

DRAFT MINUTES

**STATE OF NORTH CAROLINA
COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS
FEBRUARY 4, 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 Charlie Messer, 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, Engineering and Facility Services Director Marcus Jones, Associate County Attorney Sarah Zambon, Tax Collector Terry Lyda, Deputy Tax Collector Lee King, County Assessor Stan Duncan, Public Health Director Tom Bridges, Erosion Control Division Chief Natalie Berry, Communications Officer Pam Brice and P.T. Green Family Partnership, LLC representative Tom Jacobson.

CALL TO ORDER/WELCOME

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

PLEDGE OF ALLEGIANCE

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

INVOCATION

Steve Wyatt gave the invocation.

INFORMAL PUBLIC COMMENTS

1. Mary Orr – Ms. Orr addressed the animal rights laws that the Board recently passed. She doesn't think that the citizens have been well informed of this. The citizens don't realize that they are only allowed six personal animals. The public should have been told this before the laws were passed. "Are you going to do that to the farmers next with the cows and the horses and goats and things like that."
2. Barb Irk – Ms. Irk is an educator of the Henderson County Public School system and a member of the Henderson County Association of Educators. She addressed the proposal to increase the Teacher Supplement in Henderson County. She stated that the supplement is a cost of living adjustment, a tool for recruitment and retention, and a reward for excellence in educating Henderson County students. She stated that the supplement has been frozen at 5% for 15 years for the County teachers and 25 years for the City teachers. She stated that the two ladies to follow would address the other two points she had mentioned.
3. Diane Dotson – Ms. Dotson is a third grade teacher at Glenn Marlowe Elementary School and a member of the Henderson County Association of Educators. She addressed the Teacher Supplement as a tool for recruitment and retention, stating that nearly 2/3 of educators 45 years old and older are planning to leave the education profession in the next five years. The U.S. will need to replace about one million teachers in the United States in that timeframe. The baby boomers are retiring from education. She stated that schools of education across the state regularly graduate roughly 3,300 teachers a year. Current needs for the state hover around 10,000 with a shortage of 6,700 positions annually. By the year 2020 NC will either be the 7th or the 4th largest state in the United States, depending on which census figures you go by. NC is projected to grow by 50% in population. "From a supplement standpoint, how can Henderson

DATE APPROVED _____

County hope to compete in what will be competition for ever decreasing resources? If you are vying for jobs in any region of the state ... offerings are equal from state salaries, supplements will make the difference.” She requested the Board to fully fund the budget for Henderson County Schools, especially when it comes to the teacher supplement increase.

4. Danette Wesson – Ms. Wesson is an educator at Etowah Elementary School and a member of the Henderson County Association of Educators. She spoke to the issue of teacher supplements as a reward to employees for a job well done. “If you browse realtor web sites in Henderson County, one of the top things that you’ll see as a bonus to moving to this beautiful area is of course our excellent school systems. There’s much to brag about when it comes to the kind of results that Henderson County teachers and schools earn every year.” She stated there is such a thing as being fiscally conservative but what about fiscally stingy. “Taxpayers in Henderson County enjoy one of the lowest tax burdens in the State of North Carolina, that is 87th out of 100 to be exact. Couple that with the fact that the monies the supplement is to come from are already being collected meaning there’s no additional burden to the taxpayers and one begins to wonder what if – what if the County Commissioners vote not to increase the supplement? What message does that send to the dedicated hard-working and talented educators here in Henderson County?”

Chairman Moyer addressed those who had spoken to the teacher supplement issue “I assure you when we get to the budget, that’s an item that we will be discussing, talking to the School Board and the School Board representatives and it will get a lot more attention when we get to our budget. Thank you for your comments, we’ll certainly take them into consideration.”

DISCUSSION/ADJUSTMENT OF AGENDA

Chairman Moyer pulled item “E-Review Special Intensity Allocation WS-2007-11-03” from the Discussion Items on the Agenda.

Chairman Moyer added as item “J- The Policy for Tax Bills below \$5.00” to the Discussion Items on the Agenda.

Chairman Moyer also stated a need to go into closed session for three subjects.

Commissioner McGrady made the motion to adopt the agenda as amended. All voted in favor and the motion carried.

CONSENT AGENDA

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

Consent Agenda consisted of the following:

Minutes

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

December 19, 2007, regular meeting

January 7, 2008, regular meeting

Financial Report/Cash Balance Report – December, 2007

The Financial Report and Cash Balance Report for December 2007 were presented for the Board’s review and consent approval.

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, the Lewis Creek Restoration Project Fund and the Public Transit 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.

Staff requested that the Board consider approving the County's December 2007 Financial Reports as presented.

Suggested motion was:

I move that the Board of Commissioners approve the December 2007 County Financial Report and Cash Balance Report as presented.

Henderson County Public Schools Financial Reports – December, 2007

The Public Schools Financial Reports for December 2007 were presented for the Board's information and consent approval.

Suggested motion was:

I move that the Board of Commissioners approve the December 2007 Henderson County Public Schools Financial Reports as presented.

Tax Refunds

A list of eight (8) refund requests was presented for approval by the Board of Commissioners.

Tax Releases

A list of fifty-five (55) release requests was presented for approval by the Board of Commissioners.

Board action on administrative denial of application for vested rights

On September 18, 2007 (note: the Land Development Code was adopted by this Board on September 19, 2007), Parkridge MOB, LLC, filed an application for vested rights in section 2 of The Highlands, a part of The Glen and Highlands at Flat Rock ("the Project"). A copy of this application, consisting of five (5) pages, was presented for the Board's review.

County staff dismissed this application as incomplete due to not meeting the technical requirements of the Henderson County Code as the same was in effect on September 18, 2007 (the application did not contain an adequate "site specific development plan" to meet the requirements of then section 189-2). The applicant has requested Board action, likely in anticipation of further litigation.

Staff requested confirmation of staff action dismissing the application as incomplete.

Suggested motion was:

I move that the Board dismiss the September 18, 2007 application of Parkridge MOB, LLC, for vested rights.

LEPC Annual Report for 2007

Pursuant to Article 2-7 of the Local Emergency Planning Committee By-Laws, the 2007 Annual report was submitted. The membership roster for 2007 was also submitted for approval. LEPC Chairman Rocky Hyder was present at the meeting for comments or questions.

The Board was requested to review and approve the LEPC Annual Report for 2007.

Suggested motion was:

I move that the Board approve the LEPC 2007 Annual Report and 2007 membership roster as presented.

Henderson County Hospital Corporation (Pardee Hospital) right of way condemnation by NCDOT

The Board of Directors of Henderson County Hospital Corporation, doing business as Margaret R. Pardee Memorial Hospital, requested the Board consider this resolution.

The North Carolina Department of Transportation (NCDOT) has condemned certain real estate owned by Henderson County and leased by Henderson County Hospital Corporation. This real estate is in the nature of additional right-of-way for the Sixth Avenue West widening project of the NCDOT.

The Corporation Board recommended acceptance of two of the three offers received from NCDOT, and rejection of the third offer, subject to further negotiation with NCDOT by the Corporation Board or its staff. The Board should note that all proceeds from the two offers would return to the Corporation, under the proposed resolution.

Staff recommended approval of the prepared resolution, a copy of which is attached as part of these minutes.

Suggested motion was:

I move the Board approve the draft resolution accepting two offers from NCDOT in compromise of its condemnation claim against Henderson County and Henderson County Hospital Corporation, and reject the third offer, and paying the proceeds of such two accepted offers to Henderson County Hospital Corporation.

Resolution Requesting Funds for Sugarloaf Elementary Left Turn Lane

The North Carolina Department of Transportation (NCDOT) has offered to construct the left turn lane for the Sugarloaf Elementary School currently under construction. The turn lane is a requirement of the school's access (driveway) permit with the NCDOT to accommodate the traffic generated by the school. In order to process the funding necessary to construct the turn lane, the NCDOT District Office needs a resolution from the Henderson County Board of Commissioners requesting the funds.

The Board was requested to approve the prepared resolution.

Suggested motion was:

I move that the Board of Commissioners approve the "Resolution Requesting Funds for Sugarloaf Elementary Left Turn Lane".

Waterline Extensions:

1. **Cummings Cove Sports Complex**
2. **Fox Glen**
3. **Mitchem Commercial Park, Phase I**
4. **Oak Knoll**

The City of Hendersonville has requested that the County comment on four proposed waterline extensions for the Cummings Cove Sports Complex, Fox Glen, Mitchem Commercial Park, Phase I, and Oak Knoll. The proposed waterline extensions are located within the urban service area and the rural/urban transition area and are generally consistent with the Henderson County 2020 Comprehensive Plan. A City of Hendersonville Project Summary Sheet with supporting documents and County Review Sheet with Staff comments was included for each project for the Board's review and action.

Action by the Board of Commissioners is needed to either grant or deny each request. If the Board decides to approve the requested extensions the following motion was provided.

Suggested motion was:

I move that the Board approve the proposed waterline extensions for the Cummings Cove Sports Complex, Fox Glen, Mitchem Commercial Park, Phase I, and Oak Knoll and direct Staff to convey the County's comments to the City of Hendersonville.

Consideration of Public Transportation "ROAP" Grant Agreement with WCCA

Henderson County received a grant from the North Carolina Department of Transportation (NCDOT) for Rural Operating Assistance (ROAP) funds in the amount of \$231,448 for the current fiscal year. The funds will supplement the Apple Country Transit Operation for rural transit programs in Henderson County, which is operated by WCCA.

The grant funds will provide for senior and disabled transportation programs, transportation for a WorkFirst educational program, and an experimental fixed-route operation to Edneyville. None of the programs require matching funds from Henderson County.

The grant agreement specifies operating and reporting requirements of both parties as well as the grant criteria. Its purpose is to serve as a management tool to ensure that all the requirements of the grant program are met for this on-going program.

Planning Staff requested the Board of Commissioners approve the pass-through grant agreement between Henderson County and WCCA.

Suggested motion was:

I move the Board approve the grant agreement and authorize execution.

Changes to Transportation Advisory Committee (TAC) Charter

Henderson County established the Transportation Advisory Committee February 17, 2000 for the purpose of recommending Transportation Improvement Plan (TIP) projects and other highway improvements to the North Carolina Department of Transportation. The committee included 18 members – five municipal representatives, two county representatives, and eleven at large members. Henderson County's inclusion in the French Broad MPO two years ago resulted in changes to the approval process for transportation projects. The Committee changed from being a group responsible for most of the Henderson County administrative and policy matters on transportation to a group charged with advising the MPO on planning priorities. Whereas members of the committee work well together and the structure has provided excellent input for a number of years, the challenge of such a large broad based group of individuals has been lessened by the more streamlined link to NCDOT through the MPO process.

Working with the committee chair, Planning Staff recommended realigning the committee membership and reducing the size from 18 members to 11 by including the MPO Transportation Advisory Committee (MPO TAC) membership and four at-large appointments. The MPO TAC membership from Henderson County consists of seven members including two representatives of Henderson County and one from each of the five municipalities. The focus of the committee will be very similar but will have a stronger emphasis on intergovernmental communication and cooperation. The committee and staff would continue to work with various agencies interested in transportation issues such as law enforcement, schools and the community college. The draft charter provides that the at-large members would be appointed by the Board of Commissioners and the TAC membership would duplicate the MPO membership terms. If so desired, the Board of Commissioners would appoint the Chairman. It is recommended that the Chair be an at-large member of the community to provide leadership that would be viewed as more impartial by the various local

governments. The planning department would continue to provide staff support to the committee with the assistance of administrative staff from the County Manager's office.

Planning Staff requests the Board approve the changes to the Transportation Advisory Committee Charter and authorize staff to implement changes. If approved, consideration of the at-large appointments would be necessary at a future meeting.

Suggested motion was:

I move the Board approve changes to the Transportation Advisory Committee Charter as presented with any changes noted by the Board.

Approval of Revised Animal Services Advisory Committee Charter and Bylaws

The Animal Services Advisory Committee reviewed the revised charter and bylaws at its December meeting and voted to recommend the charter and bylaws to the Board of Commissioners at its January meeting. The revised document clarifies the role of the Committee and formalizes procedures already used by the Committee. The bylaws are similar to those used by other advisory boards and committees serving the County.

Staff requested approval of the revised Charter and Bylaws of the Animal Services Committee which were recommended to the Board by the Committee at their January 10, 2008 meeting.

Suggested motion was:

I move the approval of the Animal Services Advisory Committee Charter and Bylaws as presented.

Sidearm Request – Randy Stepp

The Henderson County Sheriff's Office requests that the service sidearm of Officer Randy Stepp be given to him in recognition of his retirement from the Henderson County Sheriff's Office.

Officer Stepp has served the Sheriff's Office and the people of Henderson County for nearly 27 years. He began his career as a Dispatcher on June 15, 1981. On July 1, 1982 he transferred into a Deputy position and from that time until the present he has moved through the ranks from Deputy to Sergeant, K9 Officer, SERT Team, as well as Detective.

Officer Stepp's service to the people of Henderson County is greatly appreciated and will be remembered.

Sheriff Davis made this request on behalf of the Henderson County Sheriff's Office pursuant to North Carolina General Statute 20-187.2(a).

The Board was requested to allow Sheriff Rick Davis and the Henderson County Sheriff's Office to present Officer Randy Stepp with his service sidearm at no charge.

Suggested motion was:

I move the Board allow Sheriff Rick Davis to present this service sidearm as a token of appreciation to Officer Randy Stepp.

Sale of Tax Foreclosed Property in Evans Addition to Fruitland Subdivision – Final Approval

On January 7, 2008, this Board preliminarily accepted a bid to purchase certain tax-foreclosed lot located in Evans Addition to Fruitland Subdivision for the sum of \$750.00

The upset bid procedure for this property is now complete. No upset bids on this property were received. The last and highest bid for this property is the original bid, from Fred R. Dorsey.

Proposed below is a proposed final acceptance of the offer and authorization to close the transaction upon payment in full.

Suggested motion was:

I move that the Board give final acceptance to the offer of Fred R. Dorsey, to purchase real property, upon payment in full of the offer price of \$750.00, and further, that the Chairman of the Board of Commissioners, County Manager and County Attorney take such steps, including the execution by the Chairman of a quitclaim deed, as necessary to close such transaction.

NOTIFICATION OF VACANCIES

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

1. Agriculture Advisory Board – 1 vac.
2. Animal Services Committee – 4 vac.
3. Henderson County Transportation Advisory Committee – 1 vac.
4. Henderson County Zoning Board of Adjustment – 1 vac.
5. Fire and Rescue Advisory Committee – 1 vac.
6. Recreation Advisory Board – 3 vac.

NOMINATIONS

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

1. Cemetery Advisory Committee – 1 vac.

Commissioner McGrady nominated Jennie Jones Giles. There were no other nominations. *Chairman Moyer made the motion to accept Ms. Giles by acclamation. All voted in favor and the motion carried.*

2. Child Fatality Prevention Team – 1 vac.

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

3. Henderson County Transportation Advisory Committee – 9 vac.

Chairman Moyer reminded the Board that under the consent agenda the Board approved changes requested by the Committee to reduce the size of the Committee. That gives us a number of issues to deal with.

Commissioner McGrady had talked with the Chair of the Committee, Jim Crafton. Commissioner McGrady explained that by the action taken on the consent agenda today, the Board had decreased the size of the Transportation Advisory Committee from 18 to 11 members. Basically that move was made to align the Transportation Advisory Committee more similarly to the MPO, on which we have five slots – five from the municipalities and two from the counties. He explained what was proposed here was basically to hopefully take those same seven people and add four at-large slots to them. Commissioner McGrady said that technically Hunter Marks, David Jones, and Jim Crafton’s terms are still continuing as their terms are not expiring but Renee Kumor, William Crisp, Lee King, and Terry Hicks’ terms are expiring. Chairman Crafton made some recommendations to Commissioner McGrady in terms of who he would recommend for appointment to those four slots: Jim Crafton, Renee Kumor, David Jones, and either Hunter Marks or Terry Hicks. Mr. Marks has indicated that it is not critically important for him to serve on this committee since he serves on another county committee.

Commissioner McGrady nominated for appointment: Jim Crafton, Renee Kumor, David Jones, and Terry Hicks.

There was some discussion regarding the Municipal representatives. The Deputy Clerk was requested to draft a letter to each of the municipalities explaining what the Board is currently doing with this Committee and why and to see who they wish their representatives to be.

It was decided not to take action at this time but to roll this to the next meeting.

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

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

5. Hendersonville Planning Board – 1 vac.

Commissioner Young nominated Bill Benton. He lives in Indian Hills. *Chairman Moyer made the motion to approve Mr. Benton by acclamation subject to receipt of his application. All voted in favor and the motion carried.*

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

Chairman Moyer nominated Calvin Titus. He has been involved in this committee previously and has been a good asset. There were no other nominations. *Chairman Moyer made the motion to accept Mr. Titus by acclamation for this vacancy. All voted in favor and the motion carried.*

7. Juvenile Crime Prevention Council – 6 vac.

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

8. Library Board of Trustees – 1 vac.

Commissioner McGrady nominated Morton Lazarus for position #4, at large position. There were no other nominations at this time. It was decided to roll action on this to the next meeting.

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

Currently serving and willing to be reappointed is Janice Aho, position #20. Commissioner McGrady nominated Janice Aho for reappointment to position #20. There were no other nominations for that position. *Chairman Moyer made the motion to accept Ms. Aho by acclamation. All voted in favor and the motion carried.*

10. Senior Volunteer Services Advisory Council – 1 vac.

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

11. Travel & Tourism Committee – Chair appointment

Commissioner Young nominated Dale Bartlett (current Chair) for Chair of the Committee. *Chairman Moyer made the motion to accept Mr. Bartlett for reappointment as Chairman. All voted in favor and the motion carried.*

APPOINTMENT OF COMMISSIONER REPRESENTATIVES FOR BOARDS AND COMMITTEES

Terry Wilson had supplied the Board with a current list of Commissioners and the Boards/Committees they serve on for consideration and action, as follows:

Agriculture Advisory Board	Mark Williams
Apple Country Greenway Commission	Chuck McGrady
Asheville Regional Airport Authority Board	Chuck McGrady
Cane Creek Water and Sewer District Adv. Committee	Charlie Messer
CJPP Task Force (Criminal Justice Partnership Program)	Charlie Messer
Community Child Protection Team (CCPT)	Chuck McGrady
Downtown Hendersonville Inc.	Chuck McGrady
Environmental Advisory Committee	Chuck McGrady
Fire and Rescue Advisory Committee	Bill Moyer, Charlie Messer
French Broad River MPO – Transportation Advisory Committee	Bill Moyer, Chuck McGrady
Governmental Financing Corporation	Bill Moyer, Charlie Messer
Henderson County Board of Health	Larry Young

Henderson County Planning Board	Mark Williams
Henderson County Transportation Advisory Committee	Chuck McGrady
Hospital Corporation Board of Directors	Bill Moyer
Joint School Facilities	Bill Moyer, Larry Young
Juvenile Crime Prevention Council	Mark Williams
Land-of-Sky Regional Council	Bill Moyer, Chuck McGrady
Library Board of Trustees	Larry Young
Local Emergency Planning Committee (LEPC)	Bill Moyer
Local Government Committee of Cooperative Action (LGCCA)	Bill Moyer, Mark Williams
Metropolitan Sewerage District of Buncombe County (MSD)	Mark Williams
Mud Creek District Adv. Council/Water and Sewer Advisory Council	Bill Moyer
Recreation Advisory Board	Charlie Messer
Solid Waste Advisory Committee (SWAC)	Chuck McGrady
Travel & Tourism Committee	Larry Young
Western Highlands Local Management Entity	Charlie Messer

Chairman Moyer stated that he had spoken with each of the Commissioners about these assignments for the year 2008. What we currently have is working well therefore; *Chairman Moyer made the motion that the Board/Committee assignments for the Commissioners remain the same(as stated above) for the remainder of 2008 .All voted in favor and the motion carried.*

PUBLIC HEALTH ACCREDITATION PLAQUE PRESENTATION

Dr. Leah Devlin had arranged to visit Henderson County to personally present the NC Public Health Accreditation plaque

Dr. Devlin congratulated the Commissioners on having such an outstanding local Health Department and strong Board of Health. She stated that Mr. Tom Bridges is one of the best health directors in North Carolina so Henderson County has the whole package. She stated that the Henderson County Health Department was in the first third elected to go through the accreditation process. North Carolina is the only State in the country that has a mandatory accreditation process for local health departments. That’s designed to make sure that all the people of North Carolina have access to a very basic set of public health services and also that the health departments meet a very high standard of excellence that the State sets. Most Health Departments and Health Directors and Boards of Health volunteer when they think they are ready to go through this process. Henderson County Health Department has spent a lot of time doing this. Many of the folks involved were in attendance at the meeting.

Dr. Devlin also explained that recently Tom Bridges was recognized with the Ron Levin award. Ron Levin was State Health Director in North Carolina for seventeen years and accomplished so much for the State. He was a very dynamic national leader. She stated that Tom Bridges fits that mold.

Dr. Devlin asked Dr. John Bell to join her (Chair of the Board of Public Health in Henderson County). Dr. Devlin congratulated Dr. Bell for the outstanding work of the Health Department. The Board of Health has overseen the work of the health department. Dr. Devlin presented Dr. Bell with a letter commemorating this historical event for the community.

Dr. Bell thanked the entire staff of the Health Department, stating that the credit is theirs, they did the work and they are to be congratulated.

David Stone, Accreditation Administrator, NC Local Health Department Accreditation, stated that he is a former Health Director. He offered his congratulations and the congratulations of the Institute for Public Health to the Henderson County Health Department, to Health Director Tom Bridges, Chairman Dr. John Bell, and the community that is served by the Health Department. Henderson County is one of the first 34

counties to have received accreditation status. The assessment used to evaluate the Health Department has 31 benchmarks and 148 activities. The Henderson County Health Department passed all of them except one. In addition to that, they have to also participate in interviews, site facility tours, and provide additional requested documentation. He mentioned some specific comments from the site visit report:

1. The management team at the Health Department showed a true sense of teamwork.
2. It was clearly evident that accreditation was approached with a very practical mindset.
3. The Staff had a great understanding of public health.
4. The Health Department is very community oriented which was evident to all.
5. The input and the role of community leaders in helping to develop what public health needs to do in this county is impressive.
6. Their strong leadership by the Health Director and the County Manager and the Board of Health being very supportive, well informed and showing great awareness for their responsibilities.
7. The facility is a beautiful, modern, and state-of-the-art facility. The site visit team was talking that of the different places they had been it was the most impressive facility they had seen.
8. The open access program and the ability to transition the program from an old to a new facility was impressive. Implementation shows some outstanding services now.
9. The clinic was able to decrease its "no show" rate from 30% to less than 10% which is truly impressive and indicative of a very successful program.

Mr. Stone stated this was part of the report that was given at the Accreditation Board Meeting on December 18, 2007 and at that meeting accreditation status was granted to Henderson County Health Department. He recognized that by presenting a plaque to Tom Bridges, the Health Department and the Board of Health. The plaque reads: "By the authority of the North Carolina Local Health Department Accreditation Board, Henderson County Health Department is hereby awarded accreditation for the years 2007 – 2011. Signed – Dr. Moses Carey, Chair of the Accreditation Board; Dr. Ed Baker, Director of the North Carolina Institute for Public Health; and Dr. Leah Devlin, State Health Director."

Tom Bridges accepted the plaque with thanks and introduced the Board of Health and staff that were in attendance. He asked the Board of Health to stand, all present but two. Mr. Bridges then asked his key staff members to stand. They had important roles and responsibilities in making sure that we got the accreditation. "It is to their credit that we have this plaque."

PRESENTATION OF THE COST OF COMMUNITY SERVICES STUDY FOR HENDERSON COUNTY

Chairman Bill Moyer stated pleasure in having Dr. Mitch Renkow present at this meeting. He is a North Carolina State University Professor. He conducted a Cost of Community Services Study for Henderson County. He is a professor in the Department of Agriculture and Resource Economics. His specialities include local public finance, economic development, and regional economics. Dr. Renkow has completed several of these studies for other local governments in North Carolina using established methodology.

The 2007-2011 Strategic Plan identified the creation of a Cost of Community Services Study as a goal for Henderson County. The study aims to point out the cost of delivering county services to the various types of development in Henderson County.

Dr. Renkow distributed a hand-out, a graph entitled "Cost of Providing Public Services per Dollar of Revenue Raised in Henderson County". Included in the agenda packet was a report prepared by Dr. Renkow entitled "The Cost of Community Services in Henderson County." Planning Director Anthony Starr contacted Dr. Renkow to conduct this study. Dr. Renkow stated that it is a fairly simple study. It takes some time but is basically a fairly straight-forward exercise of allocating both expenditures and revenues to different land use categories. Those land use categories are residential, commercial and agricultural. Working off the 2006-2007 budget and doing a lot of telephoning and e-mailing with various department heads and

then some help from Amy Brantley and Carey McLelland on the revenue side. Dr. Renkow stated that the reason these kinds of studies are done are to answer some fairly basic questions, one having to do with residential land uses – do the property taxes and other revenues generated by residential land uses exceed the amount of publicly provided services required to service them or are they somehow in a deficit? Likewise for farm land, forest land and for agriculture land. Are farms and forest land actually receiving an unfair tax advantage, are they paying their own way in terms of the local budget? Another question which could be answered – what value of a house holding all else equal services provided or what is the break-even house price above which the houses are actually paying more than they get back in terms of services from the county?

Dr. Renkow addressed the graph he had distributed, stating this is a snapshot based on one particular year, based on current development patterns within the county, flows of money into the county budget and flows of money out of the budget to service different land uses. He stated that these numbers are useful in telling the Commissioners where the money is coming from and where it's going. He also stated that there is nothing sacred about having an exact balance between revenues and expenditures for particular land uses because of social values and needs that have to be met.

Chairman Moyer asked Dr. Renkow to address the history of these findings, how long they've been going on and how this has been accepted.

Dr. Renkow explained that the basic template for doing these studies was done by the American Farmland Trust and well over 100 of these kinds of studies were done throughout the country over the past 10-15 years. Dr. Renkow has personally done studies of this sort in four different counties in North Carolina, mostly in the triangle area, Alamance, Chatham, Wake, and Orange counties. This is the first time he's every done this study in the mountains. There is some controversy associated with what kinds of information these kinds of studies provide. There are certainly dynamic issues of when you have residences coming or when you have businesses coming to town and then you want residences, it works both ways. There is definitely a dynamic story that's not told in these kinds of studies, that can't be told because these things are unfolding over time. Dr. Renkow explained that by and large the vast majority of these studies say very similar things.

Dr. Renkow addressed the graph once again explaining that it is a simple chart that lays out how much it costs to provide services per dollar of revenue raised from the different land uses: residential land uses cost \$1.16 for every dollar they are contributing to the county coffers; commercial land uses are contributing significantly more to the county budget than they are taking back in terms of services provided; a rough balance in the agriculture land use exists with them paying slightly more than their own way even given present use value taxation, \$0.97 cost for every dollar they are contributing to the county coffers. Dr. Renkow stated that the residential and commercial numbers are very much in line with other studies done nationally and within the state. Henderson County numbers are right in the middle of the range of the kinds of numbers these studies typically generate.

Dr. Renkow explained some pretty strong reasons why we would expect residential land uses to basically be subsidized by other land uses, particularly commercial land uses. The largest reason is that roughly 2/3 of the county budget goes to human services, i.e. social services, public health kind of expenditures and the school systems. Those are overwhelmingly residential land users that are benefiting from these things. He explained that there is another part of the story – if you have businesses coming to an area then you will have to have schools and the schools may be a lure to businesses. There is a lot of give and take. A larger amount of money is coming in from commercial land uses than is going back to them in terms of services provided to them. Residential land uses require more money spent on them than they are generating in property tax and other kinds of revenues.

Dr. Renkow was able to calculate the break-even house price based on the current tax rate, it worked out to something like a \$257,000 house. If you had a house that was composed of people that were exactly like the average person in this county, in terms of how many kids that they are sending to schools, how much they

are demanding services, public health, sewage, solid waste, police protection, etc. then with a house that's worth more than \$257,000 it would be more than paying it's own way.

Commissioner Williams stated that the conclusion reached from this study is one that the Commissioners have been trying to get across to the public for some time – it has to do with the misconception that because we are growing as a county in terms of residences and the number of homes that we are seeing being built, that the county should have all kinds of money laying around, that the tax base should be increasing at a rate that should enable us to cover all the additional services provided. The study clearly shows the opposite, particularly if houses are built below that break-even point then it is requiring greater dollars in services than what is being contributed. “Therefore we find ourselves struggling from year to year to be able to meet all the needs of the county.”

Dr. Renkow explained that part of the above situation described by Commissioner Williams is due to the fact that we have the big town of Asheville nearby where some of the folks work who live in our county. There is a kind of leakage because those folks are shopping in Buncombe County and spending their money in Buncombe County and we're not getting the sales tax revenues but we do have to pay for the services rendered to them as residents of Henderson County.

Anthony Starr thanked Dr. Renkow and all the department heads who helped get the necessary information together for this study but particularly Amy Brantley and Carey McLelland.

TAX COLLECTOR'S REPORT

Terry F. Lyda, Henderson County Tax Collector, read the following report to the Board of Commissioners:

Henderson County Board of Commissioners
100 N. King Street
Hendersonville, NC 28792

Re: Tax Collector's Report to Commissioners: February 4, 2008 Meeting
Report of Unpaid Taxes that are Liens on Real Property as required by NCGS 105-369(a)

Dear Henderson County Commissioners:

In accordance with NCGS 105-369, Advertisements of Tax Liens on Real Property for Failure to Pay Taxes, I respectfully submit the following report:

	<u>Annual Bills (not including Motor Vehicle)</u>	
2007 Total Collector's Charge:		\$53,561,208.65
Payments:		\$49,797,987.99
Unpaid Taxes:		\$ 3,763,220.66

Percentage Collected through 1/31/08: 92.97%

Our collection percentage at this same time last year was 92.70%.

Advertisement of Tax Liens:

Effective January 1, 1985, Ch. 1013 (H1676) amends NCGS 105-369 to provide that tax liens need to be advertised only once. A taxing unit may choose to advertise the tax liens more than one time, but it is not required to do so. The list must still be posted at the Courthouse or City Hall door and it must be advertised in one or more newspapers having a general circulation in the taxing unit. The advertising may be done at any time from March 1 through June 30.

Effective July 1, 2006, NCGS 105-369 has been modified and will require us to provide notice to and advertise liens under the name of the “record owner as of the date the taxes became delinquent” of real property.

It is my recommendation to the Board of Commissioners that unpaid tax liens be advertised once: on April 21, 2008 (the third Monday in April). The reasons for my recommendation are as follows: (1) the *Times-News* states that they must have ample time for preparation of the advertisement; and (2) with the implementation of the new rules regarding advertisement, our costs per parcel will essentially double even without allowing for any per-inch increase the newspaper may add.

Respectfully submitted,

Terry F. Lyda
Tax Collector

TFL:wlk

Chairman Moyer asked if Mr. Lyda’s recommendation was consistent with the policy he’d been following for the last several years.

Mr. Lyda stated that they had been advertising in May previously but feel that if they advertise in April that they will have an extra month to work on any outstanding delinquent collections that they might have.

Mr. Lyda had also provided the monthly Tax Collector’s Report dated February 1, 2008 for Board review and consent approval.

Commissioner Young made the motion to approve Terry Lyda’s recommendation to advertise once, on April 21, 2008. All voted in favor and the motion carried.

Lee King, Delinquent Tax Collector, then gave his report dated February 4, 2008, as follows:

Beginning 1 June 2007, there were 1012 real estate accounts with delinquent taxes for tax years 2005 back on the foreclosure list. As of 1 February 2008 there are 84 remaining delinquent real estate accounts to proceed with the in rem foreclosure process. This breaks down as follows:

Beginning number of accounts on the foreclosure list:	1012
Accounts with a payment arrangement:	8
Accounts in Bankruptcy:	24
Under Appeal	1
Unable to foreclose	1
Property Line Issues	4
Mapping Issue/County Line:	1
Unknown Owner:	28
Rebilled due to error on original bill:	1
PAID IN FULL	860

Parcels remaining on foreclosure list: 84
(Mr. King stated that it is 82 as of today).

A foreclosure sale was held on the courthouse steps on 17 October 2007, 3 parcels were sold. Of the 3 parcels sold, all went to new taxpayers. “I would like to thank Ms. Henderson of my staff for her hard work on these foreclosures”.

We have recently submitted over 3500 motor vehicle bills to the debt set off clearinghouse for collection. This will allow us to receive monies if a taxpayer is due a refund on his/her state income tax by attaching our tax lien to the refund.

We have also served 400 garnishments as part of our enforced collection process. “I would like to thank Ms. Trantham of my staff for her hard work on these garnishments and managing payment arrangements”. Over \$68,000 of property taxes have been collected through payment arrangements this past year.

One of our goals for the ensuing year is to focus on collecting delinquent Personal Property Manufactured Home Tax Bills as well as begin work on the foreclosure list for delinquent taxes for tax year 2006 back.

REVIEW SPECIAL INTENSITY ALLOCATION APPLICATION WS-2006-11-02

Natalie Berry informed the Board that Tom Jacobson, Agent, had submitted an application on behalf of PT Greene Family Partnership, for approval of a proposed warehouse space (11,620 square feet), office space (2,000 square feet) and associated parking/driveway access (55,100 square feet) on November 3, 2006. The application has a proposed impervious surface of 69.944 percent. This exceeds the 24 percent allowed by right. A Special Intensity Allocation permit would be required. The PIN for the property is 9631-63-4219 and is approximately 2.26 acres in size. The property is currently a vacant parcel of land. The parcel of land is located in the Town of Mills River.

Normally these types of applications would be under staff review using category I allocation for Lower Mills River (Asheville) Balance of Watershed (WS-III). On November 2, 2006, category I was exhausted of its allocation. The Henderson County Land Development Code (LDC) Section 200A-322.D (Special Intensity Allocation staff/formal review) requires applicants submitted are reviewed by the Henderson County Board of Commissioners for any proposed nonresidential development once Category I has been exhausted. On December 19, 2007, the Board of Commissioners approved criteria for each applicant to meet. Ms. Berry sent a letter along with a copy of the criteria to each applicant. Each applicant had a deadline of January 18, 2008 to return their revised drawings.

Category 3 started out with a total of 32.996 acre, this application removes 2.260 acres from the total. If approved, this would leave 30.736 acres for future projects located in the WS-III Balance of Watershed district.

Natalie Berry, Watershed Administrator, recommends approval of the project as submitted.

Tom Jacobson was also in attendance to answer questions, if need be.

Ms. Berry said the Planning Department wanted the final plan to have the utilities shown on the plan, location, size, etc. Ms. Berry agrees with that and spoke with Mr. Jacobson and he will agree to revise the plan for that. Outside of that, the plan meets all Board requirements plus the requirements of our ordinance.

Following discussion, *Commissioner Williams made the motion that the Board approve the application for PT Greene Partnership's Special Intensity Allocation (WS-III Balance of Watershed) subject to the applicant satisfying all recommendations of the Watershed Administrator, Senior Planner, Mills River staff and the Board, also noting the revision to include the utilities as Ms. Berry referenced..*

Ms. Berry questioned that if the applicant needed to make a minor change to the plan, could staff approve that or would they need to come back to the Board? *Commissioner Williams added to his motion that any minor change consistent with the plan, staff would have the authority to approve. All voted in favor and the motion carried.*

Chairman Moyer's intent was for these to go on the consent agenda unless there is some special issue but because this was the first one under our new procedure, he thought it best to bring it to the Board for discussion.

REVIEW SPECIAL INTENSITY ALLOCATION APPLICATION WS-2006-11-03

This item was pulled from the agenda at the beginning of the meeting.

CONSTRUCTION CONTRACT FOR JACKSON PARK SEWER

Marcus Jones stated that the FY08 Budget provides funding for construction of sewer in Jackson Park. William G. Lapsley, PA has designed and bid the sewer. The bids were opened on Friday, January 18, 2008 with the low bid being \$190,089 from Harry's Ditching. Recommendation of Award was included in the agenda packet. Note the bid includes the sewer system at \$162,165 and service connections to all the park restrooms and the Coop Extension Building (\$27,924). The Jackson Park office building is not included but can be serviced in the future should the septic system fail. In order to provide five percent (5%) construction contingency, it is recommended that the Construction Contract be approved with contingency to the amount of \$200,000 which is budgeted in the FY08 budget.

In addition to approval of the Construction, the prepared Easement with Hendersonville Utilities needs to be approved (included in the agenda packet). Hendersonville Utilities has agreed to take over the sewer for ownership and maintenance provided the County provide an Easement over the proposed sewer and a proposed alignment for a future extension. The proposed alignment will provide sewer access for an adjacent subdivision when Hendersonville undertakes the extension. This easement will not limit the recreational functions at Jackson Park. The prepared sketch shows the Hendersonville's future extension (included in the agenda packet).

Tim Hopkins, Recreation Director, was in attendance and able to answer questions, if need be.

Commissioner Messer stated that this had been an on-going problem at Jackson Park for some time, since he's been on the Recreation Advisory Board. He is definitely in favor of the request.

Steve Wyatt stressed that this has been a concern for some time. Staff has looked at the most cost effective way to remedy this problem.

Commissioner Charlie Messer made the motion that the Board of Commissioners approve the Construction Contract for the Jackson Park Sewer with Harry's Ditching at \$190,089.00 with contingency to total \$200,000, and further move to authorize staff to execute the associated Sewer Easement with the City of Hendersonville. All voted in favor and the motion carried.

UTILITY EASEMENT FOR PSNC ENERGY PIPELINE RELOCATION COUNTY OF HENDERSON PARCEL ON GROVE BRIDGE ROAD

Marcus Jones informed the Board that PSNC Energy is requesting an easement on County property to relocate a gas pipeline currently located on the Grove Bridge Road Bridge over the French Broad River. To protect the structure of the bridge, the pipeline needs to be relocated adjacent to the bridge and underneath the river via directional bore. The prepared vicinity map (included in the agenda packet) of the Etowah area of the County shows the location of the County's property in question. Also, the easement document shows a layout of the easement on the property. The property is used by the North Carolina Wildlife Resources Commission as a Public Fishing Area (river access). The memo from NCWRC (included in packet) describes their concurrence with the project. Lastly as requested by the County Attorney, PSNC Energy has provided Indemnification for the Easement.

The Board was requested to authorize the Chairman to execute the Utility Easement with PSNC Energy to relocate their gas pipeline onto the County's property located on Grove Bridge Road.

Commissioner Mark Williams made the motion that the Board of Commissioners authorize the Chairman to execute the Utility Easement with PSNC Energy to relocate their gas pipeline onto the County's property located on Grove Bridge Road. All voted in favor and the motion carried.

POLICY FOR TAX BILLS BELOW \$5.00 – this was an add-on.

Chairman Moyer stated that over the years there has been a lot of discussion about citizens who receive a tax bill for \$1.50. They look at the postage and the staff time and question why we have such an inefficient or ineffective procedure in place that doesn't take this into consideration. This issue has come up a couple of

times recently so Chairman Moyer asked Stan Duncan, County Assessor, and Tax Collector Terry Lyda to take a look at this and come up with a recommendation for the Board of Commissioners, which hopefully will make their lives easier and will save the County time and not cost us a lot of money.

Stan Duncan addressed a memo from him to the Board of Commissioners dated January 14 regarding "Information in response to taxpayer inquiries regarding tax bills". Mr. Duncan stated that the issue is the hard costs associated with producing a tax bill. The current policy is in compliance with NCGS 105-321(f), which provides:

... "the governing body of a taxing unit that collects its own taxes may, by resolution, direct its assessor and tax collector not to collect minimal taxes charged on the tax records and receipts. Minimal taxes are the combined taxes and fees of the taxing unit and any other units for which it collects taxes, due on a tax receipt prepared pursuant to G.S. 105-320 or on a tax notice prepared pursuant to 105-330.5, in a total original amount that does not exceed an amount, up to five dollars (\$5.00), set by the governing body. The amount set by the governing body should be the estimated cost to the taxing unit of billing the taxpayer for the amounts due on a tax receipt or tax notice."

Stan Duncan – "While I have not attempted to determine the costs associated with the listing, appraisal and assessment of the property, and creating the tax bill prior to sending it to the vendor for printing and mailing, it is my firm belief that the greater costs associated with these minimal bills occurs after mailing when the property owner receives the bill and either calls or visits the assessor's office. If the contact is within the 30-day appeal window when the tax bill serves as the first notice of valuation, settlement can often be reached on issues of value. Unfortunately, a large number of these contacts occur after the 30-day appeal window has closed, and consequently, nothing can be done regarding the valuation issue. In either instance, experience has shown that as a general rule, larger tax bills create less public outcry than what they perceive as a waste of taxpayer dollars in producing minimal tax bills."

Regardless of the amount of the minimal tax bill set by the governing body, G.S. 105-321(f) also provides the following:

1. The tax collector shall keep a record of all minimal taxes by receipt number and amount.
2. The compiled record of all unbilled taxes is reported to the governing body at the time of annual settlement set forth under G.S. 105-373.
3. Minimal taxes are not a lien on a taxpayer's real property.
4. Minimal taxes are not collectible under Article 26-G.S. 105-349 through 105-378.

Since the county is required by statute to bill and collect taxes on Registered Motor Vehicles for all the municipalities, any decision as to minimal taxes by the county will also have some effect on those jurisdictions as well.

Stan Duncan had surveyed other counties via the assessor's listserv. Other than Henderson, of the 37 counties and two municipalities responding, 18 have adopted a \$5.00 standard, 8 are like Henderson at \$1.00, and the remaining 13 are at various, often unexplainable levels (such as Pamlico County at \$1 for real & personal, and \$3 for registered motor vehicles). If a change is adopted, Mr. Duncan requested that it be uniform for all property types.

Mr. Duncan had prepared a Resolution for the Board's consideration entitled "Henderson County Resolution Authorizing Tax Bills With A Total Amount Due of \$5.00 or Less Not Be Billed By The County Assessor or Charged for Collection To The Tax Collector".

Mr. Duncan explained that this is not just the county principal tax rate that we're talking about here, it's the combined taxes and fees that might be on that tax bill.

The following is for the last complete fiscal year – 2006-2007 – for which data is available for all property types (individual & business personal, public utilities, registered motor vehicles, and real property), and represents all taxes for which the County billed (County, Fire District, or Municipal):

Actual revenue loss from 157 bills of less than \$1.00 for which no tax was billed:	\$100.66.
Potential loss from 3,879 bills of less than \$2.00, for which a tax bill was produced:	\$5,531.48.
Potential loss from 5,307 bills of less than \$3.00, for which a tax bill was produced:	\$8,975.96.
Potential loss from 9,695 bills of less than \$4.00, for which a tax bill was produced:	\$24,006.71.
Potential loss from 12,777 bills of less than \$5.00, for which a tax bill was produced:	\$38,009.20.

\$5.00 is the limit set by North Carolina General Statutes.

\$58.03 or \$0.3696 (\$0.1389 for printing & \$0.2307 for postage), was saved by not producing 157 bills that would have been for taxes due of less than \$1.00.

3,879 bills of less than \$2.00, savings would be \$1,433.68.

5,307 bills of less than \$3.00, savings would be \$1,961.47.

9,695 bills of less than \$4.00, savings would be \$3,583.27.

12,777 bills of less than \$5.00, savings would be \$4,722.38.

Chairman Moyer felt that the Board should go to the limit of \$5.00 and as a courtesy should inform the municipalities at the next LGCCA meeting of what the County will be doing.

Following discussion, *Commissioner McGrady moved to direct the Assessor and Tax Collector not to collect minimal taxes charged on tax records and receipts of \$5.00 and less. All voted in favor and the motion carried.*

ANIMAL ORDINANCE REVISIONS

Selena Coffey reminded the Board that at the Board of Commissioners' December 19, 2007 regular meeting, the Board gave staff direction to revise the Animal Ordinance presented at that meeting to: 1) Revise the Ordinance to strike the countywide mandatory spay-neuter requirement except for animals adopted from the shelter; 2) Send the Livestock section to the Agriculture Advisory Board for comments; 3) Revise the fee schedule as necessary to accommodate for adequate enforcement of the Ordinance; and 4) Revise the Ordinance as necessary to reflect any Land Development Code issues. Selena Coffey told the Board that Staff has addressed the Board's issues as follows:

1. **Spay-Neuter Program.** Staff has developed a spay-neuter program that encourages voluntary alteration of animals, strengthens the County's educational efforts in this regard, requires all animals adopted from Animal Services to be altered prior to adoption, and imposes micro chipping and escalating fines for unaltered animals that are repeatedly impounded by the County.
2. **Livestock.** The Agriculture Advisory Board has reviewed the Livestock section of the Ordinance and had "no concerns" with the provisions, according to Soil & Water Director Jonathan Wallin.
3. **Fee Schedule.** Although the Board approves fee schedules annually with the budget, staff is recommending immediate revisions to the Animal Services fee schedule as follows: increasing the reclaim fee from \$30 to \$50; imposing a \$100 fine and escalating fines and \$25 for responsible pet owner educational classes for owners of repeatedly impounded unaltered animals.
4. **Land Development Code Provisions regarding Kennels & Catteries.** The proposed draft incorporates buffering requirements as per the recently adopted Land Development Code and clarifies the licensing categories and permit fees for kennels and catteries.

Commissioner Williams mentioned that there are municipalities that have adopted or are working with the County on the adoption of the animal ordinance yet have not adopted the Land Development Code. He could see a conflict in the wording in terms of applying the Land Development Code to that area. It needs to really be defined. Sarah Zambon said that she could make that clarification in 66A89. She can modify it to reflect any potential zoning the municipalities have. Russ Burrell stated that the way it's written now, they would refer back to our ordinance even if they adopted this animal ordinance, if they should adopt this amendment as well it would refer effectively back to the language that is in Henderson County's Land Development

Code and it would only adopt that portion of the Land Development Code that deals with Kennels and Catteries for them. They would make the decision whether they choose to do that or not. They might strike this paragraph. Sarah Zambon explained that the reason staff wrote it the way they did, instead of putting the specifics that were in the original part of this ordinance was so that if the Land Development Code changes or if we modify any of the requirements of kennels in the Land Development Code, that we don't have to go back and modify this also.

Staff said that they could add language in there "or ordinances that apply to another municipality".

Selena Coffey referenced page 1 and reviewed the newest revisions (since December 19, 2007 draft):

- Reassignment of Animal Enforcement Division (Throughout Document): This draft of the Animal Ordinance reflects the reassignment of the Animal Enforcement Officers to the Sheriff's Department. As written, the Ordinance will be enforced by the Animal Services Department in conjunction with the Sheriff's Office.
- Animal Abandonment (Pages 22-23): This section clarifies how an abandoned animal is defined and explains the guidelines for adoption, euthanasia, and redemption of an abandoned animal. It also includes a prohibition against animal giveaways in public places.
- Spay-Neuter Program (Pages 28-30): The Spay-Neuter Program proposed within this draft of the Animal Ordinance encourages the voluntary alteration of animals, strengthens the County's educational efforts in this regard, requires animals adopted from Animal Services to be altered prior to adoption, and imposes micro chipping and escalating fines for unaltered animals that are repeatedly impounded by the County.
- Kennels and Catteries (Pages 31-33): This article incorporates buffering requirements as per the recently adopted Land Development Code and clarifies the licensing categories and permit fees for kennels and catteries.
- Fee Schedule Revisions (Various): The proposed Ordinance incorporates recommendations for increasing the animal reclaim fee from \$30 to \$50 and imposes escalating fines and educational classes to be paid at the owners expense for repeatedly impounded unaltered animals.

Starting with page 3, Ms. Coffey reviewed the Spay-Neuter Program that staff is requesting the Board of Commissioners consider. After hearing some of the comments during Public Input sessions, we have heard a number of folks talking about incorporating an educational component. We also heard pros and cons of both sides of the mandatory spay-neuter issue. One of the comments heard that stuck with Ms. Coffey was the carrot and the stick approach. Basically what that is talking about in this case is a carrot meaning we're going to give you something to encourage you to spay or neuter your pet but also the stick that we hit you with if you don't and that is the enforcement side.

Ms. Coffey explained that the proposed spay-neuter program is intended to promote the voluntary alteration of dogs and cats through a financial assistance program, an effective adoption program, and educational outreach to county residents. This proposal incorporates input from the Animal Services Advisory Committee, local veterinarians, kennel operators, rescue groups, and the general public.

This proposal targets animals adopted from Henderson County Animal Services, requiring that all animals be spayed or neutered prior to adoption from Animal Services,

- Unless the animal is less than 4 months old.
- Including adoptions to rescue groups, shelters, and other animal welfare groups.

She stated that we propose to do this through an assistance program.

- **Spay-Neuter Assistance Program (SNAP)** provides vouchers to low-income County residents who wish to adopt a pet from Henderson County Animal Services but do not have the resources

to have the pet altered. SNAP may be funded via fines, registration fees for educational classes, donations, reclaim fees and boarding charges.

Education: Outreach programs to encourage responsible pet ownership and the importance of spaying or neutering pets.

- **Written Information.** Distribution of educational information to pet owners regarding responsible pet ownership, importance of spaying/neutering pets, resources for pet owners.
- **Educational Events.** Animal Services will coordinate classes, events, and other activities to focus the community’s awareness on animal issues.

Enforcement: Includes educational requirements and fines for unaltered animals that are impounded repeatedly in a 12-month period. Fines go toward SNAP Program:

First Impoundment =	Micro Chipping + Educational Materials
Second Impoundment =	\$100 Fine <u>or</u> Educational Class at owner’s expense (\$25 per)
Third+ Impoundment =	Escalating Fine + Educational Class at owner’s expense (\$25 per)

Ms. Coffey was asked to address the issue of Kennels. She referred to page 31 of the Ordinance, stating that the Ordinance was adopted in 2005. What has been done is changes have been made so that commercial kennels and catteries that are in the county will not have to go by our ordinance but rather will go by State Regulations. She asked Sarah Zambon to speak to this issue and answer questions.

Sarah Zambon explained that one of the distinct changes is that exempt is anything that is licensed or regulated by the State from this section of the Ordinance, not the rest of the animal ordinance. They would still have to comply with the mistreatment section, the abandonment section and all that but any animal shelters, pet shops, or anything that is licensed by the State would not be applicable under this section. The other significant change is a change to the licensing category. Since we took out what is regulated by the State and through conversations with people found it is very difficult to define what a breeder is and what we thought the intent of this part of the ordinance was, instead of what was there (noncommercial license and breeder license) we made it a companion animal license and a license that is applicable to facilities that are open to the public. The main problem staff was trying to address is people who have way too many animals in their home and because there are too many animals in a structure those animals end up being mistreated, not necessarily through fault of their owner but just because of the situation they are in. Staff did want to put a separate category for provisions to protect the public in any facilities that may be open to the public, again that are not covered by State law. Staff revised the kennel/cattery standards for the permits based on these new categories.

Chairman Moyer asked specifically what is left that wouldn’t be covered by the State. Ms. Zambon explained what is left primarily that is not regulated by the State – the State regulates largely animal shelters which are either run by a municipality, county, local government or a non-profit organization. Anything that is run by a public entity for the most part will be exempted. They also regulate pet shops. So what this mainly regulates is individuals who have seven or more companion animals in the home or in a structure.

Selena Coffey explained that this is basically a complaint driven section of the Ordinance. Staff is not going out and counting the number of pups or kittens in a litter. The purpose of this is to protect the public and protect the animals as well as provide some standards by which folks keep their animals. The standards have come from the state standards although they have been modified.

Steve Wyatt stated that animal welfare is the bottom line and also neighborhood standards for sanitation, etc.

Following discussion, *Chairman Moyer made the motion that the Board of Commissioners adopt the Animal Ordinance revisions and respective fees as presented and authorize Animal Services to set up a special fund for spay-neuter assistance which will be supported with funds from reclaims, impoundment fines,*

educational classes and other appropriate sources. He asked staff to think about the comments from the Board with respect to Kennels and Catteries and come back to the Board at the next meeting with some suggestions on how to better deal with that issue, in light of the comments made.

Commissioner Messer requested staff to get input from law enforcement. Selena Coffey stated that Lt. Ben McKay was at the meeting where revisions were made and standards were set for the kennels and catteries so he is very familiar with it.

Selena Coffey suggested an addition to the motion, to change the definition for kennel which was distributed to the Board at this meeting and possibly listing the amount of the escalating fines. The proposed definition for kennel = a noncommercial facility, structure or residence where seven or more companion animals reside, are kept, or are provided care. The definition may include households where there are seven or more animals.

Chairman Moyer included in his motion whatever staff needs to cover Commissioner Williams' comment about the Land Development Code and direct that as soon as possible staff get back with some suggestions on how to deal with this issue. All voted in favor and the motion passed unanimously.

PROHIBITED SIGNS IN THE PUBLIC RIGHT OF WAY

Chairman Moyer stated that there has been much talk of signs lately in the public right of ways, on light poles, etc. Staff would like Board direction on how to proceed.

Toby Linville distributed a hand-out of pictures of prohibited signs. Sarah Zambon stated that recently staff were contacted by a citizen concerned with the excessive presence of signs posted to utility poles or staked into the ground in public right of ways. These signs are prohibited by the Land Development Code and a similar provision within state law. As described in an accompanying memorandum, there are several options available to prevent these signs. County staff seeks direction from the Board as to how to proceed with enforcement.

Sarah Zambon stated that in the Land Development Code that the Board passed in September prohibited signs in the right of way including those on utility poles, on signals, and those posted in the ground. Per her conversations with Toby Linville and Anthony Starr, DOT has the ability to take down the signs but DOT doesn't usually make this a priority unless the County also makes it a priority and reaches out to them. She listed several possible remedies:

- Direct Staff to take down prohibited signs especially on the main corridors;
- Direct Staff to send letters to targeted members of the community posting these signs alerting them to the violation.
- Give Notices of Violation to repeat or excessive violators;
- Use enforcement measures in the Land Development Code including injunction and order for abatement against violators;
- Amend the Land Development Code to explicitly allow sign removal;
- Prosecute violators criminally, as a Class 3 misdemeanor;
- Involve NCDOT to partner with them for enforcement, including prosecution under state law as a Class I misdemeanor.

Toby Linville stated that when they deal with larger commercial signs, it is a different process than these "bandit" signs. What he proposed to the Board from the current Ordinance, Section 200A-176. Sign placement. He suggested the addition of a line that says something to the effect "Henderson County staff shall have the authority to remove signs within the right of way." These signs are so numerous and petty that it is not worth going through a criminal process, even mailing the letters to the folks that erect them but rather just remove them when we get an abundance of them in a place. He referred to the photos in the hand-out depicting different examples of "bandit" signs.

Toby Linville suggested an Ordinance change that would give staff the authority to remove the signs, a simple Land Development Code amendment.

Based on discussion, Chairman Moyer said the recommendation was to have staff come back with other suggestions. If we want to go further, we'll give staff the right to enforce these provisions in the Land Development Code. *Chairman Moyer put that in the form of a motion. All voted in favor and the motion carried.*

A lady from the audience was recognized who wished to speak. She said that she has had a lot of animals for a lot of years. They've all been spayed or neutered, just about all. She is being told now that they will come and take her animals to animal control. There is no more safe haven for them since All Creatures has been forced to close. This lady was a Board Member at All Creatures. She has never had any trouble with Animal Control. Her animals have never been loose, have never been picked up. They are up to date on shots. She has one animal that is blind and one that is old, one on heart meds for almost two years now, one is missing an eye. "How am I going to give up my old crippled dogs? They're not bothering anybody but yet they have the right to seize them?" They came to my house when I was trying to help All Creatures Thursday and were gonna take my dogs. She said she has two females left to spay, two being spayed tomorrow. There's never been an intact male that could sire a puppy in my house. "I haven't had a litter in over 2 years. I've been slowing down. And yet they still demand that I turn over my dogs. They've never been moved. I have a secure fenced yard which they are turned loose in but yet I've got to turn over my dogs to animal control. Why?" She stated she would fight 'tooth and nail' to keep her animals. "The pound is forcing me to either dump them, get rid of them, or turn them over to animal control. I hate just turning them over to animal control to be destroyed."

Chairman Moyer asked Brad Rayfield to take a look at her situation.

STAFF REPORTS

County Attorney's Report

Nothing further.

County Manager's Report

Nothing further.

IMPORTANT DATES

Chairman Moyer mentioned the meeting scheduled for Monday evening, March 3, stating there is a conflict because four Commissioners are attending the Legislative Conference in Washington, D.C. After looking at the calendar and at items coming up for action, he suggested rescheduling that Monday meeting to Thursday, March 6 at 5:30 p.m. *Commissioner McGrady moved to reschedule the March 3 meeting to Thursday, March 6 at 5:30. All voted in favor and the motion carried.*

Chairman Moyer stated that at the workshop in January the Board did not complete the items on planning. The recommendation was to have the workshop for those planning items held over from the January workshop at 4:00 on Tuesday, February 19. Following discussion and checking of calendars, *Chairman Moyer made the motion to set the workshop for Monday, February 18 at 4:00, here. All voted in favor and the motion carried.*

Commissioner Young stated that Saturday, February 16 at 8:00 a.m. at The Cedars the Friends of the Library are having their annual breakfast and they asked him at the Board Meeting to ask all the Commissioners and the County Manager to be at that breakfast.

It was announced that the Etowah Library dedication was scheduled for Friday, April 25. Staff will announce the time when they know it.

CANE CREEK WATER & SEWER DISTRICT – none

CLOSED SESSION

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

1. *(a)(3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body.*
2. *(a)(3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. To consult with an attorney with respect to the following claim:*

Harris v. Henderson County

Frank v. Henderson County

3. *(a)(6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee.*

All voted in favor and the motion carried.

Attest:

Elizabeth W. Corn, Clerk to the Board

William L. Moyer, Chairman