

DRAFT MINUTES

**STATE OF NORTH CAROLINA
COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS
AUGUST 12, 2008**

The Henderson County Board of Commissioners met for a regularly scheduled meeting at 5:30 p.m. in the Commissioners' Meeting Room of the 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, Finance Director J. Carey McLelland, Deputy Clerk to the Board Terry Wilson, Research/Budget Analyst Amy Brantley, Engineering and Facility Services Director Marcus Jones, Director of Communications Lisha Corn, Planner Hope Bleecker, Sheriff Rick Davis, Detention Center Director Greg Cochran, Human Resource Director Jan Prichard, Tax Collector Terry Lyda, Delinquent Tax Collector Lee King, Auxiliary Business Manager for the Sheriff's Department Bill Blalock, Larry Harmon from Travel & Tourism and Communications Officer Pam Brice.

CALL TO ORDER/WELCOME

Chairman Moyer called the meeting to order and welcomed all in attendance, reminding folks that both of the regularly scheduled meetings for August had been cancelled and one meeting rescheduled to today.

PLEDGE OF ALLEGIANCE

Ciara Wallace, Wild Cats 4-H Club, led the Pledge of Allegiance to the American Flag.

INVOCATION

County Manager 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.

1. Larry Rogers – Mr. Rogers represents the Partners for Economic Progress which is about 70 businesses and property owners. He addressed the Board regarding the drought and requested the Commissioners try to sway the City Council in lessening the water restrictions. The restrictions the City of Hendersonville put in place last week prohibits most outdoor watering. This is hurting business in Henderson County. "Car dealerships have laid off their carwash staff. Landscape businesses are dead in the water, no pun intended. Sod producers are not selling. They've got the water but if the people can't water the sod when they buy it, there're not buying. Tractor and lawn equipment companies are nearly stopped. Lawn equipment businesses are selling no fertilizers or mowers. Car washes have been restricted to 20% of their normal business, based on last month's business and I talked to a couple of people that had some strong arm tactics pulled on them at the car washes last week when they first started the rationing program which is uncalled for. City and County Ordinances make it difficult to close out constructions for occupancy due to outdoor water use or lack of outdoor water use because of landscape and septic work necessary. Some landscape contracts are so extensive that they have to import water. We had a report of one that had \$140,000 worth of landscaping on a commercial site and he has to haul water. Home and business owners stand to lose a great portion of their younger plants, trees, and shrubs. The loss of water is surely to slow down our economic engine and our county sales tax will probably go with it too. Our business community is made up of responsible citizens and they perform the best that they can. We are all aware of what a water shortage can do to business and human life but in this case it seems the City of

DATE APPROVED _____

Hendersonville intentionally run their water operation short when additional water may be available. There seems to be little thought to the lay off and income losses when it may not be necessary at this time. We would ask that you do all in your power to get water flowing again at a normal level if Asheville is willing to sell.”

Chairman Moyer stated the Board would be discussing the issue of drought/water later in the agenda.

Chairman Moyer spotted scoutmaster Larry Harmon in the audience and asked Mr. Harmon if he had anyone present for a special badge or maybe to speak. Mr. Harmon stated one of his scouts present was working on his communications merit badge and was present just to observe.

DISCUSSION/ADJUSTMENT OF AGENDA

Chairman Moyer requested the Sheriff update the Board on some workplace enforcement activities which took place in our area today, stating he would give the Sheriff the opportunity to speak to this issue immediately before the Consent Agenda.

Chairman Moyer requested the addition of “Water Restrictions” as the first item under Discussion Items, before item A. Between Item H and Item I he suggested adding a discussion item with respect to Demolition Debris under Unusual Circumstances.

Chairman Moyer also requested to add two economic development matters at 7:00 p.m. before going into the public hearings.

There were no further changes to the agenda suggested.

Commissioner Young made the motion to approve the agenda with the changes listed above. All voted in favor and the motion carried.

SHERIFF DAVIS – UPDATE ON WORKSITE ENFORCEMENT ACTION

Sheriff Davis said about three months ago he was contacted by the ICE (Immigrations Customs Enforcement) supervisor out of the Charlotte office. He asked if Henderson County would be willing to assist them in this operation. Of course our law enforcement agreed to provide assistance. Henderson County’s involvement in this operation was to provide the facility. We have some of the 287G trained staff and we have the Ident fingerprint identification System. This was to help them so that they wouldn’t have to make long drives back and forth to Charlotte to conduct this operation.

He informed the Board that earlier today Immigrations Customs Enforcement began an operation in Buncombe County, a worksite enforcement action. This is completely separate from our 287G Program. This operation would probably have occurred whether we were 287G or not. There were approximately 60 ICE agents that have been in the area for a few days now. There were setting up some of the infrastructure, IT items that needed to be lined up at our Detention Center. That was our level of involvement. They were going to one area in Buncombe to take an enforcement action. Everything else here in Henderson County is exactly the way intended, our timeline for the ICE Program. Our 287G Program proceeds as usual. “We were merely here as a supporting host to the actions that they took today. They have approximately 57 people that they detained.”

Chairman Moyer questioned whether they were using any of our facilities to detain any of the people. Sheriff Davis answered that there were none that have been detained here. They will go to Mecklenburg and to Atlanta for some of the more serious crimes.

Chairman Moyer also asked Sheriff Davis to comment on the License/DUI Check over the week-end. Sheriff Davis explained they had a state-wide campaign that they participated in with approx. 13 arrests for everything from DWI, drug possession, concealed weapons, stolen vehicles, etc. This was part of a larger

state-wide campaign and had nothing to do with 287G or anything immigration related. Anybody that happened to stray into the license checks and were in violation of some type of category of law were arrested, which is what they normally do on a daily basis.

CONSENT AGENDA

Commissioner McGrady had given the Clerk some adjustments to two of the sets of minutes. *Commissioner McGrady made the motion to approve the consent agenda. All voted in favor and the motion carried.*

The consent agenda consisted of the following:

Minutes

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

- May 5, 2008 Regularly Scheduled Meeting
- May 21, 2008 Regularly Scheduled Meeting
- May 27, 2008 Special Called Meeting
- July 16, 2008 Regularly Scheduled Meeting
- July 23, 2008 Special Called Meeting

Tax Collector’s Report

Terry F. Lyda, Tax Collector, had provided the tax report dated August 1, 2008, for the Board’s information and consent approval.

Financial Report – Unaudited/Cash Balance Report – June 2008

Included in the agenda packet for the Board’s review and approval were the June 2008 Unaudited County Financial Report and Cash Balance Report. (*This report includes \$6.4 million of estimated General Fund revenues primarily from sales tax and DSS revenues accrued as accounts receivable at June 30th.) Accounts receivable was included in Reserved General Fund Balance since the revenues have not been received as of fiscal year-end.

The fiscal year-end deficit in the Revaluation Reserve Fund of \$9,793 is offset by unreserved fund balance of \$9,955 available in the Fund at June 30, 2008.

The fiscal year-end deficit in the Travel & Tourism Fund is from additional advertising expense, a new vehicle purchase and capital building project costs which are covered by an appropriation of fund balance (\$205,000) to cover these expenses in FY2008.

Staff requested the Board consider approving the County’s June 2008 Unaudited Financial Reports as presented.

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

Henderson County Public Schools Financial Report – June 2008

Included in the agenda packet was the Henderson County Public Schools June 2008 Unaudited Financial Reports for the Board’s information.

School Staff requested the Board consider approving the School System’s June 2008 Unaudited Financial Reports as presented.

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

EMS Accounts Receivable Report

The EMS Accounts Receivable Report was provided as information for the Board. An aging analysis of accounts receivable and total revenues received to date for the current fiscal year was included in the report as of June 30, 2008.

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

Staff requested the Board consider approving the EMS Accounts Receivable Report as presented for the period ending June 30, 2008.

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

Water Line Extension – Vistas at Champion Hills

The City of Hendersonville requested the County comment on the proposed water line extension for the Vistas at Champion Hills. The proposed water line is 1640 linear feet with three fire hydrants. The project's location within 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 also included for Board review and action.

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

Suggested Motion: I move the Board approve the Vistas at Champion Hills water line extension and direct Staff to convey the County's comments to the City of Hendersonville.

Non-Profit Performance Agreements

Subsequent to the approval of the FY 2008-2009 Budget, staff had distributed the funding agreements to the non-profit agencies receiving County allocations. Staff will include signed funding agreements on the Board's consent agendas as they are received from the agencies.

Staff recommended the Board authorize the Chairman to execute the funding agreements provided, and in doing so, authorize the release of the first of the aforementioned agencies' quarterly allotments.

Suggested Motion: I move the Board authorize the Chairman to execute the provided funding agreements and, in doing so, authorize the release of the first of the aforementioned agencies' quarterly allotments.

Recreation Department Budget Amendment

To provide the best possible maintenance services to Henderson County's park facilities and grounds, four positions currently in the Central Services Department have been relocated to the Recreation Department. Per the County's Budget Ordinance, this action requires a budget amendment to move the funding for these positions from Central Services to Recreation, but will involve no increase in the overall budget.

Staff requested the Board approve the budget amendment as presented.

Suggested Motion: I move the Board approve the budget amendment as presented.

Rescue Squad Budget Amendment

In the FY 2007-2008 budget, the Board of Commissioners approved \$40,000 for some expansion at the Williams Street Complex for additional storage for the Rescue Squad. Since the total project cost was to run \$60,000 - \$70,000, the Board of the Rescue Squad elected to begin this project late spring of 2008, to better suit the Rescue Squad's funding stream since their annual fundraiser is conducted during the winter.

Due to some issues such as joint use needs for the site as well as a recently discovered public right-of-way for part of the parcel, the timeline experienced a setback. The Rescue Squad had intended to use the full \$40,000 approved by the County by the end of FY 2007-2008. However, those unforeseen issues have delayed some of the expected costs including the footers, foundation and framework.

The Rescue Squad has requested those funds be rolled over into the current fiscal year for use. This would enable them to resolve these issues that have come up, and complete the project in the fall/winter timeframe.

These funds were budgeted in the Capital Project Fund for FY 2008. Therefore the funds may be transferred for the Rescue Squad’s use with no increase to the overall general fund budget.

The Board was requested to approve the budget amendment as presented.

Suggested Motion: I move the Board approve the budget amendment as presented.

Henderson County Purchasing Policy Statement

Pursuant to Board discussion at the July 7, 2008, and July 16, 2008, meetings regarding a purchasing policy for the County, Staff had worked on the specifics for such a policy. Included in the agenda packet was a draft Henderson County Government Purchasing Policy Statement, which reflects revisions based on the Board’s discussion.

The Board was requested to approve the purchasing policy as presented.

Suggested Motion: I move the Board approve the Henderson County Government Purchasing Policy Statement.

Change in easement for Pardee Care Center sale

The maintenance agreement is a restatement of existing law, namely, that if any party holding an interest in the easement wishes to improve it, they bear the sole cost of doing the same, and neither the underlying property owner (the condominium association, of which the County owns an interest) nor the easement holder (the Community College) can be forced by the other into paying for a part of the same.

The second document modifies slightly the easement for the former Pardee Care Center property.

County and Hospital Corporation representatives were present and prepared to answer questions or give further information, if requested.

Staff requested the Board approve the proposed agreements.

Suggested Motion: I move that the Board approve the agreements attached to this agenda item, and authorize the Chairman to execute them on behalf of the Board.

2009 Holiday Schedule

The proposed 2009 Holiday Schedule for Henderson County Local Government agencies was provided for the Board’s review and approval as follows:

HOLIDAY	DATE(S)	WEEKDAY(S)
New Year’s Day	January 1, 2009	Thursday
ML King, Jr.’s Birthday	January 19, 2009	Monday
Good Friday	April 10, 2009	Friday
Memorial Day	May 25, 2009	Monday
Independence Day	July 3, 2009	Friday
Labor Day	September 7, 2009	Monday

Veteran’s Day	November 11, 2009	Wednesday
Thanksgiving	November 26 & 27, 2009	Thursday & Friday
Christmas	December 24 & 25, 2009	Thursday & Friday

The Board was requested to approve the schedule as presented.

Suggested Motion: I move the Board approve the 2009 Holiday Schedule as presented.

Resolution Requesting Funds for Road Improvements for Edneyville Elementary

The North Carolina Department of Transportation has offered to construct a left turn lane and install a traffic signal at the intersection of US 64 and Pace Road to serve the traffic from the Edneyville Elementary School and surrounding areas. In order to process the funding necessary to construct the improvements, the NCDOT District Office needs a resolution from the Henderson County Board of Commissioners requesting the funds. A draft resolution was provided.

Staff requested approval of the draft resolution.

Suggested Motion: I move the Board of Commissioners approve the “Resolution Requesting Funds for Road Improvements for Edneyville Elementary”.

Grant of easement to Duke Power

Duke Energy Carolinas has notified County Engineer Marcus Jones that they will require an additional right-of-way to install the power lines required at the Edneyville Park. Included in the packet was a Duke form grant of right-of-way for such a line.

Staff requested approval of the grant of the right-of-way easement.

Suggested Motion: I move the Board grant to Duke Energy Carolinas, LLC, the right-of-way easement as shown on the document included in this agenda item.

Curtis Griffin, Property Addressing Coordinator, arrived at 5:48 p.m.

NOMINATIONS

Notification of Vacancies

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

1. Community Child Protection Team (CCPT) – 1 vac.
2. EMS Quality Management Committee – 1 vac.
3. Historic Resources Commission – 1 vac.
4. Juvenile Crime Prevention Council – 1 vac.
5. WCCA Board of Directors (Western Carolina Community Action) – 1 vac.

Nominations

Chairman Moyer explained that the Asheville Airport Authority Board had taken up the issue of the 7th member of their Board at their most recent meeting. The six members chose Commissioner Chuck McGrady who has been attending those meetings for about two years as Henderson County’s representative. He was also elected Secretary/Treasurer for that Board.

Commissioner McGrady explained that he is serving in an at-large slot. Three members are chosen by the City of Asheville and three members are chosen by Buncombe County and those six members appoint the seventh. They amended their agreement to not have a residency requirement. “I’m not there specifically as the Henderson County representative or even a Henderson County Commissioner although that clearly was their interest. There was an interest in having somebody from Henderson County both because of the land

use issues around the airport and because so much of the market that they lose is probably in Henderson County.” Henderson County is not guaranteed a slot on the Airport Authority Board. Commissioner McGrady stated this is either a three or a four year term. He plans to serve until his term is over.

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) – 6 vac.

Chairman Moyer stated the Heritage Museum Board is still working on their procedures and people so this is not ready for action at this time.

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.

Commissioner McGrady nominated Karen Cottingham to position # 5. She has indicated her willingness to serve. We do not have her application as yet. *Chairman Moyer made the motion to accept Ms Cottingham by acclamation, subject to receipt of her application before the next Commission meeting. All voted in favor and the motion carried.*

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 – 1 vac.

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

6. Henderson County Board of Health – 1 vac.

There were no nominations at this time so this item was rolled to the next meeting. Commissioner Young is working on locating a Dentist willing to serve on this Board.

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

Chairman Moyer informed the Board that Toby Linville recommends the appointment of Joanne M. Telker to position #8. He made that nomination. *Chairman Moyer made the motion to accept Ms. Telker by acclamation. All voted in favor and the motion carried.*

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

Chairman Moyer explained that Kenneth Stubbs and Joe Cox are currently serving and both are willing to be reappointed. There were no other nominations. Commissioner McGrady nominated both for reappointment. *Chairman Moyer made the motion to reappoint Kenneth Stubbs to position #1 and Joe Cox to position #2. All voted in favor and the motion carried.*

9. Historic Resources Commission – 1 vac.

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

10. Juvenile Crime Prevention Council – 11 vac.

Chairman Moyer explained that we have a recommendation from JCPC for the appointment of Nathan Stallings to position #4 and Holly Kiel to position #19. Chairman Moyer nominated both as recommended. *Commissioner McGrady made the motion to close nominations and appoint both Stallings and Kiel by acclamation. All voted in favor and the motion carried.*

11. Mountain Area Workforce Development Board – 2 vac.

Chairman Moyer explained there are two vacancies and we have a recommendation that Andrew Tate be the Commissioner's appointee to position #5. He nominated Andrew Tate. *Chairman Moyer made the motion to accept Andrew Tate by acclamation. All voted in favor and the motion carried.*

12. 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

13. Senior Volunteer Services Advisory Council – 1 vac.

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

Terry Wilson informed the Board that she had received a recommendation from Helen Beck for the Mountain Area Workforce Development Board, Gary Droghini for position #6. Commissioner McGrady nominated Mr. Droghini. *Chairman Moyer made the motion to appoint Mr. Droghini by acclamation. All voted in favor and the motion carried.*

WATER RESTRICTIONS – This was an add-on.

Chairman Moyer explained that the Commissioners and staff have heard from many citizens with respect to the water restrictions the City of Asheville put into place recently and the effect they are experiencing. The Board of Commissioners has an agreement, entered into in 1994 or 1995, with the City of Asheville to provide water for Henderson County in the event that we need it. The Board of Commissioners has been very concerned that we are putting restrictions on that are hurting our businesses in our community when our neighbors to the north have more than an ample supply of water. This puts the Commissioners in a puzzling position, to try to explain to our citizens. Chairman Moyer stated this emphasizes the need for regional water planning which our Board has not been able to accomplish despite years of efforts. Each of the municipalities guards their particular area and long-term planning for water has not taken place. "I consider this a dire situation and it really points out the problems when there's ample supply of water in the area and yet we are in the position of imposing really very severe restrictions that impede our business and the quality of life for our citizens. I think we should go on record requesting that the City of Hendersonville approach this issue and that they move in the direction of obtaining additional water so that we can at least reduce the restrictions and I think we certainly as a Board are in favor of putting conservation measures and doing whatever we can to conserve and I don't think we should back away from those at all. But I think when there is water available and people are indicating it's available, I think it's a very puzzling situation and certainly not acceptable to me and I hope to this Board. We must go on record indicating that something should be done to remedy this situation and for the purposes of discussion Steve and I have worked on a draft of a letter (which I'm going to ask him to pass out and for you to read) which we would send to the City (of Asheville) if the Board so chooses, I just wanted to move this along for purposes of discussion. It clearly reflects my view and what I think some of you have expressed to me but it certainly can be changed or adjusted if there are problems."

