

DRAFT MINUTES

**STATE OF NORTH CAROLINA
COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS
JULY 16, 2008**

The Henderson County Board of Commissioners met for a regularly scheduled meeting at 9:030 a.m. in the Commissioners' Meeting Room of the Henderson County Historic Courthouse on Main Street, Hendersonville.

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, Fire Marshal Rocky Hyder, Deputy Clerk to the Board Terry Wilson, Research/Budget Analyst Amy Brantley, Code Enforcement Services Director Toby Linville, Engineering and Facility Services Director Marcus Jones, Associate County Attorney Sarah Zambon, Senior Planner Autumn Radcliff, Sustainability Coordinator Adrienne Outcalt, Registrar of Deeds Nedra Moles, Library Director Bill Snyder, I.T. Director Becky Snyder, and Soil & Water Conservation Director Jonathan Wallin.

CALL TO ORDER/WELCOME

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

PLEDGE OF ALLEGIANCE

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

INVOCATION

Steve Wyatt gave the invocation.

INFORMAL PUBLIC COMMENTS

Chairman Moyer asked each person who had signed up for informal public comments to please limit their time to about 3 minutes.

- Art Cooley – Mr. Cooley explained that he would like to address an item that is on the agenda for discussion, item “F – Agreement with Radio Hendersonville, Inc.”. Chairman Moyer granted him permission to speak to the item when it came up for Board discussion, if he chose to.

DISCUSSION/ADJUSTMENT OF AGENDA

There were no revisions to the agenda. *Commissioner Williams made the motion to approve the agenda as presented. All voted in favor and the motion carried.*

CONSENT AGENDA

Commissioner McGrady asked to be recused from item “E” on the consent agenda. *Commissioner McGrady made the motion to approve items A – D on the consent agenda. All voted in favor and the motion carried.*

DATE APPROVED _____

Item “E – Property Exchange between Partners in Health Condominium and Blue Ridge Community College”. The Board agreed to recuse Commissioner McGrady from voting because of a conflict of interest. Commissioner McGrady is the President of Partners in Health Condominium and he is on the Board of the Four Seasons Hospice. *Chairman Moyer made the motion to approve item E. All voted in favor and the motion carried with Commissioner McGrady abstaining.*

NOMINATIONS

Notification of Vacancies

The Board was notified of the following vacancy:

1. Hendersonville City Zoning Board of Adjustment – 3 vac.

Nominations

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

1. **Board of Directors of the Henderson County Historic Courthouse Corporation (which does business as the Henderson County Heritage Museum) – 4 vac.**

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

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

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

3. **Community Child Protection Team (CCPT) – 1 vac.**

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

4. **EMS Quality Management Committee – 2 vac.**

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

5. **Environmental Advisory Committee – 2 vac.**

At the last meeting Commissioner McGrady had nominated Richard DeSimone contingent upon receipt of his application (position # 5 at large). We have since received his application. *Chairman Moyer made the motion to accept Richard DeSimone by acclamation. All voted in favor and the motion carried.*

6. **Henderson County Board of Health – 1 vac.**

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

7. **Henderson County Zoning Board of Adjustment – 1 vac.**

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

8. **Hendersonville City Zoning Board of Adjustment – 1 vac.**

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

9. **Historic Resources Commission – 1 vac.**

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

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

Chairman Moyer nominated Mike Murdock, recommendation from Steve Wyatt and Selena Coffey, for position # 10, adult 60 years plus. *Chairman Moyer made the motion to accept Mr. Murdock by acclamation. All voted in favor and the motion carried.*

11. Juvenile Crime Prevention Council – 11 vac.

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

12. Mountain Area Workforce Development Board – 2 vac.

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

13. Nursing/Adult Care Home Community Advisory Committee – 1 vac.

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

14. Senior Volunteer Services Advisory Council – 1 vac.

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

PROPOSED LAKE ADGER WATERSHED BOUNDARY AND IMPACTS

Steve Wyatt was notified by Polk County officials. Polk County has been dealing with water issues with the towns of Saluda, Columbus and Tryon for several years. Cooperative ventures were discussed on many different levels with different potential solutions raised; however, the municipalities and the county at this time have not come together on how to cooperatively address the water issue for their growing county. The county has taken the initiative to purchase Lake Adger. Lake Adger is fed by the Green River. Polk County believes that they will be able to secure the water future for Polk County residents exclusive of the municipalities. Hopefully down the road it will include the municipalities. All this will require different levels of State approval. One level of State approval has to deal with the water that feeds into Lake Adger. Basically the State requires that watersheds be protected. Staff will show a map that identifies a very large portion of Henderson County as watershed for Lake Adger. The State Department of Water Quality is requesting Henderson County Commissioners input about designating that watershed area as a high level of protection.

? Conflict

Commissioner McGrady disclosed that he owns a large block of land, all within the proposed watershed area, probably in excess of 600 acres. He feels uncomfortable discussing and voting on a matter that is directly going to impact the value of his property. His inclination was to recuse himself. He too felt he was the Commissioner who knew the general area the best since it is all in his district.

Following some discussion on the issue, *Chairman Moyer made the motion to allow Commissioner McGrady to join in the discussion, answer Board questions but not to vote on the item. All voted in favor and the motion carried.*

Autumn Radcliff explained that the NC Dept. of Environmental and Natural Resources (DENR) Division of Water Quality (DWQ) is considering a new proposed surface water intake for Polk County on Lake Adger. The proposed water intake on Lake Adger would apply a WS-III classification to the Lake Adger watershed basin and would include approximately 4,650 acres of land in the south and southeastern portion of Henderson County including the Lake Summit area and most of the Green River and Hungry River basins.

The County currently has language in the LDC for a WS-III watershed but we would have to amend our Water Supply Watershed Protection Overlay District text and map to reflect the proposed Lake Adger watershed. It should be noted that Henderson County has been considering adopting a Stormwater Ordinance that would regulate stormwater discharge for the entire County and these regulations would replace our current Water Supply Watershed Protection Overlay District. The proposed Lake Adger watershed would not be effective until 2010.

The State will have to do a lot of other studies before they initially decide that this is an appropriate location to do a surface water intake. Right now they've indicated a WS-III is probably what it would be. The Lake Adger watershed basin would include approximately 4,650 acres of land in the south and southeastern portion of Henderson County. Permitted uses in a WS-III watershed include agriculture, silviculture, single-family residential with a minimum lot size of 20,000 square feet, and multifamily and nonresidential development with a maximum of 24% built upon area or 70% built upon area using the Special Intensity Allocation (SIA). Autumn Radcliff explained there also is a cluster option that would allow the homes to be clustered together on smaller lots. An SIA or 10/70 option allows for up to 10% of the balance of watershed to be developed at up to 70% built upon area on a project by project basis. The WS-III watershed classification also allows wastewater discharges with a general permit from the state. Henderson County currently has a WS-III classification on the Lower Mills River.

The area proposed to be reclassified as a WS-III water supply watershed contains a range of residential and commercial zoning, including a small area of Industrial zoning. The proposed WS-III classification would have a limited impact on the area due to our current zoning regulations. The average density currently allowed in this area is 1 unit per 1 to 1 ½ acres. However, the commercial zoning districts allow a maximum density of 16 units per acre for multifamily residential developments, and a maximum impervious surface of 80% for nonresidential development. The WS-III classification would limit the multifamily residential and nonresidential development to 24% built upon area or 70% with an SIA.

Autumn Radcliff spoke to the issue of current zoning in the area stating there is some commercial as well as a small pocket of industrial development which is the rock quarry. All of the Lake Summit area is mainly residential.

The proposed Lake Adger watershed would not be effective until 2010. DWQ is asking the Board of Commissioners to take a position in support or opposition of the new proposed WS-III water supply watershed for Lake Adger. The County currently has language in the LDC for a WS-III watershed but we would have to amend our Water Supply Watershed Protection Overlay District text and map to reflect the proposed Lake Adger watershed. It should be noted that Henderson County has been considering adopting a Stormwater Ordinance that would regulate stormwater discharge for the entire County and these regulations would replace our current Water Supply Watershed Protection Overlay District.

If the Board supports the proposed intake on Lake Adger then a resolution of support would be needed for the State to proceed. A resolution of support would also be needed from the Town of Saluda and the Village of Flat Rock since the new WS-III classification would directly impact these jurisdictions.

It was the feeling of the Commissioners that a public hearing(s) is necessary to make the people in the area aware of this. Public discussion is needed to get input from the property owners in the area.

There was some discussion concerning WS-III versus WS-IV classification. The State has recommended WS-III. Autumn stated that in Henderson County we have everything from a WS-I all the way up to a WS-IV. We have every classification in Henderson County. With a WS-III classification, wherever the point of intake is takes in the entire watershed basin whereas a WS-IV classification only goes out five miles from the point of the intake. The Commissioners were interested in pursuing the change from a WS-III to a WS-IV.

Chairman Moyer asked if there would be restrictions on where this water could be sold if this intake is put in place. Staff did not have the answer. Chairman Moyer felt this was a major factor. He feels if this water is shipped outside Polk County, that would be a major factor in the decision. He felt this specific question should be asked.

Commissioner Young suggested that at some point in time we would need a reservoir in that end of Henderson County, on the Green River. If we built a reservoir it might restrict the flow into Lake Adger. He asked if that would be a problem. Water is such a positive resource. Henderson County should be very careful to protect its resources.

Steve Wyatt stated that it would be a problem if in the future the County determined that Green River should feed a reservoir here in Henderson County. It might be doable but would be much more complicated.

Commissioner McGrady questioned the acreage figure, feeling that it is actually more acreage than is quoted.

Chairman Moyer made the motion to send a response to the State that the Board of Commissioners has substantial concerns:

- *About the size of the watershed and how it was determined*
- *With respect to the classification and if we do this whether classification III or IV is the proper classification*
- *About whether there will be any restrictions with respect to where this water can be used, sold, or transported to and whether it would be restricted to Polk County*

Steve Wyatt suggested direct communication with Polk County Commissioners. He felt it would be helpful if Chairman Moyer contacted the Chairman of the Polk County Board to discuss the reasoning and rationale concerning Henderson County Board's concerns and do so fairly quickly.

Commissioner McGrady asked for an addition to the motion that we signal that we will go through some sort of a public process.

Chairman Moyer amended his above motion adding that there is dialogue with the Polk County Chairman asap and to make clear in the letter to the State that we're going to follow a public process, these are not the Board's final comments but they want to hear from the public. The Board would rather have some preliminary answers they can share with the public. All voted in favor and the motion carried four to zero with Commissioner McGrady abstaining.

Commissioner McGrady explained he will work closely with the Green River Association to make the citizens aware of this.

HENDERSON COUNTY ENERGY POLICY AND PLAN/Resource Conservation Plan

Steve Wyatt explained that today we are primarily focused on energy but a year from now or six months from now we could be talking about water issues in a similar fashion. Based on conversations he has had with City/County Managers across the State, he believes this is one of the biggest challenges we are facing at this time. He stated the Plan is simple, use less. Our charge is to develop strategies to use less whether it be for electricity, diesel fuel, or gasoline. There is little we can do to impact the unit cost. How do we use less:

1. Behavior
2. Purchasing
3. Upgrades

The nation is feeling gas pain (rising cost of fuel) as well as the county and also individuals.

Mr. Wyatt mentioned the scenarios that staff had prepared for the Board that look at our estimated fuel usage (gasoline and diesel), a mandated 10% reduction, and what are the other options we have to impact the county's budget. This is the fastest growing part of the budget. Conservation for us means cost avoidance, environmental stewardship and national security. We should do our share to reduce dependency on foreign oil. We could look toward alternative energy industry as an economic development driver.

Mr. Wyatt stated the plan objective could easily be adapted into a policy statement. Plan objective:

This Conservation Plan is part of the County's efforts to minimize the use of scarce and costly resources which in turn will limit or reduce negative impacts to the County taxpayers. Furthermore, the plan may expand in scope to assist the citizens and other organizations within the County.

Plan Outcomes:

1. Reduce cost escalation & limit negative impact on county taxpayers (energy and water)
2. Conserve energy and water for future use
3. Exhibit leadership in environmental stewardship to peer governments and citizens

On May 7, 2008, working with department heads about the budget, the County Manager issued a mandate to reduce energy consumption by 10%. "We cannot reduce energy prices, but we can limit costs by changing our demand."

The elements of the plan:

1. Facility Improvements
2. Vehicles and Equipment
3. Behavioral Modifications

Steve stated that a few months ago Marcus Jones presented a concept about guaranteed energy savings contract which has proven around the country to be a very cost effective way to finance improvements using the energy savings to pay for the facility improvements.

Marcus Jones addressed the element of Facility Improvements:

1. Guaranteed Energy Savings Contract (more)
2. Energy Star Replacement (Current Technology)
3. Re-Commissioning Systems to Eliminate Operating Inefficiencies
4. Energy Audits (Waste Reduction Partners, Land of Sky)

5. Shift from Corrective to Preventive Maintenance

Marcus Jones stated that the Guaranteed Energy Savings Contract is probably one of the elements that could have the most significant impact on our energy consumption and water consumption. He explained that Guaranteed Energy Savings Contract (GESCC) is a contract for the evaluation, recommendation or implementation of energy savings measures, including the design and installation, measuring equipment, repair or replacement of existing equipment in which all payments are to be made over time and in which operational and utility savings are guaranteed to exceed costs. Staff is currently developing a request for proposals and if the Board directs staff to continue, it is possible to have a proposal to the Board in late summer or early fall. He stressed that guaranteed energy savings from the improvements pay for the debt service.

