

DRAFT

MINUTES

**STATE OF NORTH CAROLINA
COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS
OCTOBER 17, 2007**

The Henderson County Board of Commissioners met for a regularly scheduled meeting at 9:00 a.m. in the Commissioners' Conference Room of the Henderson County Office Building.

Those present were: Chairman Bill Moyer, Vice-Chairman Charlie Messer, Commissioner Larry Young, Commissioner Chuck McGrady, Commissioner Mark Williams, County Manager Steve Wyatt, County Attorney Russell Burrell, and Clerk to the Board Elizabeth W. Corn.

Also present were: Planning Director Anthony Starr, Fire Marshal Rocky Hyder, Finance Director J. Carey McLelland, Deputy Clerk to the Board Terry Wilson, Engineering and Facility Services Director Marcus Jones, Associate County Attorney Sarah Zambon, Research and Budget Analyst Amy Brantley, Communications Officer Pam Brice, DSS Director Liston Smith, and Sheriff's Department PIO Joe Johnson.

Absent was: Assistant County Manager Selena Coffey.

CALL TO ORDER/WELCOME

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

PLEDGE OF ALLEGIANCE

Commissioner Mark Williams led the Pledge of Allegiance to the American Flag.

INVOCATION

County Manager Steve Wyatt gave the invocation.

INFORMAL PUBLIC COMMENTS

1. Dennis Justus – Mr. Justus spoke in regards to the Parks and Recreation Input Session and the Tax Referendum. He had attended three of the sessions because he felt there were pressing needs in the Parks and Recreation. At the fourth meeting the group was informed that there would be a summary at the final meeting. At the final meeting the group was told briefly that what the mediators were hearing was the need for soccer fields and dog parks. He noted that not one single project was listed in the educational material for the Tax Referendum for Parks and Recreation. Mr. Justus was against the Tax Referendum and felt it was rushed and should be pulled.

DISCUSSION/ADJUSTMENT OF AGENDA

Commissioner Williams made the motion to adopt the agenda as presented. All voted in favor and the motion carried.

CONSENT AGENDA

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

Minutes

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

- August 2, 2007, special meeting
- August 30, 2007, special meeting
- September 4, 2007, regular meeting
- September 19, 2007, regular meeting

DATE APPROVED: _____

October 1, 2007, regular meeting

Tax Collector’s Report

Terry F. Lyda, Tax Collector, had presented the tax collector’s report dated October 5, 2007 for the Board’s review and consent approval.

Tax Refunds

Stan Duncan, County Assessor, had submitted a list of five (5) tax refund requests for the Board’s review and consent approval.

Tax Releases

Stan Duncan, County Assessor, had submitted a list of one hundred and seventeen (117) tax release requests for the Board’s review and consent approval.

Case Manager Positions Request

A bill passed by the General Assembly on July 31, 2007 lifted the State’s cap on the number of county residents the Special Assistance In-Home Case Management program can serve. Henderson County has risen from a previous cap of 35 residents, to 105 residents.

Program expansion would allow seventy (70) additional county residents at high-risk of out-of-home placement the choice to receive Special Assistance Program case management services in their home.

Establishing two (2) case manager positions; and (2) approximately 6% county funding (94% Federal revenue is available). All county costs (\$4866) will be covered by funds already allocated in Social Services’ budget.

Staffing Costs for Two (2) Additional Case Manager Positions		
Federal Revenue	County Match	Total Cost
\$83,070	\$4866	\$87,936

Suggested motion: “I move that the Board approve, based on available revenue to cover costs, the establishment of two case manager positions in order to increase service to seventy additional at-risk county residents this fiscal year.”

Commissioner appointed Firemen’s Relief Fund Trustee for Gerton

Fire & Rescue respectfully requested that the Board appoint Bill Mitchell to fulfill the term of Fred Keihl as Commissioner appointed Trustee of the NC Firemen’s Relief Fund. Mr. Kiehl had moved to South Carolina.

Suggested motion: “I move that the Board appoint Bill Mitchell to replace Fred Kiehl as Trustee of the North Carolina Fire and Rescue.”

Revision to Tipping Fee Waiver Policy

At the request of the Board, the Tipping Fee Waiver Policy was revised to allow the County Manger or designee to revise the eligibility criteria for an individual application. A revision to the criteria would be to better serve the interest of the public. The revised policy is an attachment to this set of minutes.

Suggested motion: “I move that the Board approve the revised Tipping Fee Waiver Policy as presented.”

10th Annual Henderson County Benefit Toy Run Parade Day Proclamation

The 2007 Henderson County Benefit Toy Run Parade Day has been scheduled for Saturday, November 17th, 2007. The proclamation setting aside this day as Henderson County Benefit Toy Run Parade Day is an attachment to this set of minutes.

Suggested motion: "I move that the Board adopt a proclamation proclaiming November 17, 2007 as The 2007 Henderson County Benefit Toy Run Parade Day."

Resolution Supporting Stepp Avenue improvements

The Board has received a request from the North Carolina Department of Transportation to support improvements to Stepp Avenue. The resolution supporting Stepp Avenue improvements is an attachment to this set of minutes.

Suggested motion: "I move that the Board adopt the Resolution supporting Stepp Avenue Improvements as presented."

NOMINATIONS

Notification of Vacancies

The Board was informed of the following vacancy which will appear on the next agenda for nominations:

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

Nominations

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

- 1. Animal Services Committee – 1 vac.**

Chairman Moyer noted that the person in position #1 was unable to serve another term and nominated Lisa Beddingfield for position #1. There were no other nominations. *Chairman Moyer made the motion to accept Lisa Beddingfield to position #1 by acclamation. All voted in favor and the motion carried.*

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

No nominations were made at this time so this item was rolled to the next meeting.

- 3. Community Child Protection Team (CCPT) – 2 vac.**

Commissioner McGrady nominated Patricia Jones for reappointment to position #3. There were no other nominations. *Chairman Moyer made the motion to accept Patricia Jones for reappointment to position #3 by acclamation. All voted in favor and the motion carried.*

Commissioner McGrady noted that he was still working to fill position #1, which was the chair position, and hoped to have someone by the next meeting.

- 4. Hendersonville City Board of Adjustment – 1 vac.**

No nominations were made at this time so this item was rolled to the next meeting.

- 5. Hendersonville Planning Board – 1 vac.**

Commissioner Young nominated Jay Thorndike to position #1. An application had not been received to date so this item was rolled to the next meeting.

- 6. Hospital Corporation Board of Directors – 1 vac.**

Chairman Moyer noted that there were two prior nominations, Fielding Lucas and Sherri Brewer. There were no other nominations. The Board was polled by the Clerk with one vote each.

Chuck McGrady	Mark Williams	Bill Moyer	Charlie Messer	Larry Young
1. Sherri Brewer	1. Fielding Lucas	1. Sherri Brewer	1. Sherri Brewer	1. Fielding Lucas

Sherri Brewer was appointed to position # 11 with three (3) of the five (5) votes.

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

Commissioner McGrady nominated Karen Saine for position #18 as Parks and Recreation representative. There were no other nominations. *Chairman Moyer made the motion to accept Karen Saine to position #18 by acclamation. All voted in favor and the motion carried.*

8. Planning for Older Adults Block Grant Advisory Committee – 2 vac.

No nominations were made at this time so this item was rolled to the next meeting.

9. Senior Volunteer Services Advisory Council – 2 vac.

Commissioner McGrady nominated Toni C. Rhegness for position # 2 as recommended by Lee Ann Tucker of Land of Sky. There were no other nominations. *Chairman Moyer made the motion to accept Toni C. Rhegness to position #2 by acclamation. All voted in favor and the motion carried.*

10. Solid Waste Advisory Committee – 1 vac.

No nominations were made at this time so this item was rolled to the next meeting.

DISCUSSION ITEMS

REPORT OF THE COMMITTEE ON ILLEGAL IMMIGRATION

The Henderson County Blue Ribbon Committee on Illegal Immigration presented a final report dated August 6, 2007. The purpose of the committee was to assess, determine, and recommend the proper role and specific steps that the Henderson County Board of Commissioners should take regarding the issue of illegal immigration. Their charge was to analyze the impact of illegal immigration on Henderson County, quantify Henderson County government's legal standing in regards to affecting this impact and report responses appropriate for Henderson County Government.

