

MINUTES

**STATE OF NORTH CAROLINA
COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS
WEDNESDAY, FEBRUARY 15, 2012**

The Henderson County Board of Commissioners met for a regularly scheduled meeting at 9:00 a.m. in the King Street Meeting Room due to emergent circumstances, Hendersonville.

Those present were: Chairman Tommy Thompson, Vice-Chairman Bill O'Connor, Commissioner Michael Edney, Commissioner Larry Young, Commissioner Charlie Messer, County Manager Steve Wyatt, Interim Assistant County Manager David Whitson, County Attorney Russ Burrell and Clerk to the Board Teresa L. Wilson.

Also present were: Public Information Officer Christy DeStefano, Finance Director J. Carey McLelland, Planning Director Anthony Starr, Associate County Attorney Sarah Zambon, Engineer Marcus Jones, Research/Budget Analyst Amy Brantley, Soil and Water Conservation District Director Jonathan Wallin, Code Enforcement Director Toby Linville, Captain Greg Cochran, Senior Planner Autumn Radcliff, IT Director Becky Snyder, Assessor/Tax Collector Stan Duncan, and Environmental Programs Coordinator Megan Piner.

CALL TO ORDER/WELCOME

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

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the American Flag was led by Assistant County Manager David Whitson.

INFORMAL PUBLIC COMMENT

- 1) Jane Billello – Ms. Billello shared information with the Board in regards to “Agenda 21”. She feels the Agenda 21 plan of radical so-called ‘sustainable development’ views the American way of life of private property ownership, single family homes, private car ownership, individual travel choices, and privately owned farms...as destructive to the environment. Sustainable Development by any of its various names is dangerous and robs all U.S. citizens of their individual rights, privacy, economic freedom, and private property.
- 2) Glen Enggram – Mr. Enggram is part of the Heritage Foundation. He asked the Board to look at smart growth issues and quality of life when considering members of the Environmental Advisory Committee. Look especially at what each member brings to the committee.
- 3) Janice Parker – Ms. Parker questioned why there was a need for the Environmental Advisory Committee. She feels the Government should not have any control of private property.
- 4) Daniel Walker – Mr. Walker is with Park Ridge Health. He asked the Board to hold off on the joint venture of Pardee/Mission until after the meeting being held today by the NC House Selection Committee.
- 5) Dennis Justice – Mr. Justice spoke against the sales tax referendum being considered for the schools.
- 6) Pam Danz – Ms. Danz spoke against “Agenda 21” and sustainable development funding.

DISCUSSION/ADJUSTMENT OF AGENDA

Chairman Thompson requested the addition of two (2) closed sessions, and setting of a public hearing under important dates.

Commissioner Messer requested two (2) additional discussion items; Special Needs Baseball Program and Sheriff's Department Update.

DATE APPROVED: March 5, 2012

Commissioner O'Connor made the motion to adopt the Agenda with the addition of two (2) closed sessions, two additional discussion items as noted, and setting of a public hearing. All voted in favor and the motion carried.

CONSENT AGENDA

Commissioner O'Connor made the motion to adopt the Consent Agenda as presented. All voted in favor and the motion carried.

CONSENT AGENDA consisted of the following:

Minutes

Draft minutes were presented for board review and approval of the following meeting(s):
February 6, 2012 – Regularly Scheduled Meeting

Tax Collector's Report

Deputy Tax Collector Carol McCraw had presented the Tax Collector's Report to the Commissioners dated February 8, 2012 for information only. No action was required

EMS Peer Review By-Laws (formerly EMS Quality Management Committee)

The Henderson County EMS Quality Management Committee has revised the by-laws consistent with 10A North Carolina Administrative Code 13P.0408 to reflect a name change to the EMS Peer Review Committee and associated membership. The Committee request the Board review the draft by-laws and consider adopting same to facilitate ongoing information sharing between EMS stakeholders and continual evaluation toward improvement of our EMS system.

Motion:

I move the Board approve the membership and by-laws of the EMS Peer Review Committee.

Environmental Advisory Committee

At their October 19, 2011 meeting, the Board voted unanimously to combine the Environmental Advisory Committee and the Solid Waste Advisory Committee. And at the January 3rd meeting the Board directed Marcus Jones to hold a moderated discussion to let the current members of both the EAC and SWAC decide who will remain on the newly formed EAC Committee. That meeting was held on January 23rd, and there was consensus for nine people to continue to serve on the newly combined EAC as follows:

- #1 Deborah Hicks
- #2 Emily Anderson
- #3 Jim Fickes
- #4 Lawrence West
- #5 Richard DeSimone
- #6 Richard Freudenberger
- #7 Robert Dewiche
- #8 Robert Sweeney (Chair)
- #9 Thomas McMinn

The two committees recommend that the nine members chosen by the group continue to serve their current terms until term expiration. Upon term expiration, if the member has served two contiguous terms they would no longer be eligible to serve on the EAC.

Motion:

I move that the members be repositioned as recommended.

Surplus Vehicles and Equipment

A resolution was provided for Board consideration, declaring the following 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 after the required advertisement of the sale.

Year:	2006	2007	2007
Make:	Chevrolet	Dodge	Dodge
Model:	Impala	Charger	Charger
VIN:	2G1WS551769300080	2B3KA43G97H709152	2B3KA43G87H708638
Vehicle #:	SH222	SH272	SH294
Asset #:	12070	12473	13254
Mileage:	82,511	133,503	106,630
Surplus Info:	Weak Transmission	High Mileage	High Mileage

Surplus Equipment: Partition for Dodge Durango – No Asset Number

Motion:

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

Approval to surplus Two Sheriff’s Office vehicles

The Sheriff’s Office is requesting that the Board authorize the Sheriff’s Office to surplus two Sheriff’s Office patrol vehicles, transfer them to Blue Ridge Community College (BRCC), and sell the vehicles and associated equipment to BRCC for \$8000. The vehicles and associated equipment will be used by BRCC for their Basic Law Enforcement Training (BLET) Program. The \$8000 will be applied to new (replacement) equipment for application on FY12 vehicle purchases by the Sheriff’s Office.

Year:	2006	2007
Make:	Chevrolet	Dodge
Model:	Impala	Charger
VIN:	2G1WS551569307402	2B3KA43H27H770867
Vehicle #:	SH-145	SH-291
Asset #:	12056	13113
Mileage:	67,336	89,867

Motion:

I move the Sheriff’s Office and the County Manager be authorized to surplus two Sheriff’s Office patrol vehicles and transfer them to Blue Ridge Community College (BRCC); the vehicles and associated equipment will be sold to BRCC for \$8000; and the Sheriff’s Office will apply the \$8000 toward new equipment for approved FY12 patrol vehicle purchases.

Mutual Aid Resolution for Sheriff’s Office

The resolution provided would allow the Sheriff’s Office to enter into mutual aid agreements with other law enforcement agencies in this area. This blanket resolution is done rather than having this Board reviews each agreement with each neighboring law enforcement agencies when they come up for renewal. Existing agreements include neighboring county sheriff’s offices, city police departments, and the like.

Motion:

I move that the Board approves the draft resolution accompanying this agenda item.

Engineering Firm Selection for Talley Drive community Development Project

Henderson County received an \$850,000 CDBG Community Revitalization grant (#09-C-2066) from the NC Department of Commerce, Division of Community Investment and Assistance to provide street and drainage improvements and replace/rehabilitate six homes in the Talley Drive neighborhood. The project work includes the grading and paving of Talley Drive with associated drainage improvements. The project requires engineering services to design the street improvements. As part of the procurement requirements associated with the grant and state law, the Planning Department released and advertised a Request for Qualifications (RFQ) for Engineering Services. After review of the engineering proposals (by a team of staff), it was determined that the proposal submitted by McGill Associates meets the project requirements and the firm is very well qualified. The submitted proposals are available in the Planning Department for inspection.

Staff determined that, in its view, McGill Associates is well-qualified for the proposed work. McGill Associates possesses substantial experience with CDBG standards in NC, is based in a neighboring county, and has performed well for the County with previous projects. The Board previously reviewed this project and approved the grant application. No County matching funds are associated with the grant.

Motion:

I move that the Board select McGill Associates as the engineering firm for the Talley Drive Community Development Project and authorize staff to negotiate with McGill Associates to develop an agreement for engineering services and return the agreement to the Board for approval.

Submitting Engineering Firms -- Talley Drive CDBG Project

Brown Consultants, P.A. Contact: Jeffrey Brown, PE 554B Riverside Drive Asheville, NC 28801	Davis & Floyd Contact: Genes Haynes 1305 N. Center St. Hickory, NC 28601	EAS Professionals, INC. Contact: Douglas Dunko, PE 153 Brozzini Court, Suite C Greenville, SC 29615	Mattern & Craig Consulting Engineers James Voso, PE 12 Broad Street Asheville, NC 28801
McGill Associates Contact: Dale Pennell, PE, PLS 55 Broad St. Asheville, NC 28801	Rogers and Callcott Engineers, Inc. Contact: Steven Bowen, PE 425 Fairforest Way P.O Box 5655 Greenville, SC 29606	William G. Lapsley & Associates, P.A. Contact: Will Buie, PE Two Town Square Blvd, Suite 320 Asheville, NC 28803	Wright & Assoc. Consultants Contact: Miles Wright, PE 4190 Hwy. 16 South Newton, NC 28658

Request for Use of the Courtroom

An application was received from Mike Scruggs, Chairman of the Henderson County Republican Party, requesting use of the Courtroom on March 1, 2012 for a meeting in regard to the appointment of a Sheriff. Per the Facility Use Policy the use of the Commissioners' Meeting Room (Courtroom) must be approved by the Board of Commissioners during a regularly scheduled meeting.

Motion:

I move that the Board approves use of the Commissioners' Meeting Room (Courtroom) by the Republican Party on Thursday, March 1, 2012 from 6:00 p.m. until 9:00 p.m.

Notification of Vacancies

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

1. Animal Services Committee – 1 vac.
2. Environmental Advisory Committee – 1 vac.
3. Equalization and Review, Henderson County Board of – 5 vac.
4. Nursing/Adult Care Home Community Advisory Committee – 2 vac.

Nominations

1. Animal Services Committee – 3 vac.

Commissioner Young nominated for reappointment, Jonathan Pernell for position #1, Gabrielle Johnsen for position #4, and Pam Hodges for position #7.

Chairman Thompson made the motion to accept the reappointment of Jonathan Pernell to position #1, Gabrielle Johnsen to position #4, and Pam Hodges to position #7 by acclamation. All voted in favor and the motion carried.

2. EMS Quality Management Committee – 2 vac.

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

3. Henderson County Transportation Advisory Committee – 3 vac.

Commissioner O'Connor nominated for reappointment, Renee Kumor for position #1, James Crafton for position #3, and Keith Maddox for position #4.

Chairman Thompson made the motion to accept the reappointment of Renee Kumor to position #1, James Crafton to position #3, and Keith Maddox to position #4 by acclamation. All voted in favor and the motion carried.

4. Hendersonville City Zoning Board of Adjustment – 1 vac.

At the February 6 Board meeting, Commissioner Messer nominated Donald Patterson and Commissioner O'Connor nominated John Dekker for position #2.

The Board was polled and John Dekker was appointed to position #2 with 5 votes.

5. Historic Resources Commission – 1 vac.

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

6. Industrial Facilities and Pollution Control Financing Authority – 1 vac.

Commissioner Messer nominated Hall Waddell for reappointment to position #2.

Chairman Thompson made the motion to accept the reappointment of Hall Waddell to position #2 by acclamation. All voted in favor and the motion carried.

7. Juvenile Crime Prevention Council – 9 vac.

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

8. Land-of-Sky Regional Council Advisory Council on Aging – 1 vac.

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

9. Mountain Valleys Resource Conservation and Development Program – 1 vac.
There were no nominations at this time so this item was rolled to the next meeting.

10. Nursing/Adult Care Home Community Advisory Committee – 2 vac.
Chairman Thompson nominated Laurence Kosowsky for position #10 and Arthur Lebowitz for position #20.

Chairman Thompson made the motion to accept the appointment of Laurence Kosowsky to position #10 and Arthur Lebowitz to position #20 by acclamation. All voted in favor and the motion carried.

11. Recreation Advisory Board – 3 vac.
Commissioner Messer nominated for reappointment, Sue Myers for position #2, Hunter Marks for position #8, and Virgle McClure for position #9.

Chairman Thompson made the motion to accept the reappointment of Sue Myers to position #2, Hunter Marks to position #8, and Virgle McClure to position #9 by acclamation. All voted in favor and the motion carried.

12. Senior Volunteer Services Advisory Council – 2 vac.
There were no nominations at this time so this item was rolled to the next meeting.

13. Social Services Board – 1 vac.
Commissioner Young nominated Gary Cyphers for position #2.

Chairman Thompson made the motion to accept the appointment of Gary Cyphers to position #2 by acclamation. All voted in favor and the motion carried.

14. Travel & Tourism Committee – 1 vac.
There were no nominations at this time so this item was rolled to the next meeting.

EDUCATION HISTORY INITIATIVE STEERING COMMITTEE APPOINTEES

Tom Orr stated at the Board's December 5, 2011 meeting, a Resolution was adopted supporting the Henderson County Education History Initiative (HCEHI). That resolution called for each of the concerned agencies to make appointments to a committee to oversee the development of this strategic plan for the HCEHI. The Henderson County Board of Public Education has appointed two members to the seven member steering committee, and Henderson County Education Foundation has appointed three members.

It was requested that the Board of Commissioners appoint the remaining two members to the Henderson County Education History Initiative. A list of recommendations was included.

The next steps call on each organization to appoint members to the steering committee defined in the resolution passed by all three entities. After a kick-off meeting end of February, work will begin with the steering committee over a six-month timeframe to develop a strategic plan (formal decision making guide) with clearly defined goals, objectives, and strategies in the effort to "methodically collect, organize, synthesize all known information about the education movement in Henderson County so that an accurate history can be created and made available in an accessible form for present and future generations." The strategic plan will be fully developed and ready to execute by the end of August 2012. Once the steering committee completes a draft of the strategic plan (June/July time-frame), it will be returned to you for your input and further approval.

As was requested, the Henderson County Board of Public Education appointed two members to the seven member steering committee described above. The appointees are Lisa Edwards and Rick Wood. The Henderson County Education Foundation appointed three members to the same steering committee: Wendy Edney, Allen Combs, and Malvern (Buddy) West. Mr. Orr and I respectfully request the Henderson County Board of Commissioners appoint the final two members to the steering committee to move the HCEHI forward. Below are some of the recommended names:

Pete Zamplas, Jennie Jones Giles, Tom Ledbetter, Charlie Byrd, Gary Rivers, Bobby Wilkins, Grace Gaillard, Dot Case, Wanda Love, Anthony McMinn, Corum Smith, Nancy Edwards, Brenda Gorsuch, Patsy Farmer Jones, Bill Barnwell, Drew Brannon, Donnie Parks, Hilliard Staton, Richard Brown, Dorothy Brown, Grady Hawkins, Ronnie Pepper

Commissioner Edney nominated Nancy Edwards. Chairman Thompson nominated Patsy Jones.

Chairman Thompson made the motion to accept the appointment of Nancy Edwards and Patsy Jones to serve on the steering committee of the Henderson County Education History Committee with those already appointed by the Henderson County Education Foundation and the Henderson County Board of Public Education by acclamation. All voted in favor and the motion carried.

HENDERSONVILLE SYMPHONY ORCHESTRA PRESENTATION

Donna Hastie, President of the Board of Directors for the Hendersonville Symphony Orchestra, reported on the Symphony's 40th Anniversary Celebration season. The Board was requested to join the Orchestra in supporting the 40th Anniversary Season, and consider a donation in the amount of \$20,000 to support this special season.

The Board directed Ms. Hastie to complete an application for non-profit support and submit to Amy Brantley for the FY13 Budget consideration.

BOYS AND GIRLS CLUB UPDATE

Resource Development Director Julia Hockenberry, Volunteer Coordinator Brynn Swayngim, and Scottie Parks, Executive Director with the Boys & Girls Club of Henderson County, presented a report on the services provided to Henderson County youth in 2011. They recognized Joreeca Dinnall, an East Henderson High School Senior and read her response to receiving the Youth of the Year award. A request funding by the County was made in the amount of \$25,000 for FY13. It was noted that more transportation was needed from the Henderson County Schools to the Boys and Girls Club.

SOCIAL SERVICES' INFORMATION UPDATE

At the suggestion of Commissioner Edney, the DSS Board is providing monthly three-minute informational updates to the Board of Commissioners regarding various Social Services issues. The February 2012 update, provided by DSS Board Vice-Chair Spence Campbell, pertains to helping the elderly age successfully at home.

Spence Campbell, Vice-Chair of the DSS Board stated the Department of Social Services (DSS) is doing what it can to support elderly remaining in their homes as they age. It obviously enhances the quality of life for individuals and reduces the overall cost of providing care for them. A report prepared in 20076 for the General Assembly by the NC Division of Aging and Adult Services comparing adult care home costs to at-home costs found Medicaid costs were 29% lower at home and prescription drug costs were 32% lower at home.

DSS has partnered with the Council on Aging to create the Partnership for Independent Living, which is a collaborative county government, private non-profit partnership case management service model that delays

or eliminates the institutionalization of older persons regardless of income. The objectives of the Partnership for Independent Living include:

- Delaying or preventing institutionalization
- Coordinating and maximizing use of limited private and public funding
- Strengthening service through collaborative use of resources and staff
- Advocating for broad-based community awareness and support of older persons wanting to age in place
- Valuing the older person's choice and right to self-determination

Case managers provide information and assistance, conduct assessments, develop case plans, arrange services, connect the person and/or family to community resources and make regular home visits. Referrals come from county service providers, family, neighbors, Meals on Wheels and DSS Adult Protective Services.

In YF 09/10, 93% of out-of-home placements were delayed by 6-12 months or prevented all together; case management services provided by DSS and Council on Aging went from 50% duplication to 0%; and 100% of the clients of the partnership were supported by a mutual service plan between the client and the case manager.

Funding for COA included a three-year Melvin R. Lane grant and locally generated revenue from COA fundraising and their thrift shop. DSS funding includes county and federal revenues.

Although early in its existence, this DSS/COA initiative is having a major positive impact on the lives of older persons in our community while reducing costs. It is the only such cooperative public/private venture in North Carolina. As such, it is attracting attention from other counties and it holds great promise for continuing to improve the lives of the citizens of Henderson County.

STATE REQUIRED WATER SUPPLY WATERSHED MAP UPDATES

Planning Director Anthony Starr stated on December 1, 2011, the North Carolina Environmental Management Commission (NCEMC) classified a segment of the French Broad River in Henderson County to WS-IV-CA (Water Supply Critical Area) for the City of Hendersonville's new surface water intake. The Board of Commissioners (BOC) approved a resolution of support for the location of the new intake and classification of approximately 22.49 acres to a WS-IV-CA on April 21, 2010.

The statute requires Henderson County to update its watershed protection ordinance and maps within 270 days after reclassification and notification of action. As per the Land Development Code §200A-346-D and G.S. 143-214.5, the Commissioners may incorporate the minimum requirements of the NCEMC without undertaking the official amendment process. This may include indentifying the boundaries of watershed districts proposed by the NCEMC on the Watershed Protection Map and may include text amendments necessary to conform to the minimum requirements of the NCEMC. Notice provisions of G.S. 153A-343 are required if the County imposes water supply watershed management requirements that are more stringent than those adopted by the Commission. Property not regulated by water supply watershed rules must comply with stormwater regulations, and both require the same stormwater regulations for high density projects. The proposed watershed boundaries match the minimum requirements of the EMC and appear consistent with the map endorsed by the BOC on April 21, 2010.

The Planning Board reviewed the water supply watershed map at its meeting on January 19, 2012. A recommendation by the Planning Board is not required for BOC approval.

State Required Updates

- City of Hendersonville requested a surface water intake on the French Board River

- DWQ requires expansion of the water supply watershed boundary for the proposed intake
- NCDENR-Public Water Supply Section requires relocation of the drainage ditch to a point downstream of the intake
- Engineering data show the relocated ditch will not impact the intake
- DWQ accepted this date and provided a map of the proposed WS-IV-CA (Approximately 22.49 acres)
- April 21, 2010, BOC adopted a resolution of support for the new intake & classification of approximate 22.49 acres
- December 1, 2011, NCEMC classified the 22.49 acres segment on the FBR to a WS-IV-CA
- County has until August 27, 2012 to update the water supply watershed map
- Public hearing & notification is not required if the BOC incorporated the minimum requirements of the NCEMC
- Proposed watershed boundaries match the minimum requirements of the NCEMC

Next Steps – The Board of Commissioners may:

- Adopt the minimum requirements of the NCEMC or,
- Elect to hold a public hearing (Staff notified the 3 property owners affected by the new WS-IV-CA State Classification)

Commissioner Edney made the motion that the Board approves the proposed Water Supply Watershed Map for Henderson County as adopted by the NCEMC on December 1, 2011. All voted in favor and the motion carried.

CEMETERY ADVISORY COMMITTEE REQUEST FOR BURIAL STANDARDS IN THE LAND DEVELOPMENT CODE

John Boyd stated the Henderson County Cemetery Advisory Committee has been meeting since 2005 to ensure the preservation and maintenance of historic cemeteries in Henderson County. Before the current Board of Commissioners was seated in 2010, the committee requested an amendment to the Henderson County Land Development Code (LDC) requiring new burials on private land meet minimum requirements. That amendment was part of TX-2010-02 and the required public hearing was held on November 17, 2010. The Cemetery Advisory Committee requested this requirement to ensure that private burials were well documented so that no resting place was ever disturbed.

Since those amendments were first presented, there have been four private burials that the committee is aware. One burial was on a .60 acre lot in a very dense subdivision. Health Department regulations do not regulate burial setbacks after utilities are already installed. Without any recorded plat of burials there will be no proof that a person is buried on a property after their family no longer owns the property.

There are no regulations or permits required to bury individuals on private land. The committee hopes that this amendment will help mark the property on the ground and provide a legal record of these burials.

There are several single burials that we have marked in GIS so that there is some record of a burial. Without a plat and deed these burials will disappear after family no longer owns the property.

Non-subdivision Related Text Amendments (LDC 2010 Annual Text Amendments (TX-2010-02))

LDC Text Amendment: Family Cemetery.

Issue: The Cemetery Advisory Committee had requested adding family cemeteries to the permitted use table and had recommended specific standards and setback requirements for this type of use.

Recommendation: Add family cemeteries as a permitted use in all residential zoning districts with standards (SR 5.3).

Recommendation: Add family cemeteries as a permitted use in all residential zoning districts with standards (SR 5.3).

Cemetery, Family	P	P	P	P	P						5.3

SR 5.3. Cemetery, Family

- (1) Site Plan. Major *Site Plan* required in accordance with §200A-299 (Major Site Plan Review).
- (2) Plot Setback. Plots shall be:
 - a. Twenty (20) feet from any property line.
 - b. One hundred (100) feet from any structure.
 - c. One hundred (100) feet from an existing well.
 - d. One hundred (100) feet from the high-water mark of any spring, stream, lake, reservoir or other know source of water. Family cemeteries shall not be located in a *special flood hazard area*.
- (3) Security. The family cemetery shall be enclosed by a fence or wall at least four (4) feet in height constructed of metal, masonry or stone.
- (4) Private/Public Easement. A minimum twenty (20) foot private or public *easement* shall be recorded to provide access to a family cemetery.
- (5) Certification, Licensure and Permitting. A family cemetery shall comply with all applicable local, state and federal environmental and public health laws (including the requirements of N.C.G.S. 65-Cemeteries).
- ~~(6) Prohibitions. Family cemetery shall not include above ground structures including a mausoleum or columbarium.~~
- (7) Plat. A family cemetery shall be recorded on a plat in the Register of Deeds office.
- (8) Marker. Each container of human remains shall be buried beneath the surface of the ground and shall be indicated by a permanent visible marker or monument. The marker or monument should be made of granite or bronze, mounted on at least a four inch concrete base and have a minimum dimension of one (1) foot wide by two (2) feet tall and be four inches thick. The marker should be placed as soon as practicable after the remains are interred and shall bear the name, year of birth and year of death of the deceased.
- (9) Responsibility. The owner of any property which contains all or part of a family cemetery is responsible for maintaining the family cemetery in compliance with local, state and federal regulations.

Subdivision Amendment 1: Existing Cemeteries in a Subdivision. The Henderson County Cemetery Advisory Committee requested new subdivisions require existing cemeteries be dedeed as a separate lot with road access. Cemetery lots are non-standard and will not count toward overall density calculation. The proposed amendment requires existing cemeteries be dedeed as a separate lot with a minimum 20 foot wide private or public easement. Major subdivision shall provide access with a minimum 20 foot wide right-of-way (ROW) (road construction is not required).

§200A-86. Cemeteries

Existing cemeteries shall be dedeed as a separate lot in the subdivision and shall be accessed by a minimum twenty (20) foot wide private or public easement. Major subdivisions shall provide access with a minimum twenty (20) foot wide *right-of-way* (road construction is not required).

Commissioner Edney made the motion that the Board approves amending the Land Development Code to regulate private family burials with the deletion of section 6. All voted in favor and the motion carried.

FY13 BUDGET UPDATE

County Manager Steve Wyatt provided the following information and requested the Board discuss budget-related issues at this meeting, and direct Staff accordingly regarding preparation for FY2012-2013 budget.

Fund Balance Revised - \$11,997,195			
<i>(Unreserved fund balance of \$13,922,195 less Sierra Nevada Incentive)</i>			
	Year 1 (FY12-13)	Year 2 (FY 13-14)	Year 3 (FY 14-15)
Projected Cumulative Revenue Shortfall	\$3,359,749	\$7,485,450	\$10,835,222
COLA Adjustment – Merit Increases	\$1,173,685	\$2,347,370	\$3,521,055
Parks and Recreation	\$1,000,000	\$1,000,000	\$1,000,000
Centralized Purchasing	\$56,113	\$113,909	\$172,235
County-Wide Salary Study	\$50,000	\$50,000	\$50,000
Maintenance of Tuxedo Mill Park	\$10,000	\$20,000	\$30,000
Small Area Plan for Green River	\$4,700	\$4,700	\$4,700
Balance Budget without Fund Balance	\$0	\$0	\$0
Convenience Center on south end	\$0	\$0	\$0

Fund Balance Revised - \$11,997,195			
<i>(Unreserved fund balance of \$13,922,195 less Sierra Nevada Incentive)</i>			
	Year 1 (FY12-13)	Year 2 (FY 13-14)	Year 3 (FY 14-15)
Financial accounts in house/under Finance	\$0	\$0	\$0
Bid out banking services	\$0	\$0	\$0
Identify county functions that could be privatized	\$0	\$0	\$0
Planning for a library in Fletcher	\$0	\$0	\$0
Research Special School Tax District	\$0	\$0	\$0
Rescue Squad Funding/ research tax district	\$0	\$0	\$0
Court Facilities FF&E	\$0	\$0	\$0
Work with Travel & Tourism on occupancy tax	\$0	\$0	\$0
CUMULATIVE TOTAL	\$5,654,247	\$11,021,429	\$15,613,212

WNC LIVABLE COMMUNITIES INITIATIVE

Larry Rogers, Henderson County's representative on the WNC Livable Communities Steering Committee, updated the Board on the WNC Livable Communities Initiative.

Mr. Rogers stated he was appointed in November of 2011 as the Henderson County Commissioners' representative to a Steering Committee of a Federal Government funded study, referred to as WNC Livable Communities Initiative. The first thing Mr. Rogers did was look at how the committee was set up. He feels it is the most rigged rules he has ever seen. First of all the Federal Government (DOT, HUD & EPA) sent down a salary for an environmental group to live for the next three years (Land-of-Sky). The Land-of-Sky had the ability to set all the rules. First they decided how many counties were going to support the Asheville area. They selected five counties: Henderson, Buncombe, Haywood, Madison and Transylvania each having 1 vote with the exception of Buncombe with 2 votes.

Land-of-Sky also has the ability to decide who is on all of the committees. The Consortium, a group of about forty groups that are listed as members of the Consortium Membership (anyone can join). The list includes about twenty from Asheville and another four or five from Buncombe County. Mr. Rogers stated that his source pointed out that there are about eighteen to twenty of these groups that are listed as being very environmental friendly, environmental extremist. They Land-of-Sky also has the ability to change the voting rules. The Steering Committee is made up of sixteen members, with thirteen voting members. Of those thirteen members, seven are selected by the Land-of-Sky.

If the County and taxpayers do not like what the committee comes up with, we do not have enough votes to make a change. Some troubling items that will be discussed during the project will include paying living wages, sustainable employment, expanding green transportation choices, renewable energy sources, pushing Federal policies, protecting the natural resources and promoting equitable affordable housing. It is Mr. Roger's opinion that these subjects have the ring of socialism.

After much study, Mr. Rogers recommends that Henderson County decline to participate in this controlled three-year social and environmental planning study that would totally change and restrict our way of life.

Commissioner O'Connor made the motion that the Board withdraws support for the Land-of-Sky Livable Communities effort with written notice to the Land-of-Sky of the withdrawal, until they have a final product for review. All voted in favor and the motion carried.

A copy of the letter sent to WNC Livable Communities Initiative/GroWNC is hereby attached and incorporated as a part of these minutes.

SPECIAL NEEDS BASEBALL PROGRAM

Commissioner Messer recommended that the fee for the special needs baseball program be waived.

Commissioner Messer made the motion that the County waives all individual fees (fees not covered by the league sponsors) for the special needs (handicapped) baseball program at Jackson Park. All voted in favor and the motion carried.

SHERIFF'S DEPARTMENT UPDATE

Clarification was made that between the time that the Republican Party sends a recommendation for Sheriff and the Monday, March 5, 2012 Board of Commissioners' meeting, Greg Cochran would remain in charge of the Henderson County Sheriff's Department.

COUNTY MANAGER'S REPORT

County Manager Steve Wyatt provided an update to the Board in regard to the waterline break at the Historic Courthouse. Staff handled the situation and performed diligently. Crews are working as fast as possible to clean up but the timeframe is unknown. Channel 11 is tied directly to the equipment and will be inoperable until the equipment is replaced or repaired. A \$1,000 deductible payment on the insurance is foreseen.

IMPORTANT DATES**Set Public Hearing for Land Development Code Text Amendment (Solar Energy Generation Facility)**

The Henderson County Planning Department received an application (TX-2012-01) to amend the text of the Land Development Code (LDC). The application seeks to allow solar energy generation facilities (a.k.a. solar farms) as a principal use in the County's zoning districts. Planning Staff is working with the applicant to draft appropriate language that would allow solar energy systems with appropriate development standards.

The text amendment will provide new development opportunities within Henderson County. Currently, the LDC only allows "solar panels" as an accessory use to a residence or business.

State law and the LDC require the Board of Commissioners to hold a public hearing prior to acting on a text amendment. Staff anticipates that the Planning Board will review the application and draft language at its February 16th, 2012 meeting. If the hearing date is set, staff will publish the required public notice. The applicant indicates the application is time sensitive.

Commissioner Young made the motion that the Board set a public hearing to receive public comment for Land Development Code Text Amendment 2012-01 regarding solar energy systems for Monday, March 5th, 2012 at 5:30 p.m. All voted in favor and the motion carried.

Set Public Hearing to Consider Economic Development Incentives for Project "Egert" – Add On

Staff requests the Board set a public hearing to consider economic development incentives for Project "Egert" for Monday, March 5, 2012 at 5:30 p.m.

Commissioner O'Connor made the motion that the Board set a public hearing to consider economic development incentives for project "Egert" for Monday, March 5, 2012 at 5:30 p.m. All voted in favor and the motion carried.

CANE CREEK WATER AND SEWER DISTRICT

Commissioner Young made the motion for the Board to convene as Cane Creek Water & Sewer District Board. All voted in favor and the motion carried.

Please see separate Cane Creek minutes for action.

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

CLOSED SESSION

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

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

and the public body, which privilege is hereby acknowledged. To consult with an attorney employed or retained by the public body in order to consider and give instructions to the attorney with respect to a claim.

2. Pursuant to N.C. Gen. Stat. § 143-318.11(a)(5), To establish, or to instruct the staff or agents, concerning the position to be taken by or on behalf of the County in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange or lease.

All voted in favor and the motion carried.

ADJOURN

Commissioner O'Connor made the motion to go out of closed session and adjourn at 1:25 p.m. All voted in favor and the motion carried.

Attest:

Teresa L. Wilson, Clerk to the Board

Thomas H. Thompson, Chairman

HENDERSON COUNTY TAX DEPARTMENT

Collector's Office
200 North Grove Street
Suite 66
Hendersonville, NC 28792

Phone: 828/697-5595

Fax: 828/698-6153

www.hendersoncountync.org/tc/

Stan C. Duncan
County Assessor & Tax Collector

Sandy Allison
Administrative Assistant II

February 8, 2012

Re: Tax Collector's Report to Commissioners – 02/15/12 Meeting

Please find outlined below collections information through February 7th for the 2011 bills, which were mailed out on August 19th, as well as registered motor vehicle bills. As a point of reference, we also have included collections information as of the same date last year.

Annual Bills G01 Only:

2011 Total Charge \$57,533,581.11
Payments & Releases: 54,198,882.52
Unpaid Taxes: 3,334,698.59
Percentage Collected: 94.20%
(through 02/07/12)

2010 Total Charge: \$57,524,414.37
Payments & Releases: 53,990,549.39
Unpaid Taxes: 3,533,864.98
Percentage Collected: 93.86%
(through 02/07/11)

Motor Vehicle Bills G01 Only:

2011 Total Charge: \$3,073,942.63
Payments & Releases: 2,257,648.33
Unpaid Taxes: 816,294.30
Percentage Collected: 73.44%
(through 02/07/12)

2010 Total Charge: \$2,864,447.24
Payments & Releases: 2,217,252.23
Unpaid Taxes: 647,195.01
Percentage Collected: 77.41%
(through 02/07/11)

Fire Districts All Bills:

2011 Total Charge: \$6,706,392.99
Payments & Releases: 6,206,899.91
Unpaid Taxes: 499,493.08
Percentage Collected: 92.55%
(through 02/07/12)

2010 Total Charge: \$6,592,876.26
Payments & Releases: 6,114,499.09
Unpaid Taxes: 478,377.17
Percentage Collected: 93.01%
(through 02/07/11)

Respectfully submitted:



Carol McCraw,
Deputy Tax Collector

Stan C. Duncan,
Tax Collector

Exhibit A

**RESOLUTION DECLARING PERSONAL PROPERTY AS SURPLUS
AND AUTHORIZING THE SALE OF SURPLUS PROPERTY
BY ELECTRONIC PUBLIC AUCTION**

WHEREAS, Henderson County owns vehicles itemized on the attached Exhibit B, hereinafter referred to as "surplus property", that is either obsolete or no longer needed for any governmental use by the County; and

WHEREAS, the Henderson County Board of Commissioners is desirous of declaring the vehicles as surplus and selling at a public auction as authorized by NCGS 160A-270; and

WHEREAS, it is the intent of the County to sell said surplus vehicles by electronic public auction at www.govdeals.com.

NOW THEREFORE BE IT RESOLVED, by the Henderson County Board of Commissioners as follows:

1. The vehicles itemized on the attached Exhibit B is hereby declared to be surplus property.
2. The Finance Director is hereby authorized to sell by electronic auction at www.govdeals.com the surplus property described above to the highest bidder.
3. All surplus property will be sold "as is", all sales final, cash, certified check or money order only. Henderson County makes no express or implied warranties of merchantability of any surplus property, or part thereof, or its fitness for any particular purpose regardless of any oral statements that may be made concerning the surplus property or any part thereof.
4. A notice summarizing this Resolution and the sale of the surplus property by electronic public auction shall be advertised by the Finance Director on the County's website at www.hendersoncountync.org at least ten (10) days prior to the public auction.

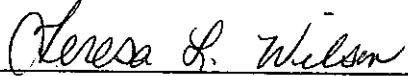
THIS the 15th day February, 2012.

HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: 

Thomas Thompson, Chairman

ATTEST:


Teresa L. Wilson, Clerk to the Board

[OFFICIAL SEAL]

Exhibit B

List of Surplus Vehicles

Year	Make	Model	HC#	VIN #	HC ASSET #	MILEAGE	SURPLUS INFO
2006	Chevrolet	Impala	SH222	2G1WS551769300080	12070	82,511	Weak Transmission
2007	Dodge	Charger	SH272	2B3KA43G97H709152	12473	133,503	High mileage
2007	Dodge	Charger	SH294	2B3KA43G87H708638	13254	106,630	High Mileage

List of Surplus Equipment

Partition for Dodge Durango

No Asset Number

**RESOLUTION ADOPTING A POLICY FOR MUTUAL ASSISTANCE
WITH OTHER LAW ENFORCEMENT AGENCIES**

WHEREAS, pursuant to North Carolina General Statutes §153A-212, the Board of Commissioners of a county may adopt appropriate guidelines for the purpose of mutual assistance with other municipal and county law enforcement agencies; and

WHEREAS, pursuant to said laws, the law enforcement assistance to be rendered authorizes lending officers to work temporarily with officers of the requesting agencies, including in an undercover capacity, and lending equipment and supplies; and

WHEREAS, it is in the best interests of the citizens of Henderson County to adopt a reasonable policy and guidelines whereby reciprocal law enforcement assistance can be both rendered to and obtained from other governmental jurisdictions; and

WHEREAS, such reciprocal assistance is necessary for effective law enforcement for the protection of the citizens of Henderson County;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF HENDERSON COUNTY THAT:

1. The Sheriff is hereby authorized to enter into mutual assistance arrangements with other municipal and county law enforcement agencies, provided that the head of the requesting law enforcement agency makes such a request in writing.
2. The Sheriff is hereby authorized to permit officers of the Henderson County Sheriff's Office to work temporarily with officers of the requesting agency, including in an undercover capacity, and the Sheriff may lend such equipment and supplies to requesting agencies as he deems advisable.
3. All such request and authorizations shall be in accordance with North Carolina General Statutes §160A-288, as that section is made applicable to Henderson County pursuant to §153A-212.
4. While working with a requesting agency, an officer shall have the same jurisdiction, powers, rights, privileges and immunities (including those relating to the defense of civil actions and payments of judgments) as the officers of the requesting agency in addition to those the officer normally possesses.
5. While on duty with the requesting agency, an officer shall be subject to the lawful operational commands of the officer's superior officers in the requesting agency, but the officer shall for personnel and administrative purposes remain under the control of the officer's own agency, including for purposes of pay. An officer shall furthermore be entitled to worker's compensation and the same benefits to the extent as though he were functioning within the normal scope of the officer's duties.
6. The Sheriff is hereby authorized to enter into mutual assistance agreements with other law enforcement agencies in accordance with such reasonable arrangements, terms and conditions as may be agreed upon between the respective heads of the law enforcement agencies.

Adopted this 15th day of February, 2012

ATTEST:


Teresa L. Wilson, Clerk to the Board


THOMAS H. THOMPSON, CHAIRMAN



Henderson County Water Supply Watershed Map New WS-IV-CA

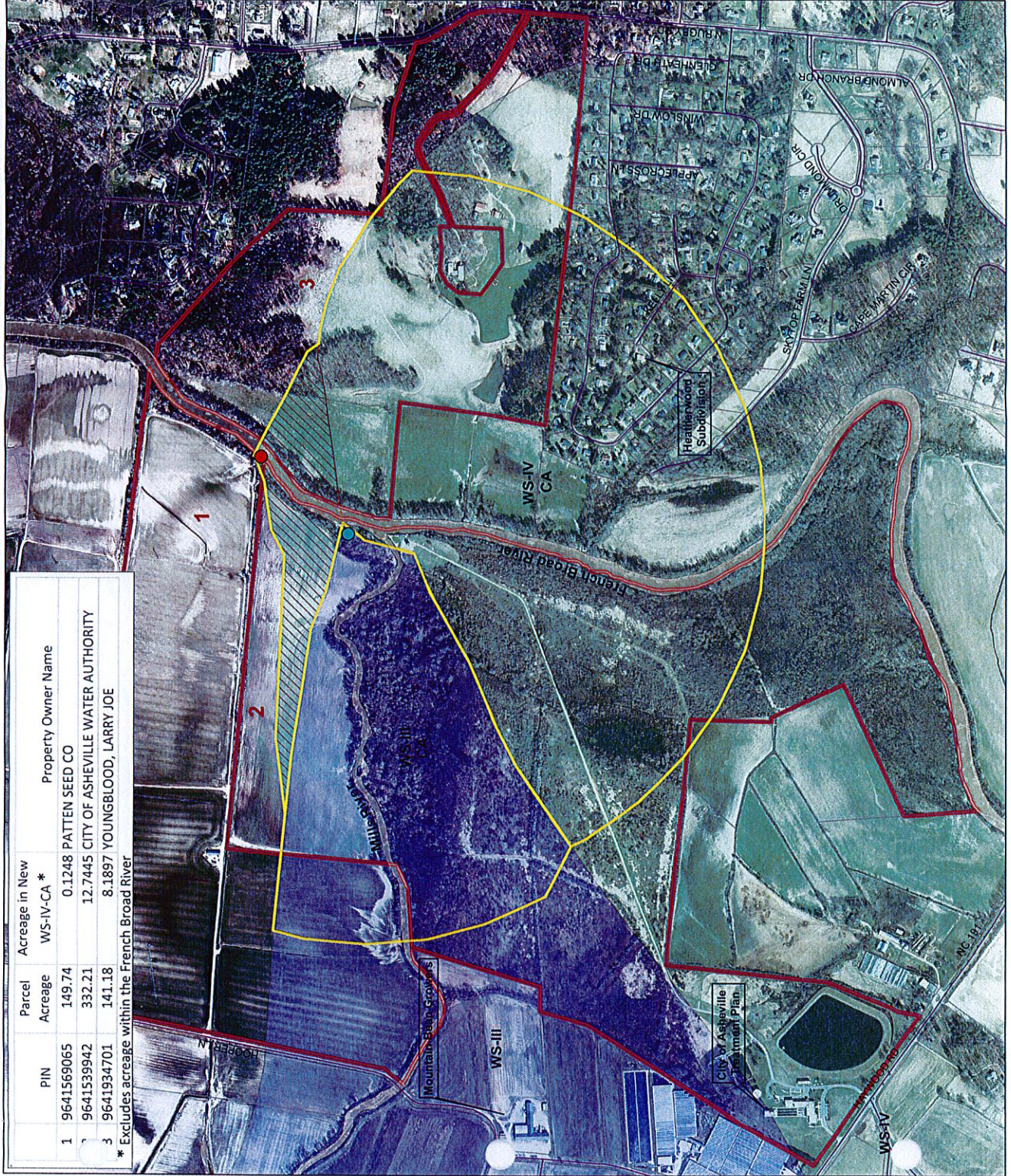
(As Approved December 1, 2011 by NCEMC)

- Legend**
- City of Hendersonville Proposed Surface Water Intake
 - City of Asheville Surface Water Intake
 - Streets
- Water Supply Watersheds**
- Bradley Creek
 - Colt Creek
 - Lower Mills River
 - North Fork Mills River
 - Upper French Broad River
 - Upper Mills River
 - Critical Areas (1/2 mile from intake)
 - Affected Parcels
 - New WS-IV Critical Area (approx. 22.49 acres)
- Rivers/Streams



All information or data provided (whether subscribed, purchased or otherwise distributed) is provided as is, without any warranties, including the warranties of merchantability or of fitness for a particular purpose. Henderson County and its employees make no warranties or guarantees, either express or implied. Use of the information or data subscribed, purchased or otherwise distributed, whether in hard copy or digital media, shall be at the user's own risk.

Map prepared by Autumn Radcliff, Senior Planner,
Henderson County on January 31, 2012



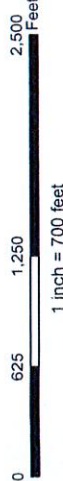


Henderson County Water Supply Watershed Map New WS-IV-CA

(As Approved December 1, 2011 by NCEMC)

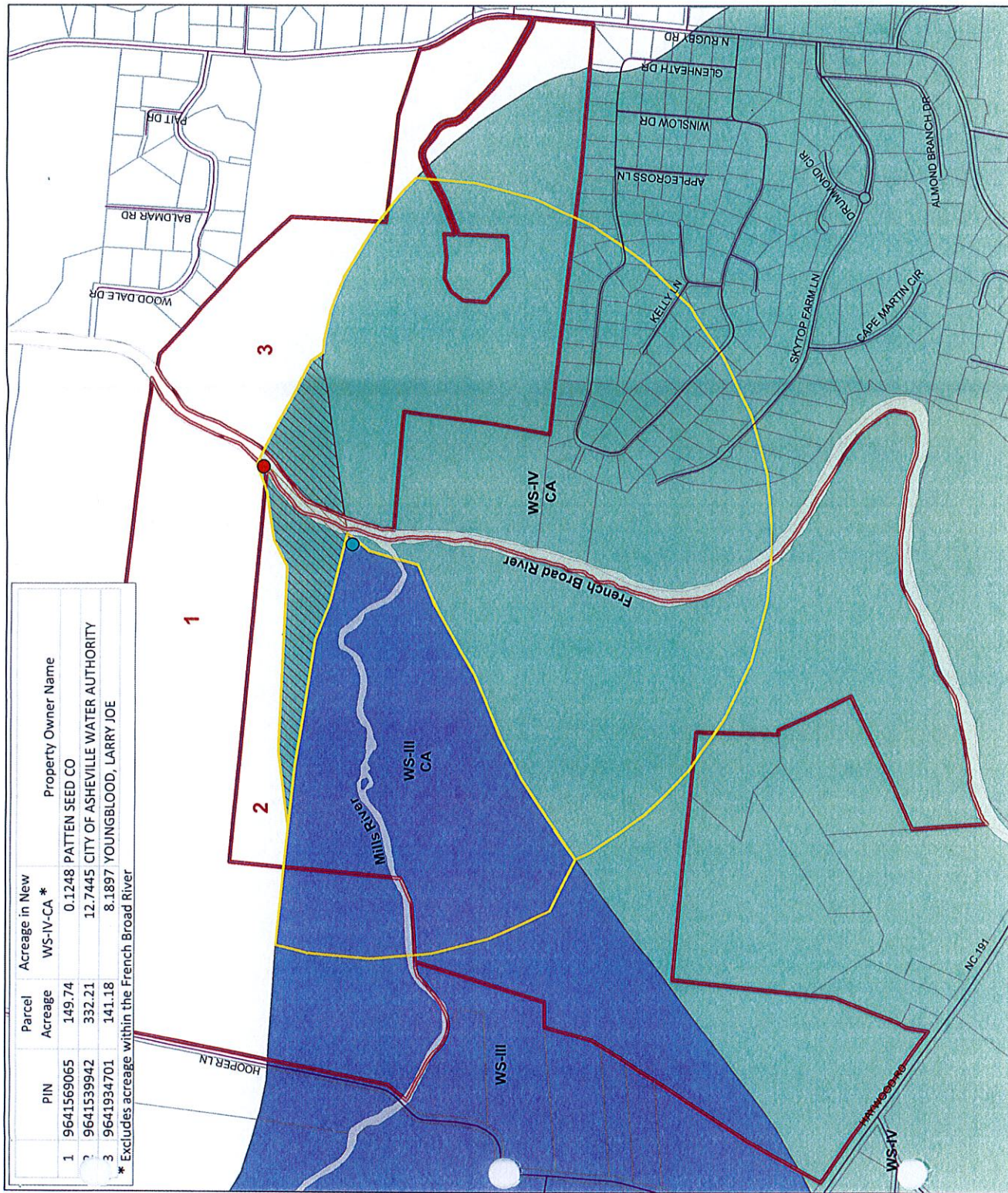
Legend

- City of Hendersonville Proposed Surface Water Intake
- City of Asheville Surface Water Intake
- Streets
- Water Supply Watersheds**
- Bradley Creek
- Colt Creek
- Lower Mills River
- North Fork Mills River
- Upper French Broad River
- Upper Mills River
- Critical Areas (1/2 mile from intake)
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- New WS-IV Critical Area (approx. 22.49 acres)
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Map prepared by Autumn Radcliff, Senior Planner,
Henderson County on January 11, 2012



Parcel	PIIN	Acreage	Acreage in New WS-IV-CA *	Property Owner Name
1	9641569065	149.74	0.1248	PATTEN SEED CO
2	9641539942	332.21	12.7445	CITY OF ASHEVILLE WATER AUTHORITY
3	9641934701	141.18	8.1897	YOUNGBLOOD, LARRY JOE

* Excludes acreage within the French Broad River



Henderson County Water Supply Watershed Map

(As Approved December 1, 2011 by NCEMC)

Legend

Water Supply Watersheds

-  Bradley Creek
-  Colt Creek (See Map Inset)
-  Lower Mills River
-  North Fork Mills River
-  Upper French Broad River
-  Upper Mills River
-  Critical Areas (1/2 mile from intake)
-  Major Roads

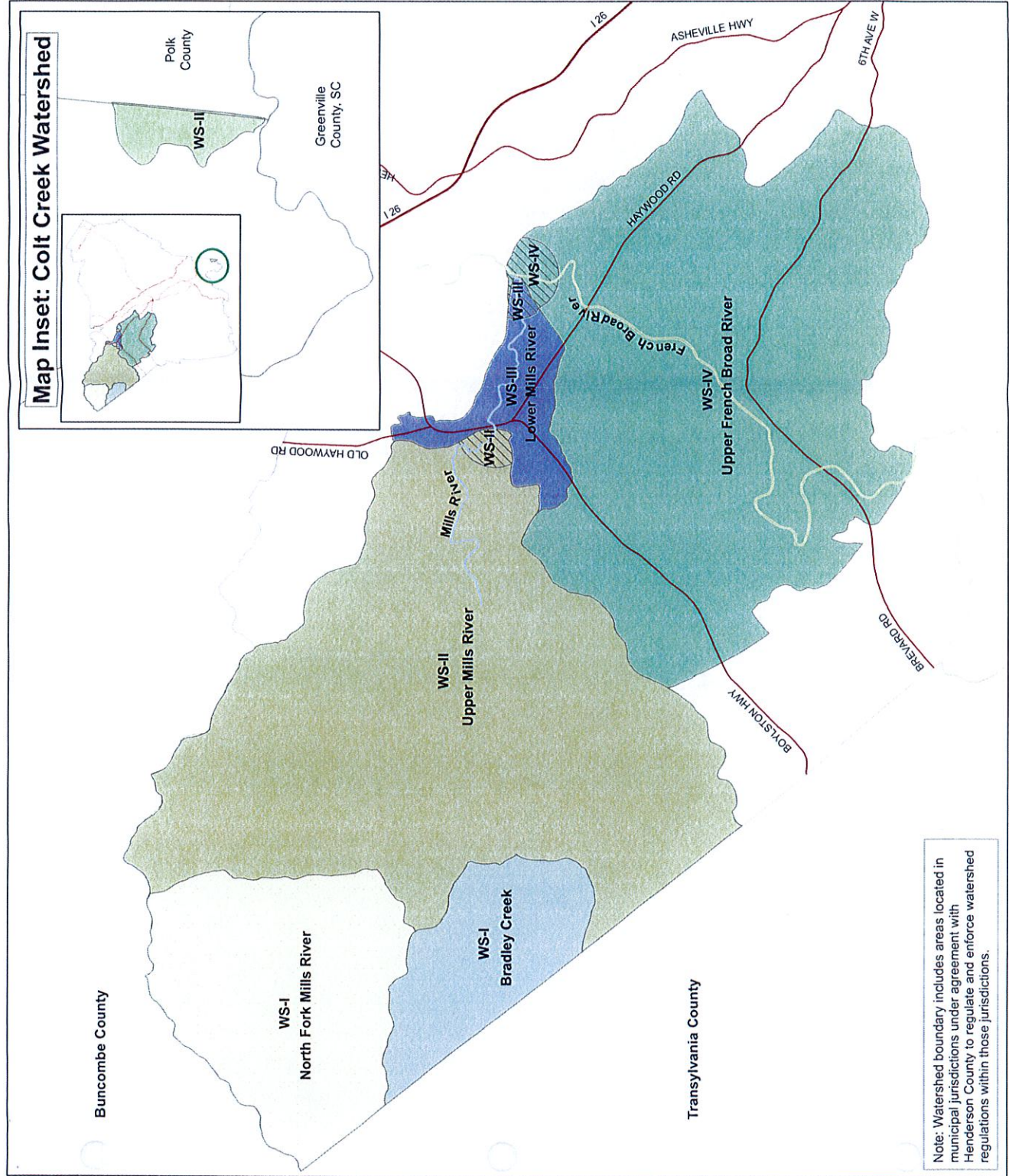
Rivers/Streams

-  French Broad River
-  Mills River



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Map prepared by Autumn Raddiff, Senior Planner,
Henderson County on January 11, 2012



Note: Watershed boundary includes areas located in municipal jurisdictions under agreement with Henderson County to regulate and enforce watershed regulations within those jurisdictions.

HENDERSON COUNTY BOARD OF COMMISSIONERS

1 Historic Courthouse Square, Suite 1
Hendersonville, North Carolina 28792
Phone 828-697-4808 • Fax: 828-692-9855

www.hendersoncountync.org

THOMAS H. THOMPSON
Chairman
WILLIAM O'CONNOR
Vice-Chairman

CHARLIE MESSER
LARRY YOUNG
J. MICHAEL EDNEY

February 16, 2012

Western North Carolina Livable Communities Initiative/GroWNC
c/o Land-of-Sky-Regional Council
339 New Leicester Hwy, Suite 140
Asheville, NC 28806

Gentlemen:

As you know, on September 6, 2011, this Board voted to participate in the Western North Carolina Livable Communities Initiative. While Henderson County and its government generally support goals of “creating more jobs, lowering housing and transportation costs, and using our natural and cultural resources so that our children and grandchildren can enjoy them”¹, we do not believe that the “Consortium” is proceeding in a direction that will actually achieve those goals in Henderson County.

As a result, on February 16, 2012, this Board voted unanimously to discontinue participation in the Western North Carolina Livable Communities Initiative, under whatever name it is now known. Henderson County should no longer be listed as a participant in this project.

Upon the completion of the Initiative’s work the County will be pleased to review the results. However, the apparent endorsement of the project, its process and its outcome which would result from the County’s continuing involvement is expressly disavowed.

Sincerely;

A handwritten signature in black ink that reads "Thomas H. Thompson". The signature is written in a cursive style with a large, sweeping flourish at the end.

Thomas H. Thompson, Chairman

THT: tlw

¹ GroWNC FAQ, found at <http://www.gro-wnc.org/faq.html> on February 16, 2012.