Marcus Jones then addressed vehicles and equipment. He stated the first step was to re-evaluate our fleet and determine if it is possible to reduce fleet size. Another situation that would allow reduction in fleet is an expansion of our motor pool vehicles, vehicles that are available to all departments similar to how a rental car is available. There is also reimbursement for personal vehicle use and that is going up in reimbursement rate.

Chairman Moyer suggested the Board give staff approval to move forward and explore the company and see what can be done. The Board was in agreement.

Marcus Jones stated that staff would bring back a contract and price to the Board of Commissioners to review. The Board was also in favor of approving the other elements discussed: Energy Star Replacement, Re-Commissioning Systems to Eliminate Operating Inefficiencies, Energy Audits and Shift from Corrective to Preventive Maintenance.

Vehicles and Equipment

Marcus Jones stated that the biggest impact on the fleet would be purchasing decisions that orient vehicles towards purchasing with high gas mileage. Marcus Jones stated that a vehicle is a tool to the departments and the county employees to carry out their respective missions. We should strive to marry the right vehicle to the job. Currently gas mileage is not one of the top criteria of decision making for selecting the vehicle. If we move gas mileage higher on the list of criteria, it may require some compromise. For example, Central Services folks need a one ton truck. They need the one-ton truck twice a year. Is it better to go buy a one-ton truck and drive it all year or buy a half-ton truck or a smaller truck and rent a one-ton truck when they need it? Marcus Jones stated that we need to re-evaluate our decision process and put a higher emphasis on gas mileage.

Steve Wyatt stated that the largest consumer of our energy dollars on fuel is by far the Sheriff's Department. Looking at the gas mileage of patrol cars and their purpose, he feels there are opportunities to impact significantly but it will require a different approach from the Sheriff's Department who uses the patrol vehicles. Last year we transitioned away from the Chevy Impalas (6 cylinder) to Dodge Chargers (a mix of the 8 cylinders and the 6 cylinders). There may be other vehicles that can get better gas mileage that can do the job of patrol. Steve Wyatt and Sheriff Davis have had conversations about motorcycles. There are pros and cons but we do have a few motorcycles. Mr. Wyatt thinks that within the next couple of years there will be a tremendous shift across the country away from large sedans for patrol and will be a move toward mid-size vehicles. This year we have budgeted for 18 vehicles for the Sheriff's Department. Ms. Coffey said that

about four of those are budgeted as a patrol vehicle, one is a larger SUV-type vehicle and the remainder are trucks for animal services replacements (they have to be able to support a box on the back). He stated that our big user of diesel fuel is our ambulances. Our ambulances have recently been upgraded and we feel that we are in really good shape there. Our inspections vehicles would be the next large prong. Mr. Wyatt stated that we certainly would be looking at every alternative to downsize or to maximize our gas mileage. Ms. Coffey stated that typically we have new vehicles in place around October so we would begin the bidding process very shortly.

There was some discussion regarding alternative fuels and/or hybrid vehicles. Mr. Wyatt stated that Marcus Jones is working on the cost comparisons. The fueling station for alternative fuels is a big issue. Asheville's fueling station cost \$400,000. They received a grant for the entire amount. That grant is no longer available at that magnitude. County staff is investigating potential partnerships with municipalities. Many of our vehicles could be converted to compressed natural gas (cng) which is half the cost of gas. Mr. Wyatt stated that the fueling station could also be opened up to county citizens. Once the demand for cng increases the price would also likely increase. Steve Wyatt stated that staff would bring back to the Board more information on cng and costs and ideas on who might be interested in sharing, etc.

Chairman Moyer felt we should buy no more vehicles until we have answers to the questions raised, until we have the information to make choices from. Marcus Jones felt that with analyzing our fleet we could easily double our fuel mileage and half our fuel consumption with vehicle selection and purchases.

Adrienne Outcalt addressed the element of behavioral modifications. She stated that clearly changing our demand for the way we consume is a very effective tool in controlling our costs and behavioral modification is a huge part of that. To this end each county department is developing a plan that would address behavioral modification and energy consumption. The department heads will be responsible and accountable for these plans. Resource audits potentially done by the engineering department could be available to walk through and determine any inefficiencies that might exist that are not necessarily visible to the department heads. She mentioned examples of some common modifications that are being worked into each department's program:

- Turn off lights or don't turn lights on
- Judicious use of thermostat settings
- No space heaters
- Close window blinds and shades
- Turn off equipment that is not in use
- No idle policy for non-emergency vehicles
- Limit "Take Home Vehicles"

Ms. Outcalt stated another behavioral modification can be carpooling. The National Association of County Officials (NACo) are endorsing the Drive Smarter Challenge which has to do with developing smarter, more conservative driving habits with respect to fuel consumption. Carpooling is highly feasible for county employees and could be done on a voluntary basis. One hundred twenty county employees have expressed interest in carpooling that would be county facilitated. There would be fuel saving and could be a morale boost. In the packet was a GIS map of the addresses of the 120 employees that were interested in carpooling and there is a lot of proximity in the addresses so it is indeed a highly feasible behavioral modification. The Commissioners voiced no opposition to the carpooling effort.

Marcus Jones touched on the tools that are available to the county to use to carry out the resource conservation plan:

- EPA's Energy Star Program
 - # Accountability of Conservation Efforts
 - # National "Language" for Energy Conservation
 - # Allows for National recognition of leadership
 - # Management Portfolio for Tracking and Analyzing Efforts
 - # Efficient Equipment Identification
 - # Energy and Water

- NC State Energy Office
 - Marcus Jones took one of their seminars on "Developing An Energy Plan"

- Resource Data Management and Audits
 - # Use May 2007 to May 2008 as a baseline
 - # Determine totals for diesel, propane, gasoline, natural gas, electricity, water, track by units of usage
 - # Data to be gathered for each department
 - # Preliminary data shows room for measurable reduction in consumption

Tracking this data will allow us to:

 - Set targets
 - Gauge progress
 - Reassess current and future usage practices
 - Use of "Energy Star Portfolio Tracker"
 - Monthly Reports to County Manager and Department Heads
 - Semi-Annual Report to Board of Commissioners and Citizens

Billing Audits:

 - Review Bills for Errors
 - Review Rate Structure for Optimum Rates
 - Seek billing adjustments

Resource Audits:

 - Offer this service to other departments
 - Walk-throughs, determine inefficient practices, behaviors
 - Identify possible improvements and make recommendations
 - "You get what you inspect, not what you expect"

- Flexible Workweek
 - Benefits to employees include:
 - Potential fuel savings, up to 20% off of commute fuel load
 - Reserving the 20% for other/future uses
 - Increased productivity, decreased absenteeism, and time for family and personal matters

 - Benefits to County Government include:
 - Significant energy and fuel savings
 - Reduces operational costs
 - Possible reduction in labor costs

'Big Picture' impact includes national savings in crude oil, emissions, and greenhouse gases
Exhibits leadership

Implementation Options: Pilot Program with King Street Facility
Planning
Cane Creek Water & Sewer District
Permit Center/Addressing/Zoning
Building Inspections/Erosion Control
Emergency Services

Anthony Starr stated the idea of modifying their hours became more evident with the energy mandate but department heads in the King Street Building had been talking about this for several months already, looking at it from a customer service standpoint.

