

DRAFT MINUTES

STATE OF NORTH CAROLINA COUNTY OF HENDERSON

**BOARD OF COMMISSIONERS
FEBRUARY 1, 2010**

The Henderson County Board of Commissioners met for a regularly scheduled meeting at 5:30 p.m. in the Commissioners' Meeting Room of the Historic Courthouse on Main Street, Hendersonville.

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

Also present were: Associate County Attorney Sarah Zambon, Public Information Officer Christy DeStefano, Finance Director J. Carey McLelland, County Engineer Marcus Jones, Planning Director Anthony Starr, Sheriff Rick Davis, Captain Greg Cochran, Tax Assessor/Collector Stan Duncan, Captain Steve Carter, Planner Autumn Radcliff, Delinquent Tax Collector Lee King, Building Services Director Tom Staufer, Planner Matt Cable, Assistant Engineer Natalie Berry, Library Director Bill Snyder, EMS Director Terry Layne, Fire Marshal Rocky Hyder, Soil & Water Conservation District Director Jonathan Wallin, Code Enforcement Director Toby Linville, and officer David Pearce (security).

CALL TO ORDER/WELCOME

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

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American Flag was led by Lee Gover of the Run Abouts 4-H Club.

INVOCATION

Commissioner Mark Williams gave the invocation.

PUBLIC INPUT

1. Dennis Justice – Mr. Justice feels it is ironic that the Board of Commissioners passed a resolution supporting the protection of farmlands after previously hearing a proposal for a soccer complex which would take away several dozens of acres of farmland. He did not feel it was a good idea to take general funds from the County to fund a project which is basically the responsibility of the Town of Fletcher. The other problem with the soccer complex is that most of the fields will be built in a flood plain and this is just the down payment. We need to begin addressing our recreation needs at our high schools. The soccer complex proposal stated they need 8 grass fields or 4 synthetic fields. There are 4 locations that currently have lights, parking, access, bathrooms, concessions, everything you need; East Henderson, West Henderson, North Henderson, and Hendersonville High Schools. This is where the consideration needs to be made for artificial turf. Mr. Justice requested that the Board research Haywood County. Haywood County used lottery money, the NC Education Construction Fund to fund their fields. The fields cost anywhere from \$550,000 to \$650,000. The revenue from rentals would help pay for the fields. Mr. Justice provided his website to the Commissioners: hendersoncountyturf.com.
2. Jeri Peterson – Ms. Peterson spoke in regards to the proposed local storm water recommendations. She was a member of the Etowah/Horseshoe Committee and when they were meeting there was a severe draught and there was ramped development. One of the things discussed, a lot, was water and thanks to the Planning Staff the committee learned a lot about impervious surfaces, pollution of streams and rivers, and water runoff. One of the committee's recommendations was to adopt a local storm water ordinance. This issue should be studied as it relates to the mountains in our area. An ordinance should not be adopted which is geared to the piedmont.

DATE APPROVED _____

DISCUSSION/ADJUSTMENT OF AGENDA

Chairman Moyer requested the addition of three updates under discussion 1) Budget Workshop Follow-up 2) Outstanding Community Plans, 3) Sheriff's Department Update, and one additional Closed Session with respect to economic development.

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

CONSENT AGENDA

Chairman Moyer requested the addition of Item T, Tax Collector's Report and Delinquent Tax Collection Report.

Commissioner Williams made the motion to approve the Consent Agenda with the addition of the Tax Collector's Report and Delinquent Tax Collection Report. All voted in favor and the motion carried.

CONSENT AGENDA consisted of the following:

Minutes

Draft minutes were presented for board review and approval of the following meetings(s):
January 4, 2010 – Regularly Scheduled Meeting

Tax Collector's Report

Deputy Tax Collector Carol McCraw had presented the Tax Collector's Report to the Commissioners dated January 22, 2010 for information only. No action was required.

Tax Refund

A list of 5 refund requests was presented for the Board of Commissioners review and approval.

Suggested Motion:

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

Tax Releases

A list of 79 tax release requests was presented for the Board of Commissioners review and approval.

Suggested Motion:

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

Financial Report/ Cash Balance Report – December 2009

Attached for the Board's review and approval are the December 2009 County Financial Report and Cash Balance Report.

The following are explanations for departments with higher budget to actual percentages for the month of December:

- Dues/Non-Profit Contributions – 3rd quarter FY2010 non-profit contribution paid as of 12/31/09
- Fire Marshal – worker's compensation premium/fire district(s) contracts and annual communications maintenance contract for fire services paid during first half of FY2010
- Rescue Squad – 3rd quarter FY2010 non-profit contribution paid as of 12/31/09

The YTD deficit in the Travel and Tourism Fund is mostly the result of lower occupancy tax collections due to the current local economy, reduced room rates being offered for stays and travel effects from the I-40 landslide shutdown.

The Emergency 911 Communications Fund YTD deficit of \$56,094 is due to the budgeted capital expenditure of funds for the scheduled replacement of Computer-aided Dispatch (CAD) servers in the 911 Center. These expenditures are paid entirely from 911 telephone surcharge fees.

The YTD deficit in the CDBG – 2008 Scattered Site Housing Project Grant Fund is due to the timing difference between the expenditure of grant funds and subsequent reimbursement from the state.

The YTD deficit of \$8,595 in the Edneyville Park Project is recreation equipment purchased and additional soccer field work required by the state that will be reimbursed from the State PARTF Grant. This grant has been extended for six months to complete the additional field work.

The YTD deficit in the BRCC Facilities Repairs and Renovations Project Fund are expenditures that will be reimbursed from future FY2010 financing proceeds.

