

**DRAFT MINUTES**

**STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS  
MAY 4, 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 Teresa L. Wilson.

Also present were: Associate County Attorney Sarah Zambon, Public Information Officer Pam Brice, Sheriff Rick Davis, 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, HR Director Jan Prichard, Fire Marshall/Emergency Management Coordinator Rocky Hyder, Auxiliary Business Manager Bill Blalock, Library Director Bill Snyder, IT Director Becky Snyder, Public Health Director Tom Bridges, Register of Deeds Nedra Moles, Social Services Director Liston Smith, Senior Planner Autumn Radcliff, PIO Intern Christina DeStefano 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 Mackenzie Hill from the Dana Bobcats 4-H Club.

**INVOCATION**

County Manager Steve Wyatt gave the invocation.

**OATHS OF OFFICE**

Teresa L. Wilson (Clerk to the Board) and Amy R. Brantley (Deputy Clerk to the Board) were both sworn into office by Chairman Bill Moyer.

**UPDATES**

Chairman Moyer stated on Sunday, April 26<sup>th</sup>, he and Commissioner Williams had attended the rededication of Dana Elementary School. A tremendous job has been done of preserving the old while adding the new facilities necessary. The school has a long history back to the Civil War. One of the first teachers was a former confederate soldier.

Commissioner Williams was honored to participate in the rededication as he and many family members had attended Dana Elementary School.

Chairman Moyer stated on April 30<sup>th</sup> a 15<sup>th</sup> anniversary ceremony was held for Upward Elementary.

**INFORMAL PUBLIC COMMENTS**

1. Eva Ritchey – Ms. Ritchey stated that we have the opportunity to create wings out of this dismal economic whirlpool we find ourselves in. As County taxpayers, the Hendersonville Trolley Company, LLC was requesting \$20,000 dollars in operating expenses. Since last October a committee under the umbrella of Downtown Hendersonville Inc. has been pursuing the feasibility of a trolley as an economic stimulus for the greater downtown area. Why? Because they knew we

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

needed something unique yet practical to energize the spirit of downtown. They found it right in their own backyard. What do they think this beautiful historic trolley will do for us? It will maintain a vibrant healthy economic climate, stimulate increase tourist visits, provide a service that serves residents and visitors equally, enhance the revitalization of the Historic 7<sup>th</sup> Avenue District, provide a new marketing tool, address parking issues, create a park/ride service, provide Saturday/Sunday service, support the historic ambience of downtown, Encourage community interaction, and promote a happy spirit. How much will it cost? Approximately \$10,000 per month. They are asking the Board to invest in this economic development tool just like the Board invested in the Chamber of Commerce for the same reason, economic development. For over ten years significant amounts of taxpayer money was given to the Chamber until the recent formation of the HC Partnership for Economic Development. Why was an organization with hundreds of members, many with profitable businesses given taxpayer dollars? Because they understand that business generating dollars can't just depend on the dollars we have today, but the dollars we find tomorrow. We expected the Chamber to use our taxpayer dollars to find new business and strengthen the ones that are here. That is exactly the same purpose of the trolley. This vehicle is not a "joy ride" trolley, it is a rolling business opportunity for the entire community. It will help raise sales and by extension sales tax dollars which are diminishing daily. It will give all businesses in the county another tool to promote their businesses and thus maintain viability. And as an extra bonus, it will raise the spirits of Henderson County. It will help attract new investors. To the critics that say, "We don't have the money and this is not the right time," She said "It is the only time." It is in times like these that successful communities look for new solutions, new paths, new ideas, and take risks in order to survive. The present economic climate in our downtown area is bleak, and either we resuscitate it now or we resurrect it later. Mason Cooley said, "Proverbial wisdom counsels against risk and change, but sitting ducks fare worst of all." There is no reason for us to be sitting ducks. We have a wonderful opportunity in this trolley project to do something wonderful for this entire county and we sincerely hope that you will partner with us to do it.

2. Shirley Palmer Hill – Ms. Hill was present to speak in support of the trolley. She owns a business on Main Street called Wick-Wire Fine Art Folk Art. She has been in business for eleven (11) years and for four (4) of those years they were open in two locations. At this time, due to economic conditions, they only have one location. She feels that when you think of a trolley you think of it as an external sort of thing that just travels down the road. It is internal; it's what can happen with people. One thing they have tried to do with their business is stay excited about what's happening. As ambassadors of the downtown and this county it is our job to make people happy. One of the things that would help is the trolley because it would add to the ambience of downtown. We have to do something to get people feeling better and happy and that translates the "people spend money when and where they feel good." Think of this as a project for the county.
3. Theron Maybin – Mr. Maybin spoke on behalf of the Agriculture Advisory Board. A meeting was recently held at Cedar Springs Fellowship building and a lot of comments that were made were due to stiff regulations placed on family heritage by the number of divisions required before you must come under the subdivisions; and also roads and the slopes of the roads. He asked the Board to look at a Heritage Division rather than a subdivision that will help protect the agricultural community. He invited the Board to a meeting at the Green River Fire Department Tuesday, May 6 at 7:00 p.m., as they need Commissioners representation in order to understand more of what is taking place with the water in the Green River area. (Commissioner McGrady responded that he would be attending).

#### **DISCUSSION/ADJUSTMENT OF AGENDA**

There were no adjustments or changes to the agenda.

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

#### **CONSENT AGENDA**

There were no adjustments or changes to the consent agenda.

*Commissioner Messer made the motion to approve the Consent Agenda as presented. 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 meeting(s):

- April 6, 2009 - Regularly Scheduled Meeting
- April 15, 2009 - Regularly Scheduled Meeting

**Tax Collector's Report**

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

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

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

The fiscal YTD deficit in the Travel & Tourism Fund is due to the current economic situation and less revenues being collected in months that travel/lodging business is typically slower resulting in less occupancy tax collections. The Travel & Tourism Fund is typically slower resulting in less occupancy tax collections. The Travel & Tourism Fund budget includes \$173,957 in appropriated fund balance for the current fiscal year.

The fiscal YTD deficit in the CDBG – Shuey Knolls 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.

The fiscal YTD deficit in the Edneyville Park Project Fund is being covered by \$500,000 in State Parks and Recreation Trust Fund (PARTF) grant funds. An application has been submitted to pull down the full amount of these project funds under contract with the State.

Suggested Motion:

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

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

Provided were the Henderson County Public Schools March 2009 Financial Reports for the Board's information.

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

The suggested motion was:

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

**EMS Accounts Receivable Report**

The EMS Accounts Receivable Report was provided as information for the Board. An aging analysis of account receivable and total revenues received to date for the current fiscal year has been included in the report as of March 31, 2009.

The billing process for EMS remains current and bills are being mailed out on a daily basis. Staff is working diligently on making contact and attempting to collect outstanding receivables in a tough economic environment. Payment plans are being set up to assist patients in paying their bills as needed.

Suggested Motion:

*I move that the Board of Commissioners approve the EMS Accounts Receivable Report as presented.*

### **Soil Erosion and Sedimentation Control Update**

Natalie Berry, Erosion Control Division Chief, provided the Board with an update on the status of the Soil Erosion and Sedimentation Control Division.

Status Summary

The erosion control division has:

- February 2009 – 1 plan
- March 2009 – 0 plan
- April 2009 – 1 plan
- Note: Land disturbances  $\geq 1$  acre*
- Amount of land disturbance
  - 6.31 acres
- Revenue: \$3,200.00
- Sketch plan processed
- February 2009 – 13
- March 2009 – 15
- April 2009 – 16
- Note: Land disturbances  $\leq 1$  acre*

Revenue: \$670.00

Complaints received:

- February 2009 -13
- March 2009 -14
- April 2009 -20

### **Small Business Week Resolution**

The Board of Commissioners is requested to adopt a Resolution declaring May 18<sup>th</sup> through May 22<sup>nd</sup> as “Small Business Week” in Henderson County. A copy of the resolution is attached hereto and incorporated as a part of the minutes.

Suggested Motion:

*I move that the Board adopt the Resolution declaring May 18<sup>th</sup> through May 22<sup>nd</sup> as “Small Business Week” in Henderson County.*

### **Henderson County Relay for Life Resolution**

The 2009 Relay for Life supporting the American Cancer Society will be taking place May 29<sup>th</sup> to May 30<sup>th</sup> at North Henderson High School. This is the 25<sup>th</sup> anniversary for Relay for Life nationally. Henderson County supports the efforts of its citizens in taking an active role in the fight against cancer. A copy of the resolution is attached hereto and incorporated as a part of the minutes.

Suggested motion:

*I move that the Board adopts the Resolution designating May 29<sup>th</sup> to May 30<sup>th</sup> 2009 as Relay for Life Day in Henderson County.*

### **MyPlace Resolution of Support**

The Board of Commissioners is requested to adopt the Resolution of Support for MyPlace, a newly formed

North Carolina grassroots community collaboration organized and operated by Embracing Simplicity Hermitage. A copy of the resolution is attached hereto and incorporated as a part of the minutes.

Suggested motion:

*I move that the Board adopts the Resolution of Support for MyPlace.*

**Surplus Vehicle**

A resolution was provided (Exhibit A) for the Board’s consideration declaring the list provided (Exhibit B) of vehicles no longer used by the County as surplus property. The resolution also authorizes staff to advertise the surplus vehicles for sale by electronic public auction at [www.govdeals.com](http://www.govdeals.com) after the required advertisement of the sale.

Staff requested that the Board consider approving the resolution declaring the list of vehicles as surplus and authorizes staff to sell the surplus vehicles by electronic public auction utilizing GovDeals auction services after the required advertisement. A copy of the resolution is attached hereto and incorporated as a part of the minutes.

Suggested Motion:

*I move that the Board approves the resolution declaring the list of vehicles presented as surplus and authorizes Staff to sell the surplus vehicles via electronic public auction using GovDeals auction services.*

**4-H Program Use of Parking Lot during Apple Festival**

Cooperative Extension has requested that their 4-H Program be permitted to use the Curb Market parking lot, which the County currently has leased, during the Apple Festival. The 4-H Program wishes to use this lot to charge for parking as a fundraiser for their program. The group has used the parking lot in this capacity in years past, but staff felt it prudent to bring to the Board of Commissioners given the recent execution of a contract with the Curb Market.

Staff recommends that the 4-H Program be permitted to use the Curb Market parking lot for their requested purpose during the Apple Festival for the hours designated in the County’s lease agreement with the Market.

Suggested Motion:

*I move that the Board of Commissioners approves allowing the 4-H Program to use the Curb Market parking lot in accordance with the County’s lease agreement.*

**Juvenile Justice and Delinquency Prevention Grants**

The Henderson County Juvenile Crime Prevention Council (J.C.P.C.) has approved funding for local juvenile crime prevention programs. These funds for Fiscal Year 2009-2010 in the amount of \$209,672 are available for this purpose through the State of North Carolina. Each program is required to provide a 30% match.

The programs approved by the J.C.P.C. are as follows:

1. J.C.P.C. Administrative Expenses	-\$ 3,500
2. DJJDP/29 <sup>th</sup> Henderson County Emergency Temp Shelter	-\$ 9,175
3. DJJDP/29 <sup>th</sup> Henderson County Psychological Services	-\$ 8,650
4. Henderson County Public School/C-Stop Counselor	-\$25,000
5. Project Challenge (Restitution)	-\$72,179
6. Boys & Girls Club of Henderson County	-\$47,293
7. Dispute Settlement Center	<u>-\$43,875</u>
Total	\$209,672

These grant applications have been recommended for approval to the Board of Commissioners by the

J.C.P.C.

The Board is requested to approve the J.C.P.C. recommendations, so they may be forwarded to Raleigh before the May 14, 2009 deadline.

Suggested Motion:

*I move the Board of Commissioners approves the J.C.P.C. recommendations for distribution of the FY 2009 Juvenile Crime Prevention Program funds.*

### **Audit Services Extension Proposal**

Our current external auditors, Martin, Starnes & Associates, CPAs, P.A., is offering the provided proposal to extend audit services to Henderson County for the next three fiscal years. In light of the current economic environment, they have proposed a flat (no increase) fee of \$52,000 to conduct the County's FY2010 audit. Staff plans to evaluate and make a determination on bidding out audit services after FY2010.

Staff recommends that the Board accepts the proposal submitted to perform Henderson County's annual audit for Fiscal Year 2010 at the stated flat fee of \$52,000. Martin, Starnes & Associates, CPAs, P.A. has agreed to the one-year term.

