

REQUEST FOR BOARD ACTION

**HENDERSON COUNTY
BOARD OF COMMISSIONERS**

MEETING DATE: July 15, 2009

SUBJECT: Polk County Request

ATTACHMENTS: Yes

SUMMARY OF REQUEST:

The Board is requested to begin discussions on a request from Polk County with respect to the Green River Watershed and water supply to Henderson County. Specifics on the request are contained within the attached letter. Depending on the direction from the Board, Staff recommends that the Board consider scheduling a public hearing to receive input on this request.

BOARD ACTION REQUESTED:

The Board is requested to schedule a public hearing to receive input on the request from Polk County. Possible dates for this public hearing are August 6th, 11th, 13th, 18th, 20th or 25th.

Suggested Motion:

I move the Board schedule a public hearing with respect to the request from Polk County for 7:00pm on _____.

Ryan D. Whitson
County Manager
Thomas N. Hix
County Attorney
Anne Britton
Clerk to the Board
Assistant to Manager



MAY 27 2009
cc: Bob
Steve
Selena

Cindy Walker
Chair
Warren D. Watson
Vice-Chair
Ray D. Gasperson
Commissioner
Renée McDermott
Commissioner
Tommy W. Melton
Commissioner

May 5, 2009

Bill Moyer, Chair
Henderson County Board of Commissioners
100 North King Street
Hendersonville, North Carolina 28792

Re: Green River Watershed

Dear Mr. Moyer:

I am writing on behalf of Polk County with regard to the proposed Green River Watershed classification agreement. Polk County appreciates Henderson County's willingness to work together on this matter. Our review of Henderson County's position statement raised some specific issues and concerns which I have been asked to forward to you.

First, Polk County has not yet closed on its acquisition of Lake Adger. The County does expect to complete the purchase some time this year, but any agreement with Henderson County would, of course, be contingent upon that deal closing.

Second, Polk County does not anticipate a scenario in which the Polk County portion of the Green River watershed would be designated WS-IV and the Henderson County portion designated WS-III. However, should that come to pass, Polk County will support Henderson's request for a less restrictive designation for Henderson County. Polk County originally sought a WS-IV watershed classification from the North Carolina Department of Environment and Natural Resources (DENR), and intends to build a water treatment facility if DENR chooses to designate a Class IV watershed. We believe a Class IV watershed would lie entirely within Polk County. Nevertheless, Polk County believes that the WS-III watershed designation is consistent with existing land use regulation already in effect in that portion of Henderson County lying within the Green River watershed.

Any obligation of Polk County to provide water to Henderson County would need to be subject to Polk County actually constructing and operating a treatment plant using Lake Adger water. Should Polk County actually construct and operate the plant as envisioned, Polk County would be willing to sell up to 500,000 gallons per day of drinking water to Henderson County. This water would meet both federal and state drinking water standards.

Polk County has an agreement with the Broad River Water Authority and the Inman Campobello Water District under which they have agreed to sell water to Polk County. Those agreements last until 2024. Polk County would be willing to make its commitment to sell water to Henderson County run for the same term. To the extent that Henderson County had exercised its option to purchase any of the 500,000 gallons per day by 2024, it could continue to receive the amounts actually purchased. Purchase of additional amounts of water would, of course, be negotiable, depending upon the needs of customers within Polk County and the capacity of the Polk County water treatment plant. Henderson County would pay for water according to a published schedule of rates, fees and charges in effect at the time of the purchase. Polk County would have the right to set rates in its discretion.



The sizing and location of any water lines would need to be coordinated with and approved by Polk County. Polk County would exercise the right of eminent domain, if necessary, to acquire easements and rights-of-way for those portions of water lines to serve Henderson County located in Polk County. Henderson County would pay for building the water lines to Henderson County and would reimburse Polk County for all costs incurred by Polk in acquiring easements and rights-of-way as well as other costs incurred by Polk with respect to water line construction (e.g., plan review costs and line construction inspection costs). Polk County would own the water lines situated in Polk County, and water lines in Polk County should be able to be used by Polk County customers. Water being sold to Henderson County would be metered at the county line.

Polk County will not oppose any future attempts by Henderson County to withdraw reasonable amounts of water from the portion of the Green River within Henderson County. By "reasonable," Polk County means amounts of water that do not hamper Polk County's ability to supply water to its customers and amounts that are acceptable to the North Carolina Department of Environment and Natural Resources.

Finally, Polk County would prefer that this be just an interlocal agreement and believes that it is not an appropriate subject for a legislative act which would be quite cumbersome.

We look forward to working with you on bringing water cooperation to fruition. Toward that end, representatives of Polk County will be glad to meet to discuss this with you.

Sincerely,

Cindy Walker, Chairperson
Polk County Board of Commissioners

cc: Polk County Board of Commissioners
Ryan Whitson, Polk County Manager