

## **DRAFT MINUTES**

### **STATE OF NORTH CAROLINA COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS  
APRIL 5, 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, County Attorney Russ Burrell and Clerk to the Board Teresa L. Wilson.

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, Research/Budget Analyst Amy Brantley, Tax Assessor/Collector Stan Duncan, Captain Greg Cochran, Sheriff Rick Davis, Animal Services Director Brad Rayfield, Transportation Planner Hope Bleecker, Construction Manager David Berry, Code Enforcement Director Toby Linville, Register of Deeds Nedra Moles, Planner Autumn Radcliff, Travel & Tourism Executive Director Melody Heltman, Travel & Tourism Assistant Director Gabby Snyder and officer David Pearce (as 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 Kyle Fritz, President of the Mountain View 4-H Club.

### **INVOCATION**

Sandy Brown of the Henderson County Ministerial Association gave the invocation.

### **INFORMAL PUBLIC COMMENT**

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

1. Carolyn Mikytuck – “I’m here to speak about the driveway at the Activity Building on Stoney Mountain Road. I think there are about three hundred people that use that building on a weekly basis. I know I go three times per week. The road is deplorable and there will be others that speak to that. I’ve been told several times, as I’ve sent petitions and questions to the Parks and Recreation Commission, that there is never any money and we are very low on the agenda. I’d just like to make a suggestion. I understood that there was going to be some improvement to the road at the landfill. We are right next door and I wondered if it might not be a good idea to see while we have the equipment maybe the manpower and supplies there that our road could be fixed at that time and it might be able to be incorporated into that project. That was my suggestion.”

Chairman Moyer noted that response is not usual but since this item has been discussed recently he asked the County Manager to provide an update.

Steve Wyatt stated this item has been discussed recently including preliminary information in regards to the road, roof and other issues that are maintenance and repair issues for all parks. The plan is to bring a public update at the next meeting which will include this project. One of the conversations with the County Engineer is that as the improvements are done for the Solid Waste Master Plan, it would make perfect sense to include the road improvements should the Board decide to move ahead with the plan at that time.

2. Alan Bly – “I’m here as well to speak about the Stoney Mountain Recreation Center, so just a few comments. This is a facility that is used year round by over twenty-two thousand patrons. These patrons

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

range in age from 3 to 86 years at least and represent a wide cross section of the counties demographics. The facility is open Monday – Saturday as early as 8:00 a.m. and is open until 9:00 p.m. or later in all lighting and weather conditions. Stoney Mountain is a vital and necessary facility for the residents of Henderson County for learning and recreation activities and we appreciate the use of it very much. A major concern of many Stoney Mountain patrons is the condition of roads, lack of parking, and the night time lighting. The facility is used in all weather conditions and at night these roads can be dangerous for people potentially lurking around. It's also an inconvenience to the patrons when they are walking through potholes, mud holes – full of water without repair and minimal lighting. The paved roads and paved parking would be an ideal solution and I know that not going to happen probably any time soon. Money is tight and we realize that and we would ask the County to consider, which it sounds like you are and we appreciate that, an interim solution. Instead of just patching the road with gravel here and there time after time, and it continuously washes away, gets soft, and sinks in, and not adding any extra parking, just put some railroad bedrock in these numerous potholes and soft spots and parking areas to firm up the traveled areas which frequently do wash away. Maybe spread a little more crush and run or road bed on the roads to firm up the surface and make them better to travel and to walk on during implement weather conditions in particular, and maybe put some rip rap in the drainage ditches that keep washing away and potentially some corrugated drain pipes as needed. With very little effort and minimal county funding Stoney Mountain could be a much safer and friendlier place for the more than twenty-two thousand people that do use that each year. I appreciate your time and consideration.”

3. Ronald Vaughn – “I’m Ronald Vaughn, the administrator of Cherry Springs Village and Assisted Living Facility on Clear Creek Road. In January of this very cold and brutal winter we had the nightmare of nightmares for an assisted living facility. On the 7<sup>th</sup> of January pipes burst in the east wing of the building, on the 10<sup>th</sup> of January pipes burst in the north wing of the building and we had to evacuate all but 6 residents. Forty-eight residents were evacuated from Cherry Springs Village and we are grateful to the facilities that took those residents in and cared for them for approximately 4 weeks as we repaired and made safe for our residents the Cherry Springs Village. I’m here tonight to tell you how proud you ought to be of the Emergency Services of Henderson County. I’m here tonight to tell you that Mr. Hyder and Mr. Hollis, first responders from Mountain Home, Henderson County Rescue Squad, Arc Angel, Henderson County EMS, Fire Departments and their mutual aid departments, Department of Social Services, Laurels Skilled Nursing Facility, and I’m probably leaving somebody out, and if I am I beg your pardon. But, the people that responded to that emergency did a monumental job of response. I’m an old man and a right old administrator, it is a nightmare to think of evacuating a building of frail, elderly people. No one was injured. The event occurred flawlessly. Within a few weeks we were back in the building at full steam, everybody well, up and Adam. But I come tonight to say Henderson County Emergency Services were exemplary in their work twice within four days to help assist us to make this move in transition. So, you tell the appropriate people that Cherry Springs Village is grateful and also on behalf of the fifty-two residents that were in the building that night, they are grateful too. We appreciate the services.”
4. Wanda Juneke – “I teach line dance at the Stoney Mountain Activity Center and many of the concerns that I have, have already been addressed so I want reiterate them. I do want to mention the gravel parking areas are limited and getting stuck is a possibility and this has happened recently. I often hear comments of concern made by those entering the building because they have just encountered the conditions of the roads and the potholes while they are trying to park. A large number of participants in the programs offered by the Department of Parks and Recreation are retirees whose taxes provide a large portion of Henderson County’s tax revenue. These citizens do not use or have little impact on many of the services provided by their taxes such as schools, police and so forth. The services they do use are the parks and recreation centers; Stoney Mountain being one of them and few of their tax dollars are being used to benefit them in this regard. Temporary fixes to the road conditions are just that and they quickly wash away...that’s creating yet another problem, the same one all over again. The Stoney Mountain Activity Center has an important function in our community. As was mentioned the residents range in age from young children to retirees who participate in activities there and they are worthy of the funding necessary to make it a place of enjoyment and pride. The feelings expressed to me by those who use the center is

that there is little hope that they will heard or that these needed improvements will be addressed. I'm here to appeal to you to hear and include these concerns in the July 1<sup>st</sup> budget. Thank You!"

5. Kimberly Scott – (Summer Stipe was also present and handed out business cards for “Our Kids”.) “Thank you for having me and good evening Commissioners. My name is Kimberly Scott. I work for the Children and Family Resource Center. I'm here tonight to extend a personal invitation to all of you to ‘Our Kids...our future’ – A Town Hall Meeting on April 16, 2010. A couple of you have already registered to attend and we hope to see all of the Commissioners and County Managers there that day. Our Kids...our future is being held in response to a community priority to increase access to early preschool education. This priority was set by citizens of Henderson County at ‘Speak out for Kids’ in 2007. It was the number three overall priority and the top education priority. We have a terrific line up of speakers including Rob Greenwald an Associate Economist of the Federal Reserve Bank, who will discuss how communities benefit when they invest in early childhood education. There will also be a question and answer time for citizens and their legislators. Summer is passing out some cards with the event and registration information. Right now early childhood education is a hot topic in the NC General Assembly. In the upcoming weeks decisions will be made about our early childhood education system. This event is attracting Senators and House Representatives from throughout Western North Carolina. Having a strong infrastructure of quality early child care and early childhood education enables our county to attract new industry and help employers attract and retain employees. I'm sure you would all agree parents are much more productive knowing their children are in good hands. How we invest today has a direct impact on our county's economic health. ‘Our Kids...our future’ will be held on the campus of Blue Ridge Community College at the conference hall. The event runs from 8:00 a.m. until 11:00 a.m. and is free. Doors open at 7:30 a.m. with a continental breakfast. You can also register on-line at [www.OurKids2010.com](http://www.OurKids2010.com). Again I hope you will be able to join us for ‘Our Kids...our future,’ A Town Hall Meeting. Thank You!"

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

Commissioner Williams suggested that the matter of a public hearing in regards to prayer be moved to the beginning of the meeting from Important Dates.

Chairman Moyer requested the addition of Discussion Item G – Traffic Flow and Signal Issues in Hendersonville. He further requested the addition of Important Dates Item D – Budget Schedule Overview. Commissioner Young requested Consent Agenda Item R – Resolution regarding Municipal Participation in Abandoned Mobile Home Grant Program, be pulled as Discussion Item H.

*Commissioner McGrady made the motion to approve the agenda with the changes noted. All voted in favor and the motion carried.*

#### **IMPORTANT DATES**

##### **Set Public Hearing on Prayer**

Chairman Moyer noted that the Commission had been looking for a place large enough to seat everyone for the public hearing. During the last attempted meeting we were at overflow capacity. Arrangements were made with Blue Ridge Community College for the Bo Thomas Auditorium. Audio coverage is possible and all attempts are being made for video coverage to be aired on Channel 11.

*Commissioner Williams made the motion that a public hearing regarding the issue of public prayer be scheduled for May 25, 2010 at 7:00 p.m. at Blue Ridge Community College, Bo Thomas Auditorium. All voted in favor and the motion carried.*

#### **CONSENT AGENDA**

*Commissioner Messer made the motion to approve the Consent Agenda minus item R - Resolution regarding Municipal Participation in Abandoned Mobile Home Grant Program. All voted in favor and the motion carried.*

CONSENT AGENDA consisted of the following:

**Minutes**

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

March 1, 2010 – Regularly Scheduled Meeting

**Tax Collector's Report**

Deputy Tax Collector Carol McCraw had presented the Tax Collector's Report to the Commissioners dated March 26, 2010 for information only. No action was required.

**Financial Report/ Cash Balance Report – February 2010**

Provided for the Board's review and approval are the February 2010 County Financial Report and Cash Balance Report.

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

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 1/31/10

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 \$7,409 is temporary and 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 and the CDBG – Warm Company 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 until May 1st 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 temporary YTD deficit in the Solid Waste Fund is due to a timing issue from two monthly hauling contract invoices (\$406,105) having been paid in February and a large payment (\$148,698) for the purchase of approved capital outlay equipment.

The temporary YTD deficit in the Cane Creek Water & Sewer District Fund is due to a quarterly loan payment (\$99,116) on sewer project debt paid in February.

Suggested Motion:

*I move that the Board of Commissioners approve the February 2010 County Financial Report and Cash Balance Report as presented.*

**Henderson County Public Schools Financial Reports – February 2010**

Provided were the Henderson County Public Schools February 2010 Financial Reports for the Board's information. Staff requested that the Board consider approving the School System's February 2010 Financial Reports as presented.

Suggested Motion:

*I move that the Board of Commissioners approve the Henderson County Public Schools February 2010 Financial Reports as presented.*

### **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 January 2010 on Capital and Facilities projects.

### **Animal Services Budget Amendment**

In FY08-09, the Animal Services Department received a cash endowment specified to be used at the Center. The Animal Services Director has identified a need for fencing and gravel at the facility, and is requesting that the funds allocated from fund balance for this purpose. The estimated cost for both the projects is \$12,525, which is within the amount of the endowment.

A budget amendment to transfer the necessary funding from fund balance to the Animal Services budget for the project was provided for the Board's consideration.

Suggested Motion:

*I move that the Board of Commissioners approve the budget amendment provided to appropriate \$12,525 in fund balance for fencing and gravel at the Animal Services facility.*

### **Adopt Resolution and Amended Budget for Henderson County's 2009 CDBG Hookup Grant**

Two resolutions were provided: one amending the FY2010 Budget required for the county to begin the 2009 Community Development Block Grant, and one specifically authorizing the Planning Director to Sign DCA Reports and Documents. A copy of both resolutions are hereby attached and incorporated as a part of the minutes.

Suggested Motion:

*I move that the Board approves the resolution authorizing the Planning Director to Sign DCA Reports and Documents for Henderson County. I further move that the Board approves the provided resolution amending the Fiscal Year 2010 Budget regarding this project.*

### **Approval to surplus two Sheriff Office vehicles**

The Sheriff's Department is requesting that the Board authorize the department to surplus two Sheriff's Office patrol vehicles, transfer them to Blue Ridge Community college (BRCC) and sell the associated vehicle equipment to BRCC for \$8,000. The vehicles and associated equipment would be used by BRCC for their Basic Law Enforcement Training (BLET) Program. The \$8,000 would be applied to new (replacement) equipment for application on FY10 vehicle purchases.

Suggested Motion:

*I move the Sheriff and the County Manager be authorized to surplus two Sheriff's Office patrol vehicles and transfer them to Blue Ridge Community College (BRCC); the associated equipment shall be sold to BRCC for \$8,000; and the Sheriff shall apply the \$8,000 toward new equipment for approved FY10 patrol vehicle purchases.*

**Approval to purchase new vehicle for Detention Center**

The Board is requested to approve the purchase of two vehicles for the Detention Center. The vehicles were not specifically approved as part of the FY 2009-2010 budget process, therefore Staff requests that the Board approves these purchases. The Detention Facility does have funding within their current budget to cover these vehicles.

Suggested Motion:

*I move the Board approves the purchase of two vehicles for the Detention Facility, and authorizes Staff to process the necessary budget amendment.*

**Traffic Equipment Grant**

The Henderson County Sheriff's Office requests that the Henderson County Board of Commissioners ratify the grant contract resolutions provided. The first request would provide traffic enforcement equipment, and the second would fund two additional Deputies dedicated to Traffic Enforcement. The resolutions and project proposals were provided for additional information. A copy of the resolution is hereby attached and incorporated as a part of the minutes.

