

## MINUTES

**STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS  
MAY 19, 2006**

The Henderson County Board of Commissioners met for a regularly scheduled meeting at 9:00 a.m. in the Commissioners' Conference Room of the Henderson County Office Building. The date had been moved from the regularly scheduled Wednesday, May 17 date to this date.

Those present were: Chairman Bill Moyer, Vice-Chairman Charlie Messer, Commissioner Larry Young, Commissioner Shannon Baldwin, Commissioner Chuck McGrady, County Manager Steve Wyatt, Assistant County Manager Selena Coffey, County Attorney Russell Burrell, and Deputy Clerk to the Board Amy Brantley.

Also present were: Development and Enforcement Director Toby Linville, Animal Services Director Morgan Woodward, Recreation Director Rick Harris and Zoning Administrator Natalie Berry.

### CALL TO ORDER/WELCOME

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

### PLEDGE OF ALLEGIANCE

Commissioner Messer led the Pledge of Allegiance to the American Flag.

### INVOCATION

Commissioner Shannon Baldwin gave the invocation.

### INFORMAL PUBLIC COMMENTS

1. Michael Spellicy – Mr. Spellicy spoke on behalf of the Henderson County Soccer Association. He pointed out that the County does not have a single dedicated soccer field, but rather multi-purpose fields which are very choppy and lacking in grass. He requested a commitment from the Board to at least look at possible funding sources for recreation in the County.
2. Mark Roloff – Mr. Roloff stated that the parents and athletes of Henderson County soccer players were asking not only for a commitment for a dedicated soccer facility, but the guidance to help get there. He requested that a soccer facility become an active line item in this year's budget.
3. Fielding Lucas – Mr. Lucas discussed his thoughts regarding a recent Joint Schools Facility Committee meeting. He expressed concern over the School Board's limit of 600 students in an elementary school, given current economic and growth realities. He also expressed concern over the lushness of some school construction projects, and requested the Board consider using the school's 10 year capital needs forecast for planning purposes.
4. Eva Ritchey – Ms. Ritchey addressed the Board as the Chairman of the Henderson County Democratic Committee, on behalf of the Democratic Party Executive Committee. She was present to present the Democratic Party's unanimously approved statement on "Henderson County's illegal relationship with WHKP. It is our position that the promotion and distribution of political and religious matter on what is supposed to be the County's governmental access channel is both unjust and illegal." Ms. Ritchey reviewed the County's Television and Broadcast Procedures, as well as a timeline of events related to HCTV and WHKP. On January 18, 2006 the Board released a draft request for proposals for audio broadcasting. That draft restricted programs which promote, endorse, or advertise any non-profit agency, private business, commercial service or product, profit making activity, political candidate or partisan cause, programs pertaining directly or indirectly to lotteries or other programs involving prize or chance.

DATE APPROVED \_\_\_\_\_

Ms. Ritchey played a portion of a broadcast recorded from Channel 11 illustrating that those restrictions were not being followed. The Democratic Party continues to oppose the current monopolistic arrangement between the County and WHKP. She stated that if all political, religious and commercial were not removed from Channel 11 by June 1<sup>st</sup>, the Henderson County Democratic Party would proceed to legal action.

5. David Radcliff – Mr. Radcliff urged the Board to pass the animal ordinance amendment being considered. He commended the Board on the recently completed animal services center, but expressed concern about direction to staff with respect to dangerous dogs. No ordinance was worth anything without implementation. He also asked that the Board consider dogs being a nuisance, even on their own property.
6. Dick Baird – Mr. Baird commented on how the Board reacts at Public Hearings. He stated that Public Hearings were conducted to get formal input from the Public on decision issue at hand. He was concerned that following citizen comments at a hearing, there was no recognition or discussion about the comments or concerns. He also stated that he had yet to hear discussion regarding his recommendations for a Tax Payer Budget Review Committee, Fraud Audit Committee and a Blue Ribbon Panel on illegal aliens. He requested the Board hold meaningful public hearings, and answer their mail.
7. Debra Stierwalt – Ms. Stierwalt spoke with regards to a Tuxedo park. She believed it was the general consensus of Tuxedo residents that no one was interested in leasing the Bell property, but wished to purchase the property. They wished to have all the information to make an educated decision, so the community could come before the Board with one voice.
8. Douglas Coggins – Mr. Coggins concurred with Ms. Stierwalt's comments. He requested the Board take the necessary steps to work with the Board of Education to see that whoever gets the old school property, uses it in a way that will preserve at least the outside of the structure. He hoped the County could acquire the Bell property for a park.

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

Chairman Moyer added Discussion Item "G" – Legislative Conference Update. *Commissioner Messer made the motion to approve the agenda as amended. All voted in favor and the motion carried.*

#### **CONSENT AGENDA**

Commissioner McGrady noted that he had distributed the Community Child Protection Team Annual Report. *With that addition, Commissioner McGrady made the motion to adopt the Consent Agenda. All voted in favor and the motion carried.*

#### **Minutes**

Draft minutes were presented for the Board's review and approval of the following meeting(s):

- April 3, 2006, regularly scheduled meeting
- April 27, 2006, special called meeting
- May 1, 2006, regularly scheduled meeting

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

Terry F. Lyda, Henderson County Tax Collector, had submitted the Tax Collector's Report dated May 16, 2006 for the Board's information and consent approval.

#### **Community Child Protection Team – Presentation of Annual Report**

Commissioner McGrady met with the Department of Social Services on May 11 and presented the report to them at that time. He then provided the report for the Board's review.

**Tax Refunds**

The Tax Assessor had provided a list of three (3) tax refund requests for the Board's review and consent approval.

**Tax Releases**

The Tax Assessor had provided a list of forty-six (46) tax release requests for the Board's review and consent approval.

**Tax Discoveries**

Sixteen (16) Notices of Discovery have been prepared and mailed to property owners. All are presently within the statutory challenge period. While the Notices of Discovery have been prepared following a thorough review by the County Assessor's Office, it is likely that official challenges and possible appeals will occur.

The discovery information was not submitted for approval by the Henderson County Board of Commissioners at this time. It was submitted for information only.

**EMS Accounts Receivable Report**

Carey McLelland provided an EMS Accounts Receivable Report for information and consent approval.

**Mountain Laurel Community Services Update**

Mountain Laurel Community Services, the primary recipient of the County's Mental Health Maintenance of Effort Funds, had submitted information included in the agenda packet as an update to their ongoing efforts in our community. This was presented for information, no action was required.

