hearing as hereinafter provided such permit may be reinstated by order of the Solid Waste Department. The Solid Waste Director shall be the only person authorized to enforce this subsection.

B. Any revocation of a solid waste hauler's permit may be appealed to the Henderson County Board of Commissioners by the submission of a notice of appeal to the Solid Waste Director within 10 days of the effective date of the revocation. If a notice of appeal is not filed within 10 days, the permit shall be deemed to have been automatically revoked.

**Section 3. *Effective Date.*** This ordinance shall take effect on adoption.

Motion:

*I move that the Board adopt the proposed amendments.*

#### **2018-29 Budget Amendment – Wellness Clinic**

The Board is requested to approve the creation of two new positions in the Wellness Clinic, as well as funding for contracted services. A Budget Amendment is presented transferring \$72,019 from Fund Balance into the department to cover the required expenditures for the positions and contract for the remainder of FY18.

Motion:

*I move the Board approves the addition of two new positions, and the Budget Amendment as presented.*

#### **2018-30 KaBoom Playground Grant for East Flat Rock Park**

KaBoom is a national non-profit dedicated to ensuring that all kids have access to “play”. They recently contacted the County, and informed us that they had a partner that wanted to install a playground in an area of need in our location. After working with KaBoom to understand the needs of a community that they were looking to meet, Staff has determined that East Flat Rock Park is a strong fit. In the past week KaBoom hosted a conference call with a group of citizens from East Flat Rock and the recreation Director to determine if this was a project that would meet the donors needs. KaBoom feels that we are a good fit

and would like to move into the potential selection process on this grant.

Staff is seeking approval and support to formally apply for the KaBoom grant and project, for replacement of the old section of playground equipment at East Flat Rock Park. Should the grant application be approved, the County would be required to provide a grant match in the amount of \$8,500. Should the grant be approved and required match be needed, Staff will present a budget amendment to the Board at that time.

Motion:

*I move the Henderson County Board of Commissioners authorize staff to accept the Letter of Intent between KaBoom and Henderson County, and apply for the \$50,000 playground grant. I further move that the Parks and Recreation Director be authorized to execute the required Community Partner Agreement if the grant is awarded.*

#### **2018-31 Etowah Lion's Club Concession Memorandum of Understanding**

Following Board instructions representatives of the Etowah Lions Club, Parks & Recreation, and the Recreation Advisory Board have developed a formal Memorandum of Understanding between Henderson County and the Etowah Lions Club granting operation of the Etowah Concession Stand to the Club with profits to be utilized for park and community benefit.

Motion:

*I move the Henderson County Board of Commissioners authorize staff to accept the Memorandum of Understanding between the Etowah Lions Club and Henderson County for the operation of the Concession Stand at Etowah Park.*

#### **CANE CREEK WATER AND SEWER DISTRICT – CONSENT AGENDA**

*Commissioner Hawkins 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.

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

#### **NOMINATIONS**

##### **Notification of Vacancies**

1. Nursing/Adult Care Home Community Advisory Committee – 1 vac.

##### **Nominations**

1. Agriculture Advisory Board – 1 vac.

Commissioner Messer nominated Kenneth Allison for position #2. *Chairman Edney made the motion to accept the reappointment of Kenneth Allison to position #2 by acclamation. All voted in favor and the motion carried.*

2. Animal Services Committee – 4 vac.

Commissioner Thompson nominated Brian Jull for position #1, James Varble for position #4, Kathryn Overstreet for position #7 and Carol Roop for position #8. *Chairman Edney made the motion to accept*

*the reappointments of Brian Jull to position #1 James Varble to position #4 Kathryn Overstreet to position #7 and Carol Roop to position #8 by acclamation. All voted in favor and the motion carried.*

3. EMS Peer Review Committee – 2 vac.

Commissioner Hawkins nominated Dr. Byron Dixon for position #6. Chairman Edney nominated Beth Cassidy for position #7. *Chairman Edney made the motion to accept the appointment of Dr. Byron Dixon to position #6 and Beth Cassidy to position #7 by acclamation. All voted in favor and the motion carried.*

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

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

5. Historic Resources Commission – 1 vac.

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

6. 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.

7. Industrial Facilities and Pollution Control Financing Authority – 1 vac.

Commissioner Thompson nominated Hall Waddell for position #2. *Chairman Edney made the motion to accept the reappointment of Hall Waddell to position #2 by acclamation. All voted in favor and the motion carried.*

8. Juvenile Crime Prevention Council – 4 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. Nursing/Adult Care Home Community Advisory Committee – 10 vac.

Commissioner Thompson nominated Barbara Hickey for position #12 and Thomas Keating for position #19. *Chairman Edney made the motion to accept the reappointments of Barbara Hickey to position #12 and Thomas Keating to position #19 by acclamation. All voted in favor and the motion carried.*

11. Recreation Advisory Committee – 3 vac.

Commissioner Messer nominated Jennifer Hensley for position #8, Virgle McClure for position #9, and James Cox to position #2. *Chairman Edney made the motion to accept the reappointments of Jennifer Hensley to position #8 and Virgle McClure to position #9, and the appointment of James Cox to position #2 by acclamation. All voted in favor and the motion carried.*

12. Senior Volunteer Services Advisory Council – 2 vac.

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

### **LEGISLATIVE UPDATE**

Representative Chuck McGrady had requested time on the agenda to provide the Board with a Legislative update.

Representative McGrady explained that he recently met with Buncombe County, Henderson County, the City of Hendersonville and the City of Asheville regarding Henderson County's application to join MSD. There was some amount of misinformation. He was at this meeting to clear up that information.

Mr. McGrady serves on a joint committee to make sure rates across the board are fair. Enterprise Funds are complex. He has been studying House Bill 718, which prohibits counties and cities from establishing different rate unless approved by the LGC. This all started with the water system in Asheville, the process between Henderson County and Asheville, and Henderson County not having representation on

the MSD. Forty percent (40%) of Asheville's current customer base is outside of Asheville. The City of Hendersonville's customer base outside of the City is even larger. The larger number of people having no vote. The agreement between the lawyers is complete and this item now needs to be added to an agenda.

The LGC perspective is that they would like to see the legislatures put something into place. Smaller systems are not viable. Henderson County should stay attentive because there is an opportunity here with Laurel Park Water, Edneyville Sewer, City Water, etc. He suggested Henderson County explore a Resolution as this is just politics. Find a resolution with MSD and engage with the City of Hendersonville. The Legislatures are ready for legislative action if necessary. There are different opinions from the City and County.

Chairman Edney thanked Representative McGrady for the public setting discussion. He noted that a meeting had been held between himself, William Lapsley, Steve Wyatt and the City. He feels the City of Hendersonville does not want to change anything.

Commissioner Lapsley stated this had been in discussion for a number of years. Two years ago he made a pitch to move forward with the topic.

Representativ McGrady feels MSD does not want to hear the history, but hopes to make them hear it.

Commissioner Hawkins doesn't understand why we have no say in the rates. We may need legislative help here.

Rep. McGrady noted that Buncombe County voted not to include Henderson County or their Resolution. Henderson County customers are paying premium rates.

#### **OPIOID LEADERSHIP FOCUS UPDATE**

Staff provided an update to the Commissioners and the public on the upcoming Opioid Leadership Forum scheduled for the afternoon of March 28<sup>th</sup>, 2018 in the Historic Courthouse.

Megan Powell stated staff has been working over the last two months on the opioid forum to be held in the Courtroom and Community Room. All public officials, municipalities, the School Board, Representative McGrady and Representative Edwards have been invited. There will be an afternoon of speakers on how we are affected by opioids. Public Health Director Steve Smith will be discussing the cost to the community, recovery and treatment. A Henderson County group is working to come up with solutions.

On the evening of February 29<sup>th</sup>, Henderson County will be sponsoring an event at Blue Ridge Community College "Dreamland: The True Tale of America's Opiate Epidemic with Sam Quinones. Tickets are available.

#### **DRAFT EAST FLAT ROCK COMMUNITY PLAN OVERVIEW**

Director Autumn Radcliff stated the East Flat Rock (EFR) Community Plan Advisory Committee, formed by the Board of Commissioners in 2015, was responsible for developing and recommending a community-specific comprehensive plan for the East Flat Rock Planning Area. The committee met monthly over an eighteen-month period, held two public input sessions, and conducted a mailed survey to all property owners in the planning area.

On March 16, 2017, the EFR Community Plan Advisory Committee presented the draft plan to the Planning Board. The Planning Board provided additional opportunities for public input including an



online survey and two additional public input meetings held in the King Street Meeting Room and at Hillandale Elementary School. A mailed notice was also sent to owners of property with a recommended zoning change. On November 16, 2017 the Planning Board voted unanimously to send forth a favorable recommendation on the Draft EFR Community Plan.

