

MINUTES

**STATE OF NORTH CAROLINA
COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS
JUNE 4, 2007**

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 Mark Williams, Commissioner Chuck McGrady, County Manager Steve Wyatt, Assistant County Manager Selena Coffey, County Attorney Russell Burrell, and Clerk to the Board Elizabeth W. Corn.

Also present were: Planning Director Anthony Starr, Finance Director J. Carey McLelland, Deputy Clerk to the Board Terry Wilson, Interim County Engineer Marcus Jones, Associate County Attorney Sarah Zambon, Code Enforcement Director Toby Linville, Communications Specialist Pam Brice, Fire Marshal/Emergency Management Coordinator Rocky Hyder, Research/Grants Coordinator Amy Brantley, Human Resource Specialist Mary Alice Jackson, Sheriff Rick Davis, and PIO for the Sheriff Department Joe Johnson.

CALL TO ORDER/WELCOME

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

PLEDGE OF ALLEGIANCE

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

INVOCATION

Chairman Moyer stated that the service for Henderson County Public Information Office Chris S. Coulson had just been completed, a service of thanksgiving for the life, love, and work of Chris Coulson who passed away on May 28, 2007. Instead of an invocation he asked that everyone join in a moment of silence in recognition of Chris' life and service and her dedication to our community.

Chairman Moyer asked the Boards' indulgence to have the first discussion item at this time so that Bo Caldwell and Ervin Bazzle can get from this meeting to the School Board meeting at 6:00 p.m.

QUARTERLY SCHOOLS MAINTENANCE REPORT

There was a quick review of the third of four quarterly reports. It basically shows where they stand after the third quarter. The items highlighted in yellow represent projects that have been completed. The items printed in red indicated those projects that were included in the School Board's 2006-2007 budget but were later cut because of a lack of funding. These projects appear in their 2007-2008 Capital Outlay Budget request. The information printed in blue represents projects designated for Sugarloaf Elementary School.

Note - \$525,000 was appropriated during FY 2006-2007 specifically for the purchase of furniture (\$275,000), custodial equipment (\$30,000), and technology (\$220,000) for Sugarloaf Elementary; however, since the school will not open until August 2008, they requested that those funds be re-appropriated by the Board of Commissioners.

School Board Chairman Ervin Bazzle and Bo Caldwell answered questions from the Board of Commissioners.

Chairman Statement

Chairman Moyer stated that over the week-end Dr. George Jones received the Order of the Long Leaf Pine, the highest civilian honor award in the State of North Carolina. It comes from the Governor's office. Representative Carolyn Justus was here to present that award on Saturday. It was a very nice ceremony. He congratulated Dr. Jones on that achievement.

DATE APPROVED _____

INFORMAL PUBLIC COMMENTS

1. Eva Ritchey – Ms. Ritchey stated “We’ve lost every apple. We are in the middle of a drought. We have the warmest temperatures that we have had since recorded history in the last ten years. This is no longer the Hendersonville that I remember as a child. The weather patterns have changed deeply and have not changed for the better.” She stated that we must now begin putting in policies that can change the way that we are using our resources here. She asked the Commissioners to start putting a greater value on energy conservation and energy policies. She asked the Board to begin with these two new schools, funding them so that they may be LEED certified, that they have energy saving design in them so that we can save taxpayer dollars.
2. Susan U. Stewart – Ms. Stewart stated that at a recent meeting in New York City, Mayors from six continents met to present the most ambitious plans for reducing carbon dioxide emissions within their respective cities. The current growth rate of CO₂ is 3% annually. NASA concluded that summer temperatures could rise as much as 10% by the year 2080. These dire warnings, coupled with Washington’s attitude that has led local communities to act. Sixteen Mayors signed up for a deal brokered by former President Bill Clinton that allows them to borrow money for energy conservation retrofits of municipal buildings then repay the loans with the resulting cost savings. Ms. Stewart also requested that the Board approve the two new elementary schools to be built as “green” schools.
3. Mary Wahlgamuth – Ms. Wahlgamuth also encouraged the Board to make the decision to build the two new elementary schools “green”. Ms. Wahlgamuth is a member of the Global Warming Task Force locally. She stated that you have to put extra money in up front but you get it back within 5-10 years. Studies show that “green” schools = healthier teachers and students. Teacher retention is better and student performance is better. “Build it right the first time and one won’t have to go back and redo it in five to ten years cause I’m pretty sure that’s what’s gonna have to happen.”

