

**LGCCA**  
**Local Government Committee for Cooperative Action**

**January 21, 2020 at 3:00 PM**

**Henderson County Historic Courthouse  
Commissioner's Meeting Room  
1 Historic Courthouse Square  
Hendersonville, NC 28792**

**Hosted by the City of Hendersonville**

**MINUTES**

**Present:** Hendersonville Representatives: Mayor Barbara Volk, Mayor Pro Tem Jerry Smith, City Manager John Connet  
Flat Rock Representatives: Mayor Nick Weedman, Vice Mayor Sheryl Jamerson, Village Administrator/Zoning Administrator Pat Christie  
Fletcher Representatives: Mayor Ron Whiteside, Councilman Preston Blakely, Town Manager Mark Biberdorf  
Henderson County Representatives: Chairman Grady Hawkins, Vice-Chairman William Lapsley  
Laurel Park Representatives: Mayor Carey O'Cain, Mayor Pro Tem Nancy McKinley and Town Manager Christopher Todd  
Mills River Representatives: Mayor Chae Davis, Town Manager Daniel Cobb

**Absent:** Mills River Councilman Roger Snyder

**1. Welcome:** City of Hendersonville Mayor Barbara Volk called the meeting to order at 3:00 p.m. and welcomed those in attendance.

**2. Pledge of Allegiance.** Mayor Volk led those in attendance in the Pledge of Allegiance to the Flag.

**3. Consideration of Agenda - Additions/Deletions:**

Mayor Weedman requested the addition of discussion of short-term rentals under old business for an update.

Vice-Chairman Lapsley requested the addition of discussion of the extraterritorial jurisdiction and the related legislation.

The agenda was approved unanimously upon motion of Mayor Weedman and second of Mayor Whiteside.

**4. Consideration of Minutes – October 15, 2019:** The minutes were approved as presented upon unanimous assent.

## 1. Old Business:

**a. Short-term Rentals:** Mayor Weedman asked if any of the jurisdictions have approved regulations for short-term rentals. Mayor Whiteside reported their Planning Board recommended the Council put regulations in place limiting the homeowner's ability to rent their homes but the Town Council of Fletcher opted not to regulate short-term rentals such as air bnbs. Chairman Hawkins stated Henderson County has not implemented any regulations for short-term rentals. Mayor Volk stated Hendersonville has not either and is not aware of any requests to do so. Mayor O'Cain stated they have noticed an increase in participants but have not taken any action at this point. Mayor Davis reported the Town of Mills River has implemented regulations on tiny homes but not short-term rentals.

**b. Extraterritorial Jurisdiction:** Vice-Chairman Lapsley stated municipalities have an option under North Carolina General Statutes to apply zoning in the extraterritorial jurisdictions. He stated it is Henderson County's position that the issue of extraterritorial jurisdictions has had its day and the board of commissioners no longer believes it is incumbent to have that option now. He stated in prior discussions, municipalities with extraterritorial jurisdictions were asked to discuss this with their boards to determine if it is paramount or if it is open to discussion or negotiation and whether it should be continued or discontinued.

Vice-Chairman Lapsley stated the Board of Commissioners feel it is an important issue for those living in extraterritorial jurisdictions. Any change to the legislation is subject to action by the General Assembly. He stated the commissioners would like to be prepared to discuss this issue with our legislators for possible changes in the long session next year if change is warranted. He asked for input from the Committee members' boards. He asked members to be prepared to give input from the various boards at the next meeting of the LGCCA.

Chairman Hawkins reported there is a draft bill to eliminate extraterritorial jurisdictions across the State; not just in Henderson County. He stated there may be an opportunity beforehand to decide on how it is eliminated in Henderson County. He stated municipalities may exercise zoning authority and residents of the extraterritorial jurisdictions view that as unfair because they cannot elect or vote for municipal officials.

