

Town of Mars Hill

MAYOR AND BOARD OF ALDERMEN

John L. Chandler
Mayor
Nicholas A. Honeycutt
Vice-Mayor
Robert W. Zink
Treasurer
Stuart L. Jolley
Clerk
Larry H. Davis
Secretary

MINUTES REGULAR MEETING Mars Hill Town Hall – Conference Room February 3, 2020 at 6:00 p.m.

The Town of Mars Hill Mayor and Board of Aldermen met in regular session on Monday, February 3, 2020 at 6:00 p.m. in the Mars Hill Town Hall.

MEMBERS PRESENT: Mayor John Chandler; Aldermen Larry Davis, Nicholas (Nick) Honeycutt, Stuart Jolley, and Robert W. (Bob) Zink

STAFF PRESENT: Nathan R. Bennett, Town Manager; Jamie Stokes, Town Attorney

OTHERS PRESENT: Bill Downey

Call to Order

The meeting was called to order by Mayor John Chandler. Mayor Chandler welcomed those in attendance.

Approval of the Agenda

Mayor Chandler asked the Board to review the proposed agenda for approval. Upon review of the agenda, Mayor Chandler called for a motion. Alderman Larry Davis made a motion that the agenda be approved as presented. Alderman Stuart Jolley seconded the motion. Upon a call for a vote on the motion by the Mayor, the agenda was approved unanimously. (Attachment A)

Approval of Minutes

Mayor Chandler then asked the Board to review the minutes of the regular meeting held on December 2, 2019. There being no modifications to the minutes, Alderman Jolley made a motion that the minutes for January 6, 2020 be approved as presented by management. Alderman Davis seconded the motion. Upon a call for a vote on the motion by the Mayor, the minutes were approved unanimously.

Town Manager Report – Nathan Bennett, Town Manager

Mayor Chandler then recognized Mr. Bennett to provide the Town Manager Report.

Financial Report – 2nd Quarter

Mr. Bennett presented the Board with a Financial Report for the second quarter of fiscal year 2019-20 for informational purposes. Mr. Bennett advised that the budget is in line with expectations. At this point in the year, the budget use target is 50%. In the general fund, revenue collections are at 84% with the most significant outstanding revenue items being fire tax, state sales and use taxes that are collected on a quarterly basis, but they are tracking as expected. Expenditures are at 62%.

Expenditures are higher than the target due to a number of one-time expenses for the entire year that are paid in the first quarter, such as insurance premiums and service contracts, but will normalize as the year progresses. The water and sewer fund is tracking in line with expectations. The second quarter revenues are 52% with expenditures at 38%. (Attachment B)

Mr. Bennett next advised the Board that the FY 2018-19 Audit as discussed last month has been accepted and approved by the N.C. Local Government Commission (LGC). Copies of the final audit were provided to Board members. As discussed last month, there were a couple of minor concerns regarding segregation of duties for improved internal cash controls resulting in a unit letter from LGC dated January 16, 2020. Mr. Bennett advised he has discussed this with the auditors from Johnson Price Sprinkle and the Towns finance staff and has prepared a response letter to LGC consistent with those discussions addressing each concern to LGC satisfaction. Board members reviewed both the LGC letter and Town response letter, authorizing the response be sent to LGC. There were no other financial questions.

General Update

Mr. Bennett provided the Board with a status report on capital projects that are underway as well as a summary of various town activities. Mr. Bennett advised that he is working with the Golden LEAF Foundation to modify the scope of the current wastewater system improvements project to authorize the remaining grant funds to be used to rehabilitate the existing wastewater pump station at Carl Eller Road near Hardees. This additional work would address a long-range goal for this station utilizing existing grant funds and perhaps an additional local match up to \$150,000. Mr. Bennett also reported to the Board that the crew worker position for the public works department has been filled by Mr. Craig Mace and he will begin February 17, 2020. Mr. Bennett a second crew worker would be beneficial and can be hired from the existing pool of applicants. The Board consensus was to authorize Mr. Bennett to employ a second crew worker as discussed. He also provided Board members with a letter from the Land of Sky Regional Council with a status report on that organizations search for a new executive director and a request for comments from member local governments such as the Town. Mr. Bennett then made the Board aware of a reception for Mr. Forrest Gilliam, Madison County Manager, who has resigned his position with the County.

Old Business

The Mayor then moved to address old business. There was no old business.

New Business

The Mayor then moved to address new business.

