

MINUTES

**STATE OF NORTH CAROLINA
COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS
DECEMBER 5, 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. This was the organizational meeting for the coming year, 2006.

Those present were: Commissioner Bill Moyer, Commissioner 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, Fire Marshal Rocky Hyder, County Engineer Gary Tweed, Finance Director J. Carey McLelland, and EMS Director Terry Layne. Deputy Clerk to the Board Amy Brantley was present through nominations.

CALL TO ORDER/WELCOME

Elizabeth Corn called the meeting to order.

PLEDGE OF ALLEGIANCE

Elizabeth Corn led the Pledge of Allegiance to the American Flag.

INVOCATION

David Nicholson gave the invocation.

ELECTION OF CHAIRMAN

Mrs. Corn informed those in attendance that according to the General Statutes, the first order of business was to elect a Chairman. She opened the floor for nominations.

Commissioner Messer nominated Bill Moyer.

Commissioner Baldwin nominated Larry Young.

Commissioner McGrady made the motion that nominations cease. All voted in favor and the motion carried.

The Clerk polled the Board with the following outcome:

Commissioner Baldwin Larry Young

Commissioner McGrady Bill Moyer

Commissioner Moyer Bill Moyer

Commissioner Messer Bill Moyer

Commissioner Young Larry Young

Commissioner Moyer was the high vote getter and therefore will be the Chairman for the next year.

Mrs. Corn congratulated the Chairman and turned the meeting over to him.

ELECTION OF VICE-CHAIRMAN

Chairman Moyer opened the floor for nominations for Vice-Chairman.

Commissioner McGrady nominated Charlie Messer.

Commissioner Young nominated Shannon Baldwin

Commissioner McGrady made the motion that nominations cease. All voted in favor and the motion carried.

DATE APPROVED _____

The Clerk polled the Board with the following outcome:

Commissioner Baldwin	Shannon Baldwin
Commissioner McGrady	Charlie Messer
Chairman Moyer	Charlie Messer
Commissioner Messer	Charlie Messer
Commissioner Young	Shannon Baldwin

Commissioner Messer was the high vote getter and therefore will be the Vice-Chairman for another year.

REVIEW OF PUBLIC OFFICIAL'S BONDS

Chairman Moyer reminded those present that according to statute the next order of business was to approve the bonds for the county public officials. The following are the county officials required to be bonded and the current bond amounts:

George H. Erwin, Jr., Sheriff	\$25,000 (no new bond needed)
Nedra Whitlock Moles, Register of Deeds	\$50,000
Terry F. Lyda, Tax Collector	\$1,000,000
Darlene B. Burgess, Deputy Tax Collector	\$250,000
J. Carey McLelland, Finance Director	\$200,000

The County Attorney had reviewed the previous year's bonds and reported to the Board that they appeared to be valid and in order.

Commissioner Messer made the motion to approve the public officials' bonds as set forth. All voted in favor and the motion carried.

INFORMAL PUBLIC COMMENTS

1. Fred Gore – Mr. Gore addressed the issue of Hancock County, Mississippi. Hancock County was devastated by Hurricane Katrina. Henderson County has a resolution later on the agenda for Henderson County to adopt Hancock County as a sister county and help them through this relief and recovery time. He spoke firsthand about some of the devastation there.
2. Wes Davis – Mr. Davis also spoke to the Hancock County issue. He had also personally been there and had seen the devastation. The church he is affiliated with had sent trucks and vans of materials and people to help distribute materials and help rebuild. He volunteered to assist the county in any way he could.
3. Lee Luebbe – Ms. Luebbe spoke to the issue of the Mediacom Franchise Renewal.
4. Cal Gaines – Mr. Gaines addressed the Mediacom Franchise Renewal, stating that the committee needs to hold out for more for Henderson County and not buckle under to Mediacom.
5. Thomas Beckett – Mr. Beckett addressed the Mediacom Franchise Renewal, agreeing with Mr. Gaines.
6. Joe Glowacki – Mr. Glowacki also addressed the Mediacom Franchise Renewal, agreeing with Mr. Gaines and Mr. Beckett.
7. Eva Ritchey – Ms. Ritchey spoke to the issue of the Historic Courthouse Renovation, stressing that it is the Peoples House and should be the people's project. She also addressed the subject of WHKP as well as Mediacom.
8. Mary Singleton – Ms. Singleton addressed the issue of the Historic Courthouse Renovation, stressing that the Board should pay more attention to what the Courthouse Committee recommended for the project, not wanting county government in the building and wanting green space.

DISCUSSION/ADJUSTMENT OF AGENDA

Chairman Moyer requested discretion to move the Mediacom Cable Franchise Agreement from C under Discussion Items to first under Discussion Items.

He also asked to move item “G – Rutledge Drive Scenic Byway Designation” to the Consent Agenda.

Chairman Moyer requested three additions to Update on Pending Issues “I”:

1. Sunflower Special Use Permit
2. Tuxedo School
3. East Flat Rock Park

Chairman Moyer informed those present that due to a family problem, the petitioner had requested that the Public Hearing be pulled from the agenda, to be placed on the agenda at a later date.

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

CONSENT AGENDA

Commissioner McGrady made the motion to approve the Consent Agenda, with the addition of “G-Rutledge Drive Scenic Byway Designation” from the Discussion Items. All voted in favor and the motion carried.

The Consent Agenda consisted of the following:

Tax Collector’s Report

Terry F. Lyda, Henderson County Tax Collector, had provided the Tax Collector’s Report dated December 2 for the Board’s information.

Financial Report – October 2005

Cash Balance Report – October 2005

These reports were presented for information and consent approval.

Non-departmental expenses are for Property/Liability and Workman’s Compensation insurance coverage that have been or 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 Un-interruptible 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 CDBG-Howard Gap Waterline Project, the Mills River Watershed Protection Project, the Mud Creek Watershed Restoration Fund, the Emergency Watershed Protection Project and the Mills River Sewer Capital Project are all temporary due to timing differences in the expenditure of funds and the subsequent requisition of Federal and State grant funds or Cane Creek Water & Sewer District funds for the Mills River Sewer Project to reimburse these expenditures.

Henderson County Public Schools Financial Report – October 2005

This report was presented for information and consent approval.

Request for public hearing on January 3, 2006 on new roads

Staff requested that a public hearing be set for January 3, 2006 at 7:00 p.m. for the following proposed new road names: Spring Hollow Lane and L Lyda Continental Divide.

Petition for Addition to State Road System

Staff had received a road petition for addition to the State Road System for the following:

1. Thomas Road in Thomas Forest Subdivision.

It has been the practice of this Board to accept road petitions and forward them to NC DOT for their review. It has also been the practice of the Board not to ask NC DOT to change the priority for roads on the paving priority list.

Staff recommended the Board accept the road petition mentioned above and forward it to NC DOT for their review and action.

Edneyville Park Agreement

A draft agreement was presented for the Board's consideration. The agreement is between the County and the private group from Edneyville who have been working to have a county park located there.

The agreement would require that the land, which is to be conveyed to the County at no cost to the County, would revert to the group if no NC-Parks and Recreation Trust Fund grant was obtained, or if construction on a park was not begun within approximately 18 months.

The County Manager supported this proposal.

Set Public Hearing for Property Address Number Changes

Staff requested that a public hearing be set for January 3, 2006 at 7:00 p.m. for the purpose of approving property address number changes for Henderson County residents. NC General Statute 153A-239.1 requires counties to hold public hearings on address number changes.

The County Manager supported the request.

Property Lease

Henderson County has leased the property next to Broadpointe Business Park to Wayne Carland for several years. Mr. Carland is again interested in renewing this lease. This is the property donated to the County piece by piece when property is sold to businesses at the Park.

Staff recommended the Board authorize the lease.

Engineering Services Contract Phase I – Mud Creek Sanitary Sewer Interceptor

At the August 1 Commissioners' Meeting the Board selected William G. Lapsley and Associates, P.A. to provide engineering services for the Mud Creek Sanitary Sewer Interceptor Phase I Project. A draft contract for these engineering services was included for review and approval.

Rutledge Drive Scenic Byway Designation

This item was added to the Consent Agenda from Discussion Items.

In September, Historic Flat Rock requested that nine-tenths of a mile of Rutledge Drive be designated as a North Carolina Department of Transportation Scenic Byway. Historic Flat Rock had requested that the Board of Commissioners issue a letter of support to the North Carolina Department of Transportation. A drafted letter of support was included in the agenda packet.

Staff recommended the Board approve the drafted letter of support and authorize the Chairman's signature.

NOMINATIONS

Notification of Vacancies

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

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

Nominations

Chairman Moyer 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 meeting.

- 2. Criminal Justice Partnership Program Task Force – 6 vac.**

Commissioner Baldwin nominated Judge Mark Powell and Jeff Hunt. There were no other nominations.

Chairman Moyer made the motion to accept Powell and Hunt by acclamation. All voted in favor and the motion carried. The other vacancies were rolled to the next meeting.

- 3. Fire and Rescue Advisory Committee – 2 vac.**

Commissioner Baldwin nominated Chip Gould and Rick Livingston to positions #1 and # 5 respectively.

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

- 4. Fire Commission – 3 vac.**

Commissioner Messer nominated Howard Norton and Phil Hyder.

Commissioner McGrady nominated Martin Harris.

Chairman Moyer made the motion to accept all three nominees by acclamation. All voted in favor and the motion carried.

- 5. Hendersonville City Zoning Board of Adjustment – 1 vac.**

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

- 6. Henderson County Zoning Board of Adjustment – 4 vac.**

Commissioner Baldwin nominated Janice Brown to # 7, Ann Pouch to # 5, Phillip Stanley to # 8, and Suzanne Holbert to # 10. All are reappointments. *Chairman Moyer made the motion to accept all four nominees by acclamation. All voted in favor and the motion carried.*

- 7. Hospital Corporation Board of Directors – 3 vac.**

Chairman Moyer nominated Peter Goodfield to # 8.

Commissioner Young nominated J.W. Davis to # 1 and William (Bill) Smith to # 10.

Commissioner Messer nominated Kathy Watkins to # 1.

It was the consensus of the Board to bring these nominees back at the next meeting and disregard the position numbers and vote for three of the four to serve.

- 8. Juvenile Crime Prevention Council – 4 vac.**

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

- 9. Laurel Park Zoning Board of Adjustment – 1 vac.**

Commissioner McGrady nominated James Patrick for reappointment to # 1.

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

- 10. Library Board of Trustees – 1 vac.**

Chairman Moyer nominated Commissioner McGrady to continue to represent the Board on the Library Board of Trustees. There were no other nominees.

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

11. 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.

12. Planning for Older Adults Block Grant Advisory Committee – 6 vac.

Commissioner Baldwin nominated Wes Davis, Mae Harter, Lee Anne Tucker, William Crisp, and Joe Connelly.

Chairman Moyer made the motion to accept all five nominees by acclamation. All voted in favor and the motion carried.

13. Senior Volunteer Services Advisory Council – 1 vac.

Commissioner Messer nominated James Phelps to # 4. There were no other nominations.

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

14. Travel & Tourism Committee – 4 vac. + Appointment of the Chairman

Commissioner Young nominated Scott Surette to #2 and Lucy King to #3.

Commissioner Messer nominated Mehmet Ozelsel to #1 and Larry Young to #4.

Commissioner Baldwin nominated Kathy Griffin to # 2.

Shannon Baldwin suggested that the Board go ahead and appoint to positions 1, 3, and 4 and roll the two nominees to the next meeting for position #2.

Chairman Moyer made the motion to accept Ozelsel, King, and Young by acclamation. All voted in favor and the motion carried.

Commissioner McGrady nominated John Shiery to serve as the Chairman of the Travel & Tourism Committee. *Chairman Moyer made the motion to accept Shiery by acclamation. All voted in favor and the motion carried.*

GOVERNMENT CHANNEL #11/WHKP --- item 2 from Update on Pending Issues

Chairman Moyer informed those present that some roadblocks had been encountered regarding this issue so he felt it would be good for the whole Board to hear from Richard Rhodes as to what the situation is and to get direction from the Board.

Richard Rhodes referred to a letter he had written to the Board. The only fresh news he had to report on was that about 4:45 p.m. the second company engineer contacted their engineer again and affirms that this equipment will work, unlike the other company's equipment that would not work even though they said it would. By the end of this week he hopes to have an affirmative on this equipment, that it will in fact work. He asked the Commissioners to give him permission to report back to the county by Friday of this week to make them aware of the standing of the situation. He stated that it does not appear to be a difficult install and it does not appear to be a difficult time to get the equipment here. The question is whether or not it will mesh with the current equipment and how long it will take to get the equipment to Henderson County.

Chairman Moyer asked Mr. Rhodes to keep Selena Coffey apprised of the situation. He asked that it be placed on the agenda for the December 15 meeting.

Commissioner Baldwin asked to be placed on record that we are trying to resolve the issues and work the bugs out.

HUMAN SERVICES BUILDING CAPITAL PROJECT CHANGE ORDERS

David Nicholson reminded the Board that as was noted during the meeting on November 16, 2005, two change orders were proposed for the Human Services Building Project:

#1 It was proposed that the siding/metal panels for the entrance areas of the building be upgraded to a higher quality product. A letter from CJMW dated November 23, 2005 along with other relevant information was enclosed and provided specific details concerning this proposal. This change order would constitute an "add" of \$33,000 to the project.

#2 It was proposed that several changes be made to the parking/driveway area on the side and rear of the building. This change is required due to a change in the approval of the project from Duke Power. This change order would constitute an "add" of \$68,259 to the project.

Staff recommended approval of both these change orders.

Allen McQuinn and Mike Derreck from CJMW addressed the Board and showed the plans of the changes. Following much discussion, *Commissioner McGrady made the motion to approve the two proposed change orders. All voted in favor and the motion carried.*

Commissioner Young made the motion to authorize the Chairman to write a letter to Ruth Shaw, President of Duke Power, expressing the Board's concern over how the Duke Power part of the project was handled. All voted in favor and the motion carried. Duke Power had not communicated between their engineering department and their tower maintenance department. The maintenance department had requested additional work to protect their towers and to remove what they considered potential problems within the right-of-way if they have to maintain those towers. We will gain 12 additional parking spaces.

HISTORIC COURTHOUSE – ALTERNATIVES

Chairman Moyer explained that at the workshop on the Historic Courthouse, the Board had asked the architect, Alan Antoine, to develop some alternatives for the west side of the facility.

Mr. Antoine showed a model of the structure and discussed with the Board new ideas for the west side of the building. He stated they were asked to come up with a number of alternatives to provide a better view to the west from the existing courtroom. They developed a number of alternatives and discussed them with the Historic Courthouse Committee. He discussed the favorite of the options with the Board.

Mr. Antoine stated that the purpose of the annex addition was to accommodate all the needs of a modern functioning building without placing those items in the historic courthouse. The items included were an elevator, men and women restrooms, janitor's room, storage room, mechanical rooms, electrical rooms and a proper exit path to the new stairs. All these items had been provided in the new annex. The problem with that is the new annex is blocking the view from the existing courtroom. They looked at removing the second floor of the annex addition to provide a proper view from the three arched windows of the courtroom; however, these spaces were part of the program requirements of the original building. They then looked at moving the toilet rooms, elevator, janitor room, and some corridor space to other parts of the building. They had planned a pre-function space (a lobby) right outside of the courtroom which was an integral part of the program. They placed the toilet rooms, elevator, and janitor room in the pre-function space and adjusted the plan to have an open pre-function area out on the roof with similar arched windows. There would be a view from the Board Room through the arched windows of the pre-function room so that the mountains beyond could be viewed. This solution provides an additional community room with 1200 feet of meeting space. The cost is approx. \$100,000. They think they can work out all the interior changes to accommodate this new plan.

George Jones came forward and addressed the Board, speaking in favor of the revised plan. He served on the Historic Courthouse Committee. The entire Board was in attendance and they reviewed the revised plan and unanimously recommended it to the Board of Commissioners for approval.

Following discussion and a review of the most current site plan for the project, *Chairman Moyer made the motion to direct Alan Antoine to proceed, that the Board support and adopt the concept he has developed with the support of the Historic Courthouse Corporation and that he get back to the Board with more detail at the December 15 meeting with respect to a timetable and any problems he would envision with moving forward and implementing this as part of the overall concept. All voted in favor and the motion carried unanimously.*

RESOLUTION ADOPTING HANCOCK COUNTY, MISSISSIPPI AS A SISTER COMMUNITY

Commissioner Baldwin had first introduced the idea which was discussed during the meeting on November 16, of adopting a resolution establishing a formal relationship between Henderson County and Hancock County, Mississippi. A resolution had been drafted which called for the following four specific actions:

- Create the Hancock County, Mississippi Donations Fund, the purpose of which will be to collect donations and remit them to Hancock County, Mississippi to be used for Hurricane Katrina relief and recovery efforts.
- Request that the Henderson County, North Carolina Public School System adopt the Hancock County, Mississippi Public School System as a sister system for the purpose of assisting with rebuilding efforts and ensuring the educational welfare of the children of Hancock County, Mississippi.
- Encourage Henderson County, North Carolina's local non-profit agencies to take an active role in this effort through visiting Hancock County Mississippi to participate in recovery, clean-up, and rebuilding efforts.
- Develop a formal method for employees of Henderson County, North Carolina to assist their counterparts in Hancock County, Mississippi through a program that will allow employees to travel to Hancock County, Mississippi in order to assist with the rebuilding of the governmental infrastructure.

Staff recommended adoption of the prepared resolution.

Following discussion, *Commissioner Baldwin made the motion to adopt the resolution as written. All voted in favor and the motion carried.*

RECESS

Chairman Moyer called a brief recess.

MEDIACOM CABLE FRANCHISE AGREEMENT

John Crook, Chairman of the Cable Franchise Renewal Advisory Committee (CFRAC), distributed a two page hand-out entitled "CFRAC History to date (12/5/05)". He reviewed the hand-out with the Board and answered questions from the Board. The CFRAC was chartered by the LGCCA in April, 2005. Collectively the LGCCA represents 20,000 +/- subscribers. The feeling was that the LGCCA would have better bargaining power with the Cable Company than each would have individually. Of the 20,000 subscribers, about 55% are county subscribers and 45% are municipal subscribers. The CFRAC has been meeting twice a month since organization in April. In addition they held two special public meetings, one in late June and the second in mid-July. They were later instructed by the municipalities not to pursue any further discussion on a public channel. Following a completed survey, they found that the three items of greatest importance were: price, customer service, and programming. Of those we can only do something about customer service. The CFRAC has had numerous discussions with Mediacom and have been tracking their performance. As a result of emphasis on improving their performance, they have doubled the size of their customer service staff here in Henderson County which represents about a dozen new jobs. They have made some progress but still

have a long way to go. They are building into the draft agreement some of the most stringent performance criteria that has been seen in any of the other agreements they have reviewed.

Mr. Crook stated that besides customer service there are two categories of cable services that the FCC permits a franchise agreement to address. One is an I-Net or optical fiber which is intended to reduce public sector communication costs. After considerable research, the Cable Committee decided that because of our low density and because of our relatively low number of subscribers, that I-Net could best be addressed separately from the franchise renewal agreement. To pursue that, an I-Net Team led by Dr. Hutto and Sam Blythe of Fletcher is in the process of assembling a map of high potential public and private areas for broadband communications in Henderson County. The goal is to develop a county-wide fiber ring. While Mediacom is at the table now and talking, the CFRAC is pressing them to look at this as a business investment with the possibility of a public/private partnership and if that fails the work that Dr. Hutto and his committee is doing will result in a map that can then be used for negotiation with other potential suppliers, if we have to go that route. Mr. Crook stated that as a committee they have completed their work on the preliminary draft renewal agreement which is version 7.1. They began with version 1.0. He stated there are four things they need the franchising authorities to consider:

1. "We need your comments on draft 7.1 so that if it needs to be adjusted it can be adjusted and then at some point released to Mediacom for their review and comment.
2. To begin the actual negotiations, they need each of the franchising authorities to decide who will represent them in the formal negotiations with Mediacom.
3. It does us no good to build in stringent liquidated damages and performance criteria if we don't have some way to monitor Mediacom's performance on an on-going basis and for this reason the committee is strongly recommending that an interlocal function be established to monitor Mediacom's performance and to ensure their compliance with liquidated damages this function would include a piece that we're referring to as a second call help desk so that subscribers who experience problems in achieving reconciliation or achieving satisfaction with Mediacom could make a call to this help desk and this group would then become involved in interfacing directly with Mediacom in its resolution. This is a function that traditionally is handled directly by the franchising authorities but it frankly hasn't been handled. The County has a call, an individual, sometimes its David, sometimes its Avalina, sometimes its whoever they are able to hand the call off to. But essentially the subscribers have no place to go that they're aware of. This would address that problem and to the best of our knowledge it would cost about \$35,000 a year to be spread over all the six franchising authorities.
4. The fourth item is access channels and the possible expansion of our government channel and possibly the establishment of an education channel. The reason we need to look at this now is because as franchising authorities we're able to require the inclusion of capital expenditures as contributions by the cable provider as a condition of renewal. In this case, our thinking so far has involved Blue Ridge as a key player."

Mr. Crook stated that the real hemorrhaging of Mediacom customers began when their customer service went to pot. At that same time the satellite companies stepped in and conducted an aggressive campaign to get subscribers. Long term there is probably greater potential for cable service than there is satellite service. Mediacom has to fix their customer service problems. They need to get their reliability up. Long term there is a potential for packaging of services which they may begin to offer.

Discussion followed with many questions from the Commissioners.

Dr. Dean Hutto, a member of the CFRAC, distributed a several page hand-out entitled "Education and Governmental Channels for Henderson County". He reviewed the hand-out with the Board. He also showed a short videotape of things they have done on campus (at BRCC) that fall into the public service and educational area. He stated that the idea is that the educational channel would be located on the campus of

Blue Ridge Community College. As part of the basic franchise package, they are asking that Mediacom provide the technical connectivity to the campus by running fiber to that head end. It would also be the head end for the government channel. A very important part of the franchise agreement is a provision to ask for some capital support from Mediacom. We have the option of asking for capital support which is basically a one-time ask to help build facilities or buy equipment or purchase those resources that are needed to make these things happen. They are proposing to ask Mediacom for a \$335,000 matching grant which would be staggered over a three year period of time to help make this thing a reality. Things are lining up for some good things to happen. They are planning to start a new building, the technology education and development center on campus, after the first of the year. Sometime in early 2006, within this facility is space for a television studio, editing facility, a cable head end, sound recording studio, and things along those lines. This facility would allow BRCC students to learn how to become broadcasters, camera operators, and engineers and prepare them for exciting new careers in digital broadcasting. BRCC has a budget to build the building and within that budget is an equipment budget. By using some of their equipment dollars they can leverage those resources by asking Mediacom to match the portion that they've asked for to help build the studios that can support both the government channel and the educational channel. Mr. Hutto stated that they are also seeking federal support through some grants. They have already secured one grant for \$145,000 to build an interactive video classroom for the new technology education and development center. They were notified in October that the funds are in place.

Following discussion, it was the consensus of the Board to add this to the December 15 agenda for some additional discussion on this matter.

Recess – Chairman Moyer called a short technical recess, for changing videotapes.

LEGAL ADVERTISEMENTS – CHOICE OF NEWSPAPERS

Russell Burrell informed the Board that *The Hendersonville Tribune* was recently admitted to use for legal notice advertisement publication pursuant to Article 50 of Chapter I of the North Carolina Statutes. *The Hendersonville Tribune* had approach Henderson County for our legal notice advertisements. Currently such legal advertisements are published in *The Times-News*.

He reviewed the following rates with the Board:

Legal notice advertisement rates from *The Times-News*:

First insertion, per line	\$1.60
Subsequent insertions, per line	\$1.20

Legal notice advertisement rates from *The Hendersonville Tribune*:

First insertion, per line	\$1.20
Subsequent insertions, per line	\$1.10

Legal notice advertisements are broadly used by Henderson County government, both in giving notice of meetings and in litigation.

Understanding the differences in cost, but understanding the potential other differences regarding coverage, the Board was requested to direct staff as to the placement of future legal notice advertisements.

Following some discussion, *Commissioner McGrady made the motion to maintain the publication of legal notices with The Times-News*. He felt it was the Board's duty to think about more than just the costs, to think about whether notices that get published get any circulation. *A vote was taken and the motion passed unanimously.*

2005/2006 MAINTENANCE OF EFFORT FUNDS FOR MENTAL HEALTH SERVICES

Justin Hembree explained to the Board that as a general rule of thumb, State law requires that each County maintain its levels of funding from year to year for human service activities, including mental health services. This requirement is commonly referred to as “maintenance of effort” or “maintenance of effort funds”. The County has put in place a program that allows for the solicitation of grant applications from mental health service providers for the use of the County’s maintenance of effort funds for mental health services.

Grant applications for 2005/06 maintenance of effort funds were made available in October 2005. Three applications were received and were summarized as follows:

The Henderson County Partnership for Health, Inc. has requested \$25,000 to assist with the activities of the Community Health Network (CHN) Mental Health Project in Henderson County. The program will 1) provide training to primary care provider on the diagnosis, management, and use of psychotropic medications for psychiatric disorders and 2) purchase psychotropic medications to be dispensed to uninsured persons with mental disorders through the CHN Community Pharmacy.

The Healing Place, Inc. has requested \$25,000 to assist with providing trauma focused mental health counseling to victims of sexual assault and felonious child abuse in Henderson County. Such counseling will be provided to victims and their non-offending family at no charge to the client by a master’s level counselor.

Mountain Laurel Community Services has requested \$528,000 for the continuation of programs established through 2004/05 maintenance of effort funds for the residents of Henderson County. These programs include: reducing barriers to accessing quality behavior healthcare, expansion of mobile crisis intervention services, and continued training programs.

The County has \$528,342 in maintenance of effort funds for mental health services for 2005/06. Grant requests for 2005/06 total \$578,000. Fortunately, each proposed grant program would assist in meeting the mental health need of Henderson County, especially in the areas of crisis management and crisis intervention. Unfortunately, funds are not available to fully fund each program. Therefore, staff recommended the following funding plan for 2005/06 maintenance of effort funds for mental health services:

Henderson County Partnership for Health, Inc.	\$9,855
The Healing Place, Inc.	\$9,855
Mountain Laurel Community Services	\$508,632

Staff recommended the Board approve this funding plan and authorize staff to develop funding agreements with each agency.

Following discussion, *Commissioner Messer made the motion to approve the funding for the three agencies as recommended by staff above and to authorize staff to develop the necessary agreements. All voted in favor and the motion carried.*

VETERANS MEMORIAL AT MEMORIAL STADIUM

Selena Coffey informed the Board that per a letter from Mr. Carl Mumpower, Chair of the Memorial Stadium Restoration Committee, the Henderson County Board of Commissioners was asked to identify and recommend a veteran for recognition within the redesigned Memorial Plaza located at Memorial Stadium in Asheville. The details for the recognition and the Memorial were found in the letter from Mr. Mumpower (provided to the Board as part of this agenda item), along with schematic drawings for the project.

Staff recommended the Board of Commissioners authorize staff to work with the County’s Veterans Services Officer, Mike Murdock, to identify a veteran for this recognition, draft his/her ‘personal story’ as explained

in the letter and to present this for the Board's approval at the December 15 regular Board meeting. Ms. Coffey stated that staff would work with Mr. Murdock to identify a veteran and to write up that story and provide it to the Board at the December 15 meeting for approval.

Commissioner McGrady made the motion to authorize staff to work with Mike Murdock to identify a veteran for this recognition, draft their personal story, and to present this back for the Board's approval at our next regular meeting. All voted in favor and the motion carried.

UPDATE ON PENDING ISSUES

Strategic Plan Development Process

Selena Coffey reminded the Board that at their last meeting they discussed the 2006 Strategic Plan and asked staff to come back with a process or plan for going forward with the new/revised plan for 2006. She had provided for the Board (in the agenda packet) a memo entitled "2006 Strategic Planning Process" which outlines the process staff proposed. The process is detailed as follows:

Friday, December 2, 2005

Management Team will begin with a review of the 2005 Strategic Plan, including discussion of completed action steps and outstanding issues. We will then move into the development of the 2006 Strategic Plan draft, to include revisions based on the impending action steps within the County's Comprehensive Plan and staff's proposed goals, strategies, and action steps for the next two fiscal years.

Friday, December 9, 2005

Target date for receiving the Board's comments regarding potential strategic issues, goals, strategies, and action steps.

Tuesday, December 13, 2005

Management Team will continue development of the 2006 Strategic Plan draft, incorporating pertinent new goals, strategies, and action steps provided by the Board of Commissioners.

Wednesday, January 18, 2006

Staff will present the initial draft of the 2006 Strategic Plan at the Board's regular mid-month January meeting. In addition, staff will propose a plan for board review, adoption, and implementation of the 2006 Strategic Plan.

It was the consensus of the Board to follow the recommended schedule.

Government Channel #11/WHKP

This was covered earlier on the agenda.

EMS Billing Issues

Chairman Moyer stated that obviously there has been a lot in the paper and we have all heard a lot. He asked that this be placed on the agenda.

Justin Hembree stated that we have spent a great deal of time the past couple of weeks reacting to this issue and then trying to respond to the issue and the problem in the best way we could. He stated that we've got a problem with our EMS billing procedure, we've made mistakes. Our system needs to be fixed and we're not going to make any excuses, we're gonna fix it. We're working to ensure that it doesn't happen again.

Justin Hembree also stated that in no way should this situation reflect negatively on our EMS crew workers and the folks who work in EMS that provide those services every day. Justin Hembree reminded the Board that around mid October staff began discussing processing delinquent EMS bills through the North Carolina debt set-off program. This had been done before. The Tax Collector's office was requested to be prepared to

process the letters generated through the program. The reason the Tax Collector's office was asked to be prepared to do this is that it is the department in county government that manages our participation in this program. They don't generate the original reports but they send out the letters. In early November a list of persons to receive the letters were submitted to the tax office and on November 14 letters were mailed. About two days later we began receiving inquiries concerning the letters. Most people were stating that they had either never received a bill or they had assumed that all costs had been covered through Medicare or through their supplemental insurance. The vast majority of these people were enrolled in the Medicare program and had supplemental insurance. At that time staff felt that this was a problem created somehow through our electronic billing system with Medicare. We have since learned that that is not the case. On November 17 Medicare was notified about the problem in Henderson County. They have been extremely helpful in helping staff deal with this situation. They have agreed to allow billing as far back as October 1, 2003 and any bills prior to that date will be reviewed on a case by case basis and some of those are being approved. Medicare claims for services delivered between October 1, 2003 and September 30, 2004 have to be submitted by December 31, 2005. That is what we're working towards now, going back and trying to get all these coded so that we can get them processed and put in the system. Mr. Hembree stated that citizens were informed at this time and continue to be informed that their insurance would be refilled and their names would be taken off the list to be sent to the North Carolina Department of Revenue through the debt collection program. In order to follow up and try to alleviate a lot of questions and concerns, a second letter was sent to the folks who received the first letter. Unfortunately some of these folks were confused by the second letter, particularly the folks who had already gotten the situation straightened out. Staff sent out a letter and a press release. In reviewing everything it has become clear that many citizens never received an original bill. Some insurance claims haven't been filed. We had some major issues to deal with and are continuing to deal with through the billing system. Last week staff made the decision to discontinue the debt set off program for collecting EMS bills. It had become obvious that our internal system had so many problems in place that we didn't need to submit names, particularly for EMS billings, to the debt set off and create even more of a problem.

Mr. Hembree stated that our Finance Director, Carey McLelland, has conducted an internal audit of EMS billing procedures. He's developed a plan for corrective action. Effective today, all EMS billing operations will be supervised and directed by Carey McLelland. System changes will be put into place. The found errors will be corrected. We continue to examine options. The three options identified are:

EMS billing operations in EMS with a new system and a new staff support component.

It could be put in the Finance Department, which was done here before. Other counties use that method.

Contract this service out. There's lots of ambulance agencies, ambulance service counties that use ambulance billing companies, that's all they do.

Staff's goal is to make a decision or come back to the Board quickly with a recommendation if it's something that requires Board action. We realize corrective actions will have to be taken and they will be taken in the short term and the long term.

Mr. Hembree stated that two of the items the Board will see in the upcoming strategic plan will deal directly with this issue. One is doing an analysis of the county's billing systems. The EMS billing system is the most complex that we have in terms of filing with Medicare and insurance but we will take a look at all of them. Second, we're going to re-examine our use of the debt set-off problem and see how that ties in with how we collect debt and how we continue to work through what has been a very successful program for Henderson County.

In summary, Justin Hembree apologized to the folks who have been negatively affected by the situation.

Terry Layne, EMS Director, apologized to the Board for the inconvenience caused to them. He thanked the public for providing their insurance information, for cooperating and help in this matter. But most of all, he apologized to the public for the frustration and inconvenience this has caused them.

Carey McLelland and his staff are working on these bills and have a deadline of December 31 to get the 2003 bills to Medicare so we can get reimbursement.

Sunflower Special Use Permit

Chairman Moyer stated that he added this item because Henderson County had received a notice because we own adjoining property. He wanted the Commissioners to be aware that there is going to be a public hearing (quasi-judicial proceeding) on December 14 at 6:00 p.m. He asked for direction from the Board whether they wished either him or staff to make any comments at the public hearing, the big issue being height. He stated that he would not make any comments unless the Board gives him direction on what they would like said.

The County Attorney was directed to get a better understanding of what is being requested here. He will e-mail the Commissioners his understanding. The Board will then add this to the agenda of the special called meeting for December 13.

Tuxedo School

Chairman Moyer stated that at the Joint Facilities meeting for the schools there was some discussion of the Tuxedo School building and the care and cost. That's a question that has come up in the past.

Commissioner McGrady stated that the cost of continuing to keep up the school building throughout the year was just in excess of \$20,000 with the major part of that being the heating costs in the winter months.

East Flat Rock Park

Commissioner Messer informed all that next Monday at 3:00 will be a gathering at East Flat Rock Park with Carolina First Bank. They will issue a check to the East Flat Rock Community Park for much of the shelter. Commissioner Messer stated that we're gonna try to get that park finished.

IMPORTANT DATES

Chairman Moyer asked that the time for David Nicholson's retirement reception be changed to reflect the new times of 3:00 to 6:00 p.m.

He also asked that the December 13 meeting at 11:00 be added to the "Important Dates" calendar.

Chairman Moyer informed the Commissioners that Ann Tate, from NC DOT, had called the Clerk wanting to set up a Secondary Road Public Hearing with the Board of Commissioners in January. They would like to have it sometime the week of January 16th, which is a holiday.

Secondary Road Public Hearing

Following discussion, the Commissioner preferred to have this as a special called meeting, not along with another regular meeting. *Chairman Moyer made the motion to set the Secondary Road Public Hearing for Thursday, January 19th at 9:00 a.m, subject to NC DOT's approval. All voted in favor and the motion carried.*

Schedule of Regular Meeting Dates

Chairman Moyer presented a "Schedule of Regular Meeting Dates" for the Board's consideration and adoption. Following review and discussion, *Commissioner McGrady made the motion to approve the list as presented and circulated. All voted in favor and the motion carried.*

Reschedule Hearing for Assigned Address Appeal

Chairman Moyer stated that this appeal has been postponed twice. Mr. Feldman will get with staff regarding new dates for the hearing. The Board will set that hearing at the December 15 meeting.

Annual Employee Holiday Luncheon

David Nicholson reminded the Board of the Annual Employee Holiday Luncheon scheduled for this Wednesday and Thursday at Highland Lake Inn, starting at 11:00 with two seatings each day.

Power Outage

David Nicholson informed the Board that tomorrow morning, 9:00 – 10:00 a.m. the power will be off in this building. We're doing some change-over in the E-911 department. Likely our phones will also be inoperable.

CANE CREEK WATER & SEWER DISTRICT – no business

CLOSED SESSION

Chairman Moyer made the motion that the Board go into closed session for purposes of preventing disclosure of information that is privileged and not a public record, to discuss personnel, to consult with an attorney, and to consult and direct an attorney regarding the case Bellsouth Carolina PCH vs. Henderson County Zoning Board of Adjustment, all as set out more fully in the materials accompanying the Board's agenda packet. All voted in favor and the motion carried.

The Chairman informed the media and others present that the Board would not be back in open session.

Attest:

Elizabeth W. Corn, Clerk to the Board

William L. Moyer, Chairman