

MINUTES

STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS  
MAY 24, 2007

The Henderson County Board of Commissioners met for a special called meeting at 7:00 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 Chuck McGrady, Commissioner Mark Williams, County Manager Steve Wyatt, Assistant County Manager Selena Coffey, County Attorney Russell Burrell, and Clerk to the Board Elizabeth W. Corn.

Also present were: Finance Director J. Carey McLelland, Research/Grants Coordinator Amy Brantley, Social Services Director Liston Smith, IT Director Becky Snyder, Administrative Assistant to the County Manager Avalina Merrill, Internal Auditor Darlene Burgess, Board of Elections Director Beverly Cunningham, Deputy Clerk to the Board Terry Wilson, and Library Director Bill Snyder.

**CALL TO ORDER/WELCOME**

Chairman Moyer called the meeting to order and welcomed all in attendance. He stated that the purpose of this meeting was two-fold. One item was a continuation of our proceeding on a vested rights matter and then second will be a public hearing on the proposed FY 2007-2008 budget. Those are the only two matters on the agenda for this meeting.

*Commissioner Messer made the motion to approve the agenda. All voted in favor and the motion carried.*

**VESTED RIGHTS HEARING – Biltmore Farms, Inc. (Hammond tract) #VR-2007-03**

*Commissioner McGrady made the motion to continue the vested rights proceeding. All voted in favor and the motion carried*

Commissioner Williams reminded the Board that he was not present for the original hearing and asked to be excused from voting on the issue. Chairman Moyer excused Commissioner Williams.

Chairman Moyer stated that the Board had the hearing, the record has been closed on this matter, the Board has had a couple of discussions and a draft order was circulated for Board review. The Commissioners have discussed the draft order and asked for some revisions. The County Attorney has prepared a new draft order and was prepared to review it with the Board.

Russell Burrell stated that he believed the new draft included the changes that Commissioner McGrady had requested at the last meeting. Some language changes were made at the request of Biltmore Farms that were not substantive to the decisions that the Commissioners made but are important to the long-term validity of the order. He reviewed the changes with the Board and recommended Board approval at this meeting.

*Commissioner McGrady made the motion to adopt the order granting the vested right for #VR-2007-03 for Biltmore Farms, Inc. (Hammond tract).*

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

Before a vote was taken, Commissioner McGrady spoke to the motion stating that he supports the order granting the vested rights. Some folks have suggested that the Board should take the position to just say no to the development. Commissioner McGrady's view was that he wasn't sure that gets us anywhere. By his evaluation the proposed subdivision would probably meet most, if not all, the requirements of the new ordinance as it is being put forward. The only difference is the use of quadplexes versus triplexes and duplexes. He felt that really isn't a substantial matter, it's more about how many people the development will include, not how they will configure them. Commissioner McGrady felt that what we get with the vested rights order is a number of things but for this developers willingness to agree to them we might not get. First and most important is the provision that says that no structure will be allowed in the flood plain or flood fringe. Under our present ordinance and under our future ordinance they could build in the flood plain and flood fringe. We have a limitation on the number of structures, we've got consensus as to what's going to be built along McKinney Road, trying to be consistent with the neighborhood. We've got consensus on buffers and we have a community investment package that again no developer could be required, under our ordinance, to provide but the developer has put that forward and we're incorporating it in this order. Another big item is the access to trails. The trails will be available to the public on the same basis that the residence will have access to those trails. Finally, we got protection of at least 240 acres of open space. He felt that all of those are important concessions or limitations that the Board of Commissioners have included and he thinks the key analysis is that if the Board did not approve vested rights this same subdivision likely could be approved under our now draft land development ordinance in a fashion that's the same or significantly worse than what is required in the order.

*A vote was taken and the motion was approved four to one with Commissioner Williams abstaining.*

*Commissioner Messer made the motion to terminate this proceeding. All voted in favor and the motion carried.*

**PUBLIC HEARING – proposed FY 2007-2008 budget**

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

Steve Wyatt stated that the Board had been given a synopsis of the changes that the Board had requested throughout the budget process.

Selena Coffey reviewed the changes with the Board:

**Strategic Plan Initiatives**

Energy Efficiency Study	\$2,000
Community Services Study	500
E-911 Improvement Study	15,000
Watershed Coordinator – Additional revenue (matching funds)	(20,000)

**Education**

Community College – Reduction to capital expenses	(50,000)
Community College – Increase to operating expenses	74,278
Public Schools – Increase to current/capital expenses	800,000

**Economic Development**

Partnership for Economic Development Increase to contribution	25,000
--	--------

**Non-Profit Grants**

Dues & Non-Profits (Hands On! – Gallery)	(5,000)
--	---------

**Fund Balance Appropriated**

Additional fund balance appropriated	(\$841,778)
--------------------------------------	-------------

Selena Coffey also informed the Board that the fund balance over 12% would be \$1,917,032 and the fund balance available over 12% after the proposed budget and amendments would be \$75,254.