Chairman Moyer read the draft letter for those in attendance while the Board read the letter for themselves. The letter was addressed to Mayor Greg Newman, City of Hendersonville, requesting the City of Hendersonville move in the direction of obtaining additional water. It states that Henderson County Government stands ready to assist the City of Hendersonville in whatever action is necessary to immediately provide water in sufficient quantity to satisfy the needs of the water system. This action may include exercising the option as provided within the regional water supply and service agreement to acquire whatever amount of potable water is needed to guarantee the health, safety, and welfare of our citizens. The letter states that Henderson County is concerned about the adverse impacts of mandatory conservation measures when water is readily available from other sources. Chairman Moyer opened the floor to discussions of the letter in question.

Steve Wyatt stated that Gary Jackson, City Manager for Asheville, had left a voice mail indicating that the City of Asheville is ready to work with us, the City and the County, to meet our water needs.

Commissioner Williams stated he had heard from numerous residents and business owners. Some have had to lay people off. There are sizable investments that are at risk. He stated he would like to see the mandatory aspect of the restrictions lifted. He feels most people will use common sense. He does strongly encourage conservation measures. Commissioner Williams endorsed the letter but felt it could even be stronger.

Commissioner McGrady was fully supportive of sending the letter. He suggested that Mayor Terry Bellamy be copied.

Commissioner Messer was also supportive of the letter. He stated he had talked with many business owners since the restrictions had been implemented. He stated this is an issue that can be resolved with all parties cooperating.

The Hendersonville City Manager, Bo Ferguson was present along with Lee Smith, Utilities Director for the City. Mr. Ferguson stated that legal entanglements with the City of Asheville aside, there is a physical limit to the amount of water that can be transferred between the City of Asheville and the City of Hendersonville system. They estimate the amount to be roughly between 3,000,000 and 3,500,000 gallons as an amount that can be transferred on a daily basis. He stressed that water has been part of their calculations throughout the summer and throughout the last year of drought and was in their minds as they made the decision to move to mandatory restrictions one week ago. That water is not considered to be expendable. It is considered a lifeline for this water system moving forward and surviving this drought. The City of Hendersonville delayed the decision to go to mandatory throughout the summer as the conditions in the Mills River continued to worsen. "I would humbly suggest that we are the most accountable to the businesses you speak of tonight. They are our customers. We feel a very strong obligation to them to meet their needs and to provide for their water needs and made the decision to go to mandatory only under the most dire of circumstances. The bottom line of it is this – the decision to go to mandatory involved every resource that we could find and physically bring into the City of Hendersonville water system. We assumed that resource at full capacity including the maximum amount that we can transfer from the City of Asheville. We still felt it necessary and would be happy to publicly describe the process we used to go to mandatory, still felt it necessary to do so under the circumstances with those resources available."

A copy of the revised letter is included and incorporated as a part of these minutes.

After being questioned, Bo Ferguson explained the City of Hendersonville has a water system based on a river, not on a reservoir, meaning everyday they need to be able to withdraw an amount of water equal to the demand on the system. Throughout the life of the Mills River it has proven to be a very reliable source with flow rates on an annual average exceeding 100 cubic feet per second continued to drop to the point where in June and July the cubic feet per second dropped into the 30s and then in the space of about four days prior to moving to mandatory restrictions the Mills River dropped 10 cubic feet per second to where it was a level of 24 cubic feet per second. He compared that number to the amount of water they draw out of the river on a daily basis to meet the needs of Henderson County – on a daily basis they withdraw roughly 7,500,000 gallons which is roughly equivalent to about 12 cubic feet per second. They were literally at a point where half the capacity of the Mills River was being drawn into the Hendersonville system. Mr. Ferguson stated their options at that point were to start talking about where the river is likely going to go and what they've seen over the last seven days, since they went to mandatory, is the river has dropped another 4-5 cubic feet per second. This morning it was at 19 and this afternoon it is back up to 20 cubic feet per second. They have every intention of relying on the City of Asheville but the question is whether or not relying on the City of Asheville would keep the City of Hendersonville from having to go to mandatory restrictions. The key factor is that demand is based on what our citizens/customers use. It is not something that the City of Hendersonville controls. Even in mandatory restrictions it is a choice that is made at every sink, every water tap. Hendersonville's chief responsibility in the face of a drought is to insure that the basic level of service for health and safety is met when someone turns that watercap on. To do that they must look at both the supply (the water they can bring in) and the demand. He stated the concern about buying the remaining City of Asheville water and turning around and staying in voluntary water restrictions is that they are not

preparing the demand side of the equation (our customers) for what could continue to be an extremely severe drop in the Mills River. "We would be sending the message that things are challenging but not severe and the truth of the matter is we are in a very severe drought and it's a very severe shortage in the Mills River. Our use of the Asheville water will be to maintain the system when the Mills River drops below a level where we can no longer supply the demand of our customers but the question is should we wait until we have no more water or should we prepare about 5 or 10 days or perhaps 20 days before we reach that level. There is no water system in the United States that will wait until demand actually outstrips supply to make the choice to go to mandatory restrictions and the reason is because we cannot afford to have anyone on the system, especially those users with critical needs, to turn the faucet on and not have water come out. So at some point prior to demand outstripping supply it is required to keep the system functional, to start to restrict demand and that is done by mandatory restrictions. We chose to make that decision last week when the Mills River dropped 10 cubic feet per second in the space of about a week. The Mills River has been volatile. It is a huge unknown for us how well the river will stabilize or whether or not it will continue to drop and faced with that we need to reserve the City of Asheville's allocation which we have been discussing with them all summer to make sure that we meet the critical base level needs of our system. We feel it is unwise to offer that water as a cushion to stay in voluntary when in fact the Mills River is dropping precipitously and in a volatile fashion... The point of mandatory restrictions and reduced usage is to give us a few weeks of time prior to the bottom falling out to get our customers adjusted to a lower level of water use so that we can survive the drought. It was a decision made based on the survivability of the system, not based on whim, not based on financial conditions and certainly not based on any disagreement that we have with the City of Asheville. We are running our system at capacity. We have been making, since February, long-term plans to increase our capacity by tapping the French Broad River and that is something that the City has been engaged in over a year and that we are able to, in the event of a crisis, put in an emergency draw on the French Broad River. I'd like to reassure you and our customers that there will not be a point where we can't supply the basic needs of our system but the fundamental fact is that with all of our resources at the table, regardless of whether or not we're buying them today, we do not have enough water where we can afford to tell our customers that they may use as much as they want. I can assure you that we are dedicated to moving out of mandatory restrictions the minute that we feel like we have adequate resources available to move in that direction... We have been in voluntary restrictions for almost a year. We began in mid August of last year requesting voluntary restrictions. We reiterated those at the beginning of the summer and one week before we went to mandatory restrictions we issued a very public plea for a 10% reduction in usage. Over the space of that week our usage actually ticked up by a few percentage points."

Discussion followed.

Plans have been made for the City to lay a tap to the French Broad. A temporary connection could take place in a matter of 3-4 days once the decision is made to do so. The storage capacity in the City of Hendersonville water system is about 13 – 14 million gallons minus 5,000,000 that is currently out of service. That does not include the water in lines, just the storage tanks. There is no off-stream raw water storage. There are two mountain reservoirs which are raw water in-stream storage (Bee Tree and North Fork reservoirs).

The Towns of Laurel Park and Saluda have gone to mandatory restrictions.

Chairman Moyer made the motion that the Board send the drafted letter deleting the last sentence in the second paragraph as suggested by Commissioner Williams and that we get this letter out tomorrow morning. Commissioner Williams suggested that additional language be put into the letter requesting the City to look immediately to meet the needs that are not being met, particularly in our business community. Chairman Moyer revised the letter, in the beginning of the second paragraph it would state "Henderson County requests that the City of Hendersonville take immediate steps to purchase additional water from the City of Asheville. Henderson County stands ready to assist the City of Hendersonville in whatever action is necessary to immediately provide water in sufficient quantity to satisfy the needs of the water system." Chairman Moyer made the motion that the Board adopt this letter with the two changes just mentioned as well as the earlier changes mentioned in this paragraph. All voted in favor and the motion carried.

