

MINUTES

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS
JULY 20, 2005

The Henderson County Board of Commissioners met for a regularly scheduled meeting at 9:00 a.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, 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, Public Information Officer Chris S. Coulson, Fire Marshal Rocky Hyder, Finance Director J. Carey McLelland, Planners Lori Sand and Matt Cable, and Animal Control Director Morgan Woodward. 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 McGrady led the Pledge of Allegiance to the American Flag.

INVOCATION

David Nicholson gave the invocation.

DISCUSSION/ADJUSTMENT OF AGENDA

Chairman Moyer noted that this was the last regularly scheduled meeting for Planning Director Karen Smith. Chairman Moyer stated that he had worked with Ms. Smith since the early 1990's, and had watched her work her way through the Department over the years to become the Director. He stated that Ms. Smith had made a substantial contribution to the County, and the citizens of the County as well as the Board owed Karen a great debt. Commissioner McGrady stated that he had been the Chairman of the Planning Board when Karen became the Director, and had the pleasure of working with her both in that capacity and as a Commissioner. Commissioner Baldwin stated that he had the rare privilege of working with Karen as a Planner. Having worked for her, and in his role as a Commissioner, Commissioner Baldwin thanked Karen for everything she had done for the County. Commissioner Messer thanked Karen for her service to the County and wished her the best. Commissioner Young thanked Ms. Smith for the professional job she had done for the County. A round of applause for Ms. Smith followed the Boards comments.

INFORMAL PUBLIC COMMENTS

1. Eva Ritchey – Ms. Ritchey spoke on behalf of the Democratic Party. She hoped that in replacing the Planning Director, the County would look to someone with the skills and background in Planning. It is a complex job, and she hoped they would find someone with great experience.

Ms. Ritchey then spoke to the Cable Franchise renewal process. She discussed a recent incident which occurred at a Cable Franchise Renewal Committee meeting. She stated that for the first 20 minutes of the meeting, the Chair did everything in his power to mislead the conversation and to give information that was not correct. It was clear the Chair of that Committee did not support a Public Access Channel, and everything he said was geared toward convincing everyone in the audience that all programming could be handled by the education channel and the government channel. She discussed the opportunities that would be missed by not supporting a Public Access Channel. To that end the Democratic Party recommended establishing an Education Access Channel, a Public Access Channel and I-NET.

DATE APPROVED _____

Ms. Ritchey stated that the County had entered into an agreement with a consultant who had direct ties to the Cablevision industry. She questioned whether John Howell's industry ties would allow him to be fair and unbiased. She stated that the Democratic Party was requesting a copy of Mr. Howell's contract. They were also requesting a copy of a letter that "Vice-President Randy Rhoades sent to Waycaster that is now in the possession of John Crook and that he refuses to share with the Times-News."

She then discussed the situation with WHKP being broadcast on Channel 11, stating that it was a monopoly and as such was opposed by the Party. She also stated that Mediacom felt the broadcast of WHKP on Channel 11 was wrong, and pointed out several sections of the HCTV Broadcast Policies which appeared to support that view. In the interest of fairness to all citizens, the Henderson County Democratic Party requested the removal of WHKP from Channel 11. They expected an answer from the County within 30 days from the issuance of that request, which had been on June 29th. There was some discussion about the status of the requests made. David Nicholson informed the Board that with respect to a contract for John Howell, no such contract existed because the County only used Mr. Howell as needed and even then as an hourly employee.

DISCUSSION/ADJUSTMENT OF AGENDA - continued

David Nicholson requested the Board pull Discussion Item "A" – NCDOT Secondary Roads. The DOT had called and cancelled that discussion. Commissioner Messer requested the addition of Discussion Item "I" – Dupont Property. Chairman Moyer pulled the Closed Session Item, stating that it would be back on the agenda for August 1, 2005.

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

CONSENT AGENDA

Commissioner McGrady requested the June 15, 2005 minutes be pulled. He had a minor correction to that set of minutes.

Commissioner McGrady made the motion to adopt the Consent Agenda other than the June 15 minutes. All voted in favor and the motion carried.

The Consent Agenda items included the following:

Minutes

Draft minutes were presented of the following meetings for the Board's review and approval:

June 9, 2005 – Special Called Meeting

June 23, 2005 - Special Called Meeting

Tax Collector's Report

Terry F. Lyda, Henderson County Tax Collector, had provided the Tax Collectors Report dated July 14, 2005 for the Board's information.

Tax Refunds

A list of 7 tax refund requests was presented by the County Assessor for consent approval by the Board.

Tax Releases

A list of 12 tax release requests was presented by the County Assessor for consent approval by the Board.

Tax Discoveries

A list of 24 tax discovery requests was presented by the County Assessor for consent approval by the Board.

MSD Rate Increase

The wastewater collected by the Cane Creek Water and Sewer District (CCWSD) sewer system is treated by the Metropolitan Sewerage District (MSD). Effective July 1, 2005 the amount that MSD charges the CCWSD for said wastewater treatment will increase from \$4.08 per 1,000 gallons to \$4.21 per 1,000 gallons.

Staff recommended passing the additional cost on to the CCWSD sewer customers. If this meets with the Board’s approval, staff requested that the Board approve the following Proposed Rates.

<u>CURRENT RATES</u>	<u>PROPOSED RATES</u>
<p><u>Minimum Charge/Month</u> (up to the first 4,500 gallons per month) A. \$16.42</p>	<p><u>Minimum Charge/Month</u> (up to the first 4,500 gallons per month) A. \$16.42</p>
<p><u>Treatment Charge/Month</u> (from 0 gallons up) B. \$4.08 per 1,000 gallons</p>	<p><u>Treatment Charge/Month</u> (from 0 gallons up) B. \$4.21 per 1,000 gallons</p>
<p><u>Overage Charge/Month</u> (all over 4,500 gallons per month) C. \$3.67 per 1,000 gallons</p>	<p><u>Overage Charge/Month</u> (all over 4,500 gallons per month) C. \$3.67 per 1,000 gallons</p>
<p><u>TOTAL MONTHLY CHARGE</u> Add results of (B) and (C) to (A)</p>	<p><u>TOTAL MONTHLY CHARGE</u> Add results of (B) and (C) to (A)</p>

If the CCWSD sewer rates are increased, as proposed, the monthly sewer bill for the average homeowner will increase by \$.59 (fifty-nine cents). The County Manager recommended that the Board approve the change in our rate structure to reflect the increase from MSD.

Designation of plat review officers

N.C. Gen. Stat. §47-30.2 requires that all persons appointed as plat review officers be so appointed by a resolution recorded in the Register of Deeds office. “Plat review officers” insure that all plats to be recorded comply with the plat requirements set out in the General Statutes.

On 17 September 1997 this Board first adopted a plat review officer resolution. This resolution also sets out certain other procedures that all plat review officers must follow. The Board has from time to time updated its appointments of plat review officers.

The Board needs to again consider updating the list of those persons appointed as plat review officers. The (outgoing) Planning Director recommends that Anthony Prinz be added to the resolution, and that Karen C. Smith and Natalie J. Berry be removed from that list. A proposed resolution has been prepared and was attached for the Board’s consideration in order to accomplish this update. This proposed resolution restates all other persons currently appointed as plat review officers.

The County manager supports this proposal. County staff were present and prepared if requested to give further information on this matter. If the Board is so inclined, the following motion was suggested: *I move that the Board adopt the proposed resolution attached to the Agenda Item appointing a new list of plat review officers for Henderson County.*

Improvement Guarantee for Leoni’s Mountain Lake Homes

Todd Leoni submitted on behalf of Camp Riley, Inc., owner of Leoni’s Mountain Lake Homes, an application for an improvement guarantee for the Leoni’s Mountain Lake Homes Planned Unit Development. Leoni’s Mountain Lake Homes is a 26-lot Planned Unit Development located on 12 acres of land that is adjacent to Lake Osceola. Leoni’s Mountain Lake Homes was approved by the Board of Commissioners under Special Use Permit # SP-04-01 on November 10,2004. The improvement guarantee is proposed to cover the construction of the roads which includes the installation of a sidewalk, the water distribution system improvements and seeding and stabilization of disturbed areas, for the entire Planned Unit Development. According to Sections 170-38 and 170-39 of the Henderson County Subdivision Ordinance, where the

required improvements have not been completed or in lieu of completing all of the required improvements in order to submit a Final Plat and also prior to Final Plat approval, the developer may post a performance guarantee for the improvements. Section 170-38 of the Henderson County Subdivision Ordinance also states that the installation of the improvements must be completed within two years of the date of approval of the improvement guarantee. The developer intends to post with the County an irrevocable letter of credit in the amount of at least \$82,219.00 to cover the cost of the improvements (\$65,775.00) as well as the required twenty-five percent (25%) contingency (\$16,444.00). The proposed completion date for the improvements is June 30, 2006.

A draft Performance Guarantee Agreement was presented for the Board's consideration. If the application is approved, the developer must submit an irrevocable letter of credit in accordance with the terms of the Agreement. Once the County receives a letter of credit in proper form, the relevant parties must execute the Agreement. The County Manager recommended that the Board approve the improvement guarantee application for Leoni's Mountain Lake Homes, subject to the developer submitting to Henderson County an irrevocable letter of credit in accordance with the terms of the draft Performance Guarantee Agreement.

Request for Second Extension of Improvement Guarantee for the Homestead at Mills River, Phase I

On March 17, 2004, the Board of Commissioners approved an application submitted by The Homestead at Mills River, LLC, and River Oaks Joint Venture, LLC ("developers"), for an improvement guarantee for Phase I of a subdivision known as The Homestead at Mills River ("the project"). As required by the Performance Guarantee Agreement for the improvement guarantee ("original Agreement"), the developer had to post with Henderson County a surety performance bond in an amount of at least \$1,807,500.00 to cover the cost of completing improvements in the project, including earthwork, road construction, installation of erosion control measures and storm drainage work. The actual amount of the bond provided to the County was \$1,886,250.00. The original Agreement also required that the improvements be completed by October 31, 2004. On October 18, 2004, the Board of Commissioners approved a request by the developers to extend the improvements completion date stated in the original Agreement to June 30, 2005. The developers submitted a rider to the original bond filed with Henderson County extending its expiration date until August 31, 2005. The Board approved additional modifications to the improvement guarantee for the project on March 9, 2005, in order to reference approval of revised plans for the project and a revised cost estimate for the required improvements. While the cost estimate for the improvements was lower, the developers did not decrease the amount of the bond on file with Henderson County.

The Planning Department has received a letter from Scott McElrath, on behalf of the developers, requesting that the County extend the deadline for completion of the improvements to August 30, 2005. Mr. McElrath's letter states that the extension is needed due to ". . . the extraordinary rainfall and various other unexpected delays." Section 170-39 of the Subdivision Ordinance allows the Board of Commissioners, upon proof of difficulty, to grant extensions to completion dates for improvement guarantees for a maximum of one additional year, provided that the time between initiation and completion of the improvements does not exceed two years.

If the Board of Commissioners agrees to grant the requested extension, staff had presented for the Board's consideration a draft Performance Guarantee Agreement which reflects a new improvements completion date of August 30, 2005, and requires submittal of an amendment to the surety performance bond showing an expiration date not earlier than 60 days after such new improvements completion date. The new Performance Guarantee Agreement must be executed by the relevant parties if the Board approves the extension request. The extension, if granted, would not cause the developer to exceed the two-year maximum time period for completion of the required improvements. Therefore, the County Manager recommended that the Board approve the request to extend the completion date for the improvement guarantee for The Homestead at Mills River, Phase I, to August 30, 2005, provided that an amended surety performance bond is submitted in accordance with the new Performance Guarantee Agreement.

Budget Amendment

A budget amendment was presented to the Board to cover the unanticipated cost of repair to the chiller at the Courthouse. The County Manager recommended the Board approve the budget amendment.

Proposed Franchise Agreements for Emergency Medical Services (2nd reading): Henderson County Rescue Squad, Inc., Gerton Volunteer Fire Department and Rescue, Inc., Mills River Volunteer Fire and Rescue Department, Inc.

This was for the second reading of proposed emergency medical services franchises for Henderson County Rescue Squad, Inc., Gerton Volunteer Fire Department and Rescue, Inc., and Mills River Volunteer Fire and Rescue Department, Inc. (together, “the Applicants”), under the Henderson County Emergency Medical Services Ordinance, Chapter 87 of the Henderson County Code. The Board approved these on first reading on 5 July 2005.

To be effective, an ordinance granting a franchise must be approved at two regular meetings of the Board of Commissioners. Therefore, if approved today by the Board, the approval will be final. If the Board was so inclined after hearing the evidence, the following motion was suggested: *I move that the Board give final approval to the franchise applications of Henderson County Rescue Squad, Inc., Gerton Volunteer Fire Department and Rescue, Inc., and Mills River Volunteer Fire and Rescue Department, Inc., and grant Emergency Medical Services franchises to these applicants, on the terms contained in the proposed agreements provisionally approved by this Board on July 5, 2005.*

Proposed Franchise Agreement for Emergency Medical Services: Arc’Angel Trans’Support Services

This was for the second reading of proposed renewal of an emergency medical services franchise for Arc’Angel Trans’Support Services, under the Henderson County Emergency Medical Services Ordinance, Chapter 87 of the Henderson County Code. The Board approved this on first reading on 5 July 2005.

To be effective, an ordinance granting a franchise must be approved at two regular meetings of the Board of Commissioners. Therefore, if approved today by the Board, the approval will be final. If the Board was so inclined after hearing the evidence, the following motion was suggested: *I move that the Board give final approval to the franchise renewal application of Arc’Angel Trans’Support Services, and renew an Emergency Medical Services franchise to this applicant, on the terms contained in the proposed agreement provisionally approved by this Board on July 5, 2005.*

Mills River Sewer Project Phase 2 & 3

Presented for the Board’s consideration was the bid summary sheet for Phase 2 and 3 of the Mills River Sewer Project. Phase 1 was currently under construction. These phases were designed to provide sewer service to the business area at the corner of NC 191 and NC 280, as well as, to Mills River Elementary School.

The lowest bidder was H & M Constructors in the amount of \$818,329. This company is a sub-contractor on the inceptor line. The budget for these phases is \$900,000. The County Manager recommended that the Board adopt a resolution awarding the bid to H&M Constructors.

NFIP Application

Staff presented a resolution and application to be submitted to FEMA along with a copy of the Henderson County Flood Damage Prevention Ordinance to begin the process of joining the National Flood Insurance Program (NFIP). The County Manager recommended that the Board adopt the Resolution of Intent and direct staff to forward all required application materials to the state NFIP coordinator.

Carriage Park special use permit amendment (quasi-judicial order)

The Board held a quasi-judicial public hearing on this matter on July 8, 2005. A proposed Order including findings and conclusions, allowing the amendment (of the definition of townhouses/townhomes) requested by Carriage Park Associates, L.L.C., was presented for the Board’s consideration.

June 15, 2005 – Regular Meeting Minutes

Commissioner McGrady noted that on page 2 of the minutes, the Consent Agenda items were referred to as Closed Session. He requested that wording be changed to Consent Agenda. *Commissioner McGrady made the motion to adopt the minutes with that change. All voted in favor and the motion carried.*

NOMINATIONS**Notification of Vacancies**

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

1. **Cable Franchise Renewal Advisory Committee – 1 vac.**
2. **Child Fatality Prevention Team – 1 vac.**
3. **Hendersonville City Zoning Board of Adjustment – 3 vac.**
4. **WCCA – 1 vac.**

Nominations

1. **Henderson County Board of Health – 2 vac.**

On June 5 the following individuals were nominated to Position #9: Terry Hicks and David Jones. There were no other nominations at this time.

The Clerk polled the Board for votes for these vacancies. Each commissioner had one vote, as follows:

Commissioner Young -	David Jones
Commissioner Messer -	David Jones
Chairman Moyer -	David Jones
Commissioner McGrady -	David Jones
Commissioner Baldwin -	Terry Hicks

David Jones was appointed to the Henderson County Board of Health.

2. **Juvenile Crime Prevention Council – 7 vac.**

On June 5, Jametta Walker had been nominated to Position #23. The question had been raised whether she was eligible to serve, as she was a DSS employee. Staff's consensus was that there would not be a conflict if the Board appointed Ms. Walker. There were no other nominations at this time. *Chairman Moyer made the motion to appoint Jametta Walker to Position #23 by acclamation. All voted in favor and the motion carried.*

On June 5, the following individuals were nominated to Position #25: Sanford Marx and Al Henry. There were no other nominations at this time.

The Clerk polled the Board for votes for these vacancies. Each commissioner had one vote, as follows:

Commissioner Baldwin -	Al Henry
Commissioner McGrady -	Al Henry
Chairman Moyer -	Al Henry
Commissioner Messer -	Al Henry
Commissioner Young -	Al Henry

Al Henry was appointed to the Juvenile Crime Prevention Council.

Chairman Moyer made the motion to elect Commissioner Baldwin to Position #11, designated for a County Commissioner. The motion carried 4-1 with Commissioner Baldwin voting in opposition.

3. **Land-of-Sky Regional Advisory Council on Aging – 1 vac.**

Ms. Brantley stated that she had spoken with Land-of-Sky regarding this vacancy. The Board of Commissioners only makes the nomination for the Council, Land-of-Sky makes the actual appointment. *Commissioner McGrady made the motion to nominate David Beardsley for the Land-of-Sky Advisory Council on Aging. Chairman Moyer made the motion to accept Mr. Beardsley by acclamation. All voted in favor and the motion carried.*

4. **Mountain Area Workforce Development Board – 1 vac.**

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

5. **Nursing/Adult Care Home Community Advisory Committee – 2 vac.**

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

Chairman Moyer stated that with respect to the Notification of Vacancy for the Cable Franchise Renewal Advisory Committee, he had spoken to the Chairman of that Committee, John Crook. It was the opinion of the Committee members that it would be most difficult for anyone new to catch up with the process as the Committee was already in the process of completing Draft 3. It was their suggestion that the Board consider leaving the Position vacant. That would leave eight members on the Committee. It was the Consensus of the Board to remove the Position from the list of vacancies.

Henderson County Cemetery Advisory Committee – Draft Charter

At the last meeting, Jay Jackson, Chairman of the Cemetery Advisory Committee, had requested some very specific responsibilities be added to the Cemetery Advisory Committee. The original purpose of the Committee was to compile a list of cemeteries in Henderson County, identify abandoned public cemeteries and make recommendations to the Board. The revised charter would allow the Committee to continue those functions, but would also change the purpose to:

- Under the supervision of the Board of Commissioners and with the assistance of County staff, the Committee is responsible for the development, organization, and supervision of an “Adopt-A-Cemetery” program for Henderson County
- Assist the Board of Commissioners and County staff in identifying and coordinating the upkeep and maintenance of abandoned public cemeteries.
- Under the supervision of the Board of Commissioners and with the assistance of County staff, respond to suggestions or complaints regarding Henderson County cemeteries.
- Attempt to identify unmarked and/or lost grave sites and consider marking with appropriate identification.

Mr. Hembree noted that the Board would need to determine the terms of service for the members, since the original appointments were for a one year term. Since the Committee had not yet seen the Charter, it was the consensus of the Board to defer any action on the draft Charter until hearing from the Committee.

PRESENTATION BY WASTE REDUCTION PARTNERS

During the past several months, County staff has been working with Waste Reduction Partners (WRP) to identify ways for the County to conserve energy and, in turn, reduce energy costs. Waste Reduction Partners is a team of highly experienced volunteer engineers, architects, and scientists. These volunteer professionals provide businesses, industries, local governments, and other organizations with no-cost waste and energy reduction assessments and technical assistance. WRP is administered by the Land-of-Sky Regional Council and works in special partnership with the NC Division of Pollution Prevention and Environmental Assistance.

Specifically for Henderson County, Waste Reduction Partners had conducted preliminary assessments of the County Administration Building, the Courthouse, and the Library Main Branch. The team has also reviewed the plans for the Human Services Building. David Lowles presented the following findings for the buildings surveyed for the County:

- The County Administration building has the highest cost per square foot per year to operate, costing \$1.31 for the gas and electricity to run the building.
- The Courthouse was at \$1.21 per square foot, though Mr. Lowles thought it might even be a little lower.
- The Library was the most efficient building at \$1.06 per square foot.
- The total cost for those three buildings was \$212,000.

Mr. Lowles stated that they believed that there was room for some improvements when the County Administration building is converted for the Sheriff’s Department. They made the following suggestions:

- A new, higher energy efficient air conditioning system be installed for energy cost reduction.
- An energy management system, which would throttle down the heating and cooling in the off hours, be considered.
- Conversion of lamps and ballasts to a T8 electronic system, saving approximately \$2,600 annually.

- Occupancy sensors in offices that would turn lights off when no one was present.
- Conversion of Exit signs from incandescent to LED.
- De-lamp vending machines.
- Have the load of one of the three existing meters put onto another meter to save the charge.

With respect to the Human Services Building Mr. Lowles recommended that the County Install a 14 SEER rated air-conditioning unit, and utilize a spray foam insulation system. The library is the most efficient building, but it might benefit by switching to the T8 lamps, and having occupancy sensors in offices. The Courthouse might benefit from occupancy sensors, T8 lamps, and an employee awareness program about the cost of energy. Mr. Lowles further discussed the costs associated with different SEER rated air-conditioners.

WRP suggested that a strategic energy plan be established, and a team appointed that would establish goals, gather information, prioritize and then implement. Toward that end, WRP offered their services to move forward on a strategic energy plan.

Justin Hembree stated that Staff had already taken steps to begin the implementation of some of WRP's recommendations. Primarily Staff has implemented the minor recommendations, such as ordering new light fixtures and contacting vendors to have them remove lights from machines. The major issue that can be addressed at the staff level would be to begin the strategic energy plan that would identify goals in terms of conservation primarily by making employees aware of the costs to operate buildings. There was some discussion about how WRP might help the County in selecting a new air-conditioning unit for the Courthouse.

ANIMAL SERVICES

Animal Control Director Morgan Woodward updated the Board on the current status of animal services in Henderson County showing the following presentation:

Henderson County Animal Services

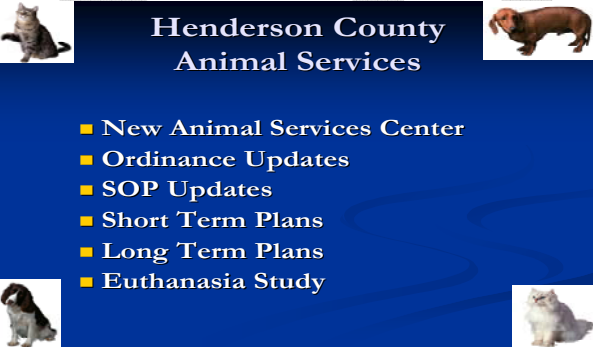


Road To Progress



- Change and Progress are in the future for Animal Services and Henderson County

Henderson County Animal Services



- New Animal Services Center
- Ordinance Updates
- SOP Updates
- Short Term Plans
- Long Term Plans
- Euthanasia Study

The New Animal Services Shelter

- Construction has already begun!!!
- Groundbreaking Ceremony on July 20th
- Kick off Fundraising Program

Updates to Ordinance

- Kennels and Catteries
- Exotic Animal Ordinance
- Security Dogs
- Restraint and Confinement Ordinance

Updated Operating Procedures

- Officers are now required to patrol all areas of the county when not handling a call.
- Animal Services is now required to prepare and ship rabies specimen to the lab in Raleigh for testing.
- Officers are now required to handle every call that is received and contact will be made with the complainant to follow up and close the report.

Short Term Future Plans

- Fundraiser Program
- Volunteer Programs and Opportunities
- Humane Education
- Foster Programs
- Expand upon local CART (County Animal Response Team)
- License Program

Long Term Future Plans

- Low Cost Spay Neuter Clinic
- Animal Cruelty Investigator
- Offsite Adoption Programs
- Crematory Services
- Boy Scout Eagle Scout Projects

Euthanasia

"Euthanasia is the final act of kindness that we, as sheltering professionals, can offer to the animals in our care." Leslie Sinclair, DVM

Acceptable Methods

as defined by the Humane Society of the United States and the American Veterinary Medical Association

- EBI (euthanasia by injection)
- Carbon Monoxide
- HSUS and AVMA both recognize this method as being the best method for euthanizing animals
- Intravenous (IV) injection (within the vein) is considered to be the most rapid and reliable method of performing euthanasia by injection when it can be administered without causing fear
- when delivered in a properly manufactured and equipped chamber, is a conditionally acceptable method of euthanasia for some animals

Cost Analysis

■ Carbon Monoxide	■ EBI
■ Cost per animal = \$1.32 based on 10,000 animals	■ Cost per animal = \$1.27 based on 10,000 animals
■ Cost could rise if maintenance is needed	■ Cost could rise due to high turn over rate and cost of training

Recommendation

- Currently, Animal Services utilizes the CO chamber as the primary way to euthanize animals.
- After careful consideration, it is my recommendation that Animal Services change the policy of euthanasia to strictly perform EBI. I would plan to have all officers and shelter staff trained and ready to adopt this new policy prior to the completion of the new animal services shelter. I strongly feel that this change will directly affect those in the animal welfare industry as well as public opinion, in a positive manner. By moving forward and setting a higher standard for ourselves now, I believe that Henderson County will remain ahead of the curve for other animal services to emulate in the future.

There was some discussion about whether a spay/neuter program should be mandatory, the need for vehicles for the department, and the number of calls being received by animal services. David Nicholson stated that Staff would be taking this program out to the community, and let people know where the County is going with animal services.

Commissioner Baldwin made the motion to endorse the change in the euthanasia policy. All voted in favor and the motion carried.

FLOOD DAMAGE PREVENTION ORDINANCE FEES

At their last meeting, the Board requested that Staff bring back the information used to develop the fee schedule presented at the July 5th meeting. Staff contacted the City of Hendersonville, the City of Asheville, Buncombe County and Transylvania County to find out what fees each jurisdiction has associated with administering their flood damage prevention ordinances (flood ordinances). Hendersonville and Buncombe County charge minor review fees ranging from fifty to one hundred fifty dollars. The City of Asheville and Transylvania County incorporate flood ordinance fees into the building permit costs.

When staff drafted the fee schedule adopted at the July 5, 2005 meeting, other equivalent costs associated with other Henderson County ordinances were given more weight than fees charged by other jurisdictions. In order to provide additional information regarding the basis for setting the fees as proposed, a chart comparing these and other Henderson County land use regulation-related permit application fees was discussed.

Because Henderson County's flood ordinance establishes a Special Fill Permit process not found in other jurisdictions, and because fill is restricted to a certain percentage of the floodway fringe, also a restriction not commonly found elsewhere, staff established the application fees for these and other processes by comparing the review, processing and enforcement costs to application procedures currently established in other Henderson County land use regulations.

The variance procedure outlined in the flood ordinance is comparable to the variance procedures found in the communication tower, subdivision and zoning ordinances, therefore, the flood ordinance variance application fee was set the same. The Special Fill Permit application process and the Floodplain Development Permit for development in the floodway are comparable in required staff time and expertise to a rezoning, special use permit, or permit for a group 4, 5, or 6 level communication tower, therefore, the application fees are similar. Finally, the Floodplain Development Permit for development in the floodway fringe is most comparable to a major subdivision review process.

These fees will be used to support the permitting, application review, inspection, and enforcement procedures required, to effectively administer the flood ordinance. These fees will also be used to cover salary, continued training necessary to maintain floodplain administrator certification and other costs associated with the flood ordinance and participation in the National Flood Insurance Program (NFIP).

The County Manager recommended that the Board leave the fee schedule as adopted on July 5, 2005, and direct staff to review the fees versus ordinance administration costs and have staff report back to the Board in six (6) months to determine if the fees are appropriate.

Mrs. Smith answered several questions about the rationale for the fees. It was the consensus of the Board to leave the fee schedule as it was adopted on July 5, 2005.

COMPREHENSIVE TRANSPORTATION PLAN, PHASE I – HIGHWAY MAP

The Transportation Advisory Committee (TAC) and County staff have been working with the North Carolina Department of Transportation's (NCDOT) Planning Branch for the past five years to complete a Comprehensive Transportation Plan for Henderson County. On January 27, 2005, NCDOT staff presented the Highway Map for Phase I of the Comprehensive Transportation Plan to the TAC. In turn, after initial review by the Board and the TAC, a process was developed to allow for public input concerning the Phase I Highway Map. The TAC held two public input sessions on April 12 and April 13, 2005.

The TAC was requesting that the Board endorse the Phase I Highway Map. The MPO has final approval authority for the Comprehensive Transportation Plan. As the Board considers the endorsement of the Phase I Highway several issues should be considered. First, the projects identified in the current TIP as "funded" projects are considered constructed by 2030 for NCDOT's planning analysis. NCDOT staff feels that these projects will offer much needed improvements to the highway system and will need local support to advance.

Second, NCDOT notes that improvements in lane width, alignment, and traffic operations on several local streets will facilitate traffic movement around downtown Hendersonville. According to NCDOT, many of

these improvements can be accomplished at the NCDOT Division level and may not require TIP funding.

Third, NCDOT indicates that US 25 North, US 176, and Four Seasons Boulevard should be included in a more detailed study to better identify any access management techniques and land use considerations that can maintain mobility in these areas. NCDOT feels that 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.

Fourth, NCDOT also notes that as development increases on the eastern side of I-26, 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 right-of-way, a four-lane median-divided cross-section is recommended. NCDOT has indicated that this corridor will be given additional study in Phase II of the Comprehensive Transportation Plan.

Finally, NCDOT notes that 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 for 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, an in-depth environmental study, and an analysis of all design considerations.

Staff recommended that the Board endorse the Highway Map for Phase I of the Henderson County Comprehensive Transportation Plan with the following comments:

- 1) Overall, the Phase I Highway Map complies with the County Comprehensive Plan.
- 2) Final alignment of the proposed "Balfour Parkway" should cause little or no impact on County facilities (solid waste transfer station, animal shelter, landfill, bus garage, Stoney Mountain Activity Center).
- 3) The County will strive to promote sound transportation planning through active involvement of the TAC and Board in transportation issues, continued cooperation with NCDOT, and the implementation of transportation-related land use regulations such as access management standards.
- 4) The County requests that NCDOT complete the Henderson County Comprehensive Transportation Plan (Phases I and II) as soon as possible.

Commissioner McGrady made the motion to endorse the Highway Map for Phase I of the Henderson County Comprehensive Transportation Plan, and further request that NCDOT complete the Henderson County Comprehensive Transportation Plan, both Phases I and II as soon as possible. All voted in favor and the motion carried.

Commissioner Baldwin questioned whether the motion also included the comments about the proposed "Balfour Parkway" not interrupting County facilities. Commissioner McGrady stated that his motion was really just to endorse the map with the specific request to NCDOT to complete the Plan. He viewed the other recommendations as advice from the County Manager as the Board determines what action to take with respect to the Plan.

FISCAL YEAR 2005/06 MENTAL HEALTH MAINTENANCE OF EFFORT FUNDS

Justin Hembree reminded the Board that State law requires that each county maintain its level of funding from year to year for human services activities, including mental health services. This requirement is commonly referred to as "maintenance of effort" or "maintenance of effort funds." Prior to becoming a member of Western Highlands Network (WHN) Local Management Entity (LME), the County directly funded the provision of mental health services through TREND. Even with the "reform" of the mental health system and

the inclusion of Henderson County in WHN, the County must still continue to fund mental health services with maintenance of effort (MOE) funds.

For Fiscal Year 2004/05 the Board endorsed a plan that allowed for the solicitation of grant applications from mental health service providers. The Board decided that special consideration would be given to grant applicants that addressed mental health emergency management/crisis stabilization. On November 15, 2004 the Board made decisions for the Fiscal Year 2004/05 MOE funds. In total, \$528,342 in MOE funds were awarded to three different mental health service providers/programs. These funds are being used to train school staff in crisis response, provide for a therapy/jail diversion program for delinquent or undisciplined adolescent girls, and to develop programs that increase access to the mental health system. As a matter of information, mid-year progress reports for the three agencies receiving MOE funds were reviewed.

The time has come for the Board to make decisions concerning the use of Fiscal Year 2005/06 MOE funds. One of the major features of mental health reform legislation is the reduction of beds in State mental institutions. Although this reduction will take several years to complete, the effects of these reductions are having a massive impact on our community. Law enforcement and hospital staffs are shouldering the brunt of this State-created burden. Therefore, staff feels very strongly that MOE should continue to be used for emergency management/crisis stabilization issues. Furthermore, staff feels that the County should fund agencies/programs that will be extremely aggressive in addressing mental health crisis stabilization/emergency management issues.

One such program that would hopefully reduce the burden on law enforcement and hospital staff includes the development of short-term (23-hour) crisis stabilization beds in local hospitals. The purpose of the short-term bed is to divert consumers from admissions to State mental health institutions. The patients or consumers assigned to short-term beds would all be under involuntary commitment orders. From December 2005 to May 2005, Henderson County averaged over 11 admissions per month to a state mental health institution. Many of these patients could have been placed in a local short-term stabilization bed. Every admission diverted from Broughton Hospital saves the Sheriff's Department two trips to Morganton, one for admission and a second for discharge. Furthermore, it should be noted that because the units at Broughton Hospital are often at full capacity, every diverted admission reduces the chances that Sheriff personnel will have to transport the patient to John Umstead Hospital in Butner or Dorthea Dix in Raleigh.

Patients admitted to a short-term unit who are not able to stabilize in a 23-hour period can be kept in the hospital safely and humanely until the Sheriff's personnel can provide transportation to a State facility. Generally, Sheriff personnel could schedule a trip to a State facility at this time rather than scrambling to find staff whenever the need arises. Staff realizes this is not the optimal solution to this important issue. However, it provides an opportunity for the County to be much more aggressive in addressing the mental health crisis stabilization issue.

Mr. Hembree requested that County staff be authorized to enter into discussions with Pardee Hospital and Park Ridge Hospital concerning the development of a short-term (23-hour) crisis stabilization program funded in part by County MOE funds. Final program design and funding would have to be approved by the Board.

Chairman Moyer reminded the Board that the Sheriff's Department had developed a task force that had been working for several months to develop recommendations on the best way to deal with the crisis situation. Mr. Hembree stated that the task force is looking at long term solutions to the problem, which we do need to continue to look at. The proposal being made by Mr. Hembree was to address a short-term immediate issue.

Following additional discussion about the impact to local service providers such as Mountain Laurel, and the problems with funding for mental health from the State, *Commissioner Baldwin made the motion to authorize Staff to enter into discussions with Park Ridge and Pardee.* Chairman Moyer requested an analysis of the effect such a program would have on the hospitals and Sheriff's Department. *Commissioner Baldwin amended his motion to include the requested analysis. All voted in favor and the motion carried.*

PUBLIC HEARING – To Consider Economic Development Incentives Grant to C. L. Henderson Produce Company

Commissioner McGrady made the motion to go into Public Hearing. All voted in favor and the motion carried.

Bob Williford was present representing the Board of Directors for the Chamber of Commerce, and the Partnership for Economic Development. Mr. Williford expressed their endorsement for proposed incentives for C. L. Henderson Produce Company. C. L. Henderson Produce Company is a farming operation located in Henderson County that includes apples and vegetable production, packing and storage facilities as well as trucks to deliver the produce. They have been a leader in the local agri-business community, have been in business since the 1920's, and have continued to use innovative approaches to both producing and marketing its products.

C. L. Henderson Produce Company proposes to build a building and specialized equipment to slice apples, and package apple slices in two ounce bags and in three pound bags. This new investment will be between \$1.5 million and \$2.0 million. The new business will employ between nine and fifteen employees when operational, with the average hourly wages between \$8.00 and \$14.00. Henderson County is considering granting assistance toward the project in the amount of \$40,000.00 to be paid over a five year period. Allan Henderson distributed some samples of the apple slice packs they are producing. He discussed the plan for the product including distribution in school lunches.

Public Input

There was none.

Commissioner McGrady made the motion to go out of Public Hearing. All voted in favor and the motion carried.

Commissioner McGrady made to motion to approve the economic development incentive of \$40,000 to be paid over a five year period. All voted in favor and the motion carried.

UPDATE ON PENDING ISSUES**Rescue Squad Funding**

Russ Burrell updated the Board on the background of funding for the Rescue Squad. In 2004, the Fire and Rescue Advisory Committee investigated funding options for the Rescue Squad. They found that the Rescue Squad is most similar to a volunteer fire department in that it has long term capital needs that aren't well met by the annual appropriations process. The funding options available to the Rescue Squad were:

- A regular appropriations process, which is currently being used.
- A special tax district which would be created by the Board of Commissioners, which would only include unincorporated areas of the County.
- A special tax district which the municipalities could agree to participate in, or contract with the rescue squad to pay a pro-rated amount.
- A special County-wide tax district that would include the municipalities and the unincorporated areas. Such a district would have to be enacted by the legislature.

Following their review, the Committee came to the conclusion that a special County-wide tax district that included the municipalities would best meet their needs. The Rescue Squad operates in both the County and municipalities, so it would be equitable to ask all groups to fund the operations. That proposal had come before the Board in January, 2005, and the Board endorsed the seeking of legislation that would begin a County-wide tax district for the Rescue Squad.

Mr. Burrell explained that such legislation had met some resistance in Raleigh. Individuals in Raleigh had received some communication from a fiscal analyst who works for the general assembly, who offered four means of financing: the first three options mentioned by Mr. Burrell, or incorporating as a special fire district. However, there can't be two fire districts for one piece of land. Therefore, only the unincorporated areas of the County not covered by a fire district would be incorporated, which would not produce revenue.

The Board was therefore left with continuing the annual appropriations process. While the Board did have control over that process, the downside was that in terms of things that would best be purchased on a long-term basis, it would be almost impossible for the Rescue Squad to get financing to do that. The Board could enact the special tax district, but again could only control the unincorporated areas of the County.

Chairman Moyer stated that after the Board acted in January, the County had contacted Carolyn Justus about introducing a bill that would allow implementation of the recommendation. Mrs. Justus had indicated that it was not necessary to have a bill, and that the chances of getting a bill through were non-existent. Following discussions with Staff, Chairman Moyer went back to Ms. Justus and stated that the County needed a bill. However, Chairman Moyer stated that such a bill is not going to be introduced at this time.

Commissioner McGrady suggested taking the issue to the LGCCA, explaining the issue to the municipalities, and trying to get a feeling for whether they would allow themselves to be part of a special tax district, or would be willing to make a commitment with respect to funding. Russell Burrell explained that the municipalities would have to agree to join a special tax district, the Board of Commissioners would then adopt a special tax district subject to all of the municipalities agreeing to join. Following some additional discussion, it was the consensus of the Board to approach the LGCCA about working out a joint way to fund the Rescue Squad in lieu of a special tax.

Planning Director

Commissioner Baldwin stated that he felt that with respect to implementation, it was important that the County have some continuity. The County Manager would be hiring the new Planning Director, and Commissioner Baldwin asked Mr. Nicholson to outline the qualifications he would require for the new Director.

David Nicholson provided the Board a copy of the job description, stated that the job description had recently been updated. He also provided a copy of the internal job announcement as well as an example of an external ad that had been sent out. The position will be open until filled, to allow Mr. Nicholson the maximum amount of flexibility as applications are received.

He noted that this type of professional/technical position needed to be marketed in specific areas. The posting would be in the next County Lines publication and on their website, in Southern City and the League Letter. Mr. Nicholson had also sent the listing to several professional organizations and colleges, and the North Carolina chapter of the American Planning Association. In the interim, Mr. Nicholson had asked Selena Coffey to serve as the Interim Planning Director. Ms. Coffey was heavily involved in the development of the CCP, with her primary responsibilities in the area of organization and administration.

Mr. Nicholson informed the Board that there would be some upcoming changes as the County begins the implementation of the Enforcement and Permitting Division. Much of the Planning Department's time has been spent doing permitting, not allowing time to do planning work. With that work being switched to the new division, planners will have more time to do planning.

Mr. Nicholson stated that the Planning Director is a high position in Henderson County government. They are a member of the management team because they deal with a lot of really important county-wide projects. He will be seeking an individual who has strong management skills, someone who can work well with people, the community, the Planning Board and the Board of Commissioners, someone with strong experience in mapping and planning.

Broadband

Chairman Moyer informed the Board that he had recently learned that the Dark Broadband Fiber, which was supposed to come down I-26 and tie into BRCC, was no longer scheduled. The Technology Center being built at BRCC had been geared toward that project, and Chairman Moyer stated it was extremely distressing news in light of that project, and from an economic development standpoint. *Commissioner Young made the motion to give the Chairman the authority to work with BRCC and Charles Taylor's office to try to get the Broadband*

re-instated in Henderson County. All voted in favor and the motion carried.

COUNTY MANAGER'S MONTHLY REPORT

The County Manager's Monthly Report for July, 2005 was distributed for the Board's information. Specific points within the Report were: Strategic Plan Updates, the recently adopted Flood Hazard Prevention Ordinance, the high priority Land Development Code, and the recently implemented Central Enforcement Permitting program.

Mr. Nicholson also updated the Board on the current status of the Jail Demolition, Animal Shelter, Historic Courthouse, Human Services Building, the second bay at the transfer station, a possible land purchase for the Etowah Library, and the fourth courtroom at the Courthouse. He noted that at upcoming meetings there would be discussion items related to solid waste, and the cable franchise renewal process. Commissioner McGrady noted that there was a public meeting being scheduled in early September on the Tuxedo Library/Park, and he requested that Rick Harris and Bill Snyder assist with providing County support for that meeting. There was further discussion about the appraisal received by the School Board on the Tuxedo library, and the feeling among the Board that the appraisal was far too high.

DUPONT PROPERTY

Commissioner Messer stated that he had received a call from a citizen questioning whether the Board was in support of a bill presented in the Legislature concerning the DuPont property. Chairman Moyer stated that he'd had discussions with Carolyn Justus, Trudi Walend and Tom Apodaca concerning the bill in question. The bill had passed the Senate, but was currently tied up in the House in the Rules Committee. The Governor had indicated that he was in opposition to the bill. Chairman Moyer stated that his impression was that unless something happened to get it out of the Rules Committee, it would just sit there.

Commissioner McGrady stated that he did not feel prepared to take a position on the bill one way or the other because it was hard to understand what all the facts were. He was in support of the manufacturing facility, but there were some concerns about the pollution on the property. He had some concerns about the State ultimately cleaning up the property when that occurs. Commissioner McGrady requested that if the Board were to take up the issue in terms of the Board being in support or opposition of the proposed legislation, that Staff prepare a presentation on the issues. It was the consensus of the Board to have this issue placed on the August 1st agenda for additional discussion.

IMPORTANT DATES

Ground Breaking Ceremony

Chairman Moyer reminded the Board of the Ground Breaking Ceremony at the Animal Shelter scheduled at 2:00.

Chairman Moyer suggested canceling the mid-month August meeting if the Board could take care of necessary business on August 1st and September 6th. Commissioner McGrady requested that even if the meeting is cancelled, that the County Manager's Monthly Report be distributed.

Commissioner McGrady also requested that on an upcoming agenda, there be discussion about where the County stands with respect to the Water Authority. Chairman Moyer stated that issue could be discussed at the August 1st meeting.

ADJOURN

Commissioner Baldwin made the motion to adjourn the meeting. All voted in favor and the motion carried.

Attest:

Elizabeth W. Corn, Clerk to the Board

William L. Moyer, Chairman

DRAFT