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MINUTES

STATE OF NORTH CAROLINA
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS
JUNE 2, 2008

The Henderson County Board of Commissioners met for a regularly scheduled meeting at 9:00 a.m. in the Commissioners' Conference Room of the Historic Courthouse.

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: Deputy Clerk Terry Wilson, Finance Director J. Carey McLelland, Communications Officer Pam Brice, Erosion Control Division Chief Natalie Berry, Associate County Attorney Sarah Zambon, Tax Assessor Stan Duncan, Senior Planner Autumn Ratcliff, Fire Marshal Rocky Hyder, IT Director Becky Snyder, Library Director Bill Snyder, Code Enforcement Director Toby Linville, Planning Director Anthony Starr, Engineering/Facility Services Director Marcus Jones, County Extension Director Denise Baker, Soil and Water Conservation Director Jonathon Wallin, Planner Parker Sloan and Research/Budget Analyst Amy Brantley.

CALL TO ORDER/WELCOME

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

PLEDGE OF ALLEGIANCE

Callie Wyatt, of the Mustang 4-H Club led the Pledge of Allegiance to the American Flag.

INVOCATION

County Manager Steve Wyatt gave the invocation.

INFORMAL PUBLIC COMMENTS

1. Dinette Westin – Ms. Westin requested that the Board increase the school budget for an increase in the school teacher supplement, more school nurses, and more money for maintenance.
2. Jim Phelps - Mr. Phelps requested that the Board endorse the twenty year Solid Waste Disposal & Recycling plan prepared by the County Engineer and supported fully by the Solid Waste Advisory Committee and the County Manager. He commended Marcus Jones and Steve Wyatt for their outstanding performance in the short time that they have held their positions. Mr. Phelps stated that having a profitable recycling program can help assure that the Henderson County Solid Waste Enterprise Fund remains financially sound and independent of the County's General Fund and property taxes.
3. Diane Dotson – Ms. Dotson requested that the Board “dig deeper” and find money in the budget to give the teachers a supplement increase.

DISCUSSION/ADJUSTMENT OF AGENDA

Chairman Moyer requested that discussion item A (Presentation of Courthouse Replica) be moved to the beginning of the meeting after discussion of the agenda. He further requested that discussion item F (Adoption of FY 2008-2009 Budget) be pulled up after discussion item B (Western Highlands LME Update).

Commissioner McGrady made a motion that the Board of Commissioners adopts the agenda as modified. All voted in favor and the motion carried.

Chairman Moyer noted that both he and Sheriff Davis had signed the agreement with the Government with respect to the ICE Program on May 30, 2008 and it was mailed the same day. It is his understanding that it

DATE APPROVED:

would be signed and come back with a very good reimbursement rate which represents a lot of work and negotiations.

Chairman Moyer called Denise Baker, the County Extension Director to the podium in regards to her recent notice of resignation to the Henderson County Cooperative Extension. He thanked her for her service to Henderson County and wished her the best in her new endeavors.

Ms. Baker thanked the Board and Administration for their support during her employment with Henderson County.

Presentation of Courthouse Replica

Chairman Moyer stated that present today was Miss Lauren Maybin, a 2nd grader at Upward Elementary School. Miss Maybin has created a replica of the Historic Henderson County Courthouse. She presented the replica to the Board and pictures were made along with Lauren's Grandpa Theron Maybin. Lauren requested that the replica be placed in the Heritage Museum.

Miss Maybin stated that her class was studying the community and her teacher Ms. Shipman had each student in the class do a project on a building in their community. When the teacher asked who was willing to do the old county courthouse, Lauren raised her hand. Miss Maybin said "she likes old things like old courthouses and Grandma and Pa." She had been allowed to hit the old jail during demolition, help open the doors at the historic courthouse and sing at the courthouse grand opening.

Theron Maybin thanked the Board for the time and recognition of his granddaughter for the replica of the courthouse.

CONSENT AGENDA

Commissioner McGrady made the motion to adopt the consent agenda. All voted in favor and the motion carried.

Minutes

Draft minutes were presented for Board review and consent approval of the following meetings:

March 6, 2008, 2008 Regularly Scheduled Meeting

March 27, 2008 Special Called Meeting

April 1, 2008 – Special Called Meeting

April 7, 2008 – Regularly Scheduled Meeting

Tax Collector's Report

Terry F. Lyda, Tax Collector, provided the Tax Collector's Report for information only dated May 23, 2008.

Financial Report/Cash Balance Report – April 2008

The Financial Report and Cash Balance Report for April 2008 were presented for the Board's review and consent approval.

The Garage Budget was exceeded during April due to the increase in the cost of fuel purchased for the County's fleet. At the end of April, fuel purchases exceeded budget by \$65,667.

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 YTD deficit in the Travel & Tourism Fund is temporary and due from the payment of occupancy tax revenues (\$47K) collected from November 2007 through February 2008 that had accumulated for the benefit of the Henderson County Heritage Museum.

The YTD deficit in the Emergency 911 Communications Fund is due to the purchase of new recording equipment (\$45k) for the 911 Center covered by an appropriation of fund balance from the 911 Fund and the delay from the legislative change effective January 1, 2008 in the State collecting and distributing 911 surcharge fees back to the County.

The YTD deficit in the Lewis Creek Restoration Project Fund is due to the timing difference between the expenditure of Federal and State grant funds and the subsequent requisition and reimbursement of these expenditures.

Suggested Motion: I move that the Board of Commissioners approve the April 2008 County Financial Report and Cash Balance Report as presented.

Henderson County Public Schools Financial Reports – April 2008

The Public Schools Financial Reports for April 2008 were presented for the Board's information and consent approval.

Suggested Motion: I move that the Board of Commissioners approve the April 2008 Henderson County Public Schools Financial Reports as presented.

CDBG Grant Administration and Selection Committee

As part of our scattered site housing program, Henderson County is required to form a Selection Committee to assist in developing policies and procedures for the program and to review applications for assistance. Selection Committee responsibilities include:

- Receive and review applicant information to determine the eligibility and ranking of those applicants.
- Submit a list of eligible applicants and alternates to the County Commissioners for their inclusion in the 2008 application.
- Serve as informal public contacts to provide information about the Scattered Site Housing program and any other available County program that will assist low and moderate-income homeowners in need of housing rehabilitation.

The Selection Committee will meet throughout the application period, and thereafter on an as needed basis. In the past our committee was comprised of the managers of the municipalities in Henderson County, representative from the Housing Assistance Corp., and a representative from Habitat for Humanity of Henderson County. Along that same vein this cycle we are recommending that the following individuals, or their representatives, be appointed by the Board to serve on the Selection Committee.

<u>NAME</u>	<u>POSITION</u>	<u>ENTITY</u>
Selena Coffey	Asst. County Manger	Henderson County
Anthony Starr	Planning Director	Henderson County
Patrick Kennedy	Executive Director	Housing Assistance Corporation
Mike Tate	Executive Vice President	Habitat for Humanity of Henderson County
Bo Ferguson	City Manager	City of Hendersonville
Mark Biberdorf	Town Manager	Town of Fletcher
Jaime Adrignola	Town Manager	Town of Mills River
Jim Ball	Town Manager	Town of Laurel Park
Judy Boleman	Zoning Administrator	Village of Flat Rock

The committee bylaws were provided to the Board.

The County has also used outside firms to administer this grant program for prior grant cycles. The program requirements and documentation is quite large and requires a tremendous effort to manage. The grant

program provides funds to hire a firm to manage the grant. No local funds are required for the grant administration. Planning Staff has solicited proposals for this service and recommends Benchmark CMR as the most qualified firm. Most local governments hire outside firms for this service because of the complex nature of the grant requirements. Benchmark's proposal would provide complete service for a fixed fee of \$64,000.

Suggested Motion: I move the Board approves the membership of the selection committee as presented and I further move that the Board authorize staff to enter into a contract with Benchmark CMR for grant management and administration for the fixed amount of \$64,000.

Notice of Intent to Hold Public Hearing (Roland J. Mull Property)

North Carolina General Statute 153A-241 requires that the Board of Commissioners first adopt a resolution declaring its intent to close a public road or easement. A copy of the resolution declaring the Board's intent of closing the easement(s) on the Roland J. Mull property, Hendersonville, North Carolina is attached hereto and incorporated as a part of the minutes.

Suggested Motion: I move the Board adopts the proposed resolution.

Proclamation – Council on Aging Day

The mission of the Henderson County Council on Aging is to support the older citizens of Henderson County, and help these citizens live independently in their own homes as long as possible. In support of this mission, the Board is requested to designate June 7, 2008 as Council on Aging Day in Henderson County. A copy of the Proclamation is attached hereto and incorporated as a part of the minutes.

Suggested Motion: I move that the Board adopt the Proclamation designating June 7, 2008 as Council on Aging Day in Henderson County.

Resolution for Approval of Tax Exempt Loan to Volunteer Fire Department

Mills River Volunteer Fire & Rescue Department, Inc., seeks approval of this Board to obtain a tax-exempt loan for purposes stated in the accompanying resolution. As noted in the resolution, approval by this Board does not in any way obligate the County to repayment of this debt. A copy of this resolution is attached hereto and incorporated as a part of the minutes.

Suggested Motion: I move that the Board adopts the resolution as presented.

NOMINATIONS

Notification of Vacancies

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

1. **Henderson County Board of Health – 1 vac.**

Nominations

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

1. **Alliance for Human Services – 1 vac.**

Commissioner McGrady made a motion that the Board reappoints Selena Coffey to position #1. All voted in favor and the motion carried.

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

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

3. **Community Child Protection Team (CCPT) – 1 vac.**

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

4. EMS Quality Management Committee – 2 vac.

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

5. Environmental Advisory Committee – 5 vac.

Commissioner McGrady nominated for reappointment Marijane Pell for position #1, Dave Lowles for position #3, and Dr. Tom Davis for position #9. *Chairman Moyer made the motion to accept Marijane Pell, Dave Lowles, and Dr. Tom Davis for reappointment by acclamation. All voted in favor and the motion carried.*

6. Equalization and Review, Henderson County Board of – 2 vac.

Commissioner Young nominated Joe Spearman for position #6 and Dr. John Bell for position #7. *Chairman Moyer made the motion to accept Joe Spearman to position #6 and Dr. John Bell to position #7 by acclamation. All voted in favor and the motion carried.*

7. Henderson County Board of Health – 4 vac.

Commissioner Young nominated for reappointment Dr. Elizabeth Todd for position #3 and P. Richmond Meadows for position #8. *Chairman Moyer made the motion to accept for reappointment Dr. Elizabeth Todd to position #3 and P. Richmond Meadows to position #8 by acclamation. All voted in favor and the motion carried.*

8. Henderson County Historic Courthouse Corp. (Heritage Museum Board) – 3 vac.

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

9. Hendersonville City Zoning Board of Adjustment – 1 vac.

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

10. Historic Resources Commission – 3 vac.

Chairman Moyer nominated for reappointment Susan Sneeringer for position #3 and Roger Snyder for position #5. *Chairman Moyer made the motion to accept Susan Sneeringer to position #3 and Roger Snyder to position #5 by acclamation. All voted in favor and the motion carried.*

11. Juvenile Crime Prevention Council – 11 vac.

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

12. Mountain Area Workforce Development Board – 4 vac.

Commissioner Williams nominated for reappointment Paul Keating for position #1 and Phil Webb for position #3. *Chairman Moyer made the motion to accept Paul Keating to position #1 and Phil Webb to position #3 by acclamation. All voted in favor and the motion carried.*

13. Nursing/Adult Care Home Community Advisory Committee – 2 vac.

Commissioner McGrady nominated for reappointment Aubrey Carruth for position #3. *Chairman Moyer made the motion to accept Aubrey Carruth to position #3 by acclamation. All voted in favor and the motion carried.*

14. Senior Volunteer Services Advisory Council – 1 vac.

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

15. Social Services Board – 1 vac.

Chairman Moyer nominated Chuck McGrady for reappointment for position #2. *Chairman Moyer made the motion to accept Chuck McGrady to position #2 by acclamation. All voted in favor and the motion carried.*

The Chief Executive Officer of Western Highlands LME, Arthur Carder, gave a brief presentation to the Board of Commissioners concerning mental health activities. He provided information including numbers of consumers served with State IPRS funds, with State IPRS funds by Age/Disability, with State IPRS funds by Provider, funds paid for service to consumers, along with MOE (Maintenance of Effort) funds received, distributed, and remaining funds.

