

MINUTES

STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS  
APRIL 10, 2005

The Henderson County Board of Commissioners met for a special called meeting at 3:00 p.m. in the Commissioners' Conference Room of the Henderson County Office Building.

Those present were: Chairman Bill Moyer, Vice-Chairman Charlie Messer, Commissioner Larry Young, Commissioner Shannon Baldwin, Commissioner Chuck McGrady, County Manager Steven Wyatt, Assistant County Manager Justin Hembree, County Attorney Russell Burrell, and Clerk to the Board Elizabeth W. Corn.

Also present was: Deputy Clerk to the Board Amy Brantley as videographer.

CALL TO ORDER/WELCOME

Chairman Moyer called the meeting to order and welcomed all in attendance. The purpose of this meeting was to discuss the **Historic Courthouse Project**.

Chairman Moyer recognized **David Nicholson**, Capital Projects Manager, to address the Board and lay out the agenda for the Historic Courthouse Project. The most recent Historic Courthouse discussions were on the agenda November 16, 2005, when the Board met with Alan Antoine, the architect on the project and had the opportunity to get an update. One of the big issues at that time was the community room. That item has been reworked since that time. Alan Antoine was in attendance again today to review the project schedule, answer any Board questions, and discuss the budget with the Board.

**Russ Burrell** informed the Board that the need for closed session was approved pursuant to NCGS 143-318.11(a)(3), to consult with an attorney employed or retained by the public body in order to consider and give instructions to the attorney with respect to the following claim:

County of Henderson vs. Hill.

**Approval of Agenda**

Chairman Moyer asked for a motion to approve the agenda. *Commissioner Chuck McGrady made the motion to approve the agenda. All voted in favor and the motion carried.*

**Alan Antoine** reported that they had made much progress on the project since the November meeting. The total budget discussed at the last meeting was \$9.3 million. A few changes have been made in scope but we are still within the \$9.3 million budget. The changes in scope included the development of a large community room on the second floor. They incorporated the asbestos and lead paint removal into the general contractor's bid package. They added a sprinkler system to the Finance and Human Resources Department so that the entire facility will have an automatic sprinkler system. They also incorporated re-roofing of the old courthouse into the base bid. The roof had deteriorated in many areas that were not obvious until inspections were done. Mr. Antoine explained that they will received one base bid and will have one alternate to re-roof the roof over the Finance Department. That will be a budgetary decision that the Board may or may not accept, depending on how the bids come in. Mr. Antoine explained that the repainting of the dome was included in the project. The project is expected to take about 16-18 months, about 1 ½ years. The exterior lighting of the building and the dome would also be included in the project in the base bid. The overall building when finished will be 40,000 square feet, of which 12,000 will incorporate the new addition.

DATE APPROVED \_\_\_\_\_

Alan Antoine referred to the hand-out, reviewing the project schedule with the Board. Dedication of the building is expected to take place in December 2007.

**Walk-through of the Historic Courthouse**

Those in attendance walked up the street to the historic courthouse at approximately 3:10 p.m., meeting at the rear of the building or on the Church Street side of the building. The addition to the courthouse will be on the Church Street side of the building and was marked on the ground for all to see. We then went to the front porch of the building and reviewed plans for the building. We entered the building as Mr. Antoine discussed plans for the flooring, the walls, the windows, etc. There were plans displayed throughout.

**Continuation of the meeting following the walk-through**

Chairman Moyer continued the meeting. Commissioner McGrady asked for recommendations from the Courthouse Committee Chair, Dr. George Jones.

**Dr. George Jones**

Dr. Jones stated that he was impressed with what he saw today and felt it was time to say let's accept it, full speed ahead, and let the contract so we can move. He thanked the Commissioners for their interest in the project, as well as David Nicholson and Alan Antoine for moving the project forward. The design meets the requirements the Committee set forth.

Commissioner Messer stated that this is an important day in Henderson County History. One hundred years from now this might be a holiday in Henderson County, we never know. He thanked those who had a hand in getting the project this far.

*Chairman Moyer made the motion to authorize sending this project out to bid, based on the construction documents reviewed today. All voted in favor and the motion carried unanimously. He stated that Board is anxious to move forward on this project.*

**Closed Session/Recess**

*Chairman Moyer made the motion for the Board to go into closed session as allowed pursuant to NCGS 143-318.11 for the following reason(s):*

- (a)(3) 1. To consult with an attorney employed or retained by the public body in order to consider and give instructions to the attorney with respect to the following claim:  
County of Henderson vs. Hill*

*All voted in favor and the motion carried.*

Chairman Moyer explained that the Board would return at 6:00 p.m. for the next part of the meeting.

**SALES TAX DISTRIBUTION METHOD WORKSHOP**

Chairman Moyer called the meeting back to order. He announced that the Board had, earlier in the meeting, approved sending the courthouse project out for bid.

Hand-outs were distributed of NCGS 105-472 - Disposition and distribution of taxes collected (3 pages) and of per capital and ad valorem tax numbers (1 page).

**Russ Burrell** stated that there had been a problem with the Flat Rock levy so he had his office manager call each of the municipalities today to get their accurate real and personal property tax levies for this current tax year. Those numbers were plugged into this second hand-out. Mr. Burrell took the number given, added the amount of ad valorem property tax levied on motor vehicles that are collected for each of the municipalities and came up with an ad valorem property tax levy for each of the municipalities, based on the information given by the municipalities today.

There was review and much discussion of the two tax distribution methods, per capita and ad valorem, as well as numbers showing what addition over and above the ad valorem sales tax would go to each respective entity should some sort of arrangement be reached. Three sets of numbers were reviewed. Henderson County has used the per capita method for many years.

There was some discussion of the Fire Departments' arrangements with the municipalities and how that was being billed. The Fire Chief, Rick Livingston, was present and stated that the consensus of the Fire Departments and the Rescue Squad is to stay with the per capita method with special arrangements between each municipality and the county. It appears that each entity would benefit from this arrangement.

Chairman Moyer stated that if we could enter into a longer term agreement, say 5 to 6 years, we wouldn't have to bring this up every year for discussion and approval. There is some strong feeling that would be helpful.

Chairman Moyer asked each Mayor to take this information to their Council members for review and approval and asked each municipality to send a representative back for the Commissioners April 19 meeting with decisions in hand. The Board of Commissioners has to make a decision and notify the State by the end of April.

Ed Lee, Mills River Councilman, asked that the Commissioners try to help them keep their tax rate low, stating it will help the county more than it will help them. The property tax in Mills River is appealing to industry and jobs. He stated that schools are impacting our county budget. He asked the Board to consider an impact tax or fee.

**Adjourn**

*Commissioner McGrady made the motion to adjourn the meeting at 6:55 p.m. All voted in favor and the motion carried.*

Attest:

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Elizabeth W. Corn, Clerk to the Board

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William L. Moyer, Chairman