

## MINUTES

STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS  
MAY 1, 2006

The Henderson County Board of Commissioners met for a regularly scheduled meeting at 5:30 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 Steve Wyatt, Assistant County Manager Justin Hembree, County Attorney Russell Burrell, and Clerk to the Board Elizabeth W. Corn.

Also present were: Assistant County Manager Selena Coffey, Fire Marshal Rocky Hyder, Finance Director J. Carey McLelland, County Engineer Gary Tweed, Assessor Stan Duncan, and Deputy Clerk to the Board Amy Brantley.

### CALL TO ORDER/WELCOME

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

### PLEDGE OF ALLEGIANCE

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

### INVOCATION

Commissioner Shannon Baldwin gave the invocation.

### INFORMAL PUBLIC COMMENTS

1. Dick Baird – Mr. Baird wished the Commissioners a Happy May Day. He publicly and formally apologized for a factual error in his comments to the Board on April 19. The kickbacks sited did not take place in a fire district but within animal control. His apology was to Mr. Hyder and the fire districts. He stated that this did not mitigate in any way the need for fraud auditing in the county.

He addressed the issue of illegal immigrants, stating estimates place the number of illegal immigrants in this country at 11,000,000. He stated that we are importing poverty. Mexico, in particular, is shipping it's poverty problem to the United States. Since most illegal Mexican aliens send the major portion of their earnings, Mexico derives an economic benefit. "You Commissioners are our legally elected executors of local government. What are you going to do about this problem in our own county that is transferring millions of dollars in services to illegal ineligible while our citizens are in need? Additionally it is inevitable that you are going to ask for a property tax increase this year. How can you justify increasing our taxes while illegally dispersing our funds to benefit ineligible?"

Mr. Baird distributed a formal request for the Board to consider chartering a Blue Ribbon Committee on Illegal Aliens. He stated it is a cop-out to say this is a Federal Problem when it is costing this county so much.

2. Debra Stierwalt – Ms. Stierwalt addressed the Tuxedo Park area, asking the Commissioners to consider the Bell property for the park. She stated that there is so little land available. She asked the Board to please consider this purpose for future generations.
3. Evelyn Nichols – Ms. Nichols welcomed the new County Manager on board. She also thanked the Commissioners for being so respectful and for listening, stating that is what citizens need. She wished everyone that is up for re-election the best.

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

She encouraged the Board to move forward with some kind of “leash law”. She mentioned invisible fences and stated that would be a good program to suggest to people who love their dogs but need to contain them.

She spoke to the issue of the Tuxedo Community Park, stating that it was promised to the citizens in the southern end of the county. She encouraged the Board to move forward on the Bell property as quickly as possible for a park.

4. Dennis Justus – Mr. Justus is a resident of Fletcher. He spoke to the need for more soccer fields in the county. He mentioned the possibility of putting artificial turf fields at all the High School football fields and use them for soccer for the county year-round and not let the schools hog the fields. Henderson County Parks and Recreation should coordinate with the School system to develop these soccer fields. He mentioned development of a 94 acre piece of land near Arvin Meritor and Fletcher Park. He thinks there should be more open forum on this issue.
5. Douglas Coggins – Mr. Coggins addressed the issue of the Tuxedo Park. He thanked the Board for working on this issue and hopes there will be a resolution to this issue. He expressed that he hopes this does not turn into a political issue.

#### **DISCUSSION/ADJUSTMENT OF AGENDA**

Chairman Moyer requested that the issue of the Tuxedo Park be added under Discussion Items as the first item.

Chairman Moyer requested the addition of “A resolution regarding the fair distribution of lottery proceeds” under Update on Pending Issues.

Chairman Moyer also requested discussion of a request from the hospital under important dates re: scheduling meetings with the Commissioners and the hospital consultants.

There were no other additions or adjustments.

*Commissioner Baldwin made the motion to approve the agenda as revised. All voted in favor and the motion carried.*

#### **CONSENT AGENDA**

*Commissioner McGrady moved the adoption of the consent agenda. All voted in favor and the motion carried.*

#### **Minutes**

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

- March 30, 2006, special called meeting
- April 19, 2006, regular meeting

#### **Tax Collector’s Report**

Terry F. Lyda, County Tax Collector, had provided the Tax Collector’s Report dated April 28 for the Board’s review and consent approval.