**Surplus Property Request**

A letter was provided from Eddie Watkins of the Henderson County Sheriff's Department stating that Sheriff George Erwin will be retiring effective June 1, 2006. Sheriff Erwin has served with the Henderson County Sheriff's Department since October 20, 1978. It was requested that action be taken to surplus Sheriff Erwin's duty weapon in order for Sheriff Erwin to be able to obtain the weapon. It should be noted that this is common practice for retiring law enforcement officers and has been a common practice in Henderson County.

The County Manager recommended that Sheriff Erwin's duty weapon be placed in County surplus in order for Sheriff Erwin to be able to obtain the weapon.

**Resolution Calling for an End to the Medicaid Burden on the Counties of North Carolina**

A prepared resolution calls for the General Assembly to put an end to the requirement that North Carolina counties pay a portion of Medicaid costs. Randolph County had requested that all 100 counties adopt such a resolution.

The County Manager recommended the Board adopt such a resolution, as prepared and included in the agenda packet.

**Resolution Regarding the Fair Distribution of Lottery Proceeds**

Per the Board of Commissioners' direction at the May 1 regular meeting, staff had drafted a Resolution Regarding the Fair Distribution of Lottery Proceeds.

The County Manager recommended approval of the prepared resolution.

**Cemeteries Awareness Month Resolution**

The County's Cemetery Advisory Committee had requested that the Board of Commissioners declare May 2006 as Cemeteries Awareness Month. The adoption of the prepared resolution will make this requested action official.

The County Manager recommended adoption of the prepared resolution.

**Small Business Week Proclamation**

The Chamber of Commerce had requested that the Board of Commissioners proclaim the week of May 22 – May 27 as Small Business Week. The adoption of the prepared proclamation will make this requested action official.

The County Manager recommended adoption of the prepared proclamation.

**Amateur Radio Week Proclamation**

A prepared proclamation was presented which would set aside June 20 – 26 as Amateur Radio Week.

The County Manager recommended adoption of the prepared proclamation.

**Agreement with Windsor-Aughtry Company, Inc., regarding Mud Creek Sewer project**

A proposed Agreement with Windsor-Aughtry Company, Inc., was provided regarding their contributions of \$300,000.00 toward the cost of the Mud Creek Sewer Interceptor project. This is consistent with the Board's previous discussions and direction on this issue.

The County Manager had provided the following motion, if the Board is so inclined:

I move that the Board accept the proposed agreement with Windsor-Aughtry Company, Inc.

**Consolidated Contract Agreement with the NC Department of Health and Human Services**

Each year, in order to keep the funding cycles without disruption of federal and state funds, the Consolidated Contract Agreement with the NC Department of Health and Human Services is signed ahead of the final county budget. It is understood by the State Division of Public Health and the Henderson County Department of Public Health that the local budgets are still being negotiated and will be finalized at a later date. It is also understood that program service levels and funding support can be renegotiated as necessary. This agreement contains items that include:

- Business Associate Addendum re: HIPAA compliance
- Assurance of Compliance with Title VI
- Four Certification Forms: Lobbying, Drug-Free Work Place
- Environmental Tobacco Smoke, Debarment
- Agreement Addenda
- Maintenance of Effort (MOE) Report for WCH Programs – updated through 2005
- Public Health Nurse Training Funds Reimbursement Request

Request that this Consolidated Contract Agreement be approved as a consent agenda item and signed as appropriate.

The County Manager recommended approval of Consolidated Contract Agreement with the NC Department of Health and Human Services.

**Water Line Extension – Gary King Property**

The City of Hendersonville has requested County comments on a proposed water line extension project to serve Gary King Property.

A City of Hendersonville Project Summary sheet, with backup documents and a County review sheet with staff comments were included for Board review and action.

The County Manager recommended that the Board take action to support the referenced water line extension.

**Water Line Extension – Tradition Subdivision**

The City of Hendersonville had requested County comments on a proposed water line extension project to serve Tradition Subdivision.

A City of Hendersonville Project Summary sheet, with backup documents and a County review sheet with staff comments were included for Board review and action.

The County Manager recommended that the Board take action to support the referenced water line extension.

**Improvement Guarantee for Phase I of Blacksmith Run**

Blacksmith Mountain, L.L.C., owner, submitted a request for an improvement guarantee for Phase I of the Blacksmith Run major subdivision. Blacksmith Run is located on 82.04 acres of land off US Hwy. #64 (Chimney Rock Road). The Henderson County Planning Board granted conditional approval of the Combined Master Plan and Development Plan for Blacksmith Run on December 21, 2004. The improvement guarantee is proposed to cover the installation of the wastewater treatment plant. The engineer for Blacksmith Run, Brooks and Medlock Engineering, has also certified that all other improvements in Phase I which include the water distribution system, sewer collection system, drainage and construction of the roads will be finished before approval of a final plat for this phase of the subdivision. Staff will also verify that these improvements are complete as required before a final plat is approved.

According to Sections 170-38 and 170-39 of the Henderson County Subdivision Ordinance, where the required improvements have not been completed or in lieu of completing all of the required improvements and for Final Plat approval, the developer may post a performance guarantee for the improvements. Section 170-38 of the Henderson County Subdivision Ordinance also states that the installation of the improvements must be completed within two years of the improvement guarantee approval date. The developer intends to post with the County an irrevocable letter of credit in the amount of at least \$386,063.00 to cover the cost of the improvements (\$308,850.00) as well as the required twenty-five percent (25%) contingency (\$77,213.00). December 30, 2006 is the proposed completion date for the improvements.

A draft Performance Guarantee Agreement was included in the agenda packet for the Board's consideration. If the application is approved, the developer must submit an irrevocable letter of credit in accordance with the terms of the Agreement. Once the County receives a letter of credit in proper form, the relevant parties must execute the Agreement.

The County Manager recommended that the Board approve the improvement guarantee application for Phase I of Blacksmith Run, subject to the developer submitting to Henderson County an irrevocable letter of credit in accordance with the terms of the draft Performance Guarantee Agreement.

**NOMINATIONS****Notification of Vacancies**

The Board was notified of the following vacancies which will appear on the next agenda for nominations:

1. Alliance for Human Services – 1 vac.
2. Environmental Advisory Committee – 5 vac.
3. Henderson County Board of Health – 3 vac.
4. Henderson County Historic Courthouse Corporation – 2 vac.
5. Juvenile Crime Prevention Council – 5 vac.
6. Mountain Area Workforce Development Board – 3 vac.
7. SmartStart – 1 vac.