Chairman Hawkins stated it may be possible for cities with extraterritorial jurisdictions to redraw their city limits lines as a part of the legislation. He stated the construction of roundabouts made the issue more visible. He stated Henderson County is not looking to gain land. He stated the Planning Boards may be able to make recommendations.

Vice-Chairman Lapsley commented the city limits lines may be negotiated with the General Assembly who have the authority to set city limits lines. He stated this may be a compromise in exchange for giving up the extraterritorial jurisdiction. Mayor Pro Tem Smith stated this would be considered nonvoluntary annexation. Chairman Hawkins stated the General Assembly may set the boundaries if the extraterritorial jurisdiction is eliminated.

Vice-Chairman Lapsley commented municipalities may be able to identify critical areas for their services, etc. and request the legislation include those within municipalities in the bill. Mayor Weedman stated he was under the impression that all municipalities may be able to change their boundaries for giving up their extraterritorial jurisdictions and not only those

who have extraterritorial jurisdictions. He commented that not all of Kenmure is within the boundaries of the Village of Flat Rock and this has been a contentious issue. Vice-Chairman Lapsley commented that may not be the intent of the legislation. He stated discussions have been with Representative McGrady and may only impact the municipalities that have extraterritorial jurisdictions. He stated the County Commissioners would like to be in the position to either support the legislation, or not.

Mayor Volk commented she has also spoken to Representative McGrady and this topic will be discussed by the Hendersonville City Council at their upcoming retreat.

## **2. New Business:**

**a. Emergency Preparedness and Mutual Aid Agreements – Jimmy Brissie, Emergency Services Director:** Mr. Brissie provided handouts of his presentation on Mutual Aid Agreements and Emergency Coordination as well as the North Carolina Statewide Emergency Management Mutual Aid and Assistance Agreement revision. He explained how the federal, state, and local agencies work together in emergencies through this voluntary agreement.

Mr. Brissie provided a condensed version of the training provided by the School of Government. He stated North Carolina is one of the most prepared States in the nation.

Mr. Brissie explained how requests are made, how State agencies assist with unique equipment and technical expertise when requested and federal agencies provide highly specialized equipment, technical expertise and funding for response and recovery. He commented states may also assist other states. He explained the threshold of damages for federal assistance in Henderson County for uninsured public assistance losses is \$398,000 and includes: debris removal, street repair, emergency protective measures, damages to public facilities, etc. Repairs for some of the recent storms did not meet the threshold for federal assistance although the County received some damage assistance with the wildfires in 2016.

Mr. Brissie explained this voluntary system requires adoption by each of the governing boards and will reach out to each of the municipalities who have not yet adopted it.

Mr. Brissie explained how requests are made through these types of support: direct mutual aid, state-coordinated mutual aid and interstate mutual aid and provided examples of each type. He stated all requests for resources should be made through the local Emergency Management office to ensure documentation that will maximize the possibility of reimbursement.

Mr. Brissie stated the Emergency Operation Plan is available on-line. He ended his presentation by providing local information and stated they will work with all municipalities.

**b. Partnership for Economic Development Update - President Brittany Brady:** Ms. Brady gave a presentation to the Committee members on the impact of local economic development. The four pillars of the Partnership include existing industry (retention), workforce initiative, marketing outside of Henderson County with target marketing analysis and product development with the economic investment fund. Highlights of the presentation included:

- since 2006, more than \$1,288,715,020 has been added to our local economy through industrial investments with 4,413 jobs created and 1,324 job retained

- the job creation multiplier and the impacts of an industrial closing
- the impact of losing a company
- the long-term approach of recruiting and the importance of securing sites for the future.

Mayor Pro Tem Smith inquired about ancillary benefits of jobs by their wages. Ms. Brady explained that is determined by job-specific codes.

Ms. Brady invited those present to the public partners meeting on January 28, 2020.

### 3. Updates

**a. City of Hendersonville:** Mayor Volk commented that downtown is quiet with no events during the winter. The City Council will be holding a planning retreat in February to consider goals and long-range plans for the City.