#### **Financial Report – March 2006**

#### **Cash Balance Report – March 2006**

These reports were presented for information and consent approval.

The YTD deficit in the Emergency 911 Communications Fund is due to FY2006 approved appropriations for the purchase of new generators for the mountaintop communication sites, a GIS software application update

that links GIS data with the Computer Aided Dispatch (CAD) system and complete replacement of the UPS-battery backup system in the 911 Center.

The YTD deficit in the Mills River Watershed Protection Project, the Mud Creek Watershed Restoration Fund and the Mills River Sewer Capital Projects are all temporary due to timing differences in the expenditure of funds and the subsequent requisition of Federal and State grant funds or Cane Creek Water & Sewer District funds for the Mills River Sewer Project to reimburse these expenditures.

The YTD deficit in the Historic Courthouse, New Sugarloaf Elementary School, Mills River Elementary School and the New BRCC Technology Education Building Capital Projects will be reimbursed by financing proceeds from the anticipated sale of Certificates of Participation (COPS) in June 2006.

#### **Henderson County Public Schools Financial Report – March 2006**

The Schools' Report was presented for information and consent approval.

#### **State ADM Fund Application**

The current year budget includes a revenue source from the Public School Building Capital Fund ("ADM Fund") which the County has programmed to pay debt service on the financing for the Clear Creek and Etowah Elementary School Projects that were completed in 2003. Staff requested the Board consider approving the ADM Fund application for \$615,000 to pay this debt service (application was included in the agenda packet). The Board of Public Education has previously approved this application to use these funds.

The County Manager stated it would be appropriate for the Board to approve the ADM Fund application at this meeting since these funds have been budgeted as revenue in the current fiscal year. An application to use State ADM funds requires approval from both the Board of Commissioners and the Board of Public Education.

#### **Water and Sewer Line Extension – Sugarloaf Road Elementary**

The City of Hendersonville requested that the County comment on the proposed Water & Sewer Line Extension for Sugarloaf Road Elementary School. Staff has reviewed the water and sewer line and extension and has provided Staff comments and the project summaries for each (included in the agenda packet).

The County Manager recommended that the Board take action to support the above referenced water and sewer line extension.

#### **Water Line Extension – Fox Glen**

The City of Hendersonville requested County comments on a proposed water line extension project to serve Fox Glen, Phase I, Section 2 development.

A City of Hendersonville Project Summary sheet, with backup documents and a County review sheet with staff comments were included for Board review and action.

The County Manager recommended that the Board take action to support the referenced water line extension.

#### **Tip Top Acres – Water Line Extension**

The City of Hendersonville requested that the County comment on the proposed water line extension for Tip Top Acres. Staff has reviewed the water line extension and has provided Staff comments and the project summary (included in the agenda packet).

The County Manager recommended that the Board take action to support the referenced water line extension.

**Sale of Parcel Owned by Henderson County Hospital Corporation**

As approved at the April 19 meeting, the sale of the real estate located at 9 Cross Roads, Horse Shoe, North Carolina (currently the office of Dr. Bob Webb), for the price of \$649,000.00 (with certain restrictions) will shortly be closed. The Board needs to address the issue of the disposition of the sales proceeds.

Staff recommended that since hospital operations were the source of the funds which acquired the property sold pursuant to the foregoing resolution, the proceeds of this sale be directed as unrestricted funds for Henderson County Hospital Corporation.

If the Board so desires, the following motion was proposed:

I move that the Board direct that the proceeds of the sale of property just approved be directed to Henderson County Hospital Corporation as unrestricted funds.

