

**DRAFT MINUTES**

**STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS  
APRIL 6, 2009**

The Henderson County Board of Commissioners met for a regularly scheduled meeting at 5:30 p.m. in the Commissioners' Meeting Room of the Historic Courthouse on Main Street, Hendersonville.

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

Also present were: Associate County Attorney Sarah Zambon, Deputy Clerk to the Board Terry Wilson, Public Information Officer Pam Brice, Sheriff Rick Davis, Captain Greg Cochran, Finance Director J. Carey McLelland, County Engineer Marcus Jones, Planning Director Anthony Starr, Assessor/Interim Tax Collector Stan Duncan, Code Enforcement Director Toby Linville, Research/Budget Analyst Amy Brantley, Senior Planner Autumn Radcliff, and Officer David Pearce (Security).

**CALL TO ORDER/WELCOME**

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

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance to the American Flag was led by Miss Naomi McIlvaine of the Mountain Lions 4-H Club.

**INVOCATION**

Commissioner Mark Williams gave the invocation.

**SPECIAL RECOGNITION**

Chairman Moyer recognized our Public Information Officer, Pam Brice, who had received an award for Excellence in Communications and Special Events for her work with respect to the rededication of the Historic Courthouse. She worked on the flyers, brochures, rack cards, etc. associated with the rededication. She was recognized for her work. On behalf of the Board Chairman Moyer presented her with the award/trophy and thanked her for her hard work.

Commissioner Chuck McGrady explained that he attended an event the other day entitled "Are You Smarter Than a Fifth Grader" which was held in connection with Blue Ridge Community Health Services new Nursing Unit and Health Unit at Bruce Drysdale School. The Board was very capably represented by Mark Williams taking on the likes of Stephen Page, Steve Kirkland, Kris Hoce, Jimm Bunch, and others. Mark's team won the contest with the help of his helper who was quick on pushing the button.

**INFORMAL PUBLIC COMMENTS**

1. – Noel Watts – Mr. Watts is the incoming President of the Board of Directors for the Alliance for Human Services. She spoke on behalf of the non-profits. She expressed appreciation for the long hours and hard work that the Board of Commissioners puts in for the people of Henderson County. Mr. Watts stated that we are fortunate to live in Henderson County where our county government actively engages in meeting the humanitarian needs of its community. Our residents should know that our county's system for assuring that tax dollars support going to qualified non-profit providers is unmatched in North Carolina. Henderson County is the only county in North Carolina to establish a non-partisan independent system that formally reviews and validates the governance and performance of non-profit human service providers that receive county funding. Our system not only accredits non-profits but also reviews annual funding requests and provides our county

DATE APPROVED \_\_\_\_\_

Commissioners with qualified non-partisan recommendations regarding their stated need for county support. Mr. Watts asked that if budget cuts are required in the FY 2009-10 budget, to please tread lightly with the county's network of non-profit human service providers. Most have already reduced staff and cut other costs, all while their needs are intensifying. Continued county support for non-profit human service providers is crucial.

2. Leon Allison – Mr. Allison addressed the subject of Planning Board appointees. He was a Board member for four years. He served in that capacity because he loves Henderson County and he counted it a privilege to serve. One of the members that is up for possible reappointment was on the Board when Mr. Allison was, Mike Cooper. “Many times our paperwork would come in on the plans and it would be plain and Mike would go to his company and print, re-blueprint the plans to us so every member could have a clear copy of what we were voting on. You won't find anybody in Henderson County to replace Mike Cooper that has anymore knowledge and any more sincerity on that Board. You couldn't find another member. He served very honorably and he took it very serious like I did my membership on the there, that we applied the law that you commissioners made. If you don't like some of the laws you can change the rules and the law but you've got three excellent board members that are already on the board that knows the rules to go by and they show no partiality towards one person. They show fairness towards all. If some folks in the county don't like some of the things that come up, the commissioners are the one that's suppose to change the rules. But you can't go onto a board and not knowing something about building... you gotta have a little bit of knowledge in your appointees to go on these boards that they make sure that your rules are gone by, that you have produced, land planning and all the rules they have to go by. And I would just ask all of you to think about these three members that are up for appointee again because you couldn't replace them, in my opinion, with no one no better.”
3. Larry Baber – Mr. Baber recommended and asked the Board to reappoint the three members that are currently on the planning board.
4. Larry Rogers – Mr. Rogers represents about 70 business and property owners in the community. He too, thanked the Planning Board for all their hard work they have been doing, especially the Land Development Code. He attended most of the meetings and this was long work they did. In particular he asked the Board to reappoint the three members that up for reappointment because they have been part of this community for a long time and they do a good job.
5. Bill Harper – Mr. Harper reminded everyone of the saying “If it ain't broke, don't fix it.” He said there hasn't been a problem with these board members so he doesn't see why the board would even consider thinking about changing them or making any kind of changes. His suggestion is to just keep what we've got. “You've got all this much experience on there, why would you want to change that?”
6. Andrew Bell – Mr. Bell wished to address amendment #17 of the Land Development Code. Chairman Moyer informed him that the Board would be holding a Public Hearing on that issue at 7:00 p.m. and asked Mr. Bell if he could stay for that part of the agenda. Mr. Bell said he would.
7. John Blatt – Mr. Blatt dittoed Mr. Allison's comments about the experience of the members who are currently on the Planning Board as well as the three who are up for reappointment. He spoke from experience as a City Planning Board member for many years. He stated it is very helpful to have folks who are involved with real estate matters and zoning matters on a routine daily basis. He stated the zoning ordinances are 300-400 pages long and you need folks who are familiar with working with these things on a regular basis. From experience, he said they've had members on the City Planning Board who after three years or six years have proudly stood up and had questions about zoning allowances because these documents are so tedious and so difficult. He stated it is a great benefit to the county to keep folks on the board who do have experience with these matters.

**DISCUSSION/ADJUSTMENT OF AGENDA**

Chairman Moyer requested the addition of “COPS Hiring Recovery Application” as item “H” under Discussion Items.

*Commissioner McGrady made the motion to approve the agenda with the added item “H”. All voted in favor and the motion carried.*

**CONSENT AGENDA**

Chairman Moyer requested that consent agenda item “K – Transfer of Surplus Motorcycle to City of Hendersonville” be pulled from the Consent Agenda and have that discussion immediately following the remainder of the Consent Agenda.

*Commissioner McGrady made the motion to approve the Consent Agenda with the exception of item K. All voted in favor and the motion carried.*

The Consent Agenda included the following:

**Minutes**

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

- July 16, 2008 – Regularly Scheduled Meeting
- March 2, 2009 Regular Scheduled Meeting
- March 18, 2009 Regularly Scheduled Meeting
- March 26, 2009 – Special Called Meeting

**Tax Collector’s Report**

Stan Duncan, Interim Tax Collector, had provided the Tax Collector’s Report dated March 24, 2009 for the Board’s information.

**Financial Report/Cash Balance Report – February 2009**

Included for the Board’s review and approval were the County Financial Report and Cash Balance Report for February 2009.

The fiscal YTD deficit in the Travel & Tourism Fund is due to the current economic situation and less revenues being collected in a month that travel/lodging business is typically slower resulting in less occupancy tax collections.

The fiscal YTD deficit in the CDBG – Scattered Site Housing Fund, the Lewis Creek Restoration Project Fund and the Public Transit Fund are temporary due to the timing of actual expenditures and the subsequent reimbursement of the expenditures from grant funds in succeeding months.

Suggested Motion:

*I move that the Board of Commissioners approve the February 2009 County Financial Report and Cash Balance Report as presented.*

**Henderson County Public Schools Financial Reports – February 2009**

Provided were the Henderson County Public Schools February 2009 Financial Reports for the Board’s information.

Staff requested that the Board consider approving the School System’s February 2009 Financial Reports as presented.

The suggested motion was:

*I move that the Board of Commissioners approve the February 2009 Henderson County Public Schools Financial Reports as presented.*

**Pawnshop license renewal – Etowah Pawn**

Bruce Gosnell has applied, pursuant to § 134-5 of the Henderson County Code, for a renewal of this license to conduct the business of pawnbroker within Henderson County. Mr. Gosnell has previously been granted this license. He has supplied the required documentation for such license.

Under Henderson County ordinance, this is an annual process. § 134-6 requires that such applications be brought “for consideration by the Board of Commissioners at a regular scheduled meeting”.

Suggested motion:

*I move that the Board grants a renewal of a pawnshop license to Bruce Gosnell, as applied for.*

**Request for Public Hearing on new road names**

The Board is requested to set a public hearing for May 4, 2009 at 7 pm.

New Road Names

Saylor Lane (currently Jean Luc Lane)

Suggested Motion:

*I move the Board set a public hearing on new road names for May 4, 2009 at 7 pm.*

**Chateau on the Mountain, on-premises permit**

North Carolina alcoholic Beverage control law allows local governments to comment upon the application by a private facility for on-premises consumption alcoholic beverage sale permits. The purpose of the comment is to allow the Alcoholic Beverage Control commission to “be satisfied the applicant is a suitable person and that the location is a suitable place”.

A copy of the application was provided on behalf of Chateau on the Mountain by Lee & Jeanne Yudin.

Comment by the Board is not required. If the Board does wish to comment upon this, it should be done as a group.

Suggested motion:

*Henderson County’s Board of Commissioners does not desire to make any comment as to the suitability of these applicants nor as to the location of the prospective permit sit. This lack of comment should not be interpreted in a negative manner.*

**Reappointment of Interim Tax Collector**

As the Board has commenced a study of the offices of the Tax Assessor and the Tax Collector, the results of which study have still yet to be received (but are due to be received shortly), it is suggested that Interim Tax Collector (and Tax Assessor) Stan Duncan’s appointment as Interim Tax Collector be extended.

Suggested motion:

*I move that the Board extend the appointment of Stan Duncan as Interim Tax Collector until the first to occur of the appointment of a Tax Collector by this Board, or this Board’s mid-month meeting in May of 2009.*

**National County Government Week – Resolution**

National County Government Week was created by the National Association of Counties to raise public awareness and understanding about the roles and responsibilities of the nation’s counties. This year’s County Government Week will be May 3<sup>rd</sup> through May 9<sup>th</sup>, 2009, and the theme is “Greening Our Future”. Henderson County encourages citizens in the County to join us in celebrating the week, and learning more about how Henderson County is “Greening Our Future”.

Suggested Motion:

*I move that the Board adopt the attached Resolution proclaiming May 3 – 9, 2009 as National County Government Week in Henderson County.*

HENDERSON COUNTY, NORTH CAROLINA  
BOARD OF COMMISSIONERS

**Resolution**  
**National County Government Week**

**May 3-9, 2009**

***“Greening Our Future”***

**WHEREAS,** Henderson County and all counties take seriously their responsibility to protect and enhance the health, welfare and safety of its residents in sensible and cost-effective ways; and

**WHEREAS,** Many Henderson County government initiatives and programs involve the protection of valuable and vulnerable environmental resources in communities including the county’s recycling program, the county’s energy reduction program and other such programs; and

**WHEREAS,** The National Association of Counties is the only national organization that represents county governments in the United States; and

**WHEREAS,** The National Association of Counties created National County Government Week in 1991 to raise public awareness and understanding about the roles and responsibilities of the nation’s counties to meet the needs of the community; and

**WHEREAS,** NACo and Henderson County are working together to Restore the Partnership between all levels of government to better serve American communities;

**NOW, THEREFORE,** be it resolved that we, the Henderson County Board of Commissioners, do hereby proclaim May 3-9, 2009 as National County Government Week in Henderson County and encourage all Henderson County officials, employees, schools and residents to participate in county government week activities.

**Spring 2009 Litter Sweep Resolution**

The Spring 2009 LITTER SWEEP roadside cleanup, organized by the NC Department of Transportation, will be taking place April 18<sup>th</sup> through May 2<sup>nd</sup>, 2009. Henderson County encourages citizens in Henderson County to take an active role in making our community cleaner through participating in local litter sweep activities.

Suggested Motion:

*I move that the Board adopt the attached Resolution designating April 18, 2009 – May 2, 2009 as LITTER SWEEP time in Henderson County.*

HENDERSON COUNTY, NORTH CAROLINA  
BOARD OF COMMISSIONERS

**Resolution**  
**Spring 2009 Litter Sweep**

**Whereas,** the North Carolina Department of Transportation organizes an annual spring statewide roadside

cleanup to ensure clean and beautiful roads in North Carolina; and

**Whereas**, the Spring 2009 LITTER SWEEP roadside cleanup will take place April 18 through May 2, 2009, and encourages local governments and communities, civic and professional groups, businesses, churches, schools, families and individual citizens to participate in the Department of Transportation cleanup by sponsoring and organizing local roadside cleanups; and

**Whereas**, Adopt-A-Highway volunteers, Department of Transportation employees, Department of Correction inmates and community service workers, local government agencies, community leaders, civic and community organizations, businesses, churches, schools, and environmentally concerned citizens conduct annual local cleanups during LITTER SWEEP and may receive certificates of appreciation for their participation; and

**Whereas**, the great natural beauty of our state and a clean environment are sources of great pride for all North Carolinians, attracting tourists aid aiding in recruiting new industries; and

**Whereas**, the cleanup will increase awareness of the need for cleaner roadsides, emphasize the importance of not littering, and encourage recycling of solid wastes; and

**Whereas**, the 2009 LITTER SWEEP cleanup will celebrate the 21<sup>st</sup> anniversary of the North Carolina Adopt-A-Highway program and its 6,000 volunteer groups that donate their labor and time year round to keep our roadsides clean; and

**Whereas**, the LITTER SWEEP cleanup will be a part of educating the children of this great state regarding the importance of a clean environment to the quality of life in North Carolina;

**NOW, THEREFORE BE IT RESOLVED** by the Henderson County, North Carolina Board of Commissioners that April 18 through May 2, 2009 be LITTER SWEEP time in Henderson County and encourage citizens in Henderson County to take an active role in making our communities cleaner through participating in local LITTER SWEEP activities.

#### **Water Extension / Sewer Line Extension – Carriage Park Section 16**

The City of Hendersonville has requested that the County comment on the proposed water and sewer line extension for Carriage Park Section 16. The proposed water line is 1,092 linear feet and the proposed sewer line is 1,710 feet. The projects' location within the Urban Services area is consistent with the Henderson County 2020 Comprehensive Plan. A City of Hendersonville Project Summary Sheet, with backup documents and County Review Sheet with Staff comments, were provided for Board review and action.

Suggested Motion:

*I move that the Board approve the Carriage Park Section 16 water and sewer line extension and direct Staff to convey the County's comments to the City of Hendersonville.*

#### **Item "K"**

**Transfer of Surplus Motorcycle to City of Hendersonville** – This item was pulled from the Consent Agenda for discussion

Sheriff Rick Davis requested authorization to declare one of the department's current motorcycles surplus and transfer it to the City of Hendersonville Police Department.

The Sheriff's Office recently received a large grant from the N.C. Governor's Highway Safety Program (GHSP). This grant funds RADAR units, ALCO sensors (portable breath test), 2 motorcycles and other pieces of equipment to help address motor vehicle safety in our county.

Approximately 2 years ago, in an effort to accomplish our traffic safety goals and reduce fuel consumption, the Sheriff's Office purchased two used motorcycles. This purchase was made using Federal Asset Forfeitures (seized drug money).

Guidelines for using Federal Asset Forfeiture money are very strict and comprehensive. When items are purchased they must be used solely for law enforcement purposes.

Given this year's grant from GHSP, the Sheriff's Office is requesting one motorcycle be declared surplus by the Board of Commissioners and provided to the Hendersonville Police Department at no charge. Miscellaneous costs such as transfer of title, tag, etc. would be provided by the City of Hendersonville. In the future, when the Hendersonville Police Department deems this item to be surplus it shall be reverted back to the Sheriff's Office.

The City of Hendersonville and the Hendersonville Police Department face many challenges ahead while lowering their traffic collision rate. Chief Blake has extended his thanks to all county officials for continuing to assist in their efforts.

Therefore, the Sheriff's Office is requesting one 2004, R1150RT-P bearing VIN#WB10499A74ZE95500 be declared surplus and provided to the City of Hendersonville to help their traffic safety programs which shall enhance the safety of all citizens of Henderson County. Sheriff Davis respectfully requested this item be placed on the Board of Commissioners' consent agenda at their next meeting (dated 24 March).

Sheriff Davis stated that as part of the new grant Henderson County would be receiving two new motorcycles and sees no need for the extra motorcycle that was purchased about 2.5 years ago with seized drug money. In order to help the City of Hendersonville reduce their crash rate, this would help their efforts in lowering that crash rate. Sheriff Davis stated that the Chief of Police has done a wonderful job and this would go as a token effort towards him. Once an item is purchased under Federal Drug Guidelines, it is very specific, it has to stay for a law enforcement use so we do have that obstacle to get around. Sheriff Davis stated that they have to equip and train officers for each motorcycle and don't want to have to equip and train more officers. There would also be additional insurance costs for more trained motorcycle officers and they are trying to hold the cost down

*Chairman Moyer made the motion that the Board approve item "K – Transfer of Surplus Motorcycle to the City of Hendersonville." All voted in favor and the motion carried.*

### **NOMINATIONS**

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

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

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

**2. CJPP (Criminal Justice Partnership Program) – 2 vac.**

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

**3. Equalization and Review, Henderson County Board of – Chair appointment**

Chairman Moyer stated that last time new members were appointed but the Board did not appoint the Chair which the Board has to do. *Commissioner McGrady made the motion to appoint Don Dalton as Chair. Mr. Dalton has indicated that he would be willing to serve in that capacity. All voted in favor and the motion carried.*

**4. Henderson County Planning Board – 3 vac.**

Chairman Moyer stated there are three vacancies. The Board heard some public comments at the beginning of the meeting regarding this Board.

Commissioner Young nominated Boyce (Tommy) Laughter and Steve Dozier.  
Commissioner Williams nominated Mike Cooper.  
Commissioner McGrady nominated Ms. Guri Andermann and Jerry David.  
There were no other nominations.

Chairman Moyer explained that these nominations would be rolled to the next meeting and the Board will be polled at that time. Currently we have five nominees for three vacancies.

**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. Juvenile Crime Prevention Council – 9 vac.**

Chairman Moyer stated there are a number of vacancies but position #2 must be filled by the Chief of Police in the County or his designee. Commissioner Messer nominated Eric Summey as the appointee of Fletcher Chief of Police, position #2. There were no other nominations. *Chairman Moyer made the motion to accept Mr. Summey by acclamation. All voted in favor and the motion carried.*

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

Chairman Moyer explained that Mark Haines is currently serving in position #11 and is willing to be reappointed. Commissioner McGrady nominated Mark Haines for reappointment. *Chairman Moyer made the motion to accept Mr. Haines by acclamation. All voted in favor and the motion carried.*

**8. Senior Volunteer Services Advisory Council – 1 vac.**

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

**9. Solid Waste Advisory Committee (SWAC) – 1 vac.**

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

Chairman Moyer explained that Richard Stewart is currently serving in position #1 and is unable to serve another term. Commissioner McGrady nominated Robert Delwiche on recommendation of the Chair of that committee. There were no other nominations. *Chairman Moyer made the motion to accept Mr. Delwiche by acclamation. All voted in favor and the motion carried.*

Commissioner McGrady addressed the public comments concerning the Planning Board appointments. He stated that he can support all of the three that are up for reappointment. His problem is with the entire composition of the Planning Board with seven of the nine members affiliated in some way with development, whether as contractors, realtors, surveyors, whatever. The overall composition of the Board is what his issue is. He wishes there was a way to address that in some fashion – to deal with the perception issue that we have. He thinks all the members are well qualified and he is comfortable with any one of these people being reappointed.

**COPS HIRING RECOVERY PROGRAM APPLICATION**

The Sheriff asked that the Board of Commissioners approve the filing of the COPS Hiring Recovery application as provided. If approved, this grant will pay 100% for three years for seven positions. Six of these positions would be in the patrol division and one would serve in the courthouse security division. Although the grant covers three full years for these positions, the County is obligated to cover the fourth year for the positions. However, the County is not obligated to maintain the positions after the fourth year per the grant. This grant does not cover equipment, but the Sheriff has planned to budget all related equipment within his regular departmental budget or with forfeiture money.

*Commissioner \_\_\_\_\_ made the motion that the Board approves and authorizes the Sheriff to submit this application for the COPS Hiring Recovery Program application. All voted in favor and the motion carried.*

**ADOPTION OF FINANCING RESOLUTION**



Carey McLelland explained that before the Board is the issue of approving and authorizing the execution and delivery of the proposed installment financing contract and certain related documents and instruments under which the County would obtain financing pursuant to Section 160A-20 of the North Carolina General Statutes, as amended, for there financing of the acquisition, construction, installation and equipping of the County detention facilities located at 375 First Avenue, East in Hendersonville, North Carolina, including there funding of the outstanding \$9,065,000 Certificates of Participation, Series1999 (Henderson County Project) Evidencing Proportionate Undivided Interests in Rights to Receive Revenues Pursuant to an Installment Financing Contract with the County, as described in the notice of public hearing that was published on March 3, 2009 in the Times-News and under which the County would secure there payment by it of moneys advanced pursuant to such installment financing contract by granting a security interest in the Detention Facilities and certain related property.

The final interest rate remains at 3.64%. Mr. McLelland tried on several occasions to get that lowered but the rate has moved a little bit upward with the bank. The amount we are refinancing is \$5,092,000 and the estimated total net interest savings over the remaining ten years is \$280,000. The Local Government Commission (LGC) will be approving this transaction tomorrow and we expect to try to close next week, either on Tuesday 14<sup>th</sup> or Thursday 16<sup>th</sup>. Mr. McLelland explained that there is one item in the resolution that needs to be changed and it has to do with a pubic hearing date, instead of March 3 it should say March 6.

*Commissioner Williams made the motion that the Board adopts the "Resolution Approving An Installment Refinancing of Detention Facilities In Henderson County And Authorizing The Execution And Delivery Of Documents In Connection Therewith" attached to the agenda with the one change in the public hearing date from March 3 to March 6. All voted in favor and the motion carried.*

#### **CHILDREN AND FAMILY RESOURCE CENTER PRESENTATION**

Maurean Adams, Executive Director of the Children and Family Resource Center provided information on behalf of the United Agenda for Children and the Children and Family Resource Center on their progress in the area of school nurses. The Children and Family Resource Center is a 501-C3 non-profit that provides community services and resources to over 6,000 children and their parents during the year. The Children and Family Resource Center is also the lead agency of a community coalition called The United Agenda for Children. This coalition is concerned with the health, safety, and education of all children who are growing up here in Henderson County.

In October 2007 the United Agenda for Children hosted a community event called Speak Out for Kids. At this event nearly 300 local residents who demographically represented Henderson County across age, race, gender, socioeconomic and vocation where they live in the county, gathered to talk about critical children's issues and to set priorities for our community. Since then the United Agenda for Children Coalition has been working on the seven top priorities which include everything from school nurses and affordable housing to mental health care for kids and helping young people make post-graduation plans. "While we've been busy in all these areas, I've been asked tonight by Chairman Moyer to focus on our work on the priority to provide school nurses at the nationally recommended levels. This was the overall number one priority of citizens that speak out for kids. The national recommendation is one nurse for every 750 students (1:750). "In May of last year, the County Commissioners (you all) approved funding for two school nurses in the current school year. Today we have nine school nurses serving 13,324 students making our current school nurse to student ratio for 2008-09 1:1480 students. You see before you a slide that shows you that we are working on this on both the state-wide and local level. You can see North Carolina lags

behind the national recommendation and we lag in Henderson County but overall year by year we are doing a little bit better. Even so, we still have a long way to go to reach the goal of one nurse to every 750 students. Our work on this issue over the past year has had ripple effects at the state level and even earned some national recognition. In July 2008 the United Agenda for Children Coalition was invited to the General Assembly where State Representatives were informed that this is a priority for Henderson County and our Representative, Carolyn Justus has recently co-sponsored HB774 that includes in it funding for the next two years to hire 83 additional school nurses, across the state. Even though this was not included in Governor Perdue's proposed budget, we are continuing to work with our local representatives at the state level. This next slide you'll see, brings it a little closer to home, reflecting Henderson County's progress towards the state recommendation. Our school system currently ranks 105 out of 115 school systems across the state for school nurse ratios. During the year this local issue hit the national scene with an AP article. Everyone across the nation saw what your approval did to address this issue that really is a national issue. It hit newspapers across major cities and it was reprinted in our one-year report which I've got a copy for all of you. Importantly, what we discovered during this year was the county budget process revealed some confusion about who should have responsibility for the school nurse program and Chairman Moyer asked the United Agenda for Children to come up with some solution and specifically to define whether Henderson County Public Schools or the Department of Health would be the one to budget for the program in the future. In September 2008 several key health care leaders, the Community Foundation of Henderson County, the Public Schools, Dr. Page and Irvin Bazzle, Commissioner McGrady and the Department of Public Health Director Tom Bridges met to discuss this issue and make a decision. At this meeting the public schools decided that in the future they would budget for this program and would contract then with the Department of Public Health to provide the services. Although these two groups have made these commitments both entities are coping this year with budget constraints set by the county to keep a flat budget. In unraveling this, there appears to be some value added in keeping the budget within the Department of Health for this year. It is the intention of these groups to make this eventual transition putting the responsibility for public health nurse at the schools where it is mandated but it is the intention of these groups to make this transition but sometime after this year while we're working so hard to make ends meet. While we'd hoped to add one to two school nurses each year until we reached our goal, we realized this year in unusual economic times that to hold firm would be progress. Holding firm is our immediate solution but we're also here today to tell you about how we want to look towards the long-term solution. During our meeting last fall of local leaders, we recognized that we needed to look not just to government for solutions and really develop a five-year plan that would lay out a combination of resources to help us reach our goal. We decided the best approach would be a comprehensive long-term plan that involved all the partners, public and private, and most importantly included a business plan aspect. We have an opportunity for a team of local community and health leaders to attend the Management Academy for Public Health to help us develop this comprehensive plan. The Management Academy for Public Health is a program of UNC-Chapel Hill's outstanding Kenan Flagler School of Business with a partnership with the School of Public Health. It's a nine-month program that works with communities to develop business plans for their community health projects. We have recruited and secured commitments from the following people to be members of the team:

- **Henderson County Department of Public Health**, Tom Bridges
- **Henderson County Public Schools**, Dr. Stephen Page and David Jones
- **Pardee Hospital**, Harold Moore
- **Dr. Charlotte Riddle**, Local Pediatrician completing fellowship at Greenville Children's Hospital

- **Park Ridge Hospital**, Jason Wells
- **Blue Ridge Community Health Services**, Tammy Greenwell
- **United Agenda for Children**, Elisha Freeman
- **Community Foundation of Henderson County**, McCray Benson
- **Western Carolina University**, Marcia Caserio and Jean Hill
- **Henderson County**, commissioner to be appointed
- **Partnership for Health**, Terry Wallace

We ask you to consider making appointment to this team. We've applied to participate in this academy and if accepted we will be able to send six of these team members on behalf of Henderson County. That team of six will travel and meet up with the Home Team of six to develop the plan. We hope you will appoint a commissioner to work with us on this team.

Our message tonight is first of all we want to thank you for the support of the school nurse program and encourage you to make sure we don't lose ground this year. We need your support in holding onto our current number of school nurses while we can work together on a plan that makes sense for our community and best serves our children in the long run."

Maureen Adams then brought up the fact that Commissioner Mark Williams was on the winning team at "Are You Smarter Than a Fifth Grader?" She stated that one of the things she does in her spare time is she sits on the Board of the Blue Ridge Community Health Services. She was really interested in this because it launched one of the new community based health centers. As a spin-off from them all meeting together was a partnership between the schools and the community based health centers that allows better access to health care. In talking about this there is some confusion about the difference between a school nurse and a community based health center. She explained some of the similarities and some of the differences:

**School Nursing**

- No Charge to Student
- Provides services to all students
- Communicable Disease control & prevention
- Oversees state immunization program for all students
- Maintains school health records
- Serves as member of interdisciplinary team for learning problems and follows up on referrals
- Oversees medication administration and trains staff
- Mass Screenings: vision, BMI and follows up
- Case Management (IHP and EAP)
  - Provides required federal and state mandated training
- Home visits
- FERPA/HIPPA
- Injury report follow up and risk management
- Community resource referral

**School Based Health Center**

- Charges student for services
- Provides services to students who are signed up
- Must have parent permission to access health records
- Provides physical exams
- Diagnoses and treats illness and provides written prescription
- Provides over the counter medication admin.
- Provides nutrition counseling on site
- Provides mental health counseling on site
- HIPPA

**Only overlapping services (both perform)**

- Triages health problems
- Provides emergency care
- Reviews and administers immunizations
- Provides mental health screening and referral

Ms. Adams explained that school nurses are public health nurses. One of the main things they do is make sure every child that comes into the school has their immunizations. Small Pox is creeping back into our

public school systems and that is part of what the school nurses do is to make sure that public health issues are managed and handled within the school environment. In addition, they also provide liaison work to the real Doctor.

The school based health centers are a real Doctor. They are actually a medical practice. They are funded by the Federal Government so we can draw down money from that aspect. They are placed usually in the lowest income schools so children that go to those schools can just leave class, walk down the hall, get the cold taken care of, Mama comes to pick up and they get a charge.

Public Health Nursing and Nurse Services are free. Community based health centers come with a charge/fee but they do improve access to health care for many students. They can also get access to Federal dollars to provide Mental Health support and right now that's very limited to our public school system. There's lots of great assets in having both but it's really not a one or the other.

*Chairman Moyer made the motion to designate Commissioner Chuck McGrady as the Board of Commissioners' member on the Management Academy for Public Health Team with the understanding that he is not one of the traveling members. All voted in favor and the motion carried.*

### **FY 2009 THIRD QUARTER FINANCIAL UPDATE**

Steve Wyatt gave a short PowerPoint presentation to update the Board of Commissioners on the County's financial position for the quarter ended March 31, 2009 in preparation for upcoming FY2010 budget deliberations. He reminded the Board that in January staff gave the Board one of the most public discussions of Henderson County's finances. Staff had looked back at the previous fiscal year, the audited numbers, and went to the half-way point of current and tried to look into the next six months finishing up this fiscal year. Staff then tried to do some projections. At that time staff committed to the Board to bring the Board quarterly reports. The Board gets monthly reports but quarterly reports will be a little more indepth.

### **Current Year Expenditures**

Steve Wyatt explained that the magic number is 75, i.e. 75% as we're at  $\frac{3}{4}$  or 75% of the fiscal year. As we look at each of the county departments in county government, the majority of them are below 75% which is very good. Mr. Wyatt reminded the Board that they took action in November to adjust the county's budget downward by approximately \$1.5 million due to slowing sales, permitting fees, and other similar issues. Most departments who were above 75% had a good explanation and Mr. Wyatt explained those, such as Dues and Non-Profits which were due to contracts that we have and they will end up the year at 100%. Some departments had received sizable grants during the year.

### **Revenues**

Steve Wyatt informed the Board that Stan Duncan was in attendance if the Board has any questions about ad valorem taxes. The majority of property taxes are paid in North Carolina taxes by January because of the penalties for late payment being in early January. At this point in time we have not had to draw on the fund balance the Board appropriated (\$2.352 million). That number was reduced down to just over \$1.1 million. Mr. Wyatt stated that our hope is to be able to bring the revenues in at 100% without dipping into the fund balance.

### **Sales Tax Revenues**

Mr. Wyatt stated this is one of our indicators of the economy. He reminded the Board that last year, late in the budget process, we reduced our sales tax projections and that decision has proven to be very sound. We are one of the few counties in NC that is exceeding its budgeted amount, due to that projection. In our year-to-date we're about \$400,000 ahead but he doesn't have a lot of confidence in the State's numbers, especially when it comes to month to month numbers.

Mr. Wyatt explained that these are state collected taxes. They are county taxes by statute but the state collects and disperses these revenues. The Commissioners are aware of the fact that we have found

discrepancies in the numbers. Temporarily Haywood County benefitted from one of those discrepancies and received more sales tax in the month of August than they were due. The State then discovered their error and credited it back to us.

