

**DRAFT MINUTES**

**STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS  
AUGUST 3, 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 Bill 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: Finance Director Carey McLelland, Planning Director Anthony Starr, Engineer Marcus Jones, Tax Assessor/Collector Stan Duncan, Solid Waste Manager Will Sager, Research/Budget Analyst Amy Brantley, PIO Intern Christy 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**

Becca Janowiak of the American Clovers 4-H Club led the Pledge of Allegiance to the American Flag.

**INVOCATION**

County Manager Steve Wyatt gave the invocation.

**INFORMAL PUBLIC COMMENTS**

1. Susanne Brown – Ms. Brown commented on behalf of ECO (Environmental and Conservation Organization) about the solid waste feasibility plan being presented during the meeting. She is a member of the ECO Recycling Committee, a group of a dozen people who meet regularly to discuss local, regional and national waste reduction issues. Among their many projects, recently they coordinated a trip for the ECO members and the Solid Waste Advisory Committee to visit the locations of waste and recycling markets in upstate South Carolina. She stated that representatives from McGill and Associates will make recommendations on overhaul of the Stoney Mountain Transfer Station as well as changes in the collection system that will affect all citizens. ECO would like to recommend that the Board of Commissioners move on these changes that are long overdue. She noted that in May 2008 the Board approved a 20 year vision plan for the Solid Waste Department and in May 2009 the Solid Waste Management plan was approved that informed the State of the County's intentions to change. ECO supports the plan and its focus for improving safety, efficiency of collection, compliance with state mandates, and the conservation of resources. ECO feels that the recommendations, if approved and followed, have the ability to move our County from offering poor to average waste and recycling services to becoming a model for other counties to follow. ECO would like to see the County's education of its citizens stepped up so everyone will know why waste reduction is important and the basics of how, when and where to prepare the materials for recycling. In order to get the public to participate there will have to be good incentives as well as lots of education. ECO supports the recommendations of these consultants and hopes that the Board will give it their blessing in order to move forward to fix the antiquated system.
2. Lee Luebbe – Ms. Luebbe stated the local League of Women Voters became involved with Henderson County solid waste issues when out-of-county haulers were using our landfill to

DATE APPROVED:

dispose of waste at a very low cost to them. Since the initial study was completed in 1989, the League continues to update and monitor the solid waste issues in light of new developments. In view of the Solid Waste Plan being reviewed during this meeting, she on behalf of the League applauds both the Solid Waste Advisory Committee and the Board of Commissioners for their long-overdue steps to set into motion a more careful plan to deal with the volume of solid waste being generated. The Leagues position is ranked as follows:

1. Reduction of waste at the source
2. Reuse as much as possible
3. Recycle
4. Compost
5. Safe disposal in either landfill or incinerator – dependent upon study of recent advances in innovative appropriate design and available technology to produce clean energy.

The League supports a serious consideration to study and dialogue related to the economics of franchising waste haulers and creating more convenience centers. The study produced by Macgill and Associates has outlined these features in the plan the Board is to receive. The League feels that the upgrade/redesign of the Stoney Mountain Landfill and Recycling as proposed will be a significant step to make recycling much safer for all the haulers and private citizens who come to use that facility. Henderson County is slowly coming to grips with the management of Solid Waste to protect the health of its citizens, and the air, water, and land resources of Henderson County. The hiring of a solid waste officer and a full-time sustainability coordinator plus the citizens advisory groups are making a difference. The League pledges to do its part to educate the citizens in Henderson County to the critical issues related to solid waste – just as they feel they have been doing since 1989. Finally the League feels that all priorities mentioned require an ongoing education thrust to all citizens.

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

There were no changes.

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

#### **CONSENT AGENDA**

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

Consent Agenda consisted of the following:

#### **Minutes**

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

- July 14, 2009 – Special Called Meeting
- July 15, 2009 – Regularly Scheduled Meeting

#### **Tax Collector's Report**

Deputy Tax Collector Carol McCraw had presented the Tax Collector's Report to the Commissioners dated July 24, 2009 for information only. No action was required.

#### **Financial Report/Cash Balance Report – June 2009**

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

Included in General Fund total revenues for the month of June and YTD is an estimate of accounts receivable in the amount of \$5,990,249 for those revenues earned in fiscal year 2009, but not received until after June 30, 2009. The estimated accounts receivable is comprised of sales tax for the months of April, May and June 2009 and Department of Social Services revenues earned but not received until after fiscal year-end.

The fiscal YTD deficit in the Travel & Tourism Fund is from less occupancy tax and advertising revenues being collected due to the current slowdown in the economy as well as additional costs incurred on the completion of their building capital project. The Travel & Tourism Fund includes appropriated fund balance to balance the budget for the current fiscal year.