There followed some discussion regarding the two new elementary schools. The County Manager gave the Board a suggested course of action: Receive the report from the architects as soon as it’s ready. The School Board will then need to come before the Board and make request of the Board, depending on what they think the best course of action is. Our date for financing is a Jan./Feb. date. We’re looking at bids in Nov./Dec. It would be very easy to bid the LEED as an alternate. The issue will be the designing of that and the design fees that would be included. Mr. Wyatt is confident there will be some additional design fees to get us to that alternate. The Board may want to make the decision to go ahead at any point in time prior to that and decide that is what we want (to bid as a LEED school).

There was some discussion regarding the additional costs to become LEED certified versus just putting those practices into place and not becoming certified. The Board of Education is currently implementing some of these practices. The Board was in agreement to have Moseley Architects come make a presentation before the Board of Commissioners soon to bring the Board up to date.

DISCUSSION/ADJUSTMENT OF AGENDA

Chairman Moyer had no further changes to the agenda.

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

CONSENT AGENDA

Chairman Moyer pulled item “J – Resolution of Memoriam” from the agenda, for it to be read. Commissioner Young asked that item “E- EMS Accounts Receivable Report” be pulled for discussion.

Commissioner Williams made the motion to approve the consent agenda except for items E and J, as revised above. All voted in favor and the motion carried.

Item E – EMS Accounts Receivable Report

Commissioner Young asked a question about the new charges going up more than the credits. He stated that it has been that way for the last several months. The account is getting larger instead of smaller.

Carey McLelland came forward to address this. He stated that it has been going up the past two or three months because the three ladies who have been working on it have been in over a million dollars in charges in the past two months, trying to get caught up. They are within nine days of being current, as of today. They have been working very hard to try to get to current; however, there are still outstandings as far as private pay customers and insurances that are pending, Medicare, Medicaid and private insurance. With the charge of trying to get us current they still have the task of trying to work on the receivables as well. Mr. McLelland stated that he has two ladies that work on Tuesday and Thursday nights that are attacking the older balances to try to get caught up. His direction to his staff was to get us current and as time permits work on the past dues as well. He stated that a portion of this is still very old, 90 days plus.

The Commissioners requested a more detailed report next time, including outstanding balances as of 60, 90, and more than 120 days. They requested that information for the prior month and the current month so they could view the progress.

Commissioner Young made the motion that the Finance Officer bring a more detailed report at the next monthly meeting and that the Board approve the Report as given in this consent agenda. All voted in favor and the motion carried.

Item J – Resolution of Memoriam – Chris Coulson

Chairman Moyer read the Resolution of Memoriam celebrating the life and public service of Chris Salerno Coulson. She was our Public Information Officer (PIO) for ten years and passed away on Monday, May 28. The Board resolved that Mrs. Coulson be remembered for her service and dedication to the citizens of Henderson County and her performance and accomplishments for County Government. The Board and staff also extended their deepest sympathy to her family and friends.

A copy of the resolution is attached as a part of these minutes.

Chairman Moyer made the motion that the Board approve item J as presented. All voted in favor and the motion carried.

The rest of the consent agenda is as follows:

Minutes

Draft minutes were presented for the Board’s review and approval for the following meetings:

- February 20, 2007, special called meeting
- March 26, 2007, special called meeting
- May 1, 2007, special called meeting
- May 7, 2007, regular scheduled meeting

Tax Collector’s Report

Terry F. Lyda, Henderson County Tax Collector, had provided the Tax Collector’s Report dated May 25, 2007, for the Board’s review and consent approval.

Collections information was included through May 24 for the 2006 bills mailed out on August 18th, as well as vehicle bills.

Annual Bills G01 Only:

2006 Total Charge:	\$49,390,710.20
Payments & Releases:	47,487,979.29
Unpaid Taxes:	1,902,730.91
Percentage collected:	96.15%

Motor Vehicle Bills G01 Only:

2006 Total Charge:	\$4,534,766.03
Payments & Releases:	3,610,968.27
Unpaid Taxes:	923,797.76
Percentage collected:	79.63%

Fire Districts All Bills:

2006 Total Charge:	\$5,232,707.94
Payments & Releases:	4,931,589.78
Unpaid Taxes:	301,118.16
Percentage collected:	94.37%

County Financial Report/Cash Balance Report – April, 2007

These two reports were presented for the Board's review and consent approval.