Request for Voluntary Annexation – 201 Pine Ridge Road

The first item was a request for voluntary annexation received from Lori Richardson for property she owns at 201 Pine Ridge Road. Mr. Bennett advised that this property is bordered by other properties that have previously been annexed into the Town and that all services except sewer are available at this location. Mr. Bennett advised the Board that the petitioner is aware that sewer service is not, and will not, be available at this location. Upon review of the petition and supporting documentation, Mayor Chandler called for a motion. Alderman Nick Honeycutt made a motion to approve “**RESOLUTION – Directing Clerk Investigate A Petition for Annexation**” for this subject property as presented. Alderman Davis seconded the motion. Upon a call for a vote on the motion by the Mayor, the resolution was approved unanimously (Attachment C). After additional discussion regarding setting a date for a public hearing on the petition for annexation, Alderman Bob Zink made a motion to approve “**RESOLUTION – Fixing Date of Public Hearing on Questions of Annexation**” setting the public hearing for March 10, 2020 at 6:00 p.m. Alderman Honeycutt seconded the motion. Upon a call for a vote on the motion by the Mayor, the resolution was approved unanimously (Attachment D).

March Board Meeting

The second item was a discussion to change the date of the March Board meeting. Mayor Chandler advised the Board that he has an obligation that conflicts with the March meeting and asked for consensus to reschedule the March meeting to another date. Upon discussion, the consensus of the Board was to reschedule the March 2020 Board meeting for Tuesday, March 10, 2020 at 6:00 p.m. to conduct regular business for the month of March. Management directed to make all appropriate notifications to the public.

Public Comment

The Mayor then opened the floor for public comments.

Bill Downey asked the Board if there was any additional information regarding the issue he mentioned last month with an unsightly auto yard in the vicinity of the gas station near Stone Cottage Road. Town Attorney Stokes advised Mr. Downey that notice letters to the owner have been sent and furthermore, there are plans to potentially relinquish that ETJ zoning area to the County.

There were no additional public comments.

Closed Session (Pursuant to N.C.G.S. 143-318.11)

There was no closed session.


Adjourn

There being no further business before the Board, Mayor Chandler called for a motion to adjourn. Alderman Zink made a motion to adjourn, Alderman Jolley seconded the motion. Upon a call for a vote on the motion by the Mayor, the motion to adjourn was unanimously approved.

Approved and authenticated this the 10th day of March, 2020.


John L. Chandler, Mayor

ATTEST:


Nathan R. Bennett,
Town Manager





Town of Mars Hill

MAYOR AND BOARD OF ALDERMEN

John L. Chandler
Mayor
Nicholas A. Honeycutt
Vice-Mayor
Robert W. Zink
Treasurer
Stuart L. Jolley
Clerk
Larry H. Davis
Secretary

AGENDA

REGULAR MEETING

Mars Hill Town Hall Conference Room

February 3, 2020 at 6:00 p.m.

1. Call to Order – *Mayor John L. Chandler*
2. Approval of Agenda
3. Approval of Minutes: January 6, 2020 meeting
4. Town Manager Report – *Nathan Bennett, Town Manager*
 - a. Financial Report – 2nd Quarter
 - b. General Update
5. Old Business
6. New Business
 - a. Request for Voluntary Annexation – Lori Richardson – 201 Pine Ridge Road
 - i. **RESOLUTION** – Directing Clerk Investigate A Petition for Annexation
 - ii. **RESOLUTION** – Fixing Date of Public Hearing on Questions of Annexation
 - b. March Board Meeting
7. Public Comment
8. Closed Session (*Pursuant to N.C.G.S. 143-318.11 – if needed*)
9. Adjourn

ATTACHMENT B

Town of Mars Hill
Mars Hill, North Carolina
FINANCIAL STATEMENT

31-Dec-19

SECTION I: General & Powell Bill Funds**Budget****Actual****A. Revenues Anticipated**

Property Tax (Current Year/\$.47 per \$100)	\$	498,000.00	\$	420,713.00
Property Tax (Prior Years)	\$	5,500.00	\$	4,641.00
Payment in Lieu of Taxes	\$	8,000.00	\$	11,025.00
Tax Penalties and Interest	\$	2,000.00	\$	320.00
Ad Valorem Vehicle Tax	\$	40,000.00	\$	28,722.00
Municipal Parking Fee	\$	5,000.00	\$	6,960.00
Interest Earned/Investments	\$	10,000.00	\$	28,070.00
Rents and Concessions	\$	3,000.00	\$	25.00
Utilities Revenue	\$	2,500.00	\$	684.00
Miscellaneous Revenue	\$	5,000.00	\$	4,934.00
Utilities Franchise Tax	\$	125,000.00	\$	67,211.00
Excise Tax - Beer & Wine	\$	8,000.00	\$	-
Powell Bill Street Allocation	\$	58,000.00	\$	45,676.00
Local Option Sales Tax	\$	425,000.00	\$	297,244.00
Court Costs, Fees, Etc.	\$	100.00	\$	149.00
Parking Violation Penalties	\$	3,000.00	\$	2,160.00
Zoning Permits	\$	100.00	\$	165.00
Inspection/Fire Codes Fee/Fines	\$	-	\$	100.00
Street Department Revenue	\$	-	\$	-
Police Department Revenue/Donation	\$	100.00	\$	280.00
Recreation Department Revenues	\$	25,000.00	\$	13,322.00
Fire Department Revenues	\$	3,000.00	\$	418.00
Fire Dept. Relief Funds	\$	4,000.00	\$	-
Tax Refunds	\$	15,000.00	\$	25,302.00
Special Fire District Tax	\$	520,000.00	\$	266,603.00
Appropriated Fund Balance, General	\$	30,000.00	\$	-
Appropriated Fund Balance, Powell Bill	\$	90,000.00	\$	-
Other Fin. Sources/Uses-Transfer In	\$	-	\$	352,326.00
TOTAL ANTICIPATED REVENUES	\$	1,885,300.00	\$	1,577,050.00

B. EXPENDITURES AUTHORIZED

1. Governing Body	\$	70,500.00	\$	46,642.00
2. Administration	\$	251,000.00	\$	111,040.00
3. Elections	\$	7,000.00	\$	4,650.00
4. Tax Collections	\$	3,000.00	\$	902.00
5. Public Buildings	\$	30,500.00	\$	11,580.00

(Continued to Page 2)

PAGE 2

6. Police Department	\$	402,800.00	\$	209,963.00
7. Fire Department	\$	494,500.00	\$	246,033.00
Fireman's Relief Fund	\$	-	\$	-
8. Street Department	\$	202,600.00	\$	77,587.00
9. Powell Bill Expenditures	\$	148,000.00	\$	773.00
10. Sanitation Department	\$	123,000.00	\$	54,541.00
11. Recreation Department	\$	81,300.00	\$	34,327.00
12. Library	\$	21,100.00	\$	10,075.00
13. Debt Service	\$	50,000.00	\$	-
14. Other Financial Sources/Uses Trans. Out	\$	-	\$	352,326.00
TOTAL EXPENDITURES AUTHORIZED	\$	1,885,300.00	\$	1,160,439.00

SECTION II: Water & Sewer

A. Revenues Anticipated

Interest Earned/Investments	\$	10,000.00	\$	14,392.00
Interest Earned/Enterprise Fund	\$	10,000.00	\$	11,024.00
Miscellaneous	\$	4,000.00	\$	3,928.00
Water & Sewer Charges	\$	984,000.00	\$	503,428.00
Sewer Taps	\$	10,000.00	\$	3,000.00
Water Taps	\$	10,000.00	\$	6,000.00
Sale of Materials	\$	-	\$	-
Approp. Fund Balance/Water & Sewer	\$	25,000.00	\$	-
Approp. Fund Balance/Enterprise	\$	-	\$	-
Other Fin. Sources/Uses	\$	-	\$	-
TOTAL ANTICIPATED REVENUES	\$	1,053,000.00	\$	541,772.00

B. Expenditures Authorized

Debt Service	\$	113,100.00	\$	27,558.00
Administration/Engineering/Billing	\$	215,400.00	\$	103,007.00
Operations	\$	724,500.00	\$	274,302.00
TOTAL EXPENDITURES AUTHORIZED	\$	1,053,000.00	\$	404,867.00

SECTION III: WW Treatment Improvement Project

A. Revenues Anticipated

Federal Government Grants/EDA	\$	390,120.00	\$	182,332.00
State Government Grants/Golden Leaf	\$	487,650.00	\$	275,936.00
Local Government Funds	\$	97,530.00	\$	-
Due to/From Other Funds (Enterprise Loan)	\$	-	\$	108,507.00
TOTAL REVENUES ANTICIPATED	\$	975,300.00	\$	566,775.00

