

## MINUTES

STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS  
TUESDAY, SEPTEMBER 7, 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, 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, Construction Manager David Berry, Property Addressing Coordinator Curtis Griffin, Planner Matt Cable, Captain of Patrol Tim Griffin, Sheriff Rick Davis, Lieutenant Vanessa Griffin, Chief Deputy Greg Cochran, Captain Steve Carter, Communications Director Lisha Corn, and Building Services Director Tom Stauffer.

### 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 Daniel Torres of the Leaders in training 4-H Club.

### INVOCATION

Pastor Anthony Craver of the Pentecostal Holiness Church gave the invocation.

### DISCUSSION/ADJUSTMENT OF AGENDA

Chairman Moyer requested the addition of one discussion item, Update of the Regional Livestock Center.

*Commissioner McGrady made the motion to adopt the Agenda with the addition as noted. All voted in favor and the motion carried.*

### CONSENT AGENDA

Chairman Moyer noted a number change in Consent Agenda Item P, Settlement of Henderson County Hospital suit brought by NC Department of Transportation.

Commissioner McGrady noted a couple of non-substantive changes in the minutes of August 18 and August 19. He further commented that the minutes were becoming more of transcripts and felt they should be summarized.

*Commissioner McGrady made the motion to adopt the Consent Agenda with changes as noted. All voted in favor and the motion carried.*

### **Western Regional Livestock Center**

Commissioner Messer provided a brief update on the progress of the Western Regional Livestock Center. The project is behind due to a major rock problem that now been resolved however the cost of the rock problem has put the budget over by around \$200,000. The goal is to open November or December 2010.

Chairman Moyer noted to make up the cost of the rock remediation possible cuts would be made to the inside of the building including pens and walkways unless they are able to find the additional \$200,000.

DATE APPROVED: September 22, 2010

CONSENT AGENDA consisted of the following:

**Minutes**

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

- August 12, 2010 – Special Called Meeting
- August 18, 2010 – Regularly Scheduled Meeting
- August 19, 2010 – Special Called Meeting

**Tax Collector’s Report**

Deputy Tax Collector Carol McCraw had presented the Tax Collector’s Report to the Commissioners dated August 27, 2010 for information only. No action was required.

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

Attached for the Board’s review and approval are the July 2010 County Financial Report and Cash Balance Report.

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

- Finance – professional services for financial management software system support paid in July
- Fire Services – payment of annual fire districts workman’s compensation premium for FY2011
- Rescue Squad – 1<sup>st</sup> quarter non-profit contribution paid in advance at beginning of the quarter
- Tuberculosis, Risk Reduction Health Programs – 100 percent grant funded health programs
- NC Cardiovascular Health Program - \$100,000 program grant approved after budget ordinance was adopted. Budget amendment for approval to record grant funds is forthcoming.

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

The YTD deficit in the Law Enforcement Center Project is expenditures that will be reimbursed from financing proceeds that are expected to be available in the second quarter of FY2011.

Suggested Motion:

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

**Henderson County Public Schools Financial Reports – June 2010 (Unaudited)**

Provided were the Henderson County Public Schools June 2010 (Unaudited) Financial Reports for the Board’s information. Staff requested that the Board consider approving the School System’s June 2010 Financial Reports as presented.

Suggested Motion:

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

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

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

Suggested Motion:

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

**Soil Erosion and Sedimentation Control Update**

A presentation was provided as an update on the status of the Soil Erosion and Sedimentation Control Division.

**Ambulance Franchise renewals**

Pursuant to Chapter 87 of the Henderson County Code, Henderson County has granted ambulance service franchises to the following entities:

- Gerton Volunteer Fire Department and Rescue, Inc.
- Henderson County Rescue Squad, Inc.
- Medical Emergency Ambulance, Inc.
- Mills River Volunteer Fire and Rescue, Inc.
- Mission Hospital

The first (of two) approval of these franchise grants was made 18 August 2010. This is for final approval for these five-year grants. Staff recommends renewal of all these franchises.

Motion suggested:

*I move that the Board approves the renewal of all the existing ambulance franchises, and authorize the Chairman and staff to prepare and execute documentation of the same.*

**Surplus Vehicles**

A resolution was provided for the Board’s consideration declaring the 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 provided 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.*

**FY 2010-2011 Fee Schedule Technical Corrections**

The Board of Commissioners is requested to approve a technical correction to the language in the FY 2010-2011 Fee Schedule with respect to Commercial Inspection Fees. The fees are based on the dollar value of each building, regardless of that dollar value. As adopted, the Fee Schedule included language that stated: “Fees are based on dollar value of each building for the first \$10 million in value of each building”. Since the fees are actually the same regardless of total value, the Board is requested to approve the following revision to the schedule.

<u>Inspections</u>	
Commercial	
Fees are based on dollar value of each building; project cost of building MUST include all trades.	\$7.00 per \$1,000 + \$52.00 (\$52.00 minimum)

The Board of Commissioners is requested to amend the FY 2011 Fee Schedule as proposed.

Suggested Motion:

*I move the Board of Commissioners amend the FY 2011 Fee Schedule as proposed.*

**2010 Fall Litter Sweep Resolution**

The fall 2010 LITTER SWEEP roadside cleanup, organized by the NC Department of Transportation, will be taking place September 18th through October 2nd, 2010. Henderson County encourages citizens in Henderson County to take an active role in making our community cleaner through participating in local litter sweep activities.

Suggested Motion:

*I move that the Board adopts the Resolution provided designating September 18, 2010 – October 2, 2010 as LITTER SWEEP time in Henderson County.*

### **Haywood Knolls' Community Wildlife Habitat Designation Support**

The Board of Commissioners has received a request from the Haywood Knolls' Community for the County's support as they seek recognition as a "Community Wildlife Habitat".

The National Wildlife Foundation's "Community Wildlife Habitat" program encourages every homeowner to plan their landscaping with the needs of wildlife in mind. The Haywood Knolls subdivision believes this is of utmost importance because wildlife, of which there is an overwhelming abundance in this community, is enjoyed by nearly everyone. Habitat restoration and maintenance is critical for our wildlife in this suburban setting where commercial and residential development has infringed on natural areas that wildlife needs in order to thrive.

Providing wildlife habitat in yards -- food, water, cover, and places to raise young -- is relatively easy to achieve in Haywood Knolls as the subdivision is 30 years old and has extremely mature plantings. Wildlife already abounds there – golden eagles, great horned owls, black bears, fox, wild turkey, four types of woodpeckers, hummingbirds, and all kinds of other animals, birds, insects, and reptiles, too numerous to mention. And the subdivision boasts numerous water sources, such as creeks, water garden, and manmade small ponds.

Suggested Motion:

*I move the Board supports Haywood Knolls as they begin the process to seek designation as a "Community Wildlife Habitat".*

### **Records Retention and Disposition Schedule**

The NC Department of Cultural Resources issued a new County Management Records Retention and Disposition Schedule on April 1, 2006. The schedule is the primary way the Department of Cultural Resources gives its consent to destroy records as outlined in G.S. 121-5 and G.S. 132-3. Though the County has been utilizing this Schedule since its issuance, the Department of Cultural Resources has requested the Board officially approve the Schedule by signing the attached approval sheet. The entire 102 page document is available for review in the Clerk's Office.

Suggested Motion:

*I move the Board approves the Schedule as presented and authorize the County Manager and Chairman to execute the approval sheet.*

### **Petition for addition to State Road system – Victoria Springs Drive**

Staff recommends approval of the petition. It has been the practice of this Board to accept road petitions and forward them to NC Department of Transportation for their review. It has also been the practice of the Board not to ask NCDOT to change the priority for roads on the paving priority list.

