

## MINUTES

**STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS  
JULY 18, 2007**

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.

Those present were: Chairman Bill Moyer, Vice-Chairman Charlie Messer, Commissioner Larry Young, Commissioner Chuck McGrady, Commissioner Mark Williams, County Manager Steve Wyatt, Assistant County Manager Selena Coffey, County Attorney Russell Burrell, and Clerk to the Board Elizabeth W. Corn.

Also present were: Planning Director Anthony Starr, Communications Officer Pam Brice, Human Resources Director Jan Prichard, Deputy Clerk to the Board Terry Wilson, Fire Marshal Rocky Hyder, IT Director Becky Snyder, Veterans Services Officer Mike Murdock, Engineer Marcus Jones, Elections Director Beverly Cunningham, Assistant Elections Director Karen Hebb, Library Director Bill Snyder, Animal Services Manager Brenda Miller, Research/Budget Analyst Amy Brantley, Building Services Director Sam Laughter, Associate County Attorney Sarah Zambon, Detention Center Captain Greg Cochran, Animal Services Officers Matt Jacobson and Ken Johnson, and Code Enforcement Director Toby Linville.

### CALL TO ORDER/WELCOME

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

### PLEDGE OF ALLEGIANCE

East Henderson High School ROTC led the Pledge of Allegiance to the American Flag.

### INVOCATION

Commissioner Mark Williams gave the invocation.

### NATIONAL GUARD AND RESERVE SIGNING CEREMONY

Human Resources Director Jan Prichard made introduction and recognition of the Henderson County employees who are active in Reserve and Guardsmen, Master Sergeant Greg Cochran – Air Force Reserve, Staff Sergeant Matt Jacobson – Army Reserve, and Sergeant Ken Johnson – Army National Guard. The men were given a standing ovation.

Chairman Moyer read the Statement of Support for the Guard and Reserve on behalf of Henderson County as follows:

We recognize the National Guard and Reserve as essential to the strength of our nation and well being of our communities. In the highest American tradition the patriotic men and women of the Guard and Reserve serve voluntarily in an honorable and vital profession. They train to respond to their community and their country in time of need. They deserve the support of every segment of our society. If these volunteer forces are to continue to serve our nation increased public understanding is required of the essential role of the Guard and Reserve in preserving our national security. Their members must have the cooperation of all American employers in encouraging employee participation in Guard and Reserve. Therefore we join other employers in pledging that employment will not be denied because of service in the Guard or Reserve. Employee job and career opportunities will not be limited or reduced because of service in the Guard or Reserve. Employees will be granted leaves of absence for military service in the Guard or Reserve consistent with existing laws without sacrifice of vacation and this agreement and it's resulting policies will be made known throughout our organization and this I sign on behalf of the Board of Commissioners and the public. It is also signed by the Secretary of Defense and the National Committee of Employer Support for the Guard and Reserve.

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

Jan Prichard acknowledged current employees who were formerly in the National Guard or Reserve by asking them to stand. They also were given a standing ovation.

Jan Prichard introduced Dr. Robert Lair from the National Committee for Employer Support of the Guard and Reserve.

Dr. Lair introduced Foyce Fleming, a retired Guardsman and the Area West Chair for the State for Support of the Guard and Reserve. Mr. Fleming shared a letter from the Joint Chiefs of Staff and thanked the Board of Commissioners. He provided the Board with patriot pins detailed with an ESGR and the US flag.

### **INFORMAL PUBLIC COMMENTS**

Chairman Moyer asked each person who had signed up for informal public comments to please limit their time to about 3 minutes.

1. Bill O'Connor – Mr. O'Connor resides at 50 Brock Creek Road in Etowah. He works with the Etowah/Horse Shoe Association. Mr. O'Connor thanked Commissioner McGrady and the rest of the Board for considering the measure to provide local area planning committee. He was in favor of the Etowah/Horse Shoe Communities Planning Committee.
2. Earl C. Smith – Mr. Smith resides at 12 Caroline Drive in Horseshoe. He was part of a group that is working toward achieving incorporation for the City of Etowah. He commended Commission McGrady for adding to the agenda the issue of the small area study. He was in favor of the Etowah/Horse Shoe Communities Planning Committee.
3. Roger Rusnak – Mr. Rusnak resides at 1903 Brannon Road in Horseshoe. He is encouraged by the possibility of a joint planning group for Etowah/Horse Shoe. He appreciated the support of the Commissioners.
4. O.L. Jackson – Mr. Jackson resides at 2800 Bearwallow Mountain Road. He has lived there for 57 years and watched Bearwallow Mountain evolve. He realizes that development is inevitable. The developer working in the area at this moment is doing a great job. Mr. Jackson's main concern was that his property adjoins with the development and what would happen with the springs, creeks and all other tributaries that come down as the development proceeds. These concerns were shared with the developer and the developer responded (at his expense) by greenlining and by buffering off all of the areas that are so vitally important to what happens in the valley.
5. Richard Carsillo – Mr. Carsillo resides at 2588 Bearwallow Mountain Road. He owns a medical company in Asheville and his specialty is poisons such as propylene glycol (antifreeze) and cholinesterase testing (pesticides and insecticides). He had obtained a Grand Highlands map in which his home and property was directly in the path of everything coming down from the development. He is concerned with the contamination of the water.
6. Linda Johnson – Ms. Johnson resides at 69 McKinney Road in Etowah. Ms. Johnson commended the Board for consideration of the small area planning committee. She wanted to know that if decisions were made would they be in stone or could they be changed.
7. Angela Fernandini – Ms. Fernandini resides in Horse Shoe. She thanked the Board for their consideration of a small area planning committee and the fact that it was placed forward on the agenda. Her concern was mass development and the possibility of changes after decisions were made.

