

MINUTES

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STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS
MAY 5, 2008

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

Those present were: Chairman Bill Moyer, Vice-Chairman 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: Deputy Clerk Terry Wilson, Finance Director J. Carey McLelland, Communications Officer Pam Brice, Associate County Attorney Sarah Zambon, Planning Director Anthony Starr, Engineering and Facility Services Director Marcus Jones, Erosion Control Division Chief Natalie Berry and Research/Budget Analyst Amy Brantley.

CALL TO ORDER/WELCOME

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

PLEDGE OF ALLEGIANCE

Angelina Branche, President of the Hawks 4-H Club led the Pledge of Allegiance to the American Flag.

INVOCATION

County Manager Steve Wyatt gave the invocation.

INFORMAL PUBLIC COMMENTS

1. Scott Shafer – Mr. Shafer spoke in regards to the water line extension for Cobblestone Village. He was present on behalf of the Green River Community Association. (Mr. Shafer experienced some medical difficulty at this time and asked Larry Rostetter to speak for him). Mr. Rostetter stated that it is conventional wisdom that south of the continental divide (the area south of Pinnacle Mountain Road) is a poor area for wells. Cobblestone's experience supports that belief with their lack of water. Green River Community does not understand how such a large business commitment can be made and approved when the water supply plan was as risky as has been demonstrated. He feels this shows a failure in the planning and approval process for a new development. He also feels that Cobblestone Village does not fit in with the County Strategic Plan as this would promote unchecked expansion into the rural areas of the county that lack supporting infrastructure. The Association believes that the financial terms should be the same as that required of Kenmure and Pinnacle Falls; the water department provides water to a single point and the developer is responsible beyond that. The Association opposes any infrastructure construction by the water department beyond the minimum necessary for Cobblestone. They requested that the County review the weakness in the planning process to see that this does not happen again.
2. Mike Tinsley - Mr. Tinsley spoke in regards to the water line extension for Cobblestone Village. He was in favor of the water line extension to Cobblestone. Mr. Tinsley is a residential contractor and developer. He has past experience in well drilling and because of the vast number of creeks on the land he had not expected well water to be a problem.
3. Roger Rusnak – Mr. Rusnak spoke in regards to the water line extension for Cobblestone Village. He felt that the contractor should have known that city water was not available prior to purchasing the land. He was against the water line extension.
4. Ann Matteson – Ms. Matteson spoke in regards to Henderson County Public Schools. She asked the Board to continue with forward momentum in school funding. She wanted to see above average funding.

DATE APPROVED:

