

**DRAFT MINUTES**

**STATE OF NORTH CAROLINA  
COUNTY OF HENDERSON**

**BOARD OF COMMISSIONERS  
FEBRUARY 18, 2009**

The Henderson County Board of Commissioners met for a regularly scheduled meeting at 9:00 a.m. in the Commissioners' Meeting Room of the Historic Courthouse on Main Street, Hendersonville.

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 to the Board Terry Wilson, Public Information Officer Pam Brice, Finance Director J. Carey McLelland, Research Budget Analyst Amy Brantley, County Engineer Marcus Jones, and Officer Greg Cochran.

**CALL TO ORDER/WELCOME**

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

**PLEDGE OF ALLEGIANCE**

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

**INVOCATION**

County Manager Steve Wyatt gave the invocation.

**DISCUSSION/ADJUSTMENT OF AGENDA**

Chairman Moyer requested an addition under Discussion Items as "D" Crail Farm Road Bridge update. Commissioner Williams requested an addition under Discussion Items as "E" Update on Agricultural Developments.

*Commissioner McGrady moved the adoption of the agenda with the two changes requested above. All voted in favor and the motion carried.*

**RECOGNITION OF AVALINA MERRILL'S PENDING RETIREMENT**

Avalina Merrill, Administrative Assistant to the County Manager, is retiring effective March 1, 2009.

Chairman Moyer read a Resolution recognizing Avalina for her 18 years of service to Henderson County Government and the citizens of Henderson County. He presented the framed resolution to Avalina Merrill and a token gift of appreciation which was a handmade bowl.

**INFORMAL PUBLIC COMMENTS**

1. Jim Crafton – Mr. Crafton had signed up to speak to the issue of the Crail Farm Road Bridge. The Board decided to allow Mr. Crafton to speak during that agenda item.

**CONSENT AGENDA**

Chairman Moyer requested a small change to the February 2 set of minutes.

*Commissioner McGrady made the motion to approve the Consent Agenda with the change. All voted in favor and the motion carried.*

CONSENT AGENDA consisted of the following:

**Minutes**

Draft minutes were provided for the Board's review and approval of the following meetings:

January 21, 2009, regularly scheduled meeting

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

February 2, 2009, regularly scheduled meeting

**Tax Collector's Report**

Stan Duncan, Interim Tax Collector, provided the Tax Collector's Report for the Board's review and consent approval, dated February 6, 2009.

**Tax Releases**

A list of 23 tax release requests was submitted by the County Assessor for the Board's review and approval.

Suggested motion was:

*I move the Board approve the Tax Release Report as presented.*

**Tax Refunds**

A list of 2 tax refund requests was submitted by the County Assessor for the Board's review and approval.

Suggested motion was:

*I move the Board approve the Tax Refund Report as presented.*

**Public Records Disposal Request**

Finance Director J. Carey McLelland submitted a request to destroy the records listed on the Public Records Disposal Request and Destruction Log (as provided) in accordance with the County's Records Retention Policy located under Tab 14 of the Henderson County Administrative Manual and the provisions of NCGS 121 and 132 as the period for retention of these records has expired.

Staff requested the Board consider approving the Public Records Disposal Request and Destruction Log as presented.

Suggested motion was:

*I move that the Board approve the Public Records Disposal Request and Destruction Log submitted by the Finance Department.*

**Certified Resolution – First Citizens Bank Custodian Account**

The County has a custodian account set up with First Citizens Bank for the purpose of making required annual principal payments on the \$3 million in Qualified Zone Academy Bonds (QZABs) issued in 2002 for the Hendersonville Middle School project. This debt issue is scheduled to be paid off in fiscal year 2014.

The bank has discovered that they do not have a required certified resolution on file naming officials of the County authorized to execute all appropriate documents in connection with the custodian account and is requesting approval of the attached resolution to satisfy this requirement.

Staff requests that the Board consider approving the resolution naming the Finance Director and the Assistant Finance Director as authorized persons to execute documents relating to the custodian account.

**Soil Erosion and Sedimentation Control Update**

Natalie Berry, Erosion Control Division Chief, had provided the Board with an update on the status of the Soil Erosion and Sedimentation Control Division.

No Board action was requested. This item was for information only.

**Settlement approval (King)**

The County Attorney had prepared a proposed settlement agreement for the Board's final approval. Mr. King shall pay the County, no later than March 15, 2009, the sum of \$12,020.67, representing the total taxes due in

the Notice of Discovery through tax year 2008. The County shall, upon the payment of such sum by King, forgive any obligation for the payment of any penalties by King pursuant to such Notice of Discovery.

Staff recommends the Board give final approval to the settlement agreement presented.

Suggested motion was:

*I move that the Board approve the proposed settlement attached to this agenda item.*

**Funding transfer for incentives**

In 2005 the Board approved a grant to C.L. Henderson Produce Company of \$40,000,000 for development of an economic project – an investment of between \$1,500,000 and \$2,000,000. The grant is to be paid over five years from project completion.

This is to suggest transfer of the funding source for this grant from economic development incentives to the Agricultural Economic Development Program budget line item.

Staff requested transfer of funding of the Henderson Produce grant to the Agricultural Economic Development Program budget line item.

Suggested motion was:

*I move that funding for the incentives grant to the C.L. Henderson Produce Company be transferred to the Agricultural Economic Development Program budget line item.*

**Approval of Easements for Water and Sewer for Schools**

In order to provide water and sewer contemplated in on-going projects, the City of Hendersonville has required easement grants to them for water and sewer at Hillandale and Mills River. Documents were drafted by the Board of Education counsel and have been approved by the City of Hendersonville.

Staff requested Board approval of the easements.

