

DRAFT MINUTES

**STATE OF NORTH CAROLINA
COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS
NOVEMBER 2, 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, 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, Code Enforcement Director Toby Linville, Planning Director Anthony Starr, Engineer Marcus Jones, Tax Assessor/Collector Stan Duncan, Research/Budget Analyst Amy Brantley, PIO Christy DeStefano, and Associate County Attorney Sarah Zambon.

Absent was: Commissioner Mark Williams.

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 Meredith Jones of The Ruby's 4-H.

INVOCATION

County Manager Steve Wyatt gave the invocation.

INFORMAL PUBLIC COMMENTS

Tryon Mayor Alan Peoples recognized the work of Staff from the Henderson County Parks & Recreation Department and the Henderson County Sheriff's Department. He had hosted the 1A, 3A and 3A Cross Country Regional's at Jackson Park the prior Saturday during extreme rain and Henderson County staff worked from 9:00 a.m. until 4:30 p.m. and did an outstanding job.

DISCUSSION/ADJUSTMENT OF AGENDA

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

CONSENT AGENDA

Commissioner McGrady 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):

October 13, 2009 – Special Called Meeting

October 21, 2009 – Regularly Scheduled Meeting

Tax Collector's Report

Deputy Tax Collector Carol McCraw had presented the Tax Collector's Report to the Commissioners dated October 23, 2009 for information only. No action was required.

DATE APPROVED:

Financial Report/Cash Balance Report – September 2009

Provided for the Board’s review and approval were the September 2009 Financial Report and Cash Balance Report.

The Following are explanations for departments with higher budget to actual percentages for the month of September.

- Finance – annual software maintenance contract expense incurred in 1st quarter
- Fire Marshal – worker’s compensation premium/fire district(s) contracts
- Rescue Squad – first quarter FY2010 non-profit contribution/vehicle fuel and maintenance
- HOME Program – payments to Housing Assistance Corp. for Homebuyer’s Assistance Program to be reimbursed from the City of Asheville

The Travel & Tourism Fund YTD deficit of \$8,594 is the result of lower occupancy tax collections due to the current local economy and reduced room rates being offered for stays.

The Emergency 911 Communications Fund YTD deficit of \$104,538 is from encumbered funds from the scheduled replacement of Computer-aided Dispatch (CAD) servers in the 911 Center due to age. This equipment replacement was budgeted in FY2010 and is paid entirely from 911 telephone surcharge funds.

The YTD deficit in the CDBG – The Warm Company Project Grant Fund is due to the timing difference between the expenditure of funds and subsequent reimbursement from the federal government.

The YTD deficit in the Immigration and Customs Enforcement (ICE) Fund is due to the timing difference between the expenditure of funds and subsequent reimbursement from the federal government.

The YTD deficit of \$2,995 in the Edneyville Park Project is equipment purchased for the new community center that has been requested from and will be reimbursed from the State PARTF Grant.

The ongoing YTD deficits reported in the Public School System Repair Projects and the North High/Apple Valley HVAC Water Pipe Repair Project will be reimbursed from future FY2010 financing proceeds.

The YTD deficit in the Solid Waste Landfill Fund is temporary and due to the July and August invoices for waste hauling to the Palmetto Landfill being paid in the month of September.

Suggested Motion:

I move that the Board of Commissioners approves the September 2009 County Financial Report and Cash Balance Report as presented.

Henderson County Public Schools Financial Reports – September 2009

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

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

Suggested Motion:

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

Quarterly Schools Maintenance Report

Included in the agenda packet were several pages of the Schools Quarterly Maintenance Report. The expenditures are summarized in the report received.

Staff presented this material for the Board's information only. No specific Board action is requested.

Resolution – Non-Profit Recognition Month

The Non-Profit community of Henderson County has requested that the Board of Commissioners adopts the provided Resolution proclaiming the month of November locally as Non-Profit Recognition Month. A copy of the resolution is attached hereto and incorporated as a part of the minutes.

Suggested Motion:

I move the Board of Commissioners adopts the Resolution as presented, proclaiming the month of November as Non-Profit Recognition Month.

Resolution – Henderson County Red Cross Day

Mike Williams, with the Henderson County Chapter of the American Red Cross, has requested that the Board of Commissioners adopts the provided Resolution establishing November 18 as Henderson County's Red Cross Day. A copy of the resolution is attached hereto and incorporated as a part of the minutes.

Suggested Motion:

I move the Board of Commissioners adopts the Resolution as presented, establishing November 18 as Henderson County's Red Cross Day.

Proclamation – Human Rights Day

The Human Relations Council of Henderson County has requested that the Board of Commissioners declares December 10, 2009 as Human Rights Day in Henderson County in recognition of the 61st anniversary of the adoption of the Universal Declaration of Human Rights by the United Nations. A copy of the resolution is attached hereto and incorporated as a part of the minutes.