The YTD deficit in the Solid Waste Landfill Fund is due to the budgeted capital expenditure of \$178K in replacement equipment from which bids were approved at the November 2nd Board meeting.

The YTD deficit in the Cane Creek Water & Sewer District Fund is due to expenditures, including a quarterly loan payment, running ahead of revenues through December.

Suggested Motion:

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

Henderson County Public Schools Financial Reports – December 2009

Provided were the Henderson County Public Schools December 2009 Financial Reports for the Board's information. Staff requested that the Board consider approving the School System's December 2009 Financial Reports as presented.

Suggested Motion:

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

Quarterly Schools Maintenance Report

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

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

Public Records Disposal Request

Staff requested approval from the Board of Commissioners to destroy the list of records provided on the Public Records Disposal Request and Destruction Log in accordance with the County's Records Retention Policy located under Tab 14 of the Henderson county Administrative Manual and the provisions of N.C.G.S. 121 and 132 as the period for retention of these records has expired.

Suggested Motion:

I move that the Board approves the Public Records Disposal Request and Destruction Log as submitted by the Finance Department.

Construction Management Update

Construction Manager David H. Berry & Associates, LLC provided a monthly status report to the Commissioners for Henderson County facilities.

Capital / Facilities Status Reports

Internal Auditor Darlene Burgess had provided a status report to the Commissioners for the period ended December 2009 on Capital and Facilities projects.

U.S. Dept of Homeland Security Grant

The Henderson County Sheriff's Office has been awarded a U.S. Dept of Homeland Security grant for \$64,630. There is no match. An additional \$1514 in local funds will be used. This provides radios to convert the bomb robot from tethered by a communications cable to remote control via radio signals. It also provides two new breathing apparatus units for the bomb squad personnel.

Staff requests that the Board authorize the County Manager to make the budget adjustments to facilitate this grant and authorize the Sheriff to proceed with purchasing and implementation of the grant equipment, and filing for reimbursement.

Suggested Motion:

I move the Board authorizes the County Manager to adjust the budget as necessary, and the Sheriff to purchase and implement the equipment for the U.S. Dept of Homeland Security Grant designated to improve response to hazardous events.

Local Emergency Planning Committee Annual Report for 2009

Pursuant to Article 2-7 of the Local Emergency Planning Committee By-Laws, the 2009 annual report is hereby submitted. The membership roster for 2010 is also submitted for approval. The Board is requested to approve the 2009 LEPC annual report and 2010 membership as presented.

Suggested Motion:

I move the Board approve the 2009 Local Emergency Planning Committee annual report and 2010 membership roster as presented.

2010 HOME Applications

Habitat for Humanity and Housing Assistance Cooperation (HAC) are requesting funding application submission approval for HOME Investment Partnerships Program (HOME) funds. No County matching funds are required nor requested. HOME funds are administered through the Asheville Regional Housing Consortium. HAC is requesting \$125,000 to combine with 2009 HOME funds in order to construct 15 homes in the Ridgecrest Development. The project will provide affordable housing to families earning 80% of area median income or less.

Habitat for Humanity is requesting \$150,000 to attain its Henderson County goal of 10 homes per year. At approximately \$15,000 per home this amount will be used to cover the HVAC system, piping and installation of plumbing, thermal and moisture protection, and flooring. Families served by the project are within the 30-60% income level of the county's median household income.

Planning Staff recommends approving the submission of these HOME funding applications to the Asheville Regional Housing Consortium at their full amount. Board approval is required to proceed with the applications. The complete applications were too lengthy to be included in the agenda packet but are available upon request.

Suggested Motion

I move that the Board approve the HOME applications for the Housing Assistance Corporation and Henderson County Habitat for Humanity.

Water Line Extension – Mona Lisa Foods

The City of Hendersonville has requested that the County comment on the proposed water line extension for Mona Lisa Foods project. The proposed water line is 450 linear feet. The project's location, within the Rural

Transition Area, is consistent with the Henderson County 2020 Comprehensive Plan. A vicinity map, engineers report, project summary, and county review sheet are attached for Board review and action.

Planning Staff requests action by the Board of Commissioners to grant or deny this request.

Suggested Motion:

I move that the Board approve the Mona Lisa Foods water line extension and direct staff to convey the County's comments to the City of Hendersonville.

Resolution in Support of the Designation of the Louise Howe Bailey Room at the Heritage Museum

At the January 19, 2010 meeting of the Local Government Committee for Cooperative Action, a Resolution was adopted in support of the designation of the Louise Howe Bailey Room at the Henderson County Heritage Museum, as a fitting memorial to Louise Bailey.

Suggested Motion:

I move the Board endorses the designation of the Louise Howe Bailey Room at the Henderson County Heritage Museum, as a fitting memorial to Louise Bailey.

Naming of Library's Local History Room

A letter was provided from the Henderson County Public Library Board of Trustees, stating at their meeting on January 14, 2010 the Board voted to request the Board of Commissioner's permission to name the local history room of the library in honor of Louise Bailey.

Suggested Motion:

I move the Board approves naming the local history room at the library in honor of Louise Bailey.

Proclamation – LWV Making Democracy Work Day

The League of Women Voters of Henderson County has requested that the Board adopt the Proclamation designating February 14, 2010 as "LWV Making Democracy Work Day" in Henderson County.

The Board is requested to adopt the Proclamation as presented.

Suggested Motion:

I move that the Board adopt the Proclamation designating February 14, 2010 as "LWV Making Democracy Work Day" in Henderson County.

2009 Grant Applications

Staff had provided information regarding grants applied for in 2009 as an update for the Board's general information. The matrix included information on the grant title, funding agency, the department applying for the grant, the application amount and date, and finally the application status.