Suggested Motion:

*I move that the Board of Commissioners approves the County’s June 2009 Unaudited Financial Report and Cash Balance Report as presented.*

**Henderson County Public Schools Financial Reports – June 2009 (Unaudited)**

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

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

Suggested Motion:

*I move that the Board of Commissioners approves the June 2009 Unaudited Henderson County Public Schools Financial Reports as presented.*

**2010 Holiday Schedule**

The proposed 2010 Holiday Schedule for Henderson County Local Government agencies was included as follows:

**HENDERSON COUNTY  
2010 HOLIDAY SCHEDULE**

<b>HOLIDAY</b>	<b>DATE(S)</b>	<b>WEEKDAY(S)</b>
New Year’s Day	January 1, 2010	Friday
ML King, Jr.’s Birthday	January 18, 2010	Monday
Good Friday	April 2, 2010	Friday
Memorial Day	May 31, 2010	Monday
Independence Day	July 5, 2010	Monday
Labor Day	September 6, 2010	Monday
Veteran’s Day	November 11, 2010	Thursday
Thanksgiving	November 25 & 26, 2010	Thursday & Friday
Christmas	December 24 & 27, 2010	Friday & Monday

Suggested Motion:

*I move that the Board approves the 2010 Holiday Schedule as presented.*

**Non-Profit Performance Agreements**

Subsequent to the approval of the FY 2009-2010 Budget, staff has distributed the funding agreements to the non-profits agencies receiving County allocations. Staff will be including signed funded agreements on the Board’s consent agenda as they are received from the agencies.

## Funding Agreements:

1. Alliance For Human Services
2. Arts Council of Henderson County
3. Boys and Girls Club
4. Blue Ridge Literacy Council
5. Children and Family Resource Center
6. Council on Aging
7. Environmental and Conservation Organizations
8. Healing Place
9. Historic 7<sup>th</sup> Avenue
10. Housing Assistance Corporation
11. Mainstay
12. Medical Loan Closet
13. Partnership for Health
14. Pisgah Legal Services
15. The Free Clinics – Volunteer Program
16. The Free Clinics – Medifind
17. United Way 211
18. Vocational Solutions
19. WNC Communities

## Suggested Motion:

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

**NOMINATIONS****Nominations**

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

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

2. Fire and Rescue Advisory Committee – 1 vac.

Chairman Moyer stated position #7 is a committee appointee. The committee has unanimously voted to appoint Robert Dotson. *Chairman Moyer made the motion that the Board appoints Robert Dotson to position #7 on behalf of the committee. He further motioned to accept the appointment by acclamation. All voted in favor and the motion carried.*

3. Henderson County Board of Health – 1 vac.

Commissioner Larry Young nominated Reverend Jerry Senn who has committed to serving on the Board of Health in position #11. *Chairman Moyer made the motion to accept the appointment of Reverend Jerry Senn to position #11 by acclamation, subject to the receipt of his application. All voted in favor and the motion carried.*

4. Henderson County Historic Courthouse Corporation dba Heritage Museum – 5 vac.

Chairman Moyer noted that the Board of Commissioners select from a recommended list by the Heritage Museum. The Heritage Museum Board recommended Connie Backlund, Bob Ogden, Ed Harrelson and Bob Staton. Chairman Moyer recommended also the appointment of Bob Staton as Chair to replace Spence Campbell who stepped aside as Chair. One issue raised by the committee was Ed Harrelson, an attorney in town, who used to live in Henderson County and now resides in Polk County after his home burnt. It was the consensus of the Board that citizens serving on Henderson County boards and committee should reside in Henderson County. *Chairman Moyer made the motion that the Board appoints Connie Backlund to position #5 with a remaining term expiring 6/30/2010, Bob Ogden to position #7 with a term expiring 6/30/2012, and Bob Staton to position #8 with a term expiring 6/30/201.*

Commissioner Williams questioned if the Board was prohibited from moving forward with appointments of other individuals who had applied.

Chairman Moyer responded yes that the Board of Commissioners must choose from the list provided by the Heritage Museum Board as stated in the Charter and Bylaws. Additional applications did arrive after the Heritage Museum Board met and they will be making other considerations.

Commissioner McGrady supported the motion but his view remains that the Board of Commissioners should not be making any of the appointments. He felt that this needs to be a separate non-profit and not directed by the Board of Commissioners. Commissioner McGrady would like to see the Board of Commissioners getting out of the business of the Historic Courthouse Corporation if at all possible.

Commissioner Williams questioned if the Heritage Museum Board were making the recommendations, what the use was of the Board making appointments. He felt this was an unnecessary step and he would rather have the option of appointing who the Board of Commissioners chooses to appoint, or allow the Heritage Museum Board to appoint their Board members.

Chairman Moyer noted that this was a compromised position as Commissioner McGrady wanted to get completely out and other Commissioners wanted all control and the Board ended up in the middle. He felt the Board was fortunate where they are, in the middle. If the Commission chooses to take back authority and have the ability to appoint who they want to the board, similar to the Hospital Corporation, the Charter and Bylaws must be amended. Chairman Moyer felt that with public money going into the Heritage Museum and it being located in the same building as the Commission it is essential to have a connection.

Commissioner Young felt that this should be done. Commissioner McGrady did want any connection at all with the Heritage Museum.

Chairman Moyer stated that if the majority of the Board felt that the Charter and Bylaws should be amended he would work up some language that would give the Commission the right to get recommendations from the Heritage Museum Board.

Commissioner Messer supported the motion made by Chairman Moyer but felt that the other applications should go back before the Heritage Museum Board for recommendations at the next Commission meeting for the remaining two positions.

Chairman Moyer reminded the Board of the motion on the floor. *The vote passed 3-2 with Commissioner Williams and Commissioner Young voting nay.*

*Chairman Moyer made the motion that the Board of Commissioners appoints Bob Staton as Chair of the Heritage Museum Board. All voted in favor and the motion carried.*

County Attorney Russ Burrell noted that the Board of Commissioners continues to have the authority to change the Charter as they see necessary which would in turn force the bylaw change.

Chairman Moyer felt if he told the Heritage Museum Board that the Bylaws were going to be amended so that the Commission would take recommendations by the Heritage Museum Board but make the appointments themselves, the Heritage Museum Board would take less scrutiny in selecting members. Chairman Moyer thought that most of the Board would like to look at making Charter and Bylaw amendments to the Heritage Museum Board that would give the Board of Commissioners (patterned as the Hospital Corporation Board of Directors) the authority to make the appointments while allowing the Heritage Museum Board to make recommendations and that the Commission is not bound to that list and could add people that were or not recommended.

Commissioner McGrady made it clear that he would be voting against the change of Charter and Bylaws.

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

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

6. Historic Resources Commission – 1 vac.

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

7. Jury Commission – 1 vac.

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

8. Juvenile Crime Prevention Council – 10 vac.

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

9. Senior Volunteer Services Advisory Council – 1 vac.

Edith Sally Young has applied for this position. The Board will be making contact and possible appointment at a future meeting. There were no nominations at this time so this item was rolled to the next meeting.

### **2009 FEASIBILITY STUDY PRESENTATION – HENDERSON COUNTY SOLID WASTE**

County Engineer Marcus Jones stated at the Board's direction under the County's Strategic Plan in Strategy 4.4 (Address solid waste management issues including recycling and upcoming pertinent solid waste legislation) and the County's Twenty Year Vision for Solid Waste, McGill and Associates have completed the subject study. The Solid Waste Advisory Committee (SWAC) and staff have been continually involved in the development of this study, and during SWAC's meeting on July 27, 2009, SWAC voted to recommend the study to the Board of Commissioners. The study's executive summary and table of contents were provided as the meeting presentation.

#### Executive Summary

Solid waste management is an essential service provided by Henderson County to its respective citizens. In Henderson County, this service is managed by the Solid Waste Division operating under the leadership of the County Engineering Department. The Solid Waste Division is charged with the task of protecting human health and the environment by providing environmentally sound, cost efficient waste disposal. Effective solid waste management is also essential for the County to continue to grow and expand as new businesses and residents move into the area.

The Henderson County Solid Waste Division operates as an enterprise fund, separate from the general fund and property taxes. For the Division to continue to operate as a viable economic operation, it must provide excellent customer service, safe efficient access to all solid waste services, as well as value to its rate payers and the citizens of the County. The County must continually review and upgrade services and facilities to meet new challenges as well as continue to conform to new and ever changing environmental regulations.

In May 2008, Henderson County adopted their 20-Year Vision Plan for solid waste management in the County. One major aspect of this Plan was the development of a Solid Waste Feasibility Study. This Solid Waste Feasibility Study was prepared to evaluate the existing solid waste operations, identify capital projects needed to enhance operations, evaluate various waste collection options, and develop a long-term financial assessment to meet the County's goals.

The center of the Division's operation is the Stoney Mountain Road Landfill Facility located on Stoney Mountain Road. This facility presently operates as a transfer facility for waste collected with the County as well as providing collection and processing for various other components of the waste stream. Recyclable material collection is also provided on a limited basis. The facility is utilized by permitted private haulers as well as citizens transporting their own residential waste and recyclable material to the facility for disposal and/or processing. Over the years, the number of customers and citizens accessing

this facility has grown, resulting in a need to provide new and/or expanded services. Several capital improvement projects have been proposed to expand/improve services as well as enhance the safe and efficient access to the site for the commercial customers and the citizens of the County. The proposed improvements should also enhance the flow of traffic along Stoney Mountain Road.

Collection of solid waste within the unincorporated areas of the County is handled by a network of private haulers licensed to provide these services by the Solid Waste Division. Some of these permitted haulers provide residential waste collection services for a fee to residents as an alternative to transporting their own waste to the Stoney Mountain Road Landfill Facility for disposal. Several incorporated municipalities within the County already provide residential waste collection services to their citizens. The County presently works in general partnership with these private haulers to ensure a general level of service is provided to the citizens in a cost effective manner. These permitted haulers provide a steady source of income for the Solid Waste Division. This partnership must be continued and expanded to enhance the opportunity for efficient cost effective collection of residential waste for all citizens in the unincorporated areas of the County.

The challenges associated with operating a solid management program continue to increase every day. One of the most notable challenges pertains to the increased costs associated with waste disposal. Reducing the tonnage of waste material that must be hauled off-site for disposal is one way to control this cost. Another major challenge pertains to the implementation of new regulations by the State relate to how certain components of the waste stream must be collected, processed and ultimately disposed of. Enhanced recycling opportunities are a way to reduce disposal costs, achieve compliance with new regulations as well as generate revenue. The County should continue to work in partnership with the permitted residential waste haulers to implement a County wide collection program for recyclable material. This, in conjunction with proposed capital improvements to the Stoney Mountain Road Landfill collection and consolidation facilities, should result in a notable increase in the volume of recyclable material collected for processing. With an increase in recyclable material collection comes the need to develop a material recovery facility (MRF) to separate the collected material by component type. The degree of separation can be as simple or as complex as the County may desire. The degree of sophistication is generally driven by available markets and market prices for the processed material. Regardless of the degree of separation, the sale of recyclable material has the potential to generate revenue for the Solid Waste Division.

The financial assessment portion of this Study is essential to understanding the implications of future regulatory compliance issues, proposed capital expenditures and other aspects of the overall solid waste management program. The assessment complements the County's ability to evaluate programmatic and technical alternatives prior to actual implementation. Several capital improvement projects were recommended as a part of this Study. A particular component of the financial assessment evaluated these proposed capital improvements in conjunction with various residential waste and recyclable material center to estimate future tipping fee rates. Based on this assessment, the County should be able to implement the proposed capital improvements to enhance the overall operational efficiency and effectiveness of the solid waste management program. This could be done without the need for substantial increases in the disposal fee charges to commercial customers.

#### Solid Waste Feasibility Study

Board Direction: From the approved 2008 Solid Waste Vision Statement, study the feasibility of Improvements to Facilities and the County Collection System.

#### Solid Waste Advisory Committee

Over the past year and under Chairman Stan Kumor's Leadership, SWAC reviewed the Feasibility Study in detail and provided feedback which was incorporated into the study as it was developed.

As the consultants retained to conduct this study, McGill Associates, P.A., contributed detailed analysis of the recommendations and input from SWAC and County Staff.

Solid Waste Manager Will Sager stated that two (2) years ago the State of North Carolina significantly increased landfill regulations making it harder and more expensive to operate landfills in this state. We are also seeing collection rates increase as fuel, trucks, labor, etc. is inching up. Henderson County landfill has been in a ten (10) year contract for our waste disposal as it leaves the transfer station at a flat fee. That contract does expire in December 2010 and we must address where to go in the future and how do we maintain this quality of life that we do enjoy here in Henderson County. It is not feasible for Henderson County to get back into the landfill business and it would be very difficult to site a landfill in this County. Incineration was considered but the front-end costs are almost three times as much as it costs for landfill disposal.

#### Review 20 Year Vision

##### Challenges

- Increased Regulatory Requirements by NC and soon SC
- Increases in Disposal and Collection Expenses
- Current Disposal Contract Expires 12/2010
- Maintain or Improve Quality of Life & Natural Resources

#### Review 20 Year Vision

##### Obstacles

- New Henderson County Landfill
  - ▶ Economy of Scale
  - ▶ “NIMBY”
- Incineration
  - ▶ +\$90 per ton
- No “Silver Bullet”

#### Review 20 Year Vision

##### Solutions, “Need a new Perspective on Current Processes: Recycling and Collections”

- Recycling
  - ▶ Expense Reducer & Revenue Generator
  - ▶ Compliance Requirements
  - ▶ Quality of Life
- Collection System: More County Convenience Sites and / or Develop Partnership w/ Haulers

#### Review 20 Year Vision – Solutions: Feasibility Study

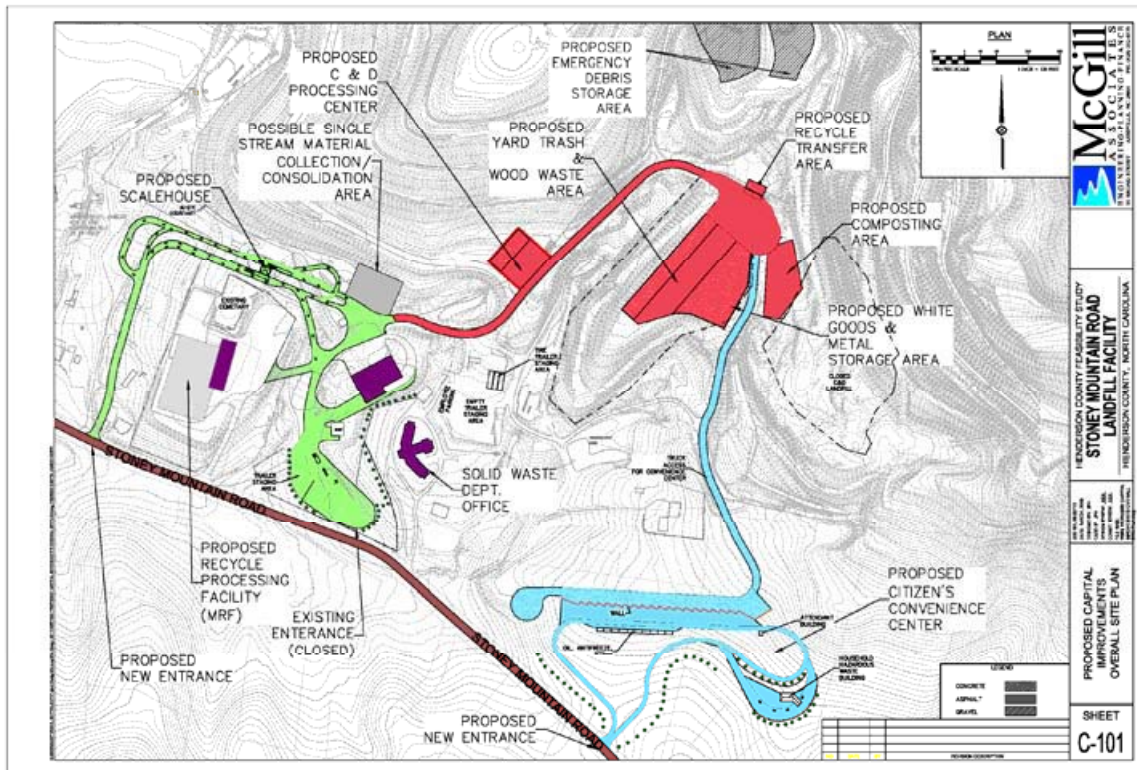
Study improvements to Solid Waste Facilities and collections that improve safety and our ability to carry out the 20 Year Solid Waste Vision without General Fund Contributions.

Project Manager of McGill & Associates Bill Sperry discussed Capital Improvements.

- Convenience Center & HHW/Electronic Center
  - Separation of commercial and residential traffic
  - Design allows for improved staff oversight
  - Paved with drainage
  - Eliminate traffic congestion
- Entrance Road with New Scales/Scale House
  - Separate entrance for scale traffic with proper on-site vehicle storage
  - In and out bound scales
  - Proper oversight on transfer station
  - Eliminate traffic congestion
- Recycling Processing Center & Transfer



- Improved marketability and revenue
- Facilitates efficient consolidation of recycling by participating haulers and the County
- Increase in recycling rate
- Off-site initially with transfer area