**NOMINATIONS**

**Notification of Vacancies**

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

1. Henderson County Transportation Advisory Committee – 1 vac.
2. Juvenile Crime Prevention Council – 1 vac.

**Nominations**

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

1. **Child Fatality Prevention Team – 1 vac.**

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

2. **Community Child Protection Team – 1 vac.**

Commissioner McGrady nominated Nancy Glowacki. There were no other nominations. *Chairman Moyer made the motion to accept Ms. Glowacki by acclamation. All voted in favor and the motion carried.*

3. **Governmental Financing Corporation – 1 vac.**

*Chairman Moyer made the motion to appoint Steve Wyatt in his capacity as County Manager. All voted in favor and the motion carried.*

4. **Henderson County Transportation Advisory Committee – 1 vac.**

Commissioner Messer nominated John Thorpe. There were no other nominations. *Chairman Moyer made the motion to accept Mr. Thorpe by acclamation. All voted in favor and the motion carried.*

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

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

6. **Industrial Facilities and Pollution Control Financing Authority – 1 vac.**

Commissioner McGrady nominated John Goins. There were no other nominations. *Chairman Moyer made the motion to accept Mr. Goins to position #7 by acclamation. All voted in favor and the motion carried.*

7. **Juvenile Crime Prevention Council – 4 vac.**

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

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

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

9. **Solid Waste Advisory Committee – 1 vac.**

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

**TUXEDO COMMUNITY PARK**

Chairman Moyer updated the Board regarding this issue. He has been having discussion with Dr. John Bell about the possibility of purchasing his property. Henderson County acquired a second appraisal of the Bell property. Following much consideration and discussion, Dr. Bell has decided that he no longer wishes to sell the property at this time.

Dr. Bell has agreed that he will lease the property to Henderson County for twenty years for \$2,000 a month but requested that there be reviews at the end of five year periods as to whether the \$2,000 would change.

Henderson County would have the option to purchase the property at any time at an agreed upon price. Dr. Bell strongly feels that the value of the property is not adequately reflected in the appraisals now and that it will continue to go up in value. He does not want to lose that value by selling the property now.

Access to Lake Summit was discussed but Chairman Moyer told Dr. Bell that was not an issue, we are not looking to have a boating access to Lake Summit. The other issue was a strip of property along the river. Some of the neighbors are concerned about the public having the right to walk on those properties. We would have to negotiate what would happen to that strip. Chairman Moyer felt the \$2,000 a month would be reduced rapidly if that strip of property was lost. Chairman Moyer stated that we would have to deal with what kind of improvements we would put on the property.

Chairman Moyer didn't see any way to close the gap and do the purchase at this time. He felt the lease arrangement for the next 20 years with the right to purchase the property was a reasonable compromise. The sand operation is not an issue, it would be ours to do with as we wish. Dr. Bell felt that the county would have to do some cleansing operation or the water would back up in heavy rains and we might get some flooding.

Following much discussion, *Chairman Moyer made the motion for the Board to authorize the County Manager to negotiate with John Bell along the terms discussed and come back to the Board with an agreement and a site plan. All voted in favor and the motion carried.*

### **SOLID WASTE TRANSFER STATION 2<sup>nd</sup> BAY BIDS**

Gary Tweed informed the Board that the County has received bids for the project to upgrade the County's Solid Waste Transfer Station. This project includes the construction of a second bay for the County's Solid Waste Transfer Station and repairs to the existing Transfer Station. The low bid for this project totaled \$1,670,555.25 and was submitted by Construction Logic. The engineer's estimate for this project totaled \$1,562,809, \$107,746.25 above the low bid. Staff continues to review the low bid in cooperation with Construction Logic and the County's engineering firm to determine if costs can be reduced or eliminated. The County Engineer will present an updated cost figure to the Board during this meeting. The Finance Officer will also be present to discuss the overall financial condition of the County's Solid Waste Enterprise Fund. It should be noted that the construction administration for this project will be provided by the County Engineer. This will result in an estimated savings of between \$50,000 and \$75,000.

To better understand this project, it is important that some background information be presented. In 1997, the County made the decision not to build a new landfill. This forced the County to construct and operate a transfer station. The original plan for the transfer site called for the construction of the two bays. The first bay was built in 1997. The second bay was to be built at a point in the future when the waste flow increased to the level where a second bay was required. A new bay is needed at this time for the following reasons:

- The waste flow has increased from 37,000 tons per day in 1998 to 69,000 tons per day in 2005. The current bay/transfer facility is operating at or near capacity for a nine hour work day – 15 to 20 tractor trailer loads of waste per day at 30 minutes per trailer to load.
- The Construction and Demolition (C&D) Landfill will close in the next one to two years. At this point, the flow from the C&D Landfill, about 20,000 tons per day, will have to be

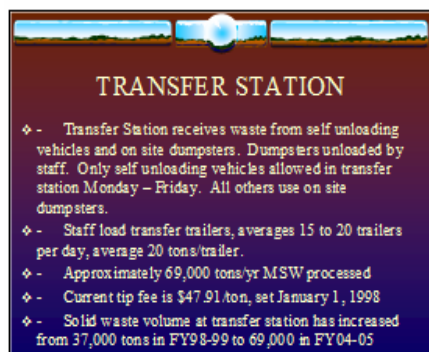
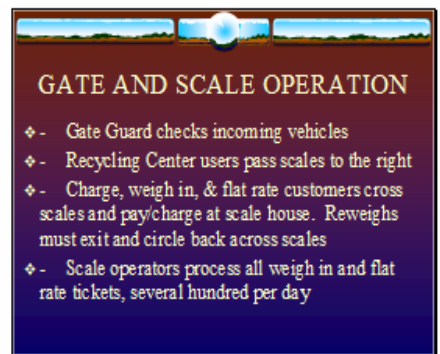
transferred off site. The existing transfer facility does not have capacity to handle this increased flow.

- The existing bay is in need of several repairs and upgrades. The normal life for the concrete surfaces of the existing bay is five years. The current surfaces have been in use for eight years. In order to repair these surfaces, the bay will have to be shut down for approximately three months.

As a side note, completion of the long-range facility study/plan is near. CDM is also working on this project and is in the cost estimate phase of the project. Once completed, this study/plan will be presented to the SWAC and the Board of Commissioners. At this point, it appears that two options will be proposed that should prove to be very workable.

The County Manager recommended that the Second Transfer Bay Project be awarded to Construction Logic, staff be authorized to negotiate a contract, and Chairman be authorized to execute the contract on behalf of the County.

Gary Tweed reviewed the following Power Point presentation with the Board:





**ON SITE DUMPSTERS**

- +- On site dumpsters used by those not in self unloading vehicles. Dumpsters located adjacent to the Transfer Station and in recycling center.
- +- Staff uses roll off trucks to move and empty dumpsters in transfer station.
- +- Average about 10 dumpsters per day



**RECYCLING CENTER**

- +- Household Recycling Center uses covered dumpsters to receive containers, paper, and cardboard. Citrus allowed to use at no charge.
- +- Users allowed to dispose of equal amounts of MSW at no charge under "Bag for Bag" program.
- +- Center processes 1,700 tons/year through MRF in Greenville SC.
- +- Staff loads recyclables in same type trailers as MSW and shipped to MRF.
- +- Program has net cost of about \$100,000/yr.
- +- Center also receives waste oil and antifreeze.



**TIRE RECYCLING**

- +- Scrap Tires are loaded by hand to 53 ft trailers and shipped to U.S. Tire, Inc. in Concord, N.C.
- +- Processing about 1,400 tons/yr or 140,000 tires, average 3 tractor trailers loads per week.
- +- Contractor cost about \$81/ton covered by State Tire Tax. Does not pay for on site labor or equipment.



**WOOD & YARD WASTE**

- +- Wood and Yard waste is processed by contract tub grinding that converts waste to mulch. Approximately 1,600 tons per year. Tip fee charged at \$47.91/ton.
- +- Mulch is available to public at no charge.
- +- Tip fee covers grinding costs (about \$17/ton).



**WHITE GOODS & SCRAP METAL**

- +- Facility receives approximately 2,400 tons per year of white goods (appliances) and scrap metal. Material taken at no charge.
- +- Contract with Stateline Scrap Metal that picks up and transport material. Payback at \$30/ton per Program receives white goods disposal tax about \$26,000 per year.



### C&D LANDFILL

- ◆ - C&D Landfill on site is approximately 3 acres. Has been operating 4.5 years with 6 months remaining on permit. Receives approximate 20,000 tons/yr of waste. Request to renew permit pending, site life about 2 years.
- ◆ - Tip Fee charged at \$47.91/ton
- ◆ - When closed, C&D will have to be shipped with MSW. Will increase overall costs by \$450,000 to \$500,000 per year.