No Board action is required. The report is provided for information purposes only.

Renewal of leases (Carland Farms, Inc.; Blue Ridge Amateur Radio Club)

The County has had two fairly long-standing leases for the use of County property:

- 1) The first is with Carland Farms, Inc., for farm property located along the French Board River, and otherwise completely surrounded by Mr. Carland's property. The value of this lease was calculated for previous years by the Tax Assessor's Office, based on the average rental value for farm property. This proposed lease is at that same rent.
- 2) The second is for the monthly use of a part of the Stoney Mountain Center by the Blue Ridge Amateur Radio Club. This rent has not changed in a number of years.

This item would renew these leases.

Suggested Motion:

I move that the Board approve the draft leases for Carland Farms, Inc., and the Blue Ridge Amateur Radio Club.

NOMINATIONS

Notification of Vacancies

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

1. **Agriculture Advisory Board – 1 vac.**
2. **Animal Services Committee – 2 vac.**
3. **Community Child Protection Team (CCPT) – 1 vac.**
4. **Equalization and Review, Henderson County Board of – 5 vac.**
5. **Fire and Rescue Advisory Committee – 1 vac.**
6. **Industrial Facilities and Pollution Control Financing Authority – 1 vac.**
7. **Nursing/Adult Care Home Community Advisory Committee – 1 vac.**
8. **Recreation Advisory Board – 3 vac.**

Nominations

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

1. **CJPP (Criminal Justice Partnership Program) - 3 vac.**

Commissioner McGrady nominated Rick Marshall for reappointment to position #13. *Chairman Moyer made the motion to accept the reappointment of Rick Marshall to position #13 by acclamation. All voted in favor and the motion carried.*

2. **Downtown Hendersonville Inc. – 1 vac.**

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

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

Commissioner McGrady nominated James R. Crafton for reappointment to position #3. *Chairman Moyer made the motion to accept the reappointment of James R. Crafton to position #3 by acclamation. All voted in favor and the motion carried.*

4. **Historic Resources Commission – 1 vac.**

Commissioner Young nominated Terry Ruscin for appointment to position #1. *Chairman Moyer made the motion to accept the appointment of Terry Ruscin to position #1 by acclamation. All voted in favor and the motion carried.*

5. **Home and Community Care Block Grant Advisory Committee – 2 vac.**

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

6. **Juvenile Crime Prevention Council – 9 vac.**

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

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

Commissioner McGrady nominated Kay Ellen Nelson for reappointment to position #6. Commissioner Young had nominated Linda Mohring for position #15 at the January 4, 2010 meeting. Chairman Moyer had nominated Carol Harness for position #15 at the January 4, 2010 meeting. With the opening of another position Chairman Moyer changed his nomination for Carol Harness to position #10. *Chairman Moyer made the motion to accept all three appointments by acclamation. All voted in favor and the motion carried.*

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. Water Supply & Distribution Task Force – 1 vac.

Chairman Moyer stated that Fletcher had provided the name of Bob Davy as their new representative for position #1 and further made the nomination. *Chairman Moyer made the motion to accept the appointment of Bob Davy to position #1 by acclamation. All voted in favor and the motion carried.*

SHERIFF'S DEPARTMENT UPDATE

Sheriff Rick Davis informed the Board that a routine traffic stop on Thursday resulted in the largest marijuana and cash seizure in Western North Carolina's history. The Highway Interdiction Officers unit was just started in March 2009. The 1,084 pounds of marijuana seized has a street value of \$2.6 million. The amount of cash seized was \$1.1 million.

Several years prior a number of Federal prosecutions were done and during that time the Federal Prosecutor for Western North Carolina district recommended that Henderson County focus more on having someone out interdicting the supply of drugs that are coming into our County. By moving a slot from Criminal Investigations to a Highway Interdiction slot this has been accomplished. As of this date the team has secured approximately \$1.5 million in cash and thousands of pounds of narcotics. The same team stopped a person wanted in Texas for 10 years for raping a handicapped individual, and got two Somali nationals that were on the terrorists watch list. Responding to Commissioner Williams, Sheriff Davis stated that the Sheriff's Department gets to keep approximately 40% of the money seized.

DRAFT REGULATIONS FOR DELEGATED COUNTY STORMWATER MANAGEMENT PROGRAM

Planning Director Anthony Starr stated at its meeting on October 5, 2009 the Board of Commissioners directed County staff to draft stormwater management regulations which would allow for development of a countywide delegated stormwater management program. The North Carolina Department of Environment and Natural Resources (NCDENR) Division of Water Quality (DWQ) currently administers the stormwater management program in Henderson County and collects all associated permit revenues. Currently there is 1 engineer assigned to nineteen counties which includes Henderson County. The state mandated program applies everywhere in the County except for Hendersonville, Fletcher and Laurel Park which have their own programs in place.

Staff incorporated the required language from the DWQ's Model Stormwater Management Ordinance into the County's Land Development Code for consideration as a draft text amendment. Staff also modified existing water supply watershed protection regulations, consistent with the State Model Water Supply Watershed Ordinance, to remove duplication in standards, reviews, and approvals between water supply watershed protection and stormwater regulations. These changes simplify and clarify standards, streamline approval processes, and prevent additional unnecessary layers of regulation. Staff has provided an overview of the substantive changes included in the text amendment. A full copy of Chapter 200A, Land Development Code, with proposed changes is located in the office of the Clerk to the Board of Commissioners.

Before taking action on the text amendment, the Board of Commissioners must hold a public hearing. Staff proposes to schedule the hearing for March 1, 2010, at 7:00 P.M., or schedule a special called meeting on or after that date.

Staff requests direction from the Board of Commissioners as to how to proceed. State law requires a public hearing should the Board wish to move toward adoption of the proposed regulations.

NCDENR Division of Water Quality Storm water Management Program

- Program administered from Raleigh
- Permit revenues collected by the State
- Developers required to obtain stormwater permits and install stormwater controls for certain development and redevelopment projects

- State stormwater approvals directly impact certain County issued approvals including those for sedimentation and erosion control and often a change to the stormwater plan. When a developer submits his plan it requires changes to the soil erosion plan as well.
- Requires Henderson County apply for stormwater permits for its facilities.

This program is no more regulatory than the current State program. There are some modifications to the Water Supply Watershed regulations which will better protect water quality but at the same time provide flexibility for the development community. Some parts of our Water Supply Watershed areas that are regulated and designated by the State require Henderson County to implement the rules. Some of the Watersheds are near capacity in terms of what is allowed for a special intensity allocation. Once that allocation is exhausted any new projects would be limited to 24% of impervious surface. This proposal would allow an increase to 70% of impervious surface provided they provide the necessary stormwater controls.

Planner Matt Cable provided a brief overview of requirements currently expected under State rules and what would be required if we proceed. The proposal for modifications for the Water Supply Watershed is going to be based on the State model. We will be switching from the special intensity allocation option to the high density option.

Existing Watershed Low-Density Storm water Standards

- Storm water must be directed away from surface water,
- Concentrated stormwater flow should be minimized, and
- Engineered stormwater controls are not required but might be necessary in certain cases to comply with watershed regulations and standards

Watershed Low-Density Option Amendments

- Lot Size Regulations:
 - Minimum lot size (existing)
 - Average lot size (proposed)
 - Effects of proposed amendment
 - No change to overall density
 - Cluster development provisions removed (proposed)
- No Other Modifications Proposed

Option to Exceed Watershed Low-Density Standards

Special Intensity Allocation Option (existing)

- Available in: WS-11-BW, WS-III-BW, & WS-IV-PA
- Available in: 10% of acreage in each sub district
- Permitted increase: Up to 70% built-upon area
- How Approved: First-come, first serve basis
- Storm water Controls: Not required-may be necessary
- Perennial Surface Water Buffer Required: 100 feet
- SIA Application Fee: \$250
- Issued by: Watershed Administrator or Board of Commissioners

Option to Exceed Watershed Low-Density Standards

Proposed High Density Option

- Available in: All sub districts
- Available to: All acreage in each sub district
- Permitted increase: Varies by sub district (70% built-upon area maximum)
- Storm water Controls: Required (Storm water BMP Manual)
- Perennial Surface Water Buffer Required: 100 feet

- Watershed High-Density Development Permit Application Fee to be determined
- Issued by: Water Quality Administrator Benefits
- Increased development potential with more effective water quality control

The Effect: WS-II-CA

(1000 acres as an example)

- Current Regulations
 - Using no Special Intensity Allocation (SIA not available in critical areas):
 - Maximum built-upon area = 6%
 - 60 acres (1000 x 6%) may be built-upon area
 - Text Amendment
 - Using the High-Density Option:
 - Maximum built-upon area for 100 acres = 24%
 - 240 acres may be built-upon area

The Effect: WS-II-BW

(1000 acres as an example)

- Current Regulations
 - Using all allotted Special Intensity Allocation:
 - Maximum built-upon area = 12%
 - 120 acres (1000 x 12%) may be built-upon area
 - Using all allotted Special Intensity Allocation:
 - Maximum built-upon area for 100 acres = 70%
 - Maximum built-upon area for 900 acres = 12%
 - 178 acres ((100 x 70%) + (900 x 12%)) may be built-upon area
- Text Amendment
 - Using the High-Density Option:
 - Maximum built-upon area for 100 acres = 30%
 - 300 acres may be built-upon area

Stormwater Management Permits

Required for development/redevelopment disturbing:

- 1+ acres (not part of larger common plan of development/sale)
- <1 acre (part of a larger common plan of development/sale)

Not Required for:

- Agriculture,
- Development in the water supply watershed, or
- An individual lot within a subdivision or project operating under a total project stormwater management permit.

Issued by: Water Quality Administrator

There are two separate provisions, as drafted by the legal staff, which makes it clear that these are the state minimums and any regulations above that would be nullified.

Stormwater Project Types

Low-Density Project

- Up to 1 unit per ½ acre or 24% built-upon area
- Structural stormwater controls not required
- Stormwater runoff transported by vegetated conveyances to the maximum extent possible

High-Density Project

- Anything over 1 unit per ½ acre or 24% built-upon area
- Control & treat runoff from 1st inch of rain over a 24-hour period

- Drawdown time a minimum of 48 hours (not more than 120)
- Remove a minimum of 85% of total suspended solids

Stormwater Controls

- Standards outlined in the State's Stormwater BMP Manual
- Required for Stormwater High-Density Projects
- Not-Required for Stormwater Low-Density Projects

Structural Stormwater BMPs

Practices meant to:

- Trap, settle out or filter pollutants from stormwater,
- Alter or reduce stormwater velocity, amount, timing or characteristics, or
- Approximate pre-development hydrology once developed

Maintenance of Stormwater Controls

Operation and Maintenance Agreement

- Binding on current and subsequent owners
- Requires maintenance, repair and reconstruction of Structural BMP
- Recorded with the County Register of Deeds

Annual inspection report must be submitted to County

Inspection of Stormwater Controls

Water Quality Administrator authorized by operation and maintenance agreements to:

- Enter the site, and
- Inspect, monitor, maintain, repair or reconstruct the stormwater BMP

County authorized to conduct inspections or establish inspection programs (ex: inspection a maximum of every 5 years)

It is proposed that a new position of Water Quality Administrator be created. This individual would handle the stormwater regulations and standards, and water supply watershed regulations and standards which would provide a coordinate watershed and stormwater reviews.