8. Beth Brinson – Ms. Brinson resides at 543 Bearwallow Mountain Road. She is for water being supplied to the mountain. Ms. Brinson feels that the developer is doing a good job with the open space and the development will be an asset to the community.
9. Donn Hartley – Mr. Hartley resides at 21 Rosebay Lane in Asheville. He owns land on Bearwallow Mountain. He strongly encouraged the Board to give favorable consideration to the waterline up the mountain for health, safety and economic development reasons. He feels that the Grand Highlands developer have proven that they are a first class developer. They will build a community that any town or city in this country would be proud to have within their boundaries. The community will have nothing to lose by the waterline being approved.
10. Mary Fitzgerald – Ms. Fitzgerald resides at #10 Bearwallow Mountain. She stated that development is coming. She feels that the developer is a developer of integrity. The developer is providing a waterline at no cost to Henderson County. She strongly urged the Board to vote positively on the waterline for the health and safety of the residents of Bearwallow and the residents below the mountain.
11. Eva Ritchey – Ms. Ritchey resides at 198 Brevard Road. She was concerned with preservation of America. Ms. Ritchey addressed the issue of conservation and building smart. She felt that all schools should be LEED schools.
12. Sue McLeod – Ms. McLeod resides at 62 Timbertop Lane. She commended the Board for working with the Etowah/Horse Shoe area to form a committee for their area. She was concerned that decisions made would be in stone also.
13. Marijane Pell – Ms. Pell resides at 2 Masters Crest. She discussed her petition for a moratorium on development. She feels that the Libraries and County Buildings are her City Hall where she should be able to leave petitions. She recommended that the Board require mandatory impact studies on infrastructure which would include roads, water, sewerage, schools, emergency services, and the proposed Land Development Code; that they grant no vested right, strictly enforce current and future development laws and impose fines for violations. She delivered 330 signatures on the moratorium petition.
14. Jeff Wilkie – Mr. Wilkie resides at 2258 Bearwallow Road. He spoke in regards to the Bearwallow project and the great job the developer was doing. Mr. Wilkie was in favor of the water line extension and requested that the Board reconsider the water line extension.

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

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

#### **CONSENT AGENDA**

*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 for the following meetings:

March 20, 2007 – LDC Public Input  
March 27, 2007 – LDC Public Input  
April 3, 2007 – LDC Public Input  
April 10, 2007 – LDC Public Input

April 17, 2007 – LDC Public Input

**Tax Collector's Report**

Terry F. Lyda, Henderson County Tax Collector, had provided the Tax Collector's Report dated July 6, 2007 for the Board's review and consent approval. Collection information through July 5 for the 2006 bills mailed on August 18, 2006, as well as vehicle bills, was included as follows:

**Annual Bills G01 only:**

2006 Total Charge:	\$49,390,710.20
Payments & Releases:	48,408,091.55
Unpaid Taxes:	982,618.65
<b>Percentage collected:</b>	<b>98.01%</b>

**Motor Vehicle Bills G01 only:**

2006 Total Charge:	\$ 4,944,061.63
Payments & Releases:	4,342,502.61
Unpaid Taxes:	601,299.23
<b>Percentage collected:</b>	<b>87.84%</b>

**Fire District all Bills**

2006 Total Charge:	\$ 5,277,662.75
Payments & Releases:	5,096,294.26
Unpaid Taxes:	181,324.81
<b>Percentage collected:</b>	<b>96.64%</b>

**Tax Refunds**

A list of 14 refund requests was presented for the Board's review and consent approval.

**Tax Releases**

A list of 31 release requests was presented for the Board's review and consent approval.

**Non-profit Performance Agreements**

Subsequent to the approval of the FY 2007-08 Budget, staff had distributed the funding agreements to the non-profit agencies receiving County allocations. Staff will present signed funding agreements included on the Board's consent agenda as they are received from the agencies.

1. Alliance for Human Services
2. Boys and Girls Club
3. Children and Family Resource Center
4. United Agenda for Children
5. Healing Place
6. Partnership for Health
7. Pisgah Legal Services
8. The Free Clinics
9. United Way 211 Program
10. Vocational Solutions
11. Western Carolina Community Action
12. WNC Communities

If the Board is so inclined, the following motion was suggested:

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

### **Hancock County Fund designation**

On December 5, 2005, following the devastation of Hurricane Katrina in the gulf region, the Board of Commissioners approved a resolution adopting Hancock County, Mississippi as a Sister Community. On January 18, 2006, the Board entered into a Donor Advised Fund Agreement with the Henderson County Community Foundation to create a fund for Hancock County to allow citizens a means of making donations to be used in Hancock County. To date, the fund has received \$5,000.

The Community Foundation has identified a fund that fits the Board's intention of helping our "sister county". The "Build Back the Coast Fund" would accept the funds with a conditional designation that they only be used to assist in the care and coordination of volunteers working on projects to rebuild the community in Hancock County.

If the Board is so inclined, the following motion was suggested:

*I move the Board of Commissioners approve the \$5,000 available in the Hancock County Fund be disbursed by the Community Foundation to the "Build Back the Coast Fund".*

### **2007 Strategic and Capital Improvement Plan Monthly Update**

This June report was presented for the Board's review and consent approval.

### **Designation of Voting Delegate to NCACC Annual Conference**

The North Carolina Association of County Commissioners (NCACC) requested that the Board of Commissioners designate a Voting Delegate to the Annual Conference being held in Cumberland County on August 16 – 19, 2007.

If the Board is so inclined, the following motion was suggested:

*I move the Board of Commissioners designate Chairman Moyer as Henderson County's voting delegate to the NCACC Annual Conference.*

### **NOMINATIONS**

#### **Notification of Vacancies**

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

1. Transportation Advisory Committee – 1 vac.

#### **Nominations**

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

1. **Adequate Public Facilities Task Force Charter – chair appointment**

Commissioner Young nominated Ron Stephens for appointment as chair. *Chairman Moyer made the motion to accept Ron Stephens as chair of the Adequate Public Facilities Task Force Charter by acclamation. All voted in favor and the motion carried.*

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

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

3. **Hendersonville City 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 – 6 vac.**

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

5. **Mountain Valleys Resource Conservation and Development Program – 1 vac.**

*Commissioner McGrady made the motion to reappoint Meredith Galloway to position #2. All voted in favor and the motion carried.*

6. **Nursing/Adult Care Home Community Advisory Committee – 3 vac.**

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

7. **Planning for Older Adults Block Grant Advisory Committee – 2 vac.**

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

8. **Senior Volunteer Services Advisory Council – 1 vac.**

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

9. **Transportation Advisory Committee – 1 vac.**

The Village of Flat Rock recommended Dennis Johnson as their designee for position #18. *Commissioner McGrady made the motion to appoint Dennis Johnson to position #18. All voted in favor and the motion carried.*

**DISCUSSION ITEMS**

**Application for Solicitation Permit**

County Manager Steve Wyatt stated that an application had been received and each Commissioner had received a copy. The request falls under an administrative policy that requires a solicitation permit. The application for the permit had been made and it is now the responsibility of the Board to determine whether or not they would grant the request on the permit. Staff concerns were voiced at the general staff department directors meeting the prior week. Mr. Wyatt emphasized that the staff and Board were not casting any judgment on the merit of the subject matter but were questioning allowing petitions in county work places with concerns as follows:

- Interruptions of county employees fielding questions from folks regarding the petition
- Interruptions to public in the library requesting signatures
- The Board or County's endorsement of whatever the subject matter might be
- The physical responsibility for the petition document itself
- Opening the door for a wide variety of requests
- Putting the Board in the position of picking and choosing subject matters that may be petitioned for or against
- Security of bringing people into the county buildings that are not there on "county business"

There is no county wide policy regarding the use of county facilities. Staff does not recommend solicitation in county buildings. It is up to the Board to consider this matter. The county ordinance says that anytime someone comes forward with a request it must be brought before the Board.

*Commissioner Young made the motion that the Board of Commissioners deny the request for the Application for Solicitation Permit. All voted in favor and the motion carried.*

**Friends of the Library Report**

Chairman Moyer called Mr. Ray McKenzie-Wilson to the podium.

Mr. McKenzie-Wilson stated that he was the president of Friends of the Henderson County Public Library. He quoted from The Friends of the Henderson County Public Library Constitution.

#### Article 2 – Purpose

“The purpose of the Friends shall be to establish closer relations between Henderson County Public Library and its patrons; to promote knowledge of and informed interest in the functions, resources, services and needs of the Library and to assist in the development of programs for the extension and improvement of library services and resources.”

The Friends organization was formed in 1957 and, over the years, has continued to pursue that purpose. In recent years we have supported many programs run by both library staff and Friends volunteers and have purchased much needed equipment that the county could not fund. Programs include the children’s and teens summer reading programs at the main and branch libraries, the Teens “Open Mic Night” which has met with great success and the many music and literary programs, run in the Kaplan Auditorium that are open and free to the public. Each year the Library Director solicits a “wish List” from his staff and the Friends fund the purchase of such equipment as their budget will allow. This year purchases include a PC Interface and a Reader Printer for the main library, a work station for the Baker-Barber collection, the replacement of a Fiche machine in the main library reference department, a Projector for the Fletcher Branch and a new lawn mower.

The funds for this support come mainly from the Friends annual book sale. In 2006 the book sale raised \$114,222 of which approximately \$89,000 has been committed to library support. Since the inception of the book sale in 1981 over \$1,060,000 has been raised by the book sale. He provided a bar chart to show the book sale income as a function since 1981. Over the same period about a similar amount, in the form of donations from book sale income, private donations and bequest, has been donated to the library.

The Friends responsibilities to the community go well beyond support of the library. As County Commissioners you are no doubt aware that the Friends is the Fiduciary for the Scott Bequest which is providing much of the funds to build the new Etowah branch library and when completed the bequest will have provided, through the Friends, more than 50% of construction funding for this project. An additional \$40,000 will be provided directly by the Friends to purchase much of the soft furnishings for the new building. These funds are not part of the annual donation to the library.

Mr. McKenzie-Wilson presented the Commissioners with a copy of the recently published book by Bill Mitchell, “Buildings as History, The Architecture of Erle Stillwell.” Friends sponsored and funded the publishing and printing of this book. In years to come this work will be looked upon as a definitive statement of the architectural history of Henderson County and could well be placed in the same class as the Baker-Barber Collection of historic photographs of Henderson County.

Chairman Moyer thanked Mr. McKenzie-Wilson on behalf of himself and the Board of Commissioners for the book.

Mr. McKenzie-Wilson noted that they held their annual sale the first three weekends of September after the Apple Festival. They are located at 1940 Spartanburg Highway.

#### **Moseley Architects Presentation**

Jim Wilhide of Moseley Architects provided a power-point presentation which will be attached as part of these minutes.

The Board discussed the scoring procedures and how a building was determined to be LEED certified. Mr. Wilhide informed the Commissioners that it was a point system. There is a potential for around 79 points.

Out of the 79 points, 29 are needed to be certified. The Board was curious as to how the current schools would score based on the present plans that had been presented.

Mr. Wilhide stated that he would try to do a study to determine how the current schools would score.

Bo Caldwell of the Henderson County Public Schools explained that the schools had done a lot of energy management work trying to conserve energy. They had never done a tally for LEED certification.

Discussion Followed.

*Commissioner Young made the motion that the Board approve additional funding up to \$750,000 for two schools to obtain LEED certification and with the agreement that the school system develop a report of the savings they are achieving and provide it to the Board. All voted in favor and the motion carried.*

### **Revision of Economic Development Incentives Guidelines**

County Attorney Russ Burrell stated that these revisions have been reviewed by and are advocated by Andrew Tate, President and Chief Executive Officer of the Henderson County Partnership for Economic Development.

These guidelines are to be used in the typical case, but by approval the Board is not limited in incentives grants to grants conforming with these guidelines. They are meant as a guideline to be used in dealing with possible investment partners, and are not intended to in any way limit this Board's discretion under North Carolina law in dealing with issues of community development.

The revised Guidelines are as follows:

#### **Economic Development Assistance Guidelines**

The following guidelines are adopted to promote diversified economic development, encourage growth in the property tax base, improve recruitment of business and industry, enhance job creation, and to continue Henderson County's ability to function as a local center of commerce and industry. All economic development assistance is offered at the discretion of the Henderson County Board of Commissioners ("the Board").

#### **1) General**

- a) The companies that seek economic development assistance must first submit a letter requesting such assistance and a completed economic development grant application. The letter must demonstrate that a project is under consideration ("the project"), that Henderson County is being considered as a possible site for the project (but that other sites are under consideration as well), that no final approval of the project has been made, and that without County assistance, Henderson County would be at a relative competitive disadvantage in obtaining the project.
- b) Projects must neither have started construction nor been publicly announced prior to consideration of the application.
- c) Economic development incentive grants must comply with the N.C. Gen. Stat. §158-7.1 and other applicable general statutes.
- d) The company must enter into a binding economic development and incentives agreement with the County ("the agreement").



- e) The recipient must demonstrate compliance with all program criteria prior to receiving assistance.
- f) Leased properties may qualify if the applicant will enter into a binding lease that exceeds the length of the period for which grant payments will be made under the agreement.
- g) Economic development assistance under these guidelines is limited to new businesses and existing businesses undertaking expansions.
  - I. Assistance under these guidelines will not be awarded to existing businesses contemplating shifting locations within the County.
  - II. An exception may be provided to this provision for business retention activities as described in paragraph 4), below.
- h) There is no right or entitlement to economic development assistance. All such assistance is made at the discretion of the Board.
- i) All statements herein are guidelines and are not intended to limit the discretion of the Board under N.C. Gen. Stat. §158-7.1 and other applicable laws.

2) Projects:

- a) The County may consider providing economic development grants for industrial projects that meet the following criteria:
  - I. Net Minimum increase capital investment of \$1,500,000 or more measured by an increase in the property tax assessment;
  - II. The project must create full-time jobs that pay wages at or above the median industrial wage for Henderson County as listed annually by the North Carolina Department of Commerce Finance Center, and provide health insurance and other benefits at a level commensurate with Henderson County industry.
  - III. Economic development grants for industries may be made in annual payments for up to six (6) years to projects that meet these criteria. The size of the annual grant will be determined as stated below.
  - IV. Industrial projects include corporate headquarters and research and development facilities that qualify under the requirements of NC Article 3J credits.
- b) The County may consider providing economic development grants to non-industrial projects that meet the following criteria:
  - I. The project must create new employment that pays wages at or above the median industrial wage for Henderson County as listed annually by the North Carolina Department of Commerce Finance Center, and provide health insurance and other benefits at a level commensurate with Henderson County industry.

- II. The projects must increase the assessed value of real property by no less than \$1,500,000.
  - III. Non-industrial economic development grants may be made in annual payments for up to five (5) years to projects that meet these criteria. The size of the annual grant will be determined as stated below:
  - IV. Non-industrial projects include professional offices, health care services, back office operations, but exclude residential projects. The following uses are not eligible for non-industrial economical development grants: cemeteries, golf courses, public utility uses, resource recovery facilities, adult uses, private clubs, agricultural uses, abattoirs, mining, landfills, retail uses, personal service uses and telecommunications towers. Mixed-use projects are eligible, but any residential element must have its portion of the investment subtracted from the calculations of tax value. The residential portion of the project may be eligible for other grants for the creation of opportunities for home ownership.
- 3) Grants: Project grants are generally made in annual payments in an amount and for a period as determined in this policy. No payment may be made until the applicant demonstrates compliance with all terms of the agreement. Should any applicant fail to comply with conditions agreed to in the incentives agreement, the applicant shall refund all incentive payments to the County.
- a) Average grant length, up to the maximum lengths stated in paragraphs 2)a)III)and 2)b)III) shall be four (4) years for industrial projects, and three (3) years for non-industrial projects.
  - b) Grant amounts for each project are determined in the discretion of the Board. However, it is intended that average grant amounts for projects will vary directly with the number of jobs created or retained directly as a result of the project, on the following schedule:

**Jobs Created or Retained**

**Maximum Annual Incentive Payment**

1-25	70% of each year's property taxes generated as a result of the project for which the incentives are granted, limited to the period for which incentives are granted
25-50	80% of each year's property taxes generated as a result of the project for which the incentives are granted, limited to the period for which incentive are granted
50-75	90% of each year's property taxes generated as a result of the project for which the incentives are granted, limited to the period for which incentives are granted
75-150	100% of each year's property taxes generated as a result of the project for which the incentives are granted, limited to the period for which incentives are granted
Over 150	120% of each year's property taxes generated as a result of the project for which the incentives are granted, limited to the period for which incentives are granted

- 4) **Business Retention Incentives.** The County may consider providing incentives to retain business and industry under certain conditions. The intent of these incentives is to provide a tool for the County to retain significant tax base and employment in the event of a critical and potentially catastrophic business or industrial closing. Grants cannot be used to subsidize or artificially sustain businesses and industries when job losses or closings appear inevitable. Grants or loan funds under this program are intended to benefit the County, its employees and citizens by increasing worker education, worker and company productivity and long-term industry competitiveness on a global basis. These incentives may not be used to protect companies from local business competition.

- a) Retention incentives may be used for the following purposes:
- b) Funding may be provided in the form of a loan or annual grants.
- c) Conditions of approval include commitment to maintain or increase levels of employment and tax base throughout the period agreed to in the incentives agreement.
- d) The recipient must agree to participate in public information programs about all modernization and employee training efforts in order to share information concerning successes in making local industries more competitive in the global economy.

\$5,000,000 investment in **real** property, 25 new/retained jobs

Current guidelines annual recommended incentive:	\$20,000 <b>each year</b>
Proposed guidelines:	\$16,170 <b>each year</b>

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\$5,000,000 investment in **real** property, 50 new/retained jobs

Current guidelines:	\$20,000 <b>each year</b>
Proposed guidelines:	\$18,480 <b>each year</b>

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\$5,000,000 investment in **real** property, 100 new/retained jobs

Current guidelines:	\$22,000 <b>each year</b>
Proposed guidelines:	\$23,100 <b>each year</b>

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\$5,000,000 investment in **real** property, 200 new/retained jobs

Current guidelines:	\$25,000 <b>each year</b>
Proposed guidelines:	\$27,720 <b>each year</b>

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\$10,000,000 investment in **depreciable personal property** (10 year depreciation), 50 new jobs:

Current guidelines:	\$40,000 <b>each year of incentives</b>
Proposed guidelines:	\$36,960 in <b>first year</b>
	\$33,264 in <b>second year</b>
	\$29,568 in <b>third year</b>
	\$25,872 in <b>fourth year</b>

\$22,176 in **fifth year**  
 \$18,480 in **sixth year**  
 \$14,784 in **seventh year**

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\$10,000,000 investment in **depreciable personal property** (10 year depreciation), 175 new jobs:

Current guidelines:	\$50,000 <b>each year of incentives</b>
Proposed guidelines:	\$55,440 in <b>first year</b>
	\$49,896 in <b>second year</b>
	\$44,352 in <b>third year</b>
	\$38,808 in <b>fourth year</b>
	\$33,264 in <b>fifth year</b>
	\$27,720 in <b>sixth year</b>
	\$22,176 in <b>seventh year</b>

*Commissioner McGrady made the motion that the Board approve the revised guidelines with a minor change. All voted in favor and the motion carried.*

Andrew Tate, President and CEO of Henderson County Partnership for Economic Development came to the podium. He thanked the Board for continuing to be aware of the guidelines and update them. He felt that the guidelines were very flexible and would give the Board a great deal of discretion to award the kinds of projects that the Board feels are valuable to Henderson County.

#### **Policy on Public Use of Facilities and Grounds**

County Engineer Marcus Jones stated that the purpose of this agenda item was to establish the Board's policy on public use of the County's Facilities and Grounds.

Commissioner McGrady questioned item #13 in regard to animals being allowed on County property, Farmcity Day for example. He made reference to #12 and recommended adding "unless advanced provisions have been approved with the application".

Chairman Moyer questioned item #14 in regard to open, pit, or other types of fires being prohibited. He did not understand how the pits in the parks could be used with this wording.

County Manager Steve Wyatt stated that item #14 should read except in designated areas.

Chairman Moyer questioned item #20 in regard to signs, decorations, or other attachments; if someone had a family reunion they would not be able to put up a sign.

Commissioner Young questioned item #1 in regard to the applicant being a Henderson County resident and at least 18 years of age. He did not feel that age limit should be there.

Commissioner McGrady questioned item #5 in regard to the County not accepting reservations for a series of meetings. This item needed to be delineated in order to allow a series of meetings where the primary purpose is to inform the public on an issue.

Commissioner Young stated that there needed to be more emphasis on pets being brought into Jackson Park and requested the policy of a leash law in the park.

Marcus Jones informed the Board that signs had recently been added at the entrance of the parks and deputies are enforcing them.

Chairman Moyer requested that Marcus revisit and revise the issues recognized and bring the policy back to the Board at the next meeting.

It was the consensus of the Board that it be revisited and brought back to the Board.

### **Stormwater Management Continued**

Marcus Jones stated that the purpose of this agenda item was to present options for the Board's consideration regarding development of a County Stormwater Management Program. The three options presented by staff were as follows:

1. No County Program. This option would leave management for stormwater to the State (Department of Environment and Natural Resources) which began July 1.
2. Further Decision. This option will schedule an Agenda Item for a future meeting for the Board to discuss the matter and if needed for staff to research and answer any questions or concerns.
3. Initiate County Program. This option directs staff to start the process for initiating a County "delegated" Stormwater Program similar to our efforts in Sediment and Erosion Control. A tentative schedule for implementation with the various elements of implementation is provided within the May 16<sup>th</sup> presentation.

A power-point presentation was provided and will be included with this set of minutes.

County Manager Steve Wyatt stated that this needed to be done in a very thoughtful and deliberate fashion.

Chairman Moyer was in favor of option number three but not ready to implement an ordinance. He felt that more research and gathering of facts was necessary. What would the cost to the County be?

Steve Wyatt informed the Board that planning type grants were available such as the Clearwater Management Trust Fund Grant.

Discussion followed.

*Chairman Moyer made the motion that the Board move in the direction of having a delegated County Stormwater Program by continuing to gather information, continuing to look at all the options, continuing to see what grants could be available to help in this area, and what the staffing requirements would be; but to continue to look at having our own program. All voted in favor and the motion carried.*

### **Five Minute Break**

A five minute break was taken to change video tapes.

### **Continuation of Discussion Items**

#### **Demolition of Old Animal Shelter**

The purpose of this agenda item was to inform the Board of the Solid Waster Department's plans to demolish the old Animal Shelter. With the following considerations, the old Animal Shelter next to the Soney Mountain Land Fill needs to be demolished as soon as possible:

- The new Animal Shelter is complete and in operation.
- The contract for the construction of the new Transfer station at the landfill is complete and the contractor no longer needs the old Shelter for a staging area.
- The County's Construction and Demolition Landfill will be closing within the year. The debris from the Shelter will go into this Landfill unless the Shelter is demolished after it closes which will greatly increase the cost of demolishing the Shelter.
- The best future use of the property is for Landfill operations to be determined during the FY08 Solid Waste Master Plan. The Shelter building will not be used.
- Solid Waste staff and equipment will perform the demolition in house.
- Prior to demolition, Central Services will salvage any materials or equipment from the Shelter that can be utilized in other County facilities.

*Commissioner Messer made the motion that the Board approve the demolition of the old County Animal Shelter adjacent to the Stoney Mountain Landfill with Solid Waste staff and equipment. All voted in favor and the motion carried.*

#### **Request to begin Etowah/Horse Shoe Small Area Plan**

Commissioner McGrady stated that Section 4 of the Henderson County 2020 Comprehensive Plan calls for a series of small area plans for the unincorporated areas of the County. Those plans were intended to outline the future goals for each area, provide recommendations related to the land use infrastructure, community facilities, agriculture, economic development, and housing among others. Each small area plan was intended to have extensive public input where we enlist the participation of citizens within the study area to put together this plan. The Draft Land Development Code incorporates this recommendation with the idea under the Draft Land Development Code that we would create overlay districts in particular areas of the County as appropriate. Given the development pressures that the Board recognizes in Etowah and Horse Shoe, Mr. McGrady did not see any reason to wait until work is completed on the Land Development Code to begin a small area planning process. If the Board begins the process now in Etowah/Horse Shoe the Board can get a jump start on potentially putting overlay districts in place when we ultimately pass the Land Development Code. Commissioner McGrady was not aware of any conflict or disagreement with respect to the idea of considering overlay districts for a number of areas in the county. Given the obvious problems associated with development in the Etowah/Horse Shoe area he is requesting that the Board proceed with this process.

*Commissioner McGrady made the motion that the Board authorize staff to begin the small area planning process in the Etowah/Horse Shoe area and proceed with appointments of Etowah/Horse Shoe residents to this small area planning process committee.*

Chairman Moyer asked if the Strategic Plan/Comprehensive Plan calls for what order to study, is this consistent with the County's plan?

Planning Director Anthony Starr responded that yes it was consistent with the County plan.

Commissioner McGrady inquired if the County has the capacity to take this on?

Mr. Starr felt that the County did providing they did not go back and do substantial overhaul of the Draft Land Development Code.

Commissioner McGrady questioned what timeframe Mr. Starr anticipates it to take to come up with overlay districts for Etowah and/or Horse Shoe.

Mr. Starr stated that the process typically takes between eighteen and twenty-four months or less depending on the conflict. He noted that in regards to determining the boundaries of the area he expressed that the

appropriate thing to do was when the committee was approved is to charge them with the boundaries up front. The boundaries are largely already defined by the comprehensive plan. Mr. Starr would like to get the committee meetings started by late September or October. The next plan after the Etowah/Horse Shoe is the 191 corridor plan which is the Haywood Road area and then Upward Road.

Chairman Moyer felt that it was important to clarify to the committee as to what can and cannot be done.

*A vote was taken and the motion passed unanimously.*

### **UPDATE ON PENDING ISSUES**

#### **Grand Highlands at Bearwallow Mountain Waterline Extension**

Commissioner Williams stated that the Board had visited this issue at the last meeting and had taken a vote in which the request was denied; he had voted against it. Commissioner Williams was concerned with the following issues:

- The length of the extension – 7 miles total
- The density level of the homes – from 99 homes to 320 with an increase of acreage (The density level did exceed the numbers proposed in the draft land development code)
- Setting a precedence of granting an extension each time a new developer comes along

Commissioner Williams requested that the issue of Bearwallow waterline extension be brought back up for discussion and reconsideration because of a revision made to the request by the developer reducing the number of homes from three hundred and twenty (320) to two hundred forty-nine (249) homes. Two hundred and forty-nine (249) homes would place the project within the proposal of the land development code.

*Commissioner Williams made the motion that the Board reconsider the issue of the waterline extension for the Grand Highlands at Bearwallow Mountain. The vote passed 3-2 with Chairman Moyer and Commissioner McGrady voting nay.*

Commissioner Williams called City Engineering Department representative Dennis Frady to the podium for questions. Commissioner Williams stated that the Planning Staff had already approved this project. Grand Highlands would be built at some level of density. It was not an issue as to whether or not the development would be going in. The level of density would hinge upon the availability of water. From the city perspective, Commissioner Williams asked Mr. Frady if this plan coincides or follows what the city already had in mind to do to correct some of the problems with pressure in the water system that is already in place.

Dennis Frady responded that the city did have intentions to build a tank and increase the pressures on the east side of the interstate which would fall in place with this plan. The city will continue to build a tank at some site, given this or not, to address those concerns.

Discussion followed.

Commissioner Williams felt that the bigger issue was the extension of the line from Hwy 64 to the tank. The concerns he heard from the community largely were that they fear that it would open up for development. Commissioner Williams did not discount this at all however, from his prospective, it is not the waterline extension that is going to dictate development; zoning will dictate the density that occurs and where to place septic systems on property. He does feel that this waterline extension will benefit the community both from a healthier source of water and greater protection from fire to the families. There are benefits to the community as well. If there are improvements in fire ratings there could be lower insurance costs.

Commissioner Williams stated that this was the single most difficult issue that he has faced since serving on the Board.

*Commissioner Williams made the motion that the Board approve the revised request for the extension of waterline based on the fact that the density levels would drop from 320 home sites down to 249 home sites to improve services to the community. The vote passed 3-2 with Chairman Moyer and Commissioner McGrady voting nay.*

## **STAFF REPORTS**

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

There was nothing further at this time.

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

Steve Wyatt addressed issues regarding the restoration of the historic courthouse and the noise and fumes. Mr. Wyatt and the Board had discussed the potential for temporary relocation of some of county offices that are adjacent. They were going to have to move forward with some of those relocations on basically an as needed skeleton type situation. The noise in Human Resources is becoming a health concern in his opinion. The alternative they are looking at is the ground floor of the county building at 100 N. King Street.

Mr. Wyatt stated that one of the Boards objectives for the current year was to do a facility needs assessment leading to a master facilities plan. He believes that the Recreation Advisory Board has met with Commissioner Messer and they are going to be kicking this off on August 2 and will keep the Board apprised of that facility needs assessment and make recommendation back to the Board of Commissioners.

Commissioner McGrady stated that an Energy Plan had been submitted for the county and wanted to know what the status of this was at this point. He also suggested, in regards to the historic courthouse, having an assessment done to see if things had been done with respect to the energy; such as lighting and HVAC.

Mr. Wyatt responded that he would get an update for the Board and questioned how much detail they wanted. He referred to County Engineer Marcus Jones.

Marcus Jones said that it was their intent to look at all the buildings. Several of the county buildings have been audited and they were planning on auditing them all and then apply cost to the recommendations so that they could prioritize the implementation of them to take benefit of the measures that would reduce their cost.

Commissioner Young inquired as to provisions being made to have a generator installed in the basement of the courthouse for power supply purposes similar to the Health and Human Services Building.

## **IMPORTANT DATES**

### **Annual Volunteer Appreciation Banquet**

*Commissioner Messer made the motion that the Board set the 2007 Volunteer Banquet for Tuesday, October 23, 2007 to be held at Highland Lake Inn. All voted in favor and the motion carried.*

### **Set Public Hearing on Noise Ordinance Amendments**

This item was rolled to a future meeting.

### **2008 "Mayors Cup" Raft Race**

Chairman Moyer stated that some of the Board would be participating along with other employees from the county.



Assistant County Manager Selena Coffey made the Board aware that she had two volunteers, County Engineer Marcus Jones and Sheriff Rick Davis.

**CANE CREEK WATER & SEWER DISTRICT**

*Commissioner McGrady made the motion that the Board adjourn as the Henderson County Board of Commissioners and convene as the Cane Creek Water & Sewer District. All voted in favor and the motion carried.*

*Commissioner McGrady made the motion that the Board adjourn as Cane Creek Water & Sewer District and reconvene as the Henderson County Board of Commissioners. All voted in favor and the motion carried.*

**IMPORTANT DATES CONTINUED**

**Set Public Hearing on Economic Incentives Grant**

*Commissioner McGrady made the motion that the Board set a Public Hearing on Economic Incentives Grant for Continental Teves for the next regular scheduled meeting on August 13 at 7:00 p.m. All voted in favor and the motion carried.*

**CLOSED SESSION**

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

- 1. (a)(4) To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body.*
- 2. (a)(6) To discuss the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee.*

**ADJOURN**

*Commissioner McGrady made the motion for the Board to adjourn. All voted in favor and the motion carried.*

Attest:

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Terry Wilson, Deputy Clerk to the Board

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William L., Moyer, Chairman