

**DRAFT MINUTES**

**STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS  
NOVEMBER 19, 2008**

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, Commissioner Larry Young, Commissioner Mark Williams, Commissioner Charlie Messer, County Manager Steve Wyatt, Assistant County Manager Selena Coffey, County Attorney Russell Burrell, and Clerk to the Board Elizabeth W. Corn.

Also present were: Sergeant Ben McKay, Captain Greg Cochran, Environmental Health Supervisor Seth Swift, Captain Steve Carter, Sheriff Rick Davis, IT Director Becky Snyder, Library Director Bill Snyder, Planning Director Anthony Starr, Finance Director J. Carey McLelland, Deputy Clerk to the Board Teresa Wilson, Research/Budget Analyst Amy Brantley, Engineering and Facility Services Director Marcus Jones, Health Director Tom Bridges, Associate County Attorney Sarah Zambon, Animal Services Director Brad Rayfield, and Communications Officer Pam Brice.

Absent was: Commissioner Chuck McGrady was out of town at a state transportation meeting.

**CALL TO ORDER/WELCOME**

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

**PLEDGE OF ALLEGIANCE**

Commissioner Young led the Pledge of Allegiance to the American Flag.

**INVOCATION**

County Manager Steve Wyatt gave the invocation.

**ELKAMET PRESENTATION**

Chairman Moyer explained that Commissioner McGrady was out of town on business and would not be attending this meeting. He introduced Carsten Erkel, plant manager of Elkamet and Andrew Tate, the CEO of the Partnership for Economic Development.

Andrew Tate stated that Mr. Erkel has taken an active role in assisting Henderson County to attract other German companies to this area. Mr. Erkel also serves on the Board of Directors for the Partnership for Economic Development.

Carsten Erkel shared a power-point presentation including the following information:

Elkamet Inc. is located at 201 Mills Street, East Flat Rock, NC 28726.

- March 20, 2006 - Elkamet signed an incentive deal with Henderson County.
- May 10, 2006 - Grading began on the Old Fairground site.
- June 20, 2006 - Erection of steel structure for the building begins
- September 11, 2006 - Elkemet, Inc. employs 5 shop-floor and 3 clerical employees
- October 11<sup>th</sup>, 2006 – Building is ready to start moving equipment into
- November 13, 2006 – Installation of chemical equipment and roto-molding machinery is progressing on schedule
- January 3, 2007 – First trial run “hydraulic oil tank” is produced in East Flat Rock
- January 22, 2007 – Second round of hiring, 10 shop-floor employees

DATE APPROVED:

- May 2, 2007 – First serial production shipment out of East Flat Rock - 306 pieces Hydraulic oil tanks for Caterpillar Skid Steer Loaders, to be assembled in Sanford, NC

In looking at 2009, additional products that will be manufactured in the East Flat Rock facility will include a gas tank for the Harley Davidson’s V-Rod.

Some Facts

- Capital investment until December 31, 2007 \$6,722,000
- Total employment by October 31, 2008 – 61 (including more than 55 Henderson County Residents)
- Average hourly wage (before benefits) \$15.88
- Total sales 2008 projected \$3,670,000
- Total sales 2009 projected \$4,900,000

Elkemet received the full amount of the INC Incentives from the State of North Carolina which made up a total of \$126,000. The incentive received from Henderson County of \$300,000 was used to make the property available to Elkemet.

Mr. Erkel expressed his thanks to all entities that were involved in the incentives for Elkemet Inc. The State of North Carolina, NC Rural Center, The NC Community College System and the Blue Ridge Community College, Advantage West, Duke Energy, and the City of Hendersonville. He expressed his greatest thanks to Henderson County and the Commissioners which made all the aforementioned possible by establishing a pro-industry environment which enables the funding of such projects as theirs. This not only has an impact on the employees of Elkemet but also to other companies in Henderson County which supply different services and materials to Elkemet.

Chairman Moyer thanked Mr. Erkel and congratulated the company for the great work and success. All objectives and requirements previously promised had been met.

**INFORMAL PUBLIC COMMENTS**

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

1. Bill Ramsey – Mr. Ramsey stated that he was encouraged to see that the Board was taking early action by making a 5% reduction in the County budget. He was quickly disappointed to find out that it was then dropped to 2.5% when he felt it should be 7.5% or more. He felt that the “Shopping in Henderson County” was a worthy campaign and should occur on a permanent basis. He was aware that many businesses were empty and even closing.

Mr. Ramsey stated that the Hospital report would be coming out this day and that the Board should take a very close look at it. He urged to Board to return to a deeper level of budget cuts for the foreseeable future and requested that they not increase real estate taxes.

**DISCUSSION/ADJUSTMENT OF AGENDA**

Chairman Moyer requested that Shop/Dine Henderson County be added as Discussion item B just before Well Issues in Henderson County.

There were no further changes to the agenda suggested.

*Commissioner Young made the motion to approve the agenda with the addition of Shop/Dine Henderson County. All voted in favor and the motion carried.*

**CONSENT AGENDA**

Chairman Moyer requested that Consent Agenda items H (Support for a Resolution of Endorsement – WNC Beef Cattle Commission) and I (11<sup>th</sup> Annual Henderson County Benefit Toy Run Parade Day Proclamation) be pulled for comment by Commissioner Williams. He further requested that Consent Agenda item J (Approval of the low bids and purchase of the Sheriff's Office Animal Enforcement Pick-up Trucks) be pulled for comment by him.

There were no further changes to the consent agenda.

*Commissioner Messer made the motion to approve the consent agenda minus Discussion items H (Support for a Resolution of Endorsement – WNC Beef Cattle Commission) I (11<sup>th</sup> Annual Henderson County Benefit Toy Run Parade Day Proclamation) and J (Approval of the low bids and purchase of the Sheriff's Office Animal Enforcement Pick-up Trucks). All voted in favor and the motion carried.*

### **Support for a Resolution of Endorsement – WNC Beef Cattle Commission**

The WNC Beef Cattle Commission of WNC Communities recently approved a Resolution of Endorsement strongly endorsing a project to re-open a viable, long-term livestock market in western North Carolina. A feasibility study for such a market was funded by the Tobacco Trust Fund Commission. The study clearly indicated that the market was viable and timely for such a reopening. The proposed location for the market in Haywood County is the result of an in-depth study of seven different locations in western North Carolina. A copy of the resolution is attached hereto and incorporated as a part of the minutes.

Commissioner Williams stated that some years ago there was a live-stock market in Asheville which provided an outlet center for our local cattlemen to buy and sell livestock. It was a convenient location and served western North Carolina very well through various circumstances and the market did end up closing. Since that time cattlemen have had to go to other markets predominately outside of this state; Tennessee, South Carolina, and even east of here. The need to have a market has continued and it is a viable industry in this area. There has been a push to try to relocate a market in this area. Several sites have been considered. The consensus among the cattlemen of western North Carolina is that they would like to continue with the effort of relocating a market here. Haywood County has a spot that seems to be suitable.

Commissioner Messer stated that the opening date was scheduled for the first weekend in October, 2009.

*Commissioner Williams made the motion that the Board of Commissioners supports the Resolution of Endorsement adopted by the WNC Beef Cattle Commission of WNC Communities as presented. All voted in favor and the motion carried.*

### **11<sup>th</sup> Annual Henderson County Benefit Toy Run Parade Day Proclamation**

The 2008 Henderson County Benefit Toy Run Parade Day is scheduled for Saturday, November 22, 2008. A proclamation was provided to the Board which sets aside this day as Henderson County Benefit Toy Run Parade Day. A copy of the Proclamation is attached hereto and incorporated as a part of the minutes.

Commissioner Williams stated that this event had been taking place for some time. He wished to acknowledge the folks who take part in the toy run.

*Commissioner Williams made the motion that the Board adopts the proclamation proclaiming November 22, 2008 as The 2008 Henderson County Benefit Toy Run Parade Day. All voted in favor and the motion carried.*

### **Approval of the low bids and purchase of the Sheriff's Office Animal Enforcement Pick-up Trucks**

The Board is requested to approve the low bid and approve the purchase of the Animal Enforcement pick-up trucks for the Sheriff's Department. Bidding was conducted between September 5, 2008 and September 24, 2008. The low bidder is Mac Easler Ford at \$22,600 per vehicle, total of \$90,400. The funding is included in the Sheriff's Office FY08 budget. The vehicles meet the County Vehicle Replacement Plan (and energy

conservation) criteria. The vehicles are at the Mac Easler Ford dealership. They have indicated they will hold the vehicles until Wednesday, November 19, 2008. Thereafter they will need to release these vehicles to another customer. It is unknown whether they will sustain their bid if they need to order new vehicles.

Chairman Moyer stated that when the budget was done staff looked at the coming year and the condition of the Sheriff's Department fleet. The plan was to replace about eighteen vehicles for the Animal Enforcement Services. The other fourteen vehicles have high mileage and/or other problems that we felt in a normal schedule would be appropriate to replace. Obviously these are not normal times and staff has been working with the Sheriff Departments staff to see how we could reduce the number of vehicles. We looked at postponing or putting off some of these or at worse putting off the decision until January to see what will happen to our sales tax numbers. The preliminary numbers are very bad and we are hopeful there are some mistakes with these numbers. We certainly do not want to put the officers on patrol in any kind of jeopardy with an unsafe vehicle or hinder their performance to do their job.

As of today the Sheriff's Department feels they can reduce the number of vehicles for Animal Enforcement from 4 to 3, which will help. We are going put off any discussion of the other fourteen vehicles until the December meeting. The Sheriff and staff will take a look at the other vehicles in order to see which one really impact safety and performance. We will try to put off the decision with respect to as many as possible until January, after we have our retreat, and we can get a read on how we will end the year from a revenue standpoint, expense standpoint, etc.

*Chairman Moyer made the motion that the Henderson County Board of Commissioners approves the resolution provided and accepts the low bid from Mac Easler Ford for 3 pick-up trucks for the Sheriff's Office, Animal Enforcement Team and authorize the Sheriff to make these purchases today, Wednesday, November 19, 2008. All voted in favor and the motion carried.*

The consent agenda consisted of the following:

#### **Minutes**

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

- September 30, 2008 - Special Called Meeting
- October 15, 2008 – Regularly Scheduled Meeting
- October 23, 2008 – Special Called Meeting

#### **Tax Collector's Report**

Terry F. Lyda, Tax Collector, had provided the tax report dated November 7, 2008, for the Board's information and consent approval.

#### **Tax Releases**

A list of 31 tax release requests was presented for the Board of Commissioners review and approval.

Suggested Motion:

*I move the Board approves the Tax Release Report as presented.*

#### **Tax Refund**

A list of 15 refund requests was presented for the Board of Commissioners review and approval.

Suggested Motion:

*I move the Board approves the Tax Refund Report as presented.*

#### **Purchase of real property at 698 Stoney Mountain Road**

At the direction of the Board, county representatives reached a proposed agreement, subject to Board approval, for the purchase of the real estate located at 698 Stoney Mountain Road. As shown on the Offer to

Purchase and Contract, the proposed purchase price is \$250,000.00. This property is adjacent to other Henderson County property located on Stoney Mountain Road.

Suggested Motion:

*I move the Board approves the contract for the purchase of the real property located at 698 Stoney Mountain Road on the terms and conditions as stated in the offer to purchase and contract which was included with the agenda.*

#### **Designation of Voting Delegate to NCACC Legislative Goals Conference**

The North Carolina Association of County Commissioners (NCACC) requested that the Board of Commissioners designate a Voting Delegate to the NCACC Legislative Goals Conference being held in Raleigh on January 15 -16, 2009.

Suggested Motion:

*I move the Board of Commissioners designate Commissioner McGrady as Henderson County's voting delegate to the NCACC Annual Conference.*

#### **Proclamation – Human Rights Day**

The Human Relations Council of Henderson County has requested that the Board of Commissioners read and adopt the Proclamation proclaiming December 10, 2008 locally as Human Rights Day. A copy of the Proclamation is attached hereto and incorporated as a part of the minutes.

Suggested Motion:

*I move the Board of Commissioners adopt the Proclamation as presented proclaiming December 10, 2008 locally as Human Rights Day.*

#### **Formal Adoption of the Minimum Housing Code**

At the November 3, 2008 meeting, the Board approved the Minimum Housing Code with changes. This agenda item incorporates the changes as directed. It also clarifies that the effective date shall be January 1, 2009 to allow for preparation time for staff to begin enforcing the code.

As directed by the Board the adopted code will only apply to rental housing, includes the water contamination provision, does not include the vacant land and structure provision, raises the heating requirement to 65 degrees, and provides a 20-day appeal period. It also clarifies the liability language in Section 120-3 A.

Suggested Motion:

*I move that the Board adopts the Minimum Housing Code as presented and establish the effective date of January 1, 2009.*

#### **Settlement approvals**

Three settlements were provided of pending legal issues for final Board approval.

1. **Bell tax appeal settlement:** involves payment of all taxes claimed by the County to be due, plus interest on such taxes.
2. **Kappler civil penalty settlement:** involves upfront payment of certain penalties and costs to the County, plus additional payment over time.

Suggested Motion:

*I move that the Board approves the proposed settlements provided in the agenda.*

#### **2007-2011 Strategic Plan – Quarterly Update**

The 2007-2011 Strategic Plan Quarterly Update was presented for the Board consent and approval.

Suggested Motion:

*I move that the Board approves the Strategic Plan Quarterly Update as presented.*

**NOMINATIONS**

**Notification of Vacancies**

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

**1. Nursing/Adult Care Home Community Block Grant Advisory Committee – 1 vac.**

**Nominations**

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

**1. Board of Directors of the Henderson County Historic Courthouse Corp. (which does business as the Henderson County Heritage Museum Board) – 2 vac.**

Chairman Moyer stated that all assignments to this Board go beyond this year with the exception of position #10 and #11 which are ex-officio, non-voting positions. These positions are made on an annual basis in order to comply with the other appointments. Position #10 is from Travel and Tourism and the other is a Commissioner Representative. Chairman Moyer nominated Melody Heltman to position #10 and his self to position #11. There were no other nominations. *Chairman Moyer made the motion to accept the appointments 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. EMS Quality Management Committee – 1vac.**

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

**4. Environmental Advisory Committee – 1 vac.**

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

**5. Etowah/Horse Shoe Communities Planning Committee – 1 vac.**

Commissioner Williams nominated Kenneth Allison for Chair and did not feel that it was necessary to fill the other vacant positions. *Chairman Moyer made the motion to accept Kenneth Allison as Chair by acclamation. All voted in favor and the motion carried.*

**6. Henderson County Planning Board – 1 vac.**

Commissioner Young nominated Steve Dozier for position #2. Chairman Moyer nominated Jerry David for position #2. This item was rolled to the next meeting and the Board will be polled at that time.

**7. Henderson County Zoning Board of Adjustment – 2 vac.**

Commissioner Messer nominated for reappointment Ann Pouch for position #5 and Janice Brown for position #7. *Chairman Moyer made the motion to accept both reappointments by acclamation. All voted in favor and the motion carried.*

**8. Hendersonville City Zoning Board of Adjustment – 1 vac.**

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

**9. Hendersonville Planning Board – 1 vac.**

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

**10. Historic Resources Commission – 1 vac.**

Deputy Clerk Terry Wilson informed the Board that Fletcher had recommended the appointment of Ron Schultz for position #8 as the Fletcher representative. An application was not yet on file. *Chairman Moyer made the motion to appoint Ron Schultz to position #8 subject to receipt of his application. All voted in favor and the motion carried.*

**11. Home and Community Care Block Grant Advisory Committee – 5 vac.**

Commissioner Williams nominated for reappointment William Crisp for position #3 and LeeAnn Tucker for position #9. *Chairman Moyer made the motion to accept both reappointments by acclamation. All voted in favor and the motion carried.* Chairman Moyer stated that Staff had recommended the appointment of Pat Strickland for position #1 and he further made the nomination. *Chairman Moyer made the motion to accept the appointment of Pat Strickland to position #1 by acclamation. All voted in favor and the motion carried.*

**12. Juvenile Crime Prevention Council – 9 vac.**

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

**13. Laurel Park Planning Board – 1 vac.**

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

**14. Library Board of Trustees – 1 vac.**

Commissioner Williams nominated for reappointment Larry Young for position #1. *Chairman Moyer made the motion to accept Larry Young for reappointment to position #1 by acclamation. All voted in favor and the motion carried.*

**15. Recreation Advisory Board – 1 vac.**

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

**16. Senior Volunteer Services Advisory Council – 1 vac.**

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

**17. Travel & Tourism Committee – 4 vac.**

Chairman Moyer noted that the Town of Fletcher had requested that someone from their municipality be placed on the Board.

Commissioner Young nominated for reappointment Mehmet Ozelsel for position #1, Dale Bartlett for position #2, and Larry Young for position #4. He further nominated Phyllis Rogers for appointment to position #3.

Commissioner Messer stated that the Board needed to look at the possibility of restructuring or adding the additional sit for Fletcher. He felt that a large percent of the Travel & Tourism comes from that district.

Chairman Moyer stated that this was not a typical board but was set up by a local bill. This could be explored but is not as simple as amending the by-laws.

*Chairman Moyer made the motion to accept for reappointment Mehmet Ozelsel, Dale Bartlett, and Larry Young by acclamation. He further motion to accept the appointment of Phyllis Rogers to position #3 by acclamation. All voted in favor and the motion carried.*

The Commissioners were in favor of adding a position and requested that County Attorney Russ Burrell explore the possible modification of the Local Bill to add one seat to the committee. Once this information is received, it will be sent to Travel & Tourism for their opinion.

**18. Water Supply and Distribution Task Force – 15 vac.**

This item was moved to later in the meeting.

**PARDEE BUDGET/STRATEGIC PLAN PRESENTATION**

Alan House and Kris Hoce, from Margaret R. Pardee Hospital along with Bill Smith, Chairman of the Board (Henderson County Hospital Corporation) made a presentation to the Board of Commissioners on their budget and strategic plan for FY 2009-1012.

Kris Hoce stated that as a condition of their lease they are required to give an update of their budget to the Board of Commissioners. They have developed a strategic plan for Pardee and Mr. Hoce gave a summary including the following information:

**Approach:**

As a community hospital committed to providing the best value in healthcare services to the communities we serve, Pardee Hospital should always be forward thinking. In that regard the Board of Directors engaged in a strategic planning process in 2008 to develop a clear strategic direction, build momentum for the organization and serve as a vehicle to align the interest of key constituents of the Pardee family.

These constituents include patients and their families, our Medical Staff, Board members, Foundation Board members, and our associates, volunteers and donors.

In today's healthcare environment, all hospitals must be keenly aware of the changing health needs of their community and the services that best respond to those needs. A central focus of Pardee's 2008 planning effort was to identify the healthcare needs in our community and determine how those needs could most effectively be met through the clinical programs and services provided by Pardee Hospital. It was agreed that all clinical programs at Pardee will have quality outcomes and cost efficiency results that are at, or exceed, national benchmark performance levels, and these clinical programs will achieve any relevant national certification.

**Assumptions:**

Throughout the planning process a number of issues surfaced that served as the assumptions to drive the strategies and goals that make up the Strategic Plan. Some of these assumptions include:

- To be the provider of choice for our community, Pardee must deliver exceptional performance on clinical quality and outcomes, patient safety, operational efficiency and customer satisfaction.
- Significant changes in the demographics and demographic groups that make up our community will need to be addressed in our planning process.
- Alignment between our physicians and the Hospital is essential.
- Work force shortages will be a significant challenge to which we must respond.
- Facility and technology needs will be addressed to support clinical excellence and access and convenience for our constituents.
- Philanthropic support will continue to be critical to Pardee and fundraising strategies should be linked to Pardee's strategic vision to promote new ways for giving.

**Goals:**

- **Clinical Services:** Clinical services provided by Pardee Hospital will meet the needs of the community and achieve national benchmark performance in clinical outcomes/quality and cost efficiency.
- **Operational Excellence:** Essential to the success of Pardee's clinical programs is achieving excellence in our operations including inpatient management and critical care services, nursing, diagnostic imaging, therapy services, and supportive programs (e.g. laboratory, pharmacy)
- **Physician Alignment:** We will achieve alignment between the Hospital and the Medical Staff collaborating with our physicians to address key initiatives through a sense of shared vision, open



communication, physician representation in decision-making and common understanding of each others' challenges. Insuring a strong base of primary care and physician specialties will respond to patient care needs and advance other clinical opportunities.

- Quality Services: Pardee will enhance the Hospital's performance improvement, quality, safety, and risk management systems. We want to ensure compliance with, and continue to improve results in, all national and state patient safety and quality initiatives.
- Human Resources: Pardee will attract and retain highly motivated and well-trained employees that embrace our mission and a commitment to exceed service expectations. We will be an organization where people desire to work and want to remain.
- Financial Strength: We will enhance our overall financial capability. Pardee will also ensure the best allocation of resources through financial modeling, developing a multi-year financial plan and achieving operating and philanthropy goals.
- Facilities, Technology and Information: Pardee will position our existing facilities, technology and informatics resources to ensure optimal utilization. Further, we want to develop and expand these resources to meet our strategic initiatives.
- Community Image, Accountability and Benefit: Pardee will communicate our role as an asset to the community through increasing knowledge and awareness of our programs, activities and operations. Pardee Hospital will operate as a "transparent" organization that serves as a steward of the community's resources and provides extensive "community benefit."
- Partnerships and Affiliations: Pardee, through Leadership and the Board, will analyze and pursue partnerships and affiliations that support and enhance Pardee's ability to fulfill its mission.

In summary, the Strategic Plan supports the MISSION AND VISION of Pardee.

MISSION: "We provide quality, compassionate and safe services that improve the health of the communities we serve."

VISION: "The best people providing the best care."

Mr. Christopher Hoce explained that Pardee Hospital is County owned, but isn't County funded. As they look at the challenges of funding healthcare and the increasing healthcare cost in future they will be good stewards of the resources of the hospital and make sure that it helps respond to the demands of the community. Medicare and Medicaid do not cover the cost of care in their payment structure. On the in-patient side Pardee receives about thirty cents on the dollar when charged to Medicare and for Medicaid it ranges in the mid-twenty cents on the dollar. Eighty percent of in-patients are Medicaid, Medicare or uninsured.

Mr. Alan House shared a fifteen page document with the Commissioners which contained the FY 2009 (un-audited) budget for the year ended September 30, 2009. Some of the milestones that occurred in 2008 that helped them achieve the bottom line are the sale of the Pardee Care Center, refinancing of long-term debts, and the new approach to up-front collections. The cash on hand is a measurement of how many days a company can survive on its cash investments if all future cash inflows stop. In the past FY2008 cash on hand has increased from eighty-one day to one hundred and twenty-nine days, which is a sixty percent increase. Approximately \$8.5 million was from the sale of the Pardee Care Center. The remaining \$6 million came from improved operations generated from the day to day cost containment in spite of the reduced volumes experienced throughout the year.

Chairman Moyer felt that if you look at the budget and the chart provided as to where the hospitals that have high Medicare, Medicaid, and uninsured and where their profit levels have been and where we're going; a 2% operating margin is a very positive goal for the coming year.

**BUY HENDERSON COUNTY/SHOP HENDERSON COUNTY**

Chairman Moyer stated that this is a program that the County Commissioners put together and took before the LGCCA and acquired the municipality support also. The Board had asked Bob Williford and the Chamber of Commerce to head the effort.

Bob Williford, President of the Henderson County Chamber of Commerce represented businesses across Henderson and this day represents a host of organizations that have come together to initiate the Shop and Dine in Henderson County campaign. The Chamber has received support from all municipalities; Hendersonville, Flat Rock, Laurel Park, Fletcher, and Mills River. We have financial commitments from four of the five municipalities.

The group that has been put together has representatives from Downtown Hendersonville Inc., Fletcher Area Business Association, Seventh Avenue Group, Hendersonville Merchants and Business Association, Flat Rock Merchants Association, Laurel Park Shopping Center, Highland Square Shopping Center, and the Blue Ridge Mall as well. The campaign is focusing on two (2) major issues; supporting local businesses and the jobs they provide and keeping sales tax dollars for Henderson County and the municipalities local.

By shopping and dining locally citizens are helping to protect the jobs that the businesses provide, it supports the local businesses who in turn support our community, and keeps many of the businesses that make our community unique here and operational.

A study done earlier this year indicated that we have a leakage of \$150 million that leaves our community each year as residents go and spend it other places or on-line. They took the \$150 million figure and put it into two (2) economic impact analyses to see what this meant to the community in terms of jobs.

The first report was provided by the U.S. Chamber of Commerce which indicated that \$150 million of new spending in our community would equate to over five thousand jobs.

The second analysis is software that does economic analysis and it indicated over three thousand direct jobs with another twelve hundred in-direct jobs. Spending in a local community does have a direct impact on the number of jobs that are available here. Two thirds of our economy is supported by consumer spending. The most immediate impact we can make to help businesses survive these times and do well is to encourage spending locally.

The Campaign will begin on November 23 with a series of ads that will be going out through the Times-News, local radio stations, billboards, and additional other outlets. Each outlet has agreed to double any kind of advertising that we do through them. A concierge service is being offered; if you are looking for a product or service in Henderson County and you cannot find it, call the Chamber and they will find it for you.

### **WELL ISSUES IN HENDERSON COUNTY**

County Manager Steve Wyatt stated historically he had been following ground water levels throughout the State of North Carolina. Approximately one half of the residents of North Carolina acquire their drinking (non-treated ground) water from a well, and not a municipal source. Ground water is a critical resource for North Carolina and Henderson County. The quality and availability of ground water varies greatly across the state. Mr. Wyatt had previously requested that he be provided with reports on well depths, yields, quality issues and failures on a regular basis. This information has been collected for approximately 2 years.

Seft Swift, Environmental Health Supervisor, provided the Board with an update on the status of well issues in Henderson County related to the persistent drought. Henderson County has suffered severe extreme or exceptional drought conditions since May 29, 2007.

What effect has the drought had on Henderson County?

- In January 2008, Mr. Wyatt directed Mr. Swift to send him weekly information on depths and water flow rates on new wells.

- During this timeframe no unusual or unexpected results have been detected.

Citizens without water

- There have been 8 reports since January 1, 2008 of wells or springs going dry or drying up.
  - 5 have been springs which have gone dry
  - 3 have been wells that are dry or were “drying up”

Effects of prolonged drought

- On August 5, 2008 the City of Hendersonville issued mandatory water restrictions.
- Several businesses applied for well permits in order to stay open.
- On September 17, 2008 the City of Hendersonville rescinded the restrictions.

Effect of water restrictions

- Interest in drilling wells in area that are served by city water increased
- Business affected by the restrictions applied for well permits
  - 2 carwash operations have drilled wells
  - 6 wells were permitted in areas served by city water.

Number of wells drilled in Henderson County

|               | <u>2007</u> | <u>2008</u> |
|---------------|-------------|-------------|
| Total # wells | 397         | 282         |
| July          | 41          | 34          |
| August        | 41          | 33          |
| September     | 34          | 23          |
| October       | 28          | 21          |

Basic Information about Henderson County wells for 2008

- Average depth of wells reported is 406’
  - Deepest is 1045’
  - Shallowest is 65’
  - Average gallon per minute rate is 12
  - 4 wells had no water
  - The highest GPM was 150

Mr. Swift does not feel that Henderson County is in a crisis mode yet but if the drought continues it could certainly become more serious.

Steve Wyatt explained that the State has drought monitoring wells located throughout the state and they issue a report monthly.

**CURB MARKET PARKING LEASE**

Chairman Moyer stated that the County’s lease with the Henderson County Mutual Farmers Curb Market expires 31 December 2008. The Board will be looking at this lease and possibly renegotiating the aspects of the lease.

Selena Coffey had questioned staff to find out the actual usage of the parking lot and found that of the twenty five employees within the Historic Courthouse only about 5-6 are parking in the Curb Market lot and only on occasion. Looking at cost versus benefit staff did not recommend continuing the lease.

Chairman Moyer noted that it was difficult to access the usage of the lot by individuals attending meetings and the Heritage Museum. The cost for the lease is \$12,000 per year.

Commissioner Young did not recommend renewing the lease as the people he had spoken with do not utilize the parking lot and due to economic difficulties it was an expenditure that could be cut.

Commissioner Messer felt it was crucial to continue the parking lease. The parking area is an asset for the County.

Chairman Moyer mentioned that approximately nine months prior, he along with the County Manager and staff had looked at everything within a block of the Historic Courthouse for parking availability. There were several alternatives where businesses were closed and each of these spots was looked at to see if either of them could be utilized even for short term use. There was nothing available.

Commissioner Williams felt that \$12,000 was excessive for the lease given the inconsistent availability of the lot. He suggested renegotiating the lease.

After further discussion, it was the consensus of the Board that the Chairman go back and renegotiate the lease with the Curb Market, and discuss the possibility of dedicated parking spots.

### **BREAK**

A five minute break was taken in order to change video tapes.

Chairman Moyer called the meeting back to order.

### **PUBLIC HEARING – REZONING APPLICATION #R-2008-11**

*Commissioner Messer made the motion for the Board to go into public hearing with respect to rezoning application #R-2008-11. All voted in favor and the motion carried.*

Planner Alexis Baker stated that rezoning application R-2008-11 was submitted on July 11, 2008 by BTDAshville, LLC. The agent for this application is Richard A. Kort. The applicant is requesting the rezoning of the subject area comprised of 2 adjacent parcels from an R1 zoning district to an Industrial Zoning District. The 2 parcels make up approximately 4.54 acres of land. The property was posted and notices sent to adjacent property owners on November 5, 2008. The Hendersonville Times-News published a notice of public hearing on November 9, 2008 and November 15, 2008.

Ms. Baker provided a short video of the area showing the vacant land to the north of the subject area. The vacant parcel is within the Town of Fletcher's jurisdiction. She then panned over to the vacant tract within the subject area and to the tract with an existing building. Across the street and to the west is Southern Concrete Materials, Inc.

Brickton Village which is within Fletcher's jurisdiction and north of the vacant parcel adjacent to the subject area was also shown. The vacant parcel adjacent to the subject area, is owned by RJH Development, the same developers for Brickton Village. Across the street and to the east of Brickton Village is Guaranteed Supply Company.

The subject area is located along Old Hendersonville Road, approximately 2,150 feet (.41 miles) south of its intersection with Old Brickyard Road. The subject area has approximately 590 feet of road frontage along Old Hendersonville Road. Tract 1 (as seen on the video) appears to contain a one story metal building. Tract 2, the smaller parcel, is vacant. Most adjacent parcels are vacant.

The subject area has public water available to both parcels of the subject area. Public sewer does not appear to be located on the Subject Area. Public sewer appears to be approximately 2,210 feet (.42 miles) away.

The Subject Area is adjacent to an R1 zoning district to the south and east and adjacent to an Industrial zoning to the west, across Old Hendersonville Road. The Subject Area borders the Town of Fletcher's C-1 (General Commercial) district to the north. Prior to the adoption of the Land Development Code on September 19, 2008, the Subject Area was previously zoned R-15 (Medium Density Residential) by the US Hwy 25 North Zoning Study.

The Henderson County 2020 Comprehensive Plan Future Land Use Map identifies the subject area as being located in the Urban Services Area. A portion of the Subject Area is also identified as being suitable for industrial development.

This application was reviewed by the Technical Review Committee on September 2, 2008 and by the Planning Board on September 18, 2008. Both the TRC and the Planning Board sent forth unanimous favorable recommendations.

Staff's position at this time, under the guidelines of current plans, policies, and studies, is it supports the rezoning of the Subject Area to Industrial consistent with the recommendations of the Henderson County 2020 Comprehensive Plan.

### **Public Input**

There was none.

*Commissioner Young made the motion for the Board to go out of public hearing. All voted in favor and the motion carried.*

*Commissioner Messer made the motion that the Henderson County Board of Commissioners approves rezoning application #R-2008-11 to rezone the Subject Area from an R1 (Residential One) zoning district to an I (Industrial) zoning district based on the recommendations of the Henderson County 2020 Comprehensive Plan. All voted in favor and the motion carried.*

### **FY 2009-2010 BUDGET**

The Board is requested to begin preliminary discussions with respect to Staff direction on the FY 2009-2010 budget.

Steve Wyatt provided the following information which is the presentation, reports and research that staff is undertaking in order to make a presentation to the Board at a later date not yet determined.

Fiscal Year 2007-2008 Year End Summary (During the December 1 meeting the Board will receive the comprehensive audit financial report from our independent auditor which will include a brief presentation. This gives the Board the opportunity to have the document for about thirty days to examine and formulate any questions they may have. The expenditures and revenues for the prior fiscal year for each department will be provided along with a year end fund balance status based on the year's budget).

- Fund Balance Status

Fiscal Year 2008-2009 Mid-Year Financial Report (The Board will also be given a comprehensive look at the mid-year un-audited financial report, looking again at the expenditures and revenues but with close attention to fund balance and sales tax).

- Sales Tax Update

Fiscal Year 2009-2010 Financial Projections (The Board then will try to look "into the future" and discuss some financial projections on the revenue side for the coming year. The "comfort level" of the Board will be discussed.

Capital Plan Update, Discussion, Direction

Energy Reduction Performance Report (We are approximately 6 months into our energy reduction strategies and the staff will provide a brief report so that the Board can see the results).

Service Demand Trend Summary (Staff is formulating a Service Demand Trend Summary and some of the information has been shared with the Board including building inspections and permits trending down. We will also look at jail capacity, Social Services applications for assistance, etc. to see where the demands are being seen).

Board of Commissioner Priority Setting (We will need direction from the Board in order to set priorities).

Chairman Moyer requested a specific bullet under the mid-year financial report including a comparison on the \$1.4 million target list and what has been accomplished along with how much of a pool that had been built at that point and time. He also requested the County Manager to take a look at the FY2008 budget and try to categorize everything by department so that the Board would know what are the expenses were from a particular department.

Commissioner Williams stated that on the capital plan he wanted to see a schedule of the County's current debt level as well as the debt servicing levels and see that projected over the next ten years. His position in the coming year is to keep property tax rates at the same level.

Commissioner Young was in agreement with Commissioner Williams and felt that the County should keep their capital plan in tact. He realizes that the school system has projects being planned and hopes they let the Board of Commissioners know their plans before releasing it to the papers.

Chairman Moyer responded to Commissioner Williams comments in regards to the tax rate. He stated that a couple of years earlier the Board promised to build three (3) schools that the County did not have the money for and we have \$3 million of debt service that we have to pay next year. We have already began cutting services but it not be a issue of not putting additional burden on people in respect to taxes, the Board will have to weigh that against the burden we will be putting on people by eliminating positions in Park and Recreation, schools, and many other things.

This discussion will continue during the December 1, 2008 meeting.

### **WATER RESOURCES BOARD**

Chairman Moyer stated that the Board had authorized setting up the Water Supply and Distribution Task Force and had included the municipalities. They had approved the structure and scope of the board and each municipality was to choose 2 people from their area to serve on the board. We have received all of the names with the exception of 1 name for Fletcher.

### **Water Supply and Distribution Task Force – 15 vac.**

Commissioner Young nominated Wayne Garren for position #1 as the Fletcher Representative, David Bucher for position #3 and Jan Partin for position #4 as Flat Rock Representatives, Roger Snyder for position #5 and Wayne Carland for position #6 as Mills River Representatives, Jim Ball for position #7 and Henry Johnson for position #8 for Laurel Park Representatives, Barbara Volk for position #9 and Steve Caraker for position #10 as Hendersonville Representatives, Andrew Tate for position #11 as the Business Community Member, Bert Lemkus for position #12 as the Agriculture Member, Bill Lapsley for position #13 as the Engineer in Water Area, Mark Williams for position #14 and Bill Moyer for position #15 as Henderson County Representatives. (Fletcher had not provided a name for their second representative at this time) *Chairman Moyer made the motion to accept the appointments by acclamation. All voted in favor and the motion carried.* Chairman Moyer suggested that he serve as the Chair and Mark Williams serve as the Vice Chair of the committee. *Commissioner Young made the motion that Chairman Moyer serve as Chair and*

*Commissioner Williams serve as Vice Chair on the Water Supply and Distribution Task Force. All voted in favor and the motion carried.*

*Chairman Moyer made the motion that the two (2) representatives from Henderson County be Commissioner Larry Young and Commissioner Chuck McGrady which would work with the three (3) people from the City of Asheville and begin meeting right away. All voted in favor and the motion carried.*

### **STAFF REPORTS**

#### **County Attorney's Report**

County Attorney Russ Burrell stated that each Board member had received a copy of the settlement agreement for Harris vs. Wyatt. He had just received notification that the plaintiff had agreed to the wording of the settlement release 2 days prior. Under the settlement agreement no money, either Henderson County funds, Insurance funds, or any other funds whatever would be changing hands. He requested approval of the settlement by the Board.

*Commissioner Messer made the motion that the Board gives final approval to the draft settlement agreement and release in the Harris vs. Wyatt matter. All voted in favor and the motion carried.*

#### **County Manager's Report**

County Manager Steve Wyatt provided a brief update to the Board in regards to sales tax. Looking at this fiscal year we were very concerned about the results from the month of August which indicated roughly a half a million dollar decrease. During the months of July and August of 2007 the opposite was true, August was a stronger month than July. Carey McLelland has been in process of making an assessment and has had conversation with the State Department of Revenue and essentially Carey has challenged the State's disbursement. From a staff standpoint they feel it is incorrect and believe that the County got "the short end of the stick." Through very preliminary discussions with the Department of Revenue, they have indicated that we may be right and they are investigating the issue.

### **IMPORTANT DATES**

The Hendersonville Christmas Parade is December 6, 2008 at 10:30 and three slots have been reserved for the Commissioners.

The Fletcher Parade is December 13, 2008 at 10:30.

The Employee Christmas Reception is December 5, 2008 in the Community Room of the Historic Courthouse from 10:00 until 2:00.

#### **Schedule Annual Budget Workshop**

The initial plan was to hold the budget workshop at the Justice Academy. However it appears that the information that is going to be presented will be of such importance and value to going forward with the budget and plans that we should have a good tape of the meeting and be able to play it on Channel 11 and have the meeting open to as many people as possible. No option was available for taping at the Justice Academy that would provide a quality tape. Chairman Moyer suggested that the workshop be held in the Commissioners' meeting room (old courtroom) and that it be taped to be aired on Channel 11 and that the meeting is open to the public. A short lunch could be provided in the community room. The Board was asked to look at their calendars for January and find an available date, possibly during the second week of January on Tuesday or Thursday.

### **CANE CREEK WATER & SEWER DISTRICT - no business**

#### **CLOSED SESSION**

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

*(a)(6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee.*

*All voted in favor and the motion carried.*

*Commissioner Williams made the motion to go out of closed session. All voted in favor and the motion carried.*

**ADJOURN**

There being no further business Commissioner Young made the motion to adjourn at 12:10 p.m.

ATTEST:

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Teresa L. Wilson, Deputy Clerk to the Board

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William L. Moyer, Chairman