King Street Conservation Plan

Open 7:00 am to 6:00 pm Monday thru Thursday, closed on Fridays

Benefits – Customer convenience, energy savings, fuel consumption

Obstacles – Customer convenience, Holidays, child care

- Published Resource Conservation Plan
Henderson County is working toward a written published document to put on our Website that shows the efforts of the county in resource conservation/energy plan
- Mandate from Manager with Board Support

As closing comments to the presentation, Steve Wyatt mentioned the following future conservation opportunities:

- Wind generation
- Solar collection panels
- Waste to Energy possibilities
- ??? Other possibilities that might present themselves

Board Direction:

Steve Wyatt stated that he had received Board direction on the Guaranteed Energy Savings Contract. Staff will put the RFP together and will ask for Board review within the next 60 – 90 days. Staff will also bring back vehicle purchasing criteria. Steve Wyatt stated he understands the Board's hesitations with the flexible work week. He stated that staff will move ahead with voluntary carpooling, hoping to get some participation in that. Staff will bring a progress report back to the Board within the next 60 – 90 days.

Commissioner McGrady stated that prior to Steve Wyatt arriving as the County Manager and Marcus Jones as the County Engineer, the Environmental Advisory Committee (EAC) was already pushing for an energy plan, long before the increased gas prices we now have. He asked that as we move forward we continue to use the EAC to work with staff on these various proposals, keeping EAC engaged.

AGREEMENT WITH RADIO HENDERSONVILLE, INC.

Chairman Moyer stated at the last meeting the agreement with WHKP was discussed. The County Attorney was asked to talk with the people at WHKP to clarify a couple of issues and then bring this back to the Board.

Russell Burrell referenced the draft agreement that was in the agenda packet. This agreement was proposed to WHKP/Radio Hendersonville Inc. It is substantially the same as the agreement that was in effect until June 30, 2008 with one minor exception, an additional requirement regarding certification of running the required disclaimers. The radio station is in agreement. They have signed a draft of the agreement. It is ready for Board approval and signing, making it effective today, July 16, 2008.

Art Cooley, Radio Hendersonville Inc., stated they would like to go forward with this continued agreement.

Commissioner Young made the motion that the Board approve the proposed agreement with Radio Hendersonville, Inc., and execute the agreement. All voted in favor and the motion carried.

Recess

Chairman Moyer called a 5-minute recess, to change videotapes.

PUBLIC HEARING for Rezoning #R-2008-09, as amended

Chairman Moyer called the meeting back to order. Planner Matt Cable had arrived for this hearing.

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

Matt Cable explained that rezoning application #R-2008-09 was initiated by Planning Staff on behalf of four separate property owners. The request at that point was to rezone approximately 15.84 acres of land from a CC (Community Commercial) zoning district to a RC (Regional Commercial) zoning district. The Board of Commissioners held a hearing on June 2, 2008. At the hearing several property owners adjacent to the originally considered area made a request to also have their property zoning changed. The Board of Commissioners then made a motion to amend the request to include additional parcels. Planning Staff, the TRC and Planning Board have since reviewed and made their recommendation on this expanded area.

The Subject Area was expanded to include approximately 130.44 acres of land, located off US Highway #25 North (between its intersection with Old Park Road (SR #1370) to the south and Rugby Drive (SR #1417) to the north, from a CC (Community Commercial) zoning district to a RC (Regional Commercial) zoning district. The Subject Area is comprised of all or part of 23 parcels of land with multiple owners.

The Henderson County Planning Board considered rezoning application #R-2008-09, as amended, at its regularly scheduled meeting on June 19, 2008. During that meeting, the Board voted 4 to 2 to send the Board of Commissioners an unfavorable recommendation, recommending denial of rezoning request #R-2008-09, as amended, to rezone the Subject Area from an existing CC zoning district to an RC zoning district consistent with the recommendations of the Henderson County 2020 Comprehensive Plan. Further, the Planning Board recommended that, should the Board of Commissioners approve the rezoning request, the Planning Board does not recommend the boundary of the commercial district be expanded. The Planning Board then voted 6 to 0 to send the Board of Commissioners a favorable recommendation for expanding the

CC zoning district, on properties owned by Mr. Charles Grimes (located east of US Highway 25 North) to 500 feet from the property line.

The Subject Area is approximately 1.01 miles (5,320 feet) south of the intersection of US Highway 25 North and Interstate 26. Subject Area extends approximately 1.17 miles (6,176 feet) along the US Highway 25 North. The Subject Area begins at the intersection of US Highway 25 North and Rugby Drive (SR #1417) to the north and ends at the intersection of US Highway 25 North and Old Park Road (SR #1370) to the south. The following roads intersect with US Highway 25 North within the Subject Area, from north to south: Holbert Road (SR #1367), Clearwater Lane, Piney Ridge Drive (SR #2265), Ferenvilla Drive (SR #1479), Needle Lane, Courtland Boulevard (SR #1368), and Blade Road (SR #1438).

During Matt's presentation he reviewed several maps from the agenda packet with the Board and the public (projected on the large screen). He discussed the allowed uses for the property according to the different zoning districts. Matt stated that it appears that a total of 47.91 acres of the approximately 130 acre Subject Area (almost 40%) fall within the 100-year flood plain. A total of 17 acres of the Subject Area (just under 15%) fall within the floodway itself. Only about half of the Subject Area is neither within the floodway or floodplain. RC zoning would allow a number of uses that are not allowed by CC, generally large scale uses including retail sales and services over 100,000 square feet. Staff recognizes that there is a possibility that these parcels could be recombined to develop something of that scale but eleven of the twenty-three parcels that are included are not of that size and would not be able to facilitate a building of that size. Of the remaining twelve parcels, seven of the parcels east of Highway 25 North contain considerable amounts of floodplain and floodway as mentioned earlier, 19% of those parcels are in floodway and 54% are in floodplain.

The TRC considered the amended request at it's meeting on June 10. They voted to recommend that the Board of Commissioners deny the rezoning application and further recommended that if the Board approves the request, that the boundary of this existing district not be expanded beyond what is currently shown.

The Henderson County Planning Board considered the request at it's meeting on June 19. They sent the Board of Commissioners an unfavorable recommendation, recommending denial of the request to rezone the Subject Area to RC zoning, consistent with the recommendations of the 2020 Comprehensive Plan. They further recommended that if the Board were to approve the request that the Planning Board did not recommend the boundary be expanded if it was changed to RC. However, in a second motion the Planning Board did vote to send the Board of Commissioners a favorable recommendation on expanded CC on properties owned by Mr. Grimes to 500 feet from his property line along Hwy. 25 North. That constitutes a little over 11 acres of land that would become CC based on that recommendation. It is incumbent on the property owners to demonstrate justification for approving the request. Staff encouraged them to present any information to the Board of Commissioners that may be helpful. The Board cannot consider specific uses that the property owners may be considering so individual property owners are discouraged from bringing those up. Staff was present to answer any questions.