Next steps

- Set & hold public hearing
- Adopt text amendments with effective date (established to allow for DWQ review)
- Submit text for DWQ review & approval
- BOC approval of County resolution authorizing administration with Henderson County municipalities
- Municipal approval of resolutions authorizing County administration

Chairman Moyer asked if this service could be provided without additional staff.

Mr. Cable responded yes. The Engineering Department has indicated they can manage this with no additional staffing required.

Chairman Moyer questioned if this meant whatever amount of fees that come in for the projects would be netted additional revenue.

Mr. Cable responded this is correct. Since 2007 nine (9) permits have been issued within the County and 5 of those were actually County permits that the County had to pay the State to acquire.

Commissioner Williams requested the cost of permits.

Mr. Cable stated the permits are \$505 each.

Chairman Moyer, referring to the high-density option, questioned if high-density projects were connected.

Mr. Cable responded these are two entirely different things, under the watersheds ordinance there is a low-density option and a high-density option. They are handled in one sect of NCDENR. Looking at the water supply watershed, the low-density projects establish maximum impervious surface amounts which may or may not meet a stormwater low-density level. They both cap out at 24% but some of the water supply watersheds have lower impervious surface limits than what you find in the stormwater provisions.

Chairman Moyer questioned if we elect the high-density option, will we still will have low-density and high-density projects.

Mr. Cable responded yes.

Chairman Moyer shared an E-mail received from David Weintraub and stated as the Board heard in informal public comments the model ordinance was designed for the piedmont and not necessarily for the mountains.

Anthony Starr responded the Board has the option to go further than what the state regulations are like we do with water supply or soil erosion. However, the regulations currently in place are based somewhat on localized data. The controls that the structures have to be sized for on a project are based upon the rain fall averages for this area. Our rain fall averages are different from the piedmont.

Chairman Moyer questioned if the Board would like to have a workshop in order to get more detail and get a better understanding, or move to a public hearing and invite citizens to make presentations. Chairman Moyer was in support of having a public hearing, hear from the public and then continue.

Commissioners Young and Williams were in agreement.

Commissioner McGrady was concerned that the regular meeting on March 1st would be heavy in agenda and not leave sufficient time for the public hearing.

It was the consensus of the Board to find a dedicated night for the public hearing. He asked the County Manager to look at the calendar to determine the best date.

ALLIANCE FOR HUMAN SERVICES

This agenda item is an effort to keep the lines of communication open. It allows the Commissioners and staff an opportunity to bring the full Board up to date on issues that occur between meetings. It is also a time for staff to ask for direction so that the County's public position on current and upcoming issues can be developed.

The Chairman had received a letter from the Alliance for Human Services stating the Directors had voted to proceed with its decision to dissolve effective February 28, 2010. This delayed dissolution date reflects the Alliance Board's desire to honor the Commissioners' request to delay the dissolution process and their perceived idea that it might be helpful to assist the Commission and County Staff with fiscal year 2010-2011 non-profit human service agency fund requests. Obviously if the Alliance dissolves on February 28, 2010 the finding would not be able to go back to them for further action.

Mr. Moyer, through discussions with McCray Benson at the Community Foundation and United Way, had the feeling they would like to work with the County to see if there is another way of handling this role for the County to avoid duplication. They recognize they have a lot of the information and expertise to make these decisions and would like to find a way to meet the need for dealing with human services. Chairman Moyer stated that he, Steve Wyatt and Selena Coffey will go back and work with the representatives from the other

agencies to see if anything can be put together by mid-year. He has asked Henry Johnson, who was involved with this at the start as Executive Director of United Way, to be a part of this process. No answer has been received to date.

Commissioner Williams questioned the amount of funding lost from the Community Foundation.

Chairman Moyer requested clarification from Selena Coffey, but felt it was in the range of \$15,000 to \$20,000.

Ms. Coffey responded that over the years, with the three partners; United Way, The Community Foundation, and Henderson County, equal amounts were contributed. However, some of the amounts were in-kind amounts; office space, use of a copier or supplies.

Commissioner Young asked if the Board felt it would be more of a benefit to come up with the difference in funds or pursue the route discussed.

Chairman Moyer felt they were one in the same, staffing and financial assistance would be necessary.

Commissioner Williams suggested considering taking the funds from the budget line item "Alliance for Credited Agencies."

It was the consensus of the Board that the Chair, County Manager and Assistant County Manager work with other representatives to come up with a solution.

Ms. Brantley clarified the amounts stating in 2009, The Community Foundation contributed \$10,000.00, Henderson County \$9,000.00, and United Way \$6,000.00 plus \$2,500.00 in in-kind services.

Chairman Moyer felt the other two funders do not believe the current group is meeting the needs to justify their continuation in the project. They are willing to look at a new organization with a new charter that could possibly meet the needs.

OUTSTANDING COMMUNITY PLANS

Assistant County Manager Selena Coffey provided a brief update on community plans. The Board has taken some action on the Etowah/Horseshoe Community plan and the Edneyville Community Plan is in draft form.

Anthony Staff discussed public participation and how comments from the public and the committees are gathered. He provided an overview of the Dana Community Plan – Public Input and Survey for informational purposes only. This is the consistent plan used for each community plan thus far. The Scientific survey is new to the community plans.

