

MINUTES

**STATE OF NORTH CAROLINA
COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS
FEBRUARY 7, 2005**

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 Bill Moyer, Vice-Chairman Charlie Messer, Commissioner Larry Young, Commissioner Shannon Baldwin, Commissioner Chuck McGrady, County Manager David E. Nicholson, Assistant County Manager Justin Hembree, Acting County Attorney Russell Burrell, and Clerk to the Board Elizabeth W. Corn.

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

CALL TO ORDER/WELCOME

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

PLEDGE OF ALLEGIANCE

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

INVOCATION

David Nicholson gave the invocation.

INFORMAL PUBLIC COMMENTS

1. William Alexander – Mr. Alexander spoke to the issue of setting the date for the Public Hearing on Rezoning Application #R004-05 (listed under Important Dates on this agenda). Planning Staff had recommended that the Public Hearing be set for Tuesday, March 8 at 7:00 p.m. He concurred with that date and asked that the Board set the Hearing for the recommended date.

Chairman Moyer mentioned that there was a potential scheduling conflict for March 8 and the Board will discuss changing that meeting date when they get to “Important Dates” on the agenda.

Mr. Alexander stated that he would stay for that discussion so he could witness the results.

2. Celia Hinds Engelman – Ms. Engelman had e-mailed each of the Commissioners regarding the up-coming Wednesday meeting (Public Hearing on Rezoning Application #R-04-04 [Ingles Market]). The day after sending that e-mail she saw the new transportation plan. Once again it shows I-26 going to Hwy. #25 and #191. She objects to that plan.

Chairman Moyer explained that there would still be lots of time to voice opinions regarding that issue.

DISCUSSION/ADJUSTMENT OF AGENDA

DATE APPROVED _____

Chairman Moyer stated that the Tax Collector's Report this time has to be made in person to the Board, cannot be on the consent agenda so he asked that that item be pulled from the consent agenda and suggested putting Mr. Lyda as the first discussion item, even before "Item A".

Chairman Moyer also stated that under "Important Dates" the Board needs to talk about the date of the first meeting in March. The Commissioners who are attending the NACo Conference in Washington, D.C. have requested an audience with our Legislators. It is likely that will not take place until Tuesday, March 8; therefore, being a conflict with the March 8 meeting date.

Commissioner McGrady made the motion to approve the revised agenda. All voted in favor and the motion carried.

CONSENT AGENDA

Commissioner McGrady made the motion to approve the consent agenda, minus "Item E – Tax Collector's Report". 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:
December 15, 2004, regularly scheduled meeting.

Financial Report – December 2004

Cash Balance Report – December 2004

These reports were presented for information and consent approval by the Board.

The YTD costs in the General Fund Non-Departmental line item is the annual property/liability and workers compensation insurance premiums paid to the NCACC Insurance Risk Pools for FY2005. The remaining 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 grant funds to reimburse these expenditures.

The Human 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 in the current fiscal year.

Henderson County Public Schools Financial Report – December 2004

The Schools December Financial Report was presented for information and consent approval by the Board.

Tax Collector's Report – pulled from consent

Scattered Site Program Contract for Application Preparation

Following the first Public Hearing on the County's Scattered Site Housing (SSH) Program CDBG held on January 19th, staff requested that Land-of-Sky Regional Council prepare the County's 2005 SSH application for the amount of \$3,500, which is set aside within the grant. The technical services contract is for the preparation of the County's SSH grant application and requires no County funds.

The County Manager recommended that the Board authorize the Chairman to sign this contract document for forwarding to Land-of-Sky Regional Council and completion of the 2005 SSH grant application.

NOMINATIONS

Notification of Vacancies

The Board was notified of the following vacancies which will appear on the next agenda for nominations:

1. Criminal Justice Partnership Program – 5 vac.
2. Recreation Advisory Committee – 3 vac.

Nominations

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

1. Animal Services Committee – 7 vac.

Commissioner Baldwin nominated Vicki Audia.

Commissioner Messer nominated Tom Johnson.

Commissioner Young nominated Michael Gamble and Dr. Martin.

Commissioner McGrady nominated Carrie Carman, Meg Paton, Joe Duckett, and Captain Rick Davis.

Commissioner McGrady also nominated Steve Brasnell.

Following some discussion, *Commissioner Baldwin made the motion to appoint the two veterinarians (Carrie Carman & Dr. William Martin) and the Sheriff's Department representative (Captain Rick Davis) to three of the seven slots. A vote was taken and the motion carried unanimously.*

There was discussion about the size of the committee.

Chairman Moyer made the motion to amend the Charter to raise the number of appointees from seven to nine. All voted in favor and the motion carried.

Commissioner Baldwin made the motion to appoint the remaining nominees to fill the vacancies on this committee. All voted in favor and the motion carried.

