

MINUTES

**STATE OF NORTH CAROLINA
COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS
APRIL 3, 2006**

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 Steve Wyatt, Assistant County Manager Justin Hembree, County Attorney Russell Burrell, and Clerk to the Board Elizabeth W. Corn.

Also present were: Planning Director Judy Francis, Fire Marshal Rocky Hyder, Finance Director J. Carey McLelland, and Development and Enforcement Director Toby Linville, Deputy Clerk to the Board Amy Brantley, Budget and Management Director Selena Coffey, and Public Library Director Bill Snyder.

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

Commissioner Shannon Baldwin gave the invocation.

Chairman's Announcements

Chairman Moyer informed the Board that the National Technical Honor Society had a presentation at the Blue Ridge Community College and they made a presentation to the Board of Commissioners which he read "In appreciation for your role in bringing Elkamet to Henderson County". They also made a presentation to the Community College and the Board of Education for their work. He showed the Board the plaque he received on behalf of the Board.

Chairman Moyer explained that on very short notice there was a round table discussion with Secretary of the Treasury John W. Snow at the Community College to discuss technical matters in Henderson County. He was very well received. He came as the guest of Charles Taylor and he talked about what was going on in our county, the Community College, and hospitals, etc., with respect to technology. There was time to speak to Charles Taylor regarding the Broadband site for Henderson County. Chairman Moyer stated that the good news is that they have a definite plan to bring broadband to Henderson County. They will bring it in from Brevard, number one route. There is also another route coming in from Lake Lure and a third coming down from Asheville. They are hopeful to move on this to bring the latest technology to our area. Representative Charles Taylor is behind this. They continue to look for some funding.

Chairman Moyer announced that Selena Coffey has been going to the Institute of Government to a year long County Administration class. She was recognized at the end of the class as the outstanding graduate. She received the Edwin Gill Award which is awarded annually to the student who exemplifies excellence in completion of class assignments and class participation. The formal presentation will be made at the North Carolina Association of County Commissioners Conference in September in Forsythe County. On behalf of the Board, Chairman Moyer congratulated Selena Coffey for her accomplishment in this class. Applause followed.

INFORMAL PUBLIC COMMENTS

DATE APPROVED _____

Due to the fact that we had a number of people signed up to speak, Chairman Moyer asked each person who had signed up for informal public comments to please limit their time to 3 minutes each.

1. Valerie LeVander - Ms. LeVander stated that her Aunt was Evelyn Haynes, who owned Huckleberry Mountain property from Harper Road up to Rugged Top. Her Huckleberry workshop which was a writer's school and an artist colony, is a valuable part of Henderson County history. When the workshop closed in the fifties, her aunt divided the property into lots and sold them to people who appreciate nature and for them to build summer cabins and to come to live on Huckleberry year-round in their retirement. In the original deed she stipulated no trailers but they are coming in. Ms. LeVander stated that she lives in one of those earlier cabins off of Niles Drive and she has enjoyed 30 years there until now. She stated that Niles Drive has become an eyesore. She hopes there will be a law to rectify the situation. She submitted some photographs of the junk on Niles Drive: discarded appliances, assorted trash, junked cars, piles of scrap metal, a rusty mowing machine, and a rusting trailer frame. There is a growing lumber yard in another neighbor's yard, piles of lumber scattered over the yard and a junked truck filled with trash bags and assorted trash scattered in the yard. The third problem is a 10 year remodeling job where a neighbor has been remodeling a cabin that he inherited from an Aunt and building materials are stacked in the yard and bordering her driveway. The fourth problem is the road. The property owners do not do any upkeep on their part of the road. She has attempted repairs at her expense through the years. There is no cooperation nor sense of pride in ownership.
2. Tom E. Orr – Mr. Orr discussed the importance of bells. Almost a year ago the centennial celebration of the historic courthouse began with the theme “Let Freedom Ring”. The idea was to ring the courthouse bell and to invite bell ringing throughout the county. The efforts were successful but he was somewhat disappointed with the volume of sound emanating from the belfry or cupola of the historic courthouse. He asked the Board of Commissioners to explore as part of restoration efforts how the volume and quality of sound can be enhanced through the installation of either a larger standard bell or a caroling electronic substitute. He asked that they first investigate the present bell, it's history, and its possible preservation and replacement. He raised many questions.

Mr. Orr also stated that he is not happy with the color of the dome, it is just not gold. It looks green.
3. Karen Jones – Ms. Jones spoke to the issue of the Tuxedo/Green River Library. The support group at the Green River Library would love to have the old company store property. The parking at the current site is not good. The new site would also give the community a good place to vote with handicapped access. The parking is adequate. The old company store is also historic and Tuxedo just doesn't have anything left historic. She respectfully requested that the Board choose the company store site.
4. Katherine Taylor – Ms. Taylor agreed with what Karen Jones had said. She felt that the best place for the library would be at the old company store. She stated that the owner of the property was willing to negotiate price. She also informed the Board that there is an anonymous donor to the tune of \$100,000 to go on the community building if this is the choice made. The donation is to defray the cost of the renovations.
5. Karen & Scott Rigg – Scott Rigg stated that he lives in a small subdivision called Laurel Forest off Battlecreek which is on the western side of Hwy. # 64. He addressed the nuisance ordinance, stating that they have a situation in their community, in their small subdivision, with junked cars, culverts, buildings that are half built. He stated that we live in a wonderful country where you have the privilege of doing as you'd like but when you live in a subdivision where others are affected, then this concerns everybody else and it directly impacts the resale value of other's property.

6. Patti Keck – Ms. Keck agreed with Mr. Rigg’s comments about the deplorable condition of one house in the small neighborhood. She asked that the Board please not grandfather anything in. She said it is a very lovely small development, very unpretentious, with well kept homes ranging from about \$140,000 up to about \$300,000. This one home is a real detriment to the community, not only in looks but in health. It is a place that would naturally attract rats. This started out as a retirement neighborhood but it is fast becoming a family oriented neighborhood, which they are glad of.
7. Marvin & Lois Stoghill - Mr. Stoghill made an appeal for the nuisance ordinance, agreeing with the last two speakers about this one residence in their community. This property in question has five cars, a school bus and assorted other stuff. He also mentioned the health problem.
8. Doug Freeman – Mr. Freeman stated he is the first Vice-Chair of the Democratic Party of Henderson County. He spoke on behalf of the Executive Committee. The Democratic Party is keenly interested in the welfare of working families. Last Fall they began collecting signatures to encourage the passage of a minimum housing code. He presented 229 signatures of Henderson County residents who support the following statement “Many jurisdictions around the state, including the City of Hendersonville, have minimum housing codes which give Housing, Planning, Inspections, Fire Code, or other code enforcement officers the authority to order the rehabilitation or condemnation of structures that fall below a minimum threshold of livability. It is unacceptable that some of our neighbors are asked to live in substandard housing because our county has no minimum housing code.”

Mr. Freeman stated that the Democratic Party appreciated the fact that Henderson County is making plans to implement such a code but they are less than happy with the pace of the project. He stated that the City of Hendersonville has had a minimum housing code for almost 35 years, having created it in March of 1970.

The Henderson County Democratic Party encouraged the Board to enact with all haste a minimum housing code that will ensure a decent and compassionate level of livability for all our citizens.

9. Eva Ritchey – Ms. Ritchey expressed concern about the lack of a sustainable practical energy management plan for our county. Most citizens now acknowledge that we cannot continue to consume enormous amounts of energy without serious consequences to our national security, our natural environment, and to our children’s future. She stated that the true life cost on a new building includes dollars needed to heat, electrify, and maintain it. If we ignore these real costs, we face increased taxes for rising energy bills. She quoted figures for energy costs for the schools.

“The leadership of this community has failed to implement a building program that conserves tax dollars. And while I appreciate that the school system has a solar water heating system in the latest school plan, that is a drop in the desert compared to the savings they could have delivered with a 21st century design. The technology has long been available to build solar and green technologies into our schools and public buildings.”

10. Donald King – Mr. King distributed pictures of his neighbors’ property where there are junk cars. He stated that it is currently worse than what the pictures show. This neighbor has a half acre of land and has about 20 cars piled on there. Now he also has four trailers piled in there. This property is on Pace Road, about 6/10 mile from School Road and is on the left hand side of the road. He has a half acre almost covered with junk. He is in prison now but someone is still bringing junk and dumping it on his property.
11. Dick Baird – Mr. Baird welcomed Steve Wyatt to Henderson County. He addressed the budget process, recommending a Taxpayer Review Committee to participate in the budget preparation and review process on an equal footing with the consumer and provider. He proposed the Board let Spence Campbell, Eva Ritchey, and Dick Baird be arbitrarily appointed as the taxpayer’s

representatives for this cycle and a permanent taxpayer review committee be chartered and staffed before the next budget cycle. The interests of Democrats, Republicans, and unaffiliated are and should be represented. "What we have today is taxation without adequate representation."

Mr. Baird stated that he would speak on "fraud audits" at the next meeting.

- 12. Mitchell Redmon – Mr. Redmon addressed the five acre stipulation in the Land Development Code, stating it is a little bit much. He doesn't think we should have any lots less than a half acre at all, unless they are already subdivided to that size and there is adequate room for well, septic, etc. A ½ half acre is about as small a size lot as you could have and have a good lot.

Mr. Redmon addressed the issue of sales tax distribution, stating that it should be based on population.

Mr. Redmon addressed the nuisance ordinance, stating that allowances should be made in some way for older vehicles that are good candidates for restoration. He agreed that we have a bad problem in Henderson County of junk. He stated that you should be able to restore one or two vehicles if you choose to but they should be kept from view. They shouldn't be parked in the front yard or next to other people's property. He felt that it shouldn't include farm equipment but stated that most farmers don't park their tractors in the front yard and you do have to keep parts around for equipment. He stated that abandoned mobile homes should be removed, by all means.

Mr. Redmon asked the county to look at Rutherford County and their convenience centers. They are nice, clean, neat, paved areas that are fenced in and manned. He likes the idea of the convenience centers if they are maintained.

DISCUSSION/ADJUSTMENT OF AGENDA

Chairman Moyer wished to add one item to Update on Pending Issues – Mental Health update.

Commissioner Messer 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. All voted in favor and the motion carried.

Minutes

Draft minutes were presented for the Board's review and approval of the following meeting(s):

- March 9, 2006, special called meeting
- March 15, 2006, regularly scheduled meeting
- March 16, 2006, special called meeting
- March 20, 2006, special called meeting

Financial Report – February 2006

Cash Balance Report – February 2006

These reports were presented for information and consent approval.

Non-departmental expenses are for Property/Liability 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 new generators for the mountaintop communication sites, a GIS software application update that links GIS data with the Computer Aided Dispatch (CAD) system and complete replacement of the UPS-battery backup 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 Projects 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.

The YTD deficit in the Historic Courthouse, New Sugarloaf Elementary School, Mills River Elementary School and the New BRCC Technology Education Building Capital Projects will be reimbursed by financing proceeds from the anticipated sale of Certificates of Participation (COPs) in June 2006.

Henderson County Public Schools Financial Report – February 2006

The Schools Financial Report was presented for information and for consent approval.

Remote Access to Court Records for Tax Collections

Tax collections operations can be greatly enhanced through the sharing of information with governmental agencies. One of these agencies is the North Carolina Administrative Office of the Courts. The prepared agreement will allow the Tax Collector remote access to records maintained by the Administrative Office of the Courts and should enhance local tax collections efforts.

Staff's recommendation was for the Board to approve the agreement as presented in the agenda packet.

Tax Collector's Report

Terry F. Lyda, Henderson County Tax Collector, had provided the Tax Collector's Report dated March 31, 2006, for the Board's information and consent approval.

Sexual Assault Awareness Month Resolution

Ms. Jane Orwoll, Board Chair of the Healing Place, had requested that the Board of Commissioners adopt a prepared resolution setting aside April 2006 as Sexual Assault Awareness Month. A copy of the resolution is attached and made a part of these minutes.

Blue Ridge Literacy Council ProLiteracy America Accreditation Resolution

The Blue Ridge Literacy Council has been awarded ProLiteracy America Accreditation. The prepared resolution recognizes this community-based organization for this achievement.

Staff recommended the Board adopt the resolution as presented in the agenda packet. A copy of the resolution is attached and made a part of these minutes.

2006 Spring Litter Sweep Resolution

NCDOT's 2006 Spring Litter Sweep will take place April 17-30, 2006. The prepared resolution encourages Henderson County citizens to participate in this event.

Staff recommended the Board of Commissioners adopt the prepared resolution as presented in the agenda packet. A copy of the resolution is attached and made a part of these minutes.

Apple Country Greenway Commission – Annual Report

This report was provided for the Board's information. No action was required.

Improvement Guarantee for Phase III of Sunset Ridge

Dan Ducote with Dan Ducote Enterprises, Inc., owner, had submitted a request for an improvement guarantee for Phase III of the Sunset Ridge major subdivision. Phase III is proposed to have a total of 19 lots on 12.4 acres of land. The Henderson County Planning Board granted conditional approval of a revised Master Plan and Phase II and Phase III Development Plan on May 17, 2005. The improvement guarantee for Phase III is proposed to cover construction of the roads which includes paving and the installation of sewer and water distribution systems.

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 and for 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 improvement guarantee approval date. The developer intends to post with the County an irrevocable letter of credit in the amount of at least \$128,425.00 to cover the cost of the improvements (\$102,740.00) as well as the required twenty-five percent (25%) contingency (\$25,685.00). May 19, 2006 is the proposed completion date of the improvements.

A draft Performance Guarantee Agreement was included in the agenda packet 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 Sunset Ridge subject to the developer submitting to Henderson County an irrevocable letter of credit in accordance with the terms of the draft Performance Guarantee Agreement.

Improvement Guarantee for the Tradition Subdivision

Ronald Mueller, owner, and Rhodes Development, LLC, developer, submitted a request for an improvement guarantee for the Tradition minor subdivision. Tradition is located on 11.24 acres of land off of NC Hwy 191 (Haywood Road). A total of 10 lots are proposed. The Henderson County Planning Department granted conditional approval of the Development Plan for Tradition on November 3, 2005. The improvement guarantee for the Tradition subdivision is proposed to cover construction of the roads which includes paving and installation of the public water distribution system.

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 and for 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 improvement guarantee approval date. The developer intends to post with the County an irrevocable letter of credit in the amount of at least \$115,518.13 to cover the cost of the improvements (\$92,414.50) as well as the required twenty-five percent (25%) contingency (\$23,103.63). March 1, 2007 is the proposed completion date of the improvements.

A draft Performance Guarantee Agreement was included in the agenda packet 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 the Tradition subdivision subject to the developer submitting to Henderson County an irrevocable letter of credit in accordance with the terms of the draft Performance Guarantee Agreement.

Improvement Guarantee for The Orchards at Flat Rock

The Orchards, LLC, owner, submitted a request for an improvement guarantee for Phase I of The Orchards at Flat Rock major subdivision. The Orchards at Flat Rock is located on 37 acres of land off South Orchard Road. Phase I will have a total of 124 attached townhouse units. The Henderson County Planning Board granted conditional approval of the Combined Master Plan and Phase I Development Plan on September 20, 2005. The improvement guarantee is proposed to cover grading, the water and sewer distribution systems including a small portion of offsite installation, construction of the roads which includes paving and installation of the curb, a storm sewer system and erosion control for Phase I.

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 and for 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 improvement guarantee approval date. The developer intends to post with the County an irrevocable letter of credit in the amount of at least \$1,175,953.00 to cover the cost of the improvements (\$940,762.00) as well as the required twenty-five percent (25%) contingency (\$235,190.50). April 3, 2008 is the proposed completion date of the improvements.

A draft Performance Guarantee Agreement was included in the agenda packet 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 The Orchards at Flat Rock, subject to the developer submitting to Henderson County an irrevocable letter of credit in accordance with the terms of the draft Performance Guarantee Agreement.

Improvement Guarantee for Gladiola Pines

Dean Pistor with Gladiola Pines, LLC, owner, had submitted a request for an improvement guarantee for the Gladiola Pines minor subdivision. The project site for Gladiola Pines is located on 15 acres of land off Jeter Mountain Road. A total of 10 lots are proposed. The Henderson County Planning Department granted conditional approval of the Development Plan for Gladiola Pines on November 15, 2005. The improvement guarantee is proposed to cover the earthwork, erosion control, drainage and construction of the roads which includes paving for the entire 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 and for 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 improvement guarantee approval date. The developer intends to post with the County an irrevocable letter of credit in the amount of at least \$273,399,00 to cover the cost of the improvements (\$218,719.28) as well as the required twenty-five percent (25%) contingency (\$54,680). July 15, 2006 is the proposed completion date of the improvements.

A draft Performance Guarantee Agreement was included in the agenda packet 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 Gladiola Pines subject to the developer submitting to Henderson County an irrevocable letter of credit in accordance with the terms of the draft Performance Guarantee Agreement.

Right of Way in favor of Duke Energy to serve Hospice

Duke Energy and Four Seasons Hospice and Palliative Care seeks an easement for Duke Power purposes to further serve the Hospice facility. This was given to the Offices of the County Attorney by Hospice staff without further information.

George C. Knudsen, P.E., the Owner's Representative for Four Seasons Hospice, was present at the meeting to give further information, if requested by the Board.

Proposed motion, if desired:

I move that the Board grant the proposed easement to Duke Energy Corporation as shown on the draft attached to the Board’s agenda materials.

Change of registered agent of Henderson County Hospital Corporation

Currently the registered agent for Henderson County Hospital Corporation is David E. Nicholson. This proposes that the Board adopt a policy that the County Manager of Henderson County (and all future County Managers) be the registered agent, so that no further Board of Commissioners’ action would be required in the future, such the Board’s Chairman would merely execute a notice to the Secretary of the State of North Carolina, of future changes in the Registered Agent.

The Board was requested to approve the change to a policy that the County Manager of Henderson County act as registered agent for the Corporation.

The following motion was recommended:

I move that the Board name as the registered agent of Henderson County Hospital Corporation the current County Manager, and that in the future the County Manager of Henderson County also be the registered agent of Henderson County Hospital Corporation. I further move that the Board empower the Chairman to execute whatever documents as are necessary to effect this change, and that this policy remain in effect until revoked by this Board.

NOMINATIONS

Notification of Vacancies

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

1. Animal Services Commission – 1 vac.
2. Apple Country Greenway Commission – 1 vac.
3. Henderson County Transportation Advisory Committee – 1 vac.
4. Juvenile Crime Prevention Council – 1 vac.

Nominations

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

1. **Apple Country Greenway Commission – 1 vac.**

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

2. **Child Fatality Prevention Team – 1 vac.**

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

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. **Henderson County Planning Board – 3 vac.**

Commissioner Messer nominated Mike Cooper.
Commissioner Baldwin nominated John Antrim.
Commissioner McGrady nominated Tommy Laughter and Collette Summitt.
Commissioner Young nominated Paul Patterson.

We have five nominees for three vacancies so the Clerk will poll the Board at the next meeting.

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

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

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

Chairman Moyer nominated Richard Sheldrick to position #6. There were no other nominees at this time.

Chairman Moyer suggested that Ms. Brantley contact Mr. Sheldrick to be sure he is still willing to serve on this committee. This was rolled to the next meeting for action.

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

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

8. Solid Waste Advisory Committee – 2 vac.

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

EMERGENCY WATERSHED PROTECTION PROJECT

Dan Rosenberg of the local National Resources Conservation Services Office was present to update the Board and make a presentation. Mr. Rosenberg stated that these projects were result of the hurricanes in 2004, Francis and Ivan. There was a special collaborative agreement between NRCS and the State of North Carolina to try to get a lot of these stream bank damaged sites as well as a few landslides repaired in a timely manner.

Henderson County Government, in partnership with the local Natural Resources Conservation Services (NRCS) office and the local Soil and Water Conservation District, have recently completed its participation in the Emergency Watershed Project. Mr. Rosenberg stated there were 140 individual project sites with about 136 of them being stream banks that were damaged and needed to be repaired. Some of them had serious engineering activities in the water. The total expenditures once the final invoice is paid will be \$2,346,105.00. Only one invoice is outstanding, for \$14,000.

Justin Hembree reminded the Board that the \$2,346,105 was all state and federal funds. He commended the folks at Soil & Water Conservation for their help on these projects.

Mr. Rosenberg answered several questions from the Board. He stated that the performance objective or intent of the program was to stabilize the stream banks and some of the hillsides that washed away to pre-hurricane conditions. That was done to the financial extent possible.

Mr. Rosenberg presented a plaque to Chairman Moyer, from NRCS, to all the Commissioners and staff: "Presented with appreciation to Henderson County for its leadership in implementing the Emergency Watershed Protection Program in Western North Carolina and response to September 2004 floods."

TUXEDO/GREEN RIVER BRANCH LIBRARY UPDATE

As requested during the March 15 meeting of the Board of Commissioners, Mr. Bill Snyder, Henderson County Library Director, was present to provide the Board with an update concerning the possible expansion/relocation of the Tuxedo/Green River Branch Library.

Bill Snyder distributed a hand-out entitled "Select Statistics for NC Libraries" which he felt would help explain some of the recommendations that he and the Library Board suggested. He reviewed the pages of the hand-out with the Commissioners.

Mr. Snyder stated that when they site a library and decide on what kind of facility to have there, they base it on the population and usage of current facilities. The NC standard for public libraries is .65 square feet per person in service area. Mr. Snyder got a map out and drew a four mile radius around each of our library locations which accounted for approximately 75% of the population of Henderson County. There were some people who were left out of that radius. The four miles pretty well defines the service area for each location. Then they took the 2000 census and estimated the 2010 and 2020 census for each of the service areas. Mr. Snyder said this information was provided by the Henderson County Planning Department and he complimented Judy Francis and her staff for being very responsive to his request. Libraries are sited for the population being served there.

Mr. Snyder explained that for the Green River Library they are asking for a 3,700 square foot building. If they used NC standards, they would need a building more like 7,000 to 8,000 square feet, depending on how far down the road it would be projected. Based upon the current level of use and what he feels is reasonable projections for use down the road in a new facility and also recognizing that sometimes the smaller facility inhibits growth in use because there are not as many resources available to be used. Based upon the service population and the current level of use as well as projections of use, he felt that a library half the size of standard is adequate for the next 15 years there. On the other hand, 2020, 2030, or further down the road, more people may be moving into the area and circulation may grow faster than anyone can anticipate it will so a future Board of County Commissioners may have to go back and resizing some of the facilities, if not replacing them or putting on additions.

Mr. Snyder reviewed two site options with the Board:

1. Expansion of the current library owned by the Green family.
2. The former Company Store on Highway #225 in Tuxedo.

The Green River Support Group and the Library Board prefers the Company Store site. However, either site is acceptable. The old Company Store site is the superior site with the Greene family site being an acceptable site. The total cost for either project is approx. \$495,000.

Bill Snyder asked for direction from the Board as to which way the Board of Commissioners would like for the Library Staff to be planning these facilities. In response to a question from the Board Mr. Snyder replied that the Friends of the Library will provide the furnishings and shelving at either site.

Commissioner McGrady made the motion to authorize the County Manager to proceed with discussions with the owner of the old Company Store Property to see if we can arrive at an amicable price for a county library. All voted in favor and the motion carried.

CEMETERY ADVISORY COMMITTEE UPDATE

Chairman Moyer recognized Jay Jackson, Chairman of the Cemetery Advisory Committee to update the Board on the committee's activities.

Jay Jackson thanked the Cemetery Committee members who were present in the audience: Wanda Case, Leon Pace, and Karen Carswell. He also thanked the Board for appointing Leon Pace to the Committee. He seems to have a lot of knowledge and should be a lot of help to the Committee.

Jay Jackson showed a sample of the signs that will be posted to show where the cemeteries are located. They are brown state signs. The sign is 18" x 24", has the cemeteries' name on it, the established date if we know it, and then the county seal. There will also be information on how to visit the cemetery as well as how to find the county website if you want to learn more about a particular cemetery.

Jay Jackson discussed the Adopt-A-Cemetery Program. He also stated that they would like to digitize the Henderson County Cemetery Book and have it available on the County's website. They have gotten permission from the Genealogical and Historical Society to use this information as long as they are given credit. He stated that the Adopt-A-Cemetery Program will be low cost. They will meet with the adopting agencies and coordinate with them and supply information.

Toby Linville added that he had put in a budget request for this year to pay for the cemetery signs. On the web page currently there is a partial GIS layer, not complete yet. A majority of the cemeteries are available. Jay Jackson requested that May 2006 be declared Cemetery Awareness Month. It was done last year and he requested that it be done again this year. If possible, they would also like the Adopt-A-Cemetery Program to start in May.

PROPOSAL FOR ENERGY AND SALES TAX REALLOCATION AUDITS

Selena Coffey presented a proposal from Utilities Reduction Specialists/Tax Reduction Specialists (URS/TRS) for a combined energy bill audit and sales tax reallocation audit for Henderson County. URS has worked with the County in previous years and uncovered savings in telecommunications refunds and sales tax reallocations.

Within the proposal, URS is compensated on a performance basis, which means that they are compensated based only on discovered cost reductions or refunds. There are no fees for URS services if there are no reductions or refunds discovered.

URS has provided a proposal to bundle the energy bill audit and the sales tax reallocation. In order for the County to realize savings for the most recent sales tax quarters, we must contract with URS and they must begin their work with the County by April 15th.

Based on the deadline for the sales tax reallocation and in order to realize sales tax savings as soon as possible for the County, staff recommended that the Board of Commissioners execute the prepared contract for the sales tax reallocation audit with URS.

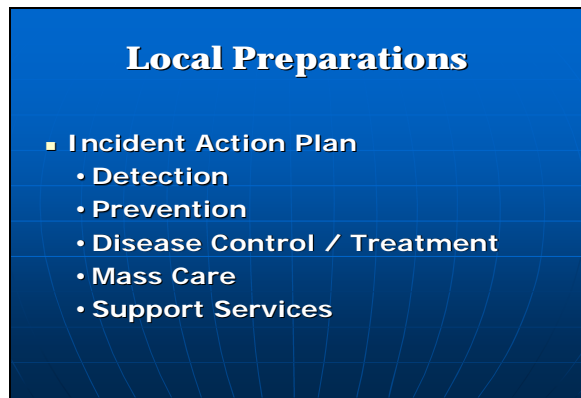
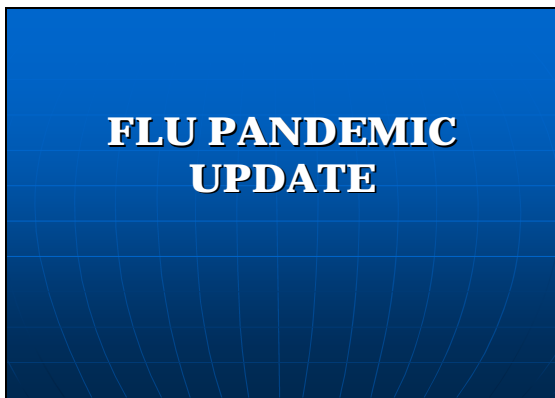
Contrary to the sales tax reallocations audits, energy bill audits have no deadlines associated to them. For this reason, staff recommended that the Board authorize staff to receive proposals for these audit services.

Steve Mann, President of URS, came forward and answered some questions from the Board. Their company had done a sales tax reallocation audit for Henderson County four years ago. Essentially what they do is audit the records of all of the non-profit organizations in the county, including the county itself, the municipalities, the school boards, and the hospitals. The work that they do in no way reduces the monies that those entities get back. What it does is it makes sure that those monies come out of the right bank accounts, rather than coming out of the county bank account because under the new sales tax laws that came into being in January of 2002, the sales tax dollars are allocated to counties based upon point of destination as opposed to point of origination. Because of that, the onus is on the vendors who deliver products within our county and/or services to report that information properly to the Department of Revenue.

Commissioner McGrady made the motion to authorize the County Manager to enter into the above mentioned contract with URS to complete a sales tax reallocation audit. All voted in favor and the motion carried.

FLU PANDEMIC UPDATE

Rocky Hyder reviewed with the Board a PowerPoint presented regarding local, state, and federal preparations for a flu pandemic. A copy of the PowerPoint presentation follows:



State DHHS Preparations

- **Pandemic Influenza Plan**
 - Surveillance
 - NC DETECT
 - Syndromic Surveillance (12 PHE's)
 - Sentinel Provider Network (SPN)
 - Vaccine Delivery
 - Antiviral Medications
 - Medical Response
 - Exercise May 24 and 25

Federal Preparations


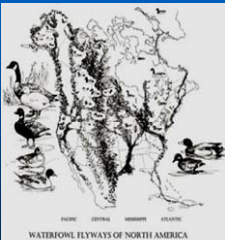
- **US DHHS Flu Pandemic Plan**
 - Monitoring Disease Spread
 - Developing Vaccine and Production Capability
 - Stockpiling Antiviral Medications
 - Enhancing Outreach

Federal Preparations

- **Preparedness Materials**
 - Personal Checklist
 - School Checklist
 - Business Checklist
 - Community Checklist
 - Hospital Checklist
 - Local Government Checklist
 - State Government Checklist

Flu Pandemic vs. Avian Flu

Avian Flu

WATERFOWL FLYWAYS OF NORTH AMERICA

NC Department of Agriculture Preparations

- **Poultry Farming is Big Business**
 - 5000 farms in NC
 - 2 billion dollars in annual cash receipts
- **Avian Influenza Plan**
 - Field Inspections & Monitoring
 - Bio Security Measures
 - Quarantine
 - Eradication & Disease Control

Summary

- **Local**
 - Prevention & Detection
 - PPE Supplies
- **State**
 - Surveillance
 - Acquisition and Delivery of Supplies
- **Federal**
 - Prevention
 - Worldwide Monitoring
 - Vaccine Development and Production

Questions or Comments



This was presented for information only. No action was requested at this time.

Recess

Chairman Moyer called a brief technical recess, to change videotapes.

FACILITY PLANNING – BOARD OF ELECTIONS COUNTY WAREHOUSE/STORAGE SPACE

Chairman Moyer stated that at the last meeting, the Board had some discussion with respect to facilities planning for the Board of Elections. He recognized Justin Hembree to update the Board.

Justin Hembree explained that this item was included on today's agenda for further discussion and possible action. The following information was presented to the Board on March 15:

Based on several conversations with the Director of the Board of Elections, staff feels it is appropriate for the Board to consider several issues relating to the location of the Board of Elections' offices and, in turn, county warehouse/storage space. The County's lease of the building that currently houses the Board of Elections expires at midnight on June 30, 2006. After June 30, 2006, provisions call for the lease to continue on a month-to-month basis at a cost of \$3,500 per month (\$42,000 annually) and states that the lease can be terminated by either party. For informational purposes, the current cost of the lease is \$3,250 per month (\$39,000 annually). There is obviously a need to secure a long-term home for the offices of the Board of Elections.

The County's facility plans call for the sale of the Land Development Building and the movement of offices currently located in that building to the current Health Department. The top floor of the Land Development is currently used as a warehouse/storage area. This brings forward a need to locate new warehouse/storage space for future use.

Staff has been approached by Mr. Billy Pace in regards to a building he has available for lease that could meet the County's needs in terms of Board of Elections offices and warehouse/storage space. The building in question is approximately 10,000 square feet and would be entirely climate controlled. The Director of the Board of Elections feels that the location of the building and available parking at the building will more than meet the needs of the Board of Elections. Mr. Pace has offered the building to the County via a long-term (8 year) lease at a cost of \$6 per square foot (\$72,000 annual). This would allow for 5,000 square feet for use by the Board of Elections and 5,000 square feet for use as storage/warehouse space. Based on information provided by the Partnership for Economic Development, the average cost for climate controlled warehouse space is \$7.13 per square foot. Staff is in favor of pursuing this option.

Staff reviewed financial figures with the Board.

The Board directed staff to gather additional information for presentation during the April 3, 2006 meeting. This information included the cost of new construction for a Board of Elections facility, a draft lease for the Pace building, and a draft agreement extending the lease for the current Board of Elections facility. Copies of these requested documents were included in the agenda packet.

Based on discussions with local contractors and building supply companies, the cost of a pre-fabricated metal frame building (such as the Pace building) will be between \$70 and \$90 per square foot. It should be noted that this cost is higher than the "retail" cost due to the increased costs for governmental requirements (design, bidding, etc.). Under this estimate, a 5,000 square foot building is estimated to cost \$400,000 (\$80 per square foot) and a 10,000 square foot building is estimated to cost \$800,000 (\$80 per square foot).

Following much discussion, *Commissioner Messer made the motion to recommend that the Board direct staff to develop and execute a lease agreement for the Pace building based on information presented, for 8*

years at \$72,000 a year. A vote was taken and the motion passed four to one with Commissioner Baldwin voting nay.

LOCAL OPTION SALES TAX DISTRIBUTION METHOD

Russell Burrell reminded the Board that according to NCGS 105-472, “during the month of April of each year” the Board of Commissioners must determine whether to use the “per capita” method of distributing the revenue from the optional sales taxes authorized by the County between the County and its municipalities, or to use the “ad valorem” method of distribution. A short memorandum explaining each method, and pointing out the differences in effect each choice makes, was included as part of the agenda packet.

Should the Board determine that the “ad valorem” method is appropriate, no decision on whether to adjust fire district tax rates is required at this meeting.

The Board was requested to determine which method of local option sales tax distribution it chooses. Proposed motions for the three methods mentioned in the memorandum were presented.

Russell Burrell reviewed the details of the three options with the Board.

Commissioner Young made the motion to stay with the “per capita” method for this year, providing that Flat Rock and Mills River are willing to continue with the present agreements. Discussion followed. Commissioner Young withdrew his motion.

Chairman Moyer made the motion to set a workshop with the municipalities to discuss these options for Monday, April 10 at 5:30. This would be a special called meeting and would include the workshop on the historic courthouse with a walk-thru at 3:00 p.m. The Board will take a break after the walk-thru before the municipalities and fire chiefs arrive for the tax distribution workshop. All voted in favor and the motion carried.

DRAFT NUISANCE ORDINANCE

Toby Linville reminded the Board that through the recently adopted County Strategic Plan, the Board of Commissioners made enhanced code enforcement a priority. As part of this effort, the adoption of a new Nuisance Ordinance is proposed. A draft ordinance has been discussed at two public hearings. Changes have been incorporated into this revised draft. Deletions are noted with strike throughs and additions are in italics.

Toby Linville reviewed the changes/deletions with the Board. There were a few more changes suggested. After review and discussion, it was the consensus of the Board for Toby Linville to make the suggested changes and bring this back to the Board at the next meeting (April 19). The suggested effective date was changed to July 1, 2006. A number of new issues were raised also, for Toby Linville to report back to the Board on at the next meeting. The Board hopes to adopt it at the next meeting.

COUNTY GOVERNMENT WEEK

Justin Hembree informed the Board that County Government Week for 2006 will be April 23 – 29. A resolution has been drafted to proclaim this period as County Government Week in Henderson County. The theme for the week is “protecting our communities”. A list of local activities for this week was also reviewed as follows:

Monday, April 24	Roll out of the Hancock County, MS Donation Fund
Tuesday, April 25	Blood Drive for county employees
Wednesday, April 26	9 a.m. – Open Line Program on WHKP about Hancock County , MS Donation Fund
	9 a.m. – 3 p.m. – Child Passenger Safety Seat Check

at Henderson County Health Department

Thursday, April 27 Development & Enforcement Services – How to be a Good Neighbor

Friday, April 28 Open

Saturday, April 29 10 a.m. – 2 p.m. – Open House for new Animal Services Center

11 a.m. – Book signing by Paul Howey (1/2 of sale of each book will go to Animal Services)

Commissioner McGrady made the motion to adopt the 2006 County Government Week Resolution “Protecting our Communities” as presented. All voted in favor and the motion carried.

UPDATE ON PENDING ISSUES

Land Development Code (LDC)

Chairman Moyer stated that the Board put this project on hold until the new County Manager arrived. We continued to receive input from some of the groups. Steve Wyatt has now had an opportunity to look at this. With respect to the Land Development Code, we have had a tremendous amount of controversy.

Chairman Moyer felt the Board should send this LDC back to the Planning Board and Planning Staff and after they come back to the Board of Commissioners with it, the Board of Commissioners should go out into the community for public input. Chairman Moyer recognized the new County Manager, Steve Wyatt, to comment on this issue.

Steve Wyatt also recommended that the LDC go back to the Planning Board and Planning Staff. He stated that a Land Development Code (LDC) or Unified Development Ordinance (UDO) is simply a tool to regulate how property will be developed here. It needs to be easily understandable. He stated that he has concerns about the process. He stated that we’re on the way now to getting the best product to carry us forward in the days and years ahead. He could not tell the Board how long it will take to get a quality product. He would like to spend a little more time ascertaining our resources.

Chairman Moyer made the motion to send the draft LDC back to the full Planning Board and ask them to start on the new draft with no restrictions on how they proceed and ask the County Manager to take a look at the resources that it will take and come back to the Board with a reasonable schedule after working in conjunction with the Planning Dept. staff and Planning Board as to what they see the appropriate time would be. All voted in favor and the motion carried.

Forum on Mental Health

Commissioner Messer stated that the legislators met today, mental health was one of the issues. We all have these problems to handle but no money to deal with the problems. The General Assembly recognized the need for funding. Commissioner Messer stated that we need to stick together in our LMEs. He stated that it was a valuable workshop meeting. Our population continues to grow and our mental health needs continue to grow.

Justin Hembree was also at the meeting. He stated that he thinks we’re actually starting to see some synergy around this at the General Assembly level in terms of recognizing the need for funding. He heard the figure of \$280,000,000 thrown out today of what they think it would take to initially fix the system. Now what that translates into as the General Assembly is getting ready to go into their short session, we’ll see. They’ve heard particularly from the western side of the state about the issues that we’re dealing with and particularly the frustrations that us at the LME and the providers are having with the Division of Mental Health and the Department in Raleigh. Today was obviously a good start in terms of hearing things from state officials, particularly elected officials, things he hasn’t heard before. It is encouraging just to see that they are understanding what we’re going through.

CANE CREEK WATER & SEWER DISTRICT – no business

CLOSED SESSION

Commissioner McGrady made the motion for the Board to go into closed session as allowed pursuant to NCGS 143-318.11 for the following reasons:

1. *(a)(3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body.*
2. *(a)(3) To consult with an attorney employed or retained by the public body in order to consider and give instructions to the attorney with respect to the following claim:
County of Henderson vs. Hill.*

All voted in favor and the motion carried.

Chairman Moyer informed those in attendance that the Board would not be coming back into open session following the closed session.

Attest:

Elizabeth W. Corn, Clerk to the Board

William L. Moyer, Chairman