**Sales Tax & Other Revenue Issues**

Carey McLelland stated there have been 2-3 issues so far related to sales tax distribution, snafus at the state level and Department of Revenue. We lost approximately \$380,000 - \$420,000 of our Article I 1% sales tax back in August which raised a big red flag. He immediately talked with the Department of Revenue and they confirmed that there was a mistake. Our money went somewhere else and we got it back in the October distribution. Following that, a couple more issues cropped up. One had to do with the November distribution. It dipped very low as was anticipated, even with the holiday shopping. We expected December to follow but we got a pleasant surprise. Our December distribution was \$600,000 more than November. The communication was that the Department of Revenue cut it off at a certain point in November and possibly some of the receipts from November didn't get entered in that month and were rolled over into December which artificially inflated December which makes it very difficult to plan from month to month on what you'll get. He stated that the third issue relates to the Article #46 Sales Tax – eight counties got that ¼ cent passed and for the eight months since May (when it was passed) the Department of Revenue was distributing that to those eight counties and was doubling the money that was being sent to them. Part of that money was going into the wrong pot of money. Some of that money was going into the Article #39 1% sales tax due to a computer programming error. When it gets into that pot of money it affects us, affecting our distribution. Those counties are going to have to pay that money back over the next eight months and it means that we, as a part of that distribution of the Article #39, are going to lose a bit of our money over those next eight months. Our first month is \$3,900 and it will then decrease over the next seven months. Mr. McLelland explained that we've had a lot of difficulty this year with distributions and in trying to plan and see where we're gonna be by the end of the year. Fortunately we are up. The latest information Mr. McLelland has from the association is that the next distribution we get, next week, is gonna go back down. He's expecting some of that \$400,000 to disappear.

Steve Wyatt – “So you can see that this is a challenge, to say the least.” He has complained to the Governor’s office but has not received a response. Mr. Wyatt stated that deed excise stamps are way behind due to the lack of property transactions. Instead of being close to the 75% they should be at, they are just over 50%. Building inspection fees are running less than 50% of the norm. Construction in Henderson County is way down, both commercial and residential.

Steve Wyatt explained that we have also lost monies in our ADM and lottery funds. ADM stands for average daily membership and it is a county revenue that is collected in North Carolina by the state and is allocated by the General Assembly for school capital – school construction/debt service. The lottery – the local portion is ear-marked for capital facilities also. Due to Governor Perdue’s actions we have had a revenue loss. He asked Carey McLelland to address that issue.

Carey McLelland explained the following:

	FY 2009 Budget	Revenue Lost Feb. 2009	FY 2009 Received (as of 4/1/09)	Needed to Make Budget
ADM	\$750,000	\$51,444	\$502,142	\$247,858
Lottery	\$900,000	\$285,599	\$560,683	\$339,317

The first column is the approved budget for this year for both of these revenue sources. The second column is due to the Governor taking away the February distribution to help cash flow issues at the State level. We get these distributions on a quarterly basis. What we have received in the third column is where the Board recently approved us pulling down what balances we had in those accounts. Mr. McLelland stated that

money is in the bank, as of April 1. The last column is what we need to make budget. The latest information Mr. McLelland has seen is not to expect the final distribution in May for the ADM funds. He still hopes we will see the lottery monies but we could have shortfalls in both these revenue sources. Mr. Wyatt said that under the Constitution the Governor has an obligation to balance the budget and we are the low man on the totem pole. He is not optimistic regarding ADM funds. We are also way off target with our Register of Deed's deed excise stamp tax revenue.

Steve Wyatt explained that previously he has been able to balance the budget without having to go into the appropriated fund balance. This is a tougher year. The Board has set as a goal not to spend the appropriated fund balance; however, this year it may not be doable. We may have to go into that \$1 million. Some of the issues are beyond our control. Staff have taken some steps to reduce some operational costs but not to the magnitude that we can make all that money up. It appears that we will have to make up \$1 million in the Register of Deeds fees.

### **Recess**

Chairman Moyer called a brief recess

### **PUBLIC HEARING – PROPOSED LAND DEVELOPMENT CODE 2008 ANNUAL TEXT AMENDMENT (TX-2008-05)**

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

Anthony Starr reminded the Board that the Henderson County Land Development Code (LDC) was adopted with the anticipation that it would be reviewed each year and amended as needed. This is the first annual review since the LDC's adoption on September 19, 2007.

At the Board's January 5, 2009 meeting, Staff provided a brief overview of the text amendments that would be presented to the Board for its review. On March 2, 2009 the Board scheduled a public hearing on the proposed text amendments. A table listing all of the proposed text amendments (See Attachment 1) and a detailed description of all of the proposed text amendments to the LDC (See Attachment 2) has also been provided for the Board's review. The proposed amendments address a range of issues including emergency vehicle access, some community character and design standards, clarifications to portions of the code text, and staff or Board concerns and/or suggestions,.

The Planning Board reviewed the proposed LDC text amendments at its November 20, 2008 and December 18, 2008 meeting. The Planning Board voted unanimously (5-0) to send forth a favorable recommendation on the attached proposed LDC text amendments (See Attachment 2) excluding text amendments 17 and 21. At its January 15, 2009 meeting, the Planning Board considered text amendments 17 and 21 and voted (7-1) to send forth an unfavorable recommendation on these two amendments. The Environmental Advisory Committee reviewed text amendments 16, 17, 18 and 21 at its meeting on February 5, 2009 and voted unanimously to send forth a favorable recommendation on these four text amendments.

Please refer to attachment listing the text amendments.

### **PUBLIC NOTICE:**

Before taking action on the request, the Board of Commissioners must hold a public hearing. In accordance with §200A-314(B) and 200A-338(A) of the Henderson County Land Development Code and State Law, notices of the April 6, 2009, public hearing regarding text amendment TX-2008-05, were published in the Hendersonville Times-News on March 18, 2009 and March 25, 2009 (See Attachment 3).

Planning Staff recommends that the Board of Commissioners approve the proposed Land Development Code 2008 annual text amendments (TX-2008-05). The following motion has been provided if the Board supports the proposed text amendments to the LDC.

**Public Input**

1. Andrew Bell – Mr. Bell lives on Lake Summit and his family owns and runs two summer camps. He addressed amendment # 17, requesting the Commissioners require developers to do their research and to take the burden upon themselves to make sure that they can support what their building and not put that burden on the taxpayers in the form of building a development that doesn't have enough water or enough good water so that they then require the county to come in and supply that for them.

2. Dave Lowles – Mr. Lowles represented the Environmental Advisory Commission. He referenced the Strategic Plan, Goal #2 is to responsibly manage growth and its impact. Strategy 2.1 is to take a leadership role in sewer and water planning. Strategy 2.2 is to direct growth to areas where essential services and infrastructure are present and to protect sensitive natural areas. Further down in that document is Goal #4 which is to protect and preserve the county historic and natural resources and Strategy 1 is reduce farmland loss. Mr. Lowles stated that sewer and water impacts both of those goals. He encouraged the Board to stick with their goals developed in the strategic plan.

3. Angela Fernadini – Ms. Fernadini suggested having a low cap number on the amount of housing units, currently there are text amendments for at least 300 units or more and she feels that is unfathomable to have a housing development of 300 units. She thinks a statement should be made in favor of affordable housing by saying no to gated communities.

Chairman Moyer stopped Ms. Fernadini here and explained that the only amendments being considered today are the ones presented here today (these have been noticed). He stated that the only relevant comments are those on the amendments before the Board today.

Ms. Fernadini spoke to amendment #17 requiring subdivisions to prove 60% of the lots have adequate water, saying she supports that. She then addressed the limitation or prevention of package plants for certain zoning districts, she feels instead that more regulations should be put on package plants. She stated that the package plants in themselves are not necessarily bad for the environment. It deals more with how they are managed and monitored. She has a concern that if we don't have package plants then the other viable option would be to extend sewer lines which negatively affects our rural character. She feels there should be some kind of safeguard that master plan and development plan approvals and vested rights would only occur if the applicant owns the land. She felt the Board should support text amendment #4 which requires applicants to reapply for approvals after four years and they have to go by the regulations in place at the time. She thinks the Board should support allowing more solar panels and wind turbines in all districts. She stated that a 6-8' wind blade on a wind turbine is not big enough to support power for a small house that's only about 1,000 square feet; however, allowing at least a 10' wind turbine blade would provide 1500 watts of power which is enough to run a small house of about 1,000 square feet.

4. Richard Freudenberger – Mr. Freudenberger addressed amendment #17, encouraging the Board to support the 60% proposed ruling, stating that the idea all along has been to control the sprawl and growth in the county by limiting infrastructure. Also we are protecting not only the buyers of the property but also the developers themselves. He thinks that if water is not available perhaps they should not be building there. They may be better served by looking for another place to build. It may be within the county but it may not be that particular spot. Mr. Freudenberger stated that we don't encourage people to build in swamps and we don't encourage people to build on extremely steep slopes and maybe we shouldn't encourage them to build in places where there isn't water available.

Mr. Freudenberger addressed amendments #11 and #12, stating he thinks with the energy situation looming in the future that anything we can do to support small scale renewable electricity generation should be encouraged as long as it's safe. The situation with solar infrastructure and "green" jobs in this area is a very promising one. He stated there is a lot of misconception about wind turbines. He thinks people are confusing some of the larger megawatt turbines with the small scale units. He serves on the advisory board of

Appalachian State University's Tech. Department. They have a very large and successful wind initiative program where they identify sites, notify landowners of their potential for wind energy, and advise people on their tax credits and other financial incentives. These newer machines are not noisy, not particularly unsafe, many of them do not need to be more than 40 or 50, possibly 60 feet high. Most of the recommendations that Anthony Starr mentioned were very reasonable ones. A turbine of between 8 and 12 to 15 foot rotor is enough to serve a household and should be encouraged, not discouraged. They are not noisy. They are not unattractive, some of the older ones may have been but the new ones are very sleek and streamlined and they can be painted any color you want, I suppose. He thinks it is important not to dismiss that. He thinks the Board needs some technical input before making a decision on that wind turbine decision.

5. Rebecca Johnson – Ms. Johnson is new to the area. She said that there is a fabulous new school being built – Hillandale Elementary. She is concerned because there is no full-time school nurse, she has a recently diagnosed diabetic child. With the R-1 proposals for all these units and all these possible extra people along I-26 and Hwy. #25, how is that going to affect our children in the school system when we don't have a full-time nurse as it is?

Chairman Moyer stated that obviously any time there is building, the Board has to try to figure out the ripple effect on schools, nurses, roads, and everything. That is a factor the Board will have to consider.

Ms. Johnson stated that the school teachers are responsible for a lot of things besides educating our children. Her son has been given shots in the school district by the school counselor who is on the diabetic care team. She asked with all these extra children going into the school system and with possible special needs she wonders how that will affect these decisions.

6. Stephanie Lowder – Ms. Lowder is a new citizen of the area, having lived here for less than a year. She pleads for the resurrection of two words as the Board considers the Land Development Code and the specific amendments – activist (she suggested the use of "active citizen") and conserve, conservative, conservation. She stated that conservation simply means that we keep whatever resource we're talking from being wasted, destroyed, or lost. She feels that there are good common goals and objectives. She also believes that smart growth and smart development and profitable businesses can all be achieved if we keep these things in mind. She believes that the majority of these amendments will help us to conserve this beautiful place.

7. David Weintraub – Mr. Weintraub represents the Environmental Conservation Organization and the 500 members, most of which live in Henderson County and all of which vote. "Anthony Starr and the Planning staff have done our county an important service by proposing land use rules that would better create a balance between protecting our rural character and growth. As policy makers, obviously your job is to balance the needs of the entire community and not simply those who profit from use of the land. That means your decision should not reflect just what environmentalists want or what developers ask for. I believe these rules create such a balance. Streamlining the process for conservation subdivisions is a real win/win. It protects more open space and makes developments more malleable. Requiring that developers identify water sources in advance might slow down the process of approval but think of the advantages. Developers are not opening themselves to law suits if it turns out that water isn't accessible, Commissioners aren't on the hook to bail out developers with water and taxpayers don't need to fork over increased taxpayer money to pay for infrastructure costs as a result of the lack of developers due diligence. And who pays for this due diligence? Ultimately the homebuyer who can rest assured that his or her home has good access to potable water. The same can be said for preventing package plants in rural communities. The Comprehensive Plan placed restrictions on these sewer treatment plants because of the danger and the expectation that such plants are bound to leak causing untold damage to drinking water, recreational activities and sensitive habitats. The planning staff has worked hard to create proactive rules for the county. Let's seriously consider picking up the ball and adopting them tonight."

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



**Chairman Moyer** stated that he has no issue with amendments #1 - #11 and has heard no issues raised regarding them from the Board nor the public. Regarding #12, wind turbine – he feels the Board needs to look further into this issue before approving this amendment. With respect to the remainder of the amendments, he has no issue except for # 22. He is not convinced nor understands why we need to raise the density requirements from what we have. He has not seen any compelling reason to do so or any real justification. It seems to him that it does substantially raise the density though we can't quantify exactly how much. He would have problems with #22.

**Commissioner McGrady** has no issue with amendment #22. With the discussion regarding the wind turbines he agreed that the Board should become more educated on the issue. He addressed the different recommendations the Board received from the Planning Board and our Environmental Advisory Committee with respect to two of the amendments. It appears that the Etowah/Horse Shoe folks' recommendation is largely consistent with where the Environmental Advisory Committee comes in.

His hope is that the Board will clear off tonight those recommendations that are complexly non-controversial but he is quite prepared to actually move on amendment #17 and #21, adopting the position of the Environmental Advisory Committee.

**Chairman Moyer** clarified that as far as amendment #17 he would go further. To say that you're going to have a community well does not solve the problem.

**Commissioner Williams** questioned Anthony Starr regarding amendment #8 – in terms of designation of R2-MH and going to R2R, while that's really not a major issue are there many significant differences between the R-2 and what is being proposed as R2R?

Anthony Starr stated that while they are similar and are the same with regards to density, there are a number of uses that are different between the two. The R2-MH would still allow single-wide manufactured homes whereas the R2 only allows double-wides. There are also a number of office uses and rural business uses that are allowed in the R2-MH that are not allowed in the R2. Commissioner Williams stated this wasn't a major issue.

Commissioner Williams addressed amendment #4 in terms of development plans and the four year term. I can envision that we're probably going to see a large number of developments which have been through one point in time will very likely come back through. He feels that is a relatively short period of time, particularly given the fact that at this point there has been no cut off point. He questioned if there had been discussion in terms of those years?

Anthony Starr answered that the Development Plan approval currently allows automatic two years and then you're eligible for some extensions. The extensions may count also in terms of restarting the clock. Discussion was about reasonable time to complete a development and then have a minimum of two years following. Anthony stated that as long as they are moving through the development plans, there won't be a problem. Commissioner Williams stated he is OK with that.

Commissioner Williams then addressed amendment #12, stating he doesn't oppose the use of wind turbines but stated there is a lot to be gained and it is worth investigating this issue further as a special use.

Commissioner Williams addressed amendment #17, stating he opposes this. He feels that we still have a relatively new Land Development Code. It has been in place now for less than 2 years. A great deal of time and input went into it. He feels that a great number of restrictions have been imposed in comparison to where we were before this process started. In his opinion, this is a major change for an ordinance that is still relatively new and somewhat unproven, particularly given the current environment we're in with economic conditions. He feels that if we require proof of 60% of the lots, it becomes a bit subjective of how that is done. He stated that the developer should be doing due diligence but if a developer is willing to take the risk

of not having done the due diligence, then that falls on that developer. “Whenever those extensions have been granted, it has not been an expense to the taxpayers. Those expenses have been covered by the individuals doing the developments so I don’t want the public to get the wrong idea that when we have approved extensions, I can’t think of a single incidence whenever – since I’ve been on this Board that we’ve approved those extensions, that it was paid for by taxpayers money. It was paid for by the money of the developer. That, I just felt like needs to be cleared up. I would favor something more along the lines of clauses and conditions which it is my understanding that Polk County might be using something of a similar nature that alerts potential buyers, it alerts developers and buyers of individual lots if there is no guarantee of water there that they understand going into it. Then let them assume that risk and decide if they want to assume that risk or not assume that risk by going forward with the purchase. To say that anyone has to go to the point of drilling that number of wells in advance, putting in whatever roads may be required to do that, is going to be very costly on the front end and there are those who could care less about that. I say let that be the choice of those that are doing the development and those that are buying the lot and let it be known that just because water may not be there, may not be available is not an automatic guarantee that the county is gonna come to the rescue and approve the granting or the extension of water lines even though it may be that the developer is willing to pay for that extension. So I would oppose amendment #17.”

Commissioner Williams addressed amendment #21 – in terms of the package plants in lieu of septic. He would rather have a system in place that has some controls and have a greater level of monitoring than perhaps a multitude of septic tanks. He is in favor of that option with greater controls. Commissioner Williams is in favor of allowing that as a permitted use in R3 and R4.

**Commissioner Young** addressed amendment #12, agreeing that we need more information before voting on it. He stated he is not prepared to vote on the 60% of the lots having potable water, amendment #17. He also feels that a package plant is as safe or more safe than septic tanks as far as groundwater is concerned, amendment #21.

**Commissioner Messer** addressed the amendments, stating he is OK with going along with the Planning Board and the other Board’s recommendations but he feels the Board should have another workshop on these amendments.

Commissioner McGrady stated that it looked like there was consensus to go forward with respect to a large block of non-controversial ones. Then those that either need separate votes or more discussion, then so be it. He suggested that the Board go ahead and pass the amendments that they all agree upon.

*Chairman Moyer made the motion to approve text amendments #1 to #11 inclusive, #13 to #16 inclusive and #18 to #20 inclusive. All voted in favor and the motion carried.*

Chairman Moyer suggested the Board ask staff to get additional information with respect to item #12 regarding the wind turbines. There was no further discussion.

*Chairman Moyer made the motion to ask for additional information on amendment #12 and bring it back for discussion when that information is ready. All voted in favor and the motion carried.*

*Chairman Moyer made the motion to set amendment #22 aside for more information and discussion, get a better idea of how much of the county will be affected, and look at the areas. All voted in favor and the motion carried.*

Chairman Moyer stated that leaves amendments #17 and #21 and there is a significant difference of opinion on these two amendments. He suggested setting #17 and #22 aside for further discussion when the Board deals with #12 and #22 and be prepared to take a vote at that time. He stated that they will try to schedule all these within 30 days.

*Chairman Moyer made the motion to set aside for further information and discussion amendments #17 and #21 and to bring those back for discussion with items #12 and #22 within 30 days. All voted in favor and the motion carried.*

### **Recess**

A short recess was called to change tapes.

### **TRANSPORTATION STIMULUS FUNDING**

Anthony Starr and Marcus Jones presented parts of this item.

Planning Staff has researched possible grant sources for a CNG fueling facility and transit vehicles for the Henderson County fleet. Staff is asking the Board to approve a maximum of \$111,000 in local matching dollars for an STP-DA (Surface Transportation Program Direct Attributable Funds) grant for a CNG fueling facility and a 28-passenger fixed route CNG bus. It appears the City of Hendersonville may pay half of the CNG station local costs (\$31,000) leaving a County match of \$80,000.

This proposed action will precede the County's application for Federal Transit Administration 5340 (stimulus) dollars for Henderson County buses and bus facilities in the amount of \$585,841 which can be applied to CNG replacement vehicles. This proposed action also precedes another application by WCCA (the County's transit operator) in the amount of \$520,000 for stimulus funding through the Federal Transit 5311 program. The 5311 grant would be used to replace eight vans within WCCA's aging fleet with new CNG vehicles. The 5311 and 5340 stimulus dollars require no local match.

#### Allocation of 5340 Capital Transit Dollars (FTA Stimulus)

- Local FTA stimulus formula allocation to Asheville Metro Region is \$2,590,439 for transit-related uses (vehicles, equipment, facilities)
- Henderson County Allocation is \$585,841 based on existing agreement with Asheville
- No local match required

#### Federal 5340 Requirements

- All expenditures must be transit related
- All funds must be obligated (Construction or vehicle contract) within 180 days (clock started March 6, 2009)
- No FTA regulations for capital construction will be waived (Feasibility Study & Environmental Assessment)
- FTA construction requirements are considerable and time consuming
- Applications are due July 1
- Most transit agencies are focusing on using stimulus funds for vehicles and equipment due to time constraints and FTA rules

#### Federal 5340 Program (Stimulus)

- Transit fleet has serious replacements needs
- Can use funds to purchase conventional fuel vehicles or CNG vehicles
- Decision on funding CNG station is required prior to ordering CNG transit vehicles
- Henderson County is not eligible to use these funds for CNG Station construction (must have minimum 10 "fixed route" vehicles)

#### STP-DA Stimulus Funds

- STP-DA = Surface Transportation Program – Direct Attributable
- MPO's can decide to spend these funds on range of transportation projects
- French Broad MPO (FBMPO) is accepting applications for the STP-DA funds
- Examples of types of projects include sidewalks, bikeways, intersection improvements, and transit.

- \$6 million in stimulus funds available to French Broad MPO
- 20% local government match required
- Applications due April 30, 2009 to FBMPO
- Could fund CNG station and CNG transit vehicles with this program

CNG Station

- Could apply for STP-DA funding with FBMPO
- Station cost estimated at \$310,000
- Need to convert transit fleet to CNG as part of station construction for project eligibility
  - CNG Transit Bus costs are \$245,000 each
  - CNG Para-transit vehicles are \$65,000 each
  - Capital upfront costs are more but operation expenses are up to 40% lower over life of vehicle (example follows)
  - Future replacement vehicles could be funded through traditional funding sources at a 10% local match
  - Significant local fund savings in the form of match requirements and lower fuel and maintenance costs will be realized.

5311 Program Stimulus Funds

- Rural fixed route and ROAP programs are contracted with WCCA also for operations
- 5311 Stimulus funds will pay 100% of vehicle replacement costs
- Vehicle fleet is old and several vehicles need replacement
- WCCA could apply for CNG replacement vehicles
  - 8 Vehicles needed at a cost of \$65,000 each
  - Total cost of 8 CNG vehicles is \$520,000
  - Will reduce future local match requests and operation match request to the County for this program

Transit – CNG Project  
Cost Summary

CNG Fueling Station	\$310,000	\$62,000 local match for STP-DA funds (split 50/50 with Hendersonville)
Rural NCG para-transit	\$520,000	No local match for 5311 funds
CNG Fixed route buses (3) & urban para-transit vehicle (1)	\$800,000	Use 5340 funds of \$555,000 (no match) & STP-DA funds at \$196,000 with \$49,000 local 20% match
Total Cost	\$1,630,000	Total county match of \$80,000 or 4.9% match (\$11K total local \$ with Hendersonville share)

Capital and Fuel Cost Comparisons (3 buses)

	Diesel	CNG
• Annualized Capital Cost (10 yr cycle)	\$ 66,000	\$ 75,000
• Annual Fuel Costs	<u>\$ 68,000</u>	<u>\$ 45,000</u>
	\$134,000	\$120,000

Notes

- Capital Costs do not include depreciation
- Fuel Costs are based on FY08 History of \$2.70 per gallon and \$1.8 per gallon equivalent for 25,000 gallons
- Costs do not include cost of compression or station maintenance
- Some maintenance savings will be realized with CNG models
- Reflects replacement of diesel or gasoline vehicles every 4 years (LTV)
- Current vehicle models are not good candidates for CNG conversion (range, warranty issues)

#### Recommendations

- Pursue STP-DA funds which require a local match in the amount of \$111,000 to replace one fixed-route vehicle and build a CNG fueling facility; and
- Use 5340 funds to purchase two CNG buses & one CNG para-transit vehicle; and
- Endorse WCCA efforts to purchase eight CNG para-transit vehicles; and
- Pursue other sources of funding for alternative fuel upgrade should they become available with no local match

#### Benefits

- Replaces 12 needed vehicles for far less local match than typically required
- Obtain a CNG fueling station for use by County, City of Hendersonville, and public
- Reduces County costs by shifting expenditures from operations to capital where federal grant match is better
- Total improvements estimated at \$1.6 million with a 6.8% local match (\$111,000)

*Commissioner Williams made the motion that the Board approve the requested local match for STP-DA funding, in the amount of \$111,000, with the understanding that this money will be used to supply a local match for a CNG fueling station and a 28-passenger replacement CNG transit bus for the County's transit fleet which will also facilitate the conversion of the transit fleet to CNG, using other grant sources. All voted in favor and the motion carried.*

#### **UPDATE OF HOUSEHOLD HAZARDOUS WASTE CENTER, CONVENIENCE CENTER & FACILITY PLAN** – DUE TO THE LATENESS OF THE HOUR THIS ITEM WAS ROLLED TO THE NEXT MEETING

#### **TOWN OF LAUREL PARK PARCEL REQUEST** – DUE TO THE LATENESS OF THE HOUR THIS ITEM WAS ROLLED TO THE NEXT MEETING

#### **WNC BEEF CATTLE COMMISSION LIVESTOCK MARKET RESOLUTION**

At the November 19, 2008 Board of Commissioners meeting, the Board passed unanimously voted in favor of a motion to support a Resolution of Endorsement adopted by the WNC Beef Cattle Commission of WNC Communities. This Resolution reviewed the need for a livestock market in Western North Carolina, with the proposed site being in Haywood. The Board is requested to adopt the attached Resolution of Support, authorizing the county to make contribution toward the livestock market.

Commissioner Williams stated that this is planned to be in Haywood County because that was the site that got the most support, particularly from livestock and cattlemen from the western portion of the state. The state has located a site which is part of the International Paper property, a very suitable site and fairly centrally located for the western counties. It is certainly much improved upon what is currently available after the closing of the old Asheville market with ranchers, cattlemen having to take their stock to Tennessee, South Carolina and much further east of here. He explained this is a favorable option for the local cattlemen. They are requesting a monetary show of support. There is grant funding which is near a point of being fully committed. The project will cost around \$2.5 million. The projected completion date originally was October, that may be delayed slightly but it is still moving forward very rapidly. Commissioner Williams reminded the Board that last year the Board set aside \$50,000 for agriculture uses to help promote and to provide some incentives in the way of the agriculture fields. He explained that the funds expended so far – we did a project with Apple Wedge Packers with a cooler and that project has been completed. We set aside some funding for the development of a farmland preservation plan and \$10,000 is about what is left from that budgeted amount.

*Commissioner Williams made the motion that the Board adopt the attached Resolution as presented, and authorize a contribution of \$10,000 to be made to the livestock market.*

Chairman Moyer stated this is not specific to Henderson County. They have gone to all the western NC

counties. He understands that all of them will make some kind of financial contribution. Some of them still have to take Board action as we are doing tonight. He thinks all the counties are coming forth with a show of support because they think that if we can show we are all behind this and there is local support for it that this will help get the funding to be sure this project gets completed.

*All voted in favor and the motion carried.*

HENDERSON COUNTY, NORTH CAROLINA  
BOARD OF COMMISSIONERS

**RESOLUTION**

- WHEREAS,** on November 19, 2008 the Henderson County Board of Commissioners supported a Resolution of Endorsement adopted by the WNC Beef Cattle Commission of WNC Communities; and
- WHEREAS,** the Resolution stated that the members of the WNC Beef Cattle Commission of WNC Communities, in their meeting on October 28, 2008 listened intently to a progress report on a project to re-open a viable, long-term livestock market in Western North Carolina project first introduced at our meeting one year ago, at which time it was strongly supported with members participating in a feasibility survey; and
- WHEREAS,** many of the 3000 livestock producers in Western North Carolina consider themselves burdened, both by cost and time, due to the absence of a quality livestock market in the region; and
- WHEREAS,** the Commission empowered a subcommittee to explore the feasibility of re-opening the local market; and
- WHEREAS,** the Tobacco Trust Fund Commission funded the feasibility study; and
- WHEREAS,** the feasibility study clearly indicates the market is viable and timely for the reopening; and
- WHEREAS,** the sub-committee had dutifully responded with a proposed market that meets the criteria of a viable, long-term market, with a high probability of success; and
- WHEREAS,** the proposed location in Haywood County was the result of an in-depth study of seven potential locations conducted and decided by the subcommittee; and
- WHEREAS,** International Paper, Inc. is cooperating to make the site available in a long-term, low cost lease; and
- WHEREAS,** numerous producers have given written pledges to utilize the facility stated in the proposal for this location, provided it is a competitive, viable, long-term market; and
- WHEREAS,** Western North Carolina producers, commission members, area leaders, and elected officials have rallied behind this proposed market, to ensure its success; and
- WHEREAS,** this proposed market provides the region a long-term solution to the chronic lack of reliable and adequate sized local market;

**NOW, THEREFORE**, be it resolved that we, the Henderson County Board of Commissioners, do hereby authorize the County to make contribution toward the livestock market to be constructed in Haywood County.

**COPS HIRING RECOVERY PROGRAM APPLICATION** this was an add-on Sheriff Rick Davis requested the Board of Commissioners approve the filing of a COPS Hiring Recovery Program application. If approved, the grant will pay 100% for three years for seven positions. Six of the positions would be in the patrol division and one would serve in the courthouse security division. Although the grant covers three full years for these positions, the County is obligated to cover the fourth year for the positions. However, the County is not obligated to maintain the positions after the fourth year per the grant. This grant does not cover equipment, but the Sheriff has planned to cover all related equipment within his regular departmental budget or with forfeiture money.

Sheriff Davis stated that one of the patrol positions is for animal services and one of the patrol positions is for a specialist in forensics evidence. The Sheriff requested the Board of Commissioners approve this application and the subsequent hiring of personnel as authorized in the grant.

Following some discussion, *Commissioner Young made the motion that the Board approve and authorize the Sheriff to submit this application for the COPS Hiring Recovery Program application. 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**

There was nothing further at this time.

#### **IMPORTANT DATES**

Chairman Moyer stated that at the next Commissioners' Meeting, April 15, facilities will be a discussion item. Carey will update us on the amount of money that will become available through debt service that will be paid off, other monies in capital reserve and any sources. The Board will also look at all the capital projects plus all the work that has been done to figure out what to do to solve the courthouse overcrowding issue, the old health department building, the old Chamber of Commerce building, etc. The Board can hopefully lay the framework and decide if we need a special workshop but we will kick that off at the meeting on April 15.

#### **Set Public Hearing Date for the Etowah and Horse Shoe Communities Draft Plan**

The Etowah and Horse Shoe Communities Advisory Committee, formed by the Board of Commissioners on September 4, 2007, was responsible for developing and recommending a community-specific comprehensive plan for the Etowah and Horse Shoe Communities. After meeting monthly for 1 year, holding two public input sessions, and utilizing available research provided by Henderson County and area experts, the committee has completed the Draft Etowah and Horse Shoe Communities Plan.

The Board indicated that they would like to set a public hearing or public input session at its first meeting in April. A public hearing is necessary for the Board of Commissioners to approve, approve with conditions, or deny the Etowah and Horse Shoe Plan.

Several dates had been suggested and the Commissioners all checked their calendars.

*Commissioner McGrady made the motion that the Henderson County Board of Commissioners set a public hearing date for the Etowah and Horse Shoe Communities Draft Plan for Thursday, May 7, 2009 at 7:00 pm, here. All voted in favor and the motion carried.*

Chairman Moyer informed the Commissioners that the next Water Supply and Distribution Task Force meeting is tomorrow afternoon at 3:00 pm.

Commissioner McGrady informed the Commissioners that he and Commissioner Young would be meeting with the City of Asheville Thursday morning at 9:30 to discuss water issues.

**CANE CREEK WATER & SEWER DISTRICT – no business**

**CLOSED SESSION**

*Commissioner McGrady made the motion for the Board to go into closed session as allowed pursuant to NCGS 143-318.11 for the following reason(s):*

1. Pursuant to N.C. Gen. Stat. § 143-318.11(a)(6), to consider the qualifications, competence performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee.

*All voted in favor and the motion carried.*

**ADJOURN**

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

Attest:

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Clerk to the Board

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William L. Moyer, Chairman