2. Cable Franchise Renewal Advisory Committee – 6 vac.

Chairman Moyer asked Mr. Nicholson to update the Board on this issue.

Mr. Nicholson stated that this item was discussed at the last LGCCA meeting on January 18. He tried to clarify the issue of the municipalities' involvement in this discussion. The municipalities confirmed to the County, with the exception of Fletcher, that they all wanted this to also be their formal process. The Town of Fletcher's contract expires several years out. They have recently reconsidered and probably will join the other municipalities and the county in this franchise renewal process. The Charter for this committee allows for participating municipalities to become much more involved in the discussions. This is a very legal process. The managers will become involved as well as the attorneys.

Mr. Nicholson stated that any of the participating municipalities can appoint a committee member. There will be six members appointed by Henderson County and each of the participating municipalities will appoint one member.

Amy Brantley reminded the Board that John Crook and Dusty Rhodes were nominated by Commissioner McGrady on December 15. Since then we have received applications for Lorette Zwicker, David Blackwelder, David Hutto, Howard Molten, and a letter of nomination for Randy Houston.

Mr. Nicholson stated that John Crook had been named as the representative from Laurel Park and Terry Hicks had been named as the representative from Flat Rock. Mayor Roger Snyder will be the representative from Mills River.

John Crook's name was deleted as a nominee from the county, leaving only Dusty Rhodes as a nominee.

Commissioner Baldwin nominated Dr. Tom Ledbetter.

Commissioner McGrady nominated David Hutto, Howard Molton, Doug Jarvis, and David Blackwelder.

Commissioner Messer nominated Rick Houston.

Chairman Moyer nominated Lorette Zwicker.

This item was rolled to the next meeting for action.

3. Fire and Rescue Advisory Committee – 1 vac.

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

4. Juvenile Crime Prevention Council – 3 vac.

Commissioner McGrady nominated Erik Summey to position #3. There were no other nominations.

Chairman Moyer made the motion to accept Mr. Summey by acclamation. All voted in favor and the motion carried.

5. Mountain Area Workforce Development Board – 1 vac.

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

6. Nursing/Adult Care Home Community Advisory Committee – 11 vac.

Ms. Brantley explained that pursuant to the Board's procedure for filling vacancies on this Board, she must announce all the vacancies for the up-coming calendar year at the beginning of each year. Positions #19 and #20, Stephanie Staton and Janice Aho both expired at the end of January. They are eligible to be reappointed.

Chairman Moyer nominated Staton and Aho and encouraged them to continue to serve for positions #19 and #20.

Commissioner Baldwin nominated Lloyd Cain to position #20.

Chairman Moyer made the motion to accept Ms. Staton for position #19 by acclamation. All voted in favor and the motion carried.

Position #20 was rolled to the next meeting for action.

Animal Services Committee

Ms. Brantley explained that the Charter calls for staggered terms of service before everyone gets a three-year term. There will be two positions expiring in one year, two expiring in two years, and three for the full three-year term. She asked if the Board wished to make those designations at this meeting.

It was the pleasure of the Board for Ms. Brantley to fill that rotation in by alphabetizing the names and then going down the list designating 1 year, 2 years, and 3 years and then repeat as necessary.

Community Child Protection Team

At the previous meeting, Commissioner McGrady requested staff to research possible changes to the composition of the Community Child Protection Team. That research had determined that no change had occurred to NCGS 7B-1407(d) which states that “The Board of County Commissioners may appoint a maximum of five additional members to represent county agencies or the community at large to serve on any Local Team.”

However, the CCPT guide issued at the end of 2004 stated “To insure broad community representation, CCPTs may decide if additional members are needed on the team and develop a mechanism for using these individuals for the purposes of CCPT. These contributing members may be used as advisory members or may make up subcommittees.”

Staff’s interpretation of the new guide would be that if the CCPT feels additional members are necessary, it would be incumbent upon the team itself to “develop a mechanism” to incorporate those members. By statute though, the Board continues to be restricted to a maximum of five appointees.

Commissioner McGrady serves on this team and expressed that there was some interest on the team of adding a couple more members. The Team can add advisory committee members.

Tax Collector’s Report

Mr. Lyda – “In accordance with NCGS 105-369, Advertisements of Tax Liens on Real Property for Failure to Pay Taxes, I respectfully submit the following report:

<u>Annual Bills (not including Motor Vehicles)</u>	
2004 Total Collector’s Charge:	\$38,935,644.33
Payments:	\$36,138,150.99
Unpaid Taxes:	\$ 2,797,493.34

Percentage Collected through 2/2/2005: 92.82%

Advertisement of Tax Liens:

Effective January 1, 1985, Ch. 1013 (H1676) amends NCGS 105-369 to provide that tax liens need to be advertised only once. A taxing unit may choose to advertise the tax liens more than one time, but it is not required to do so. The list must still be posted at the Courthouse or City Hall door and it must be advertised in one or more newspapers having a general circulation in the taxing unit. The advertising may be done at any time from March 1 through June 30.

