

**DRAFT MINUTES**

**STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS  
MONDAY, AUGUST 15, 2011**

The Henderson County Board of Commissioners met for a regularly scheduled meeting at 9:00 a.m. in the Commissioners' Meeting Room of the Historic Courthouse on Main Street, Hendersonville.

Those present were: Chairman Michael Edney, Vice-Chairman Tommy Thompson, Commissioner Bill O'Connor, Commissioner Larry Young, Commissioner Charlie Messer, County Manager Steve Wyatt, Attorney Russ Burrell and Clerk to the Board Teresa Wilson.

Also present were: Public Information Officer Christy DeStefano, Planning Director Anthony Starr, Associate County Attorney Sarah Zambon, Sheriff Rick Davis, Engineer Marcus Jones, Research/Budget Analyst Amy Brantley, Construction Manager David Berry, Assessor/Tax Collector Stan Duncan, Library Director Bill Snyder, Health Director Tom Bridges, IT Director Becky Snyder, Recreation Director Tim Hopkin, Planners Matt Cable and Autumn Radcliff, Assistant Finance Director Dena Garey, and HR Director Jan Prichard.

**CALL TO ORDER/WELCOME**

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

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance to the American Flag was led by Commissioner Messer.

**INVOCATION**

County Manager Steve Wyatt gave the invocation.

**INFORMAL PUBLIC COMMENT**

1. Mary Cervini – Mrs. Cervini is the co-founder and president of the Community Partnership for Pets. She is against changing the ordinance.
2. Mike Cervini – Ms. Cervini requested that the ordinance not be changed, but more strictly enforced.
3. Wendell Capes – Mr. Capes is against the selling of animals at flea markets.
4. James Thompson – Mr. Thompson feels there are many health issues and financial implications by permitting sell of animals at flea markets. He did not want to see the ordinance changed.
5. Virginia Schmidt – Ms. Schmidt did not want the Animal Ordinance to be changed.
6. Pat deLemos – Mrs. deLemos did not want to see the ordinance changed as there are pet stores that sell animals.
7. Eva Ritchey – Ms. Ritchey feels that Pisgah Legal Services is a good service and should be funded by the county.
8. Pam McLaughlin – Ms. McLaughlin is against the ordinance change. She feels many organizations have worked to get it where it is.
9. Julie Gordon – Ms. Gordon agrees with the Animal Services Committee to not change the ordinance. Changing the ordinance to allow sell of animals at flea markets leaves a risk of disease and mistreatment of animals.
10. Terri Thompson – Ms. Thompson works for the Blue Ridge Humane Society and does not want to see the ordinance changed.
11. Ray McCaslin – Mr. McCaslin asked the Board to maintain the ordinance to protect people and animals.

APPROVED:

**DISCUSSION/ADJUSTMENT OF AGENDA**

*Commissioner O'Connor made the motion to adopt the Agenda as presented. All voted in favor and the motion carried.*

**PUBLIC HEARINGS**

**Consideration of Economic Development Incentive Grant – Project “Blue”**

*Commissioner Messer made the motion that the Board go into public hearing in regards to consideration of an Economic Development Incentive Grant for Project “Blue”. All voted in favor and the motion carried.*

Attorney Russ Burrell stated the company, identified to this point as “Project Blue Company”, is a manufacturing concern located inside the United States contemplating the expansion of Henderson County operations.

Under the project as proposed, the public benefit to be derived from the capital project is a total taxable capital investment by the Project Blue Company of at least \$4,500,000.00 in business personal property (equipment). The project would result in the creation of seventy-two new jobs within twenty-four months, at an average wage of \$34,000.00 per year, plus other benefits. The contemplated incentives would last for a period of five years. The first year’s contemplated incentive, if granted, would be \$18,711.00, based on the new investment, the number of new employees, and the Board’s incentives guidelines.

At the conclusion of the public hearing, the Board may choose to take action, delay action to a subsequent meeting, or take no action.

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

*Commissioner Young made the motion that the Board grants economic incentives to this company pursuant to our economic development guidelines, and directs the County Attorney to prepare and present a proposed contract to all concerned for later approval by this Board. All voted in favor and the motion carried.*

**Consideration of Economic Development Incentive Grant – Project “Elkamet II”**

*Commissioner Young made the motion that the Board go into public hearing in regards to consideration of an Economic Development Incentive Grant for Project “Elkamet II”. All voted in favor and the motion carried.*

Attorney Russ Burrell stated the company, Elkamet, Inc., is a manufacturing concern located both within Henderson County and inside the United States contemplating the expansion of its existing Henderson County operations.

Andrew Tate, President of Henderson County Partnership for Economic Development, stated under the project as proposed, the public benefit to be derived from the capital project is a total taxable capital investment by the Elkamet of at least \$2,000,000.00 in new construction on real property. The project would result in the creation of ten new employees at an average pay rate in excess of \$33,900 per year, plus health and dental insurance and other benefits.. The contemplated incentives would last for a period of seven years. The first year’s contemplated incentive, if granted, would be \$7,190.40, based on the new investment, the number of new employees, and the Board’s

incentives guidelines.

At the conclusion of the public hearing, the Board may choose to take action, delay action to a subsequent meeting, or take no action.

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

*Commissioner Messer made the motion that the Board grants economic incentives to this company pursuant to our economic development guidelines, and directs the County Attorney to prepare and present a proposed contract to all concerned for approval by this Board. I further move that the Board approves the draft contract proposed by the County Attorney. All voted in favor and the motion carried.*

Plant Manager Carsten Erkel was present and come forward for signing of the agreement.

### **CONSENT AGENDA**

*Commissioner O'Connor 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 meeting(s):

July 20, 2011 – Regularly Scheduled Meeting

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

Deputy Tax Collector Carol McCraw had presented the Tax Collector's Report to the Commissioners dated August 5, 2011 for information only. No action was required

#### **Tax Refunds**

A list of 8 refund requests was presented for the Board of Commissioners review and approval.

Motion:

*I move the Board approves the Tax Refund Report as presented.*

#### **Tax Releases**

A list of 6 tax release requests was presented for the Board of Commissioners review and approval.

Motion:

*I move the Board approves the Tax Release Report as presented.*

#### **Capital Facilities Status Reports**

Internal Auditor Darlene Burgess had provided a status report to the Commissioners for activity during the month of June and July, 2011 on Capital and Facilities projects.

#### **August Construction Management Update**

David Berry had provided a monthly report as a review of the scope and status of assigned construction management responsibilities.

#### **Unsealing of closed session general accounts**

On July 20, 2011, this Board reviewed general accounts of the closed sessions listed below, and took the following action:

- 1) All the following general accounts of the following closed sessions, which are all the closed sessions held by the Board, were approved as accurate:

December 3, 2010	Session I	December 29, 2010	Session I
January 18, 2011	Session I, II	January 28, 2011	Session I
January 25, 2011	Session I, II	February 7, 2011	Session I, II
February 16, 2011	Session I	March 7, 2011	Session I, II
March 16, 2011	Session I - VI	April 4, 2011	Session I, II, III
April 20, 2011	Session I, II, III	May 2, 2011	Session I - V
May 18, 2011	Session I	May 24, 2011	Session I
May 31, 2011	Session I	June 6, 2011	Session I
June 13, 2011	Session I	June 15, 2011	Session I, II, III

- 2) The following closed session general accounts were ordered unsealed, as the release of their contents would not frustrate the purpose of the closed session:

December 3, 2010	Session I	January 18, 2011	Session II
January 25, 2011	Session I, II	February 7, 2011	Session I
March 16, 2011	Session I	May 2, 2011	Session I, II

**Reallocation of State Funded School Health Nurses**

The Henderson County Department of Public Health currently has nine (9) School Health Nurses, eight (8) of which are county funded and one state funded. The school health nurses provided state and federal mandated student and staff services to include facilitating students with chronic disease problems. For the student with a chronic disease, an individualized health care plan is required to be developed in conjunction with each student’s physician, the parents and school staff, followed by on-going monitoring. One in five students (or 21% of the student population) in Henderson County have at least one diagnosed chronic health condition.

The FY12 Consolidated Agreement with NC DHHS reallocates two (2) state funded school health nurses to the Henderson County Department of Public Health. This \$ 100,000 funding affirms our retention of one state funded school health nurse position we presently have had for several years and offers us additional funds for another school nurse position as the result of a redistribution of school nurses around the state. Fifty thousand (\$50,000) is provided for each 10 month school nurse, however an additional \$ 10,000 will be needed to completely fund the new position. That additional fund can be met through a reorganization of nursing positions currently taking place at the Henderson County Department of Public Health, so there will be sufficient funds to cover this amount. Henderson County has for many years had a higher student to nurse ratio than most other counties in North Carolina with Henderson at 99th out of 115 school districts with the highest ratio. A high ratio places a greater burden on each of our nurses to meet specific health program mandates for our schools. Adding a new 10 month school nurse position will greatly assist our efforts and at the same time reduce potential liability due to the high number of students served.

The Board is requested to approve the FY12 Consolidated Agreement reallocation and authorize hiring an additional school health nurse to fill a 10 month project position.

Motion:

*I move that the state funds for the school health nurse reallocation be approved and that an additional school health nurse project position be created and filled.*

**Public Records Disposal Request**

Staff is requesting approval from the Board of Commissioners to destroy the records listed on the Public Disposal Request and Destruction Logs provided – two (2) included in accordance with the County’s Record Retention Policy and the provisions of the North Carolina Department of Cultural Resources Records Retention and Disposition Schedule, a copy of said page was provided, as the period of these records have expired, or they have been scanned and retained in said format.

Motion:

*I move the Board approves the Public Records Disposal Request and Destruction Log.*

**Public Records Disposal Request**

Staff is requesting approval from the Board of Commissioners to destroy the records listed on the Public Disposal Request and Destruction Log provided, in accordance with the County’s Record Retention Policy and the provisions of N.C.G.S. 105-282.1 as the period of these records has expired.

Suggested Motion:

*I move the Board approves the Public Records Disposal Request and Destruction Log.*

**Use of name “Henderson County AgBiz”**

Mark Williams of the Agri-Business Development department of the county has requested permission to change the name of the current county government department to “Henderson County AgBiz”, and using of the trade name “AgBiz”.

It is anticipated that if this agreed to by the Board, at such time a new non-profit corporation is set up, the right to the use of this name would be transferred to the corporation.

Motion:

*I move that the Board changes the name of the current county department from “Henderson County Agri-business Development” to “Henderson County AgBiz”.*

**No-match Governor’s Highway Safety grant**

The Board is requested to approve a yearly grant which is provided to the Sheriff’s Office. The \$10,000 grant is given to law enforcement agencies that provide a state liaison to the Governor’s Highway Safety Program and all funds must be dedicated to traffic safety. No funding match is required by Henderson County.

Motion:

*I move the Board approve the \$10,000 no local match grant provided to the Sheriff’s Office by the N.C. Governor’s Highway Safety Program.*

**Modification of Facilities Use Policy**

Your current Facilities Use Policy (page 4 of 5, Revised October 15, 2008) contains the following “Specific Instructions Governing Designated Facilities and Grounds” concerning the Historic Courthouse Commissioners’ Meeting Room:

The use of the Commissioner's Meeting Room must be approved by the Board of

Commissioners during a regularly scheduled meeting. Note, the agendas for Board of Commissioner meetings are set two weeks prior to the actual meeting. The application for use must be submitted for approval prior to the setting of the agenda. A schedule for Board of Commissioners meetings and the agenda scheduling process is available from the Clerk to the Board.

Occasionally County Government and affiliated/controlled entities would benefit from the use of the Commissioners' Meeting Room. To allow this, without interfering with the operation and meetings of the Board, the following is proposed in lieu of the foregoing:

The use of the Commissioner's Meeting Room must be approved by the Board of Commissioners during a regularly scheduled meeting, except as otherwise stated in this paragraph. All requests must be received by the Clerk to the Board at least two weeks in advance of the Board of Commissioners' meeting at which approval of the use is to be sought. However, departments of the Henderson County Government (including not-for-profit corporations the boards of directors of which are wholly appointed by the Board of Commissioners) may use this room with the advance written permission of the County Manager and the Clerk to the Board. This permission shall be given so long as the requested use does not conflict with the Board's use of the room. Any permission granted under this paragraph shall note that such permission is revocable by the Board should the need arise for the Board's use of the room during the time for which permission is given.

Motion:

*I move that the Facility Use Policy be modified as stated in the Request for Board Action accompanying this agenda item.*

## **NOMINATIONS**

Chairman Edney reminded the Board of Vacancies and opened the floor for nominations.

### **Notification of Vacancies**

1. Cemetery Advisory Committee – 7 vac.
2. Nursing/Adult Care Home Community Advisory Committee – 1 vac.
3. Senior Volunteer Services Advisory Council – 1 vac.

### **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. EMS Quality Management Committee – 2 vac.

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

3. Environmental Advisory Committee – 1 vac.

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

4. Fire and Rescue Advisory Committee – 1 vac.

Commissioner O'Connor nominated Robert Dotson for reappointment to position #7. *Chairman Edney made the motion to accept the reappointment of Robert Dotson to position #7 by acclamation. All voted in favor and the motion carried.*

5. Henderson County Board of Health – 1 vac.

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

6. Hendersonville City Zoning Board of Adjustment - 3 vac.

Commissioner Thompson nominated Jay Angel for reappointment to position #3. Commissioner Messer nominated Fred Noble for appointment to position #2. *Chairman Edney made the motion to accept the reappointment of Jay Angel to position #3, and the appointment of Fred Noble to position #2 by acclamation. All voted in favor and the motion carried.*

7. Historic Resources Commission – 2 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. Mountain Valleys Resource Conservation and Development Program – 1 vac.

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

10. Nursing / Adult Care Home Community Advisory Committee – 2 vac.

Commissioner Messer nominated Patricia Brogan for reappointment to position #4 and Joseph Andersen for appointment to position #18. *Chairman Edney made the motion to accept the reappointment of Patricia Brogan to position #4 and the appointment of Joseph Andersen to position #18 by acclamation. All voted in favor and the motion carried.*

11. Senior Volunteer Services Advisory Council – 2 vac.

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

### **PROPOSED LIBRARY HOURS**

Library Director William Snyder stated due to a reduction in force the Public Library requests a modification of the library opening schedule. This schedule will take effect September 16, 2011. The proposed schedule was approved by the Library Board of Trustees on July 21, 2011.

Henderson County Public Library

Proposed Hours of Operation, September 12, 2011

<sup>1</sup> Edneyville will be closed 4 hours per week. Edneyville is usually open Fridays 9-1pm

<sup>2</sup> Green River will be closed 3.5 hours a week (Green River will close for lunch Mon., Wed. and Thu. from 12-1pm)

<sup>3</sup>Since moving into the new town hall in February 2011, Mills River has been open 40 hours a week from 9-5 pm Monday through Friday. Prior to the move, this branch was open 42 hours per week. The new schedule would be a reduction of 2.5 hours per week from current operating hours.

Closures are based on deliveries, circulation statistics, staffing availability for the main library, story time schedules, etc. Times in gray indicate change.

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	# of Hours Open	Proposed # of Hours Closed
Main	9-8pm	9-8pm	9-8pm	9-8pm	9-5pm	9-5pm	60	6
Edneyville <sup>1</sup>	9-8pm	9-5:30pm	9-5:30pm	9-5:30pm	CLOSED	9-1pm	40.5	4
Etowah	9-5:30pm	9-5:30pm	1:30-5:30pm	9-5:30pm	9-1pm	9-1pm	37.5	4.5
Fletcher	9-8pm	9-5:30pm	9-5:30pm	1:30-5:30pm	9-1pm	9-1pm	40	4.5
Green River <sup>2</sup>	9-5:30pm	1:30-5:30pm	9-5:30pm	9-5:30pm	9-1pm	9-1pm	34.5	3.5
Mills River <sup>3</sup>	9-5:30pm	1:30-5:30pm	9-5:30pm	9-5:30pm	9-1pm	9-1pm	37.5	2.5
# of staff available for HCPL	0	2	3	3	1			

*Commissioner Young made the motion that the Board adopts the Proposed Library Opening Schedule. All voted in favor and the motion carried.*

**COMMUNICATIONS ROOM UPDATE**

IT Director Becky Snyder stated it has been requested that we gather information regarding upgrading the equipment in the communications room that is used to record meetings. Becky Snyder, IT Director, and Christina DeStefano, Public Information Officer, have met several times with representatives from Video Systems of the Carolinas, a Charlotte based company, in order to obtain an estimate for upgrading the equipment in the communications room. There are two documents attached, one is a quote from Video Systems of the Carolinas for upgrading our current recording equipment (i.e. cameras, control panels, & switchers). The largest portion of this total amount is rewriting the source code for the Crestron, which is essentially the “brain” of the system. This is required to switch out of any of the equipment. The second quote is from 323Link for upgrading to a HD system in order to make the current system compatible with the upgrades.

Please note, Channel 11 is not a high definition channel. If we upgrade to HD equipment and thus record in HD, recordings on Channel 11 will still appear in standard definition. DVD copies that are made and distributed will be in HD, but until HCTV11 is upgraded to a HD channel, recordings will still be in standard definition.

*Commissioner Messer made the motion that the Board approves the update to the system and approves the associated budget amendment. All voted in favor and the motion carried.*

**REPORT FROM ANIMAL SERVICE COMMITTEE**

County Manager Steve Wyatt stated this Board directed its Animal Services Committee to review the possibilities and ramifications of animal sales at open air and flea markets, including modifications needed for health, safety and equity. The Committee met Thursday, 11 August 2011, and presented the following report to the Board.

At its July 20<sup>th</sup> Meeting, the Henderson County Board of Commissioners charged the Animal Services Advisory Committee with reviewing the proposed changes to the Animal Ordinance and present the Board of Commissioners with recommendations based on the discussion at the meeting. The Committee has discussed the proposed change at its August 11<sup>th</sup> meeting and provides the Commissioners with the following analysis. The recommendation of this Committee is that the language of 55A-26 remain the same with no modifications.

**Proposal Summary**

The Proposed amendment to the Animal Ordinance required revising provision 66A-26 to allow for dogs and cats to be sold in open-air markets, flea markets, and farmer's markets. Certain requirements must be met including water, shade, shelter, rabies vaccinations as age-appropriate, and seller documentation, as necessary, are met.

**Possible Challenges presented by the Proposal**

Several concerns are raised by the possible modification of this provision:

- Increased risk of disease, public health outbreaks, and animal bites for Henderson County citizens
- Increased risk of mistreatment, diseases, fights, and procreation for animals sold in these facilities
- Increased risk of violations of the other provisions of the Animal Ordinance and difficulty in enforcement
- Difficulty tracking sellers, buyers, and animals in case there is a problem
- Difficulty determining contacts in cases of disease or other public health outbreak
- Proposal limits to dogs and cats that raises question of other animals including snakes, exotic and hybrid animals
- May increase euthanasia in the County, including at the County-operated Animal Shelter
- Discourage shelter adoptions which includes additional services
- Discourages spaying and neutering animals
- Fails to provide information for low-cost or no-cost spay / neuter and rabies vaccinations
- Encourages illegal transfers of animals determined to be dangerous or aggressive
- Encourages making Henderson County a "dumping ground" for animals from others states and jurisdictions that have more stringent laws

**Alternative Solutions to Challenges Above**

- Additional requirements for facilities wishing to sell animals including but not limited to: stalls with solid walls between them, gates with latches, made of a nonporous surface that can be sanitized, available sewage with an animal waste separator, running water, drainage, and electricity, covered roof, temperature controls. Stalls for animal must meet the minimum square footage used by shelters and pet stores.
- Facilities wishing to participate under this provision must provide stall sanitization after every animal use
- Guidelines provided by the facilities to prevent animals being abandoned or staying overnight in the facility or otherwise left attended

- As per the Commissioners previous discussions at the July 20<sup>th</sup> meeting, health certificates for all animals sold, transferred, or adopted in Henderson County that are for individual animals and the certificates cannot be more than 7 days old<sup>1</sup>
- All animals sold, transferred, or adopted must be micro-chipped
- All sellers must be registered with the facility and keep accurate records regarding sales including the buyer's name, address, and contact information<sup>2</sup>
- Animals for sale, transfer or adoption kept in a separate space from other non-animal vendors and visitors to the animals must provide their name to enter the space so that there is a way to track people in case of a public health outbreak
- Facilities must provide veterinary and basic human health services to treat animal fights, bites, and provide micro-chipping and health certificates as necessary and to take action in case of any public health outbreaks
- County provide additional Animal Officers to these facilities during all public hours to ensure against animal mistreatment, violations of the ordinance, and ensure rabies compliance<sup>3</sup>
- Facilities and Sellers must provide customers with information regarding rabies, vaccinations, spay / neuter, and micro-chipping
- Individuals interested in selling wholesale animals should acquire a license from the State of North Carolina to be treated as a pet shop

<sup>1</sup>As per the discussion of the Health Certificates at the Board of Commissioners meeting, the County facility, all for-profit, and all non-profit organizations would be required to have Health Certificates on animals. In order to do this at the Animal Shelter, a veterinarian would have to be hired in addition to another veterinary technician. Building renovations to allow space for the veterinarian must be included as well as supplies and vaccines. Staff costs alone exceed \$125,000 in extra costs to the shelter. There is also the issue of liability insurance in case of litigation resulting from animals that become sick after adoption. Health certificates also do not stay current for very long and are prone to counterfeiting and fraud. A Health Certificate states that the animal appears healthy at the time of the exam and may not provide buyers appropriate assurances. The Committee feels that Health Certificates are unenforceable.

<sup>2</sup>There is still no definite way for buyers to find and request a remedy if there is a problem with the animal after the sale

<sup>3</sup>Animal Enforcement Officers suggest an additional 4 to 6 officers must be added to meet the increase demand on enforcement. On average, an Animal Enforcement Officer costs about \$100,000 each. This estimate includes salary, benefits, training, equipment, and necessary vehicles.

Commissioner O'Connor stated in an attempt to propose a procedure to address our desire to protect innocent animals from maltreatment during transfer of ownership or irresponsible breeding and sale, while protecting the rights of individuals and organizations to exercise their right to engage in free trade of providing pets for those who desire them, he offered this proposal for consideration.

1. Any transfer of ownership outside of immediate family members shall be accompanied by a Certificate of Health (COH) signed by a licensed Veterinarian whereby he certifies that the animal is free from a defined list of diseases, pests, and parasites. No physical transfer of an animal may take place without a COH.
  - 1.1. The Henderson County Animal Shelter (HCAS) will arrange for a listing of Veterinarians who agree to perform the necessary examination and medication needed for animals adopted from HCAS, on the basis of annual open bid or annual openly negotiated fee.
  - 1.2. The HCAS, in consultation with local Veterinarians, shall determine the conditions covered, and the period of time for which the COH shall be valid.
  - 1.3. For HCAS, the standard service to be achieved is a maximum 48 hour delay in delivery of the adopted pet with a COH.

- 1.4. In addition to the HCAS, animal ownership may be transferred through:
  - 1.4.1. Licensed Pet Stores
  - 1.4.2. Commercial open air markets
  - 1.4.3. Periodic or regularly scheduled "Flea" Markets
  - 1.4.4. Private Persons at yard or garage sales on or off their property
2. Other Transferor Obligations
  - 2.1. Non-HCAS transferors may set their own policies for obtaining and providing the COH.
  - 2.2. All transferors are required to provide confinement sufficient to prevent escape, and shelter from sun and wind.
  - 2.3. All transferors are required to provide clean, fresh potable water for animals at all times offered.
  - 2.4. All transferors are required to provide nutritious food as needed, not to exceed 24 hours between feedings.
  - 2.5. All transferors are required to post a standard notice during any period that animals are offered for transfer, stating that transferees may expect and demand a COH.
  - 2.6. Transfer of ownership of any animal, outside of immediate family members, without a COH is punishable by a fine of not less than \$50, per animal on the transferor.
  - 2.7. Fines generated by this ordinance must be transferred to the school system, however the county will allocate matching funds to the cost of the HCAS spay and neuter program.
3. Deleted

*Commissioner Young made the motion that the Board leaves the Animal Ordinance as written with no changes. The motion passed 4-1 with Commissioner O'Connor voting nay.*

#### **BREAK**

A brief break was taken.

#### **COUNTY MANAGER'S REPORT**

There was nothing further at this time.

#### **IMPORTANT DATES**

##### **Schedule a Public Hearing for the FY 2012 Rural Operating Assistance Program (ROAP) Application to the NC Department of Transportation**

Staff requests that the Board of Commissioners schedule a public hearing regarding a proposed grant application for the FY 2012 North Carolina Department of Transportation (NCDOT) Rural Operating Assistance Program (ROAP). Staff anticipates a 2012 ROAP allocation to Henderson County totaling \$218,824 (reduced by \$50,221 from FY 2011). A draft application is being developed through a required community input process. Staff anticipates the availability of the application for public review beginning September 7, 2011 at the Henderson County Planning Department through the date of the public hearing.

Henderson County submits the application on behalf of the operator, Western Carolina Community Action (WCCA), in order to supplement demand response transit and special needs projects for rural areas of the County.

These grant funds provide for countywide senior and disabled transportation programs, transportation for a WorkFirst educational program, and continuation of public transit services to Edneyville. None of the programs require matching funds from Henderson County.

*Commissioner Messer made the motion that the Board schedules a public hearing regarding the FY 2012 Rural Operating Assistance Program grant application for Wednesday, September 21, 2011 at*

9:00 A.M. All voted in favor and the motion carried.

### **Set Public Hearing for Rezoning Application #R2011-02**

Rezoning Application #R-2011-02, which was submitted on May 31, 2011 requests the County rezone a 26 acre tract. The applicant requests a rezoning from an Industrial (I) zoning district to a Residential One (R1) zoning district. The subject area is owned by Cecillia Salvadori and Mr. Mark Corn is the applicant's agent. (PIN: 9539-33-0175)

The Henderson County Planning Board considered rezoning application #R-2011-02 at its regularly scheduled meeting on July 21, 2011. During that meeting, the Planning Board voted unanimously to send the Board of Commissioners a favorable recommendation for rezoning application #R-2011-02 to zone the Subject Area R1 (Residential One).

Before taking action on the rezoning request, the Board of Commissioners must hold a public hearing. Staff suggests scheduling the public hearing for September 6, 2011, at 5:30 P.M., or schedule a special called meeting on or after that date.

*Commissioner Messer made the motion that the Board schedules a public hearing for rezoning application #R-2011-02 for Tuesday, September 6, 2011, at 5:30 P.M. All voted in favor and the motion carried.*

### **Set Public Hearing for Rezoning #R2011-03**

Rezoning #R-2011-03 requests the County zone 25.67 acres comprised of all or portions of 22 identified tracts which were formerly within the municipal boundaries or zoning jurisdiction of the City of Hendersonville, Town of Laurel Park, or Town of Saluda (See Attachments 1 and 2 for a detailed description of the affected properties). The recommended zoning reflects the extension of adjacent residential zoning districts (Residential Two (R2) and Residential Three (R3)) onto these currently unzoned areas to avoid further split zoning and alleviate spot zoning concerns.

The Henderson County Planning Board will consider rezoning #R-2011-03 at its regularly scheduled meeting on August 18, 2011. The Planning Board will thereafter make a recommendation to the Board of Commissioners regarding rezoning #R-2011-03.

Before taking action on the rezoning request, the Board of Commissioners must hold a public hearing. Staff suggests scheduling the public hearing for Tuesday, September 6, 2011, at 5:30 P.M., or schedule a special called meeting on or after that date.

*Commissioner Messer made the motion that the Board schedules a public hearing for rezoning #R-2011-03 for Tuesday, September 6, 2011, at 5:30 P.M. All voted in favor and the motion carried.*

### **Schedule Annual NCDOT Public Hearing on Secondary Roads**

The Board is requested to schedule the Annual NCDOT Public Hearing on Secondary Roads for one of the following dates:

Monday, August 22, 2011

Monday, August 29, 2011

Tuesday, August 30, 2011

Wednesday, September 14, 2011

Thursday, September 15, 2011

*Commissioner Young made the motion that the Board schedules the Annual NCDOT Public Hearing on Secondary Roads for Tuesday, August 30, 2011 at 10:00 a.m. All voted in favor and the motion carried.*

**CLOSED SESSION**

*Commissioner O'Connor made the motion for the Board to go into closed session as allowed pursuant to NCGS 143-318.11 for the following reasons:*

1. Pursuant to N.C. Gen. Stat. §143-318.11(a)(1), to prevent disclosure of information that is privileged or confidential pursuant to the law of North Carolina or the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes. The matter is not a public record pursuant to the provisions of N.C. Gen. Stat. §131E-97.3(c).
2. Pursuant to N.C. Gen. Stat. §143-318.11(a)(4), to discuss matters relating to the location or expansion of industries or other businesses in Henderson County, including agreement on a tentative list of economic development incentives that may be offered by the Board in negotiations.
3. Pursuant to N.C. Gen. Stat. §143.318.11(a)(5), to establish or to instruct the staff or agents, concerning the position to be taken by or on behalf of the County in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange or lease.

*All voted in favor and the motion carried.*

**ADJOURN**

*Commissioner Thompson made the motion to go out of closed session and adjourn at 2:30p.m. All voted in favor and the motion carried.*

Attest:

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Teresa L. Wilson, Clerk to the Board

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J. Michael Edney, Chairman