

**DRAFT**

6/20/08  
cc: BOC  
Steve  
Selena  
Pam

DRAFT MINUTES

STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON

BOARD OF COMMISSIONERS  
JUNE 18, 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, 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, Captain Greg Cochran, Senior Planner Autumn Ratcliff, Associate County Attorney Sarah Zambon, and Research/Budget Analyst Amy Brantley.

Absent was: Vice-Chairman Charlie Messer

CALL TO ORDER/WELCOME

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

PLEDGE OF ALLEGIANCE

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

INVOCATION

County Manager Steve Wyatt gave the invocation.

INFORMAL PUBLIC COMMENTS

There were none.

JOINT MEETING WITH MILLS RIVER TOWN COUNCIL

Chairman Moyer stated that Moyer Snyder, Lois Pryor, Wayne Carland, and Town Manager Jaime Adrignola were present representing Mills River. The Partnership for Economic Development, Mills River and the County have been working together to try to carry out one of the objectives of the County's strategic plan which was to add industrial inventory land in order to bring good companies to town. Mr. Vaughn Fitzpatrick owner of the land was also present and had graciously worked with the County and the Town of Mills River to help provide the industrial land that is needed.

Andrew Tate of the Partnership of Economic Development had taken the lead and gave an overview of where everything stood. In June, 2006 the Partnership, in Cooperation from the County, commissioned an industrial park land study through Lee Goforth and it was specifically designed to identify industrial property that was suitable; based on logistics and utility and infrastructure location to be developed in that manner. This study specifically identified the Bright Star property as an ideal industrial site. He had met with the land owner, Vaughn Fitzpatrick, to discuss plans for the property and Mr. Fitzpatrick had already drafted a vision plan for the property which focused on attraction of advanced manufacturing. With the passage of the County Development Plan the property was zoned as industrial September 19, 2007. In October, 2007 an annexation hearing was held in Mills River and then a rezoning hearing was held to rezone from the County's industrial district to Mills River light industrial in November, 2007.

Since then Bill Lapsley has been working on the master site plan for the property and specifically looked at the acreage to see what is useable, what is not, and what a development plan might look like in the future. Mr. Tate feels that with what has happened to date with the property and what will happen with it in the

DATE APPROVED:

future is very consistent with the County's 2007/2011 Strategic Plan, as well as the 2020 Comprehensive Plan.

Bill Lapsley briefly discussed the Master Site Plan and information about the industrial park. He stated that a key thing that industrial prospects look for is land that is already zoned industrial. For record, he stated that in the future this site would be known as the Fern Cliff Industrial Park. The property will be buffered from distant view because of the cliff area that will remain heavily vegetated.

Owner of the property Vaughn Fitzpatrick addressed the Board. He stressed that it was an honor for his family to try to realize their joint vision with the County, Town of Mills River, and the Partnership for Economic Development.

Chairman Moyer stated that this project would move forward and be marketed aggressively.

### **ICE PROGRAM UPDATE**

Captain Greg Cochran briefly updated the Board in regards to the ICE Program. The nine (9) officers who attended school in Raleigh for one (1) month had now graduated. The top two (2) graduates (score wise) were honored and they were both from Henderson County, Van Whitmire and Becky Bates. The top five (5) students to graduate out of thirty-eight (38) were from Henderson County.

The Memorandum of Agreement has been signed and shows that effectively the program will start on October 1, 2008. The IGSA (Intergovernmental Service Agreement) was signed by Chairman Moyer on June 16, 2008 and sent to Washington and the price/cost is still in negotiations with them.

Chairman Moyer asked if there would be budget implications if the program was not started until October 1, 2008.

Captain Cochran responded that the County was in shape as far as the budget was concerned because the people that were set aside to do this job are still in regular detention officer slots. They have not been moved over to the ICE program yet and until the income begins coming in they will not make this move.

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

*Commissioner Williams made a motion that the Board approves the agenda as presented. All voted in favor and the motion carried.*

### **CONSENT AGENDA**

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

### **Minutes**

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

May 30, 2008, special called meeting

June 4, 2008, special called meeting

### **Tax Collector's Report**

Terry F. Lyda, Tax Collector, provided the Tax Collector's Report for information only dated June 6, 2008.

### **Public Schools Quarterly Maintenance Report**

The Public Schools Quarterly Maintenance Report for March 2008 was presented for the Board's information and consent approval.

### **Surplus Vehicles**

The Board was provided a resolution (Exhibit A) declaring the provided list (Exhibit B) of vehicles no longer used by the County as surplus property. The resolution authorizes staff to advertise the surplus vehicles for sale by electronic public auction at [www.govdeals.com](http://www.govdeals.com) after the required advertisement of the sale. A copy of Exhibit A and Exhibit B are attached hereto and incorporated as a part of the minutes.

*Suggested Motion: I move that the Board approve the resolution provided declaring the list of vehicles presented as surplus and authorizes Staff to sell the surplus vehicles via electronic public auction using GovDeals auction services.*

#### **Health Department FY 2008-2009 Fee Schedule**

A list of fees for the Health Department, adopted at their June 3, 2008 meeting was provided to the Board with request for adoption.

*Suggested Motion: I move the Board of Commissioners adopt the fee schedule for the Health Department for FY 2008-2009 as provided.*

#### **Waterline Extension – Blue Rock Commerce Center**

The City of Hendersonville requested that the County comment on the proposed water line extension for the Blue Rock Commerce Center. The proposed water line is 5,385 linear feet with six (6) fire hydrants. The project's location within the Urban Services Area and Industrial Area is consistent with the Henderson County 2020 Comprehensive Plan. A City of Hendersonville Project Summary Sheet, with backup documents and County Review Sheet with Staff comments, was included for Board review and action.

*Suggested Motion: I move that the Board approve the Blue Rock Commerce Center water line extension and direct Staff to convey the County's comments to the City of Hendersonville.*

#### **Approval of Revised Zoning Board of Adjustment Bylaws**

Revised Zoning Board of Adjustment (ZBA) bylaws were first brought before this Board at its regularly scheduled May 5, 2008 meeting. At this time the Board had concerns about potential conflicts of interest and members of the ZBA reviewing decisions of other boards they may also serve on.

County Attorney Russ Burrell created an Ethics Ordinance which was presented to this Board and adopted at its June 3, 2008 meeting. As this Board's concerns regarding the ZBA bylaws have been hopefully alleviated by the Ethics Ordinance, provided for the Boards review were the bylaws for the Zoning Board of Adjustment (ZBA). No changes have been made to the document since this Board reviewed them at their May 5<sup>th</sup> meeting.

*Suggested Motion: I move the approval of the Zoning Board of Adjustment Bylaws as presented.*

#### **NOMINATIONS**

##### **Notification of Vacancies**

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

1. Blue Ridge Community College Board of Trustees – 1 vac.
2. Board of Directors of the Henderson County Historic Courthouse Corporation (which does business as the Henderson County Heritage Museum) – 1 vac.
3. Home and Community Care Block Grant Advisory Committee – 1 vac.
4. Juvenile Crime Prevention Council – 1 vac.

##### **Nominations**

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

**1. Board of Directors of the Henderson County Historic Courthouse Corporation (which does business as the Henderson County Heritage Museum) – 3 vac.**

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

**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 – 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 – 2 vac.**

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

**6. Henderson County Board of Health – 3 vac.**

Commissioner McGrady nominated Jacqueline Price for reappointment for position #5. *Chairman Moyer motioned to accept the reappointment by acclamation. All voted in favor and the motion carried.*

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

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

**8. Historic Resources Commission – 1 vac.**

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

**9. Juvenile Crime Prevention Council – 11 vac.**

Commissioner McGrady nominated Karen Saine for reappointment for position #18. *Chairman Moyer motioned to accept the reappointment by acclamation. All voted in favor and the motion carried.*