Staff presented a brief PowerPoint presentation highlighting the sections and recommendations of the draft plan, and copies of the draft plan will be distributed to the Board of Commissioners prior to the February 21<sup>st</sup> meeting. The Board may wish to schedule an additional public input meeting or adopt the plan. A public hearing is not required to adopt the plan. As with any plan, adoption does not obligate the County to implement every recommendation. Given that circumstances and needs change, the County may not move forward with all action items.

#### EXECUTIVE SUMMARY

The Henderson County 2020 Comprehensive Plan (hereinafter “Comprehensive Plan”) was adopted on July 6, 2004 (as amended through September 16, 2009). The Comprehensive Plan identified the need to plan for individual communities within the County. The community planning areas were prioritized based on anticipated growth and relation to the Growth Management Strategy (established by the Comprehensive Plan).

The East Flat Rock Community Plan is a community-specific comprehensive plan outlining goals related to:

- Natural and Cultural Resources
- Agriculture
- Housing
- Community Facilities and Public Services
- Transportation
- Economic Development
- Land Use and Development
- Community Character and Design

The purpose of the East Flat Rock Community Plan Advisory Committee, as outlined by the charter, was to serve as an advisory role to the Board of Commissioners whereby it would recommend Planning Area specific policies. The Committee formed recommendations and action strategies for each element of the Plan based on input solicited from the public, county staff, and relevant experts. The following is a summary of the Plan’s recommendations and action strategies:

#### 3.1: Natural and Cultural Resources

- Protect land quality and access within the EFR Planning Area.
  - Support conservation efforts in the Green River Game Lands.
  - Encourage open space through voluntary conservation and development design practices.
  - Encourage increased access to the Green River Game Lands. The County should work with the North Carolina Department of Conservation to promote the area as a viable recreation opportunity. The County should also work with Duke Energy to provide public access on the existing right of way leading to the Green River Game Lands.
  - Encourage the protection of surrounding land and water resources that may not be within the East Flat Rock boundary. There are many important natural resources in the County that have a direct impact on health and quality of life within East Flat Rock. The County should support those efforts and related recommendations in adjacent community plans.
- Create incentives/opportunities for preservation of historic and cultural sites within the EFR Planning Area.
  - Encourage the preservation and adaptive reuse of historic structures in downtown East Flat Rock.

Where practical and cost effective, the County should support redevelopment efforts. o Work with the Henderson County Historic Resource Commission to help identify important historical sites and preservation opportunities.

### 3.2: Agricultural

- Support existing farms by providing public education as a means of supporting farmers and protecting farmland.
- Reduce farmland loss within the Planning Area.

### 3.3: Housing

- Improve development standards for manufactured homes and existing manufactured home parks within the East Flat Rock Planning Area.
  - o Consider suspending new manufactured home parks within the East Flat Rock Planning Area for a period of time, within all legal and jurisdictional means.
  - o Work with manufactured home park owners to encourage improvements to existing manufactured home parks to enhance the health, welfare, and safety of residents.
    - i. Pave any existing unpaved internal roads.
    - ii. Ensure safe and adequate utility connections
    - iii. Provide acceptable trash collection services
    - iv. Provide landscaping and buffering
  - o Better promote the voluntary removal program for abandoned or dilapidated manufactured homes. The County has an existing program that provides financial assistance for the voluntary removal of dilapidated manufactured homes. Provide education materials on the program through County Website, newsletters, and social media.
- Expand and diversify housing options within the East Flat Rock Planning Area.
  - o The County should continue to encourage a mix of housing options in the East Flat Rock planning area that accommodate a range of income levels. The East Flat Rock Planning Area's housing mix is not congruent with the mix of the rest of the county. When possible and appropriate, the county should seek to encourage development in the planning area that would help its housing mix reflect the county's as a whole.
  - o The County should encourage high-density housing development when possible as an affordable alternative to mobile home parks.

### 3.4: Community Facilities and Public Services

- Consider providing sidewalks in commercially zoned areas.
- Support extensions of public water and sewer lines into East Flat Rock.
- Community facilities and public services should be strategically located in area identified as local commercial, industrial, and or office institutional.
- Improve level of service of existing and proposed parks.
- Form a community and regional greenway network connecting public recreational facilities within the East Flat Rock area.

### 3.5: Transportation

- Improve the transportation network in the East Flat Rock Planning Area.
  - o The County, through its involvement in the French Broad River MPO, should prioritize projects within the East Flat Rock Planning Area in accordance with Plan goals.
  - o Improve identified intersections based on recommended studies. The conditions of the following intersections pose automobile, bicycle, and pedestrian safety concerns and should be studied and improved:
    - i. Blue Ridge Road and Spartanburg Highway

- ii. Access management along Spartanburg Highway and Upward Road
  - Facilitate safer automobile movement and alleviate traffic stacking issues near Hillandale Elementary during school peak hour traffic.
  - The County, through its involvement in the French Broad River MPO, should prioritize bicycle projects within the East Flat Rock Planning Area in accordance with Plan goals.
  - Review public transit periodically to identify service provision changes or increases.

### 3.6: Economic Development

- Direct commercial and industrial growth to areas where community facilities and public services are present or anticipated.
- Support industrial development within the East Flat Rock Planning Area.
  - Work with the Henderson County Partnership for Economic Development and others to promote Industrial/Commercial Development in the East Flat Rock Planning Area.
  - Support existing businesses and industries.
  - Expand manufacturing training opportunities available at Blue Ridge Community College to provide a more competitive workforce.
  - Work to provide affordable housing for the County workforce
  - Support Dana Community Plan recommendations for industrial and commercial growth near Interstate 26 and Upward Road.
- Address economic development in the East Flat Rock Planning Area.
  - Revitalize Downtown East Flat Rock into a destination for shopping and dining.
  - Create East Flat Rock gateway entrances on Spartanburg Highway and Upward Road.

### 3.7: Land Use and Development

- Residential Two (R2): Replace Estate Residential (R-40) zoning with Residential Two Rural (R2R) zoning west of Greenville Highway within the “island” of East Flat Rock. In addition, replace a small section of Residential One (R1) on the western edge of the existing R40 district with R2. (See Map 7).
- Residential Two (R2). Replace existing R1 with R2 west of US 25, south of Tabor Road, east of GE facility and north of the highway interchange with Spartanburg Highway and US 25.
- Residential Two (R2). Replace R1 west of Spartanburg Highway, south of West Blue Ridge Road, and bounded by the Planning Area Boundary to the west.
- Community Commercial (CC). To encourage increased commercial development, expand the existing CC zoning along Spartanburg Highway to two parcels wide on the east and west sides of the highway. Also connect the CC zoning south of Roper Road to the existing CC near the interchange at Spartanburg Highway and US 25. This will replace R1.
- Office/Institutional (O/I). Replace R40 with O/I south of West Blue Ridge Road and west of Rocky Fork Road. This area includes Hillandale Elementary and Flat Rock Middle School.

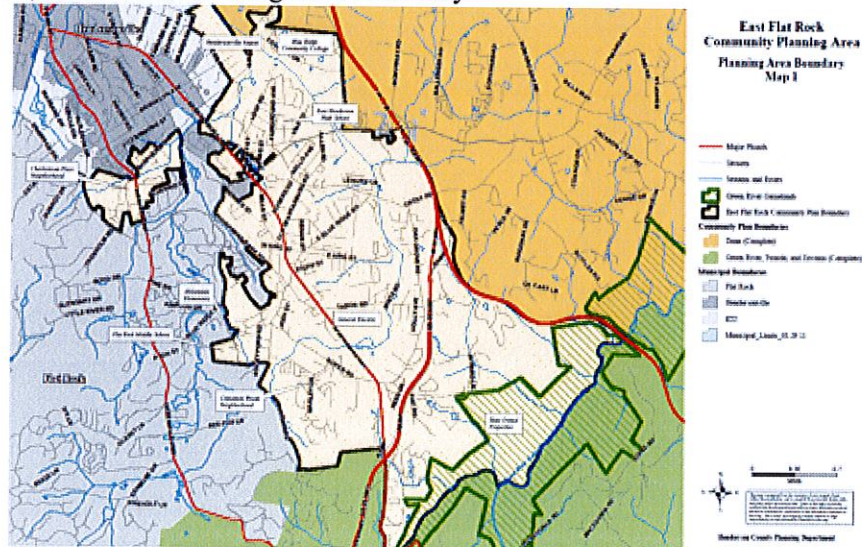
### 3.8: Community Character and Design

- Promote development compatible with the historic character of the East Flat Rock Planning Area.
  - Identify community character features and involve community organizations in the promotion of their preservation or enhancement. Publish and distribute to interest groups (developers, neighborhood associations, community action groups, land conservation agencies, etc.) maps of community features that should be preserved or enhanced, including any areas preferred for acquisition. Community organizations should publicize and seek support for preservation and enhancement of identified community character features.
  - Adopt lighting regulations for nonresidential uses in the East Flat Rock Planning Area. The County should adopt lighting regulations to mitigate the negative impacts of lighting and preserve the Planning Area’s rural character and natural setting. Lighting mitigation standards should be

enforced to prevent light from nonresidential property from shining onto residential property.