- On-line Survey
- E-mail comments via website
- Public Input Session
 - Press Release
 - Fliers in area
 - Committee members recruit residents to meeting
 - Hand-out survey at the public input session
- Scientific mailed survey
 - Independent firm used to ensure anonymity and avoid question bias
 - Surveys returned directly back to firm with pre-addressed envelope
 - Used current tax office records for address mailings
 - 1,000 surveys mailed to households in planning area
 - 27% response rate in Dana area (270) – this is a good response rate (15-30% typical)

- 5.9% error rate
- Much more homes reached than public input sessions which can be self selecting
- Survey Highlights
 - 96% of respondents owned their home, while 4% rented
 - Residency of respondents:
 - 17% - less than 5 years
 - 60% - 20 years or more
 - When asked what the County's policies & regulations should do, these received the highest ratings:
 - Preserve mountain views / ridge tops
 - Preserve the County's rural character
 - Encourage preservation of agriculture
 - When asked what the County should spend money on, these received the highest rankings:
 - Protect farmland in the Dana area
 - Improve roads in the Dana area
 - Protect open space in the Dana area
 - When asked how much their area should grow in the future:
 - 10% said none
 - 35% said not much
 - 49% said some
 - 6% said a lot
 - County received much input regarding intersection improvements, widening roads, and adding traffic lights
 - Improve roads in the Dana area
 - Protect farmland in the Dana area
 - Protect open space in the Dana area
 - Received many comments about preserving historic sites (Stepp Mill), water features, land features, etc.

Public Input

- Should be used as one of several sources of information for drafting goals and objectives
- Committee members' life experience and values will more strongly influence the plan
- Public input best used as a resource when discussing issues to consider and address

Chairman Moyer questioned if the committee was aware of the survey being sent out and how the surveys are being utilized for the plan.

Mr. Starr responded the committee was briefed on all information at their first meeting. By the luck of the draw some of the committee members may have received a survey.

County Manager Steve Wyatt questioned if the committee reviewed the survey prior to it being mailed out.

Mr. Starr responded no.

The Commissioners questioned the accuracy of recipients of the survey and felt that some of the questions were misleading.

Chairman Moyer suggested that an extra effort be made with the next community plan committee to explain the survey, make sure they are comfortable with the survey, and if there are problems deal with them from the start.

Mr. Wyatt asked if the committee had the opportunity to review the questions on the survey prior to the survey being mailed.

Mr. Starr responded no as we are already demanding a lot of the committee's time.

Mr. Wyatt felt this was a mistake and an agenda item for the committee should be a survey with examples of questions explaining that it is a random survey, and they may or may not receive one. When looking at some of the questions, it should have been included "Would you support increased taxes for..." Some of the questions included road maintenance or improvements and this should have been left off as the County is not in the road business.

STAFF REPORTS

County Attorney's Report

There was nothing further at this time.

County Manager's Report

There was nothing further at this time.

BREAK

A short break was taken prior to the public hearings.

PUBLIC HEARINGS

Commissioner Williams made the motion for the Board to go into public hearing with respect to the 2008 Community Development Block Grant Application Update. All voted in favor and the motion carried.

Public Hearing on 2008 Community Development Block Grant Application Update

Planner Parker Sloan stated the 2008 Scattered Site Housing (SSH) Community Development Block Grant (CDBG) application cycle is underway. The Selection Committee, appointed by the Board, has determined which homes to include for rehabilitation. The Selection Committee approves the rating and ranking of all applicants. Any replacement units are selected from this approved list and they are selected by rank. The purpose of this hearing is to receive public comment regarding added participants to this program from the previously ranked list. In addition, this hearing satisfies a requirement the Division of Community Assistance to disclose adding units not previously identified in the original application. It is common for some of the original recipients to withdraw their request or that a determination is later made that they are not eligible for assistance under CDBG rules.

No action is required by the Board except to hold the hearing and receive public comment.

Public Input

There was none.

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

Commissioner McGrady made the motion that the Board go into public hearing with respect to rezoning application #R-2009-03. All voted in favor and the motion carried.

Public Hearing for Rezoning Application #R-2009-03

Planner Parker Sloan stated rezoning application #R-2009-03, submitted on October 14, 2009, requests the County rezone approximately 2 acres of an existing 4.5 acre tract located on Ballenger Road just north of Upward Road. The applicant requests a rezoning from a Residential 1 (R1) to a Regional Commercial (RC) zoning district. The subject area is owned by William Hoffman and Mr. Timothy Hoffman is the applicant's agent. (PIN: 9588-51-5370)

The Subject Area is currently an RV Storage area and partially vacant. The surrounding properties are primarily agricultural with some single family residential homes. The property adjoins adjacent Regional Commercial zoning that is to the south. Applying Regional Commercial will allow for an increase in the number of permitted manufacturing, professional services and warehousing uses. Water and sewer both abut the Subject Area to the west along Ballenger Road. The CCP Land Use Map identifies the Subject Area as being located in the Urban Services Area as well as the Industrial Area. Staff supports the rezoning of the property to a Regional Commercial Zoning District based on the recommendations of the CCP and the adjacent Regional Commercial Zoning.

The Henderson County Planning Board considered rezoning application #R-2009-03 at its regularly scheduled meeting on December 17, 2009. The Planning Board voted unanimously to send forward a favorable recommendation on rezoning application #R-2009-03 to rezone the subject area to a Regional Commercial (RC) zoning district.

PUBLIC NOTICE:

Before taking action on the application, the Board of Commissioners must hold a public hearing. In accordance with §200A-314(C) and §200A-337(B) of the Henderson County Land Development Code and State Law, notices of the February 1, 2010 public hearing regarding rezoning application #R-2009-03 were published in the Hendersonville Times-News on January 13, 2010 and January 20, 2010. The Planning Department sent notices of the hearing via first class mail to the owners of properties adjacent to the subject area and the applicants on January 15, 2010 and posted signs advertising the hearing on the subject area on January 20, 2010.

