

MINUTES

**STATE OF NORTH CAROLINA
COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS
SEPTEMBER 16, 2009**

The Henderson County Board of Commissioners met for a regularly scheduled meeting at 9:00 a.m. in the Commissioners' Meeting Room of the Historic Courthouse on Main Street, Hendersonville.

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

Also present were: Associate County Attorney Sarah Zambon, Finance Director J. Carey McLelland, County Engineer Marcus Jones, Planning Director Anthony Starr, PIO Christy DeStefano, Planner Autumn Radcliff, Solid Waste Manager Will Sager, Library Director Bill Snyder, Construction Manager David Berry, and Environmental Health Supervisor Seth Swift.

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 Commissioner Larry Young.

INVOCATION

County Manager Steve Wyatt gave the invocation.

AWARD

At the North Carolina Association of County Commissioners' Convention the Henderson County Library received an Employee Productivity Award recognizing Simon Coultas, Mark Burdette, Kathie Kreutter, Myra Vagts, AnnMarie Rowe, Jennifer Deitz, Jennifer Brevard, Sandra Fairbanks, Candis Killam, and Kate Whyte. They received the Local Government Federal Credit Union Employee Productivity Award for their self-checkout line installed in the library. The machines have proven to be very fast, reliable, and enable people to check out with improved productivity and customer satisfaction. This is a good example of team work that was put together by the people in the library. Chairman Moyer recognized those in attendance.

Library Director Bill Snyder thanked the Board for recognition of staff. Staff began looking at the self-checkout two years prior as a way to improve productivity prior to the decline of the economy. Approximately 10% of the circulation is being processed through self-checkout at this time with the anticipation of increasing it to 50%. The plan is to install self-checkout at other branches in the future.

INFORMAL PUBLIC COMMENT

1. Robert Ballard – Mr. Ballard spoke on behalf of the Green River Community Association. The Green River Community has made its views clear at local community meetings, in comments to the Commission at public input meetings, and in over two hundred and sixty (260) petitions. They want the County Commissioners to oppose a water classification III designation. Such a decision by the State would provide economic potential to Polk County while the Green River area would permanently lose access to Local Government on water and land use matters. The failure of the North Carolina Department of Water Quality to address their concerns when information was requested only increases their concern about State regulation. In the event that the State is prepared to impose water classification III, they then urge the Commission to argue

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that such a classification should not be put into effect until the two counties have come to an agreement on issues of economic fairness. Otherwise they can imagine situations where Lake Adger water is sold outside of Polk County or a situation in which classification III restrictions are put into place and then Polk County does not make any significant use of the water but the restrictions on Green River persist forever.

2. Larry Rostetter – Mr. Rostetter spoke on behalf of the Green River Community Association. They have heard that the County has had bad experiences enforcing water agreements made in the past and is not confident that a better and more enforceable agreement can be made with Polk County. Henderson County has about five times the population of Polk County and we should expect therefore that Henderson County has about five times the legal engineering and political resources than the lesser populated county.
3. Al Hope – Mr. Hope spoke in regards to the waste haulers situation. His neighborhood is concerned that waste haulers will not be allowed to have their particular customers in a particular portion of the county as they do now, and that the county would be divided up as described in sections of a pie. He has a very long driveway and is happy with their waste hauling association as it is now. Franchising would be acceptable as long as the waste haulers are still allowed to go to different parts of the county where they have existing customers or expand.
4. Janet Czach – Ms. Czach spoke in regards to the Etowah / Horse Shoe community plan. She stated back in September her group had spoken in regards to incorporation and the Commission wished to defer until after they saw what the small area plan was going to do for Etowah / Horse Shoe; it could possibly take the place of incorporation. After the meeting County Commissioners directed the small area planning under the guidance of the County Planning Department, staff and people from Etowah / Horse Shoe. They worked very hard and came up with a plan that was presented to the Commission on December 2, 2008. The Henderson County Planning Board unanimously accepted the plan after holding its own public meeting on December 19, 2008. The Planning Board Chairman Tedd Pearce said the group created a quality plan and believed that the Planning Board should support the effort. It is a good representation of how the people want to see the future. A meeting was held by the Commissioners on May 7, 2009 and according to the Times-News a capacity crowd filled the Historic Courthouse throwing its support behind the Etowah / Horse Shoe Communities small area plan. Fourteen citizens addressed the Commissioners urging adoption of the plan. Even though five months had passed since the Commission received the plan they still had questions and concerns and decided to look at the future and commit by the end of July. She understood the delay due to other obstacles. The folks of this community are concerned that the plan will be thrown by the wayside after all of the hard work that was put into it.
5. David Weintraub – Mr. Weintraub spoke in regards to the Etowah / Horse Shoe small area plan. He feels that the Commission has been sending mixed signals to the public. The Commission asked that the incorporation be held up but have approved the biggest developments in Etowah / Horse Shoe. The plan was completed with some of the suggestions in the plan being even more stringent than the LDC which he feels is rightly so. Looking back at the last twenty years, every time there has been a community input session the people have said that rural character is the most important issue. Steep slopes, water quality and open space are the issues that need to be regarded to continue with rural character. He realizes this may cost more money but feels that a large portion of the revenue coming into the county comes from tourism. The people of Etowah / Horse Shoe have asked to be heard about incorporation and the small area planning process and they ask that the Commissioners take action on this plan.

DISCUSSION/ADJUSTMENT OF AGENDA

Commissioner Mark Williams made the motion to approve the agenda as presented. All voted in favor and the motion carried.

CONSENT AGENDA

Commissioner Messer made the motion to approve the Consent Agenda as presented. All voted in favor and the motion carried.

CONSENT AGENDA consisted of the following:

Tax Collector's Report

Deputy Tax Collector Carol McCraw had presented the Tax Collector's Report to the Commissioners dated September 4, 2009 for information only. No action was required.

Western Highland's Area Authority – Quarterly Fiscal Monitoring Report (FMR) for the period ended June 30, 2009

G.S. 122C-117(c) requires the staff of the local area mental health authority to provide the County Finance Officer with the quarterly Monitoring Report (FMR) within 30 days of the end of the quarter. The County Finance Officer is then required to provide the FMR to the Board of Commissioners at the next regularly scheduled meeting of the board. The FMR for Western Highlands Area Authority was received by the County Finance Officer on September 8, 2009.

Suggested Motion:

I move that the Board of Commissioners approves the Western Highlands Area Authority Fiscal Monitoring Report for the period ended June 30, 2009.

Technical Corrections and Modifications

This is an omnibus act to update certain County ordinances and policies. It contains the following:

- I) Amendments to your "Privacy Policies" enacted pursuant to the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), to allow some units of the Henderson County Department of Social Services to become a part of the "Henderson County HIPAA Hybrid Entity". This will allow such units to electronically bill Medicaid for its services (which electronic billing is now required).
- II) This amends your Code of Ethics for county officials to require reporting of "all honorariums and all gifts and favors exceeding \$100.00 in value".
- III) This modifies the provisions of the County Code dealing with the Cane Creek Water and Sewer District, to allow this Board, acting as the Board for Cane Creek Water and Sewer District, to permit the non-billing of premises in situation where water is not connected (wells) or water service is cut off (public water).
- IV) This provision, acting as the Board for the Cane Creek Water and Sewer District, adopts a policy of non-billing of premises in situation where water is not connected (wells) or water service is cut off (public water).
- V) This provision amends the Rules of Procedure of the Henderson County Historic Resources Commission to allow for election of its Chair, for the Vice Chair to take over the Chair's position if the Chair is unable or unwilling to act, and to allow for election of a new Vice Chair in such situation.
- VI) This provision amends the Bylaws of the Animal Services Advisory Committee to allow it to better enforce its attendance provisions.
- VII) This amends the County Code regarding pawnbrokers, to make it clear that a full application is not required each year to obtain an annual renewal of a license.

Ordinance and Policy Modifications and Technical Corrections Act for 2009

The following cited ordinances and policies of Henderson County and its government are amended or modified as follows:

I.

Privacy Policies adopted by the Board 19 June 2002 under the “Administrative Simplification” provisions of the Health Insurance Portability and Accountability Act of 1996:

1) Policy 2.2, “Incorporation of Policy For and Designation of Hybrid Entity” is hereby amended, by deleting the words “Henderson County Legal Department”, and adding in lieu thereof the following:

- Henderson County Office of the County Attorney
- Henderson County Department of Social Services (only its adult services section, its administrative (financial) unit, and its reception and information technology units)

2) Policy 14 is amended by deleting the words “Legal Department” wherever they may appear, and replacing them with the words “Office of the County Attorney” in each instance.

3) A new policy 15 is added:

Policy 15 – Department of Social Services specific policies

The Department of Social Services will adhere to the Henderson County HIPAA Privacy Policies through a set of adopted standards and operational procedures. These standards and operational procedures are found in the Department of Social Services Operations Manuals that are located in all supervisors’ offices and other staff as identified by the Department.

Operational procedures are written, reviewed and approved by, but not exclusive of, the Management Team and the Internal HIPAA Compliance Team.

The Henderson County HIPAA Committee, and the Department of Social Services’ Internal HIPAA Compliance Team, and Management Team will oversee operations and related procedures and compliance efforts as it relates to HIPAA.

Operational procedures, related to HIPAA Privacy Regulations, are subject to change without notice in the following circumstances:

- As determined by the Department to improve operations regarding the privacy and confidentiality of a client as it relates to PHI or to adhere to any changes in Henderson County HIPAA Privacy Policies,
- As required to comply with adopted Henderson County HIPAA Privacy Policies,
- As required by the government of the State of North Carolina (and any unit thereof), or
- As required by the government of the United States (and any unit thereof).

II

The Code of Ethics adopted by the Board 2 June 2008, section 3, paragraph (e), is amended by deleting the second sentence of the second paragraph thereof, and inserting in lieu thereof the following sentence:

County Officials must report in writing to the Clerk to the Board of County Commissioners all honorariums and all gifts and favors exceeding \$100.00 in value if made by a covered contractor, subcontractor, or supplier.

III

Section 152A-32C of the Henderson County Code is amended by striking the same, and inserting in lieu thereof the following:

In cases of premises where water service is cut off or not connected, during the periods when such water service is cut off or not connected, CCWSD sewer charges will be incurred, and CCWSD bills will be rendered, in accord with policies duly adopted by the CCWSD Board.

IV

Acting as the Board for the Cane Creek Water and Sewer District ("CCWSD"), until further announced by this Board, it shall be the policy of CCWSD to not charge its customers for sanitary sewer service for a given location during periods in which water service is cut off or not connected to such location.

V.

The Rules of Procedure for the Henderson County Historic Resources Commission are amended, as follows:

1) Article VI, Section 2 ("Chairperson"), is amended, by changing the first sentence thereof from

The Chairperson, appointed by the Board of Commissioners, shall be the presiding officer of the Commission, and shall preside over the regular and special meetings of the Commission.

to

The Chairperson, elected by the members of the Commission for a one-year term at the first meeting each calendar year (such election to be conducted by the County staff person assigned to work with the Commission), shall be the presiding officer of the Commission, and shall preside over the regular and special meetings of the Commission.

2) Article VI, Section 3 ("Vice Chairperson"), is amended, by adding to the first sentence thereof, immediately after the words "Vice Chairperson", the words "elected by the members of the Commission".

3) Article VI, Section 3 ("Vice Chairperson"), is amended, by adding the following sentence to the end thereof:

If the Chairperson is unable or unwilling to complete a term after election, the Vice Chairperson will assume the position of Chairperson, and a new Vice Chairperson will be elected by the Commission to fulfill the unexpired Vice Chairperson term.

VI

The By-Laws of the Animal Services Advisory Committee are amended, by changing last sentence of the section named "Attendance" from

Any member having three or more unexcused absences in a twelve month period shall be

reported to the Board of Commissioners.

to

Any member having missed twenty-five percent (25%) of the meetings of the Committee within any twelve-month period shall be reported to the Board of Commissioners.

VII

Section 134-5B(1) of the Henderson County Code is amended, by adding the following:

No new application shall be required in the case of the annual renewal of existing licenses. However, in addition to the annual license fee, the licensee shall submit a written statement, under oath, to the effect that (i) such licensee has operated the licensed pawnbroker business in accord with Chapter 91A of the North Carolina General Statutes, and Chapter 134 of the Henderson County Code; (ii) that all information contained in the application for the previously granted license is still correct (or any changes that are required thereto); and, (iii) that the licensee has not been convicted of any criminal offense in the past year.

Suggested Motion:

I move that the Board adopt the Ordinance and Policy Modifications and Technical Corrections Act for 2009.

Administrative Amendments to the Henderson County 2020 Comprehensive Plan Economic Development Element

The 2020 County Comprehensive Plan (CCP) reflects County Policy, guides growth and development within Henderson County, and outlines specific recommendations and goals and objectives through the year 2020.

At its meeting on August 20, 2009, the Planning Board voted unanimously (7-0) to initiate an administrative amendment to the Economic Development Element of the Henderson County 2020 Comprehensive Plan and recommend that the Board of Commissioners adopt the proposed amendments and updates to recommendation E-04, Pursue innovative approaches to regional economic development initiatives. Attached for the Board's review and recommendation is the draft amendments to the 2020 CCP Economic Development Element Recommendation E-04.

Due to the nature of the content and proposed amendments, the Economic Development Element is considered an administrative amendment. Administrative amendments are reviewed as needed and adopted by the Board of Commissioners. According to the Land Development Code, these amendments do not require a public hearing or public notification because they do not change the meaning or intent of the CCP, but instead make corrections that are technical or clerical and may involve additional explanatory materials and graphics.

Suggested Motion:

I move that the Board approve the administrative amendment to the Economic Development Element of the Henderson County 2020 Comprehensive Plan under §200A-313 (Comprehensive Amendments) of the Land Development Code with any changes discussed by the Board.

Juvenile Justice and Delinquency Prevention Grants

The Henderson County Juvenile Crime Prevention Council (JCPC) allocation of funding from the Department of Juvenile Justice and Delinquency Prevention (DJJDP) as of June 30, 2009 was \$209,672.

Since that time however, DJJDP has sustained budget cuts which have necessitated reductions in the annual JCPC budgets.

The JCPC has made the following recommendations to adjust funding levels to match the availability of State funds, which have been reduced to \$199,188.

1) JCPC Administrative Expenses	\$ 3,500
2) DJJDP/29th Henderson County Psychological Services	\$ 8,650
3) DJJDP/29th Henderson County Emergency Temp Shelter	\$ 9,175
4) Boys and Girls Club of Henderson County	\$ 36,809
5) Henderson County Public Schools/C-Stop Counselor	\$ 25,000
6) Project Challenge (Restitution)	\$ 72,179
7) Dispute Settlement Center	\$ 43,875
	TOTAL \$ 199,188

Suggested Motion:

I move that the Board approve the JCPC recommendations to adjust funding levels for FY 09-10 funding.

Request for Food and Lodging Plan Review Fee Increase

The North Carolina General Assembly during its last session approved a provision that allows county governments to raise the fee charged for plan review. During the September 8, 2009 Henderson County Board of Health meeting the motion passed unanimously for the local plan review service be increased from \$ 200 to \$ 250 and that the Henderson County Board of County Commissioners approve this fee increase.

Suggested Motion:

I move that the Henderson County Department of Public Health's Food and Lodging Plan Review service fee be increased from \$ 200 to \$ 250 to help cover the cost of the program and that this fee increase be made effective immediately.

Resolution – 2009 Henderson County Big Sweep Day

The 2009 BIG SWEEP DAY, lake, stream and landscape cleanup, organized by the Environmental and Conservation Organization (ECO), will be taking place Saturday, September 26, 2009. Henderson County encourages citizens in Henderson County to take an active role in making our community cleaner through participating in local big sweep activities.

Suggested Motion:

I move that the Board adopts the Resolution provided designating September 26, 2009 as BIG SWEEP time in Henderson County.

NOMINATIONS

Notification of Vacancies

1. Community Child Protection Team (CCPT) – 6 vac.
2. Downtown Hendersonville, Inc. – 2 vac.
3. Hospital Corporation Board of Directors – 4 vac.
4. Senior Volunteer Services Advisory Council – 1 vac.
5. Western Highlands Local Management Entity – 1 vac.

Nominations

1. Cemetery Advisory Committee – 7 vac.

Commissioner Chuck McGrady nominated for reappointment Wanda Case for position #1, Jennie Giles for position #2, James Jackson for position #3, Karen Carswell for position #4, Jerald Willingham for position #6 and Volney Pace for position #7. *Chairman Moyer made the motion to accept the reappointments by acclamation. All voted in favor and the motion carried.*

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

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

3. Historic Resources Commission – 1 vac.

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

4. Jury Commission – 1 vac.

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

5. Juvenile Crime Prevention Council – 10 vac.

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

6. Nursing/Adult Care Home Community Advisory Committee – 1 vac.

Commissioner Larry Young nominated for reappointment Dee Hill for position #16. *Chairman Moyer made the motion to accept the reappointment of Dee Hill to position #16 by acclamation. All voted in favor and the motion carried.*

ARCHITECT SELECTION – RENOVATIONS TO OLD HEALTH BUILDING, KING STREET BUILDING & 1995 COURTHOUSE

Construction Manager David Berry stated during the September 6th Commissioners meeting, the Board gave direction to staff to request fee proposals from ADW Architects and PBC&L Architects for the renovations to the former Health Department building, King Street building and the 1995 Courthouse. As background, these two firms were ranked as the most qualified by the Selection Committee based on their Statement of Qualifications for the projects. These fee proposals, along with Moseley Architect's original proposal, will be brought to the Board during this meeting and the Board will be asked to make a final determination as to how it wishes to proceed in hiring an architectural firm to complete these projects.

Fee Proposals were received from ADW Architects and PBC&L Architects and provided to the Board during the meeting. It was noted that ADW and PBC&L fees are based upon percentages of estimated costs which may change since the exact scope of work is yet to be determined. The Architect companies were directed to use \$1.5 million as an estimated amount to calculate the fees.

Assistant County Manager Selena Coffey provided the following information to the Board:

Architectural & Programming Budget:

Law Enforcement Center Construction & Renovation Projects

\$385,000 Approved Budget for all 4 Projects
(Mosley agreed to do architectural & programming for all 4 projects for this amount)

- \$321,000 Mosley Architectural fees for Law Enforcement Center ONLY
(Original proposal included \$30,000 for Allan Programming below)

- \$ 22,312 Allan Programming fees for Law Enforcement Center ONLY

\$ 41,688 remaining in budget for 3 Renovation Projects

Fee Proposals for Renovations Projects ONLY (1995 Courthouse, King Street & Former Health Building)

\$131,250 ADW Architects

Low bid \$128,500 PBC&L Architects

\$ 86,812 Amount in excess of budget if the County uses the lowest bidder on the Renovation Projects versus the Original bidder on all 4 Projects.

Staff recommends that the Board approves the Mosley Architects contract for all of the projects saving the County \$86,812.

Commissioner Larry Young made the motion that the Board accepts the bid from Mosley Architects for all three (3) projects at the remaining cost of \$41,688. All voted in favor and the motion carried.

2007-2011 STRATEGIC PLAN – QUARTERLY UPDATE

Assistant County Manager Selena Coffey provided the 2007-2011 Strategic Plan Quarterly Update for review and discussion. Ms. Coffey briefly covered the following strategy areas:

2.3 – A

The Etowah / Horse Shoe Plan is currently under review by the Commission. The Edneyville Plan draft is expected in the near future.

2.3 – B

The CCP Implementation Schedule has been revised to date and the County is reviewing that schedule annually.

4.1 – C

The Farmland Preservation Plan is being drafted at this time for Henderson County. The Board should see a draft plan within the coming weeks.

4.2 – A

Stormwater Master Plan

4.2 – B, C

The Master Plan is still being worked on and once completed decisions can be made as to whether or not we will adopt the State Water standards and/or develop our own standard.

4.4 – A

The Development of a Comprehensive 20-year Solid Waste Management Plan is currently being discussed.

Chairman Moyer felt that a number of the items which say “ongoing” need to be discussed.

1.3 – A

Implement a 12-year Capital Improvement Plan – determine by year the funds available to fund additional capital projects.

Ms. Coffey stated that the County is basing their Capital Improvements Plan (CIP) on the budget adopted by the Board each year. The CIP projects are covered each year during the retreat. The Board has not made the decision to actually schedule out projects past a certain period of time.

Chairman Moyer felt the purpose was to development a 12-year capital plan so that the Board can see when they are going to do projects. In order to complete the 12-year plan the Board must slot projects.

Commissioner Young felt that the 12 year plan was sidetracked due to the economic conditions.

2.1 – A

10 year capital improvement plan for water and sewer

3.1 – A

Meet park need through 2020 (What is the next step)

5.1 – B

Work with public school system to develop a growth projection model for planning for school facility needs. Ms. Coffey felt this was put into the strategic plan so that the Board could look at how the ADM funds would flush out from year to year and how we would plan for use of the funds. She recommended that the Board, during a Joint School Facilities meeting, begin discussing this issue.

County Manager Steve Wyatt stated in January, 2007, staff spent a day walking through a list in excess of \$100,000,000 of capital needs. What has happened through the process is the Board has taken off the list what they have the means to do each year. Mr. Wyatt feels that Finance Director Carey McLelland maintains the list and it needs to be revisited each January to determine priorities. As far as the schools are concerned, they have a methodology and feel they have a good track record. Perhaps the school Board could share this methodology and the process they use with the Commission.

Chairman Moyer questioned if it was the initial point of this goal (5.1 – B) to try to come up with a way to avoid getting into these lengthy discussions with the school system every year; a formula agreed upon that we would put into schools each year for maintenance, not capital.

Commissioners Young and McGrady responded this was tried but they did not come anywhere close to reaching any consensus on these sets of issues. At that point we broke off discussions. This will not be a simple task.

Chairman Moyer felt from the Board's standpoint, even if an agreement cannot be met, rather than to look at raw numbers, provide staff with a formula showing what is appropriate. He would like to set up a session with the Board and County Manager and discuss ways to go about this and requested the County Manager to develop some alternatives.

Mr. Wyatt would try to get examples from across the state and update them for a future agenda.

The Board determined this should be set up as a workshop within the next month or two.

REVISED PROBATION AND PAROLE LEASE IN 1995 COURTHOUSE

County Engineer Marcus Jones explained that the request is to approve the lease provided for Probation and Parole in the 1995 Courthouse. Since this item was published in the agenda, negotiations with the Department of Corrections have led to some changes in the terms of the lease.

A summary of our Lease with Probation and Parole in the 1995 Courthouse follows:

- Current Lease with Department of Corrections (DOC) expired February 2008
- Since February 2008, we have been month to month at \$1080.10 per month for approximately 1,500 square feet
- Probation and Parole occupy approximately 7,000 square feet with the amount over 1,500 square feet provided by the County without compensation
- In June 2009, negotiations on the renewal of the Lease lead to a 4% increase to \$1,123.30 per month and a proposed Lease was signed by the Board and sent to DOC for signature.

Since sending the proposed Lease to DOC, the Statute provided with the agenda was revised requiring Counties to provide space (at no charge) for all probation officers. This revised Statute does not include management staff; two of the offices under the original lease are management. Therefore, a new Lease has been developed that reflects the space for the two management offices, attached.

The terms of the new Lease are as follows:

- Being 385 square feet of office space located at Henderson County Courthouse, 200 N Grove Street, Suite 90
- At a rate of \$280.41 per month
- For a period of 3 years
- Effective October 1, 2012
- Terminating on October 31, 2012

Chairman Moyer questioned how the County got into the position of giving the Probation and Parole office 7,000 square feet of space and not charging them for it.

Marcus Jones responded it is an agreement with the State that they would pay for particular positions and other positions needed are provided by the County. As the departments grew the lease was not changed. The conditions of the lease are dictated by State Statutes.

County Manager Steve Wyatt stated the Statute says "suitable space" and does not have a specific number of square footage required. He questioned if the Department of Probation and Parole had a departmental standard for offices.

Marcus Jones stated there is a policy with the purchasing department of the state that dictates how much square footage is required per office. The new Statute takes away the compensation for the probation officers, however it leaves compensation for the (JDM) district manager which is housed in the Courthouse.

Chairman Moyer noted this group has the largest use of space of all departments in the 1995 Courthouse.

County Attorney Russ Burrell questioned, given the lease is a relatively nominal rent payment (\$3,000 over the course of a year is slim), is there a reason we are looking for a three (3) year lease as opposed to a month to month lease? Even if they say they are not going to pay anything you are not losing a huge amount and there is a chance that the Board may decide not to specify that their space is in the current Courthouse as opposed to some other equally suitable space elsewhere.

Marcus Jones responded that the three year lease is what was proposed by the state and carried over from the other lease.

County Manager Steve Wyatt felt this was a "back door way" to help soften the State's budget problem. The State has stopped reimbursement to the County for certain misdemeanants which they did pay the County \$18 per day. The ADM monies, beer and wine money, etc. has hit the County for about \$1 million annually in revenue losses.

Chairman Moyer said if we have to provide the space as a requirement by the State, the space should be based on some formula as to what is a reasonable amount of space.

It was requested that Engineer Marcus Jones acquire additional information including, space, number of staff, and standards for square footage per individual office. The County Manager would like a detail

drawing of the space currently being utilized by Probation and Parole. Staff would look at alternatives of how to maximize the effectiveness of that square footage and bring the information back to the Board within 30 days or so. A request was also made for a rate for lease per square footage comparison.

It was requested that the County Attorney research Legislation to see what the Board is legally bound to.

The County Attorney responded that the Board is legally required to offer Probation and Parole reasonable space; where is up to the Board.

LAKE ADGER DISCUSSION

The Board is requested to continue discussion on the request from Polk County with respect to the Green River Watershed and water supply to Henderson County.

Chairman Moyer noted that he owns land in Polk County in Columbus and it has been alleged by some that this could be a conflict of interest. He feels that clearly under the law there is no conflict of interest but offered to recuse himself if it was the Board's pleasure.

Commissioner McGrady was appreciative of the disclosure by Chairman Moyer due to a possible conflict of interest but felt that the disclosure was all that was necessary. Property ownership related to a broad issue like water should not cause the recusal of someone.

Commissioner McGrady made the motion that the Board has considered the request for recusal and finds that there is no conflict of interest and therefore do not recuse Chairman Moyer from all matters related to Polk County water issues. The vote passed unanimously 4-0 as Chairman Moyer did not vote.

Chairman Moyer noted one item suggested at informal public comment is possible negotiations of a future agreement with Polk County. He felt this would be appropriate and if the Board moves forward he would not be included due to the possible appearance.

Polk County Manager Ryan Whitson was present. He is continuing discussions with NCDENR (North Carolina Department of Environment and Natural Resources) as far as to what options Polk County may have depending on the action taken by the Henderson County Board of Commissioners.

Chairman Moyer felt there were four possible positions the Board of Commissioners could take.

- Negotiate with Polk County for possible royalties
- No position
- Against Watershed III
- In favor of Watershed III

In the informal public comment it was suggested that Henderson County turn watershed III classifications down and then if the State imposes it, go back and negotiate with Polk County. As an attorney, he felt that once you've lost the battle you are in a tough position to negotiate.

Commissioner Williams felt it was clear from the Green River community that they were in opposition. Polk County also made it clear they wanted a watershed classification IV not classification III. It was the States position to change to classification III.

Commissioner Mark Williams made the motion that the Board opposes the reclassification of the property in the southern eastern portions of the County to watershed III classification and further indicate to the State that we do find it objectionable that the decision would be made favoring this action without the

consent of Henderson County given the fact that it impacts approximately 20% of the property within our County.

Commissioner Williams noted this would bear significant impact with approximately 20% of Henderson County property. It would be subject to a zoning change and result in a loss of jurisdiction by local authorities on that land in terms of land planning. Henderson County does not consider Lake Adger as an economically feasible source of water for its residents primarily due to its location being well to the south and much lower elevation. He felt that the Board of Commissioners did not want to stop the efforts of Polk County to be able to obtain a reasonable source of water for its residents in the future, we are protecting the interests of Henderson County citizens.

Commissioner McGrady did not feel that the motion would take care of the issue on the table; possible negotiations with Polk County.

After further discussion, the voted passed 3-2 with Chairman Moyer and Commissioner McGrady voting nay.

Commissioner Larry Young made the motion that the Board sends a letter of resolution to the State Water Resources Committee telling them how the Board voted, being against classification III but willing to honor classification IV, and asking them to uphold our resolution with copies being sent to State Representatives. All voted in favor and the motion carried.

BREAK

A break was taken.

HENDERSON COUNTY STORMWATER UPDATE

County Engineer Marcus Jones stated when we approved moving forward with the grant to do the stormwater master plan we separated the potential delegated stormwater program from that effort so there are two ongoing efforts. This agenda item is to facilitate Board discussions on the County's Stormwater efforts in accordance with the County's Strategic Plan. These efforts focus primarily on the Stormwater Master Plan and the possibility of Henderson County developing a Stormwater Management Ordinance (Program). McGill and Associates has completed the Henderson County Stormwater Master Plan which was provided to the Board under separate cover. The plan was funded by a mini-grant through the Clean Water Management Trust Fund. J. P. Johns, PE from McGill and Associates and staff will be available to address any questions on the Master Plan. The Plan was developed with input from the following staff:

- Anthony Star, Planning Director
- Natalie Berry, Assistant County Engineer
- Diane Silver, NC Coop Ext.
- Shaun Moore, Soil and Water
- Marcus Jones, Director of Engineering

Our consultant, along with staff, has studied in detail the five critical areas identified projects within those areas and prioritized them with extensive preliminary engineering to develop cost estimates and scopes of projects which in turn can be submitted to the Clean Water Management Trust Fund for construction grants. It is Mr. Jones' understanding that the funding is limited for that fund now however it will come back and we'll be in a position to make that application for construction. The highest priority project is the landfill. The plan is complete and has been submitted to the Board to review and does not need a resolution from the Board prior to going to the Clean Water Management Trust Fund to satisfy the grant requirements.

Regarding a potential Stormwater Management Ordinance, this would be similar to the County's Erosion and Sediment Control Ordinance in that the resulting program would be delegated from the State. The State is currently administering the program in Henderson County and collecting all the associated revenues. The Board tabled this item last fiscal year due to the uncertainties surrounding the economic downturn.

Commissioner Chuck McGrady stated the funding that is typically available for these projects was taken in whole by the Governor to deal with the State's financial issues. The General Assembly came back and provided about 50% of the usual funding for a range of clean water projects. While it hasn't been decided yet he expects the Clean Water Management Trust Fund will have a grant cycle in 2010 but it will be widely competitive because none of the grants in 2009 were granted and the 2010 monies were cut in half. He does not think we will get the grant but had no problem putting in a grant application for an appropriate project.

Chairman Moyer felt it was important to explore moving forward with a delegated program.

Chairman Moyer made the motion that the Board asks staff to explore what it would take to move to a delegated program and look at the cost to the county, update on the fees and whether the fees would pay for implementation, and what else would be involved in having a delegated program. All voted in favor and the motion carried.

Chairman Moyer directed Marcus Jones to hold off on the application until the next meeting and at that time provide the Board with the information requested and they would deal with it all at one time.

County Manager Steve Wyatt requested specifics on the grant opportunities, and further requested that the issues be prioritized and narrowed down for the Board.

Chairman Moyer requested that Marcus Jones pull out the past presentation and update it for presentation at the next meeting.

2009 FEASIBILITY STUDY CONTINUATION – HENDERSON COUNTY SOLID WASTE

SUMMARY OF REQUEST:

Marcus Jones stated at the Board's direction during the August 3, 2009 meeting, the subject study was continued to provide additional time for the Board to review the information and address any questions or concerns. In response to the specific question regarding the effect of reducing the debt service for the Capital Improvements from 20 to 10 years, a separate rate analysis was produced for 10 years: both are attached. Also attached are the Recommendation slides from the August presentation. The motions below separate the Recommendations into Capital Improvement and Operational.

It is requested that the Board of Commissioners approve the Capital Improvements from the Henderson County Solid Waste 2009 Feasibility Study and that the Board set a workshop or a public hearing for the Operational Recommendations.

One question that staff was asked to consider was what would be the effect of the tipping fees if we went from a 20 year debt service to a 10 year debt service. There is some difference but not substantial.

Mr. Jones provided the following recommendations:

- Approve the Capital Improvement Plan
- Direct Staff and SWAC to work with the Permitted Haulers to develop a plan to implement Franchising and/or Collection Efficiencies

- Develop Convenience Center Revenue Plan for Incorporation in Future Budgets
- Initiate Haul/Disposal Contract Negotiations – no later than January 2010.

Commissioner McGrady felt that citizen concern was due to the issue of franchising because people assumed that Henderson County is looking at a model like Buncombe County where we would go to one franchisee and put other haulers out of business. He understood that when the Board is talking about franchising they are talking about franchising that would allow competition among private haulers whether within the entire county or districts.

Marcus Jones responded this was correct. There have been two (2) meetings with the haulers where discussions were held in regards to how the Board was proceeding with the study. This may be dealt with as franchising or some form of a permitted structure different from what we have currently.

Commissioner McGrady felt the franchising proposal is being driven by the need to reduce the amount of waste being shipped at a higher cost and state mandates requiring us to keep certain items out of the landfill.

Marcus Jones stated regulatory changes are happening October 1 and the effects on the haulers can be minimized and improved by action taken by the County.

Chairman Moyer recognized that the Capital Improvement Plan (CIP) should be approved first dealing with safety and efficiency.

Marcus Jones stated the CIP consists of relocating the entrance to the Stoney Mountain facility, relocating the scales, a new convenience site and a recycling processing facility to make the collection of recycling in the County easier for the haulers. The total cost for Phase I is \$3.5 million and the next step would be to solicit a design firm to proceed with the work. The funding would come from the enterprise fund and no tax dollars would be used.

Chairman Moyer requested as numbers come in an update be provided to the Board via the County Manager's memo. Anything that deviates more than 2% should be brought back before the Board for consideration.

Chairman Moyer made the motion that the Board of Commissioners approves the Capital Improvements Plan from the Henderson County Solid Waste 2009 Feasibility Study. All voted in favor and the motion carried.

Chairman Moyer stated there are many issues for the operational recommendations, and the best way to handle them would be a workshop and/or a public hearing. He felt a workshop was necessary in order to talk about the various issues; the bag for bag program, franchising, etc. and then a public hearing would be held.

Further discussion followed in regards to franchising, and the consensus of the Board was that the Board was not looking at a franchising for one entity; it would be open to all haulers.

County Manager stated that staff would put together information including regulatory changes (disposal bans). The County is subject to fines with respect to the regulatory changes.

CONTINUED DISCUSSION OF THE DRAFT ETOWAH AND HORSE SHOE COMMUNITIES PLAN

On September 8, 2009 the Board of Commissioners continued its discussion on the Draft Etowah and

Horse Shoe Communities Plan. Based on the Boards discussion during this meeting and prior meetings, Staff has organized the Draft Plan recommendations into four categories by target date. These four categories, that include all of the recommendations in the Draft Plan, are divided into the following four groups:

- Henderson County Implemented Recommendations
- Henderson County Land Development Code Recommendations
- Other Agency Implemented Recommendations
- Recommendations Currently Addressed in the 2020 CCP and/or 07/11 Strategic Plan

Commissioner McGrady presented a proposed Resolution he had drafted which addressed all issues in some fashion and followed with explanation.

(1) & (2) Recommendations made by the committee that are not in the jurisdiction of the Board of Commissioners; transportation being the most obvious. It is proposed that these recommendations be sent to the proper authority.

(3) Recommendations regarding current zoning in the area. The Board should not support the recommendation to create a Main Street in Etowah. It is recommended that the Planning Board consider the other recommendations.

(4) Some of the recommendations are unique to Etowah; open space, set back requirements, sidewalks for commercial business, etc. These need to be considered via an overlay district.

(5) Recommendation for stricter slope regulations, affordable housing, environmental assessments, limits on light pollution, etc. that are more appropriately applied across the entire county. It is not fair to the other citizens of the county to take Etowah/ Horse Shoe's recommendation and apply it to everyone. These set of recommendations should wait until we have a few other planning committees come forward and tell us if they agree. If they do agree these recommendations should be made county wide.

(6) In regards to the service district issue it is clear that the Board is willing to consider a service district to support recreation however it seems that we are clear that it will be subject to voter approval.

(7) Recommendation to prohibit public waterline extensions. The Board has not been divided by this issue and should accept the recommendation.

(9) Water monitoring station. This issue needs staff help.

(10) Consolidation of water treatment plant. This is currently on the Board's agenda subject to a proposal.

(11) Recreation – greenways. A Committee is currently working on this and the recommendation should be sent to them.

(13) Solid Waste. We do have an active committee but we need to clearly state that that we do not support construction of a solid waste incinerator.

(14) Storm Water regulations are being addressed at this time.

(15) Municipal Water Tower shall be communicated to the City.

(16) Inventory of Historic Sites – We have standing committees who actively work on this and the Board needs to relay the information from Etowah / Horse Shoe to the committees.

(17) Expansion of Agricultural Programs - We have standing committees who actively work on this and the Board needs to relay the information from Etowah / Horse Shoe to the committees.

The Etowah and Horse Shoe Communities Advisory Committee (hereinafter "Committee") made various recommendations to the Henderson County Commission for a community-specific comprehensive plan for the Etowah and Horse Shoe communities. The Planning Board considered that plan and favorably recommended it. Having reviewed and conducted a public hearing on the plan, the County Commission acts on the recommendations as follows:

- (1) All recommendations relating to transportation improvements in the Planning Area shall be communicated to the N.C. Department of Transportation, the French Board Metropolitan Planning Organization, and Henderson County's Transportation Advisory Committee.
- (2) Recommendations regarding Henderson County schools within the Planning Area shall be communicated to the Henderson County School Board.
- (3) Recommendations regarding changes to current zoning in the Planning Area shall be referred to the Planning Board for consideration. The County Commission does not support the recommendation to create a Main Street in Etowah, but directs that the Planning Board shall consider the other recommendations regarding zoning changes and either recommend changes consistent with the Committee's recommendation or explain why the Committee's recommendations are not be recommended by the Planning Board.
- (4) The Planning Board is further directed to consider an overlay district to address those recommendations which are uniquely related to the topography of the Planning Area or its culture and history. For example, the Committee recommended establishing design standards for nonresidential uses in the Planning Area. This recommendation could be addressed through an overlay district. Similarly, the Committee recommended adoption of an open space plan, changes to setback requirements, requirements for sidewalks for new commercial businesses, among other things, and these recommendations could be addressed by an overlay district.
- (5) Those recommendations which would be difficult to implement because of administrative or enforcement issues if only applied within the Planning Area shall be considered by the Planning Board following the completion of additional small area plans. Specifically, recommendations to incorporate stricter steep slope regulations in the Land Development Code require affordable housing in major subdivisions, require environmental assessments of major subdivisions, or limit light pollution shall be considered by the Planning Board and the County Commission following the completion of other small area plans.
- (6) County staff is directed to draft a proposal for a service district to create revenue to support recreation in the Planning Area, but any proposal for a service district be subject to voter approval within the Planning Area.
- (7) The County Commission agrees to the recommendation to prohibit public waterline extensions in the Planning Area in areas designated by the 2020 Comprehensive Plan as rural/agricultural areas.
- (8) The Planning Board is directed to consider whether environmental assessments for major subdivisions are needed.
- (9) The Committee's recommendation regarding the need for additional water monitoring stations in the Planning Area shall be considered by county staff after consulting with the Environmental & Conservation Organization, which currently runs the VWIN program for the county. County staff is directed to consider whether the county should play some role in consolidation of wastewater treatment plants in the Planning Area and made a recommendation to the County Commission before the end of the year.
- (10) Recommendations regarding recreation, including the addition of new parks or establishment of a greenway between Hendersonville and Brevard using the Norfolk-Southern railroad line shall be communicated to the Recreational Advisory Committee and Recreation Department staff.

- (11) Recommendations regarding public safety, including the recommendation to increase law enforcement presence and patrols in the Planning Area, shall be communicated to the Sheriff.
- (12) All recommendations regarding solid waste shall be referred to the Solid Waste Advisory Committee, but consistent with current policy the county commission does not support the construction of a solid waste incinerator within the Planning Area or within the county.
- (13) The County Commission will consider the recommendation to adopt local storm water regulations after receiving a report on the costs and benefits of delegation of the storm water program.
- (14) The recommendation regarding municipal water towers shall be communicated to the City of Hendersonville.
- (15) Planning staff shall continue to update and maintain an inventory of historic sites within the Planning Area and conduct a seek survey of historically significant structures by the State Historical Preservation Office as was done in Flat Rock and Hendersonville.
- (16) The County Commission supports the Committee's recommendations to promote and expand agricultural programs and directs staff to communicate these recommendations to the Agricultural Advisory Committee and the N.C. Cooperative Extension Service.

Commissioner McGrady made a motion that the Board approves the draft resolution provided to the Board.

Chairman Moyer was in opposition of the resolution and felt that it did not deal with the plan. It ships the pieces out and breaks them apart but in no way ratifies the plan that has been asked for by the people. This is an implementation plan and should not replace the plan itself.

Commissioner Young was supportive of the resolution. He felt the Board had to put forth the proposal and direct recommendations to other entities when necessary.

Commissioner Williams felt that part of the process of implementation included zoning. He was willing to go along with the proposal as recommended with the exception of a Main Street in Etowah.

Commissioner Messer did not feel there was a big difference between the staff proposal and Commissioner McGrady's resolution. The Commissioners do not have any control over many things in the proposal. He would vote in support if Chairman Moyer made the motion to approve the plan.

After further discussion, the vote passed 3-2 with Commissioner Messer and Chairman Moyer voting nay.

Commissioner McGrady felt the record should note when we go back through this process, in the past Chairman Moyer was the biggest skeptic of the whole planning process, to now being the person who wants to adopt completely the recommendations going forward.

Commissioner Moyer was skeptic because if the Board asks people what they want and they tell us, and then we say we are not going to give it to you or say we are going to put it off forever, he doesn't feel this is right.

STAFF REPORTS

County Attorney's Report

There was nothing further at this time.

County Manager's Report

County Manager Steve Wyatt has been approached by the Institute of Government to serve as a mentor for a program being funded by the Golden Leaf Foundation where they recruited young managers out of two university's (University of North Carolina, Chapel Hill and Appalachian State) and have placed them in various jurisdictions. This would involve time on Mr. Wyatt's behalf and he has tentatively agreed based on the Board giving permission.

It was the consensus of the Board to support the County Manager's involvement in the mentor program.

County Manager Steve Wyatt provided a brief update to the Board on mental health issues from the Western Highlands Board of Directors. Specific numbers have been received from the State and we are looking at a \$5.9 million cut in services to the eight county region. There is another \$264,000 cut to the operations or administration of the mental health organization that serves the eight counties. Discussions have been held in regards to the implications, impact and the strategy going forth and it appears there are a couple of options.

- Take the LME Fund Balance and spread it out over a period of time knowing that these cuts are not one time cuts but just the tip of the iceberg for what is coming down with the State's budget again. (The problem is our ability to use the Fund Balance that we have to lesson that impact is very limited depending how far it is spread out.)
- Take the LME Fund Balance to soften the impact during this current fiscal year. We have the ability to maintain services for this year (fiscal year 06/09 – 06/10) by utilizing the fund balance. (We cannot further cut services because we've lost approximately ¼ of our providers in the past year. Once the mental health providers go out of business it is unlikely they will come back. Through the mental health reform the design was to go to a system of private providers by taking it away from the County.)

County Manager Steve Wyatt recommended actively preserving the services basically as long as we can at the level we are currently serving, knowing that that level is not adequate. When we run out of money we will send the keys of the building to the Governor and say we've done the best we can. It appears to be the intent of the Legislation to have the LME's spend down their fund balance. We have basically been put into a position to where we do not have a lot of choices.

Chairman Moyer feels it is essential in these difficult economic times that we continue our services, use the fund balance to continue those services, and if we run out of money the State will have to deal with it. *Chairman Moyer made the motion that the Board adopts the County Manager's recommendation. All voted in favor and the motion carried.*

Commission McGrady stressed that the Board really needs to continue to signal to the powers that be in Raleigh that the clock is ticking on another collapse of the mental health system if it doesn't receive the funding needed.

County Manager Steve Wyatt noted that the Mental Health Board had a meeting with Congressman Shuler to talk about mental health reform issues and how it would affect the great health care debate. It was revealing of the fact that there was no information forthcoming and the Federal Government is not going to be a player.

IMPORTANT DATES

Workshop on Solid Waste – Steve Wyatt, Chairman Moyer and Marcus Jones would look at dates and this workshop will be set at the October 5, 2009 meeting.

CANE CREEK WATER & SEWER DISTRICT

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

Please see separate Cane Creek minutes for action.

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

ADJOURN

Commissioner Young made the motion that the Board adjourn at 12:15 p.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

Stan C. Duncan
Tax Collector & County Assessor

Phone: 828/697-5595
Fax: 828/698-6153
www.hendersoncountync.org/tc/

Sandy Allison
Administrative Assistant II

September 4, 2009

Henderson County Board of Commissioners
1 Historic Courthouse Square; Suite 1
Hendersonville, NC 28792

Re: Tax Collector's Report to Commissioners – 09/16/09 Meeting

Please find outlined below collections information through September 3rd for the 2009 bills mailed out on August 5th, 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:

2009 Total Charge \$56,928,933.83
Payments & Releases: 7,113,456.01
Unpaid Taxes: 49,815,477.82
Percentage collected: 12.50%
(through 09/03/09)

2008 Total Charge: \$54,789,828.74
Payments & Releases: 4,587,156.78
Unpaid Taxes: 50,202,671.96
Percentage Collected: 8.37%
(through 09/03/08)

Motor Vehicle Bills G01 Only:

2009 Total Charge: \$1,407,811.45
Payments & Releases: 771,625.17
Unpaid Taxes: 636,186.28
Percentage collected: 54.81%
(through 09/03/09)

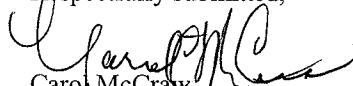
2008 Total Charge: \$1,508,029.74
Payments & Releases: 816,237.10
Unpaid Taxes: 691,792.64
Percentage collected: 54.13%
(through 09/03/08)

Fire Districts All Bills

2009 Total Charge: \$6,274,212.32
Payments & Releases: 818,171.14
Unpaid Taxes: 5,456,041.18
Percentage collected: 16.32%
(through 09/03/09)

2008 Total Charge: \$6,075,185.75
Payments & Releases: 606,501.37
Unpaid Taxes: 5,468,684.38
Percentage collected: 13.55%
(through 09/03/08)

Respectfully submitted,


Carol McCraw,
Deputy Tax Collector

Stan C. Duncan,
Tax Collector

Ordinance and Policy Modifications and Technical Corrections Act for 2009

The following cited ordinances and policies of Henderson County and its government are amended or modified as follows:

I.

Privacy Policies adopted by the Board 19 June 2002 under the "Administrative Simplification" provisions of the Health Insurance Portability and Accountability Act of 1996:

1) Policy 2.2, "Incorporation of Policy For and Designation of Hybrid Entity" is hereby amended, by deleting the words "Henderson County Legal Department", and adding in lieu thereof the following:

**--Henderson County Office of the County Attorney
--Henderson County Department of Social Services (only its adult services section, its administrative (financial) unit, and its reception and information technology units)**

2) Policy 14 is amended by deleting the words "Legal Department" wherever they may appear, and replacing them with the words "Office of the County Attorney" in each instance.

3) A new policy 15 is added:

Policy 15 – Department of Social Services specific policies

The Department of Social Services will adhere to the Henderson County HIPAA Privacy Policies through a set of adopted standards and operational procedures. These standards and operational procedures are found in the Department of Social Services Operations Manuals that are located in all supervisors' offices and other staff as identified by the Department.

Operational procedures are written, reviewed and approved by, but not exclusive of, the Management Team and the Internal HIPAA Compliance Team.

The Henderson County HIPAA Committee, and the Department of Social Services' Internal HIPAA Compliance Team, and Management Team will oversee operations and related procedures and compliance efforts as it relates to HIPAA.

Operational procedures, related to HIPAA Privacy Regulations, are subject to change without notice in the following circumstances:

- **As determined by the Department to improve operations regarding the privacy**

and confidentiality of a client as it relates to PHI or to adhere to any changes in Henderson County HIPAA Privacy Policies,

- As required to comply with adopted Henderson County HIPAA Privacy Policies,
- As required by the government of the State of North Carolina (and any unit thereof), or
- As required by the government of the United States (and any unit thereof).

II.

The Code of Ethics adopted by the Board 2 June 2008, section 3, paragraph (e), is amended by deleting the second sentence of the second paragraph thereof, and inserting in lieu thereof the following sentence:

County Officials must report in writing to the Clerk to the Board of County Commissioners all honorariums, and all gifts and favors exceeding \$100.00 in value if made by a covered contractor, subcontractor, or supplier.

III.

Section 152A-32C. of the Henderson County Code is amended by striking the same, and inserting in lieu thereof the following:

In cases of premises where water service is cut off or not connected, during the periods when such water service is cut off or not connected, CCWSD sewer charges will be incurred, and CCWSD bills will be rendered, in accord with policies duly adopted by the CCWSD Board.

IV.

Acting as the Board for the Cane Creek Water and Sewer District ("CCWSD"), until further announced by this Board, it shall be the policy of CCWSD to not charge its customers for sanitary sewer service for a given location during periods in which water service is cut off or not connected to such location.

V.

The Rules of Procedure for the Henderson County Historic Resources Commission are amended, as follows:

- 1) Article VI, Section 2 ("Chairperson"), is amended, by changing the first sentence thereof from

The Chairperson, appointed by the Board of Commissioners, shall be the presiding officer of the Commission, and shall preside over the regular and special meetings of the Commission.

to

The Chairperson, elected by the members of the Commission for a one-year term at the first meeting each calendar year (such election to be conducted by the County staff person assigned to work with the Commission), shall be the presiding officer of the Commission, and shall preside over the regular and special meetings of the Commission.

2) Article VI, Section 3 ("Vice Chairperson"), is amended, by adding to the first sentence thereof, immediately after the words "Vice Chairperson", the words "elected by the members of the Commission".

3) Article VI, Section 3 ("Vice Chairperson"), is amended, by adding the following sentence to the end thereof:

If the Chairperson is unable or unwilling to complete a term after election, the Vice Chairperson will assume the position of Chairperson, and a new Vice Chairperson will be elected by the Commission to fulfill the unexpired Vice Chairperson term.

VI.

The By-Laws of the Animal Services Advisory Committee are amended, by changing last sentence of the section named "Attendance" from

Any member having three or more unexcused absences in a twelve month period shall be reported to the Board of Commissioners.

to

Any member having missed twenty-five percent (25%) of the meetings of the Committee within any twelve-month period shall be reported to the Board of Commissioners.

VII.

Section 134-5B(1) of the Henderson County Code is amended, by adding the following:

No new application shall be required in the case of the annual renewal of existing licenses.

However, in addition to the annual license fee, the licensee shall submit a written statement, under oath, to the effect that (i) such licensee has operated the licensed pawnbroker business in accord with Chapter 91A of the North Carolina General Statutes, and Chapter 134 of the Henderson County Code; (ii) that all information contained in the application for the previously granted license is still correct (or any changes that are required thereto); and, (iii) that the licensee has not been convicted of any criminal offense in the past year.

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Unanimously adopted, this _____ day of _____, 2009.

HENDERSON COUNTY BOARD OF COMMISSIONERS

By: _____
WILLIAM L. MOYER, Chairman
For the Board

Attest:

Secretary to the Board of Commissioners

ECONOMIC DEVELOPMENT ELEMENT EXCERPT

Recommendation E-04: Pursue innovative approaches to regional economic development initiatives.

Henderson County's economy does not operate in isolation. It is inextricably integrated with the regional, statewide, and national economies. Economic development activities must recognize and take into account this reality. Furthermore, certain efficiencies may be achieved by pursuing some economic development efforts in cooperation with the county's municipalities and neighboring jurisdictions. Regional collaboration allows Henderson County to leverage limited resources with like-minded organizations.

A. Identify and act upon opportunities for joint economic development projects with municipalities, neighboring jurisdictions, and area economic development entities.

Henderson County should continue to be an active participant and leader in CarolinaWest, a six county sub-regional marketing group; AdvantageWest, the Western NC Regional Economic Development Partnership; and the North Carolina Department of Commerce.

B. Take a leadership role in developing the development of the transportation and industrial corridor, proximate to the Asheville Regional Airport and northern Mills River area, ~~and its vicinity~~ as a regional center of economic activity.

Henderson County has a direct stake in the future of this transportation and industrial corridor ~~the Airport and its vicinity~~. The County will benefit from job growth, tax revenues, and overall economic expansion. As such, the County has an interest in ensuring that area development occurs in a manner that does not waste land resources or the opportunities provided by the presence of transportation and industrial infrastructure ~~the airport~~. Henderson County ~~has no longer has~~ direct land use control in this transportation corridor ~~the area directly adjacent to the Airport~~ and a stake in ~~maintains considerable influence over~~ the future of the area through its ability to engage in economic development activities and its influence over transportation and infrastructure ~~sewer/water~~ development.

This transportation and industrial corridor ~~The Airport~~ is a logical focal point for ~~joint~~ economic development activities involving Henderson County, municipal governments and the Henderson County Partnership for Economic Development ~~local governments and economic development agencies in the region.~~ However, development pressures and the mix of jurisdictional interests in this corridor ~~around the airport~~ will pose challenges for inter-jurisdictional cooperation, particularly in land use management. The County will take a proactive leadership role in the management and development of this transportation and industrial corridor ~~the Airport~~ and its vicinity by working with all parties, including landowners. ~~to do the following:~~

- | | |
|---|--|
| <ul style="list-style-type: none"> a) Establish a multi-jurisdictional economic development and planning area around the Airport. b) Develop an economic development master plan for that area. e) Develop a land use and zoning plan for that area. d) Explore the benefits of establishing a regional technology training facility and business/industry incubator in | <ul style="list-style-type: none"> cooperation with area educational institutions, economic development agencies, and others. e) Consider establishing an airport overlay district to protect the airports from development that may restrict airport operations and/or expansion, and address public health, safety, and general welfare issues associated with developments near airports. |
|---|--|

Other Action Strategies

The following Action Strategies are intended to implement any number of the aforementioned Recommendations.

C. Identify any economically distressed areas of the county and explore revitalization measures.

Certain Federal and State economic development funds, such as the Community Development Block Grant program, exist for the purpose of revitalizing economically distressed areas. As part of the Community Planning Process envisioned in Section 04 of this Comprehensive Plan, qualifying areas that currently exist, or that emerge during the operational timeframe of this Comprehensive Plan, will be identified, and steps will be taken to apply available funds to the revitalization of those areas.

D. Pursue legislation and solicit regional and statewide support to further economic development initiatives.

E. Continue to budget funds annually for economic development initiatives.

FOOD AND LODGING INSPECTION FEES INCREASES

SECTION 13.2.(a) Effective August 15, 2009, G.S. 130A-248(d) reads as rewritten:

"(d) The Department shall charge each establishment subject to this section, except nutrition programs for the elderly administered by the Division of Aging of the Department of Health and Human Services, establishments that prepare and sell meat food products or poultry products, and public school cafeterias, an annual fee of ~~fifty dollars (\$50.00)~~ seventy-five dollars (\$75.00). The Commission shall adopt rules to implement this subsection. Fees collected under this subsection shall be used for State and local food, lodging, and institution sanitation programs and activities. No more than thirty-three and one-third percent (33 1/3%) of the fees collected under this subsection may be used to support State health programs and activities."

SECTION 13.2.(b) Effective August 15, 2009, G.S. 130A-248(e) reads as rewritten:

"(e) In addition to the fees under subsection (d) of this section, the Department may charge a fee of ~~two hundred dollars (\$200.00)~~ two hundred fifty dollars (\$250.00) for plan review of plans for prototype franchised or chain facilities for food establishments subject to this section. All of the fees collected under this subsection may be used to support the State food, lodging, and institution sanitation programs and activities under this Part."

SECTION 13.2.(c) G.S. 130A-248(f) reads as rewritten:

"(f) Any local health department may charge a fee not to exceed ~~two hundred dollars (\$200.00)~~ two hundred fifty dollars (\$250.00) for plan review by that local health department of plans for food establishments subject to this section that are not subject to subsection (e) of this section. All of the fees collected under this subsection may be used for local food, lodging, and institution sanitation programs and activities. No food establishment that pays a fee under subsection (e) of this section is liable for a fee under this subsection."

HENDERSON COUNTY, NORTH CAROLINA
BOARD OF COMMISSIONERS

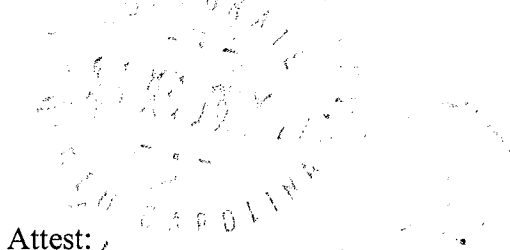
Resolution

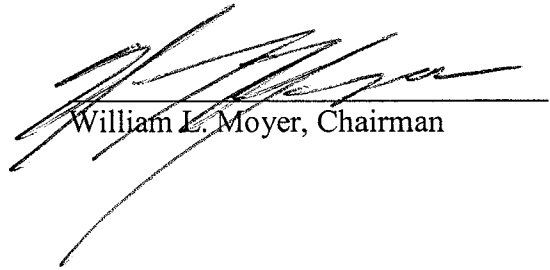
Declaring September 26, 2009 as Henderson County Big Sweep 2009 Day

- Whereas,** Henderson County is rich in natural resources and beauty; and
- Whereas,** water is a basic and essential need for all life; and
- Whereas,** trash fouls our waterways as well as our landscapes; and
- Whereas,** every citizen should contribute to keeping our environment clean and healthy by working together to preserve clean water and the natural beauty of our surroundings; and
- Whereas,** North Carolina Big Sweep is a statewide and global community effort to retrieve trash from North Carolina's waterways and landscapes;


NOW, THEREFORE BE IT RESOLVED that the Henderson County, North Carolina Board of Commissioners, meeting on September 16, 2009, does hereby declare September 26, 2009 as HENDERSON COUNTY BIG SWEEP 2009 DAY in Henderson County, and does further hereby urge every citizen to do his or her part to restore the beauty and function of our lakes, streams and landscapes by volunteering to participate in the Big Sweep event.

Adopted this the 16th day of September, 2009.




William L. Moyer, Chairman

Attest:


Teresa L. Wilson, Clerk to the Board

The Etowah and Horse Shoe Communities Advisory Committee (hereinafter "Committee") made various recommendations to the Henderson County Commission for a community-specific comprehensive plan for the Etowah and Horse Shoe communities. The Planning Board considered that plan and favorably recommended it. Having reviewed and conducted a public hearing on the plan, the County Commission acts on the recommendations as follows:

- (1) All recommendations relating to transportation improvements in the Planning Area shall be communicated to the N.C. Department of Transportation, the French Board Metropolitan Planning Organization, and Henderson County's Transportation Advisory Committee.
- (2) Recommendations regarding Henderson County schools within the Planning Area shall be communicated to the Henderson County School Board.
- (3) Recommendations regarding changes to current zoning in the Planning Area shall be referred to the Planning Board for consideration. The County Commission does not support the recommendation to create a Main Street in Etowah, but directs that the Planning Board shall consider the other recommendations regarding zoning changes and either recommend changes consistent with the Committee's recommendation or explain why the Committee's recommendations are not be recommended by the Planning Board.
- (4) The Planning Board is further directed to consider an overlay district to address those recommendations which are uniquely related to the topography of the Planning Area or its culture and history. For example, the Committee recommended establishing design standards for nonresidential uses in the Planning Area. This recommendation could be addressed through an overlay district. Similarly, the Committee recommended adoption of an open space plan, changes to setback requirements, requirements for sidewalks for new commercial businesses, among other things, and these recommendations could be addressed by an overlay district.
- (5) Those recommendations which would be difficult to implement because of administrative or enforcement issues if only applied within the Planning Area shall be considered by the Planning Board following the completion of additional small area plans. Specifically, recommendations to incorporate stricter steep slope regulations in the Land Development Code, require affordable housing in major subdivisions, require environmental assessments of major subdivisions, or limit light pollution shall be considered by the Planning Board and the County Commission following the completion of other small area plans.
- (6) County staff is directed to draft a proposal for a service district to create revenue to support recreation in the Planning Area, but any proposal for a service district be subject to voter approval within the Planning Area.
- (7) The County Commission agrees to the recommendation to prohibit public waterline extensions in the Planning Area in areas designated by the 2020 Comprehensive Plan as rural/agricultural areas.

- (8) The Planning Board is directed to consider whether environmental assessments for major subdivisions are needed.
- (9) The Committee's recommendation regarding the need for additional water monitoring stations in the Planning Area shall be considered by county staff after consulting with the Environmental & Conservation Organization, which currently runs the VWIN program for the county.
- (10) County staff is directed to consider whether the county should play some role in consolidation of wastewater treatment plants in the Planning Area and made a recommendation to the County Commission before the end of the year.
- (11) Recommendations regarding recreation, including the addition of new parks or establishment of a greenway between Hendersonville and Brevard using the Norfolk-Southern railroad line shall be communicated to the Recreational Advisory Committee and Recreation Department staff.
- (12) Recommendations regarding public safety, including the recommendation to increase law enforcement presence and patrols in the Planning Area, shall be communicated to the Sheriff.
- (13) All recommendations regarding solid waste shall be referred to the Solid Waste Advisory Committee, but consistent with current policy the county commission does not support the construction of a solid waste incinerator within the Planning Area or within the county.
- (14) The County Commission will consider the recommendation to adopt local storm water regulations after receiving a report on the costs and benefits of delegation of the storm water program.
- (15) The recommendation regarding municipal water towers shall be communicated to the City of Hendersonville.
- (16) Planning staff shall continue to update and maintain an inventory of historic sites within the Planning Area and conduct a seek survey of historically significant structures by the State Historical Preservation Office as was done in Flat Rock and Hendersonville.
- (17) The County Commission supports the Committee's recommendations to promote and expand agricultural programs and directs staff to communicate these recommendations to the Agricultural Advisory Committee and the N.C. Cooperative Extension Service.