

DRAFT
MINUTES

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS
JANUARY 7, 2008

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, 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, Finance Director J. Carey McLelland, Deputy Clerk to the Board Terry Wilson, Research/Budget Analyst Amy Brantley, Code Enforcement Services Director Toby Linville, Engineering and Facility Services Director Marcus Jones, Associate County Attorney Sarah Zambon, Communications Officer Pam Brice, Consulting Engineer Gary Tweed, Human Resources Director Jan Prichard, and Human Resources Analyst Mary Alice Jackson.

Assistant County Manager Selena Coffey arrived at approximately 6:45 p.m.

CALL TO ORDER/WELCOME

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

PLEDGE OF ALLEGIANCE

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

INVOCATION

County Manager Steve Wyatt gave the invocation.

INFORMAL PUBLIC COMMENTS

There was none.

DISCUSSION/ADJUSTMENT OF AGENDA

There was none.

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

CONSENT AGENDA

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

Minutes

Draft minutes were presented for Board review and consent approval of the following meeting:
December 11, 2007, special called meeting

Tax Collector's Report

Terry F. Lyda, Tax Collector, provided the Tax Collector's Report for information only dated January 2, 2008.

Financial Report/Cash Balance Report – November 2007

Carey McLelland, Finance Director, had provided these two reports for November 2007.

DATE APPROVED _____

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

The YTD deficit in the Crisis Housing Assistance Program (CHAP) Fund and the Lewis Creek Restoration Project Fund is due to the timing difference between the expenditure of Federal and State grant funds and the subsequent requisition and reimbursement of these expenditures.

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 that are expected to 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.

Action Requested: Request that the Board consider approving the County's November 2007 Financial Reports as presented.

Suggested Motion: I move that the Board of Commissioners approve the November 2007 County Financial Report and Cash Balance Report as presented.

Henderson County Public Schools Financial Reports – November, 2007

The County Public School System had submitted the November 2007 Financial Reports for the Board's information.

Action Requested: Request that the Board consider approving the School System's November 2007 Financial Reports as presented.

Suggested Motion: I move that the Board of Commissioners approve the November 2007 Henderson County Public Schools Financial Reports as presented.

EMS Accounts Receivable Report

Carey McLelland had provided 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 has been included in the report as of December 31, 2007.

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.

Action Requested: Request that the Board consider approving the EMS Accounts Receivable Report as presented for the period ending December 31, 2007.

Suggested Motion: I move that the Board of Commissioners approve the EMS Accounts Receivable Report as presented.

Foothills Highland Games

The County has been contacted by representatives of the Scottish Clans of the South (SCOTS) Games Committee requesting that they be permitted to again hold the Foothills Highland Games at Jackson Park on November 1, 2008 and be given exemptions from the current park rules to allow open fires, weapons and overnight camping. The 2006 and 2007 Foothills Highland Games were held at Jackson Park. The park is available on the date requested.

Action Requested: Staff is supportive of permitting the SCOTS to utilize Jackson Park for the 2008 Foothills Highlands Games. The SCOTS have again requested an exemption from current park rules to allow open fires, weapons to be used during the Games and overnight camping. County staff addressed park ordinance issues regarding open fires, weapons used during the Games, and overnight camping for the 2007 event.

Suggested Motion: I move that the SCOTS be permitted to use Jackson Park for the Foothills Highland Games, and be granted an exemption from current park rules to allow overnight camping, open fires and antique weapons to be used during the Games.

NOMINATIONS

Notification of Vacancies

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

- 1. Henderson County Transportation Advisory Committee – 7 vac.
- 2. Henderson County Zoning Board of Adjustment – 1 vac.
- 3. Library Board of Trustees – 1 vac.

Nominations

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

1. Cemetery Advisory Committee – 1 vac.

Position # 2 is vacant but there are no applications on file. There were no nominations at this time so this item was rolled to the next meeting.

2. Child Fatality Prevention Team – 1 vac.

Position # 3 is vacant but must be filled by a parent of a child who died before their 18th birthday. We have no applicants who meet the criteria. There were no nominations at this time so this item was rolled to the next meeting.

3. Henderson County Transportation Advisory Committee – 1 vac.

Positions #7 and #13 are vacant. Both of those people are unable to serve another term. We have one application on file from William Foisy.

Position #7 was filled at the last meeting subject to receipt of an application. The applicant (Fred Dorsey) declines the position; therefore, opening the vacancy again for nominations.

Chairman Moyer suggested that Commissioner McGrady, who sits on this committee, take a look at this committee and the possibility of reorganization and reduction of the size of the Board. Commissioner McGrady was in agreement.

No other action was taken.

4. Henderson County Zoning Board of Adjustment – 1 vac.

Position #8, for an alternate, is vacant.

At the last meeting Brandon Yelverton and Tedd Pearce were nominated to position #8.

The Clerk to the Board polled the Board with each Commissioner getting one vote, results follow:

Commissioner Young	Yelverton
Commissioner Messer	Pearce
Chairman Moyer	Pearce
Commissioner Williams	Pearce

Commissioner McGrady Pearce

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

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

6. Hendersonville Planning Board – 1 vac.

The vacancy is for position #4, an alternate position and there are no applications on file. There were no nominations at this time so this item was rolled to the next meeting.

7. Home and Community Care Block Grant Advisory Committee – 1 vac.

Position #6 is vacant. An older adult is suggested for the position but not required. Applications on file: Timothy Auwarter, Calvin Titus, Karen Smith, Pat Strickland, Donna Lovelace. There were no nominations at this time so this item was rolled to the next meeting.

8. Juvenile Crime Prevention Council – 6 vac.

There are six vacancies for position #9, #10, #12, #13, #14, and #26. There are no applications on file that meet the criteria.

9. Nursing/Adult Care Home Community Advisory Committee – 12 vac.

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

10. Senior Volunteer Services Advisory Council – 1 vac.

Position #3 is vacant, Jerald Wright is unable to serve another term. There are no applications on file. The Board of Commissioners makes a nomination only, Land-of-Sky will make the appointment and determine the expiration date.

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

E-911 CENTER LOGGING RECORDER EQUIPMENT

Chairman Moyer recognized Sheriff Rick Davis to make this request. Sheriff Davis stated that the Henderson County Sheriff's Office, on behalf of the Henderson County E911 Center, requests the Henderson County Board of Commissioners approve the prepared budget amendment. This budget amendment will allocate the necessary funds to purchase a new logging recorder for the Henderson County E911 Center. The current logging recorder was installed when the E911 Center was moved and upgraded nearly 10 years ago. This is a vital piece of equipment in the day-to-day operations of the E911 Center and it is beginning to fail. This equipment records each and every call that comes into the E911 Center each day.

The current logging recorder only recently started to fail and that is why this request was not in the original budget request for FY 2008. Funds are available for this purchase out of fund balance in the E911 Communications Fund.

Following discussion, *Commissioner McGrady made the motion to approve the prepared budget amendment and asked that appropriate personnel purchase a new logging recorder for the Henderson County E911 Center as soon as possible. All voted in favor and the motion carried.*

COMMUNICATIONS CENTER OPERATIONS STUDY

Steve Wyatt stated that the Board of Commissioners had expressed interest in making sure that our E911 Center operates as efficiently and effectively as possible. In July of 2007, Henderson County retained Solutions for Local Government, Inc. of Charlotte, North Carolina to conduct an operations study of the emergency (911) Communications Center. Steve Allen coordinated the study. Mr. Allen was very complimentary of Alisha Corn and the E911 Center staff, the Sheriff's Department, and the cooperation that he had from them all.

A copy of the study was included in the agenda packet for the Board’s review. Staff received the report just last Thursday (Jan. 3). It was made available to the Commissioners on Friday, January 4. It is a lengthy comprehensive document. Steve Wyatt felt that the Board would need some time to review the document and the recommendations in the study and to later establish some time to have some in-depth discussion on the study and possibly a presentation by Mr. Allen.

Steve Wyatt stated that there was one issue, in particular, that he and Sheriff Davis had discussed and Mr. Wyatt asked Mr. Allen to make an evaluation regarding the organizational structure of the E911 center and whether or not it should remain as part of the Sheriff’s Department or should perhaps be a stand-alone department or part of Emergency Services. Mr. Wyatt believes that the Center operates best, when done right, under the Sheriff’s Department because his experience has been that the vast majority of the calls are law enforcement related. He asked Mr. Allen to provide an evaluation of that. Mr. Allen has evaluated this issue and has communicated to Mr. Wyatt that he sees no reason to shift the responsibility from the Sheriff’s Department. His comments are in the study provided. Mr. Wyatt stated “We do need to be about the future and taking steps to make sure that we’re prepared to meet the needs of the citizens for emergency services, law enforcement, fire and rescue, and EMS calls in the future.” He asked the Commissioners to give the Study consideration and deliberate on it at a later date.

Following discussion, *Chairman Moyer made the motion that the E-911 Center remain under and in the Sheriff’s Department and the Sheriff’s and that the Commissioners review in detail during budget deliberations the request for additional staffing highlighted in the Study and mentioned by the Sheriff this evening. All voted in favor and the motion carried.*

RURAL CENTER WASTEWATER GRANT INFORMATION

Marcus Jones explained that the North Carolina Rural Communities Assistance Project recently sponsored a workshop entitled “Rural Water and Wastewater Projects: Getting to Success with Your Consulting Engineer”. Some of the topics discussed were: conflict resolution, contract negotiations, working with consultants, and qualified-based selection for architectural, engineering, surveying and construction services. Marcus Jones had attended this workshop on behalf of Henderson County. He explained that his attendance at the workshop and this agenda item will make Henderson County eligible for ten bonus points on an application to the Rural Center Infrastructure Grant Program.

No action was requested. This presentation was provided for information purposes only.

HISTORIC COURTHOUSE REHABILITATION PROJECT UPDATE

Gary Tweed, Project Coordinator for the Historic Courthouse Rehabilitation Project, explained that there were several areas of the project he and Carey McLelland wanted to update the Board on: Budget, Audio-Visual Project Bids, Landscape Plan, and Exterior Lighting.

Carey McLelland distributed and discussed a Budgetary Status Report on the Historic Courthouse Rehabilitation, starting with revenues as follows:

	<u>Budget</u>	<u>Actual To Date</u>
Revenues:	\$10,190.000	
Loan proceeds		\$ 10,189,914
Interest earned		1,243,981
Sales tax refund		<u>63,267</u>
Total		\$ 11,497,162

	<u>Budget</u>	<u>Projected Actual</u>
Expenditures (Including Audio-Visual, Hardscape, Planting/Outside Furniture, Exterior Lighting and Telephone System):		
Professional services	\$ 493,000	\$ 495,490
Architect fees	800,000	792,927
Construction	8,697,000	8,682,498
FF&E	<u>200,000</u>	<u>196,284</u>
Total	\$10,190,000	\$ 10,167,199

Other project costs:

Audio/Visual	\$190,707 (bid)
Hardscape	162,625 (est.)
Planting/outside furniture	35,000 (est.)
Exterior front lighting	25,000 (est.)
Telephone system	60,000 (est.)
Total	\$473,332

Carey McLelland stated that these numbers are included in the projected actual costs from above, not in addition to. Carey McLelland will come back to the Board with a recommendation based on whatever the interest balance is

Audio-Visual

Gary Tweed addressed the Audio/Visual Project stating that when the project was put out to bid a little over a year ago, it was felt that we needed to hold back on ordering the audio/visual equipment until the end of the job due to the change in nature of that type of equipment. Technology is being updated so quickly. The design and bidding of that portion of the project has now been done. Gary Tweed stated that we have secured a bid from H & M who is the contractor on the project. The numbers were presented in a memo from Alan Antoine to Gary Tweed, as a hand-out. He explained that there are three basic components of the audio-visual system: projector, screens, and speakers.

Chairman Moyer made the motion that the Board approve this and authorize moving ahead with the audio-visual project, and authorize the bid with H & M. All voted in favor and the motion carried.

Hardscape

Gary Tweed explained that when the project was originally bid the front area of the Historic Courthouse and how the landscaping would be done for it was still under discussion. At the time there was a lot of talk going on with the City of Hendersonville about parking and so forth so that portion of the project was not completed in the design. Since then, it has been completed. A drawing was included in the hand-out previously mentioned. The drawing showed the landscaping for the front of the building as well as the north and south sides of the building. The current contractor is doing the landscape work in the rear of the building

(Church Street side) that is part of his contract. He is currently doing the hardscape work which is the paving, steps, sidewalks, brick pavers, flag pole, and so forth in the rear and is working around the north side to the First Avenue side. Gary Tweed requested permission to allow the contractor to continue with the hardscape work and work on around the building and complete the hardscape portion of the landscape plan. The original bid amount for this work was \$171,300. Alan Antoine and Gary Tweed have been working with the contractor over the past month or so to work this price down and have him currently at \$162,625. He requested authorization to give the contractor the go ahead to proceed with the hardscape work. Weather-type issues may come into play but the goal is to have all the landscaping, all the work done by the time of the Grand Opening in April. In order to get that done, the hardscape work needs to be done right away.

Chairman Moyer stated that the Museum Group is selling pavers to raise money and it may give Gary Tweed a complication to work with. There are also still a couple of open issues with respect to the monuments. There is also the issue of where the time capsule will go. Just a few small things but Chairman Moyer thinks that the basics are covered here. These little things may be a couple of thousand dollars one way or the other. The \$162,625.00 figure does not include these little things. Gary Tweed stated that they plan to put the plantings out to our local folks for pricing. Chairman Moyer stated that the tentative arrangement with the Mayor is that once we get everything in place, they will maintain it so that it is coordinated with the rest of the displays on Main Street.

Chairman Moyer made the motion to approve going forward with the bid we have for the hardscape. All voted in favor and the motion carried.

Outdoor Lighting

Gary Tweed referred to the same drawing (landscape plan) but in a smaller format. Alan Antoine's electrical engineer had proposed installing exterior lighting on the front area in and around the plaza using 12' tall black light poles with the dome, typical street lights. The tentative price from the electrical contractor was about \$4,000 each, installed. They worried about getting outside the budget and a suggestion was made to cut back from nine of these street lights to five. Alan Antoine and the contractor visited the site one night after dark. It was decided that the increased number of lights wasn't needed for security but rather for esthetics. Gary Tweed requested input from the Board on which way to go regarding the extra lighting.

It was suggested that Gary Tweed talk with someone at General Electric about a possible donation.

Chairman Moyer felt that we should definitely go ahead and put the proper lighting in to set off this building.

Gary Tweed stated that he would direct Alan Antoine to go ahead and design the electrical infrastructure that we need in the hardscape plan for a series of lights. Chairman Moyer also wanted to be sure that the wiring etc. was done for sound equipment, stages, etc. for additional things that we have at the courthouse such as Apple Festival. Gary Tweed explained that they are adding, as part of the electrical work, a panel which will be at the corner of the building for folks to be able to tie into for stages, lighting, etc. These street lights are 50 watt fluorescent type fixtures. Commissioner Williams suggested that in dealing with some of the local landscapers we might find folks who are willing to donate, in kind contributions and would be proud to have their product on display.

Chairman Moyer stated that one thing that will be featured outside the courthouse is the monuments and tributes to the veterans of various wars. He stated that they need to be lit in a way that people can see them and appreciate them.

Chairman Moyer reminded everyone that the Grand Opening/Rededication is scheduled for Friday, April 11, 2008. All the Commissioners will be involved. The ceremony will actually start at 2:00 and will go for 2 – 2.5 hours. Some dignitaries have been invited to come and be part of the ceremony. The schools will be involved. There will be a time capsule and various other things. There will actually be festivities Friday, Saturday, and Sunday. Sunday will be the tribute to the Veteran's groups and the rededication of the

monuments, along with music from various groups and churches. It will be a big week-end of events. Chairman Moyer stated that we will start moving into the building some time in February. Gary Tweed explained that right now the building is scheduled to be completed February 20. The Audio-Visual work will run up to about March 23 and the hardscape about the same schedule as the A-V work. Weather-dependending about the plantings, he hopes to have everything in place by the end of March. He anticipates moving furniture in around the first of March and moving people in about the middle of March. Until the A-V equipment is installed and folks are trained on it, the Board will need to have the Board meetings in the current meeting room.

HEALTH PLAN UPDATE

Jan Prichard, Human Resources Director, presented a mid-year report on the Employee Benefit Plan and Wellness Program. These plan design changes were implemented as a result of the County's efforts to decrease the rising cost of employee health benefits. No action was request. The presentation was for information purposes only.

Jan Prichard reminded the Board that she and others came before the Board last April and talked at great length about where our benefits costs were going and what we wanted to do about it. We are now five months into the new fiscal year. In April staff was projecting that by the end of last fiscal year (June '07) we would see a 10.5% increase to our health benefit costs. The actuality at the end of the fiscal year was a 12% increase. Staff further projected that if we did nothing about controlling those costs, that we would see by the end of our current fiscal year (June '08) a 16% rise in the cost of health care. Staff set a very aggressive goal to reduce the amount of increase to half of that, to no more than 8% from the prior fiscal year. The approach taken to achieve those goals – staff recognized that some plan design changes were needed. Henderson County implemented a Wellness Program called Wellness Matters. That program encompassed three major components:

- Having employees undergo health risk assessments so that they would be more aware of what their health status was and that if there was something they needed to address they could address it.
- Implemented a wellness clinic that has been up and running since July 1, 2007. It is open five days a week, Monday through Friday, from 8:00 a.m. until 12:00 p.m. Our employees are able to drop in or make appointments for basic medical care and also to work on any of those health issues.
- Established a very proactive Wellness Committee that has been working on a lot of programs to offer to employees, again to assist them with managing their current health status.

After the first five months we have experienced a 13% decrease in our health plan costs compared to what we projected the goals to be in 2007 – 2008. This resulted in a total overall 8% decrease for five months, compared to the same five months in our prior fiscal year. In the first five months the difference between the projected and actual health benefit cost was a savings of \$372,746. We incurred some start-up costs and some other costs associated with managing the wellness clinic. In the first five months those costs were \$82,223 so the actual reduction in health benefit costs in numbers for the first five months is \$290,523. Projecting this out, we can be on target to save over \$600,000, almost \$700,000 by the end of this fiscal year.

Ms. Prichard explained that all the savings cannot be attributed to the wellness program. Some of the change in the costs (reduction) is attributed to plan design changes. The actual health benefit cost difference is \$290,000. The amount that we can attribute to the plan design change is \$196,000. So over \$94,000 can be attributed to something other than plan design.

Wellness Clinic – Ms. Prichard stated that we track on a monthly and a cumulative basis what our activity is in our wellness clinic and since July we have had 964 patient visits. That can be multiple visits by the same person but each of those visits takes time and energy. The entire employee population was asked to undergo a health risk assessment and out of 764 benefit eligible employees, 657 have all had health risk assessments. That is an 86% participation rate. In November about 360 flu shots were administered. On average, the clinic sees anywhere from 120 to 135 patient visits per month.

Jan Prichard stated that those 964 patient visits costs \$85.30 each while a traditional visit costs about \$120 each so we really have saved about \$35 per visit. "And we have managed to avoid, just in these first five months an additional \$33,457 in potential office visits." These are real dollar savings. Some of the other savings that haven't been tracked is just how much time our employees are saving by being able to go to the clinic instead of having to leave work and go to a traditional Doctor's office visit, travel time, any sick days that might have been saved because they were able to be seen for some basic care in our wellness clinic.

Jan Prichard said in conclusion "is it doing what we wanted it to do? We think we're very much on track. We've exceeded our initial goal, at least in this first five months, of limiting our cost increase to 8%. We've actually lowered the cost by 13% than had been projected and actual health plan costs indicate a reduction of 8% compared to last fiscal year so we've actually gone down ... I tend to be very conservative and so I hesitate to say we're going to save tons of money, we are very much going in the right direction and we're very pleased with our results."

Chairman Moyer was pleased with the format and felt this gave the Board an honest view of the costs and the savings. It will be useful during budget deliberation time. The other piece that was talked about last year was getting some assessment from the employees of how they feel about things before the Board looks at renewing this at the end of the fiscal year.

DRAFT MINIMUM HOUSING CODE

Anthony Starr reminded the Board that the County Comprehensive Plan and 2007 Strategic Plan (Strategy 3.2, Objectives A & B) identify the need to develop and implement a County Minimum Housing Code. The Planning Department, with the assistance of the County Attorney's Office, Code Enforcement Director, and the Fire Marshall's Office, had prepared a draft Minimum Housing Code, included in the agenda packet. The Department took a comprehensive approach to preparing the Minimum Housing Code which included: reviewing existing codes, a comparison of other North Carolina local government minimum housing codes, and a review of recommendations by the International Code Council for minimum housing codes.

The draft code is based on standards recommended by the International Code Council, an agency which assists local governments with recommended minimum standards. Adoption of a minimum housing code is recommended as part of the Comprehensive Plan and Strategic Plan to promote safety, livability and aesthetic desirability. Anthony Starr defined a minimum housing code as setting very minimum standards that a dwelling must meet in order to be fit for human occupancy. It is also to remedy and prevent the decay and deterioration of places where people live.

Analysis

The code addresses key building components such as lighting, ventilation, heating systems, plumbing, fire and safety, mechanical and electrical systems, as well as maximum occupancy and rubbish disposal. Some of the basic requirements for housing under the draft code include:

- All structures and exterior property shall be kept free from rodent harborage and infestation.
- Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.
- Windows and exterior sliding and doors shall be kept weather resistant and water tight.
- Roofs shall be in a condition to not admit rain.
- Every dwelling unit shall contain its own bathtub or shower, lavatory, water closet and kitchen sink which shall be maintained in a sanitary, safe working condition.
- All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.
- Water shall be free of contamination and hot water shall be provided.
- All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.
- Dwellings shall be provided with heating and/or cooling facilities capable of maintaining a room temperature of 68 degrees Fahrenheit or 20 degrees centigrade during the heating season and/or 80 degrees Fahrenheit or 27 degrees centigrade during the cooling season in all habitable rooms.

- Dwellings shall be served with a minimum electrical service (120/240 volt, 60 amperes).
- All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.
- Smoke alarms are required for every home, not just rental homes.

A key point should be made that condemnation does not mean demolition. Condemnation would only come if the code official determines the house is unsafe for occupation and the owner has not made the required repairs. Condemnation only means the structure cannot be occupied or used until it is put back into a safe status. The house may be repaired and re-occupied if the required repairs are made. Condemnation is not a common occurrence for established minimum housing programs.

These standards reflected in the draft code are consistent with the minimum standards used by local governments across the state. The language used comes from the International Code Council (ICC). The ICC is an organization that provides us with the N.C. State Building, Electrical, Mechanical, Plumbing and Fire Prevention Codes. They also produce the most commonly used minimum housing code. The City of Hendersonville also uses the ICC housing code. While the standards in this draft code would have a positive aesthetic impact in some cases, the primary purpose is to ensure safe and sanitary housing.

Enforcement

The Code Enforcement Services Department would administer the ordinance, investigate complaints and work with residents/owners to mitigate issues. The code provides definition for structural repairs or condemnation and safeguards the property owner with sufficient timeframes to work with the code official to properly fix problems. The draft code also includes a procedure for appealing staff decisions to the Board of Adjustment. If adopted, a grace period for compliance could be provided as was done with the Nuisance Ordinance. It is expected that enforcement would be complaint driven.

Financial Impact

Code Enforcement Services would need an additional full-time employee to administer this ordinance. This position will be Grade 71 and include a starting salary of \$31,000. The insurance and benefits for this position will equal about \$12,221. The position will require approximately \$23,500 for an additional patrol vehicle and office computer. Inclusion of a nominal salary increase for performance management will equal a total financial impact of \$67,720 for the first year.

Recommendation

The Planning Department recommended that the Board of Commissioners consider the draft code and provide direction as to whether Staff should proceed. If the Board is generally comfortable with the draft code, a public hearing could be scheduled.

Anthony Starr explained that a Minimum Housing Codes makes the owner of a structure responsible for its maintenance. It also sets a floor for the basic sanitary and safe conditions. A Minimum Housing Code covers residential structures both single family and multi-family stick built, modular homes, and manufactured homes. The major parts covered by the code are lighting, ventilation, heating systems, plumbing, fire/safety, mechanical/electrical, systems, and maximum occupancy. Some of the minimum standards are: basic plumbing, structurally sound, free from fire hazards, free from safety hazards, afford the occupants with reasonable security for their persons and possessions, be capable of maintaining indoor temperature, and be free from unsanitary conditions.

The City of Hendersonville has a similar Minimum Housing Code. The other municipalities have none but could request that the County enforce the Code in their jurisdictions. The most controversial element of a minimal housing code that Anthony Starr has experienced in his career is the occupancy limitations. It is the most difficult area to enforce.

Chairman Moyer explained that he was looking for the base or the minimum in the draft code but that is not what he saw. He felt that the draft code goes way beyond minimum. According to the draft code, if you don't have air conditioning in the summer you would not be able to maintain the appropriate temperature and your house isn't livable, if the glazing on your windows isn't perfect your house isn't livable? He doesn't agree with the draft code. He felt that the code goes way beyond what he thinks is needed to provide minimum light, water, heat, sanitation, electricity and things like that.

Following additional discussion, *Chairman Moyer made the motion to direct staff to take the draft code and scale it down to the basics associated with heat, light, electricity, water, safety and basic things that people need and remove the other stuff which isn't necessary to the minimum housing code. All voted in favor and the motion carried.*

OFFER TO PURCHASE TAX-FORECLOSED PROPERTY

Russell Burrell informed the Board that Fred R. Dorsey and Suzanne Dorsey have offered to purchase, for the sum of Seven Hundred Fifty Dollars (\$750.00), certain real estate which was subject to a tax foreclosure by the County. The property is described as 0.08 acres, lot 13, block 2, PIN 96-91061262.

It is believed that this lot was originally foreclosed by the County in 1951.

If the Board agrees to provisionally accept this offer, it would be subject to advertisement and upset bid pursuant to the Board's policy, adopted June 29, 2005. Although not required, as a courtesy it is the custom of the County to also give regular mail notice to adjoining property owners.

Russell Burrell explained that when the time for upset bids has passed, this will come back to the Board for final approval or disapproval. The Board is not bound to give final approval at any point.

Commissioner Young moved that the Board provisionally accept the offer of Fred R. Dorsey and Suzanne Dorsey to purchase the property described in this agenda item, subject to the procedures required by this Board for tax foreclosure sales. All voted in favor and the motion carried.

COUNTY ATTORNEY'S REPORT

There was nothing further at this time.

COUNTY MANAGER'S REPORT

Steve Wyatt briefly updated the Board on the situation with the County Medical Examiner. Working with the State Medical Examiner and the current County Medical Examiner, Mr. Wyatt stated that they may have identified a candidate and they are in the process of talking with that individual, hoping to have something more to report to the Board by the next meeting or in February.

Steve Wyatt briefly mentioned the old Health Department building. We've had a lot of people look at the building. It has been shown several times but we've had no firm offer on it. Steve Wyatt suggested the Board consider taking a more aggressive way of marketing that building and property. Staff could develop an RFP that perhaps some local realtors or some other folks might be interested in making a proposal from.

Commissioner Williams felt that before we aggressively market the property that we give greater consideration as to whether or not the property might be viable to Henderson County for other purposes. But if we do reach the conclusion that we do want to sell the property, then Commissioner Williams is in favor of marketing it aggressively.

Commissioner Young was in agreement that there should be some discussion as to whether the County had a possible need for the property.

Chairman Moyer said this issue would be added to the Board's Planning Retreat Agenda for some further discussion. The Retreat is scheduled for Thursday, January 17 at 8:30 a.m. at the Western North Carolina Justice Academy in Edneyville.

IMPORTANT DATES

Board Planning Retreat

There was brief discussion about the Retreat at the Western North Carolina Justice Academy on Thursday, January 17 at 8:30 a.m. Coffee and/or breakfast will be available about 7:00 a.m. with the Retreat actually starting at 9:00 a.m. Steve Wyatt stated that they hope to cover everything in the 9:00 a.m. to 4:00 p.m. timeframe but that will depend on the amount of discussion and questions and answers.

Commissioners suggested that we might start a little earlier in the morning to allow for questions/answers and discussion, thinking that no one would be upset if we finished a little sooner than planned. It was the consensus of the Board to begin earlier; therefore, *Commissioner Williams made the motion to begin the Retreat at 8:30 instead of 9:00 a.m. All voted in favor and the motion carried.*

Cancellation of mid-month meeting

Chairman Moyer asked the Commissioners to look at the Retreat Agenda, stating it would be helpful to try to stick to the agenda and not jump around.

Following some discussion, *Chairman Moyer made the motion to cancel the Wednesday, January 16 Commissioners' Meeting. All voted in favor and the motion carried.*

Chairman Moyer called attention to the January 23 Annual Employee Service Awards Luncheon at the Hendersonville Country Club 12:00 to 2:00. All Commissioners are invited and hopefully can be there.

Chairman Moyer called attention to the March 3 Commissioners' meeting – the Legislative Conference in Washington, D.C. is scheduled for March 1 – 5 so we will need to change that date or do something with respect to the March 3 meeting. He asked that it be put on the agenda for the February 4 meeting for discussion and action. At least three Commissioners, maybe four will be attending the Conference in Washington, D.C.

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: (a)(3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body.

All voted in favor and the motion carried.

Attest:

Elizabeth W. Corn, Clerk to the Board

William L. Moyer, Chairman