Non-Departmental costs include insurance premiums paid to date for Property and Liability insurance coverage and Worker's Compensation costs. These costs are being allocated out to all departments on a pro rata basis during the fiscal year.

The current YTD deficit in the Emergency 911 Communications Fund is due to the purchase of new technology and equipment during the first quarter that was budgeted in the current fiscal year and paid for from unreserved fund balance appropriated in this Fund.

The YTD deficit in the CDBG-Scattered Site Housing Project and the Lewis Creek Restoration Project is temporary due to timing differences in the expenditure of funds and the subsequent requisition of Federal and State grant funds to reimburse project expenditures.

The YTD deficit in the new Etowah Branch Library Project will be covered by \$1,750,000 in new loan proceeds that will be available in early May 2007.

The YTD deficit in the Mills River Elementary School Project includes architectural fees that have been paid on the project to date that will be reimbursed from the issuance of debt in the future.

The YTD deficit in the Balfour Automotive Training Center Project will be paid from sales tax refund proceeds which have accumulated in the School Capital Projects Fund.

The YTD deficit in the Solid Waste Landfill Fund is due to construction expenditures incurred on the new transfer station project. The total cost of this project is being paid from \$1.8 million of unreserved fund balance appropriated in this Fund.

Henderson County Public Schools Financial Report –April, 2007

This April report was presented for the Board's review and consent approval.

Marketing Association of Rehabilitation Centers – Resolution

Vocational Solutions of Henderson County, formerly known as SSEACO, has requested the Board of Commissioners support of two bills, one in the House and one in the Senate, requesting state funding. The funding requested is in the amount of \$1,000,000 and will assist in the production capacity expansion for community rehabilitation facilities in Western North Carolina.

This is not a request for any additional county funding, but a request to show state representatives the level of support that exists in Henderson County for projects that increase self sufficiency for adults with disabilities and the facilities that serve them.

The Board was requested to adopt the Resolution presented by Vocational Solutions in support of the passage of Senate Bill #1427 and House Bill #1077.

If the Board is so inclined, the following motion was suggested:

I move the Board adopt the resolution as presented by Vocational Solutions.

Designation of Plat Review officers

N.C. General Statutes 47-30.2 requires that all persons appointed as plat review officers be so appointed by a resolution recorded in the Register of Deeds office. "Plat Review Officers" insure that all plats to be recorded comply with the plat requirements set out in the General Statutes.

On September 17, 1997, this Board first adopted a plat review officer resolution. This resolution also sets out certain other procedures that all plat review officer must follow. The Board has from time to time updated its appointments of plat review officers.

The Board needs to again consider updating the list of those persons appointed as plat review officers. The Planning Director recommends that Parker Sloan be added to the resolution. A proposed resolution has been prepared and was attached for the Board's consideration in order to accomplish this update. This proposed resolution restates all other persons currently appointed as plat review officers.

Action by the Board of Commissioners is needed to adopt the proposed resolution to add an additional plat review officer within the planning department to the current list of plat review officers for Henderson County.

If the Board is so inclined, the following motion was suggested:

I move that the Board adopt the proposed attached resolution appointing a new list of plat review officers for Henderson County.

Improvement Guarantee - Crystal Creek/Crystal Heights

Improvement Guarantee – Cobblestone Village II

Mr. Dan Ducote, owner and developer, submitted an improvement guarantee application for the Crystal Creek and Crystal Heights major subdivision. Crystal Creek and Crystal Heights is a 36-lot subdivision located off Patterson Road. The improvement guarantee application is proposed to cover road construction which includes paving and installation of a community water system for all lots in Crystal Creek and Crystal Heights. The developer intends to post with the County cash on deposit in the amount of at least \$240,000.00 to cover the cost of the improvements (\$191,329.00) as well as the required twenty-five percent contingency (\$47,832.00). July 25, 2007 is the proposed completion date for the improvements.

Mr. Brian Ely, owner and developer, submitted an improvement guarantee application for Phase II of the Cobblestone Village major subdivision. Cobblestone Village is a 50-lot major subdivision off Hwy. #225. The subdivision was conditionally approved by the Planning Board on June 20, 2006. The improvement guarantee application is proposed to cover the cost of paving roads within a portion (Phase II) of Cobblestone Village. The Board approved an improvement guarantee application for Phase I on January 2, 2007. The developer intends to post with the County an irrevocable letter of credit in the amount of at least \$74,243.75 to cover the cost of the improvements (\$59,395.00) as well as the required twenty-five percent contingency (\$14,848.75). The proposed completion date for the improvements is May 1, 2008. Draft performance guarantee agreements were included for the Board's consideration.

Action by the Board of Commissioners is needed to either grant or deny the improvement guarantee applications for Crystal Creek and Crystal Heights and Cobblestone Village. It was recommended that the Board approve the improvement guarantee application and extensions pursuant to Sections 170-38 and 170-39 of the Henderson County Subdivision Ordinance.

If the Board is so inclined, the following motion was suggested:

I move that the Board of Commissioners find and conclude that the request for an improvement guarantee complies with the provisions of the Subdivision Ordinance and is approved.

Amendment of Articles of Incorporation and Bylaws, Henderson County Historic Courthouse Corporation

Staff had prepared proposed amendments to the corporate charter (“Articles of Amendment”) and the by-laws for the Henderson County Historic Courthouse Corporation.

These proposals have been agreed to and signed by the current Board of Directors of the Corporation (as shown on the attachments). The Directors also recommended that Chairman Moyer be appointed as President of that Board.

If the Board is so inclined, the following motion was suggested:

I move that the Board approve the suggested changes to the charter and bylaws of Henderson County Historic Courthouse Corporation.

NOMINATIONS

Notification of Vacancies

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

1. Juvenile Crime Prevention Council – 3 vac.

Nominations

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

1. Alliance for Human Services – 1 vac.

Selena Coffey is currently serving and willing to be reappointed. *Commissioner McGrady moved the reappointment of Ms. Coffey. All voted in favor and the motion carried.*

2. Blue Ridge Community College Board of Trustees – 1 vac.

Tom Orr is currently serving and willing to continue to serve. Commissioner Messer nominated Tom Orr for reappointment. Commissioner McGrady nominated David Arnold. Action was deferred to the next meeting.

3. Cane Creek Water and Sewer District Advisory Committee – 5 vac.

Commissioner Charlie Messer is currently serving and willing to be reappointed to position #1. Richmond Meadows is currently serving and willing to be reappointed to position #2. John W. Davis is currently serving and willing to be reappointed to position #3. Jeff Young is currently serving and willing to be reappointed to position #6. Billy Johnston is currently serving and willing to be reappointed to position #7. *Commissioner Messer nominated himself, Richmond Meadows, John Davis, Jeff Young, and Billy Johnston. Commissioner McGrady made the motion that nominations cease and moved that the nominees be appointed by acclamation. All voted in favor and the motion carried.*

4. Child Fatality Prevention Team – 1 vac.

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

5. Environmental Advisory Committee – 4 vac.

Three of the folks are currently serving and willing to be reappointed: Fielding Lucas, Ron Ehlinger, and Angela Fernandini. James Hutcherson is unable to serve another term. Commissioner McGrady nominated Fielding Lucas to position #2, Ron Ehlinger to position #4, and Angela Fernandini to position #6. There were no other nominations. *Chairman Moyer made the motion to accept these three nominees by acclamation. All voted in favor and the motion carried.*

Commissioner McGrady nominated Robert Youngblood to position # 8. There were no other nominations. *Chairman Moyer moved that the Board accept Mr. Youngblood by acclamation to position #8. All voted in favor and the motion carried.*

6. Henderson County Board of Health – 4 vac.

Dr. Ty Hornsby is currently serving in position #2 but is unable to serve another term. An application is on file for Jeffrey Price, DDS, which meets the criteria for position #2. Commissioner Young nominated Dr. Jeff Price to this vacancy. He is willing to continue to serve in position #7 and he nominated David Jones for reappointment to position #9 and Vollie Good for reappointment to position #11. Commissioner McGrady nominated Commissioner Larry Young for reappointment to position #7. *Chairman Moyer made the motion to accept these nominees for positions 2, 7, 9, and 11 by acclamation. All voted in favor and the motion carried.*

7. Henderson County Historic Courthouse Corporation – 2 vac.

Chairman Moyer reminded the Board that on the consent agenda was a change in the Articles of Incorporation and Bylaws. A couple of years ago some changes gave some independence to this Board with respect to their appointments. Basically what the Board did today with unanimous agreement of the people on that Board is take that back so that the Board of Commissioners now makes the appointments.