Most recently, the Council has been working with a hotel developer to construct a hotel on the Dogwood Lot. Once the property is sold, the City will purchase other property for a parking deck to make up for spaces lost in the Dogwood Lot on the ground and for additional parking.

Mayor Volk reported Fire Station #1 needs upgrades. Studies have shown it is most economical to build a new station. The City has purchased property for Station #3 but the construction for that is in the distant horizon. The construction of a new Police Station is forthcoming.

Mayor Volk stated public restrooms have opened next to Safelight/Dandelion on Fifth Avenue.

Mayor Volk reported City crews are working on streetscape improvements on 4th Avenue East to make a pleasant connection from Main Street to the new Grey Mill Apartments which should be open within next month or so.

Mayor Volk also reported that Jerry Smith was selected to serve as Mayor Pro Tem.

**b. Village of Flat Rock:** Mayor Weedman reported on the election in the Village of Flat Rock with a new mayor and three new Council members. He introduced Vice Mayor Sheryl Jamerson. The election was unusual with all three positions contested and it was very divisive because of the Highland Lake Road project. Once on board, the Village Council voted four to three to request NCDOT to eliminate the project. Subsequently, the City of Hendersonville, the Henderson County Transportation Advisory Committee and the Henderson County Commissioners voiced support of project. He stated the French Broad Metropolitan Planning Organization will also be considering the project. Citizens were disappointed they were not given an opportunity to speak at the Henderson County Commissioners meeting.

Mayor Weedman reported a lawsuit was filed against the Village contesting their sign ordinance and enforcement thereof. A new sign ordinance was adopted on December 12, 2019 and the lawsuit was settled. The Federal Court found the old sign ordinance unconstitutional, but the judge has signed off on the agreement. They are beginning work to determine if modifications to the ordinance are needed.

**c. Town of Laurel Park:** Mayor O’Cain introduced Mayor Pro Tem Nancy McKinley, a new representative on the LGCCA. He reported the Town Council approved the annexation of eight

acres on Highway 64 effective February 1. He stated the owner of the property intends to apply for approval of a medical retirement home. The property was rezoned MIC. The property is across the street from the extraterritorial jurisdiction. The project was originally taken to the City of Hendersonville and Hendersonville chose not to review it, so the developer presented to Laurel Park. He stated he met with Hendersonville and it was mutually agreeable. Commissioner Lapsley asked about the surrounding zoning. Mayor O'Cain stated this will be a satellite annexation but it is across the street from the extraterritorial jurisdiction. Commissioner Lapsley stated this is a perfect example of extraterritorial jurisdictions and future growth of why boundaries should be reviewed. Mayor O'Cain stated the developer will meet with neighbors for their concerns, etc.

Mayor O'Cain thanked the Village of Flat Rock and the City of Hendersonville for including him on recent e-mails regarding projects. They have a committee working on the extraterritorial jurisdiction boundaries. He stated they have a great relationship with the City of Hendersonville and expects meetings with Hendersonville.

Mayor O'Cain expressed appreciation to Henderson County for conversations with staff about the granite at the Hendersonville High School gymnasium which is being torn down in late Spring. The granite came from a quarry in Laurel Park. They will come up with a commemorative plaque at the site of the quarry with some of the granite.

**d. Town of Fletcher:** Mayor Whiteside reported the election also brought changes to the Town of Fletcher with the election of Preston Blakely who is also a new representative on the LGCCA.

Mayor Whiteside reported a Fletcher restaurant, Surf and Brew, won their annual chili cook-off. He invited the public to the Fletcher annual father/daughter dance will be held February 8 and participants may now register on-line.

Mayor Whiteside reported the Highway 25 corridor clock tower finally has electricity. Regarding the Town Center project, they are still closing on five acres on Hendersonville Road. They are also awaiting the results of market analysis to hopefully develop acreage recently purchased on Hendersonville Road. He stated they are working with the Partnership for Economic Development and considering options to develop 93 acres adjacent to the Meritor plant. He stated they are marketing a portion of the land for light manufacturing and considering additional recreational opportunities by extending the greenway. He stated there is interest from a truffle farmer interested in the property as well.