- Establish Design Standards
  - Establish design standards for nonresidential uses. Design standards should be established to ensure nonresidential development is unified and cohesive, consistent with the rural character and natural setting of the Planning Area. The following standards should apply to nonresidential uses/developments (excluding industrial uses/developments) containing more than 15,000 square feet of floor area:
    - i. Façade Materials. No unfinished block or plywood shall be permitted on any façade facing a public street. Decorative block is permitted on a façade facing a public street. Natural materials (brick, stone (native and manufactured), wood (clapboard/shingles), stucco, etc.) are preferred on façades. Materials which are not preferred for façades include: light gauge vinyl siding, unpainted aluminum siding, wood composition board, and asphalt shingles. Fluorescent/neon finishes should be avoided.
    - ii. Articulation. Vertical and horizontal articulation (bump ins/outs) shall be required where any blank wall (those without windows and doors) facing a public street exceeds 50 feet in length. Blank walls should be avoided by using windows/doors, trellises, arcades, material changes, awnings or other similar features.

#### East Flat Rock Planning Area Boundary



#### Advisory Committee

Chip Gould, Co-Chair  
 Deborah Merker, Co-Chair  
 Nancy Hill Westhall  
 Larry David Ray  
 Rickman Lee Holbert  
 Andrew Hord  
 Donald Neal Jones  
 David Scott Moreno  
 Sarah Hoffert  
 Brian Pahle and David Hazzard, City of Hendersonville  
 Keith Kennedy, Village of Flat Rock  
 Marilyn Gordon, Henderson County Planning Board Liaison



- **January 5, 2015:** Community Plan Charter Adopted
- **Spring 2015:** Advisory Committee Formed (9 members)
- **August 11, 2015:** Committee holds first of 14 meetings
- **October, 2015:** Mailed survey to all property owners
- **November 9, 2015:** 1<sup>st</sup> Public Input meeting at Hillandale
- **December 12, 2016:** 2<sup>nd</sup> Public Input meeting to obtain feedback on the Draft Plan at County Community Room
- **March 16, 2017:** Joint meeting with the Planning Board
- **June, 2017:** Letter sent to property owners with a zoning recommendation
- **July 10, 2017:** 3<sup>rd</sup> Public Input meeting at the King St. Mtg. Rm.
- **September 19, 2017:** 4<sup>th</sup> Public Input meeting at Hillandale
- **November 16, 2017:** Planning Board Recommended draft plan

**EFR Community Plan Addresses:**

- Natural and Cultural Resources
- Agriculture
- Housing
- Community Facilities and Public Services
- Transportation
- Economic Development
- Land Use and Development
- Community Character and Design

**East Flat Rock  
Community Planning Area**

**Natural Heritage/  
Sensitive Areas  
Map 2**

- EFR Boundary
- Class C Trout Streams
- Natural Heritage Areas
- 2014 Impaired Waters
- Streams and Rivers
- Green River Game Lands
- Major Roads
- Streets

Scale: 0 0.5 1.0 Miles

North Arrow

Source: U.S. Geological Survey, U.S. Environmental Protection Agency, and other sources.

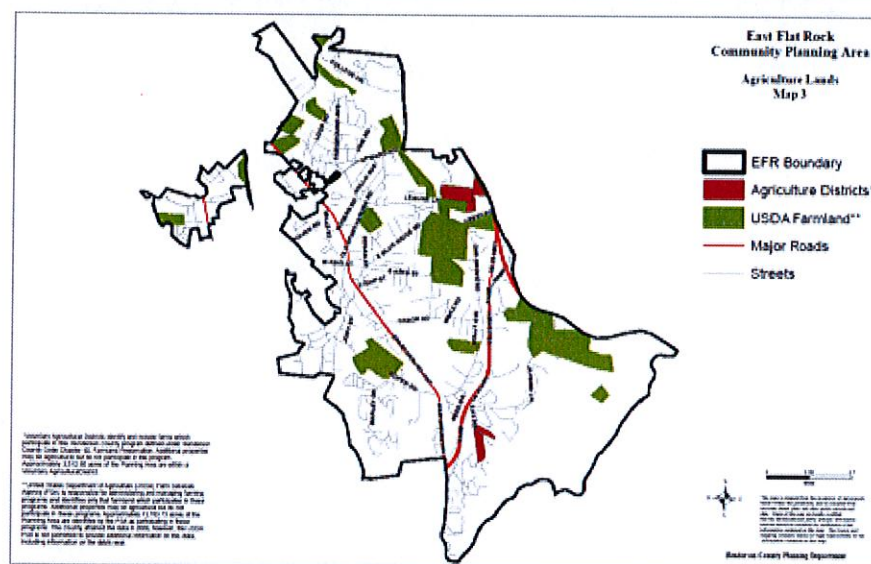


## Natural/Cultural Resources Key Goals and Objectives

Goal: Protect land quality and access.

- Support conservation efforts and increased access in the Green River Game Lands.
  - Encourage the protection of surrounding land and water resources that may not be within the East Flat Rock boundary.
  - Encourage open space through voluntary conservation and development design practices.
- Goal: Create incentives/opportunities for preservation of historic and cultural sites.
- Encourage the preservation and adaptive reuse of historic structures in downtown East Flat rock.
  - Work with the Henderson County Historic Resource Commission to help identify important historical sites and preservation opportunities.

## Agriculture



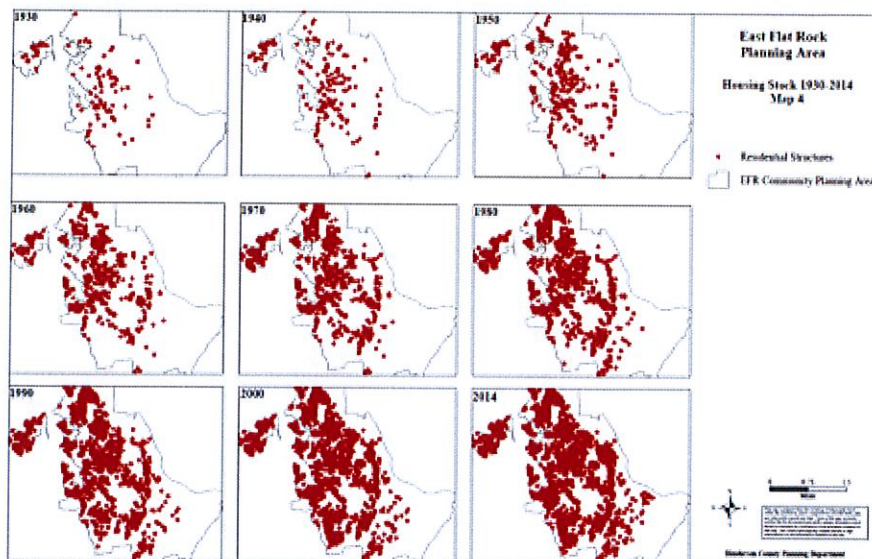
## Agriculture Key Goals and Objectives

- Support existing farms by providing public education as a means of supporting farmers and protecting farmland.
- Reduce farmland loss within the Planning Area.

## Section 3.3. Housing



## Housing Stock Map



### Housing Key Goals and Objectives

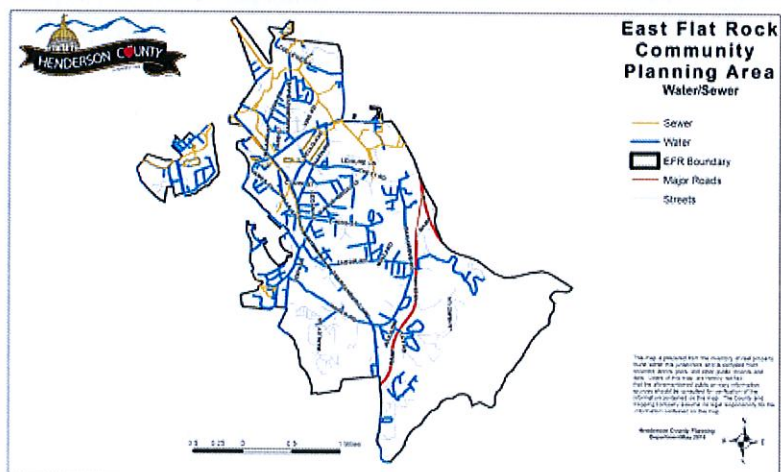
Goal: Improve development standards for manufactured homes and existing manufactured home parks.