Before taking action on the request the Board of Commissioners must hold a public hearing. In accordance with §§200A-314(C) and 200A-337(B) of the Henderson County Land Development Code and State Law, notices of the July 16, 2008 public hearing regarding rezoning #R-2008-09, as amended, were published in the Hendersonville Times-News on June 25, 2008 and July 2, 2008. The Planning Department sent notices of

the hearing via first class mail to the owners of properties adjacent to the Subject Area and the property owners on June 25, 2008 and posted signs advertising the hearing on the Subject Area on June 25, 2008.

Staff's position at this time, under the guidelines of current plans, policies and studies, is it supports the current zoning of the Subject Area (CC Community Commercial zoning) which is consistent with the recommendations of the Henderson County 2020 Comprehensive Plan.

Public Input

1. Jeff Wilkie – Mr. Wilkie stated he was present representing his parents who are out of town and couldn't make the meeting. Their property has been zoned C-4 a long time. When they purchased it almost 30 years ago it was zoned OU (Open Use). His parents thought it was changed a few years ago to RC without anyone notifying them. It is rented now to Dale Reese Trailer Sales who have been there about a year. He requested it stay commercial, stating this rental property is a part of his parent's retirement income. He stated that his parents are fourth and fifth generation Henderson County residents. His Great Great Grandfather helped build this county courthouse. His Grandfather was Mayor of Hendersonville for 36 years. "I think instead of worrying about what a tourist thinks passing through the area, you know with the economic situation in this country Big Brother is not really looking out for us. I think we need to look out for the best interest of our county residents instead of worrying about what a tourist thinks passing through." He told the Board he was proud of what they had done with this building.

2. Bryan Vaughn – Mr. Vaughn, like the Wilkies, has had his place on Hwy. 25 North since 1973. He has done numerous different trade businesses on it including U-Haul rentals, gasoline, and used car lot. He would like to be able to continue. He asked that the property be kept the same as it has been.

3. Charles Grimes – Mr. Grimes stated he has had his property since 1940. It has always been a cornfield. He had a piece of property similar to this in Fletcher and they built Blue Ridge Metal Company on it. They employ 133 people and the tax base to Henderson County is \$80,000 a year. He doesn't plan to develop his property, he's too old, but he would like to have the extension to 500 feet.

4. Dave Pearce – Mr. Pearce owns the property on the right side of the road across from the cemetery (25 acres). It has been grandfathered in as a scrapyard and has been a scrapyard since 1964. It was zoned residential during that time. He has been cleaning the property up with some ideas about further clean up and making it an asset to the community. "Recycling is an asset." He is in favor of a stronger commercial use to improve the property value. He likes to do things that fit the environment. His future plan would be to place a wrought iron gate at the front and stonework to accent the area.

5. Brooks Stepp – Mr. Stepp asked the Board to please keep the area zoned as is. His parcel is a small piece of property but combined with Mr. Bodenhamers and Bryan Vaughns it is an investment for them all.

6. Kerry Bodenhamer – Mr. Bodenhamer also requested to keep the area zoned as is. Matt Cable stated that staff had not received specific requests from all 23 property owners. The owners that they have specific confirmation from were those that attended the meeting and those that were in the initial request; however, staff did notify all the property owners by letter that they were being included. Staff has not received any specifics from anyone saying they did not wish to be included.

Commissioner Young made the motion that the Board go out of public hearing. All voted in favor and the motion carried.

Following Board discussion, *Commissioner Young made the motion that the Board approve rezoning request #R-2008-09, as amended, to rezone the Subject Area from a CC (Community Commercial) zoning district to a RC (Regional Commercial) zoning district based on the recommendations of the Henderson County 2020 Comprehensive Plan.*

Additional discussion followed before the vote.

A vote was taken on the motion, passing four to one with Commissioner McGrady voting nay.

Commissioner Williams made the motion that the Board expand the commercial zoning district, on properties owned by Mr. Charles Grimes (located east of US Highway 25 North), to 500 feet from the property line along US Highway 25 North to be specifically zoned RC (Regional Commercial). A vote was taken and the motion passed four to one with Commissioner McGrady voting nay.

CONSIDERATION OF DEVELOPMENT OF ADEQUATE PUBLIC FACILITIES REGULATIONS

The 2020 CCP (County Comprehensive Plan) recommends that the County take a leadership role in school facilities and to incorporate into the Land Development Code (LDC) mechanisms that link public school capacity and long range plans to the land development permitting process (Henderson County 2020 CCP, PS-01 & PS-02). The Board of Commissioners has considered developing regulations for Adequate Public Facilities (APF) to address the issue of balancing residential growth with public school capacity.

Anthony Starr stated that the Board expressed concern regarding possible action by the State Legislature that would limit a local government's ability to adopt Adequate Facilities Ordinances (APFO) that contained fee provisions. Current law allows Adequate Public Facility regulations and the General Assembly has taken no action to modify or limit that authority.

A majority of the work to develop APF regulations can be done by County Staff although this would represent a major project for the planning staff. A consultant's expertise and experience would still be needed to assist the County in the development of these regulations but at a reduced cost of approximately \$40,000 versus \$80,000 for the consultant to complete the entire project.

Staff was requested to present an update on the status of such regulations. Staff will give a brief overview of the possible regulations and how the County might proceed should it be the desire of the Board. If the Board desires to proceed, building support and understanding from other entities (municipalities and County School System) will be necessary. The next step is a ½ day workshop, conducted by the consultant, to discuss the details of an APFO, answer questions of Commissioners, and to decide if the Board wishes to commit to allocating the resources to develop these regulations.

Anthony Starr explained that an Adequate Public Facilities Regulation is a form of land use regulation that controls the timing of property development and population growth with the purpose of ensuring that certain public facilities are in place to serve that growth. He further stated that approvals for certain land uses would be tied to the facilities that are in place. In some places that is transportation, public safety, recreation and schools. There are a variety of areas that can be addressed with these types of regulations. He stated it is a planning tool to coordinate our capital improvement plan with growth.

“What can an adequate public facilities regulation do (in terms of a school based regulation)?” It can help prevent school overcrowding and it can help channel growth in the geographic areas that are more compatible of handling new development such as our urban services area. It can provide more certainty in the financial forecast and budgeting process in terms of the capital improvement plan in knowing how to lay out the tax rate and other revenue streams to accommodate what is expected. It can eliminate periods of excessively high growth. It’s not a mechanism to stop residential growth. It’s not a mechanism to provide the major source of construction funding for school buildings but it can help supplement it during those periods of high growth. There are a number of counties in North Carolina that have adopted such regulations. On a national level, these types of regulations have been held up. They are somewhat well established in national courts just not in the North Carolina courts.

“How does it work?” Proposed residential developments must get an adequacy permit before they can develop. The adequacy permit is determined by looking to see if adequate school capacity would be available for that particular project. There is a lot of methodology that would document it. When a residential development is denied an adequacy permit is placed in a “waiting list” until the additional school capacity is available. That’s where our capital improvement plan must provide for that. We just can’t rely on the development community to provide the capacity of schools, we still have to have a tract to increase our school capacity. Alternatively the county could allow the developer to proceed by mitigating the impact of the school by voluntarily making a contribution for each home to provide for accelerated construction of school capacity.

“Who are the stakeholders?” There are a number of them, obviously in the county government, the public school system, municipalities are a key factor in this, the home builders, developers, and of course the citizens.

“Whose participation is critical?” Obviously the public schools and the county. Land use regulators such as the municipalities account for a significant percentage of all building permits in Henderson County so if we were to move forward their participation or lack thereof would probably be a key consideration as we would go through that process.

“What are the key components?” These are some of the components in terms of setting the stage. Mr. Starr stated there are a number of issues such as how do we define adequacy, do we do 100%, 110%. There are a lot of detail questions.

“What is the process for developing code and direction to staff at this point?” There are other minor steps along the way that would have to occur in the development of a program. At this point, unlike the last time this was discussed, there is more capacity on the staff level to implement some of this so he felt we wouldn’t have to entirely rely on a consultant to develop the program from scratch. His staff can do a lot of the ground-work. He stated there is some expertise that is necessary from a consultant to implement such a program. Based on the conversations he has had with a consultant, we are looking at around a \$40,000 range for those services, opposed to \$80,000 which would be everything. So staff would do some of the groundwork in house. Anthony Starr stated if the County Board wants to move forward with this, his suggestion would be to have the consultant come in and have a workshop to get into the nitty gritty of it so the Board could get a better understanding and determine whether they really want to move forward. We’d

also need to determine what level of support we have with the schools and municipalities as well during that time.

Staff recommends that the Board of Commissioners provide direction as to if the County should proceed. If the Board is inclined to move forward with its consideration of adopting Adequate Public Facilities Regulations scheduling a ½ day workshop for the Board would be appropriate.

Chairman Moyer felt the Board should accept staff's recommendation and delve into this in more detail. He stated the Board needs to come up with vehicles that tie growth to our available capital and this is a way to do so.

Commissioner Williams hates the idea of paying a consultant and felt that we should do a little more with staff before using a consultant. He would favor going ahead with the study but without the use of a consultant at this point in time.

Anthony Starr stated that he would use the consultant to facilitate a half day workshop and not necessarily use him to develop the program. That would be a much less cost. He could better explain some of his experiences in developing this in other North Carolina counties and across the country.

Russell Burrell stated at some point, if the Board decides to develop such an ordinance, they will have to have a consultant. "The way to defend these in court is you have to absolutely prove what the cost of one new house is in terms of future schools . . . of what one new industrial building is in terms of future schools. You have to prove that and to prove that requires a lot of number crunching that would take staff months and months of full time work which is why you hire the consultant to do that. They would be the person who would be responsible for keeping up with that over time and of course come into court to testify as a neutral expert witness."

Steve Wyatt said that Cabarrus County had some interesting challenges with theirs and maybe we could get a staff person from Cabarrus County to come here to work through and talk about some of the experiences they have had with the same issue.

Commissioner McGrady stated there was a recent workshop done by the North Carolina Association of County Commissioners (NCACC) that he attended that sounds very much like what is being proposed here. Having gone through that workshop, he is highly skeptical of the ordinance and our ability to move forward. He thinks we should look at it but is skeptical if this would work in Henderson County.

It was the consensus of the Board to plan a half day workshop on the issue.

MAP AMENDMENTS TO THE HENDERSON COUNTY 2020 COMPREHENSIVE PLAN (CCP)

Anthony Starr reminded the Board that on Thursday, March 27, 2008, the Board of Commissioners held a public hearing on proposed text and map amendments to the Henderson County 2020 Comprehensive Plan (CCP). On Monday, April 17, 2008, the Board tabled its decision on the proposed CCP map amendments to the Growth Management Strategy and Future Land Use maps. The item was tabled in order for the Board to make a decision on applications for proposed map amendments to the LDC that could impact the proposed amendments to the CCP maps.

The maps in the agenda packet have not been revised since last reviewed by the Board but they do reflect the approved map amendments to the LDC.

The Board has adopted all the text amendments to the CCP and LDC and some of the maps to the LDC. There are two outstanding maps that the Board needs to review and give staff guidance.

Anthony Starr stated at this point the maps reflect some of the decisions the Board has already made, in terms of adding commercial nodes in particular locations and some of the residential zoning that is in place. He stated that these two maps: Growth Management Strategy map shows where we want to concentrate growth (the area in blue) and Future Land Use map with a number of changes including the red centered nodes being additional nodes added to reflect the commercial zoning that was applied with either the adoption of the LDC or the recent amendments the Board approved.

Action by the Board of Commissioners is needed to either approve or deny the proposed map amendments to the CCP. If the Board decides to approve the proposed amendments a motion was provided by staff.

Suggested Motion:

I move that the Board approve the proposed map amendments to the Henderson County 2020 Comprehensive Plan amending the Growth Management Strategy map and Future Land Use map.

Following much discussion there was Board consensus to hold a workshop on this issue. Staff will come back with possible dates.

HENDERSON COUNTY STORMWATER MASTER PLAN – Clean Water Trust Fund Mini-Grant

Commissioner McGrady asked to recuse himself from this matter since he is a Board member of the Clean Water Management Trust Fund who we propose to contract with. The Board recused Commissioner McGrady from voting on the issue but felt he could be a good resource in the discussions.

Marcus Jones stated this is the result of one of the items on the FY08 Strategic Plan, 4.2C (Develop a Stormwater Management Program). The County has applied for and been awarded the Clean Water Trust Fund Mini-Grant. The Grant Agreement was attached for review. The Engineering Services Agreement with McGill & Associates (also attached for Board review), has been developed to perform the work identified within the Grant.

According to McGill, the County's grant application was delayed due to a moratorium placed on the mini-grants while the Trust Fund revisited the guidelines and requirements. The schedule provided with the Engineering Agreement has creation of the Stormwater Management Ordinance by July 31, 2009. As discussed in previous Agenda items, this ordinance will delegate the current State Stormwater Management Program to the County. This delegation is very similar to the process to implement the County's delegated Erosion Control Program.

The Grant is for \$50,000 and the local match is \$20,000 (in this year's budget), \$70,000 total. The local match for this grant has been approved in the current budget. The Agreement with McGill & Associates is for \$70,000 and will be funded by the grant and local match.