Mayor Whitesides reported Mr. Bob Davy is now serving as Mayor Pro Tem in Fletcher.

**e. Henderson County:** Chairman Hawkins reported the apple made it safely to the ground for the New Year's Eve celebration for the new decade.

Chairman Hawkins reported the beautiful Edneyville Elementary School was opened. He stated a fence has been put up at Hendersonville High School for construction to begin. He stated Henderson County worked with Blue Ridge Community College to acquire land for future development.

Chairman Hawkins stated work has begun on next year's budget. He stated they will begin looking at expanding the jail capacity. He stated the sheriff is statutorily required to maintain the jail. He stated all municipalities bring arrestees to the county jail. He stated they are all in this together as far as creating revenue and using the same facilities. He stated if municipalities can assist in economic development efforts, there is a synergy for all in the county that comes back as taxes, sales tax, employment, etc.

Commissioner Lapsley reported on the process of a merger of Cane Creek water/sewer district with Metropolitan Sewerage District (MSD), relating to a Bill passed in the General Assembly. He stated Henderson County was represented at a hearing in Raleigh with the Environmental Management Commission (EMC) to review the proposed merger that will affect a lot of citizens in Fletcher and Mills River regarding their sewer service. He stated the merger is moving forward. The next step is to hold a public hearing in the near future (probably in May). He stated this presents a chance for all to speak. After the hearing, a report will go to EMC to consider in June. If the merger goes forward, it could be effective July 1.

Commissioner Lapsley noted from the Henderson County Commissioners standpoint, there were two issues that motivated them to seek the legislation: 1) to equalize the sewer rates for those in Fletcher and Mills River to have the same rates as MSD. The rates for those customers will decrease, and 2) Governance model – the act from the General Assembly provides Henderson County will get two seats on MSD Board although they hoped for three seats. He stated those two seats will join other members of the MSD Board including Buncombe County, the City of Asheville and all municipalities in Buncombe County. He anticipates Henderson County Commissioners will consider the issue in early June. It will be up to the Commission to decide who will occupy those seats but may include representatives from Fletcher and Mills River.

**f. Town of Mills River:** Mayor Davis requested an update by the Town Manager, Daniel Cobb. Mr. Cobb reported a full-size baseball field will be completed this fall by Carolina Specialties for approximately \$424,000. He stated there have been discussions with Rugby Middle School for use of the field.

Mr. Cobb reported the Town Council will also conduct budget discussions this month.

Mr. Cobb stated they are working on solar panels on all town-owned facilities which were approved last fall by the Council.

Mr. Cobb reported the changes to the Council as a result of the election. Mr. Randy Austin was elected, Mayor Chae Davis was reappointed as Mayor, and Brian Caskey was appointed as Mayor Pro Tem.

Mr. Cobb reported there are two new breweries in Mills River: Mills River Brewery and Burning Blush Brewery.

Mr. Cobb stated the dog park has been a challenge with overuse and the wet weather. He stated the grassy area is temporarily closed. Mayor Davis encouraged other municipalities to open a dog park to ease the pressure on their park.

Mr. Cobb stated the NC Agritourism Farm Tour and Conference is being held in Asheville next month and will be doing tours in Mills River.

Mr. Cobb reported they will be holding public hearings on two moratoriums under consideration: architectural standards of commercial development and electronic signage.

2. **Reminder of Next Meeting – April 21, 2020, hosted by the Village of Flat Rock.**
3. **Adjournment:** The meeting adjourned at 4:30 p.m.

Minutes submitted by Tammie Drake, City of Hendersonville City Clerk.

  
Barbara G. Volk, Mayor

  
Tammie K. Drake, City Clerk