Currently serving and willing to be reappointed to position #5 is Virginia Gambill. Currently serving and willing to be reappointed to position #7 is Dr. George Jones. Chairman Moyer stated that by virtue of what was added to the bylaws today, we've added a new position which is the President and Director. That nominee is Jeff Miller to position # 8. Jeff Miller has agreed to come on and head this project. Dr. Jones will stay as general Chairman and handle the public relations aspects and the opening ceremonies but Jeff Miller will be running the day to day project. The Board has requested that Chairman Moyer serve as the ninth position. Commissioner Young nominated Virginia Gambill for position #6. Commissioner McGrady nominated Dr. Jones for position #7, Jeff Miller for position #8, and Commissioner Moyer for position #9. There were no other nominations. *Chairman Moyer made the motion to accept these nominees by acclamation. All voted in favor and the motion carried.*

8. Hendersonville City Board of Adjustment – 1 vac.

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

9. Historic Resources Commission – 4 vac.

Currently serving and willing to be reappointed to position #2 is Babs Kukendall. Currently serving and willing to be reappointed to position #4 is Donald Wilson. Currently serving and willing to be reappointed to position #6 is James Stockman. Currently serving and willing to be reappointed to position #8 is Eugene Avergon. Chairman Moyer nominated all four for reappointment. *Chairman Moyer made the motion to accept these nominees by acclamation. All voted in favor and the motion carried.*

10. Jury Commission – 1 vac.

Currently serving and willing to be reappointed to position #1 is Dutch Burdette. *Chairman Moyer made the motion to appoint Dutch Burdette to the Jury Commission. All voted in favor and the motion carried.*

11. Juvenile Crime Prevention Council – 21 vac.

Commissioner Williams pointed out that his name is on the list of currently serving and willing to be reappointed but it has been a problem for him to make the time of the meetings. Commissioner Williams had

talked with Chairman Moyer about this problem and Chairman Moyer is willing to serve in that position, unless there is another Commissioner who wishes to serve in that position.

Commissioner Messer nominated Chairman Moyer for position # 11.

Commissioner Williams nominated Rob Curtis for position # 1, Chief Langdon Raymond for position #2, Joe Johnson for position #3, Emily Cowan for position #4, Rodney Wesson for position #5, Rose Stouder for position #6, Karen Couch for position #7, Selena Coffey for position #8, Sheila Devine to position #16, Kevin Lauritsen to position # 20, Mary Murray to position #22, Jametta Walker to position #23, and Margo Nagel to position #24. *Chairman Moyer made the motion to accept these nominees by acclamation. All voted in favor and the motion carried.*

Positions #19, 21, and 25 are still vacant. Commissioner Young nominated Courtney Stepp to position #19. Commissioner Messer nominated Doug Jarvis to position #21. There were no nominations for position # 25 at this time so it will be rolled to the next meeting. *Chairman Moyer made the motion to accept Jarvis and Stepp to positions # 19 and 21 respectively. All voted in favor and the motion carried.*

12. Library Board of Trustees – 4 vac.

Currently serving and willing to be reappointed to position #2 is David Beardsley. Currently serving and willing to be reappointed to position #3 is Douglas Sparks. Currently serving and willing to be reappointed to position # 5 is Candler Willis. Currently serving and willing to be reappointed to position #7 is Stan Shelley. Commissioner Young nominated all four for reappointment. Commissioner McGrady nominated Morton Lazarus to position # 5. *Chairman Moyer made the motion to accept David Beardsley, Douglas Sparks, and Stan Shelley as nominated above, by acclamation. All voted in favor and the motion carried.*

Position # 5 vacancy was rolled to the next meeting.

13. Mountain Area Workforce Development Board – 2 vac.

Currently serving and willing to be reappointed to position #2 is Robert Clark. Commissioner Messer nominated Robert Clark for position #2. *Chairman Moyer made the motion to accept Mr. Clark by acclamation. All voted in favor and the motion carried.*

Dr. David Sink is currently serving in position #4 which is the Chamber of Commerce nominee. Dr. Sink is unable to serve another term. The Chamber of Commerce nominated Molly Parkhill, Interim President of BRCC for position #4. *Commissioner McGrady made the motion to appoint Molly Parkhill. All voted in favor and the motion carried.*

14. Nursing/Adult Care Home Community Advisory Committee – 4 vac.

Terry Wilson informed the Board that Silvia Crouse in position #2 is unable to serve another term. The Chair of the Committee recommended Charlotte Self for that vacant position. *Commissioner McGrady made the motion to appoint Ms. Self. All voted in favor and the motion carried.*

15. Planning for Older Adults Block Grant Advisory Committee 4 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. Social Services Board – 1 vac.

Currently serving and willing to be reappointed to position #1 is David Adams. *Commissioner McGrady made the motion to reappoint David Adams, who is currently serving as Chair. All voted in favor and the motion carried.*

18. Solid Waste Advisory Committee – 1 vac.

Finis Cavender, position #6 is unable to serve another term. Commissioner Messer nominated David Behun to fill this vacancy. *Chairman Moyer made the motion to accept Mr. Behun by acclamation. All voted in favor and the motion carried.*

SIDEARM REQUEST

The Henderson County Sheriff's Office had requested that the service sidearm of Detective Lieutenant Walter Harper be given to him in recognition of his retirement from the Henderson County Sheriff's Office.

Sheriff Rick Davis came forward for the presentation, stating that Lieutenant Harper served the Sheriff's Office and the people of Henderson County for nearly 20 years. He joined the Sheriff's Office on August 31, 1987 as a patrol officer after serving as a law enforcement officer in Texas. Lieutenant Harper also worked as an investigator within the Violent Crimes Section of the Criminal Investigations Division of the Henderson County Sheriff's Office, where he achieved the rank of Lieutenant.

Detective Lieutenant Harper's service to the people of Henderson County is greatly appreciated and will be remembered.

Sheriff Rick Davis made this request on behalf of the Henderson County Sheriff's Office pursuant to NCGS 20-187.2(a).

Chairman Moyer made the motion to allow Sheriff Rick Davis to present this service sidearm as a token of appreciation to retired Detective Lieutenant Walter Harper. All voted in favor and the motion carried.

Sheriff Davis presented Detective Lieutenant Harper with his service sidearm at no charge in recognition of his nearly 20 years of service to the citizens of Henderson County. Sheriff Davis showered some accolades on Mr. Harper. Mr. Harper stated that it was a pleasure to serve the citizens of Henderson County and he will continue to try to do what he can to make this a better community. Applause followed and pictures were made.

FY 2007-2008 BUDGET ORDINANCE

The Board had received a copy of the 2007-2008 budget ordinance for review and possible adoption.

Steve Wyatt stated that the ordinance was much in the same form as the ordinance was last year. The total General Fund budget is \$113,351,538, which is based on a forty-six point two cent tax rate, based upon an estimated value in the property tax base of \$12,294,596,000 and a collection rate of 97%.

Mr. Wyatt thanked the folks who worked very hard for several months to make this possible along with the strategic and capital plans. He presented the budget ordinance as amended to reflect the changes which Selena Coffey had outlined for the Board in a memo which was included along with the budget ordinance.

Chairman Moyer moved the adoption of the FY 2007-2008 budget with the amendments suggested by the Board during the budget deliberations and further move that the Chairman be authorized to execute the budget ordinance to be effective July 1, 2007.

Discussion followed:

Commissioner Williams stated that he would not support the budget. While he commends the County Manager and a large percentage of our departments that have made great strides and have done a very admirable job of finding ways to cut costs and be more efficient. He stated that County employees have gone for a long period of time without being compensated as fairly as they should have been. He stated that there are parts of the budget that he feels are very good and are a step in the right direction and that he would support very strongly. When he looks at a fund balance appropriation of over \$1.8 million, that is one item that he struggles with greatly. That one item prevents him from being able to support the budget, primarily because that is one-time money and it does set a standard for a budget at a higher level next year. To achieve

that same level and replace that money next year would require a tax increase. He ran his campaign that he would try to hold the line on increases of taxes.

Commissioner Young agreed to a large part with Commissioner Williams.

Chairman Moyer stated that the Board was committed to building the Hillandale and Mills River Schools and it was clear that we would have to raise taxes two cents to do that. "We are not raising taxes two cents. We're using some of the fund balance and because of other changes the County Manager has made, we are not raising taxes those two cents which was required and is required to pay for those schools. True, maybe we deferred a year, we don't pick it up till next year but by all rights when we approved those two schools it was clearly stated that it was gonna take two cents to pay the debt service and now to say well you know we want the schools but we don't want to have to pay for them, I don't know how you can make that argument... I said at the time if we're going to approve that much in building it's going to make it very tough to put the money in teacher's salaries and other things but we were insistent on building those schools because of the pressure we were getting. And I don't think it's fair to say well now we can't approve a budget that requires to meet normal expenditures because we don't want to raise taxes when clearly the two cents comes from the two schools that we unanimously approved to go forward and probably should have raised taxes to pay for those two schools but we avoided doing it because of the work we're doing which I give the staff a lot of credit for but that's why we had to go to fund balance and I think it maybe only puts it off for a year but that money has to be paid this year, starting this year for those two schools."

Commissioner McGrady shares Commissioners Williams' sentiments in terms of tax increases generally but he can't take the lead to vote against this budget this year because he's worried about next year's budget. Several months ago he was fully expecting to have to support a tax increase of a few cents to cover the cost of the schools and their operation and he is presently surprised that we're not there because of the fiscally conservative fashion that staff put together this budget. He thinks that it is much more responsible, rather than banking the people's money in our reserve, to set a reasonable reserve and stay there, don't save too much because it suspects that the taxpayers would prefer to save for themselves as opposed to the Board saving for them, and spend down the fund balance this year primarily related to some capital projects that we've all agreed that we needed to go forward on.

Commissioner Young stated that the County Manager formulated this budget at 46.2 cents and when he did, he had the debt service payment incorporated in that for those two new schools. Where he got that money was the money where we raised taxes last year that we didn't need to, basically 1.5-2 cents because of under-estimation of revenue. We did not borrow the money for the Mills River School and that was incorporated into that tax rate last year also. So we've actually got money that we raised taxes last year. This money, this \$1.8 million is monies that's been spent beyond the County Manager's budget, that's been spent for education and other things that somebody wanted to put in there.

Commissioner Messer said he had a problem with keeping the taxpayers' money in a fund balance when we've got a lot of need in the educational system in Henderson County. Our tax rate of 46.2 cents is still one of the lowest in the state.

A vote was taken on the motion (above) and carried three to two with Commissioners Young and Williams voting nay.

Commissioner Messer statement

Commissioner Messer explained that he would be leaving the meeting now, his Father is undergoing surgery in a few minutes. He requested prayers.

EMPLOYEE HANDBOOK

Russ Burrell explained that the Board was presented the Employee Handbook at the last meeting and given opportunity to review it prior to this meeting. He explained that Jan Pritchard, Human Resources Director,

was not able to be present this evening, she had a death in her family. Russ Burrell explained that he would try to answer any questions that the Board had. Mary Alice Jackson, HR Specialist, was also in attendance to answer questions from the Board.

Mr. Burrell stated that what this handbook does is underscores the “at will” relationship of employees of Henderson County. It sets out the terms that are the ideal. In setting up a handbook you do not set up rules that must be followed in each and every case. What you set up are the norms but there can be circumstances that aren’t the norm and if necessary the Manager has the ability to go outside the terms in this handbook.

Questions followed. Commissioner McGrady raised the question of probationary periods and appeal issues and suggested the word probationary be deleted but deferred to the County Attorney. A couple of typographical errors were pointed out for change.

Commissioner McGrady made the motion to approve the Employee Handbook with the understanding that he and Russell Burrell may deal with some of the stylistic issues that he suggested at this meeting. All voted in favor and the motion carried.

MAINTENANCE OF EFFORT FUND ALLOCATION

Henderson County’s FY 2007 budget included \$528,342 for the provision of mental health services. With the closure of Mountain Laurel in October 2006, a number of local agencies submitted grant applications for those funds. At their October 26, 2006 meeting, the Board of Commissioners allocated the majority of those funds, but left a contingency balance which equals \$140,342.

Amy Brantley informed the Board that following the last meeting, Staff sent out funding availability notices and grant applications to the local providers, requesting they formally apply if they wished to be considered for a portion of these remaining funds. She had provided a matrix which outlined which agencies filed applications, what services they provide, how many citizens they will impact and the amount of funding requested. Arthur Carder, CEO of Western Highlands LME, has reviewed this information and provided the following recommendations:

Blue Ridge Community Health Services	\$45,000.00
Community Health Network	\$45,000.00
6 th Avenue	\$50,000.00

The Board was requested to determine the allocation of the remaining Maintenance of Effort funds, and direct Staff to distribute those funds.

Following discussion, *Commissioner McGrady made the motion to approve \$45,000 for Blue Ridge Community Health Services and \$50,000 for the 6th Avenue Psychiatric Rehabilitation Partners Inc.*

Some discussion followed regarding the Community Health Network and the Board wished to defer action on Community Health Network at this time. The Commissioners requested copies of the backup information for Community Health Network, Appalachian Counseling, Family Preservation Services, and Parkway Behavioral Health (full funding applications).

A vote was taken and the motion carried four to zero.

STAFF REPORTS

County Attorney’s Report

There was nothing further to report at this time.

County Manager’s Report

There was nothing further to report at this time.

IMPORTANT DATES

The Board reviewed the calendar and discussed the following:

Set a new Hearing Date for vested rights application VR-2007-01

On Tuesday, May 22, 2007, the Board of Commissioners held a meeting regarding the vested rights hearing for a Continuing Care Retirement Community known as the Glen and Highlands at Flat Rock. At the end of that evening, the Board voted to continue the hearing until June 4th, at which time a new date, place, and time for the continuance would be discussed.

The Board was requested to set a new date, place, and time for the continuance of the vested rights hearing regarding the Continuing Care Retirement Community known as the Glen and Highlands at Flat Rock. Terry Wilson, Deputy Clerk to the Board had spent much time trying to find a suitable location that would work with all five Commissioners' calendars. The date of Thursday, June 28 at 6:00 p.m. at Blue Ridge Community College, Thomas Auditorium was the recommendation.

Commissioner McGrady made the motion that the Board of Commissioners continue the vested rights hearing on the Glen and Highlands at Flat Rock for Thursday, June 28 at 6:00 p.m. to be held at Blue Ridge Community College. All voted in favor and the motion carried.

Schedule National Guard and Reserve Signing Ceremony

At the May 16, 2007 meeting, Sergeant Ben McKay gave a presentation on the "Employer Service and Resource Guide". As part of that presentation, Commissioners were requested to consider holding a formal signing ceremony of a *Statement of Support* for National Guard & Reserve members. The Board approved that request and directed Staff to come back with a date when the ceremony could be held.

The Board was requested to schedule the ceremony as the first order of business at the July 2, 2007 regularly scheduled meeting.

Commissioner McGrady made the motion that the Board schedule the formal signing ceremony of a Statement of Support for National Guard & Reserve members for Monday, July 2, 2007 at 5:30 p.m. All voted in favor and the motion carried.

PUBLIC HEARING – New Road Names

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

Curtis Freeman explained that a public hearing for the following proposed new road names had been scheduled for this evening. The hearing date was set at the May 7, 2007 Board of Commissioners' meeting.

<u>Old Road Name</u>	<u>New Road Name</u>
Green Way	Buckingham Trail
James St/Mills St	Mills Street

Public Input

There was none.

Commissioner Williams moved that the Board approve the new road name petitions. All voted in favor and the motion carried.

Commissioner Messer made the motion to go out of public hearing. All voted in favor and the motion carried.

CANE CREEK WATER & SEWER DISTRICT – no business

CLOSED SESSION

The Board was requested to go into Closed Session as allowed pursuant to NCGS 143-318.11 for the following reasons:

1.(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.

Commissioner McGrady made the motion that the Board go into closed session pursuant to NCGS 143-318.11 (a)(6) to discuss 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.

Welcome Aboard

Before the Board went into closed session, Selena Coffey introduced the County's new Communications Officer, Pam Brice. Pam Brice came to us from the Times-News, as reporter.

Pam Brice stated that she was glad to be aboard and was looking forward to working with the Staff and Commissioners.

ADJOURN

Commissioner Messer made the motion to adjourn the meeting. All voted in favor and the motion carried.

Attest:

Elizabeth W. Corn, Clerk to the Board

William L. Moyer, Chairman