Suggested motion was:

*I move that the Board grant the easements sought by the City of Hendersonville in this agenda item.*

**NOMINATIONS**

**Notification of Vacancies**

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

1. Agriculture Advisory Committee – 1 vac.
2. Animal Services Committee – 1 vac.

**Nominations**

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

**1. Animal Services Committee – 3 vac.**

Chairman Moyer informed the Board that the three folks whose terms are expiring are willing to be reappointed: Lisa Beddingfield, Gaby Johnsen, and Pam Hodges. Commissioner Williams nominated these three for reappointment. There were no other nominations. *Chairman Moyer made the motion to accept them by acclamation. 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. CJPP (Criminal Justice Partnership Program) – 2 vac.**

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

**4. EMS Quality Management Committee – 1 vac.**

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

**5. Environmental Advisory Committee – 1 vac.**

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

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

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

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

Commissioner McGrady nominated Christopher J. O’Leary to position #2. There were no other nominations. *Chairman Moyer made the motion to accept Mr. O’Leary by acclamation. All voted in favor and the motion carried.*

**8. Home and Community Care Block Grant Advisory Committee – 2 vac.**

Darlene Burgess recommends the appointment of Sharon Willen for position #3. Chairman Moyer nominated Ms. Willen for this vacancy. *Commissioner McGrady moved to close nominations and accept Ms. Willen by acclamation. All voted in favor and the motion carried.*

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

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

**10. Juvenile Crime Prevention Council – 8 vac.**

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

**11. Recreation Advisory Committee – 2 vac.**

Commissioner Messer nominated Hunter Marks for position #8 and Virgle McClure for position #9. There were no other nominations. *Chairman Moyer made the motion to accept these two nominees by acclamation. All voted in favor and the motion carried.*

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

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

**REAPPOINTMENT OF INTERIM TAX COLLECTOR**

As the Board has commenced a study of the offices of the Tax Assessor and the Tax Collector, the results of which study are due to be received soon, it is suggested that Interim Tax Collector (and Tax Assessor) Stan Duncan’s appointment as Interim Tax Collector be extended for one month.

Staff requested the Board reappoint Stan Duncan as Interim Tax Collector.

Chairman Moyer stated that the Board appointed an interim Tax Collector for a period of 45 days, thinking the group would have completed its work by then. That has not occurred.

Steve Wyatt stated that the group doing the study is almost finished. Their report to the Board is at least 60 days away. They want to be thorough and comprehensive. They promised an interim report to Steve within 30 days. The group has been pleased that the Tax Collector’s Office and the Assessor’s Office have been very open and helpful and have made any process or document they wanted to see readily available to them. The group consists of individuals across the State including from the School of Government, NC Dept. of

Revenue, and retired and current tax professionals from across the State. Steve Wyatt thinks that the best case scenario would be a final report within 60 days.

Chairman Moyer had planned to propose extending the interim for 15 days but that will not be long enough.

*Chairman Moyer made the motion to extend the appointment of Stan Duncan as Interim Tax Collector for the first to occur:*

1. 30 day, or
2. When we receive a report from the group that the Board thinks they can act on to take official action, but no later than the first meeting in June (June 1, 2009).

*All voted in favor and the motion carried.*

Commissioner Williams requested the Board get interim reports as they become available.

### **COMPRESSED NATURAL GAS (CNG) STATION**

As a part of Strategic Plan 1.1F to Develop and Implement an Energy Policy and Plan, this agenda item proposes the implementation of a Compressed Natural Gas (CNG) Fueling System. This system will complement the existing gas and diesel system currently used by the County fleet.

Marcus Jones reviewed a PowerPoint presentation with the Board. Staff explained that this agenda item serves as an introduction to a CNG Fueling System and to initiate Board discussion.

#### **Description of CNG**

Marcus Jones explained that a compressed natural gas system is similar to a conventional system in that it has storage tanks, the dispensing system is similar and the vehicles receive the fuel in a similar manner having the fuel door on the side.

It is possible to convert existing vehicles and there are vehicles available with the technology in them already from the manufacturer. Marcus Jones explained that there are two types of vehicles: a dedicated compressed natural gas vehicle which only runs on compressed natural gas. There are also dual fuel vehicles which have your gas or diesel and an option to run on compressed natural gas. He also explained the difference between a slow fill and a fast fill station. A slow fill is a small station that's dedicated to one vehicle. It slowly fills up the vehicle overnight or during a period when it's not used, several hours to fill up a tank versus a more conventional fueling station called a fast fill where it's more like your typical gasoline station where it fills up in a matter of minutes to top off a tank.

There is a compressed natural gas commercial station in Arden, just over the county line, NC-CNG. The other station in the area - the City of Asheville has constructed a station several years ago and it is in operation. The Asheville station is also open to the public.

Marcus Jones explained that the City of Asheville has almost a dozen CNG vehicles in their fleet, from light duty trucks to passenger vehicles. One of the vehicles available currently is a Honda Civic GX which is a dedicated natural gas vehicle. Marcus Jones showed a close-up picture of an actual connection from the fueling system to the vehicle. It is a seal that is made between the station and the vehicle and then the station compresses the gas into the vehicle at 3,500 psi. The City of Asheville has a school bus fleet that runs on CNG.

#### **Benefits**

Marcus explained the benefit of a CNG fueling system is that the benefits are far reaching and they cover a wide spectrum of benefits to the community. There is a lower cost than gas or diesel. They have greatly reduced emissions which equates to environmental stewardship on our part. While it is a fossil fuel, it is a lot cleaner than gas and diesel. CNG is 90% domestically produced (as much as 95%) and is not an OPEC product. It is also available during fuel shortages. We can make it available to the citizens, continuing our

leadership in alternative fuel and environmental stewardship. Marcus also explained that it is a “bridge to hydrogen” or the Next Generation Fuel.

### **Costs**

Marcus Jones explained that the gas gallon equivalent (GGE) of CNG varies. GGE basically equates the same amount of compressed natural gas or the amount of therms it has to the equivalent amount of therms in a gallon of gasoline so it makes comparing the two easier. It is less expensive. Typically when gas and diesel go up in price, compressed natural gas does not go up as readily or as high. The higher the price of gasoline, the bigger the differential between the two.

Marcus Jones stated that a good estimate on a CNG station is about \$275,000 for a fast fill station which would allow vehicles to pull in and fill up in the same amount of time you would fill up a normal gas or diesel tank. A slow fill station is around \$2,000 - \$3,000, however, you have to have one per vehicle. There would be a need for about \$4,000 for staff training. The passenger vehicle incremental cost or up-charge (whether you do a conversion or you buy a vehicle that has the natural gas technology) is typically \$6,000 - \$8,000 more expensive. Currently there are two passenger vehicles available on the market: Ford Focus and Honda Civic GX. The Honda Civic is a dedicated natural gas vehicle and the Ford Focus being a dual fuel vehicle. The large truck incremental or conversion cost is \$40,000 and there is a bigger availability of these.