B. Expenditures Authorized

Con. Serv./Mobilization	\$	19,500.00	\$	19,500.00
Sludge Pump Station	\$	162,900.00	\$	162,900.00
D.O. Control System/Blower	\$	132,500.00	\$	30,185.00
Concrete Tank Restoration	\$	145,000.00	\$	164,629.00
Exit 11/1000 LF Sewer Line	\$	95,000.00	\$	95,000.00
Exit 11/Sewer Line Pump Station	\$	151,000.00	\$	151,000.00
Exit 11/SPS Sewer Force Main	\$	42,800.00	\$	42,800.00
Contingency	\$	74,900.00	\$	-
Design & Permitting	\$	74,900.00	\$	74,900.00
Bidding/Award	\$	8,400.00	\$	8,400.00
Construction Administration	\$	37,400.00	\$	31,465.00
Grant Administration	\$	24,500.00	\$	14,700.00
Legal	\$	6,500.00	\$	-
TOTAL EXPENDITURES AUTHORIZED	\$	975,300.00	\$	795,479.00

SECTION IV: Bailey Mountain Project

A. Revenues Anticipated

Fed/Land & Water Conservation Fund	\$	250,000.00	\$	-
St./Clean Water Mgmt. Trust Fund	\$	352,326.00	\$	352,326.00
Local Funds	\$	106,074.00	\$	80,000.00
Enterprise Fund (Loan) Due/to From	\$	-	\$	250,000.00
TOTAL REVENUES ANTICIPATED	\$	708,400.00	\$	682,326.00

B. Expenditures Authorized

Capital Outlay/Land Purchase	\$	675,000.00	\$	675,000.00
Legal/Adm/Professional Costs	\$	33,400.00	\$	5,752.00
TOTAL EXPENDITURES AUTHORIZED	\$	708,400.00	\$	680,752.00



Town of Mars Hill
Mayor and Board of Aldermen


**RESOLUTION DIRECTING THE CLERK TO INVESTIGATE
A PETITION RECEIVED UNDER G.S. 160A-58.1**

WHEREAS, a petition requesting annexation of an area described in said petition (Attached hereto as Exhibit 1) has been received on January 28, 2020 by the Town of Mars Hill Board of Aldermen; and

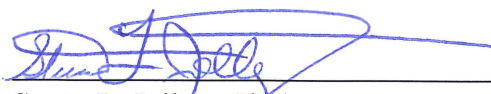
WHEREAS, G.S. 160A-58.2 provides that the sufficiency of the petition shall be investigated by the Town Clerk before further annexation proceedings may take place; and

WHEREAS, the Board of Aldermen of the Town of Mars Hill deems it advisable to proceed in response to this request for annexation.

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Mars Hill that the Town Clerk is hereby directed to investigate the sufficiency of the above described petition and to certify as soon as possible to the Board of Aldermen the result of the investigation.


John L. Chandler, Mayor

Attest:


Stuart L. Jolley, Clerk





Town of Mars Hill

PETITION REQUESTING A CONTIGUOUS ANNEXATION

DATE: January 28, 2020

TO: Board of Aldermen, Town of Mars Hill

1. We, the undersigned owners of real property, respectfully request that the area described in Paragraph 2 below be annexed to the Town of Mars Hill.
2. The area to be annexed is contiguous to the Town of Mars Hill and the boundaries of such territory are as follows:

(Insert Legal Metes and Bounds Description of Boundaries or attach Deed)

3. A map, and/or survey plat is attached showing the area proposed for annexation in relation to the primary corporate limits of the Town.

PRINTED NAME

SIGNATURE

ADDRESS

1. Lori Richardson

201 Pine Ridge Rd
Mars Hill, NC 28754

2.

3.

4.

5.

