

DRAFT MINUTES

**STATE OF NORTH CAROLINA
COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS
NOVEMBER 14, 2008**

The Henderson County Board of Commissioners met for a special called meeting at 10:00 a.m. in the Airport Authority Boardroom of the Asheville Airport. It was a joint meeting with the Asheville City Council. The purpose of the meeting was discussion of water agreement issues of mutual interest.

Those present from Henderson County were: Chairman Bill Moyer, Commissioner Larry Young, Commissioner Chuck McGrady, Commissioner Mark Williams, County Manager Steve Wyatt, County Attorney Russell Burrell, Public Information Officer Pam Brice, Engineering Director Marcus Jones, and Clerk to the Board Elizabeth W. Corn.

Absent was Vice-Chairman Charlie Messer.

Present from the City of Asheville were: Mayor Terry Bellamy and the following council members: Bill Russell, Holly Jones, Jan Davis, Brownie Newman, Robin Cape and Carl Mumpower.

CALL TO ORDER/WELCOME

Chair Terry Bellamy called the Asheville City Council meeting to order.

Chairman Bill Moyer called the Henderson County Commissioners' meeting to order and stated that Commissioner Messer had an emergency and would not be able to make the meeting. He introduced the Commissioners for those in attendance.

Chair Bellamy welcomed everyone. City Council members introduced themselves. Mayor Bellamy also thanked the Airport Authority and staff for helping to put this meeting together.

DISCUSSION OF WATER AGREEMENT ISSUES OF MUTUAL INTEREST

- **Mills River Water Plant**
- **Water Availability**
- **Bent Creek Property**

Asheville staff gave a brief update on the water agreement, stating the Mills River treatment plant is on property in Henderson County. It also involves property in the Bent Creek area – owned by Henderson County. They did not get into the details of the agreement. They stated that the City of Asheville agreed to sell 1,000,000 gallons per day to Henderson County, and up to 3,000,000 gallons.

Chairman Moyer stated that he had not planned on addressing compliance/non-compliance issues. He reminded Asheville that Henderson County had sent correspondence listing some options including one suggesting that Henderson County buy the water treatment plant from the City of Asheville. He stated the rumor going around was that Asheville didn't need the water treatment plant anymore and would like to get rid of it.

Mayor Bellamy answered that she feels the City of Asheville needs the facility.

DATE APPROVED _____

Jan Davis stated he was not in favor of selling the water treatment plant. He feels that there are some great opportunities for the two entities to work together for the region.

Holly Jones explained that she felt it was not fair to weigh in at this point as she was leaving in a few weeks. (She had just won election to the Buncombe County Board of Commissioners)

Bill Russell has been on the council for 11 months but he passed, did not comment at this time.

Carl Mumpower – no position.

Robin Cape – no position, she needs more information.

It was fairly evident at this point that the City Council members had not seen the correspondence from Henderson County suggesting the possible sale of the water treatment plant.

Brownny Newman stated he was open to looking at a proposal. He asked “Is Henderson County interested in purchasing the facility or a long-term agreement for the purchase of water from the facility?” He stated Asheville needs some of that water. He questioned the cost of the water from the reservoir and from the water plant. One point Henderson County has made is that they would like for Henderson County residents to pay the same rate that Asheville residents pay for water. He stated that the Bee Tree Reservoir and the North Fork Reservoir supply most of the water Asheville needs and is a lot less expensive than water created from the Mills River plant. He stated there is a case to be made that if people are buying water just from the Mills River plant that it would cost more because it costs more to produce.

Chairman Moyer stated that Henderson County was not included when the City of Asheville talks to the City of Hendersonville regarding water. He stated we need a water planning vehicle for regional water issues. No planning vehicle means that everyone is guarding their own turf.

Mayor Bellamy explained that Asheville City is very open to regional water planning and the City of Asheville is open to talking with Henderson County.

Chairman Moyer asked the County Commissioners for their comments:

Commissioner Larry Young explained that he came on the Commission six years ago. He explained that Henderson County wants to work with the City of Asheville, stating that one way would be to let Henderson County become joint with Asheville as a partner in water production would be to create a True Water Authority. He requested that Asheville take us in as an equal partner in water production, not water transmission. This would give Asheville money to reduce transmission lines that they need to.

Commissioner Mark Williams stated in the past Henderson County sold one of our most valuable resources. Now we need to move forward and work together, not focus on differences but focus on positive ways to move forward.

Commissioner Chuck McGrady explained that Henderson County is currently working with Polk County in water issues. He explained that Henderson County sold it’s water to the City of Asheville and in return we were to get:

1. Seats at the table on the Asheville Water Authority
2. An agreement to provide water to a portion of Henderson County that wasn’t being served
3. A piece of property at Bent Creek would be deeded to Henderson County

He stated that the Water Authority went away. Asheville didn't meet its responsibilities, although under different management and at the same time Hendersonville is now providing water to the northern end of Henderson County. Henderson County really has nothing in return for a valuable resource. One option would be for Henderson County to purchase the water treatment plant or a part of the plant. Henderson County is currently getting nothing in return. He stated we've got to address our water needs. Henderson County sits in two different watersheds. There has to be a regional way to look at these water issues.

Chairman Moyer mentioned a new Water Committee (Water Supply and Distribution Task Force) and the make-up of that committee – to tackle water issues. He stated that Henderson County has different issues in the northern end of the county and the southern end.

Mayor Bellamy stated that they are open to looking at water quality and water quality regionally.

Carl Mumpower stated it is not fair to say the Asheville water asset is regional without including other municipalities and their water. He stated we need to look at "need" rather than "asset".

Commissioner Chuck McGrady stated we are trying to look at an agreement that has failed, in terms of consideration from Henderson County's side of the agreement.

Carl Mumpower stated that Henderson County is experiencing seller's remorse. He encouraged all to concentrate on water needs.

Mayor Terry Bellamy stated that none of their water assets were in the City limits.

Commissioner Larry Young stated that Henderson County has gotten no assets from this agreement.

Mayor Terry Bellamy stated that Asheville City Council shouldn't be blamed for that.

Carl Mumpower asked "Is there any part of the existing agreement that we're not willing to honor?"

Mayor Terry Bellamy answered "Absolutely not."

Commissioner Larry Young again stated we need to create a true water authority. He said the agreement demands a lot. Mills River will be needing transmission lines and the City of Asheville should run those.

Carl Mumpower asked that a Regional Water Resource Committee be set today.

Chairman Moyer suggested that we get rid of this agreement and put forth ideas that would be win/win for Asheville and for Henderson County. He stated we need some way to bring closure to the water agreement.

Robin Cape stated she has interest in a regional water authority as an advisory board. She also stated that water is part of the conversation concerning planning, zoning and housing.

Chairman Moyer explained that recently the Board of Commissioners had appointed a Water Supply and Distribution Task Force and invited our local municipalities to come in and be part of that planning.

Carl Mumpower agreed that Asheville and Henderson County need to set up a regional water asset planning committee.

Brownyn Newman questioned why the water authority was dissolved. He felt that under the old agreement and authority, the old structure wasn't being taken care of. But he doesn't think it was done in the right way. Since then, Asheville has done a lot of things right regarding infrastructure needs. He is supportive of a reservoir on the property at Bent Creek, stating that currently the property is not doing anyone any good in its current state limbo.

Commissioner Chuck McGrady stated that Henderson County was left out in the cold, one of the three important parts to the consideration given to Henderson County when we gave up our water rights is no longer there. He asked "Why can't we renegotiate an agreement at this time?"

Jan Davis stated the Old Authority was not a good authority and he is open to a proposal. He felt that the Henderson County residents would not be happy about the Henderson County Commissioners offering to purchase part of a system when the water is offered freely and for free.

Commissioner Mark Williams asked if there was something Asheville sees that would help now or later? He felt that the two entities should meet individually and see just what the needs are and what they would like to see as a true water authority. Then the two entities could come back together.

Commissioner Larry Young stated that water is a real valuable asset. He explained that Mills River is an area of growth in Henderson County, as far as jobs. If the water lines don't get run for industries in that area we will all lose.

Carl Mumpower questioned if the citizens of Henderson County know that Henderson County doesn't own water assets but have the ability to draw water out?

Chairman Moyer stated this might be a good place to stop the discussion. Both entities need to discuss these issues individually before coming back together to try to resolve these issues.

Commissioner Chuck McGrady suggested that we set up a process to move forward, small groups on each side. We need a process to get a proposal out there.

Mayor Terry Bellamy believes it needs to be governing body to governing body, all at the table.

Robin Cape suggested a neutral convener like someone from Land of Sky.

Carl Mumpower stated there is no reason we can't create a committee within 30 days. He feels that small groups would work.

Holly Jones felt it important that the City of Hendersonville get a memo about the next meeting, as well as Buncombe County – they should know when regional water issues are to be discussed.

Mayor Bellamy expressed a desire to look at the current agreement.

Chairman Moyer stated we should look at how to approach regional planning regarding water and look at the agreement.

Commissioner Chuck McGrady asked for resolution of the agreement.

Jan Davis stated it appeared that the concern of Henderson County Board of Commissioners was the water agreement and the Bent Creek property.

Commissioner Chuck McGrady explained that we need some clarity on the on-going responsibility regarding Henderson County.

Jan Davis asked if there was an expectation (future) that Asheville is not meeting. He felt an authority was not needed at this time. Henderson County has put on paper what Henderson County expects from Asheville.

Commissioner Chuck McGrady stated that the water agreement is still in place, we need a recommitment from the City of Asheville.

Commissioner Mark Williams left at this time. Carl Mumpower had left just a few minutes earlier.

Chairman Moyer stated that maybe the best way to proceed would be for Mayor Bellamy to appoint three and Henderson County to appoint two members. He requested that all the members report back to their full governing bodies.

Commissioner Chuck McGrady stated this had been a good discussion.

Mayor Terry Bellamy stated that the Vice-Mayor, Councilman Newman and herself would serve on the committee from Asheville.

Jan Davis referred to the Asheville Civic Center, stating that the plant is intact and does a great job. He stated that are just looking out for the interests of the Asheville City residents.

Commissioner Chuck McGrady made the motion to adjourn the meeting of the Board of Henderson County Commissioners @ 11:15 a.m. All voted in favor and the motion carried.

Attest:

Elizabeth W. Corn, Clerk to the Board

William L. Moyer, Chairman