**Nominations**

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

**1. Child Fatality Prevention Team – 1 vac.**

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

**2. Henderson County Transportation Advisory Committee – 1 vac.**

Commissioner McGrady nominated Hunter Marks. Commissioner Young nominated Steven Orr. There were no additional nominations. A vote will be taken on the nominees at the next meeting.

**3. Hendersonville City Zoning Board of Adjustment – 1 vac.**

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

**4. Juvenile Crime Prevention Council – 5 vac.**

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

**5. Nursing/Adult Care Home Community Advisory Committee – 6 vac.**

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

**6. Solid Waste Advisory Committee – 1 vac.**

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

**FY 2007 COUNTY MANAGER'S PROPOSED BUDGET**

Steve Wyatt presented to the Board the FY 2007 budget, which he described as a plan that lays the groundwork for the future of county government both as an organization, and a player in the community. Contained within the document, were maps that showed structures in the County in 1945, 2005 and the projection for 2025. Henderson County is a growing, dynamic County, and we need a dynamic approach to providing services and governing the County. Mr. Wyatt discussed the following highlights with the Board:

- Revenue growth is projected to be at 4% in the coming year.
- \$900,000 is anticipated from lottery proceeds.
- The recommendation was to allocate \$515,563 in fund balance, bringing the fund to near 12%.
- Expansion of the Strategic Plan, to a four year process aligned with the four year revaluation cycle.
- A 12 year Capital Plan, aligned to three, four year Strategic Plan cycles.
- Establishment of a citizen committee to review alternative revenue sources, and bring recommendations back to the Board.
- Over \$32 million of the general fund is dedicated to Henderson County's school system and Blue Ridge Community College, representing 31% of the general fund budget.
- County Government is designed to be the safety net of society in North Carolina. Medicaid is about 9% of the property tax levy.
- The County must think outside the box with regard to employee health care, finding a comprehensive approach to solving that program.
- An aggressive employee training program was proposed to improve service to citizens.
- Economic vitality is tied directly to the strength and advantage the County has in the areas of quality of life and the environment. To maintain that strength and advantage, a sedimentation and erosion control plan, and two environmental health inspectors were recommended.
- County government should develop well thought out strategies and objectives, and the plan proposes increasing accountability and scrutiny of expenditures. The creation of the positions of Internal Auditor, Purchasing Agent, and Research and Development/Grants Coordinator were recommended.
- The priority in developing the budget was to balance the public service needs of a growing community with the taxpayer's ability to pay. To achieve that balance it was decided to limit operational spending growth to a level equivalent to the normal growth in revenues. There was a 5 cent tax increase proposed, but it was narrowed down to capital projects.

Selena Coffey then reviewed the following major revenues and expenditures from the budget:

- 49% of revenues come from property tax, 21% comes from sales tax, and \$16 million is restricted.
- Major expenditures are 36% to education, 33% to human services, and 21% to public safety and code enforcement.

### **TUXEDO PARK PROJECT**

Mr. Wyatt recently had a very productive meeting with Dr. Bell, and had plans to proceed to meet on further details. Mr. Wyatt felt there existed excellent opportunities to work out a win/win situation, and looked forward to continuing to work with Dr. Bell.


Rick Harris then discussed his evaluation of the suitability of the site for a park. He felt the Bell property was laid out perfectly for a park, and was exactly what the citizens of Tuxedo had asked for. Mr. Harris reviewed a map of the property, showing the Board specific areas that would be best suited for parking, picnic areas, playing areas such as ball fields and playgrounds, and a walking trail which would allow constant sight of the playground area. The site was also very accessible from the highway.

Mr. Harris then discussed the restroom situation, stating that the restrooms at Jackson Park were very expensive. He suggested the County consider block restrooms, which could be placed anywhere, and were a quarter of the cost of a regular restroom. The possible location of two restrooms was indicated on the map.

Mr. Harris stated again that the Bell property laid out very well for a park, would be a public asset, and exactly what the Tuxedo community needed. Mr. Wyatt noted that staff would keep the Board informed as they continued through the process.

### **ANIMAL ORDINANCE AMENDMENT**

Morgan Woodward told the Board that pursuant to their discussion on March 30<sup>th</sup>, the Animal Services Committee has changed the recommended Restraint/Confinement Section of the Animal Ordinance. The recommended Section now excluded the method by which an animal owner shall confine a domestic animal to their property. A summary of calls from the past 12 months was presented by staff as well as a brief discussion on the Dangerous/Potentially Dangerous Dog Ordinance and newly established customer service initiatives. He reviewed the following PowerPoint Presentation with the Board.

<p><b>Henderson County Animal Services</b> May 19, 2006 Presentation to Board of Commissioners</p> 	<p><b>Presentation Overview</b></p> <ol style="list-style-type: none"> <li>I. Proposed Restraint/Confinement Ordinance</li> <li>II. Animal Services Call Summaries</li> <li>III. Dangerous Dog and Rabies Regulations</li> <li>IV. Operational Enhancements</li> </ol>	<p><b>Proposed Restraint/Confinement Ordinance</b></p> <p>Based on the Board's discussion on March 30<sup>th</sup> and comments from the public, the Animal Services Committee and staff have developed a proposed Restraint/Confinement Ordinance.</p>
<p><b>Proposed Section 66A – Restraint/Confinement of Dogs and Cats Required</b></p> <p><u>Domestic Animal</u> (Definition): Any dog or cat which can be vaccinated against rabies with an approved rabies vaccine, and which has an established rabies quarantine period.</p>	<p><b>Proposed Section 66A – Restraint/Confinement of Dogs and Cats Required (continued)</b></p> <ol style="list-style-type: none"> <li>A. This section is intended to reduce the number of stray animals that are allowed to run at large.</li> <li>B. No person owning or having charge, care, custody or control of any domestic animal shall cause, permit or allow the same to be or to run at large except while on the private property or premises of the person owning or having charge, care, custody or control of such domestic animal.</li> </ol>	<p><b>Proposed Section 66A – Restraint/Confinement of Dogs and Cats Required (continued)</b></p> <ol style="list-style-type: none"> <li>C. When not on the owner's property, the domestic animal shall be under the control of a competent person and restrained by a leash, harness or other similar means of physical control.</li> </ol>

### Proposed Section 66A – Restraint/Confinement of Dogs and Cats Required (continued)

- D. This ordinance pertains to all domestic animals with the following exceptions:
1. Dogs used for control of livestock as long as said animal is in the process of controlling livestock.
  2. Dogs used or trained for hunting as long as said animal is in the process of being trained by a trainer and/or owner or on a legal hunt in the presence of the owner.
  3. Dogs or cats while being exhibited or trained at a kennel club, or similar event, as long as said animal is in the process of participating in a kennel club, field training or similar event.
  4. Dogs used for law enforcement while training and/or acting in the line of duty.

### Animal Service Calls Summary

### Animal Service Calls - Bites



### Animal Service Calls – Bites

March 1, 2005 – March 31, 2006

Total Bite Calls = 306

#### Breakdown by Jurisdiction

Henderson County	240
Hendersonville	26
Flat Rock	12
Fletcher	9
Mills River	9
Laurel Park	0

### Animal Service Calls - Nuisance



### Animal Service Calls – Nuisance

March 1, 2005 – March 31, 2006

Total Nuisance Calls = 304

#### Breakdown by Jurisdiction

Henderson County	255
Mills River	22
Fletcher	17
Hendersonville	7
Flat Rock	3
Laurel Park	0

### Animal Service Calls - Aggressive



### Animal Service Calls – Aggressive

March 1, 2005 – March 31, 2006

Total Aggressive Calls = 340

#### Breakdown by Jurisdiction

Henderson County	290
Hendersonville	15
Mills River	14
Flat Rock	10
Fletcher	9
Laurel Park	2

### Animal Service Calls - Total



### Animal Service Calls – Total

March 1, 2005 – March 31, 2006

Total Calls = 950

#### Breakdown by Jurisdiction

Henderson County	785
Hendersonville	48
Mills River	45
Fletcher	35
Flat Rock	25
Laurel Park	12

### Dangerous Dog Regulations

DANGEROUS DOG REGULATIONS COMPARISON CHART			
HENDERSON COUNTY CODE VS. NORTH CAROLINA GENERAL STATUTE			
SECTION	HENDERSON COUNTY CODE	NC GENERAL STATUTE	
1. Definitions	As in statute	As in statute	
2. Prohibited Activities	It is a prohibited activity for a person to own, possess, harbor, or control a dog that is dangerous to the public health, safety, or welfare.	It is a prohibited activity for a person to own, possess, harbor, or control a dog that is dangerous to the public health, safety, or welfare.	
3. Control Measures	Severely restricted - must wear a muzzle when in public places and must be restrained by a leash at all times.	Severely restricted - must wear a muzzle when in public places and must be restrained by a leash at all times.	
4. Control Measures	Controlled and restricted - must be restrained by a leash at all times.	Controlled and restricted - must be restrained by a leash at all times.	
5. Warning Sign	100 yards - must have a warning sign posted in the yard.	100 yards - must have a warning sign posted in the yard.	
6. Transfer of Liability	Liability remains with the owner.	Liability remains with the owner.	
7. Penalties	For any owner who violates these regulations.	For any owner who violates these regulations.	

### Civil Penalties for Violations of Dangerous Dog Regulations

#### Henderson County Code 66A-19

Keeping a dangerous/potentially dangerous dog:

- \*unattended/loose/unrestrained - \$500 per day
- \*without tattoo/microchip - \$500 per day
- \*failing to notify of change of address or death - \$1,000 per day
- \*failing to present proof of transferee responsibility - \$500 per day

[Possible additions: adequate enclosure; warning sign]

### Rabies Regulations

Part 6, Article 6 of NCGS Chapter 130A

- Requires the owner of every dog and cat over four months of age to have animal vaccinated against rabies.
- Provides that if a dog or cat is not wearing required vaccination tag and the ownership of the animal cannot be determined, the animal may be impounded.

### Rabies Regulations (cont.)

Part 6, Article 6 of NCGS Chapter 130A

- Duration of impoundment may not be less than 72 hours.
- During impoundment a reasonable effort must be made to locate animal's owner.
- Dogs or cats that are found not to have required rabies tags will be impounded if the owner is not located immediately.

### Operational Enhancements

- New Dispatch Policy
- Customer Service Training
- Customer Service Survey
- Customer Comments Via Web Site  
[www.hcemergencyplan.org](http://www.hcemergencyplan.org)
- Updated Technology System  
[animalshelter.net](http://animalshelter.net)



<h3 style="text-align: center;">Customer Service Survey</h3> <p style="text-align: center;">Henderson County Animal Services Customer Service Survey</p> <p style="text-align: center;"><i>Providing Quality Animal Services in a Courteous, Professional and Timely Manner</i></p> <table border="0"> <tr> <td>1. I was treated courteously and professionally</td> <td>Yes</td> <td>No</td> </tr> <tr> <td>2. The Animal Services Officer asked how he/she could help me</td> <td>Yes</td> <td>No</td> </tr> <tr> <td>3. Were your questions answered or problems resolved</td> <td>Yes</td> <td>No</td> </tr> <tr> <td>4. If problem was not resolved, were you provided options</td> <td>Yes</td> <td>No</td> </tr> <tr> <td>5. How would you rate our overall customer service</td> <td>Excellent</td> <td>Good Fair Poor</td> </tr> </table> <p>If a member of our staff provided outstanding service, please let us know his/her name and comments _____</p> <p>Suggestions and/or Comments _____</p> <p>Your name and phone number if you would like to be contacted regarding this matter _____</p> <p><small>You can also leave feedback at <a href="http://www.hcmerngencypetnet.org">www.hcmerngencypetnet.org</a> by clicking on <a href="#">give us your comments</a></small></p>	1. I was treated courteously and professionally	Yes	No	2. The Animal Services Officer asked how he/she could help me	Yes	No	3. Were your questions answered or problems resolved	Yes	No	4. If problem was not resolved, were you provided options	Yes	No	5. How would you rate our overall customer service	Excellent	Good Fair Poor	<h3 style="text-align: center;"><u><a href="http://animalshelternet.com">animalshelternet.com</a></u></h3> <p>Allows for better record keeping with less paper.</p> <ul style="list-style-type: none"> <li>-Helps maintain animal service records.</li> <li>-Assists with management of adoption program.</li> <li>-Customizable searches.</li> </ul> <p>Links directly to <a href="http://petfinder.com">petfinder.com</a> to aid citizens in locating lost pets or adoptable pets.</p> <p>Links photos to pet profiles.</p>	<h3 style="text-align: center;">Spay/Neuter Program</h3> <ul style="list-style-type: none"> <li>Program established relationship between the County and the Humane Alliance.</li> <li>All animals will be transported from the Animal Services Center to the Humane Alliance and will stay the night.</li> <li>Cost:             <ul style="list-style-type: none"> <li>Dogs and Female Cats = \$45</li> <li>Male Cats = \$30</li> </ul> </li> <li>Additional Services (Rabies Vaccination, Other Vaccinations, Etc.)</li> </ul>
1. I was treated courteously and professionally	Yes	No															
2. The Animal Services Officer asked how he/she could help me	Yes	No															
3. Were your questions answered or problems resolved	Yes	No															
4. If problem was not resolved, were you provided options	Yes	No															
5. How would you rate our overall customer service	Excellent	Good Fair Poor															

The County Manager recommended that the Board either adopt the Recommended Restraint/Confinement Section of the County Animal Ordinance or set a date for a second public hearing.

Commissioner Baldwin questioned who declared a dog dangerous. Mr. Woodward answered that he reviewed cases, and if he determined that the dog was dangerous he completed the necessary paperwork. The owner had three days to appeal that determination, which would then go to the Animal Services Committee. The initial case review would be prompted on a complaint driven basis.

Chairman Moyer asked about the Spay/Neuter program, and the State programs which provide funding to have a subsidized program. Mr. Woodward stated that there is a program, called the I Care program. The money in that program comes from the sale of I Care license plates and I Care rabies vaccination tags. The program is set up to be repaid on a Tier system, and with Henderson County being a Tier 5 County, we were less likely to get the funds back that we would put into the program.

Commissioner Young questioned whether the on-call situation had been resolved, so that an animal control officer could be reached if a citizen had to call 911. Mr. Woodward stated that the original on-call program had been established in 2002, but recent communication breakdowns in the system had been corrected and all calls were now being forwarded to the on-call officer.

*Commissioner Young made the motion that the Board adopt the Animal Control Ordinance for Henderson County. Chairman Moyer clarified that it was technically an amendment to the Animal Control Ordinance. All voted in favor and the motion carried.*

### **RESOLUTION HONORING SERVICE OF SHERIFF GEORGE H. ERWIN, JR.**

Chairman Moyer stated that the Board had received official notice that Sheriff George H. Erwin Jr. would be retiring on June 1, 2006. A Resolution had been prepared recognizing Sheriff Erwin's service to North Carolina and Henderson County. Commissioner Messer read the Resolution, which is attached hereto and incorporated as a part of the minutes.

*Commissioner Messer made the motion to adopt the Resolution. The motion carried 4-1 with Commissioner Baldwin voting in opposition.*

Commissioner Young also noted that as part of the Consent Agenda, the Board had voted to allow Sheriff Erwin to keep the service weapon he had used over the years.

### **CLOSURE OF TUXEDO POST OFFICE**

As was mentioned during the May 1 meeting, the Tuxedo Post Office is scheduled to close the end of this month. Staff had invited a USPS representative from Asheville to come to this meeting to update the Board, however no one was present. Staff was also working with Senator Dole's office to get feedback from the USPS detailing how citizens and businesses in the Tuxedo area will be served after the closure of the Post Office.

Commissioner McGrady noted that shortly after this item had been placed on the agenda, people who have boxes at the Tuxedo post office got a letter saying that the office would be closed, and that they could either move to their Zirconia land addresses, or to the Zirconia post office. Unfortunately, the Zirconia post office doesn't have enough post office boxes to handle all of the PO boxes in Tuxedo. The major issue was that there are several commercial PO boxes in Tuxedo, primarily for the large summer camps.

Within the last few days, it had been announced that the Tuxedo post office would remain open during the summer months. However, more had been published in the newspaper than the Board had even heard. Commissioner McGrady questioned how long that arrangement would last, noting that the USPS had been completely unresponsive to requests for information.

### **STRATEGIC PLAN MONTHLY REPORT**

Selena Coffey updated the Board on the following points of interest in the Strategic Plan report:

- Examine the roles of Advisory Boards and Committees. The second step of that charge, analysis of the mission and makeup of the Boards and Committees was currently underway. A report was anticipated in June.
- Construction of the Animal Services Center had been completed, and the department was now operating from that facility.
- Renovation of the Historic Courthouse. The project was out to bid, and bids were expected by June 26<sup>th</sup>. As only one bid package had been picked up, it was anticipated that the County might not receive the necessary three bids. Russ Burrell stated that if sufficient bids were not received, there would be a re-advertisement for a second round of bids. An addendum to the contract had been published earlier in the week, specifying exactly what the procedure would be.
- Construction on the Human Services Building was going well, and occupation of that building was anticipated to be in October, 2006.
- Staff continues to look at the Tuxedo park and library issues.
- Phase I of the Mud Creek Sanitary Sewer Interceptor Project was expected to bid in June, begin in July, and be complete by the end of the calendar year.
- The County has been working with Mediacom and the City of Hendersonville to reconcile addresses, and continue to wait on possible State and Federal legislation with regards to franchising.

### **LEGISLATIVE CONFERENCE UPDATE**

Chairman Moyer noted that several Commissioners had been in Raleigh this week for a legislative session. Commissioner Messer stated that counties had been trying to get the State to take over Medicaid for at least the last five years. North Carolina is now the only state where counties have the burden of funding Medicaid. The State currently has a surplus of funds, and this is probably the best year to get the State to take over Medicaid. This year's cost to Henderson County is \$509,000, the equivalent of ½ cents in property tax.

Commissioner McGrady agreed that the key issue for Henderson County was indeed the Medicaid burden. The three Henderson County legislators had all been very supportive, and leaders on the issue. They were co-sponsoring the bills in both the house and senate to provide counties with relief. He had also worked on bills to deal with the issue of abandoned mobile homes, and electronic recycling. A set of ballot initiatives were being pushed to get behind a set of bond proposals that might go on the state ballot this year. The County Commissioners were asked to support those initiatives. The response given was that Medicaid was the first priority, but the Commissioners were fully responsive to the need to protect public lands and would be willing to support the land for tomorrow and the clean water referendum, once we get Medicaid relief.

### **PUBLIC HEARING – Update – 10 year Solid Waste Management Plan**

*Commissioner McGrady made the motion to go into Public Hearing. All voted in favor and the motion carried.*

Gary Tweed reminded the Board that in 1997, the County prepared a 10-Year Solid Waste Management Plan in accordance with requirements from the NC Division of Solid Waste. The County is required to Update the plan every three years. The original plan was developed by staff in cooperation with the Municipalities and

the Solid Waste Advisory Committee (SWAC). The Updates have been developed by the Office of the County Engineer. The current update has been reviewed by the Municipalities and the SWAC. Comments by the SWAC were incorporated into the Update. All of the County Municipalities joined with the County on the plan, since otherwise they would have to develop independent plans. To date the Village of Flat Rock, City of Hendersonville, Town of Fletcher, and the Town of Laurel Park had adopted the Update by resolution. It was staff's understanding that the Town of Mills River would be meeting next week and would also be adopting the update.

The purpose of this public hearing is to gain public input on the Update. The Public Hearing was advertised in the Hendersonville Times News. Following the public hearing, the Board may adopt the Update to the 10-Year Solid Waste Management Plan by Resolution. A resolution had been prepared and was included in the agenda packet for the Board's review.

It was the recommendation of the County Manager for the Board to adopt the Update to the Henderson County 10-Year Solid Waste Management Plan and approve the prepared resolution.

### **Public Input**

There was none.

*Commissioner Messer made the motion to approve the Resolution presented in the agenda package with respect to the Plan. All voted in favor and the motion carried.*

*Commissioner McGrady made the motion to go out of Public Hearing. All voted in favor and the motion carried.*

### **PUBLIC HEARING – Blue Ridge Community College Special Use Permit & Blue Ridge Community College Variance Application**

Chairman Moyer – “Second uh, public hearing is, at least we have to start as a quasi-judicial proceeding, in the matter of the petitions regarding Blue Ridge Community College Technology Education and Development Center where the Board of Trustees of the Blue Ridge Community College is the petitioner. I think as, uh, many of you know the uh, quasi-judicial proceeding is much more like a uh, judicial proceeding and only those persons who have demonstrated they have an interest in the outcome of the decision are allowed to participate actively in the proceeding. Um, let's have a motion to go into public hearing.”

Commissioner McGrady – “So moved.”

Chairman Moyer – “All in favor say aye.”

In unison - “Aye”

Chairman Moyer – “Are there any persons here other than the petitioner who wish to be made parties to this proceeding?”

Matt Matteson – “Chairman Moyer yes, um, I'm Matt Matteson representing the College. Uh, President Sink is here and will be a party as well as Deputy Jason Stepp.”

Chairman Moyer – “Well you are automatically parties as petitioner so, is there anyone else? Well with the consent of the college I would like to uh, waive having this as a quasi-judicial so we can have a more, more informal proceeding and move ahead more expeditiously. Would you? Dr. Sink is indicating that uh, on behalf of the petitioner they will waive the uh, requirement of having a quasi-judicial hearing.”

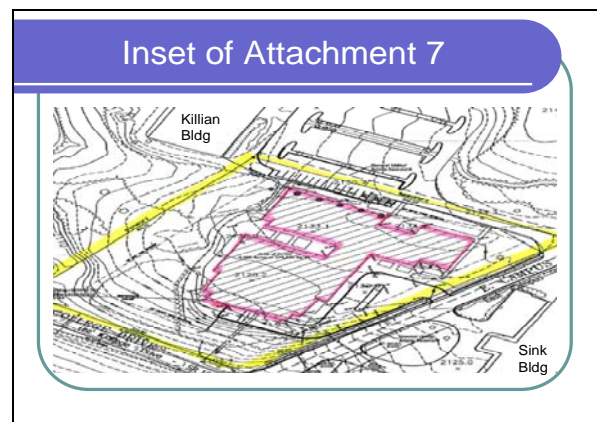
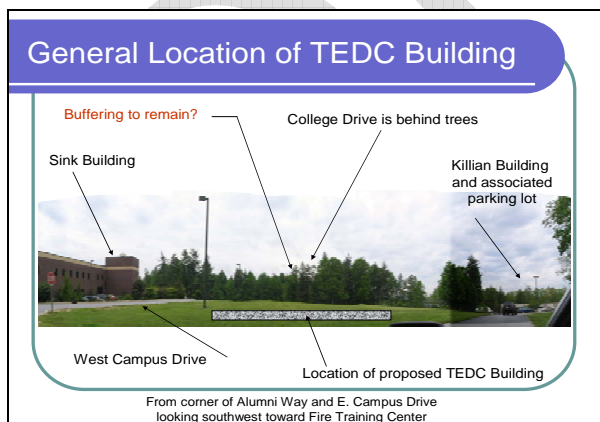
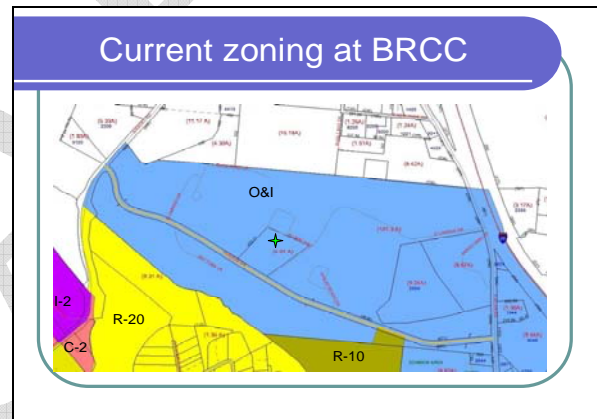
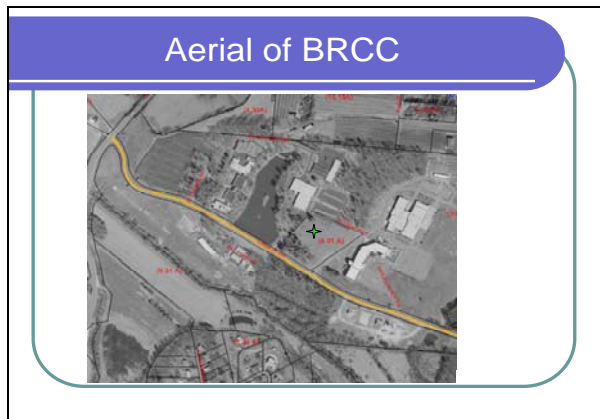
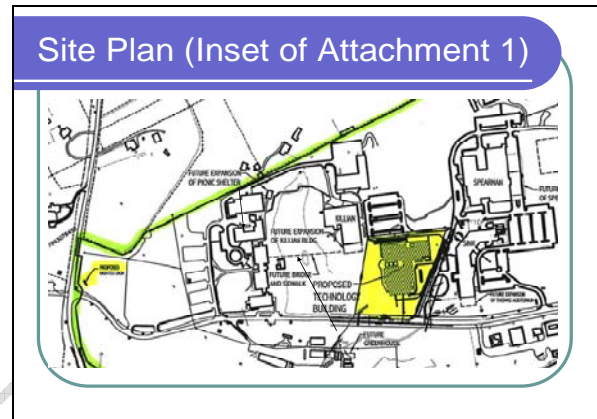
Russ Burrell questioned whether both matters would be combined together. He felt that since both the special use permit and variance related to the same project, all the evidence could be presented simultaneously. Chairman Moyer indicated that would be fine.

Zoning Administrator Natalie Berry informed the Board that Blue Ridge Community College was applying to construct a 79,050 square foot Technology Education and Development Center (TEDC). The proposed location was at the corner of College Drive and East Campus Drive. There was also a request for the replacement of the existing sign at the corner of College Drive and Airport Road. This project will require a Special Use Permit (SP-06-03) and a variance (V-06-04) for reduced parking.

Natalie Berry reviewed the following PowerPoint Presentation with the Board:

Blue Ridge Community College (BRCC)  
Technology Education and Development Center  
(TEDC)

**SUP-06-03**  
Proposed 79,050 SF TEDC building at corner  
of E. Campus Drive and College Drive as well  
as the replacement of existing sign at corner of  
College Drive and Airport Road.



## General Location of Sign



College Drive looking Northeast towards Dana

## Actual Sign from WHKP radio



## Proposed Electronic Sign



## General Standards

- **Utilities**
  - Water – Available (Attachment 2)
  - Sewer – Available (Attachment 3)
- **Environmental**
  - Erosion Control – DENR Approval (Attachment 4)
- **Traffic** – Adequate (Attachment 5)
- **Landscaping** – Adequate (no residential zoning adjacent to site)
- **Parking** –
  - On-street, If provided, signage should be posted parking on one side only.
  - Off-Street parking, Variance Application (V-06-040)
- **Signage** – Lighting to be turned off at 10 PM. (Attachment 6)

## Planning Board Recommendations for Special Use Permit SUP-06-03:

### Planning Board Recommendation:

On April 18, 2006, the Henderson County Planning Board reviewed an application for a special use permit #SP-06-03 for Blue Ridge Community College (BRCC) to construct a 79,050 square foot Technology Education and Development Center. After reviewing the application and hearing from the applicant's agent and County Staff, the Planning Board voted (8 to 0) to send a favorable recommendation to the Board of Commissioners on the special use permit application for the proposed new building, contingent on the Board of Commissioners granting the variance application (#V-06-04) on the proposed parking requirements, and offer the following comments (Refer to the Attached April 18, 2006 Excerpt of Planning Board Minutes Draft):

1. The applicant stated to the Planning Board during its April 18 meeting that proposed new electronic sign included in the special use permit application could be shut down at 10:00 P.M. and added that the sign can be dimmed at night due to Staff's concerns of the impact on nearby neighbors.

## Section 200-56

In accordance with Section 200-56 of the Zoning Ordinance regarding Special Uses, all Special Uses must meet seven General Site Standards, as Follows:

In evaluating whether the general site standards have been met, the Board of Commissioners (BOC) may consider the type and size of the principal use, size of the property and other relevant factors.

- a. *Establishment requiring a special use permit shall not be located or developed in such manner as to adversely affect the health or safety of the persons residing or working in the neighborhood of the proposed use and will not be detrimental to the public welfare or injurious to property or public improvements in the neighborhood.*

The proposed center is located on the existing BRCC campus, and Staff does not feel that the new structure will be detrimental to or adversely affect the surrounding community.

- b. *Establishments requiring a special use permit shall be located or developed in such a manner as to minimize the effects of noise, glare, solar access and odor on those persons residing or working in the neighborhood of the proposed use and the property and public improvements in the neighborhood.*

The proposed center to BRCC is located along College Drive, and is adjacent to the college campus facilities.

## Section 200-56 (continued)

- c. *Establishments requiring a special use permit shall not be located or developed in such a manner as to seriously worsen the traffic congestion so as to endanger the public safety.*

Staff does not feel that the proposed center will noticeably increase the current traffic congestion.

- d. *Establishments requiring a special use permit shall be located or developed in such a manner as to comply with all applicable federal, state, and local laws, rules and regulations.*

The City of Hendersonville has indicated that the proposed center would be eligible for City water and sewer services (See Attached Letter from the City Utilities Director). It should be a condition of the special use permit that any required permits should be approved by the appropriate agency and reviewed by the Zoning Administrator prior to construction.

## Section 200-56 (continued)

- e. *Establishments requiring a special use permit shall be located and developed in such a manner as to be consistent with the goals and objectives as outlined in the Henderson County Comprehensive Land Use Plan.*

The proposed center is generally in compliance with the County Comprehensive Plan. Although this area was identified as being suitable for industrial development, a subcommittee of the Planning Board that has been working on the Henderson County Industrial Study has voted to recommend that this designation be removed for the area surrounding Blue Ridge Community College.

- f. *Establishments requiring a special use permit shall be located and developed in such a manner as to be consistent with any approved Official Thoroughfare Plans of Henderson County or any municipality therein.*

The proposed center will not affect any planned road improvement projects.

- g. *Establishments requiring a special use permit shall be located and developed in such a manner as to minimize the environmental impacts on the neighborhood including the following: groundwater, surface water, wetlands, endangered and threatened species, archeological sites, historical preservation sites, and unique natural areas.*

The proposed center has submitted an erosion and control plan to NCDENR. This plan should be approved prior to beginning any construction or land clearing activities. (Approved)

-End-



### Blue Ridge Community College (BRCC) Technology Education and Development Center (TEDC) Parking Variance Application

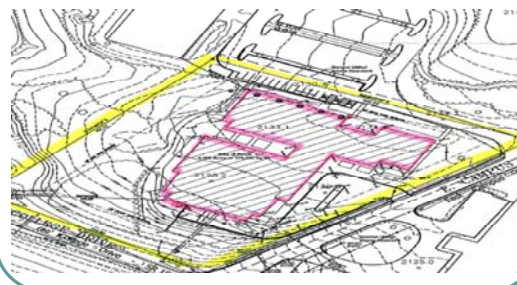
#### SUP-06-03/V-06-04

Proposed 79,050 SF TEDC building requires 1 parking space per 200 SF of gross floor space. SUP-06-03 provides 20 parking spaces.

### Current Zoning Ordinance Requirements

- Current zoning ordinance does not address College Campus'.
- Closest match is "Public Buildings".
  - 1 space per 200 SF of gross floor space
  - 79,050 SF/200 SF = 395 spaces required
- Zoning Administrator does not have leeway in allowing less parking.

### Parking Plan for proposed TEDC



Applicant states that 20 spaces will be provided but they are not shown on site plan.

### Example of College parking requirements

Use Type	Minimum Number of Parking Spaces (PS) per Number of Unit Type
1 Space PLUS 1 Space per 1,000 sq. ft.	
<b>Educational and Institutional Uses</b>	
Ambulance Services	1 Space per Employee on Largest Shift
Cemetery/Mausoleum/Columbarium (excluding crematoriums)	1 Space per Each 2 Employees
Child Care Facility	1 Space per Each Employee PLUS 4 Spaces per Off-Street Drop-Off and Pick-Up
Club/Lodge	2 Spaces per 500 sq. ft. in Gross Floor Area for patron use
<b>College and University</b>	The Greater of: 1 Space per Each 4 Students PLUS 1 Space per Each Employee PLUS 1 Space per Each Vehicle Used in Operation OR 1 Space per Each 4 Seats in Auditoriums, Arenas, Stadiums and Similar Facilities Regularly Utilized by the General Public for Special Events
Community Club	2 Spaces per 500 sq. ft. in Gross Floor Area for member use

### Excerpt from Planning Board Meeting

give us room for expansion. He said that at the peak periods only 59% of our parking places are taken, we believe that there is adequate parking on the campus for now and some years to come. Chairman Pearce asked for the number of enrollment on campus. Mr. Bell said that in the curriculum program, approximately 2,000 students but most of them are part time and full-time equivalent is 1,300 and 160 employees, but not all stay there the full working hours daily. Mr. Bell said that of the 2,000 student, approximately 400 are Transylvania County students, which would drop it back to 1,600 students on the Blue Ridge campus.

2000/4 = 500 spaces for students  
150/1 = 150 spaces for employees  
X/1 = X spaces required for each vehicle used in operation

650 spaces plus the vehicles used in operation

\*\* Campus has in excess of 1200 spaces on campus at this time.

### Planning Board Recommendations for Variance V-06-04 request:

#### Planning Board Recommendation:

On April 18, 2006, the Henderson County Planning Board reviewed an application for a special use permit #SP-06-03 for Blue Ridge Community College (BRCC) to construct a 79,050 square foot Technology Education and Development Center. After reviewing the application and hearing from the applicant's agent and County Staff, the Planning Board voted (8 to 0) to send a favorable recommendation to the Board of Commissioners on the special use permit application for the proposed new building, contingent on the Board of Commissioners granting the variance application (RV-06-04) on the proposed parking requirements, and offer the following comments (Refer to the Attached April 18, 2006 Excerpt of Planning Board Minutes Draft):

2. The Planning Board specifically noted that it does not recommend any further parking requirements other than the twenty spaces requested by the applicant to be applied to the special use permit.

-End-

Matt Matteson then addressed the Board on behalf of Blue Ridge Community College (BRCC). He concurred with Ms. Berry's presentation, stating he felt she covered the salient issues. With respect to the variance, BRCC was requesting that the County grant one parking space for every 400 square feet. They operate a little differently than most colleges, universities or high schools in that they don't have a set number of students and classes run from 8:00 am until 10:00 pm. Additionally, a recent survey had shown BRCC currently had a 64% saturation during the two peak hours.

Dr. Sink then responded to the questions raised by Ms. Berry during her presentation. With respect to the existing buffering between College Drive and the TEDC, BRCC wished to maintain those trees and have that buffer. That would be made a condition of the permit if granted. With respect to the sign, the recommendation was to turn it off at 10:00 pm. Dr. Sink did not feel there would be a need to have it on after 9:00 pm. Finally, where on-street parking would be allowed, there was no objection to placing signage to indicate parking on one side of the street only.

**Public Input**

There was none.

*Commissioner McGrady made the motion to approve the special use permit for Blue Ridge Community College Technology Center and the variance application. All voted in favor and the motion carried.*

*Commissioner Messer made the motion to go out of Public Hearing. All voted in favor and the motion carried.*

**STAFF REPORTS**

**County Attorney's Report**

Russ Burrell reminded the Board of the May 22<sup>nd</sup> quasi-judicial public hearing on Carriage Park. A notice of the meeting had been sent to each resident of Carriage Park, and Mr. Burrell had only received one call – from the President of the Homeowners Association who was supportive of the proposed change.

**County Manager's Report**

Mr. Wyatt stated that an offer had been made to an outstanding candidate for Planning Director. He hoped to be able to inform the Board in the coming week that the candidate had been hired.

**IMPORTANT DATES**

**Request for Public Hearing on new road names**

*Commissioner Messer made the motion to set a public hearing on road names for June 21<sup>st</sup> at 7:00 pm. All voted in favor and the motion carried.*

**Set a Public Hearing on the FY 2007 Budget**

*Chairman Moyer made the motion to set a workshop on the FY 2007 budget for 5:00pm on Thursday, May 25, 2006. All voted in favor and the motion carried.*

*Chairman Moyer made the motion to schedule a public hearing on the FY 2007 budget for Monday, June 5, 2006 at 7:00 pm. All voted in favor and the motion carried.*

**CANE CREEK WATER & SEWER DISTRICT – no business**

**CLOSED SESSION – none**

**HCTV discussion**

Commissioner McGrady noted that during informal public comments, the Board had been told they would be sued regarding WHKP and HCTV if there was no resolution to the matter by June 1<sup>st</sup>. Since the Board did not have another meeting until after that date, he questioned how they should proceed. Chairman Moyer stated that during the break, he spoke with Ms. Ritchey and told her that he would request the matter be placed on the June 5<sup>th</sup> meeting for discussion. Ms. Ritchey agreed to talk to the executive committee, and believed they would await the outcome on June 5<sup>th</sup> prior to filing any legal action.

**ADJOURN**

*Commissioner Messer made the motion to adjourn the meeting. All voted in favor and the motion carried.*

Attest: