

DRAFT

11/21/13

MINUTES

cc: Bob
Steve
David
Russ
Amy

**STATE OF NORTH CAROLINA
COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS
WEDNESDAY, NOVEMBER 20, 2013**

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 Charlie Messer, Vice-Chairman Tommy Thompson, Commissioner Grady Hawkins, Commissioner Mike Edney, Commissioner Larry Young, County Manager Steve Wyatt, Interim Assistant County Manager David Whitson, Attorney Russ Burrell and Clerk to the Board Teresa Wilson.

Also present were: Finance Director J. Carey McLelland, Interim Planning Director Autumn Radcliff, Engineer Marcus Jones, Budget Manager Amy Brantley, Delinquent Tax Collector Lee King, Deputy County Attorney Sarah Zambon, Major Frank Stout, DSS Director Eric Bush, Director of Business and County Development John Mitchell, Fire Marshal Rocky Hyder, Environmental Programs Coordinator Megan Piner, Deputy Gary Cox, Sergeant Michael Marsteller, Animal Services Director Brad Rayfield, Code Enforcement Director Toby Linville, Central Services Manager David Berry, HR Director Jan Prichard, Sheriff Charles McDonald, DSS Social Work Program Administrator Jerrie McFalls, Social Worker Julie Sprouse, PIO Christina Hallingse, videotaping, and deputy Jeff Banks as security.

CALL TO ORDER/WELCOME

Chairman Messer 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 Hawkins.

INFORMAL PUBLIC COMMENTS

1. Michelle Eliashevsky voiced her support of connected greenways and safer bicycling routes in Henderson County. She would like to see the Ecusta Trail project move forward and asked the Board to consider how unsafe its roads are for bicycles and children, and work to improve its infrastructure to include safe alternative corridors of travel.

DISCUSSION/ADJUSTMENT OF AGENDA

Commissioner Thompson made the motion to adopt the agenda with the addition of two discussion items, Rotation of Chair and Agenda meetings. All voted in favor and the motion carried.

CONSENT AGENDA

Commissioner Thompson 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):

November 4, 2013 – regularly scheduled meeting

Tax Collector's Report

Collections Specialist Luke Small had presented the Tax Collector's Report to the Commissioners dated November 8, 2013 for information only. No action was required.

DATE APPROVED:

Pending Releases & Refunds

The Pending releases and refunds had been reviewed by the County Assessor, and as a result of that review, it is the opinion of the Assessor that these findings are in order. Supporting documentation is on file in the County Assessor’s Office.

The following release and refund requests were submitted for approval by the Henderson County Board of Commissioners.

TYPE	REVENUE AMOUNT
Releases	\$2,626.97
Refunds	\$1,442.56

Motion:

I move the Board approves the release & refund report as presented.

Revisions to Animal Ordinance and Animal Services Advisory Committee (ASAC) bylaws

The Animal Services Advisory Committee (ASAC) has reviewed their bylaws and the Henderson County Animal ordinance. At their October meeting they recommended the following changes to this Board:

- Clarifying the definition and regulations surrounding nuisance or at large animals;
- Removal of Dangerous Dog notification procedures since they are required by state statute.
- Deletion of provision regarding setting traps at the request of the Sheriff’s Department;
- Changes to aggressive dog provisions including allowing dogs in public areas if muzzled and preventing aggressive animals from being adopted out;
- Restructure of Spay-Neuter Assistance Program; and
- Change Companion Animal Permit Program to a Companion Animal Registry.

The changes ASAC recommended at their July meeting involve required attendance for members.

Motion:

I move that the Board approve the revisions to the Henderson County Animal Ordinance and the Animal Services Advisory Committee bylaws as recommended.

2014 Proposed Schedule of Regular Meeting Dates

The proposed 2014 Schedule of Regular Meeting Dates for Henderson County Board of Commissioners follows:

HENDERSON COUNTY BOARD OF COMMISSIONERS
CANE CREEK WATER & SEWER DISTRICT
2014

Proposed Schedule of Regular Meeting Dates

Monday, January 6, 2014	5:30 p.m.
(Budget Retreat) Wednesday, January 15, 2014	9:00 a.m.
Monday, February 3, 2014	5:30 p.m.
Wednesday, February 19, 2014	9:00 a.m.
Monday, March 3, 2014	5:30 p.m.
Wednesday, March 19, 2014	9:00 a.m.
Monday, April 7, 2014	5:30 p.m.
Wednesday, April 16, 2014	9:00 a.m.
Monday, May 5, 2014	5:30 p.m.
Wednesday, May 21, 2014	9:00 a.m.
Monday, June 2, 2014	5:30 p.m.
Wednesday, June 18, 2014	9:00 a.m.

NO FIRST MONDAY MEETING IN JULY

Wednesday, July 16, 2014	9:00 a.m.
Monday, August 4, 2014	5:30 p.m.
Wednesday, August 20, 2014	9:00 a.m.
Tuesday, September 2, 2014	5:30 p.m.
Wednesday, September 17, 2014	9:00 a.m.
Monday, October 6, 2014	5:30 p.m.
Wednesday, October 15, 2014	9:00 a.m.
Monday, November 3, 2014	5:30 p.m.
Wednesday, November 19, 2014	9:00 a.m.
Monday, December 1, 2014	5:30 p.m.

NO THIRD WEDNESDAY MEETING IN DECEMBER

The only change necessary this year was the first meeting in September (meeting on a Tuesday) due to the Labor Day holiday on the first Monday of the month.

Motion:

I move that the Board approves the 2014 Proposed Schedule of Regular Meeting Dates as presented.

Quarterly Construction Project Update

David Berry had provided the Board of Commissioners with updates on Construction projects around Henderson County. This quarterly report is a review of the scope and statuses of assigned construction management responsibilities and includes specific updates in regard to County funded construction activities. This report is a continuation of County construction activity statuses.

Resolution Declaring Personal Property as Surplus and Authorizing the Disposition of personal Property by Private Sale to a Local Governmental Unit

Henderson County received a request from the Town of Black Mountain in North Carolina to purchase nine (9) Golden Eagle radar units that are no longer in use by the Henderson County Sheriff's Department. The Sheriff's Public Information Officer, Major Frank Stout, negotiated a price of \$500 per radar unit for a total of \$4,500 for the nine (9) radar units with the Chief of Police at the Black Mountain Police Department.

A resolution was provided for the Board's consideration and approval declaring the radar units as surplus and authorizing the private sale to another local governmental unit as allowed under N.C.G.S. 160A-274.

List of Radar Units:

Radar	Serial	Asset#
Golden Eagle	XE19225	14473
Golden Eagle	XE19003	14522
Golden Eagle	XE18387	14240
Golden Eagle	XE20659	14635
Golden Eagle	XE23938	15584
Golden Eagle	XE21708	14978
Golden Eagle	XE21692	14972
Golden Eagle	XE23929	15582
Golden Eagle	XE21689	14971

Motion:

I move that the Board approves the resolution declaring the list of Radar Units presented as surplus and authorizes the private sale to another local governmental unit as allowed under N.C.G.S. 160A-274.

Notification of Vacancies

Chairman Messer reminded the Board of the following vacancies and opened the floor to nominations:

1. Child Protection and Fatality Prevention Team – 1 vac.
2. Henderson County Historic Courthouse Corporation dba/Heritage Museum – 2 vac.
3. Henderson County Zoning Board of Adjustment – 3 vac.
4. Laurel Park Zoning Board of Adjustment – 1 vac.

Nominations

1. Juvenile Crime Prevention council – 5 vac.

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

2. 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.

3. Senior Volunteer Services Advisory Council – 3 vac.

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

4. Smartstart – 1 vac.

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

5. WCCA Board of Directors (Western Carolina Community Action) 1 vac.

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

Commissioner Thompson made the motion to move forward with discussion items. All voted in favor and the motion carried.

WINGATE UNIVERSITY UPDATE

Dr. Jerry McGee, President of Wingate University, presented information to the Board related to the status of Wingate University programming, and the potential for the University to grow in Henderson County. He noted that twelve years ago Wingate explored healthcare education and spent an additional two years studying the needs for the Piedmont and Western North Carolina region. Wingate has been offering classes in Henderson County for 2.5 years and thanked everyone who helped provide them with the opportunity. In 2011 they had 18 students in pharmacy school and 12 in the MBA program. As of 2013, they have 52 in the pharmacy program, 18 in the MBA program, and 10 in the Physician's Assistant program. By 2015, they foresee 72 students in the pharmacy program, 25 in the MBA program, and 30 in the Physician's Assistant program. Wingate currently employs 17 full-time employees and 10 part-time employees.

Dr. McGee and Dr. Molly Parkhill are discussing the possibility of Wingate University and Blue Ridge Community College collaborating and offering other degrees. Wingate has outgrown their current facility and cannot meet their long term needs. They can make their current facility work for approximately two (2) more years. Wingate University desires another location in Henderson County with approximately 25,000 – 30,000 sq. ft., and property near BRCC would be beneficial.

Commissioner Young made the motion that the Board directs staff to look at perimeters and formulate a plan to assist Wingate in locating a facility. All voted in favor and the motion carried.

RESCUE SQUAD CAPITAL NEEDS

Chief Jimmy Brissie, with the Henderson County Rescue Squad, discussed the Squad's upcoming capital needs with the Board.

Strategic Plan Accomplishments During 2013

- Increased base pay for part time employees from \$8 per hour to \$10 per hour
- Ambulance transport reimbursements have increased 82% over the previous fiscal YTD
- Overall call volume for Q1-Q3 has increased 20% over the same period in 2012
- Replacement of a 1989 4WD Ambulance by the Board of Commissioners

Additional needs since May 2013

- Following a needs assessment and feasibility study the Board of Directors supported improving our patient care level to EMT-I in order to provide non-emergency transportation services.
- The Board and Officers of the Rescue Squad continue to meet regularly with emergency service stakeholders in the county and will continue to prepare to meet the changing needs of the community.
- Approval by NCOEMS for expansion to the EMT-Intermediate level
- Award of a FEMA Grant for Interoperable Voice Communications (\$33,000)
- Our annual capital drive fundraiser currently is underway along with two equipment grant applications pending.
- Replacement of a 1988 4WD Ambulance and 1986 Rescue Truck as well as additional ambulances for non-emergency transport services.

Short Term Needs

- Medications, Equipment and Supplies for non-emergency transportation services HCRS officers are meeting with an industry partner this month to help secure the necessary supplies and equipment.
- Expansion of staffing to meet increasing service demands. Evaluation of associated cash flow considerations based on increased services.
- Working with Emergency Service partners we have identified the need for bariatric transport capabilities to be included in the next FY budget.

Facility Assessment

- The Rescue Squad is currently housed in the County complex on Williams Street (~14,000 sq. ft.)
- The current facilities do not provide sufficient space for meetings or training.
- Equipment storage does not meet our present needs. Currently there are three vehicles and 4 trailers parked outside, impacting the operational readiness and lifespan of these vehicles.
- One office space is available for administration, billing, emergency and non-emergency transport operations.
- No space to support overnight operations when weather or call volume requires 24 hr. staffing.
- Restroom facilities are inadequate for current needs.

Facility Needs

- Short Term:
 - Temporary facility with office space, crew quarters, storage space.
- The Rescue Squad currently needs 25,000 sq. ft. for equipment and operations.
- Future space considerations should include training, administration, maintenance, staffing, and additional equipment storage.

