

## MINUTES

STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS  
DECEMBER 15, 2005

The Henderson County Board of Commissioners met for a regularly scheduled meeting at 11:00 a.m. in the Commissioners' Conference Room of the Henderson County Office Building.

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

Also present were: Budget and Management Director Selena Coffey, Public Information Officer Chris S. Coulson, Planning Director Judith Francis, Project Planner Lori Sand, EMS Director Terry Layne, Fire Marshal Rocky Hyder, Finance Director J. Carey McLelland and Development and Enforcement Services Director Toby Linville. Deputy Clerk to the Board Amy Brantley was present through Nominations.

### CALL TO ORDER/WELCOME

Chairman Moyer called the meeting to order and welcomed all in attendance. He noted that the meeting had been scheduled for 9:00, but was deferred until 11:00 due to the weather.

### PLEDGE OF ALLEGIANCE

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

### INVOCATION

David Nicholson gave the invocation.

### DISCUSSION/ADJUSTMENT OF AGENDA

Chairman Moyer suggested that the Board begin with the Public Hearing, then move through the agenda as prepared, with Informal Public Comments being held at the end of the meeting. *Commissioner Messer made the motion to approve the agenda as revised. All voted in favor and the motion carried.*

### PUBLIC HEARING – Economic Development Incentives

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

Scott Hamilton thanked the Board for their consideration of incentives for this project. For the past several months, the Partnership for Economic Development had been working with a client brought to the area by the North Carolina Department of Commerce. The Partnership had shown the client several available buildings, none of which met their needs. However, the Partnership had been able to show the client a site in the event that they decided they wished to build a building. In September, the company had contacted the Partnership and asked to see the site again. The Partnership had been working with the client ever since, on a project named Project Cardinal.

Mr. Hamilton noted that the notice for the public hearing had been run in the Times-News 10 days prior to the hearing date. A draft of the incentives agreement had also been presented to the Board which showed wages at or above \$13.20 per hour. The tax value of the parcel in question was \$84,201 and the purchase price would be \$20,000 per acre. The total incentives package came to \$178,400.

In addition to the incentives package, several other factors had brought the project to this point. Mr. Hamilton referenced Henderson County's strategic location in the southeast, Blue Ridge Community College and their training programs, and the support of the business community. He introduced some of the representatives from the college and the business community who were present to lend their support to the project.

DATE APPROVED: \_\_\_\_\_

Mr. Hamilton stated that the project would create about 50 jobs, with an investment of about \$4.8 million dollars. When some industries had announced layoffs, and some plants closed within Henderson County, he was encouraged to be able to discuss this possibility for Henderson County. He then introduced the President of the company, Mr. Eberhard Flammer.

Mr. Flammer stated that the name of the company was Elkamet. They were located in Biedenkopf, Germany, which is north of Frankfurt. The company was 50 years old, and had business relations to the building, construction, and machines industry. For more than a decade they had been working with companies in the United States. Suddenly there was an interest on the customer's side that motivated them to consider making their products available within the states. He discussed the factors they were considering when determining a location, such as accessibility, the educational opportunities of potential applicants, and a moderate climate. He stated that Elkamet is a privately owned and held business, employing 425 people in 3 different locations. The company had enjoyed solid growth, doubling in size economically since 1998. They work in plastics, supplying the automotive industry, and building construction machines. Mr. Flammer thanked the Board for the opportunity, and for the interest shown to him.

Russ Burrell highlighted the incentives being offered on which the Board would need to take action. The tax value of the parcel proposed to be conveyed to the company was \$84,201.39. The draft agreement would have the purchaser paying \$20,000 per acre. The incentives proposed would total \$175,000, based on certain conditions. Those conditions included construction of certain improvements on the property totaling \$4.8 million and employment of at least 50 workers at a salary at or above \$13.20 per hour plus benefits. Penalties were also proposed if the conditions weren't met. At this meeting the Board would be approving in principal the economic incentives being outlined in the agreement.

#### **Public Input**

There was none.

*Commissioner Baldwin made the motion that the Board approve the incentives in principal as outlined in a prepared document with final approval of a draft at a later date. All voted in favor and the motion carried.*

Chairman Moyer thanked Mr. Flammer for his interest in the community, and stated that he was hopeful that with the economic incentives which had just been approved, Elkamet's decision would be to join us in Henderson County. He also thanked the Henderson County Public Schools for their work, as the property in question had been held by the schools.

*Commissioner Messer made the motion to close the Public Hearing. All voted in favor and the motion carried.*

#### **CONSENT AGENDA**

*Commissioner McGrady made the motion to adopt the Consent Agenda. All voted in favor and the motion carried.*

The Consent Agenda consisted of the following:

#### **Minutes**

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

- November 7, 2005 – Regular
- November 9, 2005 – Special Called
- November 17, 2005 – Special Called
- November 30, 2005 – Special Called

#### **Tax Collector's Report**

Terry F. Lyda, Henderson County Tax Collector, had provided the Tax Collectors Report dated December 13, 2005 for the Board's information.

**Tax Discoveries**

A list of 1,129 tax discovery requests was presented by the County Assessor for consent approval by the Board.

**Tax Refunds**

A list of 1 tax refund request was presented by the County Assessor for consent approval by the Board.

**Tax Releases**

A list of 49 tax release requests was presented by the County Assessor for consent approval by the Board.

**Resolution Increasing Out-of-State Civil Process Fee**

The Sheriff's Department had requested that the fee charged for the processing of out-of-state civil papers be increased from \$15 to \$60. North Carolina General Statutes grant Boards of Commissioners the authority to take this action. A memorandum from Captain Rick Davis along with a proposed resolution was presented to the Board for their consideration.

**Resolution Regarding the Low Income Energy Assistance Program**

A request had been made that the Board of Commissioners adopt a resolution regarding the federal Low Income Energy Assistance Program. A proposed resolution was presented to the Board for their consideration.

**Extension Request for an Improvement Guarantee for Carriage Park**

On October 19, 2005, the Board of Commissioners approved an application for an improvement guarantee for Section 19, Phase II, in the Carriage Park planned unit development. The Performance Guarantee Agreement was not approved at this meeting and was subsequently approved at the November 7, 2005, Board of Commissioners meeting. In accordance with the Performance Guarantee Agreement, the developer deposited a certified check of \$71,177.50 with Henderson County to guarantee completion of the improvements. The improvement guarantee covers the water distribution system and sewer system for this section of Carriage Park. The completion date in the Performance Guarantee Agreement is November 30, 2005.

On December 5, 2005, the Planning Department received a letter from Paul Patterson, engineer for the project, requesting to extend the completion date on the improvement guarantee to March 1, 2006, due to some unforeseen delays. Section 170-39 of the Subdivision Ordinance allows the Board of Commissioners, upon proof of difficulty, to grant extensions to completion dates for improvement guarantees for a maximum of one additional year, provided that the time between initiation and completion of the improvements does not exceed two years.

If the Board of Commissioners agreed to grant the requested extension, staff had provided for the Board's consideration a draft Performance Guarantee Agreement which reflected a new improvements completion date of March 1, 2006. The new Performance Guarantee Agreement must be executed by the relevant parties if the Board approves the extension request.

The extension, if granted, would not cause the developer to exceed the two-year maximum time period for completion of the required improvements. Therefore, the County Manager recommended that the Board approve the request to extend the completion date for the improvement guarantee for Carriage Park Section 19, Phase II, to March 1, 2006.

**Improvement Guarantee for Grand Highlands at Bearwallow Mountain**

Melrose Design Group, PA, agent for Summerset, Inc., developer, submitted an application for an improvement guarantee for a subdivision named Grand Highlands at Bearwallow Mountain. Grand Highlands at Bearwallow Mountain is a 99-lot major subdivision located off of Bearwallow Mountain Road. The subdivision was conditionally approved by the Planning Board on April 19, 2005. According to the developer, the grading, graveling and shoulder stabilization of the roads are complete. An improvement guarantee application was proposed to cover the remaining road construction improvements for the subdivision.

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 \$457,500.00 to cover the cost of the improvements (\$366,000.00) as well as the required twenty-five percent (25%) contingency (\$91,500.00). The proposed completion date for the improvements is August 1, 2007.

A draft Performance Guarantee Agreement was presented for the Board's consideration. If the application were approved, the developer must submit an irrevocable letter of credit in accordance with the terms of the Agreement. Once the County receives a letter of credit in proper form, the relevant parties must execute the Agreement.

The County Manager recommended that the Board approve the improvement guarantee application for Grand Highlands at Bearallow Mountain subject to the developers submitting to Henderson County an irrevocable letter of credit in accordance with the terms of the Performance Guarantee Agreement.

#### **Extension Request for an Improvement Guarantee for Tall Timbers**

On August 1, 2005, the Board of Commissioners approved an application submitted by Jeff Donaldson, Calvin Ruby and Ken Burgess, owners of the project, for an improvement guarantee for a subdivision known as Tall Timbers. As required by the Performance Guarantee Agreement for the improvement guarantee, the developer posted with Henderson County an Irrevocable Letter of Credit for an amount of \$135,845.00. The Improvement Guarantee covered the completion of the road construction and water system installation as required by the Henderson County Subdivision Ordinance. The performance agreement required that the improvements be completed by November 30, 2005. A portion of the Irrevocable Letter of Credit of \$69,240.00, the cost of the water system, was released on October 29, 2005 which left the remaining amount of \$66,605.00.

On November 23, 2005, the Planning Department received a letter from Jeffery Donaldson requesting to extend the completion date on the improvement guarantee to April 15, 2006. Section 170-39 of the Subdivision Ordinance allows the Board of Commissioners, upon proof of difficulty, to grant extensions to completion dates for improvement guarantees for a maximum of one additional year, provided that the time between initiation and completion of the improvements does not exceed two years.

If the Board of Commissioners agreed to grant the requested extension, staff had provided for the Board's consideration a draft Performance Guarantee Agreement which reflected a new improvements completion date of April 15, 2006 and requires submittal of an amendment to the Irrevocable Letter of Credit showing an expiration date not earlier than 60 days after the new improvements completion date. The new Performance Guarantee Agreement must be executed by the relevant parties if the Board approves the extension request.

The extension, if granted, would not cause the developer to exceed the two-year maximum time period for completion of the required improvements. Therefore, the County Manager recommended that the Board approve the request to extend the completion date for the improvement guarantee for Tall Timbers to April 15, 2006, provided that an amended Irrevocable Letter of Credit was submitted in accordance with the new Performance Guarantee Agreement.

#### **Veterans Memorial at Memorial Stadium**

At the December 5, 2005 regular meeting, the Board of Commissioners directed staff to work with the County's Veterans Services Office to identify a veteran for recognition within the redesigned Memorial Plaza located at Memorial Stadium in Asheville. Pursuant to that direction, staff has drafted the 'personal story' honoring the heroism of Lieutenant William Heaton during World War II. Once approved, the story would be sent to Dr. Carl Mumpower, Chair of the Memorial Stadium Restoration Committee, for inclusion as

Henderson County's memorial at the Historic Memorial Stadium. In submitting this veteran's personal story, Henderson County also recognized the sacrifices of many other men and women from our County and region who gave their lives in military service.

### **Donation of Surplus Equipment to the Historic Courthouse Corporation**

Staff had received a request from the Historic Courthouse Corporation to purchase a computer through the County in order to obtain better pricing. However, Henderson County's IT Department maintains a number of desktop computers and always has some used, surplus computers in storage for use as back-up. Staff proposed the County donate a used desktop to the Historic Courthouse Corporation for their use.

### **FY 2006-2007 Budget Calendar**

Staff provided a draft of the FY 2006-2007 Budget Calendar for the Board's information. No action was required.

### **Approval of order from quasi-judicial hearing – River Stone Subdivision PUD**

A draft Order from the quasi-judicial hearing this Board held in the matter of the application for a special use permit for the planned unit development for River Stone subdivision was presented for approval

### **NOMINATIONS**

#### **Notification of Vacancies**

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

1. **Nursing/Adult Care Home Community Advisory Committee – 7 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.**

At the last meeting Commissioner Baldwin nominated Judge Mark Powell and Jeff Hunt. *Chairman Moyer made the motion to accept Powell and Hunt by acclamation. All voted in favor and the motion carried.* Per a request by the Partnership, the membership on the Board was adjusted from 18 to 14 members leaving no additional vacant positions.

3. **Hendersonville City Zoning Board of Adjustment – 1 vac.**

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

4. **Hospital Corporation Board of Directors – 3 vac.**

At the last meeting, the following were nominated: Peter Goodfield, J.W. Davis, William (Bill) Smith, and Kathy Watkins. Commissioner Young nominated Fielding Lucas. Ms. Corn polled the Board with the vote being:

Commissioner Baldwin	- Smith, Davis, Goodfield
Commissioner McGrady	- Goodfield, Watkins, Davis
Chairman Moyer	- Goodfield, Watkins, Davis
Commissioner Messer	- Goodfield, Watkins, Davis
Commissioner Young	- Davis, Smith, Lucas

The three appointees were Peter Goodfield, Kathy Watkins and J. W. Davis.

5. **Juvenile Crime Prevention Council – 4 vac.**

Commissioner McGrady nominated Amanda Kichton to Position #26. There were no other nominations. *Chairman Moyer made the motion to accept Ms. Kichton by acclamation. All voted in favor and the motion carried.*

**6. 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.

**7. Planning For Older Adults Block Grant Advisory Committee – 1 vac.**  
Amy Brantley stated that the County Manager’s Office recommended the appointment of Donna Lovelace to Position #13. Mae Harter was currently serving in Position #8 as a provider, but since she would be eligible to serve as an older adult beginning in January, had requested that she be moved to Position #2. Kim Pheffer was recommended to then be appointed to Position #8.

*Commissioner McGrady made the motion to accept those recommendations by acclamation. All voted in favor and the motion carried.*

**8. Travel and Tourism Committee – 1 vac.**  
At the last meeting, Scott Surrette and Kathy Griffin were nominated to Position #2. There were no additional nominations. Ms. Corn polled the Board with the vote being:

- Commissioner Young - Surrette
- Commissioner Messer - Surrette
- Chairman Moyer - Surrette
- Commissioner McGrady - Surrette
- Commissioner Baldwin - Griffin

The appointee was Scott Surrette.

**LIMITED ENGLISH PROFICIENCY**

Russ Burrell reminded the Board that the Federal government had required that any recipient of Federal funds provide a plan for meeting the needs of those with limited English proficiency (LEP). Pursuant to Strategy 4.2 of the 2005 Strategic Plan, “[d]evelop a plan to address service delivery needs for the non-English speaking population”, each department of county government was surveyed as to their needs regarding non-English speaking customers. A committee then discussed how to best meet the Federal requirements within the context of the needs of county government. A draft plan had been prepared, and was presented to the Board for their consideration.

The proposal was in three parts:

- Emergency preparedness, and preparing the LEP public to know how to obtain emergency information. The ability to communicate effectively with all persons in emergencies is the most LEP need for local government. The primary means of meeting those needs will be with the advance distribution of information to LEP individuals. The following was proposed:
  - Use of bilingual public service announcements (PSAs) on HCTV-11, informing LEP individuals of county government services, and particularly emergency services which may be available and, more importantly, where to go for more information in a real emergency.
  - Use of bilingual PSAs on local radio stations
- Regular program preparedness, and dealing with “everyday” LEP problems. A more difficult, expensive, problem to solve as these LEP needs are not easily predictable or constant from day-to-day. Federal LEP policies do not allow for preferential use of family members (in any instance child family members) of LEP individuals as interpreters. The three-fold solution offered was:
  - Hiring of a trained translator/interpreter to work generally within Henderson County Government, although not exclusively for any one department, and would translate “routinely provided” documents into Spanish, and be available to act as an interpreter.
- System preparation – before services are requested. This portion is encompassed within both other parts and would require the periodic monitoring and revisiting of LEP issues as they relate to Henderson County and the readjustment of the County’s plan as circumstances dictate.

*Commissioner McGrady made the motion to approve the plan. All voted in favor and the motion carried.*

**CONTINUATION OF DISCUSSION CONCERNING MEDIACOM CABLE FRANCHISE RENEWAL**

Commissioner McGrady reminded the Board that at the last meeting the League of Women Voters had asked to set up a forum to provide information to the public about the issues. The League made a presentation to the Cable Franchise Renewal Advisory Committee (CFRAC), and he believed CFRAC planned to provide some assistance to the League to put on such a forum in February.

Chairman Moyer felt that given everything going on with the renewal process, the Board might need to consider a workshop where everyone who wished to speak would have the opportunity. He suggested there not be much discussion about it at this meeting, but that the Board schedule the workshop following the different forums.

Commissioner McGrady agreed to the workshop, but felt Thomas Beckett, who had requested some time on this agenda, be allowed to speak. Following some discussion, the consensus of the Board was to schedule a workshop at the mid-January meeting, to be held in February following the League’s forum.

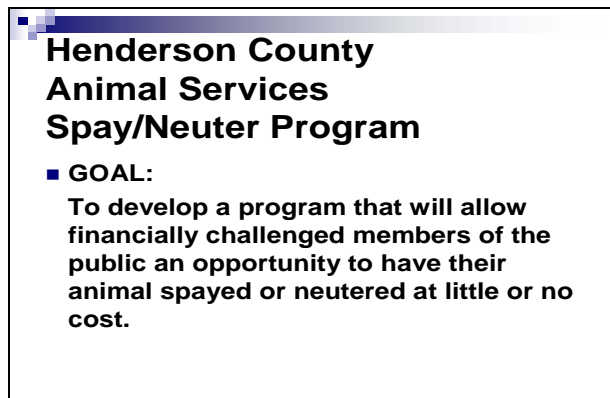
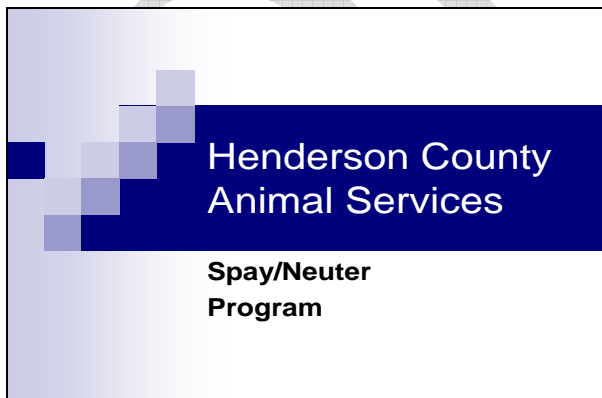
Thomas Beckett, associated with Community Media Inc. (CMI) addressed the Board, stating that they were trying to find a funding source to bring Rick Elrod to Henderson County for a day. Mr. Elrod was the attorney who assisted the City of Dubuque in their negotiations with Mediacom. Mr. Beckett was also working with the URTV folks in Buncombe County, who had gone forward with a public access channel. They had a studio currently under construction, and had held several public information sessions which were widely attended. They had also agreed to hold a public access information session for elected officials in Henderson County.

Cal Gaines, also with CMI, stated that he believed there were a number of flaws in the proposed agreement, from the definition of current technology to the I-Net. Mr. Gaines applauded the Board’s decision to set up a workshop on the franchise, hoping that some details could look a little different when the final agreement is submitted.

John Howell also addressed the Board, stating that he thought the Board was making the correct decision to go slowly through the renewal process. The ERC had made a verbal commitment to come to Henderson County, and he was working on that in conjunction with some things going on in Polk County.

**ANIMAL SERVICES SPAY/NEUTER**

Rocky Hyder presented the following PowerPoint presentation to the Board:



### Spay / Neuter Programs

- Several Programs already exist that the public may or may not be aware of.
- Blue Ridge Humane Society
- Community Partnership for Pets
- Animal Compassion Network
- Animal Welfare Alliance
- Humane Alliance

### Spay / Neuter Programs

- Blue Ridge Humane Society
- PO Box 706 - Hendersonville, NC 28793
- Phone 828.685.7107
- Fax 828.272.0949
- www.the-aarc.com
- Offers free spay/neuter

### Spay / Neuter Programs

- Community Partnership for Pets
- Mary Cervini 828.693.5172
- cpforpetsinc@aol.com
- www.communitypartnershipforpets.org
- Provides financial assistance for low-cost spay/neuter

### Spay / Neuter Programs

- Animal Compassion Network
- Eileen Bouressa 828.258.4820
- www.animalcompassionnetwork.org
- Offers discount coupons on low cost spay neuter program at Humane Alliance

### Spay / Neuter Programs

- Animal Welfare Alliance
- Don Gladieux
- PO Box 533, Flat Rock, NC 28731
- Donated \$40,000 to 4 local vets to provide free spay/neuter.

### Spay / Neuter Programs

- Humane Alliance
- 231 Haywood St Asheville, NC 28801
- Phone 828.252.2079
- www.humanealliance.org
- Provides low-cost spay/neuter and pick up service.

### Proposed Animal Services Spay / Neuter Program

- In addition to working with each of these organizations, the Animal Services Committee proposes a special fund to assist families that are eligible for financial assistance through the county.
- Revenue for this fund can be generated through animal licensing, adoption fees, fund raising, partnerships, etc.

### Funding Options

- A license program will encourage the spay/neutering of pets by way of a fee schedule.
- A license will be more expensive if an animal is not spayed/neutered.
- Example- \$10 if altered, \$65 if not.

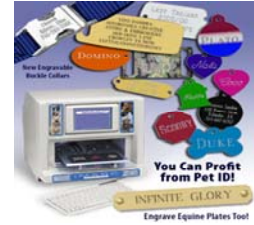


### Revenue Projections

- Based on 2004 statistics from the Animal Service Center.
- Dogs adopted- 499 X \$10 = \$4,990
- Cats adopted- 170 X \$10 = \$1,700
- Dogs reclaimed- 141 X \$10 = \$1,410
- Cats reclaimed- 70 X \$10 = \$700
- Total funds generated= \$8,800

### Fund Raising Options

- Additional Revenue could be generated with the purchase of an engraving machine.
- The cost of the engraving machine is \$3,250



### Funding Partners

- "I Care" is a state program covering a percentage of funds expended for spay/neuter programs. Reimbursement is based on the tier system.

### End Result

- Based on an average cost of \$65 per animal, 135 animals could receive 100% financial assistance through the spay / neuter program.
- Utilized in collaboration with spay / neuter programs of other agencies, low or no cost spay / neuter should be available to anyone needing assistance.

Mr. Hyder answered several questions from the Board about the specifics of a spay/neuter program, the benefits of a micro-chipping program, and the potential of a confinement or lease law. *Commissioner McGrady made the motion to task the Animal Services Committee with development of an Ordinance to facilitate spay and neutering program which may include a licensing option as presented by Staff, and further moved that the Board include in the charge a responsibility for considering confinement requirements as part of the Animal Services Committee charge, and further to specifically investigate microchips as a way of identifying animals.* Following some discussion about the micro-chipping aspect, Commissioner McGrady clarified that the priority was first with the spay/neuter program. A vote was then taken on the motion. *All voted in favor and the motion carried.*

### DRAFT HENDERSON COUNTY LAND DEVELOPMENT CODE

Lori Sand reviewed the three items distributed to the Board with the ordinance. There was a "Frequently Asked Questions" sheet which Planning staff had developed. There was also a listing in table format of the Planning Board comments, and a letter from Zoning Administrator Natalie Berry stating that she was in favor of the ordinance from an enforceability perspective.

Ms. Sand stated that the Ordinance was developed and guided by the County Comprehensive Plan (CCP). One of the major portions of the plan was to manage growth, and divided the county into three growth management areas: urban service, rural transition, and rural agricultural. The CCP specifically outlined how those areas should be developed and to what extent, and the ordinance reflected those principals. Planning staff had also incorporated the tools necessary to encourage high quality growth. She also noted that the draft Code was available on line for viewing, as well as a hard copy at the library.

Commissioner Young pointed out that at their last meeting, the Planning Board had voted to send the Code to the Board but not with a recommendation because they had not completed their work. Ms. Sand noted that motion was included in the Planning Board comments, and was "The Board of Commissioners does not take up the LDO at this time, until an economic feasibility/impact study is complete, which will take more time and could be done by testing the LDC backwards". That motion had passed 4 to 3.

Commissioner McGrady stated that given the Planning Board's vote, and because the Board continued to need to get additional comment, he had no problem with the Planning Board continuing its deliberation as necessary to consider additional sections of the ordinance. He noted that Planning Staff had made a presentation on the Code to the Environmental Advisory Committee, and felt the Board should also send it to the Agriculture Advisory Committee for review and comment. He also reiterated the need to educate the Board and the public on the draft, and questioned what the process would be from this point.

Judy Francis questioned the Board's timeframe on when they would like to begin. They would begin with an overview workshop where they would establish that the themes in the Code were grounded in the CCP. In the meantime, she wished to work with the Board on a public outreach strategy which would include workshops with the public and advisory committees. There followed much additional discussion about a schedule, potential sites for community meetings, and the agenda for the Board's workshop. It was the consensus of the Board to schedule a workshop on the LDO as a part of Important Dates, and in addition to the Planning Board, have the Environmental Advisory Committee, Agriculture Advisory Committee and Travel and Tourism be charged with providing comments to the Board on the Code.

Chairman Moyer questioned what the policy would be with respect to providing copies of the code. Ms. Francis stated that there would be hard copies available for public review in the Planning office, as well as in the library. The document would also be available on the county's website. Ms. Francis stated that copies were available to purchase, and the cost was \$32.50. Commissioner Baldwin suggested making a copy available in the branch libraries as well, and making a certain number of copies available for which the County would cover the cost. Chairman Moyer suggested making the Code available at a cost of \$10.00, with the County subsidizing the difference. Commissioner Messer clarified that when people received a copy of the code, there would not be maps included as the maps were a part of and included in the CCP. *Chairman Moyer made the motion to make copies of the Land Development Code, because of its importance, available for \$10.00 for anyone who would like to buy one.* Commissioner Young stated that at least one copy should also be provided to each Board such as the Home Builders Association, PEP, and the Board of Realtors. Most Board members felt those groups would be able to afford the \$10.00 cost, or be able to download the document. Following discussion a vote was taken on the motion. *All voted in favor and the motion carried.*

#### **COUNTY MANAGER'S MONTHLY REPORT**

Selena Coffey distributed the County Manager's Monthly Report for December, 2005. David Nicholson highlighted the following specific updates reflected in the report:

- Develop a Land Development Code – Mr. Nicholson was pleased to note that the major milestone of getting the draft LDC to the Board by the end of the year had been met.
- Begin small area plan meetings – Staff had held the initial community meeting in the Mills River area, but had been forced to reschedule Etowah/Horseshoe due to inclement weather.
- Voting equipment – A lot was happening with regards to voting machines, and staff was scheduled to attend an equipment demonstration following this meeting. Additional discussion on this issue would be held at a future meeting.
- Solid Waste 2<sup>nd</sup> bay for Transfer Station – Staff was currently reviewing the design plans, and hoped to be out to bid in February, with construction beginning in April.

Mr. Nicholson then discussed the specifics of several capital projects including:

- Mills River Sewer Project – Phase 1 of this project was essentially finished. Phase 2, sewer service to Mills River Elementary School should be in place by February, and Phase 3, service to the business community should be complete in March.
- Historic Courthouse – Accounting for the community room revisions, re-roofing and hazardous material plans added about six weeks to the project. He reviewed each task associated with the project, the duration of that task, its projected start and finish date, with the grand opening/rededication date scheduled for December 2, 2007.
- Human Services Building – The contractor was working to get the building dried in with the weather turning. There were some small change orders in the plans. Mr. Nicholson estimated that they were approximately 25 – 30 days off schedule for that project.

- Animal Shelter – A progress meeting was scheduled for 2:00 on the shelter project. That project was a few days ahead of schedule. Fund raising efforts were back underway, and decisions regarding equipment placement were able to be contemplated. Mr. Nicholson anticipated an upcoming change order with respect to the ceramic carpet being laid in the runs.

### **UPDATE ON PENDING ISSUES**

#### **WHKP/Government Channel #11**

Selena Coffey reminded the Board that at their last meeting, they had requested Richard Rhoades, WHKP Vice-President, be present at this meeting to update the Board on the status of their commercial blocking equipment. Due to staff shortages, Mr. Rhodes was unable to attend this meeting. However, Ms. Coffey stated that she had heard from Mr. Rhodes that they had not yet been able to find the equipment that would block the commercials from HCTV-Channel 11. WHKP was continuing to look for that equipment, but at this point were unable to guarantee that they would have that equipment as requested at the last meeting.

Chairman Moyer requested this item be placed on the next agenda, and asked Staff to consider other options based on this information.

#### **EMS Billing Update**

Carey McLelland provided the following information on the EMS billing situation.

- \$4.1M outstanding from prior year's debt notices mailed.
- Estimated write off of \$1.3M plus due to Medicare and Medicaid insurance claim payments.
- Hired (2) temporary employees familiar with EMS billing system. First employee is concentrating on filing past due Medicare claims (approx. 1,500 plus) by 12/31/05 deadline. As of today, she has filed and re-filed over 600 of these past due claims successfully.
- Second employee is working on billing system software set up to correct coding problems and to make the system work more efficiently/effectively for billing and filing insurance claims. This employee is also working on filing past due Medicaid claims, filing past due secondary insurance claims, invoicing current bills and training other County employees on doing these functions.
- Delinquent tax collector's office working on post office returned mail to get better address information on EMS patient transports.
- Working with Pardee Hospital to get patient data including billing/insurance information on all EMS transports to them. Hard copy reports initially with possible electronic file to upload into EMS billing system soon.
- Medicare supplying all Explanation of Benefits (EOBs) sent to EMS over last 3 years that are needed to file with patient's secondary insurance claims to get payment.
- Filing appeal letters on older claims to secondary insurance companies for patients where Medicare/Medicaid has already paid.
- Changing the way EMS files records internally for easier access and greater efficiency going forward.
- EMS staff has sorted through and organized outstanding billing records that had not been filed internally.
- Installed another computer in EMS billing office to allow a third person to work on the system.
- EMS staff continues to assist walk-ins and field telephone calls to get patient insurance information and to reassure them that their bill will be taken care of.

Mr. McLelland answered numerous questions from the Board throughout the presentation, especially with regards to budgetary implications. The 12/31/05 deadline for filing with Medicare covered bills from October 1, 2003 through September 30, 2004. Medicare is looking on a case by case basis at any claims prior to October 1, 2003. Commissioner Young stated that at some point, of the 11,000 bills sent out, he would like to know the percentage that had actually been paid but not properly credited. Mr. McLelland will track that information as possible. It was also noted that none of the bills would be submitted to the debt set-off program. Terry Layne stated that as EOBs are received from Medicare, staff would review those to determine which bills had actually been paid. There followed much additional discussion about why this problem suddenly

loomed so large, and assurance that current billings were being processed accurately, and that similar problems would not occur in the future.

Terry Layne addressed the Board on the call volume associated with this issue. He stated that after the first notices were sent out, EMS was getting about 100 phone calls per hour, and 5-6 walk ins. They were trying to handle that volume with five people and three phones. That had dropped down to 10-15 calls per day, with an occasional walk in customer. EMS staff had assured people that their name would not be sent to the debt set-off program, and were getting insurance information and filing it at that time. Customers would get information from Medicare and/or secondary insurance regarding what had been paid and what was still owed.

### **IMPORTANT DATES**

#### **Joint Facilities Meeting**

Chairman Moyer stated that there would be a Blue Ridge Community College Joint Facilities meeting on Monday, December 19<sup>th</sup> at 4:00.

#### **Special Called Meeting**

*Chairman Moyer made the motion to schedule a special called closed session meeting on Thursday, January 12<sup>th</sup> beginning at 8:30 am and running all day. No action would be taken on that day. All voted in favor and the motion carried.*

#### **NCDOT Secondary Road Public Hearing**

The meeting previously scheduled for January 19, 2006 at 9:00 am with NCDOT had been cancelled due to an NCDOT staff time conflict. Mr. Hembree would place that on the January agenda to be rescheduled.

#### **Land Development Code**

*Commissioner McGrady made the motion to set a workshop for Thursday, January 19, 2006 at 4:00 pm to consider and discuss the draft Land Development Code. All voted in favor and the motion carried.*

#### **Set Public Hearing on Rezoning Application #R-2005-06, Hendersonville Relinquishing ETJ Action**

*Chairman Moyer made the motion to schedule a public hearing with respect to the ETJ action on Wednesday, January 18<sup>th</sup> at 11:00 am. All voted in favor and the motion carried.*

#### **David Nicholson Retirement Reception**

Justin Hembree reminded the Board of Mr. Nicholson's drop-in retirement reception scheduled for December 29<sup>th</sup> from 3:00 – 6:00. Chairman Moyer stated that this was Mr. Nicholson's last meeting as the County Manager. He thanked Mr. Nicholson for his service throughout the years. Mr. Nicholson stated that it had been his pleasure to serve the Board and the community, and looked forward to serving the community in other ways.

#### **Sugarloaf School Property**

Commissioner Young asked that discussion of the property be added to the January agenda.

#### **Carolina First donation**

Commissioner Messer stated that with the completion of the East Flat Rock Park, Carolina First had donated \$10,000 toward a 2,500 square foot picnic shelter at the park. He thanked Carolina First for that donation.

#### **Adjourn**

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

Attest: