

MINUTES

**STATE OF NORTH CAROLINA
COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS
NOVEMBER 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, County Attorney Russell Burrell, and Clerk to the Board Elizabeth W. Corn.

Also present were: Budget and Management Director Selena Coffey, Public Information Officer Chris S. Coulson, Finance Director J. Carey McLelland, and Emergency Management Director/Fire Marshal Rocky Hyder.

CALL TO ORDER/WELCOME

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

PLEDGE OF ALLEGIANCE

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

INVOCATION

David Nicholson gave the invocation.

CHAIRMAN ANNOUNCEMENT

Chairman Moyer recognized Lucy King as being one of the 2005 Gertrude S. Carroway Award of Merit winners for Preservation North Carolina. Ms. King is the only individual in Henderson County to have ever received this historic award. Ms. King was presented this award at a statewide preservation conference recently in Gastonia. She received the award for her successful effort in restoring the East Flat Rock Elementary School into affordable housing for the elderly, known as Parkside Commons. The Carroway Awards of Merit are presented annually by Preservation North Carolina to twelve individuals and organizations who have demonstrated an outstanding commitment to promoting historic preservation in their communities. The award is named in honor of the late Gertrude S. Carroway, a charter member of Preservation North Carolina and a noted New Bern historian and preservationist. Ms. Carroway was one of the leaders of the successful effort to reconstruct the State's Colonial Capitol, Tryon Palace.

Lucy King received a round of applause and made a few comments including thanks to her comrade Evelyn Hill for helping with the important project of the park and the housing.

INFORMAL PUBLIC COMMENTS

1. George Jones – Mr. Jones addressed the issue of the Historic Courthouse. He spoke in favor of proceeding with the restoration project. Mr. Jones gave some history of the courthouse.
2. Judy Abrell – Ms. Abrell, Vice-Chair of the Historic Courthouse Corporation, also spoke in favor of the courthouse restoration. She reminded everyone that the Board of Commissioners had approved the plan for the historic courthouse in principal, leaving a lot of room for trade offs or tweaking.
3. Tom E. Orr – Mr. Orr mentioned the refurbishing of the historic courthouse dome, going on as we speak. This made him feel optimistic about the rehabilitation of the historic courthouse. He read some excerpts from some previous articles regarding the building. He ended by challenging each of us to make December 2 our deadline to resolve, if possible, any disagreements and correct all

DATE APPROVED _____

misinformation so that we can move this rehabilitation project forward. On December 2nd he would like for all of us to unite with the fourth and fifth grade chorus from Clear Creek Elementary School when they sing "Mighty United" and "Celebrate with Joy".

4. Barbara Hughes – Ms. Hughes is a business owner on Main Street in Hendersonville and has been for eleven years. She is also the Director of Downtown Hendersonville Merchants Alliance. She stated that the historic courthouse is the single most important asset to downtown Hendersonville and indeed the entire county. She asked the Board to please include ample parking and to remember that we are responsible to future generations for decisions made today.
5. Michele Skeele – Ms. Skeele is a nearly lifelong resident of Henderson County. She is excited to witness the restoration of our historic courthouse. She would like to see the job done well. She stressed the need to use local contractors and local workers on the project to support the local economy as much as possible at every turn. She urged the Board to take the time and careful planning required to create a monument for many generations to come.
6. Martha Mohidin – Ms. Mohidin is a Tuxedo resident. She lives within sight and hearing of the abandoned school in Tuxedo so it is important to her what happens to it.

The Tuxedo School/Park issue will be on the Board's next agenda, November 16.

7. Douglas F. Coggins – Mr. Coggins addressed the Tuxedo School/Park issue. He stressed that the Tuxedo community needs a park and ballpark and felt that it will take more property than that in question.
8. Debra Stierwalt – Ms. Stierwalt spoke representing Friends of Tuxedo. She congratulated Ms. King on her award. On Thursday night there will be another town meeting in Tuxedo at 7:00 at the Tuxedo Baptist Church Fellowship Building to present to the residents a review of the site plans that were presented at the last County Commissioners' meeting. She extended an invitation to the Commissioners to attend.
9. Ken Fitch – Mr. Fitch explained that there is great concern in town concerning the issue of Bird Flu. He asked if there is a coordinated plan with other entities in the county to address this issue.

He also addressed the Mill Center for the Arts, stating it has been an issue of tremendous public concern; however, public involvement has been problematic. At the one scheduled public forum, hundreds were turned away including the Chairman. Critical decisions have been made by a small group of persons, some of whom do not even live here. At a recent workshop the Mill Center people stated that they will be seeking funding from the City and the County, 10% from the City and 10% from the County. He asked if the Commissioners knew about the funding and as elected representatives of the people of the County, asked if they had had any input about the controversial issues surrounding the Mill Center.