- Consider suspending new manufactured home parks within the East Flat Rock Planning Area for a period of time.
- Work with park owners to encourage improvements to existing manufactured home parks to enhance the health, welfare, and safety of residents.

Goal: Expand and diversify housing options within the Planning Area.

- The County should encourage high-density housing development when possible as an affordable alternative to mobile home parks.
- Encourage a mix of housing options.

## Community Facilities and Public Services





### *Community Facilities/Services Key Goals and Objectives*

- Consider providing sidewalks in commercially zoned areas.
- Support extensions of public water & sewer lines.
- Community facilities and public services should be located in areas identified as local commercial, industrial, and or office institutional.
- Improve level of service of existing and proposed parks.
- Form a community and regional greenway network connecting public recreational facilities.

## Section 3.5. Transportation



## Recreational and Multimodal Transportation



### *Transportation Key Goals and Objectives*

Goal: Improve the transportation network in the Planning Area.

- Improve identified intersections based on recommended studies. The conditions of the following intersections pose automobile, bicycle, and pedestrian safety concerns and should be studied and improved:



- ❖ Blue Ridge Road and Spartanburg Highway
- ❖ Access management along Spartanburg Highway and Upward Road
- Review public transit periodically to identify service provision changes or increases.
- Through the MPO, prioritize projects and bicycle projects.

### ***Economic Development Key Goals and Objectives***

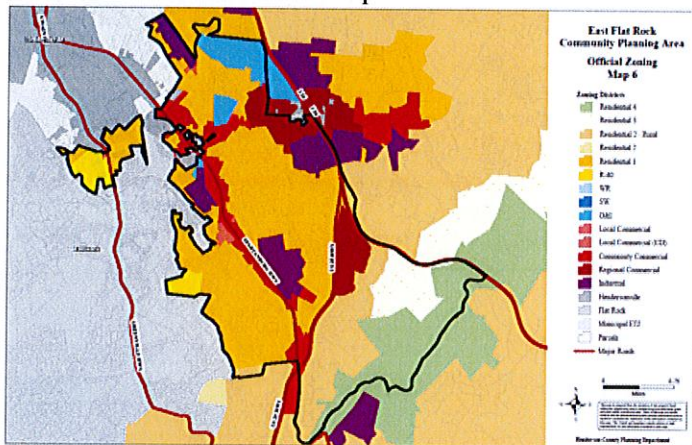
Goal: Direct commercial and industrial growth to areas where services are present or anticipated.

- Support industrial development
  - ❖ Expand manufacturing training opportunities available at Blue Ridge Community College to provide a more competitive workforce.
  - ❖ Work to provide affordable housing for the County workforce.
  - ❖ Support Dana Community Plan recommendations for industrial and commercial growth near I-26 & Upward Road.

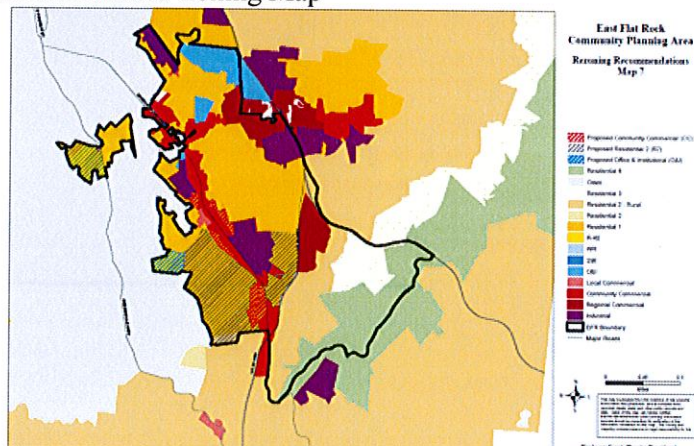
Goal: Address economic development in the Planning Area.

- Revitalize Downtown East Flat Rock into a destination for shopping and dining.
- Create gateway entrances on Spartanburg Hwy & Upward Rd

### **Section 3.7. Land Use & Development**



**Recommended Zoning Map**





### Recommended Zoning and Land Use Map



- R1 to a R2
- Area zoned R40, R1 and LC to R2
- Expand CC along Spartanburg Hwy
- Zone Hillandale
- Elementary and Flat Rock Middle Schools to OI

### Section 3.8. Community Character & Design



#### ***Community Character/Design Key Goals and Objectives***

Goal: Promote development compatible with the historic character of the Planning Area

- Identify community character features and involve community organizations in the promotion of their preservation or enhancement.
- Adopt lighting regulations for nonresidential uses in the Planning Area.

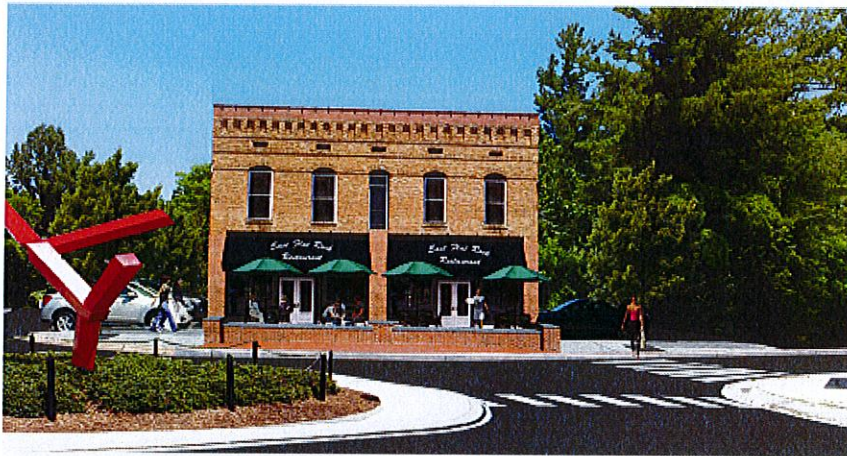
Goal: Establish design standards for nonresidential uses

Existing: W. Blue Ridge Across from Post Office





Possible Future Development: W. Blue Ridge Across from Post Office



Existing: Upward Rd. Near US-26



Possible Future Development: Upward Rd. Near US-26



Commissioner Hawkins stated that adoption of the plan does not adopt the plan actions, a follow-up process with public hearing are required.

Autumn Radcliff responded that staff went the extra mile to make sure everyone was aware of the process. Additional public hearings are not necessary. There are approximately 3200 properties in the area, and 5414 citizens.

*It was the consensus of the Board to send the plan back for another review of the Housing Section: Mobile Home Parks, Transportation: Access Management along Spartanburg Highway and bring it back to the Board at a future meeting, possibly March 21<sup>st</sup>.*

### **EDNEYVILLE ELEMENTARY SCHOOL SEWER**

The Board discussed the Edneyville Elementary School Sewer, and provided direction to staff accordingly.

Commissioner Lapsley noted his interest in the project from the beginning. This Board is going to have to choose a new waste water disposal system.

#### **Five Options**

1. Construct a new on-site (septic / drain field) wastewater system. (Estimated Cost \$ 705,000 Maintenance \$ 35,000 per year)
2. Construct a new on-site WWTP with discharge to a nearby surface water (stream/creek). (Estimated Cost \$ 950,000 Maintenance \$ 35,000 per year)
3. Construct a single large sewage pump station with a 3.4 mile (along US Hwy 64 East) force main with discharge to the existing City of Hendersonville collection & treatment system near North Henderson High school. This system would have limited impact on future growth and development because it would require anyone who connected to install their own individual sewage pump. (Estimated Cost \$ 1,500,000 Maintenance \$ 29,000 per year)
4. Construct a series of three (3) smaller sewage pump stations with short sections of force main and gravity sewer collection lines along US Hwy 64 east. Discharge of the sewage would be to the existing City of Hendersonville collection & treatment system near North Henderson High school. The gravity sewer line sections would serve properties along the highway and some impact on future growth & development. (Estimated Cost \$ 4,058,000 Maintenance \$ 31,500 per year)
5. Construct a large diameter gravity sewer line along the edge of Clear Creek from North Henderson High school to the new Edneyville Elementary School. The sewer line would serve very few if any existing development but would make available public sewer service for future economic development in the eastern – undeveloped section of the County. This gravity sewer line would have an overall length of approximately 4.8 miles. (Estimated Cost \$ 4,500,000 Maintenance \$ 19,000 per year).

#### **Considerations**

**Initial Cost** – there is no question that the lowest initial cost would be an on-site system. All other options are substantially more expensive. At some point in the future Option # 5 will most likely be constructed. If this option were to be selected now - the cost to construct would certainly be the lowest and it would spur new economic development. Also, the money that would have been spent for the on-site system would be credited against the total cost now rather than totally lost in the future.

**System Operating Cost** – the least expensive operating expense would be the gravity sewer line) Option # 5). All other options would have some mechanical equipment (pumps, etc.) which present some level of risk for failure and annual operating & maintenance expenses. Option # 4 would have the highest operating expense.

**Public Utility Enterprise** – Options 3, 4 & 5 would expect the system to be operated as a public utility enterprise. That is to say – the properties served by the system would pay a monthly fee to cover the

initial capital cost (a loan) and all operating expenses. Obviously, the only customer expected to use the system at the outset is Edneyville Elementary school. There is no reason to expect the connection of existing development to the system in the near future as the cost to connect and monthly expense would no doubt be higher on the new system. To keep the user charges at an attractive level it would be advantageous for the County to pay the initial capital cost out of its unappropriated general fund balance. It is the Commission's opinion that the taxpayers – county wide- would not be in support of this approach to funding the project.

An alternative to the County operating & maintaining the wastewater collection system (Options 3, 4 or 5) would be to turn over the entire project to the City of Hendersonville. They could arrange for funding of the capital improvements and spread the expenses over their entire water & sewer customer base (as they currently do with the water & sewer fund in a combined budget). This alternative warranted further investigation by the Commission.

#### **City of Hendersonville**

It is clear that the selection of Options 3, 4 or 5 will require the approval & support of the City Council of the City of Hendersonville.

The County Commission requested that Chairman Edney, Commissioner Lapsley, & Manager Wyatt meet with Mayor Volk, Councilman Caraker and Manager Connet to discuss the project and determine the City's interest in providing the wastewater treatment service needed by the new school.

This meeting was held on Tuesday, February 13, 2018, and the key points that we, the County, took away from that meeting are as follows:

1. The City has no interest in participating financially or otherwise in the development of a sewer collection system outside their corporate limits. That includes the specific project to serve Edneyville Elementary School.
2. The City has no interest in operating or maintaining any sewer collection system that has sewage pumping stations (Options 3 & 4). The City has been constructing gravity sewer lines in the past few years to eliminate old sewage pumping stations. The City would consider taking ownership of the gravity sewer line constructed *by the County* under Option 5.
3. The City reserves the right to require annexation by any future sewer customer located outside the corporate limits. While the City's attention is focused on properties adjacent to the city limit it is their position that those parcels in the "urban services area" will be subject to voluntary annexation in the future.
4. The City has no interest in adjusting the existing sewer user charge rates to provide a uniform rate for inside and outside city customers. The City pointed out that the existing differential of 150% would remain and that they have the right to charge whatever they choose. Some city owned public utilities charge more than the 50% surcharge, so they feel we should be grateful it is not higher. Therefore, if the system is connected to the City of Hendersonville the customers, including the Edneyville Elementary school should be expected to pay the higher rate.
5. The City would consider allowing the County to construct Options 3, 4 or 5 with the County constructing the system and operating & maintaining the system at its expense. The City would require a master meter to be installed at the City limit. The City would charge a yet to be determined treatment fee. This would be a similar arrangement to that used by the County in the Cane Creek Sewer District with MSD Buncombe County.
6. The City advised the County that they have a significant amount of reserve treatment capacity at their plant. This capacity is reserved for those areas expected to be annexed into the city limits in the future. They will not give up that capacity for development in the unincorporated areas of the

county. Therefore, the County should expect to be limited to a small fixed amount of the treatment plant capacity. If the County reaches that limit it will be expected to pay a substantial sum of money to expand the City's treatment plant. The amount of wastewater treatment capacity to be set aside for the unincorporated areas is yet to be determined.

This situation of an existing school with wastewater problems is not a new phenomenon. This Board's membership will recall the same situation approximately 10 years ago when the Atkinson Elementary school had a failing septic system. Because there was no available property adjacent to the school a new septic drain field was not an available option. So, the Commission paid for a single sewage pump station and turned over the ownership, operation and maintenance to the City of Hendersonville. A gravity sewer line option was available in that situation, but the Commission chose the pump station option. The key point here was that the City of Hendersonville's attitude was different. They supported the connection (of course at outside city user charges) and agreed to take on the sewer extension to their system. So, the political considerations are different now than they were just 10 years ago.

#### **Conclusions –**

1. The City of Hendersonville has no interest in expanding or developing its wastewater collection/treatment system to serve new customers who are located outside their corporate limits. This is directly opposite of their position on expansion of the City owned public water system.
2. The City Council of the City of Hendersonville has placed itself in the position of controlling the growth & development of all of Henderson County – including the other municipalities.
3. The intent of the NC General statutes, in my opinion, is for a municipality to control the activities within its own corporate limits. The fact that a governing body elected by 1,000 voters in a County of 115,000 people controls the future growth & development more than 10 miles outside its boundary is unfair & unreasonable. There should be a change in the State law to prohibit this situation.
4. This Commission should not submit the property owners in the unincorporated areas, specifically in this case, those along US Hwy 64 east to the fees, charges, policies' and established by a governing body that cannot be held accountable by the customers. As we have seen with the Atkinson school example – political positions can change over time and when these are mixed with a necessary public utility service the situation can impact a lot of people and the development of the community.
5. As an engineer with over 40 years in the design, permitting and construction of wastewater collection/treatment systems – I feel that the Commission should do everything possible to connect the new Edneyville Elementary school to a public sewer system. Unfortunately, the conditions imposed by the City of Hendersonville should be unacceptable to this Commission.

Therefore, it is my opinion that the County should move ahead with a final detailed analysis of Option 1 & 2 before we make a final decision on this matter.

Commissioner Hawkins stated the Board has spent much time looking at options. The County cannot treat waste water. We have dealt with these issues for a while and we are dealing with a monopoly. It is best to have staff dedicate studies to an onsite plan. The first priority is the Edneyville Elementary School.

Chairman Edney feels the bottom line is that we may have to get back into the sewer business and work with the community and provide public sewer.

Commissioner Messer also feels we need to get into the sewer business and even take a look at the Etowah Sewer System.

Commissioner Thompson is unsure if option five will be constructed in the future, he would tend to agree



that it is possible that option 4 or 5 may be constructed in the future. There is more consensus today on the Barnwell option and he not sure if the tax payers have a problem paying up front cost. He feels businesses would tap on. With the information he has today, he feels the overall best sewer solution for Edneyville Elementary School is forced and hybrid but because of political issues with the City of Hendersonville we can make option 1 or 2 work. Options 4 or 5 are options for the future.

Chairman Edney stated a drip system is basically a package waste water plant that takes final effluent and discharges it through many acres of small pipes. A standard septic system is a below ground large tank to treat waste water and discharge through four inch pipes. A consult was directed to see what could be done on the existing property and we may need to look at acquiring additional property. The third option is an actual package treatment plant.

Commissioner Lapsley would only recommend the drip option as the last option since it has the highest failure rate. He suggests a conventional system but it will require additional land. A package plant on Clear Creek is possible.

*It was the consensus of the Board that staff bring back information on the three options within 30 days.*

### **COUNTY MANAGER'S REPORT**

#### **Opioid Crisis**

Steve Wyatt reminded the Board of the Community Forum on March 28, 2018 on the Opioid Crisis. Megan Powell is coordinating the event by working on the agenda and speakers. Opioid and Drug abuse is a huge crisis. School safety is a big issue, but drug overdose is even larger. It will be up to the County to make a difference. We must educate and wake people up to the issue. In the end we must take action.

#### **Supreme Court**

Staff will be placing information on the front page of the website regarding tickets for the Supreme Court Hearings being held in our courtroom. There will be a lottery if more requests are received than tickets available, and there will be a deadline. Tickets will be saved for dignitaries.

### **CLOSED SESSION**

The Board is requested to go into closed session pursuant to N.C. Gen. Stat. §143-318.11(a)(3) & (5):

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)(5), to establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange or lease.