Mr. Carder informed the Board that they had done the first phase of their gap analysis. They looked at what services were being offered in their 8 county areas along with where there were strengths or weaknesses or maybe no services at all. In Henderson County he felt there were a few gaps such as a Housing Support Team, Illness Management Recovery, Substance Abuse Services, and lack of a drop in center.

Chairman Moyer stated that he was the Board of Commissioners representative for the Pardee Hospital Board and at the board meeting last week they were discussing upcoming changes in the budget. He was caught by surprise when the CEO stated that in a meeting held with the LME representative they were given a clear signal that the substance abuse program was not going to be continued.

Mr. Carder was surprised by this comment also since he was the person in the meeting. He had not reached that conclusion at the time. He had said they were concerned about the cost of the program and the availability of it to be able to reach the number of people that it needs to reach. It is currently over \$900 per day for the cost of that care. We are looking at funding some programs around an \$800 per day for intensive hospital costs, social detoxification, and other kinds of detoxification operations that are much less expensive than that. We are looking at some alternative creative ways to utilize their resources that's around the idea of the assessment center and whether or not they can use those beds in some other ways as well to deal with crisis service rather than just detoxification. We are not saying that we are not going to support it. The contract currently runs through December with Pardee.

County Manager Steve Wyatt stated that they were working through a process of trying to focus the assets of the LME where the need is the greatest. The support of the other counties was almost unanimous in the detoxification Pardee partnership and Arthur is certainly right in one of the issues we are looking at in the priorities is crisis.

ADOPTION OF FY 2008-2009 BUDGET

Chairman Moyer noted that preliminary direction had been given to staff to take a look at certain things and come back to the Board to see what affect it had on fund balance and other things. This has been done to the best of their ability.

County Manager Steve Wyatt stated that the Board had received a summary sheet and the draft ordinance provided by Selena Coffey. The summary sheet outlines the discussions that the Board had at a prior meeting and the consensus type decisions as received by staff. The proposed budget amount, proposed changes, and revised budget were included as follows:

Board Directed Changes to Proposed Budget

Original Proposed Budget	\$115,890,727
Increased fuel funding for County departments	325,000
Included 5 additional staff in DSS budget – Case workers	240,000
Offset DSS positions with state revenues	(120,000)
Included 2 school Health Nurses in Public Health budget	132,000
Added capital grant match to WCCA for buses	16,000
Removed United Agenda for Children funding	(25,000)
Decreased Historic 7 th Avenue District funding to march current year budget	(250)
Increased current expenses for the Public School System	90,000
Increased capital expenses for the Public School System	100,000

Appropriated additional Fund Balance to offset these changes (757,750)
Board Revised Budget \$116,768,477

In addition to the changes above, the Budget Ordinance narrative in Section 24 has been revised to reflect the following changes to elected officials' compensation:

1. Reflect the annual salaries including the cost of living adjustments for elected officials. (i.e. Register of Deeds, Sheriff, and Board of Commissioners)
2. Removed number 3, which set the annual salary for the Tax Collector. This position is no longer an elected position and is covered with the County's compensation plan and therefore the Board of Commissioners is not required to establish this salary by Ordinance.

Fund Balance Estimate

The new fund balance appropriation is \$2,037,060. This represents an estimated 11.43% of the \$116,768,477 budget. This will be revised subject to the County's annual audit.

The budget ordinance is reflective of those changes.

Chairman Moyer had gone over the documents and pretty much satisfied with the direction given but put two items back on the table for discussion.

The United Agenda had made a pretty good case indicating that if there were funding at some level it helps them in their other fund raising efforts to show that there is support from the County. We are the last Governmental board supporting that group. It would be very positive if we show some level of support and he suggested \$10,000 and make it very clear that this is the last year of that support.

With respect to the school supplement for teachers, Commissioners had worked many ways to try to work with this; an additional \$600,000 would take the fund balance down below 11%. He recommended offering ½ of 1% which would be approximately \$300,000. This would be the first change in teacher supplement in at least 20 years. This would show our sensitivity to the subject and our desire to try to move this in the right direction and leave our fund balance around 11.1%.

Chairman Moyer stated that with these two changes he would support the budget ordinance as presented.

County Manager Steve Wyatt and Budget Analysis Amy Brantley determined that the number for the teacher supplement would be \$305,680.

Commissioner Williams questioned if the other municipalities were funding the United Agenda for Children. He was in support of an increase of the teacher supplement.

Commissioner McGrady stated that most municipalities had not adopted their budget this year. In the prior year all municipalities had supported the United Agenda for Children except the City of Hendersonville.

Commissioner Young made the motion that the Board approve funding the school teacher supplement at ½% or \$305,680 and earmark this for the teacher supplement. He further moved that the Board approve funding for the United Agenda for Children in the amount of \$10,000. These two items will be removed from fund balance and replaced when the revenue comes in to do so.

Commissioner Messer was in favor of the motion and felt that this was a good step forward to resolve issues between the Board of Education and the Board of Commissioners and a good way to help children.

Commissioner Williams wanted the public to recognize that the Board was making efforts. County offices were looking at an even budget or very minimal increase in budget. The Board was now looking at funding

for schools even before any further action was taken today. The funding for schools was an approximate 7% increase.

After further discussion, *the Board voted unanimously in favor of the ½% teacher supplement increase, and \$10,000 funding for United Agenda for Children.*

Chairman Moyer made the motion that the Board approves the FY 2008-2009 Budget as submitted inclusive of the two changes put forth in the former motion by Commissioner Young.

Commissioner McGrady was in conflict with the budget. He felt that after all the counties adopt their budgets and set their property tax rate, Henderson County would be even lower in terms of where we stand among 100 counties in terms of our property tax rate. As a property owner he is glad, however as a Commissioner, the fact is that our expectations are that somehow we are going to be able to find some money. Given the fact that we're considered a high wealth county with a low tax rate, it is just not going to happen. At some point we are going to have to realize that we are going to have to fund our schools ourselves. We are not going to get the range of Federal and State monies that some of the other counties bring to the table. He expected to vote against the budget but is happy with the move that had occurred during the meeting. Commissioner McGrady is now in favor of the budget.

Chairman Moyer stated that the following changes would apply to the Budget Ordinance:

Page 1

Fund Balance Appropriated	Proposed	\$ 2,037,060	Revised	\$ 2,352,740
Total General Fund Revenues	Proposed	\$116,768,477	Revised	\$117,084,157

Page 3

Dues & Non-Profit Contributions	Proposed	\$ 389,739	Revised	\$ 399,739
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Page 4

Public School System	Proposed	\$ 19,900,242	Revised	\$ 20,205,922
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Chairman Moyer reminded the Board that a motion was on the floor to approve the budget and the budget ordinance with changes calculated by Selena and Amy. *All voted in favor and the motion carried.*

BREAK

A five minute break was taken.

PUBLIC HEARING – 2008 COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION

Commissioner Messer made the motion that the Board go into public hearing with respect to the 2008 Community Development Block Grant Application. All voted in favor and the motion carried.

Anthony Starr stated that the North Carolina Division of Community Assistance (DCA) will award Henderson County \$400,000, subject to application, for the purpose of rehabilitating owner-occupied homes scattered throughout the County. The County Receives this grant every 3rd year and this will be the County's third such grant. These funds are provided by the U.S. Department of Housing and Urban Development (HUD) through its Community Development Block Grant (CDBG) program to each state. No state or local funds are part of this program.

The Scattered Site Housing Rehabilitation program is designed to assist low-income homeowners by making repairs to their homes. To qualify for assistance, individuals must meet the following minimum requirements:

- Own their home. Persons with lifetime rights also qualify. Rental properties are not eligible for assistance.

- Have household incomes no greater than 50% of the area's median income based on family size. HUD provides these figures annually.
- Must be real property. Mobile homes are not eligible for assistance.
- The County must seek the participation of municipalities within the County in order for their residents to be eligible to apply.

Assistance to property owners will be in the form of no interest, no payment, deferred loans which are forgiven over 8 years. Each property owner must sign a deed of trust with the County for the period of the loan.

Two hearings are required prior to submitting an application to DCA by July 31, 2008. This first hearing is generic and covers all of the categories of CDBG grants offered by DCA. The second hearing to be held later will be for the specific purpose of taking public comments on the planned use of the \$4,000,000 grant. A selection committee to be appointed by the Board will work with staff to select the homes targeted for the funds. The public will be notified of the qualifications for assistance and will be invited to apply. An objective rating system emphasizing the elderly and handicapped will be used to make the selections.

Public Input

There was none.

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

PUBLIC HEARING – CONSIDERATION OF OFFER OF INCENTIVES TO ARVIN MERITOR, INC.

Commissioner Williams made the motion that the Board go into public hearing in respect to consideration of offer of incentives to Arvin Meritor, Inc. All voted in favor and the motion carried.

County Attorney Russ Burrell stated that notice was hereby given pursuant to N.C. Gen. Stat. §158-7.1 that the Henderson County Board of Commissioners would hold a public hearing on 2 June 2008 at 7:00 p.m., or as soon thereafter as the Board can consider the matter, to consider the request of Arvin Meritor, Inc., for economic development incentives to assist in investment resulting in the expansion of its existing plant, and the addition of new jobs.

The Company is a manufacturing concern operating worldwide, including a plant located near Fletcher, North Carolina. The public benefit to be derived from the capital project is a total new taxable capital investment in the amount of at least thirty-two million three hundred thousand dollars (\$32,300,000) in machinery and equipment, creating not fewer than eleven (11) full time employment positions.

The Board considered granting assistance toward actual expenditures incurred in the Company's plan to construct its operation up to a maximum payment equaling seventy percent (70%) of the tax revenue paid by the Company to the County each year as a result the investment for a total of seven (7) years. Each year's incentive payment for the five (5) years incentives would be paid would be limited, under this proposal, to seventy percent (70%) of the ad valorem property tax resulting from the capital investment for such year.

If approved, the request would be funded through the general property tax revenue.

President and CEO of the Partnership for Economic Development Andrew Tate stated it was a little over a year ago when a press release came out that Arvin Meritor, Inc., announced a cut of roughly twenty-eight hundred (2800) jobs globally and closed 13 plants. This was a good primer for us to get into a hurry to make sure that we were well positioned not only to retain the facility and the employment we had here in Henderson County, but also to seek the opportunity to attract new investment and new employees. Over the course of the last year plus we have worked through a resolution for consideration of annexation with the

Town of Fletcher, several meetings with the performance plus team, the headquarters group out of Troy, Michigan, and we worked through closed sessions with this Board. In summary you are looking roughly at a \$16,000,000 investment this year that could happen in a Henderson County facility over the next five years. It will be a total of \$32.3 million. They are in the process of consolidating roughly 50 jobs from the Arden facility to the Fletcher facility now. It does include the creation of 11 new jobs at roughly \$24 per hour; a wage that well exceeds not only the average wage in the County but the average manufacturing wage in the County.

Brian Cavagnini, Plant Manger for Arvin Meritor, Inc. thanked the Board for their consideration and stated that he was looking forward to taking the offer back to the team.

Public Input

There was none.

Chairman Moyer stated that this had been long, very interesting process. Arvin Meritor, Inc. went through a very exhaustive evaluation of all their sites, all efficiencies of their operations, where they should consolidate and where they should expand and he couldn't say enough for Andrew and Brian who have been a tremendous help in working with the Board to pub forth the positive aspects of our area and their plant. The most positive thing is that Brian runs a very efficient plant.

Chairman Moyer made the motion that the Board move on this incentive at the levels stated by the County Attorney and authorize negotiations. All voted in favor and the motion carried.

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

PUBLIC HEARING – REZONING APPLICATION #R-2008-02

Commissioner McGrady made the motion that the Board go into public hearing in regards to Rezoning Application #R-2008-02. All voted in favor and the motion carried.

Planner Parker Sloan stated that rezoning application #r-2008-02, which was submitted on February 26, 2008, requests that the County rezone approximately 1.83 acres of land, located off Upward Road, from Residential One (R1) zoning district to a Community Commercial (CC) zoning district. The Subject Area is composed of eight (8) parcels identified in four (4) tracts. Subject Area owners are Chris and Natalie Kiefer, Walter John Maki, Joseph Franklin Swain, and Mark White (Wild Hare Investments LTD).

Chris and Natalie Kiefer recently acquired tract C from William Carl Swain and submitted a new application. William Carl Swain is no longer an applicant but will remain the appointed agent for Walter Maki and Joseph Swain.

The Subject Area is currently zoned R1 (Residential One) as a result of the adoption of the Land Development Code. The Subject Area was previously zoned T-15 (Medium-Density Residential).

It is generally incumbent upon the Applicant to demonstrate an overriding justification for approving a given rezoning application. Staff suggests the Applicant not discuss any specific use being considered for the property.

The Henderson County Planning Board considered rezoning application #R-2008-02 at its regularly scheduled meeting on April 17, 2008. During that meeting, the Board voted 6 to 0 to send the Boar of Commissioners a favorable recommendation for rezoning application #R-2008-02 to rezone the Subject Area from existing R1 zoning district to a CC zoning district.

Before taking action on the application, the Board of Commissioners must hold a public hearing. In accordance with §200A-314(c) and 200A-337(b) of the Henderson County Land Development Code and State Law, notices of the June 2, 2008, public hearing regarding rezoning application #-2008-02 were published in the Hendersonville Times-News on May 14, 2008 and May 21, 2008. The Planning Department sent notices of the hearing via first class mail to the owners of properties adjacent to the Subject Area and the Applicants and posted signs advertising the hearing on the Subject Area on May 14, 2008.

Public Input

There was none.

Commissioner Williams made the motion that the Board recommend approval of rezoning application #R-2008-02 to rezone the Subject Area from an R1 (Residential One) zoning district to a CC (Community Commercial) based on the recommendations of the Henderson County 2020 Comprehensive Plan. All voted in favor and the motion carried.

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

PUBLIC HEARING – REZONING APPLICATION #R-2008-03

Commissioner McGrady made the motion that the Board go into public hearing in regards to Rezoning Application #R-2008-03. All voted in favor and the motion carried.

Planner Matt Cable stated that rezoning application #R-2008-03, which was submitted on February 28, 2008, by Robert Camenzind, owner along with McNutt Investments LLC, and their agent Charles A. Wilkins, requests that the County rezone approximately 19.15 acres of a 26.53 acre tract off of McMurray Road from Residential Two with Manufactured Housing (R2MH) zoning district to an Industrial (I) zoning district. The Subject Area is one parcel (PIN 9588-24-4381) owned by Robert O. Camenzind, trustee Enno F. Camenzind Trust. On April 1, 2008, the Henderson County Technical Review Committee voted unanimously to send forward a favorable recommendation.

The Henderson County Planning Board considered rezoning application #R-2008-03 at its regularly scheduled meeting on April 17, 2008. During that meeting, the Board voted 6 to 0 to send the Board of Commissioners a favorable recommendation for rezoning application #R-2008-03 to rezone the Subject Area from an existing R2MH zoning district to an Industrial zoning district.

Staff encourages the Applicant to present any information that would inform the County's consideration of the proposed rezoning. Staff requests the Applicant not discuss any specific use being considered for the property as the Board cannot take this into consideration.

Before taking action on the application, the Board of Commissioners must hold a public hearing. In accordance with Section 200A-314 of the Henderson County Land Development Code and State Law, notices of the June 2, 2008, public hearing regarding rezoning application #R-2008-03 were published in the Hendersonville Times-News on May 14, 2008 and May 21, 2008. The Planning Department sent notices of the hearing via first class mail to the owners of properties adjacent to the Subject Area and the applicant on May 14, 2008 and posted signs advertising the hearing on the Subject Area on May 14, 2008.

Public Input

1. Russell Galloway – Mr. Galloway lives directly across the road from Ebby Manor Lane. He wanted to know how this would affect his property and taxes. He questioned why his property was included in the land that was proposed to be rezoned.

Planning Director Anthony Starr stated that it was sometimes unpredictable to tell what the affect would be for rezoning on a particular property. It won't assign a different zoning classification other than for the Subject Area. It might affect the assessment and that would be a question for the County Assessor. He also

pointed out that while this recommends the areas approximate boundaries in the comprehensive plan it is not detailed boundaries. In this case and in future cases, if there are other requests for industrial zoning each of them will be evaluated on a case by case basis. Some of the parcels, when it starts getting to the edges of the boundaries, may be appropriate while others may not.

County Manager Steve Wyatt stated that as time goes on there would be a potential for change as the area develops but there would be that potential regardless of the action the Board takes.

Chairman Moyer stated the simple fact that this property be rezoned would have no direct affect on his assessment or taxes. Mr. Galloway's land was included because the economic development group was charged by the Board to bring good paying industrial jobs into the area; in order to do this you must have sites that are favorable to them to locate their businesses or plants. Our partner went through the area and identified areas that we thought were good sites for considering future industrial growth. No decisions are made at this time; we are only indicating that this land has potential for industrial use.

2. Troy Sherman – Mr. Sherman lives off of McMurray Road. His mother lives in this area also and it is a burden for her to pay her taxes already. He feels that if the property is rezoned to commercial it will raise the taxes. He questioned who the owners of the property are and why they didn't buy land where an industrial park is currently located.

Chairman Moyer stated that he did not think that any of the property at the other industrial park was available. A man placing his business has the right to look for a piece of land in places where he thinks it is most appropriate. Questions in regards to the roads should be address to the NCDOT.

3. Charles Wilkins, agent representing Mr. Camenzind and McNutt Investments, LLC – Mr. Wilkins stated that the proposed subject area is for a light industrial office park. The owner of the property is McNutt Investments, LLC.

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

Commissioner McGrady made the motion that the Board approve rezoning application #R2-008-03 to rezone that portion of the Subject Area as shown on pay from an R2MH (Residential Two with Manufactured Housing) zoning district to a I (Industrial) zoning district as recommended by the Staff Report. I further move that rezoning application #R-2008-03 is consistent with the recommendation of the Henderson County 2020 Comprehensive Plan. All voted in favor and the motion carried.

PUBLIC HEARING – REZONING APPLICATION #R-2008-04

Commissioner McGrady made the motion that the Board go into public hearing in regards to Rezoning Application #R-2008-04. All voted in favor and the motion carried.

Planner Matt Cable stated that rezoning application #R-2008-04, which was submitted on March 3, 2008 by Owners Gregory and Leslie Shipley along with their agent Kirk Ledoux, requests that the County rezone approximately 0.48 acres of land, located at the intersection of Stoney Mountain Road (SR1383) and Mountain Road (SR1381), approximately 261 feet from the intersection of Mountain Road (SR1381) and Haywood Road (NC Highway 191) from Residential One (R1) zoning district to Local Commercial (LC) zoning district. The Subject Area is one parcel (PIN 9650-51-8601).

The Henderson County Planning Board considered rezoning application #R-2008-04 at its regularly scheduled meeting on April 17, 2008. During that meeting, the Board voted 6 to 0 to send the Board of Commissioners a favorable recommendation for rezoning application #R-2008-04 to rezone the Subject Area from an existing R1 zoning district to a LC zoning district.

Before taking action of the application, the Board of Commissioners must hold a public hearing. In accordance with Section 200-A-314 of the Henderson County Land Development Code and State Law, Notices of the June 2, 2008, public hearing regarding rezoning application #R-2008-04 were published in the Hendersonville Times-News on May 14, 2008 and May 21, 2008. The Planning Department sent notices of

the hearing via first class mail to the owners of properties adjacent to the Subject Area and the applicant on May 14, 2008 and posted signs advertising the hearing on the Subject Area on May 14, 2008.

Public Input

There was none.

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

Commissioner Williams made the motion that the Board approve rezoning application #R-2008-04 to rezone the Subject Area from an R1 (Residential One) zoning district to a LC (Local Commercial) zoning district as recommended by the Staff. I further move that rezoning application #R-2008-04 is consistent with the recommendations of the Henderson County 2020 Comprehensive Plan. All voted in favor and the motion carried.

Commissioner McGrady commented that this is a commercial service center area that continues to bother him. When the Board looks at the comprehensive plan again, and he is still a board member, he would like to look closer at this one.

PUBLIC HEARING – REZONING APPLICATION #R-2008-09

Commissioner McGrady made the motion that the Board go into public hearing in regards to Rezoning Application #R-2008-09. All voted in favor and the motion carried.

Planner Matt Cable stated that rezoning #R-2008-09, which was initiated by Henderson County Planning Staff on behalf of the property owners after they submitted a petition, processes a request that the County rezone approximately 15.48 acres of land, located off US Highway 25 North near its intersection with Holbert Road (SR1367), from a CC (Community Commercial) zoning district to an RC (Regional Commercial) zoning district. The Subject Area is comprised of four (4) parcels of land. The property owners are: Bryan L. Vaughn (PIN: 9651-52-2346); Gene A. Wilkie and Wife (PIN: 9651-51-9783) and (9651-51-9293); and Geneco Inc. (PIN: 9651-51-8627).

The Henderson County Planning Board considered rezoning application #R-2008-09 at its regularly scheduled meeting on May 15, 2008. During that meeting, the Board voted 5 to 0 to send the Board of commissioner an unfavorable recommendation, recommending denial of rezoning request #R-2008-09 to rezone the Subject Area from an existing CC zoning district to an RC zoning district consistent with the recommendations of the Henderson County 2020 Comprehensive Plan. Further, the Planning Board recommended that these parcels be considered as part of a limited Small Area Zoning Study. Specifically the Planning Board recommended that the study include those properties along US Highway 25 North zoned Community Commercial (CC) and falling the Regional Commercial (RC) and Local Commercial (LC) zoning districts as currently applied.