Suggested Motion:

*I move the Board accepts the audit services proposal from Martin, Starnes & Associates, CPAs, P.A. to conduct the County's annual financial and compliance audit for Fiscal Year 2010 at the stated fee of \$52,000.*

### **Approval of Grant from the Federal Bureau of Justice Assistance**

Approval is requested to submit a grant for an enhancement to the Automatic Fingerprint Identification System (AFIS). This enables the recovery and submission of latent fingerprints and palm prints from crime scenes. It also enables database searching using this input. The local matching funds will be obtained from the NC Drug Excise Taxes. This request does not involve County funds.

Suggested Motion:

*I move the Sheriff's Office be authorized to proceed with grant submission for the identified enhancement to AFIS, subject to no county funds being involved.*

## **NOMINATIONS**

### **Notification of Vacancies**

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

1. **Alliance for Human Services – 1 vac.**
2. **Blue Ridge Community College Board of Trustees – 2 vac.**
3. **Cane Creek Water and Sewer District Advisory Committee – 5 vac.**
4. **Environmental Advisory Committee – 4 vac.**
5. **Henderson County Board of Health – 4 vac.**
6. **Henderson County Historic Courthouse Corporation – 3 vac.**
7. **Historic Resources Commission – 2 vac.**
8. **Jury Commission – 1 vac.**
9. **Juvenile Crime Prevention Council – 14 vac.**
10. **Library Board of Trustees – 1 vac.**
11. **Mountain Area Workforce Development Board – 2 vac.**
12. **Nursing/Adult Care Home Community Advisory Committee – 4 vac.**
13. **Smartstart – 1 vac**

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

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

**4. Juvenile Crime Prevention Council – 8 vac.**

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

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

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

**COUNTY MANAGER’S FY2009-2010 RECOMMENDED BUDGET**

County Manager Steve Wyatt presented the Budget Message and Executive Summary of the Proposed FY2009-2010 Budget to the Board. He provided a power-point presentation including the following information:

Revenues

- No increase in property tax rate.
- Conservative Sales Tax Forecast – 5% decrease
- Loss of Article 44 Sales Tax – 100% loss
- Other Taxes and Licenses: Deed Excise Tax – 48% decrease based on current fiscal year activity
- Restricted Intergovernmental
  - 12% down due to \$1.5 million in current fiscal year one-time grants and reduction in Health Department Medicaid funding
  - ADM included in projected revenues - \$750,000 (reduced \$150,000)
  - Lottery proceeds included in projected revenues - \$800,000
- Permits and Fees – 42% decrease primarily due to Building Service inspection fees based on current fiscal year activity
- Sales and Services – 29% decrease primarily to Environmental Health and Erosion Control enforcement fees based on current fiscal year activity
- Intergovernmental Reimbursement/Financing Loan Proceeds – 22% decrease due primarily to one-time loan proceeds for E-911 Center Expansion Project
- Transfer In from Other Funds – 32% decrease due to allocation of Travel and Tourism Debt Service payment
- Fund Balance Appropriated - \$2.27 million down from projected \$2.83 million estimate at the January 21, 2009 Budget Workshop

Expenditures

- County Government – Overall operating budget reduced by \$6,577,816 and 8% decrease
- Henderson County Public Schools – Operating budget preserved
- Major investment in school facility renovations and repairs - \$8,000,000 investment in Apple Valley/North Henderson High – Equates to a 5.32% total increase

A graph was provided showing the amount of money spent on school construction over the last five (5) years.

FY06	Dana Phase I	\$12,225,392
FY07	Sugarloaf	\$16,447,673
FY08		-
FY09	Hillandale/Mills River/Dana	\$32,000,000

FY10	Apple Valley/North Henderson High/ R & R	<u>\$11,000,000</u>
	Total	\$71,673,065

- Blue Ridge Community College – Operating budget preserved
  - Major investment in community college facility renovations and repairs
  - Equates to 83.16% total increase
- Sheriff's Department
  - Programming and design of law enforcement center
  - Funding for up to 13 vehicles
- Renovation and Reuse – Former Health Department Building – To be occupied by Planning and Building Services
- Relocation of Tax Offices to 100 North King Street
- Reuse of vacated Tax Office at 1995 Courthouse
- Demolition of Old Water Department Building
- Implementation of Document Storage Facility
- Medicaid funding requirement eliminated in FY2010 budget – Savings of \$2,797,128
- Fuel Costs – No change in projected fuel costs
- Recommend freezing \$449,889 in recurring capital costs until State ADM issue is settled

This proposal meets the objectives of the Board of Commissioners as determined in the January 21, 2009 workshop, March 2 and March 18, 2009 regular meetings and April 23, 2009 workshop. It maintains the County's strong financial position in turbulent economic times and continues to make substantial investment in education and public infrastructure. And finally this proposed budget positions County Government for another year of responsible stewardship and service to the citizens of Henderson County.