Marcus Jones explained that obviously when the differential between CNG and gas/diesel is higher, the rate of return on our investment would be quicker. The benefits to the system are not only economic benefit, there is a domestically produced product, availability, and the environmental benefits.

### **Funding Options**

Marcus Jones explained there are several funding sources available. In December there is a grant application for a MSER or a Mobile Source Emissions Reduction (MSER) Grant. This is the same grant Asheville received to pay for their station. Fortunate for them, they came in at a time when there was not a lot of competition for that grant and they had their entire station paid for. Their station was around \$400,000. The grant has become more competitive and does not finance at that level any more. They focus more on converting vehicles and not paying for the infrastructure. It is a good grant available if we want to pursue it.

Marcus Jones explained that the Guaranteed Energy Savings Contract that staff introduced at the last Board meeting is another potential. The price of the station could be incorporated into that contract.

There are possible partnerships with municipalities. Marcus Jones has been talking with the City of Hendersonville. If we were to get a fast fill station, we'd work out an agreement where we would make it available to the City of Hendersonville. We could charge a price that would cover our cost of the fuel and our maintenance of the station. Marcus has had conversations with all the municipalities in the county. There is a lot of interest in alternative fuels within their jurisdictions. It ranges from the City of Hendersonville with a large fleet and large diesel trucks and a lot more interest as well as their proximity to us. He stated we would likely have a station located on our existing fueling station. The Village of Flat Rock doesn't have any vehicles but they definitely have been talking about alternative fuels. They are interested in their citizenship having availability to alternative fuels. There is interest out there for the municipalities.

The station in Asheville is available to the citizens, unlike our gas/diesel station. There is an interest in making the compressed natural gas available to the citizens and to facilitate citizens purchasing that type of technology and providing that leadership to them. There also would be the ability to recoup some of the revenue from the sale of compressed natural gas. There is a need for a capital project for the fueling station, not in this current environment, but there was a need for additional fueling capacity during our recent fuel shortage. When we undertake that project, it would be another opportunity to incorporate this technology.

Marcus explained lastly and probably the reason for the timing of this agenda item is the American Recovery and Reinvestment Act that was recently passed into law which does have monies and funding available for alternative fuels and this would be a project he would recommend due to the multiple benefits for us to pursue, should that funding become available. If funding does become available, we are closer to being able to pursue this system.

There is a 50 cent per gal Federal Tax Credit on CNG. The City of Asheville is charging their citizens around \$1.70/gal. and they are buying it for \$1.50/gal.

Locally, Henderson County has three major oil companies: Henderson Oil, Reuben Oil, and Cason Oil. Commissioner Williams questioned whether there had been conversations with these oil companies to see if there is interest from the private sector to look at a fueling station like this, or possibly a public/private partnership. Marcus stated that they are not suppliers of natural gas. Their products are oil-based. Their equivalent would be propane.

The Honda Civic has been named the “greenest” vehicle on the planet for the past several years.

Chairman Moyer feels that we need to be ready to go if the funding becomes available and we need to work with the City of Hendersonville. We need a very specific plan.

Steve Wyatt explained for this to be worthwhile to us, we would need to have CNG driven patrol cars and ambulances.

*Chairman Moyer made the motion to direct staff to come back with a plan (with no commitment to move forward), including the City of Hendersonville and other municipalities, if possible or a public/private partnership to move forward on – a very specific plan that would look at how to do it, what the costs would be, so that if the opportunity becomes available and the funding becomes available, that we are ready to move – to come back to the Board with this as quickly as possible, after you’ve had a chance to talk to the municipalities and see what you can work out. All voted in favor and the motion carried.*

### **CONSIDERATION OF DRAFT AGREEMENT WITH POLK COUNTY**

In the agenda packet was a draft of an agreement with Polk County regarding the watershed designation for a large part of the southern portion of Henderson County, regarding water usage rights from Lake Adger, and regarding future water usage rights from Lake Summit.

Chairman Moyer explained that the draft agreement isn’t presented in a form that is ready to be signed but instead is a document of some of the key issues that the Boards have concerns about and some of the potential solutions. This document is presented to start Board discussion. The agreement supports a class III watershed designation and water usage rights for Lake Adger and Lake Summit for the southern end of the county. The Board gave staff direction to negotiate toward the draft goal. Chairman Moyer stated that both Boards need to work with our legislators to be sure that we move forward in a cooperative fashion and to get this agreement endorsed so it would have the binding effect of law.

Commissioners also directed staff to look into ways to supply Saluda water from Lake Adger. It was explained that it is necessary to hold public hearings before this document is accepted or approved by the Board.

Chairman Moyer stated that from a legal standpoint, Henderson County has the option of supporting a class III classification, could oppose it or could take no position. He feels that the state could move forward regardless of what Henderson County says, if they chose to do so. Chairman Moyer feels that we are in the best position with an agreement with Polk County along the lines taken in this draft agreement to protect the water interests of the southern end of the county. He thinks the Board would be well advised to enter into negotiations with Polk County to try to finalize an agreement similar to what is in the draft to try to best

protect the citizens of Henderson County in the southern end of the county. If the state decides to move forward and just make it a watershed III classification and Polk County moves forward, then we will have gained no protection for the southern end of the county.

Commissioner McGrady requested no inter-basin transfers. Right now water from Henderson County out of the French Broad River Basin is being transferred to Polk County, specifically Saluda in the Green River or Broad River Basin. He hopes that we will have a commitment to Polk County providing water directly to Saluda which is in the same river basin as Lake Adger, as opposed to pulling water out of the French Broad. He hopes that the plan long-term will be that Polk County and the Lake Adger waters would be used to provide water to Saluda so that we don't have the inter-basin transfer that we presently have.

*Commissioner McGrady made the motion that the Board grant authority for Chairman Moyer and Steve Wyatt to enter into negotiations with the County Manager and the Board from Polk County, along the lines of the draft agreement reviewed today, with the comment and suggestions that Commissioner McGrady voiced above, and that staff come back with a draft following discussions with Polk County and then the Board can schedule the public hearing(s).*

Ryan Whitson, Polk County Manager, thanked the Henderson County Board of Commissioners for looking at this issue. He feels that protection of the water is important for both counties. Water is our greatest resource and needs to be protected. He stated that they are very aware that Saluda is getting water from Hendersonville. The Towns of Tryon, Columbus and Saluda have received grants from the State to construct a waterline from Tryon to Saluda. He stated they are moving forward with that project, running lines today as we speak. Hopefully Saluda will be able to be supplied by water from Lake Adger in the coming years. Polk County is trying to move in that direction. He stated that he looks forward to entering into negotiations with Henderson County.

Mr. Whitson introduced those in attendance with him: Polk County Engineer Dave Odom, Chair Cindy Walker, and Commissioner Renee McDermid.

*Chairman Moyer restated the motion – Proceed with negotiations with Polk County along the lines of the draft agreement plus the comments of Commissioner McGrady and the idea that the agreement come back to this Board before anything goes any further, with a draft of the agreement. With the idea that the Commissioners would then schedule a public input or public hearing with respect to the draft before moving forward. A vote was taken and the motion passed unanimously.*

### **Recess**

Chairman Moyer called a five minute recess.

### **CRAIL FARM ROAD BRIDGE** – This was an add-on

Chairman Moyer stated the Commissioners had received a memorandum from Commissioner McGrady concerning this issue. He asked Commissioner McGrady to update the Board on the status of this issue.

Commissioner McGrady stated that Mr. Brock Arms, who is present at the meeting, had been circulating a letter which he asked the County Commissioners to sign on to. Commissioner McGrady referred a copy of that letter to the Commissioners. The matter of this bridge has come up at least on two occasions before the Transportation Advisory Committee (TAC). The question is whether the county ought to support the reconstruction of this bridge. Jim Crafton, who chairs the TAC is also present. Commissioner McGrady said that Mr. Crafton asked that Commissioner McGrady put a map of the area in question before each Commissioner. Commissioner McGrady stated that there is a red mark – “the letter f” on the map which denotes the fire station. One of the issues put forward was the safety issues related to the bridge. Commissioner McGrady stated that when they met with NCDOT officials, they made it very clear that in their opinion the bridge needs to be replaced and that they were quite willing, if we don't want the bridge replaced, to have either Flat Rock or the County take the responsibility for the bridge and they would walk



away from it. Neither the Village of Flat Rock nor Commissioner McGrady (representing the County) was willing to take on the responsibility for the bridge. Henderson County doesn't have the department nor the expertise to deal with one bridge in Henderson County as our responsibility. Commissioner McGrady stated that the bridge sits right at the municipal boundary. The stream that the bridge goes over forms part of the municipal boundary.

Jim Crafton, Chair of the County's Transportation Advisory Committee, addressed the Board. He stated that the TAC has discussed this subject on two occasions. He addressed the map he had distributed, stating that Crail Farm Road is highlighted in yellow. At the lower part of that road the black circle is where it intersects with Middleton Road, hence the bridge. The bridge connects Crail Farm Road to Middleton Road. The bridge stands half in the county and half in Flat Rock. The part that's on Middleton Road is in Flat Rock and the part that's on Crail Farm Road is in the county. Slightly above top center of the map is a red "f" standing for the Valley Hill Fire Department.

Mr. Crafton stated that the TAC was asked by Chairman Moyer in May of 2008 to begin to look into this issue after he received a letter from Mayor Staton of Flat Rock concerning the issue of the bridge and some opposition in his community about it's replacement. The TAC took up the issue and made contact with the NC DOT, through Jamie Wilson who has visited with them at the TAC meetings. Mr. Crafton stated the bridge provides the most direct route from Kanuga Road to Little River Road. It also provides the most direct route from the Valley Hill Fire Department to any of the historic homes that occur on Middleton Road. "If you were to go any other route with an emergency vehicle – it would appear if you went to the east you'd have to go down Erkwood Drive out to Highway 25, down Highway 25 to Little River Road and back westward over to Middleton Road. If you wanted to go westward, you would have to go – you could go down Price Street to Price Road, over to Kanuga Road, then you'd have to go southwest on Kanuga Road down to State Road #1123 and come all the way back around. Both, it seems to me, rather circuitous routes to get to that immediate area so for emergency vehicles it seems to be a matter of importance." He stated that the information that NCDOT provided them was that the bridge was built in 1963. The DOT first started surveying the bridge to look at it as part of their TIP process in 2006. It came to the attention of the community as well, when they saw activity around the bridge – in April 2006. The bridge is 45 years old. DOT advised the TAC committee that a timber bridge has a lifespan of between 40 and 50 years. They also advised TAC that it is showing increasing amounts of wood deterioration which brings a bridge to the point of being weakened. Mr. Crafton stated that the timber bridge has steel span beams going from one abutment to the other but all of the decking is timber and the guardrails are timber. The bracing is timber. The bridge presently has a temporary timber support beneath it to give it it's vehicular load capacity today. Under it's natural design, it apparently does not have that capacity but with a temporary support it has that capacity. The DOT, in evaluating the bridge, has determined that it is both structurally deficient and functionally obsolete. The obsolete part comes because of it's width and it's style of guardrail. Due to it's obsolete nature it has become eligible for some federal funding. NC DOT faces the option to continue to take state money and maintain a deteriorating and aging bridge or they can accept federal money and replace it, greatly reducing their maintenance costs in the years to come for such a bridge. NC DOT has taken the position to recommend replacement of that bridge and presented that information to the County TAC committee.

Jim Crafton reminded the Board that the County TAC committee is made up of five municipal representatives made up of the elected representative from each municipality to the MPO TAC with one exception. In Hendersonville Barbara Volk is the member to the TAC. In Flat Rock it is Don North, in Laurel Park it's Keith Maddox, in Fletcher it's Eddie Henderson, in Mills River it's Mayor Roger Snyder. Two commissioners are part of the committee and there are five at-large members. That body of people has reviewed the matter, looked at the report from the DOT, considered the options and has determined and recommended to the Board of Commissioners that the state should be allowed to go forward with the replacement of that bridge. NCDOT Jamie Wilson indicated to the TAC that there are really three options:

1. Either the Village of Flat Rock or Henderson County can take over the bridge and do with it as they please. NC DOT would then be free of it. But NC DOT has an obligation to the safety of the traveling public to maintain a bridge that's in their jurisdiction.
2. Do nothing. In which case when it reaches the point of being condemned, then the bridge would be closed.
3. Allow NC DOT to replace the bridge with an attractive bridge.

NCDOT has offered to work with the community of Flat Rock and those who are in opposition to the project to build an aesthetically pleasing looking bridge. They gave TAC photographs showing a bridge in Polk County. It was a timber bridge that needed to be replaced. They then showed pictures of what they plan to do to replace that bridge to make it very aesthetically pleasing and look very much like the old bridge they took out. The state has offered to work with the community to not put some interstate highway type construction in there but something with a pattern work on the stone to make it look rural in appearance, to beautify it. In an effort to work with the community, Hope Bleecker of the County Planning Department, and Mr. Crafton met with Mr. Arms who is one of the leading opponents of the project in Flat Rock in Ms. Bleecker's office to talk about the state's desire to work with the community and to allow Mr. Arms to present thoughts and ideas about the design of the bridge. Towards the end of that conversation Mr. Crafton asked Mr. Arms this question "If we do nothing about the bridge today because your community doesn't want to see a different bridge there, you like the rural appearance of the rickety bridge fitting into the historic community but if at some point in time that bridge deteriorates to the point that the state must condemn it and either replace it or shut it down, then what would be your position about the bridge?" His answer was "Then I would think they should condemn it and shut it down 'cause we don't need the bridge." Mr. Crafton stated that the map suggests that logistics suggest we do need a bridge there to make that connection. It's been there 45 years for the people who traffic. There's not a lot of traffic on that road but it represents a thoroughfare for some people. It also represents emergency access for emergency vehicles.

Jim Crafton - "So the TAC's recommendation to you, and I'd be willing to answer questions later as you have discussion, would be number one that you do not sign the letter and become a cosigner to the Governor requesting abandonment of the project and secondly and perhaps more importantly that you take a proactive position with some of the cosignees existing on that letter such as Representative Justus and Senator Apodaca who perhaps don't have all the complete perspective of this issue and encourage the pursuit of the replacement of this bridge because just not signing the letter may not be adequate to say well we are not part of it. I think we need to take a position. I think the county has a role to play. Part of it's in your jurisdiction. Part of it serves your constituent's needs. One of the things that has been put forward as part of the argument is that the money and the cost of the bridge is not being allocated in the most judicious manner, that there are much more deserving projects in the community or our area. That may be true as well but those of you who have dealt with DOT over the years, we've not found a way yet to micromanage the way DOT allocates funds to the projects they decide to do but we do know that like the highway I-26 - when the funding is there to widen it goes away they go away and we're years away before we'll ever see I-26 widened now - to get it back on the list, to get the design and get the funding. I'm afraid that if we tell the Department of Transportation now that we do not want that bridge replaced, then when it comes time it needs to be replaced in order to maintain a bridge, they won't be in a position to replace it because our voice will have been we don't need a bridge there."

Chairman Moyer recognized Brock Arms to make his comments. Mr. Arms is a resident of the community. Mr. Arms - "At no time when the committee (TAC) met were any members of the public or the dissenters invited to attend those meetings. There is information which has not been available until recently which I tried to give to Mr. Moyer, not knowing that he had a surgical problem and I did not have any information that Mr. McGrady had been involved. The meeting that took place did not approve and suggest that this bridge go ahead. There were people at the meeting of that subcommittee that were aware of the objections of the community and the motion that was passed, and I asked for a copy of the minutes to be sure that the minutes were accurately reporting what had been said. The motion that was passed said that they did not oppose the bridge. They did not approve it but they would not oppose it if the DOT collaborated with the

citizens and the community and they have not done so. The information which became available and which I tried to give to Mr. Moyer not knowing he was undergoing surgery and which I offered to share with Mr. McGrady at a meeting we had but he indicated that he trusted that I had this information is from the NC AAA. They, every single year, rate all the 5,500 bridges in the state of North Carolina. They base it entirely on information from the Department of Transportation. The Department of Transportation gives them both the amount of traffic on the bridge and the condition of the bridge. That bridge was rebuilt in 2005. It has had no need for any maintenance whatsoever since that time and there has been no maintenance on the bridge since that time. It is rated for 21 tons for single vehicles and 30 tons for trucks and semis. That is more weight than is carried by highway #275 (probably highway#25) going straight through the middle of Flat Rock. I represent, not that I want to, God knows I'd rather not even be the point man for this, but I represent the two other owners of the rights-of-way for the bridge that are historically in an area, I represent the membership of the Historic Flat Rock. I don't know if you have a copy of the actual letter which we propose to send to the new Governor of the state but if you do not I have copies that I can share with you."

Chairman Moyer answered that the Board has that letter and the Commissioners have it in front of them.

Brock Arms – "It is carefully written to indicate that everybody who is signing it has different reasons for opposing the bridge, some of them aesthetic, some of them for safety, some of them for historic reasons, some of for – but all of us because of the fact that out of – I finally decided not to waste any more computer paper after 4,240 bridges had been listed. This bridge is not even listed in the 4,240 bridges in the state that need attention. There are only 74 bridges in this county that are listed and only 17 of those are structurally deficient. This bridge is not among them. In 2006 Mr. Tippit, the head of the DOT certified this bridge as having a rating – a sufficiency rating, not a safety rating but a sufficiency rating of 52 which doesn't have anything to do with safety. That, according to the NC AAA – they do not even consider a bridge worthy of having anything done to it unless its below 50 and this had a 52 rating and there's been no maintenance on it. The bridge is safe, it has not required maintenance, the community doesn't want it, the letter has been signed by all of the people. You have an option to sign it if you wish. We would hope – the whole community would hope that you would. I have a print out of all of the bridges through the 4,240 that you can look at and I also have – there are petitions that have been left in public places but with no public announcement that they were there, simply available to people who want to read them – and we have over 340 signatures of people in the neighborhood, on the road, and against this misuse of federal money at a time when there is deficit spending. There is no indication that this bridge will require any maintenance of any significance in the next 3-5-10 years and considering the fact that a half million dollars, and that half a million dollars was an estimate from about 3 or 4 years ago, not a recent one, and it doesn't even include the amount of money that will be required by all of the utilities to relocate all of their information. There is a telephone that is underground at that bridge, there are water lines, there is a gas line, there is a telephone pole, all of which are going to have to be removed at the cost of the utilities which are involved. There is unanimous opposition to this boondoggle and I'll call it what it is – is pork and if you listen to the TV recently about our conditions there is absolutely no reason in the world for this project to take place at this time with seventeen other bridges listed in this county that are in need of attention. And by the way, the seventeenth bridge that is listed among the first 4,240 is 4,257 down the list of priorities for need of attention and this bridge isn't even listed on that list of bridges and this is current information, within this year, from NC AAA which is based upon information given to it by the DOT itself, both in relation to the amount of traffic on the bridge and in addition to which – the one point that was made that could have been significant if it were true is the ability of the fire truck to get to the historic homes. The current fire protection is two miles further away from the fire station right in downtown Flat Rock which has easy direct access down Little River Road and Middleton Road to all of the historic houses so that's a fallacious kind because it – all they have to do is just simply reassign the fire attention to the other fire station. I'll answer any questions you may have. I'm sorry that this has come to you so late. I'm delighted to see Mr. Moyer back and on his feet shall we say. I am sorry to sound so agitated but at some point or other if private citizens don't do something about the things that are happening behind their back then you know we're in real trouble. You have the option of asking any question you want. I'll answer anything and you might want to ask the other gentleman if he has any other input as well but the committee that you gave the responsibility to did not talk to anybody except the DOT

and the local DOT. By the way, the new governor does not have any confidence in the present head of the DOT. She has named a new Secretary of Transportation. She has removed the authority of the head of the DOT in Raleigh from setting priorities for the work that is done and therefore there is some reason to believe that the DOT has some other reason than the priorities that have been set for this particular project in this particular location. It is a recreational road, it is used by people on horseback, people on bicycles, elderly people doing power walks, people walking their dogs, children on tricycles. We do not want a 22 foot wide, that's wider than the major highway on highway 275, a 22 foot wide solid concrete surface going at an intersection of two very lonely gravel roads that are used by recreational people and by very little traffic itself. We don't want trucks that are using it as a shortcut. It is a shortcut for some people, very few. If it were closed, if they were to tear it down and rebuild it as another span, it would be out of commission for four months, well if it's out of commission for four months and doesn't really inconvenience anybody who's it going to inconvenience if it's out of commission permanently? If any time in the next 3-10 years this bridge really becomes so unsafe that it has to be replaced, then close the road. The neighbors would like it. You could canvas all of the people who have been signing all of these petitions, they would not object in the least if that remains a recreational road. Now, if you have questions, I'll be happy to answer."

Chairman Moyer – "When we first started this, I know you were very concerned. I think the bridge was much wider and a different design and you were very concerned about how it would appear in that area and when Jim and I talked I think the effort was to try to get the state to talk to you and the other people there and to come up with a compromise that would solve those problems and I thought we had gotten to that point and now you're telling me."

Brock Arms – "Well we had. The DOT refused to consider it. We actually have a bid for an appropriate bridge that meets all federal regulations for safety. It is a timber bridge but it is acceptable to the State Highway Departments of Florida and Georgia and several other states and it fulfills all the requirements of the federal regulations for safety and it was a two lane bridge but a timber bridge and it could be built for a third of the cost of what they are planning to spend for this bridge and the DOT would not consider it. And it would be more appropriate and more safe and more in keeping with the nature and needs but even so, even to spend that money in today's economic downturn would be – you see we didn't have this information. When this started nobody knew how bad the economic downturn was going to be. But also we didn't have any of the information from the NC AAA about how far down the list this bridge really is in terms of need."

Commissioner Young stated that he probably uses that bridge about as much as anyone; he plays golf at Crooked Creek at least three times a week and sometimes more. He thinks the bridge should be replaced to accommodate the community for safety reasons and to accommodate emergency vehicles but should not be replaced to accommodate through traffic, stating this bridge should not be a thoroughfare.

Commissioner McGrady stated he was not at the first meeting where this was discussed but was probably at the second. He stated DOT did come back with some design changes but they categorically refused to move to a wood bridge design. They basically stated that they had certain state standards and they weren't going back to that smaller bridge even though that bridge was acceptable in some other jurisdictions. Commissioner McGrady said that when he got the letter he tried to talk to the other signers of the letter – Connie Backlund who is the superintendant of the Carl Sandburg home signed the letter and she understood that it was a consensus letter and everybody was on board and the county commission was quite happy with it and she was dismayed when she determined that the Board of Commissioners had not signed off on anything. It really doesn't affect the Carl Sandburg home. Ms. Backlund was planning to talk to Chairman Moyer yesterday but Commissioner McGrady took that information to share. He stated that he also talked to Mayor Staton. Don Farr is the Flat Rock councilman that sits on the TAC and he either didn't vote or voted no on the motion to not disapprove. Basically the TAC decided it didn't want to get into this issue. Don Farr told Mr. McGrady that the Village of Flat Rock wasn't going to sign off on anything. Commissioner McGrady was surprised when he found out that the Mayor had signed off on it. The Mayor characterized the letter as sorta backing off and a much softer approach to the issue than the one that Commissioner McGrady saw. Commissioner McGrady had a conversation with Mayor Staton yesterday and he was sorta apologetic

of getting us where we are without real discussions. The Flat Rock council has not taken up the issue in the same way that we are taking it up now. "With respect to representative Justus and Apodaca, I haven't spoken to them directly and I think I understand where their positions are. They, like me and like Mr. Arms have a lot of frustration with the way DOT goes about doing things and with all the rich projects in the state and in the county you'd wonder why are we putting money towards one that is controversial when there are probably plenty of them out there that are in no way controversial.

Commissioner Williams stated he could see the bridge from his back deck so he's pretty familiar with it. He said that Crail Farm Road is not heavily used.

Mr. Arms stated that Middleton Road was originally Little River Road. It was a water level road that the oxen and carriages of the people from Charleston used to go to their homes that were all off of that road. There are four major homes that were accessed by that old Little River Road that is now known as Middleton Road. When Little River Road was paved it was cut off because it didn't go anywhere, it was a loop. Mr. Arms stated that some of the people who live there park their cars at the end of the road in order to use the road recreationally and want to keep it that way.

Jim Crafton – Commissioner McGrady stated that his memory was that DOT had come forward with one proposal and then had backed away from it. He asked Mr. Crafton if that wasn't what was in the picture Mr. Crafton had shown earlier? Mr. Crafton explained that yes – on the issue of the design the DOT had come forward with a proposed structure but they have offered to work with the community (Mr. Arms included) in trying to determine the aesthetics of the view of the bridge. They can use treated formwork to create a stone appearance or Mr. Arms had another thought. Ms. Bleecker has sent a letter to Jamie Wilson enumerating all the different ideas that Mr. Arms brought up as to a pleasing design. If the bridge must be built, what would be more pleasing to him. They have denied that they would build a wooden bridge since it's not in their parameters in the type of bridge they are willing to build in the state of North Carolina that's authorized there. And they also only build two lane bridges, they don't build one lane bridges so they wouldn't replace it as such.

Jim Crafton -"Mr. Arms referred to the sufficiency rating of the bridge, stating that it was at 53.6 out of 100 and that's correct and AAA said they wouldn't even consider a bridge being in question unless it was less than 50. Well, I have a report that's called the Categorical Exclusion Action Classification Form. It's an evaluation form that the DOT uses to evaluate various structures. This was prepared in January of 2008. It is signed by three people from the NC DOT and a John Sullivan, the Division Administrator of the Federal Highway Administration concerning this particular bridge and in it he says it does have a sufficiency rating of 53.6 out of 100. The existing structure has a higher than expected sufficiency rating and structural appraisal from the addition of a temporary anterior support bent. They've added an extra support to make sure it has that. Further in that report they say the timber components of this bridge are experiencing an increasing degree of deterioration that can no longer be addressed by reasonable maintenance activities therefore the bridge is approaching the end of its useful life. And that's a report that is signed by our Department of Transportation and Highway Administration. In regard to not involving any representatives from Flat Rock, as I indicated the TAC did discuss the issue on at least two occasions. On our committee are both Don Farr who is a council member for the Village of Flat Rock and Terry Hicks, former Mayor of Flat Rock who is one of our members at large. I chair the committee. My expectation and suggestion to them was that after our first discussion that they would take that information back to their constituents, Don Farr to his council and Terry to his community and when we addressed it subsequently to that would have brought back that information. I view that as their role as being representatives of their constituency, to bring that information to us. As regarding if you build a bridge then maybe they'll pave it and maybe something else will come – you recall hearing a report on paving of secondary roads in recent months and there was a project by the NC DOT to do that and they went around and wherever they found opposition to paving a road they then marked that road off of their list and said they would not pave it as a secondary road and I believe Middleton Road was one of those roads that was marked off of the list. And so it's not likely to ever be paved because of the lack of desire of the community to have that. And one last thing in terms of well where

would the money come from. I do understand and I know this is a thing up in the air and is not a very popular subject depending on which quarter you're in about this but understand this particular bridge and project is listed among those items for our area for the potential of stimulus funds. . . TAC doesn't have a dog in this fight. I want you to understand. Our task was to try to get all the facts together and assess the value and importance of the issue to our community and I hope I've provided that to you."

Commissioner McGrady stated that on the one hand he very much admires the work done by Brock Arms on this, the level of involvement. He's very adroitly organized a lot of people and done a lot of work on this. He also admires Jim Crafton's professionalism and the way he's consistently been as open as he can and tried to provide as good a form as he could. Commissioner McGrady stated that when all was said and done the TAC found no basis to second guess DOT's decision to replace the bridge and the reason he felt the people felt that way, particularly the public officials, was who ultimately has liability here? The DOT put the matter of the bridge back to the county (us) and to Flat Rock and said "Look if you disagree with us and you want to take legal responsibility for this bridge, liability if something happens to it, then we'll give it to you." So when no one raised their hand in terms of willingness to take responsibility for it, we just really didn't have a strong basis to second guess what was being done. Again he stressed that Mr. Arms and Mr. Crafton have laid the differences of opinion. Commissioner McGrady stated the process here is what the Board has set up. We have a TAC to look at his issue. This is a really tough issue. It's a very close issue. He doesn't have a problem communicating with NC DOT regarding the Board's concerns about this bridge and the process but he does have concerns about the letter itself. Commissioner McGrady stated he was willing to work on the crafting of a letter which reflects the Board's concerns but unless the Board is willing to take responsibility for this bridge, he doesn't feel the Board can call on the department to abandon it.

Chairman Moyer felt the Board should draft a different letter explaining the Board's position. He does not think the project should be abandoned. He hopes that DOT will work with the folks in the community to design a bridge that is acceptable to them.

Commissioner Williams questioned if repair of the current bridge were an option, It would be much less costly and he would be willing to support that DOT continue to make repairs to the current timber bridge instead of replacing it.

*Commissioner McGrady made the motion to direct the County Manager to draft our own letter related to the Crail Farm bridge reflecting the discussions today about that issue. He asked that it be circulated to everyone before being mailed. All voted in favor and the motion passed.*

Commissioner McGrady informed the Board that he would like to go back to the other signers of the letter and made them aware of what the Board has done.

## **UPDATE ON AGRICULTURAL ISSUES**

### **Livestock Market**

Commissioner Williams stated that last week a meeting was held at the WNC Agriculture Center in relationship to consideration of a livestock market being put in western North Carolina. This Board passed a resolution a month or so ago in support of such a facility going in place even though it would not be in Henderson County. It still would serve the needs of many of our cattlemen and other livestock people within Henderson County to a greater extent than what is currently taking place with having to take livestock to market in South Carolina and Tennessee. He felt it was a successful meeting. He was not in attendance but Theron Maybin was there and reported back to Commissioner Williams. James Shea of the Times-News also covered that event well.

Commissioner Williams stated there was some opposition initially, an individual who privately owns a facility in Shelby. After he spoke the direction of the meeting became a little negative. Then Theron Maybin stood and spoke on behalf of folks in WNC and after that the support seemed more genuine. Commissioner Williams explained that project will be moving forward. The facility will be located in Haywood County. It

will be on a site owned by International Paper Company at the present time. It will be a new facility. The expected completion date is October of 2009. He feels that will be a huge benefit to folks here in Henderson County. He has talked to a number of the cattlemen in this area, some of the larger ones, they were very happy with the decision and that it is moving forward. Some nice grants were procured to help with that also.

### **Farmland Preservation Plan**

Commissioner Williams reminded the Board that this Board had supported the development of a Farmland Preservation Plan for Henderson County and was happy to inform them that the project is moving forward as well. John Bodam and Jonathan Wallin and some of the folks at the Cooperative Extension Office are working together jointly on that project. They are currently in the phases of going out to prominent farming communities within the county, meeting with the public, getting input, largely from the farming community but also from the public in general and crafting that plan. One thing that is being stressed is voluntary programs, nothing is being forced upon people. But they are trying to find ways that we can give incentives for people to continue farming and preserve that part of our economy and heritage as well as the beauty it adds to the area. One public meeting has already taken place and others are planned. This Thursday in the Dana Community at Refuge Baptist will be the second meeting, at 7 p.m. with a meal being served at 6 p.m. You do need to call ahead, Jonathan Wallin at Soil and Water Conservation to let him know you'll be in attendance. The following Tuesday one will be held in Mills River at the Mills River Elementary School, same times and then on Thursday will be one in the Crab Creek Community Center, also same times. Later on they hope to have one in the Green River Community.

### **Etowah Incorporation**

Chairman Moyer stated there was some action at the legislative level with respect to the Etowah Incorporation. Commissioner McGrady explained that the legislature has a joint committee composed of senators and house members to look at municipal incorporations and specifically to determine whether they had met the legal requirements to be incorporated. The committee meeting was on Monday and the Etowah incorporation and a number of others was on the agenda. The attorney for the committee indicated that all the legal requirements had been met but Representative Guice and Representative Justus were there and Representative Guice spoke to the committee indicating that no one on the legislative delegation intended to introduce a bill for incorporating Etowah; therefore, this process that is going forward is a bit meaningless. Commissioner McGrady was present and spoke to the issue, indicating that the County Commission was not supportive of the Etowah incorporation at this time. Representative Wainwright offered a motion to disapprove the Etowah incorporation certification, at which point the lawyer intervened and said there is no legal basis to do so. They ultimately passed a motion to postpone the certification of Etowah incorporation. There was no one from the Etowah area present to speak to the motion. Henderson County is trying to address the land use issues that gave rise to the incorporation itself. The legislation has no interest in moving forward with the incorporation.

### **BRCC Capital Plans**

Chairman Moyer stated that yesterday at 2 p.m. he and Commissioner Young met with representatives of the Community College to get their capital plans. Commissioner Young stated it was a pretty short meeting because when you don't have any money you can't do a lot. BRCC gave their projection for a long range plan through 2013 for new facilities and renovations to the present facilities. Their total for renovation projects was about \$3 million dollars. The Commissioners explained to them that the sales tax figures have been falling steadily but assured them that they would do everything in their power to do whatever they could to meet the BRCC obligations.

Chairman Moyer felt that BRCC had done a good job of studying all their buildings and looking at their maintenance needs and providing some good information as to where they stood and what needed to be done. The Commissioners assured BRCC that those items would be incorporated into the planning process starting this afternoon.

### **Recycling Forum**

Commissioner McGrady attended a forum last night put on by a number of groups on solid waste. Two county employees Will Sager and Adrienne Outcult were present. The plan was presented that the Board adopted back in May. They began to lay out some of the work being done by the Solid Waste Advisory Committee. He said there were about 110-120 people present with standing room only. Our staff got the first set of plans from the consulting engineers in terms of restructuring the transfer site. It will be back on their agenda in March with further expansion of what those plans are for additions to the site. "Assuming at some point that whole piece will move forward, the indication was that they were wanting to get well down that road again so that we can consider it as we consider capital projects generally. There are a lot of moving parts to deal with the transportation issue on that road and the entrances into the landfill itself, separating commercial from residential users and dealing with all the myriad of recycling issues and new state regulations that are coming down. And the price tag will take your/my breath away. So I commend staff for their moving forward on the rate they are doing and the indication Bill is that this will work its way through so that in advance of the budget we'll have some idea as to what this will be. . . There are a lot of different parts to it and staff is presenting this as not something we come in and do everything at once. They are trying to cut it into small pieces that can be done in an incremental fashion and deal with one problem at a time and then move on to the next one."

### **STAFF REPORTS**

#### **County Attorney's Report**

There was nothing further.

#### **County Manager's Report**

Steve Wyatt reported on the sales tax revenue. We have taken anywhere between a \$650,000 – \$900,000 dip in November 2008 and it depends on whether or not you factor in the adjustment that the State made when they hurt us back in August by \$261,000. Any way you look at it we were \$370,000 behind in our monthly amount needed to meet budget. We went in to November with a surplus of about \$500,000 and now that surplus is down to about \$137,000 and the amount that is needed to meet budget. If December continues to be similar then we will be upside down in the sales tax revenue arena. He did say that we are in better shape than most of our neighbors because their sales tax projections were somewhat more optimistic than ours. This is something that we will have to monitor closely. He told the Board they could expect the next report about the middle of March.

Steve Wyatt mentioned that the State is due to get a report tomorrow as to their amount of economic stimulus and maybe the categories. The information he has seen so far, not having read the 371 pages, is that the school systems will get some money. The big emphasis for local governments will be restoration of state cuts and that is very well spelled out. The local school system should be in for a substantial infusion of funds to make up for those state cuts. They will come through the state. If the money happens to fall to the students, then he thinks our local school system would be in a position to recoup some of that. That is probably the most tangible and immediate benefit.

Steve Wyatt mentioned alternative energy – there is some money in the stimulus package for alternative energy but it appears to be geared towards electricity, alternatives to electricity and improvement to the power grid and those kinds of things.

### **IMPORTANT DATES**

Chairman Moyer informed the Board that the Clerk to the Board's birthday is today. "I wish her, on behalf of the Board a very happy birthday. Hope you have many many more. Hope today is enjoyable. It's a lovely way to spend your birthday, sitting in a Commissioner meeting and taking notes and worry about what we'r doing but we wish you a very happy birthday."

Chairman Moyer stated that at the Board's next meeting he wants to schedule a workshop. He wanted to do the one on capital projects first but need now to schedule a workshop on land development code amendments. The Planning Board has finished their action on those. This Board has looked at them initially



but wanted to wait until the Planning Board was finished. He would like to get the workshop planned for the early part of March, no later than the middle so that it won't interfere with budget considerations.

Steve Wyatt reminded the Board that mention had been made of doing a public hearing on the Polk County/Lake Adger issue. Chairman Moyer felt that could wait until another meeting, he wanted to see how long it would take first to draft an agreement with Polk County.

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

**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 reason(s):*

1. *(a)(1) To prevent disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes, in accordance with and pursuant to NCGS 143-318.10(e) and Article II of Chapter 11 of the Henderson County Code. This session will deal with the approval of general accounts of closed sessions, and the decision to open some of such accounts.*
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.*

*All voted in favor and the motion carried.*

Attest:

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Elizabeth W. Corn, Clerk to the Board

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William L. Moyer, Chairman