Commissioners answered that they had had no requests to even consider funding and Chairman Moyer explained that the Board had made no commitment with respect to the matter. Neither had there been any commitment on the part of Henderson County Travel & Tourism.

10. Jon Shurmeier – Mr. Shurmeier did not wish to speak at this time. He will speak later to an agenda item.
11. Alan House – Mr. House did not wish to speak at this time. He, along with Mr. Shurmeier, was present to address an agenda item later on the agenda.

12. Eva Ritchey – Ms. Ritchey spoke on behalf of the Democratic Party of Henderson County. She spoke to the issue of the historic courthouse, stating that the Henderson County Democratic Party was asking for answers to the following specific problems that were raised in Mr. Gaillard's report:
1. According to Mr. Gaillard's report there is a clear discrepancy between Mr. Nicholson's and the North Carolina Board of Architecture's understanding of the position of Mr. Ghoreishi in this matter. Mr. Nicholson stated in a June 30 memo that "the State Board of Architects has informed Mohsen Ghoreishi that the issue raised by Mrs. Ritchey and her associates has been resolved in a favorable manner to him". In a recent Times-News article we read "Architecture Board Executive Cathy Evans says the complaint has not been resolved."
 2. There seems to be a willful disregard for law in that payments were made, not to Antoine Architects but to Mohsen Ghoreishi's firm, the Kohan Group, after you received information that Mohsen Ghoreishi was not licensed in our state. "Commissioners, I want to give you a timeline and then ask you three questions. On March 1, 2005 you signed a contract with Mohsen Ghoreishi for architectural services. On May 5 you rescinded that contract when you discovered that Mohsen Ghoreishi was unlicensed and entered into an arrangement with Antoine Architects. On the same day I filed a complaint, May 11, you wrote a check to Goreshi's The Kohan Group for \$4,100. On June 1 you wrote a check to that same Kohan Group for \$21,648. On July 5 you wrote a check for \$20,925 to Mohsen Ghoreishi's company. On July 29 \$33,323 more was written and on August 26 another payment of \$33,901 was written for a total of \$113,897 tax payer dollars. Here are my three questions:
 1. Why have the citizens of this community never gotten an explanation of why you hired an unlicensed architect?
 2. You have paid this man \$113,897 after you knew this man was not licensed and was operating in violation of state statutes. Why? I remind you that the checks were not written to Antoine, they were written to Mohsen Ghoreishi's firm. It's apparent that Mohsen Ghoreishi's role as a lead designer has remained central, even after the discovery of his lack of licensure. If Mohsen Ghoreishi is ordered to cease and desist how does the County intend to fill the void?
 3. The Engineer that has been selected for this project has raised some misgivings about his ability to do the work on this large and complex project. Is this Engineer qualified for this project? Upon what do you base the decision of his qualifications?
 4. What system does the County have in place to make sure that this project is being professionally run? The types of questions raised here give great concern as to whether there is a responsible system in place.

"The Henderson County Democratic Party believes it was a grave mistake to bypass the qualification based selection process as outlined by the State of North Carolina just to save a few months. If we had used that process we would not now be faced with problems directly related to using an unlicensed professional. In fact, the use of an unlicensed professional is a poor and unfair model to all the licensed professionals in our community who must abide by the law. But what is even more disturbing to us is that when this matter was brought to your attention, instead of an open and honest admission of the mistake we got what resembles a scrambled cover up with Antoine Architects. This kind of government is unworthy of the citizens of Henderson County. We believe the citizens of this community are owed more accountability than this. In 2003 you wisely appointed a Blue Ribbon Citizen Committee to convene and create a plan that included the ideas of as many citizens as possible. They worked under the guidance of Spence Campbell for 8 months and created a workable and magnificent solution. We support the conclusions of that committee. Dr. Jones has said on many occasions that this is the 'People's House', yes and that means it should also be the people's plan. It is not your plan, Mr. Nicholson, or your plan, Mr. Moyer or any of the Commissioners' plans. It is the people's plan and the Henderson County Democratic Party is requesting that we go back to the people's plan. We intend to work with you in a cooperative spirit towards a superlative renovation and to accept nothing less... Commissioners, if a thing is worth doing, it is worth doing right."

13. Theron Maybin – Mr. Maybin thanked the Board for lending an ear to hear the cries of the people from Tuxedo and for the Historic Courthouse. In the Tuxedo area citizens are concerned about the

School, preserving the School, and also a park for the community. He thanked Commissioner McGrady for volunteering to be at the meeting on Thursday night in the Tuxedo community

14. Doug Freeman – Mr. Freeman is the Vice-Chair of the Henderson County Democratic Party. He thanked the Board for the deference shown to his colleague, Eva Ritchy. He with-held his statement until another date.

DISCUSSION/ADJUSTMENT OF AGENDA

There were no changes to the agenda. *Commissioner McGrady made the motion to approve the agenda. All voted in favor and the motion carried.*

CONSENT AGENDA

Commissioner Young asked that item “M – Resolution for Reimbursement of Expenses for Tuxedo Park/Library Project” be pulled from the consent agenda for discussion.

Commissioner McGrady made the motion to approve the consent agenda, excluding item “M”. All voted in favor and the motion carried.

Following discussion of item “M”, *Commissioner McGrady made the motion to approve item “M”. 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 meetings:

- October 19, 2005, regular meeting
- October 20, 2005, special called meeting
- November 2, 2005, special called meeting

Tax Collector’s Report

Terry F. Lyda, Tax Collector, had provided the Tax Collector’s Report dated November 4, 2005 for the Board’s information.

Financial Report – September 2005

Cash Balance Report – September 2005

Non-departmental expenses for Property/Liability and Workman’s Compensation insurance coverage that will be allocated out to each department during the fiscal year.

The YTD deficit in the Emergency 911 Communications Fund is due to FY2006 approved appropriations for the purchase of Emergency Medical Dispatch software, necessary replacement of the 911 Center’s dated Uninterruptible Power Supply-Battery Backup System and a GIS software application update that links GIS data with the Computer Aided Dispatch (CAD) system in the 911 Center.

The YTD deficit in the Mills River Watershed Protection Project, the Mud Creek Watershed Restoration Fund 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.

Henderson County Public Schools Financial Report – September 2005

The Public School System had provided their September Financial Report for the Boards information and consent approval.

Letter of Support for Adolescent Parenting Program Grant Application

The Henderson County Department of Social Services and the Children and Family Resource Center requested that the Board formally voice its support for their Adolescent Parenting Program and, specifically, a grant application being submitted by these agencies. A draft letter of support was included.

Non-Profit Funding Agreements

Subsequent to the approval of the FY 2005-06 Budget, staff had distributed funding agreements to the non-profit agencies receiving County allocations. Signed funding agreements for the following were included in the agenda packet for the Chairman's signature:

Housing Assistance Corporation
Crime\$toppers

The County Manager recommended that the Board authorize the Chairman to execute the documents listed above and, in doing so, authorize the release of the first of the aforementioned agencies quarterly allotments.

N.C.G.S. 143-129(g) Newspaper Advertisement to Waive Bid Procedures, Resolution to Piggyback on Previously Bid Contract

The Henderson County Sheriff's Department received a Federal Homeland Security Grant for Fiscal Year 2006 in the amount of \$163,987 for the specific purpose of purchasing equipment including a specialized Arson/Bomb Response Vehicle.

N.C.G.S. 143-129, Procedure for Letting of Public Contracts, allows for the waiver of bidding for previously bid contracts and the purchase of this vehicle by the County if within the last 12 months either a federal agency, the State of North Carolina or agency or political subdivision of the State, or completed a public, formal bidding process.

The Sheriff's Department has identified another state agency that has formally bid out this vehicle and requested the Board of Commissioners to consider adopting a prepared resolution allowing the department to piggyback on this state agency's previously bid contract for this specialized vehicle.

Waiver of the bidding procedure was duly advertised in the Times-News on October 21, 2005, which meets the 10 day requirement before the Board can approve the resolution under this statute.

The County Manager informed the Board it would be appropriate for them to approve the prepared resolution to allow the Sheriff's Department to piggyback on another state agency's previously bid contract to purchase this specialized vehicle since the requirements of N.C.G.S. 143-129(g) have been met.

Revision of Greenways Commission Interlocal Modification Agreement

The proposed revision of the Interlocal Agreement Modifying the Greenways Commission was at the request of the Commission. The only change in this document from the Interlocal Agreement approved by this Board on October 3, 2005 was the shortening of the terms of Commission members to two year terms rather than four year terms.

The County Manager supported the proposal.

Improvement Guarantee for Carriage Park (Section 19, Phase II)

Carriage Park Association, LLC, owner of the project, submitted an application for an improvement guarantee for Section 19, Phase II, in the Carriage Park planned unit development. Section 19, Phase II, is proposed to have a total of 7 single family dwelling units on 7.03 acres of land. Section 19, Phase II, was conditionally approved by the Planning Board on June 21, 2005. The improvement guarantee is proposed to cover the water distribution system and sewer system for this section of Carriage Park.

The developer intends on using a Bank Escrow Account with the amount of at least \$71,177.50 to cover the cost of the improvements (\$56,942.00) as well as the required twenty-five percent (25%) contingency (\$14,235.50). The proposed completion date for the improvements is November 30, 2005.

On October 19, 2005 the Board of Commissioners approved the improvement guarantee application. At the time of approval, a Performance Guarantee Agreement had not been drafted because it was unclear if one was needed. A draft Performance Guarantee Agreement has been drafted for the Board's consideration at this meeting. If the Board approves of the draft Performance Guarantee Agreement, then a Bank Escrow Agreement, in accordance with the Performance Agreement, shall be submitted to Henderson County with an

expiration date of no less than 60 days after the completion date and that covers 125% of the cost of the improvements.

The County Manager recommended that the Board approve the Performance Guarantee Agreement, subject to the developer submitting to Henderson County a Bank Escrow Agreement in accordance with the terms of the draft Performance Guarantee Agreement.

Improvement Guarantee for Pinnacle Falls, Phase III

Mr. Luther E. Smith, on behalf of Pinnacle Falls, LLC, owner and developer of Pinnacle Falls subdivision, submitted a request for an improvement guarantee for Phase III of Pinnacle Falls. Pinnacle Falls will be located on the south side of Pinnacle Mountain Road, between Pinnacle Mountain Road and Cabin Creek Road. The Henderson County Planning Department granted conditional approval of a Development Plan for Phase III of Pinnacle Falls on October 28, 2005. The improvement guarantee is proposed to cover the road construction, road shoulder stabilization and the water distribution system improvements.

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 \$320,250.00 to cover the cost of the improvements (\$256,200.00) as well as the required twenty-five percent (25%) contingency (\$64,050.00). The proposed completion date for the improvements is March 1, 2007.

A draft Performance Guarantee Agreement was included for the Board's consideration. If the application is approved, the developers 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 Pinnacle Falls, Phase III, subject to the developers submitting to Henderson County an irrevocable letter of credit in accordance with the terms of the draft Performance Guarantee Agreement.

Reschedule Hearing Requested by Mr. Clement J. Feldmann Concerning Address of Property

As allowed by Chapter 142 of the Henderson County Code, Mr. Clement J. Feldmann had requested a hearing to appeal a decision made by the Property Addressing Coordinator. During the October 19, 2005 meeting, the Board set this hearing for 7:00 p.m. on November 7, 2005. Mr. Feldmann has indicated that he will be out of town on this date and requested that the hearing be rescheduled for the first meeting in December (December 5, 2005).

Staff recommended the hearing requested by Mr. Clement J. Feldmann be scheduled for Monday, December 5, 2005 at 7:00 p.m.

Schedule Public Hearing Concerning Request for Abandonment of a Portion of State Road #1845

Mr. and Mrs. Brent Easler have requested a portion of State Road #1845 be abandoned. The section requested to be abandoned consists of approximately 20 feet and surrounded entirely by property recently purchased by the Mr. and Mrs. Easler. The Board is required to hold a public hearing prior to recommending abandonment of a state road.

Staff recommended the public hearing be scheduled for 11:00 a.m. on Wednesday, November 16, 2005.

Resolution for Reimbursement of Expenses for Tuxedo Park/Library Project

This resolution would allow the expenses authorized and directed by the Board for the planning for the Tuxedo Park/Library Project to be reimbursed to the County in any subsequent financing of the costs of the Project.

The County Manager supports this proposal.

Resolution for Reimbursement of Expenses for Mud Creek Sewer (Phase One)

This resolution would allow the expenses authorized and directed by the Board for the planning for the Mud Creek Sewer (Phase One) Project to be reimbursed to the County in any subsequent financing of the costs of the Project.

The County Manager supports this proposal.

**Water Line Extensions: Black Smith Run
 Hunters Cove, Phase 2
 Mountain Top, Phase 1 & 2**

The City of Hendersonville has requested County comments on proposed water line extension projects to serve Black Smith Run, Hunters Cove, Phase 2 and Mountain Top, Phase 1 and 2. A City of Hendersonville Project Summary Sheet for each, with backup documents and a County Review Sheet with staff comments were included for each subdivision for Board review and action.

The County Manager recommended approving the staff recommendations on these waterline extensions.

Referral of an Application for an Amendment to Special Use Permit Application (SP#46-96) to the Planning Board, for an Expansion to Four Seasons Hospice

William G. Lapsley & Associates, P.A. on behalf of Four Seasons Hospice had submitted a development plan and applied for an amendment to their Special Use Permit (SP-46-96) to expand the existing building owned by Four Seasons Hospice & Palliative Care. The proposed expansion would provide administrative space for their clerical staff and six additional patient care rooms.

Sections 200-56 and 200-70 of the Henderson County Zoning Ordinance require that the Board of Commissioners refer applications for Special Use Permits to the Planning Board for review and recommendations prior to the Board of Commissioners holding a public hearing.

Staff is requesting that the Board of Commissioners refer the application for an amendment to Special Use Permit application #SP-46-96 to the Planning Board for review and recommendations as required by the Zoning Ordinance.

The County Manager recommended that the Board of Commissioner refer the application for an amendment to Special Use Permit #SP-46-96, submitted by Four Seasons Hospice & Palliative Care for an expansion to the existing Four Season Hospice building, to the Planning Board for review and recommendations.

Proclamation – Human Rights Day

The Board was requested to proclaim December 10, 2005 as Human Rights Day in Henderson County. The Board had adopted such a proclamation in the past.

NOMINATIONS

Notification of Vacancies

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

1. Apple Country Greenways Commission – 2 vac.

Nominations

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

1. Child Fatality Prevention Team – 1 vac.

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

2. Community Child Protection Team – 2 vac.

Margo Nagel had requested that her name be removed from nominations for this committee. Commissioner Baldwin withdrew Mrs. Nagel's name. She does plan to continue as a resource for the Community Child Protection Team.

Commissioner McGrady made the motion that the Board appoint Paula DeLorenzo to position #4 by acclamation. All voted in favor and the motion carried.

Commissioner McGrady made the motion to appoint Eric Summey to open position #6 which must be filled with a law enforcement representative. Chairman Moyer made the motion to accept Mr. Summey by acclamation. All voted in favor and the motion carried.

3. Hendersonville City Zoning Board of Adjustment - 1 vac.

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

4. Hendersonville Planning Board – 1 vac.

Commissioner Young nominated Steven Orr for reappointment. *Chairman Moyer made the motion to accept Mr. Orr by acclamation. All voted in favor and the motion carried.*

5. Juvenile Crime Prevention Council – 4 vac.

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

6. Mountain Area Workforce Development Board – 1 vac.

Commissioner Messer nominated Robert Clark. *Chairman Moyer made the motion to accept Mr. Clark by acclamation. All voted in favor and the motion carried.*

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

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

8. Planning for Older Adults Block Grant Advisory Committee – 1 vac.

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

STORMREADY

Justin Lane, Meteorologist with the National Weather Service, presented the StormReady certification to the Board. Henderson County is a storm ready community. This is only the second community in the mountains and foothills of western North Carolina that has received this special recognition. "Citizens of Henderson County should take great pride in the leaders of their community for providing the resources necessary for prompt and adequate response to weather emergencies... Henderson County is one of the leaders in Western North Carolina in emergency preparedness...under the leadership of Rocky Hyder, I know that Henderson County's emergency services will continue to raise the bar and remain one of the leaders in weather preparedness in Western North Carolina. We at the National Weather Service look forward to continuing our strong relationship with Henderson County and bringing our services to you in the future."

StormReady is a nationwide program helping community's better protect their citizens during severe weather. This program encourages communities to take a proactive approach in response to hazardous weather events through better planning, education, and awareness. Henderson County is one of the first 500 counties in the nation to achieve StormReady status. Mr. Lane then presented two road signs to Mr. Hyder to place somewhere in the county, designating us as a storm ready county and explaining to citizens who to contact if they need storm ready information.

Rocky Hyder recognized the folks in the 911 Center, our telecommunicators, the amateur radio emergency services personnel, as well as our other emergency responders throughout the county. Clearly they are what make our system work.

PARDEE HOSPITAL ANNUAL REPORT

A hard copy (notebook) of the annual report had been presented to the Board along with their agenda materials.

Jon Schurmeier, new CEO and President for Pardee Hospital, was present and addressed the Board. He apologized that the document the Board had received was tardy. Neither himself nor Alan House, CFO, were very confident in the document that they saw when they first arrived at Pardee so they requested permission from the Hospital Board to delay moving forward with the budget until they could restrike the statistics on the entire budget.

Alan House briefly walked through the annual report with the Board. They project an improvement of a \$4.4 million turn around or a 102% turn around.

October 1 will be the start of FY 2006. They instituted a 9% increase in prices effective October 1, 2005.

Mr. Schurmeier and Mr. House were available and answered questions from the Board.

RECESS

Chairman Moyer called a brief recess, after which will be the Public Hearing.

PUBLIC HEARING – CDBG HOUSING DEVELOPMENT GRANT CLOSEOUT HIGHLANDER WOODS SUBDIVISION

Commissioner McGrady made the motion for the Board to go into public hearing. All voted in favor and the motion carried.

Selena Coffey informed the Board that the purpose of this public hearing was to receive public comments on the close-out of the fiscal year 2002 community development block grant for the Highlander Woods Subdivision project. This was the final public hearing for this grant. The grant was for \$160,000 for street infrastructure for the development.

Public Input

There was none.

Commissioner Messer made the motion for the Board to go out of public hearing. All voted in favor and the motion carried.

No other action was required at this time.

BLUE RIDGE HERITAGE AREA and HENDERSON COUNTY HERITAGE TOURISM PLAN PRESENTATION

Previously, the Board had requested additional information concerning the Blue Ridge Heritage Area and the Henderson County Heritage Tourism Plan.

Ms. Melody Heltman, Henderson County Travel and Tourism Director, made a presentation to the Board concerning these initiatives and answered questions from the Board. She distributed several hand-outs and a slide presentation which follows. A copy of the Henderson County Heritage Tourism Plan was included in the agenda materials for the Board's review. Ms. Heltman also recognized Leesa Brandon who was present and is the Heritage Tourism Development Officer for the State of North Carolina and works with the National Heritage Tourism Office out of Advantage West.

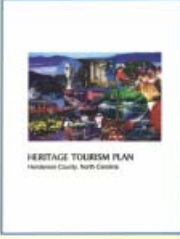
Ms. Brandon is based out of the Asheville office and works for the N.C. Department of Commerce, Division of Tourism, as one of about a dozen Heritage Development Officers placed in the field across the state. She stated that she would support the work that the Henderson County Heritage Tourism Council does. She and Melody also answered questions from the Board.

<p>Blue Ridge National Heritage Area</p> <p>Heritage Tourism Plan Henderson County, North Carolina</p>  <p>Prepared by Henderson County Travel & Tourism and the Henderson County Heritage Tourism Council August 2005</p>	<p>Blue Ridge National Heritage Area</p> <p>What is Heritage Tourism?</p> <p>The National Trust for Historic Preservation defines cultural heritage tourism as traveling to experience the places, artifacts and activities that authentically represent the stories and people of the past and present. It includes cultural, historic and natural resources.</p>  <p>August 2005</p>
<p>Blue Ridge National Heritage Area</p> <p>Tourism, Our History, Our Heritage</p>  <ul style="list-style-type: none">Henderson County has been a popular tourist destination for more than a century <p>August 2005</p>	<p>Blue Ridge National Heritage Area</p> <p>Tourism Impact in Henderson County</p> <ul style="list-style-type: none">\$174.08 Million. Total Expenditures\$36.59 Million Payroll2,180 Jobs\$7.84 Million State Tax Receipts\$7.75 Million Local Tax Receipts  <p>August 2005</p>
<p>Blue Ridge National Heritage Area</p> <p>Profile of the Heritage/Cultural Tourist</p>  <ul style="list-style-type: none">Spend, on average, \$631 per trip compared to \$457 for all U.S. travelersSpend an average of 4.7 nights away from home as compared to 3.4 nights for all other travelersHigher income level and educationGreater likelihood of staying in hotel, bed and breakfast inn, or resortMore interest in shopping <p>August 2005</p>	<p>Blue Ridge National Heritage Area</p> <p>Heritage Tourism Sites</p> <ul style="list-style-type: none">National and state parksDowntowns and ethnic neighborhoodsHistoric monuments, buildings or heritage sitesTheaters, music performances, or museumsHeritage areas, natural sites or displaysFestivals, fairs, or cultural eventsArt exhibits / galleriesFolk life and craft centersArchitectural and archeological treasuresAgriculture - Agro-tourism <p>August 2005</p>
<p>Blue Ridge National Heritage Area</p> <p>Blue Ridge National Heritage Area</p>   <p>August 2005</p>	<p>Blue Ridge National Heritage Area</p> <p>Henderson County Heritage Tourism Council</p> <p>MISSION: To create a plan that will recognize, document, and promote the unique heritage of Henderson County and provide for the preservation of its heritage while developing opportunities for public education, appreciation, and participation in the county's heritage. Increasing awareness of our cultural, historic, and natural resources will help ensure future generations have the opportunity to enjoy them.</p> <p>August 2005</p>

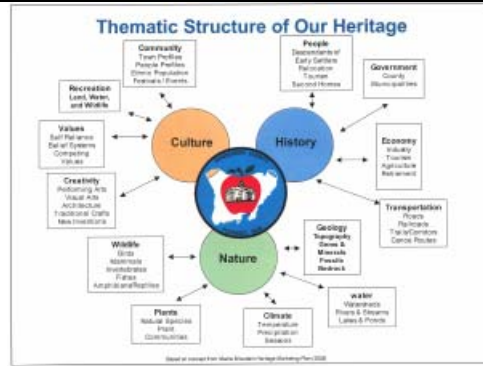
Blue Ridge National Heritage Area

Henderson County Heritage Tourism Plan

MISSION:
To recognize, document and promote the unique heritage of Henderson County and provide for the preservation of its heritage while developing opportunities for public education, appreciation, and participation in the county's heritage.



August 2005



Blue Ridge National Heritage Area

Heritage Tourism Plan Initiatives



- Renovations, enhancements, and new product development
- Natural & recreation site development
- Agro-tourism promotion and support
- Infrastructure development

August 2005

Blue Ridge National Heritage Area

Heritage Tourism Plan Initiatives

Projects and products that are:

- S** Specific
- M** Measurable
- A** Attainable
- R** Relevant
- T** Time-based





Source: Sullivan et al. – implementation of a measurement-based strategy that focuses on process improvement, staffing, measure analysis, design, work

August 2005

Blue Ridge National Heritage Area

Historic & Cultural

- Historic Henderson County Courthouse (Renovation)
- Poet /Writer-in-Residence Program (Carl Sandburg National Historic Site)






August 2005

Blue Ridge National Heritage Area

Cultural

- The Mill Center for the Arts (Cultural Center - Historic Grey Hosiery Mill)
- Flat Rock Playhouse 'You Theatre Campus'





August 2005

Blue Ridge National Heritage Area

Educational Sites

- Bullington Center – Henderson County's horticultural learning center and public garden
- DuPont State Forest Demonstration for Public Education
- 'Hands-On, A Childs Gallery'

August 2005

Blue Ridge National Heritage Area

Natural & Recreation Sites

- DuPont Scenic Byway
- Connecting the Hawcutt River Upriver in Polk County in the Historic Flat Rock Byway in Henderson County to the proposed DuPont Scenic Byway that would connect to the Forest Heritage Scenic Highway in Transylvania County and Haywood County.



August 2005

<p>Blue Ridge National Heritage Area</p> <p>Natural & Recreation Sites</p> <ul style="list-style-type: none"> • Greenway System - Connecting Dupont State Forest to Downtown Hendersonville, Kurumba, Transylvania, and Haywood Counties • Dupont State Forest - Welcome Center  <p>August 2005</p>	<p>Blue Ridge National Heritage Area</p> <p>Agriculture / Agro-Tourism</p> <ul style="list-style-type: none"> • Marketing and Promotion of Products Grown in Henderson County • Marketing & Promotion Funds for Agro-Tourism Businesses  <p>August 2005</p>
<p>Blue Ridge National Heritage Area</p> <p>Agriculture / Agro-Tourism</p>  <ul style="list-style-type: none"> • Agro-Business Economic Developer • Henderson County Agricultural Products - Distribution Center • Farm Land Preservation and Young Farmer Support Initiative <p>August 2005</p>	<p>Blue Ridge National Heritage Area</p> <p>Ethnic Heritage</p> <ul style="list-style-type: none"> • Foothills Scottish Highland Games & Festival • International Festival / Henderson County Heritage Day  <p>August 2005</p>
<p>Blue Ridge National Heritage Area</p> <p>Infrastructure</p> <ul style="list-style-type: none"> • Rail Reuse Strategy • Passenger / Excursion Rail Service  <p>August 2005</p>	<p>Blue Ridge National Heritage Area</p> <p>Infrastructure</p> <ul style="list-style-type: none"> • Multi-purpose Meeting Facility – Blue Ridge Community College – proposed Technology Center • Henderson County Travel and Tourism - Heritage Tourism Council  <p>August 2005</p>
<p>Blue Ridge National Heritage Area</p> <p>Infrastructure</p> <ul style="list-style-type: none"> • Henderson County Resources – Inventory of Natural, Cultural, and Historic Sites • Web Site (www.BlueRidgeHeritage.org) <ul style="list-style-type: none"> • Interactive Thematic Trails • Maps, Images • Site Descriptions • Links to Heritage Assets • Location Directions <p>August 2005</p>	<p>Blue Ridge National Heritage Area</p>  <p><i>Discover, explore, and celebrate our Blue Ridge Heritage</i></p> <p>August 2005</p>

AGFA PROPERTY/DUPONT STATE FOREST

Justin Hembree reminded the Board that at the October 19, 2005 meeting, Mr. Dick Thompson requested that the Board of Commissioners endorse a proposal to create a State Park on the closed DuPont/Agfa film plant property. The property in question is located on 459 acres in the middle of the 10,268 acre DuPont State Forest. The State Forest straddles Henderson and Transylvania Counties. A resolution adopted by the

Transylvania Board of Commissioners supporting this proposal was included for the Board's review. In order to provide background, an October 22 Times-News article concerning this issue was also included.

Since the meeting on October 19, this issue has been discussed by two key stakeholder groups – the DuPont State Forest Advisory Committee and the Friends of DuPont Forest. The DuPont State Forest Advisory Committee voted to take no action concerning the proposal to create a State park on the Agfa Property. Chairman Moyer is a member of that committee, representing Henderson County. The Friends of DuPont Forest's Board of Directors issued a statement indicating that the industrial site should be used to improve public access to DuPont State Forest. However, the group did not endorse the proposal to save the Agfa buildings for use as State facilities.

Dick Thompson asked for the Board's support in requesting that the State properly fund the needs of the DuPont State Forest. He was present in a personal capacity and not as President of The Friends of DuPont Forest. He stated that as things are, as a state forest, it does not qualify for the funding that is available under the State Park Act. As a state forest it does not have the proper funding needed for safety improvements, permanent restrooms, a visitor's center, an education/welcome center, or even a capital funding plan. He asked the Board to defer to the state whether this should be a state forest or a state park and let them resolve that but to find a way to get the kind of funding that would be required to meet the improvements needed to serve the visitor load. Hopefully we can get into that capital funding plan some way, whether it be as a park, a forest, a recreational forest or whatever.

Commissioner McGrady informed the Board that he was willing to work with Mr. Thompson in drafting a resolution that would capture the need to adequately fund this public land; however it might be classified at some point in the future. The Board would want to see the detail and wording of the resolution before taking action but they concurred by consensus in having a resolution drawn up.

NORTHLAND CABLE FRANCHISE

David Nicholson informed the Board that the County had received notice that the cable franchise with Northland Cable Television will expire on August 8, 2008. They requested that we enter into informal renewal discussions. They have also provided an example of a cable franchise for the Board's consideration. Northland serves a small number of customers in the eastern portion of Henderson County, approx. 50 customers. He asked the Board to discuss how they wish to proceed with negotiations with Northland Cable. Since this system reaches a relatively small area of the County, he suggested that the Board not go through the large formal process that we have been through with Mediacom. He felt that staff and our cable consultant could seek public input and then handle the negotiations and provide the Board with a recommendation. Although the current franchise does not expire for some period of time, he suggested that the Board authorize staff to begin developing a schedule for this renewal effort and that this item be included within the Board's Strategic Plan for 2006.

Following discussion, it was the consensus of the Board for staff to proceed as recommended by the County Manager above.

UPDATE ON PENDING ISSUES

Spay and Neuter Program

Chairman Moyer reminded the Board that he had circulated a letter to the Board that he had received from Don Gladieux. Mr. Gladieux had indicated that he has invested close to \$40,000 of his own money for a spay and neuter program and he thinks they will have applied that to about 500 animals. He has received some contributions from the public which will likely enable him to continue that program through the end of November. Chairman Moyer had asked Mr. Nicholson to research and study whether we might be able to continue the program when Mr. Gladieux stops it. We had planned to offer a spay and neuter program in the future when the new animal shelter was open and operating.

Mr. Nicholson will study this with staff and come back to the Board concerning how we might continue an active spay and neuter program in the county.

Avian Influenza

David Nicholson informed the Board that staff is considering this as a serious issue in dealing with it. There have been some joint meetings with both Health Director Tom Bridges and Emergency Management Director Rocky Hyder to make sure that Henderson County is prepared should we be struck with this type of biological issue. We have a biological plan that has been in effect a number of years but staff is working on an updated plan for this issue. This has been held at the Federal Government level and is just now flowing down to the States and Municipalities (including counties).

The Board will expect to hear from staff as the revised plan progresses.

Historic Courthouse

David Nicholson reminded the Board that he had issued a report to the Board this afternoon both to address Mr. Gaillard's comments but more importantly to give the Board a detailed update on the status of the historic courthouse. He reviewed that report with the Board. Mr. Nicholson asked the Board to decide if they wish to proceed with the project or change it. The Board has the power to reopen the entire project or change the design.

Commissioner McGrady recommended a meeting regarding the historic courthouse for the afternoon of the next Commissioners' meeting, November 16, 2005.

Much discussion followed with other Commissioners also stating that we need a Question and Answer meeting with our architect.

Commissioner McGrady made the motion to set a date for a workshop on the historic courthouse and its renovation for the afternoon of November 16 at 2:00 p.m. and ask that aside from the Manager that we invite a representative or representatives of the Historic Courthouse Committee to sit at the table with us, that we ask our architect and any persons he deems necessary or that he would like to invite to join us at the table as well as Ken Gaillard and that if there are other persons whose expertise is desired that any member of the County Commission can put that request to the Chairman to have invited. A vote was taken and the motion carried three to two with Commissioners Moyer and Messer voting nay.

IMPORTANT DATES

There was none.

CANE CREEK WATER & SEWER DISTRICT – no business

CLOSED SESSION – none

ADJOURN

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

ATTEST:

Elizabeth W. Corn, Chairman

William L. Moyer, Chairman