TAX COLLECTION SETTLEMENT FY 2007-2008; FY 2008-2009 Tax Order For Collection

It is time once again for the delivery of the tax receipts to the Henderson County Tax Collector; however before they can be delivered, the following must occur (pursuant to NCGS 105-351):

- (a) PREPAYMENTS. The Tax Collector must deliver any duplicate bills printed for prepayments received by the Tax Collector to the Finance Director and demonstrate to the Finance Director's satisfaction that all prepayments received have been deposited.
- (b) SETTLEMENT. The Tax Collector must make settlement with the Board of Commissioners for all taxes placed in his hands for collection for the past year.
- (c) BOND. The Board of Commissioners must approve the bond to be issued for the Tax Collector and Deputy Tax Collector for Delinquent Taxes.
- (d) ORDER OF COLLECTION: An Order of Collection must be adopted at this meeting, which will charge the Tax Collector with the collection of FY 2009 taxes, plus all outstanding delinquent taxes.

Terry F. Lyda, Tax Collector read the Tax Collector's Settlement for FY 2007-2008 reporting that as of the close of FY 2007-2008, his office collected 98.38% of the annual tax bills and have collected 89.52% of the motor vehicle tax bills. The collections percentages for this year are a record for the Tax Collector's Office. Mr. Lyda thanked his staff for their hard work and dedication toward accomplishing this record year. He stated their collection percentages remain well above the last reported state average of 97.43%.

Chairman Moyer congratulated Mr. Lyda and his staff, stating it is good to see that percentage continue to climb.

Lee King, Deputy Tax Collector, stated that they experienced a record year for delinquent collections, collecting \$1.4 million, exceeding the budgetary requirement of \$1.2 million. They began with over 1,500 real estate accounts with taxes for 2005 in arrears and are now down to five properties to be sold at auction sometime this fall. The debt set-off really sky-rocketed this year. They have collected \$106,858.50 in delinquent taxes on motor vehicles and well as debts owed to other county agencies. They collected \$288,000 through the use of 205 bank account garnishments. They have had to do more enforced collections with the economy the way it is. They will concentrate on personal property enforced collections this next fiscal year. Mr. King stated that the teamwork they have in their office has made this possible.

Commissioner Williams made the motion for the Board to approve the Tax Collector's Settlement for FY 2008 taxes, and further approve the Bonds, the Order of Collection and Charge for Collection to the Tax Collector for FY 2009 taxes.

Russell Burrell explained that by adopting the tax collector's settlement as stated in the above motion, the Board would be adopting by reference the following:

- The Tax Collector's Settlement
- Approving Bonds
- Giving an Order of Collection and Charge for the Collection

All voted in favor and the motion carried.

Recess

Chairman Moyer called a brief recess to change tapes.

TWO ECONOMIC DEVELOPMENT MATTERS – Add-ons

Chairman Moyer stated that the Board is pleased to deal with two economic development matters before starting on the 7:00 public hearings. He recognized Andrew Tate, Partners for Economic Progress. He welcomed Lois Pryor, Councilwoman for the Town of Mills River and Steve Floyd of Prince Manufacturing who were in the audience.

Andrew Tate explained that he was happy to have the opportunity to be at this meeting. He reminded the Board that several months ago the Board held a meeting and a public hearing on what was called "Project Drive" at the time, now known as Prince Manufacturing. Prince was considering a \$650,000 investment in machinery and equipment and the addition of 28 new jobs. In talking with Mr. Floyd, it could be as many as 35 new jobs. The jobs are a range from management to assembly and fabrication production positions within the facility and in addition to strong wages the company pays roughly 85% of life, health, dental, ADND for employees and their dependents. This is a strong project and is exciting for Henderson County. Three years ago Prince Manufacturing Company made a decision to close a similar facility in Greenville, North Carolina. We are fortunate to have retained the facility here in Henderson County, in the municipality of Mills River.

Russell Burrell welcomed Mr. Floyd and Chairman Moyer to the table to sign the proposed incentives agreement. This agreement sets out what terms the Commissioners agreed to offer as incentives. It is ready to go and the plant is ready to commit now to the project.

Mr. Floyd stated that all the folks associated with Prince Manufacturing are appreciative of the incentives and the opportunity to grow the business here in Henderson County. He thanked the Commissioners and the County for the support of their business and look forward to continuing to grow, both in capital investment and employment growth.

Chairman Moyer and Mr. Floyd signed the required agreements and gave them to the County Attorney for processing.

Second Economic Development item

Chairman Moyer recognized Andrew Tate to come forward and update the Board.

Andrew Tate referred to "Project Performance Plus" which was named by Arvin Meritor as they started the process in May of 2007. Their plan at that point in time was to close 13 facilities globally and to roughly cut 2,800 jobs. They still continue to move through that process and the impact locally and throughout the region of western North Carolina and upstate South Carolina is complete. They announced on June 11 this year that not only would they retain the facility that they consider their north American flagship facility in Fletcher but that they would retain those 700 jobs, consolidate 50 jobs from a neighboring facility and add 11 new jobs. That is in addition to a planned machinery and equipment investment of \$32.3 million over several years. Mr. Tate said in working with Arvin Meritor they had the opportunity to correspond frequently with their senior management at their headquarters in Troy, Michigan. It has been a long process but a very rewarding process and one that they are happy with the outcome. They continue to make sure that the Fletcher facility in Henderson County is poised for continued growth.

Andrew Tate explained that last week they had the opportunity to meet with the senior director that lead the Performance Plus process, Jerry Rush, as well as the Chairman, CEO, and President of Arvin Meritor, Chip McClure. Mr. McClure came to Henderson County specifically to thank Henderson County and western North Carolina for the response to their project. They presented a certificate in partnership with the Advantage West in appreciation and thanks for looking for creative ways to make sure that they can be successful here. They have outlined potential for the future at that plant. In addition to that they really complimented Henderson County on its business culture and the ability to be supportive in creative ways in tough times for that company. He wanted to share that with the Commissioners and thank them for creating that culture and climate in Henderson County.

PUBLIC HEARING – New Road Names

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

Curtis Griffin stated that there are three new road names to present for approval:

New Road Names

Dunlap Road (currently Hillgirt Road Ext.)
Wampus Run
Evenstar Crest

Public Input

There was none.

Commissioner Williams made the motion that the Board approve these road names as presented. All voted in favor and the motion carried.

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

PUBLIC HEARING – Permanently Closing of Easement

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

Curtis Griffin explained that on June 2 the Board of Commissioners adopted a resolution with the intent of closing the easement on the Mull property off Orr’s Camp Road. It was advertised for three months. NCGS 153A-241 requires that a public hearing be held for the permanent closing of a public road or easement. The public hearing was set June 18, 2008 for the purpose of closing easements on the Roland J. Mull property, Hendersonville, North Carolina.

Staff recommended approving permanent closure of easements on the said property and upon approval signing Order of Closure (included in agenda packet) for recording with the County Registrar.

Public Input

There was none.

Attorney Walter Carpenter came forward stating that he represents Ms. Mull. He was present as was Ms. Mull to answer any questions. He said the easement in question is through their own property (the Mulls).

Commissioner McGrady made the motion that the Board approve closure of the easements and certify Orders of Closures. All voted in favor and the motion carried.

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

PUBLIC HEARING – NCDOT 2009 Rural Operating Assistance Funds (ROAP)

Commissioner Williams made the motion for the Board to go into public hearing for the NCDOT 2009 Rural Operating Assistance Funds Application. All voted in favor and the motion carried.

Hope Bleecker explained this is an application for \$249,440 to NCDOT for RGP and EDTAP funds. It is a proforma program and we have done it in the past with some success. We would like to repeat the program again. There is a slight modification to the Edneyville Transit component of this application, the hours are being reduced slightly.

The Board of Commissioners had scheduled for August 12, 2008, a public hearing on an application for a North Carolina Department of Transportation Rural Operating Assistance Grant (ROAP) in the amount of \$249,440. If awarded, the funds will provide assistance for Apple Country Transit Operations in the rural areas of the County.

These grant funds are received each year by Henderson County and are passed through to WCCA, the designated transit provider in Henderson County. WCCA agrees to performance standards and pays the required match to the grant funds. The purpose of the project is to provide for senior and disabled transportation programs, transportation for a WorkFirst educational program, and to continue the Edneyville transit service.

A notice of Public Hearing was published in the Hendersonville Times-News on July 15, 2008 which fulfills the NCDOT requirements for this grant application.

The Board of Commissioners must hold a public hearing on the application, receive public comment, approve the Certified Statement (included as Appendix A), and authorize staff to file the application with the North Carolina Department of Transportation subject to any comments at the hearing.

Planning Staff requests the Board of Commissioners hold the scheduled public hearing; approve the Certified Statement (Appendix A); and authorize staff to file the ROAP application with NCDOT. There is no match funding other than some staff time involved in putting the application together. It does require a 10% match which is paid for by WCCA, the operator of the program.

Public Input

There was none.

Commissioner McGrady made the motion that the Board approve the application and Certified Statement and authorize the Chairman and Staff to execute and submit any required documents, assurances, and statements for the 2009 ROAP application. All voted in favor and the motion carried.

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

PUBLIC HEARING – 2008 Community Development Block Grant SSH Application

Commissioner McGrady made the motion that the Board go into public hearing on the 2008 Community Development Block Grant SSH Application. All voted in favor and the motion carried.

Gary Wilson addressed the Board regarding the 2008 Scattered Site Housing (SSH) Community Development Block Grant (CDBG). The 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 hearing is required. The purpose of this second hearing is to receive public comment regarding the application. The Selection Committee, appointed by the Board, will determine which homes to include for rehabilitation. Mr. Wilson is with BenchMark and they are assisting the county in preparing the 2008 Scattered Site Housing Grant. They plan to submit the application to the State on August 29. The committee reviewed 25 applicants from county residents and using a priority rating system which places heavy emphasis on elderly and handicapped, they selected seven houses for rehabilitation and decided to use 10% of the grant for urgent repairs of up to \$5,000 per house. That will enable the assistance to another eight families with limited repairs.

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.

Planning Staff recommended the Board of Commissioners approve the application for the 2008 Scattered Site Housing Grant for \$400,000 and authorize staff and the Chairman to execute the required documents.

Public Input

There was none.

Commissioner Williams made the motion that the Board approve the 2008 CDBG Scattered Site Housing Grant for \$400,000 and authorize the Chairman and staff to complete and execute the application and any associated documents, information, agreements, assurances and understandings required as part of the application.

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

PUBLIC HEARING – 2008 CDBG Community Revitalization Grant Application

Commissioner McGrady made the motion that the Board go into public hearing on the 2008 CDBG Community Revitalization Grant Application. All voted in favor and the motion carried.

Karen Kenna (Land of Sky Regional Council) explained that Planning Staff proposes a grant application for the 2008 Community Revitalization (CR) program with the NC Department of Commerce Division of Community Assistance.

The project includes the rehabilitation of six single family owner occupied residential housing units and 866.68 linear feet of roadway paving improvement with curb-gutter stormwater controls. All proposed activities are along Talley Drive in the Brickton Area off US 25 near Fletcher. All proposed project participants have been counseled and each application reviewed for compliance with program requirements including own-occupancy and low-to moderate income requirements.

The full application has been available in the Planning Department for public review. The deadline for application to the State is August 29, 2008. The estimated project cost is \$850,000 and no County funds are proposed.

Planning Staff requested approval of the application after holding the hearing and receiving public comment.

Public Input

There was none.

Commissioner McGrady made the motion that the Board approve the application to the Division of Community Assistance for the Community Revitalization grant program for the housing rehabilitation, roadway improvements and stormwater control activities and authorize the execution and submittal of any necessary application documents. All voted in favor and the motion carried.

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

PUBLIC HEARING – Consideration of Granting Economic Incentives to Selee Corporation

Commissioner McGrady made the motion that the Board go into public hearing to consider granting economic incentives to Selee Corporation. All voted in favor and the motion carried.

Russell Burrell explained that Selee Corporation has requested economic development incentives to assist in the expansion of its existing plant, resulting in the addition of new jobs.

Selee Corporation is a manufacturing concern, a unit of Porvair P.L.C., a British concern Operating worldwide, including a plant located near Hendersonville, North Carolina. The Public benefit to be derived from the capital project is a total new taxable capital Investment in the amount of approximately \$3,000,000.00 in machinery and equipment (“the Investment”) over two years, creating not fewer than 23 new full-time employment positions.

The incentives requested are assistance toward actual expenditures incurred in the

Company's plan to construct its operation, up to a maximum payment of \$48,510.00, to be paid over a period of six years. Each year's incentive payment would be no greater than \$9,702.00.

A public hearing has been scheduled on August 12, 2008 in the above matter.

At the conclusion of the public hearing, the Board may choose to take action, delay action to a subsequent meeting, or take no action.

Andrew Tate, Chamber of Commerce, spoke on behalf of the project. He stated this is a strong expansion project with roughly \$3 million in machinery and equipment expansion, the creation of 23 new jobs, and two retained jobs. They offer strong wages including four engineers that will be paid roughly \$80,000 a year which ends up \$109,000 with benefits. Total wages and benefits for all positions impacted would be in excess of \$56,000 a year. His position is that this is a strong company that has done well in Henderson County. He expects that the project will qualify for article 3J tax credits through the State of North Carolina as well as the Community College System's new and expanded industry training program. Mr. Tate apologized for Mark Morris, President of Selee Corporation, who is at a management retreat and could not attend this meeting today. Mr. Morris does solicit that this expansion take place at this location and not elsewhere.

Public Input

There was none.

Commissioner Williams made the motion that the Board offer a grant of economic development incentives to Selee Corporation as stated in the materials accompanying this agenda item, with a contract to be developed by the Office of the County Attorney and executed by the Chairman. All voted in favor and the motion carried.

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

Chairman Moyer stated it is interesting to note that these are tough times, there have been some announcements with respect to cut-backs that will affect some of the companies in our area but tonight we have had a number of very positive steps that are being taken with respect to some of our companies and some of the ones we hope to bring here which is certainly positive for our area.

BID FOR E911 COMMUNICATIONS CENTER RADIO CONSOLE UPGRADE/EXPANSION AND PROJECT FINANCING

Lisha Corn explained that the Henderson County Sheriff's Office requested bids for the upgrade and expansion of the radio console equipment in the E-911 Communications Center at a total cost of \$552,183. The Sheriff requests that the Henderson County Board of Commissioners consider approving the bid proposal and contract agreements from Motorola, Inc. (included in agenda packet) for the project that has been approved for funding in the FY 2009 budget.

Lisha Corn explained that they have had the same system for the last eleven years and it has been running 24 hours a day. It is on a Windows MT Operating System which Microsoft doesn't even support anymore. She said we're lucky that we haven't had a problem with the current system, it's just a matter of time with the amount of use it gets. All of the software will be upgraded to the latest version and we'll add two new consoles. With the continued growth in Henderson County the two additional consoles is a necessity. Our call volume increases every year. We had 87,579 calls in 2006 and over 113,000 in 2007. She stated that last year Rocky Hyder received a grant for three new Viper towers for Henderson County which is a trunk radio system. Without these upgrades, we would not be able to talk on the Viper Radio System. She stated that Viper is important because it is all about interoperability and after 9-11 and the Department of Homeland

Security and their SAFE common initiative, it's very important to them that we can talk to other agencies, not just agencies in Henderson County. Once we get on Viper we can talk to agencies all across the State. Part of this upgrade will include the technology that will allow us to talk on Viper.

Carey McLelland stated that financing proposals were also requested to fund this project. Included in the packet were the bank financing proposals received. RBC Bank submitted the lowest responsive proposal to finance the \$552,183 project cost with a 3.63% interest rate over five years and annual debt service payments of \$122,872.53. The annual payment is within the \$140,000 budgeted for debt service in the current fiscal year. Draft financing documents were included for the Board's review. Staff requested the Board approve the financing proposal from RBC Bank to fund this project.

Carey McLelland stated that the Board was requested to consider approving the bid submitted by Motorola, Inc. for the E-911 Communications Center Radio Console Upgrade/Expansion Project. The Board was also requested to approve the draft resolution which accepts the financing proposal from RBC Bank and authorizes the Chairman and County Staff to execute and deliver the financing documents (Resolution Authorizing the Execution and Delivery of an Installment Financing Contract in the Amount of \$553,000.00 with RBC Bank [USA] To Finance the Acquisition of Certain Equipment For Use By the County of Henderson, North Carolina, Authorizing the Execution and Delivery of Related Instruments, and Determining Other Matters in Connection Therewith.)

Charles Stafford, from Motorola, was also present to answer any questions the Board might have.

Commissioner McGrady made the motion that the Board of Commissioners approve the bid submitted by Motorola, Inc. for the E-911 Communications Center Radio Console Project and the draft resolution which accepts the financing proposal from RBC Bank and authorizes the Chairman, Vice-Chairman and County Staff to execute and deliver the financing documents. All voted in favor and the motion carried.

Commissioner Messer commended staff for getting on board early and making this happen and commented on the good finance rate we got for this.

INSURANCE /RISK MANAGEMENT UPDATE

Steve Wyatt wanted to share a success story that is the result of a lot of hard work on a lot of folks' behalf about 2- 2.5 years ago. The attention to these matters has resulted in a substantial savings for the taxpayers of Henderson County. A large organization that is throughout this county has exposures. It is a business operation that has some element of risk involved through the actions and the operations, the facilities and the employees. We have taken a very active approach toward managing those risks. He is very pleased with the response that Jan Prichard and her staff have given this matter and then the benefits that we have seen financially and practically. He recognized Ms. Prichard to update the Board.

Jan Prichard, Human Resources Director, provided the Board with an update on insurance and risk management history for Henderson County. Ms. Prichard explained that our health benefits costs were escalating so fast that we had to become proactive and take steps to decrease these costs in our budget.