5. Angela Fernandini – Ms. Fernandini spoke in regards to the water line extension for Cobblestone Village. She was against the waterline extension and felt that more strict regulations should be instituted to protect our rural way of life.
6. Jeff McCrain – Mr. McCrain spoke in regards to the water line extension for Cobblestone Village. He is the owner of PBI Homes. He was in favor of the waterline extension. We should be willing to help our neighbors.
7. Mike Reed – Mr. Reed spoke in regards to the water line extension for Cobblestone Village. Diane and Michael Reed live in Cobblestone Village. There are experiencing what is going on. When their well was drilled over a year ago they did not dream of the situation that is happening today. They understand the concept of restricting growth and they also agree that a master plan is essential to ensure that infrastructures are in place to support planned growth. He stated that two engineering companies had been to Cobblestone and assessed the situation of water early in the picture and assured the owner that water would be there. There are streams and springs everywhere. He requested that the Board approve the request for the water line extension to Cobblestone Village.
8. Joe Digeronimo – Mr. DiGeronimo spoke in regards to the water line extension for Cobblestone Village. He was in support of the waterline extension to Cobblestone Village. Mr. Digeronimo felt that the County was lacking lots of infrastructure. This community of sixty future residents is willing to pay for public use of fifteen or so fire hydrants and a tank holding a hundred and twenty-five thousand gallons of water, well above all the existing communities below, to supply more water pressure. We should thank them and ask how we can help.
9. Richard Freudenberger – Mr. Freudenberger spoke in regards to the water line extension for Cobblestone Village. He was against extending the water line to Cobblestone Village. Mr. Freudenberger felt that the Comprehensive Plan and Land Development Code set some precedence and rules for which we are supposed to abide. He suggested prior planning in landscaping and the use of rain water harvesting; with a forty-seven to forty-eight inch annual rain fall in this area this is possible. A two-thousand square foot roof surface will yield over 58,000 gallons of water annually with a forty-seven inch rain fall.
10. Margaret Davidson – Ms. Davidson spoke in regards to the new Edneyville Park. On behalf of the members of the Edneyville Community Center Association she thanked the Board for their support. They continue to have rummage sales for support, and requested that the Board approve the contractor so that they could move forward to the groundbreaking.
11. David Weintraub – Mr. Weintraub spoke in regards to the water line extension for Cobblestone Village. He was against extending the water line to Cobblestone Village. Mr. Weintraub felt that once the waterline had been extended to Green River, Zirconia and Tuxedo would cease to be rural communities. Please restrict the infrastructure to this community.
12. Shannon Waters – Ms. Waters spoke in regards to the water line extension for Cobblestone Village. She felt that the 60 homes would not dramatically change the entire Green River district. It was approved over a year and a half ago. If there was concern of overdevelopment it should have been dealt with at that time. This contractor was told by two engineers that there would be adequate water; he does not need to be punished.
13. Dr. Paul Trani – Dr. Trani spoke in regards to Henderson County school nurses. He is a pediatrician at Blue Ridge Community Health Services. Dr. Trani stated that we currently have eight school nurses in Henderson County serving twenty-two schools. He asked the Board to seriously consider the issue of school nurses and vote to improve the health and well-being and assuring the education of the children of Henderson County.
14. Susan Flynt – Ms. Flynt spoke in regards to Henderson County school nurses. She is an RN and a school nurse (sort of) at Eckerd Camp. With her experience there is a need for more school nurses. She urged the Board to increase school nurses in the Henderson County public schools.
15. Diane Dotson – Ms. Dotson spoke in regards to an increase in teacher supplements for Henderson County. She asked the Board to “please, fully fund our schools.”
16. David Papoff – Mr. Papoff spoke in regards to the waterline extension for Cobblestone Village. He can see Cobblestone Village from his house. He felt that bringing the waterline extension to

Cobblestone Village would be a benefit to many people. The quality of water in his area is very bad. Mr. Papoff was in favor of extending the waterline to Cobblestone Village.

DISCUSSION/ADJUSTMENT OF AGENDA

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

CONSENT AGENDA

Chairman Moyer stated that Commissioner McGrady has provided minor amendments to the minutes of April 17 and April 24. County Manger Steve Wyatt requested that item G (Selection of Engineering Firm for Community Development Block Grant #06-C-1600 Shuey Knolls Housing Development Infrastructure Improvements) be pulled from the consent agenda for further study.

Commissioner McGrady made the motion to adopt the consent agenda with the revised minutes for the two special called meetings and the absence of Item G. All voted in favor and the motion carried.

Minutes

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

- March 19, 2008 Regularly Scheduled Meeting
- April 17, 2008 Special Called Meeting as amended
- April 24, 2008 – Special Called Meeting as amended

Tax Collector's Report

Terry F. Lyda, Tax Collector, provided the Tax Collector's Report for information only dated April 25, 2008.

Financial Report/Cash Balance Report – March 2008

The Financial Report and Cash Balance Report for March 2008 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 Emergency 911 Communications Fund is due to the purchase of new recording equipment (\$45k) for the 911 Communication Center from fund balance appropriated and the delay from the legislative change effective January 1, 2008 in the State collecting and distributing 911 surcharge fees back to the County. A new distribution from the State was received in the month of April 2008.

The YTD deficit in 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 will be reimbursed from new school financing debt that was issued and closed on April 10, 2008 with SunTrust Bank.

Suggested Motion: I move that the Board of Commissioners approve the March 2008 County Financial Report and Cash Balance Report as presented.

Henderson County Public Schools Financial Reports – March 2008

The Public Schools Financial Reports for March 2008 were presented for the Board's information and consent approval.

Suggested Motion: I move that the Board of Commissioners approve the March 2008 Henderson County Public Schools Financial Reports as presented.

Sidearm Request – Eddie Watkins

The Henderson County Sheriff's Office requests that the service sidearm of Commander Douglas Eddie Watkins be given to him in recognition of his retirement from the Henderson County Sheriff's Office.

Commander Watkins has served the people of Henderson County for approximately 30 years. He began his law enforcement career at the City of Hendersonville and later transferred to the Sheriff's Office on December 4, 1994, at which time he was appointed as Chief Deputy. Following the retirement of Sheriff Erwin in June, 2006, Commander Watkins was sworn in as Sheriff of Henderson County, and served in that position until the election of Sheriff Davis.

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

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

Suggested Motion: I move the Board allow Sheriff Rick David to present this service sidearm as a token of appreciation to Commander Douglas Eddie Watkins.

Salvaggio Property Sewer Line Extension

The City of Hendersonville has requested that the County comment on the proposed sewer line extension for the Salvaggio Property. The proposed sewer line is 1,950 linear feet. The projects' location with the urban services area is consistent with the Henderson County 2020 Comprehensive Plan. A City of Hendersonville Project Summary Sheet, with backup documents and County Review Sheet with Staff comments were provided for Board review and action.

Suggested Motion: I move that the Board approve the Salvaggio sewer line extension and direct Staff to convey the County's comments to the City of Hendersonville.

Selection of Engineering Firm for Community Development Block Grant #06-C-1600 – Shuey Knolls Housing Development Infrastructure Improvements

This item was pulled from the agenda for further study.

Consolidated Contract Agreement with the NC Department of Health and Human Services

Each year, as part of the normal budgetary process, in order to keep the funding cycles without disruption of federal and state funds, the Consolidated Agreement with the NC Department of Health and Human Services is signed ahead of the final county budget. It is understood by the State Division of Public Health and the Henderson County Department of Public Health that the Local budgets are still being negotiated and will be finalized at a later date. It is also understood that program service levels and funding support can be renegotiated as necessary. This agreement contains items that include:

- Business Associate Agreement re: HIPAA compliance
- Assurance of Compliance with Title VI, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments, and the Age Discrimination Act
- Four Certification Forms re: Lobbying, Drug-Free Work Place and Environmental Tobacco Smoke, and Certification Regarding Debarment, Suspension, Ineligible and Voluntary Exclusion – Lower Tier Covered Transactions
- Agreement Addenda
- Maintenance of Effort (MOE) Report for WCH Programs

Public health Nurse Training Funds Reimbursement Request

Suggested Motion: I make the motion that the Consolidated Contract Agreement for Fiscal Year 2009 between the NC Department of Health and Human Services and the Henderson County Department of Public Health be approved with the understanding that program service levels and funding support can be renegotiated when necessary.

Juvenile Crime Prevention Council – FY 08-09 Henderson County Plan and Grant Recommendations

The Henderson County Juvenile Crime Prevention Council (JCPC) has developed the FY 08-09 Henderson County Annual Plan. This plan is being recommended for approval to the Board of Commissioners’ by the JCPC.

The JCPC has also approved funding for local juvenile crime prevention programs. These funds for FY 08-09 in the amount of \$202,985 are available for this purpose through the Commissioners’ are as follows:

1) JCPC Administrative Expenses	\$ 3,500
2) CJJDP/29 th Henderson County Emergency Temp Shelter	\$ 5,832
3) DJJDP/29 th Henderson County Psychological Services	\$ 8,470
4) Henderson County Public Schools/C-Stop Counselor	\$ 20,529
5) Project Challenge (Restitution)	\$ 68,250
6) Boys and Girls Club of Henderson County	\$ 22,000
7) Dispute Settlement Center	\$ 69,700
8) Horse Sense of the Carolinas	<u>\$ 4,704</u>
TOTAL	\$202,985

Suggested Motion: I move that the Board approve the JCPC recommendations for both the FY08-09 Annual Plan, and the distribution of the FY 2009 Juvenile Crime Prevention Program funds.

NOMINATIONS

Notification of Vacancies

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

1. Juvenile Crime Prevention Council – 1 vac.
2. Nursing/Adult Care Home Community Advisory Committee – 1 vac.

Nominations

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

1. Child Fatality Prevention Team – 1 vac.

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

2. CJPP Task Force (Criminal Justice Partnership Program) – 1 vac.

On behalf of the CJPP Committee, Chairman Moyer nominated Jeff Colis for position #15. *Commissioner McGrady made the motion to close nominations and accept Jeff Colis to position #15 by acclamation. All voted in favor and the motion carried.*

3. EMS Quality Management Committee – 3 vac.

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

4. Equalization and Review, Henderson County Board of – 2 vac.

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

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. Historic Resources Commission – 1 vac.

Commissioner Young nominated Imogene Miller for position #2. *Chairman Moyer made the motion that the Board accepts Imogene Miller to position #2 by acclamation. All voted in favor and the motion carried.*

7. Juvenile Crime Prevention Council – 8 vac.

Chairman Moyer nominated Greg Cochran for position #3 as the Sheriff's designee. *Commissioner McGrady made the motion to close nominations and that the Board accepts Greg Cochran to position #3 by acclamation. All voted in favor the motion carried.*

8. Nursing/Adult Care Home Community Advisory Committee – 5 vac.

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

9. Senior Volunteer Services Advisory Council – 1 vac.

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

NOISE ORDINANCE UPDATE

Captain Steve Carter provided the Board with a brief update on the status of the Noise Ordinance. In 2007, the Sheriff's Department had received 221 noise complaints. In 2008, January through April, they had 396 noise complaints come in; which is a 56% increase. Of the 396 complaints, 186 were barking dogs and 210 were other noise complaints. As far as the enforcement of the noise is concerned, the majority is barking dogs. Approximately 50% of barking dogs complaints come from complainants who wish to remain anonymous; in order to enforce the ordinance witness information is required. Whenever a deputy responds to a complaint a brochure is provided to the complainant in order to educate them with the law. Contact is then made with the person that the complaint was issued. Only a dozen or less civil citations have been issued thus far.

The Commissioners asked various questions with the following answers:

- They have also responded to complaints of loud machines, motorcycles, radio control cars, parties, music, etc.
- As far as the radio control cars, it is in litigation and pending at this time. The Sheriff's Department has taken necessary action and it has been turned over to the judicial system.

Lieutenant Ben McKay stated that part of the implementation of the noise ordinance was to set up a meeting once per week in his office for anyone who was cited for the noise ordinance violation to educate the public further. He has had 9 meetings scheduled and actually had 3 people attend those meetings and they discussed the radio control cars issue and two issues of barking dogs. One of the barking dog issues had a citation and a \$50 fine written to them. There are 6 pending meetings and as weather gets warmer and more people are enjoying outdoor activities, he feels this will increase.

SOIL AND SEDIMENTATION EROSION CONTROL AND STORMWATER UPDATE

Natalie Berry, Erosion Control Division Chief, provided the Board with an update on the status of the Soil Erosion and Sedimentation Control Division. The Henderson County Soil Erosion and Sedimentation Division has been operational for six month. Two employees were hired to fill the technician and permit specialist positions.