*Chairman Edney made the motion that the Board go into closed session pursuant to N.C. Gen. Stat. §143-318.11(a)(3) &(5). All voted in favor and the motion carried.*

### **ADJOURN**

*Commissioner Thompson made the motion to go out of closed session and adjourn at 1:00 p.m. All voted in favor and the motion carried.*

Attest:

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Teresa L. Wilson, Clerk to the Board

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J. Michael Edney, Chairman



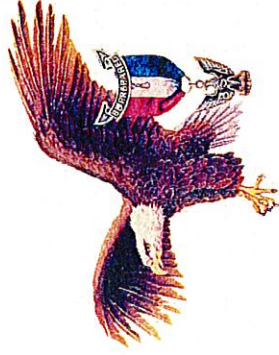
# Certificate of Recognition

by the  
Henderson County Board of Commissioners

This certificate is awarded to

Mitchell McKenney

In recognition of achieving the rank of Eagle Scout



  
J. Michael Edney, Chairman

2/5/18  
Date

  
Grady H. Hawkins, Vice-Chairman

2/5/18  
Date



## Resolution Honoring Sergeant Matthew Raxter



### For 28 Years of Law Enforcement Service and Awarding Him His Badge and Sidearm

**WHEREAS**, Sergeant Matthew Raxter joined the Henderson County Sheriff's Office as a benefit-eligible Deputy on November 25, 1996 and held the ranks of Deputy, Corporal, and Sergeant; and

**WHEREAS**, Sergeant Raxter's service and dedication to the Henderson County Sheriff's Office and service, dedication and accomplishments in the field of law enforcement during his over 28 years of service are hereby recognized and commended; and

**WHEREAS**, N.C.G.S. 20-187.2 provides that retiring officers of the Henderson County Sheriff's Office may receive, at the time of their retirement, the badge worn or carried by them during their service with Henderson County; and

**WHEREAS**, N.C.G.S. 20-187.2 further provides that the Henderson County Board of Commissioners may, in its discretion, award to a retiring officer the service sidearm of such retiring officer at a price determined by the Board of Commissioners, upon securing a permit as required by N.C.G.S. 14-402 et seq; and

**WHEREAS**, Sergeant Raxter has served as a member of the Henderson County Sheriff's Office for a period of 21 years and retired from the Henderson County Sheriff's Office on December 1, 2017; and

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

1. Sheriff Charles McDonald is hereby authorized in accordance with the provisions of N.C.G.S. 20-187.2 to transfer to Sergeant Raxter the badge worn by him during his service with the Henderson County Sheriff's Office; and
2. Sheriff McDonald is hereby authorized in accordance with the provisions of N.C.G.S. 20-187.2 to transfer to Sergeant Raxter his service sidearm at no cost to the officer and upon his securing a permit required by N.C.G.S. 14-402.

**BE IT FURTHER RESOLVED**, that the Henderson County Board of Commissioners recognizes and thanks Sergeant Raxter for his dedicated service to Henderson County and its citizens.

Adopted this the 21st day of February, 2018.

  
CHAIRMAN  
HENDERSON COUNTY BOARD OF COMMISSIONERS

ATTEST:

  
CLERK TO THE BOARD





## Resolution Honoring Sergeant Charles Alan McCrary



### For 30 Years of Law Enforcement Service and Awarding Him His Badge and Sidearm

**WHEREAS**, Sergeant Charles Alan McCrary joined the Henderson County Sheriff's Office as a benefit-eligible Jailer on May 9, 1988 and held the ranks of Jailer, Deputy, Corporal, and Sergeant; and

**WHEREAS**, Sergeant McCrary's service and dedication to the Henderson County Sheriff's Office and service, dedication and accomplishments in the field of law enforcement during his 30 years of service are hereby recognized and commended; and

**WHEREAS**, N.C.G.S. 20-187.2 provides that retiring officers of the Henderson County Sheriff's Office may receive, at the time of their retirement, the badge worn or carried by them during their service with Henderson County; and

**WHEREAS**, N.C.G.S. 20-187.2 further provides that the Henderson County Board of Commissioners may, in its discretion, award to a retiring officer the service sidearm of such retiring officer at a price determined by the Board of Commissioners, upon securing a permit as required by N.C.G.S. 14-402 et seq; and

**WHEREAS**, Sergeant McCrary has served as a member of the Henderson County Sheriff's Office for a period of 30 years and retired from the Henderson County Sheriff's Office on January 2, 2018; and

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

1. Sheriff Charles McDonald is hereby authorized in accordance with the provisions of N.C.G.S. 20-187.2 to transfer to Sergeant McCrary the badge worn by him during his service with the Henderson County Sheriff's Office; and
2. Sheriff McDonald is hereby authorized in accordance with the provisions of N.C.G.S. 20-187.2 to transfer to Sergeant McCrary his service sidearm at no cost to the officer and upon his securing a permit required by N.C.G.S. 14-402.

**BE IT FURTHER RESOLVED**, that the Henderson County Board of Commissioners recognizes and thanks Sergeant McCrary for his dedicated service to Henderson County and its citizens.

Adopted this the 21st day of February, 2018.

  
CHAIRMAN  
HENDERSON COUNTY BOARD OF COMMISSIONERS

ATTEST:

  
CLERK TO THE BOARD



## **RESOLUTION OF CONSISTENCY WITH THE COUNTY COMPREHENSIVE PLAN**

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

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

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

**WHEREAS**, the Planning Director and Planning Board provided recommendations regarding the proposed zoning map amendment with case #R-2017-06; 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 February 21<sup>st</sup>, 2018; 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-2017-06 applicant/agent Mr. Dennis Krueger) 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.

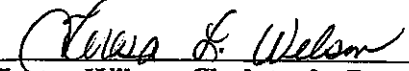
THIS the 21<sup>st</sup> day of February, 2018.

HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: 

J. MICHAEL EDNEY, Chairman

ATTEST:

  
Teresa Wilson, Clerk to the Board

[COUNTY SEAL]



**EXTRACTS FROM MINUTES OF THE BOARD OF COMMISSIONERS**

A regular meeting of the Board of Commissioners of the County of Henderson, North Carolina, was duly held on February 21, 2018 at 9:00 a.m. in the Commissioners' Meeting Room, Henderson County Historic Courthouse, 1 Historic Courthouse Square, Hendersonville, North Carolina. Chairman J. Michael Edney presiding.

The following members were present: Chairman J. Michael Edney; Vice Chairman Grady Hawkins; Commissioners Charlie Messer, Tommy Thompson and William Lapsley.

The following members were absent: None.

\*

\*

\*

\*

\*

The Finance Director of the County of Henderson, North Carolina (the "*County*") reported to the Board of Commissioners of the County (the "*Board*") that notice of a public hearing was published on February 7, 2018, stating that the Board would hold a public hearing at 9:00 a.m. on February 21, 2018 to receive public comments on the proposed execution and delivery by the County of (1) an installment financing contract in a principal amount not to exceed \$29,000,000 (the "*Contract*"), the proceeds of which would be used to finance the acquisition, construction and equipping of a new Edneyville Elementary School and related facilities, including possibly a sanitary sewer system serving the school and the surrounding area (collectively, the "*Project*"), and (2) a deed of trust, security agreement and fixture filing (the "*Deed of Trust*") under which the County would grant a lien on the County's fee simple interest in the real property on which the Project will be located, together with the improvements thereon, as may be required for the benefit of the entity providing the funds to the County under the Contract.

The Chairman of the Board then announced that the Board would hear anyone who wished to be heard on the questions of the proposed Contract, the Deed of Trust and the Project to be financed thereby.



The sole matter of public comment was in favor of discussion, separate from the discussion of the school project financing, of a sewer line which could be a part of the project. The Board noted that there was an agenda item on the February 21, 2018, with such a discussion.

Commissioner Hawkins moved that the public hearing be closed. The motion was unanimously adopted.

After the closing of the public hearing, Commissioner Thompson moved that the following resolution, copies of which having been made available to the Board of Commissioners, be adopted, by reading the title thereof (further reading waived without objection):

**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF HENDERSON,  
NORTH CAROLINA, APPROVING AN INSTALLMENT FINANCING CONTRACT AND  
PROVIDING FOR CERTAIN OTHER RELATED MATTERS**

*WHEREAS*, the County of Henderson, North Carolina (the "*County*") is a political subdivision validly existing under the Constitution, statutes and laws of the State of North Carolina (the "*State*");

*WHEREAS*, the County has the power, pursuant to the General Statutes of North Carolina, to (1) purchase real and personal property, (2) enter into installment purchase contracts to finance the purchase or improvement of real and personal property used, or to be used, for public purposes, and (3) grant a security interest in some or all of the property purchased or improved to secure repayment of the purchase price;

*WHEREAS*, the Board of Commissioners of the County (the "*Board*") has previously determined that it is in the best interest of the County to enter into an Installment Financing Contract dated as of June 1, 2018 (the "*Contract*") with the Henderson County Governmental Financing Corporation (the "*Corporation*") in order to (1) finance the acquisition, construction and equipping of a new Edneyville Elementary School and related facilities, including a sanitary sewer system serving the school and the surrounding area (collectively, the "*Project*"), and (2) pay certain costs incurred in connection with the execution and delivery of the Project;

*WHEREAS*, to secure its obligations under the Contract, the County will execute and deliver a Deed of Trust, Security Agreement and Fixture Filing dated as of June 1, 2018 (the "*Deed of Trust*"), granting a lien on the County's fee simple interest in the real property on which the Project will be located, together with the improvements thereon;

*WHEREAS*, the Corporation will execute and deliver an aggregate principal amount not to exceed \$29,000,000 of its Limited Obligation Bonds (collectively, the "*Bonds*"), each evidencing proportionate undivided interests in rights to receive certain Revenues (as defined in the Contract) pursuant to the Contract;

*WHEREAS*, in connection with the sale of the Bonds to PNC Capital Markets LLC (the "*Underwriter*"), the Corporation will enter into a Contract of Purchase to be dated on or about May 24, 2018 (the "*Purchase Contract*") between the Corporation and the Underwriter relating to the Bonds,

and the County will execute a Letter of Representation to the Underwriter (the "*Letter of Representation*");

*WHEREAS*, there have been described to the Board the forms of the following documents (collectively, the "*Instruments*"), copies of which have been made available to the Board, which the Board proposes to approve, enter into and deliver, as applicable, to effectuate the proposed installment financing:

- (1) the Contract;
- (2) the Deed of Trust;
- (3) an Indenture of Trust dated as of June 1, 2018 (the "*Indenture*") between the Corporation and U.S. Bank National Association, as trustee; and
- (3) the Purchase Contract and the Letter of Representation.