Suggested Motion:

I move the Board of Commissioners adopts the Proclamation as presented, proclaiming December 10, 2009 as Human Rights Day in Henderson County.

12th Annual Henderson county Benefit Toy Run Parade Day Proclamation

The 2009 Henderson County Benefit Toy Run Parade Day has been scheduled for Saturday, November 21, 2009. The provided proclamation sets aside this day as Henderson County Benefit Toy Run Parade Day. A copy of the proclamation is attached hereto and incorporated as a part of the minutes.

Suggested Motion:

I move the Board adopts the proclamation as presented, proclaiming November 21, 2009 as The 2009 Henderson County Benefit Toy Run Parade Day.

Qualified School Construction Bonds (QSCBs) Financing Resolution

The Board of Commissioner funding plan for school capital projects in the current fiscal year includes the issuance of Qualified School Construction Bonds (QSCBs) as a part of the American Recovery and Reinvestment Act (ARRA) to finance repair and renovation projects at multiple school facilities. The County and the public schools made applications to the N.C. Department of Public Instruction for QSCB funds to finance the various projects. Henderson County was awarded a total 2009 QSCB allotment of \$4,270,400.29 to finance the projects.

Staff presented to the Board a required resolution prepared by out bond counsel to start the QSCB issuance process for financing the school projects. The resolution makes the necessary findings for issuing the bonds and authorizes the negotiation of an installment financing contract and certain other related matters including the filing of an application with the Local Government Commission for approval. A copy of the resolution is attached hereto and incorporated as a part of the minutes.

The resolution also calls for a required public hearing on the proposed financing to be held on the Board's November 18, 2009 meeting date at 11:00 a.m. and directs Staff to cause a notice of the public hearing to be published in the local newspaper.

At the time this agenda item was being prepared, only one lender in North Carolina has surfaced and offered to purchase QSCBs through calendar year 2009 from local governments via a privately-placed installment financing contract. Staff has requested a proposal from this financial institution and will provide to the Board as soon as it has been received for discussion at the meeting or at the public hearing. If local governments are unsuccessful in issuing their 2009 QSCB allotments by the end of calendar year 2009, the Department of Public Instruction has approved the rollover of these allotments to 2010.

Suggested Motion:

I move the approval of the Resolution of the Board of Commissioners of the County of Henderson, North Carolina, authorizing the negotiation of an installment financing contract and providing for certain other related matters thereto which includes the setting of a public hearing on the proposed financing for the Board's November 18th meeting at 11:00 a.m.

Purchase of Used Excavator for Solid Waste

The Solid Waste Division has received three bids for a used, late model, rubber tired excavator. ASC Construction Equipment, Inc., of Mills River submitted the lowest bid, \$108,000. The machine is a Volvo EW160B with 1,162 hours of service and power-train warranty through June 15, 2010. The dealer has offered to extend the warranty for an additional twelve months at no extra charge.

Currently, the Division removes excess waste from overloaded trailers with the existing excavator. This large, track type machine is inappropriate for such use. The practice causes damage to the contractor's trailers and creates excessive litter on site. The proposed machine will be equipped with a smaller attachment, reducing the exposure of damage to the trailers. Additionally, the rubber tired design of the proposed excavator will allow the unloading of extra weight in trailers to take place in the transfer station. This will eliminate the litter problem caused by the current method.

The Solid Waste Enterprise Fund FY 2010 budget included \$110,000 for the purchase of this machine.

Suggested Motion:

I move that the Board authorizes the County Engineer to purchase the used EW160 excavator from ASC Construction Equipment of Mills River at a purchase price of \$108,000.

Purchase of Replacement Loader for the Transfer Station

The Solid Waste Division has received six bids for a new replacement for the loader used in the Stoney Mountain Transfer Station. The bids ranged from \$134,644 to \$180,549.00.

Staff recommends rejecting the low bid from Interstate Equipment Company for a JCB 426-HT Loader for failing to meet significant specifications. The engine and transmission are not manufactured by the equipment manufacturer, as call for in the specifications. The turning radius is 18% larger than the specifications. This causes concern in the tight quarters of the transfer station. The specific warranty is an option costing \$4,850. Other specifications of concern were no locking front axle, weaker electrical

system, limited ingress/egress, and the door does not swing out of the operator's vision when open. Other discrepancies were minor.

The Caterpillar bid from Carolina for the 930H met almost all specifications. No discrepancies should effect operation. The rated horsepower is 149, when the specification called for 150. There are grease fittings on the drive shaft and there is no 4th gear in reverse. High speed in reverse is not desirable. Other discrepancies were also minor.

The Solid Waste Division has rented a Caterpillar 930G for the last three years and has had satisfactory service. Replacement with the updated mode should provide satisfactory service.

Caterpillar offers an optional attachment coupler for \$5,070. The couple on the base bid is similar or equal to the coupler on all six bids offered. The design of the standard coupler has been problematic in the transfer station operation. The optional upgrade should address the maintenance issues we have experienced with the standard version.

The Solid Waste Fund FY2010 budget included \$172,795.00 for the purchase of this machine.

Suggested Motion:

I move that the Board authorizes the County Engineer to purchase the Caterpillar 930H Loader with the Fusion Coupler upgrade from Carolina CAT of Asheville at a purchase price of \$148,698 and the optional coupler for \$5,070.

Lease with Henderson County Partnership for Economic Development, Inc.

A draft document was provided leasing a part of the premises at the former Carnegie Library (until recently leased to the Greater Hendersonville Chamber of Commerce) to the Henderson County Partnership for Economic Development, Inc.

Suggested Motion:

I move the Board approves the draft lease with Henderson county Partnership for Economic Development, Inc.

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. Downtown Hendersonville Inc. – 2 vac.

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

3. Historic Resources Commission – 1 vac.

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

4. Jury Commission – 1 vac.

Chairman Moyer nominated Leslie Coker for position #1 as recommended by Clerk of Court Kim Gasperson-Justice. *Commissioner McGrady made the motion to appoint Leslie Coker to position #1. Chairman Moyer made the motion to accept the appointment of Leslie Coker to position #1 by acclamation. All voted in favor and the motion carried.*

5. Juvenile Crime Prevention Council – 9 vac.

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

6. Senior Volunteer Services Advisory Council – 1 vac.

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

ABANDONED MANUFACTURED HOME REMOVAL PROGRAM

NC DENR has allocated funding for the removal of abandoned manufactured homes throughout the state. Each county can request reimbursement for the removal of up to 25 homes at \$1000 per home. Henderson County will contract with local companies to remove these homes and then request a reimbursement from the state of NC.

Code Enforcement Director Toby Linville provided a power-point presentation with the following information:

- House Bill 1134 granted Division of Pollution Prevention and Environmental Assistance program to fund removal of abandoned homes across NC at \$1000 per home through the Solid Waste Management Trust Fund
- Henderson County joined program through Solid Waste Management Plan in May 2009
- Publicity to identify low-income property owners who qualify for assistance
- County will contract with private companies and seek reimbursement from NC.

§130A-309.113 Management of abandoned Manufactured homes.

Plan: Notify property owner through Nuisance procedures

- A method by which the county proposes to identify abandoned manufactured homes in the county: Complaint driven or owner request
- A plan for the deconstruction of these abandoned manufactured homes: Contracted Service
- A plan for the removal including mercury switches from the thermostats, for reuse or recycling, as appropriate: Staff removes switches for Household Hazardous Waste. Contractor recycles as much metal as possible
- A plan for the proper disposal of abandoned manufactured homes that are not deconstructed under subdivision (2) of this subsection: N/A
- Authority to Contract – A county may contract with private entity
- Fee Authority – A unit of local government or a party that contracted with the county under subsection (b) of this section may charge a disposal fee for the disposal of any abandoned manufactured home at a landfill pursuant to this Part.
- An intact abandoned manufactured home shall not be disposed of in a landfill (2008-136, s.1.)
 - Eligible recipients based on Income Level
 - Manufactured home park owners ineligible
 - Owner must unhook all utilities and remove contents
 - Staff responsible for removing mercury switches
 - Contractor must document landfill fees and recycling weight

The following information is provided by the Department of Housing (HUD)

Income Definition	Percent (%) of Area Median Income (\$52,500)	Annual Income (\$)	Monthly Income (\$)	30 Percent of Monthly Income (\$)	Fair Market Rent as a Percent (%) of Maximum Affordable Rent
Low	>50 to 80	26,251 to 42,000	2,188 to 3,500	656 to 1,050	106% to 66%
Very low	>30 to 50	15,751 to 26,250	1,320 to 2,188	394 to 656	176% to 106%
Extremely low	<30	0 to 15,750	0 to 1,320	0 to 394	176% or more

DPPEA – Division of Pollution Prevention and Environmental Assistance
AMH Grant Program Application Requirements:

- Number of units intended to be managed
- Process of identifying AMH responsible parties
- Description of the process for recovery of funds from responsible parties
- Plan for meeting basic recycling requirements
- Plan for removal and proper management of mercury thermostats
- Plan for management of white goods/tires and other banned materials
- Expected local program revenues generated from zoning fees, tipping, or other fees
- Implementation timeline for overall AMH program
- Identification of abandoned units
- Deconstruction of units
- Program budget identifying key costs elements

Mr. Linville asked the Board if they wished to proceed with the grant, how to set the income limit, and how the Board would suggest covering cost above the grant. He has spoken with a few companies that do this kind of work and have shown interest. The companies have stated they cannot do this kind of work for \$1000 and would need to collect somewhere between \$1500 and \$2000 per home removal depending on the materials being removed and the location. Therefore the property owner or the County will have to absorb the overage.

Chairman Moyer noted there are issues involved with the nuisance ordinance with homes in the County that need to be disposed of and the property owner must do something. \$1000 would be a great help.

Mr. Linville was aware of approximately ten (10) low income folks that have homes on their property and could benefit from the program. The grant would be good for up to twenty-five (25) home removals. He was not aware if the 10 folks would have the funds to pay the difference between the cost and the grant.

The Board discussed concern of how to pay the overage.

Assistant County Manager Selena Coffey addressed the Board and explained based on situations the prior year, \$5,000 had been placed in the Code Enforcement FY09-10 budget for helping in cases such as this.

County Manager Steve Wyatt suggested requiring the individuals to do some of the labor and also suggested packaging the 10 as a group which might make it more attractive to a contractor. Mr. Wyatt stated it would be necessary for folks to substantiate their income level.

Mr. Linville felt that a hybrid model could be done for the folks who can't afford the removal and the County would pick up the difference, and the folks that don't qualify and must pay the remainder.

Commissioner Messer questioned if there is a place in Henderson County where the mobile homes could be placed for recycling.

Commissioner McGrady made the motion that the Board of Commissioners approves the Henderson County abandoned Manufactured Housing Removal Program as presented, and direct staff to suggest an appropriate way to fund based on income and bring the information back before the Board. All voted in favor and the motion carried.

ENGINEER SELECTION SOLID WASTE CAPITAL IMPROVEMENTS

Marcus Jones stated as directed by the Board with approval of the subject projects, Engineering staff solicited engineering firms to perform the design and construction administration for the Capital

Improvement to the County's Solid Waste facilities.

In accordance with NC General Statute 143-64.31 (Procurement of Architectural, Engineering, and Surveying Services), staff developed a Request for Qualifications (RFQ) and posted it on the County's website. The responses were received by October 16, 2009 and the following firms submitted Statements of Qualifications: Civil Design Concepts, Golder Associates, Joyce Engineering, and McGill & Associates.

A detailed review of the firms was conducted by the selection committee based on the criteria established within the RFQ. The selection criteria are as follows: Project Team, Project Experience, Project Approach, Relationship with Funding / Regulatory Agency and Customer Service. The selection committee consisted of Marcus Jones (County Engineer) and Will Sagar (Solid Waste Manager). McGill & Associates was selected by the committee as the most qualified. McGill's direct, successful experience with Henderson County solid Waste was the most significant criteria leading to their recommendation. This direct experience will be important in meeting the aggressive schedule needed to bid the project during the favorable construction environment.

Commissioner Young made the motion that the Board authorizes the selection of McGill & Associates as the most qualified responding Engineering firm to conduct the design and construction administration for the approved Solid Waste Capital Improvements. All voted in favor and the motion carried.

UPDATE ON WNC LIVE MARKET CENTER

Commissioner Messer had attended a beef cattle commission meeting and the top item on the agenda was the WNC Live Market Center. At the meeting a detailed update was received and the center should be in operation no later than May 2010 or possibly by April 2010.

STAFF REPORTS

County Attorney's Report

There was nothing further at this time.

County Manager's Report

Mr. Wyatt reminded the Board that a public hearing would need to be scheduled as part of the requirement of the QSCBs (Qualified School Construction Bonds) and suggested November 18 at 11:00 a.m.

IMPORTANT DATES

Commissioner McGrady made the motion that the Board schedules a public hearing on the Qualified School Construction Bonds for November 18 at 11:00 a.m. All voted in favor and the motion carried.

Chairman Moyer reminded the Board of the Hillandale Elementary School dedication scheduled for Sunday, November 8 at 3:00 p.m. and the Mills River School dedication scheduled for Sunday, November 15 at 3:00 p.m.

Chairman Moyer and staff have been working together, looking at the agenda in hopes of cancelling the mid month meeting of December 16. He referred to the County Manger's memo in regards to scheduling a planning workshop in January and asked the Board to look at their calendars for consideration of dates.

CANE CREEK WATER & SEWER DISTRICT - no business

CLOSED SESSION- none

ADJOURN

November 2, 2009

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There being no further business Commissioner McGrady made the motion to adjourn at 6:00 p.m. All voted in favor and the motion carried.

ATTEST:

Teresa L. Wilson, Clerk to the Board

William L. Moyer, Chairman