Planning Staff recommends approval of the application to rezone the subject area from a Residential 1 (R1) zoning district to a Regional Commercial zoning (RC) district.

Public Input

There was none.

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

Commissioner Williams made the motion that the Board approves rezoning application #R-2009-03 to rezone the subject area from a Residential 1 (R1) zoning district to a Regional Commercial (RC) zoning district based on the recommendations of the Henderson County 2020 Comprehensive Plan. All voted in favor and the motion carried.

BUDGET WORKSHOP FOLLOW-UP

Chairman Moyer stated the intent is to discuss a number of budget items further and attempt to give staff some guidance with respect to preparation of the budget.

County Manager Steve Wyatt stated staff had worked together and put the following information together.

Emerging Issues Identification

CAPITAL FACILITIES

● Law Enforcement Center
Geopier Option - \$590,919 Estimate
\$6,590,919 Total Budget Estimate

	FY2011	FY2012	FY2013	FY2014	FY2015
Annual Debt Service	+\$572,000	+\$572,000	+\$572,000	+\$572,000	+\$572,000
McCallister Lease		-\$36,000	-\$36,000	-\$36,000	-\$36,000

Parking Lot Lease		-\$10,800	-\$10,800	-\$10,800	-\$10,800
Total Net Cost	\$572,000	\$525,200	\$525,200	\$525,200	\$525,200

Law Enforcement Center
 Basement Option - \$1,562,815 Estimate
 Minus \$125,000 Cost Savings for Evidence Center = \$7,437,815 Total Budget Estimate

	FY2011	FY2012	FY2013	FY2014	FY2015
Annual Debt Service	\$645,789	\$645,789	\$645,789	\$645,789	\$645,789
McCallister Lease		-\$36,000	-\$36,000	-\$36,000	-\$36,000
Parking Lot Lease		-\$10,800	-\$10,800	-\$10,800	-\$10,800
Total Net Cost	\$645,789	\$598,989	\$598,989	\$598,989	\$598,989

Basement Option – Additional Square Footage

- Basement Option adds 20,000 square feet
- Additional \$ Estimate = \$846,896
 - (\$1,562,815 Basement Option - \$590,919 Geopier Option - \$125,000 Evidence Building)
- Cost per additional square foot = \$42.34
- Debt Service difference = \$73,789
- Option: Pay for basement from capital reserve and repay from sale of Nuckolls Building
- Building the Capital Reserve Fund – Nuckolls Building Value*
 - Value of Land \$ 339,700
 - Value of Building \$1,022,600
 - Total \$1,362,300

*Source – Henderson County Tax Assessor

● Mills River Library – Full Time Staff

- Representative cost of Library Tech I personnel = \$38,143

Chairman Moyer felt that if the Board is looking at adding staff in libraries, they must take a look at the current libraries since cuts have been made to see whether the staffing needs are being met there before adding additional people in Mills River.

The Board requested staff take a look at the Mills River position and also look at staffing at other branches, particularly the main branch, to see if changes are necessary and provide the Board with options.

● Recreation

- \$50,000 request for East Flat Rock Park
- PARTF Grant executed 1.29.2010
- Jackson Park maintenance needs and capital improvements – Staff engineers will review an report to the Board in 60 days
- Edneyville Community Center - \$50,000 request

Chairman Moyer felt the \$50,000 request from Edneyville Community Center would be a match for ground improvements. The Board needed additional information for clarification.

The Board requested that staff come up with a list of priority maintenance needs and capital projects for all parks, cost them out and put the budget together with recommendations to the Board.

Commissioner Messer would like to see money put into the budget for Flat Rock Park and the Edneyville Community Center.

Commissioner Williams would like to see a comprehensive list of all capital projects with numbers in order to prioritize the needs.

Commissioner McGrady feels that money needs to be put into recreation.

County Manager Steve Wyatt and staff will be providing more information on artificial turf.

● Budget – Revenue Assumptions

- No increase in the property tax rate
- Overall property tax base growth 0.77%
- Negative sales tax projections
- Lower projected Investment Earnings
- No incorporations
- Fund balance appropriated
- Loss of \$750,000 ADM Revenue

Chairman Moyer felt the revenue assumption was the best projection based on the current information.

The Board felt strongly about not setting the fund balance figure until they have gone through the budget and made determinations to see how much fund balance appropriation would be necessary. The sales tax numbers need to be monitored closely.

● Budget – Expenditure Assumptions

- County Government – slight decrease
- No new programs or positions
- Education expenses increasing \$750,000 in County funds due to loss of ADM
- Includes debt service for Apple Valley/North, School Maintenance and Repair Initiative
- BRCC previously approved capital projects
- Includes new debt service for County Government previously approved capital projects
- No growth percentage projected for Mental Health Maintenance of Effort funding, or grant funded programs
- Flat fuel costs (gas and diesel)
- 10% increase in Electricity

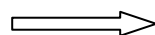
Discussion was held in regards to the newspaper write up about the North Henderson/Apple Valley project being dead. The Board did not discuss this and it was included by staff in the budget workshop as an option. The Board is still committed to this project.

In respect to education expenses it was the consensus of the Board to start with a flat rate for purposes of getting the budget together they will look at it again at a later date.

● Budget – Fund Balance

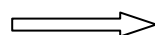
To Fund Projected FY 11 Current Obligations...

Fund Balance (State mandates 8%)
(over 12% BOC Policy)



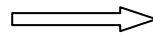
\$13,221,670

Needed to fund FY 10-11 Projected Budget



\$ 4,037,932

Remaining Fund Balance
(over 12% BOC Policy)



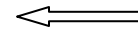
\$ 9,183,738

● FY 2011 – New Debt Service Projects

• Apple Valley/North (?)	\$ 745,166
• Public Schools Repair Projects	\$ 505,122
• BRCC Repair Projects	\$ 235,000
• Law Enforcement Center	\$ 645,789
• Former Health Department	<u>\$ 125,000</u>
	\$2,256,077
• Loss of ADM Revenue	<u>\$ 750,000</u>
Total	\$3,006,077

• Offsetting Funding

○ FY 2010 Budgeted Debt Service	\$ 216,233
○ FY 2010 Capital Reserve Fund	\$ 0
○ FY 2011 Debt Service Roll-off	<u>\$1,083,795</u>
Total	\$1,300,028



• **Difference in needed debt service for FY 2011 = \$1,706,049**

● EMS Response Time – Additional Base Station

UNIT	COSTS	COMMENTS
Ambulance	\$120,000	
Zoll Monitor	\$30,000	
Equipment	\$25,000	IV Pump, Suction Unit, Laptop, Jump Kit, etc.
Stretcher	\$10,000	Power Lift
Total Ambulance	\$185,000	Unit and Equipment

Personnel		
12 hour shift	\$180,000	Full Time Peak Crew (4 personnel) 12/7 coverage
24 hour shift	\$360,000	24/7 coverage (8 personnel)

Based on the Board's discussion Staff is evaluating response times across the County. Preliminary indications are the Fletcher is well covered within the 9 minute initial response goal. Etowah and Crab Creek are the two areas that were identified as concerns during our last response time evaluation although the call volume is low in these areas. We will have more definitive information once we get the information from dispatch to the GIS Department.

It is difficult to quantitatively reduce EMS response times across the County by one minute from the EMS operations perspective due to differences in each community (e.g. Etowah and Crab Creek only have one major road serving the area).

● Additional Issues

- Affordable Housing – Staff will report to the Board in 60 days
- County Salaries – Staff will provide the Board several options to consider in the budget.
- Agriculture Issues – Staff will report to the Board in 60 days

- Outside Agency Funding – Staff will report to the Board in 60 days

County Manager Steve Wyatt stated in regards to the Law Enforcement Center and the old health department building, these projects are at a point where the architects are basically standing down waiting for direction. The proposed cost of the health department was approximately \$1.46 million which is under the \$1.5 budget but there are additional items that have been recommended to go forth with, perhaps as options or alternatives. With the Law Enforcement Center basically the issue is the geopier or basement option.

Commissioner Williams noted even though “no new positions” was noted the Board has discussed increasing staff at libraries.

Commissioner McGrady felt these were exceptions with the extent that has been discussed.

Commissioner Messer felt the Board should move ahead with the old health department and further recommended going with the basement option in the Law Enforcement Center. He had originally voted against the Law Enforcement Center because of timing. He feels the economy is not much better but a decision must be made.

***Commissioner Young made the motion that the Board proceed with the Law Enforcement Center with the basement option and use capital reserve funds to pay the difference in the increased cost, replacing the capital reserve funds with the proceeds from the sale of the Nuckolls building.*

Commissioner McGrady was in agreement that the Board should move ahead with the old health department, and the Law Enforcement Center with the basement option. He had no opinion either way with the option to use the capital reserve funds to pay the difference in the increased cost for the basement.

Commissioner Williams supports the motion.

Chairman Moyer is against the motion as he feels it is not the time to move forward with the Law Enforcement Center and it is a bad message to the public to spend this amount of capital money and raise our debt. The school project does have to be done as it is a pressing and essential need.

***Commissioner Young amended his motion to include that the budgeted \$6,000,000 would be financed and the difference in cost for the basement option in the amount of \$1,437,815 would be taken out of the capital reserve fund. The voted passed 4-1 with Chairman Moyer voting nay.*

Discussion followed in regards to the old health department and alternatives or options.

Commissioner Young made the motion to proceed with the renovation of the old health department including the sewer line and windows options, and the roof trussing and parking would be bid as separate options. All voted in favor and the motion carried.

IMPORTANT DATES

Set a public hearing for assignment of new road names

Planning Department staff requests the Board to set a public hearing to consider assignment of new road names.

New Road Names

Thunder Cloud Trl (new road name)

Cove Park Ln (new road name)

Both road name assignments are required the Henderson County Property Addressing Ordinance (Chapter 142). North Carolina General Statute 153A-239.1 and the Property Addressing Ordinance require the Board

to hold a public hearing prior to assigning a new road name. Assignment of the new road names, as presented, will avoid possible confusion when responding to emergency situations.

The Planning Department staff requests the Board to set a public hearing for Monday, March 1, 2010 at 7:00 p.m.

Commissioner McGrady made the motion that the Board set a public hearing for assignment of new road names for Monday, March 1, 2010 at 7:00 p.m. All voted in favor and the motion carried.

Cancel February 17, 2010 Regularly Scheduled Meeting

Chairman Moyer made the motion that the Board cancel the regularly scheduled February 17, 2010 Board meeting. All voted in favor and the motion carried.

Staff would look at possible dates to schedule a public hearing in regards to stormwater and set the date at the March 1, 2010 regularly scheduled meeting.

CANE CREEK WATER & SEWER DISTRICT – no business

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 reason(s):

1. (a)(3), to consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body.
2. (a)(4), to discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body.

All voted in favor and the motion carried.

ADJOURN

Commissioner McGrady made the motion that the Board go out of Closed Session and adjourn at 9:05 p.m. All voted in favor and the motion carried.

Attest:

Teresa L. Wilson, Clerk to the Board

William L. Moyer, Chairman