Effective January 1, 2001, NCGS 105-369 has been modified and will require us to provide notice to and advertise liens under the name of the current owners of real property as well as the listing owners.

It is my recommendation to the Board of Commissioners that unpaid tax liens be advertised once: on May 16, 2005 (the third Monday in May). The reasons for my recommendation are as follows: (1) our tax statements sent to the taxpayers tell them that as long as their taxes are paid by April 30, their lien will not be advertised; (2) the Times-News states that they must have ample time for preparation of the advertisement; and (3) with the implementation of the new rules regarding advertisement, our costs per parcel will essentially double even without allowing for any per-inch increase the newspaper may add.

Since many people rely upon income tax refunds to pay their property taxes, I feel we should remain on the same schedule we have used to reduce as far as possible the costs incurred by advertising. Giving taxpayers until the end of April to pay ensures that anyone who is planning to use income tax refunds to pay county property taxes has an opportunity to do so. Respectfully submitted, Terry F. Lyda, Tax Collector.”

When questioned, Mr. Lyda explained that last year as of this time 91.41% had been collected. This year about \$487,000 more has been collected as of the same time.

Mr. Lyda had also presented the Tax Collector’s Report (monthly) dated February 3, 2005. This report included collections information through January 31 for the 2004 tax bills mailed out on September 1, as well as motor vehicle bills. This was a very successful tax season and the new software program made many aspects of the collections process more efficient.

Chairman Moyer asked Darlene Burgess, Deputy Tax Collector and Delinquent Tax Collector, to give a status report on the things she is working on.

Mrs. Burgess informed the Board that they just finished having a tax sale last month (January). She stated that it might have been the first sale they’d ever had in the dead of winter and may be the last. They sold 23 pieces of property. They’ve had about a dozen upset bids on those properties. It will likely be awhile before we finally come to the end of that process where the properties will pass hands.

Mrs. Burgess stated that they continue to process garnishments. The new software helps quite a bit. It allows them to be more efficient and to extend their resources. She stated that they probably process at least \$20,000 in garnishments every month for the past 4-5 months.

Mrs. Burgess stated that last week they had just over \$8,000 unpaid real estate bills for the past 10 years. They bill 96,000 parcels every year. They are getting the real estate cleaned up and are starting to focus on the business personal property now.

Chairman Moyer stated that one of the big issues we still have is the tax on vehicles which is continuing to be a bigger problem to collect. The County Commissioners are working on that through the legislative goals process and Stan Duncan and Terry Lyda are working on it. We’re hopeful to get a better process worked out. It’s going to take awhile.

Civil Paper Service Fees/Civil Process Position

Sheriff Erwin came to the Board to discuss NCGS 7A-311(C) regarding civil process fees. During the last legislative session, the NC General Assembly passed a bill that increased fees charged for civil paper service from \$5 to \$15. NCGS 7A-311(C) requires that the majority of these revenues be used for the cost of processing civil papers, which may include the hiring of law enforcement personnel upon the recommendation of the sheriff. The Sheriff recommended that the additional revenue being generated by these fees be used to add an additional deputy for the purpose of processing civil papers.

Sheriff Erwin serves as co-chair of the Sheriff’s Legislative Committee and this was one of their top priorities to address this issue. He said that it costs more than \$5 to serve a civil paper.

To lead into that issue, Sheriff Erwin shared several things with the Board. One was a letter from him to the Board regarding the North American Police Work Dog Association Conference. It will be held June 19 – 24, 2005. This is the largest canine conference in the nation. It normally goes to larger cities but we

were fortunate to get this conference here. Sheriff Erwin stated that it should be an economic plus for our community. We will have over 600 people here for that entire week. They are working closely with Bob Williford of the Chamber of Commerce and Melody Heltman of Travel & Tourism to prepare for this conference.

Sheriff Erwin stated that they have been advising Gaston County Police on how to start a Domestic Violence unit. Two of the Majors from Forsyth County Sheriff's office were here last week. They are helping them to start a volunteer program in Forsyth County. They also have been to Mitchell County helping them to start a Mounted Patrol Volunteer Program. They have also been advising the Cleveland County Sheriff's office on the fair labor standards act on how to pay overtime.

Sheriff Erwin praised the Board of Commissioners. Six months ago this Board voted to allow the Sheriff's Department to pursue a Domestic Violence grant through the Governor's Crime Commission. Henderson County received that grant. For the six month period of time the Henderson County Sheriff's office responded to 1,568 domestic calls which follows the trend of normally 3,000 calls a year handled. Of those calls, 313 calls were determined that needed follow-up investigation at the normal police office, that a deputy sheriff does not do. Of the 313 calls, they made 200 arrests. Sheriff Erwin stated they have a 95% conviction rate on those 200 arrests. They referred 261 children to the Department of Social Services and seized 79 firearms. They served 222 domestic violence orders during that six month timeframe. Additionally their Domestic Violence Investigators, Duane Frickle and Amber Burgess have done a great job in this unit. They were appointed to a state-wide advisory committee to address domestic violence issues in the state. Sheriff Erwin stated that Henderson County is on the forefront and on the cutting edge of things that other communities in this state are not.

There were some questions raised about these reports and how they related to the item on the agenda. It was stated that it would be helpful for the Board to get periodic reports from the Sheriff but it was not listed on the agenda for today. It was a question of protocol.

Chairman Moyer got everyone back on task.

Mr. Nicholson had stated that since the new position would be self-supporting through civil paper service fees, it was his recommendation that the Board authorize the establishment of the requested position and approve the prepared budget amendment.

Sheriff Erwin turned the floor over to Captain Rick Davis who promised it would not be death by PowerPoint. He explained that the Sheriff's office has the duty to serve and process civil papers to the entire county area, including all municipalities. Captain Davis explained that Civil Process has not had a new employee since 1993. He reviewed the make-up of the Civil Process Office. The last increase in civil paper service fees was in the late 1970s when it went from \$3 to \$5.

Following discussion, *Commissioner McGrady made the motion to authorize the establishment of the new position and approve the budget amendment to provide the new deputy. All voted in favor and the motion carried.* Commissioner McGrady thanked Captain Davis for his presentation and his work on this.

2005 STRATEGIC PLAN - Draft 2

Selena Coffey had presented the second draft of the 2005 Strategic Plan for the Board to review. This draft included the revisions made by the Board of Commissioners during the January 25 Board Retreat, which are highlighted. No changes were made to the introductory information; therefore, those sections will not be reprinted until presentation of the final draft.

Mr. Nicholson recommended that the Board of Commissioners discuss any other changes necessary for the 2005 Strategic Plan, including revisions to the CCP Implementation Schedule. Should the Board wish to proceed with finalizing this draft without significant change, staff will present a resource chart and scheduling chart at the mid-month meeting in February.

Following some discussion including a few minor revisions, *Chairman Moyer made the motion to accept the County Manager's recommendation to finalize this draft and for staff to come back to the Board with charting and resource needs. All voted in favor and the motion carried.*

PRELIMINARY HIGHWAY MAP – Comprehensive Transportation Plan, Phase I

Justin Hembree informed the Board that on January 27, 2005, Beverly Williams, of the North Carolina Department of Transportation presented to the Henderson County Transportation Advisory Committee (TAC) a Preliminary Highway Map for Phase I of the Henderson County Comprehensive Transportation Plan (CTP). The TAC is requesting that each governing board in the county review and provide comments on the Preliminary Highway Map. The TAC plans to initiate a public input process on the Map after receiving comments from the governing boards.

The Preliminary Highway Map, a staff memorandum and other materials were included for the Board's consideration.

Mr. Hembree provided the Board with an overview of NCDOT's recommendations. There had been a large copy of the Preliminary Highway Map in Mr. Hembree's office for review.

Mr. Nicholson suggested that after reviewing the materials and discussing the NCDOT recommendations, that the Board should consider what comments it would like to send to the TAC on the Preliminary Highway Map.

Project Description

The Preliminary Highway Map is one component of the overall CTP (Comprehensive Transportation Plan) for Henderson County. The CTP will consist of a series of maps that show the transportation infrastructure that will be needed to manage travel demand in the study area during the life of the CTP (through 2030). The CTP will be a multi-modal plan, meaning it will include recommendations for public transportation and rail, bicycles, and pedestrians, as well as for roads. NCDOT is still working on its recommendations for the other transportation modes.

The CTP is being prepared by NCDOT in phases. Phase I, which has been in progress for several years, encompasses a study area that is concentrated on the transportation network serving the central core of Henderson County. Phase II will include areas of the county that fall outside of the Phase I study area but are within the French Broad River Metropolitan Planning Organization (FBMPO) planning areas.

A travel demand model developed by NCDOT, with assistance from a consulting firm, forms the basis for the recommendations shown on the Preliminary Highway Map. The model takes into account current and future population and employment statistics for the study area. Using the model, NCDOT identified deficiencies in the existing road system and anticipated where future problems might occur. The model also allows NCDOT to see the impact of changes or improvements to the transportation network, such as those due to planned road projects. NCDOT and the community can also test examine alternative growth scenarios and solutions to transportation needs through the model.