Suggested Motion:

*I move the Board ratify the Chairman's signature on the applications for the Traffic Safety Project Contract.*

**Surplus Vehicles**

A resolution was provided for the Board's consideration declaring a list of vehicles no longer used by the county as surplus property. The resolution also authorizes staff to advertise the surplus vehicles for sale by electronic public auction at [www.govdeals.com](http://www.govdeals.com) after the required advertisement of the sale.

Suggested Motion:

*I move that the Board approves the resolution declaring the list of vehicles as surplus and authorize staff to sell the surplus vehicles by electronic public auction utilizing GovDeals auction services after the required advertisement.*

**Register of Deeds – Request to Use ROD Restricted Funds for Automation, Enhancement and Document Preservation**

The General Assembly enacted legislation in 2002 that required counties to place 10 percent of certain revenues generated by the Register of Deeds Office into a fund to pay for automation enhancement and document preservation. This fund is a portion of the County's Restricted General Fund Balance.

A budget amendment to use the Register of Deeds Restricted General Fund Balance for additional funds necessary for document preservation was provided for the Board's consideration. \$2,500.00 is needed to purchase extra shelving for books in the record room. The current budget allowed for some shelving, but it is necessary for extra shelving to be purchased, due to placement of the shelving (back to back, rather than side to side). Additionally, the Register of Deeds is requesting to reimburse 2 line-items: \$4,740 to printing and binding for the purchase of hangers and archival envelopes for housing plats, and \$3,840 to contracted services for the purchase of a development of an indexing application that allowed for modification of proof dates.

Suggested Motion

*I move the Board of Commissioners approves the budget amendment provided to use \$11,080 in Register of Deeds Restricted Fund Balance for the line-items specified.*

**Joint Cooperation Agreement with the Asheville Regional Housing Consortium**

Henderson County has been a participating member of the Asheville Regional Housing Consortium since its inception. This allows the County to receive annual planning level allocations for rehabilitation and

construction of affordable housing within our County. In order to continue our designation and involvement as a participating jurisdiction and receive annual funding allocations, the Asheville Regional Housing Consortium must execute a new Joint Cooperation Agreement and submit the documentation to HUD by June 30, 2010. The resolution provided authorizes the Chairman of the Henderson County Board of Commissioners to enter into this Joint Cooperative Agreement with the Asheville Regional Housing Consortium. This agreement contains an automatic renewal clause, per HUD requirements. From this point, the Board will not need to renew this agreement every three years, but will have an opt-out option at the end of each three year period. A copy of the resolution is hereby attached and incorporated as a part of the minutes.

**Suggested Motion:**

*I move that the Board adopts the Resolution provided and authorizes the Chairman to enter into the Joint Cooperation Agreement with the Asheville Regional Housing Consortium.*

**Proclamation - Sexual Violence Awareness Month**

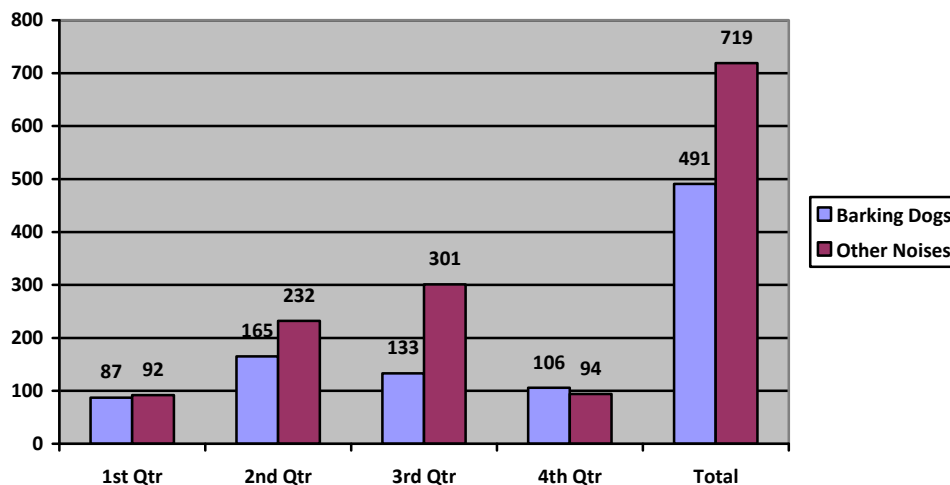
The Healing Place has requested the Henderson County Board of Commissioners adopt a Proclamation, proclaiming the month of April as Sexual Violence Awareness Month. Additionally, The Healing Place is planning a "Raising Awareness" ceremony on Thursday, April 8th at 3:00 at the Historic Courthouse courtyard.

**Suggested Motion:**

*I move that the Board adopts the proclamation provided, proclaiming the month of April as Sexual Violence Awareness Month.*

**Noise Ordinance Update**

Lieutenant Ben McKay provided the Board with an update on the status of the Noise Ordinance.



**Blue Ridge Community Health Services - NC Rural Center Grant for Blue Ridge Community Health Services**

Blue Ridge Community Health Services (BRCHS) has approached Henderson County regarding a grant opportunity for their new medical building. The Rural Health Care Initiative, through the NC Rural Center, is designed to spur economic activity and job creation by assisting in the construction and expansion of health care facilities. Grants of up to \$480,000 may be awarded for the construction and/or renovation of rural health care facilities. At least one new job should locate in the project building for every \$12,000 in grant funds. BRCHS proposes to create 15 new health center jobs, which projects to a request of \$180,000 in grant funds.

To apply for funding, BRCHS must partner with Henderson County, which would submit the application. Additionally, Henderson County would have to commit to provide a cash or in-kind match equal to 3% of the grant award. 3% of \$180,000 amounts to \$5,400.

If awarded, the funds would be granted to Henderson County. The County would loan the funds to BRCHS in the form of a deferred, forgivable loan. The loan would be secured with a loan performance agreement and promissory note signed by BRCHS.

This is the same application approved by the Board at the December 7, 2009 meeting. The first application did not receive funding, but the State encouraged Blue Ridge to apply for the next funding cycle, the application deadline for which is in May, 2010.

Suggested Motion:

*I move the Board approves Blue Ridge Community Health Services' request for funding and partnership with the County for this grant, and authorizes the Chairman to execute the necessary documents.*

### **NOMINATIONS**

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

#### **Notification of Vacancies**

1. Henderson County Planning Board – 3 vac.
2. Historic Resources Commission – 1 vac.
3. Home and Community Care Block Grant Advisory Committee – 1 vac.
4. WCCA Board of Directors (Western Carolina Community Action) – 1 vac.

#### **Nominations**

1. Animal Services Committee – 1 vac.

Chairman Moyer nominated Carol Vaseleski for position #2. *Chairman Moyer made the motion to accept the appointment of Carol Vaseleski to position #2 by acclamation. All voted in favor and the motion carried.*

2. CJPP (Criminal Justice Partnership Program) – 2 vac.

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

3. Community Child Protection Team (CCPT) – 1 vac.

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

4. Downtown Hendersonville, Inc. – 1 vac.

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

5. EMS Quality Management Committee – 1 vac.

Chairman Moyer noted that Terry Layne suggested the appointment of Kerri Hagedorn for position #9. Chairman Moyer nominated Kerri Hagedorn for position #9. *Chairman Moyer made the motion to accept the appointment of Kerri Hagedorn to position #9 by acclamation. All voted in favor and the motion carried.*

6. Equalization and Review, Henderson County Board of – 2 vac.

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

7. Fletcher Zoning Board of Adjustment – 1 vac.

Commissioner McGrady nominated Don Rhodes for reappointment to position #1. *Chairman Moyer made the motion to accept the reappointment of Don Rhodes to position #9 by acclamation. All voted in favor and the motion carried.*



8. Henderson County Transportation Advisory Committee – 1 vac.  
Commissioner McGrady nominated Keith Maddox for position #4. *Chairman Moyer made the motion to accept the appointment of Keith Maddox to position #4 by acclamation. All voted in favor and the motion carried.*

9. Home and Community Care Block Grant Advisory Committee – 1 vac.  
There were no nominations at this time so this item was rolled to the next meeting.

10. Hospital Corporation Board of Directors – 1 vac.  
Chairman Moyer nominated Jack Summey for position #7. *There being no further nominations Chairman Moyer made the motion to accept the appointment of Jack Summey to position #7 by acclamation. All voted in favor and the motion carried.*

11. Industrial Facilities and Pollution Control Financing Authority – 1 vac.  
Commissioner McGrady nominated Kelly Leonard for reappointment for position #5. *Chairman Moyer made the motion to accept the reappointment of Kelly Leonard to position #5 by acclamation. All voted in favor and the motion carried.*

12. Juvenile Crime Prevention Council – 9 vac.  
There were no nominations at this time so this item was rolled to the next meeting.

13. Nursing / Adult Care Home Community Advisory Committee – 1 vac.  
Commissioner Young nominated Martha Sachs for reappointment for position #1. *Chairman Moyer made the motion to accept the reappointment of Martha Sachs to position #1 by acclamation. All voted in favor and the motion carried.*

14. Recreation Advisory Board – 1 vac.  
Commissioner Messer had nominated Roy Huntley for position #1 at the March 1 meeting. Commissioner McGrady had nominated Jim Goodwin for position #1 at the March 1 meeting. Commissioner McGrady withdrew his nomination for Jim Goodwin. Commissioner Young nominated Fred Dorsey for position #1. Since this item had been rolled from the last meeting the Board was polled with the following results.

Larry Young	Charlie Messer	Bill Moyer	Mark Williams	Chuck McGrady
1. Dorsey	1. Huntley	1. Huntley	1. Dorsey	1. Dorsey

*Fred Dorsey was appointed to position #1 by the majority of votes.*

15. Senior Volunteer Services Advisory Council – 3 vac.  
There were no nominations at this time so this item was rolled to the next meeting.

16. Solid Waste Advisory Committee (SWAC) – 1 vac.  
Commissioner McGrady nominated Deborah Hicks for reappointment for position #6. *Chairman Moyer made the motion to accept the reappointment of Deborah Hicks to position #6 by acclamation. All voted in favor and the motion carried.*

## **ROOM OCCUPANCY TAX**

Henderson County levies a four percent “Room Occupancy and Tourism Development Tax”. The Henderson County Travel and Tourism Committee on 25 March 2010 requested this Board to increase in this tax to five percent, which is permitted under the enabling legislation for the tax.

This Board last addressed the rate of this tax in September of 2007, when the rate was increased to four percent from three percent. The additional percent was dedicated one-half to payment for the cost of the renovation work on the Travel and Tourism offices, and one-half to defray the costs of operation of the Historic Courthouse. The portion dedicated for the costs of operation of the Historic Courthouse is currently

paid to Henderson County Historic Courthouse Corporation, to assist in the operation of the Henderson County Heritage Museum.

The Travel and Tourism Board cites declining revenue from the existing tax, declining outside sponsorship revenue, and the need in the current economy to continue to strongly promote this industry as the reasons for the proposed increase. This industry is vital to Henderson County's economy, contributing over \$175 million annually.

Travel and Tourism staff and your county attorney recommend that the increase become effective 1 July 2010, to allow innkeepers to be made aware of the change.

Chairman Moyer noted that an email was received from the Hendersonville City Manager Bo Ferguson requesting that this item be deferred for 30 days. City Council is going to have a presentation by the T&T Director Melody Heltman with respect to the budget along with suggestions from the City.

Commissioner Young felt that due to revenues being down and a large renovation and expansion project just being completed, and a large insurance deductible that was unexpected, action should be taken as soon as possible.

The County Attorney noted that the effective date would be 1 July, 2010. He further explained that the enabling act states that the effective date must be the first day of a calendar month and the first day of the second month after adoption.

Since the effective date is 1 July, 2010, it was the consensus of the Board to roll this item to the May 19, 2010 regular scheduled meeting.

## **PRIORITIZATION OF ROAD PROJECTS FOR THE LONG RANGE TRANSPORTATION PLAN**

Chairman Moyer stated this is yet another distressing item received from the State that is so aggravating. At the Transportation Advisory Committee meeting, in which Commissioner Chuck McGrady and Chairman Moyer are representatives, members were told that the County is requested to come up with a ranking of all the major county road projects from the NCDOT and determine priorities by April 12, 2010. If this list is not received by that date no consideration would be given. The committee and representatives were not comfortable ranking the projects and felt it should be brought before the Board of Commissioners. Each municipality agreed and is following the same procedure.

Transportation Planner Hope Bleecker stated the French Broad Metropolitan Planning Organization (MPO) is asking local governments to prioritize transportation projects for the 2010 Long Range Transportation Plan (LRTP). The LRTP is updated every five years, is fiscally constrained, and specifies projects for a twenty year horizon (2010-2030). Federal law requires the MPO to update the LRTP every 5 years. It is normally dedicated to projects greater than several million dollars in value and forms a basis for the North Carolina Department of Transportation's budget document, otherwise known as the Transportation Improvement Plan (TIP). French Broad River MPO staff requests that each member of the coordinating and advisory committees prioritize top 25 projects in the form of an online survey on their website no later than April 11, 2010.

At a meeting of the Henderson County Transportation Advisory Committee on March 25<sup>th</sup>, 2010, members put together an unranked list. The list includes projects previously included in the Comprehensive Transportation Plan, the LRTP (last approved in 2005), and the TIP. The Transportation Advisory Committee agreed to re-assemble on April 9<sup>th</sup>, 2010, in advance of the survey deadline, to identify as many common local priority rankings as possible.

Staff requests the Board to review the project list and provide any guidance for project priorities that the

Board deems appropriate. That guidance could be forwarded to the Henderson County Transportation Advisory Committee and MPO.

Ms. Bleecker stated the long range transportation plan is a federally mandated planning activity and the MPO (Metropolitan Planning Organization) is asking six of the local governments from Henderson County to prepare an online survey where we rank up to twenty-five or more projects. The local governments decided it would good to get together and have a consistency in our dialog with what our priorities are. Some of the priorities that were mentioned at the meeting held on March 25 were the Balfour Parkway project, NC Highway 191 from Mountain Road up to Mills River, Hwy 64 West project (extension of 64 West of Hendersonville from Blythe to Daniel Drive and White Pine Drive, Upward Road project, and Erkwood and Shepherd Street intersection alignment. Some of the intersection projects may be combined into one project.

Chairman Moyer reiterated that occasionally on the list you will see Howard Gap listed as one project and Hwy 191 listed as one project, and the committee feels strongly that both of these projects have sections that are probably more doable and more important than other pieces of it.

Chairman Moyer:

- I-26 Widening from US 25 to NC280 (Widen to 6 lanes with median)
- Howard Gap Road from Jackson Road to Brookside Camp Road (Improve 2-Lane Section, Secured ROW and Construction Improvements) and from Brookside Camp Road to US 64 (Improve 2-Lane Section, Secure ROW and Construct) Combining both projects into one project
- Balfour Parkway from NC191 to US 64 (Construct 4-Lane Expressway)
- NC191 from NC280 to Mountain Road (SR1381)(Widen to 4 Lanes with Median)

Commissioner Young:

- I-26 Widening from US 25 to NC280 (Widen to 6 lanes with median)
- NC191 from Mountain Road (SR-1381) to US25 (Add two-way Left Turn Lanes and Spot Safety Improvements)
- NC191 from NC280 to Mountain Road (SR1381)(Widen to 4 Lanes with Median)
- Howard Gap Road from Jackson Road to Brookside Camp Road (Improve 2-Lane Section, Secured ROW and Construction Improvements) and from Brookside Camp Road to US 64 (Improve 2-Lane Section, Secure ROW and Construct) Combining both projects into one project

Commissioner Williams:

- I-26 Widening from US 25 to NC280 (Widen to 6 lanes with median)
- Howard Gap Road from Jackson Road to Brookside Camp Road (Improve 2-Lane Section, Secured ROW and Construction Improvements) from Brookside Camp Road to US 64 (Improve 2-Lane Section, Secure ROW and Construct) and US 64 to Upward Road (Improve 2 Lane Section (Design, Secure ROS, Construction Costs) Combining all three projects into one project
- Balfour Parkway from NC191 to US 64 (Construct 4-Lane Expressway)
- NC191 from NC280 to Mountain Road (SR1381)(Widen to 4 Lanes with Median)

Commissioner Messer:

- I-26 Widening from US 25 to NC280 (Widen to 6 lanes with median)
- Howard Gap Road from Jackson Road to Brookside Camp Road (Improve 2-Lane Section, Secured ROW and Construction Improvements) from Brookside Camp Road to US 64 (Improve 2-Lane Section, Secure ROW and Construct) and US 64 to Upward Road (Improve 2 Lane Section (Design, Secure ROS, Construction Costs) Combining all three projects into one project
- NC191 from NC280 to Mountain Road (SR1381)(Widen to 4 Lanes with Median)
- US 64(West) from Blythe Street to Daniel Drive and White Pine Drive (Widen to 3 Lanes)
- Balfour Parkway from NC191 to US 64 (Construct 4-Lane Expressway)

Commissioner McGrady:

- I-26 Widening from US 25 to NC280 (Widen to 6 lanes with median)
- Howard Gap Road from Jackson Road to Brookside Camp Road (Improve 2-Lane Section, Secured ROW and Construction Improvements) from Brookside Camp Road to US 64 (Improve 2-Lane Section, Secure ROW and Construct) and US 64 to Upward Road (Improve 2 Lane Section (Design, Secure ROS,

Construction Costs) Combining all three projects into one project

- NC191 (feels there are three projects here instead of two) Hwy 25 to Blythe – Blythe to Mountain Road – Mountain Road to NC 280
- Balfour Parkway from NC191 to US 64 (Construct 4-Lane Expressway)
- Erkwod Drive, Shepherd Street (connectors) near Mud Creek Baptist Church

#### FINAL PRIORITY LIST

- 1) I-26 Widening from US 25 to NC280 (Widen to 6 lanes with median)
- 2) Howard Gap Road from Jackson Road to Brookside Camp Road (Improve 2-Lane Section, Secured ROW and Construction Improvements) from Brookside Camp Road to US 64 (Improve 2-Lane Section, Secure ROW and Construct) and US 64 to Upward Road (Improve 2 Lane Section (Design, Secure ROS, Construction Costs) possible combination of three projects
- 3) NC191 from NC280 to Mountain Road (SR1381)(Widen to 4 Lanes with Median) and NC191 from Mountain Road (SR-1381) to US25 (Add two-way Left Turn Lanes and Spot Safety Improvements) possible combination of two projects
- 4) Balfour Parkway from NC191 to US 64 (Construct 4-Lane Expressway)
- 5) US 176/US25 Bus from NC 225 to Shepherd Street (ST 1779)(Access Management, Spot Safety Improvements at Intersections) Shepherd Street (SR 1779) NC 255 to Old Spartanburg Road (SR 1722)(Align with Erkwod Drive; Add turn Lanes; Widen Shoulder and Improve Geometrics as Appropriate) Erkwod Drive (SR 1164) Kanuga Road (SR 1127) to NC 225 (Align with Shepherd, Add Turn Lanes, Widen Shoulder and Improve Geometrics as Appropriate) possible combination of three projects
- 6) US 64(West) from Blythe Street to Daniel Drive and White Pine Drive (Widen to 3 Lanes)

#### **BLUE RIDGE COMMUNITY COLLEGE BASEBALL FIELD**

County Manager Steve Wyatt stated recently, the Blue Ridge Community College indefinitely suspended their intercollegiate athletics program. That action has made their existing baseball field available for use outside of the College. Blue Ridge Community College has contacted the County to inquire as to whether the County would have interest in entering into an arrangement to allow the County full use of the baseball field. That agreement would include scheduling, supervision, and maintenance of the facility.

The Board is requested to discuss whether it wishes to enter into such an agreement with Blue Ridge Community College. If so the Board is requested to grant Staff the authority to proceed with development of a Memorandum of Understanding between the County and Blue Ridge Community College, which would be brought back to the Board for final approval.

If the Board has interest there would be a need to enter into some very specific discussions with BRCC staff and development a Memorandum of Understanding that would most likely transfer the responsibility of maintenance to the County and also give the County Park and Recreation the ability to schedule and use that facility while preserving some use for the community college for actual events that they might hold.

*Commissioner Messer made the motion that the Board agrees to enter into an arrangement with Blue Ridge with respect to the baseball field, and further grant Staff the authority to proceed with development of a Memorandum of Understanding between the County and Blue Ridge Community College, and authorize the Chairman to sign final documentation unless unusual conditions develop requiring the request to be brought back before the Board. All voted in favor and the motion carried.*

Mr. Wyatt stated that he has requested a cost estimate from Parks Director Tim Hopkin for the maintenance but did not have it at this time. No additional staff will be required. It will basically be transporting equipment back and forth. Other issues are no lighting and the bathroom facility is at about 80% completion.

Commissioner Williams felt that the cost should be monitored particularly since we are not owning the field but maintaining it.

Chairman Moyer stated that the expense of maintenance would be included as part of the agreement being negotiated.

Commissioner Young asked about Berkeley Field that is owned by the City and not being utilized or maintained.

Chairman Moyer reminded the Board of the motion on the floor. *All voted in favor and the motion carried.*

Mr. Wyatt responded to Commissioner Young's inquiry of Berkley Field. Prior to Kimberly Clark working out an agreement with the City of Hendersonville, he had approached the city in regards to use and maintenance of Berkley Field. The City has parks but does not have recreation programs as we do. He was told no and further discussed with the City the possibility of the county trading to use the field for our programs by taking over the maintenance or contributing. Again he was told no, that the City had plans for the property. Mr. Wyatt volunteered to contact the City once again and question the use of Berkley Field.

#### **LAND-OF-SKY WATER COMMITTEE APPOINTEE**

The Land-of Sky Regional Council's Executive Committee has recommended that the Council undertake a broad study of water resources in the region, the capacity of water systems, future water supplies, water quality conditions and other key water resource issues.

Land-of-Sky has recently received a grant from the NC Division of Water Quality that will help to establish a French Broad Water Resources Study Committee. Once established, the group will hold a series of monthly meetings over the next year to study and identify key water resource issues and develop strategies to address these issues. A report listing key issues and strategies will be the final deliverable.

The French Broad Water Resources Study Committee will be comprised of a combination of local elected and appointed officials and key water stakeholders/experts in the French Broad River Basin. There will be at least three representatives from each county in the Land-of-Sky region: two appointed by the County Commissioners and one appointed by the largest municipality in each county.

The Board is requested to appoint two individuals – one representing the county's interests, and one representing a large water user (industry, agriculture, etc.) for a smaller water system in the county.

Chairman Moyer noted that this was discussed at the Water Supply and Distribution Task Force Meeting and the recommendation was that Bert Lemkes to represent the agriculture industry, and Mayor Roger Snyder to represent the municipality/county standpoint. Both men are willing to serve and be involved.

*Chairman Moyer made the motion that the Board appoints Bert Lemkes and Roger Snyder to the French Broad Water Resources Study Committee. All voted in favor and the motion carried.*

#### **ENERGY EFFICIENCY FOR COUNTY AND MUNICIPAL BUILDINGS RECOVERY FUND**

County Engineer Marcus Jones explained an American Reinvestment and Recovery Act (Stimulus) grant application was submitted on December 31, 2009 to the Department of Commerce, State Energy Office. The grant application requested \$187,431.86 for a Lighting Retrofit Project. This project will upgrade T12 fluorescent lighting, can lighting, and include occupancy sensors in the County and the City of Hendersonville. Informal notification that Henderson County received the requested grant money was received in January 2010. The lighting retrofit project will replace approximately 1,710 T12 ballasts with 1,785 two bulb four foot blasts and 190 can lights with LEDs. It is estimated that 495,676 kilowatt-hours will be saved which amounts to a \$27,257.45 annual expense reduction. The project will be completed within six months of issuance.

*Commissioner Young made the motion that the Board approves grant funding for the Henderson County Lighting Retrofit Project and authorize the Director of Engineering to sign required documents. All voted in favor and the motion carried.*

#### **RESOLUTION – NATIONAL COUNTY GOVERNMENT MONTH**

PIO Christy DeStefano stated the Henderson County Board of Commissioners are requested to proclaim the month of April as National County Government Month in Henderson County and encourage all Henderson County officials, employees, schools and residents to participate in county government month activities. A copy of the resolution is hereby attached and incorporated as a part of the minutes.

Ms. DeStefano explained that five (5) events are planned including:

1. Child Passenger Safety Clinic on April 15, 2010
2. H1N1 Walk in Clinic on April 22, 2010 (no appointment necessary)
3. Canine Good Manners Challenge by the Animal Clinic
4. Shadow a County Official for a Day
5. Henderson County Logo Design Contest (open to anyone of any age)

*Commissioner McGrady made the motion that the Board adopts the Resolution provided designating the month of April as National County Government Month in Henderson County. All voted in favor and the motion carried.*

#### **TRAFFIC FLOW AND SIGNAL ISSUES IN HENDERSONVILLE – ADD ON**

Chairman Moyer had attended a City Council meeting the prior week and discussions were held in regards to the traffic flow situation on King Street and Church Street. The NCDOT was present at the meeting for discussion. The City has spent a lot of money and is not satisfied with the signalization. The NCDOT indicated that it is a work in progress. Mr. Moyer talked about the Second Avenue and King Street intersection and Kanuga Road. NCDOT was very receptive to the comments and seemed very concerned about getting some of the issues straightened out. He suggested if you have comments with respect to areas that are a concern they should be sent in and then will be shared with the Transportation Advisory Committee. The City will also be providing a list to NCDOT of the areas of concern.

#### **RESOLUTION REGARDING MUNICIPAL PARTICIPATION IN ABANDONED MOBILE HOME GRANT PROGRAM**

Previously this Board has discussed and applied to participate in the North Carolina Department of Environment and Natural Resources' abandoned mobile home removal grant program. Henderson County has been approved as an eligible applicant for these grant funds by the State. At the time of application, the County intended to only assist residents in unincorporated areas with the grants. Low-income residents of the unincorporated areas of Henderson County may be eligible for funding of the remaining costs of removal from specified County funds.

The resolution provided encourages municipalities to partner with the County to identify and assist residents with mobile home removal within the municipal limits. Means by which municipalities may participate in the program are outlined in the resolution. However, the County would not subsidize remaining costs of low-income residents in incorporated areas due to a lack of resources. Municipalities could fund the remaining costs for low-income residents at their discretion in a program similar to the County's. A copy of the resolution is hereby attached and incorporated as a part of the minutes.

Commissioner Young requested this item to be pulled from the consent agenda for discussion.

County Manager Steve Wyatt stated that the grant was for \$25,000 and it had been estimated that the cost per removal would run around \$1,500 depending on the situation. The County had added an additional \$5,000 toward the cost.

Commissioner Young questioned if the municipalities were given an opportunity to participate and receive any grant money.

Code Enforcement Director Toby Linville responded that only counties were eligible. Municipalities can partner with counties and use the program.

Steve Wyatt stated generally the State works through counties on solid waste. They then give the County the ability to invite municipalities. He questioned Mr. Linville in regards to inquiries and applications.

Mr. Linville noted the only interest shown from municipalities was one each from Mills River and Fletcher. Within the County and outside of the municipalities he has received twenty inquiries and there are ten from existing nuisance cases. The two from Mills River and Fletcher have not met eligibility. We have received nine County applications.

Commissioner McGrady agreed with Commissioner Young in regards to enforcement issues but noted that the people who live in the municipalities are also county residents.

Chairman Moyer felt since Henderson County is putting up a \$5,000 match to the grant, this item should be taken before the LGCCA (Local Government Committee for Cooperative Action) and opened to the municipalities who are willing to put up the same \$5,000 match.

Commissioner McGrady felt it should be the percentage for the number of projects.

Chairman Moyer requested that Mr. Wyatt present this at the next LGCCA and in turn, the members could come up with a fair solution where the municipalities would pay for whatever they are putting into the pool.

It was the consensus of the Board that municipal participation be leveraged for funding similar to Henderson County funding.

### **PUBLIC HEARINGS**

*Commissioner McGrady made the motion that the Board go into public hearing with respect to the approval of the execution and delivery of an installment financing contract to pay for the capital costs of various construction, repair and renovation projects at certain public school facilities. All voted in favor and the motion carried.*

### **QZABs (Qualified Zone Academy Bonds) – Proposed Financing**

Finance Director Carey McLelland stated a public hearing to hear comments on the execution and delivery of a proposed installment financing contract is required by the State of North Carolina pursuant to N.C.G.S. 160A-20. A notice of the public hearing shall be published once at least 10 days before the hearing. This notice was duly advertised in the Times-News on Friday, March 19, 2010.

The purpose of this financing is complete the funding of the \$4 million in school repairs and renovations projects which have been approved by the Board for the current fiscal year. The remainder of that was issued back in December 2009 when the Qualified School Construction Bonds were issued.

The proposed contract being considered is to finance the capital costs of certain repair and renovation projects at eight public schools by issuing \$1,807,500 in Qualified Zone Academy Bonds (QZABs), which has been approved by the Board of Commissioners for funding public school repair and renovation projects in the current fiscal year.

This was a part of the 2009 American Recovery and Reinvestment Act. Due to recent changes in Federal Law, the issuance of these bonds will cost the county little or nothing in interest charges. We will end up

paying principal and interest in, but we will turn around and apply for a refund of those interest charges based on the rates at the time of closing.

Final financing documents will be presented to the Board of Commissioners at the May 3, 2010 regularly scheduled meeting for consideration and approval.

**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 the approval of the execution and delivery of an installment financing contract to pay for the capital costs of certain improvements at Blue Ridge Community College, the construction of a classroom building serving Apple Valley Middle School and North Henderson High School and other project related improvements, and the refinancing of certain prior installment payment obligations of the County. All voted in favor and the motion carried.*

**RZEDBs (Recovery Zone Economic Development Bonds) – Proposed Financing**

Finance Director Carey McLelland stated a public hearing to hear comments on the execution and delivery of a proposed installment financing contract is required by the State of North Carolina pursuant to N.C.G.S. 160A-20. A notice of the public hearing shall be published once at least 10 days before the hearing. This notice was duly advertised in the Times-Mews on Friday, March 19, 2010.

The purpose of this particular financing is the potential of refinancing some outstanding debt, which is our 2001 COPs issue including all schools and four other bank installment financing contracts. The second piece of this item is to issue the balance of what is needed for Apple Valley Middle and North Henderson High School building project which would be \$6.5 million and then the Blue Ridge Community College campus repairs at \$2 million. The proposed financing on the new money is to issue what is called recovery zone economic development bonds. We qualify because of high unemployment. These bonds were approved by the financing committee of the Department of Commerce coming out of the American Recovery and Reinvestment Act.

These bonds have a 45% interest payment subsidy which comes back to the issuer. At current taxable market rates today the net rate is approximately 2.65% after receiving the subsidy. We will not go to market until around May 20, 2010 which may make some change.

The proposed contract being considered is to finance the capital costs of certain repair and renovation projects at Blue Ridge Community College, the construction of a new classroom building to serve both Apple Valley Middle School and North Henderson High School to include certain cafeteria and locker room improvements, and the refinancing of certain “prior” installment financing obligations of the County due to favorable current market rates producing positive savings.

Final financing documents will be presented to the Board of Commissioners at the May 3, 2010 regularly scheduled meeting for consideration and approval.

Chairman Moyer questioned if the incredibly slow bureaucratic process the Community College has to follow to get approval for their renovations put this financing in jeopardy at all.

Mr. McLelland responded he has spoken to the Local Government Commission and as long as we have a good list of the \$2 million in repair and renovation projects, the LGC understands these are cost estimates which have been prepared by in house staff at the College, and that is what they will rely on. This is the



amount the Board has voted to give the College and we will not borrow any more than \$2 million and it will not slow down the process of getting the funding in line. The monies must be spent within a three year timeframe.

**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 on Text Amendment (TX-2010-01) County Owned and Operated Solid Waste Facility. All voted in favor and the motion carried.*

**Public Hearing on Text Amendment (TX-2010-01) County Owned and Operated Solid Waste Facility**

Planner Autumn Radcliff stated the County's Solid Waste Plan proposes to consolidate and relocate the current uses within the boundaries of the landfill site to provide better customer service and to address public safety and traffic concerns. To move forward with the implementation of the Solid Waste Plan, it is both necessary and beneficial to add a new use to the LDC to specifically regulate County Owned and Operated Solid Waste Facilities and to separate privately owned solid waste facilities from County owned facilities.

The Site Plan is not part of the Text Amendment being discussed. The Site Plan will actually be reviewed and approved by the Technical Review Committee at a later date. The Site Plan does incorporate some of the regulations that are a part of the Text Amendment. The Text Amendments defer from the rezoning whereas a zoning has to deal a particular piece of land, the Text Amendment addresses specific uses and regulations in the Land Development Code. Discussions must be held in regards to an existing location with the County Landfill and the proposed site plan as it relates to the Text Amendment.

The proposed text amendment (TX-2010-01) would provide a definition and supplemental requirement standards specifically for a County Owned/Operated Solid Waste Facility. The intent of the LDC is not to limit the County's solid waste functions nor is it meant to exclude the County from minimum requirements. The solid waste operations at the site represent critical public infrastructure that improves public health and safety.

The Planning Board reviewed the proposed text amendment on February 18, 2010 and voted unanimously (7-0) to recommend that the Board of Commissioners approve text amendment TX-2010-01. Before taking action on the text amendment, the Board of Commissioners must hold a public hearing.

In accordance with §200A-314(B) and 200A-338(A) of the Henderson County Land Development Code and State Law, notices of the April 5, 2010 public hearing regarding text amendment (TX-2010-01), were published in the Hendersonville Times-News on March 17, 2010 and March 24, 2010.

Planning Staff recommends that the Board of Commissioners approve text amendment (TX-2010-01). The following motion has been provided if the Board supports the proposed regulations and text amendment to the LDC.

Henderson County currently has one county owned and operated solid waste facility located at Stoney Mountain Road near the intersection of Stoney Mountain Road and Mountain Road. This site has historically been the location of the county C&D (construction and demolition) and municipal waste landfills, which has been closed out and is no longer in use. The County currently transfers non-recyclable household and non-residential garbage (municipal waste) to an active landfill outside of the County. This site also serves as the location of the County's solid waste transfer facility, recycling center, animal shelter, bus maintenance garage, inert debris storage and disposal, and the office for the Solid Waste Division of the Engineering Department.

The County's Solid Waste Plan proposes to consolidate and relocate the current uses within the boundaries of the landfill site to provide better customer service and to address public safety and traffic concerns. Due to the number of services located at this one site, the LDC does not have a specific and defined use for this type of operation.

To move forward with the implementation of the Solid Waste Plan, it is both necessary and beneficial to add a new use to the LDC to specifically regulate County Owned and Operated Solid Waste Facilities and to separate privately owned solid waste facilities from County owned facilities. The intent of the LDC is not to limit the County's solid waste functions nor is it meant to exclude the County from minimum requirements. The solid waste operations at the site represent a critical piece of public infrastructure that improves public health and safety. A definition and SR standards specifically for a County Owned/Operated Solid Waste Facility are provided below.

**New Definition:**

**Solid Waste Facility, County Owned/Operated:** A facility that is owned and operated by Henderson County Government for the purpose of disposing of and/or transferring solid waste. This establishment is primarily engaged in one or more of the following: (1) collecting and/or hauling waste and/or recyclable materials; (2) operating waste transfer stations; (3) disposal of solid waste on land in a sanitary manner; (4) storing solid waste resulting solely from land-clearing activities; (5) receiving recyclable materials via drop-off or by commercial waste haulers; and/or (6) separating and sorting recyclable material from non-hazardous waste streams (excluding sewage and human waste) and where co-mingled recyclable materials are sorted into distinct categories. Accessory uses and structures such as scale houses, loading docks, office buildings associated with the solid waste facility, and any related accessory use or structure are allowed under this definition.

**New Use Added to Permitted Use Table:**

USE TYPE	General Use District											
	P= Permitted; S = Special Use Permit											
	R1	R2	R2R	R3	R4	01	MU	LC	CC	RC	1	SR
<b>9. Transportation, Warehousing and Utilities</b>												
Solid Waste Facility, County Owned/Operated	P	P	P	P	P	P	P	P	P	P	P	9.10

**New Supplemental Requirement Standards:**

**SR 9.10. Solid Waste Facility, County Owned/Operated**

- (1) Site Plan. Major *Site Plan* required in accordance with §200A-299 (Major Site Plan Review).
- (2) Lighting. *Adequate lighting* shall be placed in areas used for vehicular/pedestrian access including, but not limited to: stairs, sidewalks, crosswalks, intersections, or changes in grade.

*Lighting mitigation* required.

- (3) Dust Reduction. Unpaved *roads, travelways* and/or parking areas shall be treated to prevent dust from adverse affects to adjacent properties.

- (4) Security. The operations of a waste collection and transfer facility shall be totally enclosed by:

- (1) a security fence at least eight (8) feet in height;
- (2) a wall at least eight (8) feet in height; or
- (3) a fireproof *building*. Entrances and exits should be secured and locked during non-operating hours.

- (5) Perimeter Setback. One hundred and fifty (150) feet from a *residential zoning district*

Necessary ingress and egress to the proposed use (s) may be located within the perimeter setback.

- (6) Perimeter Buffer. A B2 buffer as described in Article V (Landscape Design Standards), Subpart A (Buffer Requirements) is required around the perimeter boundary of the site, the operational area(s), or any combination thereof. Preserved existing trees may be credited toward the required buffer.

- (7) Sedimentation Control. Permanent control measures are required to retain all non-compacted soils on site.

(8) Operations. Where feasible, debris reduction methods such as chipping and mulching (using portable equipment) shall be utilized to reduce the amount of debris permanently withheld on site.

**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 approves text amendment (TX-2010-01) for County Owned and Operated Solid Waste Facility and that it is both consistent and in general compliance with the Henderson County 2020 Comprehensive Plan. All voted in favor and the motion carried.*

**COUNTY MANAGER'S REPORT**

County Manager Steve Wyatt stated preliminary conversations had been held in regards to the budget process. The Commission has received the school system's budget proposal and Mr. Wyatt suggested the Commission invite the school board to make a presentation at the April 21, 2010 mid month meeting. It felt it would also be appropriate to have the community college presentation and Park & Recreation maintenance during the same meeting. Staff's target for presenting the draft budget to the Commission is May 19, 2010. A brief overview is anticipated during that meeting. At that point the Commission will need to schedule a public hearing and a workshop(s). Mr. Wyatt suggested several possibilities for dates and will provide the Board of Commissioners with a memo of the dates. He would like to calendar the adoption of the budget at the June 7, 2010 regularly scheduled meeting.

Chairman Moyer stated that if possible the Board is working toward cancelling the mid June meeting. If necessary an emergency meeting could be called for the last couple of days of June. He would like for the school board to be called in for the April 21<sup>st</sup> meeting with a 15-20 minute presentation.

Commissioner McGrady has another meeting on the 21<sup>st</sup> at 1:00 p.m. and requested that the agenda not be too lengthy. Blue Ridge Community College and Park and Recreation had been mentioned and he felt this would be too much for one day.

**IMPORTANT DATES CONTINUED****Set Workshop for the Draft Edneyville Community Plan**

*Commissioner McGrady made the motion that the Board schedules a workshop to discuss the Draft Edneyville Community Plan for Tuesday, May 11, 2010 at 7:00 p.m. All voted in favor and the motion carried.*

**Set public hearing date regarding the naming of new service roads for US 25 Highway Connector Project**

*Commissioner McGrady made the motion that the Board set the public hearing for May 19, 2010 at 11:00 a.m. to discuss the proposed road name assignments. 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 7:30 p.m. All voted in favor and the motion carried.*

Attest: