

DRAFT
MINUTES

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS
NOVEMBER 5, 2007

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, Commissioner Larry Young, Commissioner Chuck McGrady, Commissioner Mark Williams, Vice-Chairman Charlie Messer, County Manager Steve Wyatt, Assistant County Manager Selena Coffey, 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, Research/Budget Analyst Amy Brantley, Engineering and Facility Services Director Marcus Jones, Associate County Attorney Sarah Zambon, Sheriff Rick Davis, PIO for the Sheriff's Department Joe Johnson and Communications Officer Pam Brice.

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 Williams gave the invocation.

INFORMAL PUBLIC COMMENTS

1. Kenneth Workman spoke in regards to the Animal Ordinance. He and his wife have been involved in animal rescue for many years. Mr. Workman realizes the seriousness of stray and unwanted animals but he felt that the proposed legislation punishes the innocent and rewards the guilty. In his neighborhood a lot of people are flaunting lease laws by letting their dogs run loose, there is no enforcement. He feels that if the proposed legislature is passed now requiring registration and fining, enforcement would continue to be a problem. If people are willing to register their animals, perhaps a tax credit on a yearly basis would reward them for doing so; where if you punish them for not doing so. He questioned the resources to enforce and the expense of enforcement.
2. Virginia Turner spoke in regards to the Animal Ordinance. Ms. Turner had on several occasions called on the Animal Services for assistance. She favors spay/neuter for pets and animals adopted from shelters. Ms. Turner feels that while the proposed Animal Ordinance contains good points, it does not offer a solution to reducing the number of animals euthanized at the Henderson County Shelter. In her opinion, the spay-neuter requirements outlined under the spay-neuter program are unrealistic, unobtainable and subjective in definition and enforcement. For example, note that the exemptions in Section E include some venues of dog performance events and fail to mention many equally valid activities. More importantly it places on any investigating officer, who may know nothing about what is being presented as an exemption, the responsibility of making a subjective decision as to its validity. By definition any complaint-driven issue is subjective on the part of the person making the complaint. It may be valid or just a legal loophole to get at another unrelated issue. Henderson County statistics from 2001 to 2005 show that, while the numbers of cats and dogs taken into the shelter are roughly the same, an average of 86% of cats were euthanized as opposed to 67% of dogs. Neither of these figures take into account animals which were turned in with specific requests from the owners that they be euthanized, were critically injured or ill or were feral. Passing any ordinance, good or bad,

DATE APPROVED: _____

places it into law. A bad ordinance is harder to deal with than no ordinance at all. Once the ordinance is enacted the door is open to amendments. As the current draft fails to meet your stated objective you will be subject to constant pressure to amend and “fix” the problem.

3. Cherry Meier spoke in regard to the proposed sell of Pardee Care Center. She is the CEO of Four Seasons Hospice and Palliative Care and they are very directly connected to Pardee Care Center. They have a condo association and their building is physically connected to Pardee Care Center. They purchase services from Pardee Care Center for dietary, housekeeping, and maintenance, but more importantly they are coordinating care. Currently today they have 33 patients that are being served through their palliative care program and another 14 patients that are being served through their hospice program. The potential new owner, if the decision is made to sell, could have a tremendous impact on the well being of their organization as well. She asked that the Board consider in their decision the impact that this sell would have on other organizations, not only Pardee Care Center and their ability to care for terminally ill patients not only in the Elizabeth House but in the community.
4. Lisa Beddingfield was representing the Appalachian Houndsman Association, of which she is the secretary, in regard to the Animal Ordinance. She is a recent appointee to the Animal Services Committee. Ms. Beddingfield stated that many hours had been put into the proposed draft Animal Ordinance. Her challenge to the Commissioners, as a member of the community, is to make sure the Commissioners realize the impact that the ordinance will have across the community. The exemptions that have been placed in the spay/neuter portion of the draft ordinance are to protect the people who competition dogs. If the dogs are altered for any reason other than medical, they are not allowed to be in competition. She feels that the responsible pet owners of Henderson County will be the people who are affected by the ordinance.
5. Pam Hodges spoke in regard to the Animal Ordinance. She was upset about the recent round of “shelter bashing.” Ms. Hodges felt that this was another case of rescue beating up on animal control in hopes of taking over which is precisely what happened in Buncombe County. The Sheriff’s Department is now in charge and does the dirty work while the animal rights people run the shelter and set the policy. She stated that “Buncombe County is not the County to imitate. In spite of their (Buncombe County) spay/neuter ordinance, their shelter intake increased last year. It was before their ordinance was passed that intake and euthanization rates dramatically decreased due to the availability of low cost and free spay/neuter, and that’s voluntary spay/neuter. People need to be educated beyond the Times-News. She is against mandated spay/neuter legislation. People need to be given a second chance. The exemptions have been addressed and they are disgressionary and hard to prove. She requested the Board give more time for the public to address this issue before adopting the ordinance and felt that a lease law was the best method of birth control.
6. Pat de Lemos spoke in regard to the Animal Ordinance and thanked the Board for the new shelter. She stated that 85% of the animals that end up in the counties of North Carolina are euthanized. She felt that the biggest problem over the United States is too much reproduction; spay/neuter is needed. Rabies tags must be used by every veterinarian and citizen and 50 cents goes to a spay/neuter fund for the State of North Carolina. Assistance for Spay/Neuter is offered by the Humane Alliance in Asheville, Blue Ridge Humane Society, and Community Partnership for Pets. The citizens of Henderson County need to be responsible and have their animals spayed/neutered.
7. Sarah Wilson spoke in regard to the Animal Ordinance. She was upset about the way animals were treated in the community. She was for spay/neuter.
8. Eva Ritchey spoke in regard to thinking long term about the environment; in relation to the public transit Blue Route. She stated that 30% of all CO2 pollution going into the atmosphere is coming from tailpipes. She requested that public transit be increased and not decreased.

DISCUSSION/ADJUSTMENT OF AGENDA

Chairman Moyer noted that a closed session for economic development would be added at the end of the agenda.

Commissioner McGrady made the motion to approve the agenda with the addition of a closed session. All voted in favor and the motion carried.

CONSENT AGENDA

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

Consent Agenda included the following:

Minutes

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

- April 24, 2007 – Special called meeting
- August 23, 2007 – Special called meeting
- October 9, 2007 – Special called meeting
- October 17, 2007 - Regular meeting

Tax Collector’s Report

Terry F. Lyda, Tax Collector, had provided the Tax Collector’s Report dated October 26, for the Board’s review and consent approval. Collection information through October 25th for the new 2007 bills, as well as vehicle bills was included.

Annual Bills G01 only:

2007 Total Charge:	\$53,322,239.70
Payments & Releases:	9,323,568.30
Unpaid Taxes:	43,998,671.40
Percentage collected:	17.49%

Motor Vehicle Bills G01 Only:

2007 Total Charge:	\$ 2,267,284.40
Payments & Releases:	1,614,973.70
Unpaid Taxes:	652,310.70
Percentage collected:	71.23%

Fire Districts All Bills

2007 Total Charge:	\$ 5,920,380.46
Payments & Releases:	1,171,239.00
Unpaid Taxes:	4,749,141.46
Percentage collected:	22.91%

Financial Report/Cash Balance Report – September 2007

Included for the Board’s review and approval were the September 2007 County Financial Report and Cash Balance Report.

Non-Departmental costs include insurance premiums paid to date for Property and Liability insurance coverage and Worker’s Compensation costs. These costs will be allocated out to all departments on a pro rata basis during the fiscal year.

The YTD deficit in the Mills River Elementary School and Hillandale Elementary School Projects include architectural fees and construction project services that have been paid on the projects to date and will be reimbursed from new school financing debt issued in FY2008. The County adopted a reimbursement

resolution in the prior fiscal year to allow reimbursement from future financing proceeds for these two projects.

The suggested motion: *I move that the Board of Commissioners approve the September 2007 County Financial Report and Cash Balance Report as presented.*

Henderson County Public Schools Financial Reports – September 2007

Included in the agenda packet was the Henderson County Public Schools September 2007 Financial Reports for the Board's information and consent approval.

The suggested motion: *I move that the Board of Commissioners approve the September 2007 Henderson County Public Schools Financial Reports as presented.*

EMS Accounts Receivable Report

Included in the agenda packet was the EMS Accounts Receivable Report as information for the Board. An aging analysis of accounts receivable and total revenues received to date for the current fiscal year was included in the report.

The billing process for EMS remains current within a week and bills are being mailed out on a daily basis. Staff continues to work diligently on trying to collect outstanding receivables.

The suggested motion: *I move the Board of Commissioners approve the EMS Accounts Receivable Report as presented.*

Homeland Security Grants

Henderson County had received two Homeland Security grants for the NC Department of Crime Control and Public Safety.

The first grant is the result of a collaborative effort between Emergency Services, the Sherriff's Department and the NC State Highway Patrol for the North Carolina Voice Interoperability Plan for Emergency Responders (VIPER) in the amount of \$1,500,000.00. This grant will provide new towers and infrastructure for our current emergency communications equipment along with new equipment for the statewide VIPER network.

The second grant is the result of a collaborative effort between Emergency Services, the NC Department of Agriculture and the NC Division of Emergency Management in the amount of \$19,755.00. This grant will provide a mobile animal shelter to support the statewide Collocation Animal Sheltering Program (CASP) which compliments our mass sheltering and evacuation program.

Waterline Extensions – Cummings Cove, Wilson Ridge

The City of Hendersonville had requested that the County comment on the proposed water line extensions. City of Hendersonville Project Summary Sheets, with vicinity maps, engineer's reports, project maps, and county review sheets were provided for Board review and action.

Suggested motion: *I move that the Board approve the water line extensions for Cummings Cove and Wilson Ridge, and direct Staff to convey the County's comments to the City of Hendersonville.*

Modification of Agreements

At the Board of Commissioners' meeting held June 4, 2007, Blue Ridge Community Health Services was granted \$45,000 in remaining FY 2006-2007 Maintenance of Efforts funds, proposed to be utilized within the grant cycle which ended on October 31, 2007. Because these funds were received relatively late in the grant cycle, Blue Ridge did not anticipate expending all the funds by October 31, 2007.

Staff proposed to extend the period for Blue Ridge's performance of services from October 31, 2007 to October 31, 2008. This modification will allow Blue Ridge to continue providing mental health services to the county's citizens with the previously granted funds. No additional funds would be due by the Bounty as a result of this modification.

The suggested motion: *I move that the Board of Commissioners approve the modification of existing agreements between the County and Blue Ridge Community Health Services, which extends the period for the performance of services to October 31, 2008.*

Proclamation – Human Rights Day

The Human Relations Council of Henderson County had requested that the Board of commissioners read and adopt a Proclamation proclaiming December 10, 2007 locally as Human Rights Day. The adopted Proclamation will be an attachment to this set of minutes.

The suggested motion: *I move that the Board of Commissioners adopt the Proclamation as presented, proclaiming December 10, 2007 locally as Human Rights Day.*

Waiver of loan provision

A recipient of Community Development Block Grant – Scattered Site Housing assistance from Henderson County, Shirley Owns, was seeking a waiver of the provision in the terms of the documentation of her assistance which provides that should she ever re-finance any loan for which the real estate (which is the subject of the assistance) is collateral, she would owe repayment of the assistance amount. The administrator of the program under which Henderson County participates had reviewed the request, and recommended granting the waiver. Granting this waiver would allow Ms. Owens to re-finance her current first mortgage, lowering her interest rate from 12.75% to 7.5%.

The suggested motion: *I move that the Board grant the waiver of the loan provision as requested, and that the Chairman, the County Manager and the County Attorney execute any documents necessary to carry out this waiver.*

FY 2008 Vehicle Bids

The Henderson County Sheriff's Office requested that the Henderson County Board of Commissioners approve the proposed bid from Ilderton Dodge for 9 Dodge Chargers and 1 Dodge Magnum for purchase in Fiscal Year 2008. These vehicles were approved in the Fiscal Year 2008 budget.

The suggested motion: *I move that the Board approve the bid from Ilderton Dodge.*

NOMINATIONS

Notification of Vacancies

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

1. Criminal Justice Partnership Program – 6 vac.
2. Fire and Rescue Advisory Committee – 2 vac.
3. Fire Commission – 3 vac.
4. Henderson County Transportation Advisory Committee – 1 vac.
5. Henderson County Zoning Board of Adjustment – 3 vac.
6. Laurel Park Zoning Board of Adjustment – 1 vac.
7. Library Board of Trustees – 1 vac.
8. Planning for Older Adults Block Grant Advisory Committee – 5 vac.
9. Recreation Advisory Committee – 1 vac.
10. Senior Volunteer Services Advisory Council – 1 vac.
11. Travel & Tourism Committee – 4 vac.

Nominations

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

1. Child Fatality Prevention Team – 1 vac.

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

2. Community Child Protection Team (CCPT) – 1 vac.

Commissioner McGrady stated that he is still working on a chair for this committee. There were no nominations at this time so this item was rolled to the next meeting.

3. Hendersonville City Board of Adjustment – 1 vac.

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

4. Hendersonville Planning Board – 1 vac.

Commissioner Young nominated James Thorndike for position #1. There were no other nominations. *Chairman Moyer made the motion to accept James Thorndike to position #1 by acclamation. All voted in favor and the motion carried.*

5. Juvenile Crime Prevention Council – 6 vac.

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

6. Planning for Older Adults Block Grant Advisory Committee – 3 vac.

Commissioner McGrady nominated Timothy Auwarter for position #3, E. Keith Ford for position #8, and Wanda Moore for position #15. Commissioner Young nominated James Phelps for position #3. They were no other nominations. *Chairman Moyer made the motion to accept E. Keith Ford to position #8 and Wanda Moore to position #15 by acclamation. All voted in favor and the motion carried.* There were two nominations to position #3 so this item was rolled to the next meeting.

7. Senior Volunteer Services Advisory Council – 1 vac.

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

8. Solid Waste Advisory Committee – 1 vac.

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

DISCUSSION ITEMS

HENDERSON COUNTY HOSPITAL CORPORATION MATTERS

Chairman Moyer recognized member of the Hospital Board and called CEO Kris Hoce to the podium to provide information regarding the budget for the Henderson County Hospital Corporation for its upcoming fiscal year, and other related matters.

CEO Kris Hoce stated that on October 31st the Pardee Board of Directors voted to seek proposals from qualified nursing home operators who are interested in purchasing the Pardee Care Center. The Pardee Care Center is a 130 bed long term and short term nursing care facility licensed in the State of North Carolina with 110 beds duly certified by Medicare and Medicaid to provide skilled nursing care. The facility includes a 20 bed transitional care unit, which is Medicare certified and primarily used for short term rehabilitation patients. The Pardee Care Center was created in 1999 when there weren't many long term care facilities in this county. Since that time a number of different long term care facilities have entered into this market and provide much needed services to our senior population. The decision to solicit proposals was made following a long period of consideration regarding how to meet with the Pardee Hospital leadership team to focus on improving Pardee Hospital's financial performance. To facilitate this focus on hospital operations it was decided to bust programs that aren't quo to hospital operations and that could be delivered by other providers in this market. Many possible options for the continued operation of the Pardee Care Center were considered. Since Pardee facilities are owned by the County, the consideration of proposals for the purchase

of the Pardee Care Center will include a public notice process. Assuming the Board's approval to move forward, they expect to issue a request for proposals this week with the intent of having the purchase completed by the end of March, 2008. Proposals will need to be received no later than 10:00 a.m. on November 28 to be eligible for consideration. The Hospital Board is interested in attracting a company that specializes in providing reputable long term care services and that will provide the same high quality of care residents have come to expect. Considerations in RFP (request for proposals) were to be given in order to maintain strong working relationships with our local partners; Four Seasons Hospice and the Pavilion. Approximately 175 people are employed at Pardee Care Center. When selecting a company, the Board will make it a priority to look at companies that express the intent to continue the employment of the current associates of the Pardee Care Center. The Board will reserve the right not to except a RFP if not satisfied with the company and/or the terms of the proposal. Residents, associates, and their partners in the community will be kept informed throughout the negotiation process. Henderson County owns the real property that consists of unit 1 and unit 4 of the partners in health condominium, and a 67% undivided interest into all the common areas of the partner in health condominium. Henderson County Hospital Corporation owns all the personal property; that is the equipment and furnishings being considered for sale. Both the real property and the personal property obviously need to be sold to the same entity. At this time Pardee Hospital respectfully requests that the Henderson County Board of Commissioners allow the hospital to move forward with the process. The best interest of the Pardee Care Center residents, associates, and the Partners in Health community is their top priority. Their goal is to make this a serious transition for the Pardee Care Center residents and associates.

Chairman Moyer asked the Chairman of the Hospital Board to come to the podium and discuss the process the Board had gone through, how long this has been in discussion, and the Boards opinion on this situation.

Chair of the Hospital Board Marcia Caserio stated that the process had been under consideration for better than a year. To begin with the Board was not unanimous in their decision about what to do to stabilize the financial health of the hospital. They studied and looked very carefully at their lines of services, at what could only be done by the hospital, and what is already being done in the community that some of their services may be duplicating. As they looked and planned strategically it became very clear that Pardee had to stay focused on the acute care that it provides citizens of Henderson County. The things that go on within the hospital and that support that process are very critical. However, relative to the long term care issue, while it is much needed service, there are many long term care providers in the community. The Hospital Board believes that Pardees initiation of this process years ago, when there was a very deficit in this area, as far as long term care is concerned, was wise. They now see though that this opportunity to take care of aging adults and those who are in need of rehabilitation immediately after hospitalization is being well done by many service providers in the community. When they looked at the value of what they have and they realized that others were doing it, and that is becoming a more competitive market, it seemed wise to consider stepping away from owning such a facility. There are inherent loses with a facility like this that impact the financial health of the hospital and it seemed a wise move to consider selling. They looked at leasing and maintaining the facility and the impact that would have on financial well being on the hospital as well as the continuing of care. It was very clear after much discussion and formation of a study committee to research this very carefully. Selling the facility was the wisest move for stabilization of the financial health of the hospital and with the parameters that they have put into place relative to the RFP. They believe that they will attract a care provider that has a track record and history of serving patients and residents of such facilities in a similar fashion. They will work hard to make sure they attract only those kinds of providers and they believe that the issue relative to their employees and the maintenance of that staff is an important issue too for the continuity of care as well as for the employees who have had long term employment with the facility. The RFP has been set up and if the Board of Commissioners approve, the parameters have been set up will protect the health and well being and quality of care of the residents in the existing facility; maintain the work force which is key to the quality of care, and yet with the sale of such facility increase the solvency financially of the hospital.

Chairman Moyer stated that Kris Hoce had touched briefly on the concerns with Hospice and their service and asked Ms. Caserio to reiterate how this was taken into consideration.

Ms. Caserio explained that as they researched options, they had invited Hospice to look at the possibility of expanding their services. There is a condominium arrangement in place with their organization as well as Hospice that she felt very much protected the relationship there. Hospice declined the opportunity to buy or lease the facility, but they were offered the option.

Commissioner Williams asked about the cost to patients with the new buyer compared to now.

Ms. Caserio stated that 110 beds were designated as Medicaid beds it would be her understanding that Medicaid reimbursement would be the same for either. A large majority of the patients are Medicare patients and certainly for those who are immediately post hospital and not into custodial care, Medicare would kick in and pay the portion of their bills. From the custodial stand point, if it is not Medicaid qualified and Medicaid reimbursable, that would probably be a consideration of the new owner. This is one of the factors that would be taken into consideration.

Vice-Chairman of the Hospital Board Bill Smith agreed with comments from Mr. Hoce and Ms. Caserio. The Board had looked at this very diligently and they feel that it is right thing to do.

Ms. Caserio emphasized that after one year of careful scrutiny, as well as the committees very focused work on looking at all options very carefully, the Board had unanimously voted with no doubt that this is what needs to be done.

Bill Smith explained that the RFP stipulates that any buyer would have to maintain the relationship that exists with Four Seasons Hospice and the Pavilion. As they looked at what these programs were providing in the community they did not want to disrupt the complementary relationship that exists between Pardee Care Center and those programs.

Commissioner Williams asked, in terms of the sell of the property, if the county owns the facility and if it is sold along with the real estate, did the funds all go back into the hospital?

Chairman Moyer noted that as part of the action that they would be discussing, he would be recommending that the proceeds from the sale of the building and equipment go back to the hospital for handling of their needs, growth, and keeping debt down. No County money has gone forward even though the building is technically in the name of the county.

Commissioner Messer asked if anyone had offered to lease the facility or had the committee determined not to look at this option?

Mr. Hoce stated that there was never a formal proposal for lease, there was some informal review of what's out there in the market. When they did the competitive cost benefit analysis of each option, the selling option had more merit in terms of net value and the ability of the organization to focus on the acute care side of the hospital operations. It was studied but not as a solicitation process.

Commissioner McGrady raised a point as a matter of disclosure, he is a member of the Hospice Board and he also chairs the Condominium Association. He does not believe there is a conflict in acting on this issue but deferred it to his colleagues.

Chairman Moyer felt it was appropriate that Commissioner McGrady made the disclosure however, in his view he did not feel that there was a conflict that would recuse Commissioner McGrady.

Commissioner Williams stated that while disclosures were being made, his grandmother resides at the Care Center.

Chairman Moyer felt it was appropriate for disclosure but did not feel it was necessary that Commissioner Williams be recused.

It was the consensus of the Board that neither Commissioner Williams nor Commissioner McGrady recuse themselves from the action.

Chairman Moyer made the motion that the Board agree to the marketing (including solicitation of requests for proposals and offers) for the purpose of the sale of the Pardee Care Center, and the sale of the same, with final approval of the documentation of the sale to occur at a later meeting. He further moved that all proceeds of such sale would belong to the Henderson County Hospital Corporation, to be used for their normal operating needs, capital costs, and their reduce in indebtedness. All voted in favor and the motion carried.

MAINTENANCE OF EFFORT FUND ALLOCATION

County Manager Steve Wyatt stated that Henderson County has \$529,224 mandated for allocation for the provision of mental health services in the county for the period between November 1, 2007 and October 31, 2008. Henderson County has implemented a system that is formal under which applications are made and contracts are drawn up for the providing of very specific services. Those contracts for their performance and compliance are audited by the County’s Internal Auditor. Western Highlands LME had reviewed the Maintenance of Effort funding applications which were received by the county in early October, and had recommended allocation at this time of \$388,280. Allocating this amount would leave \$140,944 in Maintenance of Effort funds to be allocated throughout the remaining fiscal year. These remaining funds could be revisited again as the county works with these providers to provide a mental health safety net for the citizens of the county. If the funds are not allocated within this fiscal year, it is a requirement under the law that it be allocated to Western Highlands. It can then later be allocated to other mental health agencies.

Commissioner McGrady disclosed that he has a contract with the Free Clinics and is in the midst of helping them build a new building. He did not believe that his association with the Free Clinics would cause a conflict but deferred it to the will of the Board.

It was the consensus of the Board that Commissioner McGrady’s disclosure of the arrangement with the Free Clinic did not warrant recuse.

Western Highlands LME’s specific recommendations were:

Appalachian Counseling	\$90,000
Community Health Network	\$75,000 (\$50,000 current + \$25,000 future)
Henderson County Health Department	\$43,280
Mainstay	\$25,000
Parkway Behavioral Health	\$20,000
Sixth Avenue Psychiatric Rehabilitation	\$90,000
The Free Clinics	<u>\$45,000</u>
Total	\$388,280

At the Board of Commissioners’ meeting held August 14, 2007, the Board approved a full time Mental Health Therapist position to be paid for with Maintenance of Effort funds. Maintenance of Effort funds in the amount of \$43,280 were requested to fund that position.

Commissioner McGrady made the motion that the Board appropriate \$388,280 of Maintenance of Effort funds at this time as recommended by Western Highlands. All voted in favor and the motion carried.

PROCUREMENT OF NEW AMBULANCES

N.C.G.S. 143-129, Procedure for Letting of Public Contracts, allows for the waiver of bidding for previously bid contracts and the purchase of equipment/vehicles by the County if with the last 12 months either a Federal agency, the State of North Carolina or agency or political subdivision of the State, or any other state or agency or political subdivision of that state had completed a public, formal bidding process.

There is a ten day requirement to advertise a waiver of the bidding procedures under this statute before the Board can consider and approve such actions. This waiver was duly advertised in the Times-News on October 12, 2007.

Fire Marshall Rocky Hyder stated that the Emergency Services Department had identified that Buncombe County had formally bid out ambulances with the last 12 months and was requesting the Board of Commissioners to consider adopting a resolution allowing the EMS Department to piggyback on Buncombe County's previously bid contract awarded to Southeastern Specialty Vehicles to procure new ambulances to replace four vehicles coming off lease this fiscal year.

Finance Director Carey McLelland stated that the current year budget included funds for the lease of these new ambulances replacements. These vehicles have high mileage, are not practical for use by other departments and have little residual value after 36 months of service. An analysis of purchase financing versus leasing new ambulances was provided to the Board. A copy of the resolution is an attachment to this set of minutes.

Commissioner Messer made the motion that the Resolution be approved allowing the Henderson County EMS Department to piggyback on Buncombe County's previously bid contract to procure new ambulances in the current fiscal year as allowed under N.C.G.S. 143-129(g). The vote passed 4-1 with Commissioner Young voting nay.

ANIMAL ORDINANCE AMENDMENTS

The Animal Services Advisory Committee had submitted the revised Animal Ordinance for the Board consideration. Included for the Boards review were:

1. Synopsis of Revisions
2. Animal Ordinance
3. Spay-Neuter Enforcement Flowchart
4. Spay-Neuter Educational Brochure
5. Spay-Neuter Program Communications Plan

Amendments included the addition of spay-neuter program, expanded definitions, nuisance animals, dangerous dog reporting and inspection requirements, animal fighting, rabies vaccinations and livestock.

Assistant County Manager Selena Coffey stated that a great deal of time had been spent on the Ordinance Amendments and staff had 5-6 meetings with the Animal Services Committee. The Animal Services Committee and the public had provided essential information.

Fire Marshall Rocky Hyder covered the proposed changes in the ordinance. Under the definition section they added terms as a result of the spay/neuter portion. The role of the Animal Services Department was clarified to be consistent with the authority that county is given through state statute. Public Nuisance has been defined so that we not only talking about the behavior of an animal but we are also talking about the conditions in which an animal is kept. Dangerous dogs have been refined so that we can declare dogs potentially dangerous earlier in the process if it's a public safety issue. Mistreatment of animals was expanded to include all animals as well as livestock. Impoundment, adoption and relinquishment had been revised so that we can microchip and vaccinate every animal that we come in contact with and impound before their release back to the owner. The penalty section has been clarified to make it understood that each

penalty includes per violation per animal per day. A two week period is provided to have a rabies vaccination done after an adoption which is for the benefit of the customer. The spay/neuter program basically includes not only a spay/neuter program but it includes an assistance program for the low income persons. It requires alteration of either adopted, fostered, or any deemed dangerous animals and is enforced only when there is another existing violation present. An article was included on livestock to help law enforcement officers address some of the issues which mirror the state statute.

In regards to the Spay/Neuter Program it was a challenge to make an ordinance that fits our community. This would address the animals that are giving us problems, the animals that are creating over population and address this in a way that is effectively focused toward resolving the program.

The Spay/Neuter Program begins by saying that all cats and dogs 4 months of age or older adopted out must be altered prior to adoption. Any animals that are fostered must likewise be altered prior to the animal leaving with the foster owner. If the foster arrangement is organized through a non-profit organization, the organization shall be responsible for altering the animal; if an individual initiates the foster arrangement, the person will be responsible for the alteration.

Impounded Animals shall be microchipped so that the animal can be identified in the future and must be altered prior to release either back to the owner or through the adoption process.

Dangerous Deemed Dogs must be altered within 10 days of the dangerous determination.

The Assistance Program authorizes the county to operate as assistance program and enables the county to utilize assistance programs that are already present within the community.

In the exemptions section all animals that are associated with law enforcement or search and rescue, service animals, dogs used for herding or guarding livestock, dogs of a customarily accepted hunting breed used for hunting, animals kept for the purpose of show, field trails, or agility trials, and animals where a veterinarian has determined that it would be medically unreasonable to undergo a surgical procedure.

Assistant County Manager Selena Coffey provided the Board with the following language necessary to exempt registered dogs if the Board desired. She suggested adding G) Animal breeds recognized by a national dog or cat association, such as the AKC. The owners of these animals must prove that the animal is an approved breed through documentation by the association to the satisfaction of the Animal Services Director.

Two methods were provided as options for the Boards consideration of the proposed amendments.

1. Adopt the amendments on the first reading following a unanimous vote for approval.
2. Schedule an opportunity for public input at the December 3, 2007 meeting and provide direction to staff following public input and adopt the amendments on second reading.

Chairman Moyer requested that the County Attorney check on the possible restriction of comment from citizens outside of Henderson County.

It was the consensus of the Board to hold a public input session (Option 2) on December 11, 2007 at 6:00 p.m. in the Board of Commissioners' Conference Room.

PUBLIC HEARING – TO CONSIDER PROPOSED ECONOMIC INCENTIVES GRANT TO GENERAL ELECTRIC COMPANY

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

County Attorney Russ Burrell stated that notice was hereby given pursuant to N.C. Gen. Stat. §158-7.1 that the Henderson County Board of Commissioners would be holding a public hearing on 5 November 2007 at 7:00 p.m., or as soon thereafter as the Board can consider the matter, to consider the request of General Electric Corporation, Outdoor Lighting Division, East Flat Rock Metalworking Unit, for economic development incentives to assist in investment resulting in retention of existing jobs.

The Company is a manufacturing concern operating worldwide, including a factory located in East Flat Rock, North Carolina. The public benefit to be derived from the capital project is an initial total taxable capital investment by way of lease with gross lease payments in the amount of at least One Million Thirty-Six Thousand Dollars (\$1,036,000.00) in machinery and equipment, retaining six (6) full time employment positions.

The Board considered granting assistance toward actual expenditures incurred in the Company's plan to construct its operation up to a maximum payment of Three Thousand Three Hundred Fifty-Three Dollars and Fifty-Nine Cents (\$3,353.50) per year for a total of five (5) years. Each year's incentive payment for the five (5) years incentives would be paid would be limited, under this proposal, to seventy percent (70%) of the ad valorem property tax resulting from the capital investment for such year.

If approved, the request would be funded through the general property tax revenue. The hearing was held in the Meeting Room of the Henderson County Administration Building located at 100 North King Street, Hendersonville, North Carolina. The public was invited to attend and comment.

Andrew Tate, CEO and President of Henderson County Partnership for Economic Development stated that General Electric had made an announcement several months prior that they would be going through an assessment period which is common in a globally competitive environment. This is a retention project of six (6) jobs with salaries in the \$50,000-\$60,000 per year range. Benefits make their compensation packages in excess of \$80,000 per year. Paul Morris and Terry Collins from General Electric were both present to answer any questions the Board had about the project and give a timeline of the assessment period they had gone through and the possibility of retaining this project in Henderson County.

Paul Morris informed the Board that mid August they had announced their intent to transfer work from the Hendersonville Plant and for approximately 60 days they had formed idea generation teams made up of employees that are in the various area impacted within the plant. One area being looked at was the Die-Cast area. They pulled 8-10 employees from that area with a very aggressive meeting schedule and they generated ideas on, "how can we save additional monies to keep that work here"? Unfortunately with the Die-Cast area they simply could not do that. The competitive forces are such that they simply cannot compete in the Die-Cast area. Certain other areas of the plant they did the same thing. In their Sheet-Metal area they had a pretty aggressive bunch of guys on that team and they just simply would not let go. They analyzed with help of finance some very good ideas with enough dollar savings where General Electric could keep part of the Sheet-Metal operation here rather than farm it out. Based on their proposals and with the investment of 1.1 – 1.2 million dollar piece of equipment they will be able to keep six (6) high skilled sheet metal type jobs here in the 75-80 thousand dollar range, fully loaded with benefits.

Chairman Moyer requested that Mr. Morris explain how incentives became involved.

Mr. Morris explained that they are no different than any other big company. Corporate General Electric is in essence their banker. They give them money to invest in their plant and they expect a return on their investment. Part of the incentive that they are looking for would help "sweeten the pot" on the return investment that their parent company is looking for in order to give them the go to purchase the machinery.

Chairman Moyer stated that the incentives were important from the standpoint of helping to tip that balance to keep that investment in the job.

Public Input

There was none.

Commissioner Young made the motion that the Board issue the above stated incentives to the General Electric Corporation for a period of five (5) years. All voted in favor and the motion carried.

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

NEW LEASE TO CHAMBER OF COMMERCE

County Attorney Russ Burrell stated that the County Manager Steve Wyatt and representatives of the Greater Hendersonville Chamber of Commerce negotiated a proposal for a new three-year lease. The Chamber has occupied the old Public Library building on King Street under a lease signed effective 1 February 1988, expiring 1 February 2008. They did not provide for any rent payments.

During the negotiations, the Chamber and County Manager Steve Wyatt obtained two market appraisals for the fair rental value of the structure. Under the terms of the proposal, the Chamber would pay ¼ of the market rent the first year (\$8,288.25), ½ the market rent the second year (\$16,576.50), and the full market rent the final year (\$33,150.00). However, the Chamber would have the option to terminate the lease upon ninety (90) days written notice.

Commissioner Young made the motion that the Board approve the draft lease with the Greater Hendersonville Chamber of Commerce, and authorize the Chairman, the County Manager, the County Attorney and other county staff to execute the lease. All voted in favor and the motion carried.

PUBLIC DEFENDER SPACE UPDATE

County Manager Steve Wyatt updated the Board on the County's requirements related to the newly created Public Defender position. He stated that the public and Board members were aware that the General Assembly appropriated money to establish, in this judicial district, the office of Public Defender and with that appropriation the General Assembly funded operational costs. As with many state offices, County Government is on the hook if you will, to provide the facilities for those operations. In this case Transylvania, Henderson and Polk County are mandated to provide this facility and the furnishings at the county's cost for the public defenders office. Mr. Wyatt understands that it will likely entail between ten (10) and twelve (12) personnel throughout the district, most likely six (6) to eight (8) folks here as the center of the district. The Public Defender has been named and we are working with that individual to determine the amount of floor space configuration of individual offices and what is available. Our first look is at current county facilities with a couple of issues; 1) the compatibility of the operation, 2) the public traffic for those operations, 3) and structural issues. The prior discussion is that the public defender would need to be operational January 1, 2008 and the date has now been pushed back until February 1, 2008. In the first meeting in December staff will bring before the Board a list of the options looked at and it may be that the county does have facilities that may be utilized. Based on what he has seen, if this is the case, there will need to be some financial investment in the structures and perhaps some remediation of issues to get those offices ready for occupancy. Staff will cost out the options and bring this information to the Board for discussion. The District Attorney had contacted the Board by letter and stated a case for increasing space for operation of the District Attorney's office just in Henderson County. Both issues will be addressed together knowing that the potential impact on one or the other, obviously space that will be utilized. If there is space available for the District Attorney that space cannot be used for a Public Defender. There are other state agencies that are utilizing the courthouse also.

COUNTY ATTORNEY'S REPORT

There was nothing further.

COUNTY MANAGER'S REPORT

Steve Wyatt reported that he had received a letter from the County Medical Examiner stating that his resignation would be effective December 31, 2007. Under the Statute the County Medical Society is mandated to make a recommendation to the State Office of Chief Medical Examiner for a replacement. A letter from the Henderson County Medical Society President stated that they are unable to recommend a candidate. Mr. Wyatt had been in touch with the folks at the State Chief Medical Examiners Office which must find the person to feel this position whether it's internal to the county or shared with an adjacent county.

IMPORTANT DATES

November 21, 2007 Meeting

Chairman Moyer made the motion that the Board cancel the November 21, 2007 Regular Scheduled Meeting. All voted in favor and the motion carried.

Request for public hearing on new road names

Commissioner McGrady made the motion that the Board set a public hearing on new road names for December 3, 2007 at 7:00 p.m. All voted in favor and the motion carried.

Boards consideration of 2008 Meeting Schedule

The following dates are the proposed schedule of Regular Meeting Dates for 2008

Monday, January 7, 2008	5:30 p.m.
Wednesday, January 16, 2008	9:00 a.m.
Monday, February 4, 2008	5:30 p.m.
Wednesday, February 20, 2008	9:00 a.m.
Monday, March 3, 2008	5:30 p.m.
Wednesday, March 19, 2008	9:00 a.m.
Monday, April 7, 2008	5:30 p.m.
Wednesday, April 16, 2008	9:00 a.m.
Monday, May 5, 2008	5:30 p.m.
Wednesday, May 21, 2008	9:00 a.m.
Monday, June 2, 2008	5:30 p.m.
Wednesday, June 18, 2008	9:00 a.m.
Monday, July 7, 2008	5:30 p.m.
Wednesday, July 16, 2008	9:00 a.m.
Monday, August 4, 2008	5:30 p.m.
Wednesday, August 20, 2008	9:00 a.m.
Tuesday, September 2, 2008	5:30 p.m.
Wednesday, September 17, 2008	9:00 a.m.
Monday, October 6, 2008	5:30 p.m.
Wednesday, October 15, 2008	9:00 a.m.
Monday, November 3, 2008	5:30 p.m.
Wednesday, November 19, 2008	9:00 a.m.
Monday, December 1, 2008	5:30 p.m.

Wednesday, December 17, 2008 9:00 a.m.

Commissioner McGrady made the motion that the Board approve the proposed schedule for regular meetings for 2008. All voted in favor and the motion carried.

Public Input Session for Animal Ordinance Amendments

Commissioner McGrady made the motion that the Board set a public hearing on the proposed Animal Ordinance Amendments for Tuesday, December 11, 2007 at 6:00 p.m. All voted in favor and the motion carried.

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