**10. Mountain Area Workforce Development Board – 2 vac.**

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

**11. Nursing/Adult Care Home Community Advisory Committee – 1 vac.**

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

**12. Senior Volunteer Services Advisory Council – 1 vac.**

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

**SCHEDULE JOINT MEETING WITH CITY OF ASHEVILLE**

Chairman Moyer stated that the Board had been trying to get discussions going with the City of Asheville with respect to the water agreement. Chairman Moyer, Steve Wyatt, Asheville Mayor Terry Bellamy, and Asheville City Manager Gary Jackson had met to discuss how to move this forward to try to bring the issues to the forefront and get some resolution on items that have been bouncing around for years. It was suggested that a joint meeting of the two boards be held and discussions held on how to proceed and address these issues. Two dates, June 23 and 30 were suggested. June 23 was the only date that would work for the Henderson County Board and it appears that the June 23 would not work for the City of Asheville.

County Manager Steve Wyatt stated that he received a voice mail from Mr. Jackson the prior day stating that there was now a problem with 23 June. Mr. Jackson requested a return phone call. Mr. Wyatt was not able to reach Mr. Jackson at his office or cell phone.

Chairman Moyer suggested moving on past this item and if the County Manager received later word during the meeting they could try to come back and set a date.

Commissioner McGrady suggested a smaller less formal meeting that did not require the majority of both boards.

Chairman Moyer felt that that was one route that could be taken however, with the way this has transpired over the years he felt it was important in the position they are now to have a meeting where both boards are fully represented. He did not feel that there was a true intent to make a resolution with Henderson County by the City of Asheville.

#### AIRPORT AUTHORITY

Commissioner McGrady discussed an issue brought up at a previous meeting where Asheville and Buncombe are parties to an agreement. At the last Airport Authority meeting he had raised the issue as to whether the Airport Authority held the expectation of a Henderson County Board member being appointed to that Board. He was informed that this was correct and the interest is to have Commissioner McGrady appointed to this slot. He had held open the interest of someone other than himself taking position in this slot.

Chairman Moyer stated that in previous discussions with Gary Jackson and Mayor Bellamy this item had been brought up. It was indicated that they are ready to move forward and would like to have a recommendation from the Board of Commissioners as to who they would like to have serve on the Airport Authority Board. Chairman Moyer stated that this item would be placed on the agenda for the first meeting in July.

#### STATE ADM FUND APPLICATION

County Finance Director Carey McLelland stated that the current fiscal year budget includes a revenue source from the Public School Building Capital Fund ("ADM Fund") which the County has programmed to pay debt service on the financing for the Clear Creek and Etowah Elementary School Projects that were completed in 2003. Staff requested that the Board consider approving the ADM Fund application, provided to the Board, for \$850,000 to pay this debt service. This application requires approval by both the Board of Education and the Board of Commissioners. The Board of Education approved this application to use these funds at their June 9 meeting.

The revenues that flow into this fund (based on school population or average daily method) are a percentage of the corporate income taxes collected by the state. These funds can be used for major capital, construction, or debt service on school facilities. There is a match requirement required; for every three dollars of this fund, we have to supply one dollar, and we typically have used our half cent article restricted sales tax for the match on drawing down these funds.

Because of the Medicaid swap issue this year, the General Assembly approved taking 60% of these funds in this year only to offset the Medicaid relief that they are giving us. We do have \$850,000 in the fund but we would have had more money to draw had they not taken those funds.

*Commissioner Young made the motion that the Board of Commissioners approves the ADM Fund application as presented. All voted in favor and the motion carried.*

#### N.C. EDUCATION LOTTERY FUND APPLICATION

County Finance Director Carey McLelland requested that the Board consider approving the N.C. Education Lottery Fund Application for \$800,000 to pay for current fiscal year debt service on the new Sugarloaf Road Elementary School project as these funds have been budgeted as revenue in the current fiscal year to pay school debt service. There is no match requirement to pull down lottery funds. An application to use lottery funds requires approval from both the Board of Commissioners and the Board of Public Education. The

Board of Education approved this application to use these funds at their June 9 meeting. The State allocates 40% of these funds for school construction or debt service. It is divided up several ways. Part of it is divided by ADM and the other part is divided up by our tax rate; our effective tax rate is actually less than the State wide average and we are losing on that part.

*Commissioner Young made the motion that the Board approves the N.C. Education Lottery Fund application as presented. All voted in favor and the motion carried.*

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

There was nothing further at this time.

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

Commissioner McGrady spoke briefly in regards to the Assembly Day in Raleigh and primarily the Speaker of the House. The State taxes are historically high compared to similar taxes in other states. Property taxes in North Carolina compared to the other fifty states are significantly lower. The Speaker of the House did not make any specific suggestions although he was talking about transportation and school funding and a range of other things at the same time. It was a clear implication that his view was an increase in property taxes. One of the proposals actively being discussed is the idea of giving the counties the responsibility for some set of transportation infrastructure. There is a fear that counties may get the responsibility of secondary roads.

A series of different bills are being discussed that limit the counties in terms of collecting property taxes. Giving various tax breaks to various good things; veterans, wildlife conservation, etc; providing tax breaks for a limited groups of people or property owners all of which will decrease the county's ability to raise property taxes from people who are currently paying them.

County Manager Steve Wyatt stated that it was also interesting to watch the Governor's race during the primary with the advertisement about property tax breaks and reducing property tax; statewide candidates running as part of their platform. The State does not levy a property tax directly. Mr. Wyatt's position is that basically they have for years indirectly. The next session, the long session, will be particularly treacherous; a tax break for one guy is an increase for somebody else. Counties and Cities have been very supportive of the senior and the disabled tax exemptions.

#### **IMPORTANT DATES**

North Carolina General Statute 153A-241 requires that a public hearing be held for the permanent closing of a public road or easement. It was requested that a public hearing date be set for the purpose of closing an easement(s) on the Roland J. Mull property, Hendersonville, North Carolina.

*Commissioner McGrady made a motion that the Board set a public hearing with respect to permanent closing easements for Monday, August 12, 2008 at 7 pm. All voted in favor and the motion carried.*

Before taking action on rezoning request #R-2008-09, the Board of Commissioners must hold a public hearing.

*Commissioner McGrady made a motion that the Board set a public hearing with respect to rezoning application #R-2008-09 as amended for Wednesday, July 16, 2008 at 11:00 am. All voted in favor and the motion carried.*

#### **CANE CREEK WATER & SEWER DISTRICT - none**

#### **CLOSED SESSION**

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

1. (a)(3) *To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body.*
2. (a)(4) *To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body.*
3. (a)(6) *To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee.*

*All voted in favor and the motion carried.*

**RECONVENE TO OPEN SESSION**

*Commissioner Young made the motion that the Board reconvene into open session. All voted in favor and the motion carried.*

**PUBLIC HEARING – 2008 COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION**

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

Karen Kiehna, Housing Planner from Land-of-Sky Regional Council stated that two hearings are required prior to submitting an application to DCA for any CDBG program. This first hearing is generic and covers all of the categories of CDBG grants offered by DCA. It is to submit to the Division of Community Assistance for Community Development Block Grant program. The second hearing to be held later will be for the specific purpose of taking public comments on the planned use of the specific grant applications. The County intends to apply for the Scattered Site Housing Grant (\$400,000) and possibly the Small Business & Entrepreneurial Assistance Grant and Community Revitalization Grant.

**Public Input**

There was none.

Chairman Moyer stated that no action was required at this time by the Board except to hold the public hearing and receive public comment.

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

**PUBLIC HEARING – 2008 COMMUNITY DEVELOPMENT BLOCK GRANT FOR WARM COMPANY PROJECT**

*Commissioner McGrady made the motion that the Board go into public hearing with respect to the application for the 2008 Community Development Block Grant for the Warm Company Project. All voted in favor and the motion carried.*

Andrew Tate of the Partnership for Economic Development along with Planning Staff proposed a grant application for the 2008 Small Business & Entrepreneurial Assistance (SBEA) program with the N.C. Division of Community Assistance. The Warm Company located on Sunset Hill Road is considering expansion of their facility resulting in new jobs. The SBEA program will assist in bringing needed infrastructure to the site to allow the expansion to occur. The full application is available in the Planning Department for public review. The deadline for application to the State is June 24, 2008. No County funds are proposed.