*WHEREAS*, to make an offering and sale of the Bonds, there will be prepared a Preliminary Official Statement with respect to the Bonds (the "*Preliminary Official Statement*"), a draft thereof having been presented to the Board, and a final Official Statement relating to the Preliminary Official Statement (together with the Preliminary Official Statement, the "*Official Statement*"), which Official Statement will contain certain information regarding the County;

*WHEREAS*, it appears that each of the Instruments and the Preliminary Official Statement is in an appropriate form and is an appropriate instrument for the purposes intended;

*WHEREAS*, the Board has conducted a public hearing on this date to receive public comment on the proposed Contract and the transactions contemplated thereby; and

*WHEREAS*, the County has filed an application to the LGC for approval of the Contract;

***NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF HENDERSON, NORTH CAROLINA, AS FOLLOWS:***

Section 1. ***Ratification of Instruments.*** All actions of the County, the Chairman of the Board (the "*Chairman*"), the Clerk to the Board (the "*Clerk*"), the County Manager, the Finance Director, the County Attorney and their respective designees, whether previously or hereinafter taken, in effectuating the proposed financing are hereby approved, ratified and authorized pursuant to and in accordance with the transactions contemplated by the Instruments.

Section 2. ***Authorization of the Official Statement.*** The form, terms and content of the Preliminary Official Statement are in all respects authorized, approved and confirmed, and the use of the Preliminary Official Statement and of the final Official Statement by the Underwriter in connection with the sale of the Bonds is hereby in all respects authorized, approved and confirmed. The Chairman, the County Manager and the Finance Director are each hereby authorized and directed, individually and collectively, to deliver, on behalf of the County, the Official Statement in substantially such form, with such changes, insertions and omissions as each may approve.

Section 3. ***Authorization to Execute the Contract.*** The County approves the financing of the Project in accordance with the terms of the Contract, which will be a valid, legal and binding obligation of the County in accordance with its terms. The form and content of the Contract are hereby in all respects

authorized, approved and confirmed, and the Chairman, the Clerk, the County Manager and the Finance Director and their respective designees are hereby authorized, empowered and directed, individually and collectively, to execute and deliver the Contract, including necessary counterparts, in substantially the form and content presented to the Board, but with such changes, modifications, additions or deletions therein as they may deem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of the County's approval of any and all changes, modifications, additions or deletions therein from the form and content of the Contract presented to the Board. From and after the execution and delivery of the Contract, the Chairman, the Clerk, the County Manager and the Finance Director are hereby authorized, empowered and directed, individually and collectively, to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Contract as executed.

Section 4. ***Authorization to Execute the Deed of Trust.*** The County approves the form and content of the Deed of Trust, and the Deed of Trust is in all respects authorized, approved and confirmed. The Chairman, the Clerk, the County Manager, the Finance Director and their respective designees are hereby authorized, empowered and directed, individually and collectively, to execute and deliver the Deed of Trust, including necessary counterparts, in substantially the form and content of the Deed of Trust presented to the Board, but with such changes, modifications, additions or deletions therein as they may deem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of the County's approval of any and all changes, modifications, additions or deletions therein from the form and content of the Deed of Trust presented to the Board. From and after the execution and delivery of the Deed of Trust, the Chairman, the Clerk, the County Manager and the Finance Director are hereby authorized, empowered and directed, individually and collectively, to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Deed of Trust as executed.

Section 5. ***Purchase Contract and Letter of Representation.*** The form and content of the Purchase Contract are hereby approved in all respects, and the County Manager or the Finance Director is authorized to execute the Letter of Representation for the purposes stated therein. The County Manager and the Finance Director and their respective designees are hereby authorized, empowered and directed, individually and collectively, to execute and deliver the Letter of Representation, including necessary counterparts, in substantially the form and content of the Letter of Representation presented to the Board, but with such changes, modifications, additions or deletions therein as they may deem necessary, desirable or appropriate, their execution thereof to constitute conclusive evidence of the County's approval of any and all changes, modifications, additions or deletions therein from the form and content of the Letter of Representation presented to the Board. From and after the execution and delivery of the Letter of Representation, the County Manager and the Finance Director are hereby authorized, empowered and directed, individually and collectively, to do all such acts and things and to execute all such documents as may be necessary to carry out and comply with the provisions of the Letter of Representation as executed.

Section 6. ***County Representative.*** The Chairman, the County Manager and the Finance Director are hereby designated as the County's Representative to act on behalf of the County in connection with the transactions contemplated by the Instruments and the Preliminary Official Statement, and the Chairman, the County Manager and the Finance Director are authorized, individually and collectively, to proceed with the transactions contemplated by the Contract in accordance with the Instruments and to seek opinions as a matter of law from the County Attorney, which the County Attorney is authorized to furnish on behalf of the County, and opinions of law from such other attorneys for all documents contemplated by this Resolution as required by law. The County's representatives or designees are in all respects authorized on behalf of the County to supply all information pertaining to the County for use in the Official Statement and the transactions contemplated by the Instruments or the Preliminary Official

Statement. The County's representatives or their respective designees are hereby authorized, empowered and directed, individually and collectively, to do any and all other acts and to execute any and all other documents which they, in their discretion, deem necessary or appropriate to consummate the transactions contemplated by the Instruments or the Preliminary Official Statement or as they deem necessary or appropriate to implement and carry out the intent and purposes of this Resolution. Without limiting the foregoing, the Finance Director is hereby authorized and directed to select one or more financial institutions to serve as an additional Underwriter for the Bonds if the Finance Director determines, in his discretion, that such an appointment is necessary or appropriate to implement and carry out the intent and purposes of this Resolution.

Section 7. ***Severability.*** If any section, phrase or provision of this Resolution is for any reason declared to be invalid, such declaration shall not affect the validity of the remainder of the sections, phrases or provisions of this Resolution.

Section 8. ***Repealer.*** All motions, orders, resolutions and parts thereof, in conflict herewith are hereby repealed.

Section 9. ***Effective Date.*** This Resolution is effective on the date of its adoption.

On motion of Commissioner Thompson, the foregoing resolution entitled "**RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF HENDERSON, NORTH CAROLINA, APPROVING AN INSTALLMENT FINANCING CONTRACT AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS**" was duly adopted by the following vote:

AYES: CHAIRMAN EDNEY, VICE CHAIRMAN HAWKINS, COMMISSIONERS MESSER, THOMPSON AND LAPSLEY.

NAYS: NONE.

STATE OF NORTH CAROLINA            )  
  )  
COUNTY OF HENDERSON            )       SS:

I, TERESA WILSON, Clerk to the Board of Commissioners of the County of Henderson, North Carolina, *DO HEREBY CERTIFY* that the foregoing is a true and exact copy of a resolution entitled **“RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF HENDERSON, NORTH CAROLINA, APPROVING AN INSTALLMENT FINANCING CONTRACT AND PROVIDING FOR CERTAIN OTHER RELATED MATTERS”** adopted by the Board of Commissioners of the County of Henderson, North Carolina at a meeting held on the 21st day of February, 2018.

*WITNESS* my hand and the corporate seal of the County of Henderson, North Carolina, this the \_\_\_\_\_ day of February, 2018.

(SEAL)



*Teresa L. Wilson*  
Teresa Wilson  
Clerk to the Board of Commissioners  
County of Henderson, North Carolina

# 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

Wednesday, February 14, 2018

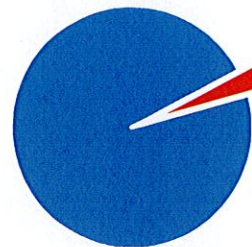
Re: Tax Collector's Report to Commissioners - Meeting Date February 21, 2018

Please find outlined below collections information through February 13, 2018 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):

<b>2017 Beginning Charge:</b>	<b>\$71,438,303.26</b>
Discoveries & Imm. Irreg.:	\$556,804.07
Releases & Refunds:	<b>(\$634,187.74)</b>
<u>Net Charge:</u>	<u>\$71,360,919.59</u>
Unpaid Taxes:	\$2,433,446.09
<b>Amount Collected:</b>	<b>\$68,927,473.50</b>

**Paid**  
**96.59%**



**Unpaid**  
**3.41%**

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

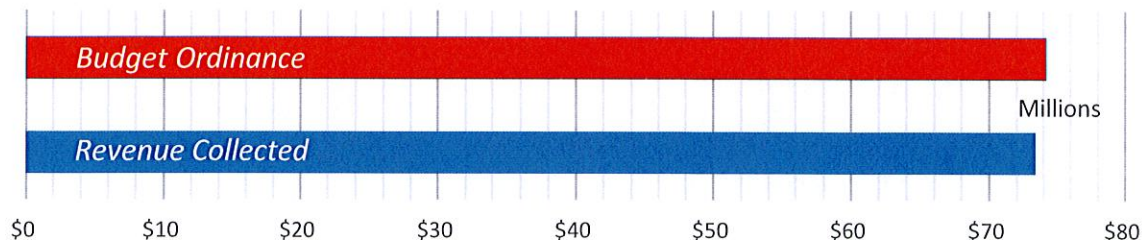
Net Charge:	\$3,633,812.64
Unpaid Taxes:	\$14,511.72
<b>Amount Collected:</b>	<b>\$3,619,300.92</b>

**99.60%**

## Henderson County FY18 Budget Analysis:

	<u>Budget Ordinance</u>
Ad Valorem:	\$72,826,301.00
Prior Years:	\$1,405,000.00
<b>Budget Total:</b>	<b>\$74,231,301.00</b>

	<u>Revenue Collected</u>
Ad Valorem:	\$72,546,774.42
Prior Years:	\$902,132.06
<b>YTD Revenue:</b>	<b>\$73,448,906.48</b>



Respectfully Submitted,

Luke Small  
Deputy Tax Collector

Darlene Burgess  
Tax Administrator



**LINE-ITEM TRANSFER REQUEST  
HENDERSON COUNTY**



Department: Wellness

*Please make the following line-item transfers:*

What expense line-item is to be increased?

Account	Line-Item Description	Amount
<u>115436-512100</u>	<u>Salaries and Wages - Regular</u>	<u>\$29,077</u>
<u>115436-513500</u>	<u>401(K) Supp Deferred Comp</u>	<u>\$291</u>
<u>115436-518000</u>	<u>FICA</u>	<u>\$2,224</u>
<u>115436-518100</u>	<u>LGERS</u>	<u>\$2,181</u>
<u>115436-518300</u>	<u>Medical Insurance</u>	<u>\$1,658</u>
<u>115436-518400</u>	<u>Dental insurance</u>	<u>\$88</u>
<u>115436-526020</u>	<u>Non-Expendable Departmental Supplies</u>	<u>\$10,000</u>
<u>115436-532100</u>	<u>Telephone &amp; Communications</u>	<u>\$500</u>
<u>115436-539000</u>	<u>Contracted Services</u>	<u>\$26,000</u>

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

Account	Line-Item Description	Amount
<u>114990-401000</u>	<u>Fund Balance Appropriated</u>	<u>\$72,019</u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>

**Justification:** *Please provide a brief justification for this line-item transfer request.*  
Appropriates fund balance for the Wellness Clinic. Approved by the BOC 2/21/18.

<u>Budget</u>	<u>2/21/18</u>
<u>Authorized by Department Head</u>	<u>Date</u>
 <u>Authorized by Budget Office</u>	 <u>Date</u>
 <u>Authorized by County Manager</u>	 <u>Date</u>

**For Budget Use Only**

Batch #                     

BA #                     

Batch Date

**Memorandum of Understanding between  
Henderson County and Etowah Lions Club  
for use of the concessions area at Etowah Park**

- I. **Purpose:** The purpose of this Memorandum of Understanding (MOU) is to memorialize the partnership between Henderson County (Henderson County) and Etowah Lions Club (Club), in order to establish an agreement for the use of the concessions area at Etowah Park. HENDERSON COUNTY and ETOWAH LIONS CLUB are the only parties to this MOU (hereinafter "Party" or "Parties").
- II. **Background:** Henderson County is a North Carolina county formed in 1838. The Etowah Lions Club is a North Carolina civic group with the mission of serving the community and furthering the works of the Lions Club International. In 1997, Club purchased 18 acres, more or less, located off of Etowah School Road on the west side of Henderson County (the Property). The Property was donated to Henderson County and was developed in partnership. The Property was purchased to develop a park in the Etowah community. Since 1997, Henderson County has and continues to manage, maintain and enhance Etowah Park. This MOU encompasses the agreement in principle shared between the Club and Henderson County and sets out the Parties' roles and aspirations for the use of the concessions area at the Property.
- III. **Stipulations of use:** The partners acknowledge and agree that the stipulations of use include:
  - a. Henderson County will agree to permit the Etowah Lions Club to operate the concessions area at Etowah Park.
  - b. Etowah Lions Club will agree to operate the concessions area in the manner beneficial to the users of the park.
  - c. Henderson County will meet with Etowah Lions Club representatives annually to discuss park projects, maintenance, and improvement plans.
  - d. Henderson County will designate an employee liaison to attend Etowah Lions Club meetings on a quarterly basis.
- IV. **Responsibilities of the Parties:** The Parties acknowledge their intent to perform the following responsibilities in order to attain the foregoing stipulations of use:
  - a. The Club may use profits from concession revenue to fund community programs that are in alignment with the mission of the Etowah Lions Club and provide documentation that profits are spent for non-profit purposes as required by the concessions agreement.

- b. The Parks and Recreation Department will allow the Etowah Lions Club the exclusive right to provide concession services in Etowah Park for the duration of the MOU.
- c. The Parks and Recreation Department will provide the Etowah Lions Club with right of first refusal to operate during Parks and Recreation Department special events held in Etowah Park.

**V. Principal Contacts:** The principal contacts for the Parties are:

John Mitchell  
Business and Community Director Henderson County  
100 N. King Street  
Hendersonville, NC 28792  
[johnmitchell@hendersoncountync.org](mailto:johnmitchell@hendersoncountync.org)

(828) 697-4819 (office)

Ken Wise  
Etowah Lions Club President  
P. O. Box 234  
Hendersonville, NC 28739

(828) 891-3071 (office)

**VI. Limitations:**

- a. This MOU does not create an obligation for funding or budgeting for ongoing maintenance or property management. All responsibilities of the Parties are subject to the availability of funds.
- b. This MOU does not create any right or benefit, substantive or procedural, enforceable by law or equity, by persons who are not a Party to this agreement against CC, Henderson County, or their partners. This MOU does not apply to any person not directly associated with a Party.

**VII. Proprietary Information:** To carry out the joint work resulting from this MOU, Henderson County and the Club may need to disclose to each other confidential information. The Parties agree to clearly identify confidential information disclosed to each other in written form, and to memorialize in writing, within a reasonable time, confidential oral communications. The Parties agree not to disclose information identified as confidential.

**VIII. Commencement/Duration/Modification/Termination:** This MOU takes effect when signed by all Parties and will remain in effect for a period of five years or until either

Party terminates the MOU by providing written notice to the other. This MOU may be extended or modified at any time per the mutual written consent of the Parties.

- IX. Upon receipt of the termination notice, all Parties will take all reasonable actions to cancel outstanding commitments.
- X. **Financial Provisions:** All commitments made by Henderson County and the Club in this MOU are subject to the availability of funds. Nothing in this MOU, in and of itself, obligates Henderson County to expend funds or to enter into any contract or incur financial obligations that would be inconsistent with County budget priorities.
- XI. **Compliance with Laws:** The Parties will observe all applicable laws and regulations during the term described in this MOU. The Parties agree and acknowledge that all parties to this agreement are regulated by the federal and state laws and regulations governing governmental and nonprofit corporations as applicable. Neither Party shall engage in any transaction that is illegal or fraudulent.
- XII. **Approval:** This MOU takes effect upon the date of the last signature below.

**FOR HENDERSON COUNTY:**

  
John Mitchell, Business and Community Director

3/12/18  
Date

**FOR ETOWAH LIONS CLUB:**

  
Ken Wise, Etowah Lions Club President 2017-2018

3-7-18  
Date



**DURING THE FEBRUARY 21, 2018 MEETING, THE BOARD ENACTED THE FOLLOWING:**

**2018-24** Resolution in Honor of Sergeant Matthew Raxter

**2018-25** Resolution in Honor of Sergeant Charles Alan McCrary

**2018-26** Public Hearing for Rezoning Application #r-2017-06

**2018-27** Public Hearing to Consider Final Approval of the Financing Contract for the Edneyville School Construction Project

**2018-28** Clarification and Revision of Article II of Chapter 95 of the County Code (Solid Waste)

**2018-29** Budget Amendment – Wellness Clinic

**2018-30** KaBoom Playground Grant for East Flat Rock Park

**2018-31** Etowah Lion's Club Concession Memorandum of Understanding