Some discussion followed. Chairman Moyer suggested that the Board cut the Board discussion short in order to have ample time for public input. He asked those who had signed up to speak to limit their comments to three minutes each.

**Public Input**

1. Maria Chavez & Juan Carlos Chavez - Maria & Juan are siblings and students at Edneyville Elementary School. She stated that the schools need as much funding as possible. The schools need to be bigger with more classrooms, supplies, and teachers. This year Juan had class in a mobile unit. He did not feel safe and this hindered his learning. The first day of school they did not speak any English. The ESL teachers helped them both learn the language and helped them in reading and understanding English. She asked the Board to remember the children of Henderson County when planning the new budget.
2. Marissa Burrelson – Marissa is also a student at Edneyville Elementary School. She also stated that the schools are not as big as they need to be. Large developments are bringing more students and causing a burden on the school system.
3. Cody Justus – Cody is a fifth grader at Edneyville Elementary School. He was concerned about the school budget not being enough to fill the school needs. He stated that the students today are the future of tomorrow. The schools enrollment has increased to over 600 students and continues to rise. He invited the Commissioners to come to Edneyville Elementary and see for themselves how congested the bathrooms are and the condition of the school buildings.

4. Katie King – Katie is a student at Edneyville Elementary School. Her third grade class has been in a mobile unit all year long. She stated that it is more difficult to learn in a mobile unit. She feels separated from the rest of the school. She asked the Board to remember her and her friends and their safety when considering the budget.
5. Oscar Martinez – Oscar is a third grade student at Edneyville Elementary School. He asked the Board to consider the students and give as much money to the schools as possible so that programs will not have to be cut.
6. CayCee Justus – CayCee is a fourth grade student at Edneyville Elementary School. She is concerned about the schools budget. She stated that with more students in the classroom it makes it harder for students to learn and for teachers to do their jobs. She mentioned the overcrowding of the restrooms stating there are only three sets of restrooms for over 600 students.
7. Eva Ritchey – Ms. Ritchey stated that not only are the schools not as big as they need to be but they are not as healthy as they could be as well. She addressed the issue of LEED (green) schools. She asked the Board to please include enough funds in the budget so that the two new schools can be built as LEED certified schools, utilizing solar day lighting, healthy interiors, and they won't shake when the wind blows. She also asked that enough funds be in the budget to at least build one soccer field in Henderson County that is up to game classification. She asked for more funding to the Planning Department for additional resources in that department.
8. Angela Fernandini – Ms. Fernandini also requested increased funding for additional county planning employees.

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

#### **Board Discussion/Direction to staff**

Chairman Moyer reminded the Board that technically the Board is set to have a vote on the budget on Monday, June 4.

Commissioner Williams addressed the issue of Edneyville Elementary School stating that it is on the Boards radar, not for replacement but for classroom additions in budget year 2009-2010. The project has not been approved but is currently one project in the plans in the future. Six new classrooms and additional administrative space are listed as the project needs.

There was some discussion regarding the schools, evidently the school board had asked their architects to bring forward a proposal that is a little more expensive than the proposal that the Board of Commissioners is agreeing to but would be LEEDs certified. To accomplish this, the County would have to spend more money now but would recoup it within a relatively short period of time. The Board is in agreement if the School Board can cost justify it and if it makes

economic sense.

Chairman Moyer asked the County Manager to respond to a couple of items that had been raised during public input at this meeting: staffing of the planning department; ability to complete what is in our comprehensive plan and strategic plan; and money for soccer fields

Commissioner Williams thanked the children who bravely got up and spoke at the meeting. He stated that the Commissioners are concerned about schools and want to make sure that the children are getting a good education.

Steve Wyatt addressed the above items, as requested:

1. Mr. Wyatt stated that he is extremely confident of the capabilities of our planning department. He has had the opportunity to work closely with Anthony Starr on a daily basis, stating that Mr. Starr has brought a great deal of leadership and knowledge to that department. We currently have five professional level planners making us comparable to other counties our size and some larger.
2. Mr. Wyatt reminded the Board of the community listening sessions that staff held back in August and how high parks facilities, and in particular soccer facilities were on the list brought forward from citizens. In January the Board of Commissioners decided to do a needs assessment (community based) working with the recreation advisory board. Mr. Wyatt stated that our goal is to begin that process this summer and bring the Board a draft as early as possible but at least by late fall. Direction could then be given to staff to include in the next budget process.

Some discussion followed regarding green schools. Commissioner Young stated that the Board of Commissioners increases the funding to the schools every year in Henderson County. They are not taking money from the schools.

**ADJOURN**

*Commissioner McGrady made the motion to adjourn the meeting at 8:00 p.m. All voted in favor and the motion carried.*

Attest:

---

Elizabeth W. Corn, Clerk to the Board

---

William L. Moyer, Chairman