The Warm Company is considering an expansion that will be new construction building expansion and machinery and equipment investment which would also include the creation of some jobs. They currently have about twenty employees now and could add six to twelve more which is a significant increase. We're working through a couple of issues to help encourage that investment to take place here. The first was to achieve the proper zoning designation to allow them to feel comfortable and confident in their location. This was done through the Land Development Code and second is to get sewer to them. With the expansion that they are doing on site it would be required to abandon septic and connect to sewer through several parcels of property and easement to do so.

Karen Kiehna, Housing Planner for Land-of-Sky Regional Council shared the following information:

- Description of the proposed project – A 45,000 sq. ft. expansion of the existing facility and connecting the existing and expanded facility to the public sewer system along Old Sunset Hill Road
- Proposed project location – 581 Old Sunset Hill Road, Hendersonville, NC
- Name of the beneficiary company – The Warm Company
- Activities to be carried out – Contract 45,000 sq. ft. facility, construct sewer connection between the Warm Company and the public sewer line on Old Sunset Hill Road
- The number of new jobs to be created – The Warm Company currently employees 20 persons and will create 8 new jobs equaling a 40% increase
- Amount of funding request - \$200,000 in CDBG Funds
- Total cost of activities - \$1,600,000
- Percent of project funded by CDBG funds – 12.5% of total project costs
- Percent of project funded by The Warm Company – 87.5%

Barry Brown, Manager of the Warm Company, thanked the Board of Commissioners for their consideration. Since 2004 their company had outgrown their building. He did not want the expansion to go to the west coast.

#### **Public Input**

There was none.

*Commissioner Williams made the motion that the Board approve the application to the Division of Community Assistance for the Small Business & Entrepreneurial Assistance grant program for the Warm Company Project on Sunset Hill Road and Authorize the Chairman and staff to complete and execute the application and any associated documents, information, agreements, assurances and understandings required as part of the application. All voted in favor and the motion carried.*

*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 INCENTIVES TO PRINCE MANUFACTURING CORPORATION**

*Commissioner McGrady made the motion that the Board go into public hearing in regards to the consideration of economic incentives to Prince Manufacturing Corporation. All voted in favor and the motion carried.*

Andrew Tate of Partnership for Economic Development provided a brief background on Prince Manufacturing Company. The Company is located in the Broadpoint Industrial Park. They purchased what was American Coating Technologies in the last nineties. At that time it was a thirty thousand square foot building. Upon acquisition they added another eighty thousand feet to get where they are today. They currently have 100 employees. They are in a position to be able to expand on site possibly or at other locations; if they choose to do so it would be a minor investment of machinery and equipment of six to seven



hundred thousand dollars. This would be an addition of twenty-five to thirty new jobs; three management positions, twelve assembly positions, six to eight fabrication positions, and four to six paint jobs.

A similar manufacturing company was closed in Greenville, North Carolina in 2005 and opened another facility in Mexico in May of 2006.

General Manager Steve Floyd explained briefly what Prince Manufacturing does as a business.

Notice was given pursuant to N.C. Gen. Stat. §158-7.1 that the Henderson County Board of Commissioners would hold a public hearing on June 18, 2008 at 11:00 am or as soon thereafter as the Board could consider the matter, to consider the request of Prince Manufacturing Corporation for economic development incentives to assist in investment in the expansion of its existing plant, and the addition of new jobs.

Prince Manufacturing Corporation is a manufacturing concern operating worldwide, including a plant location 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 six hundred fifty thousand dollars (\$650,000) in machinery and equipment creating not fewer than twenty-eight (28) full time employment positions.

County Attorney Russ Burrell stated that under the notice that was published regarding this hearing the Board would be considering granting assistance toward actual expenditures incurred in the Company's plan to construct its operation up to a maximum payment equipping twelve thousand dollars (\$12,000) to be paid over a period of five (5) years. Each year's incentive payment would be two thousand four hundred dollars (\$2,400). If approved, the request would be funded through the general property tax revenue.

#### **Public Input**

There was none.

*Commissioner Young made the motion that the Board approve the grant to Prince Manufacturing Corporation in the amount of twelve thousand dollars (\$12,000) to be paid over a period of five (5) years at twenty four hundred (\$2,400) per year, and authorize Staff to enter into an agreement with the Corporation to that affect. All voted in favor and the motion carried.*

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

#### **ADJOURN**

*Commissioner McGrady made the motion to adjourn at 11:11am. All voted in favor and the motion carried.*

Chairman Moyer apologized as the Board had forgotten to set a public hearing for the incentives to the Warm Company Project.

*Commissioner McGrady made the motion that the Board set a public hearing in respect to the Warm Company Project for Monday, July 7 at 7:00 pm. All voted in favor and the motion carried.*

*Commissioner McGrady made the motion to adjourn at 11:16 am. All voted in favor and the motion carried.*

Attest:

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Teresa L. Wilson, Deputy Clerk to the Board

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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

June 6, 2008

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

Re: Tax Collector's Report to Commissioners -06/18/08 Meeting

Please find outlined below collections information through June 5<sup>th</sup> for the 2007 bills, as well as vehicle bills.

**Annual Bills G01 Only:**

2007 Total Charge: \$53,561,208.65  
Payments & Releases: 52,448,544.92  
Unpaid Taxes: 1,112,663.73  
Percentage collected: 97.92%  
(through 06/05/08)

**Motor Vehicle Bills G01 Only:**

2007 Total Charge: \$4,661,839.82  
Payments & Releases: 4,052,844.24  
Unpaid Taxes: 608,995.58  
Percentage collected: 86.94%  
(through 06/05/08)

**Fire Districts All Bills**

2007 Total Charge: 6,226,013.13  
Payments & Releases: 6,023,791.47  
Unpaid Taxes: 202,221.66  
Percentage collected: 96.87%  
(through 06/05/08)

Respectfully submitted,



Terry F. Lyda,  
Henderson County Tax Collector

RESOLUTION FOR THE COUNTY OF HENDERSON  
APPLICATION FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING  
FOR THE WARM COMPANY ENTREPRENEURIAL ASSISTANCE PROJECT

**WHEREAS**, the Henderson County Board of Commissioners has previously indicated its desire to assist in economic development efforts for small businesses/entrepreneurs within the County; and,


**WHEREAS**, the Board of Commissioners has held two public hearings concerning the proposed application for Community Development Block Grant funding to benefit The Warm Company; and,

**WHEREAS**, the Board of Commissioners wishes the County to pursue a formal application for Community Development Block Grant funding to benefit The Warm Company; and will invest monies in the amount of \$1.4 million or 87.5 % cash match amount into the project as committed to in the application.

**WHEREAS**, the Board of Commissioners certifies it will meet all federal regulatory and statutory requirements of the State of North Carolina Community Development Block Grant Program,

**NOW, THEREFORE BE IT RESOLVED**, by the County's Board of Commissioners that the County of Henderson is authorized to submit a formal application to the North Carolina Department of Commerce for approval of a Community Development Block Grant for Small Business & Entrepreneurial Assistance to benefit The Warm Company.

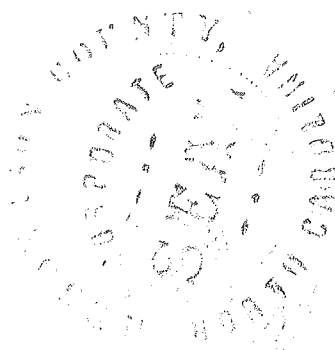
Adopted this the 18th day of June, 2008 in Hendersonville, North Carolina.

  
William Moyer, Chairman

ATTEST:



Elizabeth Corn, Clerk to the Board



**RESOLUTION DECLARING PERSONAL PROPERTY AS SURPLUS  
AND AUTHORIZING THE SALE OF SURPLUS PROPERTY  
BY ELECTRONIC PUBLIC AUCTION**

**WHEREAS**, Henderson County owns vehicles itemized on the attached Exhibit B, hereinafter referred to as "surplus property", that is either obsolete or no longer needed for any governmental use by the County; and

**WHEREAS**, the Henderson County Board of Commissioners is desirous of declaring the vehicles as surplus and selling at a public auction as authorized by NCGS 160A-270; and

**WHEREAS**, it is the intent of the County to sell said surplus vehicles by electronic public auction at [www.govdeals.com](http://www.govdeals.com).

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

1. The vehicles itemized on the attached Exhibit B is hereby declared to be surplus property.
2. The Finance Director is hereby authorized to sell by electronic auction at [www.govdeals.com](http://www.govdeals.com) the surplus property described above to the highest bidder.
3. All surplus property will be sold "as is", all sales final, cash, certified check or money order only. Henderson County makes no express or implied warranties of merchantability of any surplus property, or part thereof, or its fitness for any particular purpose regardless of any oral statements that may be made concerning the surplus property or any part thereof.
4. A notice summarizing this Resolution and the sale of the surplus property by electronic public auction shall be advertised by the Finance Director on the County's website at [www.hendersoncountync.org](http://www.hendersoncountync.org) at least ten (10) days prior to the public auction.

**THIS** the 18<sup>th</sup> day June, 2008.

**HENDERSON COUNTY BOARD OF COMMISSIONERS**

BY: \_\_\_\_\_

*William L. Moyer*  
William L. Moyer, Chairman

ATTEST:

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

[OFFICIAL SEAL]

The official seal of Henderson County, North Carolina, is circular. It features the text "HENDERSON COUNTY, NORTH CAROLINA" around the perimeter. In the center, there is a smaller circular emblem with a figure, possibly a person or a symbol, and the year "1842" is visible at the bottom of the inner circle.

Carey McLelland

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**From:** Clay Thomas [cthomas@hendersoncountync.org]  
**Sent:** Thursday, June 05, 2008 10:07 AM  
**To:** Carey McLelland  
**Subject:** Surplus vehicle list to be approved 6/05/08

## Surplus Vehicle List

Inventory ID	Asset Number	Description	VIN Number
1. GA 010 (Garage)	77058-R	1997 Ford Ranger	1FTCR10U0VUB06668
2. GA 009 (Garage)	13826-R	1997 Ford Expedition	1FMFU18L5VLB79592
3. MP 010 (Motor Pool)	N/A	1995 Ford Aerostar	1FMCA11UXSZC10309
4. SH 350 (Sheriff)	N/A	2004 Dodge Durango	1D4HB38N14F208604
5. SH 602 (Sheriff)	6021	1996 Ford Crown Vic	2FALP71W7TX152941

**APPLICATION  
PUBLIC SCHOOL BUILDING CAPITAL FUND  
NORTH CAROLINA EDUCATION LOTTERY**

Approved: \_\_\_\_\_

Date: \_\_\_\_\_

County: Henderson County

Contact Person: J. Carey McLelland

LEA: Henderson (450)

Title: Finance Director

Address: 113 N. Main St., Hendersonville, NC 28792

Phone: 828-697-4821

Project Title: Debt service on financing used for construction of new Sugarloaf Rd Elementary School

Location: Henderson County

Type of Facility: Elementary School

North Carolina General Statutes, Chapter 18C, provides that a portion of the proceeds of the North Carolina State Lottery Fund be transferred to the Public School Building Capital Fund in accordance with G.S. 115C-546.2. Further, G.S. 115C-546.2 (d) has been amended to include the following:

(3) No county shall have to provide matching funds...

(4) A county may use monies in this Fund to pay for school construction projects in local school administrative units and to retire indebtedness incurred for school construction projects incurred on or after January 1, 2003.

(5) A county may not use monies in this Fund to pay for school technology needs.

As used in this section, "Public School Buildings" shall include only facilities for individual schools that are used for instructional and related purposes, and does not include central administration, maintenance, or other facilities.

Short description of Construction Project: Current fiscal year debt service on financing used for construction of a new elementary school.