Mr. Jones requested the Board authorize the County Engineer to execute the Clean Water Management Trust Fund Grant Agreement and the Engineering Services Agreement with McGill & Associates to develop a County Stormwater Management Program.

Following discussion, *Chairman Moyer made the motion that the Board authorize the County Engineer to execute the Clean Water Management Trust Fund Grand Agreement with the consultant contact to be modified to say "to be determined" and that the County Engineer re-examine the issue of who will be our Engineering Consultant on this project, taking a look at that in light of the policy which the County will be adopting shortly (next agenda item). The motion passed four to zero with Commissioner McGrady abstaining.*

HENDERSON COUNTY PURCHASING AND CONTRACTING POLICY

Steve Wyatt stated that pursuant to Board discussion at the July 7, 2008 meeting regarding a purchasing policy for the County, Staff had worked with Eileen Youens of the School of Government on the specifics for such a policy. The draft Henderson County Government Purchasing and Contracting Policy Statement was provided for review, which reflects revisions based on the Board's discussion and Ms. Youens input.

The Board was requested to discuss the purchasing and contracting policy presented and direct Staff regarding any amendments and implementation. If the policy meets with the Board's approval, the following motion was suggested.

Suggested motion:

I move the Board approve the Henderson County Government Purchasing and Contracting Policy Statement.

Steve Wyatt stated the purpose of this policy is to strengthen the local economy by purchasing and contracting with local businesses as provided for within the framework of State Law. The outcomes County Government is looking for is to encourage business growth opportunities for local companies, enhance employment opportunities for county residents, and stimulate taxable investment by current and potential businesses.

He reviewed the following Policy Statement with the Board:

- **Contracts Below NC Competitive Bidding Threshold**
In the procurement of apparatus, materials, supplies, services or equipment by the County that have a total contract cost of less than \$30,000, preference will be given to local County vendors in the event price, quality and delivery time when considered together are substantially equal to that proposed by out of County vendors if it is deemed in the best interest of Henderson County.
- **Contracts Requiring Competitive Bidding**
While complying with North Carolina's competitive bidding requirements (for both informal and formal bids), the County seeks to stimulate and promote local businesses through its procurement process. The County does this by providing businesses which have offices within the County with individual notice of solicitations for quotes or bids when requested by such business. Such requests are good for a period of one year from the date received, and must be in writing, and must specify the types of contracts for which the business wishes to be considered.

- Construction Bidding
Henderson County may seek construction bids in either single prime or multi-prime format, or both. In the case of multi-prime bidding, each bidder shall identify the location, by County, of its base of operations. In the case of single prime bidding, the base of operations of each subcontractor shall also be identified by County. Upon award and subsequent project completion, contractors will certify the use of these subcontractors. Changes in the use of subcontractors are subject to the approval of Henderson County.
- Disclaimer
This policy should not be interpreted as restricting requests for bid proposals from local vendors only. The purpose of this policy is to assure that local vendors have an opportunity to participate in County contracts.

Russell Burrell explained this policy on purchasing basically pushes it as far as we can go legally. On the construction bidding, this new policy takes it far as NC law will allow you to go. When you are requiring bidders to identify location, it doesn't necessarily say that you are going to make that a sole decision criteria but it does say that if all other things are equal that one additional consideration. He thinks that is perfectly fair.

Chairman Moyer asked if we could put in the RFP that we would like for all bidders to give consideration to local companies in putting together their bids. Russ Burrell stated that you could when you're talking about their subcontractors. You cannot make it mandatory but you can request they give consideration to or encourage they give consideration to. Chairman Moyer asked for that change to be added to the bullet on construction bidding (third bullet). Henderson County will use its best efforts to identify those businesses, even if they are not on a list.

Following discussion, *Commissioner McGrady made the motion to approve the policy with the change requested by Chairman Moyer above and the change Commissioner McGrady recommended to bullet #1 (included above). All voted in favor and the motion carried.* Staff will make the approved changes and bring it back to the Board on the consent agenda of the next Board meeting, August 12.

COUNTY ATTORNEY'S REPORT

Chairman Moyer stated he got a call from Senator Apodaca one day with respect to Senate Bill #2156. He had placed Henderson County on the bill. Chairman Moyer asked Russell Burrell to take a look at it and Chairman Moyer made a quick decision stating he thought it wouldn't hurt us, he wasn't sure how we would use it. He informed the Commissioners that Henderson County is on SB #2156 and he asked Russell Burrell to speak to the bill briefly.

Russell Burrell stated it is a bill that deals with special assessments. Typically assessments are used for infrastructure type needs. This one is interesting in that it contains the provision for assessments within a given district for school facilities which is an unusual assessment in North Carolina. The assessment can last for up to 30 years. Another thing that is a little unusual about this is the process – a petition is required to come before the Board from the residents of that proposed district for the assessment and it must be signed by the owners of at least 66% of the assessed value of the property within the proposed district. The Board of

Commissioners then determines whether or not to go forward with the assessment and could assess the property for a period of up to 30 years which sounds a lot like amortizing a fixed capital debt. It is useful for not just school facilities, it can be used for sanitary sewer systems, storm sewer systems and flood control facilities, water systems, streets and sidewalks, as well as school facilities.

Chairman Moyer said that we don't have to use the bill if we don't want to but we have it for use if we chose to do so.

Russell Burrell stated that SB #2156 is now back in the senate finance committee. It passed one favorable committee substitute and now it's back and re-referred to the senate committee on finance on July 9.

Chairman Moyer said that in Sunday's Times-News the Board of Commissioners were considered being unreasonable because they will not even consider an impact fee. Chairman Moyer reminded everyone that by law the Board cannot adopt an impact fee in North Carolina. It is illegal. It has been discussed time and again. The Commissioners have talked to the legislature and they say there is no way it will happen.

COUNTY MANAGER'S REPORT

Steve Wyatt had communicated with the Commissioners last week about an issue with one of the local mental health providers, Appalachian Counseling. Yesterday he attended a special meeting of the Western Highlands LME Board. This was one of the issues discussed at that meeting. There is potential impact on about 300 clients the majority of which are in Henderson and Transylvania Counties. Artie Wilson, County Manager for Transylvania, had done a lot of behind the scenes work and supported the Western Highlands granting Families Together \$165,000 to transition those clients from Appalachian Counseling to Families Together. As those clients are being transitioned the ability to bill for those services is basically delayed for 30 – 60 days as the transitions are being made. Out of the meeting, they developed a 90 day plan to make that transition and to soften the financial strain on Families Together, Western Highlands (out of Western Highland's fund balance) is donating these monies to primarily folks in Henderson and Transylvania Counties. Steve Wyatt understood that Appalachian Counseling is in a down-sizing, only part of their clientele will be transitioned. There are others that they are still planning on maintaining. All those involved in the meeting are trying to stay on top of things. Steve Wyatt thanked the other six counties who are not really directly affected, they stepped up to the plate and were very supportive.

Chairman Moyer told Steve Wyatt that he had heard that Appalachian Counseling would be closing. Steve Wyatt said that is a rumor but it appears that Appalachian Counseling is going to try to maintain about a third of their clients and try to condense and focus on those clients.

Of course, County Staff is trying to keep up to date on this issue.

Steve Wyatt stated if Appalachian Counseling closes it will leave a hole in the area of medical, medicine, pharmacy supervision, clients on medication. It would leave a hole with substance abuse. They have direct psychiatrists. He understands those psychiatrists are going to likely band together to go out on their own and try to maintain their business and market themselves to the other entities. He stated we can't afford to lose psychiatrists, psychiatrists in this region are hard to come by.

Charlie Messer stated that in the State Budget, unless it gets changed, their goal is to put \$60,000,000 additional into the mental health budget. Steve Wyatt stated that had been approved, waiting for the Governor to sign.

Lake Adger

Commissioner McGrady referred back to the Lake Adger water issue stating that when we took up the Cobblestone Development issue one of the possibilities that arose was there is a private water system apparently in the Tuxedo area related to the old J.P. Stevens Mill. He stated that the word on the street is (rumor) that some municipality in Polk County and apparently Tryon is in the midst of trying to negotiate the purchase of that water. He wanted to raise this issue. He had asked the Manager to try to investigate what is going on in terms of the purchase of a water system in Henderson County to supply water to a municipality in another county. He feels we need to be alert to the situation, in case it materializes. He doesn't know much in the way of specifics, it's more of a rumor at this time.

IMPORTANT DATES

Set Public Hearing on 2008 Community Development Block Grant Application

The 2008 Scattered Site Housing (SSH) Community Development Block Grant (CDBG) application cycle is underway and Henderson County is eligible to apply for the \$400,000 grant. Counties are awarded this grant automatically every 3 years. However, a process of hearings for the application is required. The Board has held the initial hearing and a second public is required. The purpose of the second hearing is to receive public comment regarding the proposed application. The Selection Committee, appointed by the Board, will determine which homes to include for rehabilitation.

No local match (County funds) is required for this grant. It is expected that the grant will provide for the rehabilitation of 6-8 homes where the family qualifies under CDBG regulations.

Commissioner McGrady made the motion the Board schedule a public hearing for the 2008 SSH CDBG for Tuesday, August 12, 2008, at 7:00 p.m. All voted in favor and the motion carried.

Set Public Hearing on 2008 Community Development Block Grant Community for a Revitalization Grant Application.

The 2008 Community Revitalization Grant Program (CR) Community Development Block Grant (CDBG) application period has begun. Through a preliminary evaluation process, it was determined that the Talley Drive area met the CDBG Community Revitalization program criteria. The proposed project would include owner occupied housing rehabilitation, storm water/drainage controls and roadway improvements. The deadline for applying is August 29, 2008. The proposed CDBG Community Revitalization application must be completed and a public hearing regarding the application must be held prior to submission to the State.

The CDBG Community Revitalization grant program is a competitive process that awards up to \$850,000 per project and has no local match requirement.

Commissioner McGrady made the motion that the Board schedule a public hearing for the 2008 CDBG Community Revitalization grant for Tuesday, August 12, 2008, at 7:00 p.m. All voted in favor and the motion carried.

Request for Public Hearing on new road names.

Staff requested a public hearing be set for the following proposed new road names:

New Road Names

Dunlap Road (currently Hillgirt Road Ext)

Wampus Run

Evenstar Crest

Commissioner McGrady made the motion that the Board set a public hearing on new road names for August 12, 2008, at 7:00 p.m. All voted in favor and the motion carried.

Annual Volunteer Appreciation Banquet

Terry Wilson had prepared a request that the Board look at their calendars regarding the date for the 2008 Annual Volunteer Appreciation Banquet. The Banquet has been held for the last three years at Highland Lake and was very successful, accommodating well the number of volunteers who daily work to better Henderson County. Staff plans to hold this year's banquet again at Highland Lake Inn and has tentatively scheduled the date for Tuesday, October 21.

Commissioner Messer made the motion to set the date for the Volunteer Appreciation Banquet for Tuesday, October 21, 2008. All voted in favor and the motion carried.

Set Public Hearing on Vested Rights Amendment Application (VR-2007-03-A1) for the development known as "Biltmore Farms Hammond Tract"

On June 13, 2008 Mr. Thomas A. Williamson, Vice President of Biltmore Farms, LLC., applicant with permission from current property owners Mr. John T. Hammond and Mr. James W. Hammond, and with Mr. Will Buie of William G. Lapsley and Associates, agent to the applicant, submitted a Vested Rights Amendment Application (VR-2007-03-A1) and accompanying site specific development plan in order to seek amendment to an established development vested rights for the development known as "Biltmore Farms Hammond Tract".

Former Chapter 189 of the Henderson County Code (Vested Rights Ordinance), under which development vested rights were originally granted, provided the landowner the ability to establish a development vested right through the approval of a site specific development plan. The established vested right allows the property owner (or his/her successors in ownership) to proceed with specific approved development plans, in accordance with the currently approved order, regardless of zoning changes that might affect such development.

Before taking action on the application, the Board of Commissioners must hold a public hearing. The hearing must be held within 45 days of the application for amendment to the development vested right. The Board of Commissioners must schedule the public hearing for vested rights amendment application #VR-2007-03-A1 for an appropriate date between August 4, 2008 and August 29, 2008, to fulfill this requirement. Due to the nature of the hearing, staff comments on the amendment application and development will be presented at the public hearing.

Commissioner McGrady made the motion that the Board accept vested rights amendment application #VR-2007-03-A1 and schedule a special called meeting for the public hearing on Thursday, August 7, 2008 at 7:00 p.m., here. All voted in favor and the motion carried.

Schedule public hearing on offer of economic development incentives (“Project Bradley”).

The Board was requested to set a public hearing on the offer of economic development incentives for “Project Bradley”. It was suggested the hearing be set for August 12, 2008.

Commissioner Williams made the motion that the Board set a public hearing on the offer of economic development incentives in the matter of Project Bradley for August 12, 2008, at 7:00 p.m. All voted in favor and the motion carried.

CANE CREEK WATER & SEWER DISTRICT

Financial Issues

Commissioner McGrady made the motion for the Board to convene as the Board of Cane Creek Water & Sewer District. All voted in favor and the motion carried.

Please see separate Cane Creek minutes for action.

Commissioner McGrady made the motion for the Board to adjourn as the Board of Cane Creek Water & Sewer District and reconvene as the Henderson County Board of County Commissioners. All voted in favor and the motion carried.

Commissioner Young mentioned an important date – the Blue Ridge Community College meeting next Wednesday morning (July 23) at 9:00 a.m. – a tour of the new Technical Center. He also mentioned the Governor’s Leadership Conference at the Hendersonville Country Club at 11:30 a.m. the same day.

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)(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