### SITE MONITORING & MAINTENANCE

- ◆ - Old MSW Landfill closed January 1, 1998
- ◆ - 30 years Post Closure Care and Monitoring at a cost of about \$40,000/yr
- ◆ - Top of landfill served as C&D Landfill from 1998 to 2001
- ◆ - Enerdyne's Landfill gas recovery system recovers about 1 million cubic feet per day of landfill gas (50% methane). Used to fire boiler to produce steam at Mount Air Home Industrial Park.



### SOLID WASTE ENFORCEMENT

- ◆ - One Solid Waste Enforcement Officer for off site enforcement
- ◆ - Handles 280 to 300 calls per year
- ◆ - Funded by solid waste tip fees

### PROPOSED IMPROVEMENTS

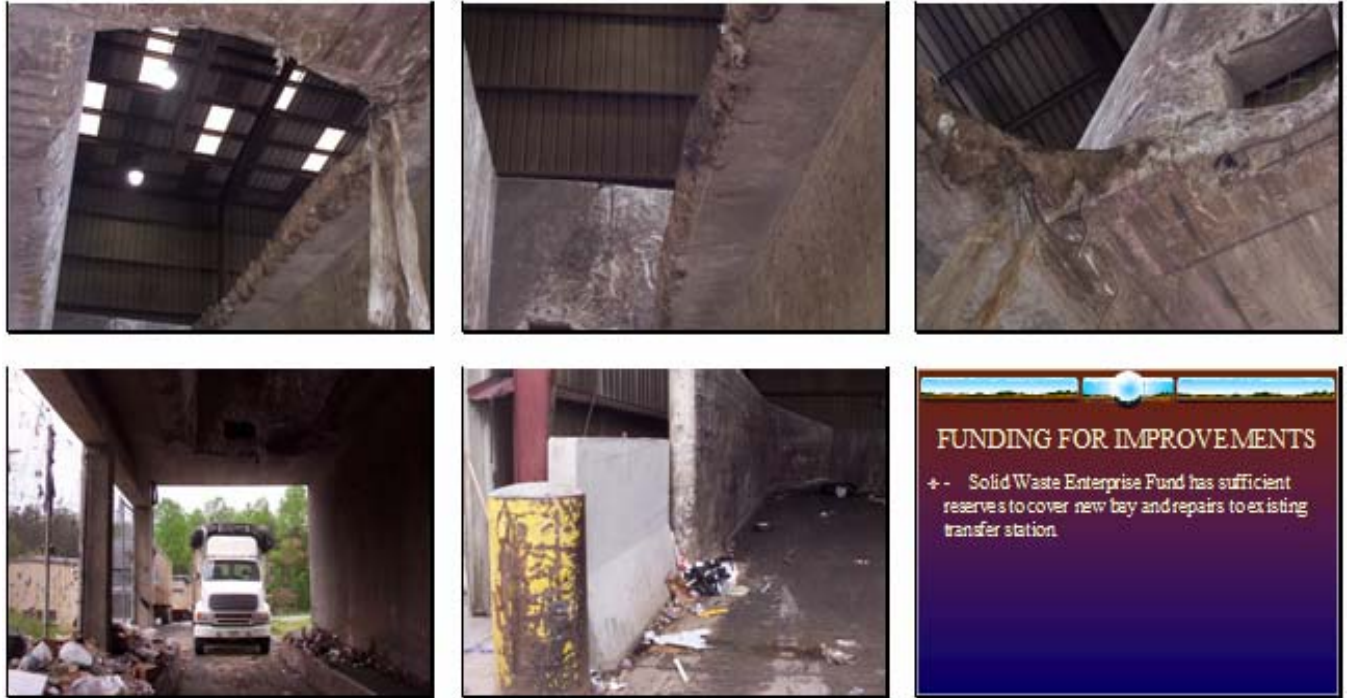
- ◆ - Second Bay to Solid Waste Transfer Station
- ◆ Long Term Study of Site complete in mid 2006

### TRANSFER STATION 2<sup>ND</sup> BAY

- ◆ - WHY?
- ◆ - First Bay in need of replacement of floor top coat and other worn concrete surfaces, this will require closing of station for 60 to 90 days
- ◆ - To prepare for closure of C&D Landfill
- ◆ - To provide additional storage and allow additional capacity
- ◆ - Bid for new bay and repairs to existing bay \$1,670,555







There was some brief discussion of the Solid Waste Master Plan and long-term planning. Following discussion, *Commissioner McGrady made the motion that the Second Transfer Bay Project be awarded to Construction Logic, that staff be authorized to negotiate a contract consistent with the presentation here, and that the Chairman be authorized to execute the contract on behalf of the County, again consistent with the presentation. All voted in favor and the motion carried.*

**EXPANSION OF FIRE INSURANCE DISTRICTS TO SIX MILES**

The North Carolina Department of Insurance has made provisions for fire departments to expand their insurance districts from five to six miles. The first step in this procedure is preliminary approval by the County Commissioners to expand the fire “insurance” district to six miles where possible.

The County Manager recommended consent from the Board to initiate the process for expansion of fire “insurance” districts in Henderson County to six miles. No tax districts will be affected by this action.

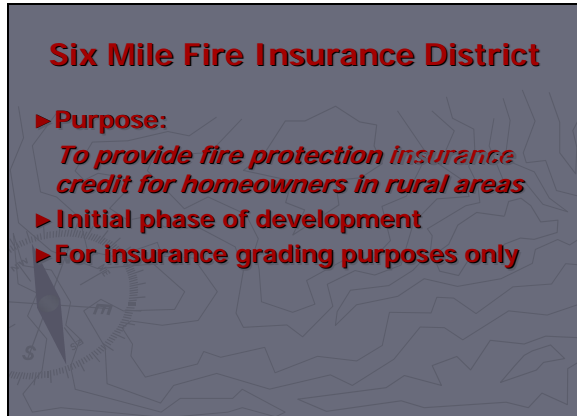
Rocky Hyder reviewed the following Power Point presentation with the Board:

**Six Mile Fire Insurance District**

- ▶ Offered by the Office of State Fire Marshal to recognize minimum fire protection insurance coverage for homeowners in rural areas between five and six road miles from a rated fire department

**Regulations for Six Mile District**

- ▶ Road Miles vs. State Road Miles
- ▶ Class 9 Insurance rating for all property within the five - six mile area
- ▶ Must be implemented County-wide
- ▶ Requires automatic mutual-aid
- ▶ Requires Board of Commissioners approval to initiate and finalize process



Following discussion, *Commissioner Baldwin made the motion to give preliminary approval to extend the fire insurance district to six miles, where possible. All voted in favor and the motion carried.*

### **UPDATE ON PENDING ISSUES**

#### **Animal Control Update**

Steve Wyatt informed the Board that staff will be prepared to present an updated draft of the Animal Control Ordinance at the next meeting (May 17), based upon the issues raised at the last session where this was discussed.

#### **Resolution – Fair Distribution of Lottery Proceeds**

Chairman Moyer reminded the Board that Transylvania County had adopted a Resolution regarding the fair distribution of lottery proceeds. The problem is when you get to the final step, 35% of the 40% distributed to counties that have an effective tax rate that is higher than the state-wide effective tax rate. Obviously we, Transylvania, and many others are in the position where we are lower which means we would not share in any of this money. This issue has been raised at the NC Commissioners Association and really got no where. Chairman Moyer feels very strongly that it's not a fair distribution of the money and he wanted to put it on the agenda for some discussion. He would vote to support a resolution similar to what Transylvania County did and try to get better proceeds.

Following discussion, *Chairman Moyer made the motion to ask staff to draft an appropriate resolution similar to that passed by Transylvania County and to forward it on from the full Board. All voted in favor and the motion carried.*

### **COUNTY ATTORNEY'S REPORT**

Russ Burrell reminded the Board that in the Important Dates on this agenda, the Board will be asked to set a Quasi-Judicial Hearing on a proposal to modify the special use permit for Carriage Park subdivision. The modification would move quasi-judicial hearings to the Zoning Board of Adjustment and take the hearings that are currently in front of the Planning Board and make them informal rather than quasi-judicial.

#### **Request from a County Commissioner**

Commissioner McGrady asked for an item to be placed on a future agenda, stating that he is having considerable problem getting attention of the U.S. Postal Service related to the closure of the Tuxedo Post Office at Green's Six Oaks Mall. He thought that the Board could send a letter to the U.S. Postal Dept.

Congressman Charles Taylor has been involved but he can't seem to get their attention either.

### **COUNTY MANAGER'S REPORT**

Steve Wyatt mentioned the Open House that was held this past Saturday at the new Animal Shelter, stating that it was a success. We had about 350 turn out for that event. The fund-raising events lead by "Freckles the Wonderdog" raised about \$5,400 and we had our first official adoptions, one cat and one dog.

Steve Wyatt mentioned the issue of constructing a picnic shelter at the East Flat Rock Community Park. A group has come forward with a donation of about \$10,000 for that project. Staff has looked at estimates for construction of that shelter up to \$27,000 but have narrowed in on a local contractor who has a plan to build the shelter in the \$15,000 range. To be able to move forward with that project, staff would need an additional \$5,000 which hopefully can be found in current budgets. He requested a consensus approval from the Board to proceed with this project or either to look at other options.

*Following discussion, Commissioner Messer made the motion to direct staff to find the additional funds needed and to construct the planned shelter at the East Flat Rock Community Park. All voted in favor and the motion carried.*

### **IMPORTANT DATES**

#### **Change of date for regular Commissioners' meeting**

Chairman Moyer informed the Board that the State Commissioners Association set the legislative day for the Commissioners to meet with the legislators for a Wednesday, the same day as the next regularly scheduled Commissioners' meeting, May 17. Commissioners have a number of issues they would like to discuss with the legislators. It was suggested to move the mid-month Commissioners' meeting to Thursday, May 18 so that some of our Commissioners could go meet with our legislators and get back for the Board meeting here. Following discussion, *Chairman Moyer made the motion to change the meeting date from Wednesday 17<sup>th</sup> to Friday 19<sup>th</sup> at 9:00 a.m. and that public hearings scheduled for that date also be moved to the 19<sup>th</sup> at 11:00 a.m. All voted in favor and the motion carried.*

#### **Meeting with Hospital Consultants**

Chairman Moyer informed the Board that the hospital is working on their strategic plan. They would like to have either a meeting with all the Commissioners or do so individually. Chairman Moyer felt it would be better to do this in groups of one or two Commissioners at a time, rather than to set a special called meeting for all to meet.

The consultants will be available on Thursday, May 11 and can come to this building for the meetings. It was requested that staff schedule those small individual meetings.

#### **Set quasi-judicial hearing for Carriage Park**

This was a request to set a quasi-judicial hearing on the issue of the modifications of the Special Use Permit for Carriage Park (Henderson County permit SP-93-13), as previously mentioned by the County Attorney.

*Commissioner Young made the motion to set this public hearing (quasi-judicial) for Monday, May 22 at 7:00 p.m. in the Commissioners' meeting room. All voted in favor and the motion carried.*

### **PUBLIC HEARING TO CONSIDER CERTIFICATION OF PARTICIPATION SERIES 2006A FUNDING FOR CONSTRUCTION PROJECTS**

Chairman Moyer stated that the purpose of this meeting was "to hold a public hearing to take public comment on the proposed installment financing of the design, acquisition, construction, renovation and/or equipping of the Sugarloaf Road Elementary School and Mills River Elementary School (collectively, the "School Facilities"), a technology and education development building and related facilities (the "Technology Building") for Blue Ridge Community College and the Historic County Courthouse and related administrative facilities".

Russell Burrell acknowledged that the notice was published in the Times News, citing an affidavit showing that timely notice of this hearing was given pursuant to the notice the Board gave at the last meeting.

Russell Burrell also stated that the Board had available to them a large packet of financing documents in the Clerk's office. He stated that with exceptions to the changes in the names of the project, the dollar amounts involved and the dates involved and with the change of the County Manager's name and other biographical type data, they are the identical financing documents that the Board used in the certificates of participation

(COPS) series financing that closed last April. The purpose in doing so was: 1) it makes it easier for the bond council in New York, 2) for the banker's council in Charlotte, and 3) for the respective bankers to deal with. It also makes it easier for the Board to know that they are dealing with documents that they have some level of comfort with.

Russell Burrell stated that there was one change in two documents that came in today from council in Charlotte. Otherwise they are the identical documents as used before. The only change has to do with the dates, amounts, the biographical data, and the historical data for Henderson County which was brought forward by one year.

### **Motion to public hearing**

*Commissioner McGrady made the motion for the Board to go into public hearing. All voted in favor and the motion carried.*

### **Public Input**

1. Dick Baird - Mr. Baird stated that we incur debt and expect the succeeding generations to pay it off. He suggested that the Historic Courthouse Corporation raise funds for half the cost of rehabilitation of the Historic Courthouse. He called on the Board to approve \$5,000,000 for the Historic Courthouse renovation with the provision that the Corporation must match.

He stated that adequate justification for construction of an entire new elementary school (Sugarloaf) was never presented by the School Board nor demanded by this Board. He offered options which would negate the need for a new \$15,000,000 elementary school:

1. Contracting for the education of these kids, either privately or with a neighboring county.
2. Creative scheduling to utilize the existing and vacant classrooms during summer break.

He asked the Board to hold up funding of this project until all viable and more economical alternatives have been considered. He stated that full utilization of existing space through scheduling would certainly handle the problem for the period necessary to make a valid decision.

He also asked that the Board suspend the decision on the Sugarloaf Elementary project at this time subject to a complete analysis of alternatives.

2. Fielding Lucas - Mr. Lucas offered some rhetorical questions:
  1. Historic Courthouse - there has been little, if any, discussion of why the Commissioners moved out some twenty years ago. Why and what has changed to justify breaking with the plan to consolidate county functions on the Spartanburg campus and now bringing them back to Main Street.
  2. Mills River Elementary School overhaul and expansion - is long overdue and his only quarrel here is with the insistence on 1200 square foot classrooms for all elementary grades. How can we keep on insisting and funding smaller class sizes yet at the same time requiring larger classrooms than counties following state class size guidelines?
  3. Last, but not least, the \$15,000,000 allocated for the Sugarloaf School. This is not the total cost for the school. In the 2007 budget proposal is a request to fund approximately \$500,000 of furniture, network wiring and other technology to complete the job. The construction bids came in higher than expected, leaving only about \$114,000 for construction contingencies. If you add architect fees, land costs, and site work it will surely exceed the \$15,000,000.

He requested that the Board direct the School Board to change the siting of the school back to the rear of the property where the original sketches showed it. The site they showed and planned to use represents one of the most arrogant and selfish actions by one elected Board toward another that he has ever seen. He stated two reasons for directing this change. The areas left for the Commissioners to use are ludicrous and make it unnecessarily difficult to utilize it in any kind of efficient fashion and second it would be the School Board's own best interest to have as large a contiguous space as

possible because there will be a need for a new Middle School sometime in the not too distant future. This is as good a geographical location for such a project as anywhere and is already county owned. It has the utilities and could be ready to go at any time.

**Close public hearing**

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

Chairman Moyer stated that the purpose of the meeting was “to approve and authorize the execution and delivery of the proposed installment financing contract and certain related documents and instruments under which the County would obtain financing pursuant to NCGS 160A-20, as amended, for the design, acquisition, construction, renovation and/or equipping of the Facilities, as further described in the Notice, and under which the County would secure repayment by it of moneys advanced to such installment financing contract by granting a security interest in the School Facilities and the County Courthouse and real property thereof.”

*Commissioner McGrady made the motion that the Board adopt the Resolution Approving an Installment Financing of Elementary School, Community College and County Administrative Facilities and the Sale of Not More Than \$51,820,000 Certificates of Participation, Series 2006A and Authorizing the Execution and Delivery of Documents in Connection Therewith.*

*A vote was taken and the motion carried three to two with Commissioners Young and Baldwin voting nay.*

**CANE CREEK WATER & SEWER DISTRICT – no business**

**CLOSED SESSION – none**

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

1. *(a)(1) To prevent disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes, in accordance with and pursuant to NCGS 143-318.10(e) and Article II of Chapter 11 of the Henderson County Code (approve closed session accounts; open certain closed session minutes).*
2. *(a)(3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body.*
3. *(a)(3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. 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:  
*In re the Appeal of Van Wingerden International, Inc.  
 (NC Property Tax Commission file 03-PTC-554)**
4. *(a)(5) To establish or to instruct the public body’s staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange or lease.*

*All voted in favor and the motion carried.*

Chairman Moyer stated that the Board would not return to Open Session after Closed Session.

Attest: