

**MINUTES**  
**LGCCA**  
**Local Government Committee for Cooperative Action**  
**July 16, 2019**

The Local Government Committee for Cooperative Action (LGCCA) held its quarterly meeting on Tuesday, July 16, 2019 at 3:00 p.m. in the Commissioners' Meeting Room/Courtroom of the Historic Courthouse on Main Street, downtown Hendersonville.

Present were:

Henderson County: Chairman Grady Hawkins, Vice-Chairman William Lapsley, County Manager Steve Wyatt  
Laurel Park: Mayor Carey O'Cain, Council member Robert Vickery,  
Flat Rock: Mayor Bob Staton, Council member Nick Weedman,  
Fletcher: Mayor Rod Whiteside, Council member Bob Davy  
Mills River: Mayor Chae Davis, Council member Roger Snyder  
Hendersonville: Mayor Barbara Volk, Council member Ron Stephens

Others in attendance were: Public Information Officer Kathryn Finotti (Video-recording), Laurel Park Deputy Town Clerk Heather Smith.

**WELCOME**

Laurel Park Mayor O'Cain called the meeting to order and welcomed everyone in attendance.

**APPROVAL OF AGENDA**

*Chairman Hawkins moved the adoption of the agenda. All voted in favor and the motion carried.*

**APPROVAL OF MINUTES – April 16, 2019**

*Mayor Staton moved the approval of April 16, 2019 minutes. All voted in favor and the motion carried.*

**DISCUSSION OF EXTRATERRITORIAL JURISDICTIONS (ETJ)**

Chairman Hawkins stated there has been pending legislation dealing with ETJ's in the General Assembly for years across all 100 counties in the state with the particular legislation of House Bill 215 which is still in committee. The Bill would discontinue the ETJ system in lieu of better planning. To his understanding there will be movement of the Bill next year after the budget is passed.

At the April 16, 2019 LGCCA meeting Chairman Hawkins suggested municipalities review the Bill, should the County and Municipalities decide to terminate the ETJ and determine the steps necessary to do so.

The item was placed back on the agenda to check in with the various municipalities to see if discontinuation of the ETJ system could move forward. Representative McGrady is looking to redraw the city limits to exclude the ETJ's, but there are many factors to consider such as fire protection, a new tax base, voting privileges, property rights, roads, and zoning of property. Most of the zoning in the county is compatible with the zoning that is currently in the ETJ's therefore rezoning would not be required.

Council member Ron Stephens said the chairman of the City of Hendersonville's Planning Board would be interested to expand out because of roads and sewer service. Mayor O'Cain said Council discussed the issue and would like to sit down and speak with the City of Hendersonville to see what could be ironed out. Discussion of the issue took place several times with the City in previous years including in 2005, but no formal agreement was signed. In the late 1990's an agreement which was signed has expired. It would be appropriate for both the City of Hendersonville and Town of Laurel Park Council members to discuss the issue.

Mayor Saton stated Flat Rock did not have any ETJ's, but every subdivision in Flat Rock is within the village

limits except for Kenmore. The Council discussed ETJ's and has been in contact regarding annexation with Kenmore developers and is open to discussion. Council member Nick Weedman said there are advantages and disadvantages, but the Village has a policy not to annex any additional properties without 100 percent consent of property owners.

Mayor Ron Whiteside said Fletcher is open to discussion to see what the issues are, but at this point Fletcher has no formal position. Mayor Chae Davis said Mills River does not have any ETJ's. Chairman Hawkins said it seemed there is some interest and recommended the LGCCA set a date for each municipality to have their Planning Boards schedule a joint meeting for further discussion. The Henderson County Clerk to the Board will coordinate a date and time with the municipalities. Mayor O'Cain said Laurel Park would need more formal discussions with the City of Hendersonville as it is the only jurisdiction that involves the Town before joining in discussion with all of the other municipalities.

**FAILING SEPTIC SYSTEMS – THE ADVERSE EFFECT ON NEIGHBORING, DOWNSTREAM PROPERTIES – FLAT ROCK (GUEST SPEAKER – BILL WALKER)**

Mayor Staton said Half-way Tree Mobile Home Park is located off of Rutledge Drive in an unincorporated area of Henderson County and adjacent to residential properties behind St. John in the Wilderness Church. For years the owners of the residential properties have suffered from wastewater contamination from Half-way Tree. Contamination is from raw sewage, laundry facility drainage, and other pollutants flowing downhill from Half-way Tree failing septic systems and storm drains. His understanding is there are eight septic systems to serve 120 or more units in the mobile home park. Drainage from Half-way Tree flows into waterways on neighboring properties and into Williamson Creek and Cane Creek in Flat Rock. Cane Creek borders Flat Rock Park where visitors, including children, often play in the creek. Flat Rock is not only concerned about its citizens and property owners who have suffer daily exposure to health hazards, obnoxious odors, and visually repulsive raw sewage flowing on their properties, but the potential pollution of Cane Creek and adverse health consequences for those who access Cane Creek from the park.

The impacted neighbors have attempted to work with the owners, Upchurch Marinas in Fort Lauderdale Florida, and the local management of the mobile home park with no resolution. The property owners contacted the local health department and NC Department of Environmental Quality (NCDEQ) in an effort to stop the pollution. NCDEQ investigated the complaint in June 2017 and issued a notice of violation including a requirement that discharges cease as the owners work to resolve the problem, objecting the owners to a penalty of up to \$25,000 for each day the discharge continued. The notice of violation occurred two years ago and to this date there has been no assessment of penalty and the discharges have continued. In December 2018 there was another NCDEQ investigation where NCDEQ staff drafted a second notice of violation on January 25, 2019 and was forwarded to NCDEQ headquarters in Raleigh where no actions have been taken. Six months later no action has taken place and Mayor Staton said it has been costly to property owners to clean up their properties. Flat Rock Council has been asked by property owners to intervene and has issued a resolution in support demanding NCDEQ do something about the issue.

Bill Walker, one of the property owners who has been impacted by the failing septic systems, spoke to the Board regarding his experience. Before the property owners contacted the health department and NCDEQ, they had been in contact with the owners of the mobile home park five years prior when the issue was first noticed. The owners were sympathetic and gave property owners a check for \$600, but as soon as the owners realized it would cost around \$8,000 to convert to city sewer to resolve the issue, they hired a lawyer and will no longer speak to property owners.

Henderson County Manager Steve Wyatt said Mayor Staton was correct that the situation is ongoing, Half-way Tree Mobile Home Park had been cited, and enforcement has not occurred. He said the issue must go to the Secretary who is appointed by the Governor. He contacted Drew Christy, Governor Cooper's Western North Carolina Representative, and the solution for the issue is municipal sewer service for the area. There are grant opportunities and community development block grants which are competitive, but available. Mr. Wyatt said his office plans to continue to press for a resolution at the Governor's level, will report to County Board of

Commissioners with updates, and reach out to the Health Department to be sure all authority and power they have is being executed. He said Senator Edwards and Representative McGrady would find this issue interesting since NCDEQ obtains its funding from the legislature.

Commissioner Lapsley is a county liaison to the Board of Health said NC Health and Human Services deal with septic service issues and the NCDEQ deal with surface water and streams. If a public health hazard exists, the County Health Department can issue a cease and desist and have the property evacuated. The LGCCA Board thanked Mr. Walker for coming to the meeting.

## **UPDATES**

### Henderson County

Commissioner Lapsley shared the history of metropolitan sewer districts across the state and in WNC. He said HB 758, regarding the Cane Creek District, is approved and on the Governor's desk to be signed. The Bill would establish two representatives appointed by the Henderson County Board of Commissioners to serve on the Metropolitan Sewer District (MSD) Board. The Bill should also lower sewer bills for Fletcher residents and those in the Cane Creek Sewer District because MSD could not discriminate rates. A similar Bill two (2) years ago failed due to veto power of the district's current board set up and powers.

Commissioner Lapsley was selected to serve in group set up by the Secretary of the Board of Transportation. The group, consisting of 14 representatives across the state, is called the North Carolina First Commission which will review all funding sources for the NC Dept. of Transportation and is charged with evaluating sources of funding. The group will ensure there is a steady flow of funds for the future and compile recommendations for the General Assembly and Governor, with a final report set to be available December 2020.

### Town of Laurel Park

Mayor O'Cain introduced Town Manager Christopher Todd who began working with the Town July 15, 2019 and thanked Interim Town Manger Mike Morgan for his help during the transition. Council member Bob Vickery said the Town entered into an agreement effective July 1, 2019 for Henderson County to bill and collect 2019 property taxes. The Town added an additional full-time police officer position and is holding an Annual Dinner for residents July 18, 2019 which will include a State of the Town segment.

### Town of Mills River

Mayor Chae Davis introduced Town Manager Daniel Cobb who began working with the Town on July 15, 2019. The Board adopted its FY 20 budget, the maintenance building project is half-way complete, and the Town nuisance ordinance will take effect in October with public notification through postcards. The Town held four (4) public input sessions for its comprehensive plan, and future road improvements in the Town include NC 191 and Butler Bridge Road.

### City of Hendersonville

Mayor Volk said the City of Hendersonville entered into an agreement effective July 1, 2019 for Henderson County to bill and collect 2019 property taxes. The new Police Department is in its final planning stages and the Sullivan Park playground is being refitted. Several events are coming up such as Rhythm and Brews, Monday night dances, and Friday night music.

### Village of Flat Rock

Mayor Staton stated the planning of the North Highland Lake Road project should be complete soon with right-of-way acquisitions currently taking place impacting 25 property owners. The construction of a roundabout at the intersection of Erkwood Drive and Shephard Street will begin July 17, 2019 and is set to be completed in 90 days, with a detour for Greenville Highway traffic available.

Municipal elections in Flat Rock will be exciting this year for two district Council seats. The Town was sued by the urbanized Flat Rock sign folks who declare the Town sign ordinance unconstitutional.

Town of Fletcher

Mayor Rod Whiteside said on July 20, 2019 the Town will host its second concert in the the Fletcher Concert Series and on August 20, 2019 a movie in the park. Work continues on the Highway 25 corridor improvement project with no completion date available, but once the clock tower is completed it will include a bell chime donated by the Youngblood family.

The Town approved a residential development with up to 311 units located north of Town Hall on land bordering Cane Creek Road and Mills Gap Road. The Town of Fletcher is celebrating it's 30<sup>th</sup> Birthday this year and has incorporated the milestone in it's Annual Family Festival to take place in September.

**NEXT MEETING**

Mayor O'Cain reminded everyone of the next meeting of the LGCCA, October 15, 2019 at 3:00 p.m., hosted by the Town of Mills River.

**ADJOURNMENT**

*There being no more business the meeting was adjourned at 4:43 p.m.*

Attest:

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Heather M. Smith, Deputy Town Clerk  
Town of Laurel Park

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Carey O'Cain, Mayor  
Town of Laurel Park