The CTP will eventually have to be adopted by the FBMPO as well as NCDOT. Because it is a long-range plan that identifies priorities for transportation improvements in Henderson County it will help justify projects proposed for the NCDOT Transportation Improvement Program (TIP) in the coming years. The CTP must be updated every five years.

NCDOT Findings

Current TIP Projects – The projects currently identified in the TIP as funded projects are considered constructed by 2030 for the Plan analysis. NCDOT staff has noted that these projects will offer much needed improvement to the highway system and will need local support to advance.

Inner Loop – Improvements in lane width, alignment, and traffic operations on several local streets will facilitate traffic movement around downtown Hendersonville. Many of these improvements can be accomplished at the NCDOT Division level and may not require TIP funding.

Corridor Improvements – US 25 North, US 176, and Four Seasons Boulevard should be given a more detailed study in an effort to identify any access management techniques and land use considerations that can maintain mobility in these areas. US 25 North currently has sufficient capacity to act as the primary entrance to Hendersonville. Following the completion of the current US 25 North project, I-26 signage changes are recommended to divert traffic from the north to downtown Hendersonville along this corridor rather than continue to the US 64 interchange.

Howard Gap Road – As development increases on the eastern side of the planning area, Howard Gap Road will become a major north-south corridor. In order to maintain the mobility on this corridor, special consideration must be given to control of access to adjacent development. Improvements in alignment, addition of turn lanes, limited driveway cuts, use of service roads, and limited signalized intersections are recommended as strategies to maintain capacity. For protection of future needed rights-of-way, a four-lane median-divided cross-section is recommended. This corridor will be given additional study in Phase II.

Northern Connection – An additional I-26 interchange north of US 64 offers the most relief in future traffic volumes for Four Seasons Boulevard. Several interchange locations were studied. However, the Balfour Parkway alignment is preferred by the TAC. This new location facility allows a limited access roadway that can be implemented in stages to provide connections to US 25, NC 191, and US 64. In addition to a new interchange at I-26, this alignment will require an interchange at US 25 North to allow a railroad crossing. This facility will require major TIP funding and in-depth environmental and design considerations.

Staff Comments

Planning Staff had reviewed the Preliminary Highway Map in terms of its relationship and/or impact on current plans and projects of Henderson County Government and offered the comments that follow. Karen Smith reviewed these comments with the Board:

Relationship to the CCP – staff has found that the improvements and new road construction projects proposed on the Preliminary Highway Map support the principles of the CCP. The Transportation Element of the CCP has one recommendation: “Develop and maintain a high quality transportation network, and continue to provide leadership at every level in transportation planning.” The first action strategy under CCP Recommendation T-01 is: “Adopt and Implement a Multi-modal Transportation Plan.” This action strategy acknowledges that the CTP is under development by NCDOT but does not assume that the CTP is the plan that will be adopted by Henderson County.

The Phase I study area for the CTP is similar to the Urban Services Area identified in the Growth Management Strategy of the CCP. Through the Growth Management Strategy, the County has determined that it wants to focus growth, including investments in infrastructure, within the Urban Services Area. The proposed projects on the Preliminary Highway Map will help accommodate such additional growth. Three of the next four small area plans proposed in the CCP are in areas where road improvements are proposed (East Flat Rock/Upward Road, NC 191 South/Mills River East and Howard Gap Road). When funding is provided and planning begins for specific road projects, the County will need to review such projects at a more detailed level and in light of other planning efforts, such as the small area plans. Coordinating land use and transportation planning will be critical as the County implements the CCP and develops the small area plans.

The recommendations accompanying the Preliminary Highway Map state that certain road corridors should be studied in more detail to identify if there are access and land use management techniques that would maintain mobility on the roads. Action Strategy B of Recommendation T-01 in the CCP is: "Identify and incorporate access management standards and requirements into County land development ordinances." The Board will recall from its Strategic Plan discussions that staff intends to examine access management standards in developing the Land Development Code. The Land Development Code should also provide the County with a greater ability to manage land uses in and around major road corridors.

Relationship to Other Plans and Projects – The "Balfour Parkway" shown on the Preliminary Highway Map could ultimately provide connections between I-26, US 25, NC 191 and US 64. It is intended that the project be constructed in stages. A conceptual alignment for the project is shown on the map prepared by Laughter, Austin and Associates. That map shows the proposed road section between US 25 and NC 191 spanning portions of several County properties, including those containing (or to contain) the landfill, Stoney Mountain Activity Center and the future animal shelter. The proposed road is also shown as crossing the Henderson County Public Schools bus garage site and the old prison camp property owned by NCDOT. The CTP recommendations indicate that substantial funding as well as detailed environmental and design work would be needed if the project were to be constructed.

Mr. Hembree asked the Board's pleasure on how they would like to proceed on this.

Jack Lynch, Chair of the TAC (Transportation Advisory Committee), stated that the original concept for the public hearings was to bring this to the Board of Commissioners and all the out-lying communities. In the event that either the Commissioners or the out-lying communities, which know the road system, have a major objection they would take it back to DOT before taking it out for a public hearing, in the event of a major problem. If there was a minor problem with a single community and/or the Commissioners, they would take that and review with the Commissioners and/or the out-lying community. The idea behind the system was to look at major problems that might have been identified and take it back to NCDOT or review internally. From there, they would go out to public hearings. They would hold one or two public hearings, probably in the out-lying areas so that the public could get there. With regard to the TIP, he assured the Board that a lot of things would not be back on the TIP this coming April. Due to the shift in DOT funding, some of these projects will get delayed.

Following discussion, it was the consensus of the Board for staff to draft a letter of recommendation to send to the TAC based on the Comprehensive Plan. In the meantime each Commissioner should think about any major problems or concerns and the Board will discuss those at the next Commissioners' meeting on February 16.

Technical Break

Chairman Moyer called a brief technical break to change videotape.

JAIL DEMOLITION PROJECT

Mr. Nicholson discussed the issue of the demolition of the old jail and asked for approval from the Board to proceed with seeking bids on the project.

The main issue of this project has been the effect of the demolition of the jail to the annex. On January 30, 2005, Wilson Engineering provided a report which was included in the agenda packet for the Board's review. It was their opinion that the annex and the jail are not connected. They believe that the annex was built to the existing code at that time and is stable on its own. They further believe that the annex will need some stabilization but not as much as once thought. They proposed that when the wall is built for the annex that a "wing wall" be constructed. This wall will then be incorporated within the service annex.

Mr. Nicholson stated that he met with George Jones last week. Dr. Jones indicated to Mr. Nicholson that he has been in conversation with Congressman Taylor. Dr. Jones' understanding is that the money is now in a pot labeled "Save America's Treasures" and in that aspect we would have some issues to deal with. Congressman Taylor has indicated that those monies could be moved from one pot to another. We need a little time to deal with the issue of moving those funds from one federal pot of money to another federal pot of money.

Chairman Moyer inserted here that his discussions with Dr. Jones indicated that he remains quite confident that if we work this right that we will be in a position to do what we want to do and protect that federal money. To that end, Chairman Moyer and Vice-Chairman Messer hope to have sessions with our two Senators and Congressman Taylor at the up-coming March meeting in Washington, D.C.

Mr. Nicholson recommended that the Board authorize staff to develop a bid package for this project. Once bids are received they will be presented to the Board for consideration.

Following much discussion, *Commissioner McGrady made the motion to authorize staff to develop a bid package for the jail demolition project, while continuing all efforts to secure and maintain federal grant monies. All voted in favor and the motion carried.*

CENTRALIZED PERMITTING AND ENFORCEMENT PROPOSAL

David Nicholson reminded the Board that at the January 19 meeting, the Board requested that staff survey other county governments concerning their permitting and enforcement functions.

The following bullets summarize staff findings:

- Many units have centralized their permitting functions, with the exception of the issuance of septic permits, which remains under the local health department. The best example of this is in Randolph County where the 'general county' departments are housed within one facility while the Environmental Health staff is located several miles away. They have addressed the coordination issue by assigning a sanitarian to the central permitting function each morning to handle specific questions. They have not fully computerized this function as Mr. Nicholson has proposed we do.

- Some units have consolidated their enforcement and permitting functions under one large “Development Services” area. However, the enforcement function has not been centralized but remained within separate departments.
- None of the survey respondents have consolidated their enforcement and permitting functions into one department.

As staff presented the draft of the 2005-2006 Strategic Plan last week, the Board discussed many areas that Mr. Nicholson has proposed to be addressed within this effort and he believes that much of our success in the upcoming years will hinge on the County’s ability to enforce our current and new ordinances and to enhance our permitting processes in order to keep up with the County’s growth. For this reason, he sees the enforcement and permitting functions as going hand-in-hand and recommends that the Board approve this concept. Mr. Nicholson believes that, in consolidating these functions, Henderson County has the opportunity to proactively meet the demands of growth in our community and be innovative in our service delivery processes.

Mr. Nicholson requested that the Board approve the prepared budget amendment which would authorize him to begin the process of developing what he believes to be an important reengineering of these functions and the hiring of a director.

Following much discussion, *Commissioner McGrady made the motion to approve the budget amendment authorizing the hiring of an enforcement director and to utilize inspection fees to do so. All voted in favor and the motion carried.*

UPDATE ON PENDING ISSUES

Commissioner Young – Report from Stan Duncan concerning tax base

Stan Duncan reminded the Board that the General Assembly took the inventory tax away from us some years ago. He referred to the report table he had prepared and included in the agenda packet, stating that the tax base is made up of four components. Overwhelmingly real property (homes, land, commercial structures) constitute the largest component of the tax base. Last year for us real property amounted to 81.31% of the tax base. Those values are established as of 1/1/2003, the date of the last reappraisal in Henderson County.

Personal property is composed of several different elements. It is the business personal property or any personal property that is used in the production of income such as store fixtures, furniture, computers, equipment (if owned) and machines. Also included in personal property are boats and motors, aircraft, and untagged motor vehicles.

Public Utility property is made up of Duke Energy, BellSouth, Norfolk-Southern Railroad, Trucking Lines, and others (any kind of regulated public service company).

The last component is DMV or registered Motor Vehicles. These are the vehicles we drive on the road.

Mr. Duncan explained that for the fiscal year 2004-05, they have not completed the cycle on registering motor vehicles and will not complete that cycle until someone who gets a tag this month and their information has been transmitted to DMV in Raleigh and about four months later we will bill that vehicle. That will be the completion of our current fiscal year cycle. At this point, Mr. Duncan is trying to project values per registered motor vehicles based on something that is an incomplete historical set of records. His only complete year is 2003-04. That number is his best estimate as to what motor vehicles might

contribute for 2005-06. Again the first month that we will actually bill for a motor vehicle in the new fiscal year, after the tax rate is set, will be the people who renew or get a license tag for the first time in March. That will be the first set of data that comes through that can actually be billed in the new fiscal year.

Mr. Duncan reiterated that of all the four components, the real property is the more easily nailed down. His staff is still in the process of picking up the new construction. With the new software system they are actually completing picking up partially completed improvements. By the end of February they should have a very hard reliable number on the real property. For personal property, a lot of those will ask for an extension on the listing period. He tries to remain cautiously optimistic but conservative on that personal property number. For public utilities, he relies on some contacts he has within that sector as to what they are seeing. Mr. Duncan thinks we will hold our own there this year but that is subject to change as we get further into the cycle. On registered motor vehicles, that number may very well change a little bit, based on what he actually has completed.

The main thing that Mr. Duncan wished to stress was that any time the tax base moves one way or the other, either of the components, there is a shift that occurs. In the case of personal property we know that last year Steelcase announced that they were closing. The value for Steelcase was held for the tax year 2004 because they did not announce until after January 1. They were able to hold that value for 2004 and made no adjustments on their personal property listing or their real property. During the course of the calendar year 2004 Steelcase has been making withdrawals and have been making equipment idle. They have recently been grouping that equipment and being tagged by a liquidator from New Jersey. There are items of personal property that are coming out of production. Mr. Duncan stated that he will be forced to make a rather significant adjustment based on that fact for the fiscal year 2005-06. For instance, when he takes \$15 million out of the tax base, it will hurt our economy. If there is not substantial new investment, we will lose 10% of that component to the tax base.

Mr. Duncan stated that we are still very early in the year. He thinks we will see a slight improvement in the real property number. In public utilities and DMVs there will be some movement. These numbers are all countywide. He does feel that the growth in real property will outpace the loss in personal property.

Historic Courthouse Centennial Celebration

At the last Commission meeting, Tom Orr presented the idea of developing a celebration for the Historic Courthouse's 100th Anniversary. Following that meeting, Mr. Nicholson met with Mr. Orr to discuss this issue. There are no formal plans as yet. However, they were seeking the Commissioners endorsement of a community celebration in honor of the Historic Courthouse. Mr. Nicholson has committed to assist Mr. Orr in this effort.

Commissioner McGrady made the motion that the Board endorse the concept of the Historic Courthouse Centennial Celebration. All voted in favor and the motion carried.

Cable Franchise Renewal Advisory Committee Charter

Mr. Nicholson had reviewed the charter with the Board previously. The revision to the charter was basically that all the municipalities had agreed to let this process be their process for franchise renewal also.

Commissioner Messer made the motion to approve the revised Charter. All voted in favor and the motion carried.

Upward Road

Chairman Moyer informed the Board that about a week ago Conrad Burrell and Joel Setzer asked to meet with him to discuss transportation matters. He asked Commissioner Messer to also sit in on the meeting. Mr. Burrell and Mr. Setzer basically wanted to discuss Upward Road. David Nicholson, Justin Hembree, and Jack Lynch also joined the meeting.

Chairman Moyer stated that the clear message was that the Upward Road project is in jeopardy and unless we get behind the project and endorse their recommendations for the road (four-lane divided highway) then they would have to study the issue some more and there would be a delay and possible loss of funding for the project. The project as designed is fully funded and will come out on the TIP fully funded.

Chairman Moyer stated that NCDOT wanted to see letters of support from the County, the City of Hendersonville, the TAC, and the Chamber of Commerce.

Following that meeting, Chairman Moyer and Commissioner Messer met with the City of Hendersonville and the Chamber of Commerce and forwarded the message and the maps. Mr. Lynch stated that he would take the issue back to the TAC (Transportation Advisory Committee). Since that time, the City of Hendersonville has released a statement of endorsement for the project.

Chairman Moyer asked that this issue be placed on the agenda for the next Board meeting for approval of a Resolution of Support for the project.

IMPORTANT DATES**Change in March meeting dates**

March 8 @ 5:30 p.m. is the scheduled date and time for a regular Commissioners' Meeting. Some of our Commissioners are going to Washington, D.C. to a meeting and plan to meet with legislators while there. The date for the meeting with our legislators is March 8; therefore, Chairman Moyer felt the need to change that Commission meeting date. Following discussion, it was decided to move the mid-month meeting also due to the closeness of the two meetings. Therefore, *Chairman Moyer made the motion to change the March 8 meeting to Wednesday, March 9 at 5:30 p.m. All voted in favor and the motion carried. Commissioner McGrady then made the motion to change the March 16 meeting to March 23 at 9:00 a.m. All voted in favor and the motion carried.*

Tentative Date for Strategic Planning Retreat

The Board had earlier reserved February 12 for a tentative date to continue a Strategic Planning Retreat. *Commissioner McGrady made the motion to release that date as a meeting date. All voted in favor and the motion carried.*

Set Public Hearing on Rezoning Application #R-04-05 (I-2 to R-10) Hollabrook Farms, Applicant; William M. Alexander, Jr., Applicant's Agents

Rezoning application #R-04-05, which was submitted on December 20, 2004, requested that the County rezone a 106.57 acre (approximate) parcel of land, located off Butler Bridge Road (SR #1345), from an I-2 (General Industrial) zoning district to an R-10 (High-Density Residential) zoning district. The applicant is Hollabrook Farms and the Applicant's Agent is William M. Alexander, Jr.

The Henderson County Planning Board first considered rezoning application #R-04-05 at its regularly scheduled meeting on Tuesday, January 18, 2005, at which time the Board took the following actions:

1. Voted three to three on a motion to send the Board of Commissioners an unfavorable recommendation on rezoning the Subject Area to an R-10 district. Motion failed.
2. Voted four to two on a motion to send the Board of Commissioners a favorable recommendation on rezoning the Subject Area to an R-10 district. Motion passed.

Before taking action on the application, the Board of Commissioners must hold a public hearing. Staff proposed that the hearing be scheduled for Tuesday, March 8, 2005 at 7:00 p.m.

Since the Board just changed the March 8 meeting date to March 9, *Commissioner McGrady made the motion to set the recommended Public Hearing for March 9 at 7:00 p.m. All voted in favor and the motion carried.*

Joint Meeting with Buncombe County

Mr. Nicholson stated that he had been approached by the Buncombe County Manager (Wanda Green) concerning a joint meeting between the two boards in order to generate knowledge and support for the North Carolina Association of County Commissioners' Legislative Goals. Buncombe County indicated their willingness to attend Henderson County's next regularly scheduled meeting of February 16, 2005.

Following discussion, it was the consensus of the Board to add this to our agenda for February 16 at 11:00 a.m.

Schedule Public Hearing on Board Initiated Rezoning Action #R-05-01 (US Highway 25 North Study Area)

At the Special Called Meeting on January 12, 2005, Staff introduced the Board of Commissioners to the US Highway 25 North Zoning Study. The Board then requested that Staff develop a process and schedule for collecting public input on the recommendations of the Study. Staff had prepared a Revised Summary of Proposed Public Input Process for the US Highway 25 North Zoning Study. This document outlines a tentative process and schedule recommended by Staff for collection of public input on this subject culminating in a public hearing.

To begin this process, it is necessary for the Board of Commissioners to set a date for the public hearing(s). Staff recommended that the hearing be scheduled during the week of March 21, 2005. A list of possible locations and times was reviewed.

Mr. Nicholson expected that the Board will receive substantial input from the citizens within the area so he did not recommend that the Board of Commissioners hold the hearing at one of the regularly scheduled meetings. According to the revised schedule the Board could hold the public hearing on Rezoning Action #R-05-01 during the week of March 21, 2005. The meeting room is currently available on Monday, Wednesday, and Thursday of that week.

Following discussion, *Commissioner Young made the motion to set this public hearing for Monday, March 21 at 6:00 p.m. at West Henderson High School. All voted in favor and the motion carried.*

CANE CREEK WATER & SEWER DISTRICT – no business

CLOSED SESSION – none

February 7, 2005

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ADJOURN

Chairman Moyer made the motion to adjourn the meeting at 8:49 p.m. All voted in favor and the motion carried.

Attest

Elizabeth W. Corn, Clerk to the Board

William L. Moyer, Chairman