Overall Benefits of Growth

- Expansion to the EMT-I level and transport staffing will enable the Rescue Squad to continue to meet the needs of a changing and growing community.
- A short term facility solution will enable the Rescue Squad to meet our immediate needs and ensure our equipment will be serviceable for years to come.
- A long term facility solution will enable the County to utilize the entire Williams Street complex for Central Services & Fleet Maintenance, while ensuring HCRS is prepared for years to come.

Commissioner Edney made the motion that the Board directs staff to work with Rocky Hyder and EMS to look at possibilities for moving forward with a new facility. All voted in favor and the motion carried.

RESOLUTION – ADOPTION MONTH

The Department of Social Services requested the Board of Commissioners adopt a Resolution, designating November as Adoption Month in Henderson County. In addition, Henderson County adoption program information and success stories were presented.

DSS Director Eric Bush noted that Foster Homes are meant to be temporary. However, sometimes the parental rights must be taken away and children are put up for adoption.

Social Worker Julie Sprouse provided information regarding foster care and the adoption process.

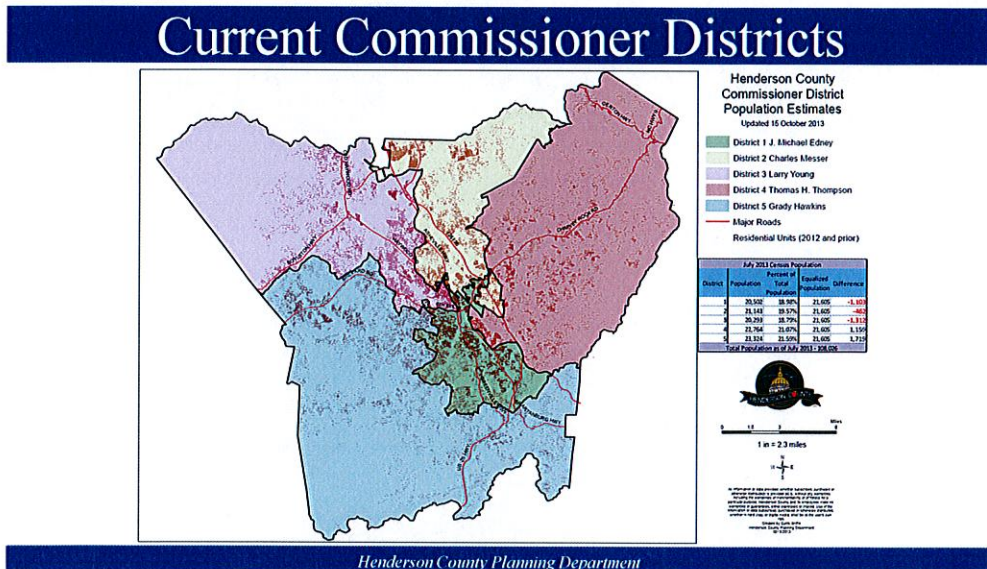
Mr. James Johnson, an adoptive parent, shared his story of foster parenting and the adoption of four (4) children.

Commissioner Thompson made the motion that the Board adopts the Resolution, designating November as Adoption Month in Henderson County. All voted in favor and the motion carried.