Health Benefits Cost History (includes Health, Dental, Prescription plus administrative fees and any other management fees):

- FY 2004-2005 our health benefits costs were \$4.86 million.
- FY 2005-2006 our health benefits costs were \$5.546 million (up 14.1% over past year).
- FY 2006-2007 our health benefits costs were \$6.23 million (up 12.4% over past year).
- FY 2007-2008 our health benefits costs were \$5.95 million (down 4.47% from past year).

How was this achieved?

Development of new program to contain costs with a goal of no more than 8% increase.

- Became self-insured in FY 2006-2007

- Implemented Plan design changes
- Implemented Wellness Program

Thus, exceeded our goal by achieving \$278,550 reduction in net costs for FY 2007-2008.

Budgeted FY 2007-2008	\$6,226,053
Actual Net Costs	<u>\$5,953,318</u>
Under Budget	\$ 272,735 (4.38%)

Workers Compensation Cost History

FY 2004-2005 our workers comp costs were \$1.23 million.
 FY 2005-2006 our workers comp costs were \$1.198 million (down 2.0% from past year).
 FY 2006-2007 our workers comp costs were \$293,311 (down 75.5% from past year).
 FY 2007-2008 our workers comp costs were \$344,608 (up 17.5% from past year).

How was this achieved?

Designed new program to decrease costs

- Became self-insured in FY 2006-2007
- Enhanced safety training for employees
- Redirected Safety Committee efforts
- Pro-active claims management

Thus, experienced a cost avoidance of \$1,758,939 in last 2 years.

Budgeted FY 2007-2008	\$537,054
Actual Net Costs	<u>\$344,608</u>
Under Budget	\$192,446 (35.8%)

Property & Liability Cost History

FY 2004-2005 our p & l costs were \$621,912.
 FY 2005-2006 our p & l costs were \$612,941 (down 1.44% from past year).
 FY 2006-2007 our p & l costs were \$633,029 (up 3.28% over past year).
 FY 2007-2008 our p & l costs were \$732,721 (up 15.7% over past year).
 FY 2008-2009 our p & l costs are \$648,717 (down 11.46% from past year).

How was this achieved?

Staff developed program to control costs

- Implemented defensive driving training
- Plan design change
- Pro-active claims management

Thus, achieving savings of \$84,004 in premiums for FY 2008-2009.

Steve Wyatt commended Jan Prichard and her staff, stating that we've saved \$2 million in the last two years on these programs. We've gone from this program being a substantial financial drain on the county to where we think we now have a model program.

LAND DEVELOPMENT CODE NEW TEST AMENDMENTS FROM ISSUES/CONCERNS VOICED DURING PUBLIC HEARING ON 3/27/08

Anthony Starr reminded the Board that on March 27, 2008, the Board held a public hearing on amendments to the Henderson County 2020 Comprehensive Plan and Chapter 200A, Land Development Code (LDC). During the hearing, several citizens requested the Board of Commissioners address two new issues pertaining to the Land Development Code. The Board of Commissioners directed staff to consider these requests and develop recommendations on the issues. These issues include:

1. The test of the R-40 (Estate Residential) zoning district was included in the LDC. The old zoning ordinance did not include the provision for conservation subdivisions. At the request of the Board, the test for the R-40 district was left intact. A request was made during the 3-27-08 hearing to allow the conservation subdivision option in the R-40 zoning district.
2. The issue of the existing manufactured homes standards and the exclusion of manufactured homes from certain zoning districts were discussed during the hearing. Several requests were made to allow manufactured homes in the R1 and R2 zoning districts with additional standards and requirements.

Staff had proposed the (attached) text amendments to the Land Development Code to address the above two issues (Attachment 1).

The Henderson County Technical Review Committee (TRC) voted 7-0 to recommend the Board of Commissioners approve text amendment 1 to allow the conservation subdivision option in the R-40 zoning district. The TRC voted 5-2 to recommend the Board of Commissioners approve text amendment 2 to allow multi-sectioned manufactured homes in the R1, R2, R-40, WR, and LC zoning districts with changes to SR1.5, 4-b-2 as discussed. Those opposed to the motion stated that the older multi-sectioned manufactured homes were not built to the same quality and appearance standards as today's newer manufactured homes. Staff supports the TRC's recommended change to SR 1.5, 4-b-2.

The Henderson County Planning Board first considered the proposed LDC text amendments at its meeting on June 19, 2008 at which time the Board voted 6-0 to send the Board of Commissioners a favorable recommendation on text amendment 1 to allow conservation subdivisions in the R-40 zoning district. The Planning Board tabled its discussion of text amendment 2 until its July 17, 2008 meeting at which time the Board voted 6-0 to send the Board of Commissioners a recommendation to deny text amendment 2 to allow multi-section manufactured homes in the R1, TR2, R-40, SW and LC zoning districts.

Before taking action on the proposed text amendments, the Board of Commissioners must hold a public hearing. If the Board is so inclined, Staff proposed the hearing be scheduled for Wednesday, September 17, 2008, at 11:00 a.m., or schedule a special called meeting on or after that date. Staff recommended both changes after a lot of careful study.

Discussion followed.

Commissioner McGrady made the motion that the Board schedule a public hearing for the proposed text amendments from issues and concerns voiced during the 3-27-08 public hearing for Wednesday, September 17, 2008 at 11:00 a.m.

Chairman Moyer felt that would not be a good date for the public hearing as it is a regular scheduled meeting. He felt it best to schedule this during important dates.

Commissioner McGrady withdrew his motion.

Commissioner McGrady made the motion that the Board schedule a public hearing on the conservation easement proposal for Wednesday, September 17 at 11:00 a.m. All voted in favor and the motion carried.

VEHICLE PURCHASES UPDATE AND DISCUSSION

Pursuant to Board discussion at the July 16, 2008 meeting with respect to vehicle purchases, Staff has researched the fuel economy of vehicles in the categories of small cars, sedans, utility vehicles, full size trucks, compact trucks, and police package vehicles. Selena Coffey reviewed those findings with the Board by way of a PowerPoint presentation, as follows:

How many vehicles are budgeted for purchase in FY 2008-2009?

Department	Quantity	Type of vehicle	State Contract Price*
Tax Collections	1	Compact Utility	\$24,900
Library	1	Station Wagon	\$17,705
Animal Services	1	Compact Utility	\$24,900
Solid Waste	1	Large Truck	\$28,913
Sheriff	1	Utility Vehicle	\$26,529
Sheriff: Patrol	14	Patrol Cruisers	\$21,347
Sheriff: Animal Enforcement	4	Full-Size Trucks	\$12,638

*State Contract – Source: NC Department of Administration – www.ncpandc.gov

Sheriff: Patrol Cruisers

- 14 patrol vehicles in current year budget
- Only 3 companies offering police packages
- Evaluated by Sheriff’s Department based on fuel efficiency and practical application
- **Recommendation/Standard:**
17 City/24 Highway minimum MPG

Sheriff: Animal Enforcement Trucks

- 4 full-size trucks included in budget
- Full-size trucks necessary to haul heavy animal boxes and ability to pull trailers
- **Recommendation/Standard:**
15 City/19 Highway minimum MPG for full-size trucks

Sheriff: Utility Vehicles

- Current budget includes 1 utility vehicle
- Only one make of vehicle currently exists offering the police package
- **Recommendation/Standard:**
Utility vehicle with police package

Non-Patrol & Departmental Vehicles

- Departmental vehicle needs vary based on practical application
- **Recommendation/Standard:**
24 City/30 Highway minimum MPG compact cars and sedans; Hybrids as feasible
34 City/30 Highway minimum MPG compact utility vehicles; Hybrids as feasible
19 City/24 Highway minimum MPG compact trucks

The Board was requested to review the recommended minimum miles per gallon for vehicles in each category and direct Staff accordingly.

Following discussion, *Chairman Moyer made the motion that the Board approve a standard of 17/24 minimum miles per gallon for Sheriff’s patrol cruisers; 15/19 minimum miles per gallon for full size truck; utility vehicles with police package for Sheriff’s utility vehicle; 24/30 minimum miles per gallon for hybrids or compact cars and sedans; 34/30 minimum miles per gallon for hybrid utility vehicles, and 19/24 minimum miles per gallon for compact trucks and purchase at least 2 hybrids this purchase year and put off the purchase of anything that we can put off to see what the technology brings us in the coming year. All voted in favor and the motion carried.*

UPDATE ON PROPOSED LAKE ADGER WATERSHED BOUNDARY AND IMPACTS

Steve Wyatt explained that at the July 16, 2008 meeting, the Board directed staff to convey to the State that Henderson County had concerns regarding the proposed watershed classification for the Lake Adger basin (includes Green and Hungry Rivers). Staff received answers to several questions that the Board conveyed on July 16. The memorandum (included in the agenda packet) outlines those questions and the information received by Planning Staff. Staff is actively working to identify other issues and obtain additional information.

Anthony Starr has communicated with the State that we're not ready to move with this issue because there are more questions than there are answers. The Board felt that there needs to be a public discussion of this issue.

The Department of Water Quality is asking the Board of Commissioners to take a position in support or opposition of the new proposed WS-III classification for the Lake Adger watershed. If the Board supports the proposed intake on Lake Adger then a resolution of support or opposition would need to be passed at a future meeting in order for the State to proceed with Polk County's request.

Steve Wyatt has received a call from the Chairman of the Polk County Board of Commissioners. Following that call, a meeting was held with Chairman Bill Moyer, Selena Coffey, Steve Wyatt, Anthony Starr, Tommy Melton (Polk County Chair), Ted Owens (a long serving Polk County Commissioner), Ryan Whitson (Polk County Manager), and their Engineer Dave Odom. The meeting lasted about 2 hours. Steve Wyatt felt there was a very open and honest dialogue where Chairman Moyer laid out the concerns that Henderson County has. Steve Wyatt had a follow-up call from Ryan Whitson suggesting a joint meeting of the two Boards at Lake Adger. Mr. Wyatt felt that the sense of urgency is not what it was prior to Henderson County raising concerns.

Chairman Moyer came away from the meeting feeling that there is not a clear understanding with respect to how to operate moving forward with the State. What will happen if Henderson County does not take a position, if Henderson County does take a position, etc. Chairman Moyer thought that Henderson County had to state that they are either for or against but the back-up memo states that Henderson County can take a neutral stand? Chairman Moyer stated that the Polk County Commissioners want to work with Henderson County. Henderson County supports regional planning for water and wants to cooperate with the Polk County officials. Chairman Moyer said he raised two basic issues: we have the watershed and what that will mean with them tying up 50,000 square miles of Henderson County (1/4 of our county), and the other issue was if we need water to supply the southern end of the county at some point in time would that water be available? Polk County would like to put an intake at Lake Adger and if we needed water we would buy it from them but to pump it from Lake Adger back up to the southern end of our county would be a very expensive line and an expensive electricity cost. He stated it would be far better for us to take it at a higher point on the Green River, either at Lake Summit or even before that if we needed that water. Chairman Moyer felt that the greater concern is the availability of water. He felt that after Henderson County laid out all their issues, they wanted to think about it further. Chairman Moyer stated that the South Carolina issue gets a little muddy and we still don't have an answer. Polk County says that they have no intention to take any of the water from Lake Adger which is coming from the Green River and send it down to South Carolina, either by selling it or otherwise. Their justification for that is that the size line that they will be bringing out of Lake Adger would barely supply what they need for their own use in that area and the number of customers, and certainly would not be able to ship water of any volume to Spartanburg or elsewhere. What complicates it and makes it a little messy is that they have also have entered into an agreement with a water company in Rutherford County where they will buy excess water from them. It was not made clear from where Rutherford County would be getting this water. They will run that water down Route #9 and ship it down to Landrum and Campobello and other places. He stated that we haven't gotten an answer from the State yet whether there will be any restrictions on where or how they sell water, if they need to. Chairman Moyer felt that the practical reality of the situation is when they buy the lake and then build a treatment plant and put in their distribution facilities, even though water usually makes a good profit, with a

very small customer base they will either have very high rates or they will have to find more customers somewhere very quickly to make it work or either the rest of the citizens in Polk County will be supporting the folks on the water line.

Steve Wyatt stated that the meeting was very cordial and cooperative. From the meeting he gathered that Polk County does intend to move forward as they have committed to a long-term solution for their future water needs for a very long time. He stated that Columbus, Tryon, and Saluda are not part of this but will seek their own solution (these cities have the bulk of the Polk County residents). He stated that the bottom line is that the State has basically told them to work this out with Henderson County because the State believes that the watershed designation needs to be III, not IV, to protect this water source. Would that put Henderson County in the position to have veto whether this project goes through? Lake Adger is not much use to Polk County unless it is the water source. Mr. Moyer expressed to them that Henderson County wants to be good neighbors and we very much understand the need for water. Steve Wyatt feels that the next thing the Board will see is an invitation from Polk County Commissioners for a joint meeting in Polk County to actually see what they are talking about.

SALES TAX REFERENDUM UPDATE AND DISCUSSION

Chairman Moyer mentioned the issue of the Sales Tax Referendum and requested the Board think about the referendum that will be on the ballot November 4, 2008 and whether the Board wishes to designate what the sales tax will be used for, if passed. It was decided to defer action on this to the first meeting in September. Chairman Moyer plans to have this issue on the agenda of each of the meetings, to keep this issue out front for the Commissioners and for the public. The last referendum failed 63% to 37% so the Board will have to put together a good campaign to sell this.

2007-2011 STRATEGIC PLAN QUARTERLY REVIEW

Selena Coffey presented the Quarterly Review for the 2007-2011 Strategic Plan and staff requested the Board of Commissioners hear and discuss the Quarterly Review, if necessary.

Ms Coffey touched on several items in the Strategic Plan, focusing on the items listed in red under status:

“Goal 1, Strategy 1.1, Objective C” – Implement an energy conservation policy and plan. This is currently under development.

“Goal 1, Strategy 1.3, Objective A” – Responsibly plan for the County’s capital needs. Implementation of a 12-year CIP (Capital Improvements Plan), stating this is ongoing.

There was discussion of this item with Commissioners feeling that work is needed to come up with at least a 5-year capital improvements plan. We’ve seen a lot of wish lists but haven’t prioritized our needs. Following discussion, the Board informed staff that they would like to have an idea of how much money we have to move forward with capital projects. Chairman Moyer requested that information by at least January 2009.

Chairman Moyer stated that the same goes for **Goal 2, Strategy 2.1 Take a leadership role in sewer and water planning. Objective A”** Establish and fund a 10-year capital improvement program and capital reserve fund that is adequate to implement planned investments in sewer and water infrastructure. Chairman Moyer stated that we need to get more specific with respect to a plan.

“Goal 2, Strategy 2.3, Objective A” – Complete one small area plan each fiscal year. Etowah-Horse Shoe and Edneyville community planning committees continue their work, working on two small area plans at this time.

“Goal 3, Strategy 3.1, Objective A” – Develop a countywide parks master plan focusing on long-range facility needs. Initial needs assessment is complete.

“Goal 3, Strategy 3.2, Objective A” – Adopt a Minimum Housing Code. Second draft of the Code to be presented to Commissioners in September.

“Goal 4, Strategy 4.1, Objective B” – Consider the costs and practicality of establishing a farmland protection fund for Henderson County. Grant received to begin development of plan.

“Goal 4, Strategy 4.1, Objective C” – Develop and implement a farmland preservation plan specific to Henderson County. Grant received to begin development of plan (see above).

“Goal 4, Strategy 4.1, Objective D” – Work towards expanding current voluntary Ag Districting options to include Enhanced Ag Districting. To be discussed at August Board meeting. After Board discussion, this was changed to “Adopt enhanced Ag Districting”.

“Goal 4, Strategy 4.2, Objective A” – Begin enforcement of Sedimentation and Erosion Control standards within County land development ordinances. This is complete.

“Goal 4, Strategy 4.2, Objective B” – Identify and incorporate Storm Water Management standards and requirements into County land development ordinances. Clean Water Management Trust Fund awarded.

Marcus Jones explained that requests for qualifications have gone out for the engineering of this project, due August 18. He will have a recommendation on the most qualified firm by the next Board meeting. They will then be able to develop a proposal and get started on the project in earnest.

Chairman Moyer felt that the next step for this Board is to make a determination whether we are going to stick with the State or whether we will take over Storm Water Management in our County? He requested staff to begin work on the Ordinance so that the Board would be comfortable making this decision no later than April 1, 2009.

“Goal 4, Strategy 4.3, Objective A” – Conduct an inventory of historic/culturally significant sites/structures, as related to the cemetery issue.

Planning staff are working with the Historic Resources Commission to conduct an inventory. Volunteers are being solicited to assist with this task.

“Goal 4, Strategy 4.4, Objective A” – Develop a comprehensive 20-year Solid Waste Management Plan.

The 20-year vision was approved by the Board; RFQ for Feasibility Study due August 18.

“Goal 4, Strategy 4.5, Objective A” – Conduct an energy efficiency study of County-owned facilities.

This is complete but on-going.

“Goal 5, Strategy 5.2, Objective A” – Consider incorporating mechanisms that link public school capacity and long-range public schools master plans to the land development permitting process into County land development ordinances.

A Board workshop to discuss the issue is being developed for about October to discuss issues related to the CCP.

Selena Coffey explained that the next quarterly report would show the changes the Board requested tonight as well as updates for the items that are moving forward.

DEMOLITION DEBRIS DUE TO CASUALTY – This was an add-on.

Chairman Moyer explained that the issue is demolition debris removal for unusual special situations that develop. Obviously we have one such situation with VanWingerden International, a serious situation with a fire and an estimated \$2.5 million loss. Steve and Russ have worked on this issue and have come up with a workable solution.

Steve Wyatt explained that there will be situations where because of a casualty loss, fire, natural disaster where there will need to be disposal of waste. A fee has been determined to represent just the cost of transport, represents no operational cost at the landfill or the post-closure cost reserve. It is basically 50% of the existing rate.

Henderson County provides the following fee schedule for disposal of debris generated by such casualty loss. Demolition debris due to casualty disposal rate \$26 per ton.

This rate is in effect for thirty days from the time of the casualty event and certified by appropriate county official, in most cases the County Director of Emergency Services.

This rate is effective upon adoption.

Russ Burrell explained that as long as this is a uniform policy, which it is written to be, there is no legal question or problem.

Commissioner discussion followed with two recommended changes:

1. Change thirty days to sixty days.
2. In the second paragraph above, add the word “uninsured” prior to casualty event.

Commissioner Williams made the motion that the Board adopt the fee schedule for demolition due to uninsured casualty at a disposal rate of \$26 per ton effective August 12, 2008, with the change from 30 days to 60 days. All voted in favor and the motion carried.

BOARD ROOM DESK MODIFICATIONS

Selena Coffey reminded the Board that at the Board’s June 2, 2008 meeting the Board reviewed a proposal (**Option #1** on the summary sheet) to modify the Commissioners’ existing desks adding two desks, incorporating 6” spacers between the desks to add workspace, adding a fixed shelf in the knee walls of the desks and providing a recess for the 17” monitors that the Board was previously using at that time. (cost \$20,000)

After hearing the Board’s concerns with that option, staff requested additional quotes and designs. **Option #2** modifies the existing desks by carving away additional knee space. It also adds two desks but does not provide a shelf or additional workspace on top of the desk for “elbow room”. (cost \$11,680)

Option #3 plans, which were provided in detail with this agenda item, provide for complete reconstruction of the desk units. In addition, it provides one additional desk unit, additional workspace, space for recessing the 8” monitors, and provides space for a shelf underneath. The only area of concern with this option is that the depth of the drawer/shelf doesn’t appear to provide enough space to slide the Board’s existing chairs under the units. (cost \$11,543.95)

Funds are available for this project within the Historic Courthouse Capital Project Fund.

Staff recommends the Board approve Option #3 and direct staff to work with the vendor to modify the design to better accommodate the desk chairs.

Chairman Moyer stated that they have been working with Leisure Craft on option #3. He feels that option #3 is by far the best.

Chairman Moyer moved that the Board approve option #3 and direct staff to move forward with this project and work with the vendor to modify the design in order to better accommodate the desk chairs, and explore the possibility of eliminating one desk.

Following discussion, a vote was taken which passed four to one with Commissioner Messer voting nay.

STAFF REPORTS

County Attorney's Report

Russ Burrell informed the Board that Northland Cable, who has the Cable franchise for a very small portion of the Northeastern portion of the County, has elected a state-wide franchising. They are no longer the County's franchisee. Their franchise will actually cover all of Henderson County but how much they choose to build out remains to be seen.

County Manager's Report

Nothing additional.

IMPORTANT DATES

Chairman informed those in attendance that the Mayor's Raft Race has been postponed due to the water situation. He also announced that the NC Assn. of County Commissioners' Annual Conference is August 21-24 in Craven County in New Bern, NC.

Set Public Hearing on Rezoning Application #R-2008-10

Rezoning Application #R-2008-10, which was submitted on May 22, 2008, requests that the County rezone approximately 0.83 acres from an Estate Residential (R-40) zoning district to a Community Commercial (CC) zoning district. The Subject Area is one parcel (PIN 9549-28-1451) owned by Mr. Kevin Brown. The Subject Area is located within the Etowah and Horse Shoe Communities Planning Area. Pursuant to GS 200A-314C(2)e of the Land Development Code the Planning Director initiated this rezoning request.

The Henderson County Planning Board considered rezoning application #R-2008-10 at its regularly scheduled meeting on July 17, 2008. During that meeting, the Planning Board voted 6 to 0 to send the Board of Commissioners a favorable recommendation on rezoning application #R-2008-10 to rezone the Subject Area from an Estate Residential (R-40) zoning district to a Community Commercial (CC) zoning district.

Before taking action on the rezoning application, the Board of Commissioners must hold a public hearing. Staff proposes that the hearing be scheduled for Tuesday, September 2, 2008, at 7:00 p.m.

Set Public Hearing on Rezoning Application #R-2008-05-C

Rezoning Application #R-2008-05-C, initiated by the Henderson County Board of Commissioners at the request of the Emergency Services Department, requests that the County rezone approximately 9.98 acres of a 12.03 acre tract of land owned by Henderson County, from an R1 (Residential One) zoning district to a LC-CD (Local Commercial Conditional District). The Subject Area is located in the Foxwood Subdivision off Fozwood Drive, and adjacent to the Henderson County Landfill.

Conditional zoning districts are different from traditional zoning districts because they require a site plan for the proposed use(s) of the property and certain conditions or restrictions are placed on the property based on the proposed or allowable use(s). Conditional zoning district decisions are a legislative process subject to the same procedures as traditional zoning districts.

The County proposes to use the large barn and property for emergency services storage and County government storage. It is expected that this use would generate an average of 1 trip per week and would have

little to no impact on the neighborhood. Staff held a neighborhood meeting on April 15, 2008 with approximately 30 residents of the Foxwood Subdivision to answer questions and concerns and address issues that the neighbors might have. With the conditional zoning district process, the County can impose limitations upon itself to address neighborhood concerns. With that in mind, only the storage by the county and emergency services would be allowed. Other commercial uses and governmental operations would not be allowed.

The Henderson County Planning Board considered rezoning application #R-2008-05-C at its regularly scheduled meeting on July 17, 2008. During that meeting, the Planning Board voted 6 to 0 to send the Board of Commissioners a favorable recommendation on rezoning application #R-2008-05-C, with modifications to conditions 7.4 and 7.6, to rezone the Subject Area from an R1 (Residential One) zoning district to a LC-CD (Local Commercial Conditional District).

Before taking action on the rezoning application, the Board of Commissioners must hold a public hearing. Staff proposes that the hearing be scheduled for Tuesday, September 2, 2008, at 7:00 p.m.

Planning Staff recommends that the Board of Commissioners schedule a public hearing on rezoning application #R-2008-05-C for Tuesday, September 2, 2008, at 7:00 p.m., or schedule a special called meeting on or after that date.

Commissioner McGrady moved that the Board schedule a public hearing for Rezoning Applications #R-2008-10 and #R-2008-05-C for Tuesday, September 2, 2008, beginning at 7:00 p.m. All voted in favor and the motion carried.

Set Workshop to Discuss Developing Adequate Public Facilities (APF) Regulations for Henderson County

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. At the July 16, 2008 meeting the Board directed Staff to schedule a workshop 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. The Board requested that Staff invite representatives from other jurisdictions with APF regulations currently in place to give a presentation during the workshop.

Staff has invited two presenters for the workshop: Jonathan B. Marshall, AICP, Cabarras County Commerce Director and Paul Meyer, Senior Associated General Counsel with the NC Association of County Commissioners (NCACC). Mr. Marshall is responsible for the planning, zoning, inspections and community development for Cabarras County, which has had an APFO in place since 1998. Mr. Meyer is an attorney with the NCACC and works with counties authority in many areas including land use and planning. Planning Staff will also present information at the workshop regarding our options and current data.

Based on the availability of the guest presenters, Staff has confirmed three possible dates for the Board to schedule a workshop to discuss developing an APFO for: October 9th, October 10th, and November 7th. Other dates may be possible but these were the initial dates obtained when considering other commitments by the guest speakers and the Board.

Planning Staff recommends that the Board of Commissioners schedule a half-day workshop to discuss developing an APFO for Henderson County at 10:00 a.m. for one of the above proposed dates or schedule an alternative date in October or November.

Following discussion by the Board, it was decided to wait till the next Board meeting to set this workshop. Chairman Moyer asked the Commissioners to check their calendars for November 7 at 10:00 a.m.

Set workshop on Manufactured Home Standards

Chairman Moyer reminded the Board of the need to set a public hearing on the proposed changes to the Land Development Ordinance.

Commissioner McGrady made the motion to set the public hearing for the night of Tuesday, Sept. 23 at 7:00 p.m., here. All voted in favor and the motion carried.

CANE CREEK WATER & SEWER DISTRICT – no business

CLOSED SESSION

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

1. *(a)(3) To consult with an attorney employed or retained by the public body in order to consider and give instructions to the attorney with respect to the following claim:
Harris vs. Wyatt*
2. *(a)(4) To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body.*
3. *(a)(6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee*

All voted in favor and the motion carried.

ADJOURN

Motion was made and passed to adjourn the meeting.

ATTEST:

Elizabeth W. Corn, Clerk to the Board

William L. Moyer, Chairman