A draft schedule of a budget workshop was provided with a suggested date of May 20, 2009 at the regular meeting. The agenda would be very light followed by a heavy budget workshop.

Chairman Moyer stated that a second schedule was necessary in order to get the Board through approval by June 8, 2009.

### **SWINE FLU UPDATE**

Chairman Moyer felt there was concern about the Swine Flu issue. The Board wants the public to have a clear understanding of what the County is doing to stay on top of this situation and be prepared to the extent we possibly can.

Emergency Management Director Rocky Hyder and Public Health Director Tom Bridges provided an update on the issue of Swine Flu.

Mr. Bridges stated that the Swine Flu situation has been followed since April 23 at 5:30 in the evening. Mr. Bridges receives a statewide health alert regarding any kind of event that found to be significant for public health and health related matters. He was alerted with this particular one that there was a new novel flu that was spreading in California and Texas. Telephone conference calls have been held since Monday, April 27<sup>th</sup> including several Board of Health member, Rocky Hyder and hospital personnel. This is a flu that is similar to seasonal flu; it is mild. There has been one reported death of a twenty-three month old child in Texas. Overall there have been no severe situations. It is treatable with antiviral medication. There is one case in North Carolina which has been followed for several days. Mr. Bridges continues to make contact with local doctors and schools.



Mr. Hyder stated that the media does like to take the opportunity to sensationalize some of the efforts that have been undergoing by the state and federal government. From his prospective they have acted responsibly and have certainly tried to get ahead of this situation.

**CONTINUED DISCUSSION ON PROPOSED LAND DEVELOPMENT CODE 2008 ANNUAL TEXT AMENDMENTS 12, 17, 21 AND 22 (TX-2008-05)**

Planning Director Anthony Starr stated the Board held a public hearing on the proposed Land Development Code Text Amendments (TX-2008-05) on April 6, 2009 and voted unanimously to approve all of the proposed text amendments except for amendments 12, 17, 21 and 22. The Board agreed to discuss these text amendments within 30 days following the hearing. A Staff memo was provided with additional information on these remaining text amendments and a detailed description of these proposed text amendments was also provided for the Board's review.

The Planning Board reviewed the proposed LDC text amendments at its November 20, 2008 and December 18, 2008 meeting and voted unanimously (5-0) to send forth a favorable recommendation on text amendments 12 and 22. 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 17 and 21 at its meeting on February 5, 2009 and voted unanimously to send forth a favorable recommendation on these amendments.

Planning Staff recommends that the Board of Commissioners approve, approve with modifications, or deny proposed text amendments 12, 17, 21 and 22 (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.

The Henderson County Land Development Code (LDC) was adopted with the anticipation that it would be reviewed each year and amended as needed. On April 6, 2009, the Board of Commissioner held a public hearing on the proposed Land Development Code 2008 Text Amendments (TX-2008-05), the first annual review since the LDC's adoption on September 19, 2007. The proposed amendments addressed a range of issues including: emergency vehicle access, some community character and design standards, and clarifications to portions of the code text, and staff or Board concerns and/or suggestions.

After hearing public comments the Board voted to adopt all proposed text amendments to the LDC with the exception of text amendments 12, 17, 21 and 22. Following discussion by the Board, it was agreed that the Board would continue its discussion on text amendments 12, 17, 21 and 22 within thirty (30) days.

Based on the Boards discussion during the public hearing on April 6, 2009, the Board indicated that it was concerned with all of these remaining proposed text amendments, but specifically with text amendments 12 and 22. Staff provided additional information on text amendments 12 and 22.

**Text Amendment 12** (Wind mills/turbines permitted as accessory uses in all zoning districts)

The proposed text amendment 12 would allow mill/turbines as an accessory use in all districts provided:

- Height Limitation – no more than 40 feet of obstructions or buildings within 200'
- Setback – 10' from surrounding property lines. Wind turbines that are more than 40' in height shall be setback a distance equivalent to 110% the height of the turbine at its highest point.
- Wind turbines must be a color that is consistent with existing development or natural conditions
- Wind turbines shall comply with FAA and FCC regulations

According to the American Wind Energy Association small wind turbines do make some noise, but are not found to be objectionable by most people. It is very inconsistent and depends on factors such as weather conditions.

Chairman Moyer has no problem with the smaller turbines but continues to have issues with the larger

turbines such as the 30 feet turbines. He feels that if the turbine is larger than six (6) foot a special use permit should be required.

Commissioner Young feels that the setback of 10 feet is not sufficient. He is concerned about the noise issue.

Commissioner Williams is also concerned with the noise levels and setback distance. He is in favor of the special use permit.

Commissioner Messer was in agreement with Commissioners' Williams and Young.

Commissioner McGrady felt it should be brought back with a more narrowly defined area. There would not be much concern if it were in a rural area. Zoning districts based on density would make a difference.

Chairman Moyer asked Mr. Starr to take a look at the possibility of allowing the smaller turbines, three (3) foot or less, and requiring a special permit for the larger turbines.

It was the consensus of the Board to study this further and then bring it back to the Board taking the comments into consideration.

**Text Amendment 22** (Allowing an intermediate density of eight (8) units per acre in the R1 (Residential One) zoning district)

Currently, the R1 zoning district allows for a standard density of 4 units per acre with a maximum density of 16 units per acre for multifamily developments proposing 5 or more dwellings. The proposed text amendment would allow, by right, an intermediate density of 8 units per acres in the R1 zoning district where infrastructure is present. The intermediate density would only be allowed when the dwellings were served by both municipal water and a sewage disposal system (municipal, approved public, or approved community). This amendment would steer growth to areas appropriate for development, provide opportunities for more affordable housing and reduce total infrastructure costs.

To better understand the current potential for development using the intermediate density, Staff provided the following calculations for the R1 zoning district:

- 9,913.61 (approximate) acres are currently zoned R1
- 240,099.79 (approximate) total acres in Henderson County (includes the municipalities) – R1 zoning district accounts for 4.13% of the total County acreage
- 240,562.73 (approximate) acres are with the County's jurisdiction – R1 zoning district account for 4.85% of the acreage with the County's jurisdiction
- According to the tax assessor's classified vacant lands, approximately 2,513.30 acres (25.35%) of land currently zoned R1 is vacant.
- Less than 5% of the acreage within the County's jurisdiction could utilize the intermediate density option – Based on acreage of land currently zone R1 – Dependant upon the availability of infrastructure (water and sewer)

Commissioner Young asked if this would permit eight (8) single family units per acre or eight (8) multi-family units per acre.

Mr. Starr responded this would allow eight (8) single family dwelling units per acre.

Chairman Moyer stated that the multi-family units were already allowed (four (4) homes per acre or a multi-family project up to sixteen (16) units per acre.

Commissioner McGrady inquired about sewerage disposal systems and if this included package treatment

plants and similar disposal systems.

Mr. Starr responded that it could be a community sewer system however, given the proximity of where the R1 zoning is it would be less likely to occur.

Chairman Moyer stated from a practical point, the population density would not increase but you could have more houses.

Mr. Starr responded that it would allow additional housing units so if you said that the average house is 2.3 people per home in Henderson County it would allow an additional ten (10) people per acre.

Chairman Moyer stated that if you build multiple units you could put the same number of people in it.

Mr. Starr responded yes. This would allow an in between option which would be a greater density single family instead of multi-family.

Commissioner Young was not in favor of the change and felt that four (4) houses per acres would suffice.

Commissioner Williams felt that this would offer more affordable housing.

*Commissioner McGrady made the motion to adopt Amendment #12 as presented. The vote passed 4-1 with Commissioner Young voting nay.*

**Text Amendment 21** (Add a provision that small accessory wastewater treatment plants would not be permitted in the R3 and R4 zoning districts) The County Comprehensive Plan recommends that these types of uses should not be permitted in the RAA which is predominately made up of the R3 and R4 zoning districts.

Chairman Moyer stated there were a number of concerns with respect to the small accessory wastewater treatment plants not being permitted in R3 and R4 zoning districts. He felt this may be harsh and there may be appropriate situation where this may make sense to do and the way to deal with it is by requiring special use permits.

Commissioner Williams felt that a wastewater treatment plant would be easier than a lot of septic tank, more monitoring takes place with wastewater treatment plants. He was comfortable with leaving Text Amendment 21 as it is in the LDC.

Commissioner McGrady was in support of the amendment as is or the special use concept.

Commissioner Messer was in support of the special use concept.

Commissioner Young was in agreement with Commissioner Williams.

*Chairman Moyer made the motion to change the LDC Text Amendment 21 to require a special permit. The voted passed 4-1 with Commissioner Williams voting nay.*

Property addressing coordinator Curtis Griffin arrived at 6:45 p.m.

**LDC Text Amendment 17** To ensure that an adequate source of potable water is available before a subdivision is built in the RAA (Rural Agricultural Area), require major subdivisions to do one of the following; provide a public community well system where individual wells are not allowed, or provide proof that there is a sufficient water supply to support 60% of the proposed lots in the subdivision. This provision will encourage the use of community wells and will better address water quantity.

Commissioner McGrady was in support of this amendment.

Commissioner Young was unsure how a guarantee of water could be accomplished.

Commissioner Williams opposed this amendment and felt a burden would be placed on the landowner.

*Commissioner Williams made the motion to reject amendment 17. The vote failed 2-3 with Commissioners McGrady, Moyer and Messer voting nay.*

*Chairman Moyer made the motion the adopt amendment 17. The vote passed 3-2 with Commissioners Williams and Young voting nay.*

**BREAK**

A short break was taken in order to change video tapes.

**PUBLIC HEARING – NEW ROAD NAMES**

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

Property Addressing Coordinator Curtis Griffin stated this is a request of new road name for a road currently called Jean Luc Lane to be changed to Saylor Lane.

**Public Input**

There was none.

*Commissioner Young made the motion that the Board approves the new road names. All voted in favor and the motion carried.*

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

**CONSIDERATION OF THE DANA COMMUNITY PLAN BOUNDARY AND CHARTER**

The Henderson County 2020 Comprehensive Plan (CCP) outlines a schedule of community plans, two of which Planning Staff has begun. The Edneyville Community Plan is currently underway and Etowah and Horse Shoe Communities Plan nearing completion. Planning Staff is prepared to begin the third community planning effort focused in the Dana Community. The first required steps are the approval of a committee charter and the appointment of members to that committee. The memorandum, outline, and draft charter provided explain the process and responsibilities required to accomplish this task.

Planning Director Anthony Starr stated that the charter and map were amended as discussed during the last board meeting. The boundaries on the southwest portion of coincide with the East Flat Rock phase I and Phase II plans that were completed in the early 1990's.

Planning Staff request the Board of Commissioners approve the draft charter and planning boundary for the Dana Community Plan Advisory Committee and begin appointing committee members should the Board desire to proceed with the creation of this plan.

Staff proposes the Dana Community Plan area have a community advisory committee with 9 members that will consist of the following: (1) eight citizens that live, operate a business, or own property in the boundary of the Dana Community Plan; and (2) one liaison from the Henderson County Planning Board. It may be likely that the Planning Board liaison lives, operates a business, or owns property in the planning area. Staff proposes that the Board of Commissioners appoint all committee members and the Chair. The appointment

of municipal representatives from the adjoining municipality (City of Hendersonville) may provide better coordinated planning through this process. The coordination of planning among local governments in Henderson County is a goal of the CCP.

Should the Board desire to proceed with this planning process, staff could begin committee meetings in July provided the charter is approved in May and the committee appointed in June. This timeframe allows the committee to hold the first public input session in early fall.

*Commissioner Williams made the motion that the Board approves the Charter and boundary map for the Dana Community Plan Advisory as presented. All voted in favor and the motion carried.*

Chairman Moyer noted that members must be located at this time.

Anthony Starr stated that they would use the county newsletter, flyers and word of mouth to get the word out. They applicants will be given a 30-45 day period to respond.

### **OFFER TO PURCHASE TAX-FORECLOSED PROPERTY**

County Attorney Russ Burrell stated that the process if that when someone make a offer to purchase property they must use some forms that have been created for them in which they understand that there is no guarantee to the title that they may purchase. They must understand the process where the Board gives provisional approval to the concept at this point; then an advertisement is placed in the Times-News, followed by a 10-day period for upset bids. If an upset bid comes in we re-advertise and do it again until we get the last and highest bid. At that point it would come back before the Board for approval or denial to whatever has been presented.

Ken White and Heidi N. White have offered to purchase two parcels of real estate which were subject to a tax foreclosure by the County.

Parcel One: The property is described as lot on Dove Haven Lane off Mountain Road, 0.46 acres, deed book 629, page 751, PIN 96-50777079, with a tax value of \$25,000. The offered price is the sum of Three Hundred Dollars (\$300.00).

It is believed that this lot was originally foreclosed by the County in or before 1983.

Parcel Two: The property is described as 0 Crystal Springs Drive in the Town of Laurel Park, 0.50 acres, deed book 647, page 282, PIN 95-58870042, with a tax value of \$38,600. The offered price is the sum of Three Hundred Dollars (\$300.00). This property is the same property discussed previously by the Board as being sought by the Town of Laurel Park for a town park.

It is believed that this lot was originally foreclosed by the County in or before 1984.

If the Board agrees to provisionally accept either of these offers (or both), it/they would be subject to advertisement in the Times-News and ten-day period for upset bids pursuant to your policy, adopted 29 June 2005. Although not required, as a courtesy it is the custom of the County to also give regular mail notice to adjoining property owners.

Chairman Moyer felt in respect to Parcel Two, the Mayor of Laurel Park continues to be interested in getting this property. If the Board determines at this meeting to convey Parcel Two to the Town of Laurel Park they do not have to go through the upset bid process since that is conveyance to another public municipality.

Attorney Burrell clarified that this is correct. The statute reads whatever consideration (if any) the Board deems appropriate the property can then be conveyed for.

Commissioner McGrady was in favor of conveying Parcel Two to the Town of Laurel Park.

Commissioner Young requested that Tax Assessor/Interim Collector Stan Duncan provide more information on Parcel One.

Mr. Duncan provided that Parcel One was a buildable parcel off Mountain Road and does meet building code.

*Commissioner McGrady made the motion that the Board agrees to the conveyance of the property on Crystal Springs Drive to the Town of Laurel Park with the understanding that the property will be used for a public use in consideration of \$1. All voted in favor and the motion carried.*

Commissioner Young made the motion that the Board places parcel one into the upset bid process with option to turn down if necessary. 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 noted that the next Water Supply & Distribution Task Force meeting would be Tuesday, May 5 at 3:00 p.m. Follow-up discussions will be held in regards to the French Broad intake proposed by the City of Hendersonville. State regulations and legislation that may affect water withdrawal for agriculture will also be discussed.

Polk County has yet to make contact with Henderson County in regards to Lake Adger. Green River and Tuxedo are very concerned and Chairman Moyer has emailed them that no additional information is available. There will be a public hearing if and when this issue moves forward.

The Board is planning to use the bulk of the May 20 meeting as a workshop for the budget. County Manger Steve Wyatt has prepared an ambitious draft schedule. If the Board needs to go back over any items another session can follow-up if necessary. This is a regular meeting date and a special notice is not required. The time between May 20 and June 8 is relatively a short period of time to wrap up the budget. If the Board is willing to take the chance Chairman Moyer and the County Manager discussed setting the budget public hearing for the regular meeting on June 1 at 7:00 p.m. At the June 1 meeting a later date would be set for final approval of the budget on or before June 8.

*Commissioner Williams made the motion that the Board sets the time of the May 20, 2009 regular meeting to begin at 8:00 a.m. rather than 9:00 a.m. All voted in favor and the motion carried.*

*Commissioner McGrady made the motion that the Board schedules a Public Hearing on the FY2009/2010 Budget for June 1, 2009 at 7:00 p.m. All voted in favor and the motion carried.*

### **Schedule Public Hearing on the Triennial Update of the Henderson County Ten Year Solid Waste Management Plan**

*Commissioner McGrady made the motion that the Board schedules a Public Hearing on the Triennial Update of the Henderson County Ten Year Solid Waste Management Plan for Wednesday, May 20, 2009 at 9:00 a.m. All voted in favor and the motion carried.*

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

**CLOSED SESSION**

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

1. Pursuant to N.C. Gen Stat. § 143-318-11(a)(3), to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. 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 a claim.
  
2. 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:

---

Teresa L. Wilson, Clerk to the Board

---

William L. Moyer, Chairman