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**STATE OF NORTH CAROLINA
COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS
SEPTEMBER 17, 2008**

The Henderson County Board of Commissioners met for a regularly scheduled meeting at 9:00 a.m. in the Commissioners' Meeting Room of the Historic Courthouse on Main Street, Hendersonville.

Those present were: Chairman Bill Moyer, Commissioner Larry Young, Commissioner Chuck McGrady, Commissioner Mark Williams, Commissioner Charlie Messer, County Manager Steve Wyatt, Assistant County Manager Selena Coffey, County Attorney Russell Burrell, and Clerk to the Board Elizabeth W. Corn.

Also present were: Planning Director Anthony Starr, Finance Director J. Carey McLelland, Deputy Clerk to the Board Teresa Wilson, Research/Budget Analyst Amy Brantley, Engineering and Facility Services Director Marcus Jones, Health Director Tom Bridges, Associate County Attorney Sarah Zambon, DSS Director Liston Smith, Tax Assessor Stan Duncan, Tax Collector Terry Lyda, Code Enforcement Director Toby Linville and Communications Officer Pam Brice.

CALL TO ORDER/WELCOME

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

PLEDGE OF ALLEGIANCE

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

INVOCATION

Commissioner Williams gave the invocation.

PRESENTATION TO ELIZABETH W. CORN – CLERK OF THE YEAR

On behalf of the Board of Commissioners, Chairman Moyer presented Elizabeth Corn, Clerk to the Board, the "Outstanding Clerk of the Year" award from the North Carolina Association of County Commissioners. This award from presented at the County Commissioners Association Convention in New Bern. Mrs. Corn was not able to attend the convention and Chairman Moyer had accepted it on her behalf. Chairman Moyer thanked Mrs. Corn for all her many years of service as Clerk and recognized that she was the president of the Clerks Association for 1 year and had serviced both duties well.

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. Lorraine Rewert – Ms. Rewert stated that in April she had spoken with Commissioner McGrady regarding use of the old Etowah Library for a senior community center, and he suggested that she speak with the County Manager Steve Wyatt. Mr. Wyatt was not available and she had spoken with the Assistant County Manager Selena Coffey who suggested that Ms. Rewert send a letter a.s.a.p. to Steve Wyatt and it would be forwarded to all Commissioners. From May until August Ms. Rewert sent letters reminding everyone that they were interested in the library and she also wrote letters to Carolyn Justus and Tom Apodaca. On August 29th she received a call from Cynthia Spencer from the NC Rural Center and she said that they could apply for grants but they needed to get in touch with Land-of-Sky. Ms. Rewert has also spoken to Henry Sizemore from the director of Council-on-Aging who told her that in order for them to get a community senior in the first place they must have a building in order to start to get grants to do what they need to do. She called Land-of-Sky and spoke with Rebecca Chaplin, Aging Program Specialist, and Ms. Chaplin would be meeting with Henry and herself in October. On September 3rd she received a fax from the County Manager's office stating that Henderson County is soliciting proposals for the lease and use of the former Etowah library building

DATE APPROVED _____

and the proposals were due on September 15th by 12:00 noon. On Tuesday, September 9th it was announced in the Times-News that David White, Executive Director of WCCA, approached Henderson County in August about using the library for "More at Four" program. The agency must find a way to service thirty-six (36) slots by January 1st or they would lose their funding. The Commissioners appeared receptive to the idea at their meeting last week but the County is required to have a formal bidding process; this she took from the newspaper article. Ms. Rewert asked the Board why they had sent a letter asking for proposals when they basically had made up their minds. They have over five thousand (5000) residents living in Etowah and she felt it would be more advantageous to have a community senior center for all of the residents of Etowah. The WCCA already has a facility off of Spartanburg Highway. David White also stated in this article that they do have other alternatives if they cannot strike a deal with the County. They are asking the Board to "please" reconsider or consider their proposal to use the old library for the entire community of Etowah.

Chairman Moyer assured Ms. Rewert that this item was placed on the agenda and letters had been requested from the public because the Board had not made a decision. If that decision had already been made they would not have bothered to request the proposals. He verified with the County Manager that the County was not required by law to request proposals. The Board felt that in fairness to all that had sent in letters they would give them a chance to update their proposals and arguments on behalf of what they were requesting before the Board made a final decision. The Board, in fairness to WCCA, did decide to make a decision by this meeting in fairness to everybody so that the matter could be brought to an end and the groups would be able to move forward with the decision made.

2. Linda Johnson – Ms. Johnson represented the Friends of Etowah which is a non-profit organization. They are trying to be very active in their community and would like for the Board to consider the fact that the library would be a central and vocal point for them to have their meetings, for a senior citizens group, for young folks in the afternoon to have different programs to teach kids how to play chess to let them know that there are other things besides Xboxes and Wii's to play with. They want the building so that they can open it up to the community so there will be a place, a standard place for people to meet and have their business.
3. Dixie Bloomer – Ms. Bloomer represented the League of Women Voters and spoke in regards to the minimum housing code. The League of Women Voters has been concerned about affordable housing since about 2002. A couple of years ago they decided to focus their efforts on a minimum housing code. Their previous letter to the Board was based on a study of December 2007; a draft of the code. The League has studied the revised draft of March 2008 and found that a number of requirements have been deleted. They are especially concerned about the ones that relate to health, safety and security; grading and drainage, sidewalks, rotting materials in exterior walls, stairways, decks and porches, handrails and guardrails, and hearing requirements. The heating requirement was changed from 68 degrees to 60 degrees and they feel it should be changed back as 60 degrees is too cold for reasonable comfort and it is of special concern to the elderly and people with health problems. Some of the items may be addressed to certain extent in the Nuisance Ordinance but they believe it is better to have them in the housing code also; they then relate specifically to housing. The availability of being in one document will be more convenient for landlords, tenants, and interested persons to access. They urged the Board to restore the deletions that relate to health, safety and security. Some requirement may seem to be repetitious but they believe enforcement will be easier if they are specific rather than covered by an overall statement. The League continues to recommend that in order to be effective the code be housing certificate based for rental properties. They feel that once a complaint driven code is in place the Board will consider that such a code. The League hopes the code will be passed and enforced as quickly as possible. Ms. Bloomer provided a list of recommendations by the League to the Clerk.
4. Ted Owen – Mr. Owen lives on Brickyard Road in Etowah and was concerned about the incorporation of Etowah. The only service being offered by incorporation that he did not already have was street lighting. Street lighting would be out of place in the community he lives in. There is a bad intersection in his community and it can be fixed by placement of a stop sign. Because of the way the

intersection is located lighting would make it worse. Referring to a report from the Friends of Etowah in February he took the budget proposal and removed the fire department. The fire department will cost them the same thing whether they are incorporated or not. An article in the Times-News, Sunday, June 1 stated, "As town residents request additional services and the town budget allows, additional services and facilities would be offered. These might include water distribution, trash collection, facilities such as a recycling center, community center, town swimming pool, and additional park and recreation centers. These would be paid by the local property tax one cent (\$.01) per one hundred dollars (\$100) of assessed value and other revenues." He felt that if someone was to give Etowah those buildings (facilities) the residents would not be able to afford the people to run them at one cent per one hundred dollars. He felt that the residents of Mills River had no benefits at all from the Town of Mills River except a tax bill once a year. He stated that when Mills River became incorporated it cost him as a taxpayer for them to incorporate.

5. Patrick Kennedy – Mr. Kennedy is the Chair of the Affordable Housing Coalition. The Affordable Housing Coalition began in 2004 as a partnership of non-profit human service agency in Henderson County who are concerned about the lack of decent affordable housing in this County. The founding organization include Alliance for Human Services, Consumer Credit Counseling Services, Faith Link, Habitat, Housing Assistance Corporation, Latino Advocacy Coalition, the North Carolina Senior Tarheel Legislature, Pisgah Legal Services, and Western Carolina Community Action. Since that time they have formed a non-profit corporation and have added the following agencies to their coalition: Blue Ridge Community Health Center, Children and Family Resource Center, Council-on-Aging, Henderson County Board of Realtors, Public Schools, Hendersonville Housing Authority, and the League of Women Voters of Henderson County. From inception they have been concerned about the unsafe conditions of some substandard homes in Henderson County. Each of their member organizations are faced daily with the consequences of unsafe homes in the County; children who have to miss school because they are moving out of substandard rental housing, seniors who are ill because of poor heating or lack of insulation, employees who have to miss work because of respiratory problems related to mold caused by leaking plumbing, children with intestinal diseases because of raw sewage standing in their yards, or uninsured workers injured by falling through a rotten porch floor. Over the last four (4) years The Affordable Housing Coalition has worked with the Henderson County Planning Department to help develop minimum standards for housing that will increase the safety and security of our most vulnerable residents. The draft submitted is a complaint driven code as opposed to a mandatory certificate code. It is their hope and expectation that a complaint driven code is Phase One of an eventual mandatory certification process of all Henderson County rental property. To ensure the safety of our residents the Affordable Housing Coalition of Henderson County endorses and supports the adoption of the draft minimum housing code recently presented by the Planning Department with the reinsertion of the following sections from the December 10, 2007 draft: grading, drainage, interior and exterior structure sections, handrails and guardrails, water drainage, heating facilities and electrical equipment. They would be happy to meet with the Commissioners to discuss this important code at any time. They urged the prompt adoption of a comprehensive code as they have endorsed.
6. Angela Fernandini – Ms. Fernandini requested to speak during the public hearing.
7. David White – Mr. White spoke in regards to use of the old Etowah Library for a pre-k program in the Etowah community. They were at a meeting two weeks prior and had 4-5 speakers of WCCA speaking to the benefit of "More at Four." Their plan is to serve thirty-six (36) mostly four (4) year olds through this program. WCCA plans to invest approximately \$50,000 in the property to make sure it is ready to use and meets all the codes for a pre-k program. They will be paying \$2000 per month in lease for the building to the County.
8. Shelly Brown – Ms. Brown is an attorney at Pisgah Legal Services. She spoke in regards to substandard housing. Ms. Brown has had countless substandard housing cases. She shared an example of one case where a family moved here from Ohio and was promised by the landlord that several things would be repaired before they moved in. They discovered once they arrived that the repairs had not been made but were once again assured by the landlord that they would be taken care of. Two months later the repairs were still not made. Problems included: the back door did not have

a door knob and was tied shut, the deck leading to the front door was not attached and was falling off of the doublewide, there was exposed wiring in the trailer, no smoke detectors, there were missing boards under the sinks of the bathroom and kitchen, a opossum was found in the child's toy basket which had crawled through the open flooring. Pisgah Legal Services strongly endorses the draft of the minimum housing code without delay.

DISCUSSION/ADJUSTMENT OF AGENDA

Chairman Moyer requested the addition of Item F – Right of Way Agreement with Duke Energy for Hillandale, Mills River and Dana Elementary Schools which he felt could not wait until the next meeting. Under the County Manager's Report he requested adding item B – Update from the LGCCA meeting on the 16th of September. Under Closed Session the need to add an item for Harris vs. Wyatt.

There were no further changes to the agenda suggested.

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

CONSENT AGENDA

Commissioner McGrady requested that item I – Modification of HCTV-11 policy be pulled for discussion.

Commissioner McGrady made the motion to approve the consent agenda minus item I Modification of HCTV 11 policy. All voted in favor and the motion carried.

Chairman Moyer stated that there had been some discussion in the community in regard to the public resolution in support of the new Veterans Clinic in Henderson County. It has been brought to the Commissioners attention by people who work in this area that many of our Veterans, particularly as they get older with disabilities, have problems getting to the facilities and they are going to push aggressively to try to have a Veteran's Clinic in Henderson County in order to save time and cost and be more convenient. It is a long term project and the Board of Commissioners support this unanimously with a resolution to move forward. Chairman Moyer noted that item I – Modification of HCTV-11 policy would become discussion item G.

The consent agenda consisted of the following:

Minutes

Draft minutes were presented for the Board's review and approval of the following meeting(s):
August 26, 2008 - Special Called Meeting

Tax Collector's Report

Terry F. Lyda, Tax Collector, had provided the tax report dated September 5, 2008, for the Board's information and consent approval.

Tax Releases

A list of 97 tax release requests was presented for the Board of Commissioners review and approval.

Suggested Motion:

I move the Board approves the Tax Release Report as presented.

Tax Refund

A refund request was presented for the Board of Commissioners review and approval.

Suggested Motion:

I move the Board approves the Tax Refund Report as presented.

Approval of Order for Conditional Zoning District R-2008-05-C

At this Board’s September 2, 2008 regularly scheduled meeting, the Board approved the conditional zoning district R-2008-05-C. This rezoning was at the request of the Emergency Services Department to allow them to store emergency equipment on County property adjacent to the Henderson County landfill. Following is an order reflecting the outcome of the hearing and the conditions this Board placed on the conditional zoning district.

**COUNTY OF HENDERSON
STATE OF NORTH CAROLINA**

**CONDITIONAL ZONING DISTRICT
R-2008-05-C**

**IN THE MATTER OF THE REQUEST of the Henderson County Emergency Services Department,
Applicant,**

To the

**HENDERSON COUNTY BOARD OF COMMISSIONERS,
Approving Authority**

ORDER GRANTING CONDITIONAL ZONING DISTRICT R-2008-05-C

The **HENDERSON COUNTY BOARD OF COMMISSIONERS** having held a public hearing on September 2, 2008 to consider the request initiated by the Board of Commissioners at the request of the Henderson County Emergency Services Department, to request a Conditional Zoning District, makes the following FINDINGS OF FACTS and draws the following CONCLUSIONS:

FINDINGS OF FACT

1. A public hearing was held by the Henderson County Board of Commissioners on conditional zoning district request R-2008-05-C. All regular members of the Board of Commissioners were present at the hearing.
2. This Order and the approval herein was moved by Charlie Messer and approved by a vote of 5-0.
3. **Henderson County Emergency Services Department**, hereinafter referred to as the “Applicant” is the owner of the subject property.
4. Autumn Radcliff is the Senior Planner for Henderson County. Mrs. Radcliff presented the analysis and recommendations of staff regarding this request.
5. Notice of a public hearing, pursuant to the North Carolina General Statute and the Henderson County Land Development Code §200A-314(C) and 200A-337(B) was duly and timely given. This notice included published notice in the Hendersonville Times-News on August 20, 2008 and August 27, 2008; posted signs on the property on August 21, 2008; and notices of the hearing via first class mail to the owners of properties adjacent to the Subject Area on August 22, 2008;
 - a. The Applicant’s conditional zoning district request is consistent with the Notice of Public Hearing produced, published, and posted for the proceeding in that the notice contemplated the size and scope of the request.
6. Conditional zoning districts are described and authorized by the Henderson County Land Development Code in §200A-45 through §200A-51.
7. The subject property is a 9.98 acre portion of a 12.03 acre tract and is currently zoned Residential District One (R1). The southern part of the parcel is located in the WP-WS-IV-PA (Upper French Broad River Protected Area Watershed Overlay Sub-District).
8. The subject property is adjacent to the Henderson County Landfill and is located in the Foxwood Subdivision. The property has access from Foxwood Drive and from the landfill.
9. Prior to the adoption of the Land Development Code, the property was zoned R-15 (Medium-Density Residential). South of the subject property is currently zoned Local Commercial (LC) and the remainder of the adjacent property is zoned Residential District One (R1).

10. The subject property currently contains a single-family dwelling and a large metal structure that was previously used as a carriage house and barn.
11. The Landfill and a NCDOT maintenance facility are to the south of the property and single-family residences surround the remainder of the property.
12. There is no public water or public sewer on the property.
13. The property has road frontage on Foxwood Drive and is accessed from Mountain Road. There is a private road to the property accessible from the Henderson County Landfill's main entrance on Stoney Mountain Road.
14. The Henderson County 2020 Comprehensive Plan identifies the parcel as being located within the Urban Services Area (USA). The USA is intended to contain substantial commercial development on a mixed scale within zoning districts keeping with the surrounding neighborhoods.
15. The request would change the subject property from a Residential One (R1) zoning district to a Local Commercial Conditional District (LC-CD) with conditions determined by the Board of Commissioners based on staff recommendations.
16. The intended use of the property is to store and access emergency equipment and for local government storage and could only be used by the property owner for this purpose.
17. It is expected that the intended use would generate an average of one trip per week and would have little to no impact on the neighborhood in terms of traffic.
18. Planning staff met with residents of the Foxwood subdivision on April 15, 2008 to hear and address resident concerns.
19. The Technical Review Committee considered the request on July 1, 2008 and voted unanimously (7-0) to support the request.
20. The Planning Board reviewed the application on July 17, 2008 and voted unanimously (6-0) to recommend the proposal to the Board of Commissioners.

CONCLUSIONS

1. All parties, and all persons entitled to notice, have been given proper notice of this hearing and afforded the right to be heard.
2. All parties were properly before the Board of Commissioners and all evidence presented herein was credible and reliable.
3. Henderson County Code §§200A-314 and 200A-271 grant the Board of Commissioners the jurisdiction to hear and make rezonings.
4. The rezoning does meet all the standards of the Land Development Code and the rezoning should be GRANTED based on the reasons established below:
 - a. The subject area is in the Urban Services Area as identified by the Comprehensive Plan and would be suitable for commercial development in keeping with the surrounding community.
 - i. The intended use of the property keeps with the surrounding neighborhood;
 - ii. The recommended conditions put appropriate limits on the intensity and use of the property so that the surrounding single-family homes will not be disturbed.
 - b. The subject property is adjacent to an existing Local Commercial zoning district and rezoning this parcel would allow a contiguous Local Commercial zoning district.
 - c. Conditional zoning allows this Board to make reasonable conditions on the parcel in order to diminish or eliminate the impact the rezoning would have on the neighborhood.
5. Conditional zoning districts require a public hearing but, as with other map amendments, is fundamentally a legislative decision for this Board.

Based on the foregoing FINDINGS OF FACT and CONCLUSIONS drawn, and it appeared to the HENDERSON COUNTY BOARD OF COMMISSIONERS that the Rezoning must be **GRANTED**.

IT IS THEREFORE ORDERED by the HENDERSON COUNTY BOARD OF COMMISSIONERS as follows:

The requested CONDITIONAL ZONING DISTRICT has been GRANTED. The Applicant

must adhere to the conditions established in this Order as follows:

CONDITIONS

1. The existing structures on the Subject Area shall be used for the storage of emergency service supplies and equipment including the storage of County government records and property. Only storage by the County and emergency services shall be allowed. Other commercial uses and governmental operations shall not be allowed.
2. Stored items shall be stored indoors. Outdoor storage shall not be allowed.
3. Lighting mitigation is required. There shall be a minimum amount of lighting for the facility, and this lighting should not adversely affect the surrounding neighbors.
4. Access to the rezoned portion of the Subject Area shall only be via the Henderson County Landfill.
5. The portion of the Subject Area adjacent to Foxwood Drive shall remain zoned for residential uses.
6. The existing wooded areas as identified on the site plan shall remain intact and shall comply with the provisions in condition 8.
7. The existing power line right-of-way shall remain open and unobstructed.
8. The proposed use(s) shall comply with the landscape design standards and off street parking provisions as outlined in the Land Development Code.
9. The Subject Area may be accessed at any time for just cause to retrieve emergency service items stored on the premises.

ORDERED this the 17th day of September, 2008.

THE HENDERSON COUNTY BOARD OF COMMISSIONERS

By: _____
William Moyer, Chairman

ATTEST:

Teresa L. Wilson
Deputy Clerk to the Board

Suggested Motion:

I move that the Board approves Conditional Zoning District Order R-2008-05-C as submitted.

Approval of Draft Order for Biltmore Farms VR-2007-03-A1

At this Board's August 26, 2008 public hearing, the Board approved the amendment to the vested rights order, titled VR-2007-03-A1. This amendment was requested by the Applicant to allow them greater flexibility in housing composition and to make some minor changes to the site plan. Following is an order reflecting the outcome of the hearing and the conditions this Board placed on the development in the amendment. At present the draft order has been reviewed by the Planning Department and has been sent to the Applicant's attorney for her review.

IT IS HEREBY ORDAINED AND ORDERED BY THE BOARD OF COUNTY COMMISSIONERS OF HENDERSON COUNTY, NORTH CAROLINA as follows:

STATE OF NORTH CAROLINA

COUNTY OF HENDERSON

AMENDMENT TO VR-2007-03VESTED RIGHTS ORDER

THIS AMENDMENT, Henderson County VR-2007-03-A1, came on to be heard before the Henderson County Board of Commissioners on 26 August 2008. After hearing and deliberations, the Board makes the following findings and conclusions, and enters the following Order.

Findings

1. The Henderson County Board of Commissioners (“the Board”) accepted the application from Biltmore Farms, LLC (made through Thomas A. Williamson, Vice President), for amendment to Vested Rights Order VR-2007-03 pursuant to Chapter 189 of the Henderson County Code, on June 13, 2008. A public hearing, pursuant to Chapter 189 of the Henderson County Code, and pursuant to the Rules adopted by the Board for hearings under Chapter 189, was scheduled for 26 August 08.

2. Notice of the public hearing was published in *The Times-News* newspaper on 13 August 2008, 16 August 2008, 20 August 2008 and 23 August 2008. On 13 August 2008, personnel from the Henderson County Planning Department posted notice at the project site advertising the public hearing. Notices of the public hearing were sent to the applicant and to the owners of real property adjacent to the site of the development proposed by the Applicant on 13 August 2008.

3. All members of the Board were present for the hearing on 26 August 2008.

4. At the commencement of this hearing, the Board inquired as the persons or entities who believed they should be parties to this proceeding, in addition to the Applicant and the Henderson County Planning Department. The following persons, all adjacent property owners, requested to become parties to this hearing, which request was granted, without objection by the remaining parties, by the Board:

Edward R. Doyle, Jr.
331 Old Orr Road
Etowah, North Carolina 28729

5. After discussion by the Board and waiver from the Applicant and Party Doyle, the Board of Commissioners held the amendment hearing as a public hearing not a quasi-judicial hearing.

6. All parties to the proceeding, and all other witnesses, gave oath for their testimony. The Board received Exhibit A with attachments from Henderson County Planning Staff, plus Exhibits from the Applicant and from Edward R. Doyle, Jr.

7. The Applicant proposes a residential development to be located on property identified by Henderson County parcel identification numbers 9529-76-7505, 9529-83-8232, 9539-03-7259, 9529-91-6743 and located on McKinney Road (SR 1203) (“the subject property”).

8. The subject property fronts McKinney Road, at the intersection of McKinney Road and Brickyard Road (SR 1323). The subject property is approximately 469.96 acres in size, and does not include a 50 acre tract to be retained by the current property owners.

9. On 24 May 2007, the Board of Commissioners issued a Vested Rights Order for the Applicant, VR-2007-03. The term of this Vested Rights Order is five years.

10. On 13 June 2008 the Applicant requested an amendment to the Vested Rights Order. The Applicant asked for changes to the Vested Rights Order to change the composition of housing structures; decrease the open space; change the lot sizes; increase the total length of pedestrian system and modify the road connections to reduce stream impact. As part of this application, the Applicant submitted a modified master plan dated June 13, 2008.

11. The development was previously to include a total of not more than 653 residences including 234 single-family dwellings, 42 duplexes, 49 triplexes, and 47 quadraplexes. The single-family dwellings were not to be less than 1/3 acre in size.

12. The Applicant is now asking for an amendment to allow a total of not more than 635 residences with 330 single-family dwellings, 11 duplexes, 57 triplexes, and 28 quadraplexes. Single-family residences and triplexes increased while the number of duplexes and quadraplexes decreased and there was an overall decrease in the number of residences.

13. Because of the increase in lots for the single-family residences, the Applicant is requesting a 3 acre decrease in the amount of open space, from 240 acres in the original order to 237 acres in the amendment. The project maintains over 50 percent open space (50.4%).

14. The Applicant is also requesting an amendment to the lot size from no lots smaller than 1/3 an acre to an average parcel size of 0.74 acres with some parcel sizes below 1/3 acre. The average density shall be 1.35 units per acre which is permissible under the current R1 zoning for the property.

15. The Applicant requested a modification to combine the length of the sidewalks and trails into one calculation instead of setting requirement for both separately as is done in the original order. The Applicant proposes an increase in the pedestrian system from 8.89 miles in the original order to 9.73 miles in the amended plan.

16. The Applicant requested an elimination of a road connection between phases 5 and 7 as was proposed in the original plan so as to reduce blue line stream impact. In addition they propose eliminating the steep slope portion of the road loop in phase 7.

17. In addition the applicant is proposing a roundabout at the principal entrance of the development to replace the existing Brickyard Road (SR 1323) and McKinney Road (SR 1203) intersection. These changes have been supported by the project's traffic impact study and by the North Carolina Department of Transportation.

18. Ed Doyle submitted evidence to the Board regarding water quality and the environmental impact of the project. Several other speakers presented similar testimony.

19. The Applicant testified the amendments were requested to better meet market demands and to allow a better mix of housing options in the project.

From the foregoing, the Board concludes as follows:

1. That the Board has the authority to vest development rights in the Applicant pursuant to N.C. Gen. Stat. §153A-344.1, and pursuant to Chapter 189 of the Henderson County Code.

2. That the Board should permit the amendment to the Applicant's vested rights order pursuant to the revised site specific development plan submitted by the Applicant, subject to the conditions stated below.

3. That the conditions stated below are appropriate and necessary to protect the public health, safety and welfare.

WHEREFORE, IT IS ORDERED as follows:

1. That the rights vested are for a total of not more than 330 single-family units on individual lots and not more than 305 town-home units of which no more than 112 units may be in quadraplex buildings. This replaces condition 2.d. of Vested Rights order VR-2007-03.

a. There shall be no more 28 quadraplex buildings housing 112 units and no more than 67 triplex structures housing 201 units.

b. The Applicant shall have the ability to modify composition of multifamily units as follows:

- i. The Applicant may transfer a quadraplex structure into a triplex building.
- ii. The Applicant may make a triplex building into a duplex structure.
- iii. The Applicant may not make any multifamily unit into a single-family residence.
- iv. No unit may be made into a structure of a higher density such as a single-family being turned into a duplex or a duplex turned into a triplex.
- v. The total number of units may not be greater than 635.

2. The Applicant shall be vested to an average density of no more than 1.35 units per acre with an average lot size of no fewer than 0.74 acres per unit. This replaces condition 2.e of Vested Rights order VR-2007-03 in conjunction with provision 3 below.

3. The Applicant shall be vested to an ability to sell single-family lots as lots or as land/home packages and not vested to land/home packages only. This modifies Finding 31 and condition 2.w. of Vested Rights Order VR-2007-03.

4. There shall be a minimum of 237 acres of open space within the subject property as developed. "Open space" means "an area that is intended to provide light and air, and is designed for either environmental, scenic or recreational purposes and shall not include roads, any areas dedicated or reserved for roads, land within setbacks or separation areas, internal or external roads, rights-of-way, driveways, parking spaces, sale or model homes, and areas needed for aboveground utility facilities including water supply or sewage disposal systems. This replaces condition 2.n. of Vested Rights order VR-2007-03.

5. A minimum of 9.73 miles of pedestrian trails and sidewalks must be provided. As part of this total length, the Applicant must provide sidewalks on at least one side of a road in the areas of multifamily units. This replaces condition 2.o. and 2.p. of Vested Rights order VR-2007-03.

6. The Applicant shall be vested to the master plan submitted to the Planning Department on June 13, 2008.

7. All provisions and conditions in the original order VR-2007-03 that have not been amended by this order remain intact and the Applicant shall be liable to comply with those provisions.

8. The timeframe for vested rights shall not change from the original order and continues to run.

As ordered by the Board upon motion duly made and seconded and unanimously adopted this the 17th day of September, 2008.

HENDERSON COUNTY BOARD OF COMMISSIONERS

By: _____
WILLIAM MOYER, Chairman

Attest:

ELIZABETH CORN, Clerk to the Board

Suggested Motion:

I move that the Board approves the amendment to the Biltmore Farm Vested Right Order VR-2007-03-A1 as submitted by staff.

Maintenance of Effort Fund Reallocation Policy

Pursuant to NCGS 122C-115, Henderson County annually budgets for, and grants to local agencies via Western Highlands Local Management Entity (LME), funding for the provision of mental health, developmental disabilities and substance abuse services in the County. Through this funding, at the November 5, 2007 meeting, the Board granted \$50,000 to Partnership for Health to offset the cost of medications dispensed through the Community Health Network pharmacy.

Divestiture of the pharmacy from Partnership for Health to The Free Clinics was planned for June, 2008, and has since occurred. Partnership for Health has notified County Staff that \$25,036.37 of the grant is remaining. To provide for reallocation of these funds, and to set a policy for future needed reallocations, Staff is proposing the attached Maintenance of Effort Fund Reallocation Policy.

The Board is requested to approve the Maintenance of Effort Fund Reallocation Policy as presented. The Board is also requested to approve the reallocation of \$25,036.76 from Partnership for Health to The Free Clinics.

Suggested Motion:

I move the Board approve the Maintenance of Effort Fund Reallocation Policy as presented. I further move that the Board approve the reallocation of \$25,036.76 from Partnership for Health to the Free Clinics.

**HENDERSON COUNTY GOVERNMENT
MAINTENANCE OF EFFORT FUNDING - REALLOCATION POLICY**

Purpose:

Pursuant to NCGS 122C-115, Henderson County annually budgets for, and grants to local agencies via Western Highlands Local Management Entity (LME), funding for the provision of mental health services in the County. Such funding is known as Maintenance of Effort (MOE) funding, for which the cycle annually begins on November 1, and ends on October 31.

Procedure:**1. Reversion of Henderson County Funds**

Previously allocated funds shall be returned for reallocation by Henderson County in the following instances:

- a. When the agency fails to use or re-contract for the allocated funds within the contract period.
- b. If the agency eliminates the service(s) the grant was approved for prior to the end of the contract period.
- c. In the event the agency is determined to have improperly used the allocated funds.

2. Notification to Henderson County

The agency shall contact the grant administrator to make notice that the MOE funds will not be used within the contract period. The grant administrator will work with the agency to determine whether the funds may be used into the next contract period, or if the funds should be returned for reallocation.

3. Reallocation of Funds

If it is determined that the funds should be returned for reallocation, the following procedure shall be followed:

- a. The agency shall return the unused portion of the MOE funds directly to Western

Highlands LME.

- b. The Board of Commissioners will be notified of the reversion of funds.
- c. The Board of Commissioners will determine if the reverted funds are to be designated to another agency.
- d. County Staff will notify Western Highlands LME regarding the Board's decision.

4. Selection of Funding Designation

The Board of Commissioners may consider the following in determining the agency(s) selected for fund reallocation:

- a. Review of previously submitted applications
- b. Recommendation of Staff
- c. Recommendation of Western Highlands LME

5. Disclaimer

Henderson County shall abide by all laws, regulations and guidelines set forth by the State when allocating Maintenance of Effort Funds.

Suggested Motion:

I move that the Board approves the Maintenance of Effort Fund Reallocation Policy as presented. I further move that the Board approves the reallocation of \$25,036.76 from Partnership for Health to the Free Clinics.

Traffic Safety Grant

The Henderson County Sheriff's Office requests that the Henderson County Board of Commissioners approves the grant contract resolution which will provide continued funding for an existing law enforcement position. This is a continuation of the previously approved traffic grant provided by the North Carolina Governor's Highway Safety Program. A copy of the resolution is attached hereby and incorporated as a part of the minutes.

Suggested Motion:

I move that the Board approves the grant contract resolution and authorize Sheriff Rick Davis to proceed with the approved traffic grant.

Statement of Intention for Standard or Electing Status for the Work First Program

State law requires each county, biennially, to submit a County Work First Block Grant Plan to the Division of Health and Human Services (DHHS). The SFY 2010-2011 Plan is due to the state October 31, 2008.

Each county Board of Commissioners is required, by Statute, to notify the State as to whether the county selects standard or electing status. Notification includes documentation of majority vote and Chairman's signature (Attachment I). This information is due to DHHS by September 26, 2008.

The Henderson County Board of Social Services recommends continuing status as a standard county. Standard status is recommended based on:

- Current and projected slow economy
- Financial risk to electing status counties if resident participation exceeds capped Federal revenue
 - ⇒ Electing counties are responsible for the cost of cash assistance payments that result from increased caseloads beyond the funds that have been allocated
 - ⇒ Standard counties are not required to budget additional funds if caseloads increase beyond the level projected in estimates.

Suggested Motion:

I move the Board approve continuance of Standard county status for Henderson County's FY 2010-2011 Work First Biennium Plan.

Resolution in Support of new Veterans' Clinic in Henderson County

On behalf of Henderson County's veterans, Henderson County Veterans Services Officer Mike Murdock submitted this resolution for the Board's consideration in support of a community medical clinic to be located in the future in Henderson County. A community clinic would provide greater access to care and provide a greater quality of care for our veterans closer to where they live.

Although Henderson County is under consideration by the United States Department of Veterans Affairs for a community based outpatient clinic, a timeline has yet to be determined. It could very well be several years before a CBOC is built in Henderson County.

The resolution, if adopted, requests that Senators Dole and Burr and Representative Shuler use their greatest efforts to move this project forward expeditiously so that our Henderson County veterans will receive prompt and quality care in the near future. A copy of the resolution is attached hereto and incorporated as a part of the minutes.

Suggested Motion:

I move that the Board of Commissioners approves the "Resolution in Support of a New Veterans' Clinic in Henderson County."

Engineer Selection – FY09 Facility Improvement Study – Henderson County Solid Waste

As directed by the Board in FY08 during the Solid Waste Vision Presentation, Engineering staff solicited engineering firms to perform the FY09 Solid Waste Facility Improvement Study. The study will review the existing Stoney Mountain Facility and develop a plan to address existing problems with traffic, access and to analyze and incorporate an expanded recycling operation.

In accordance with NC General Statute 143-64.31 (Procurement of Architectural, Engineering, and Surveying Services), staff sent a Request for Qualifications (RFQ) to all the local consultants in Henderson County and others that have expressed interest in working with the County. Staff also posted the RFQ on the County's website. The responses were received by August 18, 2008 and the following firms submitted Statements of Qualifications: Camp Dresser & McKee Inc. (CDM), Joyce Engineering Inc., McGill and Associates PA, and Municipal Engineering Services Company PA.

A detailed review of the firms was conducted by staff based on the criteria established within the RFQ. The selection criteria are as follows: Project Team, Project Experience, Planning Performance, Relationship with Funding and Regulatory Agency and Customer Service. McGill and Associates was selected by staff as the most qualified.

Upon approval of McGill and Associates as the most qualified firm, staff will negotiate an Engineering Agreement and present it to the Board at a future meeting. In the event a reasonable agreement cannot be negotiated, staff will present the next most qualified firm to the Board and then continue the process.

Authorize the selection of McGill and Associates as the most qualified responding engineering firm to conduct the FY09 Solid Waste Feasibility Study.

Suggested Motion:

I move that the Board authorize the selection of McGill and Associates as the most qualified responding engineering firm to conduct the FY09 Solid Waste Feasibility Study and direct staff to negotiate an agreement for the Board's approval.

Engineer Selection – FY09 Stormwater Master Plan – Henderson County Engineering

As directed by the Board in FY08 Strategic Plan and during the August 2008 Board meeting, Engineering staff solicited engineering firms to perform the FY09 Stormwater Master Plan. The Master Plan will

inventory existing conditions within critical areas within the County, model stormwater, develop and prioritize improvements and develop a proposed Stormwater Ordinance for the Land Development Code. The Stormwater Ordinance will create a delegated Stormwater Program from the State similar to the County's delegate Erosion Control program begun in October 2008. In turn, a County Stormwater Program would not be an additional expense to our community; it would simply move the Stormwater fees from the State to the County. The approved Clean Water Management Trust Fund Mini-Grant will fund this Master Plan.

In accordance with NC General Statute 143-64.31 (Procurement of Architectural, Engineering, and Surveying Services), staff sent a Request for Qualifications (RFQ) to all the local consultants in Henderson County and others that have expressed interest in working with the County. Staff also posted the RFQ on the County's website. The responses were received by August 18, 2008 and the following firms submitted Statements of Qualifications: Brown & Caldwell, Cavanaugh & Associates, HDR Engineering Inc., LandDesign, Laughter, Austin & Associates PA, and McGill and Associates PA.

A detailed review of the firms was conducted by staff based on the criteria established within the RFQ. The selection criteria are as follows: Project Team, Project Experience, Planning Performance, Relationship with Funding and Regulatory Agency and Customer Service. McGill and Associates was selected by staff as the most qualified.

Upon approval of McGill and Associates as the most qualified firm, staff will negotiate an Engineering Agreement and present it to the Board at a future meeting. In the event a reasonable agreement cannot be negotiated, staff will present the next most qualified firm to the Board and then continue the process.

Authorize the selection of McGill & Associates as the most qualified responding engineering firm to conduct the FY09 Stormwater Master Plan.

Suggested Motion:

I move that the Board authorize the selection of McGill & Associates as the most qualified responding engineering firm to conduct the FY09 Stormwater Master Plan and direct staff to negotiate an agreement for the Board's approval.

NOMINATIONS

Nominations

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

1. Child Fatality Prevention Team – 2 vac.

Deputy Clerk Terry Wilson stated that the Chair Dr. Diana Curran recommends the appointment of Andrew Anderson for position #1. Commissioner McGrady nominated Andrew Anderson for position #1. *Chairman Moyer made the motion to accept the appointment of Andrew Anderson to position #1 by acclamation. All voted in favor and the motion carried.*

Deputy Clerk Terry Wilson stated that the Chair Dr. Diana Curran recommends the appointment of Ellie Lee for position #3. Chairman Moyer noted that this position had been vacant for quite some time as the criteria for the position was a parent of a child who died before their 18th birthday. Commissioner McGrady questioned if an application was a file (Terry stated it was in route) and further nominated Ellie Lee for position #3 subject to receipt of her application. *Chairman Moyer made the motion to accept the appointment of Ellie Lee to position #3 by acclamation. All voted in favor and the motion carried.*

2. Community Child Protection Team (CCPT) – 5 vac.

Commissioner McGrady noted that positions #1-4 were currently serving and willing to be reappointed. He further nominated Phyllis Bentley for position #1, Dr. Alice Arrowood for position #2, Patricia Jones for position #3, and Paula DeLorenzo for position #4. *Chairman Moyer made the motion to accept the*

appointment of Phyllis Bentley to position #1, Dr. Alice Arrowood to position #2, Patricia Jones to position #3, and Paula DeLorenzo to position #4 by acclamation. All voted in favor and the motion carried.

3. EMS Quality Management Committee – 2 vac.

Deputy Clerk Terry Wilson stated that Terry Layne recommends the appointment of Mark Stepp for position #7. Commissioner Williams nominated Mark Stepp for position #7. *Chairman Moyer made the motion to accept the appointment of Mark Stepp to position #7 by acclamation. All voted in favor and the motion carried.*

4. Environmental Advisory Committee – 1 vac.

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

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

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

6. Historic Resources Commission – 1 vac.

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

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

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

8. Hospital Corporation Board of Directors – 3 vac.

Chairman Moyer noted that currently serving were Kathy Watkins, Dr. Peter Goodfield, and J. W. Davis; Kathy Watkins has indicated that she cannot continue to serve on the Board. Dr. Peter Goodfield is a practicing Doctor at Pardee and is working in the professional ethics area to be sure they have the highest quality of care. J. W. Davis has a financial background has been very instrumental in the financial work. Chairman Moyer felt that it was important that both remain on the Board. With respect to position #1 Chairman Moyer had spoke with several people and recommended Linda Sokalski to the Board of Commissioners. Mrs. Sokalski has a PHD with a background in electrical engineering, has worked in Communications and also served on the Community Foundation Board at the hospital. This Board takes a considerable amount of time. Chairman Moyer nominated Dr. Peter Goodfield for position #8, J. W. Davis for position #10, and Linda Sokalski for position #1. Larry Young nominated Fielding Lucas for position #1. *Chairman Moyer made the motion to accept the appointment of Dr. Peter Goodfield to position #8 and J. W. Davis to position #10 by acclamation. All voted in favor and the motion carried. It was the Board's pleasure to vote for position #1 rather than roll it to the next meeting. Clerk Elizabeth Corn polled the Board with each Commissioners getting 1 vote with the following results:*

1. Chuck McGrady	2. Mark Williams	3. Bill Moyer	4. Charlie Messer	5. Larry Young
Sokalski	Lucas	Sokalski	Sokalski	Lucas

Linda Sokalski was appointed to position #1 with a majority of the votes.

9. Juvenile Crime Prevention Council – 10 vac.

Deputy Clerk Terry Wilson stated that the JCPC Committee recommends the appointment of Sarah Summey for position #12. Commissioner McGrady nominated Sarah Summey for position #12. *Chairman Moyer made the motion that the Board accepts the appointment of Sarah Summey to position #12 by acclamation. All voted in favor and the motion carried.*

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

Deputy Clerk Terry Wilson stated Roanne Welsh was currently serving in position #13 and willing to be reappointed. Commissioner McGrady nominated Roanne Welsh for reappointment for position #13. *Chairman Moyer made the motion that the Board accepts the reappointment of Roanne Welsh to position #13 by acclamation. All voted in favor and the motion carried.*

11. Senior Volunteer Services Advisory Council – 1 vac.

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

12. Western Highlands Local Management Entity – 1 vac.

Chairman Moyer stated that this is the group that handles mental health and our representative on there is Steve Wyatt. Commissioner Williams nominated Steve Wyatt for reappointment for position #1. Chairman Moyer stated that this position carries a tremendous amount of responsibility and time. *Chairman Moyer made the motion that the Board accepts the reappointment of Steve Wyatt to position #1 by acclamation. All voted in favor and the motion carried.*

ETOWAH INCORPORATION REQUEST

Chairman Moyer stated that Linda Johnson had requested this item be placed on the agenda for today. The Friends of Etowah Incorporation Committee had gone to Mills River a while back as Ms. Johnson would discuss. So at the request of the committee this was been placed on the agenda. Chairman Moyer asked Linda to make a few introductory comments and then the Board would take up discussion.

Linda Johnson stated– “Thanks you for allowing us this time and I hope that the packets that we provided for you gave you a lot of information. The committee (we don’t come to you all puffed up and proud), the work that we’ve done has been very humbling. It’s been a very humbling experience. This road has been long and it’s been hard. At the same time it’s been rewarding and educational. We’ve gained friends and we’ve lost friends but the commitment has brought us through it all. We realize that through this effort we have only touched on the edges of a pain staking process to become a successful town. We’ve watched some of the trials that the Henderson County Board of Commissioners have had to face and we’ve watched you gentlemen make decisions and realize how difficult it can be. Now I present this effort to you, I asked you to please open your minds and see that we have recognized our own needs. Each community in this County is different. We have set at many meetings and have been to very many County offices to get the education and the information that we needed to make sure that we were doing the right thing for our community. We ask you at this time to uphold us in our effort to create our destiny. Now at this time we are willing to answer any questions, we have people here that have worked on the committees, on the various different things that will be willing to answer anything that you all have.”

Chairman Moyer stated that our legislatures have indicated that they would like to hear from the Board of Commissioners before they move forward on this recommendation for the Etowah Incorporation.

Commissioner McGrady had attended some of the Etowah organizing meetings and had also attended the Small Area Planning meeting that occurred. He feels that it is fair to say that this whole effort came out of a set of land use issues that occurred in the Etowah area, specifically Biltmore Farms and Seven Falls. In response to those land use issues the Board of Commissioners set up a small area planning process to look at the land use issues. Mr. McGrady would be willing to consider incorporation after the small area planning process is complete but not before then; we are not there yet. He has received some possible feedback about the incorporation however the majority of the feedback has been opposed to it and he is not in support of incorporation at this time. Mr. McGrady felt that even if the Board were to go forward it would require a referendum to be held before he would be comfortable.

Commissioner Young stated that he had received many comments both for and against the incorporation. He represents the area of Mills River mostly in his district and the Mills River citizens have voiced that they did not received a chance to vote on the incorporation of Mills River. He felt that there should be a referendum allowing the citizens of Etowah to vote for or against the incorporation and the Board should honor the decision of the majority of the citizens.

Chairman Moyer questioned Commissioner Young as to whether he would prefer the referendum now or after the small area planning process was complete. Commissioner Young felt that the citizens should be allowed to go ahead with the referendum decision.

Commissioner Williams was in agreement with Commissioner McGrady. He felt that once the small area planning process has been established the incorporation would be considered. Mr. Williams also felt it was appropriate for the citizens to vote by referendum.

Commissioner Messer was in agreement with Commissioners McGrady and Williams. The citizens he has spoken with did have concern with the action taken by legislatures from time to time on annexation.

Chairman Moyer requested that Planning Director Anthony Starr come to the podium with an update on the small area planning process.

Anthony Starr stated that the committee has made tremendous progress and he anticipated that they would take up their last remaining section of the plan the following Monday and after completion of the discussion it would allow the Planning Department to have a preliminary draft in October. A public input session has tentatively been scheduled for January on the draft and if there are no major changes the committee would present the draft to the Planning Board and on to the Board of Commissioners for consideration in early to mid spring.

Chairman Moyer shared the concerns raised by the Commissioners and he felt that the planning process should continue to run, then based on what he has heard a referendum would be essential in order to determine what the position of the community really is.

Commissioner McGrady made a motion that the Board defers taking a position on the Etowah Incorporation until the completion of the small area planning process and at that time the incorporation issue be put to a referendum for the people of Etowah who live in the proposed area and the Board of Commissioners so advise the legislature as to their position. All voted in favor and the motion carried.

DRAFT MINIMUM HOUSING CODE

Chairman Moyer stated that the board heard many good comments from various groups this morning in respect to the draft minimum housing code. He felt that the draft was moving in the direction of where he felt it should be, more stream lined and easier to read. Chairman Moyer suggested scheduling a public input session to hear from all the people in the community and then hold a workshop to decide where the Board wishes to go with respect to the minimum housing code. He would like to have the code adopted by the end of the year.

It was the consensus of the Board that a public hearing be scheduled to hear from the people and then a workshop.

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

In January, staff presented to the Board a draft code. The Board provided direction for revisions to the draft code and the attached code reflects those comments. The new draft is several pages shorter and the language is more simplified. The new draft was presented at the September 2, 2008 Board meeting.

FORMER ETOWAH LIBRARY USE

County Manager Steve Wyatt stated that after the September 2, 2008 meeting, the Board of Commissioners directed Staff to formally solicit proposals for the use of the former Etowah Library building. There have been several inquiries, phone calls and emails in regards to the former Etowah Library building and the potential for reuse. Internally the staff has looked at possibilities for County operations. The interest for the Sheriff's Department substation would not be within the timeframe of the next few years. There is also some consideration about an EMS presence or perhaps a combination of the two. The Request for Proposals (RFP) was e-mailed to identified, interested parties, and posted on the County's website on Wednesday, September 3rd. The RFP was also advertised in the Times-News on September 8, 2008. Proposals were due to the County on or before September 15, 2008. Because the deadline was scheduled for a date following the preparation of agenda materials, Staff distributed copies of the proposals to the Board the prior day.

Mr. Wyatt outlined the three proposals received by deadline as follows:

WCCA – Western Carolina Community Action – More at Four

WCCA would like to use the former Etowah Library Building to provide high quality preschool services for thirty-six children. WCCA would pay for needed renovations to make the building suitable for this purpose including:

- A functional kitchen
- Child size bathroom facilities
- Partitioned for two classrooms
- A well equipped playground
- Exists to the playground from both classrooms
- Space for an on-site administrator

According to a report from the Henderson County Public School, students entering Etowah Elementary have the lowest rate of participation in a preschool of any elementary school in the county. For at risk children, participation in a high quality preschool program is an important indicator for future academic success. The property itself is a very good setting for a preschool. There is plenty of room for outside play, and it fronts a road without excessive traffic. This very location was a WCCA Head Start classroom before the library opened.

WCCA needs to take action quickly. The sooner space is secured the sooner children will receive these needed services. In order to qualify these slots for the state More at Four program the children will need to be served no later than November 2008.

WCCA is proposing to lease the building for a period of 3 years with the option to extend the lease for up to 24 months with the monthly fee of \$2,000. Their proposal also includes a \$50,000 investment in improvements. Staff is comfortable with the proposal and recommends that the Board authorizes staff to go ahead and have the County Attorney draft a lease and take the process forward as this is the most substantive proposal. The issues the Board will need to look at are length of term and whether to lease or sale. The Length of term WCCA is proposing is within the timeframe of reevaluation by either the Sheriff or the EMS folks in regards to possible use beyond that. WCCA has a track record in community impact and the history of the organization as far as serving citizens throughout the County. This may be brought back before the Board at the October 15 meeting or the Board could go ahead the give the Chairman authority to execute a lease in recognition of the time constraints.

Commissioner Young stated that he had heard there were problems with the septic tank at the former Etowah library and asked the County Manager if this was being considered as part of the upgrade.

David White, executive director, stated that Margit Sheldon had spoken with the County folks who deal with the issue and it is a concern. It may limit the amount of children served initially until they can figure out a solution.

Commissioner Messer stated that the Commissioners did not have their minds made up when they came to the meeting today. WCCA had provided the best proposal. *Commissioner Messer made the motion that the Board support staff's recommendation and authorizes the Chairman to execute a lease with WCCA consistent with the terms discussed during the meeting today.*

Commissioner McGrady stated that the proposal to turn the former library into a community center is one that he supports however the difference in the proposals is substantial in terms of the detail provided by WCCA. He also feels that the community center and the preschool are not necessarily inconsistent; WCCA is proposing a relatively short term lease, so in a few years time when WCCA has moved or discontinued this program the potential for using the former library as a community center will still exist. After looking at both proposals he liked the idea of adding a community center but there is a more pressing need between the two non-profits for WCCA and possibility down the road there is potential for both.

Commissioner Williams stated while he remained open to the other options, he felt that WCCA's proposal was well defined, well thought out and would provide the County with some return and provide service to the community.

Chairman Moyer was supportive of the motion and recommendation. He could not separate the Friends of Etowah proposal from the incorporation and felt that if the incorporation went through the responsibility of a community/senior center would fall on the Town of Etowah and not the County.

Commissioner Young was in agreement and felt that by accepting the proposal from WCCA, revenue would be generated for the taxpayers of Henderson County.

Chairman Moyer reminded the Board of the motion on the floor and a vote was taken. *All voted in favor and the motion carried.*

IAP – Institute for Applied Philosophy

IAP proposed to use the building as a meeting site, classroom, auditorium and philosophy library with books and publications on philosophy. They hope to provide audio and video courses on DVD, available to interested persons and groups. They would hold classes on various subjects and offer evening lectures for the general public, presented by experienced and knowledgeable people from the community. They would also like to develop a program for high school students in the area that emphasizes subjects not covered by high school curricula. IAP would also make the building available to other local groups who would like to use it as a temporary meeting place. IAP suggested \$500 per month for lease.

Friends of Etowah

The Friends of Etowah proposed to use the former library as a Senior/Community Center for the Etowah community. They believe the building is perfectly suited and situated to provide a space where the community could come together through enriching leisure time activities. Listed below are the possible functions and activities to be conducted in the community center.

- Senior Citizen meetings and activities to meet the needs of the community
- Community health screenings and educational classes
- Arts and Crafts activities (knitting, woodworking, painting, stained glass, etc.)
- Fitness and dancing activities (yoga, square dancing, etc.)
- Card and board games (bridge, mah jongg, checkers, chess, etc.)
- After-school programs for teens
- Intergenerational programs
- Linkage to community services to the elderly through Council-on-Aging

The Friends of Etowah is a non-profit organization, charter earlier this year. As such, they have not anticipated any expenses for rents and leases.

SALES TAX REFERENDUM – UPDATE AND DISCUSSION

Chairman Moyer reminded citizens that the November 4 date is getting closer and he wanted to keep the sales tax referendum “in front of them”. LGCCA members had discussed this item at their meeting the day before and the Board requested support from the other municipalities. He felt it was incumbent upon the Commissioners, with the short time available, to continue to spread the word if they want a chance of the referendum passing. Chairman Moyer finds that the more people he speaks with and explains the debt service situation and the resolution that was passed, the more citizens that are now in support.

FACILITIES ISSUES

Assistant County Manager Selena Coffey stated that County Engineer Marcus Jones had spent a great deal of time looking at square footage issues and background information. Space is a major issue not only for non-profits like WCCA and Friends of Etowah but it is also an issue for County Government. The major issues are as follows:

- What’s the best use for the old Health Department building?
- What’s the best course of action to assure adequate and effective space for the current and future Sheriff’s Department needs?
- How does the County best meet facility needs for the District Attorney, Clerk of Court, Register of Deeds, Public Defender, and other Court related operations? (Overcrowding in the 1995 Courthouse)
- Where is the future location for EMS HQ/Base? (Currently at Pardee Hospital)
- What’s the best use of the old water department building?

Background

The Board noted unanimously on November 15, 2008 to move the occupants of then land development building (Planning, Zoning, Inspections, and Emergency Services) into the King Street building and to include the Law Enforcement Center as part of the twelve year capital plan. Commissioner Williams stated that he was not on the Board at that time.

Solutions for Local Government study

- Determined that Sheriff would not fit long term into King Street Building and Land Development would not fit into the Old Health Building
- Recommended relocation of Land Development Building occupants to King Street
- Recommended construction of Law Enforcement Center for Sheriff Department

1995 Courthouse

- District Attorney and Clerk of Court are looking for more office space
- Public Defender’s Office addition
- Register of Deeds needs storage space
- Need of a Law Library

In June 2008 an assessment was done which confirmed that the Sheriff’s Department would not effectively operate in the Old Health Building. (13,000 square feet are available in the building vs. the need of 31,000 was the previous study) Renovations to the Old Health Building would range from \$1.3 - \$1.6 Million. In July 2008 the board of Commissioners requested that staff get the information necessary to determine if the building can be utilized for other County Departments or should be put on the market for sale, and bring it back to the Board by the second meeting in September with recommendations. Challenges are as follows:

- Best use for Old Health Building
- Adequate space for Sheriff’s Department
- Relief of 1995 Courthouse overcrowding
- Future EMS HQ/Base needs

Challenge #1 – Best use for Old Health Building

- What current and future facility needs can be addressed by the renovation and reuse of the Old Health Building?

Challenge #2 – Sheriff’s Department Space Requirements

- Currently occupying multiple facilities (creates costly inefficiencies) with no room for growth
- Law Enforcement Center needs unique security and communication considerations
- Currently occupying 22,724 square feet with 12 year projection at over 31,000 square feet

Challenge #3 – Insufficient Space at 1995 Courthouse

The following occupants of the 1995 Courthouse have grown beyond their current space:

- Register of Deeds (storage space needed)
- Clerk of Courts (crowded, no space for growth)
- District Attorney (no space for growth)
- Judges and Attorney Conference (no growth)

Challenge #4 – Relocation of EMS HQ/Base

- Relocation to provide space for Hospital expansion
- Current plan is to occupy bottom floor of King Street Building w/construction of ambulance bay

Assets

- A. Former Health Department Building
- B. Old Water Department Building
- C. Chamber of Commerce Building
- D. Unfinished space within the Human Services Building

A – Former Health Department Building

- 13,000 square feet of space
- Available immediately for rehabilitation
- Estimate renovation cost dependent on function

B – Old Water Department Building

- 9,600 square feet
- Available immediately for rehabilitation
- Environmental concerns – remediation costs unknown
- Renovation cost unknown

C – Chamber of Commerce Building

- 4,200 square feet
- Available in 1- 2 years
- Renovation cost unknown

D – Human Services Building Unfinished Space

- 4,000 square feet in DSS
- 5,000 square feet in the Health Department (use of 2,700 square feet tentatively planned for dental clinic)
- Available immediately for finishing per function
- Finishing costs unknown

Options

Sheriff to Old Health Building

- The HSMM study presented in July 2008 to the Board confirmed that the Sheriff’s Department was

not a feasible occupant of the Old Health Building due to square footage deficiencies.

Sheriff to King Street Option

- Move to King Street Occupants to the Old Health Building
- Then move the Sheriff into the King Street Building

Sheriff to King Street Option

King Street Building Occupants (per 2006 Study)

- Emergency Management: 8,300 square feet
- Wellness Clinic: 1,000 square feet (added)
- Permit Center: 1,500 square feet
- Building Inspections/ESC: 2,000 square feet
- Zoning: 2,000 square feet
- Engineering/SSWSD: 1,500 square feet (added)
- Planning / Meeting Room: 6,000 square feet
- Total: over 22,000 square feet

- The approved November 2006 plan for the King Street Building (previously shown) provides adequate space for existing needs and reasonable growth for the aforementioned departments.
- At 13,000 square feet the Old Health Building will fall far short of the over 22,000 square feet needed for the King Street occupants.
- The 2006 Solutions for Local Government Study on the Sheriff Department concluded that the King Street Building was not adequate for the consolidated Sheriff Department.
- Current Sheriff's Department operations occupy 22,700 square feet
- Total King Street square footage is 22,500 square feet
- While the square footage is comparable, it is anticipated that Sheriff's Department needs for additional office space will mirror the growth of the County. The projected 2020 requirement is 31,000.
- The renovation cost to make today's Sheriff's Department fit is unknown.
- The cost to expand the facility to meet future needs is also unknown.
- **Therefore**, this option is not best for either the existing King Street occupants or the Sheriff's Department
- It solves the Old Health Building Challenge but creates a Challenge for the King Street occupants and only consolidates the Sheriff without consideration for growth or specific building needs

1995 Courthouse Occupants

County Departments

Location not courtroom Dependent

- Tax Assessor: 6,900 square feet
- Tax Collector: 2,800 square feet
- Register of Deeds: 5,800 square feet
- Information Technology: 3,500 square feet

Non-County Units

Location not Courtroom Dependent

- Child Support: 1,900 square feet
- Probation, Juvenile: 1,200 square feet
- Probation, Adult: 6,200 square feet
- Guardian Ad Litem: 1,000 square feet

Non-County Units

Location Courtroom Dependent

- District Attorney: 2,200 square feet
- Public Defender: 1,000 square feet
- Clerk of Court: 10,600 square feet
- Courtrooms, Judge Officer, etc.

Tax Assessor and Collector

- Assessor and Collector need to be adjacent
- Adjacency relationship with Register of Deeds minimal (electronic communication possible):
- Adjacency relationship with Clerk of Court minimal for property ownership information through non deed transfers (electronic communication possible)
- Courthouse provides element of security

Probation (Adult and Child), Guardian Ad Litem, and Child Support

- Some Courtroom adjacency needs
- If moved would still need some conference space in Courtroom
- Lease with Probation is not current
- Moderately inconvenient but possible to move from Courthouse to Old Health Department Building

Information Technologies

Ms. Coffey addressed the issue of moving the IT function to far away as it currently houses all of the County servers, all of the main infrastructure for technology, and it would be costly to move the fiber, wiring and cabling.

- Courthouse is Central Hub for IT Infrastructure
- IT Training Room with Training Computers is Secondary Emergency Operation Center.
- Significant issues with Information Technology infrastructure relocation

Register of Deeds

- Some Courtroom adjacency for convenience to legal community
- Adjacency to Clerk of Court for recording procedures is important
- Difficult to move from Courthouse (Clerk of Court)

Options**Move Tax Collector and Assessor**

- Old Health Building: approximate 13,000 square
- Total space needed currently: 9,700 square feet
- Space available for Growth: 3,300 square feet (34%)
- Add drive up window during renovation at relative low cost

Move Probation, Child Support, Guardian Ad Litem

- Total space needed currently: 10,300 square feet
- Space available for Growth: 2,700 square feet (26%)
- If moved would need minimal space in Courthouse (less than 500 square feet)
 - The space vacated can provide expansion and reasonable growth for the remaining occupants of the 1995 Courthouse
 - 10,300 square feet available to meet identified/requested needs
 - Will meet current and future justice related office space needs
 - Will indefinitely delay need for courthouse expansion

Other Considerations

- Impact on Wellness Clinic of relocation
- Loss of heavily used King Street meeting room
- Loss of potential consolidated emergency services/EMS/EOC/EMS Base
- Loss of future human services expansion space

Recommendations

- Move Probation (Adult and Child), Guardian Ad Litem and Child Support to renovated Old Health Building
- Vacated space becomes available to remaining occupants in 1995 Courthouse
- Law Enforcement Center and EMS HQ/Base remain on the Capital Improvement Plan

Chairman Moyer had concerns with the study and recommendations and provided the following recommendations:

- The operations related to the 1995 Courthouse should remain as close to or in the Courthouse for efficiency purposes being moved to the Old Health Department as a reasonable step. Operations that relate to the Health Department and DSS should be as close to that building as possible if it is part of their overall operation.
- The County needs to consolidate the Sheriff's operations and it needs to be done now other than the evidence storage area in which a metal storage building could be erected. Chairman Moyer feels that the 100 N. King Street space is adequate for the Sheriff's Department and can be made adequate for the foreseeable future; putting off the Law Enforcement Center for possibly twelve years is unreasonable.
- The Chamber building will be available sooner and he feels that will provide some space that may be used and is relatively close to the Courthouse.
- EMS should remain where they are
- The old water department building space is useable and the minimum that could be done is use the meeting space located there in the conference room.
- The Wellness Center should be located in the Health Department
- A good hard look should be taken at the dental program as he felt it was duplicative and not needed.

Commissioner McGrady felt that there were a lot of issues but he was not in agreement with all of Chairman Moyer's suggestions. Commissioner McGrady recommended the following:

- Operations that relate to the Courthouse should remain in the Courthouse
- The consolidation of the Sheriff's Department should remain in the long term goal – It remains on the capital goal and is only around six (6) years out. The King Street Building was inadequate in 2006...what makes it adequate in 2008?
- The King Street building should remain as it is working well
- The Chamber building may possibly be used for Child Support and Guardian Ad Litem
- The old health building could be used to consolidate Henderson County tax operations with renovations
- The old water department building will probably cost more to renovate than tear down and rebuild

Commissioner Young agreed with comments of both Chairman Moyer and Commissioner McGrady and recommended the following:

- The impound lot is a big piece of property adjoining the 1995 Courthouse along with the old water department property. He feels the water department building is not worth spending money on. Move the impound lot and then use both properties to build a Courthouse Annex for the Tax Assessor and Tax Collector and if a multi-story building is built it could also house the Sheriff's Department.
- The old Chamber building could be utilized for the Guardian Ad Litem

Commissioner Williams feels that a workshop is in order. He had the following suggestions:

- The King Street building is an ideal location for the Sheriff's Department

- The Wellness Center should be in the Health Department
- Use assets we have effectively and efficiently

Additional minutes follow in regards to Facilities Issues after the public hearing.

Break

A break was taken to change video tapes.

Chairman Moyer called the meeting back to order.

PUBLIC HEARING – LDC TEXT AMENDMENT #TX-2008-03, CONSERVATION SUBDIVISION OPTION IN THE R-40 (ESTATE RESIDENTIAL) ZONING DISTRICT

Commissioner Williams made the motion for the Board to go into public hearing with respect to LDC Text Amendment #TX-2008-03, Conservation Subdivision Option in the R-40 (Estate Residential) zoning district. All voted in favor and the motion carried.

Planning Director Anthony Starr stated 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, a request was made that the Board of Commissioners consider allowing conservation subdivisions in the R-40 (Estate Residential) zoning district. The text of the R-40 (Estate Residential) zoning district was included in the LDC and the old zoning ordinance did not include the provision for conservation subdivisions.

Conservation subdivisions are characterized by open space and clustered more compact lots. They must have a minimum of 25% of the project area retained as open space and meet the requirements of the standards for conservations subdivisions in the Land Development Code. An advantage of the conservation subdivision is that it protects natural and sensitive features and community character while providing the owner with the ability to get a density bonus and minimize infrastructure cost providing more affordable housing or at least the opportunity for that. Mr. Starr feels that having minimum lot sizes does not do anything to preserve minimum rural character. In order to get the 20% bonus 50% of the project property would have to be dedicated open space.

At the March 27 hearing there was a request from the public to add this as an additional change and so the Board has moved in that direction to consider that request. The current language can be found in section B of §200A-37 simply by striking out the word not and adding...minimum lot sizes shall not apply when using the Conservation Subdivision option and an average density of 1 unit per 40,000 square feet shall be applied.

At the request of the Board, the text for the R-40 district was left intact. Staff has proposed the text amendment provided (#TX-2008-03) to the Land Development Code to address the issue.

The Henderson County Technical Review Committee (TRC) reviewed the request at its meeting on June 3, 2008 and voted 7-0 to recommend that the Board of Commissioners approve text amendment #TX-2008-03 to allow the conservation subdivision option in the R-40 zoning district.

The Henderson County Planning Board considered the proposed text amendment (#TX-2008-03) at its meeting on June 19, 2008 at which time the Board voted 6-0 to send the Board of Commissioner a favorable recommendation to allow conservation subdivisions in the R-40 zoning district.

PUBLIC NOTICE:

Before taking action on the request, the Board of Commissioners must hold a public hearing. In accordance with §200A-314(C) and 200A-337(B) of the Henderson County Land Development Code and State Law,

notices of the September 17, 2008, public hearing regarding text amendment #TX-2008-03, were published in the Hendersonville Times-News on September 3, 2008 and September 10, 2008.

Planning Staff recommends that the Board of Commissioners approve text amendment #TX-2008-03 to the Land Development Code as it is consistent with the recommendations of the Henderson County 2020 Comprehensive Plan.

Public Input

1. Angela Beeker – Ms. Beeker spoke in favor of the amendment on behalf of Stephen Ledbetter who is a non-resident property owner and owns two (2) acres on Kanuga Road. Ms. Beeker stated that Mr. Ledbetter requests that the Board of Commissioners adopts the conservation subdivision option for R-40. She feels it is consistent with what is already allowed in the R-40 and that is residential open spaces development, which allows some clustering and reduction of lot size in R-40 already but for a much greater piece of property, at least 40 acres and a special use permit is required. This would allow people to take advantage of the same concept on a much smaller scale. This will also alleviate the non-conformity of setbacks for Mr. Ledbetter; property that has two pre-existing structures that predate even zoning. Mr. Ledbetter would then be allowed to subdivide the property. Ms. Beeker did not feel that this would have much effect on already established R-40 neighborhoods because they are already subdivided and individually owned.
2. Angela Fernandini – Ms. Fernandini stated that she was aware the conservation subdivisions are the types of subdivisions that are wanted in the County and they do preserve green space. However a lot of R-40 district is located where out tourists go to see nice pretty mountains with trees without houses. She feels that if we start opening up R-40 to a conservation subdivision it will take away from that. She questioned what would prevent someone from coming in and buy multiple tracks of land from different property owners and try to conjoin it into one major subdivision. Whether it was a regular subdivision or a conservation subdivision she was concerned about the number of houses in those R-40 areas. She urged the Board to look at this option seriously and possibly consider allowing a special use permit on a case by case basis instead of making such a change.

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

Commissioner Young made the motion that the Board approves text amendment #TX-2008-03 to Chapter 200A, Land Development Code based on the recommendations of the Henderson County 2020 Comprehensive Plan, and any other conditions that the Board discussed. After further discussion all voted in favor and the motion carried.

CONTINUATION OF FACILITIES ISSUES

Chairman Moyer recommended that the Board should schedule a workshop with a public hearing component for a month out and prior to that ask the Sheriff to take a look at the studies and the building at 100 N. King Street and be prepared to come to the workshop to discuss the facility with the Board, whether it would be adequate or not. He also felt that when the workshop was held the people who may be affected would need to be present and provide their views on the effect on their operation. We need more specifics on the availability of the Chamber of Commerce building; they opened their new site the prior week.

Commissioner Messer agreed that everyone involved needs to be a part of the public hearing and workshop.

Commissioner Williams not only want to look at the property that has been discussed but also look at any other County property that may not be utilized at this time. He feels pretty strongly that the old health department building is one property that the County needs to hold on to as a valuable asset.

Commissioner McGrady stated that a large meeting was held with everyone who has space in the Courthouse and they all have perspectives that need to be heard.

Chairman Moyer felt it was the consensus of the Board to direct the Sheriff to study the plans and the building and be prepared to come back to the Board at the workshop. He felt that until the issues were resolved the ongoing renovations at the 100 N. King Street building may be completed but not to begin renovations in any new areas yet.

County Manger Steve Wyatt updated the Board on the renovations at 100 N. King Street. The County was able to save a \$2,000 per month lease by moving Cane Creek Water and Sewer to the King Street building. The work that is being done at this time is a true "one stop" center for permitting.

County Engineer Marcus Jones stated that the permitting center was almost complete. It will provide better parking access as well as a walk in directly to a window for help.

RIGHT OF WAY AGREEMENTS

During its August 11, 2008, meeting, the School Board approved, (subject to legal counsel review), three (3) Duke Energy Carolinas right-of-way agreements concerning the Hillandale Elementary, Mills River Elementary and Dana Phase II construction projects. The agreements will allow Duke Energy to install underground three phase for Hillandale Elementary and Mills River Elementary Schools and will allow them to relocate the three phase line for Phase II of the Dana project. Following the recent review of our legal counsel, a signatory page for "Grantor – County of Henderson, North Carolina," was added to each agreement. The agreements are enclosed for your review and action.

County Attorney Russ Burrell stated that these are right-of-way agreements in favor of Duke Power. Essentially they are a ten (10) foot right-of-way over the property to the property. These lines are intended to basically just relocate the lines to each of the three schools and to clarify that whatever they view as the best line running over your property to get to the schools, they would have the right to do so.

Commissioner Young made the motion that the Board approves the right-of-way agreements for Duke Energy and authorizes the signing of them by the Chairman. All voted in favor and the motion carried.

MODIFICATION OF HCTV – 11 POLICY

In light of the current pending referendum issue and requests from non-partisan groups to host issues information forums on HCTC-11, the attached revisions to the County's broadcast policies are needed to clarify that such forums are possible.

Commissioner McGrady was in support of the proposal but felt it did not go far enough. The Q&A session with potential candidates should be open to all candidates who qualified.

Chairman Moyer feels it is easy to say with some groups that there will be an impartial candidate forum but another group may come in with a clear slant it could be a problem.

Commissioner Young made the motion that the Board adopts the proposed amendments to the Television Cablecast Policies and Procedures with the change in 2.4.1 deleting "information on" in the last sentence. All voted in favor and the motion carried.

STAFF REPORTS

County Attorney's Report

There was nothing further at this time.

County Manager's Report

County Manager Steve Wyatt stated that at the last LGCCA meeting several issues were discussed as follows:

1) Transition of Sales Tax Method

The sales tax method went from per capita to ad valorem and to the surprise of everyone the State threw a curve ball by implementing it a couple of months early. The County Finance Director and County Attorney had to work through this to basically develop a way to hold everyone harmless as to where they thought they would be back when these discussions took place.

2) Cable T.V. issues

Complaints are up and they are being referred to the Attorney Generals office. It is fair to say that there is a level of frustration with the resolution of Cable TV issues here. It was the consensus of the LGCCA members to ask the units of Government to work together collaboratively providing steps to be taken along with information and links of each jurisdiction on their website to the proper authorities to handle those complaints and also have hard copies available to send out to citizens of the complaint form. They will be working to develop some public education slots on Channel 11 to educate people that it is not a local regulated issue now and has all gone to the State of North Carolina.

3) Legislation issues

A new session will be taken up in late January about general assembly issues that each jurisdiction is interest in there. A huge one was the issue of "dumping secondary roads on County Government issue; the financial implications and the logistical implications. It is suggested that each jurisdiction will separately do a resolution similar to the Board of Commissioners and then there will be a collective resolution. It is time for the NCACC to develop legislative goals and this along with some other items needs to be brought in front of them. The Board of Commissioners may consider having a resolution at the next meeting listing their goals.

4) Minimum Housing Code

The Chairman did alert to the other jurisdictions about the discussions in regards to the minimum housing code and the fact that the Board would be taking a hard look at it.

5) Water Supply and Distribution Task Force

The LGCCA voted to support the effort of the Water Supply and Distribution Task Force.

Chairman Moyer stated that with respect to secondary roads this issue had quieted down but would come flying back right after the election.

Commissioner McGrady serves on the 21st Century Transportation Committee. They will not be meeting again until after the election but have three meetings scheduled in November and December with the expectations that they will deliver a set of recommendations to the new Governor and the new General Assembly in advance of the upcoming session. There is active discussion in regards to the vesting responsibility for secondary roads to Counties. The thing that he is more concerned with is that for the first time he heard discussion referencing that the some Counties may have to set up their own road department and get into the road building business.

IMPORTANT DATES

National Incident Management System training for Commissioners

Selena Coffey stated that she and Amy Brantley would set up computers in their offices and the Commissioners could go through the training online. They had received study guides and it would take 30 minutes or less to complete. It essentially asks how you should respond in the event of an emergency. It is part of the Homeland Security process. Our compliance helps the County with grant funding.

Joint meeting with Polk County Commissioners has been scheduled for September 30 at 7:00 p.m. at the Polk County Courthouse in Columbus. Due to the gas shortage a van has been utilized so that everyone can ride together. Polk County will be providing supper at 6:00 p.m. and the van will live at 5:15 p.m.

Set Public Hearing – Economic Development Incentives to Leisure Craft, Inc.

Commissioner McGrady made the motion that the Board conduct a public hearing on the application for economic development incentives by Leisure Craft, Inc. All voted in favor and the motion carried.

Set Date for United Way Miniature Golf Event

Pam Brice stated that two events were planned for United Way fund raising. The first is Wednesday, September 24 at Jackson Park. The second is a miniature golf tournament. The Board is requested to consider scheduling the "Henderson County vs. Hendersonville Miniature Golf Tournament". The event would be a fund-raiser for United Way and would be a lunch-time tournament, 1-on -1, 18 holes, \$1 a shot. Commissioners would play City Council members, and County department heads would play city department heads. Tickets will be sold and there will be trophies, a scoreboard, and refreshments. The Commissioners determined that the best date for them would be Thursday, October 16, 2008.

Farm City Day

Commissioner Mark Williams reminded the Board that Farm City Day would be October 4, 2008 beginning at 10:00 a.m. He encouraged the Board members to attend and ride in the parade, and also a corn shucking contest.

Set Public Hearing on Minimum Housing Code

Commissioner Young made the motion that the Board set a public hearing on the Minimum Housing Code for Thursday, October 23 at 7:00 p.m. in the courtroom of the Historic Courthouse. All voted in favor and the motion carried.

Facilities Issues

Chairman Moyer did not feel that this workshop should be scheduled until staff had a chance to speak with the possible involved departments.

CANE CREEK WATER & SEWER DISTRICT

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

Please see separate Cane Creek minutes for action.

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

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*

All voted in favor and the motion carried.

ADJOURN

ATTEST:

Teresa L. Wilson, Deputy Clerk to the Board

William L. Moyer, Chairman