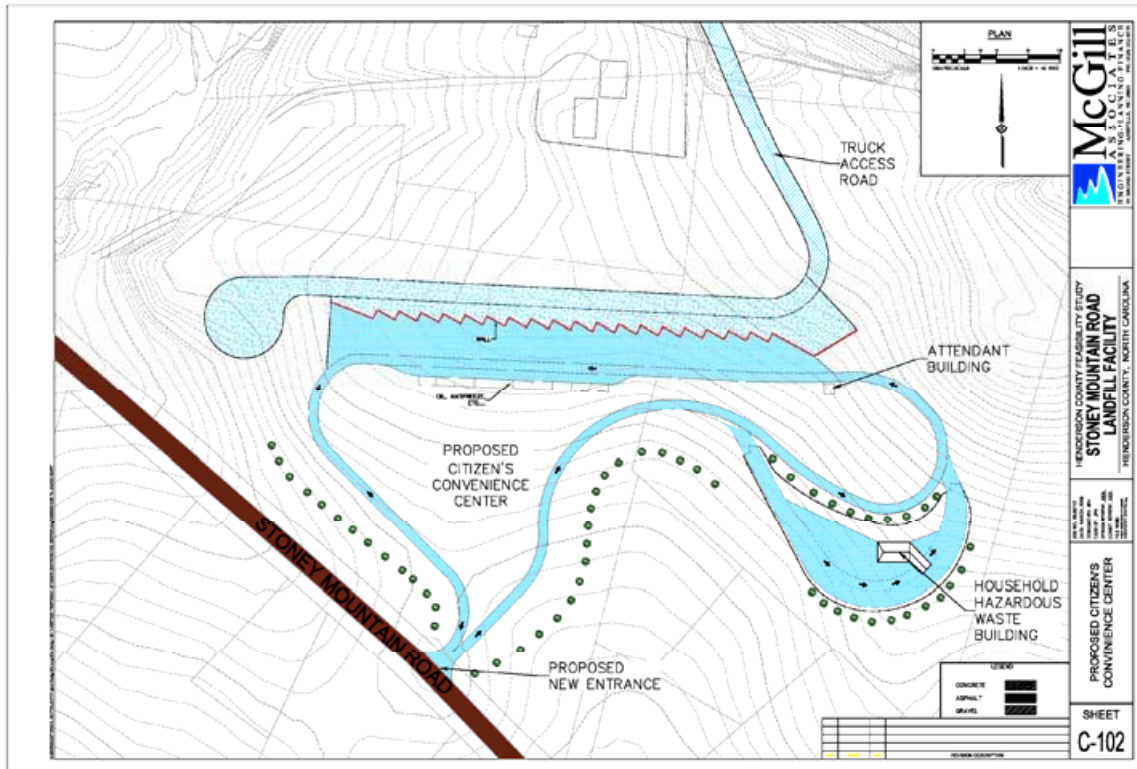


- Dark red line - Stoney Mountain Road
- Purple - Activity Center, Transfer Station, School bus depot
- Green – Proposed new entrance
- Light blue – Proposed new Convenience Center
- Red – Diversionary improvements

The convenience center will be available for the citizens to dispose of their waste and also a household hazardous waste collection area and an electronics collections center. It will separate the residential traffic from the commercial traffic. The traffic congestion along Stoney Mountain Road will also be eliminated. The entrance will stack approximately 42 cars before they even get into the site.

- Other Diversion Improvements
  - Construction & demolition recycling area
  - Wood waste & metal area
  - Composting area
- Construction Cost Estimates
 

• Relocated convenience center	\$ 974,600
• New Entrance Road/Scales	\$1,146,000
• Recycle Transfer Area	\$ 99,800
• Recycling Process Equipment	<u>\$ 976,700</u>
• Total Capital Outlay	<u>\$3,197,100</u>



The red saw tooth line is where the convenience center boxes will be stationed. A wall will separate the citizens from the County's collection trucks that will pick up the boxes. The entrance road and new scales will be separate.

#### Selected Collection Options

- Continue existing operations
- Add County Convenience Center at strategic locations throughout the County
- Franchise Curbside Collection

Financial Consultant with Martin/McGill Stephen Miller stated that in conducting the rate analysis for the solid waste program they followed one basic assumption. It is an enterprise fund and whatever expenses are incurred by the fund, whether they are capital costs or operating expenses, they are exclusively paid for by the users. They have forecast what the fees would look over the next ten (10) years and also forecast what the required changes would be to the tipping fees to finance each of the three scenarios.

#### Rate Analysis – Methodology (Black Box)

- Input
  - Budget: expenses, revenues & fund balance
  - Capital improvements & equipment purchases
  - Impact of collection alternatives
- Output: Annual tipping fee projection for next 10 years

#### Capital Project Phasing

- Year 1 (FY2010): Pre-construction for Year 2
- Year 2 (FY2011)
  - New Convenience Center
  - New entrance and scales
  - Recycle transfer area
  - New recycling processing center (off-site)
- Year 3 (FY2012): C&D processing area

## Six Rate Analyses for Collection Alternatives

1. Existing collections
2. Existing collections w/Convenience Center revenue (CCR)
3. Construct additional Convenience Center
4. Construct additional Convenience Center w/CCR
5. Franchised collections
6. Franchised collections w/CCR

Rate Analysis: Proposed Tipping Fees						
	Year 1 2010	Year 2 2011	Year 3 2012	Year 4 2013	Year 5 2014	Year 10 2019
Existing	\$52	\$53	\$54	\$55	\$56	\$62
Existing w/CCR	\$52	\$53	\$53	\$54	\$54	\$54
Centers	\$52	\$58	\$64	\$67	\$67	\$71
Centers w/CCR	\$52	\$58	\$61	\$64	\$64	\$65
Franchise	\$52	\$53	\$54	\$55	\$56	\$59
Franchise w/CCR	\$52	\$53	\$53	\$53	\$53	\$54

Project Administration Manager of McGill & Associates shared the following information:

## Conclusions

- Capital Improvements are feasible as phased
- Adding convenience center is not feasible without general fund contribution
- Recycling processing center
  - Benefit citizens, haulers and enterprise fund
  - Begin flow diversion to avoid future expenses
  - Enhance quality of life
- Franchising collection will provide benefits to citizens, haulers & enterprise fund
  - \$1 to \$3 million less for private collection
  - More efficient and profitable collection routes
  - Largely more urban than rural
  - Reduce risk in capital investments
  - Increased recycling rate
- Revenue source – convenience center
  - Provide fee equity for all citizens
  - Generate revenue to pay for relocated convenience center
  - Increases value of recyclables

## Recommendations

- Approve the capital improvement plan
- Direct staff and SWAC to work with the permitted haulers to develop a plan to implement franchising and/or collection efficiencies
- Develop convenience center revenue plan for incorporation in future budgets
- Initiate haul/disposal contract negotiations no later than January 2010

County Engineer Marcus Jones feels the numbers generated and assumptions made in this report are very conservative. The tipping fees are calculated per ton and the present fee is \$52.

County Manager Steve Wyatt stated this is inclusive of the pass through that goes to the State of North Carolina of a \$2 mandated fee.

Marcus Jones stated the fund balance is healthy and some of it will be expended and some debt will be incurred. He explained under existing conditions, with or without convenience center revenue or under the franchise option, we do not anticipate under this rate analysis any contribution from the general fund or property taxes. If you look at the fees that will be required to add convenience centers throughout the County, you are looking at a fee schedule that at some point in year two or three will go out of competitiveness and we will lose revenue. Therefore if it is the desire to locate convenience centers throughout the County, we will need to begin talking about a contribution to the enterprise fund from the general fund in order to pay for them.

County Manager Steve Wyatt explained the scenario by Mr. Miller in that there is \$3.2 million dollars worth of improvements that would be financed over a 20 year period of time. He asked if there would be some buy down of the finance or an investment upfront of fund balance outside of the required post closure.

Stephen Miller responded the banks would not require an equitable contribution from the program. The entire amount is capable of being financed. The amount available in posts closure reserves from the 2008 audit is \$2.38 million and \$1.1 million in available resources. They are assuming \$2 million are going to be used in the initial financing for buy down; and financing \$1.2 million. There is flexibility with this option with the banks allowing financing of the entire amount.

Marcus Jones stated that the CND Landfill has been successfully closed as of June. We have been combining our CND flow with household trash since June 2008 and it is part of the contract with waste management to haul away and dispose of it in their landfill. This gives an opportunity for flow diversion; with proper recycling application CDN flow can be reduced by 40%. The financial cost is \$34 per ton to ship with regular household trash. The 2009 solid waste management law made it more difficult to operate a CND Landfill and put the County out of feasibility. It is cheaper for us to close this one down and not incur post closure costs later on.

#### Recommendation

- Approve the Capital Improvement Plan
- Direct Staff and SWAC to work with the Permitted Haulers to develop a plan to implement Franchising and/or Collection Efficiencies
- Develop Convenience Center Revenue Plan for Incorporation in Future Budgets
- Initiate Haul/Disposal Contract negotiations no later than January 2010

Discussion followed.

It was suggested that the rate analysis be done for ten (10) years versus the twenty (20) years which had been presented and bring it back before the board at the next meeting September 8, 2009.

*Commissioner Young made the motion that the Board go into public hearing with respect to the 2009 Community Development Block Grant application. All voted in favor and the motion carried.*

#### **PUBLIC HEARING – 2009 Community Development Block Grant Application**

Anthony Starr stated two hearings are required prior to submitting an application to DCA for any CDBG program. This first hearing is generic and covers all of the categories of CDBG grants offered by DCA. The second hearing to be held later will be for the specific purpose of taking public comments on the planned use of the specific grant applications. The County intends to apply for the 2009 CDBG Community Revitalization Grant and the 2009 Water-Sewer Hook-up grant (\$75,000).

#### Public Input

There was none.

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

### **ARCHITECT AGREEMENT – LAW ENFORCEMENT CENTER**

Assistant County Manager Selena Coffey stated that with the approval of Mosley Architects as the most qualified responding Architect for the subject project during the July 15, 2009 Board meeting, staff has negotiated the proposed agreement with Mosley Architects.. The scope of services is to perform the design and construction administration for the proposed Law Enforcement Center. The other item included in the contract is about \$30,000 that is for planning and relocating folks in the Old Health Building, King Street Building and 1995 Courthouse. The proposed agreement with Mosley Architects is for \$351,000. The programming cost of \$30,000 is included in the \$351,000 figure. The funds for the work are approved in the FY10 Budget.

Commissioner Messer noted that at the last meeting the Commission voted to send the local projects out for local bid. He questioned if any local bids had been received and also questioned the inclusion of the \$30,000 in the bid.

County Engineer Marcus Jones explained that \$30,000 was included by Mosley Architects as it reflects taking out the design of the renovations of the three (3) buildings. The programming aspect of all four buildings has been left in Mosley's contract. He feels that this particular aspect of work really needs to be done by one person as they are all inter-related. The person that Mosley is subcontracting with is intimate with the County facilities solutions for local government. The scope of work for the renovation projects does not include this planning part. The RFQ has a date of August 15 and no bids have been received to date. Two local firms and one firm outside of the county have shown interest and made inquiries.

Commissioner Williams requested clarification that Mosley Architect is ready to take on the Law Enforcement Center project at \$351,000 and the prior bid which included the other projects was \$381,000, a difference of \$30,000.00.

Selena Coffey responded the original bid was \$385,000 and if you subtract the \$30,000 for solutions for local government included in the \$351,000 it brings the total down to \$321,000. Approximately \$30,000 included in this agreement is for the planning phase.

Marcus Jones felt this was a fair assessment because within this scope a majority of that planning work will be done on the renovations projects; relocating staff and determining availability of space. It is critical to keep these together.

County Manager Steve Wyatt stated he had received a verbal commitment from Mosley Architects that should the Board desire to come back to them the previous bid would be honored. He noted that Marcus Jones had contacted all local architects and requested proposals on the design of the facility.

Marcus Jones felt it might be possible to split up the fee with different situations but it would probably not net any savings.

County Manager Steve Wyatt inquired what portion of the \$30,000 for programming is allocated to the Law Enforcement Center and what is allocated toward the other portions.

Mr. Jones responded that he would guess that a larger percentage of it is probably allocated to the renovations.

Chairman Moyer noted that he has been approached by Gary Jones, a realtor, in regards to the Law Enforcement Center, and he has asked Mr. Jones to speak to the Board. Mr. Jones inquired if the Board had looked at existing buildings that are available and retrofitting them with the allocation that it can be done substantially cheaper than constructing a new building.

August 3, 2009

14

Mr. Gary Jones stated in Henderson County at various times buildings do become available. Mr. Jones brought this to Chairman Moyer's attention when the Times-News property became available on Four Seasons. Sheriff Davis was contacted and visited the site with Mr. Jones. Mr. Jones was under the impression that the Sheriff felt the building would be a good fit for the Sheriff's Department with some modifications and renovations. Unfortunately this building was contracted within just a few days and has since closed. Another building for sale is the Osborne/Olds/GMC building on Spartanburg Highway next to the Old Health Department and Mr. Jones is aware of several other properties that may be coming available on the market.

Commissioners McGrady and Young were not in favor of this suggestion. This would delay a process that has already begun. We have the land and can build a Law Enforcement Center that meets the needs of the Sheriff's Department as opposed to trying to renovate a building to get mostly there. The Board was reminded of the situation when property was purchased for the Human Services Building.

Commissioner Messer and Chairman Moyer didn't feel there was a need to rush into a new Law Enforcement Center and time could be taken to look at properties possibly saving the County money.

After further discussion, *Commissioner Young made the motion that the Board approves a contract with Mosley Architects for architectural fees (no programming) on the Law Enforcement Center for \$321,000.00 with the proviso that they still have the upper limit in place if the Board does not choose any other bids that Mosley Architects has committed to do all buildings architectural and programming for \$385,000. The voted passed 3-2 with Chairman Moyer and Commissioner Messer voting nay.*

## **STAFF REPORTS**

### **County Attorney's Report**

There was nothing further at this time.

### **County Manager's Report**

Steve Wyatt reminded the Commission of tours scheduled by the Board of Education for the new Hillandale Elementary School and Mills River Elementary School. The dates available are August 11<sup>th</sup> at Hillandale and August 13<sup>th</sup> at Mills River at 11:00 a.m. or 1:00 p.m.

*Chairman Moyer made the motion that the Board schedules two special called meetings at 1:00 p.m. on August 11 at Hillandale and August 13 at Mills River to tour the new facilities. All voted in favor and the motion carried.*

Steve Wyatt explained he received in the mail a notice from AT&T that they had filed a cable franchise with the State of North Carolina. He will be following up to determine the intent.

Mr. Wyatt noted that after a thorough search, a promotion has been made from within; Tom Stauffer is the County's new Chief Building Inspector or Director of Building Services.

## **IMPORTANT DATES**

Chairman Moyer noted that the Water Supply & Distribution Task Force Committee would be meeting on September 1 at 3:00 p.m. They will be discussing water issues on the southern end of the County and allow public comment.

The Edneyville Community Center grand opening will be held September 3, 2009 at 10:30 a.m.

The Board of Commissioners will hold a public hearing in regards to a request from Polk County with respect to the Green River Watershed on August 25, 2009 at 7:00 p.m.

Schedule a Public Hearing for the FY 2010 Rural Operating Assistance Program (ROAP) Application to NCDOT. *Commissioner McGrady made the motion that the Board schedules a public hearing on the FY*

August 3, 2009

15

*2010 Rural Operating Assistance Program grant application for Tuesday, September 8, 2009 at 1:00 p.m. All voted in favor and the motion carried.*

It was the consensus of the Board to hold the annual Volunteer Appreciation Banquet on Tuesday, October 20, 2009 at Highland Lake Inn.

The Apple Festival Parade will be on September 7, 2009 at 2:30 p.m.

**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. (a)(4) To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body.

*All voted in favor and the motion carried.*

**ADJOURN**

*There being no further business Commissioner McGrady made the motion to adjourn. All voted in favor and the motion carried.*

ATTEST:

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Teresa L. Wilson, Clerk to the Board

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William L. Moyer, Chairman