BK 683 PG 261 - 263 (3)
This Document eRecorded:
Fee: \$26.00 DocType: DEED
Madison County, North Carolina
Susan Rector, Register of Deeds

DOC# 335302
01/27/2020 10:54:51 AM
Tax: \$56.00

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: \$56.00

Parcel Identifier No. 9657-16-7678 & 9757-16-6772 Verified by _____ County on the ____ day of _____, 20____

By: _____

Mail/Box to: Goosmann Rose Colvard & Cramer, P.A., 77 Central Ave, Suite H, Asheville, NC 28801, Box # 81

This instrument was prepared by: Goosmann Rose Colvard & Cramer, P.A., 77 Central Ave, Suite H, Asheville, NC 28801 Box # 81 (19-4888)

Brief description for the Index: _____

THIS DEED made this 24th day of January, 2020, by and between

GRANTOR

Hazel S. Willis as Trustee of the Robert Neal Willis Revocable Trust dated March 8, 2007, and any amendments thereto
3796 Beach Glen Rd.
Mars Hill, NC 28754

GRANTEE

Lori Richardson
297 Fairfax Ave
Asheville, NC
28806

Enter in appropriate block for each Grantor and Grantee: name, mailing address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot, parcel of land or condominium unit situated in the City of Mars Hill, _____ Township, Madison County, North Carolina and more particularly described as follows:

See **Exhibit A** attached hereto and incorporated herein by reference. This instrument was prepared by John R. Rose, a licensed NC attorney. Delinquent taxes, if any, to be paid by the closing attorney to the county tax collector upon disbursement of closing proceeds. The property hereinabove described was acquired by Grantor by instrument recorded in Book _____ page _____.

All or a portion of the property herein conveyed _____ includes or _____ does not include the primary residence of a Grantor.

A map showing the above described property is recorded in Plat Book _____ page _____.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple.

And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions: Those matters set forth in the description for the property; easements and rights of way of record or in place; restrictive covenants of record; the use provisions of any governmental ordinance affecting the property and taxes for the current year.

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

The Robert Neal Willis Revocable Trust dated March 8, 2007

(Entity Name)

Print/Type Name: _____ (SEAL)

By: Hazel S. Willis

Print/Type Name & Title: Hazel S. Willis, trustee

Print/Type Name: _____ (SEAL)

By: _____

Print/Type Name & Title: _____

Print/Type Name: _____ (SEAL)

By: _____

Print/Type Name & Title: _____

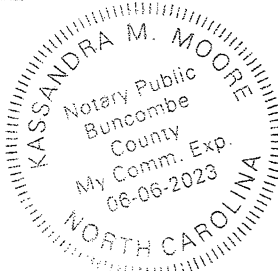
Print/Type Name: _____ (SEAL)

State of North Carolina – County of Buncombe

I, the undersigned Notary Public of the County and State aforesaid, certify that Hazel S. Willis, personally appeared before me this day and acknowledged that she is the trustee of The Robert Neal Willis Revocable Trust dated March 8, 2007 and any amendments thereto, and that by authority duly given and as the act of such entity, she signed the foregoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal, this 29th day of January, 20 20

My Commission Expires: 6/6/23

[Signature]
Notary Public



The foregoing Certificate(s) of _____

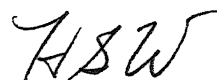
is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

By: _____ Register of Deeds for _____ County
Deputy/Assistant – Register of Deeds

EXHIBIT "A"

Being all of that tract or parcel of property containing 0.90 acres, more or less, as shown on that plat recorded in Plat Book 9, at Page 97 of the Madison County, NC Register's Office; reference to which Plat is hereby made for a more particular description of said Property.

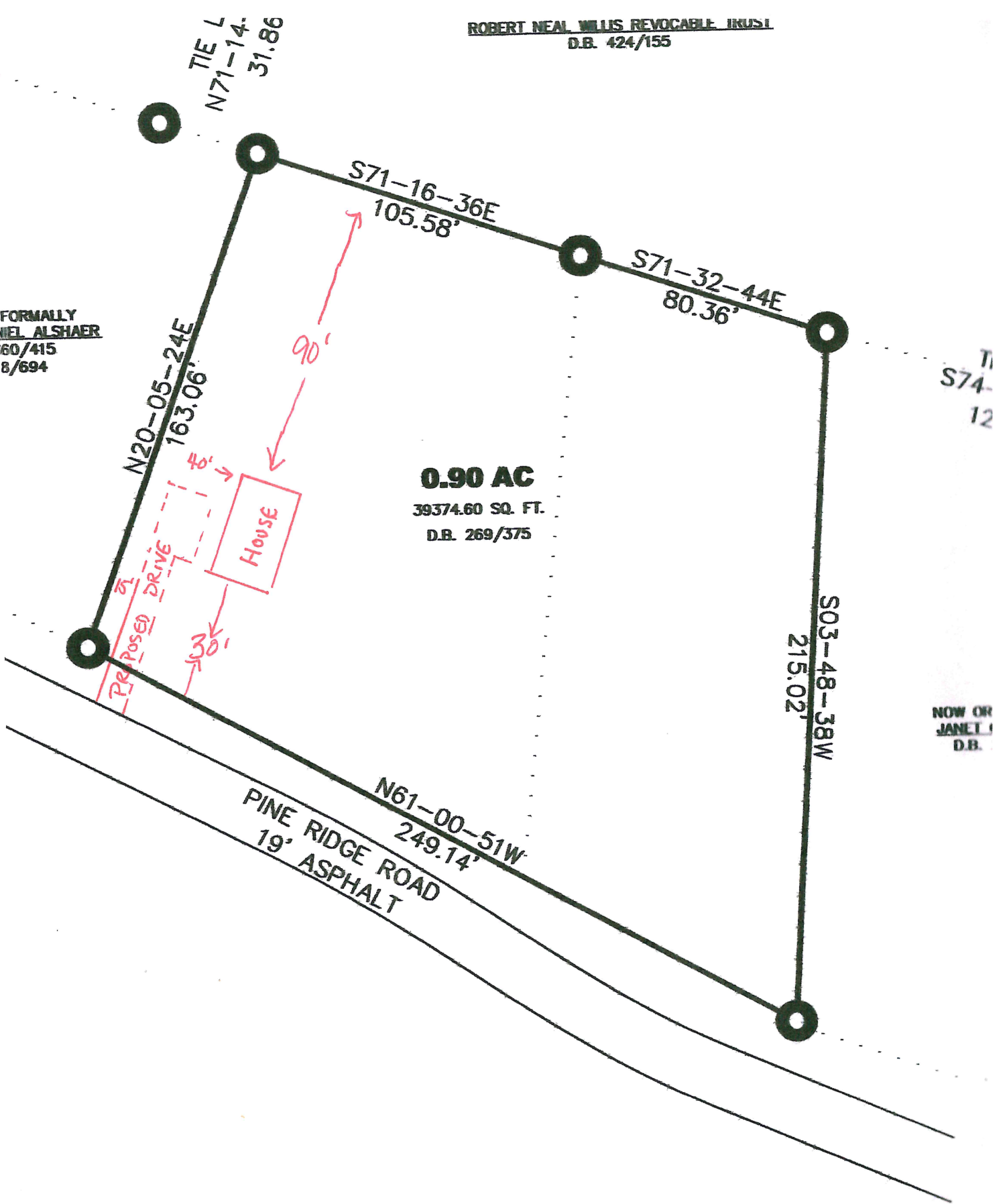
The above-described Property is a portion of that property conveyed in that deed recorded in Record Book 424, at Page 155 of the Madison County, NC Register's Office.



ROBERT NEAL WILLIS REVOCABLE TRUST
D.B. 424/155

TIE L
N71-14-
31.86

FORMALLY
WEL ALSHAER
60/415
8/694





Town of Mars Hill Mayor and Board of Aldermen

RESOLUTION FIXING DATE OF PUBLIC HEARING ON QUESTIONS OF ANNEXATION PURSUANT TO N.C.G.S. 160A-58.2 AS AMENDED

WHEREAS, a petition requesting annexation of the non-contiguous area described herein has been received on January 28, 2020 by the Town of Mars Hill Board of Aldermen; and

WHEREAS, the Board of Aldermen has by Resolution directed the Town Clerk to investigate the sufficiency of said petition; and


WHEREAS, the certification by the Town Clerk as to the sufficiency of said petition has been made.

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen of the Town of Mars Hill, North Carolina:

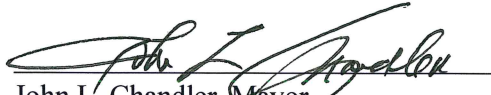
- Section 1. That a Public Hearing on the question of annexation of the contiguous area described herein will be held at the Mars Hill Town Hall, 6:00 o'clock P.M. on the 10th day of March, 2020.
- Section 2. The area proposed for annexation is described as follows:

(Insert metes and bounds description) - See Attached "Exhibit 1"
- Sections 3. Notice of said Public Hearing shall be published in The News Record-Sentinel, a newspaper having general circulation in the Town of Mars Hill, at least ten (10) days prior to the date of said Public Hearing.

Attest:


Stuart L. Jolley, Clerk




John L. Chandler, Mayor