Chairman Robert Heltman stated that as the committee debated specific recommendations at length it was found that there was no unanimous agreement on all recommendations, and sometimes even concerning a given recommendation or its wording. Studies and reports were met with countering studies and reports time and again. Opposing positions hardened, and it was finally decided that the best the committee could do was list the debated recommendations from all in general categories.

MUTUALLY AGREED RECOMMENDATIONS

1. The Board of Commissioners should obey and support Federal and State immigration laws. The first responsibility of any government is protection of its citizens and the committee suggested that the Board take every possible step to move this program forward as rapidly as possible, and to fully fund the Sheriff's Department.
2. Collect and evaluate immigration data from county departments, particularly Health, Social Services, Schools, and Law Enforcement, especially as new immigration laws are enacted and/or old laws are enforced.
3. Consider creating a follow-on citizens committee, such as the Blue Ribbon Committee, to again examine the immigration issue.
4. Henderson County government should set the example for all employers in the County by taking whatever means available to screen for illegal immigrant work applicants. All units of county government should begin using the free federal Employment Eligibility Verification Program (EEV – also know as the Basic Pilot Program) as soon as possible. This should apply to all Henderson County agencies and Pardee Hospital and its branches and clinics.
5. Encourage Pardee Hospital to keep a record of non-reimbursed Emergency Medical and Clinic expenses more than 90 days overdue. These should be checked on the Systematic Alien Verification for Entitlements (SAVE) system for legal eligibility for Public Benefits and with Social Security to identify fraudulent or stolen social security numbers. Indications of social security card fraud or theft should be turned over to the proper authorities.
6. The County should strongly endorse and support all recommendations made by Sheriff Rick Davis regarding illegal immigration and illegal immigrant crime. It is especially important to

- reduce and preferably eliminate illegal drug traffic in Henderson County and to prevent the individual and gang violence associated with it.
7. It is very important for the County to send an unequivocal message to the public, employers, and the media that it does not welcome illegal immigration for any purpose, nor does it condone the employment of illegal immigrants for any purpose. It should be the duty of the County Commissioners to see that all activities to prevent illegal immigration and to lessen its risk and costs to the County are coordinated and reviewed quarterly by the County Manager. The County Manager should report a summary of all data and findings to the Commissioners at least once quarterly.
 8. Discourage substandard or overly intensive habitation of housing by a combination of appropriate housing code measures and enforcement of same.
 9. Do whatever possible within the political means and ways of the BOC to support the businesses in Henderson County in their efforts to get Congress to reform our immigration laws to a workable system in order to ensure a balanced and legal supply of able and willing labor force for our county without negative complications that come with the illegal immigration.
 10. Recognize the economic contributions of our Hispanic labor force to our county's economy.

ENFORCEMENT

1. Encourage the Employment of Eligibility Verification Program (EEV) use by all Henderson County Employers as soon as possible.
2. The Sheriff's department should investigate the employment record of anyone identified as an illegal alien. The identity of the employer should be noted and reported to the County Commissioners of the City of Hendersonville for appropriate action. The Sheriff's Department should also collect and report data on illegal alien arrests to the County Commissioners at least quarterly. This information should be made available to the public and all local news media at the same time.
3. Tax and Budget Planning: Establish a long-range planning committee consisting of qualified County employees to determine the impact of immigration on Henderson County schools, infrastructure, budgets, and taxes.
4. Despite the burden on some sectors of the County economy and some employers, the County must seek to phase out the employment of illegal immigration within three to five years.

INTEGRATION

1. Encourage ESL (English as a Second Language) and US citizenship courses. Recognize individuals who tutor, perhaps provide added classroom or other meeting space, and promote education of issues concerning illegal immigration.
2. Encourage Drive Education for legal immigrants. Again, provide moral support and recognition when these efforts are already being taken by non-government organizations, churches, etc., and provide space, equipment etc. as possible. This should include instruction about insurance, legal rights and responsibilities, etc.
3. Note that Arizona, Oklahoma, and Georgia have passed strict enforcement laws. Before instituting similar action here to the detriment of our business community, (and anticipating little to no significant action by the federal government in the meantime) the BOC should follow up in three and six months on the effect of those laws on the agriculture, construction, healthcare and hospitality industries in those states.
4. The BOC should, by way of a written document, encourage the Sheriff's Department to be very clear and open about what violations trigger 278(g) interventions, to act consistently with their public statements to the Latino community on the subject and to ensure that the program is used to remove serious threats to public safety rather than allow it to become an indiscriminate threat to all immigrants.
5. Consider issuing IFD cards to and registering those undocumented immigrants with no criminal records, who have a paying job and pay taxes (via the W-2 process). Consider extending public

- transportation routes to better serve the origin/destination needs of the immigrant community as a whole. Encourage carpooling with centralized informational structure that makes it feasible.
6. Using volunteer organizations, implement bi-directional cultural awareness training in order to dispel misconceptions and provide nondiscriminatory service to all residents: Encourage that issues of cultural diversity are included at all levels of the public schools' curriculum.
 7. Refrain from adopting resolutions or measures that will place the blame and the burden of the faulty immigration system and the lack of enforcement thereof on the business community of Henderson County, which in turn would seriously hurt the business climate in the county.
 8. Assist the business community in its efforts to obtain legal immigration status for individuals that have been employed for 1 year or longer by the same employer, under the verified assumption that all normal required payroll and other tax withholdings have been make over the same time span and no criminal history outside of the immigration related issues exists.

Some of the recommendations conflict with others.

Mike Scruggs, a member of the Blue Ribbon Committee on Illegal Immigration gave the following minority report:

MINORITY REPORT RECOMMENDATIONS

1. The first priority is for the County to support Sheriff Davis in his efforts to implement the Federal 287g program allowing local officers to establish the immigration status of criminals and assist the Federal Government in enforcing pertinent U.S. immigration laws. This should be implemented as soon as possible. Delay might be the cause of loss of property, serious injury, or even loss of life due to crimes that could have been prevented by early implementation of 287g.
2. Henderson County should set the example for all employers in the county by taking what means are available to screen for illegal immigrant work applicants. All units of county government should begin using the free federal Employment Eligibility Verification Program (EEV – also known as the Basic Pilot Program) as soon as possible. This should apply to all Henderson County agencies, Pardee Hospital, and its branches and clinics.
3. Encourage EEV Program use by all Henderson County employers as soon as possible.
4. Pardee Hospital should use the SAVE system to check the legal eligibility for those applying for Public Benefits. In addition, Pardee Hospital should be encouraged to keep a record of non-reimbursed Emergency Medical and clinic expenses more than 90 days overdue. These should be checked on the SAVE system for legal eligibility of Public Benefits and with Social Security to identify fraudulent or stolen social security numbers. Indications of social security card fraud or theft or illegal use of Public Benefits should be communicated to local law enforcement and proper national authorities.
5. Establish a long-range planning committee consisting of qualified County employees to determine the impact of immigration on Henderson County schools, infrastructure, budgets, and taxes.
6. It is important for the County to send an unequivocal message to the public, employers, and the media that does not welcome illegal immigration for any purpose, nor does it condone the employment of illegal immigrants for any purpose. It should be the duty of the County Commissioners to see that all activities to prevent illegal immigration and to lessen its risk and costs to the County are coordinated and reviewed quarterly by the County Manager. The County Manager should report a summary of all data and findings to the Commissioners at least once quarterly.
7. Despite the burden on some sectors of the County economy and some employers, the County must seek to phase out the employment of illegal immigration with three to five years. As a guideline for this strategy they recommend reading the Center for Immigration Studies Backgrounder: Downsizing Illegal Immigration – a Strategy of Attrition through Enforcement, by Mark Krikorian, Dated May 2005.

8. It is important that county Commissioners made decisions on the issue of illegal immigration based on an informed knowledge of the dynamics and economics of immigration in the United States. The best understanding may be gained by two books in particular: George J. Borjas; Heaven's Door: Immigration Policy and the American Economy, Harvard University Press 1999. Peter Brimelow; Alien Nation: Common Sense about America's Immigration Disaster, Random House, 1996.
9. Any future committees on illegal immigration or immigration reform appointed by the Board of Commissioners should consist of U.S. citizens registered to vote in Henderson County.

Chairman Moyer stated that the issue of the 287g program for the Sheriff's Department continued to come up. He requested County Manager Steve Wyatt clarify the article in the paper as to what was going on.

County Manager Steve Wyatt stated that it was his understanding that the Sheriff would be having a press conference today at 4:00 but would not be stating that this program has been approved to start in Henderson County. Sheriff Davis will be talking about the next step in the effort to get the program started in Henderson County working through a very difficult bureaucratic process.

Chairman Moyer stated that the Board has been stalled every time they have been to Washington and other places trying to put pressure on the Senators and Congressman to move this along at the federal level. It appears that the problem is lack of funding.

Public Input

Glenn Rodgers had signed up for public input and requested to speak during the illegal immigration discussion. He stated that "The Constitution is a shield, not a sword." The constitution takes particular pains to frame a complex system of government designed with checks and balances to prevent the strong from taking advantage of the weak. Every single one of these ideas has application with respect to workers in the County who lack our federal government's permission to live and work here. Every single one of these ideas trump whatever any of the rest of us may feel about the minor inconvenience of not understanding foreign customs or languages or having to pay a small share of our tax dollars to make sure that no one is denied the benefits of the social safety net. Mr. Rodgers said "I am enough of a realist to understand that if undocumented migrants did nothing but steal jobs, depress wages, raise taxes, and commit heinous crimes, then every law on the books should be used to get rid of them legally. The vast majority of undocumented workers in this country, and this county, take jobs that the native population is unwilling to do. They pay all the many payroll taxes on their earnings, sales taxes and even, through their landlords, contribute to local property tax revenues. They are predominantly law abiding." Mr. Rodgers fails to see a substantial difference between a fence along our southern border and the Berlin Wall. Both are nothing more than manifestations of inadequacy and fear. He would hope that here in Henderson County we can work to rise above such feelings, that we can reach out and make sure the American Dream is available to all who truly deserve it, not just those lucky enough to be here by an accident of birth.

Chairman Moyer stated that at the forum held the previous night on Land Transfer Tax the League of Women Voters is in the midst of coming up with a nationwide study on illegal immigration, the cost, pros and cons, etc., and they hope to have some results back in January.

There are a number of reports and the Board of Commissioners will take all information under advisement, see what happens when the Sheriff meets on the 287g program, and schedule this on an up-coming agenda meeting for discussion when the Board is ready to proceed.

REPORT ON PUBLIC INPUT SESSIONS – 2007 FACILITY NEEDS ASSESSMENT HENDERSON COUNTY PARKS AND RECREATION

Corum Smith provided a preliminary status report on the 2007 Facility Needs Assessment of Henderson County Parks and Recreation along with the public input. The final report is scheduled to be presented at the December 3 Commissioner meeting. Five Public Input Sessions were held as follows:

- August 28 - North Henderson High School - 58 citizens in attendance
- September 11 – East Henderson High School - 70 citizens in attendance including Commissioner Williams
- September 18 – West Henderson High School - 70 citizens in attendance including Commissioner Messer
- September 25 – Hendersonville High School - 40 citizens in attendance
- October 2 – Henderson County Library - 50 citizens in attendance

The total number of comments received was 113 and are available by request. The results are summarized below.

Rank	Comment Subject	Number
1	Soccer	28
2	Dog Park	24
3	Swimming Pool	24
4	Greenways *	17
5	More/Dedicated Funding	10
6	Greenspace *	9
7	Recreation Center	8
7	Tennis (scheduling)	8
8	Etowah Park (maintenance)	5
8	Tuxedo Park	5
9	East Flat Rock Park (maintenance)	4
9	Edneyville Park Project	4
10	No User Fees	2
11	Full Size Baseball Field	1
11	Handicapped Access to Playgrounds	1
11	Jackson Park (maintenance)	1
11	Recreation Website	1
11	Restrict Tobacco Use	1

*In Regards to Greenways and Greenspace, “Rails to Trails” was mentioned, converting the old railway that goes to Brevard into greenways and walking areas. These numbers do reflect some repetition due to same citizen attending more than 1 meeting.

County Manager Steve Wyatt stated that in August 2006 the County had started with a series of communities session and this was the beginning of a process that gave the Commissioners a draft of a proposal of a twelve year Capital Program for all County functions including Public School System, Blue Ridge Community College, Park & Recreation, Rescue Squad, EMS and Law Enforcement. Out of that there were three (3) primary issues; school facilities, Park & Recreation Facilities & Law Enforcement. The consensus at that time was to begin the process of putting together exactly what has been done here, a needs assessment, and then a facility proposal that would come from the Board. Public Input was heard in regards to the next twelve (12) year – to fifteen (15) year planning process. Now the priority recommendations must be made by the advisory board. Staff will be working with the advisory board to cost things out because for the Board to make considerations they must have a “price tag”. It will be difficult when weighing the priorities because they are competing priorities.

Chairman Moyer stated that now that the process is in place, they must now build these priorities into the capital projects to weigh how much money is available for capital (including schools, recreation, etc) and match it against the monies available.

MAINTENANCE OF EFFORT FUND ALLOCATION

Henderson County has \$529,224 to allocate for the provision of mental health services in the county for the period between November 1, 2007 and October 31, 2008. The Board must look at the needs of mental health and work to solve concerns and issues.

Maintenance of Effort funding applications were received by the county in early October, and provided to Western Highlands Local Management Entity (LME) for review and recommendations. Arthur Carder, CEO of Western Highlands LME, had reviewed the information. In the next four to six months Western Highlands will be looking at trying to expand the effort around more. In conclusion primary care clinics and medical practices working in a consultative role with the able health care providers to try to change the whole access point to their service array.

Chairman Moyer asked in respect to the agencies, what Western Highlands role was in determining if these agencies are functioning well, that they are providing a valuable service, and that they are actually doing what they say they are doing with the money the county provides.

Arthur Carder responded that in the past they had not had a role in this. This year new legislation was passed saying that the MOE Funds must be reported to the state in terms of how they are utilized. They will, in the future, need to make sure that the funds are used according to the defined purposes.

County Manager Steve Wyatt stated that the county had contracts with each of the mental health providers or various providers in the community that we are currently providing MOE Funds for and these are mandated monies. They cannot be shifted, by state law, some place else. When the mental health system was redesigned in North Carolina this was one of the things in the laws, the counties must maintain that level of funding. In January we along with our internal auditor will audit these contracts. It will be a performance type audit. He suggested this item to be given consideration by the Board and action taken at the first meeting in November.

RECESS

Chairman Moyer called for a 5 minute break.

UPDATE ON BLUE RIDGE COMMUNITY COLLEGE ISSUES

Dr. Molly Parkhill, President of Blue Ridge Community College stated that there were nine (9) new members on the 15 member Board of Trustees.

Strategic Plan

The college is currently conducting a strategic plan which will help guide the direction of the college for the next five to seven years. They have already conducted surveys both externally and will begin surveying the students and faculty staff shortly. They have received data from the North Carolina Community College System that provides demographic trends and economic trends for our community that we will be triangulating. The college will be conducting focus groups during the month of November and then the Planning Council, made up of representatives from faculty, staff and administration, will be reviewing that data and developing goals and objectives that will be addressing the training, education, economic and workforce development needs of the community. The Board of Trustees will be retreating in December and they will be finalizing the plan. At that point they hope to invite the Board of Commissioner to their campus for a joint meeting with the Board of Trustees in order to share the plan and discuss how the Board of Commissioners can aid them on achieving their goals.

Technology/Education Building Construction

Dr. Parkhill gave an update on the college's construction project. The new Technology/Education Development building is on schedule. The contractor informs that it is 72% complete as of this week. Dr. Parkhill shared a notebook containing photos showing the progress of the construction with the Board. This building provides approximately 18,000 square foot of training; 34 classrooms and labs used for basic and advanced instruction in basic technology for business and industry in training. They are developing a virtual reality training center which will provide a simulated 3D stair topic training environment for the fire fighters and law enforcement personnel. This virtual reality center will also serve as the core for their new curriculum in 3D visualization that will help support advance manufacturing, industry and architectural.

Also included as part of the new facility, is a 1,000 square foot conference center. It will seat up to 1000 people.

Lake Project

The restoration project on the lake is underway and began last week. This project was originally estimated to be around \$70,000 and this amount was secured from the Department of Transportation. Because of the requirements by the Department of Transportation and NCDENR for a siphoning system with a splash pool the cost came in much higher when it went out for bid. The lowest bid came in around \$150,000 and they were able to negotiate it down to \$134,000. Some County funds will be used for this project along with funds pulled from personnel funds that had been set aside for expansion of personnel with maintenance, as well as, some of their minor repair and renovation projects. They will be approaching the Department of Transportation to let them know about the increase costs and ask that they consider giving BRCC additional funds for this project.

Intercollegiate Athletics

A statewide task force was formed by the NC Community College Systems to address intercollegiate athletics in the community college system and a report will be presented this week at the State Board meeting. BRCC is not allowed to use State funds for intercollegiate athletics; however they are allowed to use non-state funds such as private funds, which are consistent with the intent of the benefactor or donor, grants, concessions, fundraisers, booster club, contributions, and any kind of support they receive from local municipalities, schools or college such as facility use. Institutional funds such as student activity fees, book store, and vending revenues can be used. County funds can be used but must require approval from the local County Commissioners. Colleges are going to be required to submit an annual accountability report for revenue and expenditures and also include a narrative that will describe how that athletic program has contributed to the positive student outcomes as well as increased exposure of the college. The college will also be required to submit an athletic cost analysis report due at the beginning of each athletic year. This will serve as your budget plan for the year. The Board had received a copy of the athletic budget for both baseball and volleyball which provided a breakdown of where the revenues were coming from for the academic year as well as what the expenditures will be for both programs.

Refund Proposal

A 5 year refund plan proposal was provided to the Board for county funds restitution of the \$62,948.10 that was spent on intercollegiate athletics without approval by the Board of Commissioners. Blue Ridge Community College will be using their bookstore and vending funds to pay back the \$62,948.10. They received \$15,279.06 for weather related damage from an insurance claim that was filed and these funds were placed back into the county funds.

Chairman Moyer stated that discussions had been held with representatives of the Community College with respect to the monies that were in question. He felt that the 5 year payback was a reasonable solution and the Board did not want to punish the students at all for what happened in the past.

Chairman Moyer made the motion that the Board of Commissioners approve the 5 year refund schedule for \$62,948.10 that was put forth in the recommendation by Blue Ridge Community College using funds from the bookstore and vending fund. All voted in favor and the motion carried.

APPLE COUNTRY TRANSIT BLUE ROUTE FUNDING

The County had been notified by the NCDOT Public Transportation Division that its Intercity funding allocation for the Blue Route will be discontinued after December 31, 2007. The amount appropriated for FY 2008 was \$88,638 and approximately half of that amount will be available to subsidize costs through the end of this fiscal year. The Public Transportation Division has not formally notified the County regarding the reason for this decision. The Board was asked to determine the policy for replacement of the InterCity funds and/or any necessary adjustments to the levels of transit service on Henderson's three fixed routes.

Chairman Moyer stated that each year the state has pushed the county into keeping this route and agreed to fund it. Now midyear the county received indication that they are going to cut off funding at the end of December, which is a questionable practice.

Anthony Starr noted that the Planning Staff had been verbally notified that the State intended to fund the Blue Route through December 31, 2007. They however did not receive this decision until the county budget had been adopted. Prior conversations with the Assistant Director of Public Transportation with DOT Mr. Charles Glover, in fall of 2006, was that continued funding of this short term in the next couple of years would not be an issue, therefore we proceeded under this assumption. We have requested written notice but to date have not received it. The Blue Route is the route that comes from Hendersonville downtown through Fletcher up to the airport and connects with the airport and the Asheville Transit System. It costs approximately \$117,000 to run this route annually.

Rider ship on the Blue Route (one of Henderson County's three fixed routes) totaled about 19,382 last year and has doubled since the route's inception in July 2003. Although it's not as high as the red and white routes it is growing and has the potential to grow the most in the coming years.

The three options available are to 1) continue the route and fund the shortfall, 2) discontinue the route, and 3) fund the shortfall through other grant and local share funding.

Chairman Moyer made the motion that the Board of Commissioners recommend the blue route be discontinued unless between now and December 31, 2007, a funding plan is worked out with the municipalities and state grants. The vote passed 4 to 1 with Commissioner McGrady voting nay.

LAND TRANSFER TAX REFERENDUM UPDATE

Chairman Moyer stated that the Board had received numerous calls in response to the Land Transfer Tax. One citizen had stated that he would not support the Land Transfer Tax because the Impact Fee was the way to go. Chairman Moyer had explained the law to the citizen and the fact that they could not legally or illegally adopt an Impact Fee to solve the issues.

Commissioner Young stated that by adopting the Land Transfer Tax it would go to pay mainly debt service on capital projects such as schools and will free the money up to do funding for example for Parks and Recreation projects where there has been no funds in the past.

Commissioner McGrady brought up the letter from the John Lock Society in the Hendersonville Tribune stating that the Land Transfer Tax was not needed.

Chairman Moyer explained that the letter was given to every county doing the Land Transfer Tax assuming every counties issues and needs are the same. He felt this was a poor way to do research and it did not address the back log of school capacity needs. It also states that if the County would not do economic development that the County would have more money available to pay for these projects. First of all the money would be insignificant with respect to the cost of capital projects.

Commissioner Williams sees the Land Transfer Tax as being another tool that helps to take the pressure off the property tax payers. The tax is based on the amount of money changing hands.

Bob Williford of the Chamber of Commerce stated that their Board of Directors had met a couple of weeks prior and discussed the Land Transfer Tax and came out in support of it. When looking at the three (3) alternatives; property tax, land transfer tax or the potential for a combination sales tax and property tax in May and determining which would have less impact on the business community they determined that the Land Transfer Tax as the best option.

Commissioner Young said that the Land Transfer Tax is the closed thing to an Impact Fee that would be seen in North Carolina. People moving here and buying a home will help pay their part of infrastructure. It's a one time tax that will affect 3% of the people, but a different 3% every year.

Commissioner Messer wanted to get the facts to the people and get them educated about the Land Transfer Tax and let them decide.

Andrew Tate with Partnership for Economic Development stated that their Board of Directors had met the prior week and voted unanimously in support of the Land Transfer Tax. This generates revenue for the county specifically for capital improvements.

Chairman Moyer stated that the issue would be on the November 6 ballot as a referendum for the public. Early voting starts on the 18th and absentee ballots were already going out.

Commissioner Young noted that this tax could not go higher unless the legislature rewrites the law and gives approval and then it must be put back out to the public again for referendum.

COUNTY ATTORNEY'S REPORT

Russ Burrell stated that the Board had a public hearing on the noise ordinance and they had received a draft set that addressed all the concerns. He requested that the Board look over the draft and place it on a future agenda.

County Manager Steve Wyatt stated that he and the Chairman had met with the District Attorney, Chief Assistant District Attorney, and the Sheriff along with his council and spent hours discussing the issues raised at the public hearing. As far as the criminal process for the noise ordinance it was the consensus from the law enforcement and District Attorney that it should not be a criminal process but should begin as a civil process. As that civil process plays out, should there be a contempt situation then it would kick it up a level to criminal. It was the consensus that a county code enforcement or animal control officer rather than sheriff deputy be in charge. If the responsibility of enforcing this and getting into this and mediate is removed from the Sheriff's Department and placed on another unit of county government, then those resources should follow. He does not believe the county has the current resources available to do an adequate job. Should the Board determine in a subsequent meeting that this is the way we need to proceed then he recommends that the Board take the money for the enforcement of this out of the Sheriff Department budget and transfer it into these other departments. This may also involve transferring personnel from the Sheriff's Department that would be doing the code enforcement into a separate county department.

COUNTY MANAGER'S REPORT

There was nothing further at this time.

IMPORTANT DATES

Annual Volunteer Appreciation Banquet

Chairman Moyer reminded those in attendance and those watching on television of the annual volunteer appreciation banquet to recognize members serving on Boards and Committees, will be held on Tuesday, October 23 at Highland Lake at 6:30 p.m.

November 21, 2007 Regular Meeting

Chairman Moyer noted that the second meeting in November was the day before Thanksgiving and not a good day due to citizens traveling during the holiday. He asked that the Board consider canceling this meeting unless something special came up and at the November 5 meeting they take action to cancel the meeting.

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 reason(s):

1. (a)(4) *To discuss matters relating to the location or expansion of industries or other business in the area served by the public body. All voted in favor and the motion carried.*

ADJOURN

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

Attest:

Teresa L. Wilson, Deputy Clerk to the Board

William L. Moyer, Chairman