Tim Fox was hired for the technician position and has an extensive background in the environmental field. He has two bachelor's degrees from Southern Illinois University; a Bachelor of Arts in Environmental Planning and a Bachelor's of Science in Forest Resource Management.

Karen Smith Keeler was hired for the permit specialist position with a background in customer service. She previously worked with the City of Palm Bay in Florida in the public works department.

The following purchases have been made:

- Two vehicles have been purchased from the local Ford dealer, MacEasler Ford, who provided the lowest quote for the type of vehicles required.
- A previously used large format scanner from a local architecture business (we plan to scan all soil erosion and sedimentation control plans into the system and have them stored on the network drives)
- A fax machine to communicate with designers and customers
- A previously used copy machine

The first reimbursement request from the Department of Environment and Natural Resources for \$20,072.66 has been received. The next reimbursement request will be the week of 12 May for the remaining \$13,712.14 for a total of \$33,784.80 as outlined in the contract.

Over 30 large scale plans have been processed for a total of approximately 288 acres of land disturbance. This resulted in permit fees of \$116,000. The 2007-2008 budget estimates the revenue at \$159,795 and it appears to be on track. The smaller scale plans (sketch) have reached 500 for this six month period. Over 167 complaints have been responded to and approximately 90 have been resolved. One-half of the complaints are being resolved in less than 30 business days. The goal was originally set for large scale plan reviews for 15 days or less; the average being around 8 to 10 days and 81% of submittals have met the 15 day turnaround (DENR's estimated turnaround was around 30 days per submittal).

The Inspectors have been involved in the soil erosion program by identifying erosion control issues on building sites. Ms. Berry has been training them on what to look for and how to correct the violations. They are getting ready to implement a program where an inspector is assigned to the erosion control division for 1 to 2 weeks to assist with the workload as well as cross training for backup.

Goals

- Plan reviews for large scale plans – striving for 100% reviews being done under 15 days.
- Complaints being resolved with 30 business days – striving for 85% complaints being resolved in less than 30 business days. Currently 50%.

CONSTRUCTION CONTRACT EDNEYVILLE COMMUNITY CENTER AND PARK PROJECT

Chairman Moyer stated that this has been a project we have been working on for quite a while. He commended the community for the tremendous effort. It is difficult to get a plan for the community within budget, but they have come up with a preliminary plan and are ready to move forward.

County Engineer Marcus Jones stated that as recommended by the Project Architect, Edneyville Community Center Association (ECCA) and Staff, the construction contract was provided for Board approval. The contract is for \$835,326.00 (construction budget) with Carolina Specialties Construction, LLC of Hendersonville, NC. This contract amount provides 6% (approximately 50,000) within the \$1,000,000 (project budget) budget. The budget comprises of funding of \$500,000 from a PARTF Grant (Park and Recreation Trust Fund) and the \$500,000 match from Henderson County. The funding was approved in the FY08 Budget.

As evident from the bid tabulation, the bid strategy for the project was to construct as much of the plan within the budget available. Bid options were included to enable a contract to be configured that achieved this strategy. Therefore, a bid option for the gym structure was included in the original bids on the possibility that bids could be configured to include it. While the gym bid was not possible, this Contract represents a strong value for the County and a project that fully utilizes the grant funds available. Furthermore, a competitively bid price for the gym has been determined should the ECCA secure funding in the future.

This contract will construct the first phase of the Community Center which consists of two meeting rooms, an office, lobby, restrooms accessible from outside the building and a kitchen. An illustration of the building was provided to the Board. The second phase of the construction is a gym structure sized for a high school basketball court. Funding for the gym is not currently available.

It is important to note the significant contribution to this project from the ECCA both in funding and volunteer time. The ECCA raised the money to purchase the land for the Park and have raised additional money for other improvements to the Park and Center once it is complete. In addition, they have plans to provide in kind contributions to construction of the Park's trail network and multipurpose playing fields. Their input into the Park's master plan process and in the design of the Center has been invaluable and most appreciated.

Commissioner Williams made the motion that the Board of Commissioners approves the Edneyville Community Center construction contract with Carolina Specialties Construction, LLC of Hendersonville, NC for \$835,326.00. All voted in favor and the motion carried.

Marcus Jones stated that the groundbreaking was scheduled for June 1 or sooner.

APPROVAL OF REVISED ZONING BOARD OF ADJUSTMENT BYLAWS

Associate County Attorney Sarah Zambon stated that the Board had been provided the revised bylaws for the Zoning Board of Adjustment (ZBA). The Committee reviewed the document at its March meeting and voted to recommend the bylaws to the Board of Commissioners at its May meeting. The revised document clarifies the role of the ZBA and formalizes procedures already used by the Committee. The bylaws are similar to those used by other advisory boards and committees serving the County. They also incorporate the provisions regarding the ZBA from the Land Development Code.

The Committee has been working really hard in the last year to become more educated and trained on quasi-judicial proceedings primarily due to the changes with the Land Development Code and the increased responsibilities given to the Zoning Board. It has been some time since the bylaws have been reviewed and needed to be updated, and due to problems with attendance and the lack of a quorum.

Changes

Included in the bylaws were changes directly from the language in the Land Development Code regarding the duties of the ZBA and how they conduct quasi-judicial proceedings; voting and notice requirements. Alternate members are now required to attend meetings on a rotating basis even if all regular members are in attendance. If all members are present, alternate members are not allowed to vote during quasi-judicial proceedings, but will be allowed to vote in administrative matters before the board. In the rules of conduct, outside of quasi-judicial proceedings, the meetings will be conducted in a modified "Roberts Rules of Order" format. The informal rules were drafted by Jim Phelps, Vice-Chair of the ZBA.

Discussion followed in regards to one individual being allowed to serve on two different boards in which one board may appeal to the other. It was the consensus that this was not appropriate due to the potential of conflict. The Land Development Code allows appeals of the Planning Board decisions and Staff decisions to go to the Zoning Board of Adjustments.

Chairman Moyer made the motion that the Board directs Sarah Zambon to prepare the appropriate bylaws changes for appropriate boards, particularly the Zoning Board of Adjustment, so we do not have that situation. All voted in favor and the motion carried.

LDC COMMERCIAL MAP AMENDMENT 4, REZONE FROM R2MH (RESIDENTIAL TWO MANUFACTURED HOUSING) TO LC (LOCAL COMMERCIAL), CHRIS LAMB, TYLER NICHOLSON, GREG LAMB, LYNN LAMB, AN BRADLEY SNYDER, PROPERTY OWNERS

Planning Director Anthony Starr stated that on Thursday, March 27, 2008, the Board of Commissioners held a public hearing on proposed text and map amendments to Chapter 200A, Land Development Code (LDC) and official Zoning Map. On April 17, 2008, the Board tabled Commercial Map Amendment 4 at the request of one of the property owners in the Subject Area. Due to neighbors concerns and opposition to the rezoning, the property owners of the Subject Area submitted a revised boundary eliminating two of the parcels that encroached into the adjoining subdivision. The applicants requested that the Board reconsider Commercial Map Amendment 4 with the proposed revised boundary. The original staff report and request for the Subject Area and a map showing the revised boundary as submitted by the applicant was provided for Board review. Staff supports the revised boundary.

Commissioner Young made the motion that the Board finds that LDC Commercial Map Amendment 4, as revised is consistent with the recommendation of the County Comprehensive Plan and, further moved that the Board approves the LDC Commercial Map Amendment 4, as revised, and amend the Official Zoning Map and the Henderson County 2020 Comprehensive plan's Future Land Use Map to reflect the approved zoning map amendment. All voted in favor and the motion carried.

WATER LINE EXTENSION – COBBLESTONE VILLAGE

Planning Director Anthony Starr stated that this item has been tabled a couple of times by the Board for further discussion. The City of Hendersonville has requested that the County comment on the proposed water line extension for Cobblestone Village. The proposed water line is 14,394 linear feet with 13 fire hydrants. It will involve an inter-basin transfer from the French Broad River to the Broad River Basin. The cost of the water line will be paid for by Raging Bull Development, LLC.

Under the current Growth Management Strategy of the Henderson County Comprehensive Plan, the project will fall with the Conservation area (approximately 7,078 linear feet), the Rural/Agricultural Area (approximately 3,712 linear feet) and the Urban Services Area (approximately 3,604 linear feet). The location of the line in the Conservation and RAA is not consistent with the Henderson County 2020 Comprehensive Plan.

Under the proposed changes to the Growth Management Strategy of the CCP, the project would fall predominately in the USA and the RTA. Less than 200 linear feet of the proposed water line extension appears to fall in the RAA. While the proposed extension is more in compliance with the proposed changes to the CCP than under the existing Growth Management Strategy, any future extensions of the water line to the South would not be in compliance.

Chairman Moyer stated that he had visited Cobblestone Village and it was as indicated by the people who live there. His issue was that a Comprehensive Plan had been developed to guide growth and boundary lines were made as to where water line extensions would cut off; such as the Urban Services Area. The Comprehensive Plan is a living document and should be updated and changed as appropriate to fit needs. Unfortunately in this case the Board did not update the Comprehensive Plan in the last three months. The update did not include this particular area. We now have a situation where this lies outside the area where we have clearly indicated in the past that we would not provide water. It is true that we have run water to two or three other developments that have found themselves in similar situations as Cobblestone Village. They moved forward in good faith thinking the water would be there and after drilling wells were unable to reach water. He doesn't feel that these circumstances should be dealt with on an individual basis as it puts the Board in a terrible situation. He would like to find a way to avoid the Board being put into this position along with the developers and citizens. Chairman Moyer stated that if the motion is made to run a water line to Cobblestone for reasons indicated he would have to vote against it. As an alternative he suggested to the Board that they enter into an agreement with the developer, Mr. Ely, that they would run the water line in accordance with what is proposed, we would serve the homes that are having immediate problems right now, but the line would be sized and the developer would agree that no additional developments (other than the 60 homes) would be served from that line. Also that the Board would agree that they would not run any additional extensions until they have reviewed the Comprehensive Plan and decided what they want the

water policy to be, and then come up with a clear line to guide developers and citizens as to how the Board would move forward.

Attorney Andrew Tate responded to a question from Commissioner McGrady in regards to having this agenda item pulled from the agenda at the last meeting. He stated that Mr. Ely's father had just passed away and Mr. Ely had been out of town for a number of days and because of his (Mr. Tate's) court schedule on that particular day he had not even had a chance to meet and discuss with them this matter and prepare a presentation for the Board to give them the information that they felt was necessary to proceed. He felt that it was important to address that not only did Mr. Ely not fail to do his due diligence but he actually did over kill and had consulted with two engineering firms. Based upon the information that they had available to them, Mr. Ely fully believed that he would have water for wells as he was questioned earlier on by the Planning Department. The Planning Department did not fail in any way in doing their job in this process. This project was approved before the LDC and is an attractive project with 60 homes on 100 acres. One issue that was brought up was if city water was available within a certain distance, and if so they were encouraged to use city water. Mr. Ely spoke with the City of Hendersonville and was advised that it would not be a problem to get city water. After he purchased the property and after the process was begun of acquiring easements, he then was told that the County has to approve the water line extension.

Mr. Tate showed an example of a water filter from a home in Cobblestone Village and the poor quality of the water which was being drank by the residents. He was unaware of any other water option; city water would provide fire protection, quality and quantity of water people need, and it is for an already approved development. Mr. Tate asked Mr. Thomas S. McCanless, Site Development Principal, to the podium to discuss the due diligence issues.

Mr. McCanless stated that when Mr. Ely had hired them they did a due diligence survey which included looking at septic issues, water issues, lot, roads, etc. If you look at the property from an engineering standpoint, he does have tools that are used on large tracts of land (500-1000 acres) where they can actually trace fractures of rock to determine the potential of finding water; these are \$300,000 – \$400,000 studies. Cobblestone has approximately 4 of the 5 criteria that are necessary to have good luck at finding a well. There was an existing home on site and they utilized the old well to do a drawdown test by looking at the recharge rate. Other than going out and drilling 60 wells, there is no way to be 100% sure, they were however 90% sure. Mr. McCanless explained the proposed water line extension.

Commissioner McGrady brought up an aqua source water company that may possibly be available south of the development. He did not have any further details. He was in opposition of the water line extension since it was in an area that was zoned rural and was concerned about the inter-basin transfer.

Commissioner Young felt that the main charge of the Commissioners was to protect the welfare and safety of the people of the county and if water was denied they have not done their job.

After further discussion, Commissioner Young made the motion that the Board approves the Cobblestone Villlage Subdivision water line extension and direct staff to convey the county's comments to the City of Hendersonville. The motion passed 3-2 with Chairman Moyer and Commissioner McGrady voting in opposition.

COUNTY ATTORNEY'S REPORT

The County Attorney stated that he had received today a letter from the NC Department of Revenue saying that they had received his April 17 letter notifying them of the election of the ad valorem method of sales tax revenue distribution for local sales tax in North Carolina. This is now official in the Secretary of Revenue's office.

COUNTY MANAGER'S REPORT

The County Manager briefly updated the Board that we continuing to have folks interested in touring the Historic Courthouse so we are in the process of developing a couple of schedules; a regular time for folks to sign up and have a guided tour and also a time for groups to make arrangements with Pam Price and select a time to tour.

IMPORTANT DATES

Set Public Hearing on Rezoning Application #R-2008-02, #R-2008-03, #R-2008-04, and #R-2008-09

Commissioner Williams made the motion that the Board set Public Hearings for Rezoning Applications #R-2008-02, #R-2008-03, #R-2008-04, and #R-2008-09 for Monday, June 2, 2008 at 7:00 p.m. All voted in favor and the motion carried.

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 reason(s):

1. *(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.

ADJOURN

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

Attest:

Teresa L. Wilson, Deputy Clerk to the Board

William L. Moyer, Chairman

HENDERSON COUNTY TAX COLLECTOR

200 NORTH GROVE STREET, SUITE 66

HENDERSONVILLE, NC 28792

PH: (828) 697-5595

FAX: (828) 698-6153

April 25, 2008

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

Re: Tax Collector's Report to Commissioners -05/05/08 Meeting

Please find outlined below collections information through April 24th for the 2007 bills, as well as vehicle bills.

Annual Bills G01 Only:

2007 Total Charge: \$53,561,208.65
Payments & Releases: 52,141,880.51
Unpaid Taxes: 1,419,328.14
Percentage collected: 97.35%
(through 04/24/08)

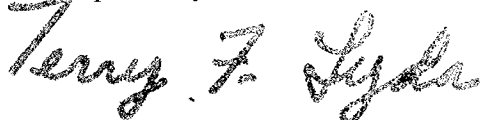
Motor Vehicle Bills G01 Only:

2007 Total Charge: \$4,329,663.31
Payments & Releases: 3,603,182.77
Unpaid Taxes: 726,480.54
Percentage collected: 83.22%
(through 04/24/08)

Fire Districts All Bills

2007 Total Charge: 6,185,204.93
Payments & Releases: 5,929,460.81
Unpaid Taxes: 255,744.12
Percentage collected: 96.02%
(through 04/24/08)

Respectfully submitted,



Terry F. Lyda,
Henderson County Tax Collector