Before taking action on the application, the Board of Commissioners must hold a public hearing. In accordance with §200A-314(C) and 200A-337(B) of the Henderson County Land Development Code and State Law, notices of the June 2, 2008, public hearing regarding rezoning application #R-2008-09 were published in the Hendersonville Times-News on May 14, 2008 and May 21, 2008. The Planning Department sent notices of the hearing via first class mail to the owners of properties adjacent to the Subject Area and the property owners on May 14, 2008 and posted signs advertising the hearing on the Subject Area on May 14, 2008.

Planning Director Anthony Starr stated that the Planning Staff, Technical Review Committee, and Planning Board recommend denial of this rezoning request for several reasons. While it may appear to some that the new Land Development Code show how has significantly limited the range of uses permitted in this area,

this is not the case. With the recent revisions to the LDC, there are only a few differences between the Community Commercial (CC) and Regional Commercial (RC) districts.

One point of discussion has been “automobile and equipment service” and “motor vehicle sales or leasing” s uses in the CC district. Automobile and equipment service is allowed in both districts as a use permitted by right; this included automobile towing as an accessory use. Permitted by right means only a zoning permit and perhaps a site plan are needed for a new business to operate. Motor vehicles sales or leasing is permitted by right in the RC district and is permitted in the CC district as a special use. A special use requires approval by the Board of Adjustment. While this area seems entirely appropriate for motor vehicles sales or leasing, other areas of the county zoned CC may not be as suitable or may require specific provisions to protect neighbors.

The major difference between the RC and CC is that large “big box” development is allowed in the RC whereas the CC limits retails uses to 80,000 square feet of gross building floor area. The largest grocery stores are typically less than 80,000 square feet while structures with more than 80,000 – 100,000 square feet are typically the large home improvement stores or large national retail chain stores.

It appears that the requested rezoning would not support at big box type development given its current acreage (13.5 acres divided by Hwy 25). Applying the RC zoning to the site may set the stage to the site may set the stage for a future rezoning request to expand the area for a big box development. This could be possible with significant filling of the floodplain property in the area on the eastside of Hwy 25 (staying within the 20% fill limit).

There are quite a few homes in the area that could be significantly affected by a large retail development and this may put the County on the path to a land use conflict with neighbors in the area. While it is understandable that folks do not want to endure the extra step of obtaining a special use permit, it does provide a check and balance for what might happen with property in key areas.

It has been suggested that the LDC text could be changed to allow motor vehicle sales or leasing as a permitted by right in the CC district. While this may solve some of the concerns of the subject area’s property owners, it may create other issues. As previously mentioned not all areas zoned CC may be suitable for large motor vehicle sales lots. If the Board desires to move in this direction, it may be appropriate to create large and small vehicle sales classifications and allow larger lots with a special use permit in the CC. Smaller lots could be allowed by right. Community Commercial districts often directly abut neighbors and these uses and how they impact residential neighborhoods is a point to consider.

The Planning Board has suggested that a limited Small Area Zoning Study be initiated to evaluate the proper zoning classification for this immediate area. Planning Staff supports this suggestions and he believes that we could complete this task in a short period of time (60-90 days) using the wisdom and knowledge of the Planning Board.

How big of an area is it?

The Planning Board was only talking about the area that was previously zoned C4 and was zoned to Community Commercial; the area just to the South of this subject area to the cemetery.

Public Input

1. Bryan Vaughn – Mr. Vaughn read the following letter:

We the property owners of US Hwy 25 North would like to request a reinstatement of our original full commercial zoning RC, (previously C4) is the closest match. Being that none of the eight property owners were aware of the changes or taking away of our commercial zoning, we were not able to address this when it happened. We believe this to be in the best interest of ourselves and Henderson County. This reinstatement would result in broader use as our needs arise; broader use as Henderson County needs arise ensuring that business has a place to serve Henderson County, providing competition to keep prices and

services competitive, existing business to continue as in the past, lessening business and residential areas and increase tax revenues from our of the County and out of the State. Our properties are no further to the south of I-26 than the RC properties are to the north. If US Hwy 25 is not full commercial, what is? We must have growth or stop having families. Some maybe concerned of too much growth, but how can you have more growth than there are people to support it. With existing building codes and regulations already in place things should be neat and orderly. It has been suggested by the Planning Board that it has to be all or nothing, but we respectfully disagree. First of all we were granted C4 only 2.5 years ago and we're just asking for that back. Second, not everyone is asking. We are a small group of businesses in a centrally located area doing business inside and outside of the County and State. We respectively ask that the Board reinstate this portion of US Hwy 25 back to RC starting with the current properties before you.

Just Friday he received a whole packet from the Planning Department and he could go through and answer every reason that had for not giving us; but each one of those reasons could just as well be applied to the RC properties to the north of them. With one exception which is Interstate 26. For some reason they don't deem us to be worthy of the RC even though they are as close to I-26 as the RC properties to the north. He is curious as to what magic the interstate has. This would enable them to continue business, to change business as needed by right. In all fairness he did find one thing that the interstate can provide which is garbage collection.

Commissioner Williams stated that he was concerned because when the Board of Commissioners approved the Land Development Code they did not have time to go through the maps in tremendous detail. He felt that the Board had committed that whenever they approved it they would not make life difficult for folks who came forward where the Board just simply missed some zoning calls. He questioned if the Board had the legal grounds to go in and say basically that those areas here within the pocket along US Hwy 25 North that were previously zoned as C4, he would recommendation that they all be zoned as RC (Regional Commercial).

County Attorney Russ Burrell explained that there would be an advertising problem. The only parcels that can be considered at this meeting on listed on the agenda.

2. Brooks Stepp – Mr. Stepp had spoken with the Board several months earlier and for some reason he was inadvertently left off of the list. He had stood at the podium and asked to be included but has not been.
3. Carey Bodenhamer – Mr. Bodenhamer owns the property between Mr. Vaughn and Mr. Brooks. He did not feel that any of them would not have known about the change except the Wilkies had received a citation. He felt there were more people who were unaware of the change.
4. Norman Miller – Ms. Miller owns the piece of property between Piney and Holbert which is now GDS. She would like to see the zoning return to business.
5. Charles Grimes – Mr. Grimes requested the Board to return the zoning to what it was before.
6. David Pearce – Mr. Pearce owns 25 acres on the right side of the road and would like the property to be zoned regional commercial.

Chairman Moyer asked Planning Director Anthony Starr if the area is defined. Is it clear who is to be included and who is not? He questioned if there were people who had not been included but wished to be.

Planning Director Anthony Starr responded that potentially there could be but he was not aware of anyone other than Mr. Stepp and Mr. Bodenhamer. He suggested that if the Board were inclined to rezone the corridor as Regional Commercial he recommended advertising the entire area that is currently Community Commercial going to Local Commercial. The Board could take action on the noticed parcels tonight and then direct planning staff to initiate rezoning on the other parcels. They will have to go through the required process where the State Statute requires a Planning Board recommendation prior to the Board taking action.

After lengthy discussion *Chairman Moyer made the motion that the Board sends this directly to the Planning Board to look at it extensively and bring back their recommendation to the Board so that the Board may set a public hearing with respect to initiating rezoning of the property that was previously C4 to Regional Commercial and take action with 45 days.*

Chairman Moyer stated that this would be a charge to the Planning Board and Staff to look at the whole area.

Questions were raised in regards to Mr. Wilkie and his business being in compliance.

Associated County Attorney Sarah Zomban stated that Mr. Wilkie currently has an appeal scheduled before the Zoning Board of Adjustment in regards to the non-compliance issue. He also has a special use permit application pending. The County's position has always been that we will not enforce, in a non-compliant issue, until the special use permit and the appeal are heard.

Ms. Zomban stated that she would recommend to the Zoning Board of Adjustment that Mr. Wilkie's issues be deferred until after the Board of Commissioners has dealt with the issue.

Chairman Moyer reminded the Board of the motion on the floor. He reemphasized that the whole area would be resolved with 45 days. *The motion passed 4-1 with Commissioner Messer voting nay.*

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

BREAK

A five minutes break was taken to change video tapes.

Chairman Moyer called the meeting back to order.

RIGHT OF WAY PURCHASE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (NCDOT) 6TH AVENUE CLUBHOUSE PROPERTY

County Engineer Marcus Jones stated that NCDOT has submitted necessary documents for the purchase of a portion of the County's property at 714 Sixth Avenue, Hendersonville, NC for their project to widen US 64 (6th Ave). In addition to the right of way purchase, NCDOT is requesting an additional temporary construction easement. The proposed compensation from NCDOT is \$32,100 for 0.03 acres of the total 0.45 acres. The proposed Deed and Summary of the Offer were provided to the Board. This offer equates to \$1,070,000 per acre and was derived from an appraisal of the property. A detailed sketch and six pictures illustrating the portion of the proposed acquisition and easement were also provided. The facility is currently being used by the Sixth Avenue West Clubhouse (Sixth Avenue Psychiatric Rehabilitation Partners). The Executive Director, Jacqueline Combs, has reviewed the proposed acquisition and commented that it would not effect their operations.

Chairman Moyer stated that the Clubhouse was saved and funds invested to buy it however, we still have outstanding debt. Unless we come up some unforeseen problem, under some document that exists, he suggested the money be used to reduce the debt still remaining on the property.

Commissioner McGrady made the motion that the Board of Commissioners approves NCDOT's offer to purchase right of way and a construction easement at 715 Sixth Avenue for the widening of US 64 and to authorize the Chairman to execute the necessary documents. All voted in favor and the motion carried.

COMMISSIONER MEETING ROOM DESK MODIFICATIONS

Assistant County Manager Selena Coffey had provided the Board with an option proposal which would add two desks, incorporated 6" spacers between the desks, add a fixed shelf in the kneewells of the desks, and provide a space to recess the current monitors into the desks for better visibility of the audience.

Commissioner Williams made the motion that the Board directs staff to pursue alternative options with respect to the configuration of the conference desks and make effort to greatly reduce expense and also include pursuing all avenues in terms of any purchases that need to be made through the use of Henderson County businesses. All voted in favor and the motion carried.

ETHICS CODE

While considering the adoption of rules of procedure for the Zoning Board of Adjustment and thereafter, several Board members requested a draft comprehensive ethics code to apply to County Officials (elected, employed, and appointed).

A draft code was provided which would flatly prohibit any official taking any official, county related action which would benefit themselves, their family, their business or their employer. It also prohibits serving on any board or committee which acts in an appellate capacity to another board on which a member sits or positions which member holds.

Note: This is intended to be fairly stringent position in this regard. The Board may wish to adopt this position, or consider less stringent positions (disclosure only, no prohibition, for example). A copy of the final code is attached hereto and incorporated as a part of the minutes.

Commissioner McGrady made the proposal that the Board adopts the draft policy as recommended with the addition of 3-I with the addition that the portion of the policy related disqualification of a person because of their acting in an appellant capacity would become affective 6 months from this date.

Discussion was held in regards to the timeframe of the individual acting in an appellant capacity.

Commissioner McGrady withdrew his motion.