Staff reviewed the petition and it appears that all affected property owners or developers have signed the required petition.

If approved, staff will forward the petition to NCDOT.

Suggested Motion:

*I move that the Board approves the petition and direct staff to forward it to NCDOT.*

**Progress Energy Easement for the Bent Creek Property**

At the direction of the Board, staff has processed the subject easement. A map of the easement was provided as well as the letter from Progress Energy. Progress energy has purchased an easement of .15 acres for the amount of \$8,500.00 (a copy of the check was provided) on property that is owned by Henderson County, located along the French Broad River in Buncombe County. The easement is for Progress Energy's new Enka transmission. Coordination with the City of Asheville and the Metropolitan Sewer District occurred during the processing of the easement.

It is recommended to deposit the payment into the Capital Reserve Fund.

Suggested Motion:

*I move to accept the check from Progress Energy in the amount of \$8,500.00 for the easement payment on The County's Bent Creek property in Buncombe County, and deposit that money into the Capital Reserve fund.*

**Construction Management Update**

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

**Settlement of Henderson County Hospital suit brought by NC Department of Transportation**

Consistent with the Board's previous direction, a settlement has been reached with the North Carolina Department of Transportation in its suit against the County and Henderson County Hospital Corporation regarding the condemnation of certain land for the widening of Sixth Avenue within the City of Hendersonville. Under this settlement, the Hospital Corporation would receive an increase of \$61,475.00 over the \$146,025.00 initially offered and deposited by the Department of Transportation.

Motion Suggested:

*I move that the Board approves the settlement with the North Carolina Department of Transportation, and authorize the Chairman and staff to execute the Consent Judgment reflecting the same.*

**NOMINATIONS**

**Notification of Vacancies**

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

1. Nursing Adult Care Home Community Advisory Committee – 3 vac.

**Nominations**

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

1. Apple Country Greenway Commission – Discussion of Chair vacancy

Commissioner McGrady reported there had been so success in finding a person willing the Chair the Commission.

2. Child Fatality Prevention Team – 1 vac.

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

3. CJPP (Criminal Justice Partnership Program) – 2 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. Hendersonville City Zoning Board of Adjustment – 1 vac.

Commissioner Young nominated Ben Benton for position #3. *Chairman Moyer made the motion to accept the reappointment of Ben Benton to position #3 by acclamation. All voted in favor and the motion carried.*

6. Juvenile Crime Prevention Council – 9 vac.

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

7. 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.

8. Senior Volunteer Services Advisory Council – 3 vac.

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

9. WCCA Board of Directors (Western Carolina Community Action) – 1 vac.

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

**PARDEE HOSPITAL PRESENTATION ON PLANNED JOINT VENTURE WITH MISSION HOSPITAL SYSTEM**

Chairman Moyer noted this presentation was to provide information on the planned joint venture of Pardee Hospital and Mission Hospital systems. It is anticipated that the Board will, at a later meeting, receive a presentation from representatives of Park Ridge Hospital regarding this proposal.

Representatives of Henderson County Hospital Corporation discussed the planned joint venture with Mission Hospital System, to be located in Fletcher, North Carolina.

Chairman of the Hospital Corporation Board of Directors Bill Lapsley provided history and expectations of Pardee Hospital. Pardee Hospital is self-supporting and does not obtain any taxpayer funds or financial assistance from others outside of the patients of the hospital. During the last four years the Board of Directors and a management team have propelled Pardee into a leadership position in low cost, high quality health care not only in Western North Carolina but across the nation.

The strategic plan established in 2007 includes the following goals:

- Clinical Services – achieve national benchmark performance in clinical outcome, quality and cost efficiency.
- Operational Excellence – meet or exceed national benchmark performance in quality, safety, efficiency, and service to differentiate Pardee Hospital from its competitor, Park Ridge Hospital.
- Physician Alignment – collaborate with their medical staff to address key initiatives including quality, clinical outcomes, service, recruitment, and retention.
- Quality Services – enhance Pardee Hospital’s performance improvement, safety, risk management, and quality monitoring systems.
- Human Resources – attract and retain highly motivated and well trained employees.
- Financial Strength – enhance their overall financial capability.
- Facilities & Technology – ensure the optimal utilization of all the hospital resources to meet these initiatives.

To reach the initiatives Pardee Hospital must do the following:

- Be the provider of choice for our community.
- Strengthen the alignment of their medical staff physicians with Pardee Hospital.

- Protect and grow their market share in Henderson County by achieving clinical excellence and actively participate and pursue potential partnership opportunities that protect their organization and their mission.
- Focus on hospital services & physician alignment
- Pardee Care Center transition to private sector
- Partner with community owned hospitals to
  - Gain economics of scale
  - Collaborate to avoid duplication of services

CEO Kris Hoce provided additional background of Pardee that he felt led to consideration of this project.

- They have a culture of forward thinking – Healthcare reform will create thousands more insured people in need of services.
- Pardee was built by this community and is recognized by the nation.
- The community needs better access to outpatient services of this level.
- They will continue to be the champions of delivering the lowest cost, highest quality healthcare.

#### Health care Reform

- The Patient Protection and Affordability Act
- Expanded Coverage – 32 Million (Estimated at 17-20 thousand in Henderson County)
- Payments for care being aligned with quality outcomes
- Evidenced-based care

In order for the provider to be successful with the Healthcare Reform the following is necessary:

- Brand identification
- Effective Services Distribution Strategy = Ease of Access and “System” of Care
- Integration and Alignment with Physicians
- Sophisticated IT and HER Capabilities
- Readiness and Ability to Measure and Manage Cost and Quality Performance
- A care, cost and quality management culture

Project Vision – The vision for the Mission Pardee Health Campus is to create a wellness focused outpatient facility that offer high quality, affordable patient care in a location that is convenient and easily accessible. This concept has proven to be very successful in other healthcare systems in the region. A market study was completed in order to determine whether this type of facility would be welcomed in the community. Two focus group sessions were held to learn more about consumer needs and requirements from an outpatient facility.

- Area consumers’ overall reaction to the concept was very positive.
- Local residents who have not experienced outpatient care delivered in this manner were delighted with the concept.
- Location outside of congested downtown environment is optimal.
- Some responders mentioned that they would like a gym on site. They emphasized that a facility like this should have services to promote wellness.
- 24/7 care was listed as an important characteristic of this type of facility.

Mr. Hoce shared pictures of the site location and plan.

The Proposed facility is located on Highway 25 and straddles the Henderson County and Buncombe County lines.

Clinical Services being considered are:

- Outpatient Surgery
- Radiology
- Endoscopy

- Physical Therapy & Wellness
- Laboratory Services
- Pharmacy
- Physician Services/Offices
- Urgent Care/Emergency Services

## Site Location



## Site Plan





#### Project Approach

- General design of project has been reviewed with the Fletcher Planning Board.
- Demolition of existing buildings
- Phased, multi-building approach – clinical services will be added based on need and support of physicians and community.
- Engage an equity based developer
- Physician commitment and buy in

#### Governance Review

- The Board of Directors has been diligent in planning for the last 18 months.
- The Healthcare reform is projected to increase the number of insured consumers. ED and primary care will be needed to care for this population.
- Extensive financial review and analysis has been completed on this project by the Pardee team and Griffin Consulting Group Inc.
- Pardee and Mission will provide equal capital and receive equal equity.
- This project will not go forward unless it meets the financial returns that the Pardee Board has established for similar clinical programs and projects.

Mr. Hoce addressed questions and concerns voiced from the community in early July.

Can Pardee afford this project? Yes, Pardee has been working diligently over the past number of years to continue to strengthen and grown Pardee's financial resources. To improve the health of our community Pardee Hospital needs to be financially sound. Their financial results are benchmarked against national standards. Pardee has performed along with the best hospitals in the country at their size and structure. Pardee has extremely low debt and a very strong balance sheet.

Another issue raised after the project was announced is that Pardee does not provide the same level of uncompensated care to the community that Park Ridge does. Mr. Hoce felt that unfortunately Park Ridge did not provide all the information. Referring to a graph of hospital license renewal applications in the State of North Carolina Mr. Hoce feels this is where Park Ridge Hospital gets their numbers when they say that they provide more uncompensated care than Pardee. Looking at all patients, the discrepancy becomes rather substantial in that Pardee does about 10.3% of its total volume as uncompensated care.

Bill Lapsley stated the Board of Directors of Pardee Hospital serve at the pleasure of the Board of Commissioners. They have an obligation to set the policies and make the decisions on the operation of this Henderson County community hospital. The lease agreement between the Henderson County Board of Commissioners and the Hospital Corporation allows the hospital board to enter into joint venture projects similar to the one in which is being considered.

Mission Hospital is not taking over Pardee Hospital. This joint venture will be set up with numerous legal documents that will provide for equal voting rights and protect the assets of Pardee Hospital. Mr. Lapsley, speaking for the Hospital Board of Directors, stated they firmly believe that if the board does not proceed with the project that Mission Hospital will proceed on its own to construct the proposed facility just inside the Buncombe County line without Pardee's participation. Pardee is the only community hospital in WNC with a private hospital competing for its patients and physicians. Pardee has competed directly with the Adventist Health System since 1985.

#### **CONSTRUCTION CONTRACT – LAW ENFORCEMENT CENTER**

Engineer Marcus Jones stated as recommended by Moseley Architects on the letter provided, the apparent low bid for the referenced construction contract is provided for Board approval. The Board has authorized Mosley Architects to design, permit, and bid the Law Enforcement Center. The proposed contract is for \$6,400,129.00 with Dunn Southeast (JE Dunn Construction). The construction estimate was \$6,870,741 for this project. The complete bid tabulation was provided.

Dan Mace of Mosley Architects reported that the bidding process held on August 17, 2010 was exceptional. Out of fifty plan holders, firms that ordered sets of plans during the bidding process, twenty bidders showed up. All base bids received were within the published construction budget.

The construction cost came in 6.85% below budget. County Manger Steve Wyatt noted this was the construction cost only and did not include the project cost (FF&E). The total project budget was around \$7.7 million and with these bids the cost will come in at approximately \$7.27 million, a savings of approximately \$470,000 under the project budget.

Construction Manager David Berry noted that the numbers do include the 20,000 square feet of basement.

By State Statute this project was estimated to be in the formal biding range, and therefore, the Architect has conducted the bid process accordingly. Additionally, the project was advertised in the local newspaper, Times-News, and posted on the County website.

*Commissioner McGrady made the motion that the Board of Commissioners approves the construction contract for the Law Enforcement Center with the apparent low bidder Dunn Southeast (JE Dunn Construction) for \$6,400,129.00.*

Chairman Moyer felt this project should have been done years earlier. He was unsure how justification could be made for taking on additional debt during this economic time.

After further discussion, *the voted passed 4-1 with Chairman Moyer voting nay.*

#### **CONSTRUCTION CONTRACT – OLD HEALTH BUILDING RENOVATIONS**

Engineer Marcus Jones stated as recommended by Moseley Architects on the letter provided, the apparent low bid for the referenced construction contract is provided for Board approval. The proposed contract is for \$1,334,200 with H&M Constructors. The construction estimate was \$1,668,752 for this project. The complete bid tabulation was provided.

By State Statute this project was estimated to be in the formal biding range, and therefore, the Architect has conducted the bid process accordingly. Additionally, the project was advertised in the local newspaper, Times-News, and posted on the County website.

County Manager Steve Wyatt noted there was concern in regards to informalities during the bid process and proposed a rebid process as the solution.

It was the consensus of the Board that a rebid process was necessary.

Steve Wyatt stated a recommendation could be brought to the Board at the October 4, 2010 meeting.

County Attorney Russ Burrell explained the correct action would be to reject the bids and readvertise the bids with the same specifications.

*Chairman Moyer made the motion that the Board rejects the bids and readvertise for bids with the same specifications and the shortest schedule possible making it clear that no informalities will be overlooked.*

David Berry questioned if the bid instructions should be exactly the same as before with the addition of the statement that no informalities will be allowed.

Russ Burrell felt it would be a good idea to add the language as a cover letter to the specifications.

After further discussion *all voted in favor and the motion carried.*

**APPLICATION FOR FUNDING THROUGH RECOVERY ZONE ECONOMIC DEVELOPMENT BOND PROCESS**

Russ Burrell stated this is an option under the recovery act of last year. The Board would be applying for funding that may or may not be available from the state. If it is available a comparison would be made to determine if the RZEDB financing or conventional financing would be better economically. There is no obligation.

Requested is Board approval of the application for state allocation of funding under the Recovery Zone Economic Development Bond ("RZEDB) program. The Board previously elected "Recovery Zone" status for all of Henderson County. So any projects included in the upcoming financing (contracts dealt with on this agenda) could be included.

Adoption of this resolution would not require use of RZEDB, but would apply for use of any allocation available from North Carolina. If such an allocation was available to the County, the County could then determine whether use of RZEDB status would make for the best economic "deal" for such financing.

*Commissioner McGrady made the motion that the Board adopts the resolution authorizing projects to utilize recovery zone economic development bonds. All voted in favor and the motion carried.*

**Break** – A brief break was taken.

**MOMENT OF SILENCE IN MEMORY OF FORMER COMMISSIONER VOLLIE GOOD**

Chairman Moyer requested a moment of silence in respect to the passing of former Commissioner Vollie Good.

**PUBLIC HEARINGS**

**Public Hearing for abandonment of State Maintenance and closure of all known Right of Ways (Cave Inn Drive)**

The Planning Department staff requests the Board to conduct a public hearing of September 7, 2010 and approve or deny the proposed abandonment of state maintenance and closure of all known right of ways.

*Commissioner McGrady made the motion that the Board go into public hearing for abandonment of State Maintenance and closure of all known Right of Ways (Cave Inn Drive). All voted in favor and the motion carried.*

Property Addressing Coordinator Curtis Griffin stated in May a petition was received from property owners Tommy J. and Joan C. Heinz requesting the abandonment of maintenance and closure of all know right of ways on state road 1661 in Bat Cave called Cave Inn Drive.

Mr. and Mrs. Michael Harris are contesting the closure of said right of way because in their opinion it offers the easiest access to their property. They have the support of the Bat Cave Fire Department and the Henderson County Emergency Management office.

State road 1661 is an older road previously used to serve the Valley Clinic in Bat Cave before the Clinic burned down. The road is in disrepair and has not been kept by the NCDOT in years. The Harris property is to the south of the subject property. In order for there to be some type of emergency access to the Harris property, the petitioners have indicated to staff that they are willing to offer an alternative right of way.

The Board of Commissioners approved a resolution of intent to close this easement at their August 2, 2010 meeting.

#### Abandonment and closure of right of way for Cave Inn Drive (SR 1661) Key Points

- May 19, 2010 Completed petition received.
- May 20, 2010 Letter received from the Harris's contesting the abandonment and closure of right of way for SR 1661.
- June 4, 2010 The Heinz's amended petition to also include closure of all known right of ways.
- June 16, 2010 Received letter from Bat Cave Fire Department not supporting the abandonment and closure of right of way.
- June 22, 2010 Received letter from Henderson County Emergency Management not supporting abandonment and closure of right of way.
- Current state maintained road (Cave Inn Dr.) extends across a portion of the Heinz property.
- Harris property directly accesses US64.
- Harris driveway to US64 is steep and contains a sharp turn.
- Limited access to Harris residence via driveway on US64 (Gerton Hwy)
- Harris residence currently does not have direct right of way access to Cave Inn Drive (must cross private property).
- Cave Inn Drive currently available for additional emergency services access to Harris home.
- Bat Cave Fire Department and Henderson County Emergency Management are concerned that closure of right of way will limit emergency vehicle access to adjacent property (Harris residence).
- Petitioner (Heinz) recently indicated to staff they are willing to offer alternative ROW access to Harris property for emergency services access

#### Public Input

- 1) Tom Heinz – Mr. Heinz stated on two occasions he has offered right of way access for emergency services and for the oil truck to Mr. and Mrs. Harris. Mr. and Mrs. Harris were still opposed to the road be closed. The Valley Clinic no longer exists and Mr. and Mrs. Harris have their own driveway. According to surveyor Gary Corn, the DOT road way easement ended 18 feet short of the Harris property line. Documents found at the DOT office have shown that the road was specifically installed for the Valley Clinic and the only property owners signing the original petition were the owners of the properties at 30, 57, and 243 Cave Inn Drive. Mr. Heinz would like the road abandoned so that they can have the tarmac removed, plant trees, and restore the property.
- 2) Gary L. Corn – Mr. Corn stated the footing and foundation portions of the existing footing of the building are still there from the building. The state sketch shows that the right of way is tied to the building and this is how he established the location of the right-of-way.
- 3) Sara Bentley – Ms. Bentley lives at 243 Cave Inn Drive behind the Harris and Heinz properties. She and her husband support the improvement of the property but she and her husband have a deeded right-of-Way to their property from Cave Inn Drive crossing the Heinz property. She was concerned if the abandonment of Cave Inn Drive would cut off her access.

Commissioner McGrady explained that the right-of-way being referred to in this case is the state's right-of-way's and would not affect any private right-of-way.

Surveyor Gary Corn explained there is a 16 foot right-of-way.

- 4) Sandra Harris – Ms. Harris made reference to the alternative right-of-way offered by Mr. Heinz. It was offered in conversation only but was never put in writing. The driveway referred to as the Harris driveway is a right-of-way deeded to the house next door to them when the property was split. The

driveway makes a very sharp left and continues up left to a barn owned by Mr. and Mrs. Harris. In case of ice or slick road conditions, when they go down the sharp turn they would likely go down an embankment on to 74. There is no barrier to stop cars from going over the bank.

Russ Burrell explained at the conclusion of the hearing the Board does have the alternative to continue the hearing and allow the parties' time to reach a resolution.

*Commissioner McGrady made the motion that the Board continue the public hearing with respect to the proposed abandonment and closure of the right of way on Cave Inn Drive until October 4, 2010 at 7:00 p.m. and allow time for the parties' to reach a written resolution in regards to the emergency/alternative right-of-way. All voted in favor and the motion carried.*

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

### **Public Hearing for assignment of street name (Kay Road)**

*Commissioner McGrady made the motion that the Board go into public hearing for the assignment of street name (Kay Road). All voted in favor and the motion carried.*

Planning Department staff requests the Board to hold a public hearing to consider assignment of a street name. Staff received a petition from the affected property owners and the required majority (66%) requests the following:

#### **New Street Name - Kay Road Extension**

The naming or renaming of street is required by the Henderson County Property Addressing Ordinance (Chapter 142). North Carolina General Statute 153A-239.1 and the Property Addressing Ordinance require the Board to hold a public hearing prior to assigning a new street name. Assignment of the new street name will avoid possible confusion when responding to emergency situations.

Property Addressing Coordinator Curtis Griffin stated the proposal is to name the new street coming off of Kay Road and serving four homes as Kay Road Extension. Six signatures out of seven property owners were received.

#### **Public Input**

There were 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 the assignment of the street name as presented. All voted in favor and the motion carried.*

### **MAINTENANCE OF EFFORT FUNDING ALLOCATIONS**

Steve Wyatt explained the state mandates that Henderson County appropriate a minimum amount of fixed funding every year for mental health services. There is some flexibility in that. The Board for the last several years has undertaken an application process reviewing the applications and again the requests have exceeded the availability of funds.

Amy Brantley stated Henderson County has \$528,612 to allocate for the provision of mental health services in the county for the period between July 1, 2010 and June 30, 2011. At the Board's workshop on August 19, 2010, the Board reviewed the provider requests, and discussed the allocation options. At that meeting it was the consensus of the Board to leave \$45,000 unallocated at this time, for the provision of any unforeseen

circumstances throughout the remainder of the fiscal year, leaving \$483,612 to be allocated at this time.

After further discussion, *Commissioner Young made the motion that the Board takes \$5,000 proportionately from of the list and take \$5,000 from reserves, reducing the reserve to \$40,000, giving The Healing Place \$10,000 and approving all other allocations as discussed. The motion passed 4-1 with Commissioner McGrady voting nay.*

Commissioner McGrady remains concerned that the Sixth Avenue Psychiatric Rehabilitation is receiving too big a percent of the funding and is not becoming self sustainable.

Based on discussions and information received from the providers, funding allocations are approved as follows:

Blue Ridge Community Health	\$ 39,000
Families Together Inc.	\$ 98,000
The Free Clinics – Pharmacology	\$ 55,000
The Free Clinics – Psychiatric Services	\$ 30,000
The Healing Place	\$ 10,000
Henderson County Health Department	\$ 26,112
Mainstay	\$ 17,000
Parkway Behavioral Health	\$ 12,000
Sixth Avenue Psychiatric Rehabilitation	\$ 181,000
Vocational Solutions	<u>\$ 20,500</u>
Total	\$ 488,612

The September 7, 2010 allocated funding amount leaves \$40,000 unallocated, for any unforeseen circumstances throughout the fiscal year.

**UPDATE ON EDNEYVILLE COMMUNITY PLAN IMPLEMENTATION**

Planning Director Anthony Starr stated the Board of Commissioners reviewed the draft implementation schedule for the Edneyville Community Plan at its meeting on August 18, 2010. The Board directed Staff to adjust the proposed target dates on the recreational related recommendations pending the Board’s discussion on recreational improvements and allocations. Staff amended the draft implementation schedule to reflect the Board’s action at the August 19<sup>th</sup> meeting regarding the recreation projects. The proposed draft implementation schedule provides a broad timeline that addresses when components will be completed or studied and is subject to change. The information includes the board, committee or staff responsible for implementation and an appropriate timeframe for when the Board might expect to address or consider each of these recommendations.

<u>Recommendation</u>	<u>Timeframe for BOC Consideration</u>
Zoning Map Changes	Spring/Summer 2011
LDC Text Changes	Spring/Summer 2011
Community Specific Recreation Assessment	Summer 2011
Affordable Housing Criteria/Opportunities	Fall 2011 (Dependent on Affordable Housing Trust Fund)
Construct Multi-Purpose Fields at Edneyville Community Park	FY2011-2014
Energy Efficiency Fee Rebates	FY2012-2013
Establishment of a Greenway Fund	FY2012-2013
Expand and Connect Greenway	FY2013-2014

It was the consensus of the Board to approve the schedule and continue as scheduled.

**STATE REQUIRED MODIFICATIONS TO ADOPTED STORMWATER MANAGEMENT**

Anthony Starr stated on May 20, 2010 the Board of Commissioners adopted stormwater management

regulations and amended water supply watershed regulations to become effective September 1, 2010, pending approval by the State of North Carolina, Department of Environment and Natural Resources, Division of Water Quality (DWQ). The DWQ subsequently reviewed the County approved text and requested additional minor modifications to ensure compliance with state and federal standards. The Board of Commissioners, during the public hearing, acknowledged the State had the authority to require changes to ensure compliance with state and federal law.

The original text, approved by the Board of Commissioners, mirrored the statutory requirements and standard currently enforced by DWQ, but was not the "model ordinance" suggested by DWQ. (The model ordinance actually sets a different, higher standard than that currently enforced by DWQ, which would not have been in keeping with the Board's requirements.)

The required changes presented with this agenda reflect the minimum requirements for stormwater regulations that are necessary to gain NCDENR approval. These changes only clarify the language of existing standards and in no way increase the level of regulation previously approved by the Board. County staff submitted the stormwater regulation text to the DWQ staff several months ago but was recently notified that additional changes to our county text are necessary. The attached text explains the details of the required modifications.

The County may enforce its stormwater management regulations within municipal jurisdictions by resolution or agreement if desired by both the County and municipality. The County currently enforces soil erosion and sedimentation control regulations and water supply watershed regulations for select municipalities. The resolution provided allows for County enforcement of each of these three (3) water quality regulations within each of the County's municipalities. Laurel Park, Fletcher and Flat Rock have agreed to allow Henderson County to administer stormwater regulations for them. Since Laurel Park and Fletcher have regulations which are very similar to Henderson County, Henderson County will administer their regulations on their behalf by agreement. Flat Rock does not have a stormwater regulation in place at this point and we would administer the county regulations on their behalf. Mills River declined and Hendersonville already has a longstanding stormwater program and decided to keep it.

*Commissioner McGrady made the motion that the Board approves the required modifications to the adopted text with the effective date of September 1, 2010. All voted in favor and the motion carried.*

*Commissioner McGrady further moved that the Board approves the resolution for water quality regulations enforcement and administration with respect to municipalities. All voted in favor and the motion carried.*

#### **HAULING AND DISPOSAL CONTRACT – HENDERSON COUNTY SOLID WASTE**

Steve Wyatt stated the County has a current contract to haul and dispose of waste from the Stoney Mountain Transfer Station ends December 31, 2010. Rutherford County Solid Waste is also under contract with Waste Management with the same termination date. Therefore, a joint Request for Proposals from Henderson County and Rutherford County was advertised on July 16, 2010 for a new contract.

Engineer Marcus Jones stated the contract has been put out to bid, bids have been received, and negotiations have been made with the low bidder to develop a contract.

The bid results are tabulated below:

<b>Company</b>	<b>HC MSW</b>	<b>HC C&amp;D</b>	<b>RC MSW</b>
Republic Services	\$35.00	\$35.00	\$35.00
Waste Connections	\$35.85	\$35.85	\$37.10
Waste Management	\$38.74	\$38.74	\$41.03
Advanced Disposal	\$53.48	\$53.48	\$53.48
WCA		\$29.88	

HC MSW: Henderson County Municipal Solid Waste (trash)  
 HC C&D: Henderson County Construction and Demolition waste  
 RC MSW: Rutherford County Municipal Solid Waste

From the table above Republic Services is the low bidder to MSW and WCA for C&D. Additional terms included in the request for bids are itemized below with Republic's response in parenthesis:

- Annual Inflation Adjustment (All Urban Consumers, US City Average, All Items)
- Fuel Price Adjustment (Department of Energy, Lower Atlantic Region, U.S. On-Highway Diesel Fuel Prices)
- Contract Length 42 months with possible extension to 78 months
- Contract starts January 2, 2011

Negotiations lead to a single recommended low bid by Republic Services. Republic Services bid is attached and the negotiated terms from the attached email are listed below:

- Modify the CPI to coincide with the Counties' fiscal year budget. Instead of the first adjustment in January 2012, the first adjustment would be July 2012 based on April CPI.
- Annual adjustment to be 90% of CPI with 4% cap.
- Consideration for insufficient trailers being available to remove waste from transfer station floor at close of business:
  - If trash is left on the transfer station floor overnight Republic will waive the disposal charge for this load.
  - In addition, if the County should receive a fine for this action Republic would be liable for 1/2 of the fine.
- Initial reduction of C&D waste to \$32.50. After challenging the fee, final reduction to \$31.75 per ton for C&D which allows operations to remain unchanged without separation of MSW and C&D.
- Extend initial contract from 42 months to 54 months

The qualifications of Republic Services were reviewed by Henderson and Rutherford County staff. It was determined through firsthand experience, reference checks and a site visit to the proposed landfill in Union County, SC that Republic is responsive and a quality contractor.

The following table summarizes the negotiated bid with Republic Services' impact on the Solid Waste Enterprise Fund's annual operating budget:

	FY10 tonnage	Current Contract	GDS Bid
MSW fee		\$ 33.47	\$ 35.00
C&D fee		\$ 33.47	\$ 31.75
MSW	56,600	\$ 1,894,402.00	\$ 1,981,000.00
C&D	17,700	\$ 592,419.00	\$ 561,975.00
Total		\$ 2,486,821.00	\$ 2,542,975.00
Budget impact			\$ 56,154.00
Budget impact			1.12%

A brief history of the current contract with Waste Management follows. The contract was initially executed December 23, 1997. For the first three years the contract was for \$30.82 per ton and \$33.47 for the next three years. On January 1, 2004 the contract was amended to add an inflation adjustment. However, the contract was amended again on August 18, 2005 to remove the inflation adjustment and the compensation remains at \$33.47 per ton through the termination date this December 31.

*Commissioner McGrady made the motion that the Board directs the County Attorney and County Engineer*



*to develop a contract to haul and dispose of Henderson County waste based on the negotiated bid from Republic Services and authorize the County Manager to execute the contract. All voted in favor and the motion carried.*

### **Recycling**

Steve Wyatt stated at one time staff considered bringing in a county operated, through a leased facility, materials recovery facility. Over the summer as staff looked at the volatility of the recycling market and the investment costs that the county would be looking at with equipment, automation, and the up fitting of billing, Mr. Wyatt had communicated concern to the Board. The recommendation at this time is to give consideration to looking at the potential of a public/private partnership or perhaps public/private partnerships in the area of recycling. If it is the Board's pleasure the manager requested that staff be allowed to look at all vendors that may result in an RFP process and report back to the Board in 2 to 3 months.

It was the consensus of the Board to continue the process as suggested.

### **2010 NCACC LEGISLATIVE GOALS**

Steve Wyatt stated every 2 years the NCACC conducts a comprehensive process where they develop statewide legislative goals and has invite counties to submit legislative proposals to the Association. Each county is asked to participate by identifying potential goals that would then go through a vetting process, sub-committees or committees of Board of Commissioners.

Public Information Officer Christy DeStefano shared the submissions from the Board.

1. Mental Health Options
  - A. The State needs to assume full responsibility for mental health services; or
  - B. Delegate responsibilities to county human services agencies and give counties the option of consolidating Social Services, Public Health and Mental Health agencies and department under one administrative umbrella unless funding is included.
2. Revenue Options and Protections need to remain a top priority for the NCACC. Some counties continue to have revenue options that other counties do not have. All counties should be treated exactly the same way. In order to do so we need to seek legislation to allow all counties to enact by resolution or, at the option of the Board of Commissioners, by voter referendum any or all revenue options from among those that have been authorized for any other county, including local option sales taxes, prepared food taxes, impact fees and real estate transfer taxes; and to preserve the existing local revenue base.
3. Taxation and Revenue increases from the State – The NCACC needs to continue to put pressure on the state to funnel down funding to the local governments in order to compensate local budgets as a result of these losses.
4. Transportation Funds – With the budget shortfall, it is expected there will be another push to shift some of the State's responsibility for roads into the counties, maintenance or construction. The NCACC should oppose this effort.
5. Annexation – The NCACC need to support legislation modernizing the annexation laws as follows:
  - Requiring the development of joint utility service plan for urbanizing areas;
  - Requiring cities to reimburse counties for the loss of sales tax due to an annexation;
  - Increasing the degree of urbanization required to annex property;
  - Requiring referendum on proposed involuntary annexations in areas where public services, water and sewer and solid water, are already in place; and
  - Requiring the direct provision of municipal water and sewer services to customers within three years of an annexation.
  - Providing that counties have the option of continuing to provide utilities to annexed area.
  - Setting the effective date for involuntary annexation to be June 30 following the date of adoption of final resolution of an appeal.
6. Collective Bargaining for Public Employees – The NCACC should oppose legislation authorizing

local governments to enter into collective bargaining agreements with public employees, or mandating due check-off programs.

7. Second Primary – The NCACC should again seek legislation to eliminate second primary elections.
8. Comparative Fault – The NCACC should oppose efforts to make the State a “Comparative fault” state rather than a “contributory negligence” state, unless such a change is made in tandem with changes in the law as to joint and several liability and with limits on damages for pain and suffering and punitive damages.
9. Requiring a Local Bid – The NCACC should seek legislation giving counties and municipalities discretionary privilege in accepting a secondary bid on projects if the second bid is:
  - A. A local company who employs county residents and pays county taxes; and
  - B. Is within a reasonable percentage (1 - 5% of the winning bid and/or a dollar cap)

The submission deadline for proposals is September 15, 2010. The NCACC will decide on the goals at their January 20, 2011 Legislative Goals Conference.

It was consensus of the Board to submit the list of goals to the NCACC.

### **AGREEMENT WITH FLAT ROCK PLAYHOUSE FOR FALL PRODUCTION**

The Board previously gave tentative approval for the Flat Rock Playhouses production of “A Few Good Men” at the Historic Courthouse during fall of 2010. Selena Coffey stated there are two issues, the next play “A Few Good Men” and the following play “Miracle on 34<sup>th</sup> Street.” A draft agreement for use of the Historic Courthouse from 23 September 2010 through 1 November 2010, on a specific schedule was provided. Flat Rock Playhouse had been provided with a calendar of events already scheduled for the courtroom and Community Room prior to their request. The cost allocation process has not been completed and therefore the amount in the draft contract is not set in stone.

*Commissioner Moyer made the motion that the Board approves the agreement with the Flat Rock Playhouse for the specified dates as presented for the September-November timeframe and that staff continue to negotiate with the Flat Rock Playhouse and execute the agreement for their December performances in accordance with the Board’s direction that future performances not conflict with the Board’s meeting schedule and bring it back to the Board when details are worked out. Chairman Moyer amended his motion that the number in the draft contract is a tentative number and staff will continue to work on it and can change the number as part of the agreement. All voted in favor and the motion carried.*

### **STAFF REPORTS**

There was nothing further at this time.

### **Tuxedo Mill Update**

County Manger Steve Wyatt stated the Tuxedo Mill project was running ahead of schedule. David Berry had reported that it was going well.

### **IMPORTANT DATES**

Chairman Moyer reminded the public that the September 15<sup>th</sup> meeting had been rescheduled to September 22<sup>nd</sup>.

### **CLOSED SESSION**

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

1. Pursuant to N.C. Gen. Stat. § 143-318.11(a)(5), to establish, or to instruct the public body’s staff or negotiating agents concerning the position to be taken by or on behalf of the public body 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 McGrady made the motion that the Board go out of closed session and adjourn at 9:45p.m.  
All voted in favor and the motion carried.*

Attest:

---

Teresa L. Wilson, Clerk to the Board

---

William L. Moyer, 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/](http://www.hendersoncountync.org/tc/)

Stan C. Duncan  
County Assessor & Tax Collector

Sandy Allison  
Administrative Assistant II

August 27, 2010

Re: Tax Collector's Report to Commissioners: 09/07/10 Meeting

Please find outlined below collections information through August 26th for the 2010 bills, which were mailed out on August 13<sup>th</sup>, 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:**

2010 Total Charge \$56,442,690.47  
Payments & Releases: 3,381,939.21  
Unpaid Taxes: 53,060,751.26  
**Percentage collected: 5.99%**  
(through 08/26/10)

2009 Total Charge: \$55,968,197.06  
Payments & Releases: 5,493,322.72  
Unpaid Taxes: 50,474,874.34  
**Percentage Collected: 9.82%**  
(through 08/26/09)

**Motor Vehicle Bills G01 Only:**

2010 Total Charge: \$ 975,175.97  
Payments & Releases: 640,051.94  
Unpaid Taxes: 335,124.03  
**Percentage collected: 65.63%**  
(through 08/26/10)

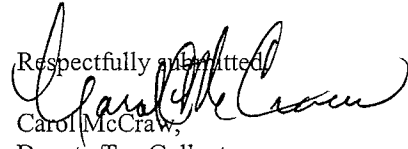
2009 Total Charge: \$1,045,524.52  
Payments & Releases: 706,289.09  
Unpaid Taxes: 339,235.43  
**Percentage collected: 67.55%**  
(through 08/26/09)

**Fire Districts All Bills**

2010 Total Charge: \$6,207,902.66  
Payments & Releases: 457,313.91  
Unpaid Taxes: 5,750,588.75  
**Percentage Collected: 10.90%**  
(through 08/26/10)

2009 Total Charge: \$6,105,500.74  
Payments & Releases: 639,731.64  
Unpaid Taxes: 5,465,769.10  
**Percentage Collected: 13.94%**  
(through 08/26/09)

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](http://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](http://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](http://www.hendersoncountync.org) at least ten (10) days prior to the public auction.


**THIS** the 7<sup>th</sup> day September, 2010.

**HENDERSON COUNTY BOARD OF COMMISSIONERS**

**BY:**

  
William L. Moyer, Chairman

**ATTEST:**

  
Teresa L. Wilson, Clerk to the Board

[OFFICIAL SEAL]

## **Exhibit B**

### **List of Surplus Vehicles**

<b>Year / Make / Model</b>	<b>VIN #</b>	<b>County Asset 2006</b>
1985 CHEVROLET PICKUP TRUCK	1CCHD34J6FF429127	11574
1984 CHEVROLET PICKUP TRUCK	1GCGD34J7EF307287	007233
1994 FORD CLUB WAGON (VAN)	1FBHE31HXRHC17794	004998
2006 CHEVROLET IMPALA	2G1WS551269299470	12072
2006 CHEVROLET IMPALA	2G1WS551869303988	12079
2006 CHEVROLET IMPALA	2G1WS551369300724	12084
1999 FORD CROWN VICTORIA	2FAFP71W1XX139220	11255

### **List of Surplus Equipment**

1988 JOHN DEERE 850B CRAWLER DOZER	T0850BH752038	2902
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# HENDERSON COUNTY BOARD OF COMMISSIONERS

1 Historic Courthouse Square, Suite 1  
Hendersonville, North Carolina 28792  
Phone 828-697-4808 • Fax: 828-692-9855  
TDD: 828-697-4580  
www.hendersoncountync.org

BILL MOYER  
Chairman  
MARK WILLIAMS  
Vice-Chairman

CHUCK McGRADY  
CHARLIE MESSER  
LARRY YOUNG

## RESOLUTION PROPOSED LEGISLATIVE GOALS FOR THE NORTH CAROLINA ASSOCIATION OF COUNTY COMMISSIONERS (NCACC) FOR 2010

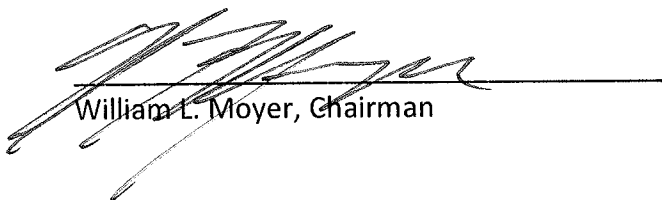
**WHEREAS,** the North Carolina Association of County Commissioners (NCACC) adopts a list of prioritized legislative goals every year in order to represent a consensus opinion of all the state's counties and the views of county elected officials across the state; and

**WHEREAS,** the Henderson County Board of Commissioners have developed a list of suggested legislative goals for the NCACC to consider adopting as part of their legislative goals process, that they feel are important and vital for the success of not only Henderson County, but for state of North Carolina; and

**WHEREAS,** the nine suggested goals agreed upon by the Henderson County Board of Commissioners for submission as part of the NCACC legislative goals process encompass the topics attached; and

**NOW, THEREFORE, BE IT RESOLVED** that the Henderson County Board of Commissioners, at their meeting on September 7, 2010 does hereby agree upon the submission of the seven proposed legislative goals to the North Carolina Association of County Commissioners as part of their 2010 legislative process.

Adopted this the 7<sup>th</sup> day of September, 2010.

  
William L. Moyer, Chairman

  
Teresa L. Wilson, Clerk to the Board

## Proposed NCACC Legislative Goals for 2010

**1. Mental Health Options**

- a) The State needs to assume full responsibility for mental health services; or
- b) Delegate responsibilities to county human services agencies (i.e. Social Services and Public Health departments) and give counties the option of consolidating Social Services, Public Health and Mental Health agencies and departments under one administrative umbrella. If delegation occurs the State needs to ensure counties that these funds are earmarked for the use of mental health and won't be subject to revocation without consent.

**2. Revenue Options and Protections.** In the coming year, this needs to remain a top priority for the NCACC. Some counties continue to have revenue options that other counties do not have. All counties should be treated exactly the same way. In order to do so we need to seek legislation to allow all counties to enact by resolution or, at the option of the Board of Commissioners, by voter referendum any or all revenue options from among those that have been authorized for any other county, including local option sales taxes, prepared food taxes, impact fees and real estate transfer taxes; and to preserve the existing local revenue base.

**3. Taxation and Revenue Increases from the State.** With the state eliminating more and more county funding (i.e. ADM and lottery funds), the NCACC needs to continue to put pressure on the state to funnel down funding to the local governments in order to compensate local budgets as a result of these losses.

**4. Transportation Funding.** With the budget shortfall, I expect there will be another push to shift some of the State's responsibility for roads onto the counties – whether maintenance or construction. The NCACC should oppose this effort.

**5. Annexation.** The NCACC needs to support legislation modernizing the annexation laws as follows:

- Requiring the development of joint utility service plan for urbanizing areas;
- Requiring cities to reimburse counties for the loss of sales tax due to an annexation;
- Increasing the degree of urbanization required to annex property;
- Requiring referendum on proposed involuntary annexations in areas where public services – water and sewer and solid waste – are already in place; and
- Requiring the direct provision of municipal water and sewer services to customers within three years of an annexation.
- Providing that counties have the option of continuing to provide utilities to annexed areas.
- Setting the effective date for involuntary annexation to be June 30 following the date of adoption of final resolution of an appeal.



6. **Collective Bargaining for Public Employees.** The NCACC should oppose legislation authorizing local governments to enter into collective bargaining agreements with public employees, or mandating due check-off programs.
7. **Second Primary.** The NCACC should again seek legislation to eliminate second primary elections.
8. **Comparative Fault.** The NCACC should oppose efforts to make the State a “Comparative fault” state rather than a “contributory negligence” state, unless such a change is made in tandem with changes in the law as to joint and several liability and with limits on damages for pain and suffering and punitive damages.
9. **Requiring a Local Bid.** NCACC should seek legislation giving counties and municipalities discretionary privilege in accepting a secondary bid on projects if the second bid is:
  - a. A local company who employs county residents and pays county taxes; and
  - b. Is within five percent (maximum of \$300,000) to the lowest overall bid.

# HENDERSON COUNTY BOARD OF COMMISSIONERS

1 Historic Courthouse Square, Suite 1  
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TDD: 828-697-4580  
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BILL MOYER  
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Vice-Chairman

CHUCK McGRADY  
CHARLIE MESSER  
LARRY YOUNG

## PROCLAMATION ACKNOWLEDGING SEPTEMBER 18-OCTOBER 2 AS FALL 2010 LITTER SWEEP ROADSIDE CLEANUP

- WHEREAS,** the North Carolina Department of Transportation organizes an annual fall statewide roadside cleanup to ensure clean and beautiful roads in North Carolina; and
- WHEREAS,** the Henderson County Board of Commissioners will acknowledge the fall 2010 LITTER SWEEP roadside cleanup which will take place September 18-October 2, 2010, and encourages civic and professional groups, local governments, businesses, churches, schools, families, and individual citizens to participate in the Department of Transportation cleanup by sponsoring and organizing local roadside cleanups; and
- WHEREAS,** community service workers, local government agencies, community leaders, civic and community organizations, businesses, churches, schools, and environmentally concerned citizens conduct annual local cleanups during LITTER SWEEP and may receive certificates of appreciation for their participation; and
- WHEREAS,** the great natural beauty of our state and Henderson County and a clean environment are sources of great pride for all North Carolinians, attracting tourists and aiding in recruiting new industries; and
- WHEREAS,** the cleanup will increase awareness of the need for cleaner roadsides, emphasize the importance of not littering, and encourage recycling of solid wastes; and
- WHEREAS,** the fall 2010 LITTER SWEEP cleanup will celebrate the 22<sup>nd</sup> anniversary of the North Carolina Adopt-A-Highway program and its 5,815 volunteer groups that donate their labor and time year round to keep our roadside clean; and
- WHEREAS,** the LITTER SWEEP cleanup will be a part of educating the children of Henderson County regarding the importance of a clean environment to the quality of life in North Carolina;
- NOW, THEREFORE,** be it resolved that we, the Henderson County Board of Commissioners, does hereby proclaim September 18-October 2, 2010, as LITTER SWEEP time in Henderson County and encourages citizens in all 100 counties to take an active role in making their communities cleaner.

Adopted this 7<sup>th</sup> day of September, 2010

ATTEST:

  
TERESA L. WILSON, CLERK TO THE BOARD

  
WILLIAM L. MOYER, CHAIRMAN

HENDERSON COUNTY, NORTH CAROLINA

**RESOLUTION**

**BY THE BOARD OF COMMISSIONERS FOR STORMWATER REGULATIONS  
ENFORCEMENT AND ADMINISTRATION**

**WHEREAS**, Henderson County enacted water supply watershed regulations for Henderson County on May 23, 1994 and maintains the official water supply watershed map; and

**WHEREAS**, Henderson County enacted soil erosion and sedimentation control regulations for Henderson County on October 1, 2007; and

**WHEREAS**, the State of North Carolina on July 1, 2007 enacted post-construction stormwater management regulations for Henderson County; and

**WHEREAS**, the municipalities within Henderson County have varied existing water supply watershed, soil erosion and sedimentation control, and stormwater regulations and enforcement methods; and

**WHEREAS**, Henderson County is subject to the state and federal environmental laws and the North Carolina Department of Environment and Natural Resources currently enforces said stormwater regulations; and

**WHEREAS**, in an effort to provide for local administration, Henderson County adopted the State prescribed stormwater management regulations; and

**WHEREAS**, Henderson County is able to enforce water supply watershed, soil erosion and sedimentation control, and stormwater management regulations, hereinafter "Water Quality Regulations," within each of its municipalities by mutual resolution or agreement; and

**WHEREAS**, a municipality may specify which of the Water Quality Regulations the County will enforce within its jurisdiction; and

**WHEREAS**, municipalities within Henderson County may authorize County enforcement of municipal and County Water Quality Regulations by agreement; and

**WHEREAS**, management of stormwater, prevention of erosion and sedimentation, and protection of water supply watersheds is important to protect our water resources and public and private property; and

**WHEREAS**, environmental stability is crucial to ensure the economic and ecological strength of the County; and

**WHEREAS**, uniform centralized enforcement efforts in the County and its municipalities will provide for consistent procedures throughout the County.

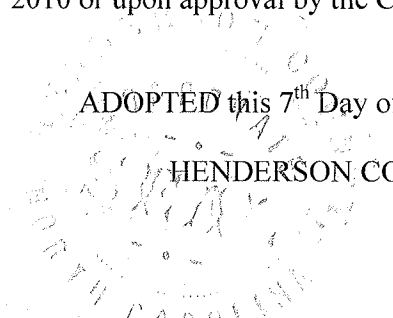
**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of Henderson County, as follows:

1. Henderson County will enforce and administer the specified Water Quality Regulations in any municipality within Henderson County accepting the County's assistance.
2. The Henderson County enforcement officer(s) under the specified Water Quality Regulations is directed to provide the enforcement, inspection, and investigation services authorized under the Water Quality Regulations to any participating municipality.
3. Acceptance of the County's assistance by the municipal governments will be shown either by the approval of a resolution permitting enforcement or a written agreement for enforcement of the specified Water Quality Regulations within the municipal jurisdictions.
4. The Henderson County Manager is authorized to sign the contracts necessary for enforcement of the specified Water Quality Regulations, or portions thereof, within each municipal jurisdiction.
5. Henderson County will relieve the municipalities of the responsibility under the specified Water Quality Regulations to review plans and permit applications. All appeals under the County Water Quality Regulations will be heard by the Henderson County Board of Adjustment.
6. Henderson County will retain all fees collected and associated with the Water Quality Regulations to offset the costs of program administration.
7. Any criminal or civil penalties or injunctive relief under the specified Water Quality Regulations will be requested by Henderson County on behalf of the municipality. These enforcement measures will be initiated by the applicable administrator in conjunction with the Henderson County Attorney's Office. Any funds received from the enforcement and administration of the Water Quality Regulations are retained by the County to offset enforcement costs.
8. Enforcement and administration of the Water Quality Regulations will commence September 1, 2010 or upon approval by the County and applicable municipality.

ADOPTED this 7<sup>th</sup> Day of September, 2010.

HENDERSON COUNTY BOARD OF COMMISSIONERS

ATTESTED BY:

  
Teresa L. Wilson [OFFICIAL SEAL]  
Teresa L. Wilson, Clerk to the Board

BY:   
William L. Moyer, Chairman

A regular meeting of the Board of Commissioners of the County of Henderson, North Carolina, was duly held on September 7, 2010 at 5:30 p.m. in the Commissioners' Meeting Room, Henderson County Historic Courthouse, 1 Historic Courthouse Square, Hendersonville, North Carolina. Chairman Bill Moyer presiding.

\* \* \*

The following members were present: Bill Moyer, Chairman, Mark Williams, Vice Chairman, Chuck McGrady, Charlie Messer, Larry Young.

The following members were absent: None.

Also present: Steve Wyatt, County Manager, Selena Coffey, Assistant County Manager, Russ Burrell, County Attorney, Carey McLelland, Finance Director and Teresa Wilson, Clerk to the Board.

\* \* \*

Commissioner McGrady moved that the following resolution (the "*Resolution*"), a copy of which was available with the Board and which was read by title:

**RESOLUTION AUTHORIZING PROJECTS TO UTILIZE  
RECOVERY ZONE ECONOMIC DEVELOPMENT BONDS**

*WHEREAS*, Recovery Zone Economic Development Bonds (RZEDBs) were created by the American Recovery and Reinvestment Act (ARRA) as a financing vehicle for state and local governments to use to finance certain economic development projects in recovery zones created by state and local governments; and

*WHEREAS*, a state or local government may designate a recovery zone in any area (a) having significant poverty, unemployment, rate of home foreclosures or general distress, (b) any area designated by the issuer as economically distressed because of the closure or realignment of a military installation pursuant to the Defense Base Closure and Realignment Act of 1990, and (c) any area for which a designation as an empowerment zone or renewal community is in effect; and

*WHEREAS*, the County has previously designated itself as a recovery zone; and

*WHEREAS*, RZEDBs must be used to finance qualified economic development purposes, which ARRA defines as “expenditures for purposes of promoting development of other economic activity in a recovery zone” and includes capital expenditures paid or incurred with respect to property in the zone and expenditures for public infrastructure and construction of public facilities; and

*WHEREAS*, the County expects to issue installment financing obligations during calendar year 2010 (the “2010 RZED Bonds”) to finance the capital costs of a new law enforcement center and renovations to the County’s health department facility (the “2010 RZEDB Projects”) and intends to make application to the Tax Reform Allocation Committee for RZEDB allocation in order to borrow such funds as RZEDBs.

*NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF HENDERSON, NORTH CAROLINA, AS FOLLOWS:*

*Section 1.* That the Board of Commissioners of the County hereby authorizes the 2010 RZEDB Projects as being eligible for RZEDBs and designates the 2010 RZED Bonds as RZEDBs.

*Section 2.* That the Board of Commissioners of the County hereby authorizes the Finance Director to make application to the Tax Reform Allocation Committee for RZEDB allocation.

That this Resolution is effective on the date of its adoption.

On motion of Commissioner McGrady, the foregoing resolution entitled “**RESOLUTION AUTHORIZING PROJECTS TO UTILIZE RECOVERY ZONE ECONOMIC DEVELOPMENT BONDS**” was duly adopted by the following vote:

AYES: BILL MOYER, CHAIRMAN  
MARK WILLIAMS, VICE CHAIRMAN  
CHUCK MCGRADY  
CHARLIE MESSER  
LARRY YOUNG.

NAYS: NONE.

STATE OF NORTH CAROLINA )  
 )  
COUNTY OF HENDERSON )

ss:

I, *Teresa Wilson*, Clerk to the Board of Commissioners of the County of Henderson, North Carolina, **DO HEREBY CERTIFY** that the foregoing is a true and exact copy of a resolution entitled “**RESOLUTION AUTHORIZING PROJECTS TO UTILIZE RECOVERY ZONE ECONOMIC DEVELOPMENT BONDS**” adopted by the Board of Commissioners of the County of Henderson, North Carolina, at a meeting held on the 18<sup>th</sup> day of August, 2010.

**WITNESS** my hand and the corporate seal of the County of Henderson, North Carolina, this the 8<sup>th</sup> day of September, 2010.



\_\_\_\_\_  
Teresa Wilson  
Clerk to the Board  
County of Henderson, North Carolina