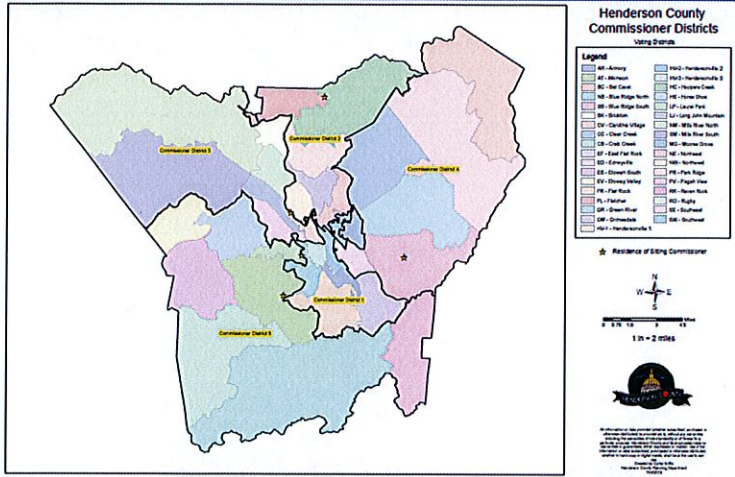
REDISTRICTING OF COMMISSIONER ELECTION CANDIDATE RESIDENCY DISTRICTS

John Mitchell stated at the request of the Board of Commissioners, the Planning Department developed the redistricting data and maps. Two scenarios are presented that would accommodate the perimeters set by the Board to address possible redistricting of the Commissioner Districts.

Commissioner Edney is concerned, and wants to make sure his opponent is still in District 1 with redistricting.



Voting District Precincts

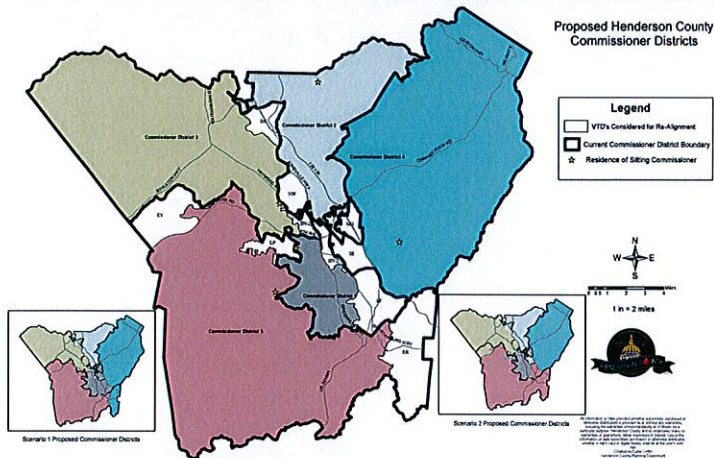


Henderson County Planning Department

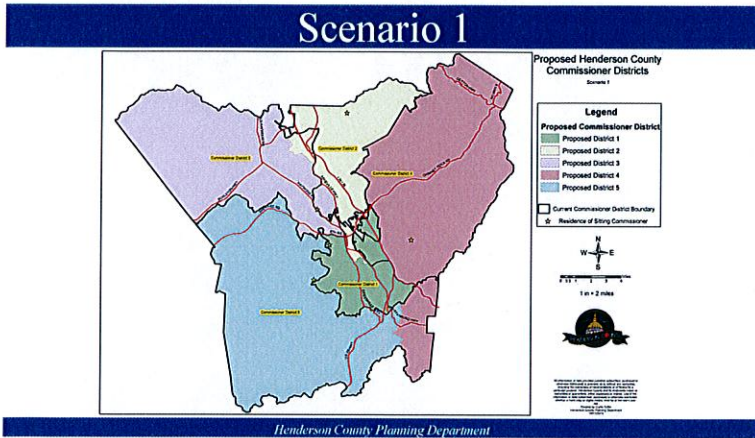
Current Districts

District	1 Edney	2 Messer	3 Young	4 Thompson	5 Hawkins
Total Population	20,502	21,143	20,293	22,7614	23,324
Deviation	-5.11%	-2.14%	-6.07%	5.36%	7.95%

Proposed Commissioner Districts

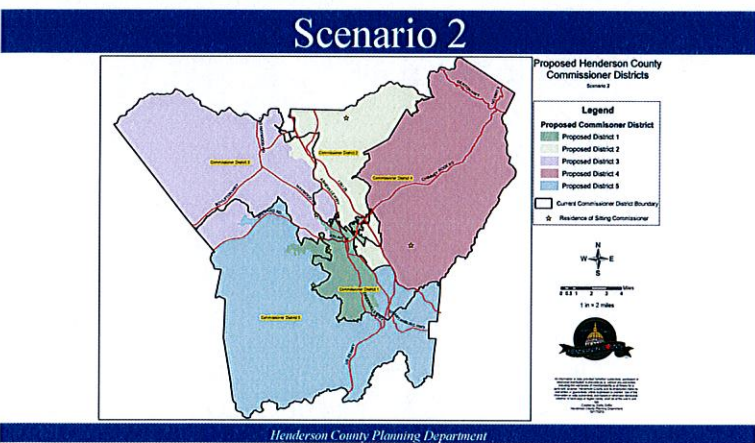


Henderson County Planning Department



Scenario 1

District	1 Edney	2 Messer	3 Young	4 Thompson	5 Hawkins
Total Population	21,295	21,118	21,687	22,190	21,735
Deviation	-1.43%	-2.25%	0.38%	2.71%	0.60%



Scenario 2

District	1 Edney	2 Messer	3 Young	4 Thompson	5 Hawkins
Total Population	22,111	21,912	22,045	20,602	21,356
Deviation	2.34%	1.42%	2.04%	-4.64%	-1.15%

Commissioner Hawkins made the motion that the Board adopts Scenario 1 as the commissioner election candidate residency districts plan, effective today. All voted in favor and the motion carried.

ROTATION OF CHAIR – add on

A brief discussion was held in regard to appointment of Chair for the Board of Commissioners.

AGENDA MEETINGS – add on

A brief discussion was held in regard to agenda meetings, and it was the consensus of the Board to continue with their current practice.

CONSTRUCTION CONTRACT – ARTIFICIAL TURF FIELD – HENDERSON COUNTY ATHLETIC AND ACTIVITY CENTER

Marcus Jones stated as directed by the Board as a phase of the Henderson County Athletic and Activity Center (HCAAC), Engineering Department staff, working with the Recreation Department and Tom Jones of William G. Lapsley & Associates (WGLA), released a RFP to install an artificial turf field. Bids were opened on October 24, 2013 with the results and recommendation detailed on a letter from WGLA. The low bid for the referenced construction contract was provided for Board approval. The proposed contract is for \$321,200.00 with Medallion Athletic Products.

Secondly, a letter from Medallion Athletic Products was requested by staff to add several items to the Contract. These items are as follows:

Field Lighting	(\$89,530.00)
Turf Upgrade	(\$13,500.00)
Perimeter Netting	(\$26,560.00)

As listed in Medallion’s letter, two quotes for lighting were generated with Torrence Sports Lighting being the low quote: \$25,090 less. Therefore, Torrence is the recommended subcontractor for lighting. Staff, WGLA, and Medallion are in the process of determining if a larger field is possible and in turn propose an additional change to the contract. Initial reviews are not favorable that a larger field is possible without a disproportional expense. However, we will be able to confirm after Medallion’s mobilization on site. The field size in the bid is 175’ x 310’. References have been checked to satisfaction for both Medallion and Torrence.

Finally, a “Civic Lease” agreement from Norfolk Southern Railroad to obtain access to the portion of the existing field owned by the railroad has been provided. This is a special agreement NSRR offers to governments. It is for \$300 per year on a month to month basis. Longer term leases are substantially more expensive. While there is a risk that NSRR may need the area in the future, it is minimal; not only would the single, existing tract need to be put back in services but an additional line added to impact the field. An aerial photo of the leased area was included with the proposed lease.

The allocated budget for the field and lighting portion of the HCAAC project is \$635,000 and is currently allocated in the FY13 budget. Staff recommends establishing the following allocation of the \$635,000:

Medallion Turf Contract	\$321,200
Medallion Change Order for Lighting	\$ 89,530
Medallion Change Order for Turf Upgrade	\$ 13,500
Medallion Change Oder for Netting	\$ 26,560
Project Contingency (10%)	\$ 63,350
Available Funding for Larger Field	\$120,710
Total Project Budget	\$635,000.00

Commissioner Edney made the motion that the Board of Commissioners awards the construction contract and three change orders for the HCAAC Artificial Turf Field with the low bidder Medallion Athletic Products for \$450,790, approves the proposed lease with Norfolk Southern Railroad, approves the proposed project budget excluding the \$120,710 funding for a larger field, and authorizes the County Engineer to execute the required documents. All voted in favor and the motion carried.

RE-ENACTMENT OF HENDERSON COUNTY CODE

Russ Burrell stated county staff has created an online version of the Henderson County Code. This is in keeping with the recommendation of your Regulation Review Advisory Committee. The current code can be viewed internally (that is, while on the Henderson County computer networks) only, at the address

previously communicated to you. However, upon final adoption by the Board, it is anticipated that the Code will be found and publicly available at the web address <http://www.hendersoncountync.org/codes/>.

County staff has been in the process of testing the internal version over the past few months.

The adoption of a new online Code is recommended to be a two part process. First, today staff recommends adoption of the existing Code with no changes other than a new numbering scheme. The previous numbering scheme was largely adopted by the company which formerly provided web hosting services for the Code. The new scheme is more realistic in terms of numbers of Chapters, and will be even more so upon the second part of the adoption process, anticipated to occur on December 2, 2013.

The second part of the process will be the relocation of certain chapters currently in the "Code" which are not truly ordinances (the violation of which result in civil or criminal penalties). These will be recommended to be moved to appendices of the Code, where they will be available for public inspection, but in a way that makes more sense for a Code of Ordinances. Examples include certain regional agreements (Apple County Greenways; Asheville Regional Housing; Town of Fletcher Building Code Administration; Regional Water Supply; cable television franchises, and more). Also recommended will be deletion of other sections of the current Code which are either outdated (that is, dealt with in other places, either in the Code or in State law) or no longer serve a purpose (an ordinance on "Departments" that no longer exist).

In compliance with N.C. Gen. Stat. §153A-48, a paper "Ordinance Book" will be maintained, although not printed by outside printers.

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Russ Burrell noted the adoption of Code of Ordinances will be on the December 2, 2013 agenda with slight changes.

Commissioner Hawkins made the motion that the Board adopts the proposed code of ordinances. All voted in favor and the motion carried.

COUNTY MANAGER'S REPORT

Steve Wyatt informed the Board of the upcoming Memorial Ceremony to be held on Friday, November 22nd at 1:30 p.m. in honor of the 50th Anniversary of the death of President John F. Kennedy. The event will be held in front of the Historic Courthouse.

Steve Wyatt noted that the Tourism Development Authority is considering a multi-year lease of the TDA facility and a nominal contribution by TDA to offset funding of the Heritage Museum.

David Whitson stated the Tourism Development Authority met yesterday and considered the lease of their facility. It was approved and the Chair of the TDA is drafting a rental agreement at fair market value to present to the County. The Board of Commissioners will negotiate the interlocal agreement to include the rental agreement and each provision of the contract would be subject to approval by the Board. Staff will bring it back before the Board as soon as possible.

IMPORTANT DATES

County Manager Steve Wyatt informed the Board of the upcoming Employee Christmas Luncheon to be held on December 4th from 11:00 a.m. until 2:00 p.m.

Commissioner Young reminded everyone of the upcoming retirement party for Tom Bridges on November 22nd from 3-5 p.m.

CLOSED SESSION

The Board is requested to go into closed session pursuant to N.C. Gen. Stat. §143-318.11(a), for the following reasons:

1. Pursuant to N.C. Gen. Stat. §143-318.11(a)(3), To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged.
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.

Commissioner Edney made the motion that the Board go into closed session pursuant to N.C. Gen. Stat. §143-318.11(a)(3)&(4) for the reasons set out in the Request for Board Action in the Board's agenda packet. All voted in favor and the motion carried.

ADJOURN

Commissioner Hawkins made the motion to go out of closed session and adjourn at 12:20 p.m. All voted in favor and the motion carried.

Attest:

Teresa L. Wilson, Clerk to the Board

Charles D. Messer, Chairman