Estimated Costs:

Purchase of Land	_____	\$	_____
Planning and Design Services	_____		_____
New Construction	_____		_____
Additions / Renovations	_____		_____
Repair	_____		_____
Debt Payment / Bond Payment	_____		<u>800,000.00</u>
<b>TOTAL</b>	_____	<b>\$</b>	<b><u>800,000.00</u></b>

Estimated Project Beginning Date: May 2006


Est. Project Completion Date: August 2008

We, the undersigned, agree to submit a statement of state monies expended for this project within 60 days following completion of the project.

The County Commissioners and the Board of Education do hereby jointly request approval of the above project, and request release of \$ 800,000.00 from the Public School Building Capital Fund (Lottery Distribution). We certify that the project herein described is within the parameters of O.S. 115C-546.

  
\_\_\_\_\_  
(Signature — Chair, County Commissioners)

6/18/08  
\_\_\_\_\_  
(Date)

  
\_\_\_\_\_  
(Signature — Chair, Board of Education)

6/9/08  
\_\_\_\_\_  
(Date)

**APPLICATION  
PUBLIC SCHOOL CAPITAL BUILDING FUND  
ADM (Corporate Tax) FUND**

Approved: \_\_\_\_\_  
Date: \_\_\_\_\_

County: Henderson County Contact Person: J. Carey McLelland  
Address: 113 N. Main Street, Hendersonville, NC 28792 Title: Finance Director  
School Admin. Unit: Henderson (450) Phone: (828) 697-4821  
Project Title: Debt service on financing used for Clear Creek/Etowah construction projects completed in 2003  
Location: Henderson County  
Type of Facility: Elementary Schools

G.S. 115C-546.2(b) "Counties shall use monies in the Fund for capital outlay projects including the planning, construction, reconstruction, enlargement, improvement, repair, or renovation of public school buildings and for the purchase of land for public school buildings; for equipment to implement a local school technology plan that is approved pursuant to G.S. 115C-102.6C; or for both. Monies used to implement a local school technology plan shall be transferred to the State School Technology Fund and allocated by that Fund to the local school administrative unit for equipment. As used in this section, 'public school buildings' only includes facilities for individual schools that are used for instructional and related purposes and does not include centralized administration, maintenance, or other facilities."

Short Description of Construction Project:  
Current year debt service on financing used for construction of a new elementary school and construction/renovation to an existing elementary school completed in 2003


Estimated Costs:	State	Local	Total
Purchase of Land	\$ _____	\$ _____	\$ 0.00
Planning	\$ _____	\$ _____	\$ 0.00
Construction	\$ _____	\$ _____	\$ 0.00
Renovation	\$ _____	\$ _____	\$ 0.00
Enlargement	\$ _____	\$ _____	\$ 0.00
Repair	\$ _____	\$ _____	\$ 0.00
School Technology	\$ _____	\$ N/A	\$ 0.00
Debt Service/Bond Payment	\$ 850,000.00	\$ 283,333.33	\$ 1,133,333.33
Total	\$ 850,000.00	\$ 283,333.33	\$ 1,133,333.33

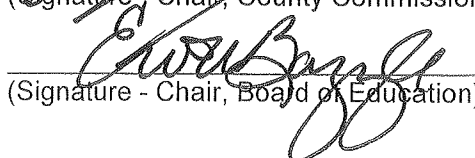
Bid Dates/Vendors: December 2000/variou  
Contracts signed/Dates: January 2001  
Estimated date of beginning of construction: February 2001  
Estimated date of completion: May 2003

Match: The matching funds of one dollar of local funds for every three dollars of state funds are from (source): One half cent restricted sales tax  
\$ 283,333.33 of the matching funds have been expended for/date/description: \_\_\_\_\_  
Debt service payment due on 3/1/08 on financing debt for these two schools

Reporting requirements: We, the undersigned, agree to submit a statement of state/local amounts expended for this project within 60 days of completion of the project.

The County Commissioners and the Board of Education do hereby jointly request approval of the above project and request release of \$ 850,000.00 from the Public School Building Capital Fund. We certify that the project herein described is within the parameters of 115C-546.2(b) and that all of the match is available and designated as match of this project.

  
(Signature - Chair, County Commissioners) 6/18/08  
(Date)

  
(Signature - Chair, Board of Education) 6/19/08  
(Date)