Commissioner Messer made the motion that the Board adopts the ethics code policy as presented with the addition of section 3-I and work it out with any parties in which there may be a conflict with a violation of the policy as promptly as we can. All voted in favor and the motion carried.

2007-2011 STRATEGIC PLAN ANNUAL UPDATE

The 2007-2011 Strategic Plan Annual update as discussed by the Board of Commissioner during the January 2008 planning workshop was provided.

County Manager Selena Coffey stated that essentially the budget that the Board adopted tonight funded the majority of these things. The things that were issues that we need to address in the future are things like the minimum housing code etc. However, we can continue to go ahead and draft that and staff has been working on drafting the code after it was sent back to them last time. There continues to be items that need to be worked on and staff will be coming back to the Board with resources necessary for those sorts of things. This document primarily shows changes in timeline.

Commissioner Williams added that some farmland preservation measures had already been taken along with enhanced agricultural districting.

Chairman Moyer suggested adding in Goal 4 item C, farmland preservation and D, enhanced agricultural districting and add a date behind both and adjust as necessary going forward.

Commissioner Williams made the motion that the Board approves the Strategic Plan Update as presented and as amended. All voted in favor and the motion carried.

DESIGNATION OF VOTING DELEGATE TO NACO ANNUAL CONFERENCE

The National Association of Counties (NACo) has requested that the Board of Commissioners designate a Voting Delegate and a First Alternate for the Annual Conference being held in Jackson County, Missouri on July 11 – 15, 2008. This year the Board is also requested to select its preference on what NACo should do with our ballot if it is not picked up by either our delegate or alternate. The options available to the Board are:

1. Allow another county within the state to pick up our ballot
2. Allow our state association president (or designee) to pick up our ballot
3. Allow no one to pick up our county's ballot

Commissioner McGrady made the motion that the Board of Commissioners designates Charlie Messer as Henderson County's voting delegate and Chuck McGrady as our first alternate. I further move the Board select Option #2 if our ballot is not picked up. All voted in favor and the motion carried.

COUNTY ATTORNEY'S REPORT

There was nothing further at this time.

COUNTY MANAGER'S REPORT

The County Manager briefly updated the Board

IMPORTANT DATES

Set a Public Hearing on 2008 Community Development Block Grant Application for Infrastructure
 Andrew Tate stated that the 2008 Small Business & Entrepreneurial Assistance Grant Program (SBEA) Community Development Block Grant (CDBG) application period has begun. Planning Staff recently learned through the Partnership for Economic Development (PED) that a local manufacturing business is considering expansion. The expansion would require extending public sewer to the site and the SBEA grant may provide assistance in the cost of the sewer line extension. The Warm Company, located on Sunset Hill Road, is considering expansion of its facility and adding new jobs as a result. This grant is awarded only to local governments and not the business. The deadline for applying is quickly approaching (June 24, 2008) and the application must be completed and a public hearing regarding the application must be held prior to submission to the State. The SBEA grant is a competitive process that awards up to \$25,000 per job created for infrastructure improvements. The proposed grant would facilitate bringing new jobs and additional tax base to Henderson County.

Commissioner McGrady made the motion that the Board set a public hearing for the 2008 Small Business & Entrepreneurial Assistance CDBG for Wednesday, June 18, 2008 at 11:00 am. All voted in favor and the motion carried.

Set Public Hearing on Rezoning Application #R-2008-06 and #R-2008-07

Commissioner McGrady made the motion that the Board set a public hearing on rezoning application #R-2008-06 and #R-2008-07 for Monday, July 7, 2008 at 7:00 pm. All voted in favor and the motion carried.

New Countywide Flood Insurance Rate Maps (FIRMs): Set Public Hearing on Rezoning #R-2008-08 & Text Amendment #TX-2009-02

Commissioner McGrady made the motion that the Board set a public hearing on rezoning request #r-2008-08 and text amendment #TX-2008-02 for Monday, July 7, 2008 at 7:00 pm. All voted in favor and the motion carried.

Set Public Hearing on Project Drive – Economic Development

Commissioner Williams made a motion that the Board set a public hearing on the economic development matter "Project Drive" for June 18, 2008 at 11:00 am. All voted in favor and the motion carried.

Request for public hearing on permanently closing of easements

This item will be placed on the June 18, 2008 agenda.

Reschedule August meeting dates. Due to a conflict with the NCACC Annual Conference, being held August 21 – 24, 2008, the Board of Commissioners is requested to review the dates of the August meetings. Chairman Moyer suggested cancelling the two August meetings and schedules a meeting either August 11 at 5:30 pm or August 13 at 9:00 am.

Commissioner McGrady made the motion that the Board cancel both regularly scheduled August meetings, and schedule a meeting on August 12, 2008 at 5:30 pm at the Historic Courthouse. All voted in favor and the motion carried.

Chairman Moyer reminded the Commissioners of a special meeting of the Board on Wednesday at 10:00 am to deal with Pardee financing.

CANE CREEK WATER & SEWER DISTRICT - none

CLOSED SESSION - none

ADJOURN

Commissioner McGrady made the motion to adjourn at 9:48 pm. All voted in favor and the motion carried.

Attest:

Teresa L. Wilson, Deputy Clerk to the Board

William L. Moyer, Chairman

HENDERSON COUNTY TAX COLLECTOR

200 NORTH GROVE STREET, SUITE 66

HENDERSONVILLE, NC 28792

PH: (828) 697-5595

FAX: (828) 698-6153

May 23, 2008

Henderson County Board of Commissioners
100 N. King Street
Hendersonville, NC 28792

Re: Tax Collector's Report to Commissioners -06/02/08 Meeting

Please find outlined below collections information through May 22nd for the 2007 bills, as well as vehicle bills.

Annual Bills G01 Only:

2007 Total Charge: \$53,561,208.65
Payments & Releases: 52,359,126.98
Unpaid Taxes: 1,202,081.67
Percentage collected: 97.76%
(through 05/22/08)

Motor Vehicle Bills G01 Only:

2007 Total Charge: \$4,661,643.79
Payments & Releases: 3,902,086.82
Unpaid Taxes: 759,556.97
Percentage collected: 83.71%
(through 05/22/08)

Fire Districts All Bills

2007 Total Charge: 6,225,933.35
Payments & Releases: 5,993,831.63
Unpaid Taxes: 232,101.72
Percentage collected: 96.41%
(through 05/22/08)

Respectfully submitted,



Terry F. Lyda,
Henderson County Tax Collector

RESOLUTION OF INTENTION TO CLOSE EASEMENT ON THE PROPERTY'S OF
ROLAND J. MULL, PARCEL IDENTIFICATION NUMBER 9579430149

WHEREAS, North Carolina General Statute 153A-241 requires the County Board of Commissioners to adopt a resolution for the intention of closing an easement on property;

WHEREAS, The Henderson County Board of Commissioners proposed to hold a public hearing on the closing of easement on the Roland J. Mull property;

NOW, THEREFORE, BE IT RESOLVED by the Henderson County Board of Commissioners, as follows:

1. The Henderson County Board of Commissioners, which is authorized to close public roads and easements, hereby makes the following declaration which is intended to constitute a Declaration of Official Intent:
 - (a) **Hold a public hearing.** The Henderson County Board of Commissioners intend to hold a public hearing on the closure of easements on the property of Roland J. Mull, if the easement exists as shown by the red line on the attached map.
2. This resolution shall take effect immediately upon its passage.

ADOPTED THIS the 2nd day of June, 2008

HENDERSON COUNTY BOARD OF COMMISSIONERS

BY: _____

William L. Moyer
William L. Moyer, Chairman

ATTESTED BY:

Elizabeth W. Corn
Elizabeth W. Corn, Clerk to the Board

[OFFICIAL SEAL]



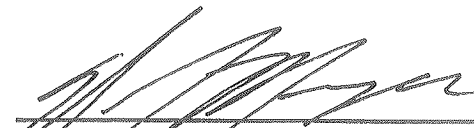
PROCLAMATION

COUNCIL ON AGING DAY

- WHEREAS,** Henderson County is home to many citizens 60 years of age or older; and
- WHEREAS,** the older citizens of Henderson County represent a dramatic trend in our nation's demographic make up; and
- WHEREAS,** of the 100 counties in North Carolina, Henderson County ranks among the highest in the number of older citizens; and
- WHEREAS,** older persons are respected citizens who continue to contribute to our nation's social and economic well-being; and
- WHEREAS,** the Council on Aging for Henderson County's mission is to keep these individuals living independently in their own homes as long as possible;

NOW THEREFORE BE IT RESOLVED that the Henderson County Board of Commissioners proclaims June 7, 2008 as Council on Aging Day in Henderson County.

Adopted this 2nd day of June, 2008.



WILLIAM L. MOYER, CHAIRMAN
HENDERSON COUNTY BOARD OF COMMISSIONERS



ATTEST:



CLERK TO THE BOARD

**RESOLUTION
FOR APPROVAL OF TAX-EXEMPT LOAN TO VOLUNTEER FIRE DEPARTMENT**

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the Board of Commissioners of Henderson County, North Carolina does hereby approve (within the scope of the qualifying language set forth below) a tax-exempt loan to the Mills River Volunteer Fire & Rescue Department, Inc.. from Carolina First Bank in the principal amount of \$408,000.00, which loan is for the following purpose (check applicable purpose):

1. (XX) for the construction of a fire station for the VFD, (cross out the following if not applicable).

2. () the purchase by the VFD of a fire truck or fire trucks, and which fire truck(s) or fire station will be owned and operated by the VFD at the following address:

2888 N. MILLS RIVER RD.


HENDERSON COUNTY

RESOLVED, FURTHER, that the approval of the loan to the VFD set forth above is given solely for purposes of the public approval requirements for tax-exempt financing applicable to the VFD because of Section 150 (e) (3) and Section 147 (f) of the Internal Revenue Code of 1986, as amended, and such approval does not obligate the County or its Board of Commissioners in any way regarding repayment of the debt.

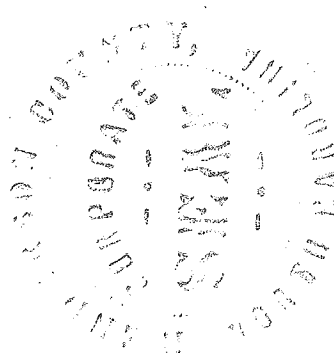
THIS the 4th day of June, 2008.

HENDERSON COUNTY BOARD OF COMMISSIONERS

ATTEST


Chairman


Elizabeth W. Corn



**SUMMARY STATEMENT/OFFER TO PURCHASE REAL PROPERTY
DUE TO THE ACQUISITION OF RIGHT OF WAY AND DAMAGES**

TO: Henderson County
100 N. King St.
Hendersonville, NC 28792

DATE: 02/15/07
TO: Lessee, if Applicable

TIP NO.: U-4428
COUNTY Henderson
DESCRIPTION: US 64 (6th Ave.) from Blythe St. to Buncombe St.

WBS ELEMENT: 35025.3.1
PARCEL NO.: U-4428 029

Dear Property Owner:

The following offer of just compensation is based on the fair market value of the property and is not less than the approved appraised value for the appropriate legal compensable interest or interests. The approved value disregards any increase or decrease in the fair market value of the property acquired due to influence caused by public knowledge of this project. The offer of just compensation is based on an analysis of market data, comparable land sales, and, if applicable, building costs in the area of your property. Please retain this form as it contains pertinent income tax information.

Value of Part Taken (Includes Land, Improvements And Appurtenances Considered as Realty)	\$	<u>32,100.00</u>
Damages, if any, to Remainder	\$	<u>--0--</u>
Benefits, if any, to Remainder	\$	<u>--0-- minus</u>
TOTAL	\$	<u>32,100.00</u>

The total offer includes all interests other than leases involving Federal Agencies and Tenant owned improvements.

(A) Description of the land and effects of the acquisition by easement and deed :

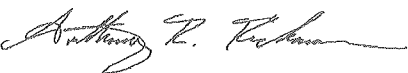
Subject property described in Deed Book **1260**, page **136**, **Henderson** County Registry, contains approximately **0.46 acres/square feet** of which **0.03 acres/square feet** is being acquired as right of way, leaving **0.43 acres/square feet** remaining on the **right/left** severed without access/**with access to US 64**. Also being acquired is a **temporary/permanent drainage/construction** easement containing approximately **720 acres/square feet**.

(B) The offer for improvements considered as realty includes payment for the improvements and appurtenances described below. Should you desire to retain these improvements, you may repurchase them for a retention value with the stipulation that you remove them from the acquisition area at no expense to the Department.
None

(C) Should you desire to sell the Department the portion of your property considered to be an uneconomic remnant/buildable lot, as explained to you by the Right of Way Agent, the total offer would be: \$ N/A

I will be available at your convenience to discuss this matter further with you. My telephone number is 828.586.4040, in Sylva, North Carolina.

The original of this form was e-mailed, if out of state owner, to Marcus Jones, County Engineer on 22 April 20 08. Owner was furnished a copy of the Right of Way Brochure/Owner's Letter.

(Signed) 

Anthony R. Rickman Right of Way Agent

Revenue Stamps \$ _____

DEED FOR HIGHWAY RIGHT OF WAY

THIS INSTRUMENT DRAWN BY Anthony Rickman CHECKED BY _____

RETURN TO: NC Department of Transportation
Teddy L. Greene
1594 E. Main Street
Sylva, NC 28779

NORTH CAROLINA
COUNTY OF Henderson
TAX MAP AND LOT 9568 58-3847

STATE HIGHWAY PROJECT: 35025.3.1
PARCEL NUMBER: U-4428 029
ROUTE: US 64 (6th Ave.) from Blythe
St. to Buncombe St.

THIS FEE SIMPLE DEED, made and entered into this the _____ day of _____ 20 _____
by and between _____

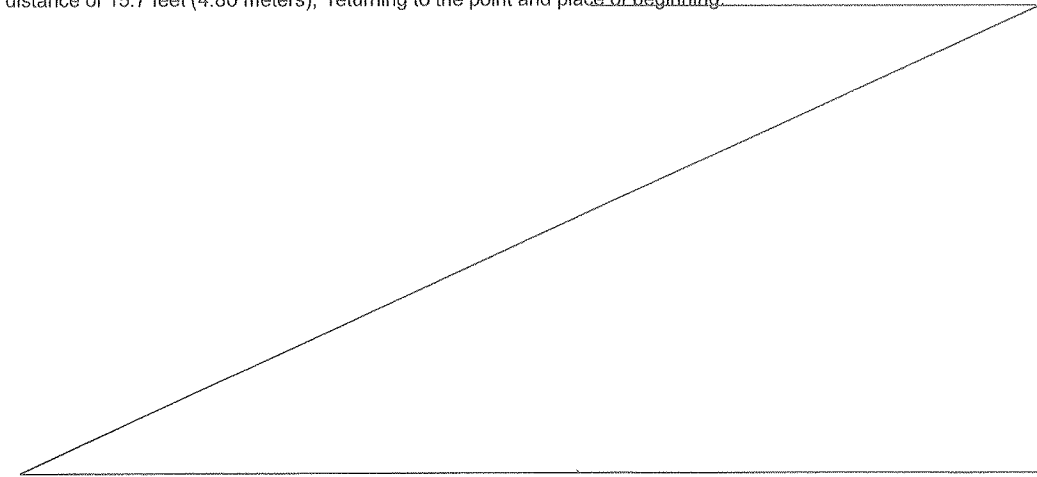
hereinafter referred to as GRANTORS, and the Department of Transportation, an agency of the State of North Carolina,
hereinafter referred to as the Department;

WITNESSETH

That the GRANTORS, for themselves, their heirs, successors, and assigns, for and in consideration of the sum
of \$ 32,100.00 agreed to be paid by the DEPARTMENT to the GRANTORS, do hereby give, grant and convey
unto the DEPARTMENT, its successors and assigns, in FEE SIMPLE that certain property located in Hendersonville
Township, Henderson County, North Carolina, which is particularly described as follows:

Right of Way Right

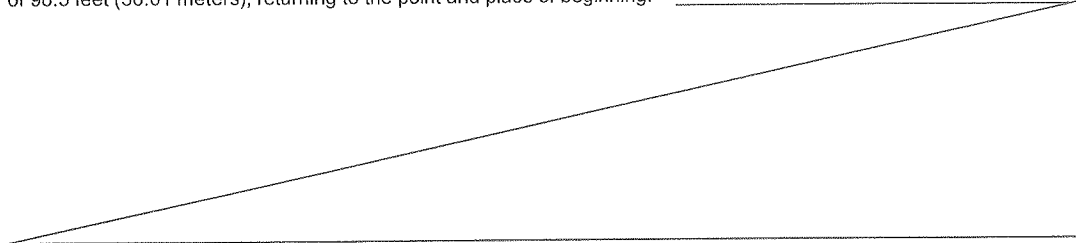
Point of beginning being the northwest corner of the undersigned, and being S 66°00'51" W, 35.96 feet from a Point in the
Center Line of -L-, Sta. 137+00; thence along a circular curve 100.5 feet (30.64 meters) and having a radius of 1863.5
feet (568.00 meters). The chord of said curve being on a bearing of N 89°35'03" E, a distance of 100.5 feet (30.64
meters); thence to a point on a bearing of S 05°40'59" W, a distance of 14.2 feet (4.33 meters); thence along a circular
curve 98.5 feet (30.01 meters) and having a radius of 2530.0 feet (771.15 meters). The chord of said curve being on a
bearing of S 88°38'51" W, a distance of 98.5 feet (30.01 meters); thence to a point on a bearing of N 02°26'58" W, a
distance of 15.7 feet (4.80 meters); returning to the point and place of beginning.



IN ADDITION, and for the aforesated consideration, the GRANTORS further hereby convey to the DEPARTMENT, its successors and assigns the following described areas and interests:

Temporary Construction Easement Right

Point of beginning being a point in the southwest line of the undersigned, and being S 46°41'06" W, 44.23 feet from a Point in the Center Line of -L-, Sta. 137+00; thence to a point on a bearing of S 02°26'58" E, a distance of 6.9 feet (2.10 meters); thence to a point on a bearing of N 89°34'37" E, a distance of 97.3 feet (29.65 meters); thence to a point on a bearing of N 05°40'59" E, a distance of 8.5 feet (2.60 meters); thence along a circular curve 98.5 feet (30.01 meters) and having a radius of 2530.0 feet (771.15 meters). The chord of said curve being on a bearing of S 88°38'51" W, a distance of 98.5 feet (30.01 meters); returning to the point and place of beginning.



SPECIAL PROVISIONS. This deed is subject to the following provisions only:

It is further understood and agreed that the above-described Temporary Construction Easement will revert back to the undersigned upon completion of the project.



The property hereinabove described was acquired by the GRANTORS by instrument(s) recorded in the Henderson County Registry in Deed Book 1302 Page 327.

The final right of way plans showing the above described right of way are to be certified and recorded in the Office of the Register of Deeds for said County pursuant to N.C.G.S. 136-19.4, reference to which plans is hereby made for purposes of further description and for greater certainty.

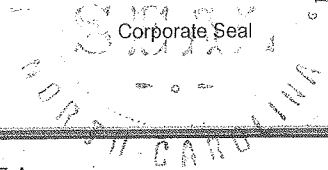
The GRANTORS by the execution of this instrument, acknowledge that the plans for the above referenced project as they affect their remaining property have been fully explained to them or their authorized representative, and they do hereby release the Grantee, its successors and assigns from any and all claims for damages resulting from the construction of said project or from the past, present or future use of said premises herein conveyed for any purpose for which the said Department is authorized by law to subject the same.

TO HAVE AND TO HOLD the aforesaid premises and all privileges and appurtenances thereunto belonging to the DEPARTMENT, its successors and assigns in FEE SIMPLE, or by easement as indicated, for the past, present and future use thereof and for all purposes which the said Department is authorized by law to subject the same.

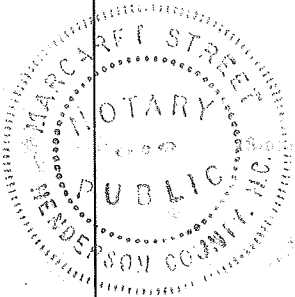
And the GRANTORS covenant with the DEPARTMENT, that the GRANTORS are seized of the premises in fee simple, have the right to convey the same in fee simple, or by easement as indicated, that the title thereto is marketable and free and clear of all encumbrances, and that the GRANTORS will warrant and defend the title against the lawful claims of all persons whomsoever except for the exceptions hereinafter stated. Title to the property hereinabove described is hereby conveyed subject to the following exceptions: None

IN WITNESS WHEREOF, the GRANTORS have hereunto set their hands and seals (or if corporate, has caused the instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors) the day and year first above written.

BY: [Signature] (Corporate Name) (SEAL)
[Signature] (President) (SEAL)
ATTEST: [Signature] (Secretary) (SEAL)



ACCEPTED FOR THE DEPARTMENT OF TRANSPORTATION BY:

	STATE OF _____ COUNTY OF _____ I, _____ a Notary Public for said County and State, so hereby certify that _____
	GRANTORS, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this the _____ day of _____, 20 _____.
	My commission expires _____ Notary Public
	STATE OF <u>NC</u> COUNTY OF <u>Henderson</u>
	I, <u>Margaret Street</u> a Notary Public for said County and State, certify that <u>Teresa L. Wilson</u> personally came before me this day and acknowledged that he/she is <u>Deputy Clerk of the Board of Commissioners</u> a corporation, and that he/she, as <u>Deputy Clerk</u> being authorized to do so, executed the foregoing on behalf of the corporation.
	Witness my hand and official stamp or seal, this the <u>5th</u> day of <u>June</u> , 20 <u>08</u> .
	My commission expires <u>9-17-2012</u> <u>Margaret Street</u> Notary Public

The foregoing Certificate(s) of _____ is/are certified to be correct. This instrument and this certificate are duly registered on the _____ day of _____, 20 _____ in Book _____, Page _____ at _____ o'clock _____ M.

BY: _____ REGISTER OF DEEDS FOR _____ COUNTY
Deputy/Assistant - Register of Deeds



ETHICS CODE

Section 1. Declaration of Policy

- (a) The Proper Operation of democratic government requires that public officials and employees be independent, impartial, and responsible to the people; that governmental decisions and policy be made publicly; that public offices not be used for personal gain; and that the public maintain confidence in the integrity of its government.
- (b) In recognition of these goals, a code of ethics for Henderson County officials is hereby adopted. The purpose of this policy statement is to set forth guidelines for ethical standards of conduct for all such officials by setting forth acts or actions that are incompatible with the best interests of Henderson County.

Section 2. Definitions

As used in this article, the following terms shall have the meaning indicated:

Business Entity means any business, proprietorship, firm, partnership, person in representative or fiduciary capacity, association, venture, trust or corporations which is organized for financial gain or profit.

Confidential Information means any information or knowledge which has not been made public through the regular affairs of government. Information that has become public knowledge, whether or not through the regular affairs of government, is not considered confidential information.

County Official means the County Manager, County Attorney, Assistant County manager, County Commissioners, officials appointed by the County Commissioners to other county boards and commissions, department heads, and any employees involved in purchasing or acquiring goods and services for the county.

Immediate Family means the County Official, his/her spouse, and minor children (including stepchildren and foster children).

Interest means direct or indirect pecuniary or material benefit, as a result of an official act, a contract, or transaction with Henderson County, accruing to:

- (i) A County Official;
- (ii) Any person in a County Official's Immediate Family;
- (iii) Any business entity in which the County Official, member of the County Official's Immediate Family, or is about to be, an officer or director;
- (iv) Any business entity in which an excess of ten (10) percent of the stock, or legal or beneficial ownership of, is controlled or owned directly or indirectly by the County Official, or the County Official's Immediate Family member; or
- (v) The primary employer (other than Henderson County) of any County Official.

For the purposes this Code, a County Official is presumed to have knowledge of the financial affairs of the County Official's Immediate Family members and primary employer. For the purpose of this policy, the County Official only has an Interest in the affairs of other Immediate Family members if the County Official has knowledge of or should have known of the Interest of the family member.

Official Act Or Action means any legislative, administrative, appointive, or discretionary act of any County Official.

Adopted by BOC 6-2-08

Section 3. Standards of Conduct

All County Officials as defined in this article shall be subject to and abide by the following standards of conduct.

(a) Interest in contract or agreement. No County Official shall participate in selection or award of a contract if the contract involves the County Official's interest or the Official is prohibited from voting pursuant to N.C. Gen. Stat. § 14-234.

(b) Use of official position. No County Official shall use his/her official position or the county's facilities for his/her private gain, or for the benefit of his interest, or for the benefit of any individual, which benefit would not be available to any other member of the public in the same or similar circumstance. No County Official shall represent any other private person, group or interest before any department, committee, or board of the county except in matters of purely civic or public concern. The provisions of this paragraph are not intended to prohibit a County Official from speaking before neighborhood groups and other nonprofit organizations.

(c) Disclosure of information. No County Official shall use or disclose confidential information gained in the course of or by reason of his/her official position with the county for purposes of advancing:

(i) His/her interest;

(ii) The Interest of a business entity of which the County Official or an Immediate Family member has an Interest;

(iii) The financial or personal interest of a member of his/her Immediate Family;

(iv) The financial interest of the employer of the County Official; or

(v) The financial or personal interest of any citizen beyond that which is available to every other citizen.

(d) Incompatible service. No County Official shall engage in, or accept private employment or render service for private interest, when such employment or service for private interest, when such employment or service is incompatible with the proper discharge of his/her official duties with the county or would tend to impair his/her independent judgment or action in the performance of his/her official duties with the county, unless otherwise permitted by law and unless disclosure is made as provided in this policy.

(e) Gifts. No County Official shall directly or indirectly solicit any gift, or accept or receive any gift, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which a reasonable person would believe that the gift was intended to influence him/her in the performance of his/her official duties, or was intended as a reward for any official action on his/her part. Legitimate political contributions to County Officials shall not be considered as gifts under the provisions of this paragraph.

Exempted from the prohibition are reasonable honorariums for participating in meetings, advertising items or souvenirs of nominal value or meals furnished at banquets. County Officials must report in writing to the Clerk to the Board of County Commissioners all honorariums, and all gifts and favors from friends and relatives if made by a covered contractor, subcontractor, or supplier. There is no prohibition on gifts if the circumstances make it clear that it is the personal relationship, rather than the business or the persons concerned, which is the motivating factor and where the value of the gift, entertainment, or favor is appropriate to the circumstance and consistent with the long-standing relationship. If such a gift, entertainment, or favor exceeds \$100 in value, the County Official must disclose the nature and value of the gift, entertainment, or favor in a letter to the Clerk to the Board of County Commissioners.

It shall not be a violation of this policy for any Public Official to solicit donations, contributions or support for any charitable activity which does not result in direct pecuniary benefit to the Public Official, a member of his Immediate Family, or Business Entity with which he is associated.

(f) County Attorney to Advise. In any case where the value of a gift is in question, or when the circumstances make it unclear as to whether a thing constitutes a “gift” within the meaning of this provision, any individual may consult with the County Attorney for an opinion.

(g) Special Treatment. No County Official shall grant any special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen.

(h) Service on Appellate Board. No County Official may serve on a board or committee of the County which acts in an appellate capacity reviewing the acts of the County Official, or any other board or committee on which the County Official serves. As by virtue of their primary office members of the Board of Commissioners are required to serve in an *ex officio* capacity on many boards and committees of the County, this prohibition shall not apply to members of the Board of Commissioners. This provision 3(h) shall become effective one (1) month from the date of adoption.

(i) Service on Board related to Member’s Employment. No person may serve as a member of a board or committee of the County, or as an appointee of the County on any board or committee, where such board or committee recommends or awards any funding to any employer of such person, or to any entity upon whose governing or advisory board the person serves.

Section 4. Disclosure of Interest in Legislative Actions¹

Any County Official who has an interest in any business before the Board of County Commissioners shall publicly disclose on the record of the Board the nature and extent of such interest, and shall withdraw from any discussion, deliberation or decision regarding said matter. It shall be a violation of this policy for a County Official who has an Interest in some business before the County Commission to advocate, whether publicly or privately, that Interest to other County Officials.

Section 5. Advisory Opinions

When any County Official has a doubt as to the applicability of any provision of this policy to a particular situation involving that County Official, or as to the definition of terms used in this article, he/she may apply to the County Attorney for an advisory opinion. The County Official shall have the opportunity to present the County Official’s interpretation of the facts at issue and of the applicability of provisions of this policy before such advisory opinion is made.

¹ In addition to this document, the Board’s Rules of Procedure deals with conflicts of interest in quasi-judicial hearings, including those not held before the Board of Commissioners.



**HENDERSON COUNTY, NORTH CAROLINA
BUDGET ORDINANCE
FISCAL YEAR 2008-2009**

BE IT ORDAINED by the Henderson County Board of Commissioners, meeting on the 2nd day of June 2008:

SECTION 1 – GENERAL FUND REVENUES

It is estimated that the revenues and fund balances of the General Fund, as listed below, will be available during the fiscal year beginning July 1, 2008 and ending June 30, 2009, to meet the appropriations as set forth in Section 4. All fees, commissions, and sums paid to or collected in any fund by any County official, officer, or agent for any service performed for such official, officer, or agent in his official capacity shall accrue solely to the benefit of the County and become County funds.

**HENDERSON COUNTY
GENERAL FUND BUDGET SUMMARY**

Ad Valorem Taxes	
Current Year Taxes	\$ 57,720,432
Prior Year Taxes, Interest, and Penalties	1,305,000
Local Option Sales Taxes	19,917,491
Other Taxes & Licenses	1,840,550
Unrestricted Intergovernmental Revenue	57,000
Restricted Intergovernmental Revenue	20,137,613
Permits & Fees	2,179,400
Sales & Services	7,895,956
Investment Earnings	750,000
Other Revenues	2,528,553
Transfers from Other Funds	399,422
Fund Balance Appropriated	2,352,740
TOTAL GENERAL FUND REVENUES:	\$ 117,084,157

SECTION 2 – AD VALOREM TAX LEVY

There is hereby levied for the fiscal year 2008-2009, an ad valorem property tax on all property having a situs in Henderson County as listed for taxes as of January 1, 2008, at a rate of **forty-six and two-tenths cents (\$.462)** per one hundred dollars (\$100) of assessed value of such property, pursuant to and in accordance with the Machinery Act of Chapter 105 of the North Carolina General Statutes and other applicable laws. This rate is based on an estimated total valuation of \$ 12,880,000,000 of taxable property and a collection rate of 97%.

SECTION 3 – FEES, LICENSES, AND OTHER TAXES

There is hereby levied, all County Privilege License Taxes as authorized by North Carolina General Statutes, and such other taxes and fees, as provided in the ordinances, resolutions, and fee schedules duly adopted by the Board of Commissioners. Fee schedules used in the development of this budget and adopted by the Board of Commissioners are set forth and a copy of such is maintained in the Office of the County Manager.

SECTION 4 – GENERAL FUND APPROPRIATIONS

The following General Fund amounts are hereby appropriated to the County Manager for the operation of the Henderson County Government and its departments and agencies for the fiscal year beginning July 1, 2008 and ending June 30, 2009. Other fund amounts as set forth in Sections 6 through 22 are also appropriated as presented in this section. In administering the program authorized under this ordinance, the County Manager is authorized to make transfers pursuant to Section 5. Appropriations for land and new buildings included in this Ordinance may be expended only after release by the Board of Commissioners.

The County Manager or the Manager's designee is hereby authorized to execute the necessary agreements within funds included in the Budget Ordinance for the following purposes, and on the following terms and conditions:

- A) Form grant agreements with public and non-profit agencies;
- B) Leases of normal and routine business equipment;
- C) Consultant, professional, or maintenance service agreements up to an anticipated contract amount of \$50,000;
- D) Purchase of apparatus, supplies, and materials where formal bids are not required by law;
- E) Agreements for acceptance of State and Federal grant funds;
- F) Construction or repair work where formal bids are not required by law; and
- G) County departments shall not enter into contracts requiring formal bid procedures without having met with and received written approval from the County Manager.
- H) The County Finance Director is hereby directed to release board-approved non-profit grants in quarterly installments upon the execution of the funding agreement required by the County.
- I) The Finance Director may advance funds with the permission of the County Manager to the Sheriff's Department for their use as drug flash money, provided that these funds are returned to the Finance Director as soon as possible.

The County Manager or the Manager's designee is hereby authorized to execute necessary agreements with regard to ongoing construction projects undertaken by the County, without the requirement of consultation with the Board of Commissioners, in the following circumstances:

- A) The Manager may approve any and all non-emergency change orders which do not increase the construction budget for the project by more than 25% of the then-unallocated budgeted amount for "contingencies" in the particular project budget.
- B) Any change order approved by the County Manager involving a change of more than \$10,000.00 to the construction budget shall be reported to the Board of Commissioners, as an information-only item within the County Manager's monthly report.
- C) In emergencies, change orders greater than those authorized above may be approved by the County Manager after consultation with and with the approval of the Chairman of the Board of Commissioners. In any such case, a report of the same shall be made to the Board of Commissioners at their next regularly-scheduled meeting.

GENERAL FUND BUDGET SUMMARY

Governing Body	\$ 354,193
Dues & Non-Profit Contributions	399,739
County Manager	361,606
Administrative Services	379,823
Human Resources	400,236
Elections	700,816
Finance	606,349
Assessor	1,609,316
Tax Collections	654,428
Legal	595,688
Register of Deeds	1,371,521
Engineering & Facility Services – Central Services Division	2,470,714
Engineering & Facility Services – Garage Division	1,218,207
Court Facilities	190,000
Information Technology	1,074,874
Sheriff	10,801,875
Detention Facility	4,229,202
Emergency Services – Emergency Management Division	214,401
Emergency Services – Fire Marshal Division	253,959
Building Services	1,130,887
Emergency Services – Emergency Medical Services Division	3,772,529
Code Enforcement – Animal Control Division	508,569
Criminal Justice Partnership Program (CJPP)	95,856
Rescue Squad	95,450
Code Enforcement – Property Addressing Division	136,717
Forestry Services	49,872
Soil & Water Conservation District	269,578
Engineering & Facility Services – Utilities Division	199,660
Planning	713,316
Code Enforcement	314,544
Soil and Sedimentation Division	181,464
Cooperative Extension	396,803
HOME Program	172,000
Economic Development	441,894
Public Health	2,259,632
Public Health – Programs Divisions	3,386,332
Public Health – Environmental Health Division	1,154,873
Home & Community Care Block Grant (H&CCBG)	699,215
Social Services – Foster Care Home	539,806
Mental Health Services	528,612
Rural Operating Assistance Program (ROAP)	161,552
Social Services	13,296,311
Social Services – Smart Start Program	468,712
Social Services – WF Demo Grant	79,900
Social Services – Federal & State Programs	10,463,164
Social Services – General Assistance Division	67,000
Juvenile Justice Grant	202,985
Veterans Services	23,463
Public Library	2,915,920

Recreation	1,074,679
Public School System	
<i>Current Expense</i>	20,205,922
<i>Capital Expense</i>	2,255,339
Blue Ridge Community College	
<i>Operational Expense</i>	2,314,409
<i>Capital Expense</i>	90,724
Public Schools Debt Service	9,596,164
Community College Debt Service	1,668,510
General Debt Service	3,975,331
Special Projects	499,616
Transfers to Other Funds	2,789,900

TOTAL GENERAL FUND APPROPRIATIONS: \$ 117,084,157

SECTION 5 – AUTHORIZED TRANSFER OF APPROPRIATIONS

The County Manager is hereby authorized to transfer appropriations within a fund as contained herein under the following conditions:

- a) The Manager may transfer amounts between objects of expenditure within a department without limitation and without a report being required.
- b) The Manager may transfer amounts up to \$50,000 between departments within the same fund with an official report on such transfers provided to the Board of Commissioners.
- c) The Manager may transfer amounts up to \$50,000 from any appropriation within the general fund to a separate fund with an official report on such transfers provided to the Board of Commissioners.
- d) The Manager may modify the budget for pass-through monies, additional funding, or any Federal or State program prior approved by the Board, without a report being required.

SECTION 6 – CAPITAL RESERVE FUND (21)

The following is hereby appropriated and revenues estimated to be available in the CAPITAL RESERVE Fund for the fiscal year beginning July 1, 2008 and ending June 30, 2009.

Revenues	\$ 300,000
Appropriations	\$ 300,000

SECTION 7 – FIRE DISTRICTS FUND (23)

The following is hereby appropriated and revenues estimated to be available in the **FIRE DISTRICTS** Fund for the fiscal year beginning July 1, 2008 and ending June 30, 2009.

Revenues	\$ 6,414,586
Appropriations	\$ 6,414,586

Fire District Tax Rates: Tax Rates for these special tax districts listed are as follows:

District	Rate
Bat Cave	.090
Blue Ridge	.085
Dana	.100
Edneyville	.085
Etowah-Horse Shoe	.085
Fletcher	.095
Gerton	.115
Green River	.060
Mills River	.065
Mountain Home	.095
Saluda	.075
Valley Hill	.070
Valley Hill II	.070

SECTION 8 – REVALUATION RESERVE FUND (25)

The following is hereby appropriated and revenues estimated to be available in the **REVALUATION RESERVE** Fund for the fiscal year beginning July 1, 2008 and ending June 30, 2009.

Revenues	\$ 648,795
Appropriations	\$ 648,795

SECTION 9 – TRAVEL & TOURISM FUND (26)

The following is hereby appropriated and revenues estimated to be available in the **TRAVEL & TOURISM** Fund for the fiscal year beginning July 1, 2008 and ending June 30, 2009.

Revenues	\$ 1,341,168
Appropriations	\$ 1,341,168

SECTION 10 – CDBG: SCATTERED SITE HOUSING FUND (27)

The following is hereby appropriated and revenues estimated to be available in the **CDBG: 2009 SCATTERED SITE HOUSING PROGRAM** Fund for the fiscal year beginning July 1, 2008 and ending June 30, 2009.

Revenues	\$ 400,000
Appropriations	\$ 400,000

SECTION 11 – EMERGENCY COMMUNICATIONS (E911) FUND (28)

The following is hereby appropriated and revenues estimated to be available in the **EMERGENCY COMMUNICATIONS (E911)** Fund for the fiscal year beginning July 1, 2008 and ending June 30, 2009. Revenues for this fund are based on a .70 cent surcharge per phone line.

Revenues	\$ 411,430
Appropriations	\$ 411,430

SECTION 12 – CDBG: SHUEY KNOLLS PROJECT FUND (29)

The following is hereby appropriated and revenues estimated to be available in the **CDBG: SHUEY KNOLLS PROJECT** Fund for the fiscal year beginning July 1, 2008 and ending June 30, 2009.

Revenues	\$ 250,000
Appropriations	\$ 250,000

SECTION 13 – MUD CREEK WATERSHED RESTORATION FUND (32)

The following is hereby appropriated and revenues estimated to be available in the **MUD CREEK WATERSHED RESTORATION** Fund for the fiscal year beginning July 1, 2008 and ending June 30, 2009.

Revenues	\$ 489,860
Appropriations	\$ 489,860

SECTION 14 – PUBLIC TRANSIT PROGRAM FUND (33)

The following is hereby appropriated and revenues estimated to be available in the **PUBLIC TRANSIT PROGRAM** Fund for the fiscal year beginning July 1, 2008 and ending June 30, 2009.

Revenues	\$ 572,482
Appropriations	\$ 572,482

SECTION 15 – IMMIGRATIONS AND CUSTOMS ENFORCEMENT FUND (38)

The following is hereby appropriated and revenues estimated to be available in the **IMMIGRATIONS AND CUSTOMS ENFORCEMENT** Fund for the fiscal year beginning July 1, 2008 and ending June 30, 2009.

Revenues	\$ 754,691
Appropriations	\$ 754,691

SECTION 16 – GENERAL CAPITAL PROJECTS FUND (40)

The following is hereby appropriated and revenues estimated to be available in the **GENERAL CAPITAL PROJECTS** Fund for the fiscal year beginning July 1, 2008 and ending June 30, 2009.

Revenues	\$ 1,610,000
Appropriations	\$ 1,610,000
Capital Projects:	
Edneyville Park Project	
Construction	\$ 900,000
Architect Fees	\$ 100,000
Technology Equipment	\$ 310,000
Detention Center Generator	\$ 300,000

SECTION 17 – SCHOOLS CAPITAL PROJECTS FUND (43)

The following is hereby appropriated and revenues estimated to be available in the **SCHOOLS CAPITAL PROJECTS** Fund for the fiscal year beginning July 1, 2008 and ending June 30, 2009.

Revenues	\$ 49,494,863
Appropriations	\$ 49,494,863
Projects:	
Dana Elementary Project – Phase II	\$ 3,653,698
Sugarloaf Road Elementary Project	\$ 15,825,000
Hillandale Elementary Project	\$ 15,466,525
Mills River Elementary Project	\$ 14,549,640

SECTION 18 – DEBT SERVICE FUND (50)

The following is hereby appropriated and revenues estimated to be available in the **DEBT SERVICE** Fund for the fiscal year beginning July 1, 2008 and ending June 30, 2009.

Revenues	\$ 164,364
Appropriations	\$ 164,364

SECTION 19 – SOLID WASTE ENTERPRISE FUND (60)

The following is hereby appropriated and revenues estimated to be available in the **SOLID WASTE ENTERPRISE** Fund for the fiscal year beginning July 1, 2008 and ending June 30, 2009.

Revenues	\$ 5,100,732
Appropriations	\$ 5,100,732

SECTION 20 – CANE CREEK SEWER ENTERPRISE FUND (61)

The following is hereby appropriated and revenues estimated to be available in the **CANE CREEK SEWER ENTERPRISE** Fund for the fiscal year beginning July 1, 2008 and ending June 30, 2009.

Revenues	\$ 1,106,390
Appropriations	\$ 1,106,390

SECTION 21 – JUSTICE ACADEMY SEWER FUND (63)

The following is hereby appropriated and revenues estimated to be available in the **JUSTICE ACADEMY SEWER** Fund for the fiscal year beginning July 1, 2008 and ending June 30, 2009.

Revenues	\$ 36,225
Appropriations	\$ 36,225

SECTION 22 – RISK MANAGEMENT FUND (80)

The following is hereby appropriated and revenues estimated to be available in the **RISK MANAGEMENT** Fund for the fiscal year beginning July 1, 2008 and ending June 30, 2009.

Revenues	\$ 1,572,736
Appropriations	\$ 1,572,736

SECTION 23 – HENDERSON COUNTY PUBLIC SCHOOLS PROVISION

The Henderson County Finance Director is hereby directed to remit the appropriation to the Henderson County Public Schools for local current expense in monthly installments equivalent to one-twelfth (1/12) of the total county appropriation. The County Finance Director shall remit payment by the thirtieth (30th) of such month. Capital outlay for the Public Schools shall be reimbursed by the County in accordance to this ordinance, based on invoices received by the County Finance Director.

SECTION 24 – ELECTED OFFICIALS PROVISIONS

- A) The Board of Commissioners hereby sets the annual compensation rate for the Henderson County Board of Public Education members. The Chairman shall be compensated at an annual rate of \$3,500. Members of the Board, other than the Chair, shall be compensated at \$2,800 annually.
- B) The Board of Commissioners hereby establishes the Commission Chairman and Commissioners annual compensation rate. The Chairman shall be compensated at an annual rate of \$ 16,801. Members of the Board, other than the Chair, shall be compensated at \$ 10,431 annually. The Chairman and Members shall also receive an additional \$75 per special-called meeting and \$3,650 annually for in-county travel expenses.
- C) The Board of Commissioners hereby sets the annual compensation rate for the Henderson County Sheriff. The Sheriff shall be compensated at an annual rate of \$ 82,800. However, the Board reserves the right to adjust the official salary based on the Resolution passed by the Board in December 2001, which established base salaries for elected officials.
- D) The Board of Commissioners hereby sets the annual compensation rate for the Henderson County Register of Deeds. The Register of Deeds shall be compensated at an annual rate of \$ 64,170. However, the Board reserves the right to adjust the official salary based on the Resolution passed by the Board in December 2001, which established base salaries for elected officials.

SECTION 25 – UTILIZATION OF THE HENDERSON COUNTY BUDGET

This Ordinance and the Budget Document shall be the basis for the financial plan for the County of Henderson, North Carolina, during the 2008-2009 Fiscal Year. The County Manager shall administer the budget and insure that operation officials are provided guidance and information in sufficient detail to implement their portions of the budget.

The Finance Director shall establish records, which are in consonance with the budget, this Ordinance and regulating statutes of the State of North Carolina.

This Ordinance shall be effective upon its adoption.

Adopted the 2nd day of June 2008.



William L. Moyer, Chairman
Henderson County Board of Commissioners

Attest:



Elizabeth W. Corn, Clerk to the Board