

MINUTES

**STATE OF NORTH CAROLINA
COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS
NOVEMBER 1, 2004**

The Henderson County Board of Commissioners met for a regularly scheduled meeting at 5:30 p.m. in the Commissioners' Conference Room of the Henderson County Office Building.

Those present were: Chairman Grady Hawkins, Vice-Chairman Larry Young, Commissioner Bill Moyer, Commissioner Charlie Messer, Commissioner Shannon Baldwin, County Manager David E. Nicholson, Assistant County Manager Justin Hembree, County Attorney Angela S. Beeker, and Clerk to the Board Elizabeth W. Corn.

Also present were: Planning Director Karen C. Smith, Budget and Management Director Selena Coffey, Public Information Officer Chris S. Coulson, Fire Marshal Rocky Hyder, and Finance Director J. Carey McLelland. Deputy Clerk to the Board Amy Brantley was present through nominations.

CALL TO ORDER/WELCOME

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

PLEDGE OF ALLEGIANCE

Commissioner Messer led the Pledge of Allegiance to the American Flag.

INVOCATION

David Nicholson gave the invocation.

DISCUSSION/ADJUSTMENT OF AGENDA

Chairman Hawkins requested the addition of Consent Agenda - Item "K" Subdivision for Willow Place. He also requested the addition of Update on Pending Issues #2 – Powerline at Human Services Building and #3 – Historic Courthouse. Commissioner Baldwin requested the addition of Update on Pending Issues #4 – Communications with Staff.

Chairman Hawkins made the motion to approve the agenda as presented. All voted in favor and the motion carried.

CONSENT AGENDA

Chairman Hawkins asked that item "F-Temporary Access Agreement for Sewer" be pulled from the agenda for some discussion.

Item F – Temporary Access Agreement for Sewer

The Board was presented with a proposed agreement to allow Hunter Nissan Lincoln Mercury to continue to utilize the County's sewer lift station located on the property formerly known as the Carolina Apparel Trading property until May 1, 2005. The lift station served both the Hunter property and the Carolina Apparel Trading property and was existing at the time the County purchased the property.

The Agreement provided for an up front payment of \$75.00, representing the County's costs to operate the lift station since the building was torn down. The Agreement further provided that Hunter would pay all of the County's expenses incurred in operating the lift station between the date of the Agreement and May 1, 2005, regardless of whether those expenses were for electricity, maintenance, repair or clean up costs, if any, associated with the Transfer Station. Lastly, the Agreement provided that on May 1, 2005, the County could discontinue operation of the lift station and disconnect the line serving the Hunter buildings.

DATE APPROVED:

Chairman Hawkins questioned why the issue of payment was coming up now, since they had been using the lift station the entire time the County had owned the building. Angela Beeker answered that station was used by both the Carolina Apparel Building and the Hunter buildings. When the Carolina Apparel Building was torn down, the station was solely for the benefit of the Hunter buildings. \$75.00 had been the cost of electricity for the station since the Carolina Apparel Building had been torn down.

Chairman Hawkins made the motion that the Board accept the consent agenda as presented. All voted in favor and the motion carried.

The Consent Agenda consisted of the following:

Minutes

Draft minutes were presented for the Board's review and approval of the following meeting(s):

- October 4, 2004, regular meeting
- October 5, 2004, continuation of regular meeting
- October 5, 2004, special called meeting

Financial Report – September 2004

Cash Balance Report – September 2004

The YTD costs in the General Fund Non-Departmental line item are the annual property/liability and workers compensation insurance premiums paid to the NCACC Insurance Risk Pools for FY 2005. These costs will be allocated out to departmental budgets in succeeding months.

The YTD deficit in the CDBG-Scattered Site Housing Project, the Mills River Watershed Protection Project, the Mud Creek Watershed Protection Project and the Mills River Sewer Capital Project are all temporary due to timing differences in the expenditure of funds and the subsequent requisition of Federal and State funds to reimburse these expenditures.

The County Services Building Project deficit is due to architectural fees, demolition/abatement and utilities relocation work performed at the former Carolina Apparel Building. It is anticipated that these costs will be recouped from financing proceeds for the project.

Henderson County Public Schools Financial Report – September 2004

The Schools Financial Report was provided for September for information and consent approval.

Tax Collector's Report

Terry F. Lyda, Henderson County Tax Collector, had provided the Tax Collector's report dated October 28, 2004 for the Board's information.

Resolution Designating Applicants Agent

In order to receive state and federal disaster assistance associated with Hurricanes Frances and Ivan, the Board had to designate a primary and secondary agent to act on behalf of the County in those matters. The Finance Director and Emergency Management Coordinator were responsible for development of reimbursement documentation; therefore Staff suggested designating those individuals for the disaster application process.

Temporary Access Agreement for Sewer

Discussed at the beginning of the Consent Agenda – see above (page #1).

Pawnbroker's License Renewal – Etowah Pawnbroker, Inc.

Bruce Gosnell who operates Etowah Pawnbrokers, Inc. had filed an application to continue operating a pawnshop at the Etowah Shopping Center in Henderson County.

Mr. Gosnell first applied for a pawnbroker's license in 1990 and has renewed his application/petition every year since. If approved, this license will expire on September 30, 2005. A complete renewal application had been

submitted and was attached for the Board's review with the exception of his financial records. They were submitted, but were not included with the agenda item in order to maintain their confidentiality in accordance with the public policy of the State.

The County Attorney had reviewed the application/petition and the attachments and believed that everything was in order. Should the Board wish to renew such license, action at today's meeting to renew Mr. Gosnell's pawnbroker's license through September 30, 2005, would be appropriate.

Request for Subdivision Improvement Guarantee for a Portion of Riverwind, Phase IV

G. Thomas Jones, III, P.E., on behalf of Carrollwood Development, LLC, (Developer) had submitted an application for a subdivision improvement guarantee for a portion of the proposed Phase IV of Riverwind Subdivision. Riverwind is located off Etowah School Road. The Planning Board granted conditional approval of the Master Plan and the Phase IV Development Plan for Riverwind on January 20, 2004. The improvement guarantee is proposed to cover the grading and construction of roads and the installation of water and sewer improvements to serve lots 1-5, 32 and 46-49 of the development.

Pursuant to Section 170-38 of the Henderson County Code, a developer may, in lieu of completing all of the required improvements prior to final plat approval, post a performance guarantee to secure the County's interest in seeing that satisfactory construction of incomplete improvements occurs. One type of permitted guarantee is an irrevocable letter of credit. The Developer intends to post with the County a letter of credit in the amount of \$212,240.00 that includes the cost of the remaining improvements (\$169,792.00) as well as the required twenty-five percent (25%) contingency. The proposed completion date for the improvements is January 15, 2005.

A draft Performance Guarantee Agreement was provided for the Board's consideration. If approved, the Developer must submit a letter of credit in accordance with the terms of the Agreement. Once the County receives a letter of credit in the proper form, the (Assistant) County Attorney must certify the Agreement as to form prior to its execution by the Chairman and the Developer.

Set Public Hearing on Rezoning Application #R-04-03 (R-20, R-15 and T-15 to C-2) Henderson County Manager, Applicant

Rezoning application #R-04-03, which was submitted on June 4, 2004, requested that the County rezone multiple parcels of land totaling approximately 150.31 acres, located at and near the intersection of Stoney Mountain Road and Mountain Road, from R-20 (Low-Density Residential), R-15 (Medium Density Residential), and T-15 (Medium-Density Residential with Manufactured Homes) districts to a C-2 (Neighborhood Commercial) zoning district. Henderson County, the Henderson County Board of Public Education and the North Carolina State Highway Commission own the parcels that are the subject of the rezoning application. Henderson County Manager David Nicholson was the lead applicant.

The Henderson County Planning Board first considered rezoning application #R-04-03 at its regularly scheduled meeting on Tuesday, August 17, 2004, at which time the Board agreed to wait until its regularly scheduled September meeting to set a date to hold a public input session on and revisit the rezoning request. On Tuesday, September 21, 2004, the Planning Board voted to hold the public input session during its regularly scheduled October meeting and requested that staff notify adjacent property owners.

The Henderson County Planning Board held a public input session and reviewed the application at its meeting on Tuesday, October 19, 2004, at which time the County Manager amended the application to include an additional 12.03-acre parcel of land (PIN 9650-83-0296) that was not included in the original application. The Planning Board voted (4 to 3) to send to the Board of Commissioners a favorable recommendation on the amended application to rezone the entire subject area, with the exception of two parcels (PIN 9650-83-0296 and 9650-92-0038) to a C-2 zoning district. Before taking action on the application, the Board of Commissioners must hold a public hearing. Staff proposed that the hearing be scheduled for Tuesday, November 30, 2004 at 7:00 p.m.

Cane Creek Extension

A report on a sewer line extension for the Cane Creek Water and Sewer District was presented to the Board for information only.

Subdivision for Willow Place

Mr. Charles M. Fisher, Sr., had submitted an application for a subdivision improvement for the proposed Willow Place Subdivision. Mr. Fisher was developing Willow Place on property located on Willow Road. The Planning Board granted conditional approval of a combined Master Plan and Development Plan for the project on June 15, 2004. The improvement guarantee was proposed to cover road construction and water system installation to serve lots in the subdivision.

Pursuant to Section 170-38 of the Henderson County Code, a developer may, in lieu of completing all of the required improvements prior to final plat approval, post a performance guarantee to secure the County's interest in seeing that satisfactory construction of incomplete improvements occurs. One type of permitted guarantee is an irrevocable letter of credit. The Developer intends to post with the County a letter of credit in the amount of at least \$78,872.50 that includes the cost of the remaining improvements (\$63,098.00) as well as the required twenty-five percent (25%) contingency. The proposed completion date for the improvements is June 30, 2005.

A draft Performance Guarantee Agreement was provided for the Board's consideration. If approved, the Developer must submit a letter of credit in accordance with the terms of the Agreement. Once the County receives a letter of credit in the proper form, the (Assistant) County Attorney must certify the Agreement as to form prior to its execution by the Chairman and the Developer.

NOMINATIONS

Notification of Vacancies

The Board was notified of the following vacancies which will appear for nominations at the next meeting:

1. Criminal Justice Partnership Act Task Force – 6 vac.
2. Emergency Communications Committee – 10 vac.
3. Fire and Rescue Advisory Committee – 2 vac.
4. Henderson County Board of Adjustment – 4 vac.
5. Henderson County Planning Board – 1 vac.
6. Hospital Corporation Board of Trustees – 1 vac.
7. Juvenile Crime Prevention Council – 1 vac.
8. Laurel Park Planning Board – 1 vac.
9. Library Board of Trustees – 1 vac.
10. Planning for Older Adults Block Grant Advisory Committee – 5 vac.
11. Senior Volunteer Services Advisory Council – 1 vac.
12. Travel and Tourism Committee – 4 vac.

Nominations

Chairman Hawkins reminded the Board of the following vacancies and opened the floor to nominations:

1. **Apple Country Greenway Commission – 1 vac.**
There were no nominations at this time so this item was rolled to the next meeting.
2. **Cable Franchise Renewal Advisory Committee – 6 vac.**
There were no nominations at this time so this item was rolled to the next meeting.
3. **Community Child Protection Team – 3 vac.**
There were no nominations at this time so this item was rolled to the next meeting.

4. Hendersonville Board of Adjustment – 1 vac.

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

5. Hendersonville Planning Board – 1 vac.

Chairman Hawkins nominated Nick Pryor for reappointment to the Board. There were no additional nominations. *Chairman Hawkins made the motion to accept Mr. Pryor by acclamation. All voted in favor and the motion carried.*

6. Juvenile Crime Prevention Council – 3 vac.

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

7. Mountain Area Workforce Development Board – 1 vac.

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

8. Planning for Older Adults Block Grant Advisory Committee – 2 vac.

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

DISCUSSION ITEMS**Duke Power Presentation**

Sandy Tallant, District Manager for the Blue Ridge Area of Duke Power, thanked the Board for her time on the agenda. In honor of Duke Power's 100th Anniversary, and in appreciation for the partnership they have with Henderson County she presented the Board with a commemorative plaque of the Catawba Hydro station. Chairman Hawkins thanked Ms. Tallant, and requested she pass along the Board's thanks to Duke Power.

Mental Health Grants

Chairman Hawkins stated that at a previous meeting, the Board had charged David Nicholson with working to alleviate some of the problems associated with the implementation of the statewide mental health program particularly as it impacted local hospitals and law enforcement. David Nicholson reminded the Board that Henderson County had \$528,342 in Mental Health Maintenance of Effort Funds in the FY 2004-2005 budget. The County had requested proposals for those funds with an emphasis on dealing with emergency crisis situations. Proposals had been received from the Henderson County Public School System for school safety and critical response teams, the Department of Juvenile Justice and Delinquency Prevention, and Mountain Laurel.

Mr. Nicholson had invited representatives from each of those agencies to present their requests. Dr. Helen Owen was present representing the Henderson County Public School System. Dr. Owen stated that the request was for school safety and critical response teams for all 21 schools in the Henderson County Public Schools. The request was for \$18,880.00. There would be 42 certified staff members who would be trained during a two day workshop. Those people would become trainers for each school and would have the responsibility to train the entire staff at their school, so the school would have a procedure in place to deal with situations requiring critical response. The training would be in collaboration with other agencies such as the Health Department, Sheriff's Department, EMS, City Police and Mental Health agencies. The certified staff members would also participate on subcommittees to develop a critical response procedure for all the school. They would write and develop a critical response tool kit that each school would have, which would be a part of the safe school's plan. Dr. Owen answered several questions from the Board on possible future costs of the program.

Rodney Wesson, from the Department of Juvenile Justice and Delinquency Prevention, then presented their request. Mr. Wesson thanked the Board for the opportunity to present the grant request for a group counseling program – "The Adolescent Girls Group for Court Involved Juveniles". The program is currently in place, and provides group counseling to between seven to ten girls. A goal of the program is to develop a positive peer culture, where the girls learn the skills necessary to deal with problems and issues. Funding for some aspects of the program is currently an out of pocket expense for staff members. Mr. Wesson described many of the positive outcomes of the program, and answered several questions from the Board about issues such as charting the progress of group participants.

Will Callison was present representing Mountain Laurel Community Services, and stated that their proposal had been developed in collaboration with a number of organizations. He expressed that there seemed to be a growing number of psychiatric emergencies in the community. Pardee Hospital had stated that the number of psychiatric emergencies presenting in the emergency department had tripled over the past year, and the number of substance abuse patients had doubled.

Mountain Laurel felt they should look at things from a comprehensive standpoint and determine how they could make a difference impacting the quality of life for people in crisis. They planned to focus on prevention of emergencies, while doing better management of people who need access to the system quickly. Four basic initiatives were proposed to implement these goals.

1. Open the door wider – Mr. Callison explained that the LME had agreed to allow agencies such as Mountain Laurel to do initial screenings. He felt that was a positive step forward, and would allow agencies to get clients into treatment in a more timely fashion. He proposed having a call line that would be continually staffed, and would have the ability to encourage clients to receive care within 72 hours. Included in this initiative was a desire to expand clinic treatment hours. Limited options exist for treatment after 5:00 pm except in the emergency department. Mr. Callison proposed providing additional hours for walk-in care, and recruiting an additional psychiatrist. Staff could also be available to serve clients at other facilities, such as the Rescue Mission.
2. Increase service levels – Many of the people treated by Mountain Laurel have a severe disability which requires disease management rather than seeking a cure. The goal is to maintain in those clients as high a quality of life as possible at the least cost. Case loads to some existing case managers need to be reduced to be able to see clients as frequently as needed.
3. Increase liaison work with Pardee Hospital – Mr. Callison stated that Mountain Laurel would like to have their psychiatrists on staff at Pardee.
4. Become a resource for Mental Health Care issues in the community – Mountain Laurel would like to be able to educate both the public and agencies about mental health care issues and potential ways in which to manage those issues for themselves.

Mr. Callison answered several questions from the Board, and explained that he hoped implementation of the initiative would reduce the number of psychiatric emergencies presenting at the emergency room. David Nicholson also discussed the role the LME is taking when psychiatric emergencies require more care than local hospitals can provide. There was much additional discussion regarding future funding needs, how the initiatives would be measured for effectiveness and the overall process that mental health patients must follow.

Chairman Hawkins made the motion to instruct the County Manager to proceed with negotiations with the three entities not to exceed the maintenance of effort funds (\$528,342) and bring back to the Board performance contracts with the units so they could award the maintenance of effort monies. All voted in favor and the motion carried.

Animal Services Ordinance

Health Director Tom Bridges, was not present to answer questions from the Board. It was the consensus of the Board to have Staff schedule a meeting for all involved parties to attend in the near future.

INFORMAL PUBLIC COMMENTS

1. Robert Moore – Mr. Moore presented approximately 300 petitions regarding the extension of the Cane Creek Sewer System in Mills River. He read the names of some of the businesses that had signed the petitions.

Staff Report on Public and Abandoned Cemeteries

At their last meeting, the Board requested that staff research North Carolina law concerning the County's responsibilities associated with public and abandoned cemeteries. Angela Beeker stated that she had done some research on the matter and shared that information with the Board.

N.C.G.S. 65, Article 1 entitled "Care of Rural Cemeteries" was adopted by the legislature in 1917. Under that statute the following duties and responsibilities were placed upon the Board of Commissioners:

- Maintain a list in the Office of the Register of Deeds of all **public** cemeteries which are **located outside of municipal limits** and which were not established and maintained for use by a municipality.
- Add to the list of public cemeteries those which have been abandoned.
- Send both lists to the Secretary of State.

N.C.G.S. 65, Article 3 requires that the Board of Commissioner:

- Take possession and control of all **abandoned public cemeteries** in the county to:
 - See that the boundaries and lines are clearly laid out, defined, and marked; and
 - Take proper steps to preserve them from encroachment
 - Although not explicit in the statute, it could be argued that the duty to maintain them once the County takes possession and control is implicit in the statute. The County would assume all liability associated with ownership, so Ms. Beeker recommended they be properly maintained.
- The Board of Commissioners may appoint a board of trustees not to exceed five to serve at the will of the Board to carry out the Board's duties with regards to abandoned public cemeteries.

Ms. Beeker stated that the key to the discussion was what was considered an abandoned public cemetery. She was unable to find any pertinent case law for North Carolina, and had conducted a nationwide case search for assistance. Based on that research she stated that it appeared public cemeteries were those that were open to the public generally for burial. Those could arise in the following ways: ownership or control by a public body, express dedication and acceptance by the public or a public body, or implied dedication and implied acceptance by the public. Because there is no case law in North Carolina explicitly on point as to what a public cemetery is, Ms. Beeker felt the Board had some discretion to define what they would consider to be a public cemetery.

With regards to abandoned cemeteries, most of the case law was in the context of an heir versus a land owner dispute. This situation would be where the land owner wants to move the bodies on his property while the heir doesn't want them moved. The minority view was that if a body is present, it's not abandoned. The majority view was that if there is no indication that there was ever a cemetery present, it is abandoned. The public policy behind the majority view is that if the heirs have abandoned a cemetery to such extent that one can't tell there was ever a cemetery present, the private property owner should not be penalized for that.

The State of Kansas has an analogous statute which places ownership of all abandoned cemeteries with the counties. In that statute their legislature defined an abandoned cemetery in terms of failing to care for or maintain a cemetery.

Based on the information she had compiled, Ms. Beeker proposed the following definitions for the Board to consider:

- Public Cemetery – "A cemetery that is or was
 - Owned or controlled by a public body; or
 - Dedicated for use by the public generally by an express or implied dedication, and accepted by the public expressly by an act of a public body or impliedly by the actual use of the cemetery by the general public"
- Abandoned Cemetery – "A cemetery for which there is no ascertainable person or entity responsible for maintenance and care, and which has not actually been maintained or cared for so that it has fallen into a state of disrepair as evidenced by overgrown foliage, broken grave markers, loss of grave identity, or such other circumstances indicating neglect or abandonment."

Ms. Beeker stated that she had found nothing in the statutes that explicitly authorized the County to assume ownership of a private abandoned cemetery. While a County cannot assume ownership, a municipality is allowed to do so.

An additional duty of the Board of Commissions was with regard to removal of graves. Any private person, firm or corporation which owns land on which abandoned cemeteries are located and which are outside of a municipality must receive the prior consent of the Board of Commissioners before moving a grave. There are no guidelines other than the use of the word abandoned. Additionally, the State had made the Board of Commissioners the initial decision maker in disputes between heirs and landowners.

Ms. Beeker answered several questions from the Board regarding the obligations of municipalities with regards to abandoned cemeteries. Commissioner Moyer stated that while the Board is working on the ordinance, he felt it would be very helpful to compile a list of the cemeteries we have in the County and their condition. Chairman Hawkins additionally suggested forming a preservation commission to help work on the issue and compile some information. Commissioner Baldwin stated that he felt those were both good ideas, but suggested the Board act with a sense of urgency since several cemeteries are currently in jeopardy.

David Nicholson stated that in the Commissioner's Office was a book that contained a very detailed listing of a lot of cemeteries, and categorizes many of them by public, church or private cemetery. It also contains some described as other, which are individual grave sites. The Comprehensive County Plan (CCP) contains a map of known cemeteries, and Mr. Nicholson had requested the GIS department determine how to incorporate such information into the GIS system.

Following additional discussion, Commissioner Moyer suggested formation of a committee to begin looking at the sites and suggest possibilities of the direction the County might wish to take. Chairman Hawkins requested staff bring back some coordinated ideas, a charter, and a plan of action in coordination with the CCP with a stepped up schedule.

Federal Disaster Assistance Funds – Emergency Watershed Protection Program

Chairman Hawkins stated that he had recently attended a task force meeting the Governor had put together primarily to deal with what small businesses in the area needed to recover from the hurricane devastation. The Governor had been able to establish a \$1,000,000 fund to be administered through the United Way, and was designated to deal with things not covered under small businesses or FEMA. Henderson County was scheduled to receive about \$33,000 from that fund. Chairman Hawkins got the impression during that meeting that the State would pick up a required 25% match for disaster relief.

At that meeting there was a lot of discussion about what needed to be done in the various counties. A lot of counties were hit harder than Henderson County. One thing that Buncombe County had planned was to waive building permit fees for rebuilding on the same location. Chairman Hawkins suggested Henderson County might consider such a possibility. He continued discussion about the variety of assistance programs that would be available to small businesses and the time frame for applying for FEMA loans.

Justin Hembree stated that following Chairman Hawkins' meeting, County Staff had been on the phone with Staff in the Governor's Office working out the details of how funds would be flowing from Raleigh throughout the State. The amount of money allocated to Henderson County was \$33,550. Those funds were specified for emergency assistance or lack of adequate resources. The Governor's Office had asked counties to form an unmet needs committee to set up the categories or people or needs that will be eligible for funding. Recommended members of that Committee were the DSS Director, the County Manager, and representatives from the Emergency Management Department, the faith community, the United Way and the Salvation Army. Mr. Hembree and Mr. Nicholson requested the Board authorize the formation of that Committee. It was the consensus of the Board to have Staff proceed with Committee formation and to have funds distributed at the Committee's discretion.

Mr. Hembree then noted that within the past several weeks a considerable amount of federal funds had been released to help with flood recovery activities. One program of particular interest was the Emergency Watershed Protection Program. The purpose of the program was to restore normal watershed functions through three functions: removing debris from streams, stream bank stabilization, and landslide projects. The program provided

for 75% of construction costs, so there would be a 25% match required. Mr. Hembree stated they were hoping the State would pick up the 25% match. The General Assembly was scheduled to convene in special session at the end of the week during which they would be looking at a major relief package for Western North Carolina.

The following contingencies on the funds were noted by Mr. Hembree:

- Projects must be economically feasible
- Funds cannot be used to replace or repair bridges or roads
- Funds cannot be used to enhance property
- Funds were for construction costs only. Design costs could count as in kind matching contributions

If the Board would like to pursue participation in the program, a letter to that effect should be issued. Once a determination has been made regarding whether the State would cover the match, formal application could be made. It was the consensus of the Board to have Staff generate a letter of interest.

CLOSED SESSION

Chairman Hawkins made the motion for the Board to go into closed session as allowed pursuant to NCGS 143-318.11 for the following reason(s):

1. (a)(6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee.

All voted in favor and the motion carried.

UPDATE ON PENDING ISSUES

Housing Focus Groups

Selena Coffey updated the Board on a letter which had been received concerning local housing issues. She explained that three focus group meetings would be held in November on the 9th, the 16th and the 30th at the City Operations Center, Hendersonville. In accordance with HUD requirements, the Housing Consortium was required to submit a plan on how they would use approximately \$1.5 million dollars received annually for housing projects. Of those funds, last year Henderson County received \$435,000.

Over a five year period, \$7.5 million dollars is spread across the consortium. To determine the use of those funds, a consolidated plan spanning 2005-2010 was developed by the Consortium. Staff had requested the Consortium broaden the scope of that plan to provide a more thorough assessment of housing needs in Henderson County. Primarily this was requested to address CCP recommendation H-01 Action Step C. Bay Area Economics had been contracted to develop such a study. The plan required no funding from the County as the funds used would be taken from the HUD allocation. Ms. Coffey discussed the advertising strategy to reach people interested in affordable housing issues.

Powerline at Human Services Building

Chairman Hawkins reminded the Board about the ongoing problem with the power line located on the Human Services Building site. He asked Mr. Nicholson to update the Board on the status of the line. Mr. Nicholson pointed out on a map where the line was located. He stated that Duke Power had been contacted about the need to move the line to the back of the property. The County had therefore been working on a building design based on drawings and surveys provided by Duke Power. In the past week, Staff had received a call from Duke Power stating that where they showed the line was not correct, and the information they had previously provided was always subject to change. Duke Power had modified the line location, which showed the right-of-way for the line crossing the corner of the building.

Following discussions with Duke Power, which resulted in their refusal to make any changes to the line location, the architects had made modifications to the plan to accommodate the right-of-way. Fortunately, the architect was

able to mirror the building which actually made the parking situation work better. Following that change, everyone had again signed off on the drawings and the architects were actually ahead of schedule with the design construction documents.

Historic Courthouse

Commissioner Young stated that he had recently received some calls from members of the Courthouse Committee regarding the future of that Committee. Some members indicated they had heard that the Courthouse would not be renovated for a historic landmark, but would be used as a County office building. He stated that if that were the case, the public should know that grants would not be able to be used because the jail could not be torn down.

Chairman Hawkins stated that to his knowledge the last correspondence the Board had with the Committee had been back on July 23, 2004. He was not aware of any other guidance that had come from the Board of Commissioners. Justin Hembree stated that the Courthouse Committee had recently met, and were proceeding with the architects on the design work and conceptual design. He noted that the grant does not specify what the use of the building should be, it would only specify that it be a rehabilitation project to rehabilitate the building as closely as possible to its historic manner.

Commissioner Baldwin questioned what happened when North Carolina's current codes, requiring a modern building, broke with the spirit of returning a building to its original design. Mr. Nicholson explained some previous designs for the Courthouse that made large portions of the building handicapped accessible without making changes to the footprint. There are about 25,000 square feet of space in the building, but not all areas would be accessible.

Commissioner Young stated that his concern was that the grants call for restoration rather than renovation. Justin Hembree stated that this project was classified as, and the grant was approved as a rehabilitation project. Commissioner Baldwin questioned why the County hadn't specified the agreed upon use. Mr. Nicholson reminded the Board that the County had not applied for the grant, it had been put into a federal appropriations act by Congressman Taylor. The money had been appropriated, and the County had to go back after the fact and develop the application.

Chairman Hawkins stated that he had not had conversations with the Courthouse Committee since July 23rd. He questioned Commissioner Moyer on whether he had had any conversations. Commissioner Moyer stated that he had been approached by several members of the Committee regarding his views on the building, and he had shared those views with them. There followed much discussion, some heated, about issues regarding communications by the Board.

Communications with Staff

Commissioner Baldwin reminded the Board that there had been some previous discussion about the possibility of making the transition from the paper communications currently received by the Board to more of an electronic format. He felt it would be helpful to have communications in an electronic format that could be accessed remotely. David Nicholson stated that he liked the idea, and stated that he would like to have Staff do some research on the topic.

There being no further business to come before the Board, *Chairman Hawkins made the motion to adjourn the meeting. All voted in favor and the motion carried.*

Attest: